

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: November 12th, 2020

Application: CU 2247 Hillary Brock

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

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

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

Current Zoning: AR-1 Agricultural Residential Zoning District

Proposed Use: Operate a Mini Spa

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Septic

Water: Well

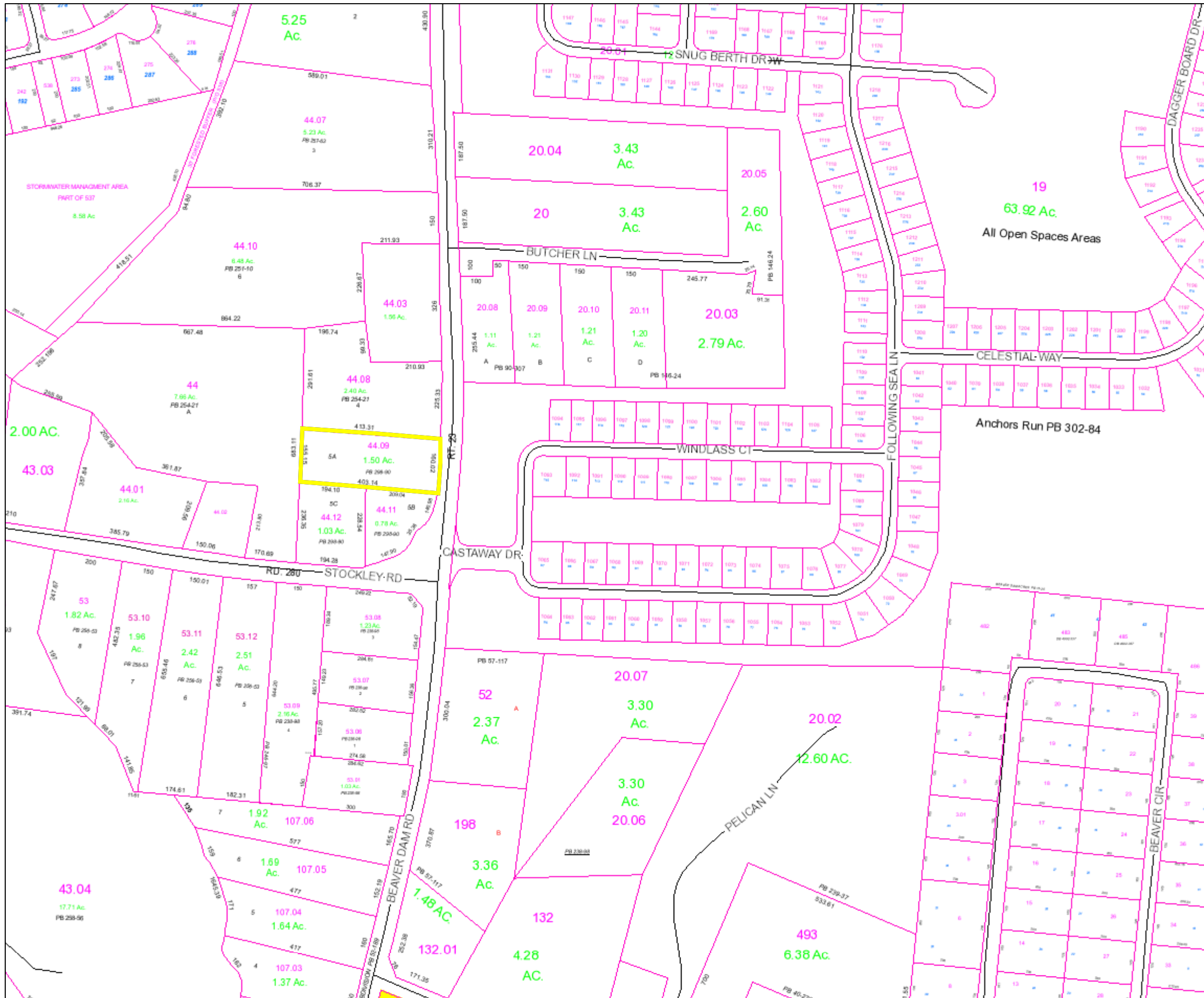
Site Area: 1.5 acres +/-

Tax Map ID.: 234-5.00-44.09





Sussex County



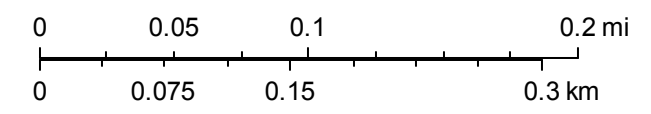
PIN:	234-5.00-44.09	
Owner Name	BROCK TODD	MATTHEW TODD
Book	5197	
Mailing Address	35609 PEREGRINE RD	
City	LEWES	
State	DE	
Description	CRN / BEAVER DAM RD	
Description 2	& STOCKLEY RD	
Description 3	LOT 5A LANDS OF MATTHEW TODD	
Land Code		

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets

1:4,514





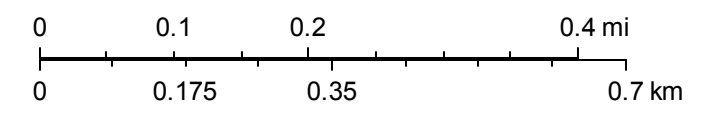
Sussex County



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

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

1:9,028



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2247 Hillary Brock to be reviewed during the November 12, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 234-5.00-44.09 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District to operate a mini spa. The parcel is located on the west side of Beaver Dam Rd. (Rt. 23) in Lewes, Delaware. The size of the property is approximately 1.50 acres +/-.

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

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

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

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

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



File #: CU 2247
2020 12683

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

19950 Beaver Dam Road Lewes, DE 19958

Type of Conditional Use Requested:

operate a mini APA

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

Current Zoning: RS AR-1 Proposed Zoning: CU Size of Building: Whole Building 120' x 40' ^{Spa space (28' x 40')}

Land Use Classification: RS

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

Applicant Information

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

Owner Information

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

Agent/Attorney/Engineer Information

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



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney

Date: _____

Signature of Owner

 _____

Date: 10/12/2020

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

October 8, 2020

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

Dear Mr. Whitehouse:

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

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

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

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



Mr. Jamie Whitehouse

Page 2 of 2

October 8, 2020

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

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

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

Sincerely,



T. William Brockenbrough, Jr.

County Coordinator

Development Coordination

TWB:cjm

Enclosure

cc: Hillary Brock, Applicant

Russell Warrington, Sussex County Planning & Zoning

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

Todd Sammons, Assistant Director, Development Coordination

Gemez Norwood, South District Public Works Manager, Maintenance & Operations

Susanne K. Laws, Sussex County Review Coordinator, Development Coordination

Derek Sapp, Subdivision Manager, Development Coordination

Kevin Hickman, Subdivision Manager, Development Coordination

Brian Yates, Subdivision Manager, Development Coordination

John Andrescavage, Subdivision Manager, Development Coordination

James Argo, South District Project Reviewer, Maintenance & Operations

Troy Brestel, Project Engineer, Development Coordination

Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **10/27/2020**

APPLICATION: **CU 2247 Hillary Brock**

APPLICANT: **Hillary Brock**

FILE NO: **NCPA-5.03**

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

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

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

GROSS
ACREAGE: **1.5**

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

SEWER:

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

Yes

No

a. If yes, see question (2).

b. If no, see question (7).

(2). Which County Tier Area is project in? **Tier 3**

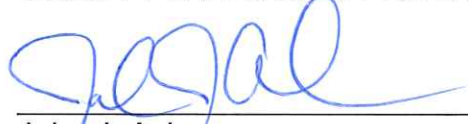
(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

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

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

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

UTILITY PLANNING APPROVAL:

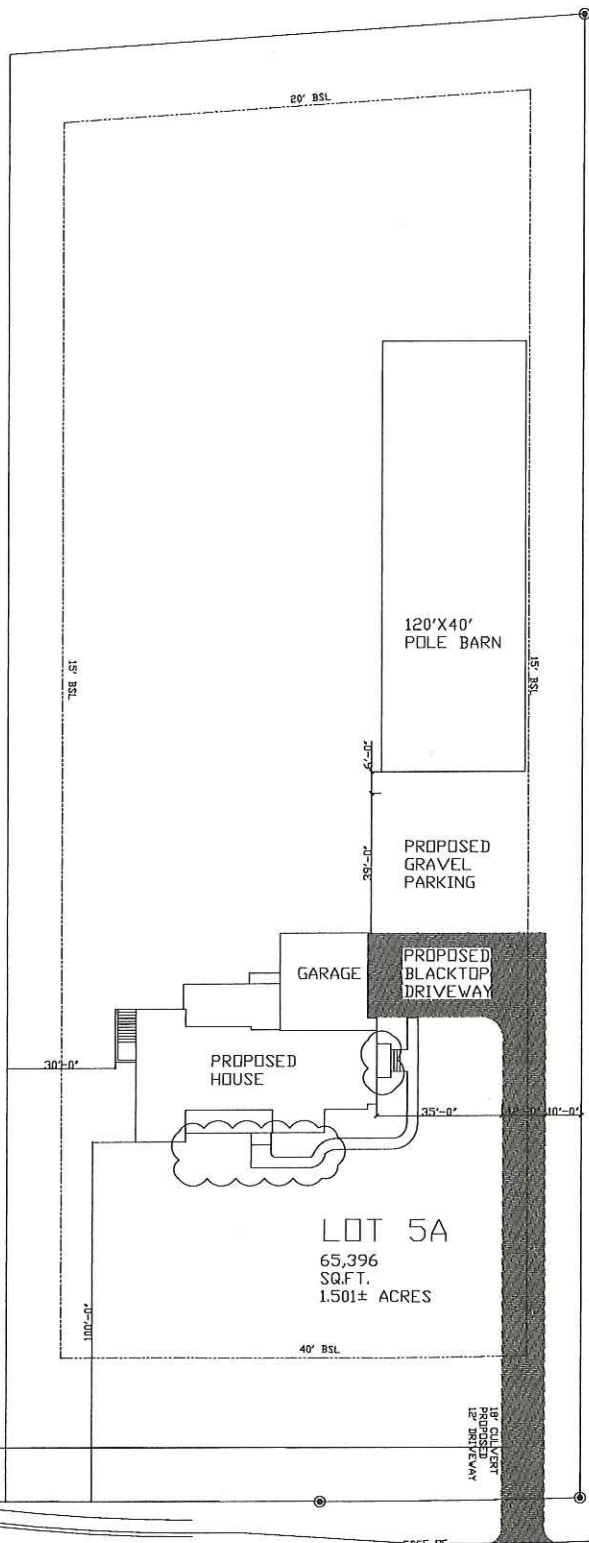


John J. Ashman
Director of Utility Planning

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

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

LOT 5A
 65,396
 SQ.FT.
 1.501± ACRES



BEAVER DAM ROAD

Site Plan
 SCALE: $\frac{1}{16}'' = 1'-0''$

Site

Todd & Hillary Brock

Lewis DE

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



PLANNING & ZONING COMMISSION

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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: November 12th, 2020

Application: CZ 1930 Indian River School District

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

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

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

Current Zoning: AR-1 Agricultural Residential Zoning District

Proposed Zoning: I-1 Institutional Zoning District

Comprehensive Land Use Plan Reference: Commercial & Low Density

Councilmanic District: Mr. Rieley & Mr. Wilson

School District: Indian River School District

Fire District: Millsboro Fire Department

Sewer: Town of Georgetown

Water: Owned by Applicant

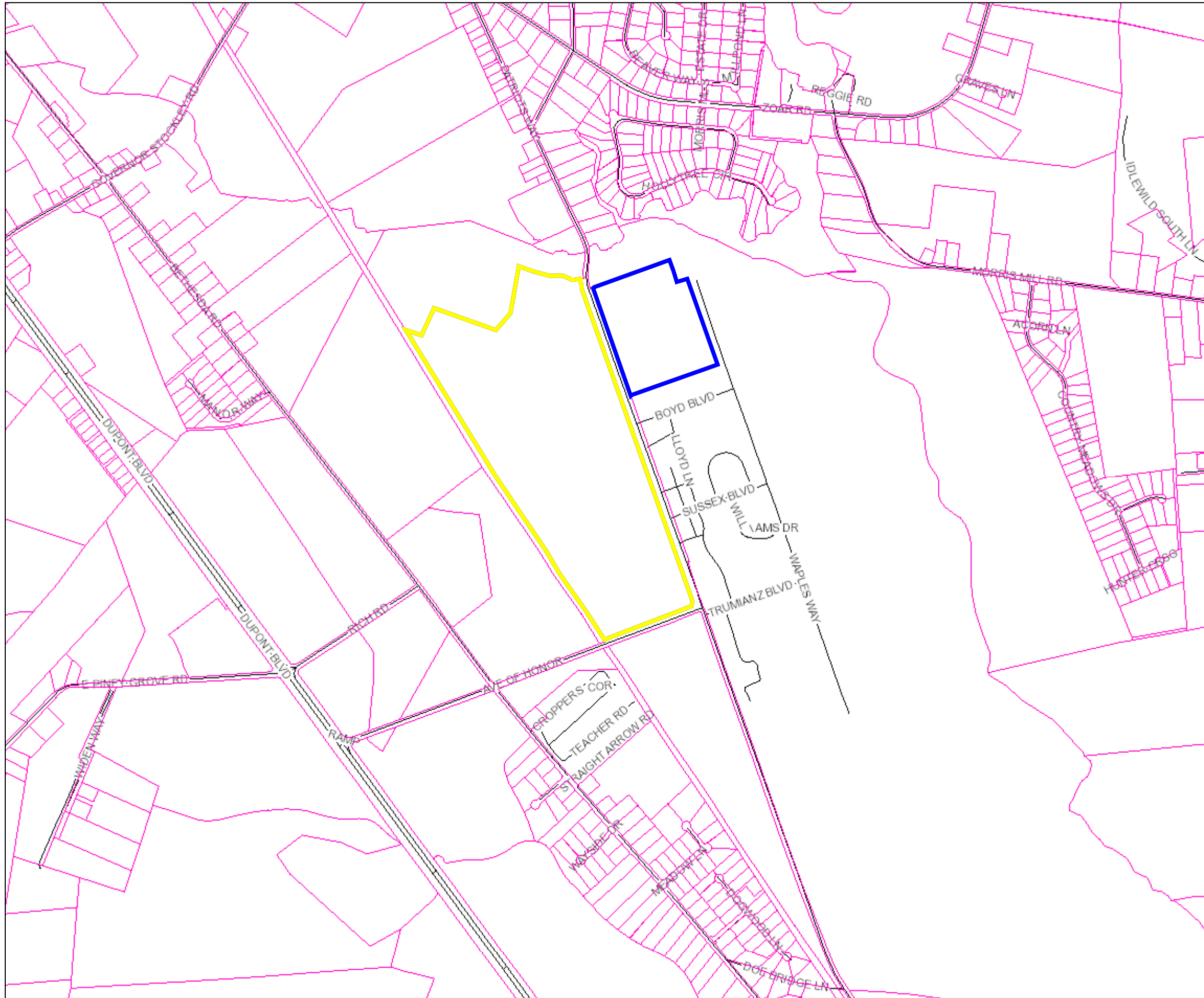
Site Area: 186.98 acres +/-

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





Sussex County



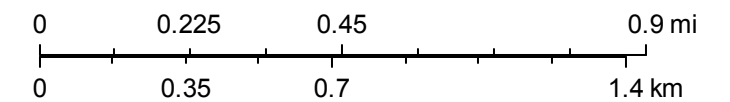
PIN:	133-11.00-105.00
Owner Name	INDIAN RIVER SCHOOL DISTRICT
Book	4278
Mailing Address	31 HOSIER ST
City	SELBYVILLE
State	DE
Description	NW INTERSECTION
Description 2	RD 86 RD 318
Description 3	
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

