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Sussex County

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



18072 Davidson Drive
 Milton, DE 19968
 T: 302-684-8030
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www.pennoni.com

April 22, 2022
 CHANY21001

Mr. Michael Lowrey
 Sussex County Planning and Zoning
 2 The Circle
 Georgetown, DE 19947

RE: Revised Preliminary Site Plan Submission (S-22-03)
Steiner Land, LLC & Delstar, LLC
Tax Map # 135-16.00-23.05 & 23.06 (Parcels A1 & A2)
Georgetown Hundred
Georgetown, DE 19947

Dear Mr. Lowrey,

On behalf of Steiner Land, LLC & Delstar, LLC., Pennoni Associates Inc. (Pennoni) is pleased to submit the revised Preliminary Site Plan for your consideration of review and approval. We have addressed the following comments per your letter received on March 16, 2022.

We have enclosed one (1) copies of the following documents for review and approval of the project.

<i><u>Item</u></i>	<i><u>Description</u></i>	<i><u>Last Revised</u></i>
Drawings Prepared by Pennoni Associates Inc.		
PP1001 & PP1002	Preliminary Site Plan & Details	04/22/2022

Preliminary Site Plan Comments:

1. *Please describe the “Cement Central Mixing and Proportioning” as well as the “Building Materials Recycling Operations” that the applicant proposes on the site. A detailed description of the use/process would be helpful to the Planning and Zoning Commission as it is not clear on the Preliminary Site Plan provided.*
Pennoni Response (April 22, 2022): See attached detailed descriptions for each use.
2. *Staff notes that the applicant is required to provide the location and nature of all proposed construction, excavation or grading at the site (§115-220(5))*
Pennoni Response (April 22, 2022): Understood. The entire site will be disturbed for the proposed site improvements and to allow drainage to the centered stormwater facility. A bulk grading plan will be supplied as part of the final plan submission.
3. *Staff notes that all the setbacks for the proposed building are not included in the applicant’s submission. Please include the proposed setbacks for all proposed buildings in any revised plan (§115-220(8)).*
Pennoni Response (April 22, 2022): We have dimensions between the buildings and property line to clearly show setback information.

4. Staff notes that building height is not provided for all the proposed structures. Specifically, proposed heights are not provided for the following proposed improvements designated as follows in the Plan's "Building Use and Construction" table:

- Building B: "Compartment Material Storage Bin"
- Building H: "Open Air Pavilion Style Steel Building" – While the plan indicates "1 Story" for this structure, due to the unique nature of this improvement, staff request more specificity relating to the building and the proposed height.
- The improvement designated solely as "Proposed Silo", drawn as a circle immediately adjacent to the south of "Building C" in the Plan.

Please include the height for all proposed buildings on any revised plan (§115-220(8)).

Pennoni Response (April 22, 2022): We have added the height of all structures and building, refer to the building use and construction table.

5. Please provide more detail regarding the "Open-Air Pavilion Style Steel" structure. Will this be a rack type or lean-to style building? Will there be any type of component, structural or otherwise, spanning the top of the structure?

Pennoni Response (April 22, 2022): The building will be a pavilion style building, basically a roof supported by post/columns around the perimeter with no side walls.

6. Staff notes the area labeled "Storage" on the Plan, immediately east of "Building D". Please provide more information clarifying the nature of the improvement in this area.

Pennoni Response (April 22, 2022): The label has been revised to state Material Storage Bins, these bins will store the various materials and aggregate for the cement mixing process. Refer to the Chaney Site in Lincoln for additional information.

7. Staff notes that a total of seven (7) parking spaces are provided at two (2) locations in the plan. Staff requests that the applicant amend the Site Data column to include parking calculations or provide a parking table in the Plan indicating the calculations per the specific use of proposed structures as required under (§115-162).

Pennoni Response (April 22, 2022): The parking has been separated for each use and clearly identified on the plans.

8. Staff notes the parking area in the Plan adjacent to "Building A" designated as a (450) square foot "2 Story Plant Control Building." Staff notes that two (2) stories would imply (900) square feet in "Building A" which would impact the calculation of the total required parking at the site. Please clarify the total square footage to be included in the improvement designated "Building A." Additionally, please show the dimensions of the parking spaces provided at this parking area as well as the dimensions of the parking stalls at the area labeled "Company Vehicle Parking" in the plan.

Pennoni Response (April 22, 2022): The parking is based on employees not square footage. We have updated the Building A label for total GFA along with parking dimensions as requested. The parking data has been separated and clearly references the required and proposed for each site.

9. Staff calculates approximately 15,507 square feet of industrial use as categorized under the table provided in (§115-167) and notes that two (2) Off-Street Loading spaces are required. Please indicate

where such required Off-Street loading areas will be provided in the plan. Additionally, staff notes the dimensional requirements for Off-Street loading areas as described in (§115-170).

Pennoni Response (April 22, 2022): We have added a designated loading space for each use, but as these are not typical commercial uses, the entire area is designed for loading and unloading operations as part of the intended use.

10. Staff notes that the zoning information referencing the neighboring property to the north (Tax Map # 135-16.00-23.00) is labeled as with C-1 General Commercial Zoning District and AR-1 Agricultural residential Zoning District. Staff notes that a portion of this parcel is also within the CR-1 Commercial Residential Zoning District.

Pennoni Response (April 22, 2022): The online map is wrong, the entire parcel is C-1 / CR-1.

11. Please show the required front yard setback of fifty (50) feet in the plan. (§115-220(8))

Pennoni Response (April 22, 2022): The 50' wide front setback is shown on the plans and follows the previous recorded plat as part of the minor subdivision. The front setback following the property line parallel with the access road. The setback along Steiner Road is 15' as this is a corner lot per the recorded minor subdivision plan.

12. Staff note that there is no landscaping proposed in the Plan and wish to inquire if any will be provided in addition to the fencing to minimize noise and/or dust associated with either the "Concrete Central Mixing and Proportioning" or "Building Materials Recycling and Sorting" operations proposed at the site.

Pennoni Response (April 22, 2022): The development is not proposing any landscaping at this time.

13. Please add a note to show the proposed interconnectivity to the neighboring property on Steiner Road in the Final Site Plan. (§115-220(16)).

Pennoni Response (April 22, 2022): Interconnectivity is unlikely for these uses as they both will be surrounded with security fencing to protect the businesses and safety to the public.

14. Staff note that a bulk grading plan is required as part of the Final Plan submission. (115-221(B)(17)).

Pennoni Response (April 22, 2022): Understood.

15. Please note that a Final Site Plan will require that the impervious cover area be shown as acreage and percentages in the Plan's data column. (115-221(B)(15)).

Pennoni Response (April 12, 2022): We have provided this breakdown, refer to the site data table # 15.

16. Please note that a Final Site Plan will require that the plan show the location, character, size, height, and orientation of any proposed signs on the site and include a note that any sign will require a sign permit. (115-221(B)(11)).

Pennoni Response (April 22, 2022): Understood.

17. Please note that a Final Site Plan will require that the plan show any proposed outdoor lighting systems on the site. (115-221(B)(5)).

Pennoni Response (April 22, 2022): Understood.

18. Please note that any Final Site Plan shall be signed by the owner.

Pennoni Response (April 22, 2022): Understood.

19. Prior to approval of the Final Site Plan, approval letters or letters of no objection from the following agencies shall be submitted to the Sussex County Planning and Zoning Office:

- a. Delaware Department of Transportation (DelDOT)
- b. Sussex Conservation District
- c. State Fire Marshal

Pennoni Response (April 22, 2022): Understood.

If you have any comments or need additional information, please call us at (302) 684-8030.

Sincerely,

PENNONI ASSOCIATES INC.



Alan Decktor, PE, ENV SP
Senior Engineer

CC.

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FUQUA, WILLARD, STEVENS & SCHAB, P.A.

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REHOBOTH BEACH, DE 19971
PHONE 302-227-7727
FAX 302-227-2226

July 26, 2019

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16698 KINGS HIGHWAY, SUITE B
LEWES, DELAWARE 19958
PHONE 302-645-6626
FAX 302-645-6620
realestate@fwsslaw.com

Samantha Bulkilvish
Sussex County Planning & Zoning Dept.
2 The Circle
Georgetown, DE 19947

Re: Chaney Enterprises (S-19-26)
Tax Parcel: 230-19.00-111.00

Dear Ms. Bulkilvish:

Please allow this letter to serve as a response to your comments number 1 and 2 of the staff review letter dated July 18th.

As a starting point, the proposed use is not a “cement operation”, it is a “concrete mixing and proportioning plant”. The terms “cement” and “concrete” are often incorrectly used interchangeably, but “cement” and “concrete” are distinctly separate products.

Cement is made from a closely controlled chemical combination of limestone, calcium, silicon, iron and aluminum, among other ingredients, that is heated in large kilns to about 2,700 degrees F to form a product known as clinkers, which roughly resemble marbles. These are ground into a powder and gypsum is added, creating the gray flour-like product known as cement.

Concrete, in contrast, is a mixture of cement, with fine and coarse aggregates (rocks, stones and sand). Cement makes up to 10% to 15% of the total mass of concrete, the exact proportions vary depending on the type of concrete being made. Water is added to the aggregate and cement mixture to form concrete. Concrete is malleable when newly mixed and can be poured into a mold, so that it will harden in a specific shape, block or slab and strong, and durable when hardened.

Page 2

July 26, 2019

The use proposed by Chaney Enterprises is a central concrete mixing and proportioning plant which is a permitted use in the HI-1, Heavy Industrial Zoning District. The "plant" consists of pieces of equipment that load, store, weigh and discharge the concrete ingredients directly into a concrete transport truck. Water is then added to the mixture in the truck which continuously mixes the ingredients at a set revolution during transportation to a job site. The principal pieces of equipment are raw material storage bins, a ground hopper, a stacker or conveyor, a four compartment material storage bin, a cement silo, dust collectors and a plant control building with computer controls to ensure accurate measurement of concrete ingredients.

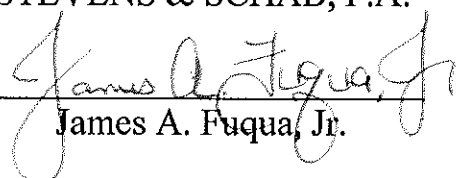
The plant control building will be a small two story building with the control room on the first floor and a batch office on the second floor, the cement silo is stand alone with a height of seventy-two feet, the raw material storage bins are open and un-enclosed to allow access for loader, and the four compartment material storage bin associated with the plant will have a façade or wall on four sides, but no roof. Attached as Exhibit A is a photo of the equipment at a different site which is similar to how it will appear at the proposed site and attached as Exhibit B is a photo of a Chaney Enterprises concrete plant located in Lorton, Virginia.

Chaney Enterprises was founded in 1962 and currently operates 28 concrete plants and sand and gravel facilities in Maryland, Virginia and the District of Columbia.

Please contact me if any additional information is needed. Per your letter it is my understanding that preliminary site plan review will be scheduled for the Commission's August 8th meeting.

Very truly yours,

FUQUA, WILLARD,
STEVENS & SCHAB, P.A.

By: 
James A. Fuqua, Jr.

JAF/jel

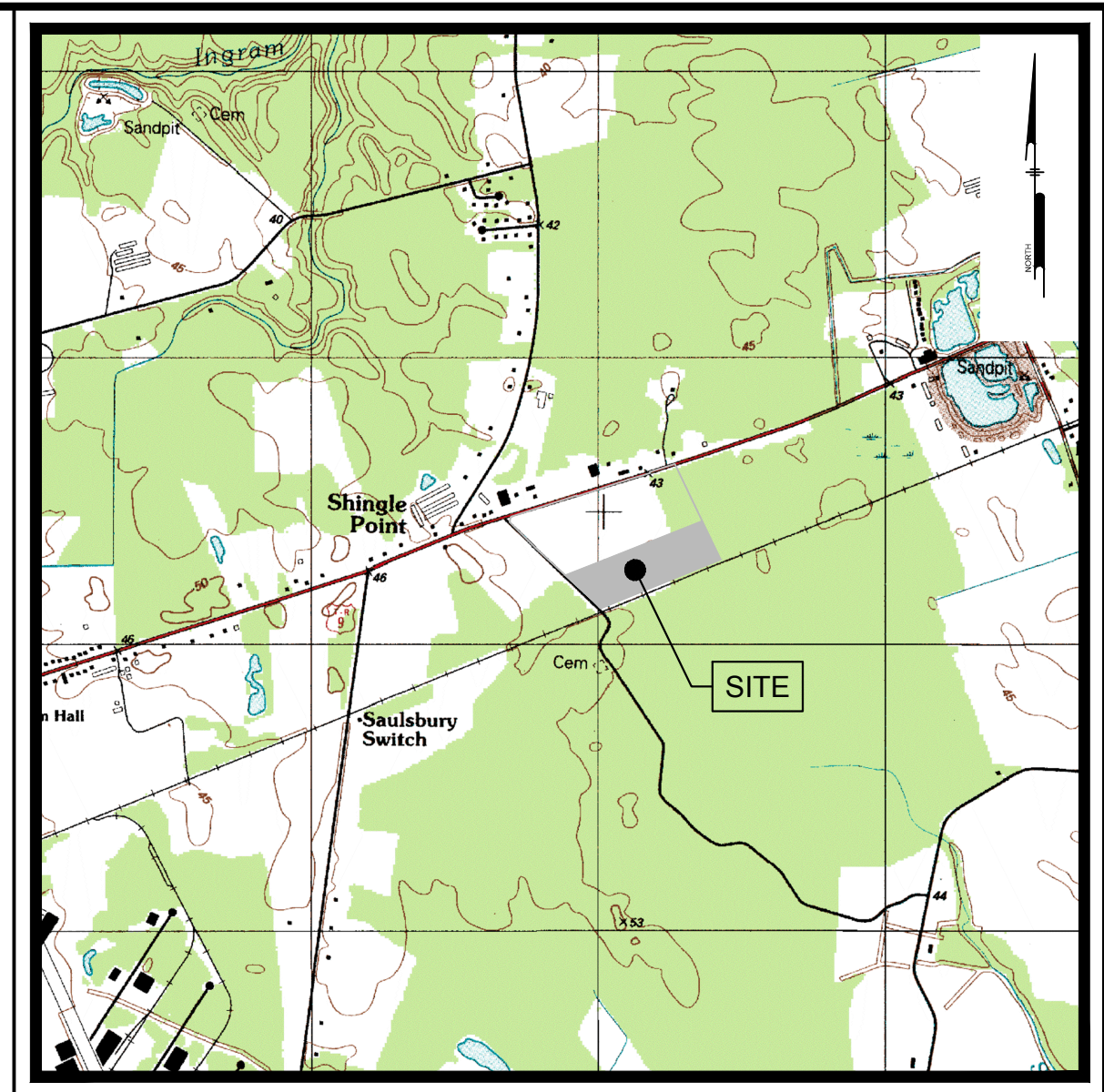
SITE DATA TABLE:

1. TAX MAP NUMBER:	135-16.00-23.05 & 135-16.00-23.06
2. OWNER:	DELSTAR, LLC. C/O KYLE MURRAY ASHWOOD STREET BETHANY BEACH, DE 19930
OWNER ADDRESS:	STEINER LAND, LLC. C/O BRIAN SHIPP AND ANDREW SPRINGER ASHWOOD STREET BETHANY BEACH, DE 19930
3. ADDRESS LOCATION:	STEINER ROAD GEORGETOWN, DE 19947
HUNDRED:	GEORGETOWN
COUNTY:	SUSSEX
4. ZONING:	HI-1 (HEAVY INDUSTRIAL) [HI-1 CHANGE OF ZONE 1902, P&Z COMMISSION APPROVAL ON 12/3/2020, COUNTY COUNCIL APPROVAL ON 2/18/2020, ORDINANCE NO. 2709]
PRESENT USE:	HEAVY INDUSTRIAL
PROPOSED USE:	PARCEL A1 - CONCRETE CENTRAL MIXING AND PROPORTIONING PLANT PARCEL A2 - BUILDING MATERIALS RECYCLING AND SORTING FACILITY
5. REQUIRED SETBACKS (B.R.L.):	HI-1 (115-116 B)
DEPTH OF FRONT YARD (FEET)	50'
WIDTH OF SIDE YARD (FEET)	20'
DEPTH OF REAR YARD (FEET)	20'
6. BUILDING HEIGHT:	125' MAX. (PER 115-116B) 42' MAX (115-83.3(B)(3))
7. REQUIRED LOT SIZES:	(PARCEL A, HI-1) FRONT, 200 FT. (115-116) WIDTH, 200 FT. (115-116) AREA, 2 ACRES, (115-116)
8. PARKING (ARTICLE XXII: OFF-STREET PARKING, CODE SECTION §115-162)	WHOLESALE OR MANUFACTURING: 1 FOR EVERY 2 EMPLOYEES ON THE MAJOR SHIFT ESTABLISHMENTS (1 PER 2 EMPLOYEES, MAX 28 EMPLOYEES) TOTAL REQUIRED SPACES: 14 PARCEL A1: 1 PER 2 EMPLOYEES (18 EMPLOYEES) TOTAL REQUIRED SPACES: 9 TOTAL PROVIDED SPACES: 9 HANDICAP SPACES = 1 PARCEL A2: 1 PER 2 EMPLOYEES (10 EMPLOYEES) TOTAL REQUIRED SPACES: 5 TOTAL PROVIDED SPACES: 5 HANDICAP SPACES = 1 OVERALL PARKING SPACES: TOTAL REQUIRED SPACES: 14 (INCLUDING 2 SPACES) TOTAL PROVIDED SPACES: 14
9. LOADING SPACES REQUIRED:	2 SPACES (CODE SECTION §115-167) PARCEL A1 1 SPACE PARCEL A2 1 SPACE OVERALL LOADING SPACES: PROPOSED LOADING SPACES: 2 SPACES

