

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date June 25, 2020.

Application: (2020-03) Lands of Cypress Point Properties, LLC

Applicant: Don Miller
1560 Middleford Road
Seaford, DE 19973

Owner: Cypress Point Properties, LLC
31875 Old Hickory Road
Laurel, DE 19956

Site Location: Located on the south side of Gordy Rd. (Rd. 70), approximately 0.31 miles east of Old Stage Rd. (Rd. 68)

Current Use: Residential

Proposed Use: Residential

Comprehensive Land Use Plan Reference: Low Density Areas

Councilmatic District: Mr. Rieley

School District: Laurel School District

Fire District: Laurel Fire District

Sewer: Private, On-site

Water: Private, On-site

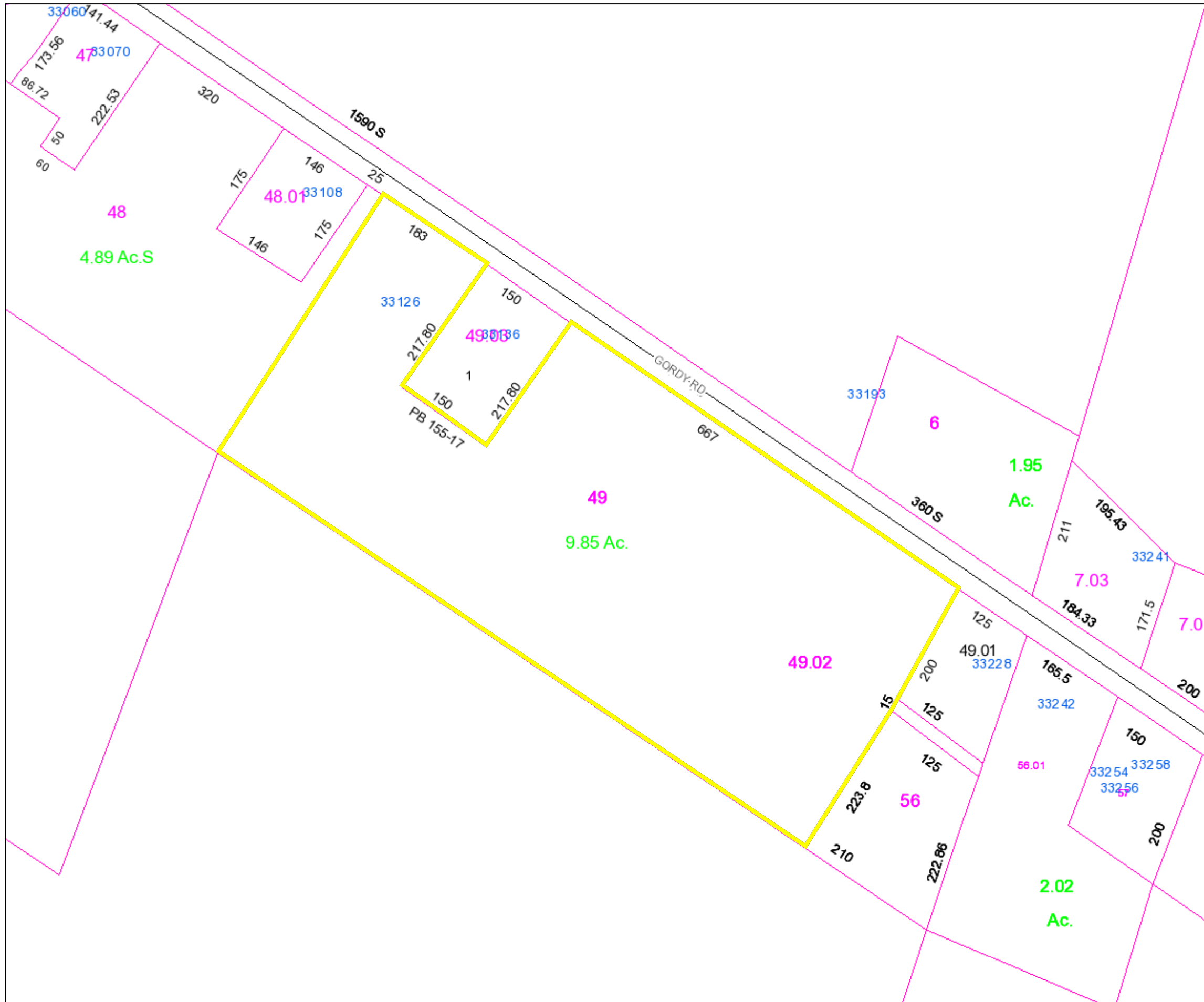
Site Area: 9.603 acres +/-

Tax Map ID.: 332-4.00-49.00





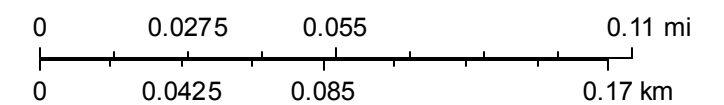
Sussex County



PIN:	332-4.00-49.00
Owner Name	CYPRESS POINT PROPERTIES LLC
Book	5181
Mailing Address	31875 OLD HICKORY RD
City	LAUREL
State	DE
Description	SW/RT 70
Description 2	1800'SE/RT 461
Description 3	N/A
Land Code	

