

PLANNING & ZONING COMMISSION

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Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date May 13th, 2021

Application: Toback Subdivision (2021-17)

Applicant: Matthew Toback
35 Rodney Avenue, Unit 3
Dewey Beach, DE 19971

Owner: Toback Development, LLC
35 Rodney Avenue, Unit 3
Dewey Beach, DE 19971

Site Location: Corner of Prettyman Rd. (S.C.R. 254) and Lewes-Georgetown Hwy.
(Rt. 9)

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: 4 Single Family Lots as an AR-1 Standard Subdivision

Comprehensive Land
Use Plan Reference: Low Density Area

Councilmanic
District: Mr. Schaeffer

School District: Indian River School District

Fire District: Georgetown Fire Company

Sewer: Artesian

Water: Artesian

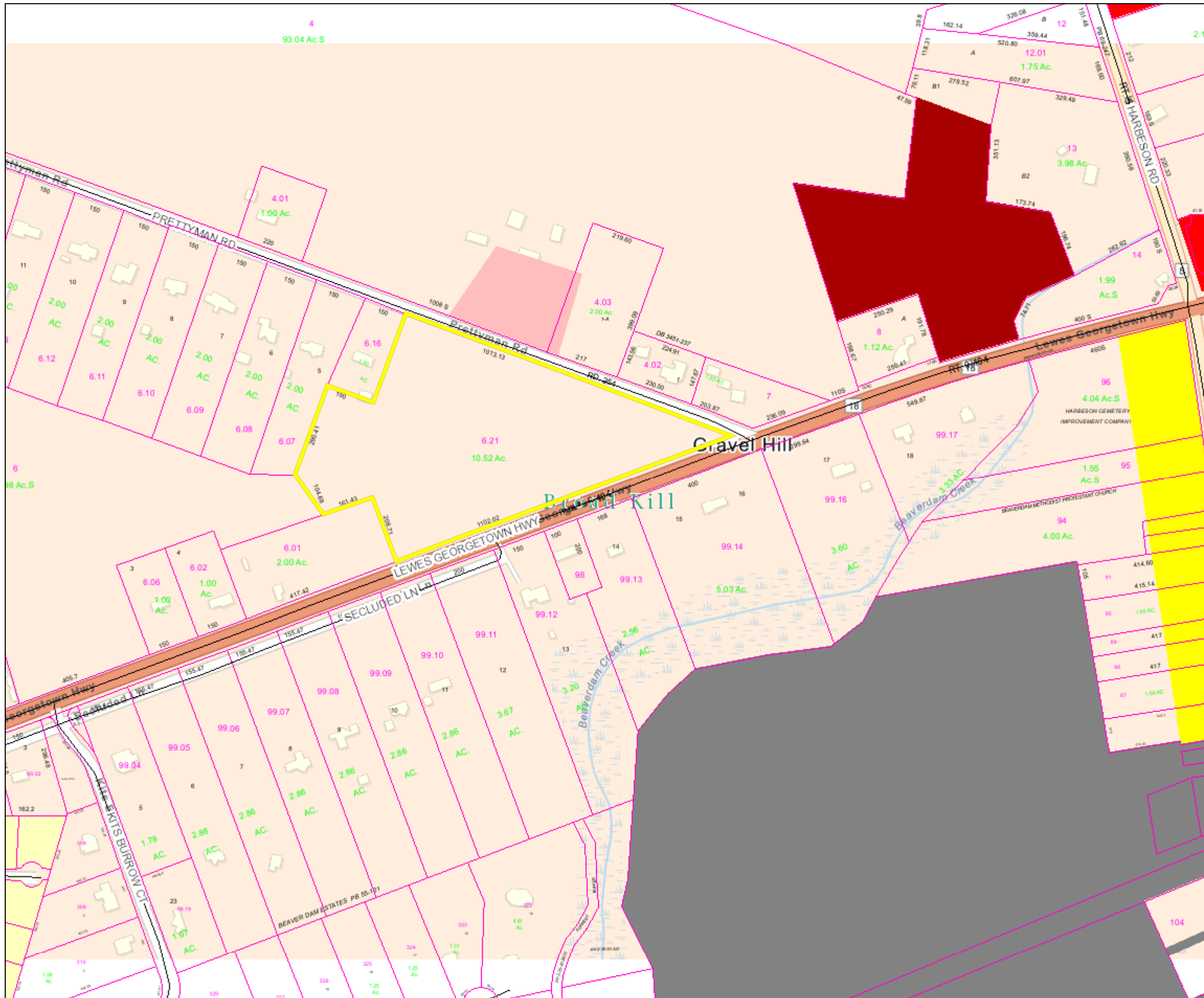
Site Area: 10.15 +/- acres

Tax Map ID.: 235-30.00-6.21





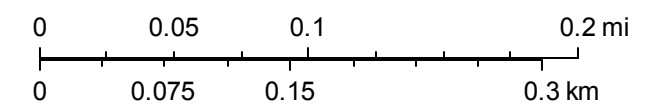
Sussex County



PIN:	235-30.00-6.21
Owner Name	TOBACK DEVELOPMENT LLC
Book	5401
Mailing Address	35 RODNEY AVE
City	REHOBOTH BEACH
State	DE
Description	CRN/ RT 9 & RD 254
Description 2	LOT 2
Description 3	FX
Land Code	