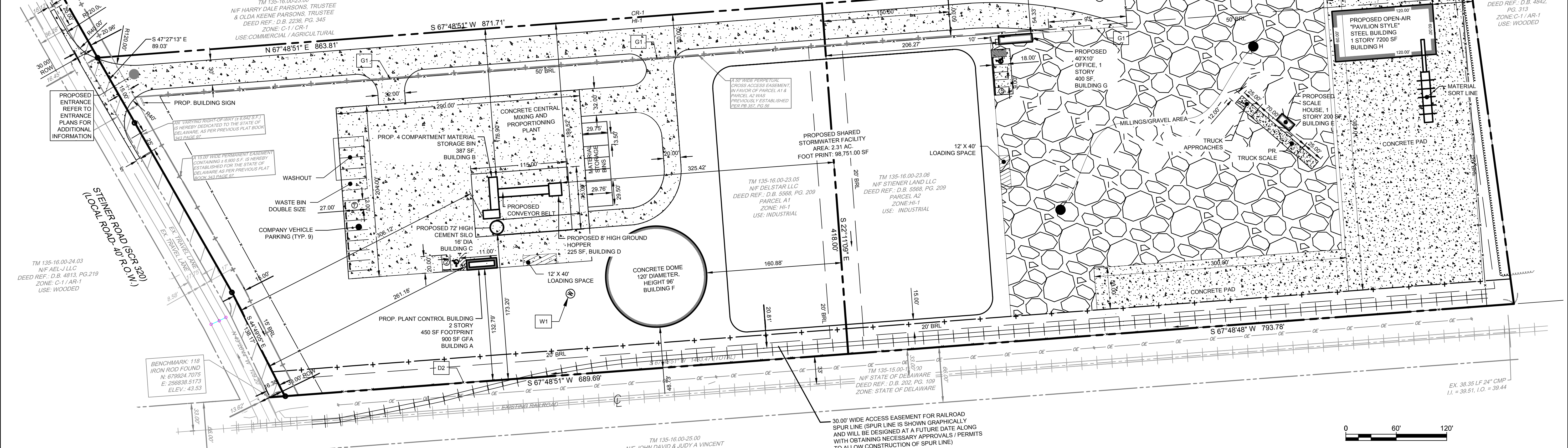
10. WATER SUPPLIER:	PRIVATE ON SITE WELLS
11. SECTION 89 - SOURCE WATER PROPERTY:	A. SUBJECT PROPERTY IS WITHIN AN AREA OF "FAIR" GROUNDWATER RECHARGE. B. SUBJECT PROPERTY IS NOT LOCATED IN A WELLHEAD PROTECTION AREA.
12. SANITARY SEWER PROVIDER:	PUBLIC - ARTESIAN WATER COMPANY
13. POSTED SPEED LIMIT:	45 MPH
14. STATE INVESTMENT AREA: COMPREHENSIVE PLAN AREA: SCHOOL DISTRICT: FIRE DISTRICT:	LEVEL 3 COMMERCIAL / HEAVY INDUSTRIAL INDIAN RIVER SCHOOL DISTRICT GEORGETOWN (77)
15. SITE AREA AND ACREAGE:	ACRES(±)
PARCEL A1: BUILDING FOOT PRINT: PARKING/DRIVE AISLES/IMPERVIOUS: GRASS: WOODS: TOTAL:	EX: 0.00 ± AC. (0.00%) PR: 0.29 ± AC. (3.90%) EX: 0.00 ± AC. (0.00%) PR: 2.29 ± AC. (30.5%) EX: 7.30 ± AC. (97.3%) PR: 4.92 ± AC. (65.6%) EX: 0.20 ± AC. (2.70%) PR: 0.00 ± AC. (0.00%) EX: 7.50 ± AC.
PARCEL A2: BUILDING FOOT PRINT: PARKING/DRIVE AISLES/IMPERVIOUS: GRASS: WOODS: TOTAL:	EX: 0.00 ± AC. (0.00%) PR: 0.21 ± AC. (2.80%) EX: 0.00 ± AC. (0.00%) PR: 4.79 ± AC. (63.9%) EX: 3.08 ± AC. (41.1%) PR: 2.41 ± AC. (32.1%) EX: 4.42 ± AC. (58.9%) PR: 0.09 ± AC. (1.2%) EX: 7.50 ± AC.
TOTAL AREA:	EX: 15.00 ± AC. PR: 15.00 ± AC.
14. EXISTING WOODS AREA: WOODS TO REMAIN:	4.62 ± AC. 0.09 ± AC.
15. TOTAL IMPERVIOUS AREA: PARCEL A1: PARCEL A2: TOTAL AREA:	2.58 ± AC. (34.4%) 5.00 ± AC. (66.7%) 7.58 ± AC. (50.5%)
16. LONGITUDE AND LATITUDE:	STATE PLANE COORDINATES: LONGITUDE: W 75°06'52.51" LATITUDE: N 38°33'25.06"
17. PROPOSED DISCHARGE LOCATION:	STEINER ROAD DITCH AT NORTHEAST PROPERTY CORNER
18. WATERSHED:	ROUND POLE BRANCH - BROADKILL RIVER WATERSHED, ULTIMATELY TO DELAWARE BAY
19. FLOOD ZONE:	THIS PROPERTY IS LOCATED ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 10005C0325L, MAP REVISED JUNE 20, 2018. (ZONE X) OUTSIDE 500 YR FLOOD PLAN.
20. WETLANDS AREA:	0 ACRES
21. DATUM:	HORIZONTAL: NAD83 VERTICAL: NAVD 1988
22. FIRE DISTRICT:	GEORGETOWN FIRE COMPANY (STATION 77)
23. LOCAL GOVERNMENT RESPONSIBLE FOR LAND USE APPROVAL:	SUSSEX COUNTY
24. TID REFERENCE:	NOT INCLUDED

LEGEND

EXISTING	PROPOSED	DESCRIPTION
[Symbol]	[Symbol]	BUILDING
[Symbol]	[Symbol]	BUILDING RESTRICTION LINE
[Symbol]	[Symbol]	EDGE OF PAVEMENT
[Symbol]	[Symbol]	EDGE OF GRAVEL
[Symbol]	[Symbol]	UTILITY EASEMENT
[Symbol]	[Symbol]	PERMANENT EASEMENT
[Symbol]	[Symbol]	FENCE
[Symbol]	[Symbol]	PROPERTY, LINE
[Symbol]	[Symbol]	LEGAL RIGHT-OF-WAY
[Symbol]	[Symbol]	PROPERTY, CORNER FOUND
[Symbol]	[Symbol]	PROPERTY, ADJOINING LINED
[Symbol]	[Symbol]	SITE, MAIL BOX
[Symbol]	[Symbol]	SITE, TRAFFIC SIGN
[Symbol]	[Symbol]	MINOR CONTOUR
[Symbol]	[Symbol]	MAJOR CONTOUR
[Symbol]	[Symbol]	CONCRETE
[Symbol]	[Symbol]	GRAVEL



S-22-03



SITE INFORMATION:

SITE ADDRESS:
STEINER ROAD
GEORGETOWN, DE 19960

OWNER:
DELSTAR, LLC.
C/O KYLE MURRAY
ASHWOOD STREET
BETHANY BEACH, DE 19930

STEINER LAND, LLC.
C/O BRIAN SHIPP AND ANDREW SPRINGER
ASHWOOD STREET
BETHANY BEACH, DE 19930

ENGINEER:
PENNONI ASSOCIATES, INC.
18072 DAVIDSON DRIVE
MILTON, DE 19968

BUILDING USE AND CONSTRUCTION

BUILDING	USE	AREA (SF)
A	PR. 25± HIGH PLANT CONTROL BUILDING	450.00
B	PR. 25± HIGH COMPARTMENT MATERIAL STORAGE BIN	387.00
C	PR. 72± HIGH CEMENT SILO 16' DIAMETER	
D	PR. 8± HIGH GROUND HOPPER	225.00
E	PR. 15± HIGH SCALE HOUSE	200.00
F	PR. 96± HIGH CONCRETE DOME 120' DIAMETER	
G	PR. 15± HIGH OFFICE SPACE	400.00
H	PR. 40± OPEN AIR "PAVILION STYLE" STEEL BUILDING	7200.00

KEYED NOTES

- [G1] 6" FENCE CHAIN LINK/BARBWIRE
- [G2] 8" FENCE CHAIN LINK/BARBWIRE ALONG RAILROAD
- [G3] PROPOSED GATE
- [W1] PROPOSED WELL

SOILS

TYPE	DESCRIPTION	HYDROLOGIC SOIL
Fa8A	FALLSINGTON SANDY LOAMS, 0 TO 2 PERCENT SLOPES, NORTHERN TIDEWATER AREA	B/D
Hi8A	HAMMONTON LOAMY SAND, 0 TO 2 PERCENT SLOPES	B
KsA	KLEJ LOAMY SAND, 0 TO 2 PERCENT SLOPES	A/D
W8A	WOODSTOWN SANDY LOAM, 0 TO 2 PERCENT SLOPES, NORTHERN TIDEWATER AREA	C

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

SIGNATURE: STEINER LAND, LLC.
C/O BRIAN SHIPP AND ANDREW SPRINGER
ASHWOOD STREET
BETHANY BEACH, DE 19930
(301) 932-9000

DATE

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

SIGNATURE: DELSTAR, LLC.
C/O KYLE MURRAY
ASHWOOD STREET
BETHANY BEACH, DE 19930
(301) 932-5353

DATE

ENGINEER CERTIFICATION:
IT IS HEREBY CERTIFIED THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE. THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE COMPLIES WITH APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES. THE DESIGN REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

SIGNATURE: ALAN DEKTOOR, PE (DE PE#17771)
PENNONI ASSOCIATES, INC.
18072 DAVIDSON DRIVE
MILTON, DE 19968
OFFICE (302) 684-8030 - FAX (302) 684-8054

DATE

Pennonni

PENNONI ASSOCIATES, INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

STEINER ROAD INDUSTRIAL PARK (S-22-03)

TAX MAP NUMBER: 135-16.00-23.05 (PARCEL A1 & A2)
STEINER ROAD (SCR 320)
GEORGETOWN, DE

PRELIMINARY SITE PLAN

DELSTAR, LLC. STEINER LAND, LLC.
ASHWOOD STREET BETHANY BEACH, DE 19930

NO.	DATE	REVISIONS	BY
1	2022-04-22	REVISED PER RAZ COMMENTS	EOC

PROJECT: **CHANY21001**

DATE: 2021-11-05

DRAWING SCALE: 1"=60'

DRAWN BY: EOC

APPROVED BY: AMD

PP1001

SHEET 1 OF 2

PLOT FILE: 4/22/2022 1:38 PM BY: Emmanuel Chikwa PROJECT STATUS: CHANY21001
 PLOT STYLE: Pennoni VSS.ctb
 U:\Automation\CHANY\CHANY21001 - Main Substation - Industrial\CHANY21001.dwg

GENERAL NOTES:

- ALL WORK SHALL COMPLY WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL CODES. ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE UNLESS PREVIOUSLY OBTAINED BY OWNER. THE CONTRACTOR SHALL MAINTAIN AND PROTECT, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.
- THE CONTRACTOR SHALL IMMEDIATELY INFORM THE ENGINEER OF ANY DISCREPANCIES OR ERRORS THEY DISCOVER IN THE PLAN.
- DEVIATION FROM THESE PLANS AND NOTES WITHOUT THE PRIOR CONSENT OF THE OWNER OR HIS REPRESENTATIVE OR THE ENGINEER MAY BE CAUSE FOR THE WORK TO BE REJECTED.
- ALL MATERIALS SHALL BE NEW AND SHALL BE ASBESTOS AND VERMICULITE FREE. ALL MATERIALS SHALL BE STORED SO AS TO ASSURE THE PRESERVATION OF THEIR QUALITY AND FITNESS FOR THE INTENDED WORK.
- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK TO BE PERFORMED. IT MUST BE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERE TO APPURTENANT.
- PRIOR TO CONSTRUCTION, CONTRACTOR TO FIELD LOCATE AND RECORD ANY DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REMOVED OR REPLACED, ENGINEER TO VERIFY LOCATION AND EXTENT OF DAMAGE.
- THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD.
- THE CONTRACTOR SHALL OPEN ONLY THAT SECTION OF TRENCH OR ACCESS PITS WHICH CAN BE BACKFILLED AND STABILIZED AT THE END OF EACH WORKING DAY. STEEL PLATES SHALL BE USED ON ANY TRENCH OR ACCESS PITS WHICH MUST REMAIN OPEN OVERNIGHT. THIS REQUIREMENT DOES NOT APPLY TO AREAS COMPLETELY CLOSED AND SECURED FROM VEHICULAR OR PEDESTRIAN TRAFFIC.
- DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REPLACED OR REMOVED DURING CONSTRUCTION SHALL BE IMMEDIATELY REPORTED TO ENGINEER. CONTRACTOR SHALL REPAIR OR REPLACE ALL DAMAGED WORK WITHOUT CHARGE TO THE OWNER.
- BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 100503025L, EFFECTIVE DATE JUNE 20, 2018, THE PROPERTY IS LOCATED IN FLOOD ZONE "X" (UNSHADED), WHICH IS AN AREA THAT HAS BEEN DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAN.
- SUBJECT PROPERTY IS CURRENTLY "H-1" (HEAVY INDUSTRIAL).
- THE SUBJECT SITE WILL BE CONSTRUCTED AS A SINGLE PHASE.
- TOTAL AREA FOR SUBJECT SITE IS 15.00 ACRES.
- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS COMPILED FROM DOCUMENTS OF PUBLIC RECORD AND A BOUNDARY SURVEY BY PENNONI, DATED FEBRUARY, 2020. ALL PROVIDED EASEMENTS ARE SHOWN AS SHOWN ON THIS PLAN, HOWEVER, THIS PLAN AND SURVEY DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS.
- SURVEY DATUM: HORIZONTAL - NAD83; VERTICAL - NAVD83
- DEED REFERENCE: DEED BOOK 5568, PAGE 209.
- PLAT REFERENCE: PLAT BOOK 343, PAGE 97
- BUILDING LIGHTING TO BE PROVIDED WITH BUILDING PLANS.
- ALL SECURITY LIGHTING (IF NECESSARY) SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT SHINE ON NEIGHBORING PROPERTIES OR ROADWAYS.
- THERE ARE NO WETLANDS ON THIS PROPERTY PER THE DNREC ENVIRONMENTAL NAVIGATOR WEBSITE.
- STORM WATER WILL BE HANDLED BY THE PROPOSED STORM WATER MANAGEMENT POND ON SITE. THE MAINTENANCE OF THE STORM WATER MANAGEMENT FACILITY WITHIN THIS SITE SHALL BE THE RESPONSIBILITY OF THE OWNER.
- ALL FIRE LANES, EXITS, STANDPIPE AND SPRINKLER CONNECTIONS WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS. ALL BUILDINGS WILL BE WOOD CONSTRUCTION AND HAVE SPRINKLERS.
- LOCK BOX REQUIRED - CONTACT LOCAL FIRE CHIEF FOR ORDERING INFORMATION. LOCK BOXES WILL BE LOCATED ON THE RIGHT HAND SIDE OF THE DOOR.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION.
- ALL DISTURBED AREAS WITHIN THE LIMIT OF DISTURBANCE, BUT NOT IN PAVEMENT, SHALL BE TOP-SOILED (6" MINIMUM), SEEDED AND MULCHED. IF THE ENGINEER DETERMINES THAT A SATISFACTORY STAND OF GRASS DOES NOT EXIST AT THE TIME OF FINAL INSPECTION, ALL COSTS ASSOCIATED WITH RE-ESTABLISHING A SATISFACTORY STAND OF GRASS SHALL BE AT THE CONTRACTOR'S EXPENSE.
- A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ROADWAY CONSTRUCTION.
- ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY, AND SHALL FOLLOW THE GUIDELINES SHOWN IN LATEST EDITION OF DELAWARE MUTCD.
- DESIGN, FABRICATION AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE LATEST VERSION OF THE DE MUTCD.
- DESIGN AND INSTALLATION OF ALL PAVEMENT MARKINGS AND STRIPING SHALL BE AS OUTLINED IN THE LATEST VERSION OF THE DE MUTCD. FOR FINAL PERMANENT PAVEMENT MARKINGS:
 - EPOXY RESIN PAINT SHALL BE REQUIRED FOR LONG LINE STRIPING.
 - THERMO PLASTIC (EXTRUDED OR PREFORMED MATERIAL) WILL BE REQUIRED ON ASPHALT SURFACES, FOR SHORT LINE STRIPING, I.E. SYMBOLS/LEGENDS.
 - PERMANENT PAVEMENT MARKING TAPE (PER DELDOT APPROVED MATERIALS LIST) WILL BE REQUIRED ON CONCRETE SURFACES, FOR SHORT LINE STRIPING, I.E. SYMBOLS/LEGENDS.
- BREAKAWAY POSTS SHALL BE USED WHEN INSTALLING ALL SIGNS. REFERENCE DELDOT STANDARD CONSTRUCTION DETAIL T-15.
- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING, TWO (2) WEEKS PRIOR TO THE START OF CONSTRUCTION:
 - THE OWNER
 - SUSSEX CONSERVATION DISTRICT
 - DELDOT
- THE CONTRACTOR SHALL MAINTAIN PUBLIC ROADS AND STREETS IN A BROOM SWEEP CONDITION AT ALL TIMES.
- THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATION SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE.
- A SEPARATE SIGN PERMIT WILL BE REQUIRED FOR THE PROPOSED SIGN. ANY PROPOSED SIGN DETAILS WILL BE SUBMITTED SEPARATELY.

DELDOT RECORD/SITE PLAN NOTES (REVISED 3-21-2019):

- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
- 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.
- 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 DEVELOPMENT COORDINATION MANUAL.
- PRIVATE STREETS CONSTRUCTED WITHIN THIS PROPERTY SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17 §131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE 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 SHARED-USE PATH.
- ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- 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.
- A PERPETUAL CROSS ACCESS INGRESS/EGRESS EASEMENT IS HEREBY ESTABLISHED AS SHOWN ON THIS PLAT, PER PB 343, PG. 97.

TRAFFIC GENERATION - STEINER RD (SCR 320)
(FULL MOVEMENT)

ROAD TRAFFIC DATA:
FUNCTIONAL CLASSIFICATION - S320 (STEINER RD.) - LOCAL ROAD
POSTED SPEED LIMIT - 45 MPH
AADT = 52 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)
DIRECTIONAL DISTRIBUTION:¹
10 YEAR PROJECTED AADT = 1,16 x = 52 TRIPS = 60 TRIPS
10 YEAR PROJECTED AADT + SITE ADT = 322 TRIPS
TRAFFIC PATTERN GROUP = 7 (FROM 2019 DELDOT TRAFFIC SUMMARY)
PEAK HOUR - 17.82% x 322 TRIPS = 57 TRIPS
TRUCK VOLUME - 12.69% x LEFT TURN PEAK ADT = 1 TRIPS

SITE TRAFFIC DATA:
SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION²
EXISTING LAND USE: VACANT FIELD
PROPOSED LAND USE:
GENERAL LIGHT INDUSTRIAL (ITE 110)
900 SF - CONCRETE CENTRAL MIXING AND PROPORTIONING PLANT
0.90 KSF = T=3.79(X)+57.96 = 62 TRIPS (31 IN / 31 OUT)

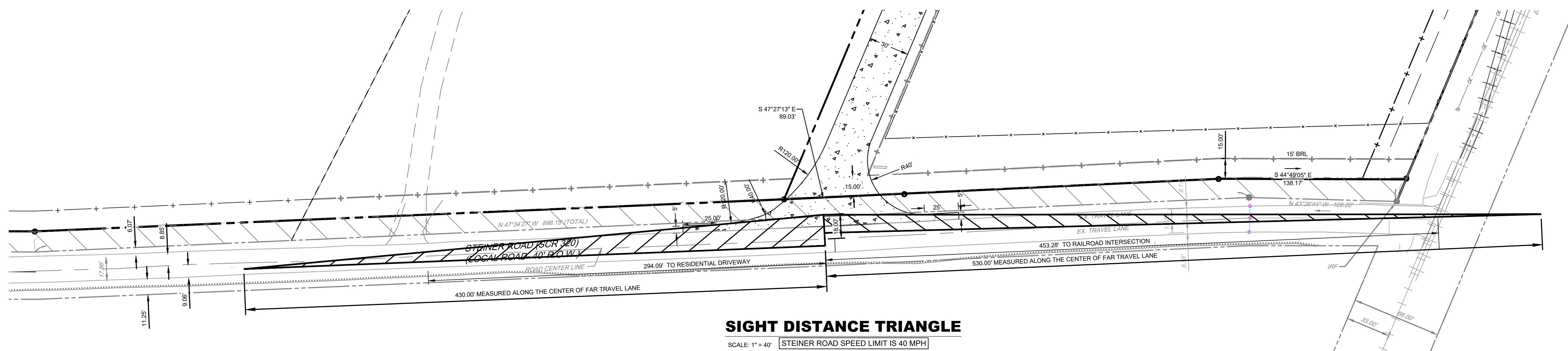
PEAK HOUR OF ADJACENT STREET TRAFFIC:
AM: Ln(T)=0.74Ln(X)+0.39 = 2 TRIPS (WEEKDAY) [88% / 12%] (1 / 1)
PM: Ln(T)=0.69Ln(X)+0.43 = 2 TRIPS (WEEKDAY) [13% / 87%] (1 / 1)

SUN SERVICES - MATERIAL RECYCLING COMPANY
TOTAL PROPOSED TRIPS = 200 TRIPS (100 IN / 100 OUT)
[ACCORDING TO THE OWNER, THE TRUCK TRAFFIC WOULD BE RELATED TO THE MARKET DEMAND AND ECONOMY. DURING PEAK TIMES, IT IS EXPECTED TO HAVE 100 TRUCKS THROUGHOUT THE DAY WHICH WOULD EQUAL 200 TRIPS.]

