

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

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



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

Sussex County Planning & Zoning Commission

AGENDA

May 26, 2022

5:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes – April 28, 2022

Other Business

- | | |
|--|----|
| <u>(S-21-35) Millsboro Fire Company Substation</u>
Final Site Plan | HW |
| <u>Americana Bayside MR-RPC – Bayside Hotel Phase 1B</u>
Preliminary Site Plan | BM |
| <u>(S-21-07) Brasure's Pest Control</u>
Preliminary Site Plan | BM |
| <u>S-22-14 Long Neck Sherwin Williams</u>
Preliminary Site Plan | BM |
| <u>2004-17 The Villages at Red Mill Pond South</u>
Revised Amenities Plan | KS |
| <u>2021-26 Harper's Glen</u>
Request to Revise Conditions of Approval | KS |
| <u>(S-22-03) Steiner Road Industrial Park</u>
Requested Determination as to Whether a Permitted Use | BM |
| <u>Lands of Anton Balakin</u>
Minor Subdivision off of a 50-ft easement | KS |
| <u>Lands of Howe & Bell</u>
Minor Subdivision off of a 50-ft easement | KS |



Lands of Dennis J. & Pauline M. Mignogno

KH

Minor Subdivision off of a 24-ft easement

Old Business

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTIONS 72-16 THROUGH 72-28 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-25, 115-29, 115-34, 115-37, 115-42, 115-45, 115-50, 115-53 AND 115-58 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRP) PROGRAM. (TO ANNOUNCE RECEIPT OF ADDITIONAL WRITTEN COMMENTS)

2021-30 Independence (Phase 13)

KS

A cluster subdivision to divide 19.278 acres +/- across three (3) separate parcels into 37 single-family lots to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County. The property is lying on the north side of Harmons Hill Road (S.C.R. 302), approximately 0.48-miles southeast of the intersection of Zoar Road (S.C.R. 48), Hollyville Road (S.C.R. 290), and Harmons Hill Road and is accessed within from Abigail Adams Drive within the Independence Subdivision. Tax Parcels: 234-16.00-7.01, 7.07 & 7.08. Zoning: AR-1 (Agricultural Residential District).

2021-33 Workman's Crossing (Phase II)

HW

A standard subdivision to divide 7.66 acres +/- into 3 single-family lots to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County. The property is lying on the northeast side of Brittingham Road (S.C.R. 455), approximately 0.16 miles north of the intersection of Brittingham Road (S.C.R. 455) and Pepperbox Road (S.C.R. 66). Tax Parcel: 532-15.00-11.00. Zoning: AR-1 (Agricultural Residential District).

C/U 2298 Freeman Solar, LLC

KH

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District, a GR General Residential District, and a MR Medium Density Residential district for a 75 megawatt solar farm to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 350.96 acres, more or less. The property is lying on the east and west side of Calhoun Road (S.C.R. 621) and South Shawnee Road (Route 36), approximately 1,267 feet south of Shawnee Road (Route 36). 911 Address: N/A. Tax Parcels: 130-3.00-246.00-247.00 & 247.02, 130-6.00-75.00, 76.00, 92.00, 94.00, 95.00, 96.00 & 97.00.

C/U 2363 Laurel Wesleyan Church – c/o Reverend M. Scott Conn

HW

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District to allow for an electronic message center sign to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 7.03 acres, more or less. The property is lying on the west side of Seaford Road (Rt. 13A), approximately 0.53 mile northwest of Discount Land Road (S.C.R. 468). 911 Address: 30186 Seaford Road, Laurel. Tax Parcel: 232-12.10-3.00

Public Hearings

C/U 2352 CB Lewes, LLC

KS

An Ordinance to grant a Conditional Use of land in an MR Medium-Density Residential District to amend the conditions of approval of C/U 1845 (Ordinance No. 2106) to increase the number of permitted multifamily units from 168 to 198 for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 18.08 acres, more or less. The property is lying on the northeast side of Plantations Road (Rt. 1D), 850 feet northwest of Robinsonville Road (S.C.R. 271). 911 Address: N/A. Tax Parcel: 334-6.00-504.02

C/Z 1946 Ronald & Candice Gray

HW

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-2 Business Community District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.564 acres, more or less. The property is lying on the west side of Roxana Road (Rt. 17), approximately 0.69-miles northeast of the intersection of Roxanna Road and Daisey Road (S.C.R. 370) 911 Address: N/A. Tax Parcel: 134-15.00-20.12.

C/U 2293 Ronald & Candice Gray

HW

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for 703 storage units and outdoor storage for boats and RV's to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 8.424 acres, more or less. The property is lying on the west side of Roxana Road (Rt. 17), approximately 0.68-miles northeast of the intersection of Roxanna Road and Daisey Road (S.C.R. 370). 911 Address: N/A. Tax Parcel: 134-15.00-20.06.

C/U 2294 Horsey Family, LLC

KH

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for the expansion of C/U 1741 (Ordinance 2021) for the expansion of a borrow pit to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 62.204 acres, more or less. The property is lying on the east side of Asbury Road (S.C.R. 446), approximately 0.35 mile south of County Seat Highway (Rt. 9). 911 Address: N/A. Tax Parcel: 231-21.00-21.00.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on May 19, 2022 at 3:00 p.m., and at least seven (7) days in advance of the meeting.

This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

-MEETING DETAILS-

The meeting will be streamed live at: <https://sussexcountyde.gov/council-chamber-broadcast>

The County provides a dial-in telephone number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in by telephone should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1 302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments for those items listed under Public Hearings on this agenda.

The Planning & Zoning Commission meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/>

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:00 P.M on Wednesday, May 25, 2022.

#

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



Memorandum

To: Sussex County Planning Commission Members

From: Jamie Whitehouse, AICP, Director, Department of Planning & Zoning; Jenny Norwood, Planning and Zoning Manager; Lauren DeVore, Planner III; Michael Lowrey, Planner III; Chase Phillips, Planner II; Christin Scott, Planner I; Elliott Young, Planner I & Jesse Lindenberg, Planner I
CC: Vince Robertson, Assistant County Attorney

Date: May 17th, 2022

RE: Other Business for the May 26th, 2022, Planning Commission Meeting

This memo provides background for the Planning Commission to consider as a part of the Other Business to be reviewed during the May 26th, 2022, Meeting of the Planning & Zoning Commission.

(S-21-35) Millsboro Fire Company Substation

HW

Final Site Plan

This is a Final Site Plan for the adaptive reuse of the existing structures on the site as a fire company substation for the Millsboro Fire Company. The Sussex County Council approved this use through Conditional Use (CU 2314) at their meeting of Tuesday, November 30, 2021, and the change was adopted through Ordinance No. 2816. The property is located on the northeast corner of Lewis Road (S.C.R. 409) and Millsboro Highway (Route 30). The Applicant's Final Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Zoning District: AR-1 (Agricultural Residential District). Tax Parcel: 133-20.00-17.16. Staff are in receipt of all agency approvals; therefore, this plan can be considered for final approval.

Americana Bayside – Bayside Hotel Phase 1B

BM

Preliminary Site Plan

This is a Preliminary Site Plan for the Bayside Hotel, Phase 1B for a proposed sixty (60) room hotel totaling 39,517 square feet, bar, and restaurant, inground pool, Zen Garden, spa, lounge, outdoor seating, parking, and associated site improvements to be located on Lakeview Drive and with access off the south side of Signature Boulevard within the existing Americana Bayside Residential Planned Community (RPC). The Residential Planned Community was established by the Sussex County Council at their meeting of Tuesday, February 6, 2001, through Change of Zone 1393 and the change was adopted through Ordinance No. 1433. The change of zone was for a change in zoning from an Agricultural Residential (AR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC). The Preliminary Site Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval for the RPC. Zoning District: MR-RPC (Medium Density Residential, Residential Planned Community.) Tax Parcel: 533-19.00-865.01. Staff are awaiting agency approvals.

(S-21-07) Brasure's Pest Control

BM

Preliminary Site Plan

This is a Preliminary Site Plan for the construction of two (2) 9,150 square foot storage buildings, parking, and other site improvements. Two standard size loading spaces are included as well as a stormwater management pond to the rear of the property. The buildings are proposed to support vehicle storage and other light warehousing uses for the pest control business. The property is located



on the southwest side of Zion Church Road (Route 20). The Preliminary Site Plan complies with the Sussex County Zoning Code. Zoning District: CR-1 (Commercial Residential District). Tax Parcel: 533-11.00-6.00. Staff are awaiting agency approvals. If the Commission desire to act favorably on this plan, final approvals are requested to be made by staff upon the receipt of all agency approvals.

(S-22-14) Long Neck Sherwin Williams

BM

Preliminary Site Plan

This is a Preliminary Site Plan for Rojan Lane 21, LLC for the proposed addition of a one-story 4,000 square foot retail store, associated parking, and other site improvements. The property is located on the west side of John J. Williams Highway (Route 24)). The Preliminary Site Plan complies with the Sussex County Zoning Code. Zoning: C-1 (General Commercial Zoning District). Tax Parcel: 234-23.00-180.00. Staff are awaiting agency approvals. If the Commission desire to act favorably on this plan, final approvals are requested to be made by staff upon the receipt of all agency approvals.

2004-17 The Villages at Red Mill Pond South

KS

Revised Amenities Plan

This is a Revised Amenities Plan for the construction of 1,600 square foot clubhouse, 2,040 square foot pickleball court, 1,500 square foot pool, as well as parking and related improvements to be located within the existing subdivision of The Villages at Red Mill Pond South. The property is located on the north side of Deerwood Lane. The Final Subdivision Plan for The Villages at Red Mill Pond South was approved by the Planning and Zoning Commission at their meeting of Thursday, August 15th, 2007. The Applicant has submitted a letter of support from current homeowners within the development, which contains signatures from 30 of the 48 current homeowners (all other lots are currently developer owned and controlled). The Amenities Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Tax Parcel: 334-5.00-170.00. Zoning: AR-1 (Agricultural District). Staff are in receipt of all agency approvals; therefore, this plan can be considered for preliminary approval with final by staff.

2021-26 Harpers Glen (F.K.A. Workman Subdivision)

KH

Request to Amend Conditions of Approval

The Planning and Zoning Department has received a request to amend Conditions of Approval of the Preliminary Subdivision Plan for Harpers Glen (2021-26) (F.K.A. Workman Subdivision) as approved by the Planning and Zoning Commission at their meeting of Thursday, April 14, 2022. Specifically, the request is to remove in its entirety, Condition “F” of the Conditions of Approval which states, *“The entrance shall be relocated to the area of land identified as Outparcel “B” on the proposed Preliminary Site Plan. Subject to that relocation, the development shall comply with all DelDOT entrance and roadway improvement requirements.”* This AR-1 cluster subdivision proposes thirty-three (33) single-family lots on 29.39 acres +/- and is located on the north side of Milton Ellendale Highway (Route 16), approximately 0.17 mile east of the intersection of Gravel Hill Road (Route 30) and Isaacs Road (Route 30). Tax Parcels: 235-14.00-61.00 & 61.06. Zoning: AR-1 (Agricultural Residential District).

(S-22-03) Steiner Road Industrial Park

HW

Requested Determination as to Whether a Permitted Use

Pursuant to the staff's review of the Preliminary Site Plan for the site, the Applicant has requested the Planning & Zoning Commission review the type and nature of the proposed uses at the site in terms of (§115-110); Permitted Uses and “potentially hazardous uses” as described in (§115-110(C)). The

Preliminary Site Plan proposes for industrial uses to include the following as described in the plan; a “Concrete Central Mixing and Proportioning Plant” and a “Building Materials Recycling and Sorting Facility.” Prior to any determination by the Director (§115-111), the Applicant has requested for Commission to consider if the proposed uses may be categorized under “similar industrial uses” as listed in (§115-110(C)). The parcels are located on the east side of Steiner Road (S.C.R. 320) approximately 1,060 feet south of Lewes Georgetown Highway (Route 9). Zoning District: HI-1 (Heavy Industrial District). Tax Parcels: 135-16.00-23.05, 135-16.00-23.06

Lands of Anton Balakin

KS

Minor Subdivision off a 50-ft easement

This is a Minor Subdivision Plan for the subdivision and lot line adjustment of existing lots into one (1) lot and residual lands off a proposed 50-foot ingress/egress easement. Existing Lot 2 contains 5.91 acres +/-, Lot 3 contains 4.74 acres +/-, Lot 4 contains 5.33 acres +/- and Proposed Lot 1 consists of 6.84 acres +/- . The property is located on the northwest side of Beaver Dam Road (Route 23). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 234-6.00-6.01. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals; therefore, this plan can be considered for preliminary approval with final by staff.

Lands of Howe & Bell

KS

Minor Subdivision off of a 50-ft easement

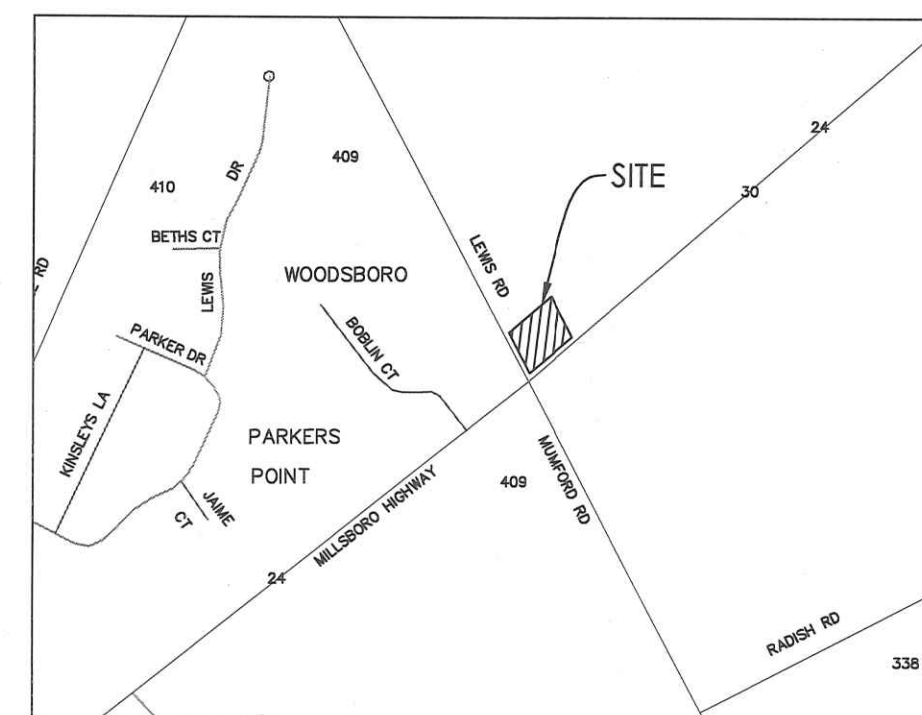
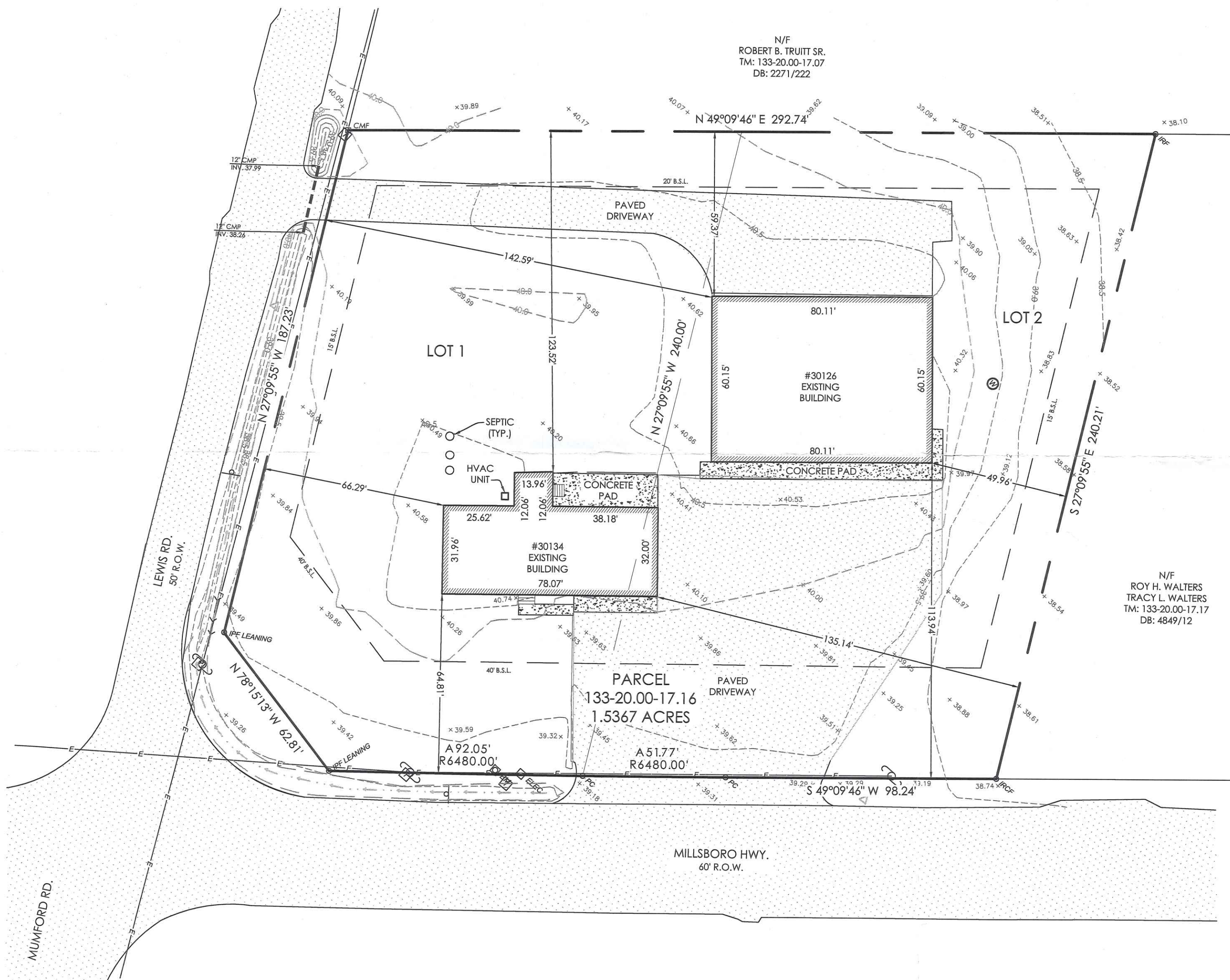
This is a Minor Subdivision Plan for the subdivision of a 13.68 acre +/- parcel of land into three (3) lot and residual lands off a proposed 50-foot ingress/egress easement. Proposed Lot 1 consists of 0.85 acres +/-, Proposed Lot 2 consists of 0.75 acres +/-, Proposed Lot 3 consists of 2.28 acres +/- and the residual lands consist of 7.97 acres +/- . The property is located on the southeast side of Hudson Road (S.C.R. 258). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcels: 235-22.00-21.00 & 21.02. Zoning: AR-1 (Agricultural Residential District). If the Commission desire to act favorably on this plan, final approvals are requested to be made by staff upon the receipt of all agency approvals.

Lands of Dennis J. & Pauline M. Mignogno

KH

Minor Subdivision off of a 24-ft easement

This is a Minor Subdivision Plan for the subdivision of a 4.191 acre +/- parcel of land into one (1) lot and residual lands off a proposed 24-foot ingress/egress easement. Proposed Lot 1 consists of 0.753 acres +/- and the residual lands consist of 3.438 acres +/- . The property is located on the north side of Johnson Road (S.C.R. 207). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 330-15.13-12.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals; therefore, this plan can be considered for preliminary approval with final by staff.



VICINITY MAP

1" = 1,000'

GENERAL NOTES

1. CURRENT OWNER: MICHAEL H. NAUMAN
SANDRA P. NAUMAN
29 BLAIRS POND RD.
HOUSTON, DE 19954
2. TAX REFERENCE: 133-20.00-17.16
3. DEED REFERENCE: 4994/99
4. PLAT REFERENCE: 48/148, (LANDS OF GERTRUDE & GEORGE DONAWAY)
5. AREA OF LOT: 66,918 SQ. FT., 1.5362 ACRES
6. BASED UPON F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 10005C0454K, PANEL 454 OF 660, WITH AN EFFECTIVE DATE OF JULY 16, 2015, THIS SITE IS LOCATED WITHIN FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE.
7. SETBACKS PER ZONING CODE:
FRONT = 40'
CORNER FRONT (LEWIS ROAD) = 15'
SIDE = 15'
REAR = 20'
8. ZONED: AR-1, AGRICULTURAL - RESIDENTIAL
9. BEARINGS SHOWN HEREON ARE REFERENCED TO NAD '83 DATUM.

LEGEND

IRON ROD FOUND	O IRF
IRON PIPE FOUND	O IPF
PAVEMENT HATCH	
CONCRETE HATCH	
MAILBOX	△
WELL	⊙
ELECTRIC METER	⊠ EM
ELECTRIC SERVICE BOX	⊠ ELEC
TELEPHONE PEDESTAL	⊠

solutions
Integrated Planning
Engineering & Management, LLC

Fuller Hall
& ASSOCIATES, INC.
A Wholly Owned Subsidiary

303 N. Bedford St.
Georgetown, DE 19947
T. 302.297.9215

3003 Meritt Mill Road
Solisbury, MD 21804
T. 410.572.8833

www.solutionsipem.com Copyright © 2021

REVISIONS	DESCRIPTION	DATE

CONDITIONAL USE PLAN

for
**MILLSBORO VOLUNTEER
FIRE DEPARTMENT**
MILLSBORO, SUSSEX COUNTY, DELAWARE
DAGSBORO HUNDRED

Date:	10/20/21
Job Number:	S21065
Scale:	1" = 30'
Drawn By:	RAM
Designed By:	SWF
Approved By:	SWF

Sheet No.:

1

File Name:
S21065 Site Plan.dwg



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
302-854-5079 F
JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

May 6, 2022

Mr. Stephen L. Marsh, P.E.
Senior Vice President
George, Miles & Buhr, LLC
206 West Main Street
Salisbury, MD 21801

By email to: smarsh@gmbnet.com

RE: Staff Review of the Preliminary Site Plan for the Bayside Hotel, Phase 1B, for a proposed sixty (60) room hotel totaling 39,517 square feet, bar, and restaurant, inground pool, Zen Garden, spa, lounge, outdoor seating, parking, and associated site improvements to be located on Lakeview Drive and with access off the south side of Signature Boulevard within the existing Americana Bayside Residential Planned Community (RPC)
Tax Parcel: 533-19.00-865.01

Dear Mr. Marsh,

Further to your submission of February 15, 2022, the Planning and Zoning Department has reviewed the submitted Preliminary Site Plan for the Bayside Hotel, Phase 1B, for a proposed sixty (60) room hotel totaling 39,517, bar, and restaurant, inground pool, Zen Garden, spa, lounge, outdoor seating, parking and associated site improvements to be located on Lakeview Drive and with access off the south side of Signature Boulevard within the existing Americana Bayside Residential Planned Community (RPC). The Residential Planned Community was established by the Sussex County Council at their meeting of Tuesday, February 6, 2001, through Change of Zone 1393 and the change was adopted through Ordinance No. 1433. The change of zone was for a change in zoning from an Agricultural Residential (AR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC). The parcel is zoned Medium Density Residential, Residential Planned Community (MR-RPC) District. The parcel also lies within the Coastal Area per Sussex County's 2019 Comprehensive Plan. Staff have reviewed the proposed site plan for compliance with the Sussex County Zoning Code and have the following comments:

Revised Preliminary Site Plan

1. **Please note that the proposal is not located within a Wellhead Protection Area in order to comply with Chapter 89 "Source Water Protection" of the Sussex County Code (§89-6).**



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

2. **Please note that the proposal is located within an area of “Good” Groundwater Recharge Potential in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§89-7).**
3. **Please clarify in the Site Data Column the square footage proposed to be dedicated to each of the various uses to ensure that the appropriate number of parking spaces have been provided. (ie: the square footage dedicated to the restaurant and the square footage dedicated to the spa.) Beauty shops and personal service uses (which would likely be the most appropriate calculation to apply for the spa use,) require at least 1 parking space per 200 square feet of floor area. Restaurants require 1 parking space for each 50 square feet of patron use, plus 1 per 2 employees on the largest shift. It is further noted that appropriate number of parking spaces (1.5 per rental room) has been provided for the hotel use ($1.5 * 60 = 90$) (§ 115-162(A)).**
4. **Please provide the type (tidal vs. nontidal), nature (State or federal) and agency of jurisdiction (Delaware Department of Natural Resources and Environmental Control (DNREC) or Army Corps of Engineers) responsible for any wetlands on the site within the Site Data Column. The Site Data Column currently references that there are no Federal 404 wetlands on the Site (§115-220(B)(15)).**
5. **Please provide documentation and details which ensure the provision of a three (3) ft. walkway around the proposed inground pool as well as a four (4) ft. fence. Accessory swimming pools, open and unenclosed shall have a walk space at least three (3) feet wide provided between pool walls and protective fences or barrier walls. Every swimming pool shall be protected by a safety fence or barrier at least four (4) ft. in height and constructed of chain-link, concrete, stockade-wood or equivalent material (§115-185(D)).**
6. **Please note within the Site Data Column that the proposal is also located within the 0.2 percent annual change flood hazard zone per County records (§115-220(B)(14)).**
7. **Please note on the top center of the Cover Sheet that this is a Residential Planned Community (RPC).**
8. **Please include a general note on the plans that the proposal is not located within the Henlopen Transportation Improvement District (TID).**
9. **Staff notes that all off-street parking spaces provided have a proposed area of at least 162 square feet (9-ft by 18-ft) as required by the minimum Design Standards (§115-166(A)(1)).**
10. **Staff notes that a total of five (5) ADA accessible spaces have been provided for this proposal. According to the IBC 2012 edition, the plan achieves the requirement of a minimum of five (5) required ADA accessible spaces for a total of 101 to 150 parking spaces (Table 1106.1 “Accessible Parking Spaces,” Page 11-14). Also, please change the statement from “Handicap” parking to “ADA accessible” parking.**

11. Staff notes that all interior drive aisles provided are no less than 24-ft wide (§115-166(E)).
12. Staff notes that the appropriate number of loading areas have been supplied for the use. A hotel containing 39,517 square feet (between 25,000-100,00 square feet required a total of two (2) loading spaces (§115-167).
13. Please provide topographic contours at one-foot intervals, unless waived by the Commission as clearly unnecessary to review the project or proposal (§115-220(B)(4)).
14. Please include within the Site Data Column on the Plans, the Net Development Area of the proposal. As a general reminder, Net Development Area shall refer to the total area of land available for development, not necessarily the total area of a property itself and shall not include open space, drainage land, regional roads and land used for other public facilities (§115-220(B)(6)).
15. Please ensure that full dimensioning of the proposed hotel is provided as well as the height of the proposed building (115-220(B)(8)).
16. Please clarify the number of construction phases proposed, if any, and ensure that the plot shows the approximate boundaries of each phase, if the proposal should be constructed in multiple phases (115-220(B)(12)).
17. Please show the location of the one-hundred-year floodplains based on current Flood Insurance Rate Maps (115-220(B)(14)).

Final Site Plan

1. **Please ensure that any proposed landscaping shown on the Site Plan is also included in the overall Landscape Plan as submitted and approved for the Residential Planned Community (RPC). If such landscaping was not shown on the plans as previously submitted, a Revised Landscape Plan will be required to be submitted which includes this landscaping on the plans. Any proposed landscaping must be certified to by a licensed landscape architect and the appropriate Certification Panel and signature line must appear on the plans.**
2. Please include a General Note on the plans which indicates that any proposed signage will require a separate permit issued from the County.
3. Please include a General Note which clarifies that all lighting is to be downward screened to minimize glare on adjacent properties within a residential area.
4. Please add the location and character of all outdoor lighting systems to the plans (§115-221(B)(5)).
5. Please include the height of the proposed hotel on the plans. Full dimensioning is required (§115-221(B)(7)).
6. Please include the proposed height of all fences, walls, screen planting and landscaping on the plans (§115-221(B)(9)).

7. Please include the location, character, size, height, and orientation of all proposed signs on the plans (§115-221(B)(11)).
8. Please include a breakdown in the Site Data Column noting both the acreage of and percentage of impervious surface cover to be provided (§115-221(B)(15)).
9. Please include with the submittal, a bulk grading plan for the proposal showing the nature of all ground disturbance on the site (§115-221(B)(17)).
10. Please include the nature and location of all proposed trash receptacles on the plans.
11. Staff encourage the use of the following elements within the proposed Final Site Plan where practicable:
 - Provision of a bike rack to encourage multimodal travel within the Residential Planned Community (RPC).
 - Provision of an electric vehicle charging station. The Delaware Department of Natural Resources and Environmental Control provides an Electric Vehicle Charging Equipment Rebate Program for public areas. The rebate amounts are \$3,500 for single port and \$7,000 for dual port. Please contact DNREC's Division of Climate, Coastal and Energy for further information if interested (302)735-3480.
 - Provision of landscaping islands within parking areas to eliminate the amount of impervious surface cover provided as the site is located within an area "Good" Groundwater Recharge Potential.
 - Provision of further aesthetic improvements such as Complete Streets which foster a shared sense of place and community to include items such as street pole flags, pavers, walking trails, pocket parks, fountains, further outdoor seating, pavilions, gardens, or communal gathering areas.
12. Prior to approval of the Final Site Plan, approval letters or letters of no objection from the following agencies shall be submitted to the Sussex County Planning and Zoning Office (All items in which a check mark appears have been received by the Department. Any items in bold have not been received and still require submittal to the Department):
 - a. **Sussex Conservation District**
 - b. **Office of State Fire Marshal**
 - c. **Delaware Department of Transportation (DelDOT)**

Once all of the above matters have been addressed, please provide **one (1) full-size copy** and **one (1) electronic copy** of a Revised Preliminary Site Plan at least ten (10) days prior to the Planning and Zoning Commission meeting you wish for your application to be considered at. If you wish for your application to be considered by the Planning and Zoning Commission as an "Other Business" item at their meeting scheduled for **Thursday, May 26, 2022**, please submit all required materials later than close of business on **Monday, May 16, 2022**.

Staff Review Letter – Americana Bayside – Bayside Hotel
Preliminary Site Plan
May 6, 2022
Page 5

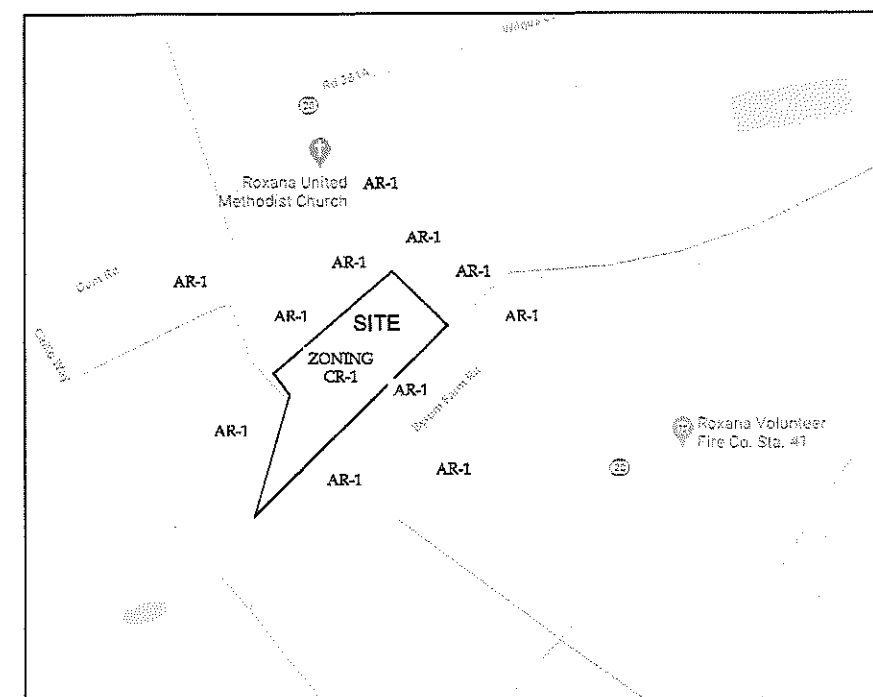
Please feel free to contact me with any questions during business hours 8:30 A.M. – 4:30 P.M., Monday through Friday at 302-855-7878.

Sincerely,

A handwritten signature in black ink that reads "Lauren DeVore". The signature is written in a cursive, flowing style.

Ms. Lauren DeVore
Planner III

CC: Ms. Katja Kalinski, Senior Landscape Designer – George, Miles & Buhr, LLC
Mr. Joseph Conway – jconaway@hotmail.com



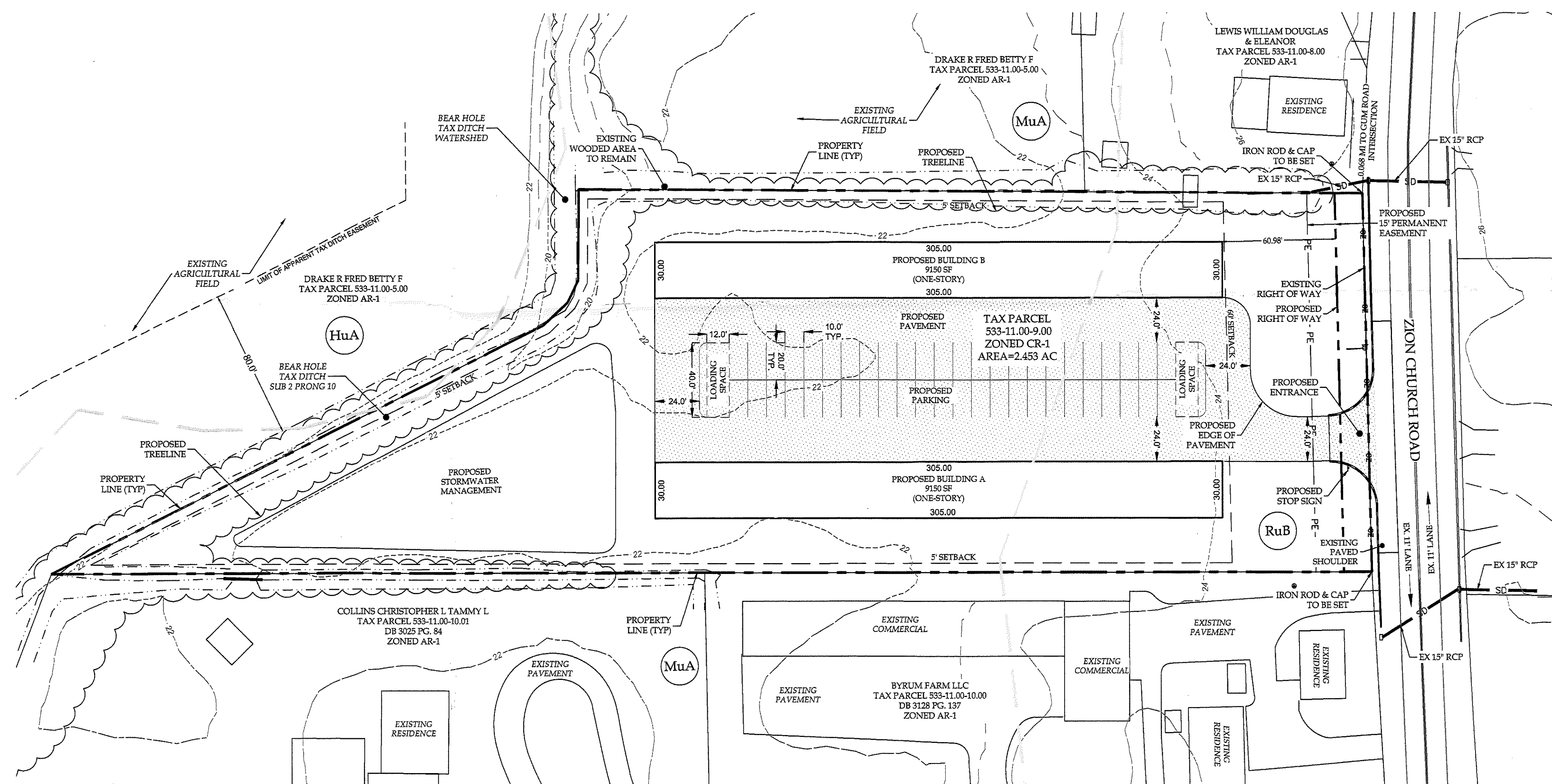
Key Map:
Scale: 1"=500'

BRASURE'S PEST CONTROL VEHICLE STORAGE & WAREHOUSE

BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

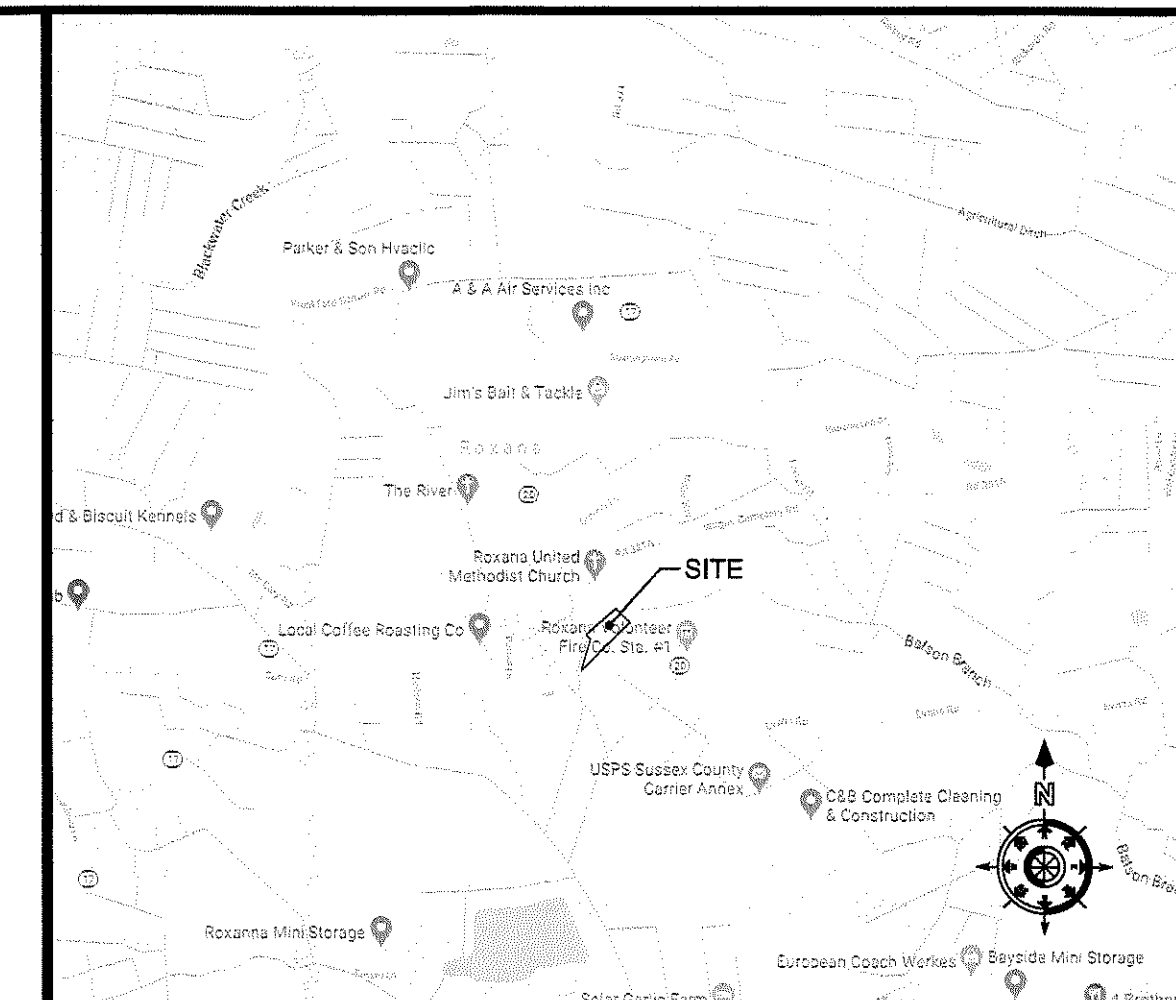
T.M.#533-11.00-9.00

PRELIMINARY SITE PLAN



PURPOSE STATEMENT

THE PURPOSE OF THIS PROJECT IS TO CONSTRUCT STORAGE/WAREHOUSE BUILDINGS AND PARKING NEEDED FOR THE STORAGE OF VEHICLES AND EQUIPMENT FOR BRASURE'S PEST CONTROL. NO OTHER USE IS INTENDED FOR THESE IMPROVEMENTS.



VICINITY MAP SCALE: 1"=2000'

PLAN DATA:

CONTRACT PURCHASER/ APPLICANT:

BRASURE'S PEST CONTROL
38187 DICKERSON ROAD
SELBYVILLE, DE 19975
(302) 436-8140
ATTN: CHRIS BRASURE

TAX MAP NO.	533-11.00-9.00
SITE AREA:	2.453 ACRES
CURRENT ZONING:	CR-1
PROPOSED ZONING:	CR-1
TIDAL WETLANDS AREA:	NONE
NON-TIDAL (Section 404) WETLANDS AREA:	NONE
TOTAL WETLANDS AREA:	NONE
FLOOD ZONE:	X
FLOOD INSURANCE MAP NUMBER:	10005C0635K
PROPOSED BUILDING CONSTRUCTION:	METAL
MAXIMUM BUILDING HEIGHT:	42.0'
SANITARY SEWER:	ON-SITE
WATER SUPPLIED BY:	PRIVATE WELL
TOTAL NUMBER OF UNITS PROPOSED:	13,300 S.F. VEHICLE STORAGE 5,000 S.F. WAREHOUSE (SPACE TO BE DIVIDED BETWEEN TWO BUILDINGS) (4 EMPLOYEES)

PARKING REQUIRED:	
VEHICLE STORAGE:	37
WAREHOUSE (1/2 EMPLOYEES):	2
TOTAL SPACES REQUIRED:	39 SPACES

PARKING PROVIDED:	48 SPACES
LOADING SPACES PROVIDED:	2 SPACES

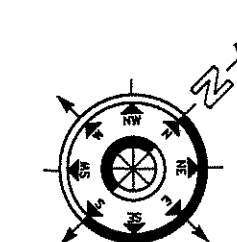
SETBACKS:	
FRONT	60'
SIDE	5'
REAR	5'

PLAN NOTES:

- THE SITE IS NOT WITHIN A WELL-HEAD PROTECTION AREA.
- THE SITE IS NOT WITHIN AN AREA DESIGNATED TO HAVE EXCELLENT GROUNDWATER RECHARGE POTENTIAL.
- NO BUSINESS SIGNAGE IS PROPOSED.
- NO ON-SITE LIGHTING IS PROPOSED.
- NO FENCING IS PROPOSED.
- NO DUMPSTERS ARE PROPOSED.