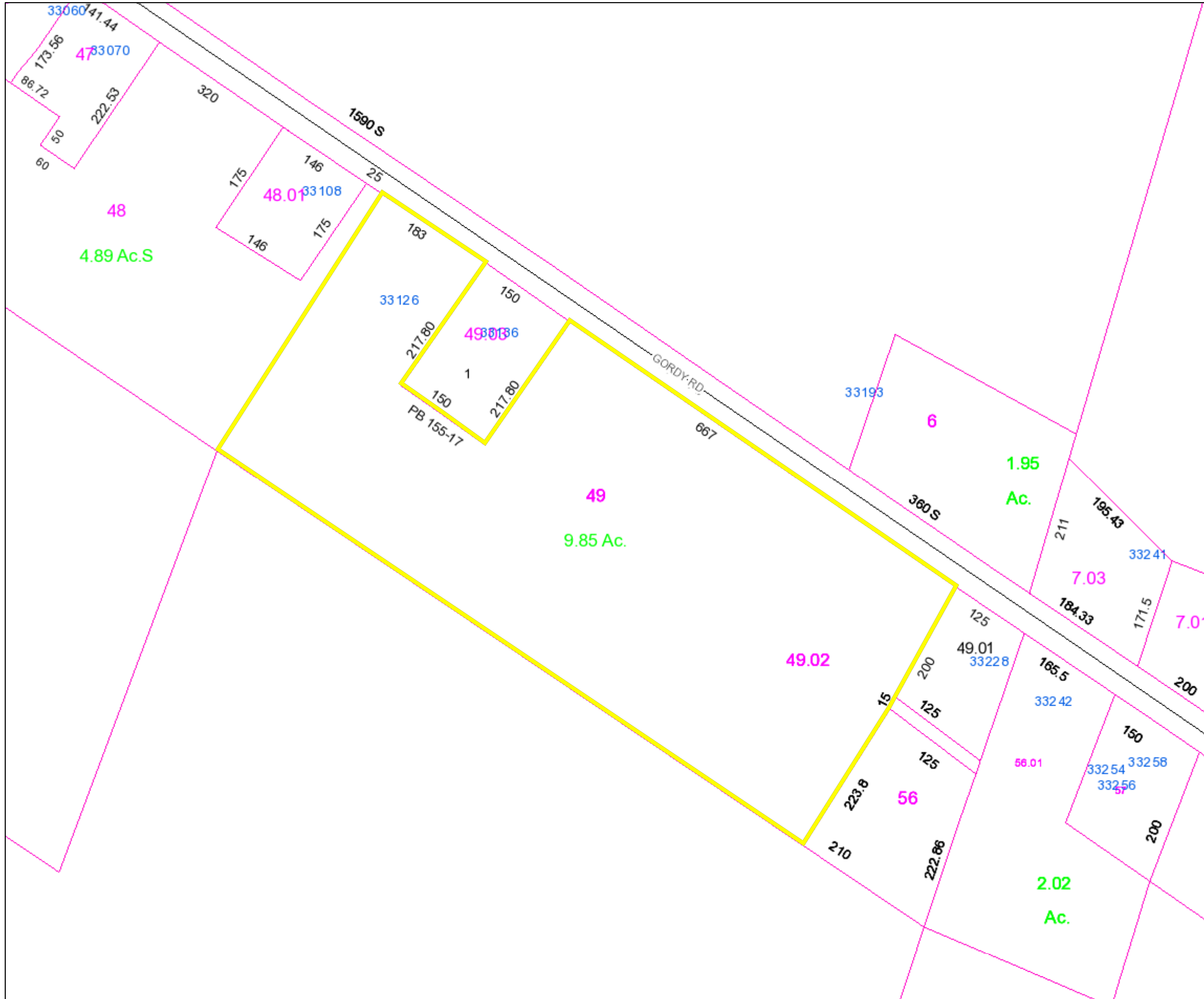
- polygonLayer**
Override 1
- polygonLayer**
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
- ▶ Tax Ditch Channel
- ⋯ Pond Feature
- ▬ Special Access ROW
- Extent of Right-of-Way
- DOE School Districts
- Municipal Boundaries

