

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 November 14, 2019

Application: CU 2196 Wine Worx, LLC

Applicant/Owner: Wine Worx, LLC
32512 Blackwater Road
Frankford, DE 19945

Site Location: 32512 Blackwater Road. West side of Blackwater Road, approximately 1,007 ft. north of Burbage Road.

Current Zoning: AR-1

Proposed Use: Amendments to Conditions of Approval for CU 2127

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire District

Sewer: Private, On-Site

Water: Private, On-Site

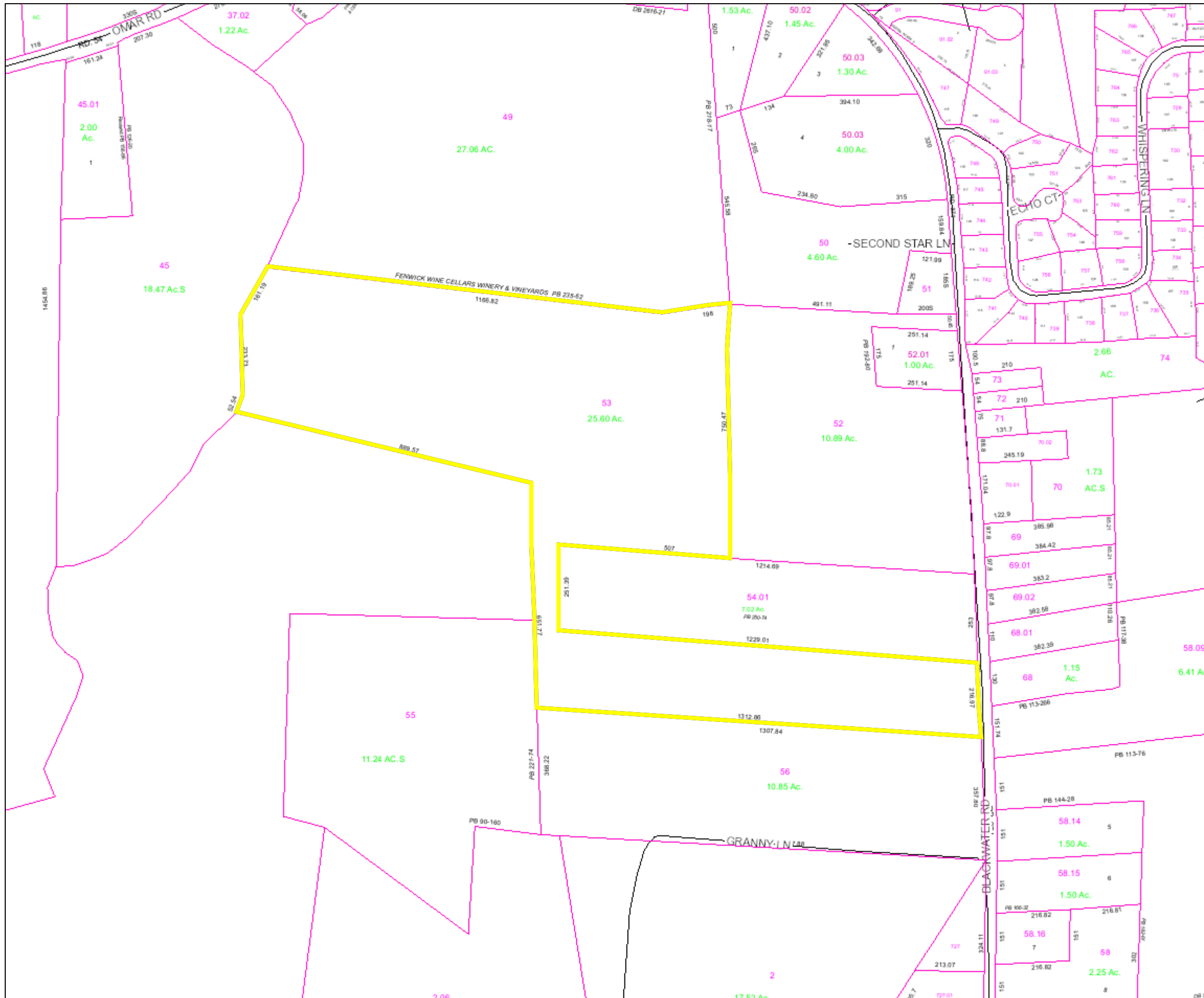
Site Area: 25.60 ac. +/-

Tax Map ID.: 134-11.00-53.00





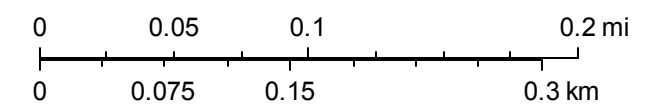
Sussex County



PIN:	134-11.00-53.00
Owner Name	WINE WORX REAL ESTATE HOLDINGS LLC
Book	4575
Mailing Address	32512 BLACKWATER RD
City	FRANKFORD
State	DE
Description	W/RD 384
Description 2	980' N/RD 353
Description 3	N/A
Land Code	

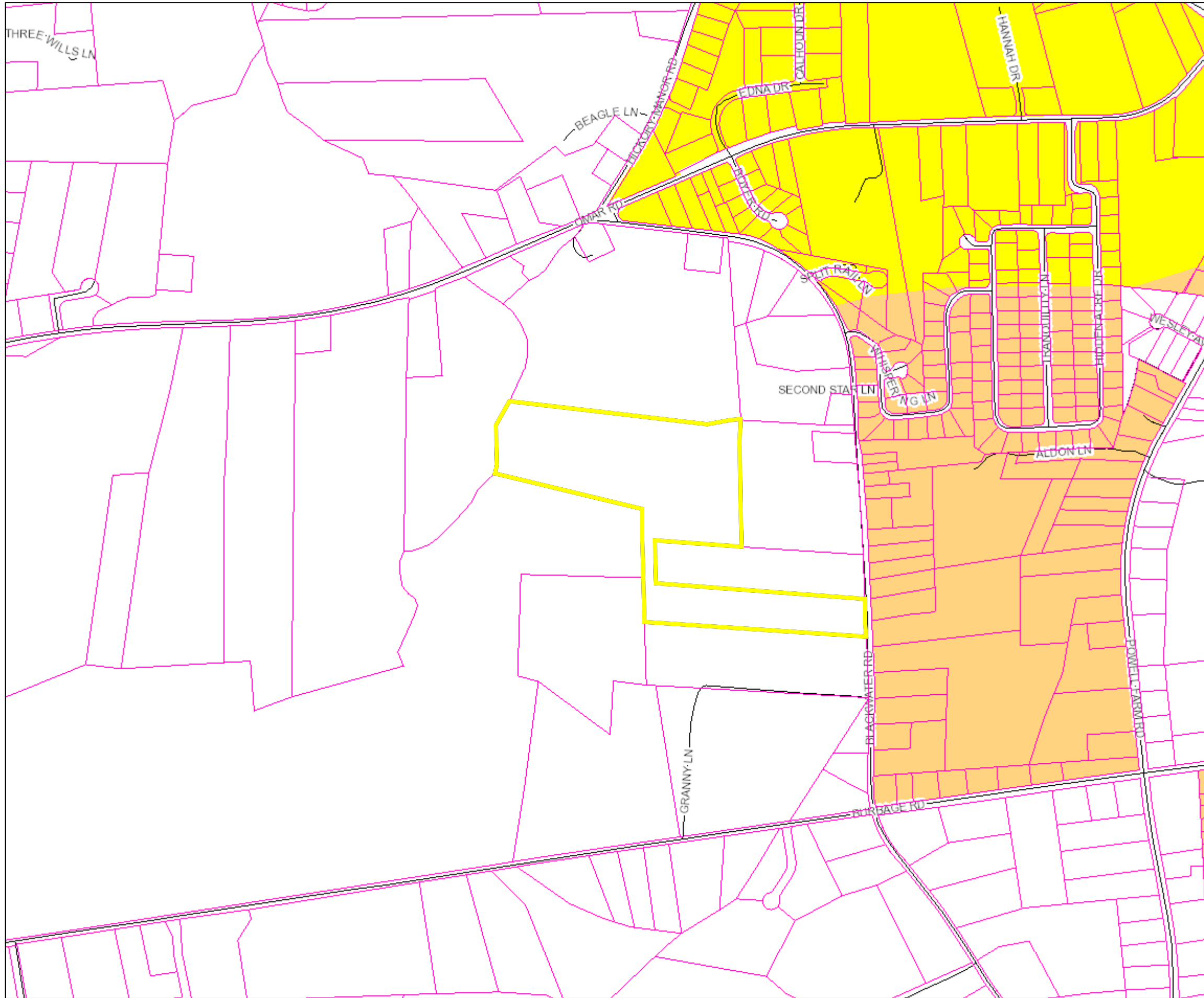
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Override 1
- polygonLayer**
Override 1
- Tax Parcels
- Streets
- County Boundaries
- Public Protected Lands
- Municipal Boundaries

1:4,514





Sussex County



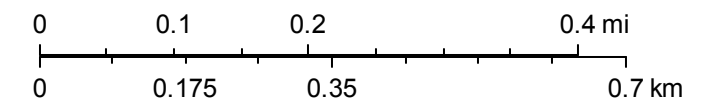
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- polygonLayer**

Override 1
- polygonLayer**

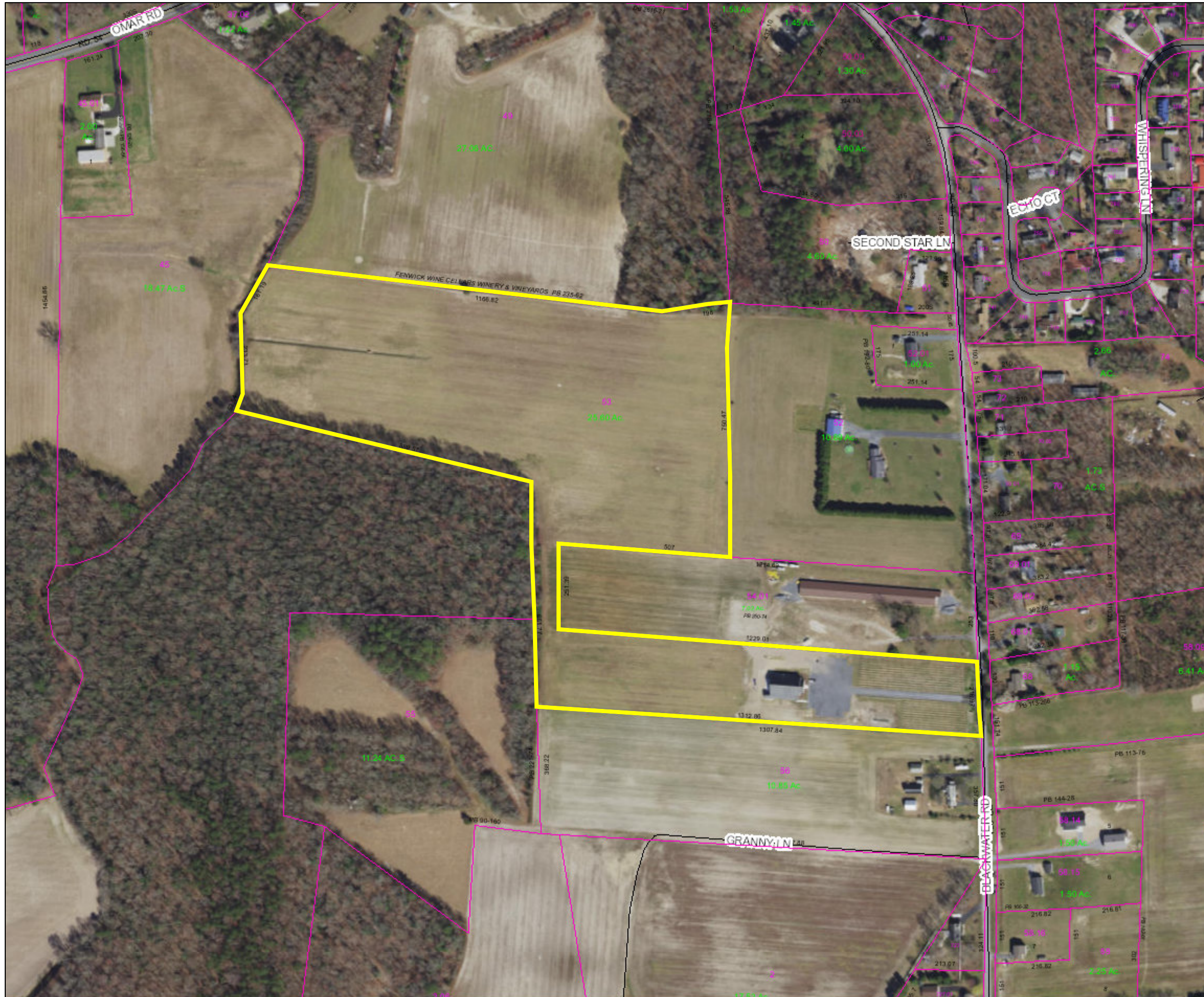
Override 1
- Tax Parcels
- Streets

1:9,028





Sussex County








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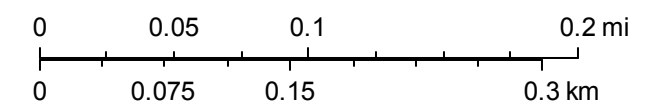
Override 1

polygonLayer

Override 1

-  Tax Parcels
-  Streets
-  County Boundaries
-  Public Protected Lands
-  Municipal Boundaries

1:4,514



RECEIVED

JUL 15 2019

SUSSEX COUNTY
PLANNING & ZONING

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 Amendment

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

32512 Blackwater Road, Frankford, DE 19945

Type of Conditional Use Requested:

Request for modification of existing Conditional Use #2127 (see attached).

Tax Map #: 134-11.00-53.00

Size of Parcel(s): 25.60

Current Zoning: AR1.CU

Proposed Zoning: AR1.CU

Size of Building: 1 new bldg & 1 expansion

Land Use Classification: Coastal Area

Water Provider: On-Site Well

Sewer Provider: On-Site Sanitary Sewer

Applicant Information

Applicant Name: Wine Worx, LLC

Applicant Address: 32512 Blackwater Road

City: Frankford

State: DE

Zip Code: 19945

Phone #: (302) 436-1500

E-mail: amobilia@saltedvines.com

Owner Information

Owner Name: Wine Worx Real Estate Holdings, LLC

Owner Address: 32512 Blackwater Road

City: Frankford

State: DE

Zip Code: 19945

Phone #: (302) 436-1500

E-mail: amobilia@saltedvines.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esq. | Morris James LLP

Agent/Attorney/Engineer Address: 107 W. Market Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 856-0018

E-mail: dhutt@morrisjames.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

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

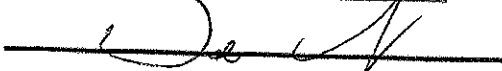
___ DeIDOT Service Level Evaluation Request Response

___ 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: 7/15/2015

Signature of Owner



Date: 7/15/19

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

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

Date of CC Hearing: _____ Decision of CC: _____

Wineworx, LLC
Amendment to Conditional Use No. 2127 (Proposed)

- (1) Approval of a new site plan (see attached);
- (2) Removal of current condition (a), which limits events to the front portion of the tax parcel;
- (3) Replacing current conditions (b), (d) and (e) with the following condition: "All events shall end no later than 10:30 p.m."; and
- (4) All other conditions to remain with the result that conditions for Conditional Use No. 2127 would be as follows:
 - a. All events shall end no later than 10:30 p.m.
 - b. Food and beverage service and music or similar entertainment is permitted in conjunction with permissible agritourism activities and in compliance with the Sussex County Code.
 - c. All activities on the premises shall comply with Fire Marshal, parking capacity and general permitting requirements.
 - d. Applicant shall be required to obtain a Fire Marshal rating for the building in which the events are held. Applicant shall comply with the Fire Marshall's determination of the maximum number of persons allowed on the premises at any given time, but, in no event shall there be more than 200 people at any event.
 - e. Parking shall be in compliance with the Sussex County Code. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County Roads.
 - f. All entrance locations shall be subject to the review and approval of DelDOT.
 - g. The final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **10/28/2019**

APPLICATION: **CU 2196 Wine Worx, LLC**

APPLICANT: **Wine Worx, LLC**

FILE NO: **SPS-5.04**

TAX MAP &
PARCEL(S): **134-11.00-53.00**

LOCATION: **32512 Blackwater Road. West side of Blackwater Road,
approximately 1,007 feet north of Burbage Road**

NO. OF UNITS: **Amendments to Conditions of Approval for CU 2127**

GROSS
ACREAGE: **25.60 +/-**

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

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **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? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is not 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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
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J. BRUCE MEARS
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Sussex County

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sussexcountyde.gov
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JANELLE CORNWELL, AICP
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Sewer: Private, On-Site

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Site Area: 25.60 ac. +/-

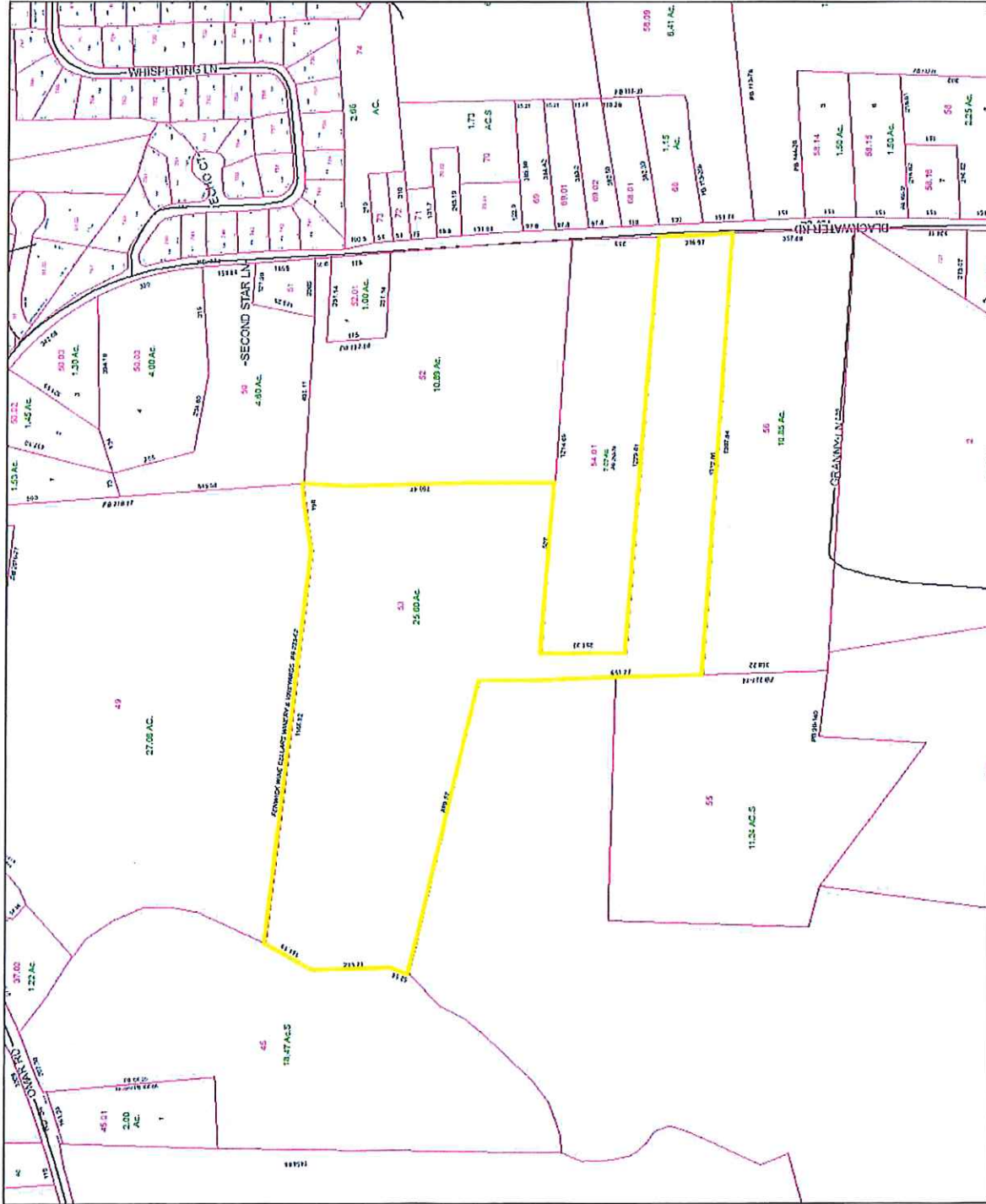
Tax Map ID.: 134-11.00-53.00

SCPA
TIER 2
NO SCHEDULE



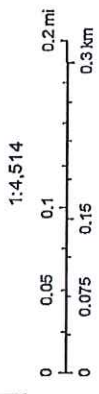


Sussex County



PIN	134-11.00-53.00
Owner Name	WINE WORX REAL ESTATE HOLDINGS LLC
Book	4575
Mailing Address	32512 BLACKWATER RD
City	FRANKFORD
State	DE
Description	WRD 384
Description 2	980' N/RD 353
Description 3	N/A
Land Code	

- | | |
|-------------|------------------------|
| polyonLayer | Override 1 |
| polyonLayer | Override 1 |
| | Tax Parcels |
| | Streets |
| | County Boundaries |
| | Public Protected Lands |
| | Municipal Boundaries |



SALTED VINES
VINEYARD & WINERY



FRANKFORD, DE



Sussex County
Conditional Use No. 2196

Public Hearing Dates:

Planning Commission:
November 14, 2019

County Council:
December 17, 2019

David C. Hutt, Esquire
Morris James LLP

RECEIVED

NOV 04 2019

SUSSEX COUNTY
PLANNING & ZONING

Table of Contents

1. Application for Conditional Use (Amendment of CU 2127)
2. 2018 Google Earth Aerial Imagery with Tax Parcel Information
3. Minutes of Meetings for CU 2127
 - a. September 25, 2018
 - b. September 18, 2018 (with P&Z Staff Memorandum to Council)
 - c. June 5, 2018
 - d. May 24, 2018
 - e. May 10, 2018
4. October 29, 2018 Letter from J. Cornwell to Wine Worx, LLC
5. Final Site Plan for CU 2127 as Approved
6. Proposed Site Plan
7. August 8, 2018 Letter from J. Cordrey to E. Moore
8. Petition in Support of Changes to CU 2127 (with Area Map Locating Signers)

TAB “1”

RECEIVED

Planning & Zoning Commission Application

JUL 15 2019

Sussex County, DelawareSUSSEX COUNTY
PLANNING & ZONINGSussex 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 AmendmentZoning Map Amendment **Site Address of Conditional Use/Zoning Map Amendment**32512 Blackwater Road, Frankford, DE 19945**Type of Conditional Use Requested:**

Request for modification of existing Conditional Use #2127 (see attached).

Tax Map #: 134-11.00-53.00**Size of Parcel(s):** 25.60**Current Zoning:** AR1.CU**Proposed Zoning:** AR1.CU**Size of Building:** 1 new bldg & 1 expansion**Land Use Classification:** Coastal Area**Water Provider:** On-Site Well**Sewer Provider:** On-Site Sanitary Sewer**Applicant Information**Applicant Name: Wine Worx, LLCApplicant Address: 32512 Blackwater RoadCity: FrankfordState: DEZip Code: 19945Phone #: (302) 436-1500E-mail: amobilia@saltedvines.com**Owner Information**Owner Name: Wine Worx Real Estate Holdings, LLCOwner Address: 32512 Blackwater RoadCity: FrankfordState: DEZip Code: 19945Phone #: (302) 436-1500E-mail: amobilia@saltedvines.com**Agent/Attorney/Engineer Information**Agent/Attorney/Engineer Name: David C. Hutt, Esq. | Morris James LLPAgent/Attorney/Engineer Address: 107 W. Market StreetCity: GeorgetownState: DEZip Code: 19947Phone #: (302) 856-0018E-mail: dhutt@morrisjames.com

Check List for Sussex County Planning & Zoning Applications

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Signature of Applicant/Agent/Attorney



Date: 7/15/2015

Signature of Owner



Date: 7/15/15

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: _____
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Sussex County, DE
Treasury
P.O. Box 601
Georgetown, DE 19947
Welcome

33015046-0057 Megan D. 07/15/2019 11:47AM

PERMITS / INSPECTIONS
CONDITIONAL USE - FEE
2019 Item: 201908070|2010 500.00

500.00

Subtotal 500.00
Total 500.00

CHECK 500.00
Check Number 00000105689

Change due 0.00

Paid by: MORRIS JAMES LLP



Thank you for your payment

Sussex County, DE COPY
DUPLICATE RECEIPT

①

25856

BK: 4575 PG: 192

Tax Map No. 1-34-11.00-53.00
1-34-11.00-54.00

PREPARED BY / RETURN TO:
Scott and Shuman, P.A.
33292 Coastal Highway
Middlesex Plaza - Suite 3
Bethany Beach, DE 19930-3703
(302) 537-1147
File No. 15-7389A/SR

DEED

THIS DEED is made as of the 7th day of July, 2016,
between **ADRIAN MOBILIA and JESSICA M. VANEK, husband and wife**, of
35542 Cypress Point Trail, Millville, Delaware 19967, parties of the first part,
and **WINE WORX REAL ESTATE HOLDINGS, LLC, a Delaware limited
liability company**, of 38016 Fenwick Shoals Blvd., Selbyville, Delaware 19976,
party of the second part.

WITNESSETH, that the said parties of the first part, for and in
consideration of the sum of TEN DOLLARS (\$10.00), 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 its assigns, in fee
simple, the following described lands, situate, lying and being in Sussex
County, State of Delaware:

ALL THAT CERTAIN lot, piece or parcel of land, situate, lying and being
in Baltimore Hundred, Sussex County, State of Delaware, being known and
designated as 25.60 Acres, +/-, as shown on a Boundary Survey of the Lands of
Wayne R. West and Sandra W. Sculley, prepared by Delaware Surveying
Services, dated May 29, 2015, as follows, to wit:

BEGINNING at a set iron pipe, situate on the westerly side of Blackwater
Road, said iron pipe being a corner for these lands and other lands of
Wayne R. West and Sandra W. Sculley, and being 358', +/-, northerly of
Granny Lane; thence running along the other lands of Wayne R. West
and Sandra W. Sculley, North 77 degrees 17 minutes 28 seconds West,
1,312.86 feet to a found 8" by 8" fence post, said fence post being a
corner for these lands and the lands N/F of West and Sculley, and a

KS

S/KS

point on line of lands of Dorothy A. Murray, Trustee; thence turning and running with the lands N/F of Murray, North 07 degrees 43 minutes 25 seconds East, 651.77 feet to a set iron pipe, said pipe being a corner for these lands and lands now for formerly of Charles P. Townsend, Jr.; thence turning and running with the lands N/F of Townsend, North 69 degrees 29 minutes 00 seconds West, 889.57 feet to a set iron pipe, said pipe being a corner for these lands and the lands N/F of Townsend, and a point on line of lands now or formerly of Doris D. Turner; thence turning and running along the lands N/F of Turner and with the centerline of the Blackwater Canal Ditch, the following three (3) courses and distances: (1) North 25 degrees 44 minutes 12 seconds East, 52.54 feet to a point; (2) North 06 degrees 50 minutes 15 seconds East, 233.73 feet; and (3) North 37 degrees 26 minutes 30 seconds east, 161.23 feet to a set iron pipe, said pipe being a corner for these lands and lands now or formerly of Paul E. Lathbury, and a point on line of the lands N/F of Turner; thence turning and running with the lands N/F of Lathbury, the following two (2) courses and distances: (1) South 75 degrees 18 minutes 36 seconds East, 1,166.76 feet to a set iron pipe; and (2) North 88 degrees 07 minutes 40 seconds East, 198.00 feet to a found iron pipe, said pipe being a corner for these lands, other lands of Wayne R. West and Sandra W. Sculley and lands of Craig E. West; thence turning and running with the lands N/F of Craig E. West, South 07 degrees 39 minutes 07 seconds West, 750.47 feet to a found iron pipe, said pipe being a corner for these lands and the lands N/F of Craig West, and a point on line of lands now or formerly of the Town of Bethany Beach; thence turning and running with the lands of the Town of Bethany Beach, the following three (3) course and distances: (1) North 77 degrees 32 minutes 58 seconds West, 507.00 feet to a found iron pipe; (2) thence turning and running South 07 degrees 38 minutes 43 seconds West, 251.39 feet to a found iron pipe; and (3) turning and running South 77 degrees 33 minutes 24 seconds East, 1,228.94 feet to a found iron pipe, said pipe being a corner for these lands and the lands N/F of the Town of Bethany Beach, and being situate on the aforesaid westerly right-of-way of Blackwater Road; thence turning and running by and with Blackwater Road, South 05 degrees 26 minutes 05 seconds West, 217.00 feet, home to the point and place of beginning, said to contain 25.60 acres, more or less.

BEING THE SAME lands conveyed unto ADRIAN MOBILIA and JESSICA M. VANEK, husband and wife, by Deed dated December 17, 2015, of WAYNE R. WEST and SANDRA W. SCULLEY, as filed for record for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 4488 at page 129.

THIS CONVEYANCE IS MADE SUBJECT TO a Right-of-way / Easement for Maintenance of the Blackwater Tax Ditch, by Order of the Superior Court of the State of Delaware, dated January 04, 2007, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Tax Ditch Book 001 at page 147; as renewed by Order recorded on March 12, 2009, in Tax Ditch Book 006 at page 150.

THIS CONVEYANCE IS FURTHER SUBJECT TO a Right-of-way / Easement for Maintenance of the St. Georges Tax Ditch, by Order of the Superior Court of the State of Delaware, dated January 04, 2007, and filed for record in the Office of the Recorder of Deeds, aforesaid, in Tax Ditch Book 002 at page 269; as renewed by Order dated March 12, 2009, as filed for record in the Office of the Recorder of Deeds, aforesaid, in Tax Ditch Book 007 at page 212; as renewed by Order recorded October 06, 2011, in Tax Ditch Book 10 at page 327.

THIS CONVEYANCE IS FURTHER SUBJECT TO any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds, aforesaid.

This property is located in the vicinity of an established Agricultural Preservation District and/or land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

REMAINDER OF THIS PAGE INTENTIONALLY BLANK
SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

Susan D. Renahan
as to us

Adrian Mobilia (SEAL)
Adrian Mobilia

Jessica M. Vanek (SEAL)
Jessica M. Vanek

Consideration: .00

STATE OF Delaware :
: SS

County .00
State .00
Town Total .00
Received: Margaret F Aug 01, 2016

COUNTY OF Sussex :

BE IT REMEMBERED, that on the 17th day of March, 2016, personally came before me, the subscribers, Adrian Mobilia and Jessica M. Vanek, parties of the first part to this Deed, known to me personally to be such, and acknowledged this Deed to be their act and deed.

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

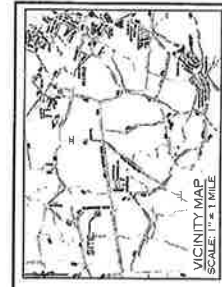


Susan D. Renahan
Notary Public

My Commission Expires:

Recorder of Deeds
Scott Dailey
Aug 01, 2016 09:25A
Sussex County
Doc. Surcharge Paid

RECEIVED
Aug 01, 2016
ASSESSMENT DIVISION
OF SUSSEX COUNTY



VICINITY MAP
SCALE: 1" = 1 MILE

**CONDITIONAL USE 21.27.
CONDITIONS OF APPROVAL**

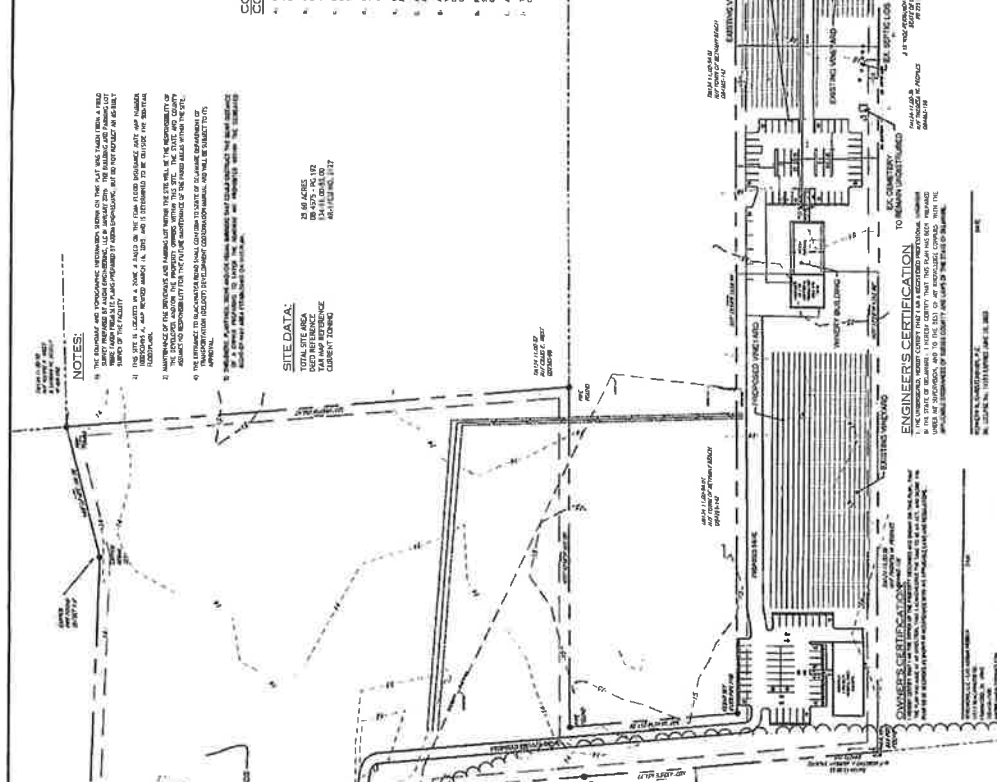
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SITE DATA

DATE: 08/07/14
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN



ENGINEER'S CERTIFICATION

I, the undersigned, being a duly licensed Professional Engineer in the State of Maryland, do hereby certify that the above described project has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Maryland.

AXIOM ENGINEERING, L.L.C.
10000 WOODBURN ROAD
BALTIMORE, MARYLAND 21286
TEL: 410-326-1100
WWW.AXIOMENGINEERING.COM

PROJECT NO: 0356-1601
DRAWING: RP-1
PAGE: 1 OF 2

LEGEND

- 1. PROPERTY LINE
- 2. EXISTING BUILDING FOOTPRINT
- 3. EXISTING DRIVEWAY
- 4. EXISTING DRIVEWAY
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GENERAL NOTES

1. THE PROJECT SHALL BE LIMITED TO THE PROPOSED USES OF THE FACILITY, COMPENSATING FOR THE LOSS OF THE EXISTING USES OF THE FACILITY.
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AXIOM ENGINEERING, L.L.C.
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WWW.AXIOMENGINEERING.COM

PROJECT NO: 0356-1601
DRAWING: RP-1
PAGE: 1 OF 2

TAB “2”

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

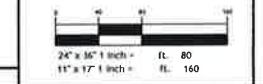


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REV DESCRIPTION OF REVISION REVISED BY/DATE CHECKED BY/DATE TAX MAP: 134-11.00-53.00

ENGINEER: KRC
 DESIGNER: KRC
 DRAFTER: KRC
 CHECKED BY: KRC
 DATE: 11/4/2019



SEAL

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

2018 SATELLITE IMAGE OVERLAY
 LAND OF WINE WORK, LLC
SALTED VINES
 VINEYARD & WINERY
 BALTIMORE HUNDRED, SUSSEX COUNTY, DE

PROJECT NO: 0356-1601
 DRAWING: CR-2
 SHEET: 2 OF 2

TAB “3”

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 25, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 25, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

Call to
Order

Mr. Vincent called the meeting to order.

M 516 18
Amend
and
Approve
Agenda

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the agenda by deleting "Introduction of Proposed Zoning Ordinances" and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Minutes

The minutes of September 18, 2018 were approved by consent.

Public
Comments

Public Comments

Dan Kramer commented on the 2018 Comprehensive Plan.

Chuck Davidson spoke in support of increased buffer zones.

Sussex
Goes
Purple
Campaign

Peggy Geisler, Sussex County Health Coalition, gave a presentation on the Sussex Goes Purple Campaign. Sussex Goes Purple is a substance abuse awareness and educational program that engages the community to stand up against substance abuse. Sussex Goes Purple is an initiative from the Sussex County Health Coalition with support from Highmark and DSAMH. The Initiative also includes implementing in-school Purple Clubs and prevention programs. Ms. Geisler asked that the Council formally adopt the Sussex Goes Purple Campaign and to consider grant funding for the program.

**Adminis-
trator's
Report
(continued)**

It is with sadness that we note the passing of County pensioner John "Butch" Peters on Saturday, September 15th. Mr. Peters began his career with Sussex County in August 1988 and retired from the Emergency Operations Center as a Communication Support Tech I in January 2009 with over 20 years of service. We would like to extend our condolences to the Peters family.

[Attachments to the Administrator's Report and not attachments to the minutes.]

**Report/
Receipt
of PLUS
Comments/
2018 Com-
prehensive
Plan**

Janelle Cornwell, Planning and Zoning Director, reported that as part of the Comprehensive Plan process, the Plan was submitted to the State to go through the PLUS Review. Comments have been received from the State; there were a few certification items and a few items to review and consider, one of which is the Future Land Use Map and Chapter. Ms. Cornwell noted that it was a lengthy report and the majority of the comments are recommendations from State agencies. Ms. Cornwell recommended that a workshop be held with the County's Consultant, McCormick Taylor, to review and consider the State's comments and how to address the recommendations and the certification items. Council agreed to hold a workshop during the week of October 15th.

**Old
Business/
CU 2127**

Under Old Business, the Council discussed Conditional Use No. 2127 filed on behalf of Wine Worx, LLC, a request for an event venue at a farm winery. The Planning and Zoning Commission held a Public Hearing on this application on May 10, 2018 at which time action was deferred. On May 24, 2018, the Commission recommended approval for the following reasons and with the following conditions:

1. The site is a 26 acre parcel of land owned by the Applicant. It has County approval for a winery, and this is an extension of that agricultural use.
2. The Applicant intends to hold events that are connected with the primary use as a winery, such as live entertainment, craft nights, weddings, birthday parties, and similar events.
3. The site will have 54 dedicated parking spaces, plus plenty of room for overflow parking.
4. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.
5. The Applicant testified that the existing customers have been asking to use the winery for these activities. This use will serve that need in Sussex County.
6. This use promotes agricultural activities in Sussex County and is an innovative agritourism destination.
7. No parties appeared in opposition to this application.
8. This recommendation is subject to the following conditions:
 - A. All events shall end no later than 10:30 p.m. and clean up may occur after 10:30 p.m.

**Old
Business/
CU 2127
(continued)**

- B. Food and beverage service and music or similar entertainment is permitted.**
- C. As stated by the Applicant, there shall be no more than 200 people at any event.**
- D. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County roads.**
- E. All entrance locations shall be subject to the review and approval of DelDOT.**
- F. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

The Council held a Public Hearing on this application on June 5, 2018 at which time action was deferred. The Council deferred action again on September 18, 2018.

**M 518 18
Amend
Conditions**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to delete Conditions A through F (recommended by the Planning and Zoning Commission) in their entirety and the following instituted in their place:

- A. Events shall be strictly limited to the front portion of the parcel commencing at Blackwater Road (County Road 384) and running approximately 1228.94 feet. No events shall be permitted in the back portion of the parcel.**
- B. Concert type events for which there is charged admission shall be limited to Fridays, Saturdays and Sundays and shall end no later than 10:30 p.m. on Fridays and Saturdays and 6:00 p.m. on Sundays.**
- C. Food and beverage service and music or similar entertainment is permitted in conjunction with permissible agritourism activities and in compliance with the Sussex County Code.**
- D. Other events such as weddings, showers, parties, and benefits may be conducted on the premises and shall end no later than 9:00 p.m. except on Fridays and Saturdays when they must end by 10:30 p.m., and Sundays when they must end by 6:00 p.m.**
- D. Certain agritourism activities such as "barn parties and farm festivals" as set forth in 9 Del. C. §306(a) are permitted.**
- E. All activities on the premises shall comply with Fire Marshal, parking capacity and general permitting requirements.**
- F. Applicant shall be required to obtain a Fire Marshal rating for the building in which the events are held. Applicant shall comply with the Fire Marshal's determination of the maximum number of persons allowed on the premises at any given time, but, in no event shall there be more than 200 people at any event.**
- G. Parking shall be in compliance with the Sussex County Code. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County roads.**
- H. All entrance locations shall be subject to the review and approval of DelDOT.**
- I. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**M 518 18
(continued)**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 519 18
Amend
Findings/
Conditions**

A Motion was made by Mr. Cole, seconded by Arlett, that No. 8 be removed to insert "and as amended by Council" after the words Planning and Zoning Commission and that the words "six (6) conditions (A-F)" be deleted and "eight (8) conditions (A-I)" be substituted in its place.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 520 18
Adopt
Ordinance
No. 2600/
CU 2127**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt Ordinance No. 2600 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25.60 ACRES, MORE OR LESS" (Conditional Use No. 2127 filed on behalf of Wine Worx, LLC with the following conditions, as amended:

- A. Events shall be strictly limited to the front portion of the parcel commencing at Blackwater Road (County Road 384) and running approximately 1228.94 feet. No events shall be permitted in the back portion of the parcel.**
- B. Concert type events for which there is charged admission shall be limited to Fridays, Saturdays and Sundays and shall end no later than 10:30 p.m. on Fridays and Saturdays and 6:00 p.m. on Sundays.**
- C. Food and beverage service and music or similar entertainment is permitted in conjunction with permissible agritourism activities and in compliance with the Sussex County Code.**
- D. Other events such as weddings, showers, parties, and benefits may be conducted on the premises and shall end no later than 9:00 p.m. except on Fridays and Saturdays when they must end by 10:30 p.m., and Sundays when they must end by 6:00 p.m.**
- D. Certain agritourism activities such as "barn parties and farm festivals" as set forth in 9 Del. C. §306(a) are permitted.**
- E. All activities on the premises shall comply with Fire Marshal, parking capacity and general permitting requirements.**
- F. Applicant shall be required to obtain a Fire Marshal rating for the building in which the events are held. Applicant shall comply with the Fire Marshal's determination of the maximum number of persons allowed on the premises at any given time, but, in no event**

M 520 18
Adopt
Ordinance
No. 2600/
CU 2127
(continued)

shall there be more than 200 people at any event.

- G. Parking shall be in compliance with the Sussex County Code. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County roads.**
- H. All entrance locations shall be subject to the review and approval of DelDOT.**
- I. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 3 Yeas, 2 Nays.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Nay; Mr. Cole, Nay;
Mr. Vincent, Yea

Milton
Public
Library
Bulkhead
Replace-
ment
Project

Hans Medlarz, County Engineer, presented a Balancing Change Order and requested Substantial Completion be granted for the Milton Library Bulkhead Replacement Project (Project #18-09). The Balancing Change Order, in the credit amount of \$14,451.75, is a result of finalizing quantities (work was completed at a lesser amount than authorized). Mr. Medlarz reported that the project was declared substantially complete on September 24, 2018.

M 521 18
Approve
C/O and
Grant
Substantial
Completion/
Milton
Public
Library
Bulkhead
Replace-
ment
Project

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Change Order No. 4 for Contract 18-09, Milton Public Library Bulkhead Replacement, be approved, decreasing the contract amount by \$14,451.75 for a new total of \$380,000.00 and that Substantial Completion be granted effective September 24, 2018 and any held retainage be released in accordance with the contract documents.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Route 54
Sewer
Expansion
Project

Mr. Medlarz presented a Balancing Change Order and a request to grant Substantial Completion for the Route 54 Sewer Expansion of the Fenwick Island Sanitary Sewer District Area, Project No. 14-10. The Balancing Change Order reduces the Contract by \$45,288.56 and is a result of finalizing quantities as well as addressing several issues (grouting sections of the existing forcemain, milling expanded sections, adding two additional days to the contract, and replacement of sections of sidewalk). Mr. Medlarz reported that the project was declared Substantially Complete on June 29, 2018.

M 522 18

A Motion was made by Mr. Arlett, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, that Balancing

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 18, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 18, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 501 18
Approve
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to approve the agenda, as posted.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of September 11, 2018 were approved by consent.

**M 502 18
Approve
Consent
Agenda
Items**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to approve the following items listed under the Consent Agenda:

- 1. Wastewater Agreement No. 1042-3
Sussex County Project No. 81-04
Truitt Homestead – Phase 2 (Construction Record)
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**
- 2. Wastewater Agreement No. 1011-3
Sussex County Project No. 81-04
Saddle Ridge – Phase 2
Goslee Creek Planning Area**

Motion Adopted: 5 Yeas.

James Farm Master Plan Implementation/Bid Results **Mr. Medlarz presented the bid results for the James Farm Master Plan Implementation, Phase I, Cedar Neck Road Entrance, Contract C19-02A. Three bids were received and the low bidder was Gateway Construction Inc. in the bid amount of \$97,597.50. The Engineering Department recommends awarding the project to Gateway Construction, Inc. If approved, the Engineering Department will be providing construction management services. Mr. Medlarz reported that one-half of the funding is State funding and the other half of the funding was included in the FY 2018 Budget.**

M 504 18 Award Bid/ James Farm Master Plan Implementation **A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Contract C19-02A, James Farm Master Plan Implementation, Cedar Neck Road Entrance work, be awarded to Gateway Construction for the low bid price of \$97,597.50.**

Motion Adopted: 4 Yeas, 1 Nay.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Nay; Mr. Cole, Yea;
Mr. Vincent, Yea**

Plantation Road Expansion/ Request to Post Notices **John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Plantation Road Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). The expansion was requested by Davis Bowen & Friedel on behalf of their clients, LMHT, LLC for Parcel 334-12.00-37.01. Mr. Ashman reported that the Engineering Department would like to include Parcel 57.02 (EMS Station) as part of the expansion.**

M 505 18 Post Notices/ Plantation Road Expansion **A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Engineering Department is authorized to prepare and post notices for the Plantation Road Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area), as presented.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Old Business/ CU 2127 **Under Old Business, the Council discussed Conditional Use No. 2127 filed on behalf of Wine Worx, LLC, a request for an event venue at a farm winery. The Planning and Zoning Commission held a Public Hearing on this application on May 10, 2018 at which time action was deferred. On May 24, 2018, the Commission recommended approval with the following conditions:**

**Old
Business/
CU 2127
(continued)**

- A. All events shall end no later than 10:30 p.m. and clean up may occur after 10:30 p.m.**
- B. Food and beverage service and music or similar entertainment is permitted.**
- C. As stated by the Applicant, there shall be no more than 200 people at any event.**
- D. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County roads.**
- E. All entrance locations shall be subject to the review and approval of DelDOT.**
- F. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

The Council held a Public Hearing on this application on June 5, 2018 at which time action was deferred.

**M 506 18
Amend
Conditions/
CU 2127**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to delete Conditions A through F (recommended by the Planning and Zoning Commission) in their entirety and the following instituted in their place:

- A. Events shall be strictly limited to the front portion of the parcel commencing at Blackwater Road (County Road 384) and running approximately 1228.94 feet. No events shall be permitted in the back portion of the parcel.**
- B. Events shall be limited to Fridays and Saturdays only. All events shall end no later than 10:00 p.m.**
- C. Food and beverage service and music or similar entertainment is permitted in conjunction with permissible agritourism activities and in compliance with the Sussex County Code.**
- D. Certain agritourism activities such as "barn parties and farm festivals" as set forth in 9 Del. C. §306(a) are permitted. Concerts shall be prohibited.**
- E. All activities on the premises shall comply with Fire Marshal, parking capacity and general permitting requirements.**
- F. Applicant shall be required to obtain a Fire Marshal rating for the building in which the events are held. Applicant shall comply with the Fire Marshal's determination of the maximum number of persons allowed on the premises at any given time, but, in no event shall there be more than 200 people at any event.**
- G. Parking shall be in compliance with the Sussex County Code. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County roads.**
- H. All entrance locations shall be subject to the review and approval of DelDOT.**
- I. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**Request to
Defer**

Mr. Arlett stated that he would like to defer action on this matter for one week so that he can review the record of the public hearing.

**Motions
Withdrawn**

Mr. Cole and Mr. Burton withdrew their Motions.

**M 507 18
Defer
Action on
CU 2127**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to defer action for one week on Conditional Use No. 2127 filed on behalf of Wine Worx, LLC.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Old
Business/
Special
Events
Ordinance**

Under Old Business, the Proposed Ordinance relating to Special Events was discussed.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on October 26, 2017. The Commission recommended withdraw of the Proposed Ordinance.

The County Council held a Public Hearing on this application on January 16, 2018 after which the record remained open for 30 days.

County Council discussed the Proposed Ordinance on September 11, 2018 and amendments were proposed on that date.

Mr. Lawson, along with Janelle Cornwell, Planning and Zoning Director, and Vince Robertson, Assistant County Attorney, presented the Proposed Ordinance, with amendments, for Council's consideration. It was noted that at the September 11, 2018 meeting, the following was presented: proposed amendments to the Special Events Ordinance, a new Special Event & Public Safety Services Policies and Procedures, and a new Special Events Application.

Mr. Robertson reviewed revisions to the Proposed Ordinance which included the following: confirms the County is not going to govern events that are consistent with the permitted use of a property (i.e. fire halls, VFWs, American Legions, etc.); confirms that the County is not going to govern events that occur on land owned by the United States of America, the State of Delaware, Sussex County, municipalities, and schools; places in list form the examples of items to be considered by the Director rather than including them in the body of the paragraph; confirms that any event, regardless of size, location, use, or duration, will need to coordinate with Sussex County over public safety coverage; and incorporates by reference the Sussex County Special Event & Public Safety Services Policies and Procedures, which gives details on the implementation of the ordinance.

M 508 18

A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the Sussex County Council amend the "Special Events" Ordinance to

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Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: September 14, 2018

RE: County Council Old Business Report for CU 2127 Wine Worx, LLC

The County Council held a public hearing on June 5, 2018. County Council deferred action pending a response from the County Attorney regarding questions about the proposed use.

The Planning and Zoning Department received an application (CU 2127 Wine Worx, LLC) to allow for an agricultural education facility with commercial kitchen to be located on Hudson Rd. The Planning and Zoning Commission held a public hearing on May 10, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a site plan, staff analysis and DelDOT Service Level Evaluation.

The Commission found Adrian Mobilia was present on behalf of the application; that Mr. Mobilia stated he is requesting a Conditional Use for an event venue at a farm winery in order to continue planned activities; that they have provided live entertainment indoors and outdoors, wedding and bridal showers, weddings, food trucks, etc. at the request of customers; that they have an oversized septic system to accommodate weddings; that they have 54 dedicated parking spaces with additional overflow; that they plan to hold events for 20-150 people; that the internal limit is 200 people for outdoor events; that they are legally permitted to be open until 1:00 am; however, their internal policy is to close at 11 pm and cut off events by 10:30 pm; that they normally close by 6 pm or 7 pm; that they have three (3) full time employees and ten (10) part-time employees; that they have paid over \$7,300 in excise tax and \$2,200 to date to local charities; that they would like to continue what they are doing; and that live outdoor entertainment does use amplified sound on the patio.

The Commission found that no one spoke in favor or in opposition to the application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 5-0.



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

At their meeting of May 24, 2018, the Planning Commission discussed the application which has been deferred since May 10, 2018.

Mr. Hudson moved that the Commission grant approval CU #2127 for Wine Worx, LLC for an Event Venue based upon the record made during the public hearing and for the following reasons:

1. The site is 26 acre parcel of land owned by the applicant. It has County approval for a winery, and this is an extension of that agricultural use.
2. The applicant intends to hold events that are connected with the primary use as a winery, such as live entertainment, craft nights, weddings, birthday parties and similar events.
3. The site will have 54 dedicated parking spaces, plus plenty of room for overflow parking.
4. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.
5. The applicant testified that the existing customers have been asking to use the winery for these activities. This use will serve that need in Sussex County.
6. This use promotes agricultural activities in Sussex County and is an innovative agritourism destination.
7. No parties appeared in opposition to this application.
8. This recommendation is subject to the following conditions:
 - A. All events shall end no later than 10:30 p.m. and clean up may occur after 10:30 p.m.
 - B. Food and beverage service and music or similar entertainment is permitted.
 - C. As stated by the Applicant, there shall be nor more than 200 people at any event.
 - D. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County Roads.
 - E. All entrance locations shall be subject to the review and approval of DeLDOT.
 - F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Mr. Wheatley and carried unanimously to grant Preliminary Approval with Final Site Plan approval by Planning and Zoning Commission. Motion carried 5-0.

Introduced 01/16/18

**Council District No. 4 – Cole
Tax I.D. No. 134-11.00-53.00
911 Address: 32512 Blackwater Road, Frankford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25.60 ACRES, MORE OR LESS

WHEREAS, on the 21st day of December 2017, a conditional use application, denominated Conditional Use No. 2127, was filed on behalf of Wine Worx, LLC; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2127 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2127 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the west side of Blackwater Road, approximately 1,007 feet north of Burbage Road, and being more particularly described per the attached deed prepared by Scott and Shuman, P.A., said parcel containing 25.60 acres, more or less.

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 5, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 5, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 310 18
Amend
and
Approve
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the agenda by deleting "Town of Delmar Presentation and Infrastructure Request" and to approve the agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of May 22, 2018 were approved by consent.

**Public
Comments**

Public Comments

Paul Reiger commented on regulations relating to public versus private stables, the number of chickens/ducks etc. permitted on a private versus commercial property, setbacks in AR and GR districts, etc.

Dan Kramer commented on farmers/farming.

**Employee
Recognition
Awards**

Mrs. Jennings reported that the County recognizes employees for exceptional service and that a total of forty-one (41) employees received recognition for the Second Quarter of 2018. Mrs. Jennings announced that three employees received special recognition: Joel Marshall (Mapping and Addressing) was selected to receive the Second Quarter Customer Service Award and Denise Draper (Constables Office) and Renee Davidson (Collections Division) received Honorable Mention.

**M 326 18
(continued)**

Motion Adopted: 3 Yeas, 2 Absent.

**Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Absent;
Mr. Vincent, Yea**

Mr. Arlett was absent during the afternoon session.

Rules

Mr. Moore read the rules of procedure for zoning hearings.

The Council found that the Applicant for the first Public Hearing was not in attendance and, therefore, the Council proceeded with the next Public Hearing.

Mr. Cole joined the meeting.

**Public
Hearing/
CU 2127**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25.60 ACRES, MORE OR LESS" (Conditional Use No. 2127) filed on behalf of Wine Worx, LLC (Tax I.D. No. 134-11.00-53.00) (911 Address: 32512 Blackwater Road, Frankford).

The Planning and Zoning Commission held a Public Hearing on this application on May 10, 2018 at which time action was deferred. On May 24, 2018, the Commission recommended approval with conditions and granted Preliminary Approval with Final Site Plan approval by the Commission.

(See the minutes of the Planning and Zoning Commission dated May 10 and 24, 2018.)

Janelle Cornwell, Director of Planning and Zoning, presented the application.

The Council found that Adrian Mobilia was present on behalf of his application. He stated that his Conditional Use request is to shore up the differences between what the State of Delaware farm winery license permits, i.e. activities, and what is permitted / not permitted on an AR-1 zoned property; that he is requesting a Conditional Use for an event venue at a farm winery; that they have been doing other things in addition to wine tastings to keep the customers' interest such as live entertainment, food trucks, craft nights, weddings, family events, etc.; that some events are indoors and some are outdoors; that he was notified by the Planning and Zoning Department that some of the activities are not permitted on AR-1 property; and that he filed a Conditional Use application. Mr. Mobilia commented on septic, parking spaces, hours of operation, employees, and

**Public
Hearing/
CU 2127
(continued)**

internal guidelines/limits.

In response to questions raised by Council, Mr. Mobilia stated that he does not want any restrictions on days or number of events. He also stated that the events are proposed to take place only on the front portion of the parcel.

Mr. Cole stated that he would like to defer action and suggested that Council members take a look at the site.

Mr. Moore stated that he would like to look at the current regulations for special events, i.e. special events that are allowed now as part of a farming operation. Mr. Moore advised that he would forward information to the Council.

There were no public comments in favor of or in opposition to the application.

The Public Hearing was closed.

**M 327 18
Defer
Action on
CU 2127**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to defer action on Conditional Use No. 2127 filed on behalf of Wine Worx, LLC and to leave the record open for receipt of information from Legal relating to special events and vineyard/winery regulations, and to allow time for Council members to look at the site.

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Nay; Mr. Cole, Yea;
Mr. Vincent, Yea**

It was noted that the Applicant was still not present for the first scheduled Public Hearing (Conditional Use No. 2126) and that the Applicant was in transit to the meeting.

**M 328 18
Recess**

At 2:03 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to recess for 15 minutes.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 329 18
Reconvene**

At 2:15 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton, to reconvene.

Motion Adopted: 4 Yeas, 1 Absent.

THE MINUTES OF THE REGULAR MEETING OF MAY 24, 2018

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, May 24, 2018 in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Ross presiding. The following members of the Commission were present: Mr. Martin Ross, Ms. Kim Hoey-Stevenson, Mr. Doug Hudson, Mr. Keller Hopkins, Mr. Robert Wheatley, with Mr. Jamie Sharp – Assistant County Attorney, Ms. Janelle Cornwell – Director, Mrs. Jennifer Walls – Planning Manager, Mr. Jamie Whitehouse - Planner III, and Samantha Bulkilvish – Planner I.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to approve the Agenda as posted. Motion carried 5-0.

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried unanimously to approve the Minutes for May 10, 2018 as submitted. Motion carried 5-0.

OLD BUSINESS

C/U #2124 Jeri Berc

This is an Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an Agricultural Educational Facility with Commercial Kitchen to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 3.9785 acres, more or less. The property is lying on the west side of Hudson Rd approximately 400 feet south of Eagles Crest Rd. 911 Address: 16040 Hudson Road, Milton. Tax Parcel: 235-22.00-424.00

The Planning Commission discussed the application which had been deferred since April 26, 2018.

Ms. Stevenson moved that the Commission recommend approval of CU #2124 for Jeri Berc for an Agricultural Education Facility with Commercial Kitchen based upon the record made during the Public Hearing and for the following reasons:

1. The applicant is seeking to use her property as a small education facility associated with agricultural uses that occur on the property. As stated by the applicant, this includes small plots of crops grown on the property, canning fruit and vegetables that grow on the property, and tending to farm animals on the property. All of this is consistent with the underlying AR-1 Agricultural Zoning of the property.
2. There was concern about the request for a “Commercial Kitchen” as part of this Conditional Use. This kitchen, if built, shall only be for educational purposes. The applicant clarified this request during the public hearing to confirm that it will only be a small kitchen used educational purposes by student for canning fruits and vegetables grown on the property and other similar uses. The applicant shall not use the kitchen for large-scale commercial food production or cooking food or complete meals on the premises.
3. The property is adjacent to the Cripple Creek Development. That development is a unique residential development with a very defined agricultural farming theme to it. While this property is not part of the Cripple Creek development, there are several recorded restrictive

Mr. Wheatley moved that the Commission grant approval CU #2126 for Nikolajas Lituinenkous and ES Motors for Commercial Vehicle Storage and Car Sales based upon the record made during the public hearing and for the following reasons:

1. This site been used for automobile repairs and sales for decades. As such, it is a legally nonconforming, or grandfathered use. This conditional use merely gives formal approval to these longstanding uses.
2. There are other small business uses and commercial or business uses in the area, and the next door property appears to be used currently as some sort of junk or storage yard. This use is consistent with the area and will not have an adverse effect to it.
3. The use as car sales facility at this location, which has been used for this type of purpose for many years, is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
4. No parties appeared in opposition to this application.
5. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The existing signage shall be permitted.
 - B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - C. Any dumpster shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - D. All repairs shall be performed indoors.
 - E. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
 - F. The site shall be subject to all DelDOT entrance and roadway requirements.
 - G. The automotive sales hours shall only be from 9:00 am through 7:00 pm, Monday through Saturday. The garage hours shall only be between 9:00 am and 6:00 pm on weekdays, and 9:00 am until 3:00 pm on Saturdays. There shall not be any Sunday hours.
 - H. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the areas set aside for vehicle sales and vehicle storage.

Motion by Mr. Wheatley, seconded by Mr. Hopkins and carried unanimously to forward this application to Sussex County Council with a recommendation that the application be approved. Motion carried 5-0.

C/U #2127 Wine Worx, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an Event Venue to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 25.60 acres, more or less. The property is lying on the west side of Blackwater Rd., approximately 1,007 feet north of Burbage Rd. 911 Address: 32512 Blackwater Rd., Frankford. Tax Parcel: 134-11.00-53.00

The Planning Commission discussed the application which has been deferred since May 10, 2018.

Mr. Hudson moved that the Commission grant approval CU #2127 for Wine Worx, LLC for an Event Venue based upon the record made during the public hearing and for the following reasons:

1. The site is 26 acre parcel of land owned by the applicant. It has County approval for a winery, and this is an extension of that agricultural use.
2. The applicant intends to hold events that are connected with the primary use as a winery, such as live entertainment, craft nights, weddings, birthday parties and similar events.
3. The site will have 54 dedicated parking spaces, plus plenty of room for overflow parking.
4. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.
5. The applicant testified that the existing customers have been asking to use the winery for these activities. This use will serve that need in Sussex County.
6. This use promotes agricultural activities in Sussex County and is an innovative agritourism destination.
7. No parties appeared in opposition to this application.
8. This recommendation is subject to the following conditions:
 - A. All events shall end no later than 10:30 p.m. and clean up after 10:30 p.m.
 - B. Food and beverage service and music or similar entertainment is permitted.
 - C. As stated by the Applicant, there shall be nor more than 200 people at any event.
 - D. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County Roads.
 - E. All entrance locations shall be subject to the review and approval of DeIDOT.
 - F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Mr. Wheatley and carried unanimously to forward this application to Sussex County Council with a recommendation that the application be approved. Motion carried 5-0.

PUBLIC HEARINGS

Mr. Sharp described how the public hearings are processed.

2018-4 Beach Tree Preserve – Double DB, L.P.

This is a cluster/ESDDOZ subdivision. The cluster/ESDDOZ subdivision is to divide 77.789 +/- acres into 155 single family lots to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County. The property is lying at the northeast corner of Robinsonville Road and John J. Williams Highway (Route 24) and at the southeast corner of Angola Rd. and John J. Williams Hwy. (Rt. 24). Tax Parcel: 234-11.00-49.00 Zoning District. AR-1 (Agricultural Residential District).

Ms. Cornwell advised the Commission that submitted into the record were a subdivision plan, an exhibit booklet, TAC, comments from PLUS, Sussex Conservation District, DeIDOT, Sussex County Engineering Department Utility Planning Division, Delaware Electric Co-op, Office of the Fire Marshal, DNREC Divisions of Groundwater Discharges, Air Quality, and Waste and Hazardous Substances, Office of Drinking Water, Sussex County Mapping and Addressing Department, and Chesapeake Utilities.

The Commission found James Fuqua, Attorney with Fuqua, Willard, Stevens and Schab, Josh Gray and Webster Gray, owners of Double DB, L.P. and Kevin Smith, with Kercher Group Inc. were present on behalf of the application; that Mr. Fuqua stated this is an application to

MINUTES OF THE REGULAR MEETING OF MAY 10, 2018

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, May 10, 2018 in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Ross presiding. The following members of the Commission were present: Mr. Martin Ross, Ms. Kim Hoey-Stevenson, Mr. Doug Hudson, Mr. Keller Hopkins, Mr. Robert Wheatley, with Mr. Vince Robertson – Assistant County Attorney, Ms. Janelle Cornwell – Director, Mr. Jamie Whitehouse - Planner III, and Samantha Bulkilvish – Planner I.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to approve the Agenda as amended. Motion carried 5-0.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to approve the Minutes for April 26, 2018 as submitted. Motion carried 5-0.

OLD BUSINESS

2018-2 Outer Banks North & Outer Banks South – Edge Marine, LLC

This is a cluster subdivision to divide 32.68 +/- acres into 49 single family lots to be located on a certain parcel of land lying and being in Lewes and Rehoboth River Hundred, Sussex County. The property is lying on the southwest corner of intersection Jimtown Road and Robinsonville Road. Tax Parcel: 334-11.00-5.02 and 334-11.00-5.03 Zoning District. AR-1 (Agricultural Residential District).

The Planning Commission discussed the application which had been deferred since April 26, 2018.

Mr. Wheatley moved that the Commission grant Preliminary Approval for Subdivision 2018-2 for EDGE MARINE, LLC based upon the record made during the Public Hearing and for the following reasons:

1. This subdivision is the location of a previously approved subdivision and an equestrian center. Both of those prior approvals have expired.
2. The Applicant is seeking approval of a subdivision within the Environmentally Sensitive Developing Area and the AR-1 Zoning District. Minimum lot sizes are 7,500 square feet. The Applicant is seeking clustered lots with a minimum area 10,000 square feet.
3. The proposed subdivision will have no more than 49 lots on approximately 32.677 acres. This results in a density that is well within the maximum density permitted in the AR-1 zone for a project within the Environmentally Sensitive Developing Area.
4. This subdivision will not have a significant impact on the neighboring properties or area roadways.
5. The proposed subdivision meets the purpose and standards of the Subdivision Code, and the applicant has addressed the requirements of Section 99-9C of the Code.
6. The project will be served by central water and sewer.
7. The development complies with the Sussex County Comprehensive Plan as a low density, single family dwelling subdivision.
8. The development will not impact any wetlands and a 30 foot buffer is provided between

for about 5 years; that the repairs and parking are pre-existing prior to zoning; that he has two employees in sales, four owners, three mechanics, and one secretary; that all repairs are all inside with appropriate disposal of waste and only cleaning the cars are outside; that the hours are 9:00 a.m. to 7:00 p.m. for sales, Monday through Saturday, the garage hours are Monday through Friday 9:00 am to 6:00 p.m. and Saturday 9:00 a.m. to 3:00 p.m.; that they have a sign for the repair shop and for sales on-site; that a 32 square foot will be ok; and that they will store the equipment behind the ditch and in front of the cars.

The Commission found that no one spoke in favor or in opposition to the application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Wheatley, seconded by Ms. Stevenson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

C/U #2127 Wine Worx, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an Event Venue to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 25.60 acres, more or less. The property is lying on the west side of Blackwater Rd., approximately 1,007 feet north of Burbage Rd. 911 Address: 32512 Blackwater Rd., Frankford. Tax Map I.D. 134-11.00-53.00

Ms. Cornwell advised the Commission that submitted into the record were a site plan, staff analysis and DelDOT Service Level Evaluation.

The Commission found Adrian Mobilia was present on behalf of the application; that Mr. Mobilia stated he is requesting a Conditional Use for an event venue at a farm winery in order to continue planned activities; that they have provided live entertainment indoors and outdoors, wedding and bridal showers, weddings, food trucks, etc at the request of customers; that they have an oversized septic system to accommodate weddings; that they have 54 dedicated parking spaces with additional overflow; that they plan to hold events for 20-150 people; internal limit is 200 people for outdoor events; legally permitted to be open until 1am; however their internal policy is to leave by 11pm and cut off events by 10:30pm for events; and normally close by 6pm or 7pm; that they have three full time employees and 10 part-time employees; that they have paid over \$7,300 in excise tax and \$2,200 to date to local charities; that they would like to continue what they are doing; that live outdoor entertainment does use amplified sound on the patio.

The Commission found that no one spoke in favor or in opposition to the application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 5-0.

OTHER BUSINESS

Bay Forest Club Phase 5.2 – RPC

Final Site Plan

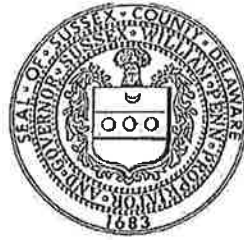
Mr. Whitehouse advised the Commission that this is a Final Site Plan for the construction of 60

TAB "4"

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

October 29, 2018

Wine Worx, LLC.
2512 Blackwater Rd.
Frankford, DE 19945

RE: Updated Notice of Decision for Conditional Use (CU 2127) Wine Worx, LLC. to be located at 32512 Blackwater Rd.
Tax Parcel: 134-11.00-53.00

Dear Wine Worx, LLC.:

At their meeting of September 25, 2018, the Sussex County Council approved the Conditional Use application for an event venue to be located at 32512 Blackwater Rd. with ten (10) conditions. Conditional Use is valid for three (3) years. A Site Plan showing the conditions of approval shall be reviewed and approved by the Planning Commission prior to commencement of the use of the event venue. The following are the conditions:

- a. Events shall be strictly limited to the front portion of the parcel commencing at Blackwater Road (County Road 384) and running approximately 1228.94 feet. No events shall be permitted on the back portion of the parcel.
- b. Concert type events for which there is charged admission shall be limited to Fridays, Saturdays and Sundays and shall end no later than 10:30 p.m. on Fridays and Saturdays and 6 p.m. on Sundays.
- c. Food and beverage service and music or similar entertainment is permitted in conjunction with permissible agritourism activities and in compliance with the Sussex County Code.
- d. Other events such as weddings, showers, parties, benefits may be conducted on the premises and shall end no later than 9 p.m. except on Fridays, Saturdays when they must end by 10:30 p.m., and Sundays when they must end by 6 p.m.
- e. Certain agritourism activities such as "barn parties and farm festivals" as set forth in 9 Del. C. § 306(a), are permitted.
- f. All activities on the premises shall comply with Fire Marshall, parking capacity and general permitting requirements.
- g. Applicant shall be required to obtain a Fire Marshal rating for the building in which the events are held. Applicant shall comply with the Fire Marshall's determination of the maximum number of persons allowed on the premises at any given time, but, in no event shall there be more than 200 people at any event.
- h. Parking shall be in compliance with the Sussex County Code. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County Roads.
- i. All entrance locations shall be subject to the review and approval of DelDOT.



- j. The final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.


The Final Site Plan shall be prepared by a licensed Delaware Surveyor or Engineer and shall contain the conditions of approval on the plan. The Final Site Plan shall be approved prior to the commencement of the use on the property. The Site Plan shall be reviewed and approved by the Planning Commission. Agency approvals include, but are not limited to: DelDOT, Sussex Conservation District, the Office of the State Fire Marshal.

Please submit a minimum of two (2) full size paper copies and an electronic copy (PDF) of the Preliminary Site Plan to the Planning and Zoning Office a minimum of twenty (20) days prior to a Planning Commission meeting.

An approved copy of the Ordinance granting approval of the Conditional Use will be sent to you from the Clerk of Council.

Please feel free to contact me with any questions during business hours 8:30 am to 4:30 pm, Monday through Friday, at (302)855-7878.

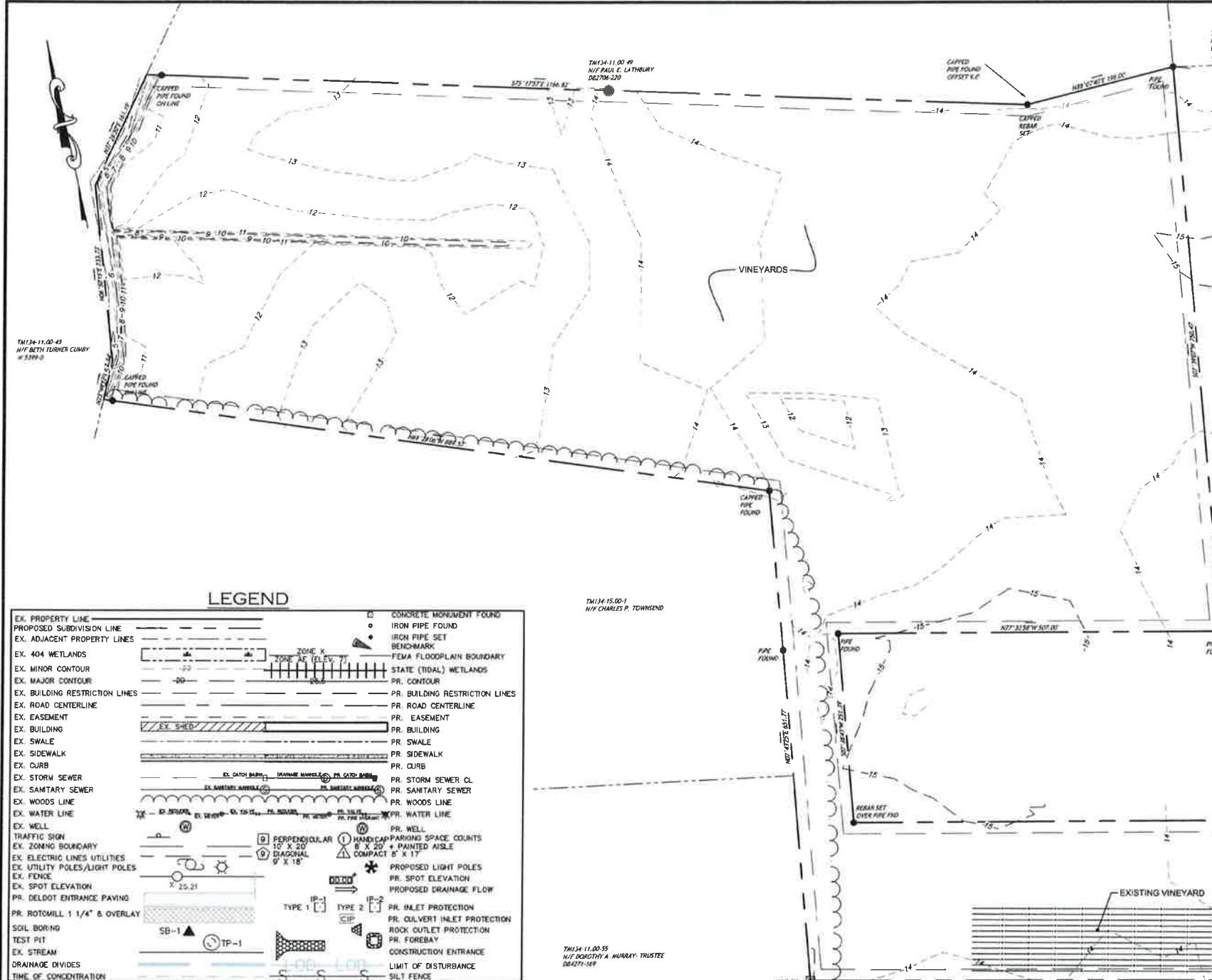
Sincerely,



Janelle M. Cornwell, AICP
Director of Planning and Zoning

CC: Jeff Whaley, Zoning Inspector
Mike Brady, Public Works
Andy Wright, Building Code
CU 2127 file

TAB “5”

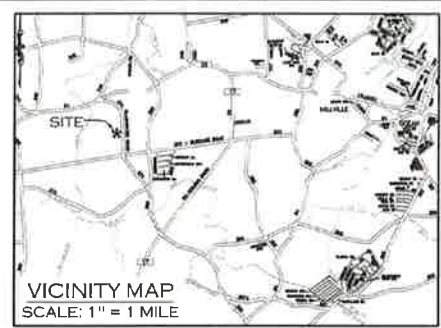


NOTES:

- 1) THE BOUNDARY AND TOPOGRAHY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN JANUARY 2016. THE BUILDING AND PARKING LOT WERE TAKEN FROM SITE PLANS PREPARED BY AXIOM ENGINEERING, BUT DO NOT REFLECT AN AS-BUILT SURVEY OF THE FACILITY.
- 2) THIS SITE IS LOCATED IN A ZONE X BASED ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 10050495 K, MAP REVISED MARCH 14, 2015, AND IS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
- 3) MAINTENANCE OF THE DRIVEWAYS AND PARKING LOT WITHIN THE SITE WILL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE PROPERTY OWNERS WITHIN THIS SITE. THE STATE AND COUNTY ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE PAVED AREAS WITHIN THE SITE.
- 4) THE PROPOSED ENTRANCE TO BLACKWATER ROAD SHALL CONFORM TO STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION (DELDOT) DEVELOPMENT COORDINATION MANUAL AND WILL BE SUBJECT TO ITS APPROVAL.
- 5) SHRUBBERY, PLANTINGS, SIGNS AND/OR VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEDICATED RIGHT-OF-WAY AREA ESTABLISHED ON THIS PLAN.

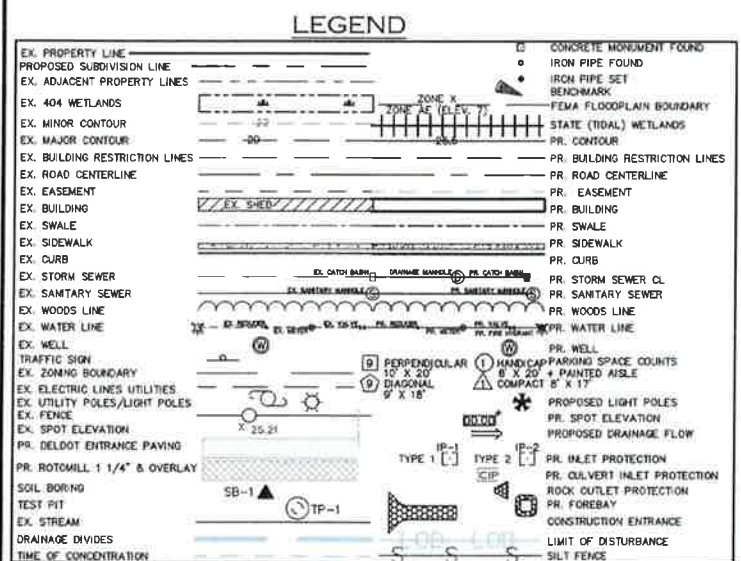
SITE DATA:

TOTAL SITE AREA: 25.60 ACRES
 DEED REFERENCE: DB 4575 - PG 192
 TAX MAP REFERENCE: 134-11.00-53.00
 CURRENT ZONING: AR-1 (CU NO. 2127)

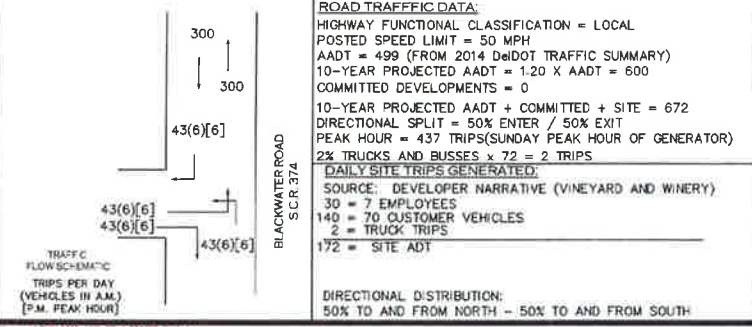


**CONDITIONAL USE 2127-
CONDITIONS OF APPROVAL**

1. EVENTS SHALL BE STRICTLY LIMITED TO THE FRONT PORTION OF THE PARCEL COMMENCING AT BLACKWATER ROAD (COUNTY ROAD 384) AND ENDING APPROXIMATELY 1228.94 FEET. NO EVENTS SHALL BE PERMITTED ON THE BACK PORTION OF THE PARCEL.
2. CONCERT TYPE EVENTS FOR WHICH THERE IS CHARGED ADMISSION SHALL BE LIMITED TO FRIDAYS, SATURDAYS AND SUNDAYS AND SHALL END NO LATER THAN 10:30 P.M. ON FRIDAYS AND SATURDAYS AND 6 P.M. ON SUNDAYS.
3. FOOD AND BEVERAGE SERVICE AND MUSIC OR SIMILAR ENTERTAINMENT IS PERMITTED IN CONJUNCTION WITH PERMISSIBLE AGRITOURISM ACTIVITIES AND IN COMPLIANCE WITH THE SUSSEX COUNTY CODE.
4. OTHER EVENTS SUCH AS WEDDINGS, SHOWERS, PARTIES, BENEFITS MAY BE CONDUCTED ON THE PREMISES AND SHALL END NO LATER THAN 9 P.M. EXCEPT ON FRIDAYS, SATURDAYS WHEN THEY MUST END BY 10:30 P.M., AND SUNDAYS WHEN THEY MUST END BY 6 P.M.
5. CERTAIN AGRITOURISM ACTIVITIES SUCH AS "BARN PARTIES AND FARM FESTIVALS" AS SET FORTH IN 9 DEL. C. § 306(A), ARE PERMITTED.
6. ALL ACTIVITIES ON THE PREMISES SHALL COMPLY WITH FIRE MARSHALL, PARKING CAPACITY AND GENERAL PERMITTING REQUIREMENTS.
7. APPLICANT SHALL BE REQUIRED TO OBTAIN A FIRE WASHAL RATING FOR THE BUILDING IN WHICH THE EVENTS ARE HELD. APPLICANT SHALL COMPLY WITH THE FIRE MARSHALL'S DETERMINATION OF THE MAXIMUM NUMBER OF PERSONS ALLOWED ON THE PREMISES AT ANY GIVEN TIME, BUT, IN NO EVENT SHALL THERE BE MORE THAN 200 PEOPLE AT ANY EVENT.
8. PARKING SHALL BE IN COMPLIANCE WITH THE SUSSEX COUNTY CODE. ALL PARKING AREAS SHALL BE GENERALLY SHOWN ON THE FINAL SITE PLAN. NO PARKING SHALL BE PERMITTED ON ANY NEARBY COUNTY ROADS.
9. ALL ENTRANCE LOCATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF DELDOT.
10. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.



TRIP GENERATION - SCR. 384 (BLACKWATER ROAD) ENTRANCE - FULL ACCESS



OWNER'S CERTIFICATION:

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

Alvin Mahala
 DATE: _____

WINEWORX, LLC - c/o ADRIAN HOBBS
 2025 BLACKWATER RD
 FRANKFORD, DE 19945
 302-486-1900
 ADRIAN@WINEWORX.COM

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 COMPLIES WITH THE APPLICABLE ORDINANCES OF SUSSEX COUNTY AND LAWS OF THE STATE OF DELAWARE.

Robert H. Christenbury, P.E.
 DATE: 4/27/2016
 DE. LICENSE NO. 11953 EXPIRES JUNE 30, 2020

REV	DESCRIPTION OF REVISION	DATE	BY	CHECKED	DATE
1	REVISION PER P&Z STAFF COMMENTS	4/27/2016	KRC	KRC	4/27/2016
2	ADD CURB 2127 CONDITIONS	4/27/2016	KRC	KRC	4/27/2016
3	RESPONSE TO DELDOT COMMENTS	4/27/2016	KRC	KRC	4/27/2016
4	RESPONSE TO DELDOT COMMENTS	4/27/2016	KRC	KRC	4/27/2016
5	UPDATE OWNER CERTIFICATION	4/27/2016	KRC	KRC	4/27/2016
6	RELOCATE LOADING SPACE	4/27/2016	KRC	KRC	4/27/2016

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	4/27/2016
TAX MAP:	134-11.00-53.00

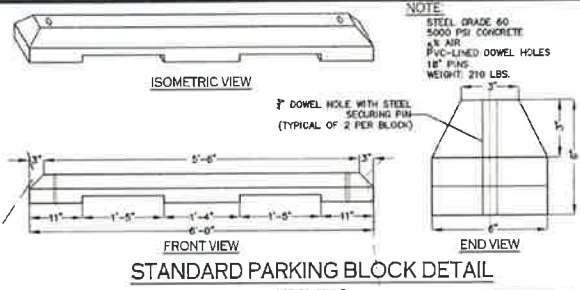
AXIOM ENGINEERING L.L.C.

