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PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date October 24, 2019

Application: CZ 1895 & CU 2195 Gulfstream Development, LLC

Applicant/Owner: Gulfstream Development, LLC
27 Atlantic Avenue
Ocean View, DE 19970

Site Location: Northwest corner of Parker House Rd. and Muddy Neck Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: GR (General Residential)

Proposed Use: Multi-Family (45 apartment units)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire District

Sewer: Sussex County

Water: Tidewater Utilities

Site Area: 3.93 ac. +/-

Tax Map ID.: 134-16.00-382.00



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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: December 3, 2019

RE: County Council Report for CU 2195 Gulfstream Development, LLC (Kent Apartments)

The Planning and Zoning Department received an application (CU 2195 Gulfstream Development, LLC (Kent Apartments)) for a Conditional Use for parcel 134-16.00-382.00 to allow for multi-family (45 apartments) to be located off Parker House Rd. and Muddy Neck Rd. The Planning and Zoning Commission held a public hearing on October 24, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell announced that, at the Applicant's request, the following two items would be heard together. Chairman Wheatley clarified that, although the Public Hearings were being combined for the purposes of the Applicant's presentation, that the Commission would ultimately consider and vote on each application separately.

C/U 2195 Gulfstream Development, LLC (Kent Apartments)

An Ordinance to grant a Conditional Use of land in a GR General Residential District for multi-family (45 apartment units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.93 acres, more or less. The property is lying on the northwest corner of Parker House Rd. and Muddy Neck Rd. 911 Address: N/A. Tax Parcel: 134-16.00-382.00

Ms. Cornwell advised that, for the Conditional Use application, submitted into the record is an exhibit booklet, a site plan, letters from an appraiser regarding the property values in the area, comments from the Sussex County Conservation District, the results from the DelDOT Service Level Evaluation confirming that a Traffic Impact Study ("TIS") is not required, Comments from the Sussex County Engineering Department – Utility Planning Division. 1 letter in support of the application and 821 letters in opposition have been received and entered into the record.

C/Z 1895 Gulfstream Development, LLC (Kent Apartments)



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

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a GR General Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.93 acres, more or less. The property is lying on the northwest corner of Parker House Rd. and Muddy Neck Rd. 911 Address: N/A. Tax Parcel: 134-16.00-382.00.

Ms. Cornwell advised the Commission that, for the Change of Zone application, submitted into the record were an exhibit booklet, a staff analysis, comments from the Sussex Conservation District, and comments from the Sussex County Engineering Department - Utility Planning Division, the results from the DelDOT Service Level Evaluation confirming that a Traffic Impact Study (“TIS”) is not required. 1 letter in support of the application and 821 letters in opposition have been received and entered into the record.

Ms. Cornwell summarized the responses received. That the majority of letters in opposition were opposed to any change from AR-1 Zoning; that concerns were raised in relation to traffic impacts; that concerns were raised in relation to the use of the land for apartments.

The Commission found that Mr. David Hutt, an Attorney with Morris James, LLP, Mr. Bob Harris, a Principal of Gulfstream Development, LLC, Mr. Mike Coben, a registered/licensed engineer with George, Miles & Buhr, LLC, and Mr. Jeff Clark, a registered/licensed land use planner with Land Tech Planning, were all present on behalf of the application; that the application site is a 3.93 acre parcel of land located at the intersection of Muddy Neck Rd and Parker House Rd; that the parcel is located just outside the municipal limit of the town of Ocean View; that this application seeks to change the zoning of a portion of the property to GR (“General Residential Zoning District”); that the Conditional Use application is for multi-family; specifically that three buildings with 45 apartment units are sought; that the applicant has noted the opposition to the scheme; that a form letter appears to have been signed by hundreds of individuals; that many of the letters of opposition appear to have used this form-type letter; that there is a difficulty in understanding the nature/timing of all of the objections, and whether these objections were submitted to the office of Planning & Zoning prior to, or after the submission of the Applicant’s exhibit book and additional supporting materials; that Mr. Hutt wishes to address those additional materials and reports as part of his presentation to demonstrate the thought and effort that has been put into the application; that the existing perimeter buffer of the parcel would remain largely intact; that the Service Level Response from DelDOT did not identify a need for a Traffic Impact Study; that the PLUS response did not raise any objection from DelDOT; that a supporting letter from the Delaware Housing Authority is also part of the record; that housing opportunity is a vital issue for the eastern side of Sussex County, where there are limited opportunities for limited-income housing; that the Applicant recognized that this parcel can assist to meet that housing need within Sussex County; that Mr. Clark outlined that to the north of the site is zoned land HR-1 High Density Residential; that to the south and west is the Shady Dell subdivision that contains both single-wide and double-wide manufactured homes; that there are some stick-built homes in that development, which is zoned GR; that there is a seasonal produce stand across Muddy Neck Rd; that most of the properties to the east are within the jurisdiction of Ocean View; that the supplemental data submitted by the Applicant includes a field investigation carried out by Mr. Jim McCully of Watershed Eco that identified a ditch on the western portion of the site; that this area would not be disturbed by the development; that there were no rare, threatened or endangered species living on the site; that there is existing 8” sewer lateral that has been extended into the property from Mimosa Street from the adjoining Shady Dell Subdivision; that Sussex County Engineering has confirmed that there is sufficient capacity to accommodate the proposed number of

dwelling units; that there is adequate potable water supply to serve the development, including service for fire protection; that a letter from Tidewater Utilities has been submitted into the record in the Exhibit Book; that the proposed buildings would be 50' x 150' and each would be three story in height; that this building size is below the 170' maximum; that this size is in keeping with the adjacent Providence Residential Planned Community; that each building would have a total of 15 residential units with a total of 5 units on each floor; that there would be a mixture of 2-bed units and 3-bed units with approximately 40% of the total units being 3-bed in size; that adequate area would be provided for perimeter fire access; that the driveways and circulation and parking areas have been designed to exceed minimum Code requirements; that the development requires 90 spaces minimum; that 116 spaces would be provided; that a single commercial vehicle entrance is proposed and aligns with Butler Blvd. across the street; that a meeting was held with DelDOT and the entrance has been reviewed and is considered to be acceptable by DelDOT; that a TIS is not required; however, the Developer will be required by DelDOT to improve Muddy Neck Rd. and Parker House Rd. across the entire site frontage; that this would include 11' travel lanes and 8' shoulders on development road frontages; that both of these roads are major collector roads; that the Developer must dedicate a minimum 40' of right-of-way and to include a 15' permanent easement; that a shared-use path or sidewalk will be also required; that existing utility poles will be relocated to allow for the improvements; that the PLUS review is included in the Exhibit Book; that the site is within a Level 2 State Strategies area and that the State of Delaware has no objection in principle to the use; that there are no known archaeological site within the parcel; that pervious pavements are to be used to avoid the need for stormwater management areas; that there are amenities to be located near the road with additional parking; that the existing wooded fringe would be preserved; that the buffer obstructs views into the site; that a landscaping plan would be provided; that landscaping would be maintained by a management company; that the State of Delaware identified during the PLUS process that the proposal represents an opportunity to provide a more affordable type of housing product in an area with little affordable housing; that the State Housing Authority is supportive of the project; that Mr. Hutt outlined that considerable effort and thought has been put into the design of the proposal; that the surrounding lands around the proposal are predominantly zoned GR; that there is a mixture of uses in the wider area, but that the remaining AR-1 lands are now actually unique in that little AR-1 remains; that the Site Plan demonstrates that all area and bulk requirements of the County can be met; that the building envelope is sufficient to accommodate the buildings whilst meeting Building Code requirements; that up to 12 dwelling units to the acre is potentially permitted; that the proposal is consistent with adjoining land uses and area zoning; that there are no wetlands on the property; that the response from DelDOT was supportive and a TIS was not required as the threshold of 500 vehicle trips a day was not met; that DelDOT considered the impact to be negligible; that highway improvements would be provided in accordance with DelDOT's requirements; that both of the adjoining roads are classified as major collector roads; that the Comprehensive Plan recognizes that Sussex County is the fastest growing county in the State of Delaware; that market prices for housing and apartments are increasing and that safe and decent housing is out of reach for many households; that the fourth chapter recognizes that there is a need to expand affordable housing opportunities, especially near commercial areas; that there are seven growth areas identified, including the Coastal Area, in which the application site is located; that this region does have ecologically and environmentally sensitive areas; that a range of housing types are permitted, including multi-family housing; that medium and higher density could be supported in areas where water and sewer are available; that this application addresses many of these objectives within the Comprehensive Plan; that Level 2 State Strategies also recognizes the need for a variety of housing types; that Chapter 8 (Housing) recognizes that most housing on the eastern side of the County is unaffordable for recent college graduates and first-time buyers, and that a variety of studies are being undertaken in relation to this; that 8.2 of the Plan talks about the strong demand

for housing and the impact of price increases; that the shortage of affordable housing is a very real problem in Sussex County; that there is an identified need for workforce housing, especially in the eastern areas of the County; that workers currently have to live further away, placing increased demands on roads and transportation infrastructure; that the proposal is to provide market-rate housing and not low-income housing; that the housing would be for year-round workers and not seasonal workers; such as newly graduated police officers looking for a place to live; that an appraiser has analyzed the site and surrounding uses and concluded that the proposal would not have a negative impact; that the nearby business uses would not be negatively impacted; that the Applicant has reviewed some of the comments submitted to the Office of Planning & Zoning; that the application site is not surrounded by single-family homes per se; that townhouses are themselves a form of multi-family; that many of the letter outlined an expectation that the parcel should remain AR-1; that Mr. Hutt believes that, historically, many of the surrounding properties were zoned AR-1 and they were subsequently, over time, allowed to rezone to the current zoning; that proposed findings of fact and conditions of approval were submitted into the record for the Commission's consideration.

Mr. Mears asked how often the county has approved a density of 12 dwelling units to the acre. Ms. Cornwell mentioned that there have been several over the past four and a half years; that Mr. Mears asked how the price of the units would be calculated; that Mr. Robert Harris for Gulfstream Development LLC stated that rental rates are calculated from the general rental rates of other properties in the area; that in this case there aren't many other apartments in the area to compare to; that there are other types of housing units available between \$1800 to \$2500 per month in the wider area; that County-wide rental rates are available; that the median rental rate for a 2-bed unit is \$987 per month, that the 3-bed county-wide rate is \$1,347 per month; that the Applicant's pro-formas are based on those numbers; that they wish to hit the median; that Mr. Mears outlined his familiarity with the area and that he believes that there are some rental apartments in the wider area; that Mr. Mears asked Mr. Hutt about his thoughts on the proposed density; that Mr. Hutt outlined that this site checks all of the boxes for a site that can bear a higher density; that he doesn't think that it would set a precedent as not every property would check all the boxes in the way this site does; that a large amount of land in the area has already been developed and there are limited opportunities for further development; that Mr. Mears asked about the potential for sub-letting and Mr. Hutt confirmed that a mechanism would be in place to prohibit sub-letting of apartments; that Ms. Wingate asked if the area is served by DART for bus service to which Mr. Hutt replied that it is not; that Mr. Hopkins asked if a second egress was possible; that Mr. Clark confirmed that DelDOT would not allow this; that Ms. Stevenson asked if the units were to be second houses for retirees, to which Mr. Hutt replied that there would be no discrimination of occupiers; that Ms. Stevenson noted that, from the submitted information, the soils on site were identified as being poorly draining; that Mr. Clark outlined that a pervious pavement solution was to be put forward to avoid open stormwater management areas; that stormwater management would be undertaken below the surface; that Mr. Hopkins asked for the square footage of the units; that Mr. Harris stated that the 2-bed would be 1,040 sf. and the 3-bed is 1,400 sf.

Mr. Whitehouse asked Mr. Hutt if he could confirm whether the units would be age-restricted, to which Mr. Hutt confirmed that none of the units would be age-restricted.

Ms. Cornwell read a written response from DelDOT into the record, including DelDOT's expectation that the applicant contribute to a potential roundabout development in the vicinity of the application site, should this come forward. Ms. Cornwell noted that the word "affordable" had been mentioned repeatedly and asked if Mr. Hutt could confirm whether the units would be market rate units, to which

Mr. Hutt confirmed that the units are market-rate units. Ms. Cornwell outlined to the Commission that there would be no mechanism to ensure affordability.

Chairman Wheatley asked for clarification as to the proposed 6-month lease term; that this might encourage seasonal occupation; that Mr. Hutt outlined that some year-round workers might travel around, such as nurses in training, and that a 1-year minimum lease might discourage these types of workers from living in this location; that Mr. Harris outlined that a lot of thought has gone into this, and that college graduates or other similar occupiers are not looking to be locked in for a 1-year period; that May-September occupation would not be permitted.

The Commission found that one person wished to speak in favor of the applications; that Ms. Cheryl Detweiler stated that her employer hires workers for 6-month terms; that the area is growing and there is a population boom; that she thinks affordable housing is a fantastic idea.

That the following people wished to speak in opposition to the applications:

Mr. Patrick Emler outlined that he was involved in obtaining signatures from local residents as part of the form-letter, that he did submit 650 letters of opposition as part of his group; that he did inform participants as to the nature of the proposals before they signed the form-letter; that he wished to point out that the online map was not entirely accurate; that the Providence development has 49 townhomes on 12 acres and not 45 homes; that the form letters were obtain from over 31 different communities; that there are 12 communities and 6 businesses, amongst other individual units, relying on SCR 361 for access; that there is already a large amount of development in the area; that there are developments being added that rely on access from a single access point; that traffic makes it dangerous to walk and/or cycle; that the gulfstream proposals have only a 10' setback to adjoining property lines, and that no new buffers are proposed and there is no room for trees to be provided, that he is concerned about the lack of stormwater management areas and potential increases for flooding; that the site layout plan shows the removal of trees; that he is concerned that the proposed Conditional Use and Change of Zone do not address the deficits in the infrastructure in the area and should therefore not be approved.

Mrs. Diana Emler spoke in opposition to the Applications. Mrs. Emler stated that no one was forced to sign the letters of objection; that she thought that a form-letter had more substance than a petition with a list of signatures; that Mrs. Emler stated that, if the applications were approved, there should be a 30' buffer along the tree line, even if this restricts the size of the units; that the proximity of the buildings would create the potential for light spill and pedestrian trespass; therefore, the residents of Providence and Shady Dell are requesting a privacy fence to be installed; that Ms. Emler stated that she had spoken to Ms. Jessica Watson at Sussex Conservation District and that it was her understanding that retention ponds would be required; that the tax ditch must also be maintained as this is important to drainage; that she also has concerns with locations of trash dumpsters as adjoining residents would not wish to see these placed in proximity to existing dwellings.

Mr. Mears asked Mrs. Emler to confirm, when she went door to door to obtain signatures, what information she presented to local residents. Mrs. Emler confirmed that she explained to residents that she was concerned by the 45 homes proposed on this site and had asked residents whether they would be happy with the proposal. Mrs. Emler explained that she had spoken to at least one resident that did not wish to object. Ms. Stevenson asked Mrs. Emler if she could clarify the nature of the

previous application on this site from 10 years ago that was referred to and Mrs. Emlet stated that this was for a shopping center and that the previous application was denied.

Mr. Mears noted that, based upon the speakers so far, there appears to be differences of opinion in relation to whether the tree buffer was being retained in its entirety and whether the development proposals were similar in nature to the adjoining Providence development. Mr. Jeff Clark explained that the narrowest part of the buffer is 15' and this is not for the full length of the north boundary.

The Commission found that Mr. Tom Maly spoke in opposition to the application; that he is an Oceanview Councilman and a 16-year resident of the area; that the open spaces in the area and woodlands have been gradually replaced by over eleven residential communities; along with individual residential homes and small businesses that all use Muddy Neck Rd. as their primary means of access; that the same is true of Parker House Rd.; that congestion has caused problems with safety, including access by emergency services and that two solar-powered warning signs were installed in 2019; that overhead street lighting is being installed; that the area has seen a dramatic increase in traffic and that this is continuing to grow; that adding 45 residences with approximately 70 vehicles will not help this situation and will lead to increased pressure on emergency evacuation routes when they next come to be tested in an emergency; that the Delaware State Police (Troop 4) is some distance away and additional crews are required locally to cater to the increase in emergency calls; that the proposal are for growth but not smart growth; that a copy of the comments made was submitted for the record;

The Commission found that Ms. Judith Bray spoke in opposition to the application; that Ms. Bray stated the she owns part of the existing ditch and that she experiences flooding from the Providence community; that she has called SCD multiple times for the ditch to be cleared out; that she has been informed that there is little point clearing out the ditch until other drainage matters are addressed in this location along Muddy Neck Rd; that she is concerned that the proposed hardscape is going to exacerbate the existing flooding problems; that Mr. Wheatley stated that he encouraged Ms. Bray to speak to her State Representative as the existing problem is a problem that spans multiple agencies. Chairman Wheatley asked Mr. Clark to speak to the drainage of the site; that Mr. Clark stated that drainage is heavily regulated by the State/Conservation District and that the developer will not be permitted to make an existing hydrological problem worse than it currently is.

The Commission found that Ms. Cindy Santiago spoke in opposition to the applications; that Ms. Santiago lives in Southampton which is located to the south-east of the site; that she has concerns with potentially irreversible damage to the ecosystem in the area; that wildlife does not have to be rare or endangered to be vital to our existence; that AR-1 plays a key role in planning communities; that AR-1 land is needed to provide habitats for wildlife; manage ecosystems and to reduce light pollution; that this site is home to fox, deer, wild turkeys and also the legally protected American Bald Eagle, which has been seen going in and out of the property routinely; that there has been a gradual erosion of open spaces; that this is changing the look and feel of rural communities into noisy and urban communities; that urbanization comes with new challenges to deal with in the future; that ecosystems are important to rural areas.

The Commission found that Mr. Dale Reese, president of the Shady Dell Park Residents Association, spoke in opposition to the applications; that Mr. Reese stated that Shady Dell Park is a private community that is responsible for its own roads and their upkeep; that the community is opposed to any pedestrian or vehicle connection to its community; that additional vehicle trips would add to wear and tear to Shady Dell Park's roads, which would create a financial burden on the residents in that

development; that the residents of Shady Dell Park therefore request that the applications be denied; that the proposed change of zone and Conditional use would result in overdevelopment of the site, and that the proposals would result in 3 times the number of people currently potentially permitted to live on an AR-1 parcel; that the zoning change is not in the best interests of adjoining residents.

The Commission found that Mr. Nick Spikowski spoke in opposition to the application, that he has concerns with flooding from the site; that the properties along the north side of Dogwood Drive have a ditch running behind those properties; that he can attest to foxes and deer having habitats on the site; that Shady Dell Park has covenants relating to open space and trees; that there is very little green space shown on the proposed site plan for residents to congregate; that he has concerns with the proximity of residents congregating and the distance from his home, which is less than 100' away; that he has concerns that the applicant is potentially trying to guilt the Commission into looking favorably on the low-income housing proposed. Chairman Wheatley pointed out that the proposal is for market-rate housing and not low-income or affordable housing. Mr. Spikowski stated that he also has concerns with the previous lack of mowing on the property, and where residents would congregate outside the buildings. Chairman Wheatley noted that a pool was to be provided. Mr. Spikowski stated that he was concerned with the size of the pool given the potential number of residents.

The Commission found that Ms. Karen England spoke in opposition to the applications, that Ms. England questioned whether tax credits had been sought for the units and whether the applicant would be doing this. Ms. England also asked the target AMI ("Average Median Income") for the units. Chairman Wheatley outlined that it was the Applicant's position that the accommodation was to be market-housing and would not necessarily be tied to AMI. Ms. England outlined that she has checked with a housing development, and that she believed a 2-bed, 2,100 sf. unit was being targeted for \$1,500 per month and that a 3-bed unit was \$1,800 to \$1,900 per month.

The Commission found that Mr. Tom Salonik was present in opposition to the applications; that Mr. Salonik has concerns with the intersection of Parker House Rd and Muddy Neck Rd; that visibility is very poor – especially when turning left; that he believes that the DelDOT study does not correctly account for summer-time traffic which can be very different to winter traffic; that he thinks that the access point would greatly diminish visibility at the intersection; that 198' is the stopping distance at 35 mph and he thinks that the proposals would create a safety hazard.

The Commission found that Mr. John Zarek was present in opposition to the applications; that he stated that he does not fully understand how the units can be claimed to be affordable if they are to be priced at the market-rate; that the rent rates quoted also seemed to be greater than those of existing rental units currently available in the Providence development; that Chairman Wheatley commented that he understood the Applicant's position to be that the units would generally be more affordable than other housing types in the area such as a single-family homes, but that this could be an assumption on his part that would be in need of clarification; that Mr. Zarek commented that flooding is a major issue in the area and the increase in hard surface could, in his opinion, exacerbate the existing problems; that Mr. Zarek believes that the property should not be developed at all.

Chairman Wheatley asked the Mr. Hutt and Mr. Harris to speak to their earlier comments as to how the proposed housing would be classified as being "affordable". Mr. Hutt outlined that, in his presentation, he addressed a definition within the Comprehensive Plan as to the different forms that affordable housing can take, and that although this is not a form of housing that it is to be controlled through the County's affordable housing program, that it still constitutes an affordable form of

housing; that the earlier comment regarding tax credits is relevant, but that this development would not be eligible for such credits; that the size of the scheme at 45 units, does not have the necessary scale to justify an application under the County's program, which has a significant reporting and management requirement which typically lends itself to larger developments. That Mr. Harris confirmed that the scale of the scheme is not enough to warrant applying under the County's affordable housing program and that schemes need to be over 150 units to warrant such an application.

The Commission found that Mr. Ed Broster was present in opposition to the applications; that he was a professional Soil Conservationist for 45 years prior to his retirement; that he has reviewed many plans for pervious pavement; that such pavements typically require well-drained soils; that the soil under the application site does not drain well and has a high water table; that this will reduce the effectiveness of the drainage, especially when heavy rainstorms saturate the ground; that there is also a risk with porous pavement that heavy trucks such as garbage trucks would eventually seal off the pores over time, reducing effectiveness; that such a system requires regular cleaning.

The Commission found that Mr. Ron Sharm was present in opposition to the applications; that he takes issue with the claim that Tidewater Utilities can cope with the additional units; that he has experienced problems with water pressure; that he can attest to the drainage problems experienced in the locality; that he thinks that the infrastructure problems should be resolved first, before new development/dwellings are added and density increased.

The Commission found that Mr. Donald Swartz was present in opposition to the applications, that he lives in Shady Dell Park; that there is a produce-sale use opposite, and that he has concerns that there may be a future housing development on that parcel in future. Ms. Cornwell confirmed that there were no applications currently filed for that parcel.

The Commission found that Ms. Theresa Merrick was present in opposition to the applications; that she submitted a bespoke letter of opposition and did not sign the form-letter; that she has concerns with impacts on schools and traffic.

The Commission found that Ms. Judy Crist was present in opposition to the application; that she has concerns that service employees are typically seasonal renters and that the applicant has indicated that this is a group of potential occupiers being targeted; that she also believes that the developers should be required to contribute to road improvements in the vicinity.

The Commission found that Mr. Frank Zinbah was present in opposition to the application; that he has concerns with the location of the proposed ingress/egress and that he thinks that aligning the access with the boulevard opposite will result in increased vehicle conflict in a location with poor visibility; that he believes that a Traffic Impact Study should have been undertaken.

The Commission found that Mr. Thomas Douglas was present in opposition to the application; that he had signed form letter but that he ensured that he understood the proposals before signing; that he has owned and rented apartments in the past; that during his time in property management that he never allowed a 6-month lease; that he always had a 1-year lease with anyone occupying for less than this period forfeiting their last month's rent and security deposit; that Mr. Douglas also has concerns with the potential number of occupiers and the potential for car ownership to be very high; that there

is not sufficient parking for large numbers of visitors; that he has concerns for the potential for pedestrian/vehicle conflict and the potential for increased injuries and fatalities.

The Commission found that Ms. Paula Castrin was present in opposition to the applications; that Ms. Castrin has experience in analyzing statistical data from the National Crime Information Center; that she has concerns with the potential for crime; that it should be taken as fact that there is less crime per capita associated with single-family dwellings when compared with multi-family dwellings; that she does not wish to lose security or quality of life; that she appreciates the existing wildlife in the area and does not wish to lose existing habitats.

Ms. Stevenson asked Ms. Cornwell if she could speak to earlier comment made about water potentially being piped from the adjoining properties onto the application site. Ms. Cornwell stated that she was not aware of an outfall on the property, but staff could, if necessary, obtain this information.

Upon there being no further questions from the Commission, Chairman Wheatley closed the public hearing for the applications.

At the conclusion of the public hearings the Commission discussed the applications.

Mr. Mears discussed items relating to stormwater management and the proposed pervious surfacing. Mr. Mears also outlined his own experience of extreme weather and the impacts on surface water management. Mr. Wheatley noted that modern stormwater management regulations are now stricter than they were in the past. Ms. Cornwell confirmed that the stormwater management design must be reviewed and approved by the Sussex Conservation District.

Mr. Mears commented that an approval in this location could be setting a precedent for future developments in the future on nearby parcels. Chairman Wheatley outlined that the Commission does have ability to impose conditions on the Conditional Use application. Chairman Wheatley also asked how a denial of the change of zone would affect the application. Ms. Cornwell noted that, if the GR zoning were denied, that the permitted density would likely be reduced to the underlying AR-1 zoning.

Ms. Wingate commented that market-rate housing was not as affordable as she would like in this location. Chairman Wheatley noted that, looking at the nearby parcels, that very few were undeveloped, and it was unlikely that many other residential developments would be seen in future in this area. Mr. Mears noted that many of the nearby parcels were in the jurisdiction of the town of Ocean View.

Mr. Wheatley commented in relation to the drainage for the development, and the comments made about the high-water table and the potential for this to reduce the effectiveness of any permeable-type drainage system to be used on the site. Ms. Cornwell outlined that any stormwater management design, must be approved by Sussex Conservation District.

In relation to application CU 2195, Mr. Mears moved that the Commission defer consideration of the application to a future meeting date, seconded by Mr. Hopkins and carried unanimously. Motion carried (5-0).

In relation to application CZ 1895, Mr. Mears moved that the Commission defer consideration of the application to a future meeting date, seconded by Ms. Wingate and carried unanimously. Motion carried (5-0).

At their meeting of November 14, 2019, the Planning Commission discussed the application which has been deferred since October 24, 2019.

Mr. Mears moved that the Commission recommend approval of Conditional Use #2195 for Gulfstream Development, LLC for the multi-family apartment units in a GR (General Residential) District based upon the record made during the public hearing and for the following reasons:

1. The application seeks the approval of 45 multi-family structures with three buildings on approximately 3.93 acres.
2. The property is in an area where a variety of development has occurred. Lands to the north of this property are zoned HR-1/RPC with a multi-family residential development. Lands to the west and south are developed under GR zoning and there is a nearby B-1 zoning and other lands with commercial uses. This property is basically an infill development and it is consistent with these nearby uses.
3. This site is in the Coastal Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this area according to the plan which states that a range of housing types are acceptable here including medium and high density with a site near commercial uses is served by central water and sewer where the key use is in keeping with the character of the area and other similar factors. These types of considerations exist with regard to this site.
4. The proposed development will not have an adverse impact on the neighboring properties or communities.
5. The project will not have an adverse impact on traffic or roadways. DelDOT has stated it will generate less than 50 vehicle trips per hour and less than 500 trips per day, leading that agency to conclude that the traffic impact will be negligible.
6. The project is located in an area of opportunity as defined by the Delaware State Housing Opportunity Maps. The Delaware State Housing Authority has strongly recommended this application.
7. The development will be served by central sewer provided by Sussex County.
8. This application is essentially an infill development that is consistent with adjacent residential development in the area.
9. The development will be served by central water.
10. This recommendation is subject to the following conditions:
 - a. A maximum number of residential units shall be 45.
 - b. The Applicant or its successor, as landlord shall be responsible for perpetual maintenance of the development roadway, buffers, stormwater management, facilities, erosion and sediment control facilities, and other common areas.
 - c. All entrance intersections, roadways, and multi-modal improvements shall be completed by the developer in accordance with DelDOT's requirements.
 - d. The project shall be served by County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any off-site upgrades necessary to provide service to the project.
 - e. The project shall be served by central water to provide drinking water and fire protection.
 - f. There shall be vegetated or forested buffer at least ten feet in width.

- g. The Applicant shall submit as part of the final plan a landscape plan showing the proposed tree and shrub landscape design including the buffer areas.
- h. Construction activities including site work and deliveries shall occur only between 7:30 am and 7:00 pm Monday to Friday and between 8:00 am and 5:00 pm on Saturday. There shall be no construction activities on the site on Sunday.
- i. Street-naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Department.
- j. The final site plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- k. All street lights shall be shielded and downward screened so they do not shine on neighboring properties or roadways.
- l. The interior street designs shall meet or exceed Sussex County street design requirements.
- m. If required by the local school district a school bus stop shall be provided. The location of the bus stop shall be shown on the final site plan.
- n. Recreational amenities including the outdoor swimming pool and bathhouse shall be completed simultaneously with the issuance of the Certificate of Occupancy for the first multi-family dwelling.
- o. The Final Site Plan shall be subject to the review and approval by the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried 4-1 to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons and with the stipulations stated in the motion. Motion carried 4-1. Ms. Stevenson voted no.

PLANNING & ZONING

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Samantha Bulkilvish, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 16, 2019
RE: Staff Analysis for CU 2195 Gulfstream Development, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2195 Gulfstream Development, LLC to be reviewed during the October 24, 2019 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 parcel 134-16.00-382.00 to allow for multi-family (45 apartment units) to be located on the northwest corner of Parker House Road and Muddy Neck Road. The size of the property is 3.93 ac. +/-.

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 indicates that the property has the land use designation of "Coastal Area."

The surrounding land use to the north, south, east and west is Coastal Area with some lands within the Municipal boundary of Ocean View to the northeast. The Coastal Area contains areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not normally appropriate in these areas.

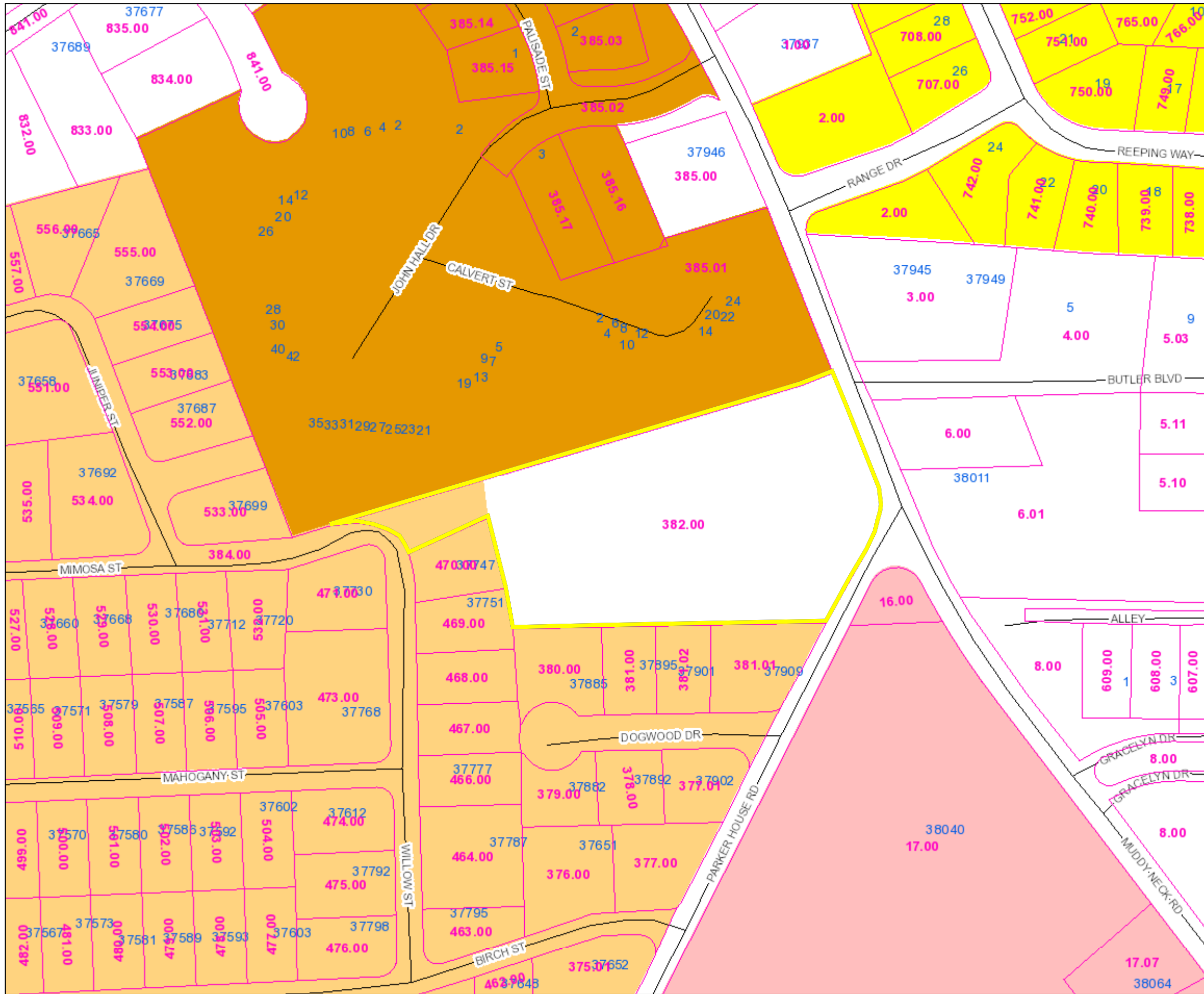
The property is zoned AR-1 (Agricultural Residential District) pending rezoning to GR (General Residential District). The property to the north is zoned HR-1 - RPC (High Density Residential District – Residential Planned Community). The properties to the west and south are zoned GR (General Residential District) and the parcel to the southeast is zoned B-1 (Neighborhood Business District) and the properties to the east are zoned AR-1 (Agricultural Residential District). There are no Conditional Uses approved since 2011 in the immediate area, although there is multi-family adjacent to the property as part of the RPC (Residential Planned Community).

Based on the analysis of the land use, surrounding zoning and uses, the proposed Conditional Use for multi-family could be considered as consistent with the land use, area zoning and uses.