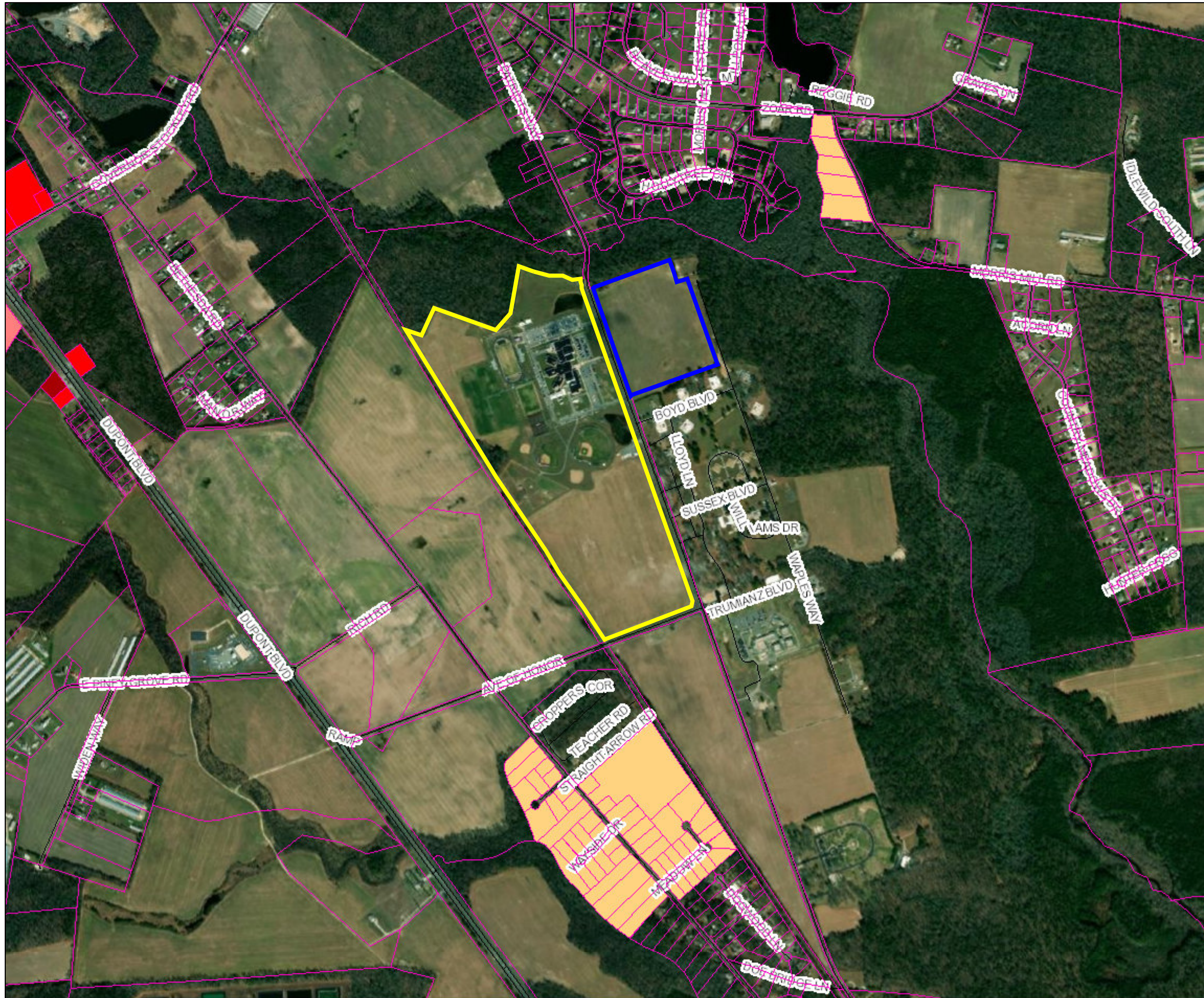
 - Override 1
- Tax Parcels
- Streets
- County Boundaries

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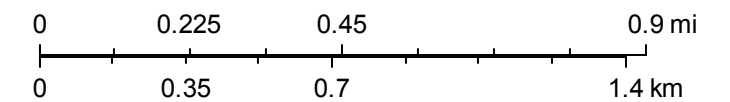
Sussex County



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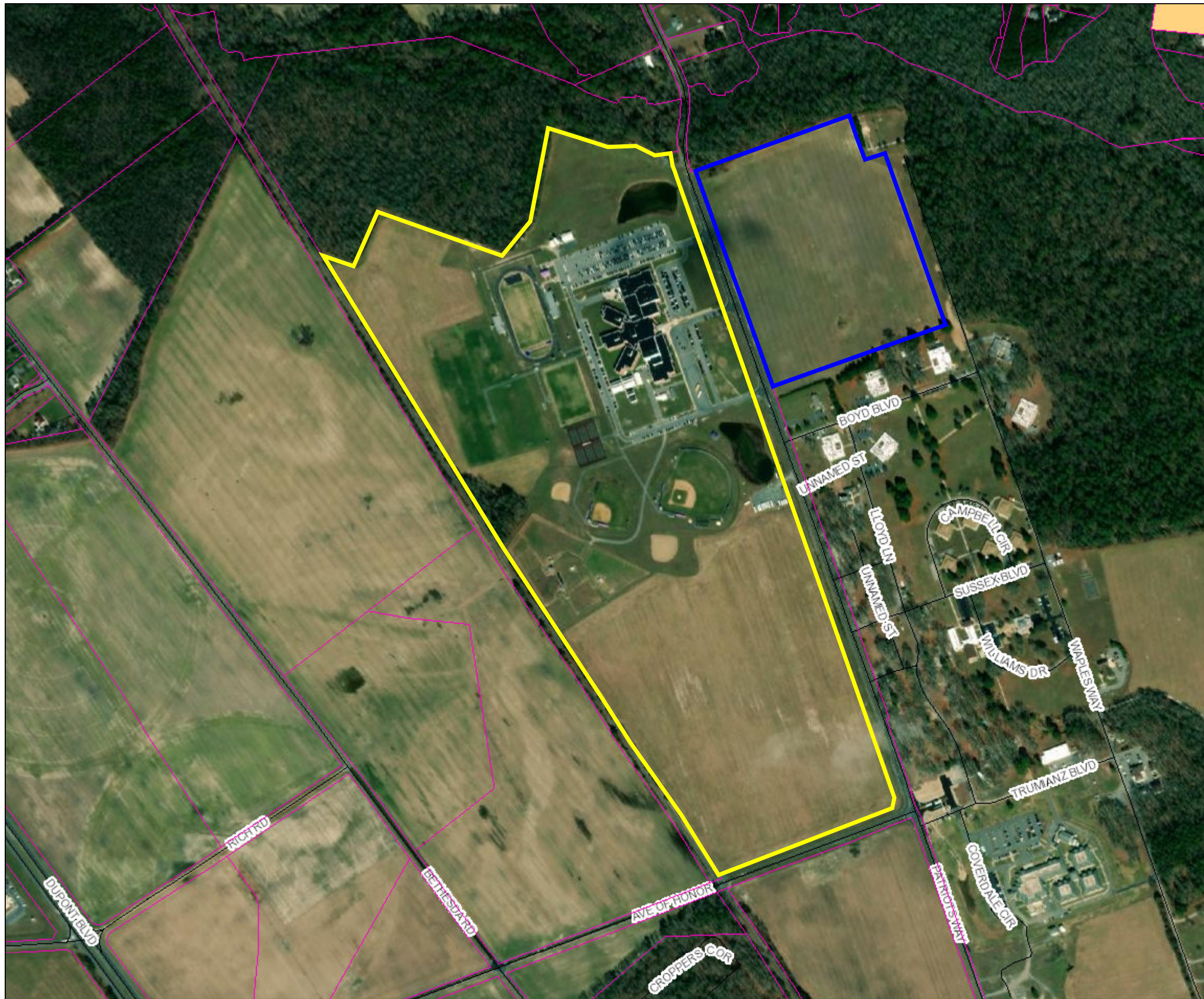
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1:18,056





Sussex County



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Override 1

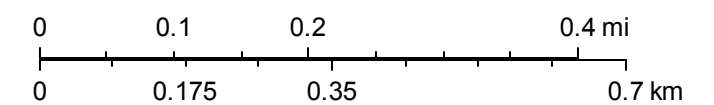
polygonLayer

Override 1

Tax Parcels

Streets

1:9,028





Memorandum

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

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

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

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property 133-7.00-8.01 has the land use designation of "Low Density." The Future Land Use map in the plan indicates that the subject property 133-7.00-8.01 has the land use designation of "Commercial." Each property to the north, south and east also has the "Low Density" designation. Properties to the west are designated "Developing Area" or are located within a municipality. The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas. "Commercial Areas" include concentrations of retail and service uses that are mainly located along arterials, and highways. Specifically, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories", the Institutional (I-1) Zoning District is listed as an applicable zoning district in both the "Low Density" and "Commercial Area."



Additionally, the subject property is currently within an Agricultural Residential (AR-1) Zoning District. Each parcel to the north, south, east, and west is also within the Agricultural Residential Zoning District. In the near vicinity there are also parcel located within a municipality.

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

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

File #: CZ/1930
202010622

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

Type of Application: (please check applicable)
Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment
26026 Patriots Way Georgetown, DE 19947

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

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

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

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

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

Applicant Information

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

Owner Information

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

Agent/Attorney/Engineer Information

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



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney

Joseph W. Booth IRSO

Date: 5-11-2020

Signature of Owner

Joseph W. Booth IRSO

Date: 5-11-2020

For office use only:

Date Submitted: 9/31/2020

Fee: \$500.00 Check #: 1736508

Staff accepting application: JP

Application & Case #: 202010622

Location of property: _____

Subdivision: _____

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

Date of CC Hearing: _____ Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

June 10, 2020

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

Dear Mr. Whitehouse:

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

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

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

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





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

JENNIFER COHAN
SECRETARY

MEMORANDUM

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

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

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

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

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

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

¹ Numbers in parentheses are average vehicle delay, measured in seconds.

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

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

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

¹ Numbers in parentheses are average vehicle delay, measured in seconds.

² The 95% queue length is approximately 5 vehicles, or 125 feet.