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

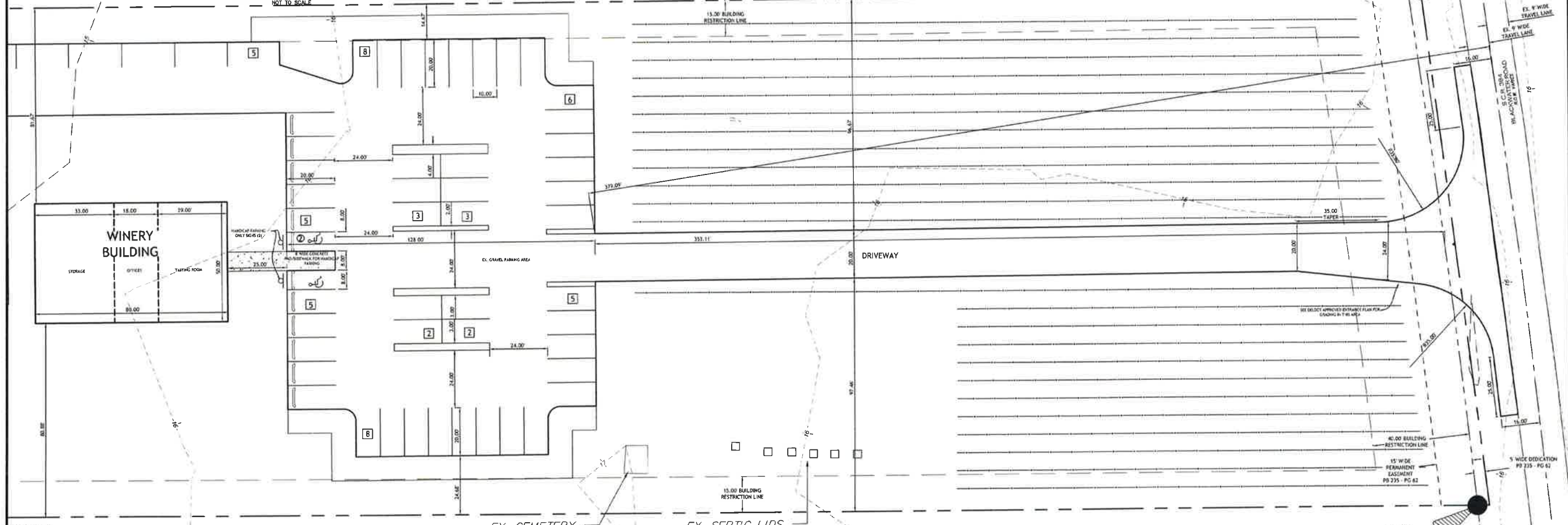
CONDITIONAL USE SITE PLAN

LANDS OF WINE WORX, L.L.C.
SALTED VINES VINEYARD & WINERY
 BALTIMORE HUNDRED, SUSSEX COUNTY, DE

PROJECT NO:	0356-1601
DRAWING:	RP-1
SHEET:	1 OF 2



TM134-11.00-54.01
N/F TOWN OF BETHANY BEACH
DB4365-142



- NOTES:**
- 1) THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN JANUARY 2016. THE BUILDING AND PARKING LOT WERE TAKEN FROM SITE PLANS PREPARED BY AXIOM ENGINEERING, BUT DO NOT REFLECT AN AS BUILT SURVEY OF THE FACILITY.
 - 2) THIS SITE IS LOCATED IN A ZONE X BASED ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 100950495 K, MAP REVISED MARCH 16, 2015, AND IS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
 - 3) MAINTENANCE OF THE DRIVEWAYS AND PARKING LOT WITHIN THE SITE WILL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE PROPERTY OWNERS WITHIN THIS SITE. THE STATE AND COUNTY ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE PAVED AREAS WITHIN THE SITE.
 - 4) A STANDARD APPLICATION FOR SEDIMENT AND STORMWATER SHALL BE APPLIED FOR THROUGH THE SUSSEX CONSERVATION DISTRICT.
 - 5) WASTEWATER SHALL BE HANDLED BY AN ON SITE WASTEWATER DISPOSAL SYSTEM PERMITTED BY DNRDC.
 - 6) WATER FOR THIS SITE WILL BE PROVIDED BY A PRIVATE WELL. ALL PROPOSED BUILDINGS SHALL NOT BE PROTECTED BY AN AUTOMATIC SPRINKLER SYSTEM.
 - 7) ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

SITE DATA:

TOTAL SITE AREA	25.60 ACRES
DEED REFERENCE	DB 4575 - PG 192
TAX MAP REFERENCE	134-11.00-53.00
CURRENT ZONING	AR-1 / CU MO, 2137
PROPOSED USE	VINEYARD & WINERY
PROPOSED CONSTRUCTION TYPE	WOOD FRAME W/ STEEL SIDING
PROPOSED BUILDING HEIGHT	34'
PROPOSED BUILDING AREA	4,000± SQ. FT. PROPOSED
PAVED AREA	30,000 ± SQ. FT.
OPEN SPACE	25.3± ACRES
(INCLUDES: LAND-SCAPED, VINEYARD, UNDISTURBED, SEPTIC AND SWM AREAS)	

TM134-11.00-56
N/F THERESA W. PEOPLES
DB4465-138

PARKING SPACES REQUIRED	OFFICE	8
	TASTING ROOM	29
	TOTAL REQUIRED	37
PARKING SPACES PROVIDED	STANDARD	53
	HANDICAP	2
	TOTAL	54
LOADING SPACES REQUIRED		1
LOADING SPACES PROVIDED		1

REV	DESCRIPTION OF REVISION	DATE	BY	CHKD
1	REVISED PER P&Z STAFF COMMENTS	12-15-2016	KRC	KRC
2	ADD CU#2137 CONDITIONS	12-15-2016	KRC	KRC
3	RESPONSE TO DELDOT COMMENTS	12-15-2016	KRC	KRC
4	RESPONSE TO DELDOT COMMENTS	12-15-2016	KRC	KRC
5	UPDATE OWNER CERTIFICATION	12-15-2016	KRC	KRC
6	RELOCATE LOADING SPACE	12-15-2016	KRC	KRC
7	DESCRIPTION OF REVISION	REVISED BY DATE	REVISED BY DATE	REVISED BY DATE

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

ENGINEER	KRC
DESIGNER	KRC
DRAWN	KRC
CHECKED BY:	KRC
DATE:	4/27/2016
TAX MAP:	134-11.00-53.00



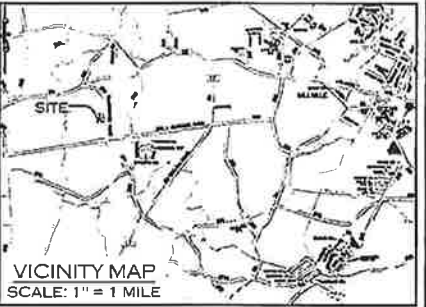
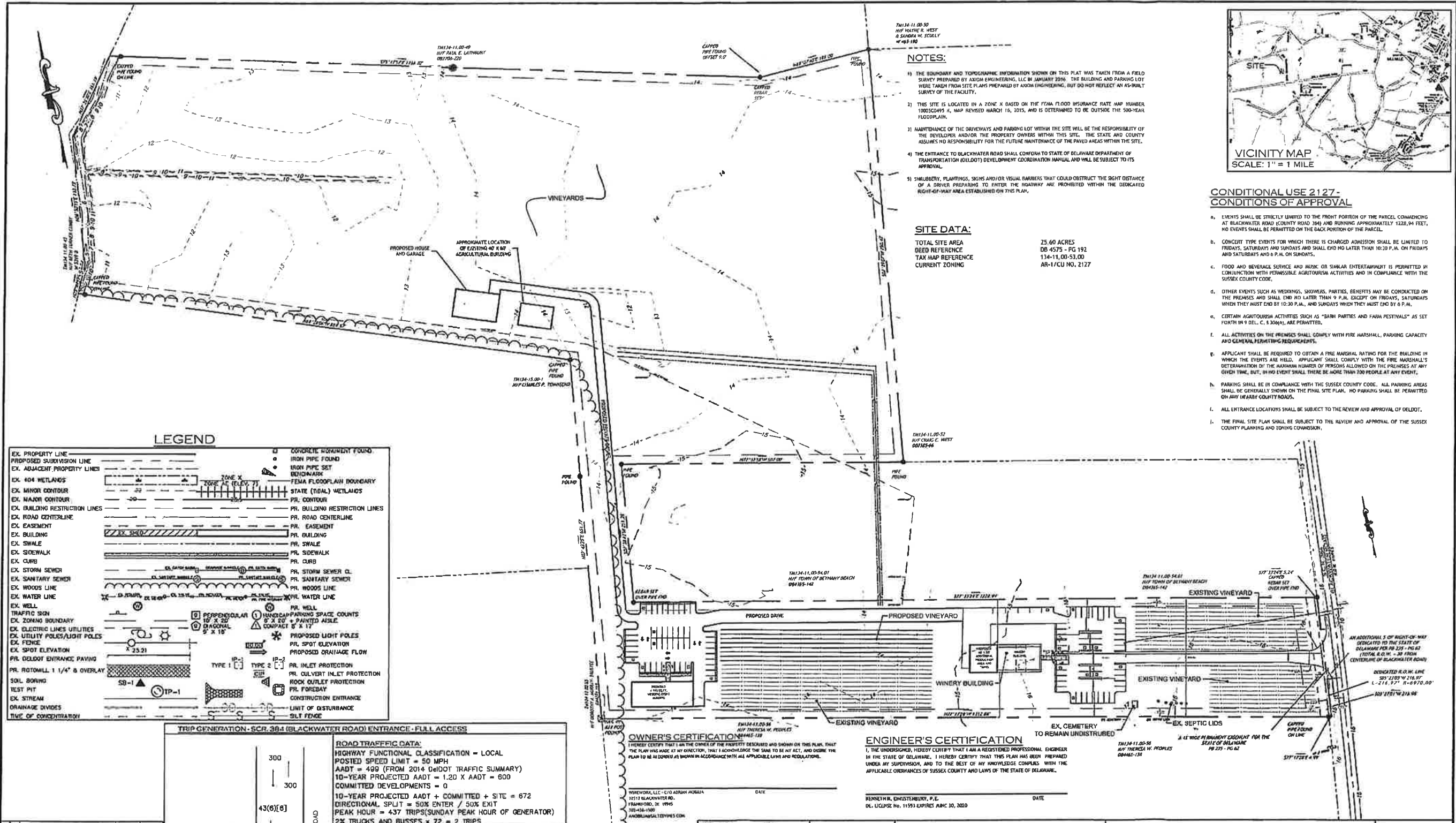
AXIOM ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19947
(302) 855-0810
FAX: 855-0812
E-MAIL: AXIOM@AXENG.COM
WEB: WWW.AXENG.COM

CONDITIONAL USE SITE PLAN
LANDS OF WINE WORX, L.L.C.
SALTED VINES
VINEYARD & WINERY
BALTIMORE HUNDRED, SUSSEX COUNTY, DE

PROJECT NO	0356-1601
DRAWING	RP-2
SHEET:	2 OF 2

UP # 20559

TAB “6”



- NOTES:**
- 1) THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN JANUARY 2010. THE BUILDING AND PARKING LOT WERE TAKEN FROM SITE PLANS PREPARED BY AXIOM ENGINEERING, BUT DO NOT REFLECT AN AS-BUILT SURVEY OF THE FACILITY.
 - 2) THIS SITE IS LOCATED IN A ZONE X BASED ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 100530495 K, MAP REVISED MARCH 16, 2015, AND IS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
 - 3) MAINTENANCE OF THE DRIVEWAYS AND PARKING LOT WITHIN THE SITE WILL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE PROPERTY OWNERS WITHIN THIS SITE. THE STATE AND COUNTY ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE PAVED AREAS WITHIN THE SITE.
 - 4) THE ENTRANCE TO BLACKWATER ROAD SHALL CONFORM TO STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION (DELDOT) DEVELOPMENT COORDINATION MANUAL AND WILL BE SUBJECT TO ITS APPROVAL.
 - 5) SHILBERRY, PLANTINGS, SIGNS AND/OR VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEDICATED RIGHT-OF-WAY AREA ESTABLISHED ON THIS PLAN.

SITE DATA:

TOTAL SITE AREA: 25.60 ACRES
 DEED REFERENCE: DB 4575 - PG 192
 TAX MAP REFERENCE: 134-11-00-51.00
 CURRENT ZONING: AR-1/CU NO. 2127

- CONDITIONAL USE 2127-
CONDITIONS OF APPROVAL**
- EVENTS SHALL BE STRICTLY LIMITED TO THE FRONT PORTION OF THE PARCEL COMMENCING AT BLACKWATER ROAD (COUNTY ROAD 384) AND RUNNING APPROXIMATELY 1228.94 FEET. NO EVENTS SHALL BE PERMITTED ON THE BACK PORTION OF THE PARCEL.
 - CONCERT TYPE EVENTS FOR WHICH THERE IS CHARGED ADMISSION SHALL BE LIMITED TO FRIDAYS, SATURDAYS AND SUNDAYS AND SHALL END NO LATER THAN 10:30 P.M. ON FRIDAYS AND SATURDAYS AND 6 P.M. ON SUNDAYS.
 - FOOD AND BEVERAGE SERVICE AND MUSIC OR SIMILAR ENTERTAINMENT IS PERMITTED IN CONJUNCTION WITH PERMISSIBLE AGRITOURISM ACTIVITIES AND IN COMPLIANCE WITH THE SUSSEX COUNTY CODE.
 - OTHER EVENTS SUCH AS WEDDINGS, SHOWERS, PARTIES, BENEFITS MAY BE CONDUCTED ON THE PREMISES AND SHALL END NO LATER THAN 9 P.M. EXCEPT ON FRIDAYS, SATURDAYS WHEN THEY MUST END BY 10:30 P.M., AND SUNDAYS WHEN THEY MUST END BY 6 P.M.
 - CERTAIN AGRITOURISM ACTIVITIES SUCH AS "BARN PARTIES AND FARM FESTIVALS" AS SET FORTH IN 9 DEL. C. § 3064A, ARE PERMITTED.
 - ALL ACTIVITIES ON THE PREMISES SHALL COMPLY WITH FIRE MARSHAL, PARKING CAPACITY AND GENERAL PERMITTING REQUIREMENTS.
 - APPLICANT SHALL BE REQUIRED TO OBTAIN A FIRE MARSHAL RATING FOR THE BUILDING IN WHICH THE EVENTS ARE HELD. APPLICANT SHALL COMPLY WITH THE FIRE MARSHAL'S DETERMINATION OF THE MAXIMUM NUMBER OF PERSONS ALLOWED ON THE PREMISES AT ANY GIVEN TIME, BUT, IN NO EVENT SHALL THERE BE MORE THAN 300 PEOPLE AT ANY EVENT.
 - PARKING SHALL BE IN COMPLIANCE WITH THE SUSSEX COUNTY CODE. ALL PARKING AREAS SHALL BE GENERALLY SHOWN ON THE FINAL SITE PLAN. NO PARKING SHALL BE PERMITTED ON ANY NEARBY COUNTY ROADS.
 - ALL ENTRANCE LOCATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF DELDOT.
 - THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.

LEGEND

EX. PROPERTY LINE	CONCRETE FOUNDATION FOUND
EX. ADJACENT PROPERTY LINE	IRON PIPE FOUND
EX. 404 WETLANDS	IRON PIPE SET
EX. MINOR CONTOUR	BOUGHWASH
EX. MAJOR CONTOUR	FEMA FLOODPLAIN BOUNDARY
EX. BUILDING RESTRICTION LINES	STATE (RGA) WETLANDS
EX. ROAD CENTERLINE	PR. CONTOUR
EX. EASEMENT	PR. BUILDING RESTRICTION LINES
EX. BUILDING	PR. ROAD CENTERLINE
EX. SWALE	PR. EASEMENT
EX. SIDEWALK	PR. BUILDING
EX. CURB	PR. SWALE
EX. STORM SEWER	PR. SIDEWALK
EX. SANITARY SEWER	PR. CURB
EX. WOODS LINE	PR. STORM SEWER CL.
EX. WATER LINE	PR. SANITARY SEWER
EX. WELL	PR. WOODS LINE
EX. ZONING BOUNDARY	PR. WATER LINE
EX. ELECTRIC LINES UTILITIES	PR. WELL
EX. UTILITY POLES/LIGHT POLES	PR. PERPENDICULAR 10' X 20'
EX. FENCE	PR. DIAGONAL 9' X 18'
EX. SPOT ELEVATION	PR. PROPOSED LIGHT POLES
PR. DELDOT ENTRANCE PAVING	PR. SPOT ELEVATION
SOIL BORING	PR. PROPOSED DRAINAGE FLOW
REST PIT	PR. INLET PROTECTION
EX. STREAM	PR. CULVERT INLET PROTECTION
DRAINAGE DIVIDES	PR. ROCK OUTLET PROTECTION
TIME OF CONCENTRATION	PR. FOREDRAY
	PR. CONSTRUCTION ENTRANCE
	PR. LIMIT OF DISTURBANCE
	PR. SILT FENCE

TRIP GENERATION - SCR. 384 (BLACKWATER ROAD) ENTRANCE - FULL ACCESS

<p>ROAD TRAFFIC DATA:</p> <p>HIGHWAY FUNCTIONAL CLASSIFICATION = LOCAL POSTED SPEED LIMIT = 50 MPH AADT = 499 (FROM 2014 DELDOT TRAFFIC SUMMARY) 10-YEAR PROJECTED AADT = 1.20 X AADT = 600 COMMITTED DEVELOPMENTS = 0 10-YEAR PROJECTED AADT + COMMITTED + SITE = 672 DIRECTIONAL SPLIT = 50% ENTER / 50% EXIT PEAK HOUR = 437 TRIPS (SUNDAY PEAK HOUR OF GENERATOR) 2% TRUCKS AND BUSES X 72 = 2 TRIPS</p> <p>DAILY SITE TRIPS GENERATED:</p> <p>SOURCE: DEVELOPER NARRATIVE (VINEYARD AND WINERY) 30 = 7 EMPLOYEES 140 = 70 CUSTOMER VEHICLES 2 = TRUCK TRIPS 172 = SITE ADT</p> <p>DIRECTIONAL DISTRIBUTION: 50% TO AND FROM NORTH - 50% TO AND FROM SOUTH</p>	
--	--

OWNER'S CERTIFICATION

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

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 COMPLIES WITH THE APPLICABLE ORDINANCES OF SUSSEX COUNTY AND LAWS OF THE STATE OF DELAWARE.

REVISION	DATE	DESCRIPTION
1	4/27/2010	ISSUE FOR PERMITS
2	4/27/2010	REVISED FOR PERMITS COMMENTS
3	4/27/2010	ADD OVERSIGHT CORRECTIONS
4	4/27/2010	RESPONSE TO DELDOT COMMENTS
5	4/27/2010	RESPONSE TO DELDOT COMMENTS
6	4/27/2010	RESPONSE TO DELDOT COMMENTS
7	4/27/2010	UPDATE OWNER CERTIFICATION
8	4/27/2010	RELOCATE LOADING SPACE
9	4/27/2010	RELOCATE LOADING SPACE
10	4/27/2010	RELOCATE LOADING SPACE
11	4/27/2010	RELOCATE LOADING SPACE
12	4/27/2010	RELOCATE LOADING SPACE
13	4/27/2010	RELOCATE LOADING SPACE
14	4/27/2010	RELOCATE LOADING SPACE
15	4/27/2010	RELOCATE LOADING SPACE
16	4/27/2010	RELOCATE LOADING SPACE
17	4/27/2010	RELOCATE LOADING SPACE
18	4/27/2010	RELOCATE LOADING SPACE
19	4/27/2010	RELOCATE LOADING SPACE
20	4/27/2010	RELOCATE LOADING SPACE

WINEWORKS, LLC - C/O ADRIAN KORNIA
 15112 BLACKWATER RD.
 FRANKFORD, DE 19945
 TEL: 410-1580
 ANDRE@WINEWORKS.COM

RENEE H. ERNSTENBERG, P.E.
 DE. LICENSE NO. 11951 EXPIRES APRIL 30, 2020

DESIGNED BY:	YHC
CHECKED BY:	YHC
DATE:	4/27/2010
TAX MAP:	134-11-00-51.00

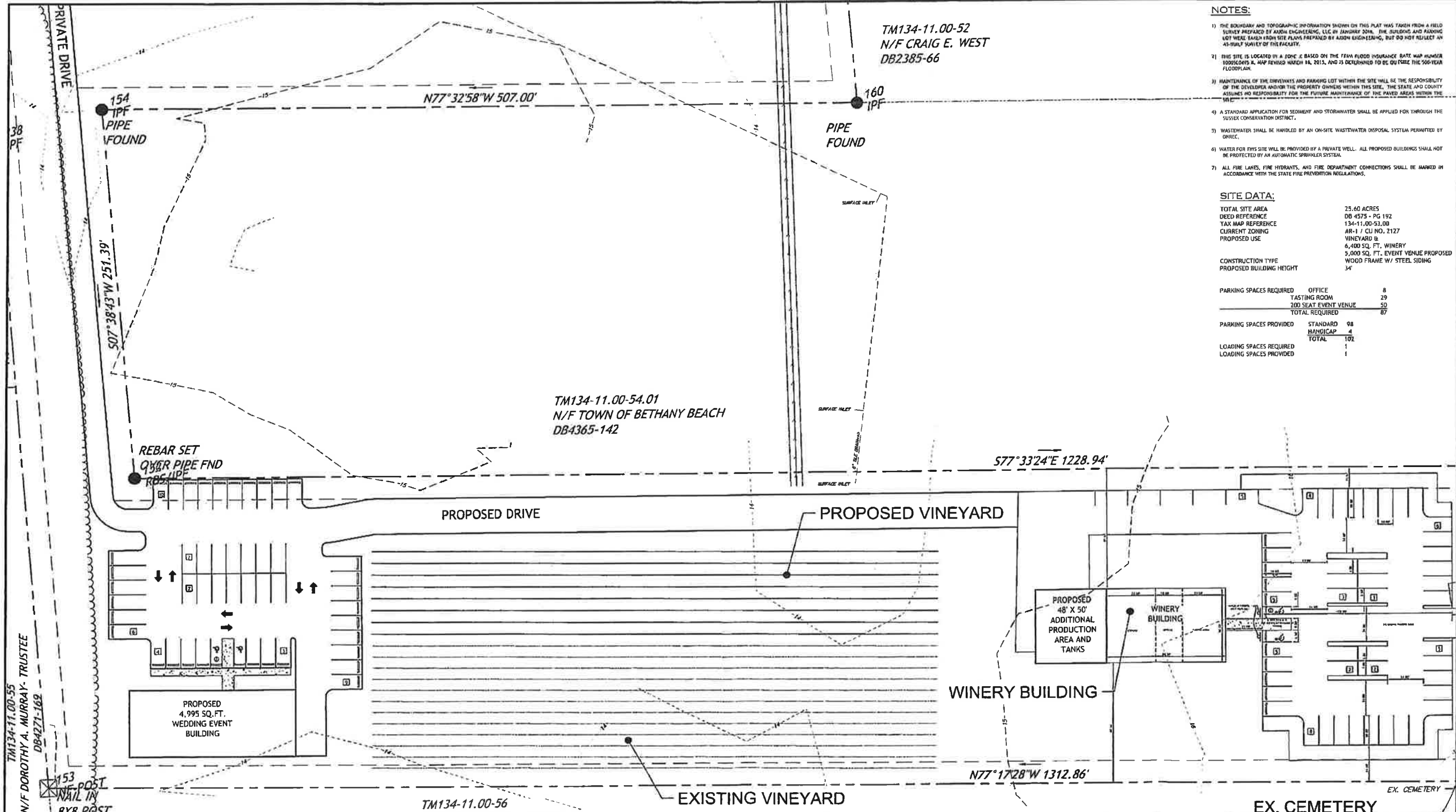
AXIOM ENGINEERING L.L.C.

18 CHESTNUT STREET
 GEORGETOWN, DE 19947
 (302) 855-0810
 FAX: 855-50812
 EMAIL: AXIOM@AXIOMENGINEERING.COM
 WEB: WWW.AXIOMENGINEERING.COM

CONDITIONAL USE SITE PLAN

LANDS OF WINE WORX, L.L.C.
SALTED VINES VINEYARD & WINERY
 BALTIMORE HUNDRED, SUSSEX COUNTY, DE

PROJECT NO: 0356-1601
 DRAWING: RP-1
 SHEET: 1 OF 2



- NOTES:**
- 1) THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN JANUARY 2016. THE SURVEYING AND PAVING LOT WEAR TAKEN FROM SITE PLANS PREPARED BY AXIOM ENGINEERING, BUT DO NOT REFLECT AN AS-BUILT REALITY OF THE FACILITY.
 - 2) THIS SITE IS LOCATED IN A FLOOD ZONE AS BASED ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 8005020405 A, MAP REVISED MARCH 14, 2015, AND IS DETERMINED TO BE IN FLOOD ZONE X-1 (100-YEAR FLOODPLAIN).
 - 3) MAINTENANCE OF THE DRIVEWAYS AND PARKING LOT WITHIN THE SITE WILL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE PROPERTY OWNERS WITHIN THIS SITE. THE STATE AND COUNTY ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE PAVED AREAS WITHIN THE SITE.
 - 4) A STANDARD APPLICATION FOR SEDIMENT AND STORMWATER SHALL BE APPLIED FOR THROUGH THE SUSSEX CONSERVATION DISTRICT.
 - 5) WASTEWATER SHALL BE HANDLED BY AN ON-SITE WASTEWATER DISPOSAL SYSTEM PERMITTED BY DNRCC.
 - 6) WATER FOR THIS SITE WILL BE PROVIDED BY A PRIVATE WELL. ALL PROPOSED BUILDINGS SHALL NOT BE PROTECTED BY AN AUTOMATIC SPRINKLER SYSTEM.
 - 7) ALL FIRE LINES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

SITE DATA:

TOTAL SITE AREA	25.60 ACRES
DEED REFERENCE	DB 4575 - PG 192
TAX MAP REFERENCE	134-11.00-53.00
CURRENT ZONING	AR-1 / CU NO. 2127
PROPOSED USE	VINEYARD & WINERY
CONSTRUCTION TYPE	6,400 SQ. FT. WINERY 5,000 SQ. FT. EVENT VENUE PROPOSED WOOD FRAME W/ STEEL SIDING
PROPOSED BUILDING HEIGHT	34'

PARKING SPACES REQUIRED	OFFICE	8
	TASTING ROOM	29
	200 SEAT EVENT VENUE	50
	TOTAL REQUIRED	87

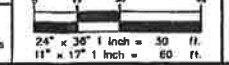
PARKING SPACES PROVIDED	STANDARD	98
	HANDICAP	4
	TOTAL	102

LOADING SPACES REQUIRED	1
LOADING SPACES PROVIDED	1

REV	DESCRIPTION OF REVISION	REVISED BY	DATE
1	REVISE CONDITIONAL USE	YEC	4/27/2016
2	REVISED PER PLAN STAFF COMMENTS	YEC	5/11/2016
3	ADD SUBMITTAL CONDITIONS	YEC	5/11/2016
4	RESPONSE TO DELOOT COMMENTS	YEC	5/11/2016
5	RESPONSE TO DELOOT COMMENTS	YEC	5/11/2016
6	UPDATE OWNER CERTIFICATION	YEC	5/11/2016
7	RELOCATE LOADING SPACE	YEC	5/11/2016

ENGINEER: RRC
 DESIGNER: RRC
 DRAFTER: RRC
 CHECKED BY: YEC
 DATE: 4/27/2016
 FAX MAP: 134-11.00-53.00

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



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

CONDITIONAL USE SITE PLAN
 LANDS OF WINE WORK, L.L.C.
SALTED VINES VINEYARD & WINERY
 BALTIMORE HUNDRED, SUSSEX COUNTY, DE

PROJECT NO: 0356-1601
 DRAWING: RP-2
 SHEET: 2 OF 2

TAB “7”



STATE OF DELAWARE
OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
CARVEL STATE BUILDING, 3RD FLOOR
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

TELEPHONE: (302) 5775-ABC (222)
FAX: (302) 577-3204

August 8, 2018

Sussex County Council
J. Everett Moore Jr.
122 W. Market Street
Georgetown, DE 19947

Re: Salted Vine

Dear County Council:

It has been relayed to this Office that Council is concerned over what activities the provisions of Title 4, Section 512A (g) permits/prohibits. In the past this Office has permitted Farm Wineries to sell wine at their premises to patrons who have contracted with the winery to have weddings, bridal showers, baby showers, birthday parties, anniversary parties, craft nights, live entertainment, concerts, food pairings, fundraising events, club meetings, and other like events. To state it another way, this Office does not think that it should be controlling the manner in which the Farm Winery utilizes its property to sell alcohol to its patrons, only whether or not the product can be manufactured and sold there.

If you have further questions, please do not hesitate to contact this Office.

Sincerely,

A handwritten signature in black ink that reads "John H. Cordrey".

John H. Cordrey
Commissioner

JHC:kmj

cc: Adrian Mobilia
David Hutt

TAB “8”

**PETITION IN SUPPORT OF
THE PROPOSED CHANGES TO
CONDITIONAL USE NO. 2127
FOR THE SALTED VINES VINEYARD & WINERY
A/K/A WINE WORK, LLC
AT 32521 BLACKWATER ROAD, FRANKFORD
SUSSEX COUNTY TAX PARCEL NO. 134-11.00-53.00**

We, the undersigned property owners and Sussex County taxpayers, who reside in close proximity to the Salted Vines Vineyard & Winery, petition the Sussex County Planning & Zoning Commission and Sussex County Council to approve the requested modifications to the conditional use for the winery to be able to conduct events for the following reasons:

1. The winery has always been a good neighbor and respectful of the timing of activities and events on the property.
2. We understand that Adrian and Jessica Mobilia (the Owners) are building a home on the property, planting more vines, and expanding the winery operation, which naturally requires use of the entire property in order to properly host these events and activities.
3. We agree that the entire property should be able to be used not only for vines and related agricultural activities but also for events such as hayrides, wine tastings and vine education, pop-up dinners and other activities that bring patrons to the winery.
4. The back part of the property is geographically farther away from the residential areas than the current area to which the activities are confined.
5. We hope that the winery continues to flourish and that Sussex County will recognize and support a business that combines two staples of Sussex County—agriculture and tourism, *i.e.*, agritourism, by approving the proposed changes to their conditional use so that the conditions are as follows:
 - a. All events shall end no later than 10:30 p.m.
 - b. Food and beverage service and music or similar entertainment is permitted in conjunction with permissible agritourism activities and in compliance with the Sussex County Code.
 - c. All activities on the premises shall comply with Fire Marshall, parking capacity and general permitting requirements.
 - d. Applicant shall be required to obtain a Fire Marshal rating for the building in which the events are held. Applicant shall comply with the Fire Marshall's determination of the maximum number of persons allowed on the premises at any given time, but, in no event shall there be more than 200 people at any event.

- e. Parking shall be in compliance with the Sussex County Code. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County Roads.
- f. All entrance locations shall be subject to the review and approval of DeIDOT.
- g. The final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

NAME: (printed and signature) ADDRESS:

Clifford Cravet 32492 Blackwater Rd.
Frankford, DE

Willie J. Prope 32542 Blackwater Rd, Frankford.

Paul E. Zach 32199 Lacey Ln. Fruitful

Debra Kehren 33546 Second Star Ln

Angella Shupe 32499 Blackwater Rd
Frankford

Angella Shupe 32487 Blackwater Rd

Christine Immerich 32608 Blackwater Rd.
Frankford, DE 19945

Al Hook 32509 Blackwater Rd.
Frankford, DE 19945

Mary Ann Hook 32509 Blackwater Rd
Frankford, De 19945

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- f. All entrance locations shall be subject to the review and approval of DeIDOT.
- g. The final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

NAME: (printed and signature) ADDRESS:

Charles P Townsend
 CHARLES P TOWNSEND, JR

30772 ULWES CREEK RD
 Dagsboro, DE 19939

John H Barnard

33076 Umar Rd

John H Barnard

Frankford De 19945

John H Barnard

33076 Umar Road

Judith L Barnard

Frankford, DE 19945

Nancy A Pitts

32479 Blackwater Rd.

Nancy A Pitts

Frankford, DE 19945

**PETITION IN SUPPORT OF
THE PROPOSED CHANGES TO
CONDITIONAL USE NO. 2127
FOR THE SALTED VINES VINEYARD & WINERY
A/K/A WINE WORX, LLC
AT 32521 BLACKWATER ROAD, FRANKFORD
SUSSEX COUNTY TAX PARCEL NO. 134-11.00-53.00**

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 - c. All activities on the premises shall comply with Fire Marshal, parking capacity and general permitting requirements.
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- f. All entrance locations shall be subject to the review and approval of DelDOT.
- g. The final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

NAME: (printed and signature) ADDRESS:

Clifford Cravet 32492 Blackwater Rd.
 Frankford, DE 134-11.00-54.01

William J Pope 32542 Blackwater Rd, Frankford, DE 134-11.00-56.00

Paul S Jachy 32199 Lacey Ln. Frankford, DE 134-11.00-48.00

Debra Kehring 33546 Second Star Ln

Angella Shupe 32499 Blackwater Rd Frankford, DE 134-11-68.01

Angella Shupe 32487 Blackwater Rd Frankford, DE 134-11.00-69.02

Christine Immerich 32608 Blackwater Rd Frankford, DE 19945 134-11.00-727.01

Al Hook 32509 Blackwater Rd Frankford, DE 19945 134-11.00-68.00
 Mary Ann Hook 32509 Blackwater Rd Frankford, DE 19945

- e. Parking shall be in compliance with the Sussex County Code. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County Roads.
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NAME: (printed and signature) ADDRESS:

Charles P Townsend, Jr
 CHARLES P TOWNSEND, JR

30772 ULVES CREEK RD
 Dagsboro, DE 19939

134-15.00-1.00

John H Barnard

33076 Umar Rd

134-11-45.00

John H Barnard

Frankford De 19945

John H Barnard

53076 Umar Road

Frankford, DE 19945

Judith L Barnard

Nancy A Pitts

32479 Blackwater Rd

Frankford, DE 19945

134-11-69.01

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 November 14, 2019

Application: CU 2197 & CZ 1896 Fenwick Commons, LLC

Applicant/Owner: Fenwick Commons, LLC – c/o Joel M. Farr, Manager
13 Brighton Street
Ocean View, DE 19970

Site Location: Southwest corner of Lighthouse Road (Route 54) and Sand Cove Road,
and the east side of Sand Cove Road, approximately 211 ft. south of
Lighthouse Road (Route 54).

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: MR (Medium Residential District)

Proposed Use: Multi-family (62 duplex units)

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmatic
District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire District

Sewer: Sussex County

Water: Artesian

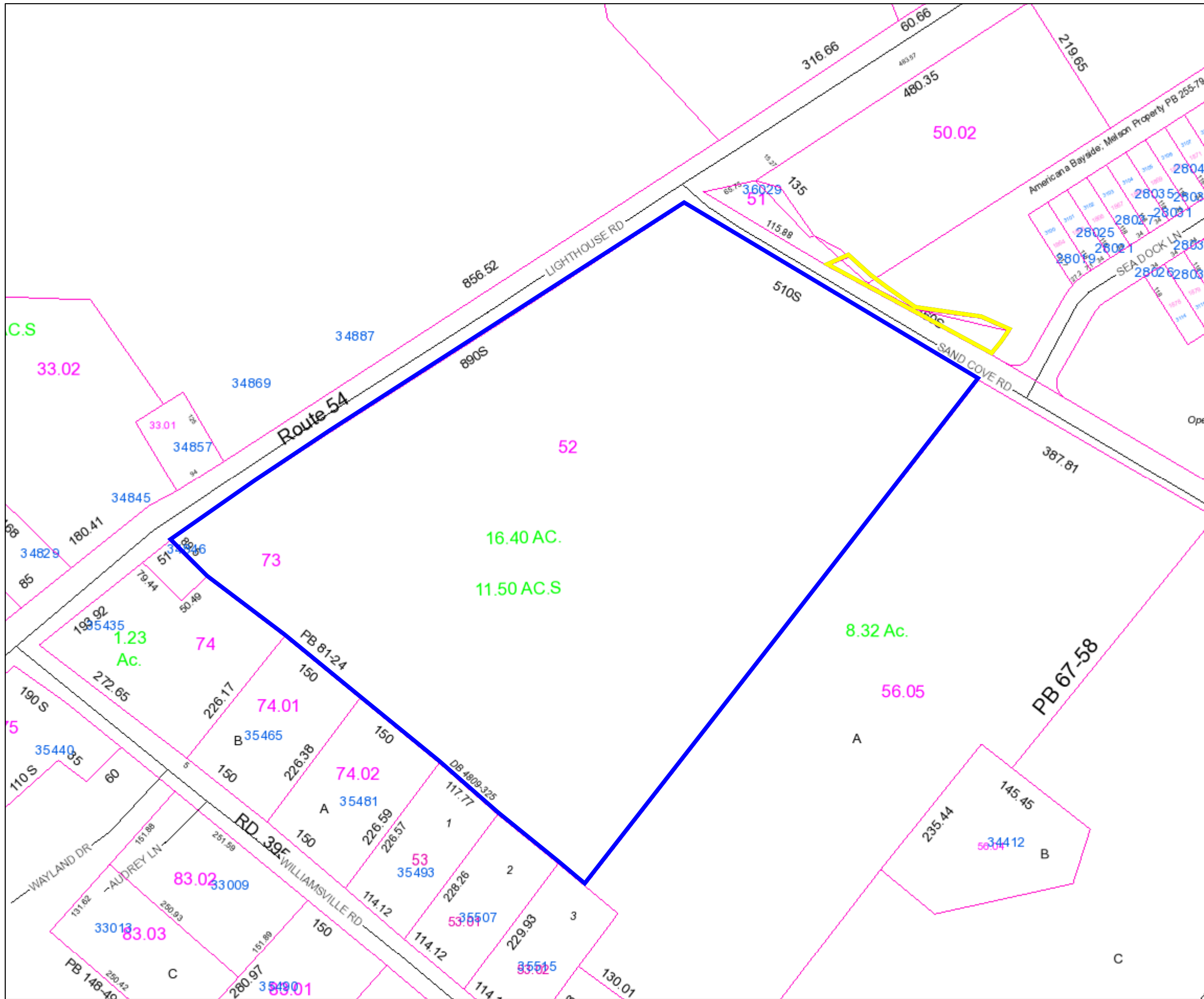
Site Area: 13.33 ac. +/-

Tax Map ID.: 533-19.00-52.00





Sussex County



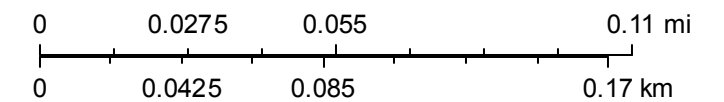
PIN:	533-19.00-52.00
Owner Name	FENWICK COMMONS LLC
Book	4638
Mailing Address	13 BRIGHTON ST
City	OCEAN VIEW
State	DE
Description	E W/RD 394
Description 2	N/RT 54
Description 3	N/A
Land Code	

- polygonLayer**

Override 1
- polygonLayer**

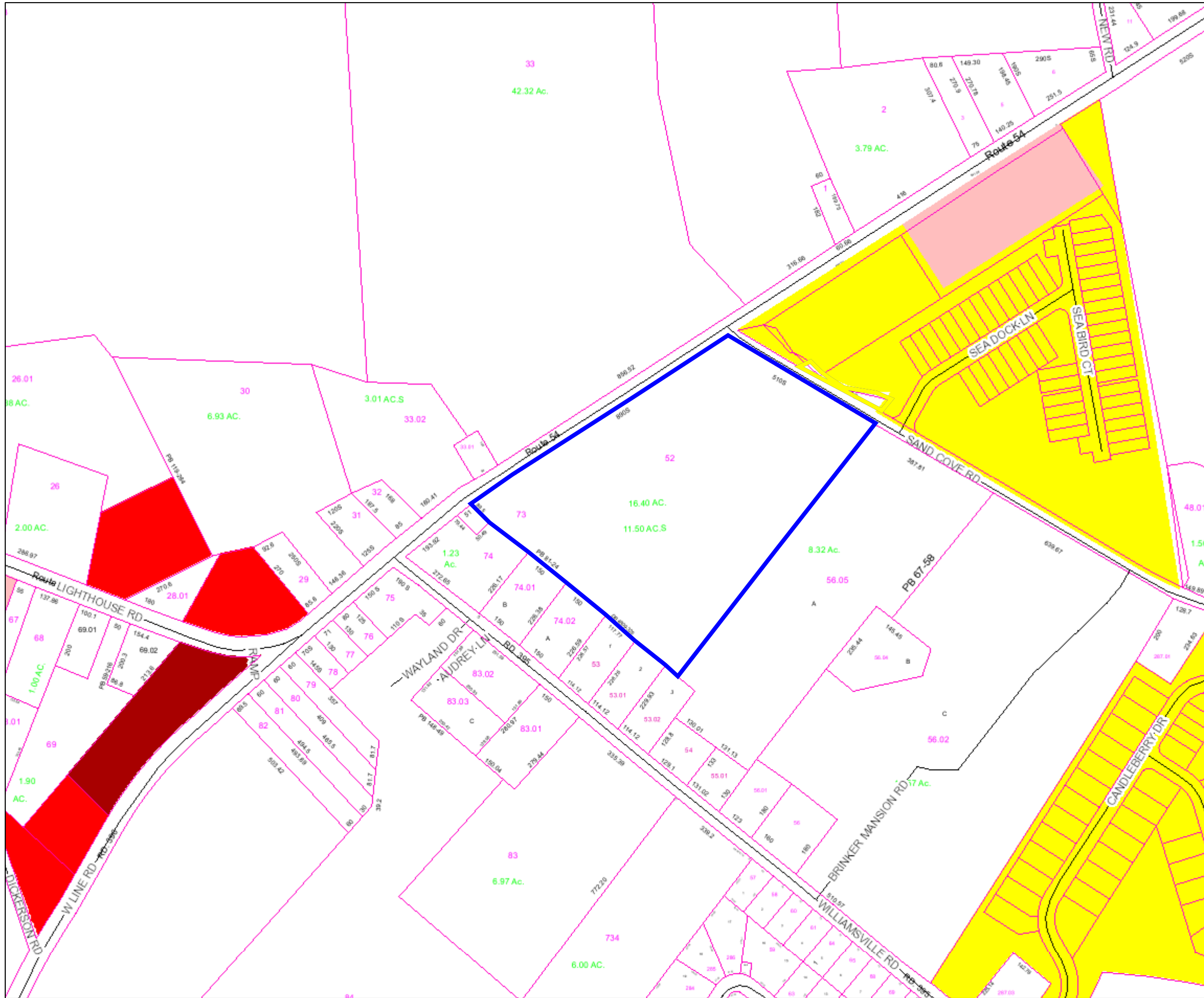
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Public Protected Lands
- Municipal Boundaries

1:2,257





Sussex County



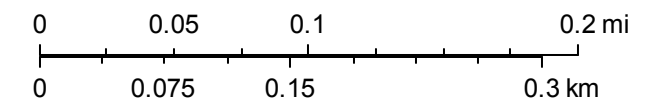
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Description 3	N/A
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- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:4,514



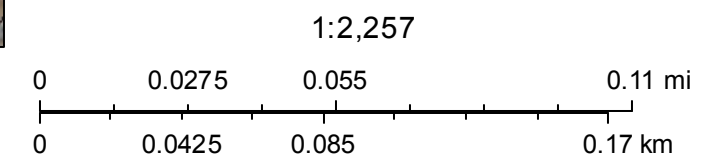


Sussex County



PIN:	533-19.00-52.00
Owner Name	FENWICK COMMONS LLC
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Mailing Address	13 BRIGHTON ST
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Description	E W/RD 394
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Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Public Protected Lands
- Municipal Boundaries



PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Jennifer Norwood, Planner I

CC: Vince Robertson, Assistant County Attorney and applicant

Date: November 6, 2019

RE: Staff Analysis for CU 2197 Fenwick Commons

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2197 Fenwick Commons to be reviewed during the November 14, 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 533-19.00-52.00 to grant a conditional use of land for multifamily (62 duplex units) to be located on the southwest corner of Lighthouse Rd (Route 54) and Sand Cove Rd, and the east side of Sand Cove Rd, approximately 211 ft. south of Lighthouse Rd (Route 54). The size of the property is 13.33 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 Area.

The surrounding land use to the north, south, east, and west is Coastal Area. The Coastal Area land use designation recognizes that a range of housing types should be permitted in Coastal Area, including single-family homes, townhouses, and multifamily 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. It also recognizes a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home.

The property is zoned AR-1 (Agricultural Residential District). The proposed zoning (CZ1896) is MR (Medium-Density Residential District). The property to the north and south are zoned AR-1 (Agricultural Residential District). The properties to the east are zoned MR-RPC (Medium-Density Residential District Residential Planned Community) and B-1 (Neighborhood Business District). The properties to the west are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). There are no known Conditional Use in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for multifamily could be considered consistent with the land use, area zoning and 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

Southwest Corner of Lighthouse Road (DE RTE 54, SCR 58) and Sand Cove Road (SCR 394)

Type of Conditional Use Requested:

62 Duplex (semi-detached) housing units

Tax Map #: 5-33-19, Parcel 52 Size of Parcel(s): 13.33

Current Zoning: _____ Proposed Zoning: _____ Size of Building: _____

Land Use Classification: Low Density / EDOZ

Water Provider: Artesian Sewer Provider: Sussex County

Applicant Information

Applicant Name: Fenwick Commons, LLC C/O Joel M. Farr, Manager

Applicant Address: 13 Brighton Street

City: Ocean View State: DE Zip Code: 19970

Phone #: (443) 250-0092 E-mail: joelfarr82@gmail.com

Owner Information

Owner Name: Fenwick Commons, LLC C/O Joel M. Farr, Manager

Owner Address: 13 Brighton Street

City: Ocean View State: DE Zip Code: 19970

Phone #: (443) 250-0092 E-mail: joelfarr82@gmail.com

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

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

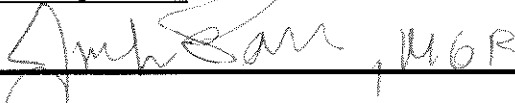
Signature of Applicant/Agent/Attorney



Date:

7/11/19

Signature of Owner



Date:

7-11-19

For office use only:

Date Submitted: 7/11/19

Fee: \$500.00 Check #: 1396

Staff accepting application: ceh

Application & Case #: 201908189

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

July 17, 2017

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

**SUBJECT: Letter of No Objection to Recordation
Lands of Fenwick Commons, LLC**
Tax Parcel # 533-19.00-52.00
SCR394-Sand Cove Road
Baltimore Hundred, Sussex County

Dear Ms. Cornwell:

7/7/2017 Plan
indicated 62
Dwellings

The Department of Transportation has reviewed the Site Plan, dated December 23, 2016 (last revised July 7, 2017), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawings. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Site Plan is not recorded prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

This letter does not authorize the commencement of entrance construction. Entrance plans shall be developed in accordance with DelDOT's Development Coordination Manual and submitted to the Development Coordination Section for review and approval.

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

Lands of Fenwick Commons, LLC
Ms. Janelle Cornwell
Page 2
July 17, 2017

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

If I can be of any further assistance, please call me at (302) 760-2266.

Very truly yours,



Steve Sisson
Sussex County Subdivision Engineer
Development Coordination

cc: Joel Farr, Fenwick Commons, LLC
D. J. Hughes, Davis, Bowen & Friedel, Inc.
William Kirsch, South District Entrance Permit Supervisor
Jessica L. Watson, Sussex Conservation District
Gemez W. Norwood, South District Public Work Manager
Jennifer Pinkerton, Chief Materials & Research Engineer
Peter Haag, Traffic Studies Manager
Linda Osiecki, Consistency Control Engineer
John Fiori, Bicycle Coordinator
Maria Andaya, Pedestrian Coordinator
Mark Galipo, Traffic Development Coordination Engineer
Evan Lallier, Maintenance Support Manager
Dan Thompson, Safety Officer North District
Joseph Ellis, Contech Manager
David Dooley, DTC Planner
James Kelley, JMT
Todd Sammons, Subdivision Engineer
Scott Johnson, Sussex County Reviewer

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

TO: Janelle Cornwell

REVIEWER: Chris Calio

DATE: 10/28/2019

APPLICATION: CU 2197 Fenwick Commons, LLC

APPLICANT: Fenwick Commons, LLC – c/o Joel M. Farr, Manager

FILE NO: OM-4.05

TAX MAP &
PARCEL(S): 533-19.00-52.00

LOCATION: Southwest corner of Lighthouse Road (SR 54) and Sand Cove Road and the east side of Sand Cove Road, approximately 211 feet south of Lighthouse Road (SR 54).

NO. OF UNITS: 62 Duplex units

GROSS
ACREAGE: 13.33 +/-

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


SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **Design assumptions made at 4 EDU's/Acre. Capacity is currently available but not secured until SCC fees are paid.**
- (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 **Noell Warren** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is with the boundary of the Sussex County Unified Sanitary Sewer 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
Noell Warren

Janelle Cornwell

From: Laws, Susanne K (DeIDOT) <Susanne.Laws@delaware.gov>
Sent: Thursday, November 14, 2019 3:55 PM
To: Janelle Cornwell
Cc: Sammons, Todd (DeIDOT); Brockenbrough, Thomas (DeIDOT); Cote, Marc (DeIDOT)
Subject: C/U 2197 & C/Z 1896 Fenwick Commons, LLC
Attachments: 2017-02-16_PLUS-Revised-Comments_Fenwick-Commons11.14.19_Comments.docx;
2017-04-24_Fenwick-Commons_SFR-Response-1.pdf

Good afternoon Janelle,

Fenwick Commons was previously reviewed by DeIDOT in 2017 as a 62 single family semi-detached residential subdivision; no approvals were issued at that time. The proposed access is to be located on Sand Cove Road, approximately 500' south of the intersection with Lighthouse Road (DE 54). DeIDOT calculates that the 62 semi-detached houses proposed would generate 428 vehicle trip ends per day, and 43 vehicle trip ends per hour during the weekend peak hour. Therefore a Traffic Impact Study (TIS) is not required. No TIS was warranted previously. However, per the SFR letter dated April 24, 2017, because the site generates more than 200 vehicle trips per day, a Traffic Operational Analysis (TOA) may be required as part of the site plan review, in accordance with Chapter 2 of the Development Coordination Manual.

PLUS comments from 2-16-17 are attached and include updated information, in particular the following:

- A new pre-submittal meeting should be held prior to plan submittal for DeIDOT review because the last pre-submittal meeting or plan submittal to DeIDOT for the project is more than one (1) year old.
- The west side of Sand Cove Road shall be improved along their frontage to provide an 11-foot travel lane and 5-foot shoulder, in addition to the turn lane requirements determined by the Auxiliary Lane Worksheet.
- DeIDOT is to reevaluate the previously required pedestrian crossing south of the proposed entrance on Sand Cove Road and connection of the proposed SUP being installed by the Melson project.

The project should follow DeIDOT's formal Record and Entrance Plan approval process, per the DeIDOT Development Coordination Manual.

Please let me know if you have any questions.

Thanks,
Susanne

Susanne K. Laws, P.E.
Sussex County Review Coordinator
Planning/Development Coordination
Delaware Department of Transportation
P.O. Box 778 – 800 Bay Road
Dover, DE 19903
(302) 760-2128 office
(302) 760-2569 fax



Agency Name: Dept. of Transportation Project Name: Fenwick Commons - Revised
Division: Planning Contact Person: Bill Brockenbrough

Regulations/Code Requirements

- The site access on Sand Cove Road (Sussex Road 394) will need to be designed and built in accordance with DelDOT's Development Coordination Manual (formerly the Standards and Regulations for Subdivision Streets and State Highway Access), which is available at <http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>.
- 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 http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.pdf.
 - A new pre-submittal meeting should be held prior to plan submittal for DelDOT review because the last pre-submittal meeting or plan submittal to DelDOT for the project is more than one (1) year old.
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Development Coordination 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. We calculate that the 62 semi- detached houses proposed would generate 424 vehicle trip ends per day, consistent with the PLUS application, and 41 vehicle trip ends per hour during the weekday evening peak hour. Therefore a TIS is not required.
 - We calculate that the 62 semi- detached houses proposed would generate 428 vehicle trip ends per day, and 43 vehicle trip ends per hour during the weekend peak hour. Therefore a TIS is not required.

While the proposed development would not warrant a TIS, it would generate more than 200 vehicle trip ends per day and therefore, per Section 2.3.2 of the Manual, DelDOT could require a Traffic Operational Analysis (TOA) if we determine in the plan review process that a TOA is needed to address a concern about the proposed site entrance. Presently, it does not appear that a TOA will be needed.

- Per Section 2.5.2 of the Development Coordination Manual, DelDOT will require off-site improvements along the development frontage on Sand Cove Road. Specifically, The Lands of Fenwick Commons shall improve the west side of Sand Cove Road along their frontage to provide a 10-foot travel lane and 5-foot shoulder in addition to the turn lane requirements determined by the Auxiliary Lane Worksheet discussed below.
 - The west side of Sand Cove Road shall be improved along their frontage to provide a 11-foot travel lane and 5-foot shoulder, in addition to the turn lane requirements determined by the Auxiliary Lane Worksheet discussed below.

Previously, DelDOT had also considered that the applicant might need to improve the intersection of **Delaware Route 54** and Sand Cove Road. The matter was resolved that the applicant will dedicate additional rights-of-way, beyond those mandated by Section 3.2.5, to allow for future improvements by others at this intersection. Improvements by the applicant are not required.

- Section 3.2.4.1 of the Manual addresses the placement of right-of-way monuments (markers) along subdivision street rights-of-way. Monuments along the proposed privately maintained subdivision streets are recommended to be shown on the plan and provided in the field in accordance with this section.
- Section 3.2.4.2 of the Manual addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case Sand Cove Road and Lighthouse Road. Monuments sufficient to re-establish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the field in accordance with this section.
- 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 Sand Cove Road and Lighthouse Road. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline on Lighthouse Road and 30 feet of right-of-way from the physical centerline on Sand Cove Road. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**
- In accordance with Section 3.2.5.1.1 of the Manual, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the entrance. The easement shall be located outside of any existing and/or proposed right-of-way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.
- 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 both Sand Cove Road and Lighthouse 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 to the State of Delaware, as per this plat."**

- In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing “Letter of No Objection”. The following information will be required for the “Letter of No Objection” review:

Initial Stage Fee Calculation Form
Initial Stage Review Fee
Gate-Keeping Checklist – Site Plan
Design Checklist - Record Plan
Sight Distance Spreadsheet
Owners and Engineers’ name and e-mail address
Record Plan
Conceptual Entrance Plan
Submission of the Area-Wide Study Fee (If applicable)

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.
 - All adjacent existing features are required to be shown in accordance with Figure 3.4.2-b.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5 of the Manual provides DelDOT’s requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. Private or municipal streets should follow the local land use agency’s requirements for connectivity.
 - As per the Delaware Strategies for State Policies and Spending, this development is in Investment Level 3. Referring to Section 3.5.4.2.A of the Manual, developments in Level 3 and 4 Areas are required to install a sidewalk or Shared Use Path if the project abuts an existing facility. If the project does not abut an existing facility, it will be at the Subdivision Engineer’s discretion. No fee in lieu of construction will be required. The requirement or lack thereof should be addressed at the Pre-Submittal Meeting mentioned above. The Lands of Fenwick Commons shall include a 10’ Shared-Use Path (SUP along the Lighthouse Road (SCR 058) and Sand Cove Road (SCR 394) frontages. The path shall include a Type 1 curb ramp at the intersection of Lighthouse Road and Sand Cove Road that will align with the path/ramp being installed on the opposite side by the Melson project. The path shall also provide a crossing south of the proposed entrance on Sand Cove Road and connect to the proposed SUP being installed by the Melson project.
 - DelDOT is to reevaluate the previously required pedestrian crossing south of the proposed entrance on Sand Cove Road and connection of the proposed SUP being installed by the Melson project.

- Consistent with Section 3.5.5 of the Manual, any existing or proposed transit stops required by DelDOT or the Delaware Transit Corporation shall be shown on the Record Plan with applicable bicycle and pedestrian connectivity. There are no existing or proposed DART services in this area. Thus, the Lands of Fenwick Commons will not need to include any transit stops.
- In accordance with Section 3.8 of the Development Coordination Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State rights-of-way along Sand Cove Road and Lighthouse Road.
- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:

Construction Stage Fee Calculation Form
 Construction Review Fee
 Gate-Keeping Checklist – Entrance Plan Design
 Checklist - Entrance Plan Auxiliary Lane
 Spreadsheet
 Entrance Plan
 Pipe/Angle Spreadsheet (If applicable)
 SWM Report and Calculations (If applicable)

- In accordance with Section 5.2.5.6 of the Manual, a separate turning template plan shall be provided to verify vehicles can safely enter and exit the site entrances. As per Section 5.2.3 of the Manual, the entrances shall be designed for the largest vehicle using the entrance.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The Auxiliary Lane Worksheet has been used for the proposed 62 duplex units.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/information/business/subdivisions/Intersection-Sight-Distance.xls>.
- 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.
- Because the proposed development would not have State-maintained streets, Section 6.4.3 of the Manual, which pertains to the inspection and acceptance of commercial entrances, applies. Construction inspection responsibilities shall be in accordance with Figure 6.4.3-a. Our preliminary reading of this figure is that Level I inspection will be adequate and DelDOT's South District Public Works Section will be able to provide all necessary inspection services for the entrance construction.

- Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

Suggestions

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal street with no direct access to Sand Cove Road or Lighthouse 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 as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at <http://www.deldot.gov/information/business/subdivisions/>
- 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 date of **August 21, 2019**. The notes can be found at http://www.deldot.gov/information/business/subdivisions/Sheet_Notes.doc?073116.
- Based on the preliminary site plan provided to DelDOT, our Bicycle and Pedestrian Coordinators have provided the following comments:
 - An internal sidewalk/path connection from Route 54 should be provided. The sidewalk shown on the plan accompanying the PLUS application appears to be acceptable in this regard.
 - Bicycle racks should be provided near the pool house.



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

JENNIFER COHAN
SECRETARY

April 24, 2017

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 **Fenwick Commons, LLC** rezoning application, which we received on April 7, 2017. This application is for a 13.35-acre parcel (Tax Parcel: 533-19.00-52.00). The subject land is located on the south corner of the intersection of Delaware Route 54 and Sand Cove Road (Sussex Road 394). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to MR (Medium-Density Residential) and obtain a conditional use approval to develop 62 duplex dwelling units.

Per the 2015 Delaware Vehicle Volume Summary, the annual average daily traffic volumes on an average day and on a summer average day along the segment of Delaware Route 54 where the subject land is located, which is from West Line Road (Sussex Road 96) to Delaware Route 1, are 5,298 and 6,901 vehicles per day, respectively. As the subject land also has frontage on its northeast side along Sand Cove Road, the annual average daily traffic volume on an average day along that road segment, which is from Delaware Route 54 to Roy Creek, is 858 vehicles per day.

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



Ms. Janelle M. Cornwell
Page 2 of 2
April 24, 2017

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, in accordance with Chapter 2 of the Development Coordination Manual.

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

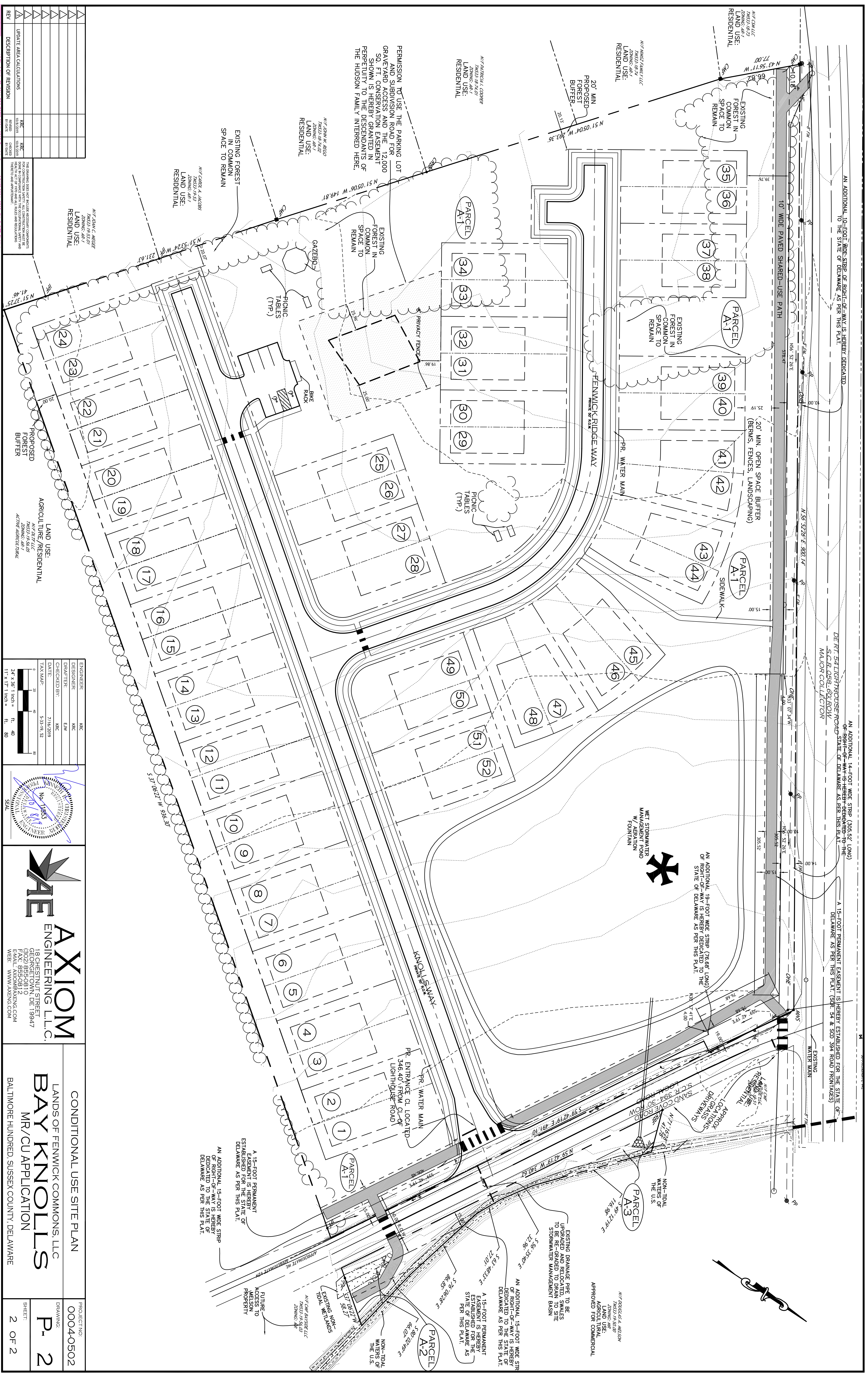
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance and Operations
Steven Sisson, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Scott Johnson, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



LANDS OF FENWICK
COMMONS, LLC



LANDS OF FENWICK
COMMONS, LLC

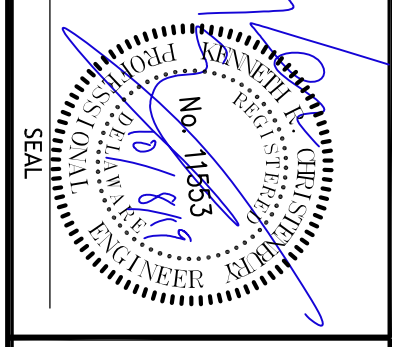


REV	DESCRIPTION OF REVISION	DATE	BY
1	UPDATE AREA CALCULATIONS	03/22/2019	AKC
2			
3			
4			
5			
6			
7			
8			
9			
10			

THE DRAWING DOES NOT REPRESENT THE EXACT LOCATION OF ANY UTILITIES OR STRUCTURES UNLESS SPECIFICALLY NOTED THEREON. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION.

LAND USE: RESIDENTIAL
 ZONING: R-1
 OWNER: MR. JOHN C. ANDERSON
 ADDRESS: 18 CHESTNUT STREET, GEORGETOWN, DE 19947
 LAND USE: AGRICULTURE/RESIDENTIAL
 ZONING: A-1
 OWNER: MR. RAY E. LEE
 ADDRESS: 18 CHESTNUT STREET, GEORGETOWN, DE 19947

ENGINEER	AKC
DESIGNER	AKC
DRAWN BY	EW
CHECKED BY	AKC
DATE	7/16/2019
TXS MAP	5/31/19, 5/2



AXIOM ENGINEERING L.L.C.
 18 CHESTNUT STREET
 GEORGETOWN, DE 19947
 (302) 855-0910
 FAX: (302) 855-0911
 E-MAIL: AAXIOM@AXIOM.COM
 WEB: WWW.AXIOM.COM

CONDITONAL USE SITE PLAN
 LANDS OF FENWICK COMMONS, LLC
BAY KNOLLS
 MR/CU APPLICATION
 BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

PROJECT NO: 000040502
 DRAWING: P-2
 SHEET: 2 OF 2

BAY KNOLLS

CZ #1896 & CU #2197

OWNER/APPLICANT:

FENWICK COMMONS, LLC

BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE



PLANNING & ZONING COMMISSION

NOVEMBER 14, 2019

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1

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY
CHANGE OF ZONE #1896
CONDITIONAL USE #2197

On November 16, 2017 the Commission unanimously recommended approval of Conditional Use #2098 for this property, to create 52 single-family, semi-detached (duplex) residential units (Tab 2-3). As the Commission found, the project was consistent with its immediately adjacent neighbor, a 12.3 acre MR/RPC project approved by County Council in August 2016 (CZ #1803). The density of the adjacent 12.3 acre project was 4.87 units per acre and the density of the Fenwick Commons project was 3.9 units per acre.



Photograph of CZ #1803, taken October 18, 2019 - CZ 1803

For reasons not clearly articulated by Council, the Commission's approval recommendations on Change of Zone #1827 and Conditional Use #2098 were rejected and the change of zone application was denied, thereby mooting the Conditional Use application. (Tabs 4-6)

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 10) 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 1896 and CU 2197 are in harmony with these requirements as set forth in the County's 2018 Comprehensive Plan Update. A detailed review of the compliance with the Comp Plan is addressed in this exhibit book (Tab 10)

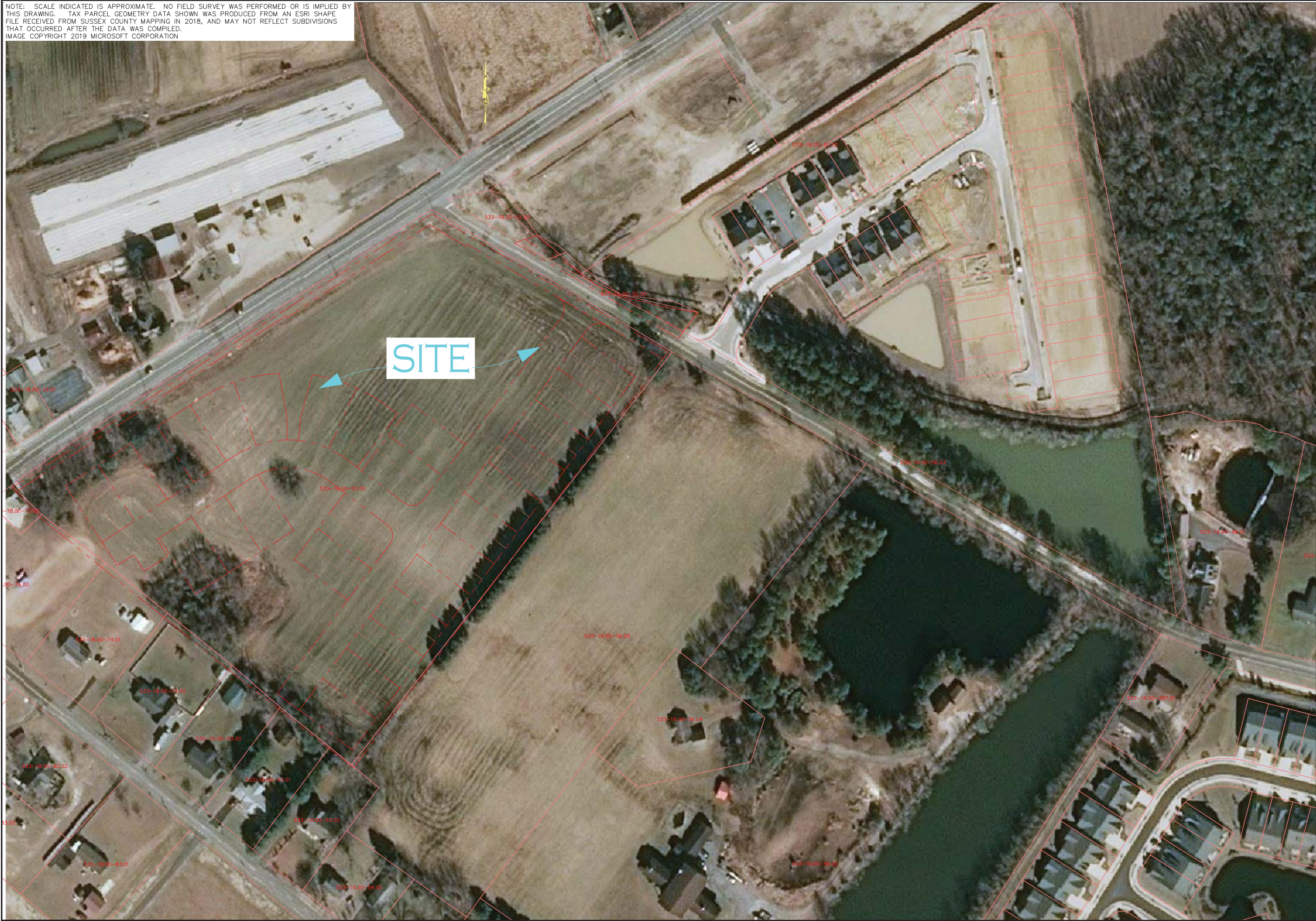
Bay Knolls will have 46% open space, including preservation of 68% (0.85 ac.) of existing forest, planting 0.99 ac. of additional forest buffer, installation of sidewalks on both street sides, protection of the Hudson Family Cemetery, a shared use path, gazebo and picnic tables. (Tab 8)

The Delaware Department of Transportation issued a Letter of No Objection for an earlier conception of Bay Knolls that included 62 duplex dwelling units at a density of 4.8 units per acre. (Tab 12) The letter was issued July 17, 2017 and expires July 7, 2022. DeIDOT has indicated that a reduction in density will not invalidate this 5-year approval.

The Sussex Conservation District's PLUS comments indicated that construction cannot commence until a detailed sediment and stormwater plan is reviewed and approved by their office. (Tab 12) The applicant will comply with all requirements of the Conservation District (Tab 17).

In summary, Change of Zone #1896 and Conditional Use #2197 propose 52 single family, semi-detached (duplex) dwellings on 13.33 acres at the intersection of Routes 54 and 394 at a density of less than 4 dwelling units/acre. It is consistent with the character and trend of development in the area and in particular with its immediately adjacent neighbor (CZ #1803 - Bayside Phase VII), a project with a density of 4.8 residential units per acre.

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 COPYRIGHT 2019 MICROSOFT CORPORATION



REV	DESCRIPTION OF REVISION	REVISION BY/DATE

SITE DETAIL
 PUBLIC DATA REFERENCED TO
FENWICK KNOLLS
 CONDITIONAL USE APPLICATION
 BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

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

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	10/21/2019
TAX MAP:	TM-5-33-19, PARCEL 52
SCALE:	24" x 36" 1 inch = 80 ft. 11" x 17" 1 inch = 160 ft.

PROJECT NO:
0004-0502

DRAWING:
CR-2

SHEET:
2 OF 11

ZONING CONDITIONS

FEBRUARY 6, 2001 - AMENDED SEPTEMBER 23, 2003 AND APRIL 13, 2010

CMF BAYSIDE, L.L.C. - CHANGE OF ZONE NO. 1393

CONDITIONS

- 1. THE MAXIMUM NUMBER OF RESIDENTIAL UNITS SHALL NOT EXCEED 1,700.
2. THE DEVELOPER MAY PROVIDE A MINIMUM OF 104 ASSISTED LIVING UNITS...
3. THE MAXIMUM SQUARE FOOTAGE OF RETAIL/OFFICE SPACE SHALL BE 170,000 SQUARE FEET...
4. RESIDENTIAL CERTIFICATES OF OCCUPANCY SHALL NOT EXCEED 200 ANNUALLY ON A CUMULATIVE BASIS.
5. SITE PLAN REVIEW FOR EACH PHASE OF DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.
6. ALL ENTRANCES, INTERSECTIONS, AND ROADWAY IMPROVEMENTS REQUIRED BY DELDOT SHALL BE COMPLETED BY THE APPLICANT IN ACCORDANCE WITH ANY FURTHER MODIFICATIONS REQUIRED BY DELDOT, ONCE 200 CERTIFICATES OF OCCUPANCY HAVE BEEN ISSUED.
7. THE APPLICANT SHALL ESTABLISH A 60-FOOT HIGHWAY CORRIDOR OVERLAY ZONE SETBACK ALONG THE PROPERTY FRONTING ROUTE 54.
8. RECREATIONAL FACILITIES, I.E., GOLF, TENNIS COURTS, SWIMMING POOLS, ETC., SHALL BE CONSTRUCTED TO COINCIDE WITH CONSTRUCTION PHASES SCHEDULED AND SUBJECT TO REVIEW AND APPROVAL BY THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.
9. THE RPC SHALL BE SERVED BY THE SUSSEX COUNTY SOUTH COASTAL REGIONAL WASTEWATER FACILITY PER SUSSEX COUNTY ENGINEERING DEPARTMENT REGULATIONS AND SPECIFICATIONS.
10. THE RPC SHALL BE SERVED BY A CENTRAL WATER SYSTEM PROVIDING DRINKING WATER AND FIRE PROTECTION PER APPLICABLE REGULATIONS AND APPROVAL OF THE DEPARTMENT OF NATURAL RESOURCES, THE STATE FIRE MARSHAL'S OFFICE, THE PUBLIC SERVICE COMMISSION, AND THE STATE OF DELAWARE OFFICE OF PUBLIC HEALTH.
11. STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL SHALL EQUAL OR EXCEED ALL APPLICABLE STATE AND COUNTY REGULATIONS.
12. THE APPLICANT SHALL ESTABLISH "BEST MANAGEMENT PRACTICES" IN REGARD TO GOLF COURSE MAINTENANCE AND PROTECTION OF NON-TIDAL WETLANDS.
13. THE APPLICANT SHALL COORDINATE WITH THE CENTER FOR THE INLAND BAYS THE DEVELOPMENT OF A PUBLIC INLAND BAY NATURE TRAIL AND OBSERVATORY.
14. STATE AND FEDERAL WETLANDS SHALL BE MAINTAINED AS NON-DISTURBANCE AREAS, EXCEPT FOR DISTURBANCE AUTHORIZED BY A VALID FEDERAL OR STATE PERMIT. THERE SHALL BE NO CONSTRUCTION IN ANY WETLANDS WITHOUT VALID PERMITS.
15. THE APPLICANT SHALL PROVIDE, AT NO COST, A PARCEL OF LAND APPROPRIATE FOR USE BY THE DELAWARE STATE POLICE AND A PARCEL OF LAND APPROPRIATE FOR USE BY THE WYOMAX VOLUNTEER FIRE COMPANY WHEN DEEMED APPROPRIATE BY SAID ORGANIZATIONS. THE LOCATION AND SIZE OF SAID PARCELS SHALL BE AS MUTUALLY AGREED UPON BY THE PARTIES INVOLVED.
16. THE APPLICANT SHALL PROVIDE SHUTTLE SERVICE TO THE RESIDENTS OF AMERICANA BAYSIDE, AS NEEDED, TO THE BEACHES FOR RECREATION AND SHOPPING. THE APPLICANT SHALL PLAN TO EDUCATE AND ENCOURAGE THE USE OF THIS SERVICE IN REGARD TO DECREASING TRAFFIC ON ROUTE 54.
17. THE APPLICANT SHALL PROVIDE ADEQUATE SECURITY FOR DEVELOPMENT. SECURITY SHOULD INCLUDE A 24-HOUR EMERGENCY CENTER, SUFFICIENT STAFF AND VEHICLES, WITH INCREASING STAFF TO COINCIDE WITH INCREASED OCCUPANTS FOR THE PROJECT.
18. THE APPLICANT SHALL COORDINATE WITH THE STATE AND COUNTY EMERGENCY PLANNING OFFICES IN DEVELOPMENT AND IMPLEMENTATION OF AN EMERGENCY EVACUATION PROCEDURE FOR THE DEVELOPMENT, WHICH WILL BE INCORPORATED INTO THE RESTRICTIONS OF THE DEVELOPMENT, AND WHICH MAY REQUIRE EARLY MANDATORY EVACUATION, IF NEEDED, BY SAID OFFICES.
19. THE RPC SHALL NOT CONTAIN A MARINA, INDIVIDUAL BOAT DOCK FACILITIES, OR BOAT LAUNCHING FACILITIES OTHER THAN A COMMUNITY WATER TAXI SERVICE FACILITY. NON-MOTORIZED WATERCRAFT SHALL BE PERMITTED AT THE BOAT LAUNCHING FACILITY OF THE COMMUNITY WATER TAXI SERVICE.
20. 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 THAT 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. THE SITE WORK AUTHORIZED BY THE SUSSEX CONSERVATION DISTRICT PERMIT MAY BE COMMENCED UPON SUBMISSION OF COPIES OF THE APPLICATION FOR PERMITS FROM THE SUSSEX COUNTY ENGINEERING DEPARTMENT AND DELDOT TO THE DIRECTOR OF PLANNING AND ZONING AND SUBMISSION OF A BOND IN AN AMOUNT EQUAL TO 125% OF THE COST OF THE SITE WORK AUTHORIZED BY THE SUSSEX CONSERVATION DISTRICT PERMIT ACCEPTABLE TO THE COUNTY ATTORNEY. THE BOND SHALL BE RELEASED UPON THE ISSUANCE OF ALL OTHER PERMITS AND THE FILING OF AN APPROVED MASTER PLAN OR FINAL SITE PLAN.
21. NO EXISTING STATE ROADS IN THE DEVELOPMENT SHALL BE VACATED. THE DEVELOPERS ARE PROPOSING TO REALIGN COUNTY ROAD 394 AND 394A; THAT THESE ROADS WILL REMAIN OPEN TO THE PUBLIC; THAT TRAFFIC CALMING DEVICES WILL BE INCORPORATED INTO THE DESIGN; THAT THE RELATION OF THE ROADS DOES NOT CONSTITUTE THE VACATION OR ABANDONMENT OF A ROAD; AND THAT THE APPROVAL WILL STILL BE SUBJECT TO DELDOT'S APPROVAL THROUGH A HEARING PROCESS.
22. PUBLIC ACCESS SHALL BE PERMITTED AT THE END OF STATE ROUTE 394. ACCESS SHALL INCLUDE SUFFICIENT PARKING FOR EIGHT VEHICLES.
23. ASSISTED LIVING UNITS MAY BE LOCATED ON THE NORTH SIDE OF ROUTE 54, WEST OF ROUTE 20.
24. ALL COMMERCIAL ACTIVITIES SHALL BE LIMITED TO THE SOUTH SIDE OF ROUTE 54, EXCEPT FOR A 1.27 ACRE PARCEL DESIGNATED TAX MAP 35-33-19.00 PARCEL 17.01, LOCATED ON THE NORTH SIDE OF ROUTE 54 ON WHICH COMMERCIAL USE SHALL BE PERMITTED SUBJECT TO COMMERCIAL ENTRANCE APPROVAL FROM THE COMMISSION. THE COMMERCIAL ENTRANCE LOCATED ON THE SOUTH SIDE OF ROUTE 54 SHALL BE A MINIMUM OF 300 FEET FROM ROUTE 54, EXCEPT FOR A SINGLE RIGHT-IN/RIGHT-OUT COMMERCIAL ENTRANCE TO A PARCEL DESIGNATED AS TAX MAP 5-33-19.00 PARCEL 16.00, WHICH IS SUBJECT TO APPROVAL FROM DELDOT.

CZ #1803 - PLAT RECORDED IN PLAT BOOK 255- Pgs 79-83

Carl Freeman COMMUNITIES

AMERICANA BAYSIDE

SUSSEX COUNTY, DELAWARE

MELSON PROPERTY-RESIDENTIAL FINAL SITE PLAN & RECORD PLAT

GMB FILE NO. 97058-J

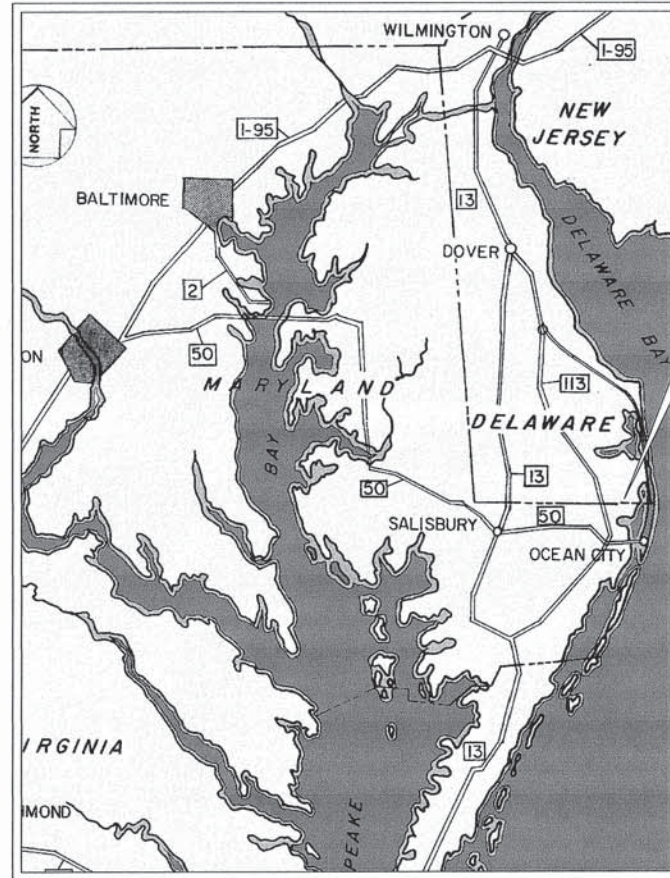
LIST OF DRAWINGS

Table with 2 columns: Drawing ID (G1.0, C1.0, C1.1, L1.0, P1.0) and Description (COVER SHEET, EXISTING CONDITIONS, FINAL SITE PLAN, LANDSCAPE PLAN, MR-RPC RECORD PLAT)

BK: 255 PG: 79

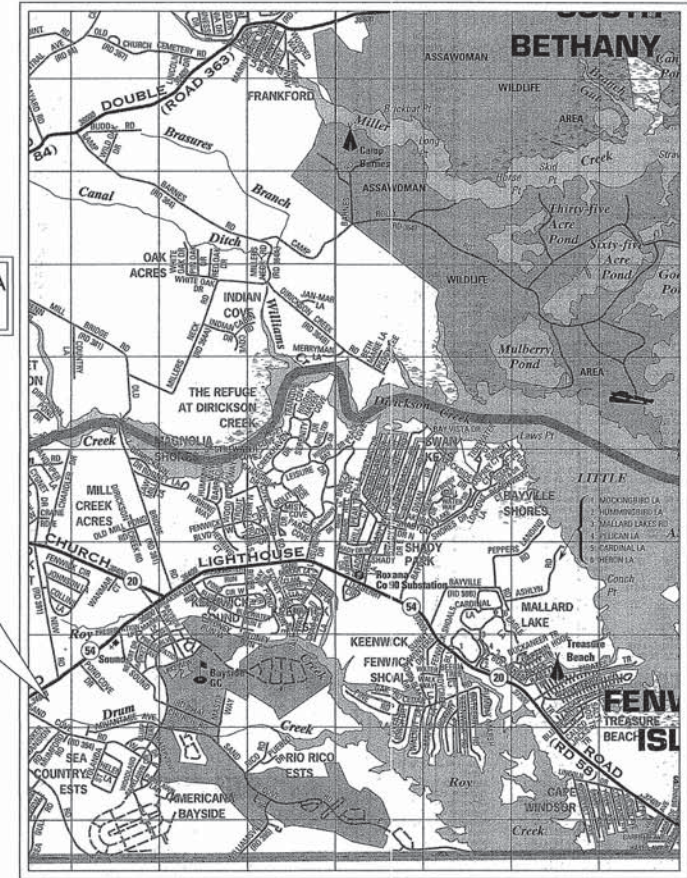
47612

BK: 255 PG: 79



VICINITY MAP

SCALE: 1" = 20 MILES



LOCATION MAP

SCALE: 1" = 2000'

SUSSEX COUNTY BOARD OF ADJUSTMENT - CASE #11282

ON SEPTEMBER 9, 2013, THE SUSSEX COUNTY BOARD OF ADJUSTMENT UNANIMOUSLY APPROVED A REQUEST FROM CMF BAYSIDE, LLC FOR A 20 FOOT VARIANCE FROM THE 80 FEET LOT WIDTH REQUIREMENT TO 40 FEET AND A 2,500 SQUARE FOOT VARIANCE FROM THE MINIMUM 7,500 SQUARE FOOT LOT AREA REQUIREMENT TO 5,000 SQUARE FEET FOR THE LOTS IN VILLAGE C, PHASE 1 AMERICANA BAYSIDE.

MELSON PROPERTY - SUSSEX COUNTY PLANNING AND ZONING COMMISSION - CASE #1803

CONDITIONS OF APPROVAL

- 1. THE RESIDENTIAL PORTION OF THE LANDS BEING INCORPORATED INTO THE EXISTING MR-RPC (CZ #1393) SHALL NOT EXCEED 48 RESIDENTIAL UNITS AND THE RETAIL / OFFICE PORTION OF THE LANDS SHALL NOT EXCEED 18,000 SQUARE FEET OF RETAIL / OFFICE SPACE.
2. THE 48 RESIDENTIAL UNITS AND 18,000 SQUARE FEET OF RETAIL / OFFICE SPACE SHALL BE PART OF THE USES APPROVED IN CONDITIONS #1 AND #3 OF CZ # 1393 AND SHALL NOT BE IN ADDITION TO THOSE CONDITIONS.
3. CONDITION #24 OF CZ # 1393 SHALL NOT BE APPLICABLE TO THE RETAIL / OFFICE SPACE APPROVED BY THIS APPLICATION, CZ #1803.
4. CZ #1803 SHALL BE AN EXTENSION OF CZ # 1393 AND SHALL BE SUBJECT TO THE CONDITIONS OF APPROVAL OF CZ #1393 AS AMENDED EXCEPT AS PROVIDED HEREIN.
5. STREET NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE COUNTY MAPPING AND ADDRESSING DEPARTMENT.
6. A REVISED PRELIMINARY SITE PLAN DEPICTING THESE CONDITIONS OF APPROVAL SHALL BE SUBMITTED TO THE OFFICE OF STATE PLANNING AND ZONING FOR APPROVAL.
7. FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.

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

WETLANDS CERTIFICATION:

I EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGEMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3(c)(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 WETLANDS MAPS THERE ARE NO STATE REGULATED WATERS OR WETLANDS ON THIS PROPERTY, SUSSEX COUNTY 046.

