

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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

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



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

Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date April 14, 2022

Application:	CU 2318 V&M, LLC	MS
Owners:	V&M, LLC P.O. Box 501 Rehoboth Beach, DE 19971	
Applicant:	V&M, LLC P.O. Box 501 Rehoboth Beach, DE 19971	
Site Location:	19429, 19425, 19405, & 19387 John J. Williams Hwy. & 19676, 19662, 19646, & 19634 Mulberry Knoll Rd., Lewes Southerly corner of John J. Williams Highway and Mulberry Knoll Road	
Zoning:	AR-1 (Agricultural Residential District)	
Current Use:	Residential	
Proposed Use:	Commercial / Office	
Comprehensive Land Use Plan Reference:	Commercial Areas	
Councilmatic District:	Mr. Schaeffer	
School District:	Cape Henlopen School District	
Fire District:	Rehoboth Beach Fire District	
Sewer:	Sussex County	
Water:	Tidewater	
Site Area:	3.305 ac. +/- (Entire Site)	
Tax Map ID.:	334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, & 112.00	





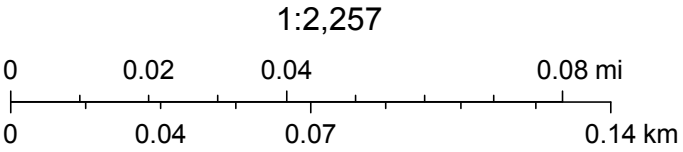
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2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Sussex County



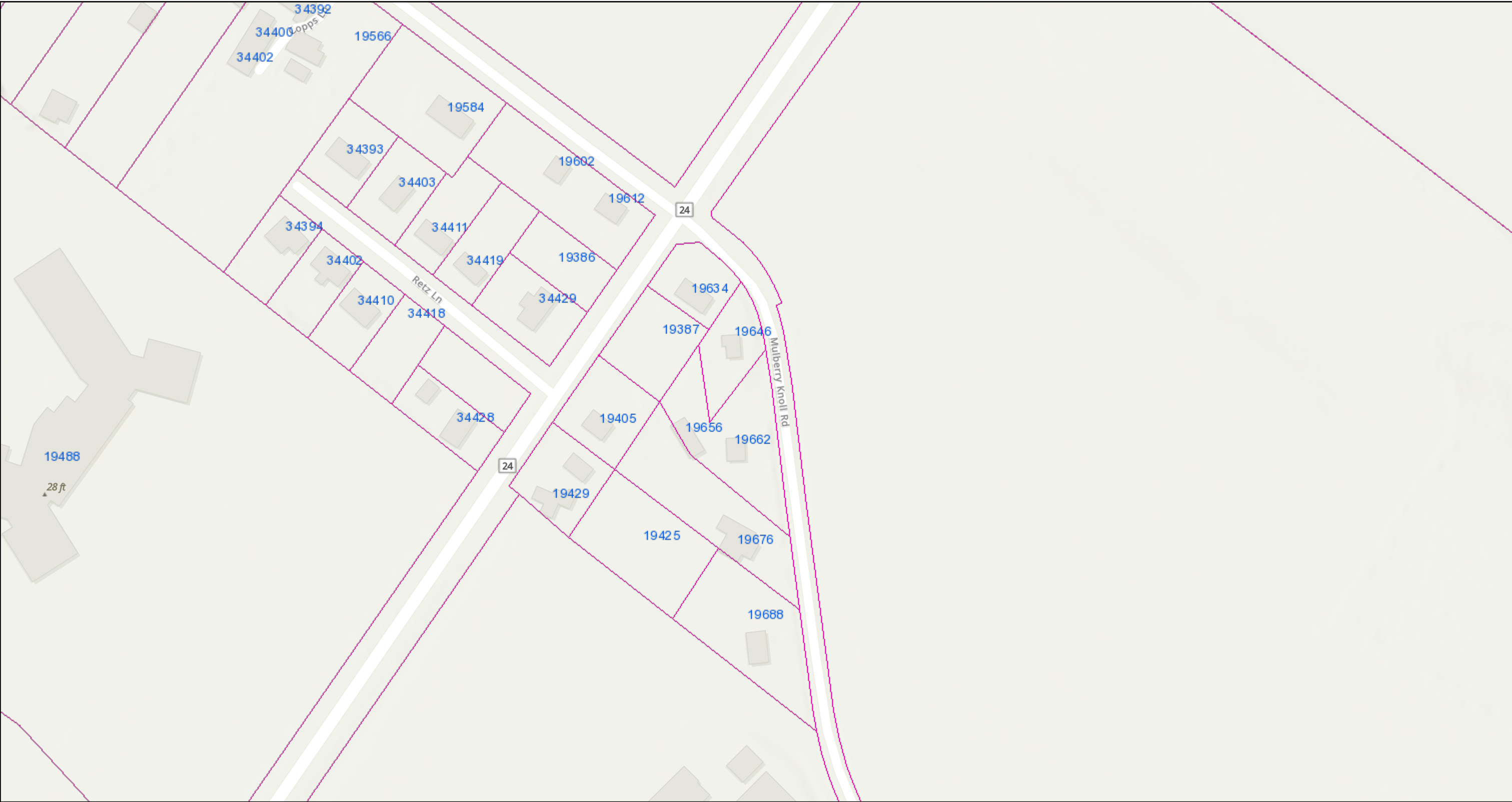
March 16, 2022

 Tax Parcels
 911 Address



Sussex County, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Sussex County Mapping and Addressing

Sussex County



March 16, 2022

Tax Parcels

911 Address

Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP

Neighborhood Business - B-1

Neighborhood Business - B-2

Business Research - B-3

General Commercial - C-1

General Commercial - C-2

General Commercial - C-3

General Commercial - C-4

General Commercial - C-5

Commercial Residential - CR-1

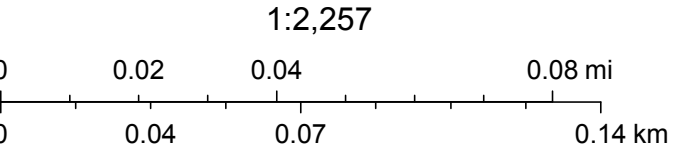
Institutional - I-1

Marine - M

Limited Industrial - LI-1

Light Industrial - LI-2

Heavy Industrial - HI-1



Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, ©

Sussex County



March 16, 2022

Tax Parcels

911 Address

Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP

Neighborhood Business - B-1

Neighborhood Business - B-2

Business Research - B-3

General Commercial - C-1

General Commercial - C-2

General Commercial - C-3

General Commercial - C-4

General Commercial - C-5

Commercial Residential - CR-1

Institutional - I-1

Marine - M

Limited Industrial - LI-1

Light Industrial - LI-2

Heavy Industrial - HI-1

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Maxar, Microsoft, Sussex County, Sussex County Government, Sussex County Mapping and Addressing

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



Sussex County

DELAWARE
sussexcountye.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: April 1st, 2022
RE: Staff Analysis for C/U 2318 V&M LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2318 V&M LLC to be reviewed during the April 14, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcels: 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, & 112.00 to allow for the construction of two (2) structures including a 5,000 square foot commercial convenience store and a 17,000 square foot office use on the site. The properties are located at the southeast corner of the intersection of John J. Williams Highway (Route 24) and Mulberry Knoll Road (S.C.R. 284). The parcels comprise a total area of 3.3 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcels have a designation of "Commercial Area." The parcels to the northwest, south, and west also have a Future Land Use Map designation of "Commercial Area." The adjacent parcels to the east of the subject properties across Mulberry Knoll Road have the Future Land Use Map designation of "Coastal Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Commercial Areas are growth areas that include concentrations of retail and service uses and are primarily located "arterials, and highways." (Sussex County Comprehensive Plan, 4-17) The Plan specifically notes that these areas include commercial corridors geared towards vehicular traffic and recommends they be located along "main roads or near major intersections." While the Plan's Commercial Area category dominates this portion the John J. Williams Highway (Route 24) corridor, much of the surrounding area is designated as "Coastal Area." Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed, noting that commercial and office uses "can be appropriate to provide for convenient services." (Sussex County Comprehensive Plan, 4-15)



Zoning Information

The subject properties are zoned Agricultural Residential (AR-1) with all the immediately surrounding properties zoned (AR-1) as well. The closest commercial use zoning districts lie approximately 1.25 miles north on John J. Williams Highway (Route 24) at the intersection with the Coastal Highway (Route 1) corridor.

Existing Conditional Uses within the Vicinity of the Subject Site

Since 2011, there have been seven (7) Conditional Use applications within less than a 1-mile radius of the application site. The first application is Conditional Use No. 2246 Bee Wise, LLC to allow for a Real Estate Business in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, June 8, 2021, and adopted through Ordinance No. 2775. The second application is Conditional Use No. 2016 for Cape Henlopen School District to allow for Elementary School in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, June 16, 2015, and was adopted through Ordinance No. 2402. The third application is Conditional Use No. 2015 Delaware Division of Facilities Management to permit a Public Service Facility (State Police) in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, June 16, 2015, and was adopted through Ordinance No. 2401. The fourth application is Conditional Use No. 1938 Karen Barwick for purposes of allowing a Therapist Office and Residence in an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, September 11, 2012, and adopted through Ordinance No. 2289. The fifth application is Conditional Use No. 2046 Lockwood Design and Construction, Inc. to allow for Multi-Family Dwelling Structures to be located within a Medium-Density Residential (MR) Zoning District. This application was approved by the Sussex County Council on Tuesday, June 14, 2016, and adopted through Ordinance No. 2479. The sixth application is Conditional Use No. 2297 Schell Brothers, Inc. to allow for an amendment to the Conditions of Approval relating to CU 2046 (Ordinance No. 2479) and the permitted hours of construction to be located within a Medium-Density Residential (MR) Zoning District. This application was approved by the Sussex County Council on Tuesday, February 22, 2022, and adopted through Ordinance No. 2831. The seventh application is Conditional Use No. 2017 Eli and Victoria Zacharia to allow for Multi-Family Dwelling Structures to be located within a Medium-Density Residential (MR) Zoning District. This application was approved by the Sussex County Council on Tuesday, September 22, 2015, and adopted through Ordinance No. 2436. The final application is Conditional Use No. 2252 Delaware Electric Co-Op to allow for a substation to be located within a Medium-Density Residential (MR) Zoning District. This application was approved by the Sussex County Council on Tuesday, July 13, 2021, and adopted through Ordinance No. 2788.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for the construction of commercial and office uses in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: CU#2318

202115215

15216

15217

15219

15220

15222

15223

15224

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

GNINNOZ & GNINNOV
ALNNOO XSSUS
COUNTY

OCT 15 2021

RECEIVED

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

Site Address of Conditional Use/Zoning Map Amendment

Southerly Corner of the intersection of Route 24 & Mulberry Knoll Road

Type of Conditional Use Requested:

Conditional Use for 5,000 sqft. convenience store and a 12,000 sqft. 3 story office building.

Tax Map #: 3-34-12.00-108.00-108.01,109.00,109.01,110.00,
111.00, 111.01 & 112.00

Size of Parcel(s): 3.305 Acres

Current Zoning: AR-1 Proposed Zoning: AR-1 Size of Building: 17,000 Sqft.

Land Use Classification: Residential/Business

Water Provider: Tidewater Utilities, Inc.

Sewer Provider: Sussex County

Applicant Information

Applicant Name: V&M, LLC.

Applicant Address: P.O. Box 501

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 245-5769

E-mail: eric@thecoastalgroup.net

Owner Information

Owner Name: V&M, LLC.

Owner Address: P.O. Box 501

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 245-5769

E-mail: eric@thecoastalgroup.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc.

Agent/Attorney/Engineer Address: 1 Park Avenue

City: Milford

State: DE

Zip Code: 19963

Phone #: (302) 424-1441

E-mail: wzc@dbfinc.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- ✓ **Provide Fee \$500.00**
- ✓ **Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.)** If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ✓ **DelDOT Service Level Evaluation Request Response**
- ✓ **PLUS Response Letter (if required)**

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

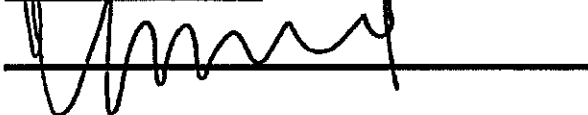
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 10.15.2021

Signature of Owner



Date: 10/12/2021

For office use only:

Date Submitted: 10/15/21

Fee: \$500.00 Check #: 3490

Staff accepting application: Ces

Application & Case #: 20215215

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

NICOLE MAJESKI
SECRETARY

July 20, 2021

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 **V&M, LLC** proposed land use application, which we received on July 16, 2021. This application is for an approximately 3.31-acre assemblage of parcels (Tax Parcels: 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, 112.00, 112.01). The parcels are located on the south corner of Mulberry Knoll Road (Sussex Road 284) and John J Williams Highway (State Route 24). The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of C-2 (Medium Commercial) and the applicant seeks to build a convenience store and offices.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volume along John J Williams Highway from Warrington Road to Camp Arrowhead Road is 19,793 and 25,451, respectively. The annual average daily traffic volume along Mulberry Knoll Road is 517.

Based on our review, we estimate that the proposed land use would generate more than 50 vehicle trips in any hour or 500 vehicle trips per day and would be considered to have a **Major** impact to the local area roadways. In this instance, the Department considers a Major impact to be when a proposed land use would generate more than 200 vehicle trips in any hour of the week and / or 2,000 vehicle trips per day. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a 5,000 square foot convenience store with gas pumps and a 12,000 square foot office building would generate a combined 4,234 vehicle trips per weekday, 456 of them in the morning peak hour. These numbers of trips meet DelDOT's warrants for requiring a Traffic Impact Study (TIS).

The subject development is located in the Henlopen Transportation Improvement District (TID), recently adopted by DelDOT and Sussex County in accordance with Section 2.4 of the Development Coordination Manual. The intent of the TID is to plan comprehensively and thereby



Mr. Jamie Whitehouse
Page 2 of 2
July 20, 2021

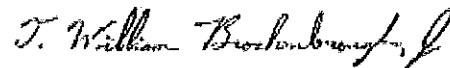
to enable both land development and the transportation improvements needed to support it. For non-residential developments that are consistent with the Land Use and Transportation Plan (LUTP) developed for the TID, the applicant is required to pay a fee per 1,000 S.F. in lieu of doing a TIS and making off-site improvements in accordance therewith. However, the proposed land use was not accounted for in the planning that was done for the TID and therefore a TIS is required.

A review of TIS completed in the last five years found that a TIS was completed for the Scenic Manor (fka. Estates at Mulberry Knoll) development. That TIS included the intersection of Delaware Route 24 and Mulberry Knoll Road. We are providing a copy of that TIS review letter; please find it enclosed with this letter.

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

Please contact Ms. Annamaria Fumato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

Enclosure

cc: V&M, LLC, Applicant
Russell Warrington, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Fumato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **3/23/2022**

APPLICATION: **CU 2318 V&M, LLC**

APPLICANT: **V&M, LLC**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01
& 112.00**

LOCATION: **Site is located at the southerly corner at the intersection of
John J. Williams Highway and Mulberry Knoll Road.**

NO. OF UNITS: **Commercial and Office Space**

GROSS
ACREAGE: **3.305**

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

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes ☐ No ☒
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**
- ☒ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **Yes**
- (8). Comments: **The Conditional Use is contiguous to the existing sanitary sewer district boundary; annexation and connection to the Sussex County Unified Sanitary Sewer District is mandatory.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Christine Fletcher

Policy for Extending District Boundaries

1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

Application Fees	
Less than 2 acres	\$500.00
2.1 -9.99 acres	\$750.00
10 - 150.00 acres	\$1,500.00
Greater than 150.00 acres	\$2,500.00

4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

March 31, 2022

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

Attn: Mr. Jamie Whitehouse
Director of Planning

RE: V&M Properties
Environmental Assessment and Public Facility Evaluation Report
Tax Parcel No.:334-12.00-108.0, 108.01,109.00, 109.01, 110.00, 111.00, 111.01 &112.00
DBF #3311C003.A01

Dear Mr. Whitehouse:

On behalf of our client, V&M, LLC., we are submitting an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. We offer the following information that comprises our report:

- (a) *Proposed drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.*

The proposed improvements will meet or exceed the state regulations for stormwater management. We intend to use infiltration basins as well as other Best Management Practices to meet these requirements. Our improvements will also include storage and treatment for the Route 24 DelDOT project.

- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.*

The proposed project is located within Tidewater Utilities, Inc.'s franchise area and they hold the Certificate of Public Necessity (CPCN). Tidewater is currently serving the surrounding community and infrastructure is already in plan to server the proposed development. Impacts to the groundwater and other systems have been evaluated as part of Tidewater's CPCN.

- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.*

The proposed project is located adjacent to the Sussex County West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District and infrastructure is currently in place to server the site.

- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.*

A TIS was completed and approved by DelDOT. The developer will continue to work with DelDOT regarding widening and improvements along Route 24

- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.*

There are no known state or federally listed endangered or threatened species on this site.

- (f) *The preservation and protection from loss of any tidal or non-tidal wetlands on the site.*

Wetlands do not exist on or adjacent to the site.

- (g) *Provisions for open space as defined in §115-4.*

Open space will be used for onsite stormwater and planted landscaped buffer areas. Sidewalks and a shared use path will improve pedestrian movement throughout the Route 24 and Mulberry Road area.

- (h) *A description of provisions for public and private infrastructure.*

The Developer will construct gravity sewer lines to serve this parcel and will be maintained by Sussex County. The Developer will also construct the internal water mains in the project that will be owned and maintained by Tidewater Utilities, Inc.. The internal parking areas and drive isles will be constructed by the Developer and privately maintained. Electric will be provided by Delaware Electric Coop.

- (i) *Economic, recreational or other benefits.*

The proposed convenience store and office building will increase employment in the vicinity.

Mr. Jamie Whitehouse
Sussex County Planning and Zoning Commission
April 1, 2022
Page 3 of 3

- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.*

There are no known archaeological sites or National Register-listed property on this parcel.

- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.*

The site and surrounding parcels are shown as commercial on Sussex Counties Future Land use plan. The convenience store and offices conform to the current comprehensive plan.

- (l) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan.*

All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan.

If you have any questions or need additional information, please call me at (302) 424-1441.

Sincerely,
Davis, Bowen & Friedel, Inc.

W. Zachary Crouch, P.E.
Principal

\\Mil0\CIVIL\Sugrue\V&M, LLC\GIS\Booklet Pdf\27 - ESDDOZ Report.Doc

CC:

October 12, 2021

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse
Planning Director

RE: Mulberry Knoll Store
Response to PLUS Review-2018-08
Tax Map No.: 3-34-108.00,108.01,109.00,109.01,110.00,11.00,11.01,112.00
DBF # 3311C003.A01

Dear Mr. Whitehouse,

On behalf of the owner, V&M, Inc., we are pleased to submit a response to the comments provided during the PLUS Review of the Project on August 25, 2021 and received from the Office of State Planning dated September 20, 2018. We have read all of the comments and offer the following item-by-item response narrative for your review:

Strategies for State Policies and Spending

- *This project is located in Investment Level 2 according to the 2020 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. State investments will support growth in this area.*

The Office of State Planning has no objections to the development of this property provided it meets the codes and criteria of Sussex County, but we do encourage you to work with State agencies to address any concerns noted in this letter.

Thank you for your clarification of the state Investment Level 2 designation and support of growth in this area. The developer with work closely with State agencies throughout the approval process.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

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An easement along Route 24 which encompasses DelDOT's' proposed side will be established. A 15' wide permanent easement will be provided along Mulberry Knoll Road.

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 - *A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.*
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 - *Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.*

The final Record Plan will include the required Traffic Generation Diagram, existing entrances with 450', and all notes regarding improvements/agreements.

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anticipates building a sidewalk along this development's Route 24 frontage and requiring the developer to provide a sidewalk or SUP along the Mulberry Knoll Road frontage.

The developer will work with DelDOT regarding the requirements of the SUP along the Route 24 and Mulberry Knoll Road.

- *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 24 and Mulberry Knoll Road.*

Stormwater will be located more than 20' away from the dedicated State right-of-way.

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

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This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's Sediment and Stormwater Regulations.

- *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.*

A detailed Sediment and Stormwater Plan will be prepared and submitted to the Sussex Conservation District for their review and approval.

- *Additionally, to address federal requirements, 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://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

A notice of intent for stormwater discharge will be provided to DNREC as part of the Sussex Conservation District submission

- *Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.*

The developer's engineer will work closely with Sussex Conservation District to provide a detailed Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

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Water Quality (Pollution Control Strategies)

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<https://dnrec.alpha.delaware.gov/watershed-stewardship/assessment/tributary-action-teams/>*

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The development will adhere to all stormwater standards and regulations and will be submitted to the Sussex Conservation District for their review and approval

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- *If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch.*

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- *For parcel 3-34-12.00-0109.01, there is an existing gravity system septic permit (# CHP-9504).*
- *For parcel 3-34-12.00-0111.00, there is an expired (December of 1990) gravity system septic permit (#2168-90S).*
- *Contact the DNREC Groundwater Discharges Section to properly abandon these systems.*

Contact: DNREC Groundwater Discharges Section at (302) 856-4561

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

Wastewater Disposal will be provided by Sussex County (West Rehoboth Expansion of the Dewey Beach SSD)

State Historic Preservation Office – Contact Carlton Hall 736-7400

- *This parcel has low potential for prehistoric archaeological resources. Although the parcel has well-drained soils, it is not within favorable distance to a water source.*
- *There is high potential for historic archaeological resources. The parcel was agricultural fields prior to construction of homes between 1937 and 1954. There are at least 4 extant buildings older than 50 years (S10116, S10117, S10118, S01007). This Office would recommend a Phase I archaeological survey prior to any ground disturbance.*
- *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), which is currently being revised.*

- *If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov*

Thank you for the information regarding prehistoric, historic archaeological sites and the potential for unmarked graves. We do not anticipate any federal funding for this project.

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

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

Fire Protection Water Requirements:

- *Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.*
- *Where a water distribution system is proposed for (business/educational/assembly/healthcare/multi-family) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.*

Water distribution will be provided by Tidewater Utilities, Inc. using existing infrastructure.

Fire Protection Features:

- *All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.*
- *Buildings greater than 10,000 sq. ft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements*
- *Show Fire Department Connection location (must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.*
- *Show Fire Lanes and Sign Detail as shown in DSFPR*

We anticipate building 2 to be 3 stories and a total of 12,000 sqft. Automatic Sprinklers and fire land marking requirements will be met. Fire lanes, Sign Details and Fire department connections will be shown on the plans and submitted to the Fire Marshall for review and approval.

Accessibility:

- *All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision*

from Mulberry Knoll Road and Route 24 must be constructed so fire department apparatus may negotiate it.

- *Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.*
- *Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.*
- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

The site will comply with all Fire Department access requirements.

Gas Piping and System Information

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

The site plan will provide locations of underground tanks and types of fuel proposed.

Required Notes:

- *Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”*
- *Proposed Use*
- *Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units*
- *Square footage of each structure (Total of all Floors)*
- *National Fire Protection Association (NFPA) Construction Type*
- *Maximum Height of Buildings (including number of stories)*
- *Note indicating if building is to be sprinklered*
- *Name of Water Provider*
- *Letter from Water Provider approving the system layout*
- *Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered*
- *Provide Road Names, even for County Roads*

The require information and notes will be provided to the fire marshal for their review and approval.

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the

*project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.*

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24 or Mulberry Knoll Road.*

We do not anticipate any new substation, all facilities on the site will require direct access internally from the site.

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

PLUS and TAC comments will be address prior to agency review.

- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>*

The latest note will be used.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
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.*
- *For improved stormwater management, preserve existing trees, wetlands, and passive open space.*

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Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

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A detailed stormwater report will be submitted to the Sussex Conservation office for review and approval.

Additional Sustainable Practices

- *Consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).*
- *Install electric vehicle charging stations for your customers. It is easier to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>).*
- *Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.*
- *Incorporate trees into the landscaping plan to reduce the heat island effects from pavement.*
- *Install bicycle racks where feasible to help facilitate non-vehicular travel modes.*
- *Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.*
- *Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.*
- *Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.*

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

Thank you for the suggestions to provide sustainable energy alternatives.

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

- *Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov Plan Review & Inspections link.*

The developers engineer will work closely with the State Fire Marshall's Office during plan submittal, review and approval.

Delaware Transit Corporation (DTC) – Contact Jared Kauffman 576-6062

- *A Type 2 5'x8' bus stop pad is needed placed before the beginning of the right-turn lane onto Mulberry Knoll Road*

A Type 2 bus stop will be provided along Mulberry Knoll Road.

On behalf of the Owner, we thank the State for providing us with these comments. Please contact me at (302) 424-1441 if you have any questions or need additional information.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

W. Zachary Crouch, P.E.
Principal

CC: David L. Edgell, AICP, Office of State Planning

October 12, 2021

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse
Planning Director

RE: Mulberry Knoll Store
Response to PLUS Review-2018-08
Tax Map No.: 3-34-108.00,108.01,109.00,109.01,110.00,11.00,11.01,112.00
DBF # 3311C003.A01

Dear Mr. Whitehouse,

On behalf of the owner, V&M, Inc., we are pleased to submit a response to the comments provided during the PLUS Review of the Project on August 25, 2021 and received from the Office of State Planning dated September 20, 2018. We have read all of the comments and offer the following item-by-item response narrative for your review:

Strategies for State Policies and Spending

- *This project is located in Investment Level 2 according to the 2020 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. State investments will support growth in this area.*

The Office of State Planning has no objections to the development of this property provided it meets the codes and criteria of Sussex County, but we do encourage you to work with State agencies to address any concerns noted in this letter.

Thank you for your clarification of the state Investment Level 2 designation and support of growth in this area. The developer will work closely with State agencies throughout the approval process.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
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RECEIVED

OCT 15 2021

SUSSEX COUNTY
PLANNING & ZONING

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- *For parcel 3-34-12.00-0108.01, there is an existing gravity system septic permit (# 226106) with a completion report (January of 2014).*
- *For parcel 3-34-12.00-0109.01, there is an existing gravity system septic permit (# CHP-9504).*
- *For parcel 3-34-12.00-0111.00, there is an expired (December of 1990) gravity system septic permit (#2168-90S).*
- *Contact the DNREC Groundwater Discharges Section to properly abandon these systems.*

Contact: DNREC Groundwater Discharges Section at (302) 856-4561

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

Wastewater Disposal will be provided by Sussex County (West Rehoboth Expansion of the Dewey Beach SSD)

State Historic Preservation Office – Contact Carlton Hall 736-7400

- *This parcel has low potential for prehistoric archaeological resources. Although the parcel has well-drained soils, it is not within favorable distance to a water source.*
- *There is high potential for historic archaeological resources. The parcel was agricultural fields prior to construction of homes between 1937 and 1954. There are at least 4 extant buildings older than 50 years (S10116, S10117, S10118, S01007). This Office would recommend a Phase I archaeological survey prior to any ground disturbance.*
- *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), which is currently being revised.*

- *If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov*

Thank you for the information regarding prehistoric, historic archaeological sites and the potential for unmarked graves. We do not anticipate any federal funding for this project.

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

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

Fire Protection Water Requirements:

- *Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.*
- *Where a water distribution system is proposed for (business/educational/assembly/healthcare/multi-family) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.*

Water distribution will be provided by Tidewater Utilities, Inc. using existing infrastructure.

Fire Protection Features:

- *All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.*
- *Buildings greater than 10,000 sq. ft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements*
- *Show Fire Department Connection location (must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.*
- *Show Fire Lanes and Sign Detail as shown in DSFPR*

We anticipate building 2 to be 3 stories and a total of 12,000 sqft. Automatic Sprinklers and fire land marking requirements will be met. Fire lanes, Sign Details and Fire department connections will be shown on the plans and submitted to the Fire Marshall for review and approval.

Accessibility:

- *All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision*

from Mulberry Knoll Road and Route 24 must be constructed so fire department apparatus may negotiate it.

- *Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.*
- *Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.*
- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

The site will comply with all Fire Department access requirements.

Gas Piping and System Information

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

The site plan will provide locations of underground tanks and types of fuel proposed.

Required Notes:

- *Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"*
- *Proposed Use*
- *Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units*
- *Square footage of each structure (Total of all Floors)*
- *National Fire Protection Association (NFPA) Construction Type*
- *Maximum Height of Buildings (including number of stories)*
- *Note indicating if building is to be sprinklered*
- *Name of Water Provider*
- *Letter from Water Provider approving the system layout*
- *Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered*
- *Provide Road Names, even for County Roads*

The require information and notes will be provided to the fire marshal for their review and approval.

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the

*project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.*

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24 or Mulberry Knoll Road.*

We do not anticipate any new substation, all facilities on the site will require direct access internally from the site.

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

PLUS and TAC comments will be address prior to agency review.

- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>*

The latest note will be used.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
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.*
- *For improved stormwater management, preserve existing trees, wetlands, and passive open space.*

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

A detailed stormwater report will be submitted to the Sussex Conservation office for review and approval.

Additional Sustainable Practices

- *Consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).*
- *Install electric vehicle charging stations for your customers. It is easier to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>).*
- *Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.*
- *Incorporate trees into the landscaping plan to reduce the heat island effects from pavement.*
- *Install bicycle racks where feasible to help facilitate non-vehicular travel modes.*
- *Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.*
- *Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.*
- *Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.*

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

Thank you for the suggestions to provide sustainable energy alternatives.

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

- *Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov Plan Review & Inspections link.*

The developers engineer will work closely with the State Fire Marshall's Office during plan submittal, review and approval.

Delaware Transit Corporation (DTC) – Contact Jared Kauffman 576-6062

- *A Type 2 5'x8' bus stop pad is needed placed before the beginning of the right-turn lane onto Mulberry Knoll Road*

A Type 2 bus stop will be provided along Mulberry Knoll Road.

On behalf of the Owner, we thank the State for providing us with these comments. Please contact me at (302) 424-1441 if you have any questions or need additional information.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

W. Zachary Crouch, P.E.
Principal

CC: David L. Edgell, AICP, Office of State Planning

TAX MAP AND PARCEL #:
P/O 334-12.00-108.00, 108.01, 109, 109.01, 110, 111, 111.01, & 112
PREPARED BY & RETURN TO:
Delaware Department of Transportation
800 S. Bay Road
Dover, DE 19901
Attention: Development Coordination
File No. T201212201, State Parcel #'s 23R, 24R, 25R, 26R & 27R.

**LETTER AGREEMENT BY AND BETWEEN
THE DELAWARE DEPARTMENT OF TRANSPORTATION
AND V & M, LLC**

This **AGREEMENT**, made and executed in quadruplicate, this 12th day, of August, 2021 by and between the **DELAWARE DEPARTMENT OF TRANSPORTATION**, a Department created under the laws of the State of Delaware, hereinafter designated as “**DEPARTMENT**”, and **V & M, LLC** (c/o Chase A. Brockstedt, Esquire, Baird Mandalas Brockstedt, LLC), whose address is 1413 Savannah Road, Suite 1, Lewes, Delaware 19958, hereinafter called “**DEVELOPER**”, being the owner of the land on which the development project is to be constructed.

In the event that the **DEVELOPER** assigns, conveys, transfers, or gives up their interest in the property or any part thereof, the obligations and/or requirements contained within this **AGREEMENT** shall become the responsibility of the assignee, successor and/or subsequent property owner and/or developer, who will then be considered the **DEVELOPER** for the purposes of this **AGREEMENT**.

INTRODUCTION

The **DEPARTMENT** has determined that the construction of the **V & M, LLC** development project; a proposed 5,000 square-foot super convenience store with gas pumps and a proposed 12,000 square-foot office building on a 3.31 +/- acre assemblage of parcels, (Tax Parcels: 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, and 112.00) located at the southwest side of Delaware Route 24 (John J. Williams Highway) and Mulberry Knoll Road (SCR 284) intersection (the “**PROJECT**”), (subject to modification during the land use approval process, provided that the projected number of average weekday or weekend vehicle trip ends to be generated by the site, either on a daily or a peak hour basis, shall not increase) will require certain associated transportation improvements. The purpose of the **AGREEMENT** is to formally outline all requirements between the **DEPARTMENT** and the **DEVELOPER** with respect to the **PROJECT**, as follows:

WHEREAS, the **DEPARTMENT** has previously designed and funded certain roadway improvements in the area of the **PROJECT**; known as SCR 24 Love Creek to Mulberry Knoll and more particularly identified as Contract No. T201212201 (the “**ROADWAY IMPROVEMENTS**”);

WHEREAS, the **DEPARTMENT** is willing to incorporate into the **ROADWAY IMPROVEMENTS** the construction of certain frontage improvements which are required by the **DEPARTMENT** for approval of the **PROJECT**, subject to the terms set forth in this **AGREEMENT**;

WHEREAS, the **PROJECT** is located within the Henlopen Transportation Improvement District (“**TID**”), but the **PROJECT** is not consistent with the approved **TID** future land use plan and therefore does not qualify for **TID** participation; and

WHEREAS, this **AGREEMENT** does not constitute the **DEPARTMENT**’s approval of the **PROJECT** and therefore, the **PROJECT** shall be subject to the **DEPARTMENT**’s review and approval process as set forth within the Development Coordination Manual, subject to the terms of this **AGREEMENT**.

TERMS

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth in this **AGREEMENT**, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound herein, the parties hereby covenant and agree as follows:

- 1) **Incorporation**. Attached hereto as Exhibit “A” is a copy of those certain Construction Plans and Right of Way Plans and specifications showing the portions of real property, which are necessary for the Construction of **ROADWAY IMPROVEMENTS** per Contract No. T201212201.

- 2) **DEPARTMENT’S RESPONSIBILITY FOR THE PROJECT’S FRONTAGE IMPROVEMENTS**:

- a) The **PROJECT**’s frontage improvements have not been designed by the **DEVELOPER** as of the date of this **AGREEMENT**. The **DEVELOPER** anticipates that the frontage improvements will consist of improvements necessary for a right-in/right-out entrance to be located on Tax Parcel No. 334-12.00-108.00 at the westernmost location along Delaware Route 24 (John J. Williams Highway), along with a right-turn lane along Delaware Route 24 (John J. Williams Highway) (hereinafter the “**FRONTAGE IMPROVEMENTS**”). The **DEPARTMENT** shall construct all the **PROJECT**’s **FRONTAGE IMPROVEMENTS**, contingent upon the **DEVELOPER** successfully completing the requirements set forth in paragraph

- 3)a. and paragraph 3)l. below. The **DEVELOPER** shall reimburse the **DEPARTMENT** for the estimated construction costs to be incurred by the **DEPARTMENT** for the **PROJECT's FRONTAGE IMPROVEMENTS**. The amount owed shall be reconciled as set forth in paragraph 4 below; and
- b) The **DEPARTMENT** shall acquire the portions of Tax Parcel: 334-12.00-107.00, at its sole cost and expense, which are necessary for construction of the **ROADWAY IMPROVEMENTS**, pursuant to the plans attached hereto as Exhibit "A". The **DEPARTMENT** will make portions of this acquisition available for the construction of **FRONTAGE IMPROVEMENTS**, i.e., the right turn lane for the **PROJECT**, contingent upon the **DEVELOPER** successfully completing the requirements set forth in paragraph 3)a. and paragraph 3)l. below; and
- c) The **DEPARTMENT** shall be responsible for reconstructing the four (4) existing entrances to the **PROJECT**, at its sole cost and expense, provided however, if the **DEVELOPER** obtains rezoning approval of the **PROJECT** to C-2 (Medium Commercial) or obtains conditional use approval to develop the **PROJECT**, the **DEPARTMENT** shall not be required to reconstruct the four (4) existing entrances to the Property.

3) **DEVELOPER'S RESPONSIBILITY FOR THE PROJECT's FRONTAGE IMPROVEMENTS:**

- a) The **DEVELOPER**, at its sole cost and expense, shall apply for and obtain rezoning for the **PROJECT** to C-2 (Medium Commercial) or apply for and obtain conditional use approval to develop the **PROJECT**, apply for and obtain site plan approval from the Local Land Use Agency, initiate and complete a Traffic Impact Study ("TIS"), and apply for and obtain Entrance Plan Approval and Construction Plan Approval for any transportation improvements outside the **PROJECT** boundary and listed in the Final TIS Review Letter from the **DEPARTMENT** (hereinafter "TIS-identified offsite improvements") from the **DEPARTMENT** prior to the incorporation of the **FRONTAGE IMPROVEMENTS** into the **ROADWAY IMPROVEMENTS**;
- b) Milestones for coordination with the **DEPARTMENT** shall be as follows:
- i) The **DEVELOPER** shall finalize the TIS and obtain a Final TIS Review Letter from the **DEPARTMENT** on or before advertisement of bids for the **ROADWAY IMPROVEMENTS**.
- ii) The **DEVELOPER** shall obtain Entrance Plan Approval and Construction Plan Approval for any TIS-identified offsite improvements from the **DEPARTMENT** within three (3) months of the issuance of the Notice to Proceed ("NTP") to construct the **ROADWAY IMPROVEMENTS**.

- iii) The **DEVELOPER** shall commence Stormwater Management Systems construction pursuant to paragraph 3)j. below, within five (5) months of the issuance of the NTP to construct the **ROADWAY IMPROVEMENTS** and shall complete construction within two (2) months from the time of commencement.
- c) The **DEVELOPER** shall execute a Right of Entry Agreement in favor of the **DEPARTMENT** granting the **DEPARTMENT** the right to enter the **DEVELOPER'S** property to construct the **ROADWAY IMPROVEMENTS** as shown on Exhibit A, and developer waives any claim for compensation therefore. The Right of Entry Agreement, a form of which is attached hereto as Exhibit B, shall be executed coincident with this **AGREEMENT**;
- d) The **DEVELOPER** shall complete a TIS pursuant to the review and approval process as set forth within the Development Coordination Manual ("DCM");
- e) The **DEVELOPER**, at its sole cost and expense, shall be responsible for implementing all of the requirements to be identified and outlined in the Final TIS Review Letter when issued by the **DEPARTMENT**;
- f) The **DEVELOPER**, at its sole cost and expense, shall be responsible for obtaining the **DEPARTMENT's** approval for the design and construction of any additional entrances/exits, including but not limited to, a proposed entrance/exit and frontage improvements on Mulberry Knoll Road, and TIS-identified offsite improvements associated with the **PROJECT**;
- g) The **DEVELOPER** shall submit Entrance Plans for the design of all entrances, associated frontage improvements, Construction Plans for any TIS-identified offsite improvements and **FRONTAGE IMPROVEMENTS** in a timely manner in order to comply with the Milestones as set forth in paragraph 3)b. above;
- h) The **DEVELOPER** shall dedicate to the **DEPARTMENT** the portions of real property which are necessary for construction of all improvements, including the **FRONTAGE IMPROVEMENTS**, associated with the **PROJECT**, according to the Functional Classification of the roadway as defined in the DCM;
- i) The **DEVELOPER** shall convey to the **DEPARTMENT** the portions of real property which are necessary for construction of the **ROADWAY IMPROVEMENTS** per Contract No. T201212201, attached hereto as Exhibit "A" which real property acquisition is approximately 11,980 square feet/0.28 acres of land in fee and 3,124 square feet/0.07 acres of land for permanent and temporary construction easements. If the **DEVELOPER's** conveyance of real property required for the **ROADWAY IMPROVEMENTS** exceeds the square footage of real property required to be dedicated for the **FRONTAGE IMPROVEMENTS** pursuant to paragraph 3)h. above, the fair market value of such excess land shall be credited

toward the **DEVELOPER**'s construction costs as set forth in paragraph 2)a. above. The amount owed shall be reconciled as set forth in paragraph 4 below;

- j) The **DEVELOPER**, at its sole cost and expense, shall construct and provide permanent stormwater management systems within their **PROJECT**, as required for drainage of the **PROJECT**'s **FRONTAGE IMPROVEMENTS** and the discharge by the **DEPARTMENT** of 1.35 +/- acres of surface area to the permanent stormwater management systems within the **PROJECT** due to the reduction in size of the **DEPARTMENT'S** stormwater management system as a result of the allocation of that land for the **DEVELOPER'S** right turn lane. The **DEVELOPER**'s stormwater management systems shall be made available to the **DEPARTMENT** pursuant to the Milestones outlined in paragraph 3)b. above;
- k) The **DEVELOPER** shall convey all necessary easements to the **DEPARTMENT**, for stormwater drainage and for emergency access use by the **DEPARTMENT** to the **PROJECT**'s stormwater management systems, and developer waives any claim for compensation for the stormwater drainage easement and for the real property utilized for the stormwater management systems, including any additional real property that **DEVELOPER** utilizes for the stormwater management systems to accommodate the 1.35 +/- acres of surface area to be discharged by the **DEPARTMENT** as set forth in paragraph 3)j. above. The portions of the easement and system that are upstream or offsite as well as sections that are not directly collecting and conveying the drainage runoff of the proposed State maintained roads and/or rights-of-way shall be the responsibility of the **DEVELOPER**. The **DEPARTMENT** will assume no responsibility for the future maintenance of the **PROJECT**'s stormwater management systems; and
- l) As a result of **DEVELOPER'S PROJECT** and the **FRONTAGE IMPROVEMENTS**, the **DEVELOPER**, at its sole cost and expense, shall remove all existing structures, including utility and sewer connections, on the **PROJECT** which interfere with the **DEPARTMENT**'s construction of the **ROADWAY IMPROVEMENTS** according to the timeline for the **ROADWAY IMPROVEMENTS**. The **DEPARTMENT** shall give the **DEVELOPER** written notice at least ninety (90) days in advance of the date upon which removal must be completed.
- m) If the **DEVELOPER** fails to satisfy any of the requirements set forth in paragraph 3)a. through 3)l., at the option of the **DEPARTMENT**, this **AGREEMENT** may be terminated and deemed to be NULL and VOID; provided however the **DEVELOPER** may provide written notice to the **DEPARTMENT** at least thirty (30) days prior to the due date of the task(s) which are the **DEVELOPER'S** responsibility to complete under paragraph 3 that it will not complete the task(s) by the due date and shall identify the task(s) that will not be completed and the reason(s) why the task(s) will not be completed by the deadline. The **DEPARTMENT** may

grant an extension to the **DEVELOPER** to complete the task(s), in the **DEPARTMENT'S** sole discretion, which shall not be unreasonably withheld. Notwithstanding the above, should this **AGREEMENT** be terminated by the **DEPARTMENT**, the requirement that the **DEPARTMENT** shall pay just compensation to the **DEVELOPER** for the real property acquired from the **DEVELOPER** for the **ROADWAY IMPROVEMENTS**, shall survive.

4) Compensation Reconciliation.

The **DEVELOPER** and the **DEPARTMENT** shall make a final accounting as required under paragraphs 2)a. and 3)i. above before Entrance Plan Approval, and before Construction Plan Approvals are issued by the **DEPARTMENT** for any TIS-identified offsite improvements pursuant to paragraph 3)b. above (the "**Final Accounting Deadline**"). The final accounting, including appraisals, construction cost estimates and supporting documents (the "**Final Accounting Records**"), shall be subject to review, inspection, audit, and approval by both the **DEVELOPER** and the **DEPARTMENT**, and both parties agree to timely produce and make their respective **Final Accounting Records** available to the other for this purpose. If the **DEVELOPER** and the **DEPARTMENT** cannot agree upon the outcome of the final accounting within thirty (30) days of the **Final Accounting Deadline**, then any remaining dispute(s) regarding the outcome of the final accounting shall be submitted to binding arbitration in accordance with the Commercial Arbitration Rules and Mediation Procedures of the American Arbitration Association. Once the outcome of the final accounting is agreed upon or determined through binding arbitration, the amounts owed by the **DEVELOPER** and the **DEPARTMENT** shall be set off against each other. If there is a balance owed to either the **DEVELOPER** or the **DEPARTMENT**, it shall be paid within thirty (30) days; provided however, the **DEVELOPER** and the **DEPARTMENT** agree that the Entrance Plan Approval, and the Construction Plan Approval for any TIS-identified offsite improvements pursuant to paragraph 3)b. above, shall not be issued and the **DEPARTMENT** shall not be required or compelled to issue such approvals prior to the **DEPARTMENT'S** receipt of the final accounting payment from **DEVELOPER**.

This **AGREEMENT** and the terms thereof shall be construed in accordance with the laws of the State of Delaware.

The recitals, conditions, and terms made hereinabove are an integral and substantive part of this **AGREEMENT** and are incorporated herein by reference.

The terms and conditions of this **AGREEMENT** are hereby mutually accepted upon the signing by an authorized agent of the **DEPARTMENT** and the **DEVELOPER**.

This **AGREEMENT** constitutes the sole understanding by and between the **DEPARTMENT** and the **DEVELOPER**, with respect to the improvements contained herein, and shall not be modified except in writing subscribed to by both parties.

For the avoidance of doubt, the **DEPARTMENT** and the **DEVELOPER** may enter into subsequent Agreements for additional improvements not contained herein.

This **AGREEMENT** may be executed in counterparts, each of which shall be an original, and such counterparts shall be construed together as one instrument. Facsimile or pdf signatures shall be deemed original signatures.

IN WITNESS WHEREOF, the parties hereto have duly executed this **AGREEMENT** in quadruplicate, under their respective seals, the day and year affixed below by the signature of the Department of Transportation's representative.

Developer

SEALED, AND DELIVERED IN THE
presence of

Attest:

CORPORATE SEAL

V&M, LLC

Name of Developer

By:

[Signature]
Authorized Signature

managing member
Title

Dated:

8/12/2021

Phone No.:

302 245-5769

E-mail:

eric@thecoastalgroup.net

In the case of a corporation, firm, or partnership, this contract must be signed by the appropriate officials of such corporation, firm, or partnership and their corporate seal must be affixed hereto.

STATE OF DELAWARE)

) ss.

COUNTY OF Sussex)

BE IT REMEMBERED, that on this 12th day of August, 2021, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Eric Sugrue, Principal Member of V&M, LLC, a Delaware limited liability company, and acknowledged this Agreement to be his/her act and deed, and the act and deed of V&M, LLC.

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



[Signature]

Notary Public


My Commission Expires:

January 7, 2022


Delaware Department of Transportation

SEAL

Attest:


Charlanne Thornton, Director, Finance

By:


Pamela Steinebach, Director, Planning

Dated:

August 30, 2021

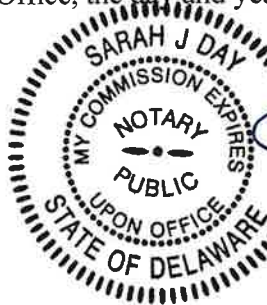
STATE OF DELAWARE)

) ss.

COUNTY OF Kent)

BE IT REMEMBERED, that on this 30 day of August, 2021, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Pamela Steinebach, Director of Planning of the State of Delaware, Department of Transportation, and acknowledged this Agreement to be his/her act and deed, and the act and deed of the said state agency.

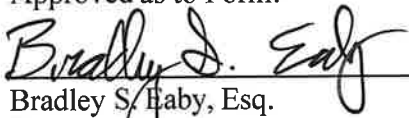
GIVEN under my Hand and Seal of Office, the day and year aforesaid.