Sussex County



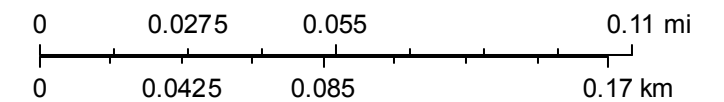
PIN:	134-16.00-382.00
Owner Name	GULFSTREAM DEVELOPMENT LLC
Book	5028
Mailing Address	27 ATLANTIC AVE
City	OCEAN VIEW
State	DE
Description	W/RT 361 CORNER NW/
Description 2	RT 362 P/O MIMOSA ST
Description 3	N/A
Land Code	

- polygonLayer

Override 1
- polygonLayer

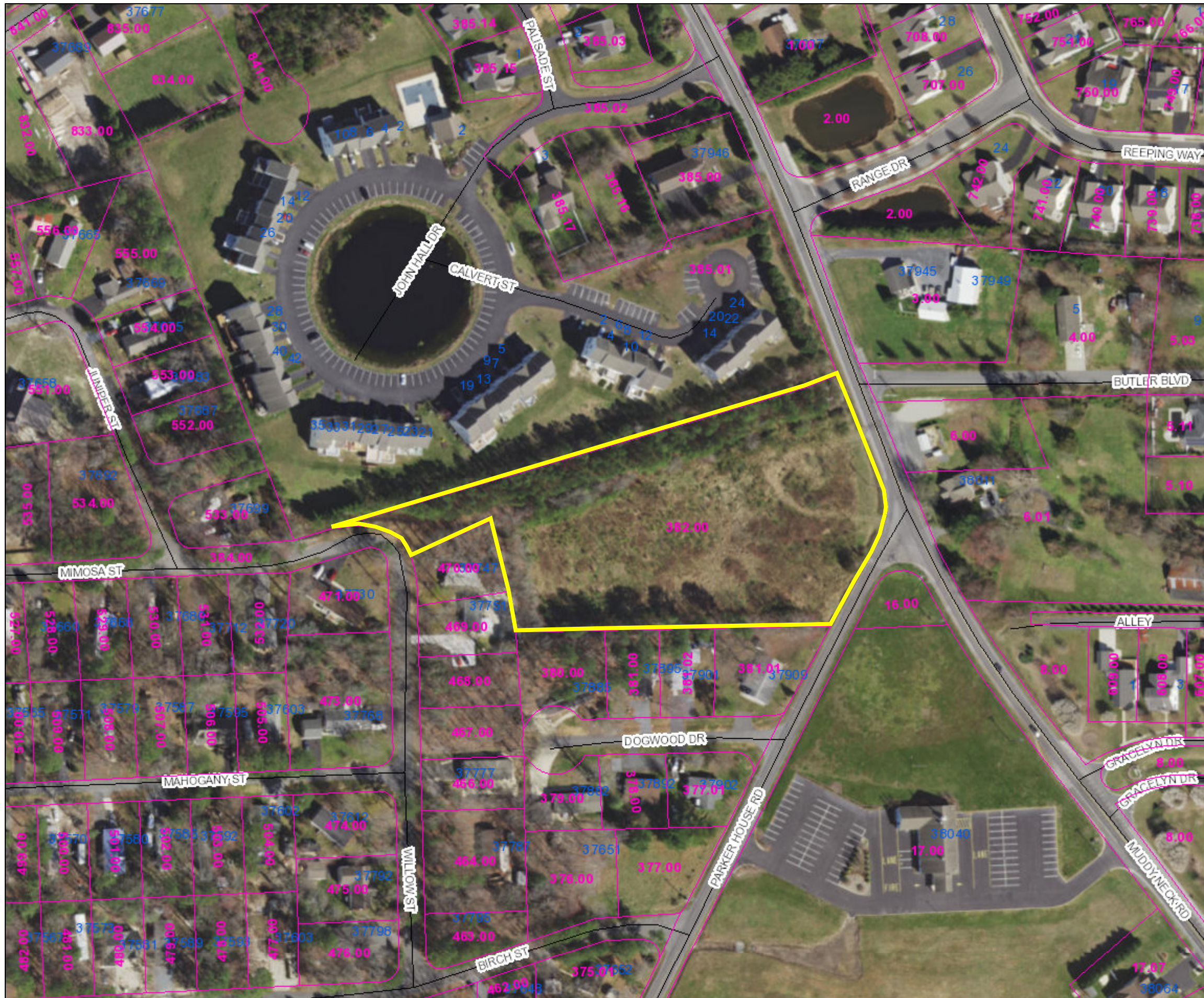
Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257





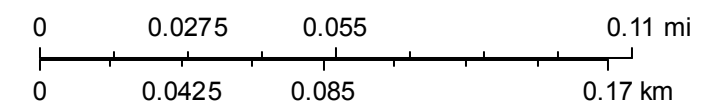
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- Override 1
- polygonLayer**
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- Streets
- County Boundaries

1:2,257



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Sussex County
DELAWARE
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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: December 3, 2019

RE: County Council Report for CZ 1895 Gulfstream Development, LLC (Kent Apartments)

The Planning and Zoning Department received an application (CZ 1895 Gulfstream Development, LLC (Kent Apartments)) for a Change of Zone for parcel 134-16.00-382.00 to allow for change from AR-1 (Agricultural Residential District) to GR (General Residential District) to be located off Parker House Rd. and Muddy Neck Rd. The Planning and Zoning Commission held a public hearing on October 24, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

Ms. Cornwell announced that, at the Applicant's request, the following two items would be heard together. Chairman Wheatley clarified that, although the Public Hearings were being combined for the purposes of the Applicant's presentation, that the Commission would ultimately consider and vote on each application separately.

C/U 2195 Gulfstream Development, LLC (Kent Apartments)

An Ordinance to grant a Conditional Use of land in a GR General Residential District for multi-family (45 apartment units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.93 acres, more or less. The property is lying on the northwest corner of Parker House Rd. and Muddy Neck Rd. 911 Address: N/A. Tax Parcel: 134-16.00-382.00

Ms. Cornwell advised that, for the Conditional Use application, submitted into the record is an exhibit booklet, a site plan, letters from an appraiser regarding the property values in the area, comments from the Sussex County Conservation District, the results from the DelDOT Service Level Evaluation confirming that a Traffic Impact Study ("TIS") is not required, Comments from the Sussex County Engineering Department – Utility Planning Division. 1 letter in support of the application and 821 letters in opposition have been received and entered into the record.



C/Z 1895 Gulfstream Development, LLC (Kent Apartments)

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a GR General Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.93 acres, more or less. The property is lying on the northwest corner of Parker House Rd. and Muddy Neck Rd. 911 Address: N/A. Tax Parcel: 134-16.00-382.00.

Ms. Cornwell advised the Commission that, for the Change of Zone application, submitted into the record were an exhibit booklet, a staff analysis, comments from the Sussex Conservation District, and comments from the Sussex County Engineering Department - Utility Planning Division, the results from the DelDOT Service Level Evaluation confirming that a Traffic Impact Study (“TIS”) is not required. 1 letter in support of the application and 821 letters in opposition have been received and entered into the record.

Ms. Cornwell summarized the responses received. That the majority of letters in opposition were opposed to any change from AR-1 Zoning; that concerns were raised in relation to traffic impacts; that concerns were raised in relation to the use of the land for apartments.

The Commission found that Mr. David Hutt, an Attorney with Morris James, LLP, Mr. Bob Harris, a Principal of Gulfstream Development, LLC, Mr. Mike Coben, a registered/licensed engineer with George, Miles & Buhr, LLC, and Mr. Jeff Clark, a registered/licensed land use planner with Land Tech Planning, were all present on behalf of the application; that the application site is a 3.93 acre parcel of land located at the intersection of Muddy Neck Rd and Parker House Rd; that the parcel is located just outside the municipal limit of the town of Ocean View; that this application seeks to change the zoning of a portion of the property to GR (“General Residential Zoning District”); that the Conditional Use application is for multi-family; specifically that three buildings with 45 apartment units are sought; that the applicant has noted the opposition to the scheme; that a form letter appears to have been signed by hundreds of individuals; that many of the letters of opposition appear to have used this form-type letter; that there is a difficulty in understanding the nature/timing of all of the objections, and whether these objections were submitted to the office of Planning & Zoning prior to, or after the submission of the Applicant’s exhibit book and additional supporting materials; that Mr. Hutt wishes to address those additional materials and reports as part of his presentation to demonstrate the thought and effort that has been put into the application; that the existing perimeter buffer of the parcel would remain largely intact; that the Service Level Response from DelDOT did not identify a need for a Traffic Impact Study; that the PLUS response did not raise any objection from DelDOT; that a supporting letter from the Delaware Housing Authority is also part of the record; that housing opportunity is a vital issue for the eastern side of Sussex County, where there are limited opportunities for limited-income housing; that the Applicant recognized that this parcel can assist to meet that housing need within Sussex County; that Mr. Clark outlined that to the north of the site is zoned land HR-1 High Density Residential; that to the south and west is the Shady Dell subdivision that contains both single-wide and double-wide manufactured homes; that there are some stick-built homes in that development, which is zoned GR; that there is a seasonal produce stand across Muddy Neck Rd; that most of the properties to the east are within the jurisdiction of Ocean View; that the supplemental data submitted by the Applicant includes a field investigation carried out by Mr. Jim McCully of Watershed Eco that identified a ditch on the western portion of the site; that this area would not be disturbed by the development; that there were no rare, threatened or endangered species living on the site; that there is existing 8” sewer lateral that has been extended into the property from Mimosa Street from the adjoining Shady Dell Subdivision; that Sussex County

Engineering has confirmed that there is sufficient capacity to accommodate the proposed number of dwelling units; that there is adequate potable water supply to serve the development, including service for fire protection; that a letter from Tidewater Utilities has been submitted into the record in the Exhibit Book; that the proposed buildings would be 50' x 150' and each would be three story in height; that this building size is below the 170' maximum; that this size is in keeping with the adjacent Providence Residential Planned Community; that each building would have a total of 15 residential units with a total of 5 units on each floor; that there would be a mixture of 2-bed units and 3-bed units with approximately 40% of the total units being 3-bed in size; that adequate area would be provided for perimeter fire access; that the driveways and circulation and parking areas have been designed to exceed minimum Code requirements; that the development requires 90 spaces minimum; that 116 spaces would be provided; that a single commercial vehicle entrance is proposed and aligns with Butler Blvd. across the street; that a meeting was held with DelDOT and the entrance has been reviewed and is considered to be acceptable by DelDOT; that a TIS is not required; however, the Developer will be required by DelDOT to improve Muddy Neck Rd. and Parker House Rd. across the entire site frontage; that this would include 11' travel lanes and 8' shoulders on development road frontages; that both of these roads are major collector roads; that the Developer must dedicate a minimum 40' of right-of-way and to include a 15' permanent easement; that a shared-use path or sidewalk will be also required; that existing utility poles will be relocated to allow for the improvements; that the PLUS review is included in the Exhibit Book; that the site is within a Level 2 State Strategies area and that the State of Delaware has no objection in principle to the use; that there are no known archaeological site within the parcel; that pervious pavements are to be used to avoid the need for stormwater management areas; that there are amenities to be located near the road with additional parking; that the existing wooded fringe would be preserved; that the buffer obstructs views into the site; that a landscaping plan would be provided; that landscaping would be maintained by a management company; that the State of Delaware identified during the PLUS process that the proposal represents an opportunity to provide a more affordable type of housing product in an area with little affordable housing; that the State Housing Authority is supportive of the project; that Mr. Hutt outlined that considerable effort and thought has been put into the design of the proposal; that the surrounding lands around the proposal are predominantly zoned GR; that there is a mixture of uses in the wider area, but that the remaining AR-1 lands are now actually unique in that little AR-1 remains; that the Site Plan demonstrates that all area and bulk requirements of the County can be met; that the building envelope is sufficient to accommodate the buildings whilst meeting Building Code requirements; that up to 12 dwelling units to the acre is potentially permitted; that the proposal is consistent with adjoining land uses and area zoning; that there are no wetlands on the property; that the response from DelDOT was supportive and a TIS was not required as the threshold of 500 vehicle trips a day was not met; that DelDOT considered the impact to be negligible; that highway improvements would be provided in accordance with DelDOT's requirements; that both of the adjoining roads are classified as major collector roads; that the Comprehensive Plan recognizes that Sussex County is the fastest growing county in the State of Delaware; that market prices for housing and apartments are increasing and that safe and decent housing is out of reach for many households; that the fourth chapter recognizes that there is a need to expand affordable housing opportunities, especially near commercial areas; that there are seven growth areas identified, including the Coastal Area, in which the application site is located; that this region does have ecologically and environmentally sensitive areas; that a range of housing types are permitted, including multi-family housing; that medium and higher density could be supported in areas where water and sewer are available; that this application addresses many of these objectives within the Comprehensive Plan; that Level 2 State Strategies also recognizes the need for a variety of housing types; that Chapter 8 (Housing) recognizes that most housing on the eastern side of the County is unaffordable for recent college graduates and first-time buyers, and that a variety

of studies are being undertaken in relation to this; that 8.2 of the Plan talks about the strong demand for housing and the impact of price increases; that the shortage of affordable housing is a very real problem in Sussex County; that there is an identified need for workforce housing, especially in the eastern areas of the County; that workers currently have to live further away, placing increased demands on roads and transportation infrastructure; that the proposal is to provide market-rate housing and not low-income housing; that the housing would be for year-round workers and not seasonal workers; such as newly graduated police officers looking for a place to live; that an appraiser has analyzed the site and surrounding uses and concluded that the proposal would not have a negative impact; that the nearby business uses would not be negatively impacted; that the Applicant has reviewed some of the comments submitted to the Office of Planning & Zoning; that the application site is not surrounded by single-family homes per se; that townhouses are themselves a form of multi-family; that many of the letter outlined an expectation that the parcel should remain AR-1; that Mr. Hutt believes that, historically, many of the surrounding properties were zoned AR-1 and they were subsequently, over time, allowed to rezone to the current zoning; that proposed findings of fact and conditions of approval were submitted into the record for the Commission's consideration.

Mr. Mears asked how often the county has approved a density of 12 dwelling units to the acre. Ms. Cornwell mentioned that there have been several over the past four and a half years; that Mr. Mears asked how the price of the units would be calculated; that Mr. Robert Harris for Gulfstream Development LLC stated that rental rates are calculated from the general rental rates of other properties in the area; that in this case there aren't many other apartments in the area to compare to; that there are other types of housing units available between \$1800 to \$2500 per month in the wider area; that County-wide rental rates are available; that the median rental rate for a 2-bed unit is \$987 per month, that the 3-bed county-wide rate is \$1,347 per month; that the Applicant's pro-formas are based on those numbers; that they wish to hit the median; that Mr. Mears outlined his familiarity with the area and that he believes that there are some rental apartments in the wider area; that Mr. Mears asked Mr. Hutt about his thoughts on the proposed density; that Mr. Hutt outlined that this site checks all of the boxes for a site that can bear a higher density; that he doesn't think that it would set a precedent as not every property would check all the boxes in the way this site does; that a large amount of land in the area has already been developed and there are limited opportunities for further development; that Mr. Mears asked about the potential for sub-letting and Mr. Hutt confirmed that a mechanism would be in place to prohibit sub-letting of apartments; that Ms. Wingate asked if the area is served by DART for bus service to which Mr. Hutt replied that it is not; that Mr. Hopkins asked if a second egress was possible; that Mr. Clark confirmed that DelDOT would not allow this; that Ms. Stevenson asked if the units were to be second houses for retirees, to which Mr. Hutt replied that there would be no discrimination of occupiers; that Ms. Stevenson noted that, from the submitted information, the soils on site were identified as being poorly draining; that Mr. Clark outlined that a pervious pavement solution was to be put forward to avoid open stormwater management areas; that stormwater management would be undertaken below the surface; that Mr. Hopkins asked for the square footage of the units; that Mr. Harris stated that the 2-bed would be 1,040 sf. and the 3-bed is 1,400 sf.

Mr. Whitehouse asked Mr. Hutt if he could confirm whether the units would be age-restricted, to which Mr. Hutt confirmed that none of the units would be age-restricted.

Ms. Cornwell read a written response from DelDOT into the record, including DelDOT's expectation that the applicant contribute to a potential roundabout development in the vicinity of the application site, should this come forward. Ms. Cornwell noted that the word "affordable" had been mentioned

repeatedly and asked if Mr. Hutt could confirm whether the units would be market rate units, to which Mr. Hutt confirmed that the units are market-rate units. Ms. Cornwell outlined to the Commission that there would be no mechanism to ensure affordability.

Chairman Wheatley asked for clarification as to the proposed 6-month lease term; that this might encourage seasonal occupation; that Mr. Hutt outlined that some year-round workers might travel around, such as nurses in training, and that a 1-year minimum lease might discourage these types of workers from living in this location; that Mr. Harris outlined that a lot of thought has gone into this, and that college graduates or other similar occupiers are not looking to be locked in for a 1-year period; that May-September occupation would not be permitted.

The Commission found that one person wished to speak in favor of the applications; that Ms. Cheryl Detweiler stated that her employer hires workers for 6-month terms; that the area is growing and there is a population boom; that she thinks affordable housing is a fantastic idea.

That the following people wished to speak in opposition to the applications:

Mr. Patrick Emlet outlined that he was involved in obtaining signatures from local residents as part of the form-letter, that he did submit 650 letters of opposition as part of his group; that he did inform participants as to the nature of the proposals before they signed the form-letter; that he wished to point out that the online map was not entirely accurate; that the Providence development has 49 townhomes on 12 acres and not 45 homes; that the form letters were obtain from over 31 different communities; that there are 12 communities and 6 businesses, amongst other individual units, relying on SCR 361 for access; that there is already a large amount of development in the area; that there are developments being added that rely on access from a single access point; that traffic makes it dangerous to walk and/or cycle; that the gulfstream proposals have only a 10' setback to adjoining property lines, and that no new buffers are proposed and there is no room for trees to be provided, that he is concerned about the lack of stormwater management areas and potential increases for flooding; that the site layout plan shows the removal of trees; that he is concerned that the proposed Conditional Use and Change of Zone do not address the deficits in the infrastructure in the area and should therefore not be approved.

Mrs. Diana Emlet spoke in opposition to the Applications. Mrs. Emlet stated that no one was forced to sign the letters of objection; that she thought that a form-letter had more substance than a petition with a list of signatures; that Mrs. Emlet stated that, if the applications were approved, there should be a 30' buffer along the tree line, even if this restricts the size of the units; that the proximity of the buildings would create the potential for light spill and pedestrian trespass; therefore, the residents of Providence and Shady Dell are requesting a privacy fence to be installed; that Ms. Emlet stated that she had spoken to Ms. Jessica Watson at Sussex Conservation District and that it was her understanding that retention ponds would be required; that the tax ditch must also be maintained as this is important to drainage; that she also has concerns with locations of trash dumpsters as adjoining residents would not wish to see these placed in proximity to existing dwellings.

Mr. Mears asked Mrs. Emlet to confirm, when she went door to door to obtain signatures, what information she presented to local residents. Mrs. Emlet confirmed that she explained to residents that she was concerned by the 45 homes proposed on this site and had asked residents whether they would be happy with the proposal. Mrs. Emlet explained that she had spoken to at least one resident that did not wish to object. Ms. Stevenson asked Mrs. Emlet if she could clarify the nature of the

previous application on this site from 10 years ago that was referred to and Mrs. Emlet stated that this was for a shopping center and that the previous application was denied.

Mr. Mears noted that, based upon the speakers so far, there appears to be differences of opinion in relation to whether the tree buffer was being retained in its entirety and whether the development proposals were similar in nature to the adjoining Providence development. Mr. Jeff Clark explained that the narrowest part of the buffer is 15' and this is not for the full length of the north boundary.

The Commission found that Mr. Tom Maly spoke in opposition to the application; that he is an Oceanview Councilman and a 16-year resident of the area; that the open spaces in the area and woodlands have been gradually replaced by over eleven residential communities; along with individual residential homes and small businesses that all use Muddy Neck Rd. as their primary means of access; that the same is true of Parker House Rd.; that congestion has caused problems with safety, including access by emergency services and that two solar-powered warning signs were installed in 2019; that overhead street lighting is being installed; that the area has seen a dramatic increase in traffic and that this is continuing to grow; that adding 45 residences with approximately 70 vehicles will not help this situation and will lead to increased pressure on emergency evacuation routes when they next come to be tested in an emergency; that the Delaware State Police (Troop 4) is some distance away and additional crews are required locally to cater to the increase in emergency calls; that the proposal are for growth but not smart growth; that a copy of the comments made was submitted for the record;

The Commission found that Ms. Judith Bray spoke in opposition to the application; that Ms. Bray stated she owns part of the existing ditch and that she experiences flooding from the Providence community; that she has called SCD multiple times for the ditch to be cleared out; that she has been informed that there is little point clearing out the ditch until other drainage matters are addressed in this location along Muddy Neck Rd; that she is concerned that the proposed hardscape is going to exacerbate the existing flooding problems; that Mr. Wheatley stated that he encouraged Ms. Bray to speak to her State Representative as the existing problem is a problem that spans multiple agencies. Chairman Wheatley asked Mr. Clark to speak to the drainage of the site; that Mr. Clark stated that drainage is heavily regulated by the State/Conservation District and that the developer will not be permitted to make an existing hydrological problem worse than it currently is.

The Commission found that Ms. Cindy Santiago spoke in opposition to the applications; that Ms. Santiago lives in Southampton which is located to the south-east of the site; that she has concerns with potentially irreversible damage to the ecosystem in the area; that wildlife does not have to be rare or endangered to be vital to our existence; that AR-1 plays a key role in planning communities; that AR-1 land is needed to provide habitats for wildlife; manage ecosystems and to reduce light pollution; that this site is home to fox, deer, wild turkeys and also the legally protected American Bald Eagle, which has been seen going in and out of the property routinely; that there has been a gradual erosion of open spaces; that this is changing the look and feel of rural communities into noisy and urban communities; that urbanization comes with new challenges to deal with in the future; that ecosystems are important to rural areas.

The Commission found that Mr. Dale Reese, president of the Shady Dell Park Residents Association, spoke in opposition to the applications; that Mr. Reese stated that Shady Dell Park is a private community that is responsible for its own roads and their upkeep; that the community is opposed to any pedestrian or vehicle connection to its community; that additional vehicle trips would add to wear and tear to Shady Dell Park's roads, which would create a financial burden on the residents in that

development; that the residents of Shady Dell Park therefore request that the applications be denied; that the proposed change of zone and Conditional use would result in overdevelopment of the site, and that the proposals would result in 3 times the number of people currently potentially permitted to live on an AR-1 parcel; that the zoning change is not in the best interests of adjoining residents.

The Commission found that Mr. Nick Spikowski spoke in opposition to the application, that he has concerns with flooding from the site; that the properties along the north side of Dogwood Drive have a ditch running behind those properties; that he can attest to foxes and deer having habitats on the site; that Shady Dell Park has covenants relating to open space and trees; that there is very little green space shown on the proposed site plan for residents to congregate; that he has concerns with the proximity of residents congregating and the distance from his home, which is less than 100' away; that he has concerns that the applicant is potentially trying to guilt the Commission into looking favorably on the low-income housing proposed. Chairman Wheatley pointed out that the proposal is for market-rate housing and not low-income or affordable housing. Mr. Spikowski stated that he also has concerns with the previous lack of mowing on the property, and where residents would congregate outside the buildings. Chairman Wheatley noted that a pool was to be provided. Mr. Spikowski stated that he was concerned with the size of the pool given the potential number of residents.

The Commission found that Ms. Karen England spoke in opposition to the applications, that Ms. England questioned whether tax credits had been sought for the units and whether the applicant would be doing this. Ms. England also asked the target AMI ("Average Median Income") for the units. Chairman Wheatley outlined that it was the Applicant's position that the accommodation was to be market-housing and would not necessarily be tied to AMI. Ms. England outlined that she has checked with a housing development, and that she believed a 2-bed, 2,100 sf. unit was being targeted for \$1,500 per month and that a 3-bed unit was \$1,800 to \$1,900 per month.

The Commission found that Mr. Tom Salonik was present in opposition to the applications; that Mr. Salonik has concerns with the intersection of Parker House Rd and Muddy Neck Rd; that visibility is very poor – especially when turning left; that he believes that the DelDOT study does not correctly account for summer-time traffic which can be very different to winter traffic; that he thinks that the access point would greatly diminish visibility at the intersection; that 198' is the stopping distance at 35 mph and he thinks that the proposals would create a safety hazard.

The Commission found that Mr. John Zarek was present in opposition to the applications; that he stated that he does not fully understand how the units can be claimed to be affordable if they are to be priced at the market-rate; that the rent rates quoted also seemed to be greater than those of existing rental units currently available in the Providence development; that Chairman Wheatley commented that he understood the Applicant's position to be that the units would generally be more affordable than other housing types in the area such as a single-family homes, but that this could be an assumption on his part that would be in need of clarification; that Mr. Zarek commented that flooding is a major issue in the area and the increase in hard surface could, in his opinion, exacerbate the existing problems; that Mr. Zarek believes that the property should not be developed at all.

Chairman Wheatley asked the Mr. Hutt and Mr. Harris to speak to their earlier comments as to how the proposed housing would be classified as being "affordable". Mr. Hutt outlined that, in his presentation, he addressed a definition within the Comprehensive Plan as to the different forms that affordable housing can take, and that although this is not a form of housing that it is to be controlled through the County's affordable housing program, that it still constitutes an affordable form of

housing; that the earlier comment regarding tax credits is relevant, but that this development would not be eligible for such credits; that the size of the scheme at 45 units, does not have the necessary scale to justify an application under the County's program, which has a significant reporting and management requirement which typically lends itself to larger developments. That Mr. Harris confirmed that the scale of the scheme is not enough to warrant applying under the County's affordable housing program and that schemes need to be over 150 units to warrant such an application.

The Commission found that Mr. Ed Broster was present in opposition to the applications; that he was a professional Soil Conservationist for 45 years prior to his retirement; that he has reviewed many plans for pervious pavement; that such pavements typically require well-drained soils; that the soil under the application site does not drain well and has a high water table; that this will reduce the effectiveness of the drainage, especially when heavy rainstorms saturate the ground; that there is also a risk with porous pavement that heavy trucks such as garbage trucks would eventually seal off the pores over time, reducing effectiveness; that such a system requires regular cleaning.

The Commission found that Mr. Ron Sharm was present in opposition to the applications; that he takes issue with the claim that Tidewater Utilities can cope with the additional units; that he has experienced problems with water pressure; that he can attest to the drainage problems experienced in the locality; that he thinks that the infrastructure problems should be resolved first, before new development/dwellings are added and density increased.

The Commission found that Mr. Donald Swartz was present in opposition to the applications, that he lives in Shady Dell Park; that there is a produce-sale use opposite, and that he has concerns that there may be a future housing development on that parcel in future. Ms. Cornwell confirmed that there were no applications currently filed for that parcel.

The Commission found that Ms. Theresa Merrick was present in opposition to the applications; that she submitted a bespoke letter of opposition and did not sign the form-letter; that she has concerns with impacts on schools and traffic.

The Commission found that Ms. Judy Crist was present in opposition to the application; that she has concerns that service employees are typically seasonal renters and that the applicant has indicated that this is a group of potential occupiers being targeted; that she also believes that the developers should be required to contribute to road improvements in the vicinity.

The Commission found that Mr. Frank Zinbah was present in opposition to the application; that he has concerns with the location of the proposed ingress/egress and that he thinks that aligning the access with the boulevard opposite will result in increased vehicle conflict in a location with poor visibility; that he believes that a Traffic Impact Study should have been undertaken.

The Commission found that Mr. Thomas Douglas was present in opposition to the application; that he had signed form letter but that he ensured that he understood the proposals before signing; that he has owned and rented apartments in the past; that during his time in property management that he never allowed a 6-month lease; that he always had a 1-year lease with anyone occupying for less than this period forfeiting their last month's rent and security deposit; that Mr. Douglas also has concerns with the potential number of occupiers and the potential for car ownership to be very high; that there

is not sufficient parking for large numbers of visitors; that he has concerns for the potential for pedestrian/vehicle conflict and the potential for increased injuries and fatalities.

The Commission found that Ms. Paula Castrin was present in opposition to the applications; that Ms. Castrin has experience in analyzing statistical data from the National Crime Information Center; that she has concerns with the potential for crime; that it should be taken as fact that there is less crime per capita associated with single-family dwellings when compared with multi-family dwellings; that she does not wish to lose security or quality of life; that she appreciates the existing wildlife in the area and does not wish to lose existing habitats.

Ms. Stevenson asked Ms. Cornwell if she could speak to earlier comment made about water potentially being piped from the adjoining properties onto the application site. Ms. Cornwell stated that she was not aware of an outfall on the property, but staff could, if necessary, obtain this information.

Upon there being no further questions from the Commission, Chairman Wheatley closed the public hearing for the applications.

At the conclusion of the public hearings the Commission discussed the applications.

Mr. Mears discussed items relating to stormwater management and the proposed pervious surfacing. Mr. Mears also outlined his own experience of extreme weather and the impacts on surface water management. Mr. Wheatley noted that modern stormwater management regulations are now stricter than they were in the past. Ms. Cornwell confirmed that the stormwater management design must be reviewed and approved by the Sussex Conservation District.

Mr. Mears commented that an approval in this location could be setting a precedent for future developments in the future on nearby parcels. Chairman Wheatley outlined that the Commission does have ability to impose conditions on the Conditional Use application. Chairman Wheatley also asked how a denial of the change of zone would affect the application. Ms. Cornwell noted that, if the GR zoning were denied, that the permitted density would likely be reduced to the underlying AR-1 zoning.

Ms. Wingate commented that market-rate housing was not as affordable as she would like in this location. Chairman Wheatley noted that, looking at the nearby parcels, that very few were undeveloped, and it was unlikely that many other residential developments would be seen in future in this area. Mr. Mears noted that many of the nearby parcels were in the jurisdiction of the town of Ocean View.

Mr. Wheatley commented in relation to the drainage for the development, and the comments made about the high-water table and the potential for this to reduce the effectiveness of any permeable-type drainage system to be used on the site. Ms. Cornwell outlined that any stormwater management design, must be approved by Sussex Conservation District.

In relation to application CU 2195, Mr. Mears moved that the Commission defer consideration of the application to a future meeting date, seconded by Mr. Hopkins and carried unanimously. Motion carried (5-0).

In relation to application CZ 1895, Mr. Mears moved that the Commission defer consideration of the application to a future meeting date, seconded by Ms. Wingate and carried unanimously. Motion carried (5-0).

At their meeting of November 14, 2019, the Planning Commission discussed the application which has been deferred since October 24, 2019.

Mr. Mears moved that the Commission recommend approval of C/Z 1895 Gulfstream development, LLC for a Change in Zone from AR-1 (Agricultural Residential District) to GR (General Residential) based upon the record made during the public hearing and for the following reasons:

1. The project meets the purpose of the zoning code in that it promotes the orderly growth of the County.
2. The proposed rezoning is consistent with other zonings and uses in the area, this includes a HR-1/RPC which is adjacent to the site. The property to the west and south is currently zoned GR and there is B-1 zoning in the area. There are also many services and retail uses in the general area.
3. The rezoning is basically infill to make this parcel consistent with the GR and HR zoning that surrounds it.
4. The rezoning will not have a significant impact upon area traffic or roadways. DelDOT has stated that the development on this site will generate less than 50 vehicle trips per hour and less than 500 trips per day. DelDOT has stated that the impact of the proposed development of the property will be negligible.
5. The rezoning will not adversely impact the neighboring properties, community or public facilities in the area.
6. The site is served by central sewer provided by Sussex County and by central water.
7. The rezoning is consistent with the Sussex County Comprehensive Development Plan. The site is in the Coastal Area. According to the Plan medium and higher densities such as those permitted in the GR district are appropriate in the Coastal Area. According to the Plan, in certain circumstances where the site will be served by central water and sewer, where it is near sufficient commercial uses and employment centers, where it is in keeping with the character of the area and other similar factors, the site meets the Plan's considerations for rezoning to GR in the Coastal Area under the Comprehensive Plan.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated in the motion. Motion carried 5-0.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Samantha Bulkilvish, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 16, 2019
RE: Staff Analysis for CZ 1895 Gulfstream Development, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1895 Gulfstream Development, LLC to be reviewed during the October 24, 2019 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 parcel 134-16.00-382.00 to allow for a change from AR-1 (Agricultural Residential District) to GR (General Residential District) to be located on the northwest corner of Parker House Road and Muddy Neck Road. The size of the property to be rezoned is 3.93 ac. +/-.

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 indicates that the property has the land use designation of "Coastal Area."

The surrounding land use to the north, south, east and west is Coastal Area with some lands within the Municipal boundary of Ocean View to the northeast. The Coastal Area contains areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not normally appropriate in these areas. The GR zoning district as a residential district is a zoning that may be considered in the Coastal Area land use.

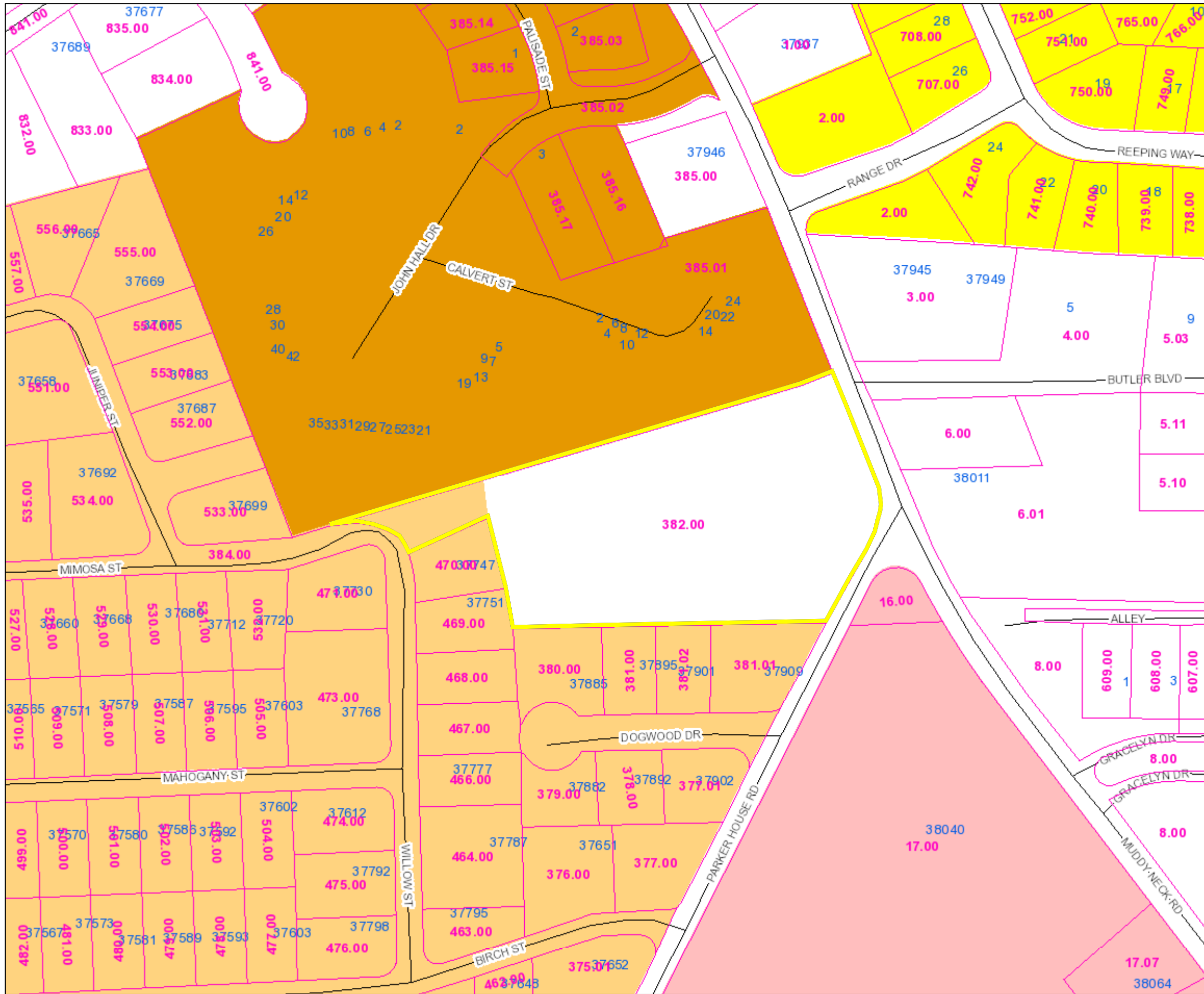
The property is zoned AR-1 (Agricultural Residential District). The property to the north is zoned HR-1 - RPC (High Density Residential District – Residential Planned Community). The properties to the west and south are zoned GR (General Residential District) and the parcel to the southeast is zoned B-1 (Neighborhood Business District) and the properties to the east are zoned AR-1 (Agricultural Residential District). There are no Conditional Uses approved since 2011 in the immediate area.

