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Sussex County

DELAWARE
sussexcountyde.gov

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 AND 532-19.00-1.00

WHEREAS, on May 7, 2021, the Sussex County Planning and Zoning Office received a request to consider an amendment to the Future Land Use Map identified as Figure 4.5-1 in the Comprehensive Plan in relation to Tax Parcel No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 and 532-19.00-1.00 (the “Property”); and

WHEREAS, Tax Parcel No. 532-19.00-1.00 are designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan; and

WHEREAS, Tax Parcel No. 532-18.00-42.00 and 532-18.00-44.00 are designated as being within the Existing Development Area; and

WHEREAS, Tax Parcel No. 532-12.00-1.00 and 532-12.00-27.00 designated as being partially within the Existing Development Area and also partially within the Low Density Area.

WHEREAS the request received is to amend the Area designation of the Property to the Developing Area; and

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

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

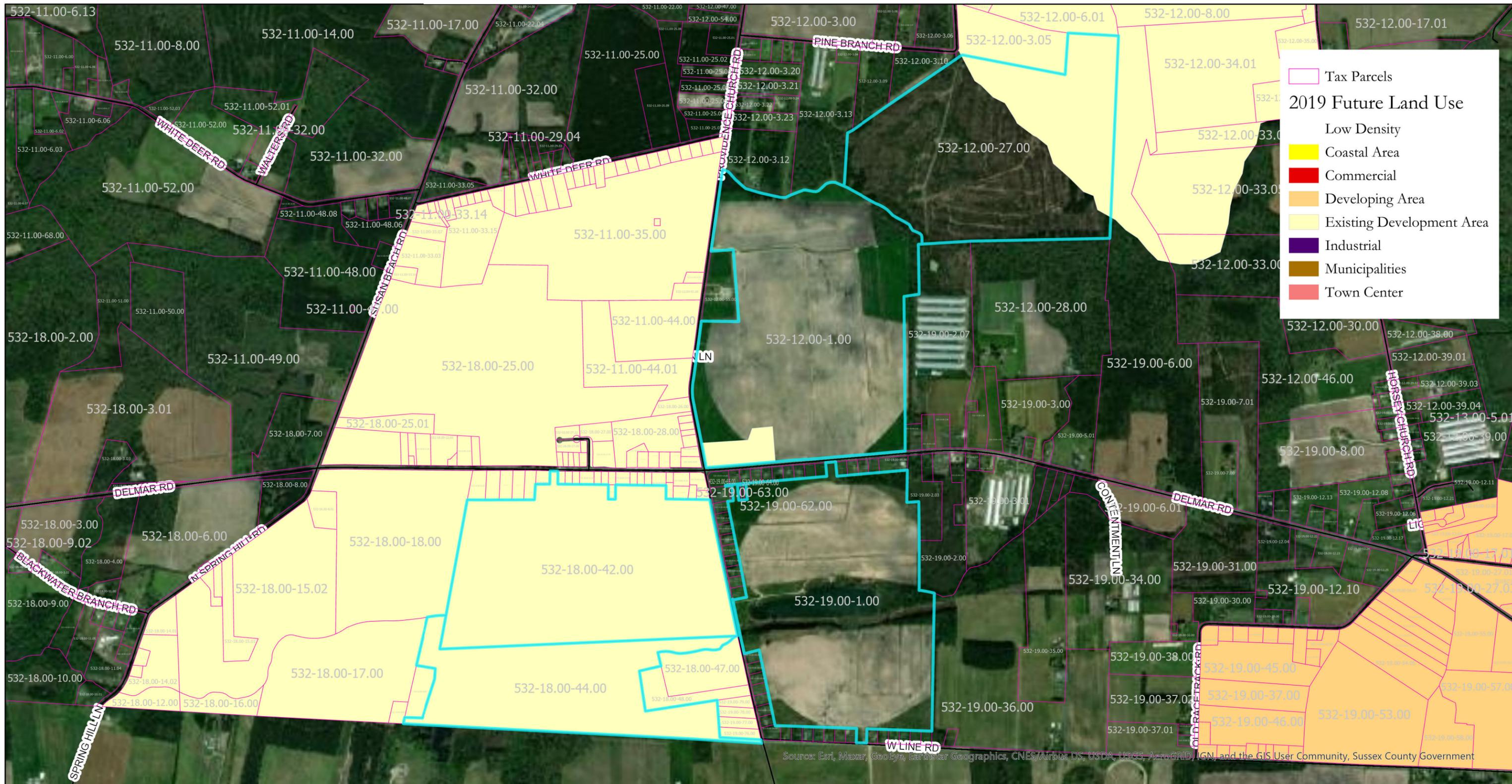
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation part of Sussex County Parcel. No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 and 532-19.00-1.00 from the Low Density Area and/or Existing Development Area to the Developing Area. The parcels so changed are identified in Exhibit A, attached hereto and incorporated herein.

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



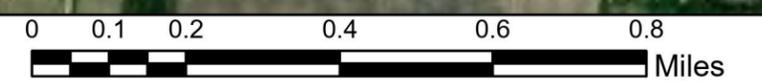
Sussex County



2019 Future Land Use

- Tax Parcels
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County Government





STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

Jamie Whitehouse, AICP
Director, Department of Planning & Zoning
Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: PLUS review 2021-06-11; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would change the Future Land Use Map for 4 parcels from the Low Density Area to the Developing Area and for 1 parcel from Existing Development Area to the Developing Area.

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

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

Parcel 532-12.00-1.00, 532-12.00-27.00, 532-18.00-44.00, and 532-19.00-1.00 are currently within the low density area of the County plan. Parcel 532-18.00-42.00 is currently with Existing Development area of the County Plan. The county has received a request that all parcels listed above be moved into a Developing Area.

According to the Sussex County certified comprehensive plan, Existing Development Areas consists primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are surrounded by Low Density Areas, and this particular classification is simply being used to identify these existing scattered zoning areas that have no direct relation to their surrounding zoning and/or the Future Land Use Map.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

The Developing Areas are identified as newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers.

The parcels in question do not meet the definition of a Developing area. They are not adjacent to the Town of Delmar, nor are they within or adjacent to the potential future annexation area of the town. The Town of Delmar recently updated their comprehensive plan, which has been certified and these areas were not included in their planned growth area. There has been no justification mentioned for why higher density development would be needed in this part of the county and the State sees no reason for the proposed change from existing development and Level 4 to developing. In addition, these parcels are all within a Level 4 area according to the 2020 Strategies for State Policies and Spending.

The Sussex County certification letter dated April 1, 2019 stated the Sussex County comprehensive plan was certified, provided no major changes are enacted. It is the opinion of the Office of State Planning that this change would constitute a major change to the currently certified comprehensive plan and this office, for the reasons stated in this letter, objects to the comprehensive plan amendment.

29 Delaware Code §9103(d) states:

Should the Office of State Planning Coordination make objection to any proposed comprehensive plan or amendments or revisions thereto, then the Office of State Planning Coordination shall immediately enter into negotiation with the county or municipality in an attempt to solicit agreement and resolution. Any agreements reached during these negotiations shall be incorporated into the public record and considered by the governing body prior to final action on the comprehensive plan. If the Office of State Planning Coordination and the county or municipality fail to reach agreement after a period of 45 days, the Office of State Planning Coordination shall report the extent of agreement and areas of continued disagreement to the Cabinet Committee on State Planning Issues for dispute resolution.

This letter serves as our intent to begin the 45 day negotiation period. We will contact the County in the coming days to set up a meeting to discuss our objections and determine the ability to reach an agreement.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- This amendment would facilitate a development known to DelDOT as Wild Pine Country Club. DelDOT provided comments on a Traffic Impact Study in October 2009. A copy of those comments is attached.
- In the context of the current County Comprehensive Plan, it is outside the growth area associated with the Town of Delmar.

- In the context of the Strategies for State Policies and Spending, it is in a Level 4 investment area where developers would be required to build all infrastructure in and around any development.

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

- DNREC reviewers are not in support of this change as it is inconsistent with Delaware's Strategies for State Policies and Spending. More intensive development is also inconsistent with the environmental features that exist both on and surrounding these parcels.
- Blackwater Creek runs along/through parcels 532-12.00-1.00, 532-18.00-44.00, and 532-19.00-1.00.
- Parcel 532-12.00-1.00 lies adjacent to lands designated within the Delaware Ecological Network (DEN) and the entirety of parcel 532-12.00-27.00 lies within these important natural lands. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances in these areas will jeopardize habitat on the parcel and possibly beyond the parcels' boundaries.
- An analysis of historical data indicates that the forest area located on the southwest corner of parcel 532-18.00-42.00 likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.
- Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

State Historic Preservation Office – Contact Carlton Hall 736-7400

Tax Parcel#: 532-12.00-1.00

- Prehistoric archaeological potential is low. Soils are 50/50 well-drained and poorly drained. Too far away from a historic water source to be favorable conditions.
- Historic archaeological potential is high across the southern border of the map. The early 20th century maps (Hebron and Salisbury) both show multiple buildings across there, confirmed in aerials. May also be a church in the far southwestern corner of the parcel – no indication of a graveyard associated with it, but it is easily possible. Beers doesn't show anything else on the property except the EM Lowe structures, which do not appear on 20th century maps.
- Our office would like to remind the developer of the Unmarked Human Burials and Human Skeletal Remains Act (Title 7, Ch. 54).

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Tax Parcel#: 532-12.00-27.00

- Prehistoric archaeological potential is low. There are multiple historic water sources within favorable distance, but all the soil in the parcel is poorly drained, mucky loam. There are no comparable sites nearby.
- Historic archaeological potential is low. The AJ Horsey, Moore & Co. structure (Beers) may have been there at one point and might be visible in the 1937 aerials. However, it doesn't appear in topographic maps of the 20th century and the land changed throughout the years between agricultural practices.

Tax Parcel#: 532-18.00-42.00

- Prehistoric archaeological potential is high in the southern half of the parcel, moderate to low elsewhere. Higher potential on higher topography overlooking Blackwater Creek, but still moderate elsewhere in the southern half of the parcel. Recommend a Phase I archaeological survey prior to any ground disturbance occurring on parcel.
- Historic archaeological potential is low, except on the eastern border (mid-parcel). There appears to have been some sort of structure there in the 1901 topo and 1937, 1954, and 1961 aerial photographs. Integrity may have been destroyed by ag practices, but there is still a moderate chance of features and artifacts relating to the potential farmstead.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Tax Parcel#: 523-18.00-44.00

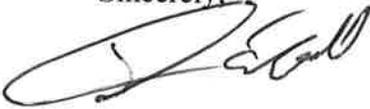
- Prehistoric archaeological potential is moderate near the Blackwater Creek area, though soils are variable of poorly drained and moderately well-drained. Topography varies and there aren't very many high spots of the water.
- Historic archaeological potential is low. No indication that there is anything on the parcel, and the western side has seen significant ground disturbance.

Tax Parcel#: 532-19.00-1.00

- Prehistoric potential is low throughout the parcel, except for higher areas of elevation, near Blackwater Creek, with well-drained soils that has not been disturbed. This is limited to the southwestern quarter of the parcel, which is moderate to high potential. The rest of the parcel is either too far away, has poorly drained soils, or has been disturbed. I would recommend a Phase I archaeological survey prior to ground disturbance.
- Historic archaeological potential is low. There appear to be two farmsteads near the western side of the parcel in the early aerials, but they are technically off parcel. Outbuildings or related structures appear to be on this parcel, but likely were destroyed with agricultural practices and ground disturbance from construction.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

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

Sincerely,



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

Attachment



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION

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

CAROLANN WICKS, P.E.
SECRETARY

October 19, 2009

Mr. Lawrence B. Lank
Director
Sussex County Planning & Zoning Commission
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Lank:

The attached revised Traffic Impact Study (TIS) review letter for the **Wild Pine Country Club (f.k.a. Blackwater Creek)** development has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TIS to conform to DelDOT's Rules and Regulations for Subdivision Streets and other accepted practices and procedures for such studies. DelDOT accepts this revised TIS review and concurs with the recommendations. We are providing it to you in fulfillment of our joint agreement regarding the review of TIS.

The revised review letter was the result of changes to the proposed land use, numerous meetings and coordination regarding entrance design and off-site improvements. Based on the changes to the project and the coordination, it was necessary for us to revise the TIS review letter, dated March 28, 2007. If you have any questions concerning this letter or the attached revised review letter, please contact me at (302) 760-2134.

Sincerely,

Todd Sammons
Project Engineer

TS:km
Enclosures
cc with enclosures:

Ms. Constance C. Holland, Office of State Planning Coordination
Mr. Derrick Kennedy, Orth-Rodgers & Associates Inc.
Mr. Andrew J. Parker, McCormick Taylor
Mr. Mir Wahed, Johnson, Mirmiran, and Thompson
DelDOT Distribution

DelDOT Distribution

Frederick H. Schranck, Deputy Attorney General
Chief of Community Relations, Public Relations
Natalie Barnhart, Director, Transportation Solutions (DOTS)
Ralph A. Reeb, Director, Division of Planning
Michael H. Simmons, Assistant Director, Project Development South, DOTS
Donald D. Weber, Chief Traffic Engineer, Traffic, DOTS
Mark Luszcz, Assistant Chief Traffic Engineer, Traffic, DOTS
Thomas E. Meyer, Traffic Studies Manager, Traffic, DOTS
Theodore G. Bishop, Assistant Director, Development Coordination
Joseph Wright, Assistant Director, Transportation Engineering
Marvin Roberts, Public Works Manager, South District
Jennifer Pinkerton, Deputy Principal Assistant, Pavement Management
William J. Dryden, Transportation Planner, Project Development South, DOTS
Lisa Collins, Service Development Planner, Delaware Transit Corporation
Marc Coté, Subdivision Engineer, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Anthony Aglio, Bicycle Coordinator, Statewide & Regional Planning
Jennifer Baldwin, Pedestrian Coordinator, Statewide & Regional Planning
Troy Brestel, Project Engineer, Development Coordination

October 15, 2009

Mr. Todd J. Sammons
Project Engineer
DelDOT Division of Planning
P.O. Box 778
Dover, DE 19903

RE: Agreement No. 1404
Traffic Impact Study Services
Task No. 46A – Wild Pine Country Club (f.k.a. Blackwater Creek)

Dear Mr. Sammons,

McCormick Taylor has completed an updated review of the Traffic Impact Study (TIS) for the proposed Wild Pine Country Club (formerly known as Blackwater Creek) prepared by Orth-Rodgers & Associates, Inc. (ORA), dated July 26, 2006. This updated review was assigned as Task Number 46A. Due to changes in proposed land use and, more importantly, additional meetings and coordination regarding entrance design and off-site improvements, the previous TIS review letter became outdated and an update was required. In fact, for the same reasons, this is now the third version of a TIS review letter to be issued for this project. Previous TIS review letters for this project, which reflected earlier proposed land use plans, were dated December 6, 2005 and March 28, 2007. ORA prepared the report in a manner generally consistent with DelDOT's *Rules and Regulations for Subdivision Streets*.

The TIS evaluates the impacts of the revised land use for the Wild Pine Country Club development. The latest land use for the proposed development consists of a total of 709 single-family detached houses, 348 townhouses, 403 condominiums, and an 18-hole golf course. The development consists of three separate parcels, referred to as North Farm, South Farm, and West Farm, which comprise a total of approximately 800 acres of land. North Farm is proposed to have 336 single-family detached houses, 348 townhouses, and an 18-hole golf course. South Farm is proposed to have 373 single-family detached houses and West Farm is proposed to have 403 condominiums. While not shown here to avoid confusion, the previously proposed land use plans are summarized in the Project Description and Background and Trip Generation sections of this review letter. Construction is anticipated to be complete by 2020.

While the proposed land use for this development has now changed for the second time, it was determined that the latest proposed land use did not trigger the need to perform additional level of service (LOS) analyses. This is because the latest proposed land use would generate less traffic than the original proposed land use and more traffic than the second version of the proposed land use, but while LOS analyses was performed for both previously proposed land use scenarios, recommendations between those two previous review letters did not change for capacity-based reasons. As such, performing new LOS analyses for this updated review is not necessary because it is apparent the results would not effect the recommendations.

The proposed North Farm, South Farm, and West Farm parcels are located in the northeast, southeast, and southwest quadrants, respectively, of the Delaware Route 54 (Delmar Road / Sussex Road 76) and Providence Church Road (Sussex Road 504) intersection, west of the Town of Delmar in Sussex County, Delaware. Four access points are proposed:

- Providence Church Road and West Farm Access / South Farm Access #1
- Delaware Route 54 and South Farm Access #2 / North Farm Access #1
- West Line Road (Sussex Road 512) and South Farm Access #3
- Providence Church Road and North Farm Access #2

All three parcels fall under Sussex County zoning ordinances. The parcel for North Farm is currently zoned AR-RPC (Agricultural Residential – Residential Planned Community). The parcel for South Farm is currently zoned AR-1 (Agricultural Residential). The parcel for West Farm parcel is currently zoned GR-RPC (General Residential – Residential Planned Community). No rezoning is proposed although South Farm would be developed under the cluster development option.

DelDOT currently has one relevant project near the study area: the Corridor Capacity Preservation Program (CCPP). This is a statewide program intended to sustain the capacity of adopted highway corridors by various means such as limiting access points and using service roads for local vehicle trips. The general purpose of the program is to ensure that the existing principal arterial highways, such as US Route 13 (Sussex Highway), are able to efficiently carry regional traffic without impedance from the effects of local development.

Based on our review, we have the following comments and recommendations.

The following intersections exhibit LOS deficiencies without the implementation of physical roadway and/or traffic control improvements:

<i>Intersection</i>	<i>Situations for which deficiencies occur</i>
Delaware Route 54 and Providence Church Road	2020 PM with Wild Pine Country Club
Delaware Route 54 and Old Racetrack Road (Sussex Road 502)	2020 AM, PM, and Saturday with Wild Pine Country Club
Delaware Route 54 and US Route 13	2003/2004 Existing Saturday; 2020 AM, PM and Saturday without and with Wild Pine Country Club

Although analysis indicates that the intersection of Delaware Route 54 and US Route 13 would have LOS deficiencies with or without the proposed development in the future AM, PM and Saturday peak hours, we do not recommend any improvements be implemented by the developer at this intersection. The major improvements required to eliminate the LOS deficiencies at this intersection (i.e., grade separation or widening US Route 13 to include three through lanes per direction and adding double left-turn lanes on both approaches of Delaware Route 54) cannot be considered a reasonable developer-led improvement project. Such improvements would be very expensive and would include significant impacts to the surrounding properties, and are not

reasonable requests of this developer considering the level of impact of this proposed development on the intersection and the extent of other off-site improvements for which this developer will be responsible.

ORA has been working in conjunction with DelDOT to develop conceptual plans to illustrate certain improvements and phasing plans to show the order and anticipated time frame for completion of entrance and off-site improvements. The recommended improvements described below are detailed in one or more of the plans provided by ORA. Attached to this TIS review letter are: one Entrance Improvement Phasing Plan (**Figure 1**, dated September 22, 2009), one Off-Site Improvement Phasing Plan (**Figure 2**, dated September 22, 2009), and three Conceptual Plans (dated September 21, 2009). These are included beginning on Page 8.

Should the County choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer should improve Providence Church Road between Delaware Route 54 and Maryland State Line / West Line Road in order to meet DelDOT's collector road standards, as shown by Improvement #1 of the Off-Site Improvement Phasing Plan (**Figure 2**). These standards include but are not limited to twelve-foot travel lanes and eight-foot shoulders. The developer should provide a bituminous concrete overlay to the existing travel lanes, at DelDOT's discretion. DelDOT should analyze the existing lanes' pavement section and recommend an overlay thickness to the developer's engineer if necessary.
2. The developer should improve Providence Church Road between Delaware Route 54 and White Deer Road (Sussex Road 508) in order to meet DelDOT's local road standards, as shown by Improvement #2 of the Off-Site Improvement Phasing Plan (**Figure 2**). These standards include but are not limited to eleven-foot travel lanes and five-foot shoulders. The developer should provide a bituminous concrete overlay to the existing travel lanes, at DelDOT's discretion. DelDOT should analyze the existing lanes' pavement section and recommend an overlay thickness to the developer's engineer if necessary.
3. The developer should improve West Line Road between Providence Church Road and the eastern property line in order to meet DelDOT's local road standards, as shown by Improvement #3 of the Off-Site Improvement Phasing Plan (**Figure 2**). These standards include but are not limited to eleven-foot travel lanes and five-foot shoulders. Although DelDOT is responsible for this roadway, this improvement should be coordinated with Maryland SHA because this road straddles the state line. The developer should provide a bituminous concrete overlay to the existing travel lanes, at DelDOT's discretion. DelDOT should analyze the existing lanes' pavement section and recommend an overlay thickness to the developer's engineer if necessary.

4. The developer should construct the West Farm Access / South Farm Access #1 site entrance on Providence Church Road. Due to the phasing of the project, in which the South Farm parcel is proposed to be developed earlier than the West Farm parcel, this site entrance intersection should be constructed in two phases, as shown in the Entrance Improvement Phasing Plan (**Figure 1**). The first phase (Phase 1 on **Figure 1**) would provide access to and from the South Farm parcel with the proposed configuration shown in the table below.

Approach	Current Configuration	Proposed Phase 1 Configuration
Westbound South Farm Site Entrance	Approach does not exist	One shared left/right-turn lane
Northbound Providence Church Road	One through lane	One shared through/right-turn lane
Southbound Providence Church Road	One through lane	One shared through/left-turn lane

The second phase (Phase 4 on **Figure 1**) would add access to and from the West Farm parcel. The proposed configuration of the completed four-leg intersection is shown in the table below.

Approach	Current Configuration	Proposed Phase 4 Configuration
Eastbound West Farm Site Entrance	Approach does not exist	One shared left/through/right-turn lane
Westbound South Farm Site Entrance	Approach does not exist	One shared left/through/right-turn lane
Northbound Providence Church Road	One through lane	One shared left/through/right-turn lane
Southbound Providence Church Road	One through lane	One shared through/left-turn lane and one right-turn lane

Based on DeIDOT’s *Standards and Regulations for Subdivision Streets and State Highway Access*, the initial recommended minimum length for the southbound right-turn lane (excluding taper) is 100 feet. The developer should coordinate with DeIDOT’s Subdivision Section to determine the final turn-lane length.

5. The developer should install a single-lane roundabout for the South Farm Access #2 / North Farm Access #1 site entrance on Delaware Route 54, as shown in Phase 2 of the Entrance Improvement Phasing Plan (**Figure 1**). A conceptual plan for this roundabout has been designed by ORA, as shown in the attached “Route 54 & Site Driveways” plan (Conceptual Plans, Sheet Number 2 of 3). The developer should coordinate with DeIDOT regarding final design details for this improvement. Should a roundabout be determined to be infeasible at this location, the developer should enter into a traffic signal agreement with DeIDOT for this intersection. The traffic signal agreement should include pedestrian signals, crosswalks, and interconnection at DeIDOT’s discretion.

6. The developer should construct the North Farm Access #2 site entrance on Providence Church Road, as shown in Phase 3A of the Entrance Improvement Phasing Plan (**Figure 1**). The proposed configuration is shown in the table below.

Approach	Current Configuration	Proposed Configuration
Westbound North Farm Site Entrance	Approach does not exist	One shared left/right-turn lane
Northbound Providence Church Road	One through lane	One shared through/right-turn lane
Southbound Providence Church Road	One through lane	One shared through/left-turn lane

7. The developer should construct the South Farm Access #3 site entrance on West Line Road, as shown in Phase 5 of the Entrance Improvement Phasing Plan (**Figure 1**). The proposed configuration is shown in the table below.

Approach	Current Configuration	Proposed Configuration
Eastbound West Line Road	One through lane	One shared through/left-turn lane
Westbound West Line Road	One through lane	One through lane and one right-turn lane
Southbound South Farm Site Entrance	Approach does not exist	One shared left/right-turn lane

Based on DelDOT’s *Standards and Regulations for Subdivision Streets and State Highway Access*, the initial recommended minimum length for the westbound right-turn lane (excluding taper) is 100 feet. The developer should coordinate with DelDOT’s Subdivision Section to determine the final turn-lane length.

8. The developer should install a single-lane roundabout at the intersection of Delaware Route 54 and Providence Church Road, as shown by Improvement #4 of the Off-Site Improvement Phasing Plan (**Figure 2**). A conceptual plan for this roundabout has been designed by ORA, as shown in the attached “Route 54 & Providence Church Rd” plan (Conceptual Plans, Sheet Number 1 of 3). The developer should coordinate with DelDOT regarding final design details for this improvement. Should a roundabout be determined to be infeasible at this location, the developer should enter into a traffic signal agreement with DelDOT for this intersection. The traffic signal agreement should include pedestrian signals, crosswalks, and interconnection at DelDOT’s discretion.
9. The developer should improve the intersections of Delaware Route 54 and Old Racetrack Road and Delaware Route 54 and Horsey Church Road, as indicated by Improvement #5 of the Off-Site Improvement Phasing Plan (**Figure 2**), by realigning Old Racetrack Road (east of Horsey Church Road) such that it would intersect Delaware Route 54 as a T-intersection. Other associated improvements should include:

- removing a portion of original Old Racetrack Road and constructing a cul-de-sac just east of Horsey Church Road
- adding a right-turn lane on the westbound Delaware Route 54 approach to Horsey Church Road
- adding a left-turn lane on the eastbound Delaware Route 54 approach to original Old Racetrack Road

A conceptual plan for these improvements has been designed by ORA, as shown in the attached “Route 54 & Old Racetrack / Horsey Rd” plan (Conceptual Plans, Sheet Number 3 of 3). The developer should coordinate with DelDOT regarding final design details for these improvements.

10. The developer should enter into a traffic signal agreement with DelDOT for the intersection of Delaware Route 54 and realigned Old Racetrack Road, as indicated by Improvement #6 of the Off-Site Improvement Phasing Plan (**Figure 2**). This traffic signal is also noted in the attached conceptual plan for this intersection (Conceptual Plans, Sheet Number 3 of 3). The agreement should include pedestrian signals, crosswalks and interconnection at DelDOT’s discretion. The developer should coordinate with DelDOT on the implementation and equitable cost sharing of the traffic signal.
11. The following bicycle, pedestrian, and transit improvements should be included:
 - a. The shoulders on Delaware Route 54 should be maintained and marked as bike lanes from Providence Church Road to the eastern property line.
 - b. A right-turn yield to bikes sign (MUTCD R4-4) should be added at the start of each right-turn lane added to Providence Church Road and West Line Road.
 - c. Where right-turn lanes are added to Providence Church Road and West Line Road, a minimum of a five-foot bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.
 - d. Appropriate bicycle symbols, directional arrows, striping (including stop bars), and signing should be included along bicycle facilities and right-turn lanes within the project limits.
 - e. Utility covers should be moved outside of the designated bicycle lane or be flush with the pavement.
 - f. 15-foot wide easements from the edge of the right-of-way should be dedicated to DelDOT within the site frontages along Delaware Route 54, Providence Church Road, and West Line Road. Within each easement, a minimum of a ten-foot wide multi-use path (with a minimum of a five-foot buffer from the roadway) that meets current AASHTO and ADA standards should be constructed. The multi-use paths should connect to any paths on adjacent parcels or to the shoulder at the beginning and ending limits of the site frontage.
 - g. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings, including all site entrances. Type 3 curb ramps are discouraged.

- h. Internal sidewalks to promote walking as a viable transportation alternative should be constructed, on both sides of the road, within the development. These sidewalks should each be a minimum of five-feet wide (with a minimum of a five-foot buffer from the roadway) and should meet current AASHTO and ADA standards. These sidewalks should be constructed to extend to the site entrances, and should connect to the frontage multi-use paths. These internal sidewalks should also be provided in such a way as to allow for easy pedestrian movement between the different parcels that comprise Wild Pine Country Club, including marked crosswalks across Delaware Route 54 and Providence Church Road.
- i. The developer should coordinate with the Delaware Transit Corporation regarding the possibility of adding transit services and facilities at this location. Internal sidewalks should be connected to any new transit facilities and parking facilities for bicyclists should be included.

Improvements in this TIS may be considered “significant” under DeIDOT’s *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DeIDOT’s website at http://www.deldot.gov/information/pubs_forms/manuals/de_mutcd/index.shtml. For any additional information regarding the work zone impact and mitigation procedures during construction please contact Mr. Adam Weiser of DeIDOT’s Traffic Section. Mr. Weiser can be reached at (302) 659-4073 or by email at Adam.Weiser@state.de.us.

Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DeIDOT’s subdivision review process.

Additional details on our review of the TIS are attached. Please contact me at (302) 738-0203 or through e-mail at ajparker@mtmail.biz if you have any questions concerning this review.

Sincerely,
McCormick Taylor, Inc.



Andrew J. Parker, P.E., PTOE
Project Manager

Enclosure

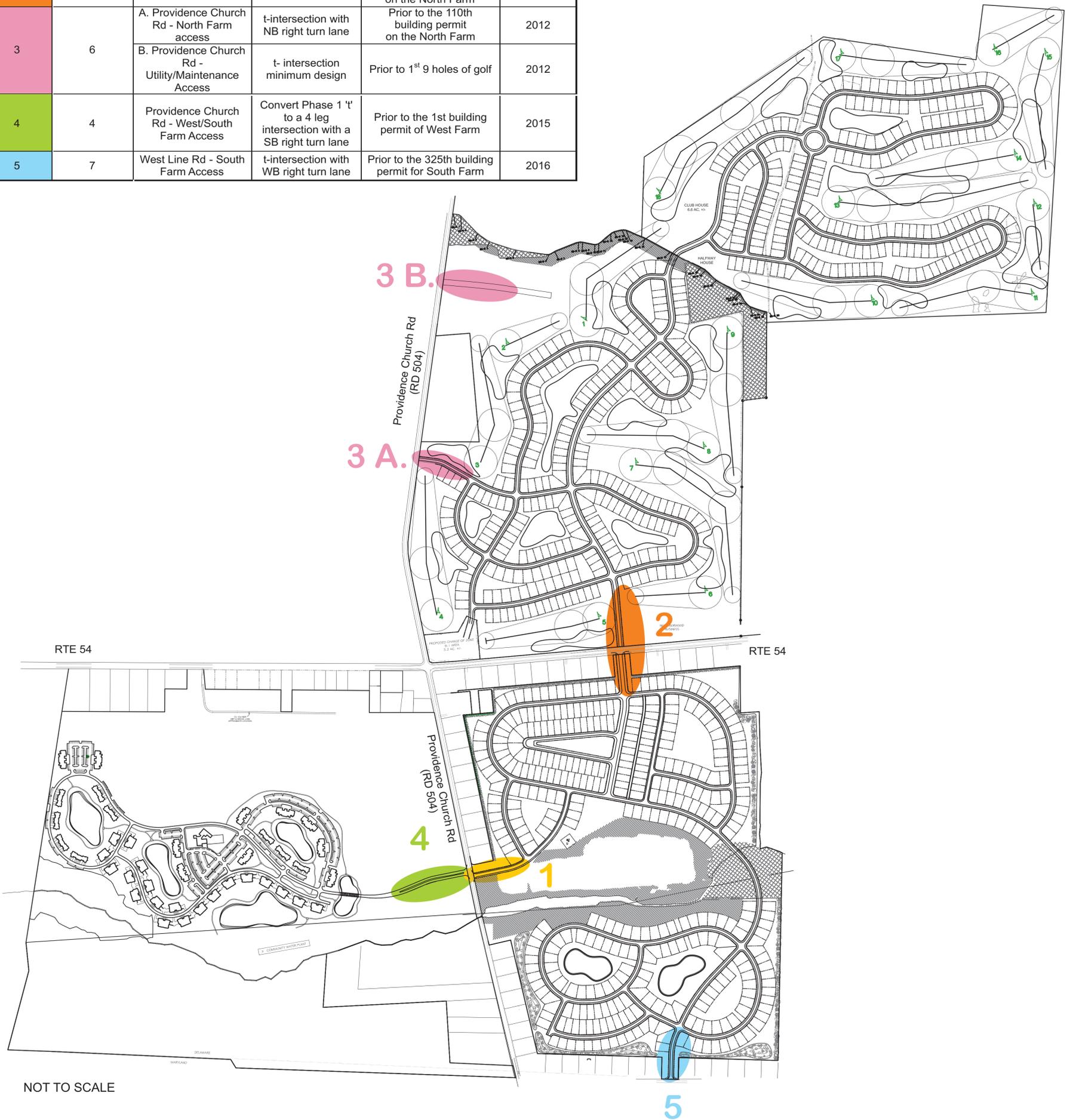
Entrance Improvement Phasing Plan

BLACKWATER CREEK



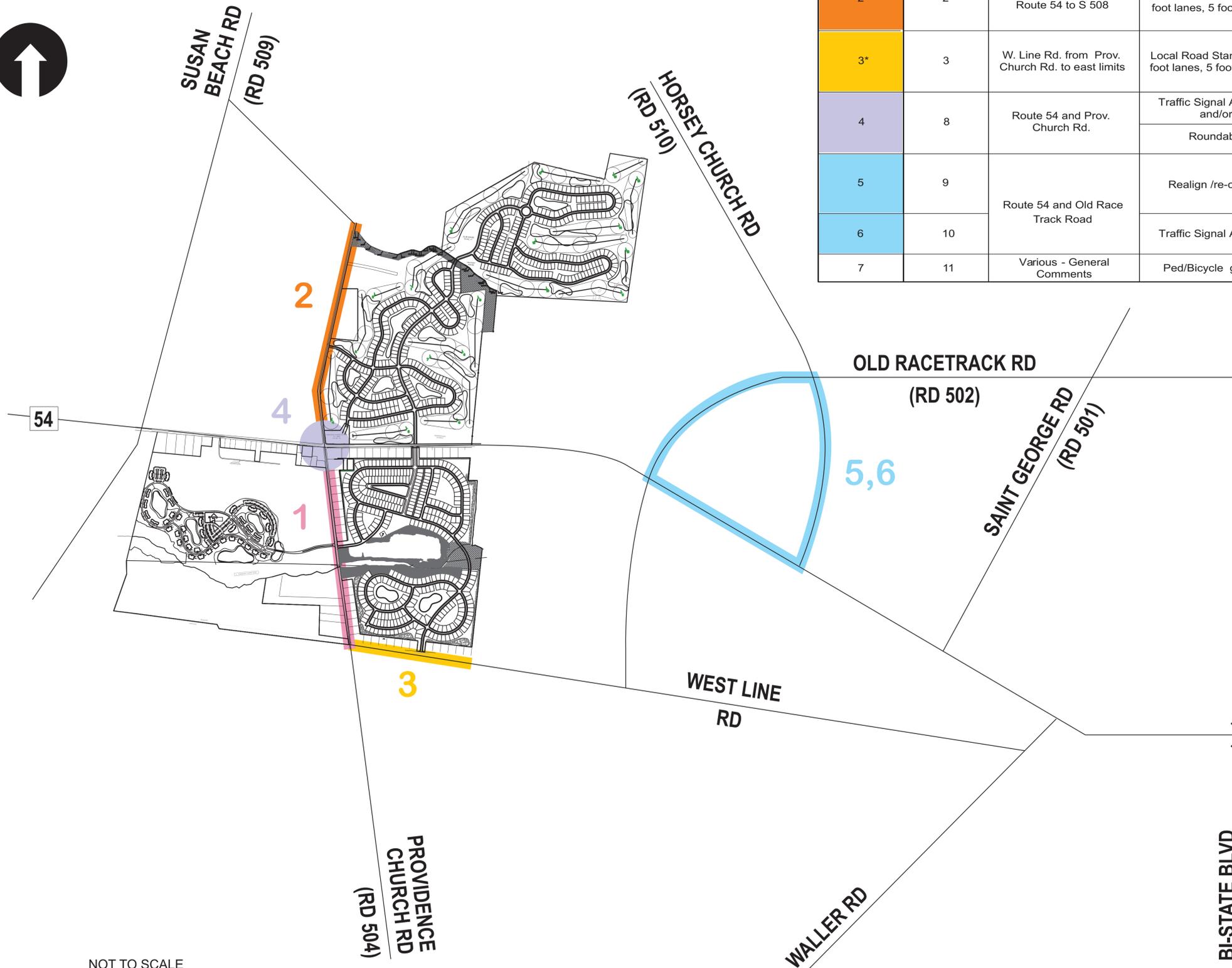
Blackwater Creek Development
Entrance Improvement Phasing Plan

Phase	DelDOT's TIS Letter Improvement #	Site Access Location	Anticipated Design	Completion Date	Estimated Time Frame
1	4	Providence Church Rd - South Farm Access	t- intersection minimum design	Prior to the 1st building permit of South Farm	2010
2	5	Route 54 Access	4 leg Roundabout	Prior to the 54th building permit on the South Farm/ or the 1st building permit on the North Farm	2011
3	6	A. Providence Church Rd - North Farm access	t-intersection with NB right turn lane	Prior to the 110th building permit on the North Farm	2012
		B. Providence Church Rd - Utility/Maintenance Access	t- intersection minimum design	Prior to 1 st 9 holes of golf	2012
4	4	Providence Church Rd - West/South Farm Access	Convert Phase 1 't' to a 4 leg intersection with a SB right turn lane	Prior to the 1st building permit of West Farm	2015
5	7	West Line Rd - South Farm Access	t-intersection with WB right turn lane	Prior to the 325th building permit for South Farm	2016



Off-Site Improvement Phasing Plan

BLACKWATER CREEK



Improvement #	DeIDOT's TIS Letter Improvement #	Location	Proposed upgrade	Developers Responsibility	Anticipated Time Frame
1*	1	Prov. Church Rd. from Route 54 to W. Line Rd.	Collector Road Standards - 12 foot lanes, 8 foot shoulders	Build/Fund equitable portion	Construction to start before the 200th building permit (BP) and be complete before 300th BP. The number of BP's will be linking to the West Farm & South Farm only.
2*	2	Prov. Church Rd. from Route 54 to S 508	Local Road Standards - 11 foot lanes, 5 foot shoulders	Build/Fund equitable portion	Construction to start before the 250th building permit (BP) and be complete before 325th BP. The number of BP's will be linking to the North Farm only.
3*	3	W. Line Rd. from Prov. Church Rd. to east limits	Local Road Standards - 11 foot lanes, 5 foot shoulders	Build/Fund equitable portion	Construction to start before the 250th building permit (BP) and be complete before 325th BP. The number of BP's will be linking to the South Farm only.
4	8	Route 54 and Prov. Church Rd.	Traffic Signal Agreement and/or... Roundabout	Shared Funding - Traffic Signal Build/Fund equitable portion	Construction to start before the 150th building permit (BP) and be complete before 200th BP. The number of BP's will be linking to the West Farm & South Farm only.
5	9	Route 54 and Old Race Track Road	Realign /re-construct	Shared funding	Construction to start before the 1,000th building permit (BP) and be complete before 1,100th BP. The number of BP's will be based on the total of all parcels.
6	10		Traffic Signal Agreement	Shared funding	Prior to 1st entrance approval
7	11	Various - General Comments	Ped/Bicycle guidelines	Build/Fund 100%	On-going throughout life of project

* Pavement cores should be taken before any building permits (BP) are issued to determine whether the existing pavement is adequate to accommodate construction traffic or an overlay would be required.

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NOT TO SCALE

DESIGN CRITERIA

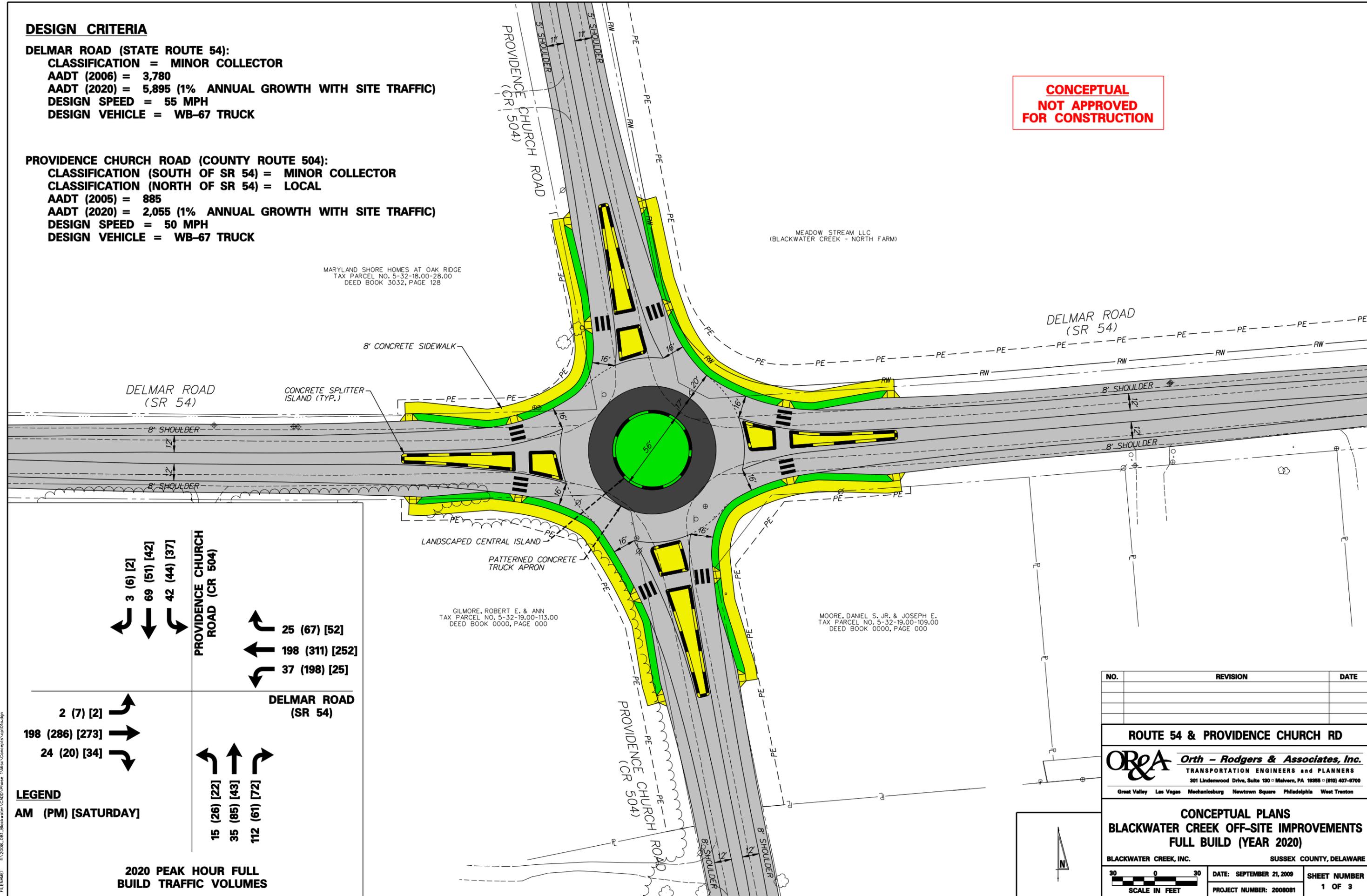
DELMAR ROAD (STATE ROUTE 54):

CLASSIFICATION = MINOR COLLECTOR
 AADT (2006) = 3,780
 AADT (2020) = 5,895 (1% ANNUAL GROWTH WITH SITE TRAFFIC)
 DESIGN SPEED = 55 MPH
 DESIGN VEHICLE = WB-67 TRUCK

PROVIDENCE CHURCH ROAD (COUNTY ROUTE 504):

CLASSIFICATION (SOUTH OF SR 54) = MINOR COLLECTOR
 CLASSIFICATION (NORTH OF SR 54) = LOCAL
 AADT (2005) = 885
 AADT (2020) = 2,055 (1% ANNUAL GROWTH WITH SITE TRAFFIC)
 DESIGN SPEED = 50 MPH
 DESIGN VEHICLE = WB-67 TRUCK

**CONCEPTUAL
 NOT APPROVED
 FOR CONSTRUCTION**



PROVIDENCE CHURCH ROAD (CR 504)		DELMAR ROAD (SR 54)	
3 (6) [2]	25 (67) [52]	2 (7) [2]	198 (286) [273]
69 (51) [42]	198 (311) [252]	24 (20) [34]	15 (26) [22]
42 (44) [37]	37 (198) [25]		35 (85) [43]
			112 (61) [72]

LEGEND
 AM (PM) [SATURDAY]

**2020 PEAK HOUR FULL
 BUILD TRAFFIC VOLUMES**

NO.	REVISION	DATE

ROUTE 54 & PROVIDENCE CHURCH RD

OR&A Orth - Rodgers & Associates, Inc.
 TRANSPORTATION ENGINEERS and PLANNERS
 301 Lindenwood Drive, Suite 130 • Malvern, PA 19355 • (610) 407-8700
 Great Valley Las Vegas Mechanicsburg Newtown Square Philadelphia West Trenton

**CONCEPTUAL PLANS
 BLACKWATER CREEK OFF-SITE IMPROVEMENTS
 FULL BUILD (YEAR 2020)**

BLACKWATER CREEK, INC. SUSSEX COUNTY, DELAWARE

30 0 30
 SCALE IN FEET

DATE: SEPTEMBER 21, 2009 SHEET NUMBER 1 OF 3
 PROJECT NUMBER: 2008081

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DESIGN CRITERIA

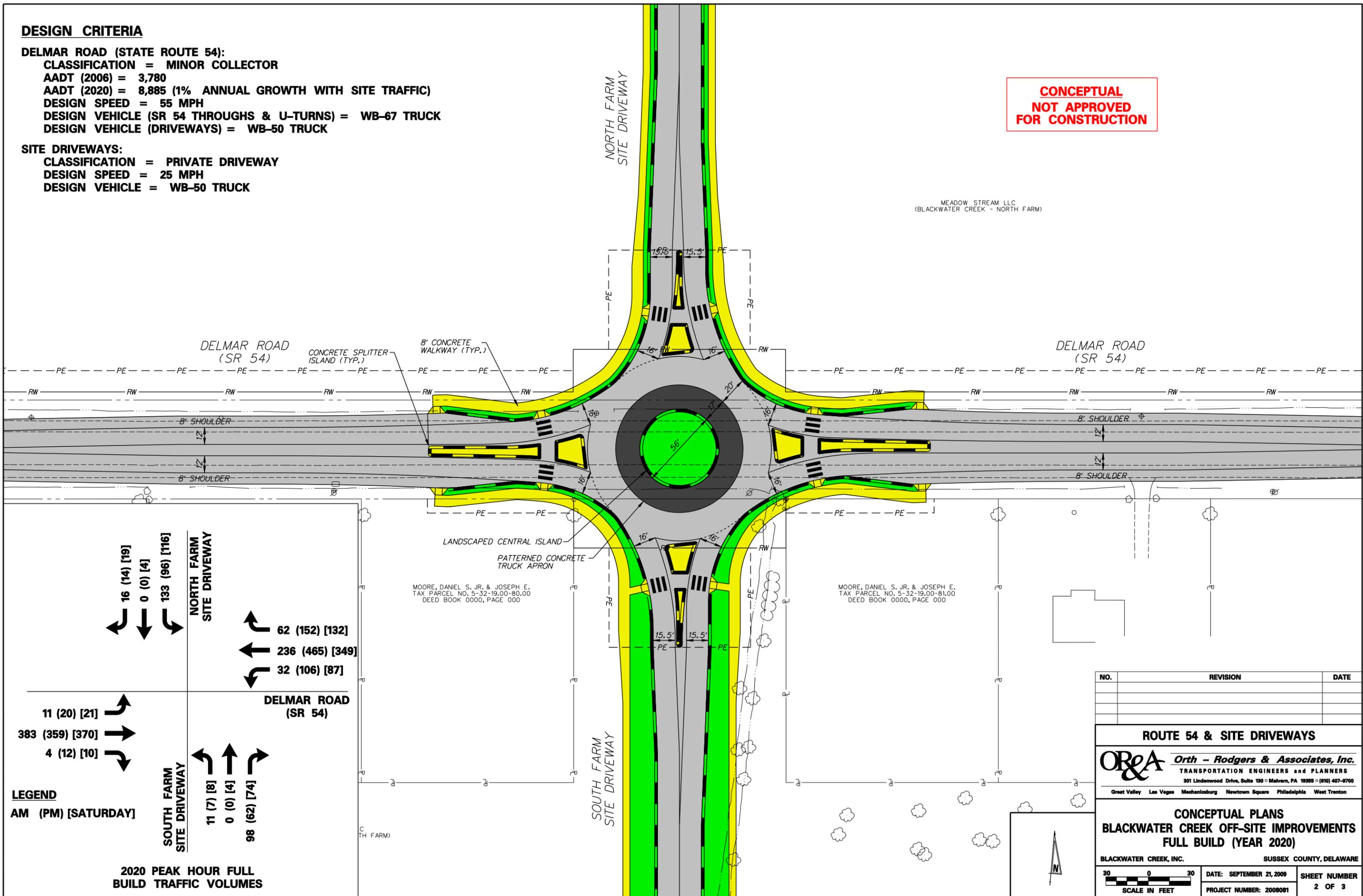
DELMAR ROAD (STATE ROUTE 54):

CLASSIFICATION = MINOR COLLECTOR
 AADT (2006) = 3,780
 AADT (2020) = 8,885 (1% ANNUAL GROWTH WITH SITE TRAFFIC)
 DESIGN SPEED = 55 MPH
 DESIGN VEHICLE (SR 54 THROUGHES & U-TURNS) = WB-67 TRUCK
 DESIGN VEHICLE (DRIVEWAYS) = WB-50 TRUCK

SITE DRIVEWAYS:

CLASSIFICATION = PRIVATE DRIVEWAY
 DESIGN SPEED = 25 MPH
 DESIGN VEHICLE = WB-50 TRUCK

**CONCEPTUAL
 NOT APPROVED
 FOR CONSTRUCTION**



2020 PEAK HOUR FULL BUILD TRAFFIC VOLUMES

Approach	AM	PM	SATURDAY
North Farm Site Driveway	16 (14) [19]	0 (0) [4]	133 (96) [116]
Delmar Road (SR 54) - North	62 (152) [132]	236 (465) [349]	32 (106) [87]
Delmar Road (SR 54) - South	11 (20) [21]	383 (359) [370]	4 (12) [10]
South Farm Site Driveway	11 (7) [8]	0 (0) [4]	98 (62) [74]

LEGEND
 AM (PM) [SATURDAY]

NO.	REVISION	DATE

ROUTE 54 & SITE DRIVEWAYS

OR&A Orth - Rodgers & Associates, Inc.
 TRANSPORTATION ENGINEERS and PLANNERS
 301 Lindenwood Drive, Suite 120 • Malvern, PA 19355 • (610) 407-8700
 Great Valley Las Vegas Mechanicsburg Newtown Square Philadelphia West Trenton

**CONCEPTUAL PLANS
 BLACKWATER CREEK OFF-SITE IMPROVEMENTS
 FULL BUILD (YEAR 2020)**

BLACKWATER CREEK, INC. SUSSEX COUNTY, DELAWARE

30 0 30
 SCALE IN FEET

DATE: SEPTEMBER 21, 2009 SHEET NUMBER 2 OF 3
 PROJECT NUMBER: 2008081

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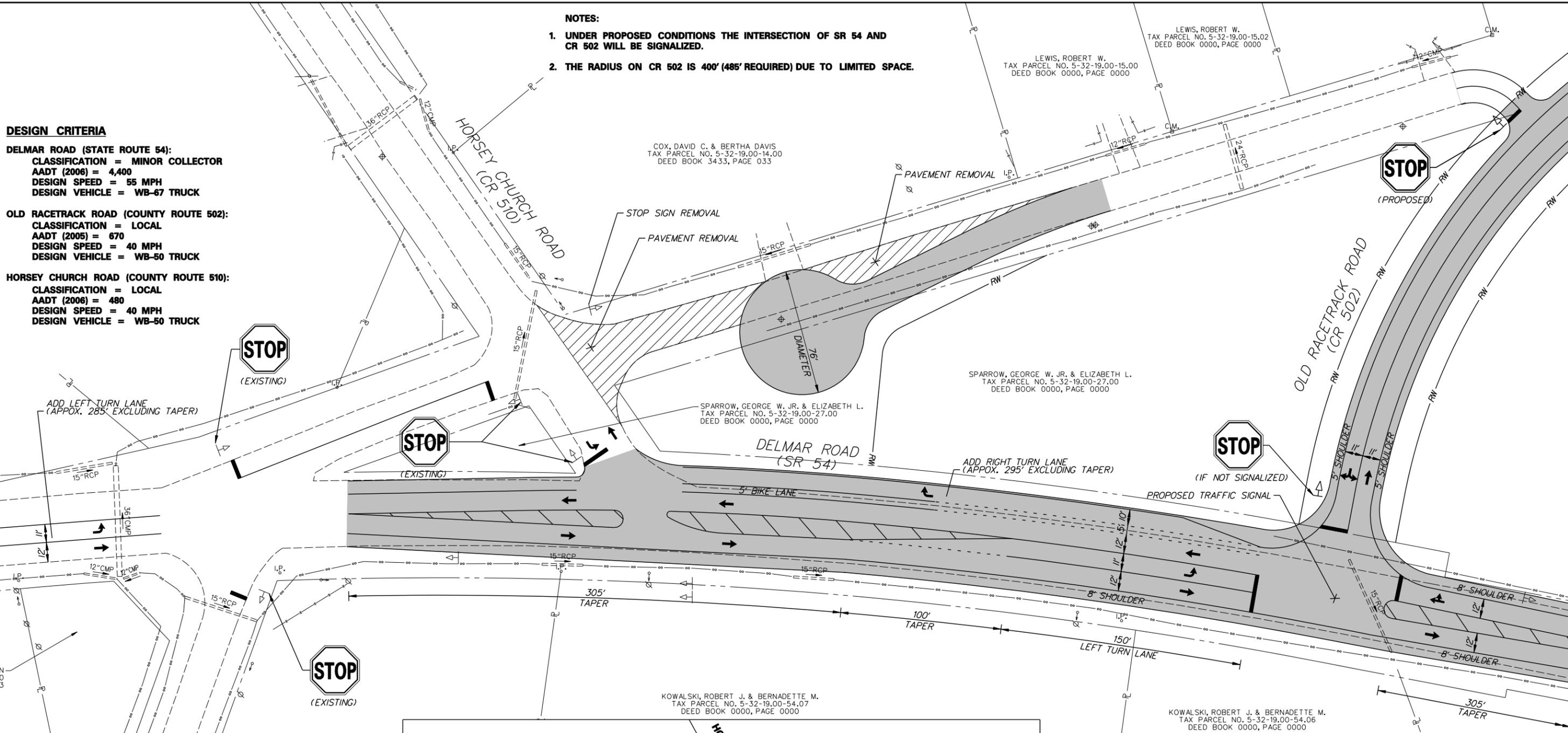
1. UNDER PROPOSED CONDITIONS THE INTERSECTION OF SR 54 AND CR 502 WILL BE SIGNALIZED.
2. THE RADIUS ON CR 502 IS 400' (485' REQUIRED) DUE TO LIMITED SPACE.

DESIGN CRITERIA

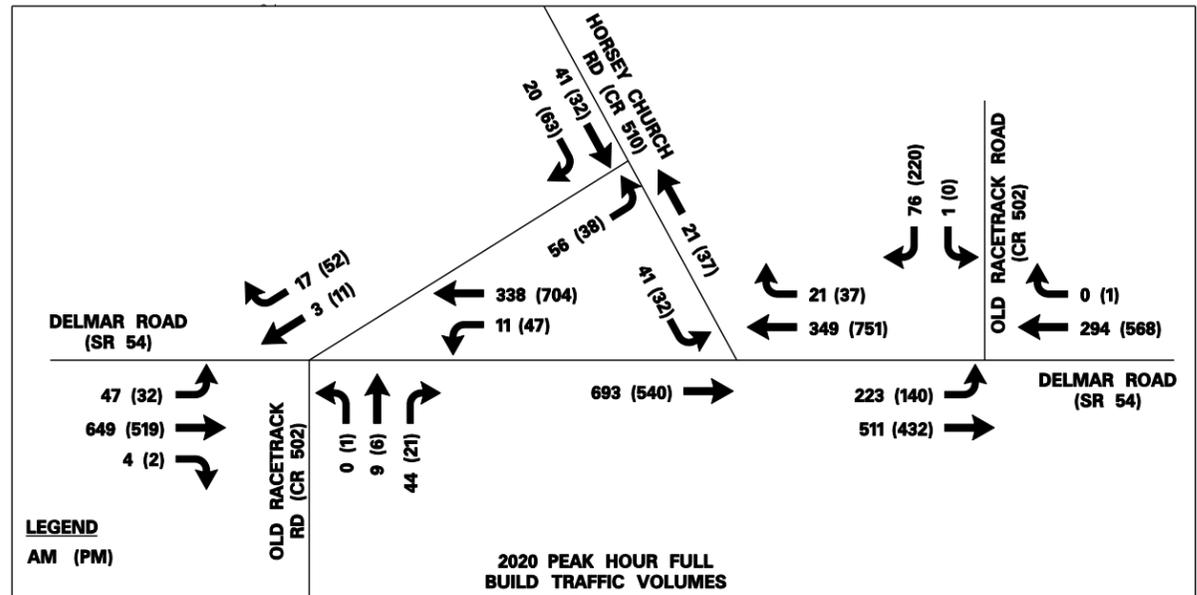
DELMAR ROAD (STATE ROUTE 54):
 CLASSIFICATION = MINOR COLLECTOR
 AADT (2006) = 4,400
 DESIGN SPEED = 55 MPH
 DESIGN VEHICLE = WB-67 TRUCK

OLD RACETRACK ROAD (COUNTY ROUTE 502):
 CLASSIFICATION = LOCAL
 AADT (2005) = 670
 DESIGN SPEED = 40 MPH
 DESIGN VEHICLE = WB-50 TRUCK

HORSEY CHURCH ROAD (COUNTY ROUTE 510):
 CLASSIFICATION = LOCAL
 AADT (2006) = 480
 DESIGN SPEED = 40 MPH
 DESIGN VEHICLE = WB-50 TRUCK



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**CONCEPTUAL
NOT APPROVED
FOR CONSTRUCTION**

NO.	REVISION	DATE

ROUTE 54 & OLD RACETRACK /HORSEY RD

OR&A *Orth - Rodgers & Associates, Inc.*
 TRANSPORTATION ENGINEERS and PLANNERS
 301 Lindenwood Drive, Suite 120 • Malvern, PA 19355 • (610) 407-8700
 Great Valley Las Vegas Mechanicsburg Newtown Square Philadelphia West Trenton

**CONCEPTUAL PLANS
BLACKWATER CREEK OFF-SITE IMPROVEMENTS
FULL BUILD (YEAR 2020)**

BLACKWATER CREEK, INC. SUSSEX COUNTY, DELAWARE

 SCALE IN FEET	DATE: SEPTEMBER 21, 2009 PROJECT NUMBER: 2008081
SHEET NUMBER 3 OF 3	

General Information

Report date: July 26, 2006

Prepared by: Orth-Rodgers & Associates, Inc.

Prepared for: Meadow Stream LLC

Tax Parcels: 5-32-18.00-42.00 (West Farm)

5-32-19.00-1.00 (South Farm)

5-32-12.00-1.00 and 5-32-12.00-27.00 (North Farm)

Generally consistent with DelDOT's Rules and Regulations for Subdivision Streets: Yes

Project Description and Background

Description: This is now the third version of a TIS review letter to be issued for this project. The two previous TIS review letters for this project reflected earlier proposed land use plans. In all cases, the proposed development would consist of three separate parcels, referred to as North Farm, South Farm, and West Farm.

As of July 2005, the proposed land use included 1,011 single-family detached houses, 138 townhouses, 610 condominiums, an 18-hole golf course, and 22,500 square feet of retail space. As of July 2006, the proposed land included 608 single-family detached houses, 168 townhouses, 403 condominiums, and an 18-hole golf course. Based on the latest proposed land use (as of September 2009), the proposed development would consist of 709 single-family detached houses, 348 townhouses, 403 condominiums, and an 18-hole golf course. The three versions of the proposed land use are described in more detail below in **Table 1**.

Table 1
HISTORY OF PROPOSED LAND USE FOR WILD PINE COUNTRY CLUB

Proposed Land Use	As of July 2005	As of July 2006	As of September 2009
North Farm			
Single-family detached houses	210	208	336
Townhouses	138	168	348
Golf course	18 holes	18 holes	18 holes
Retail space	22,500 square feet	0	0
South Farm			
Single-family detached houses	396	400	373
West Farm			
Single-family detached houses	405	0	0
Townhouses	610	403	403

Location: The proposed North Farm, South Farm, and West Farm parcels are located in the northeast, southeast, and southwest quadrants, respectively, of the Delaware Route 54 (Delmar Road / Sussex Road 76) and Providence Church Road (Sussex Road 504) intersection, west of the Town of Delmar in Sussex County, Delaware. A site location map is included on Page 15.

Amount of land to be developed: approximately 800 acres of land (425 acres in North Farm, 198 acres in South Farm, and 177 acres in West Farm)

Land use approval(s) needed: Subdivision approval. All three parcels fall under Sussex County zoning ordinances. The parcel for North Farm is currently zoned AR-RPC (Agricultural Residential – Residential Planned Community). The parcel for South Farm is currently zoned AR-1 (Agricultural Residential). The parcel for West Farm parcel is currently zoned GR-RPC (General Residential – Residential Planned Community). No rezoning is proposed although South Farm would be developed under the cluster development option.

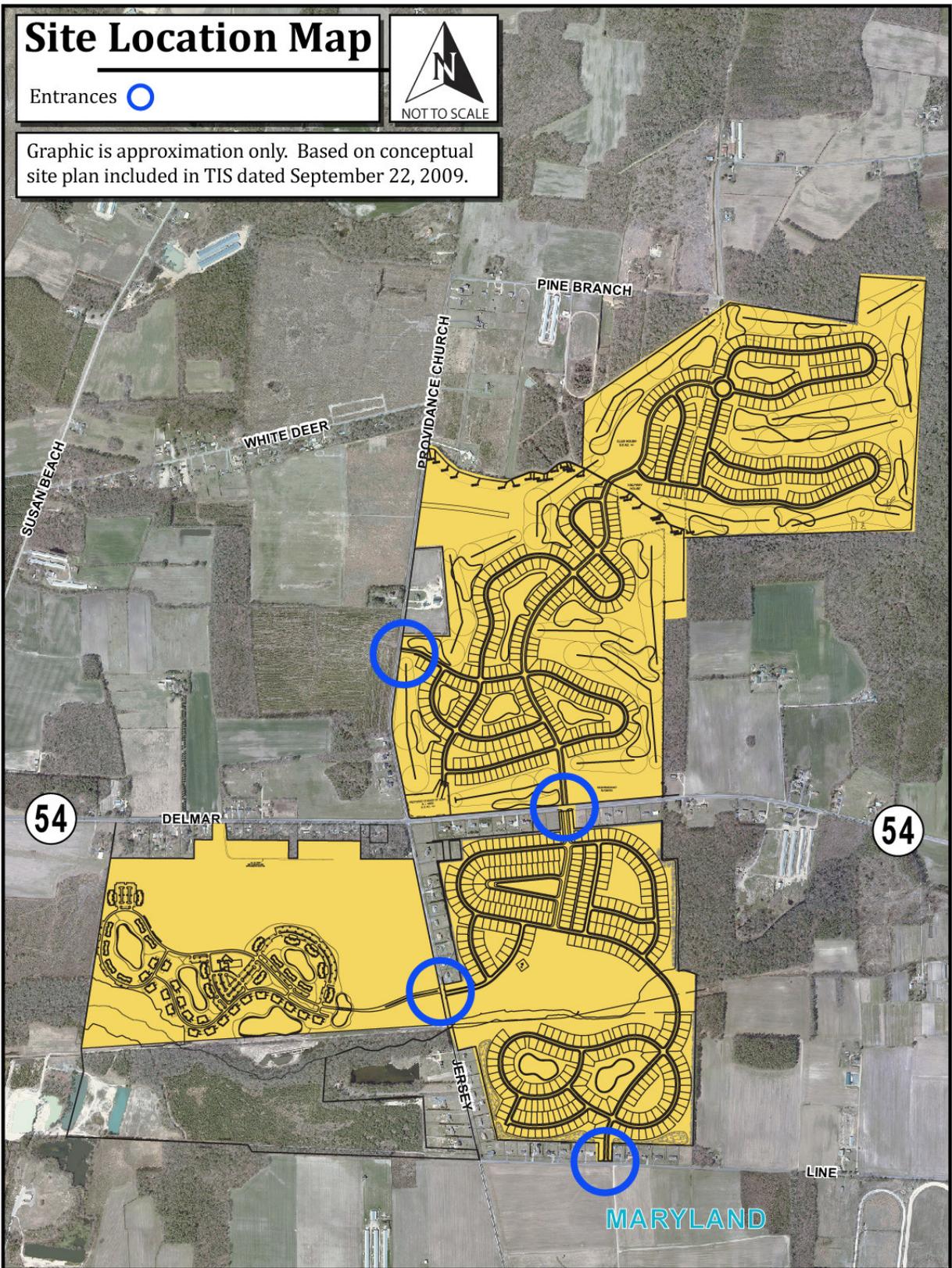
Proposed completion date: 2020

Proposed access locations: Four access points are proposed:

- Providence Church Road and West Farm Access / South Farm Access #1
- Delaware Route 54 and South Farm Access #2 / North Farm Access #1
- West Line Road (Sussex Road 512) and South Farm Access #3
- Providence Church Road and North Farm Access #2

Daily Traffic Volumes:

- 2008 Average Annual Daily Traffic on Delaware Route 54: 3,562 vpd
- 2008 Average Annual Daily Traffic on West Line Road: 875 vpd
- 2008 Average Annual Daily Traffic on Providence Church Road: 832 vpd



Livable Delaware

(Source: Delaware Strategies for State Policies and Spending, July 2004)

Location with respect to the Strategies for State Policies and Spending Map of Delaware:

The proposed Wild Pine Country Club development is located within Investment Level 4.

Investment Level 4

Areas located within Investment Level 4 are predominantly agricultural; contain agribusiness activities, farm complexes and small settlements that are often found at historic crossroads. These areas contain undeveloped natural areas, including forestland and recreational parks, however may have scattered single-family detached residential houses located within them.

Transportation facilities and services will be preserved by the state while they continue to manage the transportation system in a manner that will support the preservation of the natural environment. The state will limit its investments in water and wastewater systems to existing public health, safety and environmental risks and discourage accommodating further development. In addition, the state will limit continued development of areas within Investment Level 4 to those that enhance agriculture and protect water supplies, preserve critical habitat and maintain existing education and public safety services. Although residential development is not desirable in Investment Level 4, conservation design techniques (protecting large portions of existing open space and farmland while clustering development on a smaller portion of the parcel and using environmentally friendly design innovations) can be utilized in some cases to help ensure that developments are compatible with the rural character and natural resources present in the area. However, it is the state's general intent to discourage additional development in Investment Level 4 areas that are unrelated to the areas' needs by limiting infrastructure investment.

Proposed Development's Compatibility with Livable Delaware: The proposed Wild Pine Country Club development falls within Investment Level 4 and is to be developed with residential sites and a golf course. While clustered developments in Investment Level 4 areas can be utilized in some cases, and the proposed Residential Planned Community concept plan generally aligns with this technique, areas classified as Investment Level 4 are not desirable to be built upon unless preserving the natural and/or agricultural environment already in place. In addition, West Farm and North Farm are proposed to have higher-density type housing types (i.e., townhouses), which may be considered inconsistent with the rural and agricultural nature of this area. As such, this development appears to be generally inconsistent with the policies stated in the 2004 update of the Livable Delaware "Strategies for State Policies and Spending", but additional discussion may be required due to the RPC zoning and cluster development option.

Comprehensive Plan

Sussex County Comprehensive Plan:

(Source: *Sussex County Comprehensive Plan Update, June 2008*)

The Sussex County Comprehensive Plan Future Land Use Map indicates that the proposed development is partially in a Low Density Area, which is categorized as a Rural Area, and partially in a Developing Area, which is categorized as a Growth Area. Within the Developing Area, a portion of the proposed development is in a Mixed Residential Area.