Notary Public

My Commission Expires: N/A

Approved as to Form:

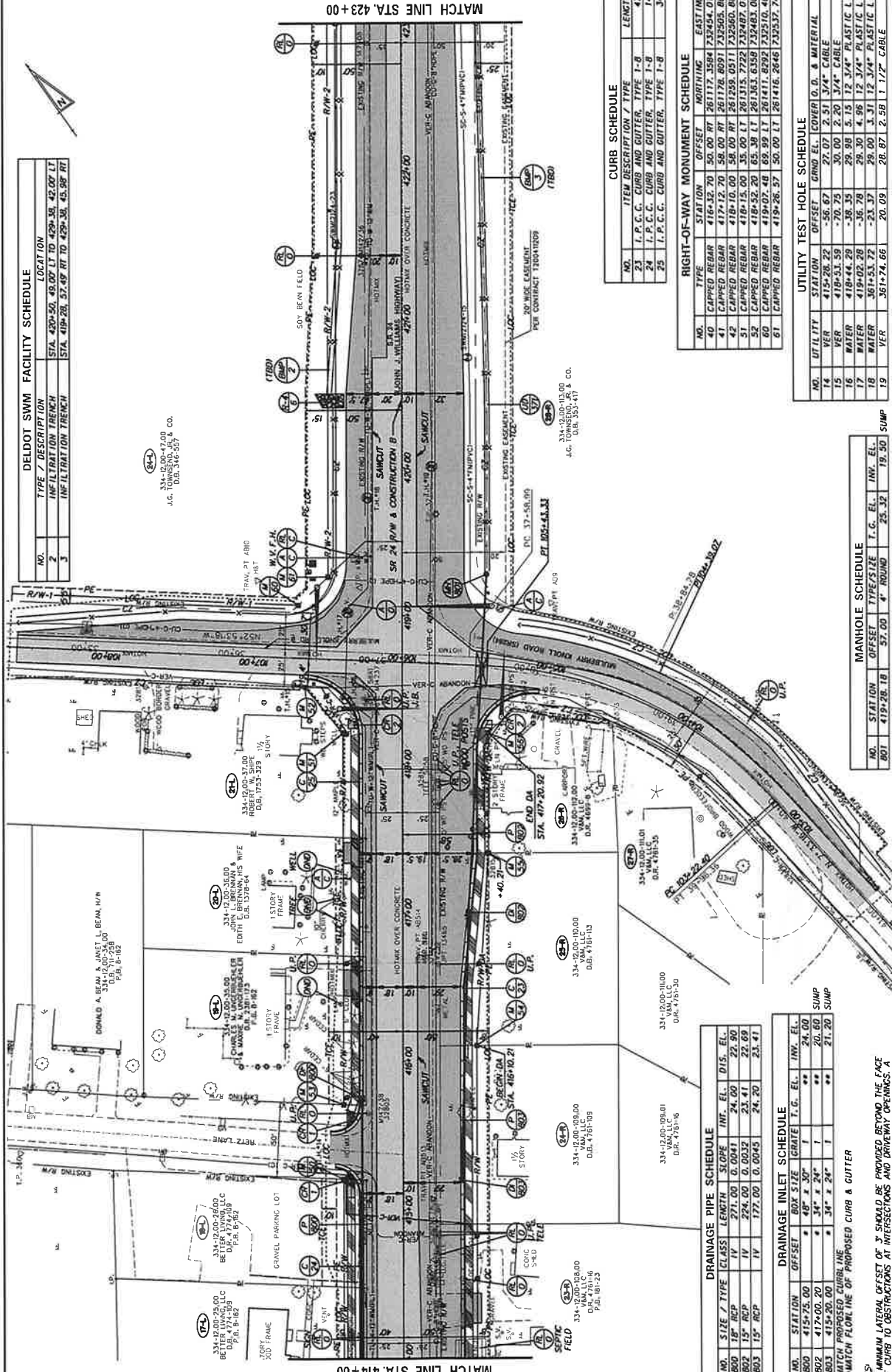

Bradley S. Eaby, Esq.
Deputy Attorney General

Dated:

August 18, 2021

Exhibit A – Construction and Right of Way Plans

DELDOT SWM FACILITY SCHEDULE		
NO.	TYPE / DESCRIPTION	LOCATION
2	INFILTRATION TRENCH	STA. 430+50.49 TO 430+36.42 ON RT
3	INFILTRATION TRENCH	STA. 419+28.57 TO 430+36.42 ON RT



MATCH LINE STA. 423+00

MATCH LINE STA. 414+00

CURB SCHEDULE		
NO.	ITEM DESCRIPTION / TYPE	LENGTH
23	I.P.C.C. CURB AND GUTTER, TYPE 1-B	478
24	I.P.C.C. CURB AND GUTTER, TYPE 1-B	141
25	I.P.C.C. CURB AND GUTTER, TYPE 1-B	344

RIGHT-OF-WAY MONUMENT SCHEDULE		
NO.	TYPE	STATION
40	CAPPED REBAR	416+32.70
41	CAPPED REBAR	417+12.70
42	CAPPED REBAR	418+10.00
43	CAPPED REBAR	418+15.00
44	CAPPED REBAR	418+25.00
45	CAPPED REBAR	419+05.00
46	CAPPED REBAR	419+25.00
47	CAPPED REBAR	419+26.57

UTILITY TEST HOLE SCHEDULE		
NO.	UTILITY	STATION
14	VER	415+28.22
15	VER	416+51.58
16	WATER	419+05.38
17	WATER	419+25.32
18	WATER	419+25.32
19	VER	419+26.57

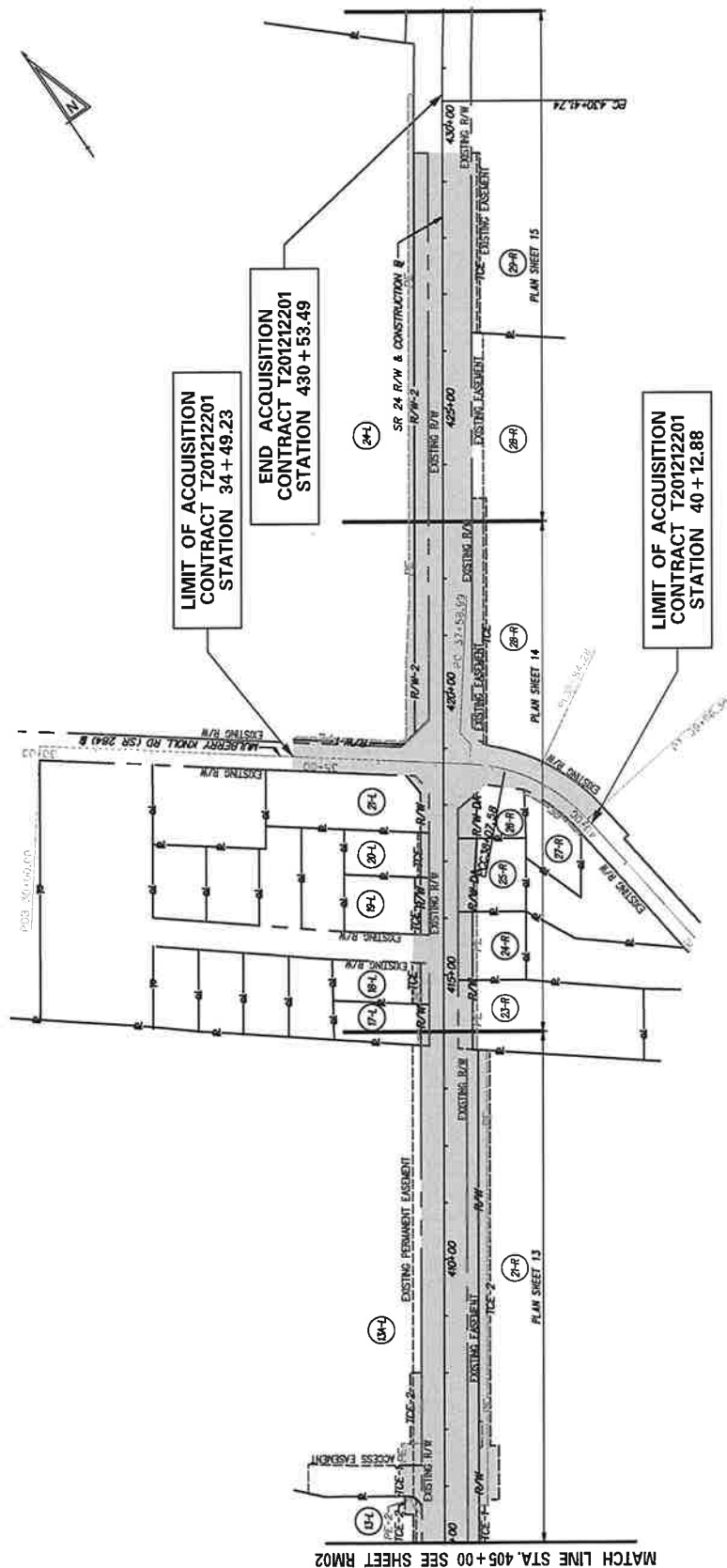
MANHOLE SCHEDULE		
NO.	STATION	OFFSET
800	419+28.18	37.00
801	419+28.18	37.00

DRAINAGE PIPE SCHEDULE		
NO.	SIZE / TYPE	LENGTH
800	18" RCP	271.00
801	15" RCP	224.00
802	15" RCP	177.00
803	15" RCP	177.00

DRAINAGE INLET SCHEDULE		
NO.	STATION	OFFSET
800	419+28.18	37.00
801	419+28.18	37.00

NOTES:
1. A MINIMUM LATERAL OFFSET OF 3' SHOULD BE PROVIDED BEYOND THE FACE OF CURB TO OBSTRUCTIONS AT INTERSECTIONS AND DRIVEWAY OPENINGS. A MINIMUM LATERAL OFFSET OF 1.5' SHOULD BE USED ELSEWHERE.

PROJECT NO. SR 24		CONTRACT NO. N/A		SECTION	
LOVE CREEK TO MULBERRY KNOLL		DESIGNED BY: J.S.		CONSTRUCTION PLAN	
SCALE: 1" = 40'		CHECKED BY: DBS		SHEET NO. 19	

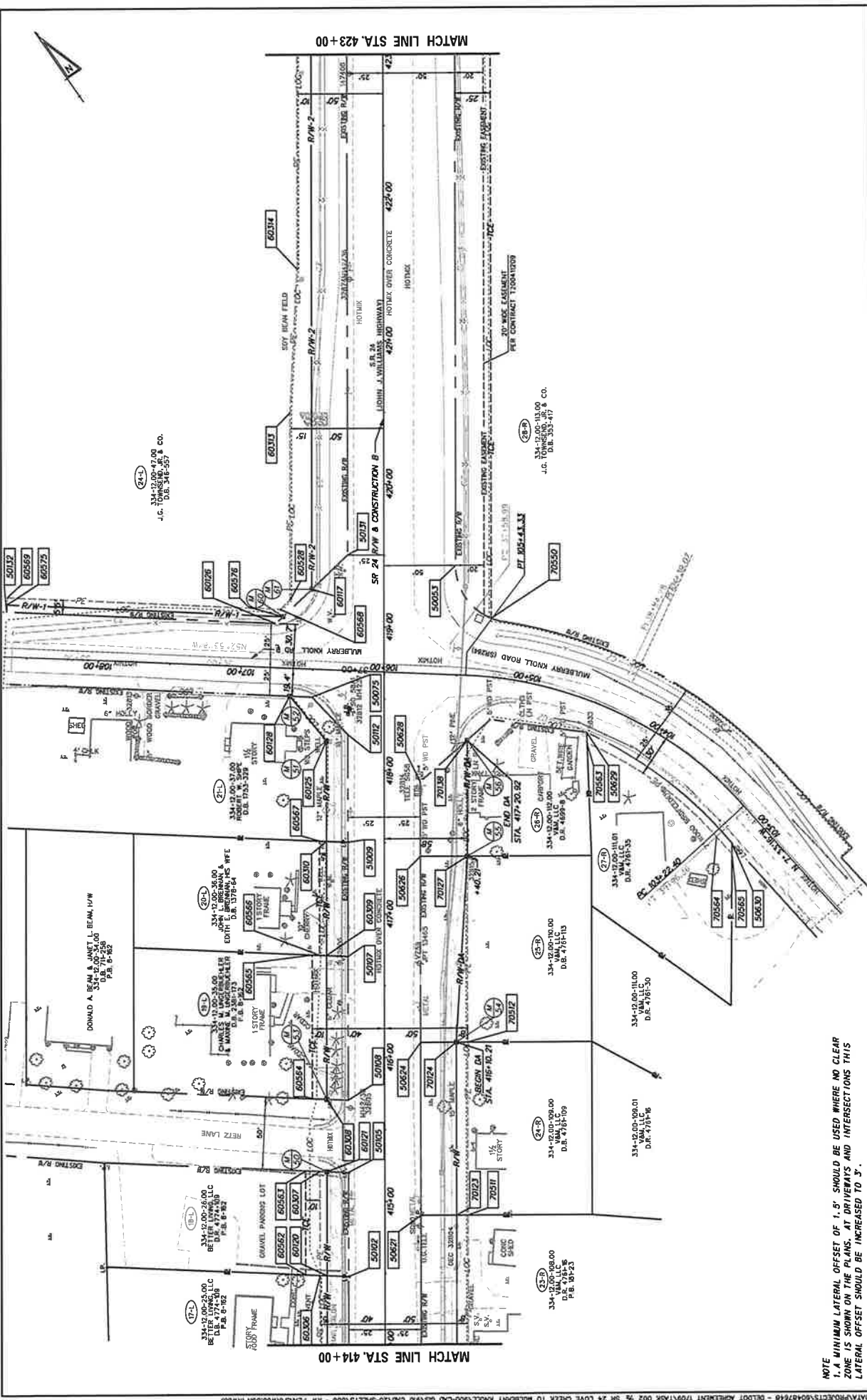



PARCEL NO.	OWNER NAME	ASSESSMENT NUMBER	TITLE SOURCE
13-L	J. G. TOWNSEND, JR. & CO.	334-12, 00-16, 04	387-176
13A-L	CAPE HEN/OPEN SCHOOL DISTRICT	334-16, 00-45, 01	4415-144
17-L	BETTER LIVING, LLC	334-12, 00-28, 00	4774-109
18-L	BETTER LIVING, LLC	334-12, 00-28, 00	4774-109
19-L	CHARLES M. UNGERBUHLER & MAXINE M. UNGERBUHLER	334-12, 00-36, 00	2381-173
20-L	JOHN L. BRENNAN & EDITH E. BRENNAN, HIS WIFE	334-12, 00-36, 00	1753-359
21-L	ROBERT W. SHIPE	334-12, 00-37, 00	346-557
24-L	J. G. TOWNSEND, JR. & CO.	334-12, 00-47, 00	2349-268
25-L	CAPE HEN/OPEN SCHOOL DISTRICT	334-12, 00-107, 00	4761-16
23-R	YAM, LLC	334-12, 00-108, 00	4761-109
24-R	YAM, LLC	334-12, 00-108, 00	4761-113
25-R	YAM, LLC	334-12, 00-110, 00	4761-113
26-R	YAM, LLC	334-12, 00-112, 00	4761-113
27-R	YAM, LLC	334-12, 00-111, 00	4761-113
28-R	J. G. TOWNSEND, JR. & CO.	334-12, 00-113, 00	355-417
29-R	J. G. TOWNSEND, JR. & CO.	334-12, 00-45, 01	2225-191

 DELAWARE DEPARTMENT OF TRANSPORTATION	ADDITIONS / REVISIONS		<div>SCALE</div> <div><div></div><div>0100200300</div><div>FEET</div></div>		RW: SR 24, LOVE CREEK TO MULBERRY KNOLL		CONTRACT T0112231		BRIDGE NO. N/A		SHEET NO. 6	
							DESIGNED BY JAG				TOTAL SHEETS 27	
							COUNTY SUSSEX					
RIGHT-OF-WAY MOSAIC												



	DELAWARE DEPARTMENT OF TRANSPORTATION	ADDENDUMS / REVISIONS		<div>SCALE</div> <div><div></div><div>0</div><div>30</div><div>60</div><div>90</div></div> <div>FEET</div>	RW: SR 24, LOVE CREEK TO MULBERRY KNOLL	CONTRACT T2012201 COUNTY SUSSEX	BIDGE NO.	N/A	SHEET NO.	
							13			
RIGHT-OF-WAY PLAN										
								BRIDGE B71	D5	27



 DELAWARE DEPARTMENT OF TRANSPORTATION	ADDITIONAL SHEETS			RW: SR 24, LOVE CREEK TO MULBERRY KNOLL			RIGHT-OF-WAY PLAN				
				 SCALE 0 30 60 90 FEET			CONTRACT		BRIDGE NO.		
							T010212001		DESIGNED BY: JAG		
						COUNTY		CREATED BY: BS		SHEET NO.	
										14	
										27	

NOTE:
1. A MINIMUM LATERAL OFFSET OF 1.5' SHOULD BE USED WHERE NO CLEAR ZONE IS SHOWN ON THE PLANS. AT DRIVEWAYS AND INTERSECTIONS THIS LATERAL OFFSET SHOULD BE INCREASED TO 3'.

Exhibit B – Right of Entry Agreement

RIGHT-OF-ENTRY AGREEMENT

STATE PROJECT NO. T201212201 ... FAP No. ESTP-S024(19)
STATEWIDE

DELAWARE DEPARTMENT OF TRANSPORTATION REAL ESTATE SECTION

Lands of V & M, LLC

Tax Parcel No(s). 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, 112.00

This AGREEMENT made and entered into this 12th day of AUGUST, 2021, between **V & M, LLC**, hereinafter referred to as **OWNERS** and the State of Delaware, Department of Transportation and its agents, hereinafter referred to as the **DEPARTMENT**. The **DEPARTMENT** is granted the uninterrupted RIGHT-OF-ENTRY to and free use of area as shown and noted on EXHIBIT "A" attached hereto.

The said lands are to be acquired by the **DEPARTMENT** as a portion of the right-of-way required for **SR24, Love Creek to Mulberry Knoll**. The said lands are a portion of tracts situated in Lewes Rehoboth Hundred, Sussex County, Delaware, which were acquired by the **OWNER**, by Deed Record Books – Book D, Volume 4761 Page 16, 109, 113, 30 & 35 and Book 4699 Page 8.

As consideration for the RIGHT-OF-ENTRY, the **DEPARTMENT** agrees to pay the sum of Ten and No/100 Dollars (\$10.00), the receipt of which is hereby acknowledged.

State and Federal law guarantee that no **OWNER** shall be required to surrender possession of real property before the agreed purchase price is paid, or in the event of a condemnation proceeding, before the amount of the **DEPARTMENT'S** estimate of just compensation is deposited with the court, in accordance with appropriate provision of law, for the benefit of the owner in an amount not less than the approved appraisal of the market value of such property. By the granting of this non-revocable RIGHT-OF-ENTRY, the **OWNER** waives the right to receive full payment or deposit of the purchase price prior to surrendering possession of the referenced parcel of land.

This RIGHT-OF-ENTRY does not prejudice or jeopardize in any way future negotiations for the acquisition of property or any right to which the **OWNER** is entitled otherwise by State or Federal Law. This RIGHT-OF-ENTRY and possession will allow the **DEPARTMENT** to proceed with the advertisement for receipt of construction contract bids and to proceed with construction operations pending the final transfer of the required right-of-way.

The **DEPARTMENT** and the **OWNER** agree to negotiate and will attempt to reach an amicable settlement. Both parties agree that condemnation will not be initiated until a reasonable time has expired to allow for orderly negotiations. If no agreement is reached, it is agreed that condemnation will be initiated to allow the courts to determine the amount of compensation. The granting of the RIGHT-OF-ENTRY will allow the **DEPARTMENT** to proceed immediately with construction of the project. By its acceptance of the RIGHT-OF-ENTRY, the **DEPARTMENT** agrees not to

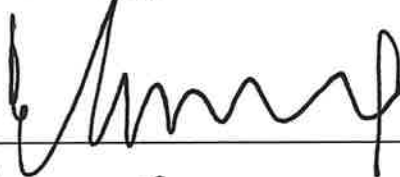
cause or permit damage or harm to the remainder of the **OWNER'S** property through unwarranted encroachment by it or its agents.

IN WITNESS HEREOF, the parties have hereto set their hands and seals, the date and year first aforesaid.

Signed sealed and delivered
in the presence of:

Witness

V & M, LLC

 (SEAL)


Eric Sugrue managing member
Print Name Print Title

Owner's E.I. No. 20-4544257

DEPARTMENT OF TRANSPORTATION

Approved this 18th day of August 20 21, A.D.


Witness

BY:  (SEAL)
Rosemary Richardson

TITLE: Statewide Acquisition & Relocation Manager



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

NICOLE MAJESKI
SECRETARY

March 4, 2022

Ms. Dawn Riggi
Davis Bowen & Friedel, Inc.
1 Park Avenue
Milford, DE 19963

Dear Ms. Riggi:

The enclosed Traffic Impact Study (TIS) review letter for the **V&M, LLC** (Tax Parcels: 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, 112.00, 112.01) commercial development has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TIS to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2124.

Sincerely,

Claudy Joinville
Project Engineer

CJ:km

Enclosures

cc with enclosures: Mr. Zac Crouch, Davis Bowen & Friedel, Inc.
Mr. Eric Sugrue, V&M, LLC
Mr. David Edgell, Office of State Planning Coordination
Mr. Jamie Whitehouse, Sussex County Planning and Zoning
Mr. Andrew Parker, McCormick & Taylor, Inc.
DelDOT Distribution

DelDOT Distribution

Brad Eaby, Deputy Attorney General
Shanté Hastings, Deputy Secretary / Director of Transportation Solutions (DOTS)
Pamela Steinebach, Director, Planning
Mark Luszcz, Deputy Director, Traffic, DOTS
Peter Haag, Chief Traffic Engineer, Traffic, DOTS
Michael Simmons, Assistant Director, Project Development South, DOTS
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Wendy Carpenter, Traffic Calming & Subdivision Relations Manager, DelDOT Traffic
Alistair Probert, South District Engineer, South District
Matthew Schlitter, South District Public Works Engineer, South District
Jared Kauffman, Service Development Planner, Delaware Transit Corporation
Tremica Cherry, Service Development Planner, Delaware Transit Corporation
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning
Wendy Polasko, Subdivision Engineer, Development Coordination
Steve McCabe, Sussex Review Coordinator, Development Coordination
Mark Galipo, Traffic Engineer, Traffic, DOTS
Brian Yates, Subdivision Manager, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination



March 2, 2022

Mr. Claudy Joinville
Project Engineer
DelDOT Division of Planning
P.O. Box 778
Dover, DE 19903

RE: Agreement No. 1946F
Traffic Impact Study Services
Task No. 2A Subtask 07A – V&M LLC

Dear Mr. Joinville:

McCormick Taylor has completed its review of the Traffic Impact Study (TIS) for the V&M LLC development prepared by Davis, Bowen & Friedel, Inc. dated November 2021. Davis, Bowen & Friedel prepared the report in a manner generally consistent with DelDOT's Development Coordination Manual.

The TIS evaluates the impacts of the proposed V&M LLC development, along the south side of Delaware Route 24 (Sussex Road 24) and the west side of Mulberry Knoll Road (Sussex Road 284), in Sussex County, Delaware. The proposed development would consist of a 5,000 square-foot convenience store with gas pumps and a 12,000 square-foot office building. Two unsignalized access points are proposed: one right-in/right-out on Delaware Route 24 and one full-movement access on Mulberry Knoll Road. Construction is anticipated to be completed in 2023.

The subject land is located on an approximately 3.31-acre assemblage of parcels. The subject land is currently zoned AR-1 (Agricultural Residential), and the developer seeks a conditional use zoning to develop this commercial use.

There are currently two active DelDOT projects within the study area. The *SR 24, Mulberry Knoll to SR 1* (State Contract No. T200411209) project will widen Delaware Route 24 to provide dual lanes from just east of Mulberry Knoll Road to Delaware Route 1. The typical section of Delaware Route 24 will consist of a 16-foot center-left-turn lane along with two 11-foot travel lanes in each direction, an 8-foot shoulder eastbound and a 5-foot shoulder/bike lane westbound. Improvements at the intersection of Delaware Route 24 and Plantation Road / Warrington Road (Sussex Road 275) will include changing the Delaware Route 24 approaches so they each have one left-turn lane, two through lanes, and one right-turn lane, along with widening the Plantation Road and Warrington Road approaches so they each consist of one exclusive left-turn lane, one shared through/left-turn lane, one exclusive through lane, and one right-turn lane. Construction has begun and is scheduled for completion in Spring 2022.

The *SR 24, Love Creek to Mulberry Knoll* (State Contract No. T201212201) project will improve safety and increase capacity on Delaware Route 24 from Love Creek to Mulberry Knoll Road. Dual lanes along Delaware Route 24 will extend from east of Mulberry Knoll Road to west of the

school entrances located west of Mulberry Knoll Road. The dualized portion of the project will include a 12-foot center-left-turn lane along with two 11-foot travel lanes in each direction, an 8-foot shoulder eastbound and a 5-foot shoulder/bike lane westbound. Improvements at the intersection of Delaware Route 24 and Mulberry Knoll Road will include signalization, changing the Delaware Route 24 approaches so they each have one left-turn lane, two through lanes, and one right-turn lane, along with widening the Mulberry Knoll Road approaches so they each have one left-turn lane and one shared through/right turn lane. Construction is scheduled to begin in 2022 and be completed in 2023.

It is noted that DelDOT and V&M LLC (the developer) entered into a Letter Agreement executed on August 12, 2021 to have DelDOT incorporate certain access and frontage improvements needed for the V&M LLC commercial project into the construction of DelDOT's *SR 24, Love Creek to Mulberry Knoll* project. The developer would pay for certain construction costs as specified in the agreement.

The proposed development is located within the boundary of the Henlopen Transportation Improvement District (TID) as presently contemplated by Sussex County and DelDOT. The TID is a planning concept that seeks to proactively align transportation infrastructure spending and improvements with land use projections and future development within the designated district. This development is not consistent with the approved TID future land use plan and therefore does not qualify for TID participation.

Based on our review, we have the following comments and recommendations:

The following intersections exhibit level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements:

<i>Intersection</i>	<i>Existing Traffic Control</i>	<i>Situations for which deficiencies occur</i>
Delaware Route 24 and Mulberry Knoll Road	Unsignalized	2019 Existing PM and Saturday (Case 1); 2023 without development AM, PM and SAT (Case 2); 2023 with development AM, PM and SAT (Case 3)
Delaware Route 24 and Plantation Road / Warrington Road	Signalized	2023 without development PM and Saturday (Case 2); 2023 with development PM and Saturday (Case 3)

Both intersections listed in the table above exhibit LOS deficiencies if unimproved, but improvements at both intersections are scheduled for construction in the near future as part of DelDOT's aforementioned SR 24 projects. The improvements to be implemented by those projects will completely mitigate the LOS deficiencies for the scenarios evaluated in this TIS. These two DelDOT projects are fully funded and scheduled for construction within the next 2-3 years. As such, we do not recommend any additional improvements be implemented at these intersections by the V&M LLC developer other than the northbound Mulberry Knoll Road left-turn lane extension described below in Item No. 5, nor should this developer contribute towards the DelDOT



projects other than by satisfying requirements of compensation as specified in the Letter Agreement between DelDOT and the developer executed on August 12, 2021.

Should Sussex County choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan by note or illustration. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer and DelDOT must comply with all requirements specified in the Letter Agreement by and between DelDOT and the developer executed on August 12, 2021, many of which are associated with roadway, access, and site frontage improvements along Delaware Route 24 and within the V&M LLC site frontage of that roadway.

Responsibilities of DelDOT per that Letter Agreement include, but are not limited to, construction of the V&M LLC development's right-in/right-out site access on the south side of Delaware Route 24 west of Mulberry Knoll Road, along with a separate right-turn deceleration lane along eastbound Delaware Route 24 for that site access. DelDOT will also be responsible for constructing sidewalk along the entire Delaware Route 24 site frontage.

Design details of the Delaware Route 24 site access and site frontage improvements should be coordinated between the developer and DelDOT's Development Coordination and Project Development – South sections.

2. The developer shall improve the State-maintained roads on which they front (Delaware Route 24 and Mulberry Knoll Road, with exceptions noted in the second paragraph of this item), within the limits of their frontage, to meet DelDOT's standards for their Functional Classification as found in Section 1.1 of the Development Coordination Manual and elsewhere therein. The improvements shall include both directions of travel, regardless of whether the developer's lands are on one or both sides of the road. Frontage is defined in Section 1 of the Development Coordination Manual, which states "This length includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway." Questions on or appeals of this requirement should be directed to the DelDOT Subdivision Review Coordinator in whose area the development is located.

It is noted that the above paragraph may not be entirely applicable to improvements within the Delaware Route 24 frontage, as most if not all such improvements are to be implemented by DelDOT as part of the *SR 24, Love Creek to Mulberry Knoll* project. The Letter Agreement between DelDOT and the developer executed on August 12, 2021 describes responsibilities for improvements along the Delaware Route 24 site frontage by both parties, and should be followed accordingly.

3. The developer should construct the full-movement site access on Mulberry Knoll Road. The proposed configuration is shown in the table below.

Approach	Existing Configuration	Proposed Configuration
Eastbound Site Access	Approach does not exist	One shared left/right-turn lane
Northbound Mulberry Knoll Road	One through lane	One shared through/left-turn lane
Southbound Mulberry Knoll Road	One through lane	One through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths and other design details during the site plan review.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound Site Access	N/A	N/A
Northbound Mulberry Knoll Road	N/A	N/A
Southbound Mulberry Knoll Road	N/A	60 feet *

- * Initial turn-lane length based on DelDOT's *Auxiliary Lane Worksheet* and assuming an effective entrance radius of greater than 50 feet as indicated in the TIS. The length of this right-turn lane assumes a reduction of the posted speed limit on Mulberry Knoll Road down to 35 mph, as proposed by the developer to achieve acceptable sight distance at the site access. Additional discussion is required during site plan review, and the turn lane length would need to be longer if the posted speed limit is not reduced and/or if the entrance radius is less than 50 feet.

Sight distance limitations at the proposed site access location on Mulberry Knoll Road have been identified. Sight distance for drivers exiting this driveway is limited by horizontal curves in both directions on Mulberry Knoll Road, and sight distance requirements are not met at the current posted speed limit of 50 mph. The developer proposes to reduce the posted speed limit on Mulberry Knoll Road to 35 mph, which would allow sight distance requirements to be satisfied.

The developer's recommendation to reduce the posted speed limit on Mulberry Knoll Road will need to be evaluated by DelDOT and further coordinated with the developer. There may also be a need to consider changes to the site access location and design, as well as the possibility of a design deviation. As always, adequacy of available sight distance must be confirmed during the site plan review process.

4. As described immediately above, the developer should coordinate with DelDOT regarding the possibility of reducing the posted speed limit on Mulberry Knoll Road south of Delaware Route 24.
5. The developer should improve the intersection of Delaware Route 24 and Mulberry Knoll Road beyond the scope of improvements being implemented by DelDOT under the *SR 24, Love Creek to Mulberry Knoll* project by extending the length of the planned northbound Mulberry Knoll Road left-turn lane by an additional 40 feet to better accommodate projected queues due to increased vehicle demands for that movement which are directly attributed to the proposed development. The developer should coordinate DelDOT's Development Coordination Section to determine final turn-lane length and design details, as well as responsibilities for implementation especially as they relate to the possibility of incorporating this modification into DelDOT's SR 24 project.
6. The following bicycle, pedestrian, and transit improvements should be included:
 - a. Per the DelDOT Development Coordination Manual section 5.2.9.2, bicycle lanes are required where right turn lanes are being installed.
 - b. Appropriate bicycle symbols, directional arrows, pavement markings, and signing should be included along bicycle facilities within the project limits.
 - c. Utility covers should be made flush with the pavement.
 - d. A minimum 15-foot wide easement from the edge of the right-of-way should be dedicated to DelDOT within the site frontage along Mulberry Knoll Road.
 - e. Within the easement along the Mulberry Knoll Road site frontage, a minimum of a ten-foot wide shared-use path that meets current AASHTO and ADA standards should be constructed. The shared-use path should meet AASHTO and ADA standards and should have a minimum of a five-foot buffer from the roadway. At the southern property boundary, the shared-use path should connect to the adjacent property or to the roadway in accordance with DelDOT's *Shared-Use Path and/or Sidewalk Termination Reference Guide* dated August 1, 2018. At the northern property boundary / Delaware Route 24, the shared-use path should connect to the sidewalk being constructed along the Delaware Route 24 frontage as part of DelDOT's *SR 24, Love Creek to Mulberry Knoll* project. The developer should coordinate with DelDOT's Development Coordination Section to determine the details of the shared-use path connection at the property boundaries.
 - f. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings, including all site entrances. Type 3 curb ramps are discouraged.



- g. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be constructed within the development. These sidewalks should each be a minimum of five-feet wide (with a minimum of a five-foot buffer from the roadway) and should meet current AASHTO and ADA standards. Internal sidewalks in the development should connect to the proposed shared-use path along Mulberry Knoll Road, the proposed sidewalk (to be constructed as part of the DelDOT project) along Delaware Route 24, and to the to-be-signalized intersection of Delaware Route 24 & Mulberry Knoll Road.
- h. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to prevent vehicular overhang onto the sidewalk.
- i. The developer should coordinate with the Delaware Transit Corporation (DTC) regarding design and construction of a 5'x8' Type 2 bus stop pad to be located on eastbound Delaware Route 24 before the beginning of the right-turn lane onto Mulberry Knoll Road. This bus stop pad may be incorporated into the improvements being made by DelDOT as part of the *SR 24, Love Creek to Mulberry Knoll* project. The developer should coordinate with DTC and DelDOT to ensure the bus stop pad is designed and installed to the satisfaction of all parties.

Improvements in this TIS may be considered “significant” under DelDOT’s *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT’s website at http://deldot.gov/Publications/manuals/de_mutcd/index.shtml.

Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DelDOT’s site plan review process.

Additional details on our review of this TIS are attached. Please contact me at (610) 640-3500 or through e-mail at ajparker@mccormicktaylor.com if you have any questions concerning this review.

Sincerely,

McCormick Taylor, Inc.

A handwritten signature in black ink, appearing to read "Andrew J. Parker".

Andrew J. Parker, PE, PTOE
Project Manager

Enclosure

General Information

Report date: November 2021

Prepared by: Davis, Bowen & Friedel, Inc

Prepared for: V&M LLC

Tax parcel: 3-34-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, 112.00, 112.01

Generally consistent with DelDOT's Development Coordination Manual: Yes

Project Description and Background

Description: The proposed V&M LLC development consists of a of a 5,000 square-foot convenience store with gas pumps and a 12,000 square-foot office building.

Location: The site is located along the south side of Delaware Route 24 (Sussex Road 24) and the west side of Mulberry Knoll Road (Sussex Road 284), in Sussex County, Delaware. A site location map is included on page 8.

Amount of land to be developed: approximately 3.31 acre assemblage of parcels

Land use approval(s) needed: Subdivision approval. The subject land is currently zoned AR-1 (Agricultural Residential), and the developer seeks a conditional use zoning to develop this commercial use.

Proposed completion year: 2023

Proposed access locations: Two access points are proposed: full site access along Mulberry Knoll Road and right-in/right-out access along Delaware Route 24.

Daily Traffic Volumes (per DelDOT Traffic Summary 2019):

- 2019 Average Annual Daily Traffic on Delaware Route 24: 19,793 vehicles/day
- 2019 Average Annual Daily Traffic on Mulberry Knoll Road: 517 vehicles/day



2020 Delaware Strategies for State Policies and Spending

Location with respect to the Strategies for State Policies and Spending Map of Delaware:

The proposed V&M LLC development is located within Investment Level 2.

Investment Level 2

This investment level has many diverse characteristics. These areas can be composed of less developed areas within municipalities, rapidly growing areas in the counties that have or will have public water and wastewater services and utilities, areas that are generally adjacent to or near Investment Level 1 Areas, smaller towns and rural villages that should grow consistently with their historic character, and suburban areas with public water, wastewater, and utility services. These areas have been shown to be the most active portion of Delaware's developed landscape. They serve as transition areas between Level 1 and the more open, less populated areas. They generally contain a limited variety of housing types, predominantly detached single-family dwellings.

In Investment Level 2, state investments and policies should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity.

Investments should encourage departure from the typical single-family-dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact, mixed-use development where applicable. Overall, the State's intent is to use spending and management tools to promote well-designed development in these areas. Such development provides for a variety of housing types, user-friendly transportation systems, and provides essential open spaces and recreational facilities, other public facilities, and services to promote a sense of community. Investment Level 2 areas are prime locations for designating "pre-permitted areas."

Proposed Development's Compatibility with Strategies for State Policies and Spending:

The proposed V&M LLC development falls within Investment Level 2 and is to be developed as a super-convenience store with gas. The proposed development is consistent with the character of Investment Level 2. It is therefore concluded that the proposed development appears to generally comply with the policies stated in the 2020 "Strategies for State Policies and Spending."

Comprehensive Plan

Sussex County Comprehensive Plan:

(Source: Sussex County Comprehensive Plan, March 2019)

The Sussex County Comprehensive Plan Future Land Use Map indicates that the proposed V&M LLC site is planned for "Commercial" land use. It would appear that the proposed V&M LLC building fits within the intended land use for this location.

Proposed Development's Compatibility with Comprehensive Plan:

The proposed development appears to comply with the Sussex County Comprehensive Plan. The V&M LLC store is proposed on land that is planned for Commercial use. The land is zoned as AR-1 (Agricultural Residential); and the developers are seeking a conditional use zoning of C-2

(Medium – Commercial). The proposed facility generally aligns with both the Future Land Use Map and the proposed zoning.

Relevant Projects in the DelDOT Capital Transportation Program

There are currently two active DelDOT projects within the study area. The *SR 24, Mulberry Knoll to SR 1* (State Contract No. T200411209) project will widen Delaware Route 24 to provide dual lanes from just east of Mulberry Knoll Road to Delaware Route 1. The typical section of Delaware Route 24 will consist of a 16-foot center-left-turn lane along with two 11-foot travel lanes in each direction, an 8-foot shoulder eastbound and a 5-foot shoulder/bike lane westbound. Improvements at the intersection of Delaware Route 24 and Plantation Road / Warrington Road (Sussex Road 275) will include changing the Delaware Route 24 approaches so they each have one left-turn lane, two through lanes, and one right-turn lane, along with widening the Plantation Road and Warrington Road approaches so they each consist of one exclusive left-turn lane, one shared through/left-turn lane, one exclusive through lane, and one right-turn lane. Construction has begun and is scheduled for completion in Spring 2022.

The *SR 24, Love Creek to Mulberry Knoll* (State Contract No. T201212201) project will improve safety and increase capacity on Delaware Route 24 from Love Creek to Mulberry Knoll Road. Dual lanes along Delaware Route 24 will extend from east of Mulberry Knoll Road to west of the school entrances located west of Mulberry Knoll Road. The dualized portion of the project will include a 12-foot center-left-turn lane along with two 11-foot travel lanes in each direction, an 8-foot shoulder eastbound and a 5-foot shoulder/bike lane westbound. Improvements at the intersection of Delaware Route 24 and Mulberry Knoll Road will include signalization, changing the Delaware Route 24 approaches so they each have one left-turn lane, two through lanes, and one right-turn lane, along with widening the Mulberry Knoll Road approaches so they each have one left-turn lane and one shared through/right turn lane. Construction is scheduled to begin in 2022 and be completed in 2023.

It is noted that DelDOT and V&M LLC (the developer) entered into a Letter Agreement executed on August 12, 2021 to have DelDOT incorporate certain access and frontage improvements needed for the V&M LLC commercial project into the construction of DelDOT's *SR 24, Love Creek to Mulberry Knoll* project. The developer would pay for certain construction costs as specified in the agreement.

The proposed development is located within the boundary of the Henlopen Transportation Improvement District (TID) as presently contemplated by Sussex County and DelDOT. The TID is a planning concept that seeks to proactively align transportation infrastructure spending and improvements with land use projections and future development within the designated district. This development is not consistent with the approved TID future land use plan and therefore does not qualify for TID participation.

Trip Generation

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Tenth Edition, published by the Institute of Transportation Engineers (ITE). The following land use was utilized to estimate the amount of new traffic generated for this development:

- 5,000 square-foot Super C-Store with Gas (ITE Land Use Code 960)
- 12,000 square-foot Office (ITE Land Use Code 710)

Table 1
V&M, LLC Peak Hour Trip Generation

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Weekday PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
5,000 SF Super C-Store w/ Gas	211	211	422	173	173	346	159	160	319
12,000 SF General Office	33	5	38	2	13	15	3	3	6
Internal Capture	-2	-2	-4	-4	-4	-8	-2	-2	-4
External Trips	242	214	456	171	182	353	160	161	321
Pass-By Trips	159	160	319	130	130	260	120	121	241
TOTAL TRIPS	83	54	137	41	52	93	40	40	80

Overview of TIS

Intersections examined:

- 1) Site Entrance & DE Route 24
- 2) Site Entrance & Mulberry Knoll Road
- 3) DE Route 24 & Mulberry Knoll Road
- 4) DE Route 24 & Plantation Road / Warrington Road

Conditions examined:

- 1) 2019 Existing (Case 1)
- 2) 2023 without development (Case 2)
- 3) 2023 with development (Case 3)

Peak hours evaluated: Weekday morning and evening and Saturday mid-day peak hours

Committed developments considered:

- 1) Belle Terre (269 single-family detached houses)
- 2) Arbor-Lyn (142 single-family detached houses)
- 3) Beebe Health Care (100-employee hospital)
- 4) Osprey Point (217 single-family detached houses)
- 5) Delaware State Police Troop 7 (25,270 sf admin facility and 10,115 sf maintenance facility)
- 6) Saddle Ridge (f.k.a. Windswept) (81 single-family detached homes)

- 7) Wellesley (132 single-family detached houses)
- 8) Welches Pond (f.k.a. Fieldstone) (247 single-family detached houses)
- 9) Pelican Landing (84,576 square-foot shopping center)
- 10) Rehoboth Point Yacht Club (f.k.a. Love Creek Marina) (180 units of three-story apartments, 5,000 square-foot quality restaurant, and a 500 square-foot retail facility)
- 11) Acadia Landing (f.k.a. Insight at Lewes Point) (238 single-family detached houses)
- 12) Marsh Island (139 single-family detached houses)
- 13) Marsh Farm Estates (134 single-family detached houses)
- 14) Windswept at Lewes (201 single-family detached houses, 178 townhouses)
- 15) Middle Creek Preserve (313 single-family detached houses)
- 16) Hailey's Glen (f.k.a. Kielbasa Property) (68 single-family detached houses)
- 17) Beachtree Preserve (155 single-family detached houses)

Intersection Descriptions

1) Site Entrance & Delaware Route 24

Type of Control: proposed unsignalized right-in/right-out intersection

Eastbound Approach: (DE 24) existing one through lane; proposed one left-turn lane for downstream intersection, two through lanes, and one right-turn lane

Westbound Approach: (DE 24) existing one through lane; proposed two through lanes

Northbound Approach: (Site Entrance) proposed one right-turn-only lane, stop-controlled

2) Site Entrance & Mulberry Knoll Road

Type of Control: proposed unsignalized T-intersection

Eastbound Approach: (Site Entrance) proposed one shared left/right-turn lane, stop-controlled

Southbound Approach: (Mulberry Knoll Road) existing one through lane; proposed one through lane and one right-turn lane

Northbound Approach: (Mulberry Knoll Road) existing one through lane, proposed one shared through/left-turn lane

3) Delaware Route 24 & Mulberry Knoll Road

Type of Control: existing two-way stop-controlled intersection (to be signalized as part of DelDOT Project "SR 24 Love Creek to Mulberry Knoll")

Eastbound Approach: (DE 24) existing one shared through/left-turn lane and one channelized right turn lane; proposed one left-turn lane, two through lanes, and one right-turn lane

Westbound Approach: (DE 24) existing one shared through/left-turn lane and one channelized right turn lane; proposed one left-turn lane, two through lanes, and one right-turn lane

Northbound Approach: (Mulberry Knoll Road) existing one shared left/through/right-turn lane; proposed one left-turn lane and one shared through/right-turn lane

Southbound Approach: (Mulberry Knoll Road) existing one shared left/through/right-turn lane; proposed one left-turn lane and one shared through/right-turn lane

4) Delaware Route 24 & Plantation Road / Warrington Road

Type of Control: signalized four-leg intersection (proposed improvements to approaches as part of DelDOT Project “SR 24 Mulberry Knoll Road to SR 1”)

Eastbound Approach: (DE 24) existing one left-turn lane, one through lane, and one channelized right-turn lane; proposed one left-turn lane, two through lanes, and one channelized right-turn lane

Westbound Approach: (DE 24) existing one left-turn lane, one through lane, and one channelized right-turn lane; proposed one left-turn lane, two through lanes, and one right-turn lane

Northbound Approach: (Warrington Road) existing one left-turn lane, one through lane, and one channelized right-turn lane; proposed one exclusive left-turn lane, one shared through/left-turn lane, one exclusive through lane, and one right-turn lane

Southbound Approach: (Plantation Road) existing one left-turn lane, one through lane, and one channelized right-turn lane; proposed one exclusive left-turn lane, one shared through/left-turn lane, one exclusive through lane, and one right-turn lane

Safety Evaluation

Crash Data: Delaware Crash Analysis Reporting System (CARS) data was provided in the TIS for the three-year period from September 13, 2018, through September 13, 2021. A total of 70 crashes occurred within the study area during the three-year period, with 46 of those occurring at/near the intersection of Delaware Route 24 & Plantation Road/Warrington Road. The other 24 occurred at near the intersection of Delaware Route 24 & Mulberry Knoll Road. Of the 70 crashes, 40 were rear-end crashes, 11 were angle collisions, 4 were sideswipes, and 4 were head on. Zero fatalities occurred, while 12 crashes resulted in injuries. Three of the crashes were alcohol related. None of the crashes involved pedestrians or bicyclists.

Sight Distance: The study area generally consists of relatively flat roadways and there are few visual obstructions. However due to a horizontal curve, sight distance at the intersection of the proposed site access and Mulberry Knoll Road fails to meet the required distance of 530’ to the left and 610’ to the right (exiting the site). A reduced speed limit from 50 mph to 35mph would allow for acceptable sight distance given the geometry of the existing roadway. As always adequacy of available sight distance should be confirmed during the site plan review process for all proposed movements at the site accesses.

Transit, Pedestrian, and Bicycle Facilities

Existing transit service: Based on the current DART Bus Stop Map, the Delaware Transit Corporation (DTC) currently operates one fixed-route transit bus route in the area of the proposed V&M, LLC development. Route 215 Millsboro/Rehoboth runs along DE 24 with the nearest stops located west of the site at the Love Creek Marina and east of the site at Beebe Medical Center.

Planned transit service: DBF contacted a representative from DART regarding existing and planned service in the area. DBF was notified by Jared Kauffman that a Type 2, 5’x8’ bus stop pad is to be located before the beginning of the right turn lane onto Mulberry Knoll Road. Based

on coordination with DART, a Type 2, 5'x8' bus stop pad is to be located before the beginning of the right turn lane onto Mulberry Knoll Road.

Existing bicycle and pedestrian facilities: According to DelDOT's Sussex County Bicycle Map, Delaware Route 24 is designated as a High-Traffic Regional Bicycle Route with a Bikeway. Delaware Route 24 has 10' shoulders in both directions, but no designated bike lanes along the site frontage, nor are there pedestrian crosswalks at the existing intersections within the study area. There are currently no Shared-Use-Paths (SUPs) or sidewalks within the study area.

Planned bicycle and pedestrian facilities: Based on coordination with DelDOT Bicycle Coordinator, John T. Fiori; the developer plans to implement 10' wide SUP along the site frontage of Mulberry Knoll Road. The SUP will connect into the proposed sidewalk at the site's frontage along DE 24 as part of the capital improvement project "SR 24, Love Creek to Mulberry Knoll". In addition, a 4'-5' bicycle lane is to be constructed along the DE 24 site frontage.

Previous Comments

In a review letter dated October 20, 2021, DelDOT indicated that the Preliminary TIS was acceptable as submitted with minor revisions for the Final TIS.

It appears that all substantive comments from DelDOT's TIS Scoping Memorandum, Traffic Count Review, Preliminary TIS Review, and other correspondence were addressed in the Final TIS submission.

General HCS Analysis Comments

(see table footnotes on the following pages for specific comments)

- 1) Both the TIS and McCormick Taylor utilized Highway Capacity Software (HCS) version 7.8.5 to complete the traffic analyses.
- 2) For two-way stop control intersections, the TIS and McCormick Taylor applied heavy vehicle factors (HV) by movement using existing data. For signalized intersections, the TIS and McCormick Taylor applied HV by lane group using existing data. The TIS adjusted future HV assuming 2% HV in the added volume, while McCormick Taylor generally assumed future HV to be the same as existing HV at all intersections. Both the TIS and McCormick Taylor assumed 3% HV for future movements to and from the proposed site access points (as per DelDOT's Development Coordination Manual section 2.2.8.11.6.H).
- 3) For existing conditions, the TIS and McCormick Taylor determined overall intersection peak hour factors (PHF) for each intersection based on the turning movement counts that were available. Future PHFs were determined as per the DelDOT Development Coordination Manual section 2.2.8.11.6.F where applicable.
- 4) The TIS and McCormick Taylor used different signal timings when analyzing the signalized intersections in some cases.

Table 2
Peak Hour Levels of Service (LOS)
*Based on V&M, LLC Traffic Impact Study – November 2021
Prepared by Davis, Bowen & Friedel, Inc.*

Unsignalized Intersection ¹ One-Way Stop (Right-in/Right-out)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Summer Saturday	Weekday AM	Weekday PM	Summer Saturday
Delaware Route 24 & Site Access						
2023 Build Condition (Case 3)						
Northbound Site Access – Right	C (17.6)	B (14.3)	C (18.6)	C (17.6)	B (14.3)	C (18.6)

¹ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 3
Peak Hour Levels of Service (LOS)
Based on V&M, LLC Traffic Impact Study – November 2021
Prepared by Davis, Bowen & Friedel, Inc.

Unsignalized Intersection ² One-Way Stop (T-Intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Summer Saturday	Weekday AM	Weekday PM	Summer Saturday
Mulberry Knoll Road & Site Access						
2023 Build Condition (Case 3)						
Eastbound Site Access	A (9.6)	A (9.6)	A (9.4)	A (9.2)	A (9.2)	A (9.2)
Northbound Mulberry Knoll Road – Left	A (7.5)	A (7.5)	A (7.4)	A (7.5)	A (7.5)	A (7.4)

² For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 4
Peak Hour Levels of Service (LOS)
Based on V&M, LLC Traffic Impact Study – November 2021
Prepared by Davis, Bowen & Friedel, Inc.

Unsignalized Intersection ³ Two-Way Stop	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Summer Saturday	Weekday AM	Weekday PM	Summer Saturday
Delaware Route 24 & Mulberry Knoll Road						
2019 Existing Condition (Case 1)						
Eastbound DE 24 – Lefts	A (8.7)	A (9.9)	A (8.8)	A (8.7)	A (9.9)	A (8.8)
Westbound DE 24 – Lefts	B (10.5)	A (9.2)	B (10.3)	B (10.5)	A (9.2)	B (10.3)
Northbound Mulberry Knoll Road	D (29.8)	E (47.4)	D (33.8)	D (29.7)	E (47.3)	D (33.8)
Southbound Mulberry Knoll Road	B (14.8)	C (23.8)	F (695.7)	B (14.8)	C (23.7)	F (693.2)

³ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 5
Peak Hour Levels of Service (LOS)
Based on V&M, LLC Traffic Impact Study – November 2021
Prepared by Davis, Bowen & Friedel, Inc.

Signalized Intersection ⁴	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Summer Saturday	Weekday AM	Weekday PM	Summer Saturday
Delaware Route 24 & Mulberry Knoll Road ⁵						
2023 No Build Condition (Case 2)	C (25.8)	C (20.3)	C (25.4)	B (19.0)	B (18.4)	C (21.6)
2023 Build Condition (Case 3)	C (31.0)	C (28.4)	C (27.5)	C (27.1)	C (25.0)	C (24.1)

⁴ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

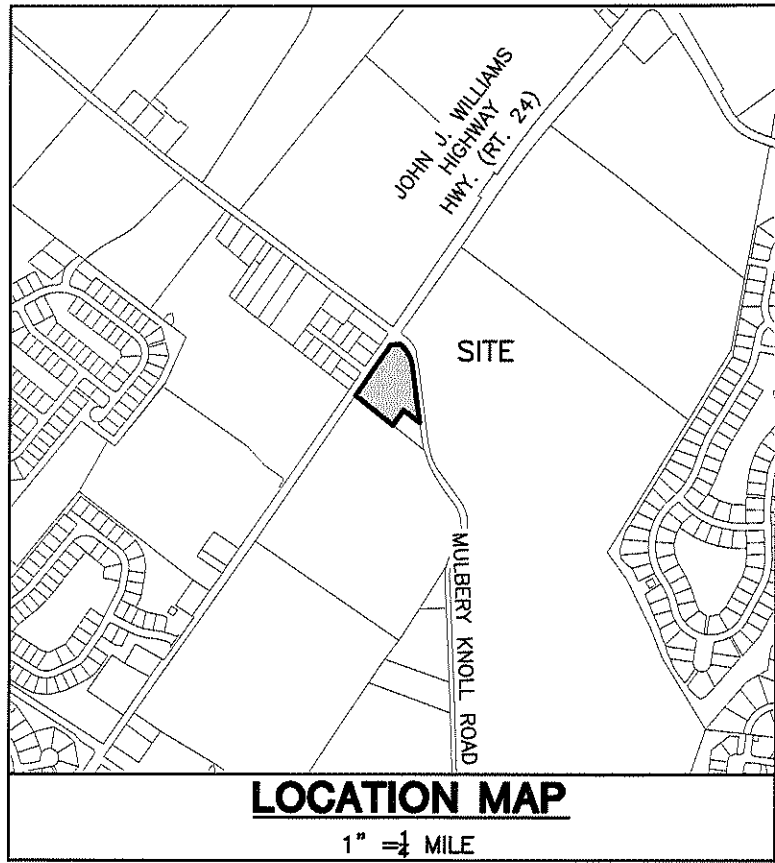
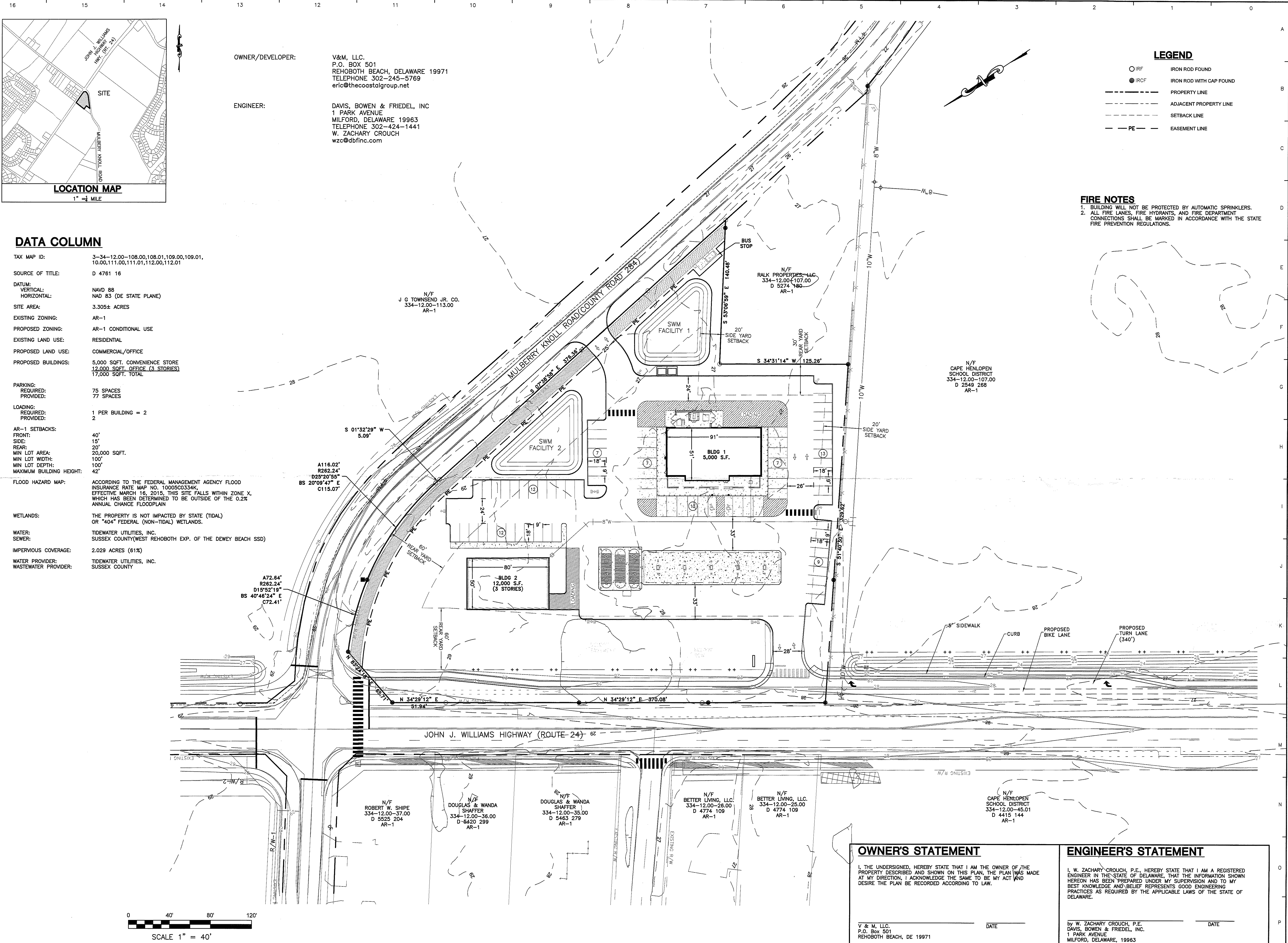
⁵ Future cases reflect improvements to be implemented as part of DelDOT's *SR 24 Love Creek to Mulberry Knoll* project. Improvements consist of adding a separate left-turn lane and a second through lane on both approaches of DE 24, adding a separate left-turn lane on both approaches of Mulberry Knoll Road, and signalizing the intersection.