LEGEND:

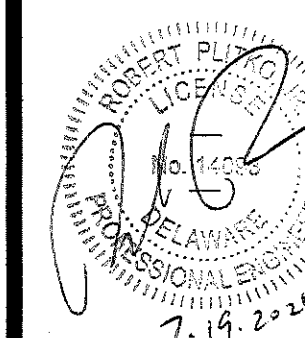
---	PROPERTY LINE
- - - -	BUILDING SETBACK LINE
---	EXISTING CONTOUR
PE	PERMANENT EASEMENT (PE)
---	TREELINE
---	DITCH TOP OF BANK
---	EDGE OF PAVEMENT
SD	STORM DRAIN
---	PROPOSED SIGN
---	PROPOSED PAVEMENT HATCHING
---	SOIL BOUNDARY LINE
PsA	SOIL MAP UNIT SYMBOL



GRAPHIC SCALE

SCALE: 1"= 40 ft

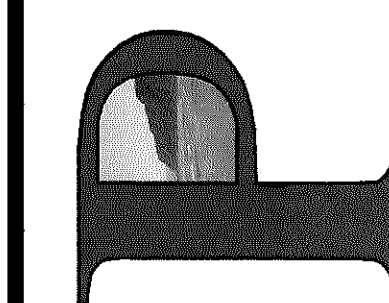
PRELIMINARY SITE PLAN



REVISIONS

LAND DESIGN
Surveying / Landscape Architecture
One Square Mile, Suite 100
Atlantic Ave.
Pawcatent, DE 19975
302.537.1919 / landzn@aol.com

PLITKO, LLC
CIVIL ENGINEERING
53 ATLANTIC AVE., STE 3
OCEAN VIEW, DE 19970
Phone (302) 537-1919



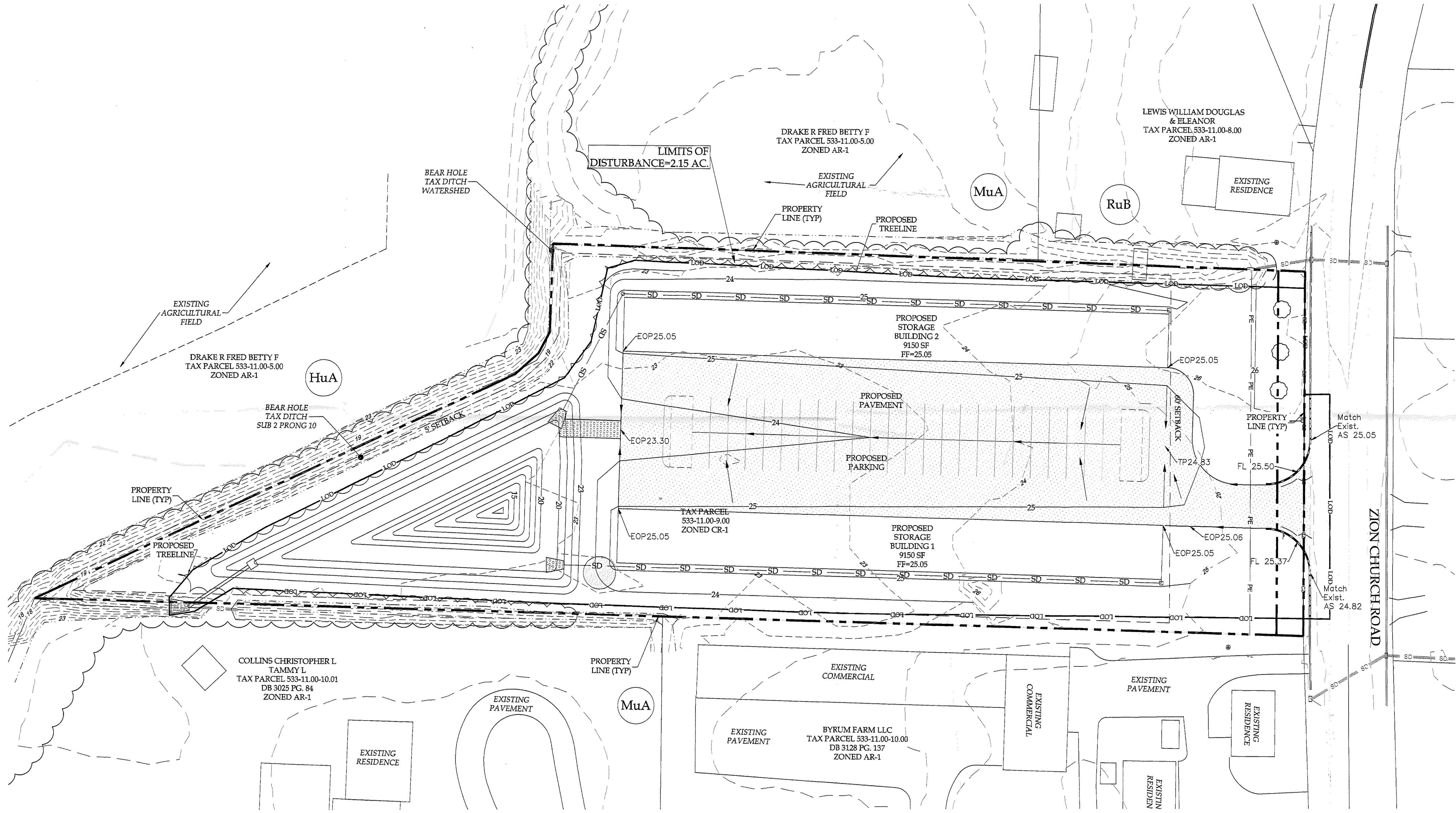
PRELIMINARY SITE PLAN
BRASURE'S PEST CONTROL
VEHICLE STORAGE & WAREHOUSE

T.M.#533-11.00-9.00
SUSSEX COUNTY DELAWARE

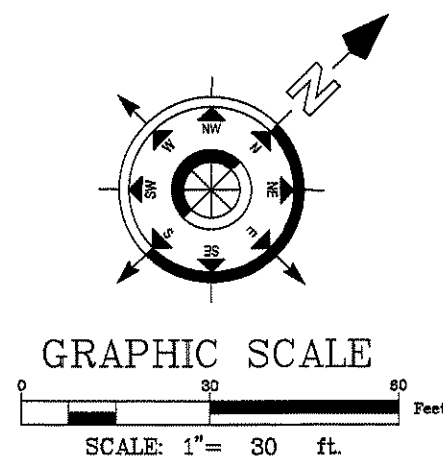
SITE PLAN: RP
DRAWING: DJC
REVIEW: RP

DATE
7/9/21

SHEET
C100



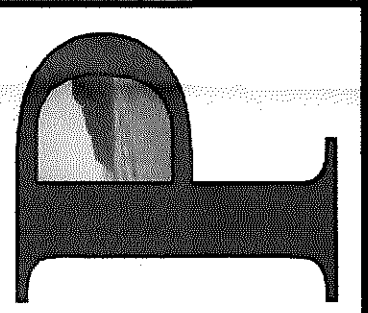
GRADING LEGEND	
EOP	EDGE OF PAVEMENT
FL	FLOWLINE
SW	SIDEWALK
FFE	FINISHED FLOOR ELEVATION
EL	ELEVATION
TP	TOP OF PAVEMENT



GRADING PLAN

REVISIONS	DATE	DESCRIPTION

PLITKO, LLC
53 ATLANTIC AVE., STE 3
OCEAN VIEW, DE 19970
Phone (302) 537-1919



GRADING PLAN FOR
BRASURE ZION CHURCH ROAD
VEHICLE STORAGE
SEDIMENT & STORMWATER MANAGEMENT PLANS
T.M. #533-11.00-9.00
SUSSEX COUNTY, DELAWARE

Scale: 1"=30'	Designed: RP	7/28/20
Planned:	Drawn: DJC	Approved: RP
Sheet No.	C102	

U:\customers\LONG NECK\LONG NECK 2101 - Sherwin Williams\23022020_SHEET PP0001.dwg PLOT FILE: 4/2/2022 2:29 PM BY: Emmanuel Chikwae PLOT STYLE: Pennoni\NC5.dwg PROJECT STATUS: —

SITE DATA:

1. TAX MAP NUMBER: 234-23.00 180.00 DEED BOOK 5620, PG 143
234-23.00 181.00 DEED BOOK 5620, PG 143
2. OWNER NAME: ROJAN LN 21 LLC.
ROBERT AERENSON
2213 CONCORD PIKE
WILMINGTON, DE 19803
302-654-6153
ROBERT@AERENSON.COM
3. SITE ADDRESS: JOHN J WILLIAMS HIGHWAY
MILLSBORO, DE 19966
4. HUNDRED: INDIAN RIVER
5. CURRENT ZONING: C-1 (GENERAL COMMERCIAL)
6. PRESENT USE: COMMERCIAL, VACANT LOTS
7. PROPOSED USE: PAINT STORE
8. LOT BREAKDOWN:
EXISTING LOTS: 2 LOTS
PROPOSED LOTS: 1 LOT
9. BUILDING HEIGHT: 42' ALLOWED MAX.
10. REQUIRED SETBACKS (115-77.1):
FRONT: 60 FEET
BACK: *5 FEET (30 FEET WHEN ADJACENT TO RESIDENTIAL DISTRICT)
REAR: *5 FEET (20 FEET WHEN ADJACENT TO RESIDENTIAL DISTRICT)
- SETBACK PER BOA APPROVAL #12654
(DATED JANUARY 24, 2022):
FRONT: 53.42 FEET (VARIANCE OF 6.58')
BACK: 20 FEET (VARIANCE OF 10')
10. LOADING SPACES:
REQUIRED: 1 LOADING SPACE
PROVIDED: 1 LOADING SPACE
11. REQUIRED LOT AREAS (115-82):
MINIMUM LOT WIDTH: 75 FEET
MINIMUM LOT DEPTH: 100 FEET
MINIMUM AREA: 75,000 SF.
12. PARKING (ARTICLE XXII: OFF-STREET PARKING, CODE SECTION 115-162):
RETAIL STORES OR SUPERMARKET - 1 PER 200 SQUARE FEET FLOOR AREA USED FOR SALES OR DISPLAY OF MERCHANDISE PURPOSES, PLUS 1 FOR EACH 2 EMPLOYEES ON THE LARGEST SHIFT. (4000 SF. / 200 = 20 SPACES) PLUS
(1 PER 2 EMPLOYEES X 4 EMPLOYEES = 2 SPACES)
- REQUIRED PARKING: 22 SPACES
PROPOSED PARKING: 22 SPACES (INCLUDING 1 HANDICAP SPACE)
13. POSTED SPEED LIMIT
JOHN J. WILLIAMS HIGHWAY: 50 MPH
14. WATER SUPPLY: PUBLIC - TIDEWATER
15. SECTION 89 - SOURCE WATER PROPERTY:
A. SUBJECT PROPERTY IS NOT WITHIN AN AREA OF
"FAIR" GROUNDWATER RECHARGE
B. SUBJECT PROPERTY IS NOT LOCATED IN
WELLHEAD PROTECTION AREA
15. SEWER SUPPLY: PUBLIC - SUSSEX COUNTY
16. LATITUDE AND LONGITUDE STATE PLAN COORDINATES:
(PROPOSED ENTRANCE)
LATITUDE: N038°37'43.8177" LONGITUDE: W-075° 11' 46.1048"
17. NET DEVELOPMENT AREA: 0.77 ± AC.
18. WETLAND AREA: 0.00± AC. (DNREC NAVMAP)
19. WATERSHED: LOVE CREEK-REHOBOTH BAY
20. PROPOSED DISCHARGE LOCATION: ONSITE UNDERGROUND INFILTRATION FACILITY
21. PROPOSED TOTAL LIMIT OF
DISTURBANCE PER
DISCHARGE LOCATION: 0.74 ± AC.
22. 2019 FUTURE LAND USE MAP: COASTAL AREA
23. FIRE DISTRICT: INDIAN RIVER FIRE CO.
24. 2020 STATE STRATEGIES &
INVESTMENT LEVELS: LEVEL 1
25. SITE CALCULATIONS:
BUILDING AREA: EX. = 0.00 ± AC. (0.00 %) PR. = 0.09 ± AC. (14.0 %)
IMPERVIOUS AREA: EX. = 0.00 ± AC. (0.00 %) PR. = 0.40 ± AC. (62.5 %)
GRASS AREA: EX. = 0.64 ± AC. (100 %) PR. = 0.15 ± AC. (23.5 %)
TOTAL: EX. = 0.64 ± AC. PR. = 0.64 ± AC.
26. LOCAL GOVERNMENT RESPONSIBLE
FOR LAND USE APPROVAL: SUSSEX COUNTY
27. DATUM:
HORIZONTAL = NAD83
VERTICAL = NAD88
28. FLOOD MAP: ZONE X (1000C0340K, 3/16/2015)

TID NOT INCLUDED		
SOILS		
TYPE	DESCRIPTION	HYDROLOGIC SOIL
FhA	FORT MOTT-HENLOPEN COMPLEX, 0 TO 2 PERCENT SLOPES	A
LIMIT OF DISTURBANCE: 0.77 ± ACRES		

LONG NECK SHERWIN WILLIAMS

PRELIMINARY SITE PLAN

TAX MAP: 234-23.00-180.00 & 181.00 & 181.00

SUSSEX COUNTY, DE

PREPARED FOR:

OWNER/DEVELOPER

ROJAN LN 21, LLC.

2213 CONCORD PIKE

WILMINGTON, DE 19803

(302) 654-6153

OWNER
ROJAN LN 21 LLC.
2213 CONCORD PIKE
WILMINGTON, DE 19803

ENGINEER/PLANNER
PENNONI ASSOCIATES INC.
18072 DAVIDSON DRIVE
MILTON, DE 19968
(302) 684-8030

SURVEYOR
PENNONI ASSOCIATES, INC.
18072 DAVIDSON DRIVE
MILTON, DE 19968
(302) 684-8030

ENVIRONMENTAL CONSULTANT
PENNONI ASSOCIATES INC.
18072 DAVIDSON DRIVE
MILTON, DE 19968
(302) 684-8030

SCHOOL DISTRICT
INDIAN RIVER

FIRE DISTRICT
INDIAN RIVER FIRE CO. (80)

POSTAL DISTRICT
INDIAN RIVER

WATER UTILITY
TIDEWATER

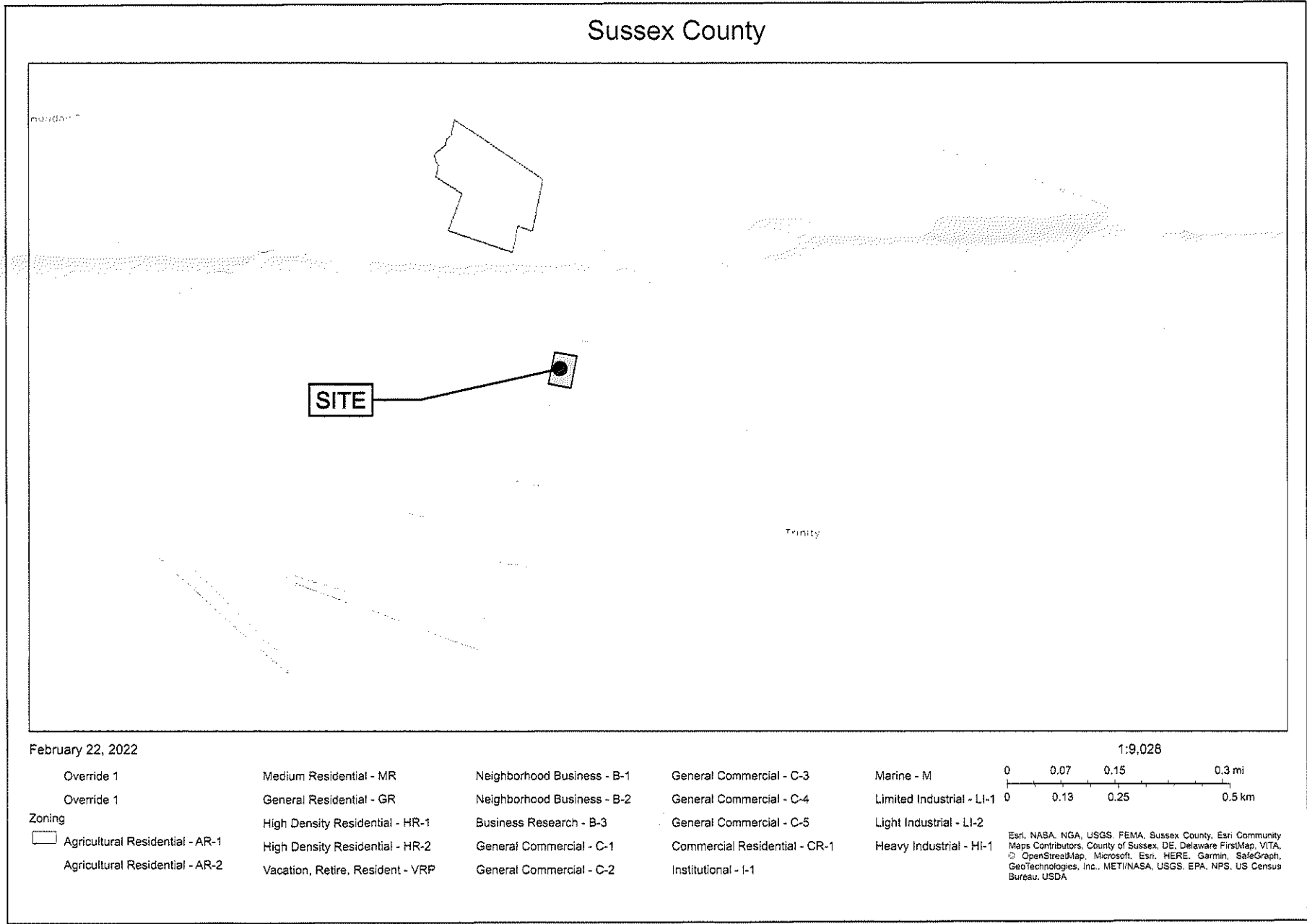
SEWER UTILITY
SUSSEX COUNTY

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		BUILDING
		FULL DEPTH PAVEMENT
		CURB
		EDGE OF PAVEMENT
		EDGE OF GRAVEL
		EASEMENT
		FENCE
		POWER, UTILITY POLE
		PROPERTY, LINE
		LEGAL RIGHT-OF-WAY
		PROPERTY, CORNER FOUND
		PROPERTY, ADJOINING LINED
		SITE, MAIL BOX
		SITE, TRAFFIC SIGN
		SOIL BOUNDARY
		SOIL LABEL
		STORM SEWER, INLET
		STORM SEWER, HEADWALL
		STORM SEWER, MANHOLE
		STORM SEWER, UNDERGROUND
		MINOR CONTOUR
		MAJOR CONTOUR
		SPOT ELEVATION
		BUILDING RESTRICTION LINE
		SWALEDITCH
		WATER, UNDERGROUND
		SANITARY SEWER, UNDERGROUND
		TREE LINE
		VEGETATION BRUSH LINE
		FENCE
		CONCRETE DRIVEWAY

SHEET INDEX

SHEET #	DRAWING #	SHEET TITLE
1	PP0001	PRELIMINARY PLAN COVER SHEET
2	PP1001	PRELIMINARY SITE PLAN



PREPARED BY:
PENNONI ASSOCIATES INC.



18072 Davidson Drive
Milton, DE 19968
T 302.684.8030
F 302.684.8054

CALL BEFORE YOU DIG
Call Miss Utility of Delmarva
800-282-8555
Ticket Number(s):

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

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

DATE

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

ROJAN LN 21, LLC.
C/O ROBERT AERENSON
2213 CONCORD PIKE
WILMINGTON, DE 19803
(302) 654-6153
ROBERT@AERENSON.COM

DATE

LONG NECK SHERWIN WILLIAMS

TAX MAP: 234-23.00-180.00 & 181.00
JOHN J WILLIAMS HIGHWAY (SCR 24)
MILLSBORO, DE 19966

PRELIMINARY PLAN COVER SHEET

ROJAN LN 21, LLC.

2213 CONCORD PIKE
WILMINGTON, DE 19803

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



PENNONI ASSOCIATES INC.

18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSES INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES AND OWNERS SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	ROJAN 21001
DATE	2022-02-22
DRAWING SCALE	AS SHOWN
DRAWN BY	EOC
APPROVED BY	AMD

PP0001
SHEET 1 OF 2

Review Copy 4/12/25

SITE ADDRESS:
JOHN J WILLIAMS HIGHWAY
MILLSBORO, DE 1966
TAX MAP: 234-23.00-180.00

OWNER:
ROJAN LN 21, LLC.
2213 CONCORD PIKE
WILLINGTOM, DE 19803
(302) 654-6153

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




1. ALL WORK SHALL COMPLY WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL CODES. ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE UNLESS PREVIOUSLY OBTAINED BY OWNER. THE CONTRACTOR SHALL ERECT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, THE NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.
2. THIS PLAN DOES NOT VERIFY THE EXISTENCE, OR NONEXISTENCE, OF EASEMENT OR RIGHT OF WAYS CROSSING THE SUBJECT PROPERTY.
3. THE CONTRACTOR SHALL IMMEDIATELY INFORM THE ENGINEER OF ANY DISCREPANCIES OR ERRORS THEY DISCOVER IN THE PLAN.
4. THE NECESSARY CONSTRUCTION PLANS AND SPECIFICATIONS SHALL BE MAINTAINED ON THE JOB SITE AT ALL TIMES. FAILURE TO COMPLY WITH THIS PROVISION SHALL BE CONSIDERED CAUSE TO STOP THE WORK.
5. DEVIATION FROM THESE PLANS AND NOTES WITHOUT THE PRIOR CONSENT OF THE OWNER OR HIS REPRESENTATIVE OR THE ENGINEER MAY BE CAUSE FOR THE WORK TO BE REJECTED.
6. ALL MATERIALS SHALL BE NEW AND SHALL BE ASBESTOS AND VERMICULITE FREE. ALL MATERIALS SHALL BE STORED SO AS TO ASSURE THE PRESERVATION OF THEIR QUALITY AND FITNESS FOR THE INTENDED WORK.
7. DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK TO BE PERFORMED. IT MUST BE THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
8. PRIOR TO CONSTRUCTION, CONTRACTOR TO FIELD LOCATE AND RECORD ANY DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REMOVED OR REPLACED. ENGINEER TO VERIFY LOCATION AND EXTENT OF DAMAGE.
9. CONTRACTOR SHALL FIELD LOCATE AND RECORD ALL EXISTING UTILITIES FROM EXISTING RECORD DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD.
10. ALL EXISTING UTILITIES SHALL BE FIELD LOCATED AND RECORDED AT THE BEGINNING OF EACH WORKING DAY. STEEL PLATES SHALL BE USED ON ANY TRENCH OR ACCESS PITS WHICH MUST REMAIN OPEN OVERNIGHT. THIS REQUIREMENT DOES NOT APPLY TO AREAS COMPLETELY CLOSED AND SECURE FROM VEHICULAR OR PEDESTRIAN TRAFFIC.
11. DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REPLACED OR REMOVED DURING CONSTRUCTION SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER. CONTRACTOR SHALL REPAIR OR REPLACE ALL DAMAGED WORK WITHOUT CHARGE TO THE OWNER.
12. BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD HAZARD RATING MAP (FIRM) NUMBER 100050304AK EFFECTIVE DATE MARCH 16, 2015, THE PROJECT PROPERTY IS LOCATED IN AN AREA DESIGNATED AS FLOOD ZONE "X" (UNSHADED), WHICH IS AN AREA THAT HAS BEEN DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
13. SUBJECT PROPERTY IS CURRENTLY "C-1" (GENERAL COMMERCIAL).
14. THE SUBJECT SITE SHALL BE CONSIDERED AS A SINGLE PHASE.
15. TOTAL AREA FOR SUBJECT SITE IS 0.64 ACRES.
16. THE BOUNDARY INFORMATION & TOPOGRAPHY SHOWN ON THIS PLAN WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD AND IS ALSO THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNINO ASSOCIATES, INC. DATED FEBRUARY 2022.
17. THE PLAN IS SUPPLIED BY BUILDING WALL, PACKS AND PARKING LOT LIGHTS (REFER TO SITE LIGHTING PLAN CS2001).
18. ALL SECURITY LIGHTING (IF NECESSARY) SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT SHINE ON NEIGHBORING PROPERTIES OR ROADWAYS.
19. STATE AND FEDERAL WETLANDS DO NOT EXIST ON THE SITE.
20. WASTEWATER IS CONVEYED THROUGH PIPE SYSTEM TO PROPOSED DRY DETENTION BASINS.
21. ALL FIRE LINES, FIRE HYDRANTS, EXITS, STANDPIPE, FIRE DEPARTMENT CONNECTIONS AND SPRINKLER CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE WOOD, STEEL, AND CONCRETE, AND WILL NOT HAVE SPRINKLERS.
22. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF SMOKE DETECTOR OR DETECTOR OF FULL COVERAGE BY SMOKE DETECTION AND ALARM NOTIFICATION, WHERE SMOKE DETECTION DEVICES WILL NOT FUNCTION BY REASON OF DEVICE LIMITATION, HEAT DETECTION SHALL BE PROVIDED IN THOSE SPECIFIC LOCATIONS FIRE ALARM SIGNALING SYSTEM PLANS AND SPECIFICATIONS SHALL BE SUBMITTED FOR REVIEW.
23. THE CONTRACTOR SHALL OBTAIN A LOCAL FIRE CHIEF FOR ORDERING INFORMATION AND LOCATION OF BOX ON THE BUILDING.
24. MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION.
25. ALL DISTURBED AREAS WITHIN THE LIMIT OF DISTURBANCE, BUT NOT IN PAVEMENT, SHALL BE TOP-SOILED (6" MINIMUM), SEEDED AND MULCHED, IF THE ENGINEER DETERMINES THAT THE CONSTRUCTION STAGE OF GRASS SHALL NOT EXIST AT THE TIME OF FINAL INSPECTION, ALL COSTS ASSOCIATED WITH RE-ESTABLISHING A SATISFACTORY STAND OF GRASS SHALL BE AT THE CONTRACTOR'S EXPENSE.
26. A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ROADWAY CONSTRUCTION.
27. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF SMOKE DETECTOR OR DETECTOR OF FULL COVERAGE BY SMOKE DETECTION AND ALARM NOTIFICATION, WHERE SMOKE DETECTION DEVICES WILL NOT FUNCTION BY REASON OF DEVICE LIMITATION, HEAT DETECTION SHALL BE PROVIDED IN THOSE SPECIFIC LOCATIONS FIRE ALARM SIGNALING SYSTEM PLANS AND SPECIFICATIONS SHALL BE SUBMITTED FOR REVIEW.
28. THE ENTRANCE / EXITS ARE PROPOSED ONLY AND ARE SUBJECT TO REVIEW AND APPROVAL BY THE DELAWARE DEPARTMENT OF TRANSPORTATION BEFORE A CONSTRUCTION PERMIT IS ISSUED.
29. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING, TWO (2) WEEKS PRIOR TO THE START OF CONSTRUCTION
30. THE OWNER, SUSSEX CONSERVATION DISTRICT, & DELOIT
31. THE CONTRACTOR SHALL MAINTAIN PUBLIC ROADS AND STREETS IN A BROOM SWEEP CONDITION AT ALL TIMES.
32. ROUTINE PERIODIC INSPECTIONS DURING CONSTRUCTION WILL BE PROVIDED BY THE OWNER. THESE INSPECTIONS DO NOT RELIEVE THE CONTRACTOR FROM HIS OBLIGATION AND RESPONSIBILITY FOR CONSTRUCTING ALL WORK IN STRICT ACCORDANCE WITH ALL STANDARDS AND SPECIFICATIONS AND CONSTRUCTION DOCUMENTS.
33. THE CONTRACTOR SHALL PROVIDE SEDIMENT CONTROL MEASURES TO PROTECT STOCKPILE AREAS AND STORAGE AREAS. ALL AREAS USED BY THE CONTRACTOR FOR MATERIALS STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE FULLY RESTORED BY THE CONTRACTOR UPON COMPLETION OF THE PROJECT. IF THE STAGING AREA IS PAVED, IT SHALL BE RESTORED TO ITS ORIGINAL CONDITION. IF THE STAGING AREA IS UNPAVED, IT SHALL BE RE-GRADED, TOP-SOILED, SEEDED AND MULCHED TO THE SATISFACTION OF THE ENGINEER. ALL COSTS ASSOCIATED WITH RESTORATION OF THE STAGING AREA SHALL BE AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF SMOKE DETECTOR OR DETECTOR OF FULL COVERAGE BY SMOKE DETECTION AND ALARM NOTIFICATION, WHERE SMOKE DETECTION DEVICES WILL NOT FUNCTION BY REASON OF DEVICE LIMITATION, HEAT DETECTION SHALL BE PROVIDED IN THOSE SPECIFIC LOCATIONS FIRE ALARM SIGNALING SYSTEM PLANS AND SPECIFICATIONS SHALL BE SUBMITTED FOR REVIEW.
34. DELAWARE REGULATIONS PROHIBIT THE BURN OF STRUCTURE CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED MUST BE APPROVED BY THE DELAWARE DEPARTMENT OF ENVIRONMENTAL CONTROL.
35. THE CONTRACTOR SHALL TAKE PRECAUTIONS TO LOCATE PROPERTY LINES AND RIGHT OF WAY LINES PRIOR TO CONSTRUCTION AND AVOID CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY AND/OR RIGHTS OF WAYS WHERE SAID CONSTRUCTION IS PROHIBITED. THE CONTRACTOR MAY CONDUCT CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY PROVIDED IF HE HAS OBTAINED PRIOR WRITTEN PERMISSION FROM THE PROPERTY OWNER AND HAS SUBMITTED A COPY OF SAID WRITTEN PERMISSION TO THE DISTRICT PERMIT SUPERVISOR.
36. THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTINGS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. ALL EXISTING UTILITIES, WATER AND SEWER, AND INFORMATION SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELATION KEPT TO A MINIMUM DISTANCE.

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
2. NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS' LAND, A SIGHT EASEMENT SHALL BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
4. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECTS FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE EXISTING SIDEWALKS AND DRIVEWAYS TO THE ORIGINAL CONDITION AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
5. PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THE SUBDIVISION OR BOTH (TITLE 17 §313). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
6. THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION, THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE FOR THE SIDEWALK.
7. ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
8. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
9. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLARENCE.
10. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
11. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND PLACED ALONG THE RIGHT-OF-WAY BOUNDARIES AND AT EACH CHANGE IN RIGHT-OF-WAY. THE RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.

1. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

G1	PROP. ADA CURB RAMP
G2	PROP. HANDICAP SPACE
G3	10' WIDE CONCRETE SIDEWALK
G4	16" WIDE STOP BAR (THERMO PLASTIC STRIPPING)
G5	PROP. STOP SIGN
G6	PROP. 6" WIDE CROSS WALK, 24" STRIPE, 24" SPACE
G7	PROP. LOADING SPACE
G8	LIGHT DUTY PAVEMENT
G9	6' HIGH WHITE VINYL PRIVACY FENCE
G10	PROP. DUMPSITER AREA WITH SCREENING
G11	HEAVY DUTY CONCRETE
G12	PROP. BUSINESS SIGN

G1	PROP. ADA CURB RAMP
G2	PROP. HANDICAP SPACE
G3	10' WIDE CONCRETE SIDEWALK
G4	16" WIDE STOP BAR (THERMO PLASTIC STRIPPING)
G5	PROP. STOP SIGN
G6	PROP. 6" WIDE CROSS WALK, 24" STRIPE, 24" SPACE
G7	PROP. LOADING SPACE
G8	LIGHT DUTY PAVEMENT
G9	6' HIGH WHITE VINYL PRIVACY FENCE
G10	PROP. DUMPSITER AREA WITH SCREENING
G11	HEAVY DUTY CONCRETE
G12	PROP. BUSINESS SIGN

										PENNONI ASSOCIATES INC. 18072 Davidson Drive Milford, DE 19068 T 302.684.8054 F 302.684.8050									
ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK																			
LONG NECK SHERWIN WILLIAMS TAX MAP: 234-23.00-180.00 & 181.00 JOHN J. WILLIAMS HIGHWAY (SCR 24) MILLSBORO, DE 19966										PRELIMINARY SITE PLAN ROJAN LN 21, LLC. 2213 CONCORD PIKE WILMINGTON, DE 19803									
ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.																			
PROJECT										ROJAN 21001									
DATE										2022-02-22									
DRAWING SCALE										1"=20'									
DRAWN BY										EOC									
APPROVED BY										AMD									
<div> <div>PP1001</div> <div> <div>SHEET</div> <div>2</div> <div>OF 2</div> </div> </div>																			

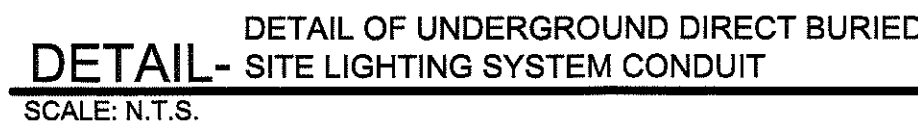
SITE ADDRESS:
JOHN J WILLIAMS HIGHWAY
MILLSBORO, DE 1966
TAX MAP: 234-23.00-180.00

OWNER:
ROJAN LN 21, LLC.
2213 CONCORD PIKE
WILMINGTON, DE 19803
(302) 654-6153

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



- ALL NEW WIRING SHALL BE INSTALLED WITH ITS OWN NEUTRAL, (NO SHARED NEUTRALS).
2. INSTALL THE NEW POLE BASE WITH THE CENTER OF THE POLE 3 FEET FROM THE EDGE OF THE NEW WALKWAY OR PATH TO ILLUMINATE THE LENGTH OF THE WALKWAY. THE ACTUAL LOCATION OF THE NEW POLE SHALL BE COORDINATED WITH THE OWNER TO AVOID ANY EXISTING UNDERGROUND UTILITIES. CONCRETE COVER SHALL BE MAINTAINED AT ALL TIMES.
3. INSTALL THE NEW POLE BASE PER THE POLE BASE DETAIL. REFER TO VENDOR ANCHOR BOLT INSTALLATION GUIDE FOR BOLT CIRCLE DIAMETER, BASE COVER SIZE, ANCHOR BOLT PROJECTION, ANCHOR BOLT SIZES AND SPECIFIC DETAILS.
4. WHERE NEW POLES WILL BE INSTALLED ON EXISTING POLE BASES, VERIFY THE EXISTING BOLT CIRCLES, LOCATIONS OF THE EXISTING BASES AND CONFIRM THE NEW BOLT CIRCLE PATTERN OF THE NEW POLES WILL MOUNT TO THE EXISTING ANCHOR BOLTS.
5. WHERE JUNCTION BOXES ARE REQUIRED, PROVIDE HUBBELL QUATIZE 11W X 18L X 18.0 PC STYLE 110V-15A RATED ENCLOSURE PART #PC1BA1819 WITH TWO HEX BOLT COVER WITH "LIGHTING" LOGO ON COVER PART #PC111BCA0041. MOUNT THE TOP OF THE BOX 6 INCH ABOVE THE FINISHED GRADE. ENCASE THE BOX WITH 6 INCHES OF 3000 PSI CONCRETE VIBRATED AROUND ALL FOUR SIDES WITH THE TOP OF THE CONCRETE FLUSH WITH THE TOP OF THE BOX AND THE BOTTOM OF THE CONCRETE EQUAL TO THE BOTTOM OF THE BOX. PROVIDE A 1/8 INCH CHAMFER AROUND THE TOP PERIMETER OF THE CONCRETE AND THE VERTICAL CORNERS. REMOVE ALL FORMS USED AFTER THE CONCRETE CURES. PROVIDE SUPPORT WITHIN THE BOX TO KEEP ALL SPICE CONNECTIONS AT THE BOTTOM OF THE COVER.
6. CONDUITS UNDER WALKWAYS SHALL BE GALVANIZED RIGID CONDUIT WHICH SHALL EXTEND 3' BEYOND EACH EDGE OF THE WALKWAY FOR PROTECTION FROM VEHICLES WHICH MAY DRIVE OVER THE EDGE OF THE WALKWAY.
7. BACK FILL ALL EXCAVATIONS TO MATCH THE EXISTING GRADE AND RESEED THE EXCAVATION AREA. EXCESS SOIL SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR.
8. PROVIDE A 4" HIGH X 6" WIDE BLACK PLASTIC WITH 34" YELLOW LETTERING UV RESISTANT SELF-ADHESIVE LABEL. ABOVE THE HAND HOLE LEVEL, ON EACH LIGHT POLE, LABELS SHALL FACE THE DIRECTION OF THE ROADWAY WALKWAY OR PATH. WHERE THE POLE IS LOCATED, WHERE POLES ARE LOCATED IN THE CENTER OF A PARKING LOT, AND THERE ARE PARKING SPACES ON BOTH THE NORTH AND SOUTH SIDE OF THE POLE, INSTALL THE LABEL ON THE NORTH SIDE OF THE POLE TO MINIMIZE FADING FROM THE SUN. WHERE THE POLE IS LOCATED ALONG THE SIDE OF THE ROADWAY OR PARKING SPACE, THE BOTTOM ROW OF LETTERING ON THE LABEL SHALL STATE THE PANEL AND CIRCUIT NUMBER. PROVIDE A PRINTED EXAMPLE FOR THE OWNERS APPROVAL PRIOR TO PRINTING ALL THE LABELS. SEE EXAMPLE.
- EXAMPLE: POLE # A1
PANEL & CKT. # LP-2#16
10. MOUNT THE LIGHT POLES WITH THE HANDLE POLE 90 DEGREE FROM THE ROADWAY, WALKWAY OR PARKING SPACE SO THAT THE OPENING IS ACCESSIBLE WHEN A VEHICLE IS PARKED IN THE PARKING SPACE IN FRONT OF THE POLE LOCATION. DO NOT PLACE THE HAND HOLE IN THE OPPOSITE DIRECTION OF THE ROADWAY OR PARKING SPACE SO THAT IT WILL NOT BE BLOCKED BY VEGETATION AND HEDGES GROWING BEHIND THE POLE LOCATIONS.
11. PROVIDE NEW POLES WITH ALL REQUIRED POLE CAPS, ACCESS COVERS, GALVANIZED STEEL ANCHOR U-BOLTS, NUTS, LOCK NUTS AND WASHERS PER VENDORS INSTALLATION GUIDE.
12. PROVIDE NEW HUBBELL / BEACON LIGHTING FIXTURES WITH ALL REQUIRED ATTACHMENT ARMS, AND MOUNTING HARDWARE PER THE MANUFACTURERS INSTALLATION INSTRUCTIONS.
13. ASSEMBLE AND INSTALL POLE ON BASE. FIXTURE HEADS SHALL FACE TOWARD THE WALKWAY OR ROADWAY PER THE DIRECTION SHOWN ON THE DRAWINGS.
14. PROVIDE 20#10&12 GND THWN IN THE LIGHT POLE THROUGH THE UNDERGROUND FEED CONDUCTORS AND THE FIXTURE MOUNTED AT THE TOP OF THE POLE.
15. ANCHOR NUTS SHALL BE ADJUSTED TO MAKE POLE PLUMB.
20. POLE BASE MUST HAVE FULL CONTACT WITH THE FOUNDATION BY GROUTING. GROUT THE SPACE BETWEEN THE TOP OF THE CONCRETE BASE AND THE BOTTOM OF THE LIGHT POLE BASE AND PROVIDE A CHANNEL THROUGH THE GROUT FOR DRAINAGE FROM THE POLE INTERIOR.
21. THE CONTRACTOR IS RESPONSIBLE FOR ALL CIVIL WORK INCLUDING EXCAVATIONS, BACKFILLING, EROSION CONTROL, REPAIR, ETC.
22. PROVIDE #6 BARE COPPER WIRE BONDING REBAR REINFORCEMENT CAGE IN POLE BASE TO GROUND STUD. PROVIDE 10 GA. REINFORCEMENT RODS MUST BE BONDED TO POLE TO SERVE AS CONCRETE ENCASED ELECTRODE BUT ARE NOT MEANT TO REPLACE GROUNDING ELECTRODE CONDUCTOR.
23. REFER TO LIGHTING OUT SHEETS, CONTACT DESIGN ENGINEER FOR INFORMATION.



Calculation Summary			
Label	CalcType	Units	Avg
SITE GROUND LEVEL	Illuminance	Fc	0.46
PARKING AREA STATISTICS	Illuminance	Fc	1.53

PARKING AREA STATISTICS

Illuminance (Fc)
Average = 1.53
Maximum = 6.1
Minimum = 0.1
Avg/Min Ratio = 15.30
Max/Min Ratio = 61.00

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

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

LONG NECK SHERWIN WILLIAMS
TAX MAP: 234-23.00-180.00 & 181.00
JOHN J WILLIAMS HIGHWAY (SCR 24)

LIGHTING PLAN, NOTES & DETAILS

[illegible]

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS OF THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT ROJAN 21001

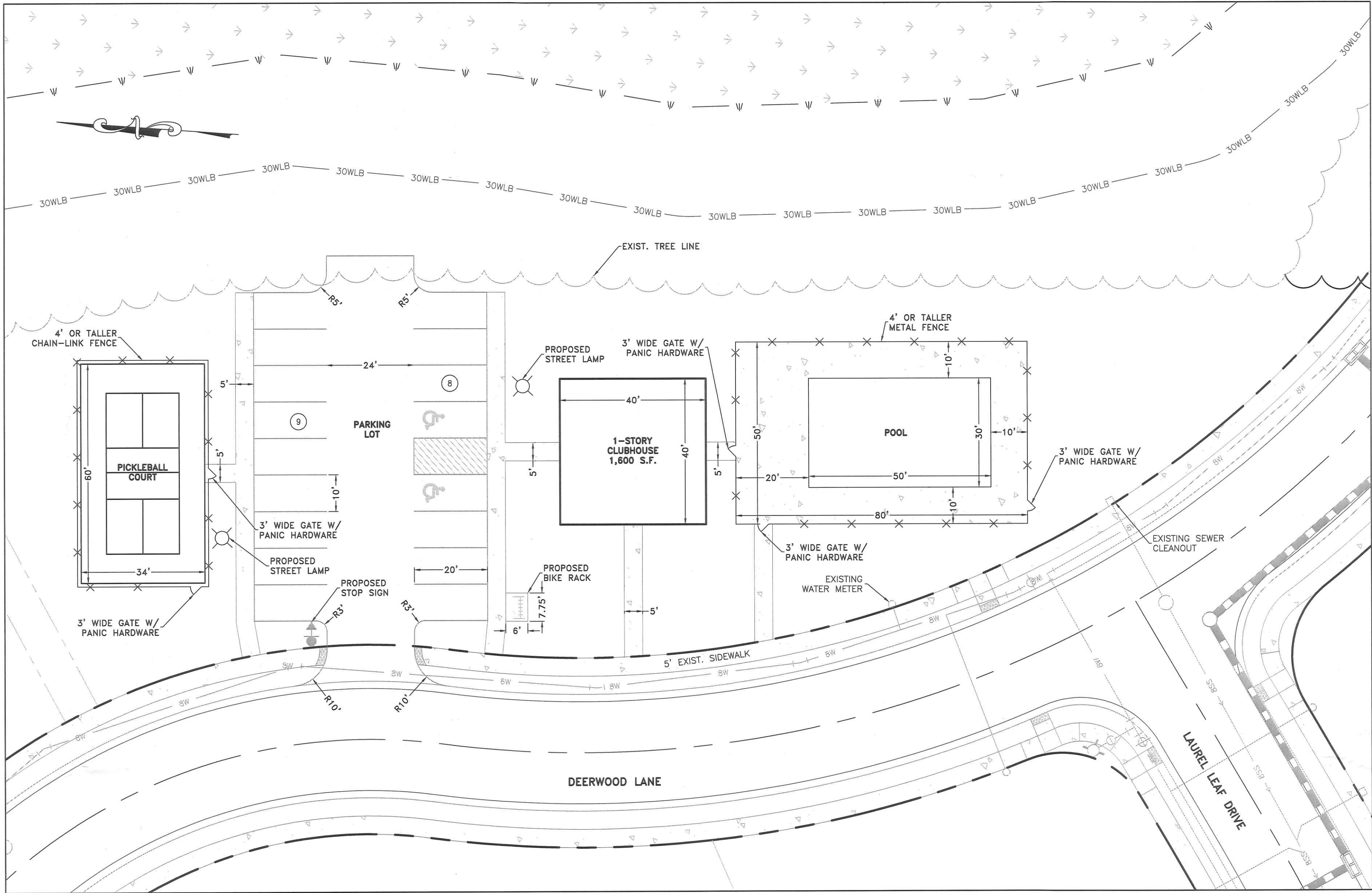
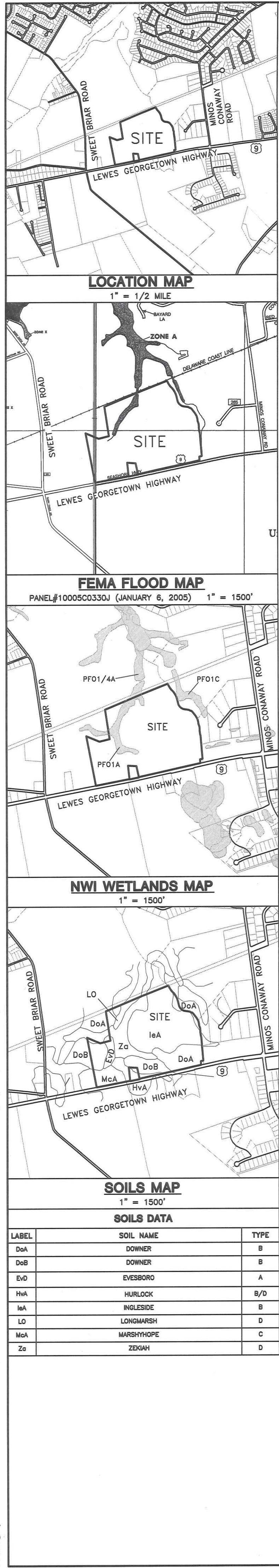
DATE 2022-02-22

DRAWING SCALE 1'=20'

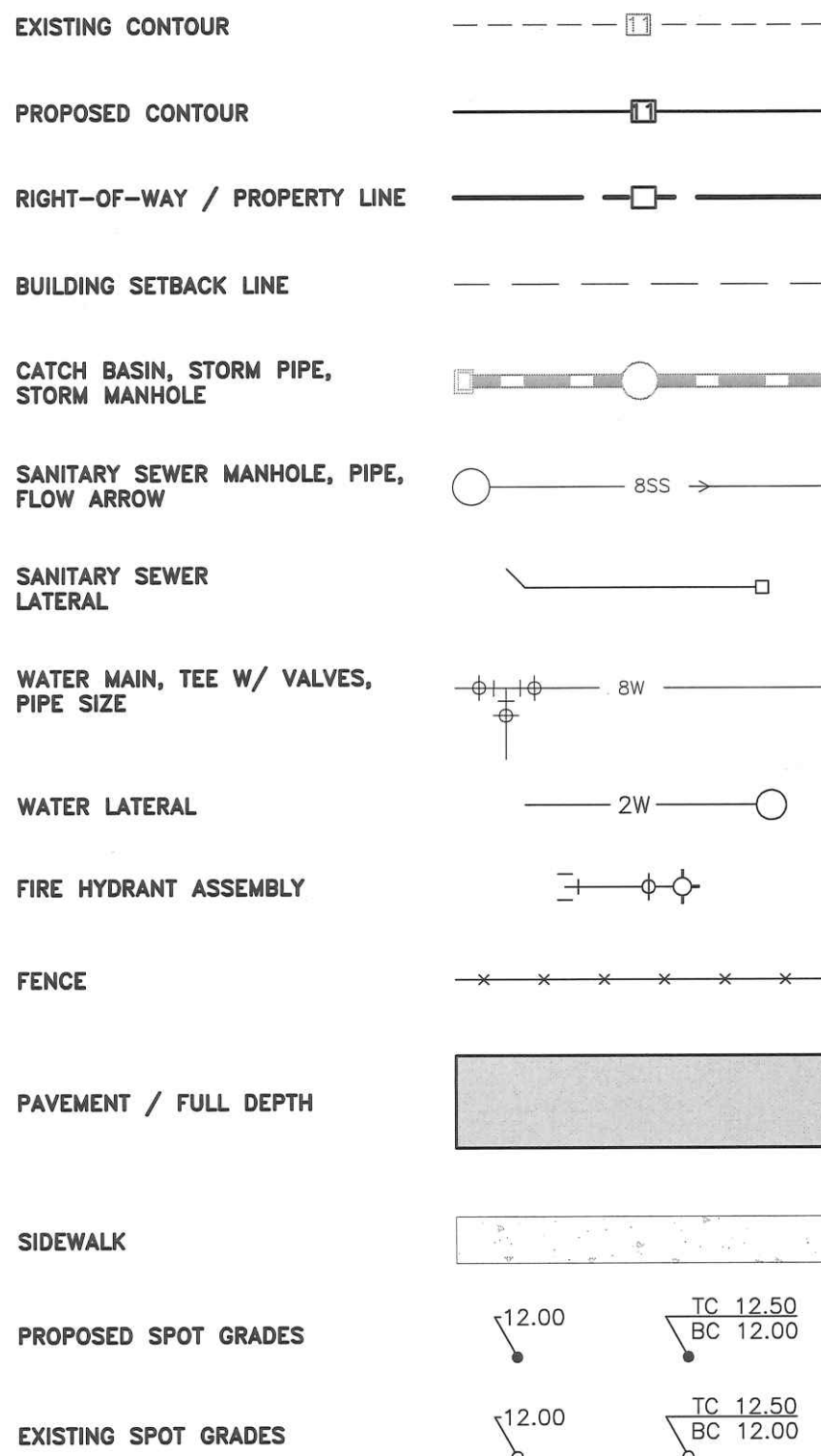
DRAWN BY EOC

CS2201

SHEET 5 OF 8



LEGEND



FIRE PROTECTION NOTES

- ALL FIRE LANES, HYDRANTS, EXITS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS (DSFPR, 705, CHAPTER 5).
- WATER PROVIDER: TIDewater UTILITIES, INC.
- PROPOSED BUILDING CONSTRUCTION: TYPE V (000)
- INTENDED USE: CLUB HOUSE, POOL AND POOL DECK - ASSEMBLY
- PROPOSED BUILDING HEIGHT: < 42 FEET
- PROPOSED BUILDING SQUARE FOOTAGE: 1,600 ± S.F.
- SITE WILL BE SERVED BY AN UNDERGROUND CLOSED PIPE NATURAL GAS OR PROPANE SYSTEM.
- AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.