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **10/27/2020**

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

APPLICANT: **Indian River School District**

FILE NO: **NCPA-5.03**

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

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

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

GROSS
ACREAGE: **186.98**

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

SEWER:

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

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

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

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

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

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

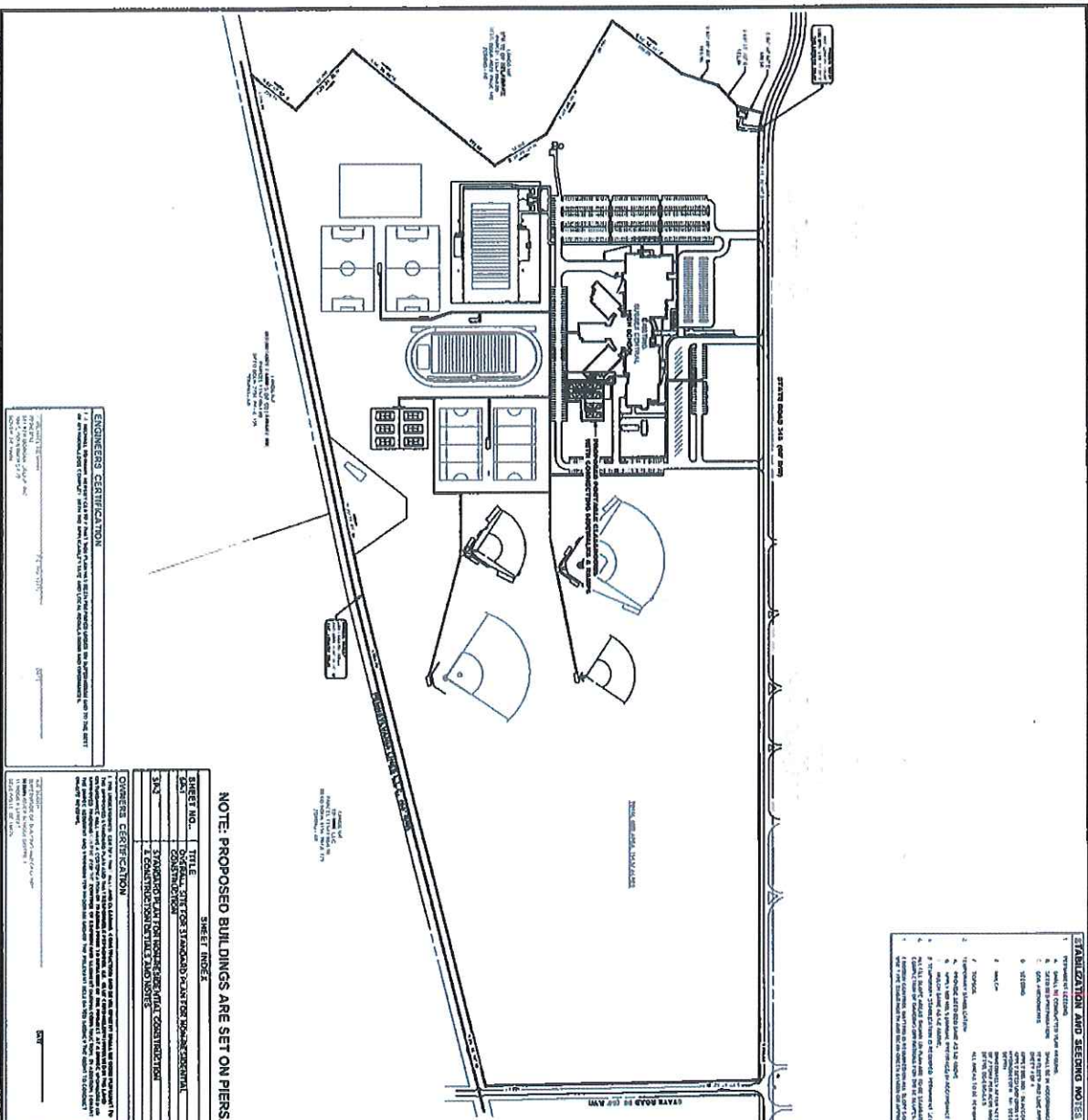
(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

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



ENGINEER'S CERTIFICATION
 I, the undersigned, being a duly Licensed Professional Engineer in the State of Delaware, do hereby certify that the above described plan and specifications were prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Delaware.

DATE: 11/11/2009
 PROJECT NO.: 09-001
 DRAWN BY: A.S.B. (A.S.B.)
 CHECKED BY: J.M. (J.M.)
 TITLE: ARCHITECT

NOTE: PROPOSED BUILDINGS ARE SET ON PIERS.

SHEET INDEX	
SHEET NO.	TITLE
001	GENERAL SITE PLAN FOR STANDARD PORTABLE CLASSROOM
002	FOUNDATION PLAN FOR STANDARD PORTABLE CLASSROOM
003	FOUNDATION PLAN FOR STANDARD PORTABLE CLASSROOM

OWNER'S CERTIFICATION
 I, the undersigned, being a duly Licensed Professional Engineer in the State of Delaware, do hereby certify that the above described plan and specifications were prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Delaware.

DATE: 11/11/2009
 PROJECT NO.: 09-001
 DRAWN BY: A.S.B. (A.S.B.)
 CHECKED BY: J.M. (J.M.)
 TITLE: ARCHITECT

- IRREGULARITIES AND SETBACK NOTES**
1. PROPERTY LINES
 2. EXISTING BUILDING FOOTPRINTS
 3. EXISTING DRIVEWAYS
 4. EXISTING ASPHALT DRIVEWAY
 5. EXISTING ASPHALT DRIVEWAY
 6. EXISTING ASPHALT DRIVEWAY
 7. EXISTING ASPHALT DRIVEWAY
 8. EXISTING ASPHALT DRIVEWAY
 9. EXISTING ASPHALT DRIVEWAY
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 17. EXISTING ASPHALT DRIVEWAY
 18. EXISTING ASPHALT DRIVEWAY
 19. EXISTING ASPHALT DRIVEWAY
 20. EXISTING ASPHALT DRIVEWAY

SITE DATA

1. GENERAL NOTES

2. EXISTING BUILDING FOOTPRINTS

3. EXISTING DRIVEWAYS

4. EXISTING ASPHALT DRIVEWAY

5. EXISTING ASPHALT DRIVEWAY

6. EXISTING ASPHALT DRIVEWAY

7. EXISTING ASPHALT DRIVEWAY

8. EXISTING ASPHALT DRIVEWAY

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11. EXISTING ASPHALT DRIVEWAY

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13. EXISTING ASPHALT DRIVEWAY

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15. EXISTING ASPHALT DRIVEWAY

16. EXISTING ASPHALT DRIVEWAY

17. EXISTING ASPHALT DRIVEWAY

18. EXISTING ASPHALT DRIVEWAY

19. EXISTING ASPHALT DRIVEWAY

20. EXISTING ASPHALT DRIVEWAY

STANDARD SETBACK AND STORMWATER CONSTRUCTION NOTES:

1. THE SETBACK DISTANCE FROM THE PROPERTY LINE TO THE EXTERIOR WALL OF ANY BUILDING SHALL BE NOT LESS THAN 10 FEET.

2. THE SETBACK DISTANCE FROM THE PROPERTY LINE TO THE EXTERIOR WALL OF ANY BUILDING SHALL BE NOT LESS THAN 10 FEET.

3. THE SETBACK DISTANCE FROM THE PROPERTY LINE TO THE EXTERIOR WALL OF ANY BUILDING SHALL BE NOT LESS THAN 10 FEET.

4. THE SETBACK DISTANCE FROM THE PROPERTY LINE TO THE EXTERIOR WALL OF ANY BUILDING SHALL BE NOT LESS THAN 10 FEET.

5. THE SETBACK DISTANCE FROM THE PROPERTY LINE TO THE EXTERIOR WALL OF ANY BUILDING SHALL BE NOT LESS THAN 10 FEET.

6. THE SETBACK DISTANCE FROM THE PROPERTY LINE TO THE EXTERIOR WALL OF ANY BUILDING SHALL BE NOT LESS THAN 10 FEET.

7. THE SETBACK DISTANCE FROM THE PROPERTY LINE TO THE EXTERIOR WALL OF ANY BUILDING SHALL BE NOT LESS THAN 10 FEET.

8. THE SETBACK DISTANCE FROM THE PROPERTY LINE TO THE EXTERIOR WALL OF ANY BUILDING SHALL BE NOT LESS THAN 10 FEET.

9. THE SETBACK DISTANCE FROM THE PROPERTY LINE TO THE EXTERIOR WALL OF ANY BUILDING SHALL BE NOT LESS THAN 10 FEET.

10. THE SETBACK DISTANCE FROM THE PROPERTY LINE TO THE EXTERIOR WALL OF ANY BUILDING SHALL BE NOT LESS THAN 10 FEET.

SEQUENCE AND STORMWATER REQUIREMENTS OF CONSTRUCTION

1. THE SEQUENCE OF CONSTRUCTION SHALL BE AS FOLLOWS:

2. THE SEQUENCE OF CONSTRUCTION SHALL BE AS FOLLOWS:

3. THE SEQUENCE OF CONSTRUCTION SHALL BE AS FOLLOWS:

4. THE SEQUENCE OF CONSTRUCTION SHALL BE AS FOLLOWS:

5. THE SEQUENCE OF CONSTRUCTION SHALL BE AS FOLLOWS:

6. THE SEQUENCE OF CONSTRUCTION SHALL BE AS FOLLOWS:

7. THE SEQUENCE OF CONSTRUCTION SHALL BE AS FOLLOWS:

8. THE SEQUENCE OF CONSTRUCTION SHALL BE AS FOLLOWS:

9. THE SEQUENCE OF CONSTRUCTION SHALL BE AS FOLLOWS:

10. THE SEQUENCE OF CONSTRUCTION SHALL BE AS FOLLOWS:

AREA OF DISTURBANCE

AREA OF DISTURBANCE	AREA OF DISTURBANCE
1. EXISTING ASPHALT DRIVEWAY	1. EXISTING ASPHALT DRIVEWAY
2. EXISTING ASPHALT DRIVEWAY	2. EXISTING ASPHALT DRIVEWAY
3. EXISTING ASPHALT DRIVEWAY	3. EXISTING ASPHALT DRIVEWAY
4. EXISTING ASPHALT DRIVEWAY	4. EXISTING ASPHALT DRIVEWAY
5. EXISTING ASPHALT DRIVEWAY	5. EXISTING ASPHALT DRIVEWAY
6. EXISTING ASPHALT DRIVEWAY	6. EXISTING ASPHALT DRIVEWAY
7. EXISTING ASPHALT DRIVEWAY	7. EXISTING ASPHALT DRIVEWAY
8. EXISTING ASPHALT DRIVEWAY	8. EXISTING ASPHALT DRIVEWAY
9. EXISTING ASPHALT DRIVEWAY	9. EXISTING ASPHALT DRIVEWAY
10. EXISTING ASPHALT DRIVEWAY	10. EXISTING ASPHALT DRIVEWAY

TOTAL GROSS ACRES

SEQUENCE AND STORMWATER APPROVAL STAMP

OVERALL SITE FOR STANDARD PORTABLE CLASSROOM ADDITION

2002 PATRICKS WAY
 GREENSBORO, DE

SCALE: 1" = 200'

C-001

BECKER MORAN
 ARCHITECTURAL ENGINEERING

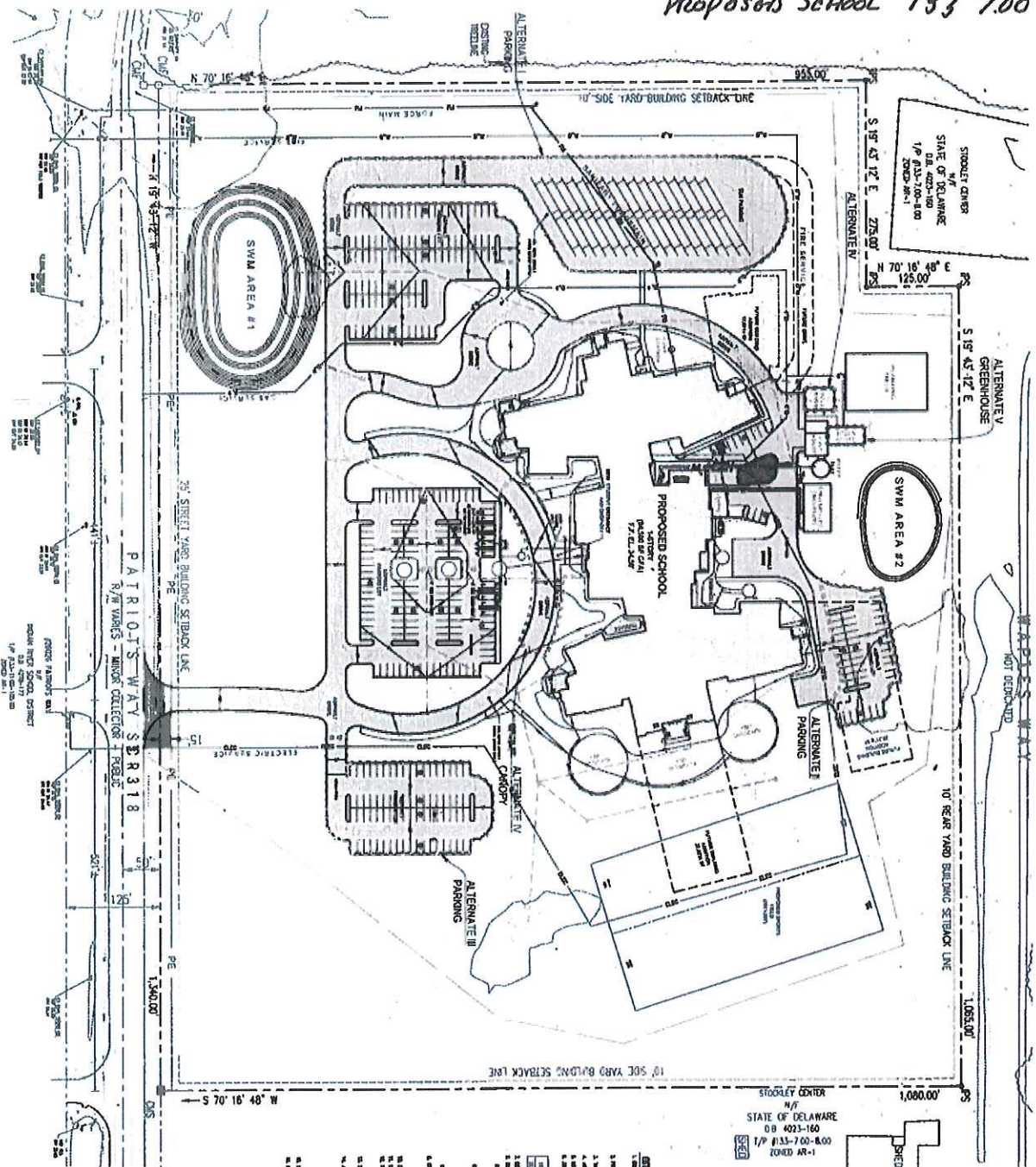
1000 N. MARKET STREET
 WILMINGTON, DE 19801