1:2,257



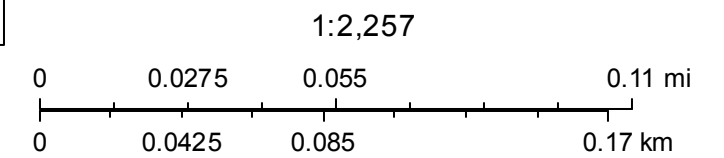


Sussex County



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





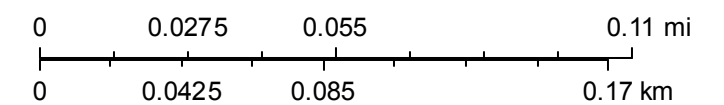
Sussex County



PIN:	332-4.00-49.00	
Owner Name	CYPRESS	POINT
	PROPERTIES LLC	
Book	5181	
Mailing Address	31875 OLD HICKORY RD	
City	LAUREL	
State	DE	
Description	SW/RT 70	
Description 2	1800'SE/RT 461	
Description 3	N/A	
Land Code		

- polygonLayer**
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- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- DOE School Districts
- Municipal Boundaries

1:2,257



Sussex County Major Subdivision Application

Sussex County, Delaware

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

Type of Application: (please check applicable)

Standard:

Cluster:

ESDDOZ:

Location of Subdivision:

SOUTH SIDE GORDON ROAD, 0.31 MILES EAST OF OLD STAGE RD.

Proposed Name of Subdivision:

CYPRESS POINT PROPERTIES, LLC

Tax Map #: 332-4.00-49.00 Total Acreage: _____

Zoning: AR Density: 0.51 Minimum Lot Size: 1.24 Ac Number of Lots: 4

Open Space Acres: NONE

Water Provider: INDIV - ON SITE Sewer Provider: INDIV - ON SITE

Applicant Information

Applicant Name: DON MILLER

Applicant Address: 1560 MIDDLEFORD RD

City: SEAFORD State: DE Zip Code: 19973

Phone #: 629-9895 E-mail: donmiller@millerlewisinc.com

Owner Information

Owner Name: D. EDWARD DUCKS

Owner Address: 15151 BAKER MILL ROAD

City: SEAFORD State: DE Zip Code: 19973

Phone #: 302-542-2256 E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____

Agent/Attorney/Engineer Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

___ Completed Application

___ Provide fifteen (15) copies of the Site Plan or Survey of the property and a PDF (via e-mail)

- o Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. Per Subdivision Code 99-22, 99-23 & 99-24
- o Provide compliance with Section 99-9.
- o Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

___ Provide Fee \$500.00

___ Optional - Additional information for the Commission to consider (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

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

___ PLUS Response Letter (if required)

___ 51% of property owners consent if applicable

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

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

Signature of Applicant/Agent/Attorney

W. K. Mills

Date: 2/20/20

Signature of Owner

D. Edward Fisher

Date: 2/20/2020

For office use only:

Date Submitted: 2/20/2020

Staff accepting application: RUSTY

Location of property: 332-4.00-49.00

Fee: \$500.00 Check #: 1739

Application & Case #: 202001989

Date of PC Hearing: _____

Recommendation of PC Commission: _____



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

JENNIFER COHAN
SECRETARY

January 27, 2020

Mr. Jamie Whitehouse, Acting Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

SUBJECT: Minor Subdivision - Letter of No Objection to Recordation
~~KERNODLE CONSTRUCTION INC.~~ NAME CHANGE ONLY: CYPRESS POINT PROPERTIES, LLC
Tax Parcel # 332-4.00-49.00
SCR070-GORDY ROAD
Little Creek (Sussex) Hundred, Sussex County

Dear Ms. Cornwell:

The Department of Transportation has reviewed the Minor Subdivision Plan dated December 20, 2019 (last revised January 21, 2020), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) 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.

Entrances(s) must be installed prior to the sale of the lot(s). All entrances shall conform to DelDOT's [Development Coordination Manual](#) and shall be subject to its approval. **This letter does not authorize the commencement of entrance construction.**

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

ERNODLE CONSTRUCTION INC.

Mr. Jamie Whitehouse

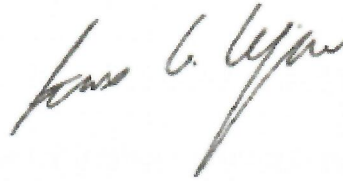
Page 2

January 27, 2020

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

The owner shall be responsible to submit a copy of the **recorded Minor Subdivision Plan** showing all appropriate signatures, seals, plot book and page number to the South District Public Works office (302) 853-1341 in order to obtain the entrance permit(s) for the proposed minor subdivision.