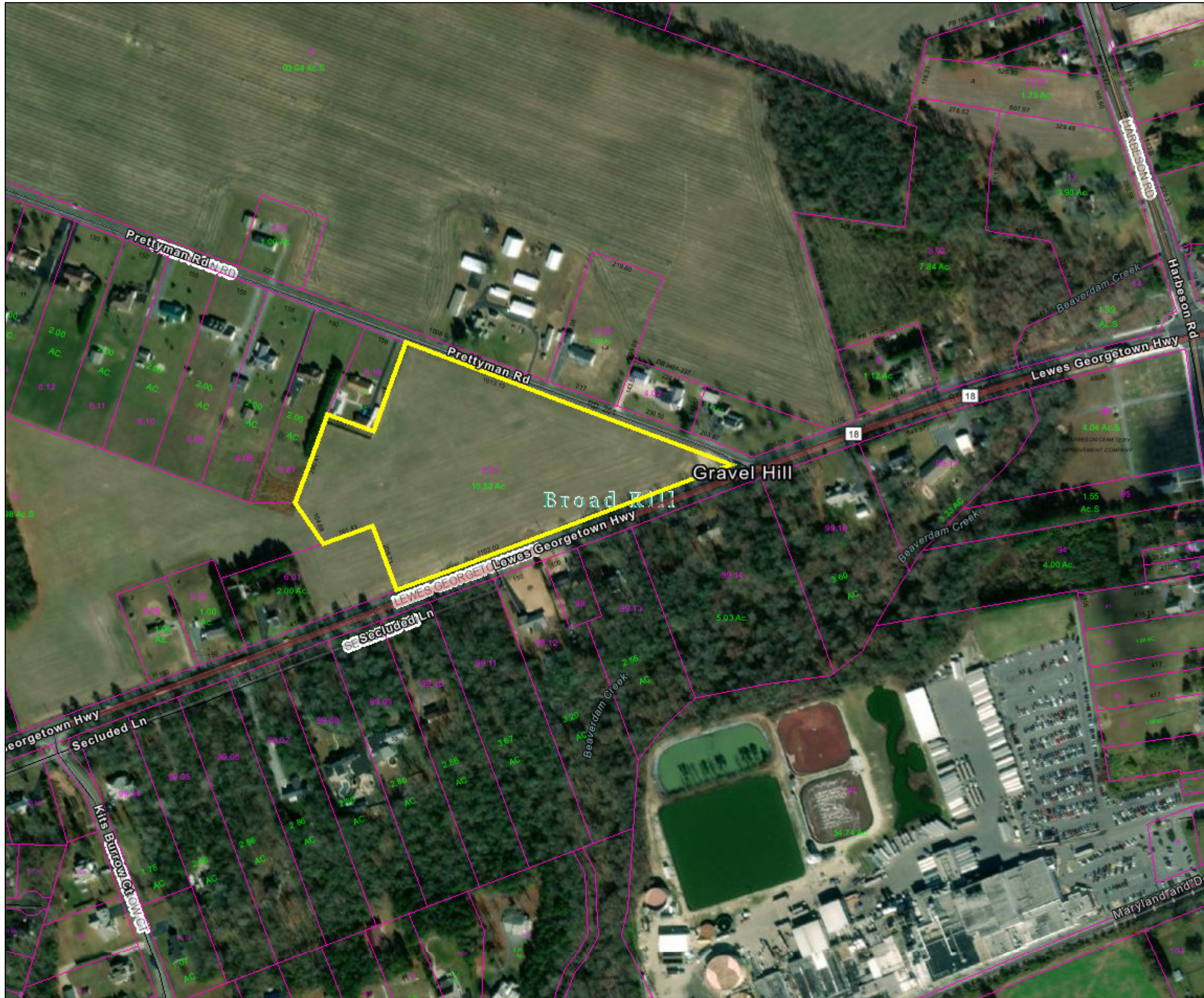
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| polygonLayer | Override 1 |
| polygonLayer | Override 1 |
| □ | Tax Parcels |
| — | Streets |

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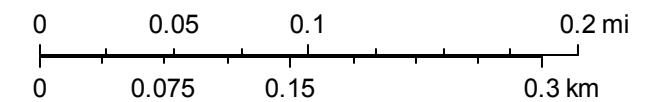
Sussex County



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Description 2	LOT 2
Description 3	FX
Land Code	

- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- Streets
- Hundred Boundaries
- County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - 2007 Head of Tide Wetlands (not regulatory)
 - Municipal Boundaries
 - TID

1:4,514



File #: 2021-17
Pre-App Date: 4/13/21

202105646

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:

Coastal Area:

Location of Subdivision:

Prettyman Rd & Rt. 9

Proposed Name of Subdivision:

Toback Subdivision

Tax Map #: 235.30.00-6.21 Total Acreage: 10.15 ac.

Zoning: AR-1 Density: _____ Minimum Lot Size: 0.75 Number of Lots: 4+resid.

Open Space Acres: _____

Water Provider: Artisian Sewer Provider: Artisian

Applicant Information

Applicant Name: Matthew Toback

Applicant Address: 35 Rodney Ave Unit 3

City: Dewey Beach State: DE Zip Code: 19971

Phone #: 302-228-6182 E-mail: matt@lewesbg.com

Owner Information

Owner Name: Toback Development c/o Matt Toback

Owner Address: 35 Rodney Ave Unit 3

City: Dewey Beach State: DE Zip Code: 19971

Phone #: 302-228-6182 E-mail: Matt@lewesbg.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____

Agent/Attorney/Engineer Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

Completed Application

Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)

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

Provide Fee \$500.00

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) Environmental Assessment & Public Facility Evaluation Report (if within Coastal Area)

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



Date: 4-19-21

Signature of Owner



Date: 4-14-21

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: Cash

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/5/2021**

APPLICATION: **2021-17 Toback subdivision**

APPLICANT: **Matthew Toback**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **235-30.00-6.21**

LOCATION: **Corner of Prettyman Road (SCR 254) and Lewes-Georgetown Highway (Rt. 9)**

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

GROSS
ACREAGE: **10.15 +/-**

RECEIVED

MAY 06 2021

SUSSEX COUNTY
PLANNING & ZONING

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

SEWER:

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

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

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


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

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

(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.
Lisa Walls
No Permit Tech Assigned



April 15, 2021

Sussex County Planning & Zoning
c/o Mr. Jamie Whitehouse
2 The Circle
Georgetown, DE 19947

Subject: Subdivision Request – TM: 235-30.00-6.21 (Toback)

Dear Mr. Whitehouse,

On behalf of our client Matt Toback (Toback Development LLC), thank you for time meeting on April 14, 2021 and thank you for your explanation of the process requiring this submission to be heard by the Planning Commission. While all aspects of the plan would normally meet the condition for MINOR SUBDIVISION, “Any subdivision fronting on an existing street not involving any new street and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provisions or portion of the County Comprehensive Plan, Official Map, Zoning Ordinance or this chapter. [Amended 3-25-1997 by Ord. No. 1130]”, and technically not the definition of a MAJOR SUBDIVISION, “A subdivision of land involving a proposed new street or the extension of an existing street. [Amended 3-25-1997 by Ord. No. 1130]” we have been informed that we do not qualify for the simplified minor subdivision process.