PHONE: 302.441.1111
 FAX: 302.441.1112
 WWW.BECKERMORAN.COM

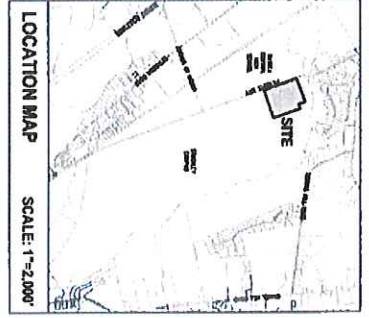


PROJECT NO.: 09-001
SCALE: 1" = 200'
DATE: 11/11/2009

Proposed School 133 7.00 8.0



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



SITE DATA

1. TOTAL AREA	10,000.00
2. COVERED AREA	1,500.00
3. UNCOVERED AREA	8,500.00
4. TOTAL PERIMETER	1,000.00
5. TOTAL LENGTH	1,000.00
6. TOTAL WIDTH	1,000.00
7. TOTAL HEIGHT	1,000.00
8. TOTAL DEPTH	1,000.00
9. TOTAL AREA	10,000.00
10. TOTAL PERIMETER	1,000.00
11. TOTAL LENGTH	1,000.00
12. TOTAL WIDTH	1,000.00
13. TOTAL HEIGHT	1,000.00
14. TOTAL DEPTH	1,000.00
15. TOTAL AREA	10,000.00
16. TOTAL PERIMETER	1,000.00
17. TOTAL LENGTH	1,000.00
18. TOTAL WIDTH	1,000.00
19. TOTAL HEIGHT	1,000.00
20. TOTAL DEPTH	1,000.00

CDA
ON-SITE ENGINEERING AND LAND PLANNING
11400 MARKET STREET, SUITE 200
DOWNTOWN, DE 19904
TEL: 302.441.1111
WWW.CDAENGINEERING.COM

**CONDIIONAL USE APPLICATION
PRELIMINARY SITE PLAN
HOWARD T. ENNIS
SCHOOL**

TAX PARCEL NO 133-700-801
DESSIS PATRIOTS WAY
GEORGETOWN, DELAWARE 19647

DATE: NOVEMBER 18, 2010
SCALE: 1"=200'

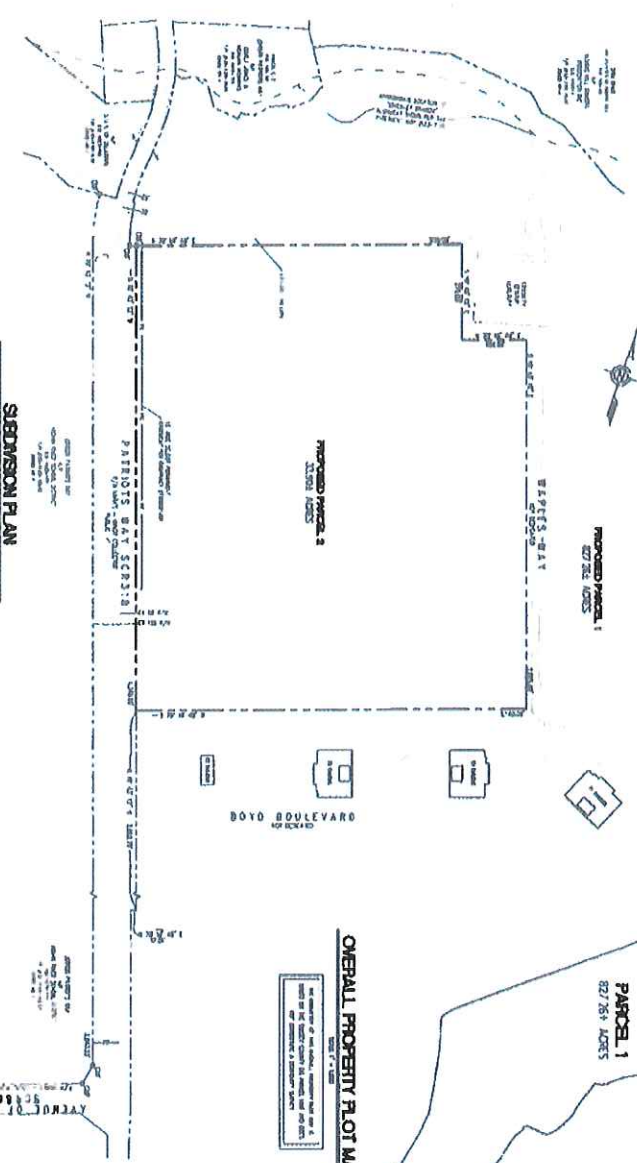
PRELIMINARY SITE PLAN
PRE 1 of 1

133 7.00 8.01

SCALE
DATE
PROJECT
SHEET NO.

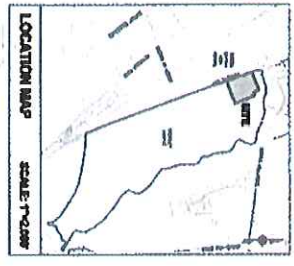
LEGEND

PROPOSED IMPROVEMENTS	---
EXISTING IMPROVEMENTS	---
EXISTING PROPERTY LINES	---
EXISTING UTILITIES	---
EXISTING EASEMENTS	---
EXISTING RIGHT-OF-WAY	---
EXISTING CURBS	---
EXISTING DRIVEWAYS	---
EXISTING SIDEWALKS	---
EXISTING BIKEWAYS	---
EXISTING TREES	---
EXISTING LANDSCAPE	---
EXISTING FENCES	---
EXISTING SIGNAGE	---
EXISTING LIGHTING	---
EXISTING UTILITIES	---
EXISTING EASEMENTS	---
EXISTING RIGHT-OF-WAY	---
EXISTING CURBS	---
EXISTING DRIVEWAYS	---
EXISTING SIDEWALKS	---
EXISTING BIKEWAYS	---
EXISTING TREES	---
EXISTING LANDSCAPE	---
EXISTING FENCES	---
EXISTING SIGNAGE	---
EXISTING LIGHTING	---



OVERALL PROPERTY PLOT MAP

THIS MAP IS A SUMMARY OF THE INFORMATION SHOWN ON THE SITE PLAN AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER OR ARCHITECT.



CONSTRUCTION OF CONCEPT

THE CONCEPT PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER OR ARCHITECT.

CONSTRUCTION OF FINAL AGREEMENT

THE FINAL AGREEMENT IS A LEGAL DOCUMENT AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER OR ARCHITECT.

REC 1 of 1

CDA

CONSULTING ENGINEER AND LAND PLANNING

1100 N. W. 11th St., Suite 100
Fort Lauderdale, FL 33304
Tel: 754.463.1100
Fax: 754.463.1101
www.cda.com

INDIAN RIVER SCHOOL DISTRICT
TAK PARCELS 1 AND 2
STOCKLEY CENTER

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

FIGURE 2

SITE PLAN

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: November 12th, 2020

Application: CZ 1932 Jeff-Kat, LLC

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

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

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

Current Zoning: AR-1 Agricultural Residential Zoning District

Proposed Zoning: C-3 Heavy Commercial Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Lewes BPW

Water: Lewes BPW

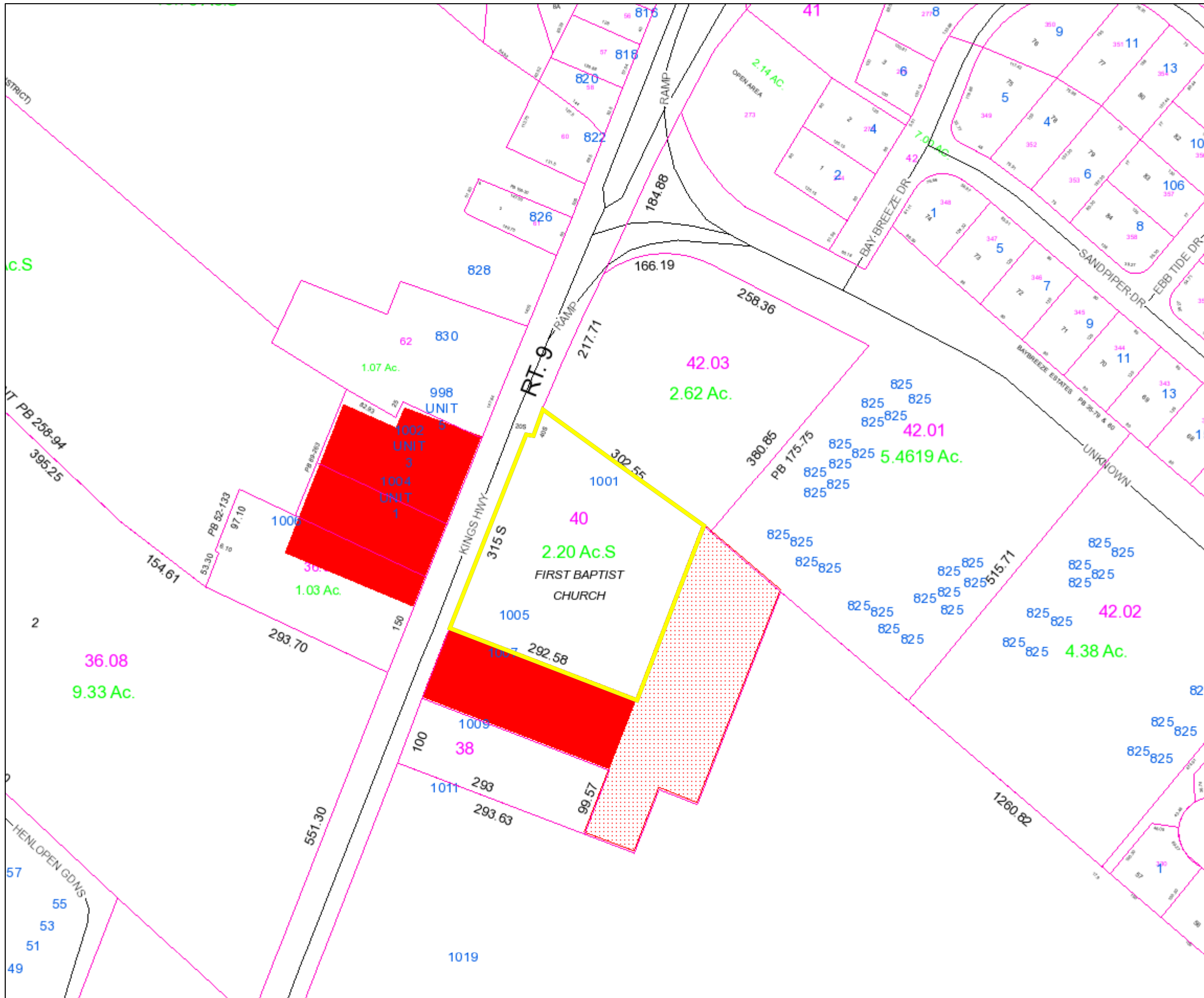
Site Area: 0.78 acre +/-

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





Sussex County

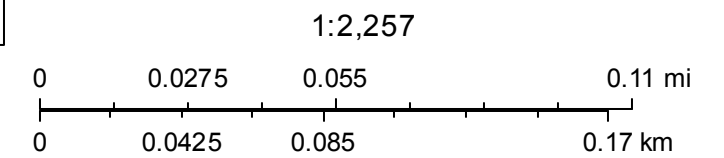


PIN:	335-8.00-40.00	
Owner Name	CHURCH	FIRST BAPTIST OF LEWES
Book	0	
Mailing Address	PO BOX 25	
City	LEWES	
State	DE	
Description	KING ST. RD.	
Description 2	LOT W/IMP 2.2 AC.S.	
Description 3	64150	
Land Code		

- polygonLayer**

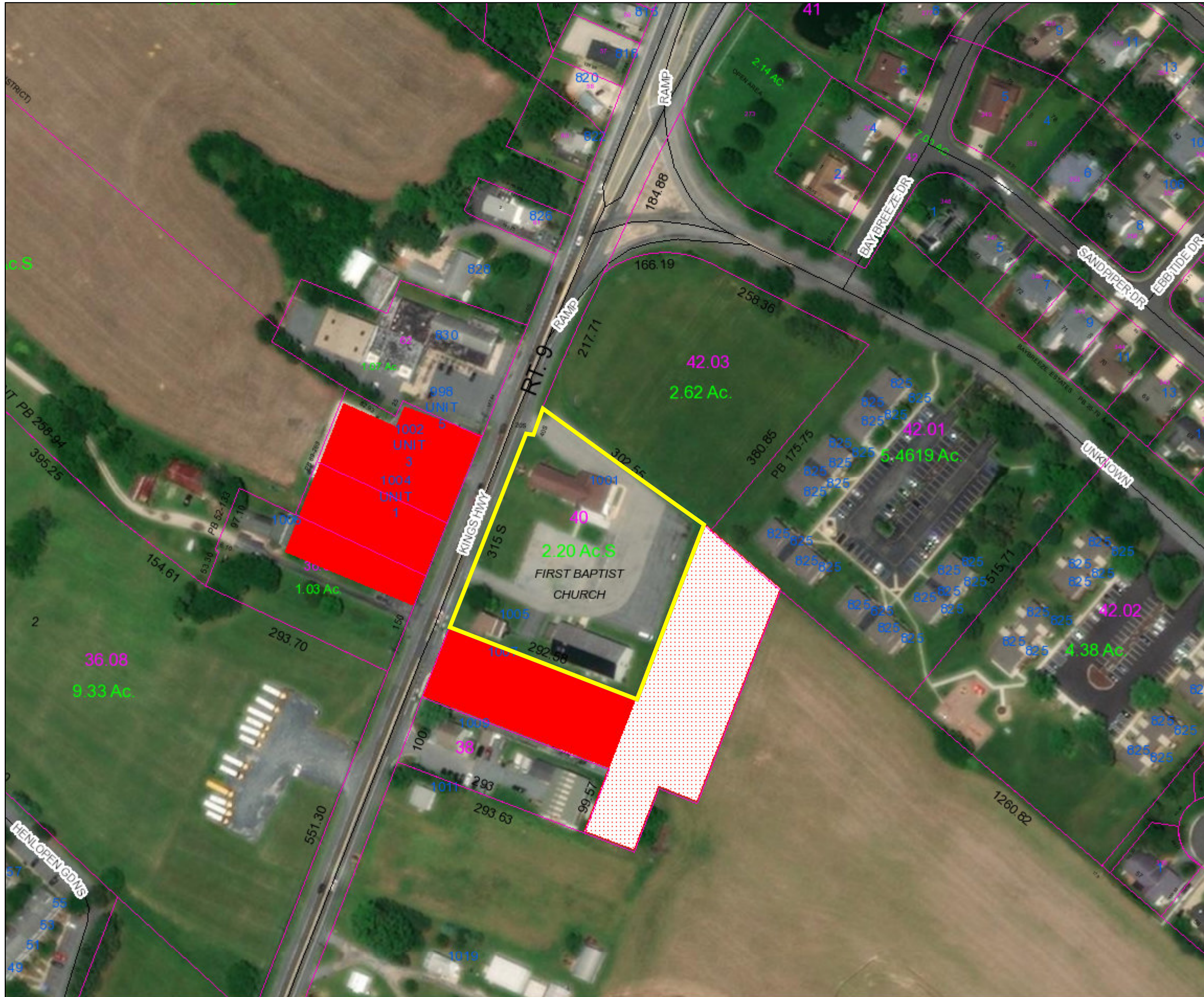
Override 1
- polygonLayer**

Override 1
- Tax Parcels
- 911 Address
- Streets





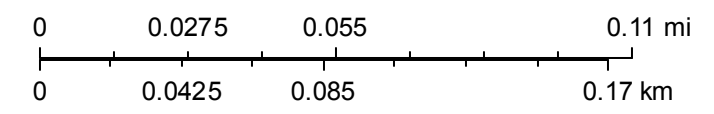
Sussex County



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

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

1:2,257





Memorandum

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

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1932 Jeff-Kat, LLC to be reviewed during the November 12th, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 335-8.00-40.00 (portion of) to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Heavy Commercial (C-3) District. The property is lying on the east side of Kings Hwy. (Route 9) 900 feet southeast of Theodore C. Freeman Highway (S.C.R 23). The size of the property is approximately 0.78 acre +/-.