EDWARD M. LAUNAY, PWS NO. 885 SOCIETY OF WETLAND SCIENTISTS CORPUS OF ENGINEERS, CERTIFIED WETLAND DELINEATOR WDCP9JMD05100368 DATE 12/1/2017

APPROVED 12/1/17 BY Michael... SUSSEX COUNTY CHAIRMAN OR SECRETARY

NOTES:

- 1. ALL INTERIOR SIDE LOT LINES ARE RESERVED FOR THE CENTERLINE OF A 10' WIDE DRAINAGE AND/OR UTILITY EASEMENT. A 10' WIDE DRAINAGE AND/OR UTILITY EASEMENT IS RESERVED ON EACH LOT ALONG THE FRONT AND REAR PROPERTY LINES. THIS PLAN AND SURVEY DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS PERTAINING TO THIS PROPERTY.
2. EASEMENTS SHALL BE PROVIDED WHERE NECESSARY TO MEET PUBLIC UTILITY REQUIREMENTS. NECESSARY EASEMENTS ALONG PERIMETER BOUNDARIES OF THE DEVELOPMENT SHALL BE NO LESS THAN TEN (10) FEET IN WIDTH ON THE INTERIOR SIDE OF THE BOUNDARY.
3. 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 RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STREETS WITHIN INDICATED DELDOT RIGHT-OF-WAYS ONLY.
4. MAINTENANCE OF STORM DRAIN AND STORMWATER MANagements FACILITIES WILL BE THE RESPONSIBILITY OF THE DEVELOPERS, THE PROPERTY OWNERS WITHIN THE SUBDIVISION, OR BOTH. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STORM DRAIN WITHIN INDICATED DELDOT RIGHTS OF WAY ONLY.
5. ALL SIDEWALKS MUST BE INSTALLED IN CONJUNCTION WITH THE ROADS, AND FOR THE PROJECT TO ACHIEVE SUBSTANTIAL COMPLETION FROM THE PUBLIC WORKS DIVISION.
6. WATER SERVICE WILL BE PROVIDED BY CONNECTION TO AN EXISTING PUBLIC SYSTEM. ALL DISTRIBUTION EQUIPMENT WILL BE INSTALLED AND MAINTAINED BY ARTESIAN RESOURCES. ALL PROPOSED FACILITIES WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DELAWARE DIVISION OF PUBLIC HEALTH.
7. WASTEWATER TREATMENT AND DISPOSAL WILL BE PROVIDED BY THE SUSSEX COUNTY ENGINEERING DEPARTMENT, SOUTH COASTAL WASTE WATER TREATMENT FACILITY. THE COLLECTION AND TRANSMISSION SYSTEM WILL CONSIST OF VARIOUS DIAMETER GRAVITY SEWERS. THE COLLECTION AND TRANSMISSION SYSTEM WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DNREC.
8. THERE IS ACTIVE AGRICULTURAL PROPERTY GREATER THAN 10 ACRES DIRECTLY ABUTTING THE PROPOSED DEVELOPMENT.
9. TIDAL OR NON-TIDAL WETLANDS EXIST ON THE BAYSIDE PROPERTY. SECTION 404 WETLAND ACTIVITIES APPROVED PER U.S.A.C.O.E. PERMIT CENAP-OP-R-2017-198-23 (NWP7 & 14), ISSUED 6/27/17. STATE WETLAND AND SUBAQUEOUS LANDS ACTIVITIES APPROVED PER DNREC PERMIT SP-202/17, ISSUED 8/23/17. WETLAND LINES SHOWN ON SITE PLANS ARE PER WETLAND PLATS PREPARED BY GEORGE, MILES & BUHR, LLC AS APPROVED UNDER PERMITS LISTED ABOVE.
10. STORMWATER MANAGEMENT PRACTICES WILL BE DESIGNED TO MEET STORMWATER QUALITY AND QUANTITY MANAGEMENT REQUIREMENTS. ALL STORMWATER MANAGEMENT DESIGN WILL BE IN ACCORDANCE WITH DELAWARE STORMWATER DESIGN MANUAL STANDARDS.
11. THESE PROPERTIES ARE 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 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 THESE PROPERTIES IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.

SITE DATA:

Table with 3 columns: Category (OWNER/DEVELOPER, ZONING CLASSIFICATION, PRESENT USE, PROPOSED USE, TAX MAP #, DEED REFERENCE), Value (CMF BAYSIDE, LLC; MR-RPC; AGRICULTURE; RESIDENTIAL (48 DUPLEX HOMES); T.M. ID 533-19.00-50.00; BOOK 4388 PAGE 113), and Building Setbacks (20' FRONT YARD, 5' SIDE YARD, 10' REAR YARD)

Table with 3 columns: Category (RESIDUAL AREA, PREVIOUS AREA, AREA DEDICATED TO DELDOT, DISTURBED SUBAQUEOUS LANDS, PROPOSED MR-RPC RESIDENTIAL AREA, PROPOSED RIGHT OF WAY AREA, PROPOSED OPEN SPACE), Value (± 13.12, ± 12.14, ± 0.00, ± 0.00, ± 9.87, ± 1.61, ± 7.08), and Acres (± 0.274, ± 5.385, ± 1.440)

Table with 3 columns: Category (TAX MAP #, DEED REFERENCE, RESIDUAL AREA, PREVIOUS AREA, AREA DEDICATED TO DELDOT, DISTURBED SUBAQUEOUS LANDS), Value (T.M. ID 533-19.00-51.00; BOOK 4363 PAGE 279; ± 0.121, ± 0.153, ± 0.032, ± 0.000), and Acres (± 7.10 (42%), ± 16.73)

Table with 3 columns: Category (TAX MAP #, DEED REFERENCE, RESIDUAL AREA, INCORPORATED INTO PARCEL, PREVIOUS AREA, AREA DEDICATED TO DELDOT, DISTURBED SUBAQUEOUS LANDS), Value (T.M. ID 533-19.00-56.03; BOOK 2254 PAGE 93; ± 3.242, ± 3.60, ± 0.353, ± 0.264), and Acres (± 0.264)

Table with 3 columns: Category (FLOOD INFORMATION, REQUIRED PARKING (2 PER UNIT), PROVIDED PARKING), Value (SPECIAL FLOOD HAZARD AREA ZONE AE 4 AND AE 5 PER FIRM MAP 100050653K, DATED MARCH 16, 2015; 96; 96)

DEVELOPER'S CERTIFICATION:

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

CHRIS GARLAND DATE 10/1/2017 CMF BAYSIDE, LLC 38017 FENWICK SHOALS BLVD. SELBYVILLE, DELAWARE 19975

ENGINEER'S CERTIFICATION:

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

STEPHEN L. MARSH, P.E. DATE 12-1-17 GEORGE, MILES, & BUHR, LLC. 206 W. MAIN STREET SALISBURY, MD 21801



APPROVED 12/1/17 BY Dan... SUSSEX CONSERVATION DISTRICT

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**OCTOBER 12, 2017
P & Z PUBLIC
HEARING MINUTES**

exhibit book.

The Commission found that there was no one in support of the application.

The Commission found that John Hickman and Jim Romig were in opposition of the application; that Mr. Hickman stated that his house faces the site; that trailers have been on-site; that area is residential and not intended for storage; that there is no need and don't need any more traffic; that the property is not maintained; that there is no fence around the property; that he has concerns with the lights; that the rezoning and proposed use is not pleasing to the area; that Mr. Romig spoke that a Conditional Use to a Change of Zone allows for more uses; that he has concerns with crime and with potential wetlands in the back of the properties; that there is commercial zoning across the street; that there has been a decline on sales of properties in the area; Ms. Stevenson stated that there could be many uses with a Change of Zone; that the site plan can determine if there are wetlands and address site plan items; and that Mr. Wheatley spoke that there is other commercial zoning in the area.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 5-0.

There was a consensus of the Commission to a combined public hearing on C/Z #1827 and C/U #2098, that application of Fenwick Commons, LLC and that each application would be voted on separately.

C/Z #1827 Fenwick Commons, LLC

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 located 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: None Available. Tax Map I.D. 533-19.00-52.00

C/U #2098 Fenwick Commons, LLC

An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for a multi-family (62 duplex units) structure 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 located 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: None Available. Tax Map I.D. 533-19.00-52.00

Both of these applications were consolidated into a single public hearing.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from the Sussex Conservation District, results from the DelDOT Service Level Evaluation that stated a TIS is not required, site plan, exhibit book, PLUS letter, and six letters of opposition.

The Commission found that Gene Bayard, Esquire of Morris James Wilson Halbrook and Bayard, LLP and Ken Christenbury, with Axiom Engineering were present on behalf of the application; that Mr. Bayard spoke that the area has transitioned over 12 years from a low density to a medium density residential area with over 1,200 homes from 2005 to 2017; that an application in a B-1 district of 3 acres and 12.3 acres for MR-RPC was approved last year for 4.8 units per acre; that the Change of Zone is in character of the area and with the Comprehensive Plan; that there are no site development issues; that there is water and sewer in the area; that there no traffic issues per DeIDOT; that it is a single parcel; that is a one phase project; that the applicant made the decision not to apply for a MR-RPC classification, instead to apply for a MR application with a Change of Zone with a Conditional Use; that MR will give the County more control of approving a project; that there are a lot of MR-RPC's in the area along with B-1 and C-1 uses; that Mr. Christenbury spoke that the site is a soybean field with woods; that there is a cemetery on site and it will be protected; that a DeIDOT report did not require a TIS; that the first site plan submittal initially showed 62 units; that there will be a multi-modal path to connect a bike trail; that the wetlands are on the east side of Sand Cove Road; that the project went from 62 units down to 52 units to create better access for the cemetery and the amenities; that there will be 20 foot buffer around the cemetery and keep the existing woodlands in that area; that a ESDA report was prepared; that Artesian will provide water and the County will provide the sewer; that per a report from Mr. Otter regarding the cemetery they redesigned to allow for easier parking to the amenities and the cemetery; that a fence will be put up around the cemetery; that this application accompanies a Conditional Use application; that it complies with 99-9C; that it will have a 20 foot forested buffer around the perimeter; that they have preserved 60 percent of the forest; that they may be able to keep a 100 year old red oak tree; that the stormwater pond will be located in the front; that the existing site is an agricultural field and uses manure as fertilizer; that going to single family will reduce pollution; that they will comply with the Sussex Conservation District; that DeIDOT will make improvements to the intersection; that the developer will make additional improvements through Right-of-Way dedication; that will have a deceleration lane and no left turn lane; that a pedestrian trail will connect to the Bayside trail; that this will have no negative impact on values or schools; that this project is no longer a 62 unit development; that there is a 14 foot dedication from the corner to the first 100 feet and the rest of the property has a ten foot dedication; that on Sand Cove Road there is a 15 foot dedication for the entire front and a 19 foot dedication for the first 76 feet; that there will be a ten foot wide multi-modal path and will be built by the client; that the distance from Route 54 to the entrance to the project is approximately 250 feet to 300 feet; that a TIS and TOA were not required; that the amenities will be done by the 26th Certificate of Occupancy; that this project is a thoughtful design and it has been scaled back; that it is 41 percent of open space not including the stormwater pond and including two acres of preserved proposed trees; that this project is density is 3.90 units per acre; that a 185 foot long deceleration lane is on Sand Cove Road; that DeIDOT is working on the intersection and the applicants not sure what plans they have for the intersection; that a sliver of land on the east side of Sand Cove Road with a ditch will help with drainage; that the drainage will head south away from Route 54; that the ditch is five to six feet deep and will not impact surrounding properties; that there will be one entrance and exit; that they could look at interconnectivity but believe people don't want it; that the interconnectivity is only for emergencies and will be addressed; that they are comparing density to just one phase in America Bayside which is the Melson property phase.

The Commission found that there was no one in support of the application.

The Commission found that Christopher W. Magee, Ed Waysz, and Barbara Shamp spoke in opposition to the application; that Mr. Magee stated that the hundred year old meadow has a cesspool from the old house and nobody has dug it up; that they have concerns with drainage; that the tax ditch is three and a half feet deep; that there is a severe drainage issue with the tidal ditch; that the farm field is a buffer for the water to go in; that the tax ditch is feeding all that water from the development and backups; that there are concerns with the pond and that his produce will get wet which will hurt his business; that there are tractors and other ag equipment on the road; that Mr. Waysz stated that Sand Cove Road is not big enough and only 12 feet wide; there they have concerns with the traffic; that when is enough, enough; that Route 54 won't be increased to capacity; that Ms. Shamp stated that she attended a DelDOT meeting and people were angry about the new Royal Farms and DelDOT stated it won't cause any traffic problems; that she can't get out of her development for two and a half months from Thursday to Sunday night; that Hurricane Sandy flooded Route 54 and couldn't get out for 3 days; that there has been two 1000 year storms since Hurricane Sandy that lasted less than 24 hours; that when Route 54 is flooded, people will not be able to evacuate.

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

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to defer action for further consideration for Change of Zone 1827. Motion carried 5-0.

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration for Conditional Use 2098. Motion carried 5-0.

OTHER BUSINESS

Reddenwood Phase II (2016-12)

Final Subdivision Plan

Mrs. Walls advised the Commission that this is a Final Subdivision Plan for a standard subdivision of 53.39 acres +/- into 41 single family lots with open space. Planning & Zoning Commission approved the Preliminary Subdivision Plan on August 25, 2016. The final plan complies with the County Zoning and Subdivision codes and staff is in receipt of all agency approvals. The property is located southwest of the Redden Wood subdivision, south of Neptune Rd., approximately 265 ft. southwest of White Oak Dr. Tax ID: 135-7.00-12.00. Zoning: AR-1 (Agricultural Residential District).

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to approve the final subdivision plan. Motion carried 5-0.

The Farm at Truitt Homestead Assisted Living Facility (S-17-30)

Final Site Plan

Mrs. Walls advised the Commission that this is a Final Site Plan for 88 residential units with a maximum of 120 bedrooms and related services, rehabilitation and community space on a portion of a 23.47 acres parcel of land accessed from Shuttle Road. The Board of Adjustment

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NOVEMBER 16, 2017

P & Z

RECOMMENDATION

FOR APPROVAL

MINUTES OF THE REGULAR MEETING OF NOVEMBER 16, 2017

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, November 16, 2017 in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Ross presiding. The following members of the Commission were present: Mr. Martin Ross, Mr. Doug Hudson, Mr. Keller Hopkins, Ms. Kimberly Hoey-Stevenson, with Mr. Vincent Robertson – Assistant County Attorney, Ms. Janelle Cornwell – Director, Mrs. Jennifer Walls - Planning Manager and Mr. Jamie Whitehouse, Planner III.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to approve the Agenda. Motion carried 4-0

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to defer the Minutes for October 26, 2017. Motion carried 4-0.

OLD BUSINESS

C/Z #1827 Fenwick Commons, LLC

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 located 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: None Available. Tax Map I.D. 533-19.00-52.00

The Commission discussed this application which has been deferred since October 12, 2017.

Mr. Hudson, moved that the Commission recommend approval of Change of Zone #1827 for Fenwick Commons, LLC for a change in zone from AR-1 to MR based upon the record made during the public hearing and for the following reasons:

1. The project is located in the Environmentally Sensitive Developing Area according to the County Comprehensive Land Use Plan. MR Zoning is appropriate in the area according to the Plan.
2. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
3. The property is surrounded by land that is currently zoned MR. In addition, there are other properties in the area that are zoned MR, along with C-1 and B-1 as well as the Bayside project. This rezoning is an infill of MR zoning, and it also consistent with other zoning and land uses in the area.
4. The rezoning to MR will not have an adverse impact on neighboring properties or the community.
5. MR zoning is appropriate for this site because medium density development is appropriate in areas where central water and sewer are available. In this case, sewer service will be provided by Sussex County and adequate wastewater capacity is available.

Water service will be provided by a publicly regulated water company.

Motion by Mr. Hudson, seconded by Mr. Hopkins, and carried three (3) to one (1) to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 3-1. Ms. Stevenson voted against the motion.

C/U #2098 Fenwick Commons, LLC

An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for a multi-family (62 duplex units) structure 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 located 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: None Available. Tax Map I.D. 533-19.00-52.00

The Commission discussed this application which has been deferred since October 12, 2017.

Mr. Hudson, moved that the Commission recommend approval for Conditional Use #2098 for Fenwick Commons, LLC for multi-family dwellings in and MR Medium Density Residential District based upon and for the following reasons:

1. This application seeks the approval of 52 family duplex-type structures on 13.1 acres, for density of approximately 3.9 units per acre.
2. The property is in an area where other residential development has occurred, including the large mixed-use Bayside Development and other single family and multi-family developments. This project is consistent with those nearby uses.
3. The site is in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan.
4. The proposed development will not have an adverse impact on the neighboring properties or roadways.
5. The proposed density is within the allowable density in the MR District, and it is less than the density of the nearby Bayside project at 4.8 residential units per acre.
6. The project will have 41% open space, including preservation of 65% of the existing forest. The design also provides protection to the Hudson Family Cemetery on the site.
7. Although this is a Conditional Use, the items set forth in Section 99-9C of the Subdivision Code have also been favorably addressed by the applicant.
8. The development will be served by central sewer provided by Sussex County.
9. This recommendation is subject to the following conditions.
 - A. The maximum number of residential units shall be 52.
 - B. All entrances, intersections, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
 - C. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - D. The project shall be served by central water to provide drinking water and fire protection.
 - E. Interior Street design shall meet or exceed the Sussex County street design requirements.

- F. As proffered by the applicant, there shall be sidewalks on both sides of all streets and roadways.
- G. The applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including any buffer areas. The landscape plan shall clearly designate all existing forested areas that will be preserved (65% of the existing forested area, according to the Applicant).
- H. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7 am and 6 pm Monday through Saturday.
- I. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
- J. The applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance, repair and replacement of the roads, any buffers and landscaping, stormwater management facilities, erosion and sediment control facilities and other common elements.
- K. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using best management practices.
- L. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion sedimentation control facilities.
- M. The developer, and then the HOA or Condo Association shall protect and preserve the Hudson Family Cemetery on the property by installing a perimeter fence around the cemetery made of wrought iron or anodized aluminum. Parking shall also be provided in common with the amenity area parking lot for the Hudson family members wishing to visit the cemetery. Access to the cemetery shall be shown on the Final Site Plan.
- N. The applicant shall coordinate with the Indian River School district to establish a school bus stop area, which shall be shown on the Final Site Plan if required by the District.
- O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Mr. Hopkins, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4-0.

C/U #2105 Thomas Engel

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a commercial landscaping business with outdoor parking, storage of vehicles, equipment and other ancillary storage related to the business to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 25.156 acres, more or less. The property is located on the northwest side of Doddtown Rd., approximately 1,600 ft. southwest of Harbeson Rd. (Rt.5). 911 Address: 20104 Doddtown Rd., Harbeson. Tax Map I.D. 235-30.00-103.09

The Commission discussed this application which has been deferred since October 26, 2017.

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**NOVEMBER 14, 2017
COUNTY COUNCIL
PUBLIC HEARING
MINUTES**

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 14, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 14, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 575 17
Amend
and
Approve
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the agenda by deleting "Approval of Minutes" and to approve the agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Absent;
Mr. Vincent, Yea**

**Corre-
spondence**

The following letters and cards were received in appreciation of the Human Service grants received: Clothing our Kids, Kent-Sussex Industries, Easter Seals, ITN Southern Delaware, Community Integrated Services, Survivors of Abuse in Recovery (SOAR), Mason Dixon Woodworkers, Alzheimer's Association, Ocean View Historical Society, Bridgeville Senior Center, Delaware Ecumenical Council on Children and Families, Ronald McDonald House of Delaware, Down Syndrome Association of Delaware, Lewes Senior Center, Clear Space Theatre Company, West Side New Beginnings, La Red Health Center, Milford Housing Development Corporation (MHDC).

**Public
Comments**

Public Comments

Susan Brooker from the Delaware Senior Olympics spoke in support of the proposed Sussex Sports Complex.

Dan Kramer commented on and raised questions regarding the proposed Sussex Sports Complex.

**M 589 17
Land
Parcel
2016-9
(continued)**

**Motion Adopted: 5 Yeas.
Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Rules

Mr. Moore read the Rules of Procedure for zoning hearings.

Mr. Moore reported that both of the applications will be consolidated into a single public hearing; however, a vote will be taken on the applications individually.

**Public
Hearings/
CZ 1827
and
CU 2098**

A Public Hearing was held on the Proposed Ordinances entitled “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” (Change of Zone No. 1827) and “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (62 DUPLEX UNITS) STRUCTURE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS” (Conditional Use No. 2098) (Tax I.D. No. 533-19.00-52.00) (911 Address: Not Available).

Janelle Cornwell, Planning and Zoning Director, presented the applications.

Ms. Cornwell reported that three letters of opposition have been received into the record since the Planning and Zoning Commission’s public hearings.

The Planning and Zoning Commission held a Public Hearing on these applications on October 26, 2017 at which time action was deferred on both applications.

(See the minutes of the Planning and Zoning Commission dated October 26, 2017.)

It was noted that an Exhibit Book was previously distributed to Council members.

The Council found that Eugene Bayard, Attorney, was present on behalf of the Applicant with Ken Christenbury of Axiom Engineering, LLC. They stated that the property is in an area that has transitioned from a rural community to a rapidly developing medium density residential area in the Environmentally Sensitive Development District; that the Change of Zone is consistent with the character and trend of development in the immediate

Public Hearings/ CZ 1827 and CU 2098 (continued)

area and will have no adverse impact of any sort on neighboring or nearby properties; that the project will be served with County sewer and central water; that the project to be built on the site will be known as Fenwick Knolls and is planned for 52 residential (duplex) units, a housing type consistent with the character and trend of development in the area and, in particular, Americana Bayside; that this project is not a part of a project with additional phases; that they propose less than 4 units per acre; that a cemetery is located on the site and a study was performed to identify all human remains on the site; that a small strip of wetlands exists on the site; that this property is partially in the boundary of a tax ditch with some rights-of-way near Sand Cove Road; that no Traffic Impact Study was required; and that a Letter of No Objection was issued.

Mr. Bayard and Mr. Christenbury discussed current site conditions; stormwater management; the tax ditch; DelDOT's comments; access to the cemetery; landscaping; the preservation of open space; density; and the PLUS Review.

Public comments were heard.

There were no public comments in support of the application.

Ed Waysz, Barbara Shamp, and Christopher Magee spoke in opposition to the application. They expressed concerns about over-development and the impact of over-development on the area; the amount and depth of water during storms (Superstorm Sandy); drainage; inadequate evacuation routes; too much hardscape; traffic on Route 54; and inadequate infrastructure. They stated that existing infrastructure cannot support more development; that the tax ditch cannot handle additional run-off; that the project is out of character with the area; and that potential buyers should be made aware of farming operations in the area. Mr. Waysz and Ms. Shamp discussed the need for a moratorium on new development, and the need for a TID and a Master Plan.

There were no additional public comments.

The Public Hearing and public record were closed.

M 590 17 Defer Action/ CZ 1827

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on Change of Zone No. 1827 filed on behalf of Fenwick Commons, LLC.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

M 591 17

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on Conditional Use No. 2098 filed on behalf of Fenwick Commons, LLC.

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**DECEMBER 12, 2017
COUNTY COUNCIL
MEETING MINUTES**

(Con't.)

noted that they had received 52 public complaints regarding signage, the majority of which included billboards and electronic message center (EMC) signs; the complaints were primarily in regard to brightness. Mr. Hickman made inspection for all complaints that resulted in 39 violation letters, with only 6 still outstanding. It was noted that he has inspected every billboard and EMC sign within the County to ensure compliance. Included in their PowerPoint presentation were examples of signage not in compliance, as well as before and after pictures. When noncompliance is found, a violation letter is mailed; it was noted that most individuals are very eager to rectify and address any issues. Mr. Hickman is also responsible for sending out the annual invoices for all signage in the County, which averages between 80 to 150 invoices per month. When sending out site plan review letters, a note is also included as to the need for a permit if signage will be included. Mr. Hickman has access to a phone app that allows a picture to be taken of a sign which, in turn, computes the square footage and height of the sign to allow compliance to be immediately known; a light meter also has the ability to measure brightness. It was reported that customer service and the permitting process has been improved. Typically, a person would have to bring the required paperwork into the Planning and Zoning Office, but the sign permit application has been revamped and applicants can now email their paperwork. Once approval has been given and payment for the permit has been received, the permit is emailed back to the applicant. If an unresolved issue is turned over to the Constable's Office, a fee of up to \$100 is possible for noncompliance; this action has not been needed at this point.

Council expressed their appreciation for a job well done and acknowledged the work involved in the enforcement of the County's sign ordinance.

Old
Business/
C/Z 1827 &
C/U 2098
Fenwick
Commons

Under Old Business, the Council discussed the Proposed Ordinances entitled, "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" (Change of Zone No. 1827) and "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (62 DUPLEX UNITS) STRUCTURE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS" (Conditional Use No. 2098) both filed on behalf of Fenwick Commons, LLC.

Ms. Cornwell noted that the Planning and Zoning Commission held a Public Hearing on these applications on October 12, 2017 at which time action was deferred on both applications; the Commission again deferred action on both applications on October 26, 2017. On November 16, 2017, the Commission recommended that C/Z 1827 be approved and that C/U 2098 be approved with 9 conditions.

(Con't.) The Council held a Public Hearing on these applications on November 14, 2017, at which time action was deferred (Public Hearing and public record were closed).

Mr. Arlett requested that action be deferred on both C/Z 1827 and C/U 2098 to allow further review of Planning & Zoning's record.

M 647 17
C/Z 1827
Fenwick
Commons
Defer Action

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to defer action on C/Z 1827 filed on behalf of Fenwick Commons, LLC.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

M 648 17
C/U 2098
Fenwick
Commons
Defer Action

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to defer action on C/U 2098 filed on behalf of Fenwick Commons, LLC.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Grant
Requests

Ms. Jennings presented the following grant requests for the Council's consideration.

M 649 17
Council-
manic
Grant/
Nanticoke
Health
Foundation

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$250.00 from Mr. Vincent's Councilmanic Grant Account to the Nanticoke Health Foundation for their prescription drug fund.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

M 650 17
Council-
manic
Grant/
Rehoboth
Historical
Society

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$2,500 from Mr. Cole's Councilmanic Grant Account to the Rehoboth Beach Historical Society for their capital campaign.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

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**JANUARY 23, 2018
COUNTY COUNCIL
DENIAL**

**M 058 18
Adopt
Ordinance
No. 2542/
CU 2075
(continued)**

jogging, and bike paths throughout the subdivision as shown on the Preliminary Site Plan.

- J. The undisturbed forested areas shall be shown on the Final Site Plan.**
- K. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- L. A school bus stop area with parking shall be located within the project. The Developer shall coordinate and cooperate with the local school district's transportation manager to establish the school bus stop area. The location of the bus stop area, with the approval of the local school district, shall be shown on the Final Site Plan.**
- M. The Applicant shall provide agricultural buffers and wetland buffers, as necessary, in accordance with the applicable regulations. The Agricultural Use Notice shall be included in covenants, conditions, and restrictions or instruments of conveyance.**
- N. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.**
- O. The Developer shall design and install a landscape buffer of berms and plantings running South to North along the entire property boundary with John J. Williams Highway (Route 24) and running East to West along the entire property boundary with the relocated Sloan Road (County Road 49). The Final Site Plan shall contain a landscape plan showing the proposed design and vegetation of all landscape buffer areas.**
- P. The interior street design shall be in accordance with or exceed Sussex County street requirements and/or specifications. Street design shall include curbs, sidewalks, and street lighting.**
- Q. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and Saturday between the hours of 8:00 a.m. and 5:00 p.m.**
- R. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Sussex County Office of Planning and Zoning.**
- S. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Old
Business/
CZ 1827
and
CU 2098**

Under Old Business, the Council discussed Change of Zone No. 1827 and Conditional Use No. 2098 filed on behalf of Fenwick Commons, LLC.

The Planning and Zoning Commission held a Public Hearing on these applications on October 12, 2017. On November 16, 2017, the Commission recommended approval of Change of Zone No. 1827 and Conditional Use

**Old
Business
(continued)**

No. 2098, with conditions.

The County Council held a Public Hearing on these applications on November 14, 2017 at which time action was deferred for further consideration.

**M 059 18
Adopt
Proposed
Ordinance/
CZ 1827**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled "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" (Change of Zone No. 1827) filed on behalf of Fenwick Commons, LLC.

DENIED

Motion Denied: 3 Nays, 2 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Nay;
Mr. Wilson, Yea; Mr. Cole, Nay;
Mr. Vincent, Nay**

**M 060 18
Adopt
Proposed
Ordinance/
CU 2098**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (62 DUPLEX UNITS) STRUCTURE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS" (Conditional Use No. 2098) (Tax I.D. No. 533-19.00-52.00) (911 Address: Not Available).

DENIED

Motion Denied: 5 Nays.

**Vote by Roll Call: Mr. Arlett, Nay; Mr. Burton, Nay;
Mr. Wilson, Nay; Mr. Cole, Nay;
Mr. Vincent, Nay**

**Grant
Request**

Mrs. Jennings presented a grant request for the Council's consideration.

**M 061 18
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett to give \$150.00 from Mr. Wilson's Councilmanic Grant Account to the Greenwood Memorial VFW Post Ladies Auxiliary 7478 for convention book.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

7

ZONING APPLICATIONS, PLUS AND DELDOT EXTENSIONS

Ken Christenbury

From: Ann Lepore <ann.lepore@sussexcountyde.gov>
Sent: Wednesday, January 23, 2019 1:30 PM
To: ken@axeng.com
Subject: Re: your questions regarding DeDOT letter

Ken,

You can reapply – if the letter from DeDOT is good for five years – that is acceptable.

Re: Bridgeville – Well head protection – Janelle has not heard any information yet.

Ann

Ann Lepore
Clerk II
Sussex County Council
Planning & Zoning Dept.
2 The Circle, PO Box 417
Georgetown, DE 19947

302-855-7878

From: Bayer, Stephen G (OMB)
To: "ken@axeng.com"
Subject: RE: PLUS 2017-01-02 - RE: 0004-0502 Fenwick Commons Duplex Residential
Date: Monday, January 28, 2019 11:21:49 AM

Hi Ken,

As long as Sussex County is OK with it not coming back through PLUS we won't require it to come back.

Please feel free to give me a call or e-mail with any questions.

Thanks much,
-Steve Bayer

Steve Bayer
Planner
Delaware Office of State Planning Coordination
Haslet Armory
122 Martin Luther King Jr. Boulevard, South
Dover, DE 19901
(302) 739-3090
(302) 739-5661 fax
<http://stateplanning.delaware.gov/>

From: Ken Christenbury <ken@axeng.com>
Sent: Wednesday, January 23, 2019 2:27 PM
To: Bayer, Stephen G (OMB) <stephen.bayer@state.de.us>; Morris, Dorothy (OMB) <Dorothy.Morris@state.de.us>
Cc: Axiom <axiom@axeng.com>
Subject: RE: PLUS 2017-01-02 - RE: 0004-0502 Fenwick Commons Duplex Residential

Steve/Dorothy,

My client's zoning application for this project was denied a year ago. Since it has been a year, we are eligible for re-applying for the same zoning that was filed for at that time.

Will you require that the 52 unit project to come through PLUS again?

Thank you,

Ken

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**

Southwest Corner of Lighthouse Road (DE RTE 54, SCR 58) and Sand Cove Road (SCR 394)

Type of Conditional Use Requested:Tax Map #: 5-33-19, Parcel 52Size of Parcel(s): 13.33Current Zoning: AR-1Proposed Zoning: MR/CU

Size of Building: _____

Land Use Classification: Low Density / EDOZWater Provider: ArtesianSewer Provider: Sussex County**Applicant Information**Applicant Name: Fenwick Commons, LLC C/O Joel M. Farr, ManagerApplicant Address: 13 Brighton StreetCity: Ocean ViewState: DEZip Code: 19970Phone #: (443) 250-0092E-mail: joelfarr82@gmail.com**Owner Information**Owner Name: Fenwick Commons, LLC C/O Joel M. Farr, ManagerOwner Address: 13 Brighton StreetCity: Ocean ViewState: DEZip Code: 19970Phone #: (443) 250-0092E-mail: joelfarr82@gmail.com**Agent/Attorney/Engineer Information**Agent/Attorney/Engineer Name: Axiom Engineering, LLC - C/O Kenneth R. Christenbury, P.E.Agent/Attorney/Engineer Address: 18 Chestnut StreetCity: GeorgetownState: DEZip Code: 19947Phone #: (302) 855-0810E-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.

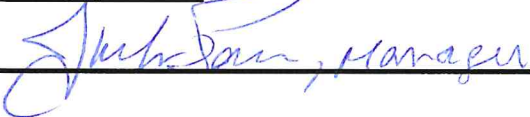
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 7-11-19

Signature of Owner



Date: 7-11-19

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

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**

Southwest Corner of Lighthouse Road (DE RTE 54, SCR 58) and Sand Cove Road (SCR 394)

Type of Conditional Use Requested:

62 Duplex (semi-detached) housing units

Tax Map #: 5-33-19, Parcel 52**Size of Parcel(s):** 13.33**Current Zoning:** _____ **Proposed Zoning:** _____ **Size of Building:** _____**Land Use Classification:** Low Density / EDOZ**Water Provider:** Artesian**Sewer Provider:** Sussex County**Applicant Information**Applicant Name: Fenwick Commons, LLC C/O Joel M. Farr, ManagerApplicant Address: 13 Brighton StreetCity: Ocean View State: DE Zip Code: 19970Phone #: (443) 250-0092 E-mail: joelfarr82@gmail.com**Owner Information**Owner Name: Fenwick Commons, LLC C/O Joel M. Farr, ManagerOwner Address: 13 Brighton StreetCity: Ocean View State: DE Zip Code: 19970Phone #: (443) 250-0092 E-mail: joelfarr82@gmail.com**Agent/Attorney/Engineer Information**Agent/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.

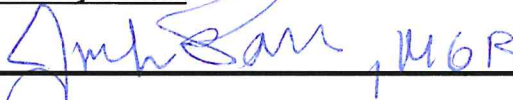
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 7/11/19

Signature of Owner



Date: 7-11-19

For office use only:

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

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Subdivision: _____

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

Date of CC Hearing: _____ Decision of CC: _____

62-87/311

1396

FENWICK COMMONS LLC
13 BRIGHTON ST.
OCEAN VIEW, DE 19970



DATE

7-9-19

PAY TO THE ORDER OF Sussex County Council \$ 5000.00

Heat Reactive Ink

← DOLLARS

Five Hundred xx/100

Sussex County Bank
5-33-19 Parcel 52
Rehoboth Beach, DE 19971

MEMO

Conditional Use Application

⑆03⑆⑆008⑆2⑆⑆396⑆0⑆⑆03⑆⑆⑆⑆⑆20⑆⑆⑆

LOOK FOR FRAUD DETERRING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT REACTIVE INK DETAILS ON BACK.

62-87/311

1397

FENWICK COMMONS LLC
13 BRIGHTON ST.
OCEAN VIEW, DE 19970



DATE

7-9-19

PAY TO THE ORDER OF Sussex County Council \$ 5000.00

Heat Reactive Ink

← DOLLARS

Five Hundred xx/100

Sussex County Bank
5-33-19 Parcel 52
Rehoboth Beach, DE 19971

MEMO

Zoning Map Amend

⑆03⑆⑆008⑆2⑆⑆397⑆0⑆⑆03⑆⑆⑆⑆⑆20⑆⑆⑆

LOOK FOR FRAUD DETERRING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT REACTIVE INK DETAILS ON BACK.

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SITE DATA TABLE & CONDITIONAL USE SITE PLAN

SITE DATA:

OWNER:	FENWICK COMMONS, LLC. 13 BRIGHTON STREET OCEAN VIEW, DE. 19970 (443) 250-0092
TAX MAP	533-19.00-52.00
DEED REFERENCE	DB 2934 - PG 236
STATE INVESTMENT LEVEL	2 & 3
CURRENT ZONING	AR-1
PROPOSED ZONING	MR / CONDITIONAL USE
EXISTING USE	AGRICULTURAL
PROPOSED USE	SINGLE FAMILY ATTACHED (DUPLEX) DWELLINGS
PROPOSED DWELLING UNITS	52
TOTAL SITE AREA	13.33± AC.
DENSITY	3.90 DWELLING UNITS/ACRE
REQUIRED LOT SIZE	
MIN. WIDTH	N/A
MIN. DEPTH	N/A
MIN. AREA	3,630 SQ. FT.
BUILDING SETBACKS	
FRONT	40'
CORNER	15'
SIDE	10'
REAR	10'
MAXIMUM BUILDING HEIGHT	42' MAX.
WATER SUPPLY	ARTESIAN
SEWAGE DISPOSAL	SUSSEX COUNTY

SITE AREA CALCULATIONS:

R.O.W. DEDICATION TO STATE OF DELAWARE	0.52± AC.
PRIVATE ROAD R.O.W.	1.77± AC.
LOTS	5.10± AC.
OPEN SPACE	5.94± AC. (46%)
<hr/>	
TOTAL SITE AREA	13.33± AC.

OPEN SPACE BREAK DOWN:

<u>PARCEL A-1 OPEN SPACE</u>	<u>5.87± AC. (TOTAL)</u>
FOREST PRESERVATION	0.85± AC.
FOREST BUFFER PLANTED	0.99± AC.
DELDOT PERMANENT EASEMENT (SHARED USE PATH)	0.44± AC.
STORMWATER MANAGEMENT POND 1	1.78± AC.
CEMETERY CONSERVATION EASEMENT	0.29± AC.
OTHER OPEN SPACE	1.50± AC.

<u>PARCEL A-2 OPEN SPACE</u>	<u>0.06± AC. (TOTAL)</u>
NON-TIDAL WATERS OF THE U.S.	0.02± AC.
DELDOT PERMANENT EASEMENT (SHARED USE PATH)	0.03± AC.
OTHER OPEN SPACE	0.01± AC.

<u>PARCEL A-3 OPEN SPACE</u>	<u>0.02± AC. (TOTAL)</u>
NON-TIDAL WATERS OF THE U.S.	0.01± AC.
DELDOT PERMANENT EASEMENT	0.02± AC.

EXISTING FOREST ON PROPERTY	<u>1.26± AC.</u>
FOREST TO REMAIN	0.85± AC. (68%)
FOREST CLEARED	0.41± AC. (3%)

NOTES:

- 1) FORESTED BUFFERS, STREETS, SHARED USE PATHS, SIDEWALKS, 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.
- 2) 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.
- 3) 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 ON ANY EASEMENT.
- 4) BOUNDARY & TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN MARCH 2017.
- 5) ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
- 6) THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
- 7) THE PROPERTY HAS BEEN INVESTIGATED BY ENVIRONMENTAL RESOURCES, INC FOR THE PRESENCE OF JURISDICTIONAL WETLANDS AND WAS FOUND TO BE FREE OF WETLANDS WEST OF SAND COVE ROAD. WETLANDS LOCATED IN DRUM CREEK BELD WILL BE FIELD DELINEATED AND LOCATED PRIOR TO THE PREPARATION OF FINAL PLANS.
- 8) THERE IS AN EXISTING CEMETERY DELINEATED BY EDWARD OTTER, INC., ARCHEOLOGIST. ANY DESCENDANTS OF THOSE INTERED IN THE GRAVEYARD ARE PERPETUALLY GRANTED ACCESS VIA THE SUBDIVISION ROAD TO THE OPEN SPACE BELIEVED TO CONTAIN THE GRAVEYARD.
- 9) PROJECT WILL BE BUILT IN A SINGLE PHASE.

DEL. D.O.T. NOTES:

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
2. ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
4. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY.
5. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
6. THE SIDEWALK AND SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
7. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
8. PHASE 1 ENTRANCE CONSTRUCTION WILL CONSIST OF A HAMMERHEAD ENTRANCE ALONG WEST SAND COVE ROAD AND THE SHARED-USE PATH (SHP) ALONG THE DELAWARE ROUTE 54 FRONTAGE. NO CERTIFICATES OF OCCUPANCY WILL BE ISSUED UNTIL PHASE 1 WORK HAS BEEN INSPECTED AND ACCEPTED.
9. PRIOR TO THE ISSUANCE OF BUILDING PERMIT 21, THE REQUIRED RIGHT-TURN DECELERATION LANE, 5' BIKE LANE, AND 5' PAVED SHOULDER ON THE SOUTHWEST SIDE OF W. SAND COVE ROAD (5394) SITE FRONTAGE ENDING AT THE PROPOSED SUP CROSSING ARE REQUIRED TO BE CONSTRUCTED AND OPEN TO TRAFFIC.
10. SUP CROSSING TO BE MARKED WITH ENHANCED SIGNING AND STRIPING PER NCHRP 562 ANALYSIS.
11. ADDITIONAL 4' OF ROW ALONG DELAWARE ROUTE 54 AND W. SAND COVER ROAD AS ESTABLISHED ON PLANS REQUIRED BY DELDOT TO ACCOMMODATE POTENTIAL FUTURE OFF-SITE INTERSECTION IMPROVEMENTS TO ADDRESS EXISTING CONDITIONS.

LANDS OF FENWICK COMMONS, LLC
APRIL 12, 2018

ROAD	WEST SAND COVE ROAD (SUSSEX COUNTY ROAD 394)	
FUNCTIONAL CLASSIFICATION	LOCAL ROADWAY	
AADT (2016 DELAWARE VEHICLE VOLUME SUMMARY)		= 905
10 YR PROJECTED AADT = 1,116 X 905		= 1,030
10 YR PROJECTED AADT + SITE ADT (239)		= 1,269
DIRECTIONAL SPLIT = 61.81% / 38.19%		
PEAK HOUR = 1,050 X 15.43%		= 162
6.28 TRUCK % X 162		= 10
SPEED = POSTED		= 50
TRAFFIC PATTERN GROUP		= 7

NOTE: SITE HAS FRONTAGE ALONG DELAWARE ROUTE 54 (LIGHTHOUSE ROAD & SUSSEX ROAD 058). NO ACCESS IS PROPOSED ALONG DELAWARE ROUTE 54. DELAWARE ROUTE 54 IS LISTED AS A MAJOR COLLECTOR AND IS POSTED WITH A 50 MPH SPEED LIMIT.

LEGEND

- WVDY ADT
- AM PEAK
- PM PEAK
- TRIP DISTRIBUTION DERIVED FROM MELSON PROPERTY RECORD PLAN APPROVED BY DELDOT ON JULY 27, 2016

SITE TRIPS GENERATED - PROPOSED

TYPE OF DEV.	CODE	UNITS	AM	PM	ADT	ADT
SINGLE FAMILY DETACHED DWELLING	210	25	19	25	236	239

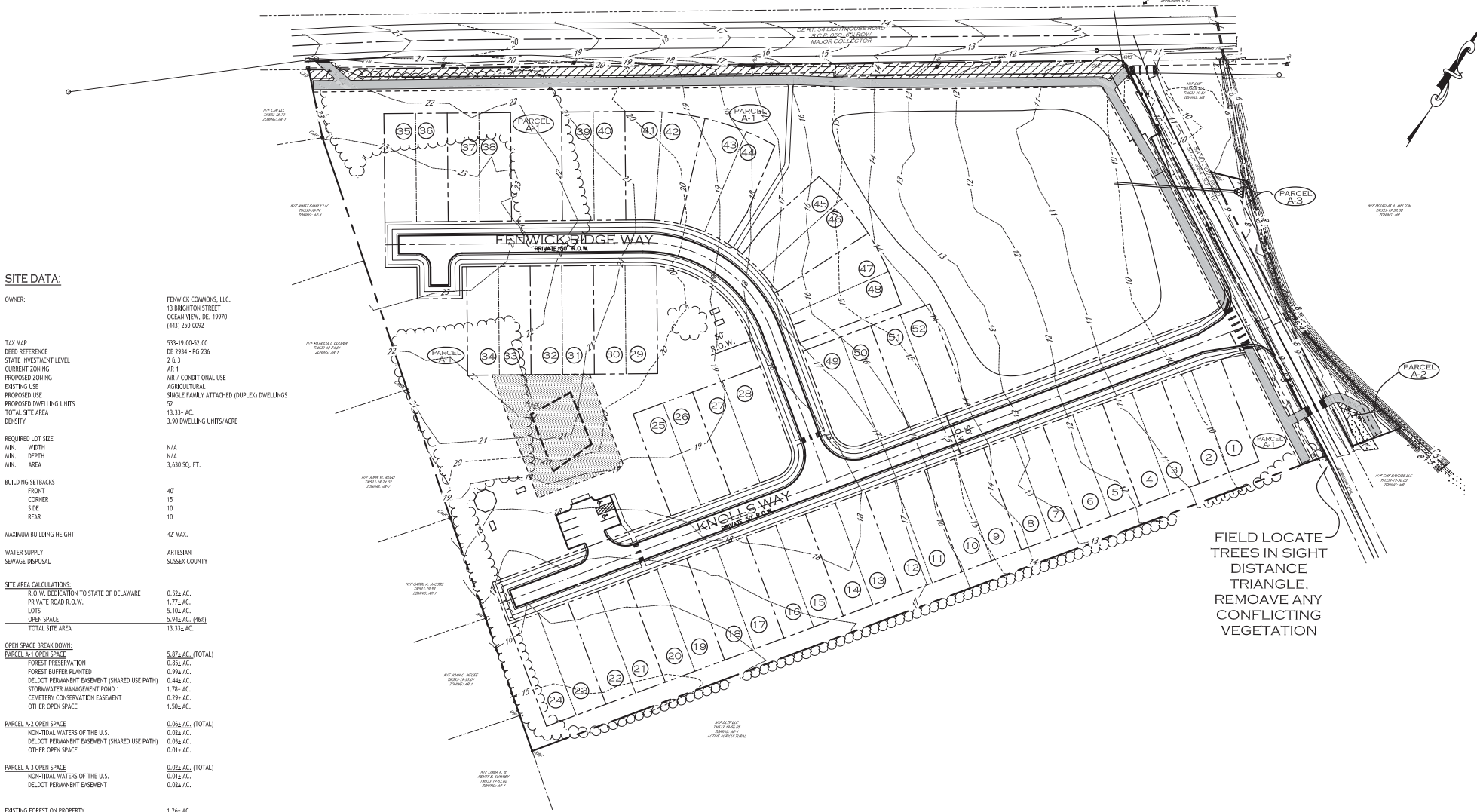
NOTES:

- TRIP GENERATION IS BASED ON ITE TRIP GENERATION MANUAL 10TH EDITION.
- DESIGN PEAK HOURS CONSISTENT WITH MELSON PROPERTY RECORD PLAN APPROVED BY DELDOT ON JULY 27, 2016
- DESIGN VEHICLE: SU-30
- TRUCK (LIGHT DUTY) PERCENTAGE FOR SITE EQUALS 1%.

REV	DESCRIPTION OF REVISION	DATE	BY

PRELIMINARY SUBDIVISION PLAN FOR THE LANDS OF FENWICK COMMONS, LLC

BAY KNOLLS CLUSTER SUBDIVISION



FIELD LOCATE TREES IN SIGHT DISTANCE TRIANGLE. REMOVE ANY CONFLICTING VEGETATION

SITE DATA:

OWNER: FENWICK COMMONS, LLC
13 BRIGHTON STREET
OCEAN VIEW, DE. 19970
(410) 230-0292

TAX MAP: 533-19-00-52.00
08 2934 - PG 236
2 & 3

DEED REFERENCE: STATE INVESTMENT LEVEL
CURRENT ZONING: AR-1
PROPOSED ZONING: AR-1 (CONDITIONAL USE)
EXISTING USE: AGRICULTURAL
PROPOSED USE: SINGLE FAMILY ATTACHED (DUPEX) DWELLINGS
PROPOSED DWELLING UNITS: 52
TOTAL SITE AREA: 13.33 AC.
DENSITY: 3.90 DWELLING UNITS/ACRE

REQUIRED LOT SIZE:
MIN. WIDTH: N/A
MIN. DEPTH: N/A
MIN. AREA: 3,000 SQ. FT.

BUILDING SETBACKS:
FRONT: 40'
CORNER: 15'
SIDE: 10'
REAR: 10'

MAXIMUM BUILDING HEIGHT: 42' MAX.

WATER SUPPLY: ARTESIAN
SEWAGE DISPOSAL: SUSSEX COUNTY

SITE AREA CALCULATIONS:
R.O.W. DEDUCTION TO STATE OF DELAWARE PRIVATE ROAD R.O.W.: 0.52 AC.
1.77 AC.
LOTS: 5.10 AC.
OPEN SPACE: 5.94 AC. (48%)
TOTAL SITE AREA: 13.33 AC.

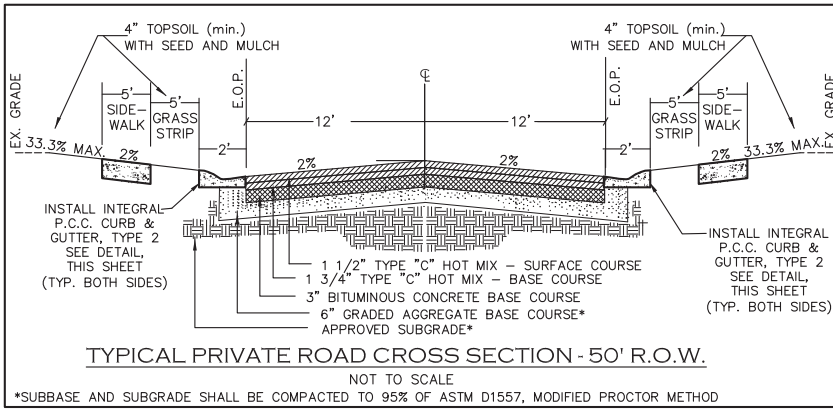
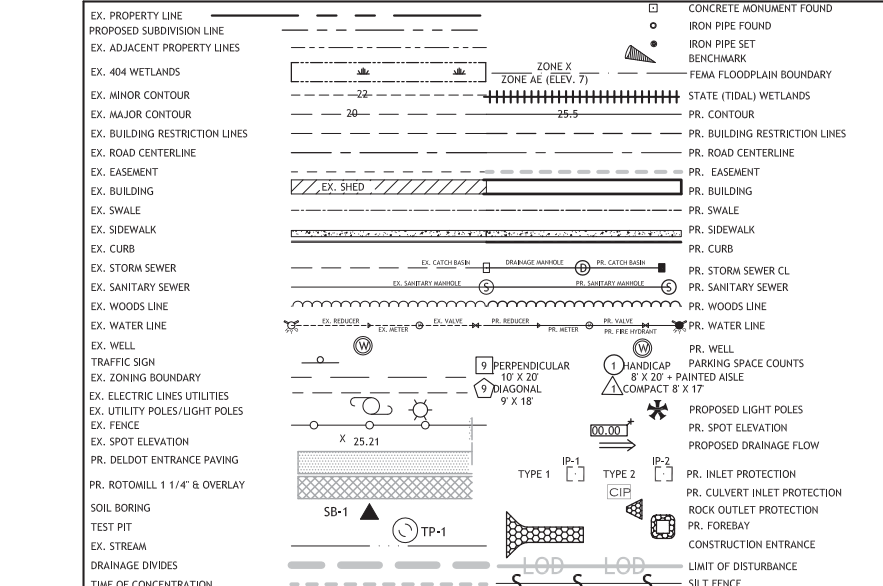
OPEN SPACE BREAK DOWN:
PARCEL A-1 OPEN SPACE: 5.87 AC. (TOTAL)
FOREST PRESERVATION: 0.85 AC.
FOREST BUFFER PLANTED: 0.99 AC.
DELDOT PERMANENT EASEMENT (SHARED USE PATH): 0.44 AC.
STORMWATER MANAGEMENT POND 1: 1.76 AC.
CEMETERY CONSERVATION EASEMENT: 0.29 AC.
OTHER OPEN SPACE: 1.50 AC.

PARCEL A-2 OPEN SPACE: 0.06 AC. (TOTAL)
NON-TIDAL WATERS OF THE U.S.: 0.02 AC.
DELDOT PERMANENT EASEMENT (SHARED USE PATH): 0.02 AC.
OTHER OPEN SPACE: 0.01 AC.

PARCEL A-3 OPEN SPACE: 0.02 AC. (TOTAL)
NON-TIDAL WATERS OF THE U.S.: 0.01 AC.
DELDOT PERMANENT EASEMENT: 0.02 AC.

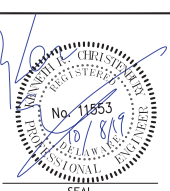
EXISTING FOREST ON PROPERTY: 1.26 AC.
FOREST TO REMAIN: 0.56 AC. (48%)
FOREST CLEARED: 0.41 AC. (31%)

LEGEND



ENGINEER: KRC
DESIGNER: KRC
DRAFTER: E.W.
CHECKED BY: KRC
DATE: 7/16/2019
TAX MAP: 5-33-19, 52

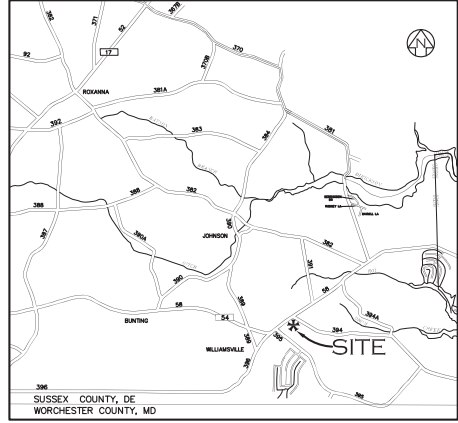
24" x 36" 1 inch = ft. 80
11" x 17" 1 inch = ft. 160



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

CONDITIONAL USE SITE PLAN
LANDS OF FENWICK COMMONS, LLC
BAY KNOLLS
MR/CU APPLICATION
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

PROJECT NO: 0004-0502
DRAWING: P-1
SHEET: 1 OF 2



LOCATION MAP
SCALE 1" = 1 MILE

CONDITIONS OF APPROVAL:

1. THE MAXIMUM NUMBER OF RESIDENTIAL LOTS SHALL NOT EXCEED 52.
2. INTERIOR STREET DESIGN SHALL COMPLY WITH OR EXCEED SUSSEX COUNTY STANDARDS AND SHALL INCLUDE SIDEWALKS ON BOTH SIDES OF THE STREET AND STREET LIGHTING.
3. ALL ENTRANCES, INTERSECTIONS, ROADWAY IMPROVEMENTS, AND MULTI-MODAL FACILITIES REQUIRED BY DELDOT SHALL BE COMPLETED BY THE APPLICANT AS REQUIRED BY DELDOT AND WITHIN THE TIME PERIODS REQUIRED.
4. THE PROJECT'S AMENITY PACKAGE SHALL BE COMPLETE PRIOR TO THE ISSUANCE OF THE 26TH BUILDING PERMIT.
5. ALL LOTS SHALL BE SERVED BY A SUSSEX COUNTY WASTEWATER TREATMENT SYSTEM.
6. ALL LOTS SHALL BE SERVED BY AN ARTESIAN WATER COMPANY CENTRAL POTABLE DRINKING WATER SYSTEM.
7. STORM WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE STATE AND COUNTY REQUIREMENTS AND SHALL BE OPERATED UTILIZING BEST MANAGEMENT PRACTICES TO PROVIDE POSITIVE GROUNDWATER RECHARGE.
8. NO WETLANDS SHALL BE INCLUDED IN INDIVIDUAL LOTS.
9. THE DEVELOPER SHALL PROTECT THE HUDSON FAMILY CEMETERY ON THE PROPERTY BY INSTALLING A PERIMETER FENCE AROUND THE CEMETERY MADE OF WROUGHT IRON OF ANODIZED ALUMINUM AND WILL ALLOW STREET PARKING FOR THOSE WISHING TO VISIT THE CEMETERY. ACCESS TO THE CEMETERY WILL BE SHOWN ON THE FINAL RECORD PLAN.
10. A HOMEOWNERS' ASSOCIATION SHALL BE FORMED TO PROVIDE FOR THE PERPETUAL MAINTENANCE, REPAIR AND REPLACEMENT OF BUFFERS, STORMWATER MANAGEMENT FACILITIES, RECREATIONAL FACILITIES AND OTHER COMMON AREAS, IN COMPLIANCE WITH DUCOIA.
11. ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO THE APPROVAL OF THE SUSSEX COUNTY MAPPING AND ADDRESSING DEPARTMENT.
12. THE APPLICANT SHALL COORDINATE AND COOPERATE WITH THE INDIAN RIVER SCHOOL DISTRICT'S TRANSPORTATION MANAGER TO ESTABLISH A SCHOOL BUS STOP AREA, IF THE SCHOOL DISTRICT REQUIRES.
13. FINAL SITE PLAN REVIEW AND APPROVAL BY THE PLANNING AND ZONING COMMISSION SHALL BE REQUIRED.

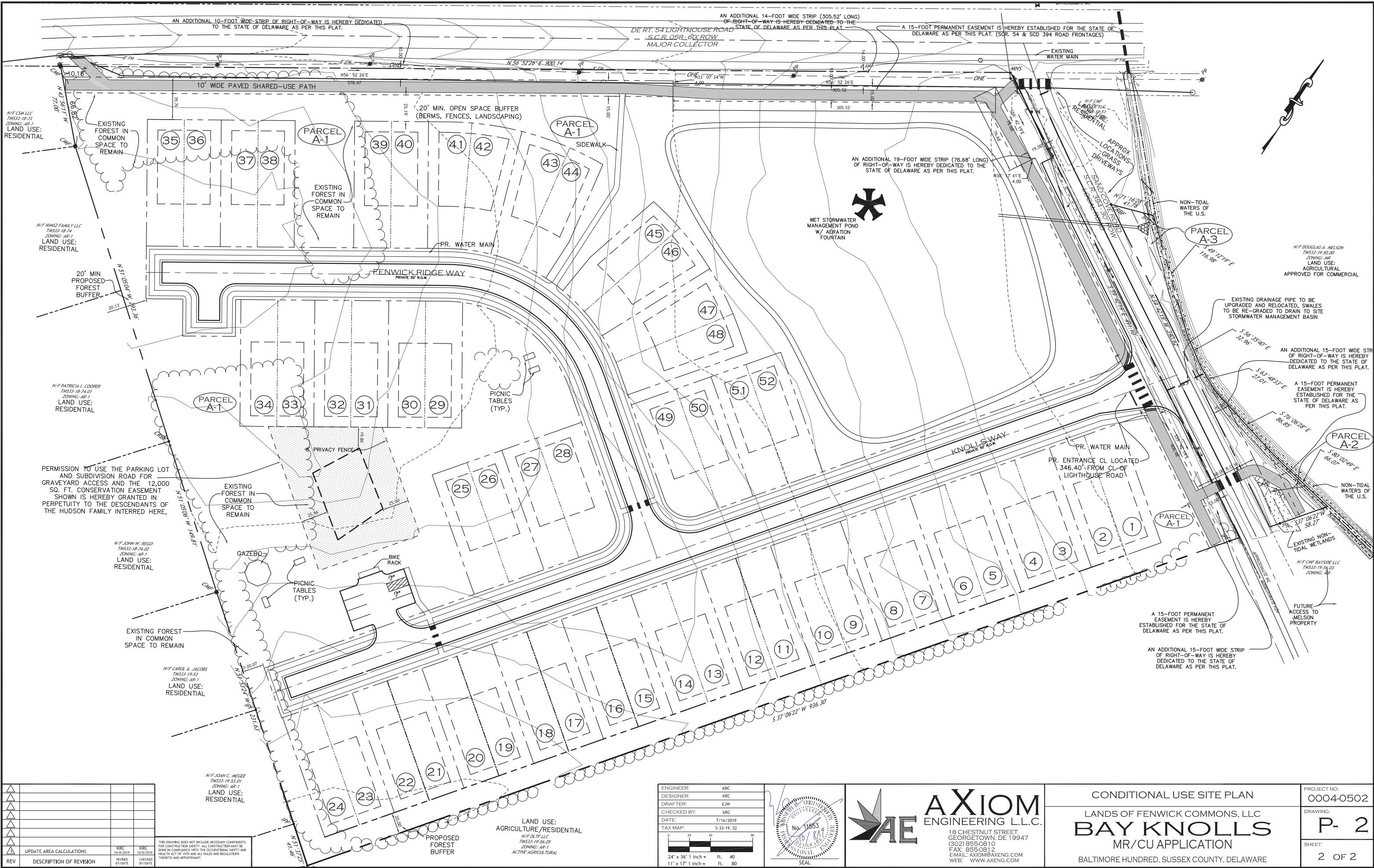
OWNER CERTIFICATION:
I HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND EXISTING THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE - FENWICK COMMONS L.L.C. DATE

PRINTED NAME PRINTED TITLE

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 OTHER THAN THE PROPERTY BOUNDARY AND EXISTING TOPOGRAPHY, IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED PROFESSIONAL STANDARDS AND PRACTICES AND BY THE ORDINANCES OF SUSSEX COUNTY AND THE LAWS OF THE STATE OF DELAWARE.

KENNETH R. CHRISTENBURY, P.E. - DE. LICENSE NO. 11853 DATE



REV	DESCRIPTION OF REVISION	KRC	DATE
1	UPDATE AREA CALCULATIONS	KRC	10/12/2019
2		KRC	10/12/2019
3		KRC	10/12/2019
4		KRC	10/12/2019
5		KRC	10/12/2019
6		KRC	10/12/2019
7		KRC	10/12/2019
8		KRC	10/12/2019
9		KRC	10/12/2019
10		KRC	10/12/2019
11		KRC	10/12/2019
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46		KRC	10/12/2019
47		KRC	10/12/2019
48		KRC	10/12/2019
49		KRC	10/12/2019
50		KRC	10/12/2019
51		KRC	10/12/2019
52		KRC	10/12/2019

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 APPROPRIATE.

LAND USE:
AGRICULTURE/RESIDENTIAL
NIF OLTF, LLC
TMS33-19-36.05
ZONING: AR-1
ACTIVE AGRICULTURAL

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	EJW
CHECKED BY:	KRC
DATE:	7/16/2019
TAX MAP:	5-33-19, 52



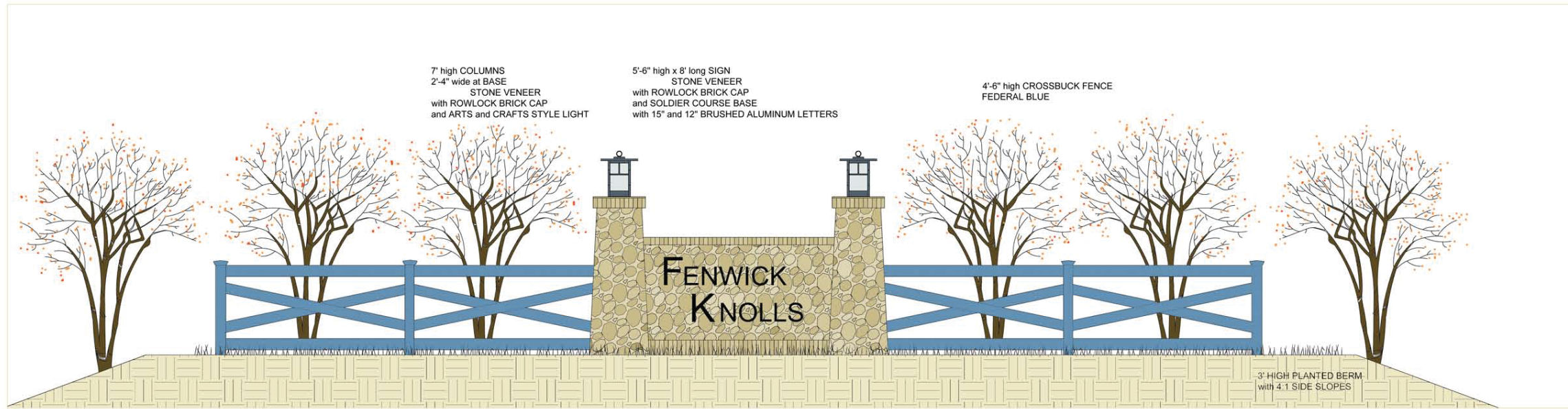
AXIOM ENGINEERING L.L.C.
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CONDITIONAL USE SITE PLAN
LANDS OF FENWICK COMMONS, LLC
BAY KNOLLS
MR/CU APPLICATION
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

PROJECT NO:
0004-0502
DRAWING:
P- 2
SHEET:
2 OF 2

9

LANDSCAPE DETAILS



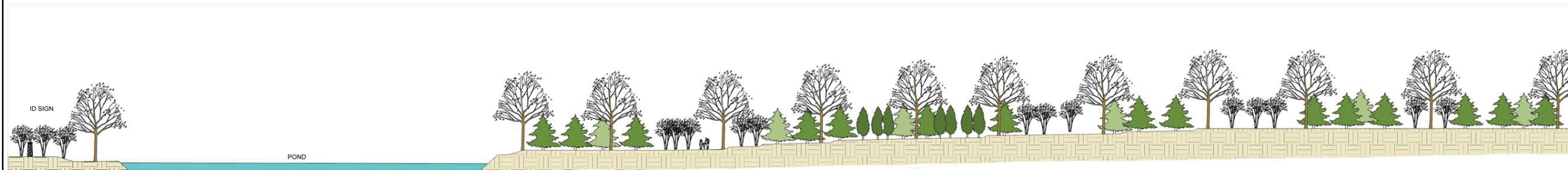
7' high COLUMNS
2'-4" wide at BASE
STONE VENEER
with ROWLOCK BRICK CAP
and ARTS and CRAFTS STYLE LIGHT

5'-6" high x 8' long SIGN
STONE VENEER
with ROWLOCK BRICK CAP
and SOLDIER COURSE BASE
with 15" and 12" BRUSHED ALUMINUM LETTERS

4'-6" high CROSSBUCK FENCE
FEDERAL BLUE

3' HIGH PLANTED BERM
with 4:1 SIDE SLOPES

SECTION / ELEVATION
ENTRANCE IDENTIFICATION SIGN
CORNER OF LIGHTHOUSE ROAD & SAND COVE ROAD
SCALE: 1/2" = 1'-0"



SECTION / ELEVATION
LIGHTHOUSE ROAD BUFFER PLANTING with
BERMS and CANOPY, FLOWERING and EVERGREEN TREES
SCALE: 1" = 20'-0"

STATEMENT OF ACCURACY
I, MATTHEW SPONG, HEREBY STATE THAT I AM A REGISTERED
LANDSCAPE ARCHITECT BY THE STATE OF DELAWARE. THAT THE
INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY
SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF
REPRESENTS GOOD LANDSCAPE ARCHITECTURAL PRACTICES AS
REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF
DELAWARE.

DATE: _____
MATTHEW SPONG #128-E

DATE: 08/17/24
COMPAR: 1000
SCALE: 1/2" = 1'-0"
SHEET: 02
DESIGNED BY: MTS
CHECKED BY: MTS

10

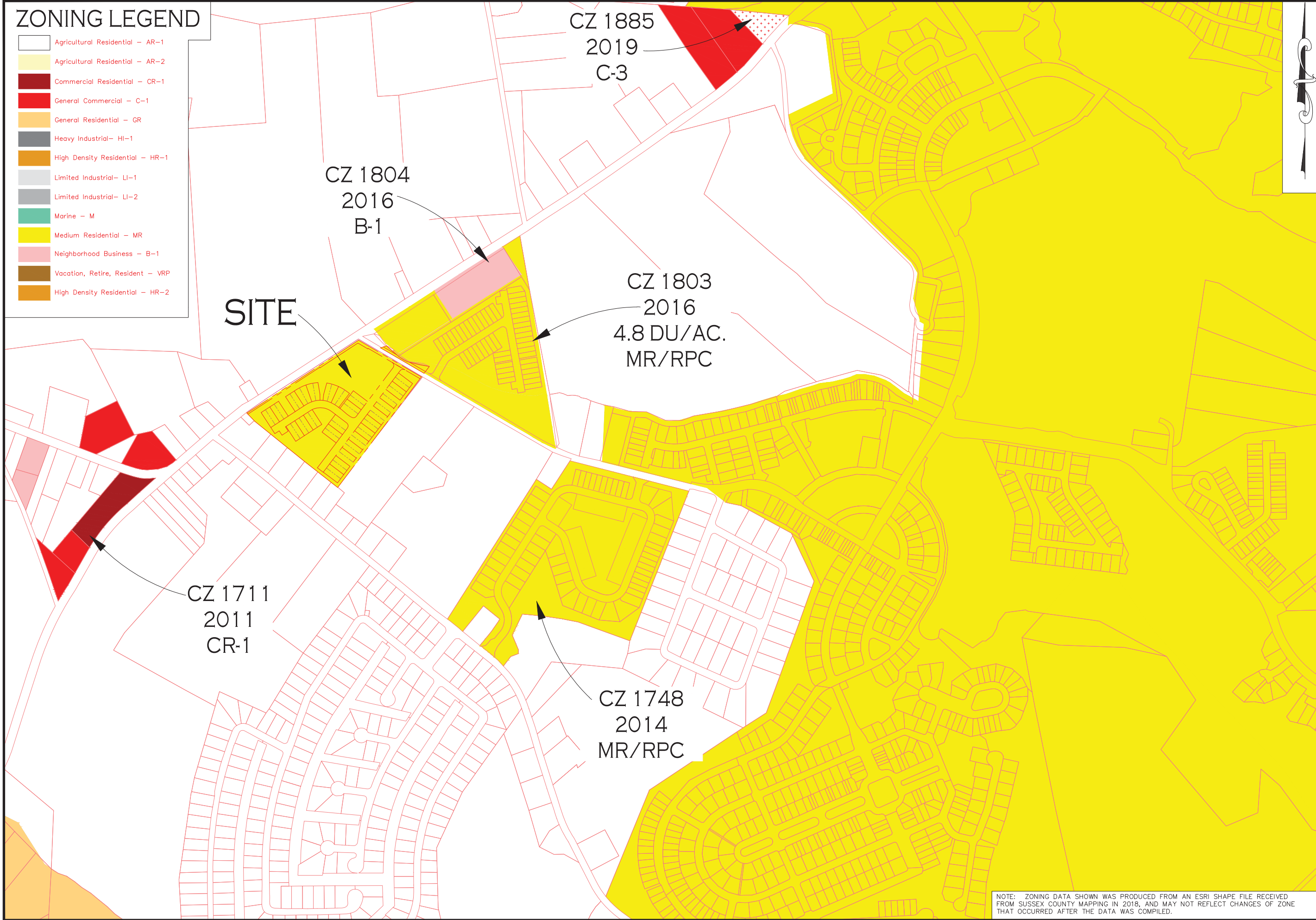
**ZONING MAP, COMP.
PLAN & CHAPTER
99-9C COMPLIANCE
STATEMENTS**

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
Coastal Area	Agricultural Residential District (AR-1) Medium Density Residential District (MR) General Residential District (GR) High Density Residential District (HR-1 & HR-2) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) New Zoning Districts
Existing Development Area	Medium Density Residential District (MR) General Residential District (GR)
Commercial Area	Agricultural Residential District (AR-1) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) New Zoning Districts
Industrial Area	Agricultural Residential District (AR-1) Limited Industrial District (LI-1) Light Industrial District (LI-2) Heavy Industrial District (HI-1) Service/Limited Manufacturing District (C-5) New Zoning Districts
RURAL AREAS	
Low Density	Agricultural Residential District (AR-1) Business Community District (B-2) Medium Commercial District (C-2) Marine District (M) Institutional District (I-1) New Zoning Districts
Protected Lands	N/A - permanently protected Federally-owned, State-owned, or other land preserves, and conservation easements
Agricultural Preservation Easements and Districts	Agricultural Preservation Easements and Districts through the State's Farmland Preservation Program in Agricultural Residential District (AR-1)

Notes: Agricultural Residential District (AR-2), Neighborhood Business District (B-1), General Commercial District (C-1), Commercial Residential District (CR-1), Vacation Retirement Residential Park District (VRP), and Urban Business District (UB) are closed districts. These zoning may be located within any of the land use designations.

ZONING LEGEND

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



REV	DESCRIPTION OF REVISION	BY	DATE

ZONING MAP
 PUBLIC DATA REFERENCED TO
FENWICK KNOLLS
 CONDITIONAL USE APPLICATION
 BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

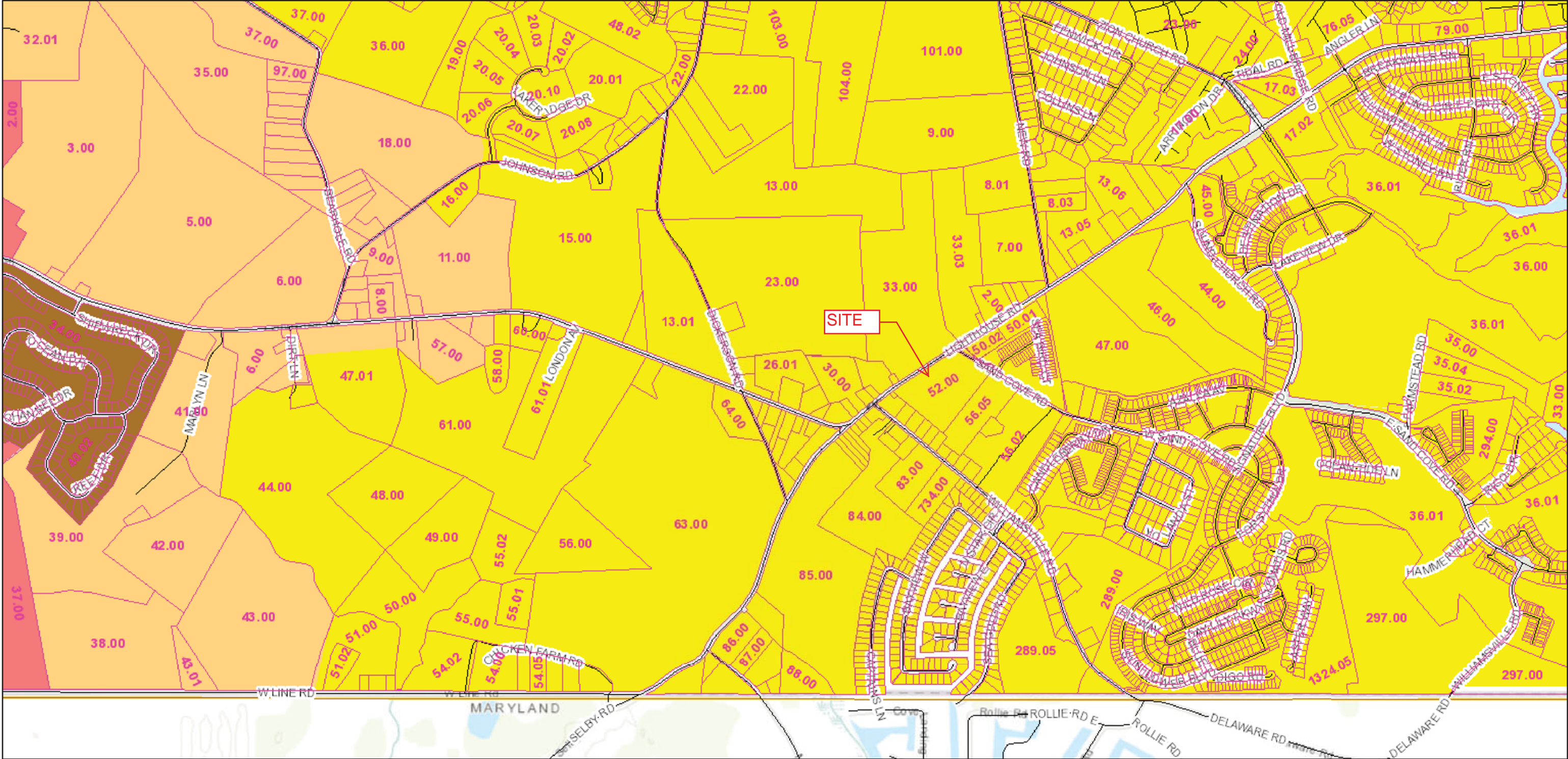
AXIOM
 ENGINEERING L.L.C.
 18 CHESTNUT STREET
 GEORGETOWN, DE 19947
 (302) 855-0810
 FAX: 855-0812
 EMAIL: info@axiomeng.com
 WEB: www.axiomeng.com

ENGINEER:	KRC
DESIGNER:	KRC
DRAWN BY:	KRC
CHECKED BY:	KRC
DATE:	10/21/2019
TAX MAP:	TM-5-33-19, PARCEL 52

PROJECT NO: 0004-0502
 DRAWING: **CR-3**
 SHEET: 3 OF 11

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.

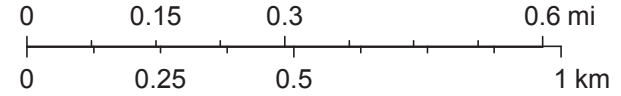
Sussex County



October 3, 2019

- Tax Parcels
- Streets
- County Boundaries
- 2019 Future Land Use
Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center

1:18,056



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

- 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. CU #2197 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. 46% (5.94 ac.) of the site will remain in open space, 68% (0.85 ac.) of the existing forest will be preserved.
- 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. CU #2197 provides housing options that are 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 has extended central sewer to the property, Artesian Water Company has extended central water to the property
 - near sufficient commercial uses and employment centers; C-1 General Commercial lands are located 600' west of the project, B-1 Neighborhood Business lands are located 750' east of the project.
 - where it is in keeping with the character of the area; CZ #1803 (Bayside Phase VII-approved 2016) is contiguous to the subject property. CZ #1803 has a density of 4.8 units per acre, CU #2197 is requesting a density of 3.9 units/acre.

- where it is along a main road or at/or near a major intersection; DE Route 54 is classified by the Delaware Department of Transportation (DeIDOT) as a Major Collector.
- where there is adequate Level of Service; DeIDOT issued a Letter of No Objection for the project based on a prior layout with a density of 4.8 units/acre. CU #2197 is now requesting a density of 4.0 units/acre
- The preservation of natural resources or open space is strongly encouraged in this land use classification. 46% (5.94 ac.) of the site will remain in open space, 68% (0.85 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. Sussex County has extended central sewer to the subject property with an EDU allocation of 4 EDUs per acre, and Artesian Water has extended central water to the property sufficient for potable water and fire protection flow requirements.

Compliance with Subdivision Ordinance § 99-9C

In the design and layout of Bay Knolls Conditional Use, 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: Bay Knolls is located adjacent to existing vacant land and single family homes. 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 east side of Route 394, where no lots are proposed. The site contains no regulatory floodplains.

§ 99-C(3) Preservation of natural and historical features: The majority of the natural features on the site will be preserved, including approximately 0.85 acres (68%) of natural wooded areas. There is a family cemetery located as shown on the site plan. The cemetery has been placed in open space, and provisions for access by next of kin have been provided.

§ 99-C(4) Preservation of open space and scenic views: By utilizing the density allowed with duplex housing, 46% of the property, or 5.94 acres, will be preserved as common open space. 0.8 acres of existing wooded lands are included in this preserved open space, and 0.99 acres of planted buffers.

§ 99-C(5) Minimization of tree, vegetation and soil removal and grade changes: The proposed design allows for the conservation of 68% of the existing forest land. 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: Artesian Water Company shall provide central water to the project.

§ 99-C(8) Provision for sewage disposal: The project is located in the recent expansion to the Fenwick Island Sanitary Sewer District.

§ 99-C(9) Prevention of pollution of surface and groundwater: The project site currently has approximately 12 acres of row crops. Agricultural practices used to support these operations typically include application of poultry manure to the agricultural fields. The removal of this source of contaminated runoff will enhance both surface water and groundwater supplies. In addition to the reduction in surface runoff contamination, the site shall include Best Management Practices (BMPs) that will further 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. Conversion from row crops to single family home lots will result in a permanent vegetative cover, reducing the erosion that currently occurs on the property. 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: A shared use path has been proposed for both roadway frontages. Sidewalks have been proposed for the project street, which connects to the shared use path at both ends of the project. The shared use path is to be extended to connect to the existing shared use path along the adjacent frontage of the Bayside Residential Planned Community.



Connection point of Shared Use Path from Fenwick Commons Property Corner



Existing shared use path on Sand Cove Road to be extended to Fenwick Commons

§ 99-C(12) Effect on area property values: The development of Bay Knolls with quality attached single family homes, recreational facilities 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 project includes a 20' forested buffer around the perimeter of the project. The purpose of the buffer is to limit the effect of the subdivision on adjacent lands, including single family homes to the west and an agricultural property to the south. As the buffer matures, the adjacent farmland will be able to continue operations with minimal impact on the residential properties.

§ 99-C(14) Effect on schools, public buildings and community facilities: Bay Knolls is located within the Indian River School District. A school bus stop shelter will be provided if requested by the school district. The 52 lots proposed are anticipated to be marketed to retirees, and are likely to have a positive effect on the school district by increasing property taxes.

§ 99-C(15) Effect on area roadways and public transportation: DELDOT has issued a Letter of No Objection has been issued for an earlier version of the project with 62 proposed residential units. The project density has been reduced to allow only 52 units. Road improvements related to the entrance design will be installed as required by DeIDOT. Right-of-way dedications and permanent easements along both frontages have been indicated as required by DeIDOT.

§ 99-C(16) Compatibility with other area land uses: Bay Knolls Subdivision, as proposed, is consistent with other existing land uses in the vicinity. The Bayside Residential Planned Community has been expanded to property on the opposite side of Sand Cove Road. The latest phase of Bayside has a proposed density of 4.9 dwelling units per acre. Bay Knolls proposed density is 3.90 dwellings per acre.

§ 99-C(17) Effect on area waterways: The conversion of the property from agricultural use to attached single family homes will result in the elimination of fertilized agricultural runoff. The preservation of much of the existing forest cover will enhance the quality of both surface and groundwater discharges from the site.

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**2017 DELDOT
LETTER OF NO
OBJECTION LETTER
& APPROVED SITE
PLAN**

**DELDOT LETTER OF NO OBJECTION
CHANGE OF ZONE #1896
CONDITIONAL USE #2197**

In support of C/Z #1827 and C/U #2098, the applicant submitted a site plan to the Delaware Department of Transportation requesting a Letter of No Objection for the construction of an entrance to support an application that included 62 single family, semi-detached (duplex) residential units. The DELDOT LONO was issued, and has an expiration date of July 17, 2022.



DELDOT-LONO issued for proposed entrance in this location to support 62 dwelling units



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

JENNIFER COHAN
SECRETARY

July 17, 2017

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

SUBJECT: Letter of No Objection to Recordation
Lands of Fenwick Commons, LLC
Tax Parcel # 533-19.00-52.00
SCR394-Sand Cove Road
Baltimore Hundred, Sussex County

Dear Ms. Cornwell:

The Department of Transportation has reviewed the Site Plan, dated December 23, 2016 (last revised July 7, 2017), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawings. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Site Plan is not recorded prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

This letter does not authorize the commencement of entrance construction. Entrance plans shall be developed in accordance with DelDOT's [Development Coordination Manual](#) and submitted to the Development Coordination Section for review and approval.

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

Lands of Fenwick Commons, LLC
Ms. Janelle Cornwell
Page 2
July 17, 2017

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

If I can be of any further assistance, please call me at (302) 760-2266.

Very truly yours,



Steve Sisson
Sussex County Subdivision Engineer
Development Coordination

cc: Joel Farr, Fenwick Commons, LLC
D. J. Hughes, Davis, Bowen & Friedel, Inc.
William Kirsch, South District Entrance Permit Supervisor
Jessica L. Watson, Sussex Conservation District
Gemez W. Norwood, South District Public Work Manager
Jennifer Pinkerton, Chief Materials & Research Engineer
Peter Haag, Traffic Studies Manager
Linda Osiecki, Consistency Control Engineer
John Fiori, Bicycle Coordinator
Maria Andaya, Pedestrian Coordinator
Mark Galipo, Traffic Development Coordination Engineer
Evan Lallier, Maintenance Support Manager
Dan Thompson, Safety Officer North District
Joseph Ellis, Contech Manager
David Dooley, DTC Planner
James Kelley, JMT
Todd Sammons, Subdivision Engineer
Scott Johnson, Sussex County Reviewer

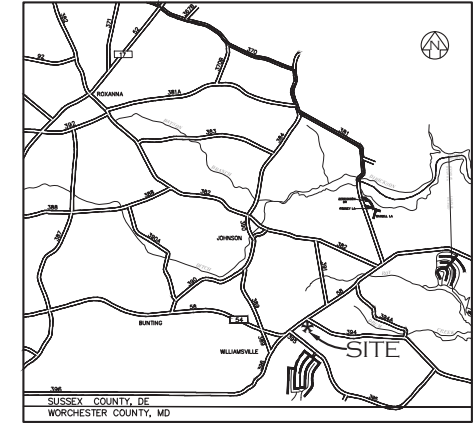
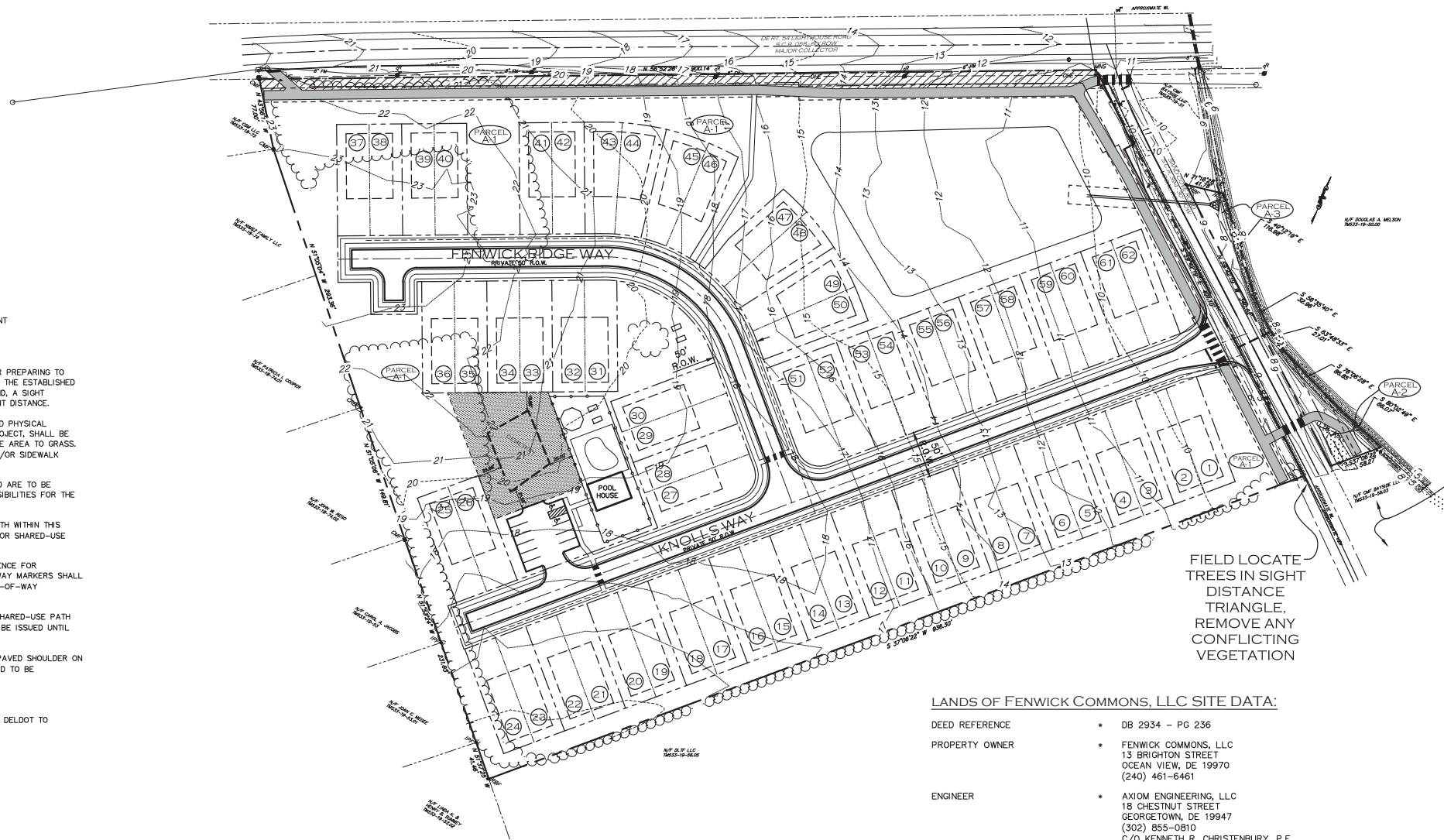
NOTES:

- 1) FORESTED BUFFERS, STREETS, SHARED USE PATHS, SIDEWALKS, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNER'S 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.
- 2) 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.
- 3) 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 ON ANY EASEMENT.
- 4) BOUNDARY & TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN MARCH 2017.
- 5) ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
- 6) THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
- 7) THE PROPERTY HAS BEEN INVESTIGATED BY ENVIRONMENTAL RESOURCES, INC FOR THE PRESENCE OF JURISDICTIONAL WETLANDS AND WAS FOUND TO BE FREE OF WETLANDS WEST OF SAND COVE ROAD. WETLANDS LOCATED IN DRUM CREEK WILL BE FIELD DELINEATED AND LOCATED PRIOR TO THE PREPARATION OF FINAL PLANS.
- 8) THERE IS AN EXISTING CEMETERY DELINEATED BY EDWARD OTTER INC., ARCHEOLOGIST. ANY DESCENDANTS OF THOSE INTERRED IN THE GRAVEYARD ARE PERPETUALLY GRANTED ACCESS VIA THE SUBDIVISION ROAD AND POOL HOUSE PARKING LOT TO THE OPEN SPACE BELIEVED TO CONTAIN THE GRAVEYARD.

