

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



2 THE CIRCLE | PO BOX 417
GEORGETOWN, DE 19947
(302) 855-7878 T
(302) 854-5079 F
sussexcountyde.gov

Sussex County Planning & Zoning Commission

AGENDA

December 12, 2019

6:00 P.M

Call to Order

Approval of Agenda

Approval of Minutes – N/A

Old Business

2018-34 – Keastone Bay – Baywood, LLC and Sussex Realty Company

BM

A Coastal Area/cluster subdivision to divide 310.97 acres +/- into 675 single-family lots to be located on certain parcels of land lying and being in Indian River Hundred, Sussex County. The property is located on the northwest and southeast sides of Green Rd., approximately 360 ft. northeast of Banks Rd. Tax Parcels: 234-17.00-170.00, 172.00, 173.00, 174.00, 234-18.00-68.00, 234-24.00-1.00 & 234-24.00-2.00. Zoning District. AR-1 (Agricultural Residential District).

ANNOUNCE RECEIPT OF TIS

2019-8 Azalea Woods – Shingle Point Properties, LLC and Natelli Communities

KS

A cluster subdivision to divide 316.02 acres +/- into 610 single-family lots to be located on a certain parcel of land lying and being in Georgetown Hundred and Broadkill Hundred, Sussex County. The property is located on between Shingle Point Rd. and Gravel Hill Rd., north of Lewes-Georgetown Hwy. (Rt. 9). Tax Parcels: 135-11.00-32.04, 49.00, 56.00 and a portion of 135-11.00-48.00. Zoning Districts. AR-1 (Agricultural Residential District) and C-1 (General Commercial District).

2019-16 Estates at Milton Crossing – William T. Sammons, Sr., Mary Jane Sammons, William T. Sammons, Jr., and Bonnie Voshell (formerly Sammons)

KS

A cluster subdivision to divide 102 acres +/- into 87 single-family lots to be located on a certain parcel of land lying and being in BroadKill Hundred, Sussex County. The property is located on the northeast side of Reynolds Rd., approximately 920 ft. southeast of Draper Rd. Tax Parcels: 235-8.00-31.00, 26.00, and 26.03. Zoning District. AR-1 (Agricultural Residential District).

C/Z 1897 Preston Dyer

BM

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County,



containing 1.97 acres, more or less. The property is lying on the north side of Lewes-Georgetown Hwy. (Rt. 9), approximately 428 ft. east of Josephs Rd. 911 Address: 28855 Lewes-Georgetown Hwy. (Rt. 9), Lewes. Tax Parcel: 334-4.00-37.01.

C/Z 1896 Fenwick Commons, LLC

HW

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR Medium Density Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 13.33 acres, more or less. The property is lying at the southwest corner of Lighthouse Rd. (Rt. 54), and Sand Cove Rd, and the east side of Sand Cove Rd., approximately 211 ft. south of Lighthouse Rd. (Rt. 54). 911 Address: N/A. Tax Parcel: 533-19.00-52.00.

C/U 2197 Fenwick Commons, LLC

HW

An Ordinance to grant a Conditional Use of land in a MR Medium Density Residential District for multi-family (62 duplex units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 13.33 acres, more or less. The property is lying at the southwest corner of Lighthouse Rd. (Rt. 54), and Sand Cove Rd., and the east side of Sand Cove Rd., approximately 211 ft. south of Lighthouse Rd. (Rt. 54). 911 Address: N/A. Tax Parcel: 533-19.00-52.00.

Public Hearings

2019-25 Workman's Crossing – Dunn Investment, LLC

HW

A standard subdivision to divide 11.483 acres +/- into 5 single-family lots to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County. The property is lying at the northeast corner of Pepperbox Rd. and Brittingham Rd. Tax Parcel: 532-15.00-11.00. Zoning District: AR-1 (Agricultural Residential District).

C/Z 1900 Michael P. Justice, Trustee

BM

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a GR General Residential District to a GR-RPC General Residential District – Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 16.1 acres, more or less. The property is lying on the west side of Parker House Rd., approximately 0.35 mile south of Beaver Dam Rd. 911 Address: N/A. Tax Parcel: 134-16.00-51.00.

C/Z 1901 Mary and Victor Rico

KS

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR Medium-Density Residential District for a certain parcel of land lying and being in Indian River Hundred and Lewes and Rehoboth Hundred, Sussex County, containing 0.927 acres, more or less. The property is lying on east side of Sunset Ln. north side of John J. Williams Hwy. (Rt. 24), approximately 0.28 mile northeast of Camp Arrowhead Rd. 911 Address: 20797 Sunset Ln., Lewes. Tax Parcel: 234-7.00-100.00.

C/U 2200 Mary and Victor Rico

KS

An Ordinance to grant a Conditional Use of land in a MR Medium-Density Residential District) for multi-family (7 units) to be located on a certain parcel of land lying and being in Indian River Hundred and Lewes and Rehoboth Hundred, Sussex County

containing 0.927 acres, more or less. The property is lying on the east side of Sunset Ln. on the north side of John J. Williams Hwy (Rt. 24), approximately 0.28 mile northeast of Camp Arrowhead Rd. 911 Address: 20797 Sunset Ln., Millsboro. Tax Parcel: 234-7.00-100.00.

C/U 2199 OA – Rehoboth, LLC

KS

An Ordinance to grant a Conditional Use of land in a CR-1 Commercial Residential District for multi-family (224 units) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 18.793 acres, more or less. The property is lying on the south side of John J. Williams Hwy. (Rt. 24), approximately 0.29 mile east of Warrington Rd. 911 Address: N/A. Tax Parcels: 334-12.00-127.01 and 127.10.

Memorandum of Understanding Between Sussex County and DelDOT

The MOU describes the coordination process between Sussex County and DelDOT regarding the process of land use applications.

Other Business

2019-22 Elmer T. Adkins, Sr., Trustee

KH

Final Subdivision Plan

2007-29 The Woods at Burton Pond

KS

Preliminary Amenities Plan

The Preserve at Jefferson Creek MR-RPC

HW

Preliminary Amenities Plan

Dutch Country Market

HW

Revised Site Plan

Rehoboth Shores Manufactured Home Park – Area 2

BM

Final Site Plan

26582 John J. Williams Hwy, LLC

BM

Revised Preliminary Site Plan

Additional Business

Consideration of request for re-hearing for application CU 2198 – Jeffrey Myer

Planning and Zoning Commission meetings can be monitored on the internet at

www.sussexcountyde.gov

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on December 5, 2019, at 11:00 a.m., and at least seven (7) days in advance of the meeting.

This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

####

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JANELLE CORNWELL, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date December 12, 2019

Application: (2019-25) Workman's Crossing

Applicant: Dunn Investment, LLC
8 Northshire Court
Greenville, DE 19807

Owner: Dunn Investment, LLC
8 Northshire Court
Greenville, DE 19807

Site Location: Located at 36855 Brittingham Road, Delmar, DE 19940.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: 4 Single-Family Lots (plus residual lands)

Comprehensive Land
Use Plan Reference: Low Density Areas

Councilmatic
District: Mr. Rieley

School District: Delmar School District

Fire District: Delmar School District

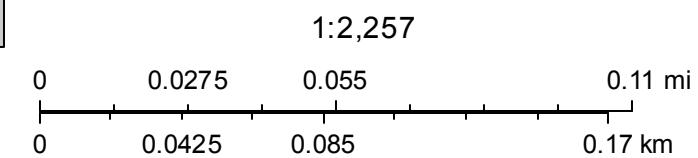
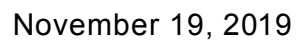
Sewer: Private

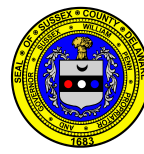
Water: Private

Site Area: 11.483 acres +/-

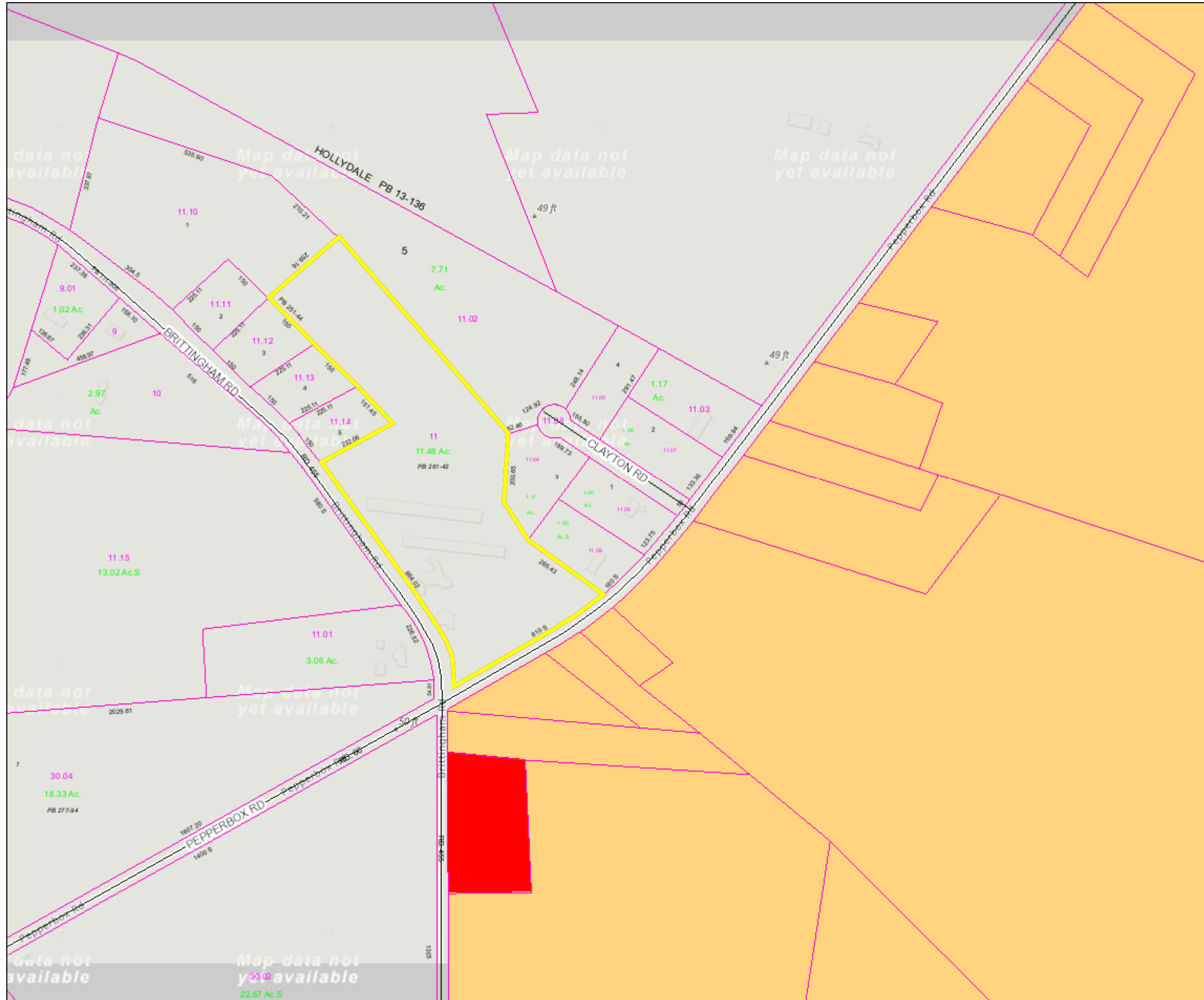
Tax Map ID.: 532-15.00-11.00







Sussex County



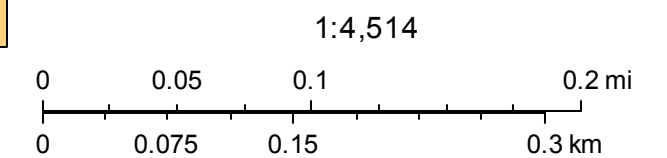
PIN:	532-15.00-11.00
Owner Name	DUNN INVESTMENTS LLC
Book	5038
Mailing Address	8 N HAMPSHIRE CRT
City	WILMINGTON
State	DE
Description	NE OF PEPPERBOX RD (R
Description 2	N/A
Description 3	RESIDUAL LANDS FX
Land Code	

polygonLayer
Override 1

polygonLayer
Override 1

Tax Parcels

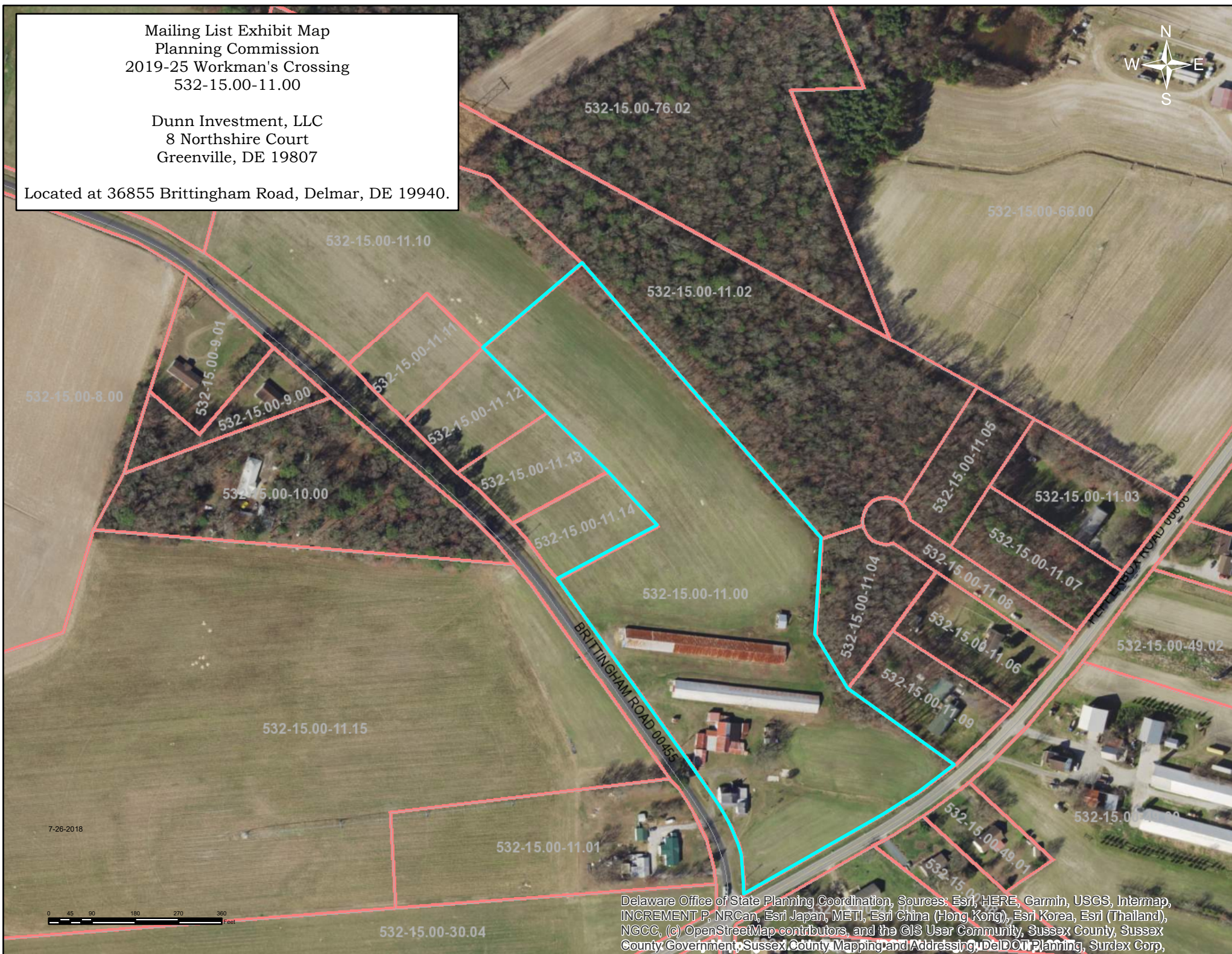
Streets



Mailing List Exhibit Map
Planning Commission
2019-25 Workman's Crossing
532-15.00-11.00

Dunn Investment, LLC
8 Northshire Court
Greenville, DE 19807

Located at 36855 Brittingham Road, Delmar, DE 19940.



7-26-2018

0 45 90 180 270 360 Feet

Delaware Office of State Planning Coordination. Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, DelDOT Planning, Surdex Corp,

File #: 2019-25
201911009

Sussex County Major Subdivision 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)

Standard: ☒

Cluster: ☐

ESDDOZ: ☐

Location of Subdivision:

36855 Brittingham Road, Delmar, DE 19940

Proposed Name of Subdivision:

Workman's Crossing

Tax Map #: 532-15.00-11.00 Total Acreage: 11.483

Zoning: AR-1 Density: 1/2.3 Minimum Lot Size: 0.776 Number of Lots: 5

Open Space Acres: N/A

Water Provider: PRIVATE Sewer Provider: PRIVATE

Applicant Information

Applicant Name: DUNN INVESTMENT, LLC

Applicant Address: 8 NORTHSHIRE COURT

City: GREENVILLE State: DE Zip Code: 19807

Phone #: (302) 419-8903 E-mail: customproperties@live.com

Owner Information

Owner Name: DUNN INVESTMENT, LLC

Owner Address: 8 NORTHSHIRE COURT

City: GREENVILLE State: DE Zip Code: 19807

Phone #: (302) 419-8903 E-mail: customproperties@live.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: KARINS and ASSOCIATES, BOB ROSENBERGER-PROJECT MANAGER

Agent/Attorney/Engineer Address: 128 W. MARKET ST.

City: GEORGETOWN State: DE Zip Code: 19947

Phone #: (302) 858-4331 E-mail: brosenbereger@karinsengineering.com



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

- ☒ **Completed Application**
- ☒ **Provide fifteen (15) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**
 - ☒ Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
 - ☒ Provide compliance with Section 99-9.
 - ☒ Deed or Legal description, copy of proposed deed restrictions, soil feasibility study
- ☒ **Provide Fee \$500.00** N/A IN PROGRESS
- ☐ **Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ☒ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ☐ **PLUS Response Letter** (if required)
- ☐ **51% of property owners consent** if applicable

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

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

Signature of Applicant/Agent/Attorney

[Signature]

Date: 9-25-19

Signature of Owner

[Signature]

Date: 9/16/19

For office use only:

Date Submitted: 9/25/19

Staff accepting application: CEH

Location of property: _____

Fee: \$500.00 Check #: 1494

Application & Case #: 201911009

Date of PC Hearing: _____

Recommendation of PC Commission: _____

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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **11/20/2019**

APPLICATION: **2019-25 Workman's Crossing**

APPLICANT: **Dunn Investment, LLC**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **532-15.00-11.00**

LOCATION: **Located at 36855 Brittingham Road, Delmar, DE 19940**

NO. OF UNITS: **4 single-family lots**

GROSS
ACREAGE: **11.483**

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

SEWER:

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

Yes ☐

No ☒

- a. If yes, see question (2).
b. If no, see question (7).

- (2). Which County Tier Area is project in? **Tier 4**

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

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

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

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

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

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

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

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

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

UTILITY PLANNING APPROVAL:

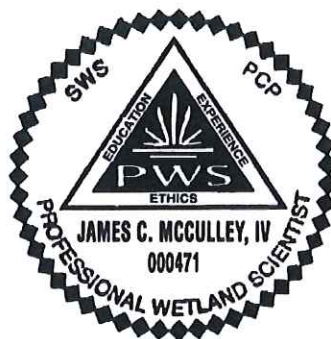


John J. Ashman
Director of Utility Planning

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



Wetland Delineation — 36855 Brittingham Road



James C. McCulley IV, PWS
Watershed Eco LLC
April 25, 2019
Jim@WatershedEco.com

Introduction

At the request of Karins and Associates, Watershed Eco LLC. has reviewed background materials and conducted site visits to determine the previous and current site conditions related to waters, wetlands and drainage.

James McCulley, the investigator and report author, has over 30 years of experience in wetland delineation and permitting. He previously worked as a biologist in the Regulatory Section of the U.S. Army Corps of Engineers, Philadelphia District and was selected as one of 17 wetland scientists nationwide to serve on the National Academy of Sciences, Wetlands Characterization Committee which authored "Wetlands: Characteristics and Boundaries". He was chosen as one of four committee members to present the committee findings at a press conference on Capitol Hill.

Mr. McCulley is a Professional Wetland Scientist, #000471 as certified by the Society of Wetland Scientists, an international scientific association.

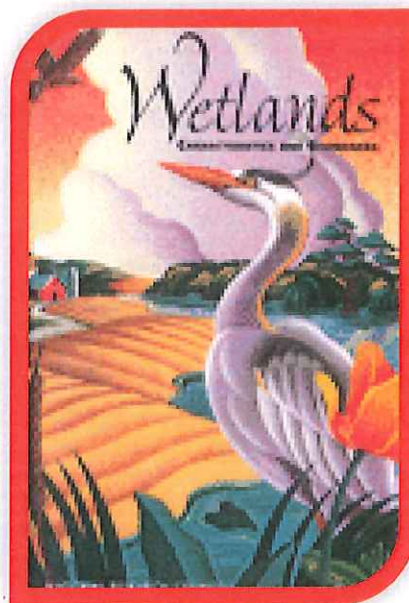
All opinions in this report are to a reasonable degree of scientific certainty.

Executive Summary

Watershed Eco LLC reviewed the background materials and conducted a site visit and found no Waters or Wetlands present on the site.

Based on the information reviewed and discussed in this report, it was concluded that there were no wetlands or waters on the site.

The site conditions at the time of the investigation are detailed in this report.



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Definition of Waters and Wetlands

Waters of the United States are defined in 33CFR328.3 and include wetlands as a subset of Waters. Additionally, further guidance has been issued by the U.S. EPA and Corps of Engineers related to the implementation of the definitions referenced above. Discussions of Jurisdiction related to Waters and Wetlands in this report are based on Section 404 of the Clean Water Act and as described in the definitions in this section as well as all guidance currently in effect and based on professional experience.

In this instance, we are interested in 33CFR328.3(a)(3) "All other waters such as intrastate lakes, rivers, streams (including intermittent streams) ..., the use, degradation or destruction of which could affect interstate or foreign commerce...". Additionally, 33CFR328.3(a)(8) states that "Waste treatment systems, including treatment ponds.... are not Waters of the United States".

Wetlands are defined in 33CFR328.3(b) as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions."

Waters and Wetlands are regulated by the Federal Government under the Clean Water Act and associated guidance and policies. Wetlands are mapped for regulatory purposes using the 1987 Corps of Engineers Wetland Delineation Manual (Technical Report Y-87-1) and the associated regional supplements. In this area the Atlantic Gulf and Coastal Plain Regional Supplement (ERDC/EL TR-10-20) is utilized.

Waters of the U.S. are mapped by determining the Ordinary High Water Mark (OHWM) of features with a bed and bank as defined above and in accordance with various guidance as discussed below.

Wetlands are mapped using three criteria: 1. Vegetation, 2. Soils and 3. Hydrology which are further described in the Manual and appropriate Regional Supplement. Hydrophytic (wetland) vegetation is specifically adapted for life in saturated soils and listed by species and indicator status on the National Wetland Plant List maintained by the U.S. Army Corps of Engineers. Hydric (wetland) soils formed under conditions of saturation, flooding or ponding long enough to develop anaerobic conditions and are listed on the United States Department of Agriculture, Hydric Soils Database. Wetland hydrology is described as recurrent, sustained water at or near the surface for extended periods of time.

The current Corps of Engineers and U.S. EPA guidance on Jurisdiction was issued on December 2, 2008 as a result of the U.S. Supreme Court Decision in *Rapanos v. United States* and *Carabell v. United States*.

Subject Property

The Subject Property for purposes of this study is described as the Brittingham Subdivision. The Subject Property is located in the 36855 Brittingham Road in Delmar, Delaware at Latitude and Longitude 38.477606 and -75.487029.

The Subject Parcel is located on the north side of Brittingham Road and west of Pepperbox Road. The site is currently in agricultural use with 2 abandoned chicken houses and a residence.

Documents Considered

The following documents were considered as part of this study:

- Current National Wetland Inventory (NWI) Map
- Current USGS Mapping
- Historical Aerial Photos
- NRCS Soils Mapping

Findings

Background Research

The NWI Map (Figure 1) depicts no Waters or Wetlands present on the site.

The USGS Mapping (Figure 2) depicts the site occupying a slight ridge between Wards Branch and Morris Branch. No “blue-lines” are depicted on the site.

The 1937 aerial photo (Figure 3) depicts the site in agriculture with the woodlands to the north being recently cleared. A home and outbuildings are depicted on the property.

The 1954 aerial photo (Figure 4) depicts similar conditions to 1937 with two chicken houses visible on the eastern portion of the property.

The 1992 aerial photo (Figure 5) depicts the current chicken houses and the ones in the east are no longer visible. No wet or saturated areas are depicted in the CIR photograph.

The 2013 aerial photo (Figure 6) depicts similar conditions to the existing site conditions as observed during the field investigation.

The NRCS Soil Mapping (Figure 7) depicts the majority of the site as well-drained and moderately well drained soils with poorly drained soils in the area adjacent to the woodlands. All of the soils encountered on the site were sandy loams that were at least moderately well drained. No hydric soils were encountered on the site. (see attached).

Field Investigation

Watershed Eco LLC., conducted a field investigation on April 10, 2019. The purpose of the investigation was to determine if Waters of the United States, including Wetlands, were present on the property.

These investigations consisted of a visual review of the entire site with special attention paid to vegetative communities and topography. Vegetation was identified using delineator experience and confirmed using field guides for the following strata:

Trees – woody plants 6 meters or more in height and 7.6 centimeters or larger in diameter at breast height.

Saplings – woody plants 6 meters or more in height and less than 7.6 centimeters in diameter at breast height.

Shrubs – woody plants 1 to 6 meters in height.

Herbs – all herbaceous plants regardless of size and woody plants less than 1 meter in height.

Woody Vines – all woody vines regardless of height.

The indicator status for each dominant species was recorded based on the USACE 2018 Atlantic, Gulf and Coastal Plain Region Plant List.

Soil borings were advanced to an approximate depth of 20 inches using a 3-inch diameter Dutch auger. Soil colors were visually estimated using a Munsell Soil Color Chart and texture was estimated using standard soil texture criteria. Soil characteristics were compared to the Hydric Soil Indicator Guide in order to identify whether hydric soils were present at each data point location.

Wetland hydrology characteristics were visually observed where present based on the USACE Wetland Delineation Manual and Regional Supplement. No additional hydrology studies were performed at the site (ie. Piezometers, Observation Wells or Modeling) and potential wetland hydrology was based on observations on the day of the field investigation and professional experience.

Results

The site was active agricultural land with a residence and outbuildings, including two recently abandoned chicken houses. A swale was encountered along the edge of the woods on or near the property boundary. No wetland characteristics were encountered anywhere on the site during the investigation. Representative photographs of these areas are included in this report.

Conclusions

All opinions are to a reasonable degree of scientific certainty.

Based on the information reviewed and discussed in this report, it was concluded that no Waters or Wetlands were present on the property at the time of the investigation or during the recent past as evidenced by historical information.

It is the opinion of Watershed Eco LLC. that Waters and Wetlands under the jurisdiction of the U.S. Army Corps of Engineers and the State of Delaware are not present on the site.

Figures



Figure 1: National Wetland Inventory Map.

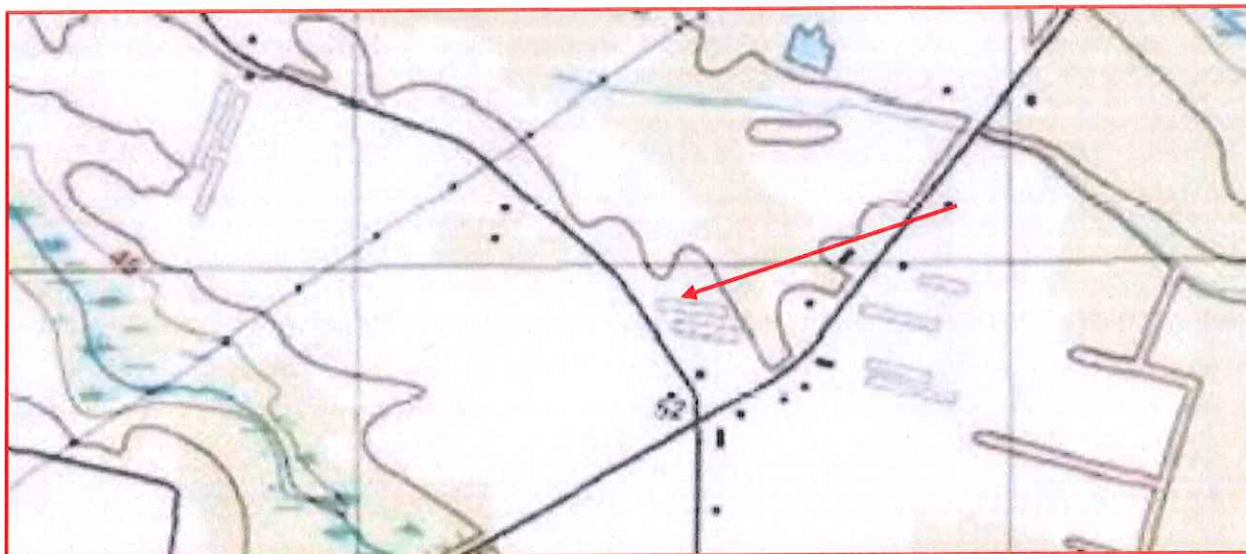


Figure 2: USGS Mapping.

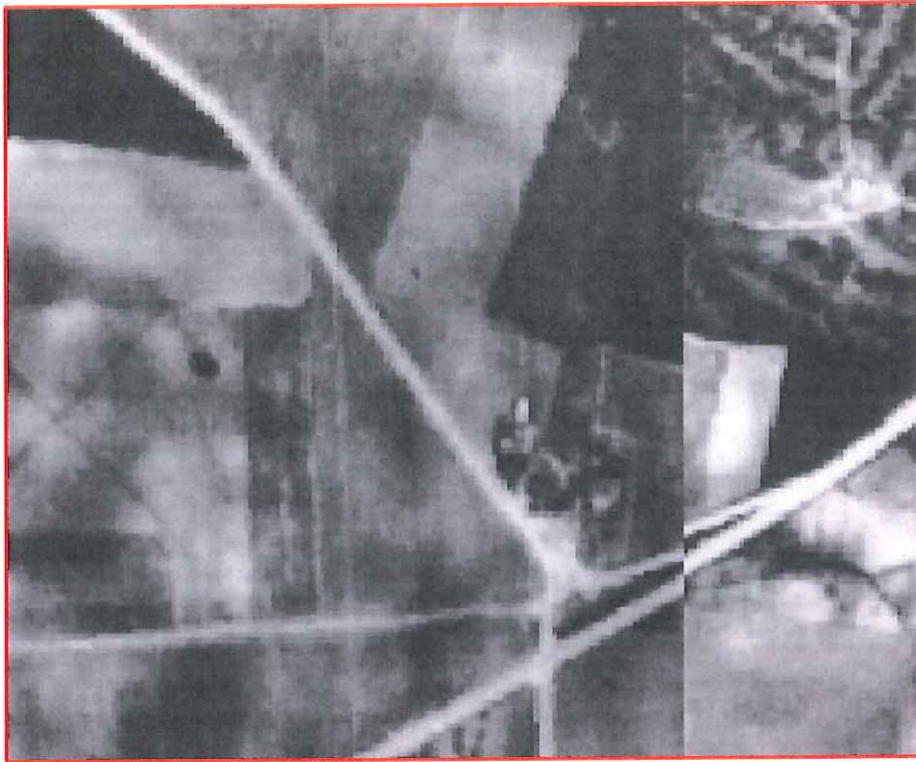


Figure 3: 1937 Aerial Photograph.



Figure 4: 1954 Aerial Photograph.



Figure 5: 1992 Aerial Photograph.



Figure 6: 2013 Aerial Photograph.



Figure 7: Soil Map.

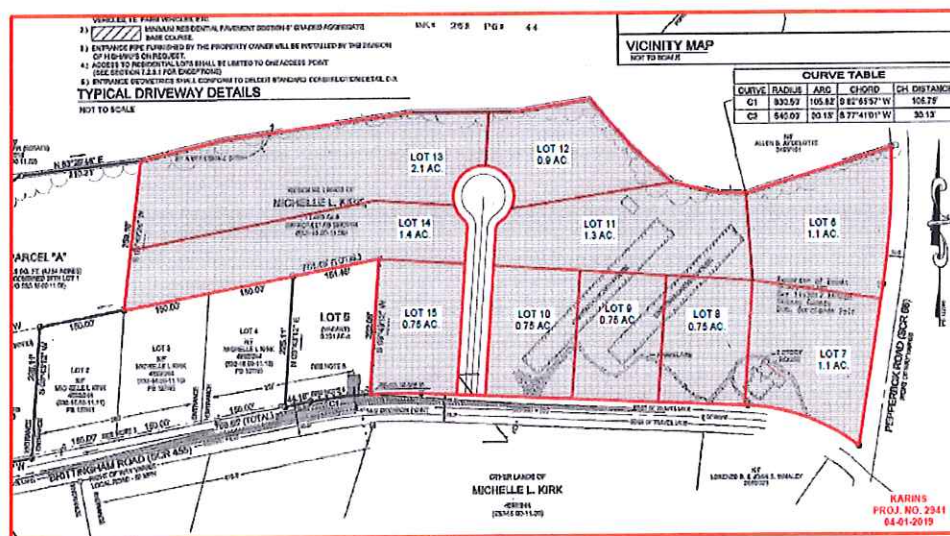


Figure 8: Proposed Subdivision.

Credentials

James C. McCulley IV

Professional Wetland Scientist, P.W.S. (#000471)

Education:

- B.A. Biology, Rutgers University
- M.S. Biology, Rutgers University
- Wetland Sedges, Grasses and Rushes, The Swamp School
- Hydric Soils Indicators, The Swamp School
- Wetland Ferns, The Swamp School
- Wetland Delineation, Rutgers Continuing Education
- Wetland Hydrology, Rutgers Continuing Education
- Wetland Regulation, Corps of Engineers Training Program

Topics Presented:

- Presented Wetland Rules, Regulations and Policies, Delaware State Bar
- Presented Wetlands Rules, Regulations and Policies, Pennsylvania State Bar
- Presented Wetland Rules, Regulations and Policies, Maryland Architects
- Presented Environmental Rule Changes, Homebuilders Association of Delaware
- Chaired Panel Discussion at Annual Meeting of Society of Wetland Scientists (SWS)
- Presented on “No Net Loss” at Association of State Wetland Managers Meeting
- Presented on Wetlands Legislation to Environmental Law Institute
- Presented on Wetland Delineation at State Parks Managers Meeting
- Part of Panel to present NAS findings to Congress on Wetlands Legislation
- Treatment of Storm Water Run-Off by Wetlands to SWS Annual Meeting

Committees:

- State of Delaware, Wetlands Advisory Committee
- National Association of Homebuilders, Environmental Issues Committee
- National Association of Homebuilders, Land Use Policy Committee
- Homebuilders Association of Delaware, Life Director
- National Academy of Sciences Wetlands Characterization Committee
- State of Delaware, Freshwater Wetlands Legislation Committee
- New Castle County Comprehensive Plan Update
- New Castle County, Riparian Buffer Ordinance Committee
- Board of Directors, Homebuilders Association of Delaware

Publications:

- Wetlands: Characteristics and Boundaries, National Academy of Sciences Press
- Integrated Natural Resource Management Plan, PAX Naval Air Station

Community:

- Mentored Honors Biology Program at Glasgow High School
- Curriculum Development Committee for Hodgson Vo-Tech (HVT), Environmental Landscape Technology Program
- Graded Senior Projects for HVT, Environmental Program
- Assisted Talley Middle School with Artificial Wetland Creation Project
- Donated Plants for Brader Elementary School, Wetland Creation Project
- Donated Plants for Ohio State University Wetland Creation Project
- Presented Career Opportunities to Sussex Vo-Tech Environmental Program
- Donated Numerous Environmental Studies for Habitat for Humanity Projects

Selected Projects:**Firefly Music Festival – Dover, Delaware**

Provided Wetland Delineation, Jurisdictional Determination, Wetland Permitting and Wetland Mitigation Design for the 2012, 2013, 2014 and 2015 festivals. The festival has grown every year and has required increased impacts in wetlands to accommodate the larger crowds and safe access. Permitting was always on a short time frame for this project.

Breakwater Beach – Bethany Beach, Delaware

Provided Wetland Delineation, Jurisdictional Determination and Wetland Permitting. For 30 years the property owner attempted to get approval to build the final eight homes on the beach but couldn't get the Corps of Engineer approvals. Watershed Eco, through creative design implementation, secured approval to construct these homes.

Peninsula – Millsboro, Delaware

Provided Wetland Delineation, Jurisdictional Determination, Wetland Permitting, Wetland Mitigation Design, Submerged Aquatic Vegetation Study, Fisheries Study, Forest Delineation and Assessment, Water Quality Monitoring and Environmental Features Construction Oversight.

The Reserves – Ocean View, Delaware

Provided Wetland Delineation, Jurisdictional Determination, Ditch Characterization, Wetland Permitting, Wetland Mitigation Design and Delmarva Fox Squirrel Habitat Study.

Warrington Property/Oak Creek – Rehoboth, Delaware

Provided Wetland Delineation, Jurisdictional Determination, Successful Appeal of JD for Isolated Wetlands, Revision to State Tidal Mapping and Consultation on Storm Water BMPs.

Shipyard Shops – Wilmington, Delaware

Provided Wetland Delineation, Jurisdictional Determination and Wetland Permitting.

Delaware Outdoor Advertising - Wilmington, Delaware

Provided Violation Resolution with the Corps of Engineers and the State for Billboards along I-95, Design of Wetland Mitigation, Construction Oversight and Wetland Mitigation Monitoring.

Townsend Station – Townsend, Delaware

Provided Violation Resolution with the Corps of Engineers for Illegal Wetland Fills, Design of Restoration and Mitigation Plans, Construction Oversight and Monitoring of Wetland Areas.

State Route 1, Phase II, Scott Run to Smyrna – Delaware

Provided Wetland Delineation, Jurisdictional Determination, Habitat Studies, Wetland Permitting, Wetland Mitigation Design, Construction Oversight, Wetland Mitigation Area Monitoring.

Photographs



Photo 1: Typical Farm Field Area.



Photo 2: Mowed lawn around chicken houses.



Photo 3: Outbuildings.



Photo 4: Manure Shed.



Photo 5: Swale at Edge of Woods.

Appendices



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**

Brittingham



April 25, 2019

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.

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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

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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

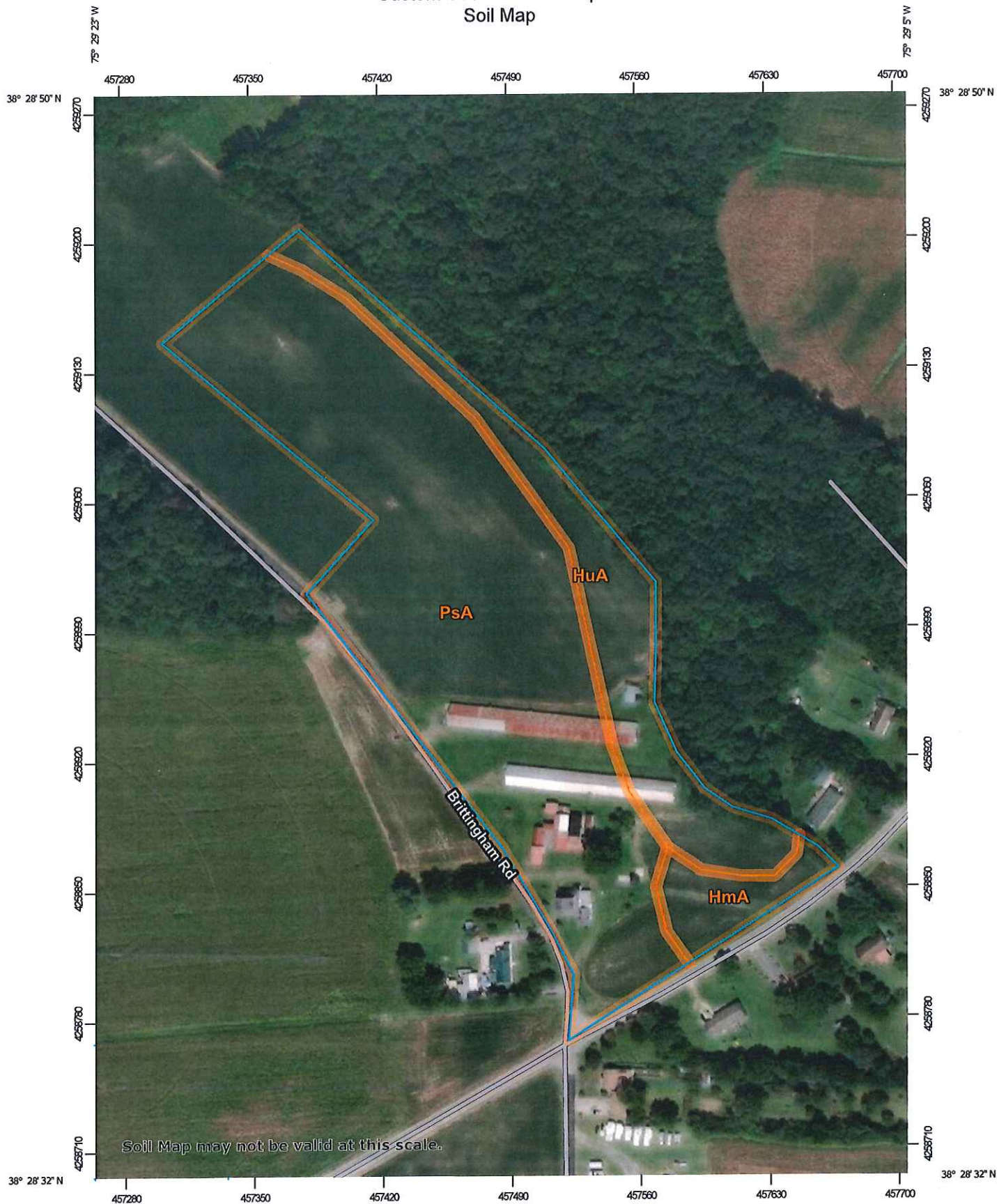
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identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

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




0 40 80 160 240 Meters

0 100 200 400 600 Feet


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 INFORM

The soil surveys that comprise your A
1:24,000.

Warning: Soil Map may not be valid at

Enlargement of maps beyond the scale
misunderstanding of the detail of map
line placement. The maps do not show
contrasting soils that could have been
scale.

Please rely on the bar scale on each
measurements.

Source of Map: Natural Resources (C)
Web Soil Survey URL:

Coordinate System: Web Mercator (G)

Maps from the Web Soil Survey are b
projection, which preserves direction
distance and area. A projection that p
Albers equal-area conic projection, sh
accurate calculations of distance or a

This product is generated from the US
of the version date(s) listed below.

Soil Survey Area: Sussex County, D
Survey Area Data: Version 19, Sep

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

Date(s) aerial images were photograp
24, 2017

The orthophoto or other base map on
compiled and digitized probably differ
imagery displayed on these maps. As
shifting of map unit boundaries may b

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HmA	Hammonton loamy sand, 0 to 2 percent slopes	0.7	5.4%
HuA	Hurlock loamy sand, 0 to 2 percent slopes	2.8	20.5%
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	10.0	74.2%
Totals for Area of Interest		13.5	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

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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, 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

HmA—Hammonton loamy sand, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 1qth0
Elevation: 0 to 140 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: All areas are prime farmland

Map Unit Composition

Hammonton and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hammonton

Setting

Landform: Flats, depressions, drainageways
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Parent material: Loamy fluviomarine sediments

Typical profile

Ap - 0 to 11 inches: loamy sand
Bt - 11 to 30 inches: sandy loam
Cg - 30 to 80 inches: sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Moderately well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Depth to water table: About 20 to 40 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Low (about 5.3 inches)

Interpretive groups

Land capability classification (irrigated): 2w
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: B
Hydric soil rating: No

Minor Components

Hurlock, drained

Percent of map unit: 5 percent
Landform: Swales, depressions, flats
Landform position (three-dimensional): Dip
Down-slope shape: Concave, linear
Across-slope shape: Linear, concave

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Hydric soil rating: Yes

Ingleside

Percent of map unit: 5 percent

Landform: Flats, depressions, fluviomarine terraces

Landform position (three-dimensional): Talf

Down-slope shape: Linear, concave

Across-slope shape: Linear, concave

Hydric soil rating: No

Klej

Percent of map unit: 5 percent

Landform: Flats, depressions

Down-slope shape: Linear, concave

Across-slope shape: Linear, concave

Hydric soil rating: No

Rosedale

Percent of map unit: 5 percent

Landform: Flats

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: No

HuA—Hurlock loamy sand, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 1qth8

Elevation: 0 to 140 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, undrained, and similar soils: 40 percent

Hurlock, drained, and similar soils: 40 percent

Minor components: 20 percent

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

Description of Hurlock, Undrained

Setting

Landform: Depressions, flats, swales

Landform position (three-dimensional): Dip

Down-slope shape: Concave, linear

Across-slope shape: Concave, linear

Parent material: Loamy fluviomarine sediments

Typical profile

Oe - 0 to 3 inches: moderately decomposed plant material

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A - 3 to 6 inches: loamy sand
Eg - 6 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 7.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Description of Hurlock, Drained

Setting

Landform: Swales, depressions, flats
Landform position (three-dimensional): Dip
Down-slope shape: Concave, linear
Across-slope shape: Linear, concave
Parent material: Loamy fluviomarine sediments

Typical profile

Ap - 0 to 10 inches: loamy sand
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 6.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Minor Components

Klej

Percent of map unit: 5 percent
Landform: Flats, depressions
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Hydric soil rating: No

Galloway

Percent of map unit: 5 percent
Landform: Depressions, flats
Down-slope shape: Concave, linear
Across-slope shape: Concave, linear
Hydric soil rating: No

Hammonton

Percent of map unit: 5 percent
Landform: Depressions, drainageways, flats
Down-slope shape: Concave, linear
Across-slope shape: Concave, linear
Hydric soil rating: No

Glassboro

Percent of map unit: 5 percent
Landform: Drainageways, flats
Down-slope shape: Concave, linear
Across-slope shape: Linear
Hydric soil rating: No

PsA—Pepperbox-Rosedale complex, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 1qtjn
Elevation: 0 to 70 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 irrigated

Map Unit Composition

Rosedale and similar soils: 45 percent
Pepperbox and similar soils: 45 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Rosedale

Setting

Landform: Flats

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Sandy eolian deposits over fluviomarine sediments

Typical profile

A - 0 to 9 inches: loamy sand

E - 9 to 25 inches: loamy sand

Bt - 25 to 38 inches: sandy loam

C - 38 to 68 inches: loamy sand

2Cg - 68 to 80 inches: sandy clay loam

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Well 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 40 to 72 inches

Frequency of flooding: None

Frequency of ponding: None

Available water storage in profile: Low (about 5.3 inches)

Interpretive groups

Land capability classification (irrigated): 2s

Land capability classification (nonirrigated): 2s

Hydrologic Soil Group: A

Hydric soil rating: No

Description of Pepperbox

Setting

Landform: Flats, depressions

Down-slope shape: Linear, concave

Across-slope shape: Linear, concave

Parent material: Sandy eolian deposits over fluviomarine sediments

Typical profile

A - 0 to 10 inches: loamy sand

E - 10 to 25 inches: loamy sand

Bt - 25 to 37 inches: sandy loam

2Btg - 37 to 65 inches: sandy clay loam

2Cg - 65 to 80 inches: sandy clay loam

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Moderately well drained

Runoff class: Negligible

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to high (0.06 to 1.98 in/hr)

Depth to water table: About 20 to 40 inches

Frequency of flooding: None

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Frequency of ponding: None

Available water storage in profile: Moderate (about 8.2 inches)

Interpretive groups

Land capability classification (irrigated): 2w

Land capability classification (nonirrigated): 2w

Hydrologic Soil Group: A

Hydric soil rating: No

Minor Components

Rockawalkin

Percent of map unit: 5 percent

Landform: Flats

Hydric soil rating: No

Fort mott

Percent of map unit: 5 percent

Landform: Flats, knolls

Landform position (three-dimensional): Rise

Hydric soil rating: No

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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



U.S. Fish and Wildlife Service
National Wetlands Inventory



NWI





U.S. Fish and Wildlife Service
wetlands_team@fws.gov

April 25, 2019

Wetlands

-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland

-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond

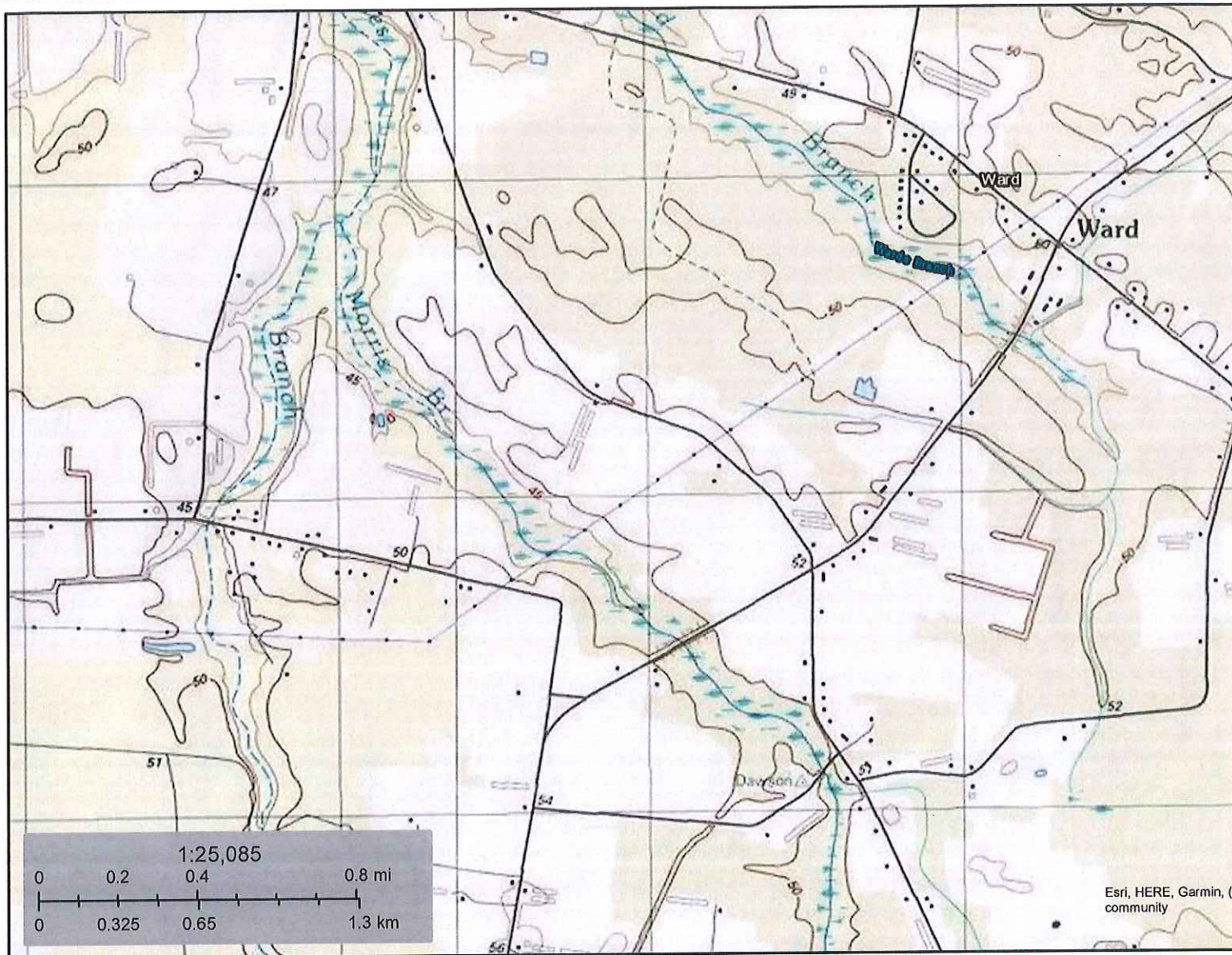
-  Lake
-  Other
-  Riverine

This map is for informational purposes only. The Service is not responsible for any use of the map data. The map data should not be used in any legal proceeding. Wetlands Map



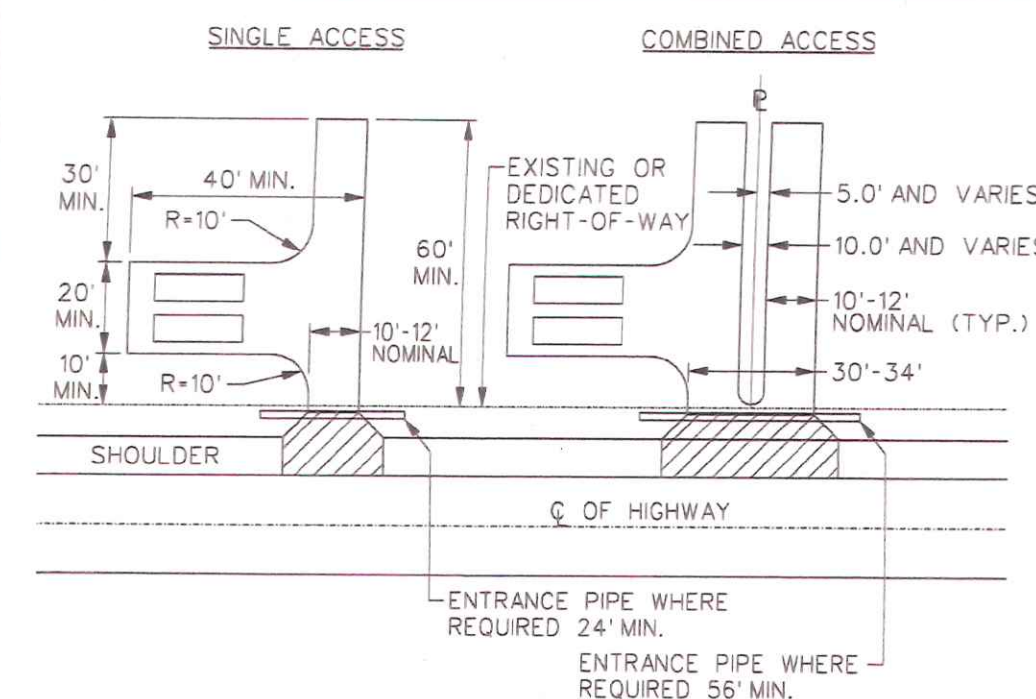
U.S. Fish and Wildlife Service
National Wetlands Inventory

USGS

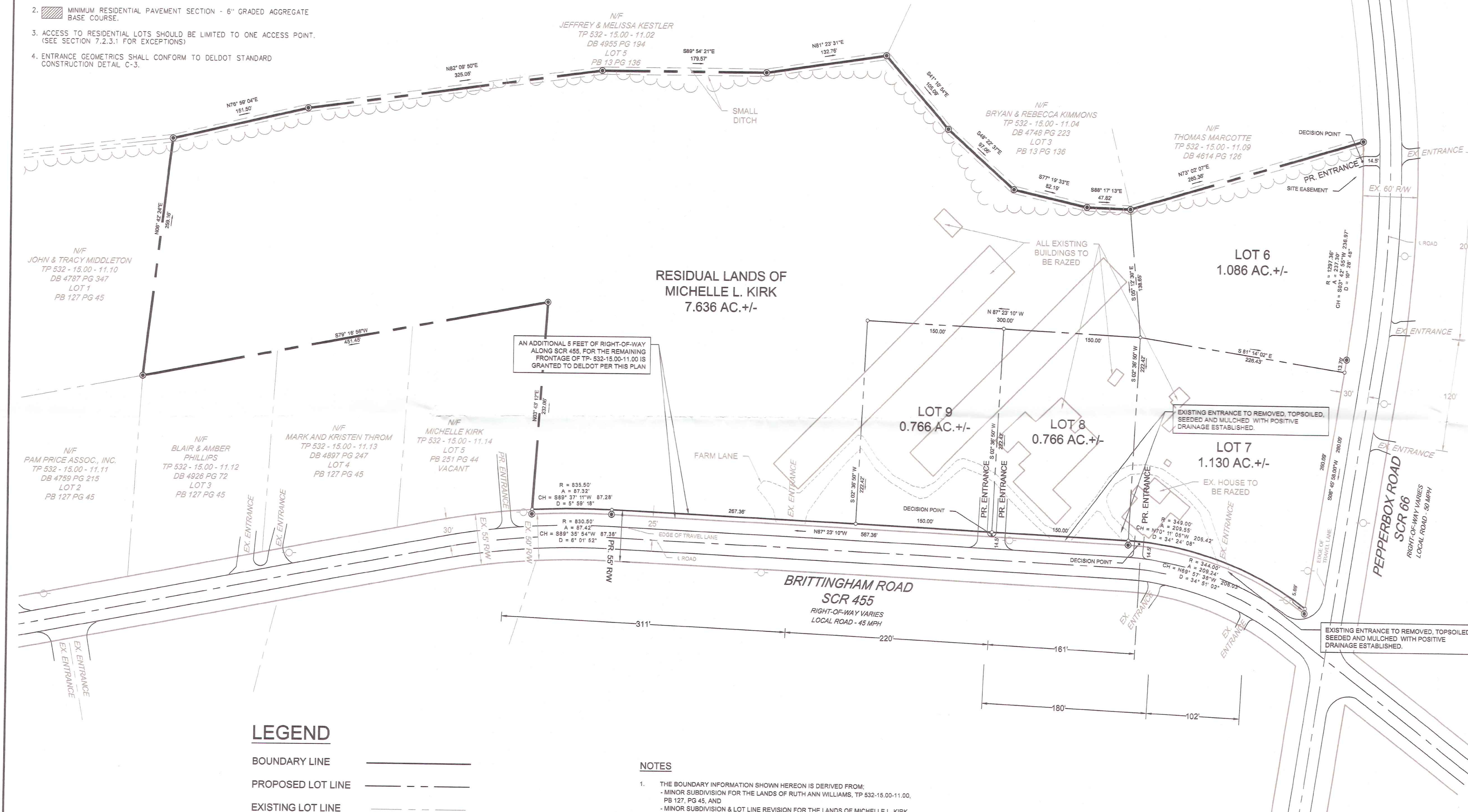


April 25, 2019

This map is for
Service is not
base data sho
be used in acc
Wetlands Map



- NOTES:
1. DRIVEWAY WIDTHS MAY BE INCREASED WITH DHDOT'S APPROVAL FOR SPECIAL PURPOSE VEHICLES, I.E. FARM VEHICLES, ETC.
 2. MINIMUM RESIDENTIAL PAVEMENT SECTION - 6" GRADED AGGREGATE BASE COURSE.
 3. ACCESS TO RESIDENTIAL LOTS SHOULD BE LIMITED TO ONE ACCESS POINT. (SEE SECTION 7.2.3.1 FOR EXCEPTIONS)
 4. ENTRANCE GEOMETRICS SHALL CONFORM TO DELDOT STANDARD CONSTRUCTION DETAIL C-3.

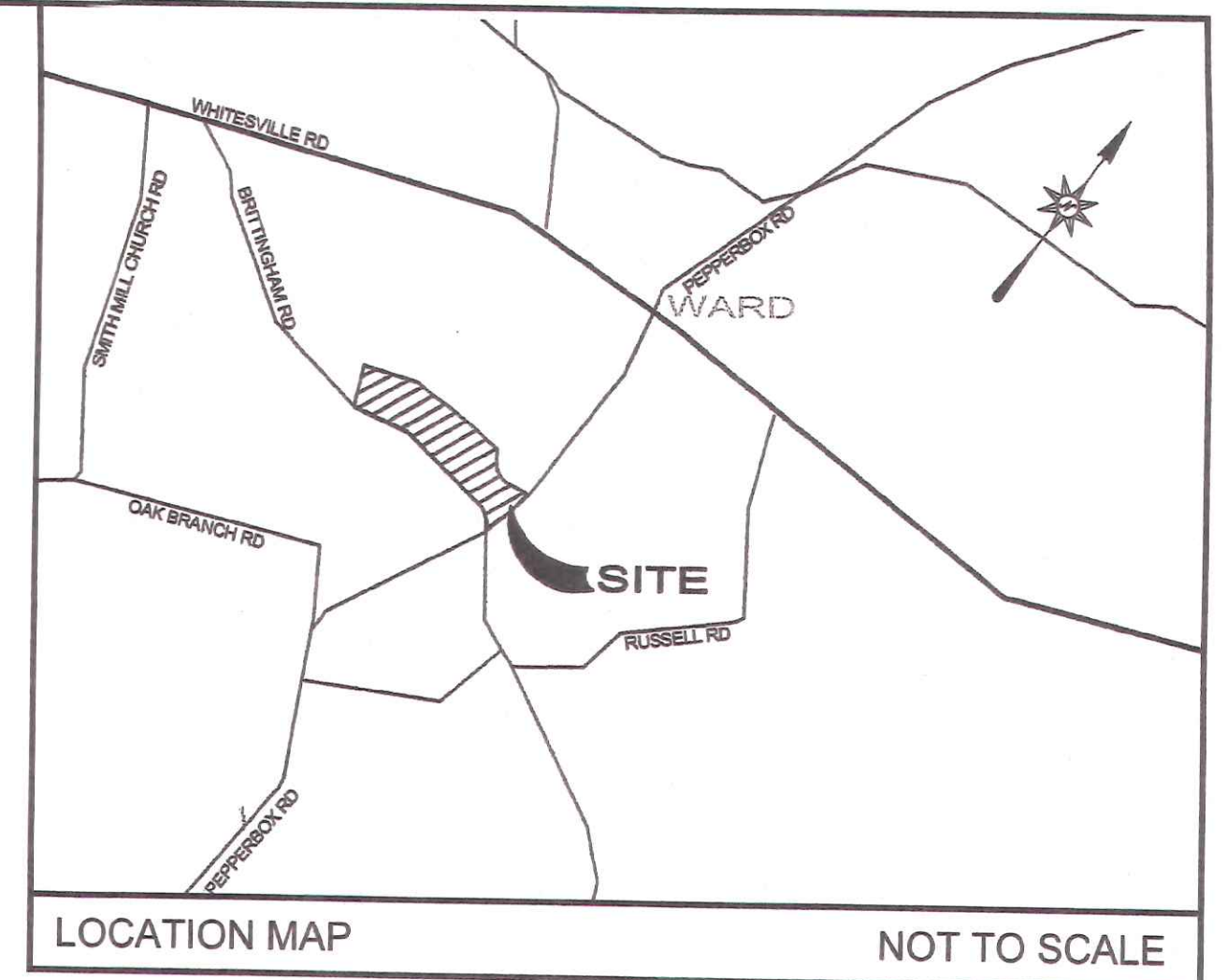
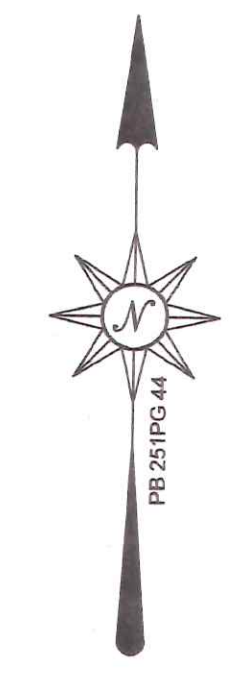


LEGEND

- BOUNDARY LINE
- PROPOSED LOT LINE
- EXISTING LOT LINE
- PROPOSED R/W
- EXISTING R/W
- UTILITY POLE
- CAPPED IRON ROD
- CORNER TO BE SET
- WOODS LINE

NOTES

1. THE BOUNDARY INFORMATION SHOWN HEREON IS DERIVED FROM:
 - MINOR SUBDIVISION FOR THE LANDS OF RUTH ANN WILLIAMS, TP 532-15.00-11.00, PB 127, PG 45, AND
 - MINOR SUBDIVISION & LOT LINE REVISION FOR THE LANDS OF MICHELLE L. KIRK, TP 532-15.00-11.00, PB 251, PG 44 (PB 281, PG 42 AS AMENDED)
2. A TITLE SEARCH WAS NEITHER REQUESTED NOR PREPARED FOR THE SUBJECT PARCELS SHOWN HEREON. THEREFORE, THIS PLAN DOES NOT VERIFY THE EXISTENCE OF ANY RIGHTS-OF-WAY OR EASEMENTS WHICH MAY AFFECT THIS PARCEL OTHER THAN THE INFORMATION SHOWN ON THIS PLAN.
3. IF THE RESIDUAL LANDS OF THIS PARCEL ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN ACCESS TO PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REVISED TO ACCESS FROM AN INTERNAL SUBDIVISION STREET.
4. 5 FEET OF RIGHT-OF-WAY, ALONG SCR 455, WAS PREVIOUSLY GRANTED TO DELDOT BY PB 127, PG 45 AND PB 251, PG 44
5. AN ADDITIONAL 5 FEET OF RIGHT-OF-WAY, ALONG SCR 455, FOR THE REMAINING FRONTAGE OF TP 532-15.00-11.00 IS GRANTED TO DELDOT PER THIS PLAN.
6. LOT 6 SHALL HAVE A SINGLE ACCESS DRIVEWAY
7. LOT 7 DRIVEWAY SHALL USE THE EXISTING RESIDENTIAL ACCESS
8. LOTS 8 & 9 SHALL HAVE A COMBINED ACCESS DRIVEWAY. EXISTING ACCESS POINTS ALONG THAT FRONTAGE SHALL BE ELIMINATED.
9. THE RESIDUAL PARCEL IS VACANT AND SHALL HAVE A SINGLE ACCESS FROM THE EXISTING FARM LANE ALONG THAT PARCEL FRONTAGE.
10. ALL EXISTING PARCEL IMPROVEMENTS SHALL BE RAZED.
11. ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
12. SHRUBBERY, PLANTINGS, SIGNS AND / OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE TRIANGLE AREA IS OUTSIDE OF THE RIGHT-OF-WAY, OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED LAND OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.



LOCATION MAP NOT TO SCALE

SITE DATA

OWNER: DUNN INVESTMENTS, LLC
8 NORTH HAMPSHIRE COURT
GREENVILLE, DE 19807

TAX PARCEL NO: 532-15.00-11.00

DEED REF: DB 5038, PG 271

PLOT REF: PB 281, PG 42

WATER: PRIVATE

SEWER: PRIVATE

ZONING: AR-1

EXISTING LOTS: 1

PROPOSED LOTS: 5

AREA TABULATION	EXISTING USE	PROPOSED USE
GROSS PARCEL 11.483 AC +/-	AGRICULTURAL	
9 R/W WIDENING 0.089 AC +/-		
LOT 6 1.086 AC +/-		RESIDENTIAL
LOT 7 1.030 AC +/-		RESIDENTIAL
LOT 8 0.766 AC +/-		RESIDENTIAL
LOT 9 0.766 AC +/-		RESIDENTIAL
RESIDUAL 7.636 AC +/-		AGRICULTURAL

RESIDUAL FRONTAGE: 354.68'

POSTED SPEED LIMITS: PEPPERBOX ROAD = 50 MPH
BRITTINGHAM ROAD = 45 MPH

FUNCTIONAL CLASSIFICATION: 7

STATE STRATEGIES LEVEL: 4

PROXIMITY TO TRANSPORTATION IMPROVEMENT DISTRICT:

- PEPPERBOX ROAD (FROM INTERSECTION WITH BRITTINGHAM ROAD) TO RTE. 30 = 4,300 L.F. +/-
- BRITTINGHAM ROAD (FROM THE INTERSECTION WITH PEPPERBOX ROAD) TO RTE. 30 = 7,700 L.F. +/-

PURPOSE NOTE:

- THE PURPOSE OF THIS PLAN IS TO CREATE A 4 LOT MINOR SUBDIVISION OUT OF TAX PARCEL 532-15.00-11.00, AS RECORDED IN PLOT BOOK 251, PAGE 44
- DEDICATE AN ADDITIONAL 5 FEET OF RIGHT-OF-WAY TO THE STATE OF DELAWARE

ENGINEER'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE. I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLETES WITH THE APPLICABLE ORDINANCES OF SUSSEX COUNTY AND LAWS OF THE STATE OF DELAWARE.

DEV SITARAM
DE. LICENSE NO 6799

DATE: 06/25/2019

OWNER'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY AND ACKNOWLEDGE THAT I AM THE LEGAL OWNER OF THE PROPERTY SHOWN ON THIS PLAN, AND THAT THIS MINOR SUBDIVISION WAS PREPARED IN ACCORDANCE TO MY DESIRES AND AT MY DIRECTION IN ORDER TO BE LEGALLY RECORDED AMONG THE LAND RECORDS OF SUSSEX COUNTY, DELAWARE.

BY: *[Signature]* DATE: 6/26/19

WORKMAN'S CROSSING
MINOR SUBDIVISION PLAN
FOR THE LANDS OF

DUNN INVESTMENTS, LLC
SITUATE IN: LITTLE CREEK HUNDRED, SUSSEX COUNTY, DELAWARE

DATE: 06-15-19	DATE: 06/25/2019
BY: <i>[Signature]</i>	DATE: 6/26/19

Karins and Associates
ENGINEERS & PLANNERS & SURVEYORS
GEORGETOWN, DE & NEWARK, DE
www.karinsengineering.com
128 WEST MARKET STREET
GEORGETOWN, DELAWARE 19847
PHONE: (302) 858-4331 FAX: (302) 829-2175

OWNER: DUNN INVESTMENTS, LLC
8 NORTH HAMPSHIRE COURT
GREENVILLE, DE 19807
302-419-6903

PROPERTY ADDRESS: 36855 BRITTINGHAM ROAD
DELMAR, DE 19940

SURVEY BY: PB 251 PG 44

DESIGNED BY: BR

DRAWN BY: BR

CHECKED BY: DS

SCALE: 1" = 60'

DATE: 05-01-18

DRAWING NO.: 2941 - A01

SHEET: 1 OF 1

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JANELLE CORNWELL, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date December 12, 2019

Application: CZ 1900 Michael P. Justice

Applicant/Owner: Michael P. Justice, Trustee
29687 Sawmill Dr.
Dagsboro, DE 19939

Site Location: West side of Parker House Rd., approximately 0.35 mile south of
Beaver Dam Rd.

Current Zoning: GR (General Residential District)

Proposed Zoning: GR-RPC (General Residential District – Residential Planned
Community)

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmatic
District: Mr. Rieley

School District: Indian River School District

Fire District: Millville Fire District

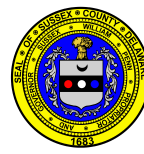
Sewer: Sussex County

Water: Tidewater

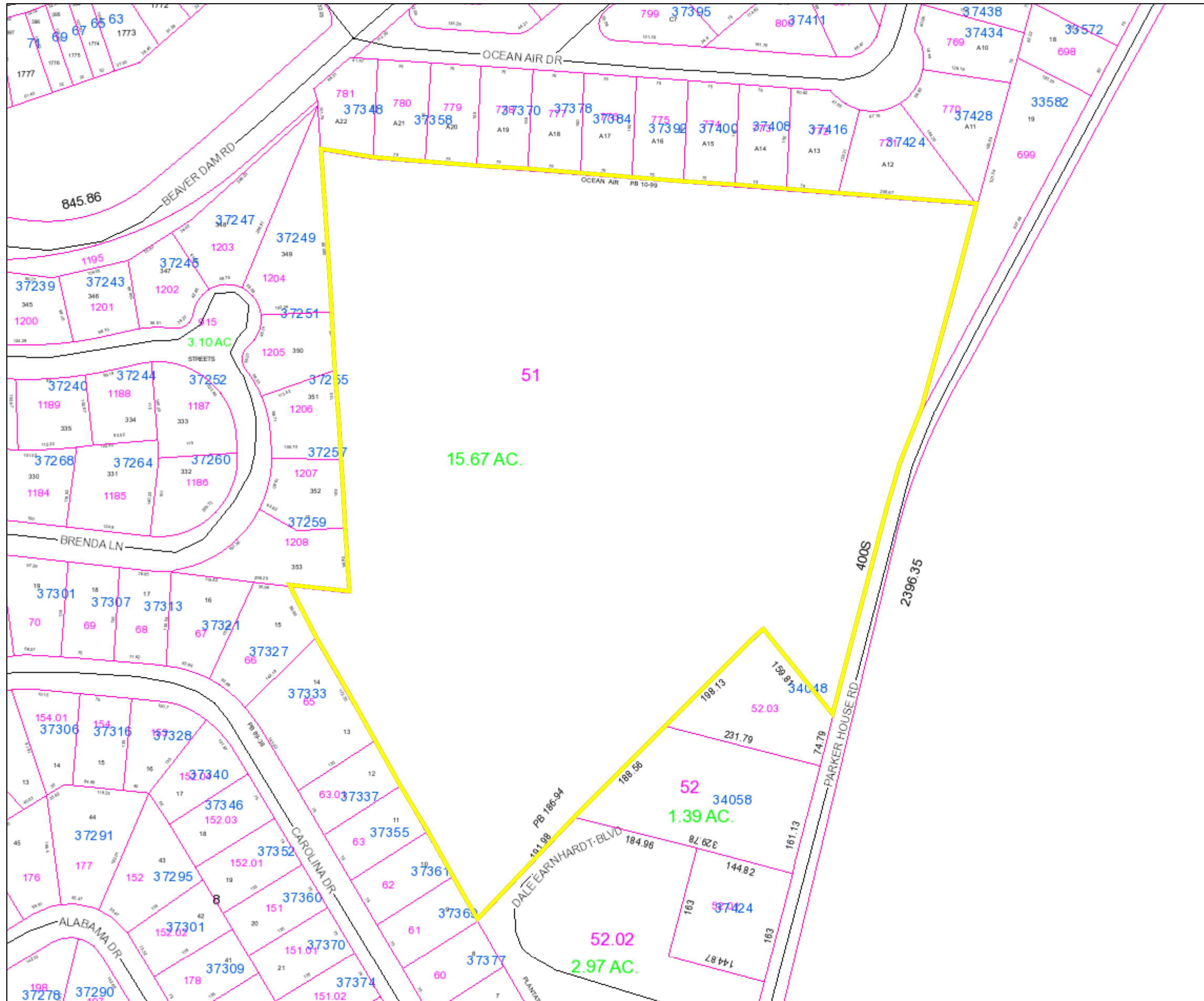
Site Area: 16.1 ac. +/-

Tax Map ID.: 134-16.00-51.00





Sussex County



PIN:	134-16.00-51.00
Owner Name	JUSTICE MICHAEL P TTEE REV TR
Book	4741
Mailing Address	29687 SAW MILL DR
City	DAGSBORO
State	DE
Description	OCEAN VIEW TO
Description 2	DOUBLE BRIDGES
Description 3	N/A
Land Code	

polygonLayer
Override 1

polygonLayer
Override 1

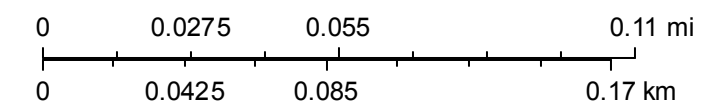
Tax Parcels

911 Address

Streets

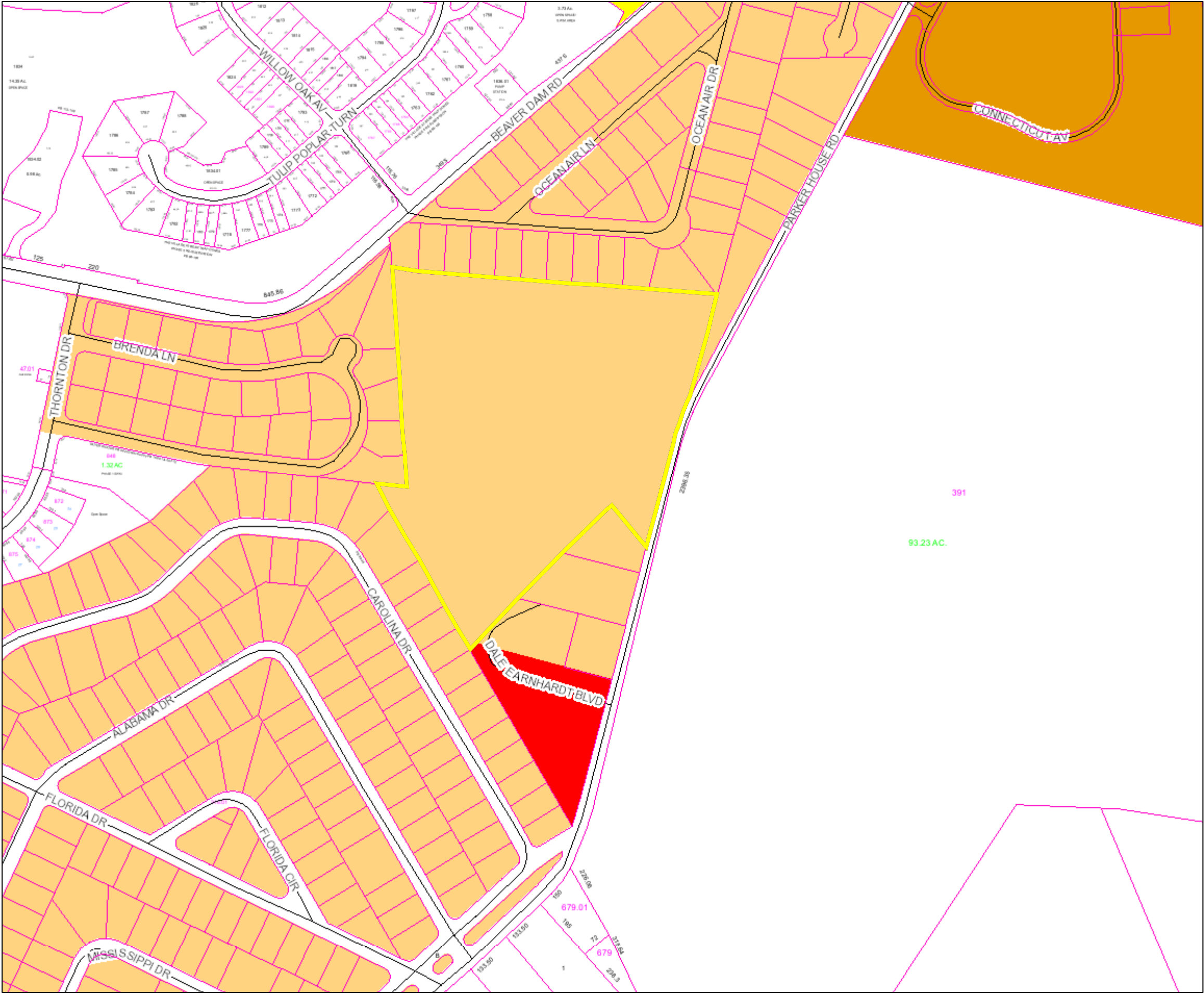
County Boundaries

1:2,257





Sussex County

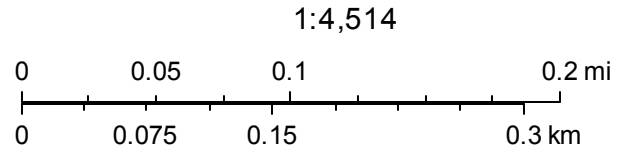


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- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets



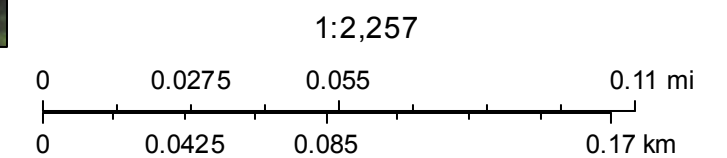


Sussex County



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Land Code	

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





Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, Planning & Zoning Manager
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: December 5, 2019
RE: Staff Analysis for CZ 1900 Michael P. Justice

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1900 Michael P. Justice to be reviewed during the December 12, 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 134-16.00-51.00 to facilitate a change from the General Residential (GR) Zoning District to a General Residential (GR) Zoning District with a Residential Planned Community (RPC) Overlay and is located on the west side of Parker House Rd, approximately 0.35 mile south of Beaver Dam Rd. The size of the property is 16.1 acres +/-.