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

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories", the Heavy Commercial (C-3) Zoning District is listed as an applicable zoning district in the "Coastal Area."

Additionally, the subject property is currently within an Agricultural Residential (AR-1) Zoning District. The parcels to the south and west are currently zoned C-1 (general commercial), the parcel to the east is currently C-3 (Heavy commercial) and the parcels to the north are located within town limits.

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



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

File #: C12 1932
2020 11437

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

1005 Kings Highway, Lewes, Delaware

Type of Conditional Use Requested:

N/A (Rezoning)

Tax Map #: p/o 335 8.00 40.00

Size of Parcel(s): _____

Current Zoning: AR-1

Proposed Zoning: C-3

Size of Building: Existing

Land Use Classification: _____

Water Provider: Lewes BPW

Sewer Provider: Lewes BPW

Applicant Information

Applicant Name: Jeff-Kat, LLC

Applicant Address: 113 Draper Drive

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: 302-745-0875

E-mail: jeffatfins@comcast.net

Owner Information

Owner Name: First Baptist Church of Lewes

Owner Address: PO Box 25

City: Lewes

State: DE

Zip Code: 19958

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: N/A

Agent/Attorney/Engineer Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

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

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

___ Provide Fee \$500.00

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

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

___ DeIDOT Service Level Evaluation Request Response

___ PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney



Date: 07/09/2020

Signature of Owner

Date: _____

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

August 20, 2020

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

Dear Mr. Whitehouse:

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

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

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

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **10/27/2020**

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

APPLICANT: **Jeff-Kat LLC**

FILE NO: **NCPA-5.03**

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

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

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

GROSS
ACREAGE: **0.78**

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

SEWER:

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Change of Zone is with the boundaries of the City of Lewes' Growth and Annexation Area. Therefore, the Sussex County Engineering Department has no schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

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

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

Via Hand Delivery

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

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

Dear Mr. Whitehouse,

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

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

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

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

Respectfully Submitted,
Jeff-Kat, LLC Jeff Hamer

SUMMARY OF REZONING REQUEST

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

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

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

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

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

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

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

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

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

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

From: Jay Tomlinson <jaythrrep@gmail.com>
Sent: Wednesday, November 11, 2020 4:40 PM
To: Planning and Zoning <pandz@sussexcountyde.gov>
Cc: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>; Ernesto Lopez <Ernesto.Lopez@state.de.us>; Peter C. Schwartzkopf <Peter.Schwartzkopf@state.de.us>; Steve Smyk <Steve.Smyk@state.de.us>; Marc Cote <marc.cote@delaware.gov>; Ted Becker <tbecker@ci.lewes.de.us>; IG Burton <IG@IG944.com>; Nicole Majeski <nicole.majeski@state.de.us>; Michael Hahn <MichaelC.Hahn@delaware.gov>; Mary Roth <MRoth@delawaregreenways.org>; Todd F. Lawson <tlawson@sussexcountyde.gov>
Subject: P&Z 11/12/20 Hearing, CZ1932 Jeff-Kat, LLC (Big Oyster Brewery)

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.

Planning & Zoning Commissioners et al:

On Thursday November 12th, the Sussex County Planning & Zoning will be presented with a change of zone application, CZ1932. The zoning change application is notable because the AR1 to C3 Heavy Commercial property fronts Kings Highway and because once again, the process to bring an application before Planning & Zoning does not include the necessary discussions to make an educated land use zoning decision. The impact of the zoning decision on full implementation of the Kings Highway Master Plan as designed is not known because the zoning change does not require consultation with DelDOT about Master Plan implications or a site plan.

Please see the attached photo. The existing Big Oyster parking lot footprint is almost part of Kings Highway. It could be assumed that the land under acquisition and zoning application might follow a similar footprint. Consider the strip mall across the street. Prior decisions have allowed both properties maximum sizing encroachment on Kings Highway leaving very little room for road expansion.

Just last July 14th there was a fire drill CZ1912, Beach and Bay, LLC, AR1 to C2 where during the SCC hearing Jamie Whitehouse acknowledged in response to a question from IG Burton that DelDOT nor the Lewes Scenic Byway Committee were consulted prior to the application coming before Council. At the time, it sounded like future applications would include this review. ROW and landowner knowledge about Kings Highway ROW requirements remain unknown until submission of a site plan.

Starting Monday, Kings Highway will have a new traffic signal at Clay Road and Kings Highway. Amazingly, the long overdue signal is being implemented without consideration of the impacts on the CTP/Kings Highway Master Plan. The light is an interim installation and will need complete modification and expansion when the Master Plan is implemented. The Clay Road - Kings Highway intersection will be a complicated matter when the Village Center and Townsend properties come online and will require a lot of ROW for Right, Left, Straight, shoulders and more.

Why is the Kings Highway Master Plan critical to those that live, work and use Kings Highway? The short answer is traffic management and preservation of the character of the Gateway to Lewes. The Master Plan calls for a median separated dualized roadway that requires a specific amount of real estate for the intended design to be realized. **The Master Plan is scheduled to begin design next spring, 2021.**

Most of you receiving this email know about Secretary Jennifer Cohan's assurances and have received information from us about the 10% Plan. The 10% Plan asked to have ROW requirements defined immediately that would have included the Big Oyster and First Baptist Church of Lewes frontage. What we are seeing happen is very different than we had expected. We continue to see piecemeal requests for zoning changes along the corridor that do not incorporate the CTP/Kings Highway Master Plan requirements along with DeIDOT and County land use decisions.

Our opposition is not about this zoning change, but the continued practice of parcel at a time approvals along the corridor without a site plan or the consultation of DeIDOT, City of Lewes, landowners or community leadership organizations such as the Lewes Scenic Byway Committee. All parties must know the plan in advance and know how much land will require dedication to allow for full implementation of the Kings Highway Master Plan. We now know that the Church planned expansion north of parcel has implications on this zoning as well as a larger stretch of Kings Highway ROW frontage.

Please take the time to require documentation that First Baptist Church of Lewes and Jeff-Kat, LLC know that some portion of Kings Highway frontage will be required by the CTP/Kings Highway Master Plan and will not be available for their expansion plans.

The CZ 1932 Planning & Zoning Packet includes a "Service Level Evaluation Request" from DeIDOT that states a TIS is not required. Might we recommend that this DeIDOT template document (attached) also be used to share DeIDOT's knowledge with the Commission about timing and details of near term approved DeIDOT projects that effect the applicants and the Commissions decisions.

Let's not look back in 5 years and wonder what went wrong with Kings Highway corridor planning on the doorstep to the City of Lewes.

Thank you.

Jay Tomlinson
[Citizens for Responsible Kings Highway Development](#)
32715 Hastings Drive
Lewes, DE 19958
856-906-0605
jaythrrep@gmail.com



Jamie Whitehouse

From: Gail Van Gilder <gailvangilder@gmail.com>
Sent: Thursday, November 19, 2020 4:24 PM
To: Jamie Whitehouse
Subject: Big Oyster

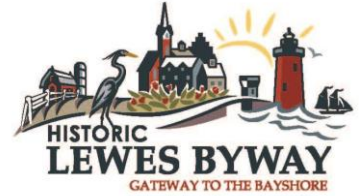
CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Sent from my iPhone

Hi Jamie,

Could you please put a note on the Big Oyster application if approved tonight that the Lewes Byway needs to be notified when the site plan is ready to review I also need the contact information for Jeff-Kat.

Thanks, Gail



November 11, 2020

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

Re: Application CZ1932, Jeff-Kat, LLC, Change of Zone from AR-1 to C3 Heavy Commercial on Kings Highway

This letter is offered as a means of information sharing that we hope will be useful as you consider the change of zone request listed above. A DelDOT funded capital improvement project (CIP) scheduled to begin on Kings Highway in July 2021 will impact the parcel of land under consideration for this zoning change. The project, Kings Highway Dartmouth Drive to Freeman Highway, begins at SR 1 and extends the length of Kings Highway to its split at Freeman Highway.

Kings Highway is part of a state designated Scenic Byway that serves as an important Gateway to the City of Lewes. Designated by the Secretary of Transportation in 2009, Kings Highway is just one of the six roads that comprise the Historic Lewes Byway. The Byway program is a DelDOT program for enhancing roads that have special scenic, historic natural, cultural, archeological or recreational intrinsic qualities to preserve their character. As the Gateway to the City of Lewes, a major tourist destination in the State of Delaware, the Historic Lewes Byway Committee works with DelDOT, the community and it's many partners including Sussex County to accomplish that goal.

DelDOT has already acquired ROW from some property owners along the corridor for larger projects such as the Lodge at Lewes (Schell Assisted Living) and the Lingo Town Center. On behalf of the Historic Lewes Byway, Delaware Greenways, its umbrella organization working with DelDOT created a projected corridor wide map with all approved projects (see attached) to help keep track of these projects and anticipated ROW needs

It is our understanding that right of way (ROW) determinations are not required for this rezoning due to its small size and ROW dedication will not be addressed until site plan review. In the spirit of the recently agreed upon Memorandum of Understanding(MOU) between DelDOT and the County, we respectfully request that you share with the applicant this approved CIP Kings Highway expansion project and all members of the Planning & Zoning Commission. Together, this will insure that there is adequate ROW for the road expansion and that the property owners have the information early in the process to include in their site planning. Our goal here is to ensure the application has the most recent information and is in a position to present an informed site plan. Working together, we can celebrate the implementation of the Kings Highway Master Plan and support the expansion needs of Big Oyster.

We appreciate you taking the time to read through this letter, and thank you in advance for your consideration of the topic.

Sincerely,

Mary Roth

Historic Lewes Byway, Chair

Revisions		
No.	Description	Date
1	1. Revised Village Center Plan 2. Marked Showfield parcels along Gills Neck Rd as not submitted for development	6/26/19
2	Added Lewes Senior Living Combined Landscape Plan including Workforce Housing Plans	7/22/19

Disclaimer: This map, requested by the Historic Lewes Byway Committee, provides a visual tool for the coordination, planning and implementation of the elements of the Kings Highway/Gills Neck Road Master Plan. As development plans and traffic/roadway conditions change, every effort will be made to ensure its accuracy.

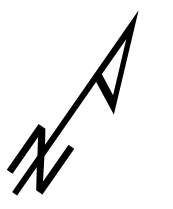
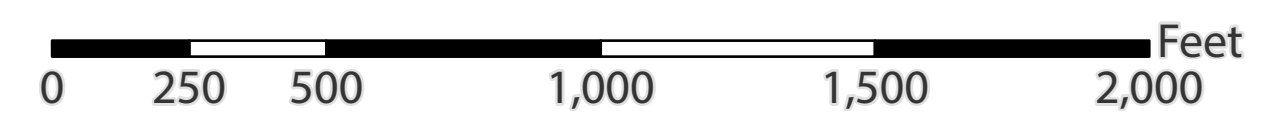


Created by:
Delaware Greenways
Created on: 5/29/2019
Designed for planning purposes only

GIS Layers Sources
Firstmap: State Parcels, Communities, Development Applications, PLUS Project Areas, Public Schools, No Build Line, Byway Route, Delaware Road Inventory, Parks and Natural Lands
DNREC: Trails and Pathways
USGS: National Hydrography Dataset
Kings Highway/Gills Neck Road Master Plan (09/2016)

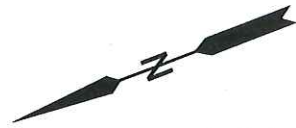
Kings Highway/Gills Neck Road Master Plan Composite Map of Developments

City of Lewes and Sussex County, Delaware



The creation of this map was funded by the Delaware Department of Transportation.

TM #335-8.00-39.00



1/2" IRON PIPE

S 21°02'58" W 115.75'

3/4" IRON PIPE

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

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

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

S 68°43'52" E 292.32'

N 69°10'18" W 292.80'

1/2" CAPPED IRON PIPE

CAPPED REBAR

N 21°17'13" E 118.00'

KINGS HIGHWAY (ROAD 268)

NOT VALID WITHOUT SIGNATURE AND EMBOSSED SEAL OF PETER E. LOEBLINSKY
Peter E. Loebinsky
OR KENNETH M. WALCH

ATLANTIC SURVEYING & MAPPING, LLC.