Sincerely,



Stephen Wright
Kent County Review Coordinator
Development Coordination

cc: Donald Miller, Miller Lewis
Rusty Warrington, Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
William Kirsch, South District Entrance Permit Supervisor
Shannon Anderson, South District Public Work Admin Specialist
Todd Sammons, Subdivision Engineer
John Andrescavage, Sussex County Reviewer



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL

DIVISION OF WATER
21309 BERLIN ROAD, UNIT 2
GEORGETOWN, DELAWARE 19947

GROUNDWATER
DISCHARGES

PHONE
(302) 856-4561

March 26, 2020

Cypress Point Properties, LLC
31875 Old Hickory Road
Laurel, DE 19956

RE: Soil Feasibility Study
Tax Map No.: P/O 3-32-4.00-49.00
Proposed lots 3, 4, 5 & 6

Dear Cypress Point Properties, LLC:

The Department of Natural Resources and Environmental Control (the Department) received a submission from Eastern Shore Soil Services (ESSS) on March 24, 2020, requesting a non-binding statement of feasibility. The submission is reportedly to satisfy local government approval processes for subdivision. The submittal consists of four site evaluation reports (less approval pages). The site evaluation reports include a written summary, soil profile notes and a site evaluation plot pertaining to the proposed lot for which the report was prepared. The plots show the locations of soil borings and areas mapped by ESSS as being feasible for on-site wastewater treatment and disposal systems (OWTDS).

Background Information

The property is located along the southwest side of Gordy Road just southeast of Old Stage Road, Sussex County, Delaware. The owner proposes to subdivide the 9.85± acre property, hereafter referred to as the project site. Based on information shown by the site evaluation plots and a review of a 2020 aerial photograph the proposed lots consist of cultivated land.

Soils Investigations by ESSS and Discussion

Three soil borings (SB) were performed and logged by ESSS on each proposed lot as part of the 2020 evaluation. In addition, unlogged soil borings were conducted during a 2018 soil reconnaissance mapping. Based on information submitted by ESSS it appears that the evaluated area encompasses two map units, the low-pressure pipe (LPP) map unit and the sand mound (SM) map unit.

The LPP map unit makes up most of the evaluated area delineated by ESSS as being feasible for OWTDS. The LPP map unit has estimated limiting zones of from 27 to 41 inches below the soil

Cypress Point Properties, LLC
March 26, 2020
Page 3 of 3

Non-Binding Statement of Feasibility

Based on the information prepared, analyzed and presented by ESSS, it is the opinion of the Department that the proposed subdivision would be feasible for individual OWTDS in accordance with the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems, dated January 4, 1985, last amended on January 11, 2014, as long as judicious and coordinated use of land is exercised and areas delineated as being feasible for OWTDS as depicted by the site evaluation plots are accurate.

The comments in this letter are technical and are not intended to suggest that DNREC supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.