In Rural Areas, farming should co-exist with appropriate residential uses and permanently preserved property. The following major guidelines should apply to future growth in Low Density Areas:

Permitted Uses – The primary uses envisioned in Low Density Areas are agricultural activities and single-family detached homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses may require conditional use approval from County Council. The types of commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses, such as auto repair and gasoline sales, should be avoided in these areas.

Densities – Base densities in Low Density Areas should be unchanged from the current zoning provisions. The minimum lot size should be $\frac{3}{4}$ acre for lots served by on-lot septic systems and $\frac{1}{2}$ acre for lots with central sewers. The cluster option permitted in Low Density Areas should continue to permit overall site densities of up to 2 units per acre, provided significant open space is set aside and the tract connects to public sewers.

Infrastructure – Development where lots are no smaller than $\frac{3}{4}$ acre can be accommodated in this planning area without central sewers. Other development should require central sewer service.

In contrast to Rural Areas, designated Growth Areas are designed to accommodate concentrated levels of development. Specifically regarding Developing Areas, these are newer, emerging growth areas. They are often located near main arterial roads that connect major destinations within the County. Most of the proposed developing Areas are adjacent to municipalities and most are within potential future annexation areas of a municipality. In some cases, the developing areas are not yet served by sewer and water systems but have the potential to secure these services either from public or private providers that provide service to nearby locations. The following major guidelines should apply to future growth in the Developing Areas:

Permitted Uses – A range of housing types are appropriate in most Developing Areas, including single family homes, townhouses and multi-family units. In selected areas, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and

industrial parks. Careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

Densities – The County envisions base density in these areas to be 2 units per acre, with the option to go to 4 units per acre if the developer uses optional density bonuses. Those optional bonuses may involve payment of fees that fund permanent land preservation elsewhere in the County, or other options. In addition, consideration should be given to possible density bonuses if a developer funds a major road improvement that otherwise would not be required. That type of bonus may require conditional use approval by County Council and may not be allowed in the Environmentally Sensitive Developing Area. Smaller lots and flexibility in dimensional standards should be allowed if the developer uses a cluster option that results in permanent preservation of a substantial percentage of the tract.

Infrastructure – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to 2 units per acre. The Developing Areas are largely based upon areas where public sewage service is already available or where the County plans upon providing public sewage service within five years.

Furthermore, pertaining to Mixed Residential Areas, these mainly consist of existing residential development and lands where residential developments are proposed under the current general Residential and Medium Density Residential zoning districts. The following major guidelines should apply to future growth in Mixed Residential Areas:

Permitted Uses – The full range of housing types are appropriate in these residential areas, including single-family homes, townhouses and multi-family units. Non-residential development is not encouraged.

Densities – The current densities in these areas range from a maximum of 4 homes per acre for single-family detached housing to a maximum of 12 dwelling units per acre for multi-family housing.

Infrastructure – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, densities should be limited to 2 units per acre.

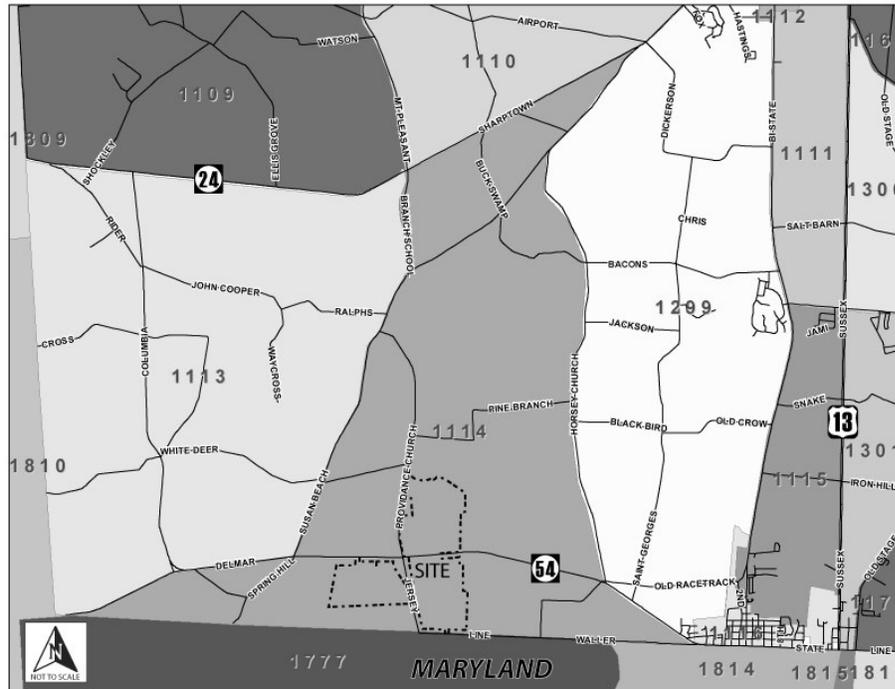
Proposed Development’s Compatibility with Comprehensive Plan:

The proposed residential and golf course land uses of the proposed Wild Pine Country Club development appear to generally comply with the *Permitted Uses* of the Rural Area and Growth Area designations of these parcels. In addition, the overall density of the site is approximately 1.8 units per acre, which is within the acceptable density range considering the housing types. Although that is the case, and while this project is now smaller than originally proposed (with 1,460 dwelling units currently proposed, down from 1,759 dwelling units originally), this development is still relatively large and has the potential to create a significant strain on the existing infrastructure. As such, this development raises questions regarding consistency with the Sussex County Comprehensive Plan, and thus may require additional discussion.

Transportation Analysis Zones (TAZ)

Transportation Analysis Zones (TAZ) where development would be located: 1114

TAZ Boundaries:



Current employment estimate for TAZ: 3 in 2005

Future employment estimate for TAZ: 4 in 2030

Current population estimate for TAZ: 933 in 2005

Future population estimate for TAZ: 1,705 in 2030

Current household estimate for TAZ: 365 in 2005

Future household estimate for TAZ: 674 in 2030

Relevant committed developments in the TAZ: none

Would the addition of committed developments to current estimates exceed future projections: No

Would the addition of committed developments and the proposed development to current estimates exceed future projections: Yes

Relevant Projects in the DelDOT Capital Transportation Program (FY 2008 – FY 2013)

DelDOT currently has one relevant project near the study area: the Corridor Capacity Preservation Program (CCPP). This is a statewide program intended to sustain the capacity of adopted highway corridors by various means such as limiting access points and using service roads for local vehicle trips. The general purpose of the program is to ensure that the existing principal arterial highways, such as US Route 13 (Sussex Highway), are able to efficiently carry regional traffic without impedance from the effects of local development.

Trip Generation

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Seventh Edition, published by the Institute of Transportation Engineers (ITE). The following land uses were utilized to estimate the amount of new traffic generated for this development. All three versions of the proposed land use plan are shown here.

Latest Proposed Land Use (as of September 2009)

- North Farm
 - 336 single-family detached houses (ITE land use code 210)
 - 348 townhouses (ITE land use code 230)
 - 18-hole golf course (ITE land use code 430)
- South Farm
 - 373 single-family detached houses (ITE land use code 210)
- West Farm
 - 403 condominiums (ITE land use code 230)

Table 2a
NORTH FARM PEAK HOUR TRIP GENERATION (2009 PROPOSED LAND USE)

Land Use	AM Peak Hour			PM Peak Hour			Saturday Mid-Day		
	In	Out	Total	In	Out	Total	In	Out	Total
336 single-family detached houses	61	184	245	201	118	319	167	143	310
348 townhouses	24	116	140	112	55	167	78	66	144
Internal Capture	-	-	-	-	-	-	5	5	10
Net External Residential Trips	85	300	385	313	173	486	240	204	444
18-hole golf course	32	8	40	22	27	49	41	42	83
Internal Capture	-	-	-	-	-	-	9	9	18
Net External Golf Course Trips	32	8	40	22	27	49	32	33	65
TOTAL TRIPS (North Farm)	117	308	425	335	200	535	272	237	509

Table 2b
SOUTH FARM PEAK HOUR TRIP GENERATION (2009 PROPOSED LAND USE)

Land Use	AM Peak Hour			PM Peak Hour			Saturday Mid-Day		
	In	Out	Total	In	Out	Total	In	Out	Total
373 single-family detached houses	68	203	271	221	130	351	185	158	343
Internal Capture	-	-	-	-	-	-	3	3	6
Net External Residential Trips	68	203	271	221	130	351	182	155	337
TOTAL TRIPS (South Farm)	68	203	271	221	130	351	182	155	337

Table 2c
WEST FARM PEAK HOUR TRIP GENERATION (2009 PROPOSED LAND USE)

Land Use	AM Peak Hour			PM Peak Hour			Saturday Mid-Day		
	In	Out	Total	In	Out	Total	In	Out	Total
403 condominiums	27	130	157	127	62	189	86	74	160
Internal Capture	-	-	-	-	-	-	2	2	4
Net External Residential Trips	27	130	157	127	62	189	84	72	156
TOTAL TRIPS (West Farm)	27	130	157	127	62	189	84	72	156
TOTAL TRIPS – ENTIRE SITE	212	641	853	683	392	1075	538	464	1002

Table 2d
WILD PINE COUNTRY CLUB DAILY TRIP GENERATION (2009 PROPOSED LAND USE)

Land Use	Weekday ADT			Saturday ADT		
	In	Out	Total	In	Out	Total
709 single-family detached houses	3151	3151	6302	3403	3403	6806
751 townhouses/condominiums	1858	1858	3716	1573	1573	3146
18-hole golf course	322	322	644	366	366	732
TOTAL TRIPS	5331	5331	10662	5342	5342	10684

Original Proposed Land Use (as of July 2005)

- North Farm
 - 210 single-family detached houses (ITE land use code 210)
 - 138 townhouses (ITE land use code 230)
 - 18-hole golf course (ITE land use code 430)
 - 22,500 square feet of retail (ITE land use code 820)
- South Farm
 - 396 single family homes (ITE land use code 210)
- West Farm
 - 405 single family homes (ITE land use code 210)
 - 610 condominiums (ITE land use code 230)

Table 3a
NORTH FARM PEAK HOUR TRIP GENERATION (2005 PROPOSED LAND USE)

Land Use	AM Peak Hour			PM Peak Hour			Saturday Mid-Day		
	In	Out	Total	In	Out	Total	In	Out	Total
210 single-family detached houses	39	117	156	132	77	209	107	91	198
138 townhouses	11	56	67	52	26	78	45	38	83
Internal Capture	-	-	-	7	4	11	7	7	14
Net External Residential Trips	50	173	223	177	99	276	145	122	267
18-hole golf course	32	8	40	22	27	49	41	42	83
Internal Capture	-	-	-	-	-	-	9	9	18
Net External Golf Course Trips	32	8	40	22	27	49	32	33	65
22,500 square feet of retail space	39	25	64	112	122	234	171	157	328
Internal Capture	-	-	-	12	13	25	10	9	19
Pass-by Trips	-	-	-	60	66	126	61	56	117
Net External Retail Trips	39	25	64	40	43	83	100	92	192
TOTAL TRIPS (North Farm)	121	206	327	239	169	408	277	247	524

Table 3b
SOUTH FARM PEAK HOUR TRIP GENERATION (2005 PROPOSED LAND USE)

Land Use	AM Peak Hour			PM Peak Hour			Saturday Mid-Day		
	In	Out	Total	In	Out	Total	In	Out	Total
396 single-family detached houses	72	215	287	233	137	370	196	167	363
Internal Capture	-	-	-	8	6	14	10	8	18
Net External Residential Trips	72	215	287	225	131	356	186	159	345
TOTAL TRIPS (South Farm)	72	215	287	225	131	356	186	159	345

Table 3c
WEST FARM PEAK HOUR TRIP GENERATION (2005 PROPOSED LAND USE)

Land Use	AM Peak Hour			PM Peak Hour			Saturday Mid-Day		
	In	Out	Total	In	Out	Total	In	Out	Total
405 single-family detached houses	73	220	293	238	139	377	200	171	371
610 condominiums	37	182	219	178	87	265	119	101	220
Internal Capture	-	-	-	17	9	26	16	14	30
Net External Residential Trips	110	402	512	399	217	616	303	258	561
TOTAL TRIPS (West Farm)	110	402	512	399	217	616	303	258	561
TOTAL TRIPS – ENTIRE SITE	303	823	1126	863	517	1380	766	664	1430

First Revision of Proposed Land Use (as of July 2006)

- North Farm
 - 208 single-family detached houses (ITE land use code 210)
 - 168 townhouses (ITE land use code 230)
 - 18-hole golf course (ITE land use code 430)
- South Farm
 - 400 single-family detached houses (ITE land use code 210)
- West Farm
 - 403 condominiums (ITE land use code 230)

Table 4a
NORTH FARM PEAK HOUR TRIP GENERATION (2006 PROPOSED LAND USE)

Land Use	AM Peak Hour			PM Peak Hour			Saturday Mid-Day		
	In	Out	Total	In	Out	Total	In	Out	Total
208 single-family detached houses	39	116	155	130	77	207	106	90	196
168 townhouses	13	65	78	62	30	92	49	42	91
Internal Capture	-	-	-	-	-	-	3	3	6
Net External Residential Trips	52	181	233	192	107	299	152	129	281
18-hole golf course	32	8	40	22	27	49	41	42	83
Internal Capture	-	-	-	-	-	-	9	9	18
Net External Golf Course Trips	32	8	40	22	27	49	32	33	65
TOTAL TRIPS (North Farm)	84	189	273	214	134	348	184	162	346

Table 4b
SOUTH FARM PEAK HOUR TRIP GENERATION (2006 PROPOSED LAND USE)

Land Use	AM Peak Hour			PM Peak Hour			Saturday Mid-Day		
	In	Out	Total	In	Out	Total	In	Out	Total
400 single-family detached houses	72	217	289	235	138	373	198	169	367
Internal Capture	-	-	-	-	-	-	4	4	8
Net External Residential Trips	72	217	289	235	138	373	194	165	359
TOTAL TRIPS (South Farm)	72	217	289	235	138	373	194	165	359

Table 4c
WEST FARM PEAK HOUR TRIP GENERATION (2006 PROPOSED LAND USE)

Land Use	AM Peak Hour			PM Peak Hour			Saturday Mid-Day		
	In	Out	Total	In	Out	Total	In	Out	Total
403 condominiums	27	130	157	127	62	189	86	74	160
Internal Capture	-	-	-	-	-	-	2	2	4
Net External Residential Trips	27	130	157	127	62	189	84	72	156
TOTAL TRIPS (West Farm)	27	130	157	127	62	189	84	72	156
TOTAL TRIPS – ENTIRE SITE	183	536	719	576	334	910	462	399	861

Overview of TIS

Intersections examined:

- 1) Providence Church Road & West Farm Access / South Farm Access #1
- 2) Delaware Route 54 & South Farm Access #2 / North Farm Access #1
- 3) West Line Road (Sussex Road 512) & South Farm Access #3
- 4) Providence Church Road & North Farm Access #2
- 5) Delaware Route 54 & Susan Beach Road / North Spring Hill Road (Sussex Road 509)
- 6) Delaware Route 54 & Providence Church Road
- 7) Delaware Route 54 & Old Racetrack Road (Sussex Road 502)
- 8) Delaware Route 54 & Horsey Church Road (Sussex Road 510)
- 9) Delaware Route 54 & Saint George Road (Sussex Road 501)
- 10) Delaware Route 54 & Waller Road (Sussex Road 512)
- 11) Delaware Route 54 & Bi-State Boulevard (US Route 13 Alternate / Maryland Route 675)
- 12) Delaware Route 54 & US Route 13
- 13) Providence Church Road & Susan Beach Road
- 14) West Line Road & Providence Church Road / North Jersey Road
- 15) West Line Road & Old Racetrack Road

Conditions examined:

- 1) Case 1: 2003/2004 Existing (analyzed in original Blackwater Creek TIS, Review Task Number 49)
- 2) Case 2: 2020 Without Proposed Development (analyzed in original Blackwater Creek TIS, Review Task Number 49)
- 3) Case 2B (Delaware Route 54 & US Route 13 intersection only): 2020 Alternative Volumes Without Proposed Development (analyzed in revised Blackwater Creek TIS, Review Task Number 123)
- 4) Case 3: 2020 With Proposed Development (analyzed in revised Blackwater Creek TIS, Review Task Number 123)

- 5) Case 4 (Delaware Route 54 & US Route 13 intersection only): 2020 Alternative Volumes With Proposed Development (analyzed in revised Blackwater Creek TIS, Review Task Number 123)

Peak hours evaluated: Weekday morning and evening peak hours. Intersections on the Delaware Route 54 corridor were also analyzed for the summer Saturday mid-day peak hour.

Committed developments considered (as provided by DelDOT):

- 1) Delmar Commons (a 49,700 square foot shopping center, a 5,740 square foot super-Wawa with gas pumps, 10,000 square feet of restaurants, and a 15,000 square foot office building)
- 2) Sleepy Hollow Estates (252 residential dwelling units)
- 3) Heron Ponds (313 residential dwelling units) (located on the south side of Delaware Route 54 in Wicomico County, MD)

Intersection Descriptions

1) Providence Church Road & West Farm Access / South Farm Access #1

Type of Control: proposed two-way stop-controlled intersection

Eastbound approach: (West Farm Access) one shared left/through/right-turn lane, stop-controlled

Westbound approach: (South Farm Access) one shared left/through/right-turn lane, stop-controlled

Northbound approach: (Providence Church Road) one shared left/through/right-turn lane

Southbound approach: (Providence Church Road) one shared through/left-turn lane and one right-turn lane

2) Delaware Route 54 & South Farm Access #2 / North Farm Access #1

Type of Control: proposed single-lane roundabout

Eastbound approach: (Delaware Route 54) one shared left/through/right-turn lane

Westbound approach: (Delaware Route 54) one shared left/through/right-turn lane

Northbound approach: (South Farm Access) one shared left/through/right-turn lane

Southbound approach: (North Farm Access) one shared left/through/right-turn lane

3) West Line Road & South Farm Access #3

Type of Control: proposed two-way stop-controlled (T-Intersection)

Eastbound approach: (West Line Road) one shared through/left-turn lane

Westbound approach: (West Line Road) one through lane and one right-turn lane

Southbound approach: (South Farm Access) one shared left/right-turn lane, stop-controlled

4) Providence Church Road & North Farm Access #2

Type of Control: proposed two-way stop-controlled (T-intersection)

Westbound approach: (North Farm Access) one shared left/right-turn lane, stop-controlled

Northbound approach: (Providence Church Road) one shared through/right-turn lane

Southbound approach: (Providence Church Road) one shared through/left-turn lane

5) Delaware Route 54 & Susan Beach Road / North Spring Hill Road:

Type of Control: two-way stop-controlled intersection

Eastbound approach: (Delaware Route 54) one shared left/through/right-turn lane

Westbound approach: (Delaware Route 54) one shared left/through/right-turn lane

Northbound approach: (North Spring Hill Road) one shared left/through/right-turn lane, stop-controlled

Southbound approach: (Susan Beach Road) one shared left/through/right-turn lane, stop-controlled

6) Delaware Route 54 & Providence Church Road:

Type of Control: two-way stop-controlled intersection

Eastbound approach: (Delaware Route 54) one shared left/through/right-turn lane

Westbound approach: (Delaware Route 54) one shared left/through/right-turn lane

Northbound approach: (Providence Church Road) one shared left/through/right-turn lane, stop-controlled

Southbound approach: (Providence Church Road) one shared left/through/right-turn lane, stop-controlled

7) Delaware Route 54 & Old Racetrack Road:

Type of Control: two-way stop-controlled intersection

Eastbound approach: (Delaware Route 54) one shared left/through/right-turn lane

Westbound approach: (Delaware Route 54) one shared left/through/right-turn lane

Northbound approach: (Old Racetrack Road) one shared left/through/right-turn lane, stop-controlled

Southbound approach: (Old Racetrack Road) one shared left/through/right-turn lane, stop-controlled

8) Delaware Route 54 & Horsey Church Road:

Type of Control: two-way stop-controlled (T-intersection)

Eastbound approach: (Delaware Route 54) one shared through/left-turn lane

Westbound approach: (Delaware Route 54) one shared through/right-turn lane

Southbound approach: (Horsey Church Road) one shared left/right-turn lane, stop-controlled

9) Delaware Route 54 & Saint George Road:

Type of Control: two-way stop-controlled (T-intersection)

Eastbound approach: (Delaware Route 54) one shared through/left-turn lane

Westbound approach: (Delaware Route 54) one shared through/right-turn lane

Southbound approach: (Saint George Road) one shared left/right-turn lane, stop-controlled

10) Delaware Route 54 & Waller Road:

Type of Control: two-way stop-controlled (T-intersection)

Eastbound approach: (Delaware Route 54) one shared through/left-turn lane

Westbound approach: (Delaware Route 54) one shared through/right-turn lane

Southbound approach: (Waller Road) one shared left/right-turn lane, stop-controlled

11) Delaware Route 54 & Bi-State Boulevard:

Type of Control: signalized four-leg intersection

Eastbound approach: (Delaware Route 54) one shared left/through/right-turn lane

Westbound approach: (Delaware Route 54) one shared left/through/right-turn lane

Northbound approach: (Bi-State Boulevard) one left-turn lane and one shared through/right-turn lane

Southbound approach: (Bi-State Boulevard) one left-turn lane and one shared through/right-turn lane

12) Delaware Route 54 & US Route 13:

Type of Control: signalized four-leg intersection (configuration below is as of 2006)

Eastbound approach: (Delaware Route 54) one left-turn lane, one through lane, and one channelized right-turn lane

Westbound approach: (Delaware Route 54) one left-turn lane, one through lane, and one channelized right-turn lane

Northbound approach: (US Route 13) one left-turn lane, two through lanes, and one channelized right-turn lane

Southbound approach: (US Route 13) one left-turn lane, two through lanes, and one channelized right-turn lane

Note: Improvements have been made to this intersection since the TIS was completed in 2006. As of 2009, the eastbound approach consists of one exclusive left-turn lane, one shared through/left-turn lane, and one right-turn lane.

13) Providence Church Road & Susan Beach Road

Type of Control: two-way stop-controlled (T-intersection)

Westbound approach: (Providence Church Road) one shared left/right-turn lane, stop-controlled

Northbound approach: (Susan Beach Road) one shared through/right-turn lane

Southbound approach: (Susan Beach Road) one shared through/left-turn lane

14) West Line Road & Providence Church Road / North Jersey Road

Type of Control: two-way stop-controlled (T-intersection)

Westbound approach: (West Line Road) one shared left/right-turn lane, stop-controlled

Northbound approach: (North Jersey Road) one shared through/right-turn lane

Southbound approach: (Providence Church Road) one shared through/left-turn lane

15) West Line Road & Old Racetrack Road

Type of Control: two-way stop-controlled (T-intersection)

Eastbound approach: (West Line Road) one shared through/left-turn lane

Westbound approach: (West Line Road) one shared through/right-turn lane

Southbound approach: (Old Racetrack Road) one shared left/right-turn lane, stop-controlled

Transit, Pedestrian, and Bicycle Facilities

Existing transit service: The closest transit service to the proposed development is the Seaford-Delmar shuttle along US Route 13. This free shuttle, funded by the Job Access Reverse Commute Federal Grant Program, connects with Wicomico County Transit Route 22 (which continues south from Delmar to Salisbury). There are 11 daily round trips on weekdays and 13 round trips on Saturdays.

Planned transit service: No changes to the existing transit service are currently planned. The Seaford-Delmar shuttle is funded by a federal grant, and continuation of that service is dependent upon continued grant funding and/or outside subsidies.

Existing bicycle and pedestrian facilities: The *Kent and Sussex Counties Bicycle Map* indicates one bicycle trail, the Southern Delaware Heritage Trail, runs through the study area. The trail runs along Horsey Church Road and continues along Delaware Route 54 between Horsey Church Road through the intersection of Delaware Route 54 and Old Stage Road (Sussex Road 68). Delaware Route 54 is designated as having average cycling conditions with moderate traffic volumes (2,000-10,000 ADT) between Susan Beach Road and Horsey Church Road and above average cycling conditions with moderate traffic volumes from Horsey Church Road to US Route 13. Providence Church Road, West Line Road/Waller Road, Horsey Church Road, Old Racetrack Road, and Saint George Road are rated as having above average cycling conditions with low traffic volumes (less than 2,000 ADT). Bi-State Boulevard is rated as having above average cycling conditions with moderate traffic volumes. US Route 13 is designated as having above average cycling conditions with high traffic volumes (greater than 10,000 ADT). There are currently no sidewalks within the vicinity of the proposed development.

Planned bicycle and pedestrian facilities: ORA included a copy of a letter from Anthony Aglio of DelDOT dated 2/23/05. In addition, DelDOT included several comments related to bicycle and pedestrian facilities in the PLUS review letter dated 5/26/05 and in a letter from Stephen Bayer dated 9/20/06. Based on those three correspondences, the following recommendations are made:

- a) A minimum ten-foot paved multi-modal path with a minimum of 5-foot setback that meets current AASHTO and ADA standards should be constructed along all site frontages.
- b) A minimum of five-foot bicycle lane (in addition to any required auxiliary lanes) should be striped along the site frontage on Delaware Route 54 in order to facilitate safe and unimpeded bicycle travel. A right-turn yield to bikes sign MUTCD R4-4 should be added at the start of the turn lane.
- c) A minimum five-foot shoulder should be added along the development frontages on Providence Church Road and West Line Road. Also share the road signs MUTCD W11-1 with W16-1 should be added at the limits of the property frontage.
- d) Internal sidewalks to promote walking as a viable transportation alternative should be constructed, including sidewalks connecting this development to adjacent developments. These internal sidewalks should also be provided in such a way as to allow for easy pedestrian movement between the different parcels that comprise Wild Pine Country Club, including marked crosswalks across Delaware Route 54 and Providence Church Road.

Previous Comments

There were no previous comments regarding the revised TIS.

General HCS Analysis Comments

(see table footnotes on the following pages for specific comments)

- 1) The TIS was inconsistent in its use of Peak Hour Factors (PHF's) for the existing and no-build conditions. McCormick Taylor used PHF's per lane group for existing conditions. For future conditions the existing PHF was assumed on all roads except for Delaware Route 54 where a PHF of 0.88 was assumed. At the intersection of Delaware Route 54 & US Route 13, which is projected to operate over capacity in 2020 conditions, a PHF of 0.92 was assumed for all approaches.
- 2) There are calculation discrepancies for PHFs and heavy vehicle percentages between the TIS and McCormick Taylor's calculations. McCormick Taylor calculated existing truck percents per lane group. For future conditions, it was assumed that truck percents would remain the same as existing on all roads except for Delaware Route 54 & US Route 13 where a 2% minimum truck percentage was used.
- 3) The TIS used HCS+ for its analysis. McCormick Taylor used HCS 2000 to be consistent with the original Blackwater Creek TIS review.
- 4) The HCS analyses included in the TIS did not always reflect the lane widths observed in the field by McCormick Taylor. McCormick Taylor's HCS analyses incorporated the field-measured lane widths.
- 5) The TIS and McCormick Taylor used different cycle lengths and/or signal timing parameters when analyzing the signalized intersections in some cases.

Table 5
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Unsignalized Intersection ¹ Two-Way Stop Control	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Providence Church Road & West Farm Access / South Farm Access #1				
2020 with Wild Pine Country Club (Case 3)				
Eastbound West Farm Access	B (10.8)	B (11.5)	B (10.8)	B (11.5)
Westbound South Farm Access #1	A (9.3)	A (10.0)	A (9.3)	A (10.0)
Northbound Providence Church Road - Left	A (7.5)	A (7.6)	A (7.5)	A (7.6)
Southbound Providence Church Road - Left	A (7.3)	A (7.5)	A (7.3)	A (7.5)

¹ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

Table 6
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Unsignalized Intersection ² Two-Way Stop Control	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & South Farm Access #2/ North Farm Access #1						
2020 with Wild Pine Country Club (Case 3)						
Eastbound Delaware Route 54 - Left	A (8.0)	A (9.1)	A (8.6)	A (8.0)	A (9.1)	A (8.6)
Westbound Delaware Route 54 - Left	A (8.3)	A (8.5)	A (8.5)	A (8.3)	A (8.5)	A (8.5)
Northbound South Farm Access #2	B (13.5)	B (14.8)	C (15.5)	B (13.5)	B (14.8)	C (15.5)
Southbound North Farm Access #1	F (58.1)	F (216.2)	F (172.9)	F (58.1)	F (216.2)	F (172.9)

Signalized Intersection ²	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & South Farm Access #2/ North Farm Access #1						
2020 with Wild Pine Country Club (Case 3)	B (0.44)	B (0.69)	B (0.60)	B (0.48)	B (0.75)	B (0.67)

Roundabout ³	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & South Farm Access #2/ North Farm Access #1						
2020 with Wild Pine Country Club (Case 3)						
Eastbound Delaware Route 54	NA	NA	NA	A (9.3)	A (9.8)	A (9.8)
Westbound Delaware Route 54	NA	NA	NA	A (8.3)	A (8.7)	A (8.7)
Northbound South Farm Access #2	NA	NA	NA	B (11.3)	B (10.6)	B (10.9)
Southbound North Farm Access #1	NA	NA	NA	B (13.1)	B (15.4)	B (14.0)
Overall Intersection	NA	NA	NA	A (9.8)	A (9.7)	A (9.8)

² For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

³ McCormick Taylor analyzed the roundabout using aaSIDRA. The numbers in parentheses following levels of service are average delay per vehicle, measured in seconds, calculated with the aaSIDRA model. The analysis assumed an environment factor of 1.2.

Table 7
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Unsignalized Intersection ⁴ Two-Way Stop Control (T-intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
West Line Road & South Farm Access #3				
2020 with Wild Pine Country Club (Case 3)				
Eastbound West Line Road - Left	A (7.3)	A (7.5)	A (7.3)	A (7.5)
Southbound South Farm Access #3	A (9.2)	A (9.4)	A (9.2)	A (9.4)

⁴ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

Table 8
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Unsignalized Intersection ⁵ Two-Way Stop Control (T-intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Providence Church Road & North Farm Access #2				
2020 with Wild Pine Country Club (Case 3)				
Westbound North Farm Access #2	A (9.3)	A (10.0)	A (9.3)	A (10.0)
Southbound Providence Church Road - Left	A (7.4)	A (7.6)	A (7.4)	A (7.6)

⁵ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

Table 9
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Unsignalized Intersection ⁶ Two-Way Stop Control	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
2003/2004 Existing (Case 1)						
Eastbound Delaware Route 54 - Left	A (7.5)	A (7.6)	A (7.5)	A (7.5)	A (7.6)	A (7.5)
Westbound Delaware Route 54 - Left	A (7.5)	A (7.6)	A (7.5)	A (7.5)	A (7.5)	A (7.5)
Northbound North Spring Hill Road	B (10.1)	B (11.6)	B (11.0)	B (10.1)	B (11.6)	B (11.0)
Southbound Susan Beach Road	B (11.1)	B (11.4)	B (11.2)	B (11.1)	B (11.4)	B (11.2)
2020 without Wild Pine Country Club (Case 2)						
Eastbound Delaware Route 54 - Left	A (7.7)	A (7.8)	A (7.8)	A (7.7)	A (7.9)	A (7.8)
Westbound Delaware Route 54 - Left	A (7.7)	A (7.9)	A (7.9)	A (7.7)	A (7.9)	A (7.9)
Northbound North Spring Hill Road	B (11.2)	B (14.7)	B (13.8)	B (11.4)	C (15.3)	B (13.8)
Southbound Susan Beach Road	B (13.2)	B (14.8)	B (14.6)	B (13.5)	B (14.9)	B (14.6)
2020 with Wild Pine Country Club (Case 3)						
Eastbound Delaware Route 54 - Left	A (7.8)	A (7.9)	A (7.8)	A (7.8)	A (7.9)	A (7.8)
Westbound Delaware Route 54 - Left	A (7.7)	A (7.9)	A (7.9)	A (7.7)	A (7.9)	A (7.9)
Northbound North Spring Hill Road	B (11.5)	C (15.6)	B (14.1)	B (11.5)	C (15.6)	B (14.1)
Southbound Susan Beach Road	B (13.8)	C (15.3)	B (15.0)	B (13.8)	C (15.3)	B (14.9)

⁶ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

Table 10
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Unsignalized Intersection ⁷ Two-Way Stop Control	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & Providence Church Road						
2003/2004 Existing (Case 1)						
Eastbound Delaware Route 54 – Left	A (7.4)	A (7.8)	A (7.6)	A (7.4)	A (7.8)	A (7.6)
Westbound Delaware Route 54 – Left	A (7.6)	A (7.6)	A (7.6)	A (7.6)	A (7.6)	A (7.6)
Northbound Providence Church Road	B (10.3)	B (14.1)	B (11.3)	B (10.3)	B (14.1)	B (11.3)
Southbound Providence Church Road	B (11.4)	B (13.2)	B (11.6)	B (11.4)	B (13.1)	B (11.6)
2020 without Wild Pine Country Club (Case 2)						
Eastbound Delaware Route 54 – Left	A (7.7)	A (8.1)	A (7.9)	A (7.7)	A (8.1)	A (7.9)
Westbound Delaware Route 54 – Left	A (7.8)	A (8.0)	A (8.0)	A (7.8)	A (8.0)	A (8.0)
Northbound Providence Church Road	B (11.8)	C (20.7)	B (14.5)	B (12.1)	C (23.3)	B (14.8)
Southbound Providence Church Road	B (14.0)	C (18.8)	B (15.2)	B (14.5)	C (20.1)	B (15.4)
2020 with Wild Pine Country Club (Case 3)						
Eastbound Delaware Route 54 – Left	A (7.7)	A (8.2)	A (7.9)	A (7.7)	A (8.2)	A (8.0)
Westbound Delaware Route 54 – Left	A (7.9)	A (8.3)	A (8.2)	A (7.9)	A (8.3)	A (8.2)
Northbound Providence Church Road	C (15.7)	F (106.7)	C (22.9)	C (15.7)	F (106.7)	C (22.9)
Southbound Providence Church Road	C (23.9)	F (172.6)	D (33.8)	C (23.9)	F (172.6)	D (33.8)

Signalized Intersection ⁷	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & Providence Church Road						
2020 with Wild Pine Country Club (Case 3)	B (0.40)	C (0.61)	B (0.45)	B (0.41)	C (0.59)	B (0.46)

⁷ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

Table 10 (continued)
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Roundabout ⁸	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & Providence Church Road						
2020 with Wild Pine Country Club (Case 3)						
Eastbound Delaware Route 54	NA	NA	NA	A (9.1)	A (9.6)	A (9.0)
Westbound Delaware Route 54	NA	NA	NA	A (8.9)	B (10.1)	A (9.2)
Northbound Providence Church Road	NA	NA	NA	A (9.2)	A (9.3)	A (9.3)
Southbound Providence Church Road	NA	NA	NA	A (9.0)	B (11.0)	B (10.2)
Overall Intersection	NA	NA	NA	A (9.1)	A (9.9)	A (9.3)

⁸ McCormick Taylor analyzed the roundabout using aaSIDRA. The numbers in parentheses following levels of service are average delay per vehicle, measured in seconds, calculated with the aaSIDRA model. The analysis assumed an environment factor of 1.2.

Table 11
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Unsignalized Intersection ⁹ Two-Way Stop Control	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & Old Racetrack Road						
2003/2004 Existing (Case 1)						
Eastbound Delaware Route 54 - Left	A (7.5)	A (7.6)	A (7.6)	A (7.5)	A (7.6)	A (7.6)
Westbound Delaware Route 54 - Left	A (7.7)	A (7.5)	A (7.6)	A (7.7)	A (7.5)	A (7.6)
Northbound Old Racetrack Road	A (9.8)	B (10.5)	B (10.5)	A (9.8)	B (10.6)	B (10.5)
Southbound Old Racetrack Road	A (9.5)	B (10.0)	B (10.6)	A (9.6)	B (10.1)	B (10.6)
2020 without Wild Pine Country Club (Case 2)						
Eastbound Delaware Route 54 - Left	A (7.8)	A (8.0)	A (7.9)	A (7.8)	A (8.0)	A (7.9)
Westbound Delaware Route 54 - Left	A (7.9)	A (7.8)	A (7.9)	A (7.9)	A (7.8)	A (7.9)
Northbound Old Racetrack Road	B (11.0)	B (12.9)	B (12.6)	B (11.1)	B (12.9)	B (12.7)
Southbound Old Racetrack Road	B (10.6)	B (11.4)	B (13.2)	B (10.7)	B (11.8)	B (13.5)
2020 with Wild Pine Country Club (Case 3)						
Eastbound Delaware Route 54 - Left	A (8.5)	A (8.9)	A (8.8)	A (8.5)	A (8.9)	A (8.8)
Westbound Delaware Route 54 - Left	A (8.5)	A (8.2)	A (8.3)	A (8.5)	A (8.2)	A (8.3)
Northbound Old Racetrack Road	E (40.3)	E (38.0)	E (45.7)	E (40.3)	E (40.3)	E (46.2)
Southbound Old Racetrack Road ¹⁰	C (20.0)	F (52.4)	F (96.8)	C (20.7)	F (120.2)	F (99.2)

⁹ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

¹⁰ For the PM peak hour analysis, the TIS used an incorrect PHF of 0.82 on the southbound approach. McCormick Taylor used the PHF of 0.62 based on the count data.

Table 11 (continued)
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Roundabout ¹¹	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & Old Racetrack Road / Horsey Church Road ¹²						
2020 with Wild Pine Country Club (Case 3)						
Eastbound Delaware Route 54	0.53-0.64	0.43-0.51	0.50-0.60	0.55-0.66	0.42-0.50	0.50-0.61
Westbound Delaware Route 54	0.27-0.33	0.47-0.56	0.41-0.50	0.31-0.37	0.47-0.56	0.42-0.51
Northbound Old Racetrack Road	0.09-0.11	0.05-0.06	0.08-0.10	0.09-0.11	0.04-0.05	0.06-0.08
Southbound Old Racetrack Road	0.17-0.20	0.53-0.65	0.35-0.43	0.15-0.19	0.38-0.49	0.26-0.32

Roundabout ¹³	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & Old Racetrack Road / Horsey Church Road						
2020 with Wild Pine Country Club (Case 3)						
Eastbound Delaware Route 54	NA	NA	NA	A (9.8)	A (9.6)	A (9.5)
Westbound Delaware Route 54	NA	NA	NA	B (10.2)	A (9.2)	A (9.5)
Northbound Old Racetrack Road	NA	NA	NA	B (10.3)	A (8.2)	A (9.4)
Southbound Old Racetrack Road	NA	NA	NA	B (11.2)	B (13.1)	B (10.4)
Overall Intersection	NA	NA	NA	B (10.1)	B (10.2)	A (9.7)

¹¹ The TIS analyzed the roundabout using HCS. The results displayed represent the upper-bound and lower-bound volume-to-capacity (v/c) ratios for that approach. The FHWA *Roundabouts: An Information Guide* defines the lower-bound v/c ratio as the operations that may be expected until roundabouts become more common and the upper-bound v/c ratio as the capacities that are expected at most roundabouts. For roundabouts, the 2000 Highway Capacity Manual does not calculate a letter grade level of service.

¹² The TIS recommends the installation of a roundabout at the intersection of Delaware Route 54 & Old Racetrack Road. Horsey Church Road would be eliminated between Old Racetrack Road and Delaware Route 54 due to its close proximity to the roundabout at Old Racetrack Road. Traffic that formerly used this section of road would use the proposed roundabout and would be redistributed accordingly.

¹³ McCormick Taylor also analyzed the roundabout using aaSIDRA. The numbers in parentheses following levels of service are average delay per vehicle, measured in seconds, calculated with the aaSIDRA model. The analysis assumed an environment factor of 1.2.

Table 12
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Unsignalized Intersection ¹⁴ Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & Horse Church Road						
2003/2004 Existing (Case 1)						
Eastbound Delaware Route 54 - Left	A (7.5)	A (7.7)	A (7.6)	A (7.5)	A (7.7)	A (7.6)
Southbound Horse Church Road	B (10.3)	B (10.7)	B (10.1)	B (10.4)	B (10.9)	B (10.1)
2020 without Wild Pine Country Club (Case 2)						
Eastbound Delaware Route 54 - Left	A (7.8)	A (8.0)	A (8.0)	A (7.8)	A (8.0)	A (8.0)
Southbound Horse Church Road	B (12.4)	B (13.3)	B (11.9)	B (12.6)	B (14.0)	B (12.1)
2020 with Wild Pine Country Club (Case 3) ¹⁵						
Eastbound Delaware Route 54 - Left	A (8.0)	A (8.6)	A (8.5)	A (7.9)	A (8.6)	A (8.5)
Southbound Horse Church Road	C (16.4)	C (19.6)	C (15.7)	B (14.8)	C (20.6)	C (15.7)

¹⁴ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

¹⁵ The TIS recommends the installation of a roundabout at the intersection of Delaware Route 54 & Old Racetrack Road. Horse Church Road would be eliminated between Old Racetrack Road and Delaware Route 54 due to its close proximity to the roundabout at Old Racetrack Road. Traffic that formerly used this section of road would use the proposed roundabout and would be redistributed accordingly.

Table 13
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Unsignalized Intersection ¹⁶ Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & Saint George Road						
2003/2004 Existing (Case 1)						
Eastbound Delaware Route 54 - Left	A (7.5)	A (7.7)	A (7.6)	A (7.5)	A (7.8)	A (7.6)
Southbound Saint George Road	B (10.2)	B (11.4)	B (10.9)	B (10.2)	B (11.5)	B (10.9)
2020 without Wild Pine Country Club (Case 2)						
Eastbound Delaware Route 54 - Left	A (7.8)	A (8.1)	A (8.0)	A (7.8)	A (8.1)	A (8.0)
Southbound Saint George Road	B (11.9)	B (14.4)	B (13.9)	B (12.1)	C (15.1)	B (13.9)
2020 with Wild Pine Country Club (Case 3)						
Eastbound Delaware Route 54 - Left	A (7.9)	A (8.8)	A (8.5)	A (7.9)	A (8.8)	A (8.5)
Southbound Saint George Road	C (15.3)	C (21.8)	C (19.7)	C (15.3)	C (22.3)	C (19.7)

¹⁶ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

Table 14
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Unsignalized Intersection ¹⁷ Two-Way Stop Control (T-intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & Waller Road						
2003/2004 Existing (Case 1)						
Westbound Delaware Route 54 - Left	A (8.0)	A (8.0)	A (7.8)	A (8.0)	A (8.0)	A (7.8)
Northbound Waller Road	B (11.0)	B (10.3)	B (10.0)	B (11.0)	B (10.3)	B (10.0)
2020 without Wild Pine Country Club (Case 2)						
Westbound Delaware Route 54 - Left	A (8.3)	A (8.4)	A (8.2)	A (8.3)	A (8.4)	A (8.2)
Northbound Waller Road	B (12.0)	B (11.9)	B (11.3)	B (12.0)	B (11.9)	B (11.6)
2020 with Wild Pine Country Club (Case 3)						
Westbound Delaware Route 54 - Left	A (9.0)	A (9.1)	A (8.9)	A (9.0)	A (9.1)	A (8.9)
Northbound Waller Road	C (16.8)	B (14.8)	B (14.7)	C (16.8)	B (14.8)	B (14.7)

¹⁷ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

Table 15
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Signalized Intersection ¹⁸	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & Bi-State Boulevard						
2003/2004 Existing (Case 1)	B (0.61)	B (0.62)	B (0.51)	B (0.61)	B (0.53)	B (0.48)
2020 without Wild Pine Country Club (Case 2)	B (0.69)	B (0.73)	B (0.65)	C (0.69)	C (0.70)	C (0.62)
2020 with Wild Pine Country Club (Case 3)	C (0.87)	C (0.92)	B (0.76)	C (0.87)	C (0.83)	C (0.78)

¹⁸ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

Table 16
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Signalized Intersection ¹⁹	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Saturday Mid	Weekday AM	Weekday PM	Saturday Mid
Delaware Route 54 & US Route 13						
2003/2004 Existing (Case 1)	D (0.71)	D (0.77)	D (0.87)	D (0.66)	D (0.72)	E (0.85)
2020 without Wild Pine Country Club (Case 2)	D (0.87)	F (1.02)	F (1.22)	D (0.92)	E (0.96)	F (1.20)
2020 without Wild Pine Country Club (Case 2B) ²⁰	NA	NA	NA	F (1.11)	F (1.23)	F (1.22)
2020 with Wild Pine Country Club (Case 3)	D (0.92)	F (1.10)	F (1.30)	E (0.92)	F (1.05)	F (1.31)
2020 with Wild Pine Country Club (Case 4) ²⁰	NA	NA	NA	F (1.14)	F (1.26)	F (1.33)
2020 with Wild Pine Country Club (Case 4) With Improvement Option 1 ^{20,21}	NA	NA	NA	F (1.08)	F (1.18)	F (1.14)
2020 with Wild Pine Country Club (Case 4) With Improvement Option 2 ^{20,22}	NA	NA	NA	D (0.84)	D (0.94)	D (0.93)

¹⁹ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

²⁰ Case 2B and Case 4 incorporate alternative traffic volumes that reflect an average of separate traffic counts performed for multiple traffic impact studies as well as a consistent set of common committed developments including Delmar Commons, Yorkshire Estates, Heron Pond, and Stillwater. Both the Case 2B and Case 4 volumes include traffic assigned to this intersection as generated by the Roam Chesapeake Reserve development scheduled to be complete in 2010. The Case 4 volumes also include traffic assigned to this intersection as generated by the proposed Wild Pine Country Club development. It should be noted that for the Saturday peak, Case 2B and Case 4 westbound right-turn and southbound through volumes are slightly lower than Case 1 volumes due to variations in traffic counts for this development compared to the average of multiple traffic counts. This is also true for the Saturday peak Case 2B eastbound left-turn volume. DeIDOT was made aware of this and have approved the Case 2B and Case 4 volumes.

²¹ Improvement Option 1 includes reconfiguring the eastbound and westbound approaches to each include one exclusive left-turn lane, one through lane and one shared through/right-turn. It also includes a second exclusive left-turn lane on the northbound US Route 13 approach. Additionally, these improvements include roadway widening on both the east and west sides of the intersection to accommodate the second through lanes (and the double left-turn lane from the northbound approach).

²² Improvement Option 2 includes the addition of a third through lane to both northbound and southbound US Route 13 as well as a second exclusive left-turn lane to the northbound approach. It also includes reconfiguring the eastbound and westbound approaches to each include two exclusive left-turn lanes, one through lane and one shared through/right-turn lane.

Table 17
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Unsignalized Intersection ²³ Two-Way Stop Control (T-intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Providence Church Road & Susan Beach Road				
2003/2004 Existing (Case 1)				
Westbound Providence Church Road	A (8.5) ²⁴	A (8.8)	A (8.8)	A (8.8)
Southbound Susan Beach Road - Left	A (7.4)	A (7.4)	A (7.5)	A (7.4)
2020 without Wild Pine Country Club (Case 2)				
Westbound Providence Church Road	A (8.7)	A (8.7)	A (8.9)	A (8.9)
Southbound Susan Beach Road - Left	A (7.5)	A (7.4)	A (7.6)	A (7.4)
2020 with Wild Pine Country Club (Case 3)				
Westbound Providence Church Road	A (9.3)	A (9.1)	A (9.3)	A (9.1)
Southbound Susan Beach Road - Left	A (7.6)	A (7.5)	A (7.6)	A (7.5)

²³ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

²⁴ The TIS used an incorrect volume for the northbound through movement for the existing conditions AM peak hour analysis.

Table 18
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

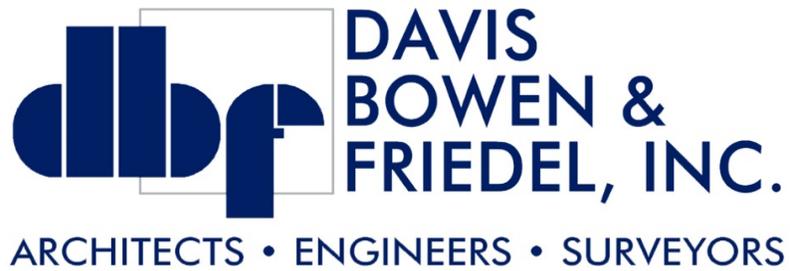
Unsignalized Intersection ²⁵ Two-Way Stop Control (T-intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
West Line Road & Providence Church Road / North Jersey Road				
2003/2004 Existing (Case 1)				
Westbound West Line Road	A (9.3)	A (9.2)	A (9.3)	A (9.2)
Southbound Providence Church Road - Left	A (7.3)	A (7.4)	A (7.3)	A (7.4)
2020 without Wild Pine Country Club (Case 2)				
Westbound West Line Road	A (9.1)	A (9.2)	A (9.4)	A (9.3)
Southbound Providence Church Road - Left	A (7.2)	A (7.4)	A (7.3)	A (7.4)
2020 with Wild Pine Country Club (Case 3)				
Westbound West Line Road	B (10.5)	B (10.0)	B (10.5)	B (10.0)
Southbound Providence Church Road - Left	A (7.4)	A (7.6)	A (7.4)	A (7.6)

²⁵ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.

Table 19
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Wild Pine Country Club
Report dated July 26, 2006
Prepared by Orth-Rodgers and Associates, Inc.

Unsignalized Intersection ²⁶ Two-Way Stop Control (T-intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
West Line Road & Old Racetrack Road				
2003/2004 Existing (Case 1)				
Eastbound West Line Road - Left	A (7.4)	A (7.2)	A (7.4)	A (7.2)
Southbound Old Racetrack Road	A (8.5)	A (8.5)	A (8.5)	A (8.5)
2020 without Wild Pine Country Club (Case 2)				
Eastbound West Line Road - Left	A (7.4)	A (7.2)	A (7.4)	A (7.2)
Southbound Old Racetrack Road	A (8.5)	A (8.5)	A (8.6)	A (8.5)
2020 with Wild Pine Country Club (Case 3)				
Eastbound West Line Road - Left	A (7.5)	A (7.4)	A (7.5)	A (7.4)
Southbound Old Racetrack Road	A (8.7)	A (9.1)	A (8.7)	A (9.1)

²⁶ For unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, those numbers are X-critical, a composite volume-to-capacity ratio.



Sussex County Comprehensive Plan Amendment

November 18, 2021 Planning & Zoning Meeting

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A. Presentation Outline

Exhibits

1. Maps

- a. 2002 Aerial
- b. 2020 Aerial
- c. 2008 Future Land Use Map
- d. 2045 Future Land Use Map
- e. Delmar Future Land Use Map
- f. Delmar and County Zoning Map
- g. Environmental Conditions Map
- h. Sewer Service Territories
- i. Water Service Territories
- j. Roadway Functional Classification Map
- k. Local Employment Center
- l. Regional Employment Center
- m. Higher Education Facilities
- n. Regional Healthcare Facilities

A

Presentation Outline

A. Land Use & Zoning

1. The properties were located within the Developing Area according to the 2008 Future Land Use Map.
2. The properties are located within the Existing Development Area or Low Density Area according to the 2045 Future Land Use Map.
3. The properties are zoned General Residential, Agricultural Residential or Commercial.
4. The Owner of the property is Double H. Properties 2, LLC or Blackwater Showfield, LLC
5. The properties are located in the Level 4 Area of the 2020 State Strategies Map.

B. Land Utilization

1. The total acreage of the properties is 895.35 acres of land.
2. The properties have frontage along state-maintained roadways.

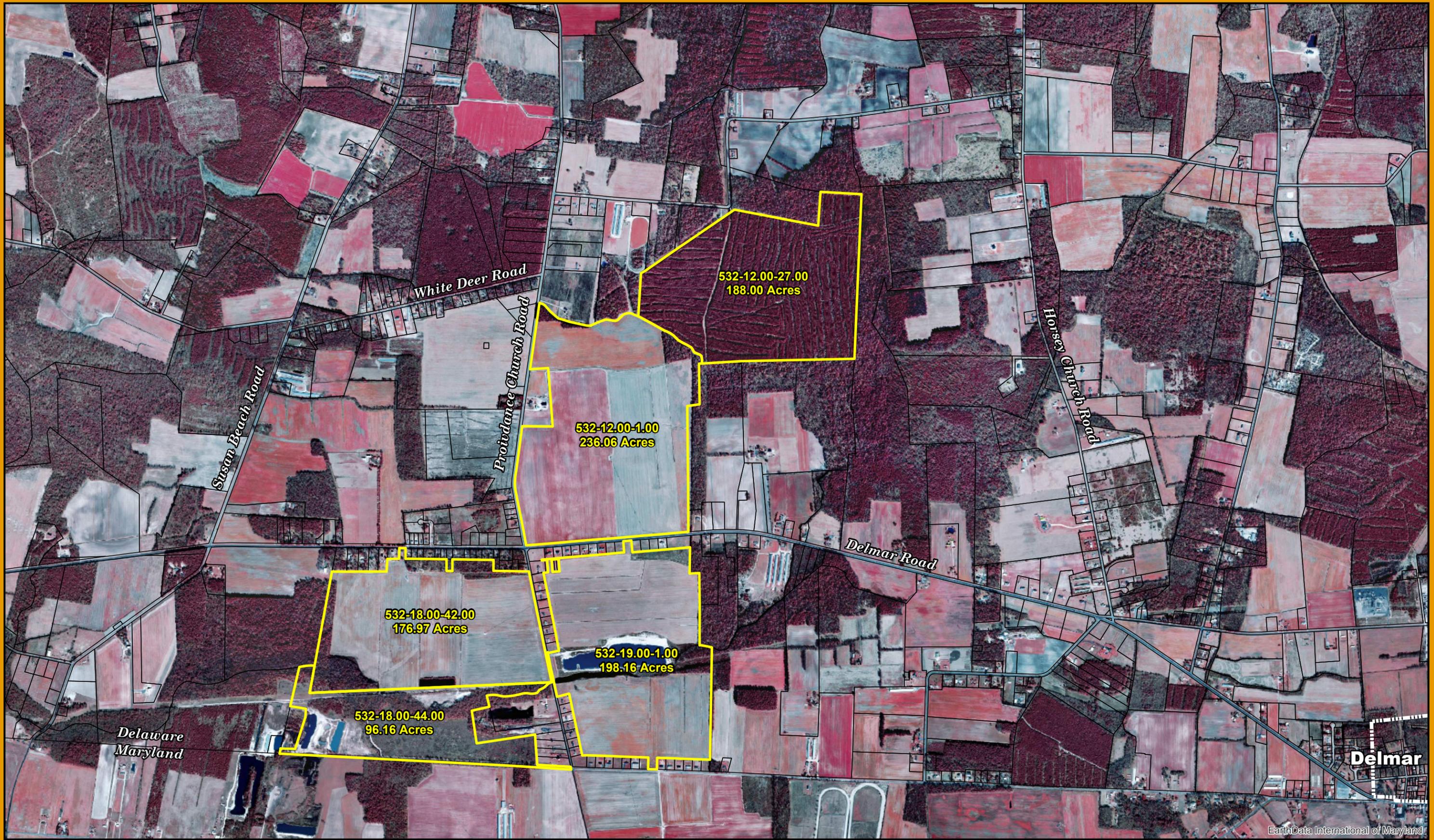
C. Traffic

1. Road classifications within the request area are Local Roads and Minor Collector Roads.

D. Civil Engineering

1. The properties are located within the Tidewater Utilities, Inc. CPCN for water.
2. The properties are located within the Tidewater Environmental Services, Inc. CPCN for sewer and applicant is aware of the pending sale to Artesian Wastewater, Inc.

Exhibit 1



EarthData International of Maryland



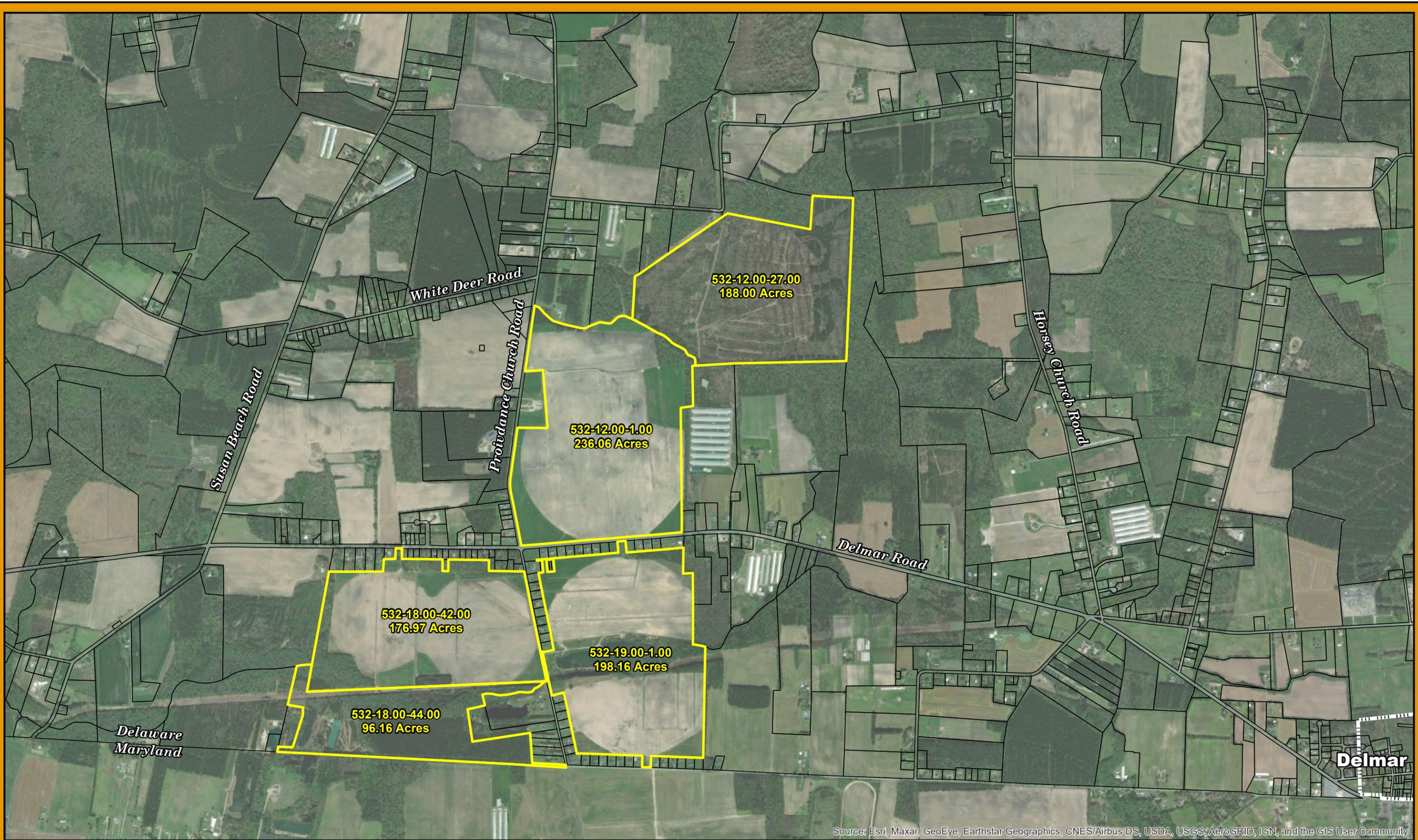
November 2021

Spring 2002
Aerial Photo

2002 Aerial Photo
Double H Properties, LLC.
Near Delmar, Sussex County, Delaware

0 1,500 3,000
Feet





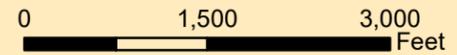
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



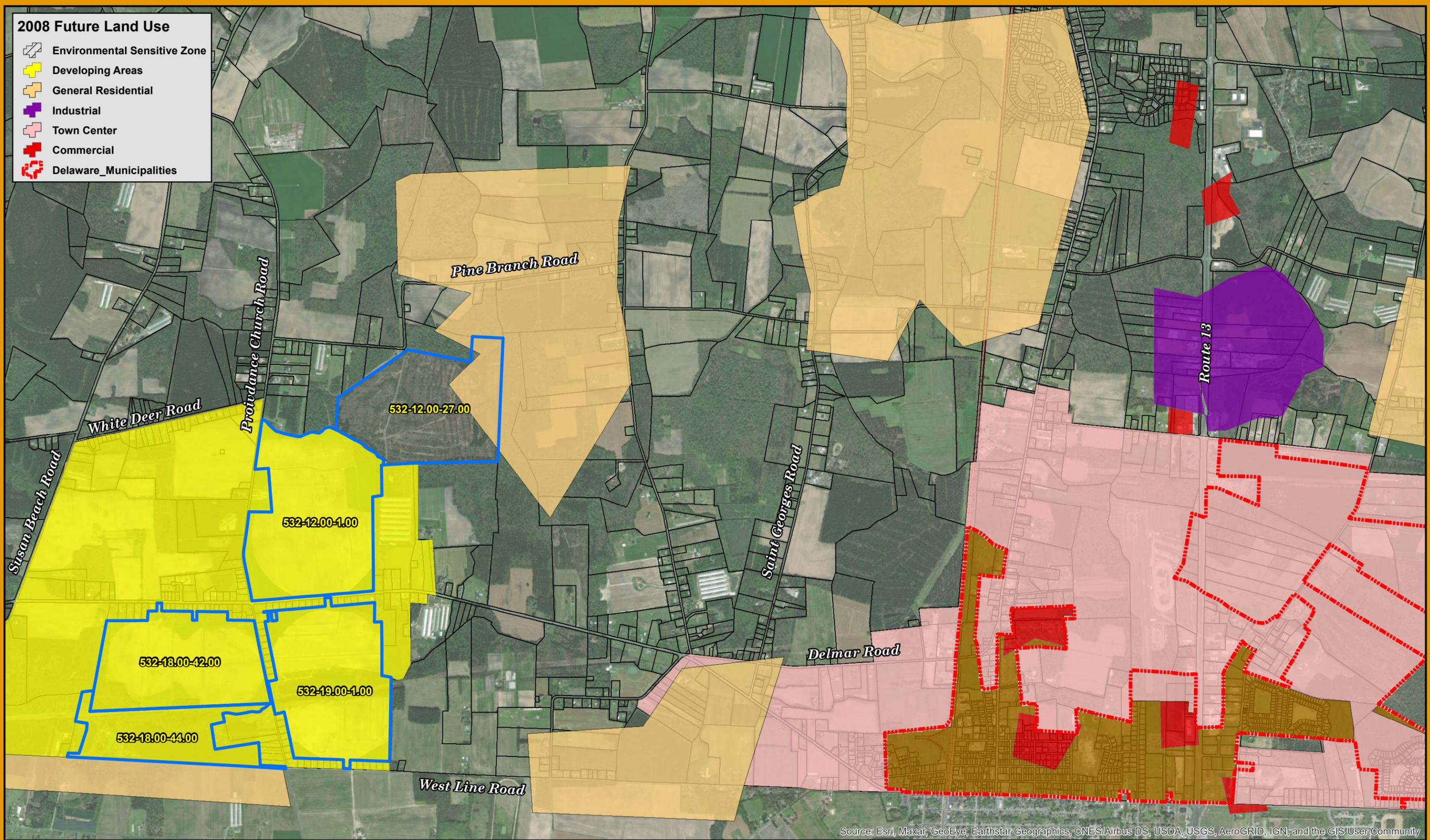
November 2021

Summer 2020
Aerial Photo

Current Aerial Photo
Double H Properties, LLC.
Near Delmar, Sussex County, Delaware



- 2008 Future Land Use**
-  Environmental Sensitive Zone
 -  Developing Areas
 -  General Residential
 -  Industrial
 -  Town Center
 -  Commercial
 -  Delaware_Municipalities



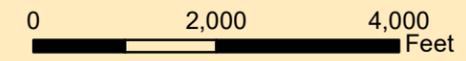
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



November 2021

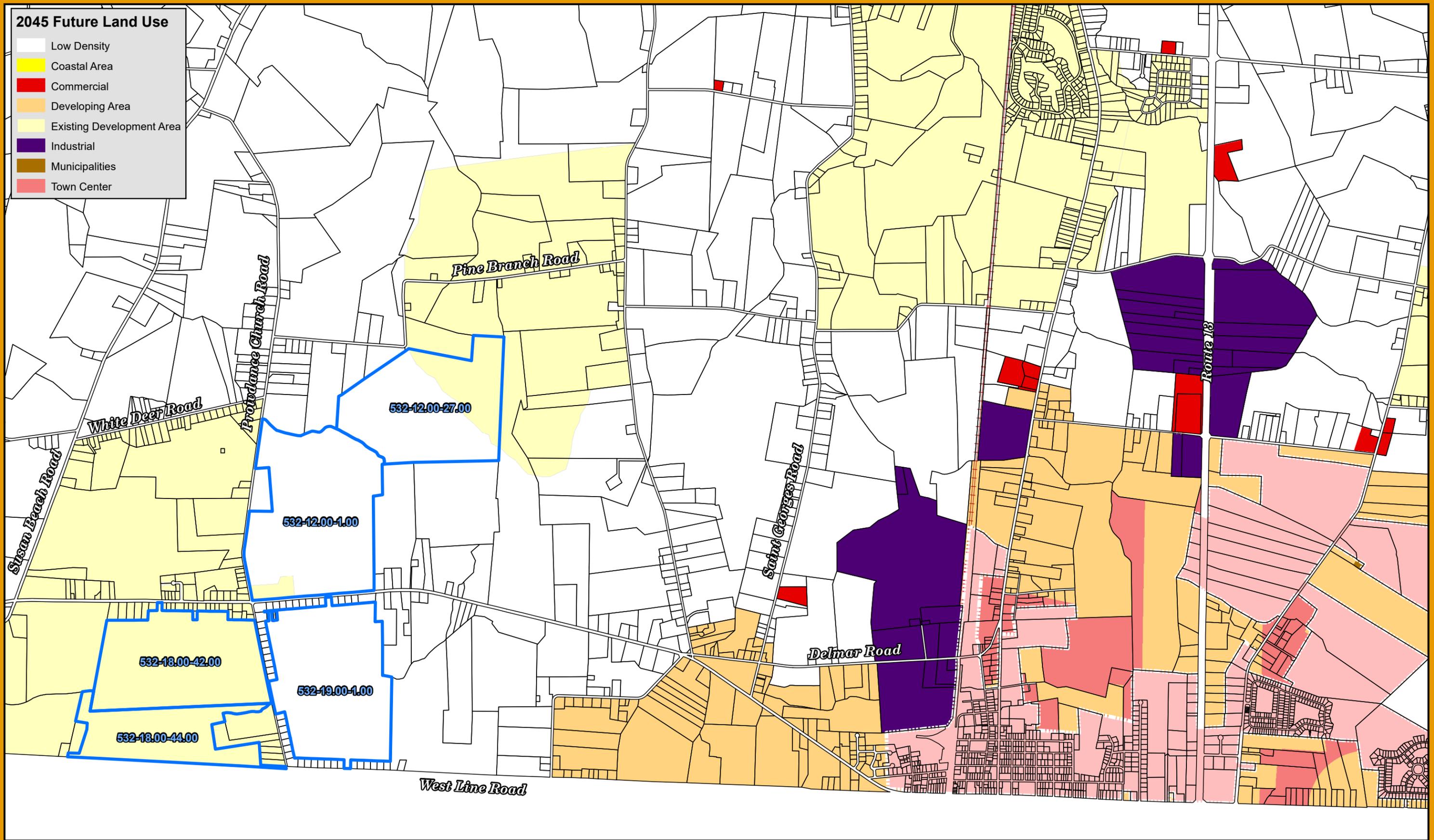
Summer 2020
Aerial Photo

County 2008 Future Land Use
Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware