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from AR-1 (Agricultural Residential District) to GR (General Residential District) would be considered consistent with the land use, area zoning and uses.





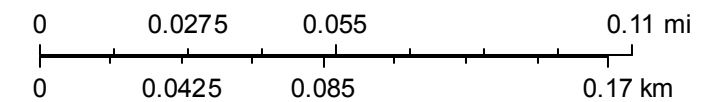
Sussex County



PIN:	134-16.00-382.00
Owner Name	GULFSTREAM DEVELOPMENT LLC
Book	5028
Mailing Address	27 ATLANTIC AVE
City	OCEAN VIEW
State	DE
Description	W/RT 361 CORNER NW/
Description 2	RT 362 P/O MIMOSA ST
Description 3	N/A
Land Code	

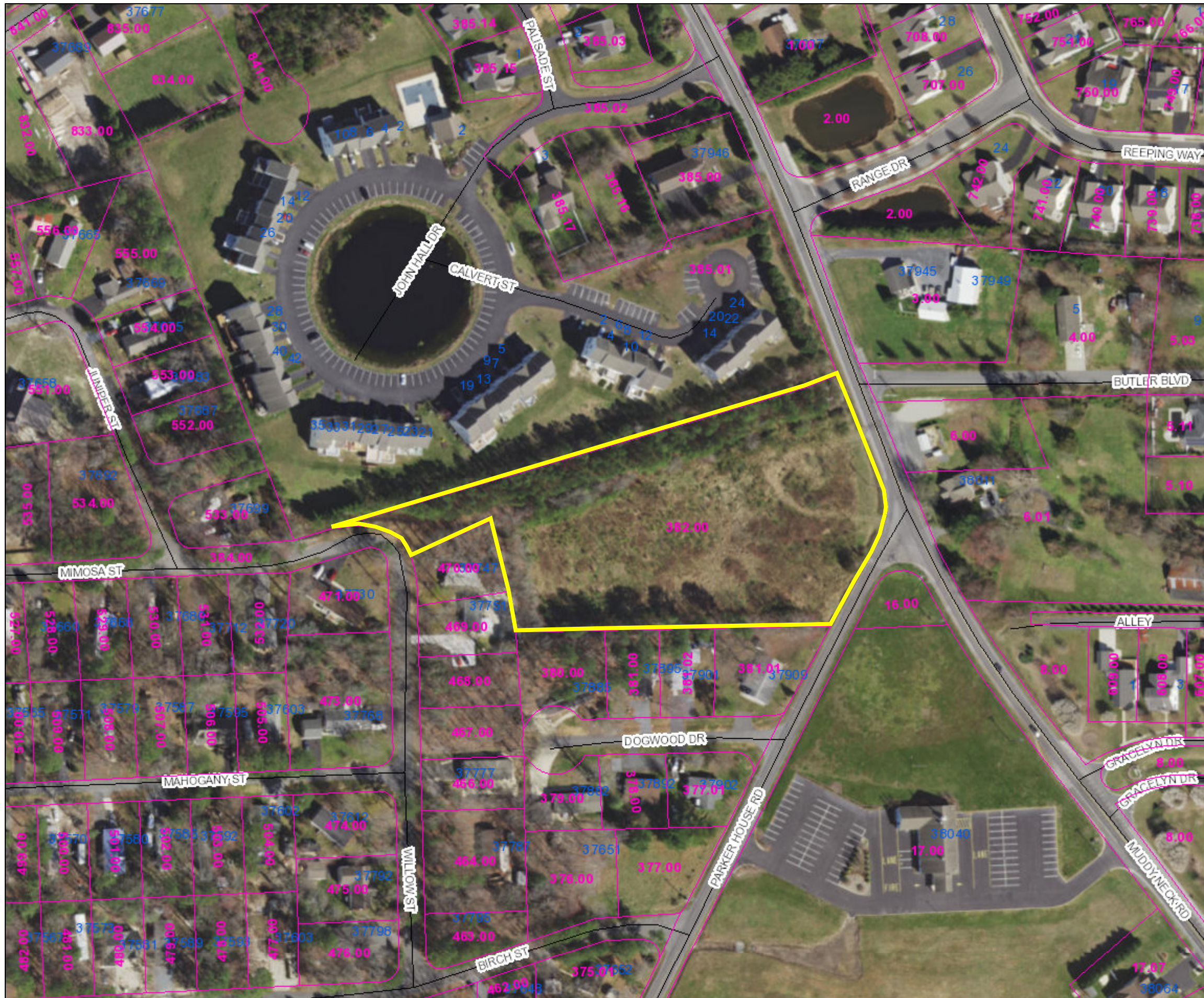
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 Override 1
- polygonLayer
 Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257





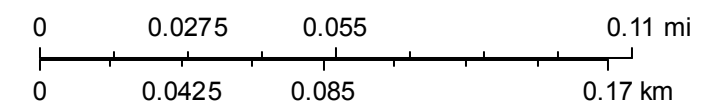
Sussex County



PIN:	134-16.00-382.00
Owner Name	GULFSTREAM DEVELOPMENT LLC
Book	5028
Mailing Address	27 ATLANTIC AVE
City	OCEAN VIEW
State	DE
Description	W/RT 361 CORNER NW/
Description 2	RT 362 P/O MIMOSA ST
Description 3	N/A
Land Code	

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

1:2,257



File #: CU10195
201907655

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

Intersection of Parker House Road (362) & Muddy Neck Road (361)

Type of Conditional Use Requested:

A proposed change of zoning district from AR-1 to GR with a multifamily residential conditional land use.

Tax Map #: 134-16.00-382.00

Size of Parcel(s): 3.93 acres

Current Zoning: AR-1

Proposed Zoning: GR

Size of Building: See Site Plan

Land Use Classification: Multifamily Residential - Market Rate Apartments

Water Provider: Tidewater Utilities

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Gulfstream Development, LLC

Applicant Address: 27 Atlantic Avenue

City: Ocean View

State: DE

Zip Code: 19970

Phone #: (302) 539-6178

E-mail: rjh@gulfstream.net

Owner Information

Owner Name: Same as above

Owner Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Landscape Architect

Agent/Attorney/Engineer Name: Land Tech Land Planning, LLC - Jeffrey A. Clark, RLA

Agent/Attorney/Engineer Address: Taggart Professional Center - 32895 South Coastal Highway, Suite 202

City: Bethany Beach

State: DE

Zip Code: 19930

Phone #: (302) 539-2366

E-mail: jeffc@landtechllc.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney

Date: _____

Signature of Owner



Date: 6/18/19

For office use only:

Date Submitted: 7/2/19
Staff accepting application: Coh
Location of property: _____

Fee: \$500.00 Check #: 2121
Application & Case #: 2019 07655

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

May 21, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Gulfstream Development, LLC** rezoning application, which we received on April 23, 2019. This application is for a 3.93-acre parcel (Tax Parcel: 134-16.00-382.00). The subject land is located on the west side of the intersection of Parker House Road (Sussex Road 362) and Muddy Neck Road (Sussex Road 361). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to GR (General Residential) to develop 45 mid-rise (three-story) rental apartments.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Parker House Road where the subject land is located is 1,646 vehicles per day. As the subject land also has frontage along Muddy Neck Road, the annual average daily traffic volume along that road segment, which is from the south Ocean View limits to Double Bridges Road (Sussex Road 363), is 3,728 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DeIDOT'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. DeIDOT'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 DeIDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell
Page 2 of 2
May 21, 2019

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

Sincerely,
Tom Felice for
T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

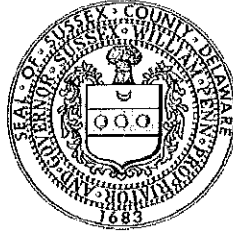
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Gulfstream Development, LLC, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance and Operations
Susanne Laws, Sussex County Subdivision 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

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Sussex County Zoning Verification

This form is to provide the current zoning for the following parcel of land located within Sussex County. This form does not grant approval for any current or future use of the property.

Tax Parcel Number: 134-16.00-382.00

Location: Intersection of Muddy Neck Road & Parker House Road

Current Zoning: AR-1

Owner: (from assessment records):

American Senior Housing, LLC

Owner Mailing Address (from assessment records):

3739-C Pickett Road

Fairfax, VA 22032

The zoning for this property has been confirmed from the Official Sussex County Zoning Map by:

Sussex County Planning & Zoning Staff Member

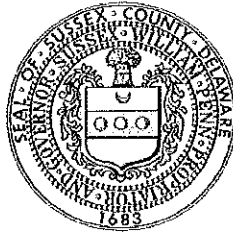
Date



PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

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

Date: 4/22/19

Site Information:

Site Address/Location: Intersection of Parker House Road & Muddy Neck Road (361)

Tax Parcel Number: 134-16.00-382.00

Current Zoning: AR-1

Proposed Zoning: GR

Land Use Classification: Conditional Use - Multifamily

Proposed Use(s): Proposed 45 rental apartments within three (3) three story buildings.

Square footage of any proposed buildings or number of units: Proposed Density = 45 dwellings

Applicant Information:

Applicant's Name: Gulfstream Development, LLC

Applicant's Address: 27 Atlantic Avenue

City: Ocean View State: DE Zip Code: 19970

Applicant's Phone Number: (302) 539-6178

Applicant's e-mail address: rjh@gulfstream.net

Contact 10:18 AM
5/23/19



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

Last updated 7-27-18

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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **10/8/2019**

APPLICATION: **CZ 1895 & CU 2195 Gulfstream Development, LLC**

APPLICANT: **Gulfstream Development, LLC**

FILE NO: **MC-1.02**

TAX MAP &
PARCEL(S): **134-16.00-382.00**

LOCATION: **Northwest corner of Parker House Road and Muddy Neck Road.**

NO. OF UNITS: **45 Apartment units**

GROSS
ACREAGE: **3.93**

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

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **Yes** If yes, how many? **1.0**. Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Denise Burns** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **SEWER SYSTEM CONCEPT EVALUATION (SSCE)A Sussex County Engineering Department fee-based service study identifying system connection point(s), service to off-site parcels, district status and necessity of any use of existing infrastructure agreement. Current SSCE fee is \$1,000.00**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
Denise Burns



MEMORANDUM

TO: Janelle M. Cornwell
FROM: Debbie Absher, Director of Ag Programs
SUBJECT: LUPA
DATE: October 22, 2019

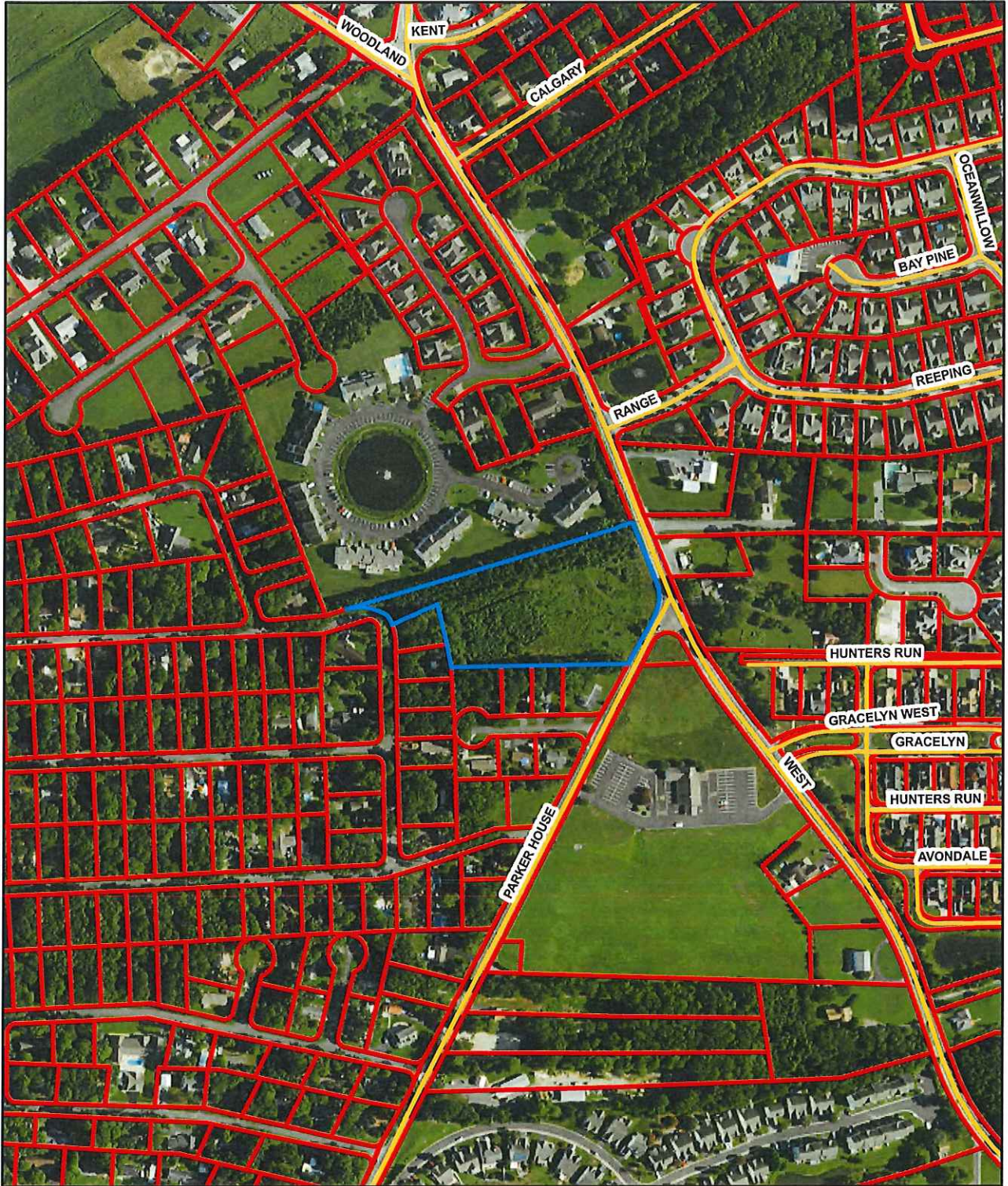
RECEIVED
OCT 22 2019
SUSSEX COUNTY
PLANNING & ZONING

Attached you will find the comments for the following proposed zoning changes:

- 2019-19 – Lands of Raymond Jr. & Patricia Radish
- 2019-20 – Lands of Gale White
- CZ 1895 & CU 2195 – Gulfstream Development, LLC

If you have any questions, I can be reached at 856-3990, ext. 3.

BJH
Enclosures



CZ 1895 & CU 2195
TM #134-16.00-382.00
Gulfstream Development, LLC

Soil Map—Sussex County, Delaware
(Gulfstream Development, LLC)








































Soil Map may not be valid at this scale.

Map Scale: 1:7,920 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge ties: UTM Zone 18N WGS84

MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
Special Point Features	 Special Line Features
 Blowout	Water Features
 Borrow Pit	 Streams and Canals
 Clay Spot	Transportation
 Closed Depression	 Rails
 Gravel Pit	 Interstate Highways
 Gravelly Spot	 US Routes
 Landfill	 Major Roads
 Lava Flow	 Local Roads
 Marsh or swamp	Background
 Mine or Quarry	 Aerial Photography
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 20, Sep 13, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HvA	Hurlock sandy loam, 0 to 2 percent slopes	1.3	38.7%
MmA	Mullica mucky sandy loam, 0 to 2 percent slopes	2.0	61.3%
Totals for Area of Interest		3.3	100.0%

Selected Soil Interpretations

This report allows the customer to produce a report showing the results of the soil interpretation(s) of his or her choice. It is useful when a standard report that displays the results of the selected interpretation(s) is not available.

When customers select this report, they are presented with a list of interpretations with results for the selected map units. The customer may select up to three interpretations to be presented in table format.

For a description of the particular interpretations and their criteria, use the "Selected Survey Area Interpretation Descriptions" report.

Report—Selected Soil Interpretations

Selected Soil Interpretations—Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
HvA—Hurlock sandy loam, 0 to 2 percent slopes							
Hurlock, drained	42	Very limited		Very limited		Very limited	
		Ponding	1.00	Ponding	1.00	Depth to saturated zone	1.00
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Ponding	1.00
						Restricted permeability	1.00
Hurlock, undrained	38	Very limited		Very limited		Very limited	
		Ponding	1.00	Ponding	1.00	Depth to saturated zone	1.00
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Ponding	1.00
						Restricted permeability	1.00
MmA—Mullica mucky sandy loam, 0 to 2 percent slopes							
Mullica, drained	50	Very limited		Very limited		Very limited	
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Depth to saturated zone	1.00
Mullica, undrained	30	Very limited		Very limited		Very limited	
		Ponding	1.00	Ponding	1.00	Depth to saturated zone	1.00
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Ponding	1.00

Data Source Information

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 20, Sep 13, 2019

Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

Prime farmland is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Report—Prime and other Important Farmlands

Prime and other Important Farmlands—Sussex County, Delaware		
Map Symbol	Map Unit Name	Farmland Classification
HvA	Hurlock sandy loam, 0 to 2 percent slopes	Farmland of statewide importance
MmA	Mullica mucky sandy loam, 0 to 2 percent slopes	Prime farmland if drained

Data Source Information

Soil Survey Area: Sussex County, Delaware
 Survey Area Data: Version 20, Sep 13, 2019

SOILS

ADD ANY ADDITIONAL INFORMATION THAT MAY BE CONSIDERED PERTINENT:

SOILS:

HvA Hurlock sandy loam, 0 to 2 percent slopes
MmA Mullica mucky sandy loam, 0 to 2 percent slopes

- A. SUITABILITY OF SOILS INTENDED USE:
See attached table for suitability.

- B. EVALUATE THE SOILS INCLUDED IN THIS PROJECT WITH RESPECT TO EROSION AND SEDIMENTATION CONTROL:
 - 1. DURING CONSTRUCTION:

Follow recommended erosion and sediment control practices.

 - 2. AFTER CONSTRUCTION:

Maintain vegetation.

- C. FARMLAND RATING (PRIME, UNIQUE, STATEWIDE IMPORTANCE, ETC.):
See attached table(s) for ratings.

- D. ADDITIONAL COMMENTS (IF APPLICABLE):

DRAINAGE AND FLOODING

Add any additional information that may be considered pertinent:

DRAINAGE:

- A. Any Storm flood hazard area affected? Yes No
- B. Would the proposed project necessitate any off-site drainage improvements?
Possibly
- C. Would the proposed project necessitate any on-site drainage improvements?
Highly likely
- D. Any Tax Ditch affected? Yes No

Additional Comments (if applicable)

All landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right-of-ways along tax ditches. These documents are located in the Prothonotary's Office and/or with the Recorder of Deeds. If a stormwater management facility is proposed along a stream or ditch, the Sussex Conservation District will require verification of any easements. Before you start any project design, please look into this matter by calling the Division of Soil and Water Conservation-Drainage Program at (302) 855-1930 or the Sussex Conservation District Sediment and Stormwater Program at (302) 856-7219 for more information.

LETTER OF SUPPORT FOR CHANGE IN ZONING

Zoning and Planning
Attn: Commissioners
P.O. Box 417
Georgetown, DE 19947

Re: C/Z #1895 Change of Zoning
Re: C/U #2195 Conditional Use

Dear Commissioners:

This letter is in reference to the Planning and Zoning public meeting that is tentatively set for October 24, 2019 at 6:00pm to hear a request for zoning change (C/Z #1895). This is the application of Gulfstream Development, LLC to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to a GR which would allow for medium density housing.

I strongly support the zoning change for this certain parcel of land lying and being in Baltimore Hundred, Sussex County, Containing 3.93 acres, more or less (land lying west of Muddy Neck Road, Road 361 and northwest of Parker House Road, Road 362). Gulfstream Development LLC is also requesting a conditional use (C/U #2195) for this same parcel of land and is presenting a site plan for a 45 unit apartment campus. This benefits the community and is in keeping with the "mixed character of this area. This development fits nicely in the mixed community of single homes, town-homes, mobile homes, businesses, and agricultural parcels.

Zoning laws are enacted to protect the interest of its residents in their surrounding areas. When purchasing property you research the zoning in your area and invest accordingly. Residents rely on their County Council to represent them and protect their interests and investments. This zoning change reflects the mixed character of our community and opens opportunities for more families to enjoy our region.

I appreciate your time and request that the Planning and Zoning Commissioners **APPROVE** this proposed zoning change. Thank you in advance for your support in this matter.

Sincerely,

Name: RICHARD C. MASON

Address: 37585 BLUEMONT TURN, FRANKFORD, DE 19945

Signature:

Date: 09/28/2019

Email: rcmason0731@me.com

RECEIVED

OCT 01 2019

SUSSEX COUNTY
PLANNING & ZONING



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

June 19, 2019

Mr. Jeff Clark, RLA
Land Tech Land Planning, LLC
32895 South Coastal Highway
Bethany Beach, DE 19930

RE: PLUS review 2019-05-08; Muddy Neck Apartments

Dear Mr. Clark:

Thank you for meeting with State agency planners on May 22, 2019 to discuss the proposed plans for the Muddy Neck Apartments project. According to the information received you are seeking review of a rezoning of 3.93 acres from AR-1 to GR with a conditional use in anticipation of a 45 unit apartment complex along Muddy Neck Road in Sussex County.

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

Strategies for State Policies and Spending

This project is located in Investment Level 2 according to the *Strategies for State Policies and Spending*. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the proposed rezoning and development of this project in accordance with the County codes and ordinances.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Muddy Neck Road (Sussex Road 361) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 244 vehicle trip ends per day, 16 in the morning peak hour of the Muddy Neck Road and 21 in the evening peak hour of Muddy Neck Road. DelDOT confirms these numbers and finds that the warrant for a TIS is not met.

The primary purpose of a TIS is to determine the need for off-site transportation improvements. DelDOT anticipates requiring the applicant to improve Muddy Neck Road and Parker House Road (Sussex Road 362) within the limits of their frontage to provide 11-foot lanes and 8-foot shoulders.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Muddy Neck Road and Parker House Road. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline on both roads. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Muddy Neck Road and Parker House Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"

National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Recommendations/Additional Information

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

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

Department of Natural Resources and Environmental Control – Michael Tholstrup 735-3352

Source Water Protection

- The building on the western end of the parcel is located within an excellent recharge area. It appears to exceed 35 percent impervious cover within the excellent recharge area, therefore Sussex County may require the applicant to demonstrate that post-development recharge quantity will meet or exceed the existing (pre-development) recharge quantity. Additional requirements may be enforced if the impervious coverage is more than 60 percent. Consider pervious paving materials for the large parking area and incorporating green stormwater management technologies.

Hydric Soils

- Hydric soils (Hurlock and Mullica) cover the entire parcel. Developments on hydric soils have the potential to increase future flooding and pollutant runoff. Consider pervious paving material for the large parking area proposed for this development.

State Housing Authority – Contact: Karen Horton 739-4263

- DSHA strongly supports the proposal to rezone 3.93 acres on the corner of Kings Highway and Gills Neck Road from AR-1 (Agriculture-Residential) to GR (General Residential) with a conditional use in anticipation of a 45-unit rental community along Muddy Neck Road in Sussex County. This would provide Sussex County an excellent opportunity to facilitate a *more* affordable housing product in the Coastal Resort Area. The need for housing affordable to the many county residents who work in this resort economy is acute and well documented. In addition, this site is located within a DSHA-defined “Areas of Opportunity” which are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help household succeed. Unfortunately, these same areas contain little affordable housing. As a result, DSHA recommends that Sussex County embrace the opportunity to approve this proposal permitting residents to live close to their jobs and gain access to the resources and benefits this area provides.

If you have any questions or would like more information, please feel free to call me at (302) 739-4263 ext. 251 or via e-mail at karenh@destatehousing.com.

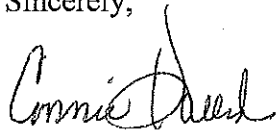
Delaware Area Rapid Transit (DART) – Contact: Jared Kauffman 576-6062

- DART recommends that a shared use pathway along road frontages and internal pedestrian pathway connecting to the shared use pathway be included.

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

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

Sincerely,



Constance C. Holland, AICP
Director, Office of State Planning Coordination

CC: Sussex County Planning

Change of Zone

1895	134-16.00-382.00	Gulfstream Development, LLC (Kent Apartments)	Parker House Rd. and Muddy Neck Rd.	AR-1	GR	10/24/2019	12/10/2019
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From the Pre-submittal meeting on 5/16/19 – Both Muddy Neck and Parker House Roads are major collectors, therefore a dedication of right-of-way (40’ from centerline) and permanent easement (15’ from right-of-way) along both frontages is required. Roadway improvements to provide 12’ travel lanes and 8’ shoulders on both frontages may be required. Total proposed ADT for the site is 244 trips. No TIS or Area Wide Study Fee is warranted for the site. A fair share contribution to a future roundabout at Muddy Neck/Parker House Roads intersection may be required. The entrance should align with the private drive across Muddy Neck Road on the northeast corner of the site. No turn lanes are warranted for the site. Pedestrian facilities (shared use paths) are required along both frontages. A pedestrian connection to Mimosa Street was recommended to promote interconnectivity. No submission to date.

Crime Study

Delaware State Police Information



Tom Douglas
Frank Ziembra
of
Bridal Ridge Estates

Crime Study

Total Delaware State Police Crime Statistics 2018



2,184	Proactive Patrol Drug Investigations
1,246	Burglaries
5,446	Thefts
234	Robberies
440	Aggravated Crimes
3,270	Shoplifting Crimes
1,594	DUI ARRESTS
21,788	Vehicle accidents (182 motorcycles)

Crime Study

Chart Depicting Goals Attained



Troop 4

Troop 4 in Georgetown serves the central southern portions of Sussex County (349 square miles) of which a small portion is Ocean View.

This troop's staffing consists of 37 troopers and 45 detectives, a community outreach, victim services and court liaison.



Troop 4

Bear in mind, this does not mean there are 37 troopers on patrol during all three shifts (24/7)



It means there is normal shift strength of about 6 road troopers providing 24/7 protection per shift under a three shift basis.

Why such a low number of road troopers?

Troop 4

Because there is a nationally recognized formula, developed by the International Association of Chiefs of Police (IACP), that determined that it actually requires 6 personnel to fill one 24/7 position for a three shift schedule.

This formula calculates calls for service, anticipated court time, vacation, holidays, medical leave.



Troop 4

Troop 4's officers are active and remain at the forefront of several proactive law enforcement initiatives, responding to 14,790 criminal and traffic complaints which was a 4% increase from 2017.

They also assisted with ten fatal motor vehicle accidents in their area of patrol.



Troop 4

Also, in 2018 Troop 4's Major Crimes Unit experienced yet another increase in investigations handled from the previous year resulting in the apprehension and conviction of numerous offenders of sex related crimes, robberies and child abuse within Sussex County.



Troop 4

Where as Troop 4's Property Crimes Unit reviewed and investigated all burglaries within Sussex County which resulted in an annual clearance rate of 39.9%.

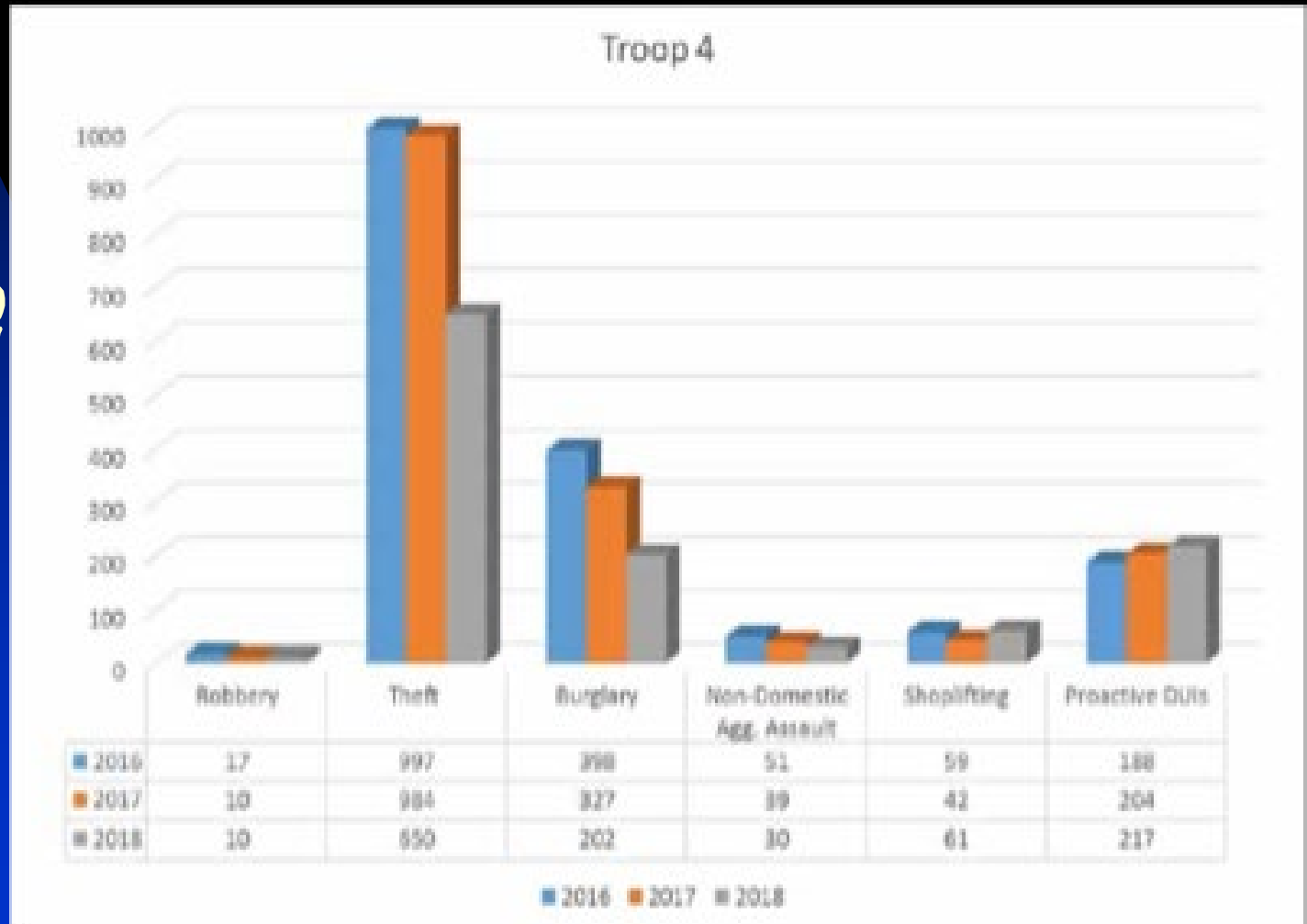


Crime Analysis

The next slide is a comparison of crime data for 2016 through 2018



2016 – 2018 Crime Comparison



Analysis

What does all this mean?

What does it have to do with a 45 apartment complex with an anticipated occupancy of 96 to 192 renters*

(*represents a minimum of two in a family to four in the family)



Analysis

It means with the approval of 45 apartments the county will now have renters with a *potentially* low vested interest in the property - No ownership equates to NO investment!

Where as individual's purchasing homes brings a vested interest to the home, the property, and the community.



Analysis

Add to this equation, “affordable housing” with 6 months leases; there could be even less of a vested interest.



As a previous owner of an apartment house, I can attest to the type and extent of damage a “transient” population can do to apartments and the surrounding area.



Questions ?

Traffic & Safety Issues

Area of Muddy Neck & Parker House Roads, Ocean View, DE



Tom Douglas
Frank Ziemba

of

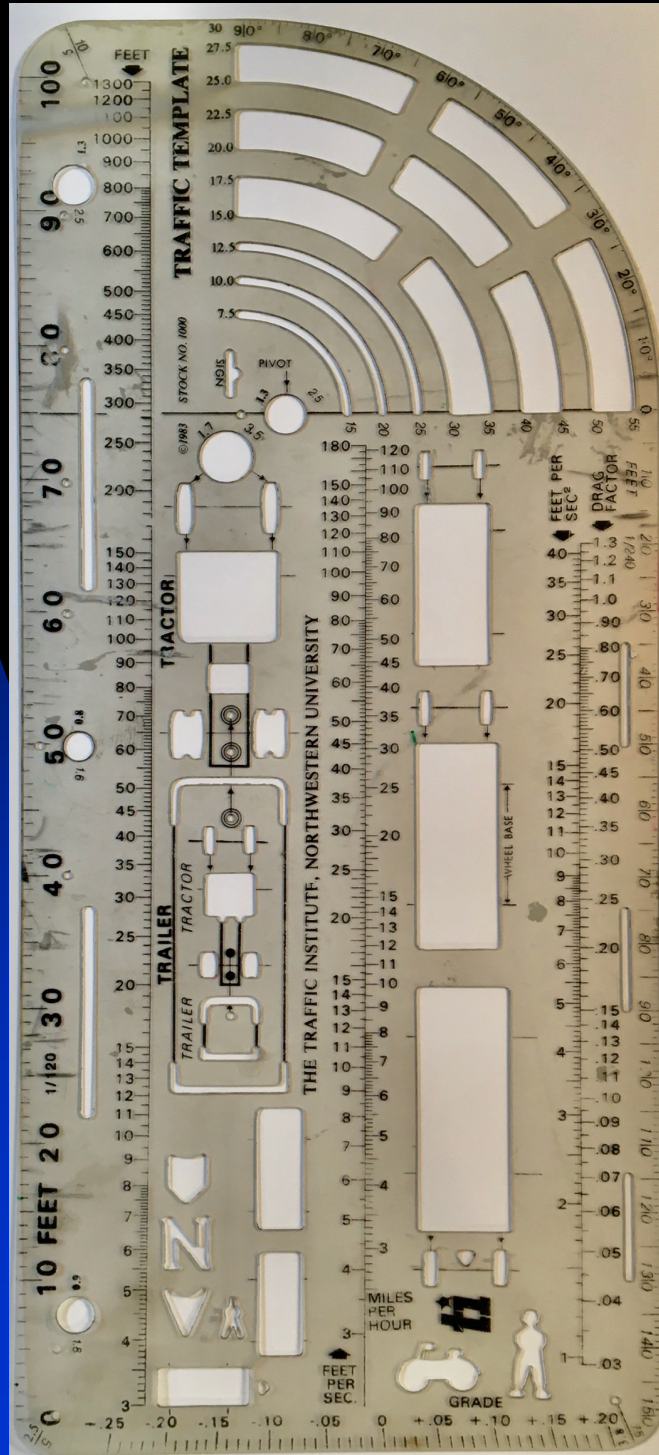
Bridle Ridge Estates

Background on Presenters

Between the both of us, we have in excess of 75 years of law enforcement and command experience.



Each also earned college degrees and spent a number of years in our respective police department's Traffic Divisions which provides insight into the problems this development may bring.



Tool Routinely Used

As accident investigators, each used the Northwestern University's traffic templet to draw "to scale" scenes for criminal and civil proceedings, as well as to assist in determining speeds of vehicles at accidents where skids and yaws were present.