Sincerely,

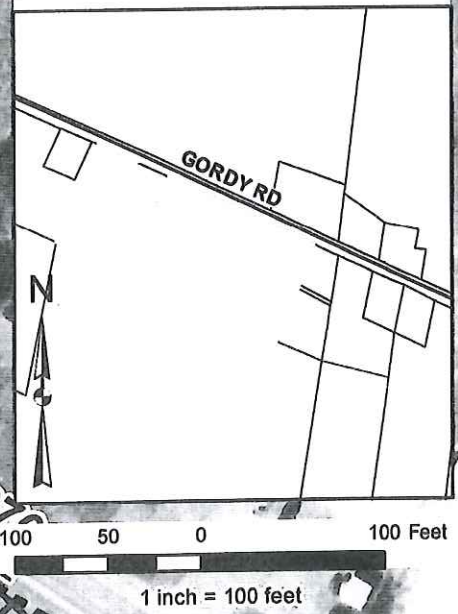
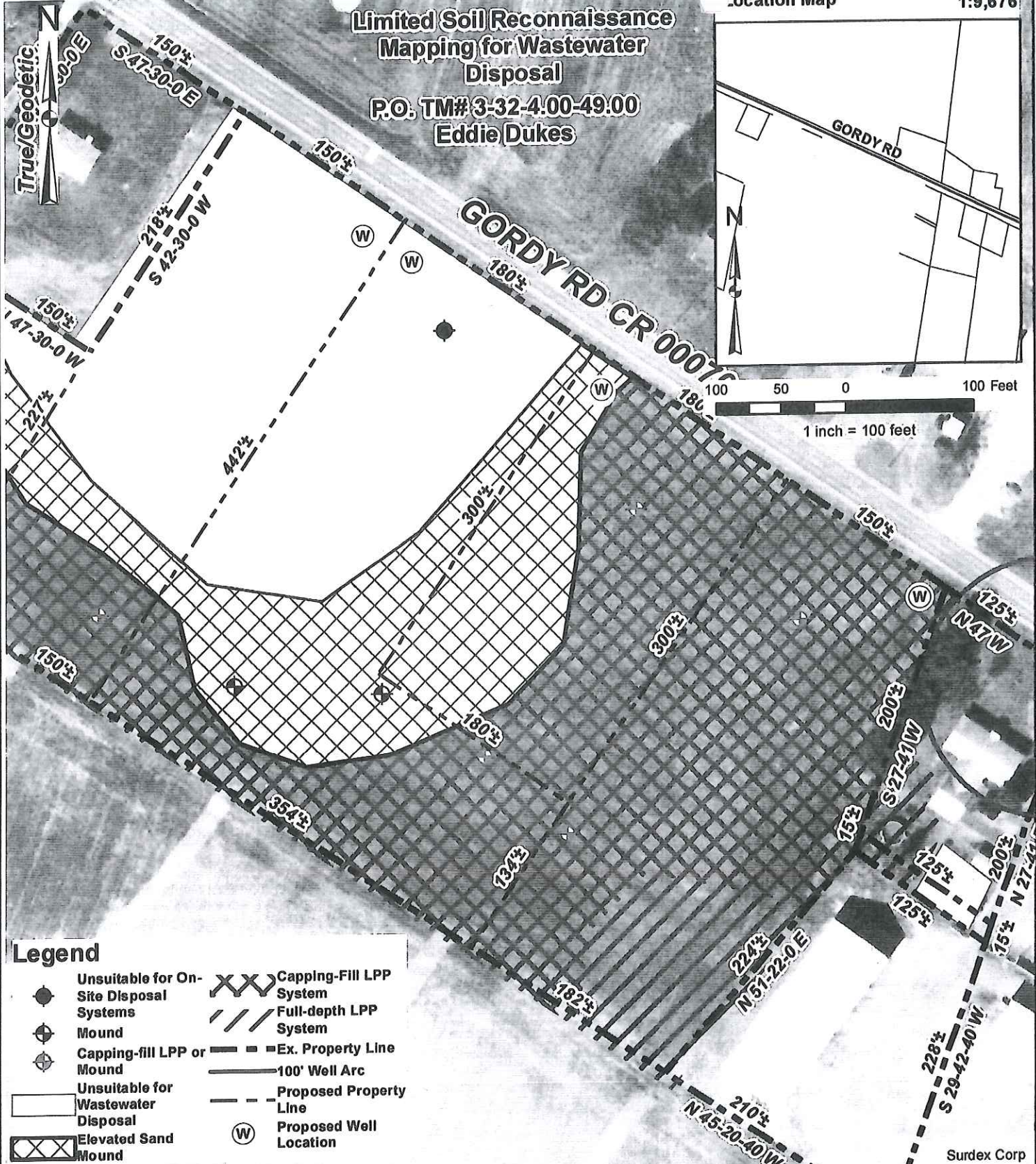


J. Scott Kline
Environmental Scientist

Cc: Bradley Cate – ESSS
file

Limited Soil Reconnaissance Mapping for Wastewater Disposal

P.O. TM# 3-32-4.00-49.00
Eddie Dukes



Legend

- Unsuitable for On-Site Disposal Systems
- Mound
- Capping-fill LPP or Mound
- Unsuitable for Wastewater Disposal
- Elevated Sand Mound
- Capping-Fill LPP System
- Full-depth LPP System
- Ex. Property Line
- 100' Well Arc
- Proposed Property Line
- Proposed Well Location

Note: This map is a reconnaissance level map only that is intended to predict the outcome of individual site evaluations. Soil boundaries are inferred from elevational data, aerial photography, and observed soil properties. Actual site evaluations have more closely spaced borings that provide better resolution of soil boundaries and properties. Differences in outcome between this mapping and site evaluations may be more or less favorable. Suitability of individual borings indicated in the Legend does not guarantee the existence of a similarly suitable area and may represent anomalies.

Eastern Shore Soil Services
 Environmental Consulting:
 Soil Mapping, Land Use Planning, Wetland Studies,
 Site Evaluations, Environmental Permits
 P.O. Box 411, Georgetown, DE 19947
 Phone: (302) 856-1633
 P.O. Box 411, Sevens, IL 61074
 Phone: (815) 273-3550
 Email: ees@erics.net



MILLER
LEWIS, INC. LAND SURVEYING

Planning & Zoning Commission

P.O. Box 417

Georgetown, DE 19947

May 22, 2020

RE: Cypress Point Properties

T.M. #332-4.00-49.00

On behalf of the owners, it is hereby requested that waivers of the requirements
For a topographic survey and forested buffer strip be permitted.