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

The surrounding land use to the north, west and east are also designated as "Coastal Areas." Coastal Areas support a range of housing types including single-family homes, townhouses, and multi-family units provided that any relevant special environmental concerns are addressed.

The property is zoned GR (General Residential District.) The properties directly to the north, west and south of the application site are all also zoned General Residential District (GR). To the immediate south of the application site there is a triangular shaped parcel of land that is zoned C-1 (General Commercial Zoning District).

Since 2011, there has been 1 change of zone application within a 1-mile radius of the application site. CZ 1758 for a change of zone from AR-1 to MR on a 7.2035 acre parcel (134-19.00-19.00) was approved by County Council at its meeting of December 2nd 2014.

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a GR-RPC in this location, subject to considerations of scale and impact, could be considered as being consistent with the surrounding land use, area zoning, and uses.



File #: CZ1900
201908 966

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

West side of Parker House Road, 1/2 mile south of intersection with Beaver Dam Road

Type of Conditional Use Requested:

Tax Map #: 134-16.00-51.00

Size of Parcel(s): 16.1 ac.

Current Zoning: GR

Proposed Zoning: GR/RPC

Size of Building: _____

Land Use Classification: Coastal Area

Water Provider: Tidewater

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Michael P. Justice, Trustee

Applicant Address: 29687 Sawmill Drive

City: Dagsboro

State: DE

Zip Code: 19939

Phone #: (302) 745-8155

E-mail: mike@paulspaving.com

Owner Information

Owner Name: same as applicant

Owner Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Axiom Engineering, LLC - C/O Kenneth R. Christenbury, P.E.

Agent/Attorney/Engineer Address: 18 Chestnut Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-0810

E-mail: ken@axeng.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: 8/2/2019

Signature of Owner



Date: 8/2/2019

For office use only:

Date Submitted: 8/5/19

Staff accepting application: ceh

Location of property: _____

Fee: \$500.00 Check #: 858

Application & Case #: 2019089106

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

July 29, 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 **Michael P. Justice, Trustee**, conditional application, which we received on July 2, 2019. This application is for an approximately 15.67-acre parcel (Tax Parcel: 134-16.00-51.00). The subject land is located on the west side of Parker House Road (Sussex Road 362), approximately 1,880 feet southwest of the intersection of Parker House Road and Beaver Dam Road (Sussex Road 368). The subject land is currently zoned GR (General Residential), and the applicant is seeking a conditional use with a residential planned community (RPC) overlay approval to develop 45 single-family detached houses.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Parker House Road where the subject land is located, which is from Double Bridges Road (Sussex Road 363) to Muddy Neck Road (Sussex Road 361), are 1,646 and 2,116 vehicles per day, respectively.

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.

Because the site would generate more than 200 vehicle trips per day, a Traffic Operational Analysis (TOA) may be required as part of the site plan review process, in accordance with Chapter 2 of the Development Coordination Manual.

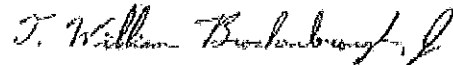


Ms. Janelle M. Cornwell
Page 2 of 2
July 29, 2019

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Michael P. Justice, Trustee, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & 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

Preliminary Land Use Service (PLUS)

Delaware State Planning Coordination

122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

Purpose of PLUS - The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.

Please complete this PLUS application in its entirety. All questions must be answered. If a question is unknown at this time or not applicable, please explain. Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): _____

Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): 2

1. Project Title/Name: Evergreen RPC

2. Location (please be specific): West side-Parker House Road, 1/2 mile south of Beaver Dam

3. Parcel Identification #: 134-16.00-51.00

4. County or Local Jurisdiction Name: where project is located: Sussex

5. If contiguous to a municipality, are you seeking annexation: No

6. Owner's Name: Michael P. Justice, Trustee

Address: 29687 Sawmill Drive

City: Dagsboro

State: DE

Zip: 19939

Phone: 302-745-8155

Fax:

Email: mike@paulspaving.co

7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting): same as owner

Address:

City:

State:

Zip:

Phone:

Fax:

Email:

8. Project Designer/Engineer: Kenneth R. Christenbury, P.E.

Address: Axiom Engineering, LLC - 18 Chestnut Street

City: Georgetown

State: DE

Zip: 19947

Phone: 302-855-0810

Fax: 302-855-0812

Email: ken@axeng.com

9. Please Designate a Contact Person, including phone number, for this Project: Kenneth R. Christenbury, P.E.

Information Regarding Site:

10. Type of Review: ☐ Rezoning, if not in compliance with certified comprehensive plan ☒ Site Plan Review
☒ Subdivision

11. Brief Explanation of Project being reviewed: Proposed re-zoning to GR-RPC

If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.

12. Area of Project (Acres +/-): 16.1 Number of Residential Units: 45 Commercial square footage:

13. Present Zoning:
GR

14. Proposed Zoning:
GR-RPC

15. Present Use:
Vacant

16. Proposed Use:
Single Family Detached Dwellings

17. Water: ☐ Central (Community system) ☐ Individual On-Site ☒ Public (Utility)

Service Provider Name: Tidewater

Will a new public well be located on the site? ☐ Yes ☒ No

18. Wastewater: ☐ Central (Community system) ☐ Individual On-Site ☒ Public (Utility)

Service Provider Name: SUSSEX COUNTY

Will a new community wastewater system be located on this site? ☐ Yes ☒ No

19. If residential, describe style and market segment you plan to target (Example- Age restricted):
Single Family Detached (mix of retirees and families)

20. Environmental impacts:

How many forested acres are presently on-site? _____ ac. How many forested acres will be removed? _____ ac.

To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site? ☐ Yes ☒ No

Are the wetlands: ☐ Tidal Acres: _____
☐ Non-tidal Acres: _____

If "Yes", have the wetlands been delineated? ☒ Yes ☐ No

Has the Army Corps of Engineers signed off on the delineation? ☐ Yes ☒ No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? ☒ Yes ☐ No If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? improvements to ditch

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? ☒ Yes ☐ No

22. List the proposed method(s) of stormwater management for the site: Wet Extended detention basin

23. Is open space proposed? ☒ Yes ☐ No If "Yes," how much? _____ Acres:

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? Forest buffer, shared use path, passive open space

24. Are you considering dedicating any land for community use (e.g., police, fire, school)? ☐ Yes ☒ No

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 429

What percentage of those trips will be trucks, excluding vans and pick-up trucks? 1%

26. Will the project connect to state maintained roads? ☒ Yes ☐ No

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections. N/A, infill.

28. Are there existing sidewalks? ☐ Yes ☒ No; bike paths ☐ Yes ☐ No
Are there proposed sidewalks? ☒ Yes ☐ No; bike paths ☐ Yes ☐ No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network? ☐ Yes ☒ No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites? ☐ Yes ☒ No

Has this site been evaluated for historic and/or cultural resources? ☐ Yes ☒ No

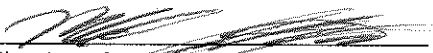
Would you be open to a site evaluation by the State Historic Preservation Office? ☒ Yes ☐ No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit? ☒ Yes ☐ No

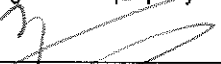
Person to contact to arrange visit: K.Christenbur phone number: 302-855-0810

31. Are any federal permits, licensing, or funding anticipated? ☒ Yes ☐ No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.


Signature of property owner

7/30/2019
Date


Signature of Person completing form
(If different than property owner)

7/30/19
Date

Signed application must be received before application is scheduled for PLUS review.

This form should be returned to the Office of State Planning electronically at PLUS@state.de.us along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact the Office of State Planning at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.

Ken Christenbury

From: Ken Christenbury <ken@axeng.com>
Sent: Friday, August 02, 2019 8:04 PM
To: Steven Bayer; Dorothy Morris
Cc: Mike Justice; John Sergovic; Christin Headley
Subject: 0188-1502 Evergreen RPC PLUS APPLICATION
Attachments: 0188-1502_SIGNED PLUS Application.pdf; _11X17-0188-1902-CZ-1-3 RPC SKETCH PLAN SET.pdf

Dorothy/Steve,

The attached subdivision has only 45 lots, but it is being filed as a Residential Planned Community and is subject to PLUS review. Please let me know if you need anything further to schedule this for PLUS review.

Thank you,

Ken

Kenneth R. Christenbury, P.E.
President, Axiom Engineering, LLC
18 Chestnut Street
Georgetown, DE 19947
(302) 855-0810
Fax 855-0812

ken@axeng.com
www.axeng.com



18 Chestnut Street
Georgetown, DE 19947
Phone: 302.855.0810
Fax: 302.855.0812
E-mail: ken@axeng.com
www.axeng.com

**Kenneth R.
Christenbury, P.E.**
President

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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **11/21/2019**

APPLICATION: **CZ 1900 Michael P. Justice**

APPLICANT: **Michael P. Justice, Trustee**

FILE NO: **MC-1.02**

TAX MAP &
PARCEL(S): **134-16.00-51.00**

LOCATION: **West side of Parker House Road, approximately 0.35 mile south of Beaver Dam Road.**

NO. OF UNITS: **35**

GROSS
ACREAGE: **16.1**

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

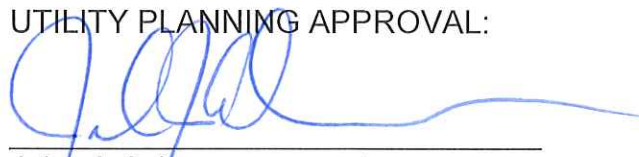
(7). Is project adjacent to the Unified Sewer District? **N/A**

(8). Comments: **Click or tap here to enter text.**

(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
Blair Lutz

EVERGREEN RPC

CHANGE OF ZONE #1900

OWNER/APPLICANT:

MICHAEL P. JUSTICE, TRUSTEE

BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE



PLANNING & ZONING COMMISSION
DECEMBER 19, 2019



AXIOM
ENGINEERING L.L.C.

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1

EXECUTIVE SUMMARY & ZONING MAP

EXECUTIVE SUMMARY - CHANGE OF ZONE #1900 EVERGREEN RESIDENTIAL PLANNED COMMUNITY

Evergreen RPC-CZ#1900 (see Tab 2 for application) proposes 45 detached single-family dwellings on 16.10 acres on the west side of Sussex County Route 362 (Parker House Road). It is consistent with the character and trend of development in the area. Evergreen RPC will have 39% open space, including preservation of 1.45 acres of existing forest and planting of 0.62 acres of forest buffer, installation of sidewalk, a walking trail, a shared use path (if required by DeIDOT), picnic tables, park benches and a gazebo (See Sketch Plan - Tab 3).

The 2018 update to Sussex County's Comprehensive Plan was approved by the governor in March of 2019. The update removed the Environmentally Sensitive Developing Overlay Zone designation and reclassified the subject property as "Coastal Area" (Tab 4). The following characteristics are described in the plan for Coastal Areas:

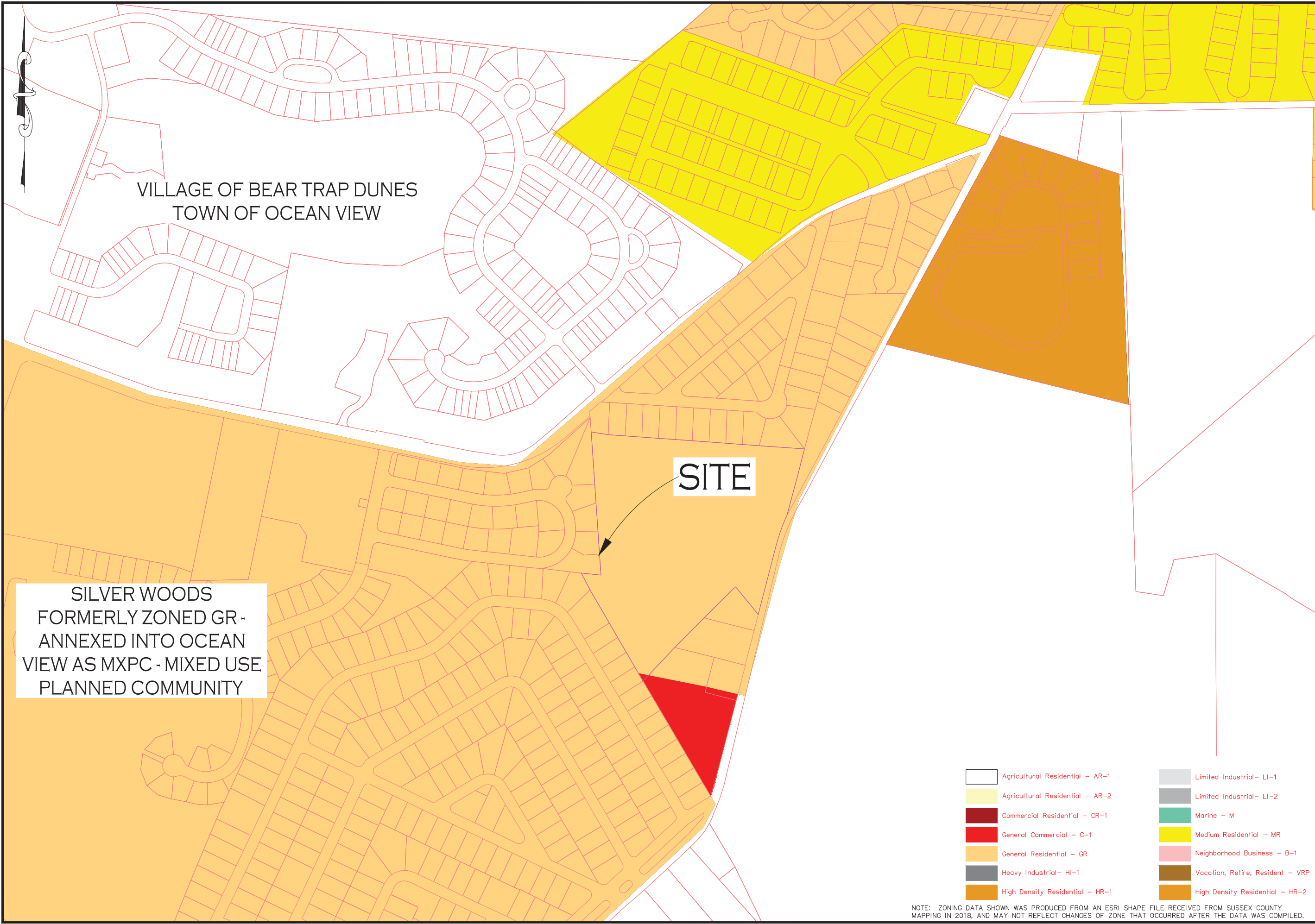
- Permitted Uses -A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units.
- Densities -Sussex County's base density of 2 units per acre is appropriate throughout this classification; however, medium and higher density (4-12 units per acre) can be appropriate in certain locations. Medium and higher density 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;

CZ 1900 is in harmony with these requirements and the requirements of the GR zoning district of the property.

The project is fully compliant with County Subdivision Ordinance 99-9(c) (Tab 5). The Delaware Department of Transportation has not required a Traffic Impact Study (Tab 6). The applicant has addressed comments issued by the Preliminary Land Use Service (PLUS - Tab 7). The project will be served by the Sussex County Sanitary Sewer and Tidewater Utilities central water (Tab 8). The property is free of regulated floodplains (Tab 10), and the environmental conditions of the property have been field verified to ensure compliance with federal, state and local requirements (Tabs 11-13). Draft Covenants and Restrictions (Tab 14) and proposed Conditions of Approval (Tab 15) have been included to ensure that adjoining property values are not adversely affected by the development of this project.



PROJECT NO:	0188-1502	ENGINEER:	KRC	DESIGNER:	KRC	CHECKED BY:	KRC	DATE:	11/19/2019	TAX MAP:	134-16.00-51.00	SCALE:	24" x 36" 1 inch = 200 ft. 11" x 17" 1 inch = 400 ft.
DRAWING:	CR-1	SEAL:											
SHEET:	1 OF 9												
TAXMAP & AERIAL PHOTO PUBLIC DATA REFERENCED TO CZ# 1900 - EVERGREEN RPC BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE													
AXIOM ENGINEERING L.L.C. 18 CHESTNUT STREET DOVER, DE 19947 TEL: 855-0812 FAX: 302-855-0810 WEB: WWW.AXIOMENG.COM													
STATE OF DELAWARE DIVISION OF FISH AND WILDLIFE													
NOTE: SCALE INDICATED IS APPROXIMATE. NO FIELD SURVEY WAS PERFORMED OR IS IMPLIED BY THIS DRAWING. TAX PARCEL GEOMETRY DATA SHOWN WAS PRODUCED FROM AN ESRI SHAPE FILE RECEIVED FROM SUSSEX COUNTY MAPPING IN 2018, AND MAY NOT REFLECT SUBDIVISIONS THAT OCCURRED AFTER THE DATA WAS COMPILED. IMAGE OBTAINED FROM GOOGLE EARTH PRO													



SILVER WOODS
FORMERLY ZONED GR -
ANNEXED INTO OCEAN
VIEW AS MXPC - MIXED USE
PLANNED COMMUNITY

SITE

VILLAGE OF BEAR TRAP DUNES
TOWN OF OCEAN VIEW

- | | | | |
|--|---------------------------------|--|----------------------------------|
| | Agricultural Residential - AR-1 | | Limited Industrial- LI-1 |
| | Agricultural Residential - AR-2 | | Limited Industrial- LI-2 |
| | Commercial Residential - CR-1 | | Marine - M |
| | General Commercial - C-1 | | Medium Residential - MR |
| | General Residential - GR | | Neighborhood Business - B-1 |
| | Heavy Industrial- HI-1 | | Vacation, Retire, Resident - VRP |
| | High Density Residential - HR-1 | | High Density Residential - HR-2 |

NOTE: ZONING DATA SHOWN WAS PRODUCED FROM AN ESRI SHAPE FILE RECEIVED FROM SUSSEX COUNTY
MAPPING IN 2018, AND MAY NOT REFLECT CHANGES OF ZONE THAT OCCURRED AFTER THE DATA WAS COMPILED.

PROJECT NO:	0188-1502		ZONING MAP PUBLIC DATA REFERENCED TO CZ# 1900 - EVERGREEN RPC BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE	REVISION	BY/DATE
DRAWING:	CR-3			REV	DESCRIPTION OF REVISION
SHEET:	3 OF 9			REV	DESCRIPTION OF REVISION

2

ZONING APPLICATION AND DEED

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**

West side of Parker House Road, 1/2 mile south of intersection with Beaver Dam Road

Type of Conditional Use Requested:Tax Map #: 134-16.00-51.00 Size of Parcel(s): 16.1 ac.Current Zoning: GR Proposed Zoning: GR/RPC Size of Building: _____Land Use Classification: Coastal AreaWater Provider: Tidewater Sewer Provider: Sussex County**Applicant Information**Applicant Name: Michael P. Justice, TrusteeApplicant Address: 29687 Sawmill DriveCity: Dagsboro State: DE Zip Code: 19939Phone #: (302) 745-8155 E-mail: mike@paulspaving.com**Owner Information**Owner Name: same as applicant

Owner Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____

Agent/Attorney/Engineer InformationAgent/Attorney/Engineer Name: Axiom Engineering, LLC - C/O Kenneth R. Christenbury, P.E.Agent/Attorney/Engineer Address: 18 Chestnut StreetCity: Georgetown State: DE Zip Code: 19947Phone #: (302) 855-0810 E-mail: ken@axeng.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: 8/2/2019

Signature of Owner



Date: 8/2/2019

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: _____

27454

BK: 4741 PG: 240

TAX MAP AND PARCEL #:
1-34 16.00 51.00
PREPARED BY & RETURN TO:
Shannon R. Owens, Esquire
Sergovic Carmean Weidman
McCartney & Owens, P.A.
406 South Bedford Street
P.O. Box 751
Georgetown, Delaware 19947

NO TITLE EXAMINATION REQUESTED OR PERFORMED

THIS DEED, made this 20th day of July, 2017,

- BETWEEN -

MICHAEL P. JUSTICE, as to a 45% undivided interest, of 29687 Saw Mill Drive, Dagsboro, Delaware 19939, party of the first part,

- AND -

MICHAEL P. JUSTICE, TRUSTEE OF THE MICHAEL P. JUSTICE REVOCABLE TRUST DATED JULY 20, 2017, of 29687 Saw Mill Drive, Dagsboro, Delaware 19939, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ONE AND 00/100 DOLLARS (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and his heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain piece, parcel or tract of land lying and being situated in Muddy Neck, Baltimore Hundred, County of Sussex and State of Delaware, beginning at the center of the County Road known as the Beaver Dam Road leading from Ocean View to the double bridges and running in line with pine tree at the side of said road 957 feet to the lands of Samuel F. Holt; thence cornering and running with the lands of Samuel F. Holt South 5 ½ degrees West 875 feet to the lands now or formerly of Harry Quillen; thence with the lands now or formerly of Harry Quillen South 20 degrees East 388 feet in line with a ditch; thence cornering at a point with the lands of the aforesaid Harry Quillen and running North 55 degrees 5 minutes East 592 feet; thence cornering and running South 44 degrees 4/5 East 184 feet to center of county Road or Beaver Dam Road leading from double bridges to Ocean View thence down center of said road North 22 ¼ degrees East 778 feet back to the place of beginning, and said to contain fifteen (15) acres and 107 square perches, be the same more or less.

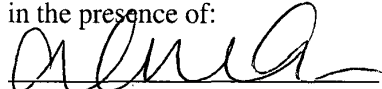
BEING the same property conveyed to Michael P. Justice and Equity Trust Company Custodian FBO Michael P. Justice IRA from Warrington Family Limited Partnership, by Deed dated August 19, 2015 of record in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 4436, Page 129, et seq.

UNDER AND 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.

EXCEPTING AND RESERVING any and all possible out conveyances from August 19, 2015, forward.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of:


Witness

 (SEAL)
MICHAEL P. JUSTICE
Consideration: .00

STATE OF DELAWARE :

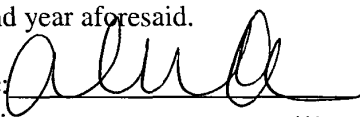
SS.

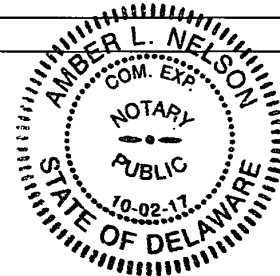
County .00
State .00
Town Total .00
Received: Teresa C Jul 24, 2017

COUNTY OF SUSSEX :

BE IT REMEMBERED, that on the 20th of July, 2017, personally came before me, the subscriber, **MICHAEL P. JUSTICE**, 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: _____



RECEIVED
JUL 24, 2017
ASSESSMENT DIVISION
OF SUSSEX COUNTY

Recorder of Deeds
Scott Dailey
Jul 24, 2017 08:49A
Sussex County
Doc. Surcharge Paid

3

SITE DATA TABLE & RPC SKETCH PLAN

SITE DATA:

OWNER/APPLICANT:

MICHAEL P. JUSTICE, TRUSTEE
29687 SAWMILL DRIVE
DAGSBORO, DE 19939
302-745-8155
mike@paulspaving.com

TAX MAP	134-16.00-51.00
DEED REFERENCE	DB 4741 - PG 240
STATE INVESTMENT LEVEL	3
TRANSPORTATION IMPROVEMENT DISTRICT	N/A
HIGHWAY FUNCTIONAL CLASSIFICATION/POSTED SPEED LIMIT	MINOR COLLECTOR / 50 MPH
CURRENT ZONING	GR
PROPOSED ZONING	GR-RPC (CZ #1900)
EXISTING USE	VACANT
PROPOSED USE	45 SINGLE FAMILY DWELLING LOTS
DENSITY	2.82 DWELLING UNITS/ACRE

REQUIRED LOT SIZE

MIN. WIDTH	60'
MIN. DEPTH	100'
MIN. AREA	7,500 SQ. FT. *

BUILDING SETBACKS

FRONT	25'
CORNER	15'
SIDE	8'
REAR	8'

* REDUCED LOT WIDTH, LOT AREA AND SETBACKS APPLIED FOR WITH RPC CHANGE OF ZONE

PROPOSED BUILDING HEIGHT

42' MAX.

SITE AREA CALCULATIONS:

DEDICATION TO STATE OF DELAWARE	0.35± AC.
PRIVATE ROAD R.O.W.	1.71± AC.
LOTS	7.97± AC.
<u>OPEN SPACE</u>	<u>6.29± AC. (39%)</u>
TOTAL SITE AREA	16.10± AC.

OPEN SPACE CALCULATIONS:

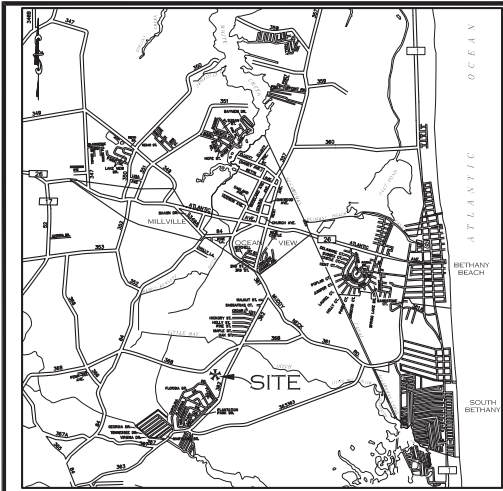
WETLANDS & WATERS OF THE U.S.	0.13± AC.
STORMWATER MANAGEMENT AREA	1.81± AC.
EXISTING FOREST TO REMAIN	1.45± AC.
PLANTED FOREST BUFFERS	0.62± AC.
DELDOT PERMANENT EASEMENT	0.17± AC.
OTHER OPEN SPACE	2.11± AC.

FOREST CONDITIOINS

EXISTING FOREST ON PROPERTY	4.93± AC.
FOREST CLEARED	3.48± AC.
FOREST TO REMAIN	1.45± AC. (30%)
<u>FOREST BUFFERS PLANTED</u>	<u>0.62± AC.</u>
TOTAL FOREST	2.07± AC.

WATER SUPPLY
SEWAGE DISPOSAL

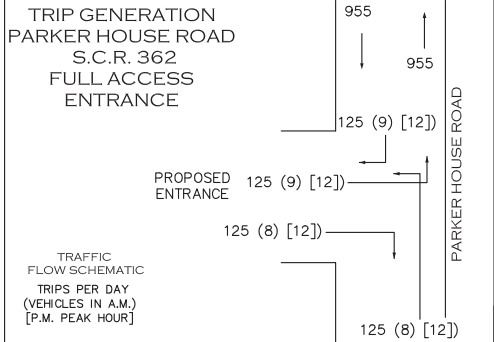
TIDEWATER UTILITIES
SUSSEX COUNTY



VICINITY MAP
SCALE: 1" = 1 MILE

NOTES:

- FORESTED BUFFERS, STREETS, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR REQUIRED MAINTENANCE. SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE FACILITIES WITHIN THE SITE.
- ACCESS TO LOTS SHALL BE PROVIDED FROM THE SUBDIVISION STREETS PROPOSED WITH THIS PLAN. NO DIRECT ACCESS TO PUBLIC STREETS IS PROPOSED EXCEPT THE ENTRANCE SPECIFICALLY SHOWN ON THIS PLAN.
- BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C051K3, DATED MARCH 16, 2015; THE ENTIRE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS ZONE "X" (UNSHADED), WHICH IS AN AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
- THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN JULY 2019. HORIZONTAL CONTROL IS REFERENCED TO NAD '83 STATE PLANE GRID, VERTICAL CONTROL IS REFERENCED TO NAVD 88.
- ALL SUBDIVISION LOTS SHALL HAVE FIVE-FOOT-WIDE EASEMENTS ALONG ALL LOT LINES FOR A TOTAL EASEMENT WIDTH OF AT LEAST TEN (10) FEET ALONG A LOT LINE COMMON TO TWO LOTS. EASEMENTS ALONG PERIMETER BOUNDARIES OF THE SUBDIVISION SHALL BE TEN (10) FEET IN WIDTH ON THE INTERIOR SIDE OF THE BOUNDARY. NO BUILDING, STRUCTURE OR OTHER PERMANENT OBSTRUCTION SHALL BE PLACED IN ANY EASEMENT.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
- THE LANDSCAPE PLAN FOREST AND/OR LANDSCAPE BUFFER PLANS SHALL BE INSTALLED WITHIN 18 MONTHS FROM THE DATE SITE WORK IS AUTHORIZED TO COMMENCE. IF THE SUBDIVISION IS TO BE CONSTRUCTED IN PHASES, THE BUFFER FOR EACH PHASE MUST BE COMPLETED BEFORE COUNTY APPROVALS OR PERMITS WILL BE GRANTED TO CONSTRUCT THE NEXT PHASE.
- BUS STOPS SHALL BE LOCATED AT THE DISCRETION OF THE INDIAN RIVER SCHOOL DISTRICT.
- DRAINAGE EASEMENTS SHOWN SHALL BE ESTABLISHED UPON COMPLETION OF CONSTRUCTION PLANS AND SHALL INCORPORATE ANY EASEMENTS OBTAINED FROM ADJOINING PROPERTY OWNERS FOR THE PURPOSE OF IMPROVING THE EXISTING DRAINAGE DITCHES NEAR THE SHARED PROPERTY LINES.

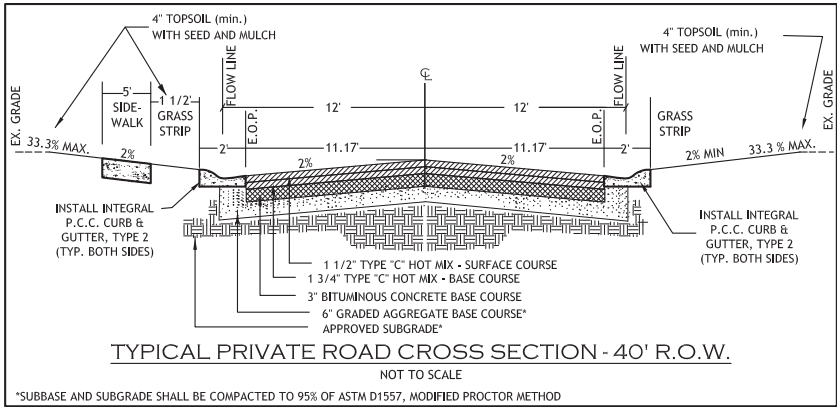


ROUTE 9 TRAFFIC DATA:
HIGHWAY FUNCTIONAL CLASSIFICATION = MINOR COLLECTOR
POSTED SPEED LIMIT = 55 MPH (DESIGN SPEED = 55 MPH)
AADT = 1,646 (FROM 2018 DELDOT TRAFFIC SUMMARY)
10-YEAR PROJECTED AADT = 1.16 X AADT TRIPS = 1,909
10-YEAR PROJECTED AADT + SITE ADT = 2,338

SITE TRIPS GENERATED:
SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION
ITE CODE 210 - SINGLE FAMILY DETACHED HOUSING-45 UNITS
ADT = 499 (DELDOT PLUS COMMENTS) PEAK HOUR ADT = 47
<1% TRUCKS AND BUSES x 499 TRIPS = 5 TRIPS

215 ENTERING TRIPS, DIRECTIONAL DISTRIBUTION:
50% RIGHT IN
50% LEFT IN

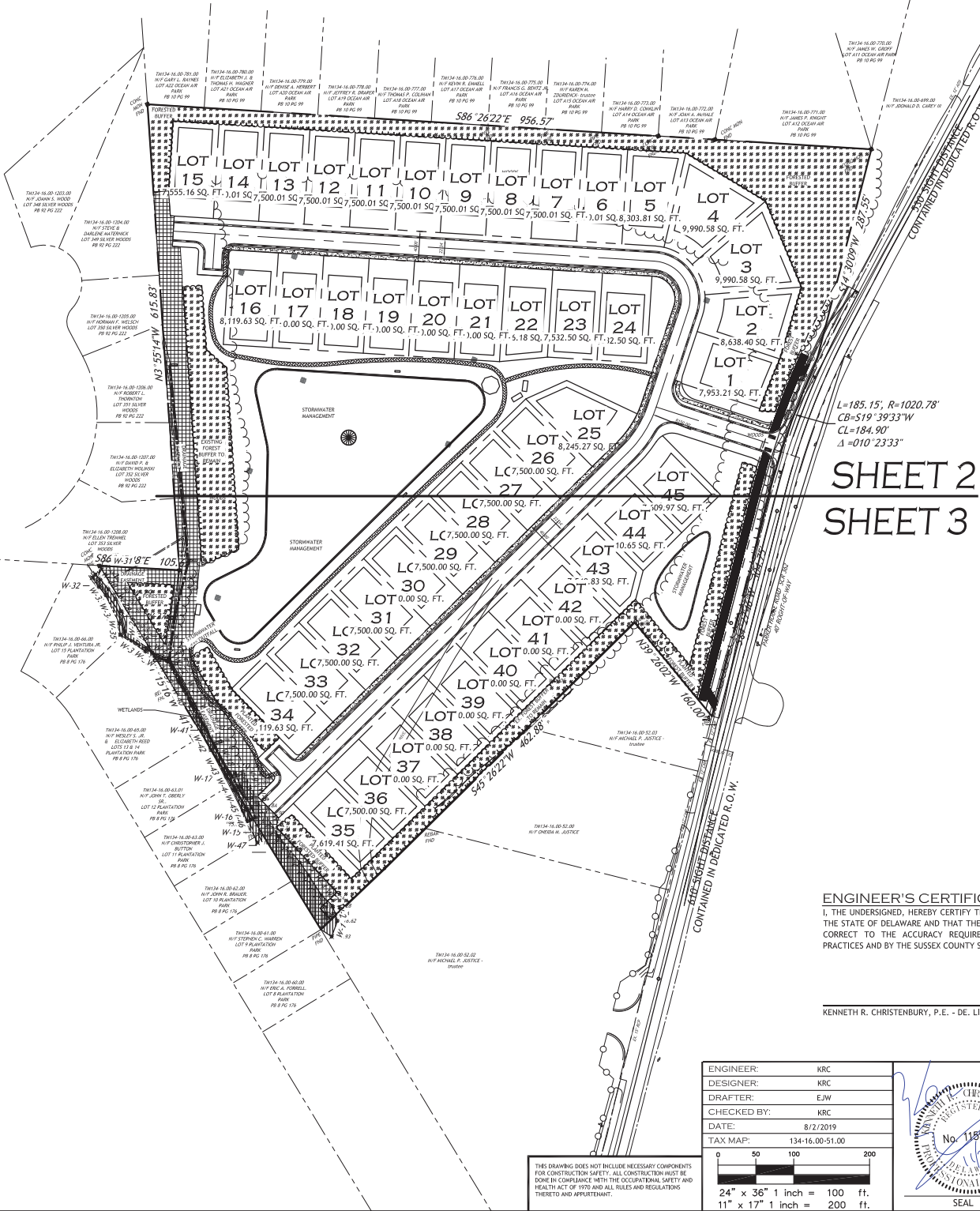
REV	DESCRIPTION OF REVISION	BY/DATE	CHECKED/REV/DATE
1	RESPONSE TO PLUS COMMENTS	RRC 11/21/2019	RRC 11/21/2019



TYPICAL PRIVATE ROAD CROSS SECTION - 40' R.O.W.

NOT TO SCALE

*SUBBASE AND SUBGRADE SHALL BE COMPACTED TO 95% OF ASTM D1557, MODIFIED PROCTOR METHOD



SHEET 2
SHEET 3

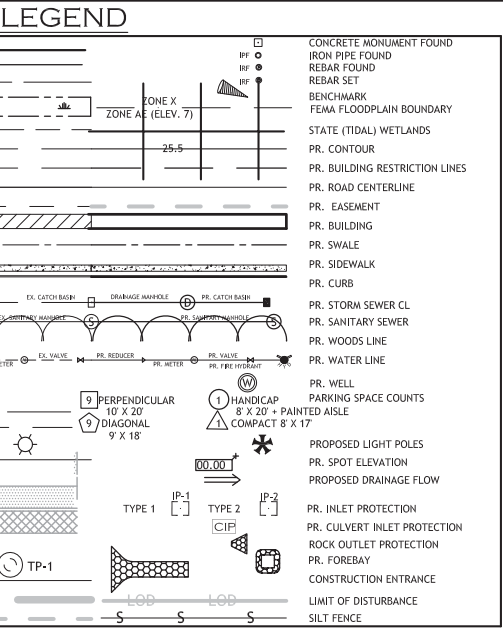
ENGINEER'S CERTIFICATION:
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED PROFESSIONAL STANDARDS AND PRACTICES AND BY THE SUSSEX COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.

KENNETH R. CHRISTENBURY, P.E. - DE. LICENSE No. 11553-EXPIRES 6/30/2020 DATE

WETLANDS CERTIFICATION:
I, KENNETH W. REDINGER, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3(a)(8)), WATERS OF THE U.S. DEFINITION/CECW-OR, 10-7-1991, QUESTIONS AND ANSWERS ON THE 1987 COE MANUAL/CECW-OR, 9-26-1990, RGL 90-7/CECW-OR, 3-6-1992, CLARIFICATION AND INTERPRETATION OF THE 1987 MANUAL), THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

IN ACCORDANCE WITH DNREC TIDAL WETLAND MAPS, THERE ARE NO STATE REGULATED WETLANDS ON THE SITE.

KENNETH W. REDINGER
P.O. BOX 479
HORN TOWN, VA 23395
PHONE: (757) 990-9308 E-MAIL: kwredinger@gmail.com



SITE DATA:
OWNER/APPLICANT:

TAX MAP	134-16-00-51.00
DEED REFERENCE	DB 4741 - PG 240
STATE INVESTMENT LEVEL	3
TRANSPORTATION IMPROVEMENT DISTRICT	N/A
HIGHWAY FUNCTIONAL CLASSIFICATION/POSTED SPEED LIMIT	MINOR COLLECTOR / 50 MPH
CURRENT ZONING	GR-APC (CZ #1900)
PROPOSED ZONING	VACANT
EXISTING USE	45 SINGLE FAMILY DWELLING LOTS
PROPOSED USE	2.82 DWELLING UNITS/ACRE
DENSITY	

REQUIRED LOT SIZE	
MIN. WIDTH	60'
MIN. DEPTH	100'
MIN. AREA	7,500 SQ. FT.

BUILDING SETBACKS	
FRONT	25'
CORNER	15'
SIDE	8'
REAR	8'

* REDUCED LOT WIDTH, LOT AREA AND SETBACKS APPLIED FOR: WITH RPC CHANGE OF ZONE

PROPOSED BUILDING HEIGHT	42' MAX.
--------------------------	----------

SITE AREA CALCULATIONS:	
DEDICATION TO STATE OF DELAWARE	0.35± AC.
PRIVATE ROAD R.O.W.	1.71± AC.
LOTS	7.97± AC.
OPEN SPACE	6.29± AC. (39%)
TOTAL SITE AREA	16.10± AC.

OPEN SPACE CALCULATIONS:	
WETLANDS & WATERS OF THE U.S.	0.13± AC.
STORMWATER MANAGEMENT AREA	1.81± AC.
EXISTING FOREST TO REMAIN	1.45± AC.
PLANTED FOREST BUFFERS	0.62± AC.
DELDOT PERMANENT EASEMENT	0.17± AC.
OTHER OPEN SPACE	2.11± AC.

FOREST CONDITIONS	
EXISTING FOREST ON PROPERTY	4.93± AC.
FOREST CLEARED	3.46± AC.
FOREST TO REMAIN	1.45± AC. (30%)
FOREST BUFFERS PLANTED	0.62± AC.
TOTAL FOREST	2.07± AC.

WATER SUPPLY	TIDWATER UTILITIES
SEWAGE DISPOSAL	SUSSEX COUNTY

OWNER'S CERTIFICATION:
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAN, AND THAT THE RESIDENTIAL PLANNED COMMUNITY SHOWN REPRESENTS MY ACT, AND THAT I DESIRE THE PROPERTY TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS, ORDINANCES AND REGULATIONS.

MICHAEL P. JUSTICE, TRUSTEE
29687 SAWMILL DRIVE
DAGSBORO, DE 19939
302-745-8155
mike@paulspaving.com

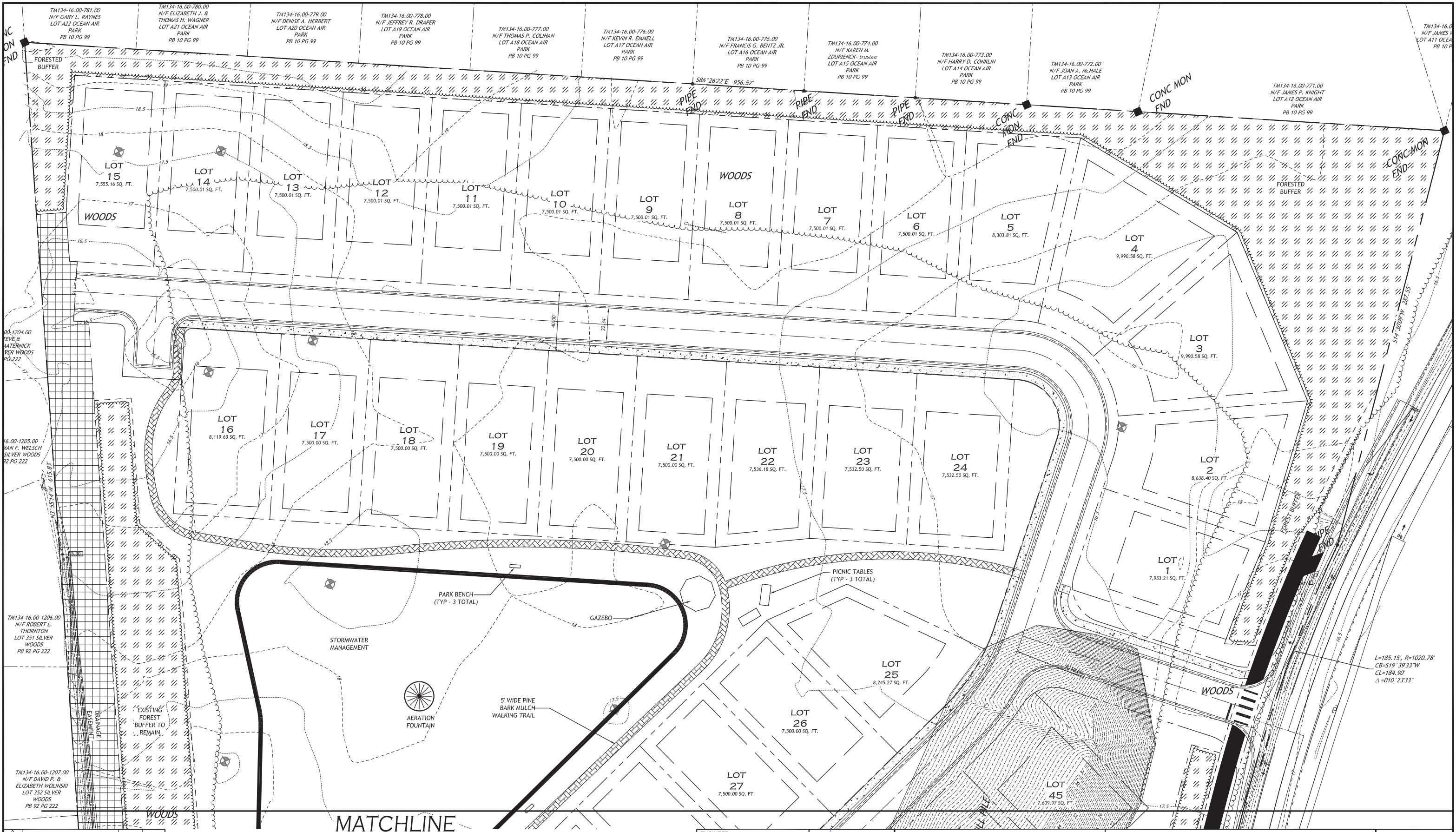
PROJECT NO:	0188-1502
DRAWING:	CZ- 1
SHEET:	1 OF 3

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	EJW
CHECKED BY:	KRC
DATE:	8/2/2019
TAX MAP:	134-16-00-51.00



AXIOM ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19947
(302) 855-0810
FAX: 855-0812
E-MAIL: AXIOM@AXENG.COM
WEB: WWW.AXENG.COM

COVER SHEET
SKETCH PLAN FOR CZ #1900
EVERGREEN
RESIDENTIAL PLANNED COMMUNITY
BALTIMORE HUNDRED, SUSSEX COUNTY, DE



REV	DESCRIPTION OF REVISION	BY	DATE
1	RESPONSE TO PLIS COMMENTS	KRC	11/21/2019
2		KRC	11/21/2019
3		KRC	11/21/2019
4		KRC	11/21/2019
5		KRC	11/21/2019
6		KRC	11/21/2019
7		KRC	11/21/2019
8		KRC	11/21/2019
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98		KRC	11/21/2019
99		KRC	11/21/2019
100		KRC	11/21/2019

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THEREOF AND APPURTENANT.

ENGINEER: KRC
DESIGNER: KRC
DRAFTER: EJV
CHECKED BY: KRC
DATE: 8/2/2019
TAX MAP: 134-16.00-51.00

24" x 36" 1 inch = 100 ft.
11" x 17" 1 inch = 200 ft.



AXIOM
ENGINEERING L.L.C.

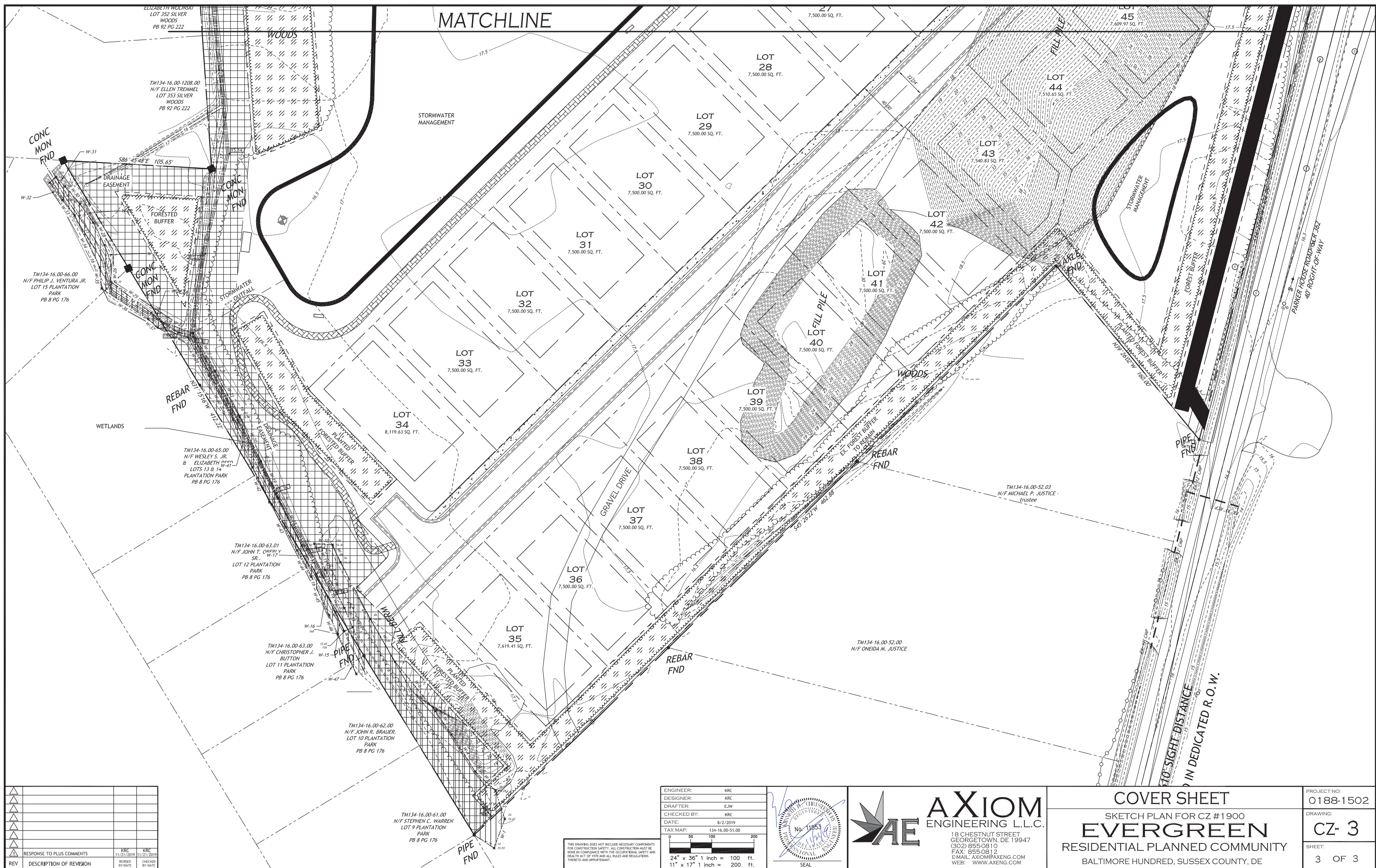
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COVER SHEET
SKETCH PLAN FOR CZ #1900
EVERGREEN
RESIDENTIAL PLANNED COMMUNITY
BALTIMORE HUNDRED, SUSSEX COUNTY, DE

PROJECT NO:
0188-1502

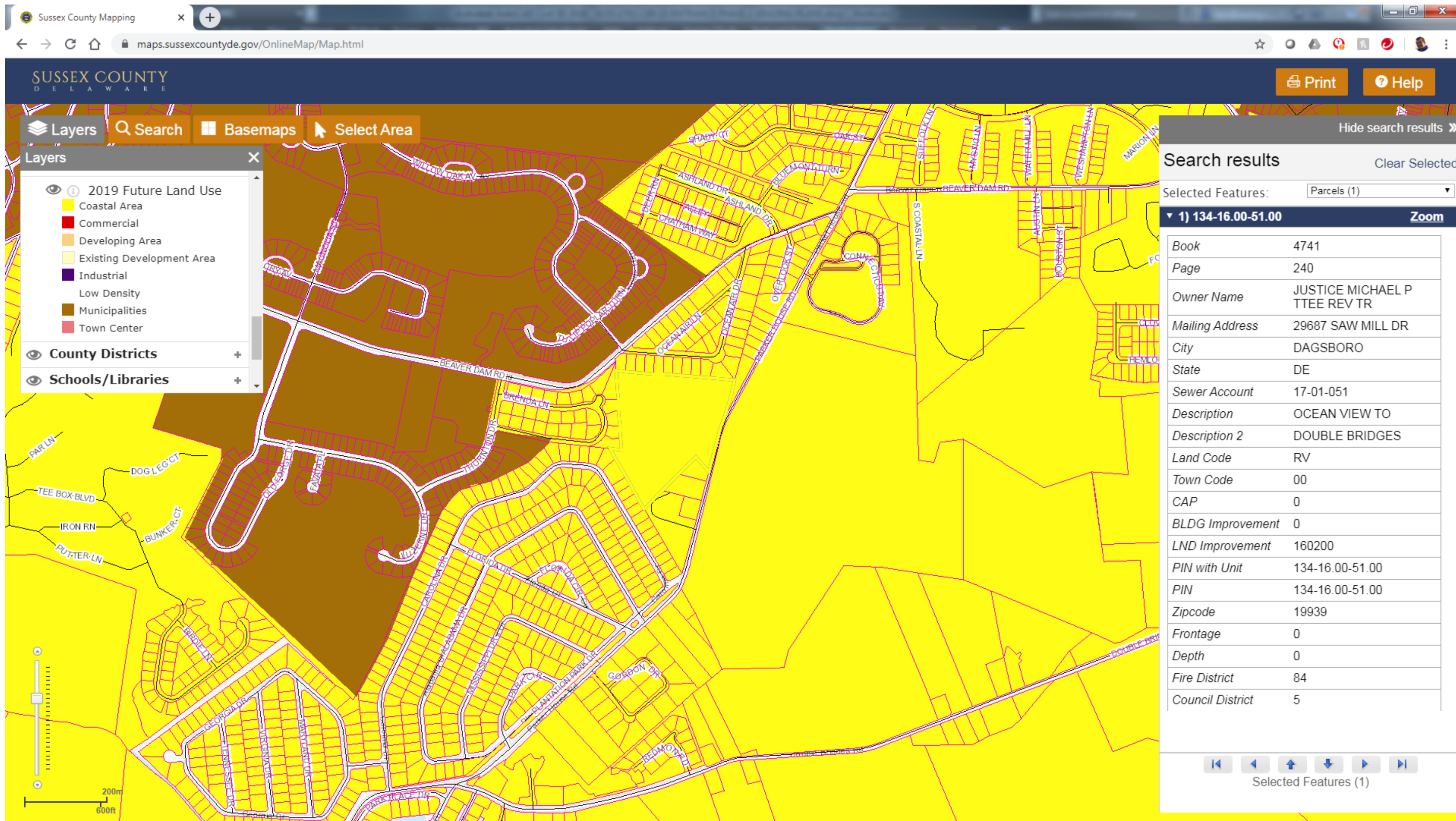
DRAWING:
CZ- 2

SHEET:
2 OF 3



4

COMPREHENSIVE PLAN FUTURE LAND USE MAP & COMPLIANCE STATEMENT



- Infrastructure – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to two units per acre provided a septic permit can be approved.

4. Coastal Area

Sussex County has designated the areas around Rehoboth Bay, Indian River Bay, and Little Assawoman Bay (the inland bays) as Coastal Areas. Coastal Areas generally encompass areas on the south-eastern side of Sussex County within what was previously referred to as the Environmentally Sensitive Developing Areas of prior Comprehensive Plans. The updated name more accurately reflects the function of this land use classification. While the Coastal Area is a Growth Area, additional considerations should be taken into account in this Area that may not apply in other Growth Areas.

The Coastal Area designation is intended to recognize two characteristics. First, this region is among the most desirable locations in Sussex County for new housing, as is reflected in new construction data and real estate prices. Second, this region contains ecologically important and sensitive characteristics as well as other coastal lands which help to absorb floodwaters and provide extensive habitat for native flora and fauna. This area also has significant impact upon water quality within the adjacent bays and inlets as well as upon natural the region's various habitats. And, these factors are themselves part of the reason that this Area is so desirable-making the protection of them important to both the environment and the economy.

The County has significant initiatives to extend public sewer service to replace inadequate on-site systems. This is described more in within Chapter 8, Utilities. Careful control of stormwater runoff is also an important concern in keeping sediment and other pollutants out of the Inland Bays.

The challenge in this region is to safeguard genuine natural areas and mitigate roadway congestion without stifling the tourism and real estate markets which: a) provide many jobs; b) create business for local entrepreneurs; and c) help keep local tax rates low.

The following guidelines should apply to future growth in Coastal Areas:

- Permitted Uses – Coastal Areas are areas that can accommodate development provided 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 proposed in these areas.

- **Densities** –Sussex County’s base density of 2 units per acre is appropriate throughout this classification; however, medium and higher density (4-12 units per acre) can be appropriate in certain locations. Medium and higher density 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. A clustering option permitting smaller lots and additional flexibility in dimensional standards is encouraged on tracts of a certain minimum size, provided significant permanent common open space is preserved and the development is connected to central water and sewer service. The preservation of natural resources or open space is strongly encouraged in this land use classification. The County should revisit environmental protection in the Coastal Areas.

Specific regulations governing cluster developments are designated by zoning district. There currently is an option where density can be increased with optional density bonuses for certain zoning districts. Those optional bonuses may involve payment of fees that fund permanent land preservation elsewhere in the County, or other options. RPC’s are encouraged to allow for a mix of housing types and to preserve open space and natural areas/resources. Cluster development that allows for smaller lots and flexibility in dimensional standards is encouraged if the developer uses a cluster option that results in permanent preservation of a substantial percentage of the tract and/or natural areas/resources. Master planning should be encouraged especially for large-scale developments on large parcels or groups of parcels, higher density and mixed-use developments to provide flexibility in site design.

All applicants for developments of a minimum size (as specified in zoning) should continue to be required to provide information that analyzes the development’s potential environmental impacts, including effects on stormwater runoff, nitrogen and phosphorous loading, wetlands, woodlands, wastewater treatment, water systems, and other matters that affect the ecological sensitivity of the inland bays.

- **Infrastructure** – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to two units per acre provided a septic permit can be approved.

5. Existing Development Area

Existing Development Areas consists of primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are surrounded by Low Density Areas, and this particular classification is simply being used to identify these

Compliance with 2019 Comprehensive Plan - Coastal Areas

Sussex County's 2019 Comprehensive Plan Update Future Land Use Map designates the project as a growth zone, specifically Coastal Area. Quotes from the Comp Plan regarding Coastal Areas include the following considerations:

- First, this region is among the most desirable locations in Sussex County for new housing, as is reflected in new construction data and real estate prices. CZ #1900 provides housing options in an area recognized by the County to be desirable for housing.
- Second, this region contains ecologically important and sensitive characteristics as well as other coastal lands which help to absorb floodwaters and provide extensive habitat for native flora and fauna. This area also has significant impact upon water quality within the adjacent bays and inlets as well as upon natural the region's various habitats. 39% (6.29 ac.) of the site will remain in open space, 30% (1.45 ac.) of the existing forest will be preserved and 0.62 acres of forest buffer will be planted. The site's environmental conditions have been field verified to ensure compliance with federal, state and local requirements (see Tabs 11-13).
- Careful control of stormwater runoff is also an important concern in keeping sediment and other pollutants out of the Inland Bays. The site design will incorporate Best Management Practices in accordance with Sussex Conservation District criteria.
- Permitted Uses -A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. CZ #1900 provides single family detached housing which is permitted in Coastal Areas.
- Densities -Sussex County's base density of 2 units per acre is appropriate throughout this classification; however, medium and higher density (4-12 units per acre) can be appropriate in certain locations. Medium and higher density could be supported in areas:
 - where there is central water and sewer; Sussex County central sewer is available, Tidewater Utilities is ready and willing to provide central water to the property
 - near sufficient commercial uses and employment centers; C-1 General Commercial lands are adjacent on the southern border of the property.

- where it is in keeping with the character of the area; Kensington Park has a density of 3.02 du/ac., Plantation Park Subdivision has a density of 2.97 du/ac., Ocean Air has a density of 2.74 du/ac., Silverwoods Phase 1 has a density of 2.64 du/ac. CZ #1900 proposes a density of 2.82 du/ac., which is in keeping with the character of the surrounding residential neighborhoods.
- where it is along a main road or at/or near a major intersection; SCR 362 (Parker House Road) is classified by the Delaware Department of Transportation (DelDOT) as a Minor Collector.
- where there is adequate Level of Service; DelDOT did not require a Traffic Impact Study in response to this application.
- The preservation of natural resources or open space is strongly encouraged in this land use classification. 39% (6.29 ac.) of the site will remain in open space, 30% (1.45 ac.) of the existing forest will be preserved.
- Infrastructure - Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to two units per acre provided a septic permit can be approved. The property is served by Sussex County central sewer, and Tidewater Utilities has issued a Ready and Willing letter to provide central water to the property sufficient for potable water and fire protection flow requirements.

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CHAPTER 99-9C COMPLIANCE STATEMENT

Compliance with Subdivision Ordinance § 99-9C

In the design and layout of Evergreen RPC, the following items have been considered from Subdivision Ordinance § 99-9C:

§ 99-C(1) Integration of the proposed subdivision into existing terrain and surrounding landscape: Evergreen RPC is located adjacent to existing single family home developments. All of the adjacent properties are buffered by 20' wide areas in common open space where existing woods are to remain, or forested buffers are to be planted where no existing forest stands.

§ 99-C(2) Minimal use of wetlands and floodplains: Wetlands are limited to the existing ditch located on the southwest side of the property, where no lots are proposed. The site contains no regulatory floodplains.

§ 99-C(3) Preservation of natural and historical features: There are no known historic features on the property. Approximately 1.45 acres of existing forest will be preserved and 0.62 acres will be planted as forest buffers, 39% of the site will be preserved in HOA open space.

§ 99-C(4) Preservation of open space and scenic views: 39% of the property, or 5.94 acres, will be preserved as common open space.

§ 99-C(5) Minimization of tree, vegetation and soil removal and grade changes: The proposed design allows for the conservation or planting of 2 acres of forest. Soil removal and grade changes will be minimized during the final design to be limited only to that which is needed to provide positive drainage and proper cover over proposed utilities.

§ 99-C(6) Screening of objectionable features from neighboring properties and roadways: The stormwater management pond will be equipped with an aeration fountain, and will not appear objectionable. As detailed above, the site will be buffered on all sides.

§ 99-C(7) Provision for water supply: Tidewater Utilities shall provide central water to the project.

§ 99-C(8) Provision for sewage disposal: The project is located in a Sussex County Sanitary Sewer District where service is available.

§ 99-C(9) Prevention of pollution of surface and groundwater: The site shall include Best Management Practices (BMPs) that will enhance surface water quality. At this time it is anticipated that the site will include a wet extended detention basin and other Sussex Conservation District (SCD) accepted facilities. In addition, the development of the site with central sanitary sewer to be provided by Sussex County minimizes negative environmental impacts.

§ 99-C(10) Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized: The retention of existing forest cover will result in a site development that minimizes erosion. During construction, SCD approved erosion and sediment control measures shall be implemented to limit sediment laden runoff from leaving the project site.

§ 99-C(11) Provision for safe vehicular and pedestrian movement within the site and to adjacent ways: If required by DELDOT, a shared use path will be included on the project frontage. Sidewalks have been proposed for one side of the project street, which connects to open space in the middle and at both ends of the project.

§ 99-C(12) Effect on area property values: The development of Evergreen RPC with quality single family homes, community gathering places in open space and infrastructure will increase the value of the subject property, thereby likely increasing the value of surrounding property. Also, the introduction of landscaped open space areas will likely improve their values as well.

§ 99-C(13) Preservation and conservation of farmland: The property is not in agricultural use, nor are any adjoining properties. The conversion of this area from agricultural to residential likely dates back to the early 1970's, when Sussex County zoned this area General Residential (GR).

§ 99-C(14) Effect on schools, public buildings and community facilities: Evergreen RPC is located within the Indian River School District. A school bus stop shelter will be provided if requested by the school district. Since the 45 lots proposed in Evergreen are anticipated to be marketed to retirees, it is unlikely that it will increase any burdens on the school districts. Increases in real estate taxes will serve to benefit the Indian River School District.

§ 99-C(15) Effect on area roadways and public transportation: DelDOT did not require a traffic impact study in response to this application. Road improvements related to the entrance design will be installed as required by DelDOT. Right-of-way dedications and permanent easements along both frontages have been indicated as required by DelDOT.

§ 99-C(16) Compatibility with other area land uses: Evergreen RPC Subdivision, as proposed, is consistent with other existing land uses in the vicinity. Kensington Park has a density of 3.02 du/ac., Plantation Park Subdivision has a density of 2.97 du/ac., Ocean Air has a density of 2.74 du/ac., Silverwoods Phase 1 has a density of 2.64 du/ac. CZ #1900 proposes a density of 2.82 du/ac., which is in keeping with the character of the surrounding residential neighborhoods

§ 99-C(17) Effect on area waterways: The use of Best Management Practices as required by the Sussex Conservation District, the planting of forest buffers, and the preservation of some of the existing forest cover will enhance the quality of both surface and groundwater discharges from the site.

6

DELDOT SERVICE LEVEL EVALUATION



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

JENNIFER COHAN
SECRETARY

July 29, 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 **Michael P. Justice, Trustee**, conditional application, which we received on July 2, 2019. This application is for an approximately 15.67-acre parcel (Tax Parcel: 134-16.00-51.00). The subject land is located on the west side of Parker House Road (Sussex Road 362), approximately 1,880 feet southwest of the intersection of Parker House Road and Beaver Dam Road (Sussex Road 368). The subject land is currently zoned GR (General Residential), and the applicant is seeking a conditional use with a residential planned community (RPC) overlay approval to develop 45 single-family detached houses.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Parker House Road where the subject land is located, which is from Double Bridges Road (Sussex Road 363) to Muddy Neck Road (Sussex Road 361), are 1,646 and 2,116 vehicles per day, respectively.

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.

Because the site would generate more than 200 vehicle trips per day, a Traffic Operational Analysis (TOA) may be required as part of the site plan review process, in accordance with Chapter 2 of the Development Coordination Manual.



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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Michael P. Justice, Trustee, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & 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

7

**PRELIMINARY LAND USE SERVICE
(PLUS) RESPONSE**



18 Chestnut Street
Georgetown, DE 19947
www.axeng.com

Phone: 302 855-0810
Fax: 302 855-0812
E-mail: axiom@axeng.com

November 22, 2019

Office of State Planning Coordination
122 William Penn Street - Suite 302
Dover, DE 19901

Attn: Constance C. Holland, AICP

RE: PLUS review 2019-09-02; Evergreen RPC

Dear Ms. Holland:

Axiom Engineering is in receipt of comments resulting from the September 25, 2019 meeting with State agency planners. Comments received are shown in black, Axiom Engineering's responses are shown underlined and printed in red.

Strategies for State Policies and Spending

The proposed development is located within an Investment Level 3 area, which is more than likely present because of wetlands on the site. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but please be advised that the State has other priorities for the near future.

We not only encourage you to design the site with respect for the environmental features which are present, but we also ask that you work closely with DNREC regarding their concerns noted in this letter to ensure that the environmentally sensitive areas on and around this site are protected.

The developer has retained Kenneth W. Redinger to perform detailed site analyses including soil borings and test pits, water table monitoring, flora and fauna review to determine that environmentally sensitive features on the project site are accurately indicated on the site plan. Additional data from Mr. Redinger will be provided to the U.S. Army Corps of Engineers, DNREC, Sussex County and other agencies reviewing the project.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Parker House Road (Sussex Road 362) 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>.

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. 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.

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 429 vehicle trip ends per day. DelDOT calculates that this number should be 499 and finds further that the trip generation during the weekday evening peak hour would be 47 vehicle trip ends. Therefore, the plan does not meet the warrants for a TIS.

The trip generation diagram has been updated accordingly.

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. While a TIS is not required, DelDOT anticipates requiring the developer to improve Parker House Road to meet Collector Road standards, including two 11-foot travel lanes and two 8-foot shoulders, within the limits of their projected frontage, i.e. from a point about 340 feet north of the limit of their actual frontage to a point about 850 feet south of their actual frontage, for a total distance of about 1,630 feet including their site entrance. This requirement may include a bituminous concrete overlay to the existing travel lanes, at DelDOT's discretion. If DelDOT requires an overlay, they will analyze the existing travel lanes' pavement section specify the overlay thickness.

The site does not warrant a TIS, why is the Department requiring off-site improvements beyond the frontage of the site?

- 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 Parker House. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline on Parker

House Road. The following right-of-way dedication note is required, “**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**”

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 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 450 feet of the entrance on Parker House Road.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

The site does not warrant a TIS, why is the Department requiring off-site improvements beyond the frontage of the site?

- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is at DelDOT’s discretion. DelDOT anticipates requiring the developer to build a Shared Use Path along their frontage.

Acknowledged.

- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.

Please provided DTC comments.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Parker House Road.

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.

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

Sediment and Stormwater Management

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

Acknowledged.

- The applicant should employ green-technology stormwater management and rain gardens (in lieu of open-water management structures) to mitigate or reduce nutrient and bacterial pollutant runoff.

Acknowledged.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites or known National Register listed or eligible properties on the parcel.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Acknowledged.

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

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

Fire Protection Water Requirements:

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

Acknowledged.

Accessibility:

- Where traffic circles (round-abouts) are located in the subdivision, they too are to be arranged in such a manner that they will not adversely affect quick and unimpeded travel of fire apparatus throughout the subdivision. Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout the subdivision.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Acknowledged.

Gas Piping and System Information:

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

Acknowledged.

Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

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 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 – Contact Michael Tholstrup 735-3352

Groundwater Discharges

- A soil feasibility study should be completed and submitted to the Groundwater Discharges Section (GWDS) Small System Section, in Georgetown, for approval. *Section 5.2.2 of the Regulations Governing the Design, Installation, and Operation of On-Site Wastewater Treatment and Disposal Systems.*

The project will not have an On-Site Wastewater Treatment and Disposal System.

- With wastewater disposal being provided by Sussex County, GWDS Large System might need to be notified, if the disposal capacity is changing from the existing permit.

Sussex County's PLUS comments below state the following:

- The development is within Tier 1 - Sussex County Unified Sanitary Sewer District and sewer service is available.

The County Engineering Department is responsible to comply with DNREC's permitting requirements.

State Natural Area

- The project area is across the road from the Little Assawoman Natural Area. Impacts to the natural area should be avoided. A "natural area" as defined by the law is an area of land or water, or of both land and water, whether in public or

private ownership, which either retains or has reestablished its natural character (although it need not be undisturbed), or has unusual flora or fauna, or has biotic, geological, scenic or archaeological features of scientific or educational value.

The developer has retained Kenneth W. Redinger to perform detailed site analyses including soil borings and test pits, water table monitoring, flora and fauna review to determine that environmentally sensitive features on the project site are accurately indicated on the site plan. Additional data from Mr. Redinger will be provided to the U.S. Army Corps of Engineers, DNREC, Sussex County and other agencies reviewing the project.

- Please contact Jennifer Holmes with the DNREC Division of Parks and Recreation, Office of Nature Preserves: (302)739-9239 or Jennifer.Holmes@delaware.gov.

Mr. Redinger will contact Jennifer Holmes and provide the results of his studies.

Natural Habitat Protection

- DNREC statewide mapping indicates that this proposal may impact 8.55 acres of wetlands.

Statewide mapping lacks the necessary accuracy for determining actual wetland boundaries. The results of Mr. Redinger's site specific study will be provided to the agencies.

Recommendations

- 1) Avoid diverting surface water from roadways and stormwater facilities into the wetlands on site. Water quality could be detrimentally affected by run-off which can contain oil and other pollutants (basically any substance a home owner may use on their lawn or driveway).
- 2) Maintain inputs to natural wetlands at pre-construction levels. Avoid causing increases or decreases in water levels.
- 3) Small animals, such as salamanders have difficulty climbing vertical curbs. Excluding curbs is best for these species but if road curbing is part of the design, curbing that allows small animals to climb out of the roadbed (such as Cape Cod curbing) is preferred over steep, vertical curbing.
- 4) Avoid installing sewers with grates, which can create a hazard for amphibians and reptiles.
- 5) Any culverts installed should be open bottom box culverts to allow for natural substrate to remain and in-water passage of aquatic life. Additionally, culverts should be left as wide as possible to ensure that salamanders can travel through them.
- 6) Perc test holes act as pitfall traps, collecting large numbers of amphibians, turtles, and other animals that will be unable to escape and will ultimately die. As such, perc test holes should be refilled to grade.
- 7) Low spillage lights (those that reflect light directly downward onto the area to be illuminated) should be used on roads and homes within 750 ft. of the forested wetlands on site. Fluorescent and mercury vapor lighting should not be used.

Acknowledged.



Wetland and Hydric Soils

- The project area contains mapped wetlands and hydric soil mapping units (e.g., Hurlock and Mullica) that encompass the entirety of the proposed project area; therefore, the proposed project area is mostly unsuitable for development.

Acknowledged.

- Hydric soils are functionally important source of water storage (functions as a “natural sponge”); the loss of water storage through excavation, filling, or grading of intact native hydric soils increases the probability for more frequent and destructive flooding events (exacerbated by projected increases in precipitation and sea-level rise due to climate change). The probability for flooding is further compounded by increases in surface imperviousness as building density in the area increases over time. Moreover, destruction of hydric soils increases the amount pollutant runoff (i.e., hydric soils sequester and detoxify pollutants) which contributes to lower observed water quality in regional waterbodies and wetlands.

Acknowledged.

Recommendations:

- The applicant should contact a licensed (Delaware Class D) soil scientist to make a site-specific assessment (i.e., soil survey mapping) of the soils on this site. A list of licensed Class D soil scientists can be obtained at the following web link:
<http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Pages/GroundWaterDiscargesLicensesandLicensees.aspx>

Mr. Redinger is collaborating with Laf Erickson of Atlantic Resource Management, Inc.. Mr. Erickson is a highly regarded Class D licensed soil scientist with decades of local experience.

- According to PLUS application materials, a wetlands delineation was conducted. The project parcel (#134-16.00-51.00) was previously submitted through PLUS (application 2006-11-02). The 2006 application noted a wetland delineation was conducted and 2.01 acres of non-tidal wetlands on site. Aerial photographs now show the site has been cleared. The new 2019 PLUS application notes 0.13 acres of non-tidal wetland on site. This wetland delineation will need to be approved by the US Army Corp of Engineers before construction activities begin.

Mr. Redinger has submitted his preliminary findings to the US Army Corps of Engineers, and will submit a formal Jurisdictional Determination concurrent with preparation of engineering plans.

- Contact the Subaqueous Lands section before “modifying” or “making improvements” to any ditches. The Subaqueous Lands section can be reached by phone at (302) 739-9943.