While this is the first time any minor subdivisions have been made to Parcel 6.21, there have been prior minor subdivisions of the Parent Parcel 6.00 and/or other parcels that were created from the parent parcel. After a review of the parent parcels’ prior minor subdivisions subsequent to 1997, there seem to only be two (2) minor subdivision parcels remaining. The request before you is for four (4) subdivided lots along existing road frontage (and a residual parcel), therefor pushing the application out of the minor subdivision process. Subsequent to our meeting, the required application, application fee, subdivision plan, DelDOT Letter of No Objection, and utility availability letter have been submitted. Please review this information and, if deemed acceptable, we request that the plan be scheduled for the next available hearing date.

As required, the following considerations should be made with approval of a subdivision plan (**APPLICANT RESPONSES are in BOLD**) :

§ 99-9 Public hearing on preliminary plat approval or disapproval.

C. In addition to the other provisions contained within this article, the approval of a subdivision shall include consideration of the following: [Added 7-8-1997 by Ord. No. 1152]

(1) Integration of the proposed subdivision into existing terrain and surrounding landscape.

LOTS ARE BEING CREATED ALONG AN EXISTING ROADWAY AND ARE NOT INTENDED TO CHANGE THE BULK GRADING OF THE EXISTING TERRAIN NOR THE SURROUNDING LANDSCAPE. LOTS PROPOSED ARE APPROXIMATELY 3/4 ACRE LOTS (33,000 SF OR LARGER) WHICH ALLOW FOR SUFFICIENT SPACE BETWEEN BUILDINGS AND ADJACENT PARCELS. IT IS TYPICAL FOR LOTS OF THIS SIZE TO BE SERVICED BY ON-SITE WASTEWATER DISPOSAL SYSTEMS AND WELLS; HOWEVER PUBLIC SEWER AND WATER IS BEING PROVIDED

(ARTESIAN). SINCE ADJACENT PARCELS ARE SIMIAR IN SIZE OR LARGER, THE LARGER LOT SIZES ARE BEING PROVIDED TO INTEGRATE INTO THE AREA.

(2) Minimal use of wetlands and floodplains.

NO WETLANDS OR FLOODPLAINS ARE BEING USED, DISTURBED, OR EVEN EXIST ON SITE

(3) Preservation of natural and historical features.

NO HISTORICAL FEATURES ARE BEIGN DISTURBED AND LARGER LOT SIZES PROVIDE FOR PRESERVATION OF THE NATURAL FEATURES AND USE OF THE PROPERTY AS AGRICULTURAL / RESIDENTIAL.

(4) Preservation of open space and scenic views.

THERE ARE OPEN SPACE OR NO SCENIC VIEWS BEING DISTURBED.

(5) Minimization of tree, vegetation and soil removal and grade changes.

NO TREES, VEGETATION, SOIL REMOVAL, NOR GRADE CHANGES ARE BEING PROPOSED. REQUEST FOR WAIVER OF GRADING REQUIREMENTS IS BEING REQUESTED AS THE INTENT IS TO NOT ALTER THE EXISTING GRADES DUE TO NO PROPOSED STREETS OR OTHER IMPROVEMENTS.

(6) Screening of objectionable features from neighboring properties and roadways.

A FENCE IS BEING PROVIDED ALONG THE REAR OF THE PROPOSED LOTS AND EAST SIDE OF PROPOSED PARCEL 1 TO SCREEN THE PROPERTIES FROM VIEW OF ROUTE 9 (ALONG THE RESIDUAL PARCEL).

A WAIVER FROM BUFFER REQUIREMENTS IS BEING REQUESTED AS THIS IS NOT TYPICAL OF MINOR SUBDIVISIONS

(7) Provision for water supply.

WATER (PUBLIC) IS BEING PROVIDED BY ARTESIAN.

(8) Provision for sewage disposal.

SEWER (PUBLIC) IS BEING PROVIDED BY ARTESIAN.

(9) Prevention of pollution of surface and groundwater.

WATER AND SEWER (PUBLIC) ARE BEING PROVIDED BY ARTESIAN AND NO OTHER POLLUTANTS ARE EXPECTED PROPOSED WITH ORDINARY SINGLE FAMILY HOME CONSTRUCTION. CONVENTIONAL CONSTRUCTION PRACTICES AND ALL STATE, COUNTY, & LOCAL REQUIREMENTS SHOULD BE FOLLOWED.

(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.

EROSION AND SEDIMENT CONTROL MEASURES ARE REVIEWED BY THE SUSSEX CONSERVATION DISTRICT. INDIVIDUAL RESIDENTAL (SINGLE FAMILY HOME) STANDARD PLAN APPLICATIONS WILL BE SUBMITTED AND FOLLOWED FOR EACH HOME CONSTRUCTION. LARGER LOT SIZES ARE BEING PROVIDED THAN TYPICAL FOR LOTS WITH PUBLIC SEWER AND WATER WHICH WILL MINIMIZE INCREASES IN RUNOFF, PROVIDE FOR

MAXIMUM GROUNDWATER RECHARGE AND REDUCE FLOODING CONCERNS AS MORE GRASS WILL EXIST BETWEEN PARCELS. A WAIVER FROM DRAINAGE AND GRADING PLANS IS BEING REQUESTED DUE TO INCREASED LOT SIZE, NO PROPOSED STREETS, AND AS TYPICAL OF A MINOR SUBDIVISION.