Sincerely,



Donald K. Miller PLS 407

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **6/11/2020**

APPLICATION: **2020-03 – Lands of Cypress Point Properties, LLC**

APPLICANT: **Don Miller**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **332-4.00-49.00**

LOCATION: **Located on the south side of Gordy Road (CR 70),
approximately 0.31 miles east of Old Stage Rd. (CR 68).**

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

GROSS
ACREAGE: **9.85 +/-**

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

SEWER:

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

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

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

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

(8). Comments: **The proposed subdivision of land is in a Tier 4 area for sanitary sewer service. Therefore, the Sussex County Engineering Department does not have a schedule to provide sanitary sewer service.**

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

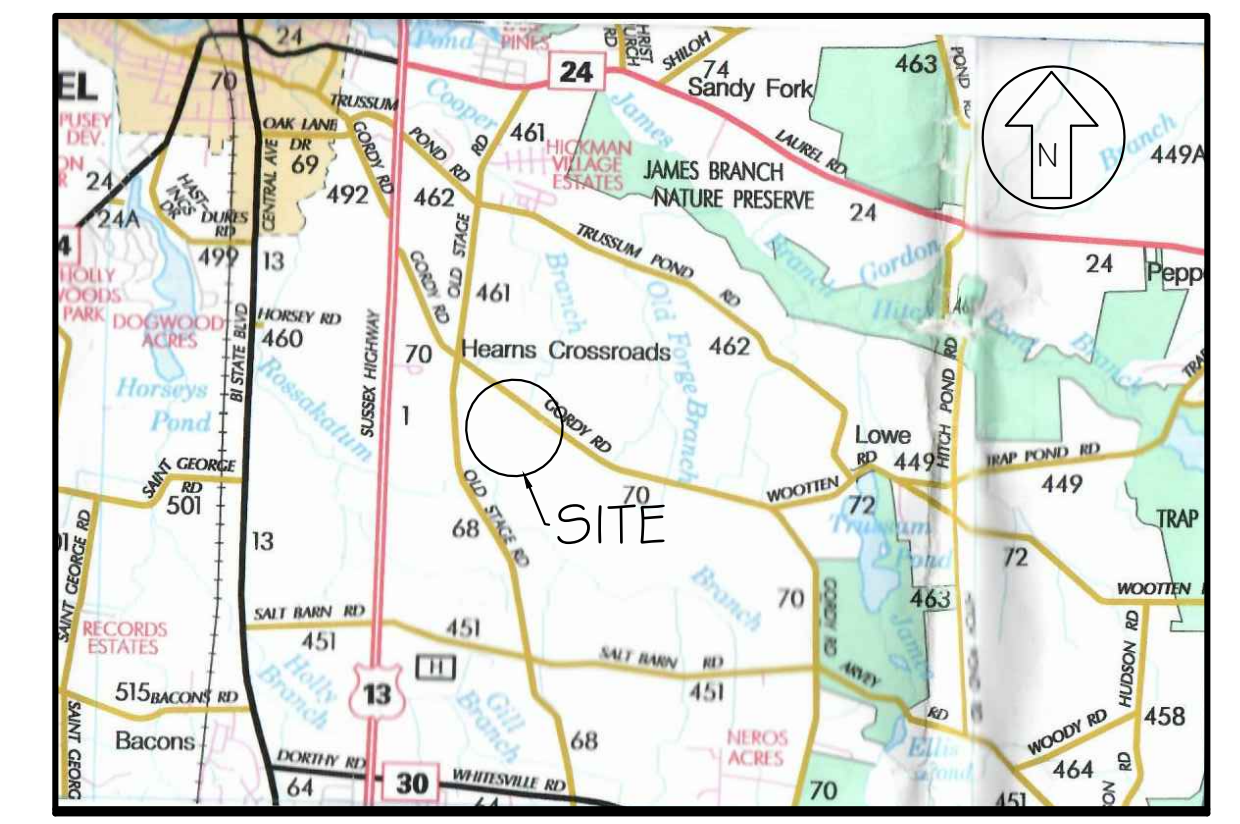
(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



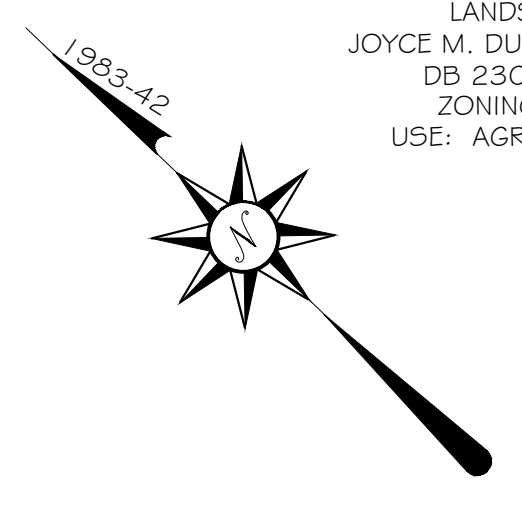
John J. Ashman
Director of Utility Planning