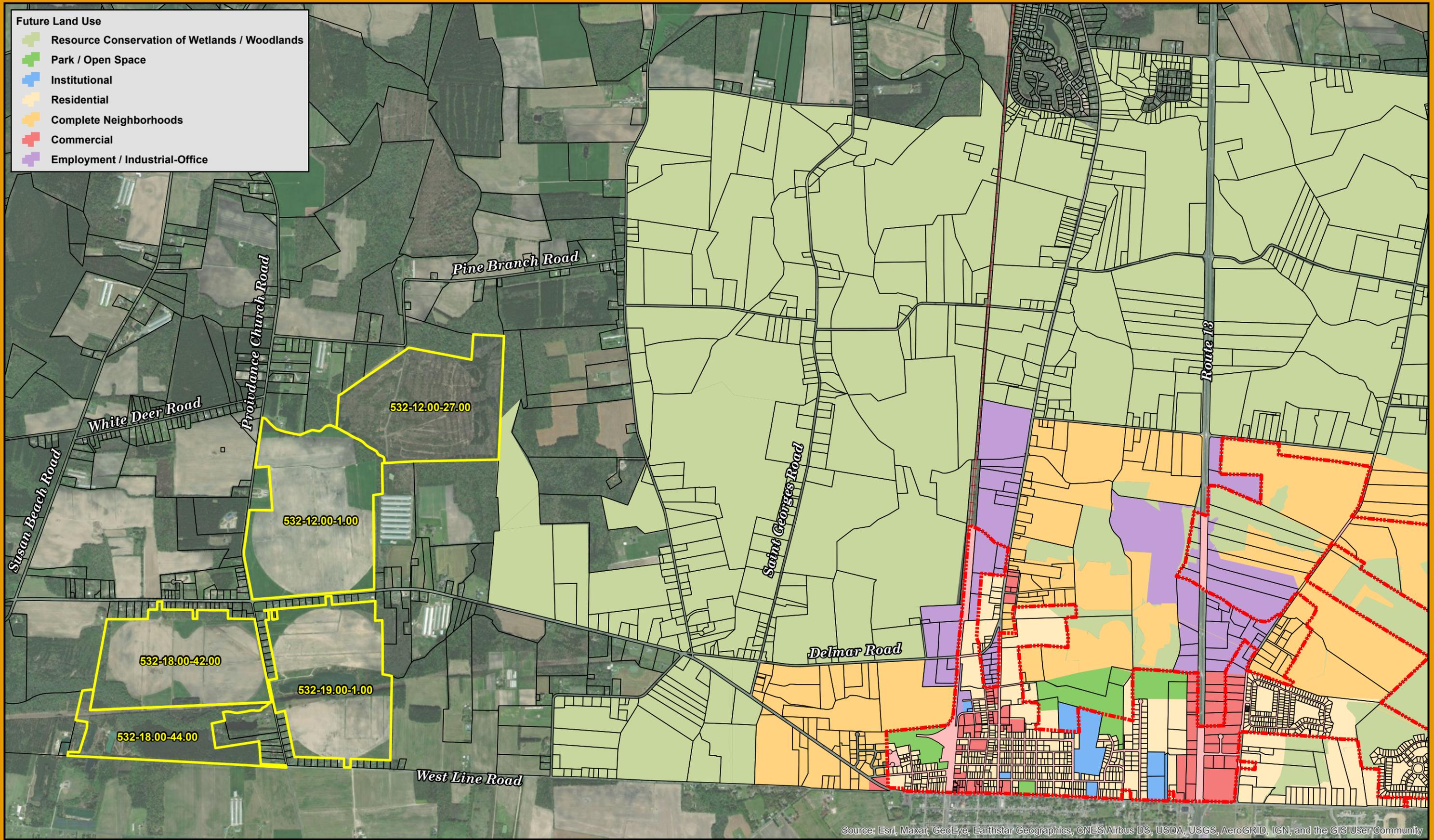


2045 Future Land Use

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



- Future Land Use**
- Resource Conservation of Wetlands / Woodlands
 - Park / Open Space
 - Institutional
 - Residential
 - Complete Neighborhoods
 - Commercial
 - Employment / Industrial-Office

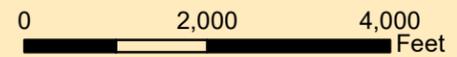


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Summer 2020
Aerial Photo

Delmar Future Land Use
Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware

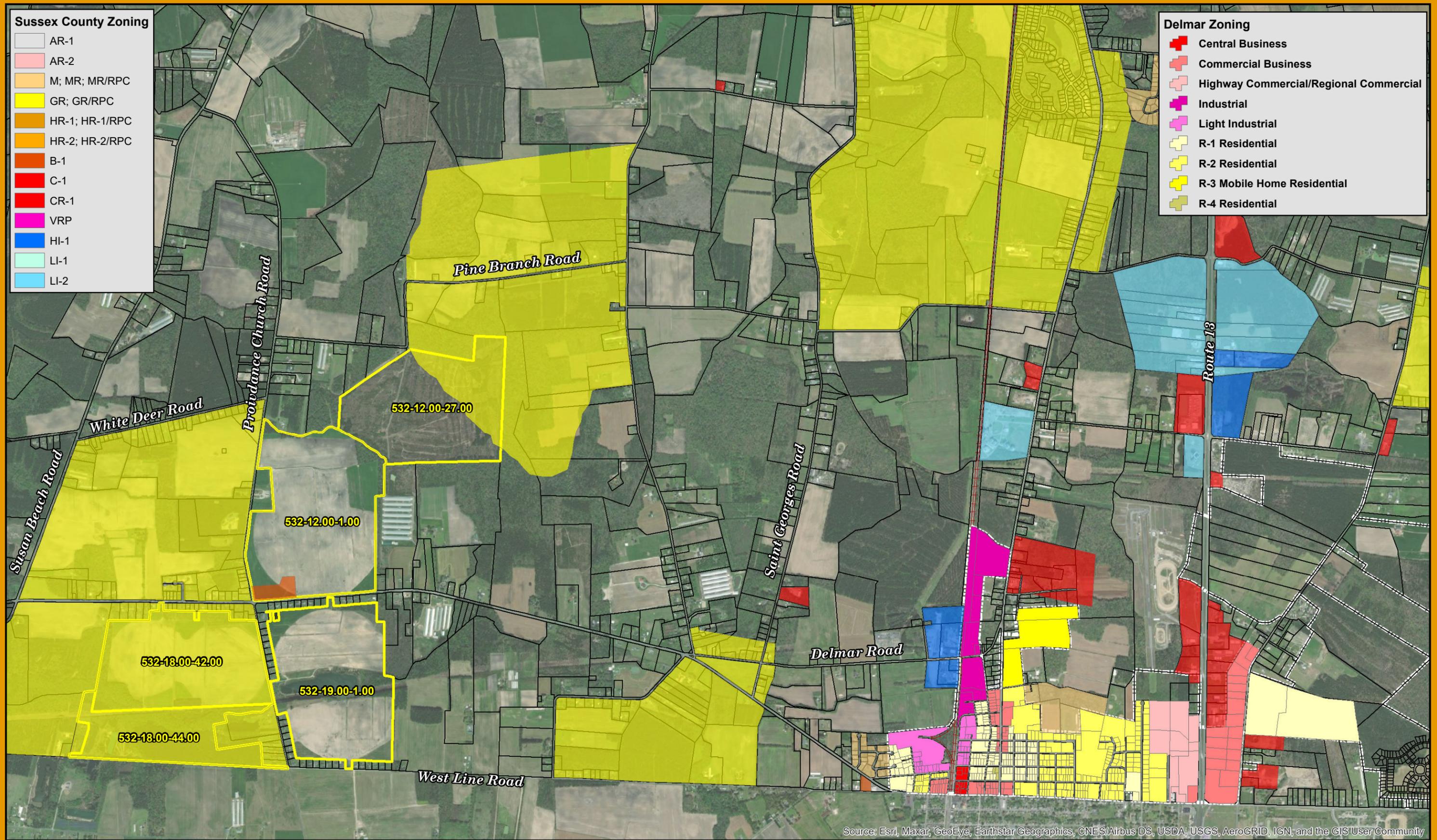


Sussex County Zoning

- AR-1
- AR-2
- M; MR; MR/RPC
- GR; GR/RPC
- HR-1; HR-1/RPC
- HR-2; HR-2/RPC
- B-1
- C-1
- CR-1
- VRP
- HI-1
- LI-1
- LI-2

Delmar Zoning

- Central Business
- Commercial Business
- Highway Commercial/Regional Commercial
- Industrial
- Light Industrial
- R-1 Residential
- R-2 Residential
- R-3 Mobile Home Residential
- R-4 Residential



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

November 2021

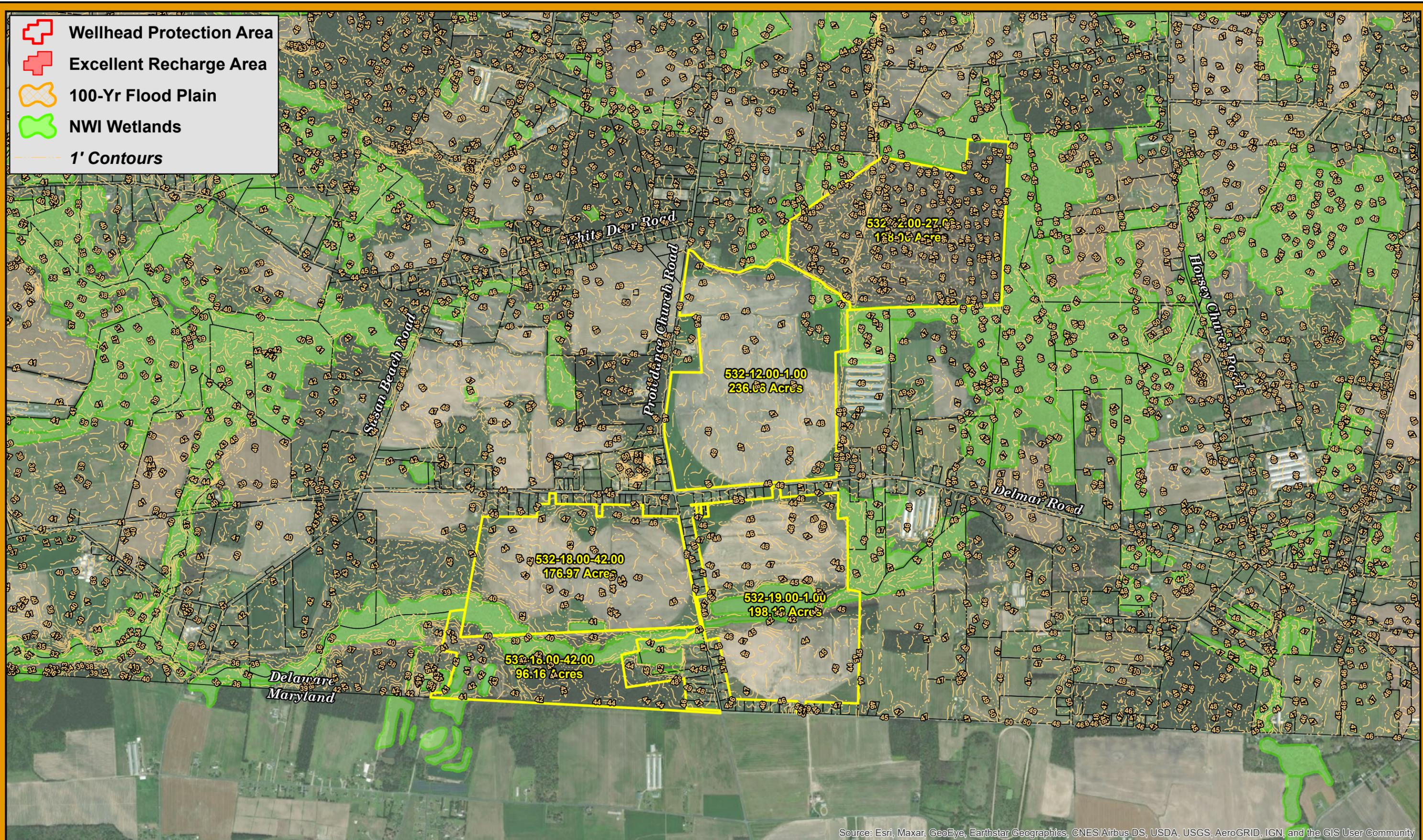
Summer 2020
Aerial Photo

Delmar & County Zoning Map
Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware



DAVIS BOWEN & FRIEDEL, INC.
 ARCHITECTS - ENGINEERS - SURVEYORS

-  Wellhead Protection Area
-  Excellent Recharge Area
-  100-Yr Flood Plain
-  NWI Wetlands
-  1' Contours



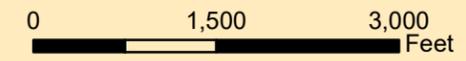
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



November 2021
 Summer 2020
 Aerial Photo

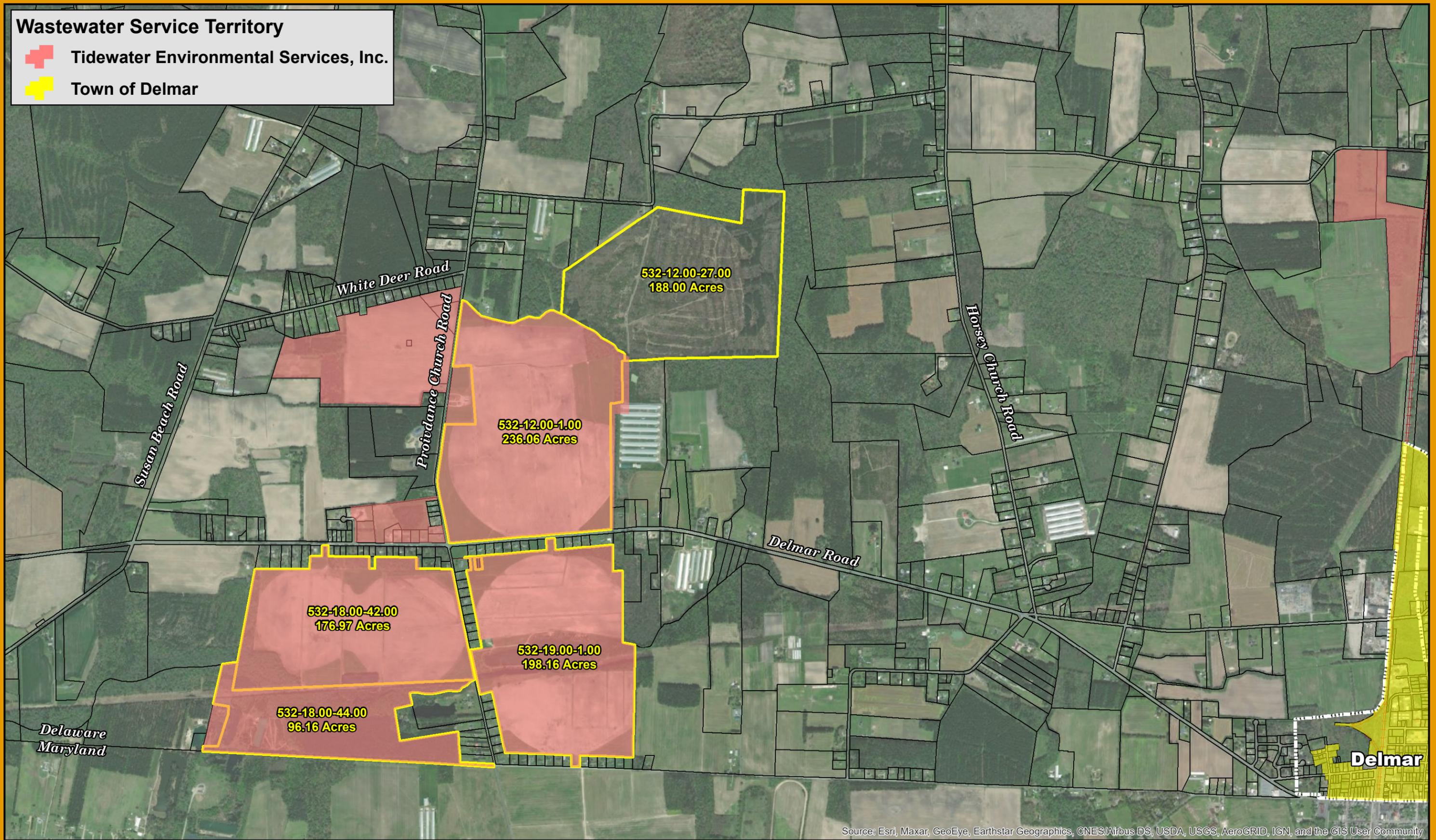
Environmental Conditions Map

Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware



Wastewater Service Territory

-  Tidewater Environmental Services, Inc.
-  Town of Delmar



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Summer 2020
Aerial Photo

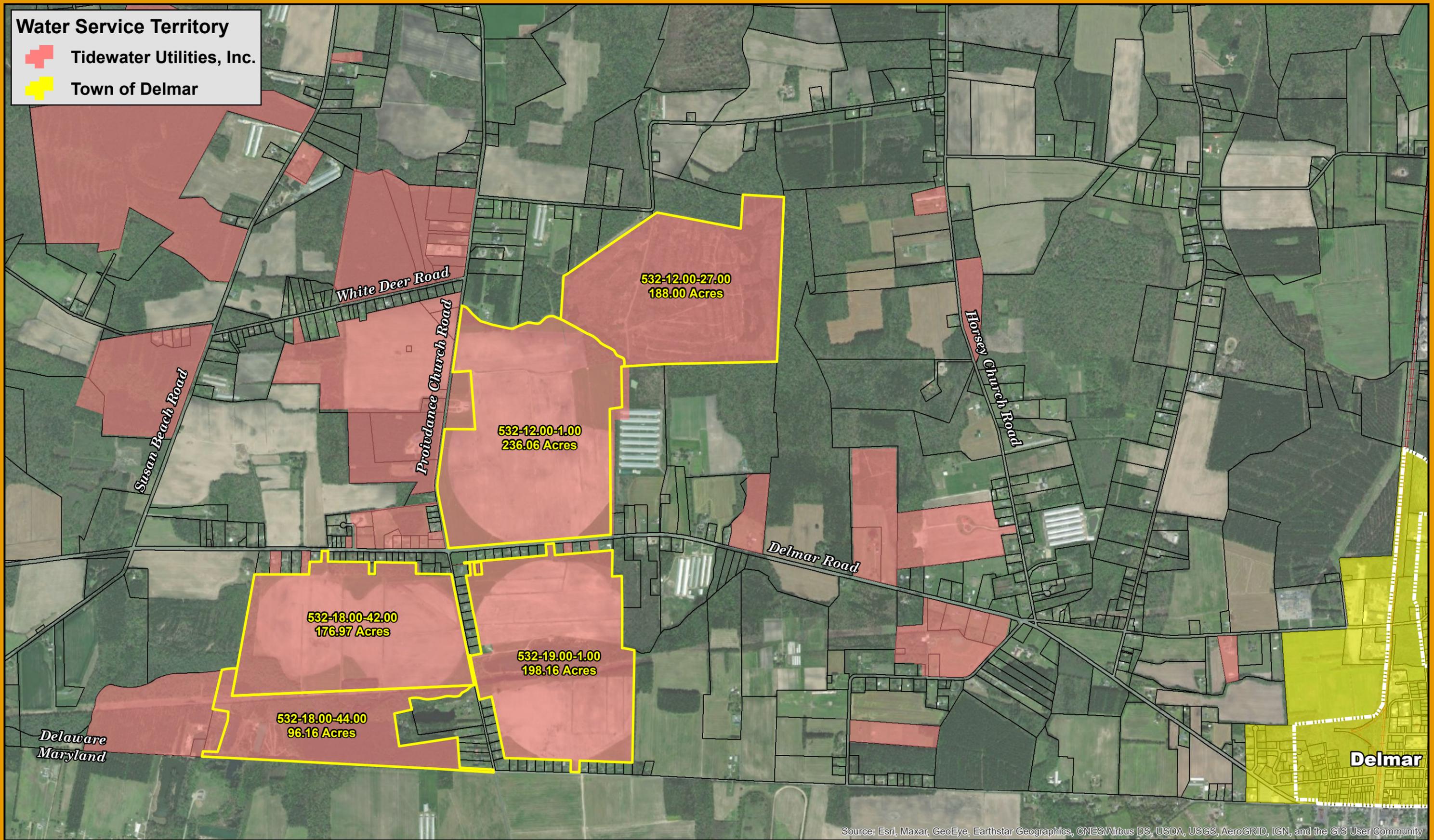
Sewer Service Territories (CPCN Areas)

Double H Properties, LLC.
Near Delmar, Sussex County, Delaware



Water Service Territory

-  Tidewater Utilities, Inc.
-  Town of Delmar



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



November 2021

Summer 2020
Aerial Photo

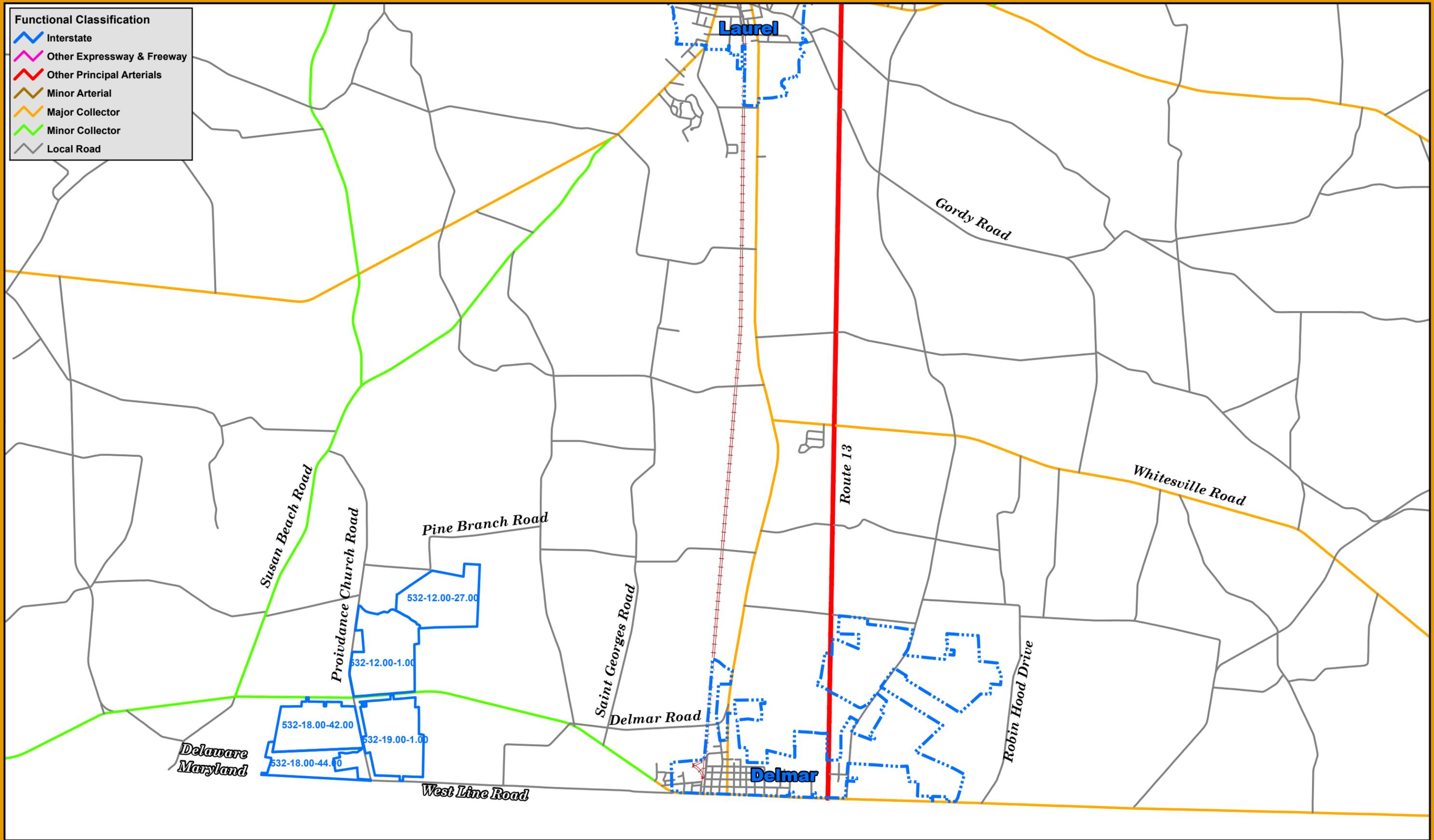
Water Service Territories (CPCN Areas)

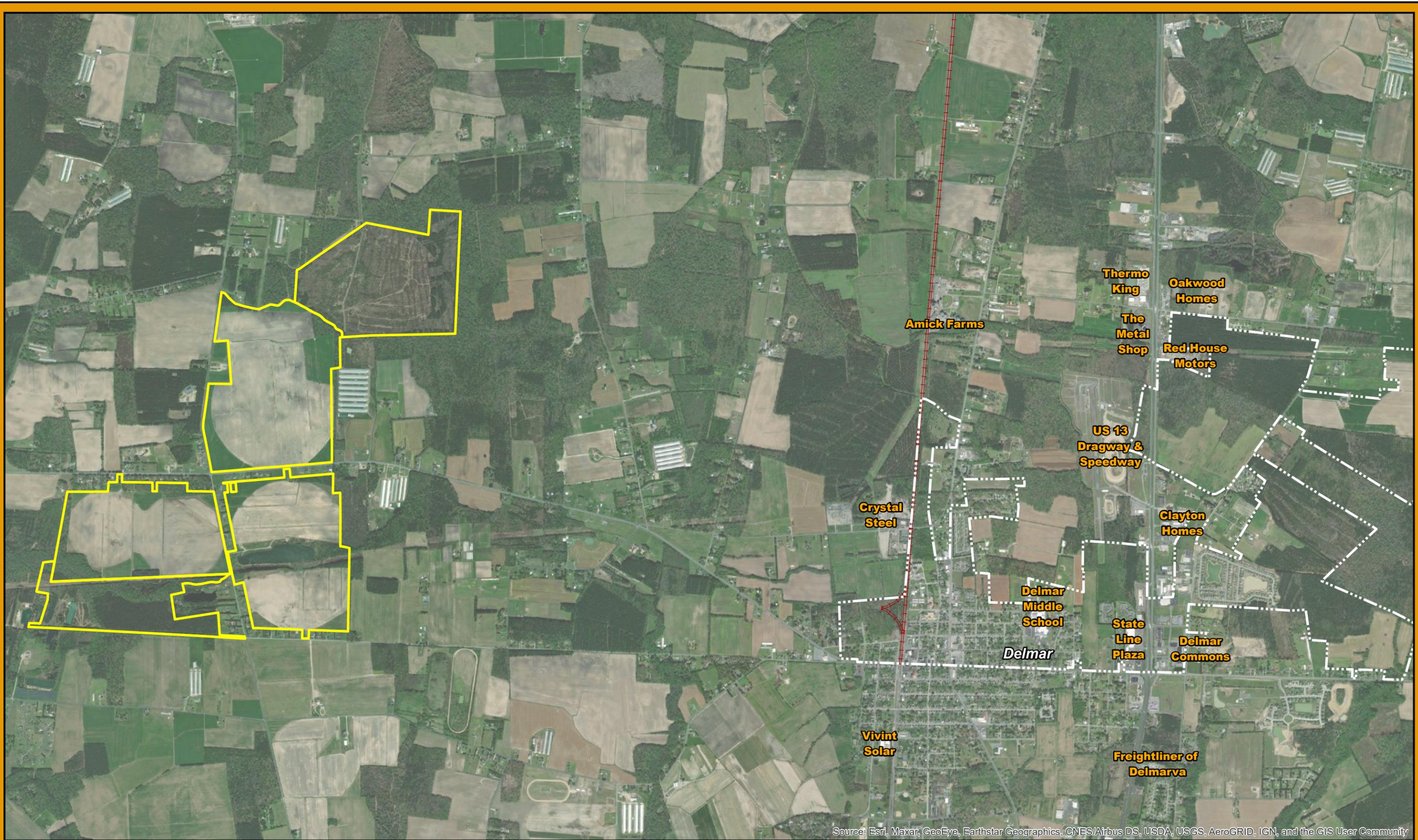
Double H Properties, LLC.
Near Delmar, Sussex County, Delaware



Functional Classification

-  Interstate
-  Other Expressway & Freeway
-  Other Principal Arterials
-  Minor Arterial
-  Major Collector
-  Minor Collector
-  Local Road





Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

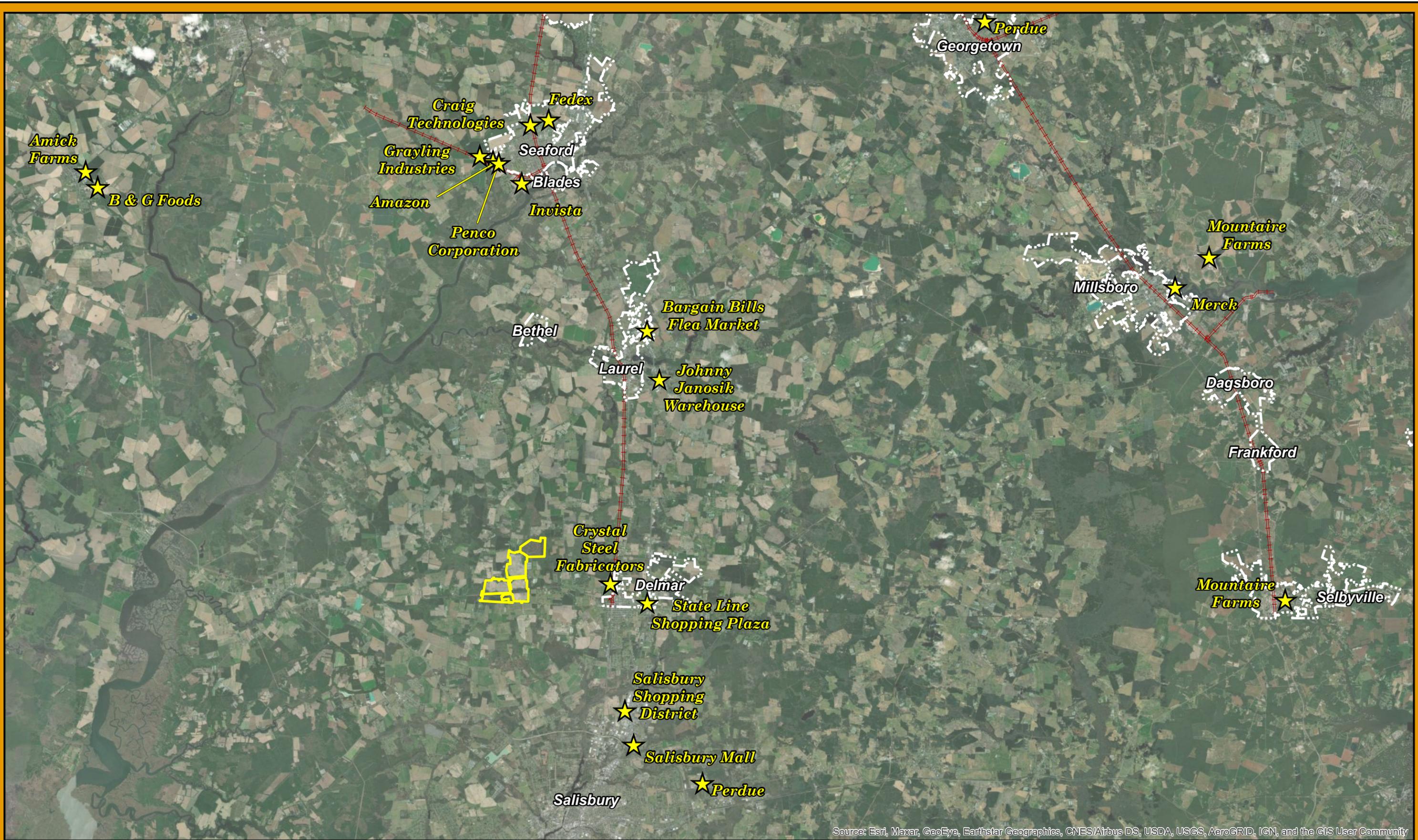


November 2021

**Summer 2020
Aerial Photo**

Local Employment Centers
Double H Properties, LLC.
Near Delmar, Sussex County, Delaware



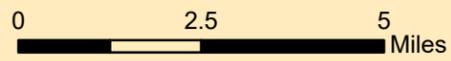


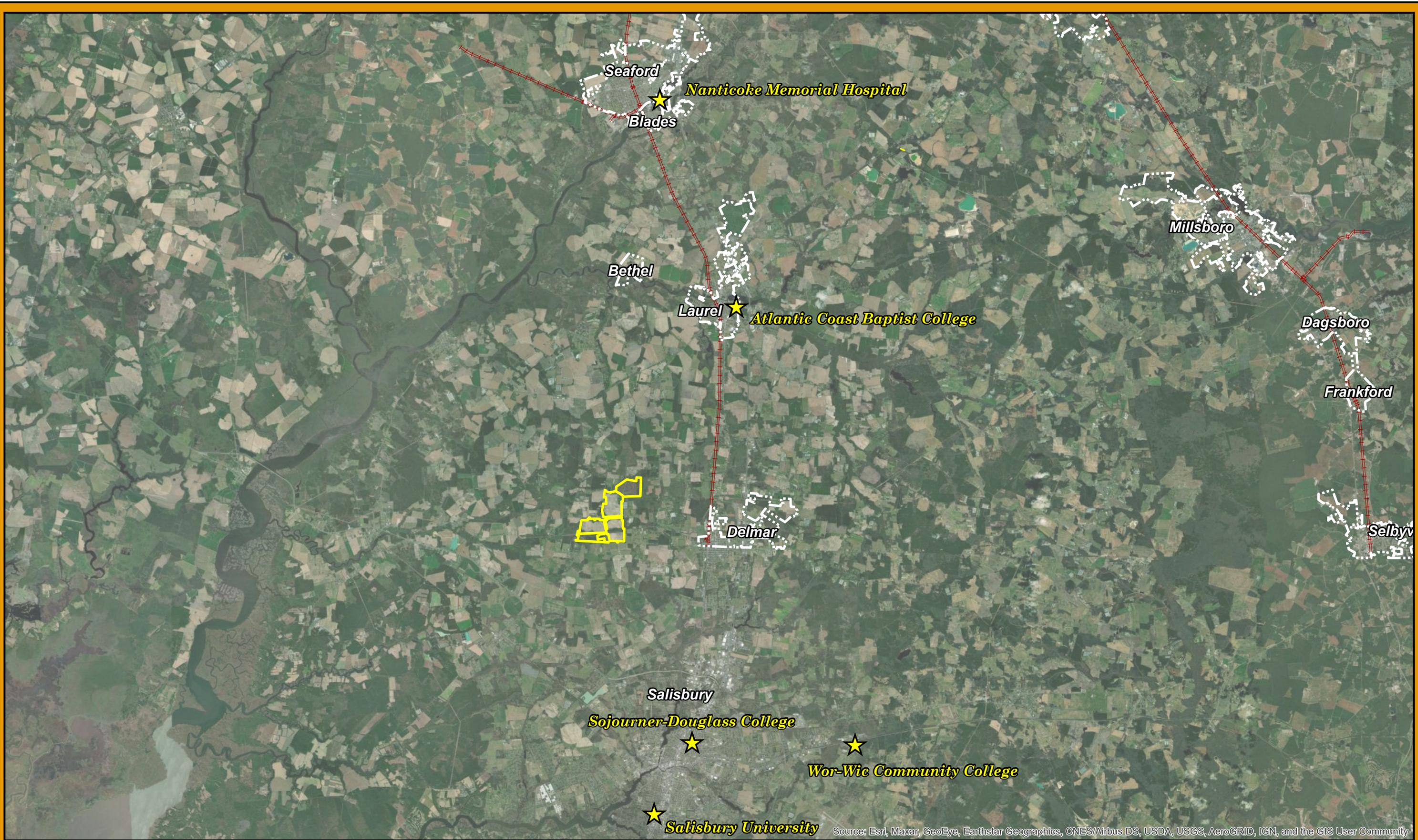
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



November 2021
**Summer 2020
 Aerial Photo**

Regional Employment Centers
Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware





Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

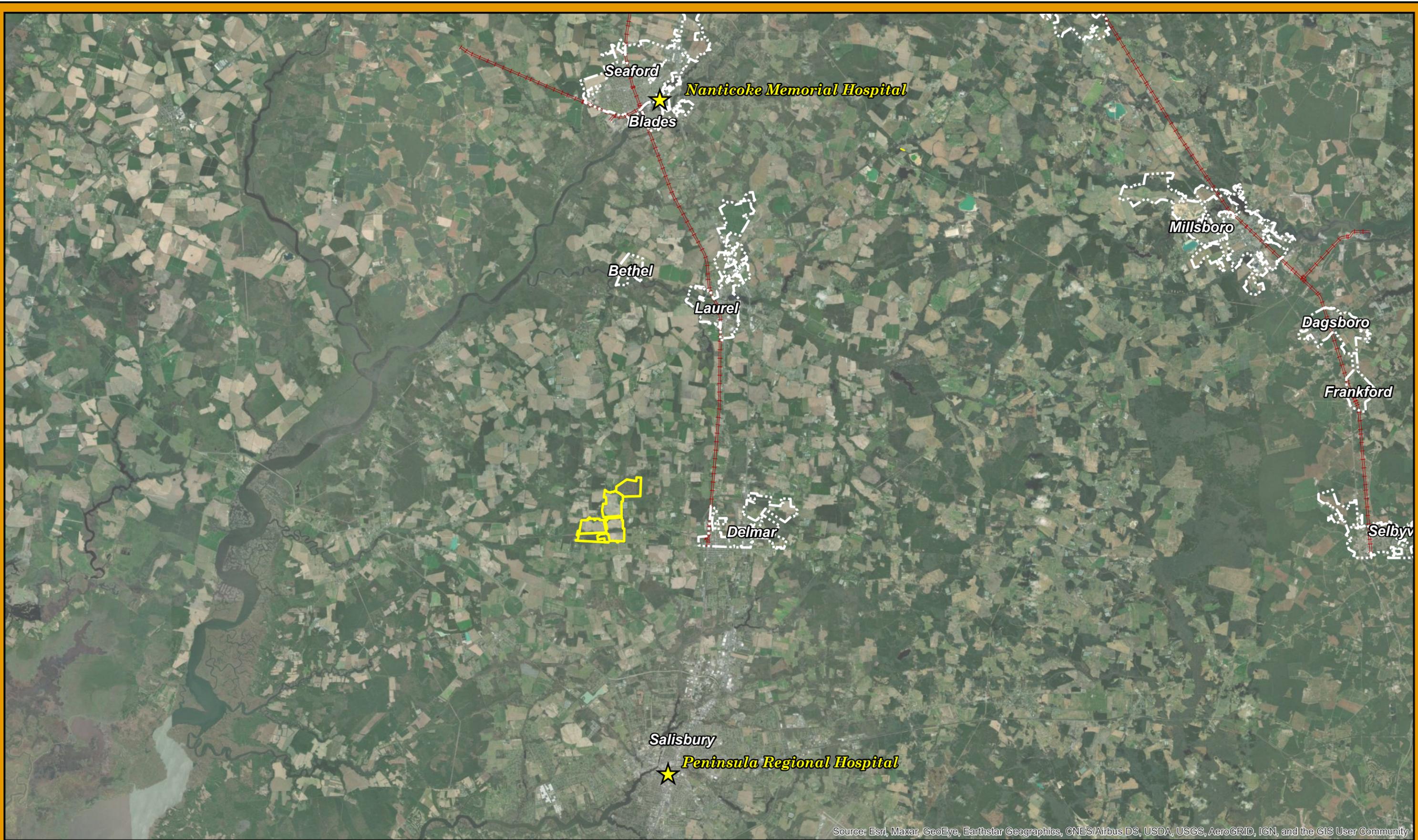


Summer 2020
Aerial Photo

Higher Education Facilities

Double H Properties, LLC.
Near Delmar, Sussex County, Delaware





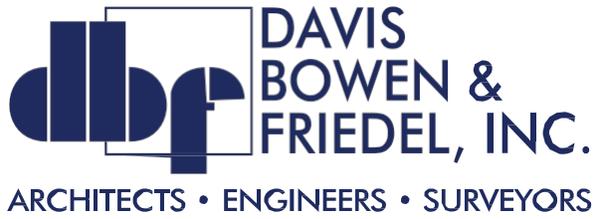
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Summer 2020
Aerial Photo

Regional Healthcare Facilities
Double H Properties, LLC.
 Near Delmar, Sussex County, Delaware





1 Park Avenue
Milford, DE 19963
(302) 424-1441

601 E. Main Street
Suite 100
Salisbury, MD 21804
(410) 543-9091

106 Washington Street
Easton, MD 21601
(410) 770-4744

www.dbfinc.com

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-23.00-2.02 (PORTION OF), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, AND 235-23.00-2.01

WHEREAS, on February 25, 2021, the Sussex County Planning and Zoning Office received a request to consider an amendment to the Future Land Use Map identified as Figure 4.5-1 in the Comprehensive Plan in relation to Tax Parcel No. 235-23.00-2.02 (Portion of), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, and 235-23.00-2.01 (the “Property”); and

WHEREAS, the Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan; and the request received is to amend the Area designation of the Property to the Coastal Area; and

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation part of Sussex County Parcel. No. 235-23.00-2.02 (Portion of), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, and 235-23.00-2.01 from the Low Density Area to the Coastal Area. The parcels so changed are identified in Exhibit A, attached hereto and incorporated herein.

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



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

July 22, 2021

Jamie Whitehouse, AICP
Director, Department of Planning & Zoning
Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: PLUS review 2021-06-12; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would amend the Future Land Use Map for 2 parcels from the Low Density Area to the Coastal Area.

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

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

Parcel 235-23.00-1.00 has been seen through PLUS on several occasions for both residential and commercial use. These projects were active during the Sussex County Comprehensive Plan and the 2020 Strategies for State Policies and Spending in which Sussex County was involved and commented. This parcel is within a Level 4 area according to the 2020 Strategies for State Policies and Spending and low density in the SC plan for several reasons including, but not limited to:

- Parcel 1.00 is subject to the Corridor Capacity Preservation program
- These properties border Out of Play land such as the Cedar Trees Farm District.
- There are significant environmental features contiguous to this site plan including tidal wetlands.
- These parcels are not close to public services such as water, sewer, police, fire, and schools.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

These parcels consist of approximately 415 acres that would be amended from Low density to Coastal area. Amending the comp plan to designate these parcels as coastal would open up a large number of options for the zoning of this property. In the low density area the owners are allowed a maximum of 2 units per acre where in the Coastal are the density could go as high as 12 units per acre and could allow heavy commercial uses. These uses would be away from public utilities and services.

The Sussex County certification letter dated April 1, 2019 stated the Sussex County comprehensive plan was certified, provided no major changes are enacted. It is the opinion of the Office of State Planning that this change would constitute a major change to the currently certified comprehensive plan and this office, for the reasons stated in this letter, objects to the comprehensive plan amendment.

29 Delaware Code §9103(d) states:

Should the Office of State Planning Coordination make objection to any proposed comprehensive plan or amendments or revisions thereto, then the Office of State Planning Coordination shall immediately enter into negotiation with the county or municipality in an attempt to solicit agreement and resolution. Any agreements reached during these negotiations shall be incorporated into the public record and considered by the governing body prior to final action on the comprehensive plan. If the Office of State Planning Coordination and the county or municipality fail to reach agreement after a period of 45 days, the Office of State Planning Coordination shall report the extent of agreement and areas of continued disagreement to the Cabinet Committee on State Planning Issues for dispute resolution.

This letter serves as our intent to begin the 45 day negotiation period. We will contact the County in the coming days to set up a meeting to discuss our objections and determine the ability to reach an agreement.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- This amendment would facilitate developments known collectively Overbrook Meadows or successors thereto. In September 2014, DelDOT provided comments on a Traffic Impact Study for a commercial development, Overbrook Town Center, which Overbrook Meadows later replaced. Copies of those comments are available at https://deldot.gov/Business/subdivisions/index.shtml?dc=Traffic_Studies
- DelDOT is presently developing plans for a Grade Separated Intersection at this location. Information on that effort is available at <https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T201912201>

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

- DNREC reviewers are not in support of this change due to the parcels lying within areas designated as Out of Play and Level 4 by the Delaware Strategies for State Policies and Spending. In addition, these parcels contain environmental features that are inconsistent with more intensive development. In Low Density areas, a maximum of 2 units per acre are allowed; in the Coastal Areas, up to 12 units per acre are allowed, in addition to heavy commercial uses.
- An analysis of historical data indicates that the northern portion of parcel 235-23.00-2.02 and the small, forested portion on the northern edge of parcel 235-23.00-1.00 have likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.
- Groundwater Recharge Areas are located on parcels 235-23.00-1.00 and 235-23.00-2.02. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.
- Freshwater and marine wetlands are present on the northern half of parcel 235-23.00-2.02 and lie within the Great Marsh Natural Area and the Delaware Ecological Network. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware. The Delaware Ecological Network consists of lands having significant ecological value. Forest disturbances in these areas will jeopardize habitat on the parcel and possibly beyond the parcel's boundary.
- There is an active Bald Eagle (*Haliaeetus leucocephalus*) nest within parcel 235-23.00-2.02. Bald eagles and their nests are protected under the federal Bald and Golden Eagle Protection Act (BGEPA). Additionally, the nest itself is protected by state law (7 Del. C. § 739).
- The following plants or animals are listed as State of Delaware rare, threatened, or endangered species, which have been documented within the project area.
 - The Broad-winged Hawk (*Buteo platypterus*) is a bird listed under State Rank S1B, State Status E, and SGCN Tier 1.
 - The Northern Harrier (*Circus cyaneus*) is a bird listed under State Rank S1B, State Status E, and SGCN Tier 1.
 - The Great Black-backed Gull (*Larus marinus*) is a bird listed under State Rank S1B and SGCN Tier 1.

- The Black-necked Stilt (*Himantopus mexicanus*) is a bird listed under State Rank S2B and SGCN Tier 1.

Please visit the following website for definitions on the specified State Rank, State Status, and SGCN Ranking:

<https://www.dnrec.delaware.gov/fw/NHESP/Documents/Status%20Ranks%20April%202013.pdf>

- The project lies within a zone that will be affected by mosquitoes due to its location near large expanses of freshwater and estuarine wetlands. Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands for mosquito control services beyond what DNREC has the resources to provide.

State Historic Preservation Office – Contact Carlton Hall 736-7400

Tax Parcel# 235-23.00-1.00

- Prehistoric archaeological potential is moderate throughout the parcel. The parcel is mostly well-drained soils, but it is just on the edge of favorable distance to a historic water source. There is one comparable site along another arm of Fisher Creek, next to the one that extends towards this parcel.
- Historic archaeological potential is low. No indication through historic maps or aerials that there were any structures etc. on the land, and adjacent parcels are vacant as well.

Tax Parcel# 235-23.00-2.02

- Prehistoric archaeological potential is low in northern half of the parcel due to poorly drained soils. However, there are higher points in the topography within favorable distance to one of the arms of Old Mill Creek and overlooking the marshland, which is highly favorable for prehistoric archaeological sites. The Delaware SHPO recommends a Phase I survey.
- Historic archaeological potential is high near the farmstead and there is potentially a cemetery there. There also appears to be another farmstead on the property east of the currently existing farmstead. The Delaware SHPO would highly recommend a survey of that area.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section

PLUS review 2021-06-12

Page 5 of 5

106 process please review the Advisory Council on Historic Preservation's website at:
www.achp.gov

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell". The signature is fluid and cursive, with a large initial "D" and a stylized "Edgell".

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

Future Land Use Map Amendment

SCTP No. 236-23.00-1.04,
235-23.00-1.30, 235-
23.00-2.00, 235-23.00-
2.01 & 235-23.00-2.02

David C. Hutt, Esquire
Morris James LLP

Public Hearings:

Planning Commission 11/18/2021

County Council 12/14/2021

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2. Sussex County Tax Maps
 - a. 2007 Future Land Use Plan
 - b. 2018 Future Land Use Plan Recommended by the Planning Commission
 - c. 2045 Future Land Use Plan Recommended by County Council
 - d. 2045 Future Land Use Plan Signed by the Governor
 - e. Zoning Map
 - f. Wetlands Map
 - g. Utilities Map
 - h. Water CPCN Map
 - i. Wastewater CPCN Map
3. February 25, 2021 letter to Mr. Whitehouse request FLUM Amendment
4. PLUS Application filed by the Sussex County
5. Revised PLUS Application filed by the Sussex County
6. DELDOT's SR1 and Cave Neck Road GSI Selected Alternative
7. PLUS Letter to J.Whitehouse (July 22, 2021_

TAB “1”

December 29, 2020

The Honorable Michael H. Vincent
The Honorable Samuel R. Wilson, Jr.
The Honorable Irwin G. Burton III
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
Todd F. Lawson, Sussex County Administrator
Sussex County Council
2 The Circle
Georgetown, DE 19947

Re: 2018 Comprehensive Plan

Dear County Council Members and Mr. Lawson:

We are sending this letter to express our disappointment and concern regarding changes to our property designations assigned on the Future Land Use Map included in the 2018 Comprehensive Plan update. By way of introduction, we are the current record owners of two pieces of undeveloped property located just north of Lewes on the east side of Route 1. Specifically, the properties are Tax Parcel Nos. 235-23.00-1.00 (the "Chappell Property") and 235-23.00-2.02 (the "Robinson Property") (collectively the "Properties"). Recently the Chappell Property was placed under contract and is now in the process of being sold. Through the buyer's due diligence during the sale process, the Chappells learned that their property was no longer in a "Growth Area" on the Future Land Use Map, which then led to further discussion with neighbors in that area, including the Robinsons.

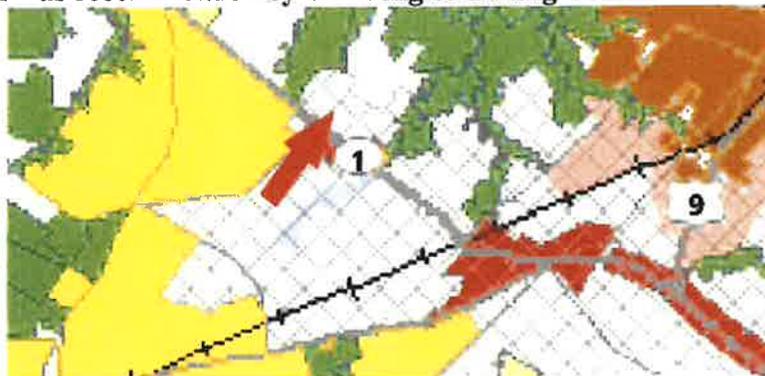
As you may be aware, the Properties were included in the Environmentally Sensitive Development Area in the Future Land Use Map in the 2008 Comprehensive Plan. For more than a year we monitored the designation of our properties throughout the County's process of preparing the update to the 2008 Comprehensive Plan. At every stage in the process (except for one) the Properties were shown as being in one of the County's Growth Areas.

In fact, the County's website still reflects this history. The drafts of the 2018 Comprehensive Plan update recommended by the Planning Commission and County Council are on the County's website. Both of these drafts show significant portions of the Properties as being in a Growth Area. The following excerpts from the Future Land Map in the draft Comprehensive Plan updates plainly show the Properties as being included within the Environmentally Sensitive Development Area in the 2018 Comprehensive Plan as recommended by the Planning & Zoning Commission (Table 1) and the Coastal Area in the 2018 Comprehensive Plan as recommended by County Council (Table 2).

TABLE 1

2018 Comprehensive Plan – as recommended by Planning & Zoning Commission

 Sussex County Comprehensive Plan	
DRAFT Future Land Use Plan	
Growth Areas	
	Municipalities
	Environmentally Sensitive Development Area
	Highway Commercial Areas
	Mixed Residential Areas
	Planned Industrial Areas
	Developing Areas
	Town Center
Rural Areas	
	Ag. Preservation District
	Protected Lands
	Low Density Areas

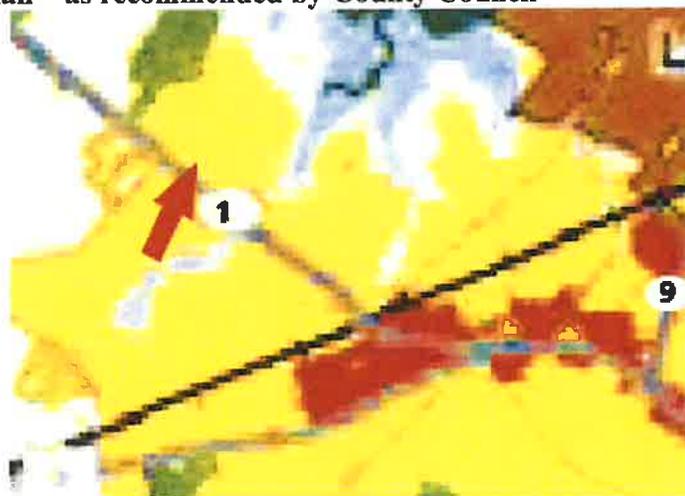


The area where the Properties are located is indicated with a red arrow.

TABLE 2

2018 Comprehensive Plan – as recommended by County Council

 Sussex County Comprehensive Plan	
DRAFT 2045 Future Land Use Map	
Growth Areas	
	Municipalities
	Town Center
	Developing Area
	Existing Development Area
	Coastal Area
	Commercial
	Industrial Area
Rural Areas	
	Low Density
	Protected Land
	Ag. Preservation District
	Ag. Preservation Eminent



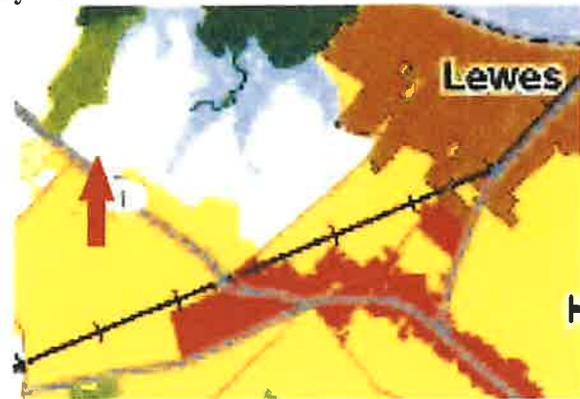
The area where the Properties are located is indicated with a red arrow.

Based on these recommended versions as they were presented to the public, you can imagine our surprise when it was brought to our attention that County Council ultimately submitted a Comprehensive Plan update with a Future Land Use Map to the Governor placing the Properties in the Low Density designation, not a Growth Area as previously indicated. The version ultimately submitted and certified by the Governor is shown below in Table 3.

TABLE 3

2018 Comprehensive Plan – as certified by the Governor of the State of Delaware

 <p>THE SUSSEX PLAN</p>	<p>Sussex County Comprehensive Plan</p>
<p>2045 Future Land Use Map</p>	
<p>Growth Areas</p> <ul style="list-style-type: none">  Municipalities  Town Center  Developing Area  Existing Development Area  Coastal Area  Commercial  Industrial Area <p>Rural Areas</p> <ul style="list-style-type: none">  Low Density  Protected Land  Ag. Preservation District  Ag. Preservation Easement 	



The area where the Properties are located is indicated with a red arrow.

Unfortunately, this surprising change of designation only recently came to our attention as the Chappells prepared to sell the Chappell Property. Through further research and investigation, we learned that the County held a public hearing for comment on the version of the Comprehensive Plan recommended by County Council (Table 2) on October 23, 2018. At the October 23rd public hearing, several speakers were heard including requests to change the Future Land Use Map for specific properties. Our Properties were not mentioned or discussed during that public hearing and the public hearing and record on the County’s 2018 Comprehensive Plan update was closed.

Unbeknownst to us, at the next meeting former County Councilman George Cole unilaterally raised the issue of our Properties (among others) to be removed from one of the County’s Growth Areas. Specifically at 45:35 of the second audio file on the County’s website,

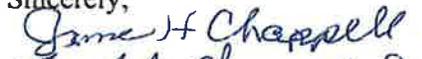
Mr. Cole initiated a discussion about this area. Our Properties (among others) were then re-designated on the Future Land Use Map. This means that, after the versions of the Future Land Use Map recommended by the Planning Commission and County Council were considered without comment on our Properties and after the final public hearing on the Comprehensive Plan where our Properties were not discussed, the County substantively changed the Future Land Use Map for our Properties without notice to anyone.

We did not attend the meetings after the public process was concluded since we were content with the designations recommended by both the Planning Commission and County Council. After being unilaterally raised by County Council on October 30th, and without notice to us (or likely other property owners whose lands were removed from a Growth Area), the Future Land Use Map was further modified. Since learning of the change of designation, we have learned that at its meetings on November 13th and November 27th County Council discussed amongst themselves the designation of the Properties and ultimately voted on November 27th to remove them from a Growth Area.

We understand and acknowledge that it is our responsibility as landowners to monitor County Council's proposed recommendations regarding the Comprehensive Plan as it is published for public review. Our frustration and disappointment is that we performed our duty and monitored the process through the conclusion of the public hearing process and somehow without warning or notice the designation for our Properties was changed—after the public record was closed without a single comment about our Properties (until Mr. Cole's post-public hearing comments). It is difficult to imagine why a property owner would continue to monitor this process when during the entire public process, the designation of its property reflected the property owners' view of their property. County Council's unilateral decision changing the Properties' designation in its final submission to the Governor did not provide us with proper notice of the change in designation nor give us an opportunity to properly present our opposition to such change.

As such, we write this letter to provide County Council with notice that we object to the change in designation and respectfully request that County Council restore the Properties' former designation to include the Properties in the Coastal Area, as previously recommended by County Council and the Planning Commission. We appreciate your anticipated cooperation in this matter.

Sincerely,




Frederick Chappell
Tax Parcel No. 235-23.00-1.00


Thomas Robinson

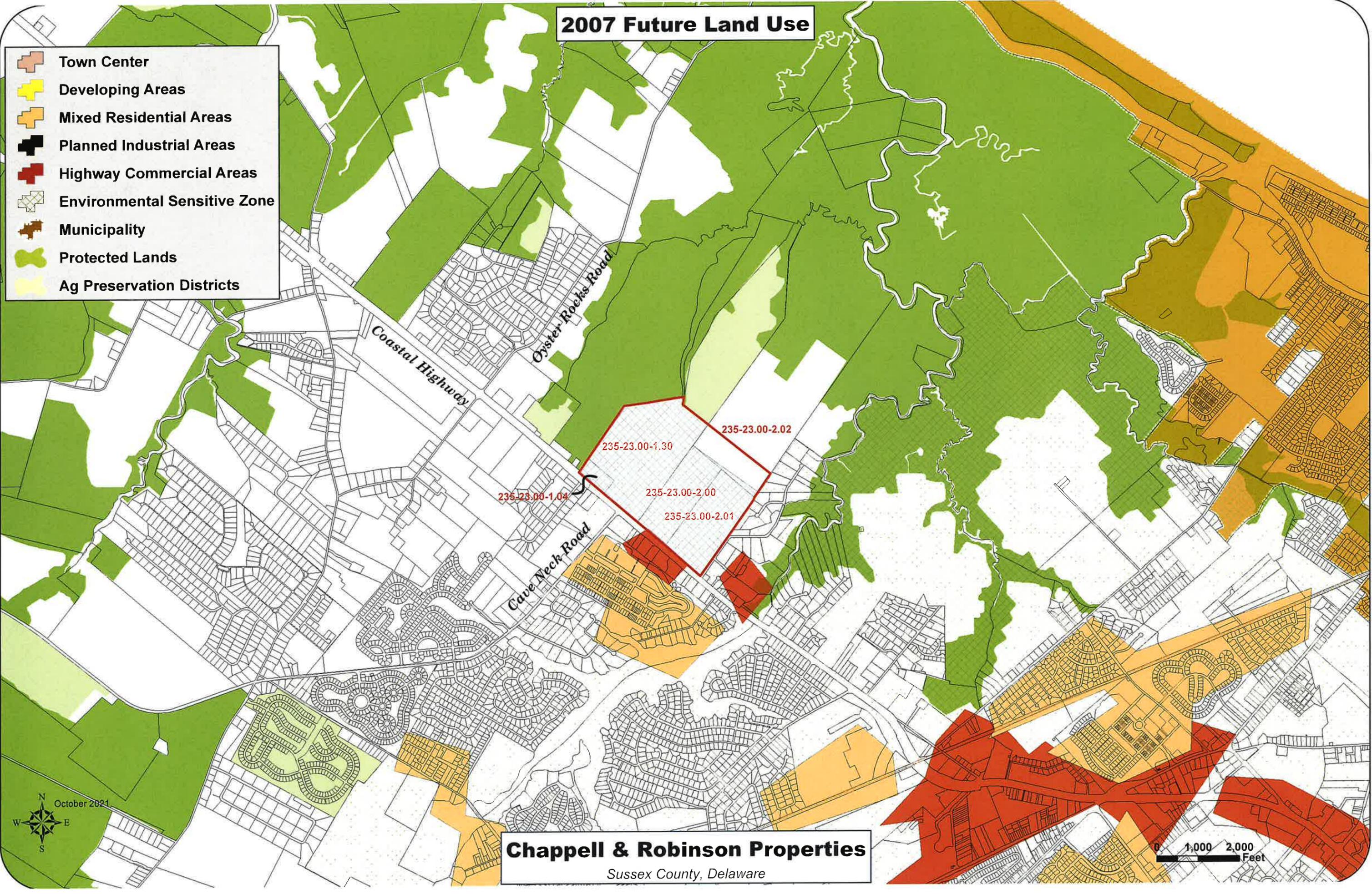
Tax Parcel No. 235-23.00-2.02

Cc: The Honorable Mark G. Schaeffer
The Honorable Cynthia C. Green

TAB “2”

2007 Future Land Use

- Town Center
- Developing Areas
- Mixed Residential Areas
- Planned Industrial Areas
- Highway Commercial Areas
- Environmental Sensitive Zone
- Municipality
- Protected Lands
- Ag Preservation Districts