(11) Provision for safe vehicular and pedestrian movement within the site and to adjacent ways.

NO ADDITIONAL STREETS ARE PROPOSED. ACCESS POINTS HAVE BEEN SHOWN AND APPROVED BY DELDOT VIA LETTER OF NO OBJECTION. COMBINED ACCESSES HAVE BEEN PROVIDED TO REDUCE CONFLICT POINTS.

(12) Effect on area property values.

NEWER, MORE MODERN HOMES FOLLOWING UPDATED BUILDING CODE REQUIREMENTS, ESPECIALLY WITH LARGER LOT SIZES SHOULD INCREASE ADJACENT PROPERTY VALUES AND PROVIDE FOR INCREASED COMPARISONS FOR THOSE TRYING TO SELL THEIR EXISTING ADJACENT HOMES.

(13) Preservation and conservation of farmland.

THE PROPOSAL IS FOR FOUR (4) LOTS ON EXISTING ROAD FRONTAGE, TYPICAL OF A MINOR SUBDIVISION, IS BEING PROPOSED. WITH PUBLIC SEWER AND WATER AVAILABLE, SMALLER LOTS AT A HIGHER DENSITY COULD BE PROPOSED WHICH WOULD IMPACT THE ENTIRE PARCEL (WHICH CURRENTLY FARMLAND).

(14) Effect on schools, public buildings and community facilities.

NO NEARBY SCHOOLS, PUBLIC BUILDING, NOR COMMUNITY FACILITIES ARE INTENDED TO BE NEGATIVELY IMPACTED BY THE PROPOSAL. ADDITIONAL TAX BASIS SHOULD PROVIDE ADDITIONAL FUNDS TO THESE FACILITIES TO ALLOW FOR NECESSARY MEASURES SHOULD THERE BE ANY INCREASE IN LOAD FROM THESE FOUR LOTS. REQUEST IS MINIMAL IN DENSITY.

(15) Effect on area roadways and public transportation.

NO AREA ROADWAYS NOR PUBLIC TRANSPORTATIONS ARE INTENDED TO BE NEGATIVELY IMPACTED BY THE PROPOSAL. ADDITIONAL TAX BASIS SHOULD PROVIDE ADDITIONAL FUNDS TO THESE FACILITIES TO ALLOW FOR NECESSARY MEASURES SHOULD THERE BE ANY INCREASE IN LOAD FROM THESE FOUR LOTS. REQUEST IS MINIMAL IN DENSITY.

(16) Compatibility with other area land uses.

OTHER ADJACENT AREA LAND USES ARE SIMILAR IN NATURE. LOT SIZES NEARBY ARE TYPICAL OF LOTS WITH THE ABILITY TO PROVIDE ON-SITE WASTEWATER MANAGEMENT (3/4 ACRE LOTS OR LARGER). LOTS PROPOSED ARE COMPATIBLE TO THOSE NEARBY.

(17) Effect on area waterways.

NO AREA WATERWAYS ARE INTENDED TO BE NEGATIVELY IMPACTED BY THE PROPOSAL. REQUEST IS MINIMAL IN DENSITY AND LARGER LOTS ARE BEING PROVIDED TO ALLOW FOR MAXIMUM GROUNDWATER RECHARGE ACROSS GRASS SURFACES BETWEEN PROPERTY(S). SINCE THE DENSITY IS LOW, NO NEW STREETS ARE BEING PROPOSED, AND LOT SIZES ARE 3/4 ACRE, NEGLIGIBLE TO NO INCREASE IN RUNOFF IS ANTICIPATED AS THE EXISTING SURFACE WOULD BE CONSIDERED ROW CROP AND PROPOSED SURFACES WOULD CONSIST OF PREDOMINANTLY GRASS LAWN.

As discussed since the proposed subdivision does not generally meet the full intent of Major Subdivision process some of the requirements of Chapter 99 are less feasible and/or don't seem to apply in this case. The below is an itemized list to serve as a summary of which requirements have been met/provided and which may need to be reviewed by Planning Commission as not being necessary and therefor waived for this application. **(APPLICANT RESPONSES are in BOLD)**

§ 99-23 Information to be shown.

The preliminary plat shall be drawn in a clear and legible manner and shall show the following information:

*A. The proposed subdivision name, which shall not duplicate or closely approximate the name of any other subdivision in the county. **PROVIDED - ("TOBACK MINOR SUBDIVISION" – AS PRESENTED TO DELDOT FOR LETTER OF NO OBJECTION)***

*B. A location map at a scale of one inch equals one mile. **PROVIDED***

*C. The names of the owner of record, the subdivider and the surveyor preparing the plan. **PROVIDED***

*D. The scale, date and North point. The North point should always be at the top of the plat. **PROVIDED***

*E. The courses and distances of property perimeter and the approximate acreage contained therein. **PROVIDED***

*F. The names and locations of adjacent subdivisions and the location of adjoining parcels of unplatted land, with the names of the owners of record. **PROVIDED***

*G. Topographic contours at one-foot intervals and referenced to United States Geological Survey data or other commonly accepted data. Where unusual conditions, such as steep slopes, create problems in drafting contour lines, a greater interval may be used if other information is provided to adequately describe the true nature of the topography. **REQUEST WAIVER FROM GRADING REQUIREMENTS***

*H. The location of existing property lines, streets and alleys, easements, buildings, utilities, wooded areas and waterways; soils classification; and any other significant natural or man-made physical features affecting the proposed subdivision. **GENERALLY PROVIDED***

*I. The present zoning classifications and zoning district lines of the proposed subdivision and adjoining properties and the proposed uses of property within the area being platted. **PROVIDED***

*J. The layout, width and names of all streets, alleys, crosswalkways and easements proposed to be dedicated for 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. **N/A – NO STREETS BEING PROPOSED***

*K. The layout, consecutive numbering and approximate dimensions and areas of all proposed lots or parcels and the lettering of blocks. **PROVIDED***