GENERAL NOTES:

- CONTRACTOR TO INSTALL TRACER WIRE ON SERVICE LINE FOR THE POOL HOUSE.
- THE DESIGNATED HOMEOWNERS ASSOCIATION ASSUMES RESPONSIBILITY FOR THE AMENITIES WITHIN RED MILL POND SOUTH.
- RECREATIONAL AMENITIES TO SERVE THE RESIDENTS OF RED MILL POND SOUTH.
- HANDICAP CURB RAMPS SHALL CONFORM TO ADA STANDARDS AND SPECIFICATIONS.
- OUTDOOR LIGHTING SHALL BE SHIELDED AND DOWNWARD SCREENED.

WETLANDS STATEMENT

I, EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3(A)(8), WATERS OF THE U.S. DEFINITION/CECW-OR, 10-7-1991, QUESTIONS AND ANSWERS ON THE 1987 CORP MANUAL/CECW-OR, 9-26-1990, RGL 90-7/CECW-OR, 3-6-1992, CLARIFICATION AND INTERPRETATION OF THE 1987 MANUAL). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

IN ACCORDANCE WITH DNREC TIDAL WETLAND MAPS, THERE ARE NO STATE REGULATED WETLANDS ON THE SITE.

EDWARD M. LAUNAY, PWS NO. 875
SOCIETY OF WETLANDS SCIENTISTS
CORPS OF ENGINEERS, CERTIFIED WETLAND
DELINEATOR WDCP93MD0510036B

DATA COLUMN

TAX MAP ID:	3-34-5.00-170.00
DATUM: VERTICAL HORIZONTAL	NAVD 88 NAD 83 (DE STATE PLANE)
EXISTING ZONING:	AR-1 AGRICULTURAL RESIDENTIAL DISTRICT
PROPOSED ZONING:	AR-1 AGRICULTURAL RESIDENTIAL DISTRICT
COASTAL AREA:	PROJECT LIES WITHIN THE COASTAL AREA
SOURCE WATER PROTECTION:	PROJECT IS NOT WITHIN A WELLHEAD PROTECTION AREA. PROJECT IS WITHIN THE "FAIR" GROUNDWATER RECHARGE AREA.
FLOOD HAZARD MAP:	THE SITE IS LOCATED ON THE FEMA FLOOD INSURANCE RATE MAP #10005C0330J, DATED JANUARY 6, 2005.
WETLANDS:	THIS SITE AS SHOWN HEREON CONTAINS STATE OR FEDERALLY REGULATED WETLANDS BASED ON NWI AND DNREC WETLAND MAPS.
TOTAL:	83.384 AC.
PARKING REQUIREMENTS:	304 S.F. ASSEMBLY / 50 = 7 SPACES 500 S.F. INDOOR RECREATION / 150 = 4 SPACES TOTAL = 11 SPACES REQUIRED
PARKING PROVIDED:	17 SPACES
LAND USE AREAS	
SINGLE FAMILY LOTS:	36.996 ACRES
RIGHT-OF-WAY:	11.804 ACRES
OPEN SPACE:	34.416 ACRES
PUMPSTATION:	0.073 ACRES
RIGHT-OF-WAY DEDICATION:	0.095 ACRES
TOTAL SITE AREA:	83.384 ACRES
NET DEVELOPMENT AREA:	36.996 ACRES
REQUIRED OPEN SPACE:	30%
PROPOSED OPEN SPACE:	41%
LOD AREA:	0.618 AC.±
EXISTING WOODED AREA:	23.84 AC.
PROPOSED WOODED AREA:	22.21 AC. (9.3%)
EXISTING WETLANDS AREA:	10.54 AC.
AR-1 MINIMUM ZONING REQUIREMENTS	
FRONT YARD SETBACK:	25 FT. (CORNER LOTS ALLOW FOR ONE 25' SETBACK AND ONE 15' SETBACK)
SIDE YARD SETBACK:	10 FT.
REAR YARD SETBACK:	10 FT.
MIN. LOT AREA:	7,500 SF.
AVG. LOT AREA:	9,105 SF. (0.21 AC.)
WIDTH OF LOT:	60 FT.
MIN. LOT DEPTH:	100 FT.
VOLUNTARY NON-TIDAL WETLANDS BUFFER:	30 FT.
SANITARY SEWER:	WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT (SUSSEX COUNTY AGREEMENT #446-9)
WATER SUPPLY:	TIDewater UTILITIES
PROPOSED MAXIMUM BUILDING HEIGHT:	42 FT. (3-1/2 STORIES)
PROPOSED BUILDING HEIGHT:	20 FT.
PROPOSED BUILDING CONSTRUCTION:	WOOD CONSTRUCTION
PROJECT IS LOCATED IN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT.	

ENGINEER'S STATEMENT

I, JAMIE L. SECHLER, 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 JAMIE L. SECHLER, P.E.
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVE.
MILFORD, DELAWARE, 19963

DATE

OWNER/DEVELOPER STATEMENT

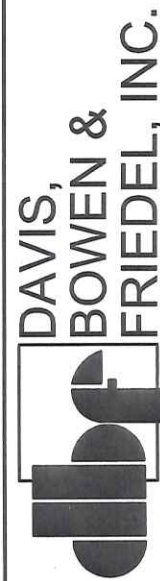
I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT MY DIRECTION, I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

K. HOVNANIAN HOMES OF DELAWARE I, LLC
2499 SOUTH DUPONT HWY. SUITE G
SMYRNA, DE 1997

DATE

**THE VILLAGES AT RED MILL POND-SOUTH AMENITIES
RESIDENTIAL SUBDIVISION
SUSSEX COUNTY, DELAWARE**

ARCHITECTS ENGINEERS SURVEYORS
DAVIS, BOWEN & FRIEDEL, INC.
SUSSEX, MARYLAND (410) 543-9001
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-1744



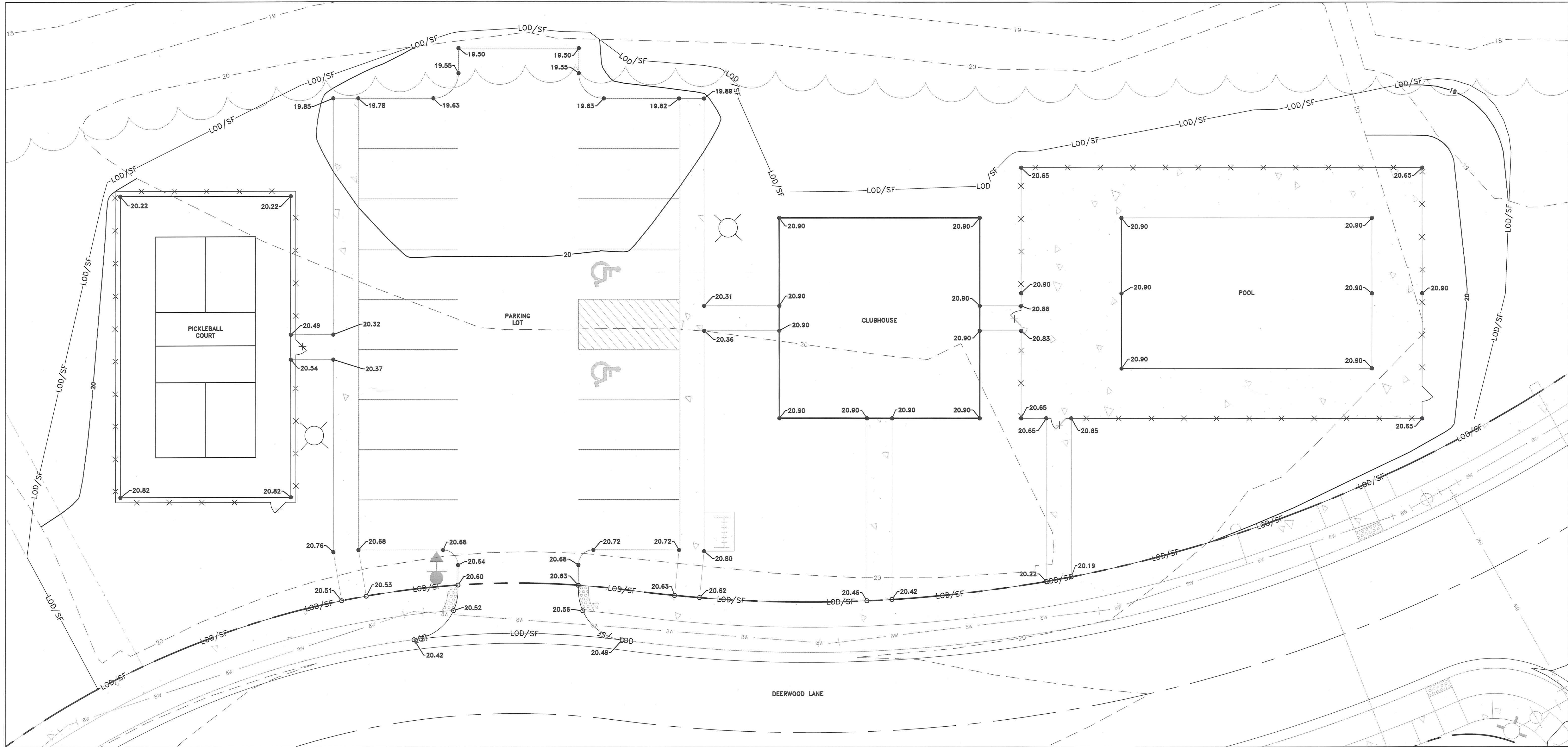
SITE PLAN

Revisions:

Date: JANUARY 2022
Scale: 1"=20'
Dwn.By: RPK
Proj.No.: 14436001
Dwg.No.:

01

P:\Integrity Communities\1443G001 RED MILL SOUTH\DESIGN\CLUBHOUSE\1443G001-CLUBHOUSE.dwg Apr 28, 2022 - 10:38am KESR

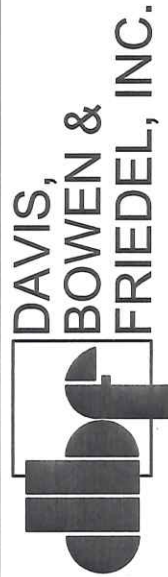


THE VILLAGES AT RED MILL POND-SOUTH AMENITIES
RESIDENTIAL SUBDIVISION
SUSSEX COUNTY, DELAWARE

Revisions:

Date:	JANUARY 2022
Scale:	1"=10'
Dwn.By:	RPK
Proj.No.:	1443G001
Dwg.No.:	

02



DAVIS,
BOWEN &
FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS
SUSSEX COUNTY, DELAWARE
1000 N. MARKET STREET
SUITE 200
DOWNTOWN, DELAWARE
(302) 441-1441
(302) 441-1442
(302) 441-1443
(302) 441-1444
(302) 441-1445
(302) 441-1446
(302) 441-1447
(302) 441-1448
(302) 441-1449
(302) 441-1450
(302) 441-1451
(302) 441-1452
(302) 441-1453
(302) 441-1454
(302) 441-1455
(302) 441-1456
(302) 441-1457
(302) 441-1458
(302) 441-1459
(302) 441-1460
(302) 441-1461
(302) 441-1462
(302) 441-1463
(302) 441-1464
(302) 441-1465
(302) 441-1466
(302) 441-1467
(302) 441-1468
(302) 441-1469
(302) 441-1470
(302) 441-1471
(302) 441-1472
(302) 441-1473
(302) 441-1474
(302) 441-1475
(302) 441-1476
(302) 441-1477
(302) 441-1478
(302) 441-1479
(302) 441-1480
(302) 441-1481
(302) 441-1482
(302) 441-1483
(302) 441-1484
(302) 441-1485
(302) 441-1486
(302) 441-1487
(302) 441-1488
(302) 441-1489
(302) 441-1490
(302) 441-1491
(302) 441-1492
(302) 441-1493
(302) 441-1494
(302) 441-1495
(302) 441-1496
(302) 441-1497
(302) 441-1498
(302) 441-1499
(302) 441-1500

GRADING PLAN



1. REVIEW AND OR APPROVAL OF THE SEDIMENT AND STORMWATER MANAGEMENT PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM HIS OR HER RESPONSIBILITIES FOR COMPLIANCE WITH THE REQUIREMENTS OF THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS, NOR SHALL IT RELIEVE THE CONTRACTOR FROM ERRORS OR OMISSIONS IN THE APPROVED PLAN.
2. IF THE APPROVED PLAN NEEDS TO BE MODIFIED, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY DNREC OR THE DELEGATED AGENCY.
3. FOLLOWING SOIL DISTURBANCE OR REDISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED FOR ALL PERIMETER SEDIMENT CONTROLS, SOIL STOCKPILES, AND ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE WITHIN 14 CALENDAR DAYS UNLESS MORE RESTRICTIVE FEDERAL REQUIREMENTS APPLY.
4. ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL COMPLY WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
5. AT ANY TIME A DEWATERING OPERATION IS USED, IT SHALL BE PREVIOUSLY APPROVED BY THE AGENCY CONSTRUCTION SITE REVIEWER FOR A NON-EROSIVE POINT OF DISCHARGE, AND A DEWATERING PERMIT SHALL BE APPROVED BY THE DNREC WELL PERMITTING BRANCH.
6. APPROVAL OF A SEDIMENT AND STORMWATER MANAGEMENT PLAN DOES NOT GRANT OR IMPLY A RIGHT TO DISCHARGE STORMWATER RUNOFF. THE OWNER/DEVELOPER IS RESPONSIBLE FOR ACQUIRING ANY AND ALL AGREEMENTS, EASEMENTS, ETC., NECESSARY TO COMPLY WITH STATE DRAINAGE AND OTHER APPLICABLE LAWS.
7. BEST AVAILABLE TECHNOLOGY (BAT) SHALL BE EMPLOYED TO MANAGE TURBID DISCHARGES IN ACCORDANCE WITH REQUIREMENTS OF 7. DEL. C. CH 60, REGULATIONS GOVERNING THE CONTROL OF WATER POLLUTION, SECTION 3.1-02, FORMER SUBDIVISION NAME) AMENITIES, INCLUDING A CLUBHOUSE ASSOCIATED WITH CONSTRUCTION ACTIVITIES, AND DEPARTMENT POLICIES, PROCEDURES, AND GUIDANCE.
8. CONTRACTOR TO INSTALL TRACER WIRE ON SERVICE LINE FOR THE POOL HOUSE.
9. THE DESIGNATED HOMEOWNERS ASSOCIATION ASSUMES RESPONSIBILITY FOR THE AMENITIES AT MARSH ISLAND.
10. RECREATIONAL AMENITIES TO SERVE THE RESIDENTS OF RED MILL SOUTH.
11. HANDICAP CURB RAMPS SHALL CONFORM TO ADA STANDARDS AND SPECIFICATIONS.
12. CLUBHOUSE, AMENITIES AND SWIMMING POOL ARE REQUIRED TO BE PROVIDED IN ORDER TO COMPLY WITH CONDITION 8 OF THE 13 CONDITIONS ASSOCIATED WITH THE PRELIMINARY SITE PLAN APPROVAL FOR LANDLOCK ACRES (2005-73) FORMER SUBDIVISION NAME) AMENITIES, INCLUDING A CLUBHOUSE AND SWIMMING POOL SHALL BE CONSTRUCTED AND OPEN TO USE BY RESIDENTS OF THE DEVELOPMENT WITHIN 2 YEARS OF THE ISSUANCE OF THE FIRST RESIDENTIAL BUILDING PERMIT.

1. INSTALL ALL PRE-BULK EROSION & SEDIMENT CONTROLS. CCR SHALL REVIEW INSTALLATION OF THE INSTALLATION OF THE EROSION & SEDIMENT CONTROLS.
2. ALL PERIMETER CONTROLS ARE TO BE REVIEWED BY THE AGENCY CONSTRUCTION SITE REVIEWER AND APPROVED PRIOR TO PROCEEDING WITH FURTHER SITE DISTURBANCE OR CONSTRUCTION.
3. THE CONTRACTOR SHALL AT ALL TIMES PROTECT AGAINST SEDIMENT OR DEBRIS LADEN RUNOFF OR WIND FROM LEAVING THE SITE. PERIMETER CONTROLS SHOULD BE CHECKED DAILY AND ADJUSTED AND/OR REPAIRED TO FULLY CONTAIN AND CONTROL SEDIMENTATION ON THE SITE. IN ADDITION, THE CONTRACTOR MAY NEED TO ADJUST OR REPAIR MEASURES IN TIMES OF ADVERSE WEATHER CONDITIONS, OR AS DIRECTED BY THE AGENCY CONSTRUCTION SITE REVIEWER.
4. MINIMIZE DEMOLITION, CLEARING AND GRADING OPERATIONS TO AREAS NECESSARY FOR IMMEDIATE CONSTRUCTION ACTIVITY.
5. PERFORM ANY REQUIRED DEMOLITION OF THE EXISTING SITE.
6. STRIP TOPSOIL AND PERFORM ROUGH GRADING FOR BUILDING AND AMENITY AREAS.
7. EXPORT FILL, GRADE FOR BUILDINGS. BEGIN BUILDING CONSTRUCTION.
8. FINE GRADE FOR PROPOSED AMENITY AREAS, PLACE STONE PER PAVEMENT SPECIFICATIONS AND PLANS.
9. UPON COMPLETION OF PAVING AND STABILIZATION OF ALL DISTURBED AREAS,
 - A. REMOVE SEDIMENT FROM STORMDRAIN SYSTEM.
 - B. STABILIZE DISTURBANCE IMMEDIATELY.
10. RESTORE ALL DISTURBED AREAS NOT TO BE COVERED BY PAVEMENT WITH PERMANENT STABILIZATION IN ACCORDANCE WITH ITEM 14 OF THE EROSION AND SEDIMENT CONTROL NOTES.
11. NOTIFY THE CCR AT LEAST THREE (3) DAYS PRIOR TO START OF THE STORMWATER SYSTEM CONSTRUCTION; STORMWATER FACILITIES MUST BE REVIEWED THROUGHOUT THEIR CONSTRUCTION.
12. EROSION AND SEDIMENT CONTROL DEVICES SHOULD BE REMOVED ONLY AFTER WORK IN AN AREA HAS BEEN COMPLETED AND STABILIZED, WITH WRITTEN APPROVAL FROM THE AGENCY CONSTRUCTION SITE REVIEWER.



BIKE RACK DETAIL
NOT TO SCALE

Sussex County
Planning & Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947

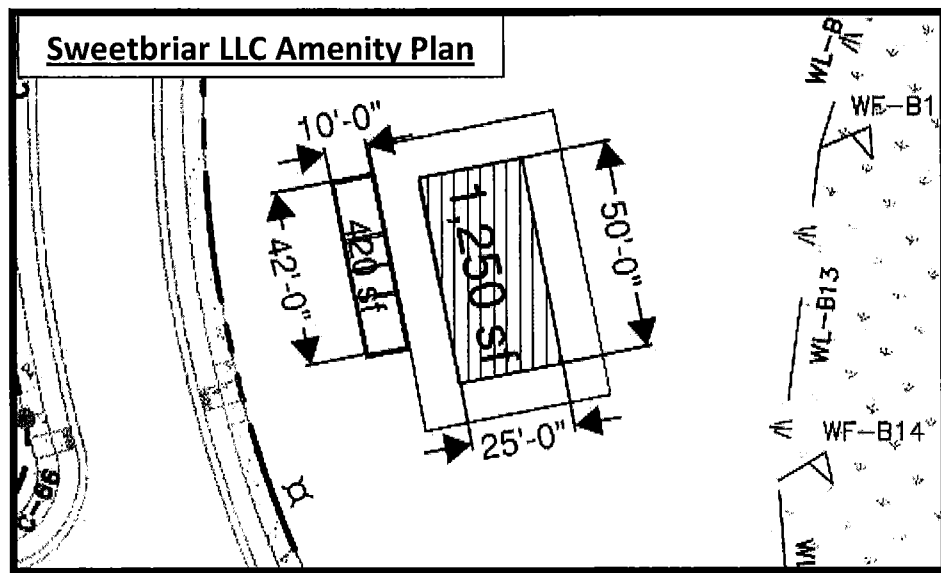
April 5, 2022

RE: The Villages at Red Mill Pond South Amenities Plan

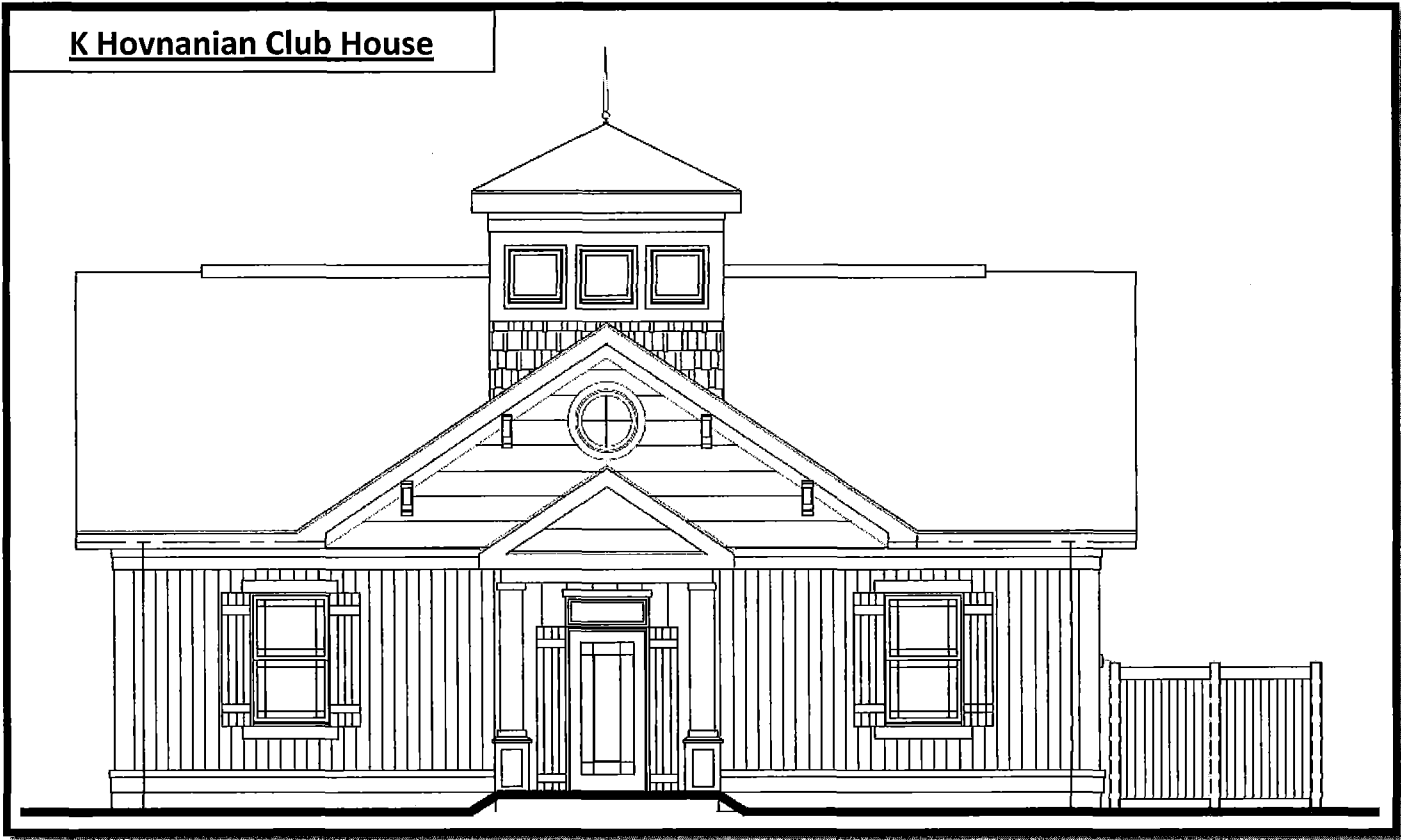
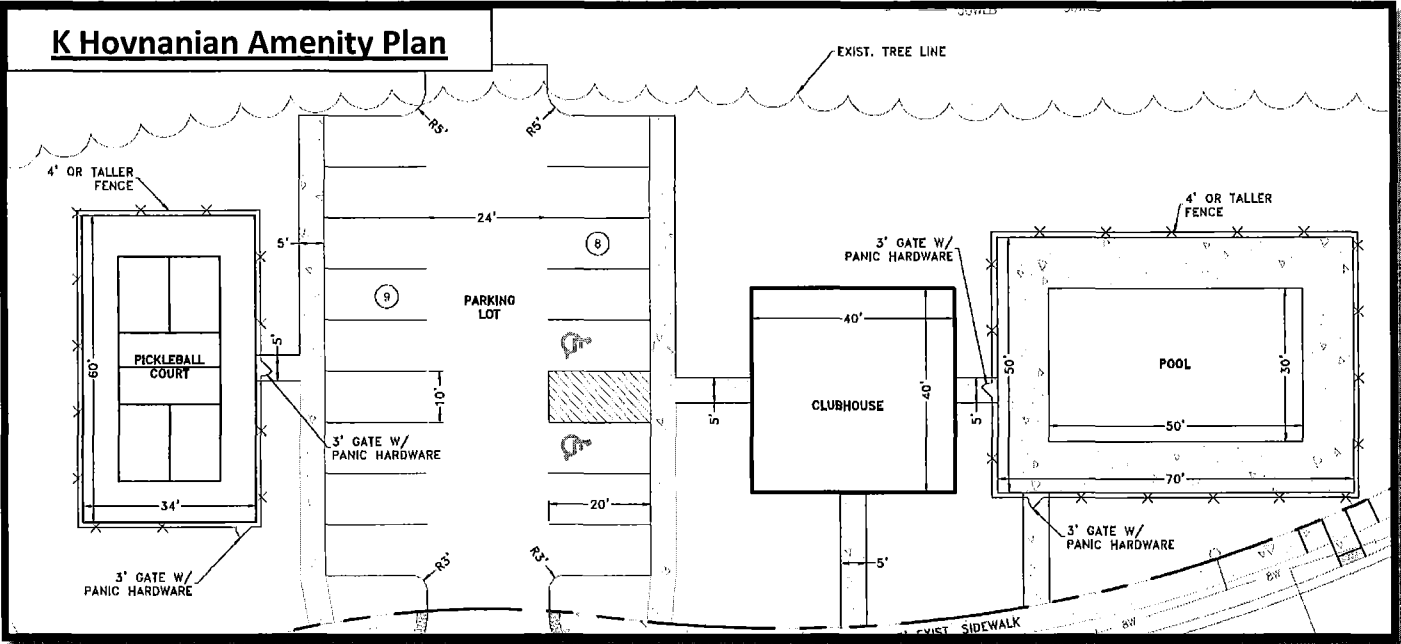
Commissioners,

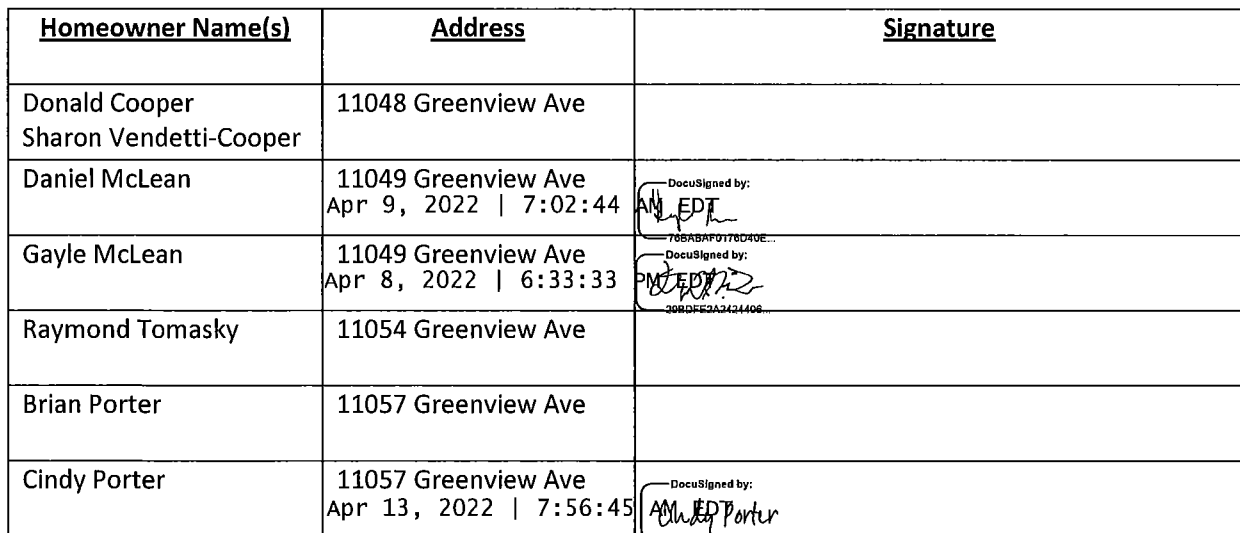
We, the undersigned homeowners in Red Mill Pond South, are in support of K. Hovnanian's submitted Clubhouse Site Plan which is a substantial improvement over the previously recorded amenity for Red Mill Pond South.

The prior planned amenity under Sweetbriar LLC included a small 420 sq ft bathroom and a 1,250 sq ft pool (pictured below):



On November 17th, 2021, K. Hovnanian attended the Annual Homeowner's Association Meeting for Red Mill Pond and presented the planned amenities for Red Mill Pond South. Additionally, a set of the plans were made available to the homeowner board members who sent a letter of approval for the enhancements dated January 25th, 2022. We feel the expanded amenities are generous. They feature an attractively designed 1,600 sq ft clubhouse which will include a kitchen, a meeting space, gym, and restrooms, a 1,500 sq ft pool, a pickleball court and a parking lot (pictured on the next page).





<u>Homeowner Name(s)</u>	<u>Address</u>	<u>Signature</u>
Roger Levi Lesley Levi	11058 Greenview Ave Apr 15, 2022 9:05:13	DocuSigned by: PM EDT 25878B4430CE4A5...
Gary Kunkel Karen Kunkel	11062 Greenview Ave Apr 8, 2022 2:44:13	DocuSigned by: PM EDT 21C78C938C804E8...
Glen Whims	11064 Greenview Ave Apr 9, 2022 3:49:19	DocuSigned by: PM EDT 00823047DC314F3...
Christina Whims	11064 Greenview Ave Apr 9, 2022 3:50:54	DocuSigned by: PM EDT 32D780610D804DD...
George Mitchell, Jr. Eileen Mitchell	11070 Greenview Ave Apr 9, 2022 7:14:59	DocuSigned by: AM EDT 00806000E09042A...
Harvey Speed Kimberly Speed	11078 Greenview Ave Apr 12, 2022 10:46:16	DocuSigned by: PM EDT A1705231684E45A...
James Henn Mary Henn	11081 Greenview Ave	
Stuart Wright	11082 Greenview Ave	
Mary Wright	11082 Greenview Ave	
Misty Warren	11097 Greenview Ave Apr 8, 2022 4:32:00	DocuSigned by: PM EDT 1078670DD48040B...
Lourdes Griffin James Griffin	11105 Greenview Ave Apr 8, 2022 4:03:20	DocuSigned by: PM EDT C46023C4E423437...
Michelle Marsh Barbara Sann	11109 Greenview Ave Apr 8, 2022 2:56:08	DocuSigned by: PM EDT F06F4DC4D80349F...
Samuel Zingo Helen Zingo	11115 Greenview Ave Apr 9, 2022 6:24:16	DocuSigned by: AM EDT 1A0313D4038A4A0...
William Davis	24011 Havenwood Ln Apr 8, 2022 11:07:34	DocuSigned by: AM EDT 5082FB5119B40C...
Beth Davis	24011 Havenwood Ln Apr 8, 2022 3:32:09	DocuSigned by: PM EDT 38A00EAC5EC43A...
Mark Brennan	24012 Havenwood Ln Apr 9, 2022 7:16:00	DocuSigned by: AM EDT 0316C70341734A4...
Ellen Brennan	24012 Havenwood Ln Apr 9, 2022 9:00:27	DocuSigned by: AM EDT 4DFCE2A87E044B...
Darrell Piatt	24013 Havenwood Ln Apr 8, 2022 2:02:07	DocuSigned by: PM EDT 71058A2E2BDA4A8...
Kelly Piatt	24013 Havenwood Ln Apr 8, 2022 7:19:52	DocuSigned by: PM EDT 074FDB13108A6A...
Alyssa Tilelli	24018 Havenwood Ln Apr 8, 2022 2:32:56	DocuSigned by: PM EDT 89827E0A8E0A158...
Joseph Tilelli	24018 Havenwood Ln Apr 8, 2022 2:32:58	DocuSigned by: PM EDT CTD03F3A8F4F4F3...

<u>Homeowner Name(s)</u>	<u>Address</u>	<u>Signature</u>
Vincent Capitolo	24019 Havenwood Ln Apr 11, 2022 12:25:36	DocuSigned by: PM EDT Vincent Capitolo 9F54F883500D4A0...
Elaina Capitolo	24019 Havenwood Ln Apr 11, 2022 8:13:03	DocuSigned by: AM EDT Elaina Capitolo 68E9F8640B44A0...
Kenneth Kozloff Linda Kozloff	24025 Havenwood Ln	
Bruce Salinger	24026 Havenwood Ln Apr 9, 2022 7:43:21	DocuSigned by: AM EDT Bruce Salinger 88EA90CDB0CE44B...
Carole Salinger	24026 Havenwood Ln Apr 9, 2022 8:54:47	DocuSigned by: PM EDT Carole Salinger EE126030402A4E...
Carmen Perrone	24031 Havenwood Ln Apr 11, 2022 3:50:47	DocuSigned by: PM EDT Carmen Perrone A737890C09224A8...
Robert Strayer	24032 Havenwood Ln Apr 9, 2022 9:17:28	DocuSigned by: AM EDT Robert Strayer 7DEE2617AC544E1...
Thomas Fogle	24032 Havenwood Ln Apr 9, 2022 8:30:51	DocuSigned by: AM EDT Thomas Fogle DDC080E66C9476...
Alyson Myers	32010 Deerwood Ln	
Dorren Casey	32014 Deerwood Ln Apr 9, 2022 12:37:12	DocuSigned by: PM EDT Dorren Casey 4ED780C1E13A837...
Dennis Casey	32014 Deerwood Ln Apr 9, 2022 9:29:37	DocuSigned by: AM EDT Dennis Casey 0A6A9C710DFF422...
Michael DenDekker	32020 Deerwood Ln Apr 9, 2022 8:36:00	DocuSigned by: AM EDT Michael DenDekker 0A6A9C710DFF422...
Angela DenDekker	32020 Deerwood Ln	
Anahid Burkholder	32079 Deerwood Ln Apr 8, 2022 4:46:31	DocuSigned by: PM EDT Anahid Burkholder C89814106F8D407...
Matthew Fiehrer	32085 Deerwood Ln Apr 8, 2022 11:05:01	DocuSigned by: AM EDT Matthew Fiehrer FAFAB891F8A54F8...
Ashley Fiehrer	32085 Deerwood Ln Apr 8, 2022 11:01:35	DocuSigned by: AM EDT Ashley Fiehrer 71FB8EEE18B04F4...
Jack Goodman	32126 Deerwood Ln Apr 9, 2022 12:06:04	DocuSigned by: AM EDT Jack Goodman 32E7F150A1744F3...
Lori Goodman	32126 Deerwood Ln Apr 9, 2022 12:17:00	DocuSigned by: AM EDT Lori Goodman 1C80440EB674F1...
Thomas Neugebauer	32127 Deerwood Ln Apr 9, 2022 10:01:56	DocuSigned by: AM EDT Thomas Neugebauer 779812C88B57413...
Nancy Neugebauer	32127 Deerwood Ln Apr 9, 2022 9:59:46	DocuSigned by: AM EDT Nancy Neugebauer 20J3AF11BE43A83...
Jacqueline Huxtable	32131 Deerwood Ln Apr 8, 2022 3:59:30	DocuSigned by: PM EDT Jacqueline Huxtable 83E50A4201C403...

Daniel Huffman
Marc Russell

13063 Laurel Leaf Dr
Apr 11, 2022 | 12:09:49

DocuSigned by:
PM EDT Daniel Huffman
869DBF4F87B6428...

<u>Homeowner Name(s)</u>	<u>Address</u>	<u>Signature</u>
Dennis Barton	32134 Deerwood Ln Apr 8, 2022 3:19:08	DocuSigned by: PM EDT Dennis Barton 840000FC2E8D42B...
Kathleen Barton	32134 Deerwood Ln Apr 8, 2022 3:27:40	DocuSigned by: PM EDT Kathleen Barton 4420226242DF40B...
Jeffrey Markle Joanne Shanaman	32137 Deerwood Ln Apr 11, 2022 12:14:19	DocuSigned by: PM EDT Jeffrey Markle B414580CC6A0489...
Jamie Devine	32140 Deerwood Ln Apr 9, 2022 6:55:21	DocuSigned by: PM EDT Jamie Devine 7E200BAA0A004F5...
Simon John	32143 Deerwood Ln Apr 8, 2022 4:08:03	DocuSigned by: PM EDT Simon John 4B4955A310C242U...
Kelley John	32143 Deerwood Ln Apr 8, 2022 3:40:25	DocuSigned by: PM EDT Kelley John 6E0EAA4266AF42E...
William Miller, Jr.	32146 Deerwood Ln Apr 8, 2022 11:29:49	DocuSigned by: AM PDT William Miller 85CF97AF39644ED...
Lauren Groundland	32146 Deerwood Ln Apr 8, 2022 3:31:44	DocuSigned by: PM EDT Lauren Groundland 4E7FF1A2D36D4A6...
Shirley Masakowski	32149 Deerwood Ln Apr 9, 2022 7:50:10	DocuSigned by: AM EDT Shirley Masakowski 9F8A1617D6B343F...
Michael Saienni	32152 Deerwood Ln Apr 8, 2022 2:02:39	DocuSigned by: PM EDT Michael Saienni 186F6A24053840E...
Jeffrey Killion	32157 Deerwood Ln Apr 8, 2022 2:12:46	DocuSigned by: PM EDT Jeffrey Killion B49C4B2A4650468...
Mary Killion	32157 Deerwood Ln	
Bruce Marks	32158 Deerwood Ln Apr 9, 2022 10:25:35	DocuSigned by: AM EDT Bruce Marks 71F0C02887E9422...
Robin Marks	32158 Deerwood Ln Apr 9, 2022 11:17:32	DocuSigned by: AM EDT Robin Marks 7C33D419E614436...
Alan Ornitz	32163 Deerwood Ln Apr 8, 2022 2:12:33	DocuSigned by: PM EDT Alan Ornitz 89EF862E2192439...
Elizabeth Aranza	32164 Deerwood Ln Apr 11, 2022 10:49:11	DocuSigned by: AM EDT Elizabeth Aranza E4FBF7106A148B...
Paul Koleszar Donna Koleszar	32169 Deerwood Ln Apr 11, 2022 10:56:26	DocuSigned by: AM EDT Paul and Donna Koleszar 17C33AE7500E499...
Hannah Madden	32170 Deerwood Ln Apr 8, 2022 2:25:39	DocuSigned by: PM EDT Hannah Madden 56D5042FED05400...
Matthew Gaughen	32170 Deerwood Ln Apr 9, 2022 9:35:27	DocuSigned by: AM EDT Matthew Gaughen 4EC02EAB1B4423...