Table 6
Peak Hour Levels of Service (LOS)
Based on V&M, LLC Traffic Impact Study – November 2021
Prepared by Davis, Bowen & Friedel, Inc.

Signalized Intersection ⁶	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Summer Saturday	Weekday AM	Weekday PM	Summer Saturday
Delaware Route 24 & Plantation Road / Warrington Road ⁷						
2019 Existing Condition (Case 1)	D (35.7)	D (39.9)	D (43.1)	D (35.3)	D (40.8)	D (41.9)
2023 No Build Condition (Case 2)	C (33.5)	D (35.7)	D (43.6)	C (33.3)	D (37.9)	D (40.1)
2023 Build Condition (Case 3)	C (32.6)	D (43.2)	D (44.2)	C (33.6)	D (38.0)	D (40.3)

⁶ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

⁷ Future cases reflect improvements to be implemented as part of DelDOT's SR 24 Mulberry Knoll to SR 1 project. Improvements consist of adding a second through lane on both approaches of DE 24 and adding a shared through/left-turn lane on both side street approaches.



OWNER/DEVELOPER: V&M, LLC.
P.O. BOX 501
REHOBOTH BEACH, DELAWARE 19971
TELEPHONE 302-245-5769
eric@thecoastalgroup.net

ENGINEER: DAVIS, BOWEN & FRIEDEL, INC
1 PARK AVENUE
MILFORD, DELAWARE 19963
TELEPHONE 302-424-1441
W. ZACHARY CROUCH
wzc@dbfinc.com

DATA COLUMN

TAX MAP ID: 3-34-12.00-108.00,108.01,109.00,109.01, 10.00,111.00,111.01,112.00,112.01

SOURCE OF TITLE: D 4761 16

DATUM: NAVD 88
VERTICAL: NAD 83 (DE STATE PLANE)
HORIZONTAL:

SITE AREA: 3.305± ACRES

EXISTING ZONING: AR-1

PROPOSED ZONING: AR-1 CONDITIONAL USE

EXISTING LAND USE: RESIDENTIAL

PROPOSED LAND USE: COMMERCIAL/OFFICE

PROPOSED BUILDINGS: 5,000 SQFT. CONVENIENCE STORE
12,000 SQFT. OFFICE (3 STORIES)
17,000 SQFT. TOTAL

PARKING: 75 SPACES
REQUIRED: 77 SPACES
PROVIDED:

LOADING: 1 PER BUILDING = 2
REQUIRED: 2
PROVIDED:

AR-1 SETBACKS: FRONT: 40'
SIDE: 15'
REAR: 20'
MIN LOT AREA: 20,000 SQFT.
MIN LOT WIDTH: 100'
MIN LOT DEPTH: 100'
MAXIMUM BUILDING HEIGHT: 42'

FLOOD HAZARD MAP: ACCORDING TO THE FEDERAL MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 1000500334K, EFFECTIVE MARCH 16, 2015, THIS SITE FALLS WITHIN ZONE X, WHICH HAS BEEN DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN

WETLANDS: THE PROPERTY IS NOT IMPACTED BY STATE (TIDAL) OR "404" FEDERAL (NON-TIDAL) WETLANDS.

WATER: TIDEWATER UTILITIES, INC.
SEWER: SUSSEX COUNTY(WEST REHOBOTH EXP. OF THE DEWEY BEACH SSD)

IMPERVIOUS COVERAGE: 2.029 ACRES (61%)

WATER PROVIDER: TIDEWATER UTILITIES, INC.
WASTEWATER PROVIDER: SUSSEX COUNTY

LEGEND

- IRF
- IRCF
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- SETBACK LINE
- PE
- EASEMENT LINE
- IRON ROD FOUND
- IRON ROD WITH CAP FOUND

FIRE NOTES

1. BUILDING WILL NOT BE PROTECTED BY AUTOMATIC SPRINKLERS.
2. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

OWNER'S STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT MY DIRECTION, I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

V & M, LLC.
P.O. Box 501
REHOBOTH BEACH, DE 19971

ENGINEER'S STATEMENT

I, W. ZACHARY CROUCH, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

by W. ZACHARY CROUCH, P.E.
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DELAWARE, 19963

MULBERRY KNOLL STORE
CONDITIONAL USE PLAN
SUSSEX COUNTY, DELAWARE

Revisions:

Date: OCTOBER 2021
Scale: 1" = 40'
Dwn.By: JMJ
Proj.No.: 3311C003.A01
Dwg.No.:

1

ARCHITECTS ENGINEERS SURVEYORS
DAVIS, BOWEN & FRIEDEL, INC.
SALISBURY, MARYLAND (410) 543-0801
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-1744

CONDITIONAL USE PLAN

V&M PROPERTIES

LEWES & REHOBOTH HUNDRED

C/U 2318 V&M, LLC.

SUSSEX COUNTY, DELAWARE

3311C003.A01

APRIL 2022



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A

Presentation Outline

A. Land Use & Zoning

1. The project is will include a 5,000 sqft. convenience store with gas pumps and a 3 story 12,000 sqft. office building.
2. The property is located on the south corner of John J. Williams Highway and Mulberry Knoll Road, within Lewes & Rehoboth Hundred.
3. The Owner of the parcels is V&M, LLC.
4. The property is currently zoned AR-1 (Agricultural Residential) in Sussex County.
5. The property is in Investment Level Areas 2 on the 2020 State Strategies Map.
6. The property is designated as Commercial Area on Sussex Counties 2045 future land use map in the latest comprehensive plan.
7. The property is located within Sussex Counties Coastal Area.

B. Land Utilization

1. The total acreage of the site is 3.305 acres of land.
2. The project proposed will include 2 buildings (5,000 sqft. convenience store and 12,000 sqft. 3 story office building).
3. The parking area includes 75 parking spaces and 2 loading spaces.

C. Environmental

1. Wetlands do not exist on site.
2. There are no known archaeological sites within the project boundaries. There are no national historic listed properties within the project boundaries.
3. The proposed project is not located within an Excellent Groundwater Recharge Area.

4. The proposed project is not within a Wellhead Protection Area.

D. Traffic

1. The proposed project will include two entrances, one off Route 24 and one off Mulberry Knoll Road
2. DelDOT is planning major improvements to the Intersection of Route 24 and Mulberry Knoll Road, including a signalized intersection, widening, proposed bike lanes, and sidewalks. The site is designed around right-of-way requirements needed by DelDOT to complete improvements.
3. The property owner will continue to work with DelDOT on offsite improvements, turn lane requirements, sidewalks, shared use path installation to compliment the work being performed by DelDOT in the area.

E. Civil Engineering

1. The internal parking areas will be privately maintained and will meet or exceed the requirements of the Code of Sussex County.
2. The grading of the site will meet or exceed the requirements of the Code of Sussex County.
3. Drinking and fire protection water will be provided by Tidewater Utilities, Inc.
4. Wastewater will be provided by Sussex County (West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District)
5. The stormwater management system will meet all State, County, and Conservation District requirements through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT).
6. Fire protection will be provided by the Rehoboth Beach Fire Co.
7. Electricity will be provided by Delaware Electric Cooperative.
8. The parcels are located in the Cape Henlopen School District.

B

V&M Properties
Data Sheet

Owner/Developer: V & M, LLC
Engineer: Davis, Bowen & Friedel, Inc.
Legal Services: Fuqua, Willard, Stevens, & Schab, P.A.

Project Description

Physical Location: Property is located on the south corner of John J. Williams Highway (Route 24) and Mulberry Knoll Road (SCR 284)

Tax Parcel #: 334-12.00-108.00, 108.01,109.00,109.01,110.00,111.00, 111.01 & 112.00

Acreage: 3.305 +/- Acres

Current Zoning: AR-1 (Agricultural Residential)

Proposed Zoning: AR-1(Agricultural Residential)

Existing Use: Residential/Vacant

Proposed Use: Commerical Convenience Store & Office

Proposed Buildings: 5,000 Sqft. Convenience Store
12,000 Sqft. Office (3 Stories)
17,000 Sqft. Total

Parking Required: 75 Spaces

Parking Provided: 75 Spaces

Loading Spaced Provide: 2 (1 per Building)

Impervious Coverage: 2.029 Acres (61%)

Wetlands: Do not exist on site.

Flood Plain: Not within the 100-yr Flood Plain (Map #10005C0334K)

Bulk and Area Regulations:

Minimum Lot Area: 20,000 SQFT.

Minimum Lot Width: 100 FT

Front Yard Setback: 60 FT (DelDOT Road)

Side Yard Setback: 20 FT

Rear Yard Setback: 30 FT

Maximum Building Height: 42 FT

Open Space: 30%

Water Provider: Tidewater Utilities, Inc.

Wasterwater Provider: Sussex County

C

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**

Southerly Corner of the intersection of Route 24 & Mulberry Knoll Road

Type of Conditional Use Requested:

Conditional Use for 5,000 sqft. convenience store and a 12,000 sqft. 3 story office building.

Tax Map #: 3-34-12.00-108.00-108.01,109.00,109.01,110.00,
111.00, 111.01 & 112.00**Size of Parcel(s):** 3.305 Acres**Current Zoning:** AR-1**Proposed Zoning:** AR-1**Size of Building:** 17,000 Sqft.**Land Use Classification:** Residential/Business**Water Provider:** Tidewater Utilities, Inc.**Sewer Provider:** Sussex County**Applicant Information****Applicant Name:** V&M, LLC.**Applicant Address:** P.O. Box 501**City:** Rehoboth Beach**State:** DE**Zip Code:** 19971**Phone #:** (302) 245-5769**E-mail:** eric@thecoastalgroup.net**Owner Information****Owner Name:** V&M, LLC.**Owner Address:** P.O. Box 501**City:** Rehoboth Beach**State:** DE**Zip Code:** 19971**Phone #:** (302) 245-5769**E-mail:** eric@thecoastalgroup.net**Agent/Attorney/Engineer Information****Agent/Attorney/Engineer Name:** Davis, Bowen & Friedel, Inc.**Agent/Attorney/Engineer Address:** 1 Park Avenue**City:** Milford**State:** DE**Zip Code:** 19963**Phone #:** (302) 424-1441**E-mail:** wzc@dbfinc.com

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

✓ **Completed Application**

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

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

✓ **Provide Fee \$500.00**

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

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

✓ **DeIDOT Service Level Evaluation Request Response**

✓ **PLUS Response Letter** (if required)

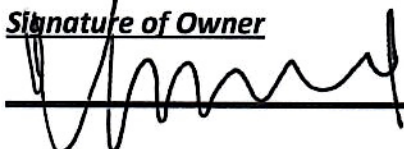
The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

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

Signature of Applicant/Agent/Attorney

Date: _____

Signature of Owner

_____

Date: 10/12/2021

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

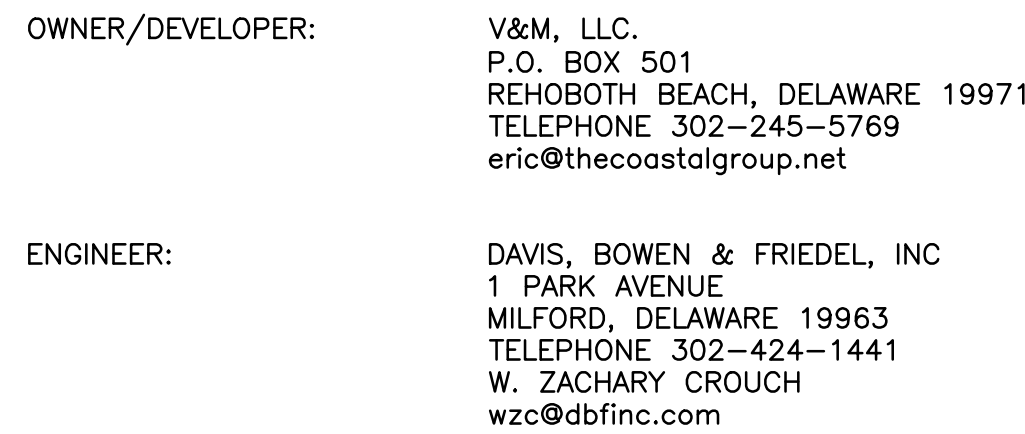
Location of property: _____

Subdivision: _____

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

Date of CC Hearing: _____ Decision of CC: _____

D



TAX MAP ID: 3-34-12.00-108.00,108.01,109.00,109.01,
10.00,111.00,111.01,112.00,112.01

SOURCE OF TITLE: D 4761 16

DATUM:
VERTICAL: NAVD 88
HORIZONTAL: NAD 83 (DE STATE PLANE)

SITE AREA: 3.305± ACRES

EXISTING ZONING: AR-1

PROPOSED ZONING: AR-1 CONDITIONAL USE

EXISTING LAND USE: RESIDENTIAL

PROPOSED LAND USE: COMMERCIAL/OFFICE

PROPOSED BUILDINGS: 5,000 SQFT. CONVENIENCE STORE
12,000 SQFT. OFFICE (3 STORIES)
17,000 SQFT. TOTAL

PARKING:
REQUIRED: 75 SPACES
PROVIDED: 75 SPACES

LOADING:
REQUIRED: 1 PER BUILDING = 2
PROVIDED: 2

AR-1 SETBACKS:
FRONT: 40'
SIDE: 15'
REAR: 20'
MIN LOT AREA: 20,000 SQFT.
MIN LOT WIDTH: 100'
MIN LOT DEPTH: 100'
MAXIMUM BUILDING HEIGHT: 42'

FLOOD HAZARD MAP: ACCORDING TO THE FEDERAL MANAGEMENT
INSURANCE RATE MAP NO. 1000500334K,
EFFECTIVE MARCH 16, 2015, THIS SITE FALLS
WITHIN HAS BEEN DETERMINED TO BE OUTS
ANNUAL CHANCE FLOODPLAIN

WETLANDS: THE PROPERTY IS NOT IMPACTED BY STATE
OR "404" FEDERAL (NON-TIDAL) WETLANDS.

WATER: TIDEWATER UTILITIES, INC.
SEWER: SUSSEX COUNTY(WEST REHOBOTH EXP. OF

IMPERVIOUS COVERAGE: 2.029 ACRES (61%)

WATER PROVIDER: TIDEWATER UTILITIES, INC.
WASTEWATER PROVIDER: SUSSEX COUNTY

LEGEND

○ IRF	IRON ROD
● IRCF	IRON ROD
---	PROPERTY
- - -	ADJACENT
- - - -	SETBACK
— PE —	EASEMENT

1. BUILDING WILL NOT BE PROTECTED BY AUTOMATIC SPRINKLERS.
2. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.



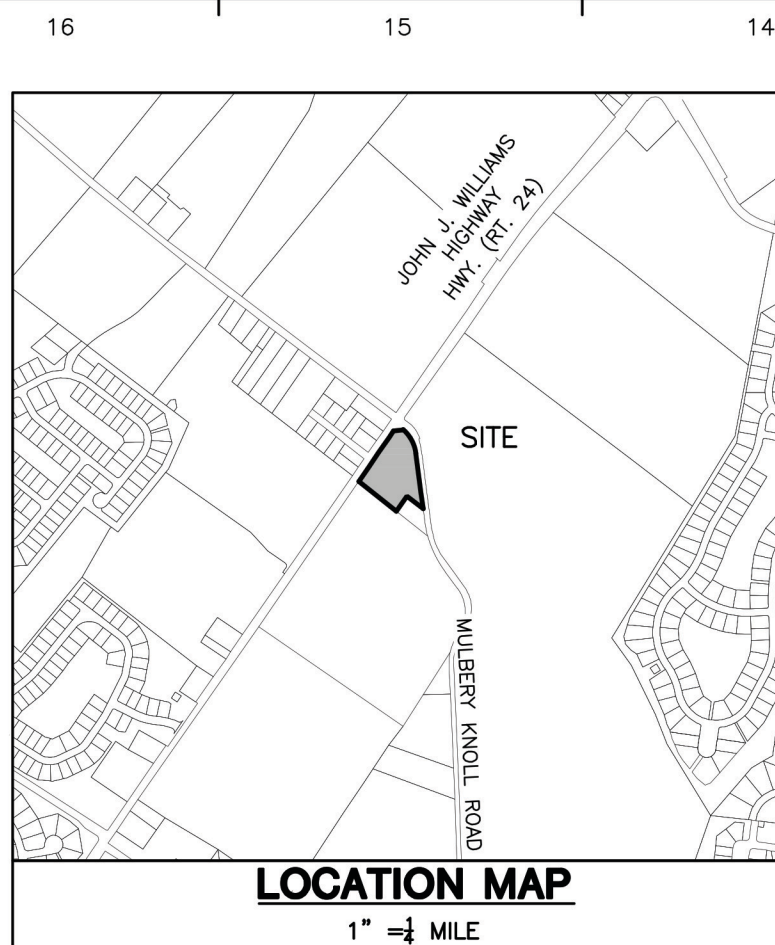
**V&M PROPERTIES
CONDITIONAL USE PLAN
SUSSEX COUNTY, DELAWARE**

Date:	FEBRUARY 2022
Scale:	1" = 40'
Dwn.By:	JMJ
Proj.No.:	3311C003.A01
Dwg.No.:	

1

E

V:\Studio 3D Modeling\Mulberry Knoll Store - 3311C003.401\CAAD FILES\RELOCATED OFFICE.dwg, Mar 24, 2022 - 10:33am mck



DATA COLUMN

TAX MAP ID: 3-34-12.00-108.00,108.01,109.00,109.01,10.00,111.00,111.01,112.00,112.01

SOURCE OF TITLE: D 4761 16

DATUM:
VERTICAL: NAVD 88
HORIZONTAL: NAD 83 (DE STATE PLANE)

SITE AREA: 3.305± ACRES

EXISTING ZONING: AR-1

PROPOSED ZONING: AR-1 CONDITIONAL USE

EXISTING LAND USE: RESIDENTIAL

PROPOSED LAND USE: COMMERCIAL/OFFICE

PROPOSED BUILDINGS:
5,000 SQFT. CONVENIENCE STORE
12,000 SQFT. OFFICE (3 STORIES)
17,000 SQFT. TOTAL

PARKING:
REQUIRED: 75 SPACES
PROVIDED: 75 SPACES

LOADING:
REQUIRED: 1 PER BUILDING = 2
PROVIDED: 2

AR-1 SETBACKS:
FRONT: 40'
SIDE: 15'
REAR: 20'
MIN LOT AREA: 20,000 SQFT.
MIN LOT WIDTH: 100'
MIN LOT DEPTH: 100'
MAXIMUM BUILDING HEIGHT: 42'

FLOOD HAZARD MAP: ACCORDING TO THE FEDERAL MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 1000500334K, EFFECTIVE MARCH 16, 2015, THIS SITE FALLS WITHIN ZONE X, WHICH HAS BEEN DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN

WETLANDS: THE PROPERTY IS NOT IMPACTED BY STATE (TIDAL) OR "404" FEDERAL (NON-TIDAL) WETLANDS.

WATER: TIDEWATER UTILITIES, INC.
SEWER: SUSSEX COUNTY(WEST REHOBOTH EXP. OF THE DEWEY BEACH SSD)

IMPERVIOUS COVERAGE: 2.029 ACRES (61%)

WATER PROVIDER: TIDEWATER UTILITIES, INC.
WASTEWATER PROVIDER: SUSSEX COUNTY

OWNER/DEVELOPER: V&M, LLC.
P.O. BOX 501
REHOBOTH BEACH, DELAWARE 19971
TELEPHONE 302-245-5769
eric@thecoastalgroup.net

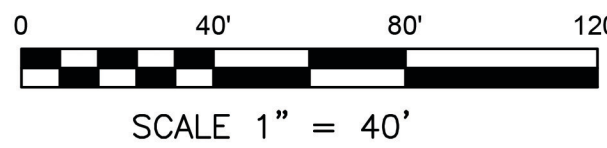
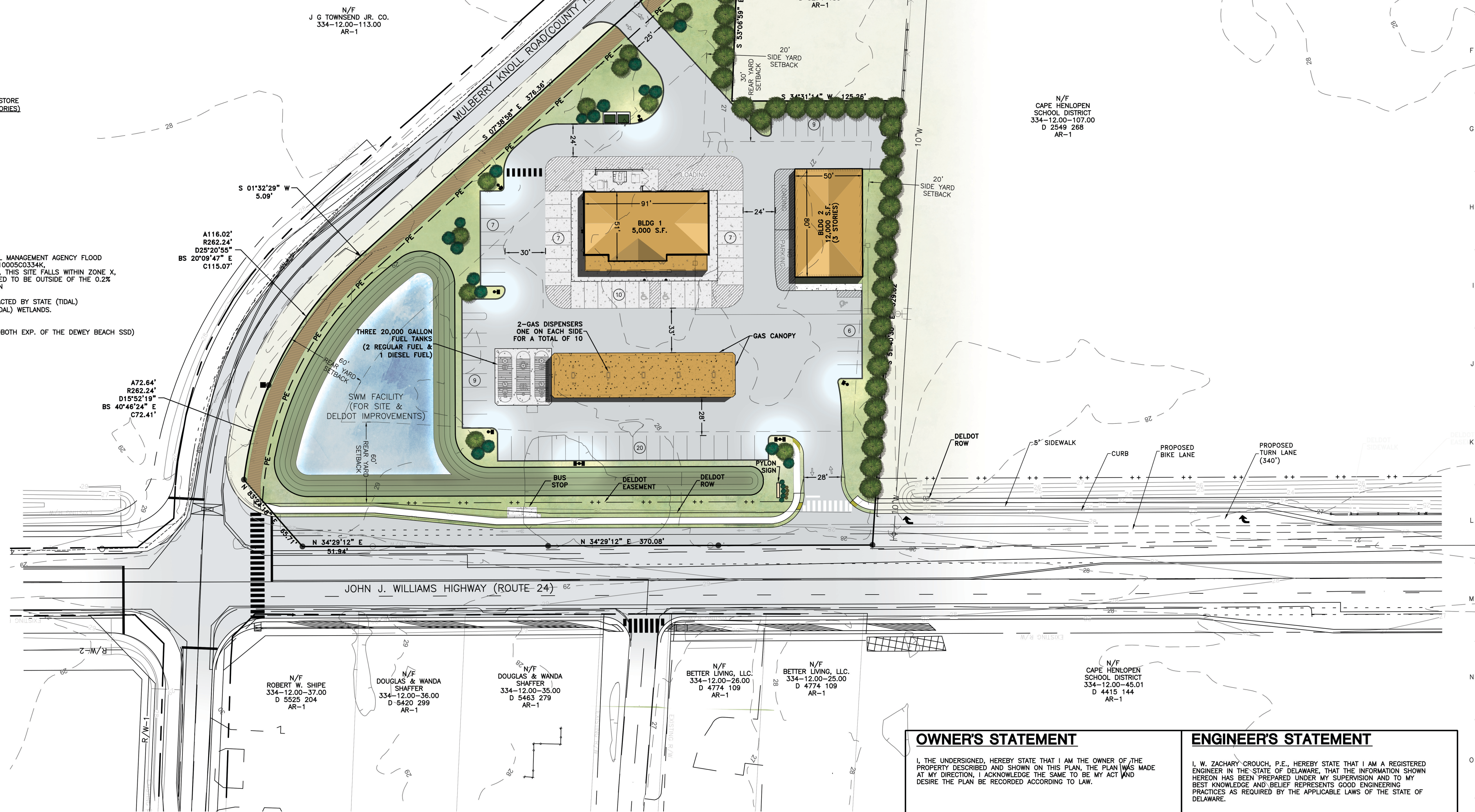
ENGINEER: DAVIS, BOWEN & FRIEDEL, INC
1 PARK AVENUE
MILFORD, DELAWARE 19963
TELEPHONE 302-424-1441
W. ZACHARY CROUCH
wzc@dbfinc.com

LEGEND

- IRF IRON ROD FOUND
- IRCF IRON ROD WITH CAP FOUND
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- SETBACK LINE
- PE EASEMENT LINE

FIRE NOTES

- BUILDING WILL NOT BE PROTECTED BY AUTOMATIC SPRINKLERS.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.



OWNER'S STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION, I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

V & M, LLC.
P.O. Box 501
REHOBOTH BEACH, DE 19971

DATE

ENGINEER'S STATEMENT

I, W. ZACHARY CROUCH, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

by W. ZACHARY CROUCH, P.E.
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DELAWARE, 19963

DATE

V&M PROPERTIES CONDITIONAL USE PLAN SUSSEX COUNTY, DELAWARE

Revisions:

Date: FEBRUARY 2022

Scale: 1" = 40'

Dwn.By: JMJ

Proj.No.: 3311C003.A01

Dwg.No.:

1

DAVIS,
BOWEN &
FRIEDEL, INC.

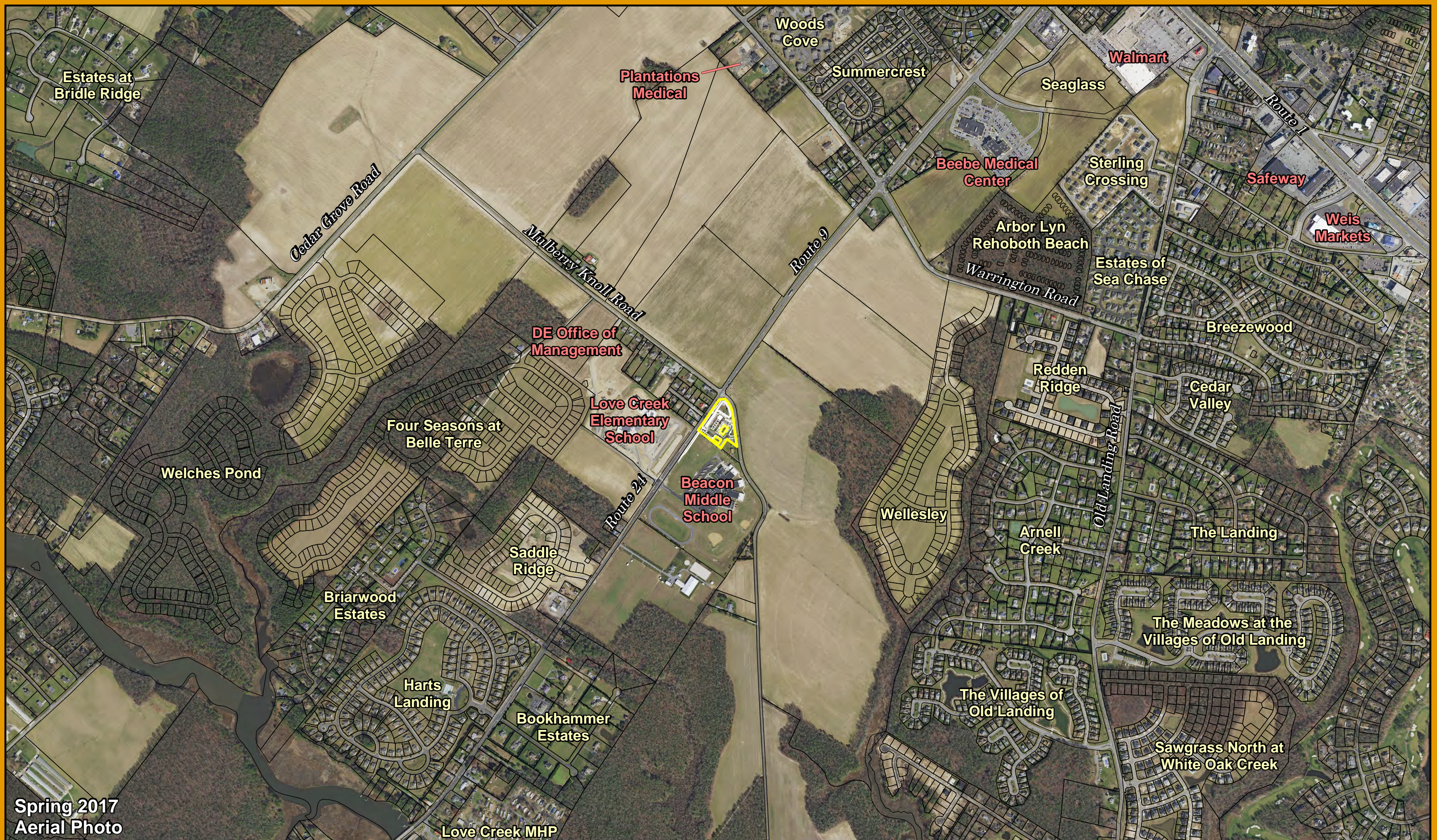
ARCHITECTS ENGINEERS SURVEYORS
SUSSEX, MARYLAND
MILFORD, DELAWARE
EASTON, MARYLAND

CONDITIONAL USE PLAN

F



Exhibit 1



Spring 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



April 2022

Surrounding Communities Map

V&M Properties
Sussex County, Delaware

0 1,000 2,000
Feet



75°09'22.5"
38°43'07.5"

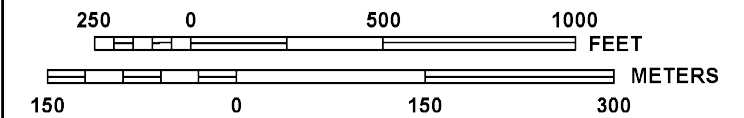
JOINS PANEL 0332

735000 FT

260000 FT



MAP SCALE 1" = 500'



NFIP

PANEL 0334K

FIRM

FLOOD INSURANCE RATE MAP

**SUSSEX COUNTY,
DELAWARE
AND INCORPORATED AREAS**

PANEL 334 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

<u>COMMUNITY</u>	<u>NUMBER</u>	<u>PANEL</u>	<u>SUFFIX</u>
SUSSEX COUNTY	100029	0334	K

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



**MAP NUMBER
10005C0334K**

**MAP REVISED
MARCH 16, 2015**

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

MULBERRY HU2114
KNOLL
ROAD

24

EVENTERS WAY

GREENER TRAIL LANE

WINIFRED WAY

WILLIAMS

WAY

ZONE AE
(EL 5)

ZONE AE
(EL 5)

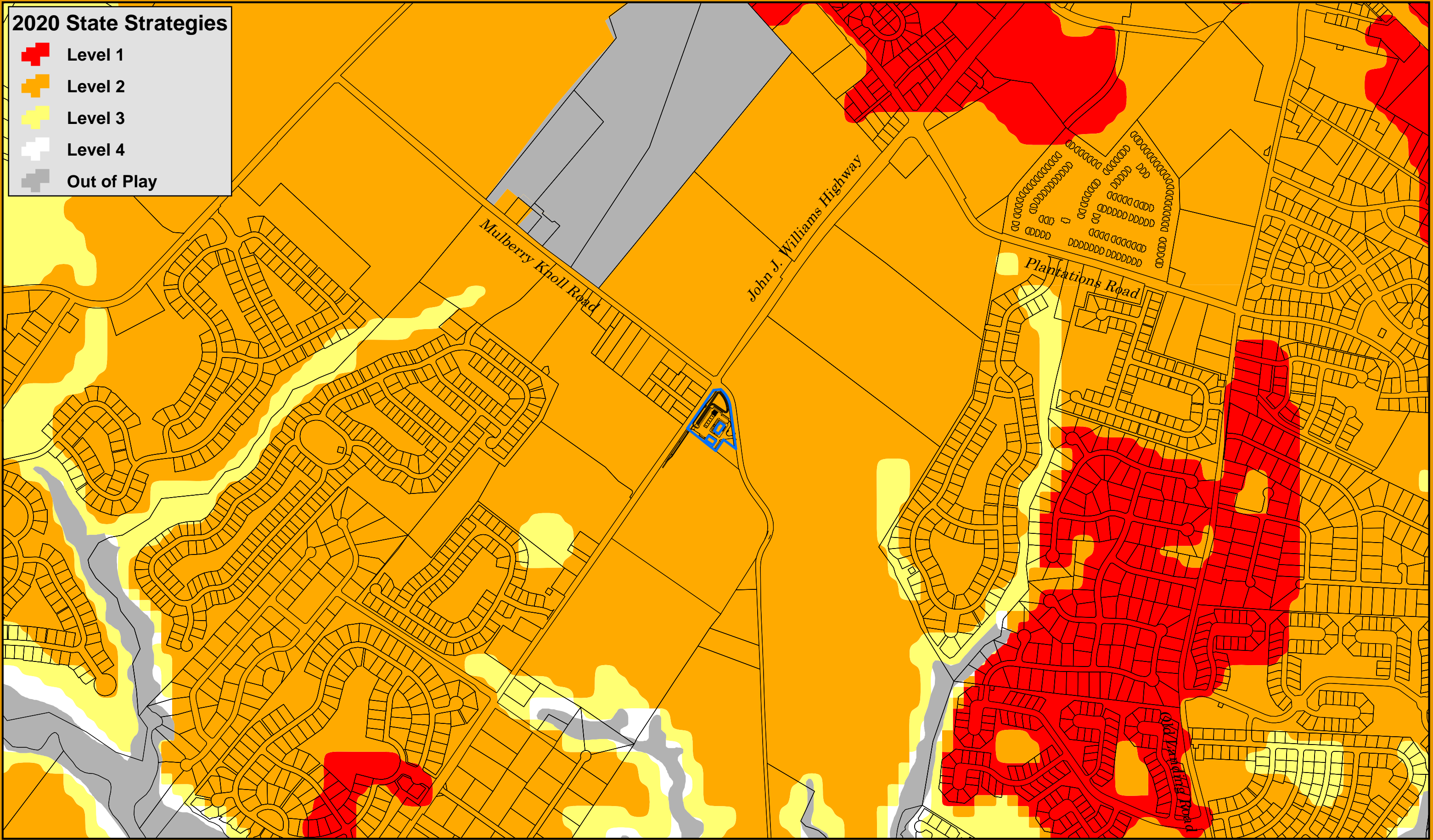
TALL OAKS
COURT

WINCHELSEA

COURT

2020 State Strategies

- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play












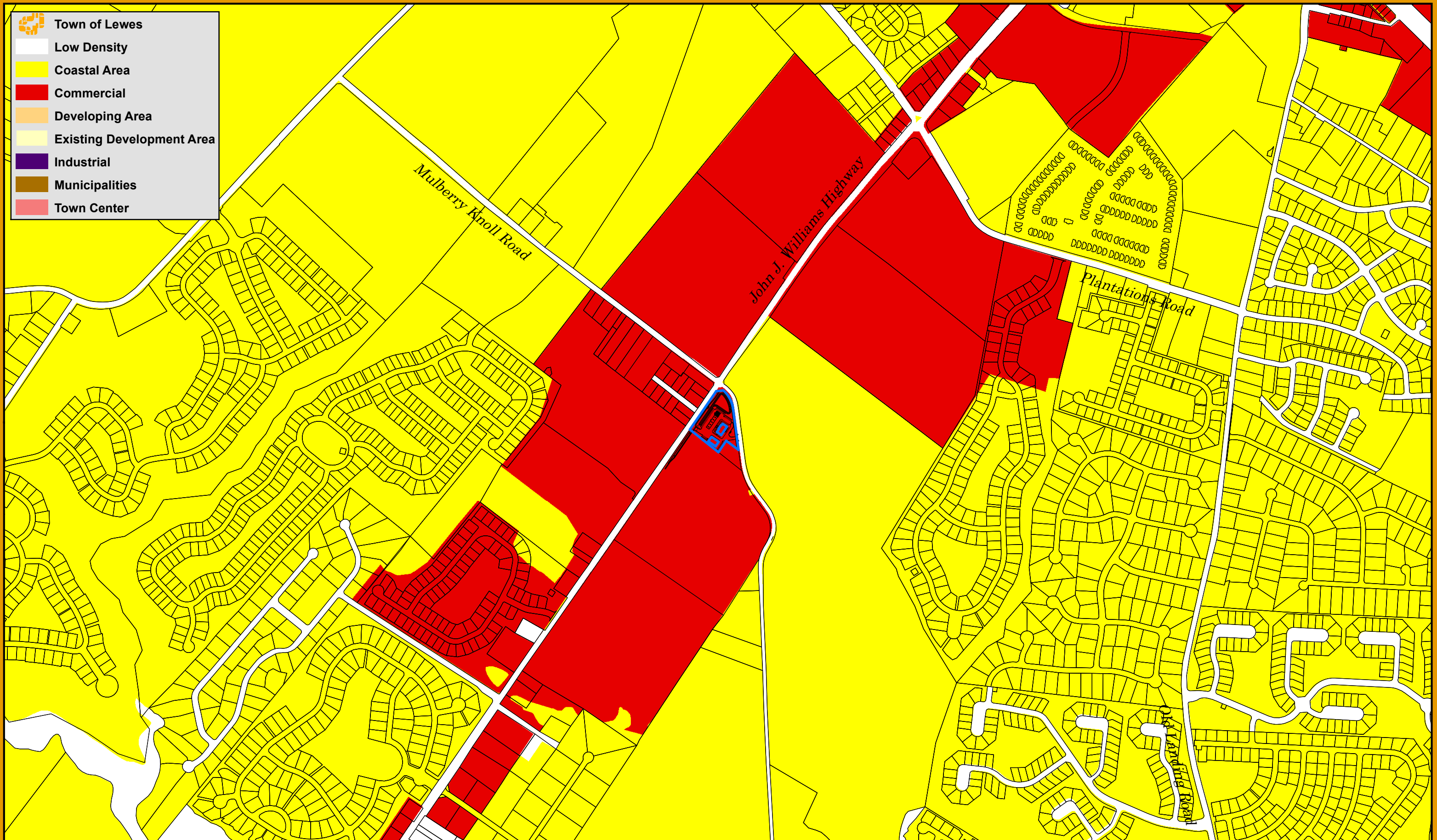
Sources:
Tax Parcels per Sussex County



2020 State Strategies
V&M Properties
Sussex County, Delaware



-  Town of Lewes
-  Low Density
-  Coastal Area
-  Commercial
-  Developing Area
-  Existing Development Area
-  Industrial
-  Municipalities
-  Town Center

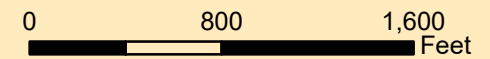


Sources:
Tax Parcels per Sussex County



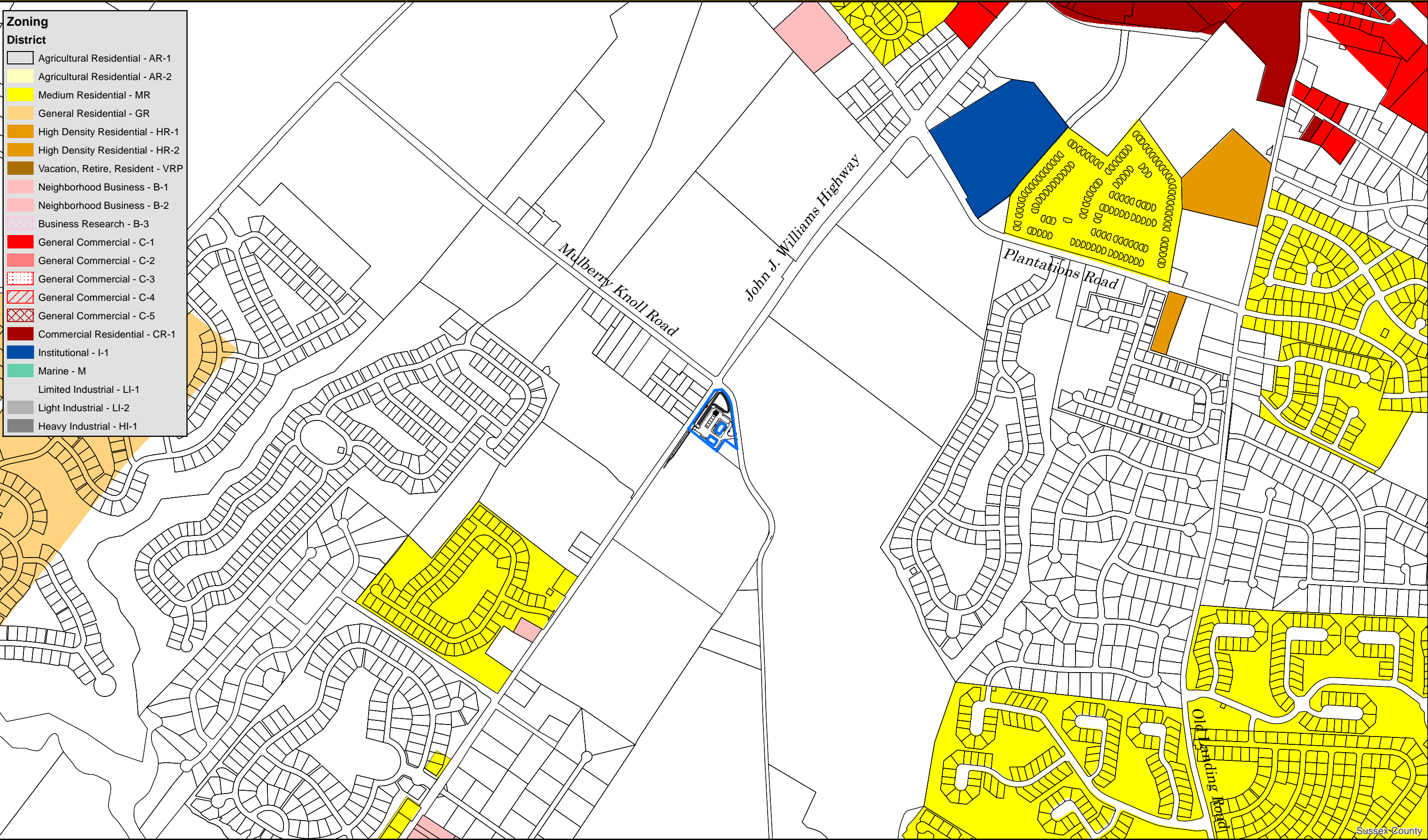
Sussex County 2045 Future Land Use Map

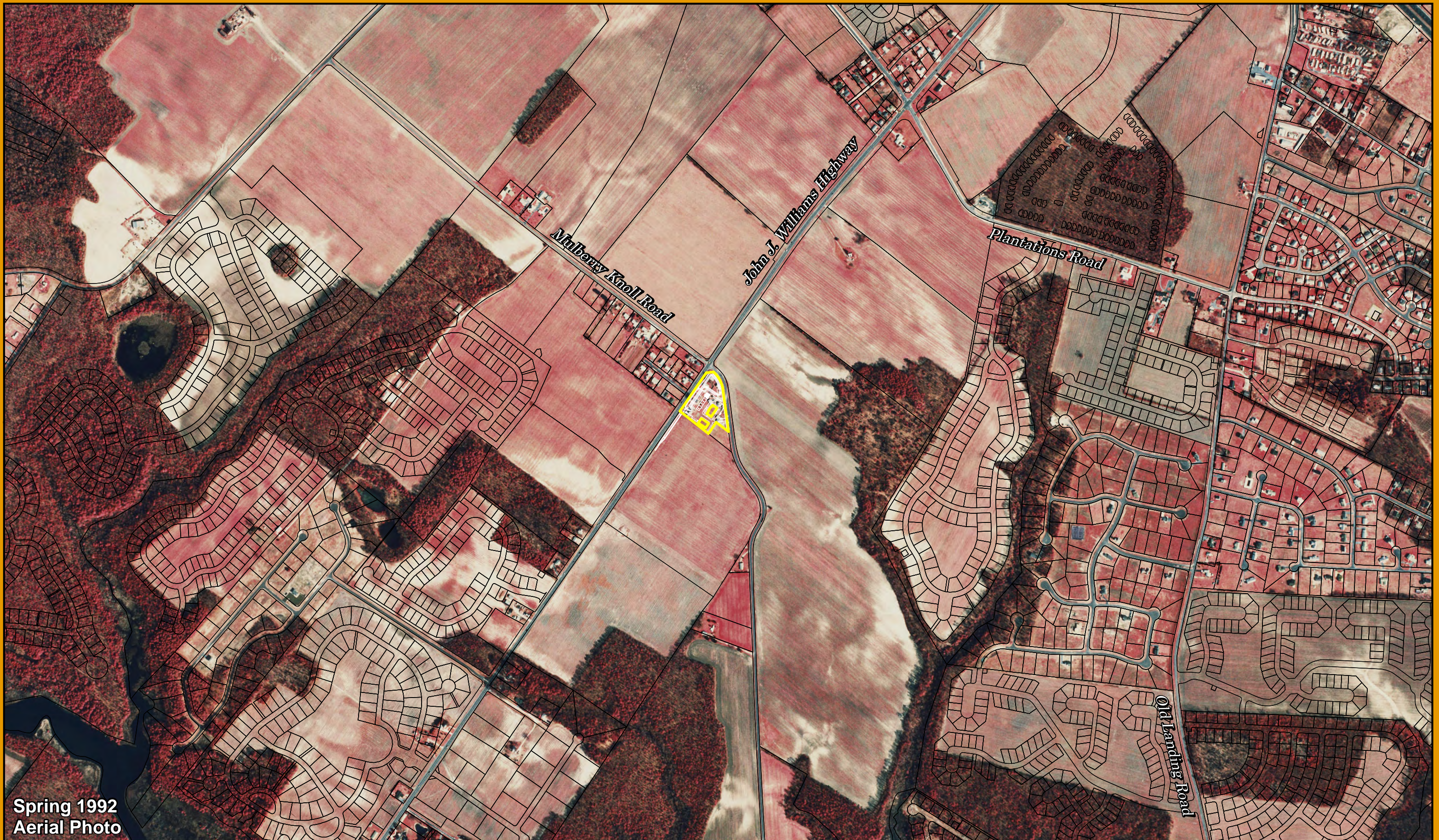
V&M Properties
Sussex County, Delaware



Zoning District

- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- Neighborhood Business - B-2
- Business Research - B-3
- General Commercial - C-1
- General Commercial - C-2
- General Commercial - C-3
- General Commercial - C-4
- General Commercial - C-5
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1