*L. The designation of parcels of land to be conveyed, reserved or dedicated for public use or for the common use of property owners within the subdivision. **N/A – NO LAND DEDICATED FOR COMMON USE***

*M. The proposed locations and sizes for all utilities and drainage facilities. **N/A – UTILITIES WILL BE PROVIDED BY ARTESIAN AND WILL EXIST WITHIN THE RIGHT-OF-WAY (TO BE DESIGNED AND EXTENDED BY ARTESIAN) SEE LETTER***

N. The proposed grading plan when excavation, recontouring or similar work is to occur in conjunction with development of the subdivision. **REQUEST WAIVER FROM GRADING REQUIREMENTS – THE INTENT IS TO KEEP THE NATURAL GRADE FOR PROPOSED LOTS ALONG EXISTING STREET.**

O. The designation of land used primarily for agricultural purposes within 300 feet of the boundary of the proposed subdivision. [Added 6-15-1993 by Ord. No. 893] **NOT TYPICAL OF MINOR SUBDIVISION PLANS, HOWEVER CAN BE ADDED IF DEEMED NECESSARY.**

P. The designation of parcels to be set aside for forested buffer strips, where required. [Added 6-15-1993 by Ord. No. 893] **REQUEST FOR WAIVER FROM FORESTED BUFFER STRIP REQUIRMENTS.**

Q. The location of all wetlands (both state and federal) shall be indicated, in order to facilitate compliance with state and federal wetlands requirements. [Added 12-7-1993 by Ord. No. 941] **N/A – NO WETLANDS ON SITE.**

R. The location of the one-hundred-year floodplains based on current Flood Insurance Rate Maps. [Added 12-7-1993 by Ord. No. 941] **N/A – NO ONE-HUNDRED-YEAR FLOODPLAIN EXISTS ON SITE PER FEMA MAPS**

S. The designation of all areas proposed as open space. [Added 12-16-2008 by Ord. No. 2022[1]] [1] Editor's Note: This ordinance also provided that it shall apply to applications filed after 1-1-2009. **N/A – NO OPEN SPACE PROVIDED**

§ 99-24 Supporting statements. **(APPLICANT RESPONSES are in BOLD)**

The preliminary plat shall be accompanied by the following written and signed statements in support of the subdivision's application for tentative approval:

A. Statements explaining 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.

- **THE SUBDIVIDER PROPOSES TO INSTALL WATER SUPPLY SERVICE TO LOT PRIOR TO ISSUANCE OF BUILDING PERMIT(S) (WATER SERVICE PROVIDED BY ARTESIAN)**

- **THE SUBDIVIDER PROPOSES TO INSTALL SANITARY SEWER SERVICE TO LOT PRIOR TO ISSUANCE OF BUILDING PERMIT(S) (SEWER SERVICE PROVIDED BY ARTESIAN)**

- **STREET PAVEMENTS – N/A**

- **DRAINAGE STRUCTURES – N/A**

B. Statements concerning any proposed deed restrictions to be imposed by the owner.

- **NO DEED RESTRICTIONS ARE INTENDED BY OWNER (OTHER THAN ALL APPLICABLE SUSSEX COUNTY CODES ON BUILDING CONSTRUCTION)**

C. Where special physical conditions exist which may act as constraints on normal development or may preclude development totally, the subdivider 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, stormwater runoff computations and identification of areas subject to periodic flooding.

- **THE SUBDIVISION PLAN HAS BEEN PREPARED BY A LICENSED PROFESSIONAL ENGINEER.**
- **A LETTER FROM ARTESIAN HAS BEEN PROVIDED DETAILING WATER AND SEWER AVAILABILITY.**
- **REQUEST FOR WAIVER FROM STORMWATER RUNOFF COMPUTATIONS AND GRADING REQUIREMENTS IS REQUESTED.**

D. If special conditions are found to exist, the Commission shall not approve a preliminary plat until it is determined that it is technically feasible to overcome such conditions. The Commission may then require the subdivider or developer to incorporate specific improvement design criteria into the plat as a condition to its approval.

- **SEE WAIVERS REQUESTED, NO OTHER CONDITIONS ARE KNOWN TO EXIST**

E. When special studies or investigations pertain to a regulatory program of another public agency, the subdivider shall submit the results of these studies or investigations to said public agencies for technical review and approval. Written comments from these agencies shall be supplied to the Commission by the subdivider.

- **DELDOT LETTER OF NO OBJECTION - SUBMITTED**
- **STATE FIRE MARSHAL – NOT REQUIRED NO ROADWAYS**
- **SUSSEX CONSERVATION DISTRICT – REQUEST WAIVER FROM DETAILED STORMWATER MANAGEMENT DUE TO MINOR SUBDIVISION NATURE**

F. Statements explaining how and when the subdivider proposes to provide for the perpetual maintenance of forested buffer strips, if required. [Added 6-15-1993 by Ord. No. 893]

- **WAIVER REQUESTED FROM FORESTED BUFFER STRIPS**

Summary of WAIVERS requested by application: (Due to nature of subdivision on road frontage)

- **WAIVER FROM ARTICLE III – DESIGN REQUIREMENTS AND STANDARDS**
 - o **INCLUDING**
 - **STREETS (NONE PROPOSED)**
 - **STORM DRAINAGE (NONE PROPOSED)**
 - **DETAILED STORMWATER MANAGEMENT (E&S STANDARD PLAN FOR EACH LOT)**
 - **OPEN SPACE**
 - **LANDSCAPED BUFFER STRIP (PER § 99-5)**

NOTE: (Above items should also be removed from Preliminary / Final Plat requirements in Articles IV and V)

- **WAIVER FROM ARTICLE IV – IMPROVEMENTS**
 - o **INCLUDING**
 - **PLANS (DETAILED CONSTRUCTION PLANS) PER § 99-30**
 - **INSPECTIONS (FOR SUBDIVISION ITEMS)**
 - **BONDING (FOR SUBDIVISION ITEMS)**

Please feel free to contact me with any questions, concerns, or for additional information at (302) 236-3600 or carlton@scaledengineering.com

Sincerely,

A handwritten signature in blue ink, appearing to read "Carlton Savage, Jr.", written in a cursive style.