PEAK HOUR OF ADJACENT STREET TRAFFIC:
AM: AVG. RATE: 10 TRIPS (WEEKDAY) [50% / 50%] (5 / 5)
PM: AVG. RATE: 10 TRIPS (WEEKDAY) [50% / 50%] (5 / 5)
DIRECTIONAL DISTRIBUTION:
100% TO AND FROM RT. 9 (282 TRIPS) ENTERING (6)/6, EXITING (6)/6
0% TO AND FROM STEINER RD. (0 TRIPS)
TOTAL COMBINED TRIPS = 282 ADT

TRAFFIC GENERATION DIAGRAM
ADT PEAK HOUR (A.M.), ADT PEAK HOUR (P.M.)
¹ DIRECTIONAL DISTRIBUTION PROVIDED BY DELDOT
² DIRECTIONAL DISTRIBUTION PROVIDED BY ITE MANUAL

DESIGN VEHICLE - WB-40
SITE TRUCK TRAFFIC = 70% (183 TRIPS)



PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.9030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

STEINER ROAD INDUSTRIAL PARK (S-22-03)
TAX MAP NUMBER: 135-16-00-23.05 (PARCEL A1 & A2)
STEINER ROAD (SCR 320)
GEORGETOWN, DE

PRELIMINARY SITE NOTES
DELSTAR, LLC. STEINER LAND, LLC.
ASHWOOD STREET BETHANY BEACH, DE 19890
ASHWOOD STREET BETHANY BEACH, DE 19890

NO.	DATE	REVISIONS	BY
1	2022-04-22	REVISED PER RAZ COMMENTS	EOC

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 AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT: CHANY21001
DATE: 2021-11-05
DRAWING SCALE: AS SHOWN
DRAWN BY: EOC
APPROVED BY: AMD

PP1002
SHEET 2 OF 2

FUQUA, WILLARD & SCHAB, P.A.

PAYNTER HOUSE
26 THE CIRCLE OR P.O. BOX 250
GEORGETOWN, DELAWARE 19947
PHONE 302-856-7777
FAX 302-856-2128
onthecircle@fwsdelaw.com

JAMES A. FUQUA, JR.
WILLIAM SCHAB
TIMOTHY G. WILLARD
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105 W. 4TH STREET
LEWES, DE 19958
PHONE 302-856-9024
FAX 302-856-6360

REHOBOTH OFFICE
20245 BAY VISTA RD., UNIT 203
REHOBOTH BEACH, DE 19971
PHONE 302-227-7727
FAX 302-227-2226

January 20, 2022

Email & Hand Delivered

Jamie Whitehouse
Director, Planning Commission
2 The Circle
Georgetown, DE 19947

RE: **Steiner Land, LLC – 33422 Steiner Road**
#135-16.00-23.05

Dear Jamie:

I represent Steiner Land LLC (“Steiner”) and Sun Services LLC (“Sun”). Steiner owns 7.5 acres along the railroad tracks just east of Georgetown. Sun runs a construction recycling business in Maryland and is planning a similar operation for this parcel. You may already be familiar with this property and the proposed use.

The parcel is zoned Heavy Industrial (“HI-1”). I am writing to confirm that Sun’s use is a Permitted Use consistent with §115-109C. The location for Sun’s use fits well not only as HI-1 but also because the location is isolated, in a wooded area with little to no residential use nearby. Furthermore, DNREC, DSWA met with Sun, and indicated that this project meets the criteria for approval.

Specifically, §115-109C Permitted Uses states:

C. The following uses and any similar industrial uses which are not likely to create any more offensive noise, vibrations, dust, heat, smoke, odor, glares or other objectionable influences than the minimum amount normally resulting from other uses permitted and involving the manufacture, compounding, processing, packaging or treatment of the following products or similar products. Where any doubt exists as to the nature of a proposed use, product or process, the proposal shall be considered

* Please reply to the above referenced location

January 20, 2022

as a potentially hazardous use and referred to the Board of Adjustment for decision after a public hearing.

Concrete products or central mixing and proportioning plants

Structural iron and steel fabrication

Wallboard and plaster, building, insulation and composition flooring

If confirmed, Sun will be treating, recycling, the listed products. Based on Sun's track record in MD and their specific plans for this parcel, Sun's use will reduce any objectional influences for such use or similar uses. In addition, this recycling operation environmentally addresses significant demand created by the housing market consistent with the Sussex County Comprehensive Plan.

In sum, the facility will receive, process and sort Construction and Demolition debris. Construction and Demolition debris is generally (but not exclusively) comprised of the following commodities: wood, concrete, brick, block, metals, wallboard, cardboard, paper, plastics and dirt. These materials will be processed using heavy equipment, screens, magnets and elevated sort lines with labor to sort and separate each commodity into clean groups that can be sold or reused. After the commodities are separated, they will be prepped and trucked off site. The remaining materials that have no value for reuse will be trucked off site as well to a permitted waste facility.

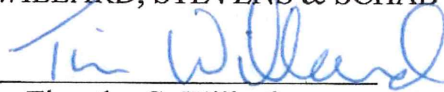
The heavy equipment that will be used on site will present minimal noise nuisance because they will utilize white noise back up alarms (not a loud beep) which prevents the noise from traveling off the property. Other equipment will be electrically driven so noise will be at a minimum. Any dust will be suppressed by wetting material down as needed as well as dust suppression (atomizing water into the air) to capture fugitive dust particles if they are created during the process. Odor is not anticipated to be an issue because this operation will accept only Construction and Demolition debris which do not contain the organic components that generally cause objectionable odors.

We would welcome a meeting at your convenience. Or, please email me with your thoughts. Thanks.

Very truly yours,

FUQUA, WILLARD, STEVENS & SCHAB

By



Timothy G. Willard

Pc: Sun Services LLC
Penoni Engineers



DELAWARE SOLID WASTE AUTHORITY

Richard P. Watson, P.E., BCEE
Chief Executive Officer

Robin M. Roddy, P.E., BCEE
Chief Operating Officer

Board of Directors

Gerard L. Esposito

Chairman

Timothy P. Sheldon

Vice Chairman

Tonda L. Parks

Norman D. Griffiths

Michael R. Paraskewich, Jr., Ph.D., P.E.

A. Temple Carter, III

William J. Riddle

February 15, 2021

Sussex County Planning and Zoning Commission
PO Box 417
Georgetown, DE 19947

Dear Commissioners,

Subject: Letter of support for Sun Recycling's application to build a C&D recycling facility in Sussex County

This letter is to express the support of Delaware Solid Waste Authority (DSWA) in the above-mentioned construction and demolition recycling facility being proposed by Sun Recycling LLC. DSWA is a nationally recognized organization for its management of Delaware's solid waste materials and has expertise in the process of C&D recycling. Members of DSWA toured Sun Recycling's C&D facility which is located in Beltsville Maryland. The staff was extremely impressed with the efficiency and cleanliness of their facility. I personally have visited dozens of C&D recycling facilities throughout the United States and their facility is among the very best of all the facilities I have visited.

DSWA has partnered with recycling leader Revolution Recovery, to operate a C&D recycling facility in New Castle, Delaware which has been operating for over 10 years. This facility has recycled thousands of tons of material every year and is utilized by every major builder and developer in New Castle County. DSWA believes Sun Recycling LLC., will be able to provide a similar service to Sussex County. Please feel free to contact me directly we any questions or concerns about this proposed site.

Sincerely,

Michael Parkowski
Chief of Business and Governmental Services
Delaware Solid Waste Authority

1128 S. Bradford Street, Dover, Delaware 19904

Phone: (302) 739-5361 Fax: (302) 739-4287

CITIZENS' RESPONSE LINE: 1-800-404-7080

www.dswa.com

SUNSHORE RECYCLING

A Demolition & Construction Debris Recycling Company

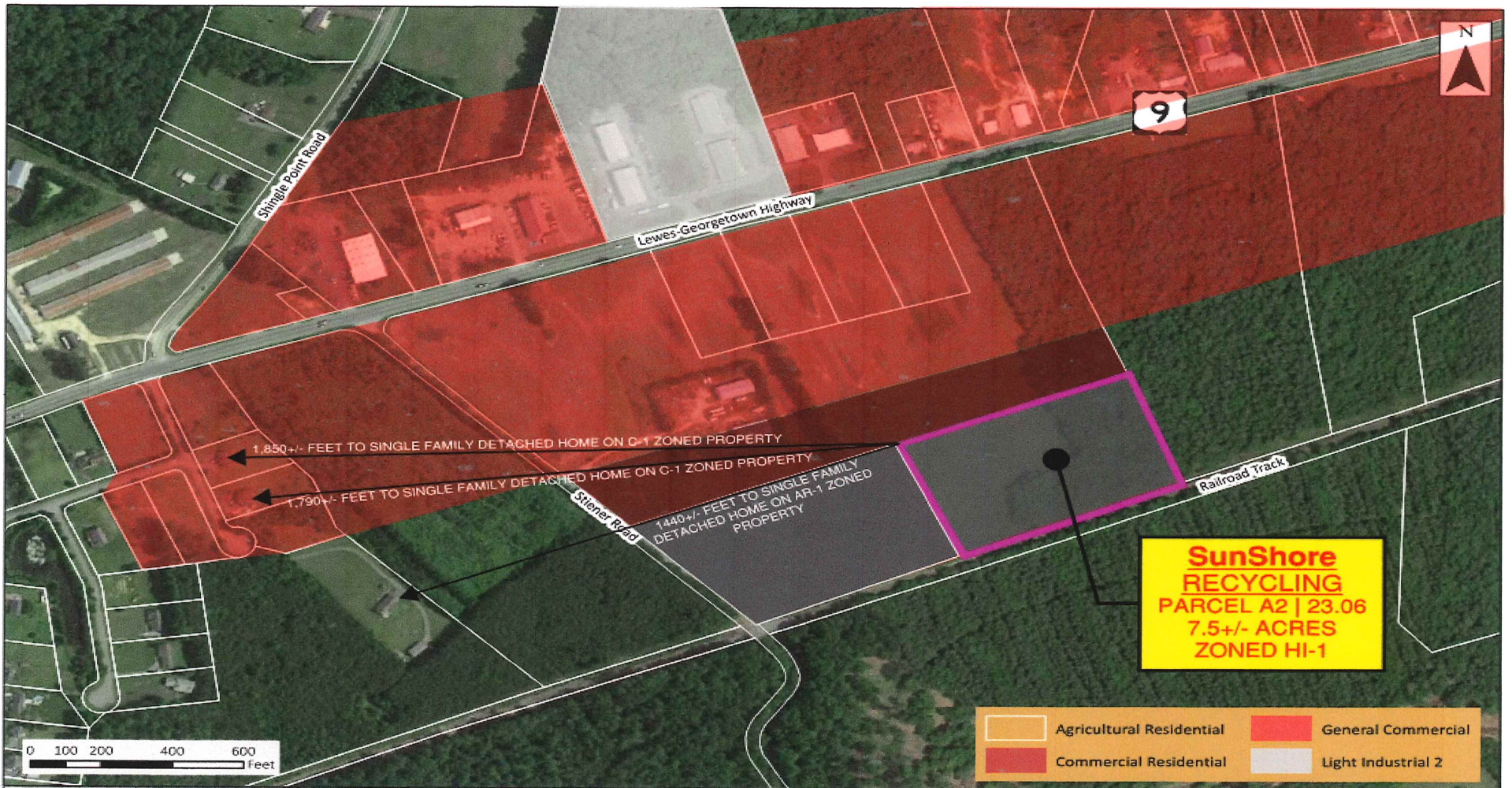


Figure 1 of 20.
20

AERIAL EXHIBIT
LANDS N/F STEINER LAND, LLC
RIBER19002



Subject Area - Heavy Industrial (HI-1)
Other Tax Parcels

Mission / Purpose

- To create an alternative for D & C debris in Sussex County to be recycled instead of landfilled
 - Extends life of county landfill
 - Removes drywall from material stream preventing hazardous/nuisance H₂S gas at county landfill
 - Residual material can be used as fuel for WTE instead of landfilling (if necessary)

Supported by Delaware Solid Waste Authority

Consistent with Sussex Comprehensive Plan

Materials Accepted :

- Wood
- Concrete
- Carboard
- Metals
- Drywall
- Green Waste
- Plastics
- Brick/Block/ Asphalt
- Dirt

- **SunShore will NOT accept any hazardous materials**

How it works....

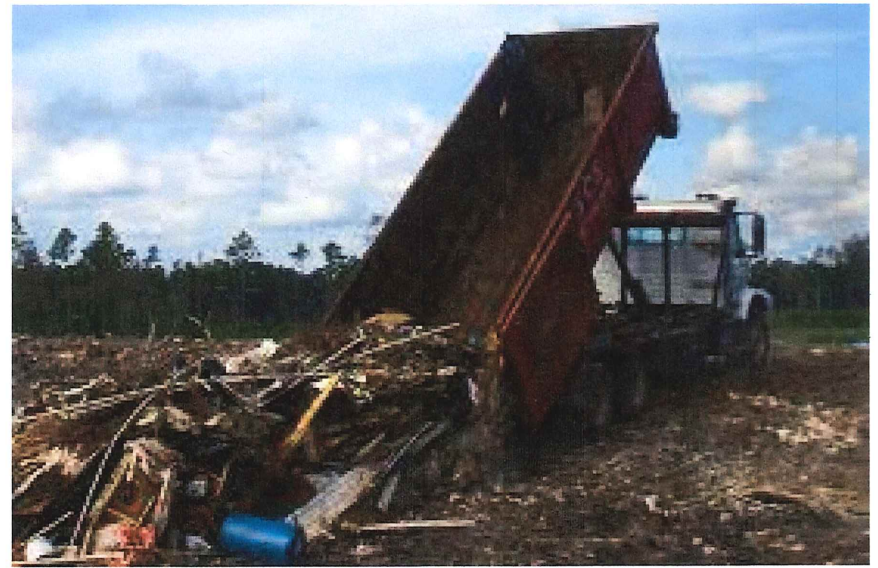
- ♦ Exclusion of prohibited material is posted at entrance; staff is trained to exclude it, if any.
- ♦ Accepted material is pre-screened and sized with a large excavator
- ♦ Material is then fed through a large sorting system consisting of a series of conveyor belts, screens, magnets, air separators, and long slide belts for hand picking.
- ♦ This process sorts materials into segregated commodities that will then be reused by various end markets and industries.

How it works, in detail...

Commercial/Roll off truck is weighed and inspected



Truck dumps on concrete pad for more inspection and bulky item sorting begins

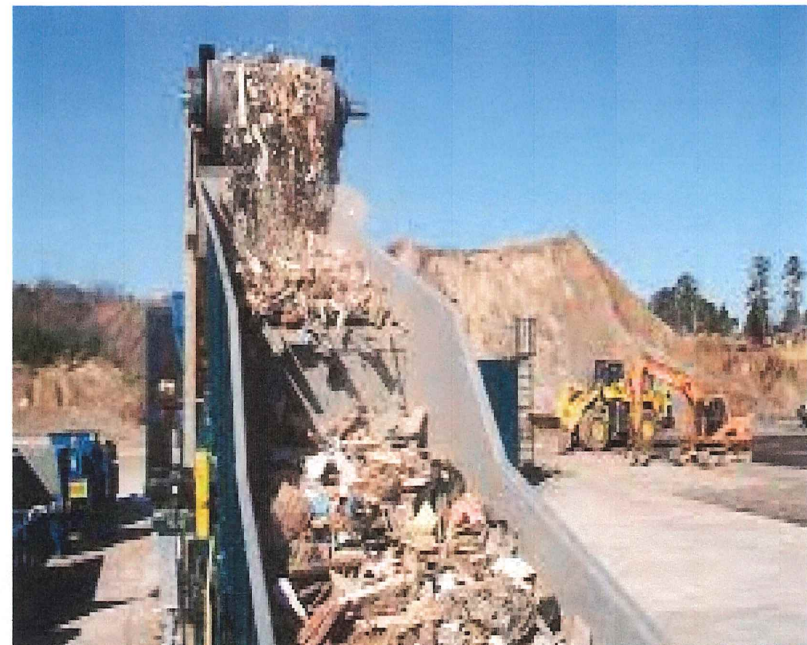


Mechanized Separation

- Material is sorted and sized before loading into system



- Material travels across screen for sizing



Hand Sorting



- “Overs material” (more than 6”) from screen on slide belt for hand picking commodities

Magnetic Separation

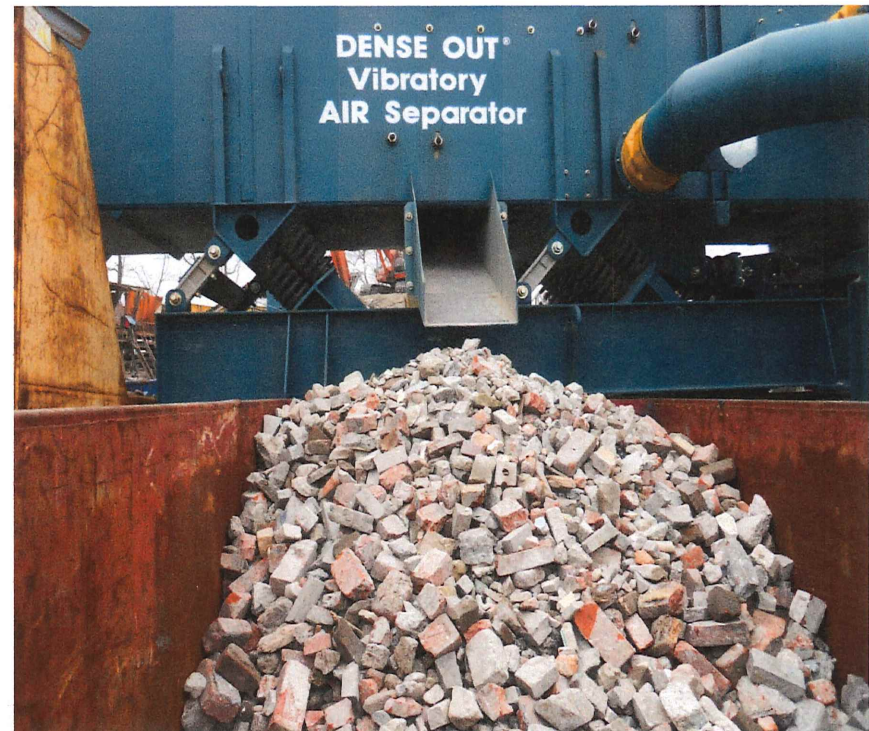
The “unders” material (less than 2”) passes by magnet to pull all ferrous metal



material then enters a screen to remove
3/8” minus fines(dirt)

Air Separation

Overs of this screen then enter air separation that removes all of the “heavies” (stone/brick/block/small non-ferrous metal



Sorted / Separated Commodities



Brick & Block



Concrete



Cardboard



Metals



Wood



Drywall / Gypsum

Residual Material

What is left from the sorting process?