Spring 1992
Aerial Photo

Sources:
Tax Parcels per Sussex County

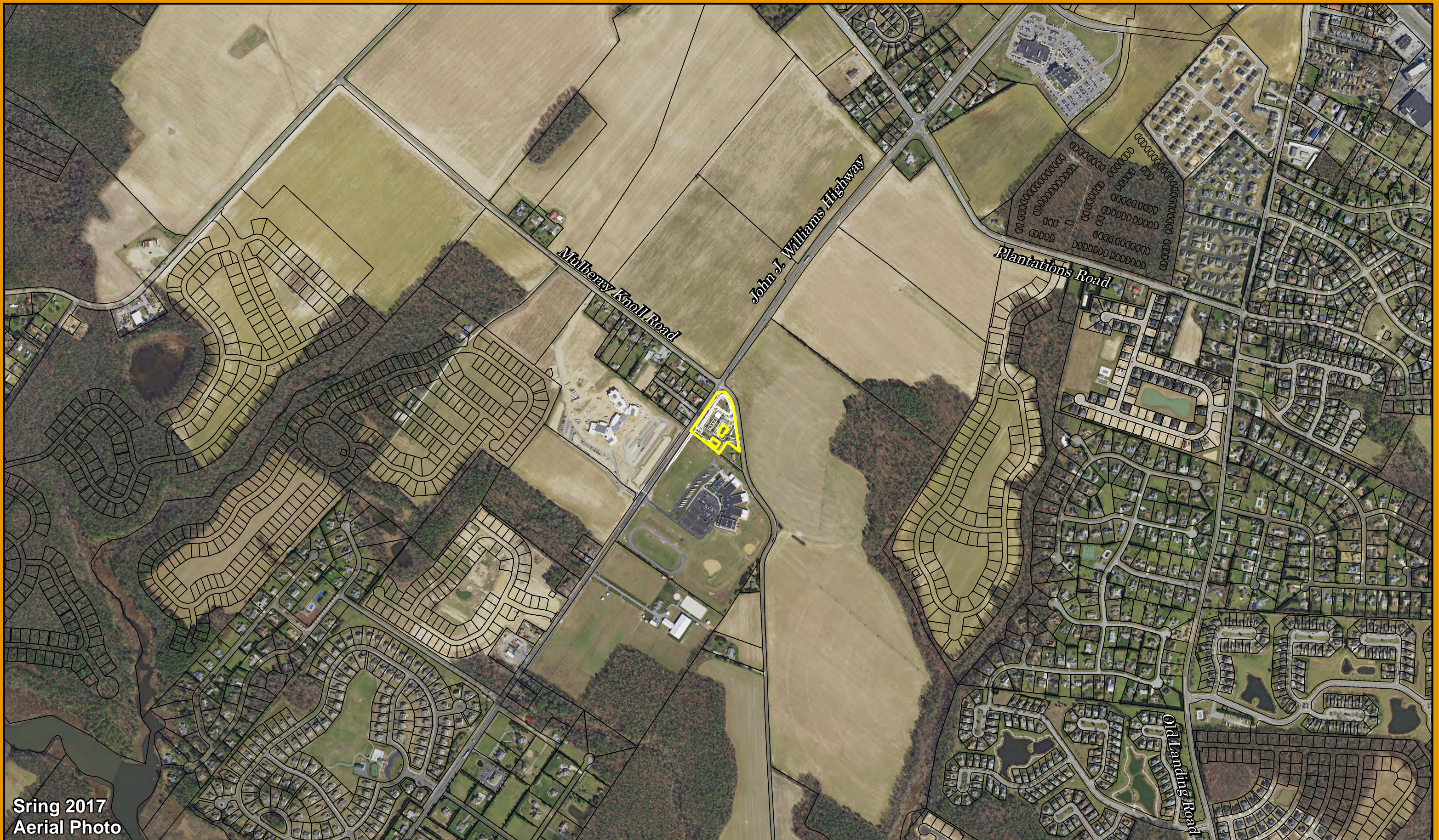


April 2022

1992 Aerial Photo
V&M Properties
Sussex County, Delaware

0 800 1,600
Feet





Spring 2017
Aerial Photo

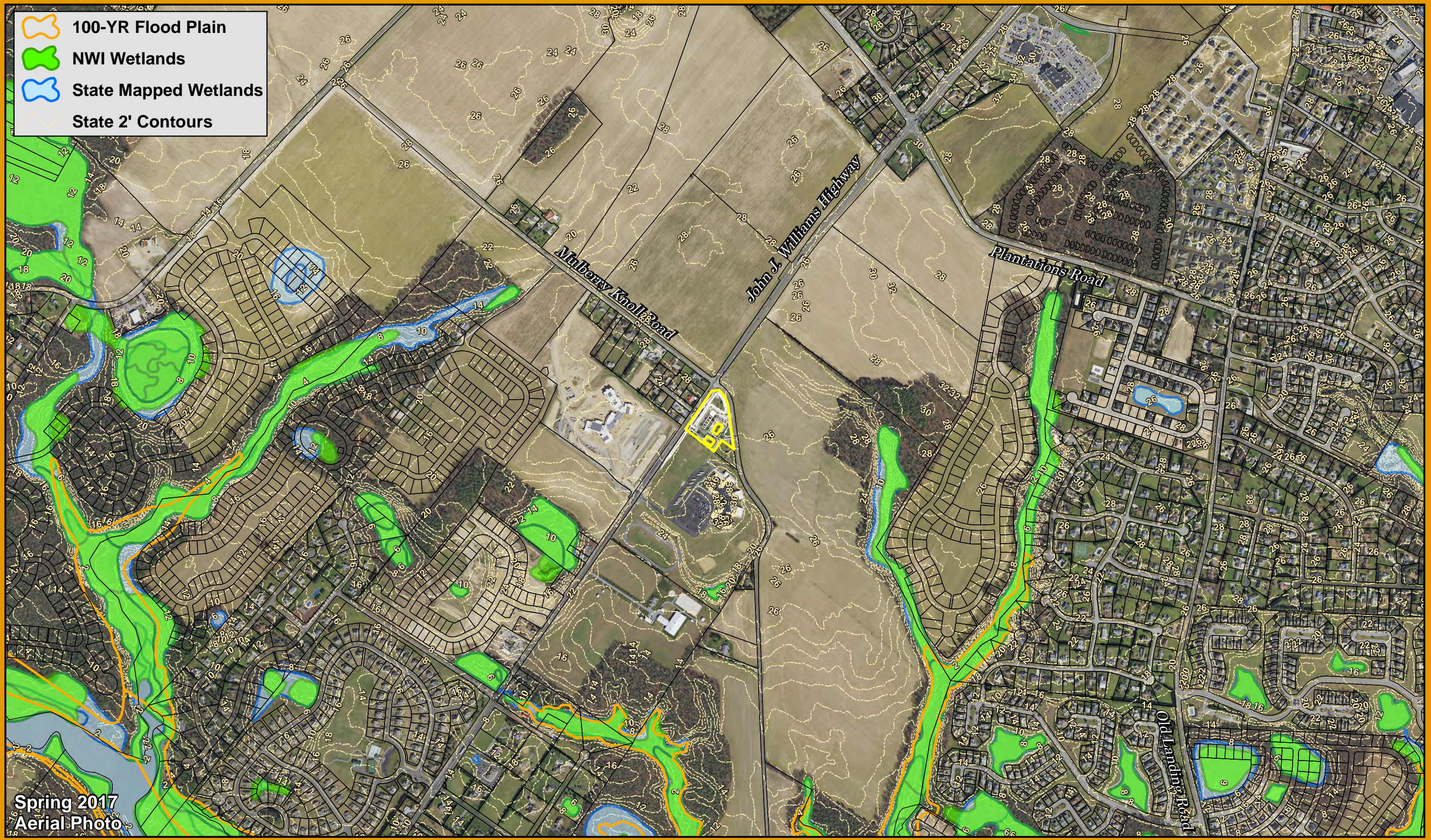
Sources:
Tax Parcels per Sussex County



2017 Aerial Photo
V&M Properties
Sussex County, Delaware

0 800 1,600
Feet





- 100-YR Flood Plain
- NWI Wetlands
- State Mapped Wetlands
- State 2' Contours

Spring 2017
Aerial Photo





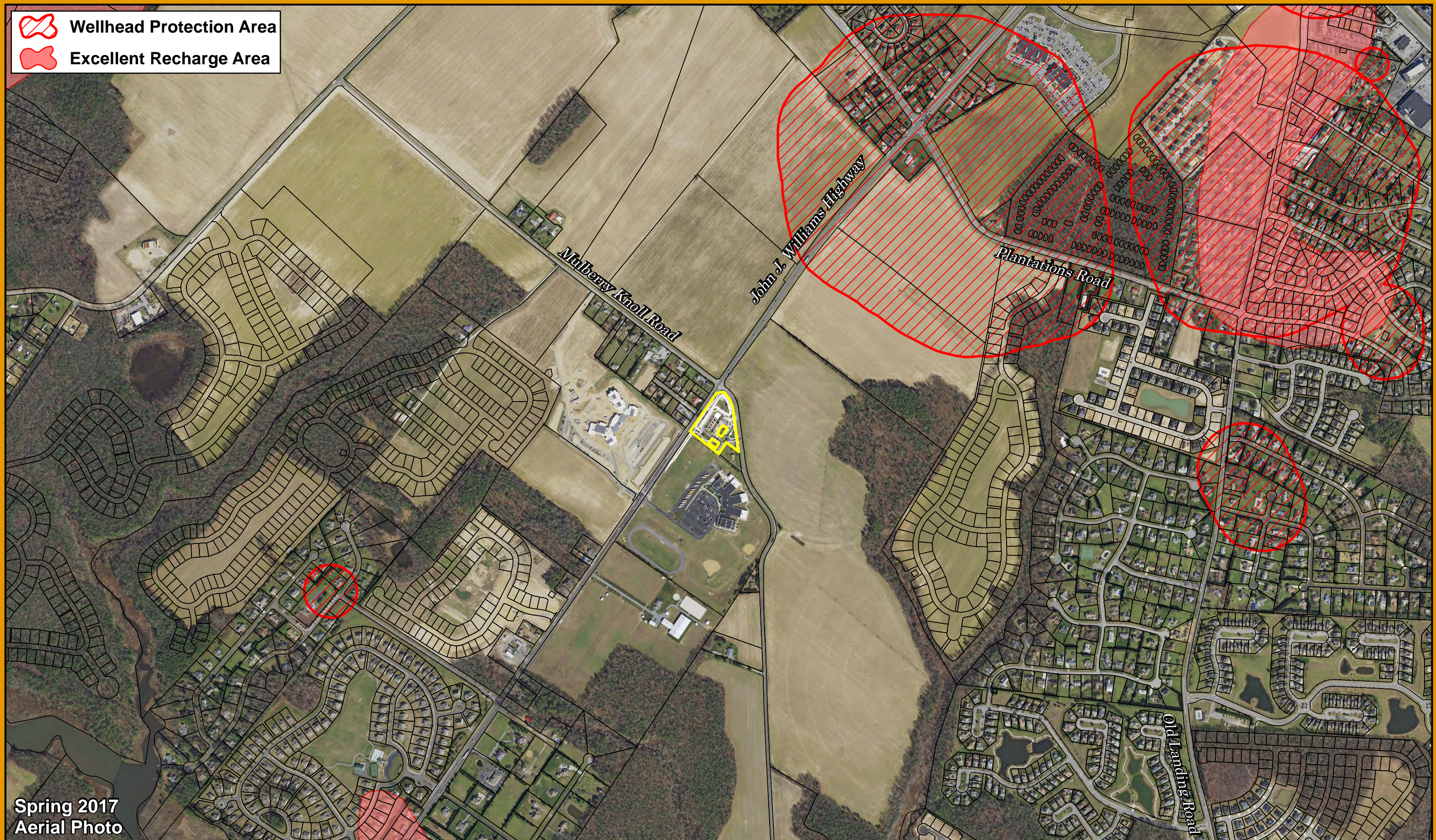
Sources:
Tax Parcels per Sussex County

Environmental Map
V&M Properties
Sussex County, Delaware

0 800 1,600
Feet



-  Wellhead Protection Area
-  Excellent Recharge Area

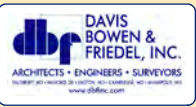


Spring 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



Source Water Protection Areas
V&M Properties
Sussex County, Delaware





Spring 2017
Aerial Photo

Exhibit 2

TAX MAP AND PARCEL #:
3-34 12.00 112.00
PREPARED BY & RETURN TO:
Baird Mandalas Brockstedt
6 S. State Street
Dover, DE 19901
File No. RE17-0405/KC

THIS DEED, made this 18th day of April, 2017,

- BETWEEN -

MARY M. MCGEE, JEFFREY A. BUSH, SHIRLEY L. BRADLEY, CHESTER L. BUSH and PEGGY M. CARMINE, of 201 Old 79 Loop Rd, Russellville, KY 42276, parties of the first part,

- AND -

V & M, LLC, a Delaware Limited Liability Company, of 4250 Lancaster Pike, Suite 130, Wilmington, DE 19805, party of the second part.

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

ALL THAT CERTAIN tract, piece, and parcel of land, situate, lying, and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeasterly right of way line of Highway no. 24, and the southwesterly right of way line of Highway no. 284, more fully described as follows, to wit:

BEGINNING at a marker, a corner for this tract and lands of Charles H. Bush, Jr.; thence by and with this lot and the southeasterly right of way line of Highway no. 24 North 43 degrees 30 minutes 02 seconds East 51.94 feet to a marker; thence turning and running South 87 degrees 34 minutes 52 seconds East 65.71 feet to a marker in line of Highway no. 284; thence by and with the curvature of said highway, South 38 degrees 39 minutes 47 seconds East 67.91 feet to a marker in the line of lands of Leroy O. Bush; thence turning and running South 43 degrees 30 minutes 02 seconds West 84.71 feet to a marker; thence turning and running North 42 degrees 38

minutes 05 seconds West 120 feet, home to the place of beginning, and said to contain 10,275 square feet of land, more or less, with all improvements thereon.

BEING the same lands conveyed to Leroy O. Bush from Charles H. Bush, Jr., Howard R. Bush, Ethel M. Bush, Thomas W. Bush and Grace R. Bush, by deed dated December 30, 1978, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on January 2, 1979, in Deed Book 930, Page 245. The said Leroy O. Bush departed this life on or before March 30, 2016. The property passes to decedent's children Jeffrey Bush, Mary M. Megee, Shirley L. Bradley, Chester L. Bush and Peggy M. Carmine, in equal shares.

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.

PARCEL ID NO.: 3-34-12.00-108.00;
108.01 AND 109.01
PREPARED BY & RETURN TO:
Baird Mandalas Brockstedt
6 S. State Street
Dover, DE 19901
File No. RE17-0965/HG

THIS DEED, made this 21st day of August, 2017,

- BETWEEN -

CHERYL A. NORMANDEAU, TRUSTEE UNDER REVOCABLE TRUST
AGREEMENT OF CHERYL A. NORMANDEAU DTD 5/23/13, of 976 23rd Avenue, Vero
Beach, FL 32960, party of the first part,

- AND -

V&M, LLC, a Delaware Limited Liability Company, of 6 S. State Street, Dover, DE
19901, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum
of **Ten and 00/100 Dollars (\$10.00)**, 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:

TMP 3-34-12.00-108.00:

ALL that certain tract, piece and parcel of land situate, lying and being in Lewes and
Rehoboth Hundred, Sussex County, State of Delaware and located on the southeasterly side of
State Route 24 (John H. Williams Highway) and more particularly described in a survey plot
prepared by Pennoni Associates, Inc., dated January 28, 2013, a copy of which is filed of record
in the Office of the Recorder of Deeds, in and for Sussex County, State of Delaware in Plot Book
181 at page 23. Said parcel of land contains 14,345 square feet (0.32+/- acre) of land more or
less.

TMP 3-34-12.00-108.01:

ALL that certain tract, piece and parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, State of Delaware and located on the southeasterly side of State Route 24 (John H. Williams Highway) but not adjacent thereto, and more particularly described in a survey plot prepared by Pennoni Associates, Inc., dated January 28, 2013, a copy of which is filed of record in the Office of the Recorder of Deeds, in and for Sussex County, State of Delaware in Plot Book 181 at page 23. Said parcel of land contains 25,664 square feet (0.59+/- acre) of land more or less.

TMP 3-34-12.00-109.01:

ALL that certain lot, piece and parcel of land, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, lying on the Southeasterly right of way line of the stone road leading from Thompson's Corner to Loves Creek Bridge, more fully described as follows, to wit:

COMMENCING at a point, a corner for this lot and other lands of the grantee, said point also being South 42 degrees 38 minutes 5 seconds East 120 feet from State Route No. 24; thence by and with this lot and lands now or formerly of Thomas W. Bush and lands now or formerly of Charles H. Bush, Jr., South 44 degrees 06 minutes 9 seconds East 348.5 feet to County Route No. 28; thence turning and running by and with County Road No. 284, North 1 degrees 32 minutes 29 seconds East 102.34 feet to a point, a corner for this lot and lands now or formerly of Leroy O. Bush, North 42 degrees 48 minutes 52 seconds West 191.22 feet to a point; thence North 19 degrees 00 minutes 00 seconds West 100.00 feet to a line of other lands of said Grantee; thence by and with this lot and other lands of said Grantee, South 43 degrees 30 minutes 2 seconds West 120 feet, home to the place of beginning, said to contain 25.652 square feet of land, more or less, as surveyed by J. J. McCann, Inc. in June 1975, and known as "Parcel B" on said plot.

BEING a portion of the same property conveyed to Cheryl A. Normandeau, Trustee under Revocable Trust Agreement of Cheryl A. Normandeau dated 5/23/13 by deed from Cheryl A. Normandeau dated May 23, 2013, and recorded in Deed Book 4170, Page 268..

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.

TAX MAP AND PARCEL #: 3-34 12.00

111.00

PREPARED BY & RETURN TO:

Baird Mandalas Brockstedt LLC

1514 Savannah Road, Suite 1

Lewes, DE 19958

File No. RE17-0996/HG

THIS DEED, made this 26th day of August, 2017,

- BETWEEN -

JEFFREY A. BUSH, of 19656 Mulberry Knoll Road, Lewes, DE 19958, party of the first part,

- AND -

V&M, LLC, a Delaware Limited Liability Company, of 6 S. State Street, Dover, DE 19901, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **Ten and 00/100 Dollars (\$10.00)**, 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:

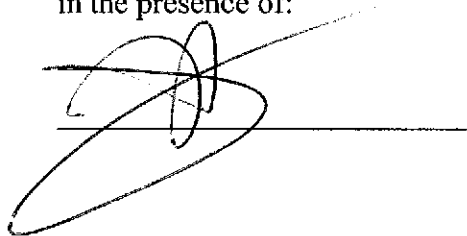
All that certain lot, piece, and parcel of land, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, more fully described as follows, to wit: Beginning at a stake in the westerly right of way line of County Route No. 284, a corner for this lot and other lands of the grantee; thence by and with this lot and other lands of said grantee, South 43°25'57" West 120 feet; thence turning and running North 10°38'18" West 120 feet to lands of Charles H. Bush, Jr.; thence turning and running South 43°30'02" West 94.71 feet to a stake, a corner for this lot, lands of Howard R. Bush, and lands of Charles H. Bush, Jr.; thence turning and running South 19°00'00" East 100 feet; thence turning and running South 42°48'52" East 191.22 feet to the westerly right of way line of County Road No. 284; North 01°32'29" East 272.83 feet, home to the place of beginning, containing 25,652 sq. feet of land, more or less, as surveyed by J.J. McCann, Inc., in June 1975, and known as "Parcel A" on said plot, improved with a garage.

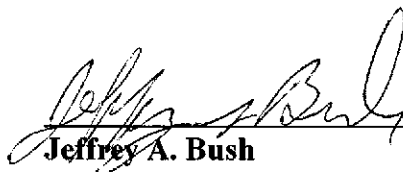
BEING the same lands conveyed to Leroy O. Bush from Thomas W. Bush and Grace R. Bush and Howard R. Bush and Ethel Bush and Charles H. Bush Jr., by deed dated July 1975 and recorded July 18, 1975 in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 750, Page 154. The said Leroy O. Bush departed this life on or about March 30, 2016, and in accordance with Article THIRD of his Last Will and Testament, filed for record in the Office of the Register of Wills, in and for Sussex County, Delaware, he did devise and bequeath this property to his son, Jeffrey A. Bush.

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

Signed, Sealed and Delivered
in the presence of:



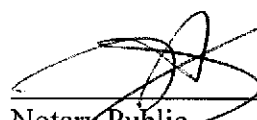
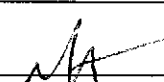
 (SEAL)
Jeffrey A. Bush

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on August 23, 2017, personally came before me, the subscriber, Jeffrey A. Bush, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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

HEIDI J. A. GILMORE
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A)3


Notary Public
My Commission Expires: 

TAX MAP AND PARCEL #: 3-34 12.00

111.01

PREPARED BY & RETURN TO:

Baird Mandalas Brockstedt

1413 Savannah Road, Suite 1

Lewes, DE 19958

File No. RE17-0996/HG

THIS DEED, made this 23rd day of August, 2017,

- BETWEEN -

PEGGY M. CARMINE and **KIM CARMINE**, of 19646 Mulberry Knoll Road, Lewes, DE 19958, parties of the first part,

- AND -

V&M, LLC, a Delaware limited liability company, of 6 S. State Street, Dover, DE 19901, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **Ten and 00/100 Dollars (\$10.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

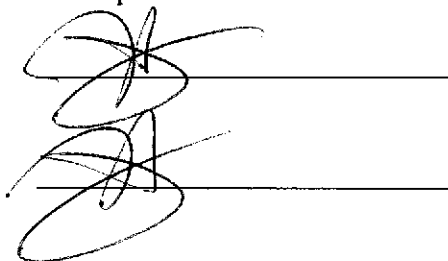
ALL that certain tract, piece, and parcel of land, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, lying on the southwesterly right of way of County Route No. 284, more fully described as follows, to wit: Beginning at an iron pipe, said iron pipe being located on the aforementioned southwesterly right of way of County Route No. 284, said iron pipe also located at a corner for these lands and Parcel E, also known as Parcel A2, as shown on a plot of J.J. McCann, Inc., dated June 1975; thence turning and running by and along the common boundary line of these lands and Parcel E, F, and lands now or formerly of Charles H. Bush, Jr., South 43° 30' 02" West 120.00 feet to a point; thence turning and running along common boundary line of these lands and Parcel A, South 10° 38' 18" East 120 feet to a point; thence turning and running North 43° 25' 57" East 120.00 feet to a point; thence turning and running by and along the southwesterly right-of-way of County Route No. 284, North 01° 32' 29" East 5.09 feet to a point; thence continuing in a deflection to the right an arc radius of 115.86 feet, home to the place of beginning, said to contain 11,721 sq. feet of land, more or less, and known as Parcel A1 on a survey of J.J. McCann dated June 1975, with all improvements thereon.



BEING the same lands conveyed to Peggy Carmine and Kim Carmine, her husband, from Leroy O. Bush and Mary E. Bush by deed dated September 11, 1984, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 1290, Page 106.

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

Signed, Sealed and Delivered
in the presence of:



 (SEAL)
Peggy M. Carmine
 (SEAL)
Kim Carmine


STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on August ²³~~28~~, 2017, personally came before me, the subscriber, Peggy M. Carmine and Kim Carmine, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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


Notary Public

HEIDI J. A. GILMORE
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A)3

My Commission Expires: 

TAX MAP AND PARCEL #: 3-34-12.00-
109.00

PREPARED BY & RETURN TO:

Baird Mandalas Brockstedt LLC

1413 Savannah Road, Suite 1

Lewes, Delaware 19958

File No. RE17-0982/HG

THIS CONFIRMATORY DEED, made this 28 day of August, 2017,

- BETWEEN -

THREE FRIEND INVESTMENTS, LLC, a Delaware limited liability company, n/k/a **V&M, LLC**, a Delaware limited liability company, of 6 S. State Street, Dover, DE 19901, party of the first part,

- AND -

V&M, LLC, a Delaware limited liability company, of 6 S. State Street, Dover, DE 19901, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **Ten and 00/100 Dollars (\$10.00)**, 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, its successors and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

BEGINNING at a found $\frac{3}{4}$ " pipe lying on the southeasterly right of way of Route 24 (John J. Williams Highway) at 50 feet wide, said pipe being a common corner for these lands and lands now or formerly of Cary Rutherford and Jennifer M. Walls; thence running along and with the southeasterly right of way of Route 24, South 43 degrees 30 minutes 02 seconds West for a distance of 120.06 feet to a found $\frac{3}{4}$ " pipe, said pipe being a common corner for these lands and lands now or formerly of Charles H. Bush; thence turning and running along and with a common line for these lands and lands now or formerly of Bush South 42 degrees 36 minutes 49 seconds East for a distance of 119.90 feet to a found $\frac{3}{4}$ " pipe, said pipe being a common corner for these lands and lands now or formerly of Leta Cooper; thence turning and running along and with a common line for these lands and lands now or formerly of Leta Cooper; thence turning and running along and with a common line for these lands and lands now or formerly of Cooper,

North 43 degrees 29 minutes 54 seconds East for a distance of 120.03 feet to a found $\frac{3}{4}$ " pipe, said pipe being a common corner for these lands, lands now of formerly of Cooper and lands now or formerly of Le Roy O. Bush; thence turning and running along and with a common line for these lands and lands now or formerly of Cary Rutherford and Jennifer M. Walls, North 42 degrees 35 minutes 50 seconds West for a distance of 119.88 feet to a found $\frac{3}{4}$ " pipe lying on the southeasterly right of way of Route 24, said pipe being a common corner for these lands and lands now or formerly of Rutherford and Walls and also being the point and place of beginning containing 14,359 square feet of land more or less.

BEING the same lands conveyed to Three Friend Investments, LLC by deed of Cary Gene Rutherford dated May 18, 2006 and filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 3318, Page 80.

THIS CONFIRMATORY DEED is being recorded to reflect the name change of Three Friends Investments, LLC to V&M, LLC. The change of name was filed with the Secretary of State in and for the State of Delaware.

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.

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TAX MAP AND PARCEL #: 3-34-12.00-
110.00

PREPARED BY & RETURN TO:
Baird Mandalas Brockstedt LLC
1413 Savannah Road, Suite 1
Lewes, Delaware 19958
File No. RE17-0982/HG

THIS CONFIRMATORY DEED, made this 28 day of August, 2017,

- BETWEEN -

THREE FRIENDS INVESTMENT, LLC, a Delaware limited liability company, n/k/a **V&M, LLC**, a Delaware limited liability company, of 6 S. State Street, Dover, DE 19901, party of the first part,

- AND -

V&M, LLC, a Delaware limited liability company, of 6 S. State Street, Dover, DE 19901, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **Ten and 00/100 Dollars (\$10.00)**, 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, its successors and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

BEGINNING at a set ½" pipe lying on the southeasterly right of way of Route 24 (John J. Williams Highway) at 50' feet wide, said pipe lying South 43 degrees 30 minutes 02 seconds West and 51.94 feet distant from a found ¾" pipe and being a common corner for these lands and lands now or formerly of Leroy O. Bush; thence running along and with the southeasterly right of way of State Route 24, South 43 degrees 30 minutes 02 seconds West for a distance of 129.96 feet to a found ¾" pipe, said pipe being a common corner for these lands and lands now or formerly of Cary Gene Rutherford; thence turning and running along and with a common line for these lands and lands now or formerly of Rutherford, South 42 degrees 35 minutes 50 seconds East for a distance of 119.88 feet to a found ¾" pipe, said pipe being a common corner for these lands, lands now or formerly of Rutherford, lands now or formerly of Leta Cooper and lands now

or formerly of Le Roy O. Bush; thence turning and running along and with a common line for these lands, lands now or formerly of Le Roy O. Bush and lands now or formerly of Peggy Carmine and Kim Carmine, North 43 degrees 29 minutes 24 seconds East for a distance of 129.84 feet to a point, said point being a common corner for these lands and lands now or formerly of Leroy O. Bush; thence turning and running along and with a common line for these lands and lands now or formerly of Leroy O. Bush, North 42 degrees 32 minutes 14 seconds West through a found concrete monument at 0.125 feet, for a total distance of 119.865 feet to a set ½" pipe lying on the southeasterly right of way of Route 24, said pipe being a common corner for these lands and lands now or formerly of Leroy O. Bush and also being the point and place of beginning, containing 15,535 square feet of land more or less.

BEING the same lands conveyed to Three Friends Investments, LLC by corrective deed of Cary Rutherford and Jennifer M. Walls dated October 19, 2006, and filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 3379, Page 323.

THIS CONFIRMATORY DEED is being recorded to reflect the name change of Three Friends Investments, LLC to V&M, LLC. The change of name was filed with the Secretary of State in and for the State of Delaware.

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.

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Exhibit 3



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

NICOLE MAJESKI
SECRETARY

July 20, 2021

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 **V&M, LLC** proposed land use application, which we received on July 16, 2021. This application is for an approximately 3.31-acre assemblage of parcels (Tax Parcels: 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, 112.00, 112.01). The parcels are located on the south corner of Mulberry Knoll Road (Sussex Road 284) and John J Williams Highway (State Route 24). The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of C-2 (Medium Commercial) and the applicant seeks to build a convenience store and offices.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volume along John J Williams Highway from Warrington Road to Camp Arrowhead Road is 19,793 and 25,451, respectively. The annual average daily traffic volume along Mulberry Knoll Road is 517.

Based on our review, we estimate that the proposed land use would generate more than 50 vehicle trips in any hour or 500 vehicle trips per day and would be considered to have a **Major** impact to the local area roadways. In this instance, the Department considers a Major impact to be when a proposed land use would generate more than 200 vehicle trips in any hour of the week and / or 2,000 vehicle trips per day. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a 5,000 square foot convenience store with gas pumps and a 12,000 square foot office building would generate a combined 4,234 vehicle trips per weekday, 456 of them in the morning peak hour. These numbers of trips meet DelDOT's warrants for requiring a Traffic Impact Study (TIS).

The subject development is located in the Henlopen Transportation Improvement District (TID), recently adopted by DelDOT and Sussex County in accordance with Section 2.4 of the Development Coordination Manual. The intent of the TID is to plan comprehensively and thereby



Mr. Jamie Whitehouse

Page 2 of 2

July 20, 2021

to enable both land development and the transportation improvements needed to support it. For non-residential developments that are consistent with the Land Use and Transportation Plan (LUTP) developed for the TID, the applicant is required to pay a fee per 1,000 S.F. in lieu of doing a TIS and making off-site improvements in accordance therewith. However, the proposed land use was not accounted for in the planning that was done for the TID and therefore a TIS is required.

A review of TIS completed in the last five years found that a TIS was completed for the Scenic Manor (fka. Estates at Mulberry Knoll) development. That TIS included the intersection of Delaware Route 24 and Mulberry Knoll Road. We are providing a copy of that TIS review letter; please find it enclosed with this letter.

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

Please contact Ms. Annamaria Fumato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

Enclosure

cc: V&M, LLC, Applicant
Russell Warrington, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Fumato, Project Engineer, Development Coordination

Exhibit 4



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

NICOLE MAJESKI
SECRETARY

March 4, 2022

Ms. Dawn Riggi
Davis Bowen & Friedel, Inc.
1 Park Avenue
Milford, DE 19963

Dear Ms. Riggi:

The enclosed Traffic Impact Study (TIS) review letter for the **V&M, LLC** (Tax Parcels: 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, 112.00, 112.01) commercial development has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TIS to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2124.

Sincerely,

Claudy Joinville
Project Engineer

CJ:km

Enclosures

cc with enclosures: Mr. Zac Crouch, Davis Bowen & Friedel, Inc.
Mr. Eric Sugrue, V&M, LLC
Mr. David Edgell, Office of State Planning Coordination
Mr. Jamie Whitehouse, Sussex County Planning and Zoning
Mr. Andrew Parker, McCormick & Taylor, Inc.
DelDOT Distribution

DelDOT Distribution

Brad Eaby, Deputy Attorney General
Shanté Hastings, Deputy Secretary / Director of Transportation Solutions (DOTS)
Pamela Steinebach, Director, Planning
Mark Luszcz, Deputy Director, Traffic, DOTS
Peter Haag, Chief Traffic Engineer, Traffic, DOTS
Michael Simmons, Assistant Director, Project Development South, DOTS
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Wendy Carpenter, Traffic Calming & Subdivision Relations Manager, DelDOT Traffic
Alistair Probert, South District Engineer, South District
Matthew Schlitter, South District Public Works Engineer, South District
Jared Kauffman, Service Development Planner, Delaware Transit Corporation
Tremica Cherry, Service Development Planner, Delaware Transit Corporation
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning
Wendy Polasko, Subdivision Engineer, Development Coordination
Steve McCabe, Sussex Review Coordinator, Development Coordination
Mark Galipo, Traffic Engineer, Traffic, DOTS
Brian Yates, Subdivision Manager, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination



March 2, 2022

Mr. Claudy Joinville
Project Engineer
DelDOT Division of Planning
P.O. Box 778
Dover, DE 19903

RE: Agreement No. 1946F
Traffic Impact Study Services
Task No. 2A Subtask 07A – V&M LLC

Dear Mr. Joinville:

McCormick Taylor has completed its review of the Traffic Impact Study (TIS) for the V&M LLC development prepared by Davis, Bowen & Friedel, Inc. dated November 2021. Davis, Bowen & Friedel prepared the report in a manner generally consistent with DelDOT's Development Coordination Manual.

The TIS evaluates the impacts of the proposed V&M LLC development, along the south side of Delaware Route 24 (Sussex Road 24) and the west side of Mulberry Knoll Road (Sussex Road 284), in Sussex County, Delaware. The proposed development would consist of a 5,000 square-foot convenience store with gas pumps and a 12,000 square-foot office building. Two unsignalized access points are proposed: one right-in/right-out on Delaware Route 24 and one full-movement access on Mulberry Knoll Road. Construction is anticipated to be completed in 2023.

The subject land is located on an approximately 3.31-acre assemblage of parcels. The subject land is currently zoned AR-1 (Agricultural Residential), and the developer seeks a conditional use zoning to develop this commercial use.

There are currently two active DelDOT projects within the study area. The *SR 24, Mulberry Knoll to SR 1* (State Contract No. T200411209) project will widen Delaware Route 24 to provide dual lanes from just east of Mulberry Knoll Road to Delaware Route 1. The typical section of Delaware Route 24 will consist of a 16-foot center-left-turn lane along with two 11-foot travel lanes in each direction, an 8-foot shoulder eastbound and a 5-foot shoulder/bike lane westbound. Improvements at the intersection of Delaware Route 24 and Plantation Road / Warrington Road (Sussex Road 275) will include changing the Delaware Route 24 approaches so they each have one left-turn lane, two through lanes, and one right-turn lane, along with widening the Plantation Road and Warrington Road approaches so they each consist of one exclusive left-turn lane, one shared through/left-turn lane, one exclusive through lane, and one right-turn lane. Construction has begun and is scheduled for completion in Spring 2022.

The *SR 24, Love Creek to Mulberry Knoll* (State Contract No. T201212201) project will improve safety and increase capacity on Delaware Route 24 from Love Creek to Mulberry Knoll Road. Dual lanes along Delaware Route 24 will extend from east of Mulberry Knoll Road to west of the



school entrances located west of Mulberry Knoll Road. The dualized portion of the project will include a 12-foot center-left-turn lane along with two 11-foot travel lanes in each direction, an 8-foot shoulder eastbound and a 5-foot shoulder/bike lane westbound. Improvements at the intersection of Delaware Route 24 and Mulberry Knoll Road will include signalization, changing the Delaware Route 24 approaches so they each have one left-turn lane, two through lanes, and one right-turn lane, along with widening the Mulberry Knoll Road approaches so they each have one left-turn lane and one shared through/right turn lane. Construction is scheduled to begin in 2022 and be completed in 2023.

It is noted that DelDOT and V&M LLC (the developer) entered into a Letter Agreement executed on August 12, 2021 to have DelDOT incorporate certain access and frontage improvements needed for the V&M LLC commercial project into the construction of DelDOT's *SR 24, Love Creek to Mulberry Knoll* project. The developer would pay for certain construction costs as specified in the agreement.

The proposed development is located within the boundary of the Henlopen Transportation Improvement District (TID) as presently contemplated by Sussex County and DelDOT. The TID is a planning concept that seeks to proactively align transportation infrastructure spending and improvements with land use projections and future development within the designated district. This development is not consistent with the approved TID future land use plan and therefore does not qualify for TID participation.

Based on our review, we have the following comments and recommendations:

The following intersections exhibit level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements:

<i>Intersection</i>	<i>Existing Traffic Control</i>	<i>Situations for which deficiencies occur</i>
Delaware Route 24 and Mulberry Knoll Road	Unsignalized	2019 Existing PM and Saturday (Case 1); 2023 without development AM, PM and SAT (Case 2); 2023 with development AM, PM and SAT (Case 3)
Delaware Route 24 and Plantation Road / Warrington Road	Signalized	2023 without development PM and Saturday (Case 2); 2023 with development PM and Saturday (Case 3)

Both intersections listed in the table above exhibit LOS deficiencies if unimproved, but improvements at both intersections are scheduled for construction in the near future as part of DelDOT's aforementioned SR 24 projects. The improvements to be implemented by those projects will completely mitigate the LOS deficiencies for the scenarios evaluated in this TIS. These two DelDOT projects are fully funded and scheduled for construction within the next 2-3 years. As such, we do not recommend any additional improvements be implemented at these intersections by the V&M LLC developer other than the northbound Mulberry Knoll Road left-turn lane extension described below in Item No. 5, nor should this developer contribute towards the DelDOT



projects other than by satisfying requirements of compensation as specified in the Letter Agreement between DelDOT and the developer executed on August 12, 2021.

Should Sussex County choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan by note or illustration. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer and DelDOT must comply with all requirements specified in the Letter Agreement by and between DelDOT and the developer executed on August 12, 2021, many of which are associated with roadway, access, and site frontage improvements along Delaware Route 24 and within the V&M LLC site frontage of that roadway.

Responsibilities of DelDOT per that Letter Agreement include, but are not limited to, construction of the V&M LLC development's right-in/right-out site access on the south side of Delaware Route 24 west of Mulberry Knoll Road, along with a separate right-turn deceleration lane along eastbound Delaware Route 24 for that site access. DelDOT will also be responsible for constructing sidewalk along the entire Delaware Route 24 site frontage.

Design details of the Delaware Route 24 site access and site frontage improvements should be coordinated between the developer and DelDOT's Development Coordination and Project Development – South sections.

2. The developer shall improve the State-maintained roads on which they front (Delaware Route 24 and Mulberry Knoll Road, with exceptions noted in the second paragraph of this item), within the limits of their frontage, to meet DelDOT's standards for their Functional Classification as found in Section 1.1 of the Development Coordination Manual and elsewhere therein. The improvements shall include both directions of travel, regardless of whether the developer's lands are on one or both sides of the road. Frontage is defined in Section 1 of the Development Coordination Manual, which states "This length includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway." Questions on or appeals of this requirement should be directed to the DelDOT Subdivision Review Coordinator in whose area the development is located.

It is noted that the above paragraph may not be entirely applicable to improvements within the Delaware Route 24 frontage, as most if not all such improvements are to be implemented by DelDOT as part of the *SR 24, Love Creek to Mulberry Knoll* project. The Letter Agreement between DelDOT and the developer executed on August 12, 2021 describes responsibilities for improvements along the Delaware Route 24 site frontage by both parties, and should be followed accordingly.

3. The developer should construct the full-movement site access on Mulberry Knoll Road. The proposed configuration is shown in the table below.

Approach	Existing Configuration	Proposed Configuration
Eastbound Site Access	Approach does not exist	One shared left/right-turn lane
Northbound Mulberry Knoll Road	One through lane	One shared through/left-turn lane
Southbound Mulberry Knoll Road	One through lane	One through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths and other design details during the site plan review.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound Site Access	N/A	N/A
Northbound Mulberry Knoll Road	N/A	N/A
Southbound Mulberry Knoll Road	N/A	60 feet *

- * Initial turn-lane length based on DelDOT's *Auxiliary Lane Worksheet* and assuming an effective entrance radius of greater than 50 feet as indicated in the TIS. The length of this right-turn lane assumes a reduction of the posted speed limit on Mulberry Knoll Road down to 35 mph, as proposed by the developer to achieve acceptable sight distance at the site access. Additional discussion is required during site plan review, and the turn lane length would need to be longer if the posted speed limit is not reduced and/or if the entrance radius is less than 50 feet.

Sight distance limitations at the proposed site access location on Mulberry Knoll Road have been identified. Sight distance for drivers exiting this driveway is limited by horizontal curves in both directions on Mulberry Knoll Road, and sight distance requirements are not met at the current posted speed limit of 50 mph. The developer proposes to reduce the posted speed limit on Mulberry Knoll Road to 35 mph, which would allow sight distance requirements to be satisfied.

The developer's recommendation to reduce the posted speed limit on Mulberry Knoll Road will need to be evaluated by DelDOT and further coordinated with the developer. There may also be a need to consider changes to the site access location and design, as well as the possibility of a design deviation. As always, adequacy of available sight distance must be confirmed during the site plan review process.

4. As described immediately above, the developer should coordinate with DelDOT regarding the possibility of reducing the posted speed limit on Mulberry Knoll Road south of Delaware Route 24.
5. The developer should improve the intersection of Delaware Route 24 and Mulberry Knoll Road beyond the scope of improvements being implemented by DelDOT under the *SR 24, Love Creek to Mulberry Knoll* project by extending the length of the planned northbound Mulberry Knoll Road left-turn lane by an additional 40 feet to better accommodate projected queues due to increased vehicle demands for that movement which are directly attributed to the proposed development. The developer should coordinate DelDOT's Development Coordination Section to determine final turn-lane length and design details, as well as responsibilities for implementation especially as they relate to the possibility of incorporating this modification into DelDOT's SR 24 project.
6. The following bicycle, pedestrian, and transit improvements should be included:
 - a. Per the DelDOT Development Coordination Manual section 5.2.9.2, bicycle lanes are required where right turn lanes are being installed.
 - b. Appropriate bicycle symbols, directional arrows, pavement markings, and signing should be included along bicycle facilities within the project limits.
 - c. Utility covers should be made flush with the pavement.
 - d. A minimum 15-foot wide easement from the edge of the right-of-way should be dedicated to DelDOT within the site frontage along Mulberry Knoll Road.
 - e. Within the easement along the Mulberry Knoll Road site frontage, a minimum of a ten-foot wide shared-use path that meets current AASHTO and ADA standards should be constructed. The shared-use path should meet AASHTO and ADA standards and should have a minimum of a five-foot buffer from the roadway. At the southern property boundary, the shared-use path should connect to the adjacent property or to the roadway in accordance with DelDOT's *Shared-Use Path and/or Sidewalk Termination Reference Guide* dated August 1, 2018. At the northern property boundary / Delaware Route 24, the shared-use path should connect to the sidewalk being constructed along the Delaware Route 24 frontage as part of DelDOT's *SR 24, Love Creek to Mulberry Knoll* project. The developer should coordinate with DelDOT's Development Coordination Section to determine the details of the shared-use path connection at the property boundaries.
 - f. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings, including all site entrances. Type 3 curb ramps are discouraged.



- g. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be constructed within the development. These sidewalks should each be a minimum of five-feet wide (with a minimum of a five-foot buffer from the roadway) and should meet current AASHTO and ADA standards. Internal sidewalks in the development should connect to the proposed shared-use path along Mulberry Knoll Road, the proposed sidewalk (to be constructed as part of the DelDOT project) along Delaware Route 24, and to the to-be-signalized intersection of Delaware Route 24 & Mulberry Knoll Road.
- h. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to prevent vehicular overhang onto the sidewalk.
- i. The developer should coordinate with the Delaware Transit Corporation (DTC) regarding design and construction of a 5'x8' Type 2 bus stop pad to be located on eastbound Delaware Route 24 before the beginning of the right-turn lane onto Mulberry Knoll Road. This bus stop pad may be incorporated into the improvements being made by DelDOT as part of the *SR 24, Love Creek to Mulberry Knoll* project. The developer should coordinate with DTC and DelDOT to ensure the bus stop pad is designed and installed to the satisfaction of all parties.

Improvements in this TIS may be considered “significant” under DelDOT’s *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT’s website at http://deldot.gov/Publications/manuals/de_mutcd/index.shtml.

Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DelDOT’s site plan review process.

Additional details on our review of this TIS are attached. Please contact me at (610) 640-3500 or through e-mail at ajparker@mccormicktaylor.com if you have any questions concerning this review.

Sincerely,

McCormick Taylor, Inc.

A handwritten signature in black ink, appearing to read "Andrew J. Parker".

Andrew J. Parker, PE, PTOE
Project Manager

Enclosure

General Information

Report date: November 2021

Prepared by: Davis, Bowen & Friedel, Inc

Prepared for: V&M LLC

Tax parcel: 3-34-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, 112.00, 112.01

Generally consistent with DelDOT's Development Coordination Manual: Yes

Project Description and Background

Description: The proposed V&M LLC development consists of a of a 5,000 square-foot convenience store with gas pumps and a 12,000 square-foot office building.

Location: The site is located along the south side of Delaware Route 24 (Sussex Road 24) and the west side of Mulberry Knoll Road (Sussex Road 284), in Sussex County, Delaware. A site location map is included on page 8.

Amount of land to be developed: approximately 3.31 acre assemblage of parcels

Land use approval(s) needed: Subdivision approval. The subject land is currently zoned AR-1 (Agricultural Residential), and the developer seeks a conditional use zoning to develop this commercial use.

Proposed completion year: 2023

Proposed access locations: Two access points are proposed: full site access along Mulberry Knoll Road and right-in/right-out access along Delaware Route 24.

Daily Traffic Volumes (per DelDOT Traffic Summary 2019):

- 2019 Average Annual Daily Traffic on Delaware Route 24: 19,793 vehicles/day
- 2019 Average Annual Daily Traffic on Mulberry Knoll Road: 517 vehicles/day



2020 Delaware Strategies for State Policies and Spending

Location with respect to the Strategies for State Policies and Spending Map of Delaware:

The proposed V&M LLC development is located within Investment Level 2.

Investment Level 2

This investment level has many diverse characteristics. These areas can be composed of less developed areas within municipalities, rapidly growing areas in the counties that have or will have public water and wastewater services and utilities, areas that are generally adjacent to or near Investment Level 1 Areas, smaller towns and rural villages that should grow consistently with their historic character, and suburban areas with public water, wastewater, and utility services. These areas have been shown to be the most active portion of Delaware's developed landscape. They serve as transition areas between Level 1 and the more open, less populated areas. They generally contain a limited variety of housing types, predominantly detached single-family dwellings.

In Investment Level 2, state investments and policies should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity.

Investments should encourage departure from the typical single-family-dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact, mixed-use development where applicable. Overall, the State's intent is to use spending and management tools to promote well-designed development in these areas. Such development provides for a variety of housing types, user-friendly transportation systems, and provides essential open spaces and recreational facilities, other public facilities, and services to promote a sense of community. Investment Level 2 areas are prime locations for designating "pre-permitted areas."

Proposed Development's Compatibility with Strategies for State Policies and Spending:

The proposed V&M LLC development falls within Investment Level 2 and is to be developed as a super-convenience store with gas. The proposed development is consistent with the character of Investment Level 2. It is therefore concluded that the proposed development appears to generally comply with the policies stated in the 2020 "Strategies for State Policies and Spending."

Comprehensive Plan

Sussex County Comprehensive Plan:

(Source: Sussex County Comprehensive Plan, March 2019)

The Sussex County Comprehensive Plan Future Land Use Map indicates that the proposed V&M LLC site is planned for "Commercial" land use. It would appear that the proposed V&M LLC building fits within the intended land use for this location.

Proposed Development's Compatibility with Comprehensive Plan:

The proposed development appears to comply with the Sussex County Comprehensive Plan. The V&M LLC store is proposed on land that is planned for Commercial use. The land is zoned as AR-1 (Agricultural Residential); and the developers are seeking a conditional use zoning of C-2

(Medium – Commercial). The proposed facility generally aligns with both the Future Land Use Map and the proposed zoning.

Relevant Projects in the DelDOT Capital Transportation Program

There are currently two active DelDOT projects within the study area. The *SR 24, Mulberry Knoll to SR 1* (State Contract No. T200411209) project will widen Delaware Route 24 to provide dual lanes from just east of Mulberry Knoll Road to Delaware Route 1. The typical section of Delaware Route 24 will consist of a 16-foot center-left-turn lane along with two 11-foot travel lanes in each direction, an 8-foot shoulder eastbound and a 5-foot shoulder/bike lane westbound. Improvements at the intersection of Delaware Route 24 and Plantation Road / Warrington Road (Sussex Road 275) will include changing the Delaware Route 24 approaches so they each have one left-turn lane, two through lanes, and one right-turn lane, along with widening the Plantation Road and Warrington Road approaches so they each consist of one exclusive left-turn lane, one shared through/left-turn lane, one exclusive through lane, and one right-turn lane. Construction has begun and is scheduled for completion in Spring 2022.

The *SR 24, Love Creek to Mulberry Knoll* (State Contract No. T201212201) project will improve safety and increase capacity on Delaware Route 24 from Love Creek to Mulberry Knoll Road. Dual lanes along Delaware Route 24 will extend from east of Mulberry Knoll Road to west of the school entrances located west of Mulberry Knoll Road. The dualized portion of the project will include a 12-foot center-left-turn lane along with two 11-foot travel lanes in each direction, an 8-foot shoulder eastbound and a 5-foot shoulder/bike lane westbound. Improvements at the intersection of Delaware Route 24 and Mulberry Knoll Road will include signalization, changing the Delaware Route 24 approaches so they each have one left-turn lane, two through lanes, and one right-turn lane, along with widening the Mulberry Knoll Road approaches so they each have one left-turn lane and one shared through/right turn lane. Construction is scheduled to begin in 2022 and be completed in 2023.

It is noted that DelDOT and V&M LLC (the developer) entered into a Letter Agreement executed on August 12, 2021 to have DelDOT incorporate certain access and frontage improvements needed for the V&M LLC commercial project into the construction of DelDOT's *SR 24, Love Creek to Mulberry Knoll* project. The developer would pay for certain construction costs as specified in the agreement.

The proposed development is located within the boundary of the Henlopen Transportation Improvement District (TID) as presently contemplated by Sussex County and DelDOT. The TID is a planning concept that seeks to proactively align transportation infrastructure spending and improvements with land use projections and future development within the designated district. This development is not consistent with the approved TID future land use plan and therefore does not qualify for TID participation.