Look down the the center line to see the left side provides feet per second, where as the right reflects the distance traveled at the identified speeds.

Speed / Time Continuum

A vehicle operating at 35 MPH travels 51 feet per second.

A vehicle operating at 45 MPH travels 66 feet per second.

A vehicle operating at 50 MPH travels 73 feet per second.

(There is also a .75 second reaction time to a stimuli - not incorporated in this time distance continuum.)



Traffic & Safety Issues

Applying time and distance, one can easily see it takes a mere 4.1 seconds to travel from Parker house to Butler and the planned entrance of the new apartment complex.



DeIDOT's Additional "Variables"

This apartment complex will also add 500 vehicles daily at the intersection of Butler and Muddy Neck Roads.

The last study showed daily vehicular traffic as:

1,646 on Parker House Road *

3,728 on Muddy Neck Road *

* This study did not indicate if the traffic count was conducted in peak season or during off season times



Other “Variables”

The school bus stop on Muddy Neck and Butler during the school year adds yet another dimension with more child riders from the apartment complex.

Affordable housing with 6 month leases can also result in large numbers of foreign/transient student renters staying in a single apartment. With no vested interest in the property or community.



Other “Variables”

These new “part time” renters, as evidenced in other resort areas, will ride bicycles or walk to their employment, increasing pedestrian traffic on Muddy Neck Road as well as Atlantic Avenue.

Of note, three new developments are being build on Double Bridges Road which will increase traffic on Parker House Road.



Other “Variables”

Since the 2018 vehicular traffic study was completed, several new homes have been built along the Muddy Neck “road corridor” so vehicular counts are no longer accurate.

Again, this study does not indicate if the traffic count was conducted in the peak or during the off season.



Other “Variables”

With the approval of 45 apartments this area will now have renters with a no vested interest in the property or community.

Where as “home ownership” brings a vested interest to the property, the home and the community



Interesting Antidote

The Ocean View Police Department advises “...crime in the area of e Shady Dell community on Parker House has had its fair share of crime over the years, *however*, crime has decreased there in conjunction with the new homes replacing older trailers.”

Another reason to concentrate on building new homes – NOT apartments



Other “Variables”

As a previous Accident Investigator - Reconstructionist for the Baltimore Police Department (BPD), having handled an average of 100 fatal, potential fatal and/or city vehicle accidents annually, it is my professional opinion the additional volume of traffic in this area can and may result in more vehicle vs vehicle and pedestrian vs vehicle accidents.



Traffic

Questions?



Sussex County Council
2 The Circle
P.O. Box 589
Georgetown, DE 19947
Fax: (302) 855-7749
Email: janelle.cornwell@sussexcountyde.gov

Re: C/Z #1895 Change of Zoning
Re: C/U #2195 Conditional Use

Dear Sussex County Council Member:

This letter is in reference to the Sussex County Council meeting on December 10, 2019 where a zoning request #1895 and a conditional use request #2195 made by Gulfstream Development, LLC will be heard.

I strongly oppose any zoning change from AR-1 to GR allowing medium density housing on the parcel of land located in the Ocean View area, west of Muddy Neck Road and northwest of Parker House Road. I also strongly oppose the conditional use request allowing Gulfstream to build a 45-unit apartment complex on this site.

Traffic and safety are major concerns due to the proximity of the intersection of Muddy Neck and Parker House Roads. There have been no improvements proposed to the existing infrastructure, sidewalks or designated bike paths. In addition, there is no public transportation along these roadways. Traffic is currently congested along Muddy Neck Road and travel in the summer will be horrendous.

These 45 rental units will require many parking spaces, eliminating almost entirely any green space. The character of this area is of single family homes and rezoning this property will definitely have a negative impact the surrounding home owners.

I appreciate your time and request the Sussex County Council Members deny these proposed zoning and conditional use applications.

Sincerely,

Name Kathleen M. Preston, Kathleen M. Preston
Address 32564 Neron Cr., Bethany Beach DE 19930
Phone 301-656-6633
Email kathypreston@ymail.com

Sussex County Council
2 The Circle
P.O. Box 589
Georgetown, DE 19947
Fax: (302) 855-7749
Email: janelle.cornwell@sussexcountype.gov

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Re: C/U #2195 Conditional Use

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Name
Address
Phone
Email

Sussex County Council
2 The Circle
P.O. Box 589
Georgetown, DE 19947
Fax: (302) 855-7749
Email: janelle.cornwell@sussexcountyyde.gov

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I appreciate your time and request the Sussex County Council Members deny these proposed zoning and conditional use applications.

Sincerely,



Name PETER PRESTON
Address 32564 HELEN CR. B. Beh DE 19930
Phone 304-656-6633
Email pmppreston@yahoo.com

Sussex County Council
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Re: C/Z #1895 Change of Zoning and C/U #2195 Conditional Use

Dear Council Members:

This letter is in reference to the Sussex County Council meeting scheduled for December 10, 2019 to hear the applications from Gulfstream Development, LLC to amend the Comprehensive Zoning Map for this Muddy Neck Road parcel of land from AR-1 to GR which would allow medium density housing.

I am adamantly opposed to this zoning request as I believe are hundreds of other community residents. My home borders the subject property, so I feel particularly affected. However, there are several negative aspects to this proposed development that will affect the whole community now as well as in the future.

I offer the following reasons for denying these zoning and conditional use requests: First, the density being proposed is too high. The developer is proposing 45 apartment units, many of them three bedroom, thereby cramming two hundred or more people on just 3.93 acres. This is the definition of trying to put a large square into a small circle. It would be a "dangerous precedent". Because of the intense density, there is no green space, no amenities (except for a pool which is limited to three summer months), too many parking spaces, and too much lighting. This particular location and lot size is just not suited for this density. This development will blight the neighborhood for decades to come.

Second, the developer indicates on their application that these proposed units would serve low income residents. By Planning and Zoning's admission, these units do not qualify as Affordable Housing. In fact, the commission was disappointed that it was not affordable housing. It is "market-rate housing" as testified to by Robert Harris, the developer.

Third, the developer appears to acknowledge that the housing proposed is targeting transient tenants by noting that 6 month leases would be accepted. This approach is akin to airbnb, or extended stay hotel. It is not community building. Of further concern, the developer does not clarify who the target lease revelation would seem to acknowledge. Another concern is who is actually signing the lease. Is it the actual individuals in the units or will units be leased in block to J-1 sponsors? It seems to me that due to the increased density request, the visually prominent location and the obvious targeting of transient tenants that this is a bad idea that our community will surely regret for decades.

Fourth, the lack of storm water management is glaring. The proposal suggests porous material be used on the parking lot. With three buildings, sidewalks, and 120 parking spaces this does not seem like a sufficient solution to storm water runoff.

In summary, this lot size, location, density and airbnb and frat house similarities are not suited for this site or community and is not consistent with the neighborhood. It is a project that would have too many tenants, too much lighting, and NO green space.

Please deny the application to change the zoning from AR-1 to GR and please deny the conditional use for an apartment complex on this parcel of land.

Sincerely,

Lori Fry
37751 Willow Street
Ocean View, DE 19970
1-302-540-6655
lafry@mchsi.com

November 25, 2019

Michael H. Vincent
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Dear Mr. Vincent:

I am writing to request you disapprove a zoning change request #1895 and # 2195 from Gulfstream Development, LLC to build three 3-story apartment buildings on 3.9 acres of land in Ocean View, DE. This zoning change request is scheduled for a vote at your December 10th County Council meeting.

I understand the need for affordable housing in Sussex County, and I don't mean to imply that this development should not take place "in my backyard". However, I believe that consideration should be given to established communities in the surrounding area that will be affected by vehicular, pedestrian and bicycle traffic generated by 45 apartment units on 3.9 acres of land. The County Council has already approved at least six new developments in the area of Muddy Neck Road and Parker House Road without significant community objection. There have been no improvements made to the infrastructure to accommodate the influx of new housing in the area. Adjacent to the proposed development, neither Muddy Neck Road nor Parker House road have sidewalks or designated bicycle lanes. The entrance/exit to the new development will create a new intersection at Butler Boulevard and Muddy Neck Road and DelDOT projects there will be an additional 500 vehicles per day that use that new intersection which is only approximately 200 feet from the intersection of Muddy Neck Road and Parker House Road. Currently, 12 private residences use Butler Boulevard for access to Muddy Neck Road. This new development will add another 500 vehicles daily to that intersection.

In addition to traffic and safety issues, there are concerns with water drainage near the proposed development site. After a significant rainfall, there are already pools of standing water near Muddy Neck Road and Parker House Road. The land is sloped in such a way that excess run off will flow into the Shady Dell community.

With the new developments you have already approved, why doesn't the County Council consider developing this land into "green space" to improve the quality of life for the increased population? The addition of three story apartment buildings in this area will significantly diminish the quality of life for the taxpaying and voting members of the many surrounding communities. It does not structurally or sociologically fit the proposed location.

I urge you to disapprove the rezoning request by Gulfstream Development LLC at this parcel of land.

Sincerely,

Frank M. Ziemba
1 Lindsay Lane
Ocean View, DE 19970
410-279-6297
fmziemba@mchsi.com



THE MOYNIHAN GROUP, LLC

**REAL ESTATE VALUATION
& ADVISORY SERVICES**

T/A Tidewater Properties

24488 Sussex Hwy., Suite 3
Seaford, Delaware 19973

Tel. (302) 629-4635
Cell (302) 228-5422

E-mail: lmoynihan71@gmail.com

RECEIVED

OCT 23 2019

October 22, 2019

SUSSEX COUNTY
PLANNING & ZONING

Mr. Robert Harris, Jr.
Gulfstream Development, LLC
27 Atlantic Ave.
Ocean View, DE 19970

**RE: Kent Apartments
Proposed AR-1 to GR Change of Zone & Multifamily
Residential Conditional Use
Tax Map #134-16.00-382.00
Gulfstream Development, LLC**

Dear Mr. Harris:

At your request I have made an examination of the proposed 45-unit apartment complex to be placed on the captioned property. The purpose of the analysis was to determine if the project would have a negative impact on the neighborhood and diminish surrounding property values. Of primary concern were those properties immediately adjacent to the subject tract.

A brief description of the adjacent properties is outlined below:

NORTH: multifamily townhouse project on land owned by Providence Owners Association, Inc.

SOUTH & WEST: Shady Dell Park, a single-family mobile home subdivision consisting of single-wide and double-wide mobile homes with some stick-built homes interspersed throughout the development. Lots in Shady Dell Park are individually owned.

EAST: located across Muddy Neck Rd. is a seasonal produce stand and older single-family home on a large rural lot.

SOUTHEAST: Melson Funeral Home, a commercial funeral home with a large parking lot is situated at 38040 Muddy Neck Rd. on the w/s of Muddy Neck Rd. and the e/s of Parker House Rd.

The subject apartment complex appears to be a well-laid out project which will consist of three 3-story buildings containing 15 units in each building. With 116 parking spaces, parking appears to be more than adequate. A clubhouse and swimming pool will be located south of the entrance. The project density of 11.45 units per acre is typical of apartment projects throughout the resort market.



PLANNING & ZONING

JAMIE WHITEHOUSE
PLANNING & ZONING MANAGER

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



Sussex County

DELAWARE
sussexcountye.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Headley, Planning Technician
CC: Vince Robertson, Assistant County Attorney
Date: December 3, 2019
RE: CU 2195 & CZ 1895 Opposition Exhibits

This memo is to provide background for County Council to consider as a part of CU 2195 & CZ 1985 Gulfstream (Kent Apartments).

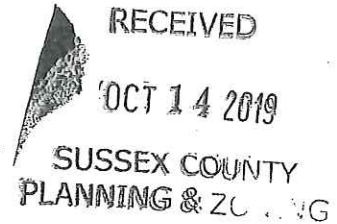
Staff notes there has been more than 1,000 copies of the following letter of opposition submitted. The letters are all the same template, signed by different citizens. If you wish to view all the letters, please do not hesitate to contact us and we will make those arrangements.



Via Facsimile
1-302-854-5079

Zoning and Planning Commission
Attn: Commissioners
P.O. Box 417
Georgetown, Delaware 19947

Re: C/Z #1895 Change of Zoning
Re: C/U #2195 Conditional Use



Dear Commissioners:

This correspondence is in reference the Sussex County Planning and Zoning Commission public meeting that is tentatively set for October 24, 2019 to hear a request for Zoning Change (C/Z #1895) and Conditional Use (C/U #2195). This is the application of Gulfstream Development, LLC, to amend the Comprehensive Zoning Map from AR-1 to a GR which would allow for medium density housing.

I strongly oppose any zoning change for this certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.93 acres, more or less (land lying west of Muddy Neck Road, Road 361 and northwest of Parker House Road, Road 362). Gulfstream Development, LLC is also requesting a Conditional Use (C/U #2195) for this same parcel of land and is presenting a site plan for a 45 unit apartment campus. This does not fit the make-up of this area. This property is surrounded by single homes and townhomes.

Zoning laws are enacted to protect the interest of its residents in their surrounding areas. When purchasing property you research zoning in your area and invest accordingly. Residents rely on their County Council and officials to represent them and protect their interests and investments. This zoning change is NOT in our best interest. Gulfstream Development, LLC wants to pack 45 families into a small 3.93 acre lot in an area that is already being overdeveloped by numerous new communities. In fact Deldot did a traffic studying along Muddy Neck Rd and just recently reduced the speed limit along this road due to the amount of vehicular traffic and for pedestrian and bicycle safety. Chief Mccloughlin (Ocean View Police) was out himself during Thanksgiving week. This was off season and Gulfstream Development, LLC proposes adding an additional 244 vehicle trips to this. These are just a few issues with this proposal. The time is NOW to say NO to individual requests for rezoning AR-1 and granting Conditional Use.

Gulfstream Development, LLC purchased this land knowing it was zoned AR-1. Therefore, they should not have expectations to change the AR-1 zoning or be granted a Conditional Use in order to develop land in a higher density then that which it is currently zoned. AR-1 zoning allows for development of the land in a way that is fitting for the surrounding area. The changing of zoning or granting of Conditional Use for higher profit margin, while the current residents suffer the consequences that such over building brings, should not be granted.

I appreciate your time and request that the Planning and Zoning Commissioners deny this proposed zoning change. Thank you in advance for your support in this matter.

Sincerely,

Name: Lauren and Mark Salzberg
Address: 38474 Ocean Blvd #418 Frankford PE
Signature: Lauren Salzberg

Date:

Email:

VIA FACSIMILE
1-302-854-5079

Zoning and Planning
Attn: Commissioners
P.O. Box 417
Georgetown, DE 19947

RECEIVED

OCT 08 2019

SUSSEX COUNTY
PLANNING & ZONING

Re: C/Z #1895 Change of Zoning
Re: C/U #2195 Conditional Use

Dear Commissioners:

This fax is in reference to the Planning and Zoning public meeting that is tentatively set for October 24, 2019 at 6:00pm to hear a request for zoning change (C/Z #1895). This is the application of Gulfstream Development, LLC to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to a GR which would allow for medium density housing.

I strongly oppose any zoning change for this certain parcel of land lying and being in Baltimore Hundred, Sussex County, Containing 3.93 acres, more or less (land lying west of Muddy Neck Road, Road 361 and northwest of Parker House Road, Road 362). Gulfstream Development LLC is also requesting a conditional use (C/U #2195) for this same parcel of land and is presenting a site plan for a 45 unit apartment campus. This does not fit the make-up of this area. This property is surrounded by single homes and townhomes.

Zoning laws are enacted to protect the interest of its residents in their surrounding areas. When purchasing property you research the zoning in your area and invest accordingly. Residents rely on the zoning and planning commission to represent them and protect their interests and investments. This zoning change is **NOT** in our best interest. The time is NOW to say NO to individual requests for rezoning AR-1.

Gulfstream Development, LLC purchased this land knowing it was zoned AR-1. Therefore, he should not have expectations to change the AR-1 zoning in order to develop this land in any medium density nature which is permitted by GR zoning.

I appreciate your time and request that the Planning and Zoning Commissioners **deny** this proposed zoning change. Thank you in advance for your support in this matter.

Sincerely, *Maria Alba*

Name: *MARIA ALBA*

Address: *6 BAY PINE DR, OCEAN VIEW, DE 19970*

Signature: *Maria Alba*

Date: *10/3/19*

Email: *bownetpich@yahoo.com*



CU 2195




Attention Commissioners:

We would like to make our objections clear regarding the 45 unit apt. complex under consideration in the Muddy Creek / Parker House Rd. area

We are currently in the process of moving from Pa to our Townhouse in the Providence Community and becoming permanent residents. The development and congestion we have witnessed over the last eight years is frightening to put it mildly.





 We have invested a lot of time and money into our Delaware homes. A 45 unit low income apartment complex will bring numerous unwanted issues to this area on so many levels. Property value (why is affordable housing being offered three miles from the beach when current residents have paid full price for the same amenity). Elevated traffic conditions that are already at their capacity. Crime, will our tax dollars





increase to address
this foreseeable problem.

Please vote to stop
this now! Enough is
enough, you are ruining
our beautiful area with
this insane unnecessary
development.

Sincerely,

Paul + Elizabeth Donahue
Michael + Elizabeth Donahue
Ocean View, De.



10/4/19.

greatly love the peaceful surroundings we now have. I do not feel an apt, complete asset benefit the whole atmosphere of single & town homes.

I do hope this proposal will be denied.

Thank you,

Sharon M. Cuthin

Ogre Dr

Ocean View De

To Commissioners,

I am writing this letter to voice my opposition to the proposed zoning change (C/241895) from RR-1 to OR, which would allow for medium density housing. I also oppose the conditional use application (C/12195) for a proposed 45 unit apt complex.

I have owned my home in Ocean View estates for nly 1 1/2 yrs, and

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OCT 14 2019

SUSSEX COUNTY
PLANNING & ZONING

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OCT 14 2019

SUSSEX COUNTY
PLANNING & ZONING

10/8/19

ZONING + PLANNING COMMISSION:

OCT 14 2019

SUSSEX COUNTY
PLANNING & ZONING

We along with all our neighbors
strongly object to the proposed 45-unit
apartment complex on Muddy Neck Road
across from Nelson Funeral Home.

We all purchased our homes be-
cause of the quiet resort-like atmosphere
of Ocean View + Bethany Beach. This
proposal does not meet with that
atmosphere/criteria.

Thank you.

Gary Kipp & Ann Kipp
33059 Opre Dr.
Ocean View, Delaware 19970

October 2, '19

Dear Sir:

I am against the coming
change related to the Muddy
Neck Rd. and Parker House Road
situation. I and all of my
neighbors are against it.

Sincerely,
Donald F. Custer

RECEIVED

Martha Gallagher
17 Thornberry Dr
Ocean View DE 19970
September 30th 2019

RECEIVED
OCT 03 2019
SUSSEX COUNTY
PLANNING & ZONING

Dear Commissioners for Zoning and Planning of Sussex County,

I want to express my strongest opposition to the zoning change you are considering on the 3.93 acres located west of Muddy Neck Road and NW of Parker House Road. I strongly oppose a zoning change (C/Z#1895) from AR-1 to GR.

I have owned my home in Hunters Run for almost 20 years. Hunters Run is across the street from this proposed development. I do not see how this type of housing would benefit our community.

Sincerely,


Martha Gallagher

Dina and Pat, Lou and Cindy

was shocked and upset over the information regarding the affordable housing.

This is going to cause much heavier traffic. I sympathize with people needing housing but surely there is enough land in other places to make this happen certainly not in Ocean view on Muddy neck and Parker house road.

I am against this proposal and hope it does not go through.

Sincerely,

Carolee Rooney

Hunters Run



RECEIVED

OCT 03 2019

SUSSEX COUNTY
PLANNING & ZONING

September 23, 2019

Zoning & Planning

ATTN: Commissioners

P.O. Box 417

Georgetown, DE 19947

RECEIVED
OCT 03 2019
SUSSEX COUNTY
PLANNING & ZONING

To Whom It May Concern:

We are writing to oppose a zoning change (C/Z #1895) from AR-1 to GR which would allow for medium density housing and we oppose conditional use application (C/U #2195) for a proposed 45 unit application. These changes are tentatively scheduled to be heard at a regular meeting of the Sussex County Council on Oct. 24, 2019. We cannot attend in person, thus we are sending our vehement OPPOSITION by mail.

There are a number of reasons for our objections: increased traffic, noise, congestion are among them. The infrastructures (mainly roads but garbage & sewage are other considerations as there is now a noxious landfill odor on windy days due to the deforestation that occurred with recent construction) are already maxed out with the new construction within and surrounding this area. It is too much already! With the increased building that has already taken place and construction plans already approved & underway, there has been a MAJOR DANGER increase to pedestrians, joggers, walkers, and vehicles.

Please do not allow this to go forward. The area has been recently MAXED out.

Thank you for your consideration of this highly important matter! We are hoping our community voices will be heard by those who represent us on the Council and that your prudent oversight will be implemented on behalf of Sussex County residents.

Sincerely,

Mary Ann & Paul Varville

Mary Ann & Paul Varville

HUNTERS RUN

8 Cromwell Drive

Ocean View, DE 19970

Zoning and Planning
Att: Commissioners
P.O.Box 417
Georgetown, DE 19947

September 23, 2019

In regard to: C/Z #1895 Change in Zoning and C/U #2195 Conditional Use

Dear Commissioners,

This communication concerns the Planning and Zoning public meeting scheduled for October 24, 2019, in Georgetown, regarding the application by Gulfstream Development LLC to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to GR allowing medium density housing.

This refers to the approximately 3.9 acres west of Muddy Neck Road, Road 361, and northwest of Parker House Road, Road 362.

Gulfstream purchased that property knowing that it was zoned AR-1 and ought not now be permitted to present a site plan for a 45 unit apartment complex. In addition to the expected impact on this already burdened infrastructure, including additional traffic, the area is made up of single homes and townhomes and the proposed development would not conform to the composition of the area.

Zoning laws are to protect the residents in the area. We residents rely on the county council to protect our interests and this zoning change would not be in our best interest. I strongly urge that you deny this proposed zoning change.

Sincerely,
Penelope and Michael Suritz
16 Reeping Way
Ocean View, DE 19970



pennysuritz@gmail.com

RECEIVED

SEP 30 2019

SUSSEX COUNTY
PLANNING & ZONING

Gregory R. and Linda L. Neuner
8 Gracelyn Drive
Ocean View DE 19970
September 26, 2019

Sussex County
Planning and Zoning Commission
2 The Circle
P.O. Box 417
Georgetown DE 19947

Dear Commissioners:

We are writing to express our opposition to a zoning change, C/Z#1895, and a conditional use application, C/U#2195, that would allow construction of up to 45 apartment units on 3.93 acres at the intersection of Muddy Neck and Parker House Roads.

Since we moved to Ocean View in 2004 we have seen at least 6 new housing developments built along the West Avenue/Muddy Neck Road corridor with hundreds of single family homes and townhouses. The impact on traffic and congestion has been dramatic, especially during the summer months. In addition to traffic generated by residents of the corridor, Muddy Neck Road has become a popular alternate route to Bethany Beach as visitors seek to bypass traffic backups on Route 26.

Clearly, adding up to 45 apartments in the corridor will produce even more traffic. But more importantly, the proposed use will alter the essential character of the surrounding community. With the exception of a few two-story condos in the Water Side development, the area consists entirely of single family houses and town houses. Constructing up to 45 units on such a small parcel of land would create a density that is unprecedented in the area and could adversely affect the peaceful use and economic value of surrounding properties.

For these reasons the subject zoning change and conditional use applications should not be approved.

Sincerely,



Gregory R. Neuner



Linda L. Neuner

RECEIVED

SEP 30 2019

SUSSEX COUNTY
PLANNING & ZONING

Zoning and Planning
Attn: Commissioners
P.O. Box 417
Georgetown, DE 19947
Reference C/Z #1895 Change of Zoning Re: C/U #2195 Conditional Use

Dear Commissioners:

I am writing to you because I am not able to attend your public zoning meeting that is set for October 24, 2019 at 6:00pm to hear a request for zoning change (C/Z #1895). This is the application of Gulfstream Development, LLC to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to a GR.

I strongly *oppose* any zoning change for this parcel of land lying and being in Baltimore Hundred, Sussex County, (land lying west of Muddy Neck Road, Road 361 and northwest of Parker House Road, Road 362). Gulfstream Development LLC is also requesting a conditional use (C/U #2195) for this same parcel of land and is presenting a site plan for a 45 unit apartment campus.

This property is surrounded by single homes and townhomes. Zoning laws are enacted to protect the interest of its residents in their surrounding areas.

I purchased my home after looking around the area. I would like to protect my investment.

Thank you for considering my interest and letter. I appreciate your time and request that the Planning and Zoning Commissioners deny this proposed zoning change.

Thank you in advance for your support in this matter.

Regards,



Brandon Bushey
32 John Hall Dr
Oceanview, DE 19770

RECEIVED

SEP 26 2019

SUSSEX COUNTY
PLANNING & ZONING



VIA FACSIMILE
1-302-854-5079

Zoning and Planning
Attn: Commissioners
P.O. Box 417
Georgetown, DE 19947

Re: C/Z #1895 Change of Zoning
Re: C/U #2195 Conditional Use

Dear Commissioners:

This fax is in reference to the Planning and Zoning public meeting that is tentatively set for October 24, 2019 at 6:00pm to hear a request for zoning change (C/Z #1895). This is the application of Gulfstream Development, LLC to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to a GR which would allow for medium density housing.

I strongly oppose any zoning change for this certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.93 acres, more or less (land lying west of Muddy Neck Road, Road 361 and northwest of Parker House Road, Road 362). Gulfstream Development LLC is also requesting a conditional use (C/U #2195) for this same parcel of land and is presenting a site plan for a 45 unit apartment campus. This does not fit the make-up of this area. This property is surrounded by single homes and townhomes.

Zoning laws are enacted to protect the interest of its residents in their surrounding areas. When purchasing property you research the zoning in your area and invest accordingly. Residents rely on their County Council to represent them and protect their interests and investments. This zoning change is **NOT** in our best interest. The time is NOW to say NO to individual requests for rezoning AR-1.

Gulfstream Development, LLC purchased this land knowing it was zoned AR-1. Therefore, he should not have expectations to change the AR-1 zoning in order to develop this land in any medium density nature which is permitted by GR zoning.

I appreciate your time and request that the Planning and Zoning Commissioners deny this proposed zoning change. Thank you in advance for your support in this matter.

Sincerely, *Gary Franklin*

Name: Gary D. Franklin
Address: 17 Calvert St. Ocean View DE 19970

Signature: *Gary Franklin*

Date: 9/24/2019

Email: gary-franklin@comcast.net

To: Zoning and Planning Commission
From: Paul & Patricia Pomeroy
RE: Proposed zoning changes (C/Z #1895 and C/U #2195)
22SEP2019

Dear Commissioners,

My wife and I would like to take this opportunity to respectfully but rigorously oppose the zoning changes requested to allow the building of apartments on the 3.93 acres located west of Muddy Neck Rd. and northwest of Parker House Rd.

As homeowners in the Hunter's Run community of Ocean View we can see so many problems at so many levels. Our shore community has already seen a population explosion. Since the request seems to be for apartments to be built on the site we can assume that this will add full time residents. This will of necessity increase the population density even further. All this will tax the infrastructure of Ocean View—roads, police, schools, traffic, trash, etc. Not to mention the lack of any practical public transportation.

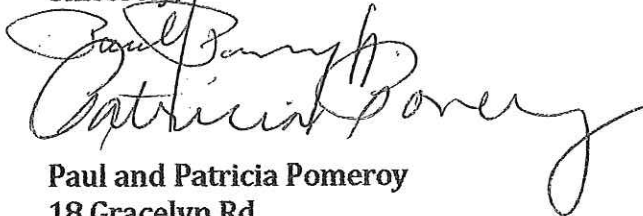
We have many senior citizens in our communities. Many of our homes are vacation homes and vacant for spans of time. So there are additional safety concerns.

And no matter what the law stipulates, there is no way of controlling occupancy in these proposed apartments. I have experienced this first hand having lived in South Philly and Wilmington for most of my life. And from watching my father's home in Atlantic City reduce in value yearly to a fraction of its original value.

Again we humbly ask the Sussex Council to keep our town of Ocean View a true seashore community. We are certain that there are many sites further inland that could better accommodate apartment living.

We ask you to please oppose these zoning changes.

Sincerely,

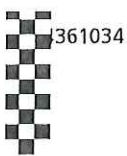


Paul and Patricia Pomeroy
18 Gracelyn Rd.
Hunter's Run
Ocean View, DE

RECEIVED

SEP 25 2019

SUSSEX COUNTY
PLANNING & ZONING



September 23, 2019

Via Fax No. 302-854-5079

Zoning & Planning
Attention: Commissioners
P.O. Box 417
Georgetown, DE 19947

To Whom It May Concern:

RE: **Opposition of C/Z #1895 from AR-1 to GR) & C/U 2195 for Proposed Apartment Complex**

I am a resident of Shady Dell and am writing to voice my opposition to the above referenced proposed zoning changes.

The proposed changes to allow for additional housing/apartments would create even more traffic on Muddy Neck Road as well as Parker House Road. We have many residents that use these roads for travel as well as biking, running, walking, etc. Adding additional traffic would bring more safety issues for current residents.

The speed has already been reduced on Muddy Neck Road to help with safety. The corner of Muddy Neck and Park House Roads is also a very hard spot to turn from when traffic is heavy. Additional traffic, would cause more hazardous conditions, not to mention the wear and tear on the roads themselves.

The traffic on these roads has also increased due to the congestion on Route 26. During peak season, vacationers are using these roads to avoid 26, which causes even more traffic and safety issues both coming and going.

Please accept this as my strong opposition to the subject proposals.

Sincerely,

Theresa Merritt
37514 Cedar Street
Shady Dell
Ocean View, DE 19970



September 21, 2019

Zoning and Planning

P.O.Box 417

Georgetown, Del. 19947

Dear Commissioners and Sussex County Council:

We are writing to oppose the zoning change (C/Z#1895) from AR-1GR which would allow for medium density housing and to oppose a conditional use application (C/U#2195) for a proposed 45 unit apartment complex.

We are residence of the Shady Dell development and our home is located on the corner of Parker House and Cedar Street. The new housing development located on Muddy Neck Road and the new housing developments on Parker House Road has added more traffic, more noise and large trucks with heavy equipment on these two roads daily. By adding these additional units it will cause even more traffic on these heavily traveled roads.

We have been property owners for more than 30 years and we are extremely opposed to adding any additional multi unit complex and any medium density housing to this community.

Sincerely,

George and Eileen Vincent

37631 Cedar Street

Ocean View, Del. 19971

VIA FACSIMILE
1-3 12-854-5079

Zoning and Planning
Attn: Commissioners
P.O. Box 417
Georgetown, PA 19947

Re: C/Z #1895 Change of Zoning
Re: C/U #2195 Conditional Use

Dear Commissioners:

This fax is in reference to the Sussex County Council public meeting that is tentatively set for October 24, 2019 to hear a request for zoning change (C/Z #1895). This is the application of Gulfstream Development, LLC to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to a GR which would allow for medium density housing.

I strongly oppose any zoning change for this certain parcel of land lying and being in Baltimore Hundred, Sussex County, Containing 3.93 acres, more or less (land lying west of Muddy Neck Road, Road 361 and northwest of Parker House Road, Road 362). Gulfstream Development LLC is also requesting a conditional use (C/U #2195) for this same parcel of land and is presenting a site plan for a 45 unit apartment campus. This does not fit the make-up of this area. This property is surrounded by single homes and townhomes.

Zoning laws are enacted to protect the interest of its residents in their surrounding areas. When purchasing property you research the zoning in your area and invest accordingly. Residents rely on their County Council to represent them and protect their interests and investments. This zoning change is NC in our best interest. The time is NOW to say NO to individual requests for rezoning AR-1.

Gulfstream Development, LLC purchased this land knowing it was zoned AR-1. Therefore, he should not have expectations to change the AR-1 zoning in order to develop this land in any medium density nature which is permitted by GR zoning.

I appreciate your time and request that the Planning and Zoning Commissioners deny this proposed zoning change. Thank you in advance for your support in this matter.