- A lightweight material stream that contains almost no inert heavies, metals or drywall
- This material has no value or sustainable end market to make it worthy of being separated during the sorting process.
- If landfilled it has very high compaction rates similar to MSW.
- Material can be accepted at WTE facilities to create renewable energy (if necessary).

- TAX MAP NUMBER: 135-16-00-23 (S) & 135-16-00-23 (W)
- OWNER: DELSTAR, LLC
C/O VICKI MURRAY
ASHWOOD STREET
BETHANY BEACH, DE 19320
- OWNER: STENER LAND, LLC
C/O BRIAN SHIFF AND ANDREW SPRINGER
ASHWOOD STREET
BETHANY BEACH, DE 19320
- ADDRESS LOCATION: STENER ROAD
HUNDRED: 19320
COUNTY: SUSSEX
- ZONING: H-1 (HEAVY INDUSTRIAL)
H-1 (115-116.B)
- REQUIRED SETBACKS (S.F.L.):
DEPTH OF FRONT YARD (FEET): 30'
WIDTH OF SIDE YARD (FEET): 20'
DEPTH OF REAR YARD (FEET): 20'
- BUILDING HEIGHT: 125' MAX (PER 115-116.B) - 42' MAX (115-63.3(B)(3))
- REQUIRED LOT SIZES (PARCEL A, H-1):
200 FT. (115-116)
200 FT. (115-116)
2 ACRES. (115-116)
- WATER SUPPLIER: PRIVATE ON SITE WELLS
- SECTION 91 - SOURCE WATER PROPERTY: A. SUBJECT PROPERTY IS WITHIN AN AREA OF "PAID" GROUNDWATER RECHARGE. B. SUBJECT PROPERTY IS NOT LOCATED IN A WELLHEAD PROTECTION AREA.
- SANITARY SEWER PROVIDER: PUBLIC - ARTESIAN WATER COMPANY
- POSTED SPEED LIMIT: 45 MPH
- STATE INVESTMENT AREA: LEVEL 3
COMMERCE/INDUSTRIAL/HEAVY INDUSTRIAL
COMPLEMENTARY ZONING AREA
LOCAL DISTRICT: GEORGETOWN (J7)
FIRE DISTRICT: GEORGETOWN (J7)
- STATE AREA AND ACREAGE: ACREAGE)

- EXISTING WOODS AREA: 4.42 ± AC
0.09 ± AC
- LONGITUDE AND LATITUDE: STATE PLANE COORDINATES: LONGITUDE: W 75°02'52.51"
LATITUDE: N 39°29'35.31"
- PROPOSED DISCHARGE LOCATION: STENER ROAD DITCH AT NORTHEAST PROPERTY CORNER
- WATERSHED: ROUND POLE BRANCH - BROADHEART RIVER WATERSHED, ULTIMATELY 1 MI
- FLOOD ZONE: THIS PROPERTY IS LOCATED ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 130023023L, MAP REVISED JUNE 25, 2018 (ZONE VULNERABLE 500 YR FLOOD PLAN)
- WETLANDS AREA: 0 ACRES
- DATUM: HORIZONTAL: NAD83
VERTICAL: NAVD 1988
- FIRE DISTRICT: GEORGETOWN FIRE COMPANY (STATION 77)
- LOCAL GOVERNMENT RESPONSIBILITY FOR LAND USE APPROVAL: SUSSEX COUNTY
- TO BE REFERENCED: NOT INCLUDED

- HEAVY INDUSTRIAL BUILDING FOOT PRINT: EX: 15.00 ± AC. PR: 0.50 ± AC.
- PAVILION STYLE STEEL BUILDING: EX: 15.00 ± AC. PR: 0.50 ± AC.
- GRASS: EX: 19.38 ± AC. PR: 7.33 ± AC.
- WOODS: EX: 4.42 ± AC. PR: 0.09 ± AC.

- PROPOSED SHARED STORAGE FACILITY: AREA: 871 AC. FOOT PRINT: 18,511 00 SF
- PROPOSED 72" HIGH CEMENT SILD: 125 97' BUILDING B
- PROPOSED 8" HIGH GROUND HOPPER: 225 00'
- PROPOSED 200' DIA CONCRETE DOME: 120' DIAMETER, HEIGHT 90'
- PROPOSED 2 STORY OFFICE BUILDING: 400 00'
- PROPOSED 2 STORY OFFICE BUILDING: 7200 00'

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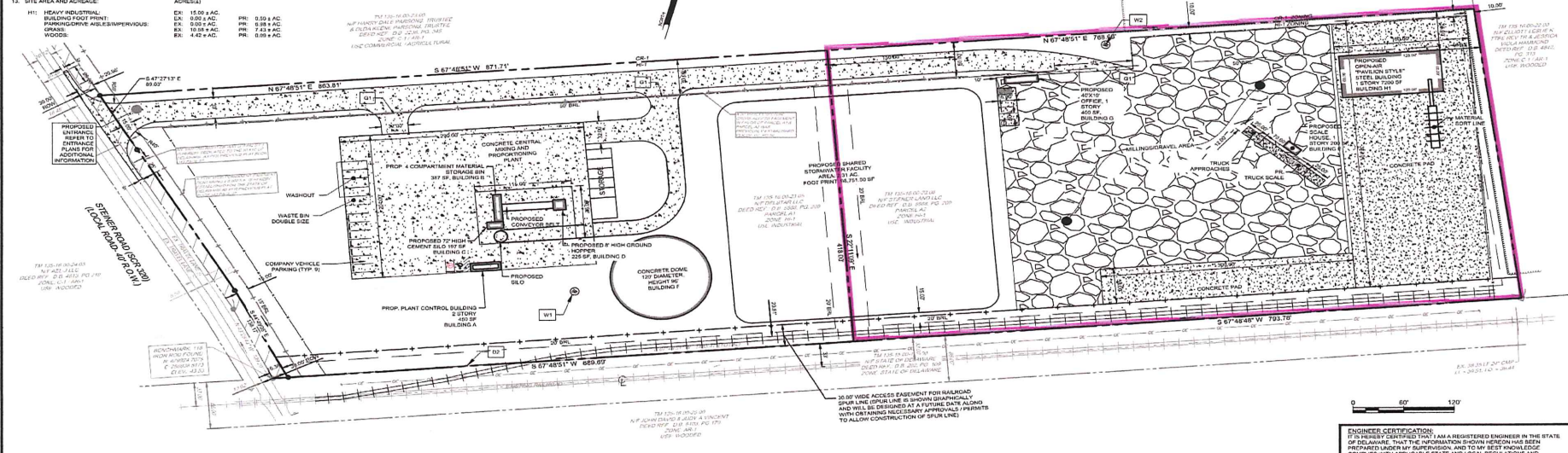
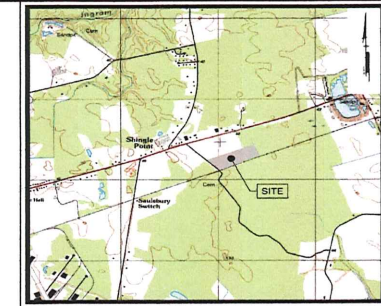
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LEGEND

EXISTING	PROPOSED	DESCRIPTION
(Symbol)	(Symbol)	BUILDING
(Symbol)	(Symbol)	BUILDING RESTRICTION LINE
(Symbol)	(Symbol)	EDGE OF PAVEMENT
(Symbol)	(Symbol)	EDGE OF GRAVEL
(Symbol)	(Symbol)	UTILITY EASEMENT
(Symbol)	(Symbol)	PERMANENT EASEMENT
(Symbol)	(Symbol)	FENCE
(Symbol)	(Symbol)	PROPERTY LINE
(Symbol)	(Symbol)	LEGAL RIGHT-OF-WAY
(Symbol)	(Symbol)	PROPERTY CORNER FOUND
(Symbol)	(Symbol)	PROPERTY ADDITION LINED
(Symbol)	(Symbol)	SITE MAIL BOX
(Symbol)	(Symbol)	SITE TRAFFIC SIGN
(Symbol)	(Symbol)	MAJOR CONTOUR
(Symbol)	(Symbol)	MINOR CONTOUR
(Symbol)	(Symbol)	CONCRETE
(Symbol)	(Symbol)	GRAVEL



SITE INFORMATION:

SITE ADDRESS: STENER ROAD
GEORGETOWN, DE 19360

OWNER: DELSTAR, LLC
C/O VICKI MURRAY
ASHWOOD STREET
BETHANY BEACH, DE 19320

ENGINEER: PENNONI ASSOCIATES, INC.
10072 DAVENPORT DRIVE
MILTON, DE 19966

BUILDING USE AND CONSTRUCTION		
BUILDING	USE	AREA (SF)
A	PR. PLANT CONTROL BUILDING	450.00
B	PR. COMPARTMENT MATERIAL STORAGE BIN	387.00
C	PR. 72" HIGH CEMENT SILD	187.00
D	PR. 8" HIGH GROUND HOPPER	225.00
E	PR. SCALE HOUSE	200.00
F	PR. CONCRETE DOME 120' DIAMETER, HEIGHT 90'	
G	PR. OFFICE SPACE	400.00
H	PR. OPEN AIR "PAVILION STYLE" STEEL BUILDING	7200.00

- KEYED NOTES**
1. FENCE CHAIN LINK/MESH
 2. FENCE CHAIN LINK/MESH ALONG RAILROAD
 3. PROPOSED GATE
 4. PROPOSED WELL

ENGINEER CERTIFICATION:
I, THE UNDERSIGNED, BEING A REGISTERED ENGINEER IN THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

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

ENGINEER CERTIFICATION:
I, THE UNDERSIGNED, BEING A REGISTERED ENGINEER IN THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

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ENGINEER CERTIFICATION:
I, THE UNDERSIGNED, BEING A REGISTERED ENGINEER IN THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

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Pennonni

PENNONI ASSOCIATES, INC.
10072 DAVENPORT DRIVE
MILTON, DE 19968
T 302.684.8000 F 302.684.8204

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR. DISCREPANCIES RESOLVE PROCEEDING WITH WORK.

STEINER ROAD INDUSTRIAL PARK
TAX MAP NUMBER: 135-16-00-23 (S) & 135-16-00-23 (W)
GEORGETOWN, DE

PRELIMINARY SITE PLAN
DELSTAR, LLC
ASHWOOD STREET
BETHANY BEACH, DE 19320

PROJECT: CHANY21001
DATE: 2021-11-03
DRAWING SCALE: 1"=400'
DRAWN BY: EDC
APPROVED BY: AMD

PP1001

SHEET 1 OF 2



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

NICOLE MAJESKI
SECRETARY

April 27, 2022

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Caden Oplinger** proposed land use application, which we received on April 19, 2022. This application is for an approximately 20.00- acre parcel (Tax Parcel: 130-6.00-22.00). The subject land is located on the southeast side of Shawnee Road (Sussex Road 36) approximately 1,000 feet west of the intersection with Abbots Pond Road (Sussex Road 620). The subject land is currently zoned AR-1 (Agriculture Residential) and the applicant seeks a conditional use approval to refurbish tractors, big rigs, and farm equipment.

Per the 2019 Delaware Vehicle Volume Summary, the annual and summer average daily traffic volume along Shawnee Road from Abbots Pond Road to Staytonville Road (Sussex Road 224), is 4,020 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** 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 diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

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



Mr. Jamie Whitehouse

Page 2 of 2

April 27, 2022

Please contact Ms. Annamaria Fumato, at Annamaria.Fumato@delaware.gov, if you have questions concerning this correspondence.

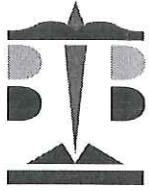
Sincerely,



Claudy Joinville
Project Engineer
Development Coordination

CJ:afm

cc: Caden Oplinger, Applicant
Jesse Lindenberg, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, County Coordinator, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review 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
James Argo, South District Project Reviewer, Maintenance & Operations
Annamaria Fumato, Project Engineer, Development Coordination



BAIRD
MANDALAS
BROCKSTEDT LLC

Mackenzie M. Peet
mackenzie@bmbde.com
(302)645-2262

April 14, 2022

RECEIVED

APR 14 2022

SUSSEX COUNTY
PLANNING & ZONING

VIA EMAIL

Planning & Zoning Department
Attn: Jamie Whitehouse, Director
2 The Circle
PO Box 417
Georgetown, DE 19947
Email: pandz@sussexcountyde.gov

Re: MARS-RE, LLC
CZ 1980 from AR-1 to C-3
Tax Map Parcel No. 134-11.00-191.00

Director Whitehouse,

Please find the enclosed supplemental packet for the above-referenced application.

Should you need any additional information prior to the public hearing or have any questions, please contact mackenzie@bmbde.com.

Sincerely,

Mackenzie M. Peet, Esquire

MMP/mag

Enclosures

Cc: John O. Murray, Senior Project Manager
Daniel Toth, Senior Project Architect

File #: _____

Planning & Zoning Commission Application

Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

34464 Atlantic Avenue, Ocean View, DE 19970

Type of Conditional Use Requested:

Seeking change of zone from agricultural residential (AR-1) to Heavy Commercial District (C3) for a mixed use development (45 condominiums & 5,741 s.f. Retail/Restaurant)

Tax Map #: 134-11.00-191.00

Size of Parcel(s): 3.826 Ac.

Current Zoning: AR-1

Proposed Zoning: C3

Size of Building: 20,131 s.f. footprint

Land Use Classification: Mixed Residential

Water Provider: Tidewater Utilities

Sewer Provider: Sussex County

Applicant Information

Applicant Name: MARS-RE, LLC C/O Roger Schwandtner

Applicant Address: 35637 Central Park Circle

City: Dagsboro

State: DE

Zip Code: 19939

Phone #: (302) 604-1333

E-mail: Roger@ardllc.net

Owner Information

Owner Name: Same as Applicant

Owner Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt, LLC (C/o Mackenzie Peet)

Agent/Attorney/Engineer Address: 1413 Savannah Road, Suite 1

City: Lewes

State: DE

Zip Code: 19958

Phone #: 302.645.2262

E-mail: Mackenzie@bmbde.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.

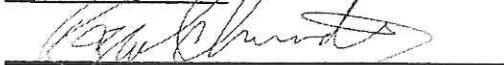
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 2/22/2022

Signature of Owner



Date: 2/22/2022

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: _____

JAMIE WHITEHOUSE, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

March 30, 2022

Ms. Mackenzie Peet, Esq.
Baird Mandalas Brockstedt, LLC
1413 Savannah Road, Suite 1
Lewes, DE 19958

Email: mackenzie@bmbde.com

Dear Ms. Mackenzie Peet, Esq.:

C/Z 1980 MARS-RE, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.91 ACRES, MORE OR LESS. The property is lying on the south side of Atlantic Avenue (Route 26), approximately 475 ft. east of Powell Farm Road (S.C.R 365). 911 Address: 34464 Atlantic Avenue, Ocean View. Tax Parcel: 134-11.00-191.00

The **Planning and Zoning Commission** will hold a Public Hearing on **Thursday, April 28, 2022, at 5:00 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, June 7, 2022, at 1:30 pm** in the Sussex County Council Chambers located in the County Administrative Office at 2 The Circle Georgetown, DE, 19947.

It will be necessary for you, the applicant, to participate at the hearings before both the Commission and County Council. If you do not participate or are not represented, the Commission and/or County Council reserve the right to refuse to act on your application and may require that a new application be filed, and fees paid at your expense.

If an attorney, or agent, will be representing you, the applicant, it is your duty to notify them as to the dates and times of the hearings as herein set forth, as the Commission and County Council will not notify your counsel.

Further instructions describing the method of public participation and the manner of viewing the hearings will be contained within the Agendas for both of these meetings that will be posted at least 7 days in advance of each meeting at sussexcountyde.gov.

Sincerely,
Planning and Zoning Department



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

Exhibit A

Property and Deed Information

Property Information

Property Location: 34464 ATLANTIC AV
Unit:
City: OCEAN VIEW
Zip: 19970
State: DE

Class: RES-Residential
Use Code (LUC): RS-RESIDENTIAL SINGLE FAMILY
Town: 00-None
Tax District: 134 - BALTIMORE
School District: 1 - INDIAN RIVER
Council District: 4-Hudson
Fire District: 84-Millville
Deeded Acres: 3.8000
Frontage: 0
Depth: .000
Irr Lot:
Plot Book Page: /PB

100% Land Value: \$12,000
100% Improvement Value: \$13,900
100% Total Value: \$25,900

Legal

Legal Description SE/RT 26
330' NE/RD 365
12950

Owners

Owner	Co-owner	Address	City	State	Zip
MARS-RE LLC		35637 CENTRAL PARK CIR	DAGSBORO	DE	19939

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
11/01/2019	5146/304	\$275,000.00			MARS-RE LLC

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	MARS-RE LLC		35637 CENTRAL PARK CIR	DAGSBORO	DE	19939	5146/304
2021	MARS-RE LLC		35637 CENTRAL PARK CIR	DAGSBORO	DE	19939	5146/304
2020	MARS-RE LLC		35637 CENTRAL PARK CIR	DAGSBORO	DE	19939	5146/304
2019	MARS-RE LLC		35637 CENTRAL PARK CIR	DAGSBORO	DE	19939	5146/304
2018	CHURCH ST GEORGES UNITED		34281 OMAR RD	FRANKFORD	DE	19945	0/0
2017	CHURCH ST GEORGES UNITED		34281 OMAR RD	FRANKFORD	DE	19945	0/0
2013	CHURCH ST GEORGES UNITED		34281 OMAR RD	FRANKFORD	DE	19945	0/0
2008	CHURCH ST GEORGES UNITED		METHODIST CHURCH	MILLVILLE	DE	19945	0/0
1900	EPISCOPAL CHURCH					0	366/122

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RS	0	0	3.8000	

Land Summary

100% Land Value

12,000

100% Values

100% Land Value
\$12,000

100% Improv Value
\$13,900

100% Total Value
\$25,900

50% Values

50% Land Value
\$6,000

50% Improv Value
\$6,950

50% Total Value
\$12,950

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
05-AUG-1997	10401-2	\$3,943	ENCLOSE EXIST.PORCH-S/26
22-FEB-1994	10401-1	\$2,880	LEAN-TO ON GARAGE-E/26200'E/54

TAX MAP AND PARCEL #:
1-34-11.00-191.00
PREPARED BY & RETURN TO:
Bonnie M. Benson, P. A.
33718B Wescoats Road
Lewes, DE 19958
File No. 19-1746/CR

THIS DEED, made this 29th day of October, 2019,

- BETWEEN -

SAINT GEORGE'S UNITED METHODIST CHURCH, INC. F/K/A ST. GEORGE'S UNITED METHODIST CHURCH, a Delaware Corporation, of 34281 Omar Road, Frankford, DE 19945, party of the first part,

- AND -

MARS-RE, LLC, a Delaware Limited Liability Company, of 10 Cromwell Drive, Ocean View, DE 19970, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **Two Hundred Seventy-Five Thousand and 00/100 Dollars (\$275,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that tract piece or parcel of land being in Baltimore Hundred, Sussex County Delaware, known as Tax map number 134-11.00-191.00, being located on the southeastern side of Atlantic Avenue, at the address of 34464 Atlantic Avenue, Ocean View, Delaware 19970. And being more particularly described as follows;

BEGINNING at a point where the eastern right of way line of Powell Farm Road intersects the Southeastern right-of-way of Atlantic Avenue, thence following the southeastern right of way of Atlantic Avenue for a distance of 413 feet more or less, to a capped iron pin set, Thence with the lands herein described and the southeastern right-of-way of Atlantic Avenue the following three courses and distances; having a bearing of North 64°45'29" East, and a distance of 197.59 feet to a capped iron pin set, thence having a bearing of South 25°14'31" East, and a

distance of 14.00 feet to a capped iron pin set, thence having a bearing of North 64°45'29" East, and a distance of 78.54 feet to a point, passing over a capped iron pin set at 58.54 feet, at a common corner for the lands herein described, the aforementioned Southeastern right-of-way of Atlantic Avenue, and the lands now or formerly of the Sylvester and Gail Quillen, Thence with the lands herein described and the aforementioned lands of the Quillen, along the approximate center of The Saint Georges Tax Ditch, the following three courses and distances; having a bearing of South 17°14'56" East, and a distance of 88.89 feet to a point, thence having a bearing of South 41°12'56" East, and a distance of 248.56 feet to a point, thence having a bearing of South 20°39'30" East, and a distance of 126.45 feet to a point, at the intersection of two ditches, said point being a common corner for the lands herein described, the aforementioned lands of the Quillen, and the lands now or formerly of Floyd E. Gray, Thence with the lands herein described and the aforementioned lands of Grey, along the approximate center of Prong Three of The Saint Georges Tax Ditch, the following three courses and distances; having a bearing of South 40°20'43" West, and a distance of 88.91 feet, to a point, thence having a bearing of South 64°32'55" West, and a distance of 243.56 feet, to a point, thence having a bearing of South 69°27'47" West, and a distance of 66.03 feet, to a point, at a common corner for the lands herein described and the aforementioned lands of Grey, and the lands now or formerly of Vergil and Beula Davis, Thence with the lands herein described and the aforementioned lands of Davis, having a bearing of North 17°27'26" West, and a distance of 503.90 feet, passing over a capped iron pin set 20.00 feet from the approximate center of the Prong Three, at or near the top of bank, to the point and place of **BEGINNING**. **Containing** 166,650 square feet more or less or 3.8256 acres more or less.