Mr. Redinger will contact Subaqueous Lands.



- Wherever practicable, the applicant should mitigate impacts from impervious cover via pervious pavers, as an alternative for conventional paving. Specifically, in those areas designated for parking.

Acknowledged.

- This proposed project will lead to increased probability for future flooding events due to removal of forest cover, filling of wetlands, and the creation of unnecessary and avoidable increases in surface imperviousness through use of conventional or “outdated” building or development practices (use of impervious paving materials rather than pervious). Additionally, potential flooding impacts will be exacerbated by more frequent and intense future precipitation events based on climate science research. Finally, this project will lead to degraded water quality in the greater Inland Bays watershed for the same reasons that increase the probability for future flooding events.

Acknowledged.

Sustainable Development Recommendations

- The applicant should consider the use of recycled, energy efficient materials, and renewable energy infrastructure.

Acknowledged.

- The Division of Climate, Coastal, & Energy offers incentives for clean transportation (Workplace EV Charging) and energy efficiency. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (www.de.gov/greenenergy, www.de.gov/cleantransportation, www.de.gov/eeif).

Acknowledged.

Nuisance Waterfowl Avoidance Recommendations

- Wet ponds created for stormwater management purposes may attract resident Canada geese and mute swans that will create a nuisance for community residents. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas, and can become aggressive during the nesting season. Short manicured lawns surrounding ponds provide attractive habitat for these species.

Recommendations:

- 1) To deter waterfowl from taking up residence in these ponds, DNREC recommends planting the surrounding open space with a mix of native wildflower plantings (to be planted in accordance with the Sediment and Stormwater Plan approval agency requirements).

- 2) It is best to mow the open space area surrounding the pond only once a year, either in February or March. If mowing must occur more often, it would be helpful to leave a minimum buffer of 15-30 ft. in width to be mowed annually. This area would be necessary to adequately deter the waterfowl from inhabiting the area (when the view of the surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond). In addition to deterring nuisance waterfowl, the native wildflower mix will also serve to attract bees, butterflies, and other pollinators, and reduce run-off, which can contain oil and other pollutants that homeowners may use on their lawns and driveways.

Acknowledged.

- For assistance in drafting a list of plants suitable for a stormwater management pond buffer, please contact DNREC's botanist, Bill McAvoy at (302) 735-8668 or William.McAvoy@delaware.gov.

Acknowledged.

Mosquito-Nuisance Avoidance

- Mosquito control issues are increasing as developments infringe on wetland areas which often lead to increased demands by the public for mosquito control services. These services are often underfunded as local property taxes do not support the State's mosquito control services. As a result, Homeowner's Association (HOA) often inherit the burden of dealing with mosquito issues. DNREC provides the following helpful recommendations (1) achieving good control in an environmentally compatible manner requires technical knowledge, (2) the HOA will need concurrence from all their homeowners/residents for if, how, when and where any treatments will be done, (3) controlling mosquitoes can be quite costly and an on-going problem, and (4) the HOA should be aware that there can be liability issues that their treatment activities might cause, particularly in regard to any claims of chemical trespass, misapplications, or adverse impacts to human health or the environment from insecticide exposures. If the applicant has any questions regarding mosquito control issues, they can contact Dr. Bill Meredith, Mosquito Control Administrator at (302) 739-9917.

Acknowledged.

Fish & Wildlife Management

- The proposed project is adjacent to Assawoman Wildlife Area, which is publicly owned State land managed by the Division of Fish and Wildlife, DNREC. The developer will need to contact the Regional Wildlife Biologist, Rob Gano, to discuss this project. Rob can be reached at (302) 539-3160. The State is concerned that the quantity and quality of wildlife habitat in the wildlife area, particularly near the border, might be negatively affected by this development. In addition, DNREC is concerned that there will be pressure by future residents to alter activities at the wildlife area. The wildlife area was established in the mid-1990s and many of the

activities have been on-going since that time. It is important that residents, of this proposed community, are aware of wildlife management activities.

The developer should discuss the following issues with Rob Gano and make sure potential residents are fully aware of wildlife area activities:

- 1) The access road for the wildlife area borders this project on the eastern boundary. This road provides access to staff, hunters, and other users of the wildlife area which can include early morning hour use.
- 2) In addition to introducing human disturbance to the wildlife area, there is concern that there will be pressure to alter established management methods. Habitat management is extremely important to the health and use of the wildlife area. Residents should be aware that herbicide control of invasive plant species and controlled burning of grass stands are tools used to maintain wildlife habitat.
- 3) Hunting is a legal activity that takes place on the wildlife area and is often used by hunters in the early morning hours. Residents will be subject to the noise of fire arms and barking dogs that are pursuing game. In addition, hunting within 100 yards of a dwelling is prohibited and the developer will need to work with Rob to establish safety zones. Adequate buffers between dwellings and wildlife area boundaries will need to be established. Hunting is a recreational opportunity offered to all residents of Delaware, occurs on publicly owned land, is a method of wildlife management, and is well established at this wildlife area.
- 4) The use of ATV's (all-terrain vehicles) by non-wildlife area staff is illegal on the wildlife area. This has become a problem at other wildlife areas where residential developments have been built adjacent to state land. Not only do ATV's destroy habitat, but their use becomes an on-going enforcement issue.
- 5) During construction, measures should be taken so that on-site construction trash does not blow onto the wildlife area. In addition, planting a wind break would be useful in preventing residential trash from blowing onto the wildlife area in the future. Residents should be aware that dumping trash on wildlife areas is illegal.

Acknowledged.

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

- Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings. The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website: <http://delcode.delaware.gov/title6/c036/sc03/index.shtml>

Acknowledged.

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

Acknowledged.



Sussex County – Contact Rob Davis 302-855-7820

- The development is within Tier 1 - Sussex County Unified Sanitary Sewer District and sewer service is available. A sewer system concept evaluation must be requested to define a connection point for new areas that were not previously approved.
- A “Use of Existing Infrastructure Agreement” is required for new areas and must be approved prior to approval of construction plans. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning Department for new areas of the project not previously approved by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation. The fee is to be payable to Sussex County Council. The Utility Planning Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer as well as the Sussex County Public Works department. The Public Works Division will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.
- The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.
- Onetime system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

Acknowledged.

If there are any questions regarding the attached, do not hesitate to contact me at the above number or by e-mail: ken@axeng.com

Sincerely,

Kenneth R. Christenbury, P.E.
President, Axiom Engineering, LLC



8

WATER AND SEWER UTILITY AVAILABILITY

UTILITY AVAILABILITY CHANGE OF ZONE #1900

On November 18, 2019 Tidewater Utilities indicated that they are ready and willing to serve the needs of this project, including fire protection flow requirements of the State Fire Marshal's Office.

On October 23, 2019, the Sussex County Engineering Department's PLUS Comments states: "The development is within Tier 1 - Sussex County Unified Sanitary Sewer District and sewer service is available."



November 18, 2019

Sent via E-mail

Kenneth Christenbury, P.E.
Axiom Engineering, LLC
18 Chestnut Street
Georgetown, DE 19947

RE: Tidewater Utilities, Inc. Willing and Able Letter – Parcel 134-16.00-51.00

Dear Mr. Christenbury:

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, including fire protection, to Parcel 134-16.00-51.00 based on the terms and conditions of a water service agreement to be negotiated and agreed upon by Tidewater and the owners of this parcel(s). This parcel is located within Tidewater's existing Certificate of Public Convenience and Necessity (CPCN) franchised area.

This development will be part of Tidewater's Ocean View/Bethany Bay District. A series of well, treatment plants and storage tanks will provide domestic and fire flows to this parcel.

Please feel free to contact me at 302-747-1325 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,

Kirsten E. Higgins

Kirsten Higgins
Director Contract Administration

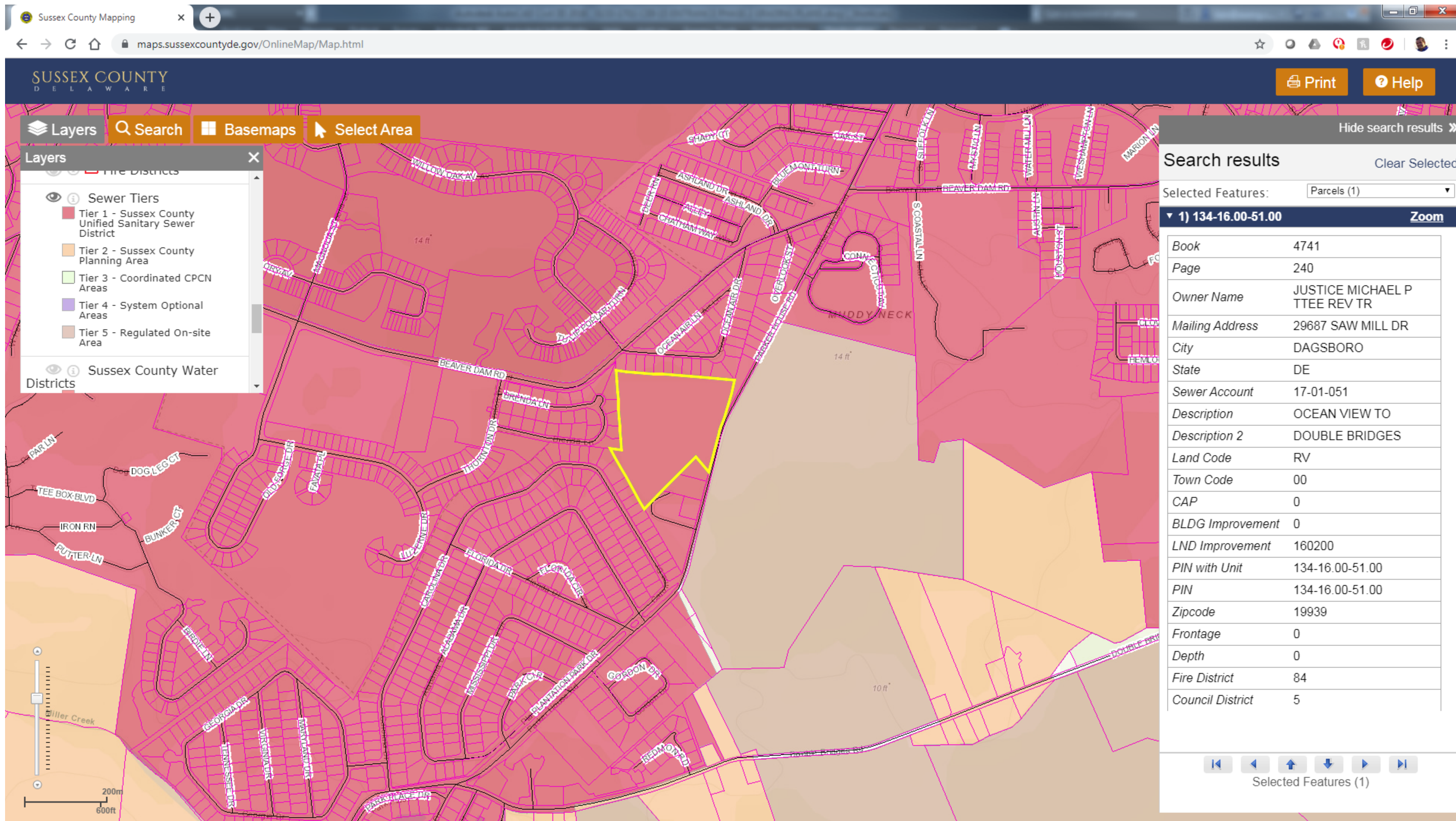
- 2) In addition to introducing human disturbance to the wildlife area, there is concern that there will be pressure to alter established management methods. Habitat management is extremely important to the health and use of the wildlife area. Residents should be aware that herbicide control of invasive plant species and controlled burning of grass stands are tools used to maintain wildlife habitat.
- 3) Hunting is a legal activity that takes place on the wildlife area and is often used by hunters in the early morning hours. Residents will be subject to the noise of fire arms and barking dogs that are pursuing game. In addition, hunting within 100 yards of a dwelling is prohibited and the developer will need to work with Rob to establish safety zones. Adequate buffers between dwellings and wildlife area boundaries will need to be established. Hunting is a recreational opportunity offered to all residents of Delaware, occurs on publicly owned land, is a method of wildlife management, and is well established at this wildlife area.
- 4) The use of ATV's (all-terrain vehicles) by non-wildlife area staff is illegal on the wildlife area. This has become a problem at other wildlife areas where residential developments have been built adjacent to state land. Not only do ATV's destroy habitat, but their use becomes an on-going enforcement issue.
- 5) During construction, measures should be taken so that on-site construction trash does not blow onto the wildlife area. In addition, planting a wind break would be useful in preventing residential trash from blowing onto the wildlife area in the future. Residents should be aware that dumping trash on wildlife areas is illegal.

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

- Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings. The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website:
<http://delcode.delaware.gov/title6/c036/sc03/index.shtml>
- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Sussex County – Contact Rob Davis 302-855-7820

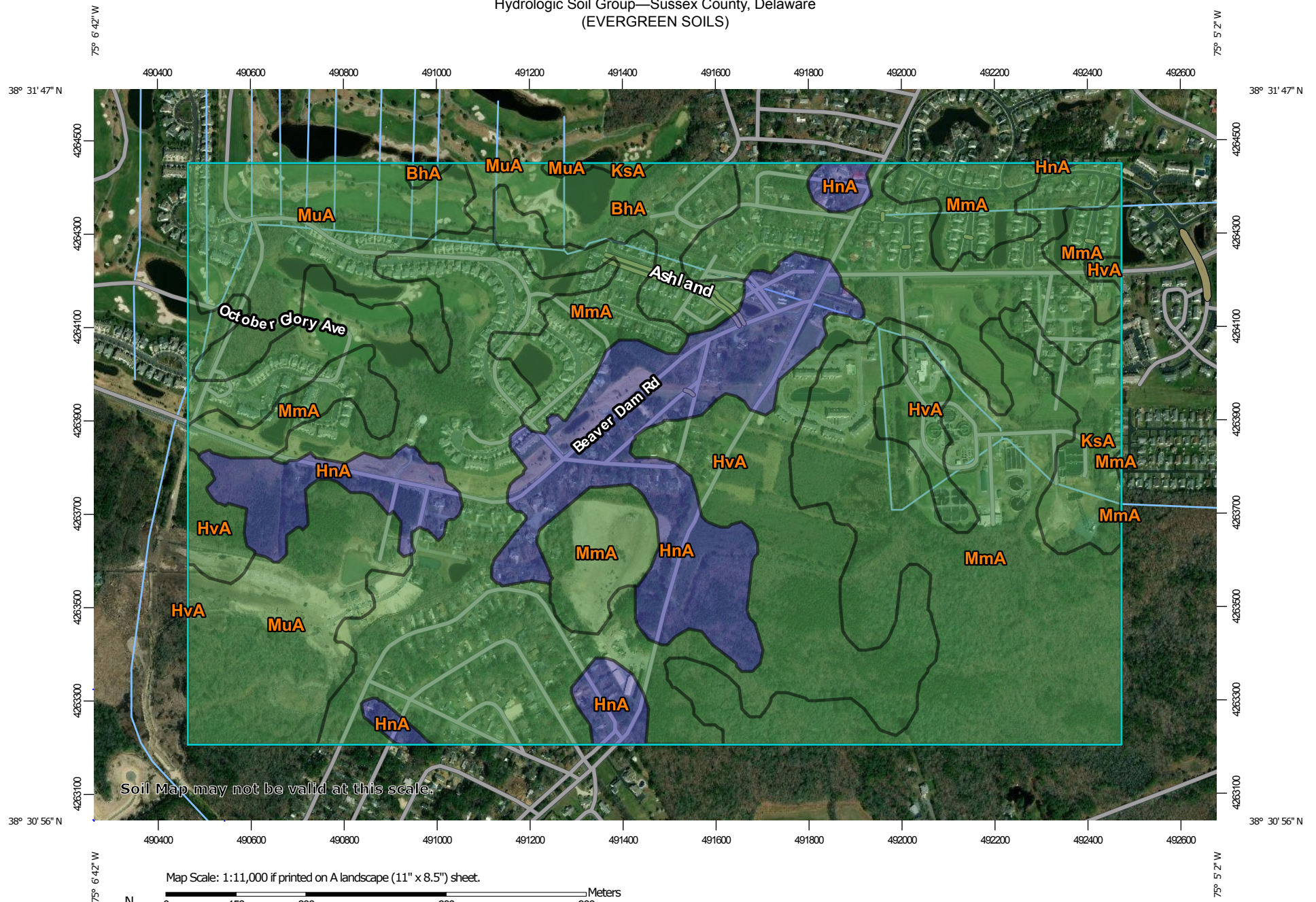
- The development is within Tier 1 - Sussex County Unified Sanitary Sewer District and sewer service is available. A sewer system concept evaluation must be requested to define a connection point for new areas that were not previously approved.
- A “Use of Existing Infrastructure Agreement” is required for new areas and must be approved prior to approval of construction plans. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation



9

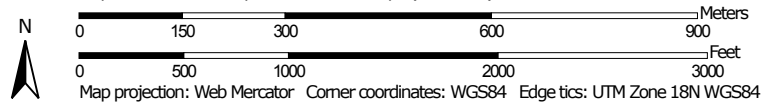
NRCS SOIL MAP & REPORT

Hydrologic Soil Group—Sussex County, Delaware (EVERGREEN SOILS)



Soil Map may not be valid at this scale.

Map Scale: 1:11,000 if printed on A landscape (11" x 8.5") sheet.



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

1/9/2019
Page 1 of 4

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Lines

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Points

 A
 A/D
 B
 B/D

 C
 C/D
 D
 Not rated or not available


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.

Hydrologic Soil Group


Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
BhA	Berryland mucky loamy sand, 0 to 2 percent slopes	A/D	26.7	4.3%
HnA	Hammonton sandy loam, 0 to 2 percent slopes	B	86.4	13.9%
HvA	Hurlock sandy loam, 0 to 2 percent slopes	A/D	230.9	37.2%
KsA	Klej loamy sand, 0 to 2 percent slopes	A/D	17.7	2.9%
MmA	Mullica mucky sandy loam, 0 to 2 percent slopes	A/D	172.0	27.7%
MuA	Mullica-Berryland complex, 0 to 2 percent slopes	A/D	87.2	14.0%
Totals for Area of Interest			621.0	100.0%



NOTE: SCALE INDICATED IS APPROXIMATE. NO FIELD SURVEY WAS PERFORMED OR IS IMPLIED BY THIS DRAWING. SOIL DATA SHOWN WAS PRODUCED FROM AN ESRI SHAPE FILE RECEIVED FROM THE NATURAL RESOURCE CONSERVATION SERVICE, A DIVISION OF THE U.S. DEPARTMENT OF AGRICULTURE. IMAGE OBTAINED FROM GOOGLE EARTH PRO

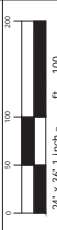
REV	DESCRIPTION OF REVISION	REVISION BY/DATE

NRCS SOIL BOUNDARIES
PUBLIC DATA REFERENCED TO
CZ# 1900 - EVERGREEN RPC
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE



AXIOM
ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19647
TEL: 855-0812
FAX: 855-0810
WWW.AXIOMENG.COM

ENGINEER:	KRC
DESIGNER:	KRC
DRAWN:	KRC
CHECKED BY:	KRC
DATE:	11/19/2019
TAX MAP:	134-16.00-51.00



24" x 36" 1 inch = 200 ft.
11" x 17" 1 inch = 100 ft.

PROJECT NO:	0188-1502	SEAL
DRAWING:	CR-5	
SHEET:	5 OF 9	

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

10

STORMWATER MANAGEMENT AND FLOODPLAIN OVERVIEW

STORMWATER MANAGEMENT AND FLOODPLAIN OVERVIEW CHANGE OF ZONE #1900

According to the Federal Emergency Management Agency's Flood Insurance Rate map, the property is not subject to FEMA regulated flood zones. This does not indicate that the project has no possibility of flooding or contributing to flooding on adjacent properties. Accordingly, the site will be designed with Best Management Practices in compliance with Sussex Conservation District requirements. The Sussex Conservation District will requires management of the 10-year and 100-year discharges to pre-development rates. The purpose of this requirement is to prevent adverse effects of these storms to other properties located adjacent to the receiving waters.



October 18, 2019

Existing Ditch located on the southwest property line of Evergreen RPC
Evergreen RPC is located on the left side of the photo, existing, adjoining residential homes in Plantation Park are shown on the right side of the photo.

Evergreen RPC drains to the rear of the project site to an existing wetland ditch. Kenneth Redinger has been retained to map out the extents of regulated wetlands on the project site adjacent to the ditch. The developer intends to apply for a Nationwide Permit with the U.S. Army Corps of Engineers to perform maintenance excavations on the portions of the ditch that are on the subject property. If drainage easements can be obtained from the adjoining property owners, additional off-site maintenance will be included in the permit application.

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was State Plane Delaware zone (FIPSZONE 0700). The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of information shown on this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NINGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was provided in digital format by Delaware Geospatial Data Exchange. The base map features were compiled at a scale of 1:24,000 from aerial photography dated 2011.

This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels, community map repository addresses, and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

The AE Zone category has been divided by a **Limit of Moderate Wave Action (LIMWA)**. The LIMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave hazards between the VE Zone and the LIMWA (or between the shoreline and the LIMWA for areas where VE Zones are not identified) will be similar to, but less severe than those in the VE Zone.

Contact the **FEMA Map Information eXchange** at 1-877-336-2627 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Information eXchange may also be reached by Fax at 1-800-358-9620 and their website at <http://www.msc.fema.gov/>.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov/business/nfip>.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) LEGEND

10-01-1983 CBRS Area
FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER OCTOBER 1, 1983, IN DESIGNATED CBRS AREAS.

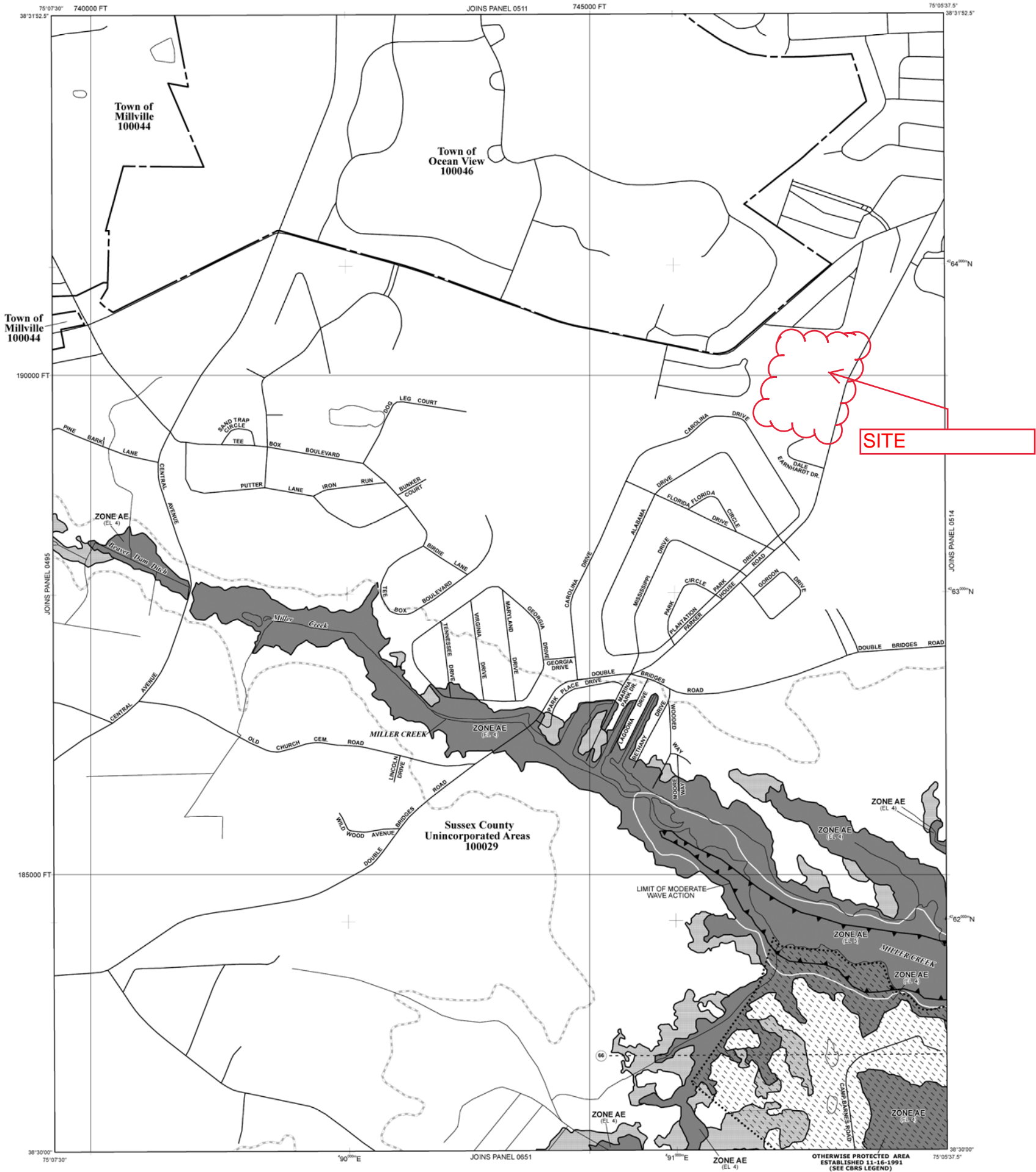
11-16-1990 CBRS Area
FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER NOVEMBER 16, 1990, IN DESIGNATED CBRS AREAS.

10-01-1983 Otherwise Protected Area (OPA)
FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER OCTOBER 1, 1983, IN DESIGNATED OPAs WITHIN THE CBRS.

11-16-1991 Otherwise Protected Area (OPA)
FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER NOVEMBER 16, 1991, IN DESIGNATED OPAs WITHIN THE CBRS.

12-06-1999 Otherwise Protected Area (OPA)
FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER DECEMBER 06, 1999, IN DESIGNATED OPAs WITHIN THE CBRS.

Boundaries of the John H. Chafee Coastal Barrier Resources System (CBRS) shown on this FIRM were transferred from the official CBRS source map(s) for this area and are depicted on this FIRM for informational purposes only. The official CBRS maps are enacted by Congress via the Coastal Barrier Resources Act, as amended, and maintained by the U.S. Fish and Wildlife Service (FWS). The official CBRS maps used to determine whether or not an area is located within the CBRS are available for download at <http://www.fws.gov>. For an official determination of whether or not an area is located within the CBRS, or for any questions regarding the CBRS, please contact the FWS field office for this area at (410) 573-4500.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE
The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS
ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS
ZONE X Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS
OTHERWISE PROTECTED AREAS (OPAs)

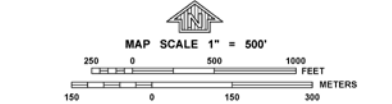
CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- Floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
- Limit of Moderate Wave Action
- Advisory line estimating flooding extents if dunes are breached during a 0.2% annual chance flood event
- Base Flood Elevation line and value; elevation in feet* (EL 987)
- Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988
Cross section line
87°07'45", 32°22'30"
Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
1000-meter Universal Transverse Mercator grid values, zone 18N
5000-foot grid values: Delaware State Plane coordinate system (FIPSZONE 0700), Transverse Mercator projection
Bench mark (see explanation in Notes to Users section of this FIRM panel)
River Mile

MAP REPOSITORY
Refer to listing of Map Repositories on Map Index
EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
June 16, 1995
EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
See Notice to Users Page in FIS Report

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.
To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6622.



PANEL 0513K

FIRM
FLOOD INSURANCE RATE MAP

SUSSEX COUNTY, DELAWARE AND INCORPORATED AREAS

PANEL 513 OF 660
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS			
COMMUNITY	NUMBER	PANEL	SUFFIX
MILLVILLE TOWN OF	100044	0513	K
OCEAN VIEW TOWN OF	100046	0513	K
SUSSEX COUNTY	100029	0513	K

NOTE:
THIS MAP INCLUDES BOUNDARIES OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT ENABLING LEGISLATION.
Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
10005C0513K

MAP REVISED
MARCH 16, 2015

Federal Emergency Management Agency

11

PUBLIC MAPPING OF ENVIRONMENTAL CONDITIONS

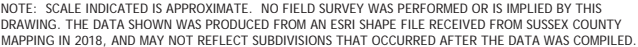
PUBLIC MAPPING OF ENVIRONMENTAL CONDITIONS CHANGE OF ZONE #1900

Publicly available data for the environmental conditions of the site have been downloaded including the following:

- 2018 Google Earth Satellite Imagery
- State Wetland Maps
- Wellhead Protection Area Maps
- Excellent Recharge areas

Field conditions on the property are being evaluated by Kenneth Redinger, Environmental Scientist.





12

DRAFT WETLAND IMPACT PERMIT

DRAFT WETLAND IMPACT PERMITS CHANGE OF ZONE #1900

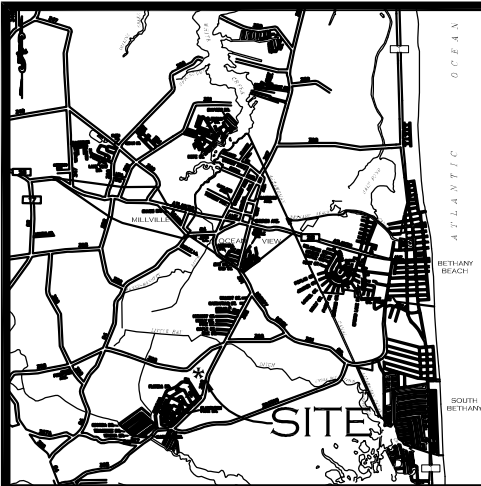
The applicant has retained Kenneth W. Redinger to evaluate the environmental conditions of the subject property. Based on Mr. Redinger's review, ditch maintenance can be completed under a U.S. Army Corps of Engineer's (USACE) Nationwide Permit. Preliminary meetings with the USACE, and the draft permit drawings shown have been submitted for regulatory review. One of the conditions of approval for CZ#1900 is that all federal, state and local permits be obtained before construction commences. Portions of the existing ditch on the subject property are to be the subject of ditch maintenance.



October 18, 2019

Existing Ditch located on the southwest property line of Evergreen RPC
Evergreen RPC is located on the left side of the photo, existing, adjoining residential homes in
Plantation Park are shown on the right side of the photo.

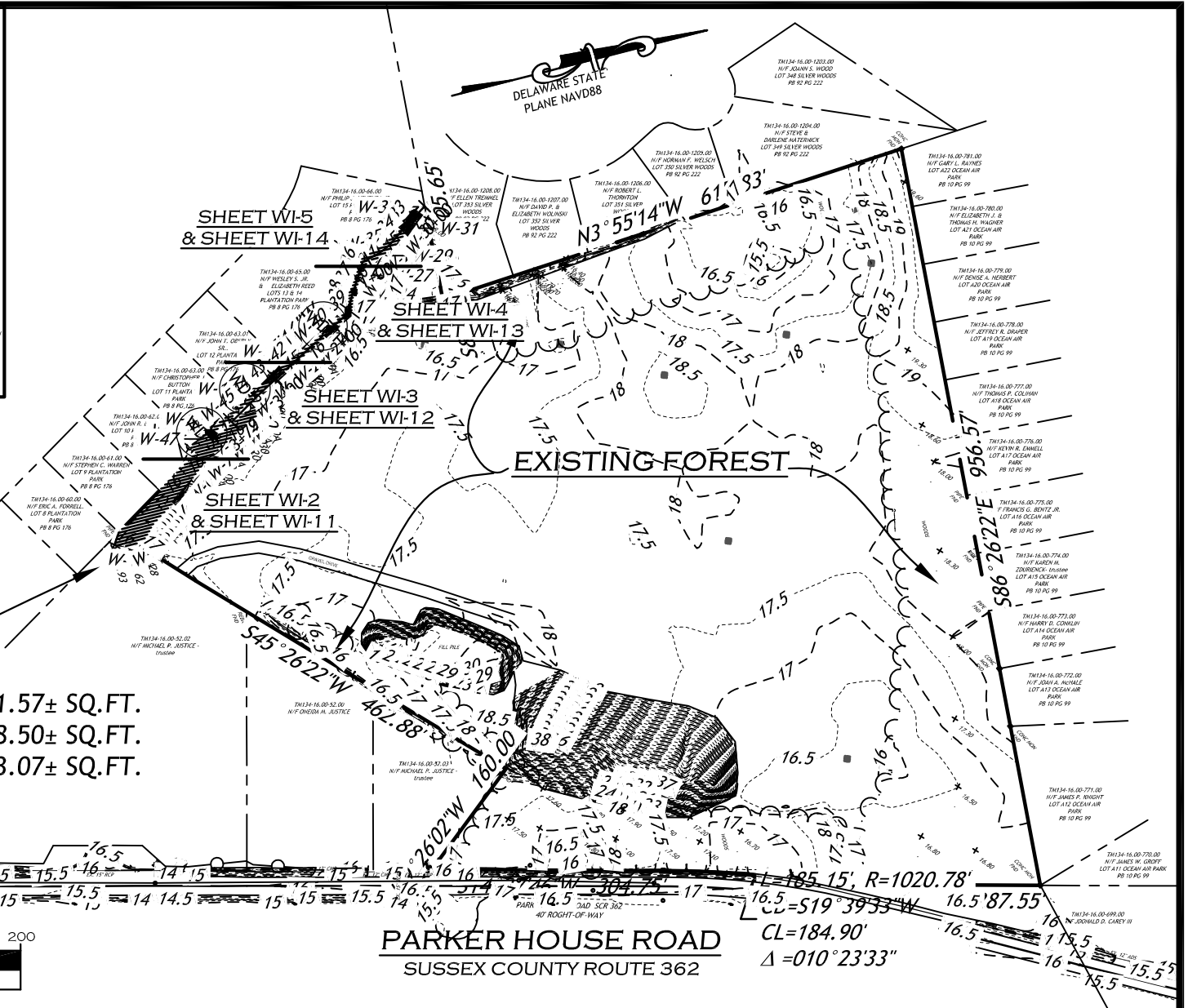
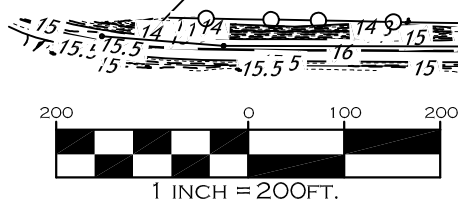
In addition to off-site ditch maintenance, the applicant will meet with adjoining property owners to discuss the possibility of performing maintenance cleanouts on properties willing to grant temporary construction easements for the maintenance. If such easements are granted, the draft permits shown will be amended to reflect the amended scope of work.



VICINITY MAP
SCALE: 1" = 2 MILES

NOTE:

TOTAL WETLANDS AREA = 7,401.57± SQ.FT.
WETLANDS ON-SITE = 5,518.50± SQ.FT.
WETLANDS OFF-SITE = 1,883.07± SQ.FT.



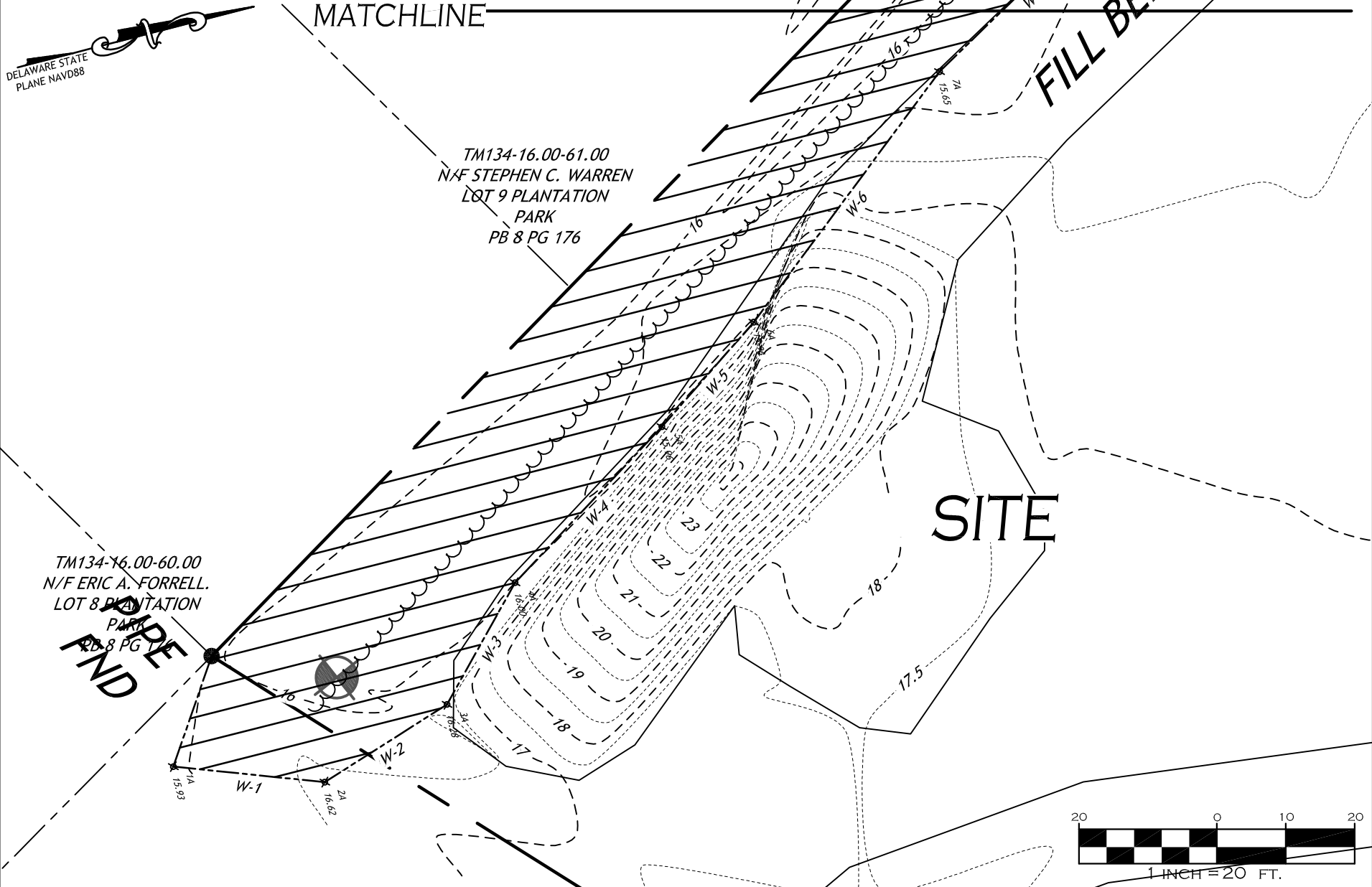
AXIOM
ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19947
(302) 855-0810
FAX: 855-0812
E-MAIL: AXIOM@AXENG.COM
WEB: WWW.AXENG.COM

WETLAND IMPACT PERMITS FOR
EVERGREEN
RESIDENTIAL PLANNED COMMUNITY
BALTIMORE HUNDRED, SUSSEX COUNTY, DE

SCALE	1" = 200'
DESIGNED	KRC
DRAWN	KRC
CHECKED	KRC
DATE	11/18/2019
T.M.	134-16.00-51.00

0188-1502
EXHIBIT:

WI- 1

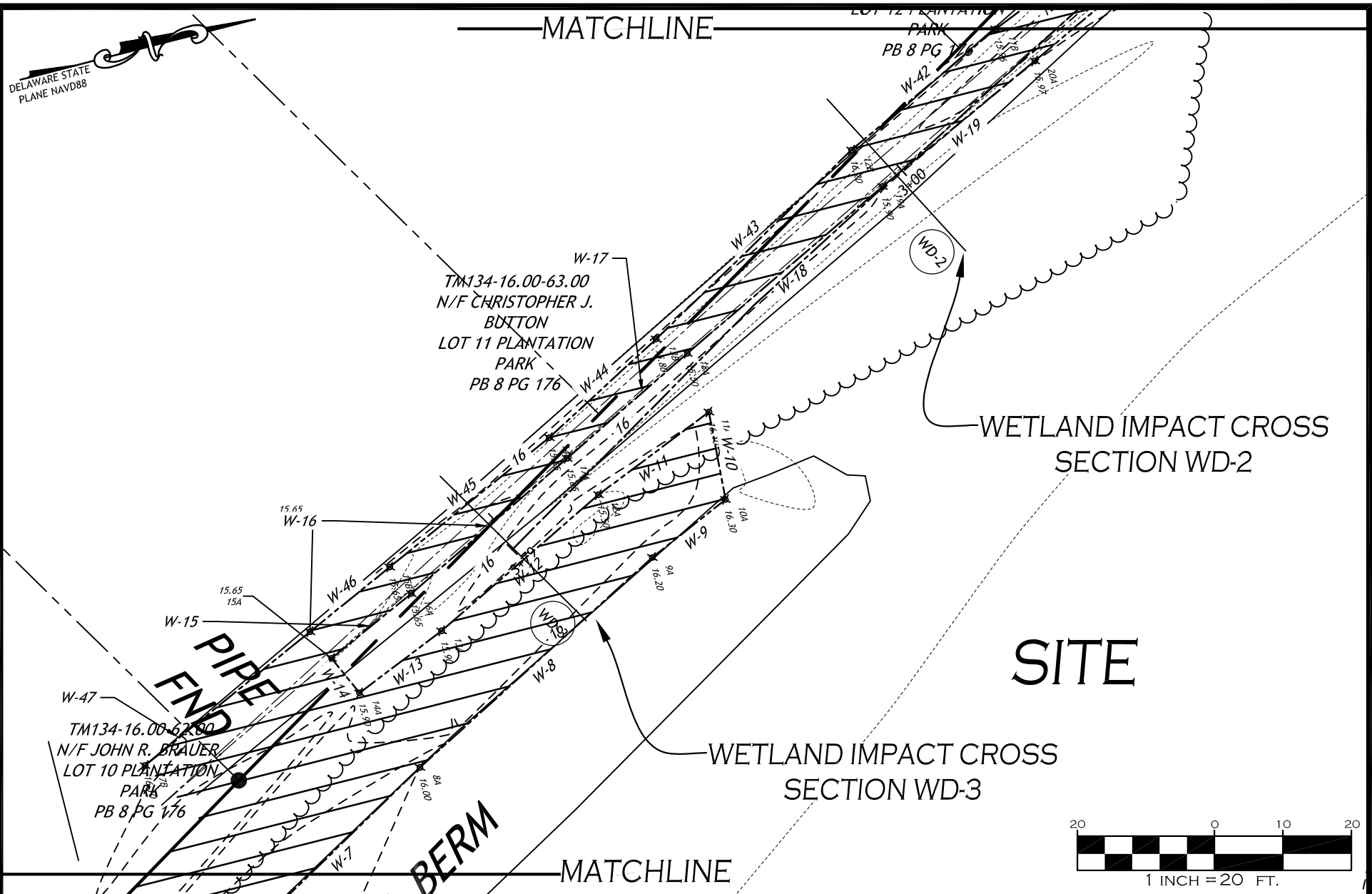


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WETLAND IMPACT PERMITS FOR
EVERGREEN
RESIDENTIAL PLANNED COMMUNITY
BALTIMORE HUNDRED, SUSSEX COUNTY, DE

SCALE	1" = 20'
DESIGNED	KRC
DRAWN	KRC
CHECKED	KRC
DATE	11/18/2019
T.M.	134-16.00-51.00

0188-1502
EXHIBIT:
WI- 2



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SCALE	1" = 20'
DESIGNED	KRC
DRAWN	KRC
CHECKED	KRC
DATE	11/18/2019
T.M.	134-16.00-51.00

0188-1502

EXHIBIT:

WI- 3

DELAWARE STATE
PLANE NAVD88

MATCHLINE

CONC
MON
FND

REBAR
FND

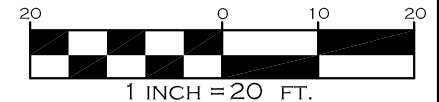
TM134-16.00-65.00
N/F WESLEY S. JR.
& ELIZABETH REED
LOTS 13 & 14
PLANTATION PARK
PB 8 PG 176

W-41
TM134-16.00-63.01
N/F JOHN T. OBERLY
SR..
LOT 12 PLANTATION
PARK
PB 8 PG 175

WETLAND IMPACT CROSS
SECTION WD-1

SITE

MATCHLINE



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WETLAND IMPACT PERMITS FOR
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BALTIMORE HUNDRED, SUSSEX COUNTY, DE

SCALE	1" = 20'
DESIGNED	KRC
DRAWN	KRC
CHECKED	KRC
DATE	11/18/2019
T.M.	134-16.00-51.00

0188-1502

EXHIBIT:

WI- 4

DELAWARE STATE
PLANE NAVD88

TM134-16.00-66.00
N/F PHILIP J. VENTURA JR.
LOT 15 PLANTATION
PARK
PB 8 PG 176

TM134-16.00-1208.00
N/F ELLEN TREMMEL
LOT 353 SII VFR
SITE

W-32

CONC
MON
PND

W-31

W-33

W-30

W-34

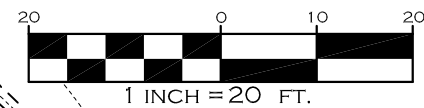
W-28

W-29

W-35

W-26

MATCHLINE



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WETLAND IMPACT PERMITS FOR
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RESIDENTIAL PLANNED COMMUNITY
BALTIMORE HUNDRED, SUSSEX COUNTY, DE

SCALE	1" = 20'
DESIGNED	KRC
DRAWN	KRC
CHECKED	KRC
DATE	11/18/2019
T.M.	134-16.00-51.00

0188-1502
EXHIBIT:
WI- 5

WETLANDS LINE TABLE

LINE #	LENGTH	DIRECTION
W-1	22.09	N20°06'E
W-2	21.01	N18°13'W
W-3	20.23	N46°34'W
W-4	31.09	N32°30'W
W-5	20.20	N34°28'W
W-6	45.25	N39°13'W
W-7	35.00	N29°58'W
W-8	45.72	N27°52'W
W-9	13.62	N24°08'W
W-10	13.00	N86°31'W
W-11	20.15	S22°36'E
W-12	30.33	S26°43'E
W-13	15.01	S22°54'E
W-15	15.00	N24°50'W
W-16	30.12	N26°43'W
W-17	23.29	N26°54'W
W-18	37.48	N26°16'W
W-19	28.81	N25°18'W
W-20	34.87	N25°52'W

WETLANDS LINE TABLE

LINE #	LENGTH	DIRECTION
W-21	37.28	N28°10'W
W-22	30.81	N29°47'W
W-23	24.31	N69°47'W
W-24	9.34	N48°49'W
W-25	36.34	N52°35'W
W-26	12.29	N01°55'E
W-27	14.69	N19°09'W
W-28	17.90	N26°50'W
W-29	16.30	N35°29'W
W-30	16.31	N40°13'W
W-31	9.53	N43°59'W
W-32	15.15	S35°39'E
W-33	14.09	S38°57'E
W-34	41.16	S25°36'E
W-35	15.03	S05°14'E
W-36	39.67	S56°42'E
W-37	8.92	S48°14'E
W-38	22.59	S72°13'E
W-39	31.27	S29°01'E

WETLANDS LINE TABLE

LINE #	LENGTH	DIRECTION
W-40	35.65	S28°23'E
W-41	36.60	S22°19'E
W-42	27.50	S25°47'E
W-43	39.66	S29°49'E
W-44	21.22	S28°27'E
W-45	30.00	S24°49'E
W-46	14.99	S24°48'E
W-47	31.00	S24°49'E

NOTE:

TOTAL WETLANDS AREA = 7,401.57± SQ.FT.
WETLANDS ON-SITE = 5,518.50± SQ.FT.
WETLANDS OFF-SITE = 1,883.07± SQ.FT.



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WETLAND IMPACT PERMITS FOR
EVERGREEN
RESIDENTIAL PLANNED COMMUNITY
BALTIMORE HUNDRED, SUSSEX COUNTY, DE

SCALE -
DESIGNED KRC
DRAWN KRC
CHECKED KRC
DATE 11/18/2019
T.M. 134-16.00-51.00

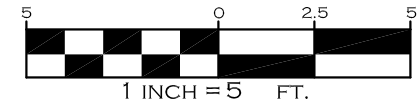
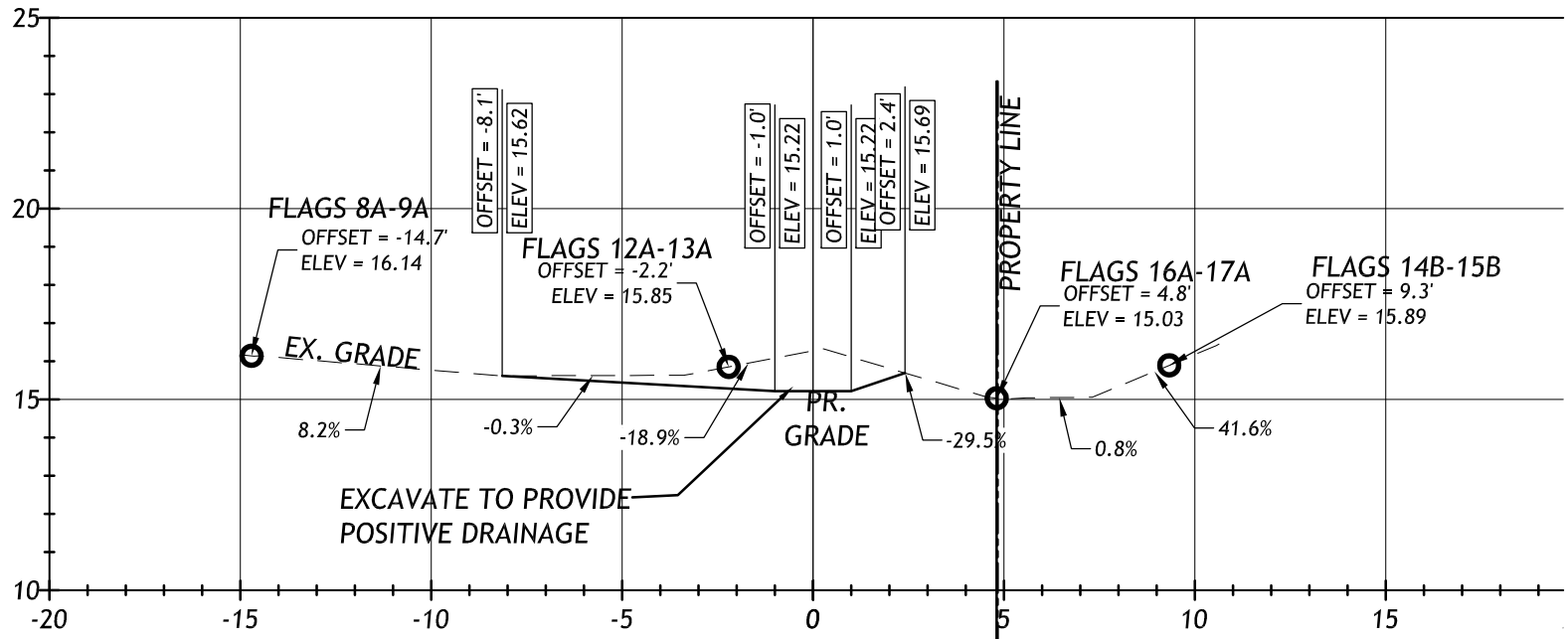
0188-1502

EXHIBIT:

WI- 6

WETLAND IMPACT AREA CROSS SECTION

(WD-3) STA: 3+79



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WEB: WWW.AXENG.COM

WETLAND IMPACT PERMITS FOR
EVERGREEN
RESIDENTIAL PLANNED COMMUNITY
BALTIMORE HUNDRED, SUSSEX COUNTY, DE

SCALE	1" = 5'
DESIGNED	KRC
DRAWN	KRC
CHECKED	KRC
DATE	11/18/2019
T.M.	134-16.00-51.00

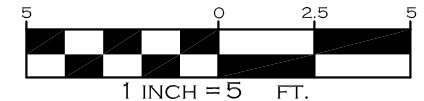
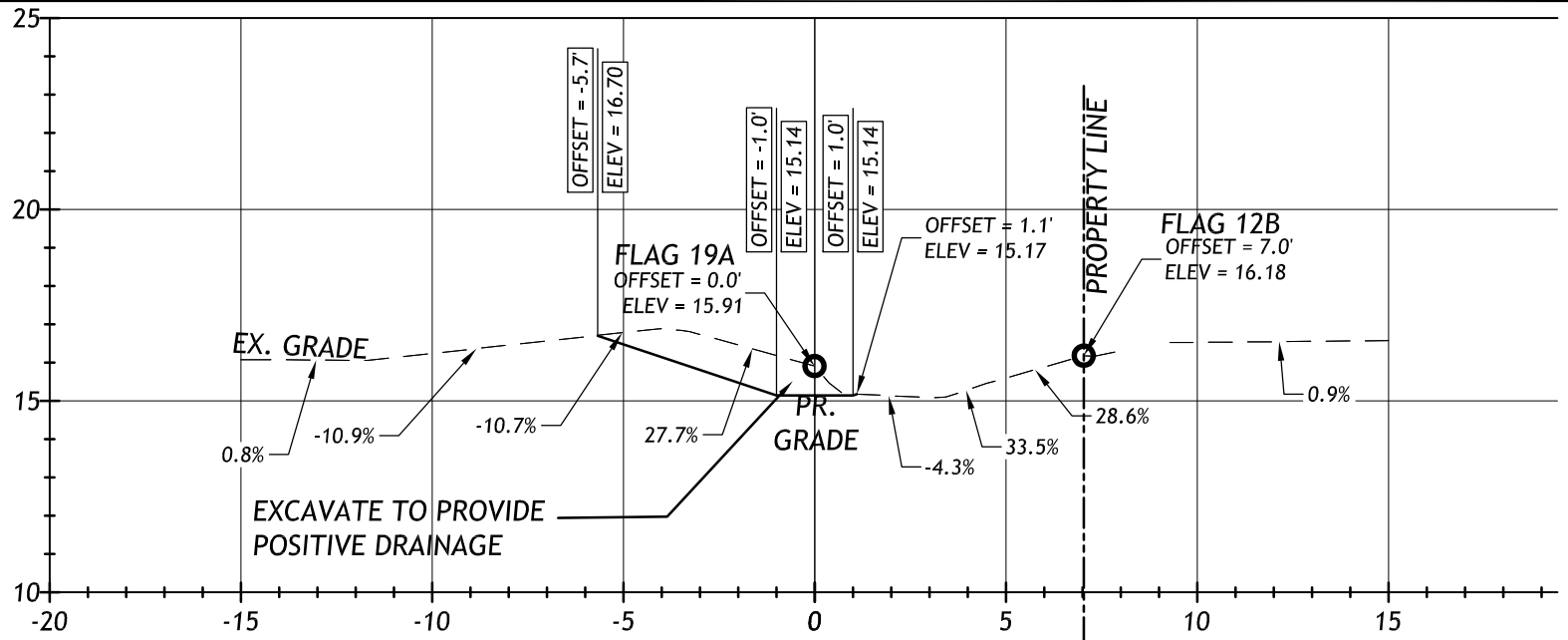
0188-1502

EXHIBIT:

WI- 7

WETLAND
IMPACT AREA
CROSS
SECTION

(WD-2) STA: 3+01



AXIOM
ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19947
(302) 855-0810
FAX: 855-0812
E-MAIL: AXIOM@AXENG.COM
WEB: WWW.AXENG.COM

WETLAND IMPACT PERMITS FOR
EVERGREEN
RESIDENTIAL PLANNED COMMUNITY
BALTIMORE HUNDRED, SUSSEX COUNTY, DE

SCALE	1" = 5'
DESIGNED	KRC
DRAWN	KRC
CHECKED	KRC
DATE	11/18/2019
T.M.	134-16.00-51.00

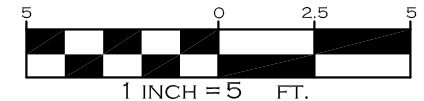
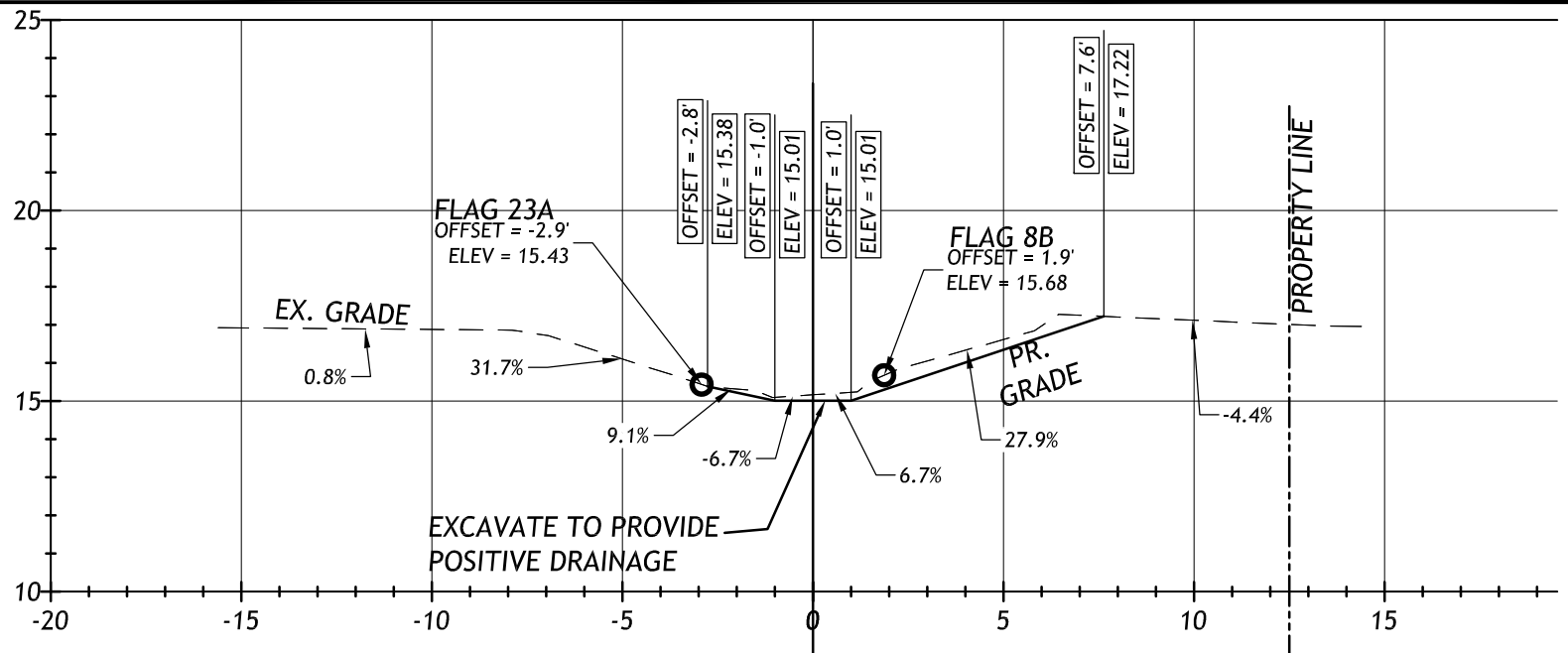
0188-1502

EXHIBIT:

WI- 8

WETLAND IMPACT AREA CROSS SECTION

(WD-1) STA: 1+72



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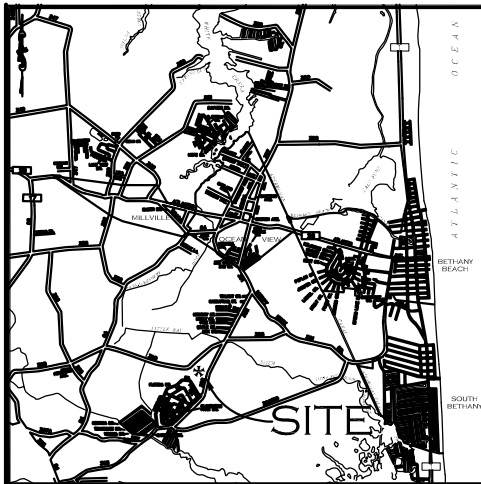
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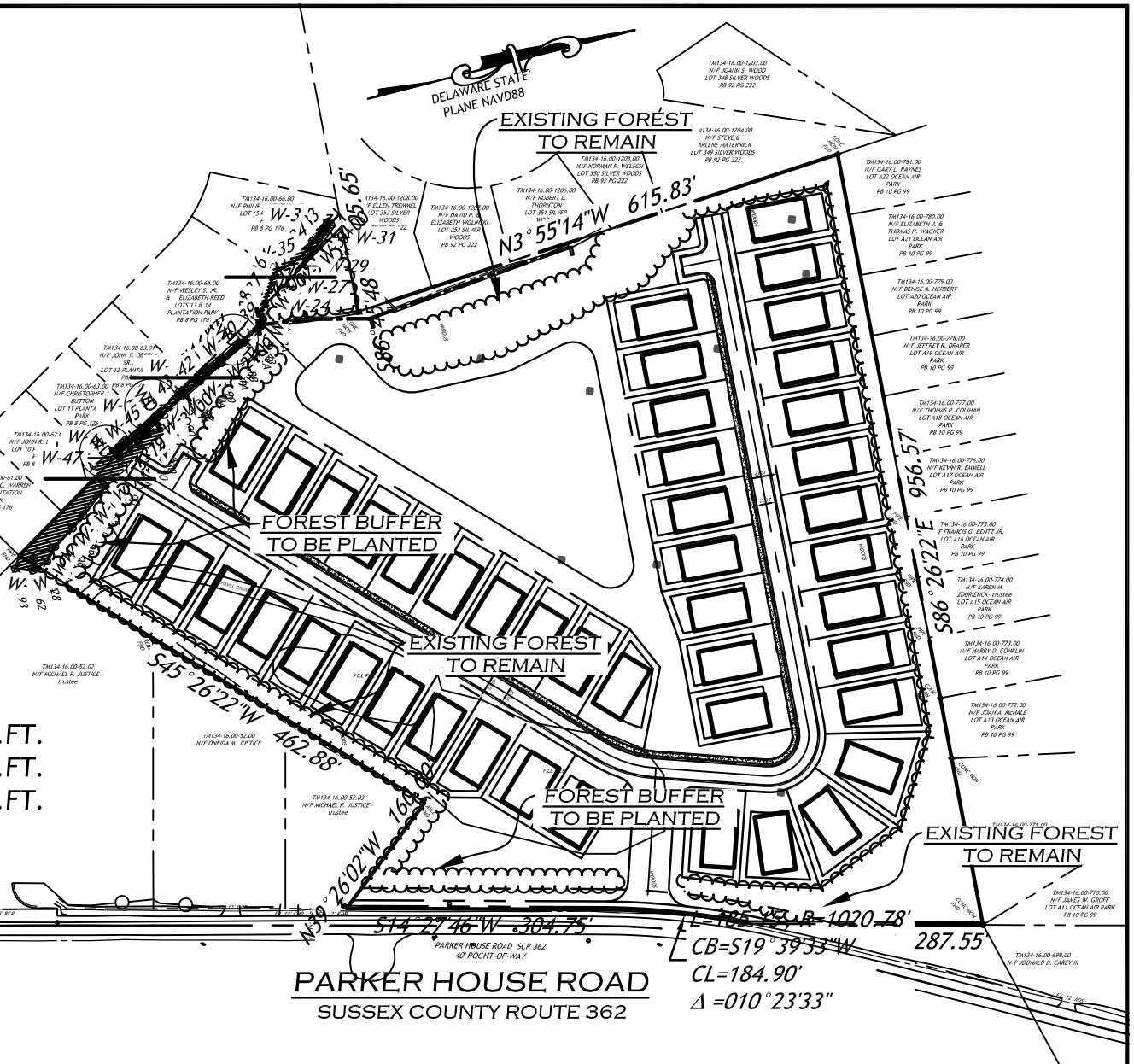
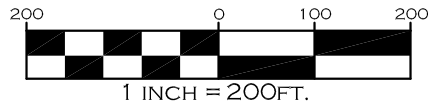
EXHIBIT:

WI- 9



VICINITY MAP
SCALE: 1" = 2 MILES

NOTE:
TOTAL WETLANDS AREA = 7,401.57± SQ.FT.
WETLANDS ON-SITE = 5,518.50± SQ.FT.
WETLANDS OFF-SITE = 1,883.07± SQ.FT.



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WETLAND IMPACT PERMITS FOR
EVERGREEN
RESIDENTIAL PLANNED COMMUNITY
BALTIMORE HUNDRED, SUSSEX COUNTY, DE

SCALE	1" = 200'
DESIGNED	KRC
DRAWN	KRC
CHECKED	KRC
DATE	11/18/2019
T.M.	134-16.00-51.00

0188-1502
EXHIBIT:

WI-1 O

DELAWARE STATE
PLANE NAVD88

MATCHLINE

TM134-16.00-61.00
N/F STEPHEN C. WARREN
LOT 9 PLANTATION
PARK
PB 8 PG 176

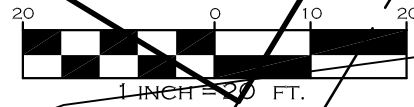
TM134-16.00-60.00
N/F ERIC A. FORRELL
LOT 8 PLANTATION
PARK
PB 8 PG 176

FOREST BUFFER
TO REMAIN

FOREST BUFFER
TO BE PLANTED

FILL BL

LOT
35
1,916.41 SQ. FT.

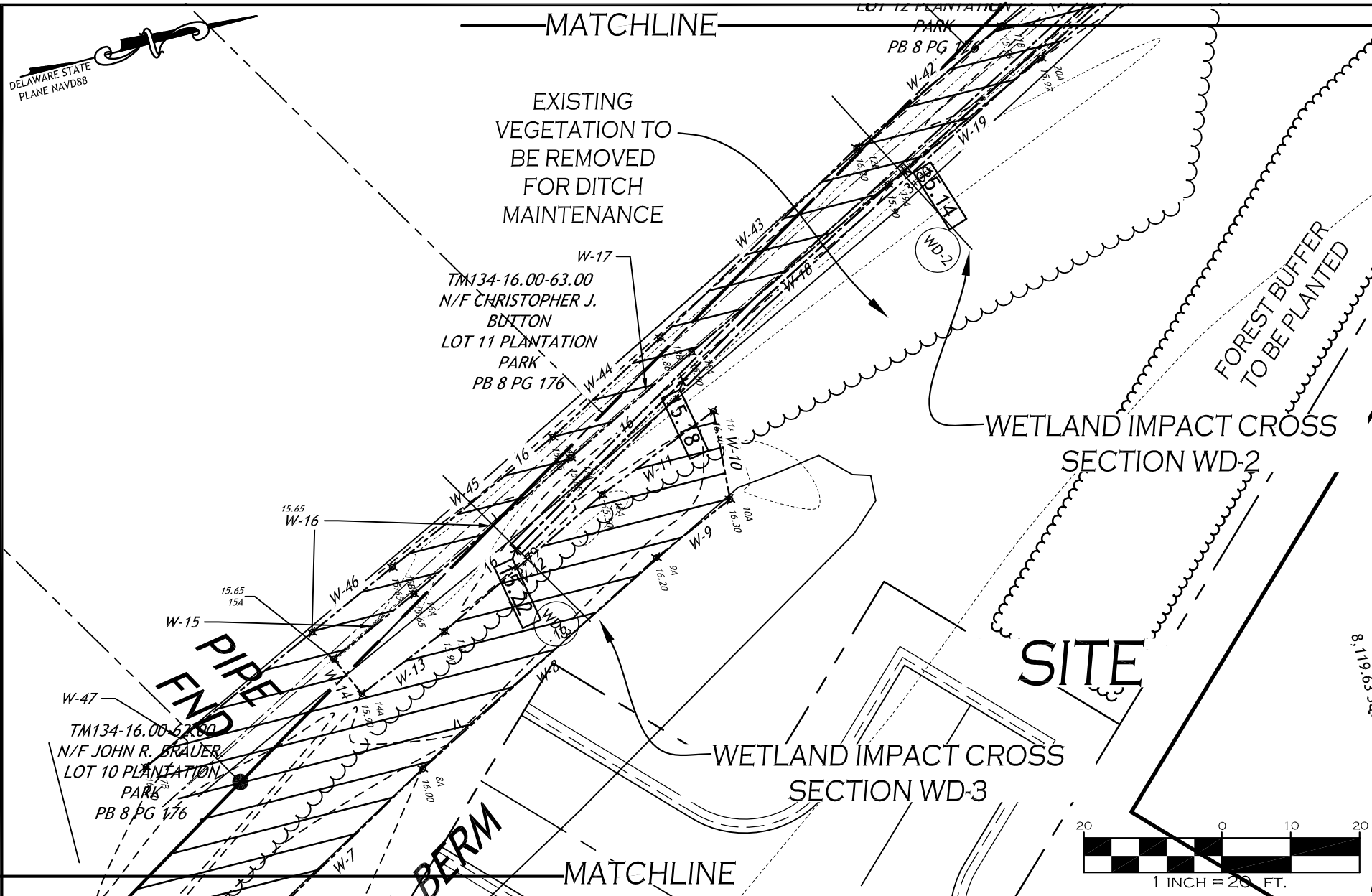


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WETLAND IMPACT PERMITS FOR
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BALTIMORE HUNDRED, SUSSEX COUNTY, DE

SCALE	1" = 20'
DESIGNED	KRC
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0188-1502
EXHIBIT:
WI-1 1



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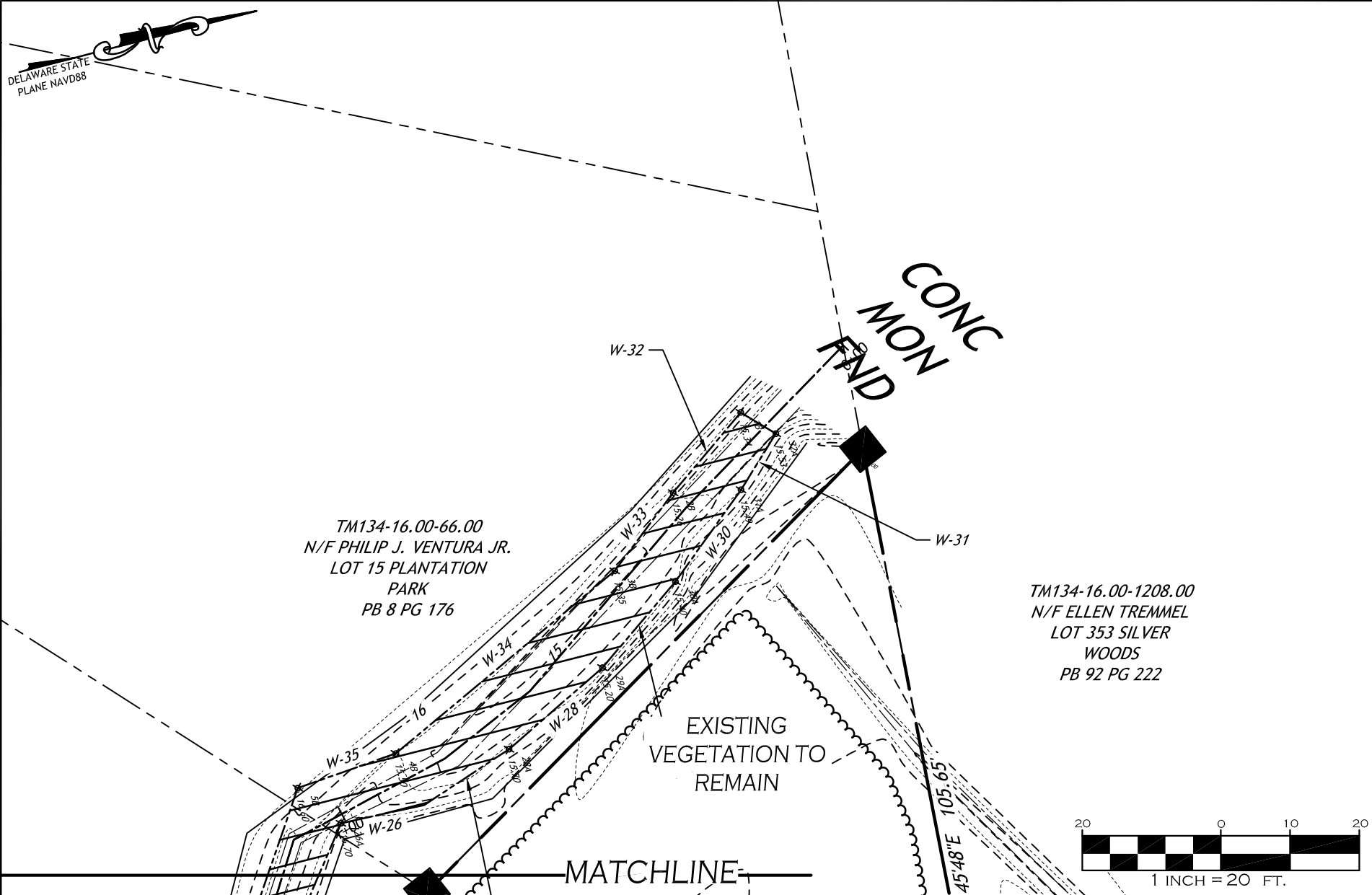
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0188-1502

EXHIBIT:

WI-12



AXIOM
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0188-1502

EXHIBIT:

WI-1 4

13

WETLAND STUDY LETTER

Kenneth W. Redinger Environmental Services

P.O. Box 479 / Horntown, Virginia 23395

Phone: (757) 894-7032 / E-mail: kwredinger@gmail.com

November 26, 2019 - Via Email

Axiom Engineering, LLC
18 Chestnut Street
Georgetown, Delaware 19947

Attn: Kenneth R. Christenbury, P.E.

Re: Wetland Delineation Update, Parcel 1-34-16.00-51.00 (16.10Acres)
Evergreen Residential Planned Community (RPZ-CZ#1900)
Parker House Road (SCR 362), Frankford, Baltimore Hundred, Sussex County, DE
Property Owner/Applicant: Michael P. Justice

Mr. Christenbury,

On behalf of the property owner/applicant, Michael P. Justice, the subject parcel has been evaluated to determine the extent of waters of the United States, including wetlands subject to the U.S. Army Corps of Engineers (USACE) Regulatory Program under Section 404 of the Clean Water Act (CWA) and the Delaware Department of Natural Resources and Environmental Control (DNREC) Wetlands and Subaqueous Lands Section under Title 7 Chapters 66 and 72 of the Delaware Code. The intent of this letter is to provide an update on the location of wetlands and/or other Waters of the United States within the subject property for general planning purposes.

On-site investigations were conducted within the subject parcel by Kenneth W. Redinger Environmental Services between March 4 and November 8, 2019 to delineate wetland boundaries in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region, Version 2.0 (November 2010) and associated regulatory guidance.

Based on the evaluation of hydrology, vegetation and soils made during the on-site investigations, a total of 5,518 square feet of palustrine forested wetlands that may be subject to regulation under Section 404 of the CWA have been identified within the southeastern portion of the subject parcel, as depicted on a Wetlands Plan by Axiom Engineering, LLC dated July 24, 2019. A man-made drainage channel located along the southern property boundary may also be regulated as Waters of the United States for the purposes of Section 404 of the CWA. No state regulated wetlands were identified within the subject parcel.

A request to confirm the limits of wetlands and Waters of the United States within the subject parcel will be submitted to the Philadelphia District USACE upon completion of the Wetland Delineation Report in mid-December 2019.

Prior authorization from the USACE will be obtained for any unavoidable impacts to jurisdictional wetlands and/or Waters of the United States that may be required for site development.

Justice Wetland Delineation Update
November 26, 2019
Page 2 of 2

I will provide a final Wetland Delineation Report for the Sussex County Council Public Hearing scheduled for January 28, 2020.

Please contact me with any questions you may have concerning this project in the meantime.

Sincerely,

A handwritten signature in blue ink, appearing to read "KWR", with a long, sweeping horizontal line extending to the right.

Kenneth W. Redinger
Professional Wetland Scientist #2126

14

DRAFT HOA COVENANTS AND RESTRICTIONS

Sussex County Tax Map No. 1-34-16.00-51.00

Prepared By and Return To:
Sergovic Carmean Weidman McCartney & Owens, P.A.
P.O. Box 751, Georgetown, DE 19947

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF
FOR EVERGREEN RESIDENTIAL PLANNED COMMUNITY**

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is entered into and declared by Michael P. Justice, Trustee of the Michael P. Justice Revocable Trust dated July 20, 2017 (hereinafter referred to as "Declarant"), which is the owner of the property identified in Exhibit "A" hereto and declares that the lands described in Exhibit "A" shall be subject to and bound by the following Declaration of Covenants, Conditions and Restrictions for the Evergreen Residential Planned Community.