Joann Rossi
13031 Laurel Leaf Dr
Apr 13, 2022 | 7:39:05

Rocco Scutaro
13045 Laurel Leaf Dr
Apr 11, 2022 | 9:36:36

Certificate Of Completion

Envelope Id: 8C3D2471EA8246CA8C90FEC57098E79A

Subject: Red Mill Pond South Amenity Letter

Source Envelope:

Document Pages: 6

Signatures: 59

Certificate Pages: 18

Initials: 0

AutoNav: Enabled

EnvelopeId Stamping: Enabled

Time Zone: (UTC-05:00) Eastern Time (US & Canada)

Status: Sent

Envelope Originator:

Jonathan Contant

90 Matawan Rd

5th Fl

Matawan, NJ 07747

jcontant@khov.com

IP Address: 208.87.234.202

Record Tracking

Status: Original

4/8/2022 10:30:25 AM

Holder: Jonathan Contant

jcontant@khov.com

Location: DocuSign

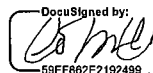
Signer Events

Alan Ornitz

alan.ornitz@gmail.com

Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

59EF862E2192499...

Signature Adoption: Drawn on Device

Signed by link sent to alan.ornitz@gmail.com

Using IP Address: 174.198.206.2

Signed using mobile

Timestamp

Sent: 4/8/2022 1:49:44 PM

Viewed: 4/8/2022 2:11:46 PM

Signed: 4/8/2022 2:12:33 PM

Electronic Record and Signature Disclosure:

Accepted: 9/25/2020 1:17:38 PM

ID: 5163c362-5047-40c5-8d19-e4f9eb0ed084

Alyson Myers

all4aka@gmail.com

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

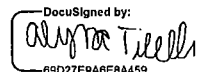
Accepted: 11/5/2021 8:04:15 PM

ID: ba67901b-a41e-4f27-839f-833f4d8701d5

Alyssa Tilelli

akuz3@hotmail.com

Security Level: Email, Account Authentication
(None)

DocuSigned by:

69D27E9A8E8A459...

Signature Adoption: Drawn on Device

Signed by link sent to akuz3@hotmail.com

Using IP Address: 73.201.104.205

Signed using mobile

Sent: 4/8/2022 1:49:45 PM

Resent: 4/11/2022 10:01:16 AM

Resent: 4/11/2022 10:45:29 AM

Sent: 4/8/2022 1:49:45 PM

Viewed: 4/8/2022 2:03:38 PM

Signed: 4/8/2022 2:32:56 PM

Electronic Record and Signature Disclosure:

Accepted: 4/8/2022 2:03:38 PM

ID: 9cdd698f-5c3b-495f-95d6-7ecd8242b620

Angela DenDekker

add196message@live.com

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

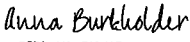
Not Offered via DocuSign

Sent: 4/8/2022 1:49:46 PM

Signer Events

Anna Burkholder
annaburkholder1@gmail.com
Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

C5B6141D8F8D407...

Signature Adoption: Pre-selected Style
Signed by link sent to annaburkholder1@gmail.com
Using IP Address: 73.201.110.76
Signed using mobile

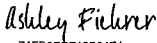
Timestamp

Sent: 4/8/2022 1:49:46 PM
Viewed: 4/8/2022 4:45:59 PM
Signed: 4/8/2022 4:46:31 PM

Electronic Record and Signature Disclosure:

Accepted: 9/4/2020 10:37:29 AM
ID: 30544504-df01-4980-9786-85805b8d6852

Ashley Fiehrer
agrove80@gmail.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

71FB8EEE18B04F4...

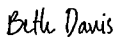
Signature Adoption: Pre-selected Style
Signed by link sent to agrove80@gmail.com
Using IP Address: 174.196.136.184
Signed using mobile

Sent: 4/8/2022 1:49:47 PM
Viewed: 4/8/2022 2:01:13 PM
Signed: 4/8/2022 2:01:35 PM

Electronic Record and Signature Disclosure:

Accepted: 7/28/2020 2:23:42 PM
ID: 6141c505-d3e5-4337-8668-c44c7328ca0f

Beth Davis
baedavis@live.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

94BADDEAC9EC434...

Signature Adoption: Pre-selected Style
Signed by link sent to baedavis@live.com
Using IP Address: 73.133.114.154
Signed using mobile

Sent: 4/8/2022 1:49:35 PM
Viewed: 4/8/2022 4:31:23 PM
Signed: 4/8/2022 4:32:09 PM

Electronic Record and Signature Disclosure:

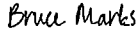
Accepted: 4/8/2022 4:31:23 PM
ID: a4e8a0ab-70e2-4be8-8842-5af36101a95a

Brian Porter
blp9405@gmail.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Bruce Marks
brucemarks@gmail.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

71F0E02B87E9422...

Signature Adoption: Pre-selected Style
Signed by link sent to brucemarks@gmail.com
Using IP Address: 71.206.58.47

Sent: 4/8/2022 1:49:35 PM

Sent: 4/8/2022 1:49:47 PM
Viewed: 4/9/2022 10:23:21 AM
Signed: 4/9/2022 10:25:35 AM

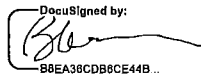
Electronic Record and Signature Disclosure:

Accepted: 6/30/2020 5:01:39 PM
ID: 62409602-9312-4afd-909a-f58085daeb8a

Signer Events

Bruce Salinger
Bruce.salinger@gmail.com
Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

B8EA38CDB8CE44B...

Signature Adoption: Drawn on Device
Signed by link sent to Bruce.salinger@gmail.com
Using IP Address: 73.226.169.47
Signed using mobile

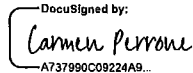
Timestamp

Sent: 4/8/2022 1:49:47 PM
Viewed: 4/9/2022 7:39:45 AM
Signed: 4/9/2022 7:43:21 AM

Electronic Record and Signature Disclosure:

Accepted: 4/9/2022 7:39:45 AM
ID: 7345c111-6ff7-4f04-aa0e-823c2d8537f6

Carmen Perrone
cdperrone@gmail.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

A737990C09224A9...

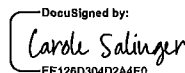
Signature Adoption: Pre-selected Style
Signed by link sent to cdperrone@gmail.com
Using IP Address: 73.133.114.249
Signed using mobile

Sent: 4/8/2022 1:49:48 PM
Viewed: 4/11/2022 3:47:31 PM
Signed: 4/11/2022 3:50:47 PM

Electronic Record and Signature Disclosure:

Accepted: 8/16/2020 2:59:19 PM
ID: 33aca282-de98-417e-bfbc-019289ca80f1

Carole Salinger
cjsalinger@gmail.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

EE126D304D2A4E0...

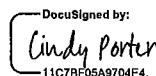
Signature Adoption: Pre-selected Style
Signed by link sent to cjsalinger@gmail.com
Using IP Address: 73.226.169.47
Signed using mobile

Sent: 4/8/2022 1:49:48 PM
Viewed: 4/9/2022 8:51:18 PM
Signed: 4/9/2022 8:54:47 PM

Electronic Record and Signature Disclosure:

Accepted: 4/9/2022 8:51:18 PM
ID: 04175958-6d62-4cab-b339-01b0ccdbc32e

Cindy Porter
PORTER3CL@GMAIL.COM
Security Level: Email, Account Authentication
(None)

DocuSigned by:

11C7BF05A9704E4...

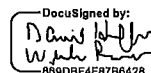
Signature Adoption: Pre-selected Style
Signed by link sent to PORTER3CL@GMAIL.COM
Using IP Address: 71.206.56.52

Sent: 4/8/2022 1:49:36 PM
Viewed: 4/13/2022 7:54:12 AM
Signed: 4/13/2022 7:56:45 AM

Electronic Record and Signature Disclosure:

Accepted: 4/13/2022 7:54:12 AM
ID: 3f7740d3-0eb8-4e6e-b1f9-846c462f9305

Daniel Huffman and Marc Russell
huffman7659@hotmail.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

889DBF4F87B6428...

Signature Adoption: Drawn on Device
Signed by link sent to huffman7659@hotmail.com
Using IP Address: 172.58.201.89
Signed using mobile

Sent: 4/11/2022 10:01:18 AM
Viewed: 4/11/2022 12:07:45 PM
Signed: 4/11/2022 12:09:49 PM

Electronic Record and Signature Disclosure:

Accepted: 4/11/2022 12:07:45 PM
ID: 8cfcf56-ec3f-4cda-946e-6a5997a34520

Signer Events

Daniel McLean
Gayle.mc12@gmail.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 4/9/2022 6:59:32 AM
ID: d66a683b-aaba-4183-a600-b388f668bba0

Daniel McLean
dmclean53@gmail.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 7/8/2020 6:02:33 PM
ID: ee63a54e-6c97-40a3-9f52-f7babeaf8362

Darrell Piatt
darrell@thepiatts.net
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 4/8/2022 1:58:57 PM
ID: a8c01ea9-cc21-4403-ba99-c785e774a673

Dennis Barton
Dbart07@yahoo.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

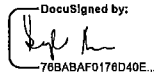
Accepted: 4/8/2022 3:18:26 PM
ID: 39d1cdbe-a1f4-426e-94c1-c6552d969cd2

dennis casey
dpcasey88@aol.com
Security Level: Email, Account Authentication
(None)

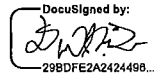
Electronic Record and Signature Disclosure:

Accepted: 4/9/2022 12:15:32 PM
ID: 2939f6a3-d4e5-471a-843b-693176d3082c

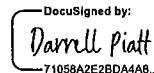
Signature

DocuSigned by:

76BABAF0176D40E...

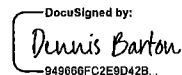
Signature Adoption: Drawn on Device
Signed by link sent to Gayle.mc12@gmail.com
Using IP Address: 71.206.16.100
Signed using mobile

DocuSigned by:

298DFE2A2424498...

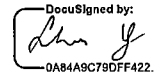
Signature Adoption: Drawn on Device
Signed by link sent to dmclean53@gmail.com
Using IP Address: 71.206.16.100

DocuSigned by:

71058A2E2BDA4A8...

Signature Adoption: Pre-selected Style
Signed by link sent to darrell@thepiatts.net
Using IP Address: 73.134.183.65

DocuSigned by:

949666FC2E9D42B...

Signature Adoption: Pre-selected Style
Signed by link sent to Dbart07@yahoo.com
Using IP Address: 73.134.198.91

DocuSigned by:

0A84A9C79DFF422...

Signature Adoption: Drawn on Device
Signed by link sent to dpcasey88@aol.com
Using IP Address: 73.134.189.192
Signed using mobile

Timestamp

Sent: 4/8/2022 1:49:37 PM
Viewed: 4/9/2022 6:59:32 AM
Signed: 4/9/2022 7:02:44 AM

Sent: 4/8/2022 1:49:38 PM
Viewed: 4/8/2022 6:28:09 PM
Signed: 4/8/2022 6:33:33 PM

Sent: 4/8/2022 1:49:49 PM
Viewed: 4/8/2022 1:58:57 PM
Signed: 4/8/2022 2:02:07 PM

Sent: 4/8/2022 1:49:49 PM
Viewed: 4/8/2022 3:18:26 PM
Signed: 4/8/2022 3:19:08 PM

Sent: 4/8/2022 1:49:50 PM
Viewed: 4/9/2022 12:15:32 PM
Signed: 4/9/2022 12:29:37 PM

Signer Events

Donald and Sharon Cooper
dccooperjr@gmail.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Dorren Casey
dorrenc@aol.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Accepted: 4/9/2022 12:36:00 PM
ID: e205723b-5f00-49af-ba80-d8a4ce04ef74

Elizabeth Aranza
lizaranza16@gmail.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Accepted: 6/3/2021 4:13:37 PM
ID: 66b8c458-bf7d-4894-9348-2aeb63e496e6

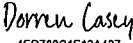
Ellen Brennan
ellenbrennan2501@gmail.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Accepted: 4/8/2022 2:07:38 PM
ID: 4de9b1b6-651d-419e-bb60-6af53e7f9147

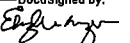
GARY D KUNKEL
pappydean@msn.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Accepted: 6/3/2020 10:35:12 AM
ID: e3cf1c27-5bc8-4f5b-93aa-2c9a2c3a62dc


Signature

DocuSigned by:

4ED780C1E13A437...

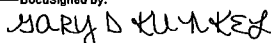
Signature Adoption: Pre-selected Style
Signed by link sent to dorrenc@aol.com
Using IP Address: 73.134.189.192

DocuSigned by:

E4FDE77188A149B...

Signature Adoption: Drawn on Device
Signed by link sent to lizaranza16@gmail.com
Using IP Address: 98.233.153.202

DocuSigned by:

1DFC5E2A87E044B...

Signature Adoption: Drawn on Device
Signed by link sent to ellenbrennan2501@gmail.com
Using IP Address: 96.227.242.233
Signed using mobile

DocuSigned by:

21C78C938CB84E8...

Signature Adoption: Pre-selected Style
Signed by link sent to pappydean@msn.com
Using IP Address: 73.129.40.214

Timestamp

Sent: 4/8/2022 1:49:37 PM

Sent: 4/8/2022 1:49:50 PM
Viewed: 4/9/2022 12:36:00 PM
Signed: 4/9/2022 12:37:12 PM

Sent: 4/8/2022 1:49:51 PM
Viewed: 4/11/2022 10:48:12 AM
Signed: 4/11/2022 10:49:11 AM


Sent: 4/8/2022 1:49:37 PM
Viewed: 4/8/2022 2:07:40 PM
Signed: 4/9/2022 9:00:27 AM

Sent: 4/8/2022 1:49:38 PM
Viewed: 4/8/2022 2:42:02 PM
Signed: 4/8/2022 2:44:13 PM

Signer Events

George and Eileen Mitchell
gsagejr@gmail.com
Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

BD3D0E08E9CB42A...

Signature Adoption: Pre-selected Style
Signed by link sent to gsagejr@gmail.com
Using IP Address: 172.225.112.181

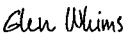
Timestamp

Sent: 4/8/2022 1:49:38 PM
Viewed: 4/9/2022 7:11:32 AM
Signed: 4/9/2022 7:14:59 AM

Electronic Record and Signature Disclosure:

Accepted: 4/9/2022 7:11:32 AM
ID: c22e7180-0dca-40b7-92eb-53362dc6797d

Glen Whims
gwhims@aol.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

32D780610D694DD...

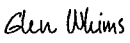
Signature Adoption: Pre-selected Style
Signed by link sent to gwhims@aol.com
Using IP Address: 71.206.56.168
Signed using mobile

Sent: 4/8/2022 1:49:36 PM
Viewed: 4/8/2022 5:24:47 PM
Signed: 4/9/2022 3:50:54 PM

Electronic Record and Signature Disclosure:

Accepted: 6/3/2020 10:25:29 AM
ID: fb49825e-6d4a-4115-beb2-0ef329882db0

Glen Whims
twhims@aol.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

D6923647DC314F5...


Signature Adoption: Pre-selected Style
Signed by link sent to twhims@aol.com
Using IP Address: 71.206.56.168

Sent: 4/8/2022 1:49:39 PM
Viewed: 4/9/2022 3:47:22 PM
Signed: 4/9/2022 3:49:19 PM

Electronic Record and Signature Disclosure:

Accepted: 4/9/2022 3:47:22 PM
ID: 766e74ee-2e3b-48c3-bfb7-c75a56d6b69a

Hannah Madden
Hannah.madden@yahoo.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

95B5912FEBB548C...

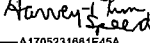
Signature Adoption: Drawn on Device
Signed by link sent to Hannah.madden@yahoo.com
Using IP Address: 166.137.175.68
Signed using mobile

Sent: 4/8/2022 1:49:51 PM
Viewed: 4/8/2022 2:25:07 PM
Signed: 4/8/2022 2:25:39 PM

Electronic Record and Signature Disclosure:

Accepted: 1/7/2021 2:31:43 PM
ID: a0618178-21dd-486c-a687-820fde0396a

Harvey and Kimberly Speed
lilkid1@comcast.net
Security Level: Email, Account Authentication
(None)

DocuSigned by:

A1705231681E45A...

Signature Adoption: Drawn on Device
Signed by link sent to lilkid1@comcast.net
Using IP Address: 107.77.194.6
Signed using mobile

Sent: 4/8/2022 1:49:39 PM
Viewed: 4/10/2022 1:04:28 PM
Signed: 4/13/2022 1:46:16 AM

Electronic Record and Signature Disclosure:

Accepted: 4/10/2022 1:04:28 PM
ID: 4ac9539f-22e9-4cad-a7b0-31a2cf21a379

Signer Events

Jack Goodman
jack_goodman@comcast.net
Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

32EF7136A1744F3...

Signature Adoption: Pre-selected Style
Signed by link sent to jack_goodman@comcast.net
Using IP Address: 73.195.42.238

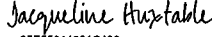
Timestamp

Sent: 4/8/2022 1:49:51 PM
Viewed: 4/8/2022 2:29:02 PM
Signed: 4/9/2022 12:06:04 AM

Electronic Record and Signature Disclosure:

Accepted: 4/8/2022 2:29:02 PM
ID: f7c4e172-52e9-423f-9388-ff30b5e99037

Jacqueline Huxtable
jhuxtab28@gmail.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

85E55014201C403...

Signature Adoption: Pre-selected Style
Signed by link sent to jhuxtab28@gmail.com
Using IP Address: 71.206.59.198

Sent: 4/8/2022 1:49:52 PM
Viewed: 4/8/2022 3:53:17 PM
Signed: 4/8/2022 3:59:30 PM

Electronic Record and Signature Disclosure:

Accepted: 4/8/2022 3:53:17 PM
ID: 555fefd4-a536-41ea-988a-091ca0337a04


James and Mary Henn
kbhenn@verizon.net
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Sent: 4/8/2022 1:49:40 PM

Jamie Devine
jmdtaz2007@comcast.net
Security Level: Email, Account Authentication
(None)

DocuSigned by:

7E2D0BA0A06D4F5...

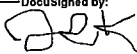
Signature Adoption: Drawn on Device
Signed by link sent to jmdtaz2007@comcast.net
Using IP Address: 73.133.114.95
Signed using mobile

Sent: 4/8/2022 1:49:52 PM
Viewed: 4/9/2022 6:53:50 PM
Signed: 4/9/2022 6:55:21 PM

Electronic Record and Signature Disclosure:

Accepted: 7/18/2020 4:13:08 PM
ID: ce4514cd-feca-4d2d-b8fd-1e77899ab200

Jeffrey Killion
jkillion58@gmail.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

B49C4B2A4658408...

Signature Adoption: Drawn on Device
Signed by link sent to jkillion58@gmail.com
Using IP Address: 73.134.194.222
Signed using mobile

Sent: 4/8/2022 1:49:53 PM
Viewed: 4/8/2022 2:10:25 PM
Signed: 4/8/2022 2:12:46 PM

Electronic Record and Signature Disclosure:

Accepted: 4/8/2022 2:10:25 PM
ID: 1a993da5-507b-4b58-b3f1-5946212e6561

Signer Events

Jeffrey Markle and Joanne Shanaman
jamarkle@ymail.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 4/11/2022 12:12:58 PM
ID: 4fbe219f-b41a-4d9e-b4a0-6255a5b014af

Joann Rossi
rossijoann5@gmail.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 7/29/2020 5:35:30 PM
ID: 1ece90d2-a12c-4543-9b94-c80b6cf5006d

Joseph Tilelli
j.tilelli@yahoo.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 4/8/2022 2:29:36 PM
ID: 7dc4445e-762d-4fb4-9101-4f081a64c650

Kathleen Barton
katbart57@gmail.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

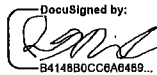
Accepted: 4/8/2022 3:15:07 PM
ID: f6322fd8-8d19-4051-a43b-290ca22cdd0f

Kelley John
kelleyjohn@outlook.com
Security Level: Email, Account Authentication
(None)

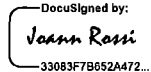
Electronic Record and Signature Disclosure:

Accepted: 10/4/2020 4:06:49 PM
ID: d671a1ff-0a69-4eb6-b008-50a9b209b3c2

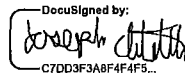
Signature

DocuSigned by:

B4148B0CC6A6469...

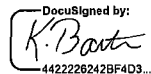
Signature Adoption: Drawn on Device
Signed by link sent to jamarkle@ymail.com
Using IP Address: 98.115.106.5
Signed using mobile

DocuSigned by:

33083F7B652A472...

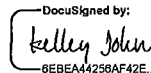
Signature Adoption: Pre-selected Style
Signed by link sent to rossijoann5@gmail.com
Using IP Address: 71.206.57.184
Signed using mobile

DocuSigned by:

C7DD3F3A8F4F4F5...

Signature Adoption: Drawn on Device
Signed by link sent to j.tilelli@yahoo.com
Using IP Address: 73.201.104.205
Signed using mobile

DocuSigned by:

4422226242BF4D3...

Signature Adoption: Drawn on Device
Signed by link sent to katbart57@gmail.com
Using IP Address: 173.63.233.18
Signed using mobile

DocuSigned by:

0EBEA44258AF42E...

Signature Adoption: Pre-selected Style
Signed by link sent to kelleyjohn@outlook.com
Using IP Address: 73.134.177.87
Signed using mobile

Timestamp

Sent: 4/8/2022 1:49:53 PM
Resent: 4/8/2022 1:52:25 PM
Resent: 4/11/2022 10:01:17 AM
Viewed: 4/11/2022 12:12:58 PM
Signed: 4/11/2022 12:14:19 PM

Sent: 4/11/2022 10:01:17 AM
Viewed: 4/11/2022 10:03:11 AM
Signed: 4/13/2022 7:39:05 AM

Sent: 4/8/2022 1:49:53 PM
Viewed: 4/8/2022 2:29:36 PM
Signed: 4/8/2022 2:32:58 PM

Sent: 4/8/2022 1:49:54 PM
Viewed: 4/8/2022 3:15:07 PM
Signed: 4/8/2022 3:27:40 PM

Sent: 4/8/2022 1:49:54 PM
Viewed: 4/8/2022 6:34:42 PM
Signed: 4/8/2022 6:40:25 PM

Signer Events

Kelly Piatt
Kelly@thepiatts.net
Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

D14FDB13168A4EA...

Signature Adoption: Pre-selected Style
Signed by link sent to Kelly@thepiatts.net
Using IP Address: 73.134.183.65
Signed using mobile

Timestamp

Sent: 4/8/2022 1:49:55 PM
Viewed: 4/8/2022 7:18:24 PM
Signed: 4/8/2022 7:19:52 PM

Electronic Record and Signature Disclosure:

Accepted: 4/8/2022 7:18:24 PM
ID: 79a22113-721a-48d1-a949-31225828de3f


Kenneth and Linda Kozloff
Kkozloff@verizon.net
Security Level: Email, Account Authentication
(None)

Sent: 4/8/2022 1:49:55 PM
Viewed: 4/9/2022 9:35:04 AM

Electronic Record and Signature Disclosure:

Accepted: 9/17/2020 11:20:27 AM
ID: 0d017656-29a8-48ae-b087-6325c383b6f5

Lauren Groundland
lauren.groundland@gmail.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

4E7FF1A2D36D4A8...


Signature Adoption: Pre-selected Style
Signed by link sent to lauren.groundland@gmail.com
Using IP Address: 207.245.79.203

Sent: 4/8/2022 1:49:55 PM
Viewed: 4/8/2022 3:30:08 PM
Signed: 4/8/2022 3:31:44 PM

Electronic Record and Signature Disclosure:

Accepted: 4/8/2022 3:30:08 PM
ID: cae50148-1e45-46a8-afc8-0c26785cebbf

Lori Goodman
goodwoman1021@aol.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

1C80449EBE874F1...


Signature Adoption: Pre-selected Style
Signed by link sent to goodwoman1021@aol.com
Using IP Address: 73.195.42.238

Sent: 4/8/2022 1:49:56 PM
Viewed: 4/9/2022 12:16:20 AM
Signed: 4/9/2022 12:17:00 AM

Electronic Record and Signature Disclosure:

Accepted: 4/9/2022 12:16:20 AM
ID: 7c3956fd-bae1-4efd-a421-d02353576436

Lourdes and James Griffin
lggriffin3@gmail.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

C46023CAEA23437...

Signature Adoption: Pre-selected Style
Signed by link sent to lggriffin3@gmail.com
Using IP Address: 198.50.64.253

Sent: 4/8/2022 1:49:40 PM
Viewed: 4/8/2022 7:01:40 PM
Signed: 4/8/2022 7:03:20 PM

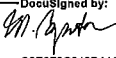
Electronic Record and Signature Disclosure:

Accepted: 4/8/2022 7:01:40 PM
ID: e889e2a2-5c64-441c-8a59-6d6a9d5700fa

Signer Events

Marie Capitolo
marieperaza@msn.com
Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

C8E9F9C042B44A0...

Signature Adoption: Drawn on Device
Signed by link sent to marieperaza@msn.com
Using IP Address: 174.198.12.205
Signed using mobile

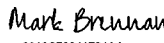
Timestamp

Sent: 4/8/2022 1:49:50 PM
Viewed: 4/11/2022 8:09:43 AM
Signed: 4/11/2022 8:13:03 AM

Electronic Record and Signature Disclosure:

Accepted: 3/8/2021 7:18:06 PM
ID: 205235b6-d032-47c0-ad92-3a666c576892

Mark Brennan
markbrennan64@comcast.net
Security Level: Email, Account Authentication
(None)

DocuSigned by:

0316C70341734A4...

Signature Adoption: Pre-selected Style
Signed by link sent to markbrennan64@comcast.net
Using IP Address: 96.227.242.233
Signed using mobile

Sent: 4/8/2022 1:49:41 PM
Viewed: 4/9/2022 7:14:31 AM
Signed: 4/9/2022 7:16:00 AM

Electronic Record and Signature Disclosure:

Accepted: 6/23/2020 7:59:09 AM
ID: ba3a0b4f-6a49-4460-b43e-977add26b347

Mary Killion
marykillion@verizon.net
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

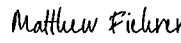
Accepted: 3/4/2021 4:37:18 PM
ID: 95ad812a-3fcf-4ac6-8bfc-5e7f9137b1f2

Mary Wright
mcwrighth@gmail.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 4/2/2020 10:54:53 AM
ID: 52b89c34-e375-45ae-be85-035b19fd3aae

Matthew Fiehrer
mfiehrer@yahoo.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

FAFAB891FBA54F5...

Signature Adoption: Pre-selected Style
Signed by link sent to mfiehrer@yahoo.com
Using IP Address: 98.233.155.221
Signed using mobile

Sent: 4/8/2022 1:49:56 PM


Sent: 4/8/2022 1:49:41 PM

Sent: 4/8/2022 1:49:57 PM
Viewed: 4/8/2022 2:04:18 PM
Signed: 4/8/2022 2:05:01 PM

Electronic Record and Signature Disclosure:

Accepted: 8/14/2020 3:48:35 PM
ID: 10894cfe-06ea-4504-a75f-5a3e03451ad8

Matthew Gaughen
mjg1558@gmail.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

4EC02EA4B1B4423...

Signature Adoption: Drawn on Device
Signed by link sent to mjg1558@gmail.com
Using IP Address: 104.28.55.184
Signed using mobile

Sent: 4/8/2022 1:49:57 PM
Viewed: 4/9/2022 9:33:32 AM
Signed: 4/9/2022 9:35:27 AM

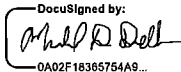
Electronic Record and Signature Disclosure:

Accepted: 4/9/2022 9:33:32 AM
ID: ccb994fb-251f-489e-8f16-2defee1ee873

Signer Events

Michael DenDekker
mgdendekker@gmail.com
Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

0A02F18365754A9...

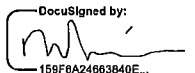
Signature Adoption: Drawn on Device
Signed by link sent to mgdendekker@gmail.com
Using IP Address: 73.134.164.83
Signed using mobile

Timestamp

Sent: 4/8/2022 1:49:58 PM
Viewed: 4/9/2022 8:35:09 AM
Signed: 4/9/2022 8:36:00 AM

Electronic Record and Signature Disclosure:
Accepted: 4/9/2022 8:35:09 AM
ID: e9b246b9-fe9f-47cd-9a5d-25b9debf3033

Michael Saienni
bassmaster41253@gmail.com
Security Level: Email, Account Authentication
(None)

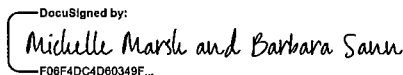
DocuSigned by:

159F8A24663840E...

Signature Adoption: Drawn on Device
Signed by link sent to bassmaster41253@gmail.com
Using IP Address: 73.134.198.114
Signed using mobile

Sent: 4/8/2022 1:49:58 PM
Viewed: 4/8/2022 1:59:52 PM
Signed: 4/8/2022 2:02:39 PM

Electronic Record and Signature Disclosure:
Accepted: 11/16/2020 2:35:40 PM
ID: a23de27b-38d0-41a2-9764-8355a3b8d371

Michelle Marsh and Barbara Sann
sannmarhrs@gmail.com
Security Level: Email, Account Authentication
(None)

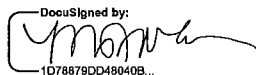
DocuSigned by:

F06F4DC4D60349F...

Signature Adoption: Pre-selected Style
Signed by link sent to sannmarhrs@gmail.com
Using IP Address: 71.206.16.134

Sent: 4/8/2022 1:49:42 PM
Viewed: 4/8/2022 2:53:31 PM
Signed: 4/8/2022 2:56:08 PM

Electronic Record and Signature Disclosure:
Accepted: 4/8/2022 2:53:31 PM
ID: bf443ec7-ffd1-47f1-bcf3-554fde405ad5

Misty Joy Warren
mistyjwarren@gmail.com
Security Level: Email, Account Authentication
(None)

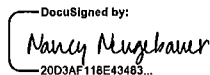
DocuSigned by:

1D78879DD48040B...

Signature Adoption: Drawn on Device
Signed by link sent to mistyjwarren@gmail.com
Using IP Address: 73.133.114.33
Signed using mobile

Sent: 4/8/2022 1:49:42 PM
Viewed: 4/8/2022 4:31:16 PM
Signed: 4/8/2022 4:32:00 PM

Electronic Record and Signature Disclosure:
Accepted: 7/27/2020 9:17:12 AM
ID: 62d69014-16a3-47ff-9d50-c6ef2fb0e535

Nancy Neugebauer
shopmom1952@comcast.net
Security Level: Email, Account Authentication
(None)

DocuSigned by:

20D3AF118E43483...

Signature Adoption: Pre-selected Style
Signed by link sent to shopmom1952@comcast.net
Using IP Address: 73.107.4.20
Signed using mobile


Sent: 4/8/2022 1:49:59 PM
Viewed: 4/9/2022 9:56:07 AM
Signed: 4/9/2022 9:59:46 AM

Electronic Record and Signature Disclosure:
Accepted: 9/1/2020 10:21:34 AM
ID: cc23c1fd-44d5-470a-b6fc-4401b46fc269

Signer Events

Paul and Donna Koleszar
pkoleszar@comcast.net
Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

17C33AE7500E4B9...

Signature Adoption: Pre-selected Style
Signed by link sent to pkoleszar@comcast.net
Using IP Address: 8.44.152.176

Timestamp

Sent: 4/8/2022 1:49:59 PM
Viewed: 4/11/2022 10:54:10 AM
Signed: 4/11/2022 10:56:26 AM

Electronic Record and Signature Disclosure:

Accepted: 4/11/2022 10:54:10 AM
ID: f97e94eb-8c48-4096-849f-0e9bc3c5b709

Raymond Tomasky
raysgreenergrass@aol.com

Security Level: Email, Account Authentication
(None)

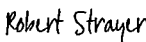
Electronic Record and Signature Disclosure:

Accepted: 7/28/2020 7:37:48 PM
ID: 4b3e0f0c-c871-4b5a-a67b-e9ed23c4524e

Robert Strayer

1960rms@gmail.com

Security Level: Email, Account Authentication
(None)

DocuSigned by:

7DEE2617AC544E1...

Signature Adoption: Pre-selected Style
Signed by link sent to 1960rms@gmail.com
Using IP Address: 76.99.255.97
Signed using mobile

Sent: 4/8/2022 1:49:42 PM

Sent: 4/8/2022 1:50:00 PM
Viewed: 4/9/2022 9:16:11 AM
Signed: 4/9/2022 9:17:28 AM


Electronic Record and Signature Disclosure:

Accepted: 7/28/2020 12:13:51 PM
ID: 056ef28b-86e7-456a-91ba-3b436256ed09

Robin Marks

marks0006@gmail.com

Security Level: Email, Account Authentication
(None)

DocuSigned by:

7C93D419E814436...

Signature Adoption: Drawn on Device
Signed by link sent to marks0006@gmail.com
Using IP Address: 71.206.58.47
Signed using mobile

Sent: 4/8/2022 1:50:00 PM
Viewed: 4/9/2022 11:14:10 AM
Signed: 4/9/2022 11:17:32 AM

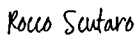
Electronic Record and Signature Disclosure:

Accepted: 4/9/2022 11:14:10 AM
ID: cabb5694-3732-4615-a81e-38acd280176d

Rocco Scutaro

rocco.scutaro@icloud.com

Security Level: Email, Account Authentication
(None)

DocuSigned by:

8215B7EC0ACD473...

Signature Adoption: Pre-selected Style
Signed by link sent to rocco.scutaro@icloud.com
Using IP Address: 73.133.114.173
Signed using mobile

Sent: 4/11/2022 10:01:18 AM
Viewed: 4/11/2022 11:35:48 AM
Signed: 4/11/2022 11:36:36 AM

Electronic Record and Signature Disclosure:

Accepted: 4/11/2022 11:35:48 AM
ID: b5e3e382-8a4e-4577-a752-c3d096574e87

Roger and Lesley Levi

rogerlevi@hotmail.com

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 7/8/2020 9:07:06 PM
ID: d29953b3-3fcf-442b-aab3-13f5b7db744f

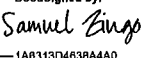
Sent: 4/8/2022 1:49:43 PM

Signed on 4/15/22

Signer Events

Samuel Zingo
zaman27@aol.com
Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

1A0313D4638A4A0...

Signature Adoption: Pre-selected Style
Signed by link sent to zaman27@aol.com
Using IP Address: 107.77.195.231
Signed using mobile

Timestamp

Sent: 4/8/2022 1:49:43 PM
Viewed: 4/9/2022 6:22:33 AM
Signed: 4/9/2022 6:24:16 AM

Electronic Record and Signature Disclosure:

Accepted: 6/3/2020 4:08:32 PM
ID: 2063c176-e264-471a-9f53-1a3db3ffebc6

Shirley Masakowski
toots53@comcast.net
Security Level: Email, Account Authentication
(None)

DocuSigned by:

0F8A1017BCB343F...

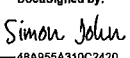
Signature Adoption: Pre-selected Style
Signed by link sent to toots53@comcast.net
Using IP Address: 73.129.46.11

Sent: 4/8/2022 1:50:00 PM
Viewed: 4/8/2022 2:16:32 PM
Signed: 4/9/2022 7:50:10 AM

Electronic Record and Signature Disclosure:

Accepted: 9/13/2020 5:35:05 PM
ID: f26ecd37-21c2-421d-8fe7-a8de533416d9

Simon John
simon-tjohn@outlook.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

48A955A310C2420...

Signature Adoption: Pre-selected Style
Signed by link sent to simon-tjohn@outlook.com
Using IP Address: 73.134.177.87
Signed using mobile

Sent: 4/8/2022 1:50:01 PM
Viewed: 4/8/2022 4:06:38 PM
Signed: 4/8/2022 4:08:03 PM

Electronic Record and Signature Disclosure:

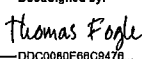
Accepted: 10/4/2020 6:27:47 AM
ID: 9aa4add8-7d87-4550-98ff-5bee7aa74dea

Stuart Wright
swrighth9@gmail.com
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 4/2/2020 10:40:25 AM
ID: 3ae5f584-357e-42b0-9ceb-f4ed78b02b55

Thomas Fogle
tfogle53@gmail.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

DDC0080E88C8476...

Signature Adoption: Pre-selected Style
Signed by link sent to tfogle53@gmail.com
Using IP Address: 76.99.255.97

Sent: 4/8/2022 1:49:44 PM

Sent: 4/8/2022 1:50:01 PM
Viewed: 4/9/2022 8:28:15 AM
Signed: 4/9/2022 8:30:51 AM

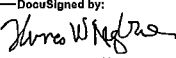
Electronic Record and Signature Disclosure:

Accepted: 4/9/2022 8:28:14 AM
ID: 1bf1d82d-1b7e-438f-920e-38922da6c755

Signer Events

Thomas Neugebauer
T5907@aol.com
Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

779B12C8B57413...

Signature Adoption: Drawn on Device
Signed by link sent to T5907@aol.com
Using IP Address: 73.107.4.20
Signed using mobile

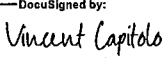
Timestamp

Sent: 4/8/2022 1:50:02 PM
Viewed: 4/9/2022 10:00:36 AM
Signed: 4/9/2022 10:01:56 AM

Electronic Record and Signature Disclosure:

Accepted: 4/9/2022 10:00:36 AM
ID: c2bc9d4d-7a0f-41fc-957d-ea9086b544a5

Vincent Capito
vcapitolo@msn.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

9F34F9935D0D4A0...

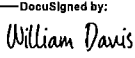
Signature Adoption: Pre-selected Style
Signed by link sent to vcapitolo@msn.com
Using IP Address: 63.119.143.90

Sent: 4/8/2022 1:50:02 PM
Viewed: 4/11/2022 3:22:42 PM
Signed: 4/11/2022 3:25:36 PM

Electronic Record and Signature Disclosure:

Accepted: 4/11/2022 3:22:42 PM
ID: 911ff051-8c5e-4707-aa2d-5897d4b38cee

William Davis
wmddavis@gmail.com
Security Level: Email, Account Authentication
(None)

DocuSigned by:

5B62FB5113D84DC...

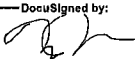
Signature Adoption: Pre-selected Style
Signed by link sent to wmddavis@gmail.com
Using IP Address: 73.133.114.154
Signed using mobile

Sent: 4/8/2022 1:49:44 PM
Viewed: 4/8/2022 2:06:28 PM
Signed: 4/8/2022 2:07:34 PM

Electronic Record and Signature Disclosure:

Accepted: 4/8/2022 2:06:28 PM
ID: 65aa4059-2c69-42f4-8c53-3a2205417549

William Miller, Jr.
bmiller@wilmingtonfriends.org
Security Level: Email, Account Authentication
(None)

DocuSigned by:

85CFC7AF936442D...

Signature Adoption: Drawn on Device
Signed by link sent to bmiller@wilmingtonfriends.org
Using IP Address: 174.216.49.93
Signed using mobile

Sent: 4/8/2022 1:50:03 PM
Viewed: 4/8/2022 2:23:23 PM
Signed: 4/8/2022 2:29:49 PM

Electronic Record and Signature Disclosure:

Accepted: 4/8/2022 2:23:23 PM
ID: dbf24e76-84f8-4f8b-b27a-bad116beb6bc

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	4/8/2022 1:50:05 PM
Certified Delivered	Security Checked	4/8/2022 2:23:23 PM
Signing Complete	Security Checked	4/8/2022 2:29:49 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, K. Hovnanian Homes (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact K. Hovnanian Homes:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: pperillo@khov.com

To advise K. Hovnanian Homes of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at pperillo@khov.com and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from K. Hovnanian Homes

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to pperillo@khov.com and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with K. Hovnanian Homes

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to pperillo@khov.com and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify K. Hovnanian Homes as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by K. Hovnanian Homes during the course of your relationship with K. Hovnanian Homes.



18958 Coastal Highway, Suite D
Rehoboth Beach, DE 19971
302.644.1155

May 18, 2022
Via FedEx

Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

Attention: Lauren DeVore

RE: Preliminary Subdivision Plan
Harpers Glen – FKA Workman (2021-
26)
Milton-Ellendale Highway
Tax Map: 235-14.00-61.00
Sussex County, DE
BEVA # DE210012

Dear Ms. DeVore,

As previously discussed, Bohler request that Harpers Glen be added to the May 26th Planning and Zoning Hearing Agenda as “other business”. The purpose of this request is to revise the Preliminary Conditions of Approval contained in the Notice of Decision, dated April 29, 2022 by the Planning and Zoning Commission. Specifically, for the removal of Condition F.

Please reference the previously submitted Harpers Glen Preliminary Subdivision Plan, dated March 11, 2022 for plan details pertaining to the Conditions of Approval.

Upon your review of the above, should you have any questions or require additional information, please do not hesitate to contact this office at (302) 644-1155. Thank you.