Pursuant to 25 Del.C. Section 135, the grantor and grantee hereunder do hereby acknowledge that the parcel or parcels conveyed hereunder, or a portion of the same, may be subject to a tax ditch right-of-way and/or assessment, or a tax lagoon right-of-way and/or assessment for St. George's Tax Ditch, pursuant to an Order of the Superior Court of the State of Delaware, recorded January 20, 2007, in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Tax Ditch Book 2, Page 269; and re-recorded April 9, 2009, in Tax Ditch Book 7, Page 212.

BEING the same lands conveyed to St. Georges United Methodist Church from Florence West, et als, by Deed, dated March 25, 1975, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on May 16, 1975, in Deed Book 746, Page 880.

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

IN WITNESS WHEREOF, the said Saint George's United Methodist Church, Inc. f/k/a St. George's United Methodist Church has caused its name to be hereunto set, and its common and corporate seal to be hereunto affixed, duly attested, the day and year first above written.

SAINT GEORGE'S UNITED METHODIST
CHURCH, INC. F/K/A ST. GEORGE'S
UNITED METHODIST CHURCH

Bonnie M. Benson

Witness

By: Howard Wayne Bowden (SEAL)
Howard Wayne Bowden,
Chairman/President

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 29th day of October, A.D. 2019, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Howard Wayne Bowden, Chairman/President of Saint George's United Methodist Church, Inc. f/k/a St. George's United Methodist Church, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said corporation; that the signature of the Chairman/President is in his/her own proper handwriting and the seal affixed is the common and corporate seal of said corporation; and that his/her act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of the Board of Directors of said corporation.

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

Bonnie M. Benson

Notary Public

BONNIE M. BENSON
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C § 4525 (A) (3)

My Commission Expires: NA

Exhibit B
Site Plan

Exhibit C
PLUS

Preliminary Land Use Service (PLUS)

Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

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

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

PLUS Number (to be completed by OSPC): _____

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

1. Project Title/Name: 34464 Atlantic Ave - Mixed Use

2. Location (please be specific): 34464 Atlantic Ave., Ocean View, DE 19970

3. Parcel Identification #: 134-11.00-191.00

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

5. If contiguous to a municipality, are you seeking annexation: N/A

6. Owner's Name: MARS-RE, LLC C/O Roger Schwandtner

Address: 35637 Central Park Circle

City: Dagsoro

State: DE

Zip: 19939

Phone: 302.604.1333

Fax:

Email: Roger@ardllc.net

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

Same as Owner above

Address:

City:

State:

Zip:

Phone:

Fax:

Email:

8. Project Designer/Engineer: The Kercher Group, Inc.

Address: 37385 Rehoboth Ave. Extended, Unit #11

City: Rehoboth Beach

State: DE

Zip: 19971

Phone: 302.854.9063

Fax:

Email: john.o.murray@mottmac.com

9. Please Designate a Contact Person, including phone number, for this Project: John Murray 302.854.9063

Information Regarding Site:		
10. Type of Review: <input checked="" type="checkbox"/> Rezoning, if not in compliance with certified comprehensive plan <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Subdivision		
11. Brief Explanation of Project being reviewed: 45 Condominiums & 5,741 S.F. Retail/Restaurant If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.		
12. Area of Project (Acres +/-): 3.826 Ac.	Number of Residential Units: 45 units	Commercial square footage: 5,741 s.f.
13. Present Zoning: AR-1		14. Proposed Zoning: C3
15. Present Use: Vacant		16. Proposed Use: Residential/Commercial
17. Water: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility) Service Provider Name: Tidewater Utilities, Inc. Will a new public well be located on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
18. Wastewater: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility) Service Provider Name: Sussex County Will a new community wastewater system be located on this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
19. If residential, describe style and market segment you plan to target (Example- Age restricted): Rental (no restrictions)		
20. Environmental impacts: How many forested acres are presently on-site? N/A How many forested acres will be removed? N/A To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the wetlands: <input type="checkbox"/> Tidal Acres: <input checked="" type="checkbox"/> Non-tidal Acres: 0.45 If "Yes", have the wetlands been delineated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Has the Army Corps of Engineers signed off on the delineation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", describe the impacts: How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? <u>25 ft.</u>		
21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Tax Ditch easements will need to be reduced		
22. List the proposed method(s) of stormwater management for the site: Infiltration		
23. Is open space proposed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," how much? Acres: 0.77 What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? Stormwater Management and Passive Recreation		
24. Are you considering dedicating any land for community use (e.g., police, fire, school)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: **486**

What percentage of those trips will be trucks, excluding vans and pick-up trucks? **5**

26. Will the project connect to state maintained roads? Yes No **Delaware Route 26**

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

None

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

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

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

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

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

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit? Yes No
Person to contact to arrange visit: Roger Schwandtner phone number: 302.604.1333

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

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

Roger Schwandtner

02/22/22

Signature of property owner

Date

John Murray

02/22/22

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

Date

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

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

Mackenzie Peet

From: Mackenzie Peet
Sent: Thursday, February 24, 2022 4:57 PM
To: Jamie Whitehouse
Subject: RE: 34464 Atlantic Ave - Mixed Use - MARS-RE, LLC

Great. Thank you for the confirmation.

Mackenzie M. Peet, Associate Attorney
1413 Savannah Road, Suite 1, Lewes, DE
(302) 645-2262 (tel) | (302) 313-5278 (fax)
Mackenzie@bmbde.com



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From: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Sent: Thursday, February 24, 2022 4:54 PM
To: Mackenzie Peet <Mackenzie@bmbde.com>
Subject: RE: 34464 Atlantic Ave - Mixed Use - MARS-RE, LLC

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Mackenzie,

Confirmed. I have checked with the State Planning Office as to whether they expect further PLUS review given the review history and they do not. Given this, there is no expectation or requirement for additional PLUS review for the C-3 use and this remains entirely optional.

Thank you,

Jamie

Mr. Jamie Whitehouse, AICP, MRTPI
Director, Department of Planning & Zoning
Sussex County
2 The Circle, P.O. Box 417, Georgetown, DE, 19947

Tel: 302-855-7878, Fax: 302-854-5000

Much of the County's Planning and Zoning Information can be found online at:
<https://sussexcountycde.gov/sussex-county-mapping-applications>

Information on the 2018 Sussex County Comprehensive Plan can be found at:
<https://sussexcountycde.gov/2018-comp-plan-documents>

From: Mackenzie Peet <Mackenzie@bmbde.com>
Sent: Thursday, February 24, 2022 4:45 PM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountycde.gov>
Subject: FW: 34464 Atlantic Ave - Mixed Use - MARS-RE, LLC

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Jamie,

We proceeded with amending the application for MARS-RE, LLC to C3 and we thought that required resubmission to PLUS. Please see the email below from John Murray after his conversation with Dorothy Morris. Please confirm that the County is in agreement that there is no need to resubmit this application to PLUS?

Best,

Mackenzie

Mackenzie M. Peet, Associate Attorney
1413 Savannah Road, Suite 1, Lewes, DE
(302) 645-2262 (tel) | (302) 313-5278 (fax)
Mackenzie@bmbde.com



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From: John O Murray <john.o.murray@mottmac.com>
Sent: Thursday, February 24, 2022 4:01 PM
To: Mackenzie Peet <Mackenzie@bmbde.com>
Subject: RE: 34464 Atlantic Ave - Mixed Use

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Mackenzie,

I received a phone call from Dorothy Morris of the Office of State Planning Coordination this afternoon regarding the updated application for 34464 Atlantic Avenue. Dorothy said that she conferred with the Sussex County Planning and Zoning Office and they agreed that the project did not have to go back before PLUS simply because of the change in proposed zoning. She said that she did take the time to compare the previously-issued Site Plan with the newer version and confirmed that the only change was the proposed zoning. As such, her office will not be scheduling a new meeting for the updated application.

I wanted to make sure that you had this information for your records. Let me know if you have any questions.

Thanks,

John Murray

Senior Project Manager

D (302) 854-9063 C (302) 344-1055
john.o.murray@mottmac.com

From: Mackenzie Peet <Mackenzie@bmbde.com>
Sent: Thursday, February 24, 2022 1:25 PM
To: John O Murray <john.o.murray@mottmac.com>
Subject: RE: 34464 Atlantic Ave - Mixed Use

Thank you.

Mackenzie M. Peet, Associate Attorney
1413 Savannah Road, Suite 1, Lewes, DE
(302) 645-2262 (tel) | (302) 313-5278 (fax)
Mackenzie@bmbde.com



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From: John O Murray <john.o.murray@mottmac.com>
Sent: Thursday, February 24, 2022 12:30 PM
To: plus@state.de.us
Cc: Mackenzie Peet <Mackenzie@bmbde.com>
Subject: 34464 Atlantic Ave - Mixed Use

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

On March 24, 2021, State agency planners discussed the proposed plans for a project known as 34464 Atlantic Avenue. From that discussion, review comments were issued and The Kercher Group, Inc. issued a comment response on April 30, 2021. In the time since the project was discussed by the State agency planners, the property owner has amended their application with the Sussex County Planning and Zoning Department. Whereas a zoning of High Density Residential (HR-2) was proposed, a designation of Commercial (C-3) is now being sought.

Attached to this correspondence, please find an updated PLUS application for the project, as well as an electronic copy of the project's Site Plan. The Site Plan remains unchanged since last presented to the State planners, other than the proposed zoning reference. We would ask that these items be accepted by the Office of State Planning Coordination and that the matter be placed on their next available agenda for discussion.

Thank you for your continued assistance and please do not hesitate to contact our office if you should have any questions.

Thank you,

John

John Murray

Senior Project Manager

D (302) 854-9063 C (302) 344-1055

john.o.murray@mottmac.com



Mott MacDonald
37385 Rehoboth Ave Extended
Unit 11
Rehoboth Beach
DE 19971
United States of America

[Website](#) | [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [Instagram](#) | [YouTube](#)

The Kercher Group is now part of Mott MacDonald.
[Read our press release.](#)

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

April 22, 2021

Response: April 30, 2021

Kevin Smith
The Kercher Group, Inc.
37385 Rehoboth Ave Ext, Unit #11
Rehoboth Beach, DE 19971

RE: PLUS review 2021-03-03; 34464 Atlantic Avenue

Dear Mr. Smith:

Thank you for meeting with State agency planners on March 24, 2021 to discuss the proposed plans for the 34464 Atlantic Avenue project. According to the information received you are seeking review of a proposed rezoning of 3.826 acres from AR-1 to HR-2 in anticipation of a site plan for 45 residential units and 5,741 square feet of commercial space along Atlantic Ave in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

Our office has no objections to the proposed rezoning and development of this project provided it is in compliance with Sussex County Comprehensive plan and all applicable codes and ordinances.

We do ask that you work to preserve the environmental features on the site if the plan moves forward.

Code Requirements/Agency Permitting Requirements

Department of Transportation - Contact Bill Brockenbrough 760-2109

- The site access on Atlantic Avenue (Delaware Route 26) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>. **Noted**
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at <https://www.deldot.gov/Business/subdivisions/pdfs/MeetingRequestForm.pdf?08022017>. **Noted**
- Section 1.6.1 of the Manual addresses the location of proposed entrances. Preliminarily, DelDOT anticipates requiring that the entrance be aligned directly opposite the entrance from which it is presently proposed to be slightly offset. **Noted**
- Section 1.7 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. **Noted**
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 486 vehicle trip ends per day. DelDOT confirms this number as being correctly calculated for the Saturday Average Daily Traffic if the first-floor commercial uses are treated as a Shopping Center. However, DelDOT finds that it may be more appropriate to break out the proposed restaurant use and treat it separately. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual and floor areas from the parking space calculation shown on the site plan, as shown in the table below, DelDOT calculates 1,041 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 30 and 99, respectively. Therefore, a TIS would normally be required. **Noted, a review of the TGD to be completed.**

	Land Use Code	Floor Area (sf)/ Dwellings	Average Daily Traffic	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
Retail	820	3,860	146	2	2	7	8
Restaurant	931	1,881	158	1	0	10	5
Multifamily Housing (Mid-Rise)	221	45	244	4	12	13	8
Total			548	7	14	30	21

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$5,480. AWS Fees are used to fund traffic studies, not to build improvements. **Noted, client to pay the AWS Fee**

The purpose of a TIS is to determine what off-site improvements are needed to support a proposed development. DelDOT has not identified any capital projects in which they would require the developer to participate but reserves the right to do so. DelDOT does anticipate requiring the developer to improve Route 26, within the limits of their projected frontage, to meet DelDOT's Minor Arterial Road standards, which include 12-foot lanes and 8-foot shoulders. **Noted, a revision to the shoulder shall be made.**

Questions regarding the site's trip generation should be directed to the County Coordinator, Mr. T. William Brockenbrough. Mr. Brockenbrough may be reached at Thoma.Brockenbrough@delaware.ga or (302) 760-2109. Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. R. Stephen McCabe. Mr. McCabe may be reached at Richard.mccabe@delaware.gov or (302) 760-2276. **Noted**

- 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 Route 26. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. 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.**" **Noted, shown on the plan**
- 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. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**" **Noted, to be added to the plan**

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - o A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content. **Noted, format provided**
 - o Depiction of all existing entrances within 450 feet of the entrance on Route 26.
 - o Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted. **Noted**
- Section 3.5 of the Manual provides DeIDOT'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 DeIDOT maintained public streets for subdivisions. In response to the discussion at the PLUS meeting, DeIDOT recommends that the plan be modified to provide for a future interconnection with the parcel to the west (Tax Parcel No. 134-11.00-192.00) if it is proposed for redevelopment with a compatible use. **Noted, there is opportunity to provide this interconnection.**
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DeIDOT anticipates requiring the developer to build an SUP along their frontage on Route 26. **Noted, SUP shall be shown.**
- Section 3.5.4.3 of the Manual addresses requirements for walkways. A walkway is a path connecting the interior of a development to the frontage sidewalk or SUP. DeIDOT anticipates requiring a walkway to connect the interior of the site to Route 26. **Noted, a walkway to be provided as required.**
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 26. **Noted**
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.de.gov/Business/ubclivisions/index.htm>. DeIDOT anticipates requiring a right turn lane with a five-foot bicycle lane into the site from Route 26. The volumes shown on the Traffic Generation Diagram on the site plan may not warrant a right turn lane but, as mentioned above, DeIDOT questions the proposed trip generation. DeIDOT also questions the proposed trip distribution. A relatively small change in either regard would cause a right turn lane to be warranted. Trip generation and distribution will need to be agreed upon before the Pre-Submittal Meeting and the need for a right turn lane should be discussed at the meeting. **Noted, a Pre-submittal Meeting to be held to discuss entrance improvements.**

- 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/Business/ubdivisions/index.shtml>. **Noted, sight triangles to be included for the site plan.**
- 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. **Noted, utility relocation shall be shown on the construction plans, if project receives approval.**

Department of Natural Resources and Environmental Control- Beth Krumrine 735-3480

Concerns Identified Within the Development Footprint

Stormwater Management

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District. **Noted**
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically <https://a.s.dnrec.state.de.us/eNOI/default.aspx> to the DNREC Division of Watershed Stewardship, along with the \$195 fee. **Noted**
- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study. **Noted, a pre-submittal meeting shall be held if project receives approval.**

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/> **Noted**

- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov. Website: <https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/> **Noted**

Water Quality (Pollution Control Strategies)

Pollution Control Strategies have been developed for the following watersheds in Delaware: Christina, Appoquinimink, Broadkill, Mispillion and Cedar Creek, Murderkill, Saint Jones, Inland Bays (Rehoboth Bay, Indian River Bay, and Little Assawoman Bay), Nanticoke, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- This site lies within the Indian River Bay Watershed. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area. **Noted**
- Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/> **Noted**

Tax Ditches

The parcel (134-11.00-191.00) of the proposed project is located within the St. Georges Tax Ditch Watershed. The Main Prong and Prong 3 of the St. Georges Tax Ditch are located within or along the parcel boundary. Tax Ditch channels have associated Tax Ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during tax ditch maintenance. Permanent obstructions are not permitted in the ROW. Tax Ditch ROWs vary by channel size and location. For this particular site, both channels have an existing ROW of 80' from centerline.

- The preliminary plans show a proposed ROW of 30' from top of bank. To reduce Tax Ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map. **Noted, plan to be submitted to the DNREC Tax Ditch Section if plan receives approval.**
- If the site and/or stormwater management features are designed to discharge into the Main Prong or Prong 3, comparison of existing conditions versus the proposed design specifications for each should be considered. Please consult with the DNREC Drainage Program for As-Built design information if necessary. **Noted, plan to be submitted to DNREC Tax Ditch Section if plan receives approval.**
- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the Tax Ditch ROW. **Noted, no obstructions will be placed in the Tax Ditch ROW**
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater. **Noted, if the project receives approval, the plan will be designed not to hinder off-site drainage.**

- Contact: DNREC Drainage Program at (302) 855-1930.
Website: <https://dnr.c.a.lpha.delaware.gov/drainage-stormwater/tax-ditch-mapper/>
Tax Ditch Mapper: [de.gov/taxditchmap](https://dnr.c.a.lpha.delaware.gov/taxditchmap) **Noted**

Wetlands

Maps from the Statewide Wetlands Mapping Project indicate the presence of riverine wetlands on the site. According to the project application, the wetland delineation has been completed, with 0.45 acres of non-tidal wetlands present.

- If the project proposes to disturb (dredge or fill) jurisdictional wetlands under the U.S. Army Corps of Engineers, a delineation of waterways and wetlands is required. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process. **Noted, there is no plans to disturb any wetlands for the project.**
- Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278. **Noted**

Vegetated Buffer Zones

Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

- The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes. **Noted, buffers have been shown along the wetlands.**

Wastewater Permitting - Large Systems N/A (project to connect to Sussex County Sewer)

Sussex County holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch.