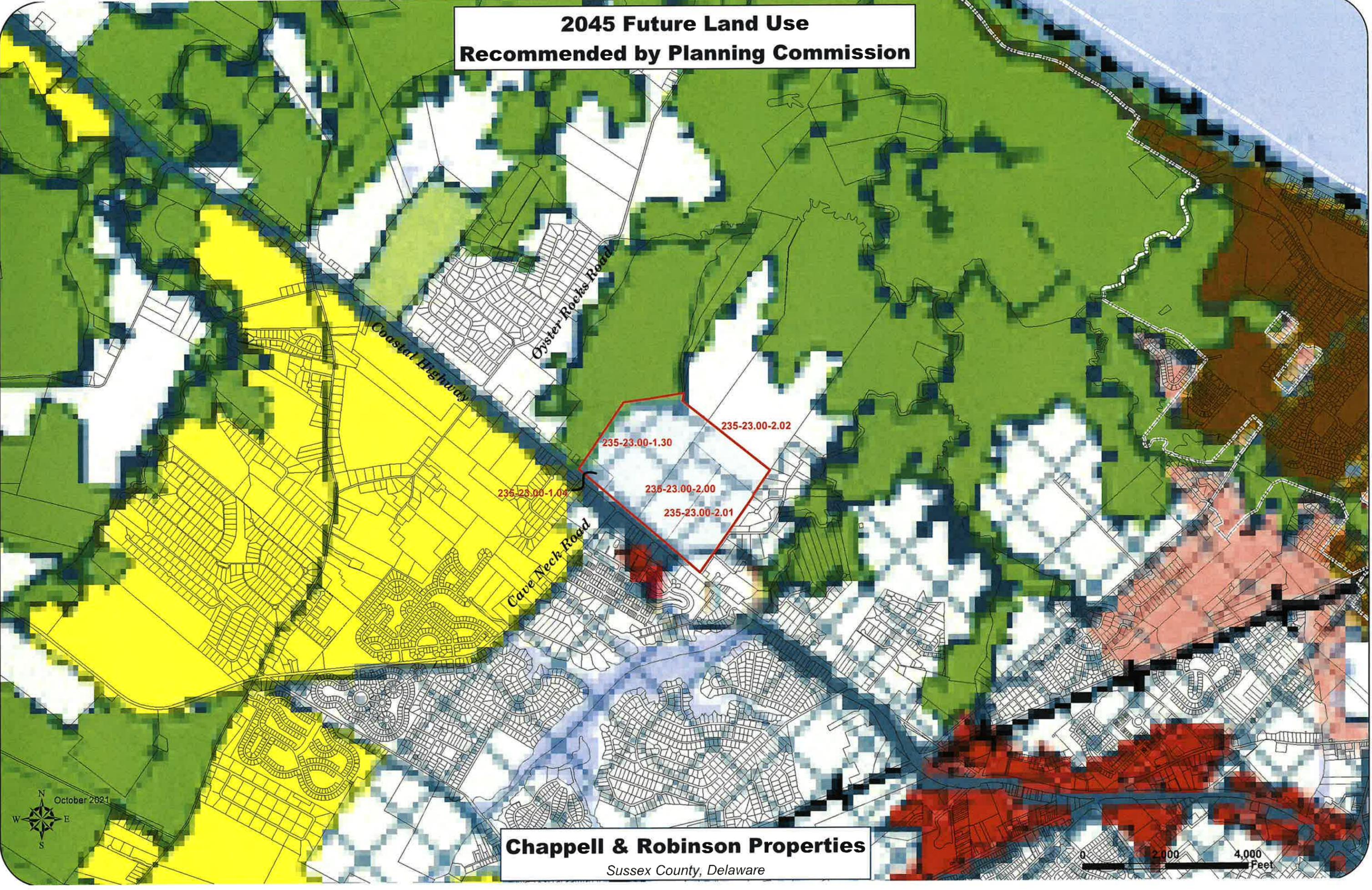


Chappell & Robinson Properties
Sussex County, Delaware

0 1,000 2,000 Feet

October 2021

**2045 Future Land Use
Recommended by Planning Commission**

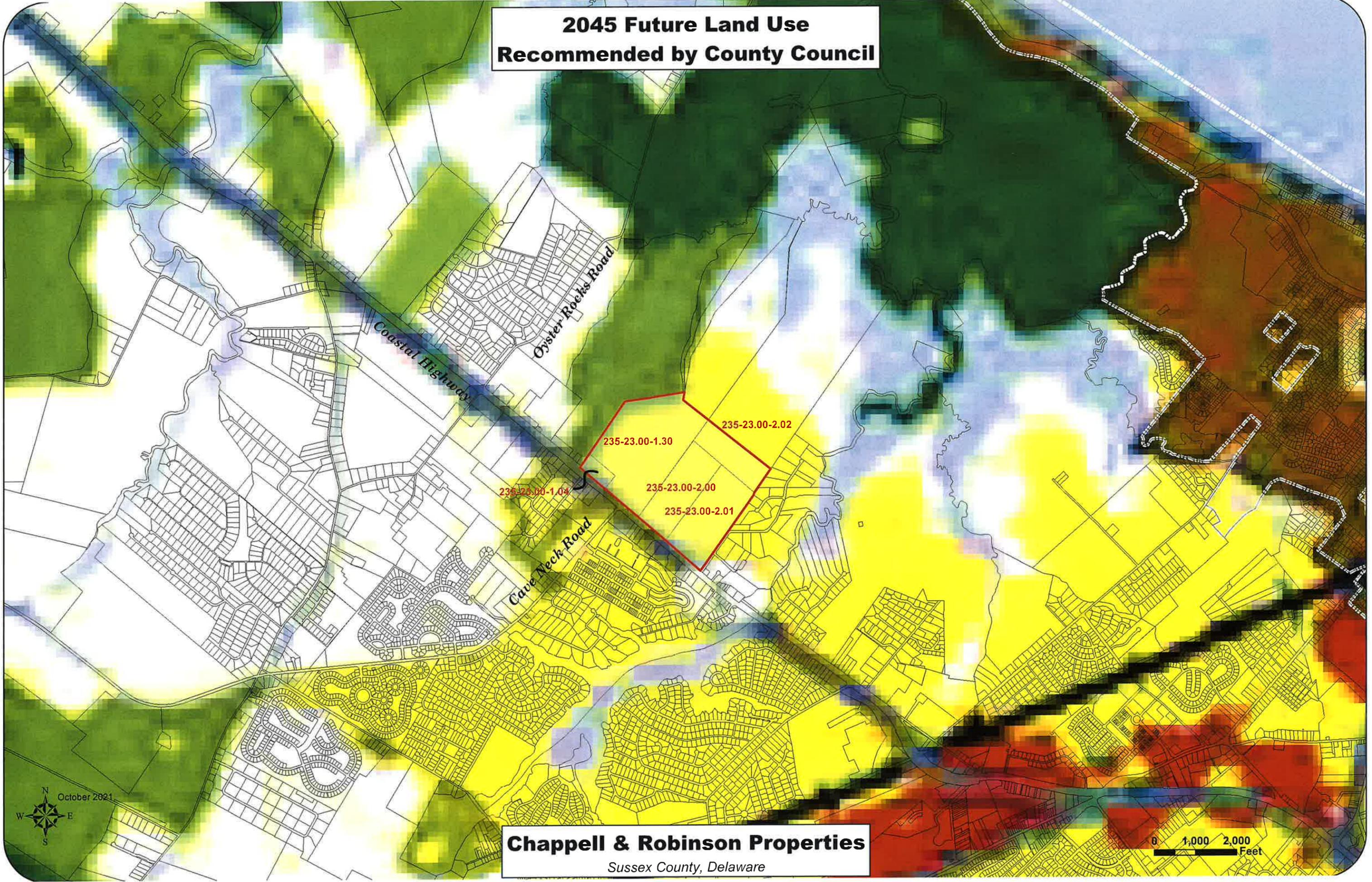


Chappell & Robinson Properties
Sussex County, Delaware

October 2021
N
W E
S

0 2,000 4,000
Feet

**2045 Future Land Use
Recommended by County Council**

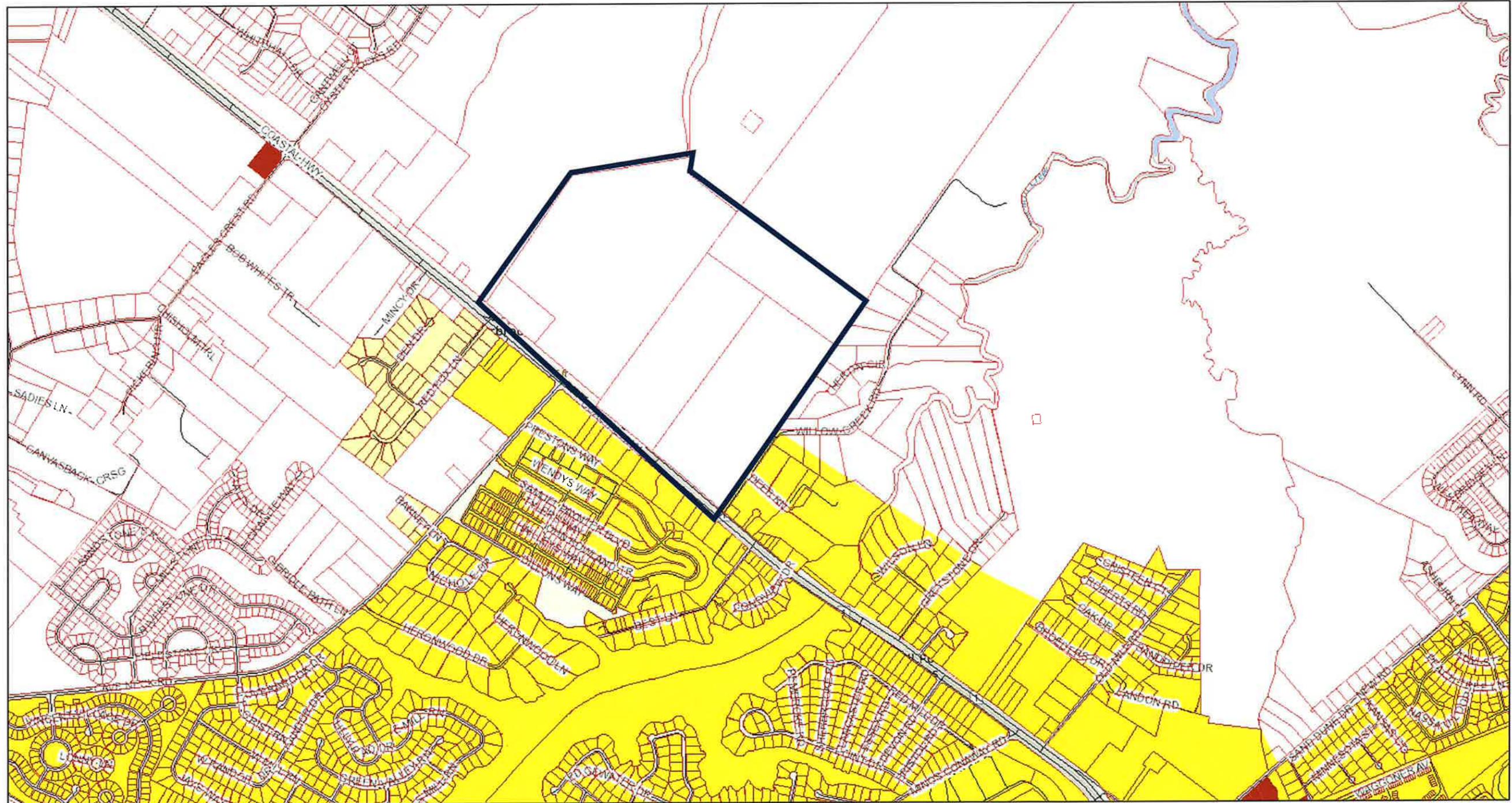


Chappell & Robinson Properties
Sussex County, Delaware

0 1,000 2,000
Feet

October 2021

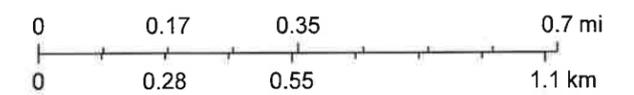
Sussex County



November 8, 2021

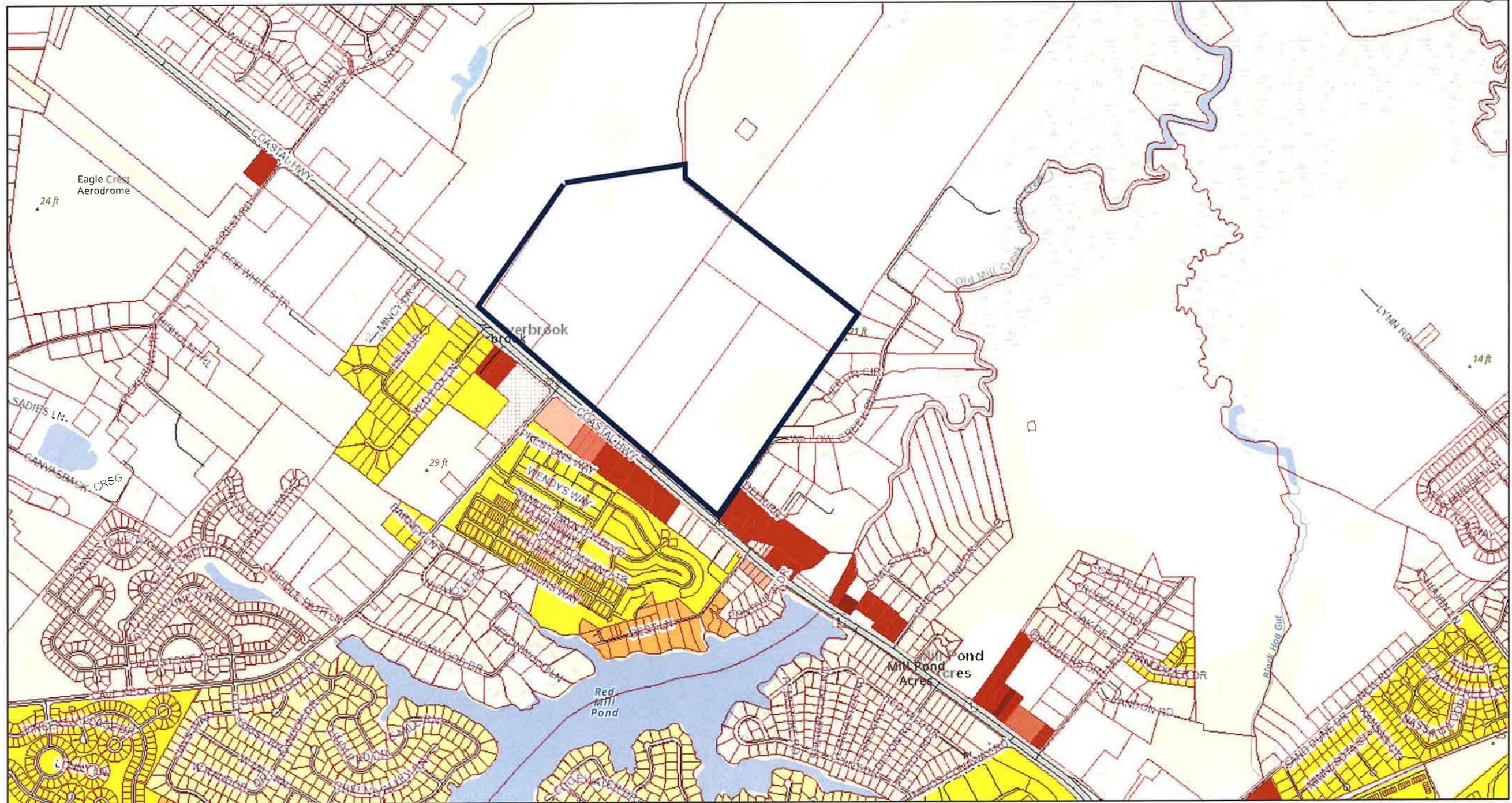


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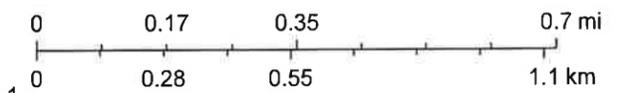
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government

Sussex County



November 8, 2021

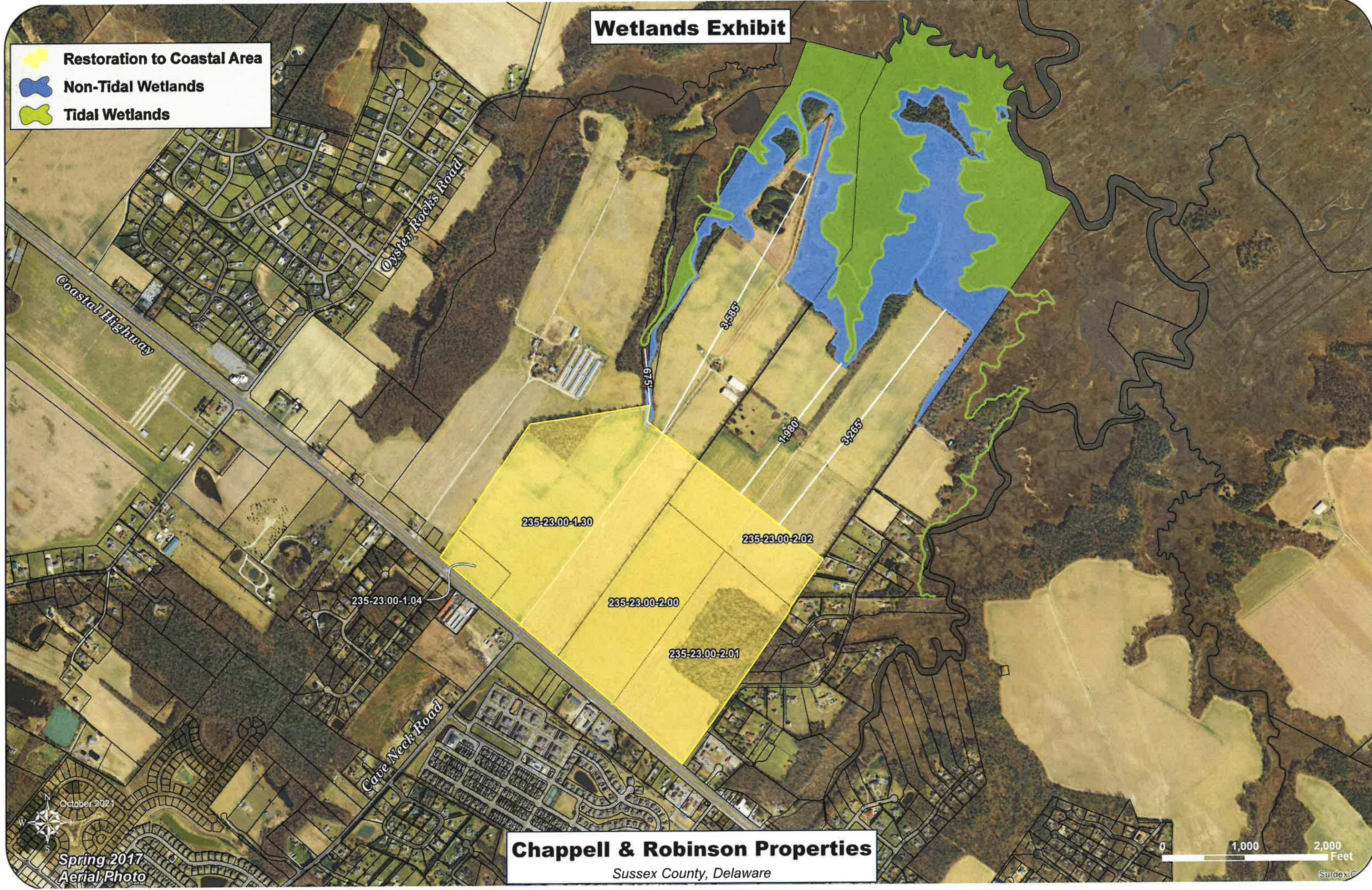
1:18,056



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

Wetlands Exhibit

-  Restoration to Coastal Area
-  Non-Tidal Wetlands
-  Tidal Wetlands



Chappell & Robinson Properties
Sussex County, Delaware

October 2021
Spring 2017
Aerial Photo

0 1,000 2,000 Feet
Surdex C

Utilities Exhibit

Coastal Highway

Tidewater
12" Watermain

Artesian
8" Sewer
Forcemain

235-23.00-1.04

235-23.00-1.30

235-23.00-2.02

235-23.00-2.00

235-23.00-2.01

Cave Neck Road

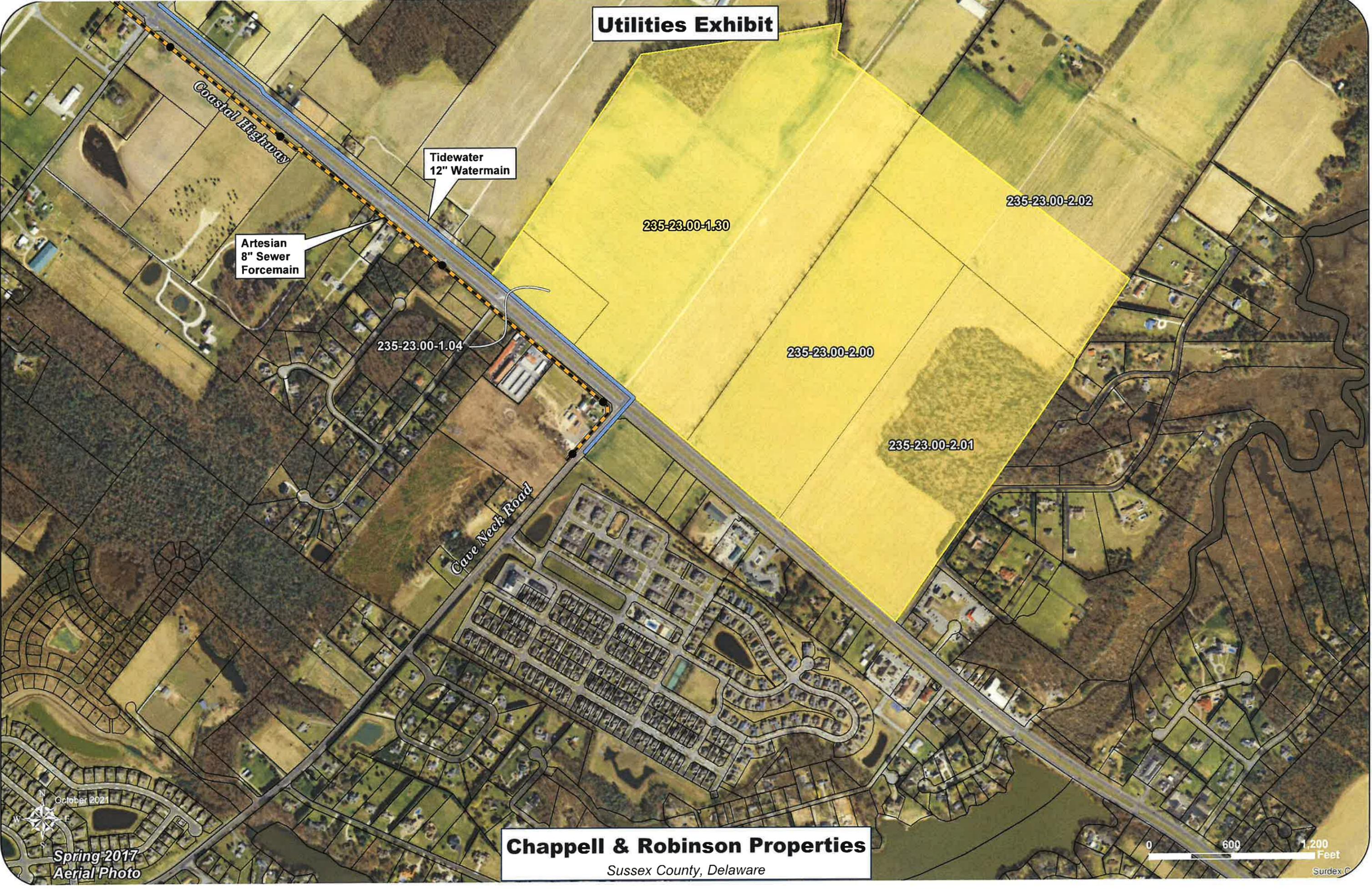
Chappell & Robinson Properties

Sussex County, Delaware

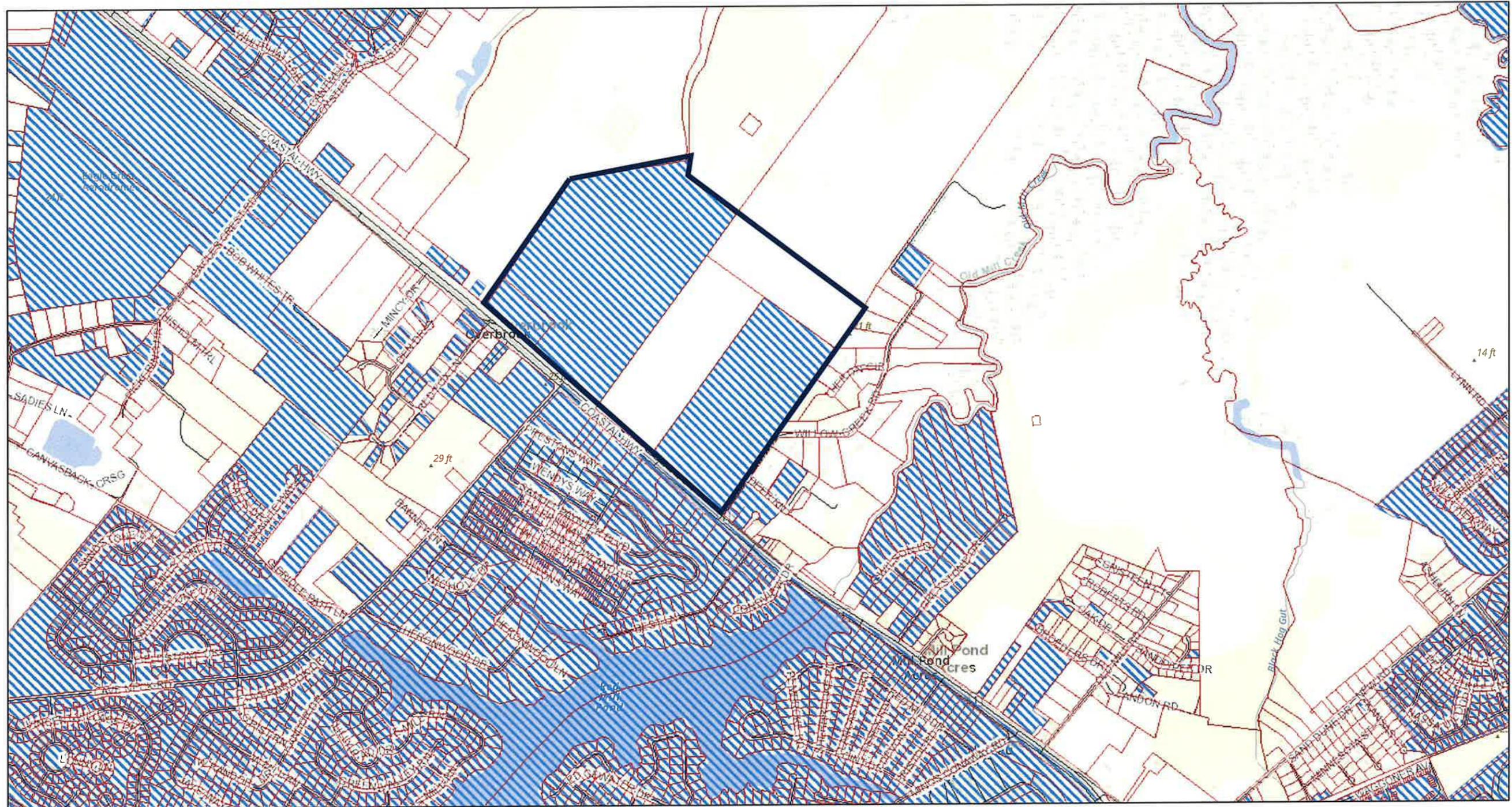
October 2021
Spring 2017
Aerial Photo

0 600 1,200
Feet

Surdex ©



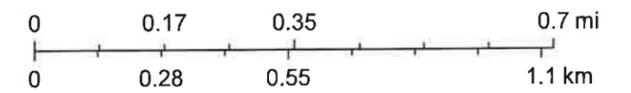
Sussex County



November 8, 2021

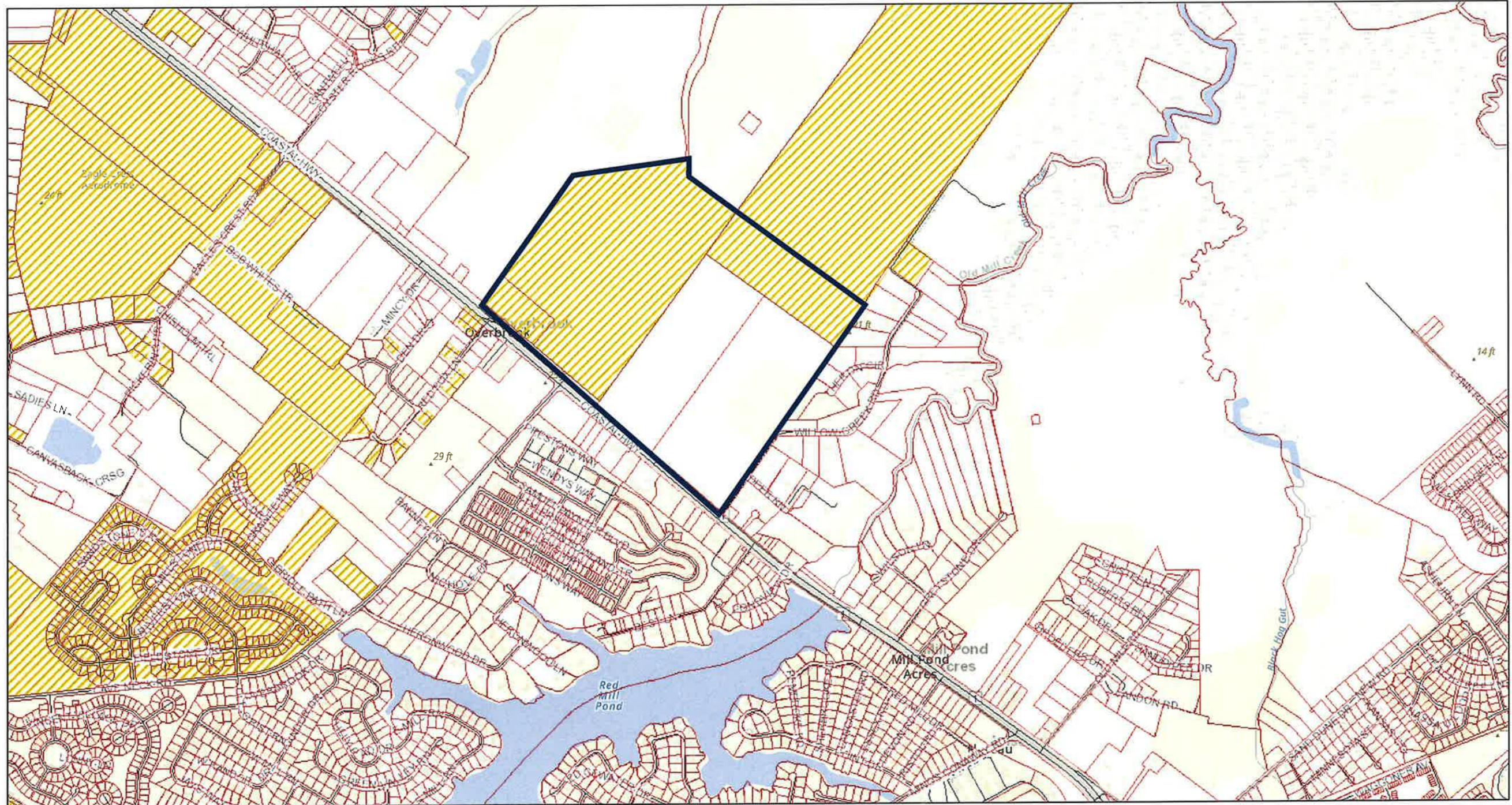
-  Tax Parcels
-  Streets
-  County Boundaries
-  Water CPCN

1:18,056



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

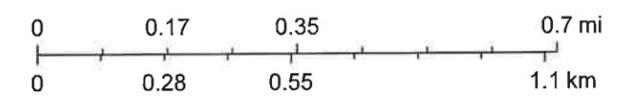
Sussex County



November 8, 2021

-  Tax Parcels
-  Streets
-  County Boundaries
-  Wastewater CPCN

1:18,056



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

TAB “3”

Morris James LLP

David C. Hutt
302.856.0018
dhutt@morrisjames.com

February 25, 2021

Via: Hand Delivery and Email (jamie.whitehouse@sussexcountyde.gov)

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

**RE: 2018 Comprehensive Plan, 2045 Future Land Use Map
SCTP No.: 235-23.00-1.00, 1.04 & 2.02**

Dear Mr. Whitehouse:

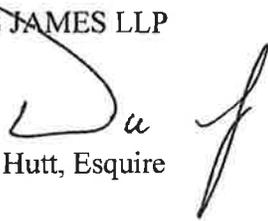
I am writing to follow-up on our conversation about the above-referenced properties. As you may recall, by letter dated December 29, 2020 the Chappell and Robinson families sent a letter to County Council and the County Administrator regarding the future land designation of their properties on the Future Land Use Map. A copy of that letter is enclosed for your ready reference. Stated more precisely, the letter describes their surprise and frustration regarding the change in their properties' designation from prior iterations of the Future Land Use Map.

As indicated in the prior letter, the change to their properties' designation came to light during the sale of parcel 235-23.00-1.00. The sale of that parcel has been completed and I represent the current owners of that parcel (Seaside Lewes, LLC and Derrickson Properties, LLC as well as the Robinson family which owns parcel 235-23.00-2.02). These owners request the restoration of their properties former designation on the Future Land Use Map so their properties are within the Coastal Area as previously recommended by County Council and the Planning Commission.

To facilitate the process, my clients and I request a meeting with you. In addition, please advise if the County has a more formal application that is needed in order for this request to be reviewed by County Council. We look forward to meeting with you and discussing this restoration of their properties prior designation on the Future Land Use Map.

Very Truly Yours,

MORRIS JAMES LLP


David C. Hutt, Esquire

Enclosure

Cc: Honorable Mark G. Schaeffer (via email)

December 29, 2020

The Honorable Michael H. Vincent
The Honorable Samuel R. Wilson, Jr.
The Honorable Irwin G. Burton III
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
Todd F. Lawson, Sussex County Administrator
Sussex County Council
2 The Circle
Georgetown, DE 19947

Re: 2018 Comprehensive Plan

Dear County Council Members and Mr. Lawson:

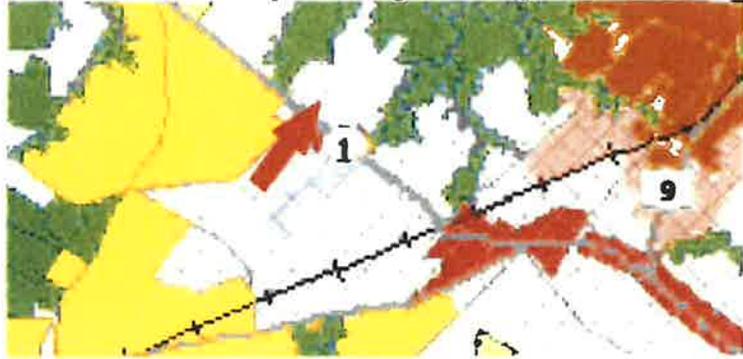
We are sending this letter to express our disappointment and concern regarding changes to our property designations assigned on the Future Land Use Map included in the 2018 Comprehensive Plan update. By way of introduction, we are the current record owners of two pieces of undeveloped property located just north of Lewes on the east side of Route 1. Specifically, the properties are Tax Parcel Nos. 235-23.00-1.00 (the "Chappell Property") and 235-23.00-2.02 (the "Robinson Property") (collectively the "Properties"). Recently the Chappell Property was placed under contract and is now in the process of being sold. Through the buyer's due diligence during the sale process, the Chappells learned that their property was no longer in a "Growth Area" on the Future Land Use Map, which then led to further discussion with neighbors in that area, including the Robinsons.

As you may be aware, the Properties were included in the Environmentally Sensitive Development Area in the Future Land Use Map in the 2008 Comprehensive Plan. For more than a year we monitored the designation of our properties throughout the County's process of preparing the update to the 2008 Comprehensive Plan. At every stage in the process (except for one) the Properties were shown as being in one of the County's Growth Areas.

In fact, the County's website still reflects this history. The drafts of the 2018 Comprehensive Plan update recommended by the Planning Commission and County Council are on the County's website. Both of these drafts show significant portions of the Properties as being in a Growth Area. The following excerpts from the Future Land Map in the draft Comprehensive Plan updates plainly show the Properties as being included within the Environmentally Sensitive Development Area in the 2018 Comprehensive Plan as recommended by the Planning & Zoning Commission (Table 1) and the Coastal Area in the 2018 Comprehensive Plan as recommended by County Council (Table 2).

TABLE 1
2018 Comprehensive Plan – as recommended by Planning & Zoning Commission

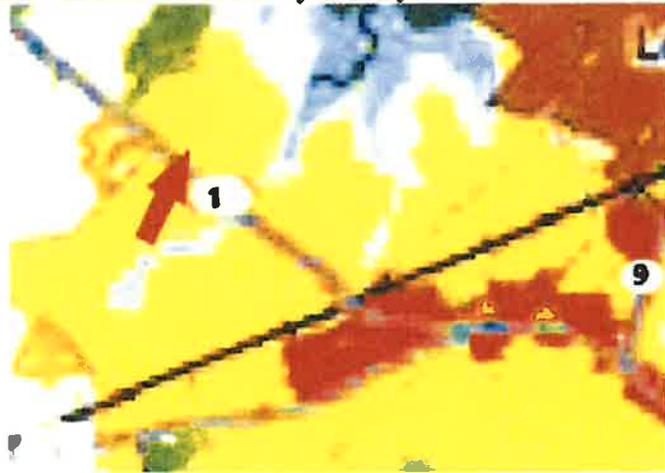
 THE SUSSEX PLAN DRAFT Future Land Use Plan
Growth Areas <ul style="list-style-type: none"> Municipalities <small>City, Town, Village, Settlement District, Precinct, etc.</small> Highly Urbanizable Areas Medium Residential Areas Planned Residential Areas Developing Areas Town Center
Rural Areas <ul style="list-style-type: none"> Ag. Preservation District Protected Lands <small>Wild, District Areas</small>



The area where the Properties are located is indicated with a red arrow.

TABLE 2
2018 Comprehensive Plan – as recommended by County Council

 THE SUSSEX PLAN DRAFT 2045 Future Land Use Map	Sussex County Comprehensive Plan
Growth Areas <ul style="list-style-type: none"> Municipalities Town Center Developing Area Existing Development Area Commercial Area Commercial Area Industrial Area 	
Rural Areas <ul style="list-style-type: none"> Low Density Protected Land Ag. Preservation District Ag. Preservation Easement 	



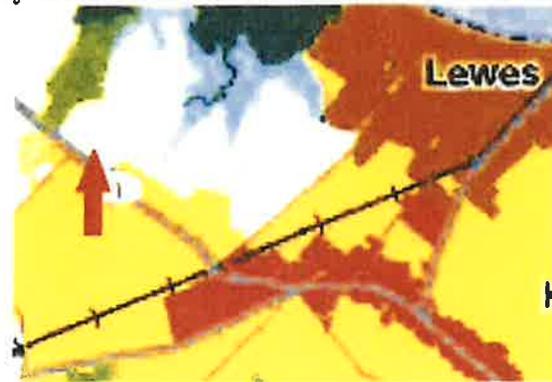
The area where the Properties are located is indicated with a red arrow.

Based on these recommended versions as they were presented to the public, you can imagine our surprise when it was brought to our attention that County Council ultimately submitted a Comprehensive Plan update with a Future Land Use Map to the Governor placing the Properties in the Low Density designation, not a Growth Area as previously indicated. The version ultimately submitted and certified by the Governor is shown below in Table 3.

TABLE 3

2018 Comprehensive Plan – as certified by the Governor of the State of Delaware

 <p>THE SUSSEX PLAN</p>	<p>Sussex County Comprehensive Plan</p>
<p>2045 Future Land Use Map</p>	
<p>Growth Areas</p> <ul style="list-style-type: none">  Municipalities  Town Center  Developing Area  Existing Development Area  Coastal Area  Commercial  Industrial Area <p>Rural Areas</p> <ul style="list-style-type: none">  Low Density  Protected Land  Ag. Preservation District  Ag. Preservation Easement 	



The area where the Properties are located is indicated with a red arrow.

Unfortunately, this surprising change of designation only recently come to our attention as the Chappells prepared to sell the Chappell Property. Through further research and investigation, we learned that the County held a public hearing for comment on the version of the Comprehensive Plan recommended by County Council (Table 2) on October 23, 2018. At the October 23rd public hearing, several speakers were heard including requests to change the Future Land Use Map for specific properties. Our Properties were not mentioned or discussed during that public hearing and the public hearing and record on the County’s 2018 Comprehensive Plan update was closed.

Unbeknownst to us, at the next meeting former County Councilman George Cole unilaterally raised the issue of our Properties (among others) to be removed from one of the County’s Growth Areas. Specifically at 45:35 of the second audio file on the County’s website,

Mr. Cole initiated a discussion about this area. Our Properties (among others) were then re-designated on the Future Land Use Map. This means that, after the versions of the Future Land Use Map recommended by the Planning Commission and County Council were considered without comment on our Properties and after the final public hearing on the Comprehensive Plan where our Properties were not discussed, the County substantively changed the Future Land Use Map for our Properties without notice to anyone.

We did not attend the meetings after the public process was concluded since we were content with the designations recommended by both the Planning Commission and County Council. After being unilaterally raised by County Council on October 30th, and without notice to us (or likely other property owners whose lands were removed from a Growth Area), the Future Land Use Map was further modified. Since learning of the change of designation, we have learned that at its meetings on November 13th and November 27th County Council discussed amongst themselves the designation of the Properties and ultimately voted on November 27th to remove them from a Growth Area.

We understand and acknowledge that it is our responsibility as landowners to monitor County Council's proposed recommendations regarding the Comprehensive Plan as it is published for public review. Our frustration and disappointment is that we performed our duty and monitored the process through the conclusion of the public hearing process and somehow without warning or notice the designation for our Properties was changed—after the public record was closed without a single comment about our Properties (until Mr. Cole's post-public hearing comments). It is difficult to imagine why a property owner would continue to monitor this process when during the entire public process, the designation of its property reflected the property owners' view of their property. County Council's unilateral decision changing the Properties' designation in its final submission to the Governor did not provide us with proper notice of the change in designation nor give us an opportunity to properly present our opposition to such change.

As such, we write this letter to provide County Council with notice that we object to the change in designation and respectfully request that County Council restore the Properties' former designation to include the Properties in the Coastal Area, as previously recommended by County Council and the Planning Commission. We appreciate your anticipated cooperation in this matter.

Sincerely,




Frederick Chappell
Tax Parcel No. 235-23.00-1.00



Thomas Robinson
Tax Parcel No. 235-23.00-2.02

Cc: The Honorable Mark G. Schaeffer
The Honorable Cynthia C. Green

TAB “4”

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

Delaware Office of State Planning Coordination

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

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

REQUESTED REVIEW: Check one

Comprehensive Plan Pre-Update Review
Complete Sections 1 and 3 only

Comprehensive Plan or Update
Complete Sections 1 and 3 only

Comprehensive Plan Amendment
Complete Sections 1 and 2 only

Municipal Ordinance Review
Complete Sections 1 and 2 only

Date of most recently certified comprehensive plan:

April 1, 2019

Link to most recently certified comprehensive plan, if available:

If a link to the plan is not available, you must submit a copy of your plan with this application for a Pre-Update Review or a Comprehensive Plan Amendment.

<https://sussexcountyde.gov/sites/default/files/PDFs/2018CompPlan-Final.pdf>

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

Delaware Office of State Planning Coordination

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

SECTION 1: MUNICIPAL INFORMATION

Name of Municipality: Sussex County	
Address: Sussex County Administrative Offices PO Box 589 Georgetown, DE, 19947	Contact Person: Jamie Whitehouse, Director of Planning & Zoning
	Phone Number: 302-855-7878
	Fax Number:
	E-mail Address: jamie.whitehouse@sussexcountyde.gov

Application prepared by:	
Address: As above	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

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

Delaware Office of State Planning Coordination

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

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

Please describe the submission.

Summary: This is a request to consider the potential amendment of the Future Land Use Map of the Comprehensive Plan in relation to Tax Parcel No's 235-23.00-1.00 and 235-23.00-2.02. The location of the amendment is shown in Appendix/Exhibit A.

Background: On February 25, 2021, the Sussex County Planning & Zoning Department received a written request to consider the potential amendment of the Future Land Use Map. The Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan.

Sussex County Council wishes to consider the potential amendment of the Future Land Use Map of the Comprehensive Plan to change the area designation of Sussex County Parcel. No's 235-23.00-1.00 and 235-23.00-2.02 as shown in Appendix/Exhibit A, from the Low Density Area to the Coastal Area.

The parcels are located on the north side of SR.1 opposite the intersection of Cave Neck Rd (SCR. 88) and SR. 1. The combined area of the parcels is 415 Acres, more or less.

The County is requesting that the potential amendment of the Future Land Use Map be considered for review at the June 2021 PLUS meeting.

Exhibit A : Potential
Comprehensive Plan Amendment



Sussex County

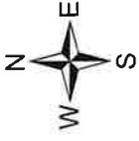
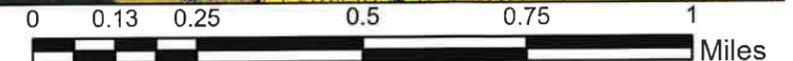
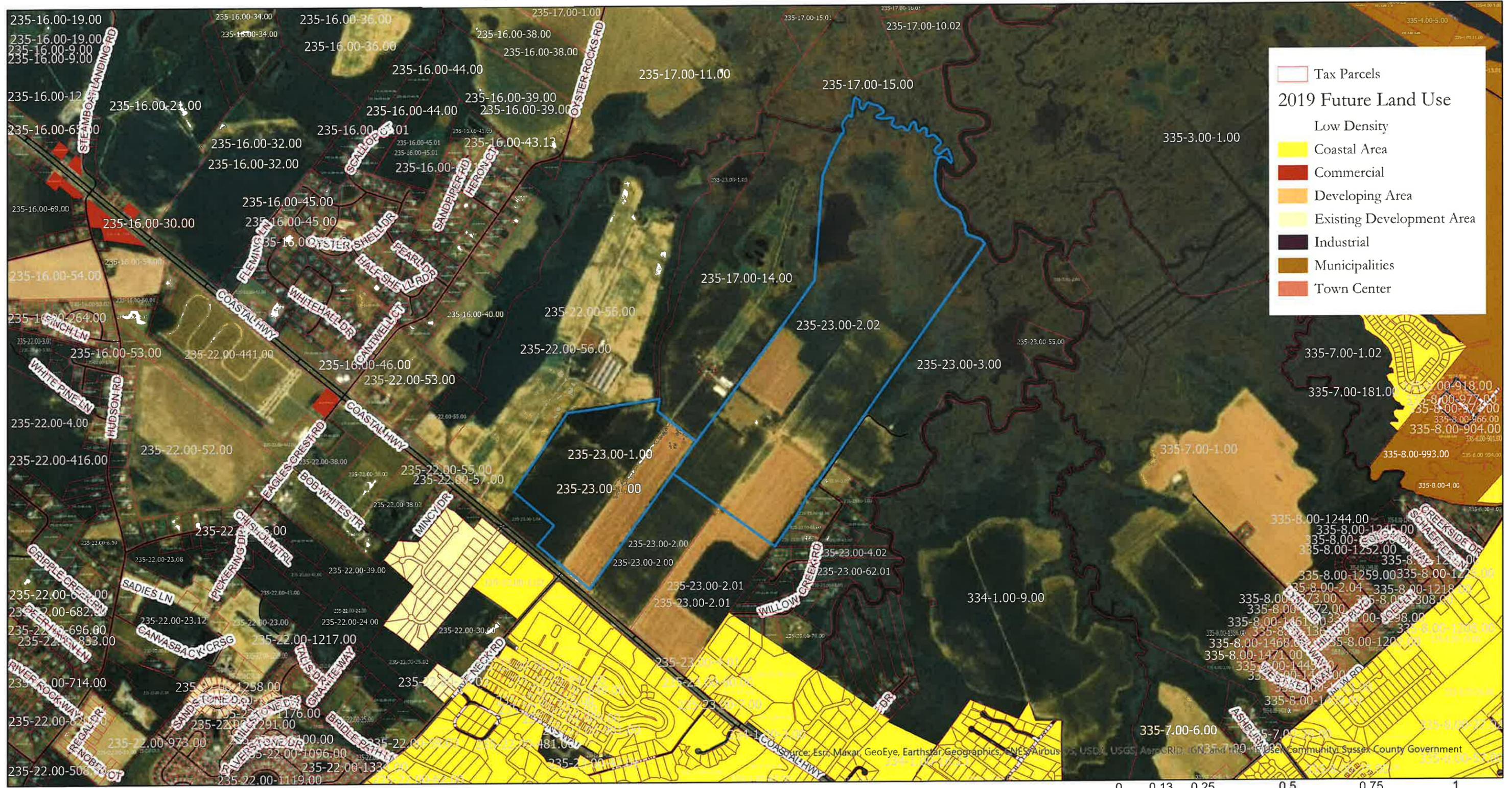


Exhibit A : Potential
Comprehensive Plan Amendment



Sussex County



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County Government

TAB “5”

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

Delaware Office of State Planning Coordination

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

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Comprehensive Plan or Update
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Date of most recently certified comprehensive plan:

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Link to most recently certified comprehensive plan, if available:

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

Delaware Office of State Planning Coordination

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

SECTION 1: MUNICIPAL INFORMATION

Name of Municipality: Sussex County	
Address: Sussex County Administrative Offices PO Box 589 Georgetown, DE, 19947	Contact Person: Jamie Whitehouse, Director of Planning & Zoning
	Phone Number: 302-855-7878
	Fax Number:
	E-mail Address: jamie.whitehouse@sussexcountyde.gov

Application prepared by:	
Address: As above	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

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

Delaware Office of State Planning Coordination

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

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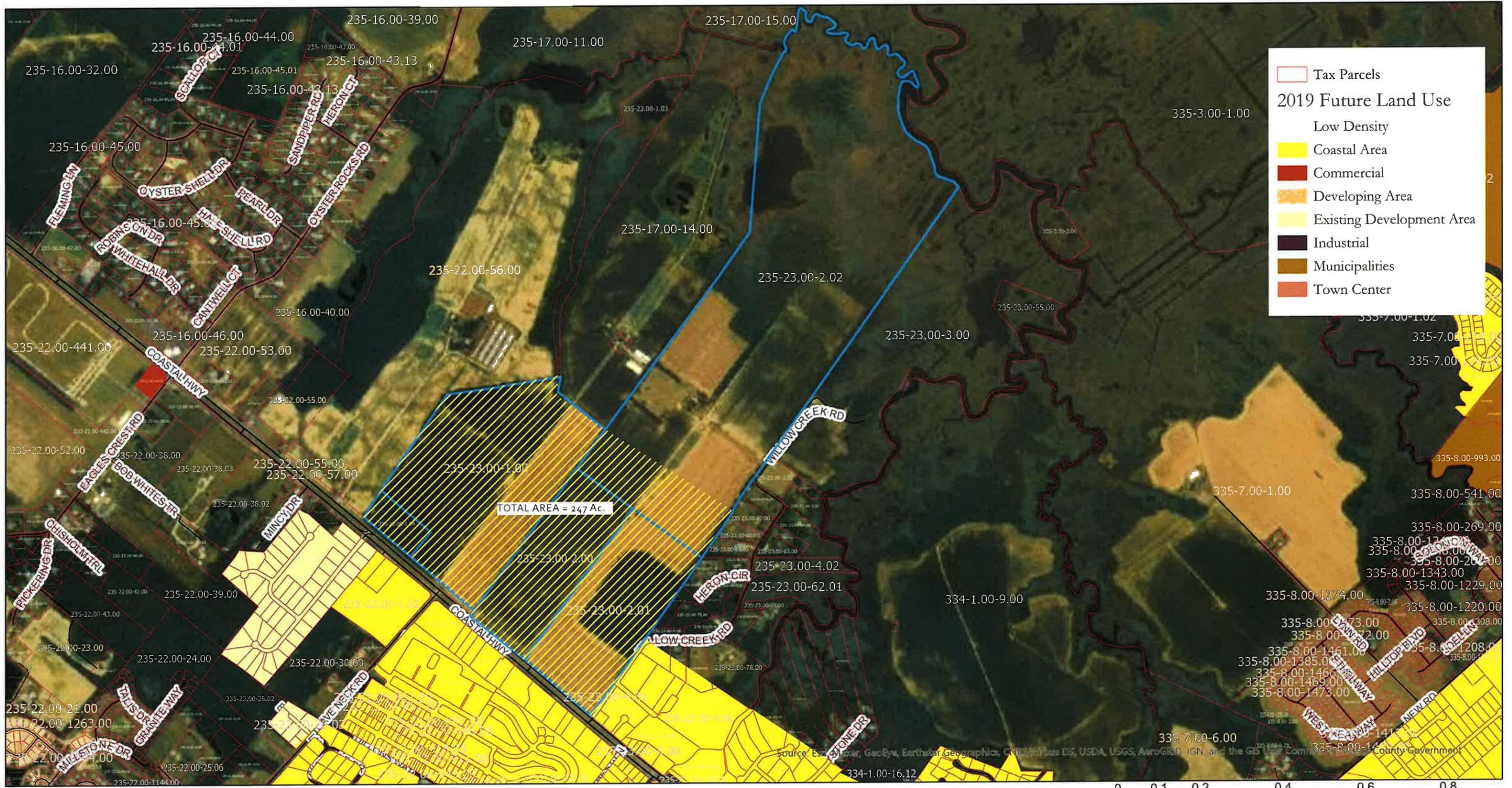
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Comprehensive Plan Amendment



Sussex County

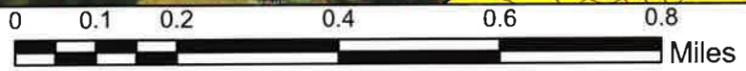


2019 Future Land Use

- Tax Parcels
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center

TOTAL AREA = 247 Ac.

Source: Esri, DeLorme, GeoBry, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Morris James LLP

David C. Hutt
302.856.0018
dhutt@morrisjames.com

February 25, 2021

Via: Hand Delivery and Email (jamie.whitehouse@sussexcountyde.gov)

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

**RE: 2018 Comprehensive Plan, 2045 Future Land Use Map
SCTP No.: 235-23.00-1.00, 1.04 & 2.02**

Dear Mr. Whitehouse:

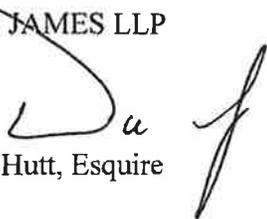
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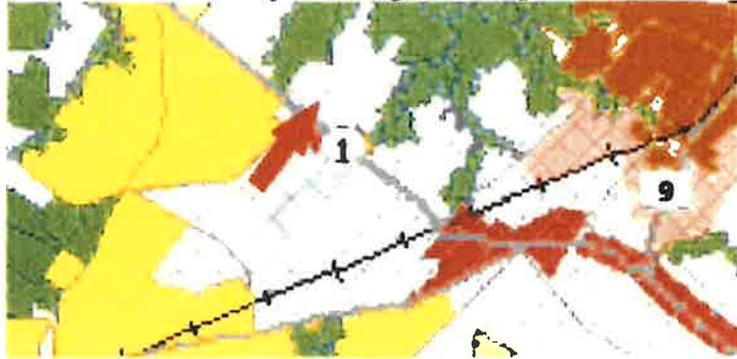
MORRIS JAMES LLP


David C. Hutt, Esquire

Enclosure

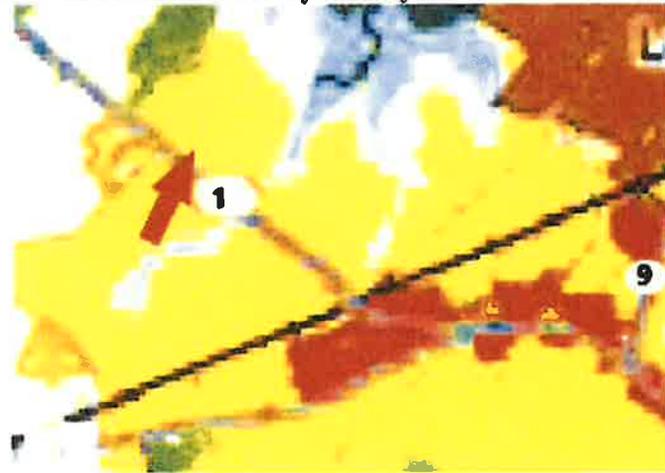
Cc: Honorable Mark G. Schaeffer (via email)

TABLE 1
2018 Comprehensive Plan – as recommended by Planning & Zoning Commission



The area where the Properties are located is indicated with a red arrow.

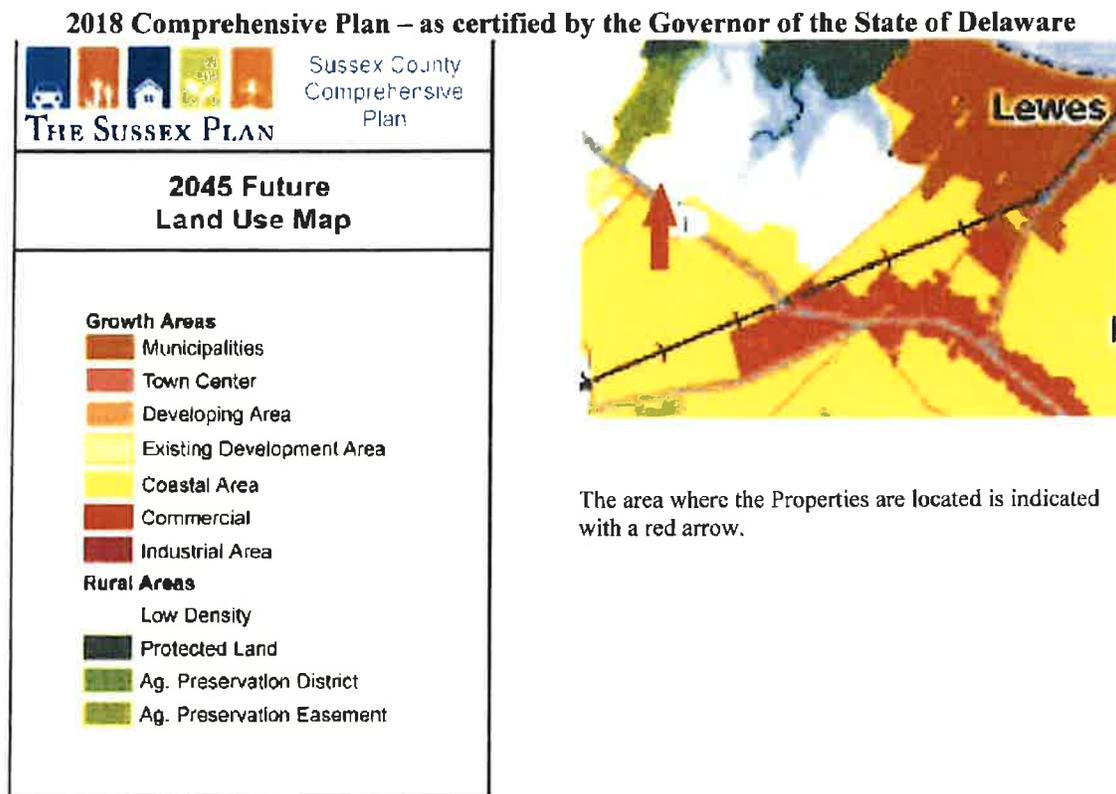
TABLE 2
2018 Comprehensive Plan – as recommended by County Council



The area where the Properties are located is indicated with a red arrow.

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TABLE 3



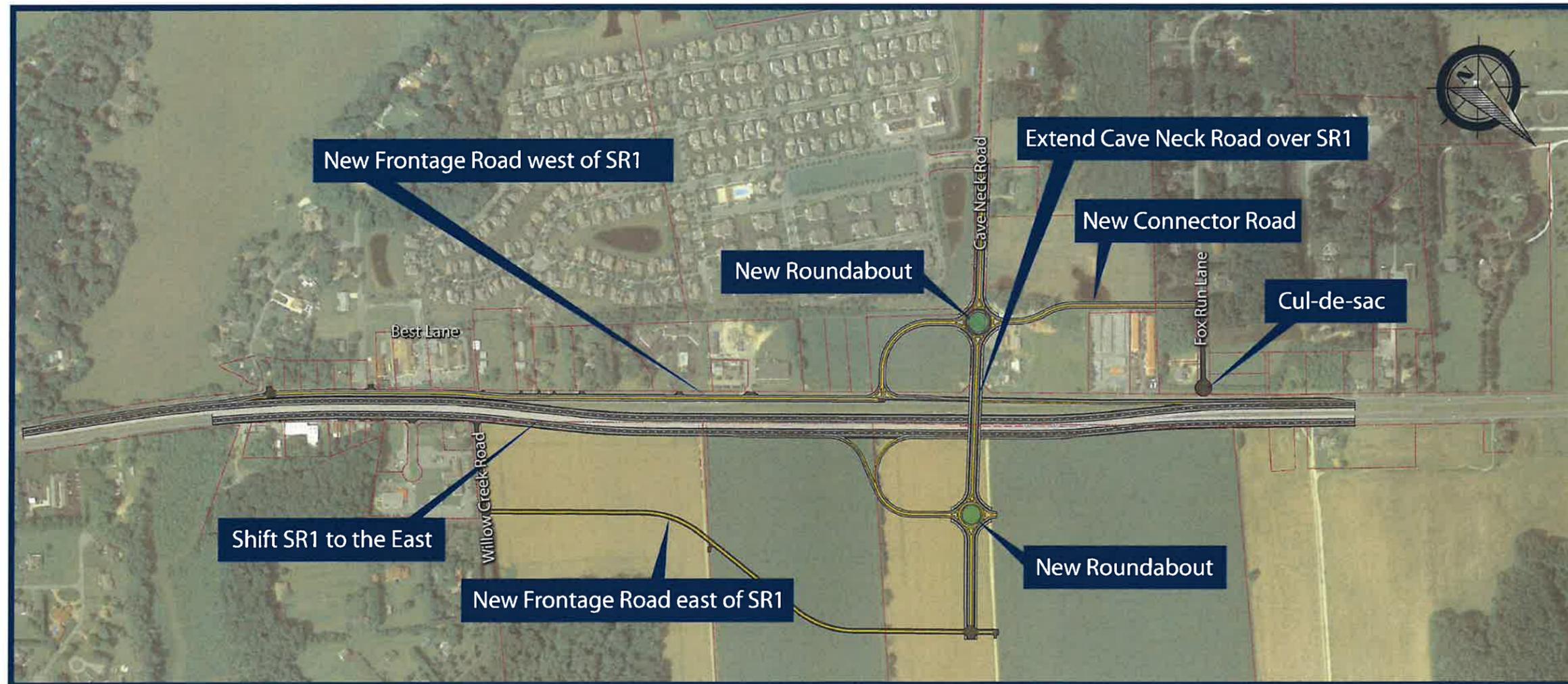
Unfortunately, this surprising change of designation only recently come to our attention as the Chappells prepared to sell the Chappell Property. Through further research and investigation, we learned that the County held a public hearing for comment on the version of the Comprehensive Plan recommended by County Council (Table 2) on October 23, 2018. At the October 23rd public hearing, several speakers were heard including requests to change the Future Land Use Map for specific properties. Our Properties were not mentioned or discussed during that public hearing and the public hearing and record on the County’s 2018 Comprehensive Plan update was closed.

Unbeknownst to us, at the next meeting former County Councilman George Cole unilaterally raised the issue of our Properties (among others) to be removed from one of the County’s Growth Areas. Specifically at 45:35 of the second audio file on the County’s website,

TAB “6”

SR1 and Cave Neck Road Intersection

Selected Alternative



TAB “7”



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

Jamie Whitehouse, AICP
Director, Department of Planning & Zoning
Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: PLUS review 2021-06-12; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would amend the Future Land Use Map for 2 parcels from the Low Density Area to the Coastal Area.

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

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

Parcel 235-23.00-1.00 has been seen through PLUS on several occasions for both residential and commercial use. These projects were active during the Sussex County Comprehensive Plan and the 2020 Strategies for State Policies and Spending in which Sussex County was involved and commented. This parcel is within a Level 4 area according to the 2020 Strategies for State Policies and Spending and low density in the SC plan for several reasons including, but not limited to:

- Parcel 1.00 is subject to the Corridor Capacity Preservation program
- These properties border Out of Play land such as the Cedar Trees Farm District.
- There are significant environmental features contiguous to this site plan including tidal wetlands.
- These parcels are not close to public services such as water, sewer, police, fire, and schools.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

These parcels consist of approximately 415 acres that would be amended from Low density to Coastal area. Amending the comp plan to designate these parcels as coastal would open up a large number of options for the zoning of this property. In the low density area the owners are allowed a maximum of 2 units per acre where in the Coastal area the density could go as high as 12 units per acre and could allow heavy commercial uses. These uses would be away from public utilities and services.

The Sussex County certification letter dated April 1, 2019 stated the Sussex County comprehensive plan was certified, provided no major changes are enacted. It is the opinion of the Office of State Planning that this change would constitute a major change to the currently certified comprehensive plan and this office, for the reasons stated in this letter, objects to the comprehensive plan amendment.

29 Delaware Code §9103(d) states:

Should the Office of State Planning Coordination make objection to any proposed comprehensive plan or amendments or revisions thereto, then the Office of State Planning Coordination shall immediately enter into negotiation with the county or municipality in an attempt to solicit agreement and resolution. Any agreements reached during these negotiations shall be incorporated into the public record and considered by the governing body prior to final action on the comprehensive plan. If the Office of State Planning Coordination and the county or municipality fail to reach agreement after a period of 45 days, the Office of State Planning Coordination shall report the extent of agreement and areas of continued disagreement to the Cabinet Committee on State Planning Issues for dispute resolution.

This letter serves as our intent to begin the 45 day negotiation period. We will contact the County in the coming days to set up a meeting to discuss our objections and determine the ability to reach an agreement.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- This amendment would facilitate developments known collectively Overbrook Meadows or successors thereto. In September 2014, DelDOT provided comments on a Traffic Impact Study for a commercial development, Overbrook Town Center, which Overbrook Meadows later replaced. Copies of those comments are available at https://deldot.gov/Business/subdivisions/index.shtml?dc=Traffic_Studies
- DelDOT is presently developing plans for a Grade Separated Intersection at this location. Information on that effort is available at <https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T201912201>

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

- DNREC reviewers are not in support of this change due to the parcels lying within areas designated as Out of Play and Level 4 by the Delaware Strategies for State Policies and Spending. In addition, these parcels contain environmental features that are inconsistent with more intensive development. In Low Density areas, a maximum of 2 units per acre are allowed; in the Coastal Areas, up to 12 units per acre are allowed, in addition to heavy commercial uses.
- An analysis of historical data indicates that the northern portion of parcel 235-23.00-2.02 and the small, forested portion on the northern edge of parcel 235-23.00-1.00 have likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.
- Groundwater Recharge Areas are located on parcels 235-23.00-1.00 and 235-23.00-2.02. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.
- Freshwater and marine wetlands are present on the northern half of parcel 235-23.00-2.02 and lie within the Great Marsh Natural Area and the Delaware Ecological Network. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware. The Delaware Ecological Network consists of lands having significant ecological value. Forest disturbances in these areas will jeopardize habitat on the parcel and possibly beyond the parcel's boundary.
- There is an active Bald Eagle (*Haliaeetus leucocephalus*) nest within parcel 235-23.00-2.02. Bald eagles and their nests are protected under the federal Bald and Golden Eagle Protection Act (BGEPA). Additionally, the nest itself is protected by state law (7 Del. C. § 739).
- The following plants or animals are listed as State of Delaware rare, threatened, or endangered species, which have been documented within the project area.
 - The Broad-winged Hawk (*Buteo platypterus*) is a bird listed under State Rank S1B, State Status E, and SGCN Tier 1.
 - The Northern Harrier (*Circus cyaneus*) is a bird listed under State Rank S1B, State Status E, and SGCN Tier 1.
 - The Great Black-backed Gull (*Larus marinus*) is a bird listed under State Rank S1B and SGCN Tier 1.

- The Black-necked Stilt (*Himantopus mexicanus*) is a bird listed under State Rank S2B and SGCN Tier 1.

Please visit the following website for definitions on the specified State Rank, State Status, and SGCN Ranking:

<https://www.dnrec.delaware.gov/fw/NHESP/Documents/Status%20Ranks%20April%202013.pdf>

- The project lies within a zone that will be affected by mosquitoes due to its location near large expanses of freshwater and estuarine wetlands. Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands for mosquito control services beyond what DNREC has the resources to provide.

State Historic Preservation Office – Contact Carlton Hall 736-7400

Tax Parcel# 235-23.00-1.00

- Prehistoric archaeological potential is moderate throughout the parcel. The parcel is mostly well-drained soils, but it is just on the edge of favorable distance to a historic water source. There is one comparable site along another arm of Fisher Creek, next to the one that extends towards this parcel.
- Historic archaeological potential is low. No indication through historic maps or aerials that there were any structures etc. on the land, and adjacent parcels are vacant as well.

Tax Parcel# 235-23.00-2.02

- Prehistoric archaeological potential is low in northern half of the parcel due to poorly drained soils. However, there are higher points in the topography within favorable distance to one of the arms of Old Mill Creek and overlooking the marshland, which is highly favorable for prehistoric archaeological sites. The Delaware SHPO recommends a Phase I survey.
- Historic archaeological potential is high near the farmstead and there is potentially a cemetery there. There also appears to be another farmstead on the property east of the currently existing farmstead. The Delaware SHPO would highly recommend a survey of that area.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section

PLUS review 2021-06-12
Page 5 of 5

106 process please review the Advisory Council on Historic Preservation's website at:
www.achp.gov

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell", written in a cursive style.