Trip Generation

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Tenth Edition, published by the Institute of Transportation Engineers (ITE). The following land use was utilized to estimate the amount of new traffic generated for this development:

- 5,000 square-foot Super C-Store with Gas (ITE Land Use Code 960)
- 12,000 square-foot Office (ITE Land Use Code 710)

Table 1
V&M, LLC Peak Hour Trip Generation

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Weekday PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
5,000 SF Super C-Store w/ Gas	211	211	422	173	173	346	159	160	319
12,000 SF General Office	33	5	38	2	13	15	3	3	6
Internal Capture	-2	-2	-4	-4	-4	-8	-2	-2	-4
External Trips	242	214	456	171	182	353	160	161	321
Pass-By Trips	159	160	319	130	130	260	120	121	241
TOTAL TRIPS	83	54	137	41	52	93	40	40	80

Overview of TIS

Intersections examined:

- 1) Site Entrance & DE Route 24
- 2) Site Entrance & Mulberry Knoll Road
- 3) DE Route 24 & Mulberry Knoll Road
- 4) DE Route 24 & Plantation Road / Warrington Road

Conditions examined:

- 1) 2019 Existing (Case 1)
- 2) 2023 without development (Case 2)
- 3) 2023 with development (Case 3)

Peak hours evaluated: Weekday morning and evening and Saturday mid-day peak hours

Committed developments considered:

- 1) Belle Terre (269 single-family detached houses)
- 2) Arbor-Lyn (142 single-family detached houses)
- 3) Beebe Health Care (100-employee hospital)
- 4) Osprey Point (217 single-family detached houses)
- 5) Delaware State Police Troop 7 (25,270 sf admin facility and 10,115 sf maintenance facility)
- 6) Saddle Ridge (f.k.a. Windswept) (81 single-family detached homes)

- 7) Wellesley (132 single-family detached houses)
- 8) Welches Pond (f.k.a. Fieldstone) (247 single-family detached houses)
- 9) Pelican Landing (84,576 square-foot shopping center)
- 10) Rehoboth Point Yacht Club (f.k.a. Love Creek Marina) (180 units of three-story apartments, 5,000 square-foot quality restaurant, and a 500 square-foot retail facility)
- 11) Acadia Landing (f.k.a. Insight at Lewes Point) (238 single-family detached houses)
- 12) Marsh Island (139 single-family detached houses)
- 13) Marsh Farm Estates (134 single-family detached houses)
- 14) Windswept at Lewes (201 single-family detached houses, 178 townhouses)
- 15) Middle Creek Preserve (313 single-family detached houses)
- 16) Hailey's Glen (f.k.a. Kielbasa Property) (68 single-family detached houses)
- 17) Beachtree Preserve (155 single-family detached houses)

Intersection Descriptions

1) Site Entrance & Delaware Route 24

Type of Control: proposed unsignalized right-in/right-out intersection

Eastbound Approach: (DE 24) existing one through lane; proposed one left-turn lane for downstream intersection, two through lanes, and one right-turn lane

Westbound Approach: (DE 24) existing one through lane; proposed two through lanes

Northbound Approach: (Site Entrance) proposed one right-turn-only lane, stop-controlled

2) Site Entrance & Mulberry Knoll Road

Type of Control: proposed unsignalized T-intersection

Eastbound Approach: (Site Entrance) proposed one shared left/right-turn lane, stop-controlled

Southbound Approach: (Mulberry Knoll Road) existing one through lane; proposed one through lane and one right-turn lane

Northbound Approach: (Mulberry Knoll Road) existing one through lane, proposed one shared through/left-turn lane

3) Delaware Route 24 & Mulberry Knoll Road

Type of Control: existing two-way stop-controlled intersection (to be signalized as part of DelDOT Project "SR 24 Love Creek to Mulberry Knoll")

Eastbound Approach: (DE 24) existing one shared through/left-turn lane and one channelized right turn lane; proposed one left-turn lane, two through lanes, and one right-turn lane

Westbound Approach: (DE 24) existing one shared through/left-turn lane and one channelized right turn lane; proposed one left-turn lane, two through lanes, and one right-turn lane

Northbound Approach: (Mulberry Knoll Road) existing one shared left/through/right-turn lane; proposed one left-turn lane and one shared through/right-turn lane

Southbound Approach: (Mulberry Knoll Road) existing one shared left/through/right-turn lane; proposed one left-turn lane and one shared through/right-turn lane

4) Delaware Route 24 & Plantation Road / Warrington Road

Type of Control: signalized four-leg intersection (proposed improvements to approaches as part of DelDOT Project “SR 24 Mulberry Knoll Road to SR 1”)

Eastbound Approach: (DE 24) existing one left-turn lane, one through lane, and one channelized right-turn lane; proposed one left-turn lane, two through lanes, and one channelized right-turn lane

Westbound Approach: (DE 24) existing one left-turn lane, one through lane, and one channelized right-turn lane; proposed one left-turn lane, two through lanes, and one right-turn lane

Northbound Approach: (Warrington Road) existing one left-turn lane, one through lane, and one channelized right-turn lane; proposed one exclusive left-turn lane, one shared through/left-turn lane, one exclusive through lane, and one right-turn lane

Southbound Approach: (Plantation Road) existing one left-turn lane, one through lane, and one channelized right-turn lane; proposed one exclusive left-turn lane, one shared through/left-turn lane, one exclusive through lane, and one right-turn lane

Safety Evaluation

Crash Data: Delaware Crash Analysis Reporting System (CARS) data was provided in the TIS for the three-year period from September 13, 2018, through September 13, 2021. A total of 70 crashes occurred within the study area during the three-year period, with 46 of those occurring at/near the intersection of Delaware Route 24 & Plantation Road/Warrington Road. The other 24 occurred at near the intersection of Delaware Route 24 & Mulberry Knoll Road. Of the 70 crashes, 40 were rear-end crashes, 11 were angle collisions, 4 were sideswipes, and 4 were head on. Zero fatalities occurred, while 12 crashes resulted in injuries. Three of the crashes were alcohol related. None of the crashes involved pedestrians or bicyclists.

Sight Distance: The study area generally consists of relatively flat roadways and there are few visual obstructions. However due to a horizontal curve, sight distance at the intersection of the proposed site access and Mulberry Knoll Road fails to meet the required distance of 530’ to the left and 610’ to the right (exiting the site). A reduced speed limit from 50 mph to 35mph would allow for acceptable sight distance given the geometry of the existing roadway. As always adequacy of available sight distance should be confirmed during the site plan review process for all proposed movements at the site accesses.

Transit, Pedestrian, and Bicycle Facilities

Existing transit service: Based on the current DART Bus Stop Map, the Delaware Transit Corporation (DTC) currently operates one fixed-route transit bus route in the area of the proposed V&M, LLC development. Route 215 Millsboro/Rehoboth runs along DE 24 with the nearest stops located west of the site at the Love Creek Marina and east of the site at Beebe Medical Center.

Planned transit service: DBF contacted a representative from DART regarding existing and planned service in the area. DBF was notified by Jared Kauffman that a Type 2, 5’x8’ bus stop pad is to be located before the beginning of the right turn lane onto Mulberry Knoll Road. Based

on coordination with DART, a Type 2, 5'x8' bus stop pad is to be located before the beginning of the right turn lane onto Mulberry Knoll Road.

Existing bicycle and pedestrian facilities: According to DelDOT's Sussex County Bicycle Map, Delaware Route 24 is designated as a High-Traffic Regional Bicycle Route with a Bikeway. Delaware Route 24 has 10' shoulders in both directions, but no designated bike lanes along the site frontage, nor are there pedestrian crosswalks at the existing intersections within the study area. There are currently no Shared-Use-Paths (SUPs) or sidewalks within the study area.

Planned bicycle and pedestrian facilities: Based on coordination with DelDOT Bicycle Coordinator, John T. Fiori; the developer plans to implement 10' wide SUP along the site frontage of Mulberry Knoll Road. The SUP will connect into the proposed sidewalk at the site's frontage along DE 24 as part of the capital improvement project "SR 24, Love Creek to Mulberry Knoll". In addition, a 4'-5' bicycle lane is to be constructed along the DE 24 site frontage.

Previous Comments

In a review letter dated October 20, 2021, DelDOT indicated that the Preliminary TIS was acceptable as submitted with minor revisions for the Final TIS.

It appears that all substantive comments from DelDOT's TIS Scoping Memorandum, Traffic Count Review, Preliminary TIS Review, and other correspondence were addressed in the Final TIS submission.

General HCS Analysis Comments

(see table footnotes on the following pages for specific comments)

- 1) Both the TIS and McCormick Taylor utilized Highway Capacity Software (HCS) version 7.8.5 to complete the traffic analyses.
- 2) For two-way stop control intersections, the TIS and McCormick Taylor applied heavy vehicle factors (HV) by movement using existing data. For signalized intersections, the TIS and McCormick Taylor applied HV by lane group using existing data. The TIS adjusted future HV assuming 2% HV in the added volume, while McCormick Taylor generally assumed future HV to be the same as existing HV at all intersections. Both the TIS and McCormick Taylor assumed 3% HV for future movements to and from the proposed site access points (as per DelDOT's Development Coordination Manual section 2.2.8.11.6.H).
- 3) For existing conditions, the TIS and McCormick Taylor determined overall intersection peak hour factors (PHF) for each intersection based on the turning movement counts that were available. Future PHFs were determined as per the DelDOT Development Coordination Manual section 2.2.8.11.6.F where applicable.
- 4) The TIS and McCormick Taylor used different signal timings when analyzing the signalized intersections in some cases.

Table 2
Peak Hour Levels of Service (LOS)
Based on V&M, LLC Traffic Impact Study – November 2021
Prepared by Davis, Bowen & Friedel, Inc.

Unsignalized Intersection ¹ One-Way Stop (Right-in/Right-out)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Summer Saturday	Weekday AM	Weekday PM	Summer Saturday
Delaware Route 24 & Site Access						
2023 Build Condition (Case 3)						
Northbound Site Access – Right	C (17.6)	B (14.3)	C (18.6)	C (17.6)	B (14.3)	C (18.6)

¹ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 3
Peak Hour Levels of Service (LOS)
Based on V&M, LLC Traffic Impact Study – November 2021
Prepared by Davis, Bowen & Friedel, Inc.

Unsignalized Intersection ² One-Way Stop (T-Intersection)	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Summer Saturday	Weekday AM	Weekday PM	Summer Saturday
Mulberry Knoll Road & Site Access						
2023 Build Condition (Case 3)						
Eastbound Site Access	A (9.6)	A (9.6)	A (9.4)	A (9.2)	A (9.2)	A (9.2)
Northbound Mulberry Knoll Road – Left	A (7.5)	A (7.5)	A (7.4)	A (7.5)	A (7.5)	A (7.4)

² For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 4
Peak Hour Levels of Service (LOS)
Based on V&M, LLC Traffic Impact Study – November 2021
Prepared by Davis, Bowen & Friedel, Inc.

Unsignalized Intersection ³ Two-Way Stop	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Summer Saturday	Weekday AM	Weekday PM	Summer Saturday
Delaware Route 24 & Mulberry Knoll Road						
2019 Existing Condition (Case 1)						
Eastbound DE 24 – Lefts	A (8.7)	A (9.9)	A (8.8)	A (8.7)	A (9.9)	A (8.8)
Westbound DE 24 – Lefts	B (10.5)	A (9.2)	B (10.3)	B (10.5)	A (9.2)	B (10.3)
Northbound Mulberry Knoll Road	D (29.8)	E (47.4)	D (33.8)	D (29.7)	E (47.3)	D (33.8)
Southbound Mulberry Knoll Road	B (14.8)	C (23.8)	F (695.7)	B (14.8)	C (23.7)	F (693.2)

³ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 5
Peak Hour Levels of Service (LOS)
Based on V&M, LLC Traffic Impact Study – November 2021
Prepared by Davis, Bowen & Friedel, Inc.

Signalized Intersection ⁴	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Summer Saturday	Weekday AM	Weekday PM	Summer Saturday
Delaware Route 24 & Mulberry Knoll Road ⁵						
2023 No Build Condition (Case 2)	C (25.8)	C (20.3)	C (25.4)	B (19.0)	B (18.4)	C (21.6)
2023 Build Condition (Case 3)	C (31.0)	C (28.4)	C (27.5)	C (27.1)	C (25.0)	C (24.1)

⁴ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

⁵ Future cases reflect improvements to be implemented as part of DelDOT's SR 24 Love Creek to Mulberry Knoll project. Improvements consist of adding a separate left-turn lane and a second through lane on both approaches of DE 24, adding a separate left-turn lane on both approaches of Mulberry Knoll Road, and signalizing the intersection.

Table 6
Peak Hour Levels of Service (LOS)
Based on V&M, LLC Traffic Impact Study – November 2021
Prepared by Davis, Bowen & Friedel, Inc.

Signalized Intersection ⁶	LOS per TIS			LOS per McCormick Taylor		
	Weekday AM	Weekday PM	Summer Saturday	Weekday AM	Weekday PM	Summer Saturday
Delaware Route 24 & Plantation Road / Warrington Road ⁷						
2019 Existing Condition (Case 1)	D (35.7)	D (39.9)	D (43.1)	D (35.3)	D (40.8)	D (41.9)
2023 No Build Condition (Case 2)	C (33.5)	D (35.7)	D (43.6)	C (33.3)	D (37.9)	D (40.1)
2023 Build Condition (Case 3)	C (32.6)	D (43.2)	D (44.2)	C (33.6)	D (38.0)	D (40.3)

⁶ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

⁷ Future cases reflect improvements to be implemented as part of DelDOT's SR 24 Mulberry Knoll to SR 1 project. Improvements consist of adding a second through lane on both approaches of DE 24 and adding a shared through/left-turn lane on both side street approaches.

Exhibit 5

TAX MAP AND PARCEL #:
P/O 334-12.00-108.00, 108.01, 109, 109.01, 110, 111, 111.01, & 112
PREPARED BY & RETURN TO:
Delaware Department of Transportation
800 S. Bay Road
Dover, DE 19901
Attention: Development Coordination
File No. T201212201, State Parcel #'s 23R, 24R, 25R, 26R & 27R.

**LETTER AGREEMENT BY AND BETWEEN
THE DELAWARE DEPARTMENT OF TRANSPORTATION
AND V & M, LLC**

This **AGREEMENT**, made and executed in quadruplicate, this 12th day, of August, 2021 by and between the **DELAWARE DEPARTMENT OF TRANSPORTATION**, a Department created under the laws of the State of Delaware, hereinafter designated as “**DEPARTMENT**”, and **V & M, LLC** (c/o Chase A. Brockstedt, Esquire, Baird Mandalas Brockstedt, LLC), whose address is 1413 Savannah Road, Suite 1, Lewes, Delaware 19958, hereinafter called “**DEVELOPER**”, being the owner of the land on which the development project is to be constructed.

In the event that the **DEVELOPER** assigns, conveys, transfers, or gives up their interest in the property or any part thereof, the obligations and/or requirements contained within this **AGREEMENT** shall become the responsibility of the assignee, successor and/or subsequent property owner and/or developer, who will then be considered the **DEVELOPER** for the purposes of this **AGREEMENT**.

INTRODUCTION

The **DEPARTMENT** has determined that the construction of the **V & M, LLC** development project; a proposed 5,000 square-foot super convenience store with gas pumps and a proposed 12,000 square-foot office building on a 3.31 +/- acre assemblage of parcels, (Tax Parcels: 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, and 112.00) located at the southwest side of Delaware Route 24 (John J. Williams Highway) and Mulberry Knoll Road (SCR 284) intersection (the “**PROJECT**”), (subject to modification during the land use approval process, provided that the projected number of average weekday or weekend vehicle trip ends to be generated by the site, either on a daily or a peak hour basis, shall not increase) will require certain associated transportation improvements. The purpose of the **AGREEMENT** is to formally outline all requirements between the **DEPARTMENT** and the **DEVELOPER** with respect to the **PROJECT**, as follows:

WHEREAS, the **DEPARTMENT** has previously designed and funded certain roadway improvements in the area of the **PROJECT**; known as SCR 24 Love Creek to Mulberry Knoll and more particularly identified as Contract No. T201212201 (the “**ROADWAY IMPROVEMENTS**”);

WHEREAS, the **DEPARTMENT** is willing to incorporate into the **ROADWAY IMPROVEMENTS** the construction of certain frontage improvements which are required by the **DEPARTMENT** for approval of the **PROJECT**, subject to the terms set forth in this **AGREEMENT**;

WHEREAS, the **PROJECT** is located within the Henlopen Transportation Improvement District (“TID”), but the **PROJECT** is not consistent with the approved TID future land use plan and therefore does not qualify for TID participation; and

WHEREAS, this **AGREEMENT** does not constitute the **DEPARTMENT**’s approval of the **PROJECT** and therefore, the **PROJECT** shall be subject to the **DEPARTMENT**’s review and approval process as set forth within the Development Coordination Manual, subject to the terms of this **AGREEMENT**.

TERMS

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth in this **AGREEMENT**, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound herein, the parties hereby covenant and agree as follows:

- 1) **Incorporation**. Attached hereto as Exhibit “A” is a copy of those certain Construction Plans and Right of Way Plans and specifications showing the portions of real property, which are necessary for the Construction of **ROADWAY IMPROVEMENTS** per Contract No. T201212201.

- 2) **DEPARTMENT’S RESPONSIBILITY FOR THE PROJECT’S FRONTAGE IMPROVEMENTS:**

- a) The **PROJECT**’s frontage improvements have not been designed by the **DEVELOPER** as of the date of this **AGREEMENT**. The **DEVELOPER** anticipates that the frontage improvements will consist of improvements necessary for a right-in/right-out entrance to be located on Tax Parcel No. 334-12.00-108.00 at the westernmost location along Delaware Route 24 (John J. Williams Highway), along with a right-turn lane along Delaware Route 24 (John J. Williams Highway) (hereinafter the “**FRONTAGE IMPROVEMENTS**”). The **DEPARTMENT** shall construct all the **PROJECT**’s **FRONTAGE IMPROVEMENTS**, contingent upon the **DEVELOPER** successfully completing the requirements set forth in paragraph

- 3)a. and paragraph 3)l. below. The **DEVELOPER** shall reimburse the **DEPARTMENT** for the estimated construction costs to be incurred by the **DEPARTMENT** for the **PROJECT's FRONTAGE IMPROVEMENTS**. The amount owed shall be reconciled as set forth in paragraph 4 below; and
- b) The **DEPARTMENT** shall acquire the portions of Tax Parcel: 334-12.00-107.00, at its sole cost and expense, which are necessary for construction of the **ROADWAY IMPROVEMENTS**, pursuant to the plans attached hereto as Exhibit "A". The **DEPARTMENT** will make portions of this acquisition available for the construction of **FRONTAGE IMPROVEMENTS**, i.e., the right turn lane for the **PROJECT**, contingent upon the **DEVELOPER** successfully completing the requirements set forth in paragraph 3)a. and paragraph 3)l. below; and
- c) The **DEPARTMENT** shall be responsible for reconstructing the four (4) existing entrances to the **PROJECT**, at its sole cost and expense, provided however, if the **DEVELOPER** obtains rezoning approval of the **PROJECT** to C-2 (Medium Commercial) or obtains conditional use approval to develop the **PROJECT**, the **DEPARTMENT** shall not be required to reconstruct the four (4) existing entrances to the Property.

3) **DEVELOPER'S RESPONSIBILITY FOR THE PROJECT's FRONTAGE IMPROVEMENTS:**

- a) The **DEVELOPER**, at its sole cost and expense, shall apply for and obtain rezoning for the **PROJECT** to C-2 (Medium Commercial) or apply for and obtain conditional use approval to develop the **PROJECT**, apply for and obtain site plan approval from the Local Land Use Agency, initiate and complete a Traffic Impact Study ("TIS"), and apply for and obtain Entrance Plan Approval and Construction Plan Approval for any transportation improvements outside the **PROJECT** boundary and listed in the Final TIS Review Letter from the **DEPARTMENT** (hereinafter "TIS-identified offsite improvements") from the **DEPARTMENT** prior to the incorporation of the **FRONTAGE IMPROVEMENTS** into the **ROADWAY IMPROVEMENTS**;
- b) Milestones for coordination with the **DEPARTMENT** shall be as follows:
- i) The **DEVELOPER** shall finalize the TIS and obtain a Final TIS Review Letter from the **DEPARTMENT** on or before advertisement of bids for the **ROADWAY IMPROVEMENTS**.
- ii) The **DEVELOPER** shall obtain Entrance Plan Approval and Construction Plan Approval for any TIS-identified offsite improvements from the **DEPARTMENT** within three (3) months of the issuance of the Notice to Proceed ("NTP") to construct the **ROADWAY IMPROVEMENTS**.

- iii) The **DEVELOPER** shall commence Stormwater Management Systems construction pursuant to paragraph 3)j. below, within five (5) months of the issuance of the NTP to construct the **ROADWAY IMPROVEMENTS** and shall complete construction within two (2) months from the time of commencement.
- c) The **DEVELOPER** shall execute a Right of Entry Agreement in favor of the **DEPARTMENT** granting the **DEPARTMENT** the right to enter the **DEVELOPER'S** property to construct the **ROADWAY IMPROVEMENTS** as shown on Exhibit A, and developer waives any claim for compensation therefore. The Right of Entry Agreement, a form of which is attached hereto as Exhibit B, shall be executed coincident with this **AGREEMENT**;
- d) The **DEVELOPER** shall complete a TIS pursuant to the review and approval process as set forth within the Development Coordination Manual ("DCM");
- e) The **DEVELOPER**, at its sole cost and expense, shall be responsible for implementing all of the requirements to be identified and outlined in the Final TIS Review Letter when issued by the **DEPARTMENT**;
- f) The **DEVELOPER**, at its sole cost and expense, shall be responsible for obtaining the **DEPARTMENT's** approval for the design and construction of any additional entrances/exits, including but not limited to, a proposed entrance/exit and frontage improvements on Mulberry Knoll Road, and TIS-identified offsite improvements associated with the **PROJECT**;
- g) The **DEVELOPER** shall submit Entrance Plans for the design of all entrances, associated frontage improvements, Construction Plans for any TIS-identified offsite improvements and **FRONTAGE IMPROVEMENTS** in a timely manner in order to comply with the Milestones as set forth in paragraph 3)b. above;
- h) The **DEVELOPER** shall dedicate to the **DEPARTMENT** the portions of real property which are necessary for construction of all improvements, including the **FRONTAGE IMPROVEMENTS**, associated with the **PROJECT**, according to the Functional Classification of the roadway as defined in the DCM;
- i) The **DEVELOPER** shall convey to the **DEPARTMENT** the portions of real property which are necessary for construction of the **ROADWAY IMPROVEMENTS** per Contract No. T201212201, attached hereto as Exhibit "A" which real property acquisition is approximately 11,980 square feet/0.28 acres of land in fee and 3,124 square feet/0.07 acres of land for permanent and temporary construction easements. If the **DEVELOPER's** conveyance of real property required for the **ROADWAY IMPROVEMENTS** exceeds the square footage of real property required to be dedicated for the **FRONTAGE IMPROVEMENTS** pursuant to paragraph 3)h. above, the fair market value of such excess land shall be credited

toward the **DEVELOPER**'s construction costs as set forth in paragraph 2)a. above. The amount owed shall be reconciled as set forth in paragraph 4 below;

- j) The **DEVELOPER**, at its sole cost and expense, shall construct and provide permanent stormwater management systems within their **PROJECT**, as required for drainage of the **PROJECT**'s **FRONTAGE IMPROVEMENTS** and the discharge by the **DEPARTMENT** of 1.35 +/- acres of surface area to the permanent stormwater management systems within the **PROJECT** due to the reduction in size of the **DEPARTMENT'S** stormwater management system as a result of the allocation of that land for the **DEVELOPER'S** right turn lane. The **DEVELOPER**'s stormwater management systems shall be made available to the **DEPARTMENT** pursuant to the Milestones outlined in paragraph 3)b. above;
- k) The **DEVELOPER** shall convey all necessary easements to the **DEPARTMENT**, for stormwater drainage and for emergency access use by the **DEPARTMENT** to the **PROJECT**'s stormwater management systems, and developer waives any claim for compensation for the stormwater drainage easement and for the real property utilized for the stormwater management systems, including any additional real property that **DEVELOPER** utilizes for the stormwater management systems to accommodate the 1.35 +/- acres of surface area to be discharged by the **DEPARTMENT** as set forth in paragraph 3)j. above. The portions of the easement and system that are upstream or offsite as well as sections that are not directly collecting and conveying the drainage runoff of the proposed State maintained roads and/or rights-of-way shall be the responsibility of the **DEVELOPER**. The **DEPARTMENT** will assume no responsibility for the future maintenance of the **PROJECT**'s stormwater management systems; and
- l) As a result of **DEVELOPER'S PROJECT** and the **FRONTAGE IMPROVEMENTS**, the **DEVELOPER**, at its sole cost and expense, shall remove all existing structures, including utility and sewer connections, on the **PROJECT** which interfere with the **DEPARTMENT**'s construction of the **ROADWAY IMPROVEMENTS** according to the timeline for the **ROADWAY IMPROVEMENTS**. The **DEPARTMENT** shall give the **DEVELOPER** written notice at least ninety (90) days in advance of the date upon which removal must be completed.
- m) If the **DEVELOPER** fails to satisfy any of the requirements set forth in paragraph 3)a. through 3)l., at the option of the **DEPARTMENT**, this **AGREEMENT** may be terminated and deemed to be NULL and VOID; provided however the **DEVELOPER** may provide written notice to the **DEPARTMENT** at least thirty (30) days prior to the due date of the task(s) which are the **DEVELOPER'S** responsibility to complete under paragraph 3 that it will not complete the task(s) by the due date and shall identify the task(s) that will not be completed and the reason(s) why the task(s) will not be completed by the deadline. The **DEPARTMENT** may

grant an extension to the **DEVELOPER** to complete the task(s), in the **DEPARTMENT'S** sole discretion, which shall not be unreasonably withheld. Notwithstanding the above, should this **AGREEMENT** be terminated by the **DEPARTMENT**, the requirement that the **DEPARTMENT** shall pay just compensation to the **DEVELOPER** for the real property acquired from the **DEVELOPER** for the **ROADWAY IMPROVEMENTS**, shall survive.

4) Compensation Reconciliation.

The **DEVELOPER** and the **DEPARTMENT** shall make a final accounting as required under paragraphs 2)a. and 3)i. above before Entrance Plan Approval, and before Construction Plan Approvals are issued by the **DEPARTMENT** for any TIS-identified offsite improvements pursuant to paragraph 3)b. above (the "**Final Accounting Deadline**"). The final accounting, including appraisals, construction cost estimates and supporting documents (the "**Final Accounting Records**"), shall be subject to review, inspection, audit, and approval by both the **DEVELOPER** and the **DEPARTMENT**, and both parties agree to timely produce and make their respective **Final Accounting Records** available to the other for this purpose. If the **DEVELOPER** and the **DEPARTMENT** cannot agree upon the outcome of the final accounting within thirty (30) days of the **Final Accounting Deadline**, then any remaining dispute(s) regarding the outcome of the final accounting shall be submitted to binding arbitration in accordance with the Commercial Arbitration Rules and Mediation Procedures of the American Arbitration Association. Once the outcome of the final accounting is agreed upon or determined through binding arbitration, the amounts owed by the **DEVELOPER** and the **DEPARTMENT** shall be set off against each other. If there is a balance owed to either the **DEVELOPER** or the **DEPARTMENT**, it shall be paid within thirty (30) days; provided however, the **DEVELOPER** and the **DEPARTMENT** agree that the Entrance Plan Approval, and the Construction Plan Approval for any TIS-identified offsite improvements pursuant to paragraph 3)b. above, shall not be issued and the **DEPARTMENT** shall not be required or compelled to issue such approvals prior to the **DEPARTMENT'S** receipt of the final accounting payment from **DEVELOPER**.

This **AGREEMENT** and the terms thereof shall be construed in accordance with the laws of the State of Delaware.

The recitals, conditions, and terms made hereinabove are an integral and substantive part of this **AGREEMENT** and are incorporated herein by reference.

The terms and conditions of this **AGREEMENT** are hereby mutually accepted upon the signing by an authorized agent of the **DEPARTMENT** and the **DEVELOPER**.

This **AGREEMENT** constitutes the sole understanding by and between the **DEPARTMENT** and the **DEVELOPER**, with respect to the improvements contained herein, and shall not be modified except in writing subscribed to by both parties.

For the avoidance of doubt, the **DEPARTMENT** and the **DEVELOPER** may enter into subsequent Agreements for additional improvements not contained herein.

This **AGREEMENT** may be executed in counterparts, each of which shall be an original, and such counterparts shall be construed together as one instrument. Facsimile or pdf signatures shall be deemed original signatures.

IN WITNESS WHEREOF, the parties hereto have duly executed this **AGREEMENT** in quadruplicate, under their respective seals, the day and year affixed below by the signature of the Department of Transportation's representative.

Developer

SEALED, AND DELIVERED IN THE
presence of

Attest:

CORPORATE SEAL

V&M, LLC

Name of Developer

By:

[Signature]
Authorized Signature

managing member
Title

Dated:

8/12/2021

Phone No.:

302 245-5769

E-mail:

eric@thecoastalgroup.net

In the case of a corporation, firm, or partnership, this contract must be signed by the appropriate officials of such corporation, firm, or partnership and their corporate seal must be affixed hereto.

STATE OF DELAWARE)

) ss.

COUNTY OF Sussex)

BE IT REMEMBERED, that on this 12th day of August, 2021, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Eric Sugrue, Principal Member of V&M, LLC, a Delaware limited liability company, and acknowledged this Agreement to be his/her act and deed, and the act and deed of V&M, LLC.

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



[Signature]

Notary Public


My Commission Expires:

January 7, 2022


Delaware Department of Transportation

SEAL

Attest:


Charlanne Thornton, Director, Finance

By:


Pamela Steinebach, Director, Planning

Dated:

August 30, 2021

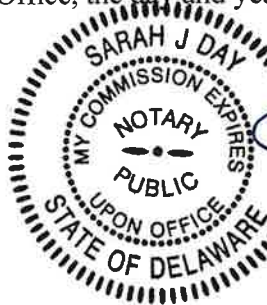
STATE OF DELAWARE)

) ss.

COUNTY OF Kent)

BE IT REMEMBERED, that on this 30 day of August, 2021, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Pamela Steinebach, Director of Planning of the State of Delaware, Department of Transportation, and acknowledged this Agreement to be his/her act and deed, and the act and deed of the said state agency.

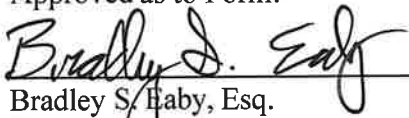
GIVEN under my Hand and Seal of Office, the day and year aforesaid.




Notary Public

My Commission Expires: N/A

Approved as to Form:


Bradley S. Eaby, Esq.
Deputy Attorney General

Dated:

August 18, 2021

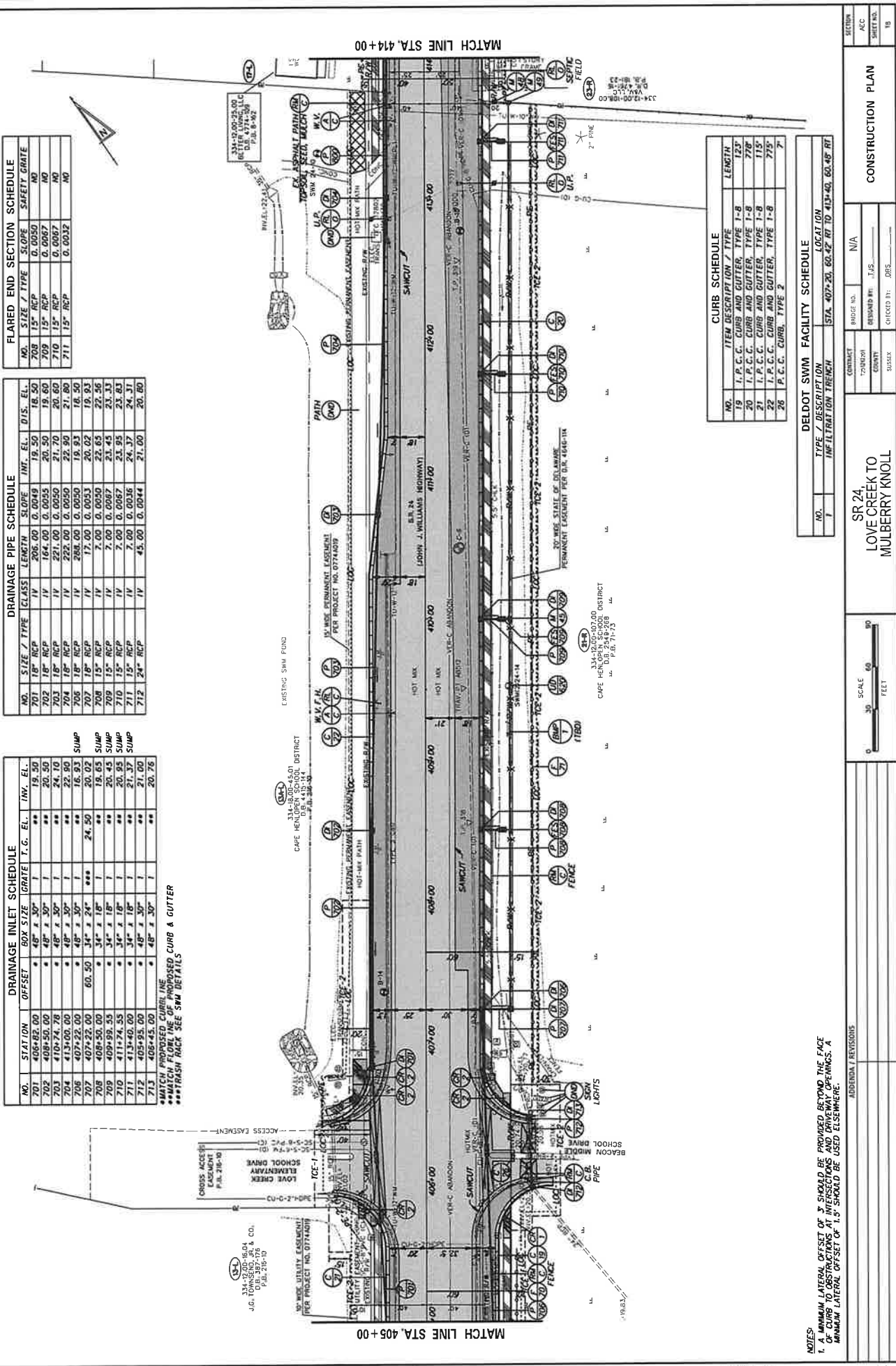
Exhibit A – Construction and Right of Way Plans

DRAINAGE INLET SCHEDULE				
NO.	STATION	OFFSET	BOX SIZE	GRATE T.G. EL.
701	406+82.00	0	48" x 30"	19.50
702	408+50.00	0	48" x 30"	20.50
703	410+74.78	0	48" x 30"	24.10
704	413+00.00	0	48" x 30"	21.50
705	415+25.00	0	48" x 30"	18.50
706	417+50.00	60.50	34" x 24"	24.50
707	419+75.00	0	34" x 18"	20.45
708	421+00.00	0	34" x 18"	20.45
709	422+25.00	0	34" x 18"	20.45
710	423+50.00	0	34" x 18"	20.45
711	425+00.00	0	34" x 18"	20.45
712	426+25.00	0	34" x 18"	20.45
713	427+50.00	0	34" x 18"	20.45

*MATCH PROPOSED CURB LINE
 **MATCH FLOW LINE OF PROPOSED CURB & GUTTER
 ***TRASH RUCK SEE S.W. DETAILS

DRAINAGE PIPE SCHEDULE				
NO.	SIZE / TYPE	CLASS	LENGTH	INT. EL.
701	18" RCP	IV	200.00	19.50
702	18" RCP	IV	164.00	20.50
703	18" RCP	IV	221.00	21.50
704	18" RCP	IV	265.00	18.50
705	18" RCP	IV	172.00	20.45
706	18" RCP	IV	2.00	20.45
707	18" RCP	IV	2.00	20.45
708	18" RCP	IV	2.00	20.45
709	18" RCP	IV	2.00	20.45
710	18" RCP	IV	2.00	20.45
711	18" RCP	IV	2.00	20.45
712	24" RCP	IV	45.00	21.00

FLARED END SECTION SCHEDULE			
NO.	SIZE / TYPE	SLOPE	SAFETY GATE
708	15" RCP	0.0050	NO
709	15" RCP	0.0067	NO
710	15" RCP	0.0067	NO
711	15" RCP	0.0032	NO



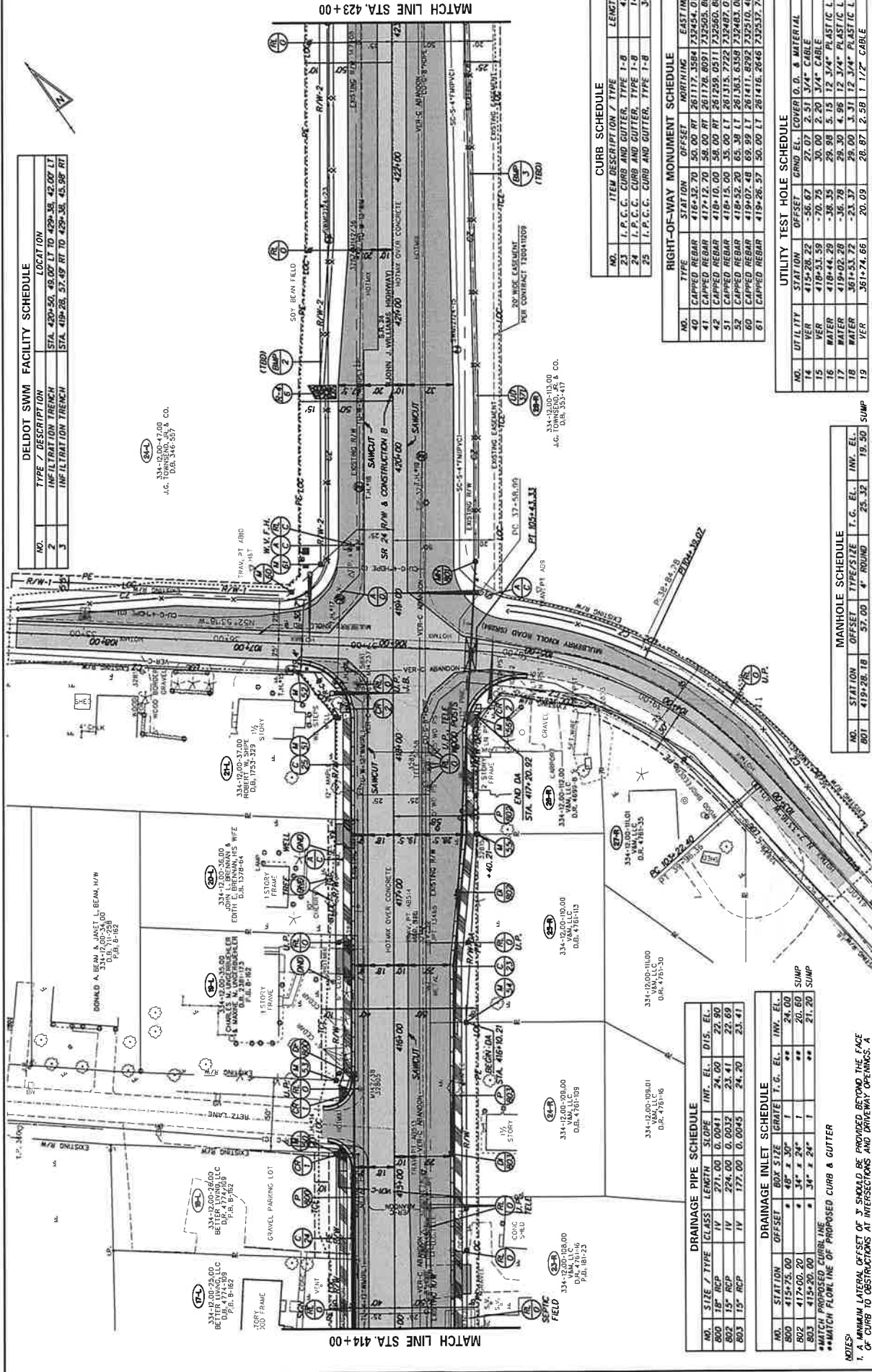
NOTES:
 1. A MINIMUM LATERAL OFFSET OF 3' SHOULD BE PROVIDED BEYOND THE FACE OF CURB TO OBSTRUCTIONS AT INTERSECTIONS AND DRIVEWAY OPENINGS. A MINIMUM LATERAL OFFSET OF 1.5' SHOULD BE USED ELSEWHERE.

DELDOT SWM FACILITY SCHEDULE		
NO.	TYPE / DESCRIPTION	LOCATION
1	INFILTRATION TRENCH	STA. 407+20, 60+47 TO 413+40, 60+48 RT

CURB SCHEDULE		
NO.	ITEM DESCRIPTION / TYPE	LENGTH
19	1. P.C.C. CURB AND GUTTER, TYPE 1-B	123'
20	1. P.C.C. CURB AND GUTTER, TYPE 1-B	718'
21	1. P.C.C. CURB AND GUTTER, TYPE 1-B	719'
22	1. P.C.C. CURB AND GUTTER, TYPE 1-B	719'

ADDENDUM / REVISIONS		CONSTRUCTION PLAN	
NO.	DESCRIPTION	BRIDGE NO.	N/A
1	SR 24 LOVE CREEK TO MULBERRY KNOLL	REMARK NO.	J.S.
2		CHECKED BY:	DBS
3		SUBJECT	
4		SECTION	
5		ACC	
6		SHEET NO.	18

DELDOT SWM FACILITY SCHEDULE		
NO.	TYPE / DESCRIPTION	LOCATION
2	INFILTRATION TRENCH	STA. 430+50.49 TO 430+36.42 ON RT
3	INFILTRATION TRENCH	STA. 419+28.57 TO 430+36.42 ON RT



MATCH LINE STA. 423+00

MATCH LINE STA. 414+00

CURB SCHEDULE		
NO.	ITEM DESCRIPTION / TYPE	LENGTH
23	I.P.C.C. CURB AND GUTTER, TYPE 1-B	478
24	I.P.C.C. CURB AND GUTTER, TYPE 1-B	141
25	I.P.C.C. CURB AND GUTTER, TYPE 1-B	344

RIGHT-OF-WAY MONUMENT SCHEDULE		
NO.	TYPE	STATION
40	CAPPED REBAR	416+32.70
41	CAPPED REBAR	417+12.70
42	CAPPED REBAR	418+10.00
43	CAPPED REBAR	418+15.00
44	CAPPED REBAR	418+25.00
45	CAPPED REBAR	419+05.00
46	CAPPED REBAR	419+25.00
47	CAPPED REBAR	419+26.57

UTILITY TEST HOLE SCHEDULE		
NO.	UTILITY	STATION
14	VER	415+28.22
15	VER	416+51.58
16	WATER	419+05.38
17	WATER	419+25.32
18	WATER	419+25.32
19	VER	419+26.57

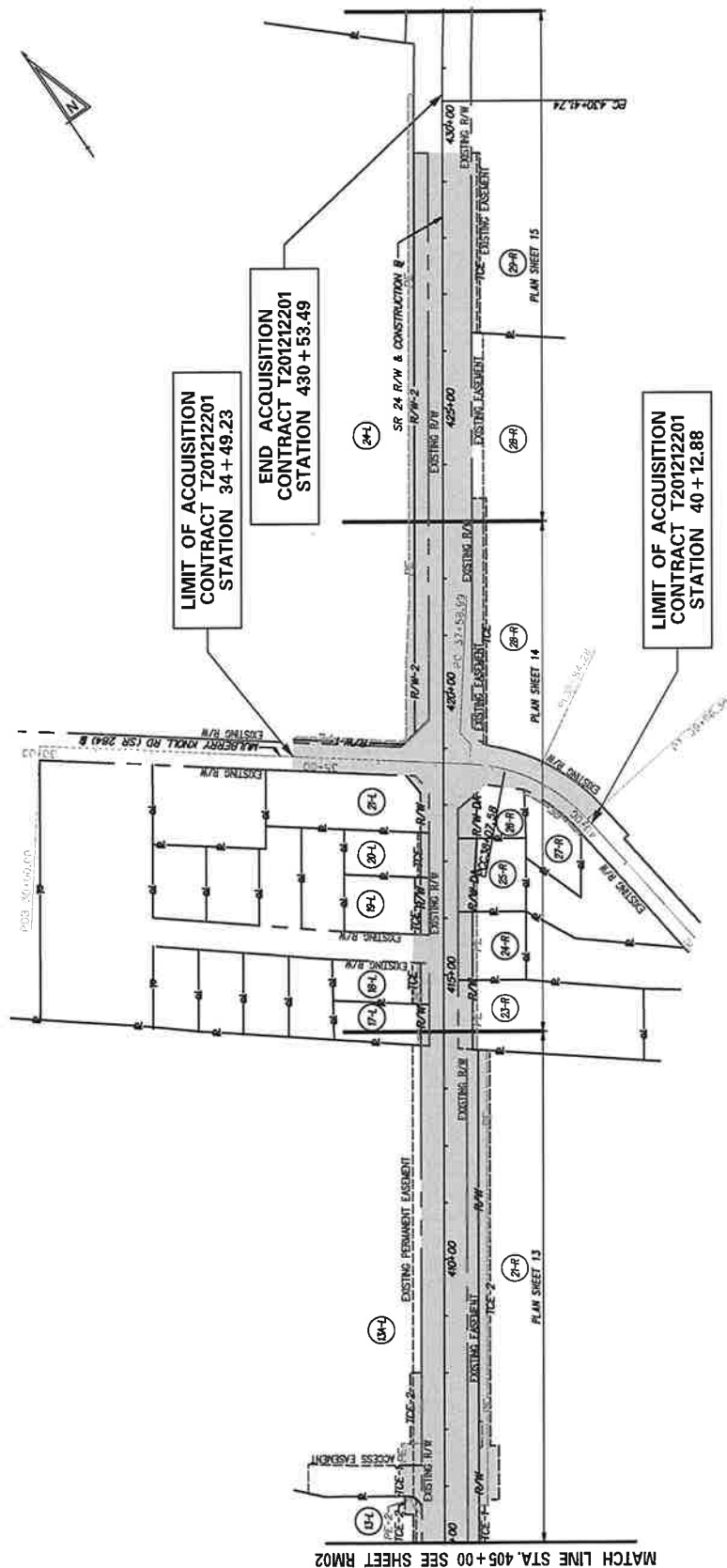
MANHOLE SCHEDULE		
NO.	STATION	OFFSET
800	419+28.18	37.00
801	419+28.18	37.00

DRAINAGE PIPE SCHEDULE		
NO.	SIZE / TYPE	LENGTH
800	18" RCP	271.00
801	15" RCP	224.00
802	15" RCP	177.00
803	15" RCP	177.00


DRAINAGE INLET SCHEDULE		
NO.	STATION	OFFSET
800	419+28.18	37.00
801	419+28.18	37.00

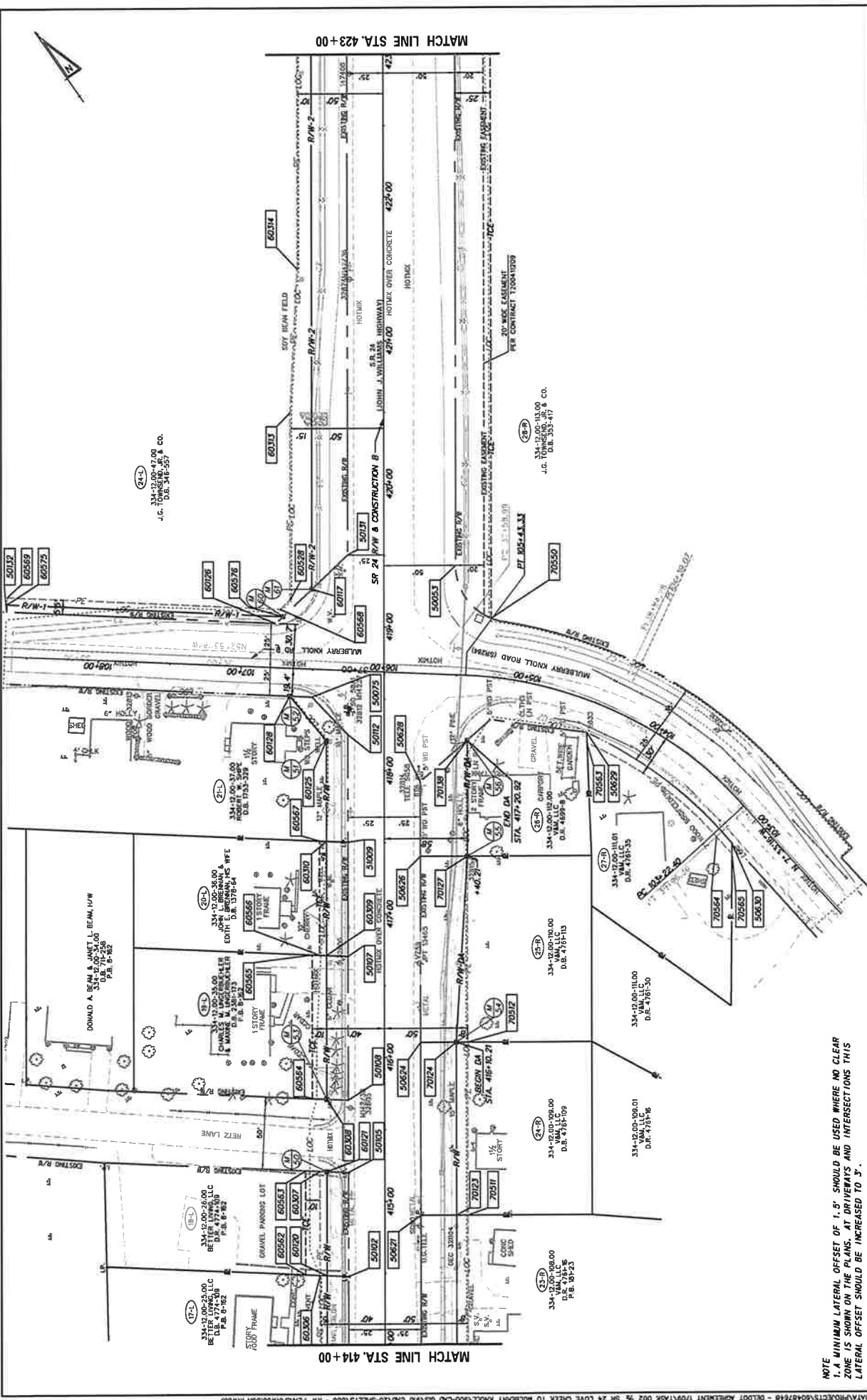
NOTES:
1. A MINIMUM LATERAL OFFSET OF 3' SHOULD BE PROVIDED BEYOND THE FACE OF CURB TO OBSTRUCTIONS AT INTERSECTIONS AND DRIVEWAY OPENINGS. A MINIMUM LATERAL OFFSET OF 1.5' SHOULD BE USED ELSEWHERE.


CONTRACT NO. N/A		REVISIONS	
PROJECT NO. 72012201		DATE: 11/15/2011	
DESIGNED BY: J.S.		CHECKED BY: DRS	
DRAWN BY: J.S.		DATE: 11/15/2011	
SCALE: 1" = 40'		SHEET NO. 19	
SR 24 LOVE CREEK TO MULBERRY KNOLL		CONSTRUCTION PLAN	



PARCEL NO.	OWNER NAME	ASSESSMENT NUMBER	TITLE SOURCE
13-L	J. G. TOWNSEND, JR. & CO.	334-12, 00-16, 04	387-176
13A-L	CAPE HEN/OPEN SCHOOL DISTRICT	334-16, 00-45, 01	4415-144
17-L	BETTER LIVING, LLC	334-12, 00-28, 00	4774-109
18-L	BETTER LIVING, LLC	334-12, 00-28, 00	4774-109
19-L	CHARLES M. UNGERBUHLER & MAXINE M. UNGERBUHLER	334-12, 00-36, 00	2381-173
20-L	JOHN L. BRENNAN & EDITH E. BRENNAN, HIS WIFE	334-12, 00-36, 00	1753-359
21-L	ROBERT W. SHIPE	334-12, 00-37, 00	346-557
24-L	J. G. TOWNSEND, JR. & CO.	334-12, 00-47, 00	2349-268
25-L	CAPE HEN/OPEN SCHOOL DISTRICT	334-12, 00-107, 00	4761-16
23-R	YAM, LLC	334-12, 00-108, 00	4761-109
24-R	YAM, LLC	334-12, 00-108, 00	4761-113
25-R	YAM, LLC	334-12, 00-110, 00	4761-113
26-R	YAM, LLC	334-12, 00-112, 00	4761-113
27-R	YAM, LLC	334-12, 00-111, 00	4761-113
28-R	J. G. TOWNSEND, JR. & CO.	334-12, 00-113, 00	355-417
29-R	J. G. TOWNSEND, JR. & CO.	334-12, 00-45, 01	2225-191

	DELAWARE DEPARTMENT OF TRANSPORTATION	<div>ADJUSTMENTS / REVISIONS</div> <table><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table>									<div>SCALE</div> <div><div></div><div>0100200300</div><div>FEET</div></div>	RW: SR 24, LOVE CREEK TO MULBERRY KNOLL			RIGHT-OF-WAY MOSAIC	
CONTRACT		BRIDGE NO.	N/A	SHEET NO. 6												
T01212211		DESIGNED BY	JAG		TOTAL SHEETS 27											
COUNTY		CHECKED BY		DS												



 DELAWARE DEPARTMENT OF TRANSPORTATION	ADDITIONAL SHEETS			RW: SR 24, LOVE CREEK TO MULBERRY KNOLL			RIGHT-OF-WAY PLAN				
				 SCALE 0 30 60 90 FEET			CONTRACT		BRIDGE NO.		
							T010212001		DESIGNED BY: JAG		
						COUNTY		CREATED BY: BS		SHEET NO.	
										14	
										27	

NOTE
1. A MINIMUM LATERAL OFFSET OF 1.5' SHOULD BE USED WHERE NO CLEAR ZONE IS SHOWN ON THE PLANS. AT DRIVEWAYS AND INTERSECTIONS THIS LATERAL OFFSET SHOULD BE INCREASED TO 3'.