Sincerely,

Name: Diana Emlet
Address: 19 John Hall Drive, Ocean View, DE 19970
Signature: Diana Emlet
Date: 9/20/19
Email: emletd@verizon.net

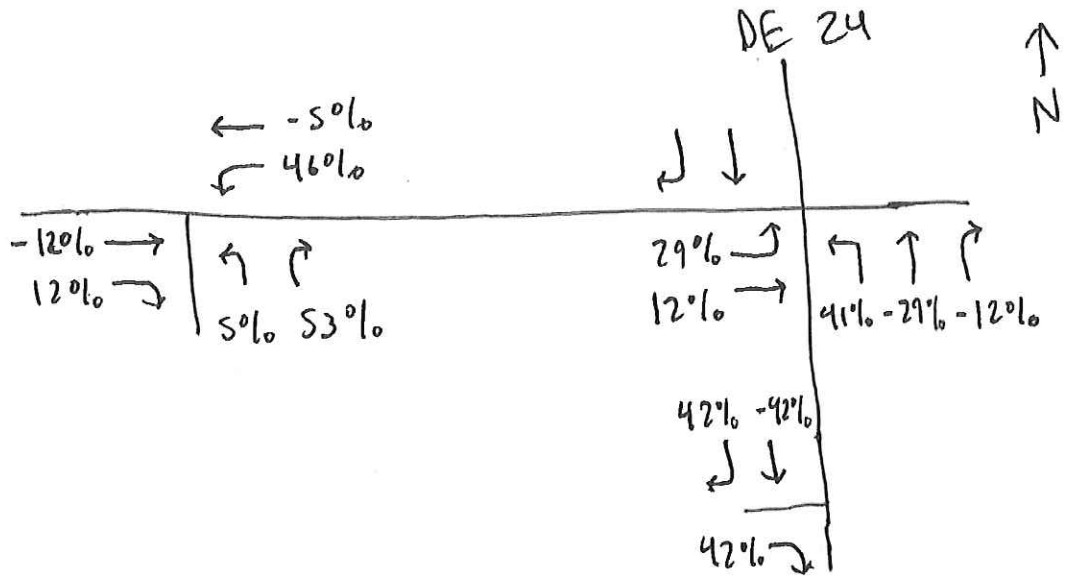
TRIP GENERATION

	PEAK AM HIGHWAY HOUR			PEAK PM HIGHWAY HOUR			PEAK SATURDAY HIGHWAY HOUR		
	ENTER	EXIT	TOTAL	ENTER	EXIT	TOTAL	ENTER	EXIT	TOTAL
144 MULTI FAMILY UNITS (LUC 221) AM: Ln(T) = 0.98 Ln(X) - 0.98 PM: LN(T) = 0.96 LN(X) - 0.63 Sat: T = 0.42 (X) + 6.73	13	36	49	38	25	63	33	34	67
100 ROOM HOTEL (LUC 310) AM: T = 0.50 (X) - 5.34 PM: T = 0.75 (X) - 26.02 Sat: T = 0.69 (X) + 4.32	27	18	45	25	24	49	41	32	73
61,200 SQ FT SHOPPING CENTER (LUC 820) AM: T = 0.50 (X) + 151.78 PM: LN(T) = 0.74 LN(X) + 2.89 Sat: LN(T) = 0.79 LN(X) + 2.79	113	69	182	181	197	378	218	202	420
GROSS NEW TRIPS	153	123	276	244	246	490	292	268	560
INTERNAL CAPTURE (LUC 221)	0 0	0 1	0 1	-17	-12	-29	-15	-15	-30
INTERNAL CAPTURE (LUC 310)	0 -1	-3 -3	-3 -4	-5	-4	-9	-8 -8	-4 -5	-12 -14
INTERNAL CAPTURE (LUC820)	-3 -3	0 2	-3 -1	-15 -20	-21 -28	-36 -48	-18 -24	-22 -28	-40 -52
TOTAL INTERNAL CAPTURE	-3 -3	-3 -1	-6 -3	-37 -42	-37 -44	-74 -86	-41 -48	-41 -48	-82 -96
EXTERNAL NEW TRIPS	146 150	117 120	263 270	202 207	202 209	404 416	244 251	220 227	464 478
PASS-BY TRIPS (FROM LUC 820) 34% PM 26% SAT	0	0	0	-70 -65	-71 -69	-141 -144	-65 -67	-59 -60	-124 -127
TOTAL PASS-BY TRIPS	0	0	0	-70 -65	-71 -69	-141 -144	-65 -67	-59 -60	-124 -127
NEW TRIPS	150 148	120 117	270 263	137 147	138 143	275 290	186 177	169 160	354 337

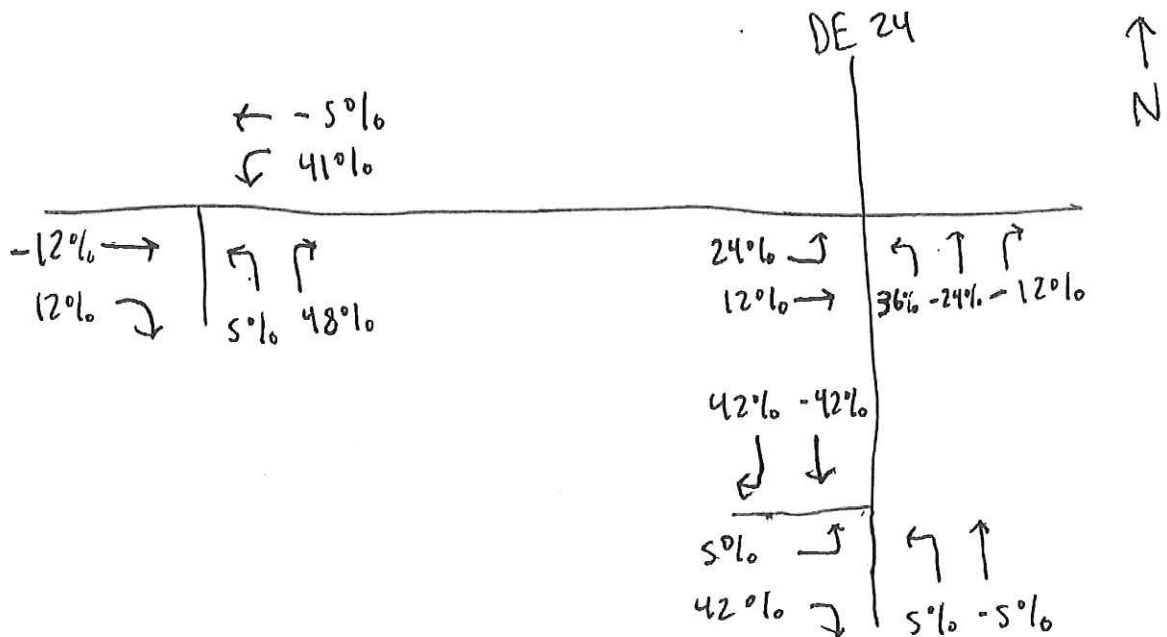
SOURCE: ITE TRIP GENERATION 10TH EDITION

DATE: 31 OCTOBER 2018	TRIP GENERATION NEW DEVELOPMENT PENINSULA SQUARE TRAFFIC IMPACT STUDY INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE	DESIGNED BY: MJK	 DUFFIELD ASSOCIATES Soil, Water & the Environment 5400 LIMESTONE ROAD WILMINGTON, DE 19808-1232 TEL 302 239 6631 FAX 302 339 8485 OFFICES IN DELAWARE, MARYLAND AND PENNSYLVANIA AND NEW JERSEY EMAIL: DUFFIELD@DUFFNET.COM
SCALE: NONE		DRAWN BY: ADC	
PROJECT NO. 11675.CA		CHECKED BY: MJK	
SHEET: EXHIBIT 5A		FILE: TIS_FIGURES	

Pass-by % : RI / RD on DE 24



Pass-by % : Full Access on DE 24



9/20/19

Att: Commissioners

I am opposed to the zoning change C/Z #1895/ from AP-1 to B-1 application C/Y #2195. As a homeowner this would affect me and my property.

Jean Bell
26264 Peckysbe Way
Millville - DE

RECEIVED

SEP 20 2019

SUSSEX COUNTY
PLANNING & ZONING

Janelle Cornwell

From: Doug Hudson
Sent: Thursday, September 19, 2019 6:14 PM
To: Janelle Cornwell
Subject: Fwd: Contact Form: Muddy Neck Apartments

Sent from my iPad

Begin forwarded message:

From: "Dale A. Weese Jr" <noreply@forms.email>
Date: September 18, 2019 at 5:12:44 PM EDT
To: "Douglas B. Hudson" <doug.hudson@sussexcountyde.gov>
Subject: Contact Form: Muddy Neck Apartments
Reply-To: "Dale A. Weese Jr" <shadydellhoa@mediacombb.net>

Name: Dale A. Weese Jr
Email: shadydellhoa@mediacombb.net
Phone: 302-616-2738
Subject: Muddy Neck Apartments
Message: Councilman Hudson,

My name is Dale Weese Jr President of the Shady Dell Homeowners Association. I am writing to you as Gulfstream Development is planning to build a 45 unit RENTAL apartment complex on the corner of Muddy Neck and Parkerhouse. There is currently a hearing for rezoning before the County Council in October, originally scheduled for Jan 2020, with a planning and zoning hearing for Dec 2019. Our local communities are opposing this strongly. An apartment complex does not fit in with the neighborhood and will only detract from it. A rental complex brings with it extreme changes to the area such as increased crime, noise, runoff, traffic increase, trash and rodents, as well as taxing of the local school system. Mr. Harris from Gulfstream stated that this apartment complex would not be low income housing but rather for professionals such as police, teachers, and retirees who are down sizing. As a retired law enforcement Detective myself I am aware of the challenges this presents and do not agree that the group of people Mr. Harris mentioned would seriously be interested in renting. I see no benefits to the area from this. Individual homes or townhouses that fit in the area would better suit this property. Is an apartment complex really what the Quiet Resorts really want? Does the quiet peaceful living of Ocean View want to turn into Ocean City? Upon review of this I look forward to your response and hope to have your support in keeping the District you work so hard for great to live in.

Sincerely,

Dale A. Weese Jr
President SDHOA

**VIA FACSIMILE
1-302-854-5079**

Zoning and Planning
Attn: Commissioners
P.O. Box 417
Georgetown, DE 19947

Re: C/Z #1895 Change of Zoning
Re: C/U #2195 Conditional Use

Dear Commissioners:

This fax is in reference to the Planning and Zoning public meeting that is tentatively set for October 24, 2019 at 6:00pm to hear a request for zoning change (C/Z #1895). This is the application of Gulfstream Development, LLC to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to a GR which would allow for medium density housing.

I strongly oppose any zoning change for this certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.93 acres, more or less (land lying west of Muddy Neck Road, Road 361 and northwest of Parker House Road, Road 362). Gulfstream Development LLC is also requesting a conditional use (C/U #2195) for this same parcel of land and is presenting a site plan for a 45 unit apartment campus. This does not fit the make-up of this area. This property is surrounded by single homes and townhomes.

Zoning laws are enacted to protect the interest of its residents in their surrounding areas. When purchasing property you research the zoning in your area and invest accordingly. Residents rely on their County Council to represent them and protect their interests and investments. This zoning change is **NOT** in our best interest. The time is NOW to say NO to individual requests for rezoning AR-1.

Gulfstream Development, LLC purchased this land knowing it was zoned AR-1. Therefore, he should not have expectations to change the AR-1 zoning in order to develop this land in any medium density nature which is permitted by GR zoning.

I appreciate your time and request that the Planning and Zoning Commissioners **deny** this proposed zoning change. Thank you in advance for your support in this matter.

Sincerely,

Name: *Dr. Sarah Franklin*
Address: *12 Calvert street, Ocean View, DE 19970*
Signature: *Sarah L. Franklin*
Date: *09/30/2019*
Email:

RECEIVED
SEP 30 2019
SUSSEX COUNTY
PLANNING & ZONING

**VIA FACSIMILE
1-302-854-5079**

Zoning and Planning
Attn: Commissioners
P.O. Box 417
Georgetown, DE 19947

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Gulfstream Development, LLC purchased this land knowing it was zoned AR-1. Therefore, he should not have expectations to change the AR-1 zoning in order to develop this land in any medium density nature which is permitted by GR zoning.

I appreciate your time and request that the Planning and Zoning Commissioners **deny** this proposed zoning change. Thank you in advance for your support in this matter.

Sincerely,

Name: Christopher Franklin
Address: 12 Calvert St., Ocean View, DE 19970
Signature: *Christopher Franklin*
Date: 09/30/19
Email:

RECEIVED

SEP 30 2019

SUSSEX COUNTY
PLANNING & ZONING

**VIA FACSIMILE
1-302-854-5079**

Zoning and Planning
Attn: Commissioners
P.O. Box 417
Georgetown, DE 19947

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I appreciate your time and request that the Planning and Zoning Commissioners **deny** this proposed zoning change. Thank you in advance for your support in this matter.

Sincerely,

Name: David Franklin
Address: 12 Calvert Street, Ocean View, DE 19970
Signature: *David Franklin*
Date: 09-30-19
Email:

RECEIVED
SEP 30 2019
SUSSEX COUNTY
PLANNING & ZONING



VIA FACSIMILE
1-302-854-5079

Zoning and Planning
Attn: Commissioners
P.O. Box 417
Georgetown, DE 19947

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Gulfstream Development, LLC purchased this land knowing it was zoned AR-1. Therefore, he should not have expectations to change the AR-1 zoning in order to develop this land in any medium density nature which is permitted by GR zoning.

I appreciate your time and request that the Planning and Zoning Commissioners deny this proposed zoning change. Thank you in advance for your support in this matter.

Sincerely,

Name: Beverly Cleaver
Address: 38 Reeping way - (Summerfield) Ocean View, DE 19970
Signature: Beverly Cleaver
Date: 9-30-19
Email: bexcleaver@verizon.net

RECEIVED

SEP 30 2019

SUSSEX COUNTY
PLANNING & ZONING

VIA FACSIMILE
1-302-854-5079

Zoning and Planning
Attn: Commissioners
P.O. Box 417
Georgetown, DE 19947

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Gulfstream Development, LLC purchased this land knowing it was zoned AR-1. Therefore, he should not have expectations to change the AR-1 zoning in order to develop this land in any medium density nature which is permitted by GR zoning.

I appreciate your time and request that the Planning and Zoning Commissioners **deny** this proposed zoning change. Thank you in advance for your support in this matter.

Sincerely,

Name: *Charles E. Cleaver Jr.*
Address: *38 Reeping Way, Ocean View, DE. 19970*
Signature: *Charles E. Cleaver Jr.*
Date: *9/30/19*
Email:

RECEIVED

SEP 30 2019

SUSSEX COUNTY
PLANNING & ZONING

VIA FACSIMILE
1-302-854-5079

Zoning and Planning
Attn: Commissioners
P.O. Box 417
Georgetown, DE 19947

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Re: C/U #2195 Conditional Use

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Gulfstream Development, LLC purchased this land knowing it was zoned AR-1. Therefore, he should not have expectations to change the AR-1 zoning in order to develop this land in any medium density nature which is permitted by GR zoning.

I appreciate your time and request that the Planning and Zoning Commissioners **deny** this proposed zoning change. Thank you in advance for your support in this matter.

Sincerely,

Name: *Lynn Hamilton*
Address: *515 Peeping Way*
Signature: *Lynn Hamilton*
Date: *09/29/19*
Email: *lhamilton@ptd.net*



VIA FACSIMILE
1-302-854-5079

Zoning and Planning
Attn: Commissioners
P.O. Box 417
Georgetown, DE 19947

Re: C/Z #1895 Change of Zoning
Re: C/U #2195 Conditional Use

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Gulfstream Development, LLC purchased this land knowing it was zoned AR-1. Therefore, he should not have expectations to change the AR-1 zoning in order to develop this land in any medium density nature which is permitted by GR zoning.

I appreciate your time and request that the Planning and Zoning Commissioners **deny** this proposed zoning change. Thank you in advance for your support in this matter.

Sincerely,

Name: Taylor K. Hamilton
Address: 15 Reeping Way Ocean View, DE 19970
Signature: Taylor K Hamilton
Date: 09/24/19
Email: fkh001@IVC.edu

GULFSTREAM DEVELOPMENT, LLC

Kent Apartments

Conditional Use Application CU 2195

Change of Zone Application CZ 1895

PROPOSED FINDINGS OF FACT & CONDITIONS OF APPROVAL

1. This is an application for (1) a change of zone from AR-1 (Agricultural Residential) to GR (General Residential) for the balance of the property not already zoned GR (General Residential); and (2) a conditional use to develop the site with forty-five (45) multifamily dwellings within three buildings for a property located in the Baltimore Hundred of Sussex County, being known as Tax Parcel No. 134-16.00-382.00.
2. The property is a 3.93-acre parcel located at the intersection of Parker House Road and Muddy Neck Road.
3. The property is owned by Gulfstream Development, LLC with an address of 27 Atlantic Avenue, Ocean View, Delaware 19970.
4. The site has no known archeological sites or National Register listed or eligible properties.
5. The site contains no wetlands nor does it contain any threatened or endangered species.
6. The 2015 Delaware Strategies for State Policies and Spending identify the area as investment Level 2.
7. DelDOT reviewed the applicant's planned project and has issued a letter stating that the proposed project will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day therefore no Traffic Impact Study is required. In addition, DelDOT's review indicated that it considered the proposed development's traffic impact to be negligible in the context of DelDOT's agreement with Sussex County regarding land development coordination.
8. A single commercial entrance is planned on Muddy Neck Road near the northern property boundary and aligned with an existing residential entrance across the public street.
9. The County Engineering Department has indicated that adequate wastewater capacity is available for the project as a 45-unit apartment complex. Central water will also be provided.
10. The areas surrounding the site are a mixture of residential developments including a manufactured home subdivision, a multi-family townhouse community and commercial uses.
11. The proposed project has been planned in accordance with the 2018 Comprehensive Plan and its Future Land Use Map approved by Sussex County Council as it is within the Coastal

Area, one of the Growth Areas where medium and higher density can be appropriate in areas where there are features like: central water and sewer, commercial uses and employment centers, and in keeping with the character of the area. In addition, the Comprehensive Plan states that a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units.

12. The 45 unit apartment community is intended to create modern, safe, affordable and fair housing options for the residents in the area.
13. The site is in close proximity to many services, markets and employment opportunities.
14. The project is located in an Area of Opportunity as defined by the Delaware State Housing Authority opportunity maps. This designation supports a housing development such as the 45-unit apartment complex proposed with this application. The Delaware State Housing Authority strongly supports this proposal.
15. The proposed 45-unit apartment complex creates rental residential housing at an appropriate density in an area not affected by sensitive environmental features, served by County sewer and central water which is near major roads, shopping and centers of employment consistent with the purpose of the GR Zoning District and the Coastal Areas designated on the Comprehensive Plan.
16. Due to the high price of homes and rentals in much of eastern Sussex County, housing can be unaffordable for much of the workforce. As a result, many County residents cannot afford to live near where they work, resulting in long commuting times and increased traffic on the County's roadways. The project will provide an affordable housing opportunity for Sussex County residents who are part of the workforce in eastern Sussex County.

The recommendation of approval is subject to the following proposed conditions:

- A. The maximum number of apartment units shall not exceed 45.
- B. The 45 Units shall be contained in 3 buildings.
- C. The site will be served with public sanitary sewer via a connection to the Sussex County regional wastewater transmission, treatment and disposal Unified District facilities. The applicant shall comply with all requirements and specifications of the County Engineering Department.
- D. The site will be served with public water for both potable and fire protection use via connection to the Tidewater Utilities Water Company existing infrastructure which has adequate capacity.
- E. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.

- F. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.
- G. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.
- H. Interior street design shall meet or exceed Sussex County's street design requirements.
- I. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.
- J. Clearing, disturbance, or altering of existing vegetation shall be limited as needed to accommodate the proposed construction and for removal of dead and dying trees which pose a threat to public safety on adjacent private property.
- K. Recreational amenities, including an outdoor swimming pool and deck with bathhouse shall be completed simultaneously with the completion of the first building.
- L. Construction activities, including sitework and deliveries, shall only occur between 7:30 am and 7:00 pm Monday through Friday, and 8:00 am through 5:00 pm on Saturdays.
- M. The applicant or its assigns shall be responsible for the maintenance of interior drives and parking areas, buildings, buffers, stormwater management, recreational amenities and all open space.
- N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Kent Apartments

Proposed GR – Multifamily Dwelling Structures

Tax Parcel 1-34-16.00-382.00

Conditional Use Application CU 2195
Change of Zone Application CZ 1895

Gulfstream Development, LLC
27 Atlantic Avenue
Ocean View, Delaware, 19970
302-539-6178

With

Preliminary Land Use Service Comments and Response

&

Supporting Documents

October 14, 2019

PREPARED BY:

LAND TECH LAND PLANNING, LLC
Taggart Professional Center
32895 South Coastal Highway
Bethany Beach, DE 19930
302-539-2366

Consulting Team

Landscape Architecture

LAND TECH LAND PLANNING, LLC
TAGGART PROFESSIONAL CENTER SUITE 202
32895 SOUTH COASTAL HIGHWAY
BETHANY BEACH, DELAWARE 19930
302-539-2366

Land Surveying

TRUE NORTH LAND SURVEYING, INC.
118 ATLANTIC AVENUE, SUITE 202
OCEAN VIEW, DELAWARE 19970
302-539-2488

Environmental

WATERSHED ECO, LLC
114 MERRIMAC AVENUE
MIDDLETOWN, DELAWARE 19709
302-218-3866

Civil Engineering

GEORGE, MILES & BUHR, LLC
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115

Legal

MORRIS JAMES LLP
107 WEST MARKET STREET
GEORGETOWN, DELAWARE 19947
302-856-0010

TABLE OF CONTENTS

- TAB 1. Application transmittal, executed Zoning Change and P&Z Conditional Use application form, fee.
- TAB 2. Mapping & Addressing Project and Street Names Approvals Preliminary Site Plan – CU 2195 & CZ 1895
- TAB 3. Property survey and Deed for tax parcel 1-34-16.00-382.00.
- TAB 4. Environmental Assessment & Public Facility Evaluation Report and Plan.
- TAB 5. Preliminary Land Use Service (PLUS) comments and applicant response.
- TAB 6. DelDOT Service Level Evaluation Request Form and DelDOT response.
- TAB 7. Wetlands/Waters Delineation Report
- TAB 8. Comprehensive Plan Context and Mapping
- TAB 9. Sussex County SSCE Completed Form & As-Built Utility Plan Excerpt.
- TAB 10. Water Company Ability to Serve Letter.

DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

**CU 2195 & CZ 1895
APPLICATION**



Landscape Architecture
New Urbanism Design
Land Use Planning/Permitting
Community Design
Prime Consultant – Project Management

Mr. Jamie Whitehouse, Manager
Sussex County Planning & Zoning Department
2 The Circle
Georgetown, DE 19947

July 1, 2019

**Re: Proposed AR-1 to GR Change of Zone & Multifamily Residential Conditional Use
Kent Apartments
Tax Map # 134-16.00-382.00
Gulfstream Development, LLC**



Dear Mr. Whitehouse,

Land Tech Land Planning, LLC represents Gulfstream Development, LLC with an application for a Change of Zone and a Conditional Use as above referenced. Please find enclosed, our application which includes:

- A completed and signed P&Z Commission Application for Zoning Map Amendment and Conditional Use.
- Eight (8) copies of the Preliminary Site Plan for the proposed use together with a recent survey signed and sealed by a Delaware Land Surveyor.
- An application fee check in the amount of \$ 500.00 made payable to Sussex County.
- A copy of the Deed with legal description of the subject property.
- A copy of the PLUS review comments from a May, 22, 2019 meeting.
- The DelDOT Service Level Evaluation Response is on file in your office.

Please review the enclosed documents and confirm that the application is complete and ready to be scheduled for public hearings before both the Sussex Planning and Zoning Commission and the County Council. We shall forward a PDF of these enclosures via email upon receipt of your confirmation that this is a complete application.

As always, if you should have any questions please do not hesitate to contact our office.

Sincerely,
Land Tech Land Planning, LLC

Jeffrey A. Clark, RLA
jeff@landtechllc.com

file: kentapartmentsczcu.ltr
enclosures: noted
cc: Robert Harris, Jr. via PDF

**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

Intersection of Parker House Road (362) & Muddy Neck Road (361)

Type of Conditional Use Requested:

A proposed change of zoning district from AR-1 to GR with a multifamily residential conditional land use.

Tax Map #: 134-16.00-382.00 **Size of Parcel(s):** 3.93 acres

Current Zoning: AR-1 **Proposed Zoning:** GR **Size of Building:** See Site Plan

Land Use Classification: Multifamily Residential - Market Rate Apartments

Water Provider: Tidewater Utilities **Sewer Provider:** Sussex County

Applicant Information

Applicant Name: Gulfstream Development, LLC
Applicant Address: 27 Atlantic Avenue
City: Ocean View **State:** DE **ZipCode:** 19970
Phone #: (302) 539-6178 **E-mail:** rjh@gulfstream.net

Owner Information

Owner Name: Same as above
Owner Address: _____
City: _____ **State:** _____ **Zip Code:** _____
Phone #: _____ **E-mail:** _____

Agent/Attorney/Engineer Information

Landscape Architect
Agent/Attorney/Engineer Name: Land Tech Land Planning, LLC - Jeffrey A. Clark, RLA
Agent/Attorney/Engineer Address: Taggart Professional Center - 32895 South Coastal Highway, Suite 202
City: Bethany Beach **State:** DE **Zip Code:** 19930
Phone #: (302) 539-2366 **E-mail:** jeffc@landtechllc.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

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

Provide Fee \$500.00

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

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

DeIDOT Service Level Evaluation Request Response

PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Date: _____

Signature of Owner

Date: 6/18/19

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: _____

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES

VOID
GULFSTREAM DEVELOPMENT LLC

27 ATLANTIC AVENUE
OCEAN VIEW, DE 19970
302-539-6178

VOID
MAT
MILLSVILLE, DE 19967

62-9/311

6/18/2019

2121

PAY TO THE
ORDER OF
Sussex County

Five Hundred and 00/100*****

***500.00

DOLLARS

Sussex County
2 The Circle
PO Box 889
Georgetown, DE 19947

MEMO:

⑆00212⑆ ⑆031100092⑆ 300? 6680⑆

[Handwritten Signature]
AUTHORIZED SIGNATURE

GULFSTREAM DEVELOPMENT LLC

Sussex County

Date Type Reference
6/18/2019 Bill Review/Fee

Original Amt. Balance Due
500.00 500.00

6/18/2019 Discount Payment
Check Amount 500.00

2121

Operating Account

500.00

DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

**PRELIMINARY SITE PLAN
CU 2195 & CZ 1895
MAPPING & ADDRESSING
NAME APPROVAL**

MAPPING & ADDRESSING

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



Sussex County

DELAWARE
sussexcountyde.gov

September 26, 2019

Land Tech

Attn: Jeffery A. Clark
32895 South Coastal Hwy
Bethany Beach, De. 19930

RE: Proposed Project Name(s)

I have reviewed the name(s) submitted for your proposed subdivision which is located in Ocean View (134-16.00-382.00). In reviewing the proposed name(s) the following has been **approved** for this project:

KENT APARTMENTS

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

Sincerely,

Terri L. Dukes

Terri L. Dukes
Addressing Technician II

CC: Christin Headley
Planning & Zoning



MAPPING & ADDRESSING

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



Sussex County

DELAWARE
sussexcountyde.gov

October 1, 2019

Land Tech

Attn: Jeffery A. Clark
32895 South Coastal Hwy.
Bethany Beach, De.19930

RE: **KENT APARTMENTS**

I have received proposed street name(s) for the existing subdivision, **KENT APARTMENTS**, located in Ocean View. In reviewing the proposed street name(s) the following have been approved:

Jackson St		

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

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

Sincerely,

Terri L. Duker

Terri L. Duker
Addressing Technician II

CC: Christin Headley
Planning & Zoning



KENT APARTMENTS

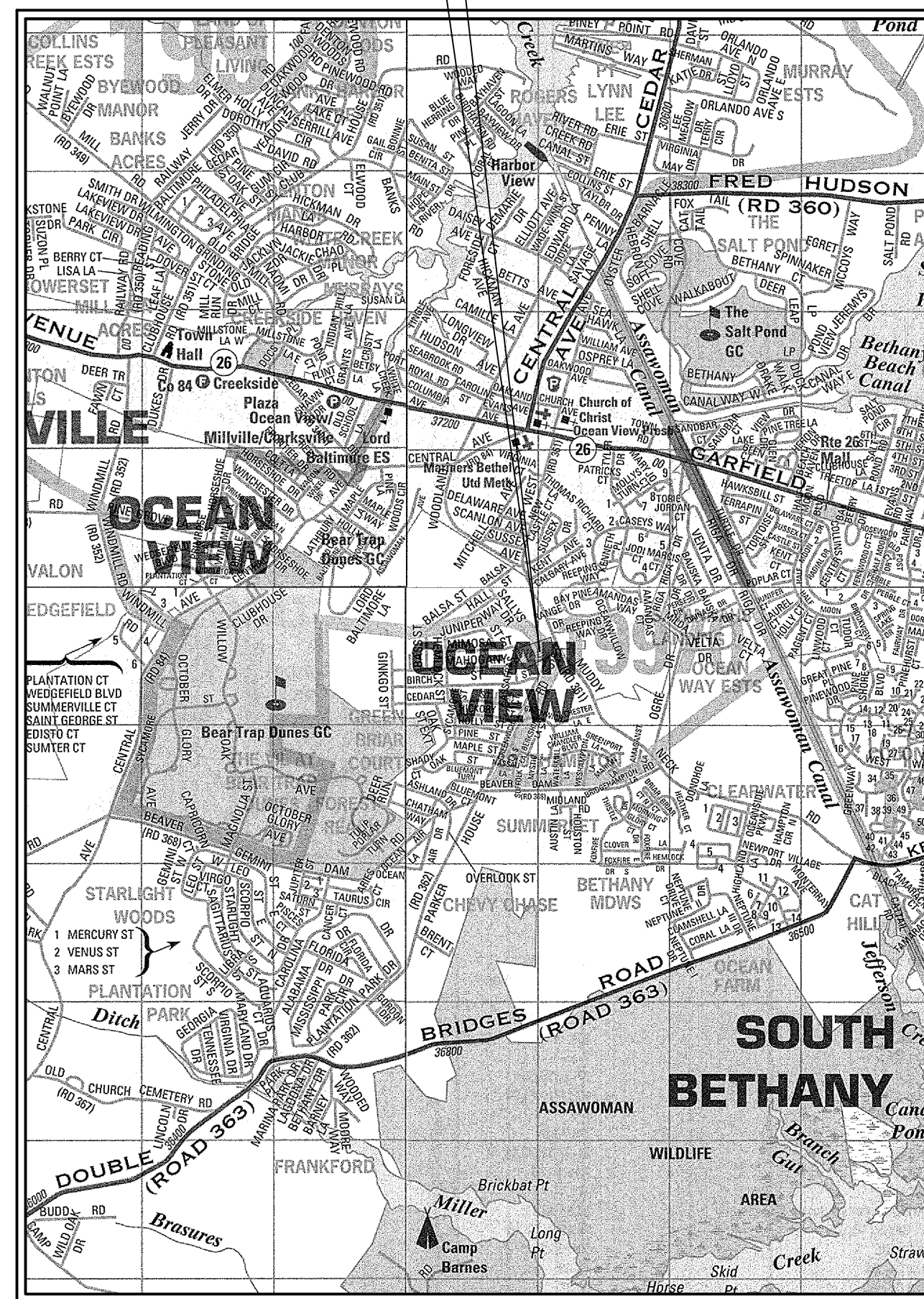
PRELIMINARY SITE PLAN CHANGE OF ZONE # 1895 - CONDITIONAL USE # 2195 SUSSEX COUNTY, DELAWARE

GMB File No. 190083

SITE DATA:

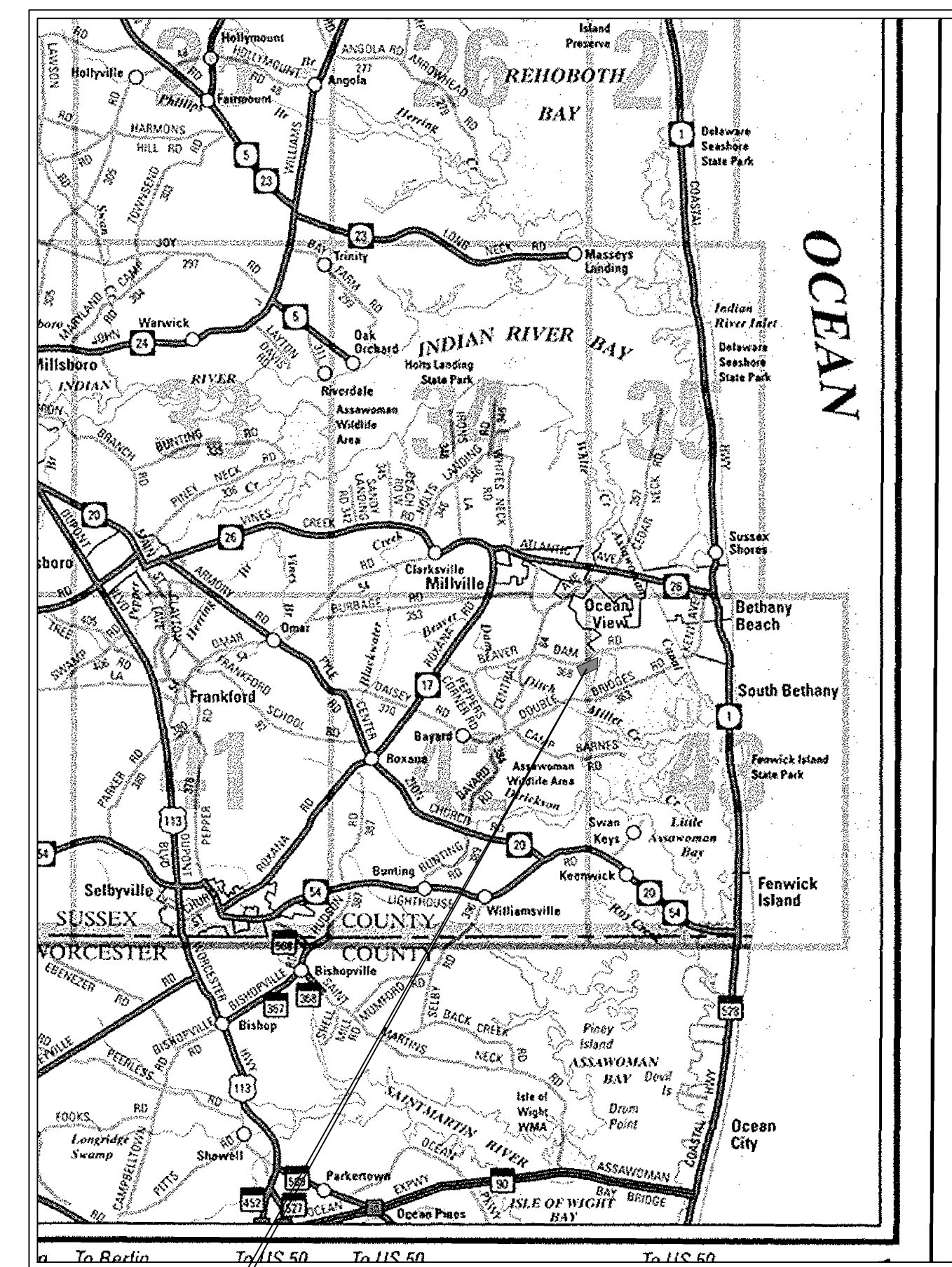
OWNER:	GULFSTREAM DEVELOPMENT, LLC 27 ATLANTIC AVENUE OCEAN VIEW, DE 19970
APPLICANT:	LANDTECH LAND PLANNING, LLC 32895 SOUTH COASTAL HWY, SUITE 202 BETHANY BEACH, DE PHONE: 302.539.2366 CONTACT: JEFF CLARK, RLA
CIVIL ENGINEER:	GEORGE, MILES & BUHR, LLC 206 WEST MAIN ST SALISBURY, MD 21801 PHONE: 410.742.3115 CONTACT: STEPHEN L. MARSH, P.E.
TAX MAP:	134-16.00-382.00
DEED REFERENCE:	5028/43
EXISTING ZONING:	AR-1 COASTAL AREA
PROPOSED ZONING:	GR-CONDITIONAL USE
PROPOSED SITE DATA:	
SITE AREA:	±3.93 ACRES
DWELLING UNITS ALLOWED:	47 MULTIFAMILY UNITS (12 LOTS/ACRE)
DWELLING UNITS PROPOSED:	45 MULTIFAMILY APARTMENTS (11.45 UNITS/ACRE)
COMMUNITY BUILDINGS:	CLUBHOUSE AND POOL
OPEN SPACE:	±2.14 ACRES
AREA DEDICATED TO DELDOT:	0.07 ACRES
UNIT COUNT:	45
APARTMENTS:	90
REQUIRED PARKING: (2/UNIT)	114
PROVIDED PARKING:	114
BUILDING SETBACKS:	
FRONT:	40'
SIDE:	10'
REAR:	10'
MAX BUILDING HEIGHT:	42'
MIN LOT AREA:	3,630 SF
MIN LOT WIDTH:	60'
FLOOD ZONE:	FLOOD INFORMATION: SPECIAL FLOOD HAZARD AREA ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FIRM MAP 10050C0512K, DATED MARCH 16, 2015.
UTILITIES:	
CENTRAL WATER:	TIDEWATER UTILITIES, INC.
PUBLIC SEWER:	SUSSEX COUNTY

PROJECT AREA



LOCATION MAP
SCALE: 1" = 1,000'

PROJECT AREA



VICINITY MAP
SCALE: 1" = 1 MILE

LIST OF DRAWINGS:

- PSP-1.0 COVER SHEET
- PSP-2.0 BOUNDARY SURVEY
- PSP-3.0 PRELIMINARY SITE PLAN
- PSP-4.0 PRELIMINARY SITE PLAN RENDERING

APPROVED _____ BY _____
SUSSEX COUNTY COUNCIL
PRESIDENT

APPROVED _____ BY _____
SUSSEX COUNTY
PLANNING AND ZONING COMMISSION

GENERAL NOTES:

- ALL ON-SITE DRIVES ARE PRIVATE AND SHALL BE MAINTAINED BY THE OWNER. THE PERPETUAL MAINTENANCE OF THE DRIVES SHALL BE BY THE RESPECTIVE ORGANIZATION.
- STORMWATER MANAGEMENT AND STORM DRAINAGE SHALL BE IN ACCORDANCE WITH THE SUSSEX CONSERVATION DISTRICT, AND SUSSEX COUNTY ENGINEERING REQUIREMENTS. THE SITE IS TO BE TREATED BY PERVIOUS PAVEMENT, GREEN TECHNOLOGIES, AND BMP FACILITIES SUCH AS DETENTION PONDS. MAINTENANCE OF THE ON-SITE STORMWATER MANAGEMENT FACILITIES AND STORM DRAINAGE SYSTEM SHALL BE BY THE OWNERS.
- ALL OPEN SPACE SHALL BE MAINTAINED BY THE OWNERS.
- TOPOGRAPHY SHOWN HEREIN PER LIDAR DATA, DELAWARE STATE PLAN COORDINATE SYSTEM NAD 83/91 AND NAVD83 VERTICAL DATUM.
- BOUNDARY SHOWN HEREIN PROVIDED BY TRUE NORTH LAND SURVEYING JUNE 03, 2019.
- THIS SITE CONTAINS NO REGULATED WETLANDS.