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

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

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

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

Jeff-Kat, LLC. Rezoning

RE-ZONING APPLICATION

Sussex County, Delaware

3007A002.A01

OCTOBER 2020



Jeff-Kat, LLC. Rezoning
Table of Contents

Exhibits

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

Exhibit 1

Jeff-Kat, LLC. Rezoning
Project Information

A. Land Use & Zoning

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

B. Land Utilization

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

C. Environmental

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

D. Traffic

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

Exhibit 2

Jeff-Kat, LLC. Rezoning
Data Sheet

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

Project Description

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

Minimum Zoning Requirements

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

Exhibit 3

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

Via Hand Delivery

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

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

Dear Mr. Whitehouse,

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

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

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

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

Respectfully Submitted,
Jeff-Kat, LLC Jeff Hamer

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

1005 Kings Highway, Lewes, Delaware

Type of Conditional Use Requested:

N/A (Rezoning)

Tax Map #: Size of Parcel(s): _____

Current Zoning: Proposed Zoning: Size of Building:

Land Use Classification: _____

Water Provider: Sewer Provider:

Applicant Information

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

Owner Information

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

Agent/Attorney/Engineer Information

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



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

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

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

___ Provide Fee \$500.00

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

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

___ DeIDOT Service Level Evaluation Request Response

___ PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Date: _____

Signature of Owner

Date: _____

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

TM #335-8.00-39.00

1/2" IRON PIPE

S 21°02'58" W 115.75'

3/4" IRON PIPE



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

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

TM #335-8.00-39.00
LANDS N/F
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S 68°43'52" E 292.32'

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1/2" CAPPED IRON PIPE

N 21°17'13" E 118.00'

CAPPED REBAR

KINGS HIGHWAY (ROAD 268)



ATLANTIC
SURVEYING &
MAPPING, L.L.C.

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

Boundary Survey Plan with Improvements

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

Plat Ref.: Bk. 48, Pg. 104

Scale: 1" = 50'

Class "B" Survey

Client: FIRST BAPTIST CHURCH

TAX MAP: 335-8.00-40.00

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

SURVEYED BY: VW

DRAWN BY: AK

CHECKED BY: VW

PROJECT #: N/A

DATE: 3/23/2020

SHEET NO: 1

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

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

SUMMARY OF REZONING REQUEST

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

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

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

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

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

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

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

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

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

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

ORDINANCE NO. 2654

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.317 ACRES, MORE OR LESS

WHEREAS, on the 28th day of December 2018, a zoning application, denominated Change of Zone No. 1875, was filed on behalf of L. W. & J. T. Mitchell Family, LP; and

WHEREAS, on the 11th day of April 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 25th day of April 2019, said Planning and Zoning Commission recommended that Change of Zone No. 1875 be approved; and

WHEREAS, on the 14th day of May 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Kings Highway, approximately 0.3 miles northeast of Gills Neck Road and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 1.317 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2654 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF MAY 2019.

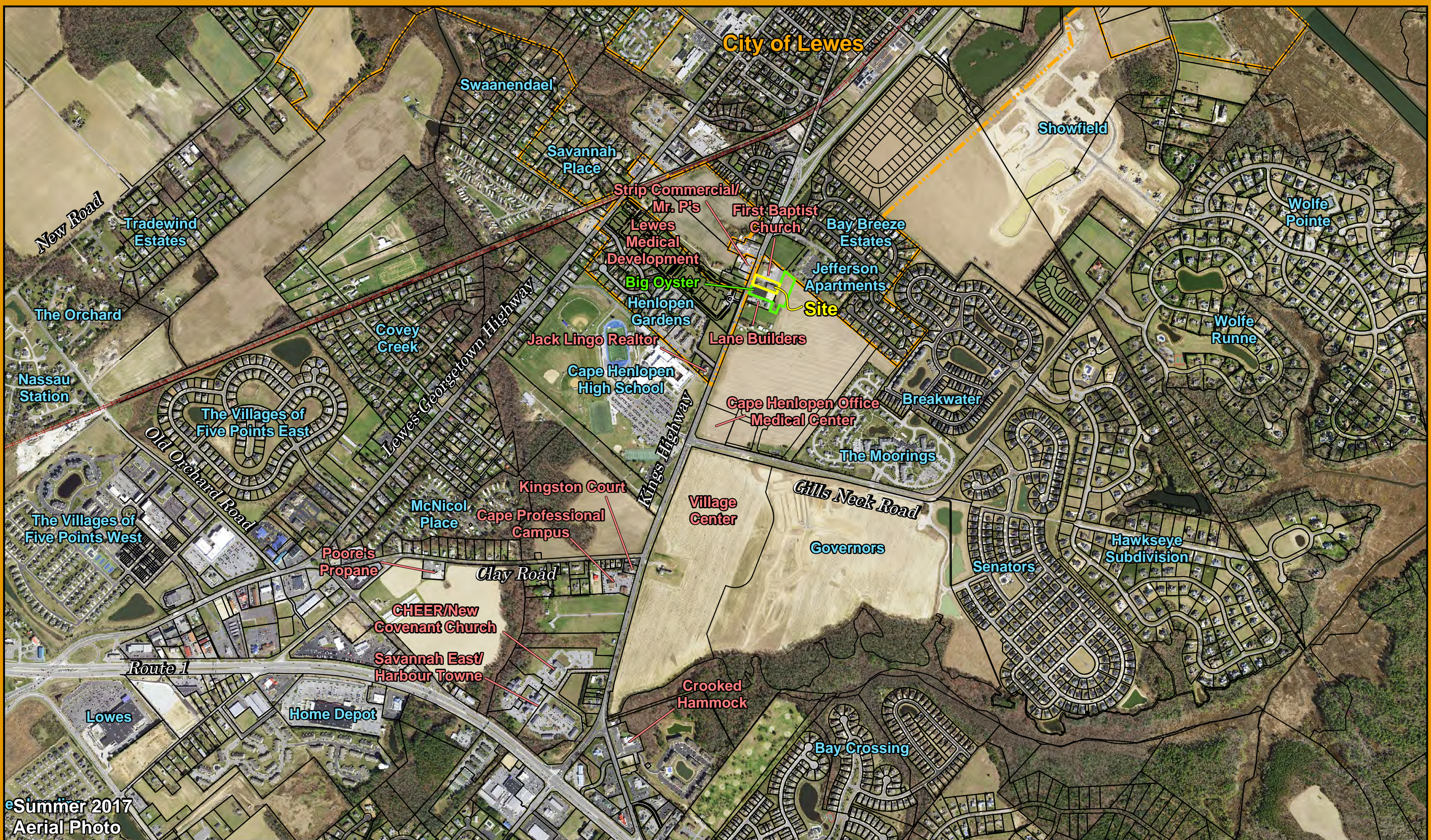
**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of L.W. & J.T. Mitchell Family L.P. (Big Oyster) to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.317 acres, more or less (land lying on the southeast side of Kings Highway, approximately 0.3 miles northeast of Gills Neck Road) (Tax I.D. No. 335-8.00-37.00 (portion of) (911 Address: None Available).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that David C. Hutt, Esquire, with Morris James LLP, Jeff Hamer, Principal of Big Oyster Brewery, Bob Mitchell and Jerry Mitchell, property owners, and Ring Lardner, with Davis, Bowen, & Friedel, Inc., were present on behalf of the application; that the property is located in the area behind Big Oyster Brewery, Lane Builders, and First Baptist Church; that the project is not the entire Mitchell farm property; that the property was farmed up until 2019; that the farming operation has stopped and there has been a “For Sale” sign on the property for many years; that Big Oyster Brewery was looking to expand the existing business site to add more parking and storage; and that Big Oyster Brewery has arrangements with people across the street to be able to have off-site parking, but it requires customers to cross Kings Highway.**
- C. Council also found that the site is not in a floodplain and there are no wetlands on the site; that there are no known historic or cultural features on the site; that the site has access to public utilities and is currently served by the Lewes Board of Public Works for sewer and water; that the property is located in the Delaware State Strategies for Spending Level 1 Area; that the property is located within the Lewes Fire District and the Cape Henlopen School District; that the Land Use Classification per the 2008 Comprehensive Plan is that the site is located in the Environmentally Sensitive Developing Area and, according to the 2018 Comprehensive Plan, it is located in the Coastal Area; that the site is located in a designated growth area; that C-1 zoned property is located behind the site and across the street; that there is B-1 zoning nearby, Conditional Uses, and many business uses in the City of Lewes; that the Applicant applied for C-3 zoning classification because it most closely resembles the front portion of the property that is zoned C-1; that the C-3 zoning has fewer permitted uses than C-1 (General Commercial) zoning would allow for; that the setbacks are the same; that the parcel would meet the minimum 1-acre lot size for C-3 zoning; that if the rezoning is approved, a lot line adjustment would occur between the farm and the Big Oyster Brewery; that Kings Highway is a busy well-traveled road; and that Route 9 is a major arterial road per County Code.**
- D. Council further found that the Cape Henlopen Medical Office is beginning its construction of the offices and the Mitchell family is putting in its entrance; that the Conditional Use for Lot 1 is for the Cape Henlopen Office Building, and the supporting infrastructure is located on the Mitchell property which is providing the access from Gills Neck Road further away from Kings Highway; that the internal road which will serve the Cape Henlopen Building and the road could potentially serve the residual land; and that a road would be put in and built to Sussex County standards.**
- E. Based on the Findings (1 through 8) of the Planning & Zoning Commission, Council found that:**

- 1. C-3 (Heavy Commercial Zoning) is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted uses include retail uses, restaurants, offices, and vehicle service stations.**
 - 2. The site is at the rear of a property fronting Kings Highway that is currently used for a restaurant and a church. This location is appropriate for this type of zoning.**
 - 3. This location is currently vacant. The Applicant has stated that this will be used for centralization and expansion of its restaurant and brewery.**
 - 4. As stated by the Applicant, there will be interconnectivity between this site and the existing brewpub restaurant that is next to it.**
 - 5. The site will be served by central water and sewer.**
 - 6. The site is in the Environmentally Sensitive Developing Area (now identified as the Coastal Area) according to the prior and current Sussex County Land Use Plans. This type of commercial use is appropriate in these areas according to the Plan.**
 - 7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order, prosperity and welfare of the County.**
 - 8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**
- F. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**

Exhibit 4



eSummer 2017
Aerial Photo



November 2020

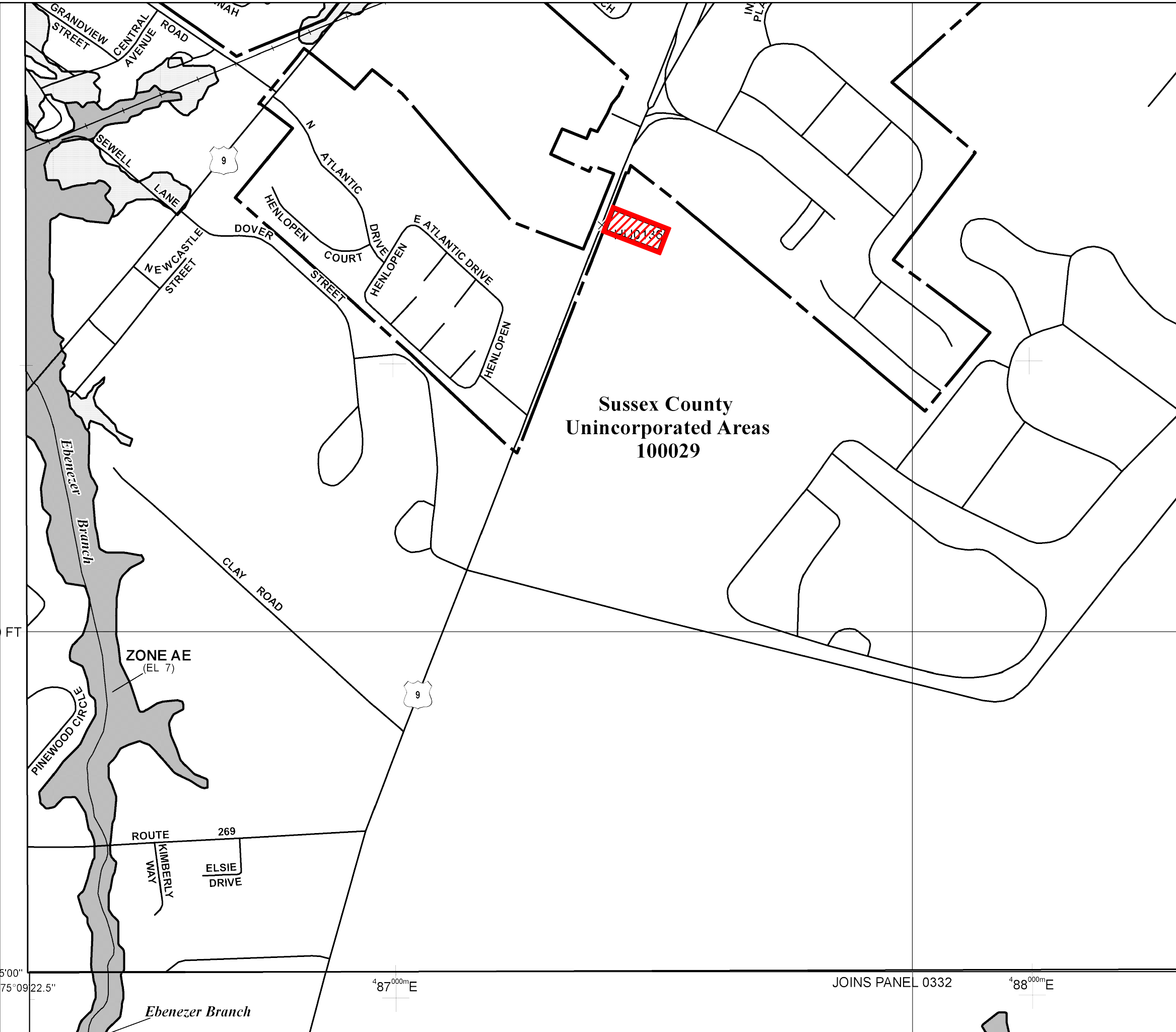
Surrounding Communities Map

Jeff-Kat, LLC. Rezoning

Sussex County, Delaware

Sources:
Tax Parcels per Sussex County





NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0194K

FIRM
FLOOD INSURANCE RATE MAP

**SUSSEX COUNTY,
 DELAWARE
 AND INCORPORATED AREAS**

PANEL 194 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LEWES, CITY OF	100041	0194	K
SUSSEX COUNTY	100029	0194	K

- NOTE -
 THIS MAP INCLUDES BOUNDARIES OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT ENABLING LEGISLATION.