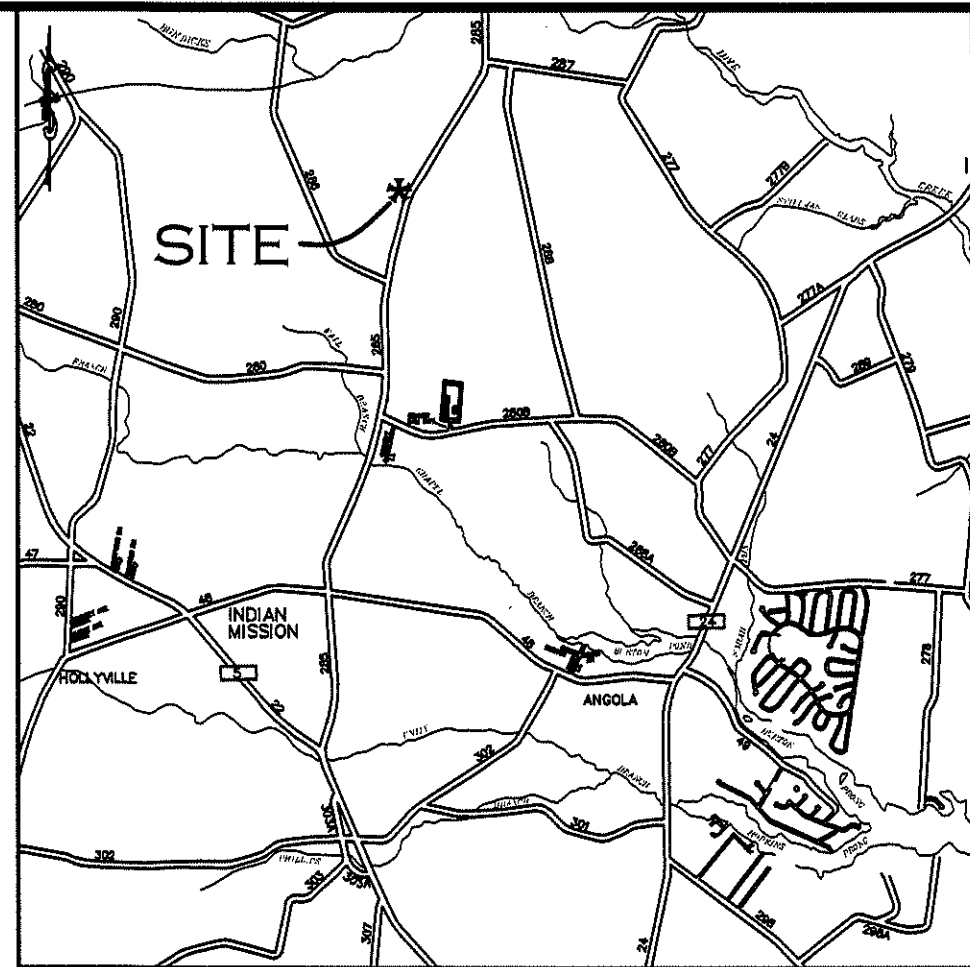
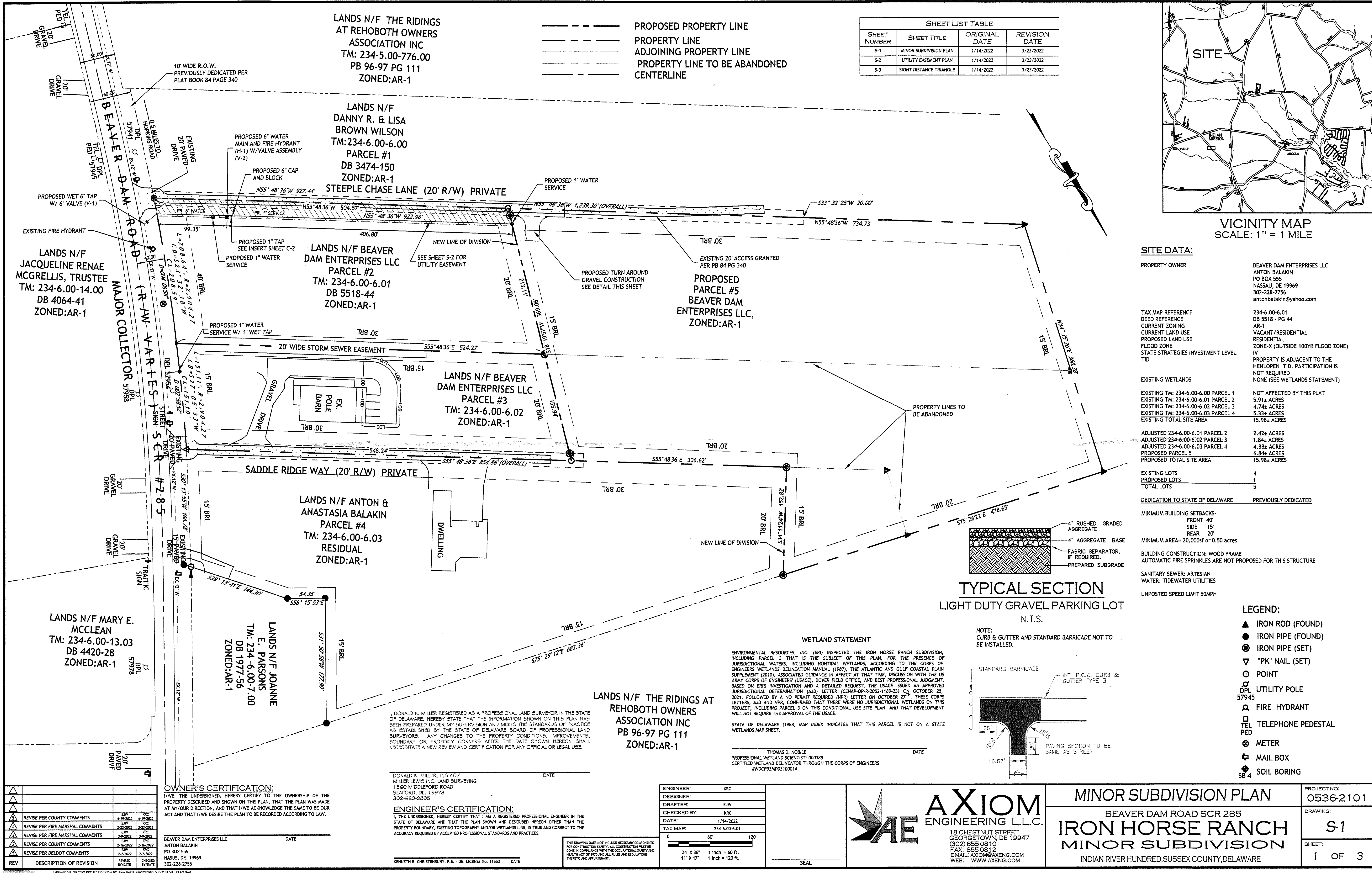
Sincerely,
Bohler Engineering VA, LLC

A handwritten signature in blue ink, appearing to read "Steve Fortunato", with a stylized, cursive script.

Steve Fortunato, P.E.
Senior Project Manager

cc: David M. Kuklish, P.E., Bohler Engineering VA, LLC (w/ encl.)
Jena Cooper, Bohler Engineering VA, LLC (w/ encl.)
File

STF/ABM
H:\21\DE210012\Administrative\Letters\Responses\Sussex County P&Z\220518 - Harpers Glen Subdivision Comment Revision Request.doc



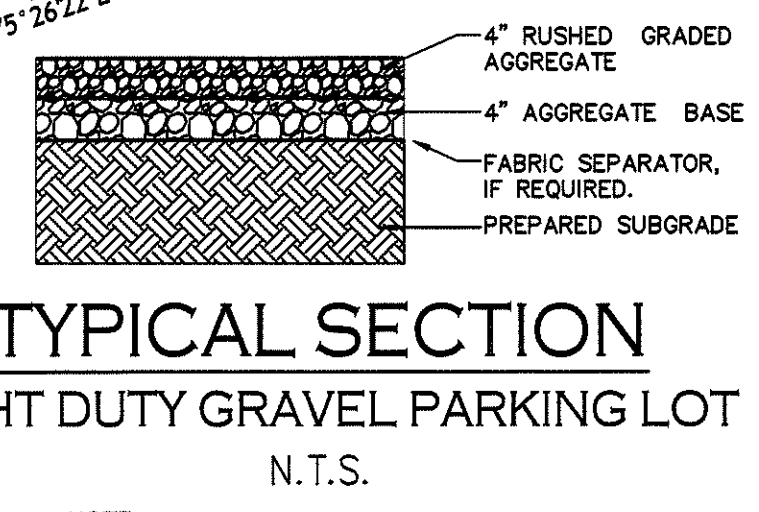
SITE DATA:	
PROPERTY OWNER	BEAVER DAM ENTERPRISES LLC ANTON BALAKIN PO BOX 555 NASSAU, DE 19969 302-228-2756 antonbalakin@yahoo.com
TAX MAP REFERENCE	234-6.00-6.01
DEED REFERENCE	DB 5518 - PG 44
CURRENT ZONING	AR-1
CURRENT LAND USE	VACANT/RESIDENTIAL
PROPOSED LAND USE	RESIDENTIAL
FLOOD ZONE	ZONE-X (OUTSIDE 100YR FLOOD ZONE)
STATE STRATEGIES INVESTMENT LEVEL	IV
TID	PROPERTY IS ADJACENT TO THE HENLOPEN TID. PARTICIPATION IS NOT REQUIRED (SEE WETLANDS STATEMENT)
EXISTING WETLANDS	NONE
EXISTING TM: 234-6.00-6.00 PARCEL 1	NOT AFFECTED BY THIS PLAT
EXISTING TM: 234-6.00-6.01 PARCEL 2	5.91± ACRES
EXISTING TM: 234-6.00-6.02 PARCEL 3	4.74± ACRES
EXISTING TM: 234-6.00-6.03 PARCEL 4	5.33± ACRES
EXISTING TOTAL SITE AREA	15.98± ACRES
ADJUSTED 234-6.00-6.01 PARCEL 2	2.42± ACRES
ADJUSTED 234-6.00-6.02 PARCEL 3	1.84± ACRES
ADJUSTED 234-6.00-6.03 PARCEL 4	4.88± ACRES
PROPOSED PARCEL 5	6.84± ACRES
PROPOSED TOTAL SITE AREA	15.98± ACRES
EXISTING LOTS	4
PROPOSED LOTS	1
TOTAL LOTS	5
DEDICATION TO STATE OF DELAWARE	PREVIOUSLY DEDICATED
MINIMUM BUILDING SETBACKS-	
FRONT	40'
SIDE	15'
REAR	20'
MINIMUM AREA=	20,000sf or 0.50 acres
BUILDING CONSTRUCTION:	WOOD FRAME
AUTOMATIC FIRE SPRINKLES ARE NOT PROPOSED FOR THIS STRUCTURE	
SANITARY SEWER:	ARTESIAN
WATER:	TIDEWATER UTILITIES
UNPOSTED SPEED LIMIT	50MPH

- LEGEND:**
- ▲ IRON ROD (FOUND)
 - IRON PIPE (FOUND)
 - ⊙ IRON PIPE (SET)
 - ▽ "PK" NAIL (SET)
 - POINT
 - ⊕ UTILITY POLE
 - ⊕ FIRE HYDRANT
 - ⊕ TELEPHONE PEDESTAL
 - ⊕ METER
 - ⊕ MAIL BOX
 - ⊕ SOIL BORING

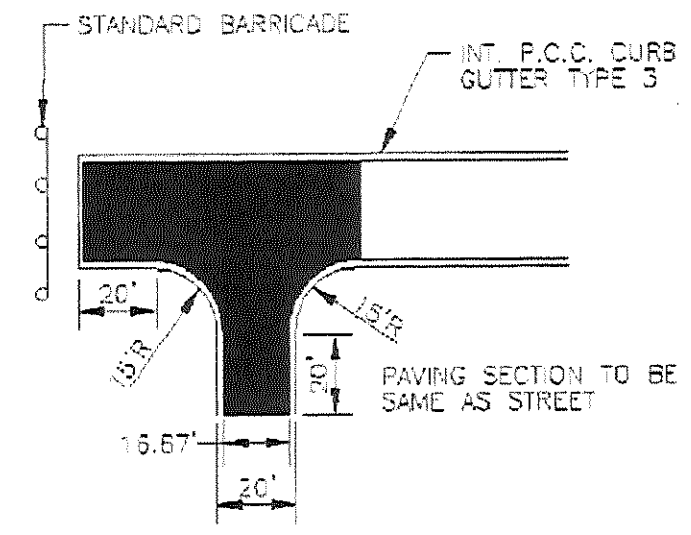
WETLAND STATEMENT

ENVIRONMENTAL RESOURCES, INC. (ERI) INSPECTED THE IRON HORSE RANCH SUBDIVISION, INCLUDING PARCEL 3 THAT IS THE SUBJECT OF THIS PLAN, FOR THE PRESENCE OF JURISDICTIONAL WATERS, INCLUDING NONTIDAL WETLANDS, ACCORDING TO THE CORPS OF ENGINEERS' WETLANDS DELINEATION MANUAL (1987), THE ATLANTIC AND GULF COASTAL PLAIN SUPPLEMENT (2010), ASSOCIATED GUIDANCE IN EFFECT AT THAT TIME, DISCUSSION WITH THE US ARMY CORPS OF ENGINEERS (USACE), DOVER FIELD OFFICE, AND BEST PROFESSIONAL JUDGMENT, BASED ON ERI'S INVESTIGATION AND A DETAILED REQUEST, THE USACE ISSUED AN APPROVED JURISDICTIONAL DETERMINATION (AJD) LETTER (CENAP-OP-R-2003-1189-23) ON OCTOBER 25, 2021, FOLLOWED BY A NO PERMIT REQUIRED (NPR) LETTER ON OCTOBER 27TH. THESE CORPS LETTERS, AJD AND NPR, CONFIRMED THAT THERE WERE NO JURISDICTIONAL WETLANDS ON THIS PROJECT, INCLUDING PARCEL 3 ON THIS CONDITIONAL USE SITE PLAN, AND THAT DEVELOPMENT WILL NOT REQUIRE THE APPROVAL OF THE USACE.

STATE OF DELAWARE (1988) MAP INDEX INDICATES THAT THIS PARCEL IS NOT ON A STATE WETLANDS MAP SHEET.



NOTE: CURB & GUTTER AND STANDARD BARRICADE NOT TO BE INSTALLED.



OWNER'S CERTIFICATION:

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

DATE

DONALD K. MILLER, PLS 407
MILLER LEWIS INC. LAND SURVEYING
1560 MIDDLEFORD ROAD
SEAFORD, DE. 19973
302-629-9993

ENGINEER'S CERTIFICATION:

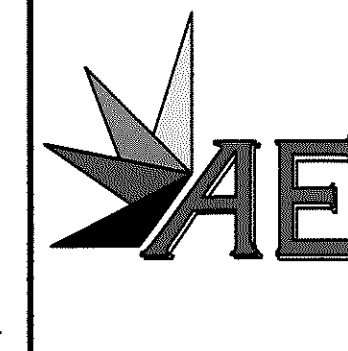
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON OTHER THAN THE PROPERTY BOUNDARY, EXISTING TOPOGRAPHY AND/OR WETLANDS LINE, IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED PROFESSIONAL STANDARDS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

DATE

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

ENGINEER:	KRC
DRAWN BY:	EJW
CHECKED BY:	KRC
DATE:	1/14/2022
TAX MAP:	234-6.00-6.01

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



AXIOM
ENGINEERING L.L.C.

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

MINOR SUBDIVISION PLAN

BEAVER DAM ROAD SCR 285

IRON HORSE RANCH

MINOR SUBDIVISION

INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

PROJECT NO:	0536-2101
DRAWING:	S-1
SHEET:	1 OF 3

REV	DESCRIPTION OF REVISION	REVISION BY/DATE	CHECKED BY/DATE
1	REVISE PER COUNTY COMMENTS	EJW 4-19-2022	KRC 4-19-2022
2	REVISE PER FIRE MARSHAL COMMENTS	EJW 3-23-2022	KRC 3-23-2022
3	REVISE PER FIRE MARSHAL COMMENTS	EJW 3-23-2022	KRC 3-23-2022
4	REVISE PER COUNTY COMMENTS	EJW 2-16-2022	KRC 2-16-2022
5	REVISE PER DELDOT COMMENTS	EJW 2-16-2022	KRC 2-16-2022

BEAVER DAM ENTERPRISES LLC

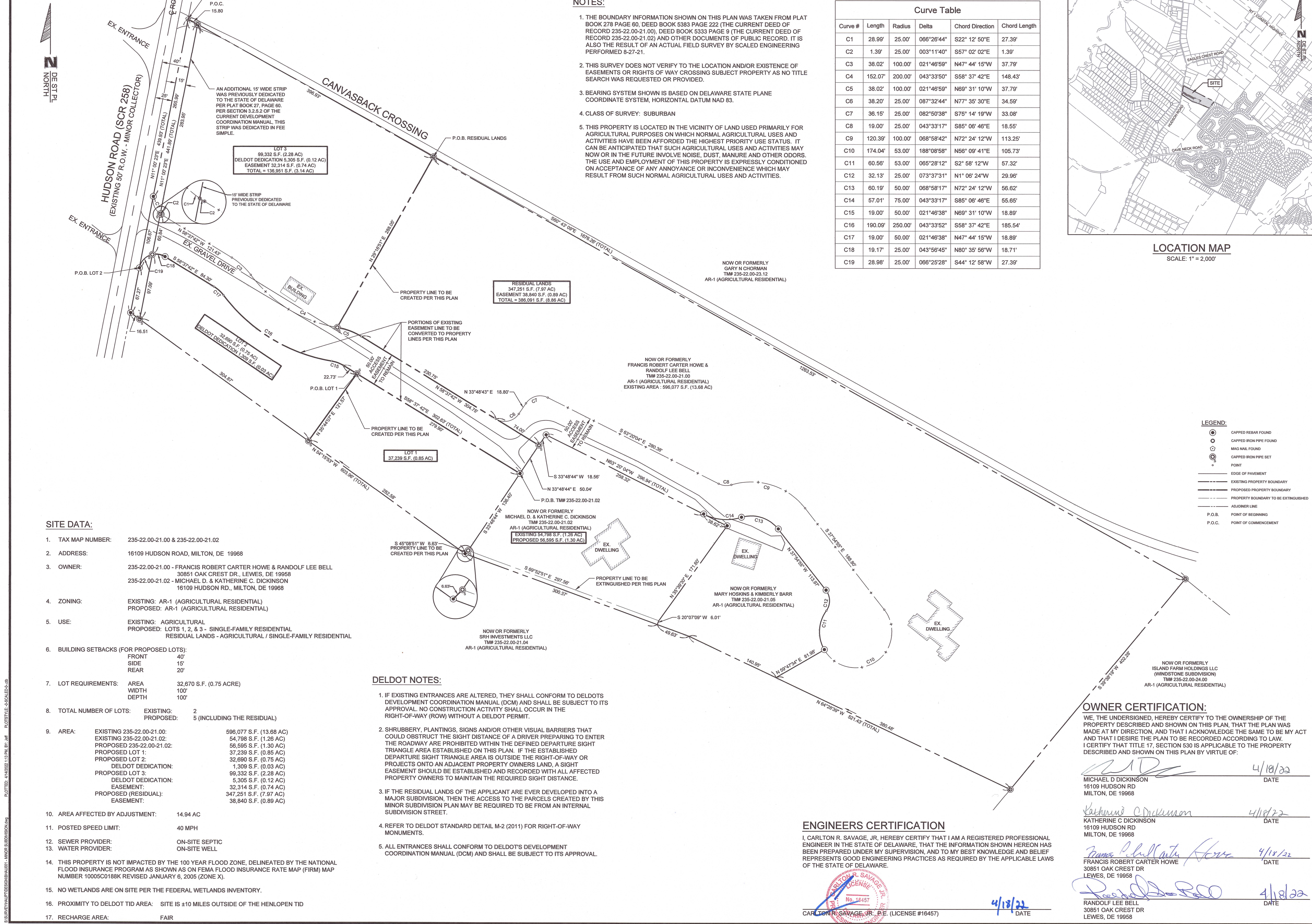
ANTON BALAKIN

PO BOX 555

NASSAU, DE. 19969

302-228-2756

S:\SURVEY\PLT\235-22.00-21.00-1.02-MINOR SUBDIVISION.dwg PLOTTED: 4/18/22 1:13 PM BY: JRE



SITE DATA:

- TAX MAP NUMBER: 235-22.00-21.00 & 235-22.00-21.02
- ADDRESS: 16109 HUDSON ROAD, MILTON, DE 19968
- OWNER: 235-22.00-21.00 - FRANCIS ROBERT CARTER HOWE & RANDOLF LEE BELL
30851 OAK CREST DR., LEWES, DE 19958
235-22.00-21.02 - MICHAEL D. & KATHERINE C. DICKINSON
16109 HUDSON RD., MILTON, DE 19968
- ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)
PROPOSED: AR-1 (AGRICULTURAL RESIDENTIAL)
- USE: EXISTING: AGRICULTURAL
PROPOSED: LOTS 1, 2, & 3 - SINGLE-FAMILY RESIDENTIAL
RESIDUAL LANDS - AGRICULTURAL / SINGLE-FAMILY RESIDENTIAL
- BUILDING SETBACKS (FOR PROPOSED LOTS):
FRONT 40'
SIDE 15'
REAR 20'
- LOT REQUIREMENTS: AREA 32,670 S.F. (0.75 ACRE)
WIDTH 100'
DEPTH 100'
- TOTAL NUMBER OF LOTS: EXISTING: 2
PROPOSED: 5 (INCLUDING THE RESIDUAL)
- AREA: EXISTING 235-22.00-21.00: 596,077 S.F. (13.68 AC)
EXISTING 235-22.00-21.02: 54,798 S.F. (1.26 AC)
PROPOSED 235-22.00-21.02: 56,595 S.F. (1.30 AC)
PROPOSED LOT 1: 37,239 S.F. (0.85 AC)
PROPOSED LOT 2: 32,690 S.F. (0.75 AC)
DELDOT DEDICATION: 1,309 S.F. (0.03 AC)
PROPOSED LOT 3: 99,332 S.F. (2.28 AC)
DELDOT DEDICATION: 5,305 S.F. (0.12 AC)
EASEMENT: 32,314 S.F. (0.74 AC)
PROPOSED (RESIDUAL): 347,251 S.F. (7.97 AC)
EASEMENT: 38,840 S.F. (0.89 AC)
- AREA AFFECTED BY ADJUSTMENT: 14.94 AC
- POSTED SPEED LIMIT: 40 MPH
- SEWER PROVIDER: ON-SITE SEPTIC
- WATER PROVIDER: ON-SITE WELL
- THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0188K REVISED JANUARY 6, 2005 (ZONE X).
- NO WETLANDS ARE ON SITE PER THE FEDERAL WETLANDS INVENTORY.
- PROXIMITY TO DELDOT TID AREA: SITE IS ±10 MILES OUTSIDE OF THE HENLOPEN TID
- RECHARGE AREA: FAIR

DELDOT NOTES:

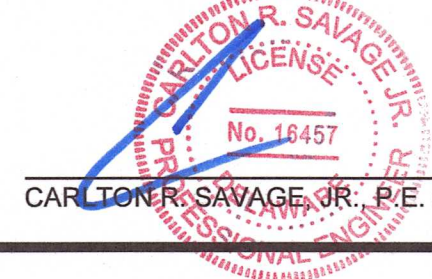
- IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOTS DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION ACTIVITY SHALL OCCUR IN THE RIGHT-OF-WAY (ROW) WITHOUT A DELDOT PERMIT.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
- REFER TO DELDOT STANDARD DETAIL M-2 (2011) FOR RIGHT-OF-WAY MONUMENTS.
- ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.

NOTES:

- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM PLAT BOOK 278 PAGE 80, DEED BOOK 5383 PAGE 222 (THE CURRENT DEED OF RECORD 235-22.00-21.00), DEED BOOK 5333 PAGE 9 (THE CURRENT DEED OF RECORD 235-22.00-21.02) AND OTHER DOCUMENTS OF PUBLIC RECORD. IT IS ALSO THE RESULT OF AN ACTUAL FIELD SURVEY BY SCALED ENGINEERING PERFORMED 8-27-21.
- THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
- BEARING SYSTEM SHOWN IS BASED ON DELAWARE STATE PLANE COORDINATE SYSTEM, HORIZONTAL DATUM NAD 83.
- CLASS OF SURVEY: SUBURBAN
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS. THE USE AND EMPLOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.

ENGINEERS CERTIFICATION

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



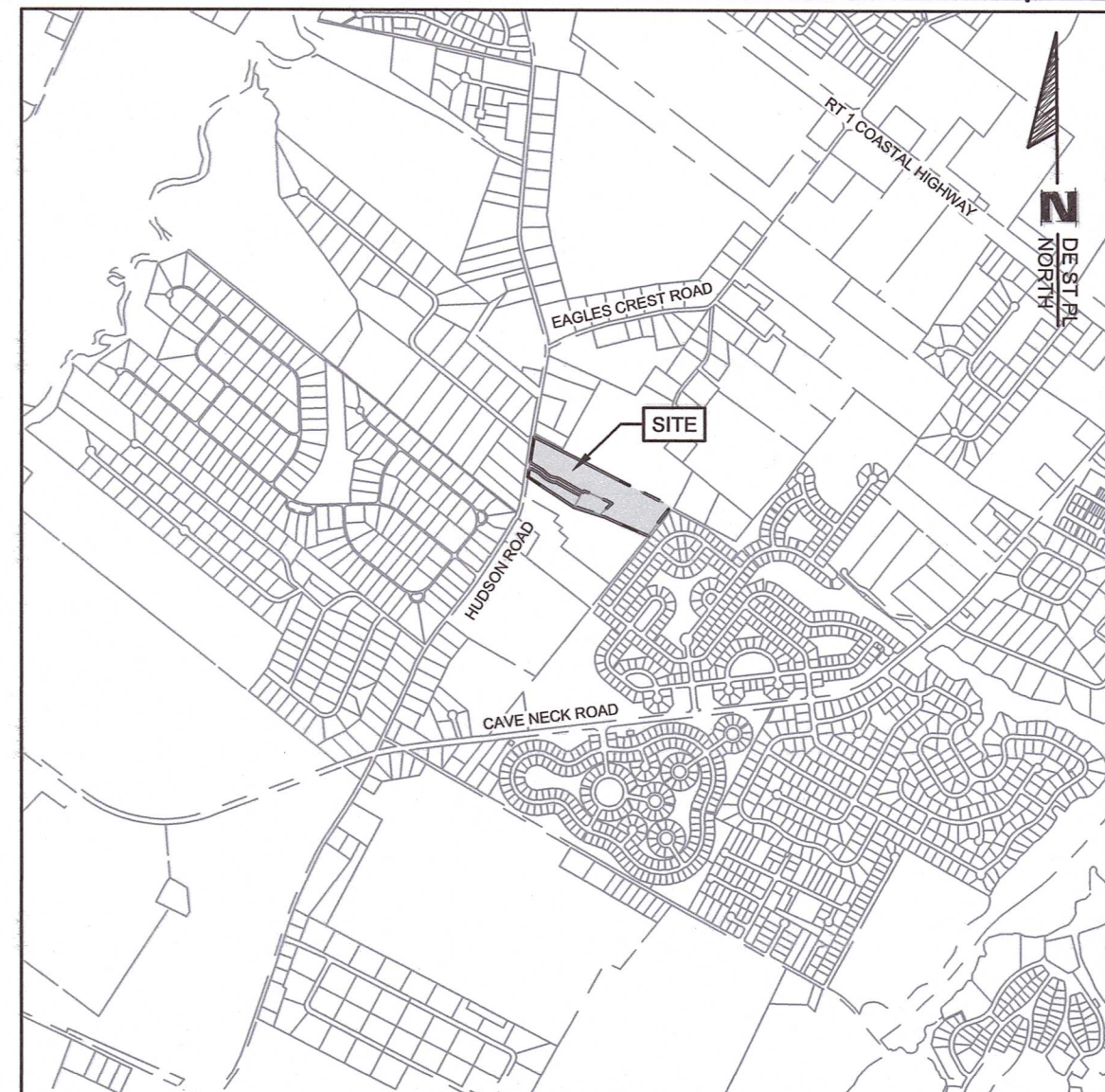
CARLTON R. SAVAGE, JR., P.E. (LICENSE #16457) 4/18/22 DATE

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	28.99'	25.00'	066°26'44"	S22° 12' 50"E	27.39'
C2	1.39'	25.00'	003°11'40"	S57° 02' 02"E	1.39'
C3	38.02'	100.00'	021°46'59"	N47° 44' 15"W	37.79'
C4	152.07'	200.00'	043°33'50"	S58° 37' 42"E	148.43'
C5	38.02'	100.00'	021°46'59"	N69° 31' 10"W	37.79'
C6	38.20'	25.00'	087°32'44"	N77° 35' 30"E	34.59'
C7	36.15'	25.00'	082°50'38"	S75° 14' 19"W	33.08'
C8	19.00'	25.00'	043°33'17"	S85° 06' 46"E	18.55'
C9	120.39'	100.00'	068°58'42"	N72° 24' 12"W	113.25'
C10	174.04'	53.00'	188°08'58"	N56° 09' 41"E	105.73'
C11	60.56'	53.00'	065°28'12"	S2° 58' 12"W	57.32'
C12	32.13'	25.00'	073°37'31"	N1° 06' 24"W	29.96'
C13	60.19'	50.00'	068°58'17"	N72° 24' 12"W	56.62'
C14	67.01'	75.00'	043°33'17"	S85° 06' 46"E	55.65'
C15	19.00'	50.00'	021°46'38"	N69° 31' 10"W	18.89'
C16	190.09'	250.00'	043°33'52"	S58° 37' 42"E	185.54'
C17	19.00'	50.00'	021°46'38"	N47° 44' 15"W	18.89'
C18	19.17'	25.00'	043°56'45"	N80° 35' 56"W	18.71'
C19	28.98'	25.00'	066°25'28"	S44° 12' 58"W	27.39'

LOCATION MAP

SCALE: 1" = 2,000'



LEGEND:

- CAPPED REBAR FOUND
- CAPPED IRON PIPE FOUND
- MAG NAIL FOUND
- CAPPED IRON PIPE SET
- POINT
- EDGE OF PAVEMENT
- EXISTING PROPERTY BOUNDARY
- PROPOSED PROPERTY BOUNDARY
- PROPERTY BOUNDARY TO BE EXTINGUISHED
- ADJONER LINE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

OWNER CERTIFICATION:

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

MICHAEL D DICKINSON 4/18/22 DATE
16109 HUDSON RD
MILTON, DE 19968
KATHERINE C DICKINSON 4/18/22 DATE
16109 HUDSON RD
MILTON, DE 19968
FRANCIS ROBERT CARTER HOWE 4/18/22 DATE
30851 OAK CREST DR
LEWES, DE 19958
RANDOLF LEE BELL 4/18/22 DATE
30851 OAK CREST DR
LEWES, DE 19958

HOWE & BELL SUBDIVISION

TAX MAP 235-22.00-21.00 & 235-22.00-21.02

BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

DATE: 3-28-22
SCALE: 1" = 60'
DRAWN BY: JRE
PROJECT NO. BH4001

SCALED ENGINEERING
16109 HUDSON RD
MILTON, DE 19968
Phone: (302) 236-3600
MINOR SUBDIVISION PLAN

Warning: Original paper plans contain a raised impression of a professional seal. Original mylar plans contain a red ink stamp of a professional seal. Unauthorized copies may contain fraudulent, incorrect, erroneous or misleading information or omit important and relevant information. Do not use or rely on unauthorized copies.

N OR F PHILLIP J. &
ANDREA ZIHIRSKY
3-30-15.13-11.01
DR 4052-204 ZONE AR-1

N OR F CAROL H. STEVENSON
3-30-15.13-11.00
DR 1798-67 ZONE AR-1

N OR F MATTHEW S. WILLEY &
KELLY L. WEBB
3-30-15.13-11.02
DR 3684-303 ZONE AR-1

N OR F DONALD F. CLAYCOMB TTE
3-30-15.13-12.01
DR 3832-51 ZONE AR-1

N OR F CAROL A. RAMSEY TTE
3-30-15.13-10.00
DR 3702-268 ZONE AR-1

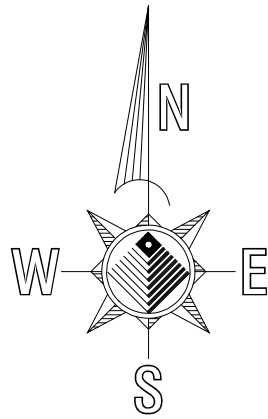
RESIDUE
3.438 AC.±

N OR F FERNANDO VASQUEZ
3-30-15.13-13.00
DR 4395-309 ZONE AR-1

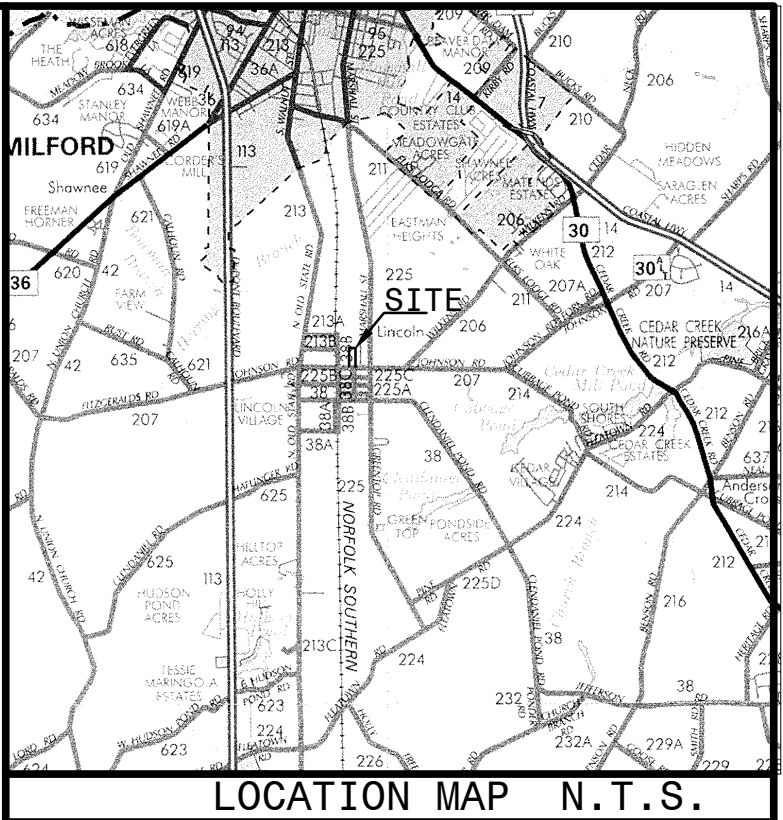
LINE	BEARING	DISTANCE
L1	S 00°11'06" W	4.87'
L2	S 42°47'04" W	35.46'
L3	N 00°11'06" E	30.97'

LEGEND

- SEPTIC LID
- WELL
- CONCRETE MONUMENT FOUND
- IRON PIPE FOUND
- ⊙ CAPPED REBAR FOUND
- ⊙ UTILITY POLE
- RW — RW — EXISTING RIGHT OF WAY
- R/W — PROPOSED RIGHT OF WAY
- — — CENTERLINE
- BSL — BUILDING SETBACK
- — — EXISTING BOUNDARY
- — — PROPOSED NEW PROPERTY LINE
- E_x — E_x — UG ELECTRIC



DELAWARE COORDINATE SYSTEM OF 1983
NAD83 (NA2011,EPOCH 2010)



PRESENT ZONING.....AR-1
TAX MAP NUMBER.....3-30-15.13-12.00 PART
FRONT YARD SETBACK.....40'
SIDE YARD SETBACK.....15'
REAR YARD SETBACK.....20'
TOTAL NUMBER OF LOTS.....1
EXISTING.....1
PROPOSED.....1 PLUS RESIDUAL
TOTAL ACREAGE WITHIN BOUNDARIES.....4.191 ACRES±
TOTAL ACREAGE WITHIN LOTS.....0.753 ACRES±
AREA OF EASEMENT.....0.121 ACRES±
AREA OF RESIDUAL LANDS.....3.438 ACRES±
FRONTAGE OF RESIDUAL LANDS.....0
NUMBER OF MONUMENTS.....FOUND 5
SET 3

TYPE OF UTILITIES.....INDIVIDUAL ON SITE WATER AND SEWER
PRESENT USE.....AGRICULTURAL/RESIDENTIAL
PROPOSED USE.....RESIDENTIAL
ROADWAY CLASSIFICATION.....MAJOR COLLECTOR
POSTED SPEED LIMIT.....25 MPH
PROXIMITY TO (TID).....NO

THIS SITE LIES OUTSIDE THE FLOOD HAZARD ZONE, AS DEPICTED ON FIRM PANEL 10005C0131J, DATED 1/6/2005.

OWNER OF RECORD
DENNIS J. & PAULINE M. MIGNOGNO
18469 JOHNSON AVE.
LINCOLN, DE 19960
302-535-5606

ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.

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

LOT 1 SHALL HAVE ACCESS TO JOHNSON RD. AK SCR 207 VIA THE EXISTING ENTRANCES AS DEPICTED HEREON.

RESIDUAL LANDS SHALL HAVE ACCESS TO JOHNSON RD. SCR 207 VIA THE PRIVATE ACCESS/UTILITY EASEMENT.

IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.

MINOR SUBDIVISION PLAN FOR:

Lands of:

DENNIS J. & PAULINE M. MIGNOGNO



MERESTONE
CONSULTANTS, INC.

ENGINEERS - PLANNERS - SURVEYORS

5215 WEST WOODMILL DRIVE
WILMINGTON, DE 19808
PH: 302-992-7900
FAX: 302-992-7911

33516 CROSSING AVE.
FIVE POINTS SQUARE UNIT 1
LEWES, DE 19958
PH: 302-226-5880

CEDAR CREEK HUNDRED

SUSSEX COUNTY, DELAWARE

DATE: 29 MARCH 2022

W.O.: 25470L

SCALE: 1"= 60'

F.B.: BOB O

DRAWN BY: RWN

DISK: 25470L MINOR

REVISIONS

5/10/2022 PDCA COMMENTS

SURVEYOR'S CERTIFICATION
I, ROBERT W. NASH, PLS 551, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

ROBERT W. NASH, PLS 551

DATE

SIGNATURE

DATE

SIGNATURE

DATE

OWNER'S CERTIFICATION
WE THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE WITH OUR DIRECTION, AND WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND THAT WE DESIRE PLAN TO BE RECORDED BY LAW.
WE CERTIFY THAT 17 DEL. C. § 530 IS APPLICABLE TO THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THE SUBDIVIDED PARCEL OR PARCELS WILL BE TRANSFERRED TO A FAMILY MEMBER OR MEMBERS FOR USE AS A FAMILY MEMBER OR MEMBERS PRINCIPAL RESIDENCE OR FARMLAND.

A 10 FOOT WIDE STRIP IS HEREBY RESERVED FOR THE STATE OF DELAWARE FOR FUTURE RIGHT OF WAY NEEDS.

393'± TO WESTERLY RIGHT OF WAY OF LOBLOLLY AVE. P.O.B.

JOHNSON ROAD
AKA SCR 207
@ 60' WIDE
MAJOR COLLECTOR 25 MPH

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, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: May 26th, 2022

Application: CU 2352 CB Lewes, LLC

Applicant: CB Lewes, LLC
20408 Silver Lake Drive
Rehoboth Beach, DE 19971

Owner: CB Lewes, LLC
20408 Silver Lake Drive
Rehoboth Beach, DE 19971

Site Location: Lying on the northeast side of Plantations Road (Rt. 1D), approximately 900-feet southeast of Shady Road (S.C.R. 276).

Current Zoning: Medium Density Residential (MR) Zoning District

Proposed Use: 30 additional Work Force Housing Units.

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: 18.08 acres +/-

Tax Map IDs.: 334-6.00-504.02, 504.08, 504.09, & 504.10





Sussex County



PIN:	334-6.00-504.02
Owner Name	CB LEWES LLC
Book	4175
Mailing Address	PO BOX 310
City	NASSAU
State	DE
Description	COASTAL TIDE
Description 2	F/K/A ARBORS OF COTTAGE
Description 3	FUTURE CONDOS
Land Code	

polygonLayer

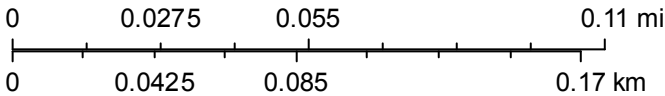
Override 1

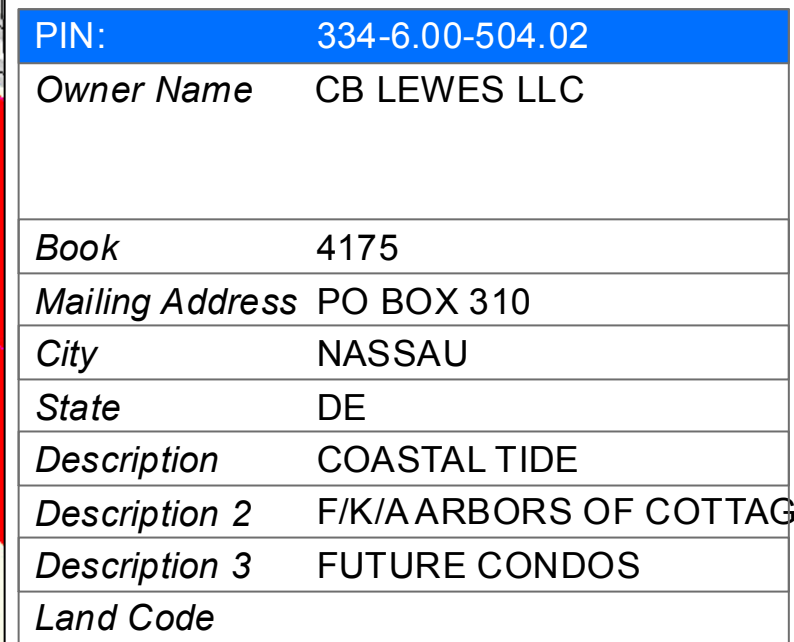
polygonLayer

Override 1

- ⋮ Tax Parcels
- 911 Address
- Streets
- County Boundaries

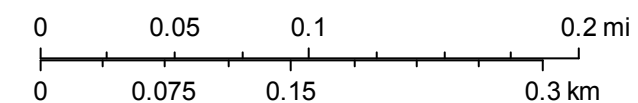
1:2,257





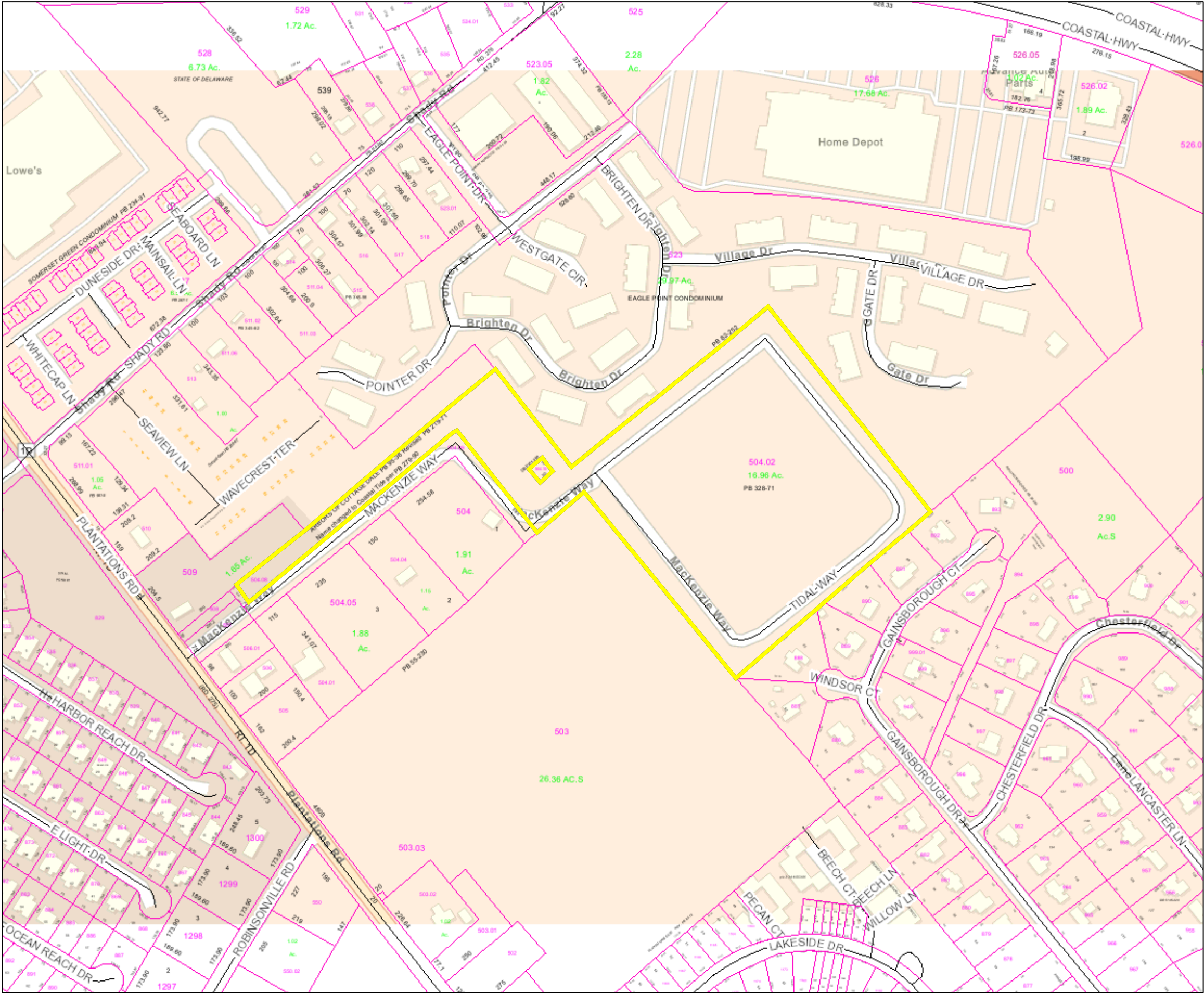
polygonLayer Override 1
polygonLayer Override 1
Tax Parcels
Streets

1:4,514





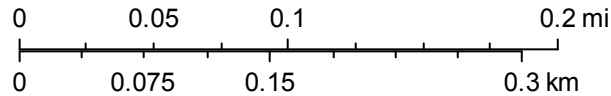
Sussex County



PIN:	334-6.00-504.02
Owner Name	CB LEWES LLC
Book	4175
Mailing Address	PO BOX 310
City	NASSAU
State	DE
Description	COASTAL TIDE
Description 2	F/K/A ARBORS OF COTTAGE
Description 3	FUTURE CONDOS
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
 - Tax Parcels
 - Streets
 - County Boundaries

1:4,514



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



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: May 18, 2022
RE: Staff Analysis for CU 2352 CB Lewes, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2352 CB Lewes, LLC to be reviewed during the May 26, 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 Parcel: 334-6.00-504.02 to amend Conditional Use No. 1845 (Ordinance No. 2106), condition "A" relating to total number of allowable units. The parcel is lying on the northeast side of Plantations Road (Rt. 1D), approximately 900-feet southeast of Shady Road (S.C.R. 276). The parcel consists of 16.96 acres +/-.