The Declarant has deemed it desirable for the efficient preservation of values and amenities in said Community,¹ to create an agency to which will be delegated and assigned the powers of maintaining and administering the community facilities, Common Areas,² and administering and enforcing the covenants, conditions and restrictions and levying, collecting and disbursing the assessments and charges hereinafter created; and

The Declarant will cause a nonprofit corporation, The Evergreen Residential Planned Community Owners Association, Inc. (hereinafter the "Association"), to be incorporated under the laws of the State of Delaware, for the purpose of exercising the functions aforesaid.

The Declarant, intending to be legally bound, and to bind the property which is the subject matter of this Declaration, and intending that such restrictive covenants, conditions and

¹ As hereinafter defined.

² As hereinafter defined.

restrictions shall run with title to the land, and to bind the heirs, administrators, executors and assigns of every lot owner acquiring the lands described in Exhibit "A" hereto, hereby declares as follows:

1. Definitions. The following words, when used in this Declaration (unless the context shall prohibit) shall have the following meanings:

A. "**Architectural Review Committee**" or "**ARC**" shall mean and refer to the committee appointed by the Declarant or the Association to review plans for construction on each Lot.

B. "**Association**" shall mean and refer to The Evergreen Residential Planned Community Owners Association, Inc., or such other membership corporation as the Declarant shall form, its successors and assigns.

C. "**Community**" shall mean and refer to Evergreen Residential Planned Community.

D. "**Declarant**" shall mean and refer to Michael P. Justice, Trustee of the Michael P. Justice Revocable Trust dated July 20, 2017, and any successor.

E. "**Declaration**" shall mean and refer to this instrument.

F. "**Lot**" shall mean and refer to any unimproved or improved plot of land intended and subdivided for a detached single family residence, shown upon the Record Plat as a numbered parcel, but shall not include the "Common Areas" as hereinabove defined.

G. "**Member**" shall mean and refer to all those Owners who are members of the Association as provided in Paragraph 11 A of this Declaration.

H. **"Mortgage"** shall mean and refer to any mortgage, deed of trust, or similar instrument granted as security for the performance of any obligation.

I. **"Owner"** shall mean and refer to the record owner, whether one or more persons or entities, holding a fee simple title to any Lot, but shall not mean or refer to any mortgagee or subsequent holder of a mortgage, unless and until such mortgagee or holder has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure.

J. **"Record Plat"** shall mean the plat of record in the Office of the Recorder of Deeds, in and for Sussex County, recorded in Plot Book ____ at Page ____, depicting the Property and all of the Lots, the Common Areas and the sidewalk easement.

K. **"Sidewalk Easement"** shall mean the sidewalk as shown on the Record Plat. The sidewalk is located on one side of the internal street and are located as depicted on the Record Plat. The Sidewalk Easement is reserved to the Association for its upkeep and maintenance and for use of its members and guests, whose use is limited to pedestrian use, non-motorized bicycles, baby carriages, sleds (in winter); however, skating and skate boarding are a prohibited use.

2. Property subject to this Declaration. The lands set forth in Exhibit "A" hereto are made subject to this Declaration (the "Property").

3. Common Area. The road or roads, the stormwater management erosion and sediment control facilities, designated private community open space, forested buffer, the Sidewalk Easement and the street lighting (hereinafter "common areas") shown and depicted and so designated in Plot Book ____ at Page ____, a plot titled, *The Evergreen Residential Planned Community*, serve the property which is the subject of this Declaration; the road(s), Sidewalk

Easement and street lighting shown on the recorded plot are private right-of-ways and common areas benefiting all Lots shown on the Record Plat; and it is hereby provided that the road or roads, Sidewalk Easement, street lighting and common areas shown on the Record Plat, is declared to be private road(s), a private Sidewalk Easement, private street lighting, private common areas and private storm water management erosion and sediment control facilities and that each property owner who obtains a deed for a Lot as shown on the Record Plat as served by such road(s), Sidewalk Easement, street lighting, common areas, and private storm water management erosion and sediment control facilities by the acceptance of such conveyance, hereby agrees to be responsible for maintaining, repairing, replacing the Common Areas including the roads, street, Sidewalk Easement, street lights, and providing electric service for street lighting and for the up keep of all improvements on such road(s) and Common Areas through the Association ("Common Areas").

4. Maintenance by Association. The responsibility for maintenance, repair and replacement of the Common Areas shall be the responsibility of the Association and the assessment of such cost shall be prorata among all Lot Owners served with each Lot having an equal assessment to all other Lots served by such road(s), Sidewalk Easement, street lighting and Common Areas.

5. Remedial or Restrictive Council. The Declarant further declares that all Lots created on the lands that are the subject matter of this Declaration shall be subject to the following remedial or restrictive covenants:

A. The numbered Lots shall not be used to harbor or raise any swine, hogs, chickens or any non-domesticated animals, including horses, sheep, cows, goats, etc.

B. All Lots shall only be improved by stick-built, custom-built, or modular residential structures, which have not previously been occupied or received a certificate of occupancy at another location. Each main dwelling structure must have a an under roof and heated living area of a minimum of 1,800 square feet for one-story dwellings, and 2,200 square feet for two-story dwellings, exclusive of decks and porches. Each main dwelling unit roof(s) shall have:

(1) A minimum roof pitch of 5'/12' for a single story main dwelling;

(2) For a two-story main dwelling, the roof pitch may be modified to accommodate hip roofs, gambrel roofs and/or mansard roofs; provided however, that a gambrel, hip or mansard roof must have a minimum 3'/12' pitch;

(3) Shed roofs and flat roofs shall not be allowed on a main dwelling or garage, unless approved by the ARC as being in harmony with the architecture of the main dwelling, and all porch roofs shall have a minimum of 3'/12' pitch.

C. Each main dwelling shall have an attached garage.

D. Manufactured homes shall be strictly prohibited. A manufactured home shall be a housing unit defined by the Sussex County Comprehensive Zoning Ordinance as a mobile home or trailer, and if not defined by such Ordinance, shall be a housing unit which moves to the site affixed to a chassis. Modular homes are permissible. A modular home is any structure that is trucked to the site with its interior components constructed off-site. No structure of any temporary character, shack, barn or other outbuildings, except as provided herein, shall be placed on any Lot at any time, except during periods of construction for storage of materials, and such temporary structures shall not in any event be used for living quarters.

E. All buildings or structures placed on the Lots are subject to the building setback requirements for front, side and rear property lines as ordained by the RPC approval of Evergreen Residential Planned Community by the Sussex County Government. No shed structure shall be allowed.

F. Travel trailers, motor homes, campers, wave runners, boats and/or boat trailers may be placed at the rear of the property, behind the home, provided the placement does not encroach on any side yard or rear yard setback requirement, and is not visible from the street or streets.

G. All grass is to be no greater than six (6) inches in height. If grass is greater than six (6) inches in height, the Declarant, the Association, or their successors have the right to cut said grass and the property owner shall be required within five (5) days of invoicing to pay the cost incurred by the invoicing entity doing such work.

H. The only detached accessory structure permitted shall be one (1) garage type structure per Lot as an accessory to an existing or fully completed main dwelling. The siding and roof materials and color of any detached garage must match the main structure, and the roof of the garage must have a roof pitch of no less than 4'/12'. The size of the any detached garage shall be no greater than 24' x 24' and not less than 12' x 12'.

I. All driveways must be covered with cement, tar and chip, blacktop, concrete paver, brick, or by a pervious surface approved by the ARC as in harmony with the architecture of the main dwelling and beneficial to storm water management, and fully completed within six (6) months of the Certificate of Occupancy for the main dwelling on any Lot.

J. No drying lines for the drying or airing of fabrics or other material will be permitted on the site within view of the streets.

K. No stripped down, partially wrecked or junked motor vehicles are to be located on the property and exposed to view. No repairing or overhauling of automobiles will be permitted unless contained within a fully enclosed garage. In the event an automobile is not used for an extended period of time, it must be removed or stored within a garage.

L. No noxious, offensive or illegal activity shall be carried on any Lot. Lot Owners shall not perform any acts, or carry on any practices which may be a nuisance or menace to other Lot Owners, including permitting their dogs to bark continually that would be annoying to adjoining Lots as to cause a nuisance or unreasonably disturb any resident of the Community.

M. No business activities shall be authorized on any Lot, except however, customary home occupations may be maintained on any Lot; however, excluded from home occupations shall be barber shops and beauty salons.

N. No trash, ashes, garbage or other refuse shall be dumped, stored or accumulated on any Lot.

O. No outside burning of wood, trash, garbage or household refuse shall be permitted.

P. Once construction of any building, whether a main residential structure or permitted accessory structure limited to one detached garage per lot as further specified in 5.G., above, shall have commenced, such construction shall proceed without delay until the same is completed, unless the delay is attributed to causes beyond the control of the owner. Cessation of work, once started for a continuous period of ninety (90) days, shall be prima facie evidence of

an attempt to abandon the same, and any abandonment of commenced construction shall be deemed a nuisance. All Lots must be graded and seeded within six (6) months of obtaining a Certificate of Occupancy for any main dwelling.

Q. The Property may be located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of the Property is expressly conditioned upon acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities. This restriction incorporates the notice of agricultural use protection ordained by the Sussex County Code at § 99-6 G(1).

R. The numbered Lots as developed by the individual Lot Owners of the Lots in the Community are subject to a stormwater management plan, which includes, and is not limited to specifications for culvert pipes to be placed under driveways. Each Owner of a numbered Lot, upon development of a driveway to serve that Lot, shall be responsible for the installation of a culvert pipe conforming to the location and specifications of the construction of culvert pipes beneath driveways as contained in the record drainage plan for the Community of record in the Office of the Sussex County Planning and Zoning Commission. The installation of the culvert pipe under driveways and the maintenance of same shall be the sole responsibility of the Lot Owner installing the driveway and the culvert pipe. The Lot Owners recognize that the failure to properly install the culvert pipes under the driveways in conformance with the drainage plan may cause Sussex County to withhold a building or occupancy permit until the driveway

culvert pipe is brought to the standards required by the approved drainage plan. Each Lot Owner agrees to install the underground driveway culvert pipe in accordance with the specifications hereinabove established, and the cost to correct any installed culvert pipe to meet those specifications shall be at the sole cost of the Lot Owner.

S. Some of the Lots may contain wetlands regulated by the U.S. Army Corps of Engineers and/or State of Delaware. Any Lot conveyed, if known by the Declarant to contain wetlands, shall include in its deed a notice and warning that such Lot contains regulated wetlands which shall state the following: "This site contains regulated wetlands--activities within these wetlands may require a permit from the U.S. Army Corps of Engineers and/or the State of Delaware." This restriction is provided to comply with Sussex County Code § 99-6 H.

T. Any Lot which contains any portion of the Sidewalk Easement as depicted on the Record Plat is subject to a Sidewalk Easement. The Owners of such Lots shall cooperate with the Association in maintaining the portion of the Sidewalk Easement located on such Lot free of obstruction and to allow the uses permitted in the Sidewalk Easement. Additionally, if a Lot Owner cause's damage to a portion of the improvements created within the Sidewalk Easement, the Lot Owner causing such damage shall be subject to a special assessment imposed by the Association to effect repairs caused to the sidewalk improvements of the Lot Owner by the Lot Owner's agents or contractors causing damage.

6. Lots subject to Assessment by the Association. By taking title to a deed for a Lot subject to these restrictive covenants, the Lot Owner recognizes that the Association will determine whether any street and road improvements, and/or Common Area improvements shown on the approved Record Plat, requires maintenance and/or repair. All assessments for

maintenance expense of roads and/or drainage facilities shall be determined in a like manner. Each Lot Owner recognizes that the provisions of this restrictive covenant are intended to comply with, and to bring the Community into conformity with the requirements of the Sussex County Code § 99-27.

7. Creation of Corporation for Owners Association. The Declarant will cause a nonprofit corporation, The Evergreen Residential Planned Community Owners Association, Inc., to be incorporated under the laws of the State of Delaware, for the purpose of exercising the functions of the Association under this Declaration.

8. Reservation of Easements by Declarant. The Declarant has the right to grant and reserve easements and rights-of-way through, under, over and across the common areas, and easements for the installation, maintenance and inspection of the lines and appurtenances for public or private water, sewage, drainage, gas, electricity, telephone, cable television and any other utility.

9. Architectural Approval of Structures. In order to insure the development and maintenance of the Community as a residential development of high standards, no building, structure, fence, wall or other erection shall be commenced, erected, maintained or used, nor shall any addition to or change or alterations therein, or in the use thereof, be made upon any Lot which is subject to the Declaration, no matter for what purpose or use, until complete and comprehensive plans and specifications showing the nature, kind, shape, height, materials, floor plans, exterior architectural scheme, location and placements on the Lot, structure or other erection, the grading and landscaping of the Lot to be built upon or improved, and such other information as may be necessary to determine the type, nature or scope of the proposed

improvement as is reasonably necessary, shall be submitted to and approved in writing by the ARC, or its successors. The plans shall be submitted to the ARC for approval along with a payment in the amount as set forth from time to time by the Association to discharge its expenses, if any. If the ARC does not reject a submitted plan within thirty (30) days of verified receipt, the plan shall be deemed approved by the ARC, except that any approval obtained by the passage of time without action or otherwise, shall not authorize any construction which is in violation of any explicit prohibition herein provided. Verified receipt shall be by accepted certified mail, registered mail, or written receipt of hand delivery. Plans shall be delivered to the Declarant, until the Association is organized by its first election of Directors by the members, and, thereafter, to the registered agent of the Association. A copy all such plans and specifications, finally approved as aforesaid, shall be lodged permanently with the ARC; **PROVIDED, HOWEVER,** that nothing herein shall require the aforesaid approval as to interior decorations, alterations or changes.

The ARC, or its successors, shall have the right to refuse to approve any such plans or specifications, grading or landscaping plans or changes, which are not in compliance with Paragraph 5 of the Declaration, or not suitable or desirable to the ARC, or its successors, based upon an application of the mandatory architectural considerations herein provided. In passing on such plans, the ARC shall take into consideration the suitability of the proposed building or other improvements or erections and/or the materials of which the building or other improvements or erections are to be built, and the site upon which it is proposed to be built, the harmony thereof with the surroundings, and the harmony of such improvements, additions, alterations or changes, as planned, on the adjacent or neighboring property, and any and all

factors which in its opinion, would affect the harmony of such proposed improvements, erections, alterations or changes with previously approved structures on Lots subject to this Declaration.

10. Binding Effect. These restrictions and remedial provisions are binding on the Declarant, and on each Lot Owner who takes title to a Lot in the Community and shall bind and run with title to the Lots.

11. Membership and Voting Rights.

A. Every Owner of a Lot, which is subject to assessment shall be a Member of the Association provided, however, that any such person or entity who holds such interest merely as security for performance of an obligation shall not be a Member, unless and until such person or entity has succeeded to such Owner's interest by enforcement of such security interest. Membership shall be appurtenant to and may not be separated from the ownership of any Lot, which is subject to assessment. Provided, however, that the Declarant shall be considered an Owner of each Lot held by it, whether such Lot or Lots are or are not subject to assessment.

B. The Association shall have one class of voting membership; **Class A:** which shall be all Owners, including the Declarant. Class A members shall be entitled to one (1) vote for each Lot. When more than one person holds an interest in any Lot all such persons shall be members. The vote of such Lot shall be exercised as the Owners themselves determine, but in no event shall more than one (1) vote be cast with respect to any Lot.

C. The Declarant shall establish the Association by the filing of a Certificate of Incorporation of the Association when the Declarant, at its sole discretion, deems the creation

of such Association appropriate, except that the Certificate of Incorporation shall be filed by the Declarant no later than January 1, 2025.

12. Property Subject to Declaration. The real property subject to this Declaration is all that property located in Baltimore Hundred, Sussex County, Delaware as shown on the Record Plat, and as described in Exhibit "A." The lands subject to this Declaration shall also be subject to restrictions, easements or rights of way previously granted by the Declarant, or its predecessors in title as recorded in the Office of the Recorder of Deeds, in and for Sussex County.

13. Property Rights in the Common Areas.

A. Owners' Easement of Enjoyment. Every Owner shall have a right of easement of enjoyment in and to the Common Areas, and such easement shall be appurtenant to and shall pass with the title to every Lot.

B. Title to Common Areas. The Declarant shall convey legal title in the Common Areas to the Association. The conveyance of title in the Common Areas may be retained by the Declarant until such time as the Declarant has completed improvements thereon, and until such a time as, in the opinion of the Declarant, the Association shall be able to maintain the same, but, notwithstanding any other provision herein, the Declarant hereby covenants for itself, its successors and assigns, that it shall convey all its right, title and interest in the Common Areas to the Association, free and clear of all liens, but subject to all previous restrictions of record and this Declaration no later than the **1st day of January, 2025.**

C. Extent of Member's Easements. The rights and easements of enjoyment created hereby shall be subject to the following:

(a) The right of the Association, in accordance with its Certificate of Incorporation and By-Laws to borrow money for the purpose of improving the Common Areas and in aid thereof to mortgage the properties, and the rights of such mortgagee in the property shall be subordinate to the rights of the Owners hereunder, provided, however, that no such borrowing or mortgaging shall be made unless approved by the vote of two-thirds (2/3) of the eligible votes at a meeting duly called for such purpose.

(b) The right of the Association to take such steps as are reasonably necessary to protect the above described properties against foreclosure.

(c) The right of the Association as provided in its Certificate of Incorporation or By-Laws, to suspend the enjoyment rights of any Member in any easement or in any Common Areas, for a period during which any assessment against such Member remains unpaid for infractions of the Declaration or of the Association's published rules and regulations, except the voting rights of any Member may not be suspended.

(d) The right of the Association to dedicate or transfer all or any part of its interest in the Common Areas (subject to easements created hereunder, or previously created of record) to any public agency, authority or utility for such purposes and subject to such conditions as may be agreed to by the Members, provided that no such dedication or transfer or determination as to purposes or as to the conditions thereof, shall be effective unless an instrument of consent signed by the Members entitled to cast two-thirds (2/3) of the votes has been recorded.

(e) The right of the Declarant prior to the conveyance of the Common Areas to the Association, and of the Association, to grant and reserve easements and rights-of-

way through, under, over and across the Common Areas, for the installation, maintenance and inspection of lines and appurtenances for public or private water, sewer, drainage, gas, electricity, telephone and other utilities.

(f) The right of the Association to adopt rules and regulations governing the use by the Owners of the Common Areas.

(g) The right of the Association, pursuant to adopted rules and regulations, to assess liquidated damages in an amount reasonably determined by the Association's Board of Directors to be imposed as a special assessment against any Lot Owner who violates or proposes to violate the Declaration or the rules adopted by the Association, in an amount necessary to compensate the Association and the remaining Lot owners for the damages that would occur for a violation of the Declaration or the rules adopted by the Association. The reasonableness of the liquidated damages imposed by the Board of Directors of the Association for anticipatory or actual breaches of the Declaration or the rules adopted by the Association shall be presumed reasonable and shall be enforced by a court of competent jurisdiction as a reasonable assessment of liquidated damages unless the affected Lot Owner can establish that there is an arbitrary relationship between the amount of the liquidated damages and the harm sought to be prevented by the established liquidated damage. All such liquidated damages shall be assessed as a special assessment of liquidated damages in accordance with Paragraph 14, provided however, that before imposing the special assessment for liquidated damages, the lot owner to be assessed shall have the opportunity to contest the assessment by providing notice to the Board of Directors of the Association requesting a hearing within seventy-two (72) hours of notice of intent to impose a liquidated damages special assessment.

D. Delegation of Use. Any Owner may delegate the rights of enjoyment to the Common Areas and facilities to the members of the Owner's family, tenants, guests, or contract purchasers (and members of the family of any tenant or contract purchaser) who resides on the Lot, or to such other persons as may be permitted by the Association.

E. Obligations of the Association. The Association shall:

(a) Take title to, own, manage and maintain any portion of the Common Areas transferred to it, as described in Paragraph 3.

(b) Operate and maintain, for the use and benefit of all Members of the Association, all Common Areas and facilities and improvements developed thereon.

(c) Operate and maintain all facilities on, mow the grass on, plant and replace landscaping on, all Common Areas.

(d) Maintain and restrict the use or uses to be made on or to the Common Areas.

14. Covenant for Maintenance by the Declarant. Until the Common Areas are improved and transferred to the Association, title to the Common Areas shall be retained by the Declarant. The Declarant shall be entitled to utilize initial assessments and annual assessments paid by Lot Owners to defer maintenance expenses in the Common Areas until sixty percent (60%) of all Lots in the Community are sold to third-party purchasers for value. In the event that the actual maintenance of the Common Areas exceeds the expenses discharged by an annual assessment per year, per sold Lot, then in that event, the Declarant shall pay the excess maintenance requirements until sixty percent (60%) of the Lots are sold. After sixty percent (60%) of the Lots are sold, the Declarant shall be under no obligation to contribute to Common

Areas maintenance expenses. Any capital improvements to Common Areas shall be made by the Declarant at its expense until sixty percent (60%) of the Lots are sold by the Declarant to a third-party purchaser for value.

15. Covenant for Maintenance and to Accept and Discharge Assessments.

A. Creation of Lien and Personal Obligation of Assessments. The Declarant, for itself and its successors and assigns, and each Lot Owner within the Property, hereby covenants, and each Owner of any Lot, by acceptance of a deed or other transfer document therefor, whether or not it shall be expressly established in such Deed or other transfer document, hereby covenants and agrees to pay the Association: (1) annual assessments or charges; (2) liquidated damage assessments, if imposed, pursuant to the provisions of Paragraph 13C(g); and (3) an initial assessment in the amount of Two Hundred Dollars (\$200.00) due upon the conveyance of any Lot from the Declarant to a third-party purchaser for value (except to the Declarant), such assessments to be fixed, established and collected as hereinafter provided. The annual assessment, liquidated damage assessment and initial assessment, together with interest and costs and reasonable attorney's fees, shall be a charge on the Lot, and shall be a continuing lien upon the Lot against which each such assessment is made. Each such assessment, together with interest, costs, and reasonable attorney's fees for the collection thereof, shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment was due. A personal obligation for delinquent assessment shall not pass to the Owner's successor in title (other than as a lien on the land), unless expressly assumed by them.

B. Purpose of Assessments. Assessments levied by the Association shall be for the purpose of promoting the recreation, health, safety and welfare of the residents of the

Property, or for the improvement and maintenance of the Common Areas of the property, and for services and facilities devoted to this purpose and related to the use and enjoyment of the Common Areas, including, but not limited to, the payment of taxes and insurance thereon, repair, replacement and additions thereto, for the cost of labor, equipment, materials, management and supervision thereof, or for operating reserve funds and reserve funds for repair and replacement of the Common Areas and the facilities thereon, or for a purpose of discharging a duty or obligation of the Association, and/or for liquidated damages for the breach or anticipated breach of the Declaration or rules adopted by the Association by a Lot Owner.

C. Basis and Maximum Annual Assessment. Each respective Lot to be sold by the Declarant, as conveyed by the Declarant after the final date of transfer to any Owner, shall thereafter be subject to assessments to be paid to the Association. The amount of such annual assessment shall be fixed annually at Five Hundred Dollars (\$500.00) per year until sixty percent (60%) of all Lots in the Community are sold to third-parties other than the Declarant, or a successor Declarant, and thereafter periodically as needs for annual assessments arise, as determined by the Association through the Board of Directors, and shall be charged or assessed in equal proportions against each Lot within the property, except for assessments for liquidated damages. The first assessment year shall be **January 1, 202_**, and the assessment rate for the first assessment year is set at Five Hundred Dollars (\$500.00), and thereafter each annual assessment shall be made for each subsequent calendar year commencing as of January 1 of each year. Each annual assessment shall be due and payable on or before thirty (30) days after it has been fixed and levied. It shall be the duty of the Association to notify all Owners, whose addresses are listed with the said Association, within thirty (30) days after said annual

assessment has been fixed or levied, giving the amount of the charge of the assessment for said year, when due, and the amount due on each Lot or parcel of land owned by each such Owner. Failure of the Association to levy the assessment for any one year shall not affect the right of the Association to do so for any subsequent year.

D. Establishment of Annual Assessment Rate. The Board of Directors of the Association may, after sixty percent (60%) of all Lots are transferred and sold to third-parties other than the Declarant, after consideration of current maintenance costs and future needs of the Association, fix the annual assessment in an amount deemed appropriate and may provide for the payment in monthly or quarterly installments; provided however, that if any periodic payment obligation is not paid on its due date, the full annual amount of the assessment shall be due. In establishing each annual assessment after the first annual assessment, the Board of Directors may increase the annual assessment by twenty percent (20%) over the previous year's assessment. Any increase in the annual assessment in excess of twenty percent (20%) over the previous year's assessment shall require approval by fifty-one percent (51%) of the eligible votes of the Association.

E. Initial Assessment. In addition to the annual assessment or other assessments, the Declarant, for use of the Association, hereby establishes an initial assessment to be paid by the purchaser upon the conveyance of each Lot from the Declarant (except the Declarant) to a third-party purchaser for value; and the amount of such initial assessment is set at Two Hundred Fifty Dollars (\$250.00). The Declarant may use that fund to pay the cost of any obligation to maintain the Common Areas pending transfer of the fund and the Common Areas to the Association.

F. Special Assessment for Liquidated Damages. The Association, through its Board of Directors, has the power and duty to impose liquidated damage assessments for violations of this Declaration and/or By-Laws or Rules of the Association. Such assessment shall be imposed in the manner set forth in Paragraph 13C(g).

G. Date of Commencement Assessment; Due Date. The annual assessments as to any Lot shall commence on the conveyance of such Lot, prorated for the remaining portion of said year, providing such conveyance is after **January 1, 202_**. In the event a Lot is conveyed prior to **January 1, 202_**, the annual assessment will commence **January 1, 202_**. The due date of any liquidated damage assessment shall be established by the Board of Directors in establishing the liquidated damage assessment.

H. Effect of Nonpayment of Assessment. The Personal Obligation of the Owner; the Lien; Remedies of the Association. If any assessment is not paid on the date when stated to be due in the notice of assessment, then the assessment shall be deemed delinquent, and if the delinquent payment is a periodic payment (i.e. monthly, quarterly, etc.), the entire assessment shall be delinquent, and shall, together with such interest thereon and cost of collection thereof, including reasonable attorney's fees, as hereinafter provided, continue as a lien on the Lot and any structure built thereon which shall bind such Lot in the hands of the Owner, his heirs, devisees, personal representatives, successors and assigns. In addition to such lien rights, the obligation of the assessment shall be a personal obligation of the then Owner to pay such assessment, however, the personal obligation shall not pass to his successors in title (other than as a lien on the land) unless expressly assumed by them. If the assessment is not paid within thirty (30) days after the delinquency, the assessment shall bear interest from the date of

delinquency at the rate of the legal interest rate authorized by 6 Del. C. § 2301 as amended, and the Association may bring legal action against the Owner personally obligated to pay the same or may enforce or foreclose the lien against the Lot; and in the event a judgment is obtained, such judgment shall include interest on the assessment from its due date and reasonable attorney's fees to be fixed by the Court, together with the costs of collection. No Owner of a Lot may waive or otherwise escape liability for an assessment provided for herein by non-use of the Common Areas or abandonment of his or its Lot. The Association reserves the right to suspend the enjoyment rights of any Member in any easement or Common Area for the period during which any assessment against such Member remains unpaid.

I. Subordination of the Lien to the First Mortgage. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage on the Lot. Sale or transfer of any Lot shall not affect the assessment lien. However, sale or transfer of any Lot by foreclosure of any first mortgage or any proceedings in lieu thereof, shall extinguish the lien of such assessments as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

J. Exempt Property. The following property subject to this Declaration shall be exempted from the assessments, charges and liens created herein:

- (a) All properties dedicated to and accepted by a government body, agency or authority and devoted to public use;
- (b) All Common Areas;

(c) All Lots owned by the Declarant until sold to third persons, unless such Lots are improved by a permitted structure.

16. Amendment. This Declaration may be amended at any time after it is recorded by sixty percent (60%) of the Lot Owners voting at a meeting of the Association providing prior notice of the proposed amendment or by written consent to approve amendment as noticed in the ballot to the Lot Owners written consent.

[signature pages]

IN WITNESS WHEREOF, the Declarant executes this Declaration of Restrictions and Covenants this ____ day of _____, 2005.

MICHAEL P. JUSTICE
Trustee of the Michael P. Justice Revocable
Trust dated July 20, 2017

Witness By _____ (SEAL)
_____, Trustee

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this ____ day of _____, A.D. 2019, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, MICHAEL P. JUSTICE, Trustee of the Michael P. Justice Revocable Trust dated July 20, 2017, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his deed.

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

Notary Public

15

**PROPOSED FINDINGS OF FACTS
AND
CONDITIONS OF APPROVAL**

PROPOSED FINDINGS OF FACT AND CONDITIONS CHANGE OF ZONE #1900

1. This is an application for a Residential Planned Community including 45 single-family homes on 16.1 acres in Baltimore Hundred on the west side of Route 362 (Parker House Road) approximately ½ mile south of the intersection of Parker House Road with Beaver Dam Road, and is known as Tax Parcel 1-34-16.00-51.00.
2. The applicant and owner/developer of the project is Michael P. Justice, Trustee.
3. The lands to the north of the subject property are zoned General Residential (GR), lands to the west are located within the Town of Ocean View with a density similar to that allowed in a GR district. Lands to the south are zoned GR and C-1, general commercial. CZ #1900 does not change the underlying zone of the property, but adds a Residential Planned Community Overlay to establish a GR-RPC property with a density of 2.82 dwelling units/acre.
4. This application is consistent with and meets the goals of the Coastal Area established in the 2018 Update to the Comprehensive Land Use Plan of Sussex County and its Future Land Use Map.
5. With the conditions imposed the development will be designed in accordance with the County zoning ordinance and subdivision ordinance.
6. The project has a proposed density of 2.83 units per acre, similar to the density of the surrounding residential communities
 - a. 3.02 du/ac. Kensington Park
 - b. 2.97 du/ac. Plantation Park
 - c. 2.74 du/ac. Ocean Air
 - d. 2.64 du/ac Silverwoods Phase 1
7. The property is in investment level III according to the State Strategies for Spending map. According to the 2019 Sussex County Comprehensive Plan, the property is in a Coastal Area, which supports a mix of housing types.
8. Potable water will be provided by Tidewater Utilities.
9. Sewer will be provided by Sussex County.
10. The project will have a homeowners association for the maintenance of common areas, e.g., open areas, amenities, streets, etc., in compliance with DUCIOA.

11. The items listed in Section 99-9C of the Subdivision Ordinance have been satisfactorily addressed, in that:

- a. The subdivision will be integrated into the existing terrain and surrounding landscape with the maintenance of open space, trees and buffers;
- b. Impacts to the existing wetland ditch shall be minimized to allow for drainage improvements only. All impacts to wetlands shall be subject to the review and approval of the U.S. Army Corps of Engineers and the Delaware Department of Natural Resources and Environmental Control.
- c. The property has 5 acres of existing forest, 2 acres of existing forest are to be preserved in common open space.
- d. The development design will preserve 39% of the parcel as common open space;
- e. The developer will provide assurances that tree, vegetation and soil removal will be minimal and enhanced through landscaping features;
- f. Objectionable features, such as dry storm water management ponds and homes adjacent to neighboring properties will be minimized by the inclusion of forest buffers around the perimeter of the proposed dwelling lots;
- g. Through the establishment of a stormwater management plan approved by the Soil Conservation Service, erosion and sedimentation and pollution of surface and groundwater will be minimized on site;
- h. The project will provide for safe vehicular and pedestrian movement within the site and onto connecting roadways;
- i. Area property values will not be negatively affected by development of the project;
- j. The project will not adversely affect the preservation and conservation of farmland;
- k. The project will have a positive benefit on schools by generating economic benefits in the form of increased revenues through property taxes. The developer will consult with Indian River School District to determine whether a school bus shelter will be provided. At the same time, the expected demographic of purchasers and impact on the school system is not expected to create a burden on the school district;
- l. The Delaware Department of Transportation did not require a Traffic Impact Study for this proposed project.
- m. The project will be compatible with other area land uses, including residential development in the vicinity. In addition, the project has been designed to minimize any adverse impacts on properties that are adjacent to it;
- n. The project will not adversely affect area waterways in that the surface and stormwater management plan will provide containment and

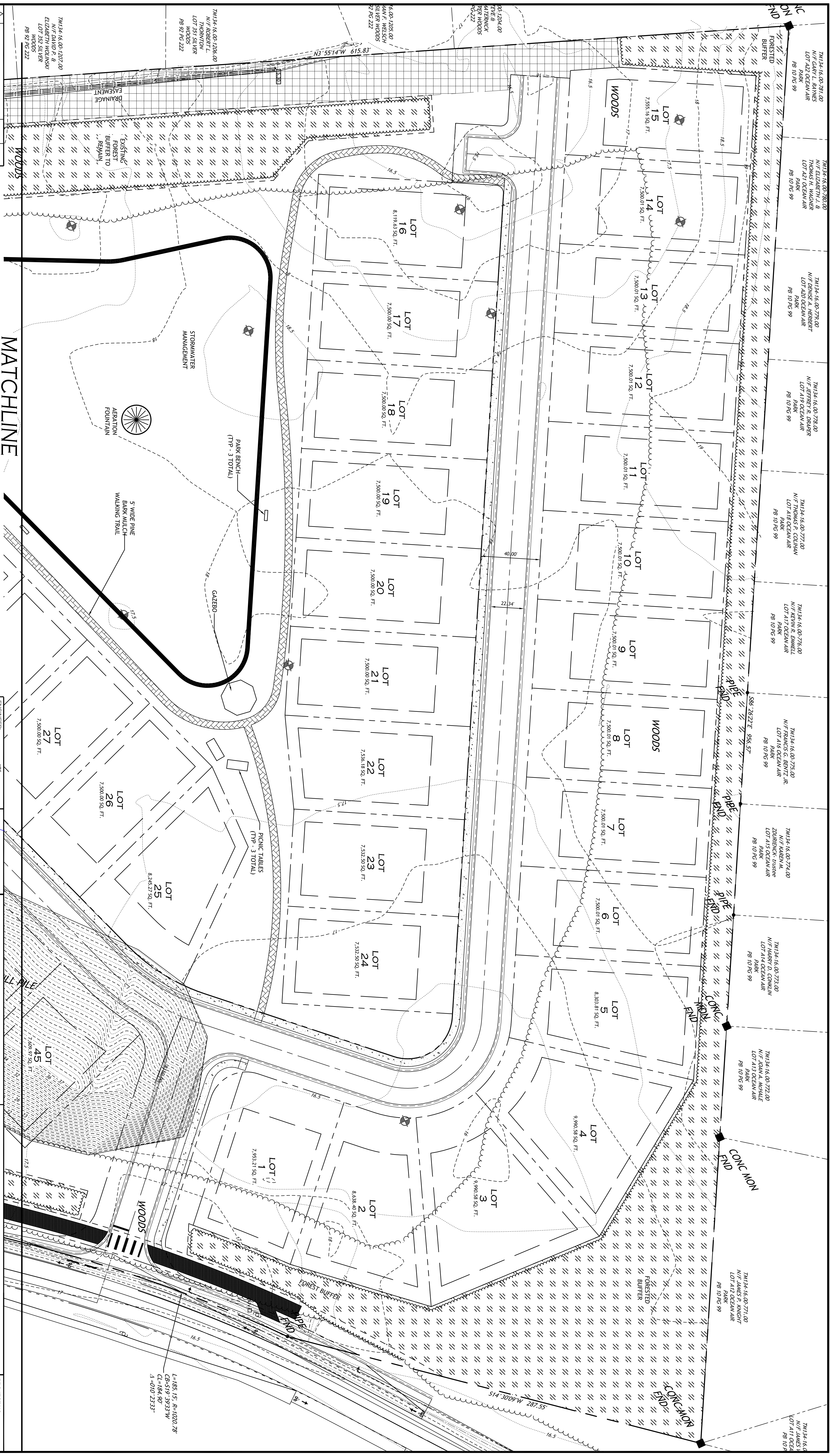
treatment on site.

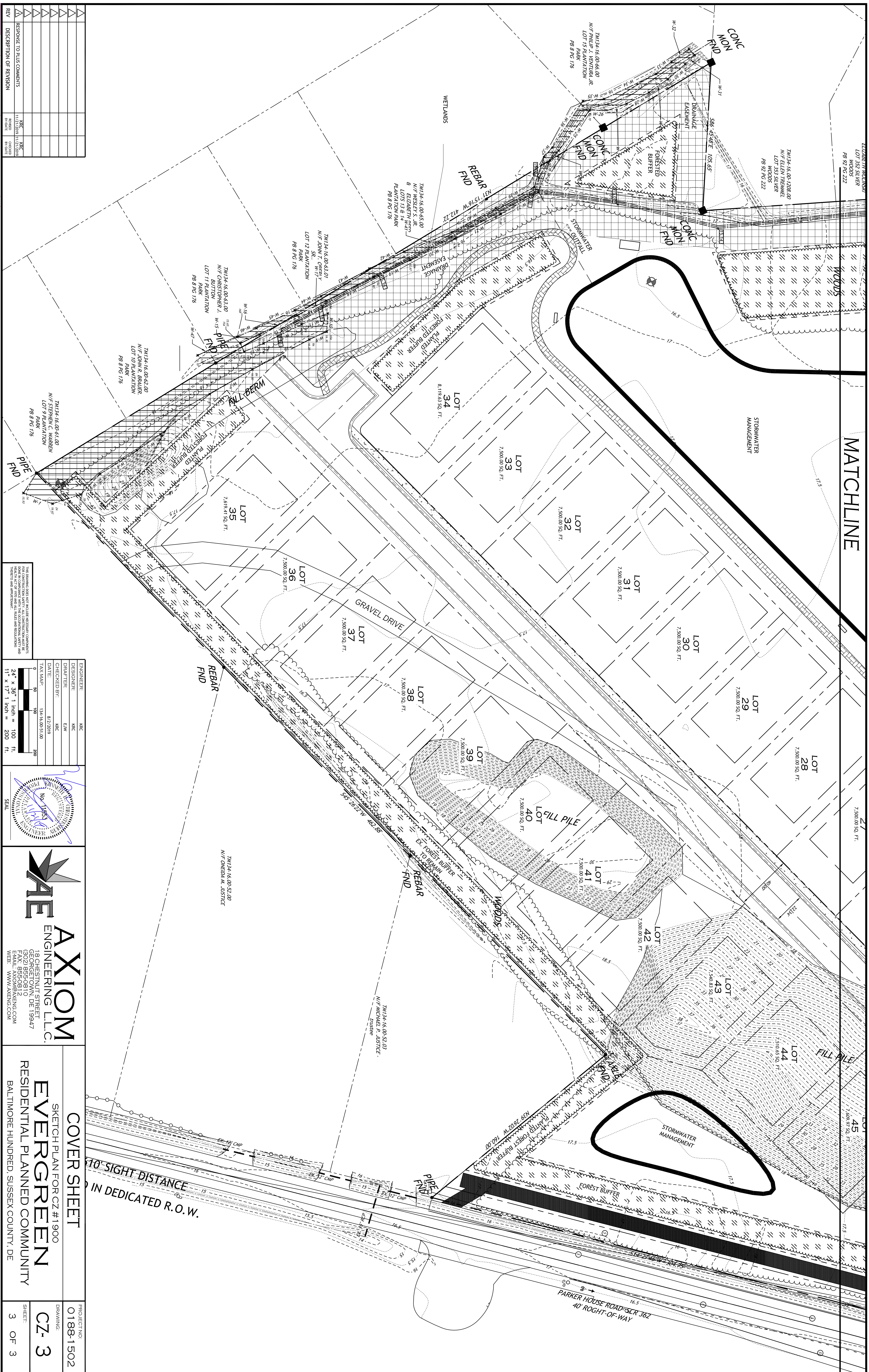
- o. The applicant has responded to the Preliminary Land Use Service. The project will be served with County sewer and central potable water.
- p. The change of zone is consistent with the character and trend of development in the immediate area and have no adverse impact of any sort on neighboring or nearby properties.
- q. As a result, the approval of this change of zone promotes and protects the health, safety, convenience, orderly growth and welfare of the inhabitants of Sussex County.

CZ #1900 CONDITIONS OF APPROVAL:

- A. THE MAXIMUM NUMBER OF DWELLING UNITS SHALL NOT EXCEED 45 SINGLE FAMILY DWELLING UNITS.
- B. A HOMEOWNERS ASSOCIATION SHALL BE FORMED TO PROVIDE FOR THE PERPETUAL MAINTENANCE, REPAIR AND REPLACEMENT OF BUFFERS, STORMWATER MANAGEMENT FACILITIES, STREETS, AMENITIES AND OTHER COMMON AREAS, IN COMPLIANCE WITH DUCIOA.
- C. ALL ENTRANCES, INTERSECTIONS, INTERCONNECTIONS, ROADWAYS AND MULTI-MODAL IMPROVEMENTS REQUIRED BY DELDOT SHALL BE COMPLETED IN ACCORDANCE WITH DELDOT'S REQUIREMENTS.
- D. THE RPC SHALL BE SERVED AS PART OF A SUSSEX COUNTY SANITARY SEWER DISTRICT. THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS AND SPECIFICATIONS OF THE COUNTY ENGINEERING DEPARTMENT.
- E. THE RPC SHALL BE SERVED BY CENTRAL WATER.
- F. 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.
- M. THE FINAL SITE PLAN SHALL CONTAIN THE APPROVAL OF THE SUSSEX CONSERVATION DISTRICT FOR THE DESIGN AND LOCATION OF ALL STORMWATER MANAGEMENT AREAS AND EROSION AND SEDIMENTATION CONTROL FACILITIES.
- N. NO WETLANDS SHALL BE INCLUDED IN INDIVIDUAL LOTS.
- O. MAINTENANCE IMPACTS TO THE WETLAND DITCHES SHALL BE COMPLETED IN COMPLIANCE WITH FEDERAL (U.S. ARMY CORPS OF ENGINEERS), STATE (DNREC) AND LOCAL (SUSSEX CONSERVATION DISTRICT) REQUIREMENTS
- P. INTERIOR STREET DESIGN SHALL MEET OR EXCEED SUSSEX COUNTY'S STREET DESIGN REQUIREMENTS, WITH A MINIMUM RIGHT-OF-WAY WIDTH OF 40'. THERE SHALL BE CURB AND GUTTER DRAINAGE, STREET LIGHTING AND SIDEWALKS ON ONE SIDE OF THE STREETS WITHIN THE RPC.
- Q. ALL AMENITIES SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE 25TH BUILDING PERMIT.
- R. IF REQUESTED BY THE INDIAN RIVER SCHOOL DISTRICT, A SCHOOL BUS STOP SHALL BE PROVIDED. THE LOCATION OF THE BUS STOP AREA SHALL BE SHOWN ON THE FINAL SITE PLAN.
- S. ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF SUSSEX COUNTY MAPPING AND ADDRESSING DEPARTMENTS.
- T. A FORESTED LANDSCAPE BUFFER SHALL BE ESTABLISHED AS INDICATED ON THE RPC SKETCH PLAN. THIS MAY INCLUDE THE EXISTING TREES. THE FINAL SITE PLAN SHALL INCLUDE A LANDSCAPE PLAN FOR ALL OF THE BUFFER AREAS, SHOWING ALL OF THE LANDSCAPING AND VEGETATION TO BE INCLUDED IN THE BUFFER AREAS.
- U. AS PROFFERED BY THE APPLICANT, THE COMMUNITY WILL NOT CONTAIN ANY MANUFACTURED HOMES.
- V. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.

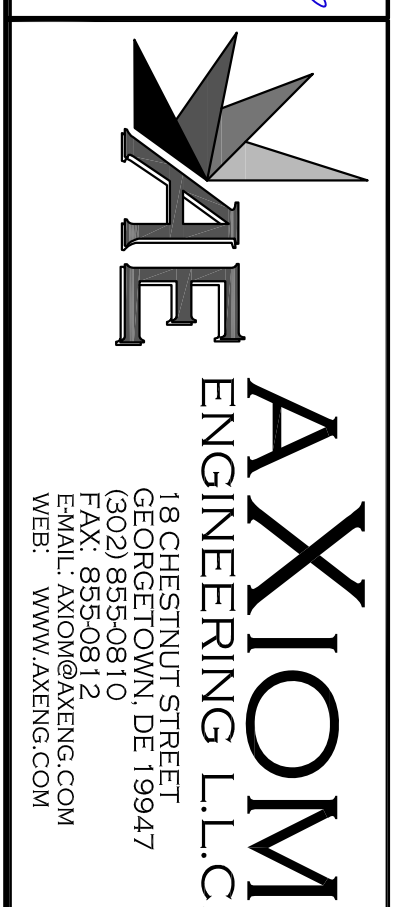
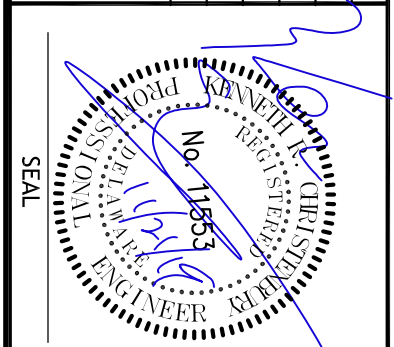


[illegible]

[illegible]

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	EW
CHECKED BY:	KRC
DATE:	8/22/2019
TAX MAP:	13+16.00-51.00

24' x 36' 1 inch = 100 ft.
11' x 17' 1 inch = 200 ft.



COVER SHEET	PROJECT NO. 0188-1502
SKETCH PLAN FOR CZ #1900 EVERGREEN RESIDENTIAL PLANNED COMMUNITY BALTIMORE HUNDRED, SUSSEX COUNTY, DE	DRAWING: CZ-3 SHEET: 3 OF 3

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JANELLE CORNWELL, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date December 12, 2019

Application: CU 2200 & CZ 1901 Mary and Victor Rico

Applicant/Owner: Mary and Victor Rico
31422 Indian Mission Road
Millsboro, DE 19966

Site Location: 20797 Sunset Ln. North side of John J. Williams Hwy., approximately
0.28 mile northeast of Camp Arrowhead Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: MR (Medium Residential District)

Proposed Use: Multi-Family (7 Units)

Comprehensive Land
Use Plan Reference: Commercial and Coastal Areas

Councilmatic
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County

Water: Private, On-Site

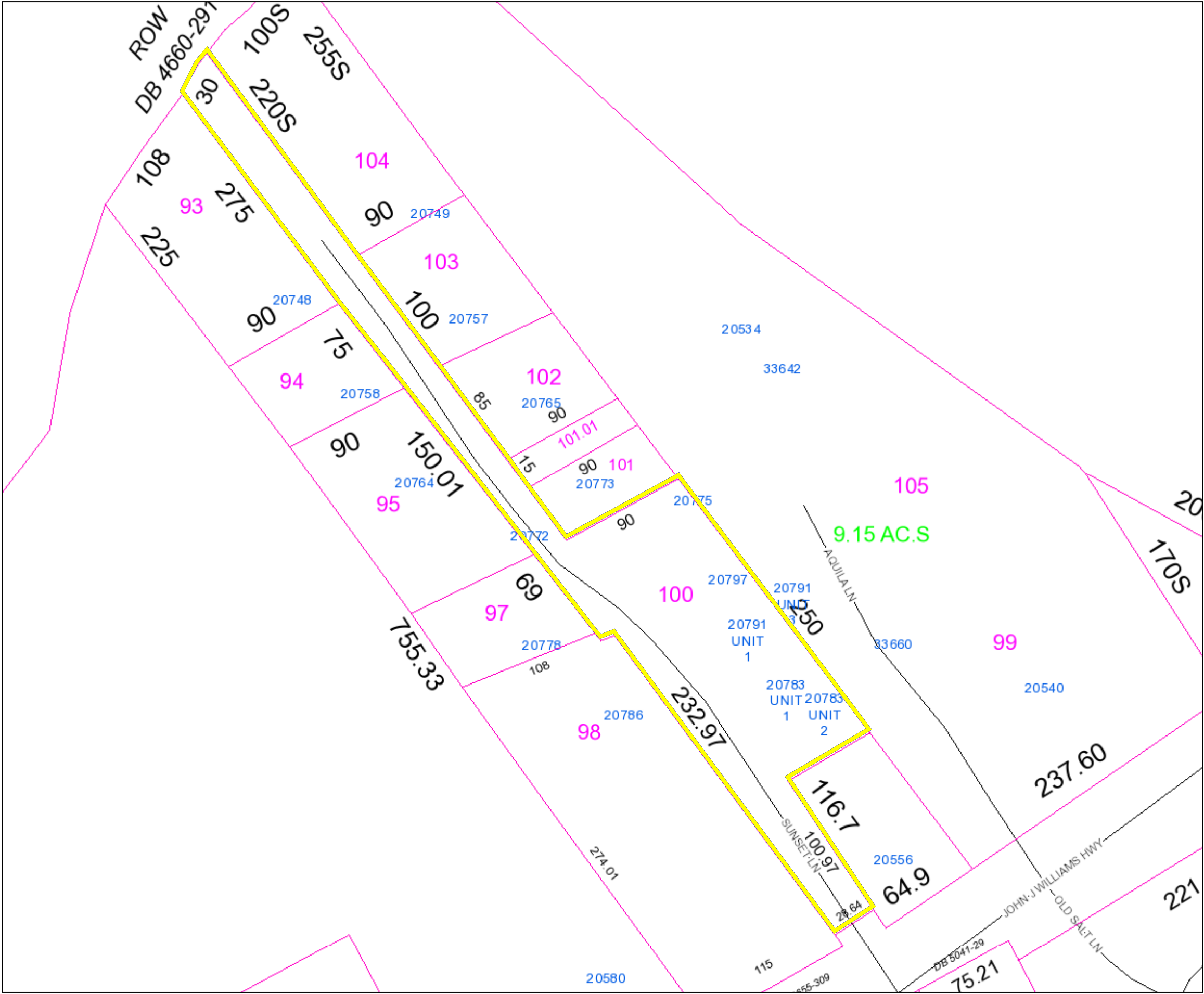
Site Area: 0.927 ac. +/-

Tax Map ID.: 234-7.00-100.00



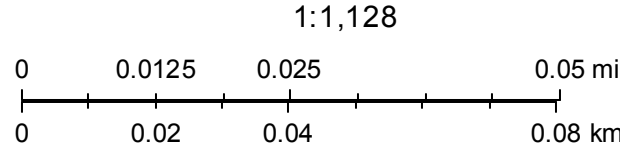


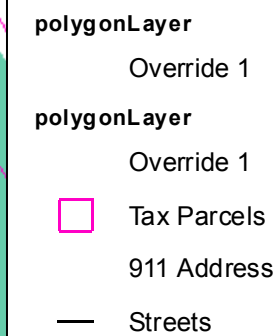
Sussex County



PIN:	234-7.00-100.00-1
Owner Name	RICO VICTOR A
Book	4725
Mailing Address	32183 POWELL FARM RD
City	FRANKFORD
State	DE
Description	LOVE CREEK COTTAGES
Description 2	CONDO UNIT 1
Description 3	N/A
Land Code	

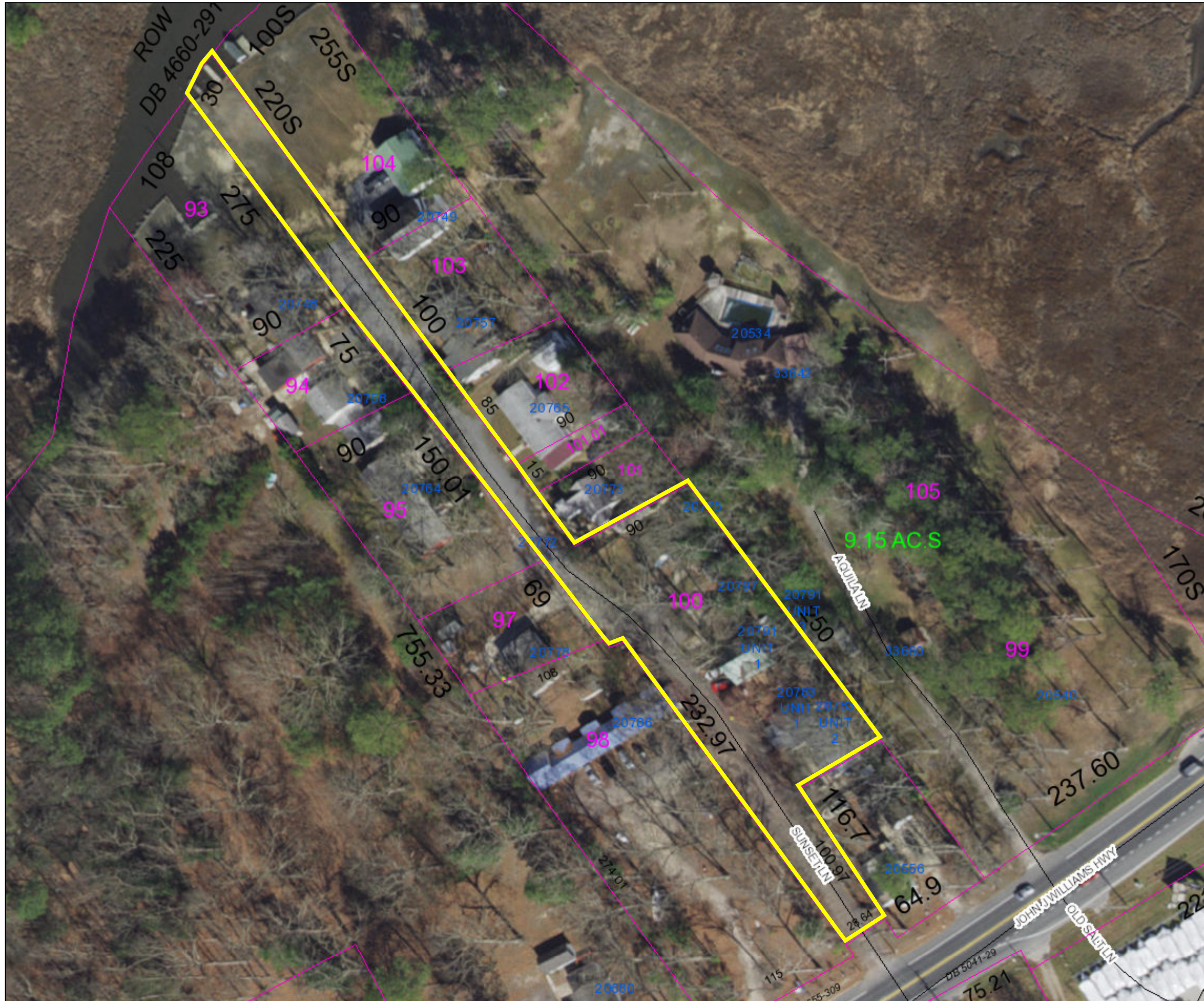
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Override 1
- polygonLayer
Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries





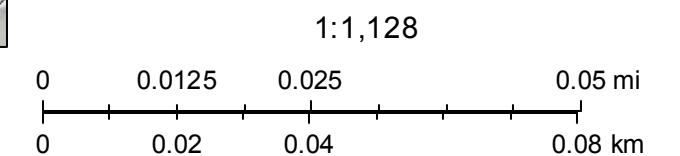


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Override 1
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Override 1
- Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries





Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: December 3, 2019
RE: Staff Analysis for CZ 1901 Mary and Victor Rico

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1901 Mary and Victor Rico to be reviewed during the December 12, 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 234-7.00-100.00 to facilitate a change from the Agricultural Residential (AR-1) Zoning District to a Medium-Density Residential (MR) Zoning District and is located at 20797 Sunset Lane in Lewes, DE 19958. The size of the property is 0.927 acres +/-.

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

The surrounding land use to the north and east are designated "Coastal Areas." Coastal Areas support a range of housing types including single-family homes, townhouses, and multi-family units provided that special environmental concerns are addressed. The adjacent parcels to the west and south of the subject parcel are designated "Commercial Areas." "Commercial Areas include concentrations of retail and service uses, commercial corridors, shopping centers, hotels, motels, car washes and auto dealers. This includes other medium and larger scale commercial uses as well as mixed-use buildings.

Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan states that the Medium Density Residential Zoning District may be appropriate within the Coastal Areas designation. However, the Medium Density Residential Zoning District is not specifically listed as an applicable Zoning District in the Commercial Area.

The property is zoned AR-1 (Agricultural Residential District.) The property directly to the north of the application site is zoned Agricultural Residential District (AR-1). Properties to the east and south are zoned Agricultural Residential (AR-1) and existing properties on the opposite side of John J. Williams Highway (Route 24) are zoned Marine (M). The parcels to the west reflect a variety

of zoning districts and include a mixture of Agricultural Residential (AR-1), Neighborhood Business (B-1) and Medium Density Residential (MR).

Since 2011, there have not been any other Change of Zone applications considered within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Medium Density Residential (MR) in this location may be considered consistent with the surrounding land use, area zoning, and uses.

File #: 221901
201909218

Planning & Zoning Commission Application Sussex County, Delaware

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

RECEIVED

AUG 12 2019

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use ☐

Zoning Map Amendment ☒

Site Address of Conditional Use/Zoning Map Amendment

20797 Sunset Lane Lewes, DE 19958

Type of Conditional Use Requested:

Change of zone from AR to MR. Conditional Use for 3 additional units. 3 apartments in one building and 2 apartments in another building.

Tax Map #: 234 7.00 100.00

Size of Parcel(s): .927 acres

Current Zoning: AR - I

Proposed Zoning: MR

Size of Building: 4144 sq. ft.

Land Use Classification: Coastal Area

Water Provider: Well

Sewer Provider: County Required

Applicant Information

Applicant Name: Mary and Victor Rico

Applicant Address: 31422 Indian Mission Road

City: Millsboro

State: DE

Zip Code:

Phone #: (302) 212-7545

E-mail:

Owner Information

Owner Name: same

Owner Address:

City:

State:

Zip Code:

Phone #:

E-mail:

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Tim Willard 26 the Circle

Agent/Attorney/Engineer Address:

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 856-7777

E-mail: tim@fwsslaw.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:

8/12/19

Signature of Owner

Date:

For office use only:

Date Submitted: 8/12/19

Staff accepting application: SR

Location of property: _____

Fee: \$500.00 Check #: 17776

Application & Case #: 201909218

Subdivision: _____

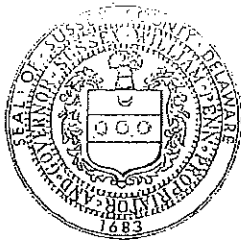
Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____

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: 6/21/20

Site Information:

Site Address/Location: 20797 Sunset Lane, Lewes, DE 19958

Tax Parcel Number: 234-7.00-100.00 unit 1 and 2

Current Zoning: AR

Proposed Zoning: C/U

Land Use Classification: ESDD

Proposed Use(s): Unit 1, 3 apartments
Unit 2, 2 apartments
Pre-existing Condominimized '01

Square footage of any proposed buildings or number of units: 5 units, app 3144 sq. ft

Applicant Information:

Applicant's Name: Victor and Mary Rico c/o Tim Willard, Esq. 26 The Circle, Georgetown DE 19947

Applicant's Address: 32183 Powll Farm Road

City: Frankford State: DE Zip Code: 19945

Applicant's Phone Number: (302) 856-7777

Applicant's e-mail address: tim@fwsslaw.com



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

Last updated 7-27-16

RECEIVED
JUN 21 2019
SUSSEX COUNTY
PLANNING & ZONING



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION

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

JENNIFER COHAN
SECRETARY

July 11, 2019

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

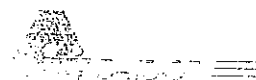
Dear Ms. Cornwell:

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Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Hollymount Road (Sussex Road 48) to Warrington Road (Sussex Road 275), are 19,142 and 24,636 vehicles per day, respectively.

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



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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **11/21/2019**

APPLICATION: **CU 2200 & CZ 1901 Mary and Victor Rico**

APPLICANT: **Mary and Victor Rico**

FILE NO: **ANG-4.06**

TAX MAP &
PARCEL(S): **234-7.00-100.00**

LOCATION: **20797 Sunset Lane. North side of John J. Williams Highway,
approximately 0.28 mile northeast of Camp Arrowhead Road.**

NO. OF UNITS: **Multi-family (7 units) – Upzoning from AR-1 to MR.**

GROSS
ACREAGE: **0.927**

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, As Proposed** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **There are currently 2 EDU's connected on this parcel.** 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 **Nicole Bixby** 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: **There are already 7 units on this parcel according to the addressing on the tax map.**

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

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

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
Nicole Bixby

DECLARATION PLAN

LOVE CREEK COTTAGES CONDOMINIUM

ON SUNSET LANE & AREA ENCOMPASSING ALL OF SUNSET LANE
ON WESTERLY SIDE OF ROUTE 24

INDIAN RIVER HUNTERED,
SUSSEX COUNTY DELAWARE

WINGATE & ESCHENBACH, REGISTERED SURVEYORS
P.O. BOX 142, TRENHOBTH BEACH, DE 19971

SHEET 1 OF 2

PLANNERS CERTIFICATION

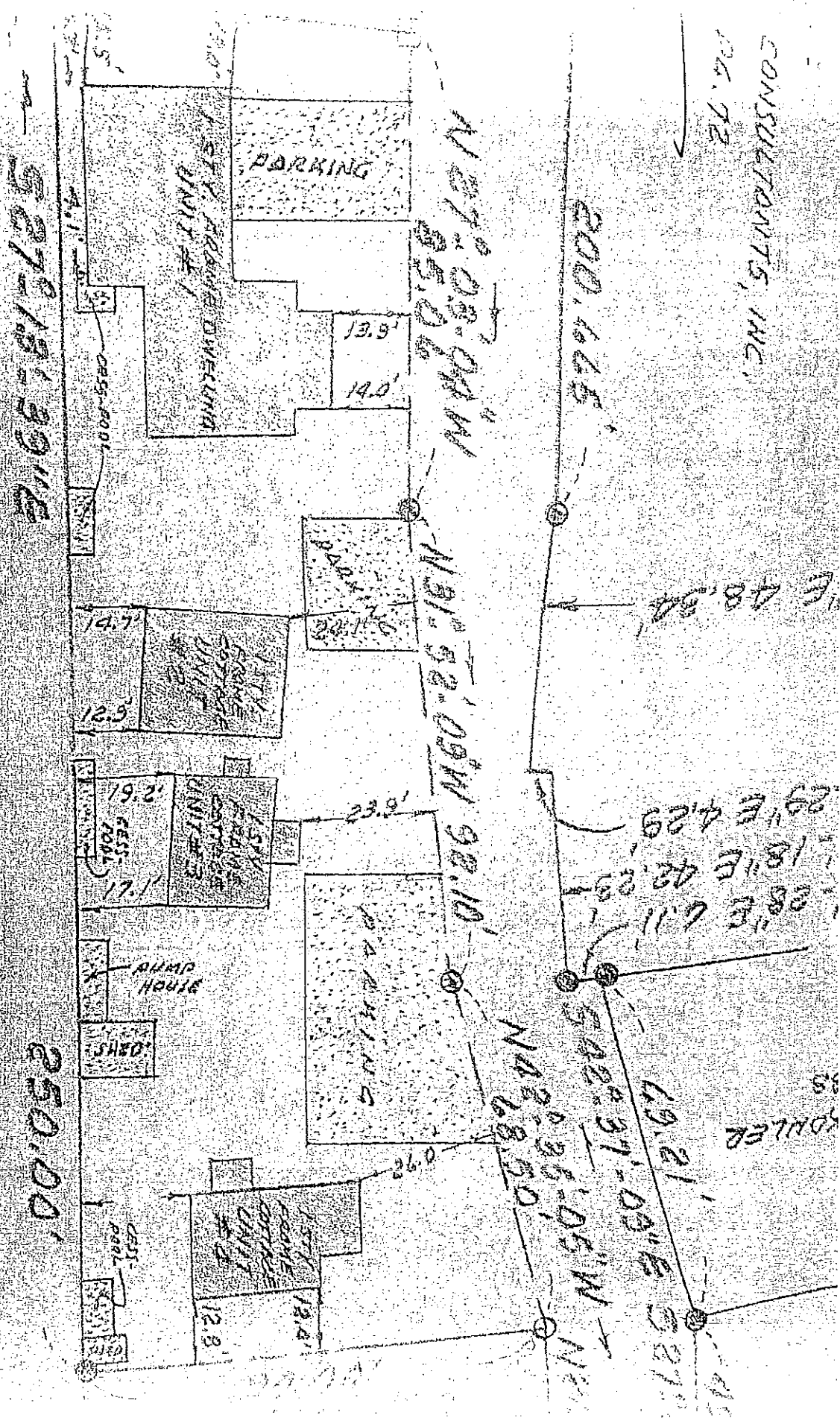
SHOWS THE PROPERTY, THE LOCATION,
INCLUDING THE UNITS AND
SETS FORTH THE NAME BY WHICH THE
AND THE UNIT DESIGNATION FOR

LAND OWNERSHIP

LAND SHALL BE IN COMMON OWNERSHIP UNDER A CONDOMINIUM REGIME
CREATED PURSUANT TO THE UNIT PROPERTY ACT, TITLE 25, SECTION 2201 et
seq. OF THE DELAWARE CODE AS AMENDED.

FILE COPY

CONSULTANTS, INC.
206.72



DAVID L. & MARY ANN HOPKINS D.D. 20

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JANELLE CORNWELL, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date December 12, 2019

Application: CU 2200 & CZ 1901 Mary and Victor Rico

Applicant/Owner: Mary and Victor Rico
31422 Indian Mission Road
Millsboro, DE 19966

Site Location: 20797 Sunset Ln. North side of John J. Williams Hwy., approximately
0.28 mile northeast of Camp Arrowhead Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: MR (Medium Residential District)

Proposed Use: Multi-Family (7 Units)

Comprehensive Land
Use Plan Reference: Commercial and Coastal Areas

Councilmatic
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County

Water: Private, On-Site

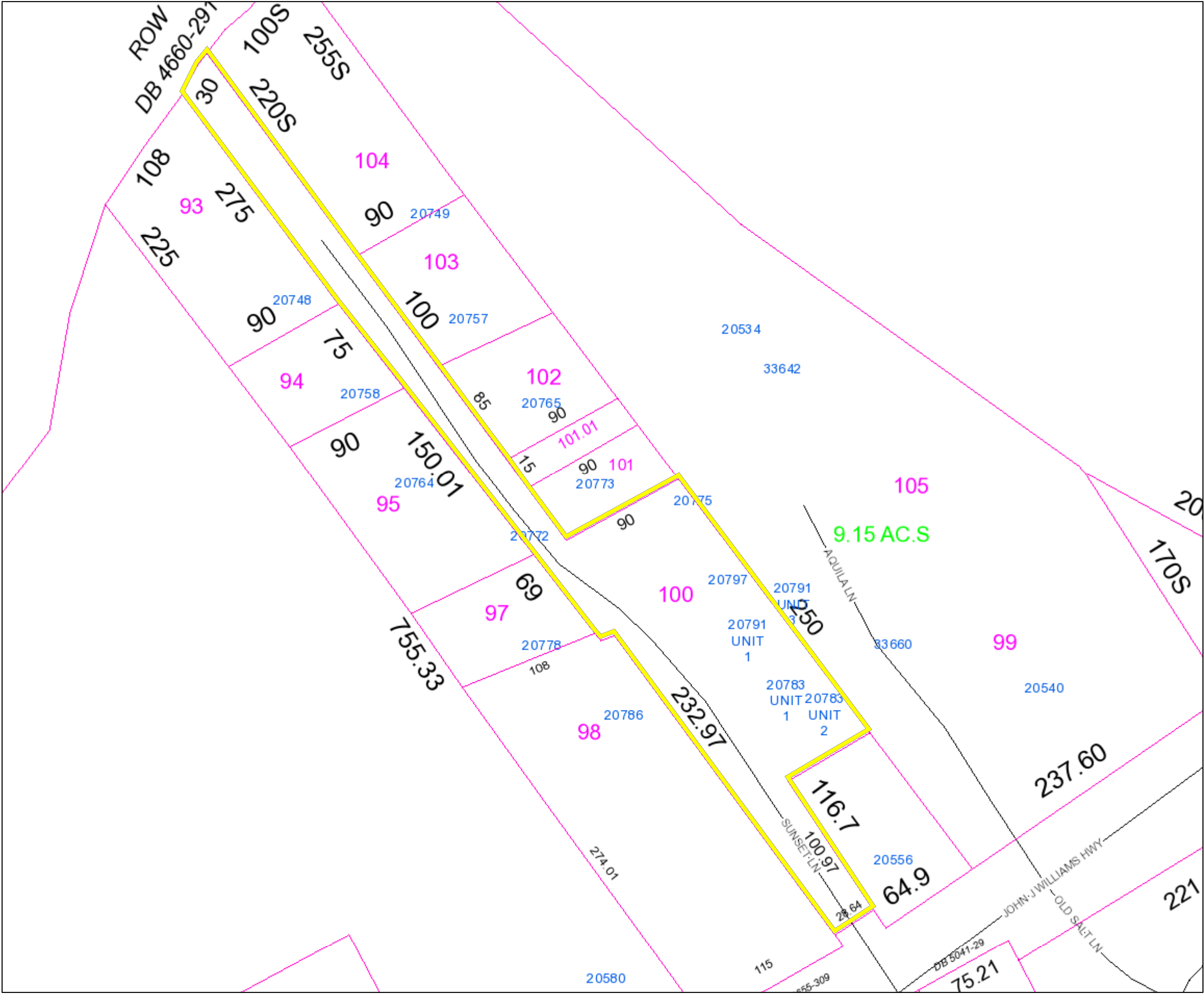
Site Area: 0.927 ac. +/-

Tax Map ID.: 234-7.00-100.00



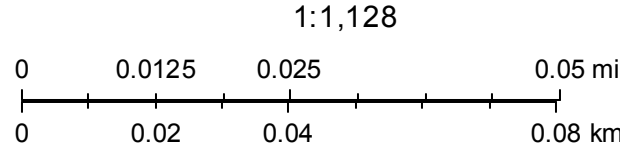


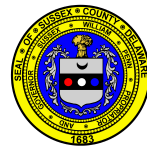
Sussex County



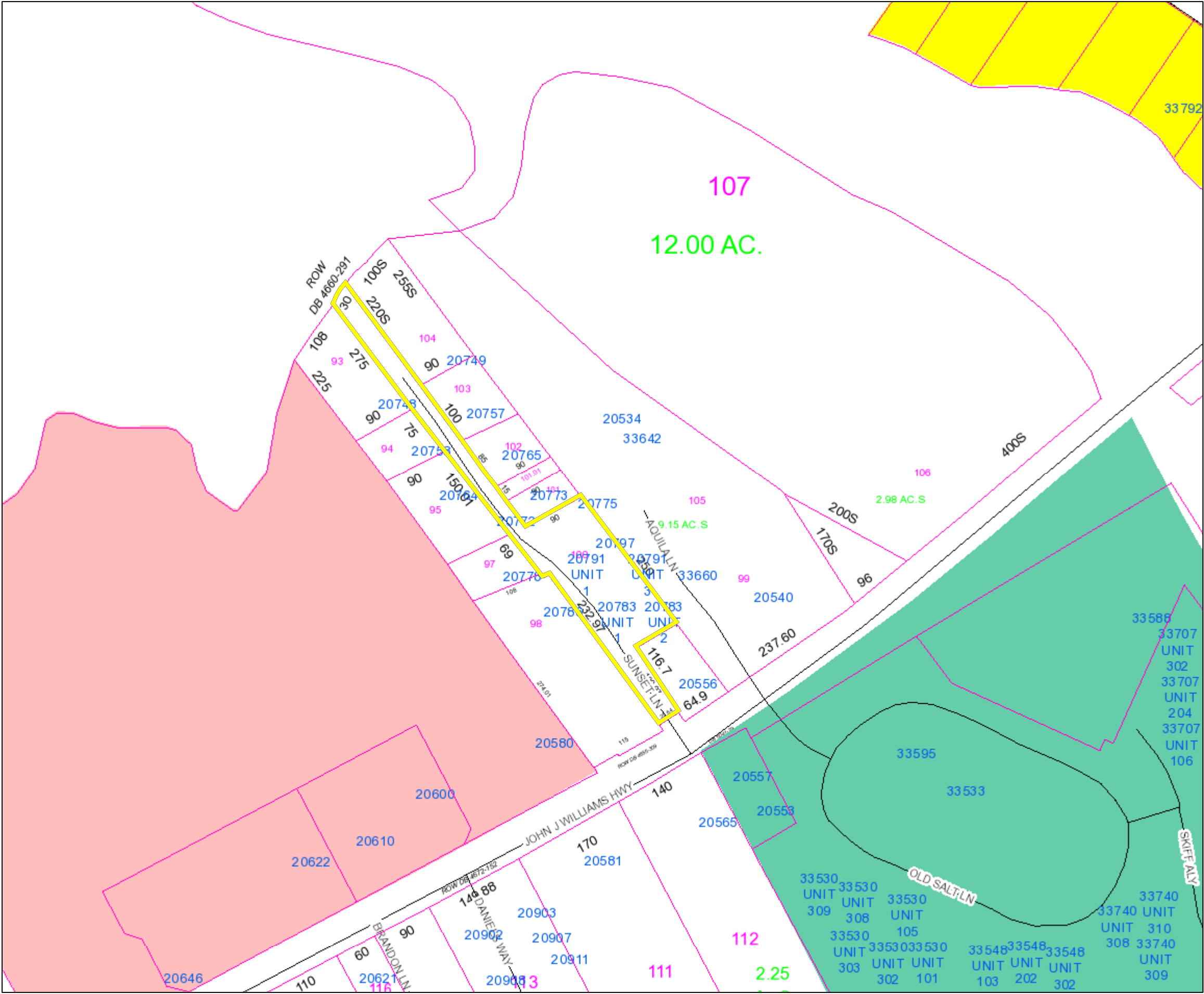
PIN:	234-7.00-100.00-1
Owner Name	RICO VICTOR A
Book	4725
Mailing Address	32183 POWELL FARM RD
City	FRANKFORD
State	DE
Description	LOVE CREEK COTTAGES
Description 2	CONDO UNIT 1
Description 3	N/A
Land Code	

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





Sussex County

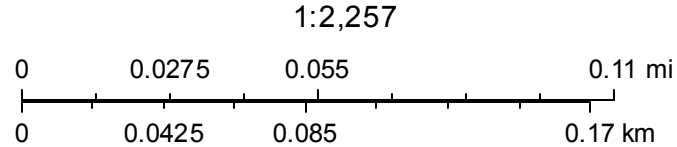


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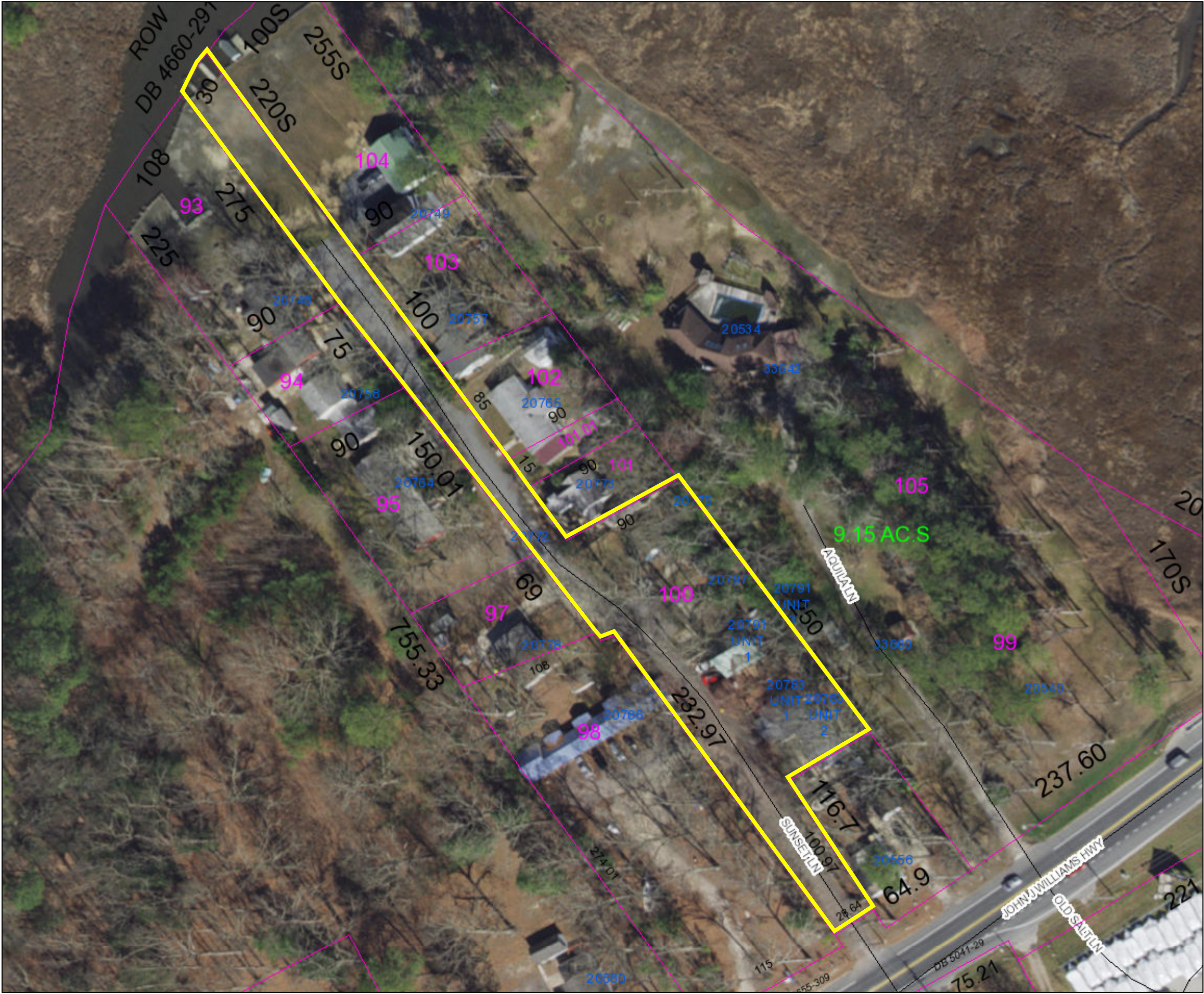
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Override 1
- Tax Parcels
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Sussex County

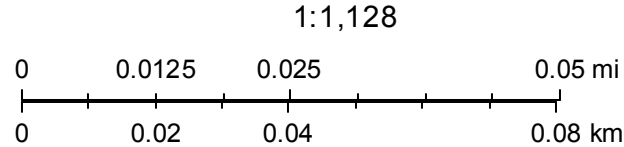


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Override 1
- Tax Parcels
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- Streets
- County Boundaries



PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members

From: Jennifer Norwood, Planner I

CC: Vince Robertson, Assistant County Attorney and applicant

Date: December 5, 2019

RE: Staff Analysis for CU 2200 Mary and Victor Rico

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2200 Mary and Victor Rico to be reviewed during the December 12, 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 234-7.00-100.00 to allow for multi-family (7 units) to be located at 20797 Sunset Lane, Lewes. The size of the property is 0.927 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. Also included as part of the Comprehensive Plan is the Future Land Use Map to help determine how land should be zoned and to ensure responsible future development. The Future Land Use Map indicates that the property has the land use designation of "Commercial Areas."