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

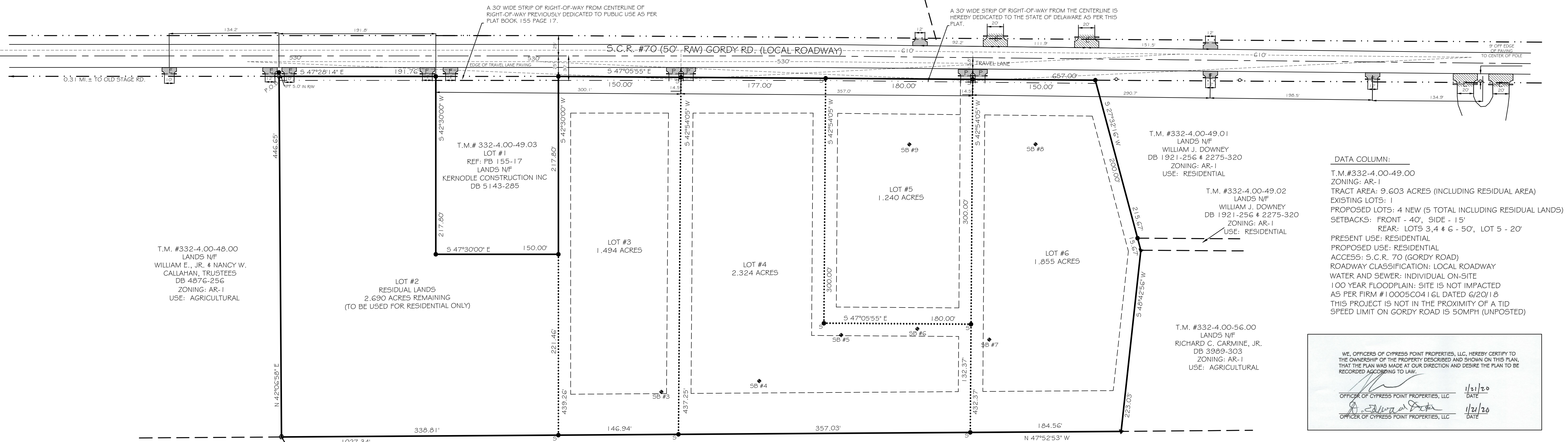


VICINITY MAP
SCALE 1" = 1 MILE

T.M. #332-4.00-5.00
LANDS N/F
JOYCE M. DULIN, TRUSTEE
DB 2308-286
ZONING: AR-1
USE: AGRICULTURAL



T.M. #332-4.00-6.00
LANDS N/F
JOYCE M. DULIN, TRUSTEE
DB 2308-286
ZONING: AR-1
USE: RESIDENTIAL



DATA COLUMN:
T.M.#332-4.00-49.00
ZONING: AR-1
TRACT AREA: 9.603 ACRES (INCLUDING RESIDUAL AREA)
EXISTING LOTS: 1
PROPOSED LOTS: 4 NEW (5 TOTAL INCLUDING RESIDUAL LANDS)
SETBACKS: FRONT - 40', SIDE - 15'
REAR: LOTS 3,4 # 6 - 50', LOT 5 - 20'
PRESENT USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL
ACCESS: S.C.R. 70 (GORDY ROAD)
ROADWAY CLASSIFICATION: LOCAL ROADWAY
WATER AND SEWER: INDIVIDUAL ON-SITE
100 YEAR FLOODPLAIN: SITE IS NOT IMPACTED
AS PER FIRM #10005C041 GL DATED 6/20/18
THIS PROJECT IS NOT IN THE PROXIMITY OF A TID
SPEED LIMIT ON GORDY ROAD IS 50MPH (UNPOSTED)

WE, OFFICERS OF CYPRESS POINT PROPERTIES, LLC, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.

OFFICER OF CYPRESS POINT PROPERTIES, LLC
DATE 1/21/20

OFFICER OF CYPRESS POINT PROPERTIES, LLC
DATE 1/21/20

SUSSEX CONSERVATION DISTRICT APPROVAL:

DIRECTOR _____ DATE _____

SUSSEX COUNTY APPROVAL:

SECRETARY OF PLANNING & ZONING COMMISSION _____ DATE _____

PRESIDENT OF COUNTY COUNCIL _____ DATE _____

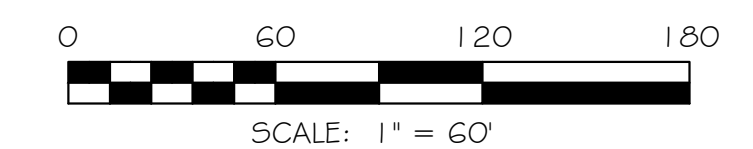
MINOR SUBDIVISION PLAN FOR

CYPRESS POINT PROPERTIES, LLC

OWNER ADDRESS: 31875 OLD HICKORY ROAD, LAUREL, DE. 19956
PHONE: 302-855-1005 (D. EDWARD DUKES)