Carlton Savage, Jr.
Principal | Senior Engineer
Scaled Engineering Inc.



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Wastewater Management Artesian Utility Development Artesian Water Pennsylvania
Artesian Water Maryland Artesian Wastewater Maryland

April 16, 2021

Mr. Matt Toback
35 Rodney Avenue
Dewey Beach, DE 19971

RE: Flex Park Tax Parcel Number 235-30.00-6.21 Ability to Serve Letter

With reference to your request concerning Water and Wastewater Service (collectively, "Service") for the proposed Flex Park Project on Route 9 and Prettyman Road in Broadkill Hundred, Sussex County, Delaware known as Tax Parcel Number 235-30.00-6.21 (the "Property"), please be advised as follows:

Subject to the following conditions, Artesian Water Company, Inc. and Artesian Wastewater Management, Inc. (collectively, "Artesian") are willing and able to provide Service to the Property that meets all applicable State of Delaware, Delaware Department of Natural Resources and Environmental Control, and Sussex County standards. Artesian currently has the signed petitions for Services for Certificate of Public Convenience and Necessity ("CPCN") from the Delaware Public Service Commission (the "Commission"). Artesian is currently seeking CPCN approval from the Commission and Sussex County. CPCNs are necessary before Artesian can provide Service at the Property. If granted the Service CPCNs, Artesian will provide Service in accordance with Artesian's Commission approved tariffs, as amended from time to time.

Based on current conditions and subject to the development entity and Artesian entering Water and Wastewater Service Agreements (collectively, "Agreements") that addresses the financial terms of the provision of Service for the Property, in accordance with Artesian's tariff as approved by the Delaware Public Service Commission, Artesian is willing and able to provide the required Service for this Property.

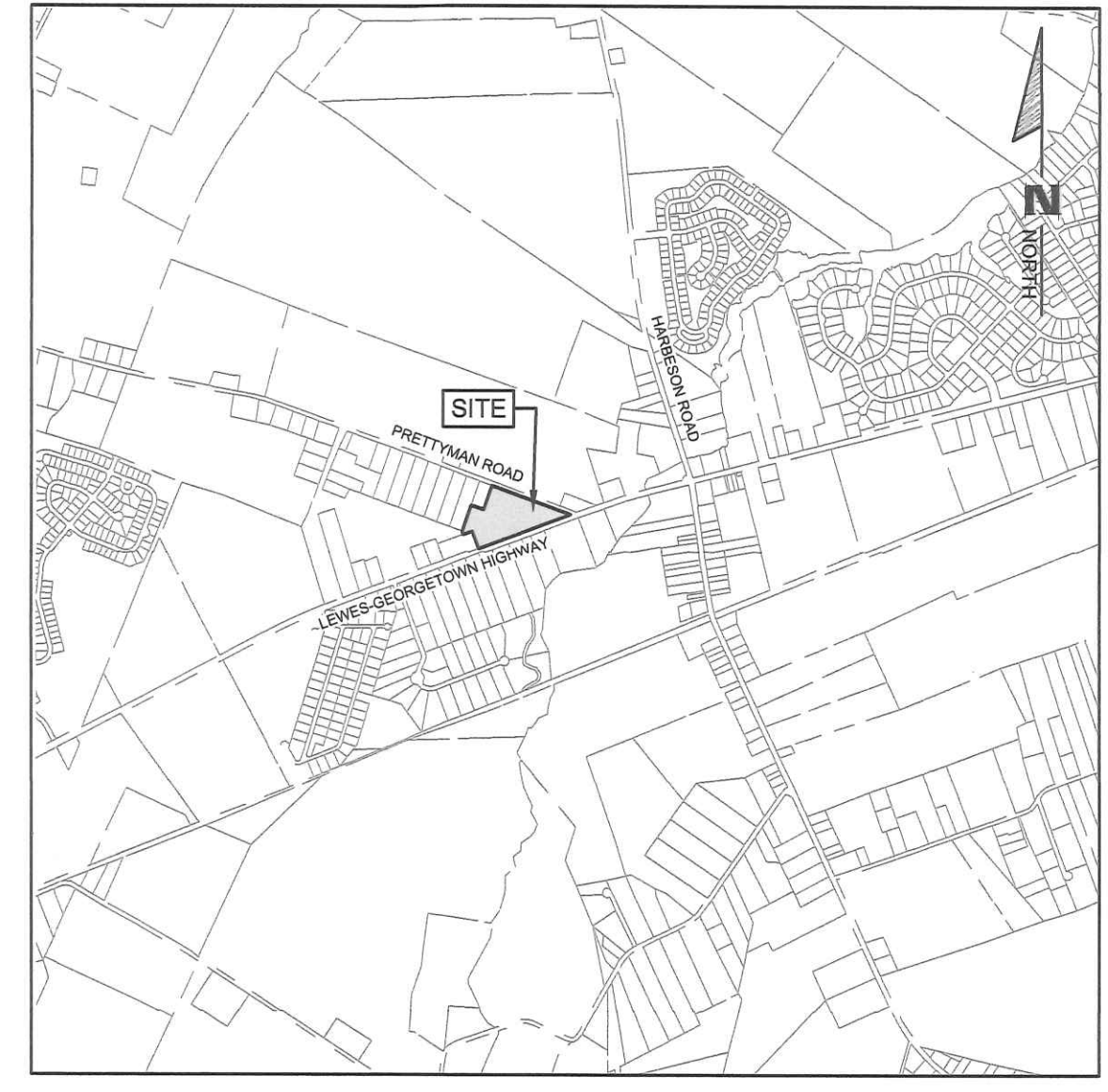
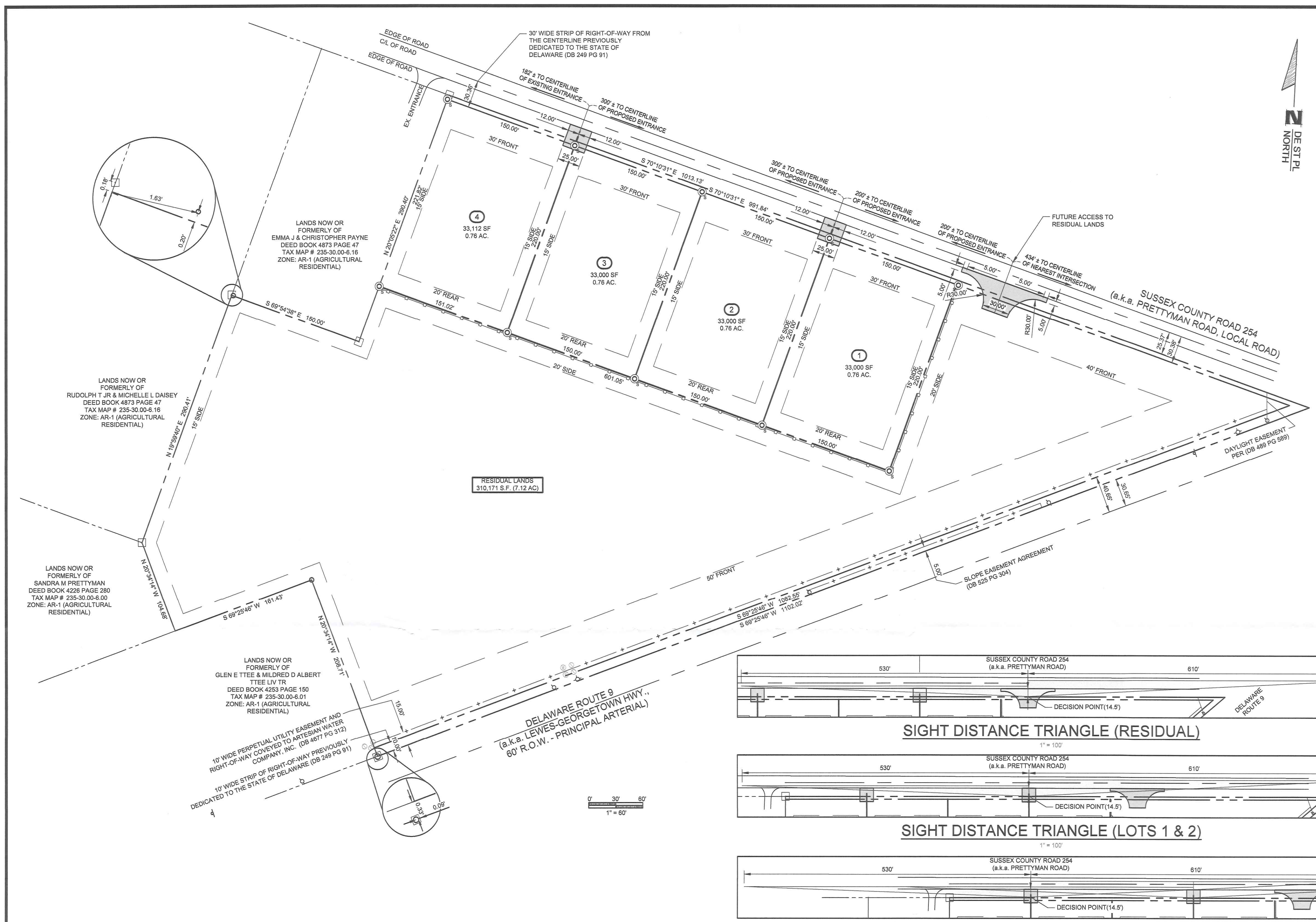
This letter shall expire if Agreements are not executed within one year of the date of this letter.