The surrounding land use to the north and east are designated as "Coastal Areas." Coastal Areas support a range of housing types including single-family homes, townhouses, and multi-family units provided that special environmental concerns are addressed. The adjacent parcels to the west and south of the subject parcel are designated "Commercial Areas." "Commercial Areas include concentrations of retail and service uses, commercial corridors, shopping centers, hotels, motels, car washes and auto dealers. This includes other medium and larger scale commercial uses as well as mixed-use buildings.

The property is zoned AR-1 (Agricultural Residential District.) The property directly to the north of the application site is zoned Agricultural Residential District (AR-1). Properties to the east and south are zoned Agricultural Residential (AR-1) and existing properties on the opposite side of John J. Williams Highway (Route 24) are zoned Marine (M). The parcels to the west reflect a variety of zoning districts and include a mixture of Agricultural Residential (AR-1), Neighborhood Business (B-1) and Medium Density Residential (MR).

Since 2011, there have not been any other Conditional Use application within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for multi-family (7 units) may be considered consistent with the land use, area zoning and uses.



File #: CU 2200
201909219

Planning & Zoning Commission Application Sussex County, Delaware

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

RECEIVED

AUG 12 2019

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

Site Address of Conditional Use/Zoning Map Amendment

20797 Sunset Lane Lewes, DE 19958

Type of Conditional Use Requested:

Change of zone from AR to MR. Conditional Use for 3 additional units. 3 apartments in one building and 2 apartments in another building.

Tax Map #: 234 7.00 100.00

Size of Parcel(s): .927 acres

Current Zoning: AR

Proposed Zoning: MR

Size of Building: 4144 sq. ft.

Land Use Classification: Coastal Area

Water Provider: Well

Sewer Provider: County Required

Applicant Information

Applicant Name: Mary and Victor Rico

Applicant Address: 31422 Indian Mission Road

City: Millsboro

State: DE

Zip Code:

Phone #: (302) 212-7545

E-mail:

Owner Information

Owner Name: same

Owner Address:

City: State: Zip Code:

Phone #: E-mail:

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Tim Willard 26 the Circle

Agent/Attorney/Engineer Address:

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 856-7777

E-mail: tim@fwsslaw.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ **Completed Application**

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

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

☒ **Provide Fee \$500.00**

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

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

☒ **DelDOT Service Level Evaluation Request Response**

☐ **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: 8/12/19

Signature of Owner

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Fee: \$500.00 Check #: 17775

Application & Case #: 201909219

Subdivision: _____

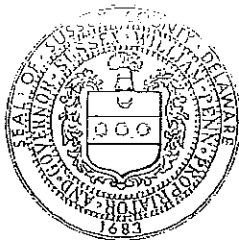
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PLANNING & ZONING
JANELLE M. CORNWELL, AICP
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Service Level Evaluation Request Form

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

JENNIFER COHAN
SECRETARY

July 11, 2019

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

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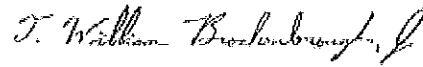
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Ms. Janelle M. Cornwell
Page 2 of 2
July 11, 2019

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

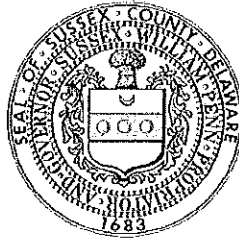
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Victor and Mary Rico c/o Tim Willard, Esq., Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & 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
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Sussex County

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Applicant's e-mail address: tim@fwsslaw.com



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

E-MAIL: 8:42 AM
7/10/2019

Last updated 7-27-18

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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **11/21/2019**

APPLICATION: **CU 2200 & CZ 1901 Mary and Victor Rico**

APPLICANT: **Mary and Victor Rico**

FILE NO: **ANG-4.06**

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UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
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DECLARATION PLAN

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SHEET 1 OF 2

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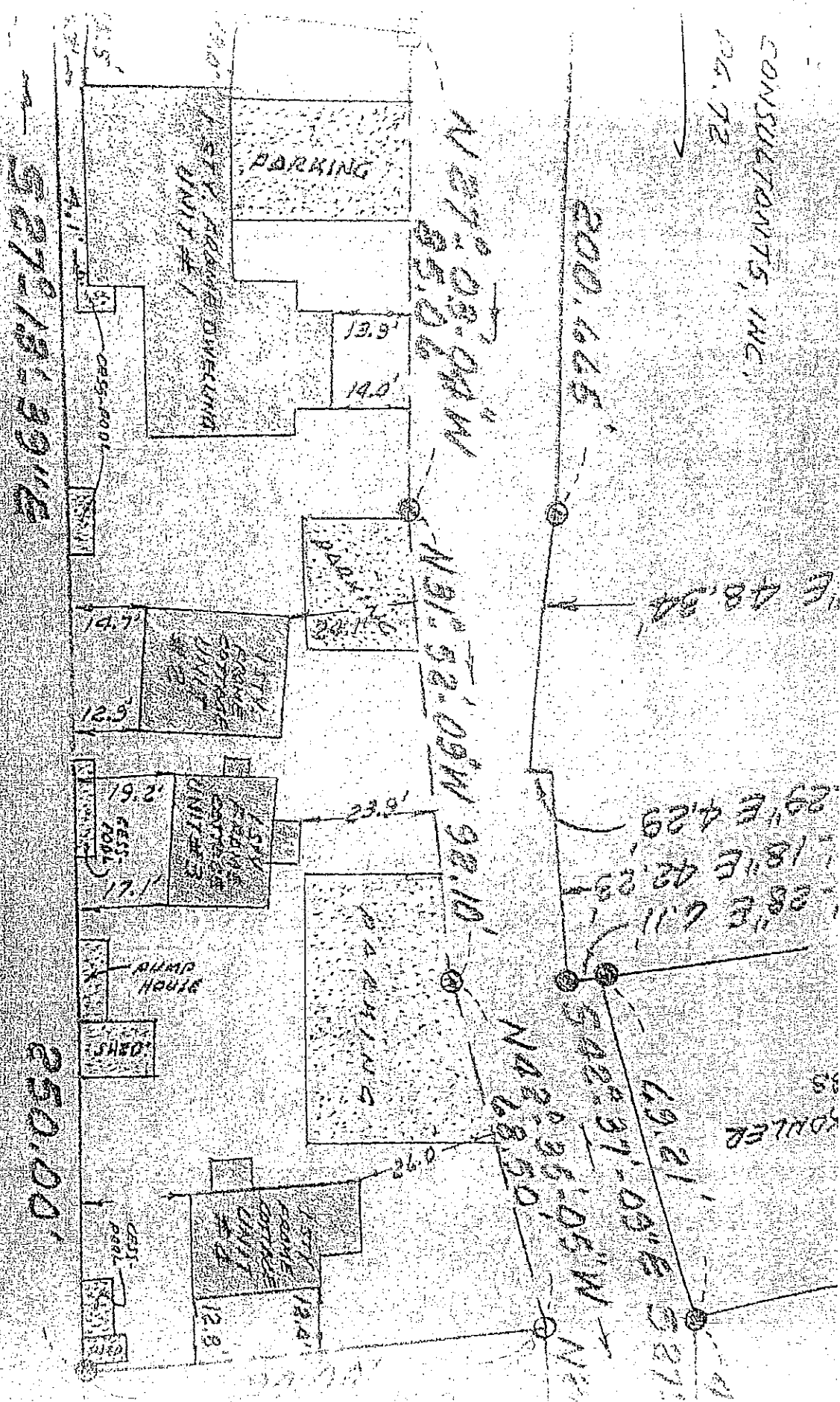
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AND THE UNIT DESIGNATION FOR

LAND OWNERSHIP

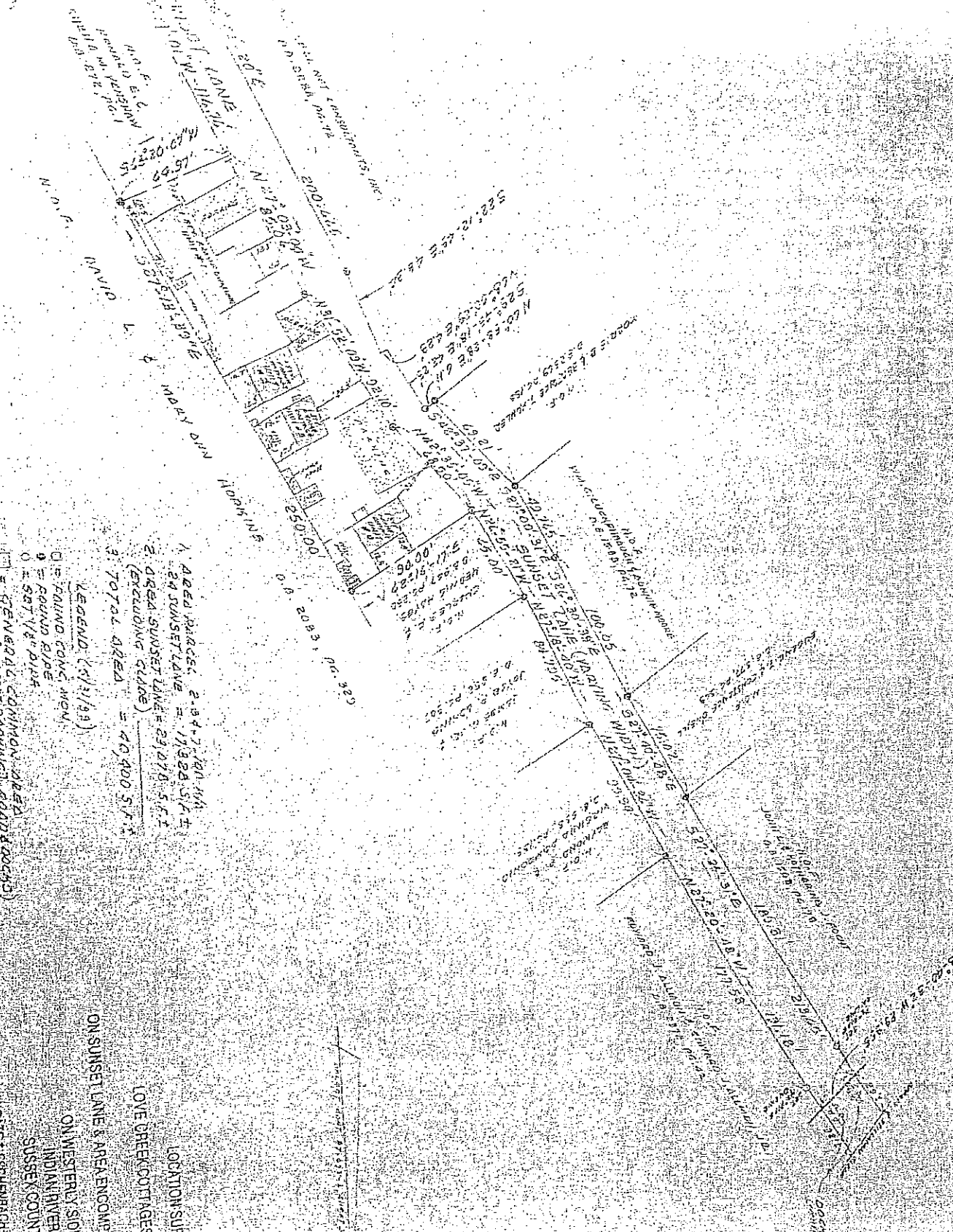
LAND SHALL BE IN COMMON OWNERSHIP UNDER A CONDOMINIUM REGIME
CREATED PURSUANT TO THE UNIT PROPERTY ACT, TITLE 25, SECTION 2201 et
seq. OF THE DELAWARE CODE AS AMENDED.

FILE COPY

CONSULTANTS, INC.
06.72



DAVID L. & MARY ANN HOPKINS D.B. 20



1. AREA PLACED, 2.347 AC. IN 1/4
2. SUBSET LANE = 17,322 S.F.
3. AREA SUBSET LANE = 23,270 S.F.
4. (EXCLUDING GULCH)
5. TOTAL AREA = 40,400 S.F.

LEGEND (5/31/99)

- = FOUND CONC. MON.
- = FOUND PIPE
- = 50T/18" PIPE

RENEGADE COMMON AREA

(LAND [KIND] PARKING, ROAD, POOL, etc.)

(PARKING, CEILING, SWEET, PLUMB, HOUSE)

ON SUNSET LANE & AREA ENCOMPASSING ALL THE

ON WESTERN SIDE OF ROUTE

INDIAN RIVER HUNDRED

SUSSEX COUNTY, DELAWARE

WINGATE & ESCHENBACH RESIDENTIAL SUBDIVISION

P.O. BOX 122, HOBOKEN, NJ 07030

SCALE 1" = 40'

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JANELLE CORNWELL, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date December 12, 2019

Application: CU 2199 OA-Rehoboth, LLC

Applicant: OA-Rehoboth, LLC
18949 Coastal Hwy., Unit 301
Rehoboth Beach, DE 19971

Owner: Herola Family, LLC
4660 19th St.
San Francisco, CA 94114

Site Location: South of John J. Williams Hwy., approximately 0.29 mile east of
Warrington Rd.

Current Zoning: CR-1 (General Commercial District)

Proposed Use: Multi-Family (224 Units)

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmatic
District: Mr. Hudson

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire District

Sewer: Sussex County

Water: Tidewater

Site Area: 18.793 ac. +/-

Tax Map ID.: 334-12.00-127.01 & 127.10



Mailing List Exhibit Map
Planning & Zoning Commission
CU 2199
OA-Rehoboth, LLC
334-12.00-127.01 & 127.10

127.03
3.10 Ac.

127.09
1.74 Ac.

127.08
1.29 Ac.

127.07
1.25 Ac.

127.10
17.41 Ac.

127.06
1.73 Ac.

127.01

John J Williams Hwy

Copper Dr N

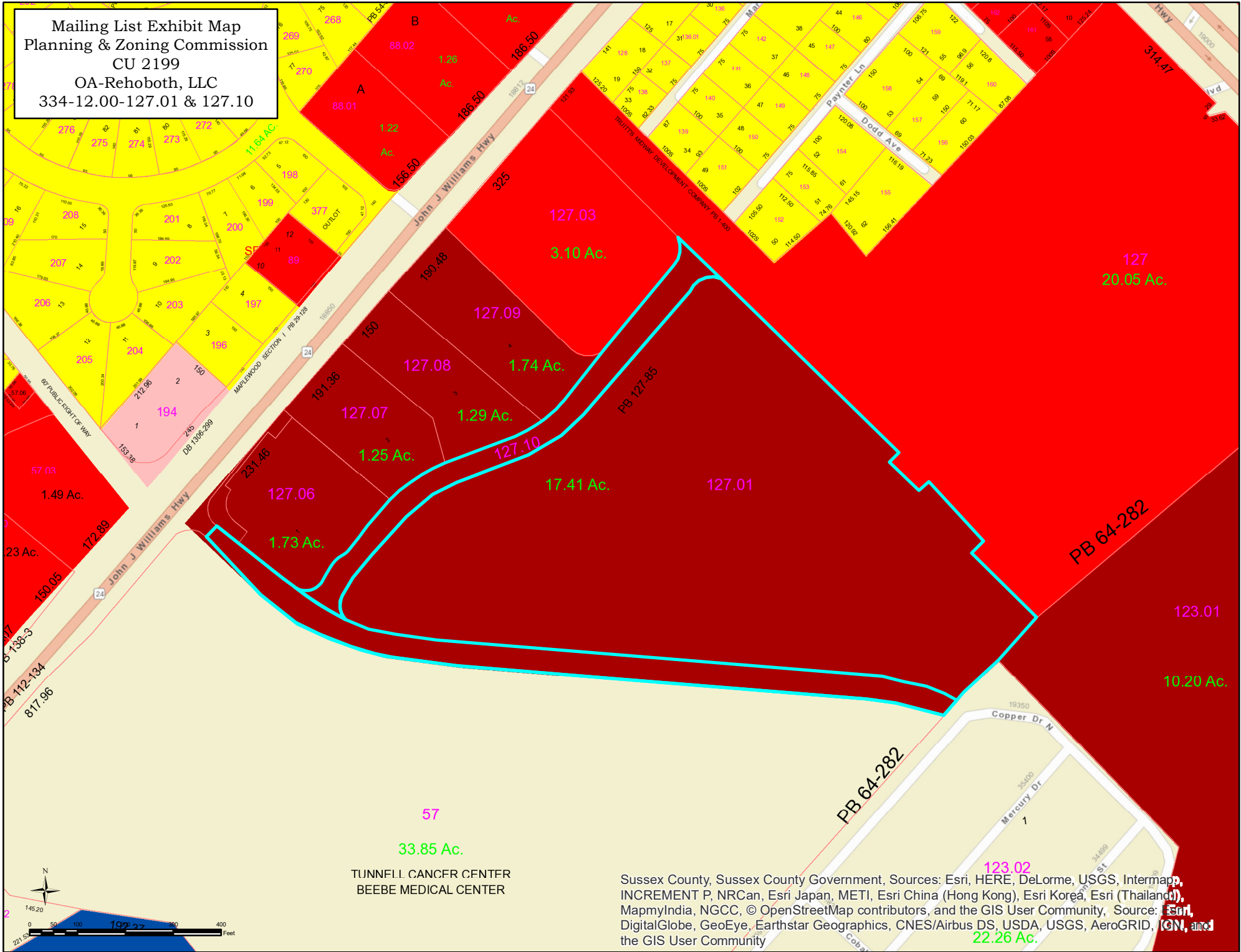
334-12.00-127.01 & 127.10

0 37.5 75 150 225 300 Feet

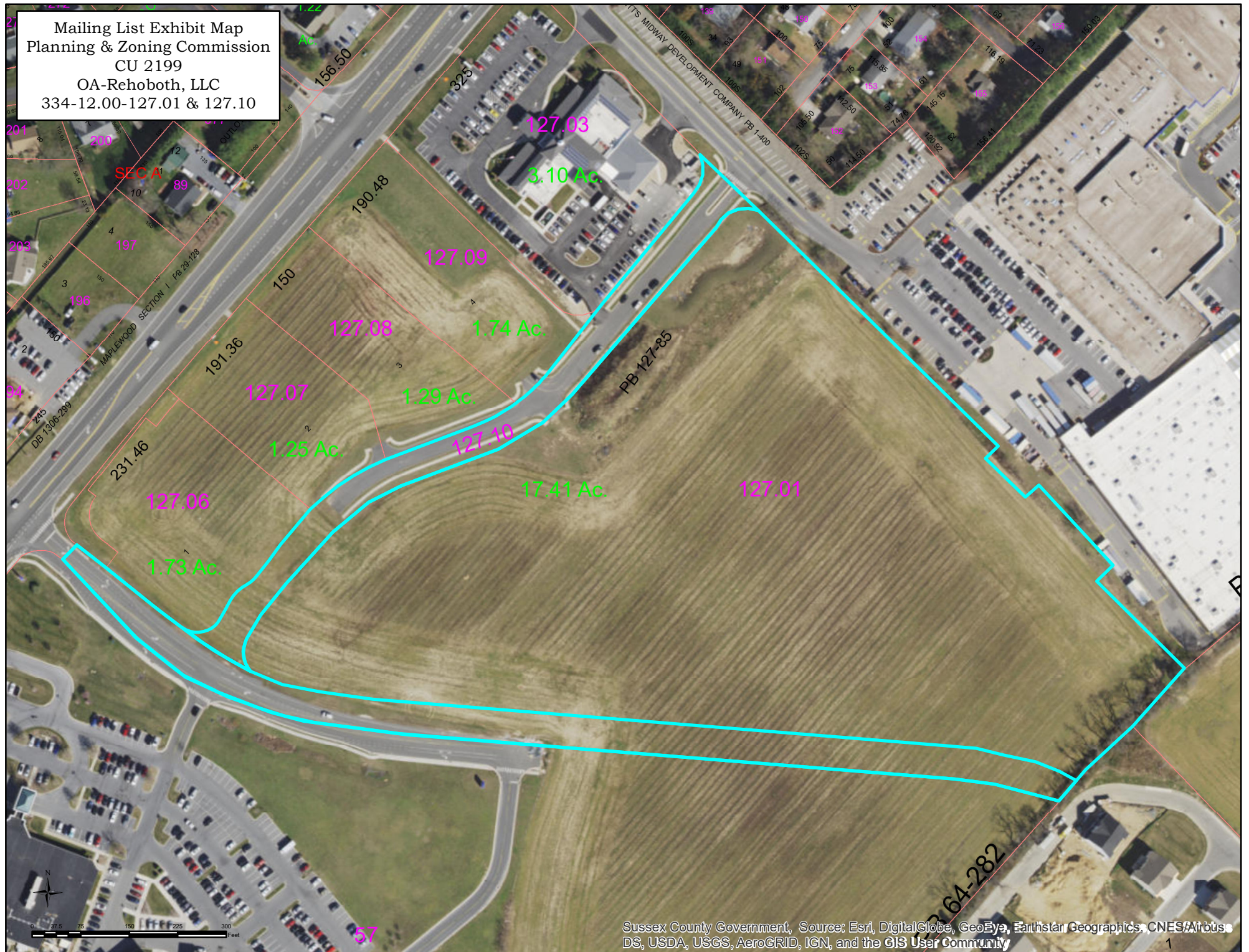
Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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Mailing List Exhibit Map
Planning & Zoning Commission
CU 2199
OA-Rehoboth, LLC
334-12.00-127.01 & 127.10



Mailing List Exhibit Map
Planning & Zoning Commission
CU 2199
OA-Rehoboth, LLC
334-12.00-127.01 & 127.10





Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, Planning & Zoning Manager
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: December 5, 2019
RE: Staff Analysis for CU 2199 OA Rehoboth, LLC

This memo is to provide background and analysis for the Planning Commission to consider as part of application CU 2199 OA Rehoboth, LLC to be reviewed during the December 12, 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 parcels 334-12.00-127.01 & 127.10 to allow for Multi-Family (224 Units). The size of the property to be used as the Conditional Use is 18.7 Acres +/-.

The application site forms part of a lands associated with application CZ 1732, which was approved for a Change of Zone from AR-1 (Agricultural Residential Zoning District) to CR-1 (Commercial Residential Zoning District) on September 24, 2013.

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 Coastal Areas land use designation recognizes that *"a range of housing types should be permitted in Coastal Areas, including single family homes, townhouses, and multi-family units."*

The adjoining lands to the north, north-east and south-west are all designated on the Future Land use Map as Commercial Areas. Many of these parcels contain commercial uses.

The application property, and the four parcels to the north west along John J. Williams Highway are all zoned CR-1 (Commercial Residential Zoning District). The properties to the north and north-east are zoned C-1 (General Commercial Zoning District). The parcels to the south, which include the Beebe Medical Center, are zoned AR-1 (Agricultural Residential District).

There are other Conditional Use approvals within a 1-mile radius of the application site. Since 2011, there has been one Conditional Use approval (CU 2072) for multi-family dwelling structures (20 units) on a 5.1 acre parcel of land (Tax Parcel 334-13.00-27.00) that was approved on May 23, 2017, subject to conditions of approval.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for multi-family dwellings, subject to consideration of the scale and impact of the use, could be considered as being consistent with the land use, area zoning and adjoining uses.



Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

Type of Conditional Use Requested:

Tax Map #:

Size of Parcel(s):

Current Zoning:

Proposed Zoning:

Size of Building:

Land Use Classification:

Water Provider:

Sewer Provider:

Applicant Information

Applicant Name:

Applicant Address:

City:

State:

ZipCode:

Phone #:

E-mail:

Owner Information

Owner Name:

Owner Address:

City:

State:

Zip Code:

Phone #:

E-mail:

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name:

Agent/Attorney/Engineer Address:

City:

State:

Zip Code:

Phone #:

E-mail:



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

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

Provide Fee \$500.00

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

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

DeIDOT Service Level Evaluation Request Response

PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Date:

Signature of Owner

Date:

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

JENNIFER COHAN
 SECRETARY

September 10, 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 **OA-Rehoboth, LLC** conditional use application, which we received on August 12, 2019. This application is for a 17.37-acre parcel (Tax Parcel: 334-12.00-127.01). The subject land is located on the southeast side of Delaware Route 24, approximately 1,600 feet northeast of the intersection of Delaware Route 24 and Warrington Road / Plantation Road (Sussex Road 275). The subject land is currently zoned as CR-1 (Commercial Residential) and the applicant is seeking a conditional use approval to develop 216 units of three-story multi-family housing and a 175-unit continuing care retirement community.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Warrington Road to Delaware Route 1, are 19,505 and 25,103 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per a weekly peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.



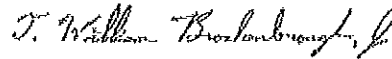
Ms. Janelle M. Cornwell
Page 2 of 2
September 10, 2019

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a development of 216 units of three-story multi-family housing and a 175-unit continuing care retirement community would generate 1,613 vehicle trips per day, 99 vehicle trips during the morning peak hour, and 128 vehicle trips during the evening peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be \$16,130.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvements, including a Traffic Operational Analysis (TOA), if one is found to be necessary during the site plan review process.

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

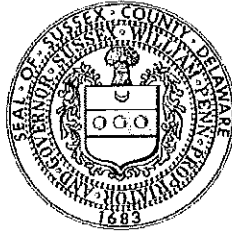
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
OA-Rehoboth, LLC, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gomez 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
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: 10/28/19

Site Information:

Site Address/Location: Southwest of DE Route 1 (Coastal Hwy, 5014), Southeast of DE Route 24 (John J Williams Hwy, 5028), Northwest of Old Landing Road (S274), north of proposed Airport Road extended (S275A)

Tax Parcel Number: 3-34-12.00-127.01

Current Zoning: CR-1

Proposed Zoning: CR-1

Land Use Classification: Environmentally Sensitive Developing Area

Proposed Use(s): Multi-family (4-story) units and a
Continuing Care Retirement Center

Square footage of any proposed buildings or number of units: 224 multi-family, 175 unit Continuing Care

Applicant Information:

Applicant's Name: OA-Rehoboth, LLC

Applicant's Address: 18949 Coastal Highway

City: Rehoboth Beach

State: DE

Zip Code: 19971

Applicant's Phone Number: (302) 227-3573

Applicant's e-mail address: preston@oacompanies.com

PLEASE SEND RESPONSE TO:

Zac Crouch

Davis, Bowen & Friedel, Inc.

1 Park Avenue

Milford, DE 19963

PHONE (302) 424-1441

FAX (302) 424-0430

wzc@dbfinc.com

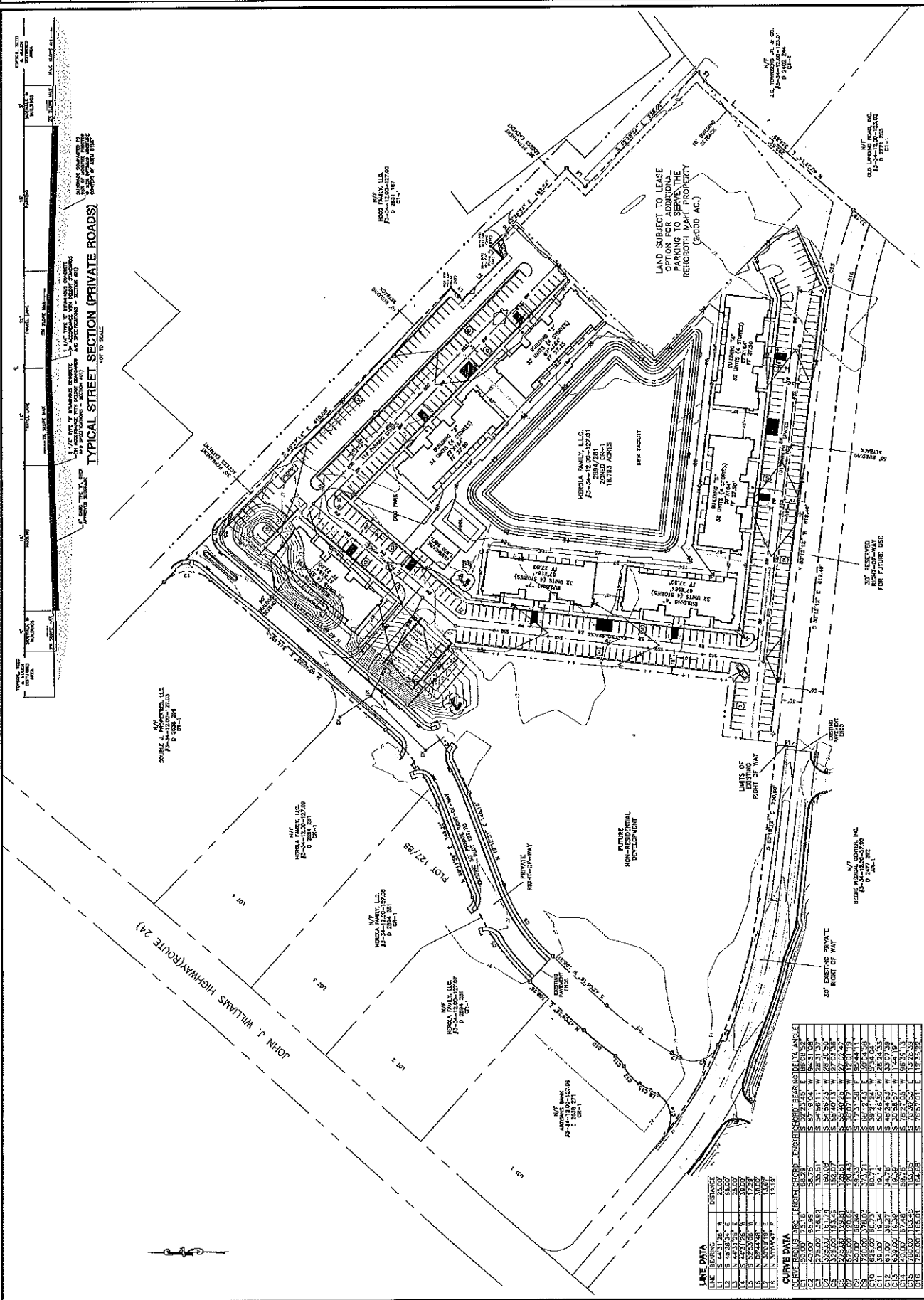
Last updated 7-27-18



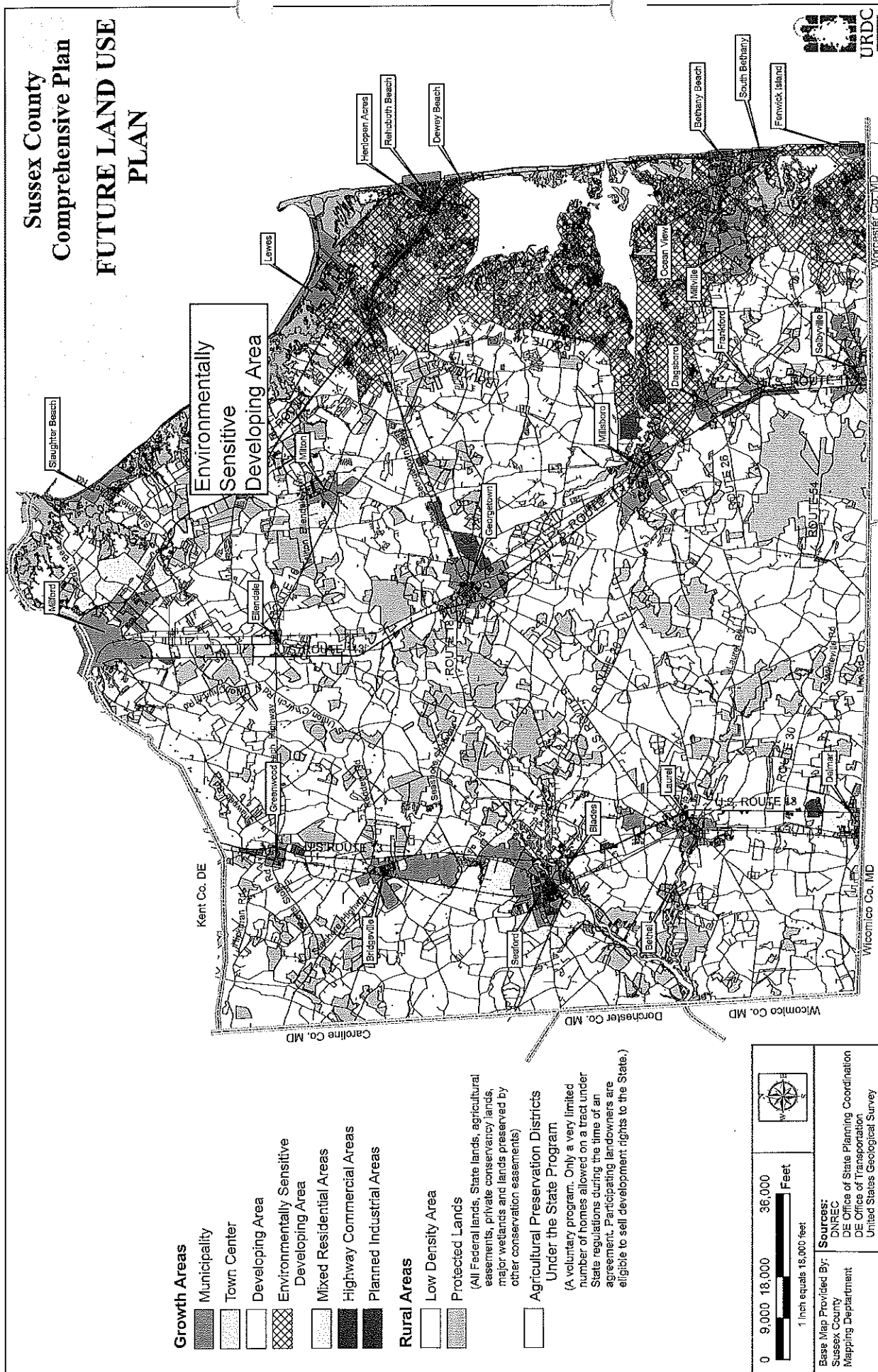
COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

**Herola Property
Sussex County, Delaware
SLER Submission
List of Enclosures**

- Preliminary Site Plan
- Sussex County Future Land Use Plan Map
 - Overview Map
 - Enlarged portion of map to highlight site



Sussex County Comprehensive Plan FUTURE LAND USE PLAN



Growth Areas

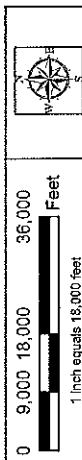
- Municipality
- Town Center
- Developing Area
- Environmentally Sensitive Developing Area
- Mixed Residential Areas
- Highway Commercial Areas
- Planned Industrial Areas

Rural Areas

- Low Density Area
- Protected Lands
(All Federal lands, State lands, agricultural easements, private conservancy lands, major wetlands and lands preserved by other conservation easements)

Agricultural Preservation Districts

Under the State Program
(A voluntary program. Only a very limited number of homes allowed on a tract under State regulations during the time of an agreement. Participating landowners are eligible to sell development rights to the State.)

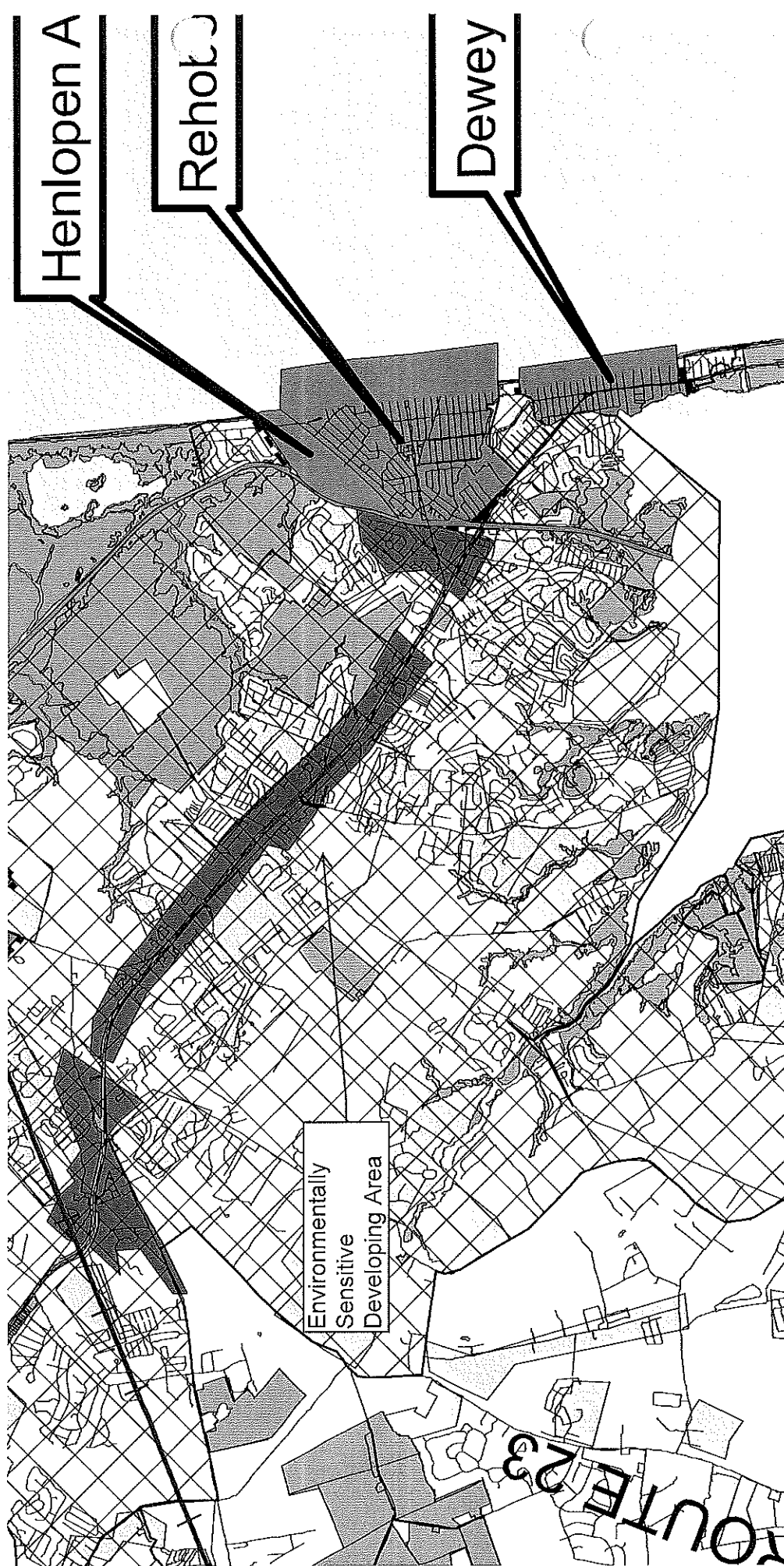


Base Map Provided By:
Sussex County
Mapping Department

Sources:
DNREC
DE Office of State Planning Coordination
DE Office of Transportation
United States Geological Survey



URDC





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

JENNIFER COHAN
SECRETARY

September 10, 2019

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

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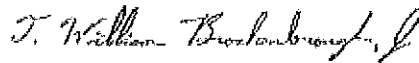
Ms. Janelle M. Cornwell
Page 2 of 2
September 10, 2019

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T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

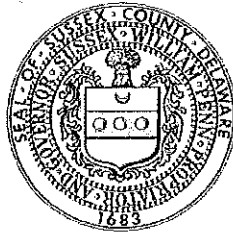
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John Andrescavage, Subdivision Manager, Development Coordination
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Claudy Joinville, Project Engineer, Development Coordination

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: 8/12/19

Site Information:

Site Address/Location: Southwest of DE Route 1 (Coastal Hwy, 5014), Southeast of DE Route 24 (John J. Williams Hwy, 5020), Northwest of Old Landing Road (5274), north of proposed Airport Road extended (5275A)

Tax Parcel Number: 3-34-12.00-127.01

Current Zoning: CR-1

Proposed Zoning: CR-1

Land Use Classification: Environmentally Sensitive Developing Area

Proposed Use(s): Multi-family (3-story) units and a
Continuing Care Retirement Center

Square footage of any proposed buildings or number of units: 216 multi-family, 175 unit Continuing Care

Applicant Information:

Applicant's Name: OA-Rehoboth, LLC

Applicant's Address: 18949 Coastal Highway

City: Rehoboth Beach

State: DE

Zip Code: 19971

Applicant's Phone Number: (302) 227-3573

Applicant's e-mail address: preston@oacompanies.com

PLEASE SEND RESPONSE TO:

Jamie Sechler

Davis, Bowen & Friedel, Inc.

1 Park Avenue

Milford, DE 19963

PHONE (302) 424-1441

FAX (302) 424-0430

jls@dbfinc.com

Last updated 7-27-18



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

**Herola Property
Sussex County, Delaware
SLER Submission
List of Enclosures**

- Preliminary Site Plan
- Sussex County Future Land Use Plan Map
 - Overview Map
 - Enlarged portion of map to highlight site

Wendy Gingerich

From: Wendy Gingerich <wjg@dbfinc.com>
Sent: Tuesday, June 04, 2019 3:10 PM
To: Andrescavage, John (DelDOT); 'Laws, Susanne K (DelDOT)'; 'Brockenbrough, Thomas (DelDOT)'; 'Cote, Marc (DelDOT)'; 'Coakley, Sarah (DelDOT)'
Cc: preston@oacompanies.com; Zac Crouch
Subject: June 3, 2019 Herola Property Project Coordination Meeting Minutes
Attachments: Meeting_Request_Form 2019-04-15 - Herola Property - Meeting Minutes.pdf

All,

Thanks again for meeting with us yesterday (June 3, 2019), to discuss the Herola Property near Rehoboth in Sussex County. We have compiled meeting minutes and they are located at the bottom of page 2 of the meeting request form. Please use the "+" at the bottom right to see all of the minutes.

We look forward to receiving a revised concept design for the Airport Road extension in order to determine the amount of Right-Of-Way (ROW) that the Herola Property would need to dedicate, should the project move forward.

Thanks,

Wendy

Wendy Gingerich Carpenter, P.E. | Traffic Engineer | Davis, Bowen & Friedel, Inc.
1 Park Ave | Milford, DE 19963 | www.dbfinc.com
Office: 302-424-1441 | Fax: 302-424-0430 | Email: wjg@dbfinc.com





DelDOT – Development Coordination Meeting Request Form

In an effort to improve efficiency and prepare for meetings, please complete the requested information below and attach this form in the PDCA. Items **Highlighted** below are required information for all meetings.

Please call (302) 760-2266 if you need assistance. Thank you.

Date of request: 05 / 22 / 2019

Required Information

1. Project Name: Herola Property
2. New Project: YES For All projects, a Pre-Submittal Meeting is required prior to making a formal plan submittal for review IF any of the following apply: The proposed traffic entering and exiting the site, (based upon published ITE Trip Generation Manuals), exceeds 200 Average Daily Trips (ADT), DelDOT approval is more than 3 years old, or Commercial Access (or Development Entrance) along the State roadway network is proposed. If any of these apply, refer to the **Pre-Submittal Meeting** section below.

3. Tax Parcel I.D.: 3-34-12.00-127.01

4. Purpose of Meeting: Project Coordination

To discuss all potential DelDOT requirements included but not limited to submissions or improvements such as site access design, site frontage, bike/ped, transit, drainage, off-site intersection improvements, etc.

5. External Attendees (include yourself):

Name: Wendy Carpenter Email/Phone: wig@dbfinc.com *Legal Counsel: NO

Preston Schell, preston@oacompanies.com, Not legal counsel

Zac Crouch, wzc@dbfinc.com, Not legal counsel

*Please be advised that the attendance of attorneys or legal counsel to meetings will require advanced coordination to ensure that DelDOT's legal representation can attend, otherwise meetings can only be held absent legal counsel for all parties.

6. Dates Available to Meet (Minimum Three Dates): ASAP
7. DelDOT Subdivision Reviewer (Statewide Plan Review Map) John Andrescavage (East SC)
8. Plans: Depending on the purpose of the meeting, plans or exhibits may be helpful to allow for a productive meeting. Forward pdfs of applicable plans or exhibits with this form when requesting the meeting. Plans Attached: YES
9. Additional Sections or DelDOT Personnel Requested **if project is located on the CCPP, Tom Felice needs to be included:* Susanne Laws, Bill Brockenbrough (or available representative from TIS section, anyone who may provide comments that impact the engineered plans at any point prior to project approvals)
10. Anticipated Meeting Duration: 1 Hour
11. Additional Comments: ****See attached Additional Comments****

Pre-Submittal Meeting: Please complete the requested information below (Items A through C are required) and attach it, and the following documents, to the PDCA and submit a Meeting Request Form via the PDCA at least **two weeks prior** to the meeting for review by the respective County Review Coordinator and Subdivision Reviewer as defined on the Statewide Plan Review Map: REQUESTING PROJECT COORDINATION MEETING AT THIS TIME

- A. Conceptual Site Plan Attached: YES
- B. Trip Generation Diagram(s) based upon the current sample on the DelDOT website: Top 10 Most Frequently Seen Errors (Differentiating between Existing / Proposed ADT and provide Site Total ADT for all concurrent site uses). Attached: NO REQUESTING TRAVEL DEMAND MODEL (TDM) DISTRIBUTIONS
- C. Auxiliary Lane Worksheet Attached: NO REQUESTING TRAVEL DEMAND MODEL (TDM) DISTRIBUTIONS
- D. Design Criteria Form Attached: NO REQUESTING TRAVEL DEMAND MODEL (TDM) DISTRIBUTIONS

The following topics will be discussed at the pre-submittal meeting:

1. Gate-Keeping Submittal Form and Documents PER DCM
2. Entrance Design Guidelines per Section 5.2-A AND ALW
3. Auxiliary lane requirements at proposed entrances
4. Frontage road improvements
5. Bicycle and Pedestrian Spacing and Connectivity
 - A. Sidewalks provided per Section 3.5.4.2
 - B. Walkway provided per Section 3.5.4.3
 - C. Access-ways provided per Section 3.5.4.4
6. Transit Facilities
 - A. Applicant shall contact DTC to determine transit facilities requirements and shall show locations if they are required.
7. Site plan submittal requirements
 - A. Section 3.3.2 (Minor) 3.4.2 (Major)
-- Plan (requirements)
 - B. Section 3.4.3 - Site entrance (preliminary entrance plan)
 - C. Section 3.4.2.1 – Traffic Information, Adjacent entrances, and Existing Roadway Features
 - D. Section 3.2, 3.2.5, 5.4, 5.7.2.6,
Fig. 3.2.1-a. & 3.2.5-a – Easements
 - E. Section 3.2.5.2 – Dedication of Right-of-Way
 - F. Section 3.6 – Noise Analysis
- G. Section 2.5 - Agreements
- H. Section 5.8 - SWM facility minimum 20' setback from ROW line
- I. Section 5.4 - Sight Distance. Use Intersection Sight Distance Worksheet.
8. PLUS, DAC, TAC or RPC comments (if completed)
9. Need for a TIS or TOA AREA-WIDE STUDY FEE (AWSF) REQUESTED
 - A. Traffic Impact Study (TIS) process which applies if site ADT exceeds 500 or peak hour trips exceed 50. Per Section 2.2.10 of the DelDOT Development Coordination Manual.
 - B. Traffic Operations Analysis (TOA) process which may apply if site ADT exceeds 200 and the project meets the requirements outlined on the DelDOT website: TOA Guidelines.
 - C. If a TIS or TOA is warranted, then the Traffic Impact Study (TIS) Scoping Meeting form will also be required
10. Previous TIS/TOA letter recommendations (if applicable) OLD LANDING ROAD TRAFFIC STUDY COMPLETED BY DELDOT
11. Corridor Capacity Preservation Program *Tom Felice needs to be included.

DelDOT recognizes that when a TIS or TOA is needed, it may be most efficient for the Developer to have any required scoping meeting occur in conjunction with the Pre-Submittal Meeting. Refer to the TIS Scoping Meeting Information Form in Appendix O of the DelDOT Development Coordination Manual. DelDOT will accommodate requests in this regard to the extent possible if the developer has determined in advance that a TIS or TOA will be needed and has provided a completed Scoping Meeting Request Form at least two weeks prior to the Pre-Submittal Meeting, and notified the relevant local government agency as required [Section 2.2.4.1].

Refer to the DelDOT Development Coordination Manual for additional guidance.

Please Note: While DelDOT personnel intend to provide the best available direction at pre-submittal and project coordination meetings, all final decisions are contingent on the design details and pertinent facts as provided in a formal submission.

Post Meeting Use Only:

Meeting Notes and Action Items:

Herola Property - Project Coordination Meeting, 6/3/19, Smyrna-Clayton Conference Room, 9:00 a.m.,

Attendees: John Andrescavage, Susanne Laws, Bill Brockenbrough, Marc Cote, Sarah Coakley, Preston

Schell, Zac Crouch, Wendy Carpenter

Frontage Improvements: Not discussed at this meeting.

Site Access Improvements: Initial site access from access road running parallel to Delaware Route 24 (shown on concept provided as part of meeting request). As part of the purchase of the Herola Property, Developer will be required to connect access road to existing Beebe access roadway from Delaware Route 24 (which will ultimately be extended to Old Landing Road as part of the Airport Road extension project). Future access along extension of Airport Road should try to align with the proposed Beebe access road to/from Warrington Road.

Herola Property – Project Coordination Meeting, 6/3/19, Smyrna-Clayton Conference Room, 9:00 a.m., Attendees: John Andrescavage, Susanne Laws, Bill Brockenbrough, Marc Cote, Sarah Coakley, Preston Schell, Zac Crouch, Wendy Carpenter

Frontage Improvements: Not discussed at this meeting.

Site Access Improvements: Initial site access from access road running parallel to Delaware Route 24 (shown on concept provided as part of meeting request). As part of the purchase of the Herola Property, Developer will be required to connect access road to existing Beebe access roadway from Delaware Route 24 (which will ultimately be extended to Old Landing Road as part of the Airport Road extension project). Future access along extension of Airport Road should try to align with the proposed Beebe access road to/from Warrington Road.

Off-site Improvements: Contribution to Henlopen Transportation Improvement District (TID), potential signal agreement at Old Landing Road/Airport Road, ROW dedication for Airport Road extension. Exact alignment of Airport Road extension unknown at this time. Concepts were shown and discussed at the meeting; DelDOT to discuss revisions with JMT on 6/12/19, will provide revised Airport Road extension concepts to DBF to reconfigure site, and determine maximum amount of Right-Of-Way (ROW) that will be required from the Herola Property. DelDOT indicated that ROW contribution and any required roadway construction will likely exceed TID contribution, and can be taken as a credit. DelDOT will need to coordinate with adjacent property owners near Old Landing Road on preferred alignment.

TIS/TOA: Old Landing Road Traffic Study previously completed by DelDOT. DelDOT noted that while there have been a lot of development in the area, there really hasn't been many studies in the area. Typically, new projects contribute to the known projects/issues in the area. The Henlopen TID should be finalized within a year. DelDOT currently reviewing cost estimates, and then will need to go through the Public process through Sussex County to finalize TID. DelDOT cannot give an estimate of TID contribution until TID is finalized. Will be able to give a not to exceed number.

Path Forward: DelDOT to meet with JMT to discuss Airport Road extension and revisions to alignment to have less of an impact to the Herola Property. DelDOT to provide DBF with preferred alignment to determine the amount of ROW required. Developer requested as part of PLUS comments that DelDOT note a contribution to the future TID is acceptable, contribution to be determined at a later date (not to exceed amount), to note that DelDOT is in the process of determining preferred location of Airport Road extension, and a ROW dedication will be required from the Herola Property developers. Once the amount of ROW that is needed is determined, the Developer will request correspondence from DelDOT in order to continue through the Sussex County process. Developer and/or DelDOT to coordinate with The Cordish Companies to discuss a two (2) acre land lease on the Herola Property prior to Developer determining whether to move forward with project.



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

JENNIFER COHAN
SECRETARY

RECEIVED

November 20, 2019

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

NOV 20 2019

SUSSEX COUNTY
PLANNING & ZONING

Dear Ms. Cornwell:

This letter is to revise and replace my previous letter of September 10, 2019, regarding a Service Level Evaluation Request for the **OA-Rehoboth, LLC** conditional use application. On October 28, 2019, the applicant submitted a revised application modifying the proposed land use from 216 units of three-story multi-family housing and a 175-unit continuing care retirement community, to 224 units of four-story multi-family housing and a 175-unit continuing care retirement community. We are writing to address that request. A copy of our September 10, 2019 letter is enclosed.

The Department has completed its review of a Service Level Evaluation Request for the above-mentioned application, which we received on October 28, 2019. This application is for a 17.37-acre parcel (Tax Parcel: 334-12.00-127.01). The subject land is located on the southeast side of Delaware Route 24, approximately 1,600 feet northeast of the intersection of Delaware Route 24 and Warrington Road / Plantation Road (Sussex Road 275). The subject land is currently zoned as CR-1 (Commercial Residential) and the applicant is seeking a conditional use approval to develop 224 units of four-story multi-family housing and a 175-unit continuing care retirement community.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Warrington Road to Delaware Route 1, are 19,505 and 25,103 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per a weekly peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination



Ms. Janelle M. Cornwell
Page 2 of 2
November 20, 2019

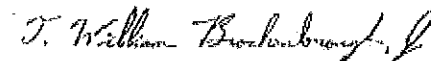
Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a development of 224 units of four-story multi-family housing and a 175-unit continuing care retirement community would generate 1,657 vehicle trips per day, 101 vehicle trips during the morning peak hour, and 131 vehicle trips during the evening peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be \$16,570.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvements, including a Traffic Operational Analysis (TOA), if one is found to be necessary during the site plan review process.

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

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

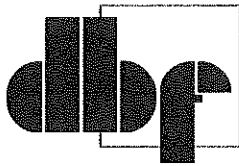
Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
Enclosure

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
OA-Rehoboth, LLC, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & 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



August 9, 2019

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Attn: Janelle M. Cornwell, AICP

RE: **Herola Property**
Chapter 99-9C Response
Tax Parcel No.: 3-34-12.00-127.01 & 3-34-12.00-127.10
DBF#: 818C032

RECEIVED
AUG 09 2019
SUSSEX COUNTY
PLANNING & ZONING

Dear Ms. Cornwell:

On behalf of our client, OA Rehoboth, LLC., we are pleased to provide you with our written response to the items listed in Chapter 99-9C.

The proposed Herola Property Apartment Complex provides careful consideration of the following items in Sussex County Chapter 99-9C:

1. **Integration of the proposed subdivision into the existing terrain and surrounding landscape.**
 - a. The project is located centrally in a Level 2 state strategies spending area, surrounded on all sides by existing residential and commercial properties. Public water, wastewater and other utilities already exist at the site. A centrally located clubhouse with pool, dog park and stormwater pond will provide green open space for the residents.
2. **Minimal use of wetlands and floodplains.**
 - a. Wetlands do not exist on site.
 - b. Site is not impacted by the 100-yr floodplain as determined by FEMA Map 10005C0332K, Dated March 16, 2015.

3. Preservation of natural and historical features.

- a. According to the National Register of Historical Places, there are no known archaeological sites or National Register-listed property on this parcel.

4. Preservation of open space and scenic views.

- a. 5.06 acres green space is being proposed. A centrally located landscaped pond, dog park club house with pool will provide residents with pleasant views. Landscaping will be used to reduce view of the surrounding commercial properties.

5. Minimization of tree, vegetation and soil removal and grade changes.

- a. Grade changes will be minimized to the extent necessary to provide road construction to meet design requirements and to ensure proper lot drainage.
- b. There are no existing wooded areas on the site.

6. Screening of objectionable features from neighboring properties and roadways.

- a. Many of the surrounding properties are commercial parcels. Landscaping will be provided to minimize the views.

7. Provision for water supply.

- a. Tidewater Utilities, Inc. will supply all homes with central water.

8. Provision for sewage disposal.

- a. Sussex County sewer infrastructure is located on site. Sanitary sewer will be tied into the manhole located in the ROW by the entrance of the site. We will request annexation of the property into the West Rehoboth Expansion of the Dewey Beach SSD.

9. Prevention of pollution of surface and groundwater.

- a. The storm drainage system will capture 100% of all drainage from the site.
- b. Best Available Technologies (BATs) will be used during the design and construction of the property.

- c. Best Management Practices (BMPs) will be used during the design and construction of the property.
- d. The site will utilize Green Technology where feasible for the project.

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

- a. The stormwater management areas will be designed to meet all local, state and federal guidelines for sediment and nutrient removal.
- b. An Erosion and Sediment Control Plan will be developed and implemented as required by the Sussex Conservation District and DNREC. The plan will specify in detail how the project is to be constructed to limit the amount of sediment and other pollutants from leaving the site during construction.
- c. All storms will be controlled and discharge at the pre-development rate. The 100-year storm will be safely routed through this site.

11. Provision for safe vehicular and pedestrian movement within the site and to adjacent roadways.

- a. The interior of the project contains sidewalks throughout the site, providing pedestrian connection to amenities as well as to Rehoboth mall and Route 24. DelDOT's interconnection to old landing road will also provide vehicular and pedestrian movement to Route 1.
- b. The road design will conform to Sussex County standards and specifications and will be turned over to the homeowners association for maintenance upon acceptance by the County.
- c. Street lighting will be provided for this project.

12. Effect on area property values.

- a. Based on historical land trends in Sussex County, the property values around the proposed subdivision will increase with the development of Old Mill Landing Subdivision.

13. Preservation and conservation of farmland.

- a. Developing in a Level 2 area is preferred by State Planning and preserves other lands for farmland.

14. Effect on schools, public buildings and community facilities.

- a. The increase in tax revenue to the school district will assist in the maintenance and operations of the public school system.
- b. The trend towards seniors moving to Sussex County will provide tax revenue without adding large numbers of potential new students.

15. Effect on area roadways and public transportation.

- a. The subdivision streets will be designed to Sussex County standards and specifications. The development will pay into the Area Wide Study fee which will contribute to necessary improvements in the area. The improved connection to Old Landing Road should improve traffic flow in the area.

16. Compatibility with other area land uses.


- a. The subdivision conforms to the designated zoning for the property and is consistent with the surrounding land use as mentioned above.

17. Effect on area waterways.

- a. The subdivision will be designed and constructed to comply with all sediment and stormwater regulations.
- b. The site will comply with all TMDLs and PCS's as adopted by the State.

On behalf of our client we thank you for your review and consideration of this response. If you should have any questions or concerns please contact me at 424-1441

Sincerely,
Davis, Bowen & Fiedel, Inc.



W. Zachary Crouch, P.E.
Principal

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

August 9, 2019

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, DE 19947

RECEIVED

AUG 09 2019

SUSSEX COUNTY
PLANNING & ZONING

Attn: Janelle M. Cornwell, AICP

RE: **Herola Property**
PLUS Comments – 2019-06-03
Tax Parcel No.: 3-34-12.00-127.01
DBF#: 818C032

Dear Ms. Cornwell:

We have read and reviewed the comments provided during the PLUS Review of the Project on June 26, 2019, and received from the Office of State Planning dated July 23, 2019. We offer the following item-by-item response narrative for your review:

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

Thank you for the clarification of a Level 2 state strategies classification.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The proposed apartment complex would access Delaware Route 24 by way of private rights-of-way. The site access is proposed on a 50-foot right-of-way running more or less parallel to Route 24. The east end of that right-of-way is already built and connects to a private service road serving the Rehoboth Mall. The west end has not been built but would connect to a 30-foot right-of-way extending south from Route 24 toward Old*

Landing Road (Sussex Road 274). The 30-foot right-of-way partially contains Lexus Drive, an access road that serves the Beebe Medical Center property on Route 24.

As discussed further below, DelDOT contemplates an extension of Airport Road (Sussex Road 275A) from Old Landing Road to Delaware Route 24 that would include the access road just mentioned. To the extent that the developer wishes to have the 50-foot right-of-way accepted into State maintenance someday, the road within it and the site access on it 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>.

The developer is working with DelDOT regarding options to connect to Old Landing Road. The roads will be designed to Sussex County and DelDOT standards.

- *Presently, in accordance with Section 2.4 of the Development Coordination Manual, DelDOT is working with Sussex County on the creation of the Henlopen Transportation Improvement District (TID), which would extend southwest from Delaware Route 1 along Delaware Routes 23 and 24 to Chapel Branch. If and when the TID is established, developers in the TID would pay a fee, based on their trip generation or a surrogate measure such as dwelling units, to fund transportation improvements in the TID by DelDOT rather than doing Traffic Impact Studies specific to their development and making or funding improvements identified through that effort.*

One of the improvements that could be included in the TID is the extension of Airport Road mentioned above. DelDOT has developed three conceptual alignments for that extension. Copies are attached. While the alignment has not been finally determined and the extension has yet to be designed, presently Alternative B is DelDOT's preferred alternative and the plan should be modified to accommodate it. At the PLUS meeting, the developer's engineer offered that they had developed an alternative proposal for the alignment of the extension. DelDOT is evaluating that proposal.

If the TID is implemented as anticipated, DelDOT would require the developer to provide rights-of-way and, perhaps build some or all of the extension in exchange for credit against their TID fee. Regardless, the rights-of-way should be reserved so as to minimize the effect on the apartment complex when the road is built.

Other anticipated off-site improvements that DelDOT expects to require include improvements to Lexus Drive and two signal agreements, one for Route 24 and Lexus Drive, and one for Old Landing Road and Airport Road.

The developer will continue to work with DelDOT regarding alignment to Old Landing Road and other off-site improvements that may be required.

- 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.

A pre-submittal meeting request form has been submitted and meeting with DelDOT has been scheduled

- 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.

The developer will work with DelDOT in regard to fees assessed to the project.

- 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 PLUS application, the 216 proposed apartments would generate 1,595 vehicle trip ends per day. DelDOT calculates a slightly different number, 1,595 vehicle trip ends per day of which 99 and 117 vehicle trip ends would occur during the weekday morning and evening peak hours of Route 24, respectively. Therefore the plan meets the warrants for a TIS.

Section 2.2.2.2 of the *Manual* provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. If the County requires a TIS, DelDOT will support their requirement and will not accept the AWS Fee.

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Regardless of whether a TIS is done for this development, DelDOT anticipates requiring the developer to participate in DelDOT's improvements on Route 24 between Mulberry Knoll Road and Route 1, and to dedicate rights-of-way, and possibly build improvements along the access road that serves Beebe Medical Center and would indirectly serve their site. The amount of the contribution(s) specific improvements and have yet to be determined but the AWS Fee, if paid, would not be counted in that regard. AWS Fees are used to fund traffic studies, not to build improvements. The DelDOT Route 24 project just mentioned is programmed for construction beginning in the spring of 2020 and ending in the spring of 2022.

The developer is working with DelDOT to determine the need for a TIS and/or and Area Wide Study Fee and to determine the extent of offsite improvements.

- *Section 3.5.4.2 of the Development Coordination Manual addresses requirements for Shared Use Paths and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required. DelDOT anticipates that the Airport Road extension would include sidewalk on one or both sides and would recommend that the County require continuation of the existing sidewalks along the 50-foot right-of-way discussed above.*

Sidewalks were proposed with the alternatives to the Airport Road Extension. Sidewalks throughout the site will be designed to connect to the Airport Road Extension, Walmart shopping center and Route 24.

- *Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.*

Should a transit stop be necessary, it will be shown on the record plan.

State Historic Preservation Office – Contact Carlton Hall 736-7404

- *There are no known archaeological sites or known National Register-listed or eligible properties currently on the parcel. However, the project area is on well-drained soils and prior to development near surface water drainages. There is medium to high potential for prehistoric archaeological resources. Therefore, the SHPO is recommending an archaeological survey of the project area.*
- *If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).*
- *If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: www.achp.gov*

Thank you for researching known archaeological sites and the National Register. The developer is aware of the Unmarked Burials and Human Skeletal Remains Law. We do not anticipate federal involvement, should federal involvement occur the developer comply with the National Historic Preservation Act.

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

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

Fire Protection Water Requirements:

- *Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.*
- *Where a water distribution system is proposed for multi-family (apartment) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.*

Water distribution will be provided by Tidewater Utilities, Inc. and will meet pressure and duration requirements. The required infrastructure will be added to the plans and submitted for Fire Marshal approval. Hydrant Location, water main locations, and water main sized will be shown on the utility plan and submitted for Fire Marshall review and approval.

Fire Protection Features:

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

Automatic sprinkler protection will be installed and fire connection locations shown as required. Fire lanes and signs will be marked according to Fire Marshall code.

Accessibility:

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

Accessibility to within 100 ft. will be provided. Breaks in parking allow access to the sides and rear of buildings. A 40' building separation has been provided. We do not anticipate the use of gates to limit access to the development. We do not propose any cul-de-sacs or turnarounds in the site.

Gas Piping and System Information

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

We are currently working with Gas providers and will provide that information on the plans to receive Fire Marshall approval.

Required Notes:

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

Notes and site data will be added to the site plans and submitted to the Fire Marshal's office for review and approval.

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 all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
Plus and TAC comments will be addressed.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new version and look for the revision date of March 21, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>
The latest notes will be used.

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

Water Quality Recommendations

- *Consider using pervious pavement/pavers in parking areas to help minimize impervious cover.*
- *Use green stormwater management technologies where feasible.*

Fish & Wildlife

- *A review of the DNREC database indicates that there are currently no records of state-rare or federally listed plants, animals, or natural communities at this project site.*

Green technologies will be used in the design of stormwater where feasible.

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

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

We look forward to working with your office.

State Housing Authority – Contact: Karen Horton 739-4263

- *DSHA strongly supports the site plan for 216 apartment units on 12.55 acres along Rt. 24 and Old Landing 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. Considering the site's close proximity to the Rt. 24 and Coastal Highway intersection and location within a DSHA-defined "Areas of Opportunity" providing economic opportunity, high performing schools, and supportive infrastructure that help households succeed, this is an excellent location for a more affordable housing product. As a result, the DSHA recommends that Sussex County embrace the opportunity to approve this proposal permitting residents to live close to their jobs, as well as, the resources and benefits this area provides.*
- *DSHA noted their concern with the current scale and site layout. Rental units are vital to any well-balanced community, the intensity of the proposal warrants quality design measures to create a desirable, human-scaled, and pedestrian-oriented community. Incorporating attractive streetscapes, visually appealing façade treatments, significant landscaping and pedestrian-oriented measures will help the proposal integrate into the larger coastal area.*

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.

Thank you for your support of the project. We look forward to working with the Delaware Housing Authority to bring affordable housing to the area.

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

- *A pedestrian pathway is needed from entrance of property to SR 24 for people to connect with the bus stop.*
- *Internal pedestrian pathways are needed from internal pedestrian paths to roadways (both to north-south uncompleted roadway, and to east-west uncompleted roadway that allows entrance to Beacon Pediatrics).*

Sidewalks are proposed throughout the site. The developer will work with the adjacent landowner to provide connection to Route 24 via the sidewalk on the southwest side of the vision center optical.

Sussex County – Contact Rob Davis 302-855-7820

- *Approximately 1/3 acre of the parcel is in a Tier 1 area and the remaining portion of the parcel is in a Tier 2 area. The portion of the parcel in the Tier 2 area (approximately 17.41 acres) is not within a sewer district and must be annexed into the sewer district. Sewer service is not available to the Tier 2 area until annexation into the sewer district is approved by the Sussex County Council. The developer will need to complete all administrative procedures for the annexation.*
- *A “Use of Existing Infrastructure Agreement” is required and must be approved prior to approval of construction plans. Sussex County Code, Chapter 110 requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning Department for their project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of \$1,000.00 payable to Sussex County Council. The Utility Planning Department will review the parcel(s) and EDU, determine capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer as well as the Sussex County Public Works department. The Public Works will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.*
- *Attached is a listing of steps to be completed for extending district boundaries.*
Thank you for clarification of the sewer district boundary. We will begin the process of annexation into the sewer district. Existing Sanitary sewer manholes are located within the private ROW adjacent to this property and will be used for connection. The developer will request a sewer system concept evaluation from the county.

Ms. Janelle M. Cornwell
Sussex County P&Z
August 9, 2019
Page 10 of 10

In addition to the comments above our office has received a letter from Brandy Nauman, Sussex County Housing Coordinator & Fair Housing Compliance Officer. A copy of that letter is enclosed wit this letter.

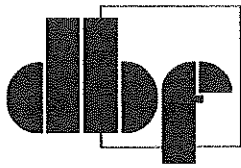
On behalf of the Developer we thank the State for providing us with these comments. Please contact me at (302) 424-1441 if you have any questions or need additional information.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

A handwritten signature in black ink, appearing to read 'W. Zachary Crouch', with a stylized flourish at the end.

W. Zachary Crouch, P.E.
Principle

P:\Ocean Atlantic\0818C032 Herola Property\DOCS\PLUS\PLUS Response Herola.doc



DAVIS
BOWEN &
FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.

August 9, 2019

RECEIVED

AUG 09 2019

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

Attn: Janelle Cornwell
Director of Planning

RE: Herola Property
Environmental Assessment and Public Facility Evaluation Report
Tax Parcel No.: 3-34-12.00-127.01 & 127.10
DBF #818C032

Dear Ms. Cornwell:

On behalf of our client, OA Rehoboth, LLC., we are submitting an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. ES-1 Environmentally Sensitive Development District Overlay Zone (ESDDOZ), Subparagraph B (2). We offer the following information that comprises our report:

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

The proposed improvements will meet or exceed the state regulations for stormwater management. We intend to use infiltration basins as well as other Best Management Practices to meet these requirements.

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

The proposed project is located in Tidewater Utility Inc.'s, franchise area and they hold the Certificate of Public Necessity (CPCN). A letter from Tidewater said they

are willing and able to provide public water for this project. Impacts to the groundwater and other systems have been evaluated as part of Tidewaters's CPCN.

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

The proposed project is adjacent to the West Rehoboth Expansion of the Dewey Beach SSD. Existing sanitary manholes are located on site and will connect the project to Sussex Counties existing sanitary sewer system.

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

The proposed project will participate in an Area Wide Study and pay the area wide study fee.

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

There is no known state or federally listed endangered or threatened species on this site.

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

There were no wetlands found on site.

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

The proposed project provides 5.06 acres of green space.. Open space will consist of a centrally located landscape stormwater management pond with walking trail, a dog park and club house with pool.

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

The Developer will construct gravity sewer lines to serve this parcel and will be connected to the existing Sussex County sanitary sewer infrastructure. The Developer will also construct the internal water mains in the project that will be owned and maintained by Tidewater Utilities, Inc. The internal roadways will be constructed by the Developer and privately maintained. Electric will be provided by Delaware Electric Coop.

- (i) *Economic, recreational or other benefits.*

The proposed project will create a considerable amount of jobs during construction. Future residents of Sussex County will pay county taxes. The project will provide more affordable priced homes in the area.

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

There are no known archaeological sites or National Register-listed property on this parcel.

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

The proposed application and mitigation measures comply with the current Sussex County Comprehensive Plan.

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

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

If you have any questions or need additional information, please call me at (302) 424-1441.

Sincerely,
Davis, Bowen & Friedel, Inc.



W. Zachary Crouch, P.E.
Principal

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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **11/20/2019**

APPLICATION: **CU 2199 OA-Rehoboth, LLC**

APPLICANT: **OA-Rehoboth, LLC**

FILE NO: **OM-9.04**

TAX MAP &
PARCEL(S): **334-12.00-127.01 & 127.10**

LOCATION: **South of John J. Williams Highway, approximately 0.29 mile
east of Warrington Road.**

NO. OF UNITS: **224**

GROSS
ACREAGE: **18.793**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **6.67**

SEWER:

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

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

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

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

(8). Comments: **Parcel 127.10 is currently within the boundary of the Sussex County Unified Sanitary Sewer District. Parcel 127.01 will have to be annexed into the district.**

(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
Christine Fletcher

Policy for Extending District Boundaries

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

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

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

HEROLA PROPERTY MULTI-FAMILY COMMUNITY

CONDITIONAL USE APPLICATION

Sussex County, Delaware

0818S001.E01

DECEMBER 2019



Table of Contents

- A. Executive Summary
- B. Data Column
- C. Subdivision Application – Preliminary Site Plans
- D. Chapter 99-9C Response/ESDDOZ Report
- E. Existing Deed/Legal Description
- F. Color Rendering/Color Rendering on Aerial Photograph/Building Elevations

Exhibits

- 1. Maps
 - a. Surrounding Communities
 - b. Flood Insurance Rate Map (FIRM) from FEMA
 - c. 2015 State Strategies Map
 - d. Future Land Use Map
 - e. Sussex County Zoning Map
 - f. 1992 Aerial Map
 - g. 2017 Aerial Map
 - h. Environmental
 - i. Source Water Protection Areas
 - j. NRCS Soil Survey
 - k. Beers Atlas – Lewes and Rehoboth
- 2. DelDOT Revised Service Level Evaluation Request Letter
- 3. PLUS Response

A

EXECUTIVE SUMMARY

A. Land Use & Zoning

1. The Herola Property, Multi-Family Community.
2. The property is located adjacent to Rehoboth Mall between Route 24 and Old Landing Road.
3. The Owner of the property is Herola Family, LLC.
4. The property is currently zoned CR-1. (Commercial Residential)
5. The proposed application is a request for a Conditional Use in the existing CR-1 (Commercial Residential) district.
6. The property is located in the Level 2 Area of the 2015 State Strategies Map.
7. The property is located within the Coastal Area within the 2018 Comp Plan (Environmentally Sensitive Developing District Overlay Zone, Old Comp Plan).