Exhibit B – Right of Entry Agreement

RIGHT-OF-ENTRY AGREEMENT

STATE PROJECT NO. T201212201 ... FAP No. ESTP-S024(19)
STATEWIDE

DELAWARE DEPARTMENT OF TRANSPORTATION REAL ESTATE SECTION

Lands of V & M, LLC

Tax Parcel No(s). 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, 112.00

This AGREEMENT made and entered into this 12th day of AUGUST, 2021, between **V & M, LLC**, hereinafter referred to as **OWNERS** and the State of Delaware, Department of Transportation and its agents, hereinafter referred to as the **DEPARTMENT**. The **DEPARTMENT** is granted the uninterrupted RIGHT-OF-ENTRY to and free use of area as shown and noted on EXHIBIT "A" attached hereto.

The said lands are to be acquired by the **DEPARTMENT** as a portion of the right-of-way required for **SR24, Love Creek to Mulberry Knoll**. The said lands are a portion of tracts situated in Lewes Rehoboth Hundred, Sussex County, Delaware, which were acquired by the **OWNER**, by Deed Record Books – Book D, Volume 4761 Page 16, 109, 113, 30 & 35 and Book 4699 Page 8.

As consideration for the RIGHT-OF-ENTRY, the **DEPARTMENT** agrees to pay the sum of Ten and No/100 Dollars (\$10.00), the receipt of which is hereby acknowledged.

State and Federal law guarantee that no **OWNER** shall be required to surrender possession of real property before the agreed purchase price is paid, or in the event of a condemnation proceeding, before the amount of the **DEPARTMENT'S** estimate of just compensation is deposited with the court, in accordance with appropriate provision of law, for the benefit of the owner in an amount not less than the approved appraisal of the market value of such property. By the granting of this non-revocable RIGHT-OF-ENTRY, the **OWNER** waives the right to receive full payment or deposit of the purchase price prior to surrendering possession of the referenced parcel of land.

This RIGHT-OF-ENTRY does not prejudice or jeopardize in any way future negotiations for the acquisition of property or any right to which the **OWNER** is entitled otherwise by State or Federal Law. This RIGHT-OF-ENTRY and possession will allow the **DEPARTMENT** to proceed with the advertisement for receipt of construction contract bids and to proceed with construction operations pending the final transfer of the required right-of-way.

The **DEPARTMENT** and the **OWNER** agree to negotiate and will attempt to reach an amicable settlement. Both parties agree that condemnation will not be initiated until a reasonable time has expired to allow for orderly negotiations. If no agreement is reached, it is agreed that condemnation will be initiated to allow the courts to determine the amount of compensation. The granting of the RIGHT-OF-ENTRY will allow the **DEPARTMENT** to proceed immediately with construction of the project. By its acceptance of the RIGHT-OF-ENTRY, the **DEPARTMENT** agrees not to

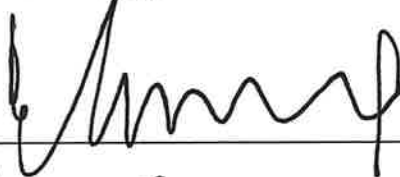
cause or permit damage or harm to the remainder of the **OWNER'S** property through unwarranted encroachment by it or its agents.

IN WITNESS HEREOF, the parties have hereto set their hands and seals, the date and year first aforesaid.

Signed sealed and delivered
in the presence of:

Witness

V & M, LLC

 (SEAL)


Eric Sugrue managing member
Print Name Print Title

Owner's E.I. No. 20-4544257

DEPARTMENT OF TRANSPORTATION

Approved this 18th day of August 20 21, A.D.

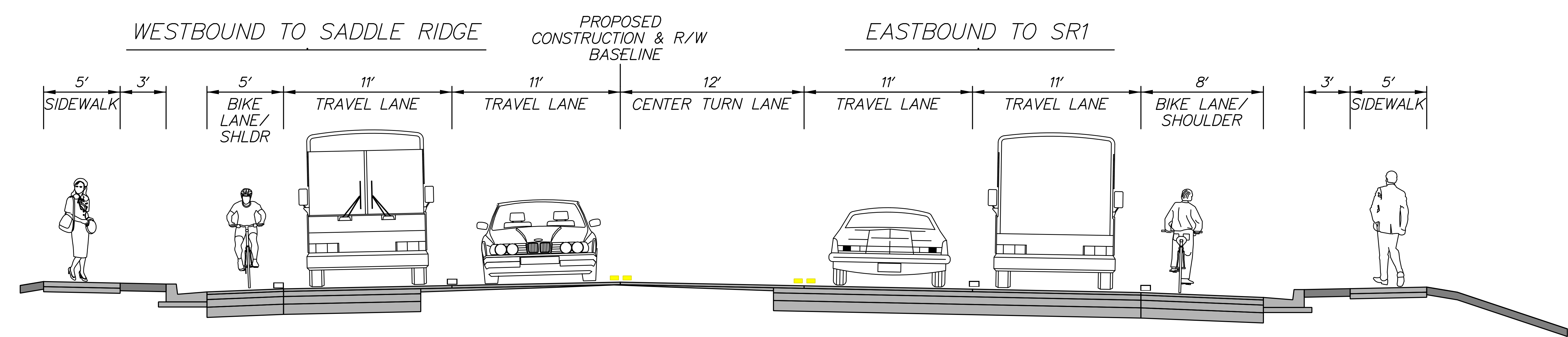

Witness

BY:  (SEAL)
Rosemary Richardson






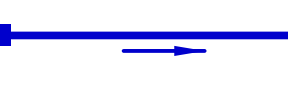
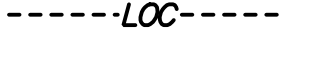

TITLE: Statewide Acquisition & Relocation Manager

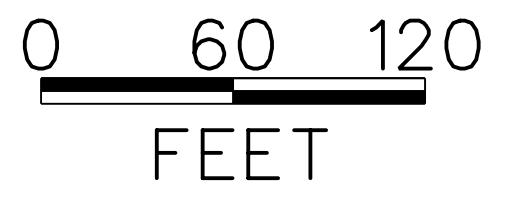
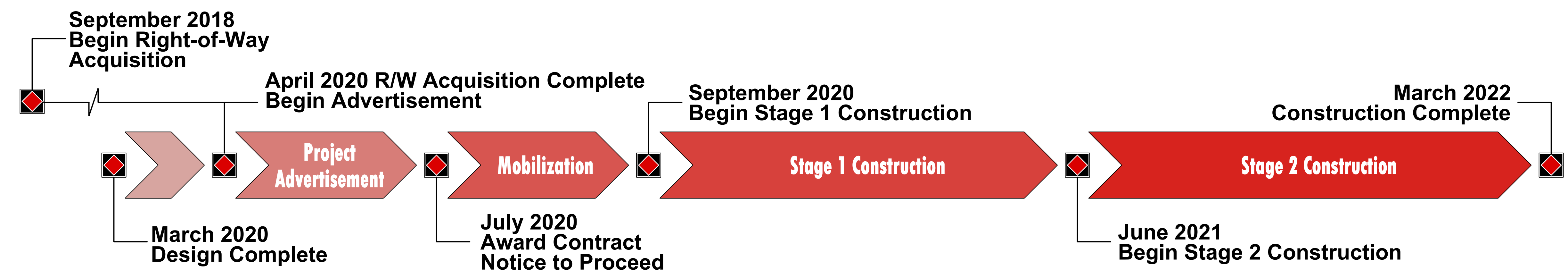
Exhibit 6

T201212201 BOARD #2



LEGEND

- | | | | |
|--|---------------------------|---|----------------------------|
|  | PROPOSED ROADWAY WIDENING |  | EXISTING PROPERTY LINE |
|  | PROPOSED CURB |  | PROPOSED RIGHT-OF-WAY LINE |
|  | PROPOSED SIDEWALK |  | PROPOSED STORM DRAINAGE |
|  | LIMIT OF CONSTRUCTION |  | PROPOSED DRAINAGE SWALES |



G:\Project Files\Site Overviews\Sussex County\W&M LLC\Mulberry Knoll Wawa 9-1-20.dwg, Sep 10, 2020 - 10:38am [ncl]



V & M LLC.
CONVENIENCE STORE CONCEPT
SUSSEX COUNTY, DELAWARE

Revisions:

Date: SEPT 2020
Scale: 1" = 40'
Dwn.By: JMJ
Proj.No.: ---A---A01
Dwg.No.:

1

dbf
DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS

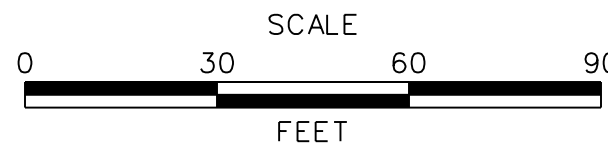
SUSSEX, MARYLAND (410) 543-2997
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-1744

CONCEPT PLAN

9/2/2021
8:36:44 PM
c:\pwworking\aeacom.dsz1_na_2020\00161550\SS08.dgn

PAVEMENT MARKINGS LEGEND		
SYMBOL	ITEM	QUANTITY
(A)	EPOXY RESIN PAINT PAVEMENT STRIPING, WHITE 5" SOLID (ITEM 817013)	2, 130 LF
(C)	EPOXY RESIN PAINT PAVEMENT STRIPING, YELLOW 5" SOLID DOUBLE LINE (ITEM 817013)	3, 554 LF
(D)	EPOXY RESIN PAINT PAVEMENT STRIPING, WHITE 5" DOTTED - 2' LINE & 6' GAP (ITEM 817013)	306 LF
(E)	EPOXY RESIN PAINT PAVEMENT STRIPING, WHITE 5" BROKEN - 10' LINE & 30' GAP (ITEM 817013)	350 LF
(G)	16" SOLID ALKYD-THERMOPLASTIC PAVEMENT STRIPING, WHITE SYMBOL/LEGEND, (ITEM 817002)	202 SF
(H)	24" SOLID ALKYD-THERMOPLASTIC PAVEMENT STRIPING, WHITE SYMBOL/LEGEND, (ITEM 817002)	535 SF
(I)	ALKYD-THERMOPLASTIC PAVEMENT STRIPING, WHITE SYMBOL/LEGEND, (ITEM 817002)	194 SF
(J)	PREFORMED RETROFLECTIVE THERMOPLASTIC MARKINGS, WHITE, BIKE SYMBOL (ITEM 817015)	7 EACH

ADDENDA / REVISIONS



SR 24,
LOVE CREEK TO
MULBERRY KNOLL

CONTRACT

T201212201

COUNTY

SUSSEX

BRIDGE NO.

N/A

DESIGNED BY: T. SINGLE

CHECKED BY: D. SEMPLE

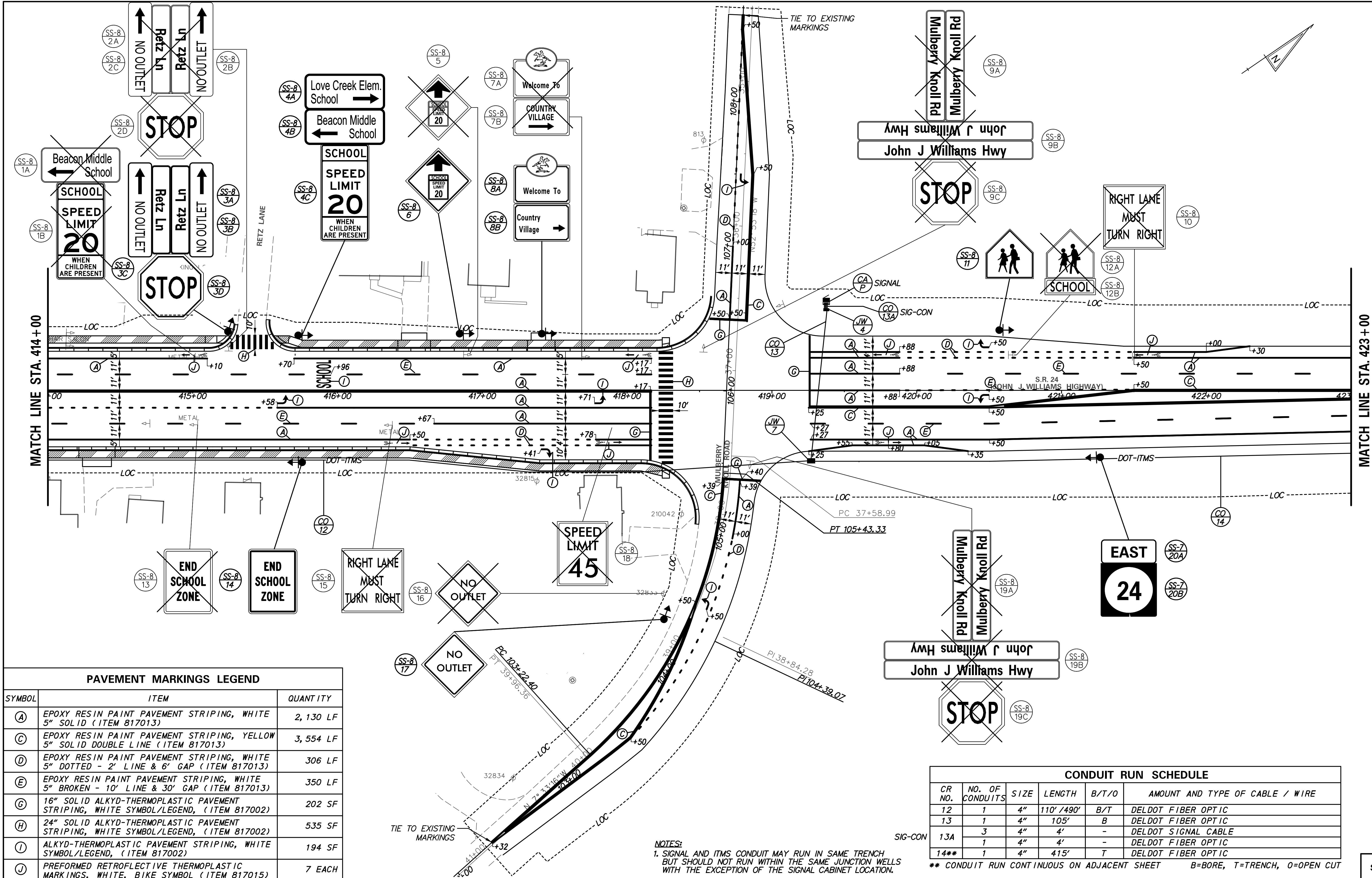
**SIGNING, STRIPING
AND CONDUIT PLAN**

SECTION

AEC

SHEET NO.

96



CONDUIT RUN SCHEDULE					
CR NO.	NO. OF CONDUITS	SIZE	LENGTH	B/T/O	AMOUNT AND TYPE OF CABLE / WIRE
12	1	4"	110' / 490'	B/T	DELDOT FIBER OPTIC
13	1	4"	105'	B	DELDOT FIBER OPTIC
13A	3	4"	4'	-	DELDOT SIGNAL CABLE
	1	4"	4'	-	DELDOT FIBER OPTIC
14**	1	4"	415'	T	DELDOT FIBER OPTIC

** CONDUIT RUN CONTINUOUS ON ADJACENT SHEET B=BORE, T=TRENCH, O=OPEN CUT

NOTES:

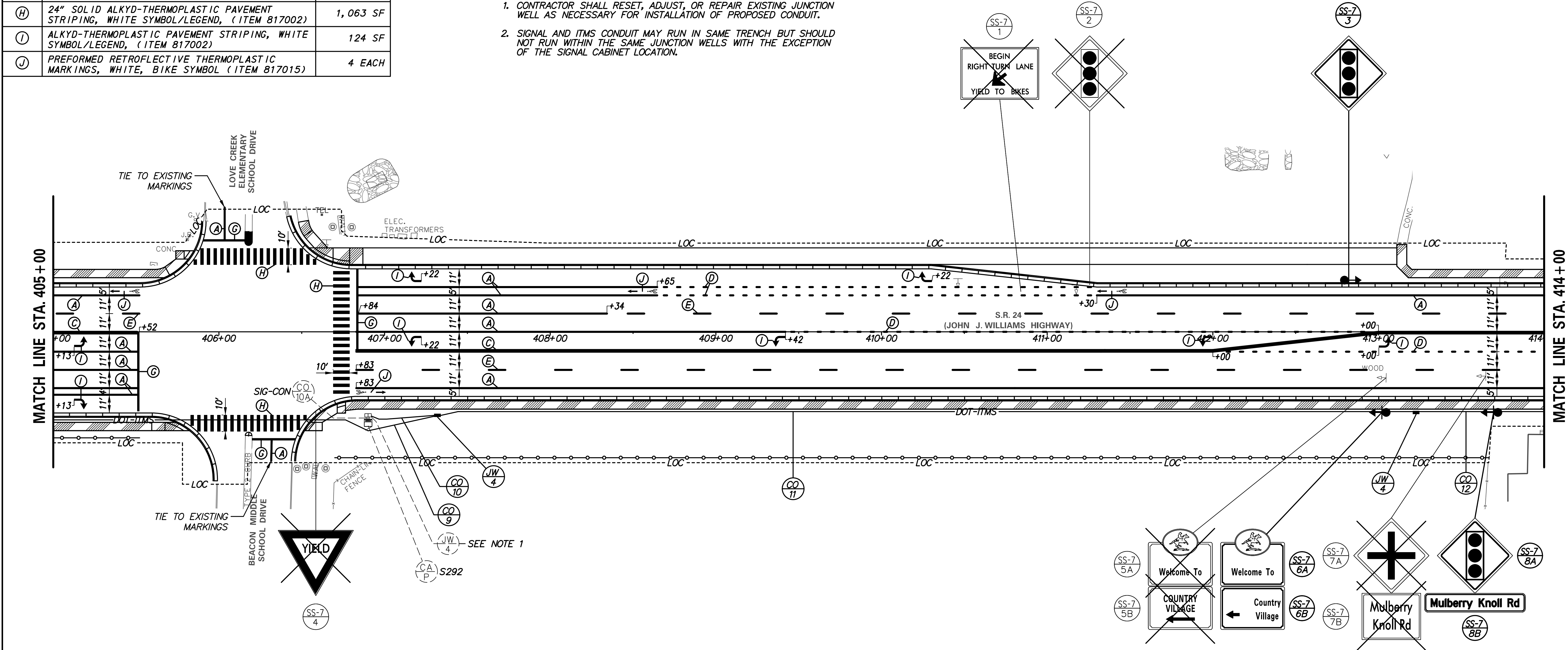
1. SIGNAL AND ITMS CONDUIT MAY RUN IN SAME TRENCH BUT SHOULD NOT RUN WITHIN THE SAME JUNCTION WELLS WITH THE EXCEPTION OF THE SIGNAL CABINET LOCATION.

PAVEMENT MARKINGS LEGEND		
SYMBOL	ITEM	QUANTITY
(A)	EPOXY RESIN PAINT PAVEMENT STRIPING, WHITE 5" SOLID (ITEM 817013)	2, 043 LF
(C)	EPOXY RESIN PAINT PAVEMENT STRIPING, YELLOW 5" SOLID DOUBLE LINE (ITEM 817013)	1, 534 LF
(D)	EPOXY RESIN PAINT PAVEMENT STRIPING, WHITE 5" DOTTED - 2' LINE & 6' GAP (ITEM 817013)	276 LF
(E)	EPOXY RESIN PAINT PAVEMENT STRIPING, WHITE 5" BROKEN - 10' LINE & 30' GAP (ITEM 817013)	330 LF
(G)	16" SOLID ALKYD-THERMOPLASTIC PAVEMENT STRIPING, WHITE SYMBOL/LEGEND, (ITEM 817002)	200 SF
(H)	24" SOLID ALKYD-THERMOPLASTIC PAVEMENT STRIPING, WHITE SYMBOL/LEGEND, (ITEM 817002)	1, 063 SF
(I)	ALKYD-THERMOPLASTIC PAVEMENT STRIPING, WHITE SYMBOL/LEGEND, (ITEM 817002)	124 SF
(J)	PREFORMED RETROFLECTIVE THERMOPLASTIC MARKINGS, WHITE, BIKE SYMBOL (ITEM 817015)	4 EACH

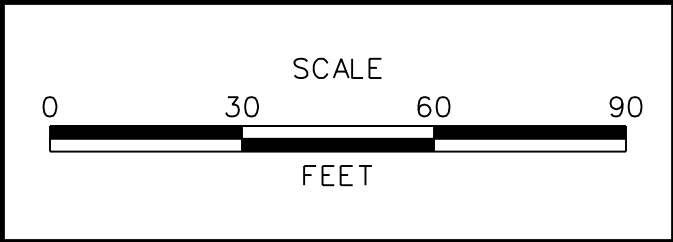
CONDUIT RUN SCHEDULE					
CR NO.	NO. OF CONDUITS	SIZE	LENGTH	B/T/O	AMOUNT AND TYPE OF CABLE / WIRE
9**	1	4"	520' /80'	B/T	DELDOT FIBER OPTIC
10	1	4"	40'	T	DELDOT FIBER OPTIC
10A*	3	4"	3'	-	DELDOT SIGNAL CABLE
	1	4"	3'	-	DELDOT FIBER OPTIC
11	1	4"	585'	T	DELDOT FIBER OPTIC
12**	1	4"	110' /490'	B/T	DELDOT FIBER OPTIC

* DENOTES EXISTING
** CONDUIT RUN CONTINUOUS ON ADJACENT SHEET

- NOTES:
- CONTRACTOR SHALL RESET, ADJUST, OR REPAIR EXISTING JUNCTION WELL AS NECESSARY FOR INSTALLATION OF PROPOSED CONDUIT.
 - SIGNAL AND ITMS CONDUIT MAY RUN IN SAME TRENCH BUT SHOULD NOT RUN WITHIN THE SAME JUNCTION WELLS WITH THE EXCEPTION OF THE SIGNAL CABINET LOCATION.



ADDENDA / REVISIONS	



SR 24,
LOVE CREEK TO
MULBERRY KNOLL

CONTRACT	BRIDGE NO.	N/A
T201212201	DESIGNED BY:	T. SINGLE
COUNTY	CHECKED BY:	D. SEMPLE
SUSSEX		

**SIGNING, STRIPING
AND CONDUIT PLAN**

SS-07
SECTION
AEC
SHEET NO.
95

Exhibit 7

October 12, 2021

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse
Planning Director

RE: Mulberry Knoll Store
Response to PLUS Review-2018-08
Tax Map No.: 3-34-108.00,108.01,109.00,109.01,110.00,11.00,11.01,112.00
DBF # 3311C003.A01

Dear Mr. Whitehouse,

On behalf of the owner, V&M, Inc., we are pleased to submit a response to the comments provided during the PLUS Review of the Project on August 25, 2021 and received from the Office of State Planning dated September 20, 2018. We have read all of the comments and offer the following item-by-item response narrative for your review:

Strategies for State Policies and Spending

- *This project is located in Investment Level 2 according to the 2020 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. State investments will support growth in this area.*

The Office of State Planning has no objections to the development of this property provided it meets the codes and criteria of Sussex County, but we do encourage you to work with State agencies to address any concerns noted in this letter.

Thank you for your clarification of the state Investment Level 2 designation and support of growth in this area. The developer with work closely with State agencies throughout the approval process.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

- *The site access on Delaware Route 24 and Mulberry Knoll Road (Sussex Road 284) 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>.*

Access will be designed in accordance with DelDOT's Development Coordination Manual.

- *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/Meeting_Request_Form.pdf?08022017. The Project Coordination Meeting held on October 14, 2020, and the Traffic Impact Study Scoping Meeting held on November 2, 2020, are not sufficient for this purpose.*

A pre-submittal meeting will be set up prior to plans being submitted for review.

- *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.*

Developer will work with DelDot and provide the required fees when appropriate.

- *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 4,264 vehicle trip ends per day. Therefore, the plan meets the warrants for a TIS. DelDOT and the applicant met on November 2, 2020, to set a scope of work for that study. A memorandum outlining that scope is attached.*

The purpose of a TIS, per DelDOT regulations, is to determine the offsite improvements for which the developer should be responsible to build or contribute toward. In addition to whatever other offsite improvements may be identified, DelDOT would normally anticipate requiring the developer to improve Route 24 and Mulberry Knoll Road within the limits of their frontage, to meet DelDOT's standards associated with their Functional Classifications. Because DelDOT has a pending project to improve the relevant portion of Route 24, DelDOT and the applicant are preparing to enter an agreement regarding how they will interact with regard to the DelDOT project and the improvements needed to support the proposed development.

It may be observed that the subject development is in the Henlopen Transportation Improvement District (TID) and that payment of the TID fee would relieve the developer of responsibility for a TIS and off-site improvements. The planning study done to support development of the TID assumed the continuation of the previously existing, largely residential, uses on the site rather than the proposed commercial uses. Thus, the TIS is needed; payment of the TID fee is not acceptable.

The developer's engineer is working closely with DelDOT regarding the TIS, ongoing DelDOT projects along the frontage, and the types of additional improvements that may be required.

- *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 24 and Mulberry Knoll Road. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline of Route 24 and 30 feet from the physical centerline of Mulberry Knoll Road. Right-of-way dedication would be addressed in the aforementioned agreement.*

The developer's engineer is working with DelDOT regarding the right-of-way required along route 24 for DelDOT's existing road improvements project. Right-of-way dedications along Route 24 & Mulberry Knoll Road will meet the 40' & 30' minimum distance from the centerline of road.

- *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."*

An easement along Route 24 which encompasses DelDOT's' proposed side will be established. A 15' wide permanent easement will be provided along Mulberry Knoll Road.

- *Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:*
 - *A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.*
 - *Depiction of all existing entrances within 450 feet of the site entrance.*
 - *Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.*

The final Record Plan will include the required Traffic Generation Diagram, existing entrances with 450', and all notes regarding improvements/agreements.

- *Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT*

anticipates building a sidewalk along this development's Route 24 frontage and requiring the developer to provide a sidewalk or SUP along the Mulberry Knoll Road frontage.

The developer will work with DelDOT regarding the requirements of the SUP along the Route 24 and Mulberry Knoll Road.

- *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 24 and Mulberry Knoll Road.*

Stormwater will be located more than 20' away from the dedicated State right-of-way.

- *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.deldot.gov/Business/subdivisions/index.shtml>.*

The Auxiliary Lane Worksheet will be used to determine if auxiliary lanes are warranted and the dimensions of those lanes.

- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*

Existing and proposed utilities will be shown on the plans. Should utilities need to be relocated a utility relocation will be submitted to DelDOT.

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

Stormwater Management

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's Sediment and Stormwater Regulations.

- *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.*

A detailed Sediment and Stormwater Plan will be prepared and submitted to the Sussex Conservation District for their review and approval.

- *Additionally, to address federal requirements, 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://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

A notice of intent for stormwater discharge will be provided to DNREC as part of the Sussex Conservation District submission

- *Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.*

The developer's engineer will work closely with Sussex Conservation District to provide a detailed Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Water Quality (Pollution Control Strategies)

This site lies within the Rehoboth Bay Watershed. Surface water quality in this watershed does not meet State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- *Consult with the appropriate plan review agency (Sussex Conservation District) to determine if stricter stormwater management standards may apply for development projects due to the Pollution Control Strategy. More information about Pollution Control Strategies can be found at the following website:
<https://dnrec.alpha.delaware.gov/watershed-stewardship/assessment/tributary-action-teams/>*

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

The development will adhere to all stormwater standards and regulations and will be submitted to the Sussex Conservation District for their review and approval

Wastewater Disposal Permitting – Large Systems

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

- *If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch.*

Contact: DNREC Large Systems Branch at (302) 739-9948.

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

Wastewater Disposal Systems – Small Systems

The following permits exist in the Small System Branch database for the project area:

- *For parcel 3-34-12.00-0108.00, there is an existing gravity system septic permit (# 227796) with a completion report (September of 2014).*
- *For parcel 3-34-12.00-0108.01, there is an existing gravity system septic permit (# 226106) with a completion report (January of 2014).*
- *For parcel 3-34-12.00-0109.01, there is an existing gravity system septic permit (# CHP-9504).*
- *For parcel 3-34-12.00-0111.00, there is an expired (December of 1990) gravity system septic permit (#2168-90S).*
- *Contact the DNREC Groundwater Discharges Section to properly abandon these systems.*

Contact: DNREC Groundwater Discharges Section at (302) 856-4561

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

Wastewater Disposal will be provided by Sussex County (West Rehoboth Expansion of the Dewey Beach SSD)

State Historic Preservation Office – Contact Carlton Hall 736-7400

- *This parcel has low potential for prehistoric archaeological resources. Although the parcel has well-drained soils, it is not within favorable distance to a water source.*
- *There is high potential for historic archaeological resources. The parcel was agricultural fields prior to construction of homes between 1937 and 1954. There are at least 4 extant buildings older than 50 years (S10116, S10117, S10118, S01007). This Office would recommend a Phase I archaeological survey prior to any ground disturbance.*
- *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), which is currently being revised.*

- *If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov*

Thank you for the information regarding prehistoric, historic archaeological sites and the potential for unmarked graves. We do not anticipate any federal funding for this project.

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

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

Fire Protection Water Requirements:

- *Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.*
- *Where a water distribution system is proposed for (business/educational/assembly/healthcare/multi-family) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.*

Water distribution will be provided by Tidewater Utilities, Inc. using existing infrastructure.

Fire Protection Features:

- *All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.*
- *Buildings greater than 10,000 sq. ft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements*
- *Show Fire Department Connection location (must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.*
- *Show Fire Lanes and Sign Detail as shown in DSFPR*

We anticipate building 2 to be 3 stories and a total of 12,000 sqft. Automatic Sprinklers and fire land marking requirements will be met. Fire lanes, Sign Details and Fire department connections will be shown on the plans and submitted to the Fire Marshall for review and approval.

Accessibility:

- *All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision*

from Mulberry Knoll Road and Route 24 must be constructed so fire department apparatus may negotiate it.

- *Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.*
- *Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.*
- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

The site will comply with all Fire Department access requirements.

Gas Piping and System Information

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

The site plan will provide locations of underground tanks and types of fuel proposed.

Required Notes:

- *Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”*
- *Proposed Use*
- *Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units*
- *Square footage of each structure (Total of all Floors)*
- *National Fire Protection Association (NFPA) Construction Type*
- *Maximum Height of Buildings (including number of stories)*
- *Note indicating if building is to be sprinklered*
- *Name of Water Provider*
- *Letter from Water Provider approving the system layout*
- *Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered*
- *Provide Road Names, even for County Roads*

The require information and notes will be provided to the fire marshal for their review and approval.

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the

*project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.*

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24 or Mulberry Knoll Road.*

We do not anticipate any new substation, all facilities on the site will require direct access internally from the site.

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

PLUS and TAC comments will be address prior to agency review.

- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>*

The latest note will be used.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
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.*
- *For improved stormwater management, preserve existing trees, wetlands, and passive open space.*

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

A detailed stormwater report will be submitted to the Sussex Conservation office for review and approval.

Additional Sustainable Practices

- *Consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).*
- *Install electric vehicle charging stations for your customers. It is easier to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>).*
- *Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.*
- *Incorporate trees into the landscaping plan to reduce the heat island effects from pavement.*
- *Install bicycle racks where feasible to help facilitate non-vehicular travel modes.*
- *Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.*
- *Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.*
- *Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.*

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

Thank you for the suggestions to provide sustainable energy alternatives.

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

- *Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov Plan Review & Inspections link.*

The developers engineer will work closely with the State Fire Marshall's Office during plan submittal, review and approval.

Delaware Transit Corporation (DTC) – Contact Jared Kauffman 576-6062

- *A Type 2 5'x8' bus stop pad is needed placed before the beginning of the right-turn lane onto Mulberry Knoll Road*

A Type 2 bus stop will be provided along Mulberry Knoll Road.

On behalf of the Owner, we thank the State for providing us with these comments. Please contact me at (302) 424-1441 if you have any questions or need additional information.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

W. Zachary Crouch, P.E.
Principal

CC: David L. Edgell, AICP, Office of State Planning

Exhibit 8

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

March 31, 2022

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

Attn: Mr. Jamie Whitehouse
Director of Planning

RE: V&M Properties
Environmental Assessment and Public Facility Evaluation Report
Tax Parcel No.:334-12.00-108.0, 108.01,109.00, 109.01, 110.00, 111.00, 111.01 &112.00
DBF #3311C003.A01

Dear Mr. Whitehouse:

On behalf of our client, V&M, LLC., we are submitting an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. We offer the following information that comprises our report:

- (a) *Proposed drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.*

The proposed improvements will meet or exceed the state regulations for stormwater management. We intend to use infiltration basins as well as other Best Management Practices to meet these requirements. Our improvements will also include storage and treatment for the Route 24 DelDOT project.

- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.*

The proposed project is located within Tidewater Utilities, Inc.'s franchise area and they hold the Certificate of Public Necessity (CPCN). Tidewater is currently serving the surrounding community and infrastructure is already in plan to server the proposed development. Impacts to the groundwater and other systems have been evaluated as part of Tidewater's CPCN.

- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.*

The proposed project is located adjacent to the Sussex County West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District and infrastructure is currently in place to server the site.

- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.*

A TIS was completed and approved by DelDOT. The developer will continue to work with DelDOT regarding widening and improvements along Route 24

- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.*

There are no known state or federally listed endangered or threatened species on this site.

- (f) *The preservation and protection from loss of any tidal or non-tidal wetlands on the site.*

Wetlands do not exist on or adjacent to the site.

- (g) *Provisions for open space as defined in §115-4.*

Open space will be used for onsite stormwater and planted landscaped buffer areas. Sidewalks and a shared use path will improve pedestrian movement throughout the Route 24 and Mulberry Road area.

- (h) *A description of provisions for public and private infrastructure.*

The Developer will construct gravity sewer lines to serve this parcel and will be maintained by Sussex County. The Developer will also construct the internal water mains in the project that will be owned and maintained by Tidewater Utilities, Inc.. The internal parking areas and drive isles will be constructed by the Developer and privately maintained. Electric will be provided by Delaware Electric Coop.

- (i) *Economic, recreational or other benefits.*

The proposed convenience store and office building will increase employment in the vicinity.

Mr. Jamie Whitehouse
Sussex County Planning and Zoning Commission
April 1, 2022
Page 3 of 3

- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.*

There are no known archaeological sites or National Register-listed property on this parcel.

- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.*

The site and surrounding parcels are shown as commercial on Sussex Counties Future Land use plan. The convenience store and offices conform to the current comprehensive plan.

- (l) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan.*

All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan.

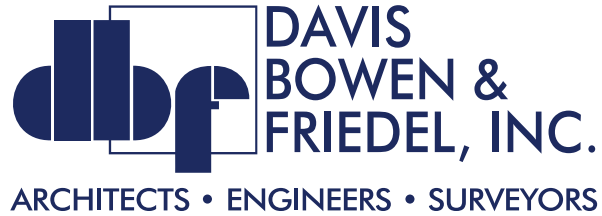
If you have any questions or need additional information, please call me at (302) 424-1441.

Sincerely,
Davis, Bowen & Friedel, Inc.

W. Zachary Crouch, P.E.
Principal

\\Mil0\CIVIL\Sugrue\V&M, LLC\GIS\Booklet Pdf\27 - ESDDOZ Report.Doc

CC:



*IMPROVING OUR COMMUNITIES.
SHAPING THE WORLD AROUND US.*

CREATING VALUE BY DESIGN.

1 Park Avenue
Milford, DE 19963
(302) 424-1441

601 East Main Street, Suite 100
Salisbury, MD 21804
(410) 543-9091

106 Washington Street, Suite 103
Easton, MD 21601
(410) 770-4744

www.dbfinc.com

V&M, LLC

C.U.# 2318

PROPOSED CONDITIONS

clm 2318
Applicant
Exhibit

FILE COPY

Received @ Public Hearing
4.14.2022

- A. The proposed use shall be for a 5000 square foot convenience store with fueling stations and a 12,000.00 square foot office building.
- B. The applicant shall comply with all DelDot requirements for entrance and roadway improvements as set forth in DelDot's TIS Review Letter dated March 4, 2022 and the DelDot Letter Agreement dated August 12, 2021, as those documents may be amended by DelDot.
- C. All lighting on the site shall minimize light trespass by utilizing shielded or screened light fixtures that control and emit light downward.
- D. All dumpsters on the site shall be screened from view of adjacent properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
- E. All fuel shall be dispensed and stored in compliance with all applicable State and Federal requirements.
- F. Signage shall comply with provisions of Section 115-159.5 of the Zoning Ordinance.
- G. There shall be a landscaped screening planting area along the site's boundary with lands of the Cape Henlopen School District and lands of Ralk Properties, LLC. A landscaping plan shall be submitted as part of Final Site Plan approval.
- H. The Final Site Plan shall clearly show all areas for vehicle parking and loading and these areas shall be clearly marked on the site itself.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

V&M, LLC

C.U.# 2318

PROPOSED FINDINGS

1. The location of the proposed conditional use is in the "Commercial Area" as designated on the Future Land Use Map of the Comprehensive Plan. The "Commercial Area" is one of the Growth Areas of the plan where new development is directed including commercial development.
2. The Comprehensive Plan identifies the "Commercial Area" as areas for retail and service uses mainly located along arterial roadways and highways and are geared toward vehicular traffic.
3. The Office of State Planning Coordination indicated that the location of the proposed conditional use was in Investment Level 2 which an area where growth is anticipated by local, county and state plans in the near term future and that state investments will support growth in this area. The State Planning Office indicated that it had no objection to the proposed use.
4. The proposed uses of a convenience store with fueling stations and office building are essential and desirable for the general welfare and convenience of area residents and the public in general.
5. The site is located on a major roadway in eastern Sussex County, Route 24, which is an appropriate location for the proposed use.
6. The Applicant will be required to comply with all DelDot entrance and roadway improvements as set forth in DelDot's TIS Review Letter and DelDot's Letter Agreement.
7. Central water will be provided by Tidewater Utilities and central sewer by Sussex County.

8. No State or Federal regulated wetlands or other environmental restraints are located on the site.
9. The site is located in an area of the County which has experienced significant growth in population which supports the need for the proposed uses for the general welfare and convenience of residents.
10. Because this application is for a conditional use rather than a commercial change of zone, the underlying zoning will not be changed and the use will be limited to a convenience store with fueling stations and an office building subject to conditions deemed appropriate by the County Council.
11. Final Site Plan design for the Conditional Use will be subject to the review and approval of the Sussex County Planning and Zoning Commission.
12. The proposed Conditional Use, subject to the conditions and stipulation placed upon it, will not have an adverse impact on nearby properties or uses.

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: April 14th, 2022

Application: CZ 1962 Jeff-Kat, LLC

Applicant: Jeff-Kat, LLC
1007 Kings Highway
Lewes, De 19958

Owner: Jeff-Kat, LLC
1007 Kings Highway
Lewes, De 19958

Site Location: 1005 Kings Highway, Lewes. Lying on the east side of Kings Highway (Rt. 9), approximately 0.36-mile northeast of the intersection of Kings Highway (Rt. 9) and Gills Neck Road (S.C.R. 267)

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

Proposed Zoning: Heavy Commercial (C-3) Zoning District

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater

Site Area: 1.23 acres +/-

Tax Map ID.: 335-8.00-39.00 (portion of)





Sussex County



PIN:	335-8.00-39.00
Owner Name	JEFF-KAT LLC
Book	5613
Mailing Address	1007 KINGS HWY
City	LEWES
State	DE
Description	SE/KINGS HWY
Description 2	
Description 3	
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

--- Tax Parcels

--- 911 Address

--- Streets

--- Hundred Boundaries

--- County Boundaries

Tax Ditch Segments

--- Tax Ditch Channel

--- Pond Feature

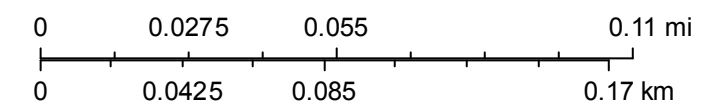
--- Special Access ROW

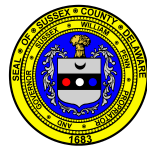
--- Extent of Right-of-Way

--- Municipal Boundaries

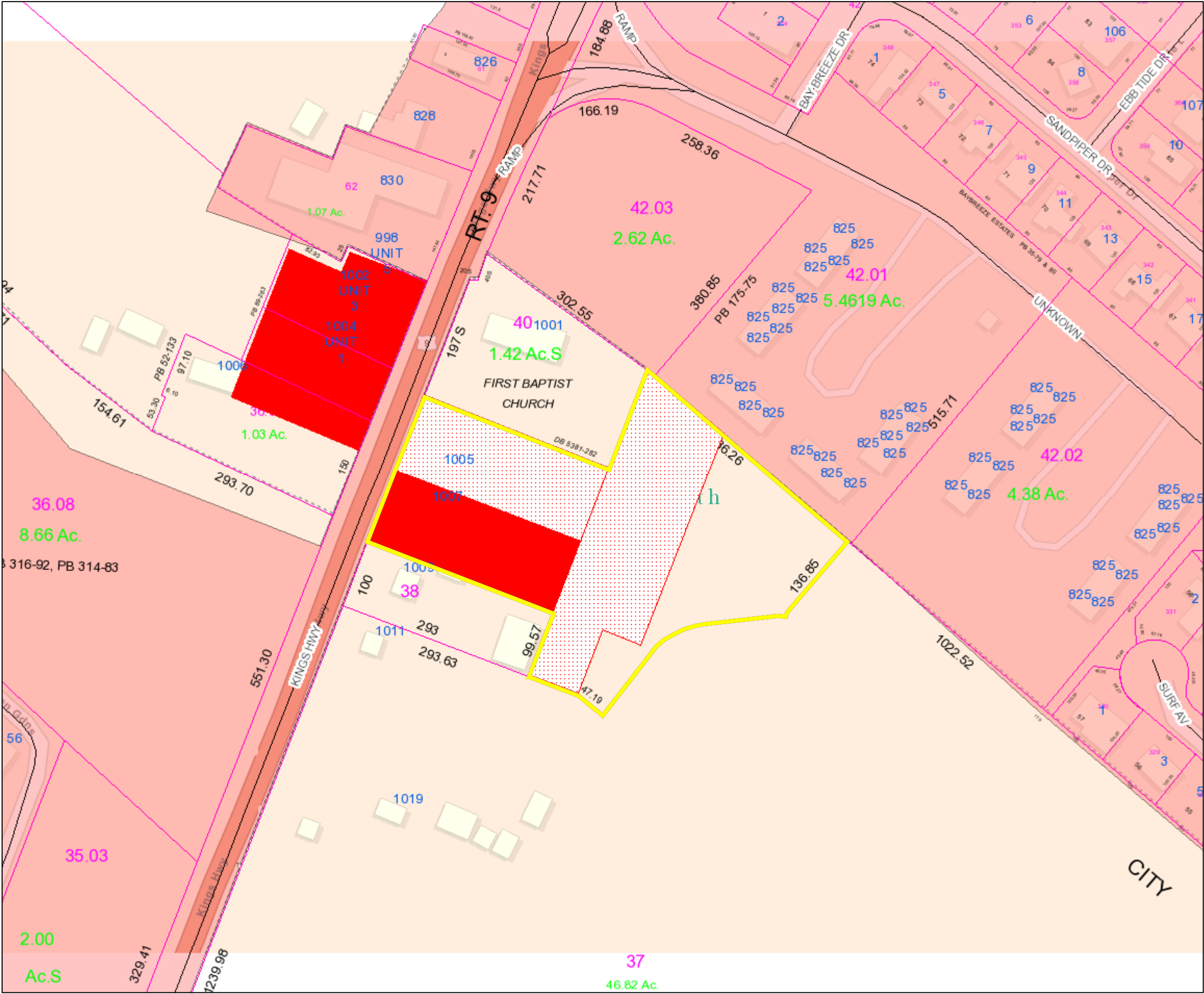
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1:2,257





Sussex County

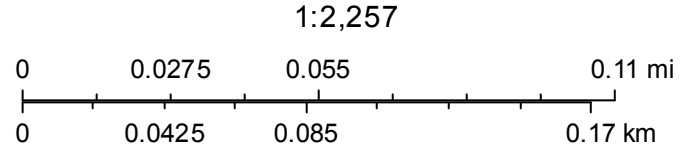


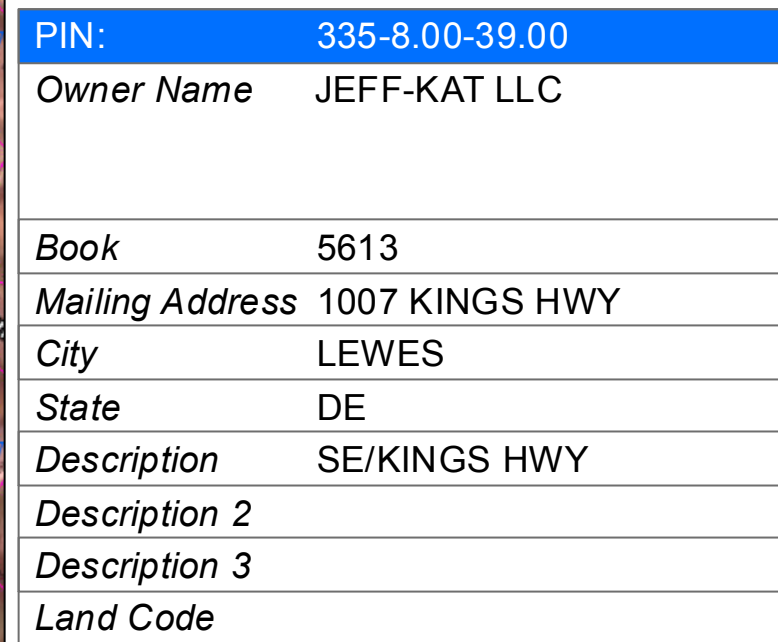
PIN:	335-8.00-39.00
Owner Name	JEFF-KAT LLC
Book	5613
Mailing Address	1007 KINGS HWY
City	LEWES
State	DE
Description	SE/KINGS HWY
Description 2	
Description 3	
Land Code	

- polygonLayer

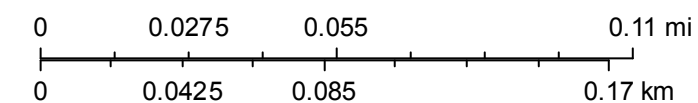
Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets





- 1:2,257





Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: April 7, 2022
RE: Staff Analysis for CZ 1962 Jeff-Kat, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1962 Jeff-Kat, LLC to be reviewed during the March 10, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for a portion of Tax Parcel 335-8.00-39.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Heavy Commercial (C-3) Zoning District. The property is lying on the east side of Kings Highway (Rt. 9), approximately 0.36 miles northeast of the intersection of Kings Highway (Rt. 9) and Gills Neck Road (S.C.R. 267). The portion of the parcel to be rezoned consists of 1.19 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area." The properties to the south, east, and west of the subject property also contain the Future Land Use Designation of "Coastal Area." Properties to the north and across Kings Highway to the west are located within the municipality of Lewes.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.

The property is split zoned General Commercial (C-1) Zoning District, Heavy Commercial (C-3) Zoning District and Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the south and east are also zoned Agricultural Residential (AR-1) Zoning District. The properties to the west on the opposite side Kings Highway (Rt. 9) are zone General Commercial (C-1), Agricultural Residential (AR-1) and located in the town limits of Lewes. The adjacent properties to the north are located within the town limits of Lewes.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Heavy Commercial (C-3) Zoning District is listed as an applicable zoning district in the Coastal Area.

Since 2011, there have been seven (7) Change of Zone applications within a 1-mile radius of the application site. The Change of Zone applications approved include Medium Residential (MR), Commercial Residential (CR-1), Neighborhood Business (B-1), and Heavy Commercial (C-3) Zoning Districts.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential Zoning District (AR-1) to a Heavy Commercial Zoning District (C-3) could be considered as being consistent with the land use, based on the size, scale, zoning and surrounding uses.

Planning & Zoning Commission Application**Sussex County, Delaware**

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

Type of Application: (please check applicable)Conditional Use ☐Zoning Map Amendment ☒**Site Address of Conditional Use/Zoning Map Amendment**

1005 Kings Highway, Lewes, Delaware

Type of Conditional Use Requested:

N/A (rezoning)

Tax Map #: P/O 335 8.00 ~~37.00~~ 39.00 Size of Parcel(s): 1.23 acres +/-

Current Zoning: AR-1 Proposed Zoning: C-3 Size of Building: _____

Land Use Classification: Coastal Area - 2045 FLUM

Water Provider: Lewes BPW / Tidewater

Sewer Provider: Lewes BPW / Sussex County

Applicant Information

Applicant Name: Jeff-Kat, LLC

Applicant Address: 113 Draper Drive

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 745-0875

E-mail: jeffatfins@comcast.net

Owner Information

Owner Name: Mitchell Family, LLC

Owner Address: 1019 Kings Highway

City: Lewes

State: DE

Zip Code: 19958

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: N/A

Agent/Attorney/Engineer Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ Completed Application

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

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

☒ Provide Fee \$500.00

N/A 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.

N/A DelDOT Service Level Evaluation Request Response

N/A PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Date: _____

Signature of Owner



Date: 9/27/21

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: _____

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

N/A 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.

N/A DelDOT Service Level Evaluation Request Response

N/A 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: 9/27/21

Signature of Owner

Date: 9-16-21

Managing Partner Mitchell Family LLC

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: _____

SUMMARY OF REZONING REQUEST

The Applicant is Jeff-Kat, LLC, an LLC owned by Jeff and Kim Hamer. Jeff-Kat is the owner of the Big Oyster Brewpub immediately next door to this property. Jeff and Kim Hamer also own the Fins Restaurants in Rehoboth Beach, and Bethany Beach, along with CLAWS Restaurant in Rehoboth Beach.

This application seeks to rezone this 1.23 acre of land that is part of the Mitchell Farm (Zwaanendael Farm) from its current AR-1 Zoning to C-3 Zoning so that it can be utilized as an improvement and expansion of the brewpub property.

We realize that this is the most recent of several small rezoning applications to add to our property, but this was not by design. For instance, the prior application for lands formerly owned by the First Baptist Church of Lewes resulted from mutual discussions between us and the Church about a sale to fund their construction of a new building elsewhere on their property. Here the expansion area is the result of discussions with the Mitchell Family, LLC about the design of the remainder of their property and how this parcel was a natural addition to our brewpub operations.

The purchase and use of this property is beneficial to Jeff-Kat and the Big Oyster Brewpub because it will allow a better overall configuration and use of the property, including vehicular and pedestrian movement on the site. Right now, vehicular access to the rear of the current brewpub is difficult, at best. By adding this property, it will significantly improve vehicular movement and parking within the entire site. It will also allow for the future expansion of our brewpub operations and uses that support the business.