Yours very truly,

ARTESIAN WATER COMPANY, INC.

A handwritten signature in black ink, appearing to read "Adam Gould".

Adam Gould
Manager of Systems Planning and Design



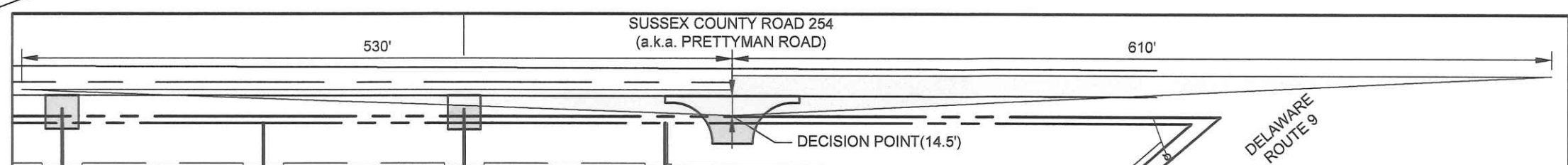
LOCATION MAP
SCALE: 1" = 2,000'

SITE DATA:

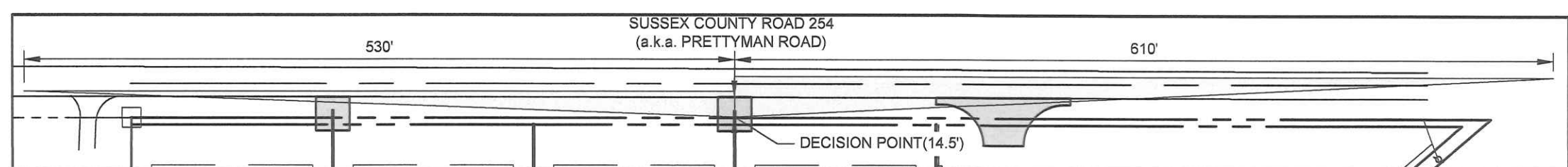
- TAX MAP NUMBER: 235-30.00-6.21
- ADDRESS: LEWES-GEORGETOWN HIGHWAY, GEORGETOWN, DE 19947
- OWNERS: MATT TOBACK
35 RODNEY AVENUE
DEWEY BEACH, DE 19971
- ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)
PROPOSED: AR-1 (AGRICULTURAL RESIDENTIAL) WITH CONDITIONAL USE
- USE: EXISTING: AGRICULTURAL
PROPOSED: 4 LOT SUBDIVISION / 46,800 SQ FT BUSINESS PARK
- BUILDING SETBACKS: AR-1 (AGRICULTURAL RESIDENTIAL):
FRONT 40' (PRETTYMAN RD.)
SIDE 15'
SIDE 20'
REAR 40' (LEWES-GEORGETOWN HWY.)