B. Land Utilization

1. The total acreage of the property is 18.79 acres of land.
2. The proposed community is designed to for 224 apartments complex, with 4.75 acres of open space.
3. The applicant requests a conditional use on 18.79 acres of the property.
4. The maximum number of units proposed is 224 Apartment Units with site density of 11.92 units/acre. (18.79-acre site).
5. The proposed community is located adjacent to Rehoboth Mall and will have access off the service road with 2 access point on Route 24 until connection road is constructed between Route 24 and Old Landing Road.
6. The proposed community does not have any wetland on site.
7. The proposed community consists of active and passive open space.

- a. The active open space area consists of a clubhouse, pool, dog park and tot lot.
 - b. The passive open space area consists of stormwater management and landscaping areas.
8. The project was presented to P.L.U.S. on June 26, 2019 and comments were received from the Office of State Planning on July 23, 2019.

C. Environmental

1. The property does not contain wetlands.
2. The property is not located within a Wellhead Protection Area.

D. Traffic

1. In lieu of a Traffic Impact Study (TIS), the development will pay an Area-Wide Study Fee.
2. The developer has had several meetings with DelDOT on the design and coordination of the connection road from Route 24 to Old Landing Road. The developer will be participating and cooperating with DelDOT on the cost and location of the connection road.

E. Civil Engineering

1. The internal roads will be privately maintained and will meet Sussex County Design Standards.
2. Drinking and fire protection water will be provided by Tidewater Utilities, Inc.
3. A 3rd of the project is located within the West Rehoboth South Planning area Sanitary Sewer District. The other 2/3 will need to be annexed into the District. Based on the Utility Planning Department, capacity is available and a 'Use of Existing Infrastructure Agreement' will be required.
4. The stormwater management system will meet all State, County and Conservation District requirements through combination of Best Management Practices (BMP) and Best Available Technologies (BAT). The project may consist of some infiltration practices as well as traditional wet detention ponds.

5. The project is within the Cape Henlopen School District
6. Fire protection will be provided by Rehoboth Volunteer Fire Company.
7. Electricity will be provided by Delaware Electric Co-operative.

F. County Code Compliance

1. Preliminary Land Use Service Response Letter
2. Sussex County Code, Chapter 99-9C Response Letter
3. Environmental Assessment and Public Facility Evaluation Report

B

Herola Property Conditional Use
Data Sheet

Owner: Herola Family, LLC.
Developer: OA Rehoboth, LLC.
Engineer: Davis, Bowen & Friedel, Inc.

Project Description

Physical Location: Located between Route 24 & Old Landing Road, directly behind the Rehoboth Walmart
Tax Parcel #: 3-34-12.00-127.01 & 3-34-12.00-127.10
Acreage: 18.793 +/- Acres
Current Zoning: CR-1 (Commercial Residential District)
Proposed Zoning: CR-1 (Commercial Residential District)
Current Land Use: Agriculture
Proposed Land Use: Multi-Family Community with Clubhouse

<u>Proposed Units:</u>	<u>224 Multi-Family Units</u>
Density	11.92 Units Per Acre
Impervious Coverage	67% (11.51 Acres)

CR-1 Zoning Requirements

Front Yard Setback:	30 FT
Side Yard Setback:	10 FT
Rear Yard Setback:	10 FT
Minimum Lot Area:	10,000 SQFT.
Minimum Lot Width:	75 FT
Minimum Lot Depth:	100 FT
Maximum Building Height:	42 FT

Utility Provider

Water	Tidewater Utilities, Inc.
Sewer	Sussex County (W. Rehoboth Planning Area)

C

File #: _____

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

Adjacent to Rehoboth Mall between Route 24 and Old Landing Road

Type of Conditional Use Requested:

224-Multi-Family Apartment Complex

Tax Map #: 3-34-12.00-127.01 & 127.10

Size of Parcel(s): 18.793 Acres

Current Zoning: CR-1

Proposed Zoning: CR-1

Size of Building: 7 Buildings 67'x170'. 4 Sto

Land Use Classification: Residential Site Plan

Water Provider: Tidewater Utilities, Inc.

Sewer Provider: Sussex County West Rehoboth SSD

Applicant Information

Applicant Name: OA-Rehoboth, LLC.

Applicant Address: 18949 Coastal Hwy, Unit 301

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 227-3573

E-mail: preston@oacompanies.com

Owner Information

Owner Name: Herola Family, LLC.

Owner Address: 4660 19th Street

City: San Francisco

State: CA

Zip Code: 94114

Phone #: (514) 753-4579

E-mail: hdody@comcast.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc.

Agent/Attorney/Engineer Address: 1 Park Avenue

City: Milford

State: DE

Zip Code: 19963

Phone #: (302) 424-1441

E-mail: wzc@dbfinc.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

Heather H. Doohey
Herola Family LLC

Date: 10/17/2019

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: _____

GENERAL NOTES

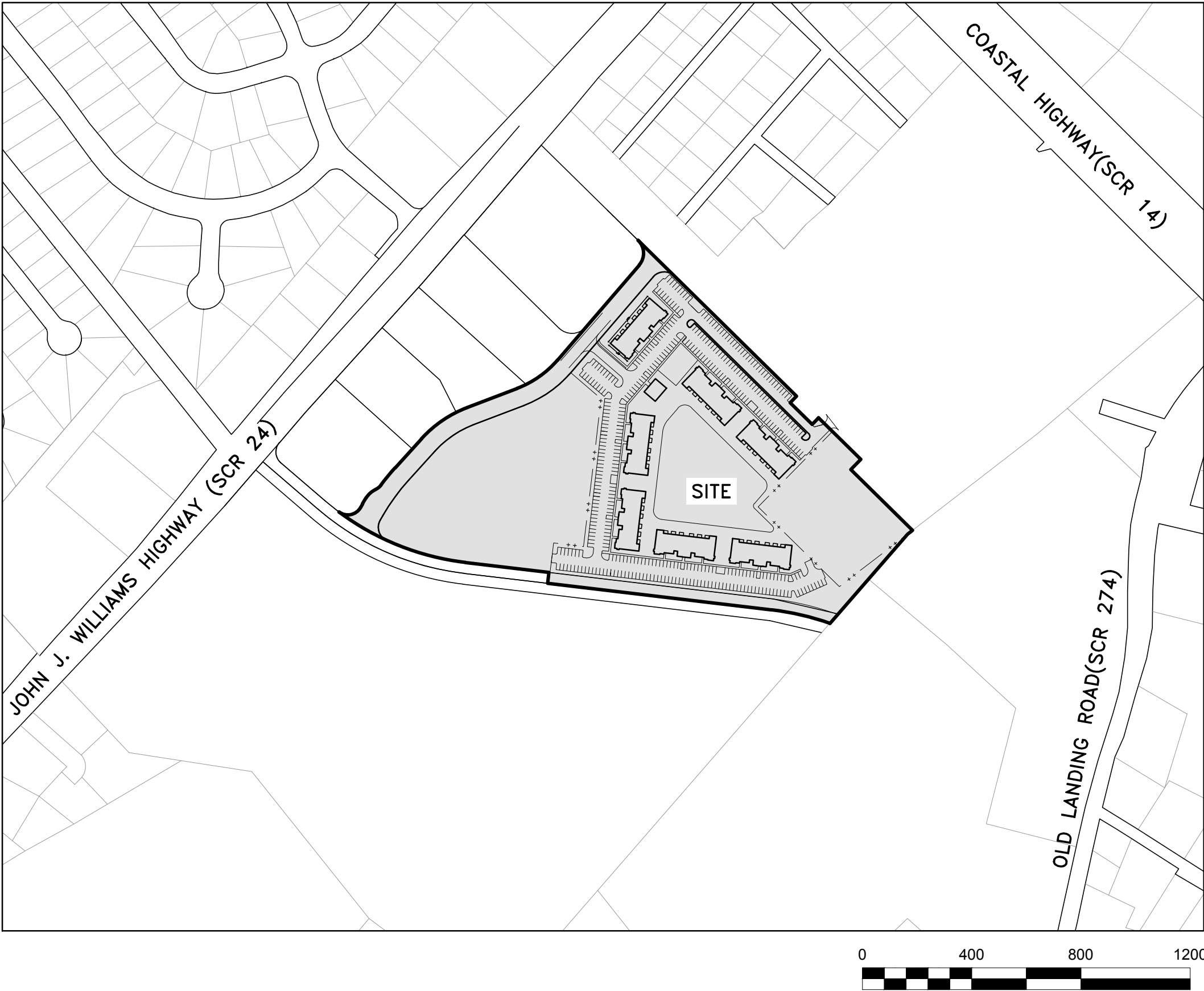
1. BOUNDARY AND EXISTING CONDITIONS SURVEY HAS BEEN PREPARED BY DAVIS, BOWEN, & FRIEDEL, INC.
2. EXISTING UTILITIES AREA SHOWN ACCORDING TO THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THROUGH TEST PITTING, THE LOCATIONS, SIZE, AND INVERT ELEVATIONS OF ALL UNDERGROUND UTILITIES AS REQUIRED TO GIVE TIMELY ADVANCE NOTICE TO ENGINEERS OF ANY CONFLICT BETWEEN EXISTING AND NEW WORK.
3. THE CONTRACTOR SHALL NOTIFY MISS UTILITY (1-800-282-8555) AND SUSSEX COUNTY 72 HOURS PRIOR TO EXCAVATION TO HAVE UNDERGROUND UTILITIES MARKED. THE CONTRACTOR SHALL NOTIFY ALL UTILITY OWNERS PRIOR TO ANY EXCAVATION.
4. THE CONTRACTOR SHALL REPAIR OR REPLACE IN KIND ANY EXISTING FEATURES DAMAGED OR DESTROYED DURING CONSTRUCTION.
5. ALL BACKFILLED AND DISTURBED AREAS TO BE SEEDED AND MULCHED WITH 4" OF TOPSOIL TO BE PLACED IN FILL AREAS.
6. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY STAKE OUT OF LINE AND GRADE.
7. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT, LATEST EDITION, AND ALL RULES AND REGULATIONS THEREIN.
8. THE CONTRACTOR SHALL KEEP EXISTING UTILITIES IN OPERATION DURING CONSTRUCTION.
9. THE CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF ALL PERMITS SECURED, WHICH TAKE PRECEDENCE OVER SPECIFICATIONS.
10. THE CONTRACTOR SHALL EXERCISE EXTREME CARE AND CAUTION AND TAKE MEASURES NECESSARY TO PROTECT TREES DURING CONSTRUCTION ACTIVITY.
11. THE CONTRACTOR IS RESPONSIBLE FOR SECURING AND PROTECTION UTILITY POLES BEFORE AND DURING CONSTRUCTION ACTIVITIES.
12. ANY DISTURBED AREAS OUTSIDE THE RIGHT-OF-WAY SHALL BE RESTORED TO THEIR ORIGINAL CONDITION IMMEDIATELY.
13. MAINTENANCE OF THE STREETS WITHIN THIS SUBDIVISION WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS WITHIN THE SUBDIVISION, OR BOTH. THE STATE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE STREETS.

SITE NOTES

1. THE INTERIOR STREET DESIGN SHALL INCLUDE STREET LIGHTING AND SIDEWALKS.
2. ALL SIGNALS, ENTRANCES, INTERSECTIONS, ROADWAY AND IMPROVEMENTS, AND MULTI-MODAL FACILITIES SHALL BE CONSTRUCTED AS REQUIRED BY DELDOT.
3. NO SITE PREPARATION, SITE DISTURBANCE, SITE EXCAVATION OR OTHER SITE CONSTRUCTION SHALL BE COMMENCED UNTIL ALL PERMITS REQUIRED BY ALL OTHER LAWS, ORDINANCES, RULES AND REGULATIONS SHALL HAVE BEEN ISSUED AND THE APPROVED FINAL SITE PLAN IS RECORDED, EXCEPT SUCH SITE WORK FOR WHICH A PERMIT HAS BEEN ISSUED BY THE SUSSEX CONSERVATION DISTRICT.
4. INTERIOR STREET LIGHTING SHALL BE POINTED DOWNWARD, AS TO NOT DISTURB THE NEIGHBORING PROPERTIES.

DATA COLUMN

PARCEL ID:	334-12.00-127.01 & 127.10		
EX. ZONING:	CR-1 (COMMERCIAL RESIDENTIAL DISTRICT)		
PROP. ZONING:	CR-1 (COMMERCIAL RESIDENTIAL DISTRICT)		
EX. USE:	VACANT/AGRICULTURE		
PROP. USE:	224 MULTI-FAMILY UNITS WITH CLUBHOUSE		
TOTAL SITE AREA:	18.793 ACRES		
FLOOD HAZARD MAP:	THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA MAP 10005C0332K, DATED MARCH 16, 2015		
WETLANDS:	DO NOT EXIST ON SITE		
MAXIMUM DENSITY:	12 UNITS PER ACRE		
PROPOSED DENSITY:	224 UNITS/18.793 AC. = 11.92 UNITS PER ACRE		
IMPERVIOUS COVERAGE:	11.51 ACRES/17.061 ACRES(WITHOUT ROW) = 67%		
PARKING:	REQUIRED: 224 UNITS x 2/UNIT = 448 SPACES (BEFORE REDUCTION)		
PARKING REDUCTION:	1-50 UNITS	100	100 SPACES
	51-200 UNITS	300 REDUCED 15% TO 255 SPACES	
	201-224 UNITS	48 REDUCED 20% TO 39 SPACES	
PROVIDED:	403 SPACES INCLUDING 18 HANDICAPPED ACCESSIBLE		
UTILITIES:	PUBLIC (SUSSEX COUNTY, WEST REHOBOTH SOUTH PLANNING AREA)		
SEWER:	PUBLIC (TIDEWATER UTILITIES, INC.)		
WATER:	PUBLIC (TIDEWATER UTILITIES, INC.)		
SETBACK REQUIREMENTS:	FRONT SETBACK: 30'		
	SIDE SETBACK: 10'		
	REAR SETBACK: 10'		
MAXIMUM PERMITTED BUILDING HEIGHT:	42'		
MINIMUM BUILDING SEPARATION:	40'		
PROPOSED BUILDING CONSTRUCTION:	WOOD CONSTRUCTION		
OWNER:	HEROLA FAMILY, LLC. 4015 164TH STREET SUITE 106 LYNNWOOD, WA 98087		
DEVELOPER:	OA REHOBOTH, LLC. 18949 COASTAL HIGHWAY REHOBOTH BEACH, DE 19971 (302) 227-3573		
PREPARED BY:	DAVIS, BOWEN & FRIEDEL, INC. 1 PARK AVENUE MILFORD, DE 19963 (302) 424-1441		

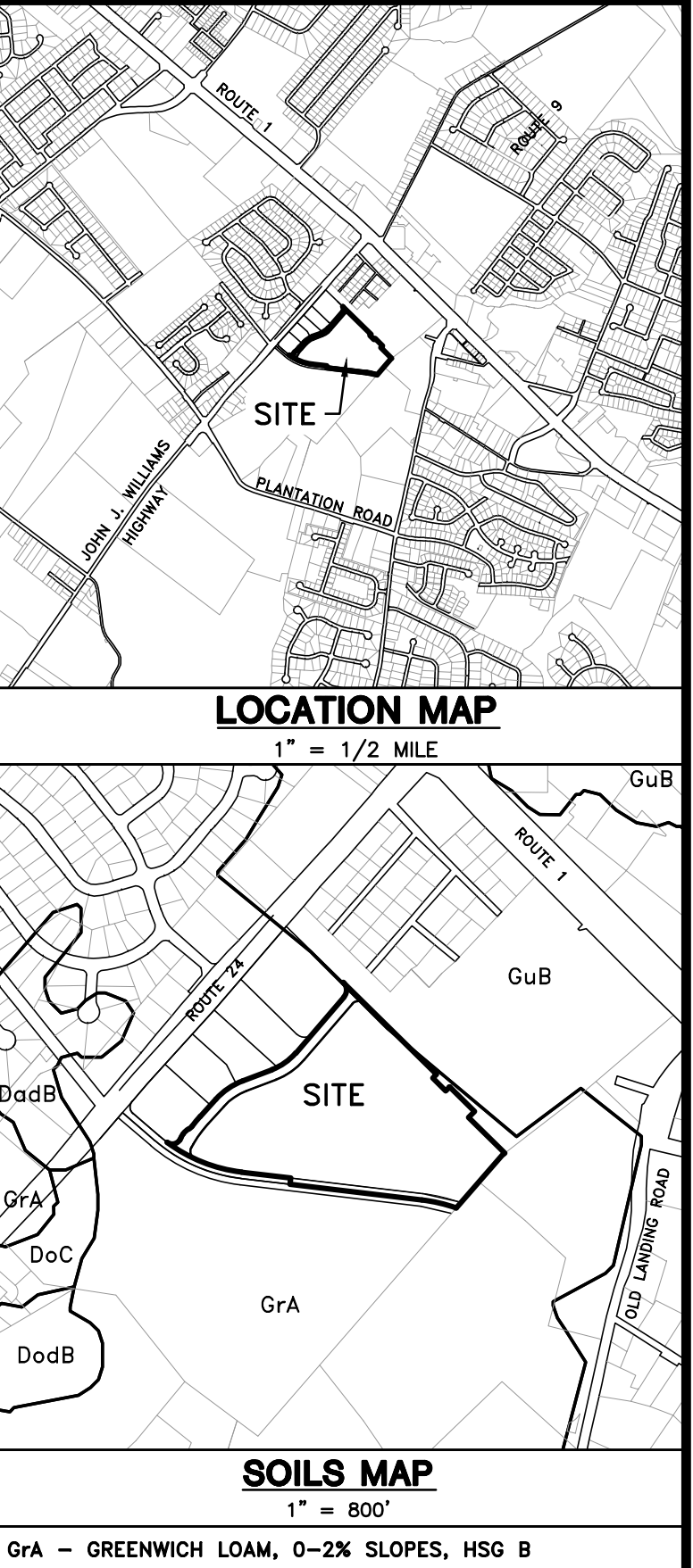
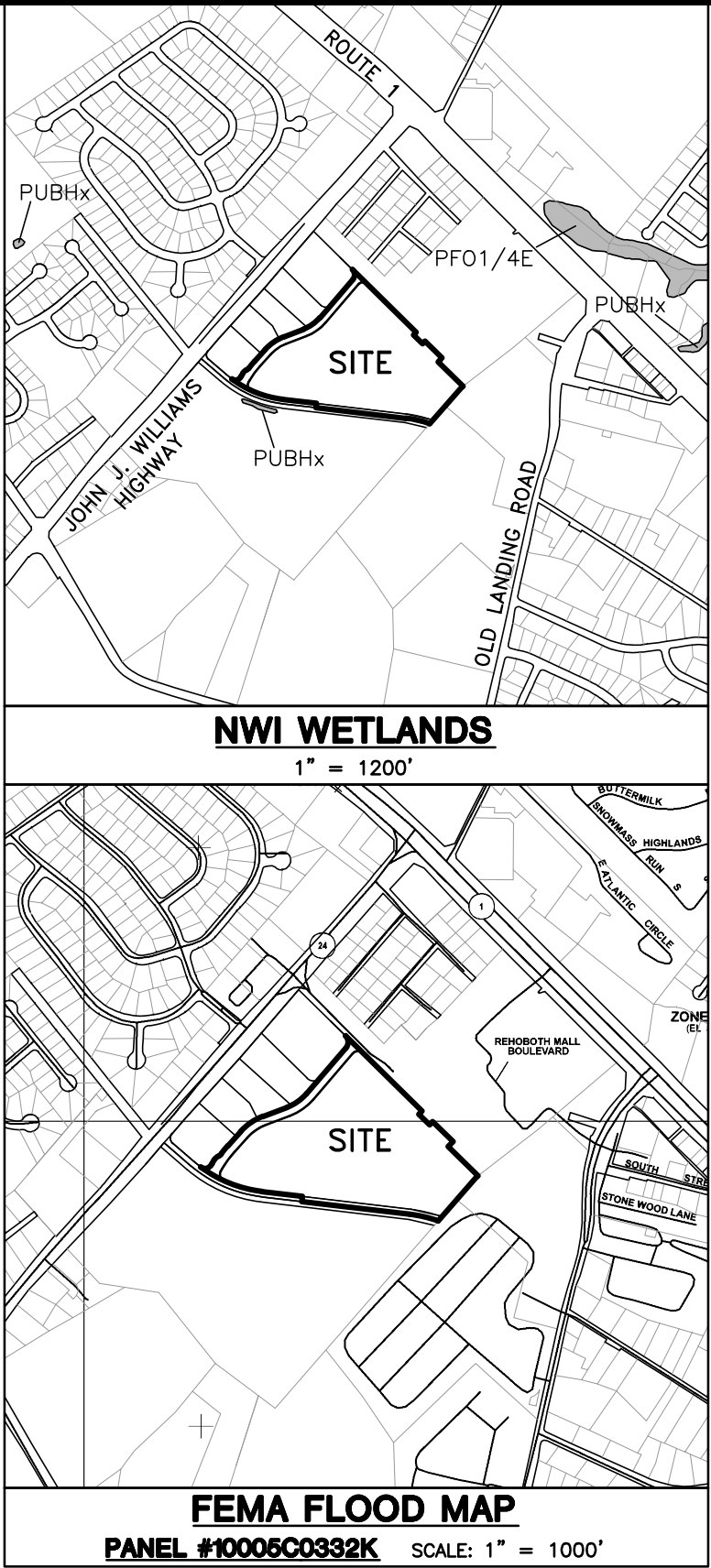


INDEX OF SHEETS	
PL-1	PRELIMINARY TITLE
PL-2	PRELIMINARY SITE PLAN

HEROLA PROPERTY MULTI-FAMILY COMMUNITY

PRELIMINARY PLANS SUSSEX COUNTY, DELAWARE

DBF PROJECT NO. 818S001.D01 AUGUST 2019



OWNER'S STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION, I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

HEROLA FAMILY, LLC.
4015 164TH STREET, SUITE 106
LYNNWOOD, WA 98087

DATE

ENGINEER'S STATEMENT

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

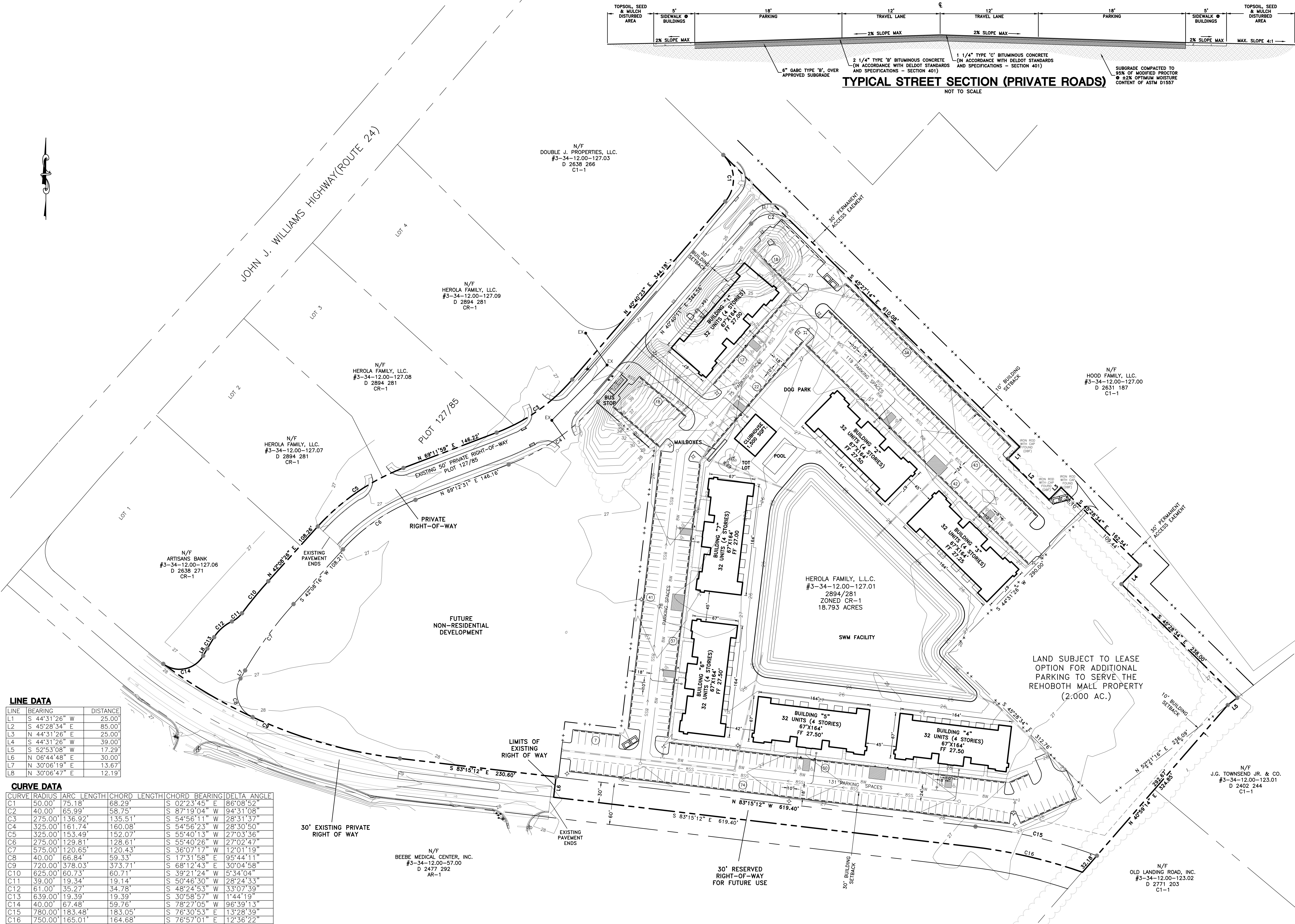
by W. ZACHARY CROUCH, P.E.
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DELAWARE, 19963

DATE

P:\Ocean Atlantic\08180032 Herola Property\PRELIMINARY\SITE BASE SUBMIT.dwg Nov 26, 2019 - 2:00pm

LINE DATA		
LINE	BEARING	DISTANCE
L1	S 44°31'26" W	25.00'
L2	S 45°28'34" E	85.00'
L3	N 44°31'26" E	25.00'
L4	S 44°31'26" W	39.00'
L5	S 52°53'08" W	17.29'
L6	N 06°44'48" E	30.00'
L7	N 30°06'19" E	13.67'
L8	N 30°06'47" E	12.19'

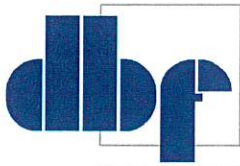
CURVE DATA					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	75.18'	68.29'	S 02°23'45" E	86°08'52"
C2	40.00'	65.99'	58.75'	S 87°19'04" W	94°31'08"
C3	275.00'	136.92'	135.51'	S 54°56'11" W	28°31'37"
C4	325.00'	161.74'	160.08'	S 54°56'23" W	28°30'50"
C5	325.00'	153.49'	152.07'	S 55°40'13" W	27°03'36"
C6	275.00'	129.81'	128.61'	S 55°40'26" W	27°02'47"
C7	575.00'	120.65'	120.43'	S 36°07'17" W	12°01'19"
C8	40.00'	66.84'	59.33'	S 17°31'58" E	95°44'11"
C9	720.00'	378.03'	373.71'	S 68°12'43" E	30°04'58"
C10	625.00'	60.73'	60.71'	S 39°21'24" W	5°34'04"
C11	39.00'	19.34'	19.14'	S 50°46'30" W	28°24'33"
C12	61.00'	35.27'	34.78'	S 48°24'53" W	33°07'39"
C13	639.00'	19.39'	19.39'	S 30°58'57" W	1°44'19"
C14	40.00'	67.48'	59.76'	S 78°27'05" W	96°39'13"
C15	780.00'	183.48'	183.05'	S 76°30'53" E	13°28'39"
C16	750.00'	165.01'	164.68'	S 76°57'01" E	12°36'22"



HEROLA PROPERTY
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

Date: OCTOBER 2019
Scale: 1" = 60'
Dwn.By: JMJ
Proj.No.: 0818S001.D01
Dwg.No.:

D



August 9, 2019
REVISED: 11/19/19

*Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheelerton, AIA
Jason P. Loar, P.E.
Ring W. Lordner, P.E.*

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Attn: Janelle M. Cornwell, AICP

RE: **Herola Property**
Chapter 99-9C Response
Tax Parcel No.: 3-34-12.00-127.01 & 3-34-12.00-127.10
DBF#: 818C032

Dear Ms. Cornwell:

On behalf of our client, OA Rehoboth, LLC., we are pleased to provide you with our written response to the items listed in Chapter 99-9C.

The proposed Herola Property Apartment Complex provides careful consideration of the following items in Sussex County Chapter 99-9C:

1. **Integration of the proposed subdivision into the existing terrain and surrounding landscape.**
 - a. The project is located centrally in a Level 2 state strategies spending area, surrounded on all sides by existing residential and commercial properties. Public water, wastewater and other utilities already exist at the site. A centrally located clubhouse with pool, dog park and stormwater pond will provide green open space for the residents.
2. **Minimal use of wetlands and floodplains.**
 - a. Wetlands do not exist on site.
 - b. Site is not impacted by the 100-yr floodplain as determined by FEMA Map 10005C0332K, Dated March 16, 2015.

3. Preservation of natural and historical features.

- a. According to the National Register of Historical Places, there are no known archaeological sites or National Register-listed property on this parcel.

4. Preservation of open space and scenic views.

- a. 4.765 acres green space is being proposed. A centrally located landscaped pond, dog park club house with pool will provide residents with pleasant views. Landscaping will be used to reduce view of the surrounding commercial properties.

5. Minimization of tree, vegetation and soil removal and grade changes.

- a. Grade changes will be minimized to the extent necessary to provide road construction to meet design requirements and to ensure proper lot drainage.
- b. There are no existing wooded areas on the site.

6. Screening of objectionable features from neighboring properties and roadways.

- a. Many of the surrounding properties are commercial parcels. Landscaping will be provided to minimize the views.

7. Provision for water supply.

- a. Tidewater Utilities, Inc. will supply all homes with central water.

8. Provision for sewage disposal.

- a. Sussex County sewer infrastructure is located on site. Sanitary sewer will be tied into the manhole located in the ROW by the entrance of the site. We will request annexation of the property into the West Rehoboth Expansion of the Dewey Beach SSD.

9. Prevention of pollution of surface and groundwater.

- a. The storm drainage system will capture 100% of all drainage from the site.
- b. Best Available Technologies (BATs) will be used during the design and construction of the property.

- c. Best Management Practices (BMPs) will be used during the design and construction of the property.
- d. The site will utilize Green Technology where feasible for the project.

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

- a. The stormwater management areas will be designed to meet all local, state and federal guidelines for sediment and nutrient removal.
- b. An Erosion and Sediment Control Plan will be developed and implemented as required by the Sussex Conservation District and DNREC. The plan will specify in detail how the project is to be constructed to limit the amount of sediment and other pollutants from leaving the site during construction.
- c. All storms will be controlled and discharge at the pre-development rate. The 100-year storm will be safely routed through this site.

11. Provision for safe vehicular and pedestrian movement within the site and to adjacent roadways.

- a. The interior of the project contains sidewalks throughout the site, providing pedestrian connection to amenities as well as to Rehoboth mall and Route 24. DelDOT's interconnection to old landing road will also provide vehicular and pedestrian movement to Route 1.
- b. The road design will conform to Sussex County standards and specifications and will be turned over to the homeowners association for maintenance upon acceptance by the County.
- c. Street lighting will be provided for this project.

12. Effect on area property values.

- a. Based on historical land trends in Sussex County, the property values around the proposed project will increase with the development of the apartment complex.

13. Preservation and conservation of farmland.

- a. Developing in a Level 2 area is preferred by State Planning and preserves other lands for farmland.

14. Effect on schools, public buildings and community facilities.

- a. The increase in tax revenue to the school district will assist in the maintenance and operations of the public school system.
- b. The trend towards seniors moving to Sussex County will provide tax revenue without adding large numbers of potential new students.

15. Effect on area roadways and public transportation.

- a. The subdivision streets will be designed to Sussex County standards and specifications. The development will pay into the Area Wide Study fee which will contribute to necessary improvements in the area. The improved connection to Old Landing Road should improve traffic flow in the area.

16. Compatibility with other area land uses.

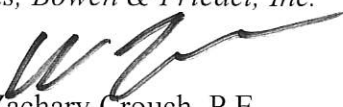
- a. The subdivision conforms to the designated zoning for the property and is consistent with the surrounding land use as mentioned above.

17. Effect on area waterways.

- a. The subdivision will be designed and constructed to comply with all sediment and stormwater regulations.
- b. The site will comply with all TMDLs and PCS's as adopted by the State.

On behalf of our client we thank you for your review and consideration of this response. If you should have any questions or concerns please contact me at 424-1441

Sincerely,
Davis, Bowen & Friedel, Inc.


W. Zachary Crouch, P.E.
Principal

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loan, P.E.
Ring W. Lordner, P.E.

August 9, 2019
REVISED: 11/19/19

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

Attn: Janelle Cornwell
Director of Planning

RE: Herola Property
Environmental Assessment and Public Facility Evaluation Report
Tax Parcel No.: 3-34-12.00-127.01 & 127.10
DBF #818C032

Dear Ms. Cornwell:

On behalf of our client, OA Rehoboth, LLC., we are submitting an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. ES-1 Environmentally Sensitive Development District Overlay Zone (ESDDOZ), Subparagraph B (2). We offer the following information that comprises our report:

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

The proposed improvements will meet or exceed the state regulations for stormwater management. We intend to use infiltration basins as well as other Best Management Practices to meet these requirements.

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

The proposed project is located in Tidewater Utility Inc.'s, franchise area and they

hold the Certificate of Public Necessity (CPCN). A letter from Tidewater said they are willing and able to provide public water for this project. Impacts to the groundwater and other systems have been evaluated as part of Tidewater's CPCN.

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

The proposed project is adjacent to the West Rehoboth Expansion of the Dewey Beach SSD. Existing sanitary manholes are located on site and will connect the project to Sussex Counties existing sanitary sewer system.

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

The proposed project will participate in an Area Wide Study and pay the area wide study fee.

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

There is no known state or federally listed endangered or threatened species on this site.

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

There were no wetlands found on site.

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

The proposed project provides 4.746 acres of green space.. Open space will consist of a centrally located landscape stormwater management pond with walking trail, a dog park and club house with pool.

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

The Developer will construct gravity sewer lines to serve this parcel and will be connected to the existing Sussex County sanitary sewer infrastructure. The Developer will also construct the internal water mains in the project that will be owned and maintained by Tidewater Utilities, Inc. The internal roadways will be constructed by the Developer and privately maintained. Electric will be provided by Delaware Electric Coop.

- (i) *Economic, recreational or other benefits.*

The proposed project will create a considerable amount of jobs during construction. Future residents of Sussex County will pay county taxes. The project will provide more affordable priced homes in the area.

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

There are no known archaeological sites or National Register-listed property on this parcel.

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

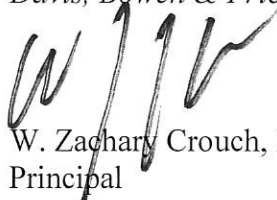
The proposed application and mitigation measures comply with the current Sussex County Comprehensive Plan.

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

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

If you have any questions or need additional information, please call me at (302) 424-1441.

Sincerely,
Davis, Bowen & Friedel, Inc.



W. Zachary Crouch, P.E.
Principal

E

C & T
 Tax Parcel No. 3-34 12.00 127.01
 Prepared by: Cooch and Taylor
 Ret'd: PO Box 1680
 Wilmington, DE 19899 1680

D E E D

THIS DEED, made this 25th day of April in the year of our LORD two thousand three

BETWEEN **THE HEROLA COMPANY**, a General Partnership, with its principal office at 3111 132nd Avenue S.E., Snohomish, Washington 98290, party of the first part (Grantor),

A N D

HEROLA FAMILY, LLC, a Limited Liability Company of the State of Delaware, party of the second part (Grantee)

WITNESSETH, that the said party of the first part, for and in consideration of the sum of One and 00/100 Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part:

Parcel 1

ALL that certain tract, piece and parcel of land, situate in Lewes and Rehoboth Hundred, Sussex County and State of Delaware, near Midway, on the public road leading from Lewes to Rehoboth, adjoining lands of the Presbyterian Church, heirs of Robert Dodd, Marion Hood Wilson and others, being a part of a larger tract of land subdivided by survey and plotted among the four children of John Hood by Henry Marshall, surveyor in August 1900, and more particularly described as follows:

BEGINNING at the original corner of a larger tract at the edge of a branch and near the school house and the Presbyterian Church and running from thence South 23 degrees West 243-1/2 feet; thence South 57-1/2 degrees West 1270-1/2 feet; thence South 47 degrees West 519 feet to a corner post in the division line; thence with the same North 38 degrees West 790 feet to another corner post; thence with a line of the whole tract South 48-1/2 degrees West 665 feet to a corner of John D. Hood and A. C. Blizzard; thence North 32-1/2 degrees West 622-1/2 feet to a corner of Hannah W. Hood land; thence with the same North 46-1/4 degrees East 1722-1/2 feet to a corner of Richard Paynter's (now Mrs. Robert Dodd's) land; thence with same South 39-1/2 degrees East 660 feet; thence North 48-1/2 degrees East 145 feet; thence South 38 degrees East 121-1/2 feet; thence North 47-3/4 degrees East 977 feet across the road to Lewes to line of Robert Dodd's land; thence with the same South 46-1/4 degrees East 909 feet, home to the place of Beginning, containing 54 acres of land, be the same more or less, improved by a dwelling house and other outbuildings thereon. EXCEPTING THEREFROM the following described property, to-wit:

ALL that certain tract, piece and parcel of land, situate in the Lewes and Rehoboth Hundred, Sussex County, in the State of Delaware, and lying on the Northwest side of and binding upon Delaware Route 1 (140 feet wide as now laid out) and being a part of a larger tract of land which is now owned by Robert B. Hood as described among the Land Records of Sussex County, Delaware, in Liber 551, Folio 646, and being more particularly described as follows:

BEGINNING for same at an iron pipe placed lying on the Northwest right-of-way line of said Delaware Route 1, said point lying 62.35 feet on a bearing of North 45 degrees 1 minute 36 seconds West from the intersection point of the Westerly most right-of-way line of Sussex County Route 274 and the said Northwesterly most right-of-way line of Delaware Route 1 and running from thence by and with the Northwesterly right-of-way line of Delaware Route 1 North 45 degrees 1 minute 36 seconds West 263.86 feet to an iron pipe found, said iron pipe marking the Northeasterly most corner of the other lands of Robert B. Hood; thence continuing by and with the Northwesterly right-of-way line of Delaware Route 1 North 45 degrees 1 minute 36 seconds West a distance of 266.5 feet, plus or minus, to a point; thence South 44 degrees 58 minutes 24 seconds West, a distance of 10 feet to a point; thence continuing by and with the Delaware Route 1 right-of-way line North 45 degrees 1 minute 36 seconds West, a distance of 58.5 feet, plus or minus, to the Northwesterly most corner of the above referenced Robert B. Hood lands; thence continuing by and with the Northwesterly most right-

GRANTEE'S ADDRESS
 3111 132nd Avenue, S.E.
 Snohomish, WA 98290

TAX PARCEL NUMBER
 3-34-12.00 127.01

Consideration: \$0.00 Exempt Code: A

County	State	Total
0.00	0.00	0.00
counter	Date: 10/10/2003	

of-way line of Delaware Route 1 North 45 degrees 1 minute 36 seconds West, a distance of 381.61 feet, to an iron pipe placed, said iron pipe lying along the Northeasterly most limits of the Truitt's Midway Development Company Subdivision as shown on a plat recorded among the Land Records of Sussex County, Delaware, in Plat Book 1, Folio 400; thence by and with the Easterly most line of Truitt's Midway Development Company Subdivision South 41 degrees 26 minutes 22 seconds West, a distance of 710.39 feet to an iron pipe placed; thence continuing by and with the lands of the Truitt's Midway Development Company Subdivision the following three courses and distances, North 44 degrees 17 minutes 31 seconds West, a distance of 119.95 feet to an iron pipe placed; thence South 42 degrees 42 minutes 5 seconds West, a distance of 144.11 feet to an iron pipe placed; thence North 45 degrees 23 minutes 36 seconds West, a distance of 634.57 feet to an iron pipe found lying on the Northeasterly most right-of-way line of Delaware Route 24 (50 feet wide as now laid out); thence continuing by and with the Northeasterly right-of-way line of Delaware Route 24 South 40 degrees 20 minutes 24 seconds West, a distance of 500.14 feet to an iron pipe placed, said point lying on the Northerly most property line of the remaining lands of Robert B. Hood; thence by and with the line of the remaining Robert B. Hood lands, the following ten courses and distances, South 49 degrees 39 minutes 36 seconds East, a distance of 15 feet to an iron pipe placed; thence North 40 degrees 20 minutes 24 seconds East, a distance of 366.07 feet to an iron pipe placed; thence South 87 degrees 28 minutes 24 seconds East, a distance of 16.33 feet to a point; thence South 45 degrees 23 minutes 36 seconds East, a distance of 1,021.46 feet to an iron pipe placed; thence South 44 degrees 36 minutes 24 seconds West, a distance of 25 feet to an iron pipe placed; thence South 45 degrees 23 minutes 36 seconds East, a distance of 85 feet to an iron pipe placed; thence North 44 degrees 36 minutes 24 seconds East, a distance of 25 feet to an iron pipe placed; thence South 45 degrees 23 minutes 36 seconds East, a distance of 162.54 feet to an iron pipe placed; thence South 44 degrees 36 minutes 24 seconds West, a distance of 39 feet to an iron pipe placed; thence South 45 degrees 23 minutes 36 seconds East, a distance of 238 feet to an iron pipe placed, said iron pipe lying on the Northerly most line of the lands now or formerly of Francis C. Warrington as described among the Land Records of Sussex County, Delaware, in Folio 360, Liber 582; thence by and with the lands of Francis C. Warrington North 52 degrees 21 minutes 0 seconds East, a distance of 534.71 feet to an iron pipe placed, said iron pipe lying at the Northeasterly most corner of the Janes Acre Trailer Park as described among the Land Records of Sussex County, Delaware, in Folio 410, Liber 375, and shown more particularly on a plat recorded among the Land Records of Sussex County, Delaware, in Plat Book 1, Folio 55; thence continuing by and with the Northerly most line of Janes Acres Trailer Park North 52 degrees 21 minutes 0 seconds East, a distance of 489.06 feet to the point of beginning; the lands herein described containing 22.10 acres, plus or minus, and being shown more particularly on a plat entitled "Subdivision of the Lands of Robert B. Hood" as prepared by John H. Plummer and Associates, Inc., dated January 30, 1984, and recorded among the Land Records of Sussex County, Delaware, in Plat Book _____, Folio _____.

EXCEPTING, ALSO, a parcel of land containing 24.745 acres, more or less, more fully described in a Deed from The Herola Company, a General Partnership, to The Beebe Medical Center, Inc., dated April 18, 2000, and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 02477, Page 292.

EXCEPTING. ALSO, a parcel of land containing 3.10 acres, more or less, more fully described in a Deed from The Herola Company, a General Partnership, to The Cherry Cove Land Development Company, recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 02469 Page 112, and being designated on the County Tax Records of Sussex County as Tax Parcel No. 3-34-1200-127.03.

PARCEL 2

ALL that certain tract, piece and parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, and more fully described as follows, to-wit:

BEGINNING at an original corner post near but Southwest from an old Sassafras tree, and running thence South 33-3/4 degrees East 693-1/4 feet; thence South 15 degrees West 980 feet to the North edge of a road leading to Rehoboth; thence with said road North 66-1/2 degrees West 1521 feet to a corner of Richard P. Morris' land; thence with the same North 15-1/2 degrees East 295 feet; thence North 48-1/4 degrees East 781 feet; thence North 32-1/2 degrees West 520 feet to a corner of A. C. Blizzard's land; thence with the same North 48-1/2 degrees East 1223 feet to a corner division post; thence with a division line South 38 degrees East 790 feet to another corner post in the division line and line of the original tract; thence with said line South 47 degree West 718-1/2 feet home to the place of beginning, containing 54 acres of land, more or less.

EXCEPTING THEREFROM all that certain tract, piece or parcel of land situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, conveyed unto Robert B. Hood by Deed of Robert B. Hood, individually and in his capacities as Settlor and Trustee of the Irrevocable Living Trust Agreement for the benefit of Heather B. Hood, Robert W. Hood and Lara A. Hood, SANDRA S. HOOD, individually and in her capacity as Settlor of the Irrevocable Living Trust Agreement for the benefit of Heather B. Hood, Robert W. Hood and Lara A. Hood, HEATHER B. HOOD, individually and in her capacity as Beneficiary under the Irrevocable Living Trust Agreement for the benefit of Heather B. Hood, Robert W. Hood and Lara A. Hood, ROBERT W. HOOD, individually and in his capacity as Beneficiary under the Irrevocable Living Trust Agreement for the benefit of Heather B. Hood, Robert W. Hood and Lara A. Hood, and LARA A. HOOD, individually and in her capacity as Beneficiary under the Irrevocable Living Trust Agreement for the benefit of Heather B. Hood, Robert W. Hood and Lara A. Hood, dated the 7th day of August, 1987, and recorded in the Office of the Recorder of Deeds, in and for Sussex County, in Deed Book 1511, Page 167.

The above two parcels, as described herein, are 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, which pertain to the above described parcels.

The two parcels described herein are part of the same lands and premises conveyed by Robert B. Hood, et al., to The Herola Company by Deed dated August 15, 1988, and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 1604, Page 95.

No title search and no lien search have been requested or performed in connection with the transfer of title set forth in this Deed.

IN WITNESS WHEREOF, the said party of the first part, The Herola Company, a General Partnership, has caused its name to be set the day and year first above written, and this Deed to be duly delivered by Robert B. Hood, its duly authorized person designated with the consent of all partners of The Herola Company.

SIGNED SEALED AND DELIVERED
IN THE PRESENCE OF;

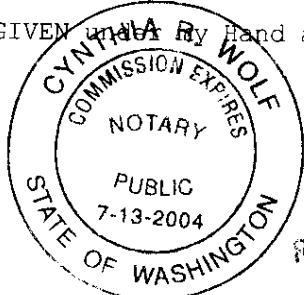
THE HEROLA COMPANY

By: [Signature] (SEAL)
Robert B. Hood

STATE OF WASHINGTON)
: SS
COUNTY OF SNOHOMISH)

BE IT REMEMBERED, That on this 25th day of April, 2003, personally came before me, the Subscriber, a Notary Public, in and for the State and County aforesaid, Robert B. Hood, the duly authorized person designated with the consent of all Partners of The Herola Company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of the said Partnership, The Herola Company.

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



[Signature]
Notary Public

RECORDER OF DEEDS
JOHN F. BRADY

03 OCT 10 AM 8:09

SUSSEX COUNTY
DOC. SURCHARGE PAID

Received

OCT 14 2003

ASSESSMENT DIVISION
OF SUSSEX CTY

LEGAL DESCRIPTION
TAX PARCEL 3-34-12.00-127.01 & 127.10
HEROLA FAMILY, L.L.C.

*Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.*

November 19, 2019

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the southeasterly side of Route 24 and being located in Lewes and Rehoboth Hundred, Sussex County, Delaware; said piece or parcel of land being more particularly described as follows:

BEGINNING at a point formed by the intersection of the easterly right of way line of a 30' Wide Strip of Right-of-Way and the northerly right of way line of the 50' Right of Way to be maintained by the owners of Lots 1,2,3,4 and Residue Lands, said point also being the northwesterly most corner of the herein described parcel as shown on a plat entitled "Minor Subdivision Record Plat Lands of Herola Family LLC" dated July 8, 2008, thence,

1) running by and with said northerly right of way line of the said 50' Right-of-Way, the following twelve courses and distances, by and with the arc of a curve, deflecting to the left, having an arc length of 67.48 feet, a radius of 40.00 feet and a chord bearing and distance of North 78 degrees 27 minutes 05 seconds East 59.76 feet to a point, thence,

2) North 30 degrees 06 minutes 47 seconds East 12.19 feet to a point, thence,

3) by and with the arc of a curve, deflecting to the left, having an arc length of 19.39 feet, a radius of 639.00 feet and a chord bearing and distance of North 30 degrees 58 minutes 57 seconds East 19.39 feet to a point, thence,

4) by and with the arc of a curve, deflecting to the right, having an arc length of 35.27 feet, a radius of 61.00 feet and a chord bearing and distance of North 48 degrees 24 minutes 53 seconds East 34.78 feet to a point, thence,

5) by and with the arc of a curve, deflecting to the left, having an arc length of 19.34 feet, a radius of 39.00 feet and a chord bearing and distance of North 50 degrees 46 minutes 30 seconds East 19.14 feet to a point, thence,

6) by and with the arc of a curve, deflecting to the right, having an arc length of 60.73 feet, a radius of 625.00 feet and a chord bearing and distance of North 39 degrees 21 minutes 24 seconds East 60.71 feet to a point, thence,

7) North 42 degrees 08 minutes 26 seconds East 108.26 feet to a point, thence,

8) by and with the arc of a curve, deflecting to the right, having an arc length of 153.49 feet, a radius of 325.00 feet and a chord bearing and distance of North 55 degrees 40 minutes 13 seconds East 152.07 feet to a point, thence,

9) North 69 degrees 11 minutes 59 seconds East 146.22 feet to a point, thence,

10) by and with the arc of a curve, deflecting to the left, having an arc length of 136.92 feet, a radius of 275.00 feet and a chord bearing and distance of North 54 degrees 56 minutes 11 seconds East 135.51 feet to a point, thence,

11) North 40 degrees 40 minutes 23 seconds East 344.18 feet to a point, thence,

12) by and with the arc of a curve, deflecting to the left, having an arc length of 75.18 feet, a radius of 50.00 feet and a chord bearing and distance of North 02 degrees 23 minutes 45 seconds East 68.29 feet to a point on the westerly property line of the lands of, now or formerly, Hood Family, L.L.C., as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2631, Page 187, thence,

13) leaving said right of way and running by and with the said westerly line of the lands of, now or formerly, Hood Family, L.L.C., the following seven courses and distances, South 45 degrees 27 minutes 14 seconds East 610.08 feet to a point, thence,

14) South 44 degrees 31 minutes 26 seconds West 25.00 feet to a point, thence,

15) South 45 degrees 28 minutes 34 seconds East 85.00 feet to a point, thence,

16) North 44 degrees 31 minutes 26 seconds East 25.00 feet to a point, thence,

17) South 45 degrees 28 minutes 34 seconds East 162.54 feet to a point, thence,

18) South 44 degrees 31 minutes 26 seconds West 39.00 feet to a point, thence,

19) South 45 degrees 28 minutes 34 seconds East 238.00 feet to a point on the westerly line of the lands of, now or formerly, J.G. Townsend, Jr. & Co., as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2401, Page 244, thence,

20) leaving said Hood Family, L.L.C. lands and running by and with said J.G. Townsend, Jr. & Co. lands, South 52 degrees 53 minutes 08 seconds West 17.29 feet to a point, thence,

21) continuing by and with said J.G. Townsend, Jr. & Co. lands and also running by and with the lands of, now or formerly, Old Landing Road, Inc., as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2771, Page 203, South 40 degrees 59 minutes 14 seconds West 324.85 feet to a point on the northeasterly line of the lands of, now or formerly, Beebe Medical Center, Inc., as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2477, Page 292 and said point also being the centerline of a Future Connector Road (60' wide), thence,

22) leaving said Old Landing Road, Inc. lands and running by and with said Beebe Medical Center, Inc. and said centerline of Future Connector Road, the following two courses, thence,

23) by and with the arc of a curve, deflecting to the left, having an arc length of 165.01 feet, a radius of 750.00 feet and a chord bearing and distance of North 76 degrees 57 minutes 01 seconds West 164.68 feet to a point, thence,

24) North 83 degrees 15 minutes 12 seconds West 619.40 feet to a point, thence,

25) leaving said centerline and lands of, now or formerly, Beebe Medical Center, Inc, North 06 degrees 44 minutes 48 seconds West 30.00 feet to a point on the aforementioned easterly right of way line of a 30' Wide Strip of Right-of-Way the following three courses and distances, thence

26) North 83 degrees 15 minutes 12 seconds West 230.60 feet to a point, thence,

27) by and with the arc of a curve, deflecting to the right, having an arc length of 378.03 feet, a radius of 720.00 feet and a chord bearing and distance of North 68 degrees 12 minutes 43 seconds West 373.71 feet to a point and the place of beginning.

CONTAINING 18.793 acres of land, more or less.

F

\\m001\civil\Ocean Atlantic\08180032 Herola Property\PRELIMINARY\SITE BASE SUBMIT.dwg Nov 26, 2019 - 2:55pm

LINE DATA

LINE	BEARING	DISTANCE
L1	S 44°31'26" W	25.00'
L2	S 45°28'34" E	85.00'
L3	N 44°31'26" E	25.00'
L4	S 44°31'26" W	39.00'
L5	S 52°53'08" W	17.29'
L6	N 06°44'48" E	30.00'
L7	N 30°06'19" E	13.67'
L8	N 30°06'47" E	12.19'

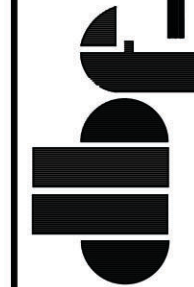
CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	75.18'	68.29'	S 02°23'45" E	86°08'52"
C2	40.00'	65.99'	58.75'	S 87°19'04" W	94°31'08"
C3	275.00'	136.92'	135.51'	S 54°56'11" W	28°31'37"
C4	325.00'	161.74'	160.08'	S 54°56'23" W	28°30'50"
C5	325.00'	153.49'	152.07'	S 55°40'13" W	27°03'36"
C6	275.00'	129.81'	128.61'	S 55°40'26" W	27°02'47"
C7	575.00'	120.65'	120.43'	S 36°07'17" W	12°01'19"
C8	40.00'	66.84'	59.33'	S 17°31'58" E	95°44'11"
C9	720.00'	378.03'	373.71'	S 68°12'43" E	30°04'58"
C10	625.00'	60.73'	60.71'	S 39°21'24" W	5°34'04"
C11	39.00'	19.34'	19.14'	S 50°46'30" W	28°24'33"
C12	61.00'	35.27'	34.78'	S 48°24'53" W	33°07'39"
C13	639.00'	19.39'	19.39'	S 30°58'57" W	1°44'19"
C14	40.00'	67.48'	59.76'	S 78°27'05" W	96°39'13"
C15	780.00'	183.48'	183.05'	S 76°30'53" E	13°28'39"
C16	750.00'	165.01'	164.68'	S 76°57'01" E	12°36'22"



HEROLA PROPERTY LEWES & REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

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



SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

PRELIMINARY SITE PLAN

Date: OCTOBER 2019
Scale: 1" = 60'
Dwn.By: JMJ
Proj.No.: 0818S001.D01
Dwg.No.:

1

HEROLA PROPERTY

SUSSEX COUNTY, DELAWARE

November 14, 2019

Scale: 1" = 200'

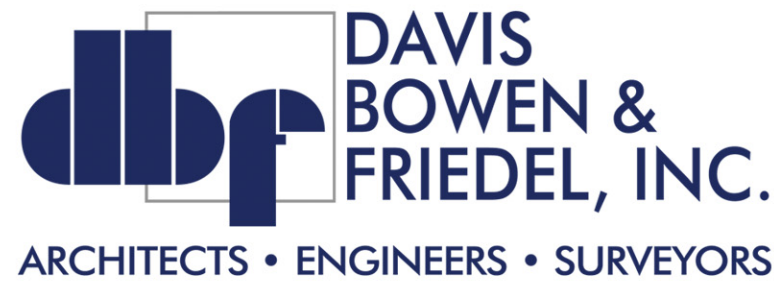
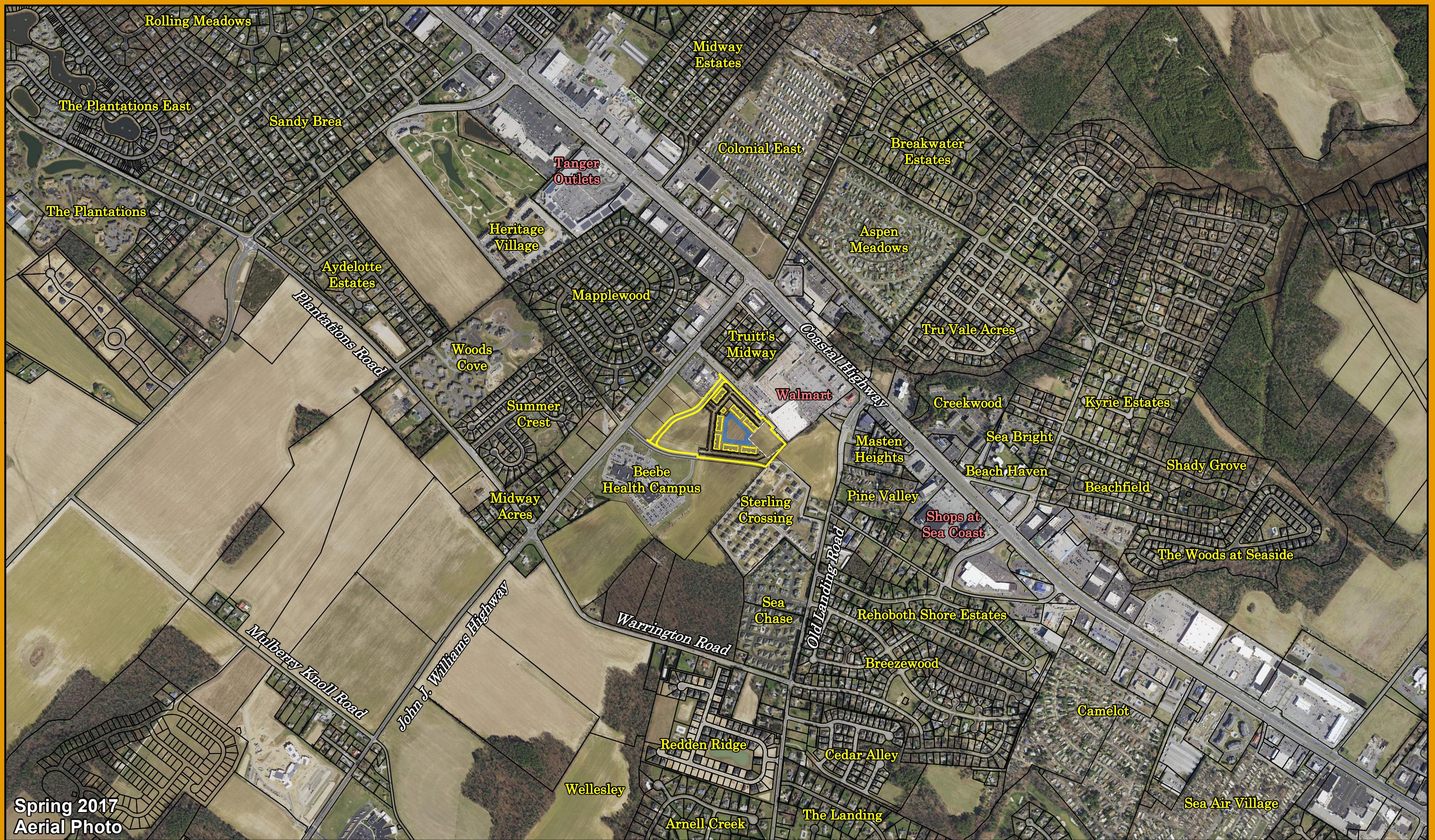






Exhibit 1



Spring 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



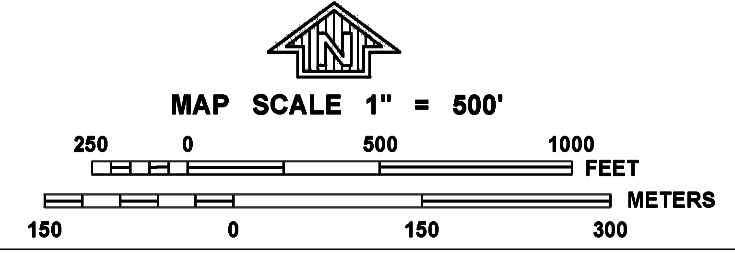
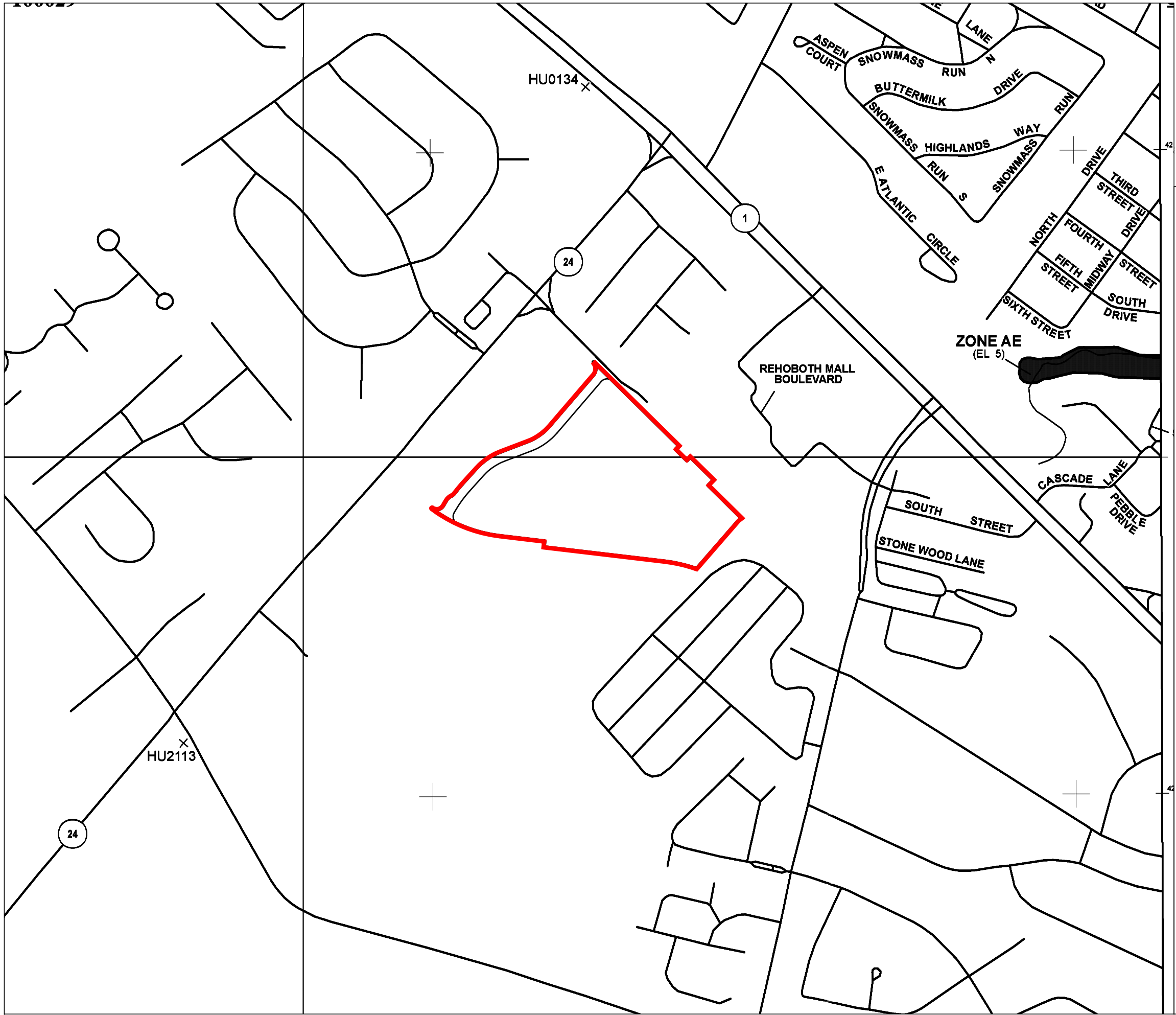
November 2019

Surrounding Communities Map

Herola Property
Sussex County, Delaware

0 1,000 2,000
Feet





NFIP
NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0332K

FIRM

FLOOD INSURANCE RATE MAP

SUSSEX COUNTY,
DELAWARE
AND INCORPORATED AREAS

PANEL 332 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

<u>COMMUNITY</u>	<u>NUMBER</u>	<u>PANEL</u>	<u>SUFFIX</u>
SUSSEX COUNTY	100029	0332	K

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



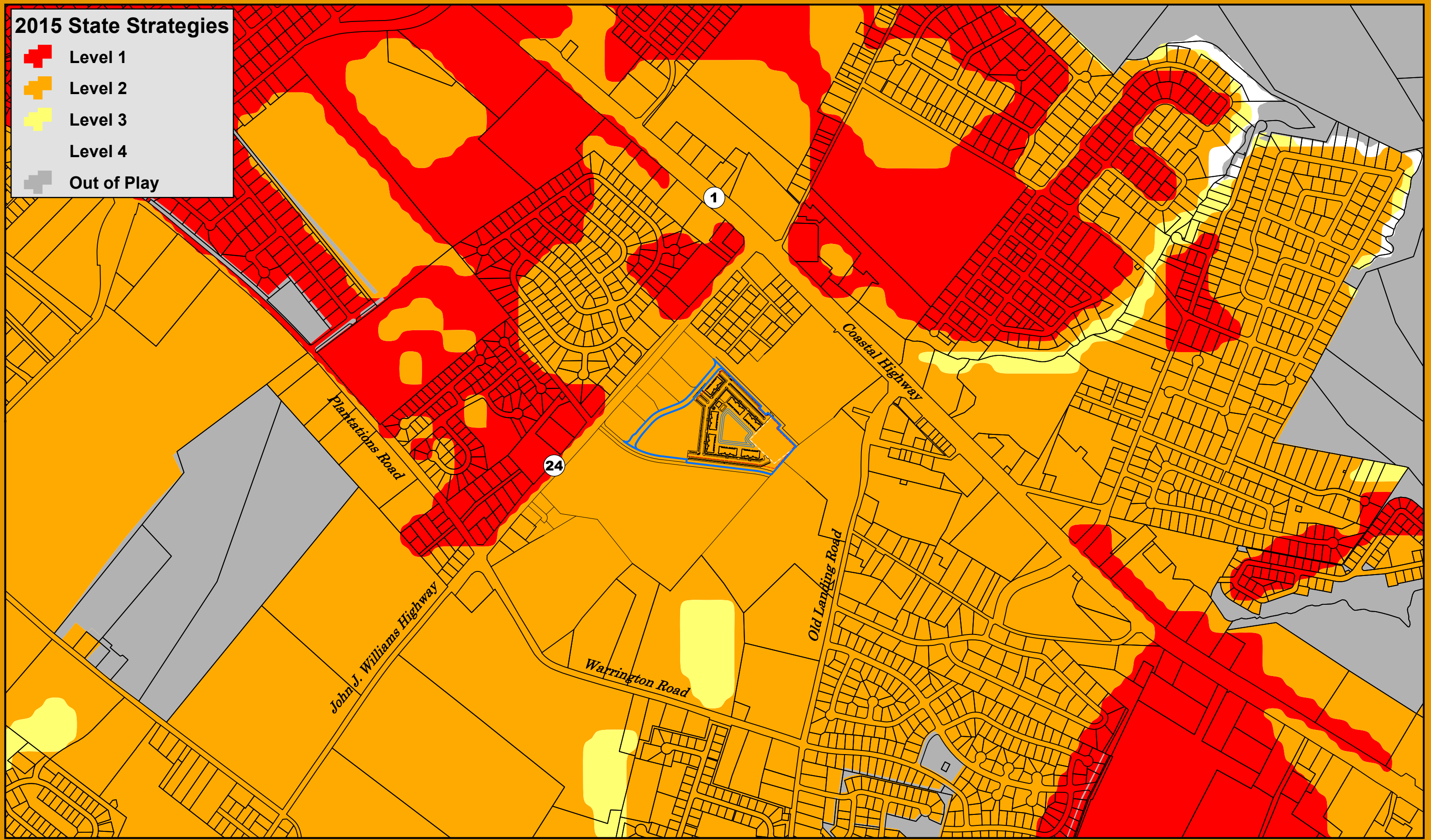
MAP NUMBER
10005C0332K

MAP REVISED
MARCH 16, 2015

Federal Emergency Management Agency

2015 State Strategies

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



Sources:
Tax Parcels per Sussex County



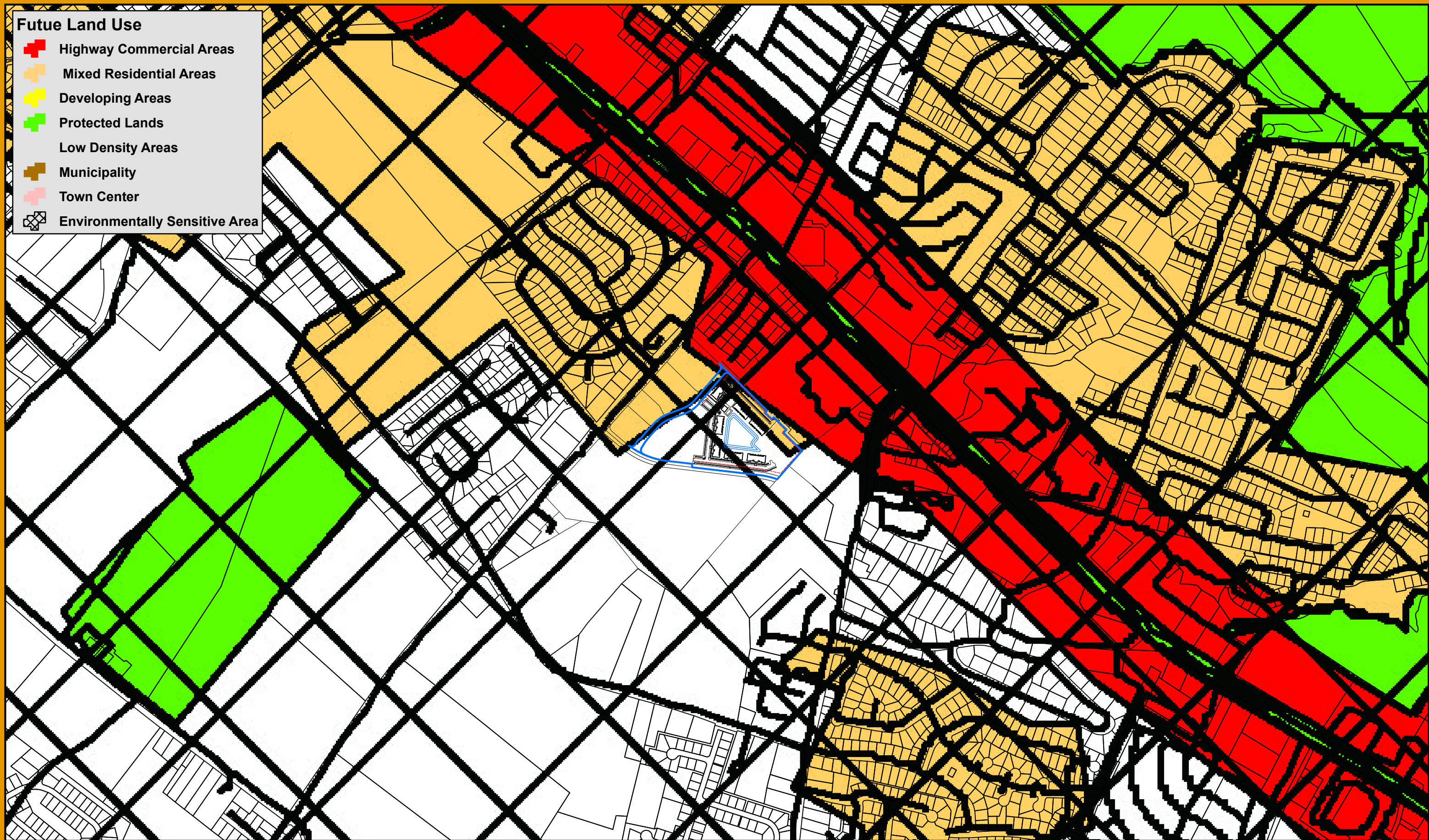
November 2019

2015 State Strategies
Herola Property
Sussex County, Delaware



Futue Land Use

- Highway Commercial Areas
- Mixed Residential Areas
- Developing Areas
- Protected Lands
- Low Density Areas
- Municipality
- Town Center
- Environmentally Sensitive Area



Entire Site is within the
Environmental Sensitive Developing Area



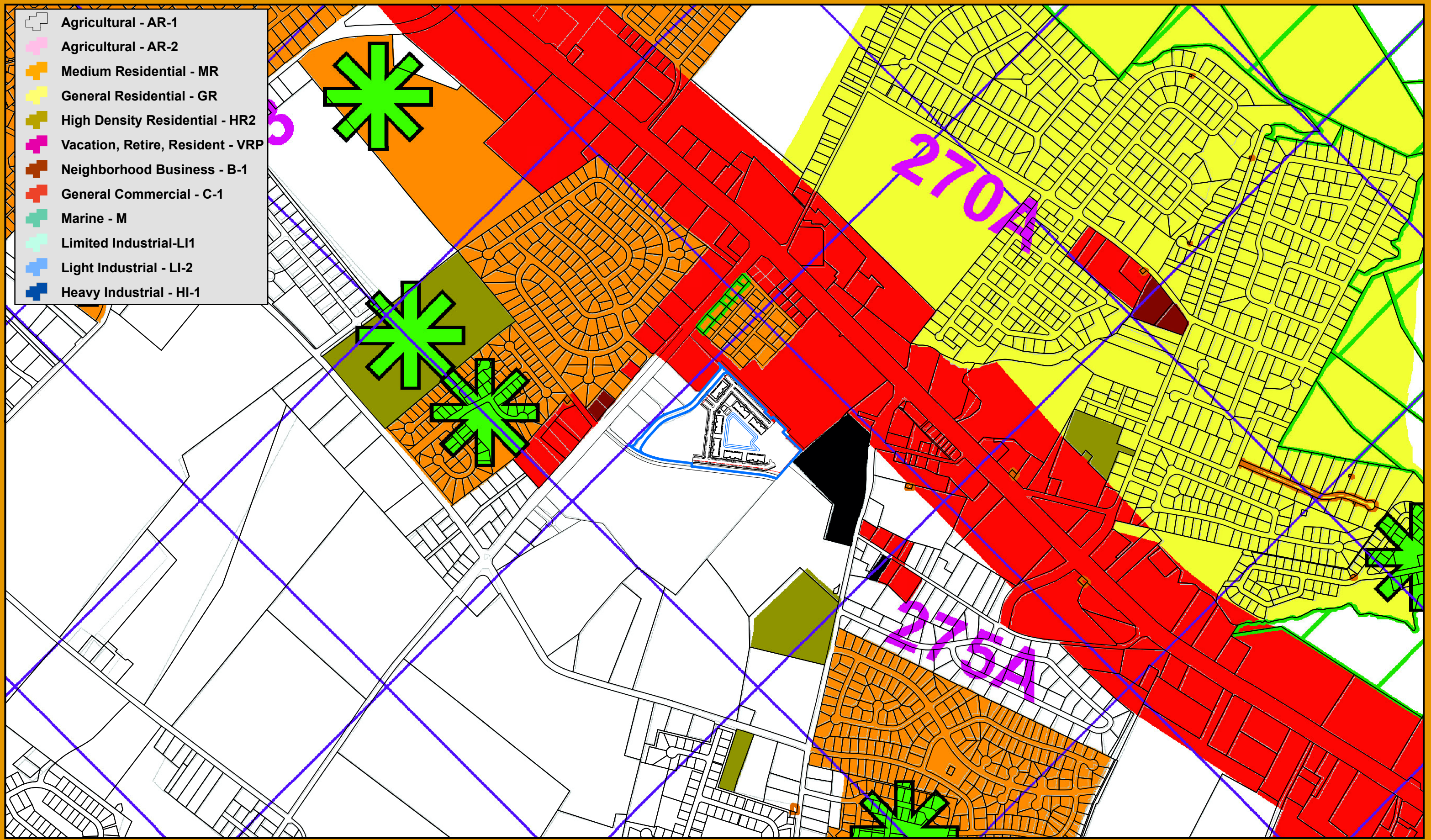
November 2019

Sussex County Future Land Use Herola Property Sussex County, Delaware

0 800 1,600
Feet



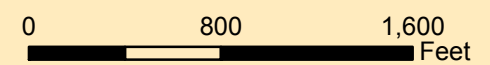
-  Agricultural - AR-1
-  Agricultural - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR2
-  Vacation, Retire, Resident - VRP
-  Neighborhood Business - B-1
-  General Commercial - C-1
-  Marine - M
-  Limited Industrial-LI1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1

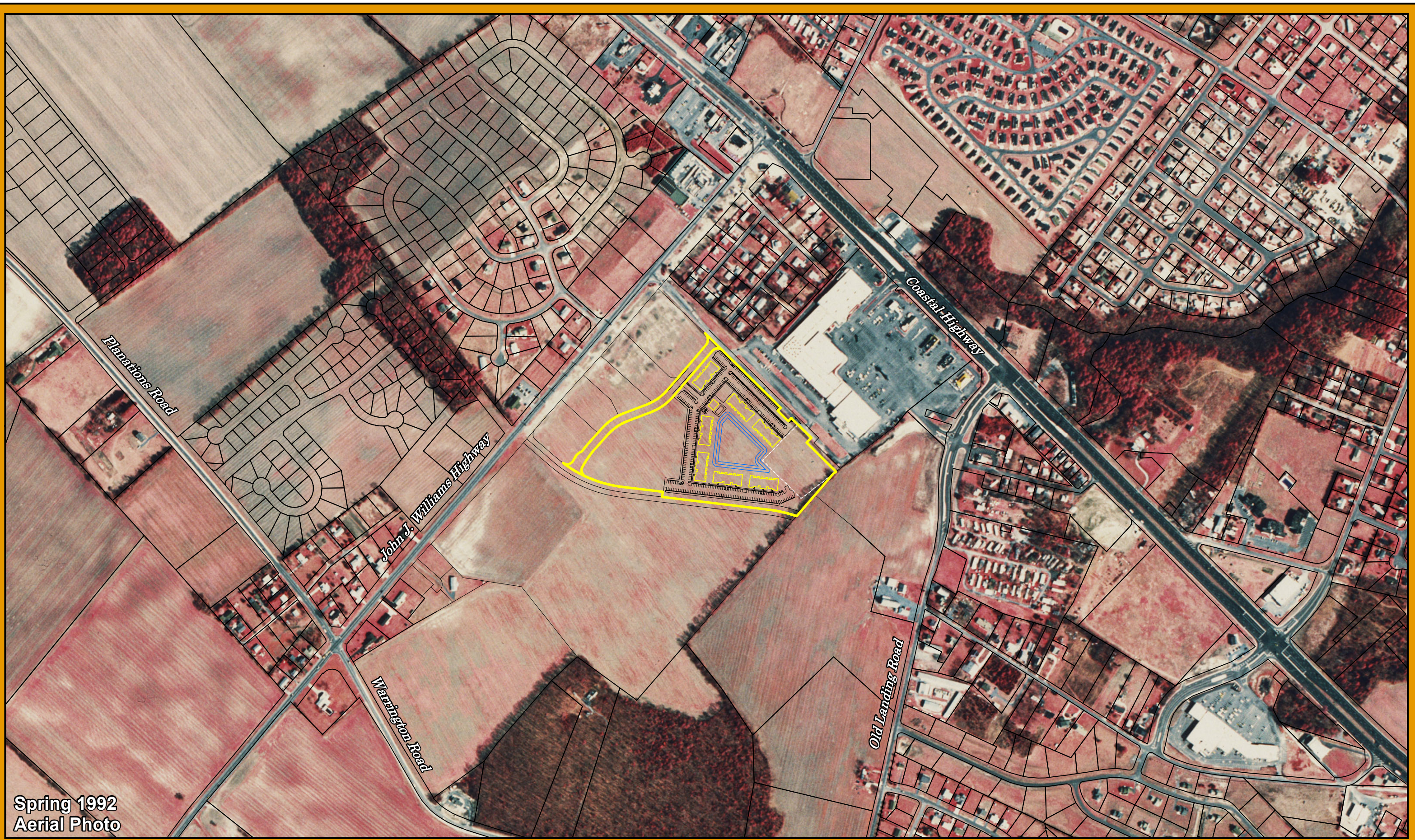


Sources:
Tax Parcels per Sussex County



Sussex County Zoning Map **Herola Property** *Sussex County, Delaware*





Spring 1992
Aerial Photo



November 2019

Sources:
Tax Parcels per Sussex County

1992 Aerial Photo
Herola Property
Sussex County, Delaware

0 500 1,000
Feet





Spring 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



November 2019

2017 Aerial Photo
Herola Property
Sussex County, Delaware

0 500 1,000
Feet






100-YR Flood Plain


NWI Wetlands


State 2' Contours



Spring 2017
Aerial Photo

-  Wellhead Protection Area
-  Excellent Recharge Area

Spring 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County

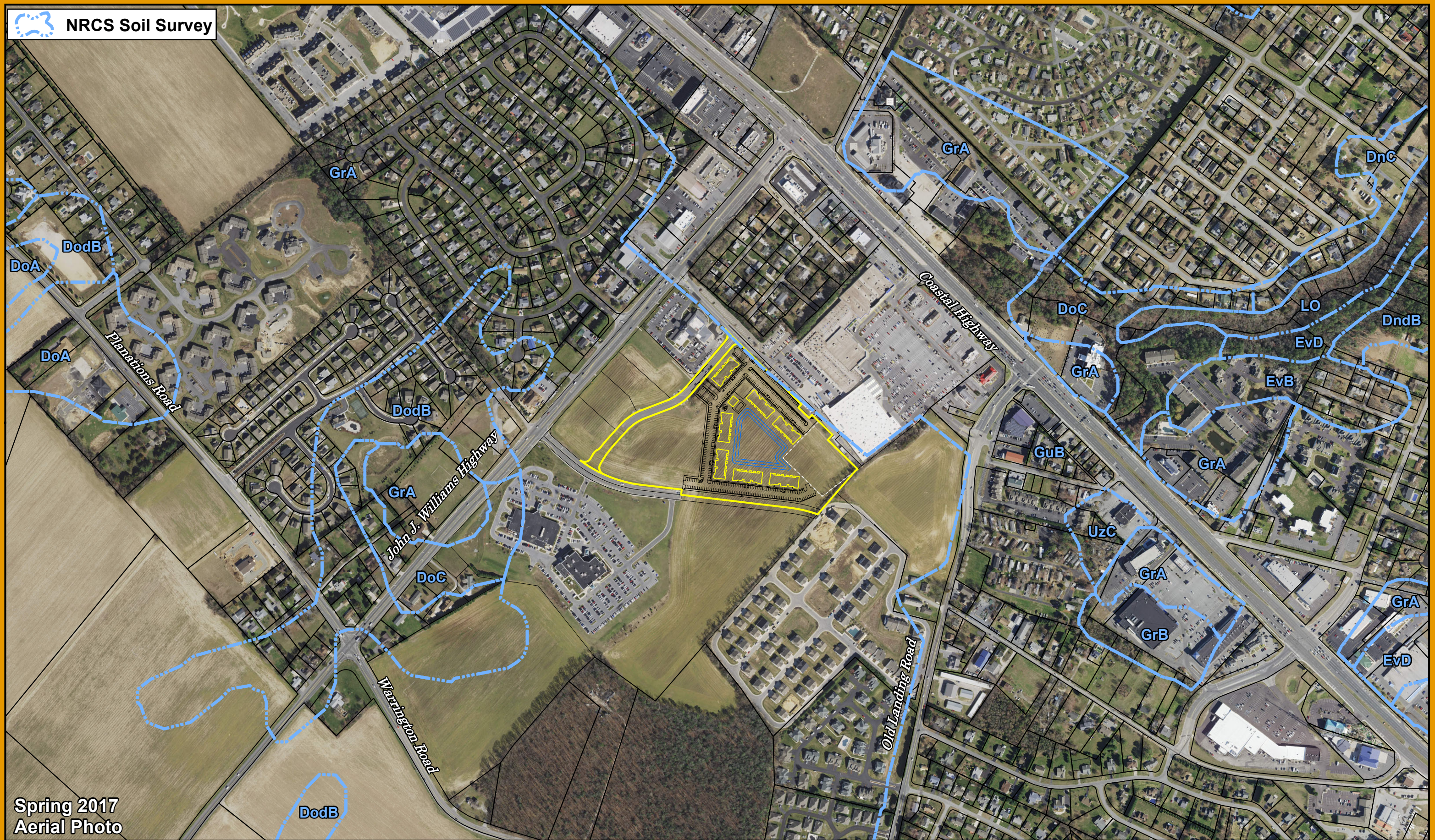


November 2019

Source Water Protection Areas Herola Property Sussex County, Delaware

0 400 800
Feet





Spring 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



November 2019

NCRS Soil Survey
Herola Property
Sussex County, Delaware

0 500 1,000
Feet



Lewes Business Directory.