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

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



Sussex County

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sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date November 18th, 2021

Application: Lightship Cove (2021-11)

Applicant: Schell Brothers, LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

Owner: Emily C. McHugh
28784 Fisher Road
Milton, DE 19968

Site Location: Lying on the south side of Fisher Road (S.C.R 262) approximately 1.54 mile southeast of Cool Spring Road (S.C.R. 290)

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

Proposed Use: 97 Lot Cluster Subdivision

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

Sewer: Sussex County

Water: Tidewater

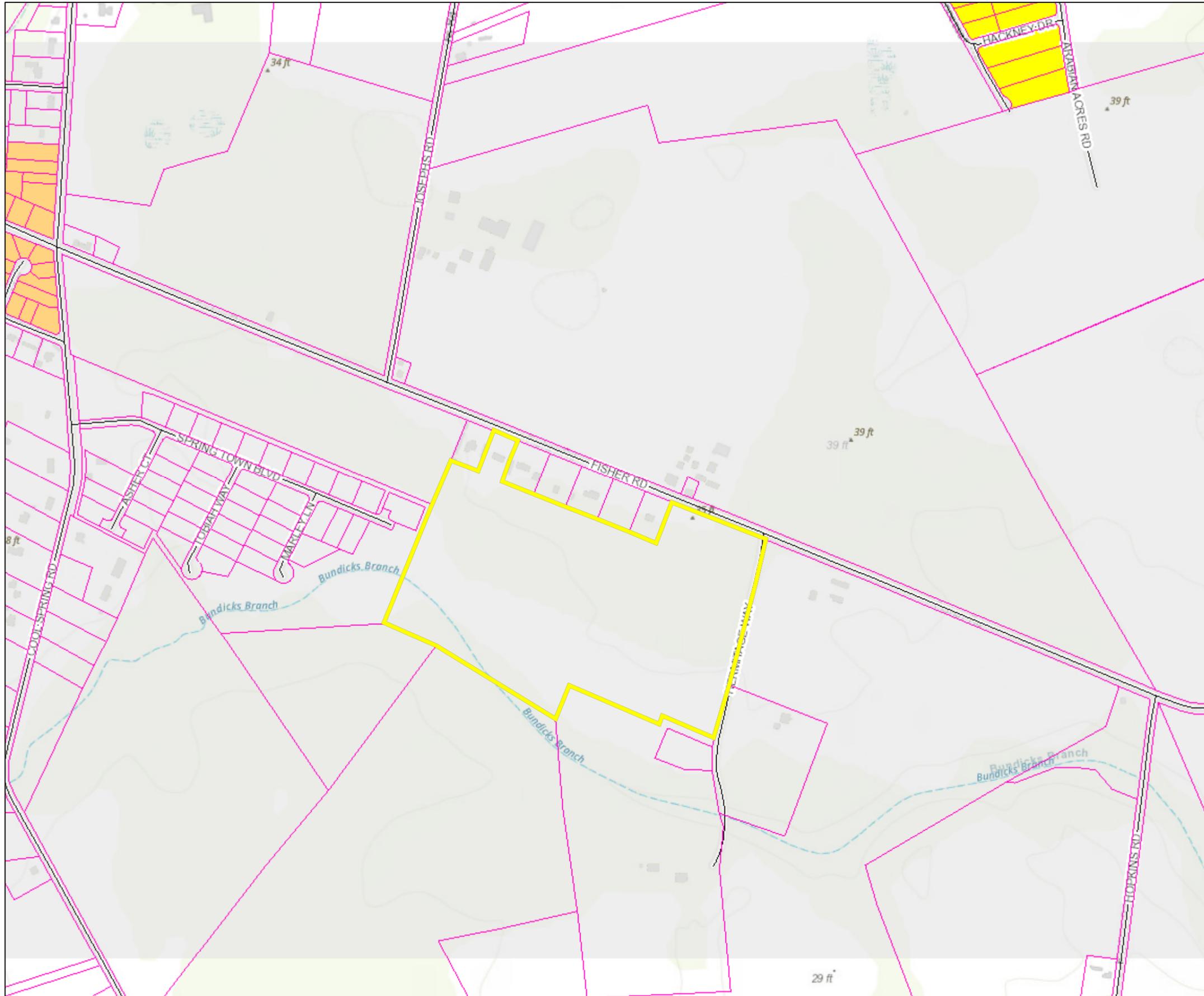
Site Area: 51.97 +/- acres

Tax Map ID.: 334-10.00-69.00





Sussex County



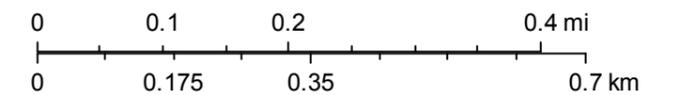
PIN:	334-10.00-69.00
Owner Name	MCHUGH EMILY C
Book	533
Mailing Address	28784 FISHER RD
City	MILTON
State	DE
Description	SW/OF RD 262
Description 2	APPROX 2602' NW OF
Description 3	RD 286 T#46736
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

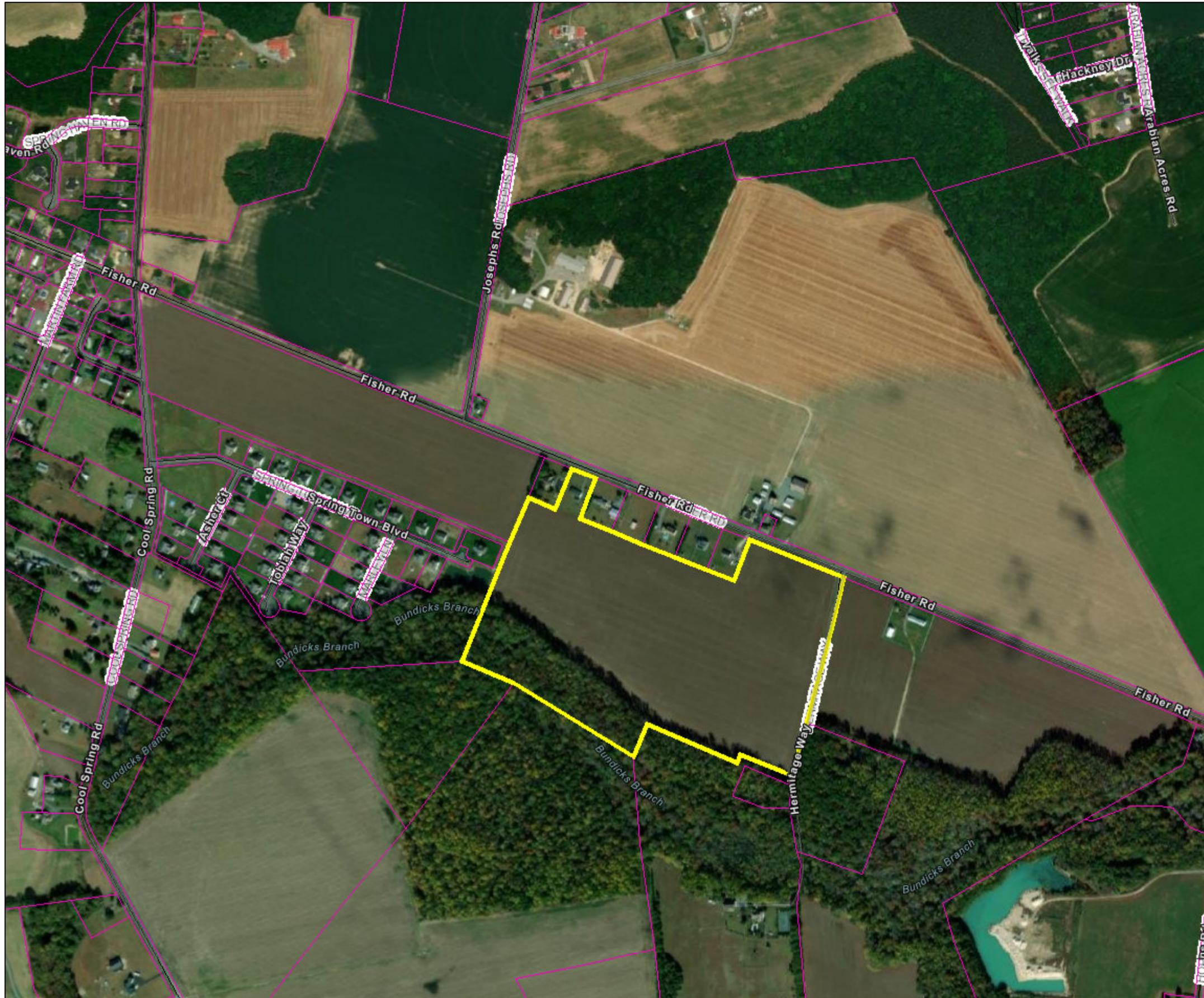
 - Override 1
- Tax Parcels
- Streets

1:9,028





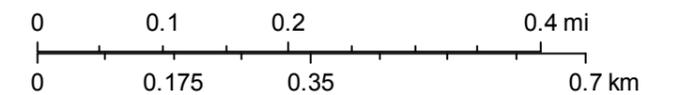
Sussex County



PIN:	334-10.00-69.00
Owner Name	MCHUGH EMILY C
Book	533
Mailing Address	28784 FISHER RD
City	MILTON
State	DE
Description	SW/OF RD 262
Description 2	APPROX 2602' NW OF
Description 3	RD 286 T#46736
Land Code	

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

1:9,028



File #: 2021-11
Pre-App Date: _____

Sussex County Major Subdivision Application

202100359

Sussex County, Delaware

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

RECEIVED

JAN 11 2021

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Standard:

Cluster:

Coastal Area:

Location of Subdivision:

South of Fisher Road, between Cool Spring Road and Hopkins Road

Proposed Name of Subdivision:

Tax Map #: 334-10 P 69 Total Acreage: 51.87 (48.84 Net)

Zoning: AR-1 Density: 1.99 Minimum Lot Size: 7,500 Number of Lots: 97

Open Space Acres: 27

Water Provider: Artesian Sewer Provider: Artesian

Applicant Information

Applicant Name: Schell Brothers, LLC

Applicant Address: 20184 Phillips Street

City: Rehoboth Beach State: DE Zip Code: 19971

Phone #: (302) 226-1994 E-mail: greg@oacompanies.com

Owner Information

Owner Name: Emily C McHugh

Owner Address: 28784 Fisher Road

City: Milton State: DE Zip Code: 19968

Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt, LLC (Attn: Mackenzie Peet, Esq.)

Agent/Attorney/Engineer Address: 1413 Savannah Road, Suite 1

City: Lewes State: DE Zip Code: 19958

Phone #: (302) 645-2262 E-mail: mackenzie@bmbde.com



Check List for Sussex County Major Subdivision Applications

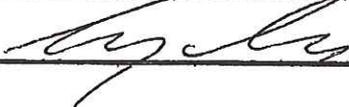
The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**
 - Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. Per Subdivision Code 99-22, 99-23 & 99-24
 - Provide compliance with Section 99-9.
 - Deed or Legal description, copy of proposed deed restrictions, soil feasibility study
- ✓ **Provide Fee \$500.00**
- ___ **Optional - Additional information for the Commission to consider (ex. photos, exhibit books, etc.)** If provided submit seven (7) 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.**
- ✓ **PLUS Response Letter (if required)** **Environmental Assessment & Public Facility Evaluation Report (if within Coastal Area)**
- ___ **51% of property owners consent if applicable**

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.

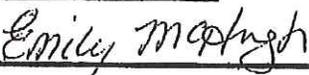
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety,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

Signature of Applicant/Agent/Attorney



Date: 12/9/20

Signature of Owner



Date: 12/08/20

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

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

TO: **Jamie Whitehouse**
REVIEWER: **Chris Calio**
DATE: **11/3/2021**
APPLICATION: **2021-11 Lightship Cove**
APPLICANT: **Emily C. McHugh**
FILE NO: **NCPA-5.03**

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PLANNING & ZONING

TAX MAP &
PARCEL(S): **334-10.00-69.00**

LOCATION: **Lying on the south side of Fisher Road (SCR 262)
approximately 0.87 mile southeast of Cool Spring Road (SCR
290).**

NO. OF UNITS: **97**

GROSS
ACREAGE: **48.84**

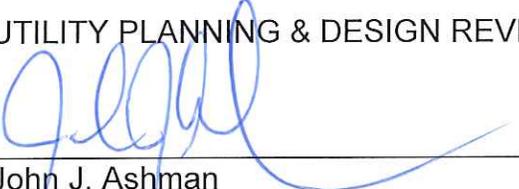
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

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 \$6,600.00** per EDU. Please contact **Choose an item**. at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed subdivision is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Choose an item.

MAPPING & ADDRESSING

MEGAN NEHRBAS
MANAGER OF GEOGRAPHIC
INFORMATION SYSTEMS (GIS)
(302) 855-1176 T
(302) 853-5889 F



Sussex County

DELAWARE
sussexcountyde.gov

July 27, 2021

Schell Brothers

Attn: Ann-Margaret Donato

RE: **Lightship Cove**

I have received proposed street name(s) for the proposed subdivision, **Lightship Cove**, located in Milton. In reviewing the proposed street name(s) the following have been approved:

<i>Lightship Cove Dr</i>	Outrigger Ct	Channel Way
--------------------------	--------------	-------------

Use only approved road names that you have written confirmation for or you will be required to rerecord. Each street name is to be used only once.

Upon final approval of **Lightship Cove** please forward a copy of the recorded site plan to my attention. Our office would appreciate a digital copy if at all possible, for the purpose of addressing. Should you have any questions, please contact the Sussex County Addressing Department at 302-855-1176.

Sincerely,

Terri L. Dukes

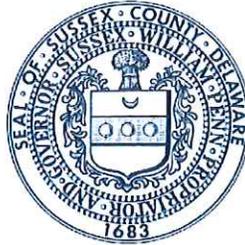
Terri L. Dukes
Addressing Technician II

CC: Christin Scott
Planning & Zoning



MAPPING & ADDRESSING

MEGAN NEHRBAS
MANAGER OF GEOGRAPHIC
INFORMATION SYSTEMS (GIS)
(302) 855-1176 T
(302) 853-5889 F



Sussex County

DELAWARE
sussexcountyde.gov

July 26, 2021

Schell Brothers

Attn: Ann-Margaret Donato

RE: Change of Sub Division Name(s)/Formally known as:

FISHERS COVE

I have received your request to change the subdivision previously approved as **Fishers Cove**, which is located in **Milton** (334-10.00-69.00). The name change has been approved and will now be known as:

LIGHTSHIP COVE

Should you have any questions please contact the **Sussex County Addressing Department at 302-853-5888 or 302-855-1176.**

Sincerely,

Terri L. Dukas

Terri L. Dukas
Addressing Technician II

CC: Christin Headley
Planning & Zoning





DELAWARE DEPARTMENT OF
AGRICULTURE

2320 SOUTH DUPONT HIGHWAY
DOVER, DELAWARE 19901
AGRICULTURE.DELAWARE.GOV

TELEPHONE: (302) 698-4500
TOLL FREE: (800) 282-8685
FAX: (302) 697-6287

April 14, 2021

Chase Phillips, Planner I
Planning & Zoning Commission
P.O. Box 417
Georgetown, Delaware 19947

Subject: **Preliminary Plans for (Unnamed Subdivision) Fisher Road**

Dear Mr. Phillips,

Thank you for providing preliminary plans for Unnamed subdivision on Fisher Road submitted by Solutions Integrated Planning Engineering & Management, LLC. The plans submitted to our section dated December 8th, 2020 are sufficient to meet the Sussex County Planning and Zoning Forested Buffer Ordinance.

The Delaware Forest Service recommends the plans reflect tree planting specifications and that the ISA ANSI A300 best management practices are followed for newly installed trees. DFS recommends planting a 70/30 mix of hardwood and evergreen tree species. There are several tree species that are not recommended for planting in the state due to their invasive nature or the susceptibility to pests and diseases. These species are listed on our department website.

The Delaware Forest Service has no further comment to (Unnamed Subdivision) Fisher Road's preliminary subdivision plans dated December 8th, 2020 at this time.

If you have any questions please feel free to contact me at taryn.davidson@delaware.gov.

Sincerely,

Taryn Davidson
Urban Forestry Program
Delaware Forest Service

Christin Scott

From: Anthony, Mindy (DNREC) <Mindy.Anthony@delaware.gov>
Sent: Thursday, March 11, 2021 11:56 AM
To: Planning and Zoning
Subject: RE: TAC Review 2021-11 Fisher Rd & 2021-12 Cool Spring

Categories: Christin

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

Good morning,

DNREC's Division of Waste and Hazardous Substances has no comments on either of the referenced projects.

Mindy Anthony
Planner IV
DNREC-Div. of Waste & Hazardous Substances
89 Kings Hwy
Dover, DE 19901
Phone: 302-739-9466
Fax: 302-739-5060
Mindy.Anthony@delaware.gov

Integrity. Respect. Openness. Customer Focus. Quality.



<https://de.gov/recycling>
www.facebook.com/delawarerecycles

From: Christin Headley <christin.headley@sussexcountyde.gov>
Sent: Tuesday, February 09, 2021 8:09 AM
To: Beth Krumrine <Beth.Krumrine@delaware.gov>; Brad Hawkes <bhawkes@sussexcountyde.gov>; C. Daniel Parsons <dparsons@sussexcountyde.gov>; Dean Holden - Chesapeake Electric <dholden@chpk.com>; Butler, Eileen M. (DNREC) <Eileen.Butler@delaware.gov>; Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>; Cinelli, Jennifer (DelDOT) <jennifer.cinelli@delaware.gov>; Jessica Watson – Sussex Conservation <Jessica.watson@state.de.us>; John J. Ashman <jashman@sussexcountyde.gov>; John Martin <jmartin@chpk.com>; john.hayes@delaware.gov; john.kennel@delaware.gov; John.Martin@delaware.gov; kate.fleming@delaware.gov; Kelley Gabbard <kgabbard@chpk.com>; Laws, Susanne K (DelDOT) <Susanne.Laws@delaware.gov>; Crystall, Meghan (DNREC) <Meghan.Crystall@delaware.gov>; Mike Brady <MBRADY@sussexcountyde.gov>; Melendez, Milton (DDA) <milton.melendez@delaware.gov>; Anthony, Mindy (DNREC) <Mindy.Anthony@delaware.gov>; Rob Davis – Planning Tech Utility Planning <rdavis@sussexcountyde.gov>; Subdivision (MailBox Resources) <Subdivision@delaware.gov>; Susan Isaacs <sisaacs@sussexcountyde.gov>; Terri Dukes <tdukes@sussexcountyde.gov>; Tholstrup, Michael S. (DNREC) <Michael.Tholstrup@delaware.gov>; Tiffany Giroux <tgiroux@chpk.com>; Troy Dickerson <TDickerson@decoop.com>; Vince Robertson <vrobertson@pgslegal.com>
Cc: Chase Phillips <chase.phillips@sussexcountyde.gov>
Subject: TAC Review 2021-11 Fisher Rd & 2021-12 Cool Spring

All,

Sussex County Planning Office has received two (2) applications that requires TAC review. Attached is a memo regarding the applications and a PDF of the plans submitted.

Please provide comments on or before April 6th, 2021.

Please feel free to contact me with any questions.

Thanks,

Christin Scott

Christin Scott, Planner I
Planning & Zoning Department
2 The Circle
PO Box 417
Georgetown, DE 19947
302-855-7878
christin.headley@sussexcountyde.gov

Much of the County's Planning and Zoning Information can be found online at:
<https://sussexcountyde.gov/sussex-county-mapping-applications>

Information on the 2018 Sussex County Comprehensive Plan can be found at:
<https://sussexcountyde.gov/2018-comp-plan-documents>

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

Date February 17, 2021

REF: **T. A. C. COMMENTS
FISHER ROAD
SUSSEX COUNTY TAX MAP NUMBER
334-10.00 PARCELS 69.00
PROJECT CLASS-3
AGREEMENT NO. 1166**

The following comments are the result of the Sussex County Engineering Department's review of the preliminary site plan for the above referenced project:

DESIGN REVIEW COMMENTS

1. Proposed developments with private roads or projects required to meet or exceed the County street design requirements shall be regulated by and conform to Sussex County Code and the comments here listed.
2. This project is not located within the limits of a Ground Water Management Zone (GMZ). Projects located within a GMZ must be forwarded to the County Engineer for review and comment.
3. Project Construction Drawings shall show, in detail, the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2012 digitized plan showing existing and proposed lines, grades, topography and features in a given area, which was utilized in preparing plans for construction. The individual sheet types will be in a separate design to show plan views on sheets separate from profile views. In addition, each sheet of the plans shall be submitted in a PDF format.
4. All work shall be geo-referenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2012 format. North will always be shown in an up direction on all plans.
5. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum.
6. The plans shall be provided on 24" x 36" drawing sheets at a scale of 1" = 50'.

The plans shall show and address the following items at minimum:

7. The project requires professional land surveying services to accurately delineate, and show the following items but is not limited to the following: all property and right-of-way lines, established at a minimum, two (2) horizontal and vertical control concrete



COUNTY ADMINISTRATIVE OFFICES WEST COMPLEX
22215 DUPONT BOULEVARD | PO BOX 589
GEORGETOWN, DELAWARE 19947

project benchmarks, survey monuments, easements, existing and proposed topographic contours at 1-foot vertical intervals and spot elevations as necessary to establish grades, the locations of all existing structures, highway and roadway pavements, shoulders, curbs, driveways, sidewalks, lighting structures, traffic control signs, and all public and private utilities, including, but not limited to, electric power and telephone lines, poles and boxes, underground electric, telephone, and communication lines, potable water lines, fire hydrants and valve boxes, gas lines, wells, sanitary sewers including septic systems, rim and invert elevations of manholes and cleanouts, and the rims and invert elevations and type of storm water structures, drainage ditches, ponds, streams and waterways, flood zones and flood zone boundaries and elevations, and State and Federal wetlands, trees, cemeteries and historic features, and the finished floor elevations of buildings.

8. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.
9. The plan requires a Certification Signature and/or a Certification Block for the Delaware Professional Engineer or Delaware Land Surveyor.
10. The plan requires a Certification Signature and/or a Certification Block for the Owner or Representative of the Owner.
11. The plan requires a Certification Signature and/or a Certification Block for the Professional Wetlands Delineator.
12. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.
13. Indicate the location of all wetlands, both state and federal, in order to facilitate compliance with County, State and Federal requirements.
14. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT project benchmarks, preferably at property perimeter corners, geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location including the North and East coordinates of the marks on the plans.
15. Indicate the development construction phases proposed showing the boundaries of each phase. Phasing boundaries shall include buildings, residential units, amenities, roads, storm water management facilities, wastewater systems and all other improvements and utilities required to service each phase.
16. Show the layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for private or public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets.
17. When on site individual septic tank systems are to be used and the lot topography is to be modified by cuts and fills it is required that the Design Engineer contact the Delaware Department of Natural Resources and Environmental Control, Division of Groundwater Water Discharge Section, 20653 DuPont Boulevard, Unit 5, Georgetown, DE 19947 phone number 302-856-4561 subject to mass grading operations for documented approval.

18. Provide the limits and elevations of the one hundred (100) year flood. This may require the design engineer to complete an analysis and provide a report including the depiction of the subject watershed(s), calculations and other technical data necessary to determine the limits and elevations of the base flood.
19. The pavement radius for all cul-de-sacs shall be no less than 38 feet in diameter or as otherwise required by the State Fire Marshall's office or the County Engineering Department.
20. False berms shall not be utilized to create roadside drainage swale back slopes.
21. For parking lots and drives, provide spot elevations at the edge of pavement, right-of-way or travel way centerline, at changes in grade, and high points and low points, to the nearest drainage facilities. Show the limits of the various surface materials and provide construction sections.
22. Provide and show the locations and details of all ADA compliant accessible walks and ramp features.
23. If the site has a cemetery located on it the Developer shall contact the Delaware State Historic Preservation Office and satisfy the requirements of that Office prior to beginning any construction activity. This area shall not be disturbed by this project. Adequate access to the site and buffers to protect the site, shall be provided.
24. Private rights-of-way adjacent to and abutting parcels not part of the project shall be located and designed to provide adequate buffer so that construction activities do not encroach onto adjacent properties.
25. Provide statements explaining how and when the developer proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavement, drainage structures and any other required improvements.
26. Provide statements concerning any proposed deed restrictions to be imposed by the owner.
27. Where special physical conditions exist, which may act as constraints on normal development or may preclude development, the developer may be required to submit special technical data, studies or investigations. This information must be prepared by individuals technically qualified to perform such work. Additional information may include but is not limited to the following: on-site sanitary sewage disposal feasibility, water supply surveys, such as test well drilling, storm water runoff computations and identification of areas subject to periodic flooding.
28. If special conditions are found to exist, the Engineering Department may elect to withhold approval of a construction plan until it is determined that it is technically feasible to overcome such conditions. The Engineering Department may then require the developer to incorporate specific improvement design criteria into the plat as a condition to its approval.
29. When special studies or investigations pertain to a regulatory program of another public agency, the developer shall submit the results of these studies or investigations to said public agencies for technical review and approval. Approvals and/or written comments

from these agencies shall be supplied to Sussex County by the developer.

UTILITY PLANNING COMMENTS

REVIEWER: **Chris Calio**
APPLICATION: **Fisher Road (2021-11)**
APPLICANT: **Schell Brothers, LLC**
FILE NO: NCPA-5.03
TAX MAP &
PARCEL(S): **334-10.00-69.00**
LOCATION: **South side of Fisher Road (SCR 262), approximately 0.50
mile east of Cool Spring Road (SCR 290).**
NO. OF UNITS: 97
GROSS
ACREAGE: 48.9390

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? N/A If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **Choose an item.** If yes, how many? **Click or tap here to enter text..** Is it likely that additional SCCs will be required? **Choose an item.**

If yes, the current System Connection Charge Rate is **Choose an item.** 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 is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**

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

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

If the above items, as applicable, are incorporated into the development plans, then preliminary approval is recommended. However, final plan approval should be withheld pending the approval of the construction plans by the Sussex County Engineering Department.



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Public Health

Office of Engineering
Phone: (302) 741-8640
Fax: (302) 741-8641

February 5, 2021

Ms. Christin Scott
Sussex County Planning & Zoning Commission
PO Box 417
Georgetown, DE 19947

Re: Sussex County Technical Advisory Committee

Dear Ms. Scott:

The Division of Public Health Office of Engineering is in receipt of the following applications:

1. **Applications:** **2021-11 Fisher Road**
 2021-12 Cool Spring

These applications indicate central water will be supplied by Artesian Water Company, Inc. *These projects require an Approval to Construct and an Approval to Operate from the Office of Engineering when constructing a new water system or altering an existing water system.* In order to obtain an Approval to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by the Office of Engineering prior to construction. 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 for these projects, the Office of Engineering requires one set of as-built drawings, including profile markups, for all plans approved for construction. An Approval to Operate will be issued after all applicable requirements are met.

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

Sincerely,

A handwritten signature in black ink that reads "William J. Milliken, Jr." in a cursive script.

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

Christin Scott

From: Dickerson, Troy <TDickerson@delaware.coop>
Sent: Wednesday, February 10, 2021 11:32 AM
To: Christin Headley
Subject: RE: TAC Review 2021-11 Fisher Rd & 2021-12 Cool Spring

Categories: TAC Comments

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

Good Morning,

Both of these are located within DP&L's service territory.

Thanks!

Troy W. Dickerson, P.E.
Assistant V.P. of Engineering
Voice: (302) 349-3125
Cell: (302) 535-9048
Fax: (302) 349-5891
tdickerson@delaware.coop



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From: Christin Headley <christin.headley@sussexcountyde.gov>
Sent: Tuesday, February 9, 2021 8:09 AM
To: Beth Krumrine <Beth.Krumrine@delaware.gov>; Brad Hawkes <bhawkes@sussexcountyde.gov>; C. Daniel Parsons <dparsons@sussexcountyde.gov>; Dean Holden - Chesapeake Electric <dholden@chpk.com>; eileen.butler@delaware.gov; Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>; jennifer.cinelli@delaware.gov; Jessica Watson – Sussex Conservation <Jessica.watson@state.de.us>; John J. Ashman <jashman@sussexcountyde.gov>; John Martin <jmartin@chpk.com>; john.hayes@delaware.gov; john.kennel@delaware.gov; John.Martin@delaware.gov; kate.fleming@delaware.gov; Kelley Gabbard <kgabbard@chpk.com>; Laws, Susanne K (DelDOT) <Susanne.Laws@delaware.gov>; megan.crystall@delaware.gov; Mike Brady <MBRADY@sussexcountyde.gov>; milton.melendez@delaware.gov; Mindy Anthony <Mindy.Anthony@delaware.gov>; Rob Davis – Planning Tech Utility Planning <rdavis@sussexcountyde.gov>; subdivision@delaware.gov; Susan Isaacs <sisaaacs@sussexcountyde.gov>; Terri Dukes <tdukes@sussexcountyde.gov>; Tholstrup, Michael S. (DNREC) <Michael.Tholstrup@delaware.gov>; Tiffany Giroux <tgiroux@chpk.com>; Dickerson, Troy <TDickerson@delaware.coop>; Vince Robertson <vrobertson@pgslegal.com>
Cc: Chase Phillips <chase.phillips@sussexcountyde.gov>
Subject: TAC Review 2021-11 Fisher Rd & 2021-12 Cool Spring

All,

Sussex County Planning Office has received two (2) applications that requires TAC review. Attached is a memo regarding the applications and a PDF of the plans submitted.

Please provide comments on or before April 6th, 2021.

Please feel free to contact me with any questions.

Thanks,

Christin Scott

Christin Scott, Planner I
Planning & Zoning Department
2 The Circle
PO Box 417
Georgetown, DE 19947
302-855-7878
christin.headley@sussexcountyde.gov

Much of the County's Planning and Zoning Information can be found online at:
<https://sussexcountyde.gov/sussex-county-mapping-applications>

Information on the 2018 Sussex County Comprehensive Plan can be found at:
<https://sussexcountyde.gov/2018-comp-plan-documents>



Natural Resources
Conservation
Service

April 2, 2021

Georgetown
Service Center

Jamie Whitehouse, Director
Sussex County Planning & Zoning
Sussex County Courthouse
Georgetown, DE 19947

21315 Berlin Road
Unit 3
Georgetown, DE
19947

**RE: Fisher Road
Lewes & Rehoboth Hundred
97 single family lots**

Voice 302.856.3990
Fax 855.306.8272

Dear Mr. Whitehouse:

Soils within the delineated area on the enclosed map are:

- AsA Askecksy loamy sand, 0 to 2 percent slopes
- DnA Downer loamy sand, 0 to 2 percent slopes
- DnB Downer loamy sand, 2 to 5 percent slopes
- LO Longmarsh and Indiantown soils, frequently flooded
- RoA Rosedale loamy sand, 0 to 2 percent slopes

Soil Interpretation Guide

Soil Limitation Class

Buildings

Map Symbol	Urbanizing Subclass	With Basement	Without Basement	Septic Filter Fields
AsA	R2	Very limited	Very limited	Very limited
DnA	G1	Not limited	Not limited	Not limited
DnB	G1	Not limited	Not limited	Not limited
LO	R3	Very limited	Very limited	Very limited
RoA	Y2	Somewhat limited	Not limited	Very limited

Definition of soil limitation ratings classes:

Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development.

"Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected.

"Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected.

"Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

G1:

These soils are on nearly level to strongly sloping (0-10% slopes), well drained, mostly permeable soils. As sites for large commercial, industrial, institutional, and residential developments, these soils have fewer limitations than any other soils in the state. Slopes are favorable, and grading can be done without difficulty. Foundation conditions are generally good. Grasses, trees, and do well. Principal soil limitations: No apparent soil limitations for conventional uses.

R2:

The soils in this classification are nearly or gently sloping, very poorly, poorly, and somewhat poorly drained. Seasonal high water tables, local ponding, and high potential frost action severely limit these soils for residential developments. The principal soil limitations are: 1) soil is highly susceptible to frost action, 2) excavations are likely to fill with water in late winter or early spring, 3) wet foundations or basements probable, and 4) hazard of temporary ponding of water in areas lacking outlets. Loose running sand commonly encountered in deep excavations.

R3:

These soils are alluvial soils that have a history of flooding. The hazard of potential flood damage and seasonal or fluctuating high water tables severely limits these soils for building use. The soil limitations are 1) soil is highly susceptible to frost action, 2) excavations are likely to fill with water in late winter or early spring, 3) delayed construction in spring - slow to dry out, 4) wet foundations or basements probable, and 5) potential flood damage.

Y2:

The soils in this classification are nearly level or gently sloping, moderately well drained or well drained with ground water between four to six feet from the surface, and are subject to seasonal high water tables. Seasonal wetness and seepage around foundations moderately limits these soils for residential use. The principal soil limitations are: 1) lateral seepage in subsoil causes concentration of water around foundations, 2) soil is highly susceptible to frost action, 3) excavations are likely to fill with water in late winter or early spring, and 4) wet basements or foundations are probable.

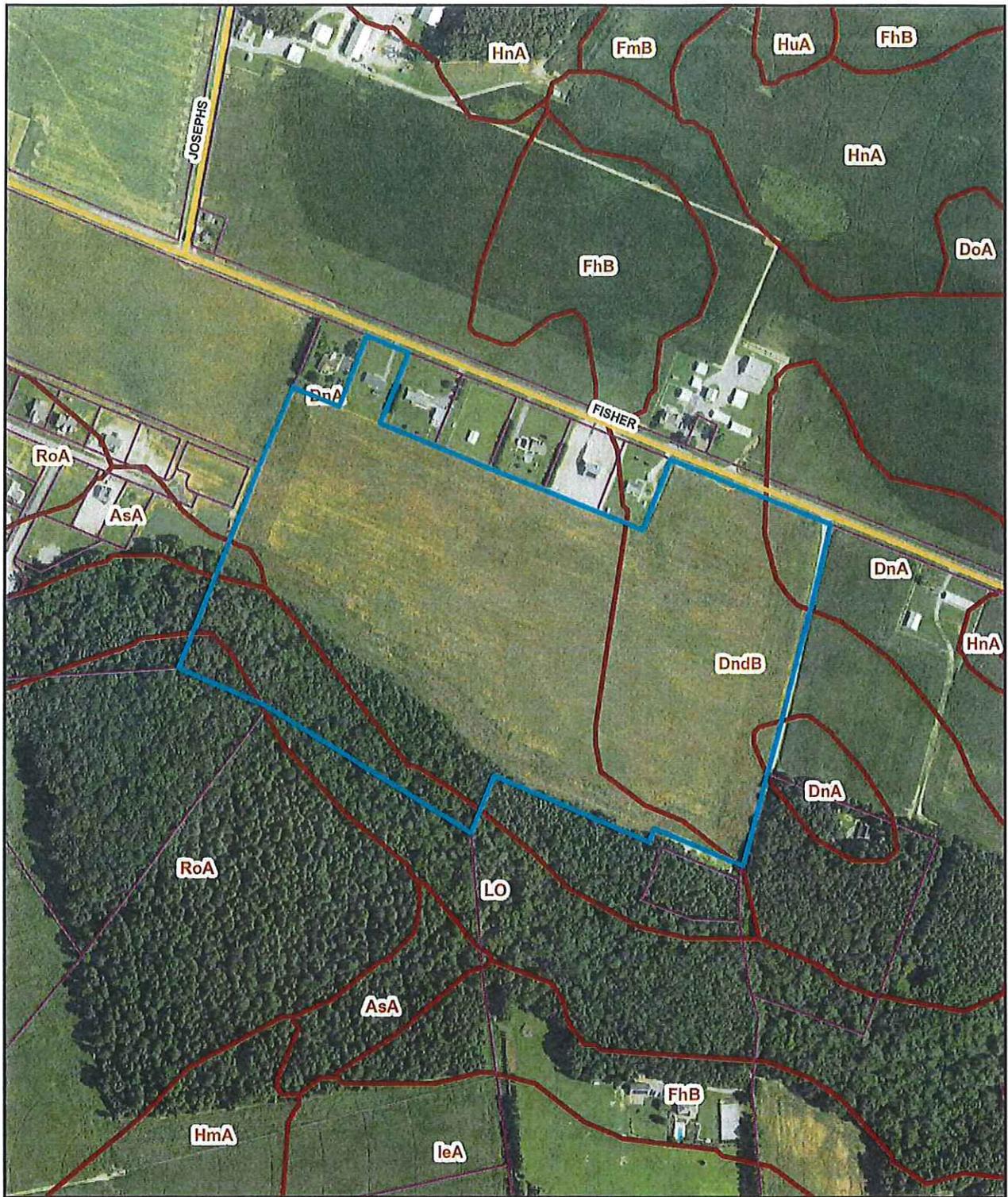
The soil interpretations above do not eliminate the need for detailed investigations at each proposed construction site. However, the interpretations can serve as a guide to planning more detailed investigations. No consideration was given in these interpretations regarding the size and shape of the soil area; nor to the pattern they form with other soils in the landscape. Also, because of the scale of the maps used, small areas of other kinds of soils may be included within some delineations of the soil map. Thus, an individual lot or building site could occupy a small area that would not fit the interpretations given for the soils symbol representing the entire delineation of the map. Interpretations apply to the soils in their natural state and not for areas that may have been altered through grading, compacting, and the like.

Sincerely,



Thelton D. Savage
District Conservationist
USDA, Natural Resources Conservation Service

TDS/bh



2021-11
TM #334-10.00-69.00
Fisher Road



2021-11
TM #334-10.00-69.00
Fisher Road

Agency Name: Dept. of Transportation Project Name: Fisher
Division: Planning Contact Person: Bill Brockenbrough

Regulations/Code Requirements

- The site access on Fisher Road (Sussex Road 262) must be designed in accordance with DeIDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- In accordance with Sections 1.6.1 of the Manual, and Figure 1.5.1 within that section, address entrance spacing. According to Figure 1.5.1, the proposed site entrance would be too close to Hermitage Way. To optimize conformity to Figure 1.5.1, DeIDOT anticipates requiring that the site entrance be centered between the driveway of the Morgan property (Tax Parcel No. 334-10.00-69.10) and Hermitage Way.
- In accordance with Sections 1.6.7 and 7.2.3.2 of the Manual, DeIDOT may require that some or all of lands to be retained by their current owners, be accessed by way of the subdivision street system rather than by Fisher Road. To the extent that those lands are already developed, and homes would remain, their access should be discussed at or before the Pre-Submittal Meeting. The applicant's engineer may contact Mr. Brian Yates, a Subdivision Reviewer in DeIDOT's Development Coordination Section, to initiate that discussion. Mr. Yates may be reached at Brian.Yates@delaware.gov or (302) 760-2151.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DeIDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 940 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DeIDOT calculates this number as 1,011 and estimates the weekday morning and evening peak hour trip ends at 74 and 99, respectively.

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DeIDOT may accept an Area Wide Study (AWS) Fee in

lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$10,110. AWS Fees are used to fund traffic studies, not to build improvements.

Presently, there is a TIS under review for a larger development located farther west on Fisher Road and DelDOT anticipates identifying off-site improvements applicable to the subject development through their review of that study. In addition to whatever other offsite improvements are identified, DelDOT anticipates requiring the developer to improve Fisher Road, within the limits of their frontage, to meet DelDOT's Local Road standards. Local Road standards include 11-foot lanes and 5-foot shoulders. Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway.

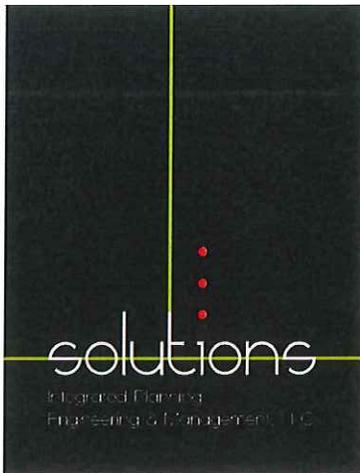
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Fisher Road. By this regulation, this dedication is to provide a minimum of 30 feet from the physical centerline of Fisher Road. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Fisher Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 300 feet of the entrance on Fisher Road.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Path and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. For Level 3 and 4 Investment Areas, the requirement is at DelDOT's discretion but given the developing nature of the area, DelDOT anticipates requiring a Shared Use Path along the site frontage.
- Section 3.5.4.4 of the Manual addresses access-ways, essentially shared-use paths connecting subdivision streets either to each other or to the road on which the property

fronts. Section 3.5.7.1 of the Manual addresses interconnections where there is no existing stub street on the adjacent property. DelDOT anticipates requiring the developer to provide an accessway to Spring Town Boulevard in Springtown Farms if that can be negotiated with the homeowners' association there.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Fisher Road.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrance on Fisher Road and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Suggestions

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Fisher Road.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>



DelDOT Meeting Minutes (2-18-21)

Fisher

- TIS warrants are met, however an AWS fee is an option. There is not an official AWS letter yet. Brian will follow up with Claudy on the status. The letter can potentially contain Signal Agreements and Off-Site Contributions. The AWS Fee memo was released by DelDOT on February 16, 2021.
- The auxiliary lane worksheet is correct.
- The existing driveway (Hermitage Way) will receive a driveway restoration per the standard DelDOT detail.
- The SUP can be extended to Hermitage Way (if the driveway restoration extends past the proposed R.O.W., thus eliminating the diagonal tie into the proposed shoulder.
- The widening of Fisher Road shall extend to the projected site frontage. (11' wide travel lanes and 5' wide shoulders)
- Utility poles may require relocation. Their final location shall not fall within the established clear zone.
- The portion of the property with the existing house will be subdivided out as either a minor subdivision or as part of the final plat for the project. The existing house may keep its driveway access on Fisher Road.
- James noted the road will require a 1" mill. The proposed paving will be per the pavement design from DelDOT.
- There are historic drainage issues for Fisher Road. It is currently part of regional drainage area project. Solutions will coordinate with Matthew Schlitter on a potential outfall onto our site to Budnicks Branch.
- Please refer to DelDOT's previous PLUS comments for additional requirements, beyond that which was discussed at the pre-submittal meeting.
- Entrance location appears to meet DelDOT spacing requirements. Existing Residential entrance to remain. Entrance design vehicle SU-30/WB-40. No encroachment within design turning templates.
- Functional Classification – Local (30' ROW/15' PE)



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 77B
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

MEMORANDUM

TO: Richard McCabe, Sussex Review Coordinator
FROM: Troy Brestel, Project Engineer **(TEB)**
DATE: February 16, 2021
**SUBJECT: Fisher Road (Protocol Tax Parcel #334-10.00-69.00)
Area Wide Study Fee and Off-site Improvements**

The subject development meets DelDOT's volume warrants to pay the Area Wide Study Fee in lieu of doing a Traffic Impact Study (TIS). This memorandum is to address the amount of that fee and the off-site improvements that should be required of the developer in the absence of a TIS. The fee and improvements presented below are an alternative to the developer doing a TIS and the improvements identified through DelDOT's review of that study.

- 1) The proposed development consists of 97 single-family detached houses. Per the tenth edition of the Institute of Traffic Engineers' Trip Generation Manual, we find that the proposed development would generate 1,011 average daily trips and 99 vehicle trips during the p.m. peak hour. The fee is calculated at ten dollars per daily trip. For the proposed development, the fee would be \$10,110.00.
- 2) The developer shall improve the State-maintained road(s) on which they front, within the limits of their frontage, to meet DelDOT's standards for their Functional Classification as found in Section 1.1 of the Development Coordination Manual and elsewhere therein. The improvements shall include both directions of travel, regardless of whether the developer's lands are on one or both sides of the road. Frontage is defined in Section 1 of the Development Coordination Manual, which states "This length includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway." Questions on or appeals of this requirement should be directed to the DelDOT Subdivision Review Coordinator in whose area the development is located.

Mr. Richard McCabe

February 16, 2021

Page 2 of 2

If you have any additional questions or comments, please let me know.

TB:km

cc: Tim Green, Schell Brothers
Jason Palkewicz, Solutions IPEM
Michael Simmons, Assistant Director, Project Development South, DOTS
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Kerry Yost, Traffic Calming and Subdivision Relations Manager, Traffic, DOTS
Wendy Polasko, Subdivision Engineer, Development Coordination
James Argo, Sussex Plan Reviewer, South District
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Fumato, Project Engineer, Development Coordination
Brian Yates, Johnson, Mirmiran & Thompson, Inc.

Sussex County, Delaware
Technical Advisory Committee

Comment Sheet



DATE OF REVIEW: February 11, 2021

REVIEWING AGENCY: **Delaware State Fire Marshal's Office, Sussex Office**

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**
Dennett E. Pridgeon, CFPS, CFPE, CFI, Sr. Fire Protection Specialist
Jefferson L. Cerri, CFI, Sr. Fire Protection Specialist
Desiree B. McCall, CFI, Sr. Fire Protection Specialist

AGENCY PHONE NUMBERS: **302-856-5298, Fax: 302-856-5800**

RE: FISHER ROAD UN-NAMED SUBDIVISION (2021-11)

The reasons and conditions applied to this project and their sources are itemized below:

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

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly)
- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

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

c. **Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Fisher Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**

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

e. **Required Notes:**

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

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

THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE

MAPPING & ADDRESSING

MEGAN NEHRBAS
MANAGER OF GEOGRAPHIC
INFORMATION SYSTEMS (GIS)
(302) 855-1176 T
(302) 853-5889 F



Sussex County

DELAWARE
sussexcountyde.gov

July 26, 2021

Schell Brothers

Attn: Ann-Margaret Donato

RE: Change of Sub Division Name(s)/Formally known as:

FISHERS COVE

I have received your request to change the subdivision previously approved as **Fishers Cove**, which is located in **Milton** (334-10.00-69.00). The name change has been approved and will now be known as:

LIGHTSHIP COVE

Should you have any questions please contact the **Sussex County Addressing Department at 302-853-5888 or 302-855-1176.**

Sincerely,

Terri L. Duker

Terri L. Duker
Addressing Technician II

CC: Christin Headley
Planning & Zoning



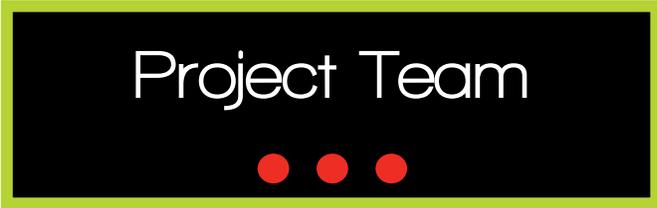
Lightship Cove

Project Reference Material

AR-1 Cluster

October 2021





APPLICANT/DEVELOPER:

Schell Brothers, LLC

Contact: Tim Green
20184 Phillips Street
Rehoboth Beach, DE 19971
Telephone: 302.226.1994
Email: tgreen@schellbrothers.com

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Resumes:

Jason Palkewicz, PE

Lightship Cove



I. Executive Summary

Lightship Cove is a proposed 48.94 acre Cluster Subdivision composed of 97 single-family detached homes on individual lots. The site is located on the South side of Fisher Road adjacent to the existing Spring Town Farms residential community. The land is currently zoned AR-1.

Lightship Cove is located within Investment Level 4 of the State Strategies for Policies and Spending Map.

The proposed community provides 97 homes on roads within private rights-of-way with curb and gutter with sidewalk on one side, streetlights and preserved wooded and wetland areas. The project contains a total of 26.5 +/- acres (54%) of interconnected open space.

A centrally located recreation facility is provided which includes a pool and bathhouse. A trail connects the sidewalks to the proposed DeIDOT multi-modal path. A school bus stop and central mail facility will also be provided.

Proposed Density and Calculations:

Project Area

51.97 total acres – 3.03 acres retained by seller = 48.94 acres

Allowable Homes Calculation (AR-1 Cluster):

2.0 homes/acre

48.94 x 2.0 = 97 homes

Proposed Homes:

97 Homes

Actual Density:

97 / 48.94 = 1.98 homes/acre

In conclusion, the proposed community has been thoughtfully planned to achieve a superior living environment for future residents. This plan provides appealing amenities that will result in sustainable property values with neutral to positive impacts on property values in nearby neighborhoods while promoting the health, safety and welfare of the citizens of Sussex County.

II. Project Overview

A. Boundary Plat, Topographic & Non-Tidal Wetlands Survey

A boundary topographic survey for the property was prepared by Solutions IPEM, LLC. The total area of the property is 51.97 +/- acres. Wetlands areas were flagged and field located as part of the survey.

B. Overview of Current Site Conditions

The property for the proposed Lightship Cove community is located South of Fisher Road, adjacent to the Spring Town Farms community. The proposed development is in the vicinity of the residential communities of Spring Town Farms, Ridings at Rehoboth, Ocean Meadows, Coolspring Farm, and Spring Haven.

Areas that should be preserved were determined to be non-tidal wetlands, areas along Bundicks Branch as well as the woods adjacent to and within the non-tidal wetlands.

The property is located within flood Zone X, (areas determined to be outside the 0.2% annual chance floodplain), and Zone A, (special flood hazard areas subject to inundation by the 1% annual chance flood) per map number 10005C Panel 0326J & 0330J, map revised January 6, 2005. The site is located within areas of good and fair groundwater recharge potential.

A soils report was prepared by GTA. Areas outside of the wetlands contain Class A soils. The site is suitable for development including infrastructure, home construction and stormwater management.

C. Land Plan and Amenities

The land plan takes into account:

- Existing site conditions
 - Non-Wetlands
 - Forest Land
 - Existing Grades
 - Bundicks Branch
 - Flood Zones
- Stormwater outfalls
- Adjacent communities
- Existing roadways
- Current housing trends
- Recreational needs

The resultant plan has:

- A 30' landscaped buffer (partially existing woods).
- Proposed lots are more than 35' from the perimeter of the site.
- The lots are a minimum of 30' from the non-tidal wetlands.
- Sidewalks one side of the road along with an anticipated trail connecting to the proposed DeIDOT multi-modal path.
- A 50' buffer from Bundicks Branch.
- Main recreation facility including:

- Pool
- Bathhouse
- Streetlights.
- Community mailbox cluster.
- School bus stop.
- An efficient stormwater management system that acts as an amenity.
- Large tracks of open space
 - Open Space Required (30%) = 14.68 acres
 - Open Space Provided = 26.5 acres
 - Contiguous Open Space Required (30% of Required Open Space) = 4.41 acres
 - Contiguous Open Space Provided = 25 acres

D. DeIDOT Improvements

A series of discussions were held with DeIDOT officials concerning area roadway improvements related to Fisher Road specifically with regard to off-site transportation improvements and frontage improvements. Entrance improvements are anticipated to include turn lanes into the development.

E. Preliminary Land Use Service (PLUS)

A concept plan for Lightship Cove was presented to PLUS on November 18, 2020. A response letter was provided to PLUS which addressed their comments point by point.

F. Sanitary Sewer Planning Area

The Lightship Cove community is anticipated to be served by Artesian. The site is located within the Sussex County Tier 3 – Coordinated CPCN Area.

III. Compliance with Applicable Regulations

A. Compliance with AR-1 (Agricultural Residential District)

The project is located within the AR-1 zone. The site is being developed with residential lots lines within the AR-1 zone and will meet the requirements of the AR-1 Cluster as existed at the time of application.

The proposed land use is in conformity with the Zoning Ordinance which allows 2.0 dwelling units per acre based on the gross site area.

Purpose: Lightship Cove conforms with the purpose of the AR-1 code in as much as it is a low density residential community that protects water resources, watersheds, forest area and scenic views. Specific design elements include:

- Recreation facilities such as pool and bathhouse are provided.
- Sidewalks and a connection to the multi modal path are provided.
- Lots are not located within the wetland area.
- There are no wellhead protection areas on the property.
- The site is within the fair groundwater recharge area.

Permitted Uses: The AR-1 allows the proposed single-family cluster development.

Permitted Accessory Uses: The zoning allows outdoor amenities for use of occupants and their guests.

Conditional Uses: Lightship Cove is not applying for any conditional uses.

Special Use Exceptions: Lightship Cove is not applying for any special use exceptions.

Permitted Signs: All proposed development signage will conform to the regulations provided in 115-159.2.

Height, Area and Bulk Requirements: The height, area and bulk requirements are set forth in the AR-1 zoning article. The following is a summary of the lot dimensions and setbacks for Lightship Cove, all of which are in conformity with County requirements:

Single Family Lots -

- Minimum Lot Area = 7,500 S.F.
- Minimum Lot Width = 60'
- Front Yard = 25' (15' Corner Lot)
- Side Yard = 10'
- Rear Yard = 10'
- Maximum Building Height = 42'

B. Statement of Compliance with Chapter 115-25, E. Design Requirements for Cluster Development

(1) All development shall be in accordance with the latest amendment to the community design standards. The proposed cluster subdivision is in compliance with the Community Design section of the County's comprehensive plan.

(2) Housing types in the low-density area, as shown on the Sussex County Comprehensive Plan, are limited to single-family detached dwellings and manufactured homes where permitted by ordinance. Only single-family detached home types are proposed within the cluster subdivision.

(3) A forested buffer area with a minimum width of 30 feet shall be provided for lots abutting an agricultural area. A 30' buffer is provided to the adjacent properties.

(4) Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity. A 30' buffer is provided.

(5) No lots shall have direct access to any state-maintained roads. No proposed lots have access to state-maintained roads.

(6) All lots shall be configured to be contained completely outside of all wetlands. The proposed lots are not located within wetlands.

(7) Any development using the option in Subsection B(2) shall have central water and wastewater systems operated and maintained by companies authorized by the State of Delaware to perform such services. Wastewater collection and treatment systems must be designed in accordance with the requirements of Sussex County ordinances and conform to the requirements for a central sewer system as defined in § 115-194A of the Sussex County Zoning Ordinance. The proposed community will be served by both central water and wastewater systems.

C. Statement of Compliance with Chapter 115-25, F. (3) Planning and Zoning Requirements

(a) [1] The proposed lots and amenities are located within the environmentally suitable portions of the site. Specifically, wetlands and waterways are avoided. Clearing of the woods are limited to the amount required to develop the project.

(a) [3] The open space meets the requirements of the County Code. The required open space (30% of site) is 14.68 acres, 26.5 acres have been provided. Of the required open space (14.68 acres), 30% (4.41 acres) is required to be on one contiguous tract of land (separated by water and up to one street). The project provided 25 acres of contiguous open space. The open space tract is located along the wetlands and waterway. The sidewalk system is proposed to be connect to the DelDOT multi-modal system.

(a) [4] A minimum 25' buffer is provided around the existing non-tidal wetands as well as a 50' buffer to the branch.

(a) [5] Stormwater management shall be provided per DNREC and Sussex Conservation District. Recharge or structurally equivalent BMPs shall be provided. Soils testing and reports have been prepared by GTA showing the existing is suitable for development.

(a) [6] Tree removal shall be limited to necessary to construct the project.

(a) [7] Scenic views to waterway, wetland and wooded areas are preserved for the homeowners and passersby by limiting back-to-back lots and providing gaps between lots.

(a) [8] The land plan preserved natural facilities (wetlands, waterways, woods) and includes sidewalks and connections to DelDOT's multi-modal path. Open space adjacent to natural features has been prioritized. Existing grades and drainage area are considered in the lot layout.

(a) [9] Sidewalks are provided on one side of each street.

(b) Natural and historic features are preserved as part of the land plan.

(c) Section 99-9C items are addressed herein.

(d) The cluster subdivision is not located within a designated growth area.

D. Statement of Compliance with Chapter 99, Sussex County Subdivision of Land

Chapter 99-9 (C)

The proposed development plan has taken into consideration all items listed within the Subdivision of Land – Chapter 99, Section C within the Sussex County Code and complies with it in the following manner:

1. *"Integration of the proposed subdivision into existing terrain and surrounding landscape."*

- a. The Developer has taken great effort to utilize the additional land as open space. The proposed location of storm water management facilities was also based on extensive soils borings and a soil report.
- b. Forested non-tidal wetlands have been preserved.
- c. A minimum 30' landscaped buffer has been provided adjacent to all surrounding property lines.
- d. The proposed lots within the community are a minimum of 35' from the outbounds of the property.

2. *"Minimal use of wetlands and floodplains."*

- a. A minimum of 30' is provided between the proposed lots and wetlands.
- b. A majority of the proposed lots are located within flood Zone X (unshaded), areas determined to be outside the 0.2% annual chance floodplain.

3. *"Preservation of natural and historic features."*

- a. There are no known historic sites.
 - b. The roadway system, stormwater features and lots were designed in such a way to minimize impacts/disturbance of steep slopes.
- 4. *"Preservation of open space and scenic views."***
- a. Large tracts of open space are being persevered including wooded areas, wetlands, buffers and flood zone.
 - b. Views of the existing wooded wetlands are preserved and are viewable from the lots and through open space adjacent to the roadways.
- 5. *"Minimization of tree, vegetation, and soil removal and grade changes."***
- a. Disturbance to the site will be limited to only those areas required for homes, roads, storm water management and utility installation. All undisturbed vegetation that is compatible with native vegetation shall remain.
 - b. Grade changes to the site shall be limited to those necessary to provide positive drainage and proper cover over utilities.
- 6. *"Screening of objectionable features from neighboring properties and roadways."***
- a. Screening of objectionable features on the site from adjacent properties and roadways shall be provided utilizing the required 30' landscaped buffer around the perimeter of the site or existing forested areas and storm water management facilities where those exist.
 - b. The proposed lots within the community are a minimum of 35' from the outbounds of the property.
- 7. *"Provision for water supply."***
- a. Artesian will provide potable water and fire protection for the development.
- 8. *"Provision for sewage disposal."***
- a. The Lightship Cove community wastewater service is intended to be provided by Artesian.
- 9. *"Provision for solid waste disposal."***
- a. Arrangements will be made with a commercial trash hauler to provide trash collection for Lightship Cove.
- 10. *"Prevention of surface and groundwater pollution."***
- a. All runoff from the Lightship Cove site will be directed via the closed road section and storm drain network into a storm water management system consisting of Best

Management Practices (BMP) for treatment and discharge. The storm water management facilities will be designed in accordance with Delaware / Sussex County standards.

- b. Ultimately, through post-development design, runoff will receive better treatment than during pre-development conditions. The project will meet the current storm water management regulations as required by DNREC.

11. *“Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized.”*

- a. As stated above, stormwater management quality and quantity will be provided by a storm water management system consisting of Best Management Practices (BMP) for treatment and discharge. The BMP’s will be designed per Delaware / Sussex County standards. The stormwater collection/treatment system will be adequately sized to prevent flooding.
- b. Erosion and sediment control will be provided by methods approved by the Sussex Conservation District. An erosion and sediment control plan will be prepared and submitted for review.

12. *“Provision for safe vehicular and pedestrian movement within the site and to adjacent ways.”*

- a. Entrance to the site shall be designed per current DeIDOT standards.
- b. To promote pedestrian traffic within the development, 5’ sidewalks are provided along one side of the road.
- c. All roads will be designed in accordance with Sussex County standards.

13. *“Effect on area property values.”*

- a. It is expected that the proposed Lightship Cove community will cause current property values to remain the same if not increase the value of the properties in the area. Great attention has been paid to the detail and aesthetic qualities of the plan, the livability of the community and amenities provided.

14. *“Preservation and conservation of farmland.”*

- a. The proposed subdivision will not adversely affect adjacent farmland due to landscaped buffers and other natural wooded areas and wetland that separate the community from farmland.

15. *“Effect on schools, public buildings, and community facilities.”*

- a. Lightship Cove will have no adverse effect on schools, public buildings and community.

- b. Community amenities will include a pool and bathhouse. In addition, Lightship Cove includes several open space areas for other active and passive uses.

16. "Effect on area roadways and public transportation."

- a. A series of discussions were held with DelDOT officials concerning area roadway improvements related to Lightship Cove specifically with regard to off-site transportation improvements and frontage improvements. Entrance improvements are anticipated to include turn lanes into the property.

17. "Compatibility with Other Land Uses."

- a. The project is relatively adjacent to other residential communities of Spring Town Farms, Ridings at Rehoboth, Ocean Meadows, Coolspring Farm and Spring Haven, thus being compatible in density, home style and land use.

18. "Effect on Area Waterways."

- a. Runoff will be treated for water quality and quantity prior to discharge.

E. Statement of Conformity with Sussex County, Delaware, Comprehensive Plan Update, March 2019

Chapter 4 Future Land Use:

The site is located within the Low Density Area and complies as follows:

- The proposed land plan addresses environmental concerns.
 - o Greater than 20% of the site is set aside as open space.
 - o 30' perimeter landscape buffer.
- Single-family homes are permitted.
- The proposed density of 1.98 du/ac is in compliance with the 2 du/ac as appropriate in this location.
- Central water and sewer will be available to the site.

Chapter 5 Conservation:

The proposed community complies with the Conservation section as follows:

- The site complies with surface water runoff requirements.
- There are no well head protection areas nor excellent ground recharge areas within the proposed site.
- No lots are proposed within the existing wetlands.
- A majority of the proposed lots are not located within flood zones.
- Central water and sewer will be available to the site.

Chapter 6 Recreation and Open Space:

The proposed community complies with the Recreation and Open Space section as follows:

- The site is located within Region 5 of the Delaware Statewide Comprehensive Outdoor Recreation Plan and provides the following:

- High Priorities:
 - Swimming pools
 - Walking/jogging paths (multi-modal)
 - Bike paths (multi-modal)
- In addition, the community provides:
 - Sidewalks

Chapter 7 Utilities:

The proposed community complies with the Utilities section as follows:

- Water will be provided by Artesian who has the CPCN for the project.
- The Lightship Cove community wastewater service will be provided by Artesian.
- Adequate areas are provided for stormwater management and stormwater drainage.
- It is anticipated that solid waste collection will be by a licensed commercial hauler.

Chapter 8 Housing:

The proposed community complies with the Housing section as follows:

- The community is located West of the Lewes / Rehoboth Beach region and will provide housing for retirees as well as those working in the County.

Chapter 9 Economic Development:

The proposed community complies with the Economic Development section as follows:

- This development project will directly provide employment/opportunities in:
 - Construction
 - Professional, Business and IT Services
 - Finance, Insurance and Real Estate
 - Utilities
- The development will also indirectly provide job opportunities in:
 - Leisure and Hospitality
 - Education and Healthcare

Chapter 10 Historic Preservation:

The proposed community complies with the Historic Preservation section as follows:

- There are no known historic sites located on the site.

Chapter 12 Community Design:

The proposed community complies with the Community Design section as follows:

- The proposed community is a cluster subdivision, which is widely used in AR-1 zoning.
- Street lighting will be provided.
- Sidewalks are proposed on one side of the roadways.
- The lot sizes within the cluster make rear garages impossible and side loads very unlikely.
- The narrower right-of-way allows for homes to be placed closer to the road.
- The proposed homes will be limited to 42' in height.
- No variances to the required setbacks are proposed.
- Although no direct connection of walking trails or bicycle paths to the existing adjacent communities is possible, the community will connect to multi-modal paths within DelDOT's right-of-way.
- The entrance to the community will be landscaped.

- Cross walks will be provided.
- Landscape/forested buffers will be provided along the perimeter.
- Utilities are proposed to be underground.
- Street signage will be provided throughout the community.

Chapter 13 Mobility Element:

The proposed community complies with the Mobility Element section as follows:

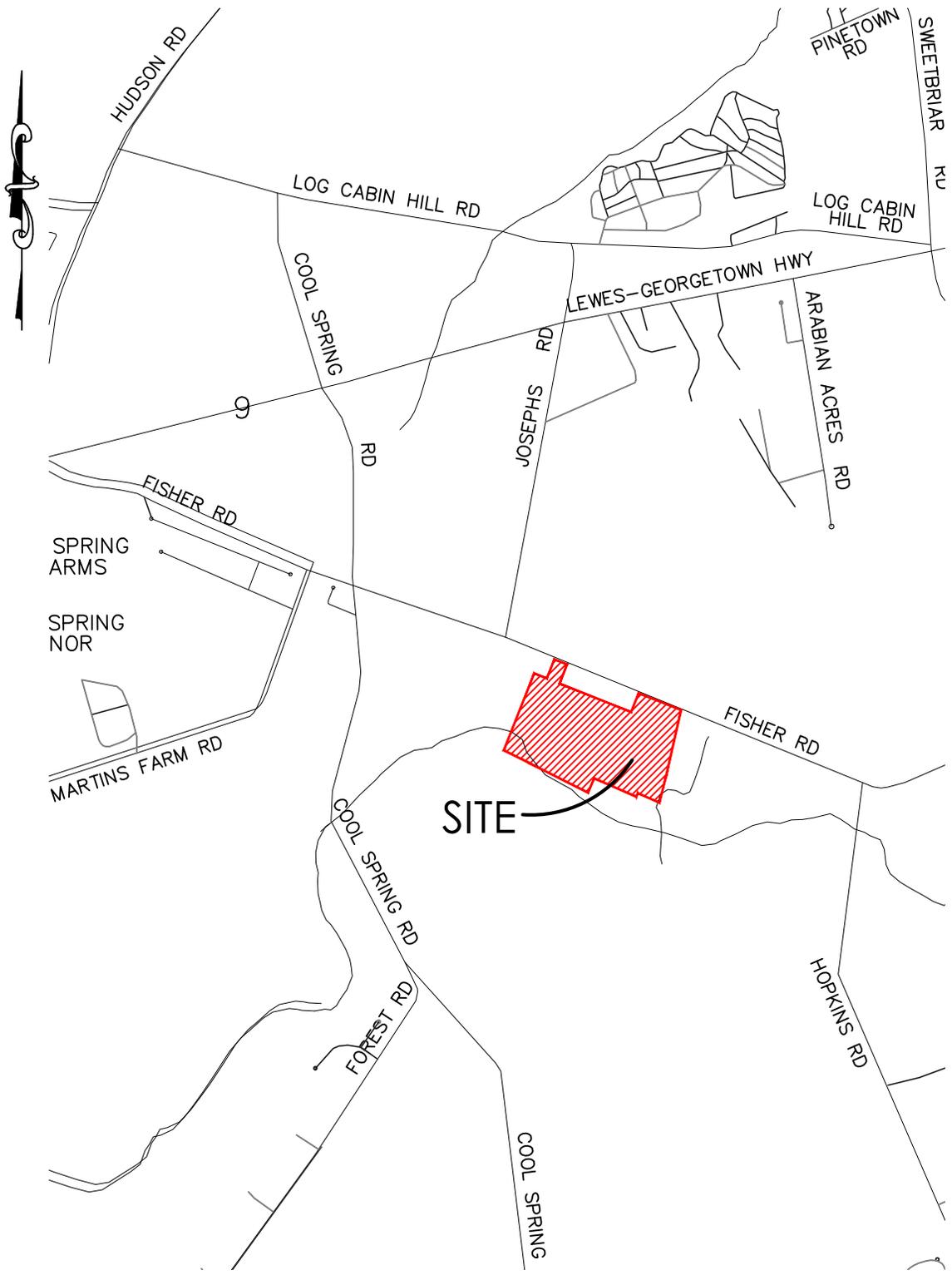
- Entrance, roadway and off-site improvements necessitated by DeIDOT will be designed and constructed per DeIDOT standards.

IV. Conclusion

The proposed community of Lightship Cove will enhance the area with a well-planned design, upscale homes, amenities, and no negative impact on the land. The design preserves large amounts of open space while preserving attractive views within and into the community. The homes will have a neutral to positive impact on the value of the surrounding neighborhoods and will provide the County with additional tax revenue. Passive amenities include existing woodlands and wetlands on-site. Active amenities include pool, and bathhouse as well as dedicated open spaces for other activities. The design also preserves and enhances existing views through non-disturbance and accentuates certain features of the existing terrain.

The proposed Community of Lightship Cove meets the standards set forth by the County and State and will provide a superior living environment for future residents without placing a burden on the County, State or taxpayers to serve this community.

VICINITY MAP



LIGHTSHIP COVE





January 4, 2021

Mrs. Constance C. Holland, AICP, State Planning Director
Haslet Armory
122 Martin Luther King Jr. Blv. South
Dover, DE 19901

RE: PLUS review 2020-11-09; Fisher Road

Dear Mrs. Holland;

Please allow this letter to serve as our response to the PLUS review of the Fisher Road property. Answers to comments have been provided following each comment taken directly from your comment letter for ease of use. Our responses are in red and in different font for ease in review.

Thank you for meeting with State agency planners on November 18, 2020 to discuss the Fisher project. According to the information received you are seeking review of a proposed 97-unit subdivision on 51.87 acres along Fisher Road in Level 4 in Sussex County

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

Response: The developer will comply with all Federal, State and local regulations regarding the development of this property. The developer will comply with any and all regulations/restrictions set forth by Sussex County.

Strategies for State Policies and Spending

This project represents a residential development within a Level 4 area according to the 2020 Strategies for State Policies and Spending. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New residential development activities are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed will bring a new residential development to an area where the State has no plans to invest in infrastructure upgrades or additional services. The intended development will need access to services and infrastructure such as police, and transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, and 100% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the 2020 *Strategies for State Policies and Spending*, the State does not support the development of this parcel.

With that said, the comments in this letter are technical, and are not intended to suggest that the State supports this development. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property.

Response: Understood.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Fisher Road (Sussex Road 262) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- In accordance with Sections 1.6.1 of the Manual, and Figure 1.5.1 within that section, address entrance spacing. According to Figure 1.5.1, the proposed site entrance would be too close to Hermitage Way. To optimize conformity to Figure 1.5.1, DelDOT anticipates requiring that the site entrance be centered between the driveway of the Morgan property (Tax Parcel No. 334-10.00-69.10) and Hermitage Way.
- In accordance with Sections 1.6.7 and 7.2.3.2 of the Manual, DelDOT may require that some or all of lands to be retained by their current owners, be accessed by way of the subdivision street system rather than by Fisher Road. To the extent that those lands are already developed, and homes would remain, their access should be discussed at or before the Pre-Submittal Meeting. The applicant's engineer may contact Mr. Brian Yates, a Subdivision Reviewer in DelDOT's Development Coordination Section, to

initiate that discussion. Mr. Yates may be reached at Brian.Yates@delaware.gov or (302) 760-2151.

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 940 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT calculates this number as 1,011 and estimates the weekday morning and evening peak hour trip ends at 74 and 99, respectively.

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$10,110. AWS Fees are used to fund traffic studies, not to build improvements.

Presently, there is a TIS under review for a larger development located farther west on Fisher Road and DelDOT anticipates identifying off-site improvements applicable to the subject development through their review of that study. In addition to whatever other offsite improvements are identified, DelDOT anticipates requiring the developer to improve Fisher Road, within the limits of their frontage, to meet DelDOT's Local Road standards. Local Road standards include 11-foot lanes and 5-foot shoulders. Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Fisher Road. By this regulation, this dedication is to provide a minimum of 30 feet from the physical centerline of Fisher Road. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Fisher Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 300 feet of the entrance on Fisher Road.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Path and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. For Level 3 and 4 Investment Areas, the requirement is at DelDOT's discretion but given the developing nature of the area, DelDOT anticipates requiring a Shared Use Path along the site frontage.
- Section 3.5.4.4 of the Manual addresses access-ways, essentially shared-use paths connecting subdivision streets either to each other or to the road on which the property fronts. Section 3.5.7.1 of the Manual addresses interconnections where there is no existing stub street on the adjacent property. DelDOT anticipates requiring the developer to provide an accessway to Spring Town Boulevard in Springtown Farms if that can be negotiated with the homeowners' association there.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Fisher Road.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrance on Fisher Road and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access

- to Fisher Road.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
 - Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

Response: The developer will continue to coordinate with DelDOT regarding final frontage improvements, off-site improvements, final entrance locations, and cost sharing. Record and Entrance Plans will be submitted to DelDOT in accordance with the latest DelDOT regulations.

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

Concerns Identified Within the Development Footprint

Wetlands

Maps from the Statewide Wetlands Mapping Project indicate the presence of freshwater forested wetlands on the site. A wetland delineation has been completed. The project is not anticipated to disturb the 5.3 acres of wetlands onsite.

- If the project proposes to disturb (dredge or fill) wetlands under the jurisdiction of the U.S. Army Corps of Engineers, a delineation of waterways and wetlands is required, as well as associated authorizations and permits. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process.
- For a list of consultants and engineers who can conduct wetland delineations, please visit the DNREC Wetlands and Subaqueous Lands Section link:
<http://www.dnrec.delaware.gov/wr/Documents/WSLS/Consultant%20List.pdf>
- Recommendations for buffers are prescribed below under the heading, Vegetated Buffer Zones.

Contact: U.S. Army Corps of Engineers (Dover Office) at
DoverRegulatoryFieldOffice@usace.army.mil or (267) 240-5278.

Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>

Vegetated Buffer Zones

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

- The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.
- DNREC Reviewers acknowledge that wetlands are proposed to be avoided, and a vegetated buffer zone is proposed, ranging from 25 to 100 feet (in areas). To improve water quality protection, incorporate a 100-foot vegetated buffer zone from the edge of all wetlands and waterways (streams, ditches, ponds etc.).
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Vegetated buffer zones should be deeded as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.
- In general, grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.
 Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Mature Forest

Of the 8.1 acres of forest on the site, only 0.2 acres is proposed to be removed. An analysis of historical data indicates that the forest area on the site has likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

- DNREC Reviewers acknowledge that mature forests are proposed to be left intact. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, which reduces carbon that contributes to climate change.
- For additional questions, please contact the DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.
 Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Natural Areas

The mature forests as indicated above are part of the Love Creek Natural Area. Natural Areas

contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware.

- Local codes and ordinances may apply to protect areas designated as Natural Areas. Please consult with local planning agencies to see how local codes and ordinances may impact the proposed development of this site.
- The developer could also investigate dedicating forested areas as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.

Contact: DNREC Planning Preservation and Development Section at (302) 739-9235.

Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>

Special Flood Hazard Area

According to the newest Flood Insurance Rate Maps (FIRM), the forested portion of this parcel is situated within a Special Flood Hazard Area, specifically within the 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone(s) AE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced, and homeowners with mortgages may be required to purchase flood insurance. The proposal indicates that all structures will be outside of this zone.

- The applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at <https://maps.dnrec.delaware.gov/floodplanning/default.html>.
- DNREC reviewers acknowledge that all structures are located outside of the floodplain.

For additional information, please contact the DNREC Shoreline and Waterway Management Section at (302) 739-9921.

Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx>

Stormwater Management

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. The plan review agency is the Sussex Conservation District.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>

- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov. Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.
- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Water Quality (Pollution Control Strategies)

Pollution Control Strategies have been developed for the following watersheds in Delaware: Appoquinimink, Broadkill, Christina Basin, Inland Bays, Mispillion and Cedar, Murderkill, Nanticoke, St. Jones, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- Bundicks Branch (as indicated on the preliminary plans) runs through the southwest corner of the site, which eventually runs to the Rehoboth Bay. This site lies within the Rehoboth Bay Watershed of the Inland Bays Watershed. Consult with the appropriate plan review agency (Sussex Conservation District) to determine if stricter stormwater management standards may apply for development projects in this area.

Hydrologic Soils Group

Most of the site is comprised of well drained soils (Hydrologic Soils Group A), however, very poorly drained B/D soils exist along the stream in the southwest corner of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

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

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

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

Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

Nutrient Management Plan

This project proposes open space of 27 acres, exceeding the threshold of 10 acres for nutrient management requirements.

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.

Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

Wildlife Displacement

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (approximately 300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.
- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Developers can avoid conflicts with future residents and most wildlife by maintaining large blocks of forest, as opposed to small pockets of wooded areas within a 300-foot safety zone.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

Mosquitoes

The project lies within a zone that will be impacted by mosquitoes due to its location near large expanses of freshwater forested wetlands.

- Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands by the public for mosquito control services. These control services can be provided at no charge to homeowners and other entities by the state's Mosquito Control Section, or by a private company licensed in this area of specialty.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9917.
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

Wastewater Permitting

An existing small wastewater disposal system (gravity system) is located on Tax Parcel 334-10.00-69.00. The application indicated that the wastewater disposal system for this project will be via public utility through Sussex County.

Requirements for Proper Closure of Small Systems:

- Ensure that the current wastewater disposal system on site is properly abandoned and that the Abandonment Report is filed to the Small Systems Branch in Sussex County.

Contact: DNREC Groundwater Discharges Section at Sussex County at (302) 856-4561.
Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

Requirements for Large Systems:

- After abandonment report has been filed, the Permittee (Sussex County), holds existing permits with the Groundwater Discharges Section's Large Systems Branch. It is the responsibility of Sussex County to notify the Large Systems Branch, if the capacity of the rate of wastewater disposal is to be updated.

Contact: DNREC Groundwater Discharges Section at (302) 739-9948.

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

Additional Sustainable Practices

- Incorporate nonmotorized connectivity (bike trail/walkway) connecting community and southeast portion of the site.
- Install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.
- For the "Amenity Space" consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy. Website: www.de.gov/greenenergy, www.de.gov/eef.
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

Response: The developer will comply with all County and State requirements regarding wetlands, open space, flood zone, etc.

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

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

Fire Protection Water Requirements:

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

Accessibility:

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from the main thoroughfare must be constructed so fire department apparatus may negotiate it. If a “center island” is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision. Where traffic circles (roundabouts) are located in the subdivision, they too are to be arranged in such a manner that they will not adversely affect quick and unimpeded travel of fire apparatus throughout the subdivision. Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout the subdivision.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

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

Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads
- Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings. The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of

Title 6 of the Delaware Code which can be found at the following website:

<http://delcode.delaware.gov/title6/c036/sc03/index.shtml>

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

Response: The developer will comply with Delaware State Fire Prevention Regulations.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- The Delaware SHPO does not recommend developing in Level 4 areas. Prehistoric archaeological potential is moderate to high. Bundicks Branch, a first order tributary, runs through the parcel, and most of the soils (aside from those right next to/in the wetlands and stream) are well-drained, prime farmland. There are several archaeological sites along Bundicks Branch in similar conditions further east. The western portion of the parcel is within favorable distance to the creek, making it higher potential than the rest of the parcel.
- Historic potential is low. Across from Mrs. Wilson house on Beers, but there doesn't appear to be anything resembling buildings or cemeteries on Beers or historic topos or maps.

Response: Noted.

Department of Agriculture – Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (DSWA District S-07-11-250 Parcel 234-10.00-15.00, 234-16.00-12.00). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300-foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and

any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in 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."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested buffer between the proposed residential development and existing preserved properties. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between this new development and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program. This farm generates dust, noise and odors that new

residents may not be familiar with.

Response: Noted.

Sussex County Housing – Contact: Brandy Nauman 855-7779

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.

For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County’s “Affordable Housing Support Policy”. The policy along with other resources are available on the County’s Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County’s Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.

Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

Response: Noted.

Sussex County Engineering Department – Contact Chris Calio 855-1299

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

Response: Noted.

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

This concludes our response. If you have any questions, please contact us at your convenience.

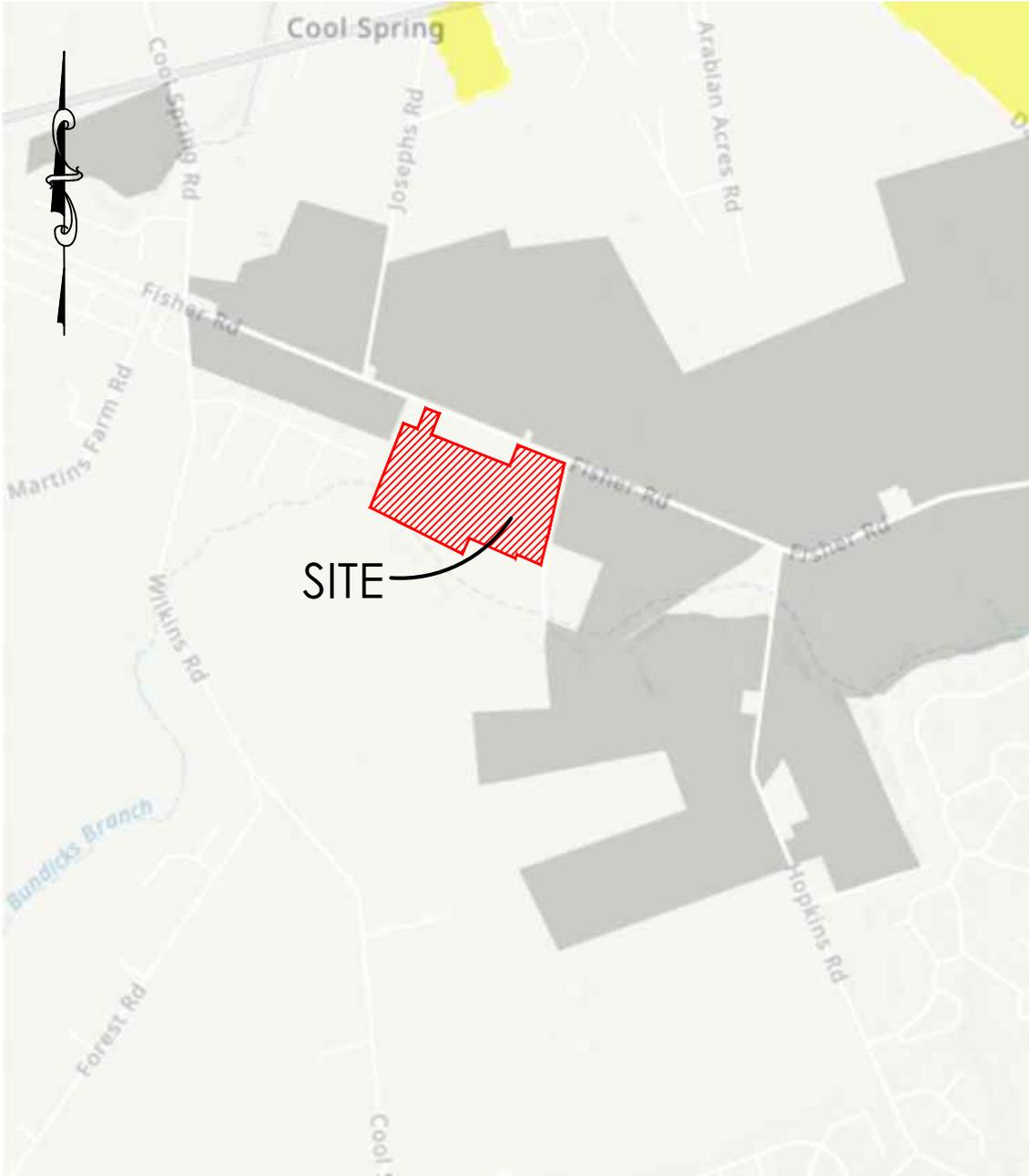
Sincerely,

Solutions, IPEM

A handwritten signature in blue ink, appearing to be 'JP', written over the printed name.

Jason Palkewicz, PE

STATE SPENDING STRATEGIES



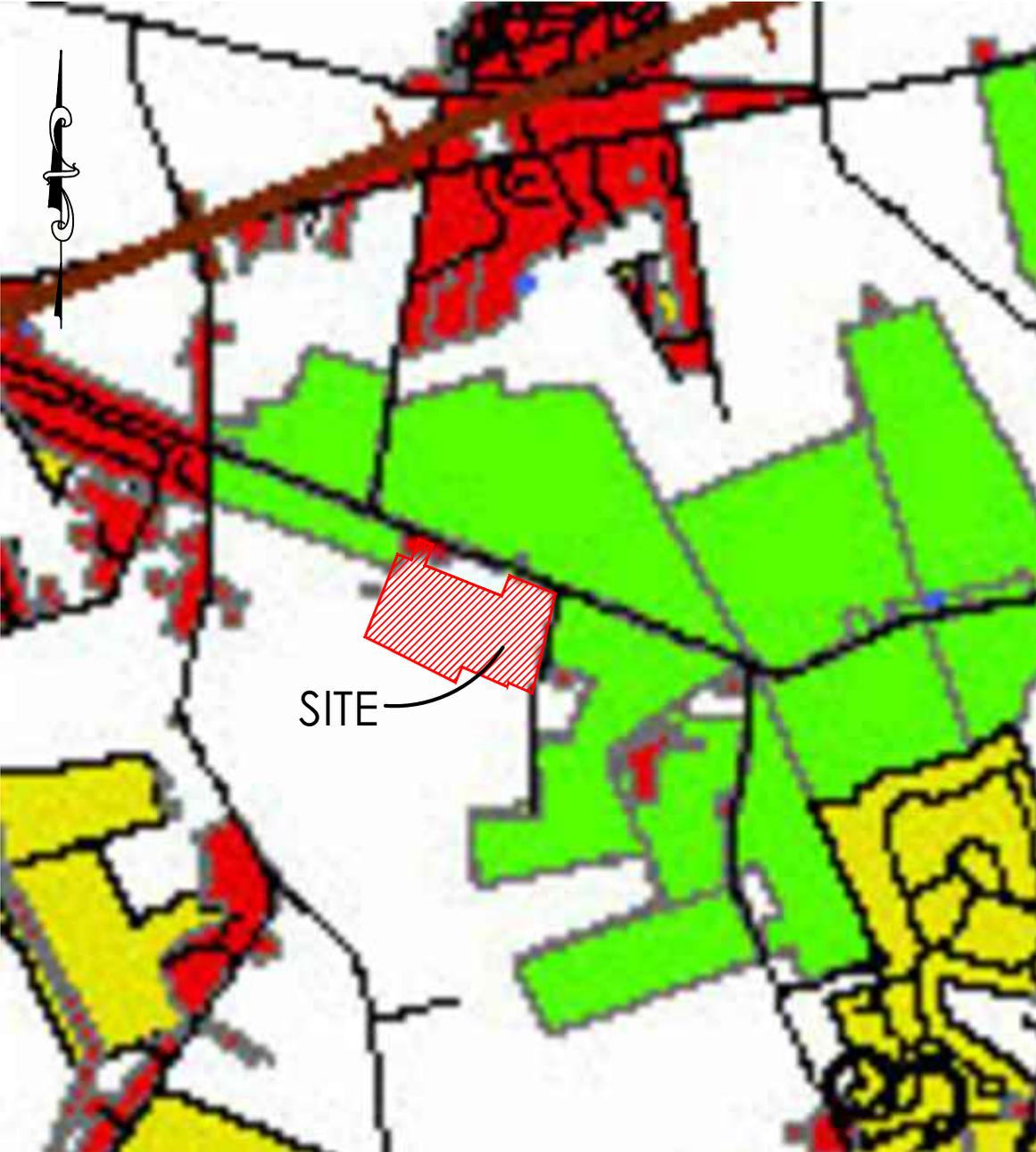
OUT OF PLAY

INVESTMENT LEVEL 3

INVESTMENT LEVEL 4

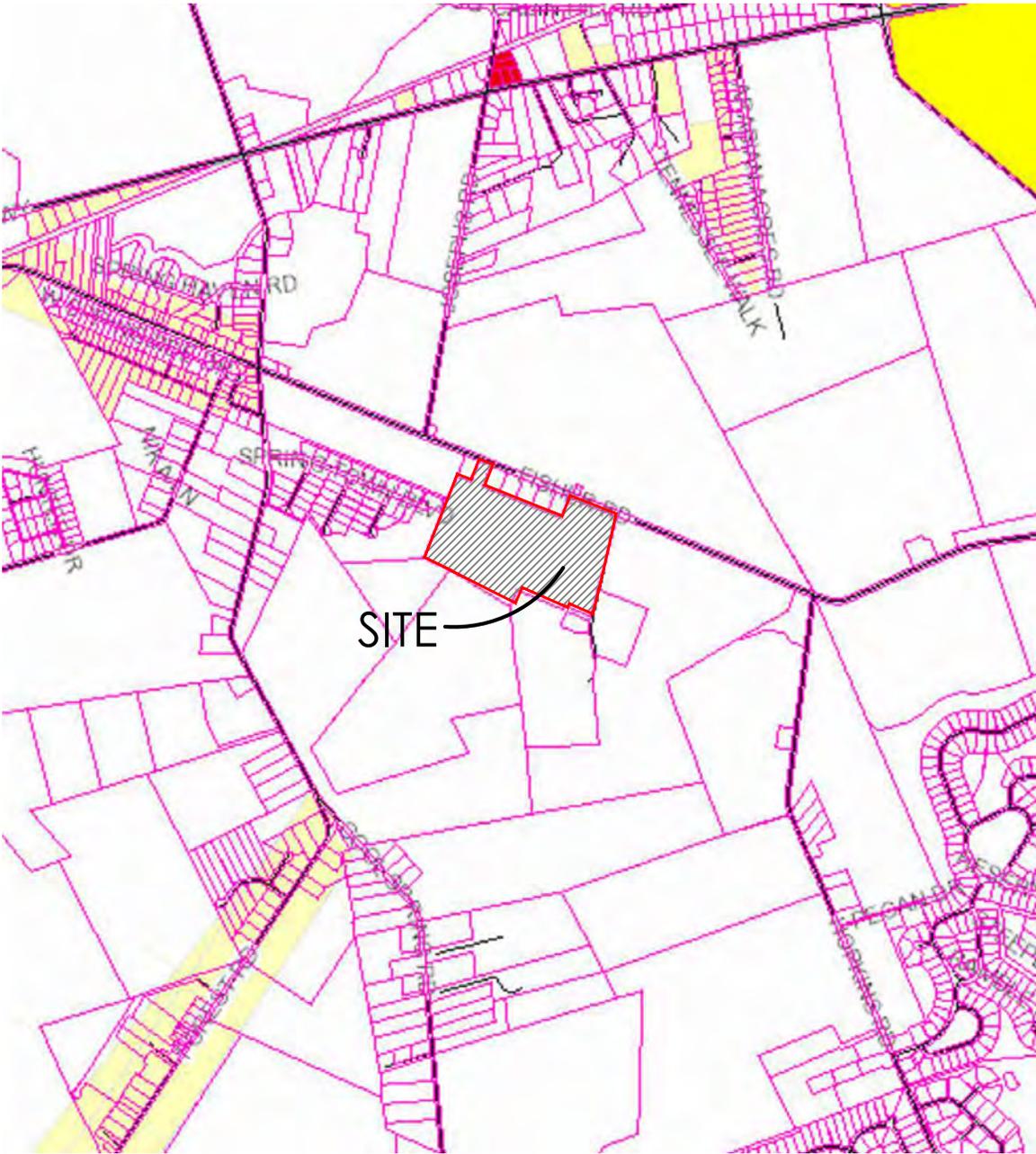
LIGHTSHIP COVE





-  DEVELOPED LANDS
-  PROTECTED LANDS
-  MAJOR PROPOSED DEVELOPMENTS

LIGHTSHIP COVE



EXISTING DEVELOPMENT AREA



LOW DENSITY AREA



COASTAL AREA



COMMERCIAL

FUTURE LAND USE PLAN

LIGHTSHIP COVE

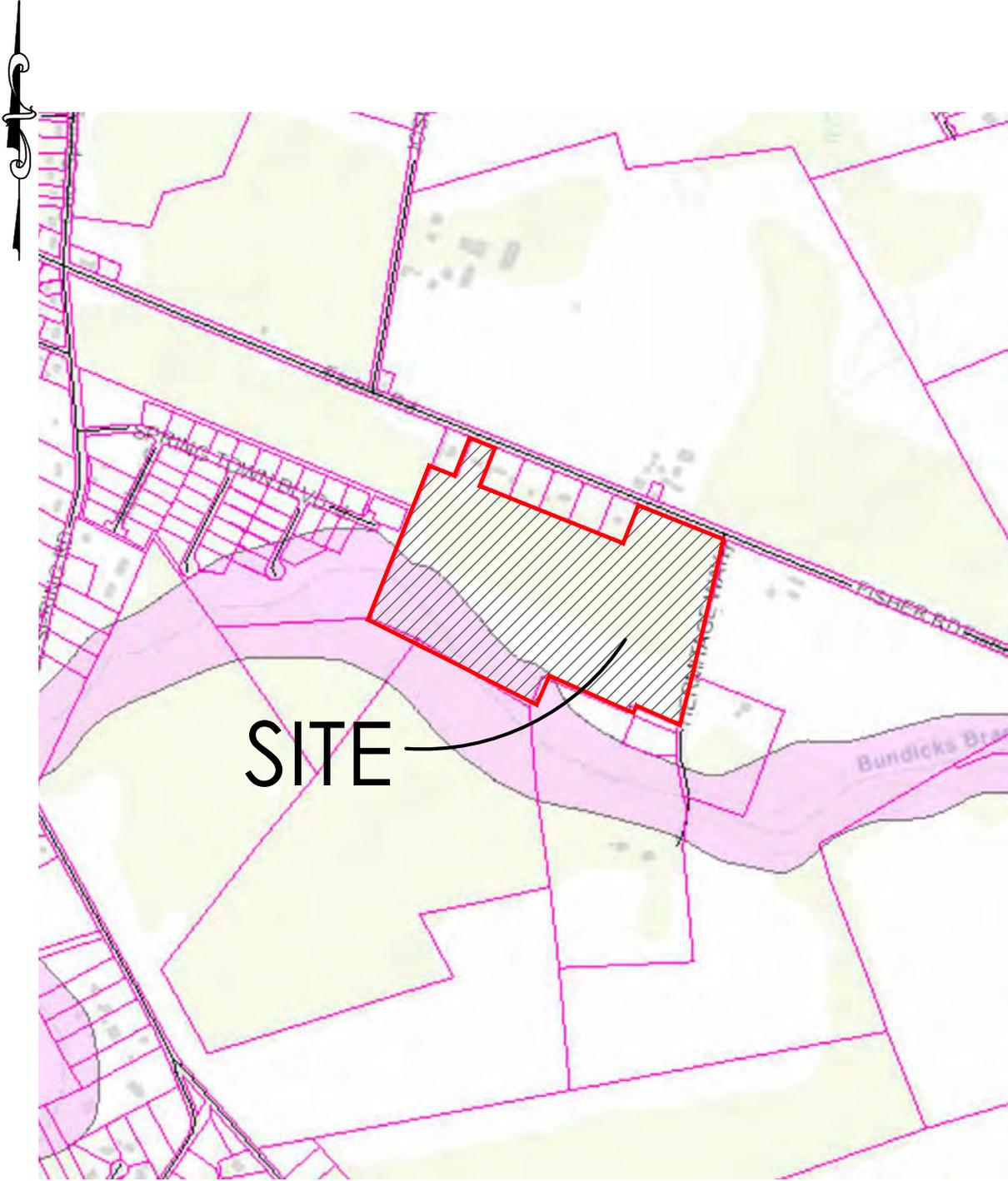




AERIAL

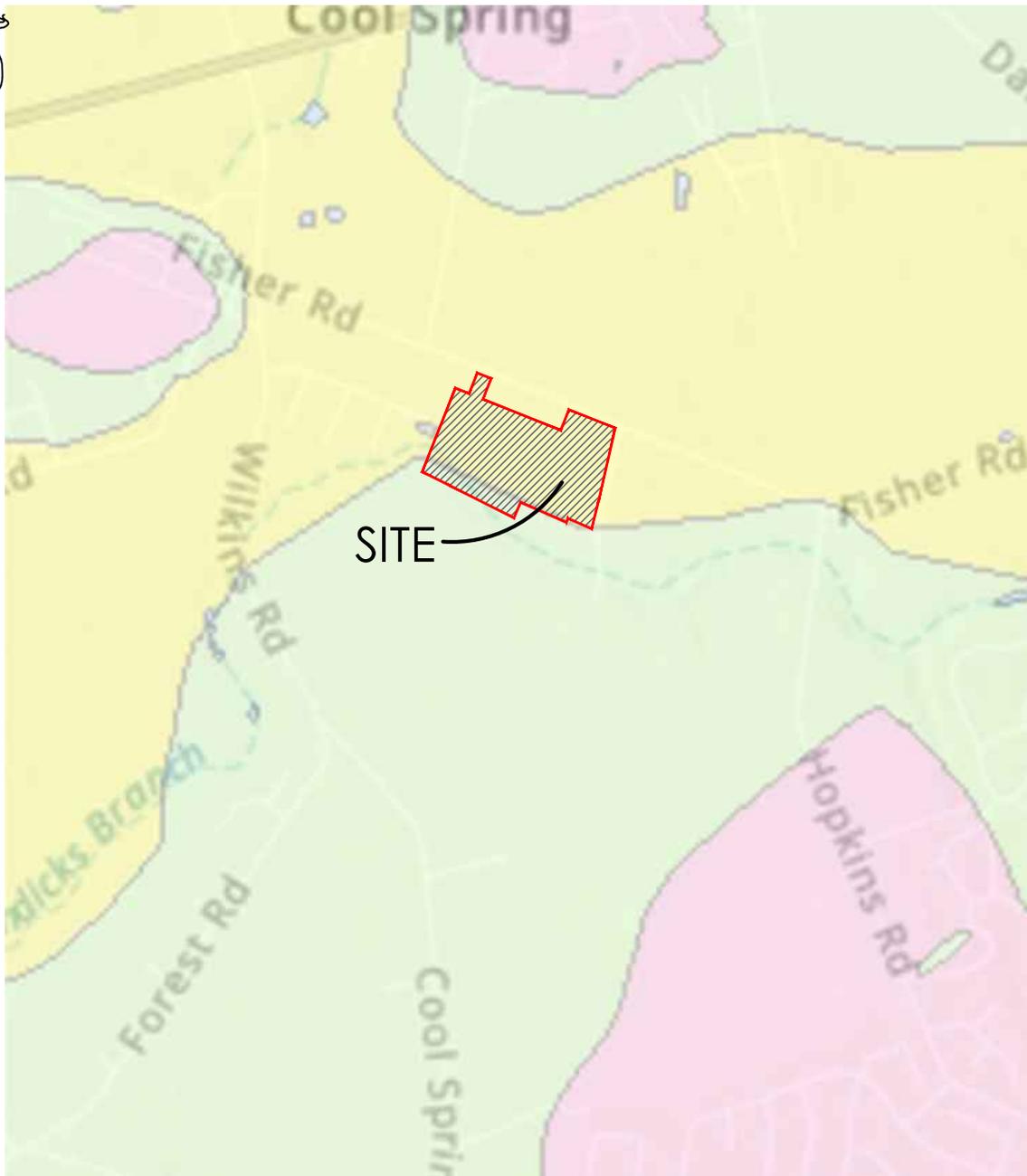
LIGHTSHIP COVE





SITE

PROPERTY IS LOCATED IN FLOOD ZONE A - SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (NO BASE FLOOR ELEVATION DETERMINED) AND ZONE X (UNSHADED) - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP 10005C0326J AND 100005C0330J, MAP REVISED JANUARY 6, 2005.



-  EXCELLENT GROUNDWATER RECHARGE
-  GOOD GROUNDWATER RECHARGE
-  FAIR GROUNDWATER RECHARGE
-  POOR GROUNDWATER RECHARGE

LIGHTSHIP COVE

GROUNDWATER RECHARGE PLAN





DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT
100 PENN SQUARE EAST
PHILADELPHIA PENNSYLVANIA 19107-3390

August 13, 2021

Regulatory Branch

SUBJECT: NAP-OPR-2021-531-23 (PJD)
Project Name: Fisher Road Cool Spring McHugh Property SX
Latitude/Longitude: 38.719196° N /-75.236897° W

Edward M. Launay
Environmental Resources, Incorporated
38173 DuPont Boulevard
Post Office Box 169
Selbyville, Delaware 19975

Dear Mr. Launay:

The plan identified on the following page depicts all delineated waterways and wetlands on the subject site that may be jurisdictional under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbor Act.

Pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, a Department of the Army permit is required for work or structures in navigable waters of the United States and the discharge of dredged or fill material into waters of the United States including adjacent wetlands. Any proposal to perform the above activities within any waters of the United States will require the prior approval of this office.

This preliminary determination has been conducted to identify the location(s) of wetlands and waters that may be waters of the United States for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participating in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

This preliminary jurisdictional determination is non-binding and indicates that there may be waters of the United States, including wetlands on the parcel. Pursuant to Federal Regulations at 33 C.F.R. 331.2, preliminary JDs are advisory in nature and may not be appealed (see attached Notification of Appeal Form - Enclosure 1). However, the applicant retains the right to request an approved jurisdictional determination, which may be appealed. Also enclosed (Enclosure 2) is a copy of the Preliminary Jurisdictional Determination Form signed by the applicant or his agent agreeing to accept a preliminary jurisdictional determination. Please be aware that for purposes of

computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity as if they are jurisdictional waters of the U.S.

This letter is valid for a period of five (5) years. However, this preliminary jurisdictional determination is issued in accordance with current Federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify the preliminary jurisdictional determination at any time should the existing site conditions or Federal regulations change, or should the information provided by you prove to be false, incomplete, or inaccurate.

If you have any questions about this matter, please contact me at (302) 736-9764, or by email at john.g.brundage@usace.army.mil.

Sincerely,



John G. Brundage
Senior Biologist
Regulatory Branch

SUBJECT PROPERTY: McHugh Property, a 51.97 acre parcel known as Tax Map Parcel 334-10.00-69.00, located in Cool Spring, Sussex County, Delaware.

SURVEY DESCRIPTION: Plan prepared by Solutions, Inc., dated October 21, 2020, and titled: Boundary of Waters and Wetlands of the United States Subject to the United States Corps of Engineers Regulatory Program of the Lands of Emily C. McHugh, 28784 Fisher Road, Lewes and Rehoboth Hundred, Sussex County, Delaware, one sheet.

Enclosures



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Water Company



Artesian Wastewater Management



Artesian Utility Development



Artesian Water Pennsylvania



Artesian Water Maryland



Artesian Wastewater Maryland

July 13, 2021

Mr. Chris Schell
Schell Brothers, LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

RE: Fisher Road Subdivision Ability to Serve Letter

With reference to your request concerning Water and Wastewater Service (collectively, "Service") for the Fisher Road Subdivision Project on Fisher Road in Lewes and Rehoboth Hundred, Sussex County, Delaware with the tax parcel number 334-10.00-69.00 (the "Property"), please be advised as follows:

Subject to the following conditions, Artesian Water Company, Inc. and Artesian Wastewater Management, Inc. (collectively, "Artesian") are willing and able to provide Service to the Property that meets all applicable State of Delaware, Delaware Department of Natural Resources and Environmental Control, and Sussex County standards. Artesian is currently working to obtain the water and wastewater Certificates of Public Convenience and Necessity ("CPCNs") from the Delaware Public Service Commission.

Based on current conditions, approval of the CPCNs, and subject to the development entity and Artesian entering Water and Wastewater Service Agreements (collectively, "Agreements") that addresses the financial terms of the provision of Service for the Property, in accordance with Artesian's tariff as approved by the Delaware Public Service Commission, Artesian is willing and able to provide the required Service for this Property.

This letter shall expire if Agreements are not executed within one year of the date of this letter.

If you have any questions, please do not hesitate to contact us.

Yours very truly,

Katherine E. Garrison

Katherine E. Garrison
Senior Planning Designer

GEO-TECHNOLOGY ASSOCIATES, INC.

GEOTECHNICAL AND
ENVIRONMENTAL CONSULTANTS

A Practicing Geoprofessional Business Association Member Firm



December 4, 2020

Schell Brothers, LLC
18949 Coastal Highway, Unit 301
Rehoboth Beach, Delaware 19971

Attn: Mr. Ben Gordy

Re: Report of Subsurface Exploration
Fisher Road Property
Sussex County, Delaware

Ladies & Gentlemen:

In accordance with our agreement dated October 15, 2020, Geo-Technology Associates, Inc. (GTA) has performed subsurface exploration for stormwater management (SWM). The purpose of the subsurface exploration was to evaluate the estimated normal and seasonal high groundwater elevation; and present our recommendations with respect to SWM wet pond construction. A plan titled *Fisher Road Property Schell Brothers* dated October 7, 2020 prepared by Solutions IPEM was referenced for this report. The results of our subsurface exploration are summarized below.

Referring to the Site Location Plan and Exploration Location Plan included as Figure Nos. 1 and 2 in Appendix A, the project site consists of a generally rectangularly shaped parcel located in Sussex County, Delaware. The subject property is located at the south side of Fisher Road and west side of Hermitage Way. The site primarily consists of an open agriculture field while the southern edge is wooded. Topographically, the property gently slopes downward in a southwesterly direction towards Bundicks Branch, with the ground surface elevation ranging from approximate Elevation 22 to 33 Mean Sea Level (MSL) at the boring locations.

According to the Geologic Map of the Fairmount and Rehoboth Beach Quadrangle, Delaware (2011) published by the Delaware Geological Survey, the site is within the Coastal Plain Physiographic Province. Coastal Plain sediments were generally deposited in commonly estuarine environments of the Tertiary and the Quaternary geologic ages. The Pliocene deposits, in the southern portion of the site, are designated as the Beaverdam Formation and typically consist of "...very coarse sand with pebbles to silty clay. The predominant lithologies at the land surface are white to mottled light-gray and reddish-brown, silty to clayey, fine to coarse sand." The Pleistocene deposits are designated as the Lynch Heights Formation of the Delaware Bay Group and typically consist of Clean, white to pale-yellow, well-sorted, fine to coarse sand with scattered very coarse to pebble laminae and silty clay laminae... thin (10 ft and in most areas <3

21133 Sterling Avenue, Suite 7, Georgetown, DE 19947 (302) 855-9761

◆ Abingdon, MD ◆ Baltimore, MD ◆ Laurel, MD ◆ Frederick, MD ◆ Waldorf, MD ◆ Sterling, VA ◆ Fredericksburg, VA ◆ Malvern, OH
◆ Somerset, NJ ◆ NYC Metro ◆ New Castle, DE ◆ Georgetown, DE ◆ York, PA ◆ Quakertown, PA ◆ Charlotte, NC ◆ Raleigh, NC

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ft thick) layer of heterogenous deposits ranging from reddish-brown, pale-yellow, and light-gray, silty, clayey, very coarse to fine sand, to pale-yellow to light-gray gravelly sand to sandy gravel.” Please refer to the publication for additional information.

From review of the USDA Soil Survey, the soils predominately conform to Downer loamy sand (0 to 2 percent slopes). Site soils also conform to Downer loamy sand (2 to 5 percent slopes, Northern Tidewater Area), Longmarsh and Indiantown soils (frequently flooded) and Askecksy loamy sand (0 to 2 percent slopes). The soils map information is attached.

From review of the attached Monthly Groundwater Depth for Qe44-01, Columbia Aquifer, taken from the Delaware Geological Survey website, the groundwater depth at Well Qe44-01 (east of Laurel, Delaware), was near the normal seasonal high during the period when the borings were performed during November 2020. It should be noted that the magnitude of fluctuation between the current groundwater level and the seasonal high groundwater level decreases towards the coast.

GTA performed 19 Standard Penetration Test (SPT) borings, designated as SWM-1 through SWM-19 to depths ranging from 12 to 22 feet below the ground surface. Longer-term water readings were taken one to seven days after completion and the holes were backfilled after the longer-term water readings were taken. The exploration locations were selected and staked with ground surface elevations determined by Solutions IPEM. Relative locations are shown on the attached Exploration Location Plan. The exploration locations indicated on the plan should be considered approximate. The exploration logs are attached.

The soils were visually classified in accordance with the Unified Soil Classification System (USCS) and the United States Department of Agriculture (USDA) classification system. Beneath an approximately 6 to 14-inch thick surface topsoil layer, with exception to SWM-2 where topsoil was not encountered, the explorations generally encountered native subsoils visually classified as predominately consisting of Clayey SANDs (USCS: SC; USDA: Sandy Clay Loam), Silty SANDs (SM; Sandy Loam), Poorly-graded SANDs with Silt (SP-SM; Loamy Sand), Lean CLAYs (CL; Clay Loam) and Poorly-graded SANDs (SP; Sand). The relative densities of the granular soils were very loose to loose based on SPT N-values of Weight of Hammer (WOH) to 9 blows per foot (bpf). The relative consistencies of the fine-grained soils were soft to stiff based on SPT N-values of 4 to 10 bpf.

GTA’s estimate of the seasonal high groundwater level is based upon water levels below seasonal high; and soil coloring, mottling and/or saturation. The results of the groundwater level readings and GTA’s opinion of the estimated seasonal high groundwater depth are summarized as follows:

GROUNDWATER DATA SUMMARY

Exploration No.	Existing Ground Surface Elevation (MSL)	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater at Completion	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater At One to Seven Days After Completion	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Seasonal High Groundwater	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Normal Groundwater
SWM-1	EL 24.6	5.0 / EL 19.6	6.1 / EL 18.5	5 / EL 20	6 / EL 18
SWM-2	EL 23.1	4.5 / EL 18.6	3.1 / EL 20.0	2 / EL 21	4 / EL 19
SWM-3	EL 22.1	4.5 / EL 17.6	2.9 / EL 19.2	1 / EL 21	3 / EL 19
SWM-4	EL 23.3	2.5 / EL 20.8	2.3 / EL 21.0	1 / EL 22	2 / EL 21
SWM-5	EL 23.4	4.0 / EL 19.4	3.1 / EL 20.3	1 / EL 22	3 / EL 20
SWM-6	EL 25.3	5.0 / EL 20.3	3.8 / EL 21.5	3 / EL 22	4 / EL 21
SWM-7	EL 25.6	5.5 / EL 20.1	4.9 / EL 20.7	4 / EL 22	5 / EL 21
SWM-8	EL 25.8	4.1 / EL 21.7	4.7 / EL 21.1	6 / EL 22	5 / EL 21
SWM-9	EL 27.2	7.0 / EL 20.2	6.1 / EL 21.1	5 / EL 22	6 / EL 21
SWM-10	EL 27.5	7.0 / EL 20.5	4.1 / EL 23.4	4 / EL 24	6 / EL 22
SWM-11	EL 28.7	8.0 / EL 20.7	6.0 / EL 22.7	6 / EL 23	7 / EL 22
SWM-12	EL 28.8	8.0 / EL 20.8	7.8 / EL 21.0	7 / EL 22	8 / EL 21
SWM-13	EL 27.9	7.0 / EL 20.9	6.6 / EL 21.3	6 / EL 22	7 / EL 21
SWM-14	EL 29.0	7.0 / EL 22.0	8.5 / EL 20.5	7 / EL 22	8 / EL 21
SWM-15	EL 32.9	11.0 / EL 21.9	10.5 / EL 22.4	10 / EL 23	11 / EL 22
SWM-16	EL 25.9	5.4 / EL 20.5	5.7 / EL 20.2	4 / EL 22	6 / EL 20
SWM-17	EL 25.0	2.0 / EL 23.0	4.0 / EL 21.0	2 / EL 23	3 / EL 22
SWM-18	EL 24.3	2.0 / EL 22.3	2.0 / EL 22.3	1 / EL 23	2 / EL 22
SWM-19	EL 24.4	2.0 / EL 22.4	7.8 / EL 16.6	1 / EL 23	2 / EL 22

*Seasonal high groundwater estimate based upon observed soil mottling, color and/or saturation and should be considered approximate.

The groundwater levels can be expected to fluctuate with seasonal changes, precipitation, and other factors such as development activity. Please refer to the exploration logs provided in the attachments for further information.

A selected sample obtained from the borings was tested for grain-size analysis, Atterberg Limits and natural moisture content. The grain-size analysis and Atterberg Limits testing were performed to determine the Unified Soil Classification System (USCS) designation for the soil. The results of testing are as follows:

SUMMARY OF LABORATORY TESTING

EXPLORATION NO.	DEPTH (FT.)	USCS CLASSIFICATION	LL (%)	PI (%)	NMC %
SWM-10	1.0 – 4.0	Silty SAND (SM)	NP	NP	12.5

Note: LL=Liquid Limit PI=Plastic Index NP=Non-plastic NMC=Natural Moisture Content NT=Not Tested

A near surface bulk sample was tested for moisture-density relationships in accordance with the Standard Proctor (ASTM D-698) method for use in evaluating the suitability of these soils for use as fill. Results of these tests are summarized in the following table.

**SUMMARY OF MOISTURE-DENSITY TESTING
(ASTM D-698, Standard Proctor)**

EXPLORATION NO.	DEPTH (FT.)	MAXIMUM DRY DENSITY (PCF)	OPTIMUM MOISTURE (%)	NATURAL MOISTURE (%)
SWM-10	1.0 – 4.0	120.7	9.2	12.5

Please refer to the attached laboratory test results for additional information.

Based upon the boring data, it is our opinion that the estimated seasonal high groundwater ranges from approximate Elevation 21 to 24 MSL and normal groundwater levels range from approximate Elevation 19 to 22 MSL at most locations. The groundwater levels can be expected to fluctuate with seasonal changes, precipitation, and other factors such as development activity. Additionally, perched water conditions develop in granular soils overlying fine-grained soils during the “wet season” as well as during periods of precipitation. The estimated average seasonal high groundwater elevation and average normal groundwater elevation at each pond are summarized below:

Pond Boring Range	Elevation (MSL) of Estimated Average Seasonal High Groundwater	Elevation (MSL) of Estimated Average Normal Groundwater
SWM-7 through SWM-15	EL 22	EL 21
SWM-1 through SWM-6	EL 21	EL 19
SWM-16 through SWM-19	EL 23	EL 22

Once pond bottom elevations have been established GTA should be consulted to evaluate if a pond liner is necessary. Depending upon conditions observed in the field at the time of construction and to assist in maintaining the wet pond levels during extended dry weather, irrigation wells may be considered to provide a supplemental water source for the ponds due to potential loss of pond water levels mostly due to evaporation and during times of below normal average groundwater conditions. A sufficient quantity of USCS SC and CL materials does not appear to be available on site for a pond liner. If a pond liner is deemed necessary, GTA recommends a Geosynthetic Clay Liner (GCL; Bentonite matrix) or an appropriate PVC liner with relief valves may be used. Both types of liners will need to be provided with a 1-foot thick

granular soil cover. The GCL or PVC liners should be installed in accordance with manufacturer's recommendations. On-site granular soils, similar to the bulk sample tested, are considered suitable for use as a pond liner cover material if they are dried to near optimum. Pond liner cover materials should meet AASHTO classification designation A-2-4 or more granular and be approved by GTA.

If pond fill embankment construction will be required, GTA recommends that prior to construction of pond fill embankment and after stripping the surface topsoil, construct a four-foot deep (below stripped ground surface and stepped below the spillway invert) cutoff trench along the pond embankment length and extending to the 10-year event elevation at each end of the fill embankment alignment. Also, upon completion of the cutoff trench, an embankment core should extend to the top elevation of the 10-year event. The side slopes of the cutoff trench and embankment core should be at 1H:1V inclination or flatter. The bottom of the cutoff trench and the top of embankment core should be at least 4 feet wide. The cutoff and embankment core should be formed of USCS CL or SC materials. The balance of embankment may be constructed of onsite materials conforming to USCS SC, SM, SP-SM or SP.

Structural fill should be constructed in maximum 8-inch loose lifts and compacted to 95 percent of the maximum dry density as determined by ASTM D-698 (AASHTO T-99). If practical, GTA recommends reinforced concrete pipe be used as the principal spillway pipe. Also, a concrete cradle and anti-seep collar should be provided for the spillway pipe.

For wet pond construction, water levels will likely be above at least a portion of the pond bottom level during construction. The contractor should be prepared to stabilize and dewater pond excavations. Subgrades excavated below the water table will be prone to instability and softening.

All SWM pond construction should conform to *Delaware Conservation Practice Standard Pond Code 378* and *Code 521*, latest editions and *Delaware Sediment and Stormwater Regulations*, latest edition, as applicable.

Limitations

This report, including all supporting exploration logs, field data, field notes, estimates, and other documents prepared by GTA in connection with this project, has been prepared for the exclusive use of Schell Brothers, LLC pursuant to the agreement between GTA and Schell Brothers, LLC dated October 15, 2020, and in accordance with generally accepted engineering practice. All terms and conditions set forth in the Agreement are incorporated herein by reference. No warranty, express or implied, is given herein. Use and reproduction of this report by any other person without the expressed written permission of Schell Brothers, LLC is unauthorized and such use is at the sole risk of the user.

The analysis and recommendations contained in this report are based on the data obtained from limited observation and testing of the encountered materials. Explorations indicate soil and

groundwater conditions only at specific locations and times and only to the depths penetrated. They do not necessarily reflect strata variations that may exist between the exploration locations. Consequently, the analysis and recommendations must be considered preliminary until the subsurface conditions can be verified by direct observation at the time of construction. If variations in subsurface conditions from those described are noted during construction, recommendations in this report may need to be re-evaluated.

In the event that any changes in the nature, design, or location of the facilities are planned, the conclusions and recommendations contained in this report should not be considered valid unless the changes are reviewed and conclusions of this report are verified in writing. Geo-Technology Associates, Inc. is not responsible for any claims, damages, or liability associated with interpretation of subsurface data or reuse of the subsurface data or engineering analysis without the expressed written authorization of Geo-Technology Associates, Inc.

The scope of our services for this geotechnical exploration did not include any environmental assessment or investigation for the presence or absence of wetlands, or hazardous or toxic materials in the soil, surface water, groundwater or air, on or below or around this site. Any statements in this report or on the logs regarding odors or unusual or suspicious items or conditions observed are strictly for the information of our Client. The subject matter of this report is limited to the facts and matters stated herein. Absence of a reference to any other conditions or subject matter shall not be constructed by the reader to imply approval by the writer.

We appreciate the opportunity to be of assistance on this project. Should you have any questions or require additional information, please contact our office at (302) 855-9761.

Sincerely,
GEO-TECHNOLOGY ASSOCIATES, INC.



Travis P. Caraway, EIT
Project Geotechnical Professional



Gregory R. Sauter, P.E
Vice President



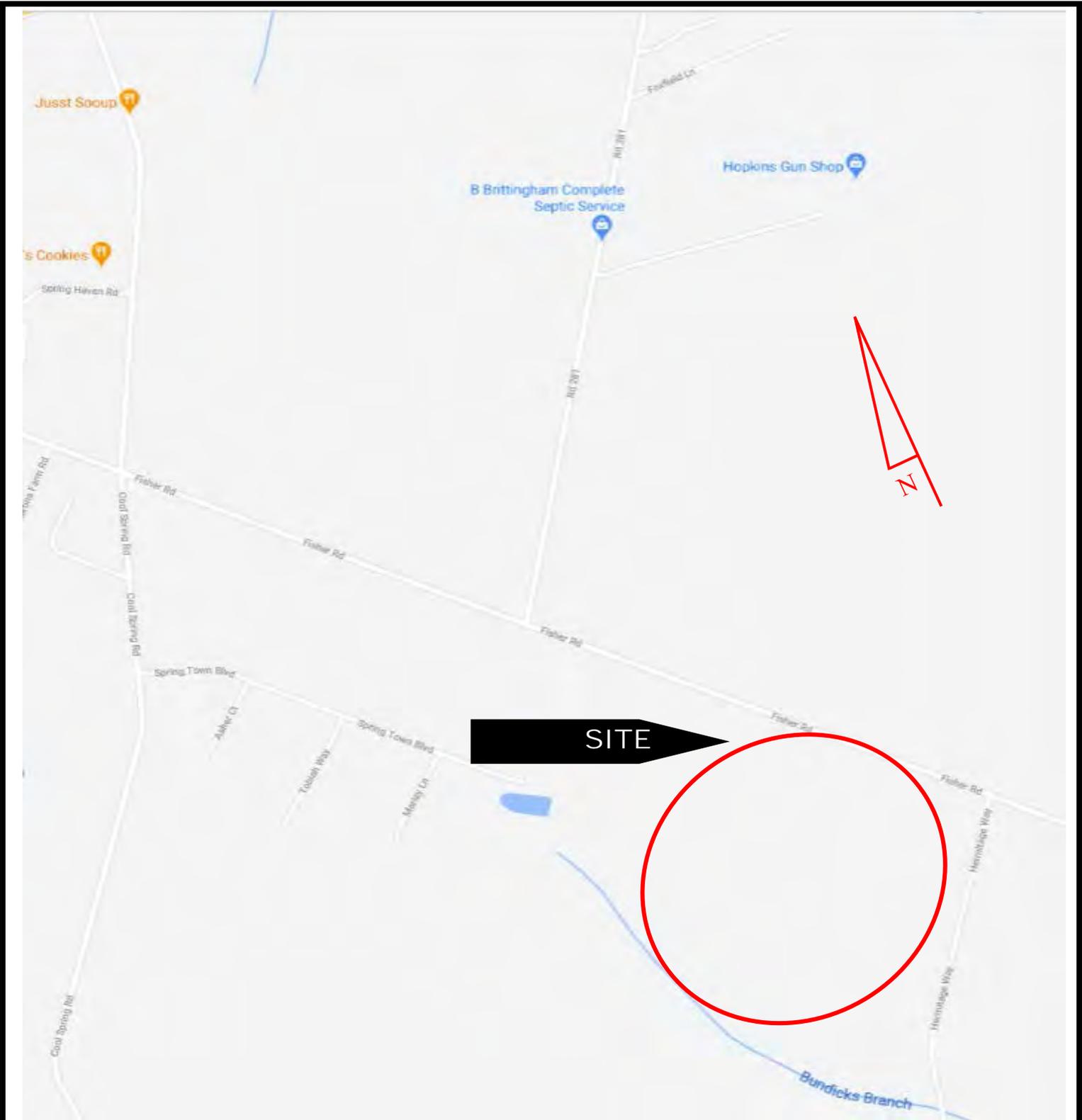
Schell Brothers, LLC

Re: ***Fisher Road Property – Report of Subsurface Exploration***

December 4, 2020

Page 7

Attachments: Site Location Plan (1 page)
Exploration Location Plan (1 page)
Subsurface Profile (4 pages)
USDA Soil Survey Map (3 pages)
Qe44-01 Monthly Groundwater Depth (1 page)
Notes for Exploration Logs (1 page)
Exploration Logs (19 pages)
Particle Size Distribution Report (1 page)
Moisture Density Relationship Test Report (1 page)
GBA – Important Information about your Geotechnical Engineering Report (2 pages)



Site Location Plan taken from Google Maps



GEO-TECHNOLOGY ASSOCIATES, INC.
 GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS
 21133 Sterling Avenue, Suite 7
 Georgetown, Delaware 19947
 (302) 855-9761 Fax (302) 856-3388

Site Location Plan
Fisher Road Property
Sussex County, Delaware

SCALE NTS	DATE October 2020	DRAWN BY GTA	DESIGN BY Google Maps	REVIEW BY GRS	JOB NO. 31201508
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Jason Palkewicz, Professional Engineer

CEO

EDUCATION

BE, Environmental Eng., 1995
Hofstra University

MS, Civil Eng., 1999
University of Toledo

REGISTRATIONS

- Professional Engineer
MD # 25088
- Professional Engineer
DE # 12083
- Professional Engineer
VA # 035417

MEMBERSHIPS

- LEED, AP

PROFESSIONAL SUMMARY

Mr. Palkewicz is a Professional Engineer and Project Manager with licenses in Maryland, Virginia and Delaware, with over 25 years of experience successfully overseeing all phases of planning, engineering and survey projects for government and private-sector clients. He is a highly skilled team leader, detail oriented with the ability to solve problems with limited resources while never losing sight of the big picture.

SPECIAL PROJECT EXPERIENCE

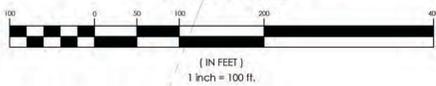
- **Pot-Nets Bayside, Sussex County, DE** – Provided design and permitting drawings for the rehabilitation and replacement of approximately 10,000 lf of vinyl marina bulkhead including dozens of piers, hundreds of piles and two boat launching facilities.
- **Pelican Point, Sussex County, DE** – Prepared construction drawings and plats for a 379 unit residential along Rte 5 outside of Long Neck. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station
- **Chase Oaks, Sussex County, DE** – The civil engineer project manager for this 253 unit coastal area cluster subdivision located on Robinsonville Road. The project included planning, entitlement, roadway, grading, stormwater management, sanitary sewer, pump station and DelDOT entrance design.
- **Headwater Cove, Sussex County, DE** – Prepared construction drawings and plats for a 163 unit residential subdivision on Dorman Road. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station.

LIGHTSHIP COVE

FISHER ROAD



GRAPHIC SCALE



solutions

Integrated Planning
Engineering & Management, LLC

303 North Bedford Street
Georgetown, DE 19947

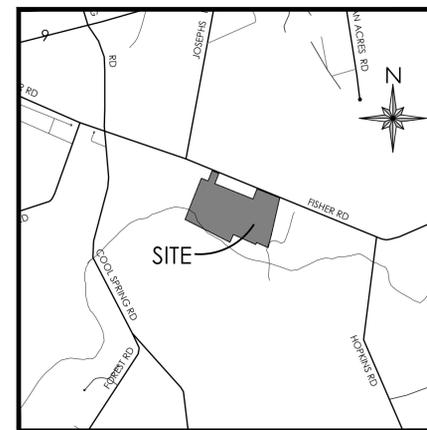
Tel: 302.297.9215
www.solutionsipem.com

PRELIMINARY PLAT FOR LIGHTSHIP COVE

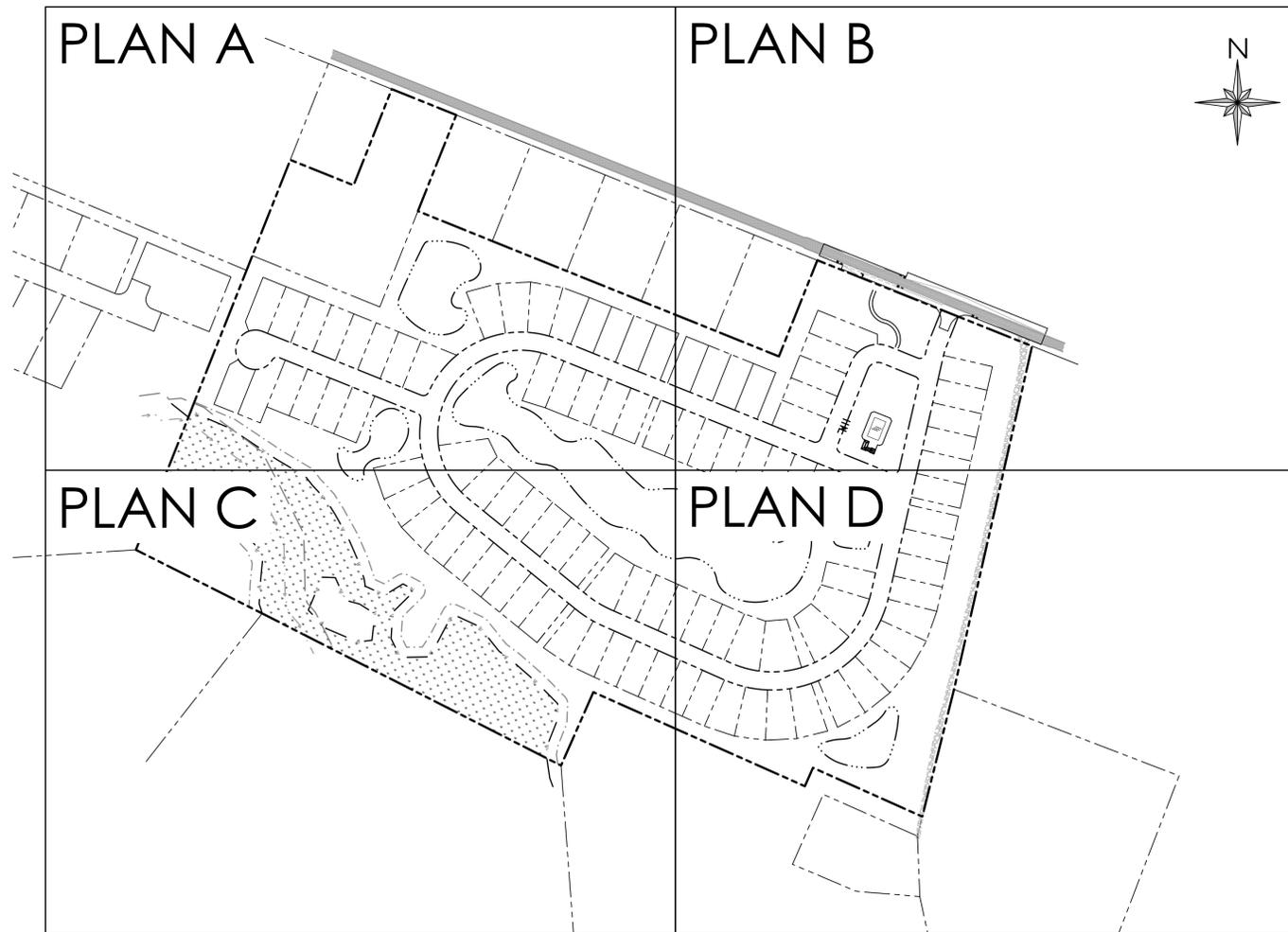
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

LEGEND

EXISTING	PROPOSED
PROPERTY LINE	---
EASEMENT LINE	---
SETBACK LINE	N/A
R.O.W. LINE	---
CONTOUR	N/A 28.00
SPOT ELEVATION	N/A
ROAD CENTERLINE	---
EDGE OF CONCRETE	N/A
EDGE OF PAVEMENT	---
CURB	N/A
DELDTD PAVEMENT HATCH	---
GRAVEL HATCH	N/A
SIDEWALK	N/A
SIDEWALK HATCH	N/A
TRAIL	N/A
EDGE OF POND	N/A
EDGE OF WETLAND	N/A
WETLAND	N/A
FLOODPLAIN	N/A
CURB INLET	N/A
YARD INLET	N/A
STORM PIPE	N/A
SANITARY MANHOLE	N/A
SANITARY PIPE	N/A
WATER PIPE	N/A
TREE LINE	N/A



VICINITY MAP
SCALE: 1" = 2,000'



SITE DATA:

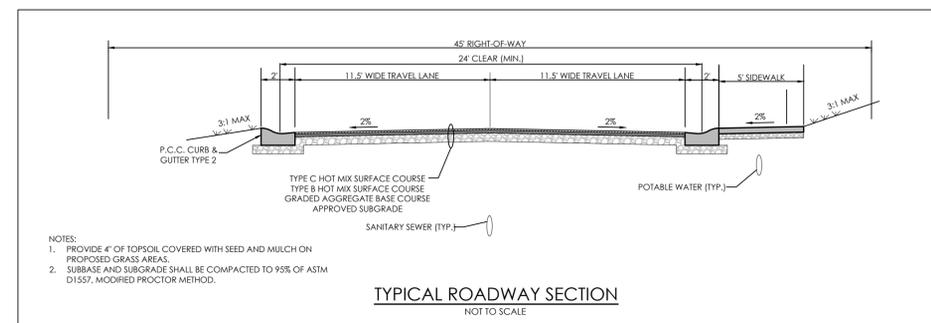
- OWNER:** EMILY C. MCHUGH
28784 FISHER ROAD
MILTON, DE 19968
- DEVELOPER:** SCHELL BROTHERS, LLC
20184 PHILLIPS STREET
REHOBOTH BEACH, DE 19971
MR. TIM GREEN
- ENGINEER/
LAND PLANNER:** SOLUTIONS IPEM, LLC
303 NORTH BEDFORD STREET
GEORGETOWN, DE 19947
PHONE: 302.297.9215
CONTACT: JASON PALKEWICZ, PE
- TM 334-10.00-69.00
EXISTING SITE AREA = 51.9708 AC.±
AREA TO BE RETAINED BY THE SELLER = 3.0318 AC.±
AREA TO BE DEVELOPED = 48.9390 AC.±
 - EXISTING ZONING:
AR-1
 - PROPOSED USE: AR-1 CLUSTER
SINGLE FAMILY LOTS = 97 LOTS
DENSITY = 97 UNITS / 48.9390 = 1.98 UNITS/ACRE
PERMITTED DENSITY = 2.0 UNIT/ACRE
MIN. LOT AREA = 7,500 S.F.
MIN. LOT WIDTH = 60'
MAXIMUM BUILDING HEIGHT: 42'
 - PROPOSED SETBACKS
FRONT YARD = 25' (15' ON CORNER)
SIDE YARD = 10'
REAR YARD = 10'
 - BOUNDARY AND TOPOGRAPHY AS SHOWN HEREON ARE AS PROVIDED BY SOLUTIONS IPEM LLC.
 - FLOOD ZONE:
PROPERTY IS LOCATED IN ZONE A (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD) AND ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN). PER FIRM MAP NUMBER 10005C0326J & 10005C0330J. MAP REVISED JANUARY 6, 2005.
 - WATER SUPPLY:
ARTESIAN WATER COMPANY
 - SANITARY SEWER:
ARTESIAN WATER COMPANY
 - SOIL CLASSIFICATIONS
ASA: ASKECKSY LOAMY SAND, 0 TO 2 PERCENT SLOPES
DnA: DOWNER LOAMY SAND, 0 TO 2 PERCENT SLOPES
DnB: DOWNER LOAMY SAND, 2 TO 5 PERCENT SLOPES
Lo: LONGMARSH AND INDIANTOWN SOILS, FREQUENTLY FLOODED
 - OPEN SPACE = 26.5 AC.± (51% OF DEVELOPED SITE AREA)
OPEN SPACE A = 19.0 AC.± (72% OF OPEN SPACE)
OPEN SPACE B = 0.8 AC.± (3% OF OPEN SPACE)
OPEN SPACE C = 6.7 AC.± (25% OF OPEN SPACE)
 - EXISTING WOODLANDS = 8.36 AC.±
WOODLANDS TO REMAIN = 7.50 AC.± (89.7%)
WOODLANDS TO BE REMOVED = 0.86 AC.± (10.3%)
SUBJECT TO FINAL ENGINEERING.
 - SITE IS LOCATED IN THE FAIR AND GOOD RECHARGE AREAS.
 - SITE IS NOT LOCATED IN THE WELL HEAD PROTECTION AREA.

NOTES:

- 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.
- STORMWATER MANAGEMENT AND STORM DRAINAGE SHALL BE IN ACCORDANCE WITH THE SUSSEX COUNTY 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 OWNER UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE ABOVE PROACTIVE SHALL BE BY THE RESPECTIVE ORGANIZATION.
- ALL OPEN SPACE, INCLUDING BUFFERS AND FOREST STRIPS, SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- FOR ANY NEW DEVELOPMENT LOCATED IN WHOLE OR IN PART WITH 50 FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES. NO IMPROVEMENT REQUIRING AN OCCUPANCY APPROVAL FOR A RESIDENTIAL TYPE USE SHALL BE CONSTRUCTED WITHIN 50 FEET OF THE BOUNDARY OF THE LANDS USED PRIMARILY FOR AGRICULTURAL PURPOSES.
- POTABLE WATER, SANITARY SEWER, STORM DRAINAGE, STREET PAVEMENT SHALL BE CONSTRUCTED BY DEVELOPER. PHASING OF IMPROVEMENTS SHALL BE PER COUNTY AND CONSERVATION DISTRICT REQUIREMENTS.
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL PURPOSES AND ACTIVITIES HAVE BEE AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH USES 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 NORMAL AGRICULTURAL USES AND ACTIVITIES.
- THE PROPERTY IS NOT LOCATED WITHIN ANY TRANSPORTATION IMPROVEMENT DISTRICTS.
- ALL SUBDIVISION LOTS SHALL HAVE FIVE FOOT WIDE EASEMENTS ALONG ALL LOT LINES FOR A TOTAL EASEMENT WIDTH OF 10 FEET ALONG A LOT LINE COMMON TO TWO LOTS. EASEMENTS ALONG PERIMETER (RIGHT-OF-WAY AND OPEN SPACE) SHALL BE 10 FEET IN WIDTH.

PRELIMINARY PLAT

- COVER SHEET
- EXISTING CONDITIONS PLAN
- PRELIMINARY PLAT A
- PRELIMINARY PLAT B
- PRELIMINARY PLAT C
- PRELIMINARY PLAT D



- NOTES:
- PROVIDE # OF TOPSOIL COVERED WITH SEED AND MULCH ON PROPOSED GRASS AREAS.
 - SUBBASE AND SUBGRADE SHALL BE COMPACTED TO 95% OF ASTM D1557, MODIFIED PROCTOR METHOD.