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



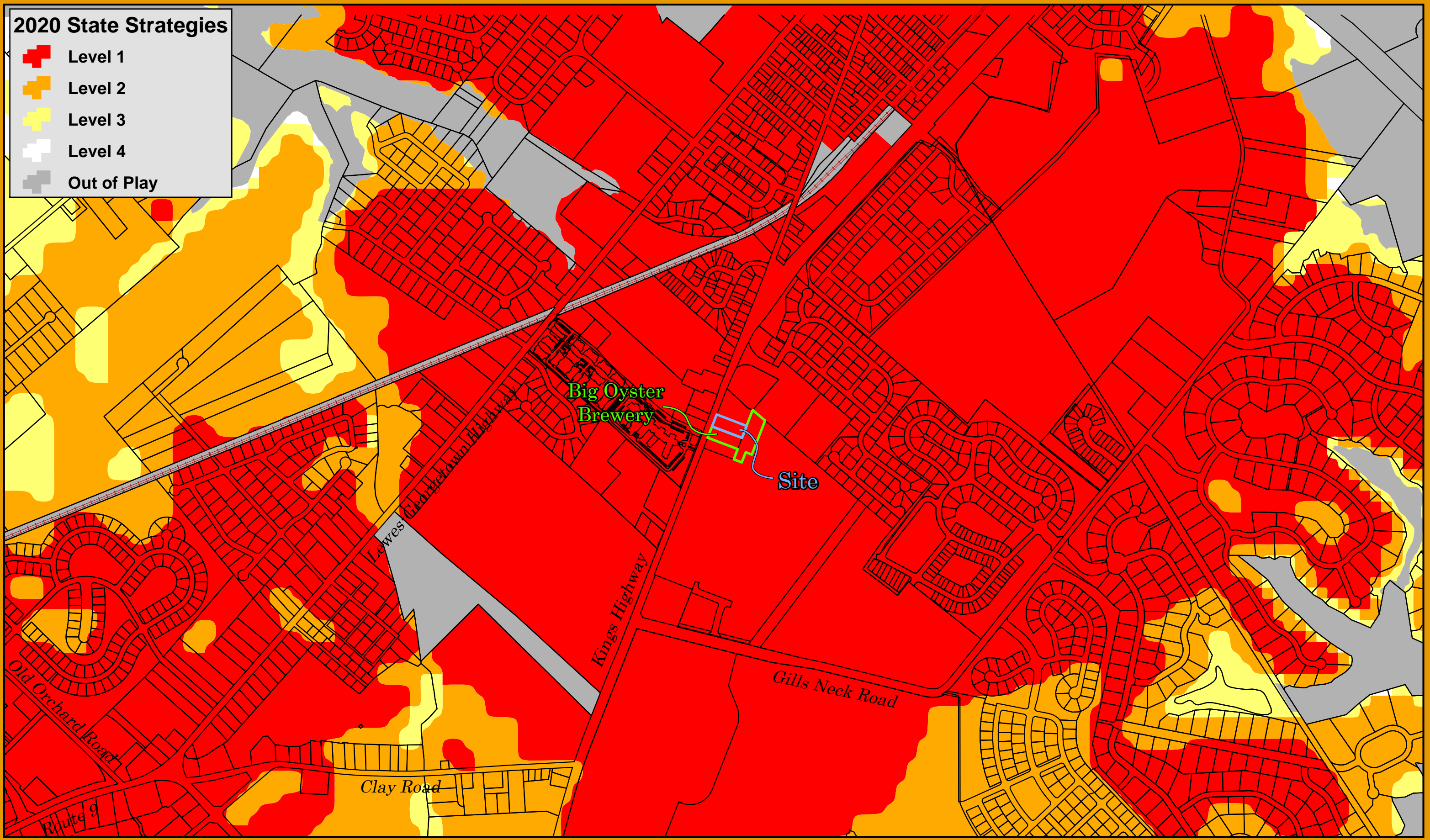
**MAP NUMBER
 10005C0194K**

**MAP REVISED
 MARCH 16, 2015**

Federal Emergency Management Agency

2020 State Strategies

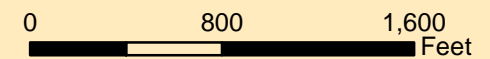
-  Level 1
-  Level 2
-  Level 3
-  Level 4
-  Out of Play



Sources:
Tax Parcels per Sussex County

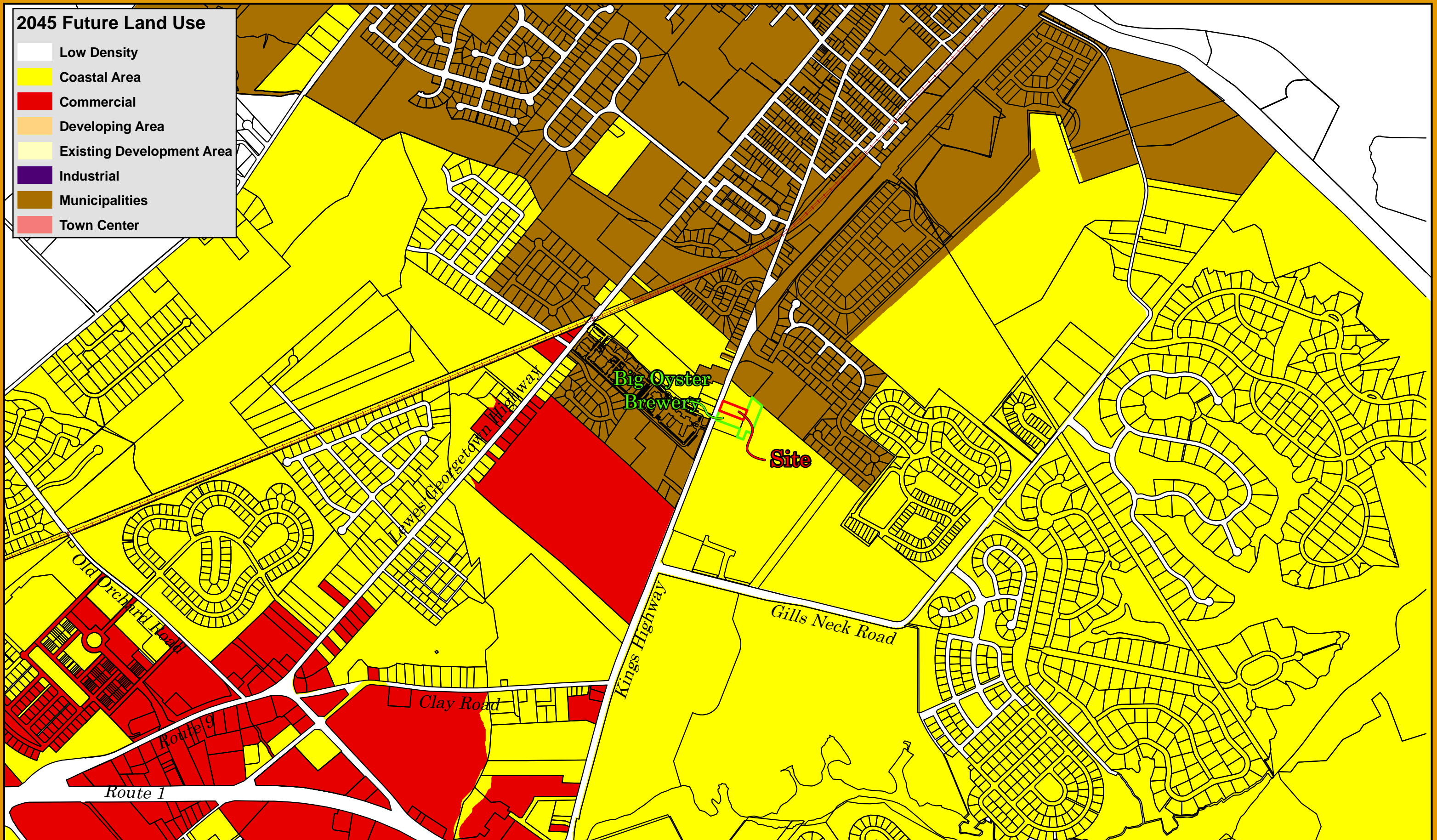


2020 State Strategies
Jeff-Kat, LLC. Rezoning
Sussex County, Delaware



2045 Future Land Use

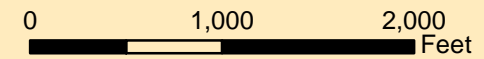
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center



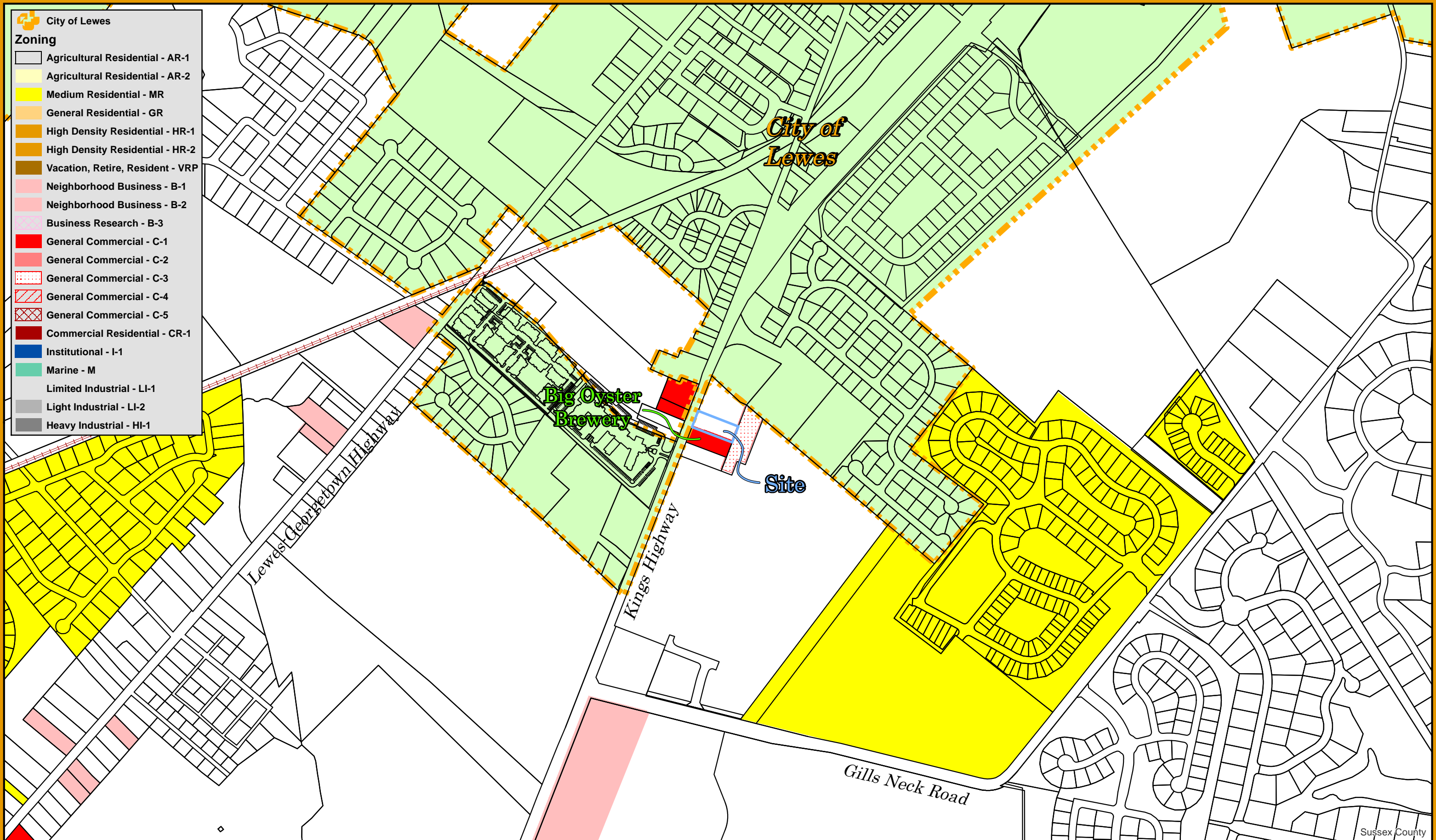
Land Use per 2018 Sussex County Comprehensive Plan
Entire Site is within the
Environmental Sensitive Developing Area



Sussex County 2045 Future Land Use
Jeff-Kat, LLC. Rezoning
Sussex County, Delaware