- LEGEND:**
- UTILITY POLE
 - FIELD STONE (FOUND)
 - ▲ STEEL POST (FOUND)
 - IRON PIPE (FOUND)
 - IRON PIPE (SET)
 - POINT
 - ◆ SOIL BORING
 - ⌂ EXISTING ENTRANCE
 - ⌂ PROPOSED COMBINED ENTRANCE
 - EXISTING RIGHT-OF-WAY LINE
 - - - PROPOSED RIGHT-OF-WAY LINE
 - EXISTING PROPERTY LINE
 - CENTERLINE
 - NEXT PROPERTY LINE
 - PROPOSED PROPERTY LINE

- FIRE MARSHAL NOTES:**
- ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTION SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
 - MAXIMUM HEIGHT: 3 STORIES NOT TO EXCEED 42'.
 - A SINGLE FAMILY DWELLING IS PROPOSED.
 - BUILDING CONSTRUCTION TYPE: NFPA TYPE V WOOD FRAME.
 - AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.

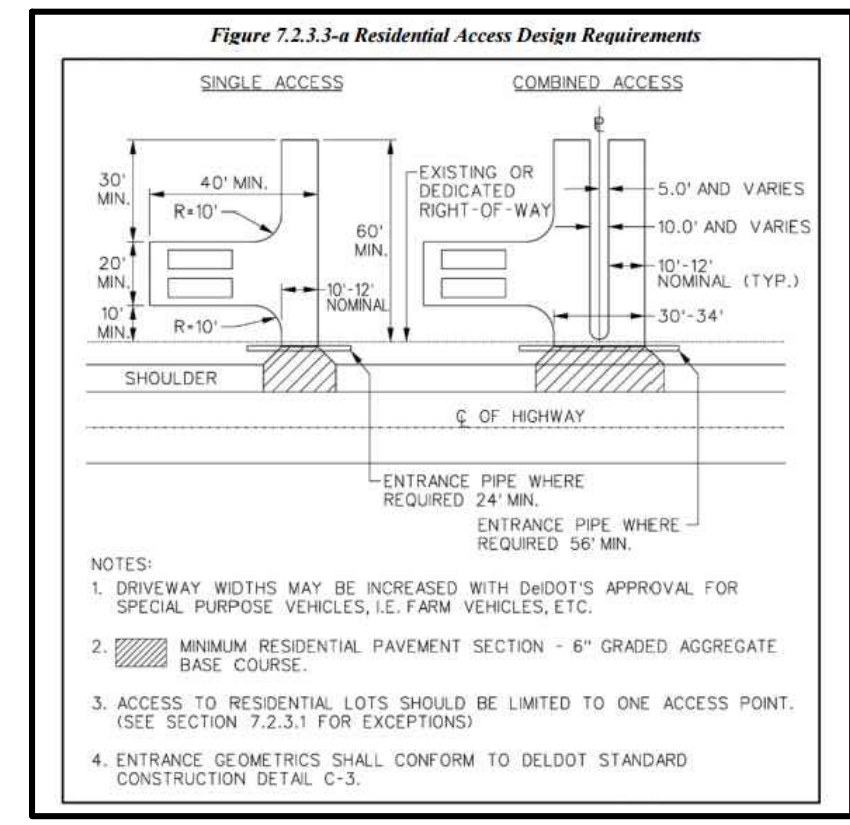


DATE	REVISION
1/7/2020	DEL. D.O.T. COMMENTS
1/21/2020	DEL. D.O.T. COMMENTS
5/21/2020	P & Z COMMENTS

I, DONALD K. MILLER, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

DONALD K. MILLER, PLS 407 _____ DATE _____

T.M. #332-4.00-42.00
LANDS N/F
CORDREY FARMS LLC
DB 3813-340
ZONING: AR-1
USE: AGRICULTURAL



- NOTES:**
- IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
 - ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DEL.D.O.T.'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
 - THERE IS A FIFTY FOOT BUILDING SETBACK FROM LANDS USED FOR AGRICULTURAL PURPOSES.
 - LOTS 3 & 4 AND LOTS 5 & 6 SHALL HAVE A COMBINED ACCESS ENTRANCE FROM SCR #70 AS SHOWN ON THIS PLAN.
 - A 30-FOOT WIDE STRIP OF RIGHT-OF-WAY FROM THE CENTERLINE IS HEREBY DEDICATED TO THE STATE OF DELAWARE AS PER THIS PLAT.
 - THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.

NOTE: SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.

MILLER LEWIS, INC.
LAND SURVEYING
1560 MIDDLEFORD RD.
SEAFORD, DELAWARE 19973
PH: 302-629-8895 FAX: 302-629-2391

HUNDRED	COUNTY
LITTLE CREEK	SUSSEX
STATE	DRAWN BY
DELAWARE	D.K. MILLER
REF.	DWG. NO.
DB 5143-282	NIBLETT 3-32-4-49

DECEMBER 20, 2019