If this rezoning is approved, it will not adversely affect the neighbors or the neighborhood, and it is very important to continue to be good neighbors with all of them. There will also not be any noise or odors generated by the expansion of operations onto the rezoned property. Traffic patterns and parking within the site will be improved, and this will benefit traffic on Kings Highway by creating more space within the site and eliminate cars waiting to pull in (as sometimes currently occurs).

C-3 Zoning is appropriate for this site for several reasons. C-3 Zoning is consistent with the County's recent approval of C-3 Zoning for the land behind both the Big Oyster Brewery and the portion of the Church property recently acquired by us and rezoned by Sussex County. This rezoning application is an appropriate expansion of the existing C-3 Zoning. The existing brewpub site is zoned C-1. C-1

Zoning is no longer available in Sussex County, and C-3 Zoning is the most compatible for the expansion of the brewpub site. The site is also in the Coastal Area according to the Sussex County Comprehensive Plan. The Plan indicates that C-3 zoning is appropriate in the Coastal Area.

As the owners of The Big Oyster Brewery, we hope that you will look favorably upon this rezoning request.



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

NICOLE MAJESKI
SECRETARY

November 10, 2021

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 **Jeff-Kat, LLC** proposed land use application, which we received on September 27, 2021. This application is for an approximately 48.01-acre parcel (Tax Parcel: 335-8.00-37.00). The subject land is located on the east side of Kings Highway (US Route 9) about 450 ft north of the intersection with Gills Neck Road (Sussex Road 267) and the north side of Gills Neck Road about 800 ft east of the intersection with Kings Highway. The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of C-3 (Heavy Commercial) to build an additional parking lot for a restaurant on Tax Parcel 335-8.00-39.00.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along Kings Highway from Gills Neck Road to Freeman Highway (Sussex Road 23), is 12,019 vehicles per day. The annual average daily traffic volumes along Gills Neck Road from Kings Highway to Red Tail Road, is 4,186 vehicles per day.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

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



Mr. Jamie Whitehouse
Page 2 of 2
November 10, 2021

Please contact Ms. Annamaria Fumato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Jeff-Kat, LLC, Applicant
Sussex County Planning & Zoning
David Edgell, State Planning Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, 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
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Fumato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **3/23/2022**

APPLICATION: **CZ 1962 Jeff-Kat, LLC**

APPLICANT: **Jeff-Kat, LLC**

FILE NO: **OM-9.04**

TAX MAP &
PARCEL(S): **335-8.00-37.00 (p/o)**

LOCATION: **Lying on the southeast side of Kings Highway (Rt. 9) and on
the north side of Gills Neck Road (SCR 267).**

NO. OF UNITS: **Change of Zone from AR-1 to C-3**

GROSS
ACREAGE: **1.23**

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

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes ☒ No ☐
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Christine Fletcher



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

January 13, 2022

Mr. Cliff Mumford
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2021-12-04; Jeff Kalt/Big Oyster

Dear Mr. Clark,

Thank you for meeting with State agency planners on December 15, 2021 to discuss the Jeff Kalt/Big Oyster project. According to the information received, you are seeking review of a proposed rezoning of 1.23 acres from AR-1 to C-3 along Kings Highway 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. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County has 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 Level 1 according to the *Strategies for State Policies and Spending*. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.
- It is noted that this parcel is within the Coastal area according to the Sussex County Comp plan and C-3 is allowable within the Coastal area. The PLUS application was for the rezoning only. If this parcel is rezoned, any development that meets the PLUS criteria must be submitted to PLUS for review

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT has no comments on the subject rezoning but offers the following comments as information about what DelDOT will require if the County grants the rezoning and a developer subsequently submits a plan.
 - Because the parcel to which the subject land is being added fronts on a road that is part of the Federal Aid Primary Road System, that is Kings Highway (US Route 9), it is subject to outdoor advertising regulations found in CFR 23 §131 and 17 Del. C. §1101-1120. Accordingly, the applicant should expect the following requirements:
 - No new billboards, variable message boards, or electronic changing message sign(s) anywhere on or off Kings Highway. Any such structure or fixture shall be 660 feet away, i.e., any closest byway right-of-way edge.
 - No off-premises advertising on the property for others within 660 feet of Kings Highway, e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.
 - Along Kings Highway, the applicant would not be permitted to advertise or direct information about themselves on other private property.
 - The site access on Kings Highway 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>.
 - Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
 - 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.
 - 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. DelDOT will assess the need for a TIS when a plan is presented for development of the subject land.

- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. If possible, an interconnection should be negotiated with Henlopen Properties, LLC (Tax Parcel 335-8.00-37.00) from whom the subject land is being acquired and, again if possible, with the First Baptist Church (Tax Parcel 335-8.00-40.00) and Lane Builders (Tax Parcel 335-8.00-38.00). Doing so would have the benefits of better managing left turns along Kings Highway and affording those parcels access to Gills Neck Road.

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

- The project proposes to rezone a 1.2-acre parcel from AR-1 to C-3. DNREC reviewers have no concerns or comments at this time regarding the proposed rezoning.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites or National Register listed properties on the parcel.
- There is low archaeological potential for this parcel. There is no freshwater source a favorable distance of the parcel, and therefore there is unlikely to be prehistoric archaeological sites within the project area. There are two known historic structures that were once on the parcel (S01048, S01049). However, both are no longer extant. Despite known historic occupation of the parcel, historic aerials and topographic maps show a lot of development of the parcel. There are not likely to be intact archaeological deposits because of this past disturbance, and therefore there is low potential for historic archaeological sites on the parcel.

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 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 parcel to which the subject land is being added fronts on part of the Historic Lewes Byway. Therefore, the applicant should expect the following requirements:

- Byways signs may be required along both roads as part of the plan review process.

- There is an adopted Kings Highway and Gills Neck Road Master Plan for future roadway and right-of-way improvements. This plan can be viewed at https://www.deldot.gov/Programs/byways/pdfs/lewes_cmp/KHGN_MasterPlan_092616finalrx.pdf. The Master Plan was undertaken in consideration of implementation with DelDOT, the Historic Lewes Byway Committee, City of Lewes, Sussex County, and other key stakeholders.
- Improvements to Kings Highway, from Dartmouth Drive to Freeman Highway, to be designed and built consistent with that Master Plan, are funded in DelDOT's Capital Transportation Program for Fiscal Years 2021 through 2026 for Preliminary Engineering in Fiscal Years 2022 and 2023, Right-of-Way Acquisition in Fiscal Years 2024 and 2025 and Construction beginning in Fiscal Year 2026.
- A typical cross section for future roadway and right-of-way improvements in consideration of context sensitive design solutions for Byway Transportation Corridors has been conceptually recommended for future implementation.
- Landscaping or landscaping buffers and/or vegetation screening is strongly encouraged with the project along both Kings Highway and Gills Neck Road. DelDOT has a suggested list of native and low maintenance vegetation plantings and will require its use for plantings in the right-of-way. Landscaping efforts undertaken or partially undertaken in State right of way will require written agreements with DelDOT regarding maintenance responsibility.
- The applicant may be asked to work with or provide updates to the Lewes Byway Committee and per implementation of the Master Plan and byways coordination. The applicant may contact the Byways Chair, Ms. Mary Roth at mroth@delawaregreenways.org or (302) 302-655-7275.
- The proposed outparcel has a slightly different acreage from that shown on the plan presented by Henlopen Properties, LLC. DelDOT understands that this difference has since been resolved.

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 PLUS process, noting whether comments were incorporated into the project design or not and the reason, therefore.

PLUS review 2021-12-04
Page 5 of 5

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

Sincerely,

A handwritten signature in black ink, appearing to read 'David L. Edgell', written over a horizontal line.

David L. Edgell, AICP
Director, Office of State Planning Coordination

CC: Sussex County
City of Lewes

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

February 23, 2022

David L. Edgell,
State of Delaware
Office of State Planning Coordination
122 Martin Luther King Jr. Blvd. South
Haslet Armory – Third Floor
Dover, DE 19901

Attn: David L. Edgell, AICP
Director, Office of State Planning Coordination

RE: PLUS review 2021-12-04; Jeff Kat/Big Oyster
Comment Response Letter
Tax Parcel No.: 3-35-8.00-39.00
DBF #3007A002.B01

Dear Mr. Edgell,

I appreciated the opportunity to meet with representatives of the various agencies at the PLUS meeting held on December 15, 2021. This letter is in response to comments received from State Planning Coordination dated. We offer the following in response to those comments:

Strategies for State Policies and Spending

- *This project is located in Investment Level 1 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.*

We recognize that the project is in an Investment Level 1 area, which is designated for growth.

- *It is noted that this parcel is within the Coastal area according to the Sussex County Comp plan and C-3 is allowable within the Coastal area. The PLUS application was for the rezoning only. If this parcel is rezoned, any development that meets the PLUS criteria must be submitted to PLUS for review*

Acknowledged.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *DelDOT has no comments on the subject rezoning but offers the following comments as information about what DelDOT will require if the County grants the rezoning and a developer subsequently submits a plan.*
 - *Because the parcel to which the subject land is being added fronts on a road that is part of the Federal Aid Primary Road System, that is Kings Highway (US Route 9), it is subject to outdoor advertising regulations found in CFR 23 §131 and 17 Del. C. §1101-1120. Accordingly, the applicant should expect the following requirements:*
 - *No new billboards, variable message boards, or electronic changing message sign(s) anywhere on or off Kings Highway. Any such structure or fixture shall be 660 feet away, i.e., any closest byway right-of-way edge.*
 - *No off-premises advertising on the property for others within 660 feet of Kings Highway, e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.*
 - *Along Kings Highway, the applicant would not be permitted to advertise or direct information about themselves on other private property.*

No billboards or signs are proposed.

- *The site access on Kings Highway 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>.*
- *Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.delDOT.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.*
- *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.*

We are aware of DelDOT's design and submittal requirements and will follow DelDOT procedures when a site plan is needed.

- *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. DelDOT will assess the need for a TIS when a plan is presented for development of the subject land.*
- *Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. If possible, an interconnection should be negotiated with Henlopen Properties, LLC (Tax Parcel 335-8.00-37.00) from whom the subject land is being acquired and, again if possible, with the First Baptist Church (Tax Parcel 335-8.00-40.00) and Lane Builders (Tax Parcel 335-8.00-38.00). Doing so would have the benefits of better managing left turns along Kings Highway and affording those parcels access to Gills Neck Road.*

The church did not want interconnection to this site. Interconnection to Henlopen Properties is provided through an easement that was recently recorded as part of the Big Oyster Expansion. Coordination of future interconnection has been made with Henlopen Properties. An interconnection to Lane Builders is difficult due to the layout of buildings and parking on that site.

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

- *The project proposes to rezone a 1.2-acre parcel from AR-1 to C-3. DNREC reviewers have no concerns or comments at this time regarding the proposed rezoning.*

Acknowledged.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- *There are no known archaeological sites or National Register listed properties on the parcel.*

Acknowledged.

- *There is low archaeological potential for this parcel. There is no freshwater source a favorable distance of the parcel, and therefore there is unlikely to be prehistoric archaeological sites within the project area. There are two known historic structures that were once on the parcel (S01048, S01049). However, both are no longer extant. Despite known historic occupation of the parcel, historic aerials and topographic maps show a lot of development of the parcel. There are not likely to be intact archaeological deposits because of this past disturbance, and therefore there is low potential for historic archaeological sites on the parcel.*

Acknowledged.

Recommendations/Additional Information

*This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here 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 parcel to which the subject land is being added fronts on part of the Historic Lewes Byway. Therefore, the applicant should expect the following requirements:

- *Byways signs may be required along both roads as part of the plan review process.*
- *There is an adopted Kings Highway and Gills Neck Road Master Plan for future roadway and right-of-way improvements. This plan can be viewed at https://www.deldot.gov/Programs/byways/pdfs/lewes_cmp/KHGN_MasterPlan_092616finalrx.pdf. The Master Plan was undertaken in consideration of implementation with DelDOT, the Historic Lewes Byway Committee, the City of Lewes, Sussex County, and other key stakeholders.*
- *Improvements to Kings Highway, from Dartmouth Drive to Freeman Highway, to be designed and built consistent with that Master Plan, are funded in DelDOT's Capital Transportation Program for Fiscal Years 2021 through 2026 for Preliminary Engineering in Fiscal Years 2022 and 2023, Right-of-Way Acquisition in Fiscal Years 2024 and 2025 and Construction beginning in the Fiscal Year 2026.*
- *A typical cross-section for future roadway and right-of-way improvements in consideration of context-sensitive design solutions for Byway Transportation Corridors has been conceptually recommended for future implementation.*
- *Landscaping or landscaping buffers and/or vegetation screening is strongly encouraged with the project along both Kings Highway and Gills Neck Road. DelDOT has a suggested list of native and low maintenance vegetation plantings and will require its use for plantings in the right-of-way. Landscaping efforts undertaken or partially undertaken in State right of way will require written agreements with DelDOT regarding maintenance responsibility.*
- *The applicant may be asked to work with or provide updates to the Lewes Byway Committee and per implementation of the Master Plan and byways coordination. The applicant may contact the Byways Chair, Ms. Mary Roth at mroth@delawaregreenways.org or (302) 302-655-7275.*

This rezoning is for a portion of land that does not front on Kings Highway. We are aware of the future DelDOT project to widen Kings Highway and the Byways program. In the future if landscaping is considered the owner will consult with the Lewes Byways Committee.

- *The proposed out parcel has a slightly different acreage from that shown on the plan presented by Henlopen Properties, LLC. DelDOT understands that this difference has since been resolved.*

Correct.

If you have any questions or need additional information, please contact me at (302) 424-1441 or via email at cdm@dbfinc.com.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.
Associate

CC: Jeff Hamer, Jeff-Kat, LLC

Jeff-Kat, LLC. Rezoning

RE-ZONING APPLICATION

Sussex County, Delaware

3007A002.A01

FEBRUARY 2022



Jeff-Kat, LLC. Rezoning
Table of Contents

Exhibits

1. Project Information
2. Data Column
3. Rezoning Submission
 - a. Application
 - b. Rezoning Plan
4. Maps
 - a. Surrounding Communities Map
 - b. Firmette from FEMA
 - c. 2020 State Strategies Map
 - d. Sussex County 2045 Future Land Use Map
 - e. Sussex County Zoning Map
 - f. 1992 Aerial Map
 - g. Current Aerial Map
5. Deed of Record, DB 5613 PG 209
6. Recorded Lot-Line Adjustment Plan PB 358 PG 18
7. Rezoning Area Legal Description
8. DelDOT Support Facilities Report
9. PLUS Response Letter

Jeff-Kat, LLC. Rezoning
Project Information

A. Land Use & Zoning

1. The Owner's name is Jeff-Kat, LLC.
2. The Applicant is Jeff-Kat, LLC.
3. The property is located at 1007 Kings Highway in Lewes, Delaware.
4. The property is currently zoned AR (Agricultural / Residential).
5. The property is located in the Level 1 Area of the 2015 State Strategies Map.
6. The property is located within the Coastal Area per the Comprehensive Plan.

B. Land Utilization

1. The total acreage of land to be rezoned is approximately 1.19 +/- acres of land.
2. The land to be rezoned was used for agricultural purposes.

C. Environmental

1. The property does not contain federal wetlands as indicated on the National Wetland Inventory Map.
2. The project is not located in the floodplain.
3. There are no known archaeological sites or National Register-listed properties on the parcels of land.

D. Traffic

1. A Support Facilities Report was completed for this project.
2. A Traffic Impact Study is not required for the rezoning according to DelDOT.

Jeff-Kat, LLC. Rezoning
Data Sheet

Owner / Developer: Jeff-Kat, LLC
Applicant: Jeff-Kat, LLC
Engineer: Davis, Bowen & Friedel, Inc.

Project Description

Physical Location: 1007 Kings Highway, Lewes, Delaware
Tax Parcel #: 3-35-8.00-39.00 (part of)
Acreage: 1.19 +/- Acres
Current Zoning: AR-1
Proposed Zoning: C-3
Land Use: Big Oyster Brewery Operations

Minimum Zoning Requirements

	<u>AR-1</u>	<u>C-3</u>
Front Yard Setback:	30'	60'
Side Yard Setback:	15'	5'
Rear Yard Setback:	20'	5'

Application:

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**

1005 Kings Highway, Lewes, Delaware

Type of Conditional Use Requested:

N/A (rezoning)

Tax Map #: P/O 335 8.00 37.00Size of Parcel(s): 1.23 acres +/-Current Zoning: AR-1Proposed Zoning: C-3

Size of Building: _____

Land Use Classification: Coastal Area - 2045 FLUMWater Provider: Lewes BPW / TidewaterSewer Provider: Lewes BPW / Sussex County**Applicant Information**Applicant Name: Jeff-Kat, LLCApplicant Address: 113 Draper DriveCity: Rehoboth BeachState: DEZip Code: 19971Phone #: (302) 745-0875E-mail: jeffatfins@comcast.net**Owner Information**Owner Name: Mitchell Family, LLCOwner Address: 1019 Kings HighwayCity: LewesState: DEZip Code: 19958

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer InformationAgent/Attorney/Engineer Name: N/A

Agent/Attorney/Engineer Address: _____

City: _____

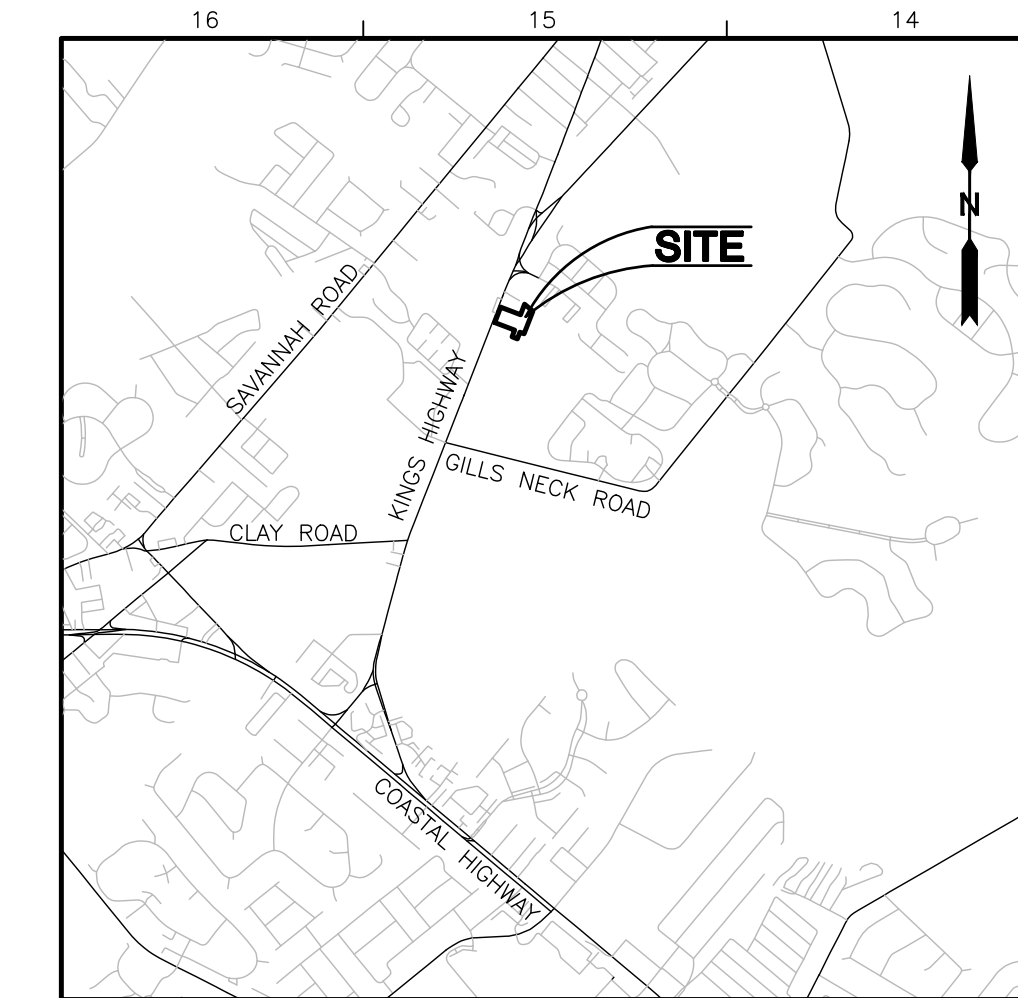
State: _____

Zip Code: _____

Phone #: _____

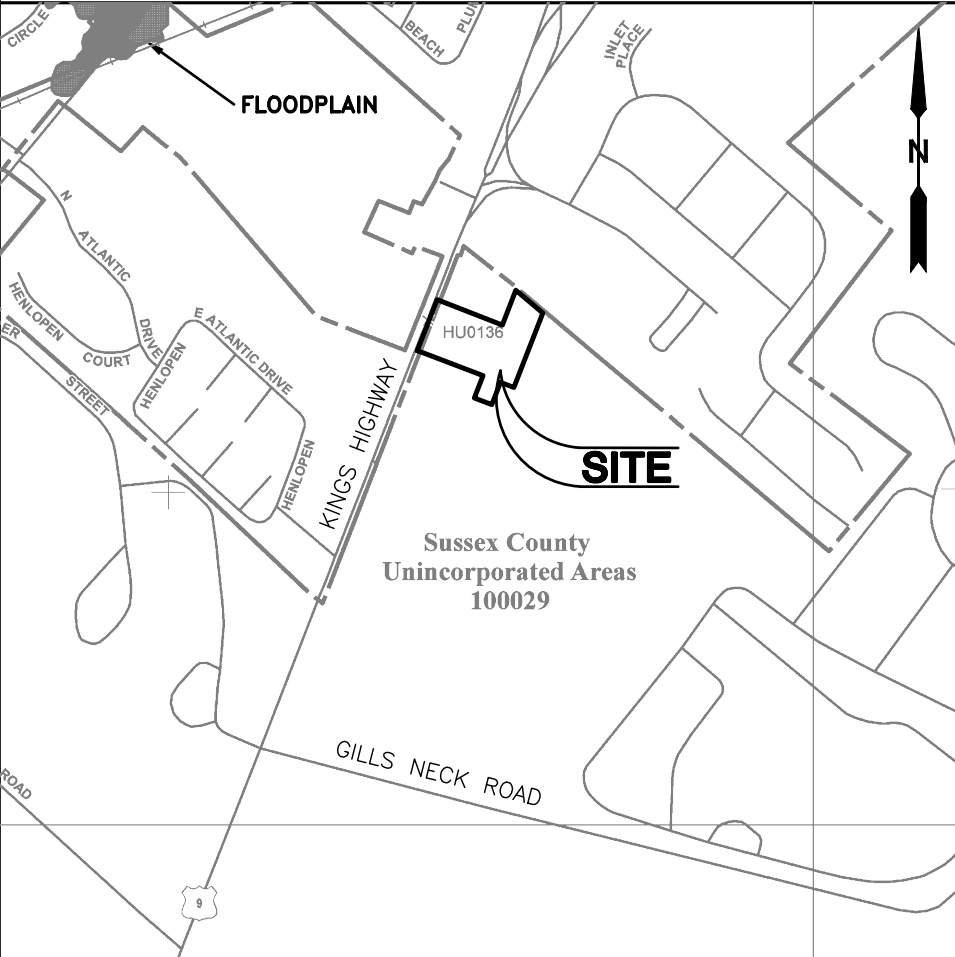
E-mail: _____





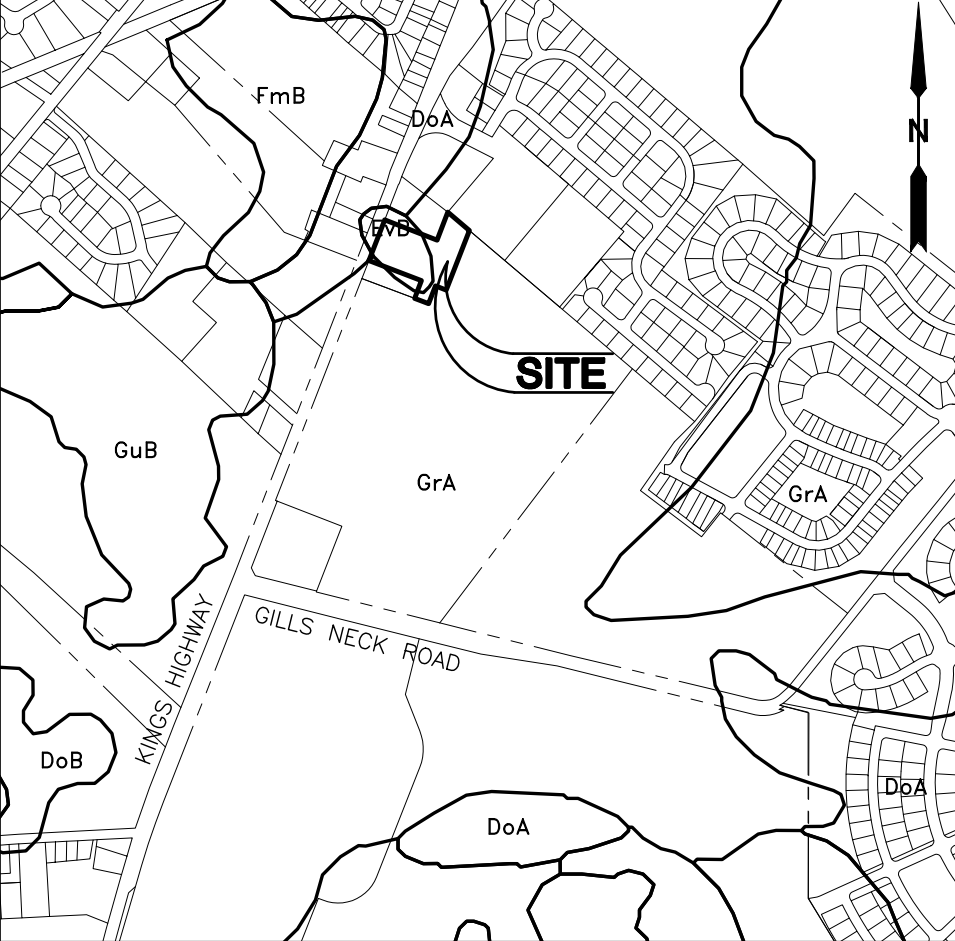
LOCATION MAP

SCALE: 1" = 1/2-MILE



FLOODPLAIN MAP

FEMA PANEL 10005C0194K DATED: MARCH 16, 2015



SOILS MAP

SCALE: 1" = 1000'

DoA: DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES (B)
EvB: EVESBORO LOAMY SAND, 0 TO 5 PERCENT SLOPES (A)
GrA: GREENWICH LOAM, 0 TO 2 PERCENT SLOPES (B)

DATA COLUMN

TAX MAP ID: 335-8.00-37.00
335-8.00-39.00

DATUM
VERTICAL: NAVD 88
HORIZONTAL: NAD 83 (DE STATE PLANE)

ZONING
PARCEL 37.00: AR-1 (AGRICULTURE RESIDENTIAL DISTRICT)
PARCEL 39.00: C-1/C-3 (GENERAL COMMERCIAL/HEAVY COMMERCIAL DISTRICT)

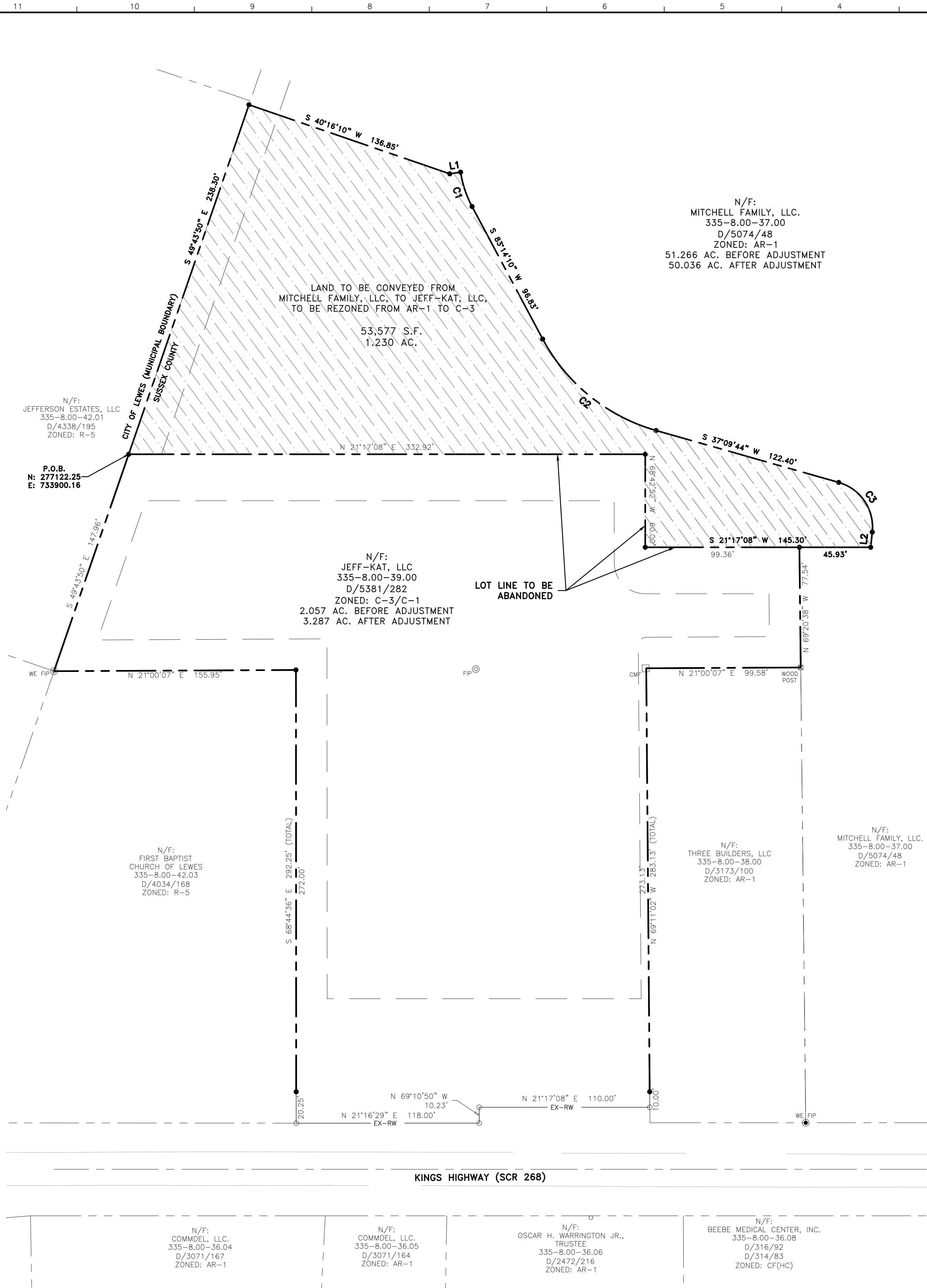
MINIMUM REQUIREMENTS
FRONT SETBACK: AR-1 30 FT. C-1 60 FT. C-3 30 FT.
SIDE SETBACK: 15 FT. 5 FT. 20 FT. MIN WITH COMBINED MIN AGG. OF 50 FT
REAR SETBACK: 20 FT. 5 FT. 50 FT.

ENGINEER:
DAVIS, BOWEN, & FRIEDEL, INC.
1 PARK AVE.
MILFORD, DE 19963
PHONE: 302-424-1441
FAX: 302-424-0430

NOTE: THIS SURVEY DOES NOT CERTIFY TO THE LOCATION AND/OR
EXISTENCE OF EASEMENTS AND RIGHT-OF-WAYS CROSSING SUBJECT
PROPERTY AS NO TITLE SEARCH WAS PERFORMED.

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	70.00'	23.47'	23.36'	N 87°09'28" W	19°12'44"
C2	120.00'	96.50'	93.92'	S 60°11'57" W	46°04'26"
C3	30.00'	41.97'	38.63'	S 77°14'16" W	80°09'02"



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 12°26'54" W	7.06'
L2	N 62°41'13" W	9.87'

LEGEND

BOUNDARY
SETBACK
PROPERTY LINE TO BE ABANDONED
EXISTING RIGHT-OF-WAY
FOUND IRON PIN
CONCRETE MONUMENT FOUND
BOUNDARY POINT

OWNER'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE
OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON
THIS PLAN, THE PLAN WAS MADE AT OUR DIRECTION,
WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND
DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

MITCHELL FAMILY, LLC. DATE
1019 KINGS HWY.
LEWES, DE 19958

OWNER'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE
OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON
THIS PLAN, THE PLAN WAS MADE AT OUR DIRECTION,
WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND
DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

JEFF-KATT, LLC. DATE
55 BAY REACH
REHOBOTH BEACH, DE 19971

ENGINEER'S STATEMENT

I, CLIFTON D. MUMFORD, P.E., HEREBY STATE THAT I
AM A REGISTERED ENGINEER IN THE STATE OF
DELAWARE, THAT THE INFORMATION SHOWN HEREON
HAS BEEN PREPARED UNDER MY SUPERVISION AND TO
MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD
ENGINEERING PRACTICES AS REQUIRED BY THE
APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVIS, BOWEN & FRIEDEL, INC. DATE
by CLIFTON D. MUMFORD, P.E.



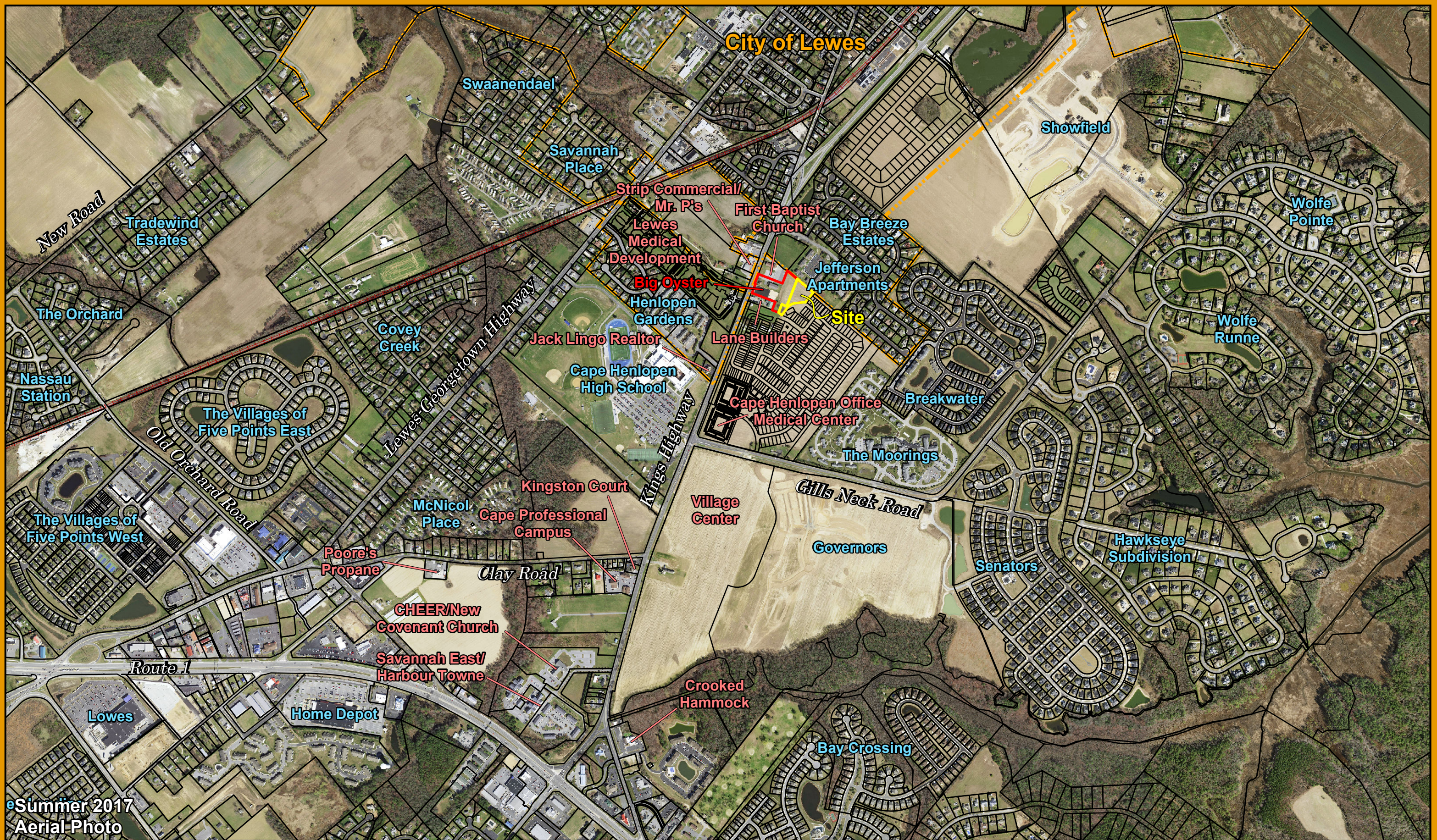
DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SUSSEX COUNTY, DELAWARE
MILFORD, DELAWARE
EASTON, MARYLAND
(410) 643-2001
(302) 624-1441
(410) 770-4744

LANDS OF MITCHELL FAMILY, LLC
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

Revisions:

Date: JUNE, 2021
Scale: 1" = 40'
Dwn.By: TCB
Proj.No.: 3007A002
Dwg.No.:

LLA-RZ



Summer 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



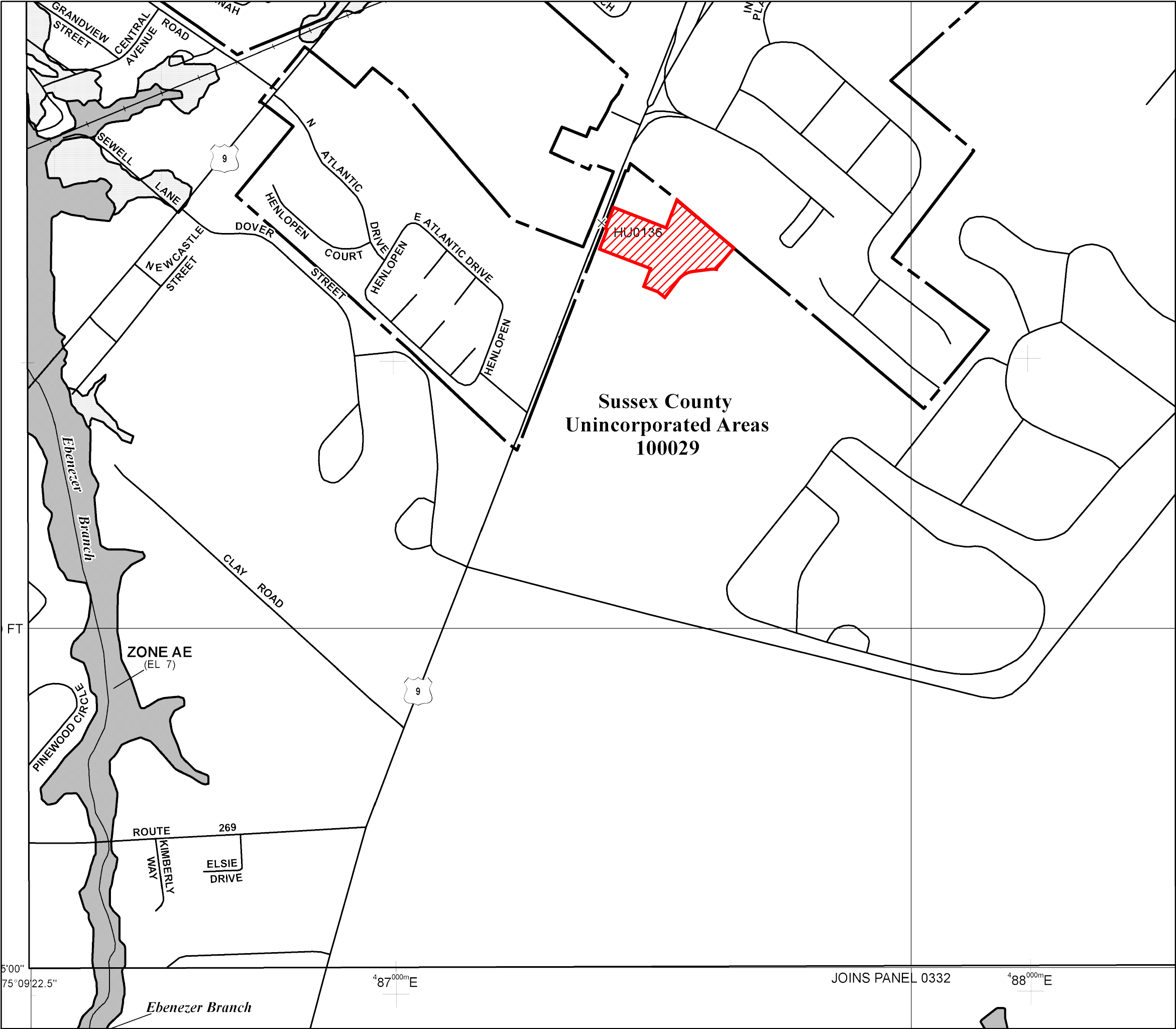
February 2022

Surrounding Communities Map

Jeff-Kat, LLC. Rezoning
Sussex County, Delaware

0 1,000 2,000
Feet





NFIP

PANEL 0194K

FIRM

FLOOD INSURANCE RATE MAP

SUSSEX COUNTY,
DELAWARE
AND INCORPORATED AREAS

PANEL 194 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LEWES, CITY OF	100041	0194	K
SUSSEX COUNTY	100029	0194	K

- NOTE -
THIS MAP INCLUDES BOUNDARIES OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT ENABLING LEGISLATION.

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



MAP NUMBER
10005C0194K

MAP REVISED
MARCH 16, 2015

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

5'00"
75°09'22.5"

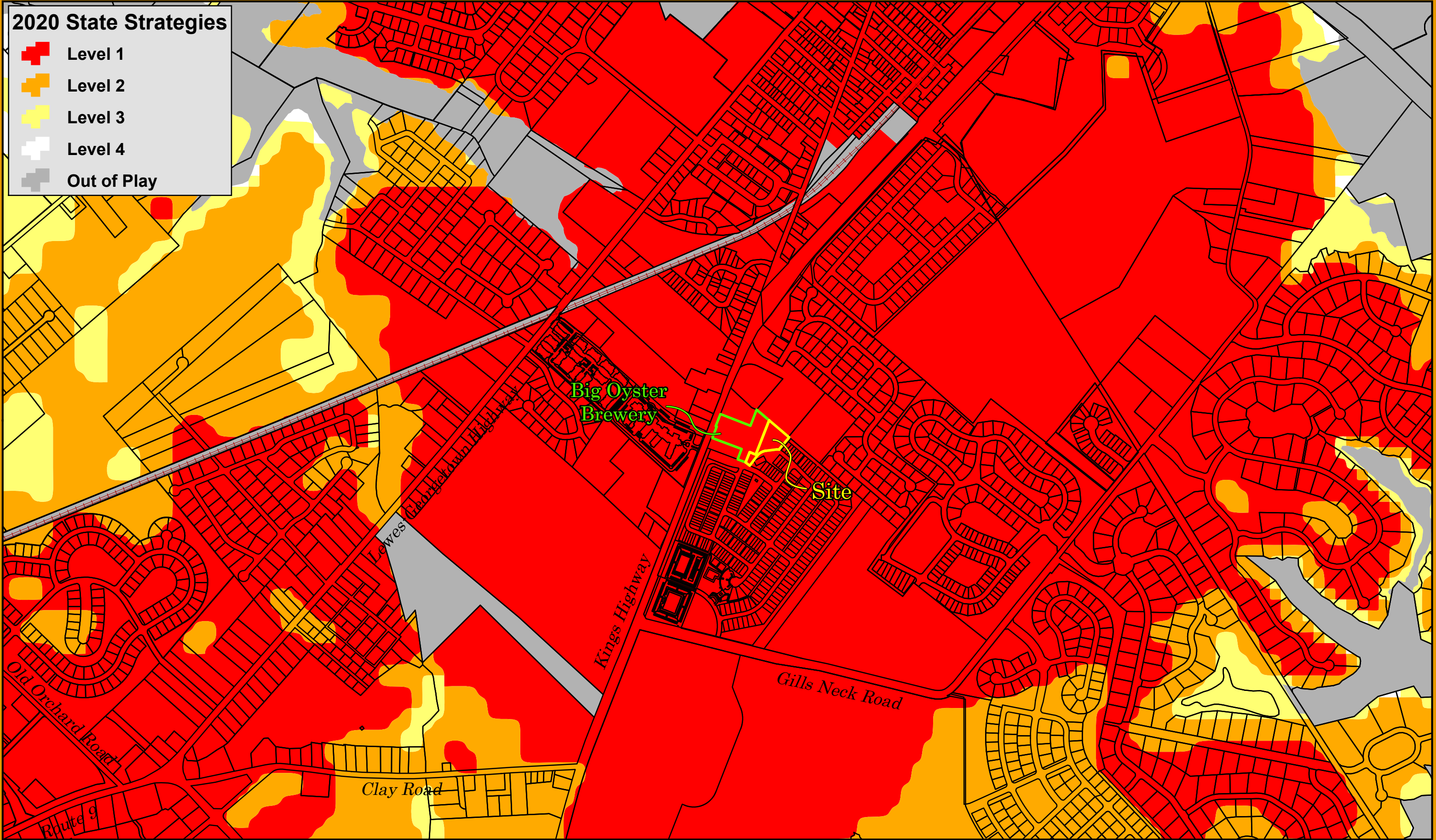
4'87^{000m}E

JOINS PANEL 0332

4'88^{000m}E

2020 State Strategies

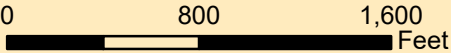
-  Level 1
-  Level 2
-  Level 3
-  Level 4
-  Out of Play



Sources:
Tax Parcels per Sussex County

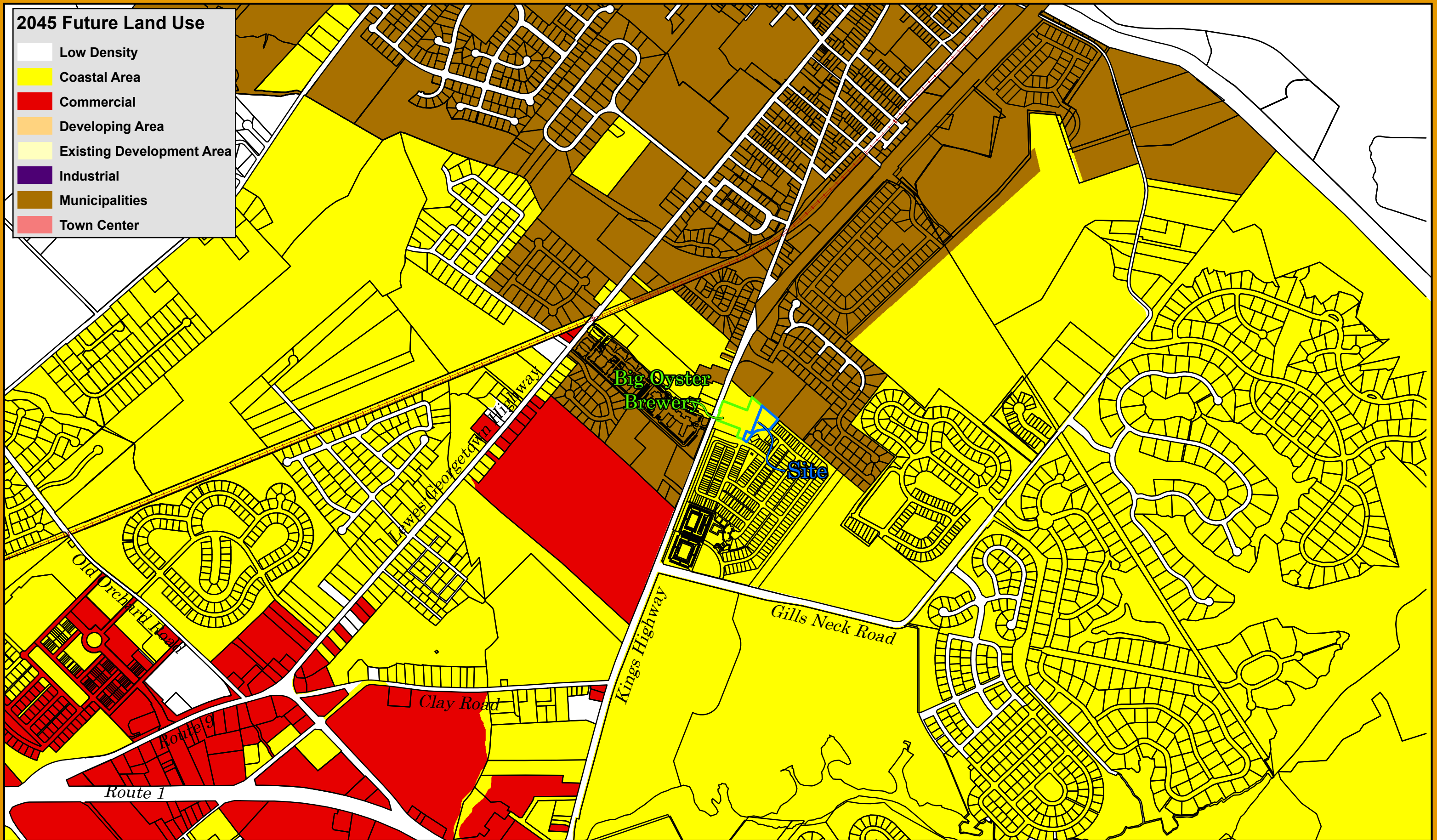


2020 State Strategies
Jeff-Kat, LLC. Rezoning
Sussex County, Delaware



2045 Future Land Use

- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center

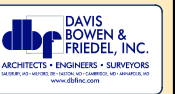


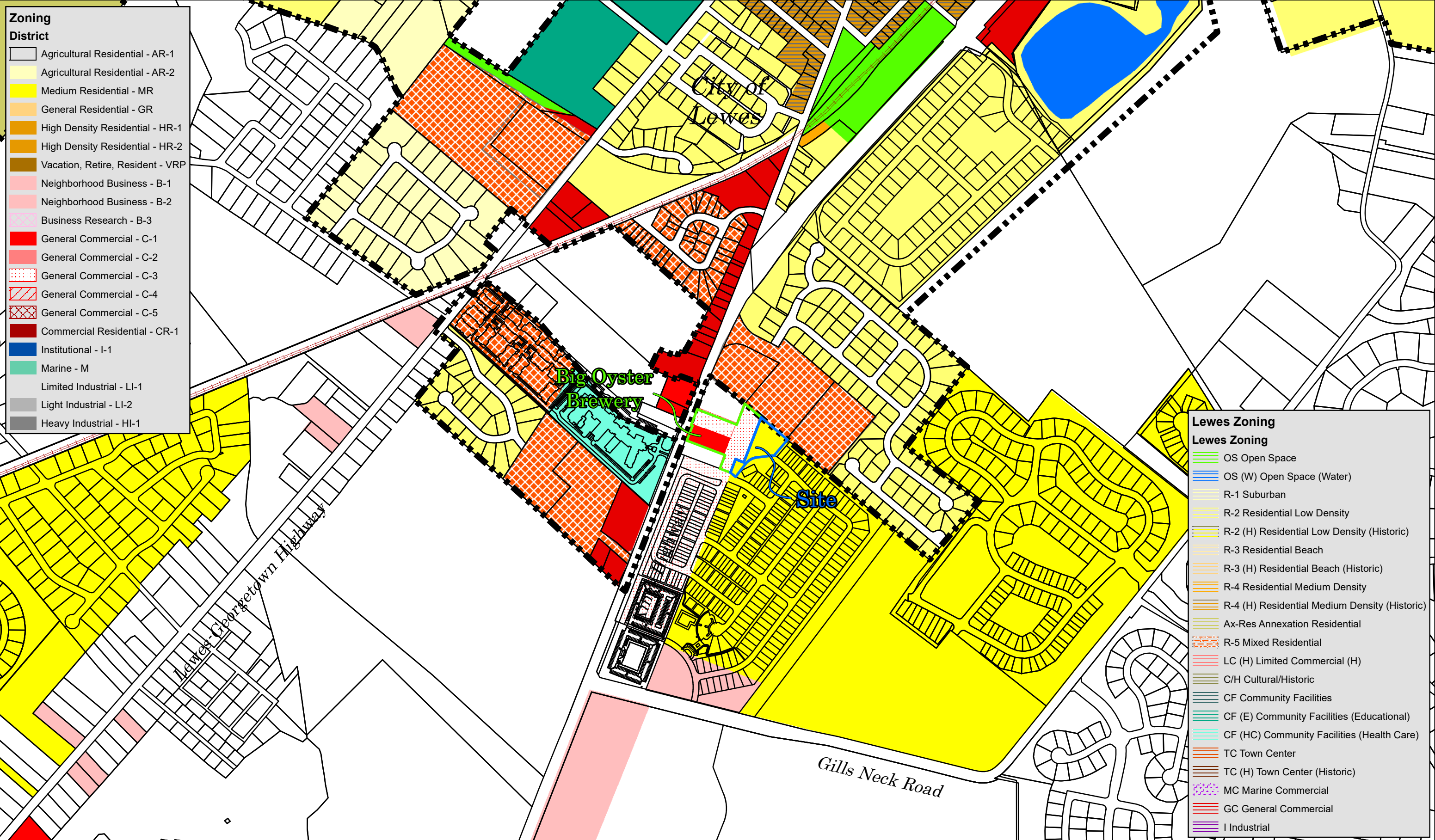
Land Use per 2018 Sussex County Comprehensive Plan
 Entire Site is within the
 Environmental Sensitive Developing Area