OWNER'S CERTIFICATION:

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

OWNER
GULFSTREAM DEVELOPMENT, LLC. DATE _____

LANDSCAPE ARCHITECT'S CERTIFICATION:

I, JEFFREY A. CLARK, RLA HEREBY CERTIFY THAT I AM A REGISTERED LANDSCAPE ARCHITECT IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD PLANNING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

JEFFREY A. CLARK, RLA. DATE _____
OWNER, LANDTECH LAND PLANNING, LLC.

ENGINEER'S CERTIFICATION:

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

STEPHEN L. MARSH, P.E. DATE 10/14/2019
ENGINEER
SENIOR VICE PRESIDENT, GEORGE, MILES & BUHR, LLC.

APPROVED _____ BY _____
SUSSEX COUNTY
SOIL CONSERVATION DISTRICT

	EXISTING	PROPOSED
PROPERTY LINE	---	---
EASEMENT LINE	- - - - -	- - - - -
SETBACK LINE	---	---
R.O.W. LINE	---	---
PROPERTY CORNER (NOT SPECIFIED)	○	N/A
CONCRETE MONUMENT FOUND	CMP □	CMS □
IRON PIPE FOUND	IPP ●	N/A
CONTOUR	- - - - -	N/A
EDGE OF PAVEMENT	---	---
CURB	---	---
SIDEWALK	---	---
SIDEWALK HATCH	▨	▨
EDGE OF POND	---	---
STORM MANHOLE	⊙	⊙
CURB INLET	⊞	⊞
STORM PIPE	—SD—	—SD—
SANITARY MANHOLE	⊙	⊙
SANITARY PIPE	—SS—	—SS—
WATER PIPE	—W—	—W—
OVERHEAD ELECTRIC	—E—	N/A
UTILITY POLE	⊞	N/A
TREE LINE	~~~~~	~~~~~
FLOOD ZONES	---	---

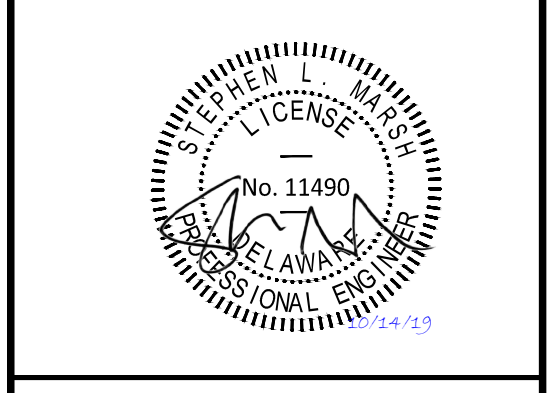
PRINTS ISSUED FOR REVIEW

DATE	
REVISIONS	
NO.	

PREPARED BY: LANDTECH LAND PLANNING, LLC

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

KENT APARTMENTS SUSSEX COUNTY, DELAWARE



COVER SHEET

SCALE: AS SHOWN	SHEET NO.
DESIGN BY: JAC	PSP-1
DRAWN BY: RLM	
CHECKED BY:	
GMB FILE: 190083	
DATE: JUN 2019	

DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

**PROPERTY SURVEY
&
DEED**

TAX MAP # 1-34-16.00-382.00

PREPARED BY & RETURN TO:
Parsons & Robinson, P.A.
118 Atlantic Ave. #401
Ocean View, DE 19970
File No. A8120/LMG

NO LIEN OR TITLE SEARCH REQUESTED OR PERFORMED

THIS DEED, made this 5 day of March, 2019,

- BETWEEN -

ROBERT T. LEE, Sheriff of Sussex County, Georgetown, Delaware, of PO Box 948,
22215 DuPont Blvd, Georgetown, DE 19947, party of the first part,

- AND -

GULFSTREAM DEVELOPMENT, LLC, of 27 Atlantic Ave., Ocean View, DE
19970, party of the second part.

WHEREAS, a certain Monition, C.A. NO. S18T-08-004 was issued from the Superior Court at the suit of Department of Finance of Sussex County v. American Senior Housing, LLC for Fourteen Thousand One Hundred Forty-Four Dollars and Fifty Six Cents (\$14,144.56), real debt and damages and costs, requiring the Sheriff to expose to public venue certain lands of American Senior Housing, LLC, seized and taken in execution by virtue of a previous writ of Monition, C.A. NO. S18T-08-004, and the Sheriff advertised and sold the lands of American Senior Housing, LLC, subject to the approval of the Superior Court and subject to American Senior Housing, LLC's right of redemption; and

WHEREAS there was no redemption filed pursuant to 9 Del. C. Section 8733, proper return of the sale was made to the Sherriff, and the Superior Court approved the same and ordered the Sheriff to convey the property to the above-named Grantees by its order dated February 26, 2019;

THIS INDENTURE WITNESSETH, that ROBERT T. LEE, Sheriff of Sussex County, for and in consideration of the sum of ONE HUNDRED FIVE THOUSAND DOLLARS (\$105,000.00) lawful money bid and paid by the Grantee, the receipt whereof is hereby acknowledged, and by virtue of the laws of the State of Delaware, has granted, bargained and sold, and by these presents do grant bargain and sell to the Grantee, his heirs and assigns forever, and all rights title and claim whatsoever, in the law and equity of the Grantee, to all that certain tract or parcel of land described as follows:

Tract One:

ALL that certain piece, parcel and tract of land lying and being situate in the Baltimore Hundred of Sussex County, Delaware and being more particularly described as follows:

BEGINNING at a found concrete monument lying on the westerly right-of-way of Sussex County Road No. 362 (a/k/a Parker House Road), said road having a width of 50 feet, said concrete monument marking a common corner for this tract and the lands now or formerly of John J. Lucian, et al, said concrete monument also being a boundary marker for the lands now or formerly of Shady Dell Park Subdivision; thence from the Point of Beginning, by and with the line of the lands of Shady Dell Park Subdivision, North 85 degrees, 58 minutes, 14 seconds West, 443.91 feet to a found iron pipe marking a common corner for this tract and the lands of Shady Dell Park Subdivision; thence continuing with said lands, North 03 degrees, 26 minutes, 14 seconds West, passing a found field stone at 182.39 feet, 187.00 feet to an iron pipe to be set on the line of the lands now or formerly of C. F. L. Enterprises, Inc.; thence by and with the line of C. F. L. Enterprises, Inc., North 79 degrees, 11 minutes, 56 seconds East, 527.35 feet to an iron pipe to be set on the westerly right-of-way of Sussex County Road No. 361 (a/k/a Muddy Neck Road), said road having a width of 70 feet; thence by and with said right-of-way, South 14 degrees, 34 minutes, 01 seconds East, 112.24 feet to an iron pipe to be set at the Point of Curvature (P.C.) of a curve to the left; thence by and with said curve having a central angle of 01 degrees, 51 minutes, 03 seconds, a radius of 1,564.06 feet, and an arc length of 50.52 feet to a point, said point being the Point of Tangency (P.T.) of this curve and the point of intersection of the rights-of-way of Sussex County Road No. 361 and Sussex County Road No. 362; thence by and with the right-of-way of County Road No. 362; South 33 degrees, 32 minutes, 30 seconds West, passing an iron pipe to be set at 50.00 feet, 191.18 feet to the Point of Beginning.

This tract is encumbered by a "daylighting" easement to Del Dot as recorded in Deed Book 1724, Page 259 (deed of record for this tract).

This tract contains 131,594 square feet, or 3.02 acres of land, more or less, as shown on a plat prepared by Design Consultants Group, L.L.C., titled "Property Line Survey-Lands Now or Formerly of Peter and Cheryl Ann Schussler", dated June 14, 2007, and is recorded among the land records of Sussex County in Plat Book 114, Page 215.

BEING the same lands conveyed unto American Senior Housing, LLC, a Virginia Limited Liability Company, by Deed of Peter F. Schussler dated July 13, 2007, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Georgetown, Delaware in Deed Book 3475, Page 222.

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

Tract Two:

ALL that certain piece, parcel and tract of land lying and being situate in Baltimore Hundred, Sussex County, Delaware as shown on a Plot prepared by Delaware Surveying Services, dated October 16, 2007 and filed for record in the Office of the Recorder of Deeds, in Plot Book 118, Page 187, and being more particularly described as follows:

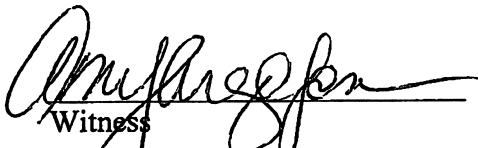
BEGINNING at a found rebar located on the westerly right of way line of Muddy Neck Road (70' wide) and other lands of American Senior Housing, LLC; thence turning and running by and with the line of land of American Senior Housing, LLC South 79 degrees 11 minutes 56 seconds West 527.35 feet to a found rebar; thence turning and running South 09 degrees 32 minutes 30 seconds East 4.00 feet to found concrete marker and a corner for Lot 8; thence turning and running by and with Lot 8 South 78 degrees 46 minutes 52 seconds West 137.84 feet to a set iron pipe and Mimosa Street (50' wide); thence with a curve to the left having a radius of 75.00 feet, the central angle being 78 degrees 00 minutes 40 seconds, the arc distance being 102.12 feet, the chord bearing North 62 degrees 19 minutes 05 seconds West a distance of 94.41 feet to a set iron pipe and lands now or formerly of Providence Land Ltd; thence by and with the line of lands now or formerly of Providence Land Ltd. North 78 degrees 40 minutes 37 seconds East 734.20 feet to a found iron pipe and the westerly right of way line of Muddy Neck Road (70' wide); thence turning and running by and with the westerly right of way line of Muddy Neck Road (70' wide) South 15 degrees 32 minutes 30 seconds East 60.64 feet to a found rebar, the point and place of beginning containing 39,803 square feet of land, be the same more or less.

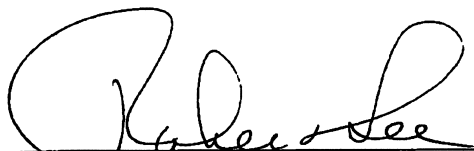
BEING the same lands conveyed unto American Senior Housing, LLC by Deed of C.F.L. Enterprises, Inc., a corporation of the State of Delaware, dated January 30, 2008, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Georgetown, Delaware in Deed Book 3547, Page 342.

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

IN TESTIMONY WHEREOF, ROBERT T. LEE, Sheriff of Sussex County, has hereunto set his Hand and Seal the day and year first above written.

Signed, Sealed and Delivered in the presence of:

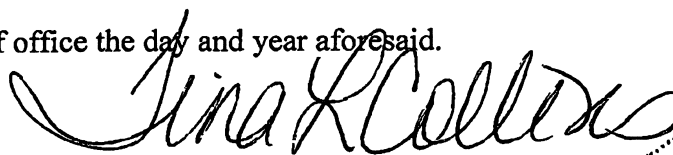

Witness


Robert T. Lee (SEAL)

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 5 day of March, 2019, personally came before me, the subscriber, ROBERT T. LEE, Sheriff of Sussex County, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his Act and Deed.

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

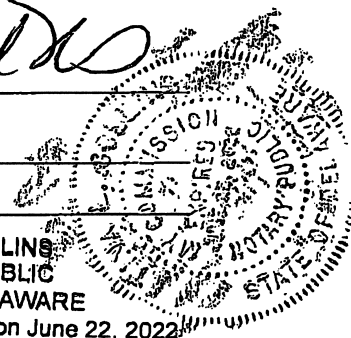


Notary Public

Printed Name: _____

My Commission Expires: _____

TINA L. COLLINS
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on June 22, 2022



DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

**ENVIRONMENTAL
ASSESSMENT & PUBLIC
FACILITY EVALUATION
REPORT**

DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

ENVIRONMENTAL ASSESSMENT & PUBLIC EVALUATION REPORT

BACKGROUND AND PROJECT DESCRIPTION

- The Kent Apartments site is a 3.93-acre parcel (Sussex Tax Parcels: 134-16.00-382.00). The subject land is located at the intersection of Parker House Road & Muddy Neck Road and currently zoned AR-1 (Agricultural Residential). The application is requesting a zoning change to GR (General Residential) with a Conditional Use seeking approval to develop the site with 45 multifamily dwellings within three buildings together with a pool and bathhouse, sidewalks, shared use path along the street frontage, street trees, shrubs and passive community open space.
- A single commercial entrance is planned on Muddy Neck Road near the northern property boundary and aligned with an existing residential entrance across the public street.
- The site will be served with public sanitary sewer via a connection to the Sussex County regional wastewater transmission, treatment and disposal Unified District facilities which has adequate capacity.
- The site will be served with public water for both potable and fire protection use via a connection to the Tidewater Utilities Water Company existing infrastructure which has adequate capacity.

STORMWATER & DRAINAGE DESIGN

- Stormwater management design for the Kent Apartments site will be done in accordance with Delaware's Sediment and Stormwater Regulations and approved by the Sussex Conservation District. A Stormwater Assessment Study will need to be prepared and a Pre-

DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

Application Meeting scheduled at the Sussex Conservation District office. The stormwater strategy envisioned for the site includes permeable pavement.

COMMUNITY POTABLE AND FIRE PROTECTION WATER SUPPLY

- The Kent Apartments site lies within the Tidewater Utilities Water Company service area and a connection to that regional public water system is planned. The regional water system connection will provide potable water supply for residential domestic use and also supply the quantities and pressures required by the Delaware State Fire Marshals Fire Prevention Regulations for residential subdivisions with fire hydrants.

WASTEWATER TREATMENT AND DISPOSAL

- The Kent Apartments site as planned will connect to the Unified Sanitary Sewer District of the Sussex County regional wastewater transmission, treatment and disposal system. In comments received from the Sussex County Engineering Department (SCED) dated May 13, 2019, the subject tract lies in a Tier 1 sewer planning area. The SCED report confirms the proposed project is within design assumptions for the Sussex County sewer system and sewer capacity is available for the project as proposed.

TRAFFIC ANALYSIS

- The Kent Apartments developer submitted a Service Level Evaluation Request (SLER) Form to the Sussex P&Z Office in connection with this application on April 22, 2019. The May 21, 2019 DelDOT response to the SLER recommended the developer not be required to perform a Traffic Impact Study (TIS).

DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

- PLUS comments from DelDOT included a requirement for the Kent Apartments developer to provide a minimum of 40' of right-of-way from the physical centerline of both Muddy Neck and Parker House Roads. PLUS comments went on to require a 15' wide permanent easement across the property frontage on both Muddy Neck and Parker House Roads outside the limits of the ultimate right-of-way.
- DelDOT will require a Shared Use Path (SUP) along the entire property road frontage and an internal sidewalk connection to the SUP.
- DelDOT will require the Kent Apartments project to improve both Muddy Neck and Parker House Roads within the limits of their frontage with the site to provide 11-foot travel lanes and 8-foot shoulders.
- All existing utilities on the public road frontage must be shown on a plan and a utility relocation plan will be required for any utilities that need to be relocated.

THREATENED AND ENDANGERED SPECIES

- Watershed Eco, LLC conducted site specific fieldwork pursuant to the existence of regulated wetlands and no RTE species or habitat was encountered. Since the site is surrounded by residential and business development, it is not expected that the site would support any RTE species.

DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

WETLANDS

- The Kent Apartments site has been evaluated for the existence of regulated wetlands on April 10, 2019 by Mr. James C. McCulley, IV with Watershed Eco, LLC, a qualified professional wetland scientist (# 000471). Mr. McCulley has characterized the site as a scrub/shrub habitat with an adjacent hedgerow. Much of the site has been disturbed in the past. No wetlands were encountered on the site and the upper limits of a ditch were labelled as Waters of the United States, although it likely not a Jurisdictional feature and is likely ephemeral.
- The conclusions reached are found in the full wetland delineation report by Watershed Eco (copy attached in the Supplemental Data Book).

OPEN SPACE MANAGEMENT

- The Kent Apartments site will result in the creation of both active and passive open space areas within the property boundaries.
- The passive open space areas are generally confined to the areas in the rear of the three proposed multifamily buildings. Clearing, disturbance, or altering of existing vegetation shall be limited as needed to accommodate the proposed construction and for removal of dead and dying trees which pose a threat to public safety on adjacent private property.
- The landscape areas will be vegetated in conformance with a detailed plan prepared under the direction of a Delaware licensed landscape architect and approved by the Delaware State Forestry Department. Maintenance of landscape areas will be under the direction of qualified firms under contract to the Kent Apartments property management firm.

DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

- The balance of the open space in Kent Apartments will be used more actively by the residents and their guests. These active open space areas include the community pool and bathhouse and paved pedestrian paths.

PUBLIC AND PRIVATE INFRASTRUCTURE

- The Kent Apartments multifamily development will be served by both public water from Tidewater Utilities Water Company and public sanitary sewer from Sussex County.
- The Kent Apartment site, as planned, will connect to the Unified Sanitary Sewer District of the Sussex County regional wastewater transmission, treatment and disposal system. In comments received from the Sussex County Engineering Department (SCED) dated May 13, 2019, the subject tract lies in a Tier 1 sewer planning area. The SCED report confirms the proposed project is within design assumptions for the Sussex County sewer system and sewer capacity is available for the project as proposed.
- The Kent Apartments site lies within the Tidewater Utilities Water Company service area and a connection to that regional public water system is planned. The regional water system connection will provide potable water supply for residential domestic use as well as supply the quantities and pressures required by the Delaware State Fire Marshals Fire Prevention Regulations for residential subdivisions with fire hydrants.
- Other utilities to be extended to the property include CATV, electric and telephone provided through private agreements with those utility companies.

DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

- Site drainage and stormwater management systems will also be developed pursuant to County Code and DNREC regulations governing inspection of installations and facilities maintenance.

ECONOMIC, RECREATIONAL & OTHER BENEFITS

- Multiple economic benefits accrue to the local economy from salaries and purchase of materials during the construction of both site and building improvements. Additional benefits accrue from increased property taxes, permit fees, utility impact fees and the like.
- Delaware State Housing Authority (DSHA) strongly supports the proposal to rezone 3.93 acres on the corner of Muddy Neck and Parker House Roads from AR-1 (Agriculture-Residential) to GR (General Residential) with a conditional use in anticipation of a 45-unit rental community along Muddy Neck Road in Sussex County. This would provide Sussex County an excellent opportunity to facilitate a more affordable housing product in the Coastal Resort Area. The need for housing affordable to the many county residents who work in this resort economy is acute and well documented. In addition, this site is located within a DSHA-defined “Areas of Opportunity” which are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help household succeed. Unfortunately, these same areas contain little affordable housing. As a result, DSHA recommends that Sussex County embrace the opportunity to approve this proposal permitting residents to live close to their jobs and gain access to the resources and benefits this area provides.

DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

CONFORMANCE WITH COMPREHENSIVE PLAN

- The Kent Apartments subdivision site has been planned in accordance with the new updated 2018 Comprehensive Plan approved by Sussex County Council.
- The Future Land Use component of the 2018 Plan has established Growth Areas where the County has signaled future growth is expected. The entire Kent Apartments site is mapped as **Coastal Areas** on the 2045 Future Land Use Map. Coastal Areas are one of seven (7) Growth areas defined and described in the 2018 Plan. The 2018 plan seeks to encourage the County's most concentrated forms of new development to Growth Areas.

The 2018 Plan recognizes that the Coastal Growth Area is in a region among the most desirable locations in Sussex County for new housing. Coastal Areas can accommodate development provided special environmental concerns are addressed and a range of housing types should be permitted including multifamily residential which Kent Apartments proposes. Coastal Areas development densities proposed in the 2018 Plan range from 2-12 homes per acre. Kent Apartments proposes twelve (12) dwellings per acre. The Comprehensive Plan states that medium and higher densities could be supported in areas where there is central water and sewer, near sufficient commercial uses and employment centers, where it is in keeping with the character of the area, where it is along a main road or at/or near a major intersection, where there is adequate Level of Service or where other considerations exist that are relevant to the requested project and density. Kent Apartments meets each of these criteria while satisfying the housing concerns raised by the Delaware State Housing Authority.

DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

HISTORICAL AND CULTURAL RESOURCES

- The Kent Apartments site was reviewed in June 2019 by the State Historic Preservation Office as a part of the PLUS process. Their report stated that there are no known archeological sites or known National Register listed or eligible properties on the parcel.

ACTIONS TO MITIGATE DETRIMENTAL IMPACTS

- The Kent Apartments multifamily residential design is based upon the principals of sound land use planning and landscape architecture. Open space corridors are located to promote and encourage pedestrian access between residences in the neighborhood with a planned link via the public shared use path to Muddy Neck Road.

DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

**PRELIMINARY
LAND USE SERVICE
COMMENTS AND APPLICANT
RESPONSE**



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 26, 2019

Constance C. Holland, AICP
Director, Office of State Planning Coordination
122 Martin Luther King, Jr. Blvd. South – Haslet Armory, Third Floor
Dover, DE 19901

RE: PLUS Response 2019-05-08; Muddy Neck Apartments

Dear Mrs. Holland,

Land Tech Land Planning, LLC represents the owner/developer of the above referenced proposed Zoning District Amendment and Conditional Use applications. In response to the review comments within the June 19, 2019 PLUS report that follows, **we offer our answers highlighted in color.**

June 19, 2019

Mr. Jeff Clark, RLA
Land Tech Land Planning, LLC
32895 South Coastal Highway
Bethany Beach, DE 19930

RE: PLUS review 2019-05-08; Muddy Neck Apartments

Dear Mr. Clark:

Thank you for meeting with State agency planners on May 22, 2019 to discuss the proposed plans for the Muddy Neck Apartments project. According to the information received you are seeking review of a rezoning of 3.93 acres from AR-1 to GR with a conditional use in anticipation of a 45-unit apartment complex along Muddy Neck Road in Sussex County.

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

Strategies for State Policies and Spending

This project is located in Investment Level 2 according to the *Strategies for State Policies and Spending*. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. State investments will support growth in these areas. Our office has no objections to the proposed rezoning and development of this project in accordance with the County codes and ordinances.

Acknowledged

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Muddy Neck Road (Sussex Road 361) must be designed in accordance with DeIDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.

Acknowledged

- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

Acknowledged

- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DeIDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

Acknowledged

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 244 vehicle trip ends per day, 16 in the morning peak hour of the Muddy Neck Road and 21 in the evening peak hour of Muddy Neck Road. DeIDOT confirms these numbers and finds that the warrant for a TIS is not met.

The primary purpose of a TIS is to determine the need for off-site transportation improvements. DeIDOT anticipates requiring the applicant to improve Muddy Neck Road and Parker House Road (Sussex Road 362) within the limits of their frontage to provide 11-foot lanes and 8-foot shoulders.

Acknowledged

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DeIDOT will require dedication of right-of-way along the site's frontage on Muddy Neck Road and Parker House Road. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline on both roads. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"

Acknowledged

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Muddy Neck Road and Parker House Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **“A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.”**

Acknowledged

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 300 feet of the entrance.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

Acknowledged

- Section 3.5 of the Manual provides DelDOT’s requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public streets for subdivisions. If a pedestrian connection between the proposed apartments and Shady Dell Park can be negotiated, an access easement and a paved path should be provided.

Acknowledged

- Section 3.5.4.2 of the Manual addresses requirements for Shared-Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required. DelDOT will require a SUP across the parcel’s frontage on Muddy Neck Road and Parker House Road. The internal sidewalk should be connected to the SUP.

Acknowledged

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

Acknowledged

- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Acknowledged

State Historic Preservation Office – Contact Carlton Hall 736-7404

- **There are no known archaeological sites or known NR-listed or eligible properties on the parcel.** There is a medium probability for a prehistoric site in the north part of the parcel

Acknowledged

- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54)

Acknowledged

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

Acknowledged

Recommendations/Additional Information

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

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

Acknowledged

Department of Natural Resources and Environmental Control – Michael Tholstrup 735-3352

Source Water Protection

- The building on the western end of the parcel is located within an excellent recharge area. It appears to exceed 35 percent impervious cover within the excellent recharge area, therefore Sussex County may require the applicant to demonstrate that post-development recharge quantity will meet or exceed the existing (pre-development) recharge quantity. Additional requirements may be enforced if the impervious coverage is more than 60 percent. Consider pervious paving materials for the large parking area and incorporating green stormwater management technologies.

Acknowledged

Hydric Soils

- Hydric soils (Hurlock and Mullica) cover the entire parcel. Developments on hydric soils have the potential to increase future flooding and pollutant runoff. Consider pervious paving material for the large parking area proposed for this development.

Acknowledged

State Housing Authority – Contact: Karen Horton 739-4263

- DSHA strongly supports the proposal to rezone 3.93 acres on the corner of Parker House Road and Muddy Neck Road from AR-1 (Agriculture-Residential) to GR (General Residential) with a conditional use in anticipation of a 45-unit rental community along Muddy Neck Road in Sussex County. This would provide Sussex County an excellent opportunity to facilitate a *more* affordable housing product in the Coastal Resort Area. The need for housing affordable to the many county residents who work in this resort economy is acute and well documented. In addition, this site is located within a DSHA-defined “Areas of Opportunity” which are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help household succeed. Unfortunately, these same areas contain little affordable housing. As a result, DSHA recommends that Sussex County embrace the opportunity to approve this proposal permitting residents to live close to their jobs and gain access to the resources and benefits this area provides.

If you have any questions or would like more information, please feel free to call me at (302) 739-4263 ext. 251 or via e-mail at karenh@destatehousing.com.

Delaware Area Rapid Transit (DART) – Contact: Jared Kauffman 576-6062

- DART recommends that a shared use pathway along road frontages and internal pedestrian pathway connecting to the shared use pathway be included.

Acknowledged

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

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

Sincerely,

Constance C. Holland, AICP
Director, Office of State Planning Coordination

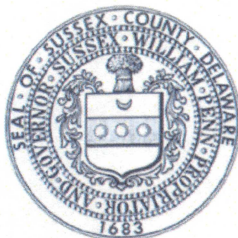
CC: Sussex County Planning

DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

**DELDOT
SERVICE LEVEL EVALUATION
RESPONSE**

PLANNING & ZONING
JANELLE M. CORNWELL, AICP
DIRECTOR
(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

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

Date: 4/22/19

Site Information:

Site Address/Location: Intersection of Parker House Road & Muddy Neck Road (361)

Tax Parcel Number: 134-16.00-382.00

Current Zoning: AR-1

Proposed Zoning: GR

Land Use Classification: Conditional Use - Multifamily

Proposed Use(s): Proposed 45 rental apartments within three (3) three story buildings.

Square footage of any proposed buildings or number of units: Proposed Density = 45 dwellings

Applicant Information:

Applicant's Name: Gulfstream Development, LLC

Applicant's Address: 27 Atlantic Avenue

City: Ocean View State: DE Zip Code: 19970

Applicant's Phone Number: (302) 539-6178

Applicant's e-mail address: rjh@gulfstream.net



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

Last updated 7-27-18



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION

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

JENNIFER COHAN
SECRETARY

May 21, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Gulfstream Development, LLC** rezoning application, which we received on April 23, 2019. This application is for a 3.93-acre parcel (Tax Parcel: 134-16.00-382.00). The subject land is located on the west side of the intersection of Parker House Road (Sussex Road 362) and Muddy Neck Road (Sussex Road 361). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to GR (General Residential) to develop 45 mid-rise (three-story) rental apartments.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Parker House Road where the subject land is located is 1,646 vehicles per day. As the subject land also has frontage along Muddy Neck Road, the annual average daily traffic volume along that road segment, which is from the south Ocean View limits to Double Bridges Road (Sussex Road 363), is 3,728 vehicles per day.


Based on our review, we estimate that the above land use 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.



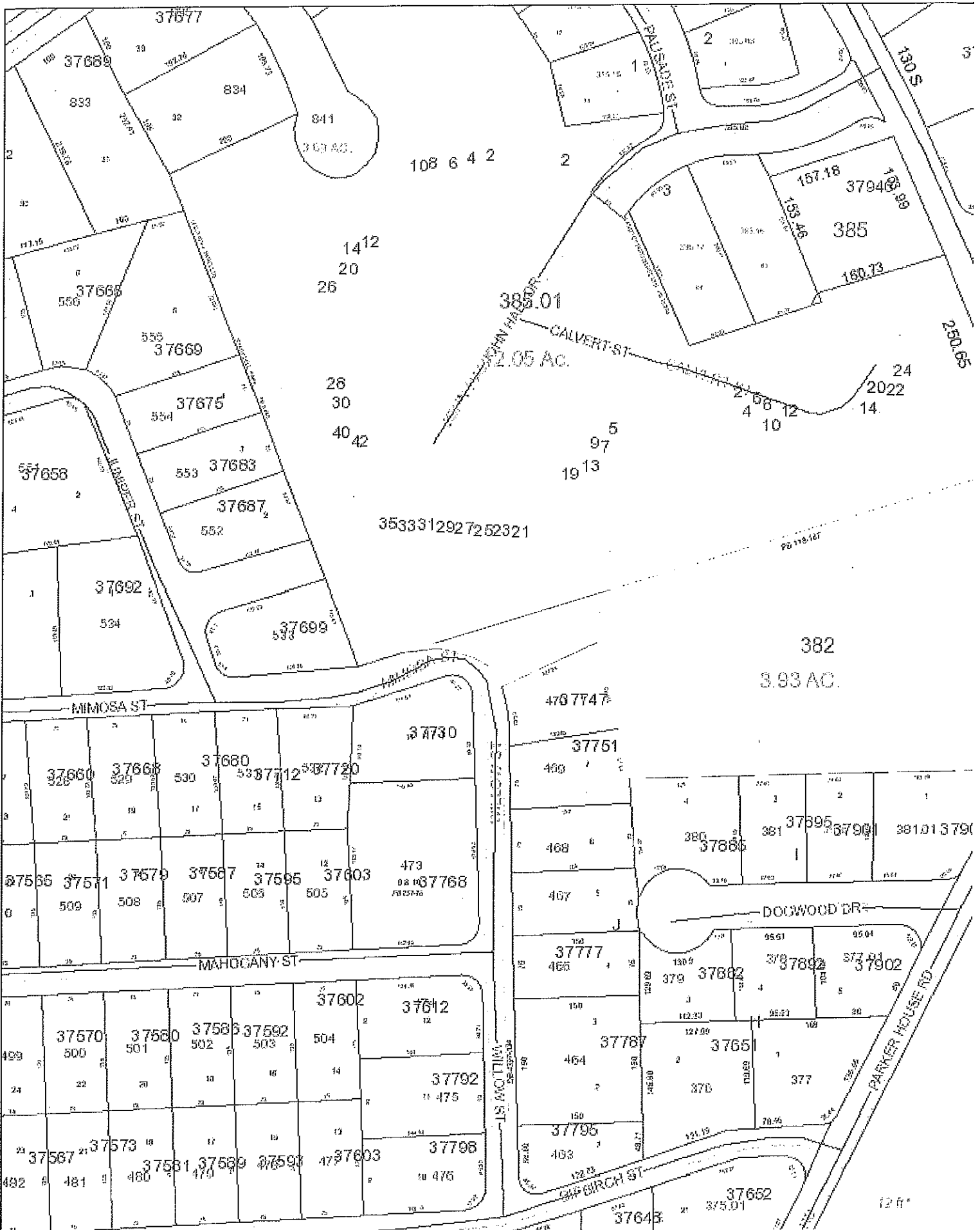
Ms. Janelle M. Cornwell
Page 2 of 2
May 21, 2019

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

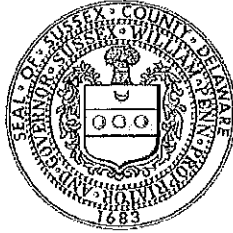
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Gulfstream Development, LLC, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance and Operations
Susanne Laws, Sussex County Subdivision Coordinator, 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountype.gov

Sussex County Zoning Verification

This form is to provide the current zoning for the following parcel of land located within Sussex County. This form does not grant approval for any current or future use of the property.