The parcel has a previously approved Conditional Use Application. The parcel is subject to a Conditional Use Application (Conditional Use No. 1845) to allow for 168 multi-family units. The Conditional Use was approved by the Sussex County Council at their meeting of Tuesday, February 23, 2010 and the change was adopted through Ordinance No. 2106.

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 parcel has a designation of "Coastal Area." The surrounding and adjacent properties located to the north, south, east, and west of the subject property also lie within the "Coastal Area" Future Land Use Map designation. There is also a sole parcel adjoining to the west of the property designated as "Commercial Area".

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, 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.

The subject property is zoned Medium Residential (MR). The adjacent properties to the north, south, east, and west of the subject sites are zoned Agricultural Residential (AR-1). One adjacent property to the west is also zoned Medium Residential (MR).

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to amend Conditional Use No. 1845 (Ordinance No. 2106) to allow for increased number of units, subject



Staff Analysis

CU 2352 CB Lewes, LLC

Planning and Zoning Commission for May 26, 2022

to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

RECEIVED

File #: C/u 2352
2022 02 738

FEB 17 2022

SUSSEX COUNTY
PLANNING & ZONING

Planning & Zoning Commission Application

Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

Site Address of Conditional Use/Zoning Map Amendment

Tidal Way off MacKenzie Way in the subdivision of Coastal Tide

Type of Conditional Use Requested:

To construct a multi-family building containing 30 units in MR zoning. 6 of the units will be included in the Sussex County Affordably Priced Rental Unit Program

Tax Map #: 3-34-6.00-504.02 Size of Parcel(s): 18.08 Acres

Current Zoning: MR Proposed Zoning: MR Size of Building: 3 stories

Land Use Classification: Coastal

Water Provider: Tidewater Sewer Provider: Sussex County

Applicant Information

Applicant Name: CB Lewes, LLC

Applicant Address: 20408 Silver Lake Drive

City: Rehoboth Beach State: DE Zip Code: 19971

Phone #: (302) 287-3045 E-mail: JCalabro@apenninedev.com

Owner Information

Owner Name: as above

Owner Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Hillcrest Associates, Inc

Agent/Attorney/Engineer Address: PO Box 1180

City: Hockessin State: DE Zip Code: 19707

Phone #: (302) 455-9873 E-mail: ahill@hillcrestassoc.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: 2/16/22

Signature of Owner



Date: 2/17/2022

For office use only:

Date Submitted: 2/17/22

Staff accepting application: AL

Location of property: _____

Fee: \$500.00 Check #: 1582

Application & Case #: 202202 738

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **4/28/2022**

APPLICATION: **CU 2352 CB Lewes, LLC**

APPLICANT: **CB Lewes, LLC**

FILE NO: **OM9.04**

TAX MAP &
PARCEL(S): **334-6.00-504.02, 504.08, 504.09 & 504.10**

LOCATION: **Lying on the northeast side of Plantaions Road (Rt. 1D),
approximately 900 feet southeast of Shady Road (SCR 276).**

NO. OF UNITS: **adding 30 Work Force Housing units**

GROSS
ACREAGE: **18.08**

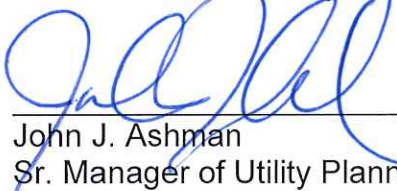
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

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.

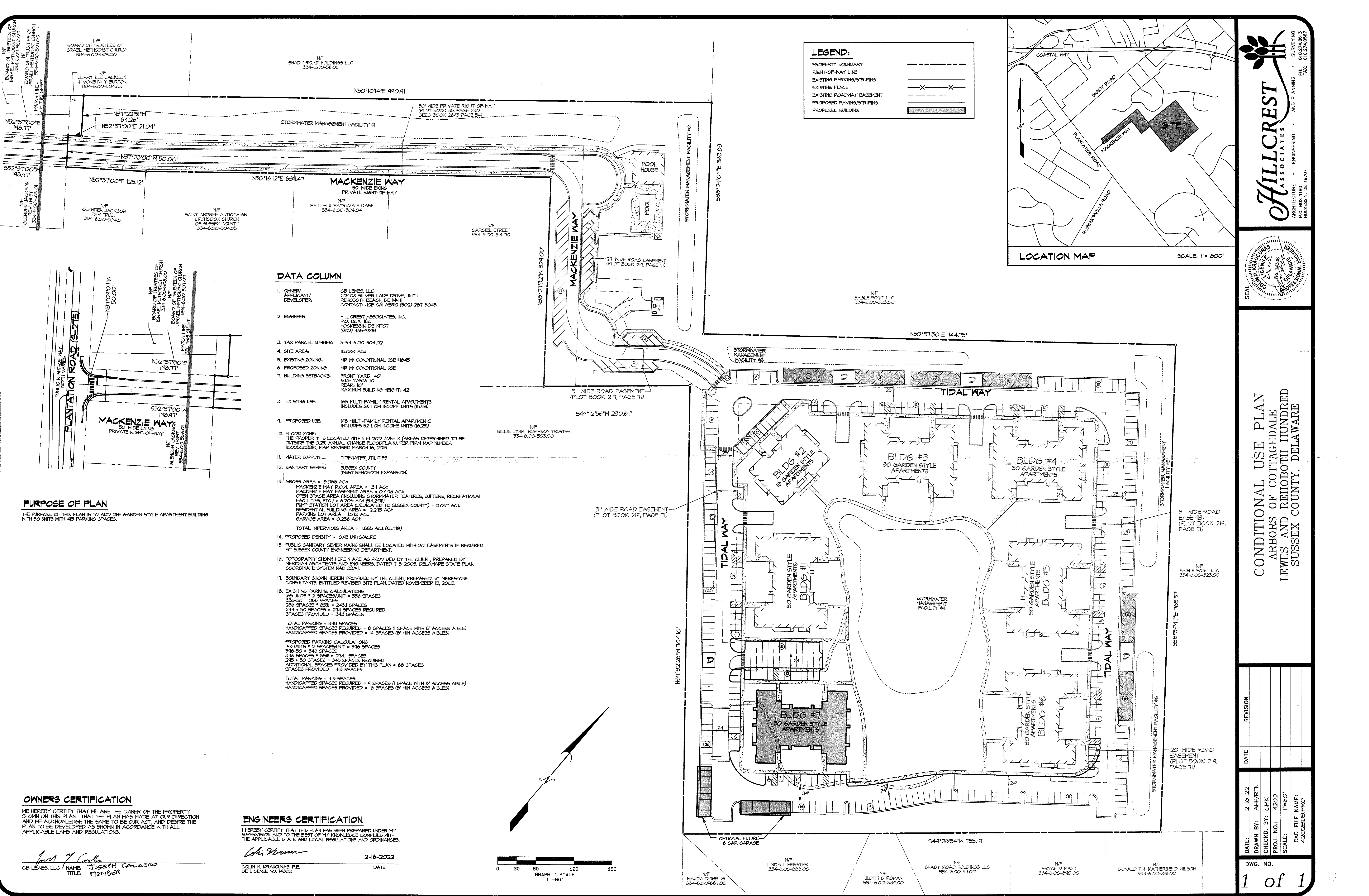
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **There are currently 168 units on the 18.08 acres, and this Conditional Use requests to build an additional 30 Work Force Housing units. This will result in a total of 198 units on 18.08 for a density of 10.95 units per acre.**
- (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



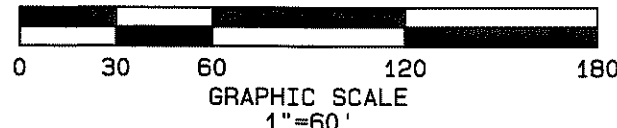
PURPOSE OF PLAN
THE PURPOSE OF THIS PLAN IS TO ADD ONE GARDEN STYLE APARTMENT BUILDING WITH 30 UNITS WITH 413 PARKING SPACES.

OWNERS CERTIFICATION
WE HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY SHOWN ON THIS PLAN. THAT THE PLAN WAS MADE AT OUR DIRECTION AND WE ACKNOWLEDGE THE SAME TO BE OUR ACT, AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

Joseph Calabro
CB LEWES, LLC NAME: JOSEPH CALABRO
TITLE: MEMBER

ENGINEERS CERTIFICATION
I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.

Colin M. Kraucunas, P.E.
COLIN M. KRAUCUNAS, P.E. DATE: 2-16-2022
DE LICENSE NO. 14308



DATA COLUMN

- OWNER/ APPLICANT/ DEVELOPER: CB LEWES, LLC 20408 SILVER LAKE DRIVE, UNIT 1 REHOBOTH BEACH, DE 19101 CONTACT: JOE CALABRO (302) 201-3045
- ENGINEER: HILLCREST ASSOCIATES, INC. P.O. BOX 1180 HOCKESSIN, DE 19101 (302) 455-4815
- TAX PARCEL NUMBER: 3-34-6.00-504.02
- SITE AREA: 18,089 AC±
- EXISTING ZONING: MR W/ CONDITIONAL USE #B45
- PROPOSED ZONING: MR W/ CONDITIONAL USE
- BUILDING SETBACKS: FRONT YARD: 40' SIDE YARD: 10' REAR: 10' MAXIMUM BUILDING HEIGHT: 42'
- EXISTING USE: 169 MULTI-FAMILY RENTAL APARTMENTS INCLUDES 26 LOW INCOME UNITS (15.3%)
- PROPOSED USE: 190 MULTI-FAMILY RENTAL APARTMENTS INCLUDES 32 LOW INCOME UNITS (16.2%)
- FLOOD ZONE: THE PROPERTY IS LOCATED WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP NUMBER 100050391K, MAP REVISED MARCH 16, 2015).
- WATER SUPPLY: TIDEWATER UTILITIES
- SANITARY SEWER: SUSSEX COUNTY (WEST REHOBOTH EXPANSION)
- GROSS AREA = 18,089 AC±
MACKENZIE WAY R.O.W. AREA = 1,311 AC±
MACKENZIE WAY EASEMENT AREA = 0.408 AC±
OPEN SPACE AREA (INCLUDING STORMWATER FEATURES, BUFFERS, RECREATIONAL FACILITIES, ETC.) = 6,223 AC± (34.28%)
PUMP STATION LOT AREA (DEDICATED TO SUSSEX COUNTY) = 0.051 AC±
RESIDENTIAL BUILDING AREA = 2,279 AC±
PARKING LOT AREA = 1,579 AC±
GARAGE AREA = 0.296 AC±
TOTAL IMPERVIOUS AREA = 11,885 AC± (65.11%)
- PROPOSED DENSITY = 10.45 UNITS/ACRE
- PUBLIC SANITARY SEWER MAINS SHALL BE LOCATED WITH 20' EASEMENTS IF REQUIRED BY SUSSEX COUNTY ENGINEERING DEPARTMENT.
- TOPOGRAPHY SHOWN HEREIN ARE AS PROVIDED BY THE CLIENT, PREPARED BY MERIDIAN ARCHITECTS AND ENGINEERS, DATED 1-8-2005, DELAWARE STATE PLAN COORDINATE SYSTEM NAD 83/11.
- BOUNDARY SHOWN HEREIN PROVIDED BY THE CLIENT, PREPARED BY MERESTONE CONSULTANTS, ENTITLED REVISED SITE PLAN, DATED NOVEMBER 15, 2005.
- EXISTING PARKING CALCULATIONS
169 UNITS * 2 SPACES/UNIT = 338 SPACES
338-50 = 286 SPACES
286 SPACES * 85% = 243 SPACES
244 + 50 SPACES = 294 SPACES REQUIRED
SPACES PROVIDED = 343 SPACES
TOTAL PARKING = 343 SPACES
HANDICAPPED SPACES REQUIRED = 8 SPACES (1 SPACE WITH 8' ACCESS AISLE)
HANDICAPPED SPACES PROVIDED = 14 SPACES (8' MIN ACCESS AISLES)
PROPOSED PARKING CALCULATIONS
190 UNITS * 2 SPACES/UNIT = 380 SPACES
380-50 = 330 SPACES
336 SPACES * 85% = 286 SPACES
286 + 50 SPACES = 336 SPACES REQUIRED
ADDITIONAL SPACES PROVIDED BY THIS PLAN = 68 SPACES
SPACES PROVIDED = 413 SPACES
TOTAL PARKING = 413 SPACES
HANDICAPPED SPACES REQUIRED = 9 SPACES (1 SPACE WITH 8' ACCESS AISLE)
HANDICAPPED SPACES PROVIDED = 16 SPACES (8' MIN ACCESS AISLES)

LEGEND:

- PROPERTY BOUNDARY
- RIGHT-OF-WAY LINE
- EXISTING PARKING/STRIPING
- EXISTING FENCE
- EXISTING ROADWAY EASEMENT
- PROPOSED PAVING/STRIPING
- PROPOSED BUILDING

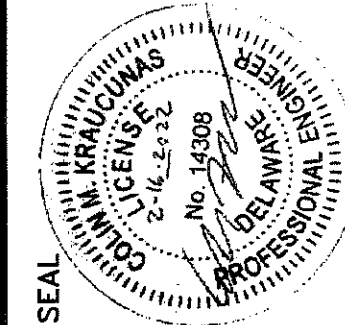
LOCATION MAP

SCALE: 1"= 800'

CONDITIONAL USE PLAN
ARBORS OF COTTAGEDALE
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

DATE:	2-16-22	REVISION	
DRAWN BY:	AH/RTN		
CHECKED BY:	CMK		
PROJ. NO.:	4202		
SCALE:	1"=60'		
CAD FILE NAME:	4202B03.PRO		

DWG. NO.



PROJECT DEVELOPMENT BOOK

Coastal Tide Apartments

Formerly known as "Arbors of Cottagedale"



Planning Commission: May 26, 2022

County Council: June 14, 2022



PREPARED BY:
Hillcrest Associates, INC.
PO Box 1180
Hockessin, DE 19707

TABLE OF CONTENTS

Section Number	Page
1.0 EXECUTIVE SUMMARY	
1.1 PROJECT TEAM	3
1.2 GENERAL INFORMATION	4
1.3 HISTORY OF SITE.....	5
1.4 PROJECT DATA.....	6-7
1.5 ENVIRONMENTAL ANALYSIS	7-9
2.0 LIST OF EXHIBITS	
2.1 CONDITIONAL USE APPLICATION	10-12
2.2 CONDITIONAL USE SITE PLAN.....	13
2.3 REVISED CONDITIONAL USE SITE PLAN	14
2.4 SURROUNDING COMMUNITIES MAP	15-26
2.5 ZONING MAP	27
2.6 2045 FUTURE LAND USE MAP	28
2.7 WATER RESOURCE PROTECTION AREA MAP	29
2.8 FEMA FLOOD PLAIN MAP	30
2.9 2020 STATE INVESTMENT STRATEGIES MAP	31
2.10 AERIAL PHOTOGRAPHY	32-37
2.11 DELDOT SERVICE LEVEL EVALUATION.....	38-40
2.12 PRIOR APPROVALS (CZ 1687 & CU 1845).....	41-50
2.13 FINAL SITE PLANS (AS RECORDED 2015, 2019, 2020 & 2020)	51-64
2.14 CERTIFICATE OF COMPLETION OF REMEDY	65-69
2.15 RESTRICTIVE COVENANTS.....	670-101
2.16 ARCHITECTURE PHOTOS.....	103-108
2.17 SUSSEX COUNTY RENTAL PROGRAM COMPLIANCE REVIEW	109
2.18 WILLING AND ABLE LETTER FROM TUI	110

1.0 EXECUTIVE SUMMARY

1.1 PROJECT TEAM

Applicant / Developer:

CB Lewes, LLC

Contact: Joe Calabro
20408 Silver Lake Drive, Unit 1
Rehoboth Beach, DE 19971
Telephone: (302)287-3045
E-mail: jcalabro@apenninedev.com

Attorney:

Morris James, LLP

Contact: David C. Hutt
19339 Coastal Highway, Suite 300
Rehoboth Beach, DE 19971
Telephone: (302) 856-0018
E-mail: Dhutt@morrisjames.com

Civil Engineer:

Hillcrest Associates, INC.

Contact: Alan Hill
PO Box 1180
Hockessin, DE 19707
Telephone: (610)274-8613
Email: AHill@Hillcrestassoc.com

1.2 GENERAL PROJECT INFORMATION

Coastal Tide Apartments, formerly known as Arbors of Cottagedale is a multifamily development of 168 units within 6 buildings, of which 26 units have been reserved for the Sussex County Rental Program (“SCRIP”). The development provides a host of various on-site amenities, including but not limited to a pool, fitness and wellness center, walking trail, garage rentals and on-site management. The project is located on Tax Parcel No. 3-34-6.00-504.02, containing approximately 18.088-acres. The parcel is located on the northeast side of Plantations Road (Rt. 1D), approximately 900 feet southeast of Shady Road (SCR 276). The site is currently zoned MR (Medium Residential) and classified on the 2045 Future Land Use Map within the 2018 Sussex County Comprehensive Plan as part of the Coastal Area, one of the County’s growth areas. The site is located within Investment Level 1 of the State Strategies for State Policies and Spending. The existing site is bounded by Sunset Glen, Eagle Point and Rolling Meadows to the North, West and East. There are various tracts of land abutting the property along the south including some single-family residences, a church and a 26-acre piece of ground used for agricultural purposes .

The conditional use application consists of a request to add one (1) additional 3-story multi-family building containing 30 dwelling units of which 6 units will be available under the Sussex County Rental Program. If approved, the project would consist of 198 units on 18.088 acres which results in a density of 10.95 units per acre. The table below summarizes the project data.

Conditional Use Table

Site Area (Acres)	Density		Number of Units	
	Prior Approval	Proposed	Prior Approval	Proposed
18.088	9.29	10.95	168	198

No formal submission for construction document approval has been completed at this time. The applicant understands that approvals from all agencies including, but not limited to, the Sussex Conservation District, Sussex Engineering, Sussex Planning and Zoning, DelDOT, Fire Marshal and Department of Public Health – Office of Drinking Water are required before construction can begin.

Public utilities have been discussed with Sussex Utility Planning. The property is located within the Sussex County Unified Sanitary Sewer District Tier 1 and is currently served by public water (Tidewater Utilities, Inc.) and sewer (Sussex County).

1.3 HSITORY OF SITE



Prior to the 1960s, the Site was reportedly used as a borrow pit from which native material was excavated. After ceasing to be used as a borrow pit, until the early 1980s, the Site was used as a dump for municipal or household waste. In the 1990s, the DNREC Solid and Hazardous Waste Branch permitted the disposal of tree stumps, lumber, and masonry materials on the Site. Subsequently, the Site was graded with sand and gravel. For many years, access to the Site was unrestricted, and was subject to illegal dumping. Multiple environmental investigations were conducted on the Site between 1986 and 2014. The most comprehensive evaluation, the Brownfield Investigation (BFI), was initiated in 2010 on behalf of a previous property owner. The BFI concluded in 2014 on behalf of the current property owner, CB Lewes, LLC. Since then, DNREC approved the Contaminated Materials Management Plan (CMMP) in September 2015, an Environmental Covenant was recorded in the Office of the Recorder of Deeds for Sussex County on July 6, 2015, in Deed Book 4416, Page 160, DNREC approved the Remedial Action Work Plan (RAWP) in September 2015, and on November 8, 2019 issued a Certification of Completion of Remedy recorded in Deed Book 5156, Page 90.

1.4 PROJECT DATA

Total Site Area:	18.088 ± Acres
Existing Zoning District:	MR (Medium Residential) W/ Conditional Use #1845
Proposed Zoning District:	MR (Medium Residential)
Proposed Conditional Use:	Multi-family Dwellings
Tax parcels:	3-34-6.00-504.02
Owners:	CB Lewes, LLC 20408 Silver Lake Drive, Unit 1 Rehoboth Beach, DE 19971 Book: 4175 Page: 182
Area and Bulk Requirements: (MR)	
Minimum Lot Area:	10,000 SQ. Ft.
Minimum Lot Width:	75 Ft.
Minimum Depth:	100 Ft.
Maximum Building Height:	42 Ft.
Front Yard Setback:	40 Ft.
Rear Yard Setback:	10 Ft.
Side Yard Setback:	10 Ft. (Two Required)
Utilities:	
Sewer:	Sussex County (Sussex County Unified Sanitary Sewer District Tier 1)
Water:	Tidewater Utilities
Electric:	Delaware Electric Coop
Telephone:	Comcast
Proposed Project Size:	198 Units
Project Density:	10.95 units per acre
Streets:	Private

Parking:

Requirements:	Required	Provided
Multifamily	324 Spaces	418 Spaces including 14 van accessible spaces
2 spaces per 2-3-bedroom dwelling units (162)		
1.5 spaces per 1-bedroom dwelling units (36)	54 Spaces	
Total Required	378 Spaces	
*Total Required with 15% reduction	337 Spaces	

* Section 115-162.b.(2) multifamily dwellings in excess of 50 units, the required number of parking spaces shall be reduced by 15% from the required number set forth in subsection b(1) after those spaces required for the first 50 units have been provided.

$50 \times 2 = 100$ spaces

378 total required spaces - 100 spaces for first 50 units = 278 spaces

15% reduction in remaining required = $41 - 278 = 237$

$100 + 237 = 337$ spaces required

Loading:

Requirements:	Required	Provided
Multifamily	6 Bldgs @ 13,081 Sq. Ft.	10 loading spaces
1 loading space for up to 25,000 Sq. Ft.	1 Bldg @ 8,224 Sq. Ft.	
	7 Loading spaces	

1.5 ENVIRONMENTAL ANALYSIS

Sussex County Code Section 115-194.3., and land classified as a Coastal Area seeking a conditional use and proposing development containing 50 or more dwelling units is to provide an environmental assessment and public facility evaluation report.

While this application is only proposing 30 units, the overall project has more than 50 dwelling units. Therefore, the applicant intends to comply with this Section.

(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 previous approvals consisted of 6 stormwater management facilities throughout the site. As part of this application, the applicant intends to comply with all Sussex Conservation District requirements for stormwater management and will be proposing an additional facility to handle the proposed run-off from the rooftops and additional parking area.

(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 site is currently served by public water. As part of this application, the applicant intends to extend the existing water main to serve the proposed building. Any increased water usage associated with project will not create an adverse effect on public or private water systems.

(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 subject parcel is located within an existing Sussex County Sanitary Sewer District; Sussex County Unified Sanitary Sewer District Tier 1. As the site is currently served by public sewer, the applicant intends to extend the existing sewer main to serve the proposed building.

(d) Analysis of the increase in traffic and the effect on the surrounding roadway system:

The increase of 30 units according to the Institute of Transportation Engineers (ITE) Trip Generation Manual will generate approximately 163 vehicle trips per day, 10 vehicle trips during the morning peak hour, and 13 vehicle trips during afternoon peak hour. As a whole, the entire 198 units will generate approximately 1,077 vehicle trips per day, 67 vehicle trips during the morning peak hour, and 86 vehicle trips during afternoon peak hour. Because this application is not anticipated to generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day a Traffic Impact Study (TIS) is not warranted.

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

There are no known Endangered or threatened species or habitat areas on the site.

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

There are no known wetlands located on the site.

(g) Provisions for open space.

This application proposed 10.816 acres of open space area. Within that open space area there is stormwater management, buffers, recreational facilities which include, but are not limited to, a pool and walking trail.

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

All infrastructure, including private drives and utilities have already been installed as part of the construction of the 168 units previously approved. As part of this application the applicant intends to extend that infrastructure to serve the proposed building.

(i) Economic, recreational or other benefits.

The project will benefit the local economy by providing construction employment opportunities for local contractors and suppliers. It is the applicant's intention to utilize local contractors and suppliers to the extent possible. In addition to the benefits to the local economy, Sussex County will see increased property tax revenues because of the development. There are also recreational benefits as a result of the construction of an active recreation area within the development. Most importantly, the proposed building provides additional, alternative and affordable housing opportunities to those living and working in Sussex County.

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

Based on an online review of the website “National Register of Historic Places” maintained by the U.S. Department of Interior, National Park Service, neither the property nor nearby properties are listed on the National Register of Historic Places.

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

The conditional use application is in accordance with the Sussex County Comprehensive Plan. The project is in one of the County’s seven growth area, the Coastal Area according to the Sussex County Comprehensive Plan. Based on the Comprehensive Plan, the permitted uses include “...a range of housing types are permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units.” In addition, the Comprehensive Plan states that “medium and higher density (4-12 units per acre) can be appropriate in certain locations. Medium and higher density could be supported in areas: where there is central water and sewer; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is along a main road or at/or near a major intersection; where there is adequate Level of Service; or where other considerations exist that are relevant to the requested project and density.” This application meets all of the requirements for higher density.

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

As outlined in items (a) through (k) above, there are no anticipated detrimental impacts generated by this development.



ARCHITECTURE
CIVIL ENGINEERING
LAND PLANNING
SURVEYING

February 16, 2022

Sussex County Planning and Zoning
Attn: Jamie Whitehouse, Director
2 The Circle
Georgetown, DE 19947

RE: Coastal Tide N/F Arbors of Cottagedale
Tax parcels: 334-6.00-50.02
Conditional Use Application

Dear Jamie,

Please find enclosed the following as the Conditional Use Application for the above referenced project:

- Completed Conditional Use Application
- Eight (8) copies of the Conditional Use Plan
- Check for \$500.00 payable to Sussex County

The purpose of this Conditional Use Application is to allow one (1) additional 3 story multi-family building containing 30 dwelling units of which 6 units will be available under the Sussex County Affordably Priced Rental Unit Program.

If you have any questions or need additional information, please feel free to contact me by phone at (302) 690-1640 or by email at ahill@hillcrestassoc.com.

Sincerely,

Alan Hill
President

C. HC# 4202

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

Type of Conditional Use Requested:

Tax Map #:

Size of Parcel(s):

Current Zoning:

Proposed Zoning:

Size of Building:

Land Use Classification:

Water Provider:

Sewer Provider:

Applicant Information

Applicant Name:

Applicant Address:

City:

State:

ZipCode:

Phone #:

E-mail:

Owner Information

Owner Name:

Owner Address:

City:

State:

Zip Code:

Phone #:

E-mail:

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name:

Agent/Attorney/Engineer Address:

City:

State:

Zip Code:

Phone #:

E-mail:



Check List for Sussex County 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: _____

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

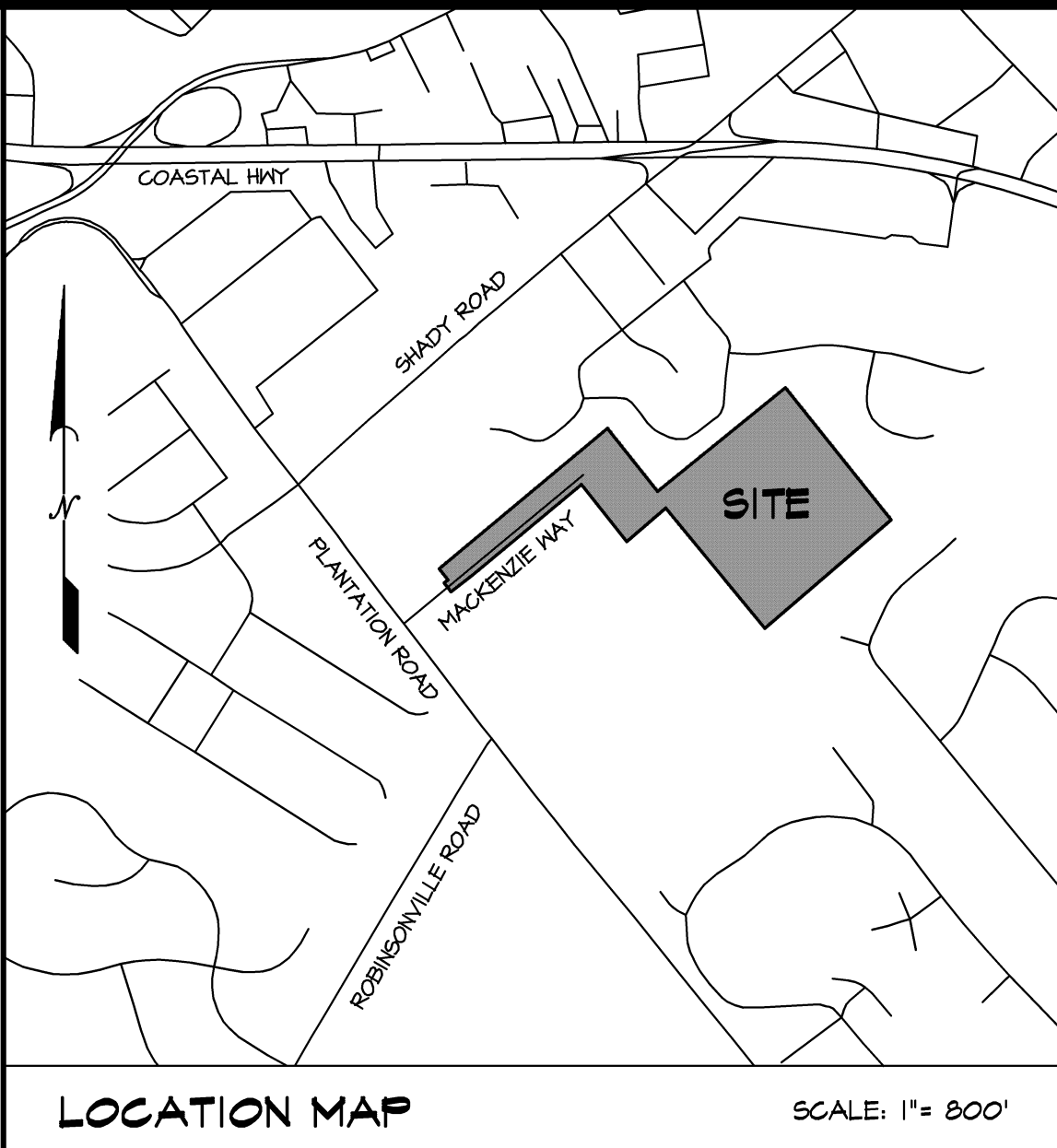
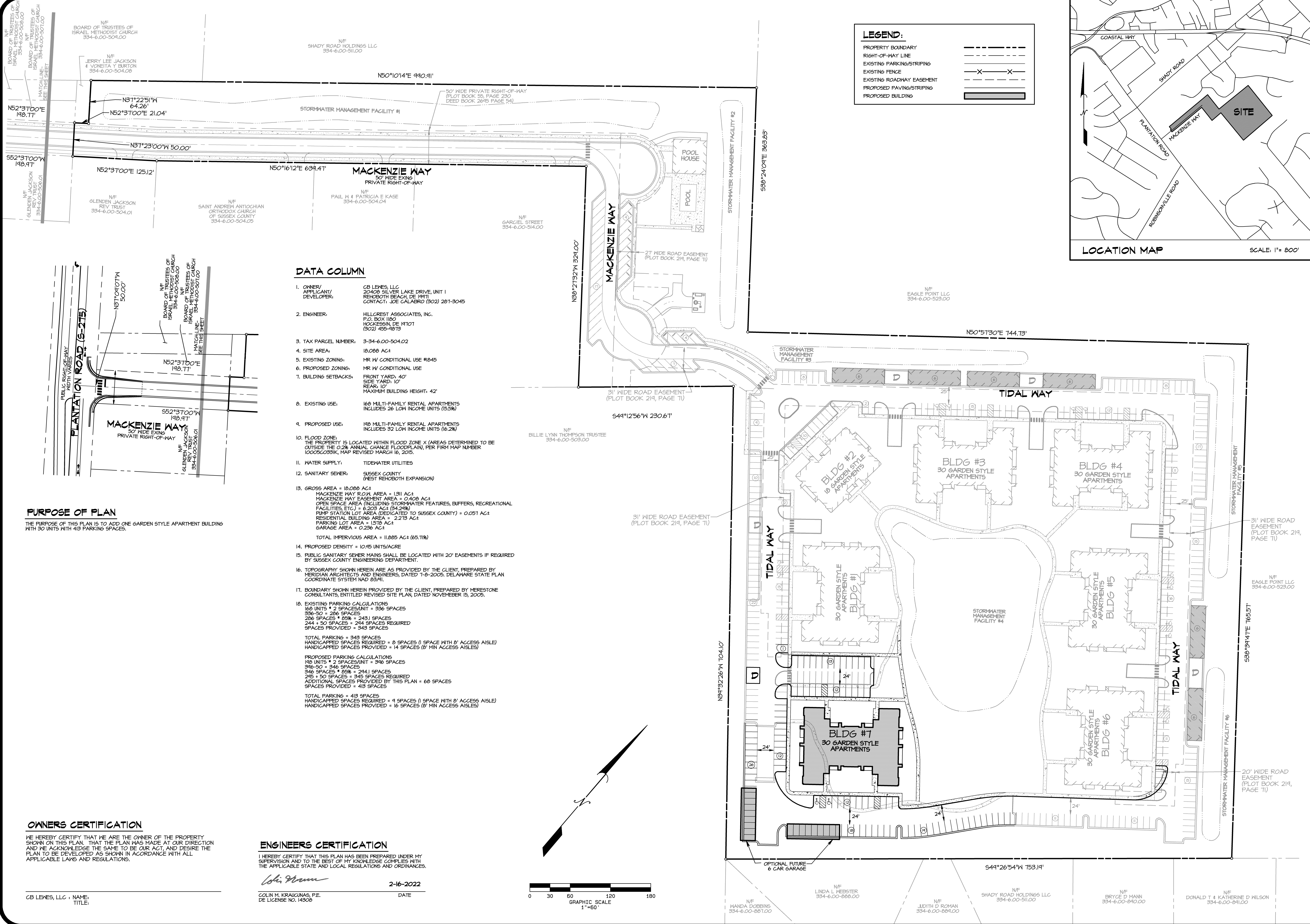
Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



DATA COLUMN

- OWNER/APPLICANT/DEVELOPER: CB LEMES, LLC, 20408 SILVER REHOBOTH BEACH, DE 19411, CONTACT: JOE CALABRO (302) 281-3045
- ENGINEER: HILLCREST ASSOCIATES, INC., P.O. BOX 1180, HOCKESSIN, DE 19107, (302) 455-4873
- TAX PARCEL NUMBER: 3-34-6.00-504.02
- SITE AREA: 18.088 AC±
- EXISTING ZONING: MR IV CONDITIONAL USE #1845
- PROPOSED ZONING: MR IV CONDITIONAL USE
- BUILDING SETBACKS: FRONT YARD: 40', SIDE YARD: 10', REAR: 10', MAXIMUM BUILDING HEIGHT: 42'
- EXISTING USE: 168 MULTI-FAMILY RENTAL APARTMENTS INCLUDES 26 LOW INCOME UNITS (15.5%)
- PROPOSED USE: 148 MULTI-FAMILY RENTAL APARTMENTS INCLUDES 32 LOW INCOME UNITS (16.2%)
- FLOOD ZONE: THE PROPERTY IS LOCATED WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP NUMBER 10005C0391K, MAP REVISED MARCH 16, 2015).
- WATER SUPPLY: TIDEWATER UTILITIES
- SANITARY SEWER: SUSSEX COUNTY (WEST REHOBOTH EXPANSION)
- GROSS AREA = 18.088 AC±: MACKENZIE WAY R.O.W. AREA = 1.311 AC±, MACKENZIE WAY EASEMENT AREA = 0.408 AC±, OPEN SPACE AREA (INCLUDING STORMWATER FEATURES, BUFFERS, RECREATIONAL FACILITIES, ETC.) = 6.209 AC± (34.28%), PUMP STATION LOT AREA (DEDICATED TO SUSSEX COUNTY) = 0.051 AC±, RESIDENTIAL BUILDING AREA = 2.278 AC±, PARKING LOT AREA = 1.578 AC±, GARAGE AREA = 0.236 AC±, TOTAL IMPERVIOUS AREA = 11.885 AC± (65.71%)
- PROPOSED DENSITY = 10.45 UNITS/ACRE
- PUBLIC SANITARY SEWER MAINS SHALL BE LOCATED WITH 20' EASEMENTS IF REQUIRED BY SUSSEX COUNTY ENGINEERING DEPARTMENT.
- TOPOGRAPHY SHOWN HEREIN ARE AS PROVIDED BY THE CLIENT, PREPARED BY MERIDIAN ARCHITECTS AND ENGINEERS, DATED 7-8-2005, DELAWARE STATE PLAN COORDINATE SYSTEM NAD 83/11.
- BOUNDARY SHOWN HEREIN PROVIDED BY THE CLIENT, PREPARED BY MERESTONE CONSULTANTS, ENTITLED REVISED SITE PLAN, DATED NOVEMBER 15, 2005.
- EXISTING PARKING CALCULATIONS: 168 UNITS * 2 SPACES/UNIT = 336 SPACES, 336-50 = 286 SPACES, 286 SPACES * 85% = 243.1 SPACES, 244 + 50 SPACES = 294.1 SPACES REQUIRED, SPACES PROVIDED = 343 SPACES, TOTAL PARKING = 343 SPACES, HANDICAPPED SPACES REQUIRED = 8 SPACES (1 SPACE WITH 8' ACCESS AISLE), HANDICAPPED SPACES PROVIDED = 14 SPACES (8' MIN ACCESS AISLES), PROPOSED PARKING CALCULATIONS: 148 UNITS * 2 SPACES/UNIT = 296 SPACES, 296-50 = 246 SPACES, 246 SPACES * 85% = 209.1 SPACES, 215 + 50 SPACES = 265.1 SPACES REQUIRED, ADDITIONAL SPACES PROVIDED BY THIS PLAN = 68 SPACES, SPACES PROVIDED = 413 SPACES, TOTAL PARKING = 413 SPACES, HANDICAPPED SPACES REQUIRED = 9 SPACES (1 SPACE WITH 8' ACCESS AISLE), HANDICAPPED SPACES PROVIDED = 16 SPACES (8' MIN ACCESS AISLES)

PURPOSE OF PLAN

THE PURPOSE OF THIS PLAN IS TO ADD ONE GARDEN STYLE APARTMENT BUILDING WITH 30 UNITS WITH 413 PARKING SPACES.

OWNERS CERTIFICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION AND WE ACKNOWLEDGE THE SAME TO BE OUR ACT, AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

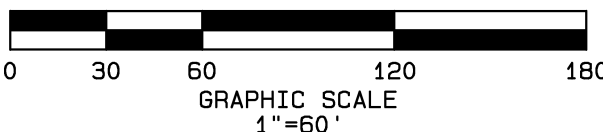
ENGINEERS CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.

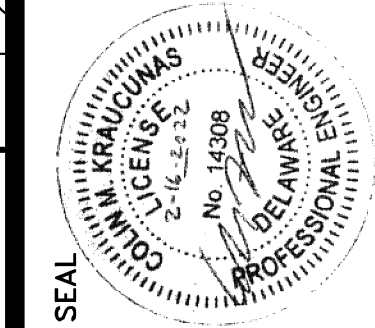
Colin M. Kraugas, P.E.

2-16-2022

DATE



CB LEMES, LLC : NAME: TITLE:

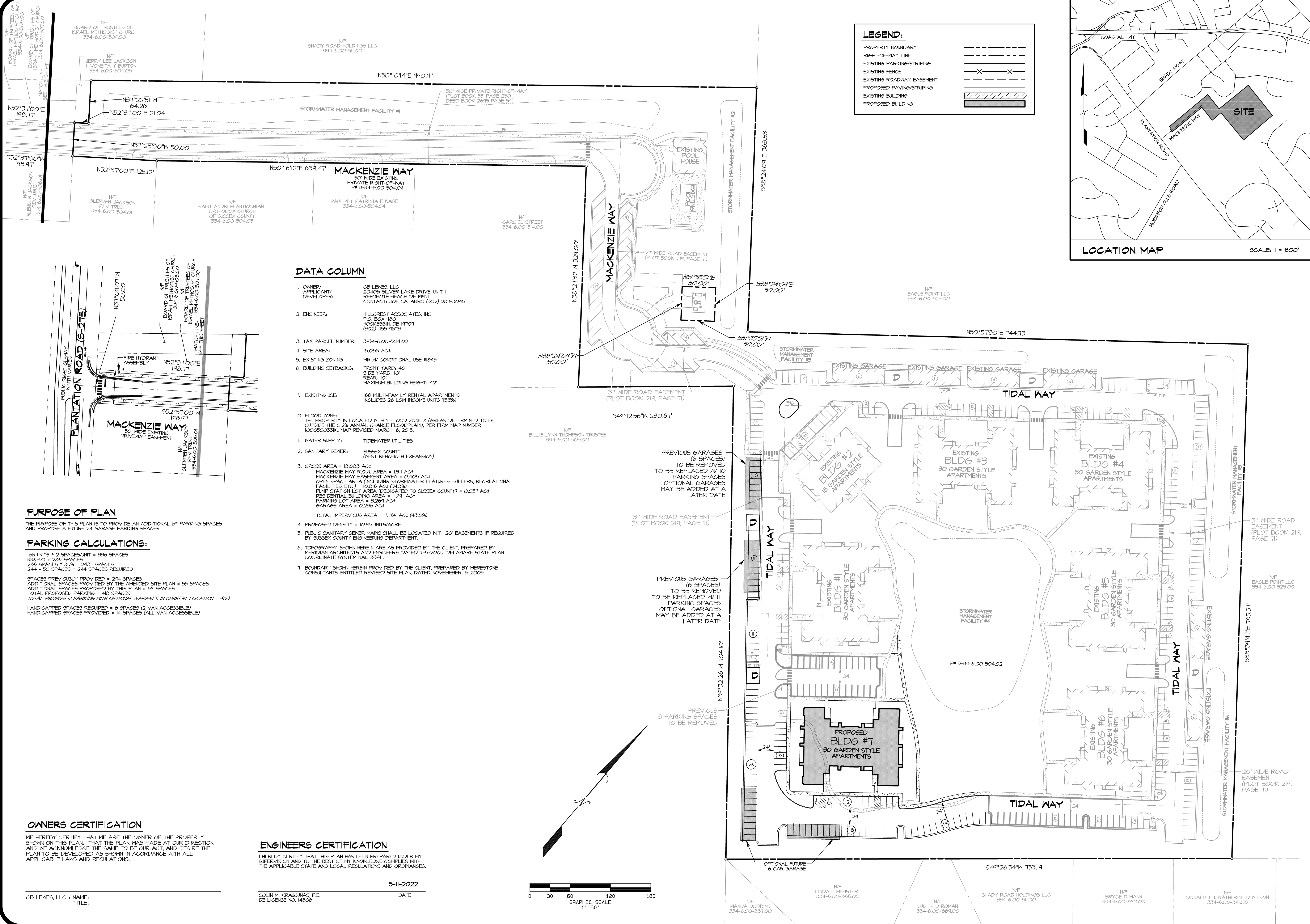


SEAL

CONDITIONAL USE PLAN
ARBORS OF COTTAGEDALE
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

DATE:	2-16-22	REVISION	DATE
DRAWN BY:	AH/RTN		
CHECKD. BY:	CHK		
PROJ. NO.:	4202		
SCALE:	1"=60'		
CAD FILE NAME:	4202BD3PRO		

DWG. NO.