Hotel.

D. D. Murray...Proprietor of Atlantic Hotel.

Merchants.

Wm. P. Orr...Dealer in General Merchandise.
Thos. E. Ricards...
Dodd, Lingo & Burton...
Hitchens & Marshall...Dealers in Grain, Lumber, Lime, Fer-
tilizers and Coal.

Physicians.

David Hall...Physician and Surgeon.
Jos. Lyons...

Residents.

L. L. Lyons...
Jno. P. Marshall...
H. Wolfe...

Farmers.

Harbison Hickman...
N. W. Hickman...
Jno. F. Woods...

Miscellaneous.

Wm. E. Spencer...Real Estate Agent.
Jos. Lafetra...Custom House Officer.
J. S. Burton...Surveyor and Conveyancer.
Wm. M. Hickman...U. S. Assistant Assessor.
Jno. Marshall, Jr...Captain of Schooner "Garnet."
E. D. West...House Carpenter.
Jos. T. Burres...Keeper of Cape Henlopen Lighthouse.

LEWES AND REHOBOTH

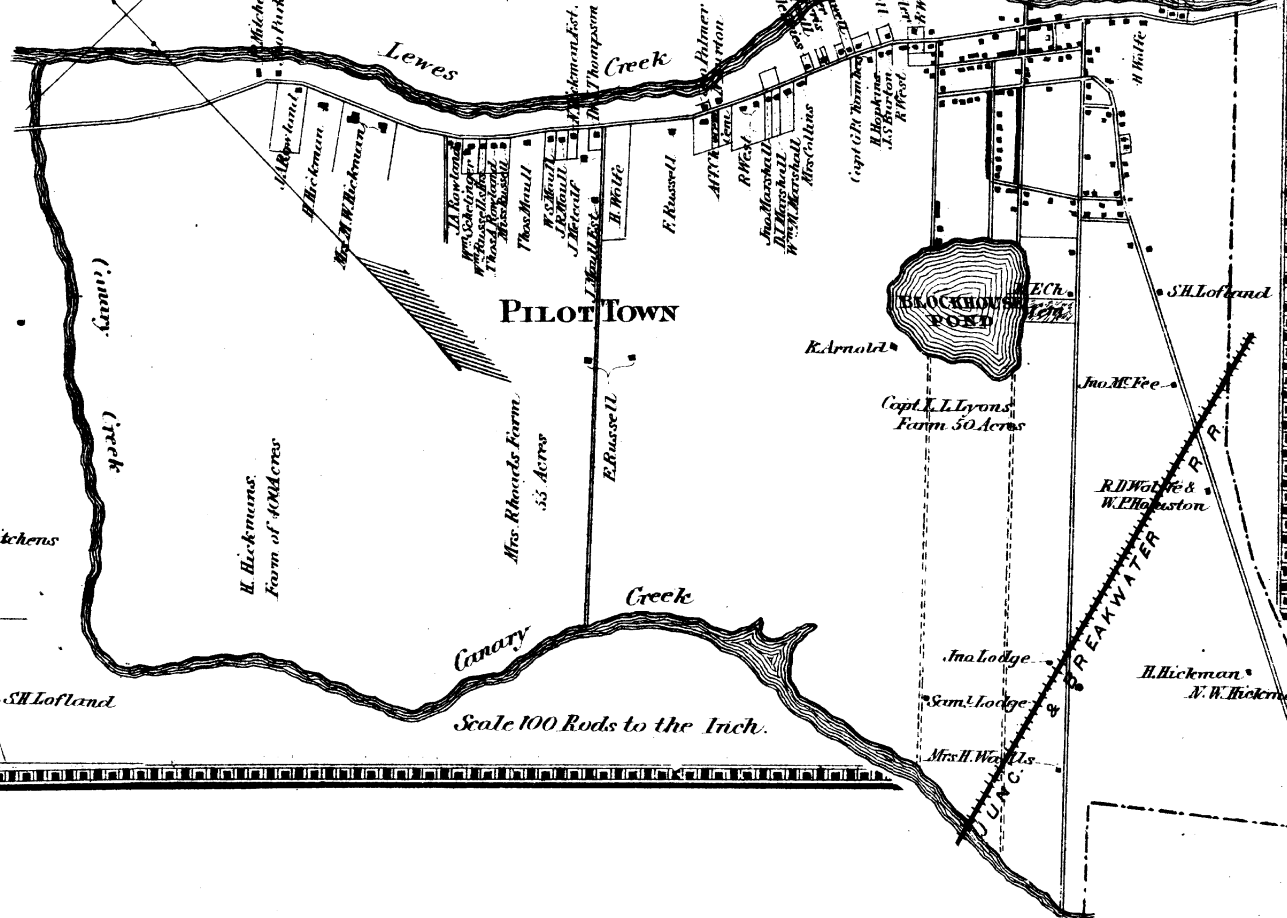
Sussex Co.

Scale 1 inch to the Mile.



LEWES

Lewes & Rehoboth, Sussex Co. Del.



BLOCK HOUSE POND ENLARGED PLAN OF LEWES

Scale 25 Rods to the Inch.

Exhibit 2



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

JENNIFER COHAN
SECRETARY

November 20, 2019

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

Dear Ms. Cornwell:

This letter is to revise and replace my previous letter of September 10, 2019, regarding a Service Level Evaluation Request for the **OA-Rehoboth, LLC** conditional use application. On October 28, 2019, the applicant submitted a revised application modifying the proposed land use from 216 units of three-story multi-family housing and a 175-unit continuing care retirement community, to 224 units of four-story multi-family housing and a 175-unit continuing care retirement community. We are writing to address that request. A copy of our September 10, 2019 letter is enclosed.

The Department has completed its review of a Service Level Evaluation Request for the above-mentioned application, which we received on October 28, 2019. This application is for a 17.37-acre parcel (Tax Parcel: 334-12.00-127.01). The subject land is located on the southeast side of Delaware Route 24, approximately 1,600 feet northeast of the intersection of Delaware Route 24 and Warrington Road / Plantation Road (Sussex Road 275). The subject land is currently zoned as CR-1 (Commercial Residential) and the applicant is seeking a conditional use approval to develop 224 units of four-story multi-family housing and a 175-unit continuing care retirement community.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Warrington Road to Delaware Route 1, are 19,505 and 25,103 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per a weekly peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination



Ms. Janelle M. Cornwell

Page 2 of 2

November 20, 2019

Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a development of 224 units of four-story multi-family housing and a 175-unit continuing care retirement community would generate 1,657 vehicle trips per day, 101 vehicle trips during the morning peak hour, and 131 vehicle trips during the evening peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be \$16,570.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvements, including a Traffic Operational Analysis (TOA), if one is found to be necessary during the site plan review process.

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

Enclosure

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
OA-Rehoboth, LLC, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & 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



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

JENNIFER COHAN
SECRETARY

September 10, 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 **OA-Rehoboth, LLC** conditional use application, which we received on August 12, 2019. This application is for a 17.37-acre parcel (Tax Parcel: 334-12.00-127.01). The subject land is located on the southeast side of Delaware Route 24, approximately 1,600 feet northeast of the intersection of Delaware Route 24 and Warrington Road / Plantation Road (Sussex Road 275). The subject land is currently zoned as CR-1 (Commercial Residential) and the applicant is seeking a conditional use approval to develop 216 units of three-story multi-family housing and a 175-unit continuing care retirement community.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Warrington Road to Delaware Route 1, are 19,505 and 25,103 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per a weekly peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.



Ms. Janelle M. Cornwell

Page 2 of 2

September 10, 2019

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a development of 216 units of three-story multi-family housing and a 175-unit continuing care retirement community would generate 1,613 vehicle trips per day, 99 vehicle trips during the morning peak hour, and 128 vehicle trips during the evening peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be \$16,130.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvements, including a Traffic Operational Analysis (TOA), if one is found to be necessary during the site plan review process.

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
OA-Rehoboth, 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

Exhibit 3

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

August 9, 2019

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Attn: Janelle M. Cornwell, AICP

RE: **Herola Property**
PLUS Comments – 2019-06-03
Tax Parcel No.: 3-34-12.00-127.01
DBF#: 818C032

Dear Ms. Cornwell:

We have read and reviewed the comments provided during the PLUS Review of the Project on June 26, 2019, and received from the Office of State Planning dated July 23, 2019. We offer the following item-by-item response narrative for your review:

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

Thank you for the clarification of a Level 2 state strategies classification.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The proposed apartment complex would access Delaware Route 24 by way of private rights-of-way. The site access is proposed on a 50-foot right-of-way running more or less parallel to Route 24. The east end of that right-of-way is already built and connects to a private service road serving the Rehoboth Mall. The west end has not been built but would connect to a 30-foot right-of-way extending south from Route 24 toward Old*

Landing Road (Sussex Road 274). The 30-foot right-of-way partially contains Lexus Drive, an access road that serves the Beebe Medical Center property on Route 24.

As discussed further below, DelDOT contemplates an extension of Airport Road (Sussex Road 275A) from Old Landing Road to Delaware Route 24 that would include the access road just mentioned. To the extent that the developer wishes to have the 50-foot right-of-way accepted into State maintenance someday, the road within it and the site access on it 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>.

The developer is working with DelDOT regarding options to connect to Old Landing Road. The roads will be designed to Sussex County and DelDOT standards.

- *Presently, in accordance with Section 2.4 of the Development Coordination Manual, DelDOT is working with Sussex County on the creation of the Henlopen Transportation Improvement District (TID), which would extend southwest from Delaware Route 1 along Delaware Routes 23 and 24 to Chapel Branch. If and when the TID is established, developers in the TID would pay a fee, based on their trip generation or a surrogate measure such as dwelling units, to fund transportation improvements in the TID by DelDOT rather than doing Traffic Impact Studies specific to their development and making or funding improvements identified through that effort.*

One of the improvements that could be included in the TID is the extension of Airport Road mentioned above. DelDOT has developed three conceptual alignments for that extension. Copies are attached. While the alignment has not been finally determined and the extension has yet to be designed, presently Alternative B is DelDOT's preferred alternative and the plan should be modified to accommodate it. At the PLUS meeting, the developer's engineer offered that they had developed an alternative proposal for the alignment of the extension. DelDOT is evaluating that proposal.

If the TID is implemented as anticipated, DelDOT would require the developer to provide rights-of-way and, perhaps build some or all of the extension in exchange for credit against their TID fee. Regardless, the rights-of-way should be reserved so as to minimize the effect on the apartment complex when the road is built.

Other anticipated off-site improvements that DelDOT expects to require include improvements to Lexus Drive and two signal agreements, one for Route 24 and Lexus Drive, and one for Old Landing Road and Airport Road.

The developer will continue to work with DelDOT regarding alignment to Old Landing Road and other off-site improvements that may be required.

- 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.

A pre-submittal meeting request form has been submitted and meeting with DelDOT has been scheduled

- 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.

The developer will work with DelDOT in regard to fees assessed to the project.

- 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 PLUS application, the 216 proposed apartments would generate 1,595 vehicle trip ends per day. DelDOT calculates a slightly different number, 1,595 vehicle trip ends per day of which 99 and 117 vehicle trip ends would occur during the weekday morning and evening peak hours of Route 24, respectively. Therefore the plan meets the warrants for a TIS.

Section 2.2.2.2 of the Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. If the County requires a TIS, DelDOT will support their requirement and will not accept the AWS Fee.

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Regardless of whether a TIS is done for this development, DelDOT anticipates requiring the developer to participate in DelDOT's improvements on Route 24 between Mulberry Knoll Road and Route 1, and to dedicate rights-of-way, and possibly build improvements along the access road that serves Beebe Medical Center and would indirectly serve their site. The amount of the contribution(s) specific improvements and have yet to be determined but the AWS Fee, if paid, would not be counted in that regard. AWS Fees are used to fund traffic studies, not to build improvements. The DelDOT Route 24 project just mentioned is programmed for construction beginning in the spring of 2020 and ending in the spring of 2022.

The developer is working with DelDOT to determine the need for a TIS and/or and Area Wide Study Fee and to determine the extent of offsite improvements.

- *Section 3.5.4.2 of the Development Coordination Manual addresses requirements for Shared Use Paths and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required. DelDOT anticipates that the Airport Road extension would include sidewalk on one or both sides and would recommend that the County require continuation of the existing sidewalks along the 50-foot right-of-way discussed above.*

Sidewalks were proposed with the alternatives to the Airport Road Extension. Sidewalks throughout the site will be designed to connect to the Airport Road Extension, Walmart shopping center and Route 24.

- *Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.*

Should a transit stop be necessary, it will be shown on the record plan.

State Historic Preservation Office – Contact Carlton Hall 736-7404

- *There are no known archaeological sites or known National Register-listed or eligible properties currently on the parcel. However, the project area is on well-drained soils and prior to development near surface water drainages. There is medium to high potential for prehistoric archaeological resources. Therefore, the SHPO is recommending an archaeological survey of the project area.*
- *If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).*
- *If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: www.achp.gov*

Thank you for researching known archaeological sites and the National Register. The developer is aware of the Unmarked Burials and Human Skeletal Remains Law. We do not anticipate federal involvement, should federal involvement occur the developer comply with the National Historic Preservation Act.

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

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

Fire Protection Water Requirements:

- *Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.*
- *Where a water distribution system is proposed for multi-family (apartment) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.*

Water distribution will be provided by Tidewater Utilities, Inc. and will meet pressure and duration requirements. The required infrastructure will be added to the plans and submitted for Fire Marshal approval. Hydrant Location, water main locations, and water main sized will be shown on the utility plan and submitted for Fire Marshall review and approval.

Fire Protection Features:

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

Automatic sprinkler protection will be installed and fire connection locations shown as required. Fire lanes and signs will be marked according to Fire Marshall code.

Accessibility:

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

Accessibility to within 100 ft. will be provided. Breaks in parking allow access to the sides and rear of buildings. A 40' building separation has been provided. We do not anticipate the use of gates to limit access to the development. We do not propose any cul-de-sacs or turnarounds in the site.

Gas Piping and System Information

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

We are currently working with Gas providers and will provide that information on the plans to receive Fire Marshall approval.

Required Notes:

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

Notes and site data will be added to the site plans and submitted to the Fire Marshal's office for review and approval.

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 all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
Plus and TAC comments will be addressed.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new version and look for the revision date of March 21, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>
The latest notes will be used.

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

Water Quality Recommendations

- *Consider using pervious pavement/pavers in parking areas to help minimize impervious cover.*
- *Use green stormwater management technologies where feasible.*

Fish & Wildlife

- *A review of the DNREC database indicates that there are currently no records of state-rare or federally listed plants, animals, or natural communities at this project site.*

Green technologies will be used in the design of stormwater where feasible.

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

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

We look forward to working with your office.

State Housing Authority – Contact: Karen Horton 739-4263

- *DSHA strongly supports the site plan for 216 apartment units on 12.55 acres along Rt. 24 and Old Landing 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. Considering the site's close proximity to the Rt. 24 and Coastal Highway intersection and location within a DSHA-defined "Areas of Opportunity" providing economic opportunity, high performing schools, and supportive infrastructure that help households succeed, this is an excellent location for a more affordable housing product. As a result, the DSHA recommends that Sussex County embrace the opportunity to approve this proposal permitting residents to live close to their jobs, as well as, the resources and benefits this area provides.*
- *DSHA noted their concern with the current scale and site layout. Rental units are vital to any well-balanced community, the intensity of the proposal warrants quality design measures to create a desirable, human-scaled, and pedestrian-oriented community. Incorporating attractive streetscapes, visually appealing façade treatments, significant landscaping and pedestrian-oriented measures will help the proposal integrate into the larger coastal area.*

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.

Thank you for your support of the project. We look forward to working with the Delaware Housing Authority to bring affordable housing to the area.

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

- *A pedestrian pathway is needed from entrance of property to SR 24 for people to connect with the bus stop.*
- *Internal pedestrian pathways are needed from internal pedestrian paths to roadways (both to north-south uncompleted roadway, and to east-west uncompleted roadway that allows entrance to Beacon Pediatrics).*

Sidewalks are proposed throughout the site. The developer will work with the adjacent landowner to provide connection to Route 24 via the sidewalk on the southwest side of the vision center optical.

Sussex County – Contact Rob Davis 302-855-7820

- *Approximately 1/3 acre of the parcel is in a Tier 1 area and the remaining portion of the parcel is in a Tier 2 area. The portion of the parcel in the Tier 2 area (approximately 17.41 acres) is not within a sewer district and must be annexed into the sewer district. Sewer service is not available to the Tier 2 area until annexation into the sewer district is approved by the Sussex County Council. The developer will need to complete all administrative procedures for the annexation.*
- *A “Use of Existing Infrastructure Agreement” is required and must be approved prior to approval of construction plans. Sussex County Code, Chapter 110 requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning Department for their project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of \$1,000.00 payable to Sussex County Council. The Utility Planning Department will review the parcel(s) and EDU, determine capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer as well as the Sussex County Public Works department. The Public Works will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.*
- *Attached is a listing of steps to be completed for extending district boundaries.*
Thank you for clarification of the sewer district boundary. We will begin the process of annexation into the sewer district. Existing Sanitary sewer manholes are located within the private ROW adjacent to this property and will be used for connection. The developer will request a sewer system concept evaluation from the county.

Ms. Janelle M. Cornwell
Sussex County P&Z
August 9, 2019
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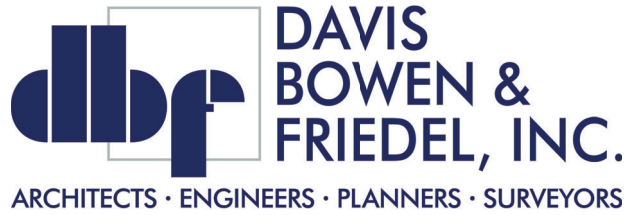
In addition to the comments above our office has received a letter from Brandy Nauman, Sussex County Housing Coordinator & Fair Housing Compliance Officer. A copy of that letter is enclosed wit this letter.

On behalf of the Developer we thank the State for providing us with these comments. Please contact me at (302) 424-1441 if you have any questions or need additional information.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

A handwritten signature in black ink, appearing to read 'W. Zachary Crouch', with a stylized flourish at the end.

W. Zachary Crouch, P.E.
Principle



*IMPROVING OUR COMMUNITIES.
SHAPING THE WORLD AROUND US.*

CREATING VALUE BY DESIGN.

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

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

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

www.dbfinc.com

Memorandum of Understanding (MOU) between Sussex County and DelDOT

The MOU describes the coordination process between Sussex County and DelDOT regarding the process of land use applications.

2019
SUSSEX COUNTY/DELAWARE DEPARTMENT OF TRANSPORTATION
MEMORANDUM OF UNDERSTANDING
FOR LAND DEVELOPMENT COORDINATION

WHEREAS, Title 9, Section 6962 of the *Delaware Code* “Highway Capacity” obligates Sussex County to “establish an agreement with the Department of Transportation to provide a procedure for analysis by the Department of Transportation (“DelDOT”) of the effects on traffic of each rezoning application; and

WHEREAS, This Memorandum of Understanding is intended to comply with the foregoing requirements of Title 9, Section 6962 of the Delaware Code; and

WHEREAS, Land development has the potential to impact adjacent highways and Sussex County and DelDOT recognize that an analysis of the effects upon traffic is important in all types of land use decisions (Residential Planned Communities, Major Subdivisions, Conditional Uses) and not just rezoning applications; and

WHEREAS, The 2018 Sussex County Comprehensive Plan promotes greater coordination between DelDOT and Sussex County in land use decisions; and

WHEREAS, Sussex County is solely responsible for land use decisions in Sussex County; and

WHEREAS, the DelDOT is responsible for the operation, maintenance, and construction of State-maintained roads as well as the regulation of all entrance and roadway improvements required as part of new development; and

WHEREAS, it is the desire of Sussex County and DelDOT to coordinate land development with transportation needs.

NOW, THEREFORE,

BE IT RESOLVED that Sussex County Council and DelDOT hereby adopt the following Memorandum of Understanding:

DEFINITIONS

COMMITTED OFF-SITE IMPROVEMENTS – Road improvements for the benefit of safety and/or capacity that are generally beyond the limits of the site entrance and frontage that are required to be built by an approved land development project. Such improvements do not include auxiliary lanes that serve the site entrance, but may include roadway widening along the frontage of the site.

FEE IN LIEU - DelDOT regulations define an Area Wide Study Fee that, under certain conditions, DelDOT may accept when it would otherwise require a TIS. The fees accepted are used by DelDOT to subsidize the preparation of studies of larger areas than a TIS would normally address; they are not used to build improvements. Payment of the fee does not relieve a developer of responsibility to build or contribute toward transportation.

LEVEL OF SERVICE (LOS) - A quantitative stratification of a performance measure or measures representing how well a transportation facility or service operates from a traveler's perspective. For each type of facility or service there are six levels of service, ranging from A to F, with A representing the best operating condition and F the worst operating conditions. Except as may be specified by DelDOT, LOS shall be determined in accordance with the current edition of the Highway Capacity Manual, a publication of the Transportation Research Board.

PRELIMINARY TRAFFIC ANALYSIS - An evaluation by DelDOT, in terms of the proposed trip generation, to determine whether a Traffic Impact Study is necessary with regard to a proposed land use approval.

TRAFFIC IMPACTS:

DIMINUTIVE - The change in land use is expected to increase the trip generation of the subject land by fewer than 50 vehicle trips per day.

NEGLIGIBLE - The change in land use is expected to increase the trip generation of the subject land by fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day.

MINOR - The change in land use is expected to increase the trip generation of the subject land by at least 50 but fewer than 200 vehicle trips in any hour and at least 500 vehicle trips per day.

MAJOR - The change in land use is expected to increase the trip generation of the subject land by more than 200 vehicle trips in any hour or more than 2,000 vehicle trips per day.

TRAFFIC IMPACT STUDY (TIS) – A study conducted during the development approval process, in accordance with applicable DelDOT regulations, to determine the impacts that traffic generated by the proposed development will have on the surrounding street network and the improvements needed to the transportation system in order to mitigate those impacts.

TRAFFIC OPERATIONAL ANALYSIS (TOA) – An evaluation, or series of evaluations, conducted during the review of subdivision, land development and entrance plans, in accordance with applicable DelDOT regulations, primarily intended to determine site entrance location and movements to be allowed at the site entrance. These evaluations may include; Queuing Analysis, Highway Capacity Manual Analysis, and Crash Analysis.

LAND USE COORDINATION

1. Sussex County will make the final decisions on all matters of land use.
2. The Sussex County Planning and Zoning Department will request a Preliminary Traffic Analysis from DelDOT for each land use application to determine if the resulting traffic impact will be negligible, minor, or major. This shall not be required where the County Planning and Zoning staff, in concurrence with DelDOT staff, finds that the proposed change in land use will have a diminutive impact upon the road system. Unless more time is required given the size or complexity of the land use application, DelDOT shall endeavor to provide a Preliminary Traffic Analysis within twenty days after receiving the Analysis request.
3. Given the seasonal nature of high-volume traffic volume in Sussex County, and since the “season” has expanded beyond just Memorial Day through Labor Day, with very high traffic volumes on seasonal weekends, it is important for DelDOT to take into account these high volumes in any analysis that it performs. To be effective, low-volume off season volumes should not be utilized where they will artificially lower average traffic volumes.
4. Unless waived as set forth in Paragraph 2 above, Sussex County will not consider an application until DelDOT supplies Sussex County with the above information.
5. When it is determined that the traffic impact would be negligible, no further traffic analysis will be necessary. DelDOT has the authority to make such a determination where (based on the full development of the property as limited by either the zoning code or other factors) the expected average daily traffic (ADT) of the site will not exceed five hundred (500) trips. When DelDOT determines negligible impact will occur, they will provide projected traffic volumes in support. Sussex County may approve land use applications with negligible impact at its discretion.
6. When DelDOT determines the traffic impact to be minor, the traffic analysis shall include the feasibility of providing safe access and the condition, pavement, and the geometry of the nearby roadways and intersections relative to the traffic the subject property could generate. Where any of these are deemed inadequate, DelDOT shall comment to this effect, and identify roadway improvements that shall be required by the Developer. An Area Wide Study Fee (AWSF) letter will be generated to document the developer’s obligations

to construct identified roadway improvements or fund road improvements as required by DelDOT. In addition, DelDOT may require further study if necessary.

7. When DelDOT determines that the traffic impact will be major, the developer will be required to conduct an in-depth Traffic Impact Study (TIS) (at the developer's expense) to DelDOT standards. In addition, Sussex County, at its own initiative, may require a developer to conduct a TIS. The TIS will also consider the effects of active or proposed transportation improvements in the adopted Six (6) Year Capital Improvements Program, Current Transportation Plans, and Committed Off-Site Improvements, and the current Sussex County Comprehensive Plan and establish staging for development as needed. DelDOT will provide a technical evaluation of the TIS. Alternatively DelDOT may allow a Traffic Operational Analysis (TOA) instead of a TIS.
8. As an alternative to the TIS or TOA process set forth above, when DelDOT has determined that the area in question has already been the subject of sufficient study, a new TIS or TOA may not be required. Instead, DelDOT may require a "Fee in Lieu" to be paid by the developer to DelDOT to recoup all or a portion of the cost of the prior studies relied upon by DelDOT in lieu of a new TIS or TOA. The "Fee in Lieu" is unrelated to the developer's subsequent obligations to construct or fund road improvements as required by DelDOT and the "Fee in Lieu" is not a waiver of those requirements. A TIS or AWSF letter will be generated to document the developer's obligations.
9. Sussex County and DelDOT shall endeavor, where possible, to maintain a Level of Service of D on roads and intersections affected by a land use application. However, Sussex County and DelDOT recognize that: (a) a Level of Service of D is not always attainable; (b) that this threshold may create an undue burden on a property owner looking to develop a property given the prior development that has occurred in an area contributing to the existing Level of Service; or (c) other relevant factors (such as the size of the property, type or importance of the development) may mitigate against maintaining a Level of Service D. If the existing Level of Service is below D prior to the impact of the proposed land use, the existing Level of Service must at least be maintained.
10. No public hearing on the land use application shall occur until: (a) Sussex County receives the approved TIS from DelDOT; (b) Sussex County receives the approved TOA from DelDOT; (c) DelDOT advises that a "Fee in Lieu" (described in Paragraph 8 above) is

appropriate instead of a TIS; or (d) the application will have a diminutive impact as described above.

11. When DelDOT determines, on the basis of a TIS or TOA or studies previously performed as part of the “Fee in Lieu” process, that a land use decision could cause the threshold level of service to be exceeded, the County will not approve the land use application unless the developer takes appropriate measures to maintain operations at the threshold level or unless Sussex County finds that there are sufficient reasons why the developer should not be responsible for all or part of the measures necessary to maintain the threshold level of service. Sussex County, in the latter case, shall set forth in writing their reasons for approving the land use application.
12. Sussex County does not have the ability to determine what, if any, conditions of approval related to roadway improvements or traffic would be appropriate in a given land use application. Therefore, if, in DelDOT’s opinion, there are appropriate conditions of approval that should be imposed upon a land use decision, DelDOT shall offer those conditions as part of its TIS or as part of its Technical Advisory Committee review for consideration by Sussex County. Any such proposed conditions shall be clearly summarized by DelDOT in its Preliminary Traffic Analysis. After considering all relevant information regarding the land use application, Sussex County shall consider the proposed conditions but shall not be obligated to include them as part of any approval.
13. Phasing of land development with highway capacity and safety improvements to restore and maintain a level of service “D” may be required by DelDOT. To accomplish this, DelDOT should state what phasing is appropriate for the subject land use application and clearly state that phasing requirement to Sussex County so that Sussex County can clearly incorporate it into its various approvals as appropriate. Sussex County may then impose that phasing requirement as part of its approval of a land use application. Phasing of the project can include (but is not limited to) a consideration the following:
 - a. A delay of all or part of the development until specific highway improvements are made by DelDOT or others;
 - b. Whether the required highway improvements are being funded or constructed at the developer’s own expense;

- c. Whether the developer is participating in, and/or funding, transit or traffic mitigation strategies.

The phasing requirements shall be included as a Plan Sheet at the time of Final Site Plan approval. However, whenever possible, DelDOT shall endeavor to state whether a phasing recommendation is likely (with specific details to follow) as part of the TIS process prior to the Preliminary Site Plan or other public hearing process so that Sussex County, the developer and the public can have an expectation that phasing may be considered as part of the project development. Phasing tied to other types of site plan approval is addressed in a following Section of this MOU regarding Site Plan Coordination.

14. Where measures to maintain operations are agreed upon by a developer, both DelDOT and Sussex County shall assure that these measures are carried out.
15. When Sussex County believes that expert testimony regarding transportation issues is required to make a land use decision (such as a rezoning, major subdivision, conditional use or Residential Planned Community), DelDOT will provide a suitable representative to attend meetings of the Planning and Zoning Commission and/or County Council. The representative should be someone with specific technical knowledge of the project in particular and also ongoing projects in the area of Sussex County where the project is to occur.
16. In addition to the project-specific information referenced in the preceding paragraph, DelDOT shall provide regular updates to Sussex County about the status of ongoing and future roadway and transportation projects in the County, so that County Council and the Planning & Zoning Commission have an up-to-date understanding of their status. This shall include both developer-funded and DelDOT-initiated and -funded projects. During these updates, Sussex County will also have an opportunity to discuss other transportation improvements that may be needed in the future.
17. Whenever possible during the implementation of the foregoing items, Sussex County and DelDOT should encourage master planning for large scale developments on large parcels or groups of parcels in the Town Center, Coastal Area, Developing Area and commercial areas as set forth in the Comprehensive Land Use Plan to provide greater flexibility in design and/or the installation of additional roadways and interconnectivity.

18. The Sussex County Planning and Zoning Department is responsible for coordinating all required information with Sussex County Council and the Planning and Zoning Commission.
19. Sussex County shall be entitled to participate in any negotiations between a developer and DelDOT as to roadway improvements. Sussex County may provide input into those negotiations, but DelDOT shall be entitled to make the final determination as to all required roadway improvements and negotiated agreements with a developer. Any agreement reached between a developer and DelDOT as to roadway improvements, phasing of a development, funding of roadway improvements, etc. shall be immediately forwarded to Sussex County for its records with regard to the development. Any subsequent changes or amendments to a DelDOT/developer agreement shall likewise be immediately forwarded to Sussex County. Provided, however, that DelDOT recognizes that if a specific requirement (such as phasing) is incorporated into a land use decision (such as a major subdivision, conditional use or Residential Planned Community), this may not be enforceable by Sussex County without an amendment to the subdivision approval or the ordinance that approved a Residential Planned Community, Conditional Use or certain other rezonings where conditions can be imposed.

REZONINGS (WITHOUT SITE PLANS OR CONDITIONS OF APPROVAL)

1. Sussex County and DelDOT acknowledge that on a rezoning to a new zoning district where a specific site plan is not under consideration, and where the County cannot impose conditions as part of the rezoning approval, a TIS may not be possible (with the exception of rezonings to Residential Planned Communities and C-4, where specific site plans are considered and conditions can be imposed). This is because the various zoning districts have several permitted uses that are allowed once a rezoning occurs; as a result DelDOT cannot determine, at the time of rezoning, what the actual use will be nor what the traffic and possible roadway improvements will be as a result of it. This requires greater coordination on the part of both Sussex County and DelDOT.
2. Whenever possible, DelDOT shall endeavor to provide as much information about the general impacts of the rezoning upon area traffic and roadways as required in the preceding

Section prior to the public hearing before Sussex County Council and the Planning & Zoning Commission.

3. Whenever DelDOT is approached by a developer with a specific project in mind, DelDOT and that developer may enter into an agreement to obtain a TIS for the project as part of the rezoning process so that the information required as part of the TIS may be included in the record of the public hearings of the rezoning application. Because other possible uses of the property may be permitted under the proposed new zoning, Sussex County is not bound by this information in making its decision on the rezoning. However, if the use that the TIS is based upon changes after the rezoning occurs, another TIS shall be required and Sussex County shall not approve any Preliminary or Final Site Plan for the property until the new TIS is completed with all necessary traffic and roadway improvements determined by DelDOT. Alternatively, if no TIS is performed on a specific project, DelDOT or Sussex County shall have the ability to request a TIS based upon the most impactful permitted use available under the new zoning classification that is sought.

SITE PLAN COORDINATION

1. Section 115-220D of the Sussex County Zoning Code allows Sussex County to approve certain site plans “subject to conditions”. In any site plan reviewed pursuant to Section 115-220 of the Sussex Zoning Code, Sussex County, with the assistance of DelDOT, may impose conditions regarding phasing and the timing of building permits in conjunction with completion of necessary roadway improvements.
2. In all site plan reviews, DelDOT will review the site plans in accordance with its rules and regulations for access and roadway improvements. Sussex County will withhold any site plan approval until DelDOT has approved all necessary roadway improvements and entrance design requirements. Provided, however, that this requirement may be waived by Sussex County for minor amendments to existing site plans that changes the trip generation by less than 50 trips per day.
3. Sussex County shall withhold the issuance of any building permit until DelDOT has issued the entrance construction permit associated with the project.

4. DelDOT will withhold an entrance permit until the developer has agreed to construct the access point(s) to Department standards and to provide off-site improvements as may be required to maintain acceptable traffic operation on highways.
5. Sussex County will withhold issuance of the Certificate of Compliance until DelDOT has accepted the entrance construction and issued the notice to the owner that the entrance construction permit has been satisfied.

TRANSPORTATION IMPROVEMENT DISTRICTS

1. In the event that a land use application falls within a Transportation Improvement District (“TID”), the requirements of the TID, as set forth in the TID Agreement, shall supersede the requirements set forth in this MOU.

IT IS FURTHER RESOLVED that the Secretary of the Delaware Department of Transportation and The County Administrator will affirm this agreement by affixing their signature to the Resolution.

Adopted by the County Council of Sussex County on _____, 2019.

President of the County Council of Sussex County

The following signatures concurring herein:

For Sussex County:

Todd Lawson, Sussex County Administrator

Robert Wheatley, Chairman, Sussex County
Planning & Zoning Commission

Janelle Cornwell, Director of Planning & Zoning

**For the Department of
Transportation:**

Jennifer Cohan, Secretary



Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, Planning and Zoning Manager; Lauren DeVore, Planner III; and Jenny Norwood, Planner I
CC: Vince Robertson, Assistant County Attorney
Date: December 5, 2019
RE: Other Business for December 12, 2019 Planning Commission Meeting

This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the December 12, 2019 Planning Commission meeting.

2019-22 Elmer T. Adkins, Sr., Trustee

KH

Final Subdivision Plan

This is a standard subdivision to divide 9.0 acres +/- into 2 single-family lots to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County. Preliminary Subdivision Plan Approval was granted by the Commission at its meeting of November 2019. The Final Subdivision Plan is in compliance with the Subdivision Code, and all Conditions of Approval. Staff are in receipt of all agency approvals. The property is located on the northeast corner of Joseph's Rd. and Concord Rd. Tax Parcel 231-21.00-4.00. Zoning Districts. AR-1 (Agricultural Residential District).

2007-29 The Woods at Burton Pond

KS

Preliminary Amenities Plan

This is a Preliminary Amenities Plan for the construction of a pool house, swimming pool, basketball court, multi-purpose sport field, and other site improvements. The Preliminary Amenities Plan complies with the Zoning Code and all conditions of approval for the subdivision. Tax Parcel: 234-11.00-72.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

The Preserve at Jefferson Creek MR-RPC

HW

Preliminary Amenities Plan

This is a Preliminary Amenities Plan for the construction of a swimming pool, bathhouse, and other site improvements. The Preliminary Amenities Plan complies with the Zoning code and all conditions of approval for the subdivision. Tax Parcel: 134-17.00-39.00. Zoning: MR-RPC (Medium Residential District – Residential Planned Community). Staff is in receipt of all agency approvals.

Dutch Country Market

HW

Revised Site Plan

This is a Revised Preliminary Site Plan for the construction of a proposed warehouse. The Sussex County Board of Adjustment approved a front yard variance Case No. 12314 on 6/13/2019. The Preliminary Site Plan complies with the Zoning Code. Tax Parcel: 332-1.00-102.05. Zoning: C-1 (General Commercial Zoning District). Staff is in receipt of all agency approvals.



Rehoboth Shores – Area 2

BM

Final Site Plan

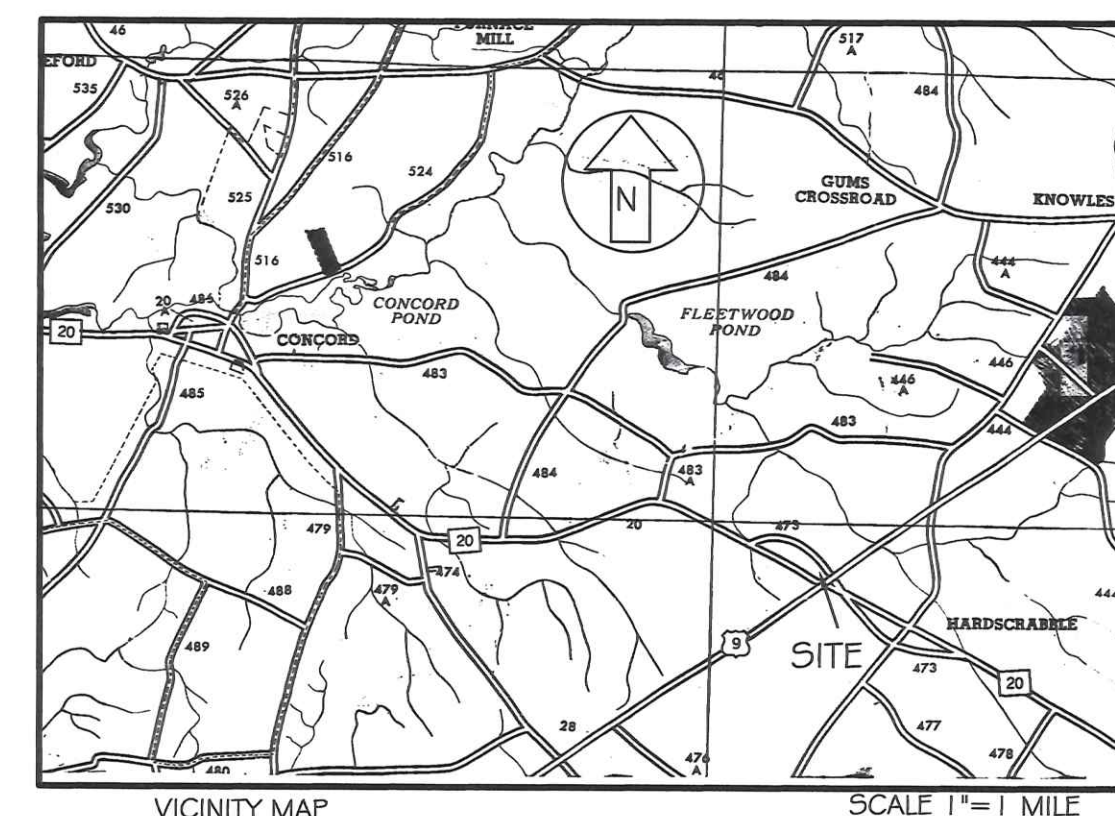
This is a Final Site Plan for Rehoboth Shores-Area 2 for the establishment of 57 mobile home lots. The Planning and Zoning Commission granted CU 1862 on June 21, 2011 and CU 1926 on April 17, 2012 for Lighthouse Beach Campground at Rehoboth Shores Manufactured Home Park Phase 1 and Phase 2. The Planning Commission granted Final Site Plan approval on February 9, 2017 for Phase 1. The Planning Commission granted Preliminary Site Plan approval on May 21, 2015. The Final Site Plan complies with the Zoning Code and the conditions of approval. Tax Parcel: 234-24.00-35.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff is in receipt of all agency approvals.

26582 John J. Williams Hwy, LLC

BM

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for a proposed 3,360-sq. ft retail building. The Planning Commission approved a Revised Site Plan on January 25, 2017. The site was previously known as Atlantic Self Storage. The Revised Preliminary Site Plan complies with the Zoning Code. Tax Parcel: 234-29.00-263.07. Zoning: C-1 (General Commercial Zoning District). Staff is in receipt of all agency approvals.



CURVE DATA
 $R = 1581.07'$
 $\Delta = 3^\circ 46' 33''$
 $A = 104.19'$
 $C = 104.17'$
 $BRG = S 19^\circ 57' 02'' E$

REMAINING LANDS OF
 ELMER T. ATKINS, SR., TRUSTEE
 2699-103
 6.36 ACRES

LOT 5B
 2.6323 ACRES

LANDS N/F
 LOT #4
 ELMER T. ATKINS, SR., TRUSTEE
 2699-103

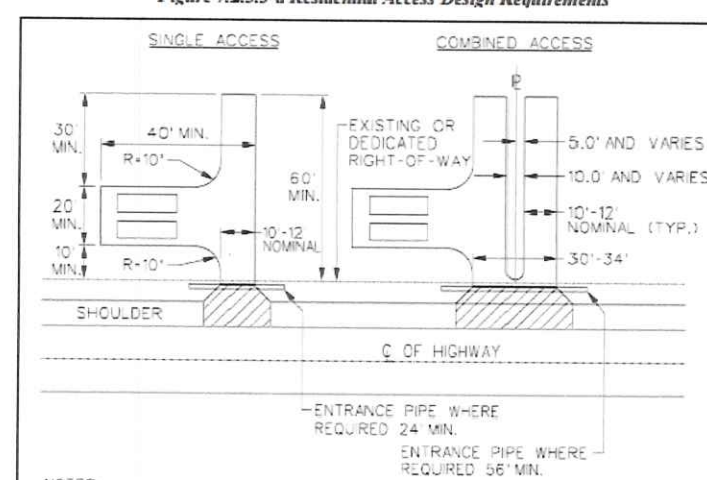
LANDS N/F
 DE. D.O.T.
 1470-155

AN ADDITIONAL 10' OF RIGHT-OF-WAY PREVIOUSLY DEDICATED TO
 PUBLIC USE AS PER PLAT BOOK 69 PAGE 123

NOTES:

- IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DEL.D.O.T.'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- THERE IS A FIFTY FOOT BUILDING SETBACK FROM LANDS USED FOR AGRICULTURAL PURPOSES.
- LOT 5B SHALL HAVE A COMBINED ACCESS TO SCR 473 AS SHOWN ON THIS PLAT.
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.

Figure 7.2.3.3-a Residential Access Design Requirements



- NOTES:
- DRIVEWAY WIDTHS MAY BE INCREASED WITH DELDOT'S APPROVAL FOR SPECIAL PURPOSE VEHICLES, I.E. FARM VEHICLES, ETC.
 - MINIMUM RESIDENTIAL PAVEMENT SECTION - 6" GRADED AGGREGATE BASE COURSE.
 - ACCESS TO RESIDENTIAL LOTS SHOULD BE LIMITED TO ONE ACCESS POINT. (SEE SECTION 7.2.3.1 FOR EXCEPTIONS)
 - ENTRANCE GEOMETRICS SHALL CONFORM TO DELDOT STANDARD CONSTRUCTION DETAIL C-3.

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

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

DONALD K. MILLER, PLS 407

DATE

LEGEND:

- ▲ IRON ROD (FOUND)
- IRON PIPE (FOUND)
- IRON PIPE (TO BE SET)
- POINT

EXISTING ENTRANCE

PROPOSED ENTRANCE

- EXISTING RIGHT-OF-WAY LINE
- PROPOSED RIGHT-OF-WAY LINE
- PROPERTY LINE
- CENTERLINE
- NEXT PROPERTY LINE
- PROPOSED PROPERTY LINE

0 60 120 180

SCALE: 1" = 60'

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

DATE	REVISION

DATA COLUMN:

T.M.#231-21.00-4.00part
 ZONING: AR-1
 TRACT AREA: 9.000 ACRES± (INCLUDING RESIDUAL AREA)
 EXISTING LOTS: 1
 PROPOSED LOTS: 1 NEW (2 TOTAL INCLUDING RESIDUAL LANDS)
 PRESENT USE: RESIDENTIAL
 PROPOSED USE: RESIDENTIAL
 ACCESS: S.C.R. 473 (JOSEPHS RD.)
 ROADWAY CLASSIFICATION: LOCAL ROADWAY
 WATER AND SEWER: INDIVIDUAL ON-SITE
 100 YEAR FLOODPLAIN: SITE IS NOT IMPACTED
 AS PER FIRM #10005C04501 DATED 06/20/2019
 THIS PROJECT IS NOT IN THE PROXIMITY OF A TID
 SPEED LIMIT ON JOSEPHS RD. IS 50MPH (UNPOSTED)
 SPEED LIMIT ON CONCORD RD. IS 50MPH (POSTED)

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

OWNER NAME DATE

MINOR SUBDIVISION PLAN FOR

ELMER T. ADKINS, SR., TRUSTEE

OWNER: ELMER T. ADKINS, SR., TRUSTEE
 15022 JOSEPHS ROAD
 SEAFORD, DE. 19973

SURVEY CLASS: SUBURBAN

**MILLER
 LEWIS, INC.**

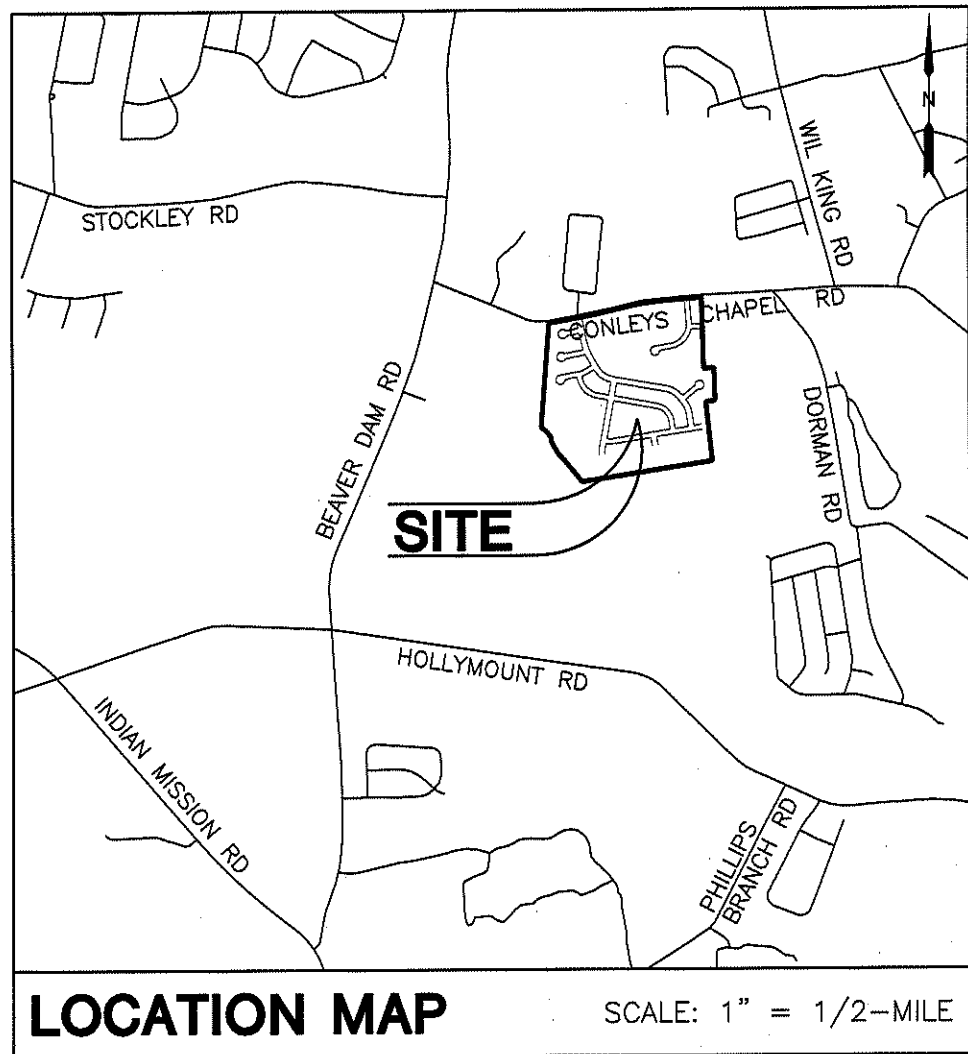
LAND SURVEYING

1560 MIDDLEFORD RD.
 SEAFORD, DELAWARE 19973
 PH: 302-629-9895 FAX: 302-629-2391

JULY 2, 2019

HUNDRED	COUNTY
NANTICOKE	SUSSEX
STATE	DRAWN BY
DELAWARE	D. A. MORRIS
REF.	FILE
2699-103	SPEAK 2-31-21-4.dwg

FILE COPY



THE WOODS AT BURTON POND

INDIAN RIVER HUNDRED,
SUSSEX COUNTY, DELAWARE

DBF # 0807D001
AMENITY CONSTRUCTION DOCUMENTS
OCTOBER, 2019

GENERAL NOTES:

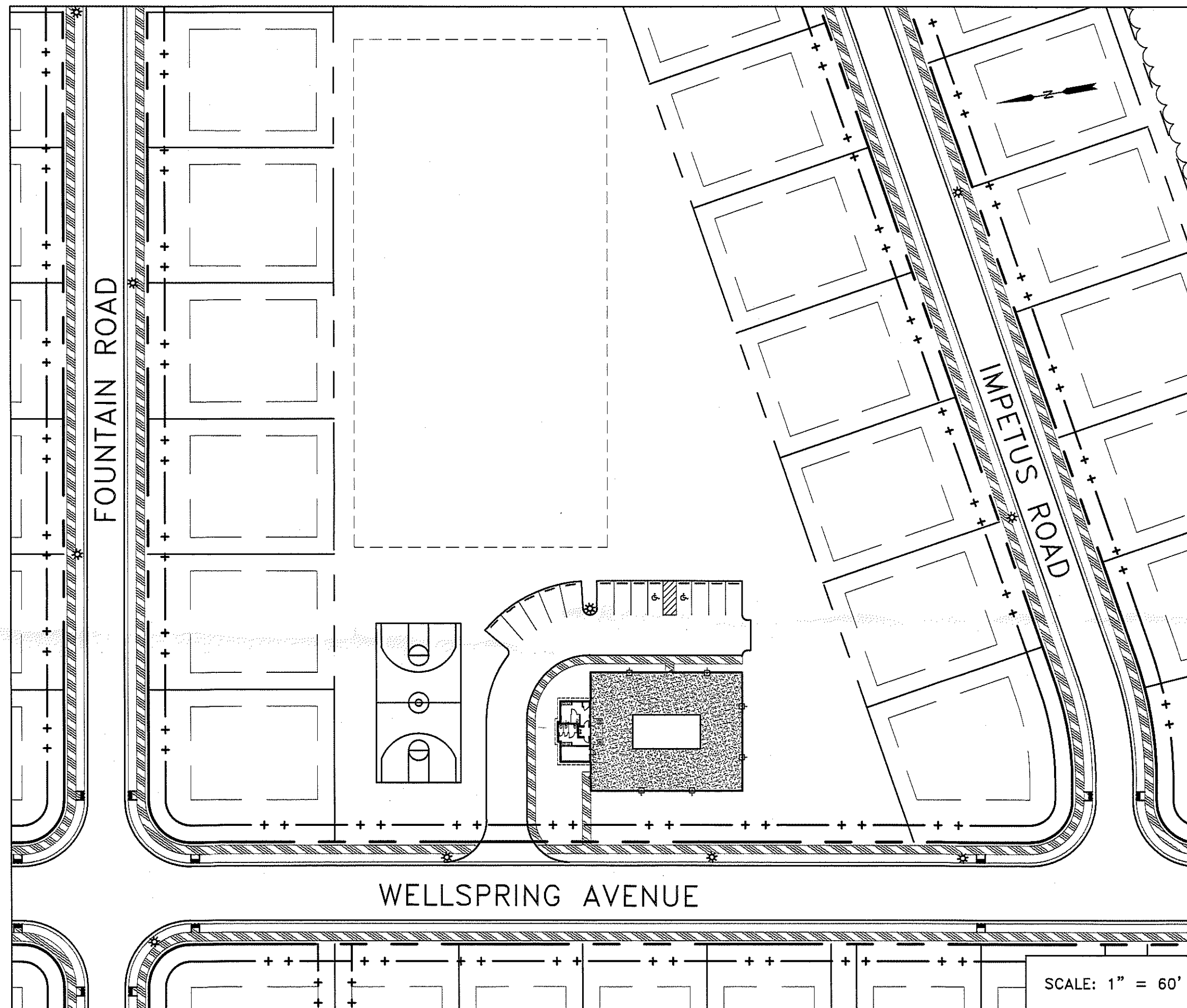
- THE DESIGNATED HOMEOWNERS ASSOCIATION ASSUMES RESPONSIBILITY FOR THE AMENITIES AT THE WOODS AT BURTON POND.
- RECREATIONAL AMENITIES TO SERVE THE RESIDENTS OF THE WOODS AT BURTON POND AS OF COMMON AREA OPEN SPACE OB (3.531 AC).
- A POOL HOUSE, POOL, BASKETBALL COURT AND A 150-FOOT BY 500-FOOT MULTI-PURPOSE SPORT FIELD ARE REQUIRED TO BE PROVIDED IN ORDER TO COMPLY WITH CONDITION (N) OF THE (A) THROUGH (Q) CONDITIONS ASSOCIATED WITH THE FINAL SITE PLAN APPROVAL FOR THE WOODS AT BURTON POND (2007-29). CONDITION (N) REQUIRES THAT, "A POOL HOUSE, POOL, BASKETBALL COURT AND A 150-FOOT BY 300-FOOT MULTI-PURPOSE SPORT FIELD" SHALL BE CENTRALLY LOCATED WITHIN THE SUBDIVISION. THESE AMENITIES SHALL BE STARTED AT OR BEFORE THE ISSUANCE OF THE 60TH BUILDING PERMIT AND SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE 120TH BUILDING PERMIT.

FIRE PROTECTION NOTES

- ALL FIRE LANES, HYDRANTS, EXITS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS (DSFPR, 705, CHAPTER 5).
- WATER PROVIDER: ARTESIAN WATER CO.
- PROPOSED BUILDING CONSTRUCTION: WOOD/CONCRETE BLOCK, TYPE V
- TAX MAP NUMBER: 2-34-11.00-72.00
- INTENDED USE: CLUBHOUSE, POOL AND POOL DECK - ASSEMBLY
- MAXIMUM HEIGHT OF BUILDING: 3 STORIES; 42 FEET
- SITE WILL BE SERVED BY AN UNDERGROUND CLOSED PIPE NATURAL GAS OR PROPANE SYSTEM.
- AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.

DATA COLUMN

TAX MAP ID:	2-34-11.00-72.00
DATUM:	
VERTICAL:	NAVD 88
HORIZONTAL:	NAD 83 (DE STATE GRID)
ZONING:	
EXISTING:	AR1
PROPOSED:	AR1
MINIMUM REQUIREMENTS	
LOT AREA:	7,500 S.F.
LOT WIDTH:	60 FT.
LOT FRONT YARD:	25 FT.
LOT SIDE YARD:	10 FT.
LOT REAR YARD:	10 FT.
MAXIMUM BUILDING HEIGHT:	42 FT.
UNITS:	
SINGLE FAMILY:	165
AVERAGE LOT SIZE:	105' X 90'
AVERAGE LOT AREA:	9,450 S.F.
AREAS:	
EXISTING (TOTAL SITE)	
SITE AREA:	113.931 AC
(INCLUDES WETLANDS: 21.92 AC)	
PARCEL B TOTAL:	-15.009 AC
INCLUDES WETLANDS	
WETLANDS (WB):	1.035 AC
WETLANDS (WD):	2.945 AC
INCLUDES UPLANDS (OF):	11.031 AC
AREA DEDICATED TO PUBLIC R/W:	-0.358 AC
PROPOSED TOTAL SITE AREA:	98.564 AC
PROPOSED (TOTAL SITE)	
LOT AREA:	35.593 AC
PUMP STATION LOT:	0.057 AC
OPEN SPACE (TOTAL):	32.872 AC
OPEN SPACE (OA):	11.187 AC
OPEN SPACE (OB):	3.531 AC
OPEN SPACE (OC):	8.984 AC
OPEN SPACE (OD):	7.945 AC
OPEN SPACE (OE):	0.654 AC
OPEN SPACE (OF):	0.157 AC
OPEN SPACE (OH):	0.414 AC
WETLANDS (TOTAL):	2.602 AC
WETLANDS WA:	2.218 AC
WETLANDS WC:	2.218 AC
WETLANDS WE:	13.121 AC
RIGHT-OF-WAY:	12.101 AC
TOTAL SITE AREA:	98.564 AC
PAVEMENT:	6.25 AC
SIDEWALK:	2.18 AC
TOTAL:	8.43 AC
SEWER PROVIDER:	ARTESIAN WASTEWATER MANAGEMENT, INC.
WATER PROVIDER:	TIDEWATER UTILITIES
GAS PROVIDER:	POORE'S PROPANE
ELECTRIC:	DELAWARE ELECTRIC COOPERATIVE



LEGEND

PROPERTY LINE	---
EASEMENT	---+---+---+---
ROAD CENTERLINE / BASELINE & STATIONING	1+00
EXISTING CONTOUR ELEVATION AND LABEL	33
PROPOSED CONTOUR ELEVATION AND LABEL	33
CATCH BASIN, STORM PIPE, STORM MANHOLE, LABELS	DI NUM, MH NUM, P NUM
SANITARY SEWER IDENTIFICATION, MANHOLE, PIPE, FLOW ARROW, PIPE SIZE	SMH NUM, BSS
SANITARY SEWER LATERAL	SW
WATER MAIN, TEE W/ VALVES, PIPE SIZE	SW
WATER LATERAL	SW
LOT IDENTIFICATION NUMBER	##
STREET LIGHT	☼
SIGN	➔
FENCE	---X---X---X---
SWALE	---X---X---X---
PAVEMENT / FULL DEPTH TYPE 1	▨
SIDEWALK	▨
CONCRETE PAD	▨

SHEET INDEX

AMENITY PLAN	
AMENITY - TITLE SHEET	C-01
AMENITY - OVERALL SITE PLAN	C-02
AMENITY - SITE PLAN	C-03
AMENITY - GRADING PLAN	C-04
AMENITY - GRADING PLAN	C-05
AMENITY - DETAILS	C-06

OWNER'S CERTIFICATION

"I, THE UNDERSIGNED, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHALL BE DONE PURSUANT TO THE APPROVED PLAN AND THAT RESPONSIBLE PERSONNEL (I.E., BLUE CARD HOLDER) INVOLVED IN THE LAND DISTURBANCE WILL HAVE A CERTIFICATION OF TRAINING PRIOR TO INITIATION OF THE PROJECT, AT A DNREC SPONSORED OR APPROVED TRAINING COURSE FOR THE CONTROL OF EROSION AND SEDIMENT DURING CONSTRUCTION. IN ADDITION, I GRANT THE DNREC SEDIMENT AND STORMWATER PROGRAM AND/OR THE RELEVANT DELEGATED AGENCY THE RIGHT TO CONDUCT ON-SITE REVIEWS, AND I UNDERSTAND MY RESPONSIBILITIES UNDER THE NPDES CONSTRUCTION GENERAL PERMIT, AS REFERENCED ON THIS COVERSHEET."

DATE

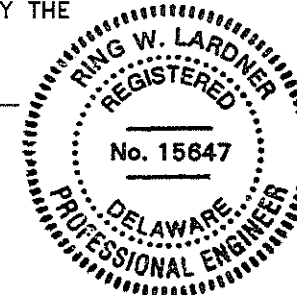
SPRING CAP, LLC.
105 FOULK ROAD
WILMINGTON, DE 19803
PHONE 302-429-8700

ENGINEER'S STATEMENT

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

DAVIS, BOWEN & FRIEDEL, INC.
by RING W. LARDNER, P.E.

11.8.2019
DATE

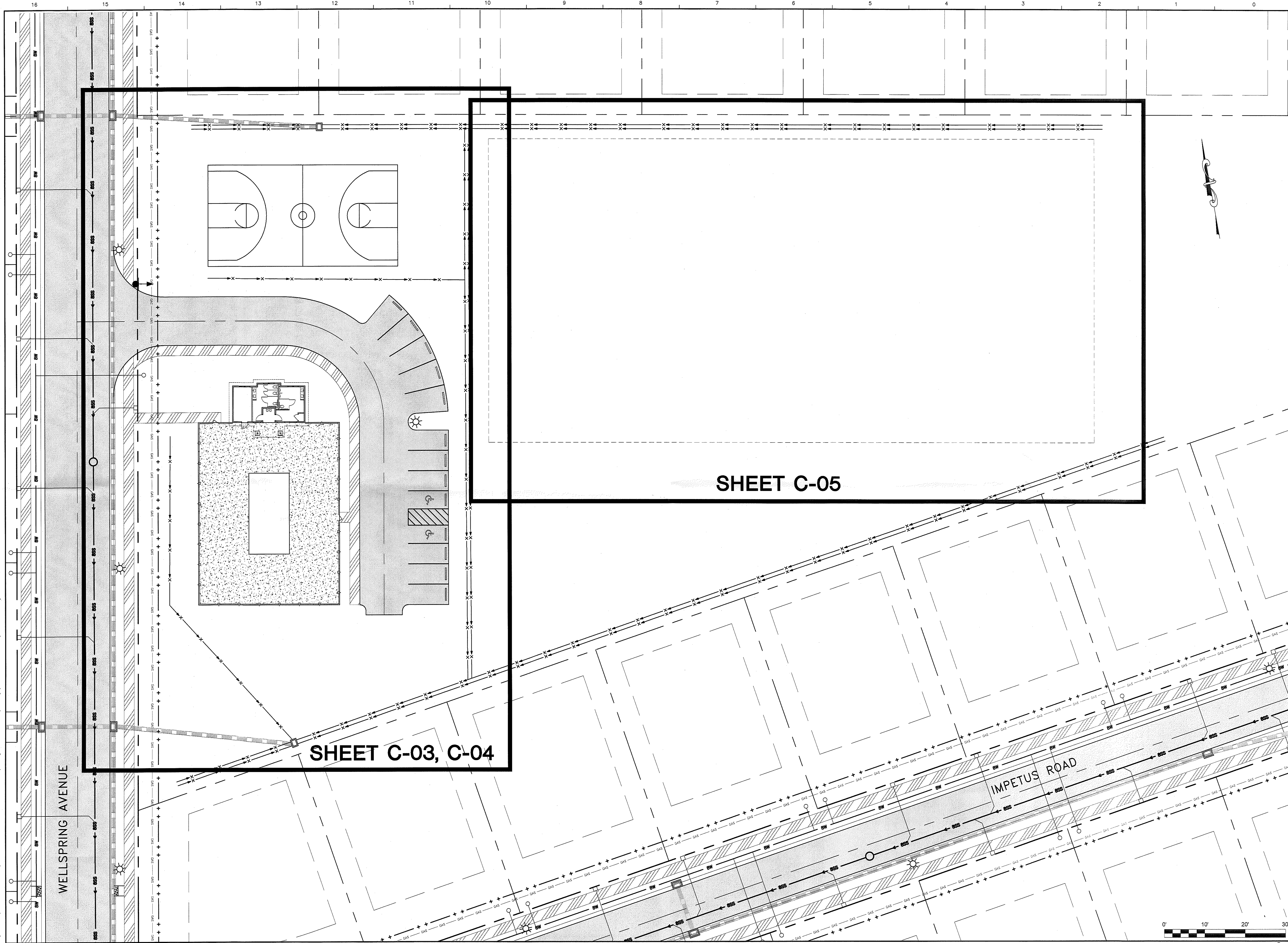


DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS

SALISBURY, MARYLAND (410) 543-0091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

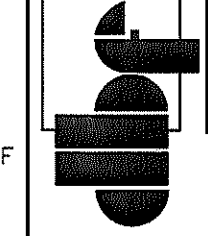
C-01

P:\Louis Capone-Client\0807\0807D001 - Woods at Burton Pond_Design 2016-04-20\Amenity\0807D001 - Amenity Site Plan.dwg Nov 05 , 2019 - 9:51am



Date:	OCTOBER, 2019
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Proj.No.:	0807D001
Dwg.No.:	C-02

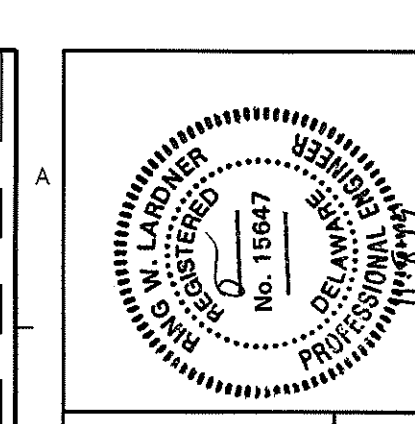
THE WOODS AT BURTON POND
CONLEYS CHAPEL ROAD
INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE



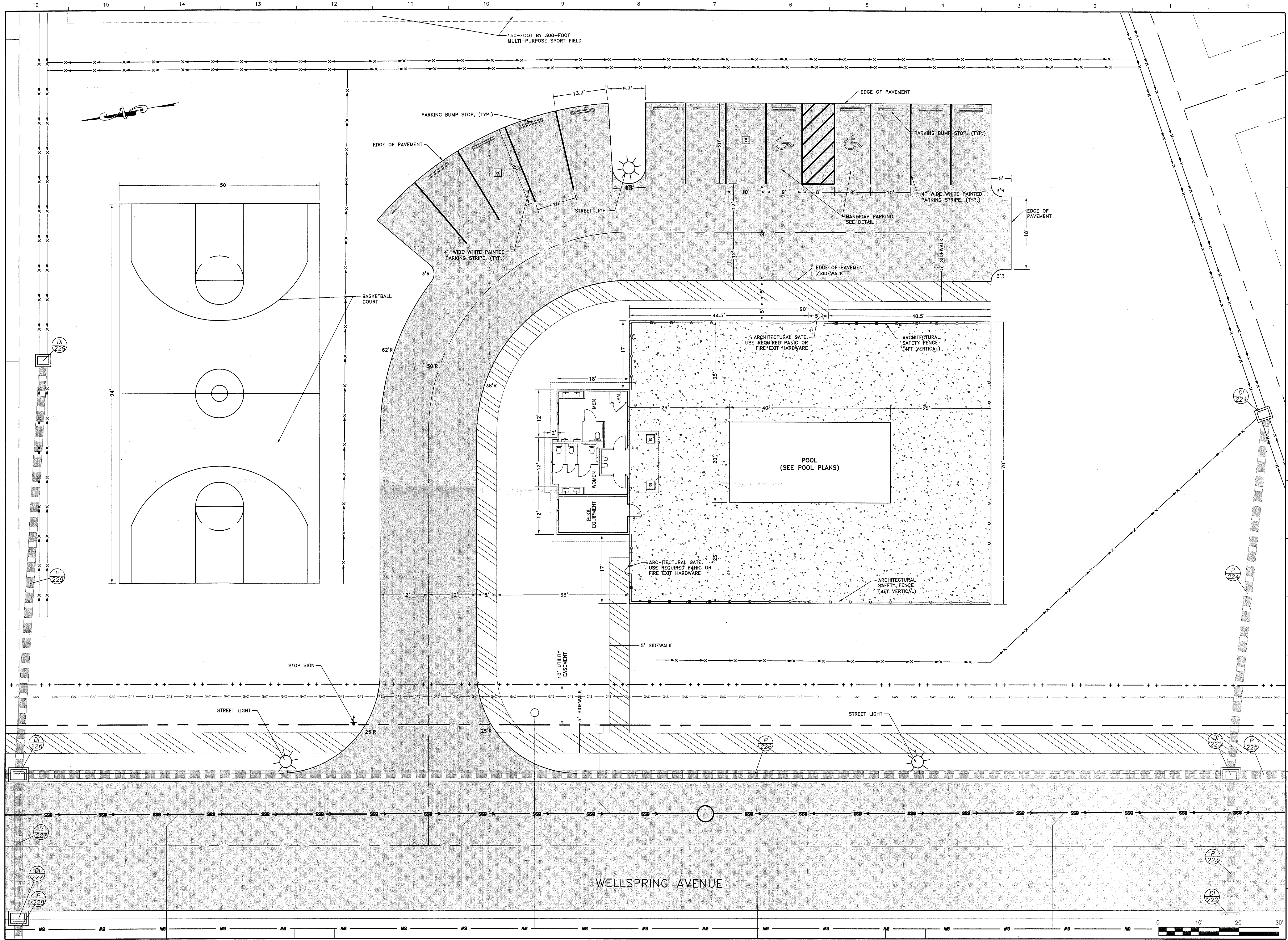
DAVIS,
BOWEN &
FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS
SUSSEX COUNTY, DELAWARE
INDIAN RIVER HUNDRED, DELAWARE
EASTON, MARYLAND
(410) 770-4744

AMENITY - OVERALL SITE PLAN



P:\Louis Copano-Client 0807\0807D001 - Woods at Burton Pond\Design 2016-04-20\Amenity\0807D001 - Amenity Site Plan.dwg Nov 05, 2019 - 9:30am



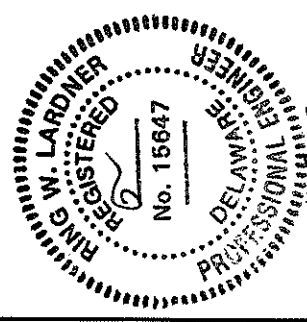
THE WOODS AT BURTON POND
CONLEYS CHAPEL ROAD
INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

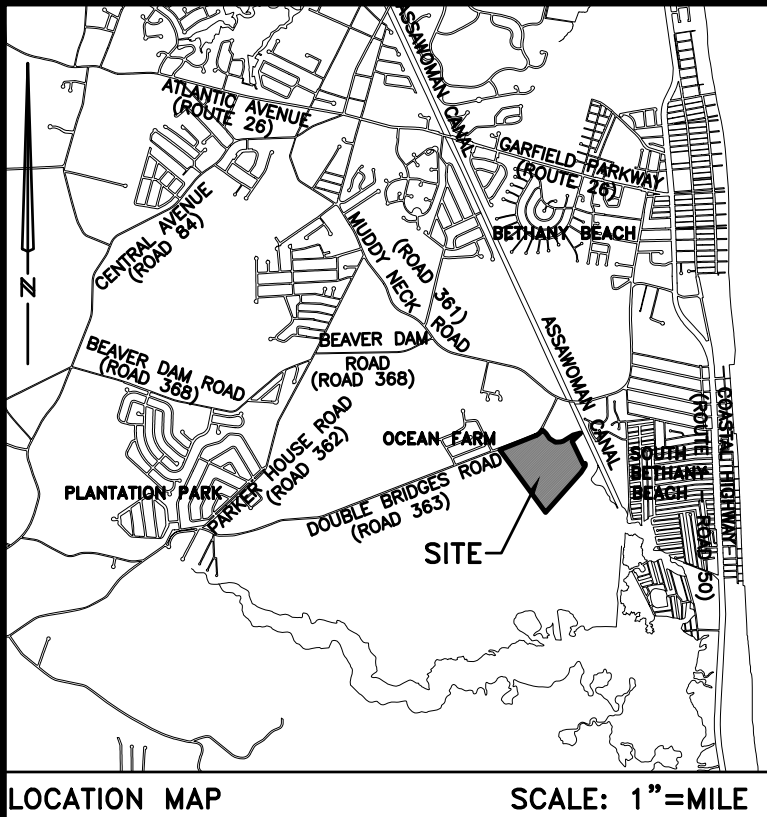
Date: OCTOBER, 2019
Scale: 1"=10'
Dwn.By: KJB
Proj.No.: 0807D001
Dwg.No.:

C-03

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
1000 MARKET STREET, SUITE 200
DELAWARE, DELAWARE 19701
TEL: 302.441.1441
FAX: 302.441.1442
WWW.DBFRIEDEL.COM

AMENITY - SITE PLAN





DATA COLUMN

TAX MAP NUMBER: 1-34-17.00-39.00

DATUM:
VERTICAL: NAVD 88
HORIZONTAL: NAD 83 (DE STATE PLANE)

ZONING: MR/RPC

POOL: 1,540 S.F.