DEL. D.O.T. NOTES:

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
2. ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
3. 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.
4. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY.
5. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
6. THE SIDEWALK AND SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
7. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
8. PHASE 1 ENTRANCE CONSTRUCTION WILL CONSIST OF A HAMMERHEAD ENTRANCE ALONG WEST SAND COVE ROAD AND THE SHARED-USE PATH (SUP) ALONG THE DELAWARE ROUTE 54 FRONTAGE, SERVING DUPLEX UNITS 1 TO 28. NO CERTIFICATES OF OCCUPANCY WILL BE ISSUED UNTIL PHASE 1 WORK HAS BEEN INSPECTED AND ACCEPTED.
9. PRIOR TO THE ISSUANCE OF BUILDING PERMIT 29, THE REQUIRED RIGHT-TURN DECELERATION LANE, 5' BIKE LANE, AND 5' PAVED SHOULDER ON THE SOUTHWEST SIDE OF W. SAND COVE ROAD (S394) SITE FRONTAGE ENDING AT THE PROPOSED SUP CROSSING ARE REQUIRED TO BE CONSTRUCTED AND OPEN TO TRAFFIC.
10. SUP CROSSING TO BE MARKED WITH ENHANCED SIGNING AND STRIPING PER NCHRP 562 ANALYSIS.
11. ADDITIONAL 4' OF ROW ALONG DELAWARE ROUTE 54 AND W. SAND COVER ROAD AS ESTABLISHED ON PLANS REQUIRED BY DELDOT TO ACCOMMODATE POTENTIAL FUTURE OFF-SITE INTERSECTION IMPROVEMENTS TO ADDRESS EXISTING CONDITIONS.

RE-ZONING AND CONDITIONAL USE APPLICATION FOR THE LANDS OF
FENWICK COMMONS, LLC



LOCATION MAP
SCALE 1" = 1 MILE

FUTURE ACCESS TO MELSON PROPERTY

FIELD LOCATE TREES IN SIGHT TRIANGLE. REMOVE ANY CONFLICTING VEGETATION

LANDS OF Fenwick Commons, LLC SITE DATA:

DEED REFERENCE	DB 2934 - PG 236
PROPERTY OWNER	FENWICK COMMONS, LLC 13 BRIGHTON STREET OCEAN VIEW, DE 19970 (240) 461-6461
ENGINEER	AXIOM ENGINEERING, LLC 18 CHESTNUT STREET GEORGETOWN, DE 19947 (302) 855-0810 C/O KENNETH R. CHRISTENBURY, P.E.
SUSSEX CO. TAX MAP PARCELS	5-33-19, PARCEL 52
TOTAL AREA	13.33± AC.
DEDICATIONS TO DELDOT	0.52± AC.
REMAINING LANDS	12.82± AC.
ZONING JURISDICTION	SUSSEX COUNTY
SANITARY SEWER PROVIDER	FENWICK ISLAND SANITARY SEWER DISTRICT
CENTRAL WATER PROVIDER	ARTESIAN WATER COMPANY
FLOOD INSURANCE RATE MAP	10005C0635 K, DATED MARCH 16, 2015
FLOOD ZONE	ZONE X (UNSHADED)
STAGE STRATEGIES LEVEL	2 & 3
EXISTING ZONING DISTRICT	AR-1 AGRICULTURAL RESIDENTIAL
PROPOSED ZONING	MR/CONDITIONAL USE (MULTI-FAMILY RESIDENTIAL)
DELDOT ROAD CLASSIFICATIONS	LIGHTHOUSE ROAD/ MAJOR COLLECTOR - 50 MPH SAND COVE ROAD/LOCAL ROAD - 50 MPH

PARCEL A SITE DATA (PROPOSED MR-CU)

LOT AREA	6.05± ACRES
STREET R.O.W. AREA	1.77± ACRES
OPEN SPACE	5.00± ACRES
TOTAL AREA	12.82± ACRES (AFTER DEDICATIONS)
EXISTING USE	AGRICULTURAL
PROPOSED USE	62 SINGLE FAMILY SEMI-DETACHED DWELLING LOTS
SANITARY SEWER DEMAND	62 EQUIVALENT DWELLING UNITS
PROPOSED DENSITY	4.87 DWELLING UNITS/ACRES
BUILDING SETBACKS	FRONT 40' SIDE 10' REAR 10'
MAXIMUM BUILDING HEIGHT	42 FEET
PARKING REQUIRED	2 PARKING SPACES PER DWELLING
PARKING PROVIDED	3 PARKING SPACES PER DWELLING (1 GARAGE, 2 DRIVEWAY)

LANDS OF FENWICK COMMONS, LLC
FEBRUARY 1, 2017

ROAD WEST SAND COVE ROAD (SUSSEX COUNTY ROAD 394)
FUNCTIONAL CLASSIFICATION - LOCAL ROADWAY
AADT (2015 DELAWARE VEHICLE VOLUME SUMMARY) = 858
10 YR PROJECTED AADT = 1,16 X 858 = 995
10 YR PROJECTED AADT + SITE ADT (424) = 1,419
DIRECTIONAL SPLIT = 61.81% / 38.19%
PEAK HOUR = 995 X 15.43% = 154
6.28 TRUCK % X 154 = 10
SPEED - POSTED = 50
TRAFFIC PATTERN GROUP = 7

NOTE: SITE HAS FRONTAGE ALONG DELAWARE ROUTE 54 (LIGHTHOUSE ROAD & SUSSEX ROAD 058). NO ACCESS IS PROPOSED ALONG DELAWARE ROUTE 54. DELAWARE ROUTE 54 IS LISTED AS A MAJOR COLLECTOR AND IS POSTED WITH A 50 MPH SPEED LIMIT.

LEGEND

- WKDY ADT
- AM PEAK
- PM PEAK
- TRIP
- DISTRIBUTION DERIVED FROM MELSON PROPERTY RECORD PLAN APPROVED BY DELDOT ON JULY 27, 2016

SITE TRIPS GENERATED - PROPOSED

TYPE OF DEV.	ITE CODE	UNITS	AM	PM	WKDY ADT
TOWNHOMES/CONDOS	230	62	35	41	424

NOTES:
-TRIP GENERATION IS BASED ON ITE TRIP GENERATION MANUAL 9TH EDITION.
-DESIGN PEAK HOURS CONSISTENT WITH MELSON PROPERTY RECORD PLAN APPROVED BY DELDOT ON JULY 27, 2016
-DESIGN VEHICLE: SU-30.
-TRUCK (LIGHT DUTY) PERCENTAGE FOR SITE EQUALS 1%.

LEGEND

EX. PROPERTY LINE	CONCRETE MONUMENT FOUND
PROPOSED SUBDIVISION LINE	IRON PIPE FOUND
EX. ADJACENT PROPERTY LINES	IRON PIPE SET BENCHMARK
EX. 404 WETLANDS	FEMA FLOODPLAIN BOUNDARY
EX. MINOR CONTOUR	STATE (TIDAL) WETLANDS
EX. MAJOR CONTOUR	PR. CONTOUR
EX. BUILDING RESTRICTION LINES	PR. BUILDING RESTRICTION LINES
EX. ROAD CENTERLINE	PR. ROAD CENTERLINE
EX. EASEMENT	PR. EASEMENT
EX. BUILDING	PR. BUILDING
EX. SWALE	PR. SWALE
EX. SIDEWALK	PR. SIDEWALK
EX. CURB	PR. CURB
EX. STORM SEWER	PR. STORM SEWER CL
EX. SANITARY SEWER	PR. SANITARY SEWER
EX. WOODS LINE	PR. WOODS LINE
EX. WATER LINE	PR. WATER LINE
EX. WELL	PR. WELL
TRAFFIC SIGN	PR. HANDICAP PARKING SPACE COUNTS
EX. ZONING BOUNDARY	8' X 20' + PAINTED AISLE
EX. ELECTRIC LINES UTILITIES	COMPACT 8' X 17'
EX. UTILITY POLES/LIGHT POLES	PROPOSED LIGHT POLES
EX. FENCE	PR. SPOT ELEVATION
EX. SPOT ELEVATION	PROPOSED DRAINAGE FLOW
PR. DELDOT ENTRANCE PAVING	PR. INLET PROTECTION
PR. ROTOMILL 1 1/4" & OVERLAY	PR. CULVERT INLET PROTECTION
SOIL BORING	ROCK OUTLET PROTECTION
TEST PIT	PR. FOREBAY
EX. STREAM	CONSTRUCTION ENTRANCE
DRAINAGE DIVIDES	LIMIT OF DISTURBANCE
TIME OF CONCENTRATION	SILT FENCE

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 OTHER THAN THE PROPERTY BOUNDARY AND EXISTING TOPOGRAPHY, IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED PROFESSIONAL STANDARDS AND PRACTICES AND BY THE ORDINANCES OF SUSSEX COUNTY AND THE LAWS OF THE STATE OF DELAWARE.

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

KENNETH R. CHRISTENBURY, P.E. - DE. LICENSE No. 11553 DATE

ENGINEER: KRC
DESIGNER: KRC
DRAFTER: KRC
CHECKED BY: KRC
DATE: 12/23/2016
TAX MAP: 5-33-19, 52

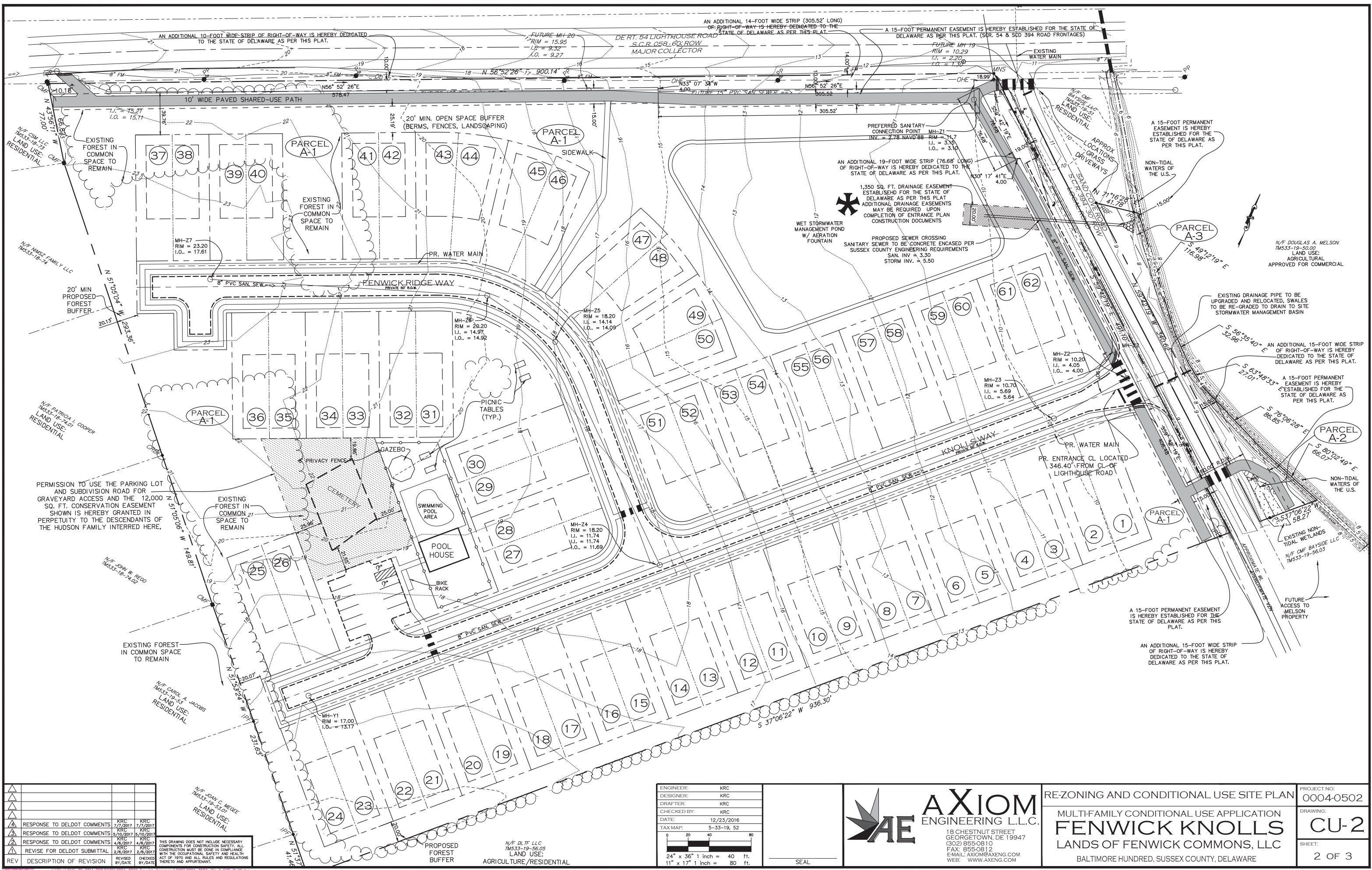
0 40 80 160
24" x 36" 1 inch = 80 ft.
11" x 17" 1 inch = 160 ft.

SEAL

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

RE-ZONING & CONDITIONAL USE SITE PLAN
MULTI-FAMILY CONDITIONAL USE APPLICATION
FENWICK KNOLLS
LANDS OF FENWICK COMMONS, LLC
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

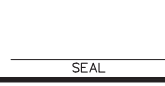
PROJECT NO: 0004-0502
DRAWING: CU-1
SHEET: 1 OF 3



REV	DESCRIPTION OF REVISION	DESIGNED BY/DATE	CHECKED BY/DATE
1	RESPONSE TO DELDOT COMMENTS	KRC 7/7/2017	KRC 7/7/2017
2	RESPONSE TO DELDOT COMMENTS	KRC 8/10/2017	KRC 8/10/2017
3	RESPONSE TO DELDOT COMMENTS	KRC 4/6/2017	KRC 4/6/2017
4	REVISE FOR DELDOT SUBMITTAL	KRC 3/26/2017	KRC 3/26/2017

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.

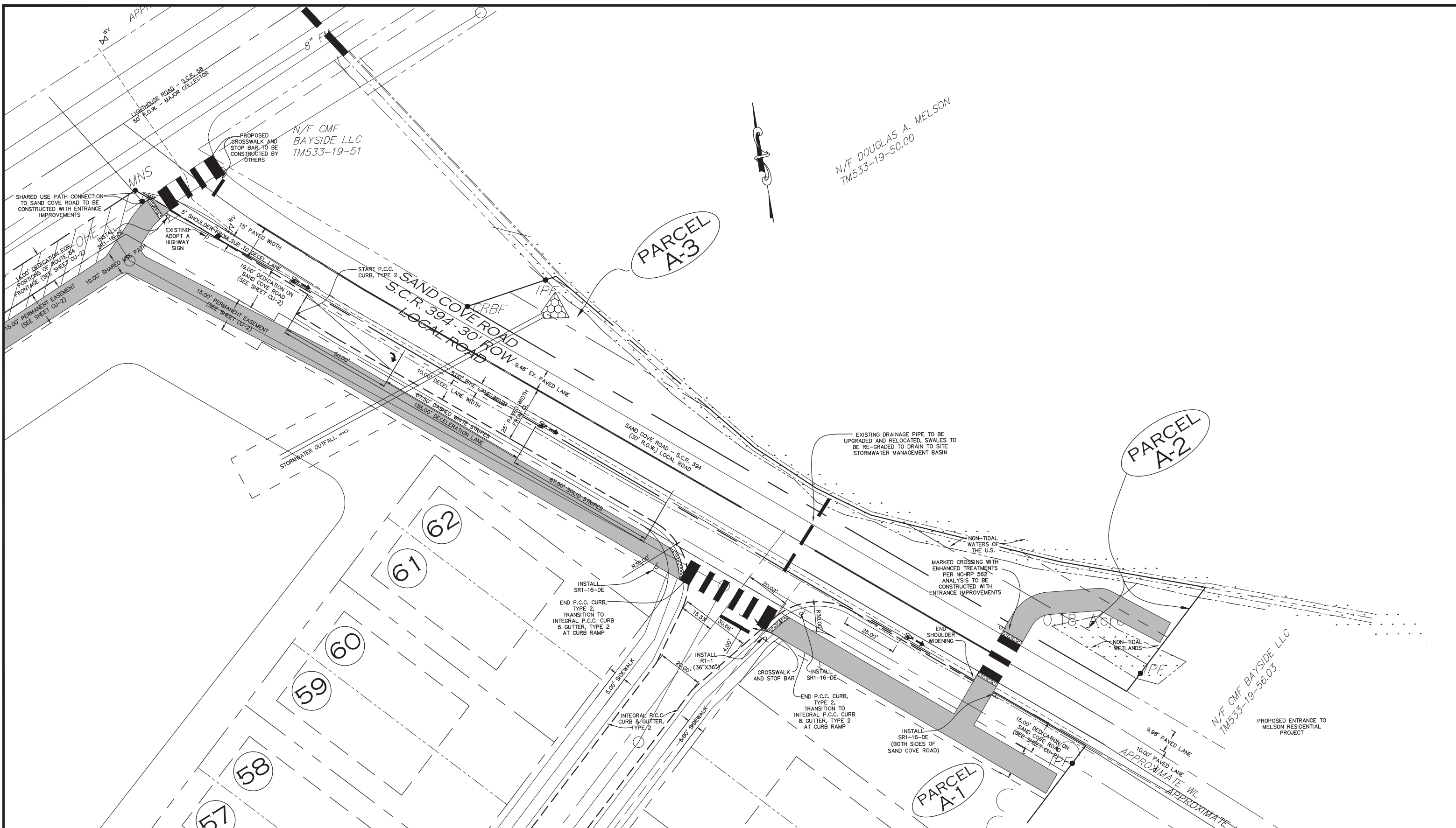
ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	12/23/2016
TAX MAP:	5-33-19, 52



AE AXIOM ENGINEERING L.L.C.
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RE-ZONING AND CONDITIONAL USE SITE PLAN
 MULTI-FAMILY CONDITIONAL USE APPLICATION
FENWICK KNOLLS
 LANDS OF FENWICK COMMONS, LLC
 BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

PROJECT NO:	0004-0502
DRAWING:	CU-2
SHEET:	2 OF 3



REV	DESCRIPTION OF REVISION	REVISION BY/DATE	CHECKED BY/DATE
1	RESPONSE TO DELDOT COMMENTS	KRC 7/7/2017	KRC 7/7/2017
2	RESPONSE TO DELDOT COMMENTS	KRC 8/10/2017	KRC 8/10/2017
3	RESPONSE TO DELDOT COMMENTS	KRC 4/25/2017	KRC 4/25/2017
4	REVISE FOR DELDOT SUBMITTAL	KRC 2/6/2017	KRC 2/6/2017

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 THERETO AND APPURTENANT.

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	12/23/2016
TAX MAP:	5-33-19, 52



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PRELIMINARY ENTRANCE PLAN
 MULTI-FAMILY CONDITIONAL USE APPLICATION
FENWICK KNOLLS
 LANDS OF FENWICK COMMONS, LLC
 BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

PROJECT NO:	0004-0502
DRAWING:	CU-3
SHEET:	3 OF 3

12

**2017 PRELIMINARY
LAND USE SERVICE
(PLUS) RESPONSE**

2017 PRELIMINARY LAND USE SERVICE (PLUS) RESPONSE



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

Phone: 302 855-0810
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April 11, 2017

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

Attn: Constance C. Holland, AICP

RE: PLUS review 2017-01-02; Lands of Fenwick Commons, LLC

Dear Ms. Holland:

Axiom Engineering is in receipt of comments resulting from our January 25, 2017 meeting with State agency planners. Please note that the project name has been updated to "Fenwick Knolls", although the property owner remains Fenwick Commons, LLC. Comments received are shown in black, Axiom Engineering's responses are shown underlined and printed in red.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Sand Cove Road (Sussex Road 394) will need to be designed and built in accordance with DelDOT's Development Coordination Manual (formerly the Standards and Regulations for Subdivision Streets and State Highway Access), which is available at <http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>.

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 http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.pdf.

The pre-submittal meeting has been held.

- 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.

Initial stage fee was paid upon Conditional Use Site Plan Submittal to the Department.

- Per Section 2.2.2.1 of the Development Coordination 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. We calculate that the 62 semi-detached houses proposed would generate 424 vehicle trip ends per day, consistent with the PLUS application, and 41 vehicle trip ends per hour during the weekday evening peak hour. Therefore a TIS is not required.

Thank you for confirming that a Traffic Impact Study is not required.

- While the proposed development would not warrant a TIS, it would generate more than 200 vehicle trip ends per day and therefore, per Section 2.3.2 of the Manual, DeIDOT could require a Traffic Operational Analysis (TOA) if we determine in the plan review process that a TOA is needed to address a concern about the proposed site entrance. Because all access will be by way of Sand Cove Road, the proposed development may create a need for turning lanes at the intersection of Route 54 and Sand Cove Road. As necessary, DeIDOT will require a TOA to more rigorously examine the need for those lanes. Per Section 2.5.2 of the Development Coordination Manual, DeIDOT will require off-site improvements along the development frontage on Sand Cove Road. Specifically, The Lands of Fenwick Commons shall provide a right-of-way dedication to allow for future improvements by others.

Per the revised DeIDOT PLUS comments on February 16, 2017, "It does not appear a TOA will be needed." With respect to intersection improvements, DeIDOT stated: "The matter was resolved that the applicant will dedicate additional rights-of-way, beyond those mandated by Section 3.2.5, to allow for future improvements by others at this intersection. Improvements by the applicant are not required." The increased right-of-way has been indicated on the revised site plan dated April 6, 2017 and submitted to the Department April 7, 2017.

- Section 3.2.4.1 of the Manual addresses the placement of right-of-way monuments (markers) along subdivision street rights-of-way. Monuments along the proposed privately maintained subdivision streets are recommended to be shown on the plan and provided in the field in accordance with this section.

Acknowledged.

- Section 3.2.4.2 of the Manual addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case Sand Cove Road and Lighthouse Road. Monuments sufficient to re-establish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the field in accordance with this section.

Acknowledged.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DeIDOT will require dedication of right-of-way along the site's frontage on Sand Cove Road and Lighthouse Road. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline on Lighthouse Road and 30 feet of right-of-way from the physical centerline on Sand Cove 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.**"

The increased right-of-way has been indicated on the revised site plan dated April 6, 2017 and submitted to the Department April 7, 2017.

- In accordance with Section 3.2.5.1.1 of the Manual, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the entrance. The easement shall be located outside of any existing and/or proposed right-of-way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.

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 both Sand Cove Road and Lighthouse 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 to the State of Delaware, as per this plat.**”

The required permanent easement has been indicated on the revised site plan dated April 6, 2017 and submitted to the Department April 7, 2017.

- In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing “Letter of No Objection”. The following information will be required for the “Letter of No Objection” review:
 - Initial Stage Fee Calculation Form
 - Initial Stage Review Fee
 - Gate-Keeping Checklist – Site Plan
 - Design Checklist - Record Plan
 - Sight Distance Spreadsheet
 - Owners and Engineers’ name and e-mail address
 - Record Plan
 - Conceptual Entrance Plan
 - Submission of the Area-Wide Study Fee (If applicable)

The revised Conditional Use Site Plan dated April 6, 2017 and submitted to the Department April 7, 2017 for issuance of a Letter of No Objection to Recordation (LONOR).

- 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.
 - All adjacent existing features are required to be shown in accordance with Figure 3.4.2-b.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

The required information has been indicated on the revised site plan dated April 6, 2017 and submitted to the Department April 7, 2017.

- Section 3.5 of the Manual provides DelDOT’s requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. Private or municipal streets should follow the local land use agency’s requirements for connectivity.

Acknowledged.



- As per the Delaware Strategies for State Policies and Spending, this development is in Investment Level 3. Referring to Section 3.5.4.2.A of the Manual, developments in Level 3 and 4 Areas are required to install a sidewalk or Shared Use Path if the project abuts an existing facility. If the project does not abut an existing facility, it will be at the Subdivision Engineer's discretion. No fee in lieu of construction will be required. The requirement or lack thereof should be addressed at the Pre-Submittal Meeting mentioned above. The Lands of Fenwick Commons shall include a 10' Shared-Use Path (SUP) along the Lighthouse Road (SCR 058) and Sand Cove Road (SCR 394) frontages. The path shall include a Type 1 curb ramp at the intersection of Lighthouse Road and Sand Cove Road that will align with the path/ramp being installed on the opposite side by the Melson project. The path shall also provide a crossing south of the proposed entrance on Sand Cove Road and connect to the proposed SUP being installed by the Melson project.

The required multi-use path has been indicated on the revised site plan dated April 6, 2017 and submitted to the Department April 7, 2017.

- Consistent with Section 3.5.5 of the Manual, any existing or proposed transit stops required by DelDOT or the Delaware Transit Corporation shall be shown on the Record Plan with applicable bicycle and pedestrian connectivity. There are no existing or proposed DART services in this area. Thus, the Lands of Fenwick Commons will not need to include any transit stops.

Acknowledged.

- In accordance with Section 3.8 of the Development Coordination Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State rights-of-way along Sand Cove Road and Lighthouse Road.

Acknowledged.

- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:
 - Construction Stage Fee Calculation Form
 - Construction Review Fee
 - Gate-Keeping Checklist – Entrance Plan
 - Design Checklist - Entrance Plan
 - Auxiliary Lane Spreadsheet
 - Entrance Plan
 - Pipe/Angle Spreadsheet (If applicable)
 - SWM Report and Calculations (If applicable)

Acknowledged.

- In accordance with Section 5.2.5.6 of the Manual, a separate turning template plan shall be provided to verify vehicles can safely enter and exit the site entrances. As per Section 5.2.3 of the Manual, the entrances shall be designed for the largest vehicle using the entrance.

The required vehicle turning templates have been indicated on the revised site plan dated April 6, 2017 and submitted to the Department April 7, 2017.

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The Auxiliary Lane Worksheet has been used for the proposed 62 duplex units. It has been determined that a southbound right turn lane on Sand Cove Road into the site will be required. The construction of the right turn lane shall include a 5' wide bike lane between it and the travel lane.

The required turning lane has been indicated on the revised site plan dated April 6, 2017 and submitted to the Department April 7, 2017.

- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/information/business/subdivisions/Intersection-Sight-Distance.xls>.

The required sight distance triangles have been indicated on the revised site plan dated April 6, 2017 and submitted to the Department April 7, 2017.

- 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.

Existing utilities have been indicated on the revised site plan dated April 6, 2017 and submitted to the Department April 7, 2017. In addition, the proposed location of Sussex County Sewer base been indicated based on plans received from the Sussex County Engineering Department.

- Because the proposed development would not have State-maintained streets, Section 6.4.3 of the Manual, which pertains to the inspection and acceptance of commercial entrances, applies. Construction inspection responsibilities shall be in accordance with Figure 6.4.3-a. Our preliminary reading of this figure is that Level I inspection will be adequate and DeIDOT's South District Public Works Section will be able to provide all necessary inspection services for the entrance construction.

Acknowledged.

- Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

Acknowledged.

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

Executive Summary

Upon reviewing the Lands of Fenwick Commons project, DNREC has identified that the proposed project is located on a site with some environmental concerns. Opportunities exist to improve site and building performance while reducing environmental impacts and operation/ maintenance costs.

This site is partially within an excellent groundwater recharge potential area for Sussex County. Land uses in excellent groundwater recharge areas can negatively influence the quality and/or quantity of public drinking water. There are also poorly-drained (hydric) soils located within this parcel, which DNREC recommends for the developer to avoid and remove any structures planned there. In addition, the site is within the Assawoman watershed, in which nitrogen, phosphorus and bacteria reductions are managed by the State of Maryland. To maintain surface water quality and drinking water quality, the developer is encouraged to minimize impervious surfaces and use green infrastructure technologies where possible. These efforts will help to meet stormwater management requirements, protect the water supply and minimize impacts to nearby habitat. Additional abundant use of native vegetation and shade trees throughout the landscape will help to absorb carbon dioxide, protect water quality and provide relief to residents on hot days.

This project is adjacent to and partially within the Perch Creek Tax Ditch watershed. This was discussed at the January 25th PLUS meeting and DNREC recommends further coordination with the Sussex Conservation District, in addressing the Tax Ditch right-of-way.

The proposed development will result in increased impervious surface and new sources of greenhouse gas emissions. The State of Delaware is threatened by climate change and has a goal of reducing greenhouse gas emissions by 30 percent by 2030. Appropriate development that provides access to public transportation, opportunities to walk and bike, and that employs energy efficient building standards are among key strategies to meet these goals. DNREC encourages the developer to integrate high-performance building attributes, including energy efficiency, durability, along with consideration of alternative energy sources to promote clean sustainable energy and reduce greenhouse gas emissions. This could mean siting buildings to take advantage of solar and geothermal systems, and/or incorporating infrastructure for alternative fuels, including electric vehicle charging stations.

The following pages provide information about code requirements and detailed recommendations associated with this project, from various DNREC Divisions. DNREC strives to be a partner in creating sustainable development that protects environmental features and adds value to the community. The Department has resources and expertise that are available to help make this a reality, often at no expense to the landowner. Contact information for specific offices are listed below or you can contact Michael Tholstrup at (302) 735-3352.

Water Quality- TMDLs and Nutrient Management

- Total Maximum Daily Load (TMDL) reduction requirements for the discharge nutrients, nitrogen and phosphorus, and bacterial pollutants have not been assigned to the State of Delaware's portion of the Assawoman watershed. Since most of this watershed lies within the State of Maryland's jurisdiction, DNREC strongly recommends that the applicant contact the Maryland Department of the Environment, at (410) 537-3939, to ensure compliance with that State's TMDL regulatory requirements.\

[The applicant will comply with all applicable regulations.](#)



- A nutrient management plan is required under the *Delaware Nutrient Management Law* (3 Del.C., Chapter 22) for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres. This project's open space may exceed this 10-acre threshold. Please contact the Delaware Nutrient Management Program at (302) 739-4811 for further information concerning compliance requirement, or view additional information here:
<http://dda.delaware.gov/nutrients/index.shtml>

The project has 5 acres of open space, no nutrient management plan is required.

Water Supply

- Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation. All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take four weeks to process.

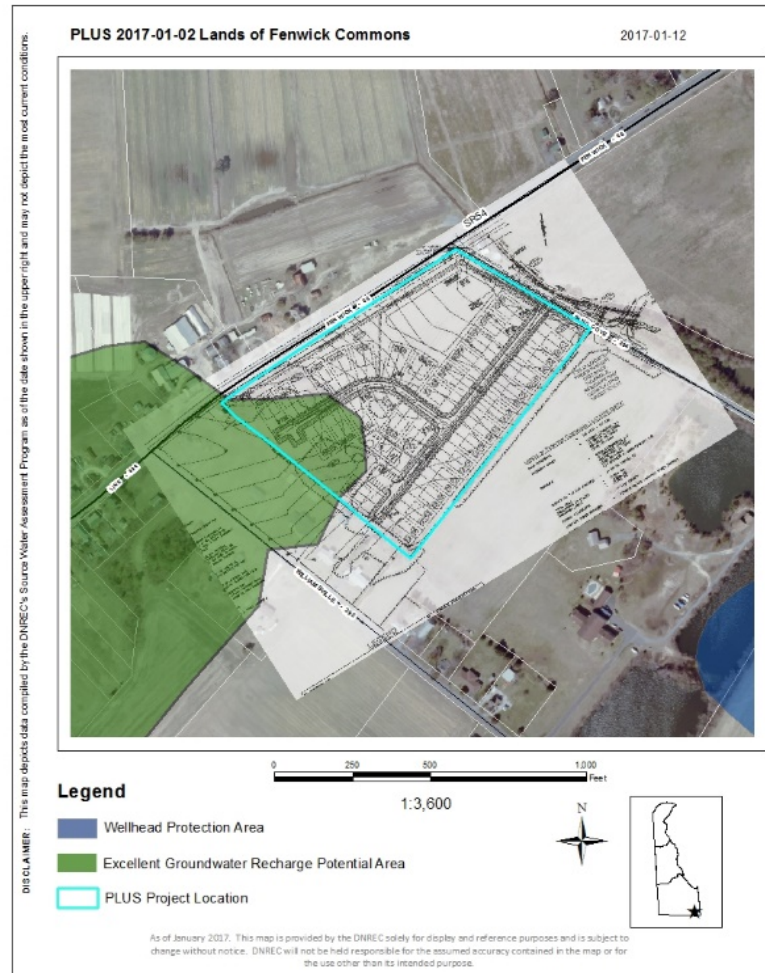
Acknowledged.

Source Water Protection

- DNREC has determined that a significant portion of the project falls within an excellent groundwater recharge area for the Sussex County (see map). Excellent Groundwater Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. These soils are able to transmit water very quickly from the land surface to the water table. This map category (excellent) is an indicator of how fast contaminants will move and how much water may become contaminated (Andres, 2004)¹. Land use activities or impervious cover on excellent groundwater recharge potential areas may adversely affect ground water in these areas.

In addition, because the excellent groundwater recharge area can readily affect the underlying aquifer if contaminants are spilled or discharged across the area, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

The site's largest open space area not dedicated to stormwater management is located in the excellent recharge area, including the existing forest to remain, and the historic graveyard to be left undisturbed.



Sediment and Stormwater Program.

- 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 project application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. 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 Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-2105 for details regarding submittal requirements and fees.

Acknowledged.

Air Quality.

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply to your project:

Regulation	Requirements
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none">• Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads.• Use covers on trucks that transport material to and from site to prevent visible emissions.
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<ul style="list-style-type: none">• Use structural/ paint coatings that are low in Volatile Organic Compounds.• Use covers on paint containers when paint containers are not in use.
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<ul style="list-style-type: none">• Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (See section 3.2).• Maintain recordkeeping and reporting requirements.
7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles	<ul style="list-style-type: none">• Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

For a complete listing of all Delaware applicable regulations, please look at our website:

<http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>

Acknowledged.

Hazardous Waste

- If it is determined by the Department that there was a release of a hazardous substance on the property in question and the Department requires remediation pursuant to the Hazardous Substance Cleanup Act, the provisions of 7 Del.C., Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware Regulations Governing Hazardous Substance Cleanup shall be followed.
- Should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800) 662-8802. SIRS should also be contacted as soon as possible at (302) 395-2600 for further instructions.

Acknowledged.

Tax Ditch/ROW

- This parcel is partially within the Perch Creek Tax Ditch watershed. The design appears to bring the whole parcel into the watershed and will therefore require a Court Order Change to the Tax Ditch watershed boundary. Please include Matt Grabowski, of the Drainage Program (302) 855-1930, in the project application meeting with the Sussex Conservation District.

Acknowledged.

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There is a known archaeological site and cemetery (S-2072, 7S-K-220) on this parcel. There is another farm complex (S-2073) right next to the parcel, near Lighthouse Road, and some dwelling and archaeological sites (S-8117, 7S-K-221; S-8118; S-2071, 7S-K-219) across Lighthouse Road, adjacent to the parcel. With this in mind the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law.

Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (7 Del. C. Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved.

The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the

open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to know more information pertaining to unmarked human remains or cemeteries, please go to the following websites for additional information: www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml.

Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources and plan to avoid those sites or areas. There should also be sufficient landscaping between the development and the cemetery (S-2072, 7S-K-220), to block adverse noise and visual effects.

- If there is any federal involvement with the project, 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. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need 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.

On behalf of Fenwick Commons, LLC, Edward Otter, PhD, has completed an investigation of the nature and extend of the cemetery. He staked out the 4 corners of the cemetery in the field. The corner stakes and have been located by our Professional Land Surveyor. The location of the corner stakes and buffers provided are indicated on the revised site plan dated April 6, 2017.

Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394

- **Fire Protection Water Requirements:**
 - Water distribution system capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 1000 feet spacing on centers.
 - Where a water distribution system is proposed for single family and duplex type dwelling sites, the infrastructure for fire protection water shall be provided, including the size of water mains.

Acknowledged.

- **Fire Protection Features:**
 - For duplex dwelling buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan

Acknowledged.

- **Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Sand Cove Road must be constructed so fire department apparatus may negotiate it. If a “center island” is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision.
- 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.

At this time it is not known if central gas will be offered in the community.

- **Residential Sprinklers:**

- 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.

- **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
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Townhouse 2-hr separation wall details shall be shown on site plans
- Provide Road Names, even for County Roads.

All required data will be added to Final Site Plans.

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 street with no direct access to Sand Cove Road or Lighthouse Road.

The only sanitary sewer facilities expected on the project are gravity sewer lines and manholes, no pump station is proposed on the project site.

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.

Acknowledged.

- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at <http://www.deldot.gov/information/business/subdivisions/>

- Be advised that the Standard General Notes have been updated and posted to the DeIDOT website. Please begin using the new versions and look for the revision date of July 20, 2016. The notes can be found at

http://www.deldot.gov/information/business/subdivisions/Sheet_Notes.doc?073116.

The Development Coordination Website indicates that current notes are dated August 31, 2016.
<https://www.deldot.gov/information/business/subdivisions/>

- Based on the preliminary site plan provided to DeIDOT, our Bicycle and Pedestrian Coordinators have provided the following comments:
 - An internal sidewalk/path connection from Route 54 should be provided. The sidewalk shown on the plan accompanying the PLUS application appears to be acceptable in this regard.

Thank you for your endorsement of this portion of the multi-modal transportation element of the project.

- Bicycle racks should be provided near the pool house.

Acknowledged.

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

Soils Assessment

- Based on soils survey mapping update, Hammonton (HmA), Runclint (RuA), Hurlock (HuA) and Klej (KsA) soil mapping units were mapped in the immediate vicinity of the proposed construction.
 - Hammonton and Runclint are moderately and excessively well-drained upland soil mapping units that have moderate limitations for development.
 - Hurlock is a poorly-drained wetland associated (hydric) soil that has severe limitations for development (considered unsuitable) and should be avoided.
 - Klej is a somewhat poorly-drained soil mapping unit that may contain both upland and hydric soil components; therefore, this soil mapping unit is likely to exhibit mixed-levels of suitability (Figure 1).

- DNREC strongly discourages building on hydric soils because they 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. 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 which contributes to lower observed water quality in regional waterbodies and wetlands, since hydric soils sequester and detoxify pollutants. We strongly recommend the applicant 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 soil scientists can be obtained from the Ground Water Discharges Branch, at (302) 739-9947.

Acknowledged.

- A United States Army Corps of Engineers (USACE) approved wetlands delineation is also recommended, before commencing any construction activities. Please note: According to information presented in the PLUS application, a wetlands delineation was conducted but not submitted to DNREC for review. It is not clear if the wetlands delineation was conducted by a qualified soil scientist.

The required delineation has been indicated on the revised site plan dated April 6, 2017, based on field work completed by Ed Launay with Environmental Resources, Inc. Any submittals to the U.S. Army Corps of Engineers and/or DNREC shall be completed by ERI during preparation of Final Site Plans.

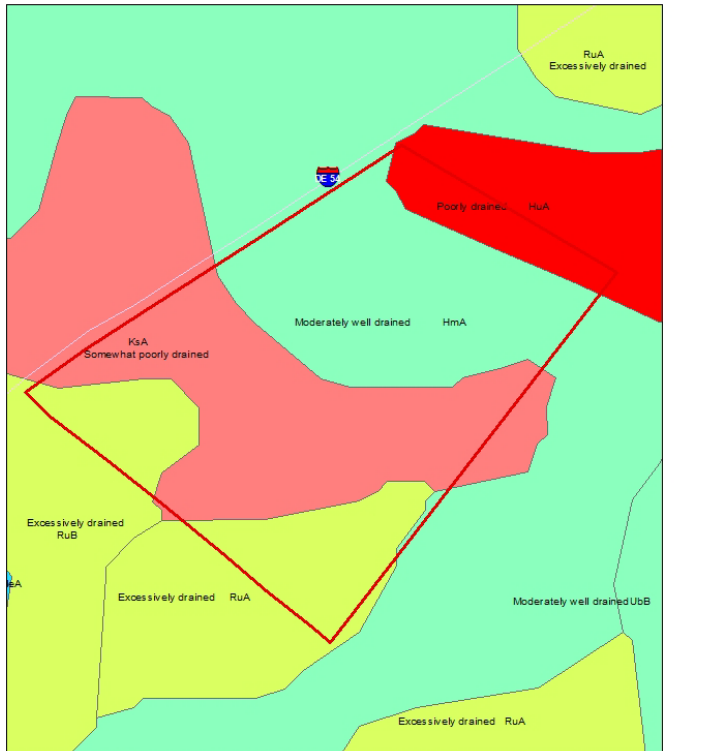
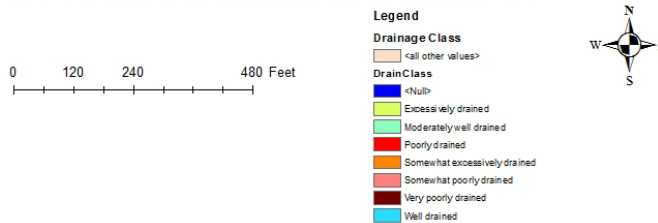


Figure 1: NRCS soil survey mapping update in the immediate vicinity of the proposed construction



Additional information on water quality.

- Compliance with TMDLs through the Pollution Control Strategy (PCS): A Pollution Control Strategy to achieve the required TMDL nutrient and bacterial load reduction requirements has not been established for the Assawoman watershed. However, it is strongly encouraged the applicant to take responsibility for reducing nutrient and bacterial pollutants through voluntary implementation of the following recommended BMPs:
 - Preserve and/or maintain as much of the existing forested area as possible. DNREC further suggest additional native tree, shrub and/or native herbaceous vegetation plantings, wherever possible.
 - Maintain a vegetated buffer of at least 100 feet from the adjoining wetlands and waterbodies. Based on a review of existing buffer research (Castelle et al.)², an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. The Watershed Assessment Section recommends that the applicant maintain/establish a 100-foot buffer, planted in native vegetation, from all waterbodies (including ponds and ditches) and all non-tidal and tidal wetlands (i.e., via a USACE approved field wetlands delineation for non-tidal wetlands and State approved wetlands delineation for tidal wetlands). It is apparent that the applicant intends to maintain/establish a buffer width considerably narrower than the 100-foot buffer width that we recommend.
 - Calculate post-construction surface imperviousness in all forms (e.g., rooftops, driveways, parking lots, sidewalks, open-water storm water management structures, ponds, and roads). Omission of any of these will result in an underestimate of the actual post-development surface imperviousness and their associated environmental impacts.
 - Employ green-technology storm water management and a rain gardens, in lieu of open-water management ponds or structures, as a best management practice to mitigate or reduce nutrient and bacterial pollutant runoff. Open-water stormwater management ponds should not be used as a means for creating additional water- front acreage to increase the property value of land parcels (based on apparent observation of the conceptual lot layout submitted for this project). As stated previously, green-technology stormwater management is the preferred methodology for dealing with stormwater runoff and should be the methodology used for this project.
 - Use pervious paving materials, when compatible or consistent with water quality concerns in designated areas of excellent recharge and/or well-head protection areas via determination by a DNREC hydrogeologist, instead of conventional paving materials (e.g., asphalt or concrete) to help reduce the

amount of water and pollutant runoff draining to adjoining streams and wetlands. Pervious pavers are especially recommended where a significant portion of the proposed project area will be designated for parking.

- Assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the “Nutrient Load Assessment protocol.” The protocol is a tool used to assess changes in nutrient loading (e.g., nitrogen and phosphorus) resulting from the conversion of individual or combined land parcels to a new land use; thus providing applicants and governmental entities with quantitative information about the project’s impact(s) on baseline water quality. We strongly encourage the applicant/developer use this protocol to design and implement the most effective BMPs. Please contact John Martin in the Division of Watershed Stewardship, at (302) 739-9939 for more information on the protocol.

Acknowledged.

Additional information on hazardous waste sites.

- DNREC strongly recommends that the land owner perform environmental due diligence of the property by performing a Phase I Environmental Site Assessment (including a title search to identify environmental covenants) in accordance to Section 9105(c) (2) of the Delaware Hazardous Substance Cleanup Act (HSCA). Failure to do so will prevent a person from being able to qualify for a potential affirmative defense under Section 9105(c) (2) of HSCA.

Acknowledged.

Additional remediation may be required if the project property or site is re-zoned by the county.

Additional information on air quality.

- DNREC encourages developers and builders to consider all sustainable growth practices in their design, and we believe that the air quality impacts associated with the project should be completely considered. New homes and businesses may emit, or cause to be emitted, additional air contaminants into Delaware’s air, which will negatively impact public health, safety and welfare through:
 - Emissions that form ozone and fine particulate matter; Sussex County is currently nonattainment for the 2008 ozone standard.
 - The emission of greenhouse gases which are associated with climate change, and
 - The emission of air toxics.

Acknowledged.

- Emissions Impact of The Lands of Fenwick Subdivision: Based on the information provided, the three air emissions components (i.e., area, electric power generation, and mobile sources) were quantified. Table 2 – Projected Air Quality Emissions

represents the potential impact that the Lands of Fenwick subdivision may have on air quality.

Emissions Attributable to Land of Fenwick (Tons per Year)	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NOx)	Sulfur Dioxide (SO ₂)	Fine Particulate Matter (PM _{2.5})	Carbon Dioxide (CO ₂)
Area source emissions	1.9	0.2	0.2	0.2	7.8
Power emissions	*	0.8	2.6	*	390.2
Mobile emissions	2.8	3.0	0.1	0.0	1,832.4
Total emissions	4.7	4.0	2.9	0.2	2,230.4

(*) Indicates data is not available.

Note that emissions associated with the actual construction of the development, including automobile and truck traffic from working in, or delivering products to the site, as well as site preparation, earth moving activities, road paving and other miscellaneous air emissions, are not reflected in the table above.

Acknowledged.

- **Urban Tree Canopy:** Green streetscape elements that the developer could incorporate are street trees or urban trees. Native trees can help reduce emissions by trapping dust particles while replenishing oxygen. Trees also reduce energy demands by cooling during the summer and by providing wind breaks in the winter, whereby reducing heating and air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs. As a general reminder, trees that have a large leaf surface area at maturity are amenable to particulate matter (PM) collection, such as those that have hairy or sticky leaves and have high transpiration rates which result in relatively high temperature reduction.

Acknowledged.

- **Energy Efficient Options:** Constructing with energy efficient products can help your facility immensely, not only in terms of environmental sustainability but financially. Energy Star qualified products are up to 30 percent more energy efficient. Savings can come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of energy efficiency translates into a percent reduction in pollution. The Energy Star

Program is an excellent way to save on energy costs and reduce air pollution.

Acknowledged.

- Providing shade for parking areas can also be of added benefit to this project. Some approaches may include architectural devices, vegetation, or solar panels. Providing shade for parking areas helps to reduce heat island impacts, and by extension, helps to minimize the potential for localized ground-level ozone formation. Such measures can have the additional benefit of channeling or infiltrating storm water. For more about energy efficient options, please see: <https://www.energystar.gov/> or <https://www.epa.gov/greeningepa/energy-efficiency-epa>.

Acknowledged.

- Multi-modal travel: A strategy to improve existing air quality levels is to maximize multi-modal travel through bike lanes, sidewalks and convenient access to transit opportunities. DNREC encourages the developer to incorporate sidewalks and crosswalks and to add sharrows or bike lanes where needed to encourage multi-modal travel opportunities (sharrows and striping are the easiest and most cost effective options). DNREC is pleased to see that there are proposed sidewalks, as well as a multi-use path, which help to promote healthy lifestyles and choices. Multi-modal travel can significantly reduce mobile source emissions. Multi-modal travel can significantly reduce mobile source emissions. For every vehicle trip that is replaced by the use of a sidewalk or bike path, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year. For more information on multimodal opportunities in your area, please refer to the Delaware Transit Corporation and DeIDOT websites at www.dartfirststate.com and http://deldot.gov/information/community_programs_and_services/gate/. Also, for more information on the impacts of multimodal access on air quality please see the EPA's website at: <https://www3.epa.gov/otaq/>.

Thank you for acknowledging the proposed multi-modal accommodations on the site plan.

- Should the developer have any more questions or concerns, the DNREC Division of Air Quality point of contact is Lauren DeVore, and she may be reached at (302) 739-9437 or lauren.devore@state.de.us. The applicant is encouraged to contact DNREC to discuss emission mitigation best management practices that can be incorporated into the Lands of Fenwick Commons project. DNREC looks forward to working together with you on this project to achieve our shared air quality, healthy community and quality of life goals.

Acknowledged.

Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394

- 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 Housing Coordinator & Fair Housing Compliance Officer
– Contact Brandy Nauman 855-7777**

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.
- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

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



13

**2018 TECHNICAL
ADVISORY COMMITTEE
(TAC) COMMENTS-
CLUSTER
SUBDIVISION**

PLANNING & ZONING COMMISSION

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
DOUGLAS B. HUDSON
R. KELLER HOPKINS
ROBERT C. WHEATLEY



Sussex County

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

April 9, 2018

By email to ken@axeng.com

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

Re: Review Letter for Preliminary Subdivision Plan for Fenwick Knolls (2018-06) for a cluster subdivision of 29 single-family dwellings and site improvements on a 13.33 Acre parcel of land accessed from Lighthouse Rd (Rt. 54).
Tax Parcel: 533-19.00-52.00

Dear Mr. Christenbury,

Further to your submission of February 07, 2018, the Planning and Zoning Department has reviewed the Preliminary Subdivision Plan for Fenwick Knolls (2018-06) for a cluster subdivision of 29 single-family dwellings and site improvements on a 13.33 Acre parcel of land accessed from Lighthouse Rd (Rt. 54). Staff have reviewed the submitted plan for compliance with the Zoning Code and Subdivision Code and has the following comments:

1. **The proposed is for a cluster subdivision of less than 50 units within the ES-1 Environmentally Sensitive Development District Overlay Zone (ESDDOZ). The applicant is not required to submit copies of an environmental assessment and public facility evaluation report and sketch plan (report) to the Director of Planning and Zoning in accordance with the procedure set out within §115-194.3.B(2)(a)-(l).**

Preliminary Subdivision Plan

2. **Add the front corner setback to the Site Data Column. This is 15' and applies to lots 13, 15 and 24.**
3. **Add the open space totals and the breakdown of open space to the Site Data Column.**
4. **Add the woodlands totals to the Site Data Column.**
5. **Add the percentage of open space in the Site Data Column.**
6. **Confirm in the banner header of the Title Sheet that the Plan is a Preliminary Subdivision Plan to enable the plan to be differentiated from any subsequent Final Subdivision Plan/Record Plan.**



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

7. **Add the land use classification for all adjoining lot annotations and clearly show whether Parcel 56.05 is in active agricultural use. If the adjoining parcel is in active agricultural use, show any required 50' buffer on the plan.**
8. **Add the minimum lot size to the Site Data Column.**
9. **Enlarge the north arrow on the title sheet to enable this to be seen more clearly.**
10. **Annotate the lot line lengths and lot sizes for all 29 lots proposed.**
11. **Clarify if the corner lots are to extend to the right of way, or if open space will be located between each of the corner lots and the right of way.**
12. **Confirm whether any excavation or recontouring of the site is proposed. If so, the Preliminary Subdivision plan shall include a grading plan. (§99-23.N).**
13. **Confirm whether any lighting poles are to be provided within the Subdivision. If so, provide details with the Final Subdivision Plan. The lighting shall be arranged and installed to minimize glare on property in a residential area. §115-166.**
14. **Annotate the adjoining parcels to confirm their zoning and land use classification. Parcel 56.05 appears to be within active agricultural use. A forested buffer area with a minimum width of 20 feet (ESDDOZ) shall be provided for lots abutting an agricultural area.**
15. **Annotate the proposed buffers to confirm their depth and that they will be forested.**
16. **Provide a statement that clearly outlines, in tentative form, the proposed deed restrictions to be imposed by the owner (§99-24.B). Confirm that the requirements of §99-6 will be complied with in relation to deed restrictions for lots adjoining active agricultural land.**
17. **Provide copies of all HOA documents, and provide a summary of deed restrictions applicable within the subdivision, including agreements for the operation and maintenance by the property owners or agency in the subdivision of street and road improvements, surface drainage facilities, erosion and sedimentation control facilities, water supply facilities, sanitary sewer facilities, forested buffer strips, all areas approved as open space as defined in §99-5 (§99-27).**
18. **Provide a statement that clearly outlines how and when the subdivider proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavements and drainage structures (§99-24.A).**
19. **Provide a statement that clearly outlines how and when the subdivider proposes to provide for the perpetual maintenances of forested buffer strips (§99-24.F).**
20. **Add a typical cross-section drawing for the proposed streets. The minimum clear/unobstructed road width when using open drainage shall be 24 feet (§99-18.E).**
21. **Add a general note confirming whether the project will be phased, and the details of each phase.**
22. **Add a general note confirming whether any amenities will be built as a separate phase.**

Final Subdivision Plan

23. On the Final Subdivision Plan, show in the Site Data Column the locations, dimensions and purposes of all open space areas. The legend or plot notes must show a breakdown of acreages, both gross and net, of open space, the percentage of impervious cover area, the percentage of open space to total gross acreage and the total acreage of proposed streets, roads, parking lots, alleys and ways used for vehicle access and multimodal paths located within state rights-of-way (§99-26.A(19)).
24. Any Final Subdivision Plan shall comply with the requirements of §99-25 and §99-26 of the Sussex County Code.
25. The Final Subdivision Plan shall include a Landscaping Plan which shall clearly delineate all undisturbed trees and forested areas. The Landscape Plan shall also comply with the requirements of §99-5. The Final Landscape Plan shall be designed and certified to by a licensed landscape architect, licensed forester or forester designated by the Society of American Foresters as a "certified forester." (§99-5). Staff would encourage comments to be obtained from the Urban Forestry Program Team within Delaware Forest Service.
26. Add a statement in the general notes outlining how amenities are to be maintained in perpetuity (§99-24). Confirm whether any Amenities Site Plan is to be submitted separately.
27. Provide details of street lights, curbs, parking and signage.
28. Indicate any bus stops and entrance signs.
29. Add a general note confirming that any sign requires a separate permit.
30. Confirm how the landscape/forested buffer is to be maintained in perpetuity. The perpetual maintenance of the buffer plantings by a homeowners' association shall be assured through the restrictive covenants and/or homeowners' association documents. The perpetual maintenance plan shall include the requirement that any trees that die must be replanted with trees of the same type and species and in accordance with the original landscape plan approved by the County. The perpetual maintenance plan shall also include a requirement that the forested buffer area be planted and maintained according to best management practices in the forestry industry. The responsibility for the perpetual maintenance of the buffer strip and its plantings shall be assured through restrictive covenants which are obligatory upon the purchasers through assessments by the homeowners' association. The applicant and/or land developer must provide the Commission with satisfactory proof that the covenants include a perpetual maintenance plan which shall be binding upon the applicant and/or developer during the minimum two-year period described in §99-5 and thereafter by the homeowners' association. The Commission and its attorney shall review and approve the perpetual maintenance plan prior to the restrictive covenants being recorded and prior to granting final site plan approval (§99-5.G).
31. Add a space for the signature of an authorized representative of the Sussex Conservation District approving the location and design of all stormwater management areas and erosion and sediment control facilities which shall be shown on the final site plan.
32. Add a space on the Final Subdivision Plan for the Signature of the Chairman/Vice Chairman of Sussex County Council.
33. Add a signature panel for Sussex County Engineering.

NOTES:

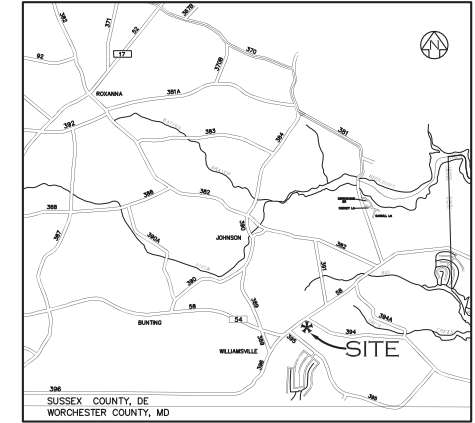
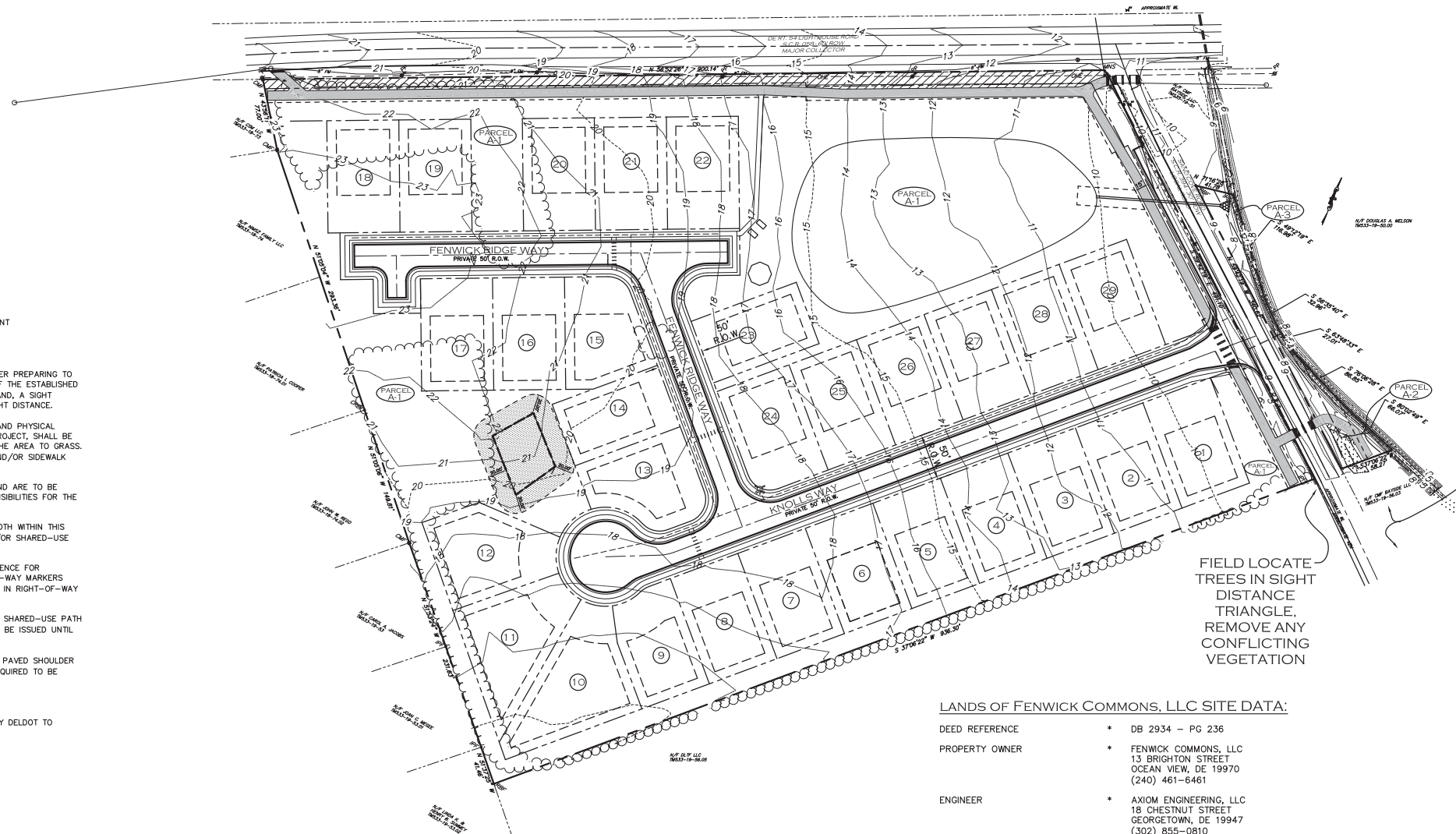
- 1) FORESTED BUFFERS, STREETS, SHARED USE PATHS, SIDEWALKS, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNER'S ASSOCIATION CAN PROVIDE FOR REQUIRED MAINTENANCE. SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE FACILITIES WITHIN THE SITE.
- 2) 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.
- 3) 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 ON ANY EASEMENT.
- 4) BOUNDARY & TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN MARCH 2017.
- 5) ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
- 6) THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
- 7) THE PROPERTY HAS BEEN INVESTIGATED BY ENVIRONMENTAL RESOURCES, INC FOR THE PRESENCE OF JURISDICTIONAL WETLANDS AND WAS FOUND TO BE FREE OF WETLANDS WEST OF SAND COVE ROAD. WETLANDS LOCATED IN DRUM CREEK WILL BE FIELD DELINEATED AND LOCATED PRIOR TO THE PREPARATION OF FINAL PLANS.
- 8) THERE IS AN EXISTING CEMETERY DELINEATED BY EDWARD OTTER INC. ARCHEOLOGIST. ANY DESCENDANTS OF THOSE INTERRED IN THE GRAVEYARD ARE PERPETUALLY GRANTED ACCESS VIA THE SUBDIVISION ROAD AND CUL-DE-SAC TO THE OPEN SPACE BELIEVED TO CONTAIN THE GRAVEYARD.

DEL. D.O.T. NOTES:

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
2. ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
3. 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.
4. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY.
5. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
6. THE SIDEWALK AND SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
7. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
8. PHASE 1 ENTRANCE CONSTRUCTION WILL CONSIST OF A HAMMERHEAD ENTRANCE ALONG WEST SAND COVE ROAD AND THE SHARED-USE PATH (SUP) ALONG THE DELAWARE ROUTE 54 FRONTAGE, SERVING DUPLEX UNITS 1 TO 28. NO CERTIFICATES OF OCCUPANCY WILL BE ISSUED UNTIL PHASE 1 WORK HAS BEEN INSPECTED AND ACCEPTED.
9. PRIOR TO THE ISSUANCE OF BUILDING PERMIT 29, THE REQUIRED RIGHT-TURN DECELERATION LANE, 5' BIKE LANE, AND 5' PAVED SHOULDER ON THE SOUTHWEST SIDE OF W. SAND COVE ROAD (S394) SITE FRONTAGE ENDING AT THE PROPOSED SUP CROSSING ARE REQUIRED TO BE CONSTRUCTED AND OPEN TO TRAFFIC.
10. SUP CROSSING TO BE MARKED WITH ENHANCED SIGNING AND STRIPING PER NCHRP 562 ANALYSIS.
11. ADDITIONAL 4' OF ROW ALONG DELAWARE ROUTE 54 AND W. SAND COVER ROAD AS ESTABLISHED ON PLANS REQUIRED BY DELDOT TO ACCOMMODATE POTENTIAL FUTURE OFF-SITE INTERSECTION IMPROVEMENTS TO ADDRESS EXISTING CONDITIONS.

ESDOZ SUBDIVISION PLAN FOR THE LANDS OF

FENWICK COMMONS, LLC



LOCATION MAP
SCALE 1" = 1 MILE

REVISED	SHEET INDEX
2/9/2018	CU-1 ESDOZ PRELIMINARY SUBDIVISION PLAN
2/9/2018	CU-2 UTILITY PLAN
2/9/2017	CU-3 PRELIMINARY ENTRANCE PLAN
7/7/2017	CE-1 SIGHT DISTANCE & VEHICLE MODELING EXHIBITS

FUTURE ACCESS TO MELSON PROPERTY

FIELD LOCATE TREES IN SIGHT DISTANCE TRIANGLE. REMOVE ANY CONFLICTING VEGETATION

LANDS OF Fenwick Commons, LLC SITE DATA:

DEED REFERENCE	* DB 2934 - PG 236
PROPERTY OWNER	* FENWICK COMMONS, LLC 13 BRIGHTON STREET OCEAN VIEW, DE 19970 (240) 461-6461
ENGINEER	* AXIOM ENGINEERING, LLC 18 CHESTNUT STREET GEORGETOWN, DE 19947 (302) 855-0810 C/O KENNETH R. CHRISTENBURY, P.E.
SUSSEX CO. TAX MAP PARCELS	* 5-33-19, PARCEL 52
TOTAL AREA	* 13.33± AC.
DEDICATIONS TO DELDOT	* 0.52± AC.
REMAINING LANDS	* 12.82± AC.
ZONING JURISDICTION	* SUSSEX COUNTY
SANITARY SEWER PROVIDER	* FENWICK ISLAND SANITARY SEWER DISTRICT
CENTRAL WATER PROVIDER	* ARTESIAN WATER COMPANY
FLOOD INSURANCE RATE MAP FLOOD ZONE	* 10005C0635 K, DATED MARCH 16, 2015 ZONE X (UNSHADED)
STAGE STRATEGIES LEVEL	* 2 & 3
EXISTING ZONING DISTRICT	* AR-1 AGRICULTURAL RESIDENTIAL
PROPOSED ZONING	* AR-1 (ESDOZ MAJOR SUBDIVISION)
DELDOT ROAD CLASSIFICATIONS	* LIGHTHOUSE ROAD/ MAJOR COLLECTOR - 50 MPH SAND COVE ROAD/LOCAL ROAD - 50 MPH

PARCEL A SITE DATA

LOT AREA	* 6.05± ACRES
STREET R.O.W. AREA	* 1.77± ACRES
OPEN SPACE	* 5.00± ACRES
TOTAL AREA	* 12.82± ACRES (AFTER DEDICATIONS)
EXISTING FOREST TO REMAIN	* 1.24± AC. 0.81± AC.
EXISTING USE	* AGRICULTURAL
PROPOSED USE	* 29 SINGLE FAMILY DETACHED DWELLING LOTS
SANITARY SEWER DEMAND	* 29 EQUIVALENT DWELLING UNITS
PROPOSED DENSITY	* 2.17 DWELLING UNITS/ACRES
BUILDING SETBACKS	* FRONT 25' SIDE 10' REAR 10'
MAXIMUM BUILDING HEIGHT	* 42 FEET
PARKING REQUIRED	* 2 PARKING SPACES PER DWELLING
PARKING PROVIDED	* 3 PARKING SPACES PER DWELLING (1 GARAGE, 2 DRIVEWAY)

LANDS OF FENWICK COMMONS, LLC
FEBRUARY 1, 2017

ROAD
WEST SAND COVE ROAD (SUSSEX COUNTY ROAD 394)
FUNCTIONAL CLASSIFICATION - LOCAL ROADWAY
AADT (2015 DELAWARE VEHICLE VOLUME SUMMARY) = 858
10 YR PROJECTED AADT = 1,16 X 858 = 995
10 YR PROJECTED AADT + SITE ADT (424) = 1,419
DIRECTIONAL SPLIT = 61.81% / 38.19%
PEAK HOUR = 95 X 15.43% = 154
6.28 TRUCK % X 154 = 10
SPEED - POSTED - 50
TRAFFIC PATTERN GROUP - 7

NOTE: SITE HAS FRONTAGE ALONG DELAWARE ROUTE 54 (LIGHTHOUSE ROAD & SUSSEX ROAD 058). NO ACCESS IS PROPOSED ALONG DELAWARE ROUTE 54. DELAWARE ROUTE 54 IS LISTED AS A MAJOR COLLECTOR AND IS POSTED WITH A 50 MPH SPEED LIMIT.

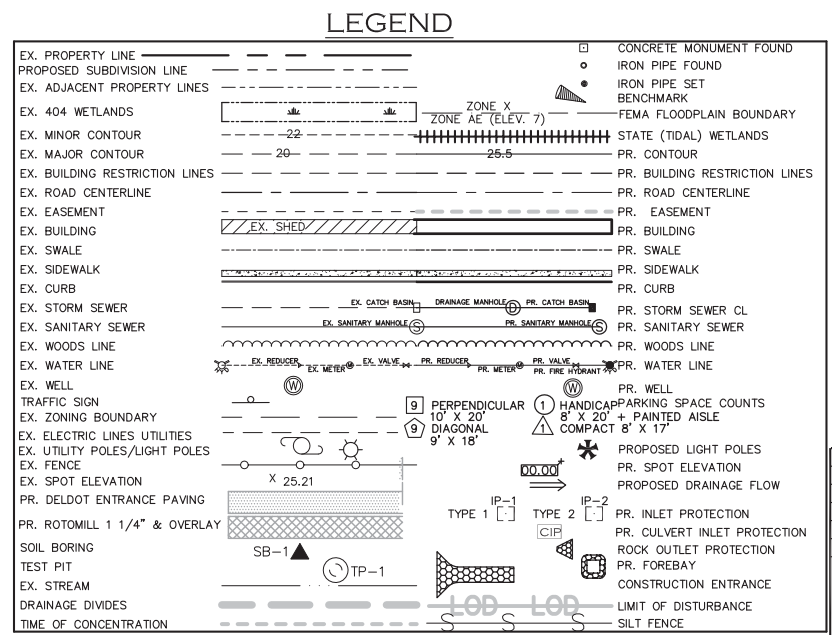
LEGEND

## - WKDY ADT	(##) - AM PEAK	(##) - PM PEAK	(##) - TRIP DISTRIBUTION DERIVED FROM MELSON PROPERTY RECORD PLAN APPROVED BY DELDOT ON JULY 27, 2016
---------------	----------------	----------------	---

SITE TRIPS GENERATED - PROPOSED

TYPE OF DEV.	ITE	AM	PM	WKDY
TOWNHOMES/CONDOS	230	62	35	424

NOTE:
-TRIP GENERATION IS BASED ON ITE TRIP GENERATION MANUAL 9TH EDITION.
-DESIGN PEAK HOURS CONSISTENT WITH MELSON PROPERTY RECORD PLAN APPROVED BY DELDOT ON JULY 27, 2016
-DESIGN VEHICLE: SU-30.
-TRUCK (LIGHT DUTY) PERCENTAGE FOR SITE EQUALS 1%.



ENGINEER'S CERTIFICATION:

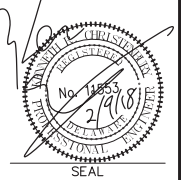
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON OTHER THAN THE PROPERTY BOUNDARY AND EXISTING TOPOGRAPHY, IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED PROFESSIONAL STANDARDS AND PRACTICES AND BY THE ORDINANCES OF SUSSEX COUNTY AND THE LAWS OF THE STATE OF DELAWARE.

OWNER CERTIFICATION:

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

KENNETH R. CHRISTENBURY, P.E. - DE. LICENSE No. 11553 DATE _____ PRINTED NAME _____ PRINTED TITLE _____

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	12/23/2016
TAX MAP:	5-33-19, 52

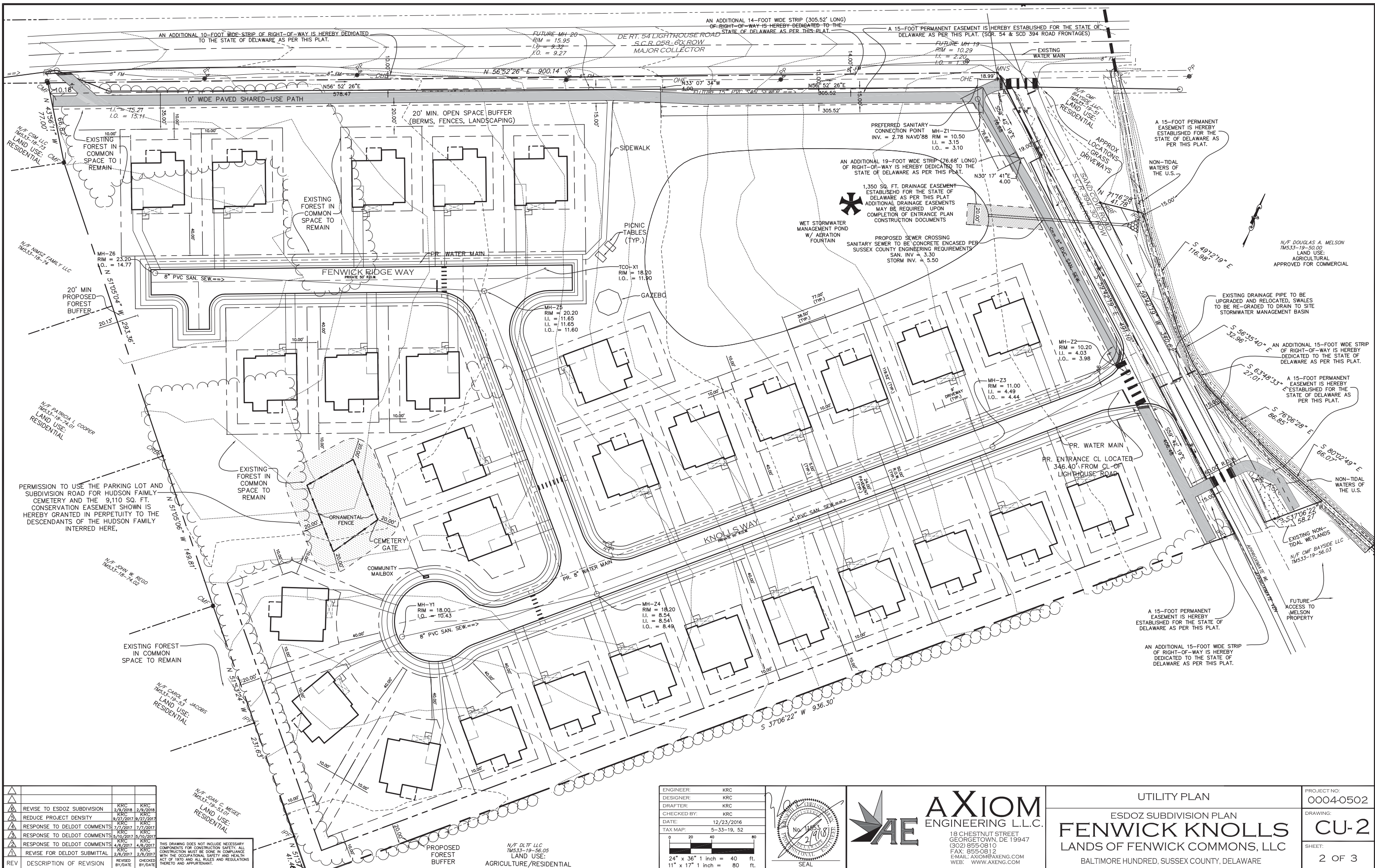


AXIOM ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19947
(302) 855-0810
FAX: 855-0812
E-MAIL: AXIOM@AXIOM.COM
WEB: WWW.AXIOM.COM

ESDOZ PRELIMINARY SUBDIVISION PLAN
PROJECT NO: 0004-0502

ESDOZ SUBDIVISION PLAN
FENWICK KNOLLS
LANDS OF FENWICK COMMONS, LLC
DRAWING: **CU-1**

BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE
SHEET: 1 OF 3



REV	DESCRIPTION OF REVISION	BY/DATE	CHECKED BY/DATE
1	REVISE TO ESDOZ SUBDIVISION	KRC 2/2/2016	KRC 2/2/2016
2	REDUCE PROJECT DENSITY	KRC 9/27/2017	KRC 9/27/2017
3	RESPONSE TO DELDOT COMMENTS	KRC 7/7/2017	KRC 7/7/2017
4	RESPONSE TO DELDOT COMMENTS	KRC 5/10/2017	KRC 5/10/2017
5	RESPONSE TO DELDOT COMMENTS	KRC 4/6/2017	KRC 4/6/2017
6	REVISE FOR DELDOT SUBMITTAL	KRC 2/6/2017	KRC 2/6/2017

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 THERE TO AND APPURTENANT.

N/F JOHN C. MEECE
TM533-19-33-01
LAND USE:
RESIDENTIAL

N/F CAROL J. JACQUES
TM533-19-23-01
LAND USE:
RESIDENTIAL

N/F JOHN W. REGO
TM533-19-4-02

N/F PATRICK I. COOPER
TM533-19-7-01
LAND USE:
RESIDENTIAL

N/F SARAH L. G. LIGGINS
TM533-19-7-03
LAND USE:
RESIDENTIAL

N/F NINISE FAMILY LLC
TM533-19-14-01

N/F DOUGLAS A. MELSON
TM533-19-50-00
LAND USE:
AGRICULTURAL
APPROVED FOR COMMERCIAL

N/F JOHN W. REGO
TM533-19-4-02

N/F JOHN C. MEECE
TM533-19-33-01
LAND USE:
RESIDENTIAL

N/F CAROL J. JACQUES
TM533-19-23-01
LAND USE:
RESIDENTIAL

N/F JOHN W. REGO
TM533-19-4-02

N/F PATRICK I. COOPER
TM533-19-7-01
LAND USE:
RESIDENTIAL

N/F SARAH L. G. LIGGINS
TM533-19-7-03
LAND USE:
RESIDENTIAL

N/F NINISE FAMILY LLC
TM533-19-14-01

N/F DOUGLAS A. MELSON
TM533-19-50-00
LAND USE:
AGRICULTURAL
APPROVED FOR COMMERCIAL

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	12/23/2016
TAX MAP:	5-33-19, 52



AXIOM
ENGINEERING L.L.C.
18 CHESTNUT STREET
GEORGETOWN, DE 19947
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FAX: 855-0812
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WEB: WWW.AXIOM.COM

UTILITY PLAN
ESDOZ SUBDIVISION PLAN
FENWICK KNOLLS
LANDS OF FENWICK COMMONS, LLC
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

PROJECT NO:
0004-0502
DRAWING:
CU-2
SHEET:
2 OF 3

34. Add a wetlands certification panel to the Final Subdivision Plan.
35. Prior to approval of any Final Subdivision Plan, approval letters or ‘no-objection’ letters from the following agencies shall be submitted to the Sussex County Planning and Zoning Department:
 - a. Sussex Conservation District
 - b. Office of the State Fire Marshal
 - c. Sussex County Engineering Department
 - d. Delaware Department of Transportation
 - e. The relevant School District in relation to bus stop provision

Please note that a lot fee of \$10.00 per lot is required to be paid prior to approval of any Final Subdivision Plan. For 29 lots, the fee is \$290.00. Please note that the Final Subdivision Plan, once approved, must be recorded with the Recorder of Deeds Office within a period of 60 days after the Final Subdivision Plans have been approved.

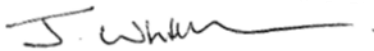
The above matters listed in **bold** shall be addressed prior to the consideration of the Preliminary Subdivision Plan by members of Planning & Zoning Commission.

A Public Hearing is tentatively scheduled before Planning & Zoning Commission on June 28, 2018. Provide **two (2)** full-size copies of any revisions to the Preliminary Subdivision Plan to the Planning and Zoning Office no later than June 12, 2018 and **seven (7) copies (11” x 17”)** by June 19, 2018 for consideration at the Planning & Zoning Commission meeting on June 28, 2018.

This Department is in receipt of Technical Advisory Committee comments, copies of which are attached.

Please feel free to contact me with any questions during business hours 8:30am – 4:30pm Monday through Friday at 302-855-7878.

Sincerely,



Jamie Whitehouse
Planner III

Enc – TAC Comments (by email)

MAPPING & ADDRESSING

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



Sussex County

DELAWARE
sussexcountyde.gov

February 9, 2018

AXIOM

Attn: Kenneth R. Christenbury, P.E.
President, Axiom Engineering, LLC
18 Chestnut Street
Georgetown, DE 19947

RE: **Proposed Subdivision Name(s)**

I have reviewed the name(s) submitted for your proposed subdivision, which is located in Selbyville (533-19.00-52.00). In reviewing the proposed name(s) the following has been **denied** for this subdivision:

FENWICK KNOLLS

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

Sincerely,

Terri Dukes

Terri Dukes
Addressing Department

CC: Jennifer Norwood
Planning & Zoning



MEMORANDUM

TO: Jennifer Norwood
Sussex County Planning and Zoning
Sussex County Courthouse
P. O. Box 417
Georgetown, DE 19947

FROM: John Martin

DATE: March 7, 2018

SUBJECT: Review and Comments for the Sussex County Technical Advisory Committee (TAC)

Watershed: Assawoman
Subdivision/Applicant: Fenwick Knolls
Tax Map#(s): 533.00-19.00—52.00
Proposed waste disposal type: Public

TMDLs and Nutrient Management plans

- The project is located in Assawoman watershed. This watershed drains both the State of Delaware and the State of Maryland (the majority of Assowoman watershed lies within the State of Maryland). In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction requirements for nutrients and bacteria have not been developed by the state of Delaware; however, the state of Maryland does have specific TMDL reduction requirements. Please contact the Maryland Department of the Environment (MDE) for questions or concerns about Maryland's TMDL program and requirements; MDE can be reached by phone at (410) 537-3937.
- A nutrient management plan is required under the *Delaware Nutrient Management law (3 Del. Chapter 22)* for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres. This project's open space may exceed this 10-acre threshold. Please contact the Delaware Nutrient Management Program at 739-4811 for further information concerning compliance requirements – or, view the following web link for additional information: <http://dda.delaware.gov/nutrients/index.shtml>

Recommendations

Soils

- Based on a review of the soil survey mapping update, Hurlock (HuA) and Klej (KsA) are the primary soil mapping units of concern mapped in this parcel (Figure 1). Hurlock is poorly-drained wetland associated (hydric) soil mapping unit that has severe limitations for development. Klej is a somewhat poorly-drained soil mapping unit likely to contain both upland and wetland soil (i.e., hydric) components; thus portions of this soil mapping unit may also have severe limitations for development (considered unsuitable) as well.

- We strongly discourage building on hydric soils because they 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 future flooding events. 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. We strongly recommend the applicant 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/GroundWaterDischargesLicensesandLicensees.aspx>

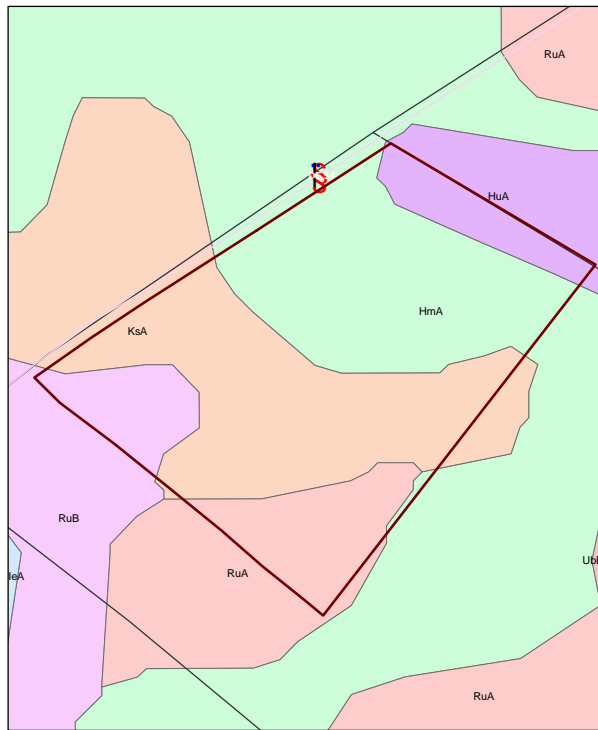
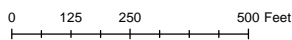


Figure 1: NRCS soil survey mapping update in the immediate vicinity of the proposed construction



Compliance with TMDLs through the Pollution Control Strategy (PCS)

Compliance with the specified TMDL nutrient and bacterial reduction requirements specified for the Inland Bays watershed can be facilitated by adherence to the strategies and requirements described in the Inland Bays PCS, and the implementation of the following recommended BMPs, which would:

- Preserve and/or maintain as much of the existing forest cover and open space as possible; we further suggest additional native tree, shrub and/or native herbaceous vegetation plantings, wherever possible.
- Conduct a United Army Corps of Engineers approved wetlands delineation (USACE) before commencing any construction activities. Based on information submitted by the applicant in the TAC application, a wetlands delineation was conducted but not approved by the USACE. A field based site-specific wetlands delineation by a licensed soil scientist is recommended to more precisely assess the presence of wetlands and hydric soils in this parcel (prior to obtaining the recommended approval from the USACE). 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/GroundWaterDischargesLicensesandLicensees.aspx>
- Maintain a vegetated buffer of at least 100 feet from the adjoining wetlands and waterbodies. Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878-882.), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish this aforementioned 100-foot buffer width (planted in native vegetation) from all waterbodies (including ponds) and all non-tidal and tidal wetlands (i.e., via a USACE approved field-based wetlands delineation).
- Calculate post-construction surface imperviousness with all forms of created (or constructed) surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, open-water storm water management structures, ponds, and roads) included in the calculation for surface imperviousness. Omission of any of the above-stated forms of surface imperviousness will result in an underestimate of the actual post-development surface imperviousness and the environmental impacts associated with this imperviousness.
- Employ green-technology storm water management and a rain garden(s) (in lieu of open-water management structures) as BMPs to mitigate or reduce nutrient and bacterial pollutant runoff. If open-water stormwater management is selected for use, they should be employed for their intended function - that is, the management of stormwater - not for the creation of additional pond acreage to enhance property/aesthetic values. It should also be noted that open-water stormwater ponds attract nuisance geese and nuisance algae that can contribute to the degradation of water quality of waters in the greater Inland Bays watershed. In the end, we strongly recommend that the applicant use green-technology

stormwater management and refrain from use of open-water stormwater management ponds and/or open-water ponds of any kind or purpose for this project.