- It is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch if the capacity of the rate of wastewater disposal is to be updated.
- Contact: DNREC Large Systems Branch at (302) 739-9948.
Website: <https://dm.ec.alpha.delaware.gov/water/groundwater/>

State Historic Preservation Office - Contact Carlton Hall 736-7400

- Prehistoric archaeological potential is low on the eastern side, and moderate on the western side. Western portion has well-drained soils and it is within favorable distance to Clarksville Branch. Eastern portion is poorly drained soils. Deforestation that occurred in 2002 and subsequent tilling may have disturbed the integrity of any sites. **Noted**
- Historic potential is low to moderate. Two (?) houses along the northern edge of the parcel are shown in early 20th century topos, but they may not have significant archaeological value. The rest of the parcel is low. **Noted**
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54). **Noted, if the project receives approval and remains are encountered, the State shall be notified.**
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following www.achp.gov **Noted**

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 site plan presented shows a group of nine head-in parking spaces on the east side of the building, accessed by a drive aisle that will be relatively busy. DelDOT suggests that the developer consider placing parallel parking spaces there and designating them as handicap spaces, or possibly as pick-up spaces for the proposed restaurant. **Noted, if the plan receives approval, parking spaces may be adjusted.**
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 26. **Noted**
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review. **Noted**
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of

March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>. **Noted**

Department of Natural Resources and Environmental Control - Beth Krumrine 735-3480
Concerns Identified Within the Development Footprint

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff. **Noted, BMP's are anticipated in design, if the project receives approval.**

Drainage

- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels. **Noted, if the project receives approval, SCD and DNREC requirements shall be met.**

Wetlands

- Recommendations for buffers are prescribed below under the heading, Vegetated Buffer Zones!. **Noted**

Vegetated Buffer Zones

- A 25-foot vegetated buffer has been included in the preliminary plans. Incorporate a 100-foot vegetated buffer zone from the edge of tax ditches and wetlands to protect water quality and to provide an additional margin of safety from flooding. **Noted, the site is fairly small and any additional buffering would make the site unusable.**
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction. **Note, the buffer zones are to remain relatively untouched unless necessary for stormwater management and/or site grading.**
- Vegetated buffer zones should be deeded as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas. **Noted, if the project receives approval, there shall be documented restrictions for these areas.**
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is

shrinking due to development and climate change. **Noted, if the project receives approval, native plantings shall be placed in the area, if possible.**

- In general, grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat. **Noted**
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/> **Noted**

Additional Sustainable Practices

- Install electric vehicle charging stations for residents and visitors. Electric vehicles are rapidly becoming commonplace. Installing the infrastructure to serve electric vehicles during initial construction will prevent costly upgrades later and provide a marketing tool for your project. Funding for charging stations and technical assistance are available from the DNREC Division of Climate, Coastal and Energy at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/ev-charging-equipment-rebates/>. **Noted, to be discussed with developers.**
- Consider using renewable energy infrastructure such as solar to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives may be available through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities. Grants may be available for qualifying renewable energy systems installed in Delaware by applicants whose electricity provider collects funds for the program and offers a grant program for renewable energy projects. Additional information can be found at: <http://dmec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>. **Noted, to be discussed with developers.**
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes. **Noted, pedestrian and bicycle connectivity is provided. A bicycle rack could be placed on-site.**
- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution. **Noted**
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality. **Noted**
- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs. **Noted**

Sussex County Planning & Zoning-Contact Lauren DeVore 855-7878

- Sussex County encourages the applicant to participate in a pre-application meeting with Planning and Zoning staff. Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID). Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only. **Noted, a plan has been submitted to PZ and application has been filed.**

For the Change of Zone, a Service Level Evaluation Request form must be completed and submitted to the Office of Planning and Zoning. Once the Office receives the completed Service Level Evaluation Response from DelDOT, the applicant may submit all documentation and materials pertaining to their Conditional Use application. Please note on the plans that the parcels are not located within a Wellhead Protection Area in order to comply with Chapter 89 "Source Water Protection" of the Sussex County Code (§ 89-6). Please note on the plans that the parcels are located within an area of "fair/good" groundwater recharge potential in order to comply with Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7). Staff note that there is only one-way-in, one-way-out access to the property. The Planning and Zoning Commission desire more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel. The proposed parking appears to meet Code requirements as well as ADA requirements regarding the provision of handicap spaces per total number of parking spaces (§115-162). Additionally, the proposal will have to comply with the site plan requirements of § 115-220 and the multifamily requirements of §115-188 of the Sussex County Code. **Noted, a plan has been submitted to PZ and application has been filed.**

Sussex County Housing- Contact: Brandy Nauman 855-7779

- 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. **Noted**
- 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. **Noted**

- 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. **Noted**
- 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. **Noted**
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward. **Noted**

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

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

Sincerely,



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

CC: Sussex County Planning Department

Attachments

Date Received :

Date Submitted : _ _ _ _ _

Land Development Project Review Request Form

Project Name -----

Attach Site Plan of proposed request(s), include all structures, easements, setbacks, etc. that make your proposal as requested necessary. Include existing tax ditch channel and rights-of-way for comparison. Check out <https://li.de.gov/taxditchmap> for planning and illustrating purposes.

Owner(s) Contact Information:

Name: _ _ _ _ _

Phone Number: _ _ _ _ _

Email: _ _ _ _ _

Authorized Signer(s) Contact Information:

Name and Title: _ _ _ _ _

Phone Number: _ _ _ _ _

Email: _ _ _ _ _

Project Representative/Consultant Information:

Name and Title: _ _ _ _ _

Phone Number: _ _ _ _ _

Email: _ _ _ _ _

Tax Ditch Organization(s) Affected: _ _ _ _ _

Tax Parcel(s) Affected: _ _ _ _ _

Request of Tax Ditch Organization (Check all that apply):

<input type="checkbox"/>	Outfall/Discharge Into Tax Ditch Channel (s)
<input type="checkbox"/>	Relocate/Eliminate Tax Ditch Channel(s)
<input type="checkbox"/>	Reduce/Increase Tax Ditch Right s-of-Way
<input type="checkbox"/>	Change Tax Ditch Watershed Boundary

Please specify Tax Ditch Channel(s) affected, existing and requested tax ditch rights -of- wa y extents whenever applicable please use space below and attach additional pages as appropriate.

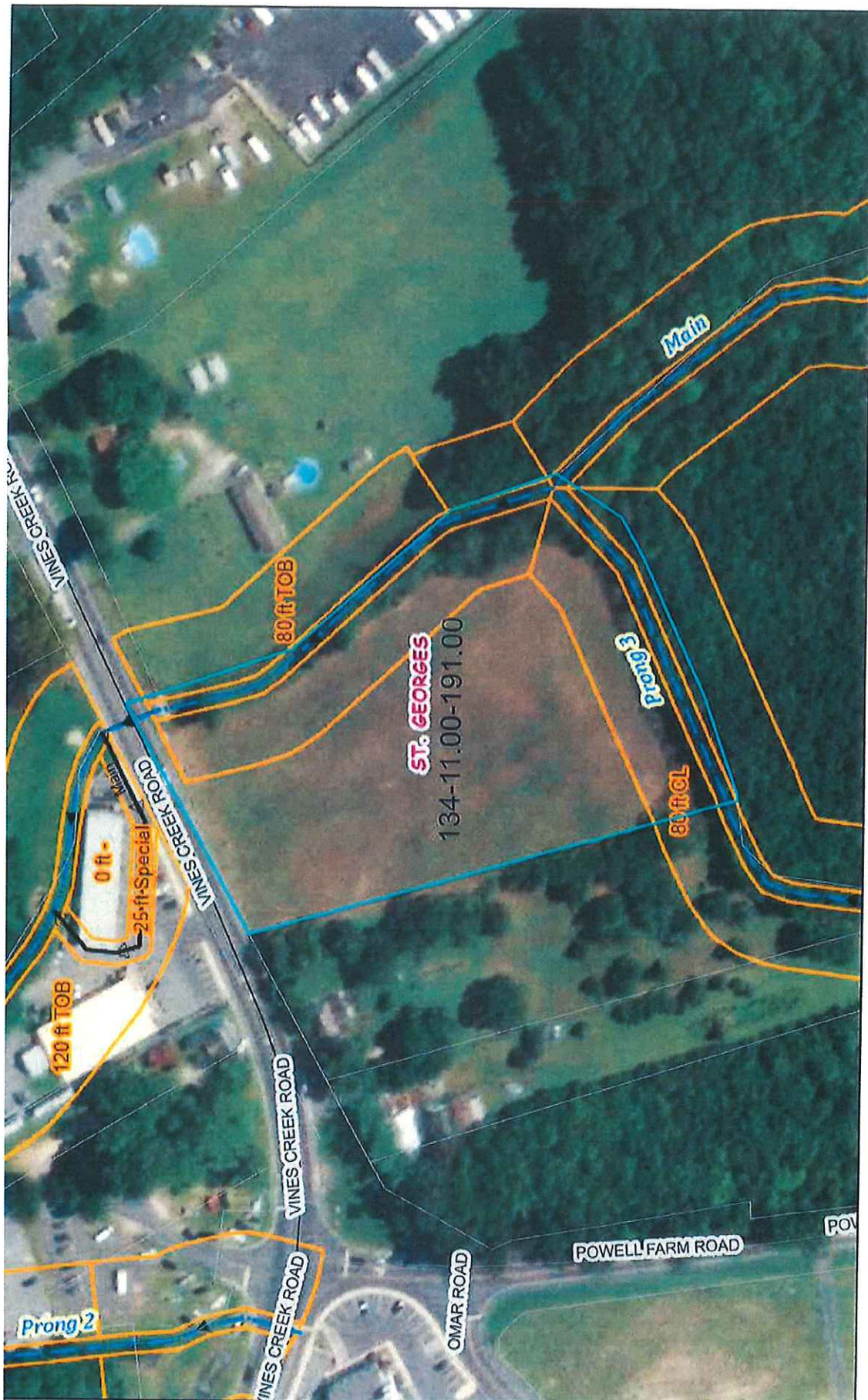
Date Received:

Date Submitted: _____

For Internal Use Only:

COC Required	COC Receipt from Prothonotary	LONO Required
COC Drafted	COC Instructions for Filing to Owner	S&S Plans Received Date:
COC Reviewed		Plans Reviewed by PM
COC Out of Signature		Plans Reviewed by Engineer
COC Signed. Date		Plans Approved by TD Officer
		LONO Issued Date:

Tax Ditch Web Map



3/9/2021, 8:18:27 AM

DE_Road_Inventory - Road Inventory

DE_StateParcels - Sussex

Tax Ditch Segments

Municipalities

-- Minor Arterial
Local

CJ Appr ox. Watershed Boundary

Communities

1:2,257

0 0.01 0.03 0.06 mi

0.09 km

Delaware Office of State Planning Coordination, GeoEye, Maxar, Microsoft

Extent of Right-of-Way

Special Access ROW **D** State and County Boundaries

DNREC, Division of Watershed Stewardship, Drainage Program

These maps do not replace the official documents on file in the Prothonotary's Office, and are not to be used for engineering purposes.



Exhibit D
Zoning Code

Chapter 115. Zoning

Article IV. AR-1 and AR-2 Agricultural Residential Districts

§ 115-22. Conditional uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article XXIV of this chapter:

Agricultural related industry, provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment

[Added 1-27-2004 by Ord. No. 1658]

Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration

Aquariums, commercial

Beaches, commercial

Biotech campus

[Added 1-27-2004 by Ord. No. 1659]

Biotech industry not located within a biotech campus provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment.

[Added 1-27-2004 by Ord. No. 1659]

Cemeteries, including a crematorium if located at least 200 feet from the boundaries of the cemetery

Excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision or planned residential development. (See § 115-172B.)

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums, but not animal hospitals

Institutions, educational or philanthropic, including museums, art galleries and libraries

Land application of sludge, treated sludge or any product containing these materials. For purposes of this section, "sludge" means the accumulated semiliquid suspension, settled solids or dried residue of these solids that is deposited from liquid waste in a wastewater treatment plant or surface or ground waters treated in a water treatment plant, whether or not these solids have undergone treatment. "Septage" is included herein as sludge. "Land application" means the placement of sludge, treated sludge or any other product containing these materials within two feet below the surface of land used to support vegetative growth.

[Added 5-8-1990 by Ord. No. 681]

Livestock auction markets in an AR District

Marinas or yacht clubs

Multifamily dwelling structures and/or townhouses and/or town homes, subject to the provisions of this chapter when:

[Added 7-31-2007 by Ord. No. 1920]

- A. Said multifamily dwelling structures and/or townhouses and/or town homes, the owners of which would share and own in common the surrounding grounds (which may also be referred to herein collectively as "units"), lie within a Town Center, a Developing Area, or a Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan; and
[Amended 5-21-2019 by Ord. No. 2656]
- B. The developer has proffered to Sussex County for the purpose of creating open space for preservation and/or active and/or passive recreation areas a development fee per unit, as described in Chapter 62, § 62-7, for every unit in excess of two units per gross acre that is included in the application; and
- C. The Sussex County Council prior to the signing of a contract to purchase or lease open space for preservation and/or active and/or passive recreation areas shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this amendment. All such approvals by the Council shall be by a four-fifths majority vote and shall include a determination that the land and/or conservation easement to be acquired is located in the same watershed area as the land where the bonus density will be located; and
- D. It is understood that Sussex County shall control all monies paid to it under this amendment and that the Sussex County Land Trust may act as a recommending body and/or partner at the discretion of the Sussex County Council; and
- E. The maximum number of multifamily dwelling structures and/or townhouses and/or town homes, as defined in Subsection A above, included in the application, shall not exceed four dwelling units per gross acre, including land set aside for common

open space and/or recreational uses; and

- F. The minimum percentage of the total acreage which shall be set aside as common open space shall be 40% of the total land area included in the application; and
- G. There shall be a vegetated buffer of not less than 75 feet, subject to the following conditions:
- (1) The vegetated buffer shall be located adjacent to a numbered road shown on the General Highway Map for Sussex County and may include the required setback area from the road and shall be kept free of vehicle parking areas, buildings and structures; and
 - (2) The vegetated buffer shall include a mix of deciduous shade trees and evergreen trees, a majority of which shall be of common local species; and
 - (3) The deciduous shade trees shall include trees reasonably capable of attaining a minimum trunk diameter of two inches measured 3.5 feet above the ground within five years of being planted; and
 - (4) The evergreen trees shall include trees reasonably capable of attaining a minimum height of 10 feet above the ground within five years of being planted; and
 - (5) The goal of the landscape plan for the buffer area shall be include trees of the type indicated herein that will be planted in a natural manner, as they might appear in nature, as opposed to being planted in row fashion which will filter views from the road in such a manner that the dwelling units appear more green and less dense than if no landscaping had been required; and
 - (6) A further goal of the landscape plan would be to avoid placing plantings in an area adjacent to the entrance to the development in such a manner as to restrict the view of motorists entering or exiting from the development or restricting sight lines for motorists in such a manner as to create a potential safety hazard; and
 - (7) The landscape plan for the buffer area shall be designed and signed by a Delaware licensed landscape architect and approved by the Planning and Zoning Commission and County Council; and
- H. Council and/or the County Administrator may consider and authorize an expedited review of a conditional use application filed under this section; and
- I. Multifamily dwelling structures and/or townhouses and/or town homes shall not be considered as a conditional use under any other provision of this section which existed prior to the date of this amendment; and
- J. The density bonus fee for each multifamily and/or townhouse and/or town home dwelling unit in excess of two units per gross acre shall be determined by reference to and the use and application of the per-unit density bonus fees adopted as part of Ordinance 1842 and applicable to cluster developments and appearing in Chapter 62, Article III, § 62-7, as the same may hereafter be modified by Council, from time to time. Council will review the fees for a density bonus under the terms of this amendment on an annual basis and revise such fees as it deems necessary by an appropriate amendment.

Manufactured home parks

[Amended 10-12-2010 by Ord. No. 2152]

Nursing and similar care facilities

[Added 4-16-2019 by Ord. No. 2645]

Parks or campgrounds for mobile campers, tents, camp trailers, touring vans and the like

Private clubs

Public or governmental buildings and uses, including schools, parks, parkways, playgrounds and public boat landings

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations or substations, but not telephone central offices

Racetracks, any type, including horses, stock cars or drag strip

Recreation facilities, privately or commercially operated, such as a fishing or boating lake, picnic grounds or dude ranch, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment

Residential, business, commercial or industrial uses when the purposes of this chapter are more fully met by issuing a conditional use permit

[Added 4-6-2004 by Ord. No. 1677^[1]]

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as a permitted use under § 115-20 shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

[Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Sports arenas or stadiums, commercial athletic fields or baseball parks

Stores or shops for the sale of farm products, farm supplies, groceries, beverages, drugs and food and similar stores and shops

Structures for commercial poultry raising on farms of less than five acres

Swimming or tennis clubs, private, nonprofit or commercially operated

[1] Editor's Note: This entry was previously repealed 1-27-2004 by Ord. No. 1658.

Chapter 115. Zoning

Article XIC. C-3 Heavy Commercial District

§ 115-83.17. Purpose.

This district is generally intended for larger scale auto-oriented retail and service businesses along major arterial roads that serve local and regional residents as well as the travelling public. In addition to most commercial uses found in this zone, automobile, truck, recreational vehicle and boat sales, rental and major repair facilities may also be located in this district.

§ 115-83.18. Permitted uses.

- A. A building or land shall only be used for the following purposes:
- (1) Agriculture-related uses.
 - (a) Greenhouse, commercial.
 - (b) Wholesale, retail nurseries for sale of products produced on site.
 - (2) Residential uses.
 - (a) Hotel, motel or motor lodge.
 - (3) Sales and rental of goods, merchandise and equipment.
 - (a) Convenience store, fuel station (no restrictions on fuel dispensers or nozzles).
 - (b) Retail sales establishments.
 - (c) Pharmacy or related use.
 - (d) Restaurants.
 - (e) Brew pubs.
 - (f) Wholesale trade establishment.
 - (4) Office, clerical, research, personal service and similar enterprises not primarily related to goods.
 - (a) Business service establishments.
 - (b) Banks.
 - (c) Professional offices.
 - (d) Personal service establishments.
 - (e) Entertainment establishments.
 - (f) Social service establishments.
 - (5) Manufacturing, assembling, processing.
 - (a) Winery, brewery or distillery under 7,500 square feet.
 - (6) Educational, cultural, religious, philanthropic, social, fraternal.
 - (a) Recreation facility, commercial (indoor and outdoor).
 - (b) Club, indoor, such as clubs, lodges, and other annual membership clubs.
 - (c) Places of worship.
 - (7) Institutional, residence, care confinement and medical facilities.
 - (a) Family child-care center (one to six children).
 - (b) Large family child-care homes (seven to 12 children).
 - (c) Early care and education and school-age centers (13+ children).
 - (d) Residential child-care facilities and day treatment programs.
 - (e) Child placing agencies.
 - (f) Medical clinic.
 - (g) Independent care facility.
 - (h) Assisted living facility.
 - (i) Extended care facility.
 - (j) Intermediate care facility.
 - (k) Long-term care facility.
 - (l) Surgical center.