HILLCREST ASSOCIATES

ARCHITECTURE • ENGINEERING • LAND PLANNING

SURVEYING
P.O. BOX 1180
HOCKESSIN, DE 19077
PH: 610.274.8613
FAX: 610.274.0597

SEAL

CONDITIONAL USE PLAN

COASTAL TIDE (fka ARBORS OF COTTAGEDALE)

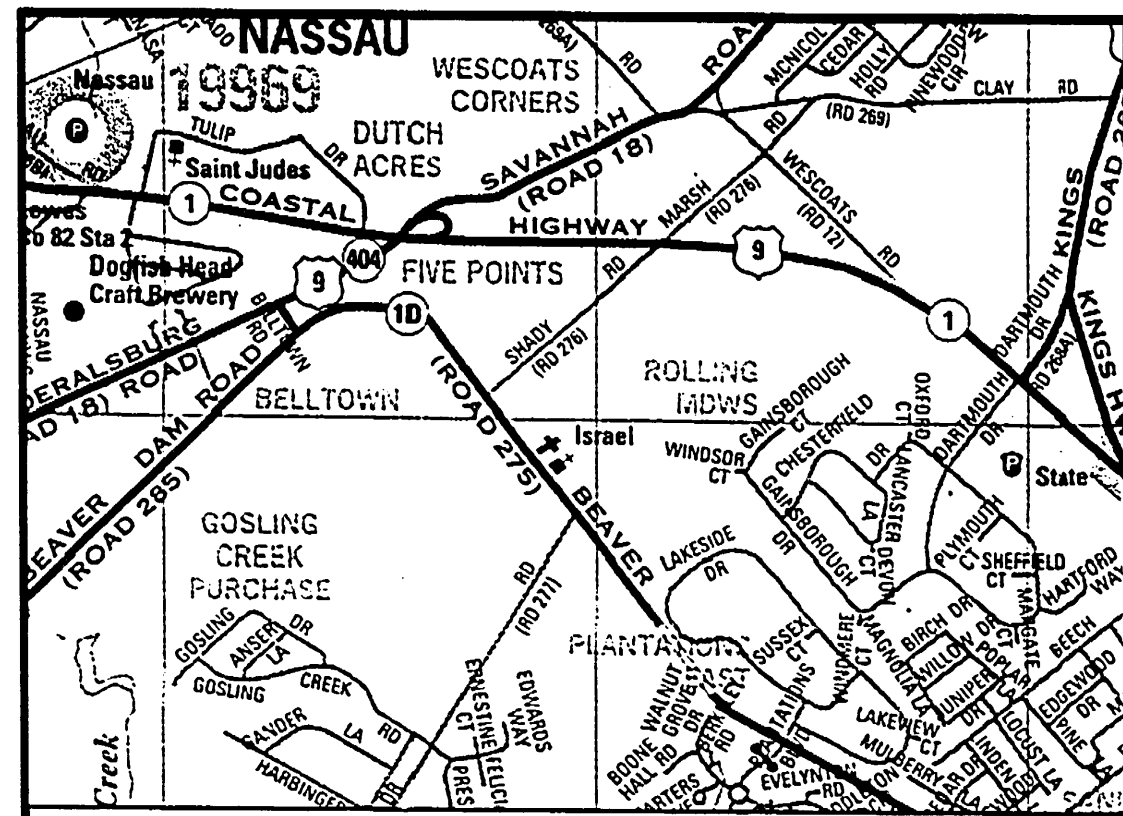
LEWES AND REHOBOTH HUNDRED

SUSSEX COUNTY, DELAWARE

DATE:	2-16-22	REVISION	REV. PARING LAYOUT	RTH
DRAWN BY:	AH/RTN			
CHECKD. BY:	CHK			
PROJ. NO.:	4202			
SCALE:	1"=60'			
CAD FILE NAME:	4202BD3PRO			

DWG. NO.

1 of 1



VICINITY MAP
SCALE: 1" = 1200'

PARCEL	LAND USE CODES	PLANNING & ZONING DESCRIPTION
504.03	RESIDENTIAL TRAILER ON PROPERTY	A AGRICULTURAL
511.00	RESIDENTIAL VACANT LOT	A AGRICULTURAL
511.02	RESIDENTIAL TRAILER ON PROPERTY	A AGRICULTURAL
511.03	RESIDENTIAL TRAILER ON PROPERTY	A AGRICULTURAL
511.04	RESIDENTIAL VACANT LOT	A AGRICULTURAL
516	RESIDENTIAL SINGLE	A AGRICULTURAL
517	RESIDENTIAL SINGLE	A AGRICULTURAL
523	FARM	A AGRICULTURAL/RESIDENTIAL
523.01	RESIDENTIAL SINGLE	DA GENERAL BUSINESS/RESIDENTIAL
523.02	RESIDENTIAL SINGLE	AD AC /RESIDENTIAL/GENERAL
523.03	RESIDENTIAL SINGLE	DA GENERAL BUSINESS/AG. RESID.
523.04	RESIDENTIAL VACANT LOT	D GENERAL BUSINESS
523.05	RESIDENTIAL SINGLE	D GENERAL BUSINESS
523.06	MISCELLANEOUS EXEMPT	DA GENERAL BUSINESS/AG. RESID.
523.07	RESIDENTIAL VACANT LOT	D GENERAL BUSINESS
524	RESIDENTIAL SINGLE	D GENERAL BUSINESS
524.01	RESIDENTIAL SINGLE	D GENERAL BUSINESS
525	COMMERCIAL (FC)	D GENERAL BUSINESS/RESIDENTIAL
526		DR

ZONING MAP
SCALE: NOT TO SCALE

DATA COLUMN

MAP & PARCEL NUMBER: 3-34-6-523.00, 523.02, 523.03, & 523.06

DEED REFERENCES: 218/0425
NO TITLE REPORT FURNISHED

EXISTING ZONING: AGRICULTURAL

ALTA/ACSM SURVEY CLASSIFICATION: URBAN

OWNER: DALLAS TROY WRIGHT
17233 SHADY ROAD
NEWARK, DELAWARE 19702
(302) 737-3401

EQUITABLE OWNER: EAGLE POINT, L.L.C.
2244 SUNSET LAKE ROAD
NEWARK, DELAWARE 19702
(302) 737-3401

PREPARED BY: DAVIS, BOWEN & FRIEDEL, INC.
23 NORTH WALNUT STREET
MILFORD, DE 19963
(302) 424-1441

SITE AREA: 16.9760± ACRES
OPEN AREA: 9.6201± ACRES
IMPERVIOUS AREA (BUILDINGS): 3.3923± ACRES
IMPERVIOUS AREA (STREETS & DRIVEWAYS): 3.2399± ACRES
IMPERVIOUS AREA (SIDEWALKS): 0.7279± ACRES
IMPERVIOUS AREA (TOTAL): 7.3599± ACRES

TOTAL PARKING: 79 STD. PARKING
68 GARAGES / 1 PER
68 GARAGES / 1 PER
SPACES REQUIRED: 204
TOTAL SPACES PROVIDED: 215

UTILITIES:
TIDWATER UTILITIES (WATER)
SUSSEX COUNTY (SEWER)

SETBACK REQUIREMENTS:
ROAD FRONT SETBACK: 40'
SIDE SETBACK: 15'
REAR SETBACK: 20'

MAX. BUILDING HEIGHT: 42'
PROPOSED BUILDING HEIGHT: 32' ±

BUILDING SQUARE FOOTAGE: 3844± S.F. / PER UNIT (APPROXIMATE)

BUILDING COVERAGE: 7%
NO. OF PROPOSED UNITS: 68

PROPOSED BUILDINGS WILL NOT BE PROTECTED BY AUTOMATIC SPRINKLER SYSTEM.

TYPE OF CONSTRUCTION: WOOD/CONCRETE BLOCK

ALL FIRE LINES, FIRE HYDRANTS, EXITS AND STAIRWELLS WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.

THE PROPERTY LIES WITHIN ZONE X FLOOD PLAIN: AS DETERMINED BY FLOOD MAP NO. FIRM 1000503335 F, DATED JUNE 16, 1995.

THE SITE AS SHOWN HEREON DOES NOT CONTAIN STATE OR FEDERALLY REGULATED SECTION 10 WETLANDS, BASED ON RYM AND DNRCC WETLAND MAPS.

EAGLE POINT DRIVE SHALL BE DEDICATED TO PUBLIC USE AND MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREET BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00	23.34	23.13	N 52°44'34" W	28°44'52"	C30	75.00	57.53	56.13	S 16°42'52" E	43°27'07"
C2	52.00	228.78	84.10	N 59°50'23" E	25°04'47"	C31	125.00	43.63	43.39	S 49°31'22" E	20°55'24"
C3	75.00	32.71	30.29	S 30°04'57" E	7°04'47"	C32	115.00	42.00	41.76	N 49°31'22" W	20°55'24"
C4	100.00	46.68	46.26	S 52°44'34" E	28°44'52"	C33	25.00	38.97	38.14	N 84°01'32" W	8°18'49"
C5	125.00	64.52	63.81	N 25°53'40" W	29°34'33"						
C6	25.00	34.32	31.89	N 48°53'07" E	7°04'47"						
C7	275.00	67.35	67.18	S 88°15'13" W	14°01'55"						
C8	325.00	79.99	79.39	N 88°15'13" E	14°01'55"						
C9	25.00	40.84	38.77	N 50°18'10" E	5°00'00"						
C10	125.00	49.05	48.75	N 16°30'51" E	22°09'22"						
C11	125.00	10.00	10.00	N 30°03'09" E	04°35'06"						
C12	125.00	41.73	41.53	N 41°54'28" E	19°02'36"						
C13	125.00	131.22	125.29	N 81°32'40" E	8°08'51"						
C14	125.00	65.07	64.34	S 53°28'10" E	29°49'30"						
C15	50.00	44.19	42.77	S 63°53'33" E	50°38'16"						
C16	25.00	31.20	30.59	N 54°13'39" E	7°04'47"						
C17	150.00	84.58	83.47	N 33°48'14" E	32°18'51"						
C18	125.00	143.71	135.92	N 82°53'37" E	8°52'15"						
C19	25.00	32.71	30.29	N 79°41'21" E	7°04'47"						
C20	52.00	228.78	84.10	N 10°12'39" W	25°04'47"						
C21	75.00	86.22	81.35	S 82°53'37" W	6°52'15"						
C22	100.00	109.89	104.45	S 18°28'35" W	6°24'48"						
C23	100.00	111.07	105.45	S 18°48'46" W	6°38'11"						
C24	50.00	55.53	52.72	N 18°48'46" E	6°38'11"						
C25	25.00	34.32	32.08	N 51°08'00" E	7°04'47"						
C26	100.00	88.38	85.53	N 63°52'33" W	50°38'16"						
C27	75.00	39.04	38.60	N 53°28'10" W	29°49'30"						
C28	75.00	75.17	75.17	S 81°32'40" W	8°08'51"						
C29	75.00	60.48	58.85	S 28°22'12" W	46°12'04"						

LINE	BEARING	DISTANCE
L1	S 39°22'08" E	9.58'
L2	N 51°19'03" E	10.00'
L3	S 39°22'08" E	13.86'
L4	N 39°22'08" W	13.26'
L5	N 50°12'23" E	14.42'
L6	N 38°29'44" W	10.00'
L7	S 38°29'44" E	10.00'
L8	N 50°12'23" E	12.89'
L9	S 39°22'08" E	10.00'
L10	S 39°03'40" E	20.57'
L11	N 50°56'20" E	39.70'
L12	S 38°40'57" E	31.00'
L13	N 38°40'57" W	31.00'
L14	N 50°56'20" E	21.30'
L15	N 39°03'40" W	20.57'
L16	N 59°59'04" W	10.91'
L17	N 50°56'20" E	10.00'
L18	S 51°23'15" W	13.69'
L19	N 51°23'15" E	10.98'

LEGEND

- CONCRETE MONUMENT FOUND (5 EXISTING)
- IRON PIPE FOUND (7 EXISTING)
- PKF FOUND IN CONCRETE (1 EXISTING)
- PROPOSED MONUMENT (10 PROPOSED)

LAND AREAS	ACRES
SITE AREA:	16.9760±
ROAD AREA:	4.4824±
GRAVE AREA:	0.0562±
UTILITY EASEMENT AREA:	0.0173±
WALKING EASEMENT AREA:	0.8968±
PARCEL 'A' AREA:	2.1181±
PARCEL 'B' AREA:	2.5855±
PARCEL 'C' AREA:	1.4010±
PARCEL 'D' AREA:	4.4778±
PARCEL 'E' AREA:	0.9015±

SURVEYOR'S STATEMENT

I, Barry M. Hall, hereby state that I am a registered surveyor in the State of Delaware, that the information shown herein has been prepared under my supervision and to my best knowledge and belief represents good surveying practices as required by the applicable laws of the State of Delaware.

DAVIS, BOWEN & FRIEDEL, INC.
by Barry M. Hall, AGENT

Barry M. Hall
PROFESSIONAL LAND SURVEYOR, DE NO. 618

DATE: 12-09-02

DATE: 12/4/02

OWNERS CERTIFICATION

WE, DALLAS TROY WRIGHT AND KANDI M. WRIGHT, CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THAT THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE: Dallas Troy Wright DATE: 12/6/02

SIGNATURE: Kandi M. Wright DATE: 12/4/02

KANDI M. WRIGHT

EQUITABLE OWNERS CERTIFICATION

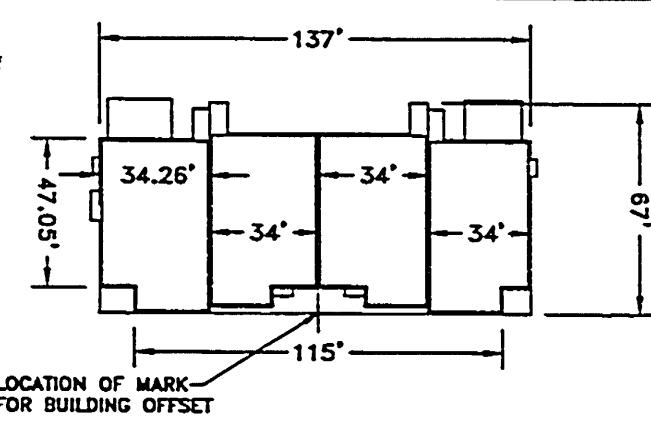
I, MARIO C. CAPANO, REPRESENTATIVE OF EAGLE POINT L.L.C., CERTIFY THAT EAGLE POINT L.L.C. IS THE EQUITABLE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THAT THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

DATE: DEC. 0.6.2002

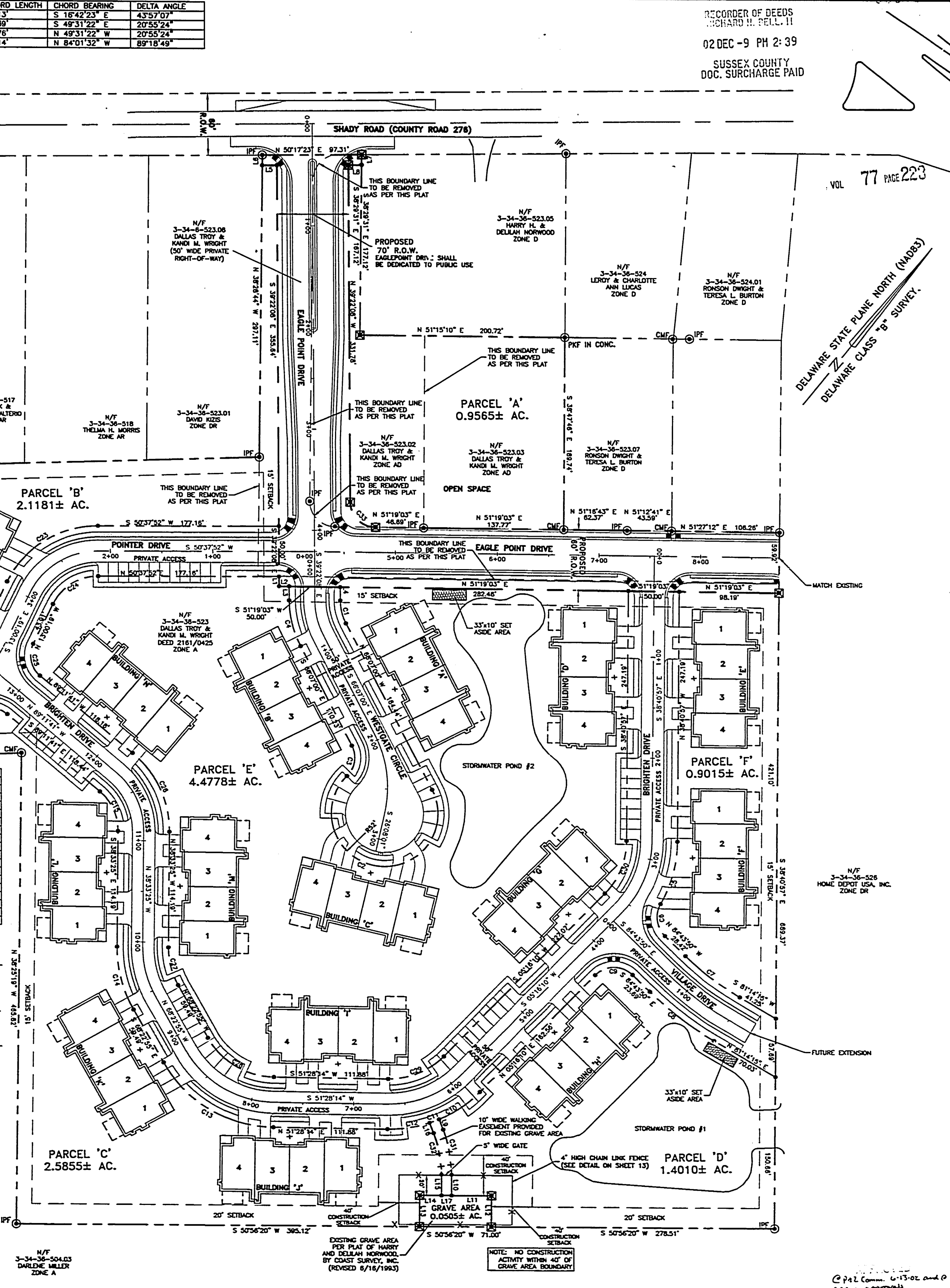
TITLE: MARIO C. CAPANO, (AUTHORIZED MEMBER)

(302) 737-3401

(302) 737-2854-FAX



TYPICAL 4 UNIT FOUNDATION PLAN
NO SCALE



ACS GOVERNMENT SERVICES

THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION.

COPYRIGHT © 2002

RECORDED OF DEEDS
RECORDED BY: RICHARD H. PELL, II
02 DEC -9 PM 2:39
SUSSEX COUNTY
DOC. SURCHARGE PAID

VOL 77 PAGE 223

DELAWARE STATE PLANE NORTH (MDR35)
DELAWARE CLASS "B" SURVEY.

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-8091
MILFORD, DELAWARE (302) 424-1441

dbf

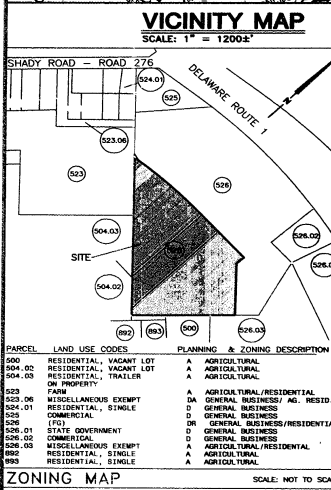
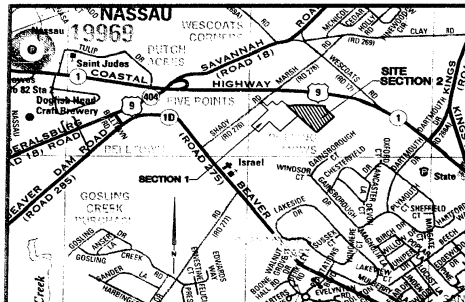
RECORD PLAN

**EAGLE POINT (SECTION 1)
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE**

REVISION:
DATE: 9/15/02
COMMENTS: 10/15/02
DATE: 10/15/02
COMMENTS: 10/15/02
DATE: 10/15/02
COMMENTS: 10/15/02
DATE: 10/15/02
COMMENTS: 10/15/02

Date: MAY 2002
Scale: 1"=60'
Dwn. By: D. STUMP
Proj. No.: 1031A001B
Dwg. No.:

R-1



DATA COLUMN

MAP & PARCEL NUMBER: 3-34-6-528, (C)
 DEED REFERENCE: 2647/289 LOT 1 C OF PLAT 78/171
 EXISTING ZONING: AR-1
 ALTA/ACSM SURVEY CLASSIFICATION: URBAN
 OWNER: EAGLE POINT II, L.L.C.
 2044 SUNSET LAKE ROAD
 NEWARK, DELAWARE 19702
 (302) 737-3401
 PREPARED BY: DAVIS, BOWEN & FRIEDEL, INC.
 22 NORTH WALNUT STREET
 MILFORD, DE 19963
 (302) 424-1411
 UTILITY: TIDEWATER UTILITIES, INC.
 603 MAIN STREET
 P.O. BOX 1000
 OCESSA, DE 19730-1000
 (302) 578-1000
 SITE AREA: 13.08 ACRES
 OPEN AREA: 1.38 ACRES
 UTILITY EASEMENT (ELEVATED STORAGE TANK): 0.056 ACRES
 IMPERVIOUS AREA (BUILDINGS): 3.746 ACRES
 IMPERVIOUS AREA (STREETS): 2.119 ACRES
 IMPERVIOUS AREA (TOTAL): 4.865 ACRES
 VERTICAL DATUM: N.A.S.D. 1928, BASED ON 9-27, ELEV. = 24.64'
 TOTAL PARKING: 53 STD. PARKING
 52 UNITS / 1 PER
 52 GARAGES / 1 PER
 SPACES REQUIRED: 156
 TOTAL SPACES PROVIDED: 157
 UTILITIES:
 TIDEWATER UTILITIES (WATER)
 SUSSEX COUNTY (SEWER)
 SETBACK REQUIREMENTS:
 FRONT SETBACK: 40'
 SIDE SETBACK: 15'
 REAR SETBACK: 20'
 MAX. BUILDING HEIGHT: 42' 8"
 PROPOSED BUILDING HEIGHT: 32' 8"
 BUILDING SQUARE FOOTAGE: 38448 S.F. / PER UNIT
 BUILDING COVERAGE: 31%
 NO. OF PROPOSED UNITS: 52
 PROPOSED BUILDINGS ARE NOT REQUIRED TO BE PROTECTED BY AUTOMATIC SPRINKLER SYSTEM.
 TYPE OF CONSTRUCTION: WOOD/CONCRETE BLOCK
 ALL FIRE LANCES, FIRE HYDRANTS, EXITS AND STAIRWAYS WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
 THE PROPERTY LIES WITHIN ZONE X FLOOD PLANE AS DETERMINED BY FLOOD MAP NO. 17M 1000033S.F. DATED JUNE 15, 1995.
 THE SITE AS SHOWN HEREON DOES NOT CONTAIN STATE OR FEDERALLY REGULATED SECTION 10 WETLANDS, BASED ON RWT AND DNRCC WETLAND MAPS.
 PERPETUAL MAINTENANCE OF STORMWATER FACILITIES SHALL BE THE RESPONSIBILITY OF THE EAGLE POINT CONDOMINIUM ASSOCIATION.
 VEGETATION MUST BE MAINTAINED AT A HEIGHT OF 3 INCHES OR GREATER.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	335.00	98.41	126.08	N 80°24'43" E	172°02'59"
C2	1025.00	126.16	126.08	S 77°50'11" E	07°03'08"
C3	25.00	31.69	29.61	N 69°19'48" E	72°37'13"
C4	52.00	229.27	43.81	S 20°40'14" E	252°37'13"
C5	875.00	120.01	119.93	N 77°50'11" E	07°03'08"
C6	25.00	31.69	29.61	S 53°35'13" W	80°00'00"
C7	125.00	180.96	185.57	S 32°53'11" E	82°59'52"
C8	25.00	31.69	29.61	N 69°19'48" E	72°37'13"
C9	52.00	229.27	43.81	S 20°40'14" E	252°37'13"
C10	175.00	275.35	43.81	N 32°53'11" E	82°59'52"
C11	25.00	31.69	29.61	N 32°24'45" W	80°00'00"
C12	22.00	83.27	83.27	S 89°58'53" E	172°02'59"
C13	22.00	129.88	103.89	S 89°58'53" E	172°02'59"
C14	52.00	21.71	21.68	S 38°50'59" W	238°28'28"
C15	25.00	49.70	47.83	N 78°11'10" E	242°31'11"
C16	52.00	189.87	190.64	S 42°29'31" E	209°17'40"
C17	25.00	31.69	29.61	S 32°53'11" E	82°59'52"
C18	52.00	21.10	20.08	N 60°59'13" W	231°15'11"
C19	115.00	10.01	10.00	S 39°58'53" E	04°59'58"
C20	115.00	10.01	10.00	S 39°58'53" E	04°59'58"
C21	115.00	25.04	24.99	S 68°39'43" E	12°28'35"

REGISTERED ENGINEER STATEMENT

I, RANDY DUFLECHAIN, HEREBY CERTIFY 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.

DATE: 9/10/03
 TITLE: Principal
 SIGNATURE: [Signature]



OWNERS CERTIFICATION

I, FRANK J. CAPANO, JR., REPRESENTATIVE OF EAGLE POINT II, L.L.C., CERTIFY THAT EAGLE POINT II, L.L.C. IS THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THAT THE SAME TO BE MY OWN AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

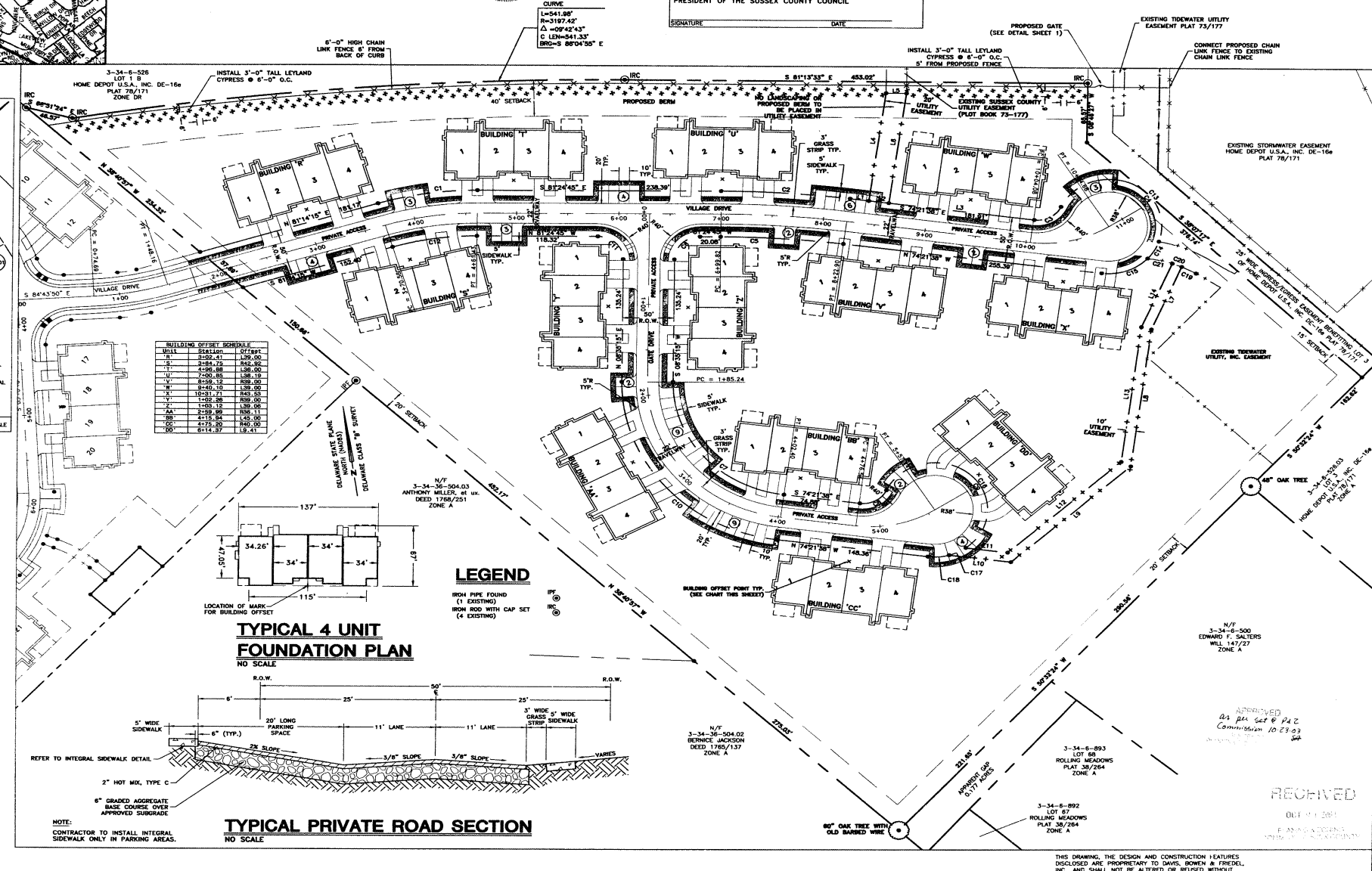
DATE: [Blank]
 TITLE: FRANK J. CAPANO, JR. (PRESIDENT)
 (302) 737-3401
 (302) 737-2884-FAX
 SIGNATURE: [Signature]

CHAIRMAN OR SECRETARY OF THE COMMISSION
 SIGNATURE: [Blank]
 DATE: [Blank]
 PRESIDENT OF THE SUSSEX COUNTY COUNCIL
 SIGNATURE: [Blank]
 DATE: [Blank]

CURVE DATA

LINE	BEARING	DISTANCE
L1	N 74°21'58" W	18.35'
L2	S 74°21'58" E	18.94'
L3	N 74°21'58" W	143.56'
L4	S 160°50'50" W	118.96'
L5	S 81°13'53" E	26.00'
L6	S 160°50'50" W	122.37'
L7	S 31°16'45" W	75.24'
L8	N 16°37'29" E	155.55'
L9	N 58°19'07" E	19.43'
L10	S 74°21'58" E	61.38'
L11	S 74°21'58" E	1.58'
L12	N 58°19'07" E	149.13'
L13	N 16°37'29" E	150.21'
L14	S 31°16'45" E	76.00'

Vol. 82 Page 149



DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS
 SALESBRURY, MARYLAND (410) 443-9281
 MILFORD, DELAWARE (302) 424-1441

EAGLE POINT (SECTION II)
 LEWES AND REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

RECORD PLAN

REVISIONS:
 04/18/03 AGENCY COMMENTS
 04/23/03 PLANNING
 05/23/03 PLANNING
 07/29/03 PLANNING

Date: APRIL 2003
 Scale: 1"=50'
 Drawn By: TFS/JUS
 Proj. No.: 101-A0028
 Drawn By: [Blank]

R-1

GENERAL LANDSCAPE NOTES

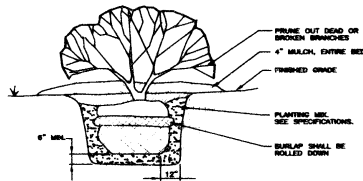
1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
2. CONTRACTOR SHALL BE RESPONSIBLE TO GUARANTEE ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER INSTALLATION IS COMPLETE AND FINAL ACCEPTANCE OF SITE WORK HAS BEEN GIVEN. IF THE END OF ONE YEAR ALL PLANT MATERIAL WHICH IS DEAD OR DYING SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE AS ORIGINALLY SPECIFIED.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
4. NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.
5. ALL AREAS NOT STABILIZED IN PLANTING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)
6. EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
7. ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.
8. THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF BARK MULCH PER SPECIFICATIONS.
9. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.
10. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.
11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.
12. ALL AREAS BEHIND UTILITY BOXES WILL BE LANDSCAPED USING EVERGREEN SHRUBS OF SUFFICIENT HEIGHT AND SPREAD AT THE TIME OF PLANTING TO SCREEN THEM FROM VIEW.
13. LANDSCAPE BEDS NOT DEFINED BY CURBS, SIDEWALKS, WALLS OR OTHER STRUCTURES SHALL BE ENCLOSED BY ALUMINUM EDGING UNLESS OTHERWISE INDICATED. (SEE LANDSCAPE PLAN)

LANDSCAPE PLANT SCHEDULE

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
AR	1	ASER rubrum "OCTOBER GLORY"	OCTOBER GLORY RED MAPLE	1 3/4"-2" Cal. Ball	1
FP	2	FRAXINUS pennsylvanicus "TOURNAMENT"	SEASIDE ASH	1 3/4"-2" Cal. Ball	3
TS	3	TILIA cordata "TIDEBRIDGE"	GREENSHIRE LINDEN	1 3/4"-2" Cal. Ball	4
CL	4	CUPRESSOCYPRUS leylandii	LEYLAND CYPRESS	3" H. Ball	164
TS	5	TRIFOLIUM monardella	CANADIAN REDBUD	5-6" H.	12

SHRUB PLANTING DETAIL

NOT TO SCALE



LANDSCAPE PLANT SCHEDULE

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
AR	1	ASER rubrum "OCTOBER GLORY"	OCTOBER GLORY RED MAPLE	1 3/4"-2" Cal. Ball	1
FP	2	FRAXINUS pennsylvanicus "TOURNAMENT"	SEASIDE ASH	1 3/4"-2" Cal. Ball	3
TS	3	TILIA cordata "TIDEBRIDGE"	GREENSHIRE LINDEN	1 3/4"-2" Cal. Ball	4
CL	4	CUPRESSOCYPRUS leylandii	LEYLAND CYPRESS	3" H. Ball	164
TS	5	TRIFOLIUM monardella	CANADIAN REDBUD	5-6" H.	12

LANDSCAPE ARCHITECT'S CERTIFICATION

I, GORDON B. HEAD, HEREBY CERTIFY THAT I AM A REGISTERED LANDSCAPE ARCHITECT 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 ARCHITECTURAL PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

Gordon B. Head
GORDON B. HEAD
REGISTERED LANDSCAPE ARCHITECT
9/27/03
DATE

ACS GOVERNMENT SERVICES

THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES, SPECIFICATIONS AND PRELIMINARY DATA, DRAWINGS, AND NOTES, SHALL NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN PERMISSION.

EAGLE POINT (SECTION II) LEWES AND REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

DATE: APRIL 2003
SCALE: 1"=50'
DESIGN: TBS/DJS
PROJECT: 1031A0008
SHEET: 13

DATE: APRIL 2003
SCALE: 1"=50'
DESIGN: TBS/DJS
PROJECT: 1031A0008
SHEET: 13

DATE: APRIL 2003
SCALE: 1"=50'
DESIGN: TBS/DJS
PROJECT: 1031A0008
SHEET: 13

DATE: APRIL 2003
SCALE: 1"=50'
DESIGN: TBS/DJS
PROJECT: 1031A0008
SHEET: 13

DATE: APRIL 2003
SCALE: 1"=50'
DESIGN: TBS/DJS
PROJECT: 1031A0008
SHEET: 13

DATE: APRIL 2003
SCALE: 1"=50'
DESIGN: TBS/DJS
PROJECT: 1031A0008
SHEET: 13

DATE: APRIL 2003
SCALE: 1"=50'
DESIGN: TBS/DJS
PROJECT: 1031A0008
SHEET: 13

DATE: APRIL 2003
SCALE: 1"=50'
DESIGN: TBS/DJS
PROJECT: 1031A0008
SHEET: 13

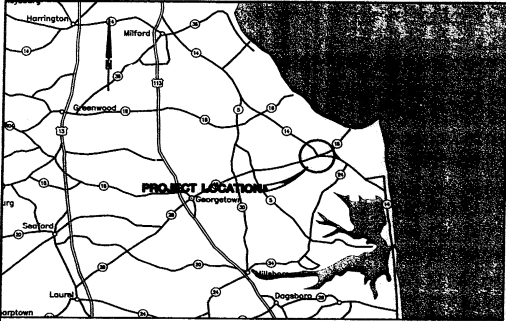
DATE: APRIL 2003
SCALE: 1"=50'
DESIGN: TBS/DJS
PROJECT: 1031A0008
SHEET: 13

DATE: APRIL 2003
SCALE: 1"=50'
DESIGN: TBS/DJS
PROJECT: 1031A0008
SHEET: 13

DATE: APRIL 2003
SCALE: 1"=50'
DESIGN: TBS/DJS
PROJECT: 1031A0008
SHEET: 13

DATE: APRIL 2003
SCALE: 1"=50'
DESIGN: TBS/DJS
PROJECT: 1031A0008
SHEET: 13

DATE: APRIL 2003
SCALE: 1"=50'
DESIGN: TBS/DJS
PROJECT: 1031A0008
SHEET: 13



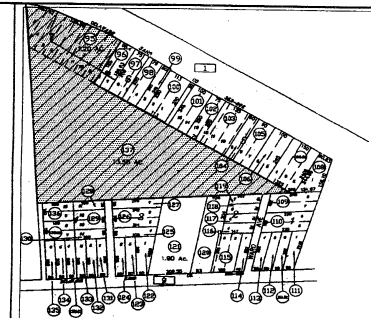
VICINITY MAP 1" = 5.83 MILES

SANDBAR VILLAGE AT NASSAU BRIDGE

LEWES & REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

PROJECT NO. 1168A009
SEPTEMBER, 2004

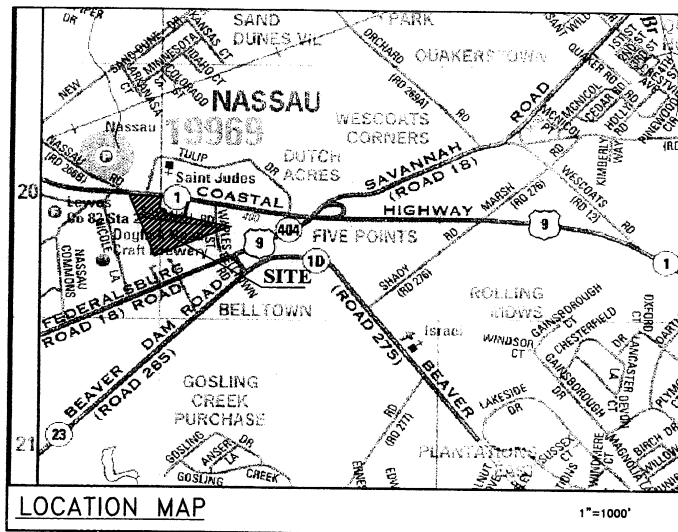
VOL 94 PAGE 14



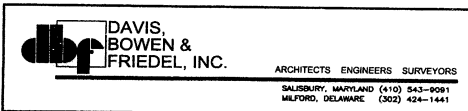
TAX MAP 3-34-5 PARCELS 95 & 137

GENERAL NOTES

- CONTRACTOR SHALL NOTIFY "MISS UTILITY" AT (1-800-282-8855) AT LEAST (3) WORKING DAYS PRIOR TO EXCAVATION, TO HAVE EXISTING UNDERGROUND UTILITIES LOCATED AND MARKED.
- ALL MATERIALS & WORKMANSHIP SHALL MEET THE STATE OF DELAWARE STANDARDS & SPECIFICATIONS.
- ALL STREETS, DRIVEWAYS, PARKING LOTS, AND TRAVEL WAYS WITHIN THE SITE ARE PRIVATELY OWNED AND SHALL BE MAINTAINED BY THE SANDBAR VILLAGE MAINTENANCE ASSOCIATION. ALL STORMWATER MANAGEMENT DEVICES SHALL BE MAINTAINED BY THE SANDBAR VILLAGE MAINTENANCE ASSOCIATION FOR THE LIFE OF THIS FACILITY.
- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL APPRISE AND COORDINATE DURING ALL PHASES OF CONSTRUCTION:
SUSSEX COUNTY ENGINEERING DEPARTMENT 302-855-7718 DEL D.O.T. 302-853-1342
DAVIS, BOWEN & FRIEDEL, INC. 410-543-9091 TIDEWATER UTILITIES 800-523-7224
SUSSEX CONSERVATION DISTRICT 302-856-2105
- CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ALL PROPOSED UTILITIES ARE TO BE CONSTRUCTED WITHIN THE ROADWAY OR EASEMENT RIGHT-OF-WAY. ANY DISTURBED AREAS BEYOND THE EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.
- BOUNDARY INFORMATION PROVIDED BY SIMPLER SURVEYING & ASSOC., OCTOBER, 1998. TOPOGRAPHIC SURVEY BY DAVIS, BOWEN & FRIEDEL, INC., APRIL, 2004. WETLANDS INVESTIGATION BY ENVIRONMENTAL RESOURCES, INC., DECEMBER, 2003. VERTICAL DATUM IS NAVD 88 BASED ON NOS BENCH MARK "GPS 55", ELEV. 39.32.
- EXISTING UNDERGROUND UTILITIES SHOWN ON THE PLANS ARE BASED UPON THE BEST AVAILABLE INFORMATION AND ARE SHOWN FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. NO GUARANTEE IS MADE OR IMPLIED REGARDING THE ACCURACY OR COMPLETENESS THEREOF. CONTRACTOR IS RESPONSIBLE FOR THE VERIFICATION OF DEPTH, SIZE AND MATERIAL OF ALL UNDERGROUND UTILITIES TO HIS OWN SATISFACTION BEFORE BEGINNING ANY EXCAVATION OR UTILITY INSTALLATION. THE OWNER AND ENGINEER DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF SAID INFORMATION. IF THE CONTRACTOR RELIES ON SAID INFORMATION, HE DOES SO AT HIS OWN RISK. THE GIVING OF INFORMATION ON THE PLANS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATIONS TO SUPPORT AND PROTECT ALL SHOWN OR NOT SHOWN EXISTING UTILITIES AND APPURTENANCES. SHOULD ANY EXISTING UTILITIES BE DAMAGED BY THE CONTRACTOR, THE CONTRACTOR SHALL REPAIR THE DAMAGE CAUSED TO THE UTILITY OWNER'S SATISFACTION, AT THE CONTRACTOR'S EXPENSE.
- DRAWINGS DO NOT INCLUDE THE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE PERFORMED IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED, AND ALL RULES AND REGULATIONS THEREOF APPURTENANT.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF TRAFFIC IN ALL WORK AREAS.
- ROUGH GRADING SHALL BE COMPLETE PRIOR TO THE CONSTRUCTION OF WATER & SEWER SYSTEMS.
- USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACKFILLING TRENCHES.
- CONTRACTOR SHALL ADJUST TO FINISH GRADE AS NECESSARY ANY VALVE BOXES, MANHOLES, CATCH BASINS, ETC., PRIOR TO PLACING PAVING.
- CONTRACTOR SHALL PROVIDE STAKEOUT NECESSARY FOR THE INSTALLATION OF UTILITIES, STORM DRAINS, PAVING AND ALL OTHER SITE WORK INCLUDED IN THESE PLANS. ALL STAKEOUT WORK IS TO BE PERFORMED UNDER THE DIRECT SUPERVISION OF A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE.
- CONTRACTOR TO MAINTAIN MINIMUM OF 3.5 FEET OF COVER OVER ALL NEW WATER LINES AS MEASURED FROM TOP OF PIPE TO FINISHED GRADE, UNLESS OTHERWISE NOTED.
- SEWER LINES SHALL HAVE MINIMUM VERTICAL CLEARANCE OF 18 INCHES FROM WATER MAINS AT CROSSINGS. MAINTAIN A 10 FOOT MINIMUM PLAN SEPARATION BETWEEN SEWER AND WATER MAINS. SEWER LINES SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 12 INCHES FROM OTHER UTILITIES. IF THESE CLEARANCES CANNOT BE MAINTAINED, THEN PROVISIONS FOR PROPERLY ENCASED THE PIPE IN CONCRETE MUST BE PROVIDED.
- CONTRACTOR SHALL TOPSOIL, SEED AND MULCH ALL UNPAVED AREAS DISTURBED DURING CONSTRUCTION, ACCORDING TO THE EROSION AND SEDIMENT CONTROL NOTES.
- ALL GRAVITY SEWER PIPES SHALL BE PVC SDR 35. FOR PIPE SLOPES SEE SANITARY SEWER PROFILES.
- ALL SEWER LINES MUST BE SUCCESSFULLY TESTED, PRIOR TO FINAL ACCEPTANCE.
- ALL SANITARY SEWER SYSTEM CONSTRUCTION PERFORMED SHALL BE IN ACCORDANCE WITH SUSSEX COUNTY ORDINANCE 38, THESE PLANS AND ALL APPLICABLE CONSTRUCTION PERMITS.
- ALL DROP MANHOLES TO BE 5'-0" IN DIAMETER.
- FITTINGS SHOWN ON THE PLANS ILLUSTRATE ANTICIPATED ANGLE OF DEFLECTION. THIS INFORMATION IS SHOWN FOR GENERAL INFORMATION AND IS NOT GUARANTEED. ACTUAL ANGLE MAY VARY DUE TO FIELD CONDITIONS. USE OF ADDITIONAL FITTINGS SHALL BE AUTHORIZED BY THE ENGINEER.
- THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS UNLESS WRITTEN APPROVAL HAS BEEN PROVIDED BY THE ENGINEER.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION OR SEDIMENT CONTROL MEASURES AS IT DEEMS NECESSARY.
- ALL FIRE LINES, FIRE HYDRANTS, STANDPIPES AND SPRINKLER SYSTEMS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- A LOCKBOX WILL BE REQUIRED AT THE ENTRANCE GATES. CONTRACTOR SHALL CONTACT LOCAL FIRE CHIEF FOR ORDERING AND LOCATION INFORMATION.
- CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET, OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO MAIL BOXES, SIGNS, LANDSCAPING, DRIVEWAYS, FENCES, PROPERTY MARKERS, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS ENCOUNTERED. ALL ASSOCIATED COST SHALL BE INCLUDED IN THE PRICES BID.
- ALL PAVING, DRIVEWAYS, CURBS, GUTTERS, SIDEWALKS, ETC., REGARDLESS OF CONDITION, DAMAGED BY CONTRACTOR, SHALL BE REMOVED AND REPLACED IN-KIND. COST SHALL BE INCLUDED IN THE PRICES BID.
- PAVING DISTURBED SHALL BE RESTORED IN ACCORDANCE WITH THE DEL. D.O.T. UTILITY CONSTRUCTION PERMIT AND AS SHOWN ON THE DETAILS. WHERE DETAILS ARE PROVIDED IN ADDITION TO THE UTILITY CONSTRUCTION PERMITS. WHERE DISCREPANCIES BETWEEN THE PERMIT AND DETAILS EXIST, THE PERMIT SHALL SUPERSEDE DRAWINGS.
- ACCORDING TO FEMA FLOOD INVENTORY MAP #100050335F, THE SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.
- WHENEVER EXCAVATION DISRUPTS GUY WIRES OR ENDANGERS ANY EXISTING TELEPHONE, POWER OR LIGHT POLES, THE POLE SHALL BE BRACED AND/OR THE GUY WIRES SHALL BE RELOCATED IN ACCORDANCE WITH REQUIREMENTS OF THE OWNER OF THE POLE.
- PROVIDE CONCRETE BUTTRESSES FOR ALL BENDS, TEES, WYES, AND PLUGS ON PROPOSED WATER MAIN, PER DETAILS.
- MINIMUM PLAN VIEW SEPARATION BETWEEN WATER MAIN AND ALL UTILITIES EXCEPT SANITARY SEWER SHALL BE 3 FEET, UNLESS OTHERWISE NOTED.