TYPICAL ROADWAY SECTION
NOT TO SCALE

solutions
INCORPORATED
1100

303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9215
3033 Manitt Mill Road
Salisbury, MD 21804
T. 410.572.8833
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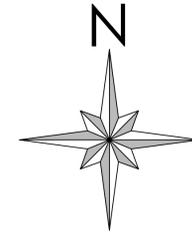
NO.	DATE	DESCRIPTION
1	5/24/21	REVISIONS PER AGENCY COMMENT LETTER DATED MAY 21, 2021
2	9/24/21	GENERAL REVISIONS

COVER SHEET
for
LIGHTSHIP COVE
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	12-08-2020
Job Number:	2004P
Scale:	AS SHOWN
Drawn By:	HHB
Designed By:	HHB
Approved By:	JIP

Sheet No.: 1

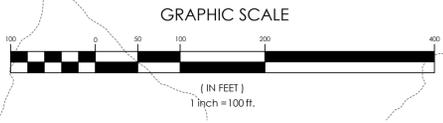
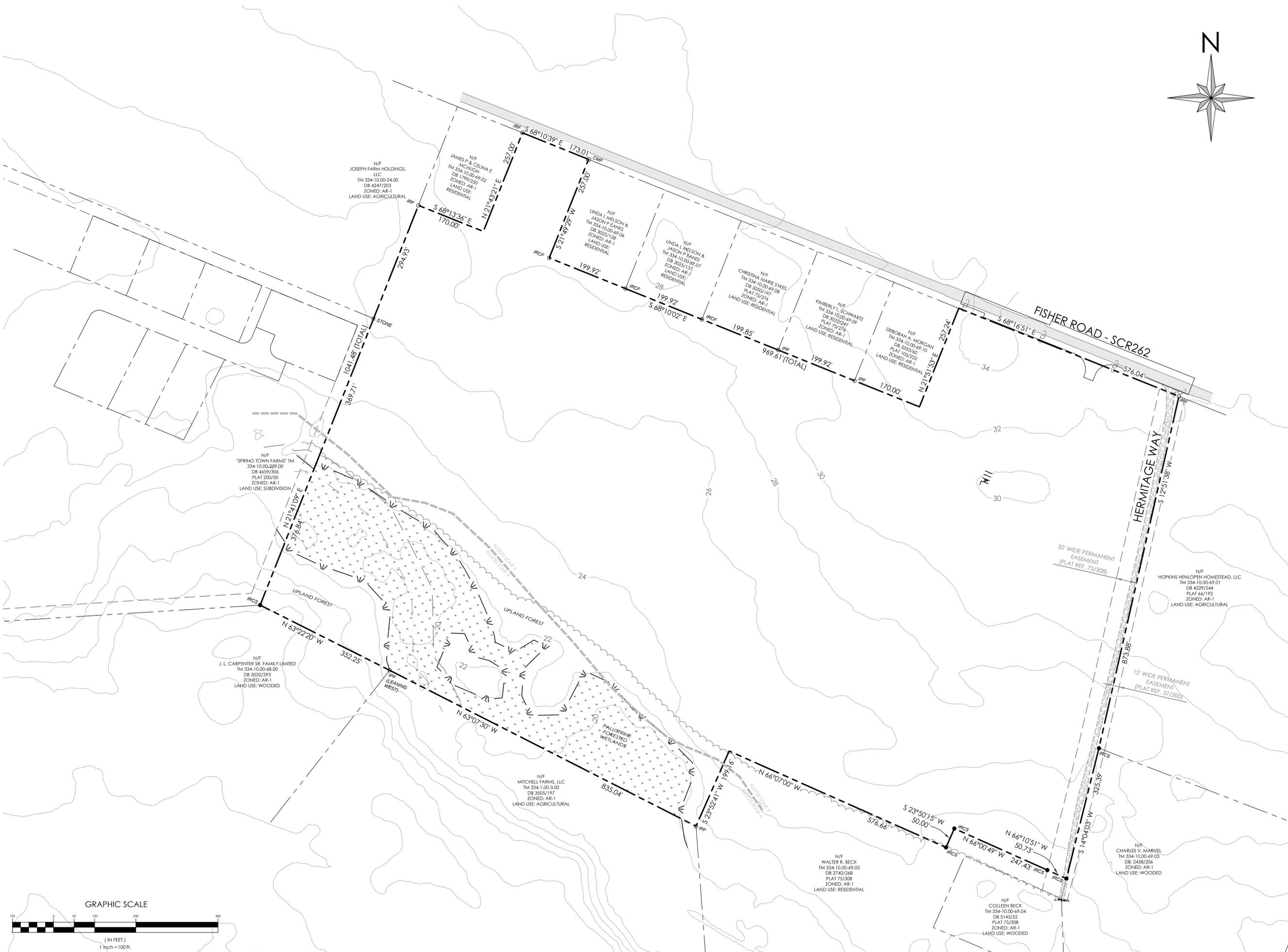
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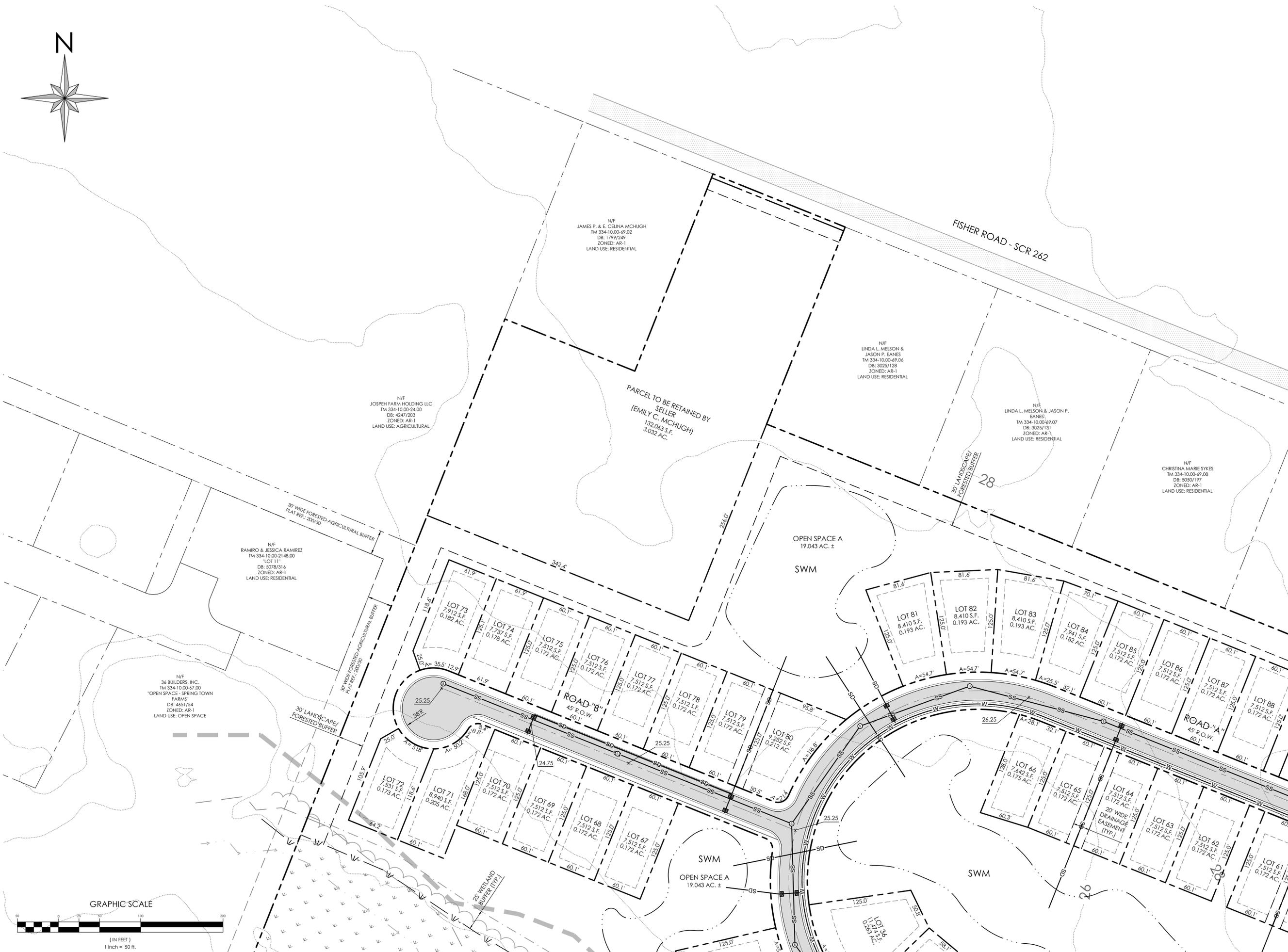
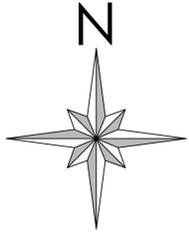


EXISTING CONDITIONS		REVISIONS	
NO.	DATE	DESCRIPTION	
1	5/24/21	REVISIONS PER AGENCY COMMENT LETTER DATED MAY 21, 2021	
2	9/24/21	GENERAL REVISIONS	

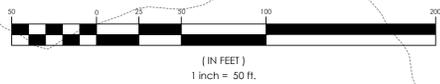
EXISTING CONDITIONS
 for
LIGHTSHIP COVE
 LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

Date:	12-08-2020	Job Number:	20049	Scale:	1" = 100'	Drawn By:	HHB	Designed By:	HHB	Approved By:	JIP
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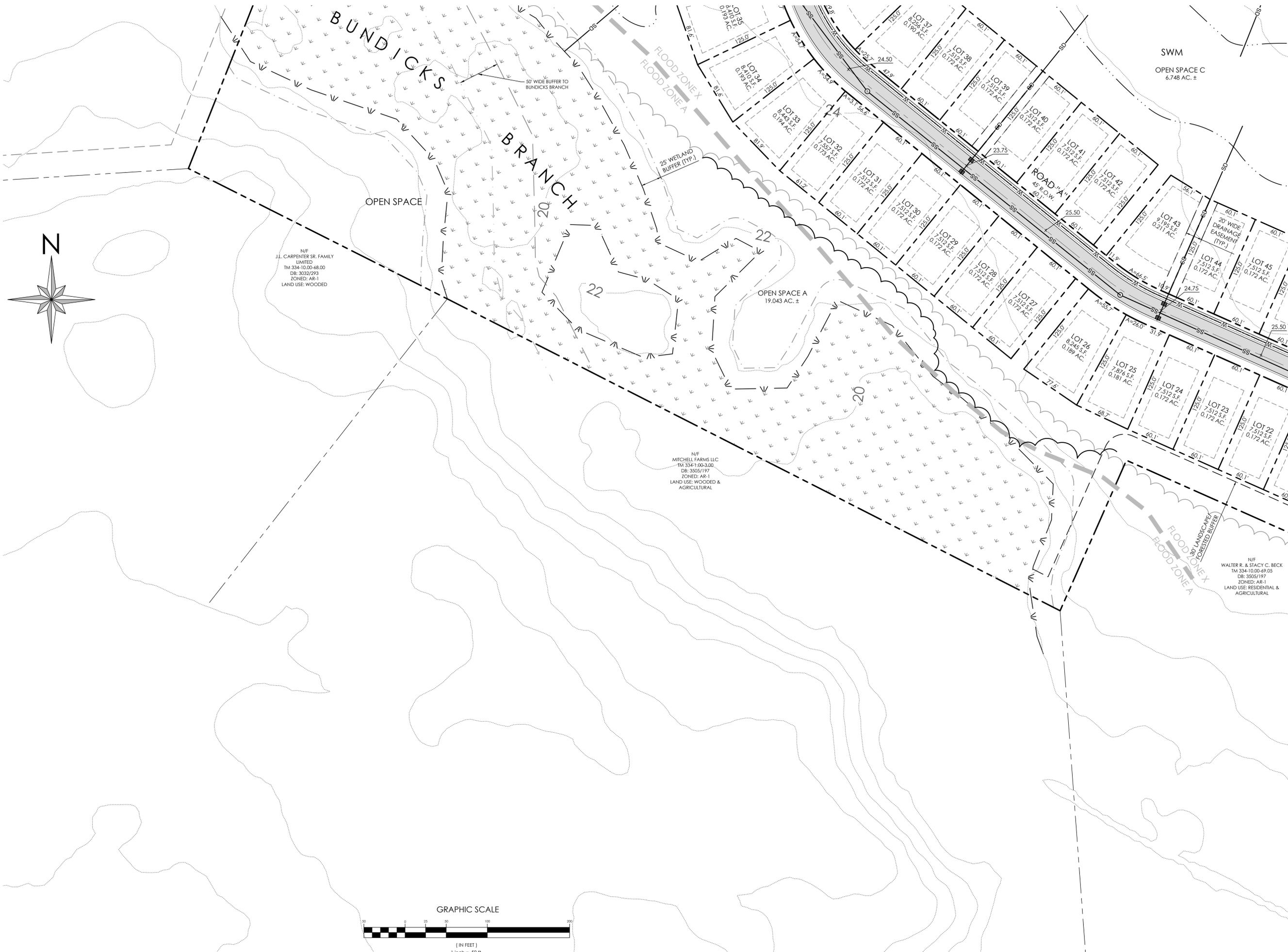
GRAPHIC SCALE



NO.	DATE	DESCRIPTION
1	5/24/21	REVISIONS PER AGENCY COMMENT LETTER DATED MAY 21, 2021
2	9/24/21	GENERAL REVISIONS

PRELIMINARY PLAT A
 for
LIGHTSHIP COVE
 LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

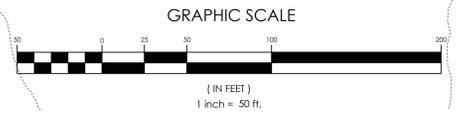
Date:	12-08-2020
Job Number:	20049
Scale:	1"=50'
Drawn By:	HHB
Designed By:	HHB
Approved By:	JIP



N/F
J.L. CARPENTER SR. FAMILY
LIMITED
TM 334-10.00-68.00
DB: 3032/293
ZONED: AR-1
LAND USE: WOODED

N/F
MITCHELL FARMS LLC
TM 334-1-00-3.00
DB: 3505/197
ZONED: AR-1
LAND USE: WOODED &
AGRICULTURAL

N/F
WALTER R. & STACY C. BECK
TM 334-10.00-69.05
DB: 3505/197
ZONED: AR-1
LAND USE: RESIDENTIAL &
AGRICULTURAL



solutions
LAND SURVEYING & ENGINEERING, LLC

303 North Bedford Street
Georgetown, DE 19842
T. 302-297-9215
3033 Manitt Mill Road
Salisbury, MD 21804
T. 410.572.8833
www.solutionsperm.com Copyright © 2021

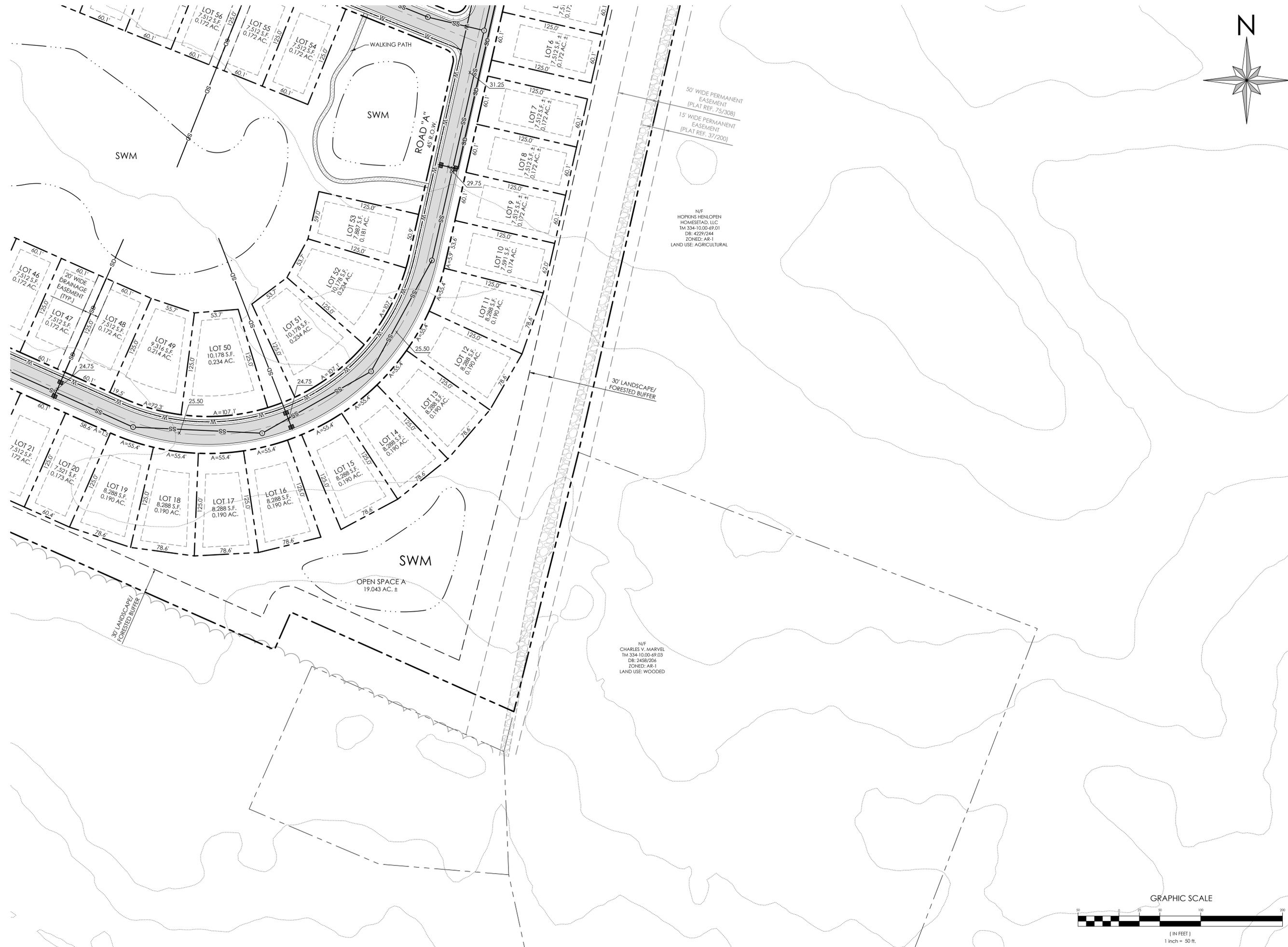


NO.	DATE	DESCRIPTION
1	5/24/21	REVISIONS PER AGENCY COMMENT LETTER DATED MAY 21, 2021
2	9/24/21	GENERAL REVISIONS

PRELIMINARY PLAT C
for
LIGHTSHIP COVE
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	12-08-2020
Job Number:	20049
Scale:	1"=50'
Drawn By:	HHB
Designed By:	HHB
Approved By:	JIP

Sheet No.: **5**
File Name: 20049-PLANS



solutions
 CONSULTANTS
 ENGINEERS ARCHITECTS LTD.

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 Georgetown, DE 19142
 T. 302-271-9215
 3033 Manitt Mill Road
 Salisbury, MD 21804
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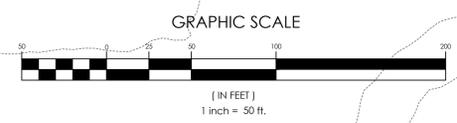
NO.	DATE	DESCRIPTION
1	5/24/21	REVISIONS PER AGENCY COMMENT LETTER DATED MAY 21, 2021
2	9/24/21	GENERAL REVISIONS

PRELIMINARY PLAT D
 for
LIGHTSHIP COVE
 LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

Date:	12-08-2020
Job Number:	20049
Scale:	1"=50'
Drawn By:	HHB
Designed By:	HHB
Approved By:	JJP

Sheet No.: **6**

File Name: 20049-PLANS.dwg



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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: November 18th, 2021

Application: CU 2274 R&J Farms Limited Partnership

Applicant: Jed James & R&J Farms Limited Partnership
18066 Asketum Branch Road
Georgetown, DE 19947

Owner: Jed James & R&J Farms Limited Partnership
18066 Asketum Branch Road
Georgetown, DE 19947

Site Location: 28274 E Trap Pond Road (S.C.R. 62)

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

Proposed Use: Diesel Repair Shop

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Vincent

School District: Laurel School District

Fire District: Laurel Fire Department

Sewer: Septic (Private, On-Site)

Water: Well (Private, On-Site)

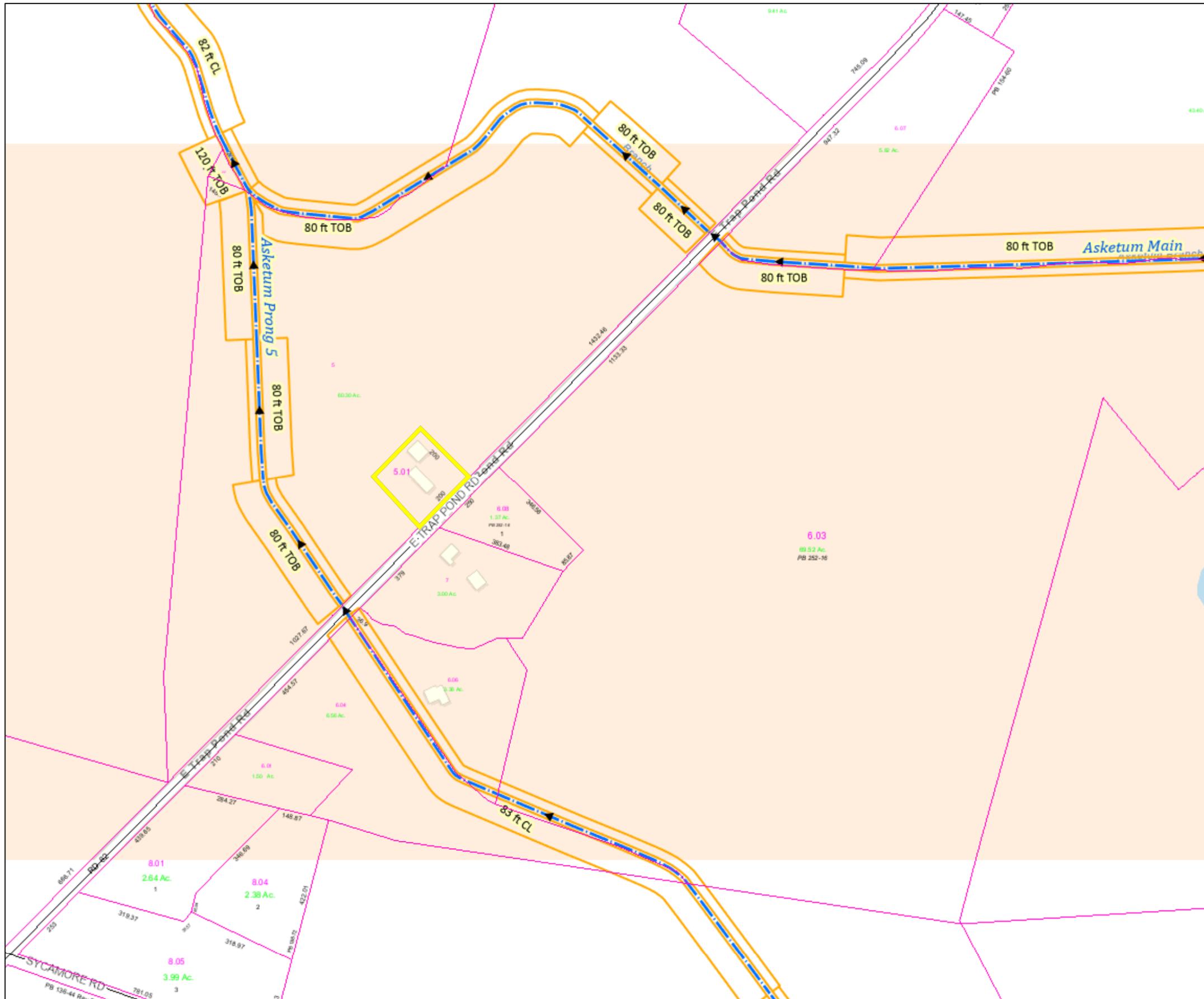
Site Area: 0.92 acres +/-

Tax Map ID.: 232-9.00-5.01





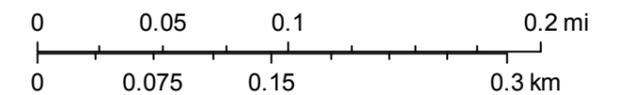
Sussex County



PIN:	232-9.00-5.01
Owner Name	R&J JAMES FARMS LIMITED PARTNERSHIP
Book	4978
Mailing Address	18066 ASKETUM BRANCH
City	GEORGETOWN
State	DE
Description	NW/RT 62
Description 2	1730'NE/RT 476
Description 3	N/A
Land Code	

- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- Streets
- County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way

1:4,514





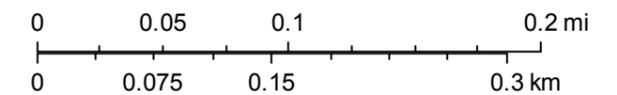
Sussex County



PIN:	232-9.00-5.01
Owner Name	R&J JAMES FARMS LIMITED PARTNERSHIP
Book	4978
Mailing Address	18066 ASKETUM BRANCH
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Description 3	N/A
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- polygonLayer Override 1
- polygonLayer Override 1
- Tax Parcels
- Streets

1:4,514





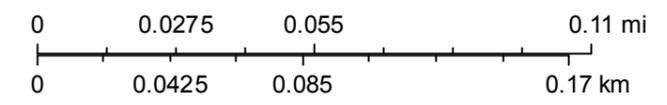
Sussex County



PIN:	232-9.00-5.01
Owner Name	R&J JAMES FARMS LIMITED PARTNERSHIP
Book	4978
Mailing Address	18066 ASKETUM BRANCH
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State	DE
Description	NW/RT 62
Description 2	1730'NE/RT 476
Description 3	N/A
Land Code	

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

1:2,257



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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jamie.whitehouse@sussexcountyde.gov



Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: November 10, 2021
RE: Staff Analysis for CU 2274 Jed James R&J Farms Limited Partnership

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2274 Jed James R&J Farms Limited Partnership to be reviewed during the November 18, 2021 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: 232-9.00-5.01 to allow for a diesel repair shop. The parcel is lying on south side of E. Trap Pond Road (S.C.R. 62), approximately 0.35 miles north of Sycamore Road (S.C.R. 476). The parcel consists of 0.92 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Low Density". The surrounding and adjacent parcels to the north, south, east, and west also contain the "Low Density" Future Land Use Map designation.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to the north, south, east and west of the subject sites are also zoned Agricultural Residential (AR-1).

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

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



Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)
Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

28214 East Trap Pond Road LAUREL DE 19956

Type of Conditional Use Requested:

Diesel Repair Shop

Tax Map #: 232-9.00-5.01 Size of Parcel(s): 1 Acre

Current Zoning: AR1 Proposed Zoning: _____ Size of Building: 40x45

Land Use Classification: Residential / Agricultural

Water Provider: Well Sewer Provider: SE Septic

Applicant Information

Applicant Name: JOE JAMES / R&J FARMS limited Partnership
Applicant Address: 18066 ASKETUM Branch Road
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 462-0101 E-mail: JAMESFARMLLC@gmail.com

Owner Information

Owner Name: SAME AS ABOVE
Owner Address: _____ State: _____ Zip Code: _____
City: _____ E-mail: _____
Phone #: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: N/A
Agent/Attorney/Engineer Address: _____ State: _____ Zip Code: _____
City: _____ E-mail: _____
Phone #: _____



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.

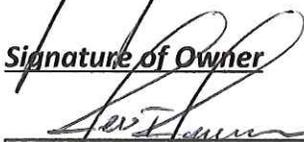
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 3/2/2021

Signature of Owner



Date: 3/2/2021

For office use only:

Date Submitted: 03/10/2021 Fee: \$500.00 Check #: 203
Staff accepting application: Chase P Application & Case #: 202103557 c/u 2274
Location of property: 28274 East Trap Pond Road
Laurel, DE 19956

Subdivision: _____
Date of PC Hearing: _____ Recommendation of PC Commission: _____
Date of CC Hearing: _____ Decision of CC: _____



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

NICOLE MAJESKI
SECRETARY

January 29, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Jed James** proposed land use application, which we received on January 26, 2021. This application is for an approximately 0.9183-acre parcel (Tax Parcel: 232-9.00-5.01). The subject land is located on the west side of East Trap Pond Road, south of the intersection with Hardscrabble Road. The subject land is currently zoned AR-1 (Agricultural Residential) and the applicant seeks a conditional use for a Diesel Repair Shop.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of East Trap Pond Road where the subject land is located, which is from Hardscrabble Road to Samuel Hill Road, is 1,183 vehicles per day.

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

If the County approves this application, the applicant should be reminded that 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

January 29, 2021

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

Enclosure

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



TAX MAP AND PARCEL #:
2-32-9.00-5.01

PREPARED BY:
Moore & Rutt, P.A.
122 W. Market Street
P.O. Box 554
Georgetown, DE 19947
File No. 14467/JEM

RETURN TO:
R & J James Farms Limited Partnership
18066 Asketum Branch Road
Georgetown, DE 19947

THIS DEED, made this 14th day of November, 2018,

- BETWEEN -

SUE E. BONAVENTURE, of 28274 E. Trap Pond Road, Laurel, DE 19956, part of the first part,

- AND -

R & J JAMES FARMS LIMITED PARTNERSHIP, a Delaware Limited Partnership, of 18066 Asketum Branch Road, Georgetown, DE 19947, party of the second part.

WITNESSETH: That the said part of the first part, for and in consideration of the sum of ONE AND 00/100 DOLLARS (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

All that certain piece, parcel and tract of land lying and being situate in Broad Creek Hundred, Sussex County and State of Delaware, being more particularly described as follows, to wit:

Beginning at a concrete monument lying on the Northwesterly side of Sussex County Road #62, said monument situate 1730 feet, more or less, from the centerline of Road #476 and being a corner for these lands and lands now or formerly of Walter Hedges; thence along these lands and lands now or formerly of Walter Hedges the following three (3) courses distances: (1) North 35 degrees 15 minutes West 200.00 feet to a found iron pipe, said pipe being a corner for these lands; thence (2) North 54 degrees 45 minutes East 200.00 feet to the ground iron pipe, said pipe being a corner for these lands; thence (3) South 35 degrees 15 minutes East 200.00 feet to a concrete monument, said monument being the corner for these lands and lands now or formerly of Walter Hedges; thence turning and running along these lands and with the Northwesterly side of Sussex County Road #62, South 54 degrees 45 minutes West 200.00 feet home to the point and place of beginning, said to contain 40,000 square feet of land, be the same, more or less.

Pursuant to 25 Del. C. Section 135, the grantor and grantee hereunder do hereby acknowledge that the parcel or parcels conveyed hereunder, or a portion of same, may be subject to a tax ditch right-of-way and/or assessment, or a tax lagoon right-of-way and/or assessment pursuant to an Order of the Superior Court of the State of Delaware in and for Sussex County recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Book 2 Page 24 and Book 7 Page 102.

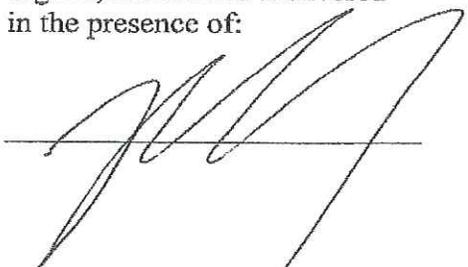
SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

BEING the same property conveyed to Sue E. Bonaventure from Daniel A. Bonaventure, by Deed dated July 27, 2018, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 4926, Page 141.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

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

Signed, Sealed and Delivered
in the presence of:

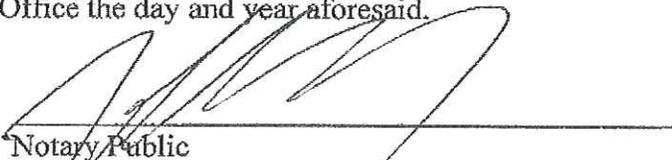


Sue E. Bonaventure (SEAL)
Sue E. Bonaventure

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on November 14, 2018, personally came before me, the
subscriber, Sue E. Bonaventure, part of the first part to this Indenture, known to me personally to
be such, and acknowledged this Indenture to be her act and deed.

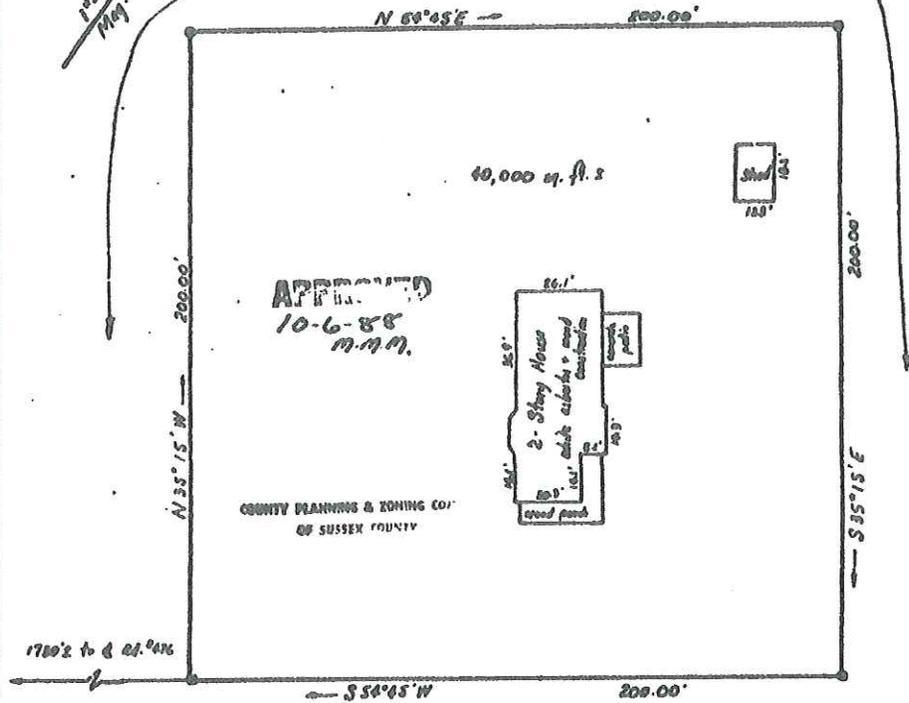
GIVEN under my Hand and Seal of Office the day and year aforesaid.


Notary Public

J. Everett Moore, JR., Esq.
Attorney-Notary Public
Del. Notarial Act 29 Del. C. §4323(a) (3)
Non Expiring Commission

My Commission Expires: _____

n/f lands of Walter Hedges



Sussex County Road # 62

LOT, HOUSE, & CHED TO BE CONVEYED FROM GEORGE JOHN & LINDA K. CHRISTOPHEL, JR. BROAD CREEK HUNDRED, SUSSEX COUNTY, DELAWARE TO DANIEL BONAVENTURE

REFERENCE: DEED BOOK 1159-PAGES 40 & 41.

- o CONCRETE MONUMENT FOUND
- o IRON PIPE FOUND

DATE: OCT. 6, 1988



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **11/3/2021**

APPLICATION: **CU 2274 R&J Farms Limited Partnership**

APPLICANT: **Jed James & R&J Farms Limited Partnership**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **232-9.00-5.01**

LOCATION: **28274 E. Trap Pond Road (SCR 62)**

NO. OF UNITS: **Diesel Repair Shop**

GROSS
ACREAGE: **0.92**

RECEIVED

NOV 04 2021

SUSSEX COUNTY
PLANNING & ZONING

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

SEWER:

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

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

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

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

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

(9). Is a Sewer System Concept Evaluation required? **Not at this time**

(10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**

(11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

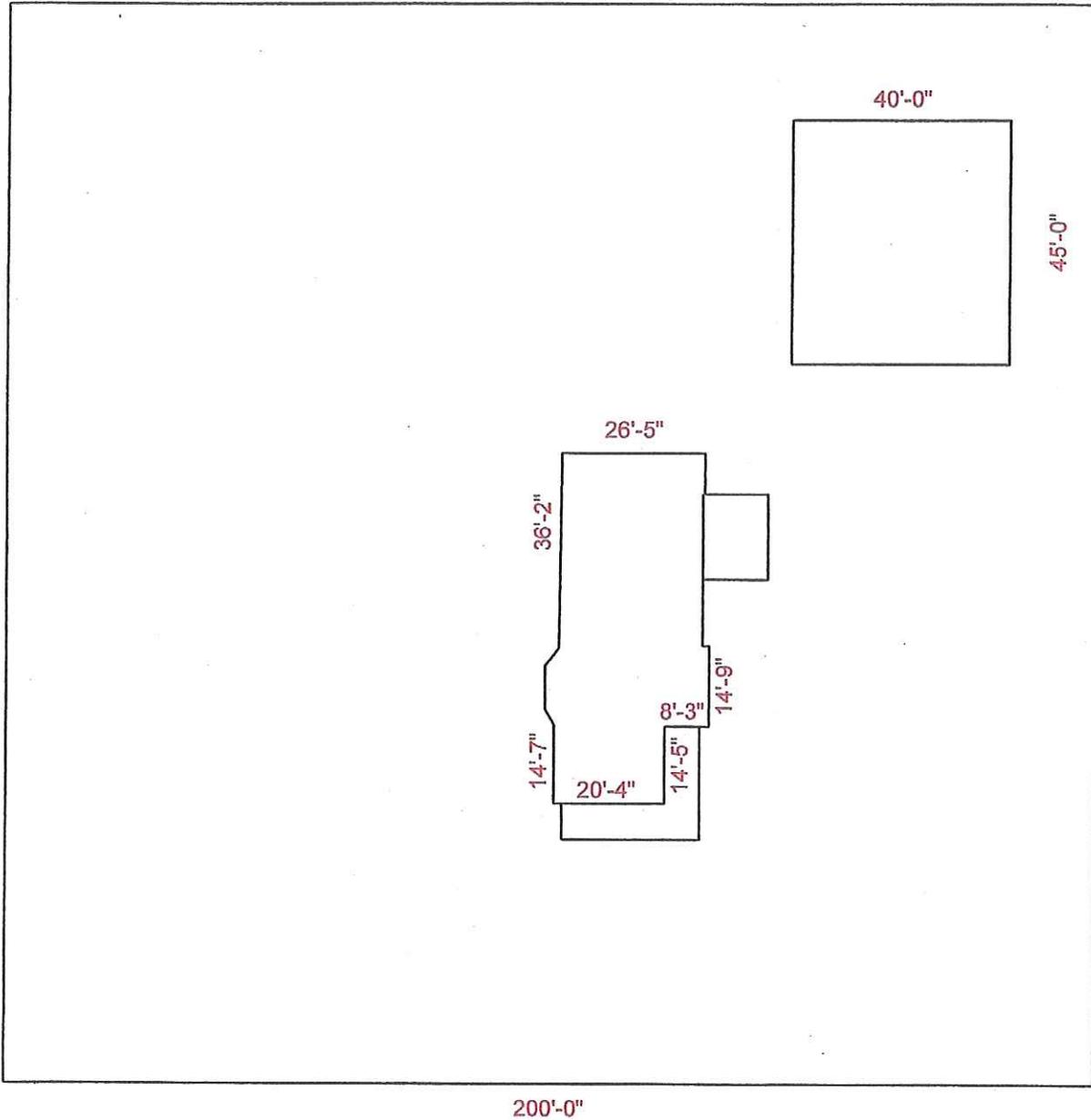


John J. Ashman
Sr. Manager of Utility Planning & Design Review

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

R & J Farm – 1 Acre House Lot

Jed James – 302-462-0101



28214 East Trap Pond Rd, Laurel, DE 19956

Tax Map #: 232 - 9.00 - 5.01

jamesfarmllc@gmail.com

Elliott Young

From: Brett Roberto <brett.roberto76@gmail.com>
Sent: Monday, November 8, 2021 11:37 AM
To: Planning and Zoning
Subject: Conditional use #2274 /Jed James - R&J Farms Limited Partnership

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

To The Planning and Zoning Commission,

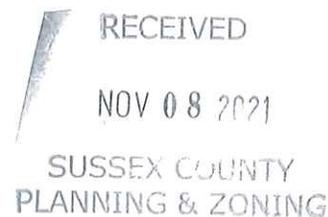
I saw a sign at an address in my area and wanted to voice my opposition to this conditional use. The tax parcel I.D. for this case is 232-9.00-5.01. I will outline below my concerns for your consideration.

1. The noise that the tenant (Dave's Truck Repair operated by David W. Craft) creates during the day is a public nuisance in a residential area. There have also been customers at all times of evening and late night into early morning either picking up or dropping off vehicles and creating an unnecessary disturbance.
2. I have personally contacted the Delaware Department of Revenue to inquire about the legitimacy of Dave's Truck Repair as a licensed business in the state, as of 11/03/2021 there is not a valid business license on record for the business name or owners name.
3. The parcel on the property that has been in use as the repair shop for a little over a year does not have a bathroom in the building. I have seen the occupant of the repair shop on the side of the building in a position that would be that of him relieving himself.
4. The parcel being utilized as the repair shop appears to be about 15 feet from a residence that is occupied.
5. There is a propane tank within what looks to be about 8 feet from the proposed repair shop. I have seen the occupant of the repair shop working with diesel fuel, oil, acetylene torches/welding equipment. I fear this could create a significant danger in the area.
6. I feel very strongly that if this conditional use is granted, that the issues outlined above will not be addressed/rectified, and will only continue and grow in severity.

In conclusion, as a resident of this area I do not feel that this rural peaceful and quiet residential area is the place for this type of business. Thank you in advance for your consideration of my concerns. Should you have any questions or concerns, please feel free to reach out to me via email.

Sincerely,

Brett Roberto



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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: November 18th, 2021

Application: CU 2275 Christopher L. Hooper

Applicant: Christopher L. Hooper & Lisa A. Hooper
1541 Thompson Lane
Mechanicsburg, PA 17055

Owner: Christopher L. Hooper & Lisa A. Hooper
1541 Thompson Lane
Mechanicsburg, PA 17055

Site Location: 16842 Seashore Highway, Georgetown

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

Proposed Use: Retail Sales of Antiques & Collectibles

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mrs. Green

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: Septic (Private, On-Site)

Water: Well (Private, On-Site)

Site Area: 9.7 acres +/-

Tax Map ID.: 231-7.00-36.00





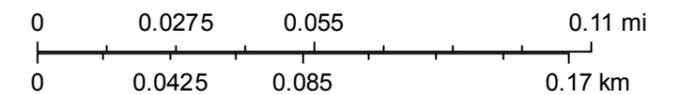
Sussex County



PIN:	231-7.00-36.00
Owner Name	HOOPER LISAANN
Book	4973
Mailing Address	PO BOX 515
City	GEORGETOWN
State	DE
Description	GEORGETOWNBRIDGEVLE
Description 2	S/RT 18 430'
Description 3	W/RT 521
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Municipal Boundaries
- TID

1:2,257





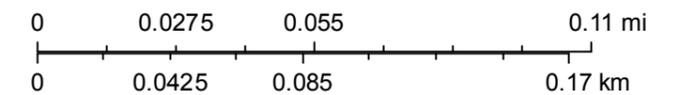
Sussex County



PIN:	231-7.00-36.00
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- Extent of Right-of-Way
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- TID

1:2,257



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



Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: November 12, 2021
RE: Staff Analysis for CU 2275 Christopher L. Hooper

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2275 Christopher L. Hooper to be reviewed during the November 18, 2021 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: 231-7.00-36.00 to allow for retail sales of antiques and collectibles at 16842 Seashore Highway in Georgetown, Delaware. The property is lying on the south side of Seashore Highway (Route 18/404), approximately 2.32 miles west of DuPont Boulevard (Route 13). The parcel consists of 9.70 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Low Density Area." The parcels to the east of the subject property have the Future Land Use designation of "Low Density." The property to the north on the opposite side of Seashore Highway (Route 18) has a Future Land Use designation of "Commercial Area" as do the parcels to the west of the subject site.

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

Furthermore, as also described within the 2018 Sussex County Comprehensive Plan, Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to east along Marsh Road (S.C.R. 521) are also zoned Agricultural Residential (AR-1).



The single parcel to the north located at 16849 Seashore Highway is zoned Neighborhood Business (B-2).

A portion of the property to the west is split-zoned Agricultural Residential (AR-1) with the remainder of the property being zoned General Commercial (C-1).

Since 1970, there have been four (4) Conditional Use applications within a 2-mile radius of the application site. The first application was Conditional Use No. 407 for Carl E. Niblett to allow for a poultry house on less than 5-acres in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on April 12, 1977. The second application was Conditional Use No. 934 Georgetown Auto Sales, Inc. which was subsequently withdrawn. The third application was Conditional Use No. 980 Brian Bearese for purposes of allowing outdoor yard crafts and produce sales in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on September 10, 1991 and adopted through Ordinance No. 785. The fourth application was for Conditional Use No. 1870 Allen McCabe/McCabe's Farm, LLC for purposes of allowing a sheet metal fabrication shop in an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on November 30, 2010 and adopted through Ordinance No. 2162.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for retail sales of antiques and collectibles, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Planning & Zoning Commission Application

Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

16842 Seashore Highway Georgetown, DE 19947

Type of Conditional Use Requested:

Retail Sales of Antiques & Collectibles

Tax Map #: 231-7.00-36.00

Size of Parcel(s): 9.7 Acres

Current Zoning: AR-1

Proposed Zoning: AR-1

Size of Building: 60' x 100' (Existing)

Land Use Classification: Agricultural Residential

Water Provider: Well

Sewer Provider: Septic

Applicant Information

Applicant Name: Christopher L Hooper & Lisa A. Hooper

Applicant Address: 1541 Thompson Lane

City: Mechanicsburg

State: PA

Zip Code: 17055

Phone #: (717) 468-2200

E-mail: lemoynecc@gmail.com

Owner Information

Owner Name: Christopher L. Hooper & Lisa A. Hooper

Owner Address: 1541 Thompson Lane

City: Mechanicsburg

State: PA

Zip Code: 17055

Phone #: (717) 468-2200

E-mail: lemoynecc@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

Chris E. H.

Date: 3/13/21

Signature of Owner

Chris E. H.
Sybil Brown

3/13/21
Date: 3/13/21

For office use only:

Date Submitted: 3/15/21
Staff accepting application: EBD
Location of property: _____

Fee: \$500.00 Check #: 149
Application & Case #: 202103788

Subdivision: _____
Date of PC Hearing: _____ Recommendation of PC Commission: _____
Date of CC Hearing: _____ Decision of CC: _____

231-7.00-36.00
TAX MAP #. ~~1-34-7.00-36.00~~

PREPARED BY & RETURN TO:
D. Stephen Parsons, P.A.
118 Atlantic Avenue, Suite 401
Ocean View, DE 19970
File No. 35421/KE

THIS DEED, made this 30th day of October, 2018,

- BETWEEN -

ROBERT KURT ROSENBERG, of 36624 Dupont Highway, Selbyville, DE 19975,
party of the first part,

- AND -

LISA ANN HOOPER and **CHRISTOPHER LEE HOOPER**, (mother and son) of
1541 Thompson Lane, Mechanicsburg, PA 17055, parties of the second part, as Joint Tenants
With Right of Survivorship.

WITNESSETH: That the said party of the first part, for and in consideration of the sum
of ONE DOLLAR and 00/100 (\$1.00) and other valuable consideration, lawful money of the
United States of America, the receipt whereof is hereby acknowledged, hereby grants and
conveys unto the parties of the second part:

Tax Parcel 2-31-7.00-36.00

ALL that certain lot, piece or parcel of land situate, lying and being in Nanticoke
Hundred, Sussex County, and State of Delaware, and being more particularly described as
follows, to wit:

BEGINNING at the point in the southerly right-of-way line of Delaware Route #18,
which point is the common boundary line between lands now or formerly of John O'Day and
these lands; thence along the said common boundary line, South 16 degrees 44 minutes West
464.8 feet to a pipe; thence continuing 11.5 feet to the center of a ditch; thence continuing along
the meanderings of said ditch South 57 degrees 25 minutes East 778.55 feet to a point in said
ditch; thence turning and running a distance of 11.5 feet to a concrete monument; thence along a
new division line between these lands and lands now or formerly of Suburban Equipment Corp.,
North 14 degrees 16 minutes East 672.9 feet to a concrete monument located on the southerly
side of Delaware Route #18; thence following a chord distance of North 73 degrees 48 minutes
West 116.75 feet to a concrete monument; thence continuing along said right-of-way line North
72 degrees 42 minutes West 603.5 feet, home to the place of beginning, and said to contain 9.7
acres of land, more or less, as surveyed by Theodore B. Simpler, Registered Surveyor.

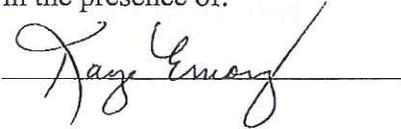
This parcel of land is subject to Deep Creek Tax Ditch right of way and/or assessment pursuant to Superior Court order C.A. No. 06M-11-137 dated the 4th day of January, 2007 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Tax Ditch Book 3, Page 246; also found of record in Tax Ditch Book 6, Page 215; also found of record in Tax Ditch Book 11, Page 97; also found of record in Tax Ditch Book 12, Page 25; and also found of record in Tax Ditch Book 14, Page 311.

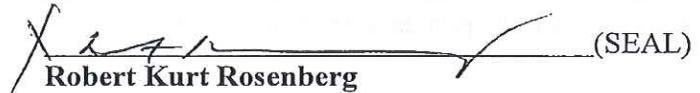
This parcel of land is subject to Layton-Vaughn Tax Ditch right of way and/or assessment pursuant to Superior Court Order C.A. No. 06M-11-123 dated the 4th day of January, 2007 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Tax Ditch Book 2, Page 096; also found of record in Tax Ditch Book 7, Page 66; also being found of record in Tax Ditch Book 9, Page 145; and also found of record in Tax Ditch Book 10, Page 88.

BEING the same lands as conveyed unto Robert Kurt Rosenberg by Deed of Robert Kurt Rosenberg, Successor Trustee of the Pauline M. Rosenberg Revocable Trust Dated 1/29/98, As Amended, dated July 5, 2016 and recorded in the Office of the Recorder of Deeds, at Georgetown, Delaware, in Deed Book 4570, Page 281.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year witnessed below.

Signed, Sealed and Delivered
in the presence of:



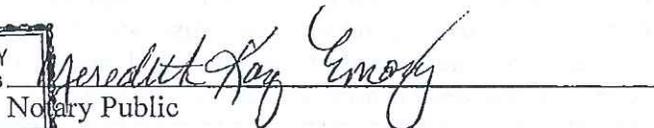
 (SEAL)
Robert Kurt Rosenberg

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 30th day of October, 2018, personally came before me, the subscriber, Robert Kurt Rosenberg, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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




Meredith Kay Emory
Notary Public



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

NICOLE MAJESKI
SECRETARY

February 22, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Christopher L. Hooper** proposed land use application, which we received on February 19, 2021. This application is for an approximately 9.7-acre parcel (Tax Parcel: 231-7.00-36.00). The subject land is located south of Seashore Highway (State Route 18) about 0.15 mi from the intersection with Marsh Road (Sussex Road 269B). The subject land is currently zoned AR-1 (Agriculture Residential) and the applicant seeks a conditional use approval to operate a 6000 S.F. retail sale of antiques and collectables in the existing dwelling.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Seashore Highway (State Route 18), from Sussex Road 529 to Vaughn Road where the road the subject land is located intersects, is 11,635 vehicles per day.

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

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
February 22, 2021

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm
Enclosure

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **11/3/2021**

APPLICATION: **CU 2275 Christopher L. Hooper**

APPLICANT: **Christopher L. Hooper & Lisa A. Hooper**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **231-7.00-36.00**

LOCATION: **16842 Seashore Highway, Georgetown**

NO. OF UNITS: **Retail sales of Antiques & Collectables**

GROSS
ACREAGE: **9.7**

RECEIVED

NOV 04 2021

SUSSEX COUNTY
PLANNING & ZONING

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

SEWER:

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The proposed CU is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

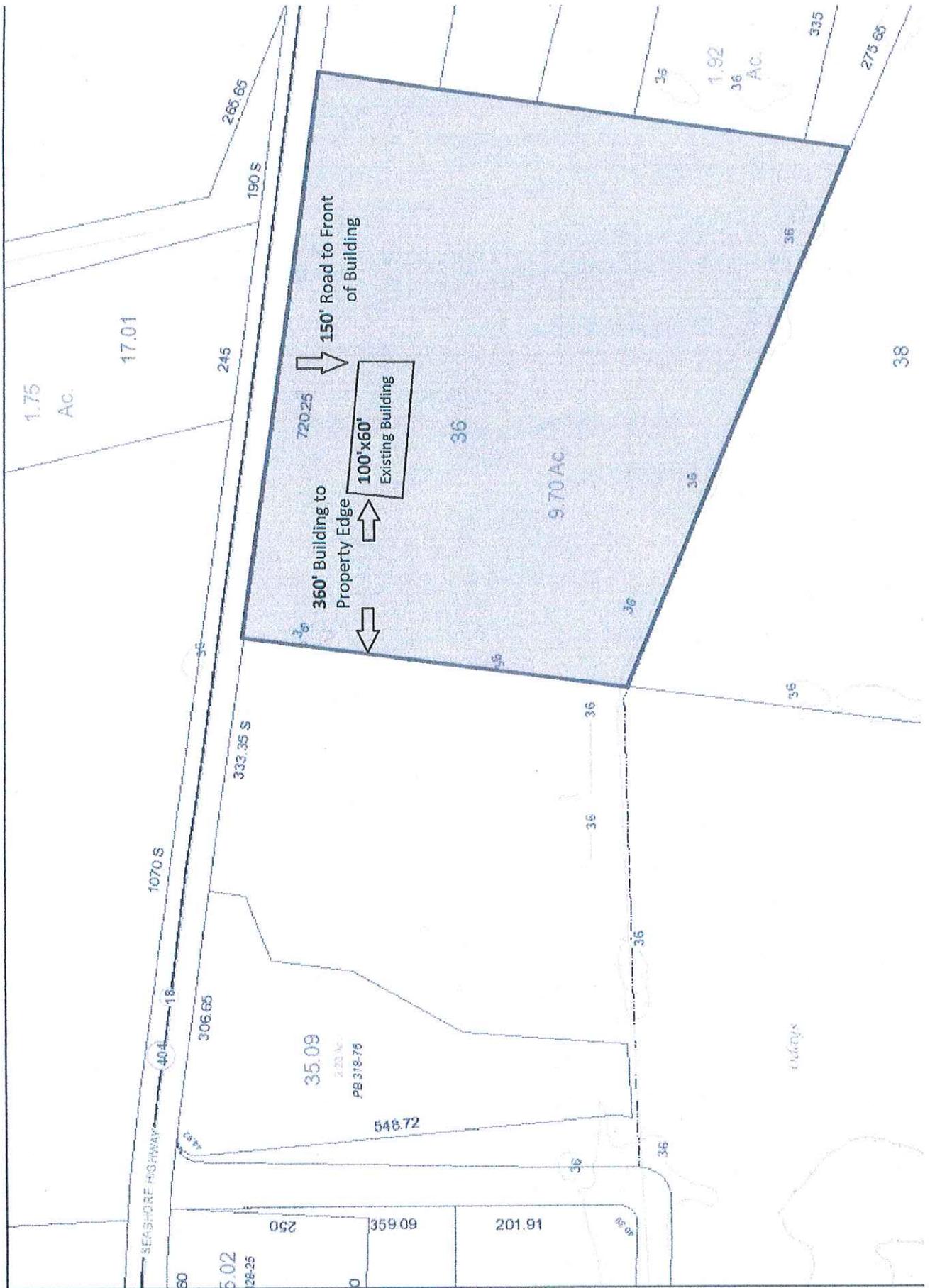
Xc: Hans M. Medlarz, P.E.
Lisa Walls
No Permit Tech Assigned

Conditional Use Permit for Retail Sales of Antiques & Collectibles

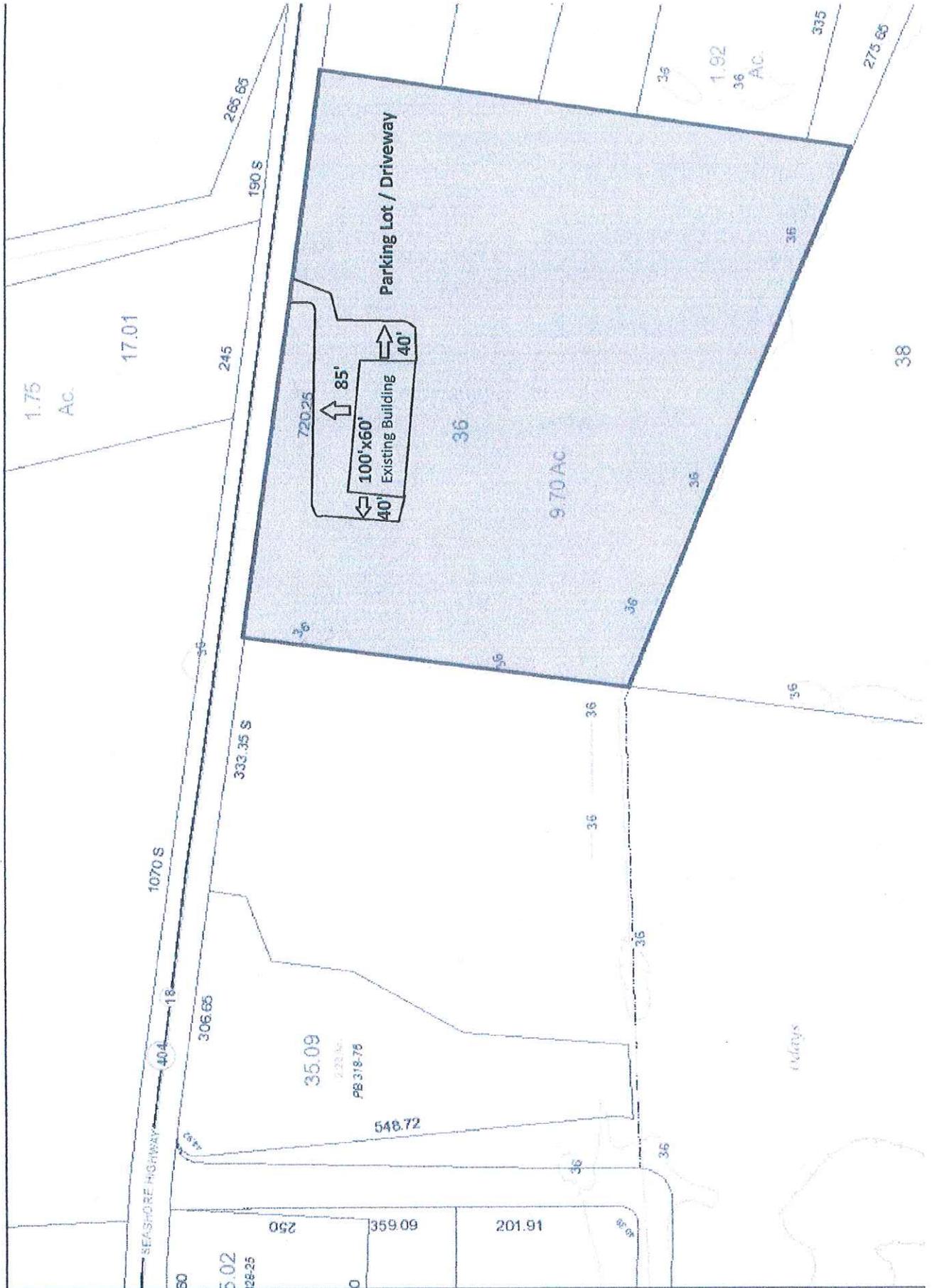
- Hours would be Thursday thru Sunday 9 am - 5 pm
- Will have online auctions (6-10 per year) which will have a 1 day preview
- Drain field has already been approved and will be completed by the summer of 2021
- Interior bathroom and entire building will be done to commercial specs & be handicap accessible

Our goal is to offer quality antiques & collectibles to the Sussex County region and surrounding areas.

231-7.00-36.00 16842 SEASHORE HWY, GEOR



231-7.00-36.00 16842 SEASHORE HWY, GEOR





Addresses / Parcels

Tax Parcels

Council Districts

Fire Districts

County District 01

County District 02

County District 03

County District 04

County District 05

County Boundaries

Schools/Libraries

School Buildings (Various)

School Library

Public Library

Special Library

DOE School Districts

DOE VoTech School Districts

Hydrology

Streams / Rivers

Lakes, Ponds, Bays

Flood Zones

0.2% Annual Chance

Flood Hazard

A

AE

AO

Open Water

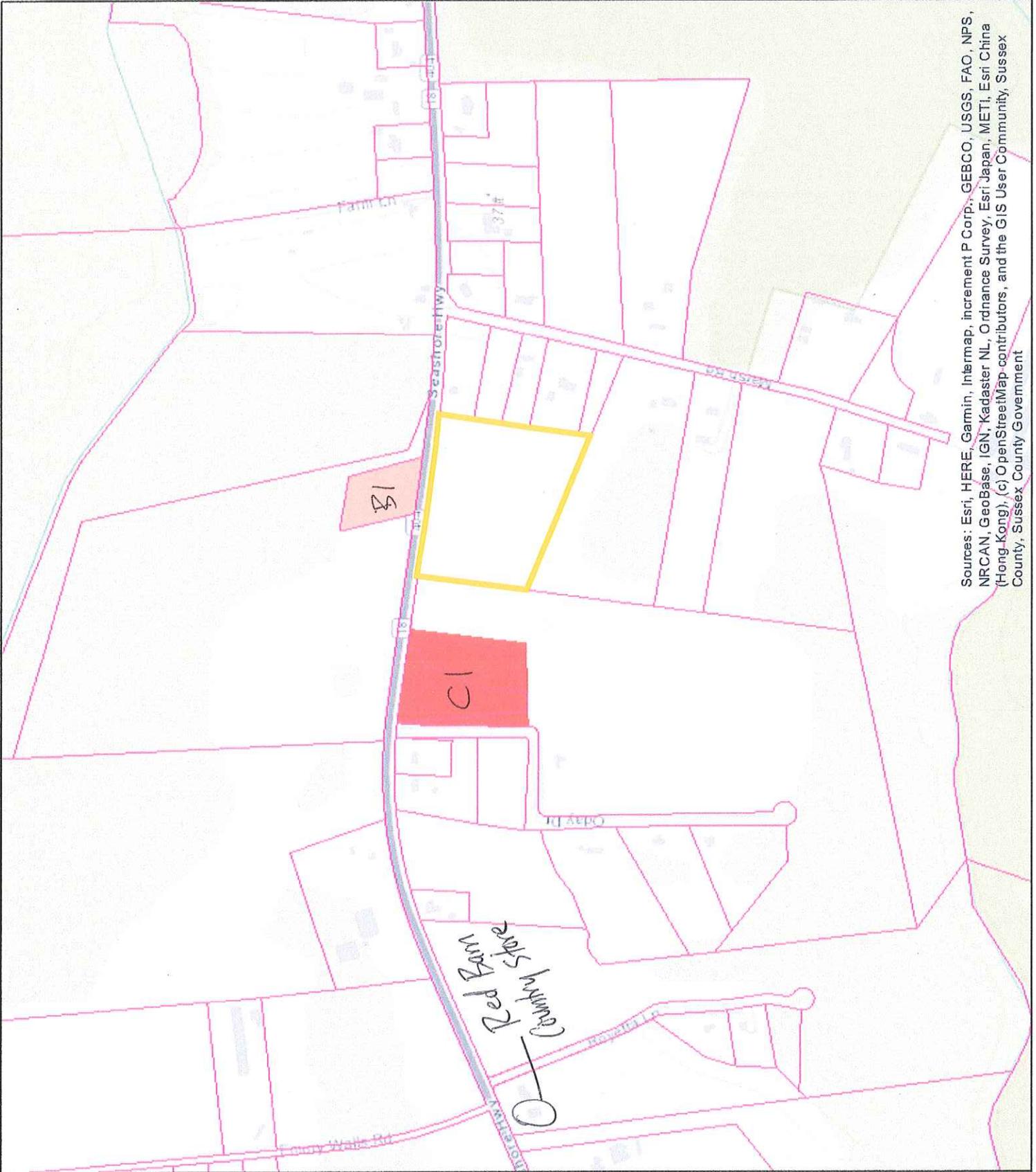
VE

Public Protected Lands

Municipalities

Communities

Boundaries State County



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

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A -- PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name LISA ANN HOOPER & CHRISTOPHER LEE HOOPER				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 16842 SEASHORE HWY.				Company NAIC Number:	
City GEORGETOWN		State Delaware		ZIP Code 19947	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) T.M.#231-7.00-36.00					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>NON-RESIDENTIAL</u>					
A5. Latitude/Longitude: Lat. <u>38.697987</u> Long. <u>-75.445149</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>1B</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>6000.00</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A8.b <u>0.00</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage _____ sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade _____					
c) Total net area of flood openings in A9.b _____ sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
SECTION B -- FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number SUSSEX 100029			B2. County Name SUSSEX		B3. State Delaware
B4. Map/Panel Number 10005C0280	B5. Suffix L	B6. FIRM Index Date 06-20-2018	B7. FIRM Panel Effective/ Revised Date 06-20-2018	B8. Flood Zone(s) A	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 36.5
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input checked="" type="checkbox"/> Other/Source: <u>LOMA CASE #13-03-1695A</u>					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 16842 SEASHORE HWY.			Policy Number:
City GEORGETOWN	State Delaware	ZIP Code 19947	Company NAIC Number

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation G2.b in the diagrams) of the building is _____ feet meters above or below the HAG.
- E3. Attached garage (top of slab) is _____ feet meters above or below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ feet meters above or below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name

Address _____ City _____ State _____ ZIP Code _____

Signature _____ Date _____ Telephone _____

Comments

Check here if attachments.



BUILDING PHOTOGRAPHS

See Instructions for Item A6.



OMB No. 1660-0008

Expiration Date: November 30, 2022

ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 16842 SEASHORE HWY.			Policy Number:
City GEORGETOWN	State Delaware	ZIP Code 19947	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption	FRONT VIEW	08/06/2020	Clear Photo One
-------------------	------------	------------	-----------------



Photo Two

Photo Two Caption	REAR VIEW	08/06/2020	Clear Photo Two
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BUILDING PHOTOGRAPHS



ELEVATION CERTIFICATE

Continuation Page

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 16842 SEASHORE HWY.			Policy Number:
City GEORGETOWN	State Delaware	ZIP Code 19947	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

Photo Three

Photo Three

Photo Three Caption

Clear Photo Three

Photo Four

Photo Four

Photo Four Caption

Clear Photo Four

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



Sussex County

DELAWARE
sussexcountyde.gov

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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: November 18th, 2021

Application: CU 2276 Atlantic Well Drilling, Inc.

Applicant: Atlantic Well Drilling, Inc.
10872 Concord Road
Seaford, DE 19973

Owner: Doug Hudson
28265 Boyce road
Laurel, DE 19956

Site Location: 10872 Concord Road, Seaford

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

Proposed Use: Water Well Drilling Business

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Vincent

School District: Seaford School District

Fire District: Blades Fire Department

Sewer: Septic (Private, On-Site)

Water: Well (Private, On-Site)

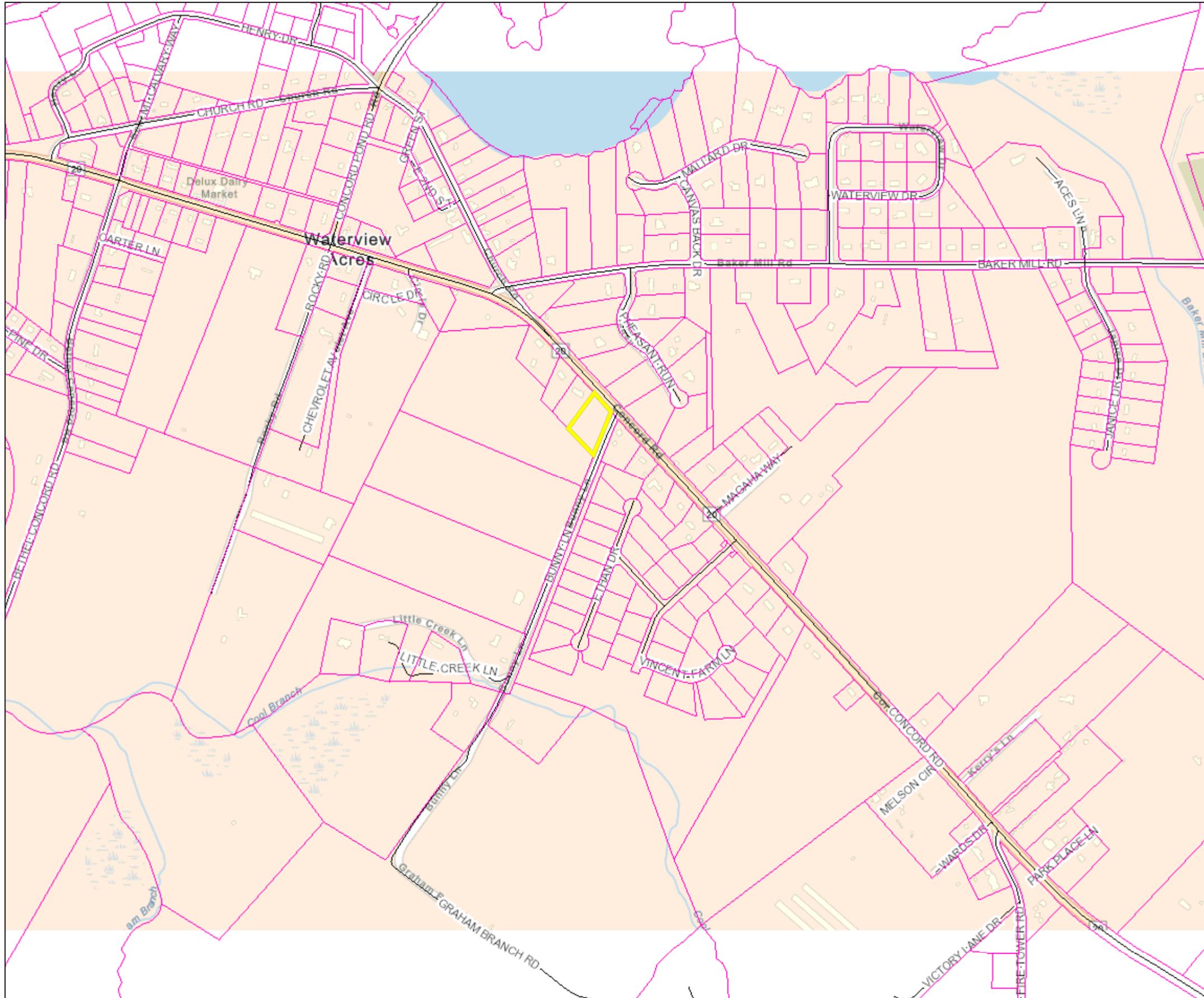
Site Area: 1.04 acres +/-

Tax Map ID.: 132-3.00-4.09





Sussex County



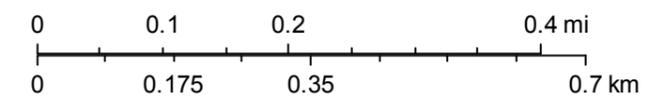
PIN:	132-3.00-4.09
Owner Name	HUDSON DOUGLAS
Book	4843
Mailing Address	28265 BOYCE RD
City	LAUREL
State	DE
Description	SW/RT 20
Description 2	LOT C
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

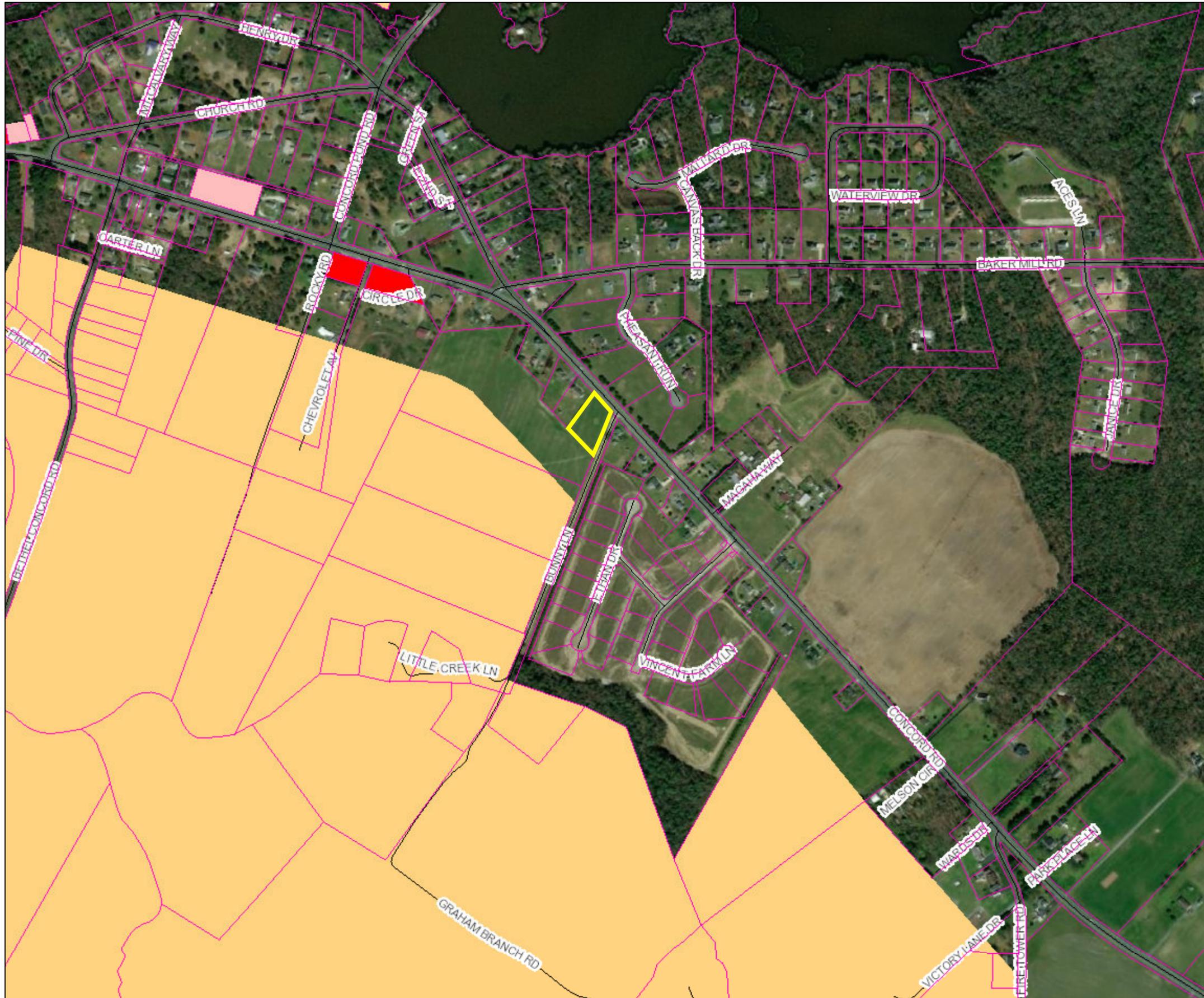
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- Tax Parcels
- Streets
- County Boundaries

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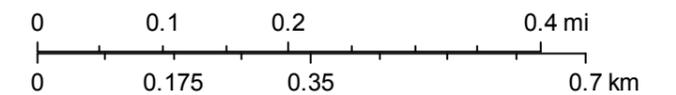
Sussex County



PIN:	132-3.00-4.09
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- polygonLayer**
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1:9,028



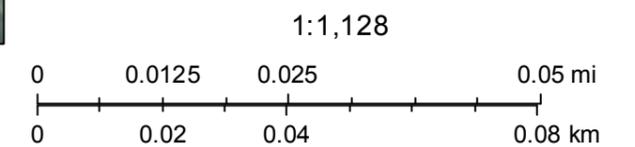


Sussex County



PIN:	132-3.00-4.09
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Book	4843
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State	DE
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- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ⋮ Tax Parcels
- 911 Address
- Streets
- County Boundaries



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PLANNING & ZONING DIRECTOR
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jamie.whitehouse@sussexcountyde.gov



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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: November 10, 2021
RE: Staff Analysis for CU 2276 Atlantic Well Drilling, Inc.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2276 Atlantic Well Drilling, Inc. to be reviewed during the November 18, 2021 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: 132-3.00-4.09 to allow for a water well drilling business. The parcel is lying on the south side of Concord Road (Rt. 20), approximately 0.16 mile southeast of the intersection of Concord Road, Baker Mill Road (S.C.R. 483) and Church Road (Rt. 20A). The parcel consists of 1.04 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development.