- Make use of pervious paving materials (when compatible or consistent with water quality concerns in areas designated as locations of excellent recharge (e.g., well head protection areas), as determined/assessed by a DNREC hydrogeologist(s)) instead of conventional paving materials (e.g., asphalt or concrete) to help reduce the amount of water and pollutant runoff draining to adjoining streams and wetlands. Pervious pavers are especially recommended for areas designated for parking.
- Assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the “Nutrient Load Assessment protocol.” The protocol is a tool used to assess changes in nutrient loading (e.g., nitrogen and phosphorus) resulting from the conversion of individual or combined land parcels to a changed land use(s); thus providing applicants and governmental entities with quantitative information about the project’s impact(s) on baseline water quality. We strongly encourage the applicant/developer use this protocol to help them design and implement the most effective BMPs. Please contact John Martin at (Division of Watershed Stewardship) 302-739-9939 for more information on the protocol.

From: Hayes, John G. (DNREC)
To: [Jennifer Norwood](#)
Cc: [Tholstrup, Michael S. \(DNREC\)](#); [Coyle, Kevin F. \(DNREC\)](#)
Subject: RE: TAC Review for 2018-6 Fenwick Knolls
Date: Friday, February 09, 2018 3:18:58 PM

Jennifer,

The Groundwater Discharges Section has no comment on Fenwick Knolls (2018-6) since it is proposed to utilize public sewer. Thank you.

Jack

John G. "Jack" Hayes, Jr.
Environmental Program Manager
Delaware Department of Natural Resources and Environmental Control
Groundwater Discharges Section
89 Kings Highway
Dover, DE 19901
John.hayes@state.de.us
(302) 739-9327
(302) 739-7764 Fax

From: Jennifer Norwood [mailto:jnorwood@sussexcountyde.gov]
Sent: Friday, February 09, 2018 9:27 AM
To: Brad Hawkes; C. Daniel Parsons; Dickerson, Troy; Fox, Duane T. (FireMarshal); Butler, Eileen M. (DNREC); dholden@chpk.com; John J. Ashman; Fleming, Kate M. (DNREC); Terri Dukes; Melendez, Milton (DDA); Rob Davis; Sisson, Steven (DeIDOT); Mike Brady; Crystall, Meghan (DNREC); Watson, Jessica (DNREC); Susan Isaacs; Subdivision (MailBox Resources); Vince Robertson; Hayes, John G. (DNREC); Martin, John (DNREC); DeVore, Lauren (DNREC); Kennel, John M. (DNREC); Tholstrup, Michael S. (DNREC)
Subject: TAC Review for 2018-6 Fenwick Knolls

Good Morning,

Sussex County Planning Office has received one (1) application that requires TAC review. Attached is a memo regarding the application and a PDF of the plans submitted.

Please provide comments on or before Monday, March 26, 2018.

Please feel free to contact me with any questions.

Thanks,
Jenny

Jennifer Norwood
Planning Technician

Planning & Zoning Dept.
Sussex County Government
PO Box 417
2 The Circle
Georgetown, DE 19947
302-858-5501
jnorwood@sussexcountyde.gov

From: Fleming, Kate M. (DNREC)
To: [Jennifer Norwood](#)
Cc: [Tholstrup, Michael S. \(DNREC\)](#)
Subject: RE: TAC Review for 2018-6 Fenwick Knolls
Date: Friday, March 23, 2018 1:40:49 PM
Attachments: [image001.png](#)
[image002.jpg](#)

Ms. Norwood,

A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site.

Thanks,
Kate

Kate Fleming
Wildlife Biologist/Environmental Review Coordinator
Delaware Division of Fish and Wildlife
6180 Hay Point Landing Road
Smyrna, DE 19977
Phone: (302) 735-8658
Fax: (302) 653-3431
Delaware Division of Fish & Wildlife

***We Bring You Delaware's Great Outdoors
through Science and Service***

Find us on Facebook <http://www.facebook.com/DelawareFishWildlife>

From: Jennifer Norwood [mailto:jnorwood@sussexcountyde.gov]
Sent: Friday, February 09, 2018 9:27 AM
To: Brad Hawkes; C. Daniel Parsons; Dickerson, Troy; Fox, Duane T. (FireMarshal); Butler, Eileen M. (DNREC); dholden@chpk.com; John J. Ashman; Fleming, Kate M. (DNREC); Terri Dukes; Melendez, Milton (DDA); Rob Davis; Sisson, Steven (DeIDOT); Mike Brady; Crystall, Meghan (DNREC); Watson, Jessica (DNREC); Susan Isaacs; Subdivision (MailBox Resources); Vince Robertson; Hayes, John G. (DNREC); Martin, John (DNREC); DeVore, Lauren (DNREC); Kennel, John M. (DNREC); Tholstrup, Michael S. (DNREC)
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Jenny

Jennifer Norwood

Planning Technician

Planning & Zoning Dept.

Sussex County Government

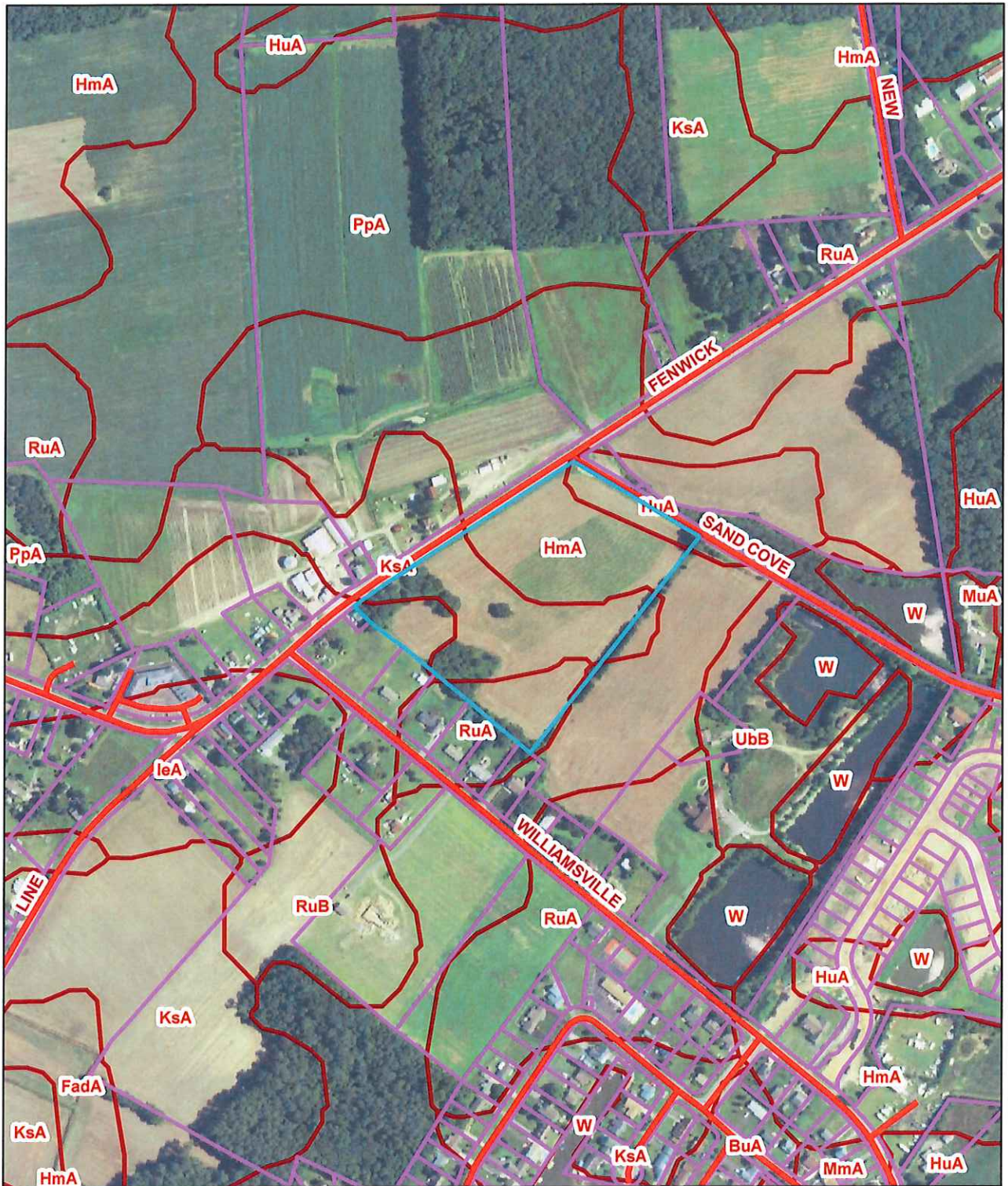
PO Box 417

2 The Circle

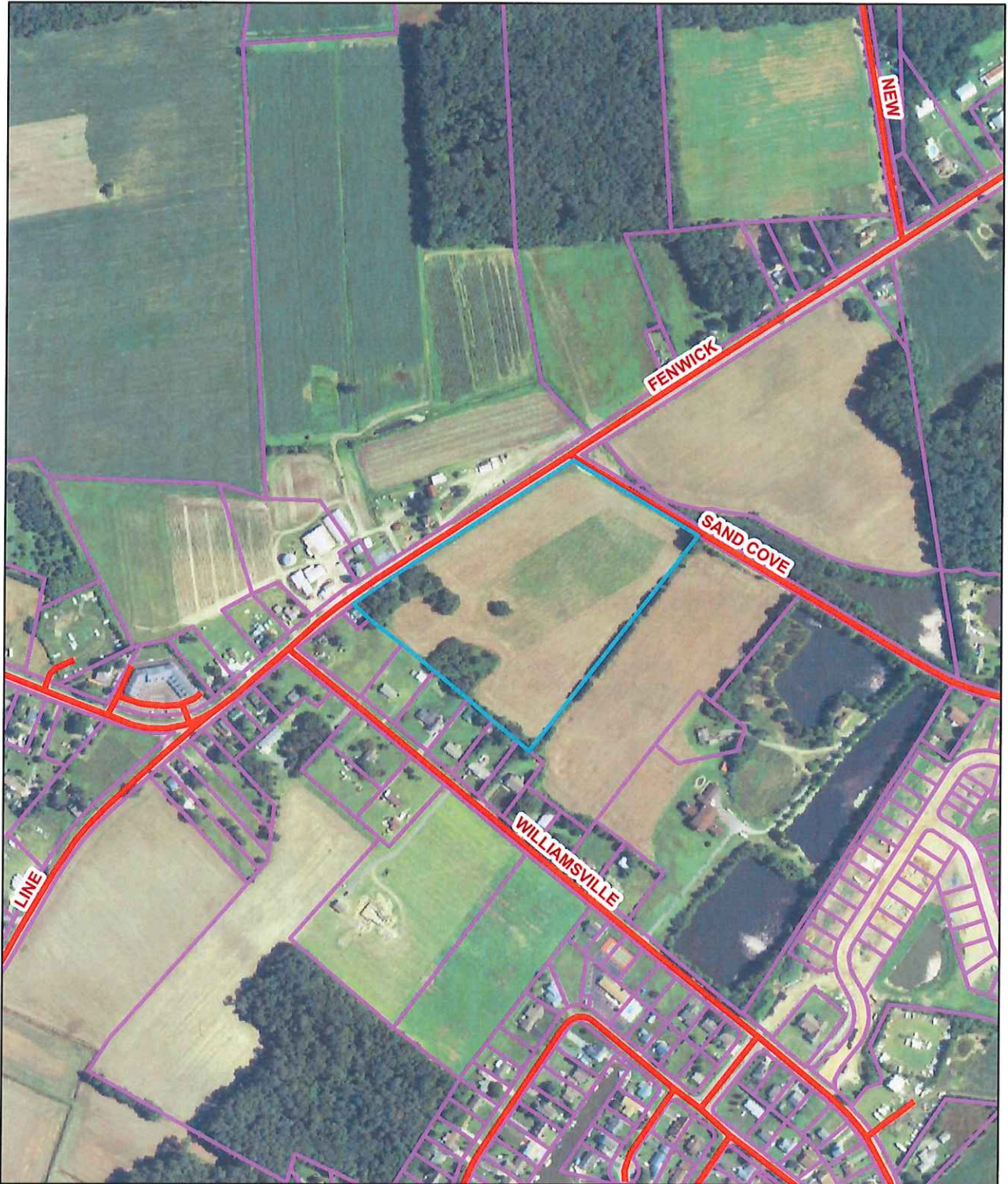
Georgetown, DE 19947

302-858-5501

jnorwood@sussexcountyde.gov



2018-6
TM #533-19.00-52.00
Fenwick Knolls



2018-6
TM #533-19.00-52.00
Fenwick Knolls



Natural Resources
Conservation Service

March 20, 2017

Georgetown
Service Center

Janelle M. Cornwell, Director
Sussex County Planning & Zoning
Sussex County Courthouse
Georgetown, DE 19947

21315 Berlin Road
Unit 3
Georgetown, DE
19947

Voice 302.856.3990
Fax 855.306.8272

**RE: Fenwick Knolls
Baltimore Hundred
29 single family lots**

Dear Ms. Cornwell:

Soils within the delineated area on the enclosed map are:

- HmA Hammonton loamy sand, 0 to 2 percent slopes
- HuA Hurlock loamy sand, 0 to 2 percent slopes
- KsA Klej loamy sand, 0 to 2 percent slopes
- RuA Runclint loamy sand, 0 to 2 percent slopes
- RuB Runclint loamy sand, 2 to 5 percent slopes

Soil Interpretation Guide

Soil Limitation Class

Buildings

Map Symbol	Urbanizing Subclass	With Basement	Without Basement	Septic Filter Fields
HmA	Y2	Very limited	Somewhat limited	Very limited
HuA	R2	Very limited	Very limited	Very limited
KsA	R2	Very limited	Very limited	Very limited
RuA	Y2	Somewhat limited	Not limited	Very limited
RuB	Y2	Somewhat limited	Not limited	Very limited

Definition of soil limitation ratings classes:

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

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

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

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

R2:

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

Y2:

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

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

Sincerely,



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

TDS/bh

Agency Name: DNREC

Project Name: 2018-6 Fenwick Knolls

Division: Waste and Hazardous Substances/ SIRS
Meghan.Crystall@state.de.us (302)-395-2600

Contact Person: Meghan Crystall

Regulations/Code Requirements

DNREC's Site Investigation and Restoration Section (SIRS) has reviewed the proposed project.

- If it is determined by the Department that there was a release of a hazardous substance on the property in question and the Department requires remediation pursuant to the Hazardous Substance Cleanup Act, the provisions of 7 Del.C. Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware Regulations Governing Hazardous Substance Cleanup shall be followed.”
- Only one Site Investigation & Restoration Section (SIRS) site was found within a half mile radius of the proposed site: Esham-Davis Site (DE-0239) is located on Road 389 in Selbyville, DE. DNREC-SIRS has designated the site as administratively closed based on the review of the Preliminary Assessment performed at the site in January 1990 and a site visit in May 2012. Based on these information it was determined that there is no reason to believe a release has occurred at the site that requires actions under the Hazardous Substance Cleanup Act (HSCA).

Suggestions

- SIRS strongly recommends that the land owner perform environmental due diligence of the property by performing a Phase I Environmental Site Assessment (**including a title search to identify environmental covenants**) in accordance to Section 9105(c) (2) of the Delaware Hazardous Substance Cleanup Act (HSCA). While this is not a requirement under HSCA, it is good business practice and failure to do so will prevent a person from being able to qualify for a potential affirmative defense under Section 9105(c) (2) of HSCA.
- Additional remediation may be required if the project property or site is re-zoned by the county or state.
- Should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800-662-8802). SIRS should also be contacted as soon as possible at 302-395-2600 for further instructions.



March 1, 2018

Ms. Jennifer Norwood
Sussex County Planning & Zoning Commission
PO Box 417
Georgetown, DE 19947

Re: Sussex County Technical Advisory Committee

Dear Ms. Norwood:

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

1. ***Application:*** ***2018-6 Fenwick Knolls***

This application indicates central water will be supplied by Artesian Water Company, Inc. *This project requires an Approval to Construct and an Approval to Operate from the Office of Engineering when constructing a new water system or altering an existing water system.* In order to obtain an Approval to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by the Office of Engineering prior to construction. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction.

Prior to receiving an Approval to Operate for this project, the Office of Engineering requires one set of as-built drawings, including profile markups, for all plans approved for construction. An Approval to Operate will be issued after all applicable requirements are met.

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

Sincerely,

A handwritten signature in blue ink that reads "William J. Milliken, Jr." with a stylized flourish at the end.

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



MICHAEL T. SCUSE
SECRETARY
E. AUSTIN SHORT
DEPUTY SECRETARY
KENNETH M. BOUNDS
DEPUTY SECRETARY

STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
2320 SOUTH DUPONT HIGHWAY
DOVER, DELAWARE 19901
DDA.DELAWARE.GOV

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

February 26, 2018

Jennifer Norwood
Planning and Zoning Manager
Planning and Zoning Commission
PO Box 417
Georgetown, Delaware 19947

Subject: **2018-6 Fenwick Knolls**

Dear Ms. Norwood,

Thank you for submitting the site plan for Fenwick Knolls Commons subdivision submitted by AXIOM Engineering L.L.C. The Forest Service recognizes the 20 foot buffer surrounding the one edge of the property near the agricultural fields. However, the Sussex County Planning and Zoning Forested Buffer Ordinance Number 1984 Section 99-5 requires 20 feet in width along the entire outer perimeter of any proportion of a major subdivision of lands into 4 or more lots adjacent to agricultural farmland. This is not clearly marked on the plans whether the buffer shall continue around the entire subdivision complex perimeter, it is recommended to have this be shown more clearly and it does need to encompass the entire perimeter.

The proposed pathways along the two outside edges of the subdivision perimeter are marked for shared pathway use, meaning bike and walkway. This to me indicates light fixtures will be placed along the pathway for safety reasons, in which, if trees are planted along the perimeter they need to be off set from the lighting as to not interfere with the lights or growth of the tree. The lighting fixtures are not clearly indicated for placement and are suggested to be placed on plans and compared to tree placements for review.

If you have any more questions please feel free to contact me 302.659.6704 or email me at Michael.Martini@state.de.us

Sincerely,

Michael Martini
Urban Forestry Program
Delaware Forest Service

Sussex County, Delaware
Technical Advisory Committee

Comment Sheet



DATE OF REVIEW: February 15, 2018

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

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

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

RE: FENWICK KNOLLS (2018-6)

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

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

a. **Fire Protection Water Requirements:**

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

b. **Fire Protection Features:**

➤

c. **Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Sand Cove Rd must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

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

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

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- 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 Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website:

www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

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

From: Dickerson, Troy
To: [Jennifer Norwood](mailto:Jennifer.Norwood@sussexcountyde.gov)
Subject: RE: TAC Review for 2018-6 Fenwick Knolls
Date: Friday, February 09, 2018 10:38:33 AM
Attachments: [image001.jpg](#)

Jenny,

It's unfortunate for the developer, but this property is located within DP&L's service territory boundary. They will be the ones serving the proposed lots.

Thanks!

Troy W. Dickerson, P.E.

Manager of Engineering

Voice: (302) 349-3125

Cell: (302) 535-9048

Fax: (302) 349-5891

tdickerson@decoop.com

[DEC_New_Logo_signature](#)



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From: Jennifer Norwood [mailto:jnorwood@sussexcountyde.gov]

Sent: Friday, February 09, 2018 9:27 AM

To: Brad Hawkes <bhawkes@sussexcountyde.gov>; C. Daniel Parsons <dparsons@sussexcountyde.gov>; Dickerson, Troy <TDickerson@decoop.com>; Fox, Duane T. (FireMarshal) <Duane.Fox@state.de.us>; Butler, Eileen M. (DNREC) <Eileen.Butler@state.de.us>; dholden@chpk.com; John J. Ashman <jashman@sussexcountyde.gov>; Fleming, Kate M. (DNREC) <Kate.Fleming@state.de.us>; Terri Dukes <tdukes@sussexcountyde.gov>; Melendez, Milton (DDA) <milton.melendez@state.de.us>; Rob Davis <rdavis@sussexcountyde.gov>; Sisson, Steven (DeIDOT) <Steven.Sisson@state.de.us>; Mike Brady <MBRADY@sussexcountyde.gov>; Crystall, Meghan (DNREC) <Meghan.Crystall@state.de.us>; Jessica.Watson@state.de.us; Susan Isaacs <sisaacs@sussexcountyde.gov>; Subdivision (MailBox Resources) <Subdivision@state.de.us>; Vince Robertson <vrobertson@pgslegal.com>; Hayes, John G. (DNREC) <John.Hayes@state.de.us>; john.martin@state.de.us; DeVore, Lauren (DNREC) <Lauren.Devore@state.de.us>; john.kennel@state.de.us; michael.Tholstrup@state.de.us

Subject: TAC Review for 2018-6 Fenwick Knolls

Good Morning,

Sussex County Planning Office has received one (1) application that requires TAC review. Attached is a memo regarding the application and a PDF of the plans submitted.

Please provide comments on or before Monday, March 26, 2018.

Please feel free to contact me with any questions.

Thanks,
Jenny

Jennifer Norwood

Planning Technician

Planning & Zoning Dept.

Sussex County Government

PO Box 417

2 The Circle

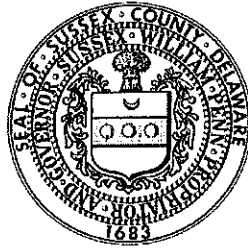
Georgetown, DE 19947

302-858-5501

jnorwood@sussexcountyde.gov

ENGINEERING DEPARTMENT

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



Sussex County


DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

MEMORANDUM

TO: Jennifer Norwood
Planning Technician for Planning and Zoning

FROM: John J. Ashman 
Director of Utility Planning

REF: T.A.C. COMMENTS FOR
MARCH 12, 2018

DATE: March 23, 2018

Attached, please find the Engineering Department's comments for the Technical Advisory Committee for the TAC requests for the month. Any questions please feel free to call me at 856-6258.

Attachments

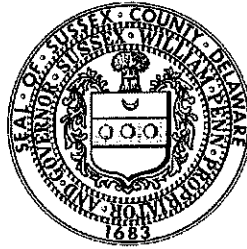
cc: Jayne Ellen Dickerson with attachments
Reviewer with attachments
Planning Tech with attachments
Applicant with attachments
File with attachments

RECEIVED
MAR 26 2018
SUSSEX COUNTY
PLANNING & ZONING



ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

MICHAEL E. BRADY
DIRECTOR OF PUBLIC WORKS

March 23, 2018

REF: **FENWICK KNOLLS SUBDIVISION
JOHNSON'S CORNER SANITARY SEWER DISTRICT
SUSSEX COUNTY ENGINEERING DEPARTMENT
T. A. C. COMMENTS
SUBDIVISION NO. 2007-42
SUSSEX COUNTY TAX MAP NUMBER
533-19 PARCEL 52
PROJECT CLASS-1
AGREEMENT NO. 873**

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

PUBLIC WORKS DIVISION COMMENTS

1. Proposed developments with private roads or projects required by the County to conform to or exceed the County street design requirements shall be regulated by and conform to Sussex County Code and the comments here listed.
2. Project Construction Drawings shall show, in detail, the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2012 digitized plan showing existing and proposed lines, grades, topography and features in a given area, which was utilized in preparing plans for construction. The individual sheet types will be in a separate design to show plan views on sheets separate from profile views. In addition, each sheet of the plans shall be submitted in a PDF format.
3. All work shall be geo-referenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2012 format. North will always be shown in an up direction on all plans.
4. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum.
5. The plans shall be provided on 24" x 36" drawing sheets at a scale of 1" = 50'.

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

6. The project requires professional land surveying services to accurately delineate, and show the following items but is not limited to the following: all property and right-of-way lines, established at a minimum, two (2) horizontal and vertical control concrete project benchmarks, survey monuments, easements, existing and proposed topographic contours at 1-foot vertical intervals and spot elevations as necessary to



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

7. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.
8. The plan requires a Certification Signature and/or a Certification Block for the Delaware Professional Engineer or Delaware Land Surveyor.
9. The plan requires a Certification Signature and/or a Certification Block for the Owner or Representative of the Owner.
10. The plan requires a Certification Signature and/or a Certification Block for the Professional Wetlands Delineator.
11. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.
12. Indicate the location of all wetlands (both state and federal), to facilitate compliance with County, State and Federal requirements.
13. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT project bench marks, preferably at property perimeter corners, geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location including the North and East coordinates of the marks on the plans.
14. Indicate the development construction phases proposed showing the boundaries of each phase. Phasing boundaries shall include buildings, residential units, amenities, roads, storm water management facilities, wastewater systems and all other improvements and utilities required to service each phase.
15. Show the layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for private or public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets.
16. Provide the limits and elevations of the one-hundred (100) year flood. This may require the design engineer to complete an analysis and provide a report including the depiction of the subject watershed(s), calculations and other technical data necessary to determine the limits and elevations base flood.
17. False berms shall not be utilized to create roadside drainage swale back slopes.

18. For parking lots and drives, provide spot elevations at the edge of pavement, right-of-way or travel way centerline, at changes in grade, and high points and low points, to the nearest drainage facilities. Show the limits of the various surface materials and provide construction sections.
19. Provide and show the locations and details of all ADA compliant accessible walks and ramp features.
20. If the site has a cemetery located on it the Developer shall contact the Delaware State Historic Preservation Office and satisfy the requirements of that Office prior to beginning any construction activity. This area shall not be disturbed by this project. Adequate access to the site and buffers to protect the site, shall be provided.
21. Private rights-of-way adjacent to and abutting parcels not part of the project shall be located and designed to provide adequate buffer so that construction activities do not encroach onto adjacent properties.
22. Provide statements explaining how and when the developer proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavement, drainage structures and any other required improvements.
23. Provide statements concerning any proposed deed restrictions to be imposed by the owner.
24. Where special physical conditions exist, which may act as constraints on normal development or may preclude development, the developer may be required to submit special technical data, studies or investigations. This information must be prepared by individuals technically qualified to perform such work. Additional information may include but is not limited to the following: on-site sanitary sewage disposal feasibility, water supply surveys, such as test well drilling, storm water runoff computations and identification of areas subject to periodic flooding.
25. If special conditions are found to exist, the Engineering Department may elect to withhold approval of a construction plan until it is determined that it is technically feasible to overcome such conditions. The Engineering Department may then require the developer to incorporate specific improvement design criteria into the plat as a condition to its approval.
26. When special studies or investigations pertain to a regulatory program of another public agency, the developer shall submit the results of these studies or investigations to said public agencies for technical review and approval. Approvals and/or written comments from these agencies shall be supplied to Sussex County by the developer.

UTILITY PLANNING DIVISION COMMENTS

REVIEWER: **ROB DAVIS**

APPLICATION: **Subdivision 2018 – 6, Fenwick Knolls**

APPLICANT: **Fenwick Commons, LLC**

FILE NO: SPS – 5.04

TAX MAP &
PARCEL(S): 5-33-19 Parcel 52

LOCATION: Southwest corner of Light House Road (Route 54) and Sand Cove Road (Road 394).

NO. OF UNITS: 29

GROSS
ACREAGE: 12.82

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 4.0

SEWER:

(1). Is the project in a proposed or current 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 planning area or sewer district is it in? **Sussex County Unified Sanitary Sewer District – Fenwick Island Area.**

(3). **Is wastewater capacity available for the project? Yes.** If not, what capacity is available?
_____.

(4). Is Ordinance 38 required? **Yes.** If yes, contact Mr. Brad Hawkes, Director of Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **No.** If yes, how many? _____. **Is it likely that additional SCCs will be required? Yes.** If yes, the current **System Connection Charge Rate is \$6,360.00 per EDU.** Please contact Ms. Denise Burns at **302 854-5014** for additional information on charges.

(6). Location and size of lateral(s) or connection point(s):

There is no service to the parcel at this time.

- (7). Is the project capable of being annexed into a County operated 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.

- (8). Which sewer district is it adjacent to: **N/A.**

- (9). Conformity to the **South Coastal Area Planning Study, 2005 Update**, or undertaking an amendment will be required.

- (10) Other: **The proposed project is in the Sussex County Unified Sanitary Sewer District - Fenwick Island Area and connection to the sewer system is mandatory. Central sewer service has not been extended to the parcel at this time. Sewer service is expected to be available to the parcel as early as the summer 2018.** The proposed project is within planning study assumptions for sewer service and there is adequate capacity for the proposal.

The proposed development will require a developer installed collection system in accordance with Sussex County standard requirements and procedures. The Sussex County Engineering Department must approve the connection point. **A Sewer Concept Plan must be submitted for review and approval.** Attached is a checklist for preparing conceptual plans. A Use of Existing Infrastructure Agreement will be required. One-time system connection charges will apply. Please contact Mrs. Noell Warren at 302 855-7817 for additional information on charges.

- (11). **A concept plan is required.**
 A concept plan is not required.

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

14

**WATER AND SEWER
UTILITY
AVAILABILITY**

**UTILITY AVAILABILITY
CHANGE OF ZONE #1896
CONDITIONAL USE #2197**

On March 23, 2018, the Sussex County Engineering Department's TAC Comments (See last 2 pages of Tab 13) indicated that the subject property is located in the Sussex County Unified Sanitary Sewer District - Fenwick Island Area. The comments further indicate that the sewer infrastructure included a "System Design Assumption, Maximum No. of units/acre: 4.0". The letter indicated that sewer service was expected to be available in the summer of 2018.

On September 24, 2017, Artesian Water Company 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.



October 18, 2019 - Corner of Sand Cove Road and Route 54
Sussex County sanitary sewer manhole and cleanout have been installed
Artesian Water Company Fire Hydrant has been installed



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Water Company ▲ Artesian Wastewater Management ▲ Artesian Utility Development ▲ Artesian Water Pennsylvania
Artesian Water Maryland ▲ Artesian Wastewater Maryland ▲ Artesian Consulting Engineers

September 24, 2017

Kenneth R. Christenbury, P.E.
President, Axiom Engineering, LLC
18 Chestnut Street
Georgetown, DE 19947
RE: The Grove

Dear Mr. Christenbury:

With reference to your request concerning water service to the Fenwick Knolls project near Lighthouse Road and Sand Cove Road in Baltimore Hundred, Sussex County, DE, please be advised as follows:

The proposed project consisting of approximately 62 duplexes and a Pool House is within Artesian Water Company's service territory. A Certificate of Public Convenience and Necessity (CPCN) for water has been granted to Artesian by the Delaware Public Service Commission for this property. The developer and Artesian Water Company, Inc. shall enter into a Water Service Agreement that addresses the financial terms of the provision of water service in accordance with Artesian's tariff as approved by the Delaware Public Service Commission.

Based on current conditions and projections of growth within the Company's service area, Artesian is willing and able to provide the required water service to this project. Artesian will provide the required fire flow per State Fire Marshal regulations. The owner is to contact Artesian for actual fire flow results for the project area.

An anticipated construction schedule is required in order for Artesian to assess the impact of service requests upon its ability to meet projected water demands.

If you have any questions, please do not hesitate to contact us.

Yours very truly,

Adam Gould

Adam Gould
Assistant Manager, Systems Planning & Design

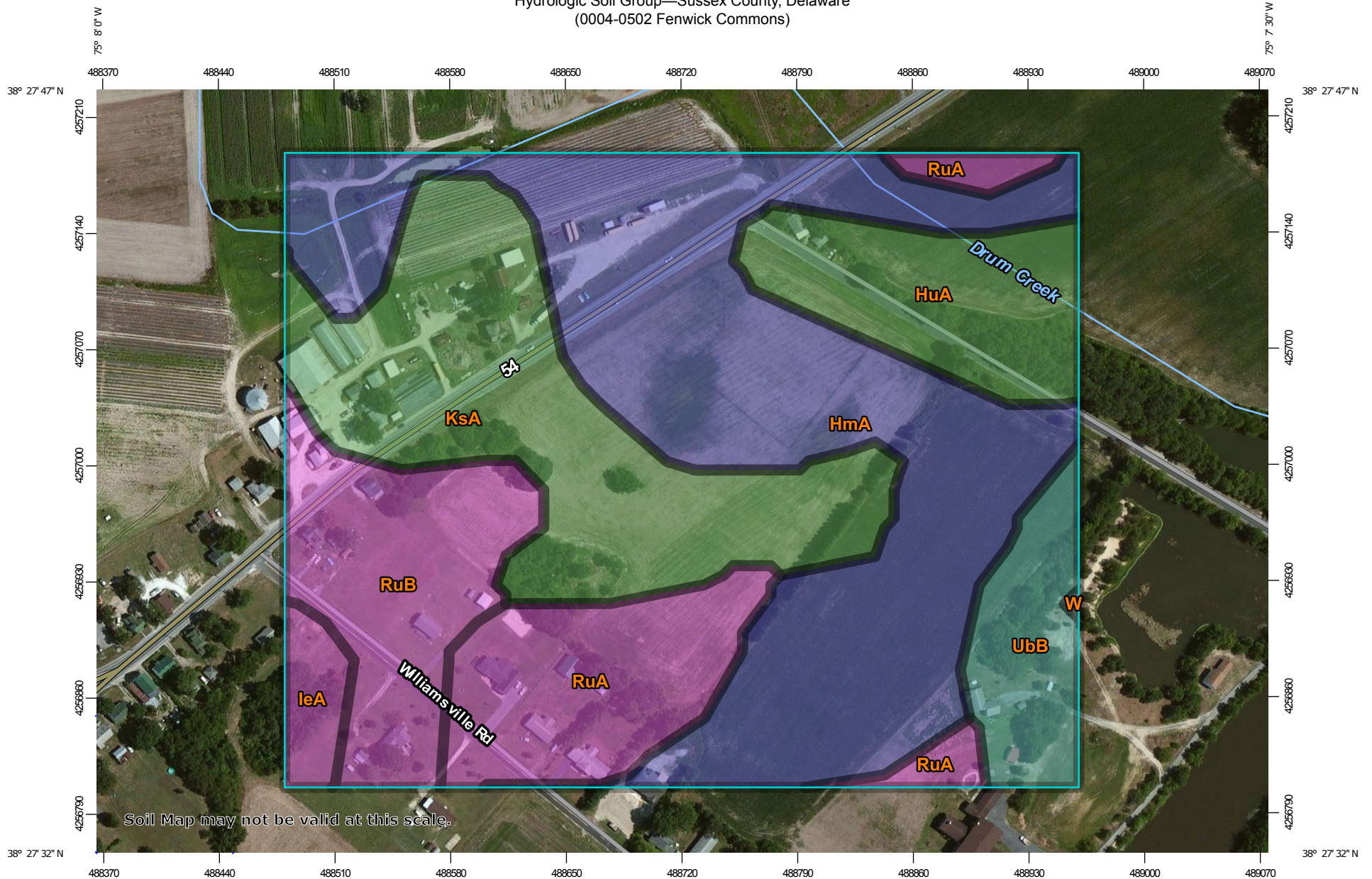
15

NRCS SOIL MAP & REPORT

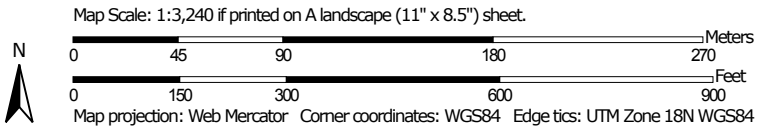
**NRCS SOIL MAP AND REPORT
CHANGE OF ZONE #1896
CONDITIONAL USE #2197**

A soil map of the lands of Fenwick Commons, LLC was downloaded from the Natural Resources Conservation Service website and overlaid upon the project site. The map indicates that the site consists of Hydrologic Soil Groups A (deep, well drained soils) and B (deep, moderately drained soils). The downloaded report is included in the following pages.

Hydrologic Soil Group—Sussex County, Delaware
(0004-0502 Fenwick Commons)



Soil Map may not be valid at this scale.



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.

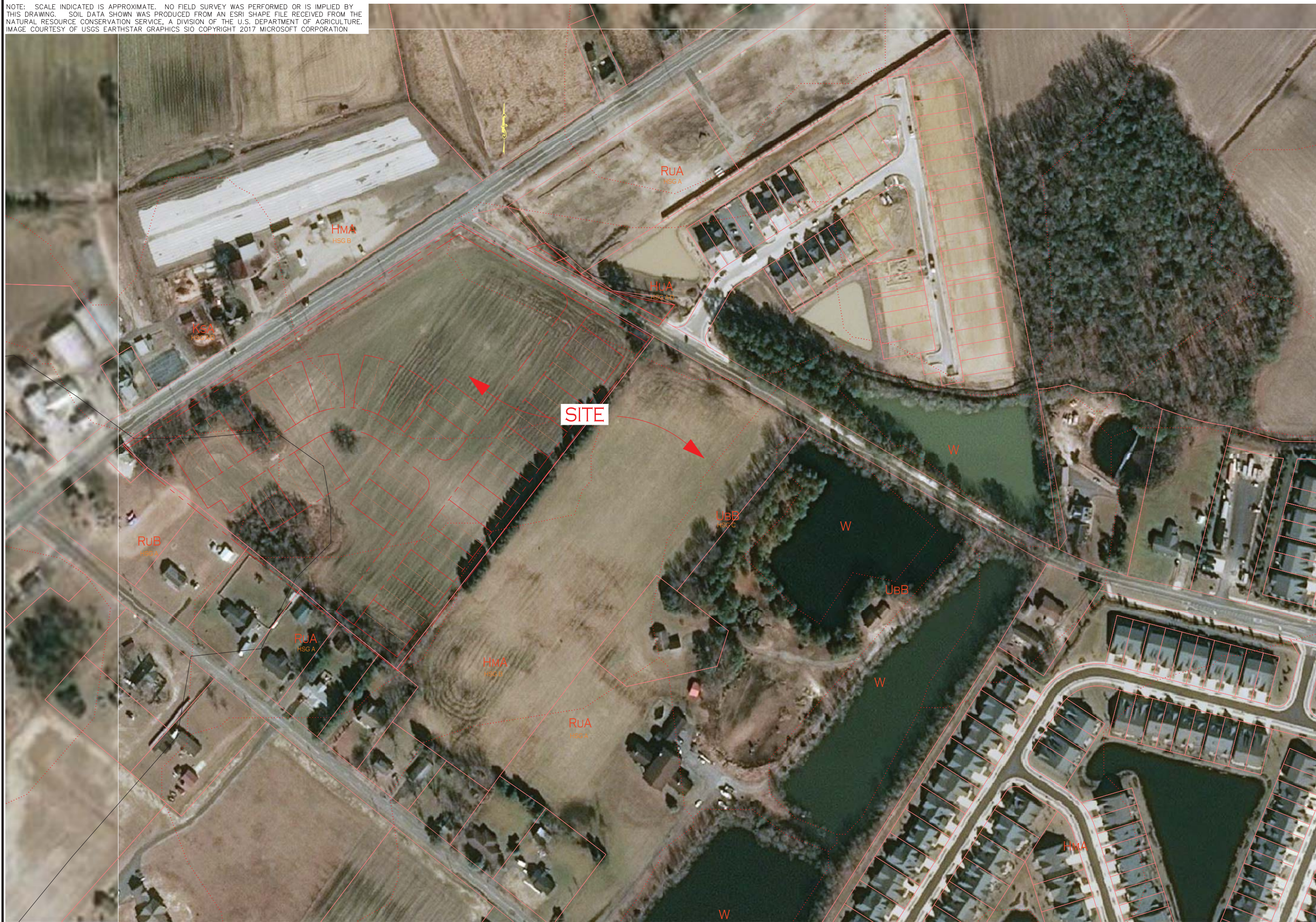
Soil Survey Area: Sussex County, Delaware
 Survey Area Data: Version 16, Sep 22, 2016

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

Date(s) aerial images were photographed: Jun 17, 2010—Jul 4, 2010

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.

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 COURTESY OF USGS EARTHSTAR GRAPHICS SIO COPYRIGHT 2017 MICROSOFT CORPORATION



REV	DESCRIPTION OF REVISION	CHECKED BY/DATE

NRCS SOIL BOUNDARIES
 PUBLIC DATA REFERENCED TO
FENWICK KNOLLS
 CONDITIONAL USE APPLICATION
 BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

AXIOM
 ENGINEERING L.L.C.
 18 SHELSTON STREET
 GEORGETOWN, DE 19847
 (302) 855-0810
 FAX: 855-0812
 E-MAIL: INFO@AXIOMENR.COM
 WEB: WWW.AXIOMENR.COM

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	10/21/2019
TAX MAP:	TM-5-33-19, PARCEL 52

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

PROJECT NO: 0004-0502
 DRAWING: CR-4
 SHEET: 4 OF 11

Hydrologic Soil Group

Hydrologic Soil Group— Summary by Map Unit — Sussex County, Delaware (DE005)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
HmA	Hammonton loamy sand, 0 to 2 percent slopes	B	17.7	38.8%
HuA	Hurlock loamy sand, 0 to 2 percent slopes	A/D	4.1	9.0%
IeA	Ingleside loamy sand, 0 to 2 percent slopes	A	0.9	2.0%
KsA	Klej loamy sand, 0 to 2 percent slopes	A/D	9.8	21.6%
RuA	Runclint loamy sand, 0 to 2 percent slopes	A	5.3	11.7%
RuB	Runclint loamy sand, 2 to 5 percent slopes	A	5.1	11.2%
UbB	Udorthents, borrow area, 0 to 5 percent slopes	C	2.6	5.7%
W	Water		0.0	0.0%
Totals for Area of Interest			45.6	100.0%

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

← dual HSG soils are HSG A on this property due to drainage provided by the Perch Creek Tax Ditch

16

**WETLAND STUDY
LETTER FROM
ENVIRONMENTAL
RESOURCES, INC**

September 11, 2017

ERI Job No: 0605#0675

Mr. Ken Christenbury, P.E.
Axiom Engineering, Inc.
18 Chestnut Street
Georgetown, DE 19947

**Re: Delineation of State and Federally Regulated Waters and Wetlands
Proposed Fenwick Knolls Community
Tax Map Parcel 533-19.00-52.00
Baltimore Hundred, Sussex County, Delaware**

Dear Mr. Christenbury,

Environmental Resources, Inc. (ERI) evaluated the 13.33 acre property, Tax Map Parcel 533-19.00-52.00, owned by Fenwick Commons LLC. for the presence of state and federally regulated wetlands and waters. The property is illustrated on a plan prepared by Axiom Engineering, Inc. entitled "Rezoning & Conditional Use Site Plan, Fenwick Knolls" dated December 23, 2016 (Axiom Plans).

The balance of this property lies to the west of Sand Cove Road (SCR 394) and to the south of Lighthouse Road (SR 54). Two small areas of land noted as Parcel A2 & A3 on the Axiom plan lie to the east of Sand Cove Road. The easterly boundary of this land is formed by Drum Creek. Drum Creek is a channelized stream and tax ditch subject to regulation by the Department of Natural Resources and Environmental Control (DNREC) Drainage Section. It is also a subaqueous land regulated by DNREC and a Waters of the US regulated by the US Army Corps of Engineers (ACOE). In fact, ERI previously delineated the boundary of the waters of Drum Creek for the adjoining property, Tax Map Parcel 533-19.00-50.00 owned by Douglas A. Melson. That delineation included Parcels A2 and A3 of this property. The ACOE recently approved the boundary delineated by ERI in Jurisdiction Determination Letter CENAP-OP-R-2016-996-23. No state or federally regulated wetlands were identified in this area, just the regulated waters of Drum Creek.

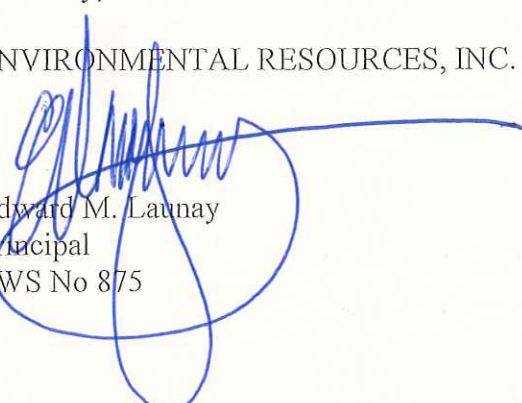
ERI evaluated the balance of the Fenwick Knolls site located west of Sand Cove Road utilizing the 1987 Corps of Engineers Wetlands Delineation Manual, Atlantic and Gulf Coast Regional Supplement and associated guidance. This land is largely agricultural field containing upland soil types in the Hammonton and Klej series. ERI determined that no state or federally regulated wetlands or waters exist on or adjacent to this portion of the property.

As discussed herein Drum Creek, a state regulated subaqueous land and federally regulated water, does exist along the borders of Parcels A2 and A3 located east of Sand Cove Road. ERI delineated the boundary of this stream which was approved by both the ACOE and DNREC as part of reviewing the Melson property. That boundary has been utilized by Axiom Engineering, Inc. in preparation of the Fenwick Knolls Rezoning and Conditional Use Plan.

Upon your review of this letter, I am available at your convenience if you have any questions.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.



Edward M. Launay
Principal
PWS No 875

cc: Mr. Joel Farr
Mr. Eugene Bayard, Esq.

17

STORMWATER MANAGEMENT AND FLOODPLAIN OVERVIEW

STORMWATER MANAGEMENT AND FLOODPLAIN OVERVIEW
CHANGE OF ZONE #1896
CONDITIONAL USE #2197

The lands of Fenwick Commons is split by Sand Cove Road. The lands east of Sand Cove Road run to the centerline of the Perch Creek Tax Ditch (pictured below). A DeIDOT culvert allows the runoff from the remaining lands to cross under Sand Cove Road and outfall to Perch Creek Tax Ditch.

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 that discharge to Perch Creek Tax Ditch.

According to the Federal Emergency Management Agency's Flood Insurance Rate map, the Base Flood (100-year) Elevation is 4' above sea level (NAVD 1988). The top of bank at the outfall point is approximately 8' above sea level, ensuring that the 100-year flood will not back up and prevent outfall to the Perch Creek Tax Ditch.



October 18, 2019

Perch Creek Tax Ditch (AKA Drum Creek) @ location of DeIDOT pipe under Sand Cove Road
Lands of Fenwick Commons, LLC located between tax ditch and Sand Cove Road
and the lands shown across Sand Cove Road



SITE

© 2019 Microsoft Corporation © 2019 DigitalGlobe

TOPOGRAPHIC CONTOUR LEGEND

	-0 CONTOUR
	-2 CONTOUR
	-4 CONTOUR
	-6 CONTOUR
	-8 CONTOUR

NOTE: 2' INTERVAL TOPOGRAPHIC CONTOURS SHOWN WERE PRODUCED FROM AN ESRI-SHAPE FILE RECEIVED FROM THE STATE OF DELAWARE BASED ON 2005 LIDAR-MAPPING, AND MAY NOT REFLECT GRADING, EXCAVATION OR OTHER TOPOGRAPHIC CHANGES THAT OCCURRED AFTER THE DATA WAS GATHERED. THE DATA SHOWN IS SUFFICIENT FOR PLANNING AND REGIONAL STUDY PURPOSES ONLY. NO FIELD SURVEY WAS PERFORMED OR IS IMPLIED BY THIS DRAWING. IMAGE OBTAINED FROM MICROSOFT - BING 2019

REV	DESCRIPTION OF REVISION	REVISION DATE	BY/DATE

SITE DETAIL
 PUBLIC DATA REFERENCED TO
FENWICK KNOLLS
 CONDITIONAL USE APPLICATION
 BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

AXIOM
 ENGINEERING L.L.C.
 18 SHELSTON STREET
 GEORGETOWN, DE 19847
 (302) 855-0810
 FAX: 855-0812
 WWW.AXIOMENGINEERING.COM

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	10/21/2019
TAX MAP:	TM-5-33-19, PARCEL 52

SCALE: 24" x 36" 1 inch = 60 ft.
 11" x 17" 1 inch = 120 ft.

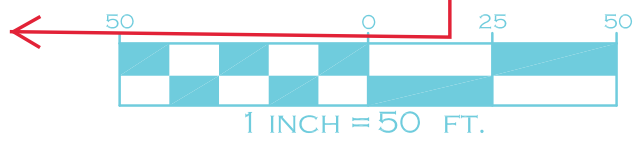
PROJECT NO: 0004-0502
 DRAWING: CR-5
 SHEET: 5 OF 11

SEAL

UPSTREAM PIPE INVERT = 6.07

4.74' FROM ROAD CENTERLINE TO BOTTOM OF PIPE

ALL ELEVATIONS ARE REPORTED IN THE NORTH AMERICAN DATUM OF 1988



8.95' = TOP OF BANK ELEVATION
5.54' = DITCH CENTERLINE ELEVATION
3.81' = DITCH DEPTH

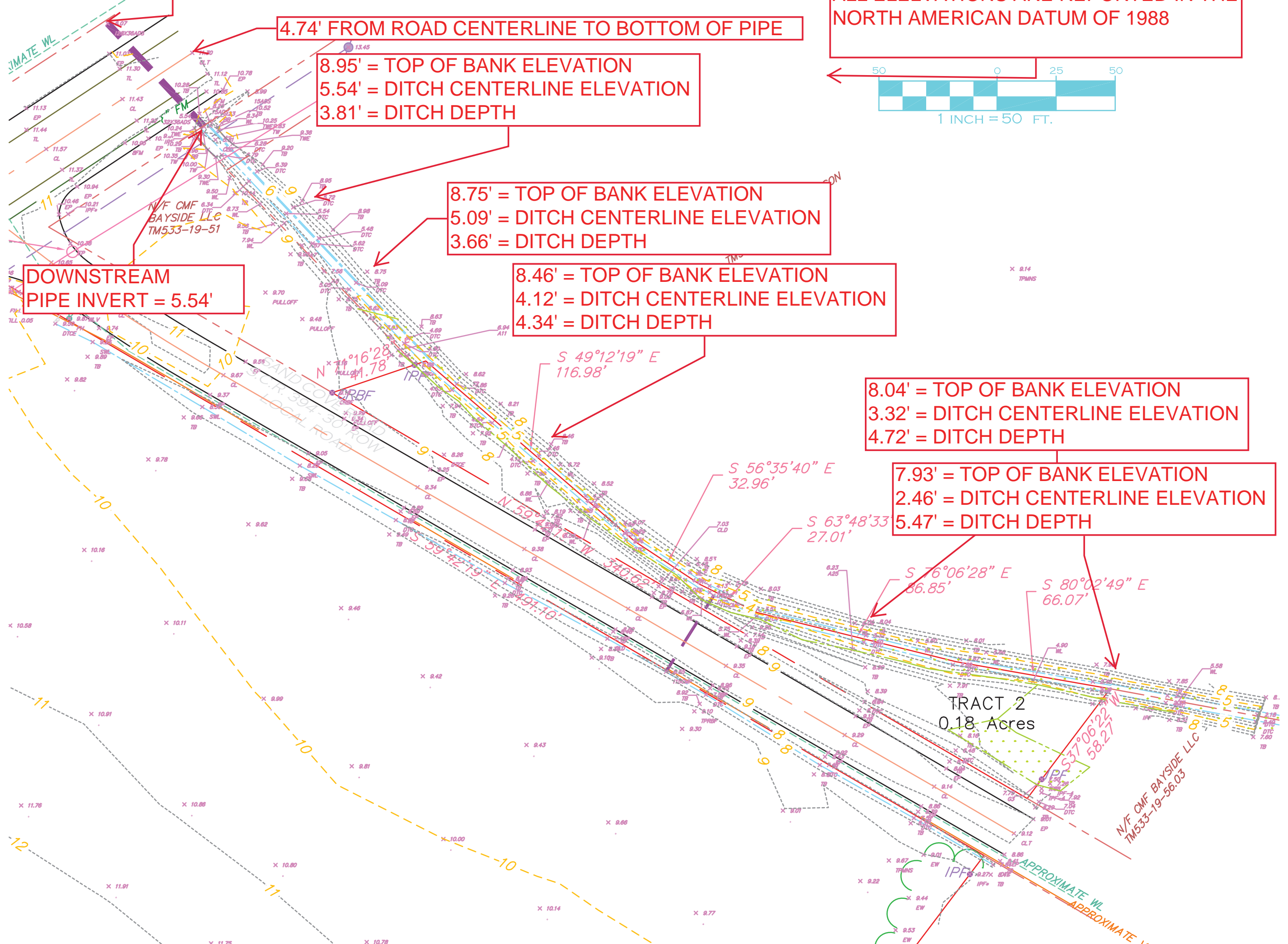
8.75' = TOP OF BANK ELEVATION
5.09' = DITCH CENTERLINE ELEVATION
3.66' = DITCH DEPTH

8.46' = TOP OF BANK ELEVATION
4.12' = DITCH CENTERLINE ELEVATION
4.34' = DITCH DEPTH

8.04' = TOP OF BANK ELEVATION
3.32' = DITCH CENTERLINE ELEVATION
4.72' = DITCH DEPTH

7.93' = TOP OF BANK ELEVATION
2.46' = DITCH CENTERLINE ELEVATION
5.47' = DITCH DEPTH

DOWNSTREAM
PIPE INVERT = 5.54'



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, GRS90 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
SSIMC-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.

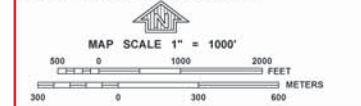
Contact the **FEMA Map Information eXchange** at 1-877-336-2627 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Information eXchange 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/nfp>.



LEGEND

- SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD
- The 1% annual 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*
- Base Flood Elevation value where uniform within zone; elevation in feet*
- * Referenced to the North American Vertical Datum of 1988
- Cross section line
- Transect line
- 87°07'45", 32°22'30" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
- 1276°N 1000-meter Universal Transverse Mercator grid values, zone 18N
- 60000 FT 5000-foot grid values: Delaware State Plane coordinate system (FIPSZONE 0700), Transverse Mercator projection
- DX5510 x Bench mark (see explanation in Notes to Users section of this FIRM panel)
- M1.5 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 the National Flood Insurance Program at 1-800-338-6626.



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0635K

FIRM
FLOOD INSURANCE RATE MAP

SUSSEX COUNTY,
DELAWARE
AND INCORPORATED AREAS

PANEL 635 OF 660
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS

COMMUNITY	NUMBER	PANEL	SUFFIX
SELBYVILLE, TOWN OF	10038	0635	K
SUSSEX COUNTY	10029	0635	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
1005C0635K

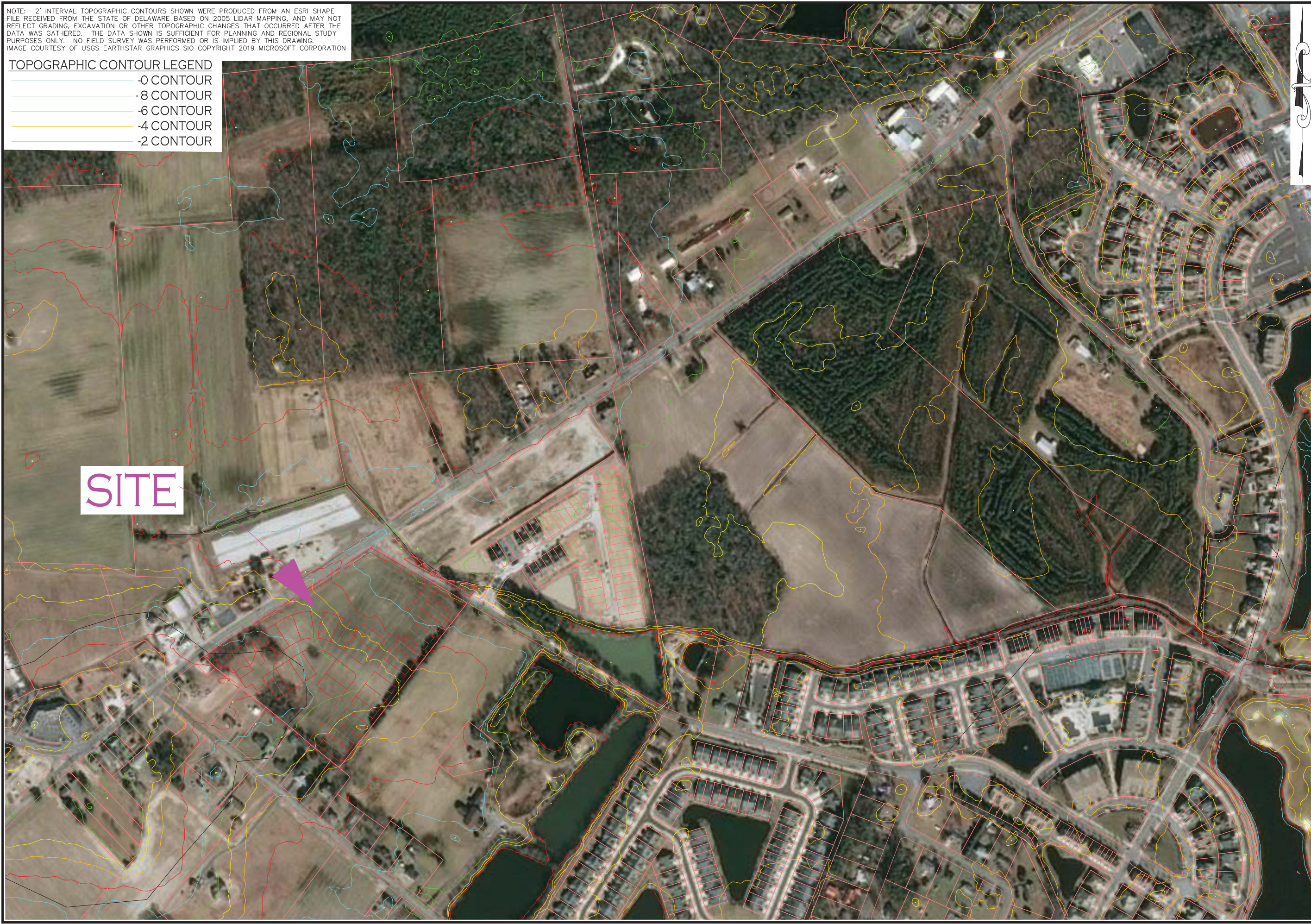
MAP REVISED
MARCH 16, 2015

Federal Emergency Management Agency

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TOPOGRAPHIC CONTOUR LEGEND

	-0 CONTOUR
	-8 CONTOUR
	-6 CONTOUR
	-4 CONTOUR
	-2 CONTOUR



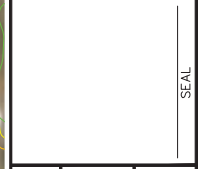
SITE

REV	DESCRIPTION OF REVISION	REVISION BY/DATE	CHECKED BY/DATE

STATE LIDAR TOPOGRAPHY
 PUBLIC DATA REFERENCED TO
FENWICK KNOLLS
 CONDITIONAL USE APPLICATION
 BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

AXIOM
 ENGINEERING L.L.C.
 18 SHELSTON STREET
 GEORGETOWN, DE 19847
 (302) 855-0810
 FAX: 855-0812
 WWW.AXIOENGINEERING.COM

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	10/21/2019
TAX MAP:	TM-5-33-19, PARCEL 52

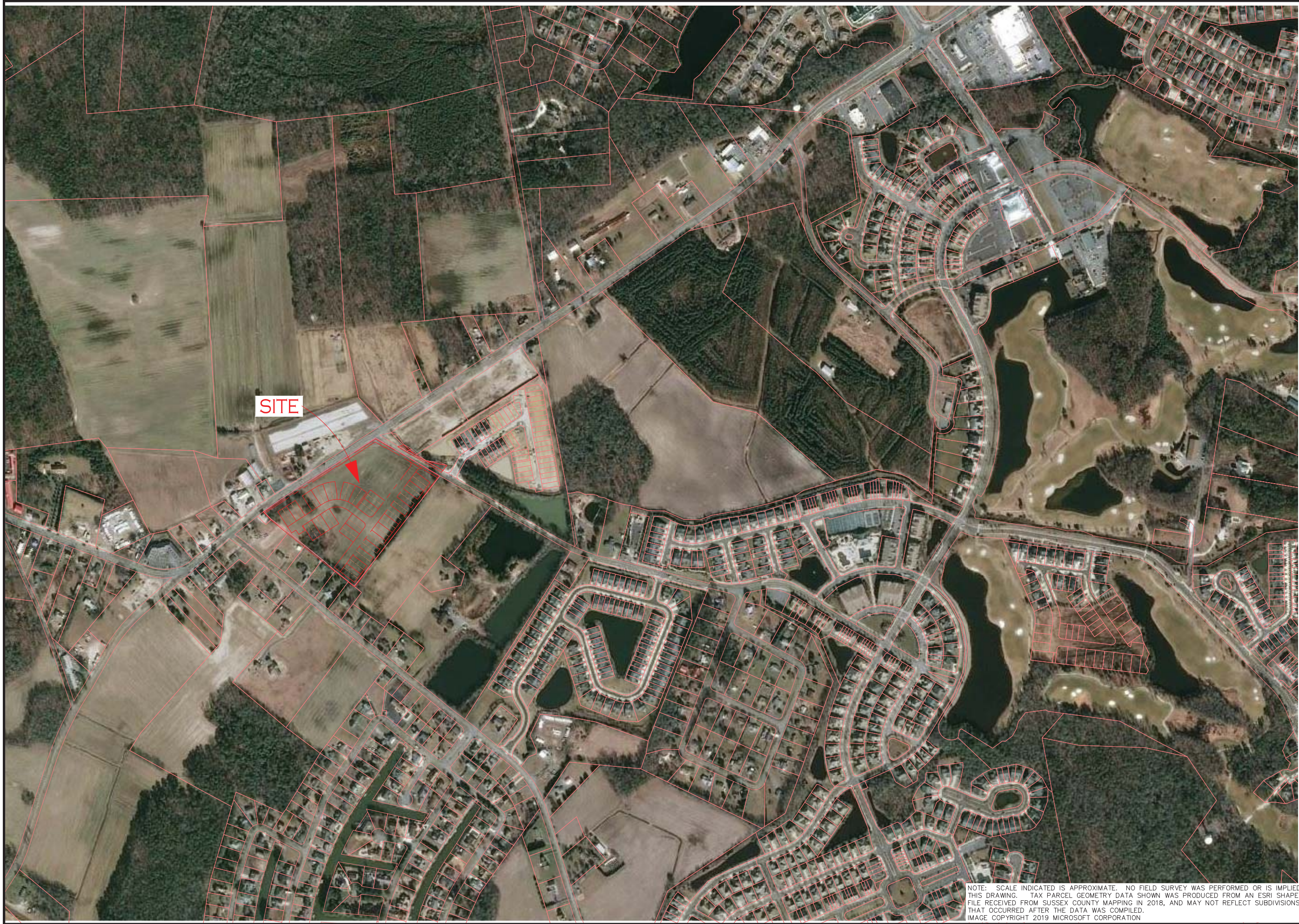


PROJECT NO: 0004-0502
 DRAWING: **CR-6**
 SHEET: 6 OF 11

SEAL

18

**2019 AERIAL &
OBLIQUE AERIAL
PHOTOS 2017/2015/
2005/1992**



SITE

REV	DESCRIPTION OF REVISION	REVISION DATE	CHECKED BY DATE

TAXMAP & 2019 AERIAL PHOTO
 PUBLIC DATA REFERENCED TO
FENWICK KNOLLS
 CONDITIONAL USE APPLICATION
 BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

AXIOM
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 18 CHESTNUT STREET
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 FAX: 855-0812
 EMAIL: INFO@AXIOMENR.COM
 WEB: WWW.AXIOMENR.COM

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	10/21/2019
TAX MAP:	TM-5-33-19, PARCEL 52



PROJECT NO:	0004-0502
DRAWING:	CR-7
SHEET:	7 OF 11
SEAL	

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 COPYRIGHT 2019 MICROSOFT CORPORATION

2005 GOOGLE EARTH AERIAL IMAGE



Google earth

REV	DESCRIPTION OF REVISION	REVISION DATE	CHECKED BY DATE

OBLIQUE 2005 AERIAL PHOTO
 PUBLIC DATA REFERENCED TO
FENWICK KNOLLS
 CONDITIONAL USE APPLICATION
 BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

AXIOM
 ENGINEERING L.L.C.
 18 CHESTNUT STREET
 GEORGETOWN, DE 19847
 (302) 855-0810
 FAX: 855-0812
 EMAIL: INFO@AXIOMENGS.COM
 WEB: WWW.AXIOMENGS.COM

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	10/21/2019
TAX MAP:	TM-5-33-19, PARCEL 52

PROJECT NO:
0004-0502

DRAWING:
CR-10

SHEET:
10 OF 11

SEAL

NOTE: SATELLITE IMAGE OBTAINED BY GOOGLE EARTH PRO.

19

**POMEROY & BEERS
ATLAS OF 1868**

BALTIMORE

Sussex Co.
Scale 1 Inch to the Mile



Centerville Business Directory.

- J. D. West, M.D.
- J. A. Wilgus & Sons...Dealers in Dry Goods, Groceries, Queensware, Hardware, Boots, Shoes, Hats, Caps, Ready-made Clothing, &c.
- S. W. Lacy...Manufacturer and Dealer in Tin and Sheet Iron Ware, Fruit Canner, &c.
- H. H. Watson...Manufacturer and Repairer of Carriages, Wagons, Farming Implements, and Undertaker.
- Wm. R. Tubbs...Manufacturer and Repairer of Carriages, Wagons, and all kinds of Farming Implements.



20

**ARCHAEOLOGIST
CEMETERY REPORT**

Cemetery Delineation and Study Hudson Family Cemetery Williamsville, Baltimore Hundred, Sussex County, Delaware

March 24, 2017

Prepared for:

Axiom Engineering
18 Chestnut Street
Georgetown, Delaware 19947
And
Fenwick Commons, LLC

Prepared by:

Edward Otter, Ph.D
Edward Otter, Inc.
1704 Camden Avenue
Salisbury, Md. 21801



Abstract

Edward Otter Inc. was contacted by Axiom Engineering regarding a cemetery within a parcel it plans to develop. The cemetery is located on Parcel 533-19.00-52 in Williamsville, Baltimore Hundred, Sussex County, Delaware. Delaware Title 7 Chapter 54 provides protection for unmarked human burials and human skeletal remains within the state. Therefore prudent planning before development includes cemetery delineation and archival research when cemeteries are known or suspected to exist within a project area. Edward Otter Inc. conducted an investigation consisting of archival research and field study. Archival research sought to identify land owner history and to determine if any legal issues existed with land ownership. Through archaeological field work, the boundaries of the cemetery were determined and marked. The developer plans to avoid the cemetery and preserve it in place.

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Introduction.....	1
Research Design.....	1
Project Setting.....	1
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Introduction

In October 2016 Edward Otter Inc. was contacted by Fenwick Commons, LLC to consult on the Hudson Cemetery located within a parcel (533 – 19.00 - 52) slated for development. Delaware Title 7 Chapter 54 provides protection for unmarked human burials and human skeletal remains within the state. Prudent planning before development includes cemetery delineation and archival research when cemeteries are known or suspected to exist within a project area. A cemetery study with delineation was recommended with the goal of preserving the cemetery in place as an alternative to exhumation which is expensive, elaborate and time consuming.

Research Design

The project objective is to gain information about the cemetery and delineate the boundaries so that graves may be avoided during future development and construction. A survey of visible features such as tombstones, fences, and brick vaults was conducted as part of the field work. Features were photographed and mapped. Conditions of features and the landscape were noted. Tombstone inscriptions were transcribed. The field work design called for stripping soils in the project area to a depth where subsurface stains such as grave shafts could be identified, photographed and mapped. No graves were excavated. A mini-excavator with a clean-out bucket was utilized to carefully scrape the top soils. The excavated areas were then more finely cleaned with flat shovels and trowels. Excavation began at the outside edges of the marked graves and proceeded outward until graves were not found. If graves were found, work continued to uncover the entire cemetery in order to establish its limits. A metal probe was used to locate brick grave vaults in areas that could not be excavated due to tree cover. Positive probe tests were flagged and mapped.

Archival research was also a component of this study. Archival research has the potential to identify unmarked graves and cemetery occupants. Records for the property are researched for indications of past land use. The records include land deeds, wills, and orphans court documents, burial records and other documents in search of any reference to the cemetery. Historic maps, aerial photographs and the Delaware Division of Historical and Cultural Affairs CHRIS were consulted during this investigation.

Project Setting

The Hudson Cemetery is located in Williamsville, Delaware .75 miles north of the Maryland/Delaware border on the east side of Maryland Route 54 (Figure 1). The cemetery is adjacent to a field with scrub vegetation to the south. Recently, the cemetery has been cleared and was formerly hidden among trees and weeds (Figure 2). This site is peripheral to the small unincorporated town of Williamsville.

This is in the Atlantic Coastal Plain with elevations of 25 feet above mean sea level. Soils in the project location are identified as Klej loamy sand (KsA) with 0 to 2 percent slopes (websoilsurvey). This is somewhat poorly drained soil parented on sandy eolian deposits over fluvio-marine sediments.

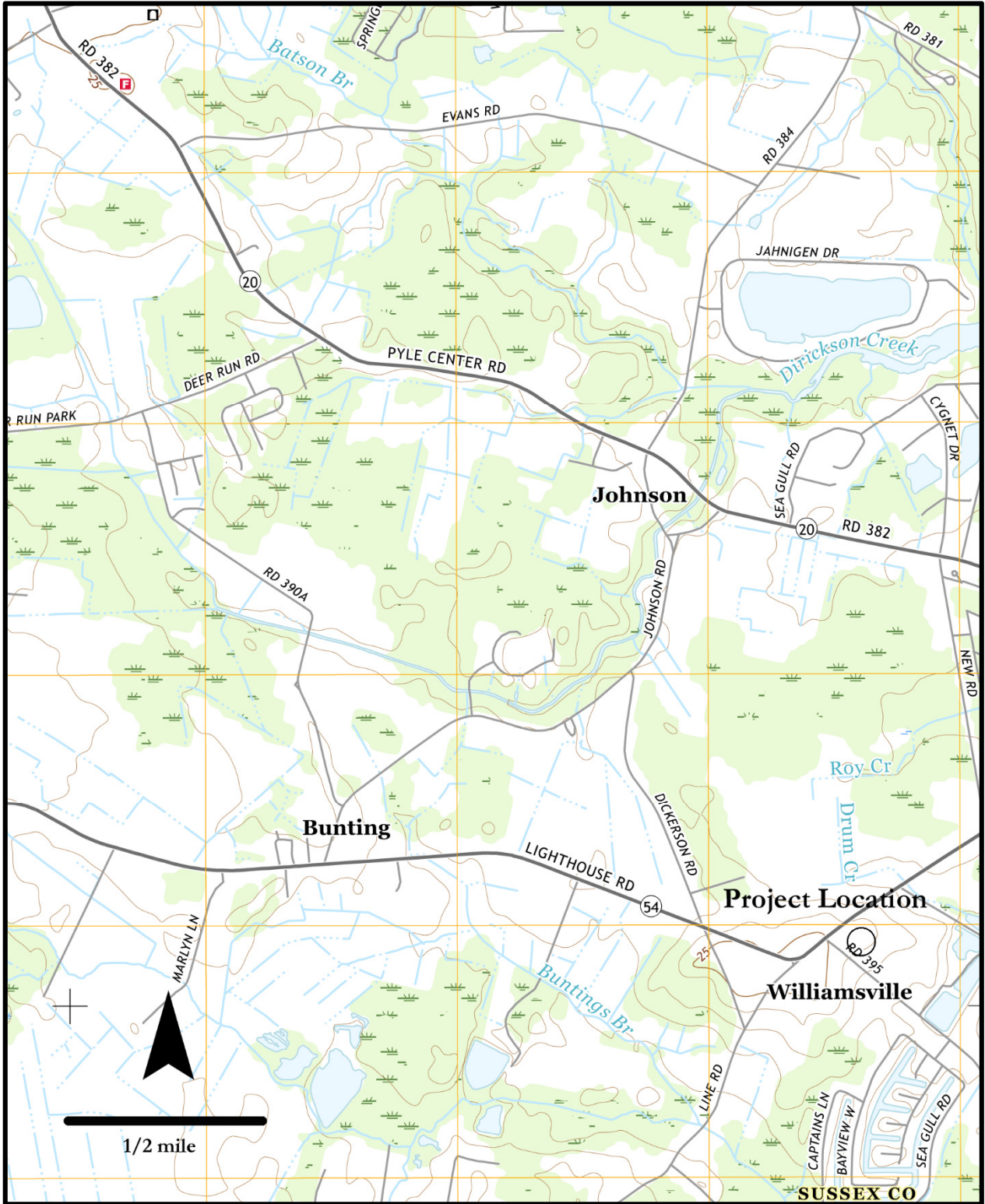


Figure 1. USGS Topographic Map 2016 Selbyville, De. Quadrangle



Figure 2. Bing Maps 2015

Archival Research

An attempt was made to examine all records involving the land to some point before the creation of the cemetery. This is accomplished by working backwards in the land records. In the process, wills, orphan's court records, genealogical records and other documents are studied for information about the land's use and habitation. It is not uncommon to find references to houses and other structures that no longer stand. Sometimes family cemeteries and cemetery exceptions are mentioned.

Parcel 533 - 19.00 - 52.

This parcel, containing about 13.3 acres was conveyed in 2004 to Fenwick Commons, LLC from John Emory Truitt and June Truitt (2934/236). The Truitt's took title to the land in 1987 from the estate of Lilly Mae Snow, widow of John Murray (1552/303). At that time it consisted of 16 acres.

In 1923 John Murray acquired the 16 acre tract from James Shockley (238/389). Aerial photography from 1926 shows the square cemetery with fields on three sides (Figure 3). Shockley bought the land from Ebe W. Hudson in 1915 (196/73). Ebe Hudson owned this land by 1876. In that year he sold a portion to Thomas Taylor. There is a comment in the 1872 tax assessments that Ebe Hudson acquired 25 acres from William R. Tubbs. This is likely the land mentioned in deed 99/225 identified as being on the road from Bishopville to Rumbly Marsh.

William R. Tubbs owned a large quantity of land that included at least parts of Buck Hill. He purchased 60 acres, part of Buck Hill, from Dolly Hudson in 1856 (63/280). In 1857 he acquired another tract that was part of Buck Hill and part of Johnson's Lot from Sarah Williams, heir of Asbury Williams (65/421). There were other parcels in different parts of Baltimore County as well.

William R. Tubbs is buried in the Dickerson Cemetery (Tatnal Tombstone Records). The Hudson Cemetery contains burials that post-date the 1872 purchase of the property by Ebe W. Hudson. Through the land records, the cemetery was never segregated or reserved from sale.

Ebe W. Hudson was born in Worcester County, Maryland in 1842. His first wife was Julia. After she died in 1900 he married Annie. Ebe was the son of Ananias and Elizabeth Hudson. Apparently Ananias was born in Delaware but moved into Maryland by 1840. He died in Worcester County. Ebe and Julia are buried in the Hudson Cemetery. The 1868 Pomeroy and Beers Atlas (Figure 4) shows an I. Hudson living nearby the location where the cemetery is located.

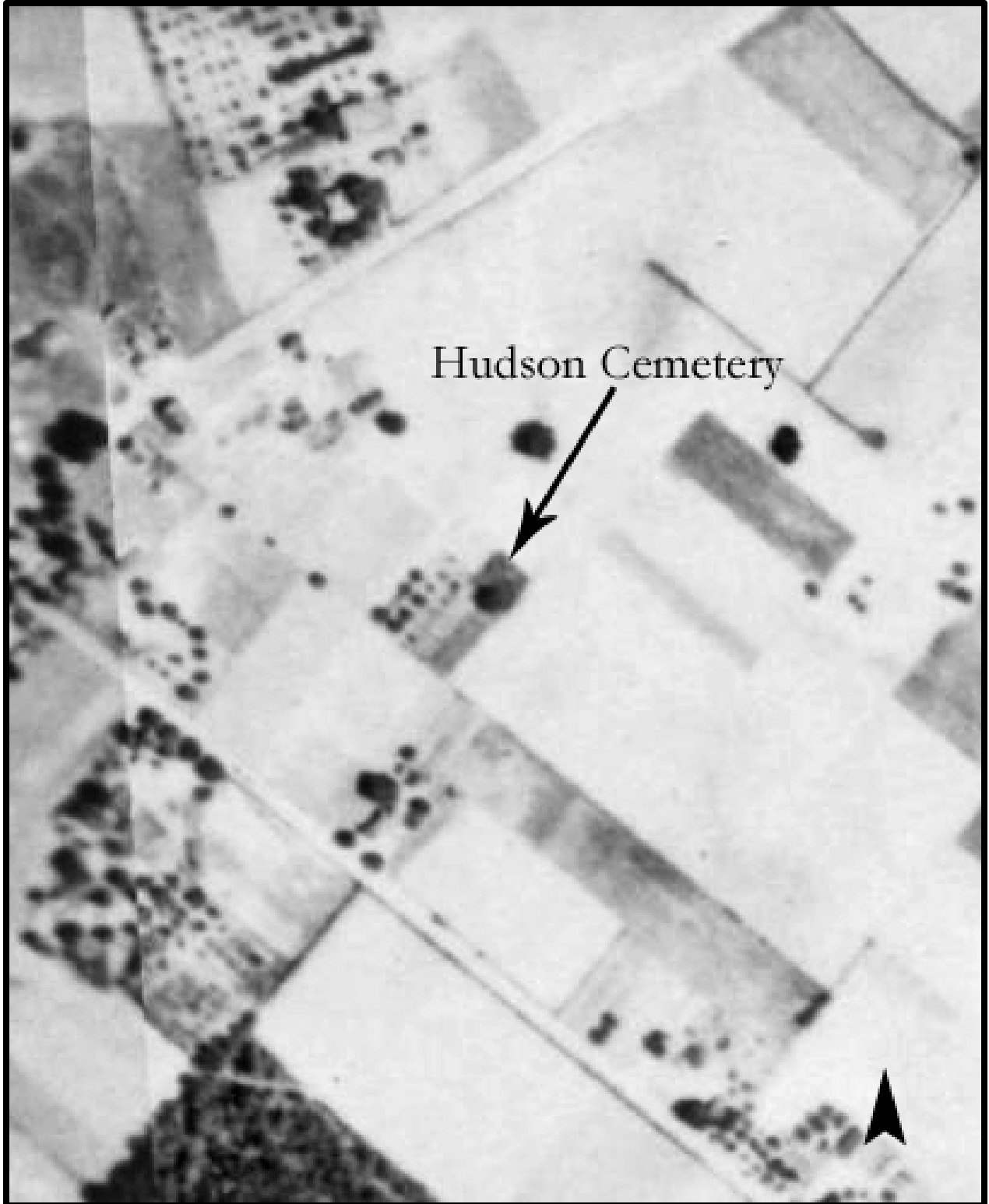


Figure 3. 1926 Aerial Photograph

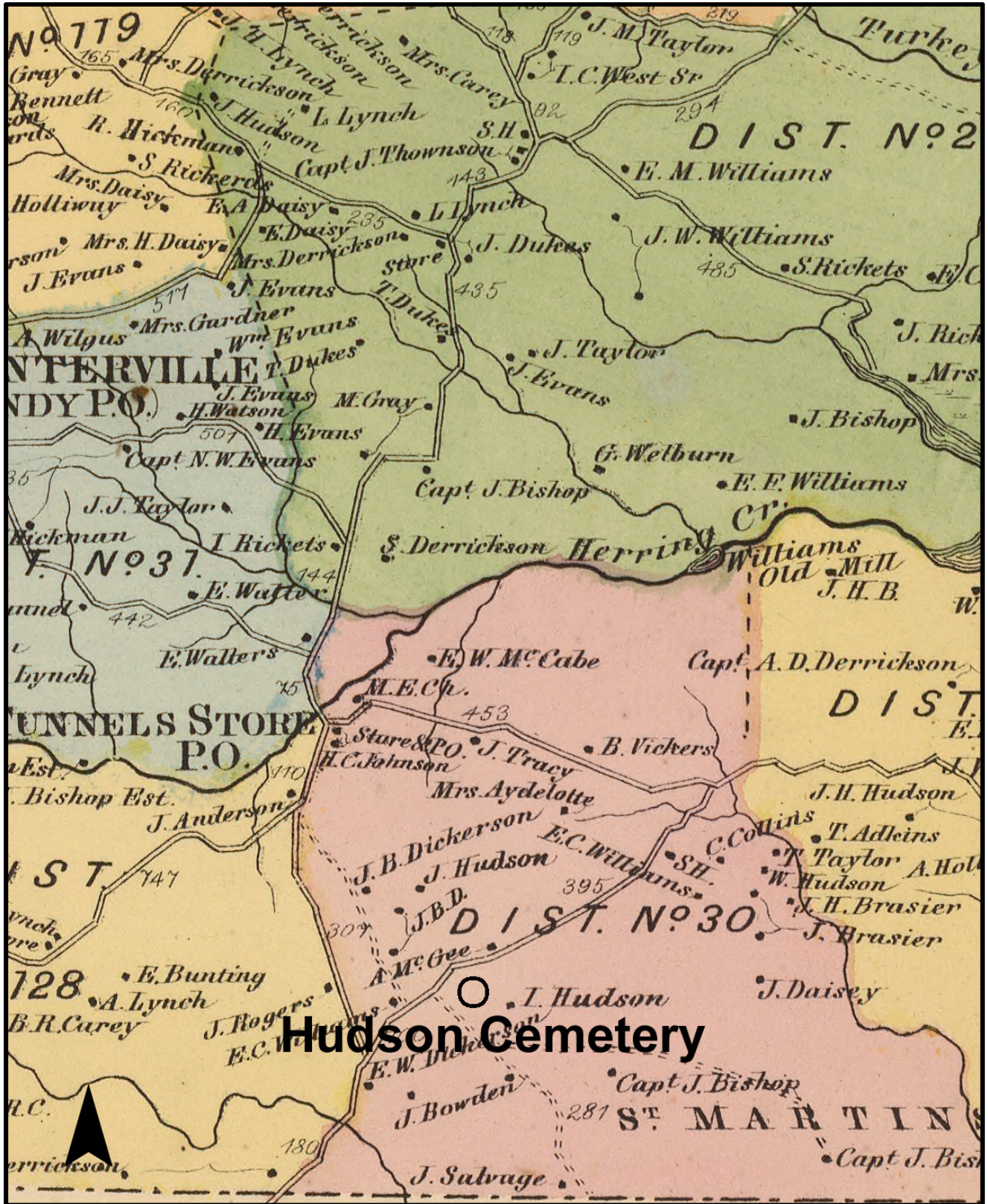


Figure 4. Beers Map of Baltimore Hundred, Sussex County, Delaware

Delaware Cemetery Records

During the 1920's Walter G. Tatnall transcribed tombstones throughout Sussex County, Delaware. The Works Progress Administration contributed further in the 1930's. These records are useful since grave stones often go missing or simply weather over time. Commonly, inscriptions erode - eventually becoming illegible. Internet technology has provided a platform for Findagrave where anyone can post cemetery and burial information. The Tatnall Record and Findagrave list the following people as being in this cemetery: Joseph Dickerson, Ananias Hudson, Archie Hudson, Charles R. Hudson, Ebe W. Hudson, Ebe W. Hudson, Irena E. Hudson, James Hudson, James W. F. Hudson, James W. F. Hudson, Julia Ann (Holloway) Hudson, Charles W. Lathbury, and Sarah E. Shockley. At the beginning of this study all of these known graves were marked with tombstones with the exception of Charles Lathbury (Table 1). Findagrave also lists a Victoria Hudson but this is an inference based on a death certificate.

Field Study

Archaeological delineation did not attempt to determine if graves were present within the perceived cemetery boundaries between marked graves. The task was to determine how far burials extended beyond what is marked. A 2004 plat shows a cemetery about 20 feet by 25 feet. Those dimensions do include the marked graves but, as has been seen many times, there are more graves than there are tombstones.

Delineation was conducted with a mini-excavator equipped with a toothless bucket. Beginning near marked graves, topsoil was stripped in all directions around the cemetery (Figure 5). Once subsoil was exposed, burial shafts could be seen. Hand tools, shovels and trowels, were used to further clear areas where graves were noted. Soil removal continued until there were no graves found within about 15 feet of the next closest grave.

Work around the marked graves resulted in the discovery of unmarked graves. Four of these were completely unmarked and the stone and grave of Charles Lathbury was



Figure 5. Mechanical Stripping

found. Unmarked graves were identified by the soil differences between the grave shaft fill and the undisturbed subsoil. Grave 12 on the map was the most distinct (Figure 6). Probing in this area encountered a burial vault in the grave. There was also what appeared to be evidence of a rotted wood marker on the east end of the grave (Figure 6). In two instances brick vaults were encountered within inches of the ground surface. One of these was a child (grave 16).