Sussex County 2045 Future Land Use Jeff-Kat, LLC. Rezoning Sussex County, Delaware

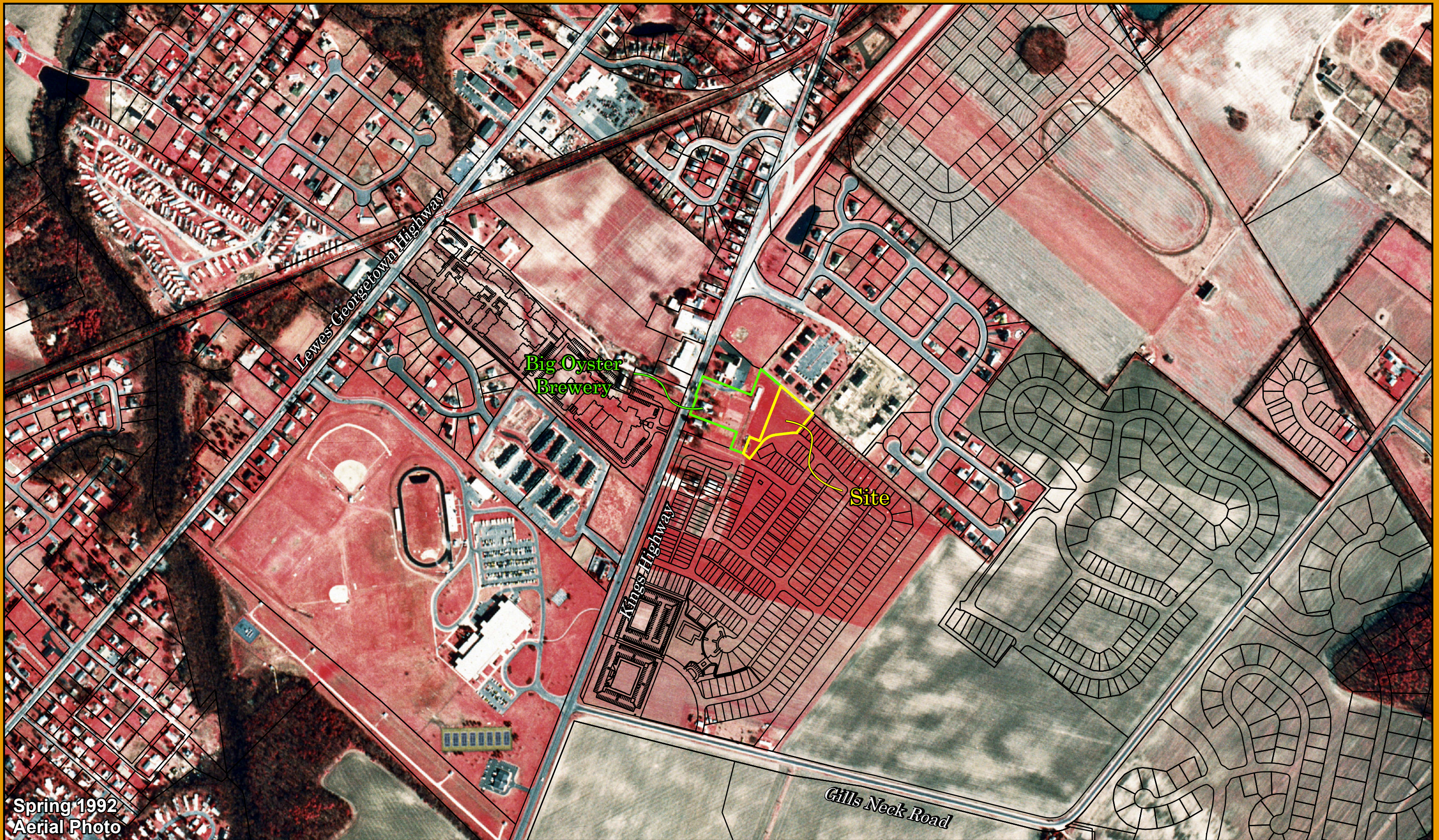
0 1,000 2,000
 Feet





- Zoning District**
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Neighborhood Business - B-1
 - Neighborhood Business - B-2
 - Business Research - B-3
 - General Commercial - C-1
 - General Commercial - C-2
 - General Commercial - C-3
 - General Commercial - C-4
 - General Commercial - C-5
 - Commercial Residential - CR-1
 - Institutional - I-1
 - Marine - M
 - Limited Industrial - LI-1
 - Light Industrial - LI-2
 - Heavy Industrial - HI-1

- Lewes Zoning**
- OS Open Space
 - OS (W) Open Space (Water)
 - R-1 Suburban
 - R-2 Residential Low Density
 - R-2 (H) Residential Low Density (Historic)
 - R-3 Residential Beach
 - R-3 (H) Residential Beach (Historic)
 - R-4 Residential Medium Density
 - R-4 (H) Residential Medium Density (Historic)
 - Ax-Res Annexation Residential
 - R-5 Mixed Residential
 - LC (H) Limited Commercial (H)
 - C/H Cultural/Historic
 - CF Community Facilities
 - CF (E) Community Facilities (Educational)
 - CF (HC) Community Facilities (Health Care)
 - TC Town Center
 - TC (H) Town Center (Historic)
 - MC Marine Commercial
 - GC General Commercial
 - I Industrial



Spring 1992
Aerial Photo



February 2022

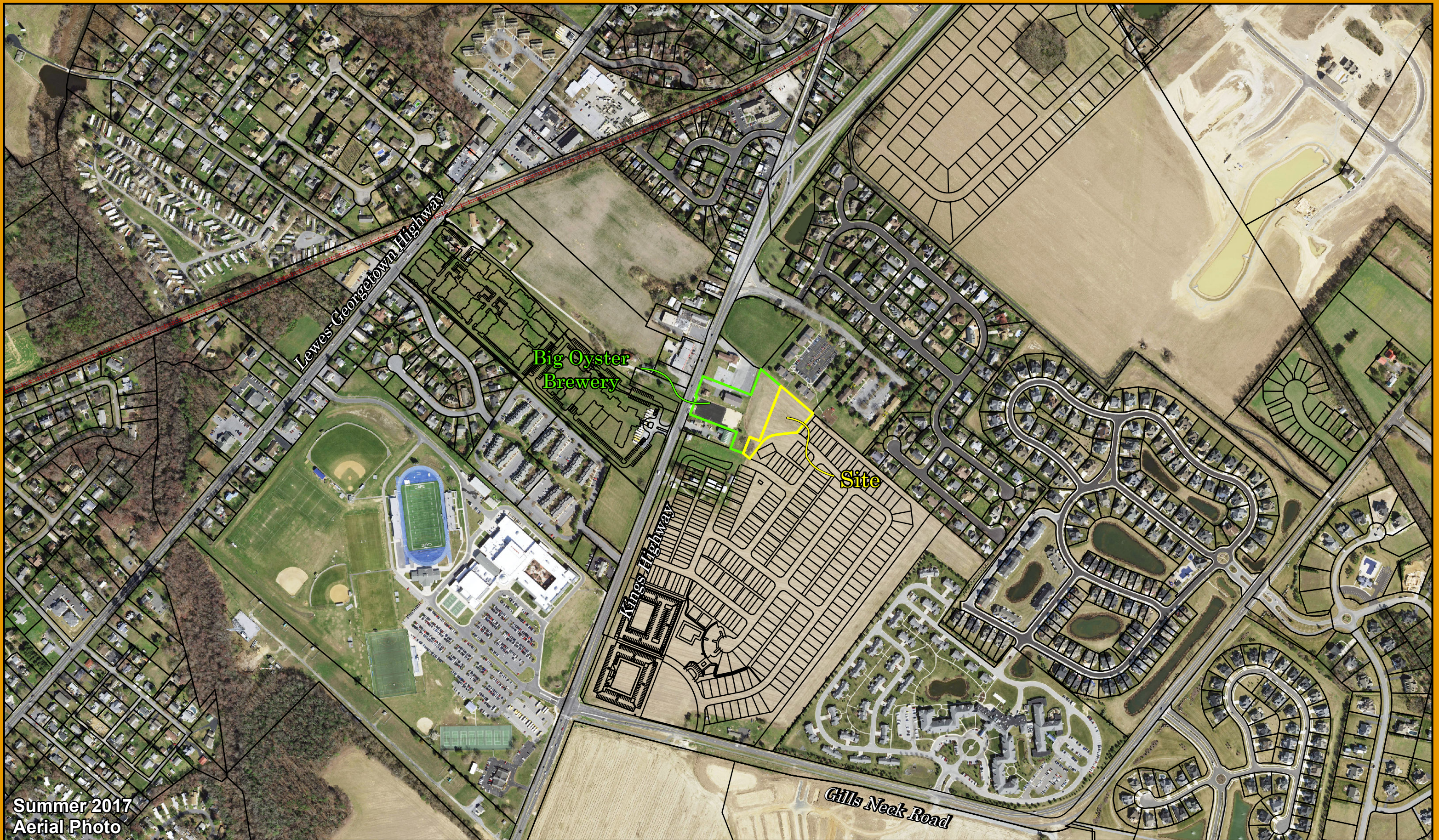
Sources:
Tax Parcels per Sussex County

1992 Aerial Photo

Jeff-Kat, LLC. Rezoning
Sussex County, Delaware

0 500 1,000
Feet

dbp DAVIS
BOWEN &
FRIEDEL, INC.
ARCHITECTS • ENGINEERS • SURVEYORS
SUSSEX COUNTY, DELAWARE
www.dbpinc.com



Summer 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



February 2022

2017 Aerial Photo
Jeff-Kat, LLC. Rezoning
Sussex County, Delaware

0 500 1,000
Feet



Document # 2021000077094 BK: 5613 PG: 209
On 12/16/2021 at 11:03:27 AM
RECORDER OF DEEDS Scott Dailey
Sussex County, DE
Consideration: \$1,100,000.00 County/Town: \$16,500.00
State: \$27,500.00 Total: \$44,000.00 Doc Surcharge Paid

TAX PARCEL NO.: P/O 3-35-8.00-37.00
as extension of 3-35-8.00-39.00

PREPARED BY & RETURN TO:
Parkowski, Guerke & Swayze, P.A.
19354C Miller Road
Rehoboth Beach, DE 19971
File No. 228-21/VGR

THIS DEED, made this 15th day of December, 2021,

- BETWEEN -

MITCHELL FAMILY, LLC, a Delaware limited liability company, of 20773 Atlanta Road, Seaford, DE 19973, party of the first part,

- AND -

JEFF-KAT, LLC, a Delaware limited liability company, of 1007 Kings Highway, Lewes, DE 19958, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars and 00/100 (\$10.00), 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 piece or parcel of land, hereinafter described, situate, lying and being on the southeasterly side of Lands now or formerly of Jeff-Kat, LLC, and being located in Lewes & Rehoboth Hundred, Sussex County, Delaware, being part of the northerly corner of Parcel 37.00, as shown on a plat entitled "Lot Line Adjustment and Rezoning Plan", completed by Davis Bowen & Friedel, Inc., dated June 2021, recorded in Plot Book 358, Page 18, and being particularly described as follows:

BEGINNING at point formed by northerly corner of lands now or formerly of Mitchell Family LLC., and said point is the easterly corner of lands now or formerly of Jeff-Kat LLC., as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware; said beginning point being coordinated on the Delaware State Grid System as North: 277,122.25 feet, East: 733,900.16 feet; thence; (1) leaving said lands of Jeff-Kat LLC., and running by and with lands now or formerly of Jefferson Estates LLC., South 49 degrees 43 minutes 50 seconds East 238.30 feet to a point, thence running; (2) through subject property the following 8 courses, South 40 degrees 16 minutes 10 seconds West 136.85 feet to a point, thence running; (3) South 12 degrees 26 minutes 54 seconds West 7.06 feet to a point, thence running;

(4) by and with a curve to the left having a radius of 70.00 feet, and arc length of 23.47 feet, a chord bearing of North 87 degrees 09 minutes 28 seconds West, and a chord length of 23.36 feet to a point, thence running; (5) South 83 degrees 14 minutes 10 seconds West 96.83 feet to a point, thence running; (6) by and with a curve to the left having a radius of 120.00 feet, and arc length of 96.50 feet, a chord bearing of South 60 degrees 11 minutes 57 seconds West, and a chord length of 93.92 feet to a point, thence running; (7) South 37 degrees 09 minutes 44 seconds West 111.21 feet to a point, thence running; (8) North 50 degrees 42 minutes 39 seconds West 47.19 feet to a point at lands now or formerly of Jeff-Kat LLC., thence running; (9) by and with said lands of Jeff-Kat LLC. the following 3 courses, North 21 degrees 17 minutes 08 seconds East 99.36 feet to a point, thence running; (10) South 68 degrees 42 minutes 52 seconds East 60.00 feet to a point, thence running; (11) North 21 degrees 17 minutes 08 seconds East 332.92 feet to the point and place of beginning; CONTAINING 1.195 acres of land, more or less.

Said lands to be combined with and become part of existing lands of Jeff-Kat, LLC, known as Sussex County Tax Parcel No. 3-35-8.00-39.00.

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.

BEING a part of the same lands conveyed unto Mitchell Family, LLC, a Delaware limited liability company, by deed from L.W. & J.T. Mitchell Family Limited Partnership, dated June 11, 2019, and recorded June 12, 2019, in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 5074, Page 48.

IN WITNESS WHEREOF, the said Mitchell Family, LLC, a Delaware limited liability company, has caused its name to be hereunto set under seal by Robert P. Mitchell, Manager of Mitchell Family, LLC, the day and year first above written.



Witness

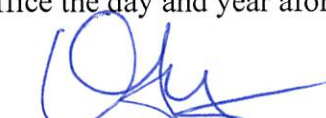
MITCHELL FAMILY, LLC
By:  (SEAL)
Robert P. Mitchell, Manager

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

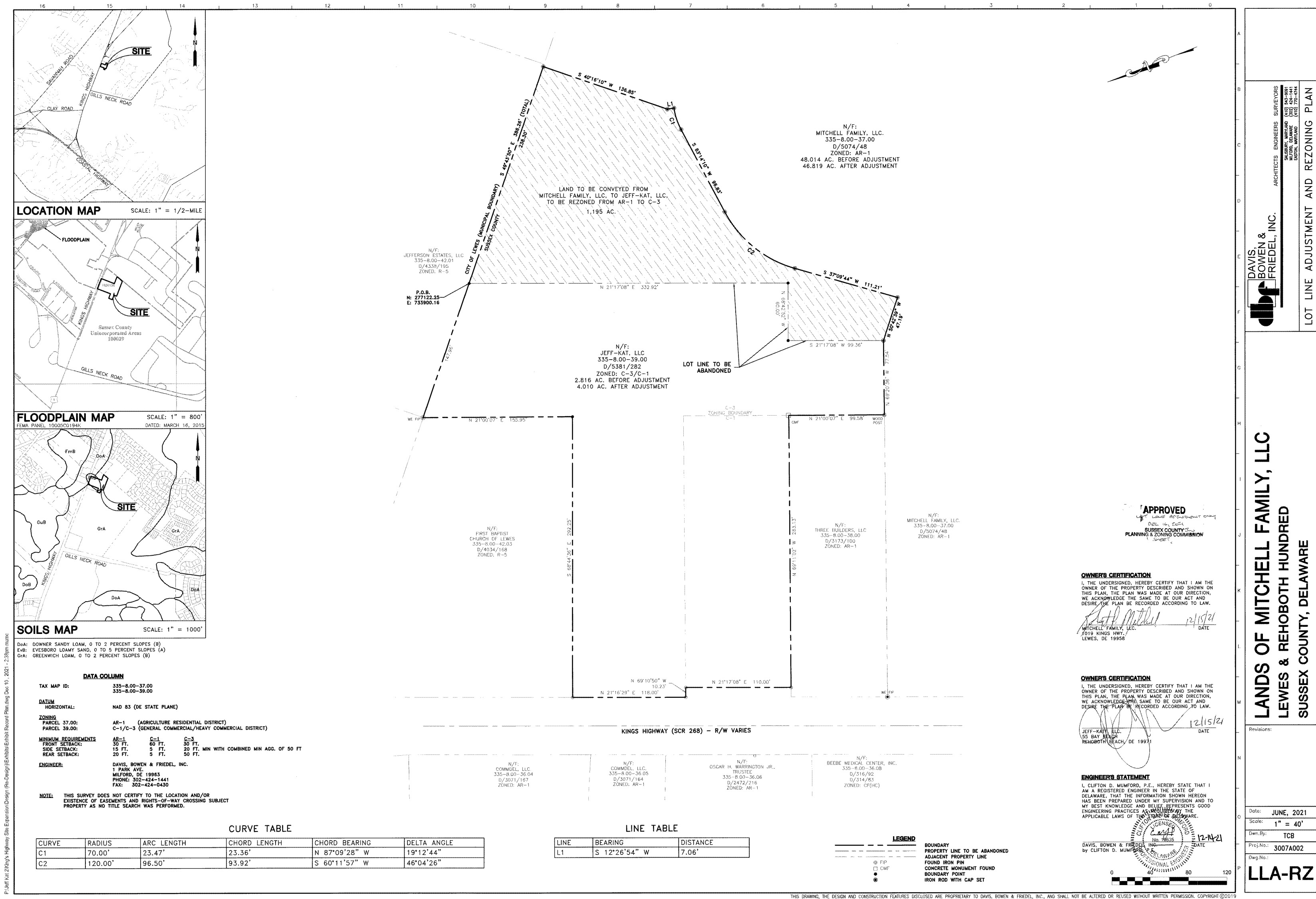
BE IT REMEMBERED, that on this 15th day of December, 2021, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Robert P. Mitchell, Manager of Mitchell Family, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company.

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

ADMITTED TO DELAWARE BAR 12/15/94
ATTORNEY
VINCENT G. ROBERTSON
NOTARY
UNIFORM LAW ON NOTARIAL ACTS
PURSUANT TO 29 DEL C. SEC 4323 (3)



Notary Public
My Commission Expires: N/A



LEGAL DESCRIPTION

LANDS OF

JEFF-KAT, LLC.

PART OF TAX PARCEL 335-8.00-39.00

February 28, 2022

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the southeasterly side of Lands now or formerly of Jeff-Kat LLC., and being located in Lewes & Rehoboth Hundred, Sussex County, Delaware, being part of the easterly portion of Parcel 39.00, as shown on a plat entitled "Lands of Mitchell Family, LLC." completed by Davis Bowen & Friedel, Inc., dated June 2021 and recorded in plat book 358 page 18 as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware; said piece or parcel being more particularly described as follows:

BEGINNING at point on the northerly line of lands now or formerly of Jeff-Kat LLC. and the southerly line of lands now or formerly of Jefferson Estates, LLC., said beginning point being coordinated on the Delaware State Grid System as North: 277,122.25 feet, East: 733,900.16 feet; thence,

- 1) running with said lands of Jeff-Kat LLC. and running by and with lands now or formerly of Jefferson Estates LLC., South 49 degrees 43 minutes 50 seconds East 238.30 feet to a point, thence leaving said lands of Jefferson Estates, LLC. and running,
- 2) by and with lands of Mitchell Family, LLC. the following 7 courses, South 40 degrees 16 minutes 10 seconds West 136.85 feet to a point, thence running,
- 3) South 12 degrees 26 minutes 54 seconds West 7.06 feet to a point, thence running,
- 4) by and with a curve to the left having a radius of 70.00 feet, and arc length of 23.47 feet, a chord bearing of North 87 degrees 09 minutes 28 seconds West, and a chord length of 23.36 feet to a point, thence running,
- 5) South 83 degrees 14 minutes 10 seconds West 96.83 feet to a point, thence running,
- 6) by and with a curve to the left having a radius of 120.00 feet, and arc length of 96.50 feet, a chord bearing of South 60 degrees 11 minutes 57 seconds West, and a chord length of 93.92 feet to a point, thence running,
- 7) South 37 degrees 09 minutes 44 seconds West 111.21 feet to a point, thence running,

8) North 50 degrees 42 minutes 39 seconds West 47.19 feet to a point at lands now or formerly of Jeff-Kat LLC., thence running,

9) through lands of Jeff-Kat LLC. the following 3 courses, North 21 degrees 17 minutes 08 seconds East 99.36 feet to a point, thence running,

10) South 68 degrees 42 minutes 52 seconds East 60.00 feet to a point, thence running,

11) North 21 degrees 17 minutes 08 seconds East 332.92 feet to the point and place of beginning; **CONTAINING** 1.195 acres of land, more or less.



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

NICOLE MAJESKI
SECRETARY

November 10, 2021

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

Dear Mr. Whitehouse:

This letter is to revise and replace our letter of earlier today, which incorrectly described the location of the subject land.

The Department has completed its review of a Service Level Evaluation Request for the **Jeff-Kat, LLC** proposed land use application, which we received on September 27, 2021. This application is for an approximately 1.23 portion of a 48.01- acre parcel (Tax Parcel: 335-8.00-37.00). The subject land is landlocked but would have access through Tax Parcel 335-8.00-39.00 on the east side of Kings Highway (US Route 9) about 2,000 ft north of the intersection with Gills Neck Road (Sussex Road 267). The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of C-3 (Heavy Commercial).

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along Kings Highway from Gills Neck Road to Freeman Highway (Sussex Road 23), is 12,019 vehicles per day.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

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



Mr. Jamie Whitehouse

Page 2 of 2

November 10, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

Enclosure:

cc: Jeff-Kat, LLC, Applicant
Elliot Young, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, 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
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

February 23, 2022

David L. Edgell,
State of Delaware
Office of State Planning Coordination
122 Martin Luther King Jr. Blvd. South
Haslet Armory – Third Floor
Dover, DE 19901

Attn: David L. Edgell, AICP
Director, Office of State Planning Coordination

RE: PLUS review 2021-12-04; Jeff Kat/Big Oyster
Comment Response Letter
Tax Parcel No.: 3-35-8.00-39.00
DBF #3007A002.B01

Dear Mr. Edgell,

I appreciated the opportunity to meet with representatives of the various agencies at the PLUS meeting held on December 15, 2021. This letter is in response to comments received from State Planning Coordination dated. We offer the following in response to those comments:

Strategies for State Policies and Spending

- *This project is located in Investment Level 1 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.*

We recognize that the project is in an Investment Level 1 area, which is designated for growth.

- *It is noted that this parcel is within the Coastal area according to the Sussex County Comp plan and C-3 is allowable within the Coastal area. The PLUS application was for the rezoning only. If this parcel is rezoned, any development that meets the PLUS criteria must be submitted to PLUS for review*

Acknowledged.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *DelDOT has no comments on the subject rezoning but offers the following comments as information about what DelDOT will require if the County grants the rezoning and a developer subsequently submits a plan.*
 - *Because the parcel to which the subject land is being added fronts on a road that is part of the Federal Aid Primary Road System, that is Kings Highway (US Route 9), it is subject to outdoor advertising regulations found in CFR 23 §131 and 17 Del. C. §1101-1120. Accordingly, the applicant should expect the following requirements:*
 - *No new billboards, variable message boards, or electronic changing message sign(s) anywhere on or off Kings Highway. Any such structure or fixture shall be 660 feet away, i.e., any closest byway right-of-way edge.*
 - *No off-premises advertising on the property for others within 660 feet of Kings Highway, e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.*
 - *Along Kings Highway, the applicant would not be permitted to advertise or direct information about themselves on other private property.*

No billboards or signs are proposed.

- *The site access on Kings Highway 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>.*
- *Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.delDOT.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.*
- *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.*

We are aware of DelDOT's design and submittal requirements and will follow DelDOT procedures when a site plan is needed.

- *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. DelDOT will assess the need for a TIS when a plan is presented for development of the subject land.*
- *Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. If possible, an interconnection should be negotiated with Henlopen Properties, LLC (Tax Parcel 335-8.00-37.00) from whom the subject land is being acquired and, again if possible, with the First Baptist Church (Tax Parcel 335-8.00-40.00) and Lane Builders (Tax Parcel 335-8.00-38.00). Doing so would have the benefits of better managing left turns along Kings Highway and affording those parcels access to Gills Neck Road.*

The church did not want interconnection to this site. Interconnection to Henlopen Properties is provided through an easement that was recently recorded as part of the Big Oyster Expansion. Coordination of future interconnection has been made with Henlopen Properties. An interconnection to Lane Builders is difficult due to the layout of buildings and parking on that site.

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

- *The project proposes to rezone a 1.2-acre parcel from AR-1 to C-3. DNREC reviewers have no concerns or comments at this time regarding the proposed rezoning.*

Acknowledged.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- *There are no known archaeological sites or National Register listed properties on the parcel.*

Acknowledged.

- *There is low archaeological potential for this parcel. There is no freshwater source a favorable distance of the parcel, and therefore there is unlikely to be prehistoric archaeological sites within the project area. There are two known historic structures that were once on the parcel (S01048, S01049). However, both are no longer extant. Despite known historic occupation of the parcel, historic aerials and topographic maps show a lot of development of the parcel. There are not likely to be intact archaeological deposits because of this past disturbance, and therefore there is low potential for historic archaeological sites on the parcel.*

Acknowledged.

Recommendations/Additional Information

*This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here 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 parcel to which the subject land is being added fronts on part of the Historic Lewes Byway. Therefore, the applicant should expect the following requirements:

- *Byways signs may be required along both roads as part of the plan review process.*
- *There is an adopted Kings Highway and Gills Neck Road Master Plan for future roadway and right-of-way improvements. This plan can be viewed at https://www.deldot.gov/Programs/byways/pdfs/lewes_cmp/KHGN_MasterPlan_092616finalrx.pdf. The Master Plan was undertaken in consideration of implementation with DelDOT, the Historic Lewes Byway Committee, the City of Lewes, Sussex County, and other key stakeholders.*
- *Improvements to Kings Highway, from Dartmouth Drive to Freeman Highway, to be designed and built consistent with that Master Plan, are funded in DelDOT's Capital Transportation Program for Fiscal Years 2021 through 2026 for Preliminary Engineering in Fiscal Years 2022 and 2023, Right-of-Way Acquisition in Fiscal Years 2024 and 2025 and Construction beginning in the Fiscal Year 2026.*
- *A typical cross-section for future roadway and right-of-way improvements in consideration of context-sensitive design solutions for Byway Transportation Corridors has been conceptually recommended for future implementation.*
- *Landscaping or landscaping buffers and/or vegetation screening is strongly encouraged with the project along both Kings Highway and Gills Neck Road. DelDOT has a suggested list of native and low maintenance vegetation plantings and will require its use for plantings in the right-of-way. Landscaping efforts undertaken or partially undertaken in State right of way will require written agreements with DelDOT regarding maintenance responsibility.*
- *The applicant may be asked to work with or provide updates to the Lewes Byway Committee and per implementation of the Master Plan and byways coordination. The applicant may contact the Byways Chair, Ms. Mary Roth at mroth@delawaregreenways.org or (302) 302-655-7275.*

This rezoning is for a portion of land that does not front on Kings Highway. We are aware of the future DelDOT project to widen Kings Highway and the Byways program. In the future if landscaping is considered the owner will consult with the Lewes Byways Committee.

- *The proposed out parcel has a slightly different acreage from that shown on the plan presented by Henlopen Properties, LLC. DelDOT understands that this difference has since been resolved.*

Correct.

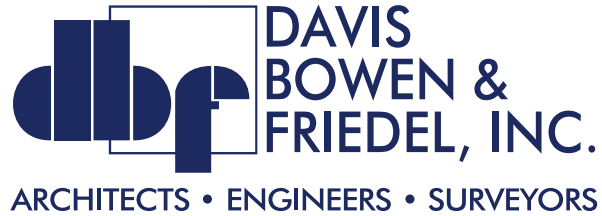
If you have any questions or need additional information, please contact me at (302) 424-1441 or via email at cdm@dbfinc.com.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.
Associate

CC: Jeff Hamer, Jeff-Kat, LLC



*IMPROVING OUR COMMUNITIES.
SHAPING THE WORLD AROUND US.*

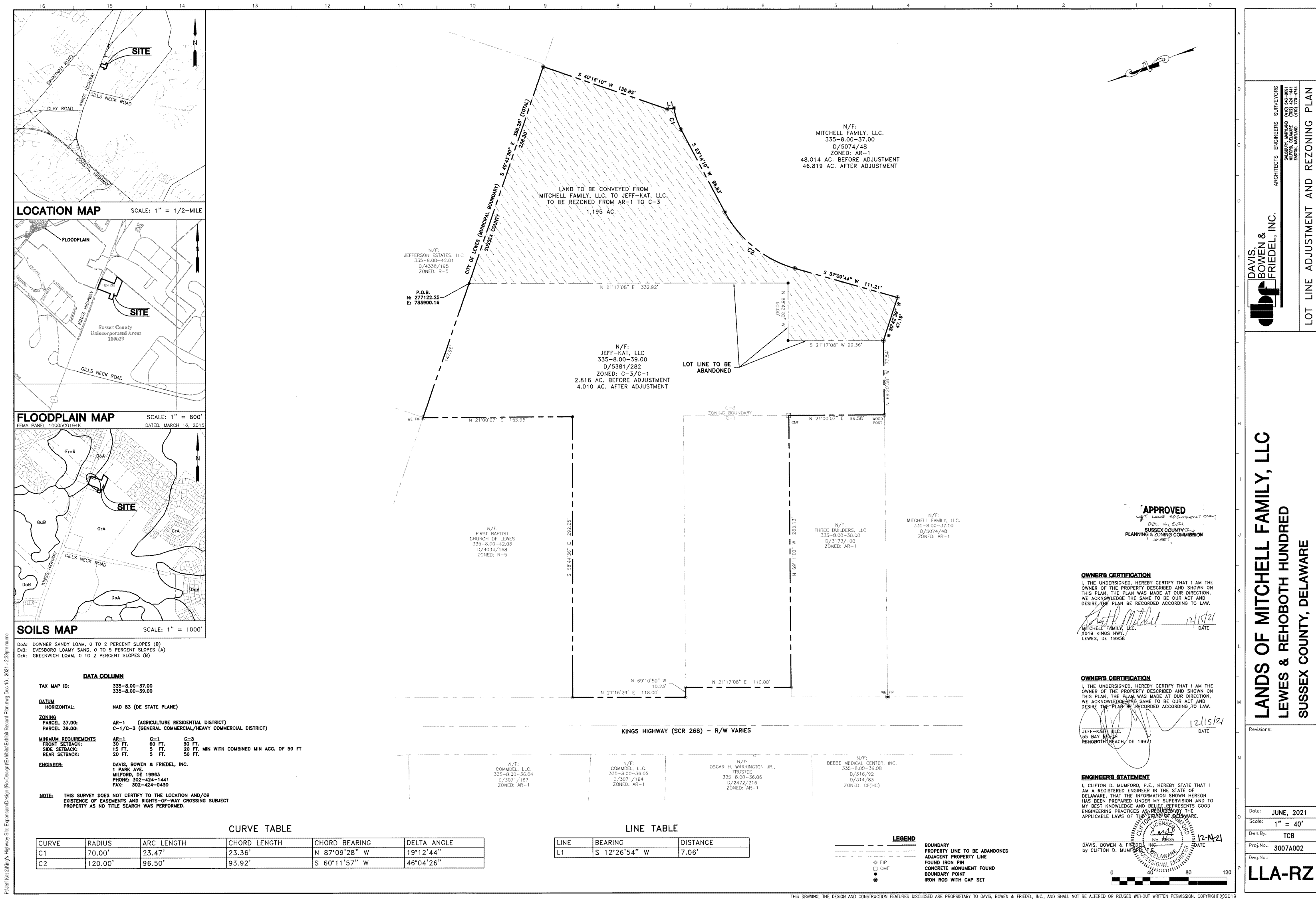
CREATING VALUE BY DESIGN.

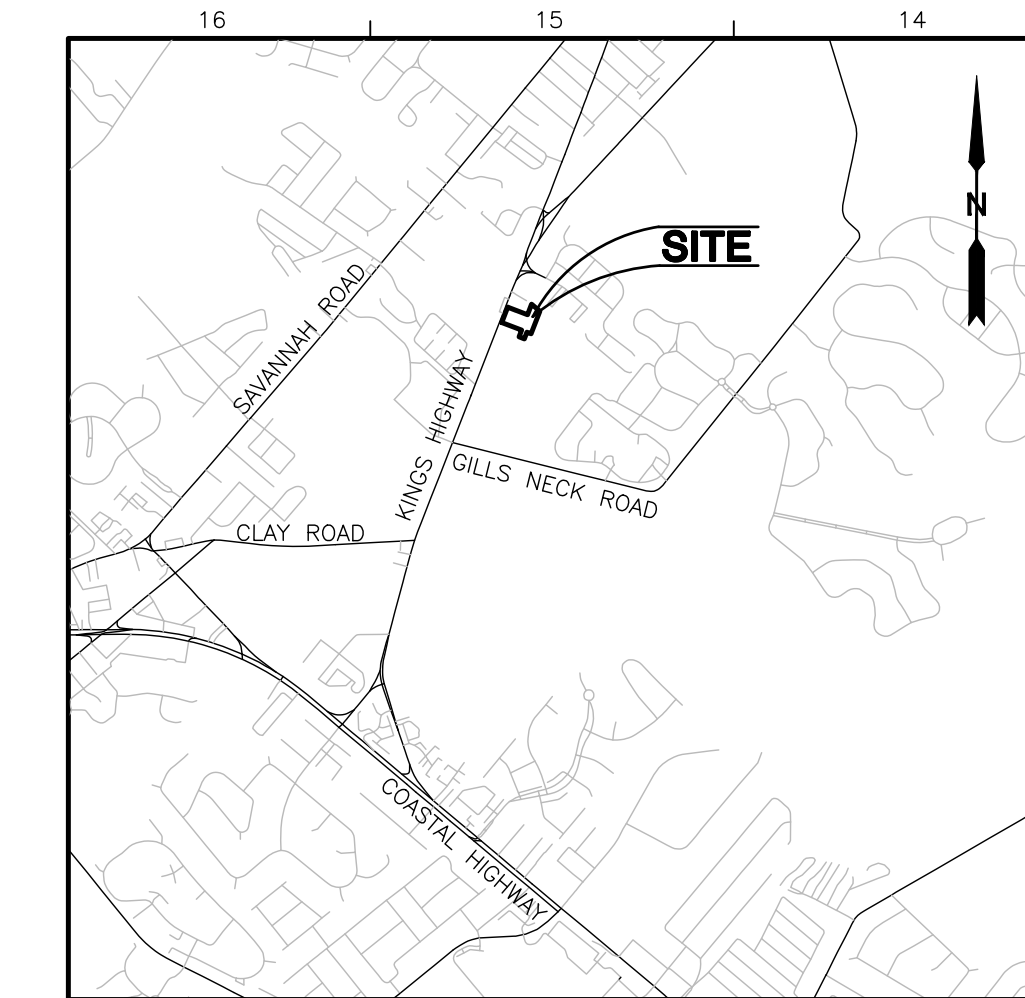
1 Park Avenue
Milford, DE 19963
(302) 424-1441

601 East Main Street, Suite 100
Salisbury, MD 21804
(410) 543-9091

106 Washington Street, Suite 103
Easton, MD 21601
(410) 770-4744

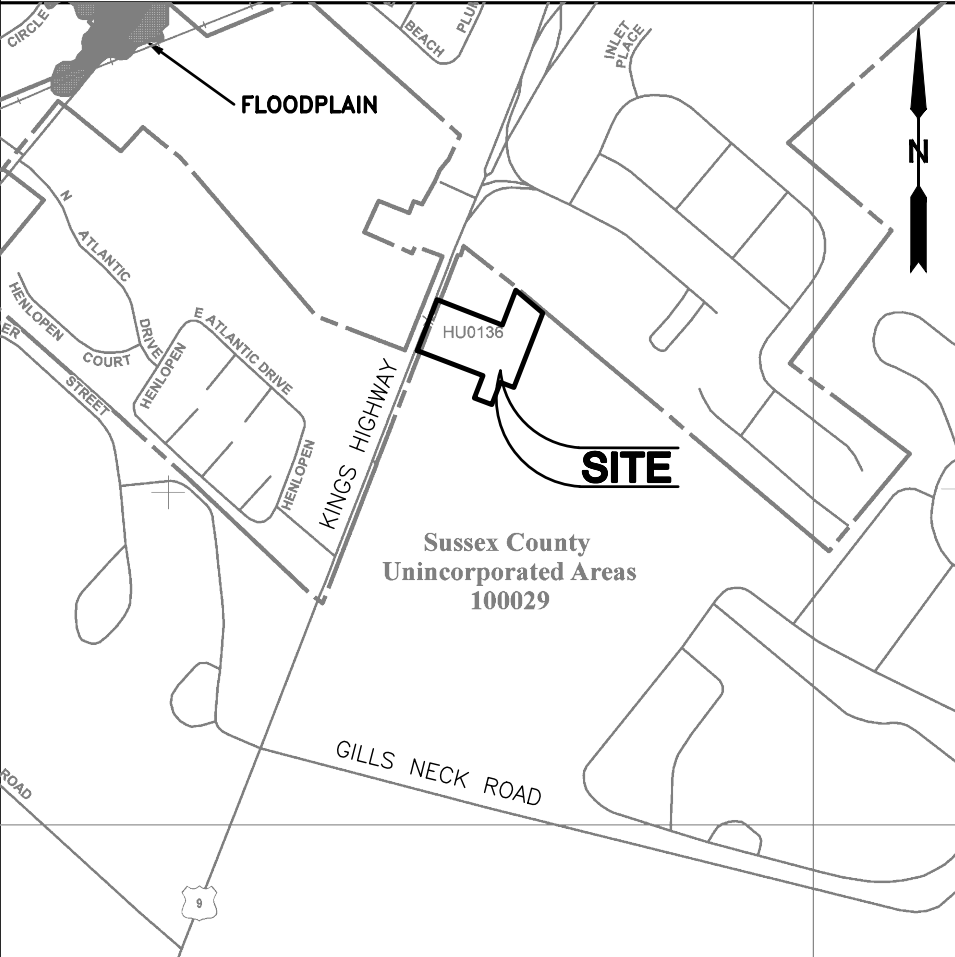
www.dbfinc.com





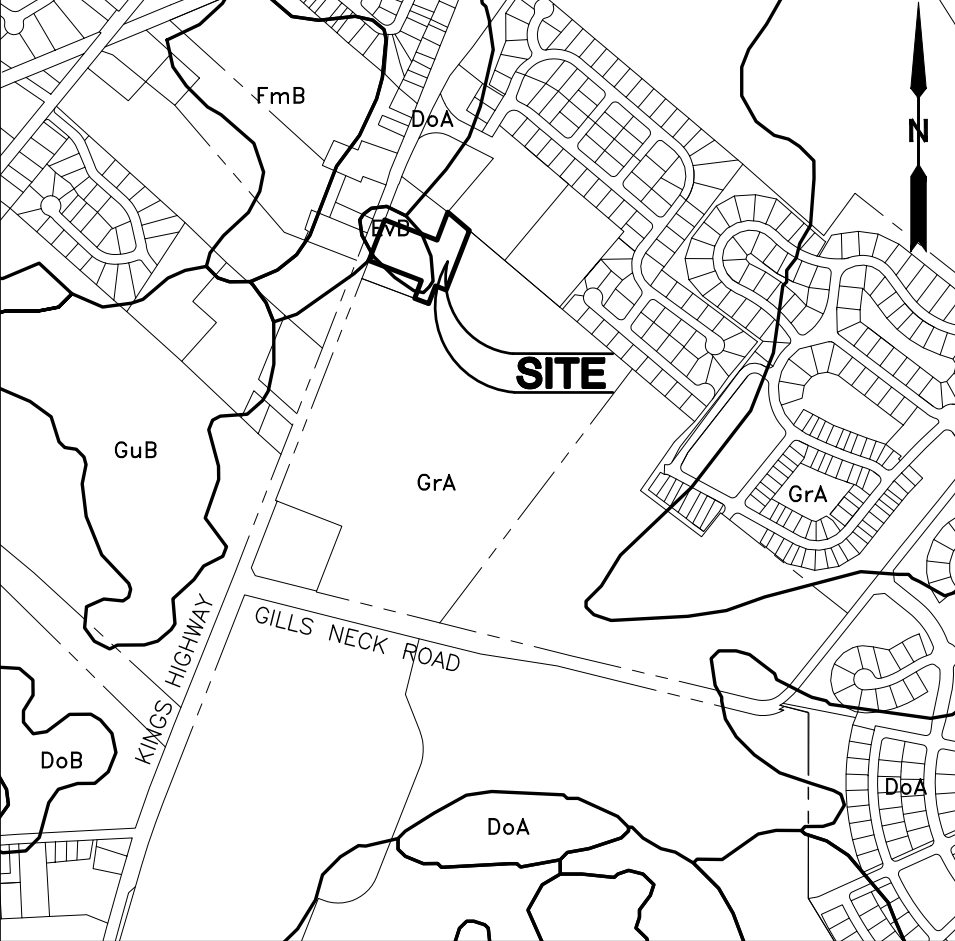
LOCATION MAP

SCALE: 1" = 1/2-MILE



FLOODPLAIN MAP

FEMA PANEL 10005C0194K DATED: MARCH 16, 2015



SOILS MAP

SCALE: 1" = 1000'

DoA: DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES (B)
EvB: EVESBORO LOAMY SAND, 0 TO 5 PERCENT SLOPES (A)
GrA: GREENWICH LOAM, 0 TO 2 PERCENT SLOPES (B)

DATA COLUMN

TAX MAP ID: 335-8.00-37.00
335-8.00-39.00

DATUM
VERTICAL: NAVD 88
HORIZONTAL: NAD 83 (DE STATE PLANE)

ZONING
PARCEL 37.00: AR-1 (AGRICULTURE RESIDENTIAL DISTRICT)
PARCEL 39.00: C-1/C-3 (GENERAL COMMERCIAL/HEAVY COMMERCIAL DISTRICT)

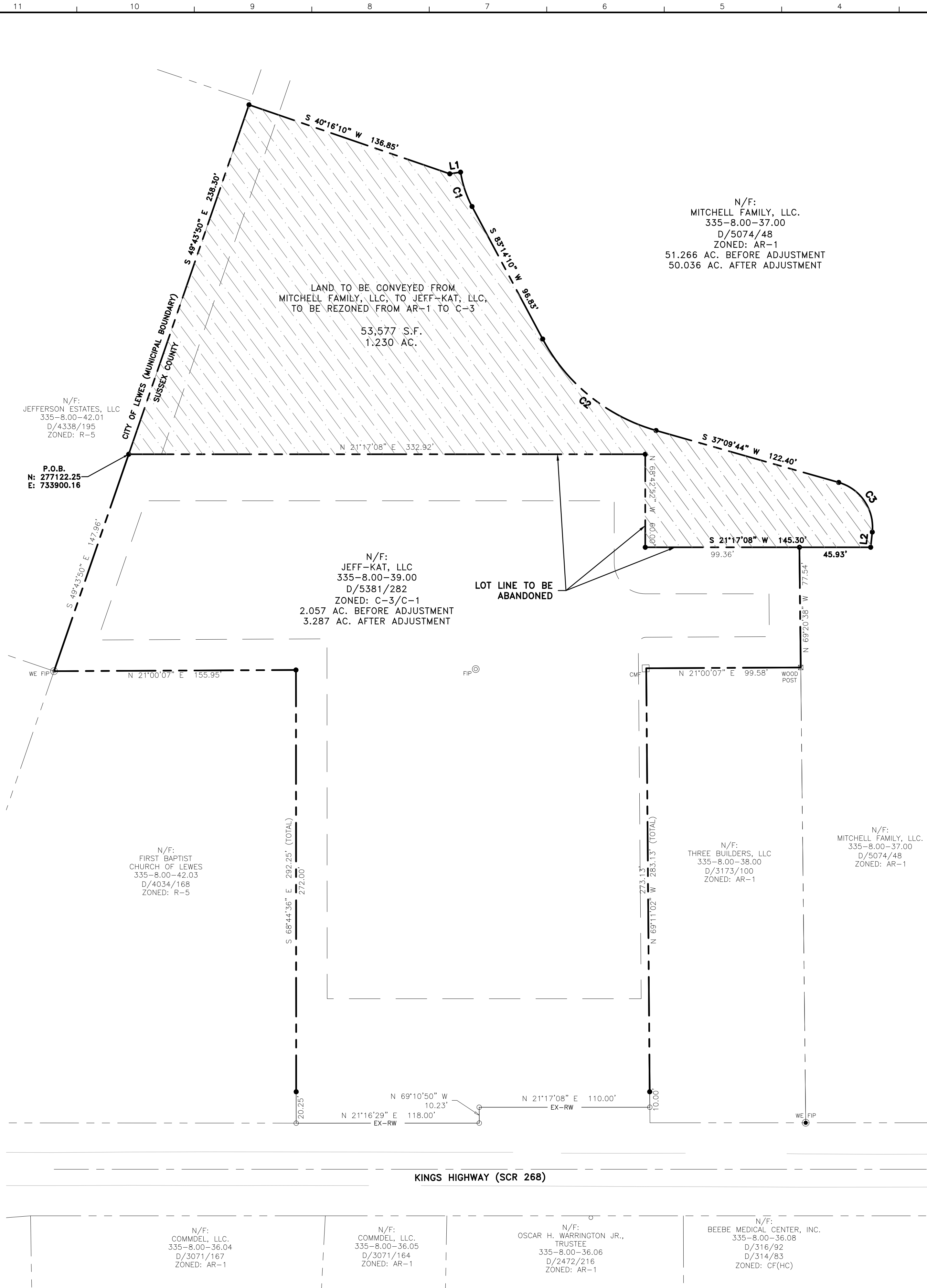
MINIMUM REQUIREMENTS
FRONT SETBACK: AR-1 30 FT. C-1 60 FT. C-3 30 FT.
SIDE SETBACK: 15 FT. 5 FT. 20 FT. MIN WITH COMBINED MIN AGG. OF 50 FT
REAR SETBACK: 20 FT. 5 FT. 50 FT.

ENGINEER:
DAVIS, BOWEN, & FRIEDEL, INC.
1 PARK AVE.
MILFORD, DE 19963
PHONE: 302-424-1441
FAX: 302-424-0430

NOTE: THIS SURVEY DOES NOT CERTIFY TO THE LOCATION AND/OR
EXISTENCE OF EASEMENTS AND RIGHT-OF-WAYS CROSSING SUBJECT
PROPERTY AS NO TITLE SEARCH WAS PERFORMED.

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	70.00'	23.47'	23.36'	N 87°09'28" W	19°12'44"
C2	120.00'	96.50'	93.92'	S 60°11'57" W	46°04'26"
C3	30.00'	41.97'	38.63'	S 77°14'16" W	80°09'02"



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 12°26'54" W	7.06'
L2	N 62°41'13" W	9.87'

LEGEND

BOUNDARY
SETBACK
PROPERTY LINE TO BE ABANDONED
EXISTING RIGHT-OF-WAY
FOUND IRON PIN
CONCRETE MONUMENT FOUND
BOUNDARY POINT

OWNER'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE
OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON
THIS PLAN, THE PLAN WAS MADE AT OUR DIRECTION,
WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND
DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

MITCHELL FAMILY, LLC. DATE
1019 KINGS HWY.
LEWES, DE 19958

OWNER'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE
OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON
THIS PLAN, THE PLAN WAS MADE AT OUR DIRECTION,
WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND
DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

JEFF-KATT, LLC. DATE
55 BAY REACH
REHOBOTH BEACH, DE 19971

ENGINEER'S STATEMENT

I, CLIFTON D. MUMFORD, P.E., HEREBY STATE THAT I
AM A REGISTERED ENGINEER IN THE STATE OF
DELAWARE, THAT THE INFORMATION SHOWN HEREON
HAS BEEN PREPARED UNDER MY SUPERVISION AND TO
MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD
ENGINEERING PRACTICES AS REQUIRED BY THE
APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVIS, BOWEN & FRIEDEL, INC. 08-20-2021
by CLIFTON D. MUMFORD, P.E. DATE



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SUSSEX COUNTY, DELAWARE
MILFORD, DELAWARE
EASTON, MARYLAND
(410) 643-2001
(302) 624-1441
(410) 770-4744

LOT LINE ADJUSTMENT AND REZONING PLAN

LANDS OF MITCHELL FAMILY, LLC
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

Revisions:

Date: JUNE, 2021

Scale: 1" = 40'

Dwn.By: TCB

Proj.No.: 3007A002

Dwg.No.:

LLA-RZ