The Future Land Use map in the plan indicates that the parcel has a designation of "Low Density". The surrounding and adjacent parcels to the north, south, west and east also contain the "Low Density" land use designation. The properties further south have a land use designation of "Existing Developing Area".

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to the north, south, east, and west of the subject sites are also zoned Agricultural Residential (AR-1). Properties further south are zoned General Residential (GR) Zoning District. Properties further west on Concord Road (Rt. 20) are zoning General Commercial (C-1) and Neighborhood Business (B-1) Zoning District.

Since 2011, there has been one (1) Conditional Use application within a 1-mile radius of the application site. Conditional Use No. 1950 was approved by the Sussex County Council on



Staff Analysis

CU 2276 Atlantic Well Drilling, Inc.

Planning and Zoning Commission for November 18, 2021

Tuesday, April 23, 2013, through Ordinance No. 2304, to allow for parking of commercial tractor trailers.

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

File #: CV2276
202104373

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

10872 Concord Road, Seaford, DE 19973

Type of Conditional Use Requested:

Water well drilling company

Tax Map #: 1-32-3.00-4.09 **Size of Parcel(s):** 1.04 acres

Current Zoning: AR1 **Proposed Zoning:** AR1 **Size of Building:** 3,760 sq. ft.
Special Use

Land Use Classification: AR1

Water Provider: N/A **Sewer Provider:** N/A

Applicant Information

Applicant Name: Atlantic Well Drilling, Inc.

Applicant Address: 10872 Concord Rd.

City: Seaford State: DE Zip Code: 19973

Phone #: (302) 875-5017 E-mail: well105@comcast.net

Owner Information

Owner Name: Doug Hudson

Owner Address: 28265 Boyce Rd.

City: Laurel State: DE Zip Code: 19956

Phone #: (302) 236-7974 E-mail: hudson890@aol.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____

Agent/Attorney/Engineer Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____

RECEIVED

FEB 01 2021

SUSSEX COUNTY
PLANNING & ZONING



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

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

Provide Fee \$500.00

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

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

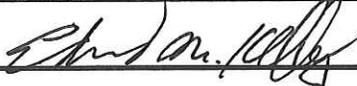
DelDOT Service Level Evaluation Request Response

PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney



Date: 1/27/21

Signature of Owner



Date: 1-27-21

For office use only:

Date Submitted: 3/24/21

Fee: \$500.00 Check #: _____

Staff accepting application: NT

Application & Case #: CU 2276

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

NICOLE MAJESKI
SECRETARY

January 26, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Atlantic Well Drilling/Doug Hudson** special use/conditional use application, which we received on January 6, 2021. This application is for an approximately 1.04-acre parcel (Tax Parcel: 132-3.00-4.09) The subject land is located on southwest corner of Concord Road (Delaware Route 20) and Bunny Lane (a private road). The subject land is currently zoned AR-1 (Agricultural Residential). The applicant seeks a conditional use to develop a water well drilling company with a proposed 3,760 square foot building.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Concord Road where the subject land is located, which is from Bethel Concord Road to County Seat Highway, is 6,803 vehicles per day.

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

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
January 26, 2021

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

Enclosure

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **11/3/2021**

APPLICATION: **CU 2276 Atlantic Well Drilling Inc**

APPLICANT: **Atlantic Well Drilling, Inc**

FILE NO: **OM-5.13**

TAX MAP &
PARCEL(S): **132-3.00-4.09**

LOCATION: **10872 Concord Road, Seaford**

NO. OF UNITS: **Water Well Drilling Business**

GROSS
ACREAGE: **1.04**

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NOV 04 2021

SUSSEX COUNTY
PLANNING & ZONING

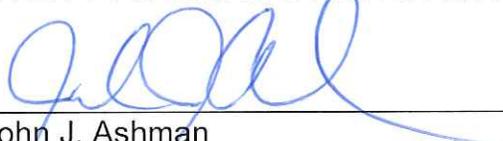
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

SEWER:

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

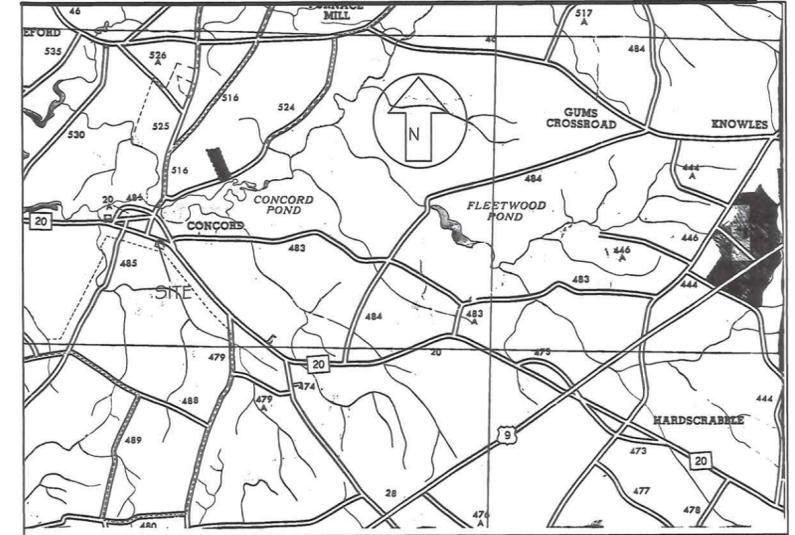
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The proposed CU is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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

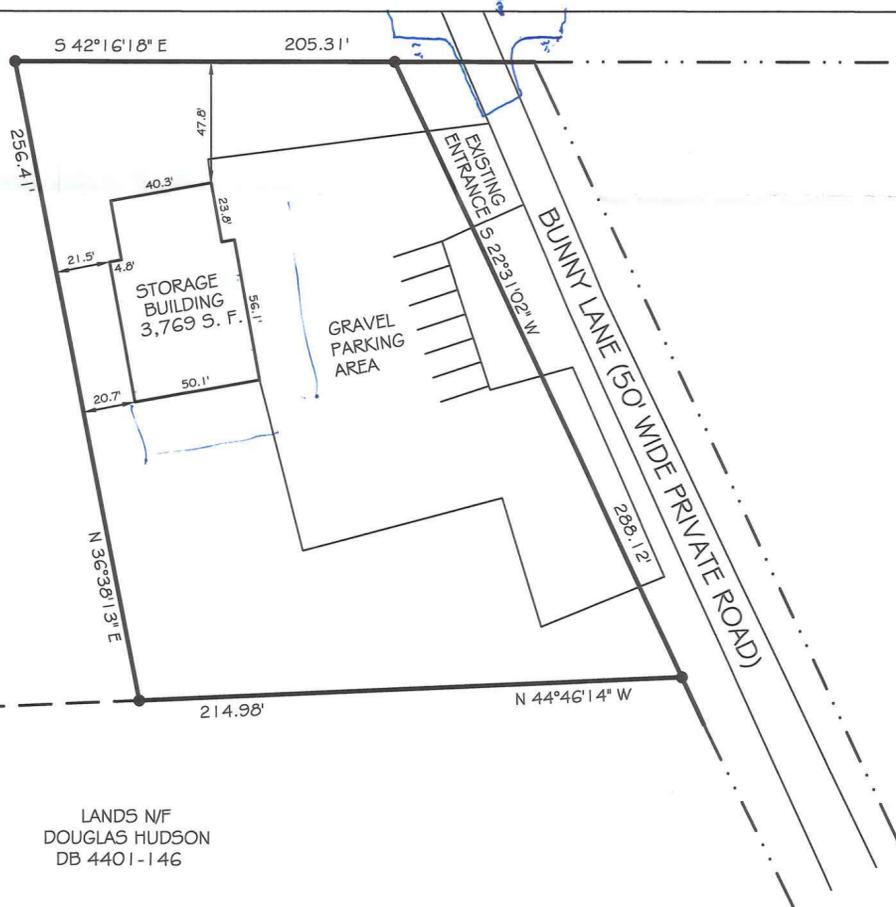


VICINITY MAP
SCALE 1" = 1 MILE

DEL. RT. #20 "CONCORD RD." (60' R/W)

LANDS N/F
JHON H. & THEANIDE B. RAYMOND
DB 3985-119

LANDS N/F
DOUGLAS HUDSON
DB 4401-146



DATA COLUMN:

T.M.#132-3.00-4.09
ZONING: AR-1
TRACT AREA: 1.043 ACRES
PRESENT USE: STORAGE BUILDING
PROPOSED USE: WELL DRILLING BUSINESS
ACCESS: BUNNY LANE (PRIVATE 50' WIDE RIGHT-OF-WAY)
WATER AND SEWER: INDIVIDUAL ON-SITE
100 YEAR FLOODPLAIN: SITE IS NOT IMPACTED
AS PER FIRM #10005C0410K DATED 3/16/15

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. BUILDING HEIGHT DOES NOT EXCEED 24'.
3. BUILDING CONSTRUCTION TYPE: NFPA TYPE V WOOD FRAME.
4. AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.

SITE PLAN FOR
DOUGLAS HUDSON

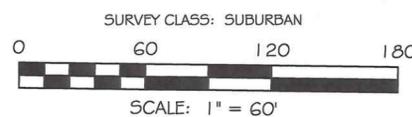
OWNER ADDRESS: 28265 BOYCE ROAD, LAUREL, DE 19956

I, DONALD K. MILLER 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.

DONALD K. MILLER, PLS 407

DATE

● IRON PIPE (FOUND)



SURVEY CLASS: SUBURBAN

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.

DATE	REVISION

MILLER LEWIS, INC.
LAND SURVEYING
1560 MIDDLEFORD RD.
SEAFORD, DELAWARE 19973
PH: 302-629-9895 FAX: 302-629-2391

MARCH 22, 2021

HUNDRED	COUNTY
BROAD CREEK	SUSSEX
STATE	DRAWN BY
DELAWARE	D. K. MILLER
REF.	FILE
DB 4843-266	WARD 1-32-3-4

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



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: November 18th, 2021

Application: CZ 1941 Charletta Speaks-floyd

Applicant: Charletta Speaks-Floyd
27346 William Street Road
Millsboro, DE 19966

Owner: Charletta Speaks-Floyd
27346 William Street Road
Millsboro, DE 19966

Site Location: The property is lying on the southeast side of John J. Williams Highway (Rt. 24), approx. 0.15 mile west of Hollyville Road (S.C.R. 305)

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

Proposed Zoning: Business Community (B-2) Zoning District

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Millsboro Fire Department

Sewer: Septic (Private, On-Site)

Water: Well (Private, On-Site)

Site Area: 0.95 acres +/-

Tax Map ID.: 234-32.00-60.00





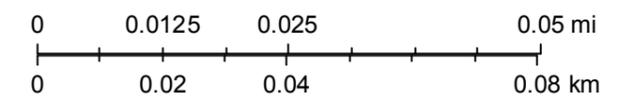
Sussex County



PIN:	234-32.00-60.00
Owner Name	FLOYD CHARLETTA SPEAKS
Book	5002
Mailing Address	27346 WILLIAM STREET RD
City	MILLSBORO
State	DE
Description	SE SIDE JOHN J WILLIAMS
Description 2	SW OF JERSEY RD (RD 30)
Description 3	N/A
Land Code	

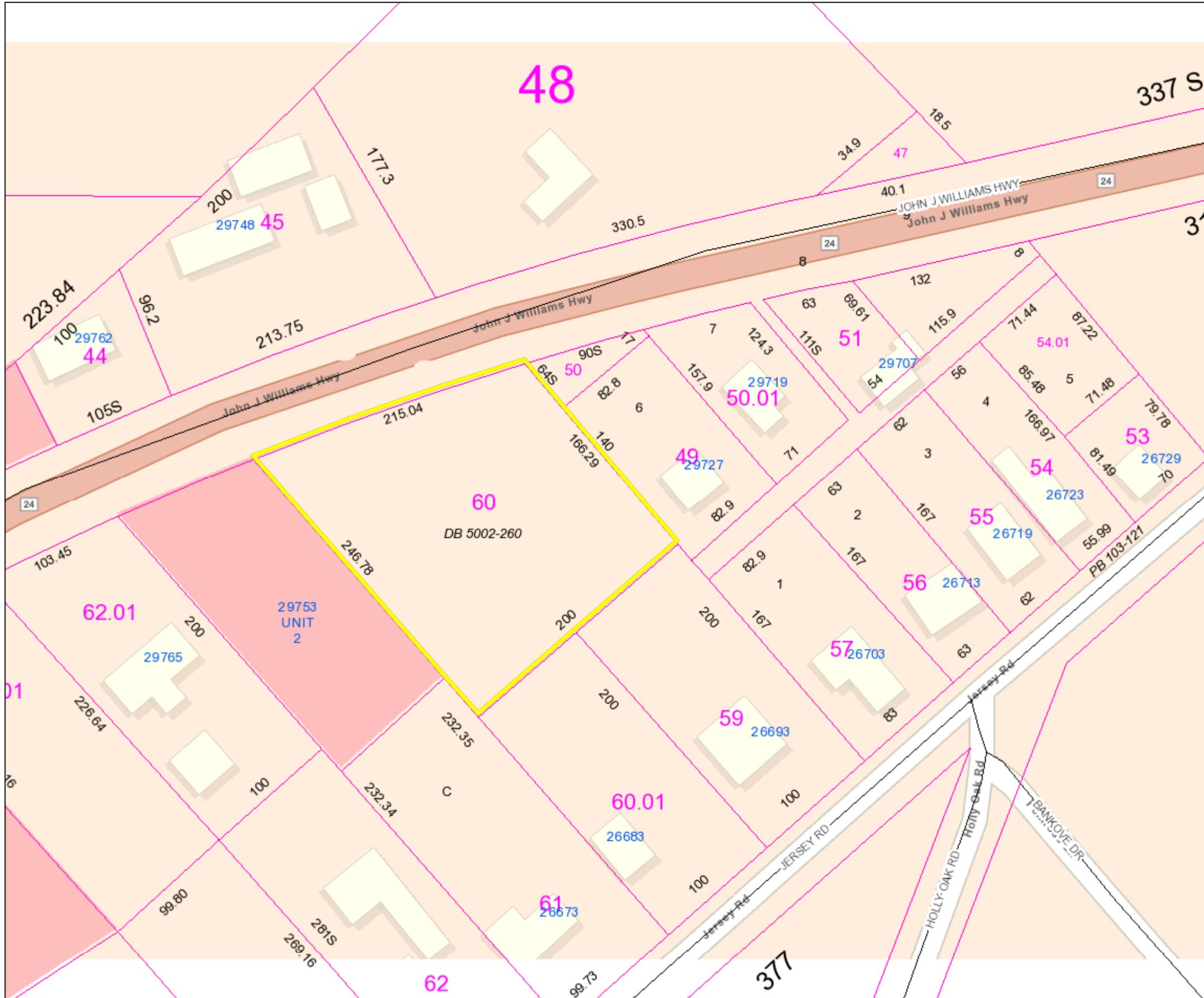
- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Municipal Boundaries
 - TID

1:1,128





Sussex County



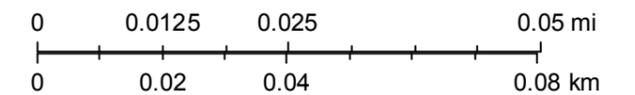
PIN:	234-32.00-60.00
Owner Name	FLOYD CHARLETTA SPEAKS
Book	5002
Mailing Address	27346 WILLIAM STREET RD
City	MILLSBORO
State	DE
Description	SE SIDE JOHN J WILLIAMS
Description 2	SW OF JERSEY RD (RD 30)
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

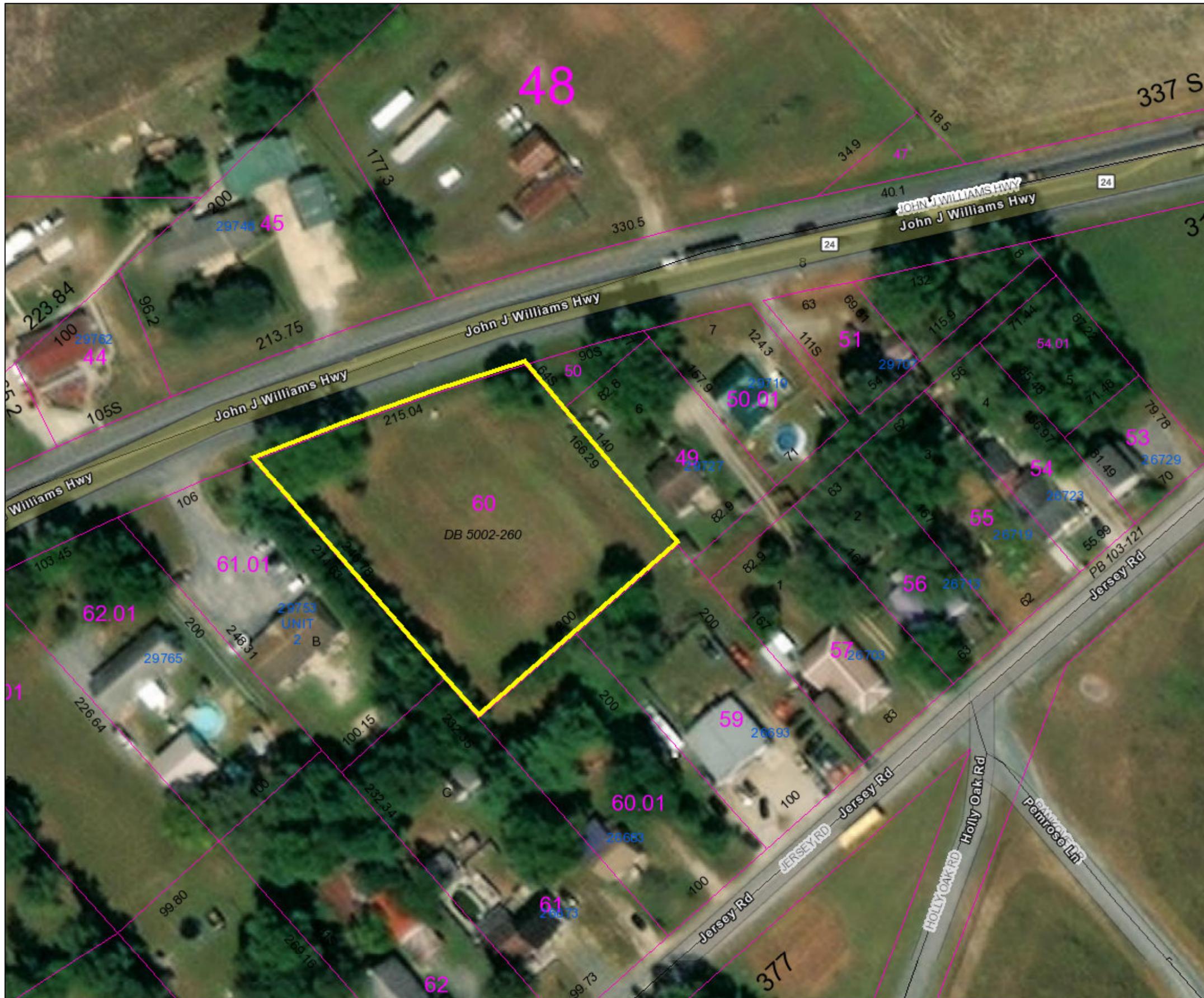
 - Override 1
- Tax Parcels
- 911 Address
- Streets

1:1,128



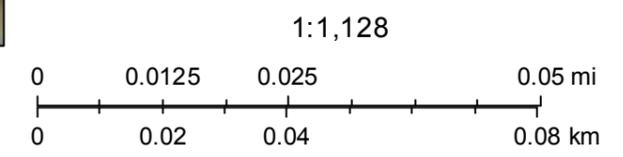


Sussex County



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Description 3	N/A
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Municipal Boundaries
- TID



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: November 10, 2021
RE: Staff Analysis for CZ 1941 Charletta Speaks-Floyd

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1941 Charletta Speaks-Floyd to be reviewed during the November 18, 2021, 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 234-32.00-60.00 to allow for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Business Community Zoning District (B-2). The property is lying on the southeast side of John J. Williams Highway (Rt. 24) approximately 0.15 mile west of Hollyville Road (S.C.R. 305). The parcel to be rezoned contains 0.95 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Developing Area." The properties to the north, south, east, and west also have the land use designation of Developing Area.

As outlined within the 2018 Sussex County Comprehensive Plan, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. – A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

The property is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north, south, and east are also zoned Agricultural Residential (AR-1) Zoning District. The adjacent property to the west is zoned Neighborhood Business (B-1) Zoning District, along with several other parcels to the west and southwest. Further west, properties are zoned General Commercial (C-1) Zoning District, Commercial Residential (CR-1) Zoning District, and others are located within the municipality of Millsboro.



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

Since 2011, there has been one (1) Change of Zone application within a 1-mile radius of the application site. Change of Zone 1824 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, September 19, 2017 through Ordinance No. 2518.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential Zoning District (AR-1) to a Business Community Zoning District (B-2) could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

File #: _____
202103478

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

John S Williams Highway Millsboro, DE 19966

Type of Conditional Use Requested:

Change of Zone AR-1 to B-2 for Child Care Center

Tax Map #: 234-32.00-60.00

Size of Parcel(s): 0.95 acres

Current Zoning: AR-1 Proposed Zoning: B-2 Size of Building: est. under 5,000 sq ft

Land Use Classification: developing area

Water Provider: private

Sewer Provider: private

Applicant Information

Applicant Name: Charletta Speaks Floyd

Applicant Address: 27346 William Street Rd

City: Millsboro

State: DE

Zip Code: 19966

Phone #: (302) 381-1819

E-mail: leta31268@gmail.com

Owner Information

Owner Name: same

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.
- DelDOT Service Level Evaluation Request Response
- PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Charlitta Spinks - Floyd Date: 3-9-21

Signature of Owner

Charlitta Spinks - Floyd Date: 3-4-21

For office use only:

Date Submitted: 03/09/2021 Fee: \$500.00 Check #: _____
Staff accepting application: Chase Phillips Application & Case #: _____
Location of property: 234-32.00-60.00 S/Rt. 24

Subdivision: None
Date of PC Hearing: _____ Recommendation of PC Commission: _____
Date of CC Hearing: _____ Decision of CC: _____

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

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

Application Information:

Site Address: John J Williams Highway, Millsboro, DE 19966

Parcel #: 234-32.00-60.00

Site Address: _____

Parcel #: _____

Applicant Name: Charletta Speaks-Floyd

Owner Name: Charletta Speaks-Floyd

Type of Application:

Conditional Use: _____

Change of Zone: _____

Subdivision: _____

Board of Adjustment: _____

Date Submitted: 3-4-21

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

List created by: _____

Date letters mailed: _____

Letters sent by: _____



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

JENNIFER COHAN
SECRETARY

March 9, 2020

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

Dear Mr. Jamie:

The Department has completed its review of a Service Level Evaluation Request for the **Toney and Charletta Speaks-Floyd** rezoning application, which we received on February 18, 2020. This application is for an approximately 0.98-acre parcel (Tax Parcel: 234-32.00-60.00). The subject land is located on the south side of Delaware Route 24, approximately 700 feet southwest of the intersection of Delaware Route 24 and Hollyville Road / Jersey Road (Sussex Road 305), northeast of the Town of Millsboro. The subject land is currently zoned AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to B-2 (Neighborhood Business).

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Delaware Route 30 to Mount Joy Road / Oak Orchard Road (Sussex Road 297), are 21,233 and 27,327 vehicles per day, respectively.

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

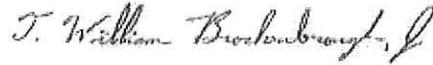
If the County approves this application, the applicant should be reminded that DeIDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse
Page 2 of 2
March 9, 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
Toney and Charletta Speaks-Floyd, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**
REVIEWER: **Chris Calio**
DATE: **11/3/2021**
APPLICATION: **CZ 1941 Charletta Speaks-Floyd**
APPLICANT: **Charletta Speaks-Floyd**
FILE NO: **NCPA-5.03**

RECEIVED
NOV 04 2021
SUSSEX COUNTY
PLANNING & ZONING

TAX MAP &
PARCEL(S): **234-32.00-60.00**

LOCATION: **Lying on the southeast side of John J. Williams Highway (Rt. 24), approximately 0.15 mile west of Hollyville Road (SCR 305)**

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

GROSS
ACREAGE: **0.95**

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? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The proposed CZ is within the boundaries of the Growth and Annexation Area of the Town of Millsboro. Contact the Town of Millsboro regarding the availability of sanitary sewer and water.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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

REFERENCE #
The soils on this site are approved when the following is completed in full and signed by the approving authority. The information contained in this site evaluation reflects Delaware Department of Natural Resources and Environmental Control (DNREC) policies and procedures at the time of the review. Exhibits and Regulations cited in this report refer to DNREC "Regulations Governing the Design, Installation, and Operation of On-Site Wastewater Treatment and Disposal Systems" (OWTDS). Isolation distance requirements, limited area of suitable soils, filling, removal, and/or **compaction** of the soil may negate construction permit approval or modify the type of system that can be permitted. All information should be verified by interested parties prior to design and installation of the OWTDS. This is not a construction permit. Approval of this site evaluation is limited to five years. Upon expiration, a new site evaluation will be required in compliance with regulations in effect at the time. There are no guarantees supplemental approvals will be for the same system type (s) prescribed herein.

Property Owners' Name(s): Ray C. and James H. Burton *et al*

Tax Map #: 2-34-32.00-60.00

Initial System: Innovative and Alternative Full Depth Gravity Fed/ Pressure Dosed) OWTDS with a PSN3 Advanced Treatment Unit or other applicable PSN3 I/A OWTDS; Trenches are recommended due to sloping conditions (required where slopes exceed 2 percent); Provided Exhibit C isolation distances (especially well) are maintained (Minimum Isolation Distances)

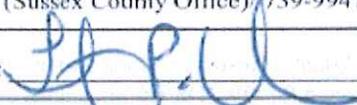
User Notes: 1) The property line angles and dimensions are based on the county tax map. There is a discrepancy between the Deed Description (DB 743, PG 478) and the Tax Map/ field apparent property lines. A survey is recommended prior to additional OWTDS-septic or site planning. The Site Evaluation Plot Drawing is not a survey, and shall not be construed as such. 2) The OWTDS design area is depicted irrespective of well isolation requirements. No well construction research has been performed to date (plat date prior to 1984).

Location of Initial System: As shaded (cross-hatched) on the plot drawing in the vicinity of Soil Borings 1, 2, 3, and 4

Depth to Limiting Zone: 72 inches or greater to indications (prolonged) of the seasonal high water table/ seasonal saturation

Design Considerations and Comments: See Exhibit K/ R (Full Depth Gravity – optimal gravel placement at 24 inches beneath grade, but over-dig is suitable) and Section 5.3.31 in the Regulations. Operation and Maintenance is required. Pressure Dosing (Exhibit R), a lift station, or a set building sewer elevation may be required due to elevation differential/ distances (lines and grades) from potential building location. Trenches are recommended as noted above. The use of aggregate (quality washed gravel) and pipe drainfield materials are strongly recommended for this property. Other I/A OWTDS options are available at the discretion of the interested parties. PSN3 Advanced Treatment is required due to the site location in the Inland Bays Watershed (non-sewer district). A 100 ft. isolation distance is generally required from all non-public wells unless otherwise approved. The feasibility/ timing of sanitary sewer is beyond this work scope. Future well – OWTDS/ Septic placement on adjacent properties may modify or negate this evaluation. This evaluation is to site one new On-site Wastewater Treatment and Disposal System (OWTDS-septic) for a single-family residence (new residential construction) or equivalent development with a maximum wastewater volume of 720 gallons per day. Maximize the system at the higher site elevations where possible. The evaluated area is presently a maintained lawn with wooded and scattered tree property line margins. Follow the DNREC Clearing Guidelines. There is to be no loss of grade. A degree of engineered sandy fill (medium-coarse-angular, well sorted) will be required to immediately backfill stump holes. The vegetative mat and organics are to be removed within the drainfield footprint. The potential OWTDS area is located on the shoulder and backslope landscape positions of a ridge with slopes ranging from 0 to 2 percent. See the plot drawing for slope degree/ direction and county topographic data (LiDAR). The system is to be designed on contour, as perpendicular to slope as practicable. NO CONSTRUCTION TRAFFIC IS TO OCCUR IN THE OWTDS AREA. The property ownership/ developer is responsible for placing a substantial barrier around the OWTDS area prior to beginning any site development. System installation and all site work should occur during PROPER SOIL MOISTURE CONDITIONS and final grading must insure that no surface water be directed towards the OWTDS area (includes roof downspout and impervious area drainage or sump pump discharge). Irrigation use, system over-trafficking, water treatment/ sump discharge, and/ or tree plantings in the drainfield area are prohibited activities by the Site Evaluator and practice will void these prescriptions. All pertinent features were located on a plot drawing adapted from the Sussex County Tax Map and Deed (DB 743, PG 478; 1975). All pertinent features were field located with a differential GPS unit with reported submeter accuracy and are referenced to the found property corners (concrete monument, iron pipe) and Utility Pole 55917 DPL 01678 as shown on the plot drawing. This plot drawing is not a formal survey and should not be construed as such. The system designer is to field-verify all measurements and isolation distances prior to permitting. ARM, Inc. is not responsible for any subsurface conditions not encountered at the time of this evaluation which may become evident in the future that impact the OWTDS placement or design criteria.

Instructions to Property Owner(s) – Client(s): 1) Contact a Class C Designer. 2) A percolation rate of 25 minutes per inch has been assigned to these soils based upon rates as provided in Section 5.0 and Exhibit Y of the regulations and other soil/ site factors. You may use the assigned rate or, at your expense, have a percolation test conducted. If you do not choose to use the assigned rate, contact a Class A Percolation Tester to have 3 tests conducted. Contact the Site Evaluator for testing specifications (depth/ location). 3) For questions, call the evaluator at (302) 539-2029 or DNREC at (302) 856-4561 (Sussex County Office)/ 739-9947 (Dover/ New Castle County Office).

This report has been prepared by or under the supervision of: , Låf P. Erickson, License # A/ D-2460

Disclaimer: Approval of this site evaluation indicates only that the site evaluation, based on information presented to us, was conducted in compliance with these regulations. It is not an indication of the correctness or quality of the evaluation nor does it guarantee the evaluation is free of omissions.

Field Checked _____

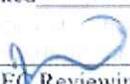
For office use only

Expiration Date

8/16/21

Date

8/16/16


DNREC Reviewing Soil Scientist

INNOVATIVE AND ALTERNATIVE OWTDS SITE EVALUATION REPORT

Property Owners' Name(s): Ray C. and James H. Burton *et al*
Owner's Address: c/o James Burton, 210 Laurel Road
Millsboro, DE 19966

Tax Map #: 2-34-32.00-60.00

Phone: (302) 841-4826, James Burton

Property Location: SE/ SR 24 (John J. Williams HWY, Adj. 911= 29727); 710' ± WSW of Hollyville RD (CR 305); Millsboro, Sussex
Property Size: 0.62 ± acres (per available information: ADJ Record Plot, Field Apparent Lines; 1975 or prior plat date) / Co., DE

Evaluator's Name: Lāf P. Erickson, CPSS/SC
Central Water: N/A

License Number: A/D-2460

Evaluation Dates: 07/19 & 07/22/2016

Central Sewer: N/A; *Millsboro Planning Area*

Watershed: **Inland Bays**, Indian River Bay (HUC 020403030204); **OWTDS:** > 100' from Watercourse(s); No area Tax Ditch R.O.W.s
Depth to and Type of Limiting Zones Encountered – all measurements are depths beneath ground surface (bgs):

- Soil Boring 1:** > 72 inches to redoximorphic features as an indication of seasonal saturation/seasonal high water table
> 132 (both dates) inches to free water; Arenic Hapludult—Fort Mott Series
- Soil Boring 2:** > 72 inches to redoximorphic features as an indication of seasonal saturation/seasonal high water table
> 72 inches to free water; Arenic Hapludult—Fort Mott Series (218697'±N, 693884'±E)
- Soil Boring 3:** > 72 inches to redoximorphic features as an indication of seasonal saturation/seasonal high water table
> 72 inches to free water; Lamellic Hapludult—Fort Mott Series
- Soil Boring 4:** > 72 inches to redoximorphic features as an indication of seasonal saturation/seasonal high water table
> 72 inches to free water; Arenic Hapludult—Fort Mott Series (218771'±N, 693489'±E)

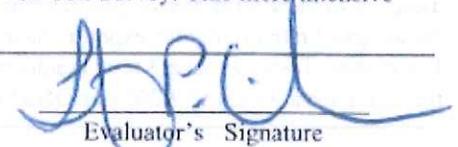
Summary of Evaluation: Soils in the OWTDS design area are well drained (agricultural drainage class) with moderately rapidly (25 MPI design) permeable solum/ stratum/ substratum. Soil conditions are suited for an **Innovative and Alternative Full Depth Gravity Fed OWTDS** with a **PSN3 Advanced Treatment Unit** in the vicinity of Soil Borings # 1, 2, 3, and 4; provided isolation distances are maintained per Exhibit C. *Trenches* are recommended due to sloping conditions and required where average slopes exceed 2 percent. Soils in the un-shaded portions of the evaluated area are not recommended for OWTDS due to well proximity and/ or proximity to a cutbank and stormwater swale for Route 24 with the potential for stormwater through flow. The *potential OWTDS area* is located on the shoulder and backslope landscape positions of a distinct ridge with slopes generally ranging from 0 to 2 percent. Watercourse setbacks and tax ditch rights-of-way do not impact the parcel. The OWTDS design area/ parcel is not impacted by mapped Federal Emergency Management Agency (FEMA) floodplains, or DNREC mapped 2007 SWMP Wetlands. A DNREC Wellhead Protection area is mapped within the northwest portion of the OWTDS design area. See *Design Considerations and Comments* on the *Approval Page* for property information, recommendations (*especially survey*), and important details on system design and installation.

The limiting zone was assigned for the system design based on the *lack of* redoximorphic features (concentrations or depletions) within 72 inches of the soil profiles at all soil borings. The deep limiting zone allows the system to be partially incised, and suitable for an over-dig if necessary. Any low chroma soil colors observed less than 60 to 72 inches were interpreted as uncoated (stripped) sand grains common to sandy soil profiles with deep groundwater tables. A deep soil boring was performed to confirm this interpretation. On the dates of investigation, free water (groundwater) levels were greater than 132 inches beneath the surface in the evaluated area.

The moderately rapid percolation rate of 25 minutes per inch was assigned to the most hydraulically restrictive soil materials encountered from 0 to 60 inches bgs. in the *design area*. The most restrictive soil textures were heavy, loamy sand and/ or sandy loam (heavy in some cases) materials. A significant portion of fine sand was noted in the soil profiles. These textures were observed in the lamellae/ argillic horizons (zones of maximum clay accumulation – soil forming factors/ deposition) and substratum (parent material) of all Profiles at varying depths ranging from 18 to 60+ inches bgs. Clay and fine sand content, soil structure and consistence, depth to and thickness of hydraulically limiting horizons, site development factors, contrasting textural classes/ depositional strata, landscape position, potential saturation (wet season/ extended periods of above-average precipitation/ soil water flow), and long term acceptance of wastewaters were determining factors in the assigned percolation rate. Percolation testing would be required to assess a faster rate.

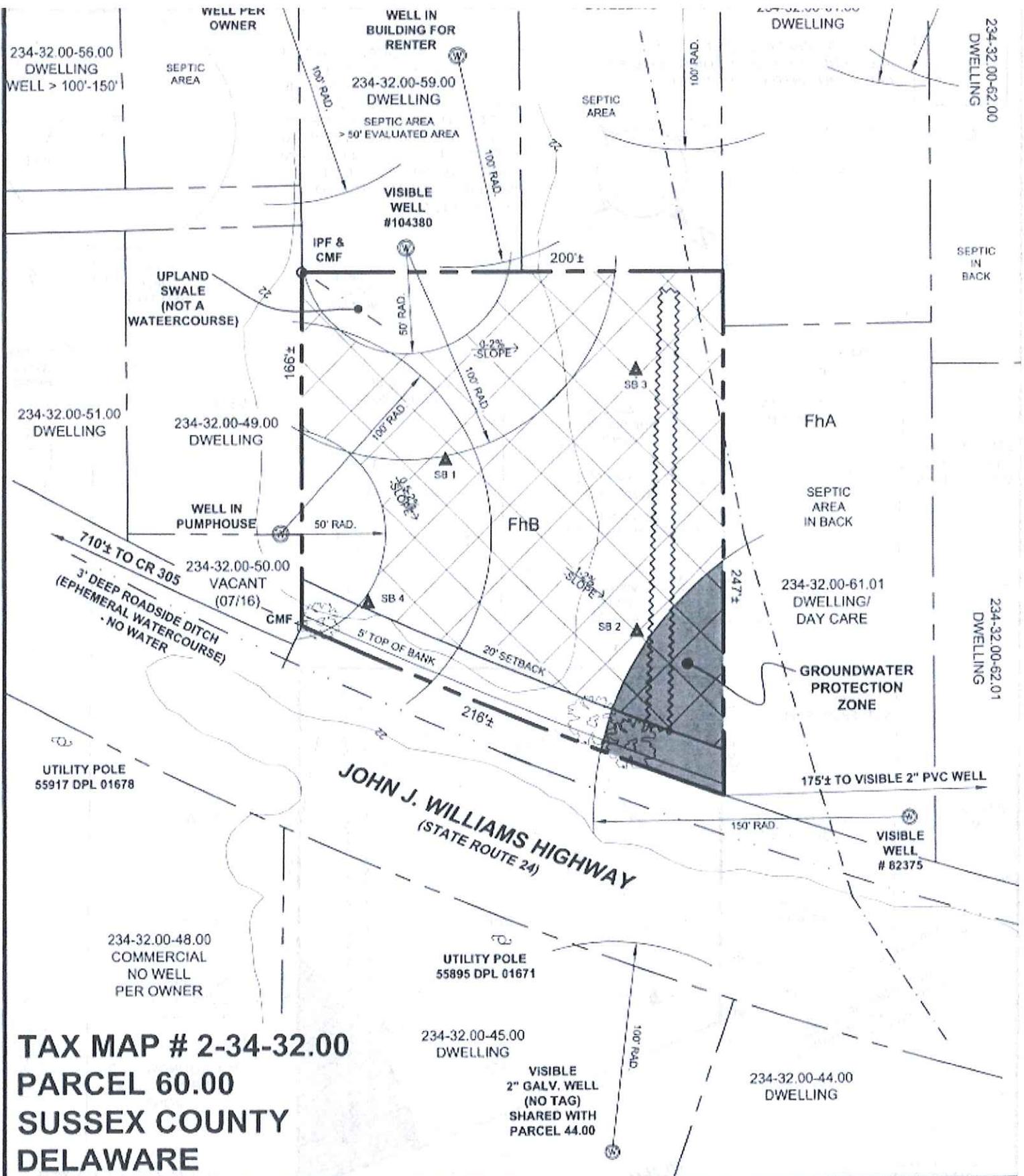
The lot is mapped at the transition between delineations of the well to somewhat excessively drained, Fort Mott-Henlopen complex, 0 to 2 percent slopes (FhA) and 2 to 5 percent slopes (FhB) soil mapping units in the Web Soil Survey. This more intensive investigation confirmed the soils would correlate to the well drained, Fort Mott Series.

07/30/2016
Date


Evaluator's Signature

Atlantic Resource Management, Inc. Job # 241-DS16-SE

Note: Site evaluation information was collected for OWTDS interpretations only. The information in this site evaluation and plot plan has been compiled from any of the following sources: tax map, deed, survey, recorded plot, or field located property corners, and may include anecdotal information supplied by property owners, adjacent residents, and/or other interested parties. Locations of wells and septic systems are by direct observation where possible, but are often based on information provided by permits, property owners, adjacent residents, and/or other interested parties. This plot plan represents the site conditions at the time of evaluation but it is not a survey. No title search has been conducted, any easements shown are from subdivision record plans or deed. Subsequent alteration of the site or adjacent properties may negate approval by the regulatory agency(ies) involved in permitting. All information should be reverified prior to purchase or use.



**TAX MAP # 2-34-32.00
 PARCEL 60.00
 SUSSEX COUNTY
 DELAWARE**

ATLANTIC RESOURCE MANAGEMENT, INC.
 Post Office Box 869
 Ocean View, DE 19970
 DE@atlanticresource.net
 ENVIRONMENTAL CONSULTANTS

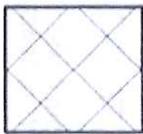
(302) 539-2029
 Fax (302) 539-4601

60 0 30 60

 1 inch = 60 ft.

PROJECT: RAY C. BURTON ET. AL.
TITLE: SITE EVALUATION PLOT DRAWING

LOT SIZE 0.62 ACRES ±
 REF: ALL AVAILABLE INFORMATION
 DRAWN BY: ARM, INC.
 CHECKED BY: L. ERICKSON
 JOB #: 241-DS16-SE
 TAX MAP: 2-34-32.00, PARCEL 60.00
 DATE: JULY 28, 2016
 SHEET NO: 1 OF 1



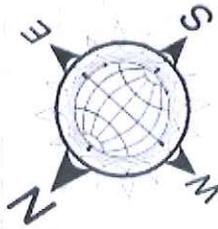
POTENTIAL *REPLACEMENT* OWTDS AREA, PROVIDED ISOLATION DISTANCES ARE MAINTAINED PER EXHIBIT C



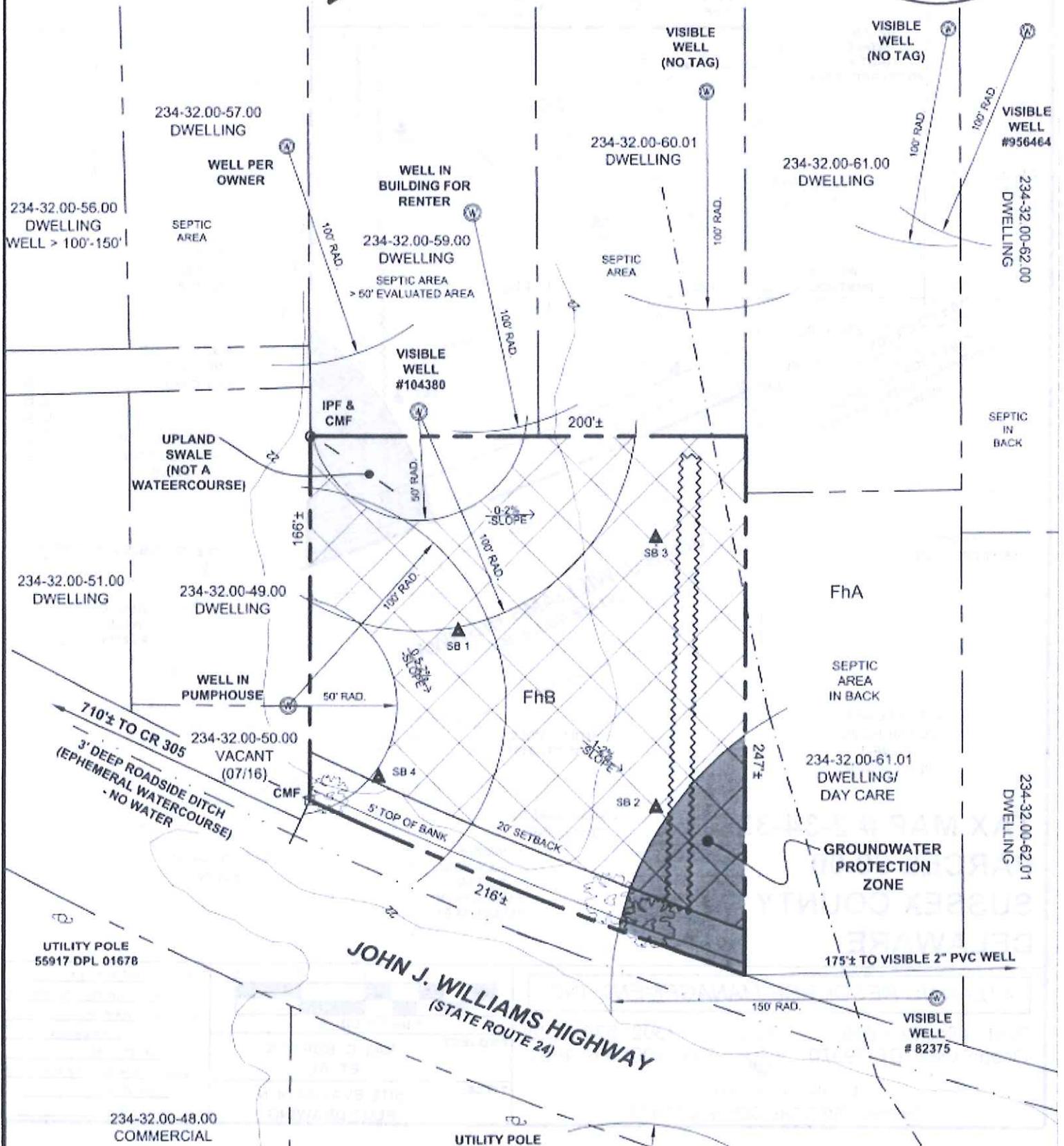
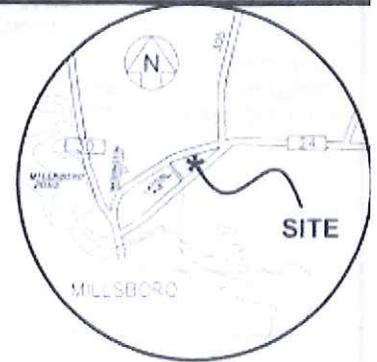
SOIL BORING



SLOPE ARROW



NOTE: THIS PLOT DRAWING IS NOT A SURVEY - NO TITLE SEARCH WAS REQUESTED OR PERFORMED. THE SUBJECT PARCEL IS SUBJECT TO EASEMENTS OF RECORD. THE MOST RECENT DEED AND/OR PLOT WERE RESEARCHED FOR PROPERTY LINE PLACEMENT AND EASEMENTS. PROPERTY LINE ANGLES AND DIMENSIONS MAY VARY.



Property Owner / Property Location: Burton/ TM # 2-34-32.00-60.00

Profile: SB2 Date(s): 7/19 & 7/22/2014 Soil Boring X or Test Pit

Slope: 1-2% Relief: BACKSLOPS

Estimated Permeability: ARONIC HAPLUDOL - FURT MOTT
 Depth to Limiting Zone: > 72 INCHES TO A LIMITING ZONE FOR THE INTENDED PURPOSE

Soil Classification / Series: MODERATELY RAPID & MOD. (2SMPI)

MPI	Horizon	Depth	Colors		Redox. Desc.		Texture	Structure	Consistence
			Matrix	Redox.	Ab.	S. Con.			
	A	0 to 7	2.5Y4/3	None	None		LS	For	UFR
	E	7 to 18	10Y2/6	"	"		LS	F-7	UFR
	Bt1	18 to 26	10Y2/6	"	"		LS	1C	UFR
	Bt2	26 to 43	7.5Y2/6	"	"		SL+	1M	FR
	Bc1/Bc3	43 to 55	10Y2/6	Common, mod. amorphous			SLdL	1M, 1C	FR dUFR
	Cb/Bt4	55 to 72	7.5Y2/6	None	None		GRLS+dLS+M		FR
		to							
		to							

Free Water: > 72" Comments: _____

Coordinates: 2186971 N 693884 E

Profile: SB4 Slope: 1-2% Relief: SAMS

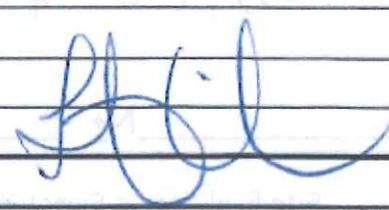
Estimated Permeability: SAMS
 Depth to Limiting Zone: > 72 INCHES TO A LIMITING ZONE FOR THE INTENDED PURPOSE

Soil Classification / Series: SAMS

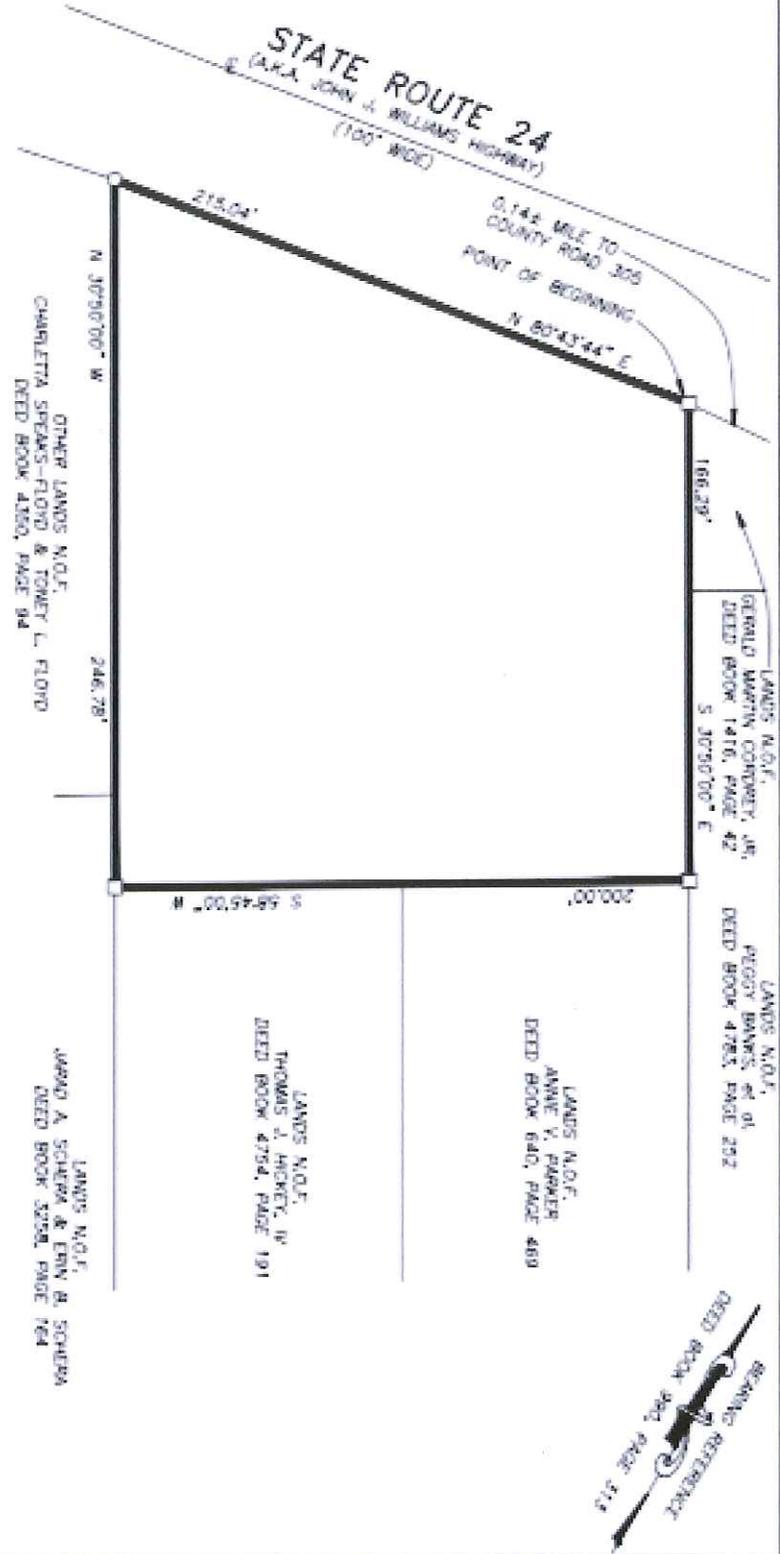
MPI	Horizon	Depth	Colors		Redox. Desc.		Texture	Structure	Consistence
			Matrix	Redox.	Ab.	S. Con.			
	Ap	0 to 9	2.5Y4/2	None	None		LS	For	UFR
	E	9 to 30	10Y2/6	"	"		LS	F-7	UFR
	Bt1/Bt2	30 to 43	10Y2/6	10Y2/6	40% LS in cl. voids		LS+dSL	1C, 1M	UFR
	Bc1/Bt2	43 to 60	10Y2/6	10Y2/6	7.5Y2/6 common		LS, dSL	1C, 1M	UFR
	Cb1/Bt3	60 to 72	7.5Y2/6	2.5Y4/3	M3D M3F		GRLS+dSL	1C, 1M	UFR
		to							
		to							
		to							

Free Water: > 72" Comments: _____

Coordinates: 218771 N 693489 E

Site Evaluator's Signature: 

TAX MAP NO. 2-54-52.00, PARCEL 60.00



NOTES:

- 1) CLASS "B" SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 990, PAGE 313
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A BOUNDARY TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

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

LEGEND:

- FOUND WORN PINE
- FOUND CONCRETE MONUMENT

E.R. KEMP, IV, P.L.S., 541

I, E.R. KEMP, IV, 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 established by the State of Delaware Board of Professional Land Surveyors. Any changes to the the property conditions, improvements, boundary or property corners after the date shown herein shall necessitate a new review and certification for any official or legal use.

BOUNDARY SURVEY PLAN

CHARLETTA SPEAKS-FLOYD

FOR PROPERTY OWNED AS
 TAX MAP NO. 2-54-52.00, PARCEL 60.00
 SITUATED IN
 NEWLY OPENED HUNTERD
 SUSSEX COUNTY, STATE OF DELAWARE
 AREA: 41,5064 SQUARE FEET
 SCALE: 1" = 50'
 DATE: DECEMBER 21, 2018

Map



Parcels Sussex

Watersheds

Tax Ditch Maximum ROWs

Extent of Right-of-Way

FEMA Flood Map

- X 500
- A
- AE
- AD
- VE

State Wetlands 2007

- Agriculture
- Estuarine Non-Vegetated
- Estuarine Vegetated
- Lacustrine
- Marine Non-vegetated
- Palustrine Emergent
- Palustrine Forested
- Palustrine Forested Deciduous
- Palustrine Forested Evergreen
- Palustrine Open Water/ Flats
- Palustrine Open Water/Flats

State Wetlands 2007 (continued)

- Palustrine Scrub/Shrub
- Palustrine Scrub/shrub
- Palustrine Tidal Emergent
- Palustrine Tidal Forested
- Palustrine Tidal Forested
- Palustrine Tidal Scrub/Shrub
- Riverine Non-vegetated
- Riverine Vegetated

Wellhead Protection Areas

-

23403200006000 (1)

Parcels Sussex (1)

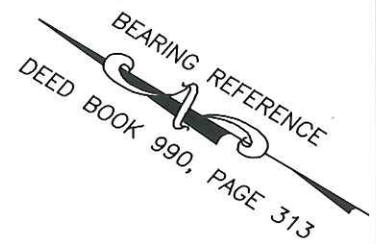
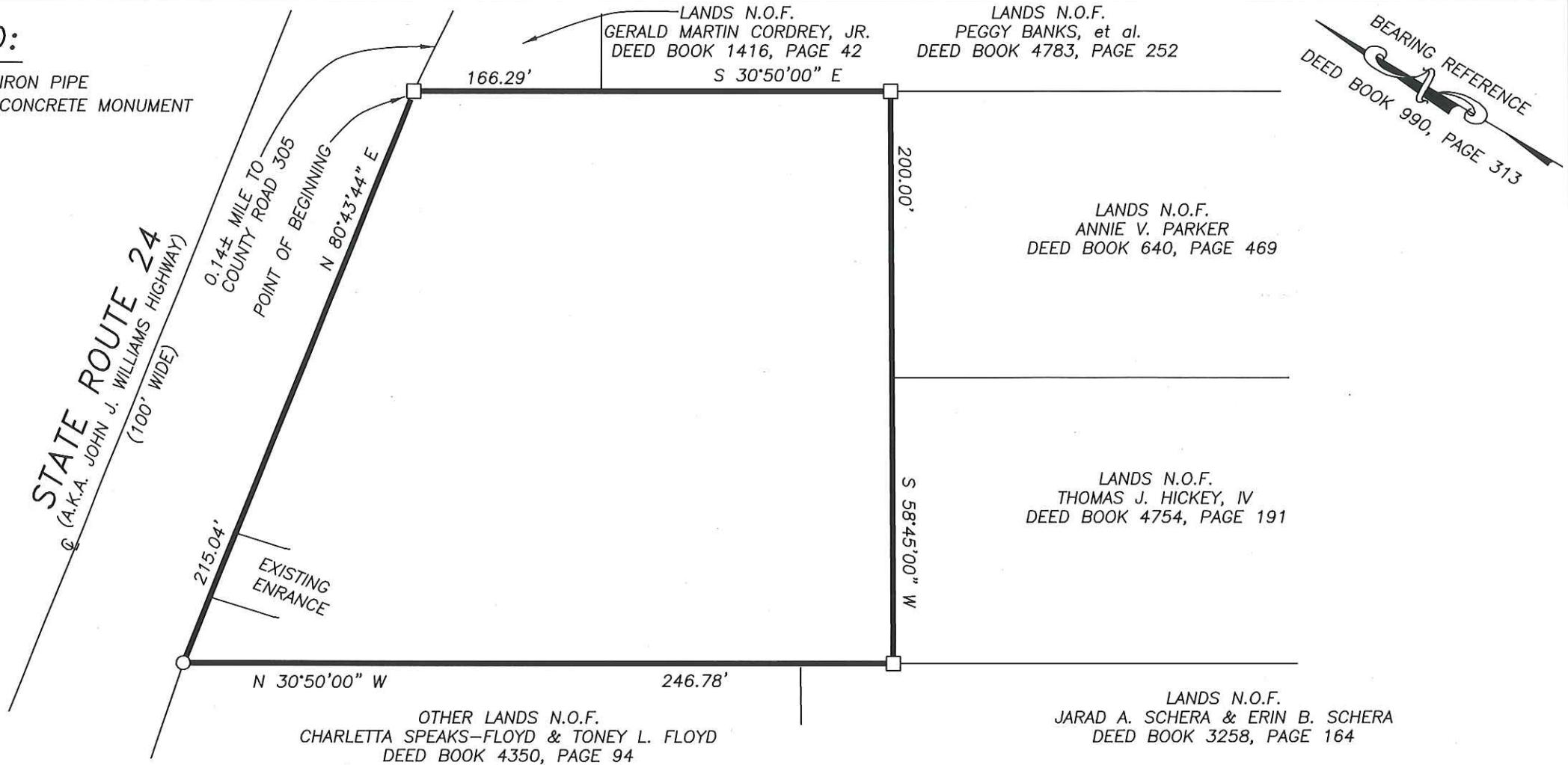
OBJECTID	DIS	HUN	MAP1	MAP2	PAR1	PAR2	PARCELID	ID	SQFEET	AC	AC	S	PIN	LAST_NAME	FIRST_NAME	ADDRESS	COMMUNITY	SUBDIVISIO	DESRIPTIO	LAND USE	TO
58008	2	34	032	00	0060	00	23403200006000	1126160	0	234-	32.00-	60.00	234-32.00-60.00	BURTON	RAY C & GENE R BURTON R	PO BOX 1072	MILLSBORO	W SD RD MILLSBORO	TO OAK ORCHARD	RV	

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LEGEND:

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- FOUND CONCRETE MONUMENT



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GEORGETOWN, DELAWARE 19947
PHONE: (302) 856-6699

APPROVED: 
CHARLES E. ADAMS, JR., P.L.S. 506

DATE: 02-27-21

SCALE: 1" = 20'

DRAWN: MBK

CHECKED: cea

DRAWING: JOB# G 1407-A.dwg

BOUNDARY SURVEY PLAN

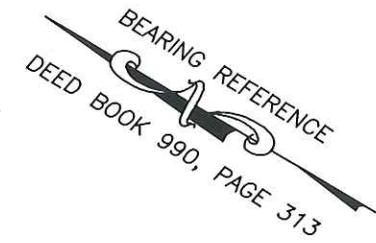
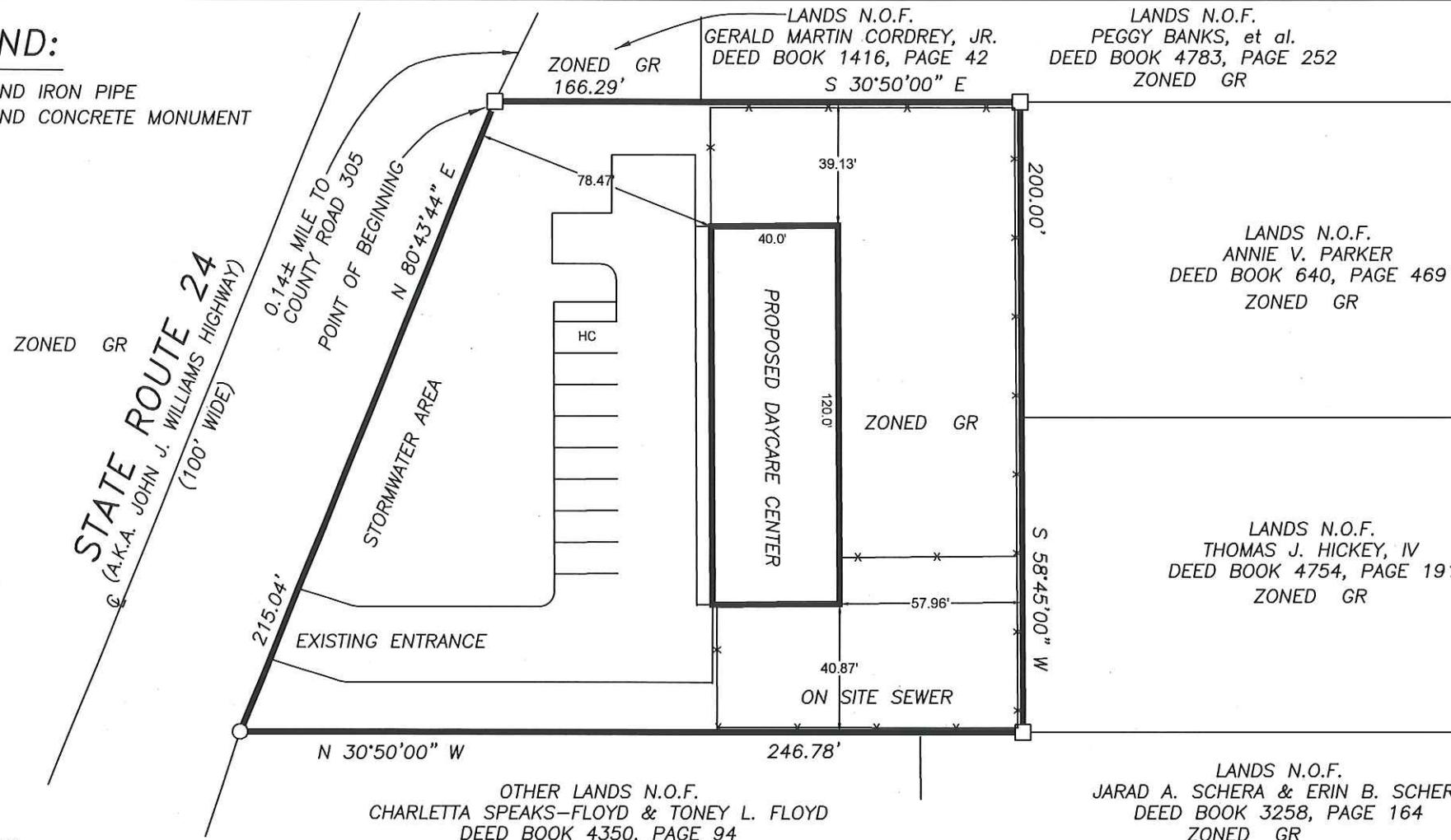
PREPARED FOR

CHARLETTA SPEAKS-FLOYD

FOR PROPERTY KNOWN AS
TAX MAP NO. 2-34-32.00, PARCEL 60.00
SITUATED IN
INDIAN RIVER HUNDRED
SUSSEX COUNTY, STATE OF DELAWARE
AREA: 41,306± SQUARE FEET
SCALE: 1" = 50'
DATE: DECEMBER 21, 2018

LEGEND:

- FOUND IRON PIPE
- FOUND CONCRETE MONUMENT



NOTES:

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 PHONE: (302) 856-6699

APPROVED: *[Signature]*
 CHARLES E. ADAMS, JR., P.L.S. 506

DATE: 02-27-21 SCALE: 1" = 20' DRAWN: MBK CHECKED: cea DRAWING: JOB# G 1407-A.dwg

BOUNDARY SURVEY PLAN

PRELIMINARY SITE PLAN

CHARLETTA SPEAKS-FLOYD

FOR PROPERTY KNOWN AS
 TAX MAP NO. 2-34-32.00, PARCEL 60.00
 SITUATED IN
 INDIAN RIVER HUNDRED
 SUSSEX COUNTY, STATE OF DELAWARE
 AREA: 41,306± SQUARE FEET
 SCALE: 1" = 50'
 DATE: FEB 27, 2021