Figure 6. Burial 12 Shaft

Map Number	Name	Birth	Death	Findagrave	Tatnall	Grave Marker
4	Ananias Hudson	1876	9/10/1898	X	X	X
11	Archie R. Hudson	3/6/1874	3/23/1886	X	X	X
18	Charles R. Hudson	11/7/1845	7/17/1884	X	X	X
8	Ebe W. Hudson	10/2/1841	8/26/1918	X	X	X
1	Ebe W. Hudson	8/?/1880	6/17/1891	X	X	X
3	Irena E. Hudson	2/?/1845	3/22/1894	X	X	X
6	James W. F. Hudson	11/?/1889	7/22/1901	X	X	X
2	James W. E Hudson	1835	2/17/1894	X	X	X
9	Julia Ann Hudson	6/?/1841	10/13/1900	X	X	X
10	Charles W. Lathbury	8/6/1854	1/26/1891	X	X	X
7	Sarah E. Shockley	1/27/1858	7/7/1921	X	X	X
5	Joseph Dickerson	1842	9/10/1898	X	X	X

Table 1. List of Known Burials in the Hudson Cemetery

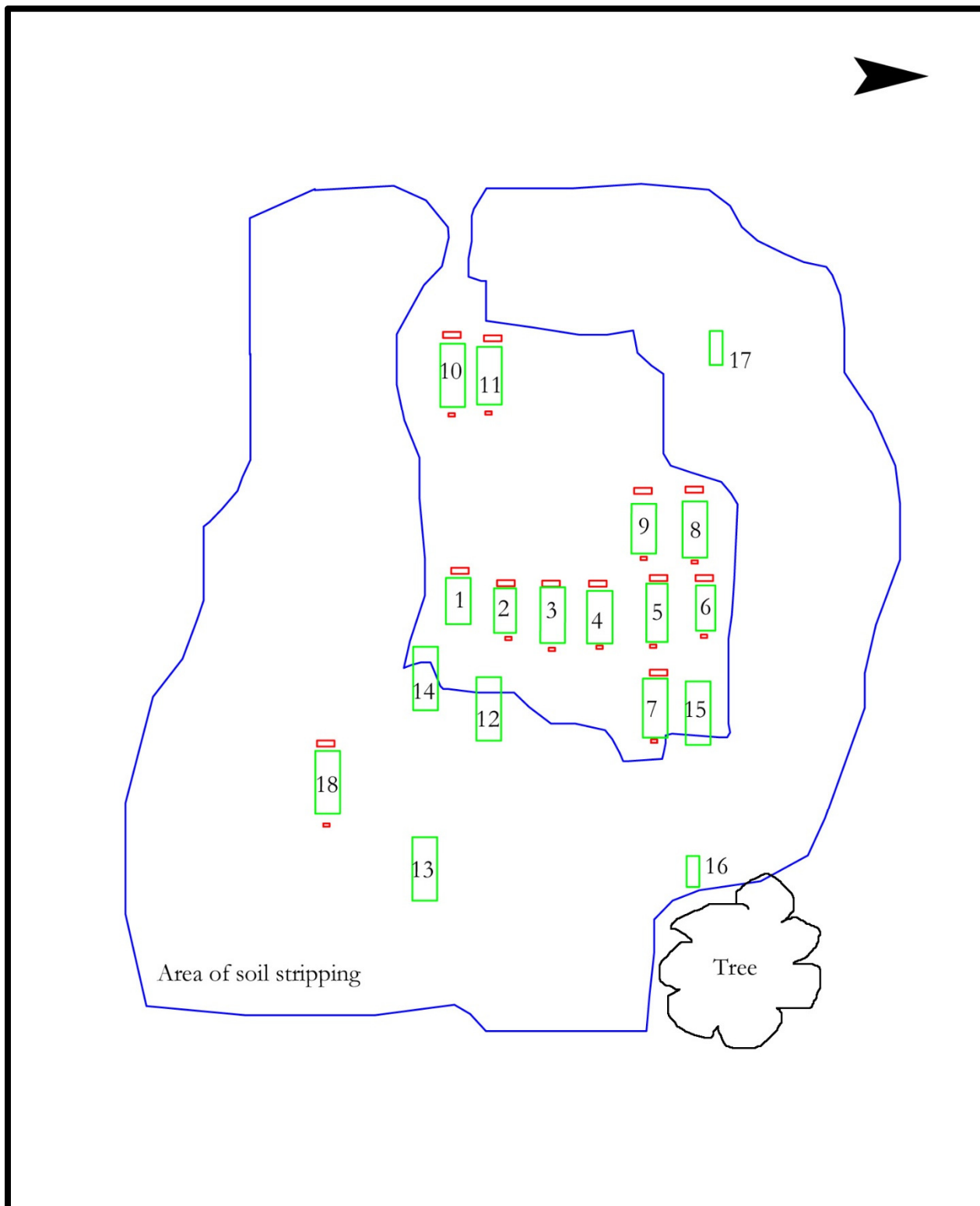


Figure 7. Graves at the Hudson Cemetery

Conclusions and Recommendations

Historic research of the Hudson Cemetery indicates it post-dates the 1872 land purchase by Ebe W. Hudson. No exclusions from sale or other mentions of the cemetery are present in any deeds or other court documents. Archaeological delineation has determined that the cemetery measures about 65 by 50 feet containing about 3,250 square feet.

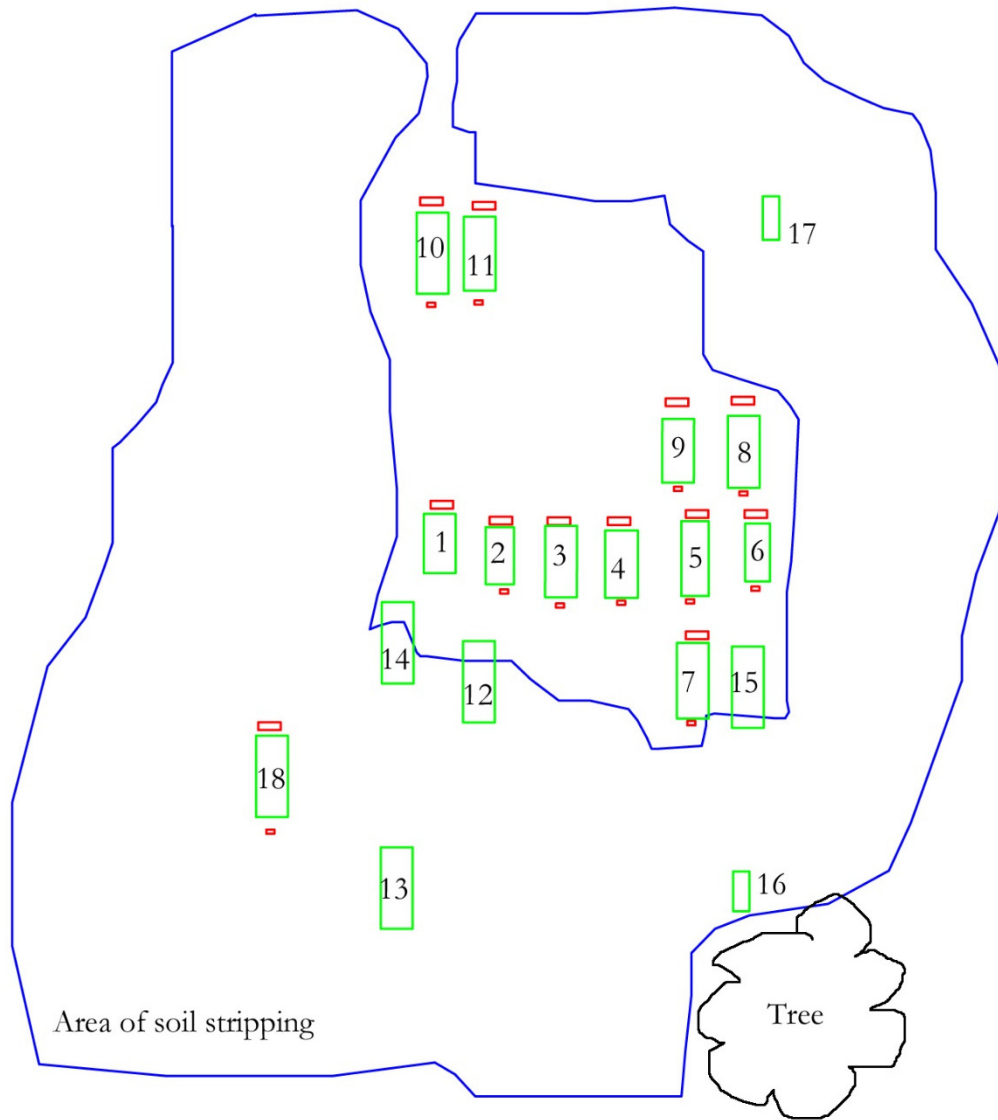
There are at least 18 burials at the cemetery (Figure 7). Twelve were marked and were reported by Tatnall and on the Findagrave website. The other graves may have been marked with wooden markers. A complete listing of the marked graves with photographs of the headstones and footstones is presented as Appendix I.

Besides the known burials, Victoria Hudson may be buried here, as suggested by the post on Findagrave. She was the daughter of Ebe Hudson and died in 1892. James H. Shockley, husband of Sarah Shockley, may also be buried here although he sold this land in 1923. He disappears from census records after 1930 and no record of his burial was found.

The Hudson Cemetery is not unique as many small family plots exist across the Delmarva Peninsula. Development of this property should avoid the cemetery. A buffer of about 25 feet beyond the staked area is recommended. The cemetery could stand some upkeep and repairs.

APPENDIX I: PHOTOGRAPHIC SURVEY





Map with assigned cemetery numbers

1. Ebe W. Hudson

Son of James W. E. & Irena E Hudson

Died June 17, 1891 10y, 10m, 5 days.

Weep not he is at rest. Marble. Inscribed on the west side



2. James W. E. Hudson

Died Feb 17, 1894 aged 58y, 9m 5 days. Marble. Inscribed west face



3. Irena E. Hudson

Wife of James W. E. Hudson

Died March 22, 1894 aged 49y, 1m, 21 days Inscribed on west side



4. Ananias Hudson

Son of James W. E. and Irena E. Hudson

Died May 15, 1898 aged 20y, 4m, 18 days Marble. Inscribed on the west side



5. Joseph Dickerson
Died Sept 10, 1898 aged 56y. Marble. Inscribed on the east face



6. James W. F. Hudson

Son of James W. E. and Irena E. Hudson

Died July 22, 1901 aged 11y, 8m, 12 days.

Gods finger touched him and he departed. Marble. Inscribed on west face



7. Sarah E. Shockley wife of James H. Shockley
Born Jan 27, 1858 died July 7, 1921
Gone but not forgotten. Marble. Inscribed on the east face



8. Ebe W. Hudson
Born Oct 2, 1841 died Aug 28, 1918
Gone but not forgotten



9. Julia A. Hudson wife of Ebe W. Hudson
Died Oct 13, 1900 aged 59y, 3m, 23d
Asleep in Jesus blessed sleep from who to weep. Marble. Inscribed west side



10. Charles R. Hudson

Nov 7 1845 – July 17 1884

“He is not dead but sleepeth” Marble. Inscribed on the west side



11. Archie R. Hudson

March 6, 1874 – March 23, 1886

Weep not he is at rest. Marble. Inscribed on west side



12.through 17 Unmarked

18. Charles Lathbury

Stone broken with parts missing



APPENDIX II: QUALIFICATIONS OF PRINCIPAL INVESTIGATOR

Edward Otter, Ph.D. President and Principal of Edward Otter, Inc.

Education

- 2002 Ph.D., Anthropology/Archaeology
Catholic University of America, Washington D.C.
- 1989 Master of Arts in Anthropology/Archaeology
Catholic University of America, Washington D.C.
- 1980 Bachelor of Arts in Anthropology
University of Delaware, Newark, Delaware

Capabilities

Over 30 years experience in archaeology in the Middle Atlantic United States. Work during this period has involved prehistoric and historic sites at all levels of expertise from Field Crewmember to Principal Investigator. Responsibilities have included project design and implementation, field and laboratory supervision, artifact analysis, archival research, report writing, site interpretation to the public, field and classroom instruction, and faunal analysis.

Select Recent Projects

- 2016 Phase I Archaeological Survey. Plain Dealing, Denton, Caroline County, Maryland.
- 2016 Phase I Archaeological Survey. Estuary, Sussex County, Delaware.
- 2015 Phase II Study. Prehistoric Site MBS-9, Millville, Sussex County, Delaware.
- 2014/2015 Historic Cemetery Removal. Lewes, Sussex County, Delaware.
- 2014 Phase I Survey. Dover International Speedway, Dover, Kent County, Delaware.
- 2014 Phase I Survey. Milford Delaware Water Facility, Milford, Sussex County, Delaware.
- 2013 Phase II Study. ECI Biogas project, Princess Anne, Somerset County, Maryland.
- 2013 Phase I Survey. Fusco Property, New Castle County, Delaware.
- 2003- 2014 Phase IA, Phase I, Phase II and Monitoring. Over 400 cell tower locations in New Jersey, Maryland, Delaware, Pennsylvania, and Virginia.
- 2011 - 2012 Phase I Archaeological Survey and Phase II Investigation. Proposed Hospital Location Shore Health, Easton, Talbot County, Maryland.
- 2010 - 2014 Restoration Studies. Handsell House, Vienna, Dorchester County, Maryland.
- 2003 - 2017 Cemetery Delineations/Excavations. 32 locations in Delaware and Maryland.

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DEED

RETURN TO:
Fenwick Commons, L.L.C.
4717 Logwood Lane
Chantilly, VA 20151

TAX MAP: 5-33-19.00-52.00
PREPARED BY: Parsons & Weidman, P.A.
Route 26 & West Avenue
Ocean View, DE 19970
File No. 22093/MKS

THIS DEED, made this 13th day of January, 2004,

- BETWEEN -

JOHN EMORY TRUITT and **JUNE A. TRUITT**, husband and wife, of R.D. #1, Box 106, Selbyville, DE 19975, parties of the first part,

- AND -

FENWICK COMMONS, L.L.C., a Delaware limited liability company, of 4717 Logwood Lane, Chantilly, VA 20151, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR and 00/100 (\$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:

TRACT NO. ONE: ALL that certain tract, piece or parcel of land situate, lying and being in Baltimore Hundred, Sussex County and State of Delaware, lying on northerly right of way of State Route No. 54 and the westerly right of way of County Route No. 394, and being more particularly described according to a survey prepared by Simpler Surveying & Associate, Registered Surveyors, dated January 15, 2003, and filed for record in Plot Book 83, Page 258, as follows, to wit:

BEGINNING at a point situate on the westerly right of way of County Route No. 394 (30' R/W), said point being a corner for these lands and lands of James Brinker; thence, by and with lands of James Brinker, South 47 degrees 12 minutes 28 seconds West, 10.08' to a 3/4" pipe; thence, continuing with the same bearing, a distance of 926.49' (in all making a total distance of 936.57') to a 1" pipe, said pipe being a corner for these lands, lands of James James Brinker and a point on line of Lot 3; thence, by and with Lots No. #3, #2 and #1, North 41 degrees 43 minutes 47 seconds West, 273.24' to a concrete monument, said concrete monument being a corner for these lands, Lot #1 and lands of Audrey Cooper; thence, by and with lands of Audrey Cooper, North 40 degrees 58 minutes 30 seconds West, 443.35' to a concrete monument, said concrete monument being a corner for these lands, lands of Audrey Cooper and lands of Daniel Dukes; thence, by and with lands of Daniel Dukes, North 33 degrees 53 minutes 56 seconds West, 77.06' to a concrete monument situate on the southerly right of way of State Route No. 54; thence, continuing with the aforesaid southerly right of way of State Route No. 54, North 67 degrees 04 minutes 41 seconds East, 901.01' to a point being the intersection of the northerly

Consideration: 6402500.00 Exempt Code: A

	County	State	Total
1	6037.50	6037.50	12075.00
	counter	Date: 01/20/2004	

SL

right of way of State Route No. 54 and the westerly right of way of County Route No. 394; thence, by and with the aforesaid westerly right of way of County Route No. 394, the following two courses and distances, (1) South 49 degrees 45 minutes 39 seconds East, 149.10' to a point; thence, (2) South 49 degrees 33 minutes 00 seconds East, 340.57' to the point and place of beginning, being and containing 13.1454 acres of land, more or less.

TRACT NO. TWO: ALL that certain tract, piece or parcel of land situate, lying and being in Baltimore Hundred, Sussex County and State of Delaware, lying on the easterly right of way of County Route No. 394, and being more particularly described according to a survey prepared by Simpler Surveying & Associate, Registered Surveyors, dated January 15, 2003, and filed for record in Plot Book 83, Page 258, as follows, to wit:

BEGINNING at a concrete monument situate on the easterly right of way of County Route No. 394 (30' R/W), said concrete monument being a corner for these lands and lands of Paul F. Branch; thence, by and with lands of Paul F. Branch, North 81 degrees 29 minutes 43 seconds East, 36.10' to a 1" pipe; thence, continuing with the same bearing, a distance of 7.86' (in all making a total distance of 43.96') to a point situate in the center line of a ditch; thence, leaving the aforesaid lands of Paul F. Branch and by and with the centerline of the aforesaid ditch, the following three courses and distances, (1) South 38 degrees 35 minutes 35 seconds East, 109.30' to a point; thence, (2) South 52 degrees 11 minutes 19 seconds East, 75.90' to a point; thence, (3) South 66 degrees 55 minutes 09 seconds East, 141.96' to a point; thence, leaving the aforesaid ditch, South 47 degrees 12 minutes 28 seconds West, 48.58' to a ¾" pipe; thence, continuing with the same bearing, a distance of 10.08' (in all making a total distance of 58.66') to the point situate on the easterly right of way of County Route No. 394; thence, continuing with the aforesaid easterly right of way of County Route No. 394, North 49 degrees 33 minutes 00 seconds East, 340.57' to the point and place of beginning, being and containing 0.2023 acres of land, more or less.

BEING the same land conveyed unto John Emory Truitt and June A. Truitt, husband and wife, by Deed of John Emory Truitt, Executor of the Estate of Lillie May Snow, dated October 5, 1987, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 1522, Page 303.

22

**DRAFT HOA
COVENANTS AND
RESTRICTIONS**

Fenwick Knoll
Plot Book ***, Page ***
Plot Book ***, Page ***
Plot Book ***, Page ***
Tax Parcel Numbers: *_**_*.**_*** and *****,
*_**_*.**_***, and ***
through *** (inclusive)

Prepared by and Return to:
David C. Hutt
Morris James Wilson Halbrook & Bayard LLP
107 W. Market Street, P.O. Box 690
Georgetown, DE 19947

Community Constitution and Declaration
(Covenants, Conditions, Easements and Restrictions)

For

Fenwick Knoll Community Association, Inc.

This Community Constitution and Constitution (Covenants, Conditions, Easements and Restrictions) For Fenwick Knoll Community Association, Inc. (the "Declaration") is made and executed this _____ of _____, _____, by Fenwick Knoll, LLC, a Limited Liability Company organized and existing under the laws of the State of Delaware, of ***, ***, ***, Delaware 199** (hereinafter referred to as the "Developer" or "Declarant").

WITNESSETH:

WHEREAS, the Developer is the current fee simple owner of certain real property located in Baltimore Hundred, Sussex County, Delaware as set forth in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property"), and desires to develop therein a residential planned community which shall consist of 53 Units and Common Areas for the benefit of the residential planned community as a whole, as more particularly set forth and described

herein; and

WHEREAS, the Developer desires to provide for the preservation of the values and amenities in said community and for the maintenance of said common lands and facilities and to this end desires to subject the Property to the covenants, restrictions, easements, charges and liens, as hereinafter set forth, for the benefit of the Property and each owner thereof; and

WHEREAS, the Developer deems it desirable for the efficient preservation of values and amenities in said community to create an entity to which will be delegated and assigned the powers of maintaining and administering the community facilities, common lands and recreational amenities, and administering and enforcing the covenants and restrictions and levying, collecting and disbursing the assessments and charges hereinafter created; and

WHEREAS, the Developer reserves the right, as hereinafter provided, to annex additional property, not part of Exhibit "A" and the property shown on the Record Plot, but which is neighboring or contiguous to such property (hereinafter referred to as the "Annexed Property") and subject such Annexed Property to this Declaration upon the recordation of one (1) or more Declarations of Annexation; and

WHEREAS, the Developer will cause a non-profit, non-stock corporation, to be known as the Fenwick Knoll Community Association, Inc., to be incorporated under the laws of the State of Delaware for the purpose of exercising the functions aforesaid.

NOW THEREFORE, the Developer hereby declares that the following covenants, restrictions, easements, charges and liens shall run with, burden and bind the Property, and the Developer hereby declares the Property, as described in Exhibit "A", which is attached hereto and incorporated herein by reference, is and shall be held, transferred, sold, conveyed, occupied and used subject to the restrictions hereinafter set forth and during the period of time hereinafter set

forth; and subject to all easements, rights of way and restrictions previously placed upon the Property as recorded in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, by the Developer, or its predecessors in title.

ARTICLE I

DEFINITIONS

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

A. "Association" shall mean and refer to the Fenwick Knoll Community Association, Inc., a Delaware non-profit, non-stock corporation, its successors and assigns.

B. "Board" shall mean and refer to the Board of Directors established pursuant to the Bylaws of the Association, serving as the executive board of the Association.

C. "Common Areas" shall mean and refer to those areas of land designated as such on the Record Plot, which is incorporated herein by reference. The Common Areas may include, but may not be limited to: (1) all private streets and entrance, whether within or adjacent to the Property; (2) all areas for stormwater management, erosion and sediment control; (3) water supply facilities; (4) sanitary sewer facilities; and (5) all community recreation facilities. All Common Areas are intended to be devoted to the common use and enjoyment of the members of the Association, as herein defined, and are not dedicated for use by the general public. All Common Areas shall be subject to the restrictions created herein.

D. "Declaration of Annexation" shall mean all Declarations recorded by the Developer in which property not described in Exhibit "A" and/or the Record Plot is made subject to this Declaration.

E. "Developer" or "Declarant" shall mean and refer to Fenwick Knoll LLC, its

successors and assigns.

F. "Developer Control Period" shall mean the period during which the Special Declarant Rights and any other rights and responsibilities that are reserved exclusively to the Developer pursuant to this Declaration or other governing document for the Association may be exercised. Said Developer Control Period shall commence upon the recordation of this Declaration and shall continue until the later of the conveyance of all Units shown on the Record Plot and/or included in any Annexed Property, or until December 31, 2032.

G. "DUCIOA" shall mean and refer to the Delaware Uniform Common Interest Ownership Act, 25 Del. C. §81-101 *et seq.*, as amended from time to time.

H. "Member" shall mean and refer to all those Owners who are members of the Association as provided in Article II, Section 1 of this Declaration.

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

J. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, holding a fee simple title to any Unit, 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.

K. "Participating Builder" shall mean and refer to a person or entity that acquires from the Developer any part of the property subjected to this Declaration for the purpose of building a residential structure for sale or lease to another in the ordinary course of business of such person or entity.

L. "Property" shall mean that property identified in Exhibit A.

M. "Record Plot" shall mean the plot of record in the Office of the Recorder of Deeds,

in and for Sussex County, recorded in Plot Book ***, at Page *** *et seq.*, and any amendments thereto approved by Sussex County and endorsed as an amendment by the Developer.

N. “Special Declarant Rights” shall mean those rights reserved by the Developer and each Participating Builder as provided in Article VI, Section 21 of this Declaration.

O. “Unit” shall mean and refer to any unimproved or improved plot of land intended and Subdivided for a detached single unit residence, shown upon the Record Plot as a numbered parcel, but shall not include the “Common Areas” as hereinabove defined.

ARTICLE II

MEMBERSHIP AND VOTING RIGHTS

Section 1. Every Owner of a Unit, which is subject to assessment or shall be eligible for a later 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 Unit, which is subject to assessment. The Developer and each Participating Builder shall be considered an Owner of each Unit held by it.

Section 2. The Association shall have one class of voting membership. A Member shall be entitled to one (1) vote for each Unit. When more than one person holds an interest in any Unit, all such persons shall be Members. The vote of such Unit shall be exercised as the Owners themselves determine, but in no event shall more than one (1) vote be cast with respect to any Unit.

Section 3. The Developer shall organize and establish the Association by the filing of a Certificate of Incorporation for the Association no later than the date the first Unit in Fenwick

Knoll is conveyed, all in accordance with § 81-301 of DUCIOA.

ARTICLE III

PROPERTY SUBJECT TO DECLARATION

Section 1. Property. The real property subject to this Declaration is all that property located in Baltimore Hundred, Sussex County, Delaware, as shown on the Record Plot and as described in Exhibit "A" attached hereto and incorporated herein by reference. This Declaration and the lands subject to this Declaration shall also be subject to any restrictions, easements or rights of way previously granted by the Developer, or its predecessors in title, as recorded in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware. The property subjected to this Declaration shall be stated with specificity in Exhibit A, and such property not intended to be subjected to this Declaration will be described and excepted in Exhibit A. Developer shall have exclusive right, but not the obligation, to modify and expand the property subjected to this Declaration during the Developer Control Period by amending this document replacing Exhibit A with an expanded definition of property subjected to this Declaration.

Section 2. Annexed Property.

(a) During the Developer Control Period, the Developer shall have the unilateral right, but not the obligation, to expand Fenwick Knoll by adding all or any part of the of any contiguous parcel (hereinafter "Annexed Property") through the preparation and recordation of one (1) or more Declarations of Annexation with the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware.

(b) The right of the Developer to add all or any portion of the Annexed Property To Fenwick Knoll shall not be construed as imposing on the Developer any obligation to add all or any portion of the Annexed Property to the Development, to construct any improvements

thereon, or to restrict or limit its use in any manner.

(c) Annexed Property added to Fenwick Knoll, together with all improvements thereon, shall be deemed submitted to the terms of this Declaration. For all purposes of the Association, including, but not limited to, voting, the number of Units in the Association shall be increased to include up to a maximum of two additional Units to be located on that portion of the Annexed Property added to the Development.

(d) Improvements to portions of the Annexed Property added to Fenwick Knoll shall be subject to the standards and restrictions set forth herein.

ARTICLE IV

PROPERTY RIGHTS IN THE GENERAL COMMON AREAS

Section 1. Title to Common Areas. The Developer shall convey legal title in the Common Areas to the Association, but it may retain legal title to the Common Areas until such time as the Developer has completed improvements thereon, and until such a time as, in the opinion of the Developer, the Association shall be able to maintain the same. However, notwithstanding any other provision herein, the Developer hereby covenants for itself, its successors and assigns, that it shall convey all its rights, 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.

Section 2. Extent of Member's Easements. The rights and easements of enjoyment created hereby in the Common Areas shall be subject to the following:

(a) The rights of the Association, in accordance with its Certificate of Incorporation and Bylaws, to borrow money for the purpose of improving the Common Areas and in aid thereof to mortgage the Common Areas, except the roads as shown on the Record Plot. The rights of a mortgagee in any affected Common Area 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 eighty percent (80%) of the votes in the Association, including eighty percent (80%) of the votes allocated to Units not owned by the Developer.

(b) The right of the Association to take such steps as are reasonably necessary to protect any mortgaged Common Areas against foreclosure.

(c) The right of the Association as provided in its Certificate of Incorporation and Bylaws, to suspend the enjoyment rights and privileges of any Member in any easement or in any Common Areas, for a period during which any assessment against such Member remains unpaid, and for any period not to exceed sixty (60) days for any infraction of the Association's published rules and regulations.

(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 purpose or as to the conditions thereof, shall be effective unless approved by the vote of eighty percent (80%) of the votes in the Association, including eighty percent (80%) of the votes allocated to Units not owned by the Developer, has been recorded.

(e) The right of the Developer 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 water, sewer, drainage, gas, electricity, telephone, cable television and other utilities.

(f) The right of the Association to adopt rules and regulations in accordance

with § 81-320 of DUCIOA governing the use by the Owners of the Common Areas or Units, which rules and regulations shall not apply to any Participating Builder. Such rules and regulations may include the regulation of rentals in Fenwick Knoll and govern specific leasing standards, including, but not limited to, permitted signage or advertising, minimum lease terms and maximum number of occupants permitted to occupy a main dwelling, the display of American flags (consistent with federal law and § 81-320 of DUCIOA) and/or the display and placement of political signs (consistent with § 81 -320 of DUCIOA). Any rules and regulations adopted by the Association shall be a governing document of the Association.

(g) The right of the Association, by and through its Board of Directors, to levy a reasonable monetary fine for a violation of this Declaration or other governing document of the Association, in an amount to be determined by the Board after written notice and an opportunity to be heard before the Board has been given to the violating Owner in question, all in accordance with § 81-302 of DUCIOA. Any monetary fine imposed by the Board shall be collectible in the same manner as assessments hereunder.

Section 3. Delegation of Use. Any Owner may delegate his rights of enjoyment to the Common Areas and facilities to the members of his family, tenants, guests, or contract purchasers (and members of the family of any tenant or contract purchaser) who reside on the Unit or to such other persons as may be permitted by the Association.

Section 4. Obligations of the Association. The Association shall:

(a) Take title to, own, manage, maintain and operate the Common Areas and facilities, improvements and landscaping thereon, including but not limited to, the roads, recreational areas, and areas for stormwater management, erosion and sedimentation control, for the use and benefit of all Members of the Association.

- (b) Enforce the covenants, restrictions, and easements under this Declaration.
- (c) Maintain the yard areas of each Unit in Fenwick Knoll, as more particularly described and set forth in Article VI, Section 17 of this Declaration.

ARTICLE V

COVENANT FOR MAINTENANCE AND TO ACCEPT AND DISCHARGE

ASSESSMENTS

Section 1. Creation of Lien and Personal Obligation of Assessments. The Developer, for itself and its successors and assigns, and for each Unit within the Property, hereby covenants, and each Owner of any Unit, by acceptance of a deed or other transfer document therefore, 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) special assessments for capital improvements, operating expenses or reserves, and/or a repair and replacement reserve; (3) monetary fines, if imposed, pursuant to the provisions of Article IV, Section 2(g); and (4) an initial assessment in the amount of Five Hundred Dollars (\$500.00) due upon the conveyance of any Unit from the Participating Builder or Developer to a third party purchaser for value (which purchaser shall not include a Participating Builder, as defined in Article I of this Declaration), such assessments to be fixed, established and collected as hereinafter provided. The annual assessment, special assessment, monetary fine and initial assessment, together with interest at the legal rate, costs and reasonable attorney's fees, shall be a charge on the Unit, and shall be a continuing lien upon the Unit against which each such assessment or charge is made. Each such assessment or charge, together with interest at the legal rate, costs, and reasonable attorney's fees incurred for the collection thereof, shall also be the personal obligation of the person who was the Owner of the Unit at the time when the assessment was due. A personal obligation for delinquent assessments

or charges shall not pass to the Owner's successor in title (other than as a lien on the land), unless expressly assumed by the successor in title.

Section 2. Purpose of Assessments. Assessments levied by the Association shall be for the purpose of promoting the recreation, health, safety and welfare of the residents in the Property; 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, repair and replacement of the roads and street lamps; the payment of taxes and insurance thereon; repair, replacement and additions thereto; for the cost of labor, equipment, materials, management and supervision thereof; for operating reserve funds and reserve funds for repair and replacement of the Common Areas and the facilities thereon; and/or for a purpose of discharging a duty or obligation of the Association.

Section 3. Basis and Maximum Annual Assessment. Each respective Unit shall thereafter be subject to an annual assessment to be paid to the Association. The amount of such annual assessment shall be established by the Association and shall be charged or assessed in equal proportions against each Unit within the Property. The fiscal year of the Association shall begin on July 1st and end of the following June 30th. The first assessment year shall be the fiscal year ending June 30, 2013, and thereafter each assessment shall be made for each subsequent year commencing as of July 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 annual assessment for said year, when due, and the amount due from each Unit 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.

Section 4. Establishment of Annual Assessment Rate. The Board of Directors of the Association shall, after consideration of current maintenance costs and future needs of the Association, set the annual assessment in an amount deemed appropriate and may provide for the payment thereof 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. The annual assessment amount shall be approved in accordance with §§81-315 and 81-324 of DUCIOA.

Section 5. Unimproved Unit Assessment. Despite any provision of this Declaration to the contrary, any purchaser of an empty Unit (including but not limited to a Participating Builder, as defined in Article I of this Declaration), who does not have a home constructed on said Unit at the time of purchase, shall be subject to a "Unimproved Unit Assessment" in the amount of \$75.00 per month until such time as a Certificate of Occupancy has been issued for a home on the Unit or for a period of eighteen (18) months after purchasing the Unit, whichever shall first occur. The Unimproved Unit Assessment hereby imposed shall be in lieu of the regular, annual assessment imposed by this Declaration. All other assessment amounts or charges imposed in accordance with this Declaration or other governing document of the Association shall continue to be the obligation of all Owners, including purchasers of an empty Unit who are subject to an Unimproved Unit Assessment in accordance with this Section 5.

Section 6. Initial Assessment. In addition to the annual assessment or other assessments, the Developer hereby establishes an initial assessment to be paid by the purchaser upon the conveyance of each Unit from the Participating Builder to a third party purchaser for value (which shall not include a Participating Builder, as defined in Article I of this Declaration).

The amount of such initial assessment is set at Five Hundred Dollars (\$500.00). The Developer may use any and all funds collected pursuant to this Section 6 to pay the cost of any obligation to maintain the Common Areas pending transfer of the funds collected and the Common Areas to the Association.

Section 7. Special Assessment for Capital Improvements and Operating Reserve. In addition to the annual assessment authorized by Article V, Section 3 of this Declaration, the Association may levy in any assessment year a special assessment (which must be fixed at one uniform rate for each Unit) applicable to that year only, for the purpose of defraying in whole or in part the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Areas, including the necessary fixtures and personal property related thereto, repair and replacement of the roads and street lighting, and for operating the Common Areas, for which a reserve fund does not exist or is not adequate. A special assessment shall be approved in accordance with § 81-324 of DUCIOA.

Section 8. Monetary Fines. The Board of Directors has the power and duty to impose monetary fines for violations of this Declaration and/or any other governing document for the Association. Such assessment shall be imposed in the manner set forth in Article IV, Section 2(g) of this Declaration.

Section 9. Date of Commencement: Due Date. The liability of any Owner for annual assessment as to any Unit shall commence on the conveyance of such Unit to such Owner, prorated for the remaining portion of said year. The due date of the annual assessment is set forth in Article V, Section 3 of this Declaration. The due date of any special assessment under Article V, Section 7 of this Declaration shall be fixed in any resolution authorizing such assessment. The due date of any monetary fine shall be established by the Board or its designated committee.

Section 10. Effect of Nonpayment of Assessments: the Personal Obligation of the Owner; the Lien: Remedies of the Association. If any assessment or other charge (such as a monetary fine), is not paid on the date when stated to be due in the notice of the assessment or charge, then the assessment shall be deemed delinquent. If the delinquent payment is a periodic payment (i.e. monthly, quarterly, etc.), the entire assessment or charge shall be deemed delinquent, and shall, together with such interest thereon and the cost of collection thereof, including reasonable attorney's fees, as hereinafter provided, continue as a lien on the Unit and any structure built thereon which shall bind such Unit in the hands of the then Owner, his heirs, devisees, personal representatives, successors and assigns. In addition to such lien rights, the obligation of the assessment or charge shall be a personal obligation of the then Owner to pay such assessment or charge; however, the personal obligation shall not pass to his successors in title (other than as a lien on the land) unless expressly assumed by the successor in title. If the assessment or charge is not paid within thirty (30) days after the delinquency, the assessment or charge shall bear interest from the date of delinquency at 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 and/or may enforce or foreclose the lien against the Unit. In the event a judgment is obtained, such judgment shall include interest on the assessment or charge from its due date and reasonable attorney's fees, together with the costs of collection. No Owner of a Unit may waive or otherwise escape liability for an assessment of his or its Unit. The Association reserves the right to suspend the enjoyment rights and privileges of any Member in any easement or Common Area for the period during which any assessment or charge against such Member remains unpaid.

Section 11. Subordination of the Lien to the First Mortgage. A lien for assessments or other charges provided for herein (hereinafter "assessment lien") shall be subordinate to the lien

of any first mortgage on the Unit, except as otherwise provided by § 81-316 of DUCIOA. Sale or transfer of any Unit shall not affect the assessment lien. However, sale or transfer of any Unit 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, except as otherwise provided by § 81-316 of DUCIOA. No sale or transfer shall relieve such Unit from liability for any assessments or other charges thereafter becoming due or from the lien thereof.

Section 12. 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 governmental body, agency or authority, and devoted to public use; and
- (b) All Common Areas.

Section 13. Developer's Contribution. Notwithstanding anything herein to the contrary, up until the transfer of 80% of the Units, the Developer shall contribute to the Association as a Developer assessment the following:

- (a) Annual Assessment. An amount to pay the difference between actual annual assessments paid by Unit Owners and actual expenses of the Association, except that the Developer shall not be responsible for any portion of the assessment related to the operating reserve fund and/or reserve funds for repair and replacement;
- (b) Special Assessment. An amount per Unit owned by the Developer or any Participating Builder equal to the uniform rate for each Unit as established by a special assessment imposed under Article V, Section 7 of this Declaration.

ARTICLE VI

RESTRICTIVE AND PROTECTIVE COVENANTS

Section 1. Utility Easements.

(a) The Developer, its successors and assigns, and the Association hereby reserve the right to grant easements over, under, on and through the Common Areas, all roads, and the designated areas of the Units as shown on the Record Plot for the installation, construction, reconstruction, relocation, removal, maintenance, repair, operation, inspection of sewer, water drainage, electric, gas, television, telephone, and cable telephone and television facilities and wires, lines, conduits and other necessary and proper attachments in connection therewith, for the benefit of the Property, the Developer, any federal, state or local authority, commission or agency having jurisdiction thereover, or any corporation, either public, quasi-public or private, supplying or serving the Property.

(b) The Developer reserves unto itself, its successors and assigns, a ten foot (10') drainage and/or sidewalk and/or utility easement from the right-of-way in the front yard and/or rear yard of all Units and centered on all side and rear Unit lines. Developer further reserves a ten foot (10') drainage and/or utility easement along the interior side of all perimeter boundary lines.

Section 2. Prior Restrictions. The Property is subject to all those prior easements, rights of way and restrictions placed upon the Property by the Developer's predecessors in title as such may be recorded among the land records in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware.

Section 3. Residential Use. All Units in the Property shall be used for residential purposes exclusively except to the extent provided with respect to the Special Declarant Rights. No structure, except as hereinafter provided, shall be erected, altered, placed or permitted to remain upon any such Unit other than one (1) attached single family dwelling (duplex) with attached

garage building (hereinafter sometimes referred to as the main dwelling) and structures allowed pursuant to the Special Declaration Rights. Accessory buildings of any and every kind shall not be permitted on any Unit. The use of a main dwelling shall not include any activity normally conducted as a business except pursuant to the Special Declarant Rights. All improvements other than those constructed by a Participating Builder or Declarant shall be in conformity with the Fenwick Knoll Architectural Guidelines attached hereto as Exhibit "B" and incorporated herein by reference. Notwithstanding the other provisions of this Section 3, certain areas as shown on the Record Plot may be conveyed to the Association for the recreational general Common Area, and such may be improved by tennis courts, an in-ground swimming pool, and structures related to the use and enjoyment of such recreational facilities. Satellite antennas are allowed provided that they are no larger than twenty-four (24) inches in diameter and are located behind the apex line of the roof of the main dwelling.

Section 4. Restrictions as to Trailers and Modulares. No trailer, mobile home, double wide or similar type structure which moves to a building site on wheels attached to its own undercarriage or by trailer, tent, shack, garage, bam or other type of outbuilding, shall at any time be used as a residence, temporarily or permanently. No trailer, mobile home, double wide, tent, shack, garage, or bam shall be utilized as a main or single dwelling unit on any Unit in the Property. A modular home, manufactured home, sectional home or pre-fabricated home may be permitted, but only as/if approved by the Fenwick Knoll Architectural Review Committee (hereinafter "FKARC"). Notwithstanding the above restrictions, boat trailers for boats less than thirty feet (30') long shall be permitted, but only for a period not to exceed seven (7) days, provided that the boat trailer is located in the driveway. Under no circumstances shall boat trailers for boats thirty feet (30') long or greater be permitted. Under no circumstances shall boat trailers of any type or size

be parked on the street or any other Common Area in Fenwick Knoll.

Section 5. Restrictions Against Business Use and Use Before Completion. Except as Permitted pursuant to the Special Declarant Rights, no numbered Unit within the Property shall be used at any time to conduct business, or for the conduct on said Unit of any trade or business of any description, nor shall a Unit be used for any purpose whatsoever except for the purpose of private dwelling or residence. No building shall be used as a residence until the exterior is fully completed, according to the plans and specifications approved therefor, as such approval is hereinafter provided. No one shall reside on any Unit, casually, temporarily or permanently, except in a dwelling house completed according to the plans and specifications approved as hereinafter provided.

Section 6. Rental Restrictions. The rental of property in Fenwick Knoll shall be permitted, but shall be restricted to single family rentals only and shall be for an initial term of at least one (1) year. If, upon expiration of the initial one (1) year term, a lease shall continue thereafter on a monthly basis as permitted by Delaware law, such a continuation of the lease shall be permitted hereunder. All lease agreements must be in writing and must be for the entire dwelling and the entire Unit.

Section 7. Architectural Review Committee Approval of Building Plans.

(a) In order to insure the development and maintenance of Fenwick Knoll as a residential development of high standards, there shall be a three (3) member Fenwick Knoll Architectural Review Committee ("FKARC"). The initial members shall be appointed by the Developer and shall serve until such time as they may resign (in which case their successors may be appointed by Developer if such resignation occurs during the Developer Control Period) or their successors are designated by the Association. The FKARC is vested with the power to control all

buildings, structures, improvements and landscaping to be placed upon any Unit within Fenwick Knoll. The FKARC may retain an architect to assist the FKARC in its responsibilities.

(b) The FKARC may charge a reasonable review fee, which may include, but not be limited to architectural review fees incurred by the FKARC, in connection with any application submitted for review pursuant to this Section 6.

(c) 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 of the Units which are the subject matter of this Declaration by an Owner other than a Participating Builder, 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 frontage on the Unit, approximate cost of such building, structure or other erection, the grading and landscaping of the Unit to be built upon or improved, the location of the driveway and the type of driveway material, which shall be hot-mix asphalt, and such other required information shall be submitted to and approved in writing by the Developer or its successors. The plans shall be submitted to the FKARC for approval. A copy of all such plans and specifications, finally approved as aforesaid, shall be lodged permanently with the said FKARC, or its successors; provided, however, that nothing herein shall require the aforesaid approval as to interior decorations, alterations or changes.

(d) The FKARC 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 suitable or desirable in the sole discretion of the FKARC, or its successors, for purely aesthetic or other reasons; and in passing on such plans, the FKARC 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 surrounding Units and/or Common Areas, and the effect of such improvements, additions, alterations or changes used, as planned, on the adjacent or neighboring property, and any and all factors which in its opinion, would affect the desirability or suitability of such proposed improvements, erections, alterations or changes.

(e) In addition to the powers stated above, the FKARC shall administer and enforce the Fenwick Knoll Architectural Guidelines, which is a document containing information regarding the review procedures and design requirements for all Units in Fenwick Knoll. A copy of the Fenwick Knoll Architectural Guidelines is attached hereto as Exhibit "B" and incorporated herein by reference. Each Unit purchaser except any Participating Builder shall receive a copy of the Fenwick Knoll Architectural Guidelines at the time of purchase and agrees to be bound by said standards and any changes thereto. The Developer may amend or modify the Fenwick Knoll Architectural Guidelines in its sole discretion, at any time during the Developer Control Period. After the Developer establishes the Association, the Fenwick Knoll Architectural Guidelines may be amended or modified by a vote of two-thirds (2/3) of the members of the Association. Any amendments or modifications of the Fenwick Knoll Architectural Guidelines shall be sent to each Unit Owner within thirty (30) days of approval.

(f) The FKARC, the Association, and the Developer shall have the right to enforce the provisions of this section and the requirements of the Fenwick Knoll Architectural Guidelines against any person or persons violating or attempting to violate said requirements by appropriate legal action.

Section 8. Resubdivision. No Unit shall be resubdivided, sold or otherwise alienated in a lessor or smaller parcel.

Section 9. Sanitation. Public sewer and water shall be available to each Unit. No individual wastewater disposal systems or wells shall be allowed. All user fees shall be the sole and exclusive expenses of the Owner of said Unit.

Section 10. Signs and Advertising Regulated. No signs, notice or advertising matter of any nature and description shall be erected, used or permitted upon any of the Units, except after securing the written permission of the Developer and/or the Association or its successors or assigns, except pursuant to the Special Declarant Rights.

Section 11. Setback Restrictions - Height Limitation.

(a) No building or improvement of any kind shall be erected on any Unit, nearer than twenty-five (25) feet to the front Unit line.

(b) Each side yard setback line of any Unit shall be ten (10) feet from the respective side lines of such Unit.

(c) In the case of a single ownership of more than one (1) Unit which are contiguous, the foregoing side setback lines shall apply to the parcel owned as a whole if the Owner or occupier thereof makes use of the same thereof as a whole.

(d) No main dwelling shall be erected on any Unit nearer than ten (10) feet to the rear line.

(e) The height of any building shall be as determined pursuant to the Sussex County Zoning Ordinance.

(f) Specific building envelopes have been identified, per Unit, by the Developer

Pursuant to the Record Plot and shall take precedence over any/all other setback requirements, subject to local building codes.

Section 12. Garbage Receptacles. Each

Unit shall provide receptacles for garbage in a screened area not generally visible from any interior road.

Section 13. Storage Receptacles. No fuel tanks or similar storage receptacles may be exposed to view; but some may be installed within the main dwelling or buried underground or properly screened from view, in accordance with the Fenwick Knoll Architectural Guidelines.

Section 14. Construction and Demolition. Once construction or demolition of any building has been commenced on any Unit, such construction or demolition shall proceed without delay until the same is completed, including the driveway, except where such completion is impossible or results in great hardship to the Owner or builder due to strikes, fires, national emergencies or national calamities. Cessation of work upon the construction or demolition of any building once started and before completion thereof for a continuous period of sixty (60) days by any Owner or Participating Builder shall be prima facie evidence of an attempt to abandon the same in its partially completed or demolished state and shall be deemed to be a public nuisance. There is no time limit for which construction must commence upon the purchase of any Unit.

Section 15. Fences. No fence whatsoever shall be erected or allowed to remain on any Unit, except as provided in the Fenwick Knoll Architectural Guidelines.

Section 16. Nuisance. It shall be the responsibility of each Owner to prevent the development of any unclean, unsightly, or unkempt conditions of buildings or grounds upon a Unit (except in the course of construction thereon) which shall tend to substantially decrease the beauty of the Property as a whole, or the beauty of the specific area. No noxious or offensive activity shall be permitted upon any Unit, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance, or nuisance of the Property. Yard sales are prohibited. There shall not be

maintained upon any Unit any plant, animal, device or thing of any sort, the normal activities of which is in any way noxious, dangerous, unsightly, unpleasant or of such a nature as may diminish or destroy the enjoyment of the Property. Specifically included under this section is the prohibition against any livestock being kept on any Units. The keeping of any nondomestic animals shall be deemed a nuisance per se under this section; but the keeping of domestic cats and dogs, or other traditional household pets, unless the activity of such pets is in any way noxious, dangerous, unsightly or unpleasant, shall not be prohibited under this section. No disabled vehicle will be allowed to remain in view as a nuisance, nor shall any unlicensed vehicle be allowed to remain, more than a reasonable period of time not to exceed fifteen (15) days. No trucks, campers, motor homes, dump trucks or vehicles in excess of eight thousand (8,000) pounds gross vehicle weight shall be permitted on any Unit, roadway or Common Area, except in connection with the construction, maintenance and repair of residences and Common Areas within the Property.

Section 17. Landscaping

(a) No landscaping, shrubs or trees to be placed on any Unit in conjunction with the erection of any main dwelling shall be planted, except by a Participating Builder, until complete and comprehensive landscaping plans shall be submitted to and approved in writing by the FKARC. The land area not occupied by structures, hard surfacing, vehicular driveways or pedestrian paths shall be kept planted with grass, trees or shrubs or other ground covering or landscaping in conformance with the requirements set by the Fenwick Knoll Architectural Guidelines. Although Participating Builders shall not be required to submit a landscaping plan to and receive the approval of the FKARC, Participating Builders shall be required to submit a landscaping plan to and receive the approval of the Developer prior to the placement of any landscaping, shrubs or trees on any Unit.

(b) The Association shall be responsible for maintaining the yard areas of each Unit in Fenwick Knoll. Such yard maintenance shall include: grass/turf cutting (as frequently as the Association deems appropriate and necessary); weeding of flower/planting beds (as frequently as the Association deems appropriate and necessary); mulching of flower/planting beds (once per year, at such time as deemed appropriate by the Association); applying grass/turf chemicals (as frequently and of such types as the Association deems appropriate and necessary).

(c) Each Owner shall be responsible for the maintenance and repair of the irrigation system located on the Owner's Unit.

Section 18. Weeds. No noxious weeds or accumulated trash of any kind shall be permitted to grow or be maintained upon any Unit by the Owner or occupier thereof, except construction materials and debris of a Participating Builder. The Association or its successors and assigns may first notify the Owner or occupier to cut and/or remove any such offending growth or trash within thirty (30) days from the giving of such notice. Any such notice must be in writing. If the Owner or occupier shall fail or neglect to comply with any such notice, then and in such an event, the Association or its successors shall be empowered to enter upon any such Unit, together with such assistance and equipment as may be required, and thereupon to cut and/or remove the same, all without being deemed a trespass and all at the expense of the Owner of the Unit. This covenant shall not be construed as an obligation on the part of the Association or its successors to provide garbage or trash removal services.

Section 19. Square Footage. The square footage of all improvements on any Unit shall be in accordance with the Fenwick Knoll Architectural Guidelines, but in no case shall the under roof heated interior space, exclusive of porches and decks, garage or similar non-year-round heated space, be less than one thousand four hundred (1,400) square feet or more than four thousand four

hundred (4,400) square feet.

Section 20. Driveways and Parking Spaces. Each Unit shall provide for outside parking for two (2) automobiles on site and off all roadways, and a driveway which shall be made of “hot-mix” asphalt. Parking on community roadways shall be permitted on a temporary basis only, for a period not to exceed forty-eight (48) hours. Long term and/or regular parking on community roadways is strictly prohibited. Vehicles parked in violation of this Section 20 or any other provision of this Declaration or other governing document of the Association may be towed by the Association at the vehicle owner’s expenses. Any and all towing expenses incurred by the Association shall be collectible in the same manner as assessments hereunder.

Section 21. Special Declarant Rights.

(a) The Developer reserves the following rights, which rights Developer hereby assigns to each Participating Builder (individually and collectively, the “Special Declarant Rights”):

(1) The right to complete or make improvements indicated on the Record Plot;

(2) The right to maintain sales offices, management office, models on Units or on the Common Areas, to the extent described in the following table:

	NUMBER	SIZE	LOCATION
Sales Office and Model Homes	One per each Participating Builder	Per home plan prepared by applicable Participating Builder	On Unit designated by Developer
Construction Management Offices	One per each Participating Builder	Trailer of size determined by Participating Builder	On Unit or on the portions of the Common Area designated by Developer
Storage Sheds	One per each Participating Builder	Trailer of size determined by Participating Builder	On Unit or on the portions of the Common Area designated by Developer

provided that Developer may relocate any such facility located on a Unit to any other Unit on the Property acceptable to the applicable Participating Builder from time-to-time;

(3) The right to maintain signs on the Property to advertise the sales of homes as follows, provided all signage complies with applicable zoning regulations: (i) one marketing sign per Participating Builder of up to 5 feet by 10 feet in the portion of the Common Area along Relevant Road, (ii) a sign in front of each Participating Builder's model home, a brochure box and sign on each Unit available for sale, and (iii) other signs on Units deemed

necessary by a Participating Builder; and

(4) The right to conduct sales business and construction activities on the Property; and

(5) The right to use and permit others to use, easements through the Common Areas as may reasonably necessary for the purpose of discharging the Developer's and Participating Builders' obligations under DUCIOA and this Declaration.

Section 22. Limitations on Special Declarant Rights. Unless sooner terminated by a recorded instrument signed by Developer, any Special Declarant Rights may be exercised by the Developer or any Participating Builder as assignee thereof for the period of time specified in DUCIOA.

ARTICLE VII

GENERAL PROVISIONS

Section 1. Duration and Amendment. The easements, covenants, conditions, restrictions, and reservations of this Declaration run with and bind the Property and shall inure to the benefit of and be enforceable by the Association, or the Owner of any Unit subject to this Declaration, their respective legal representatives, heirs, successors and assigns, as the case may be, in perpetuity. Subject, however, to the provision that the Association or its successors, by and with the vote or written consent of seventy percent (70%) of the votes of the membership, shall have the power to waive, abandon, terminate, modify, alter, change, amend, eliminate or add to these easements, covenants, conditions, restrictions, and reservations and this Declaration at any time hereafter. Any such waiver, abandonment, terminated, modification, alteration, change, amendment, elimination or addition shall take effect when a copy thereof, executed and acknowledged by the Association or its successors in accord with the usual form of execution and

acknowledgment of deeds, together with the written consents of the requisite number of Members or together with a certificate by the Association verified under oath by the President thereof, or in the case of his/her absence or inability, by any Vice President thereof, setting forth the time, manner and result of the taking of the vote of the members, has been filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, and the same shall thereafter remain in effect in perpetuity unless otherwise provided. No action to challenge the validity of an amendment adopted by the Association may be brought more than 1 year after the amendment is recorded (see § 81-217 (b) of DUCIOA).

Section 2. Remedies. The Developer, the Association, or any Owner, shall have the right to enforce this Declaration and any easement, covenant, condition, restriction, and/or reservation contained herein by any proceeding at law or in equity, against any person or persons violating or attempting to violate any provision of this Declaration or any easement, covenant, condition, restriction, and/or reservation contained herein, to restrain violation, to require specific performance, and/or to recover damages, and to proceed against any Unit to enforce any lien created by this Declaration. The expense and cost in enforcement by the Association shall be chargeable to the Owner of the Unit, including the costs of reasonable attorney's fees. In the event any legal action is taken by the Association, such fees, approved by a court of competent jurisdiction, shall constitute a lien on the Unit, collectible in the same manner as assessments hereunder.

Section 3. Assignability. The Developer, its successors and assigns, shall at all times have the right to fully transfer and assign any or all of its rights and powers under this Declaration, subject to the Developer's obligations hereunder.

Section 4. Nonwaiver. Failure of the Developer or any Owner, or their respective legal

representatives, heirs, successors and assigns, to enforce any easement, covenant, condition, restriction, and/or reservation contained in this Declaration shall in no event be considered a waiver of the right to do so thereafter to the same violation or breach or as to such violation or breach occurring prior or subsequent thereto.

Section 5. Construction and Interpretation. The Association, to the extent provided herein, may adopt and promulgate reasonable rules and regulations regarding the administration, interpretation and the enforcement of the provisions of this Declaration, the Fenwick Knoll Architectural Guidelines and/or any other governing document for the Association, all of which are incorporated herein by reference. In so adopting and promulgating such rules and regulations and in making any finding, determination, ruling or order, or in carrying out any directive contained herein relating to the issuance of permits, authorizations, approvals, rules or regulations, the Association shall take into consideration the best interest of the Owners to the end that the Property shall be preserved and maintained as a viable community.

Section 6. Severability. All the covenants, conditions, restrictions, and reservations contained in this Declaration are hereby declared to be severable, and a finding by any court of competent jurisdiction that any of them or any clause or phrase thereof is void, unlawful or unenforceable, shall not affect the validity or enforceability of any other covenants, conditions, restrictions, reservations or clause or phrase thereof.

Section 7. Non-liability. Nothing contained in this Declaration shall be construed in any manner as to impose upon the Association, the Developer, a Participating Builder, or their successors or assigns, any liability whatsoever for property damage and/or personal injury occurring to any person or persons whomsoever resulting from the use of any Common Areas, including, not limited to roads, recreational facilities and/or adjacent stormwater ponds, and/or

from the use of any Unit or parcel included in Exhibit "A" attached hereto and/or the Record Plot. Any and all persons using any such Common Areas, Unit, other parcel of land, or any of them, shall do so at their own risk and without any liability whatsoever on the part of the Association, the Developer, any Participating Builder, or their respective successors or assigns, as the case may be.

Section 8. Agricultural Uses Notice. This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

Section 9. Wetlands Notice. 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.

Section 10. Hunting Activities Nearby Notice. This property is located in the vicinity of and nearby land used for hunting activities.

Section 11. Amendments to Declaration by Developer. During the Developer Control Period, this Declaration may be amended in the sole discretion of the Developer by the recordation of an Amendment to the Declaration with the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware.

Exhibit "A"

The following tract descriptions constitute the Property and collectively include the properties presently identified as Sussex County Tax Map and Parcel Numbers *** (inclusive):

TRACT NO. 1: ALL that certain tract, piece or parcel of land, situate, lying and being in Baltimore Hundred, Sussex County, State of Delaware, situate on the

SAMPLE

Exhibit "B"

FENWICK KNOLL

ARCHITECTURAL GUIDELINES

INTRODUCTION

ARTICLE I.

The guidelines and project philosophy as set forth herein are meant to establish a level of aesthetics which will benefit the value of the individual homes and properties, and therefore the entire community. These standards will be the basis of the architectural review process.

PHILOSOPHY OF DEVELOPMENT

SAMPLE

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

PROPOSED FINDINGS OF FACT AND CONDITIONS
CONDITIONAL USE #2197

1. This is an application for a conditional use permit to build 52 single-family (duplex) homes on 13.3 acres in Baltimore Hundred on the South side of Route 54 (Lighthouse Road) and West side of Route 394 (Sand Cove Road).
2. The applicant and owner/developer of the project is Fenwick Commons, LLC. The property was acquired in 2004 and is Tax Map 5-35-19.00 parcel 52.
3. The property is located in an area that has rapidly transitioned from an agricultural area to a residential area involving a variety of housing types. 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.
4. With the conditions imposed the development will be designed in accordance with the County zoning ordinance and subdivision ordinance. In addition, the Hudson Cemetery on the property will be preserved and protected with access for family members delineated on the final site plan.
5. The project has a proposed density of 4 units per acre, less than the density of Bayside Phase VII, the property's neighbor across Route 54.
6. The property is in investment level II and 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.
7. Potable water will be provided by Artesian Resources, Inc.
8. Sewer will be provided by Sussex County.
9. The project will have a homeowners association for the maintenance of common areas, e.g., open areas, amenities, streets, etc., in compliance with DUCIOA.
10. 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. There will be no impact on wetlands since no lots will contain any wetlands;
 - c. There are no significant natural features on site;
 - d. The development design will preserve a significant amount of 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;
- 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. Because of multiple recent area traffic studies no traffic impact study was required to establish the effect of this project on area roadways and public transportation; The Delaware Department of Transportation issued a Letter of No Objection for an earlier draft site plan with 20% higher density than is currently proposed.
- 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.

CONDITIONS OF APPROVAL CONDITIONAL USE #2197

This approval is subject to the following conditions:

1. The maximum number of dwelling units shall not exceed 52.
2. Final site plan review by Planning and Zoning shall be required.
3. Interior street design shall comply with or exceed Sussex County standards and shall include sidewalks on both sides of the street and street lighting.
4. All entrances, intersections, roadway improvements, and multi-modal facilities required by DeIDot shall be completed by the applicant as required by DeIDOT and within the time periods required.
5. The project's amenity package shall be complete prior to the issuance of the 25th building permit.
6. All dwelling units shall be served by a central wastewater treatment system designed and constructed to State and County standards.
7. All dwelling units shall be served by a central potable drinking water system designed and constructed to State standards.
8. Storm water management and erosion and sediment control shall be constructed in accordance with all applicable state and county requirements and shall be operated utilizing best management practices to provide positive groundwater recharge.
9. No wetlands shall be included in individual lots.
10. The developer shall protect and preserve the Hudson Family Cemetery on the property by installing a perimeter fence around the cemetery made of wrought iron or anodized aluminum and will provide parking in common for Hudson family members wishing to visit the cemetery at the parking lot for the community amenity area. Access to the cemetery will be shown on the final record plan.
11. A homeowner' s association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers, stormwater management facilities, recreational facilities and other common areas, in compliance with DUCIOA.
12. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.
13. The applicant shall coordinate and cooperate with the Indian River School District's transportation manager to establish a school bus stop area, if the school district requires.

PROPOSED FINDING OF FACT
CZ #1896 - FENWICK COMMONS, LLC

1. This is an application to amend the comprehensive zoning map from an AR 1 agricultural residential district to an MR medium density residential district for a parcel of land containing 13.33 acres more or less located in Baltimore Hundred on the North side of Lighthouse Road (Route 54) and East of Route 394 (Sand Cove Road).
2. The property is owned by Fenwick Commons, LLC, a Delaware Limited Liability Company. The project to be built on the site will be known as Fenwick Knolls and is planned for 52 residential (duplex) units, a housing type consistent with the character in trend of development in the area and in particular in Americana Bayside.
3. The property is in an area that has transitioned from a rural community to a rapidly developing medium density residential community in the Coastal Area. This application is consistent with and meets the goals of the 2018 Update to the Comprehensive Land Use Plan of Sussex County and its Future Land Use Map.
4. The applicant has responded to the Preliminary Land Use Service and has provided an ESDDOZ report. The project will be served with County sewer and central potable water.
5. 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.
6. 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.



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 November 14, 2019

Application: CZ 1897 Preston Dyer

Applicant/Owner: Preston Dyer
P.O. Box 212
Lewes, DE 19958

Site Location: 28855 Lewes Georgetown Hwy. North side of Lewes Georgetown Hwy. (Route 9), approximately 428 ft. east of Josephs Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: C-2 (Medium Commercial District)

Comprehensive Land Use Plan Reference: Low Density Area

Councilmatic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Private, On-Site

Water: Private, On-Site

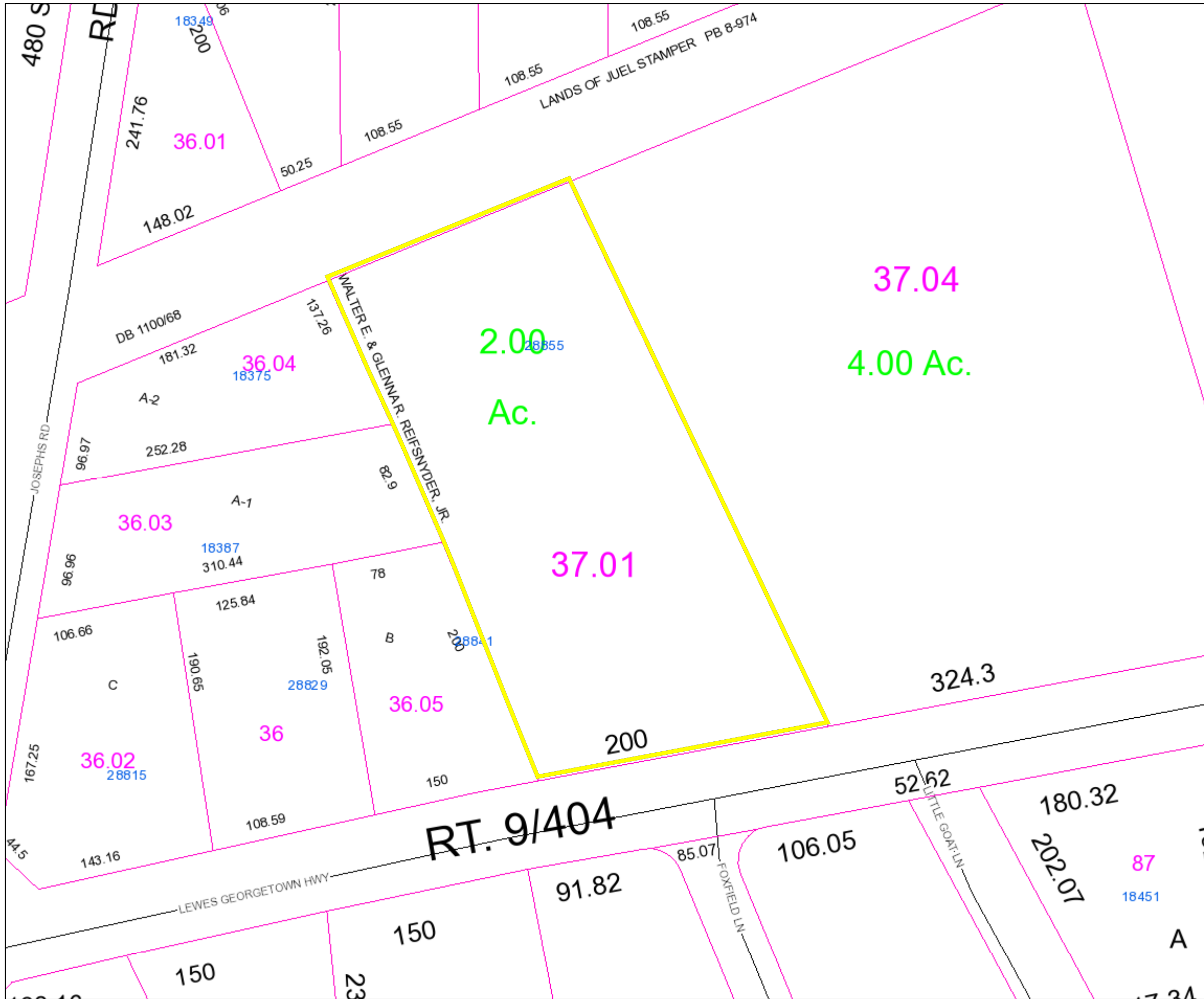
Site Area: 1.97 ac. +/-

Tax Map ID.: 334-4.00-37.01





Sussex County

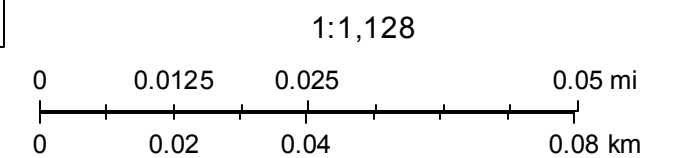


PIN:	334-4.00-37.01	
Owner Name	DAVISON DREXEL	LEWIS
Book	2577	
Mailing Address	PO BOX 373	
City	REHOBOTH BEACH	
State	DE	
Description	N/RT 9	
Description 2	N/A	
Description 3	N/A	
Land Code		

- polygonLayer

 - Override 1
- polygonLayer

 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
 - Public Protected Lands
 - Municipal Boundaries



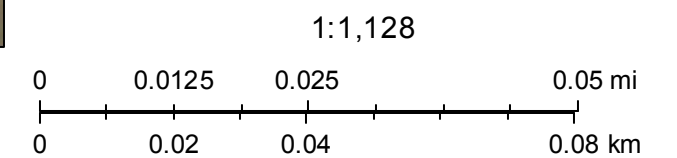


Sussex County



PIN:	334-4.00-37.01	
Owner Name	DAVISON DREXEL	LEWIS
Book	2577	
Mailing Address	PO BOX 373	
City	REHOBOTH BEACH	
State	DE	
Description	N/RT 9	
Description 2	N/A	
Description 3	N/A	
Land Code		

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Public Protected Lands
- Municipal Boundaries



PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountydela.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: November 8, 2019
RE: Staff Analysis for CZ 1897 Preston Dyer

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1897 Preston Dyer to be reviewed during the November 14, 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 to allow for Change of Zone for parcel 334-4.00-37.01 from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The size of the property is 1.97 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, south, and east is designated on the Future Land Use Map as "Low Density Areas" (except for two parcels to the east designated "Existing Development Areas" and five adjacent parcels on the western side which are designated "Commercial Areas." Low Density Areas primarily recognize businesses that support agricultural activities and the development of single-family homes. The focus of retail and office uses in Low Density Areas should be for providing convenience goods and services to nearby residents.

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 Commercial (C-2) Zoning District may be appropriate in "Low Density" Areas. Additionally, the Medium Commercial District (C-2) Zoning is appropriate in Commercial Areas.

The property is zoned AR-1 (Agricultural Residential District.) The parcels directly to the north of the parcel on the opposite side of the railroad tracks are zoned Agricultural Residential (AR-2). The parcel directly east of the subject parcel is zoned Agricultural Residential (AR-1). The properties further east along Narrow Road are zoned Commercial Residential (CR-1) and General Commercial (C-1). The properties to the west are zoned General Commercial (C-1). All parcels to the south on the other side of Route 9/404 are zoned Agricultural Residential (AR-1).

Since 2011, there have been three Change of Zone applications in the vicinity of the application site. Directly to the east, C/Z 1839 (Tax Parcel: 334-4.00-37.04) which was approved for a change from



Agricultural Residential (AR-1) Zoning to Commercial Residential (CR-1) Zoning on February 27, 2018, and farther east, C/Z 1782 (Tax Parcel: 334-4.00-88.00) which was approved for a change from Agricultural Residential (AR-1) to Commercial Residential (CR-1) on March 1, 2016, and to the west, C/Z 1736 (Tax Parcel: 334-10.00-199.00) which was approved for a change from Agricultural Residential (AR-1) to Neighborhood Business (B-1) on November 19, 2013.

Based on the analysis of the land use, surrounding zoning and uses, the change of zone to allow for a property to be zoned Medium Commercial (C-2) in this location could be considered as being consistent with the surrounding land use, area zoning, and 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**

28855 LEWES GEORGETOWN HWY, LEWES DE 19958

Type of Conditional Use Requested:

N/A

Tax Map #: 334-4.00-37.01

Size of Parcel(s): 1.97 +/- AC

Current Zoning: AR-1

Proposed Zoning: C-2

Size of Building: 5000 SQ. FT.

Land Use Classification:

Water Provider: EXISTING -ONSITE PRIVATE

Sewer Provider: EXISTING ON-SITE PRIVATE

Applicant Information

Applicant Name: PRESTON L DYER

Applicant Address: P.O. BOX 212

City: LEWES

State: DE

Zip Code: 19958

Phone #: (302) 644-1400

E-mail: PDYER@IPMEQUITIES.COM

Owner Information

Owner Name: PRESTON L DYER

Owner Address: P.O. BOX 212

City: LEWES

State: DE

Zip Code: 19958

Phone #: (302) 644-1400

E-mail: PDYER@IPMEQUITIES.COM

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: MARK H DAVIDSON | PENNONI ASSOCIATES INC.

Agent/Attorney/Engineer Address: 18072 DAVIDSON DRIVE

City: MILTON

State: DE

Zip Code: 19968

Phone #: (302) 684-8030

E-mail: MDAVIDSON@PENNONI.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: 7/2/2019

Signature of Owner



Date: _____

For office use only:

Date Submitted: 7/17/19
Staff accepting application: ceh
Location of property: _____

Fee: \$500.00 Check #: 21077
Application & Case #: 201908246

Subdivision: _____
Date of PC Hearing: _____ Recommendation of PC Commission: _____
Date of CC Hearing: _____ Decision of CC: _____

ADDITIONAL INCLUSIONS (Not previously checked)
(Specify):

ADDITIONAL EXCLUSIONS (Not previously checked)

(Specify): *Paint room Chandeliers (possible) wall sconces.
• Living room Chandeliers (possible)
• Dining room Chandeliers (possible)*

All property sold by this Agreement is called the "Property". No items shall be replaced or substituted without prior written approval of all parties.

5. RENTAL/LEASE.

(a) The Property is is not subject to any tenant rental/lease agreements. Seller will not alter any existing agreement nor enter into any new rental/lease agreement without Buyer's written consent and will assign all existing leases and transfer security deposits, and any other pre-paid items to Buyer at final settlement. Buyer agrees to cooperate with Seller's Rental Agency by signing the necessary documents prior to completion of settlement to facilitate the existing rentals after final settlement.

(b) The Property is is not subject to any third party rental/lease agreements including but not limited to oil or gas tank leases and/or security monitoring system lease agreements. Seller will not alter any existing agreement nor enter into any new rental/lease agreement without Buyer's written consent. Buyer and Seller agree to mutually cooperate with the transfer of any rental/lease agreements prior to final settlement.

6. Yes No FINANCING CONTINGENCY.

(a) Buyer's obligation to purchase the Property shall be contingent on Buyer's ability to obtain mortgage financing pursuant to the terms set forth below. Each of the terms below as applicable shall be deemed essential to this financing contingency and Buyer shall not make application for any mortgage financing the terms of which would differ or deviate from the requirements set forth below that would be adverse to Seller's interest without Seller's express prior written consent. The Interest rate shall be at the prevailing rate. Should, after Buyer makes application consistent with the terms set forth below, and has diligently and in good faith pursued that application, any commitment for mortgage financing that may be issued deviate from one or more of such terms, and Buyer elects not to accept the financing thus offered, or the application is denied, Buyer may, at Buyer's sole election, void this Agreement, in which event all deposits will be returned to Buyer. The terms of mortgage financing are the following:

Type of financing: CASH DEAL Loan Amount: _____

Term in years: _____ Maximum loan to value ratio: _____

Final date for receipt of mortgage commitment, including the appraisal, if required by lender (the "Commitment Date"):

(b) Buyer will make written application in a manner consistent with that provided for above within _____ calendar days of the effective date of this Agreement, and shall use their best efforts and diligently pursue such financing and promptly file any supplemental information, papers and/or other material that may be requested or required from time to time by the lender. If Buyer fails to make application as specified above, then Seller may declare Buyer in default of this Agreement by tendering written notice of that election to Buyer at any time prior to Buyer making application consistent with the terms set forth above. Should Seller elect to declare Buyer in default before such application is completed, Seller shall have available all the remedies set forth in this Agreement.

(c) Buyer shall provide Seller, or Seller's Designated Agent, with a copy of any loan commitment or denial within 3 calendar days of receipt. If a commitment consistent with the terms set forth above, or one that differs from those terms which is nonetheless acceptable to Buyer is obtained, and said commitment (1) imposes financial obligations upon the Seller which the Seller has not previously agreed to pay, and does not then agree to pay, and/or (2) is contingent upon the sale of any real or personal property owned by Buyer, then Seller may within 5 calendar days after receipt of a copy of the commitment, cancel this Agreement in writing, and all deposit money shall then be returned to Buyer in accordance with provisions of this Agreement. If such notice is not given, Seller shall be deemed to have accepted said condition(s).

(d) If a written mortgage commitment is not obtained by the Commitment Date, Seller shall from that time forward have the right to void this Agreement by tendering written notice of that election to Buyer or Buyer's Designated Agent provided, however, that if written mortgage commitment is received after the Commitment Date and prior to any such written notice of termination, then this Agreement shall remain in full force and effect, and Seller's right to void this Agreement for failure to meet the Commitment Date shall be deemed waived. If Seller elects to terminate as set forth in this paragraph, and Buyer is not then otherwise in default of the terms of this Agreement, all deposit money shall be returned to Buyer in accordance with the terms of this Agreement. If Buyer at that time claims that the mortgage application resulted in a denial of that application, and has not provided a copy of that denial in a timely fashion as set forth in paragraph (c) above, the failure to provide a copy of that denial as required herein shall be deemed a default by the Buyer.

Seller's Initials [Signature] Buyer's Initials [Signature]

(e) No representation is made by the agents or parties as to whether or not the Property will qualify for the type of financing indicated.

(f) Buyer authorizes the mortgage lender and settlement attorney to share with the real estate agents and Seller the following documents in connection with their application for a mortgage loan: (a) any preapproval, (b) any pre-Loan Estimate of loan costs, (c) the Loan Estimate (and any revisions), (d) commitment agreement, (e) Closing Disclosure (and any revisions). Buyer authorizes settlement attorney to share the Settlement Statement (if any) with the Seller and real estate agents. If asked, Buyer shall provide the above mentioned documents directly to the real estate agents and settlement attorney if the lender does not provide them. This authorization shall expire upon written denial of the loan application.

7. SETTLEMENT. Unless otherwise mutually agreed, final settlement shall be held in SUSSEX County, Delaware on SEE PARAGRAPH 32, or before if mutually agreed upon, at which time possession shall be given and Seller shall deliver all keys in Seller's possession or under Seller's control. It is expressly agreed if a longer time is necessary to secure a survey, or to prepare the necessary legal and financial settlement documents, the date of settlement shall be extended for a reasonable time to effect these conditions.

Seller authorizes settlement attorney to share with the buyer and real estate agents the following documents: (a) Closing Disclosure (and any revisions), and (b) Settlement Statement (if any). If asked, Seller shall provide these documents to the Buyer and real estate agents if the settlement attorney does not provide them.

The parties agree to attend settlement together in the same conference room unless arrangements are made before settlement with the settlement attorney.

The parties understand that the mortgage lender must provide Buyer with the Closing Disclosure at least three specific business days prior to Consummation (settlement). If the Closing Disclosure is mailed, it must be confirmed to have been mailed out a minimum of seven specific business days prior to Consummation (settlement). Specific business days are defined as all calendar days except Sundays and federal holidays. Therefore, all parties understand the importance of providing information and dollar figures to the lender in a timely fashion. Agents are not responsible for delays in settlement caused by failure of the parties to provide information in a timely fashion.

8. TIME IS OF THE ESSENCE. Other than those limited conditions related to settlement as noted in Paragraph 7 above, time is of the essence in this Agreement. Time is of the essence means that the dates and time frames agreed by the parties must be met. Failure to meet stated dates or time frames may result in waiver of contractual rights or default under the terms of this Agreement.

9. CONVEYANCE. The Seller acknowledges that the Property is to be conveyed (check one) IN FEE SIMPLE; CO-OP OWNERSHIP; or LEASEHOLD SUBJECT TO AN ANNUAL GROUND RENT, presently in the amount of \$ _____

10. DISBURSEMENT OF DEPOSITS. The parties to this Agreement agree that deposit monies held on account as specified herein shall only be disbursed under one of the following conditions:

- A. Upon final settlement hereunder; OR
- B. Upon a release being signed by all parties to the transaction authorizing disposition of these funds; OR
- C. Upon the filing of an interpleader action in the proper court, thereby causing these funds to be deposited with the court; OR
- D. At such time as one of the parties to the transaction files suit and the court orders the disbursement of these funds.

Buyer and Seller agree that upon payment of deposit monies into court, neither Buyer nor Seller shall have any further right, claim, demand or action against Escrow Broker regarding the return or disposition of the deposit monies, and Buyer and Seller, jointly and severally, shall indemnify and hold Broker harmless from any and all such rights, claims, demands or actions. In the event of a dispute, and after no less than fifteen (15) days advance notice delivered by certified mail to the Buyer and Seller at their addresses identified in this Agreement of Sale, should Broker elect to file an action of interpleader as herein provided, Buyer and Seller further agree and hereby expressly and irrevocably authorize Broker to deduct from the Deposit all costs incurred by Broker in the filing and maintenance of such action of interpleader including but not limited to filing fees, court costs, service of process fees and attorneys' fees, provided that the amount deducted shall not exceed the lesser of Five Hundred Dollars (\$500) or the amount of the Deposit held by Broker. All such fees and costs authorized herein to be deducted may be deducted by Broker from the Deposit prior to paying the balance of the Deposit to the court. Buyer and Seller further agree and expressly declare that all such fees and costs so deducted shall be the exclusive property of Broker. If the amount deducted by Broker is less than the total of all of the costs incurred by Broker in filing and maintaining the interpleader action, then Buyer and Seller jointly, and severally, agree to reimburse Broker for all such excess costs upon the conclusion of the interpleader action.

11. TRANSFER TAXES; PRO-RATIONS; HEATING FUEL. Applicable transfer taxes, transfer fees, and/or motor vehicle document fees shall be paid one-half by Buyer and one-half by Seller, except that, should either party be specifically exempted from any portion of any applicable authority's transfer tax, that exempted party shall receive the full exemption for which they are entitled, with such exemption having no effect on any remaining transfer taxes due. Should the transaction, as opposed to a party, be exempted from any applicable transfer tax, then both parties shall benefit equally from such exemption.

Seller's Initials

[Handwritten Signature]

Buyer's Initials

[Handwritten Signature]

Taxes, special assessments, ground rent, water, sewer, electric and other lienable charges imposed by the State of Delaware, any political subdivision thereof, any school district, neighborhood association and/or condominium common expenses shall be apportioned pro-rata at the time of final settlement, as shall the rents and pre-paid operating expenses if Property is sold subject to a lease, and all security deposits shall be delivered to Buyer at time of settlement. Buyer shall pay Seller at settlement current market price for any remaining heating fuel conveyed with Property. Buyer is advised that in some cases propane tanks located on residential properties are leased and ownership of the tank may not be transferred to Buyer as part of this agreement.

Seller Buyer shall pay for deed preparation. Buyer shall pay all other customary settlement charges and lending costs including survey.

12. TITLE. Title is to be good and marketable either fee simple absolute conveyed by Deed of Special Warranty or Lease-hold Estate conveyed by assignment of the existing lease, as applicable, insurable for both owners and lenders coverage at regular rates by a title insurer duly licensed to issue title insurance in the State of Delaware, clear of any liens and encumbrances, except restrictions of record and existing easements generally applicable to properties in the immediate neighborhood or the subdivision in which the Property is located. Title shall also be delivered without encroachments or violations of restrictions, zoning or subdivision regulations unless disclosed by Seller on the Seller's Disclosure of Real Property Condition Report. If title objections are raised, Seller shall have 30 days from the date Seller is notified to cure the same, and the settlement date shall be extended accordingly. If objections are not satisfied by the extended settlement date, this Agreement shall terminate and all deposit monies shall be refunded to Buyer and all reasonable legal, loan, survey, and inspection fees incurred by Buyer will be paid by Seller, unless Buyer elects to waive the unsatisfied objections and complete the purchase. Seller may use the purchase price payable to Seller at settlement to discharge liens and encumbrances of record in fixed and ascertainable amounts

13. NOTICE/DELIVERY OF DOCUMENTS. In this paragraph, the word "Agreement" includes offers, counteroffers, addenda or any other notice or agreement between the parties. All agreements shall be in writing. Verbal, electronic or written communication between the parties or the parties' Designated Agent(s) that this Agreement has been signed and ratified shall be binding on all parties and such notice shall constitute delivery. Written communication shall be effective when sent. A facsimile, electronic record with electronic signature or photocopy of a signed Agreement shall constitute an original. Buyer or Seller, if there be more than one, expressly agree that notice to one shall be notice to all.

14. NO RECORDING. This Agreement shall not be recorded or filed in any place of public record. If Buyer does record this Agreement, or permit this Agreement to be recorded, Seller may elect to treat such act as a default and have all the remedies provided herein.

15. FAIR HOUSING. All Parties agree to comply with all Fair Housing and Civil Rights laws in the purchase and sale of the Property and further agree specifically not to discriminate against any person because of RACE, COLOR, NATIONAL ORIGIN, RELIGION, CREED, SEX, MARITAL STATUS, FAMILIAL STATUS, AGE, SEXUAL ORIENTATION, GENDER IDENTITY, and/or HANDICAP/DISABILITY.

16. FIRPTA. Section 1445 of the United States Internal Revenue Code of 1986 provides that a Buyer of residential real property located in the United States must withhold federal income taxes from the payment of the purchase price if; (a) the purchase price exceeds three hundred thousand dollars (\$300,000.00); and (b) the Seller is a foreign person. Unless otherwise stated in an addendum attached hereto, if the purchase price is in excess of three hundred thousand dollars (\$300,000.00), Seller represents that Seller is not a nonresident alien, foreign corporation, foreign partnership, foreign trust or foreign estate (as those are defined by the Internal Revenue Code and applicable regulations) and agrees to execute an affidavit to this effect at time of settlement.

17. HOMEOWNERS WARRANTY. Buyer and Seller are advised that Homeowners Warranties are available. A Homeowners Warranty is only part of this Agreement if Buyer or Seller agrees to purchase a warranty. Buyer and Seller are advised to request information about what is included in the warranty and what is excluded (for example, preexisting conditions) and the amount of the deductible.

18. RISK OF LOSS. The risk of loss or damage to the Property by fire, wind storm or other casualty until settlement shall be borne by Seller. If any part of the property is damaged or destroyed by fire or other casualty loss, Seller shall restore the same to its previous condition as soon as reasonably possible, but in any event by settlement date. If Seller is unable to do so, Buyer may terminate this Agreement and the deposit monies shall be refunded to Buyer in accordance with the terms of this Agreement.

19. CONDITION OF PROPERTY; INSPECTIONS. Seller shall deliver the Property in substantially the same physical condition as of the date of this Agreement unless repairs are agreed to as part of the inspection processes explained in paragraphs 20, 21 and 22. However, the electrical, plumbing, heating, air conditioning, and any other electro-mechanical systems, appliances and equipment included in this Agreement shall be in operating condition at time of final settlement unless otherwise disclosed in the Seller's Disclosure of Real Property Condition Report Form or elsewhere in this Agreement of Sale. Seller's responsibility for these items shall expire at the time of settlement.

Seller shall not be obligated to repair any defects fully disclosed in the Seller's Disclosure of Real Property Condition Report or defects otherwise accepted by Buyer in this Agreement or as a result of the inspections. However, specific actions required by this Agreement or agreed to by addendum resulting from the inspections, such as "repair defective electric outlet in the kitchen," will remain part of this Agreement.

Seller's Initials



Buyer's Initials



Any failures of the Property occurring between the time of final acceptance and settlement shall be repaired by Seller, at Seller's expense, prior to settlement. Seller is responsible for insuring that utilities are turned on during inspections, appraisals and pre-settlement inspection. Seller agrees to permit access to Property by any authorized appraiser, inspector or contractor as required by the lender or by other terms of this Agreement. Property shall be "broom clean" and free of debris at time of final settlement or occupancy (whichever occurs first).

Buyer shall have the responsibility of scheduling a pre-settlement inspection of Property within 48 hours prior to settlement to verify that Property is in the condition required by this Agreement including conditions disclosed and accepted by Buyer elsewhere in this Agreement or by addendum.

Except as expressly contained herein, no other warranties or representations have been made by Seller or relied upon by the Buyer, and upon settlement all the Seller's obligations for condition of the Property under this Agreement shall expire. It is understood and agreed by the parties hereto the Broker(s)/Salesperson(s) assumes no responsibility for defects concerning the physical condition of the Property described herein and all improvements thereon. Buyer represents that they have made a satisfactory inspection of the Property and agrees to accept the Property in its present condition except as otherwise provided in this Agreement.