- (m) Fitness/wellness center.
- (n) Museums, nonprofit art galleries.
- (o) Community centers.
- (8) Transportation-related sales and service.
 - (a) Motor and nonmotor vehicle sales, rental, repair, service and storage.
 - (b) Motor vehicle washes.
- (9) Storage and parking.
 - (a) Distribution centers.
 - (b) Self-storage facility.
 - (c) Warehouse.
- (10) Public, semi-public, utilities, emergency.
 - (a) Government facilities and services.
 - (b) Parks.
 - (c) Public safety facilities including ambulance, fire, police rescue and national security.
 - (d) Utility service facilities.
 - (e) Communication towers.
 - (f) Recreational facilities, government.
- (11) Not grouped elsewhere.
 - (a) Commercial kennels, provided that no open runs, kennels or cages are located within 200 feet of land that is used or zoned residential and 50 feet from a property line.
 - (b) Animal hospital or veterinary clinic.
 - (c) Temporary removable vendor stands, including but not limited to food trucks and similar vehicles or trailers, located on the premises between March 15 and November 15 for the sale of food, agricultural products or other food-related goods. Such temporary removable vendor stands must comply with all of the following requirements:
 - [1] No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be fully transportable and moveable within 24 hours.
 - [2] There shall be no more than one temporary removable vendor stand on a parcel at any one time.
 - [3] No temporary removable vendor stand shall be wider than eight feet six inches nor longer than 45 feet.
 - [4] No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.
 - [5] No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights-of-way.
 - [6] The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with written approval of the existence and location of the stand by the property owner and a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about the location, the size of the property, the effect(s) upon on-site parking, neighboring properties or roadways, or other good cause.
 - [7] If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.
 - [8] Upon approval by the Director, a Sussex County vendor stand sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.
 - [9] The approval of a temporary removable vendor stand shall be valid for one year.
 - [10] The application for a temporary removable vendor stand shall be in a form established by the Director. The fee for filing such an application shall be \$100.
 - (d) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, § 115-20A(16).
[Added 10-22-2019 by Ord. No. 2684]
- B. Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted, it may be permitted by approval of the Commission.

§ 115-83.19. Permitted accessory uses.

Permitted accessory uses are as follows:

- A. Residential within-structure commercial or office uses.
- B. Garage, public or commercial parking.
- C. Temporary buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.
[Added 10-8-2019 by Ord. No. 2683]

§ 115-83.21. Permitted signs.

See Article XXI, § 115-159.5 for signs permitted in the C-3 District and other regulations relating to signs.

§ 115-83.22. Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Minimum area**	Maximum area** (square feet)	Width* (feet)	Depth (feet)
Other	One acre	—	75	100

* NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

** NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

B. Minimum yard requirements.

(1) Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
Permitted use	60	5	5

(2) 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 not less than 30 feet in depth on the rear side of a lot adjoining a residential district.

C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

Use	Maximum floor area (square feet)
Permitted use	150,000

D. Maximum height requirement. Maximum height requirements shall be as follows:

Use	Feet
Permitted use	42

ZONING

115 Attachment 4

Sussex County

**Table IV
Permitted Uses, Commercial**

[Added 2-27-2018 by Ord. No. 2550; amended 10-22-2019 by Ord. No. 2684; 7-27-2021 by Ord. No. 2792]

		Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Blank = Not permitted								
P = Permitted use								
SUE = Special Use Exception, see section								
A = Permitted Accessory Use, see section								
D = Definition, see section								
Agriculture-Related Uses								
Agriculture-related business							P ²	
Agricultural uses (less than five acres) farm, truck, garden, orchard or nursery uses							P ²	
Aquaculture							P ²	
Greenhouse, commercial	D	P			P	A	P	
Wholesale, retail, nurseries for sale of products produced on site	D	P		P ¹	P	P	P ²	
Residential Uses								
Residential within-structure commercial or office uses		A		A	A ³	A ⁴		
Bed-and-breakfast (tourist homes)	D	P		P				
Dwelling, duplex	D					P ⁴		
Dwelling, manufactured home	D							
Dwelling, multifamily	D					P ¹		
Dwelling, single-family detached, including modular	D							
Dwelling, townhouse	D					P ⁴		
Home occupation	D	A				P		
Hotel, motel or motor lodge	D	P	P	P	P	P		
Sales and Rental of Goods, Merchandise, and Equipment								
Convenience store	D	P	A	P ¹	P	P		
Convenience store, fuel station (one to six fuel dispensers) (no restriction on number of nozzles)		P		P ¹	P	P		

SUSSEX COUNTY CODE

Blank = Not permitted P = Permitted use SUE = Special Use Exception, see section A = Permitted Accessory Use, see section D = Definition, see section							
	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Convenience store, fuel station (seven or more fuel dispensers) (no restriction on number of nozzles)				P	P		
Retail sales establishments 3,500 square feet or less D	P	A	P ¹	P	P	P	
Retail sales establishments 3,501 square feet to 7,500 square feet D	P	A	P ¹	P	P	P	
Retail sales establishments 7,501 square feet to 35,000 square feet D	P		P ¹	P	P		
Retail sales establishments 35,001 square feet to 75,000 square feet D			P ¹	P	P		
Retail sales establishments 75,001 square feet or more D				P	P		
Pharmacy or related uses, 12,000 square feet or less D	P	A	P ¹	P ¹	P		
Pharmacy or related uses, 12,001 square feet to 35,000 square feet D	P		P ¹	P ¹	P		
Restaurant 3,500 square feet or less	P	A	P ¹	P	P	P ²	
Restaurant 3,501 square feet to 7,500 square feet D	P	A	P ¹	P	P	P ²	P
Restaurant 7,501 square feet or more D			P ¹	P	P		
Brew pub 7,500 square feet or less	P	A	P ¹	P	P		
Brew pub 7,501 square feet or more			P ¹	P	P		
Wholesale trade establishment D			P ¹	P	P	P ²	
Office, Clerical, Research, Personal Service and Similar Enterprises Not Primarily Related to Goods							
Business service establishments D	P	P	P ¹	P	P	P ²	
Banks	P	P	P ¹	P	P		
Professional offices D	P	P	P ¹	P	P	P ²	
Personal service establishments D	P	P	P ¹	P	P	P ²	
Entertainment establishments 7,500 square feet or less D	P	A	P ¹	P	P		

ZONING

Blank = Not permitted P = Permitted use SUE = Special Use Exception, see section A = Permitted Accessory Use, see section D = Definition, see section								
		Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Entertainment establishments more than 7,501 square feet	D		A	P ¹	P	P		
Social service establishments	D	P	P	P ¹	P	P		P
Manufacturing, Assembling, Processing								
Winery, brewery or distillery under 7,500 square feet	D	P		P ¹	P ¹	P ¹	P ²	
Winery, brewery or distillery over 7,501 square feet							P ²	
Manufacturing	D		P ¹				P ²	
Material storage yard with on-site mulching, pulping or manufacturing of material	D						P ²	
Educational, Cultural, Religious, Philanthropic, Social, Fraternal								
Biotech campus	D		P					P
Biotech industry	D		P ¹					P ¹
Recreational facility, private	D					P		
Recreational facility, commercial (indoor only)	D	P		P	P	P		
Recreational facility, commercial (indoor and outdoor)	D	P			P	P		
Club, indoor, private such as clubs, lodges, and other annual membership clubs	D	P		P	P	P		
Aquariums, commercial						P		
Educational institutions, public and private	D							P
Places of worship	D	P	P	P	P	P	P	P
Institutional, Residence, Care, Confinement and Medical Facilities								
Family child day-care center (one to six children)	D	P		P	P	P		
Large family child-care homes (seven to 12 children)	D	P		P	P	P		
Early care and education and school-age centers (13 or more children)	D	P	P	P	P	P		P
Residential child care facilities and day treatment programs	D	P		P	P	P		P

SUSSEX COUNTY CODE

Blank = Not permitted								
P = Permitted use								
SUE = Special Use Exception, see section								
A = Permitted Accessory Use, see section								
D = Definition, see section								
	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1	
Child placing agencies	D	P	P	P	P	P		P
Hospital	D							P
Medical clinic	D	P	P	P	P	P		P
Independent care facility	D			P	P	P		P
Assisted living facility	D	P		P	P	P		P
Extended care facility	D	P		P	P	P		P
Intermediate care facility	D	P		P	P	P		P
Long-term care facility	D	P		P	P	P		P
Graduate care facility					P			P
Surgical center	D	P			P	P		P
Fitness/wellness center		P	P	P ¹	P	P		P
Museums, nonprofit art galleries	D	P		P ¹	P	P		P
Community centers	D	P		P ¹	P	P		P
Transportation-Related Sales and Service								
Motor and nonmotor vehicle sales, rental, repair, service and storage					P	P	P ²	
Motor vehicle washes		P			P	P		
Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration								
Storage and Parking								
Distribution center	D		P		P		P ²	
Garage, public or commercial parking		A	A	A	A	P	A	A
Self-storage facility	D	P		P ¹	P	P	P ²	
Warehouse	D			P ¹	P	P	P ²	
Public, Semipublic, Utilities, Emergency								
Government facilities and services, local	D	P	P	P ¹	P	P		P
Government facilities and services, nonlocal	D	P	P	P ¹	P	P		P
Parks		P	P	P ¹	P	P		P
Public safety facilities including ambulance, fire, police, rescue, and national security	D	P	P	P ¹	P	P	P	P
Utility service facilities	D	P	P	P ¹	P	P	P	P
Communication towers		P	P	P	P	P	P	P ¹

ZONING

Blank = Not permitted P = Permitted use SUE = Special Use Exception, see section A = Permitted Accessory Use, see section D = Definition, see section	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Recreational facility, government	D	P	P	P ¹	P	P	P
Not Grouped Elsewhere							
Off-premises signs				SUE	SUE	SUE	
Cemeteries	P						P
Funeral home	P		P ¹				P
Commercial kennels, provided that no open pens, runs, kennels or cages are located within 200 feet of land that is used or zoned residential and 50 feet from any property line				P ¹		P ¹	
Animal hospital and veterinary clinics	P		P ¹	P			P ¹
Technology center		P			P	P	P
Temporary removable vendor stands	P	P		P	P	P	P
Manufactured-home-type structures used as construction/sales office	A	A	A	A	A	A	A
Manufactured-home-type structure used for business, commercial or industrial uses when approved by the Director	P	P	P	P	P	P	P

NOTE: Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted, it may be permitted by approval of the Commission. In the event of any discrepancy between the information in this table and the text of Chapter 115, the text of Chapter 115 shall be controlling.

- P Permitted use
- ¹ No outdoor sales and/or storage permitted.
- ² Uses permitted only with an on-site retail component.
- ³ Mixed-use building must consist of at least 25% commercial space.
- ⁴ Residential uses within the C-4 district shall not exceed 12 units per acre or exceed floor area ratio maximums.
- A Use permitted at the accessory use of the parcel
- SUE — Special use exception - only permitted by Board of Adjustment

Exhibit E
Future Land Use

Figure 4.5-1 Sussex County 2045 Future Land Use

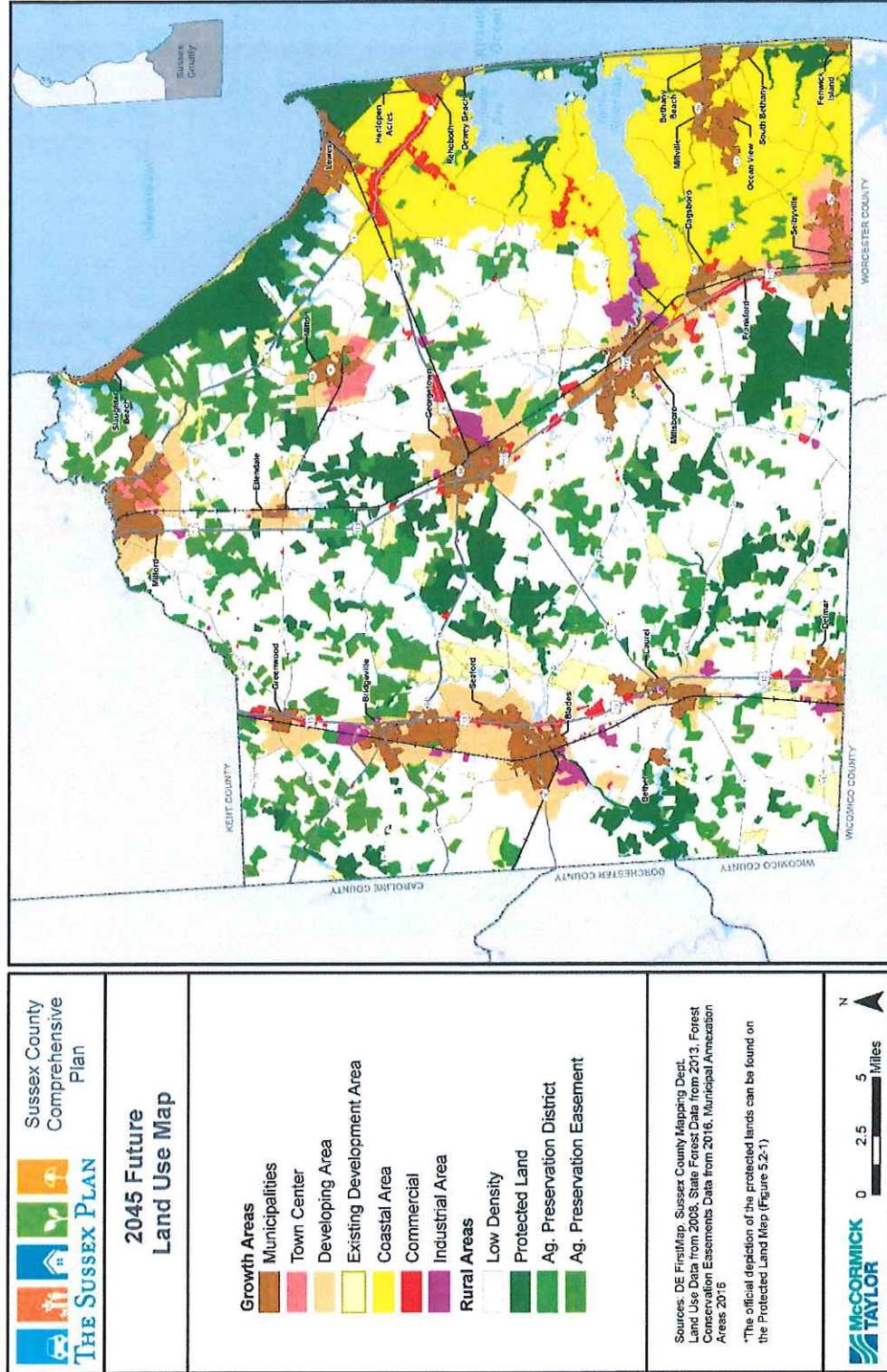


Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories
FUTURE LAND USE PLAN CATEGORY **APPLICABLE ZONING DISTRICT**

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) New Zoning Districts

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.

Exhibit F
Aerial Maps



Sussex County



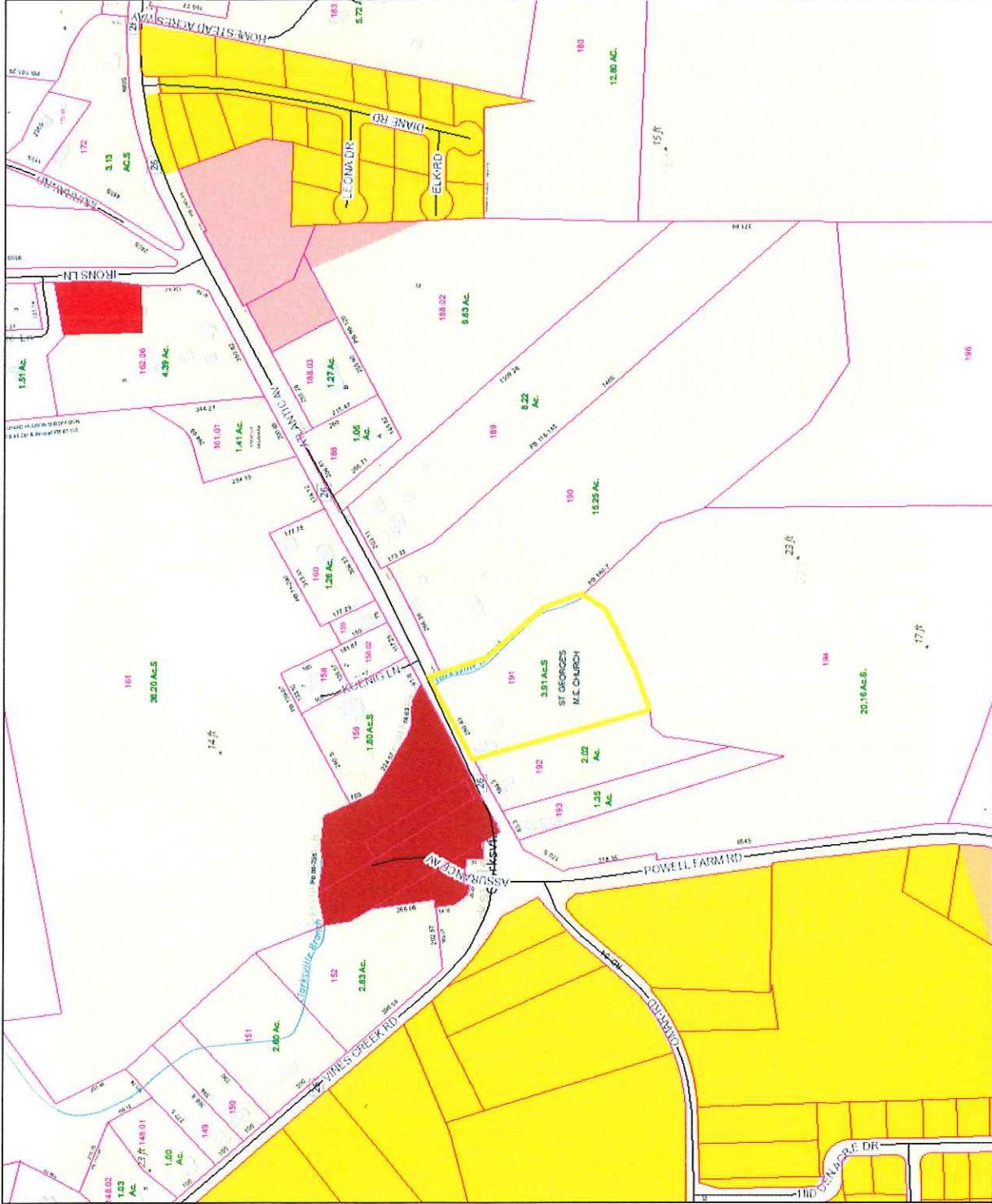
PIN:	134-11.00-191.00
Owner Name	MARS-RE LLC
Book	5146
Mailing Address	35637 CENTRAL PARK CIR
City	DAGSBORO
State	DE
Description	SE/RT 26
Description 2	330' NE/RD 365
Description 3	12950
Land Code	

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



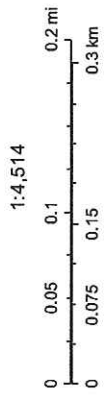


Sussex County



PIN:	134-11.00-191.00
Owner Name	MARS-RE LLC
Book	5146
Mailing Address	35637 CENTRAL PARK CIR
City	DAGSBORO
State	DE
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Description 2	330' NE/RD 365
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Land Code	

- | | |
|--------------|-------------|
| polygonLayer | Override 1 |
| polygonLayer | Override 1 |
| --- | Tax Parcels |
| --- | Streets |





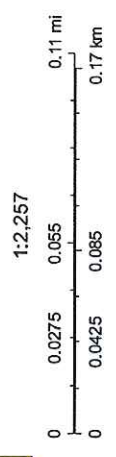
Sussex County



PIN:	134-11.00-191.00
Owner Name	MARS-RE LLC
Book	5146
Mailing Address	35637 CENTRAL PARK CIR
City	DAGSBORO
State	DE
Description	SE/RT 26
Description 2	330' NE/RD 365
Description 3	12950
Land Code	