Tax Parcel Number: 134-16.00-382.00

Location: Intersection of Muddy Neck Road & Parker House Road

Current Zoning: AR-1

Owner: (from assessment records):

American Senior Housing, LLC

Owner Mailing Address (from assessment records):

3739-C Pickett Road

Fairfax, VA 22032

The zoning for this property has been confirmed from the Official Sussex County Zoning Map by:

Sussex County Planning & Zoning Staff Member

Date



DESIGN SUMMARY AND SUPPLEMENTAL DATA

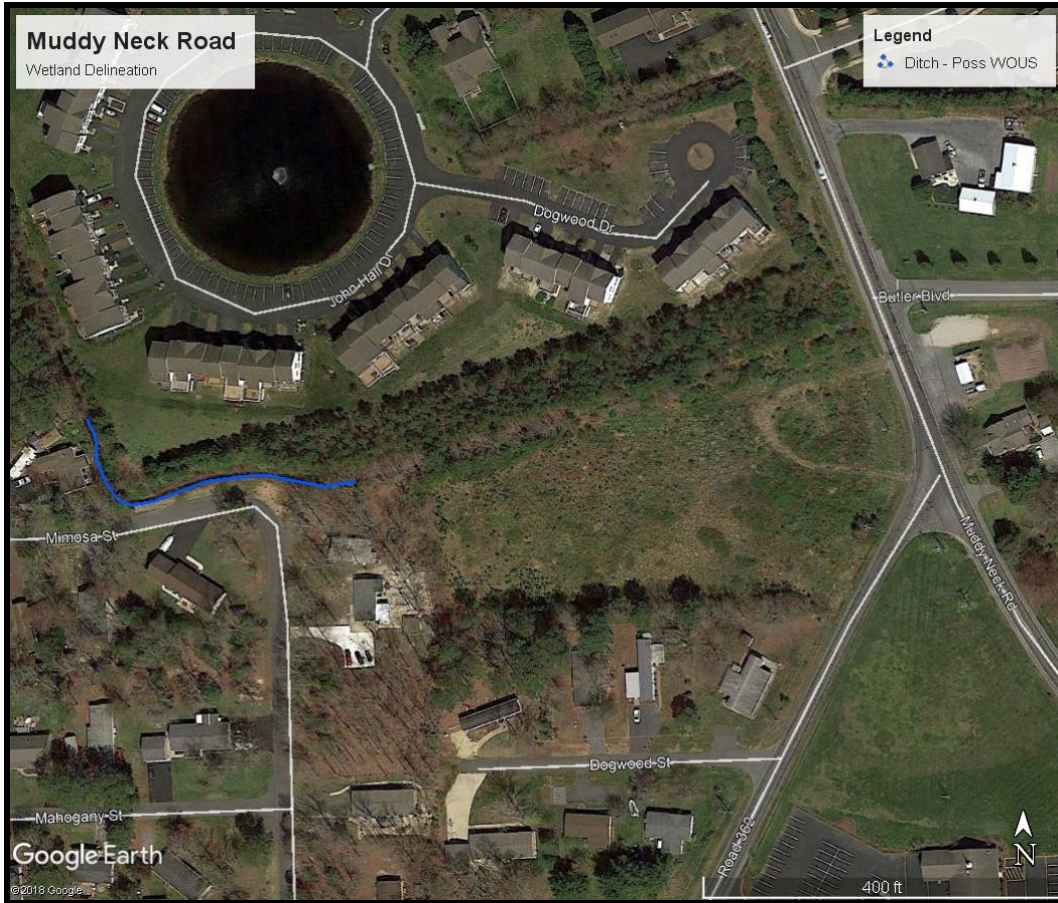
KENT APARTMENTS

**WETLANDS/WATERS
DELINEATION
REPORT**

Wetlands/Waters Delineation Report for: **Muddy Neck Apartments**

Completed: May 10, 2019

Fieldwork: April 10, 2019



Prepared by:



Watershed Eco LLC
James C. McCulley IV, PWS
#000471

114 Merrimac Avenue
Middletown, Delaware 19709
www.WatershedEco.com



A. Site Description, Landscape Setting

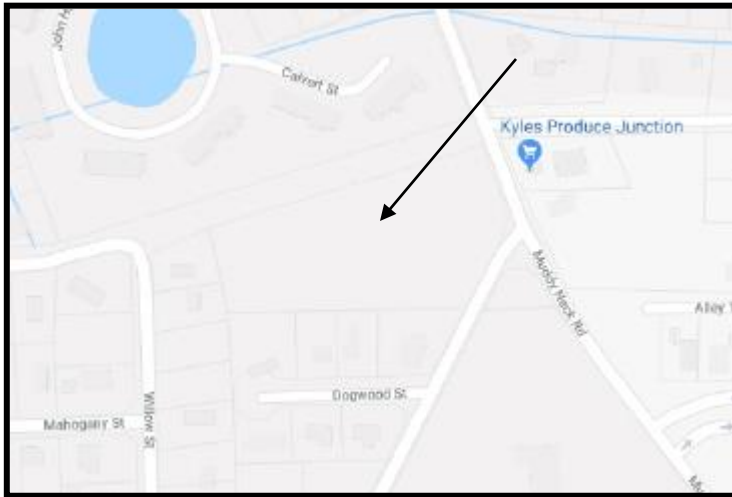


Figure 1: Location

This site lies west of Muddy Neck Road and east of Willow Street in Ocean View, Sussex County, Delaware at approximate Latitude and Longitude: 38.533561 and -75.089827. The site is further described as Tax Parcel 1-34-16-382.00 and comprises approximately 3.93 Acres). The site surrounded by residential uses.

The site is a scrub/shrub habitat with adjacent hedgerow. Much of the site has been disturbed in the past.

The site is accessed from Muddy Neck Road and/or Parker House Road.

No wetlands were encountered on the site and the upper limits of a ditch were labelled as Waters of the United States, although it is likely not a Jurisdictional feature and is likely ephemeral.

B. Site Alterations, Current and Past Land Use

The 1992 aerial photo (below) depicts three structures on the property with the remainder of the site cleared and mowed.



Figure 2: 1992 Aerial Photo

The 2005 Aerial Photo depicts two of the structures are still present.



Figure 3: 2005 Aerial Photo

The 2007 Aerial Photo shows little change from 2005.



Figure 4: 2007 Aerial Photo

The 2010 Aerial Photo depicts that the structures are gone and resembles the current site conditions.



Figure 5: 2010 Aerial Photo

B.1 Soils -

The mapped soils are shown below, the main soils mapped on the site is Mullica Sandy Loam (MmA) and Hurlock Sandy Loam (HvA) which are described as very poorly drained, (see details in attached soil report). The soils encountered on the site appeared to be old fill material and were not hydric.



Figure 6: Soil Map



Figure 7: NWI Map

The National Wetland Inventory (NWI) Map (above) depicts a ditch along the northern property boundary. The site investigation revealed that this ditch only extended a short area into the site and appeared to be ephemeral.

B.2 Hydrology –

According to the USGS Quadrangle, the site occupies a flat area and a ditch is depicted offsite to the north where the adjacent development exists and not along the property line where it is depicted on the NWI.



Figure 8: USGS Mapping

B.3 Vegetation -

The dominant vegetation in the scrub/shrub area of the site included:

Autumn Olive, Blackberry, Multiflora Rose, Black Cherry, Loblolly Pine, Red Maple, Sweetgum and Japanese Honeysuckle.

No wetland plant communities were encountered on the site.

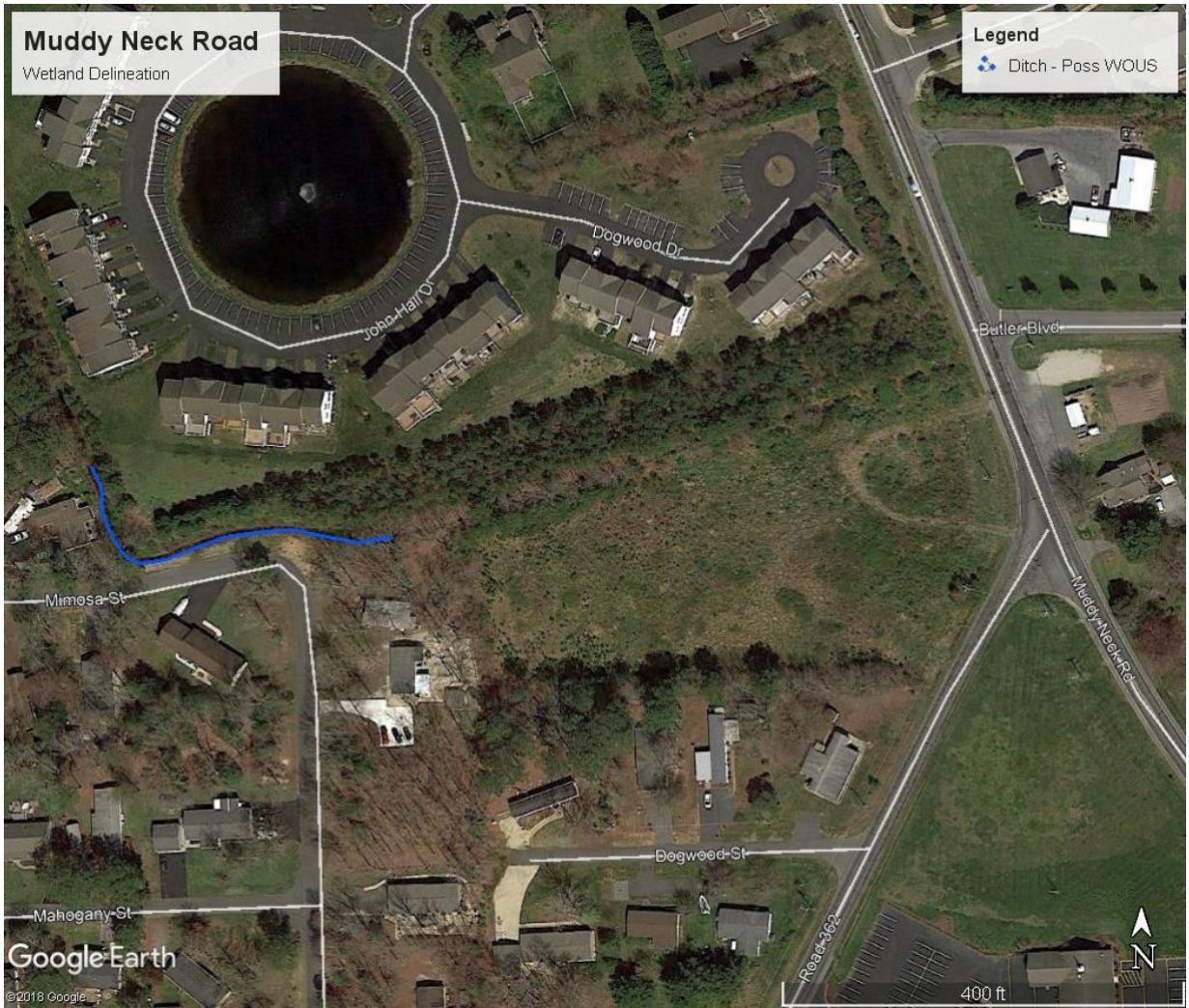


Figure 9: Wetland Mapping

REPRESENTATIVE PHOTOGRAPHS



Photo 1: Scrub Shrub Area



Photo 2: Ephemeral Ditch

C. Results and Conclusions

This field investigation found a small section of ephemeral ditch on the western portion of the site. This ditch was conservatively mapped as Waters of the United States and will not be disturbed by the proposed development plan.

Based on the above, it is the opinion of Watershed Eco, LLC and James C. McCulley IV, PWS #000471 that the above map accurately depicts the Waters that exist on the site.

D. Disclaimer Statement

This report documents the investigation, best professional judgment, and conclusions of the investigators. It should be used at your own risk until it has been approved in writing by the U.S. Army Corps of Engineers.



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Sussex County, Delaware**

Muddy Neck Road



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

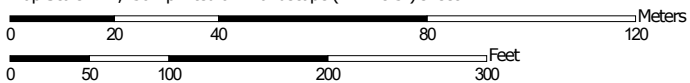
Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Map Scale: 1:1,450 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware
 Survey Area Data: Version 19, Sep 14, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Jun 27, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HvA	Hurlock sandy loam, 0 to 2 percent slopes	1.7	38.6%
MmA	Mullica mucky sandy loam, 0 to 2 percent slopes	2.8	61.4%
Totals for Area of Interest		4.5	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

Custom Soil Resource Report

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Sussex County, Delaware

HvA—Hurlock sandy loam, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 1qth9

Elevation: 0 to 120 feet

Mean annual precipitation: 42 to 48 inches

Mean annual air temperature: 52 to 58 degrees F

Frost-free period: 180 to 220 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Hurlock, drained, and similar soils: 42 percent

Hurlock, undrained, and similar soils: 38 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hurlock, Drained

Setting

Landform: Flats, depressions, swales

Down-slope shape: Linear, concave

Across-slope shape: Linear, concave

Parent material: Loamy fluviomarine sediments fluviomarine deposits

Typical profile

Ap - 0 to 10 inches: sandy loam

Eg - 10 to 13 inches: sandy loam

Btg - 13 to 25 inches: sandy loam

Cg - 25 to 63 inches: loamy sand

2Cg - 63 to 80 inches: silt loam

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Poorly drained

Runoff class: Negligible

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to high
(0.06 to 5.95 in/hr)

Depth to water table: About 10 to 20 inches

Frequency of flooding: None

Frequency of ponding: Rare

Available water storage in profile: Moderate (about 6.7 inches)

Interpretive groups

Land capability classification (irrigated): 3w

Land capability classification (nonirrigated): 3w

Hydrologic Soil Group: A/D

Hydric soil rating: Yes

Description of Hurlock, Undrained

Setting

Landform: Flats, swales, depressions, drainageways

Down-slope shape: Linear, concave

Custom Soil Resource Report

Across-slope shape: Linear, concave

Parent material: Loamy fluviomarine sediments fluviomarine deposits

Typical profile

Oe - 0 to 2 inches: moderately decomposed plant material

A - 2 to 4 inches: sandy loam

Eg - 4 to 13 inches: sandy loam

Btg - 13 to 25 inches: sandy loam

Cg - 25 to 63 inches: loamy sand

2Cg - 63 to 80 inches: silt loam

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Poorly drained

Runoff class: Negligible

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to high
(0.06 to 5.95 in/hr)

Depth to water table: About 0 to 10 inches

Frequency of flooding: None

Frequency of ponding: Occasional

Available water storage in profile: Moderate (about 7.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 5w

Hydrologic Soil Group: A/D

Hydric soil rating: Yes

Minor Components

Hammonton

Percent of map unit: 5 percent

Landform: Drainageways, flats

Landform position (three-dimensional): Rise

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: No

Mullica, drained

Percent of map unit: 5 percent

Landform: Flats, swales, depressions, drainageways

Landform position (three-dimensional): Dip

Down-slope shape: Linear, concave

Across-slope shape: Linear, concave

Hydric soil rating: Yes

Woodstown

Percent of map unit: 5 percent

Landform: Flats, broad interstream divides, fluviomarine terraces

Landform position (three-dimensional): Tread, rise

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: No

Klej

Percent of map unit: 5 percent

Landform: Flats

Custom Soil Resource Report

Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: No

MmA—Mullica mucky sandy loam, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 1qtj7
Elevation: 30 to 230 feet
Mean annual precipitation: 42 to 48 inches
Mean annual air temperature: 52 to 58 degrees F
Frost-free period: 180 to 220 days
Farmland classification: Prime farmland if drained

Map Unit Composition

Mullica, drained, and similar soils: 50 percent
Mullica, undrained, and similar soils: 30 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Mullica, Drained

Setting

Landform: Swales, drainageways, flats, depressions
Down-slope shape: Concave, linear
Across-slope shape: Linear, concave

Typical profile

Ap - 0 to 10 inches: mucky sandy loam
A - 10 to 14 inches: mucky sandy loam
Bg - 14 to 24 inches: sandy loam
Cg - 24 to 65 inches: sand
2Ab - 65 to 80 inches: silt loam

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Very poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 5.95 in/hr)
Depth to water table: About 0 to 10 inches
Frequency of flooding: None
Frequency of ponding: Rare
Available water storage in profile: Low (about 4.9 inches)

Interpretive groups

Land capability classification (irrigated): 2w
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: A/D

Custom Soil Resource Report

Hydric soil rating: Yes

Description of Mullica, Undrained

Setting

Landform: Depressions, drainageways, swales, flats

Down-slope shape: Concave, linear

Across-slope shape: Concave, linear

Parent material: Sandy and loamy fluviomarine sediments

Typical profile

Oe - 0 to 3 inches: moderately decomposed plant material

A - 3 to 10 inches: mucky sandy loam

Eg - 10 to 14 inches: sandy loam

Bg - 14 to 24 inches: sandy loam

Cg - 24 to 65 inches: sand

2Ab - 65 to 80 inches: silt loam

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Very poorly drained

Runoff class: Negligible

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 5.95 in/hr)

Depth to water table: About 0 to 10 inches

Frequency of flooding: None

Frequency of ponding: Frequent

Available water storage in profile: Moderate (about 6.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4w

Hydrologic Soil Group: A/D

Hydric soil rating: Yes

Minor Components

Berryland

Percent of map unit: 10 percent

Landform: Flats, depressions, swales

Hydric soil rating: Yes

Hurlock

Percent of map unit: 10 percent

Landform: Flats

Hydric soil rating: Yes

References

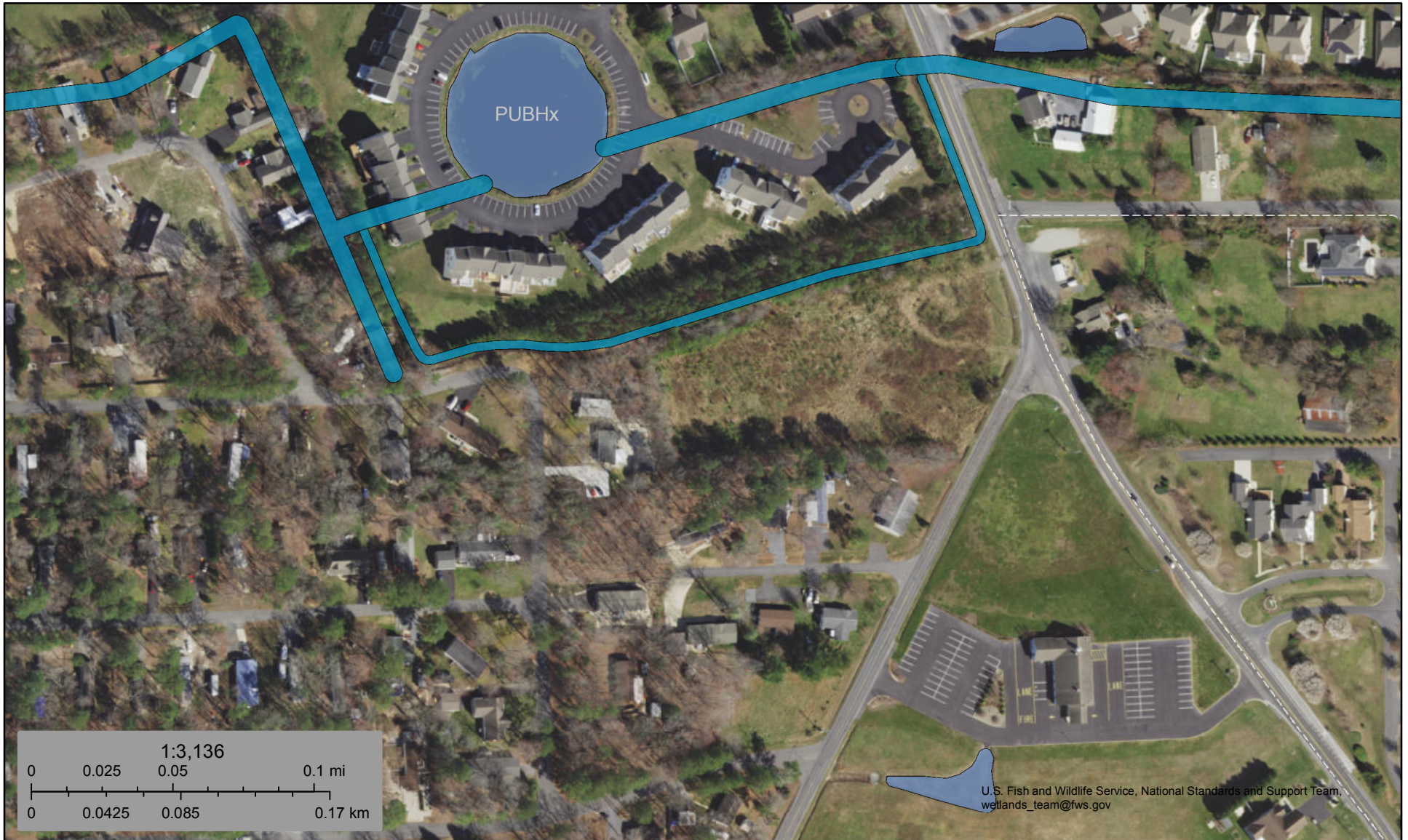
- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
- Federal Register. July 13, 1994. Changes in hydric soils of the United States.
- Federal Register. September 18, 2002. Hydric soils of the United States.
- Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
- National Research Council. 1995. Wetlands: Characteristics and boundaries.
- Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262
- Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577
- Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580
- Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.
- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
- United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374
- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf



April 9, 2019

Wetlands

- Estuarine and Marine Deepwater
- Freshwater Emergent Wetland
- Lake
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Other
- Estuarine and Marine Wetland
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