UTILITIES:
TRAIL: PUBLIC (LONG NECK SANITARY SEWER DISTRICT)
WATER: PUBLIC (TIDEWATER UTILITIES, INC.)

SETBACK REQUIREMENTS:
FRONT SETBACK: 50'
SIDE SETBACK: 10'
REAR SETBACK: 10'

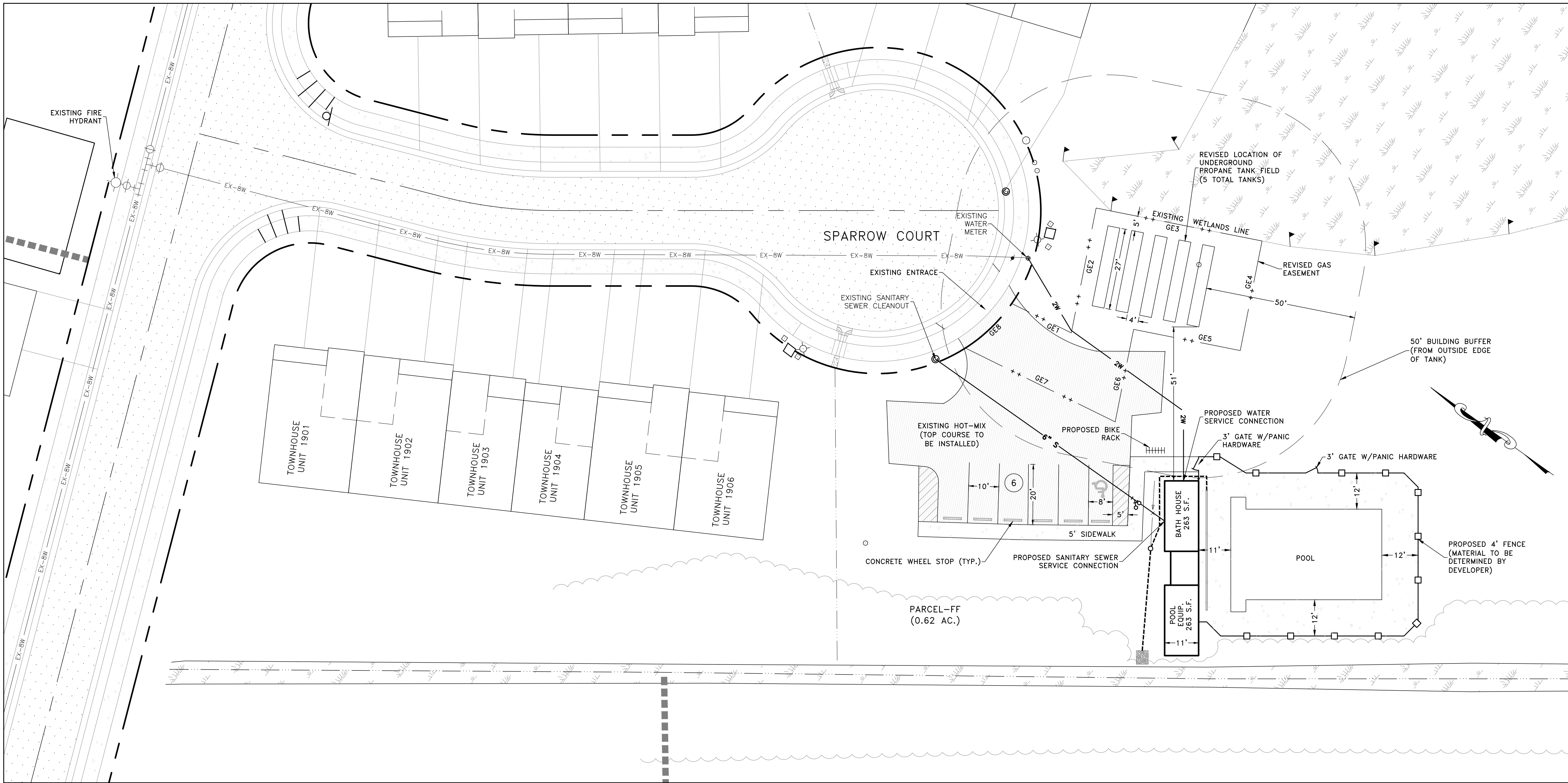
FLOOD HAZARD MAP: THE SITE IS LOCATED ON THE FEMA FLOOD
INSURANCE RATE MAP #10005C0541L,
DATED MARCH 17, 2017.

PARKING:
PARKING CALCULATION: 263 S.F. ASSEMBLY HALL / 50 = 5.26 SPACES

REQUIRED PARKING: 6 SPACES
PROVIDED PARKING: 6 SPACES (INCLUDING 1 HANDICAP SPACES)

PROPOSED MAX. BUILDING HEIGHT: 42' (4 STORIES)

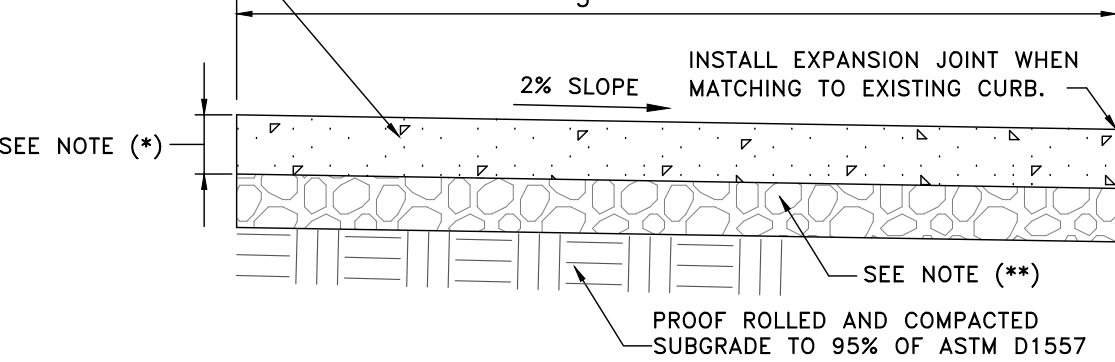
PROPOSED BUILDING CONSTRUCTION: WOOD CONSTRUCTION



BATH HOUSE AND POOL SITE PLAN

SCALE: 1"=20'

CLASS "B" CONCRETE 3000 PSI,
NO FIBER MESH, SECTION 824
PER DELDOT STANDARDS AND
SPECIFICATIONS.



* - STANDARD SIDEWALK SHALL BE 4" THICK. FOR DEPRESSED AND TRANSITION AREAS, THE
SIDEWALK SHALL BE 6" THICK.
** - STANDARD SIDEWALK OF 4" THICKNESS SHALL BE PLACED OVER 4" GABC - TYPE B.
SIDEWALK FOR DEPRESSED AND TRANSITION AREAS OF 6" THICKNESS SHALL BE PLACED OVER
6" GABC - TYPE B.

NOTES:
1. MARK IN 4' SQUARES, USE PREMOLED EXPANSION JOINTS AT INTERVALS NOT GREATER
THAN 16'.
2. CONCRETE SIDEWALKS SHALL BE CONSTRUCTED AS PER DELDOT SPECIFICATIONS.

SIDEWALK DETAIL

NO SCALE

FIRE PROTECTION NOTES

- ALL FIRE LANES, HYDRANTS, EXITS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS (DSFPR, 705, CHAPTER 5).
- WATER PROVIDER: TIDEWATER UTILITIES, INC.
- PROPOSED BUILDING CONSTRUCTION: TYPE V (111)
- INTENDED USE: BATH HOUSE, POOL AND POOL DECK - ASSEMBLY
- PROPOSED BUILDING HEIGHT: 1 STORY; 16 FEET
- PROPOSED BUILDING SQUARE FOOTAGE: 371± S.F.
- SITE WILL BE SERVED BY AN UNDERGROUND CLOSED PIPE PROPANE SYSTEM.
- AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.

GENERAL NOTES

- POOL BACKWASH WILL NOT BE ACCEPTED INTO THE SANITARY SEWER SYSTEM.

3,194 S.F. PERMANENT EASEMENT GE (DEDICATED TO PETROLEUM EQUIPMENT INC.)		
PARCEL-GE LINE TABLE		
LINE	BEARING	DISTANCE
GE1	S 09°15'27" E	22.00'
GE2	N 65°43'29" E	42.18'
GE3	S 24°16'31" E	56.00'
GE4	S 65°43'29" W	37.00'
GE5	N 24°16'31" W	36.00'
GE6	S 65°43'29" W	31.25'
GE7	N 09°15'27" W	55.30'

PARCEL-GE CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
GE8	54.0000'	21.4064'	21.2665'	S 79°23'01" E	22°42'47"

ENGINEER'S STATEMENT

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

DAVIS, BOWEN & FRIEDEL, INC.
by JAMIE L. SECHLER, P.E.

DATE

OWNER'S STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT MY DIRECTION, I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

LONGVIEW JEFFERSON CREEK, LLC.
1055 WESTLAKES DRIVE, SUITE 170
BERWYN, PA 19312

DATE

DEVELOPER'S STATEMENT

I, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE DEVELOPER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SB JEFFERSON CREEK, LLC.
18949 COASTAL HWY, SUITE 301
REHOBOTH BEACH, 19971

DATE

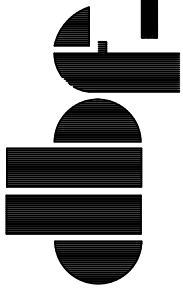
0 20 40 60

THE PRESERVE AT JEFFERSON CREEK

DOUBLE BRIDGES ROAD - ROAD 363

SUSSEX COUNTY, BALTIMORE HUNDRED, DELAWARE

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



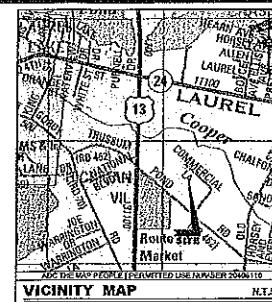
SALSBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

SITE PLAN

REVISED:
11-05-2018 REVISED
GRADING
09-23-2019 REVISED
BUILDING AND GRADING

Date: JUNE 2018
Scale: AS SHOWN
Dwn.By: DJS
Proj.No.: 1319A015.A01
Dwg.No.:

1



**BECKER
MORGAN**
GROUP

ARCHITECTURE
ENGINEERING

Dover, DE

309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury, MD

312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington, NC

3205 Randall Parkway, Suite 211
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com

PROJECT TITLE

DUTCH COUNTRY MARKET

LITTLE CREEK HUNDRED
LAUREL, DELAWARE
SUSSEX COUNTY

SHEET TITLE

SITE PLAN

BOARD OF ADJUSTMENT
CASE # 12314

ISSUE BLOCK

	06/21/16	ADD BOA CASE #
MARK	DATE	DESCRIPTION

PROJECT NO.: 2019044-00

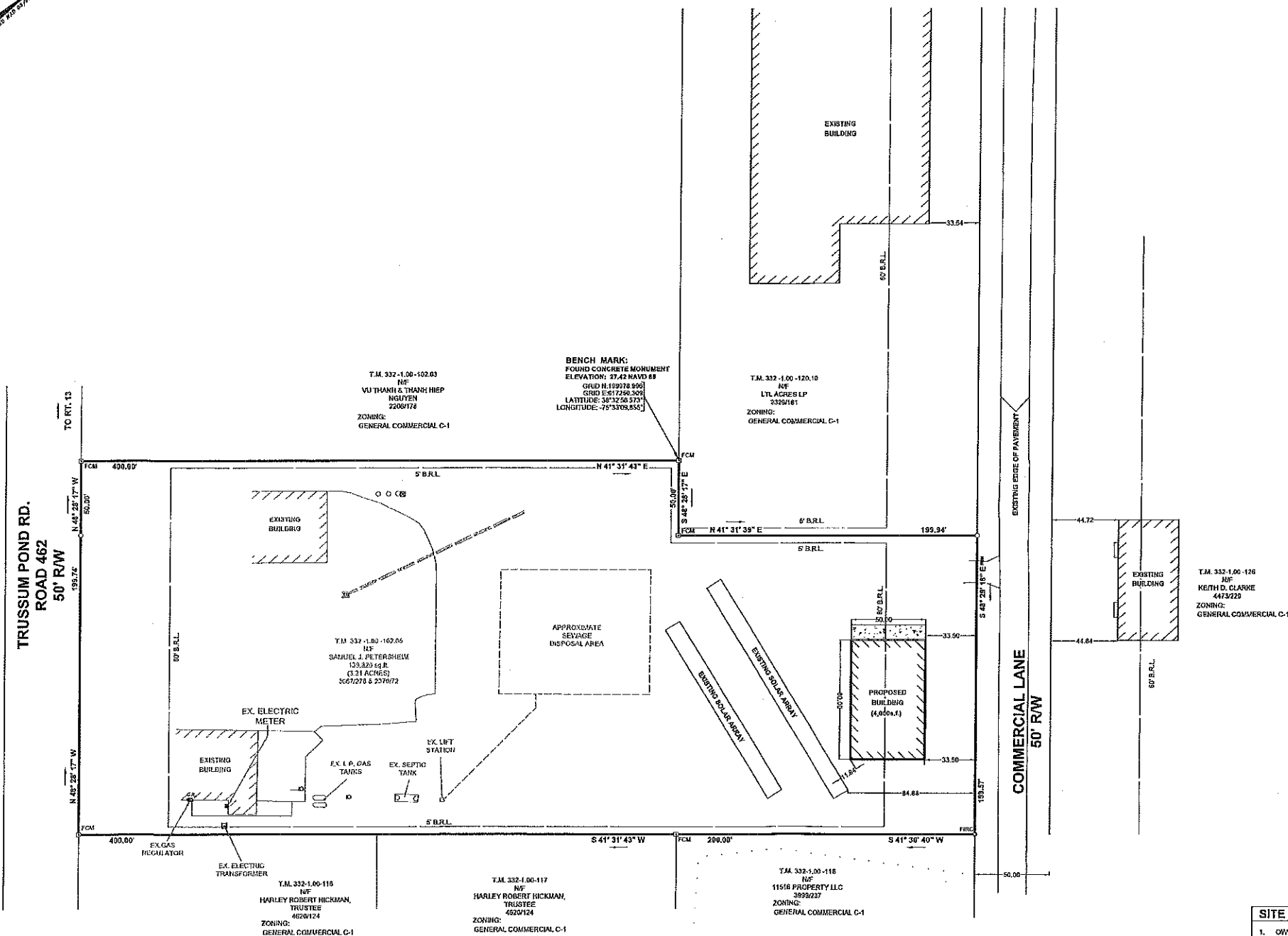
PROJECT NO.:	201904-E00
DATE:	02/19/19

SCALE: 1" = 40'

DRAWN BY: RAL PROJ MGR: CGD

SHEET

V-101



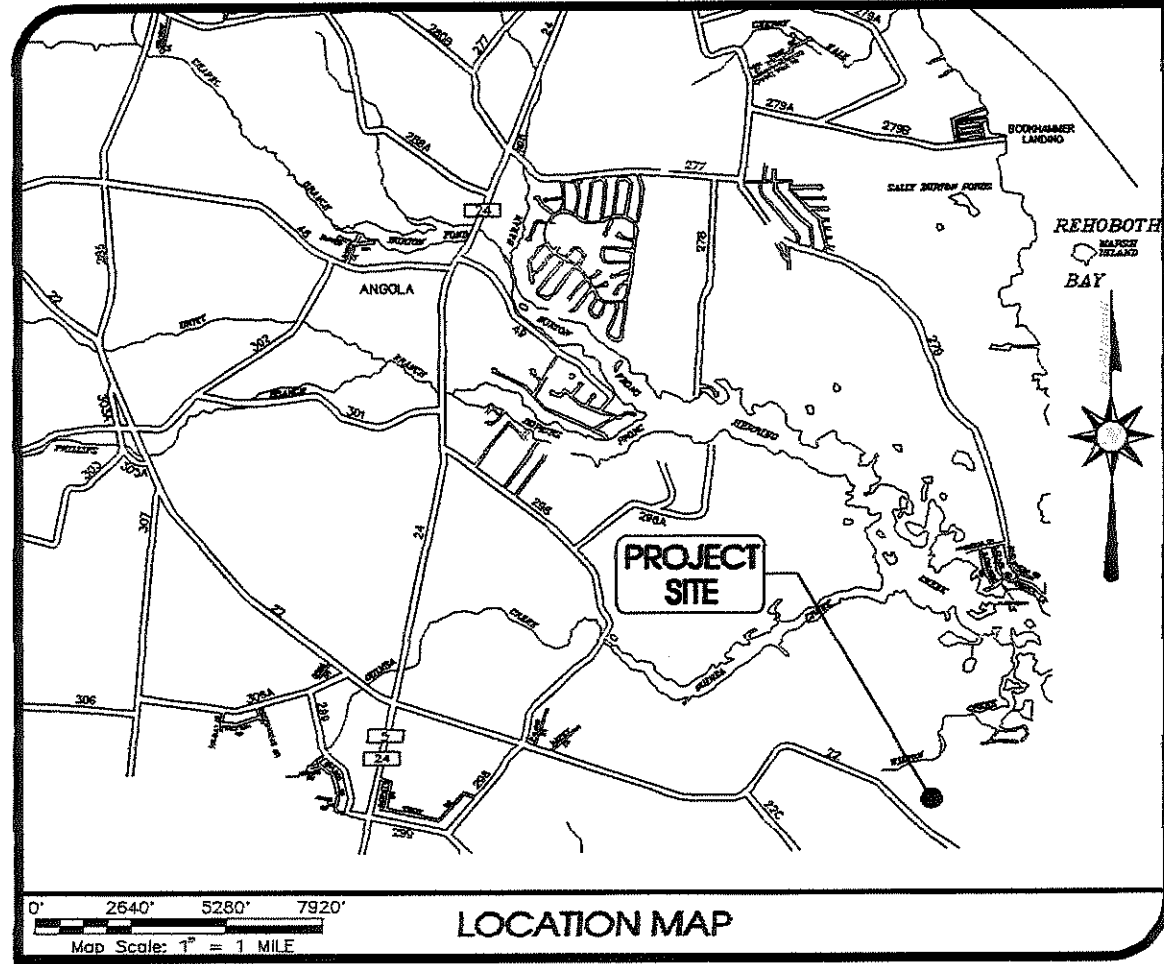
NOTE: THIS PROPOSED BUILDING WILL BE UTILIZING THE EXISTING ENTRANCE OFF OF COMMERCIAL LAKE AND THE EXISTING DIRT PATH TO ACCESS THE BUILDING. THERE WILL NOT BE A LOADING DOCK OR PLATFORM AT THIS BUILDING. THERE WILL BE A GARAGE DOOR ON THE NORTH END OF THE BUILDING FOR ACCESS WITH A FORK LIFT AND/OR PICKUP TRUCK. THE PROPOSED CONCRETE APRON WILL BE THE ENTRANCE TO THE BUILDING.

SITE DATA

- | | |
|---------------------------|--|
| 1. OWNER OF RECORD: | SAUEL J. PETERSEHM
8229 DELMAR ROAD
DELMAR, DE 19540
443-359-1270 |
| 2. ENGINEER / SURVEYOR: | BECKER MORGAN GROUP INC.
312 K. MAIN STREET, SUITE 300
SALESBURY, MD 21801
410-646-8100 |
| 3. MAP REFERENCE: | DISTRICT 3-32 MAP 1.00 PARCEL 102.05 |
| 4. CURRENT ZONING: | GENERAL COMMERCIAL C-1 |
| 5. EXISTING USE: | UNDERDEVELOPED AREA-GRASS ON RETAIL STORE SITE |
| 6. PROPOSED BUILDING: | 4,000 SQ.FT. |
| 7. DEED REFERENCE(S): | D.B. 305/276 & 237/872 |
| 8. PLAT REFERENCE(S): | P.B. 67/940 & 1202/872 |
| 9. TOTAL AREA: | 3.21 ACRES |
| 10. SDG. CLASSIFICATIONS: | K9 (WHOLE SITE) |
| 11. FLOOD ZONE: | FLOOD ZONE "X" AS SHOWN ON THE FEMA, FIRM
PLANT NUMBER 10005C0418.DATED JUNE
15, 2010. |
| 12. WETLANDS: | WETLANDS ARE NOT OBSERVED AND WERE NOT DELINEATED ON THIS SITE |
| 13. BOARD OF ADJUSTMENT: | Case # 12314 - APPROVED 06/13/2019 |



SCALE : 1" = 40'



PLAN LEGEND

- EXISTING PROPERTY BOUNDARY
- EXISTING ADJACENT PROPERTY BOUNDARY
- EXISTING CENTERLINE OF ROAD
- EXISTING EDGE OF PAVEMENT
- EXISTING BUILDING
- PROPOSED BUFFER
- PROPOSED RIGHT-OF-WAY
- PROPOSED LOT LINE
- PROPOSED LIMITS

SITE DATA and ZONING SCHEDULE

OWNER & DEVELOPER: NANTICOKE SHORES ASSOCIATES, LLC
C/O RICHARD BERMAN
P.O. BOX 15101
BALTIMORE, MD 21282
LOCAL CONTACT: DAVID PODLASECK
(302) 684-0300

ENGINEER: BYRON H. JEFFERSON, P.E.
P.O. BOX 151
LINCOLN, DE 19960
(302) 422-9565
(302) 422-9562 FAX

ZONING: AR-1 CONDITIONAL USE #1862 & 1928

TAX PARCEL #: 234-24.00-35.00 (UNIT PARK)

HUNDRED: INDIAN RIVER

STREETS: PRIVATE MAINTENANCE

PROPOSED USE - AREA 2: 57 MOBILE HOME LOTS

SEWER SERVICE: LONG NECK SANITARY SEWER DISTRICT

AREAS - AREA 2: 22.30 ACRES TOTAL AREA IN AREA 2
THIS AREA INCLUDES:
7.69 ACRES IN LOTS
3.24 ACRES IN RIGHT OF WAYS
0.92 ACRES IN 50' BUFFER ZONES
4.69 ACRES IN OTHER COMMON AREAS
0.37 ACRES IN POND INSIDE BUFFER
5.99 ACRES IN POND OUTSIDE BUFFER

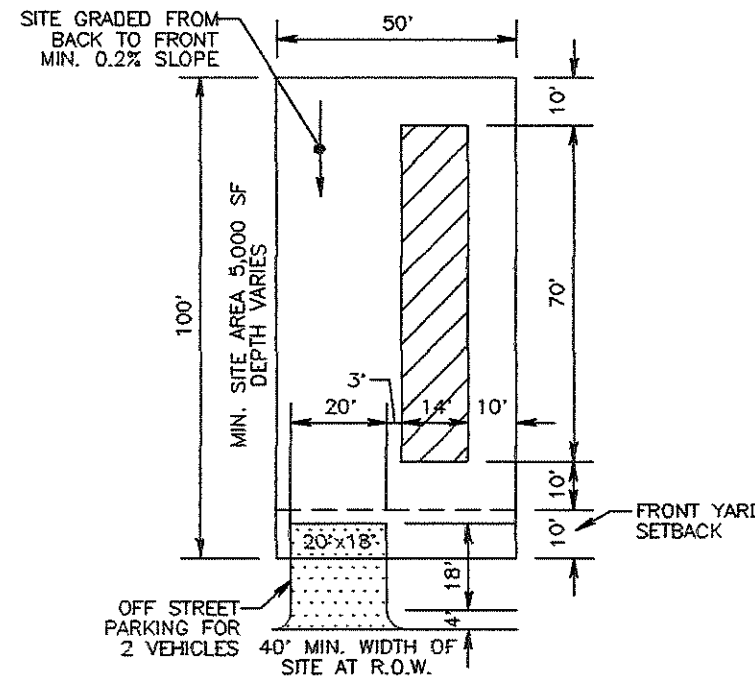
WATER SERVICE: CENTRAL WATER PROVIDED BY
LONG NECK WATER COMPANY

FLOOD ZONES: AF 5, AF 6, & ZONE X (AREA 2)
FLOOD ZONES PER FLOOD INSURANCE
RATE MAP NUMBER 10005C0344K
REVISED MARCH 15, 2015

WETLANDS: THERE ARE REGULATED WETLANDS ON
THIS PROPERTY. HOWEVER, NO
WETLANDS INSIDE AREA 2

PHASING & AREA SUMMARY: AREA 2 - 57 MOBILE HOME LOTS

VERTICAL BENCHMARK: NAVD 88



TYPICAL SINGLE MH LOT

SCALE: 1"=40'

- NOTE:
- LOTS TO BE SERVED WITH SEWER, WATER, CABLE TV, AND ELECTRIC.
 - LOTS TO BE SERVED WITH SEWER CONNECTED TO LONG NECK SANITARY SEWER DISTRICT. SEWER DETAILS TO BE APPROVED BY SUSSEX COUNTY ENGINEERING.

GENERAL NOTES

- ALL ENTRANCES AND OTHER ROAD IMPROVEMENTS SHALL BE CONSTRUCTED AS REQUIRED BY DELDOT.
- STORMWATER MANAGEMENT AND SEDIMENT AND EROSION CONTROL FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE STATE AND COUNTY REQUIREMENTS, AND MAINTAINED USING BEST MANAGEMENT PRACTICES.
- ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO APPROVAL OF THE SUSSEX COUNTY PLANNING AND ADDRESSING DEPARTMENT.
- THE OWNER & DEVELOPER SHALL CO-OPERATE AND COORDINATE WITH STATE AND COUNTY EMERGENCY PREPAREDNESS OFFICES TO DEVELOP AND IMPLEMENT AN EMERGENCY EVACUATION PLAN.
- THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION UPON RECEIPT OF ALL APPROPRIATE AGENCY APPROVALS.
- COUNTY PUMPSTATION LOTS ARE NOT TO BE USED AS A S CAMPGROUND SITE.
- PERIMETER AND WETLANDS SURVEY INFORMATION FROM SURVEYS BY ADAMS-KEMP ASSOCIATES, INC.

REVISIONS

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED, UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE ORDINANCES OF SUSSEX COUNTY AND THE LAWS OF THE STATE OF DELAWARE.

DESIGN PROFESSIONAL DATE

APPROVED BY: [Signature] DATE: [Date]
DESIGNED BY: [Signature] DATE: [Date]
DRAWN BY: [Signature] DATE: [Date]
SCALE IN FEET (1" = 150')
0' 150' 300'

OWNER/APPLICANT: NANTICOKE SHORES ASSOCIATES, INC.
BALTIMORE, MD 21282
PHONE: 302.684.0300

PARCEL INFORMATION:
T.P. 234-24.00-35.00 (P/O)
GROSS AREA: 22.30 acres
ROW LID: 10.00 acres
NET AREA: 22.30 acres

RECORD PLAN - OVERVIEW
REHOBOTH SHORES - AREA II
INDIAN RIVER HUNDRED - SUSSEX COUNTY - DELAWARE

THE KERCHER GROUP, INC.
CONSULTING • SYSTEMS • ENGINEERING
37389 REHOBOTH AVE. UNIT 11 - REHOBOTH BEACH, DELAWARE 19971
302.684.0302 (Voice) 302.684.0304 (Fax) www.kerchergrp.com

JOB No.: 18-0807EG
PLAN DATE: Oct. 31, 2018
SHEET No.: R1

RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION OF SUSSEX COUNTY
ON THIS DAY OF 20__

SECRETARY (ATTEST)

RECOMMENDED FOR APPROVAL BY THE SUSSEX COUNTY COUNCIL
ON THIS DAY OF 20__

PRESIDENT

OWNER CERTIFICATE

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

NANTICOKE SHORES ASSOCIATES, INC.
C/O DAVID PODLASECK, REGIONAL MANAGER
P.O. BOX 15101
BALTIMORE, MD 21282
Phone: 302.684.0300
Fax: 410.580.0802

WETLANDS CERTIFICATION

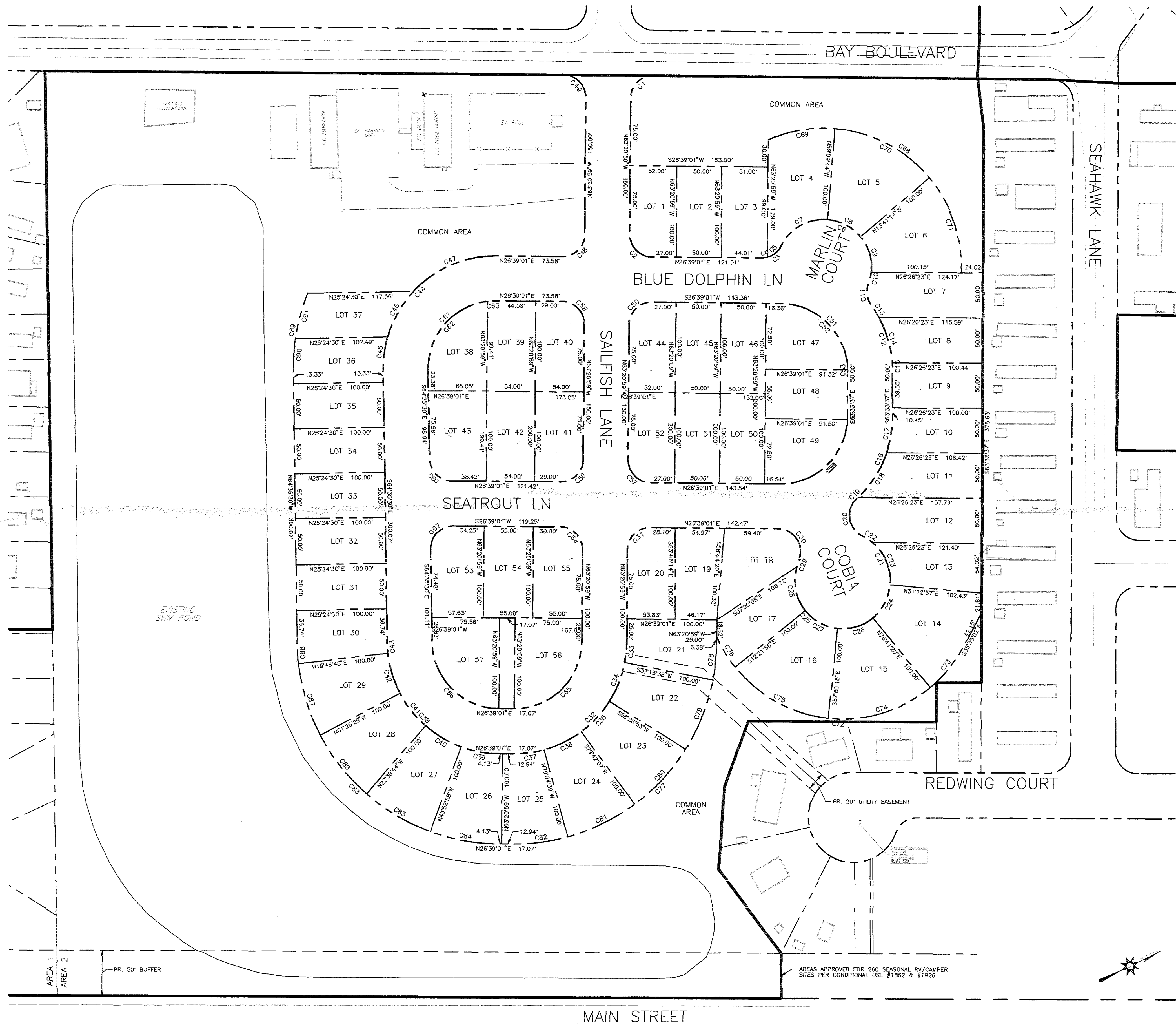
MILTON L. MCCARTHY, CERTIFY THAT THIS PROPERTY HAS BEEN EXAMINED FOR WETLANDS/WATERS OF THE UNITED STATES IN ACCORDANCE WITH TECHNIQUES AND CRITERIA FOUND IN THE 1987 U.S. ARMY CORPS OF ENGINEERS' WETLAND DELINEATION MANUAL (IN CONJUNCTION WITH THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL ATLANTIC AND GULF COAST REGION (VERSION 2.0, NOVEMBER 2010)), AND THE DELINEATION HERE SHOWN, IN MY BEST PROFESSIONAL JUDGMENT, ACCURATELY DEPICTS WETLANDS/WATERS OF THE UNITED STATES BOUNDARIES PRESENT WITHIN THE SUBJECT PROPERTY. THE DELINEATION HER SHOWN ALSO REPRESENTS STATE OF DELAWARE WETLAND BOUNDARIES AS DETAILED BY STATE WETLANDS MAP CHANGE #4-289/29.

MILTON L. MCCARTHY
MCCARTHY & ASSOCIATES, INC.
14458 OLD MILL ROAD, SUITE 201
UPPER MERLBORO, MD 20772
(301) 657-7500

CURVE	RADIUS	ARC	DELTA
C1	25.00'	39.27'	90°00'00"
C2	25.00'	39.27'	90°00'00"
C3	25.00'	27.84'	63°48'14"
C4	25.00'	7.09'	16°14'40"
C5	25.00'	20.75'	47°33'54"
C6	53.00'	160.64'	173°52'49"
C7	53.00'	62.89'	67°59'30"
C8	53.00'	42.07'	45°28'30"
C9	53.00'	42.07'	45°28'30"
C10	53.00'	13.82'	14°56'19"
C11	25.00'	24.60'	58°22'18"
C12	125.00'	70.73'	36°05'06"
C13	125.00'	15.63'	7°09'48"
C14	125.00'	52.63'	24°07'31"
C15	125.00'	10.46'	4°47'48"
C16	125.00'	102.44'	46°57'13"
C17	125.00'	40.24'	19°28'39"
C18	125.00'	59.59'	27°18'44"
C19	125.00'	2.61'	1°11'50"
C20	25.00'	49.09'	112°30'23"
C21	53.00'	65.06'	70°19'45"
C22	53.00'	13.64'	14°44'25"
C23	53.00'	51.42'	55°35'20"
C24	53.00'	42.06'	45°28'22"
C25	53.00'	124.26'	134°20'12"
C26	53.00'	42.06'	45°28'22"
C27	53.00'	42.06'	45°28'22"
C28	53.00'	51.32'	55°28'53"
C29	53.00'	5.98'	6°26'50"
C30	25.00'	49.27'	112°54'47"
C31	25.00'	39.27'	90°00'00"
C32	125.00'	196.35'	90°00'00"
C33	125.00'	23.15'	10°36'37"
C34	125.00'	46.30'	21°13'14"
C35	125.00'	46.30'	21°13'14"
C36	125.00'	46.30'	21°13'14"
C37	125.00'	34.31'	15°43'40"
C38	125.00'	193.64'	88°45'29"
C39	125.00'	42.47'	19°28'01"
C40	125.00'	46.30'	21°13'14"
C41	125.00'	46.30'	21°13'14"
C42	125.00'	46.30'	21°13'14"
C43	125.00'	12.28'	5°37'45"
C44	125.00'	199.06'	91°14'31"
C45	125.00'	37.21'	17°03'26"
C46	125.00'	58.55'	26°50'13"
C47	125.00'	103.30'	47°23'52"
C48	25.00'	39.27'	90°00'00"
C49	25.00'	39.27'	90°00'00"
C50	25.00'	39.27'	90°00'00"
C51	75.00'	117.53'	89°47'23"
C52	75.00'	115.31'	88°05'23"
C53	75.00'	12.22'	14°15'59"
C54	75.00'	115.08'	90°12'58"
C55	75.00'	2.78'	2°07'14"
C56	75.00'	115.31'	88°05'23"
C57	25.00'	39.27'	90°00'00"
C58	25.00'	39.27'	90°00'00"
C59	25.00'	39.27'	90°00'00"
C60	25.00'	38.73'	88°45'29"
C61	75.00'	119.44'	91°14'31"
C62	75.00'	109.99'	84°01'31"
C63	75.00'	9.45'	7°13'00"
C64	25.00'	39.27'	90°00'00"
C65	75.00'	117.81'	89°00'00"
C66	75.00'	116.18'	88°45'29"
C67	25.00'	39.81'	91°14'31"
C68	153.00'	309.64'	115°57'12"
C69	153.00'	76.11'	28°30'05"
C70	153.00'	121.43'	45°28'30"
C71	153.00'	112.09'	41°58'37"
C72	153.00'	341.31'	127°48'57"
C73	153.00'	59.48'	22°16'22"
C74	153.00'	121.43'	45°28'22"
C75	153.00'	121.43'	45°28'22"
C76	153.00'	36.98'	14°35'50"
C77	225.00'	353.43'	90°00'00"
C78	225.00'	41.67'	10°36'37"
C79	225.00'	83.33'	21°13'14"
C80	225.00'	83.33'	21°13'14"
C81	225.00'	83.33'	21°13'14"
C82	225.00'	61.76'	15°43'40"
C83	225.00'	340.55'	88°45'29"
C84	225.00'	76.45'	19°28'01"
C85	225.00'	83.33'	21°13'14"
C86	225.00'	83.33'	21°13'14"
C87	225.00'	83.33'	21°13'14"
C88	225.00'	22.71'	9°37'45"
C89	225.00'	88.97'	22°39'18"
C90	225.00'	36.83'	9°22'44"
C91	225.00'	52.14'	13°16'35"

NOTES

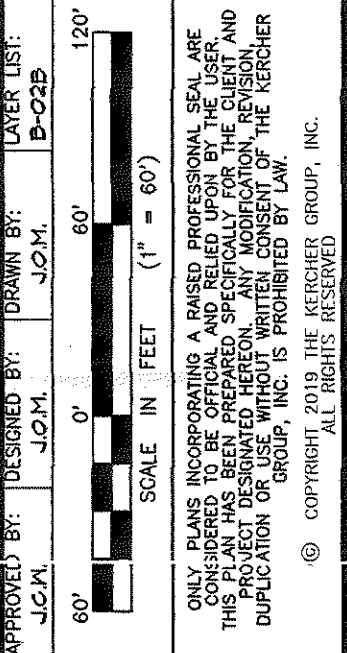
1. RESIDENTIAL DRIVEWAY ENTRANCE PIPES MUST BE INSTALLED COMPLIANT WITH THE UNIFORM CODES AND DESIGN PLANS TO ELEVATION GRADES SET BY A DELAWARE LICENSED SURVEYOR. THE COUNTY PUBLIC WORKS INSPECTOR MUST BE NOTIFIED TWENTY-FOUR (24) HOURS PRIOR TO INSTALLATION OF PIPE.
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN ON THE APPROVED PLAN AND THAT NO FLOODING OF WATER EXISTS AFTER PAVING IS COMPLETE.
3. FIRE HYDRANTS TO BE A MINIMUM SIX (6) FEET FROM EDGE OF PAVEMENT, UNLESS OTHERWISE STIPULATED BY THE STATE FIRE MARSHAL'S OFFICE.
4. FIRE HYDRANT TO BE NO CLOSER THAN 4 FEET TO THE CENTERLINE OF THE ROAD DRAINAGE SWALE.



REVISIONS

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE REQUIREMENTS OF THE DELAWARE SUBDIVISION ACT AND THE LAWS OF THE STATE OF DELAWARE.

DESIGN PROFESSIONAL DATE



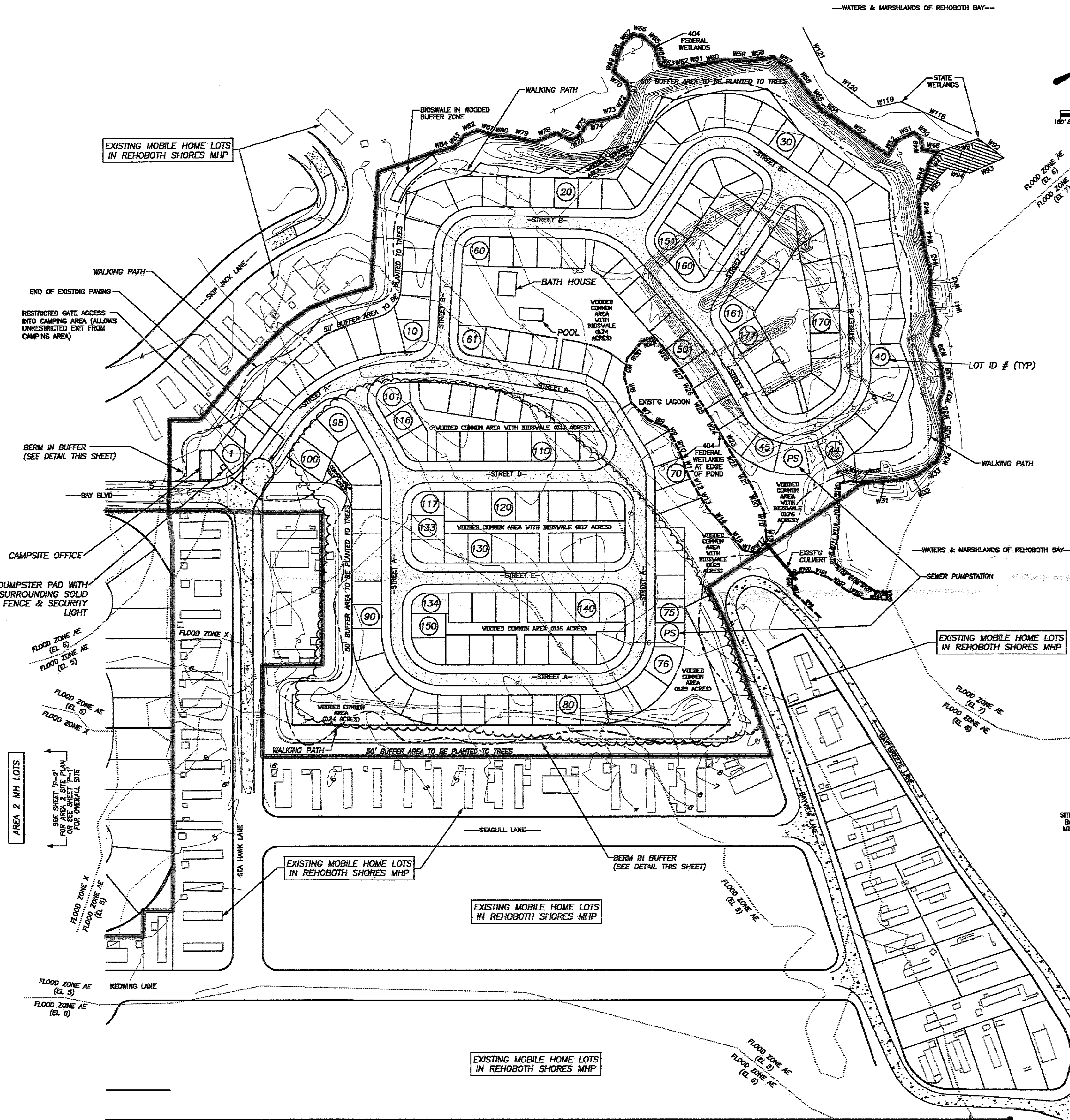
OWNER/APPLICANT: NANTICOKE SHORES ASSOCIATES, INC.
 BATHING: 10/1/2018
 PHONE: 302.854.0300

PARCEL INFORMATION:
 T.P. 234-24-00-35.00 (P.O.)
 GROSS AREA: 10.00 Acres
 NET AREA: 22.50 Acres

RECORD PLAN
 REHOBOTH SHORES - AREA II
 INDIAN RIVER HUNDRED - SUSSEX COUNTY - DELAWARE

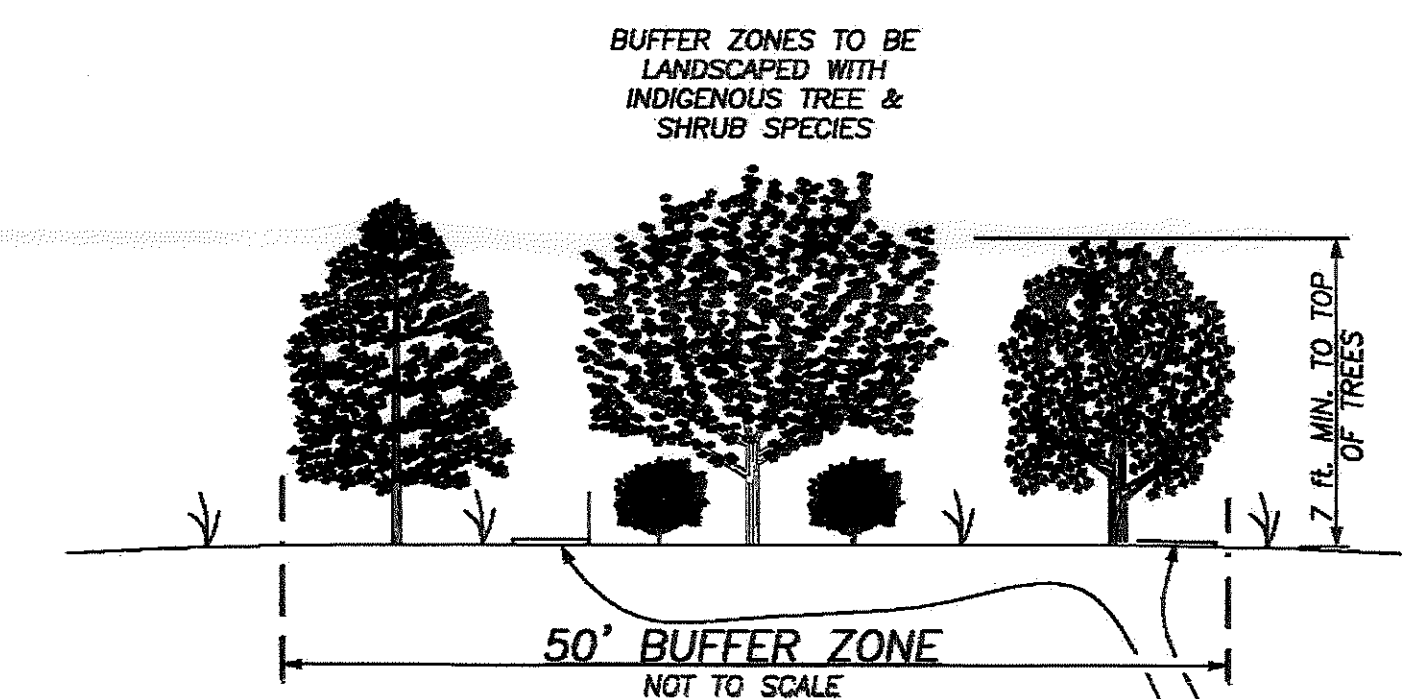
THE KERCHER GROUP, INC.
 CONSULTING • SYSTEMS • ENGINEERING
 3785 REHOBOTH AVE. UNIT 11 - REHOBOTH BEACH, DELAWARE 19871
 302.854.9002 (Voice) 302.854.9004 (Fax) www.kerchergroup.com

JOB No: 18-0807EG
 PLAN DATE: Oct. 31, 2018
 SHEET No.: R2

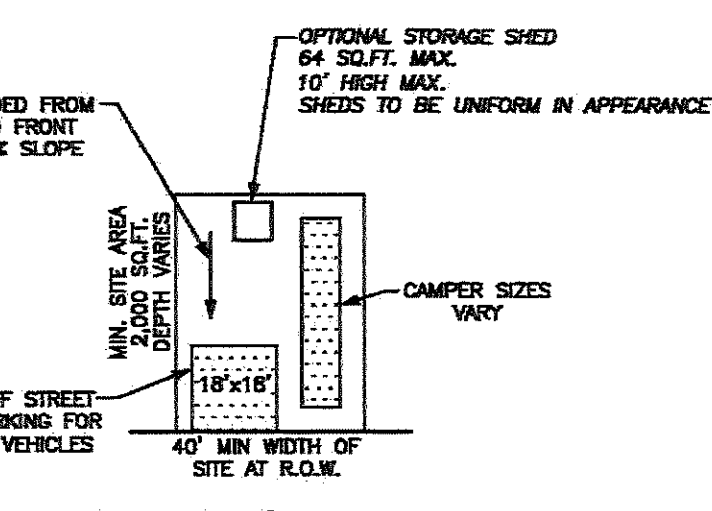


CAMPGROUND NOTES

1. THE CAMPGROUND/RV PARK MAY BE OPEN NO EARLIER THAN MARCH 15 EACH YEAR AND SHALL CLOSE NO LATER THAN OCTOBER 31 EACH YEAR.
2. THERE SHALL NOT BE ANY TENT CAMPING.
3. PURSUANT TO ARTICLE XXV, SUBSECTION 115 - 189, PARAGRAPH J. "RECREATIONAL VEHICLE PLACEMENT. RECREATIONAL VEHICLES TO BE PLACED WITHIN ANY FLOODPLAIN AREA SHALL EITHER BE ON THE SITE FOR FEWER THAN 180 CONSECUTIVE DAYS AND BE FULLY LICENSED AND READY FOR HIGHWAY USE OR MEET THE PROVISIONS OF ARTICLE XXIV, SUBSECTION 115 - 172H OF CHAPTER 115. A RECREATIONAL VEHICLE IS READY FOR HIGHWAY USE IF IT IS ON ITS WHEELS OR JACKING SYSTEM, IS ATTACHED TO THE SITE ONLY BY QUICK DISCONNECT UTILITIES AND SECURITY DEVICES AND HAS NO PERMANENTLY ATTACHED ADDITIONS."
4. A 50-FOOT VEGETATIVE BUFFER WITH A 6-FOOT WIDE EARTHEN BERM PLANTED WITH INDIGENOUS TREES SHALL BE CONSTRUCTED AROUND THAT PORTION OF THE PERIMETER OF THE SITE WHICH ABUTS ANY EXISTING MOBILE HOMES IN REHOBOTH SHORES, RUNNING PARALLEL TO SEAGULL LANE, SEAHAWK LANE, CROSSING BAYVIEW LANE AND ENDING AT NORTHER PORTION OF SITE AT BAYBREEZE LANE. SCREENING ALL EXISTING MOBILE HOMES FROM VIEW OF THE CAMPGROUND/RV PARK SITE. THE BALANCE OF THE PERIMETER OF THE PROPERTY SHALL HAVE A 50-FOOT VEGETATIVE BUFFER, WITH THREE ROWS OF INDIGENOUS TREES PLANTED IN THE BUFFER AREA IN ADDITION TO THE TREES THAT ALREADY EXIST ON THAT PORTION OF THE PERIMETER OF THE PROPERTY, THEREBY INSURING THAT BEST PRACTICE STORMWATER MANAGEMENT WILL OCCUR AND THAT THE POTENTIAL FOR FLOODING THE SITE AND ANY PROTON OF THE DEVELOPED AREA OF REHOBOTH SHORES COMMUNITY IS MINIMIZED. THE PERIMETER OF THE PROPERTY SHALL BE FENCED, WITH A SECURITY GATE AT THE ENTRANCE TO THE CAMPGROUND/RV PARK, WITH APPROPRIATE SECURITY LIGHTING, AND SHALL INCLUDE A SEPARATE OFFICE FOR THIS PROJECT, WITH APPROPRIATE DIRECTIONAL SIGNAGE.



TOTAL LINEAL FT OF BUFFER ZONE AROUND CAMPGROUND = 3,960'
LINEAL FT WITHOUT BERM = 1,584 FT (40%)



TYPICAL CAMPSITE

SCALE 1"=40'

NOT: CAMPSITES TO BE SERVED WITH SEWER, WATER, CABLE TV, & ELECTRIC

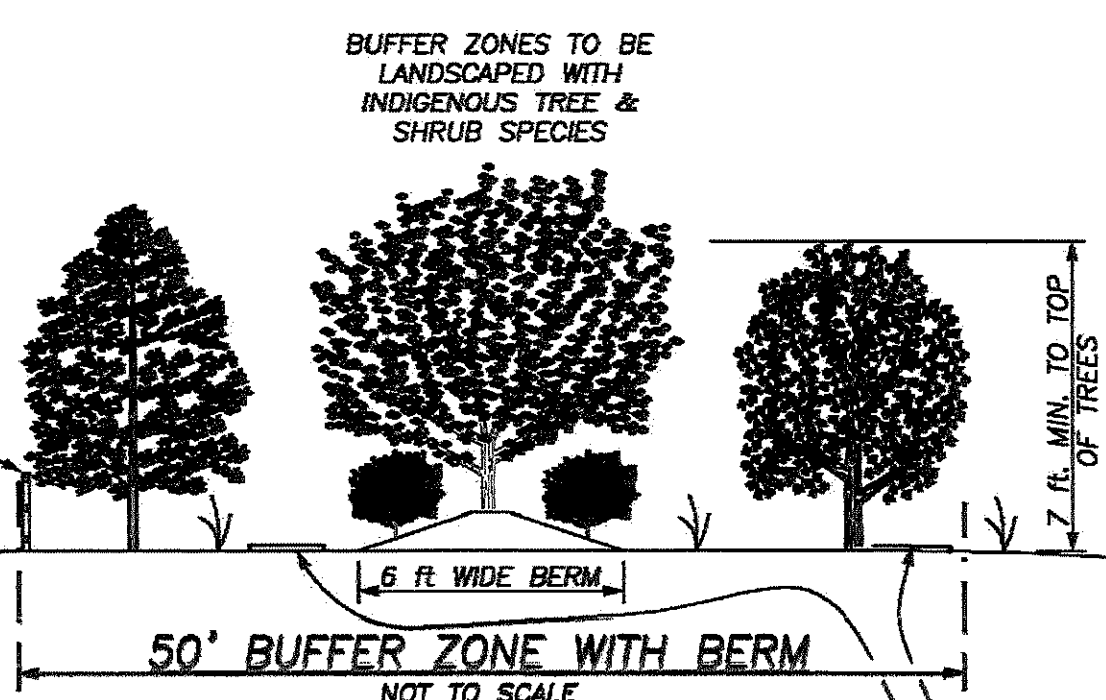
SPLIT RAIL FENCE AROUND PERIPHERY OF BUFFER ZONE IN LOCATIONS WHERE BERM IS REQUIRED

BERM DESCRIPTION:
6 FT. WIDE WITH 3:1 SIDE SLOPES

THE BERM IS SHOWN AS A STRAIGHT LINE ON THE PLAN FOR CLARITY-THE BERM WILL MEANDER FROM SIDE TO SIDE WITHIN THE 50 FT BUFFER AREA TO ENHANCE THE BERM APPEARANCE

THE WALKING PATH WILL ALSO MEANDER IN THE BUFFER ZONE (RUNNING ON, ACROSS, AND ALONGSIDE THE BERM)

LARGER TREES ARE TO BE LOCATED ALONG THE BASE OF THE BERM. SMALLER TREES & BUSHES ARE TO BE LOCATED ON THE BERM ITSELF



BUFFER ZONE SHOWN IN THIS DETAIL WITH ISOLATION BERM TO BE INSTALLED WHERE SHOWN ON THE PLAN TO BETTER ISOLATE CAMPSITE AREA FROM MANUFACTURED HOME COMMUNITY - IN BUFFER ZONE AREAS NOT ADJACENT TO MANUFACTURED HOME COMMUNITY NO BERM IS REQUIRED (SEE SITE PLAN)

TOTAL LINEAL FT OF BUFFER ZONE AROUND CAMPGROUND = 3,960'
LINEAL FT WITH BERM = 2,376 FT (60%)

LINE ID	LENGTH	BEARING
W-91	72.06'	N 9°15'40"E
W-92	52.91'	N 8°14'35"E
W-93	63.00'	S 2°39'01"W
W-94	38.49'	S 38°30'33"W
W-95	67.49'	S 19°33'27"E
W-96	59.32'	S 69°23'28"W
W-97	14.57'	N 80°54'24"W
W-98	11.43'	N 63°33'12"W
W-99	14.11'	N 19°26'04"W
W-100	23.75'	N 22°52'49"E
W-101	28.04'	N 45°01'15"E
W-102	39.97'	N 60°57'21"E
W-103	31.92'	N 53°26'41"E
W-104	38.43'	N 28°36'34"E
W-105	13.80'	N 66°55'27"W
W-106	20.24'	S 30°32'16"W
W-107	28.18'	S 61°20'42"W
W-108	26.58'	S 59°07'43"W
W-109	25.81'	S 64°31'07"W
W-110	19.97'	N 72°01'54"W
W-111	21.28'	N 44°48'40"W
W-112	32.95'	N 59°23'24"W
W-113	34.88'	N 62°34'51"W
W-114	26.12'	N 61°43'22"E
W-115	18.17'	N 13°51'03"E
W-116	10.03'	N 38°41'17"E
W-117	13.62'	N 31°55'55"E
W-118	129.37'	N 50°51'12"E
W-119	49.78'	N 14°30'22"E
W-120	95.47'	N 63°12'20"E
W-121	85.61'	N 89°24'53"E

LINE ID	LENGTH	BEARING
W-5	30.19'	S 54°17'47"E
W-6	44.52'	S 79°02'42"E
W-7	41.88'	N 70°24'37"E
W-8	30.71'	N 48°34'04"E
W-9	21.84'	N 86°03'02"E
W-10	31.08'	S 87°48'36"E
W-11	36.13'	S 83°26'55"E
W-12	32.25'	N 86°41'21"E
W-13	32.43'	N 85°03'59"E
W-14	46.59'	N 73°09'38"E
W-15	43.64'	N 79°39'51"E
W-16	22.73'	N 39°42'06"E
W-17	27.99'	N 21°52'51"W
W-18	8.51'	N 70°51'01"W
W-19	38.46'	N 67°55'23"W
W-20	49.77'	N 89°36'36"W
W-21	40.37'	S 85°18'48"W
W-22	24.50'	S 83°13'54"W
W-23	31.45'	S 87°33'38"W
W-24	33.00'	S 85°52'35"W
W-25	46.62'	S 83°18'17"W
W-26	26.46'	S 87°52'06"W
W-27	41.79'	S 81°02'10"W
W-28	51.02'	S 78°16'38"W
W-29	20.73'	S 06°30'42"W
W-30	37.91'	S 20°44'44"E

LINE ID	LENGTH	BEARING
W-31	68.62'	S 21°03'04"W
W-32	24.74'	S 06°15'11"W
W-33	36.31'	S 10°03'53"E
W-34	19.32'	S 39°51'56"E
W-35	46.46'	S 60°18'47"E
W-36	33.52'	S 72°58'24"E
W-37	26.69'	S 45°43'51"E
W-38	35.81'	S 71°52'05"E
W-39	44.27'	S 88°28'54"E
W-40	33.04'	S 48°56'45"E
W-41	46.41'	S 75°17'43"W
W-42	37.96'	S 62°56'29"E
W-43	27.70'	S 79°39'25"E
W-44	65.20'	S 72°59'17"E
W-45	32.01'	S 65°17'21"E
W-46	59.02'	S 47°01'14"E
W-47	24.30'	S 27°54'27"E
W-48	25.40'	N 32°09'54"E
W-49	17.33'	S 68°00'56"E
W-50	16.93'	N 70°52'59"E
W-51	30.63'	N 01°57'11"E
W-52	29.59'	N 30°58'59"W
W-53	109.15'	N 60°52'38"E
W-54	27.79'	N 58°30'19"E
W-55	37.30'	N 81°47'33"E
W-56	47.41'	N 79°19'13"E
W-57	33.50'	N 60°33'05"E
W-58	39.52'	N 16°48'19"E
W-59	44.26'	N 29°00'08"E
W-60	35.67'	N 15°28'55"E
W-61	27.37'	N 20°04'25"E
W-62	21.38'	N 14°46'01"E
W-63	24.46'	N 39°01'59"E
W-64	32.02'	S 81°25'31"E
W-65	27.14'	N 70°31'00"E
W-66	15.93'	N 35°46'51"E
W-67	24.32'	N 17°16'54"W
W-68	22.50'	N 43°36'53"W
W-69	25.87'	N 47°16'45"W
W-70	27.49'	S 64°25'58"W
W-71	21.19'	N 76°30'23"W
W-72	39.66'	N 36°20'04"W
W-73	29.41'	N 12°29'16"E
W-74	22.94'	N 17°04'15"E
W-75	30.03'	N 27°39'07"W
W-76	14.49'	N 00°30'48"W
W-77	27.17'	N 54°38'56"E
W-78	37.67'	N 02°19'26"E
W-79	49.01'	N 38°21'57"E
W-80	24.61'	N 30°21'11"E
W-81	26.26'	N 44°46'38"E
W-82	23.75'	N 02°58'12"E
W-83	25.23'	N 21°34'56"W
W-84	38.73'	N 12°59'28"E

WETLANDS CERTIFICATION

I, MILTON L. MCCARTHY, CERTIFY THAT THIS PROPERTY HAS BEEN EXAMINED FOR WETLANDS AND WATERS OF THE UNITED STATES IN ACCORDANCE WITH THE TECHNIQUES AND CRITERIA PRESENTED IN THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (IN CONJUNCTION WITH THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL: ATLANTIC AND GULF COAST PLAIN REGION (VERSION 2.0, NOVEMBER 2010)). THE DELINEATIONS HERE SHOWN IN MY BEST PROFESSIONAL JUDGMENT, ACCURATELY DEPICT WETLANDS/WATERS OF THE UNITED STATES BOUNDARIES PRESENT WITHIN THE SUBJECT PROPERTY. THE DELINEATIONS HERE SHOWN ALSO REPRESENT STATE OF DELAWARE WETLANDS BOUNDARIES AS DETAILED BY STATE WETLANDS MAP CHANGE # MC-285/09.

MILTON L. MCCARTHY

MCCARTHY & ASSOCIATES, INC.
14458 Old Mill Road Suite 201
Upper Merion, MD 20772
Phone: (301) 627-7505

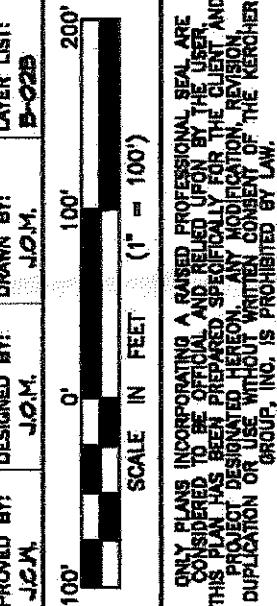
NOTES:

1. PERIMETER AND WETLANDS SURVEY INFORMATION FROM SURVEYS BY ADAMS-KEMP ASSOCIATES, INC.

REVISIONS

HEREBY CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF AGRICULTURE.

DESIGN PROFESSIONAL DATE



OWNER/APPLICANT: NANTOCOE SHORES ASSOCIATES, INC.
NANTOCOE SHORES ASSOCIATES, INC.
200 NANTOCOE SHORES DRIVE
REHOBOTH BEACH, DE 11873
PHONE: 302-238-1111
FAX: 302-238-1112

PARCEL INFORMATION:
T.P. 234-24-00-30-00 (P/O)
GROSS AREA: 23.30 ACRES
NET AREA: 23.30 ACRES
TAX MAP: 23.30 ACRES

RECORD PLAN - WETLANDS
REHOBOTH SHORES - AREA II
INDIAN RIVER HUNDRED - SUSSEX COUNTY - DELAWARE

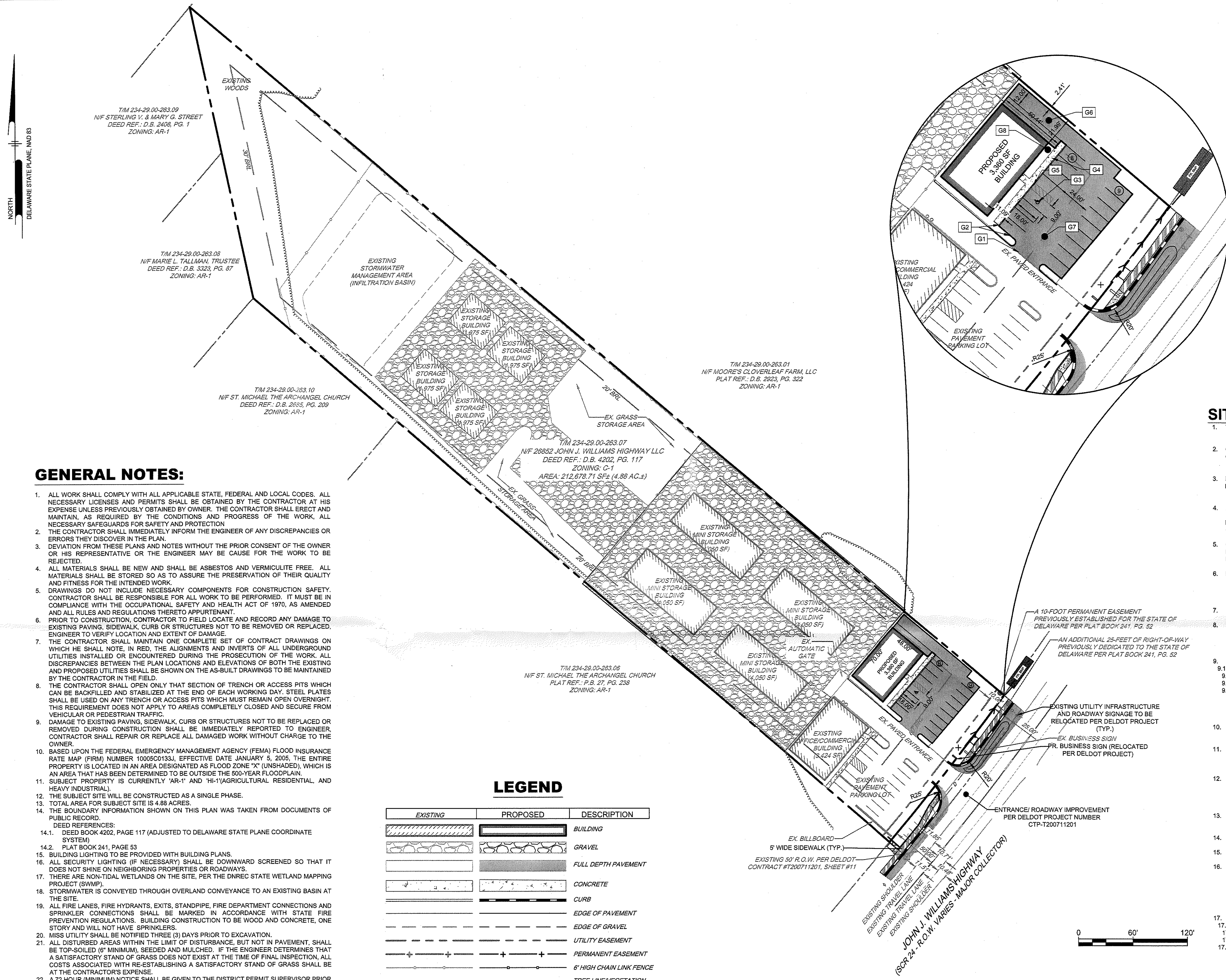
THE KERCHER GROUP, INC.
CONSULTING • SYSTEMS • ENGINEERING
1700 REHOBOTH AVE. UNIT 100 REHOBOTH BEACH, DE 11871
302-238-1111 (Voice) 302-238-1112 (Fax) www.kerchergrp.com

JOB No: 18-0807EG

PLAN DATE: Oct. 31, 2018

SHEET No.: R3

REHOBOTH SHORES - AREA II Map, Oct. 7, 2018 (1448)



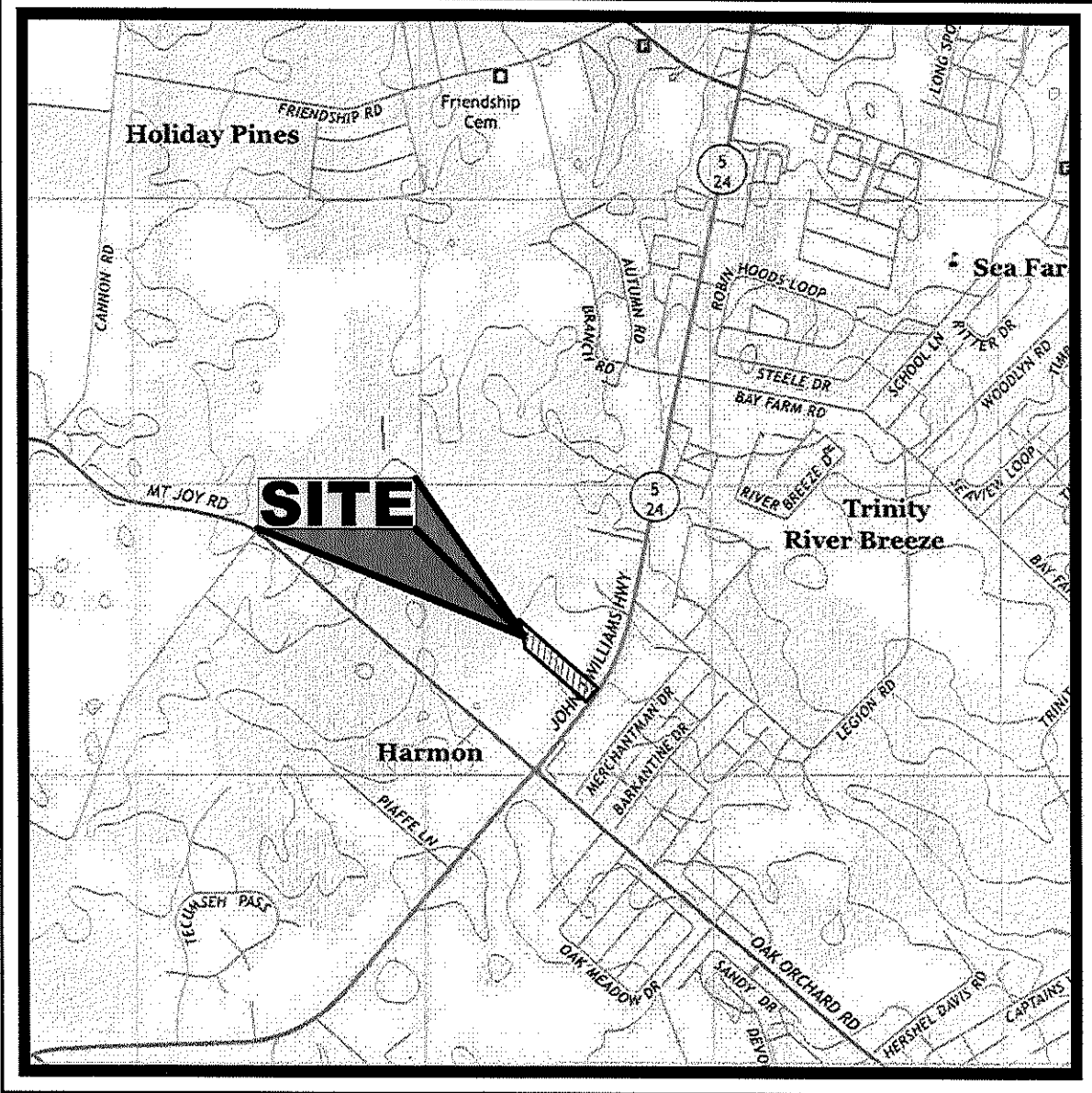
GENERAL NOTES:

LEGEND

GENERAL CONSTRUCTION KEY NOTES:

SITE DATA:

LOCATION MAP



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

SIGNATURE	DATE
ALAN DECKTOR, PE (DE PE# 17771) PENNONI ASSOCIATES, INC 18072 DAVIDSON DRIVE MILTON, DE 19968	(302) 684-8030

26582 JOHN J WILLIAMS HIGHWAY, LLC. DATE
37021 REHOBOTH AVENUE EXT., SUITE G
REHOBOTH BEACH, DE 19971

26582 JOHN J. WILLIAMS HIGHWAY, LLC

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

Pennoni

PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302 684 8030 F 302 684 8054

WAYNE HODGE
7021 REHOBOTH AVENUE EXT., SUITE G
REHOBOTH BEACH, DELAWARE 19971

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION

PROJECT	JJWLM19001
DATE	2019-07-25

DRAWING SCALE	1" = 60'
DRAWN BY	MW/ECK

CS1001

SHEET 1 OF 1

RECEIVED

DEC 04 2019

SUSSEX COUNTY
PLANNING & ZONING

Jeffrey Myers
10357 Seashore Highway
Bridgeville, DE 19933
(302) 396-2075 (Cell)

December 4, 2019

Janelle M. Cornwell, AICP
Planning and Zoning Director
2 The Circle
Georgetown DE, 19947

RE: Conditional Use #2198

Dear Ms. Cornwell:

I write in regard to the above reference and to express my apology for not attending the Planning & Zoning hearing.

I was under the impression that I only needed to attend the County Council Meeting scheduled for January 7, 2020.

My family and I have owned and operated Myers Store since 1978.

I have operated the open air sales located adjacent to the store since 1987.

I have served the surrounding community which includes Walker's Mill, Dale Wheatley's Farm and Coverdale Crossroads for over 32 years.

Prior to being cited, I was under the impression that I could operate under the same permitted use as the store. It has always been my goal to abide by the rules, therefore, I would like to meet the County requests and be granted the necessary conditional use for my business.

Sincerely,

Jeffrey Myers

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