* THERE SHALL BE A SIDE YARD NOT LESS THAN 20 FEET IN WIDTH ON THE SIDE OF THE LOT ADJOINING A RESIDENTIAL DISTRICT AND THERE SHALL BE A REAR YARD OF NOT LESS THAN 30 FEET IN DEPTH ON THE REAR SIDE OF A LOT ADJOINING A RESIDENTIAL DISTRICT.

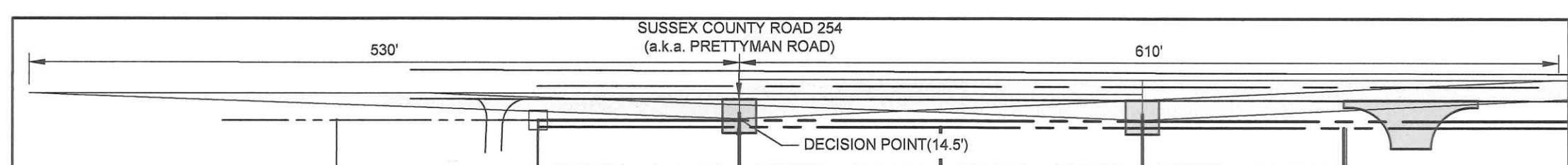
- LOT REQUIREMENTS: AREA 32,670 S.F. (0.75 ACRE)
WIDTH 100'
DEPTH 100'
- TOTAL NUMBER OF LOTS: EXISTING: 1
PROPOSED: 5 (INCLUDING THE RESIDUAL)
- AREA: 235-30.00-6.21 - EXISTING: 442,284 S.F. (10.15 AC)
PROPOSED LOT 1: 33,000 S.F. (0.76 AC)
PROPOSED LOT 2: 33,000 S.F. (0.76 AC)
PROPOSED LOT 3: 33,000 S.F. (0.76 AC)
PROPOSED LOT 4: 33,112 S.F. (0.77 AC)
PROPOSED (RESIDUAL): 310,171 S.F. (7.12 AC)
- AREA AFFECTED BY ADJUSTMENT: 10.15 AC
- POSTED SPEED LIMIT: 50 MPH
- SEWER PROVIDER: ARTESIAN
- WATER PROVIDER: ARTESIAN PER UTILITY EASEMENT
- THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0310K REVISED MARCH 16, 2015 (ZONE X).
- NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.
- PROXIMITY TO DELDOT TID AREA: ±4.5 MILES
- SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
- RECHARGE AREA: GOOD



SIGHT DISTANCE TRIANGLE (RESIDUAL)



SIGHT DISTANCE TRIANGLE (LOTS 1 & 2)



SIGHT DISTANCE TRIANGLE (LOTS 3 & 4)

LEGEND:

- CONCRETE MONUMENT FOUND
- ⊗ IRON PIPE IN CONCRETE FOUND
- IRON PIPE FOUND
- ⊙ IRON PIPE TO BE SET
- PROPERTY BOUNDARY
- - - ADJOINER LINE
- + - EASEMENT
- - - BUILDING SETBACK
- - - SCREENING FENCE
- ⊙ WATER METER / HYDRANT
- ⊙ MANHOLE
- ⊙ UTILITY POLE
- ⊙ SIGN

NOTES:

- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM PLAT BOOK 249 PAGE 91, DEED BOOK 5401 PAGE 293 (THE CURRENT DEED OF RECORD) AND OTHER DOCUMENTS OF PUBLIC RECORD. IT IS ALSO THE RESULT OF AN ACTUAL FIELD SURVEY BY SCALED ENGINEERING PERFORMED 2-17-21.
- THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
- BEARING SYSTEM SHOWN IS BASED ON DELAWARE STATE PLANE COORDINATE SYSTEM, HORIZONTAL DATUM NAD 83.
- CLASS OF SURVEY: SUBURBAN
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

DELDOT NOTES:

- IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOTS DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION ACTIVITY SHALL OCCUR IN THE RIGHT-OF-WAY (ROW) WITHOUT A DELDOT PERMIT.
- 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.
- 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.
- REFER TO DELDOT STANDARD DETAIL M-2(2011) FOR RIGHT-OF-WAY MONUMENTS.
- ALL ENTRANCES SHALL CONFORM TO DELDOTS DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- 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.

OWNER CERTIFICATION:

I, MATT TOBACK, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND THAT I DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW. I CERTIFY THAT TITLE 17, SECTION 530 IS APPLICABLE TO THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN BY VIRTUE OF:

TITLE _____ DATE _____
MATT TOBACK
35 RODNEY AVENUE
DEWEY BEACH, DE 19971

ENGINEERS CERTIFICATION

I, CARLTON R. SAVAGE, JR., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

CARLTON R. SAVAGE, JR., P.E. (LICENSE #16457) DATE _____

SCALED ENGINEERING
Scaled Engineering Inc.
20246 Coastal Highway
Rehoboth Beach, DE 19971
Phone: (302) 236-3600

TOBACK MINOR SUBDIVISION
TM# 235-30.00-6.21
BROADKILL HUNDRED, GEORGETOWN, DELAWARE

DATE: 1-27-21
SCALE: 1" = 60'
DRAWN BY: JRE
PROJECT NO. TOBA001

PLOTTED: 3/22/21 12:01 PM BY: JRE

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