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

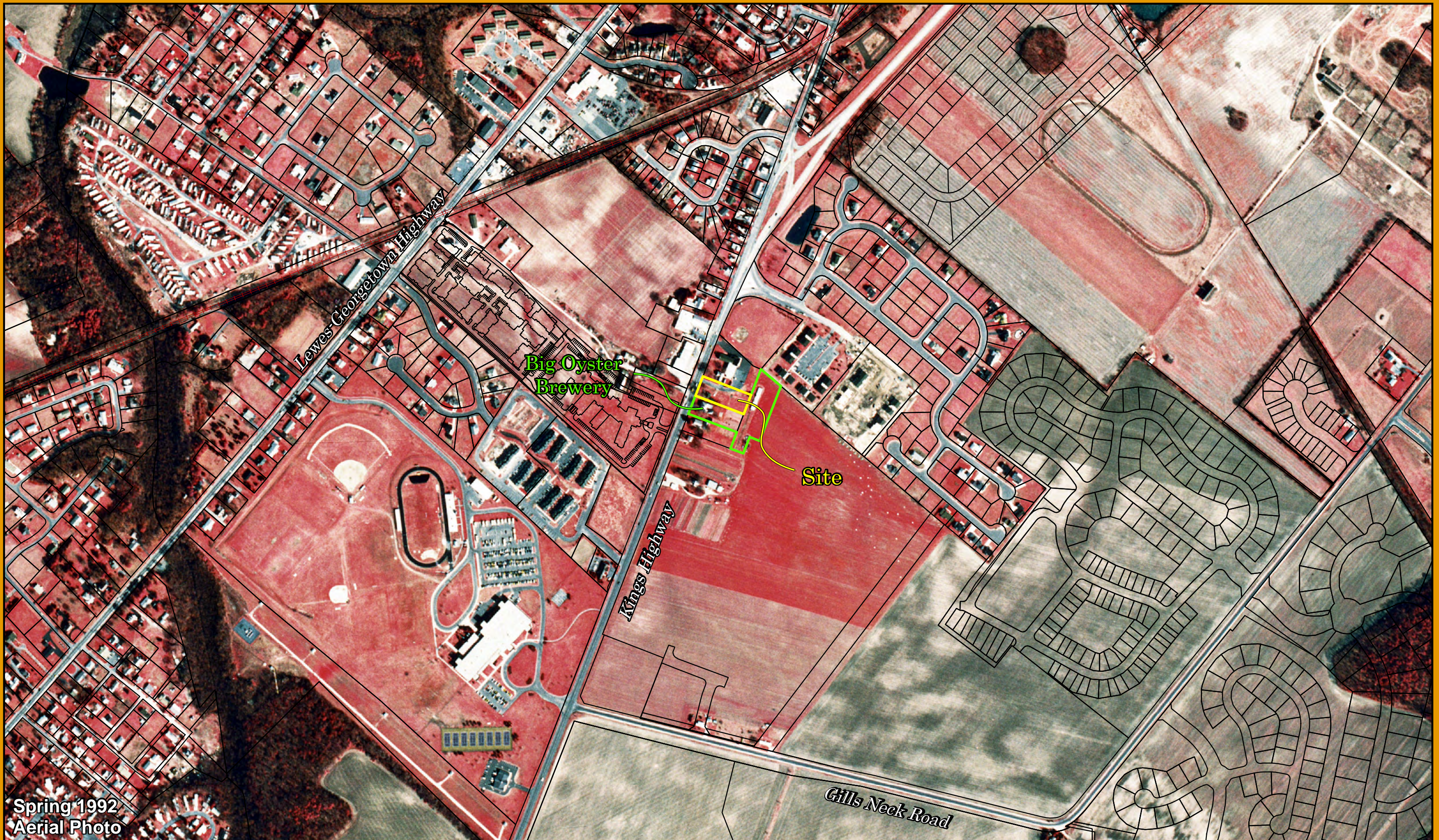


Sources:
Tax Parcels per Sussex County



Sussex County Zoning Map
Jeff-Kat, LLC. Rezoning
 Sussex County, Delaware





Spring 1992
Aerial Photo

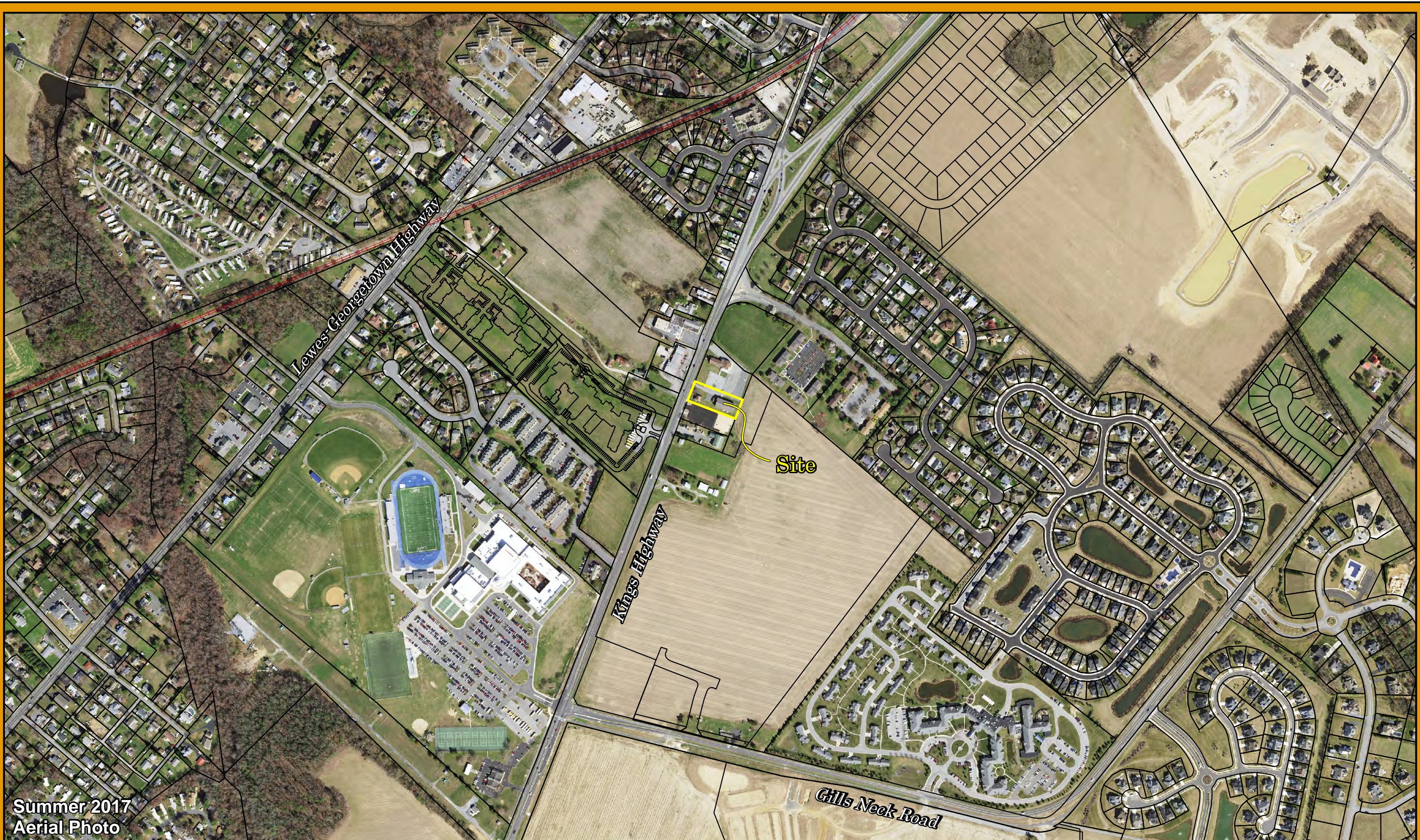
Sources:
Tax Parcels per Sussex County



1992 Aerial Photo
Jeff-Kat, LLC. Rezoning
Sussex County, Delaware

0 500 1,000
Feet





Summer 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



2017 Aerial Photo
Jeff-Kat, LLC. Rezoning
Sussex County, Delaware



Exhibit 5

8555

BOOK 701 PAGE 362

This Deed, made this

Third day of March in the year of
our LORD one thousand nine hundred and seventy three.

BETWEEN, Ralton H. Dennis and Richard Dennis, executors of the
Estate of Virgil L. Dennis, deceased; Bessie Dennis, widow;
Ralton H. Dennis and Dorothy L. Dennis, his wife; Richard Dennis
and Genevieve E. Dennis, his wife, parties of the first part;

and

First Baptist Church of Lewes, Delaware, Inc., a Religious
Corporation of the State of Delaware, party of the second part:

Witnesseth, That the said parties of the first part, for and in consideration of
the sum of \$37,500.00 lawful money of the United
States of America, the receipt whereof is hereby acknowledged, hereby grant
and convey unto the said party of the second part,

ALL

That certain tract, piece, and parcel of land, located in Lewes and Rehoboth
Hundred, Sussex County, Delaware, near the town of Lewes, Delaware,
described as follows, to wit: Beginning on the old county road known as the
King Street Road, being road #288, at the corner now or formerly of the
Robinson Homestead, marked by a Chestnut post, and running along and
with the Robinson line south $61\frac{1}{4}^{\circ}$ east a distance of 299 feet 6 inches to a cedar
post; thence turning and running south $28\frac{1}{2}^{\circ}$ west a distance of 115 feet 9 inches to
a post in line of lands now or formerly of Fred C. Marshall; thence turning
and running along and with lands now or formerly of Marshall, North $81\frac{1}{4}^{\circ}$ west
a distance of 300 feet to the edge of the King Street Road; thence turning and
running in a northeasterly direction along and with the King Street road 118
feet, home to the place of beginning, be the contents what they may, with all
improvements thereon.

Being same lands conveyed to Virgil L. Dennis and Bertha E. Dennis, his wife,
by George W. Robinson, widower, by deed dated the 13th day of April, 1939,
said deed now of record in the office of the Recorder of Deeds, in and for Sussex
County, Delaware, in deed book no. 316, page 528.

The said Bertha E. Dennis predeceased her husband, Virgil L. Dennis, therefor
said lands descended to the said Virgil L. Dennis absolutely.

The said Virgil L. Dennis later remarried and his wife is known as Bessie Dennis.

The said Virgil L. Dennis died testate, on or about 19th day of September, 1972, and in
and by his Last Will and Testament of record in the office of the Register of Wills,
in and for Sussex County, Delaware, he ordered that the residue of his property
be sold by his executors and divided between his wife, Bessie Dennis and two sons,
Ralton H. Dennis and Richard Dennis.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals, the day and year aforesaid.

SIGNED, SEALED, DELIVERED, and Witnessed in the presence of

Henry J. Williams
Barbara M. Jordan

Ralton H. Dennis (SEAL)

Richard Dennis, executors of Estate of Virgil L. Dennis, deceased.

Bessie Dennis (Seal)

Ralton H. Dennis (Seal)

Dorothy L. Dennis (Seal)

Richard Dennis (Seal)

Genevieve E. Dennis (SEAL)

State of Florida
County of BROWARD

BE IT REMEMBERED, that on this 3 day of March A. D. 1973, personally appeared before me, a Notary Public of the State and County aforesaid, Richard Dennis, executor of the estate of Virgil L. Dennis, deceased; and Richard Dennis and Genevieve E. Dennis, his wife, parties to this indenture, known to me personally to be such and they acknowledged this indenture to be their act and deed. Given under my hand and seal of office the day and year aforesaid.

Henry J. Williams Notary Public.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES FEB 13, 1974
BONDED THRU FRED W. BILBRO

STATE OF DELAWARE,

Sussex

County,

ss.

BE IT REMEMBERED, that on this 17th day of March in the year of our Lord one thousand nine hundred and seventy three, personally came before me, a Notary Public in and for the State and County aforesaid, Ralton H. Dennis, executor of the Estate of Virgil L. Dennis, deceased, and Bessie Dennis, widow; Ralton H. Dennis and Dorothy L. Dennis, his wife,

21st March 1973

State of Delaware
REALTY TRANSFER TAX
00.00

Part tea to this Indenture, known to me personally to be such, and they acknowledge this Indenture to be their Deed.

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

RECEIVED
JAMES H. BAXTER JR.
MAR 19 3 47 PM '73
REC. DIV. OF DEEDS
SUSSEX COUNTY

Ruth E. Welkins
Notary Public

LAW OFFICES OF
Maull & Maull
EAST MARKET STREET
GEORGETOWN, DELAWARE 19841

Exhibit 6



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

JENNIFER COHAN
SECRETARY

August 21, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Jeff-Kat, LLC** rezoning application, which we received on July 27, 2020. This application is for a 0.7-acre portion of a 2.20-acre parcel (Tax Parcel: 335-8.00-40.00). The subject land is located on the east side of Kings Highway (Sussex Road 268), approximately 900 feet southeast of the intersection of Kings Highway and Theodore C. Freeman Highway (Sussex Road 23). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-3 (Heavy Commercial) to utilize the existing facility for the expansion of brewpub operations.

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

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

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



Mr. Jamie Whitehouse

Page 2 of 2

August 21, 2020

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

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

Exhibit 7

TM #335-8.00-39.00

1/2" IRON PIPE

S 21°02'58" W 115.75'

3/4" IRON PIPE



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

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

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

S 68°43'52" E 292.32'

N 69°10'18" W 292.80'

1/2" CAPPED IRON PIPE

N 21°17'13" E 118.00'

CAPPED REBAR

KINGS HIGHWAY (ROAD 268)



ATLANTIC
SURVEYING &
MAPPING, L.L.C.

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

Boundary Survey Plan with Improvements

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

Plat Ref.: Bk. 48, Pg. 104

Scale: 1" = 50'

Class "B" Survey

Client: FIRST BAPTIST CHURCH

TAX MAP: 335-8.00-40.00

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

SURVEYED BY: VW

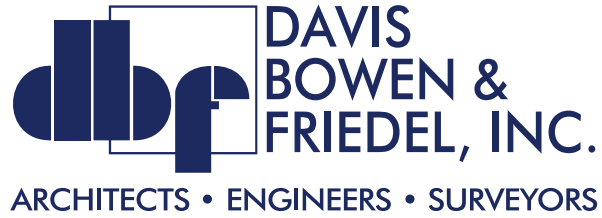
DRAWN BY: AK

CHECKED BY: VW

PROJECT #: N/A

DATE: 3/23/2020

SHEET NO: 1



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Salisbury, MD 21804
(410) 543-9091

106 Washington Street, Suite 103
Easton, MD 21601
(410) 770-4744

www.dbfinc.com