20. Yes No **WOOD DESTROYING INSECT INSPECTION REPORT.**

Buyer shall procure, at Buyer's expense (unless prohibited by the type of mortgage financing, in which case it shall be procured by the Buyer at Seller's expense), a wood destroying insect inspection report (WDI) from a company holding a Pesticide Business License or an individual licensed by the Department of Agriculture as a Commercial Pesticide Applicator (Restricted Use) Category 7B Wood Destroying Pest Control (WDI Inspector).

The inspection shall include the house, attached or detached garage, and improvements attached to the house or garage, but not other detached items on the Property, such as (but not limited to) sheds, fences, wood piles, mulch beds, etc., unless such items are specifically listed herein.

The Buyer shall deliver to Seller a copy of the WDI report no later than within 30 days of ratification (date).

(a) If there is no active infestation, prior infestation, prior treatment or damage from infestation, then no further action is needed by either party.

(b) If the report indicates that there is any active infestation, prior infestation, prior treatment or damage from infestation, then Buyer may obtain an inspection to determine if the structural integrity of the property has been impaired and provide an estimate for treatment and repairs. The party who pays for the pest inspection shall pay for the structural inspection ("the first structural report") and estimate. If the first structural report states that the structural integrity has not been impaired, no repairs by the Seller shall be required.

(c) If the cost to treat and repair damage exceeds 10% of the Purchase Price, Buyer may declare this Agreement null and void, in which case the deposit shall be returned to Buyer in accordance with provisions in this Agreement, and each party shall be relieved of further liability to the other.

(d) If (c) does not apply, then Seller shall have the option of treating the infestation and having any structural impairment corrected by licensed contractors, at Seller's expense prior to settlement. Seller shall, within 5 calendar days, notify buyer in writing whether or not Seller will exercise its option to do any required work. If Seller elects to do any required work, Seller shall deliver to Buyer a written report prepared by a WDI Inspector/Licensed contractor itemizing the treatment/repairs to be made. After the treatment/repairs have been completed, Seller shall provide Buyer with a written statement from the licensed contractor certifying that the repairs required by the first structural report have been completed and the integrity of those areas is no longer structurally impaired. This report shall be provided by settlement. Buyer may, at Buyer's expense, hire a representative to be at the Property while the Seller's contractor makes repairs. If Seller elects not to correct or fails to provide written notice within 5 calendar days, Buyer shall have the option of proceeding to settlement without reduction of the purchase price or declaring this agreement null and void in writing and being repaid all deposit money. Written notice of Buyer's election to declare this agreement null and void must be delivered to Seller within 5 calendar days after receiving Seller's written notice or Seller's failure to give written notice.

(e) If Buyer does not declare this agreement null and void, there shall be no liability of Seller for the infestation or damage, no obligation of Seller to correct, no reduction of the purchase price, no credit to Buyer at settlement for the cost of correction or re-inspection and Buyer shall be responsible for any correction or re-inspection required by Buyer's lender. If this paragraph applies, Buyer purchases the Property in "as is" condition and waives all claims under this paragraph against the Seller, the Broker(s) and Salesperson(s), for any damage to the structure by wood destroying insects.

21. Yes No **HOME INSPECTION CONTINGENCY.** (If neither is checked, this contingency is waived).

Written report of major defects, any subsequent inspections, and request for repairs, if any, due to Seller by _____ (date).

Written response from Seller due to Buyer by _____ (date).

Written negotiations (if any) to be completed by _____ (date).

Other systems or items to be inspected by the home inspection company _____

If buyer is not purchasing a newly constructed home, the Property may have minor problems associated with a previously owned property. A major defect is any deficiency that causes an item to perform in an unsafe manner or that prevents the item from performing its intended function. The inspection shall be limited to the house, attached or detached garage(s), improvements attached to the house or garage(s) and the electrical, plumbing, heating, air conditioning, and any other electro-mechanical systems, appliances and equipment included in this sale.

Seller's Initials

[Signature]

Buyer's Initials

[Signature]

If "Yes" is indicated above, this Agreement is contingent upon Buyer obtaining a home inspection of the Property and written report (the Inspection), by a home inspection company and/or particular component(s) by a licensed contractor/professional of Buyer's choice at Buyer's expense. If Buyer does not choose to obtain an Inspection, or if major defects are not reported to the Seller by date specified, then Buyer has waived the Home Inspection contingency.

If the home inspection or any subsequent inspections discovers major defects, Buyer shall provide Seller with a written request for repairs and a copy of the relevant portions of the inspection report. Any subsequent inspections necessitated by the initial inspection shall be at the direction and expense of Buyer, (unless requested by Seller for negotiations which shall then be at the direction and expense of Seller), performed by a licensed contractor/professional, and completed within the time frames provided herein. The Broker(s) shall not be responsible for determining the necessity of additional inspections. Buyer and Seller agree that Broker(s) does not guarantee, and will not be held responsible for, any person or company performing the inspection or correction of any condition pursuant to the terms of this Agreement and shall not be responsible for the selection of any person or company chosen to perform an inspection or correct any condition.

The request for repairs must be made by the deadline specified. Seller shall then, in writing:

- (a) Agree to correct any major defects at Seller's sole cost and, if necessary, by a licensed contractor/professional. All required permits must be secured by Seller. Written proof of completion shall be supplied to buyers at least two days prior to settlement; OR
- (b) Refuse to correct the major defects; OR
- (c) Enter into a mutually agreeable written agreement with Buyer providing for particular repairs to the Property and/or credit to Buyer at Settlement if this is acceptable to the mortgage lender.

If the Seller refuses to correct the major defects, fails to respond in writing to Buyer's request, or an agreement about such repairs is not negotiated, then Buyer may notify Seller in writing, no later than one day after the date written negotiations are to be completed as specified above, of Buyer's intent to purchase the Property in its present condition or this Agreement shall be null and void and all deposit money shall be returned to Buyer in accordance with the terms of this Agreement.

It is understood that general statements as to the condition of the Property contained in this Agreement, such as "electrical system shall be in working order at the time of settlement," will not obligate Seller to repair items noted in the Home Inspection Report unless Seller agrees to make repairs according to the terms of the Home Inspection paragraph.

Seller will have all items and systems covered by this inspection operative at the time of inspection (including fuels). Seller shall not be obligated to repair any defects fully disclosed in the Seller's Disclosure of Real Property Condition Report or defects otherwise accepted by Buyer in this Agreement. However, specific actions required by this Agreement, such as "repair defective electric outlet in the kitchen," will remain part of this Agreement.

22. OTHER INSPECTIONS. The purpose of these inspections is to independently evaluate the condition of the items and identify major defects, if any. A major defect is any deficiency in an item that causes the item to perform in an unsafe manner or that prevents the item from performing its intended function. Buyer must object to any major defect identified by an inspection report by the date the report is due to Seller as listed below, or Buyer is deemed to have accepted Property with the defect and the contingency is automatically considered to be satisfied. If this Agreement is cancelled as a result of the election of any of the options below, all parties agree to immediately execute the proper documentation to acknowledge termination of this Agreement of Sale. There shall then be no further obligation or liability of either party, broker or salespeople, and all monies on deposit shall be returned to Buyer in accordance with the terms of this Agreement. Buyer and Seller agree that Broker(s)/Agent(s) does not guarantee, and will not be held responsible for, any person or company performing the inspection or correction of any condition pursuant to the terms of this Agreement and will not be responsible for the selection of any person or company chosen to perform an inspection or correct any condition. Each included contingency is subject to the terms and remedies described herein.

22a. ON-SITE WASTEWATER/SEPTIC SYSTEM.

For all properties utilizing an on-site wastewater/septic system that are sold or otherwise transferred to other ownership, the Seller shall have the system pumped out and inspected by a Class F and Class H licensee, respectively, prior to completion of the sale. If an inspection has occurred within the previous 36 months and the Seller can provide proof of the pump out and inspection and the system is not a cesspool or seepage pit, then the inspections will suffice. It will be the Seller's sole cost and responsibility to provide the Buyer with the report (Class F and Class H) indicating that the system is in working order with no major defects by within 30 days of ratification (date). If the Seller of an individual on-site wastewater/septic system provides proof of a licensed operator or has a service contract with a certified service provider then the Seller shall provide evidence of same to Buyer no later than the date specified herein and these requirements shall have been met.

22b. On-Site Wastewater/Septic Contingency (Buyer's Option).

(Only a part of this Agreement if marked yes or checked)

Notwithstanding the provisions of 22a herein, the Buyer may elect to have their own on-site wastewater/septic system inspection by a Class H system inspector (see list at www.dnrec.delaware.gov) of Buyer's choice and at Buyer's expense, to verify that the on-site wastewater/septic system is in working order with no major defects. This shall be in addition to 22a herein and shall not relieve the Seller from the provisions of 22a. In such event Buyer must provide Seller with a copy of the written report describing any major defect by within 30 days of ratification (date).

22c. Well Water Contingency. (Only a part of this Agreement if marked yes or checked)

Buyer may have the water inspected by a water testing company of Buyer's choice, at Buyer's expense, to verify that the well is in working order with no major defects, and there is an absence of total coliform bacteria, and meets EPA standards

Seller's Initials



Buyer's Initials



for nitrate, chloride, and lead. Buyer must provide Seller with a copy of the written report describing any major defect. Report of major defects, if any, due to Seller by _____ (date).

22d. Radon Contingency. (Only a part of this Agreement if marked yes or checked)

Buyer may have Property inspected by a registered radon service company of Buyer's choice, at Buyer's expense, to verify that the average radon level is less than 4 picocuries/liter. Buyer must provide Seller with a copy of the written report containing any evidence of higher radon levels than herein stated. Report of major defects, if any, due to Seller by _____ (date).

22e. Swimming Pool Contingency. (Only a part of this Agreement if marked yes or checked)

Buyer may have the swimming pool inspected by a pool maintenance company of Buyer's choice, at Buyer's expense, to verify that the pool & equipment are in working order with no major defects. Buyer must provide Seller with a copy of the written report describing any major defect. Report of major defects, if any, is due to Seller by _____ (date).

SELLER'S DUTIES. In the event Seller provides Buyer or Buyer provides Seller timely written notice of a major defect of any of the above required or selected items, the Seller shall notify Buyer within 5 calendar days of said notice whether Seller (a) intends to correct the major defect(s) at Seller's sole cost prior to settlement, (b) refuses to correct any of the major defects, or (c) offers to negotiate with Buyer about the major defects with such negotiations to be completed within 5 additional calendar days from date of Seller's notification. If the negotiations are not completed in the time specified above or Seller fails to provide written notification, then this shall mean that Seller has refused to correct the major defect.

BUYER'S DUTIES. If Seller has refused to correct the major defect or a negotiated agreement to correct major defects is not agreed to, then Buyer must notify Seller in writing within 5 calendar days of receiving Seller's notice whether Buyer will (a) accept Property with the defect and no reduction of price or (b) declare the Agreement null and void with all deposit money being returned to Buyer. Buyer's failure to provide written notice shall result in this Agreement becoming null and void and all deposit money shall be returned to Buyer in accordance with the terms of this Agreement.

23. ENVIRONMENTAL CONDITIONS. Buyer is hereby advised that environmental conditions may exist about which Seller has no knowledge including but not limited to: buried fuel tanks, asbestos, radon, lead paint, and urea-formaldehyde foam insulation. Buyer may negotiate with Seller for permission to conduct environmental testing as a term or condition of this Agreement. Any agreement relating to environmental testing must be in writing and signed by both Buyer and Seller. Further information can be obtained from the following agencies: United States Environmental Protection Agency, Washington DC; Radon Health Systems Protection, Dover DE; State of Delaware Department of Health and Social Services, Dover DE; United States Consumer Products, Safety Commission, Washington DC.

24. BUYER'S DEFAULT. If Buyer fails to deliver any payment or additional deposit, fails to make mortgage application as specified herein, knowingly furnishes false or incomplete information to Seller, Broker or the lending institution concerning Buyer's legal or financial status, fails to cooperate in the processing of the mortgage loan application, resulting in failure to obtain a mortgage financing commitment, or violates or fails to perform any of the terms or conditions of this Agreement, and Seller shall not also be in default, then Seller shall have the right and option to cancel this Agreement and to retain any deposit money as liquidated damages for such default by Buyer, or exercise any legal or equitable right or remedy to which Seller may be entitled and in connection therewith to apply any deposit money either on account of the Purchase Price or on account of damages, as Seller may elect.

25. SELLER'S DEFAULT. If Seller shall, for some reason not excused herein, fail or refuse to perform Seller's obligation to Buyer, and Buyer shall not also be in default, Buyer shall either have all monies paid herein on account of the Purchase Price, (together with such reasonable costs incurred in preparation for settlement), refunded forthwith, whereupon all rights and obligations herein shall cease and terminate, or Buyer shall have the right to seek any remedy and maintain any action against Seller to which Buyer may be entitled whether at law or in equity.

26. NO REPRESENTATION. Buyer and Seller understand and acknowledge that Broker(s) are not at any time authorized to make any representations about this Agreement or the Property other than those written in this Agreement. Broker(s), Agent(s), Subagent(s) and employees of Broker(s) do not assume any responsibility for the condition of the Property or for the performance of this Agreement by any or all parties hereto. By signing this Agreement, Buyer and Seller acknowledge they have not relied on any representations made by Broker(s) or any Agent(s), Subagent(s) or employees of Broker(s), except those representations written in this Agreement.

27. INDEMNIFICATION/ATTORNEY FEES. In the event any dispute arises under this Agreement between Seller and Buyer resulting in Broker(s) or any Agent(s), or Subagent(s) or employees of Broker(s) being a party to any litigation, Seller or Buyer, whichever is unsuccessful, shall indemnify and hold Broker(s), Agent(s), Subagent(s) or employees of Broker(s) harmless from any liability, loss, damage, cost, expense, and attorney fees, provided such litigation does not result in a judgment against Broker(s), Agent(s), Subagent(s) or employees of Broker(s) for acting improperly under this Agreement.

Should Buyer waive any inspections or provisions in this Agreement of Sale, either as the result of marking the item NO, failing to mark the item YES, or not following through with an inspection, Buyer shall hold Broker(s), Agent(s), Subagent(s) or employees of Broker(s) harmless from any liability, loss, damage, cost, expense, and attorney fees resulting from Buyer's waiver of such provision. In the event a dispute arises under this Agreement between Seller and Buyer resulting in any litigation, and/or arbitration, Buyer or Seller, whichever is unsuccessful, shall also be liable for the other parties' court costs and attorney's fees.

Seller's Initials Buyer's Initials

28. AGENCY DISCLOSURE.

As disclosed in the Consumer Information Statement of the Delaware Real Estate Commission, the parties confirm that the following agency relationships exist:

- I. N/A, Listing Broker
 Seller's Agent Dual Agent
- II. N/A, Designated Listing Agent
 Seller's Designated Agent Designated Dual Agent
- III. N/A, Selling Broker
 Buyer's Agent Dual Agent Seller's Subagent
- IV. N/A, Designated Selling Agent
 Buyer's Designated Agent Designated Dual Agent Seller's Subagent

29. SUCCESSION. This Agreement shall benefit and bind the parties hereto, their respective heirs, personal representatives, successors and assigns. Buyer may not assign Buyer's interest in this Agreement without Seller's prior written consent, which consent will not be withheld unless such assignment may adversely affect Seller.

~~30. BROKERAGE FEE. Buyer and Seller agree that the Broker(s)/Agent(s) was responsible for procuring this Agreement, and agree that a brokerage fee for services rendered as specified in a separate agreement for compensation will be paid. If not previously paid, the settlement attorney is hereby irrevocably authorized and directed to collect the brokerage fee as specified in the separate agreement and pay the same to the Broker at final settlement as a convenience to the parties, and not as a limitation upon Buyer's or Seller's liability to pay the brokerage fee.~~

31. ADDENDUMS. These Addendums are only applicable if marked YES or checked. NO or a blank means you are waiving the opportunity to include the contingency or clause. If language in this Agreement and Addendum(s) are in conflict, unless otherwise provided herein, then the addendum(s) will supersede this Agreement.

- Seller's Disclosure of Real Property Condition Report, unless exempt by State Law. (Additional form required.)
- Lead Based Paint Disclosure Form, unless exempt by Federal Law (Additional form required)
- Radon Disclosure Form, unless exempt by State law (Additional form required)
- DUCIOA Resale Certification Form (if applicable) OR Contingency Addendum (check which applies)
- Tax Deferred (1031) Exchange
- Buyer's Financial Information
- Mortgage Letter with Credit Check
- FHA Amendatory Language and *For Your Protection: Get a Home Inspection.* (Additional form required)
- VA Amendatory Language
- Homeowners Warranty paid for by _____ Warranty Company _____
- Additional Addenda not included above _____
- _____

32. ADDITIONAL TERMS AND CONDITIONS.

Settlement shall be completed at date of Seller's choice anytime between June 15, 2019 and October 30, 2019. Seller shall provide Buyer with 30-days written notice prior to the settlement date selected.

33. MISCELLANEOUS. Delaware law governs this Agreement. The paragraph captions are for convenient reference only and are not intended to limit or enlarge the substance of this Agreement. The term Broker(s) when used in this Agreement shall include Broker of Record, Brokerage Organization, Broker Owner, Salesperson(s) and employees involved in this Agreement. The word "Contract" is synonymous with "Agreement" when used herein.

Seller's Initials

[Signature]

Buyer's Initials

[Signature]

The singular forms "Buyer" and "Seller" are used in this Agreement solely as a convenience and are intended to include all parties who are Buyers or Sellers. Buyer and Seller agree that they have read and fully understand this Agreement, including the Seller's Disclosure of Real Property Condition Report (if applicable), that it contains the entire agreement between them and that they do not rely on any other written or oral representation or statement not expressly written in this Agreement, including any statement of fact or opinion contained in any advertisement, listing agreement, multiple listing description or multiple listing information sheet or made by Seller, any broker, salesperson, or any agent or employee of any of them. If settlement does not take place Buyer and Seller shall each be responsible to pay for services ordered on their behalf, unless otherwise provided for herein. The parties hereto agree to execute and deliver any other instrument(s) or document(s) that may be necessary or convenient to carry into effect the provisions of this Agreement, and the parties agree to otherwise cooperate in good faith as may be necessary to complete the settlement contemplated herein.

34. **CHANGES.** There have been changes in the form of this Agreement as copyrighted by the Delaware Association of REALTORS® other than filling in the blanks. Yes No. If yes, describe changes.

35. **ENTIRE AGREEMENT.** This Agreement and any addenda hereto contain the final and entire Agreement between the parties and may not be modified or changed except by written agreement signed by all parties. The parties agree that neither they nor their Broker(s)/Agent(s) shall be bound by any terms, conditions, statements, warranties nor representations, oral or written, not contained herein. FAILURE TO CHECK OR MARK A BOX "YES" MEANS BUYER HAS WAIVED THE RIGHT TO INCLUDE THE CONTINGENCY OR CLAUSE AS PART OF THIS AGREEMENT.

36. **FINAL ACCEPTANCE.** This Agreement is not binding until signed by and delivered to all parties.

IN WITNESS WHEREOF, the parties have signed this Agreement on the date stated below, thereby showing their intent to be bound hereby.

X		4/28/19
	BUYER	DATE & TIME
	BUYER	DATE & TIME
X		4/28/19
	SELLER	DATE & TIME
	SELLER	DATE & TIME

SELLER HEREBY REJECTS this offer as of	_____
	DATE & TIME
SELLER	SELLER

All contact information below is included for informational purposes only and should not be construed as part of this contract.

NAME OF LISTING (SELLER'S) BROKERAGE _____ CODE _____

ADDRESS _____

DELAWARE LICENSE ID (BROKERAGE) _____

LISTING AGENT _____ CODE _____

DELAWARE LICENSE ID (LISTING AGENT) _____

EMAIL _____

PHONE NUMBER _____

NAME OF SELLING (BUYER'S) BROKERAGE _____ CODE _____

ADDRESS _____

DELAWARE LICENSE ID (BROKERAGE) _____

SELLING AGENT _____ CODE _____

DELAWARE LICENSE ID (SELLING AGENT) _____

EMAIL _____

PHONE NUMBER _____

Deposit received: \$ 10,000 : Cash Check # _____ Effective/ratification date of Agreement _____



**SELLER'S DISCLOSURE OF REAL PROPERTY
CONDITION REPORT**
State of Delaware

Approved by the Delaware Real Estate Commission 5/11/17 (effective 10/1/17)

Seller(s) Name: LEWIS DONALD DAVIDSON
 Property Address: 2895'S LANE'S PROSPERITY HIGHWAY, LANE'S DE.
 Approximate Age of Buildings(s): 25 YEARS Date Purchased: JANUARY 2001

Chapter 25, Title 6 of the Delaware Code, requires a Seller of residential property to disclose in writing all material defects of the property that are known at the time the property is offered for sale or that are known prior to the time of final settlement. Residential property means any interest in a property or manufactured housing lot, improved by dwelling units for 1-4 families. The disclosure must be made on this Report, which has been approved by the Delaware Real Estate Commission, and shall be updated as necessary for any material changes occurring in the property before final settlement. This Report shall be given to all prospective Buyers prior to the time the Buyer makes an offer to purchase. This Report, signed by Buyer and Seller, shall become a part of the Agreement of Sale. This Report is a good faith effort by the Seller to make the disclosures required by Delaware law and is not a warranty of any kind by the Seller or any Agents or Sub-Agents representing Seller or Buyer in the transfer and is not a substitute for any inspections or warranties that the Seller or Buyer may wish to obtain. The Buyer has no cause of action against the Seller or Real Estate Agent for material defects in the property disclosed to the Buyer prior to the Buyer making an offer; material defects developed after the offer was made but disclosed in an update of this Report prior to settlement, provided Seller has complied with the Agreement of Sale; or material defects which occur after settlement. State websites containing helpful information include: Office of State Planning Coordination www.stateplanning.delaware.gov, Delaware Department of Natural Resources and Environmental Control dnrec.alpha.delaware.gov, Delaware Division of Public Health www.dhss.delaware.gov/dhss/dph, Delaware State Police Sex Offender Registry www.sexoffender.dsp.delaware.gov and other agencies listed on www.delaware.gov.

Yes	No	*
		* Write in <i>U</i> if Unknown or <i>NA</i> if Not Applicable, otherwise mark either the Yes or No column. Where selections are requested, place a check mark next to each correct answer or fill in the correct answer. Certain answers require a further explanation in Section XVI.
		I. OCCUPANCY
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Do you currently occupy this property full-time? If No, how long has it been since you occupied the property? _____ Property is your: (<input checked="" type="checkbox"/> Primary Residence) (<input type="checkbox"/> Second / Vacation Home) (<input type="checkbox"/> Rental Property) (<input type="checkbox"/> Inherited Property) (<input type="checkbox"/> Other _____)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Is the property encumbered by a (<input type="checkbox"/> lease), (<input type="checkbox"/> option to purchase), or (<input type="checkbox"/> first right of refusal)? If Yes, describe in XVI.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. If the property is leased, have all necessary permits / licenses been obtained?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Is the property new construction?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. If # 4 is Yes, Seller warrants that the property (<input type="checkbox"/> is) or (<input type="checkbox"/> is not) exempt from providing the buyer with a Public Offering Statement as described in §81-401 or §81-403(b) of Chapter 81, Title 25 of the Delaware Code, The Delaware Uniform Common Interest Ownership Act. If not exempt, in compliance with §317A of Chapter 3, Title 25, Seller has attached a copy of all documents in the chain of title that create any financial obligation for the buyer, and a written summary of all financial obligations created by documents in the chain of title. As evidenced by signature below, buyer has received a copy of these documents.

Page 1 of 7 Property Address: 2895'S LANE'S PROSPERITY HIGHWAY, LANE'S DE.
 Seller's Initials [Signature] Seller's Initials _____ Buyer's Initials PM Buyer's Initials _____

Yes	No	*	* Write in U if Unknown or NA if Not Applicable, otherwise mark either the Yes or No column. Where selections are requested, place a check mark next to each correct answer or fill in the correct answer. Certain answers require a further explanation in Section XVI.
			II. DEED RESTRICTIONS, HOMEOWNERS ASSOCIATIONS / CONDOMINIUMS AND CO-OPS
	<input checked="" type="checkbox"/>		6. Is the property subject to any deed restrictions? If Yes, describe in XVI.
	<input checked="" type="checkbox"/>		7. Are you in violation of any deed restrictions at this time? If Yes, describe in XVI.
	<input checked="" type="checkbox"/>		8. Is the property subject to any agreements concerning affordable housing or workforce housing?
	<input checked="" type="checkbox"/>		9. Is the property subject to any private or public architectural review control other than building codes?
	<input checked="" type="checkbox"/>		10. Is the property part of a condominium or other common ownership?
	<input checked="" type="checkbox"/>		11. Is there a (___ Homeowners Association), (___ Condominium Association), (___ Civic Association), or (___ Maintenance Corporation) included in the deed?
	<input checked="" type="checkbox"/>		12. Is there a capital contribution fee due by a new owner to the Association? If yes, how much _____?
		N/A	13. If #12 is Yes, are there any (___ fees), (___ dues), (___ assessments), or (___ bonds) involved? If Yes, how much? _____ and how often? _____ Are they (___ Mandatory) or (___ Voluntary)?
	<input checked="" type="checkbox"/>		14. Are there any unpaid assessments? If Yes, indicate amount _____. If Yes, describe in XVI.
	<input checked="" type="checkbox"/>		15. Has there been a special assessment in the past 12 months? If Yes, describe in XVI.
	<input checked="" type="checkbox"/>		16. Have you received notice of any new or proposed increases in fees, dues, assessments or bonds? If Yes, describe in XVI.
	<input checked="" type="checkbox"/>		17. Is there any condition or claim which may result in an increase in assessments or fees? If Yes, describe in XVI.
		N/A	18. Management Company Name: _____
		N/A	19. Representative Name: _____ Phone # _____
		N/A	20. Representative E-mail Address: _____
			III. TITLE / ZONING INFORMATION
	<input checked="" type="checkbox"/>		21. Does the amount owed on your mortgages and other liens exceed the estimated value of the property? If Yes, are additional funds available from Seller for settlement? _____
	<input checked="" type="checkbox"/>	N/A	22. Is your property owned (___ In fee simple) or (___ Leasehold) or (___ Cooperative)?
	<input checked="" type="checkbox"/>		23. Are there any right-of-ways, easements or similar matters that may affect the property? If Yes, describe in XVI.
	<input checked="" type="checkbox"/>		24. Are there any shared maintenance agreements affecting the property? If Yes, describe in XVI.
	<input checked="" type="checkbox"/>		25. Are there any variance, zoning, non-conforming use, or setback violations? If Yes, describe in XVI.
		N/A	26. Has the variance or non-conforming use expired or would not be transferable? If Yes, describe in XVI.
	<input checked="" type="checkbox"/>		27. Has a title policy been issued on the property in the past 5 years?
			IV. MISCELLANEOUS
	<input checked="" type="checkbox"/>		28. Have you received notice from any local, state, or federal agencies requiring repairs, alterations or corrections of any existing conditions? If Yes, describe in XVI.
	<input checked="" type="checkbox"/>		29. Is there any existing or threatened legal action affecting this property? If Yes, describe in XVI.
	<input checked="" type="checkbox"/>		30. Are there any violations of local, state, federal laws, or regulations relating to this property? If Yes, describe in XVI.
	<input checked="" type="checkbox"/>		31. Does your current real estate tax amount reflect any non-transferable exemptions - discounts?
	<input checked="" type="checkbox"/>		32. Is there anything else you should disclose to a prospective Buyer because it may materially and adversely affect the property, e.g., zoning changes, road changes, proposed utility changes, threat of condemnation, noise, bright lights, odors, or other nuisances, etc.? If Yes to any, describe in XVI.
	<input checked="" type="checkbox"/>		33. Are all the exterior door locks in the house in working condition? If No, describe in XVI.
	<input checked="" type="checkbox"/>		34. Will keys be provided for each lock?
	<input checked="" type="checkbox"/>		35. Have you had, or do you now have, any animals (pets) in the house? If yes, what type? _____
	<input checked="" type="checkbox"/>		36. Is there or has there ever been a (___ swimming pool), (<input checked="" type="checkbox"/> hot tub), (___ spa) or (___ whirlpool) on the property? If Yes and there are any defects describe in XVI.
		N/A	37. If there is a pool, does it conform to all local ordinances? If No, describe in XVI.
	<input checked="" type="checkbox"/>		38. What is the type of trash disposal? (<input checked="" type="checkbox"/> Private), (___ Municipal) or (___ Other _____).

Page 2 of 7 Property Address: _____

Seller's Initials [Signature] Seller's Initials _____ Buyer's Initials PIP Buyer's Initials _____

Yes No * *** Write in U if Unknown or NA if Not Applicable, otherwise mark either the Yes or No column. Where selections are requested, place a check mark next to each correct answer or fill in the correct answer. Certain answers require a further explanation in Section XVI.**

39. The cost of repairing and paving the streets adjacent to the property is paid for by:
 _____ The property owner(s), estimated fees: \$ _____
 _____ Delaware Department of Transportation or the State of Delaware
 _____ City or Town
 _____ Other
 _____ Unknown
 Note to Buyer: Repairing and repaving of the streets can be very costly. (6 Delaware Code§ 2578)

40. Is off street parking available for this property? If Yes, number of spaces available: _____

V. ENVIRONMENTAL HAZARDS

41. Are there now or have there been any underground storage tanks on the property? For (___ heating fuel), (___ propane), (___ septic) or (___ Other _____). If Yes, describe locations in XVI. Yes No

42. If the tank was abandoned, was it done with all necessary permits and properly abandoned? Yes No

43. Are asbestos-containing materials present? If Yes, describe in XVI. Yes No

44. Are there any lead hazards? (e.g., lead paint, lead pipes, lead in soil.) If Yes, describe in XVI. Yes No

45. Has the property been tested for toxic or hazardous substances? Attach each test report, if available. Yes No

46. Has the property ever been tested for mold, if Yes, provide the test results. Yes No

47. Is there currently mold in the property? If Yes, describe in XVI. Yes No

48. Has the illegal manufacture, storage, or use of methamphetamines occurred in the property? If Yes, describe in XVI. Yes No

VI. LAND (SOILS, DRAINAGE AND BOUNDARIES)

49. Is there fill soil or other fill material on the property? Yes No

50. Are there any sliding, settling, earth movement, upheaval, earth stability, or methane gas release problems that have occurred on the property or in the immediate neighborhood? If Yes, describe in XVI. Yes No

51. Is any part of the property located in (___ a flood zone) and / or (___ a wetlands area)? Yes No

52. Are there any drainage or flood problems affecting the property? If Yes, describe in XVI. Yes No

53. Do you carry flood insurance? Agent: _____ Policy # _____

54. If # 53 is Yes, what is the annual cost of this policy? _____

55. Have you made any insurance claims on the property in the past 5 years? If Yes, describe in XVI. Yes No

56. Does the property have standing water in front, rear or side yards for more than 48 hours after raining? Yes No

57. Are there encroachments or boundary line disputes affecting the property? If Yes, describe in XVI. Yes No

58. Are there any tax ditches crossing or bordering the property? Yes No

59. Are there any swales crossing the property that are under the control of a Soil and Conservation District? If Yes, describe in XVI. Yes No

60. Has the property ever been surveyed? Yes No

61. Are the boundaries of the property marked in any way? Yes No

VII. STRUCTURAL ITEMS

62. Have you made any additions or structural changes? If Yes, describe in XVI. Yes No

63. If Yes, was all work done with all necessary permits and approvals in compliance with building codes? Yes No

64. Is there any movement, shifting, or other problems with walls or foundations? If Yes, describe in XVI. Yes No

65. Have the property or improvements thereon ever been damaged by (___ fire), (___ smoke), (___ wind), or (___ flood)? If Yes, describe in XVI. Yes No

66. Was the structure moved to this site? (___ Double Wide) (___ Modular) (Other: _____)

67. Is there any (___ past) or (___ present) water leakage in the house? If Yes, describe in XVI. Yes No

68. Are there any problems with (___ driveways), (___ walkways), (___ patios), or (___ retaining walls) on the property? If Yes, describe in XVI. Yes No

69. Have there been any repairs or other attempts to control the cause or effect of problems described in questions 67 and 68? If Yes, describe in XVI. Yes No

70. Is there insulation in:
 The ceiling / attic? Yes No
 The exterior walls? Yes No
 Other places? Describe _____

Page 3 of 7 Property Address: 28855 LANE'S GEORGETOWN HIGHWAY, LANE'S, DE
 Seller's Initials [Signature] Seller's Initials _____ Buyer's Initials [Signature] Buyer's Initials _____

Yes No * *** Write in U if Unknown or NA if Not Applicable, otherwise mark either the Yes or No column. Where selections are requested, place a check mark next to each correct answer or fill in the correct answer. Certain answers require a further explanation in Section XVI.**

What type(s) of insulation does your property have? _____

71. Are there any drywall issues or drywall smells? If Yes, describe in XVI. Yes No

VIII. TERMITES, DRYROT, PESTS

72. Is there or has there been any infestation by termites or other wood destroying insects? If Yes, describe in XVI. Yes No

73. Is there or has there been any damage to the property caused by (___ termites), (___ other wood destroying insects), (___ pests), or (___ dryrot)? If Yes, describe in XVI. Yes No

74. Has there been any termite or other wood destroying insect inspections made on the property subsequent to your purchase? If Yes, describe in XVI. Yes No

75. Has there been any pest control inspections made on the property subsequent to your purchase. If Yes, describe in XVI. Yes No

76. Has there been any termite or wood destroying insect treatments made on the property? If Yes, describe in XVI. Yes No *U*

77. Has there been any pest control treatments made on the property? If Yes, describe in XVI. Yes No

78. Is your property currently under warranty, or other coverage, by a professional pest control company? If Yes, name of exterminating company: _____ Yes No

IX. BASEMENT AND CRAWL SPACES

79. Does the property have a sump pump? If Yes, where does it drain? _____ Yes No

80. Is there any water leakage, accumulation, or dampness within the basement or crawlspace? Yes No

81. Have there been any repairs or other attempts to control any water or dampness problem in the basement or crawlspace? If Yes, describe in XVI. Yes No

82. Are there any cracks or bulges in the floor or foundation walls? If Yes, describe in XVI. Yes No

X. ROOF

83. Date last roof surface installed: *Six years approx.* Yes No

84. How many layers of roof material are there (e.g. new shingles over old shingles)? *One layer Cedar or Cypress.* Yes No

85. Are there any problems with the roof, flashing, or rain gutters? If Yes or repaired under your ownership, explain in XVI. Yes No

86. If under warranty, is warranty transferable? Yes No *NA*

87. Where do your gutters drain? Surface Drywell Storm Sewers Other _____

XI. PLUMBING-RELATED ITEMS

88. What is the drinking water source? *Well on property.* Yes No

89. If drinking water supplied by utility, name of utility: _____ Yes No *NA*

90. What type of plumbing (copper, lead, cast iron, PVC, polybutylene, galvanized, unknown) is in the house? *U*

1. Water supply _____ 2. Drainage _____

91. Have there been any additions / upgrades to the original service? If Yes, describe in XVI. Yes No

92. If any, was the work done by a licensed contractor? Yes No

93. If Yes to above, were the required permits obtained? Yes No

94. If your drinking water is from a well, when was your water last tested and what were the results of the test? Tested on: *Last year*, Results: _____ Yes No

95. When was well installed? _____ Location of well? *Back of house* Depth of well? _____ Yes No

96. Is there a water treatment system? If Yes, (___ Leased) or (___ Owned)? Yes No

97. What is the type of sewage system? (___ Public Sewer) (___ Community Sewer) Septic System (___ Cesspool) (___ Other _____) Yes No

98. If a septic system, type: (___ Gravity Fed) (___ Capping Fill) (___ LPP) (___ Mound) (___ Holding Tank) (___ Other: _____) Yes No

99. Has the septic system been pumped out by a Class F contractor and inspected by a Class H inspector within the past 36 months? Yes No

100. Is there a wastewater spray irrigation system installed on or adjacent to the property? Yes No

101. Has a soil / site evaluation ever been done? If Yes, when? _____ Results? *Not available* Yes No

102. Any leaks, backups, or other problems relating to any of the plumbing, water, and sewage related items? If Yes, describe in XVI. Yes No

Page 4 of 7 Property Address: *28055 NEW LEONARD Highway, LANDS, Ok.*
 Seller's Initials *JK* Seller's Initials _____ Buyer's Initials *PLM* Buyer's Initials _____

* Write in U if Unknown or NA if Not Applicable; otherwise mark either the Yes or No column. Where selections are requested, place a check mark next to each correct answer or fill in the correct answer. Certain answers require a further explanation in Section XVI.

Yes	No	*	
	<input checked="" type="checkbox"/>		103. Are there any shut off, disconnected, or abandoned wells, underground water, or sewer tanks on the property? If Yes, describe locations in XVI.
		<input checked="" type="checkbox"/>	104. If #103 is Yes, were they abandoned with all necessary permits and properly abandoned?
			105. Water heater type: (<input checked="" type="checkbox"/> Electric) (<input type="checkbox"/> Oil) (<input checked="" type="checkbox"/> Gas) or (<input type="checkbox"/> Other: _____)
XII. HEATING AND AIR CONDITIONING			
			106. How many heating and / or air conditioning zones are in the property? <u>1</u> . If more than one, indicate the zone number next to each answer in this section and provide the answer for each zone.
			107. What is the type of heating system and fuel? (e.g., System: <u>forced air heat pump</u> , hot water, baseboard. Fuel: <u>oil</u> , gas, electric, solar etc.) System: _____ Fuel: _____
		<input checked="" type="checkbox"/>	108. Age of furnace? _____ Date of last service? _____
			109. Are there any contractual obligations affecting the fuel supply, tanks, or systems? If Yes, describe in XVI.
			110. What is the type of air conditioning system? (e.g., <u>central</u> , window units) _____
			111. Age of air conditioning system? _____ Date of last service? _____
<input checked="" type="checkbox"/>			112. Have there been any additions / upgrades to the original heating or air conditioning? If Yes, describe in XVI.
<input checked="" type="checkbox"/>			113. If question 112 is Yes, was work done by a licensed contractor?
<input checked="" type="checkbox"/>			114. If Yes to the above, were the required permits obtained?
	<input checked="" type="checkbox"/>		115. Are there any problems with the heating or air conditioning systems? If Yes, describe in XVI.
XIII. ELECTRICAL SYSTEM			
		<input checked="" type="checkbox"/>	116. What type of wiring is in the house? (copper, aluminum, other, etc.) _____
		<input checked="" type="checkbox"/>	117. What amp service does it have? (<input type="checkbox"/> 60) (<input type="checkbox"/> 100) (<input type="checkbox"/> 150) (<input type="checkbox"/> 200) (<input type="checkbox"/> Other: _____)
			Do you have (<input checked="" type="checkbox"/> Circuit Breakers) or (<input type="checkbox"/> Fuses) ?
		<input checked="" type="checkbox"/>	118. Does it have any 220 / 240-volt circuits?
	<input checked="" type="checkbox"/>		119. Do fuses blow or circuit breakers trip when two or more appliances are being used at the same time? If Yes, describe in XVI.
<input checked="" type="checkbox"/>			120. Have there been any additions to the original service?
<input checked="" type="checkbox"/>			121. Have any (<input type="checkbox"/> solar) and / or (<input type="checkbox"/> wind power) enhancements been made to supplement service?
<input checked="" type="checkbox"/>			122. If Yes to questions 120 or 121, was work done by a licensed electrician?
<input checked="" type="checkbox"/>			123. If Yes to the above, were the required permits obtained?
<input checked="" type="checkbox"/>			124. Are there wall switches, light fixtures, or electrical outlets in need of repair? If Yes, explain in XVI.
			125. Are the permits associated with questions 63, 93, 114, and 123 closed?
XIV. FIREPLACE OR HEATING STOVE			
		<input checked="" type="checkbox"/>	126. Fireplace Type: (<input checked="" type="checkbox"/> Wood Burning) (<input type="checkbox"/> Gas) (<input type="checkbox"/> Insert) (<input type="checkbox"/> Other: _____)?
		<input checked="" type="checkbox"/>	127. Heating Stove type: (<input type="checkbox"/> Wood Burning) (<input type="checkbox"/> Pellet) (<input type="checkbox"/> Other: _____)?
<input checked="" type="checkbox"/>			128. Was the fireplace or heating stove part of the original house design?
		<input checked="" type="checkbox"/>	129. Was the fireplace or heating stove installed by a professional contractor or manufacturer's representative?
			130. Are there any problems? If Yes, explain in XVI.
			131. When were the flues / chimneys last cleaned, serviced or repaired? <u>Six years "15/16"</u> Explain nature of service or repair in XVI.

XV. MAJOR APPLIANCES AND OTHER ITEMS

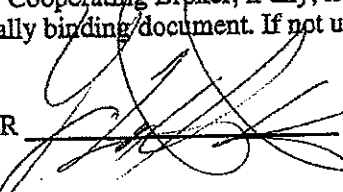
(A) Are you aware of any problems affecting the following areas? If Yes, describe in XVI.

	Yes	No	NA		Yes	No	NA
Ceilings		<input checked="" type="checkbox"/>		Exterior Walls		<input checked="" type="checkbox"/>	
Floors		<input checked="" type="checkbox"/>		Interior Walls		<input checked="" type="checkbox"/>	
Patios / Decks / Porches		<input checked="" type="checkbox"/>		Windows		<input checked="" type="checkbox"/>	
				Driveways		<input checked="" type="checkbox"/>	
				Outside Walkways		<input checked="" type="checkbox"/>	

Page 5 of 7 Property Address: 2885 Links Boulevard Highway - Lees Dr.
 Seller's Initials [Signature] Seller's Initials _____ Buyer's Initials [Signature] Buyer's Initials _____

ACKNOWLEDGMENT OF SELLER

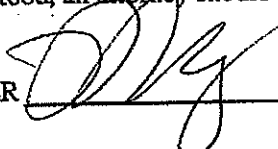
Seller has provided the information contained in this report. This information is to the best of Seller's knowledge and belief is complete, true, and accurate. Seller has no knowledge, information, or other reason to believe that any defects or problems with the property have been disclosed to, or discussed with, any Real Estate Agent or Broker involved in the sale of this property, other than those set forth in this report. Seller does hereby indemnify and hold harmless any Real Estate Agent involved in the sale of this property from any liability incurred as a result of any third-party reliance on the disclosures contained herein, or on any subsequent amendment hereto. Seller's Broker and / or Cooperating Broker, if any, is / are hereby authorized to furnish this report to any prospective Buyer. This is a legally binding document. If not understood, an attorney should be consulted.

SELLER  Date 4/28/19 SELLER _____ Date _____
SELLER _____ Date _____ SELLER _____ Date _____

Date the contents of this Report were last updated: _____

ACKNOWLEDGMENT OF BUYER

Buyer is relying upon the above report, and statements within the Agreement of Sale, as the representation of the condition of property, and is not relying upon any other information about the property. Buyer has carefully inspected the property and Buyer acknowledges that Agents are not experts at detecting or repairing physical defects in property. Buyer understands there may be areas of the property of which Seller has no knowledge and this report does not encompass those areas. Unless stated otherwise in my contract with Seller, the property is real estate being sold in its present condition, without warranties or guarantees of any kind by Seller or any Agent. Buyer has received and read a signed copy of this report. Buyer may negotiate in the Agreement of Sale for other professional advice and / or inspections of the property. Buyer understands there may be projects either planned or being undertaken by the State, County, or Local Municipality which may affect this property of which the Seller has no knowledge. Buyer further understands that it is Buyer's responsibility to contact the appropriate agencies to determine whether any such projects are planned or underway. If Buyer does not understand the impact of such project(s) on the property being purchased, Buyer should consult with an Attorney. Buyer understands that before signing an Agreement of Sale, Buyer may review the applicable Master Plan or Comprehensive Land Use Plan for the County and / or appropriate City or Town Plans showing planned land uses, zoning, roads, highways, locations, and nature of current or proposed parks and other public facilities. This is a legally binding document. If not understood, an attorney should be consulted.

BUYER  Date 4/28/19 BUYER _____ Date _____
BUYER _____ Date _____ BUYER _____ Date _____

Page 7 of 7 Property Address: _____



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

JENNIFER COHAN
SECRETARY

June 4, 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 **Preston L. Dyer** rezoning application, which we received on May 6, 2019. This application is for a 2.00-acre parcel (Tax Parcel: 334-4.00-37.01). The subject land is located on the north side of US Route 9, approximately 450 feet east of the intersection of US Route 9 and Josephs Road (Sussex Road 281). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-3 (Heavy Commercial) to develop a Capstone Homes sales center and model homes.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 14,132 and 18,188 vehicles per day, respectively.

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

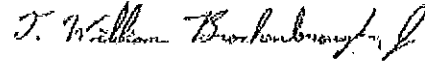
If the County approves this application, the applicant should be reminded that DeIDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell
Page 2 of 2
June 4, 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
Preston L. Dyer, 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

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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **10/28/2019**

APPLICATION: **CZ 1897 Preston Dyer**

APPLICANT: **Preston Dyer**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **334-4.00-37.01**

LOCATION: **28855 Lewes-Georgetown Highway. North side of Lewes-Georgetown Highway (SR 9), approximately 428 feet east of Josephs Road.**

NO. OF UNITS: **Upzone from AR-1 to C-2 (Medium Commercial District)**

GROSS
ACREAGE: **1.97**

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

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 3**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **N/A** 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 **Choose an item.** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Change of Zone 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:



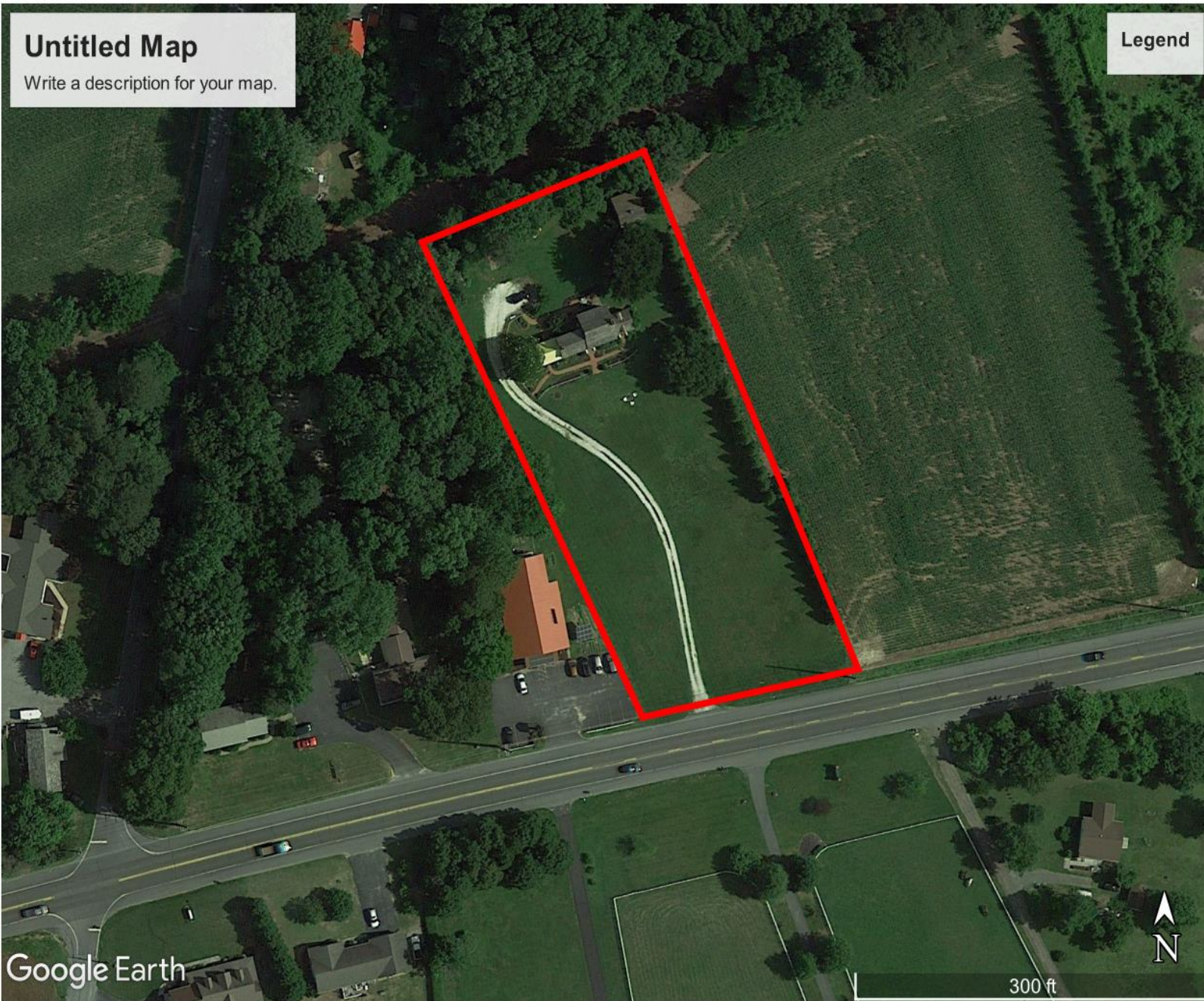
John J. Ashman
Director of Utility Planning

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

Untitled Map

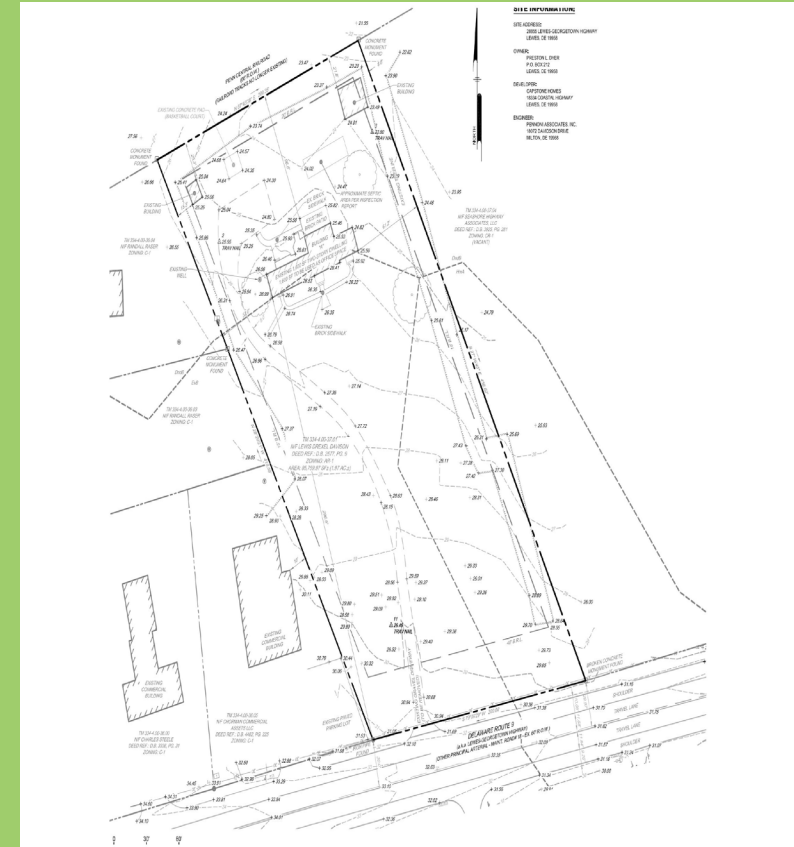
Write a description for your map.

Legend



Google Earth

300 ft



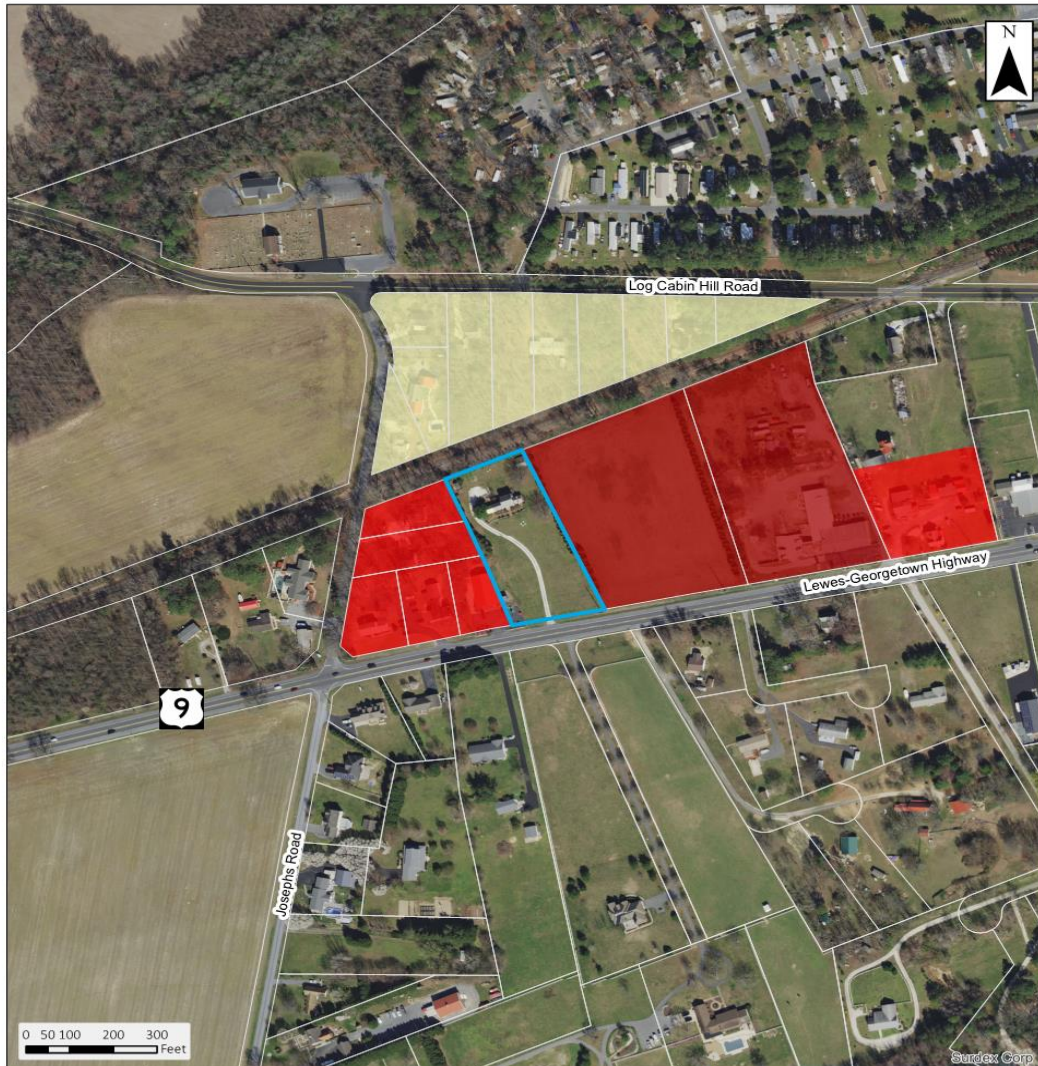


Figure 12 of 19.	County Zoning Map		Agricultural Residential 1 (AR-1)
12			Agricultural Residential 2 (AR-2)
	Capstone Homes Center		Commercial Residential (CR-1)
	PDYER19001		General Commercial (C-1)

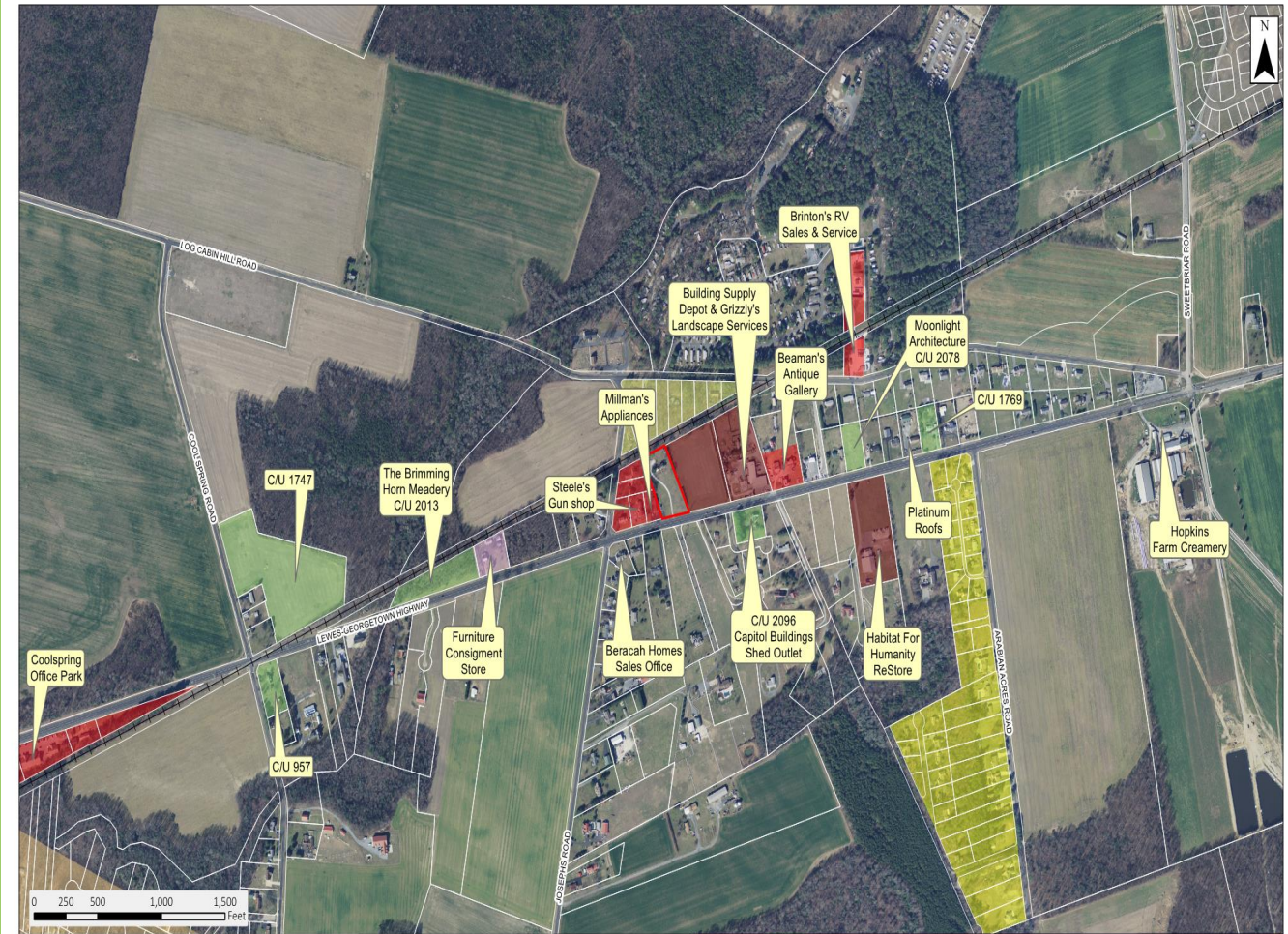


Figure 19 of 19.	Area Commercial Uses			AR-1 (Unshaded)	CR-1	GR	B-1	Conditional Uses
19	Capstone Homes Center PDYER19001			AR-2	C-1	MR		





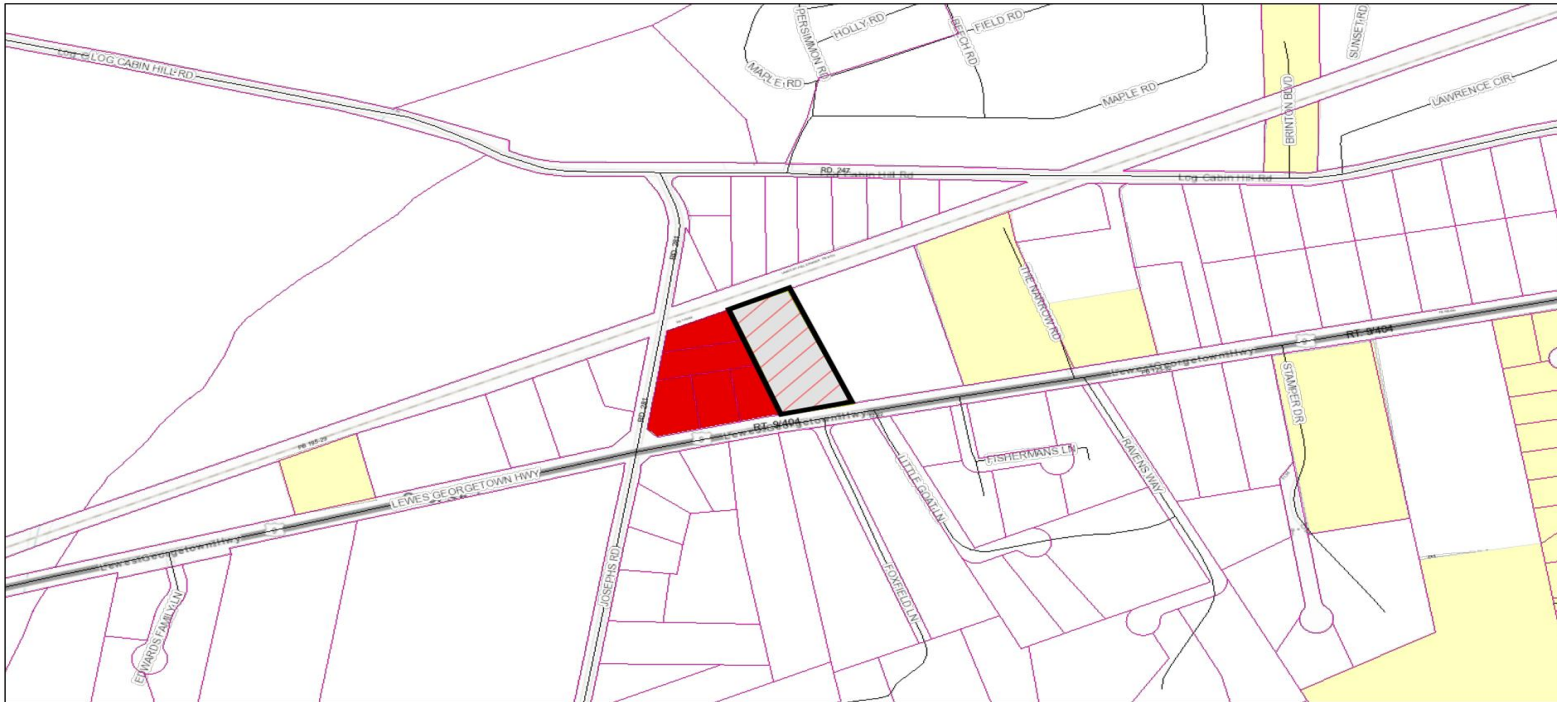
Sussex County
Comprehensive
Plan

2045 Future Land Use Map

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories

FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
RURAL AREAS	
Low Density	Agricultural Residential District (AR-1) Business Community District (B-2) Medium Commercial District (C-2) Marine District (M) Institutional District (I-1) New Zoning Districts

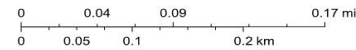
Sussex County



November 13, 2019

- Override 1
- 2019 Future Land Use
- Tax Parcels
- Streets
- County Boundaries
- Commercial
- Developing Area
- Existing Development Area
- Coastal Area
- Industrial
- Municipalities
- Town Center
- Low Density

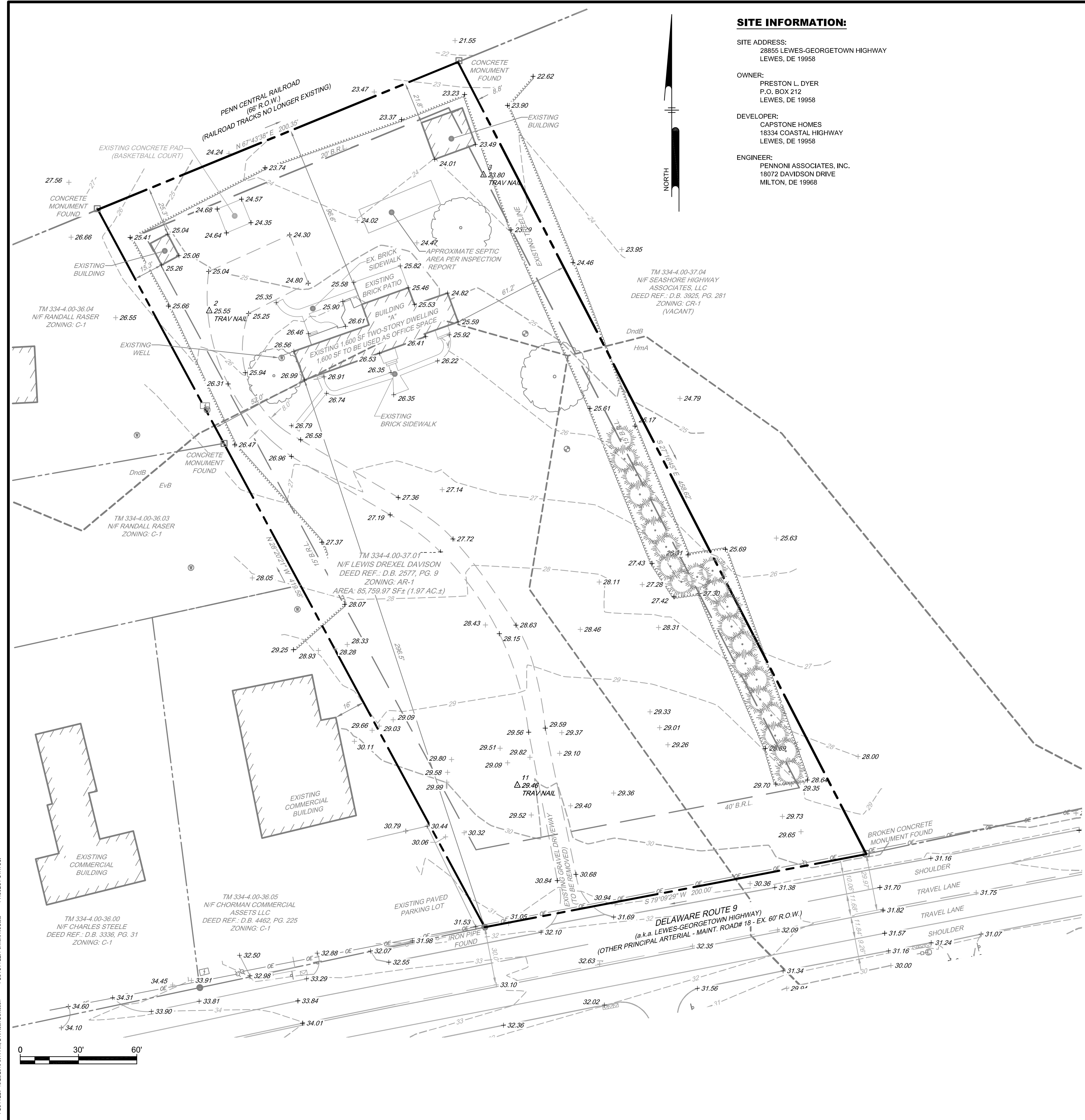
1:4,514



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



I:\Account\PRESTON DYER\19001 - Capstone Homes - Civil\CS0201 - SHEET CS0201.dwg
 PLOTTED: 10/28/2019 9:41 AM BY: Keith Dambler
 PROJECT STATUS: PLOT STYLE: Pennon.dwt



SOILS		
TYPE	DESCRIPTION	HYDROLOGICAL SOIL
DndB	DOWNER LOAMY SAND, 2-5% SLOPES, NORTHERN TIDEWATER AREA	A
EvB	EVESBORO LOAMY SAND, 0-5% SLOPES	A
HmA	HAMMONTON LOAMY SAND, 0-2% SLOPES	B

SITE INFORMATION:

SITE ADDRESS:
 28655 LEWES-GEORGETOWN HIGHWAY
 LEWES, DE 19958

 OWNER:
 PRESTON L. DYER
 P.O. BOX 212
 LEWES, DE 19958

 DEVELOPER:
 CAPSTONE HOMES
 18334 COASTAL HIGHWAY
 LEWES, DE 19958

 ENGINEER:
 PENNONI ASSOCIATES, INC.
 18072 DAVIDSON DRIVE
 MILTON, DE 19968

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		BUILDING
		FULL DEPTH PAVEMENT
		CURB
		EDGE OF PAVEMENT
		EDGE OF GRAVEL
		UTILITY EASEMENT
		PERMANENT EASEMENT
		6' HIGH PRIVACY FENCE
		POWER, UTILITY POLE
		PROPERTY, LINE
		LEGAL RIGHT-OF-WAY
		PROPERTY, CORNER FOUND
		PROPERTY, ADJOINING LINED
		SITE, MAIL BOX
		SITE, TRAFFIC SIGN
		SOIL BOUNDARY
		SOIL LABEL
		STORM SEWER, INLET
		STORM SEWER, HEADWALL
		STORM SEWER, MANHOLE
		STORM DRAIN PIPE
		FLARED END
		SPOT ELEVATION
		MARKING, HANDICAP PARKING
		LIGHT POLE
		WALL PACK LIGHT
		UNDERGROUND COMMUNICATIONS LINE
		POWER, UNDERGROUND
		STABILIZED CONSTRUCTION ENTRANCE
		SUPER SILT FENCE
		SILT FENCE
		LIMIT OF DISTURBANCE
		SENSITIVE AREA PROTECTION
		ITEM TO BE REMOVED

EXISTING CONDITION NOTES:

- ELEVATIONS ARE BASED ON NAVD 88, AND DE STATE PLANE COORDINATE SYSTEM NAD 83 HORIZONTAL DATUM.
- UNLESS SPECIFICALLY STATED OR SHOWN HEREON TO THE CONTRARY, THIS SURVEY IS MADE SUBJECT TO AND DOES NOT LOCATE OR DELINEATE:
 - RIGHTS OR INTEREST OF THE UNITED STATES OF AMERICA OR STATE OF DELAWARE OVER LANDS NOW OR FORMERLY FLOWED BY TIDEWATER, BUT NO LONGER VISIBLE OR PHYSICALLY EVIDENT, OR LANDS CONTAINING ANY ANIMAL, MARINE OR BOTANICAL SPECIES REGULATED BY OR UNDER THE JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.
 - BUILDING SETBACK LINES, ZONING REGULATIONS OR LINES ESTABLISHED BY ANY FEDERAL, STATE OR LOCAL AGENCY WHICH MAY AFFECT THE BUILDING OR DEVELOPMENT POTENTIAL OF THE SUBJECT PROPERTY.
 - ANY SUBSURFACE OR SUBTERRANEAN CONDITION, EASEMENTS OR RIGHTS, INCLUDING, BUT NOT LIMITED TO MINERAL OR MINING RIGHTS, OR THE LOCATION OF OR RIGHTS TO ANY SUBSURFACE STRUCTURES, CONTAINERS OR FACILITIES OR ANY OTHER NATURAL OR MAN-MADE SUBSURFACE CONDITION WHICH MAY OR MAY NOT AFFECT THE USE OR DEVELOPMENT POTENTIAL OF THE SUBJECT PROPERTY.
- UTILITY NOTES:
 - THE LOCATION OF THE EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN HAVE BEEN TAKEN FROM EXISTING UTILITY RECORDS AVAILABLE AT THE TIME THESE PLANS WERE PREPARED AND FROM SURFACE OBSERVATION OF THE SITE. LOCATIONS OF UTILITIES AS SHOWN AND MAY OR MAY NOT BE COMPLETE. THE NATURE AND EXACT LOCATION OF EXISTING UTILITIES SHOULD BE VERIFIED PRIOR TO INITIATING ANY ACTIVITY THAT MAY AFFECT THEIR USE OR LOCATION.
 - COMPLETENESS OR ACCURACY OF LOCATION AND DEPTH OF UNDERGROUND UTILITIES AND STRUCTURES IS NOT GUARANTEED.
 - MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION.
 - THE CONTRACTORS SHALL VERIFY LOCATIONS AND DEPTHS OF ALL UNDERGROUND UTILITIES AND STRUCTURES BEFORE THE START OF WORK. IF CONFLICTS ARE FOUND THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND DESIGN ENGINEER FOR INSTRUCTION BEFORE PROCEEDING WITH WORK.
 - THIS SITE IS ZONED L1-(LIMITED INDUSTRIAL).
 - NO WETLANDS ARE FOUND ON-SITE PER THE DNREC NAVMAP ONLINE MAPPING SYSTEM.
 - STORMWATER WILL BE HANDLED BY THE EXISTING DRY DETENTION DITCH THAT IS LOCATED ON SITE AND A PROPOSED DRY DETENTION BASIN ON THE EAST SIDE OF THE PROPERTY WILL BE CONVEYED TO THE EXISTING TAX DITCH. THE MAINTENANCE OF THE STORMWATER MANAGEMENT FACILITY WITHIN THIS SITE SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.
 - UNLESS OTHERWISE INDICATED, DEMOLITION WASTE BECOMES PROPERTY OF CONTRACTOR.
 1. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION

- ON-SITE STORAGE OF REMOVED ITEMS OR MATERIALS IS NOT PERMITTED.
- REMOVE TREES, SHRUBS, GRASS AND OTHER VEGETATION, IMPROVEMENTS, OR OBSTRUCTIONS INTERFERING WITH INSTALLATION OF NEW CONSTRUCTION. REMOVAL INCLUDES DIGGING OUT STUMPS AND ROOTS.
- SITE CLEARING INCLUDES, BUT IS NOT LIMITED TO:
 - PROTECT EXISTING TREES TO REMAIN.
 - CLEAR AND GRUB ALL TREES AND VEGETATION WHERE CONSTRUCTION ACTIVITIES OF THE PROJECT WILL BE CONDUCTED.
 - TOPSOIL STRIPPING AND STOCKPILING ON SITE.
 - DISPOSE OF VEGETATION AND OTHER DEBRIS RESULTING FROM CLEARING OPERATIONS.
 - REMOVE EXISTING PAVEMENTS AND BASES AS SHOWN ON THE DRAWINGS.
 - DISPOSE OF ALL TREE STUMPS RESULTING FROM THE CLEARING OPERATIONS.
 - REMOVE EXISTING OBSTRUCTIONS INTERFERING WITH INSTALLATION OF NEW CONSTRUCTION.
 - PROTECT EXISTING TREES AND OTHER VEGETATION INDICATED TO REMAIN IN PLACE, AGAINST UNNECESSARY CUTTING, BREAKING OR SKINNING OF ROOTS, SKINNING AND BRUISING OF BARK, SMOTHERING OF TREES BY STOCKPILING CONSTRUCTION MATERIALS OR EXCAVATED MATERIALS WITHIN DRIP LINE, EXCESS FOOT OR VEHICULAR TRAFFIC OR PARKING OF VEHICLES WITHIN DRIP LINE. PROVIDE TEMPORARY GUARDS TO PROTECT TREES AND VEGETATION TO BE LEFT STANDING.
 - PROTECT BENCH MARKS AND EXISTING STRUCTURES, ROADS, SIDEWALKS, PAVING AND CURBS AGAINST DAMAGE FROM VEHICULAR OR FOOT TRAFFIC.
 - MAINTAIN DESIGNATED TEMPORARY ROADWAYS, WALKWAYS AND DETOURS, FOR VEHICULAR AND PEDESTRIAN TRAFFIC.
 - ALL STUMPS, BRUSH, PAVEMENT AND WASTE MATERIAL GENERATED BY CLEARING OPERATIONS SHALL BECOME CONTRACTORS PROPERTY AND SHALL BE REMOVED FROM THE SITE FOR SAFE, LEGAL, OFF-SITE DISPOSAL.
 - MAINTAIN UTILITY, ELECTRICAL, AND MECHANICAL SERVICES/SYSTEMS INDICATED TO REMAIN AND PROTECT THEM AGAINST DAMAGE.
 - LOCATE, IDENTIFY, DISCONNECT, AND SEAL OR CAP OFF UTILITY SERVICES AND MECHANICAL/ELECTRICAL SYSTEMS SERVING AREAS TO BE SELECTIVELY DEMOLISHED.
 - SEWER SERVICE LATERAL LOCATIONS ARE UNKNOWN. CONTRACTOR SHALL TEST FIT AND LOCATE PRIOR TO CONSTRUCTION.
 - WATER SERVICE LATERAL LOCATIONS ARE UNKNOWN. CONTRACTOR SHALL TEST FIT AND LOCATE PRIOR TO CONSTRUCTION.



PENNONI ASSOCIATES, INC.
 18072 Davidson Drive
 Milton, DE 19968
 T 302.684.8030 F 302.684.8054

CAPSTONE HOMES SALES CENTER
 28655 LEWES-GEORGETOWN HIGHWAY
 LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DE
EXISTING CONDITIONS PLAN
 PRESTON L. DYER
 P.O. BOX 212
 LEWES, DE 19958

NO.	DATE	REVISIONS	BY

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 OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES. OWNER SHALL INSTANTLY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	PDYER19001
DATE	2019-10-25
DRAWING SCALE	1" = 30'
DRAWN BY	SJD
APPROVED BY	AMD



CAPSTONE HOME SALES CENTER

CASE NO. CZ 1897

ZONING MAP AMENDMENT FROM AR-1 TO C-2

OWNER:

CAPSTONE OFFICE LLC
P.O. BOX 212
LEWES, DE 19958

DEVELOPER:

CAPSTONE HOMES, LLC
18334 COASTAL HIGHWAY
LEWES, DE 19958
PRESTON L. DYER, MANAGING MEMBER
JOSEPH REED, MANAGING MEMBER
JAKE BOOTH, MANAGING MEMBER

PLANNER/ENGINEER/SURVEYOR:

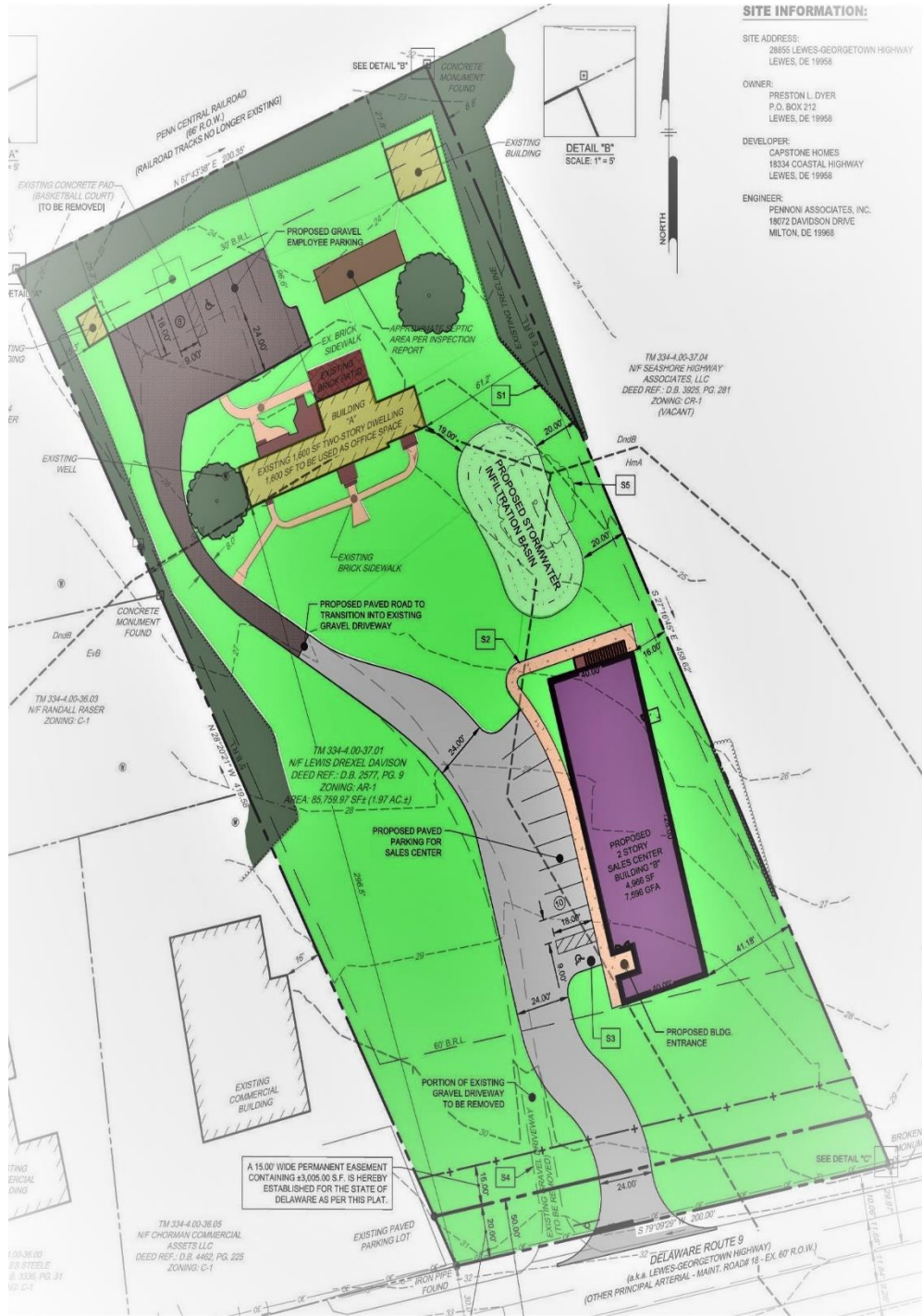
PENNONI
18072 DAVIDSON DRIVE
MILTON, DE 19968
MARK H. DAVIDSON, PRINCIPAL LAND PLANNER
ALAN DECKTOR, PE., ENV SP
JOHN W. HAUPT, PLS

ENVIRONMENTAL:

PENNONI & ACCENT ENVIRONMENTAL
WILLIAM J. GANGLOFF, PhD. PROFESSIONAL
SOIL SCIENTIST

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	b. 2019 GOOGLE AERIAL
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	a. FINDINGS OF FACT



SITE INFORMATION:

SITE ADDRESS:
2855 LEWES-GEORGETOWN HIGHWAY
LEWES, DE 19958

OWNER:
PRESTON L. DYER
P.O. BOX 212
LEWES, DE 19958

DEVELOPER:
CAPSTONE HOMES
18334 COASTAL HIGHWAY
LEWES, DE 19958

ENGINEER:
PENNONI ASSOCIATES, INC.
18072 DAVIDSON DRIVE
MILTON, DE 19968

Mark H. Davidson / Vice President

Principal Land Planner/Office Director

EDUCATION

University of Delaware; Civil Engineering, (1986-1990)

Land Surveying, Delaware Technical & Community College (1984-1986) and Wastewater Microbiology Diploma (1997)

Land Planning, Institute for Public Administration (2006)

CERTIFICATIONS

DNREC Class A Percolation Tester & Class B Septic Designer, (DE #2418)

Sediment & Stormwater Management, Responsible Personnel, DE (#8760) and MD (#4914)

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

Association of Professionals Philanthropy, Brandywine Chapter Fundraising Nominee (2014)

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

Mark H. Davidson serves as Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 33-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

Mark is a past director of the Delaware Onsite Wastewater Recycling Association as well as a member of the American Planning Association, American Institute of Certified Planners and has served in the past as a committee member of Delaware Low Impact Development Roundtable Committee, Delaware Pollution Control Strategy Committee, Delaware Sediment & Stormwater Regulatory Advisory Committee, and the Delaware Technical & Community College A/E Curriculum Committee. He was also nominated for the Brandywine Chapter Association of Fundraising Professionals Philanthropy Award and has won the BNI Notable Networker Award.

Along with all the experience and education stated and with many years of combined experience in Surveying, Engineering, Consulting and Land Planning, he has been responsible for providing consulting, layout and design in surveying, engineering and land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware, Maryland, Virginia and West Virginia. He has project managed, studied, planned, surveyed, designed and engineered sustainable, master-planned communities, commercial and urban redevelopment projects, and the public infrastructure that supports them.

Mark has provided nationwide land planning consulting services to a variety of clientele to help coordinate project startups as well as final construction consulting services when it came to commercial, residential, industrial, municipal, educational and community land planning. Provided additional consulting in civil/site engineering, stormwater management, erosion and sediment control, wastewater collection and disposal, transportation, and environmental. Market areas practiced; Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, North Dakota, Puerto Rico, Canada and Panama.

Additional Project experience includes cutting edge design and technology as well as value engineering to help clients through the ever-changing market including but not limited to solar voltaic and wind generation projects.

He was currently appointed by the Secretary of DNREC to serve 3-years on the On Site Septic Advisory Board for the State of Delaware.



PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

PDYER19001
CAPSTONE HOME CENTER

October 24, 2019

Dear Property Owner:

This letter is to notify all property owners within 200 feet of the subject site of upcoming public hearings for the following application:

C/Z 1897 PRESTON DYER - 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.

The **Planning and Zoning Commission** will hold a Public Hearing on **Thursday, November 14, 2019 at 6:00 pm** in the Sussex County Council Chambers located in the County Administrative Office at 2 The Circle Georgetown, DE, 19947.

The **Sussex County Council** will hold a Public Hearing on **Tuesday, December 17, 2019 at 1:30 pm** in the Sussex County Council Chambers located in the County Administrative Office at 2 The Circle Georgetown, DE, 19947.

Copies of the above ordinance are available in the Office of the Clerk of the Sussex County Council, County Administrative Office Building, Georgetown, DE and copies of the Change of Zone request are available for review in the Planning and Zoning Department, County Administrative Office Building, Georgetown, DE 19947.

At that time and place, all persons interested shall have a reasonable opportunity to be heard. If you are unable to attend the public hearing, written comments will be accepted; however, they must be received prior to the public hearing.

For additional information, please contact the Planning and Zoning Department at 302-855-7878.

Sincerely,

Planning and Zoning Department



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

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

28855 LEWES GEORGETOWN HWY, LEWES DE 19958

Type of Conditional Use Requested:

N/A

Tax Map #: 334-4.00-37.01

Size of Parcel(s): 1.97 +/- AC

Current Zoning: AR-1

Proposed Zoning: C-2

Size of Building: 5000 SQ. FT.