Legend

- polygonLayer Override 1
- polygonLayer Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- 2019 Future Land Use**
 - Low Density
 - Coastal Area
 - Commercial
 - Developing Area
 - Existing Development Area
 - Industrial
 - Municipalities
- Town Center



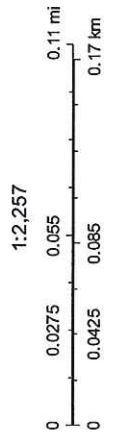


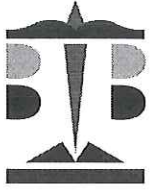
Sussex County



PIN:	134-11.00-191.00
Owner Name	MARS-RE LLC
Book	5146
Mailing Address	35637 CENTRAL PARK CIR
City	DAGSBORO
State	DE
Description	SE/RT 26
Description 2	330' NE/RD 365
Description 3	12950
Land Code	

- polygonLayer**
Override 1
- polygonLayer**
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Sewer Tiers**
 - Tier 1 - Sussex County Unified Sanitary Sewer District
 - Tier 2 - Sussex County Planning Area
 - Tier 3 - Coordinated CPCN Areas
 - Tier 4 - System Optional Areas
 - Tier 5 - Regulated On-site Area





BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT G

Method Architects, LLC

Presentation and Renderings

DELAWARE APARTMENT COMPLEX
34464 ATLANTIC AVE

Presentation
April 28, 2022



PLANVIEW
SURVEY PLAN

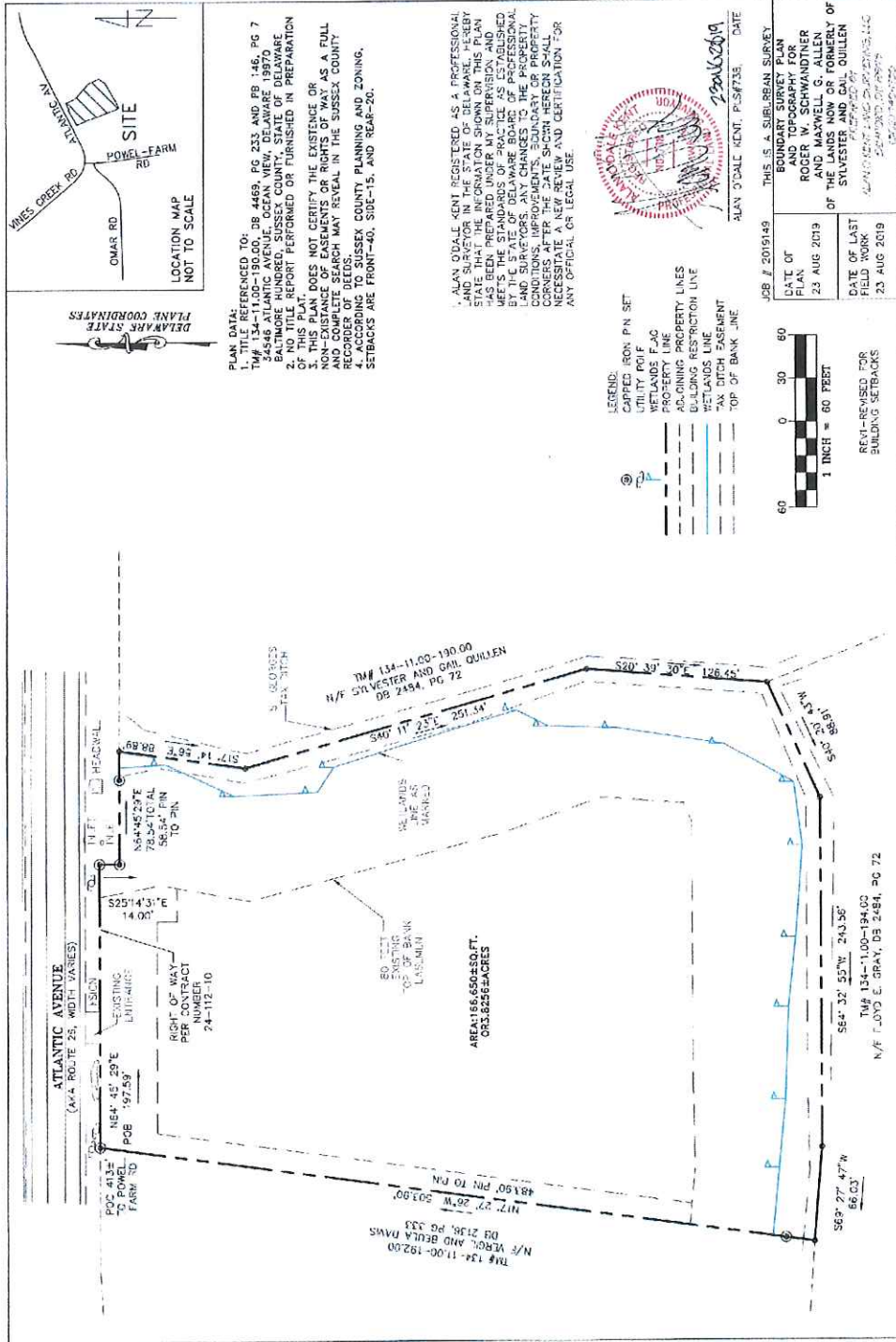


DIAGRAM
SITE ANALYSIS



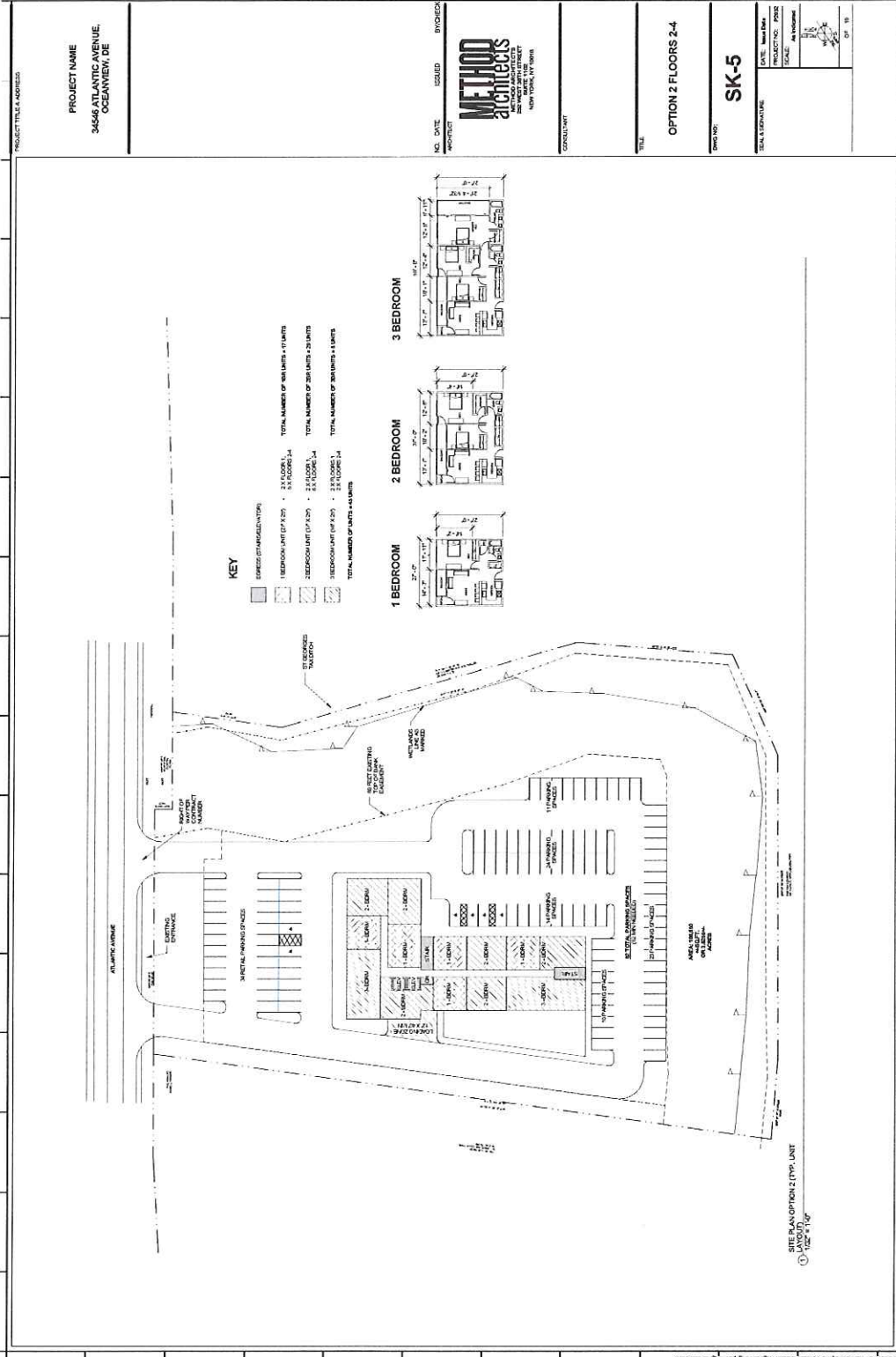
DELAWARE APARTMENTS - SITE ANALYSIS

METHOD architects
Client: DELAWARE APARTMENTS
Project: 34546 ATLANTIC AVENUE, OCEANVIEW, DE
Project No.: P2032
METHOD ARCHITECTS, PLLC, 252 WEST 25TH STREET, SUITE 1102, NEW YORK, NY 10018

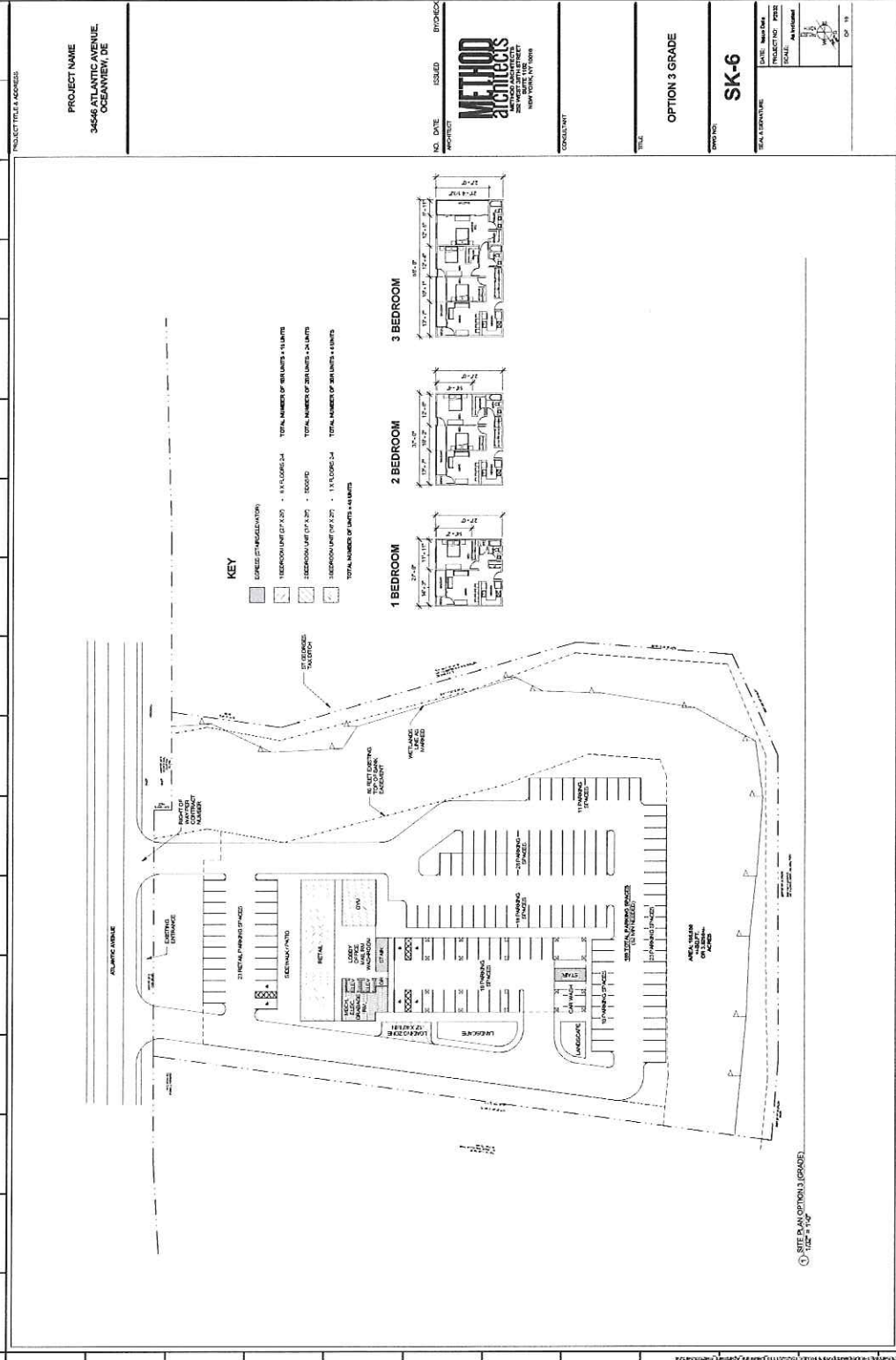
Scale:
Date: 11/23/20
Drawn By: MS

SK-1

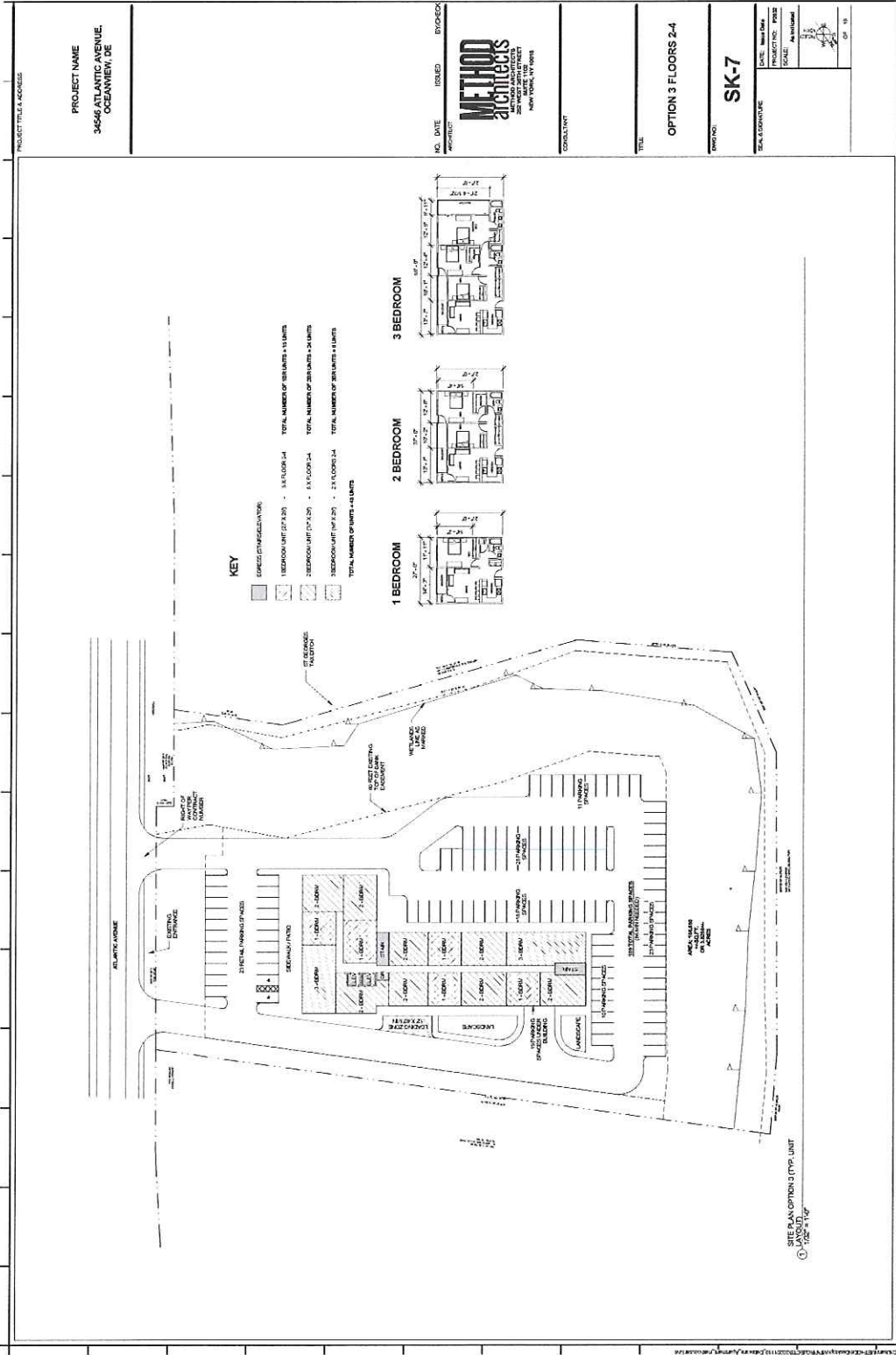
PLANVIEW
OPTION 2 - FLOORS 2-4



PERSPECTIVE VIEW
OPTION 3 - GRADE



PLANVIEW
OPTION 3 - FLOORS 2-4



RENDERING
PROPOSED RENDERING



THANK YOU



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT H

Proposed Findings of Fact

PROPOSED FINDINGS OF FACT

Change of Zone Request No. 1980 to rezone Tax Map Parcel No. 134-11.00-191.00 from Agricultural Residential (AR-1) District to Heavy Commercial (C-3) District

1. This is an application to grant a rezoning of land in an AR-1 Agricultural Residential District to C-3 Heavy Commercial District.
2. The Property consists of 3.826 acres, more or less, located in the Baltimore Hundred at 34464 Atlantic Avenue (U.S. Route 26), Ocean View, Delaware, further identified as Tax Map Parcel No. 134-11.00-191.00.
3. The Property is owned by MARS-RE, LLC.
4. Through Sussex County Ordinance No. 2550, Sussex County Council desired to create a more specific C-3 Heavy Commercial Zoning district to promote better planning and predictability within Sussex County.
5. The C-3 District is intended for larger scale retail and service businesses along major arterial roads that serve local and regional residents, permitting a variety of retail, professional and service businesses, and residential accessory uses contained within primary commercial uses.
6. C-3 Zoning at this location along Route 26 will provide commercial services to residents of Sussex County living on or in the vicinity of the Site.
7. The Property is in the vicinity of other commercially zoned properties and uses and will not have adverse impact on neighboring properties or area roadways.
8. The Property is in the Coastal Area according to the Sussex County Land Use Plan and Future Land Use Map. All surrounding properties are designated the same. This is an appropriate location for C-3 Zoning according to the Plan.
9. The Project is in Investment Levels 2 and 3 of the Strategies for State Policies and Spending Map. Investment Level 2 reflects areas where growth is anticipated by local, county and State in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state in the longer-term future.
10. There shall be a 25 feet buffer from the .45 acre of non-tidal wetlands located on Site.
11. 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.
12. All entrance and frontage improvements shall comply with DelDOT requirements.
13. Interior street design shall comply with or exceed Sussex County standards.
14. Central sewer is anticipated to be provided by Sussex County. The Developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
15. Central water is anticipated to be provided by Tidewater Utilities, Inc.
16. The proposed rezoning meets the general purpose of the Zoning Ordinance, promoting the orderly growth, prosperity and welfare of Sussex County.
17. Any future use will be subject to Site Plan review and approval by the Sussex County Planning and Zoning Commission.