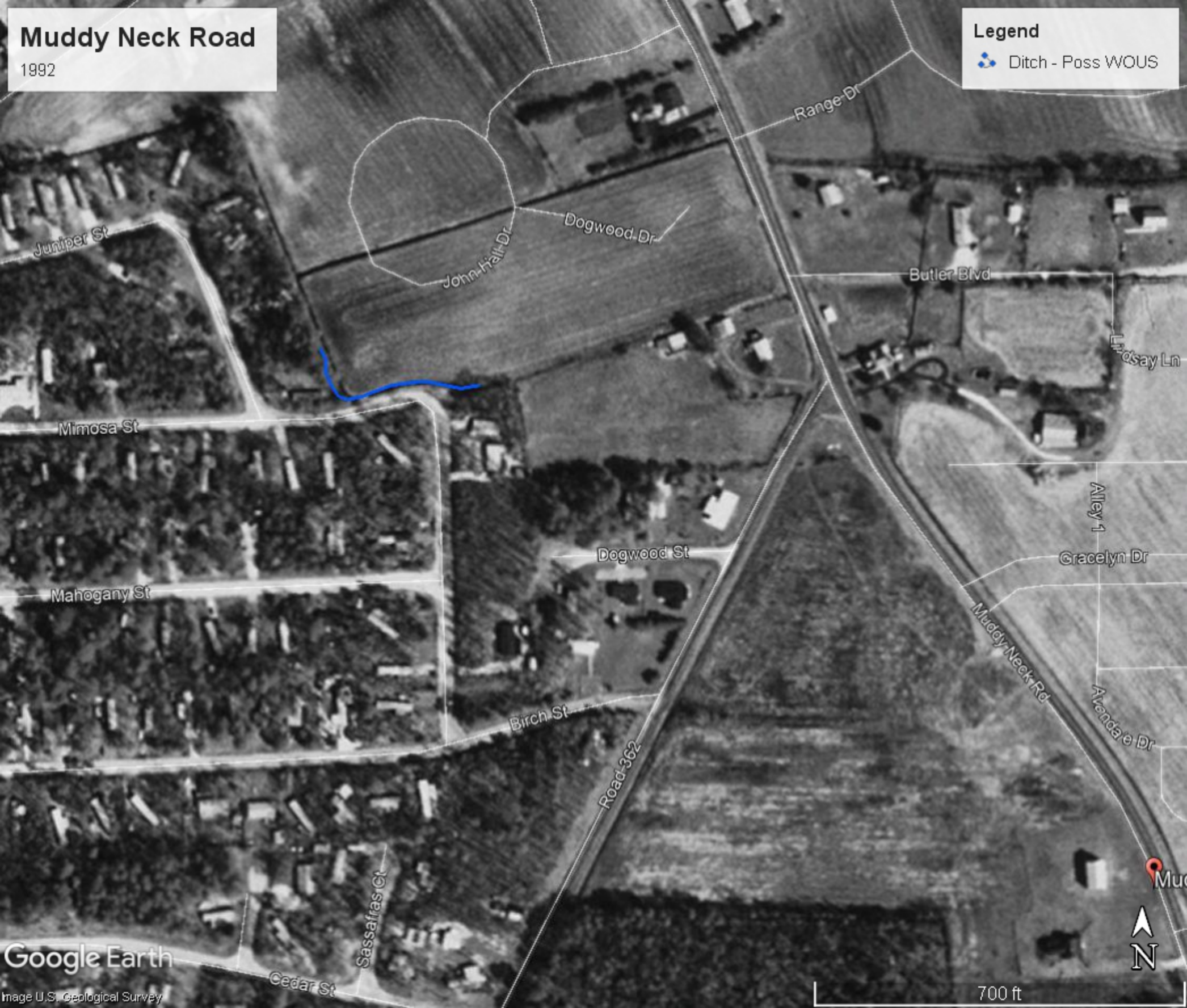
April 9, 2019

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Muddy Neck Road

1992

Legend
Ditch - Pass WOUS



Muddy Neck Rd

Muddy Neck Road

2005

Legend
Ditch - Pass WOUS



Google Earth

Image © 2019 DigitalGlobe

700 ft

Muddy Neck Road

2005

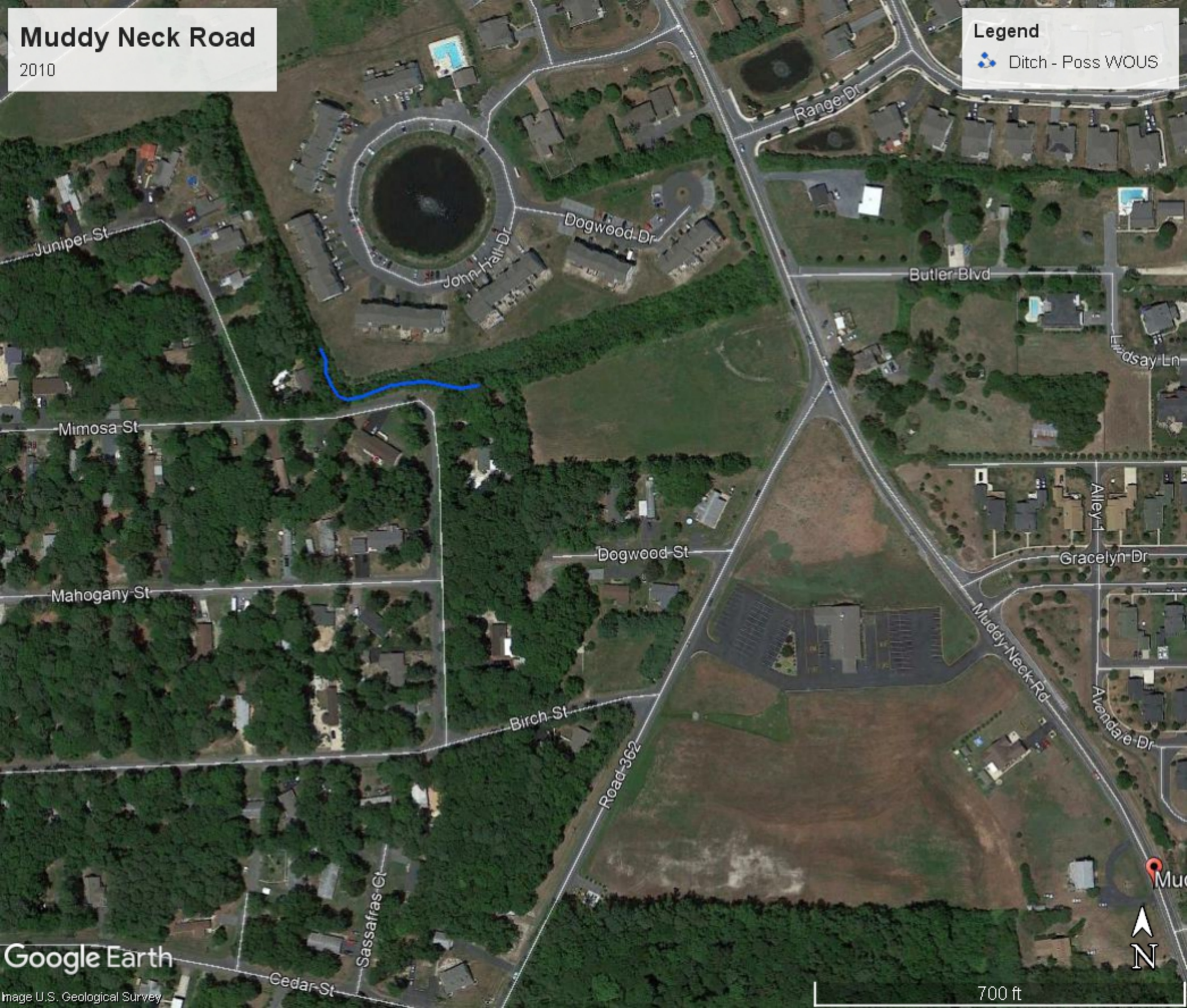
Legend
Ditch - Pass WOUS



Muddy Neck Road

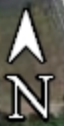
2010

Legend
Ditch - Pass WOUS



Google Earth

Image U.S. Geological Survey




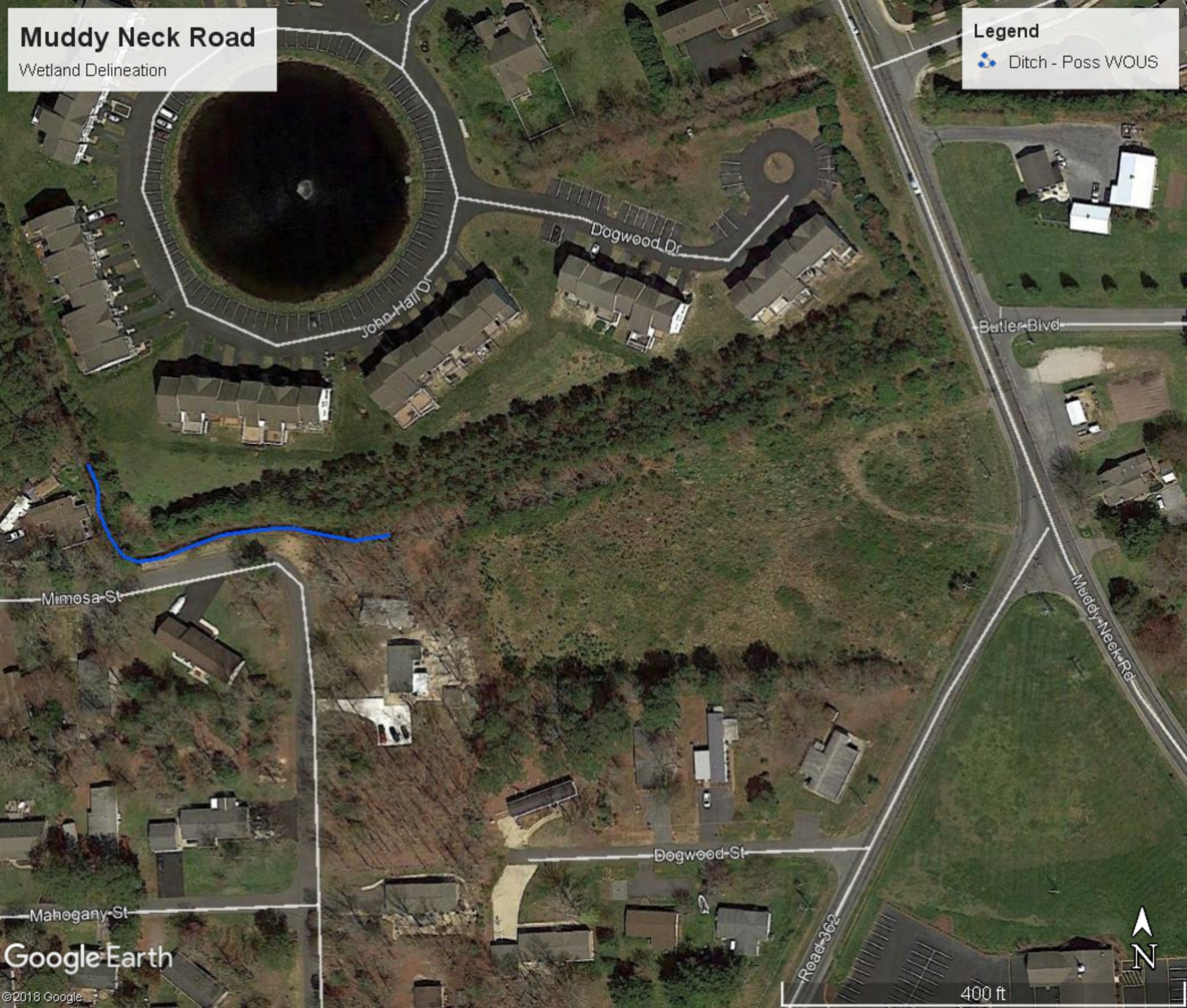
700 ft

Muddy Neck Road

Wetland Delineation

Legend

 Ditch - Pass WOUS



DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

2018
COMPREHENSIVE
PLAN CONTEXT &
MAPPING

Figure 4.5-1 Sussex County 2045 Future Land Use

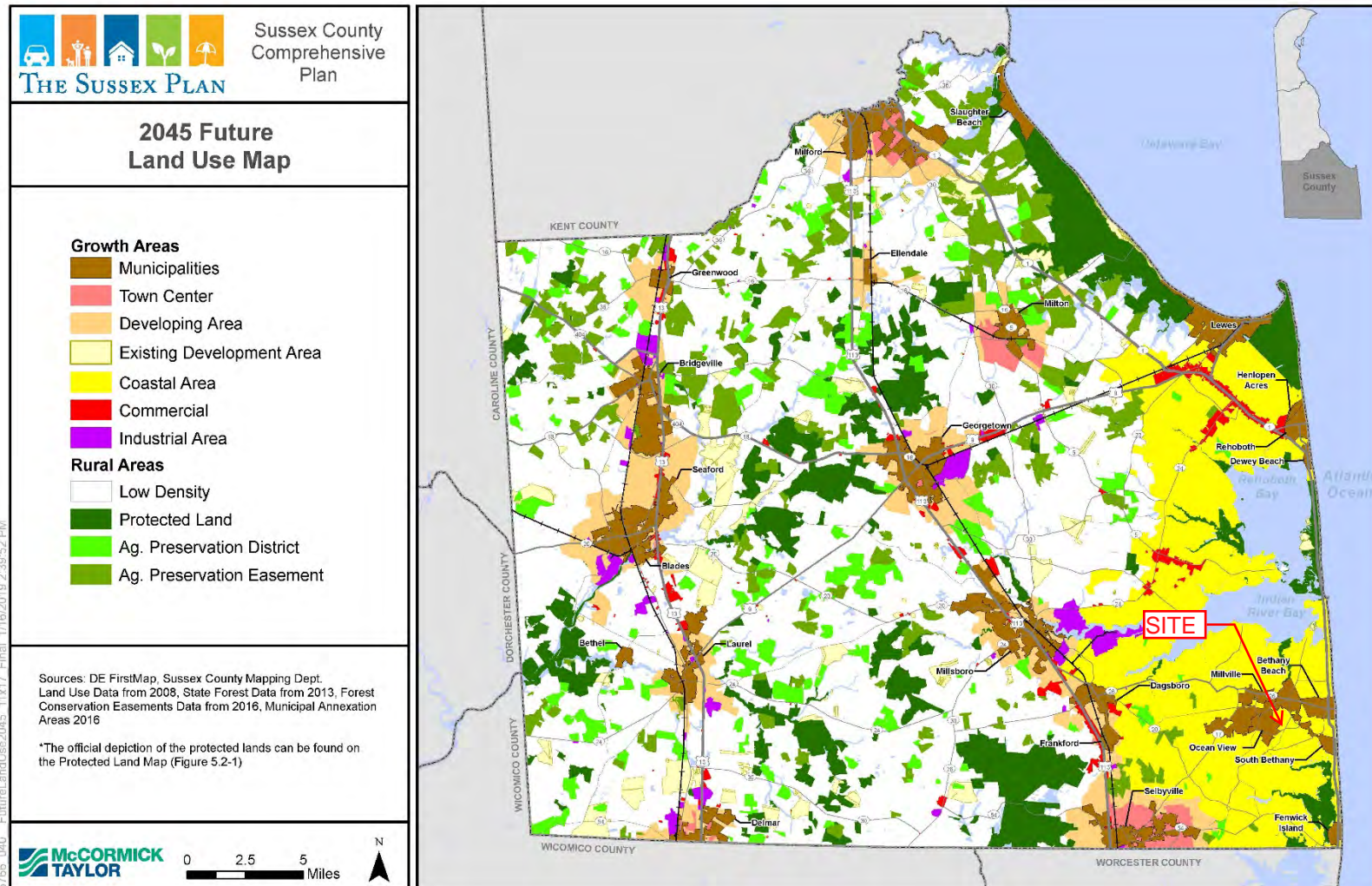


Figure 4.4-1 Strategies for State Policies and Spending

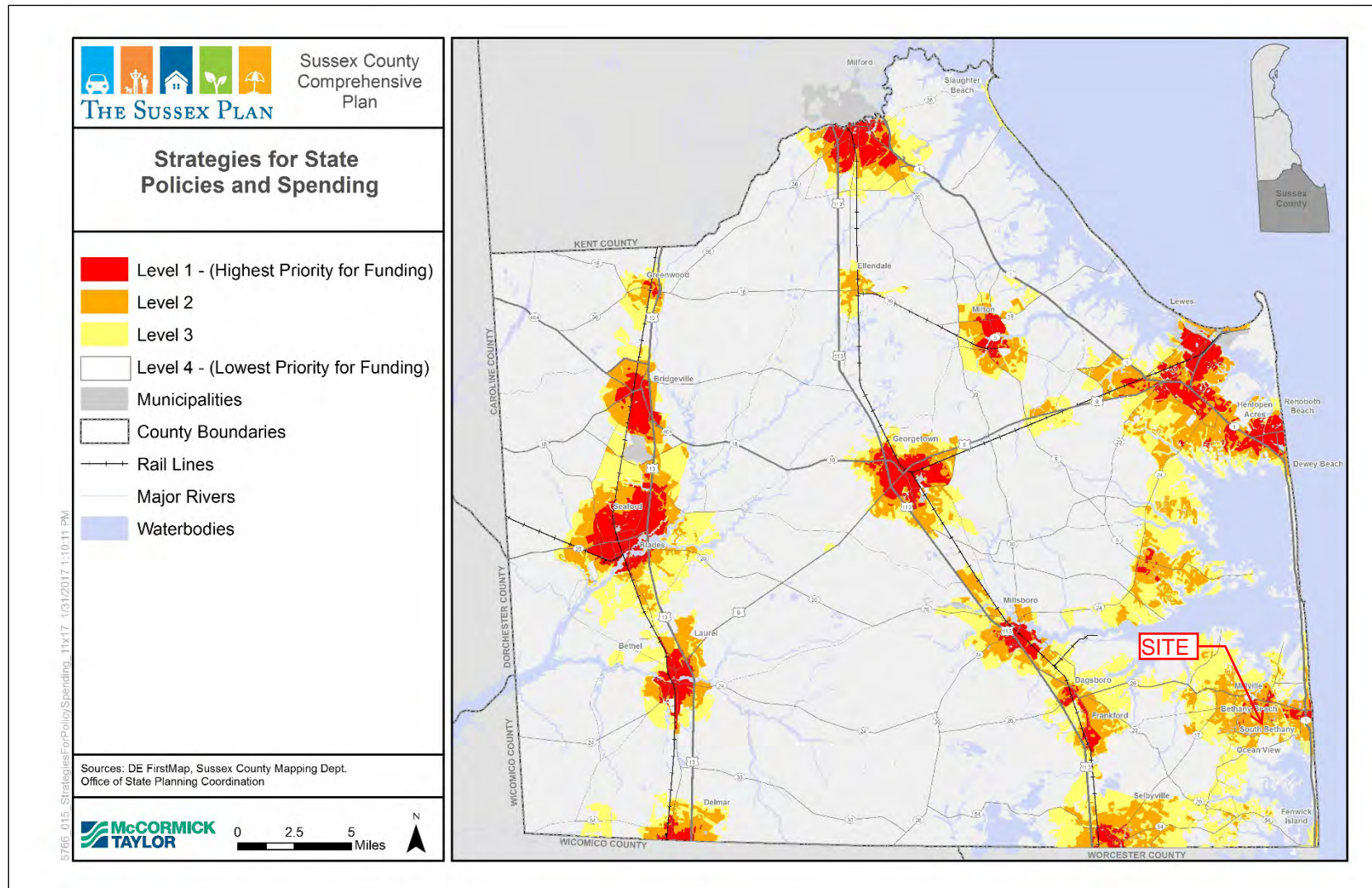
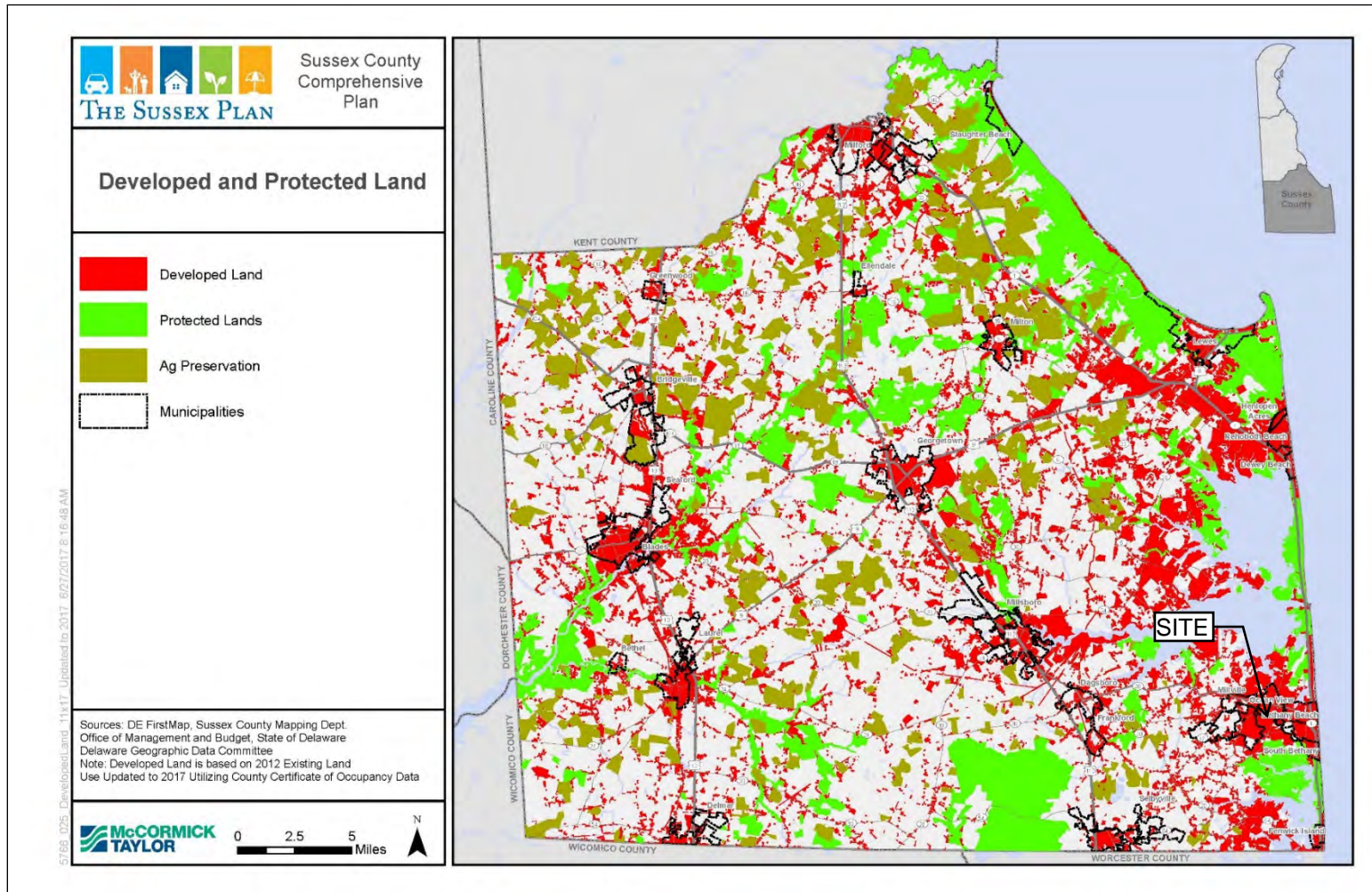


Figure 4.2-2 Developed and Protected Land *

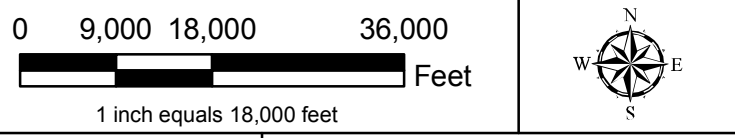
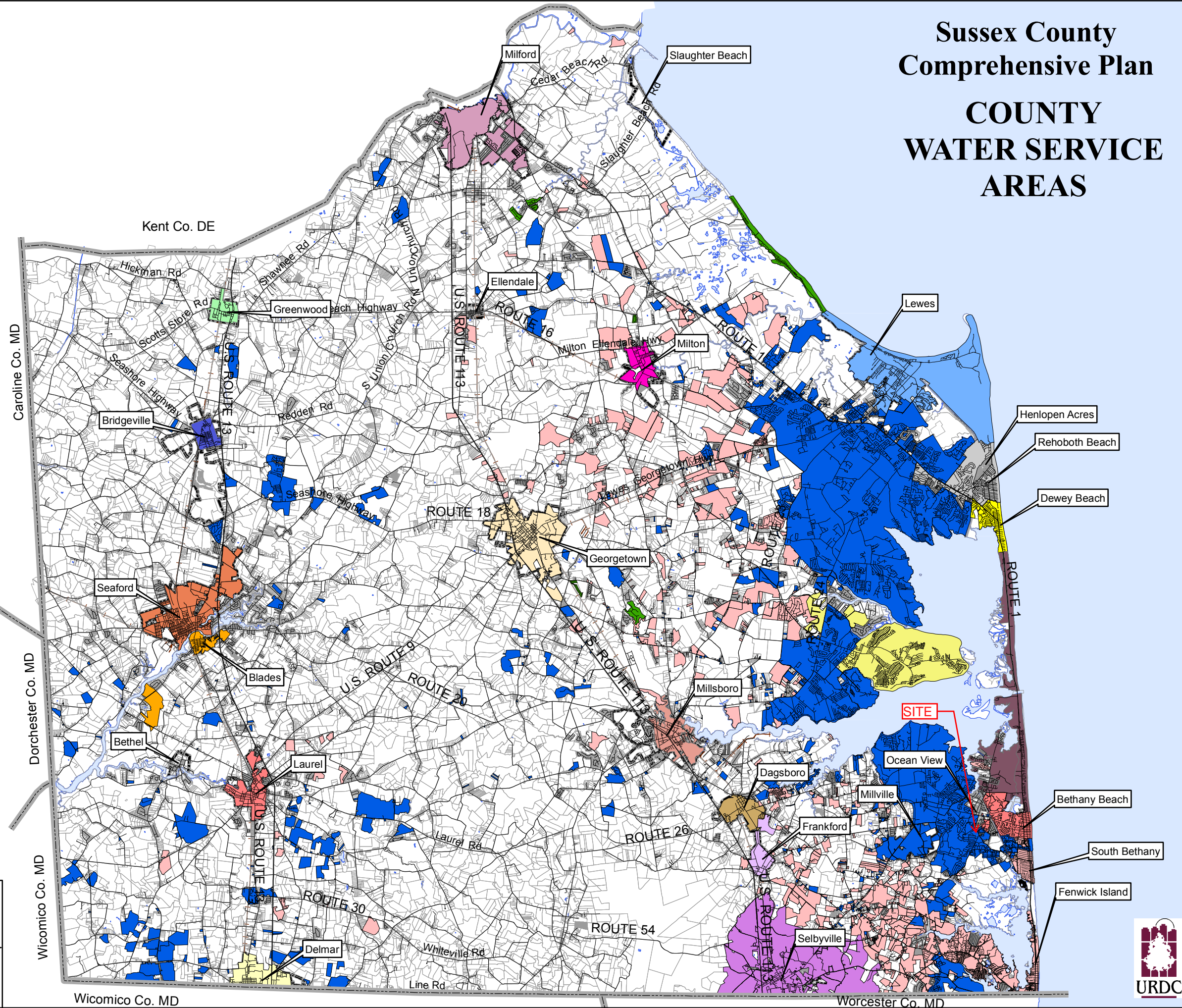


* Parcels enrolled in the State's Agricultural Lands Preservation Program change frequently and that the Delaware Department of Agriculture can be contacted for latest update.

Sussex County Comprehensive Plan COUNTY WATER SERVICE AREAS

Water Providers

- Unknown
- Artesian Water Company
- Bethany Beach
- Blades
- Bridgeville
- Dagsboro
- Delmar
- Frankford
- Georgetown
- Greenwood
- J.H. Wilkerson & Son
- Laurel
- Lewes
- Long Neck Water Co.
- Milford
- Millsboro
- Milton
- Rehoboth
- Seaford
- Selbyville
- Sussex County Council
- Sussex Shores Water Co.
- Tidewater Utilities

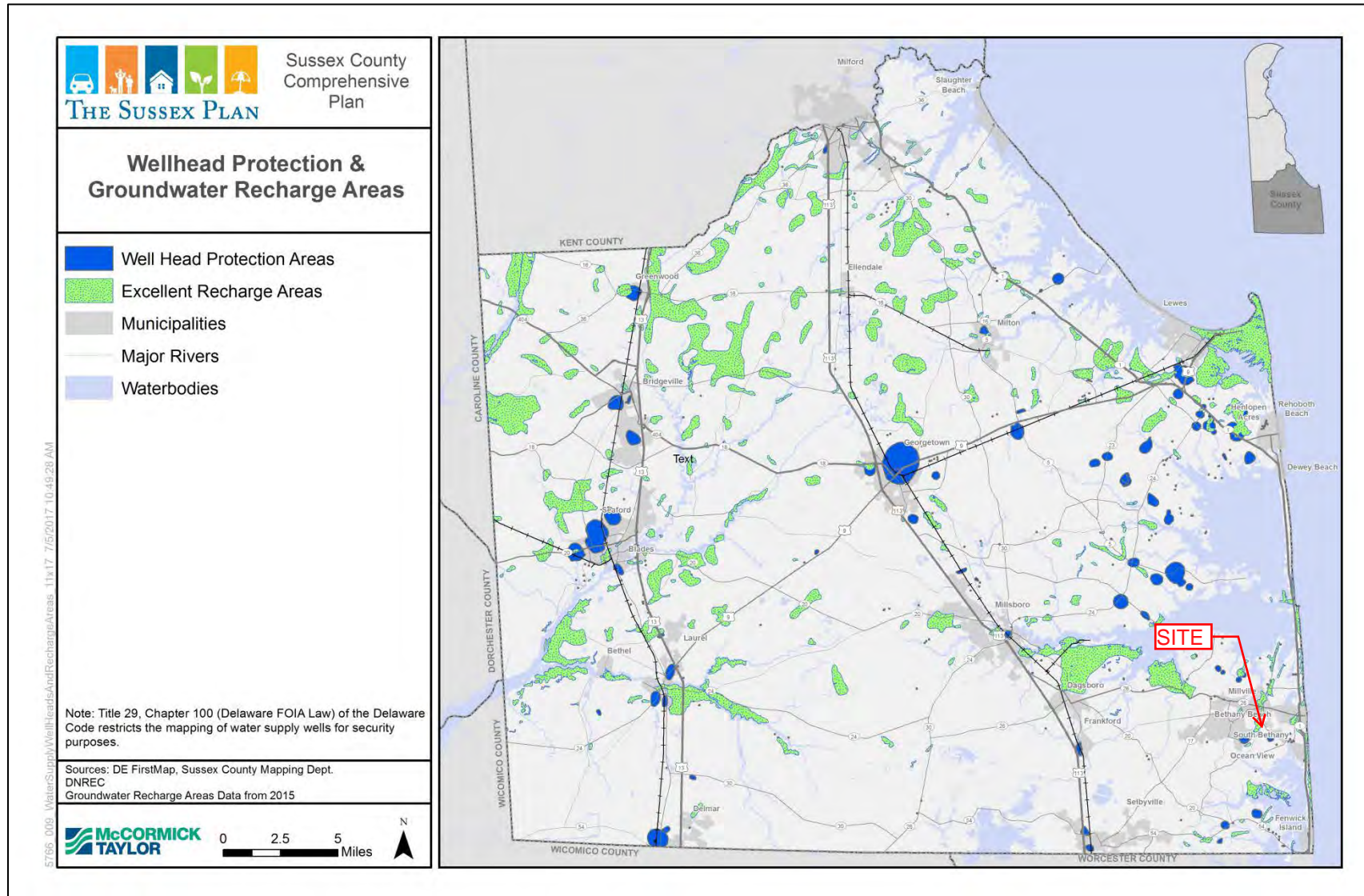


Base Map Provided By: Sussex County Mapping Department

Sources: DNREC, Sussex County Mapping Department












Figure 7.2-2 Wellhead Protection & Excellent Recharge Areas



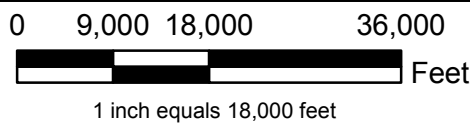
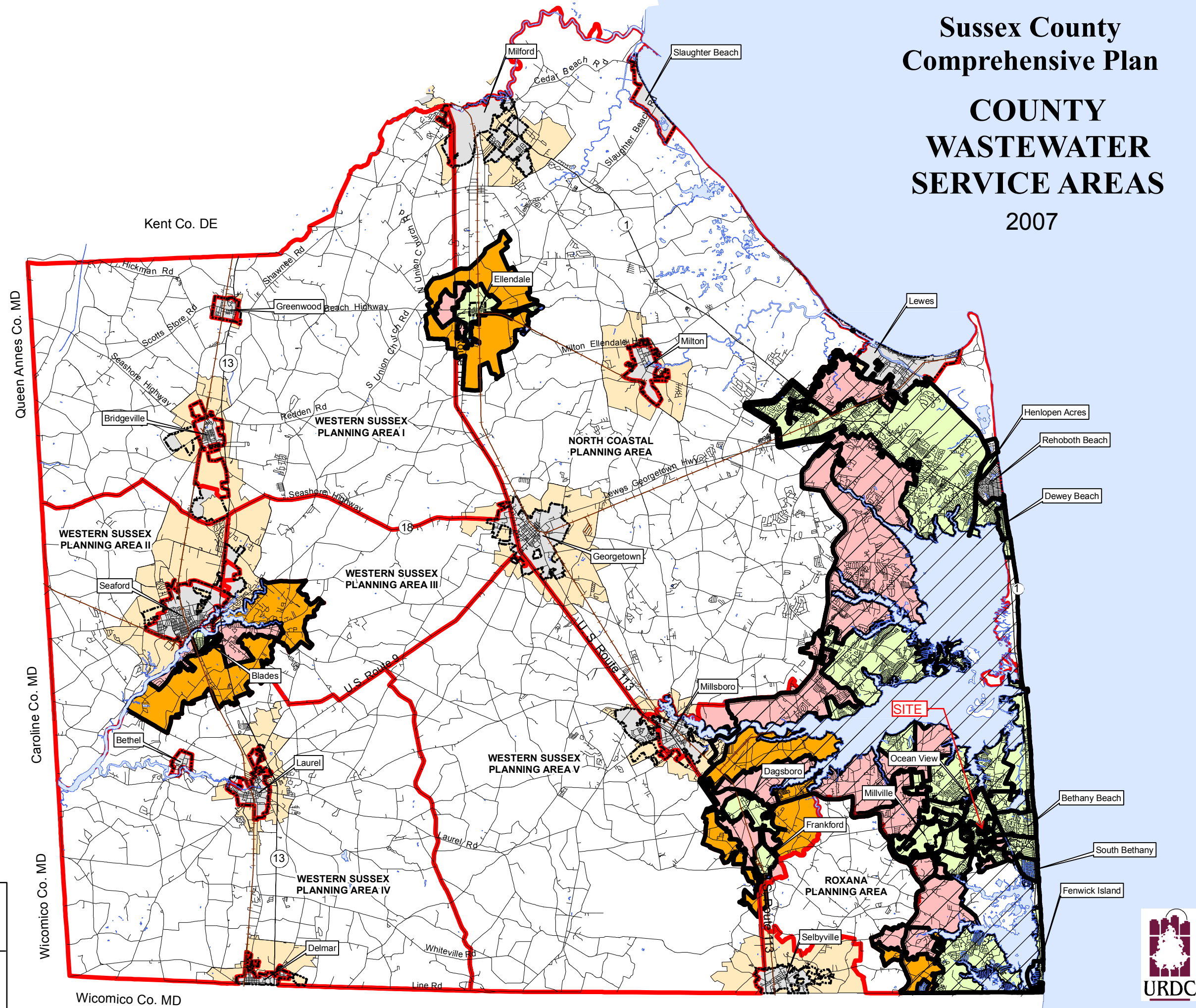
Sussex County Comprehensive Plan

COUNTY WASTEWATER SERVICE AREAS

2007

-  Environmentally Sensitive Development Area (ESDA)
-  Roads
-  Boundaries of Sewer Planning Areas
-  Existing County Sewer Districts
-  Primary County Service Areas
-  Secondary County Service Areas
-  Unclassified Service Areas
-  Town/City Potential Annexation Areas (intended to be eventually served by Town/City in most cases.)
-  Municipal Boundaries

Please see text for planning area and service area definitions.



Base Map Provided By: Sussex County Mapping Department

Sources: Sussex County Engineering Department



Figure 7.3-1 Wastewater Service Areas that have Received Certificates of Public Convenience and Necessity

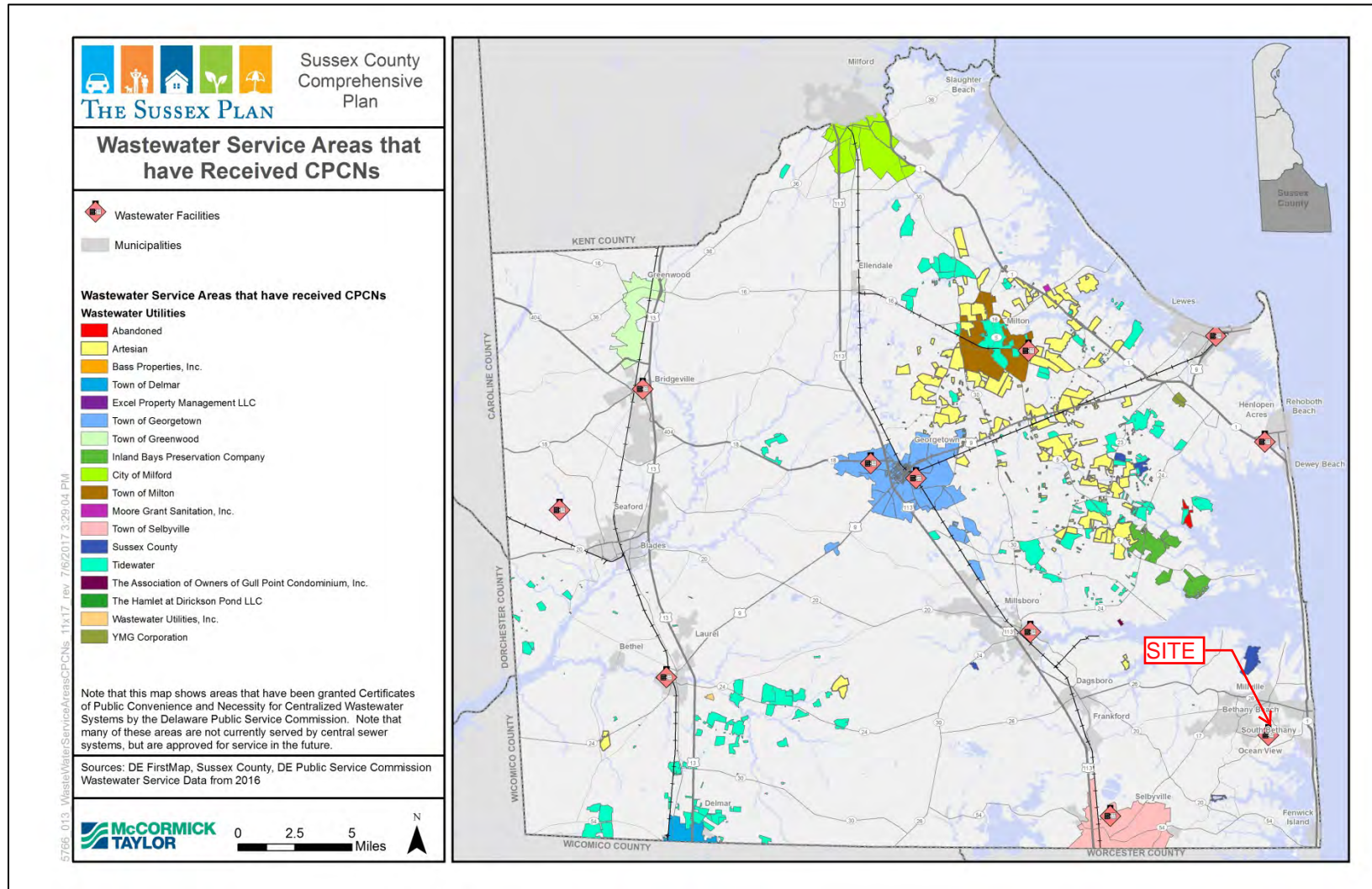
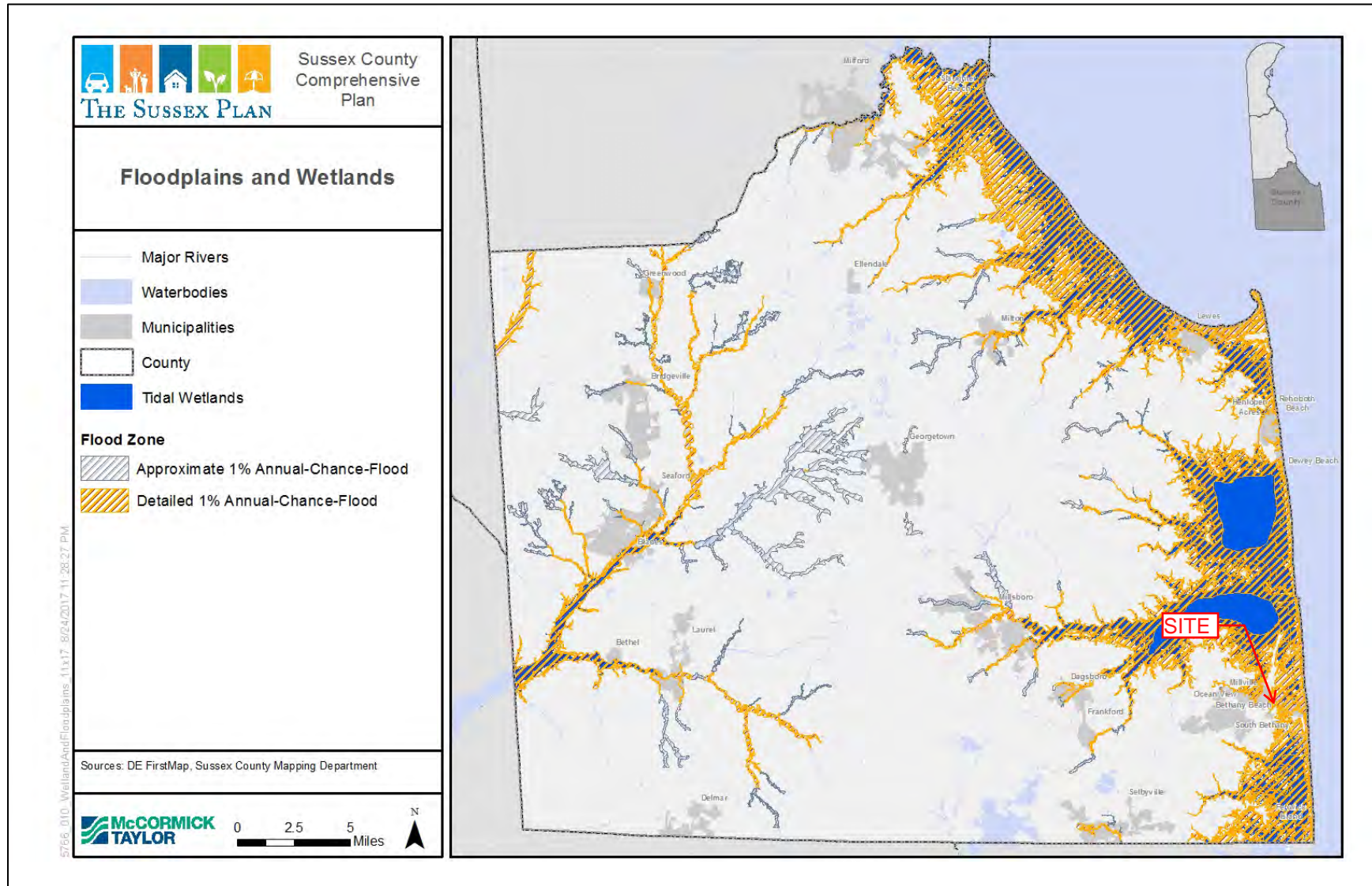


Figure 5.2-4 Wetlands and Floodplains



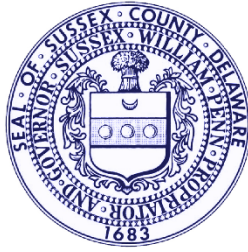
DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

**SUSSEX SSCE FORM
&
AS-BUILT SANITARY SEWER
PLAN EXCERPT**

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

SEWER SERVICE CONCEPT EVALUATION (SSCE) UTILITY PLANNING DIVISION

Applicant: **GMB, LLC**

Date: 5/13/2019

Reviewed by: **Chris Calio**

Agreement #: **1131**

Project Name: **Muddy Neck Apartments**

Tax Map & Parcel(s): **134-16.00-382.00**

Sewer Tier: Tier 1 - Sussex County Unified Sanitary Sewer District

Proposed EDUs: **47**

Pump Station(s) Impacted: **PS 287 & PS 67**

List of parcels to be served, created from the base parcel: **N/A**

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure): **N/A**

Connection Point(s): **8" lateral from MH SOV9. Mimosa Street**

Use of Existing Infrastructure Agreement required? Yes or No

Annexation Required? Yes or No

Easements Required? Yes or No

Fee for annexation (based on acreage): **N/A**

Current Zoning: **AR-1** Zoning Proposed: **GR**

Acreage: **3.93**



Additional Information: Proposed zoning is GR/Conditional Use. No capacity is guaranteed until System Connection Charges have been paid.

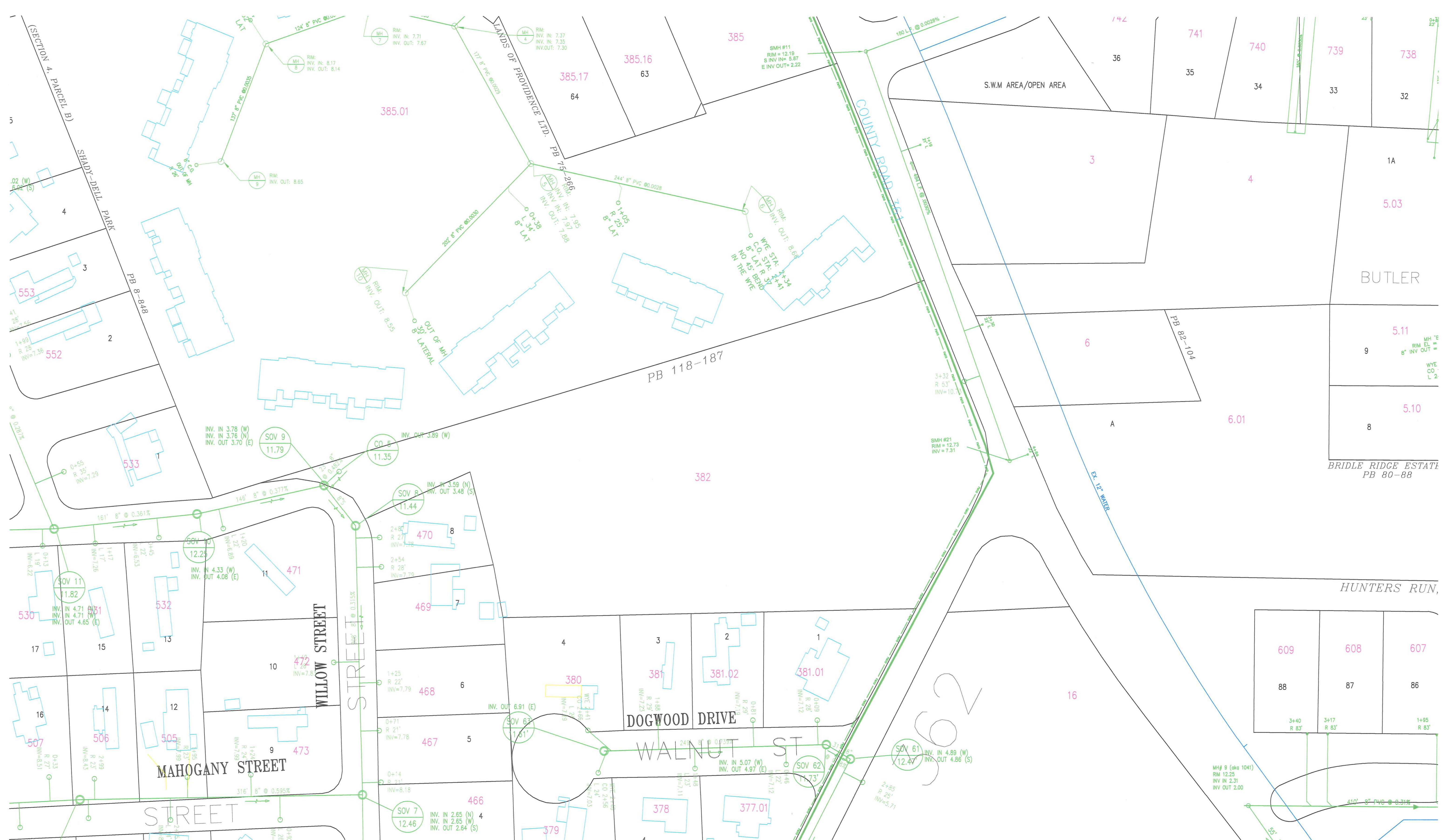
* No capacity is guaranteed until System Connection Fees are paid

All gravity sewers with three (3) or more minor branches shall be designed at minimum slope and maximum depth.

Once Construction Drawings are completed with all of the above information satisfied, please submit to:

Sussex County Public Works Department
2 The Circle
P.O. Box 589
Georgetown DE 19947

CC: John Ashman
Jayne Dickerson
Michael Brady
Denise Burns



(SECTION 4 PARCEL (B))

SUBD-D-DETL PARKS

LANDS OF PROVIDENCE LTD.

COUNTY ROAD 264

S.W.M AREA/OPEN AREA

BUTLER

BRIDLE RIDGE ESTATE
PB 80-88

HUNTERS RUN,

MAHOGANY STREET

WILLOW STREET

DOGWOOD DRIVE

WALNUT ST

385.01

385.17

385.16

385

741

740

739

738

553

552

553

533

382

6.01

5.11

5.10

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DESIGN SUMMARY AND SUPPLEMENTAL DATA

KENT APARTMENTS

**WATER COMPANY
ABILITY TO SERVE
LETTER**

TIDEWATER
UTILITIES, INC.

A Middlesex Water Company Affiliate

October 1, 2019

Golfstream Development Corp.
27 Atlantic Ave
Ocean View, DE 19970
Attn: Cathy Lyons

RE: Public Water Service – Parcel # 134-16.00-382.00

Dear Ms. Lyons:

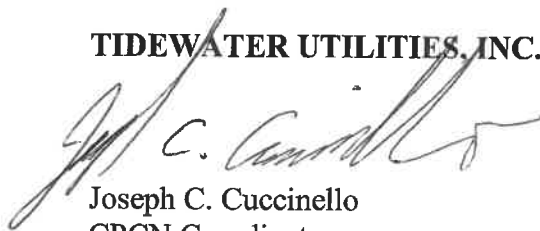
Tidewater Utilities, Inc. is willing and able to provide public water service to the following parcel 134-16.00-382.00. Tidewater has an existing 12” main running on east side of Muddy Neck Rd.

Please contact our Customer Service department at 1-877-720-9272 to obtain water service.

I hope this information is sufficient for your needs. Please feel free to contact me at 302-747-1308 if you should have any questions.

Sincerely,

TIDEWATER UTILITIES, INC.



Joseph C. Cuccinello
CPCN Coordinator