Land Use Classification: _____

Water Provider: EXISTING -ONSITE PRIVATE

Sewer Provider: EXISTING ON-SITE PRIVATE

Applicant Information

Applicant Name: PRESTON L DYER

Applicant Address: P.O. BOX 212

City: LEWES

State: DE

Zip Code: 19958

Phone #: (302) 644-1400

E-mail: PDYER@IPMEQUITIES.COM

Owner Information

Owner Name: PRESTON L DYER

Owner Address: P.O. BOX 212

City: LEWES

State: DE

Zip Code: 19958

Phone #: (302) 644-1400

E-mail: PDYER@IPMEQUITIES.COM

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: MARK H DAVIDSON | PENNONI ASSOCIATES INC.

Agent/Attorney/Engineer Address: 18072 DAVIDSON DRIVE

City: MILTON

State: DE

Zip Code: 19968

Phone #: (302) 684-8030

E-mail: MDAVIDSON@PENNONI.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.

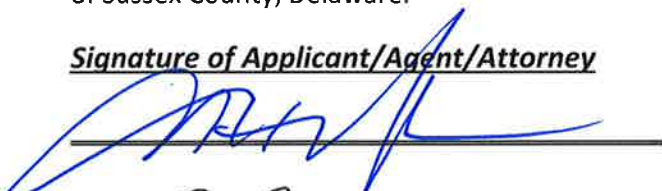
DelDOT Service Level Evaluation Request Response

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: 7/2/2019

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: _____

PARTICULAR DESCRIPTION

LANDS NOW OR FORMERLY OF LEWIS DREXEL DAVISON

TAX MAP(S) 334-4.00-37.01

All that certain piece, parcel and tract lying and being situate in the Lewes-Rehoboth Hundred of Sussex County, Delaware and being more particularly described as follows:

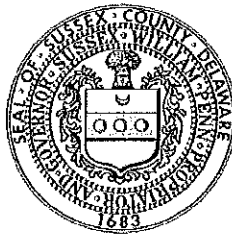
BEGINNING at an iron pipe found, said iron pipe being a corner for this Parcel and lying on the northerly right-of-way of Delaware Route 9; thence leaving said right-of-way with this Parcel and Lands now or formerly of Chorman Commercial Assets, LLC., **North 28 degrees, 20 minutes, 21 seconds West, 419.58 feet** to a concrete monument found, said concrete monument being a common corner for this Parcel and Lands now or formerly of Randall Raser and situate on the southerly right-of-way of Penn Central Railroad; thence by and with this Parcel and the southerly right-of-way of Penn Central Railroad, **North 67 degrees, 43 minutes, 38 seconds East, 200.35 feet** to a concrete monument found, said concrete monument being a common corner for this Parcel and Lands now or formerly of Seashore Highway Associates, LLC.; thence by and with this Parcel and Lands now or formerly of Seashore Highway Associates, LLC., **South 27 degrees, 16 minutes, 45 seconds East, 458.62 feet** to a concrete monument found, said concrete monument being a common corner for this Parcel and Lands now or formerly of Seashore Highway Associates, LLC., and being situate on the northerly right-of-way of Delaware Route 9; thence by and with the northerly right-of-way of Delaware Route 9, **South 79 degrees, 09 minutes, 29 seconds West, 200.00 feet** to an iron pipe found, said iron pipe being the **Point of Beginning** for this description.

This Parcel contains 85,759.95 sq. ft. or 1.97 acres, more or less.

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: 5/6/19

Site Information:

Site Address/Location: 28855 LEWES GEORGETOWN HIGHWAY LEWES DE 19958

Tax Parcel Number: 334-4.00-37.01

Current Zoning: AR-1

Proposed Zoning: C-3

Land Use Classification: LOW DENSITY | IN THE MIDDLE OF C-1 AND CR-1 PROPERTIES |
ADJACENT TO RAILS-TO-TRAILS PATH AND PRINCIPAL ARTERIAL

Proposed Use(s): CAPSTONE HOMES SALES CENTER
AND MODEL HOMES

Square footage of any proposed buildings or number of units: TBD

Applicant Information:

Applicant's Name: PRESTON L DYER

Applicant's Address: PO BOX 212

City: LEWES State: DE Zip Code: 19958

Applicant's Phone Number: (302) 644-1400

Applicant's e-mail address: PDYER@IPMEQUITIES.COM

PREPARED BY:
MARK H DAVIDSON - PENNONI
18072 DAVIDSON DRIVE
MILTON DE 19968
302-684-6207
MDAVIDSON@PENNONI.COM



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



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

JENNIFER COHAN
SECRETARY

June 4, 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 **Preston L. Dyer** rezoning application, which we received on May 6, 2019. This application is for a 2.00-acre parcel (Tax Parcel: 334-4.00-37.01). The subject land is located on the north side of US Route 9, approximately 450 feet east of the intersection of US Route 9 and Josephs Road (Sussex Road 281). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-3 (Heavy Commercial) to develop a Capstone Homes sales center and model homes.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 14,132 and 18,188 vehicles per day, respectively.

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

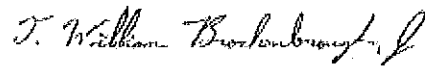
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell
Page 2 of 2
June 4, 2019

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

Sincerely,



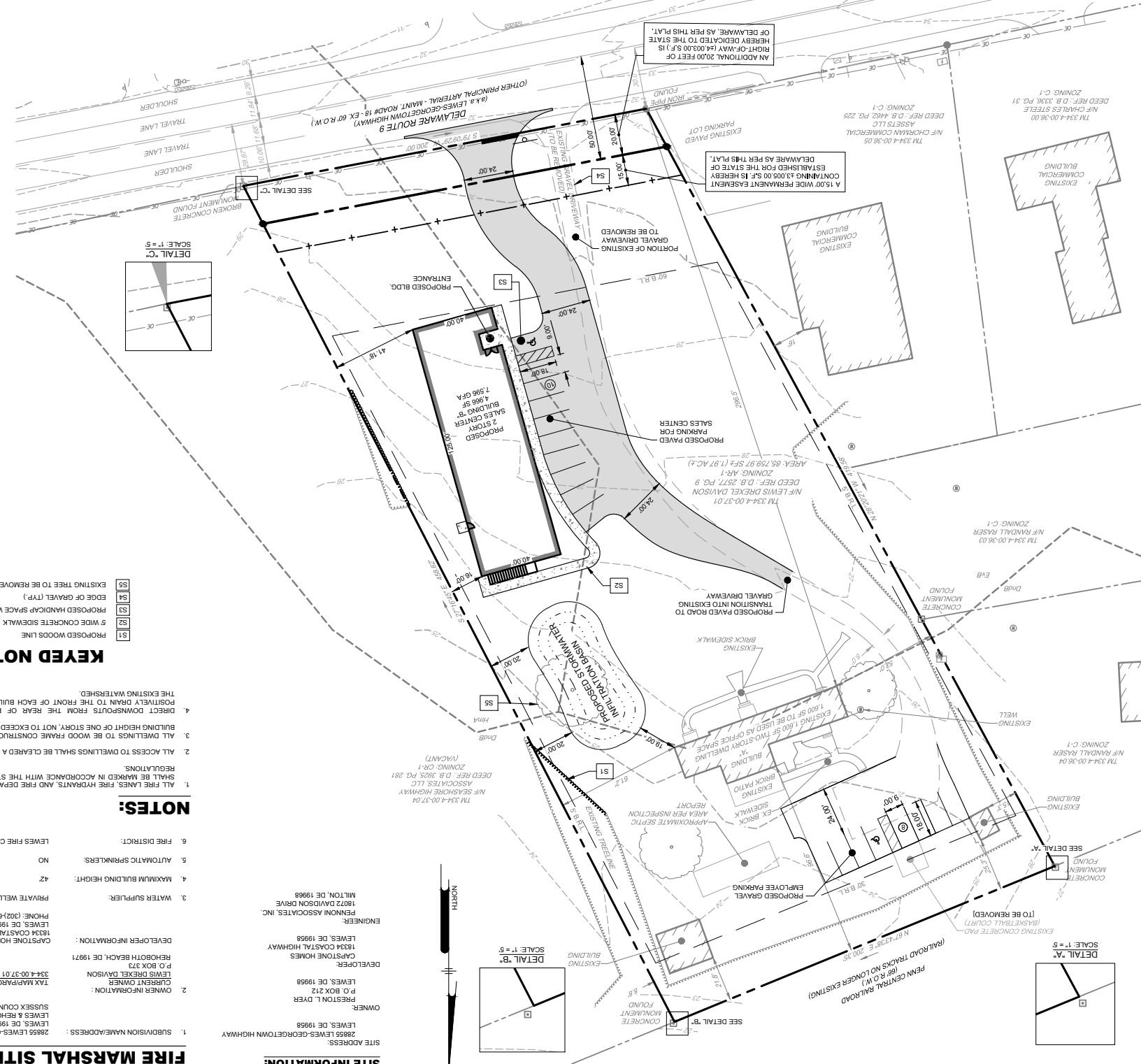
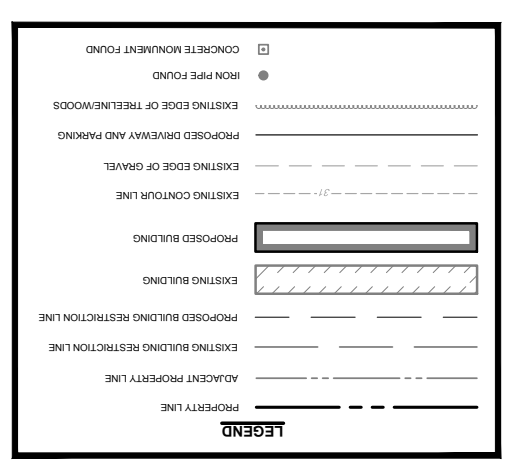
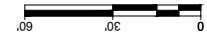
T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Preston L. Dyer, 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

BUILDING	USE	CONSTRUCTION TYPE	SF	SPRINKLER
B	SALES CENTER	1-STORY TYPE V (000) WOOD FRAME	5,000	NO
A	OFFICE	1-STORY TYPE V (000) WOOD FRAME	1,600	NO

BUILDING USE AND CONSTRUCTION



KEYED NOTES

- S1 PROPOSED WOODS LINE
- S2 5' WIDE CONCRETE SIDEWALK
- S3 PROPOSED HANDICAP SPACE WITH SIGN MOUNTED ON POST
- S4 EDGE OF GRAVEL (TYP.)
- S5 EXISTING TREE TO BE REMOVED

NOTES:

1. ALL FIRE LINES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
2. ALL ACCESS TO DWELLINGS SHALL BE CLEARED A MINIMUM OF 15' WIDE BUILDING HEIGHT TO BE WOOD FRAME CONSTRUCTION WITH A MAXIMUM BUILDING HEIGHT OF ONE STORY, NOT TO EXCEED 42'.
3. ALL DWELLINGS TO BE WOOD FRAME CONSTRUCTION WITH A MAXIMUM BUILDING HEIGHT OF ONE STORY, NOT TO EXCEED 42'.
4. DIRECT DOWNSPROUTS FROM THE REAR OF BUILDINGS A & B TO THE EXISTING WATERSHED.

FIRE MARSHAL SITE DATA:

1. SUBDIVISION NAME/ADDRESS: 28655 LEWES-GEOGETOWN HIGHWAY, LEWES, DE 19958
2. OWNER INFORMATION: PRESTON L. DYER, P.O. BOX 212, LEWES, DE 19958
3. WATER SUPPLIER: PRIVATE WELL
4. MAXIMUM BUILDING HEIGHT: 42'
5. AUTOMATIC SPRINKLERS: NO
6. FIRE DISTRICT: LEWES FIRE CO. (FIRE STATION 82)

SITE INFORMATION:

ENGINEER: PENNONI ASSOCIATES, INC., 18072 DAVIDSON DRIVE, MILTON, DE 19968
 DEVELOPER: CAPSTONE HOMES, 1834 COASTAL HIGHWAY, REHOBOTH BEACH, DE 19971
 CURRENT OWNER: LEWIS DREXEL DAVISON, P.O. BOX 373, REHOBOTH BEACH, DE 19971
 TAX MAP/PARCEL #: 334-4-00-37-01, GROSS ACREAGE 1.974 ACRES
 OWNER: PRESTON L. DYER, P.O. BOX 212, LEWES, DE 19958

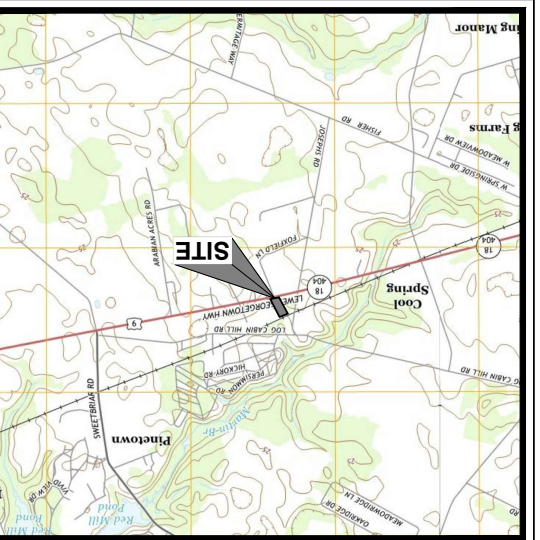
OWNERS CERTIFICATION: IT IS HEREBY CERTIFIED THAT I AM THE OWNER/DEVELOPER OF THE PROPERTY DESCRIBED AND THAT THE PLAN HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO BE AN ACT. IT IS MY DESIRE TO HAVE THE PLAN RECORDED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.
 PRESTON L. DYER, P.O. BOX 212, LEWES, DELAWARE 19958 (302) 644-1400
 SIGNATURE: _____ DATE: _____
 ENGINEER'S CERTIFICATION: IT IS HEREBY CERTIFIED THAT I AM A PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE. I HAVE REVIEWED THE PLAN AND BELIEVE IT REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.
 ALAN M. DECKTOR, PE (DE PE #1771), PENNONI ASSOCIATES, INC., 18072 DAVIDSON DRIVE, MILTON, DE 19968 (302) 644-8030
 SIGNATURE: _____ DATE: _____

SITE DATA:

1. TAX MAP NUMBER: 334-4-00-37-01
2. DEED REFERENCE: DEED BOOK 2577, PG 9
3. DEVELOPER NAME: CAPSTONE HOMES
4. DEVELOPER ADDRESS: 1834 COASTAL HIGHWAY, LEWES, DE 19958
5. SITE ADDRESS: 28655 LEWES-GEOGETOWN HIGHWAY, LEWES, DE 19958
6. CURRENT ZONING: AR-1 (AGRICULTURAL-RESIDENTIAL)
7. PROPOSED ZONING: C-2 (MEDIUM COMMERCIAL)
8. PRESENT USE: RESIDENTIAL
9. PROPOSED USE: COMMERCIAL
10. PROPOSED SETBACKS (ZONE C-2): FRONT - 60 FEET, SIDE - 5 FEET, REAR - 30 FEET
11. BUILDING HEIGHT: 42' ALLOWED
12. PARKING: OFF-STREET PARKING, CODE SECTION 115-162; OFFICES, OFFICE BUILDINGS, NO REQUIREMENT; SALES CENTER, 168 200 SF
13. TOTAL REQUIRED SPACES: 8 SPACES
14. PROVIDED SPACES: 16 SPACES
15. HANDICAP SPACES: 1 SPACE
16. EXISTING PRIVATE ON-SITE WELL
17. WATER SUPPLY: EXISTING PRIVATE ON-SITE SEPTIC
18. LATITUDE AND LONGITUDE STATE PLANE COORDINATES: LONGITUDE: W075° 14' 12.69" LATTITUDE: N038° 44' 4.57"
19. TOTAL AREA (GROSS): 1.974 ACRES
20. MINIMUM LOT AREA: 32,670 SF
21. MINIMUM LOT WIDTH: 100 FT
22. MINIMUM LOT DEPTH: 100 FT
23. NET DEVELOPMENT AREA: 1.974 AC.
24. WETLAND AREA: 0.004 AC. (NREC NAWMAP)
25. PROPOSED DISCHARGE LOCATION: REHOBOTH BAY VIA REHOBOTH CREEK
26. LIMIT OF DISTURBANCE: 1.974 AC.
27. SITE CALCULATIONS:

GRASS AREA	EX = 1.49 AC.	PR = 1.21 AC.
BUILDING AREA	EX = 0.06 AC.	PR = 0.18 AC.
PAVEMENTING AREA	EX = 0.14 AC.	PR = 0.21 AC.
WOODS AREA	EX = 0.28 AC.	PR = 0.27 AC.
TOTAL	EX = 1.97 AC.	PR = 1.97 AC.
28. ROAD NAME: SR 18 LEWES-GEOGETOWN HIGHWAY
29. FUNCTIONAL CLASSIFICATION - OTHER PRINCIPAL ARTERIAL: MAINT = 14, 132 (2018)
30. SPEED LIMIT = 50 MPH
31. EXISTING RESIDENTIAL ENTRANCE
32. PROXIMITY TO TRANSPORTATION DISTRICTS: NONE KNOWN
33. EXISTING EDUS: 1.00 EDUS
34. PROPOSED EDUS: 3.27 EDUS

Scale: 1" = 2000'



ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES INC. SHALL BE THE PROPERTY OF PENNONI ASSOCIATES INC. AND SHALL REMAIN THE PROPERTY OF PENNONI ASSOCIATES INC. UNLESS OTHERWISE SPECIFIED. PENNONI ASSOCIATES INC. SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY OCCUR IN THE COURSE OF THE DESIGN OR CONSTRUCTION OF THE PROJECT. PENNONI ASSOCIATES INC. SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY OCCUR IN THE COURSE OF THE DESIGN OR CONSTRUCTION OF THE PROJECT. PENNONI ASSOCIATES INC. SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY OCCUR IN THE COURSE OF THE DESIGN OR CONSTRUCTION OF THE PROJECT.

NO.	DATE	REVISIONS

CAPSTONE HOMES SALES CENTER
 28655 LEWES-GEOGETOWN HIGHWAY
 LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DE
 PRESTON L. DYER
 P.O. BOX 212
 LEWES, DE 19958

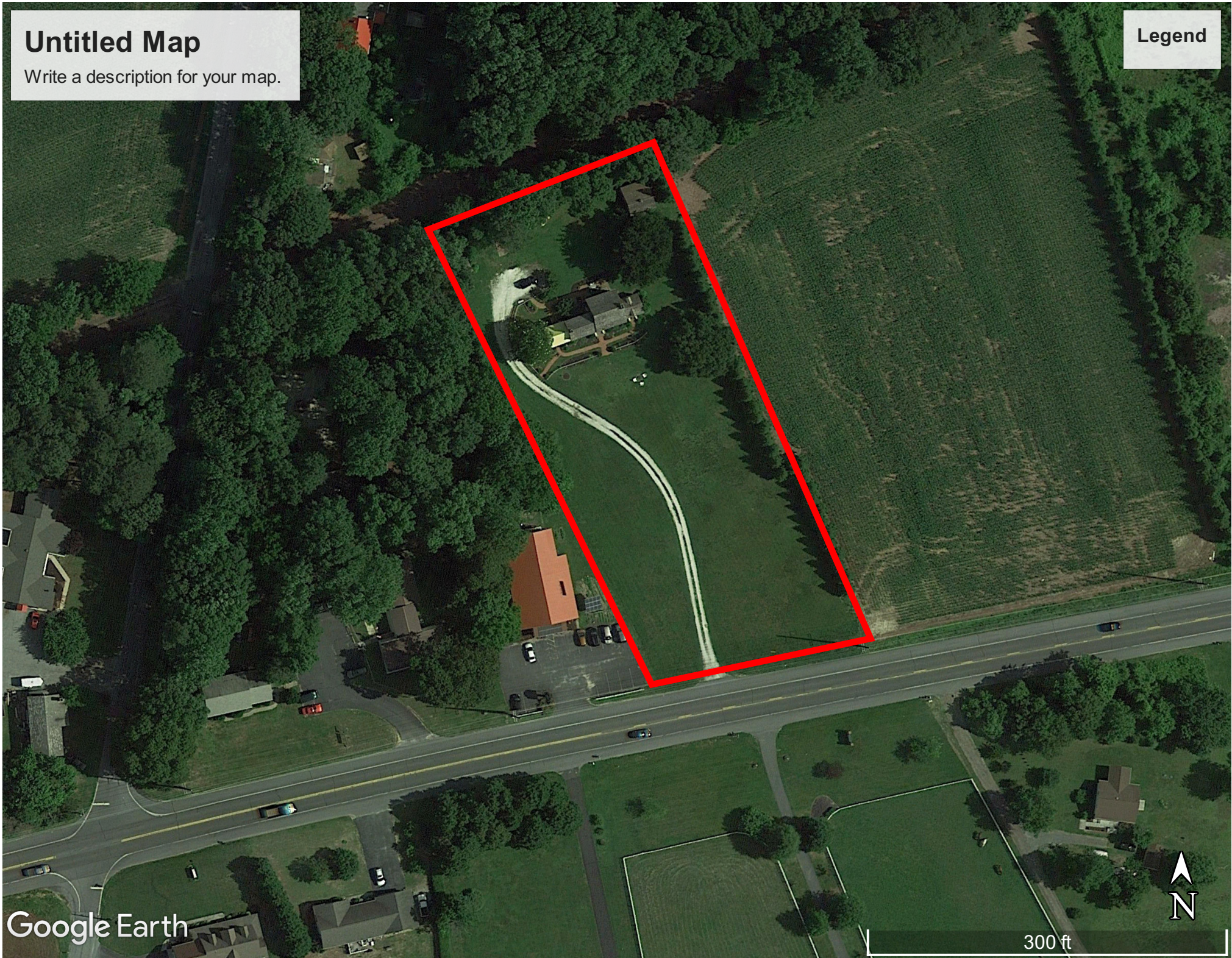
ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

Pennonni ASSOCIATES, INC.
 18072 Davidson Drive
 Milton, DE 19968
 T 302.684.8030 F 302.684.8054

Untitled Map

Write a description for your map.

Legend



Google Earth



300 ft



Surdex Corp

Figure 1 of 19. 1	2017 Orthophoto		<div style="border: 2px solid red; width: 20px; height: 10px; display: inline-block; margin-right: 5px;"></div> Subject Property <div style="border: 1px solid black; width: 20px; height: 10px; display: inline-block; margin-right: 5px; background-color: #c08040;"></div> Other Tax Parcels
	Capstone Homes Center		
	PDYER19001		

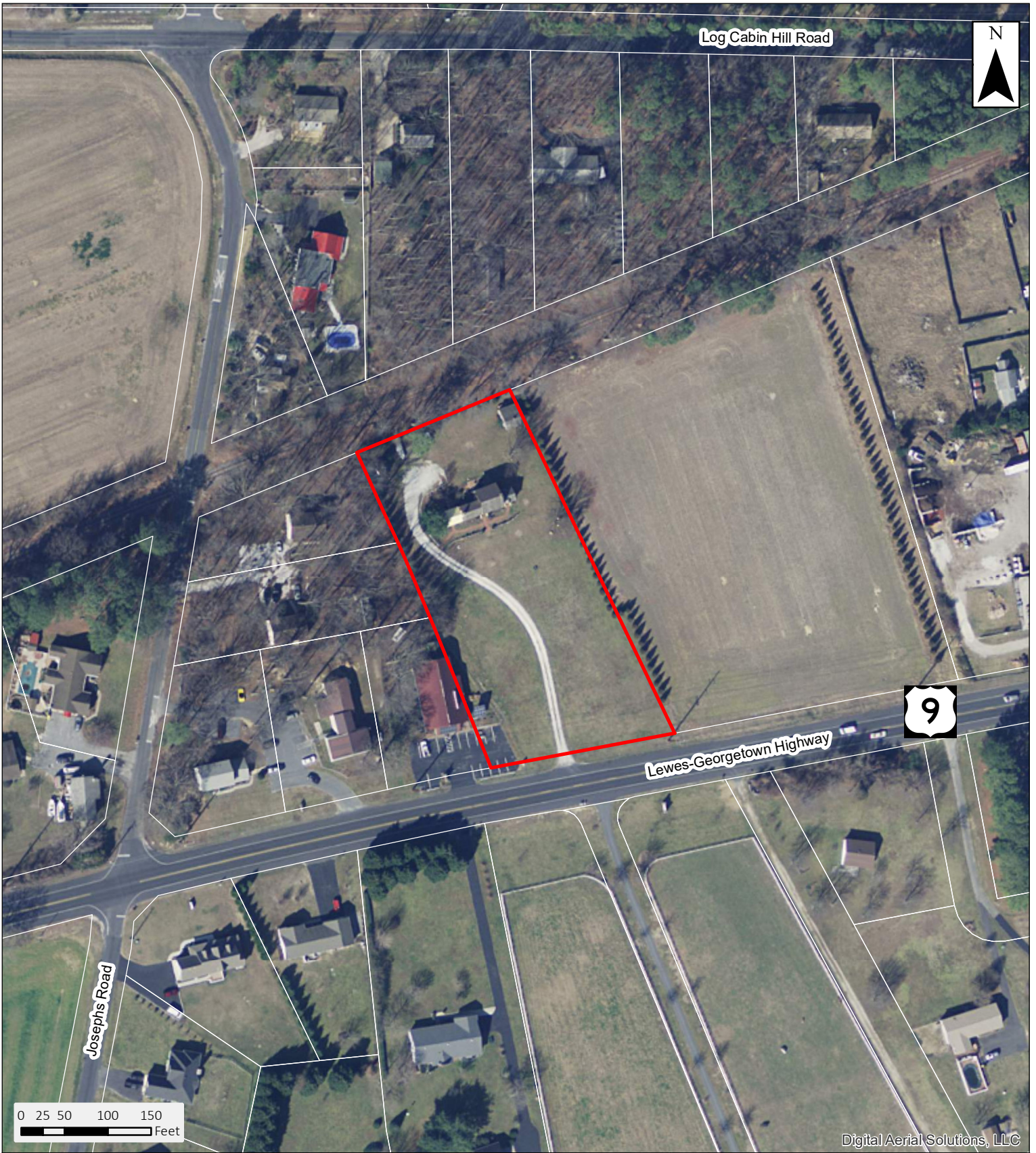


Figure 2 of 19.

2

2012 Orthophoto

Capstone Homes Center

PDYER19001



Subject Property



Other Tax Parcels



Figure 3 of 19.

3

2007 Orthophoto

Capstone Homes Center

PDYER19001



Subject Property



Other Tax Parcels



Figure 4 of 19.

4

2002 Orthophoto

Capstone Homes Center

PDYER19001



- Subject Property
- Other Tax Parcels

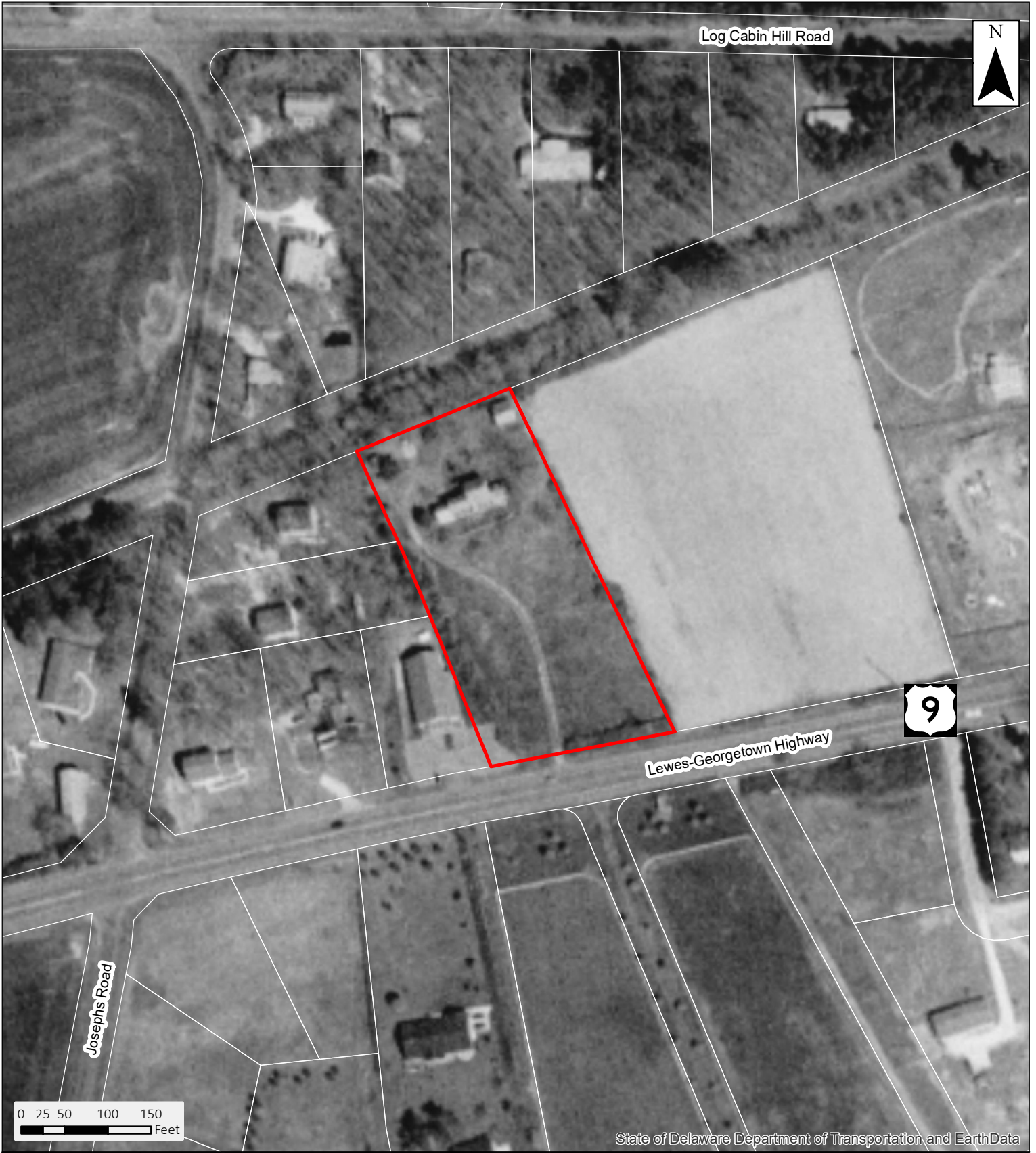


Figure 5 of 19.

5

1997 Orthophoto

Capstone Homes Center

PDYER19001



Subject Property



Other Tax Parcels



Figure 6 of 19.

6

1992 Orthophoto

Capstone Homes Center

PDYER19001



Subject Property



Other Tax Parcels



Figure 7 of 19.

7

1968 Orthophoto

Capstone Homes Center

PDYER19001



Subject Property



Other Tax Parcels

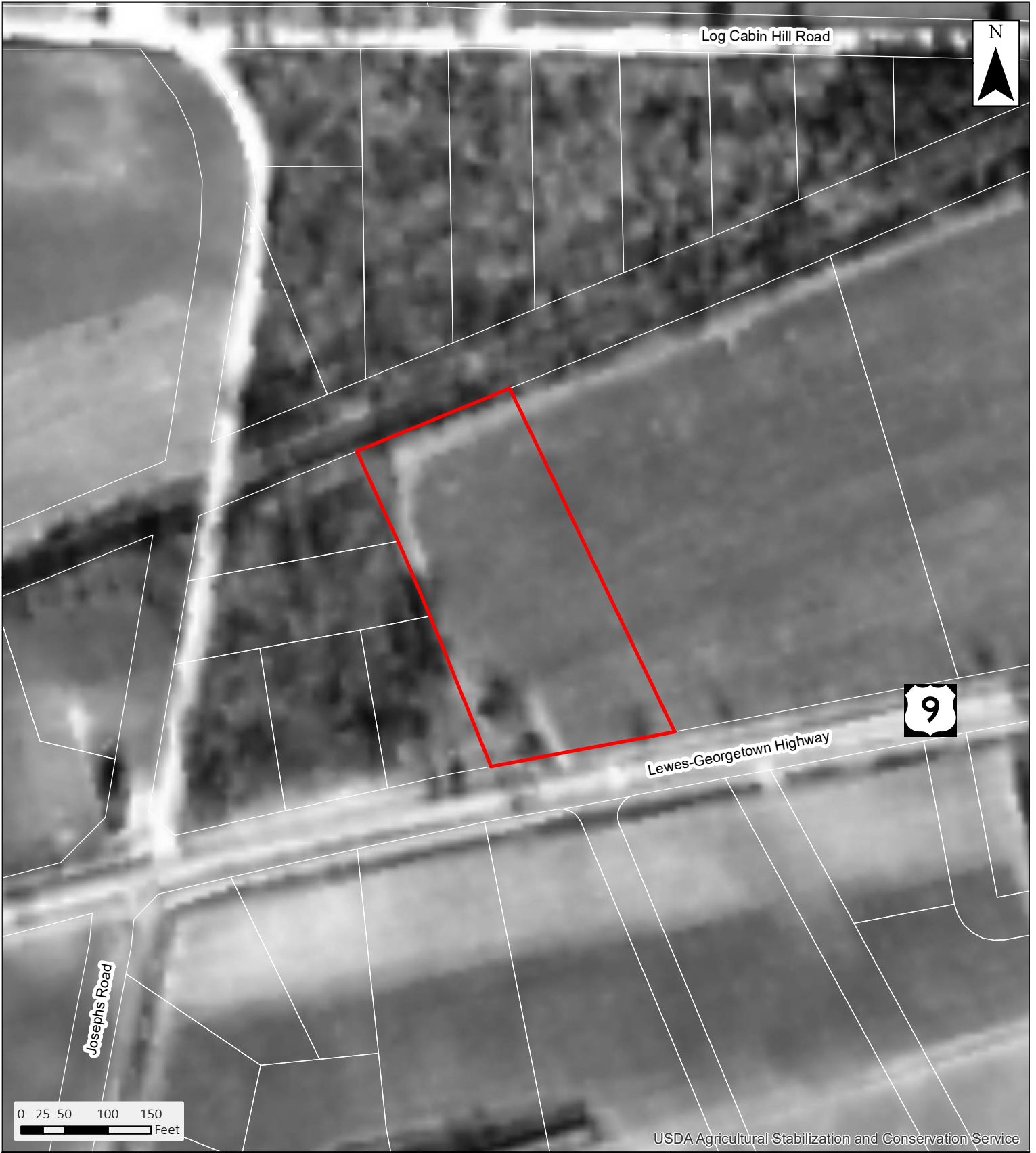


Figure 8 of 19.

8

1961 Orthophoto

Capstone Homes Center

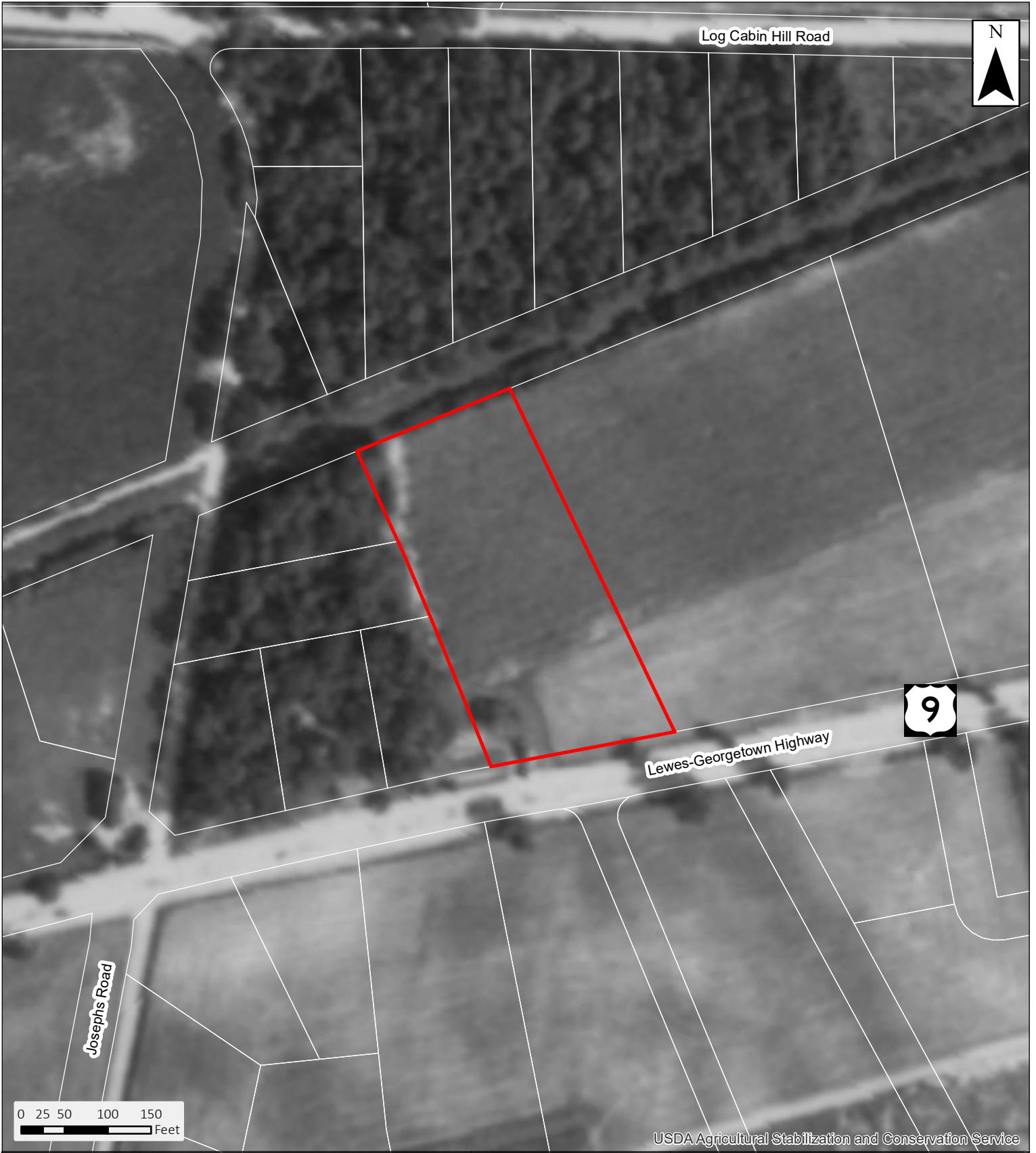
PDYER19001



Subject Property



Other Tax Parcels



USDA Agricultural Stabilization and Conservation Service

Figure 9 of 19. 9	1954 Orthophoto		
	Capstone Homes Center		
	PDYER19001		



Figure 10 of 19.

10

1937 Orthophoto

Capstone Homes Center

PDYER19001



Subject Property



Other Tax Parcels

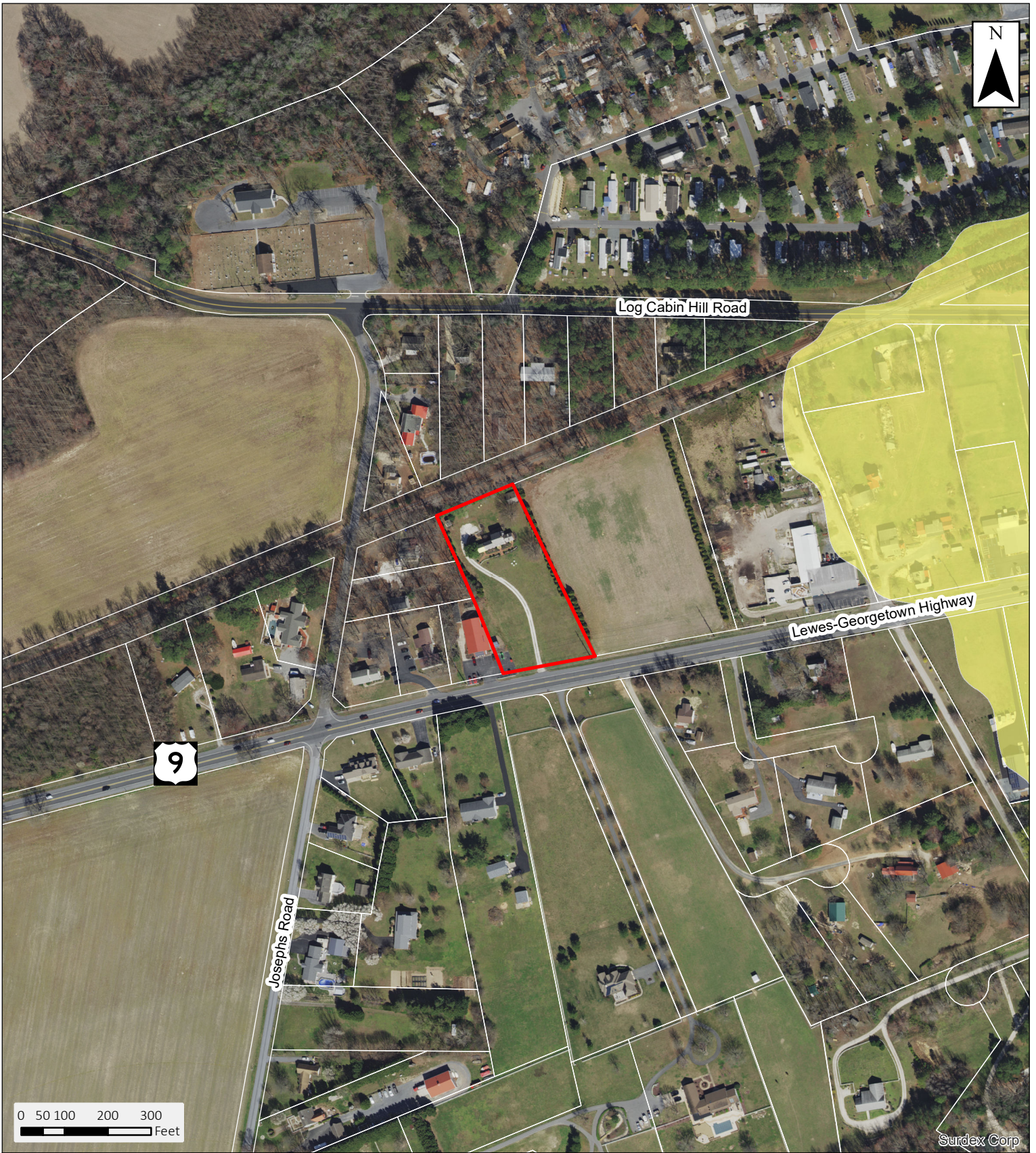


Figure 11 of 19.

11

2015 State Strategies
& Investment Levels

Capstone Homes Center

PDYER19001



Investment Level

Level 3

Level 4

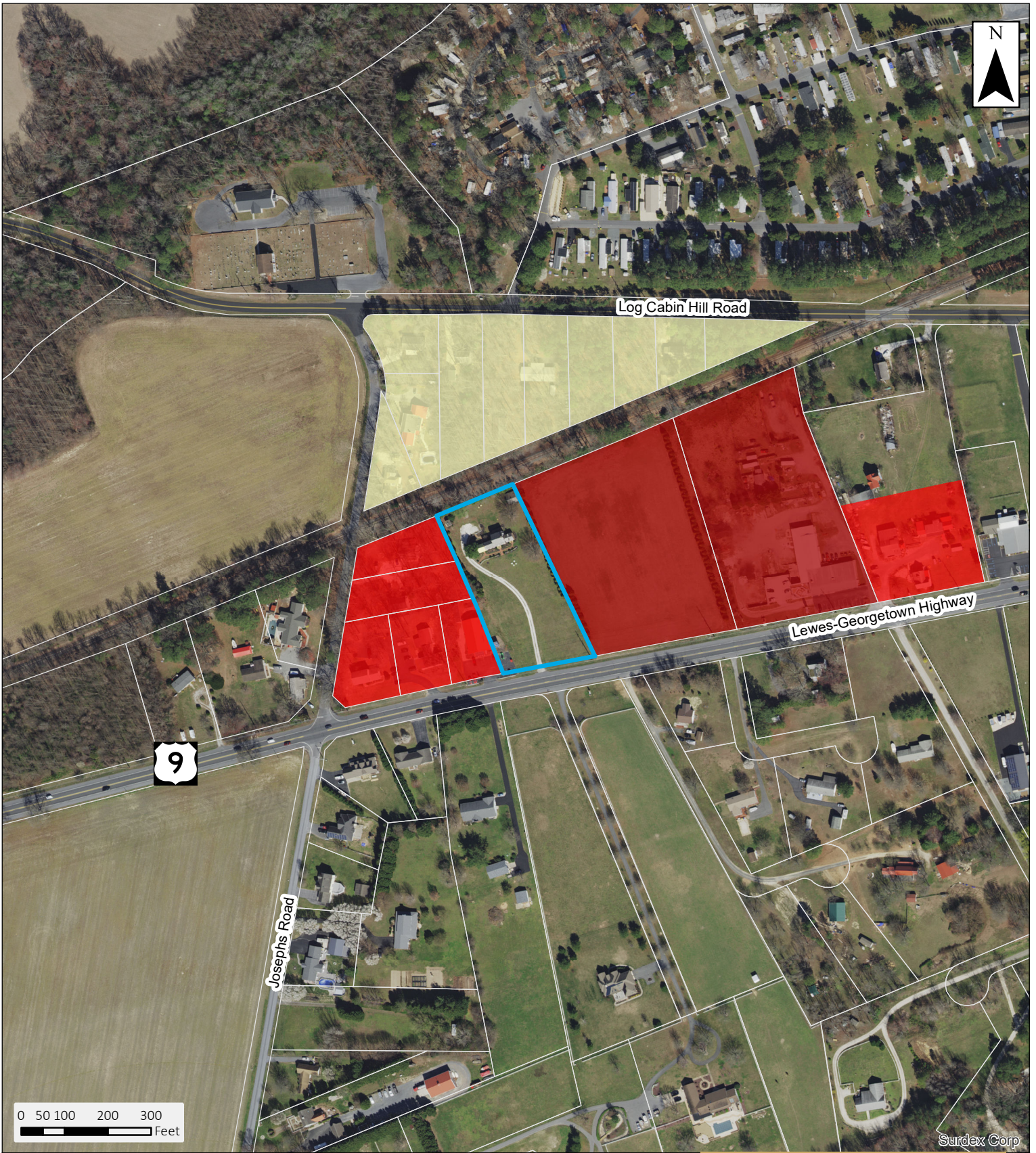


Figure 12 of 19.

12

County Zoning Map

Capstone Homes Center

PDYER19001



- Agricultural Residential 1 (AR-1)
- Agricultural Residential 2 (AR-2)
- Commercial Residential (CR-1)
- General Commercial (C-1)

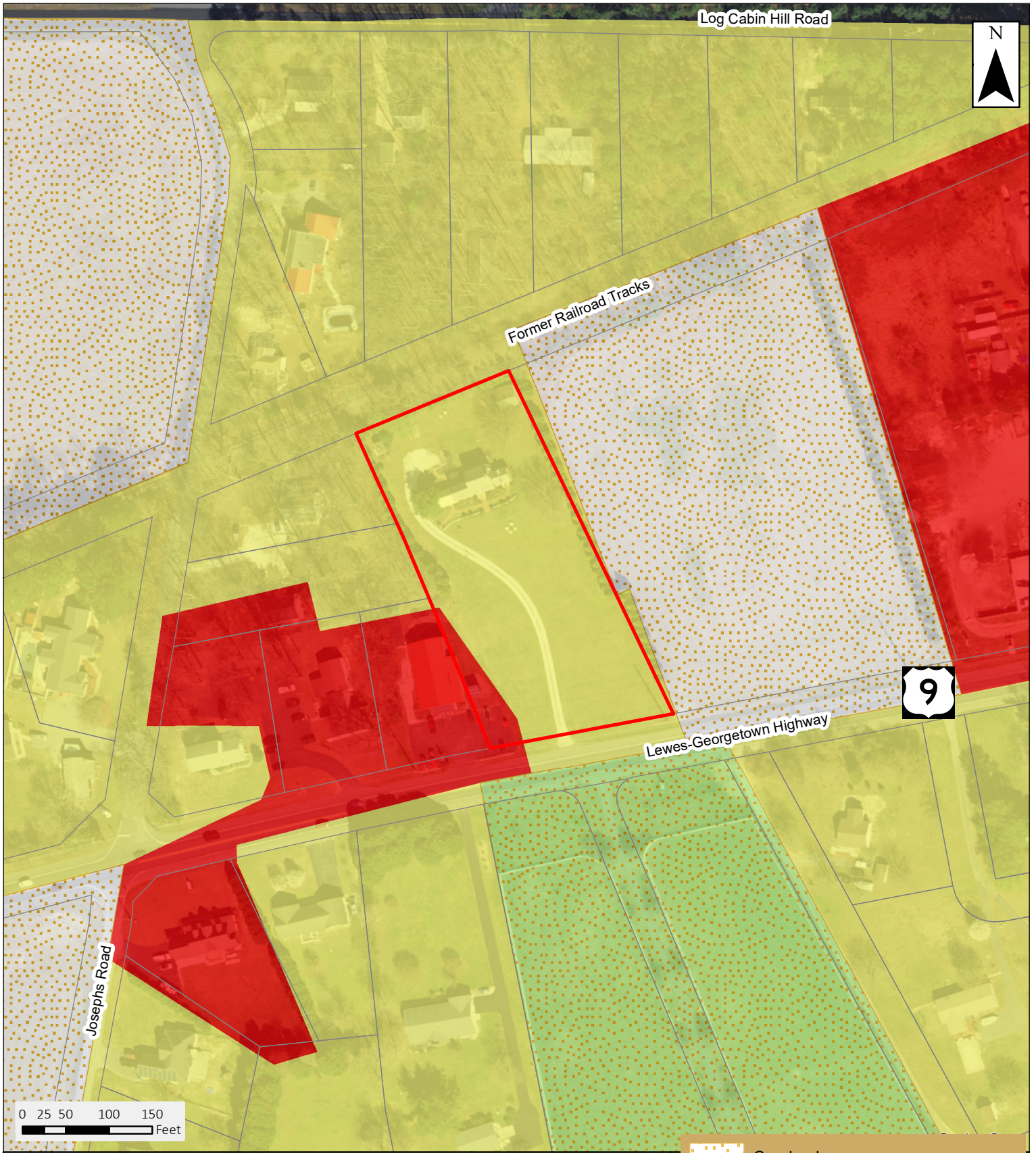


Figure 13 of 19.





13

2012 Land Use/Land Cover

Capstone Homes Center

PDYER19001



-  Cropland
-  Other Agriculture
-  Retail Sales/Wholesale/Professional
-  Single Family Dwellings

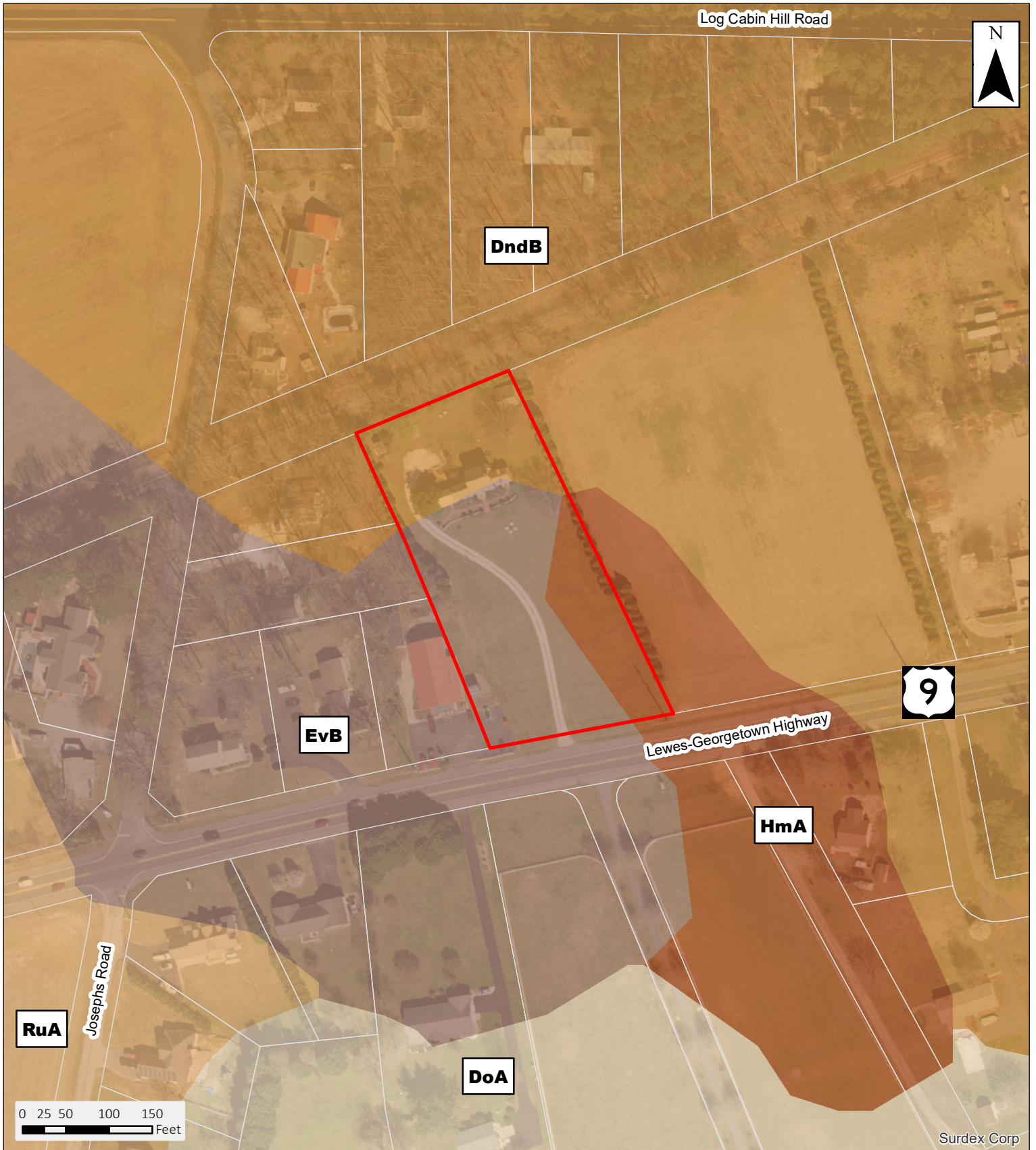


Figure 14 of 19.

14

NRCS Soils Map

Capstone Homes Center

PDYER19001



Soil Types:

- DndB - Downer loamy sand, 2-5% slopes, Northern Tidewater Area
- EvB - Evesboro loamy sand, 0-5% slopes
- HmA - Hammonton loamy sand, 0-2% slopes

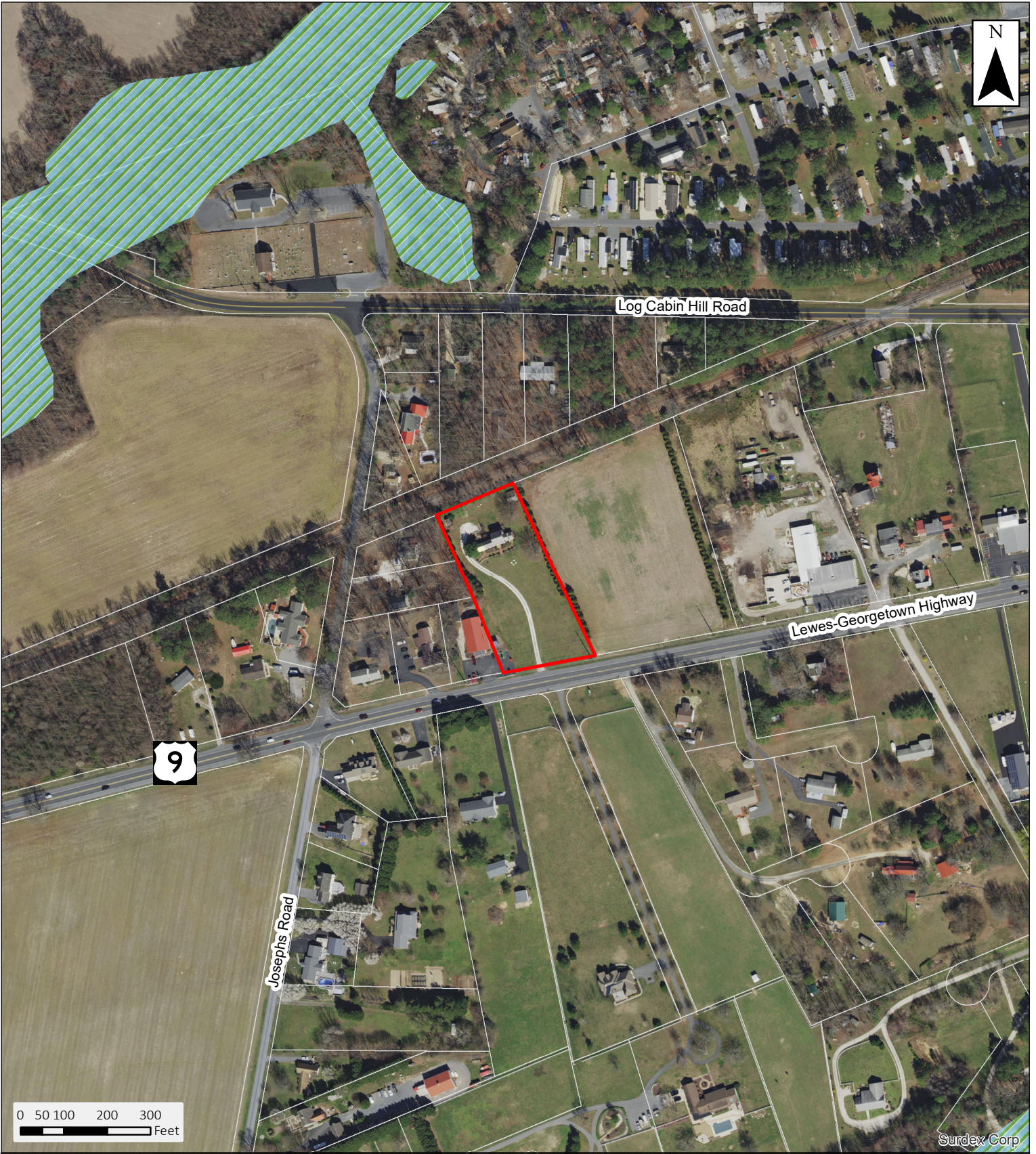


Figure 15 of 19.

15

State Wetlands Map

Capstone Homes Center

PDYER19001



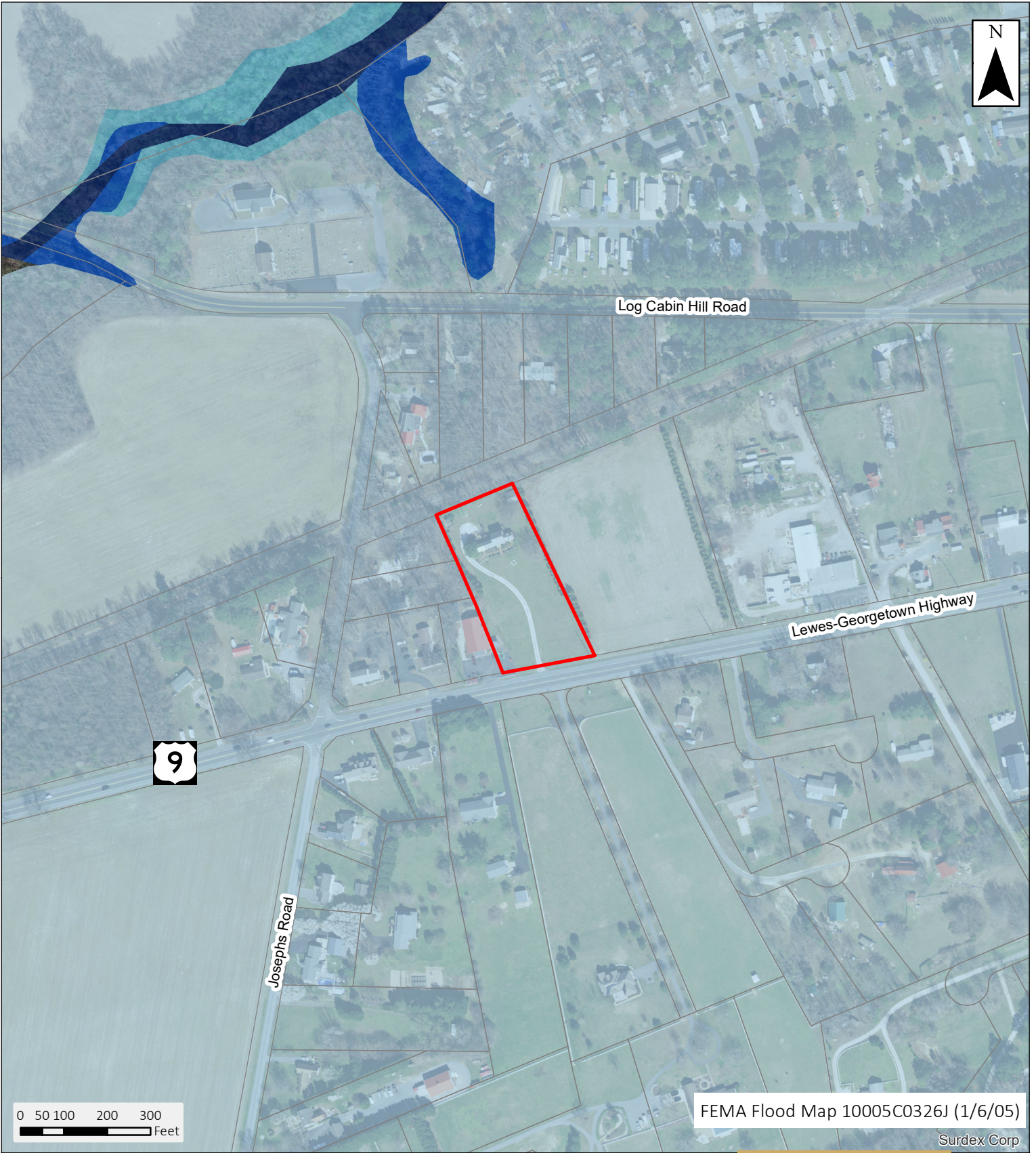


Figure 16 of 19.

16

FEMA Floodplain Map

Capstone Homes Center

PDYER19001



- Zone AE
- Zone AE, Floodway
- Zone X, Shaded
- Zone X, Unshaded

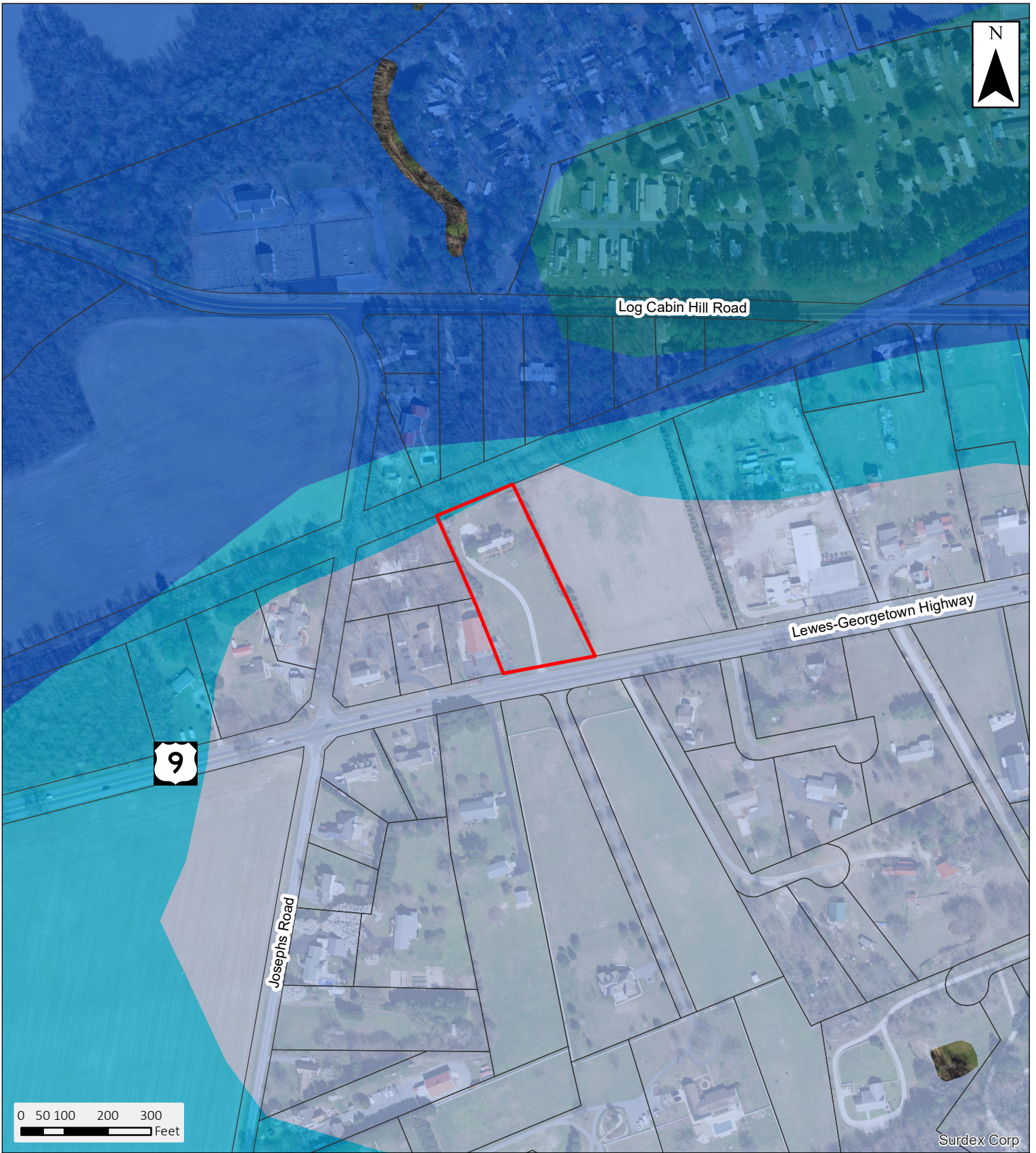


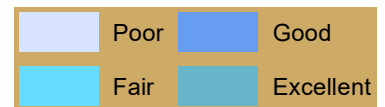
Figure 17 of 19.

17

Groundwater Recharge Quality

Capstone Homes Center

PDYER19001



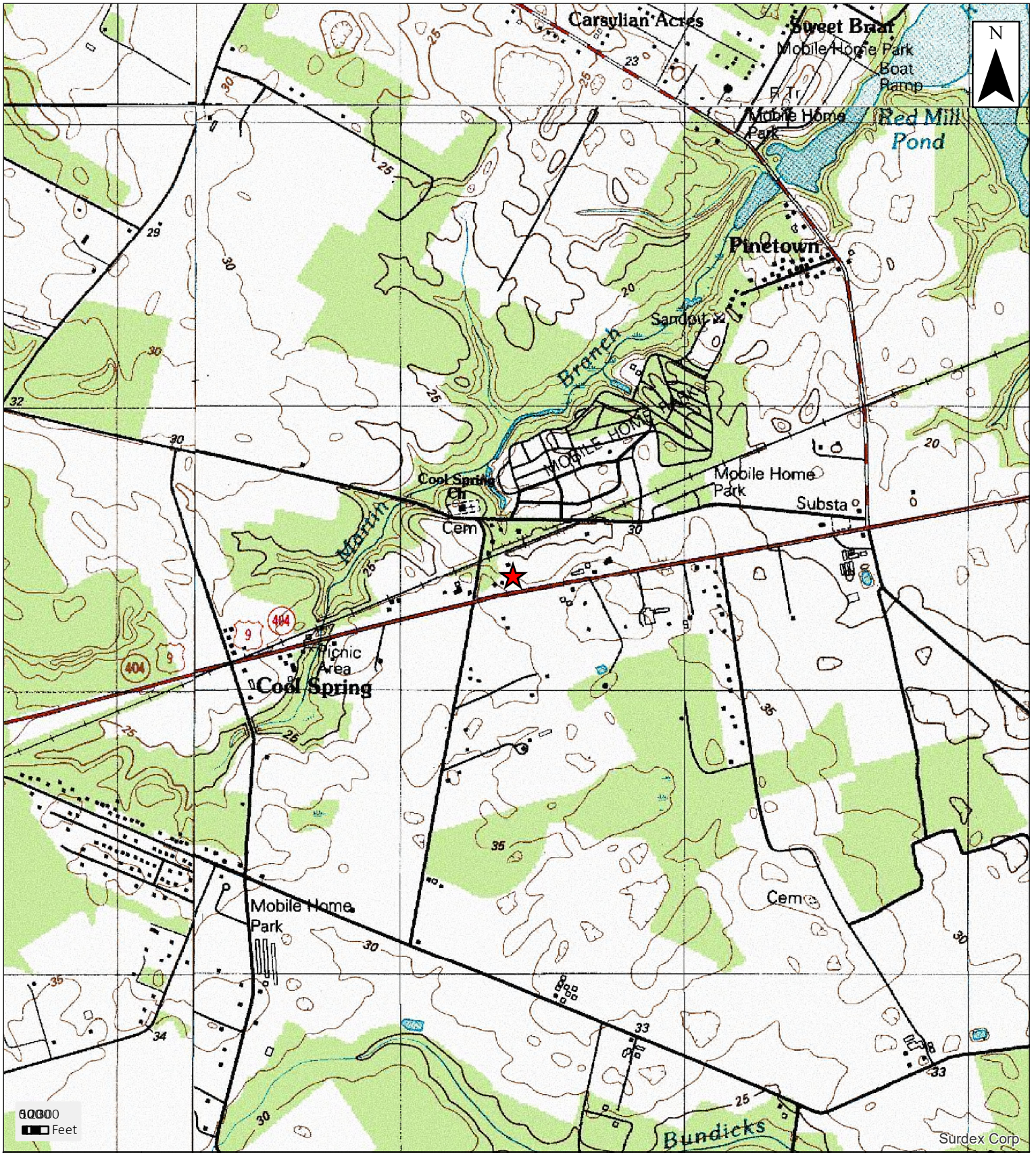


Figure 18 of 19.

18

USGS Topographic Map

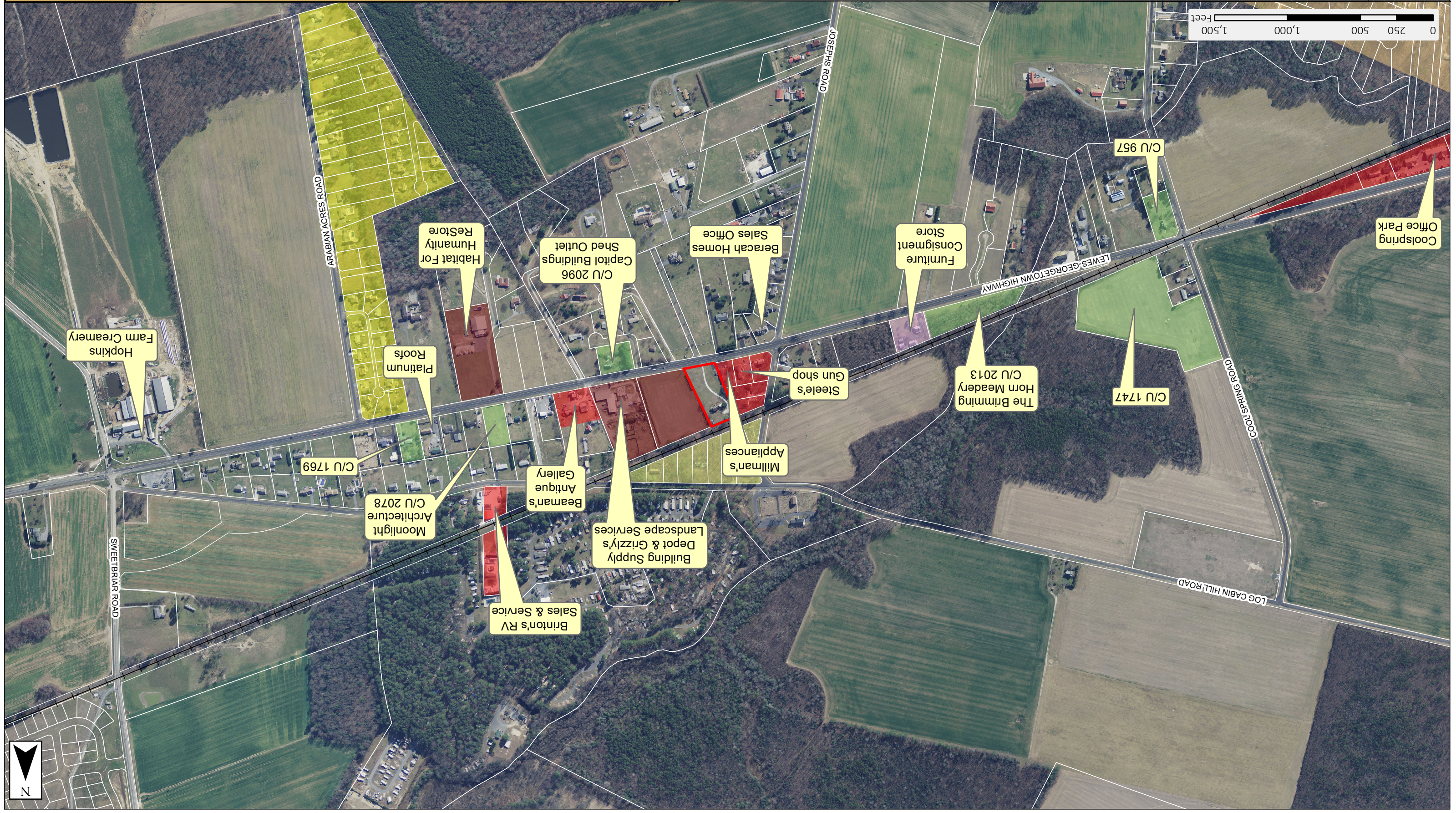
Capstone Homes Center

PDYER19001



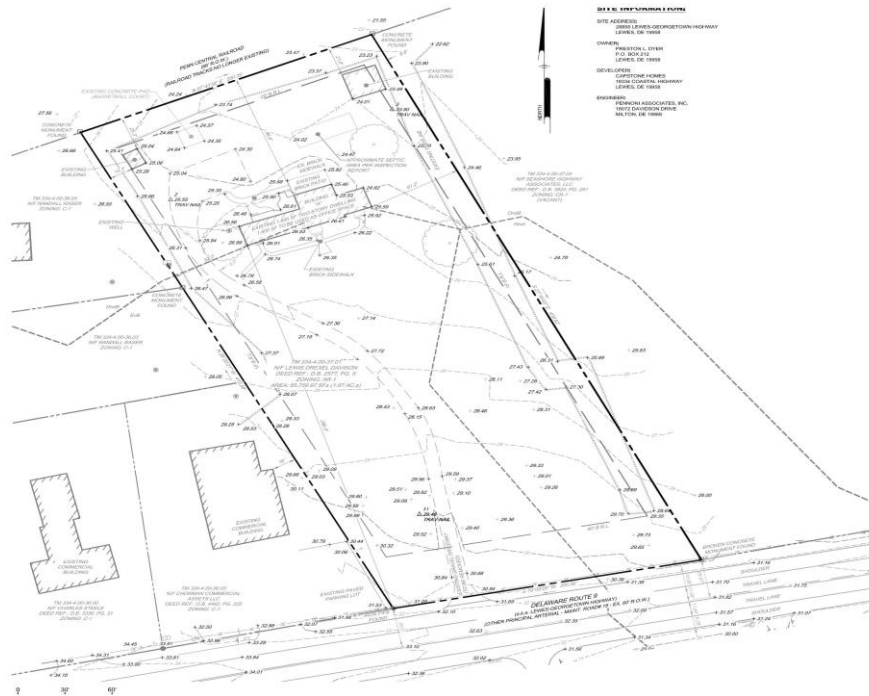


AR-2	AR-1 (Unshaded)	CR-1	GR	B-1	MR	C-1
Conditional Uses						



CAPSTONE HOMES SALES CENTER
PRESTON L. DYER | JOSEPH REED | JAKE BOOTH
CHANGE OF ZONE #1897
PROPOSED FINDINGS OF FACT

1. This is an application to grant a rezoning of a portion of lands in a AR-1 Agricultural Residential District located on 1.97 acres, more or less in the Lewes and Rehoboth Hundred located on the north side of Lewes Georgetown Highway | US Route 9 (404) to C-2, Medium Commercial District.



2. The property is under contract to be purchased by Capstone Office, LLC which is to be assigned to Capstone Homes, LLC with the managing members as Preston L. Dyer, Joseph Reed and Jake Booth.



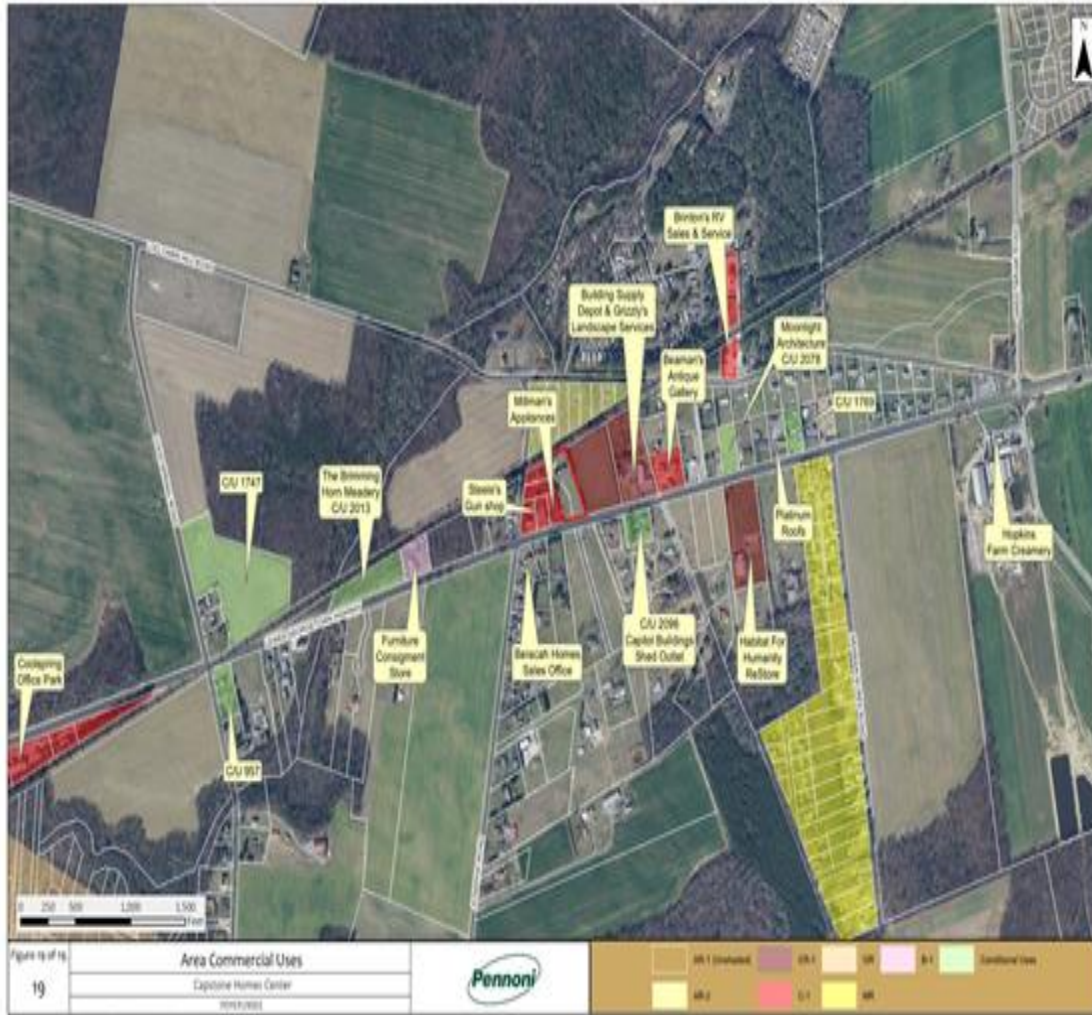
3. The property is identified on the tax maps of the Sussex County Department of Finance as Tax Map No. 334-4.00 Parcel 37.01.



4. The property is bordered on:
 - a. East and West with existing commercial property and uses.
 - b. North by Georgetown to Lewes Rails to Trails Path
 - c. South by US Route 9 (Lewes Georgetown Highway) a Principal Arterial Highway



- The Commercial Zoning is in the vicinity of other commercial zoned property and uses and will not diminish or impair property values within the neighborhood; will not create a public nuisance; or result in an increase in public expenditures.



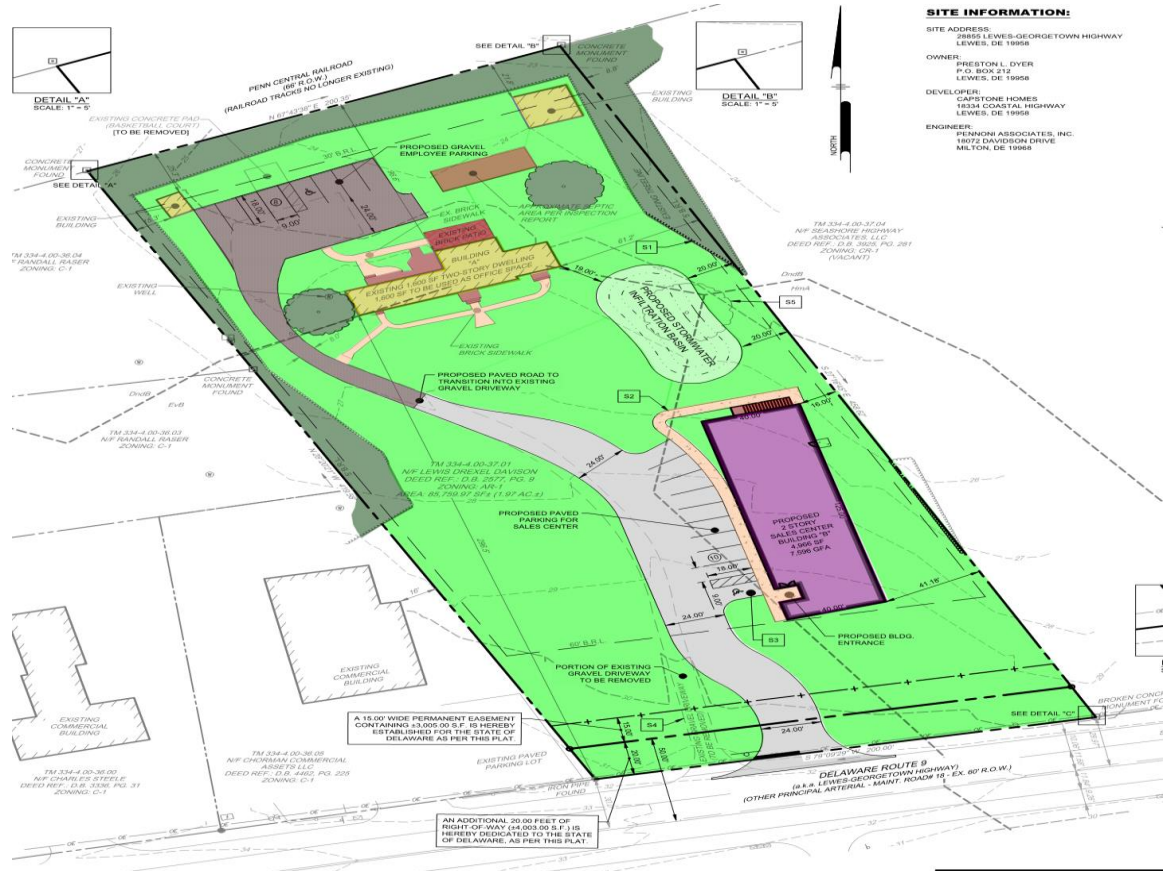
6. In the 2019 Sussex County Comprehensive Plan – the property proposed for rezoning for commercial property is identified to be in a Low-Density area and business development should be largely confined to businesses addressing the needs of nearby homes and agricultural activities. Since the comprehensive plan is a guide for the future use of land, the County’s official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
RURAL AREAS	
Low Density	Agricultural Residential District (AR-1) Business Community District (B-2) Medium Commercial District (C-2) Marine District (M) Institutional District (I-1) New Zoning Districts

Consistent with the Comprehensive Plan’s Future Land Use Chapter the County considers the development along US 9 as a business corridor with a mix of residential and commercial uses.

7. The purpose of the C-2 Medium Commercial District is to support uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and service businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.
8. In Ordinance 2550, Sussex County Council desired to create a more specific C-2 Medium Commercial zoning district with smaller, more related uses within the District to promote better planning and predictability within Sussex County.

9. The applicant proposes to utilize the existing building as a local office for the owners of the property and build a new sales center for Capstone Homes that is currently located on Delaware Route One in Lewes. Founded in 2006, Capstone Homes is locally owned and operated. Building nearly 100 homes per year, Capstone Homes offer each and every customer the ability to make custom changes and create custom options thus fulfilling a mission to build their customers home their way at an outstanding value with unparalleled quality.



10. There are no wetlands on the property; the property is located in a Flood Zone X Unshaded; there are no historical or natural features on the property ; stormwater will be onsite and use infiltration as its primary BMP for handling stormwater runoff; the properties are not in any Groundwater Protection Zones; the property is served by on-site wastewater disposal and an on-site domestic well.

11. The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 4. Although in a Level 4 area there is no plans for public expenditures for the property. All infrastructure needs will be funded by the applicant. Additional public infrastructure that will benefit the community, such as, road improvements and access improvements that will be paid for by the applicant. The property is not a stand-alone commercial property as it is adjacent and in the area of many other businesses.

12. The proposed rezoning meets the general purpose of the Zoning Ordinance being located in an appropriate location meeting the purpose of this district and the future land use plans, strategies and objectives of the comprehensive plan that promotes growth and development in area that is located along a Principal Arterial that will dedicate sufficient right-of-way for expansion of the highway and where a general mixture of commercial and service activity now exists, which is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.