LOCATION MAP 1"=1000'



CONSTRUCTION NOTES:

- ROADWAY STAKEOUTS:
 - RIGHT-OF-WAY STAKES TO BE SET AT A MINIMUM OF FIVE (5) FEET OUTSIDE THE RIGHT-OF-WAY.
 - STATION NUMBERS TO BE INDICATED ON EACH SIDE OF THE STAKE.
 - THE CENTERLINE ROADWAY CUT AND CUT-LINE SHALL BE LOCATED ON THE SIDE OF THE STAKE WHICH FACES THE CENTERLINE. ALSO, A "T" DESIGNATION SHALL BE INCLUDED.
 - THE SHOULDER CUT AND CUT-LINE SHALL BE INDICATED ON THE OUTSIDE OF THE STAKE, WHILE ALSO CONTAINING A "SW" DESIGNATION.
- THE CONTRACTOR SHALL PROVIDE TWO (2) WORKING DAYS NOTICE TO THE COUNTY INSPECTOR PRIOR TO PAVING. AT THIS TIME, THE INSPECTOR MAY REQUIRE THAT THE CONTRACTOR COMPLETE RELATED OR UNRELATED WORK ITEMS BEFORE PAVING MAY BEGIN.
- SURFACE TREATMENT SHALL NOT BE APPLIED:
 - AFTER NOVEMBER 1 OR PRIOR TO APRIL 1; OR
 - WHEN THE TEMPERATURE IS BELOW 50°F; OR
 - ON ANY WET OR FROZEN SURFACE.
- HOT MIX SHALL NOT BE APPLIED:
 - WHEN TEMPERATURE IS BELOW 40 DEGREES -F; OR
 - ON ANY WET OR FROZEN SURFACE.
- FOR ALL WOODED AREAS, A SUFFICIENT AREA BEYOND THE RIGHT-OF-WAY LINE SHALL BE CLEARED AND GRUBBED TO ALLOW PROPER GRADING OF THE ROADWAY SHALE BACKSLOPES.
- ALL DISTURBED AREAS MUST BE STABILIZED WITH 4-INCHES OF TOPSOIL, SEED AND MULCH.
- MINIMUM COVER OF ALL HOPE N.C. WITHIN STREET RIGHT-OF-WAY SHALL BE 24". PIPES WITH LESS THAN 24" OF COVER WITHIN STREET RIGHT-OF-WAY SHALL BE REINFORCED CONCRETE PIPE.

INDEX OF DRAWINGS

1	DEMOLITION PLAN	SWM 1	PRE-DEVELOPMENT S.W.M. PLAN
2-5	SITE PLAN	SWM 2	POST-DEVELOPMENT S.W.M. PLAN
6-7	ROADWAY PROFILES	SWM 3	S.W.M. BASIN DETAILS
8	STORM DRAIN PROFILES	SWM 4	STORMWATER MANAGEMENT DETAILS
9	SITE DETAILS	ESC 1	EROSION & SEDIMENT CONTROL PLAN
EN-1	ENTRANCE PLAN	ESC 2-3	EROSION & SEDIMENT CONTROL DETAILS
EN-2	ENTRANCE PLAN & DETAILS	U 0	UTILITY KEY PLAN
EN-3	ENTRANCE PLAN & DETAILS	U 1-4	UTILITY PLANS AND PROFILES
		U 5-6	UTILITY DETAILS

LEGEND

EXISTING	PROPOSED

COUNTY AGREEMENT #399

OWNER/DEVELOPER:
RUGGIERO DEVELOPMENT GROUP
77 WEST BALTIMORE PIKE
MEDIA, PA. 19063

SUSSEX COUNTY ENGINEERING DEPARTMENT
APPROVED BY:

NAME: *[Signature]* TITLE: *[Signature]*

NAME: TITLE:

ENTRANCE PAVEMENT
STREET & PARKING
SIDEWALKS

NOTES:

1. VERTICAL DATUM IS NAVD 88 BASED ON NGS BM "GPS S5", ELEV. 59.32'.
2. HORIZONTAL DATUM IS SPC DE NAD 83 (1981) BASED ON NGS BM "GPS S1", N 281,814.018", E 737,237.387'.


Map-3-34-5 Parcel 95 & 137

Developer/	Joseph Ruggiero	Owner:	Holiday Park LLC
Contract	Ruggiero Development Group LLC		P.O. Box 478
Purchaser:	75 West Baltimore Pike		Lewes, De. 19958
	Media, Pa. 19063		

Total Land Area:	14.78 Acres
Net Development Area:	14.78 Acres
State Wetlands	0.00 Acres
"404" Wetlands	0.00 Acres
Proposed Residential Multi-Family Units:	176 Units
Gross Density:	11.91 Units/Acre
Proposed Office or Commercial:	15,000 S.F.
Maximum height for all structures: 42'	
Minimum Multi-Family Lot Setbacks	
Front: 40'	
Side: 10'	
Rear: 10'	
Existing Zoning: C-1	

Parking Required:	Commercial: 75 Spaces	Residential: 528 Spaces
Parking Provided:	Commercial: 75 Spaces	Residential: 528 Spaces

ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND (410) 543-9081
MILFORD, DELAWARE (302) 424-1441



**DAVIS,
BOWEN &
FRIEDEL, INC.**

SITE KEY PLAN

SANDBAR VILLAGE AT NASSAU BRIDGE
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

Revisions:
1 SCED COMMENTS 04-19-05

Date: **SEPTEMBER, 2004**

Scale: $1'' = 60'$

Drawn By: WDM

Proj. No. 1168A009

2 OF 9

THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC., AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION.

COPYRIGHT © 2004



STRUCTURE SCHEDULE											
Struct. No.	CB/Man. Size	Frame Elev.	Invert In	Invert Out	Downstream Pipe Size & Type	Pipe #	Length	Slope	Struct. No.	CB/Man. Size	Frame Elev.
CB1	72"x24"	24.40		20.75	15" RCP	1	50'	0.20	CB10	72"x24"	24.35
CB2	72"x24"	25.21	21.75	21.70	18" RCP	2	63'	0.24	CB11	72"x24"	24.06
CB3	72"x24"	25.40	22.70	22.30	18" RCP	3	21'	0.48	CB12	72"x24"	23.63
CB4	72"x24"	25.19	22.70	22.85	15" RCP	4	163'	0.22	CB13	72"x24"	23.63
CB5	72"x24"	25.19	22.75	22.75	15" RCP	5	23'	0.22	MH1	4'x4'	25.25
CB6	72"x24"	25.19	22.75	22.75	15" RCP	6	23'	0.22	MH2	4'x4'	25.40
CB7	72"x48"	25.25	22.75	22.70	15" RCP	7	172'	0.20	MH3	4'x4'	25.51
CB8	72"x24"	25.31		22.85	15" RCP	8	52'	0.19	MH4	4'x4'	25.98
CB9	72"x24"	24.05		21.05	15" RCP	9	28'	0.36	MH5	4'x4'	25.85
											25.35
											21.55
											21.63
											24" ADS N-12
											102
											58'
											0.17
											21.90
											18" RCP
											103
											88'
											0.17
											20.40
											18" RCP
											104
											60'
											0.17
											21.63
											24" ADS N-12
											106
											90'
											0.17

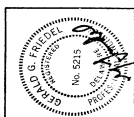
NOTES:
 1. VERTICAL DATUM IS NAVD 83 BASED ON NGS BM "GPS 55", ELEV. 39.32'.
 2. HORIZONTAL DATUM IS SPC DE NAD 83 (1983) BASED ON NGS BM "GPS 51", N 201.814.016, E 731.237.307'.

VOL 94 PAGE 16

CURVE DATA						
CURVE	RADIUS	ARC LENGTH	CHORD LEN	CHORD BEARING	DELTA ANGLE	TANGENT
1	115,000'	36.377'	36.223'	S 02°56'56" E	18°07'25"	18.342'
2	100,000'	134.728'	141.117'	S 02°56'56" E	80°47'49"	39.640'
4	100,000'	58.717'	57.877'	S 89°11'03" W	33°58'35"	30.232'
5	52,400'	15.233'	15.085'	N 02°14'20" E	28°01'54"	7.724'
6	100,000'	18.522'	18.485'	N 10°23'35" E	10°58'44"	3.287'
7	100,000'	6.255'	6.254'	N 86°45'44" W	3°41'50"	3.229'
8	150,000'	52.243'	51.892'	S 70°52'53" W	27°41'52"	26.479'

MATCH LINE DRAWING 5

MATCH LINE DRAWING 4



DAVID S. BOWEN & ASSOCIATES, INC.
 ARCHITECTS ENGINEERS SURVEYORS
 1000 MARKET STREET, SUITE 200
 WILMINGTON, DELAWARE 19801-4441

SITE PLAN

SANDBAR VILLAGE AT NASSAU BRIDGE
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

Revisions:
 1. SUSSEX 300 COMMENTS 11-20-04
 2. SUSSEX 300 COMMENTS 01-11-05
 3. SUSSEX 300 COMMENTS 04-19-05
 4. SUSSEX 300 COMMENTS 05-11-05

Date: SEPTEMBER, 2004
 Scale: 1"=30'
 Dwn. By: WDM
 Proj. No.: 1168A009
 Dwg. No.:

3 of 9

THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVID S. BOWEN & ASSOCIATES, INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION.

COPYRIGHT © 2004

MATCH LINE DRAWING 3

VOL 94 PAGE 17

NOTES:
1. VERTICAL DATUM IS NAVD 83 BASED ON NGS BM "GPS 53", ELEV. 39.32'.
2. HORIZONTAL DATUM IS SPC DE MAD 83 (1981) BASED ON NGS BM "GPS 51", N 281.814.018', E 737.237.387'.

MATCH LINE DRAWING 5

STRUCTURE SCHEDULE									
Struct. No.	CB/WH Size	Frame Elev.	Invert In	Invert In	Invert Out	Downstream Pipe Size & Type	Pipe #	Length	Slope %
CB13	72"x24"	24.31		20.90		18" RCP	23	92	0.11
CB24	72"x48"	24.04	20.80		20.30	24" RCP	24	128	0.12
WH5	4'	25.25	20.15		20.10	24" ADS N-12	105	98	0.10
WH25	72"x24"	24.51		20.90		18" RCP	25	92	0.11
CB25	72"x48"	24.05	20.80		20.30	24" RCP	26	156	0.10
WH7	4'	25.36	20.15		22.10	24" ADS N-12	107	104	0.10

CURVE DATA					
CURVE	RADIUS	ARC LENGTH	CHORD TEN	CHORD BEARING	DELTA ANGLE
8	52,500'	82.447'	74.240'	S 68°58'13" E	59°09'17"
11	100,000'	98.008'	82.133'	S 49°17'08" W	56°09'17"

THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC. AND SHALL NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN PERMISSION.

COPYRIGHT © 2004

SANDBAR VILLAGE AT NASSAU BRIDGE
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

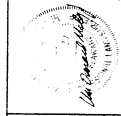
Revisions:
1. REVISIONS 12-10-04
2. REVISIONS 01-17-05
3. REVISIONS 05-11-05

Date: SEPTEMBER, 2004
Scale: 1"=30'
Drawn By: WDM
Proj. No.: 1168A009
Dwg. No.:

4 OF 9

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
1000 N. MARKET STREET, SUITE 200
LEWES, DELAWARE 19658-1000
(302) 645-1000
FAX (302) 645-1001

SITE PLAN



ARCHITECT'S ENGINEERS SURVEYORS
DAVIS, BOWEN & FRIEDEL, INC.
SALESBURY, MARYLAND (410) 543-9091
BALTIMORE, MARYLAND (410) 543-9091
AUGUST, DELAWARE (302) 424-1441

SANDBAR VILLAGE AT NASSAU BRIDGE
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

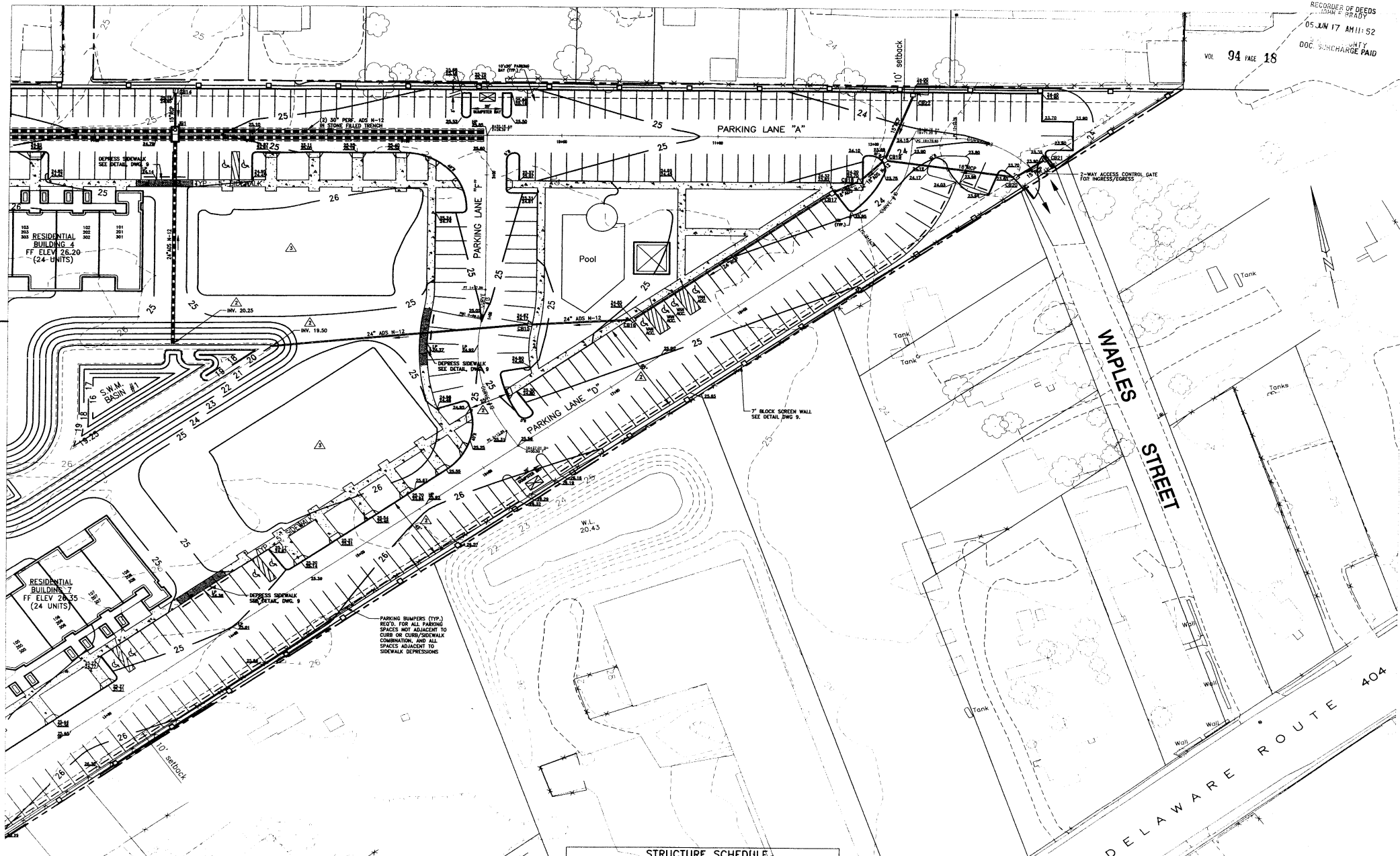
REVISIONS:
1. SUSSEX SEC COMMENTS 12-20-04
2. SEC COMMENTS 01-17-05
3. SEC COMMENTS 04-19-05

Date: SEPTEMBER, 2004
Scale: 1"=30'
Drawn By: WDM
Proj No: 1168A009
Dwg No:

5 OF 9

MATCH LINE DRAWING 3

MATCH LINE DRAWING 4



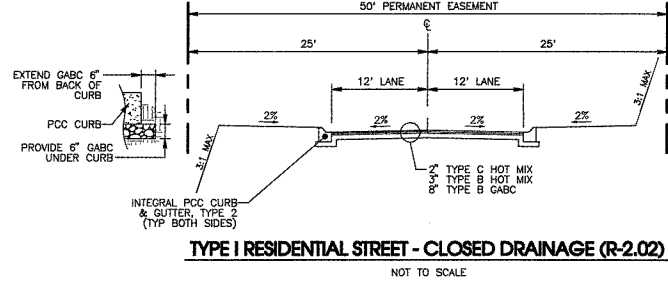
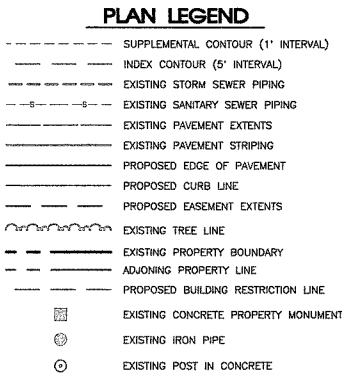
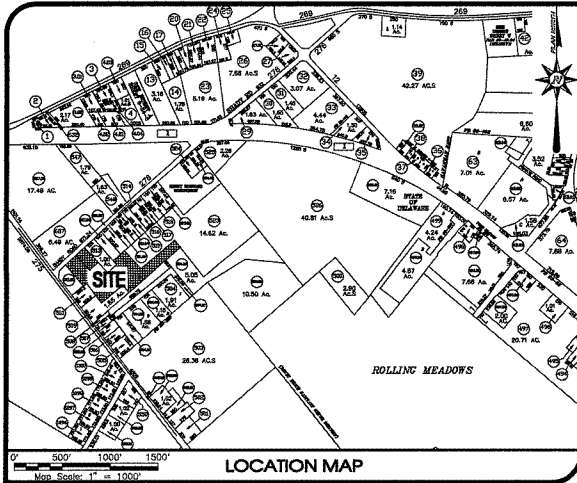
CURVE	RADIUS	ARC LENGTH	CHORD LEN.	CHORD BEARING	DELTA ANGLE	TANGENT
1	65.000'	61.632'	59.348'	S 50°37'42" E	54°19'57"	33.353'
10	80.000'	75.654'	73.644'	N 38°22'14" E	54°19'57"	41.080'
12	100.000'	83.630'	81.214'	N 00°29'58" W	47°24'58"	44.435'
13	100.000'	21.368'	21.328'	N 18°19'48" E	12°14'55"	10.725'

STRUCTURE SCHEDULE									
Struct. No.	CB/Man Size	Frame Elev.	Invert In	Invert Out	Downstream Pipe Size & Type	Pipe #	Length	Slope %	
CB14	72"x24"	24.65		21.85	15" RCP	14	28'	0.36	
CB15	72"x24"	24.17	20.00	19.95	24" ADS N-12	15	168	0.27	
CB16	48"x40"	24.35	20.20	20.15	24" ADS N-12	16	88	0.23	
CB17	48"x40"	23.82	20.95	20.45	24" RCP	17	150	0.16	
CB18	48"x40"	23.70	21.05	21.00	18" ADS N-12	18	20	0.25	
CB19	72"x24"	23.68	21.35	21.10	18" ADS N-12	19	22	0.23	
CB20	72"x24"	23.65	21.55	21.30	18" RCP	20	80'	0.18	
CB21	72"x24"	23.65		21.85	15" RCP	21	23'	0.43	
CB22	72"x24"	23.50		21.45	15" RCP	22	50'	0.20	

NOTES:
1. VERTICAL DATUM IS NAVD 88 BASED ON NGS BM "OPS 55", ELEV. 39.32'.
2. HORIZONTAL DATUM IS SPC. DE. NAD 83 (1983) BASED ON NGS BM "OPS 51", N 281.814218, E 737.237387'.

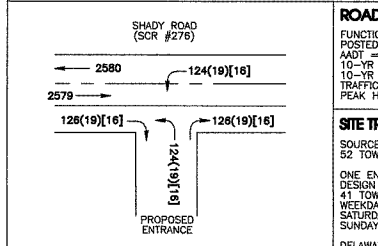
THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC. AND SHALL NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN PERMISSION.

COPYRIGHT © 2004



NOTES:
1. PROVIDE 4" OF TOPSOIL COVERED WITH SEED AND MULCH ON PROPOSED GRASS AREAS.
2. SIDEWALKS ARE NOT REQUIRED UNLESS SPECIFIED BY THE COUNTY. REFER TO DETAIL R-2.01 FOR SIDEWALK INFORMATION.
3. ROADWAY WIDTH SHALL BE WIDENED IF ON-STREET PARKING IS DESIRED. REFER TO DETAILS R-2.12 AND R-2.13 FOR ON-STREET PARKING OPTIONS.
4. SUBBASE AND SUBGRADE SHALL BE COMPACTED TO 95% OF ASTM D1557, MODIFIED PROCTOR METHOD.

TRIP GENERATION - SHADY ROAD (SCR #276)
(FULL MOVEMENT)



ROAD TRAFFIC DATA:
FUNCTIONAL CLASSIFICATION: S-276 (SHADY ROAD) - LOCAL
POSTED SPEED LIMIT: 35 MPH
ADT = 5159 TRIPS (FROM 2017 DELDOT TRAFFIC SUMMARY)
10-YR PROJECTED ADT = 1,220 x 5159 TRIPS = 6191 TRIPS
10-YR PROJECTED ADT + SITE ADT = 6691 TRIPS
TRAFFIC PATTERN GROUP: 7 (FROM 2017 DELDOT TRAFFIC SUMMARY)
PEAK HOUR = 11% x 5159 = 568 TRIPS

SITE TRIPS GENERATED:
SOURCE: ITE TRIP GENERATION MANUAL 10th EDITION
52 TOWNHOUSE UNITS (230)
ONE ENTRANCE - FULL MOVEMENT
DESIGN VEHICLE: SU-30
41 TOWNHOUSE UNITS
WEEKDAY = 306 TRIPS
SATURDAY = 295 TRIPS
SUNDAY = 252
DELAWARE ARTHRITIS ADT = 194 (FROM DELDOT APPROVED PLANS)

TOTAL ADT FOR DEVELOPMENT (WEEKDAY) = 500 TRIPS
DIRECTIONAL DISTRIBUTION:
90% TO AND FROM THE WEST: 250 TRIPS
(38 A.M. PEAK) (32 P.M. PEAK)
10% TO AND FROM THE EAST: 250 TRIPS
(38 A.M. PEAK) (32 P.M. PEAK)
3.5% TRUCKS & BUSES x 500 = 27

SITE DATA and ZONING SCHEDULE

TAX PARCEL No.:	334-6.00-511.00 & 512.00	
PROPERTY ADDRESS:	SHADY ROAD, LEWES, DE (NONE YET GIVEN)	
EXISTING SITE USE:	AGRICULTURAL & DWELLING	
PROPOSED SITE USE:	41-UNIT, MULTI-FAMILY DWELLING DEVELOPMENT	
EXISTING ZONING:	MR (MEDIUM RESIDENTIAL DISTRICT) - CZ 1832	
ORDINANCE ITEM	REQUIREMENT:	PROVIDED:
MINIMUM LOT AREA	10,000 Sq. Ft.	298,821 Sq. Ft.
MINIMUM LOT WIDTH	75 Ft.	296 Ft.
MINIMUM LOT DEPTH	100 Ft.	669 Ft.
MINIMUM SETBACKS:		
FRONT	40 Ft.	40 Ft.
SIDE	10 Ft.	10 Ft.
REAR	10 Ft.	10 Ft.
MAXIMUM BUILDING HEIGHT	42 Ft./3 Stories	42 Ft./3 Stories
MINIMUM BUILDING SEPARATION	40 Ft.	40 Ft.
PARKING SPACE QTY. (RESIDENTIAL USE)	2 SPACES/DWELLING UNIT = 82 (INCL. GARAGE)	82 Spaces
SEWER SERVICE	SUSSEX COUNTY	
WATER SERVICE	TIDewater UTILITIES	
PROPERTY OWNER		
STAFFORD STREET CAPITAL, LLC 179 REHOBOTH AVE. REHOBOTH BEACH, DE 19971 202.302.5735		

PROPERTY AREA	6.86 Ac.
ROADWAY AREA:	0.72 Ac. (10.5%)
DRIVEWAY AREA:	0.27 Ac. (3.9%)
DWELLING AREA:	1.27 Ac. (18.5%)
STORMWATER MANAGEMENT AREA	0.28 Ac. (4.1%)
OPEN SPACE AREA:	4.32 Ac. (63.0%)
PROPOSED GROSS DENSITY:	5.98 Units/Ac.

CONDITIONS OF APPROVAL (CU 2106)

- THE MAXIMUM NUMBER OF RESIDENTIAL UNITS SHALL BE 41.
- ALL ENTRANCES, INTERSECTION, ROADWAY AND MULTI-MODAL IMPROVEMENTS SHALL BE COMPLETED BY THE DEVELOPER IN ACCORDANCE WITH ALL DELDOT REQUIREMENTS.
- THE PROJECT SHALL BE SERVED BY SUSSEX COUNTY SEWER. THE DEVELOPER SHALL COMPLY WITH ALL SUSSEX COUNTY ENGINEERING DEPARTMENT REQUIREMENTS INCLUDING ANY ON-SITE UPGRADES NECESSARY TO PROVIDE SERVICE TO THE PROJECT.
- THE PROJECT SHALL BE SERVED BY CENTRAL WATER TO PROVIDE DRINKING WATER AND FIRE PROTECTION.
- INTERIOR STREET DESIGN SHALL MEET OR EXCEED THE SUSSEX COUNTY STREET DESIGN REQUIREMENTS.
- ALL CONSTRUCTION AND SITE WORK ON THE PROPERTY, INCLUDING DELIVERIES OF MATERIALS TO OR FROM THE PROPERTY, SHALL ONLY OCCUR BETWEEN 7 AM AND 6 PM MONDAY THROUGH SATURDAY.
- STREET NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE COUNTY MAPING AND ADDRESSING DEPARTMENTS.
- THE APPLICANT SHALL FORM A CONDOMINIUM ASSOCIATION RESPONSIBLE FOR THE PERPETUAL MAINTENANCE, REPAIR AND REPLACEMENT OF THE ROADS, ANY BUFFERS AND LANDSCAPING, STORMWATER MANAGEMENT FACILITIES, EROSION AND SEDIMENT CONTROL FACILITIES AND OTHER COMMON ELEMENTS.
- THE STORMWATER MANAGEMENT SYSTEM SHALL MEET OR EXCEED THE REQUIREMENTS OF THE STATE AND COUNTY. IT SHALL BE CONSTRUCTED AND MAINTAINED USING BEST MANAGEMENT PRACTICES.
- THE FINAL SITE PLAN SHALL CONTAIN THE APPROVAL OF THE SUSSEX COUNTY DISTRICT FOR THE DESIGN AND LOCATION OF ALL STORMWATER MANAGEMENT AREAS AND EROSION AND SEDIMENTATION CONTROL FACILITIES.
- THE APPLICANT SHALL COORDINATE WITH THE LOCAL SCHOOL DISTRICT TO ESTABLISH A SCHOOL BUS STOP AREA, WHICH SHALL BE SHOWN ON THE FINAL SITE PLAN IF REQUIRED BY THE DISTRICT.
- AS STATED BY THE APPLICANT, THERE SHALL BE A SHARED ENTRANCE AND INTERCONNECTIVITY WITH THE ADJACENT WELLNESS CENTER PROPERTY.
- THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.

Document # 2019000020282 BK: 285 PG: 67
On 6/10/2019 at 2:40:17 PM
RECORDER OF DEEDS Scott Dailey
Sussex County
Consideration: \$0.00
Doc Surcharge Paid

PLANNING COMMISSION CERTIFICATE

RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION OF SUSSEX COUNTY ON THE _____ DAY OF _____, 2019.

SECRETARY (ATTEST) _____

OWNER CERTIFICATE

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

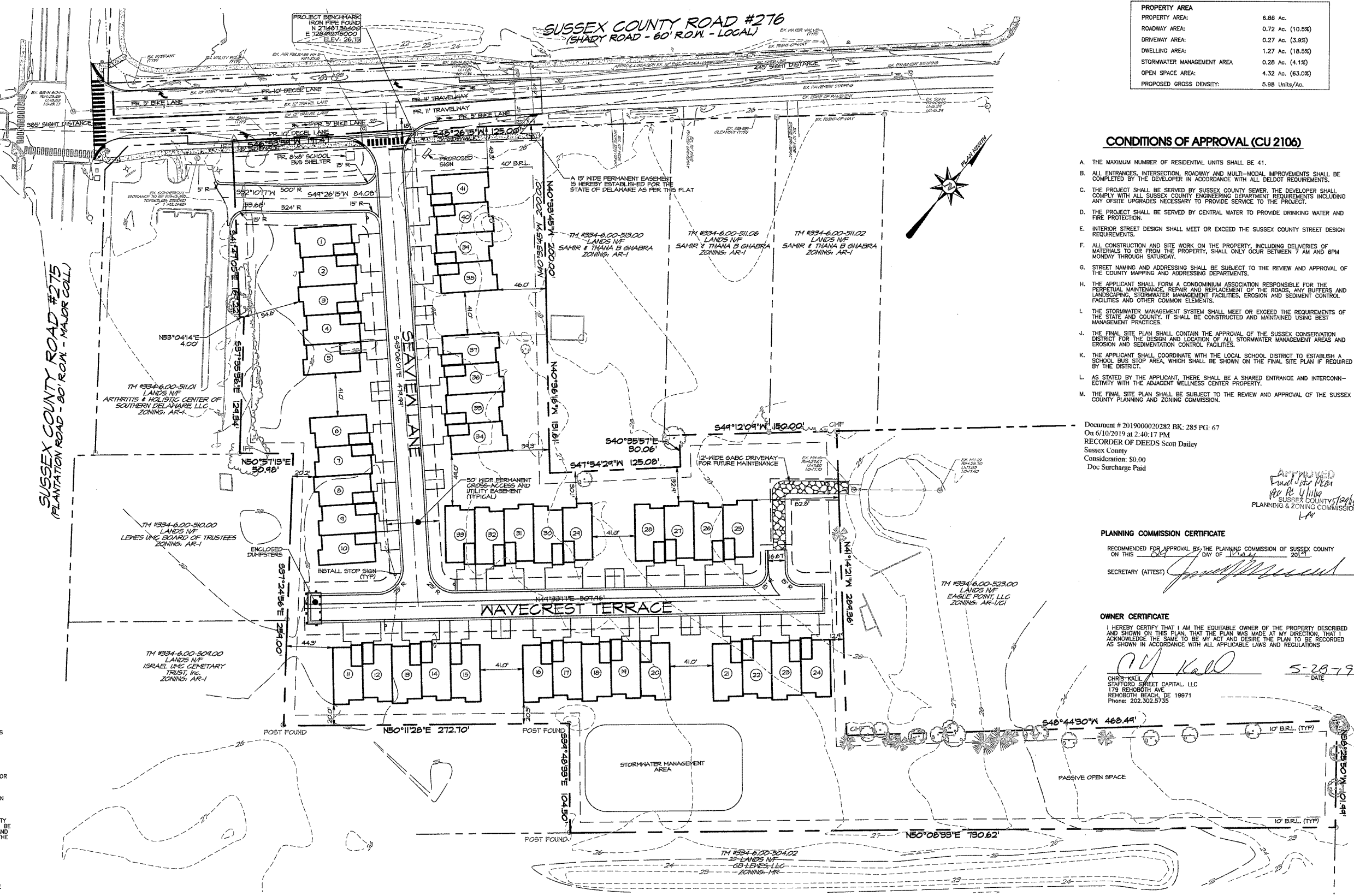
CHRIS KALL
STAFFORD STREET CAPITAL, LLC
179 REHOBOTH AVE.
REHOBOTH BEACH, DE 19971
Phone: 202.302.5735

GENERAL NOTES

- THE PROJECT SITE IS KNOWN AS SUNSET GLEN, (T.P. 334-6.00-511.00 & 512.00) AND IS LOCATED 185' NORTHWEST OF THE SHADY ROAD (SCR 276) AND PLANTATIONS ROAD (SCR 275) INTERSECTION IN LEWES, DE.
- THE PROPERTY BOUNDS, EXISTING FEATURES AND TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY THE KERCHER GROUP, INC. VERTICAL DATUM IS NAVD83 AND HORIZONTAL DATUM IS DELAWARE STATE PLANE COORDINATE SYSTEM NAD83.
- THE PROPOSED DEVELOPMENT STREETS ARE TO BE PRIVATE AND MAINTAINED BY THE DEVELOPER/PROPERTY OWNER UNTIL A HOMEOWNERS ASSOCIATION IS ESTABLISHED TO PROVIDE FOR SAID MAINTENANCE. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- ALL PROPOSED STORMWATER MANAGEMENT FACILITIES ARE TO BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- THE CONTRACTOR SHALL ENSURE THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO COMMENCEMENT OF ANY SITE CONSTRUCTION ACTIVITIES.
- ALL CONTRACTORS WORKING ON THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK (LATEST EDITION).
- CONSTRUCTION MATERIALS AND PROCEDURES SHALL FOLLOW THE SUSSEX COUNTY ENGINEERING DEPARTMENT SPECIFICATIONS AND STANDARD DRAWINGS (LATEST EDITION).
- EXISTING SUBSURFACE UTILITY INFORMATION INDICATED IS BASED UPON VISUAL FIELD INSPECTION BY THE KERCHER GROUP, INC. SUCH INFORMATION CONCERNING THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF SUBSURFACE UTILITIES IS APPROXIMATE IN NATURE AND HAS BEEN OBTAINED AS AN AID IN THE PROJECT DESIGN. THERE IS NO EXPRESSED OR IMPLIED AGREEMENT THAT UTILITY SIZE, LOCATION, DEPTH, QUANTITY, ETC. AS SHOWN EXISTS BETWEEN EXPLORED LOCATIONS. ACCORDINGLY, UTILITY INFORMATION SHOWN SHOULD NOT BE RELIED UPON FOR CONSTRUCTION PURPOSES. IT IS INCUMBENT UPON THE CONTRACTOR TO VERIFY THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF ALL UTILITIES BEFORE EXCAVATION.
- BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 100029 0331 K, MAP NUMBER 1000500331K, DATED MARCH 16, 2015, THE SUBJECT PROPERTY IS LOCATED IN A "V" UNSHADED WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- THE SUBJECT PROPERTY WAS EXAMINED BY COASTAL SOIL CONSULTANTS AND NEITHER STATE NOR FEDERAL JURISDICTIONAL WETLAND HABITATS WERE FOUND WITHIN ITS BOUNDS.
- ALL FIRE LINES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS PART V, CHAPTER 4, SECTION 4-1.1, THE DEVELOPER SHALL PROVIDE TO THE EMERGENCY DISPATCH CENTER HAVING JURISDICTION, A LOT PLAN OF THE DEVELOPMENT SHOWING EACH DWELLING LOCATION. THE DEVELOPER SHALL ALSO ASSIGN NUMBERS TO ALL DWELLINGS IN A CONSECUTIVE MANNER AND HAVE PLACED THE ASSIGNED NUMBER IN A READILY VISIBLE LOCATION ON EACH DWELLING TO ELIMINATE CONFUSION IN THE EVENT THAT AN EMERGENCY VEHICLE IS NEEDED.
- ALL PROPOSED LANDSCAPE BUFFERS ARE TO BE MAINTAINED BY THE PROPERTY OWNER/DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
- PROPOSED BUILDING TYPE IS NFPA V0000.
- THE PROPOSED SIGNAGE DEPICTED ON THE PLAN IS INDICATIVE ONLY. SEPARATE APPLICATIONS SHALL BE REQUIRED FOR ALL SIGNAGE.

DELDOT SITE GENERAL NOTES

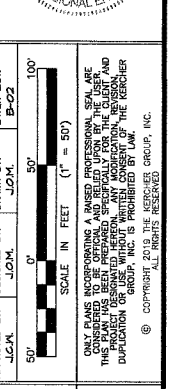
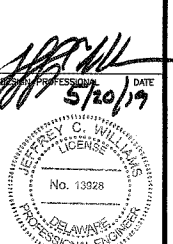
- NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL (DCM).
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA OUTSIDE THE RIGHT-OF-WAY OR PROJECTS OBTAIN AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THE PROPERTY FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THE PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S "SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY".
- THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE FOR THE SIDEWALK.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROAD RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
- THE ENDS OF ALL CURBS SHALL BE TRANSITIONED TO BE FLUSH WITH THE PAVEMENT AT A RATIO OF TWELVE TO ONE (12:1).
- ALL TOWNHOUSES SHALL BE ACCESSED FROM THE INTERIOR DEVELOPMENT STREETS ONLY. NO DIRECT ACCESS SCR 276 SHALL BE PERMITTED.
- A PERPETUAL CROSS-ACCESS INGRESS/EGRESS EASEMENT IS HEREBY ESTABLISHED FOR THE BENEFIT OF TM #334-6.00-511.01, AS SHOWN ON THIS PLAN.



REVISIONS

No.	DATE	DESCRIPTION
1	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
2	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
3	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
4	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
5	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
6	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
7	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
8	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
9	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
10	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
11	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
12	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
13	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
14	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
15	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
16	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
17	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
18	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
19	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
20	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
21	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
22	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
23	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
24	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
25	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
26	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
27	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
28	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
29	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
30	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
31	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
32	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
33	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
34	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
35	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
36	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
37	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
38	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
39	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
40	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES
41	06/15/19	UPDATE DEVELOPMENT AND ROAD NAMES

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT COMPLIES WITH ALL APPLICABLE LAWS AND REGULATIONS OF THE STATE OF DELAWARE.



Document # 2019000020282 BK: 285 PG: 67
On 6/10/2019 at 2:40:17 PM
RECORDER OF DEEDS Scott Dailey
Sussex County
Consideration: \$0.00
Doc Surcharge Paid

RECORD PLAN
SUNSET GLEN

LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

THE KERCHER GROUP, INC.
CONSULTING SYSTEMS & ENGINEERING
3705 REHOBOTH BEACH, DE 19971
302.864.8092 (Mobile) www.kerchergroup.com

JOB No: 18-0906EG
PLAN DATE: May 22, 2019
SHEET No.: R1

INDEX OF SHEETS	
R-1	TITLE
R-2	OVERVIEW
R-3	PLAN

DATA COLUMN

TAX MAP ID: 3-34-5.00-152.06
OWNER: BAR-SGR, L.L.C.
32193 WINERY WAY
LEWES, DE 19958
DEVELOPER: FERNWOOD HOLDINGS AT VINEYARDS DE LIMITED LIABILITY COMPANY
1 KATHLEEN DRIVE, SUITE 1
JACKSON, NJ 08527
PREPARED BY: DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DE 19963
PHONE (302) 424-1441
FAX (302) 424-0430
DATUM:
VERTICAL: NAVD 88
HORIZONTAL: NAD 83 (DE STATE PLANE)
PROPOSED USE: RESIDENTIAL DEVELOPMENT
PROPOSED CONSTRUCTION: WOOD/CONCRETE BLOCK
ZONING:
EXISTING ZONING: C-1 GENERAL COMMERCIAL DISTRICT
PROPOSED ZONING: C-1 GENERAL COMMERCIAL DISTRICT
FLOOD HAZARD MAP: THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA MAP 10005C0330J (DATED JANUARY 6, 2005) AND FEMA MAP 10005C0331K (DATED MARCH 16, 2015).
WETLANDS: THE PROPERTY IS IMPACTED BY "A04" FEDERAL (NON-TIDAL) WETLANDS.
EXISTING SITE AREA: 77.809 ACRES
PROPOSED SITE AREA TOTALS:
TRACT 1 10.995 ACRES
TRACT 2 66.814 ACRES
TOTAL 77.809 ACRES
MAXIMUM DENSITY: 12 UNITS/ACRE
DENSITY CALCULATION: 77.809 ACES X 12 UNITS = 930 TOTAL UNITS ALLOWED
NET DENSITY: 929 UNITS / 77.809 = 11.94 UNITS/ACRE
C-1 MINIMUM ZONING REQUIREMENTS:
FRONT YARD: 40 FT. 30 FT. (NOT FRONTING ON A NUMBERED ROAD)
SIDE YARD: 20 FT. 10 FT. (NOT ADJOINING A RESIDENTIAL DISTRICT LOT)
REAR YARD: 30 FT. 10 FT. (NOT ADJOINING A RESIDENTIAL DISTRICT LOT)
FORESTED BUFFER REQUIREMENT: 20 FT. (SIDE AND REAR YARDS)
PROPOSED MAXIMUM BUILDING HEIGHT: 42 FT. (4 STORIES)
MINIMUM SINGLE FAMILY SEPARATION: 8 FT. (SIDE YARD)
SANITARY SEWER: WEST REHOBOTH SANITARY SEWER DISTRICT
WATER SUPPLY: TIDEWATER UTILITIES, INC.

THE VINEYARDS AT NASSAU VALLEY-SINGLE FAMILY

MINOR SUBDIVISION FOR RESIDENTIAL COMMUNITY LEWES AND REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

DBF PROJECT NO. 2467A002 MAY, 2020



GENERAL NOTES:

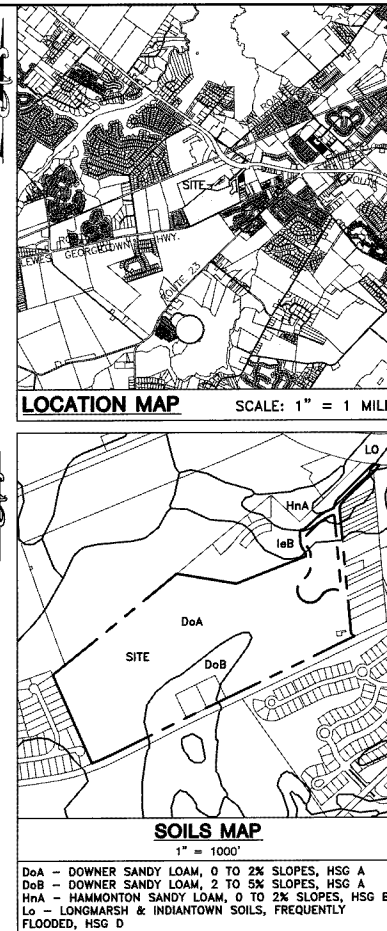
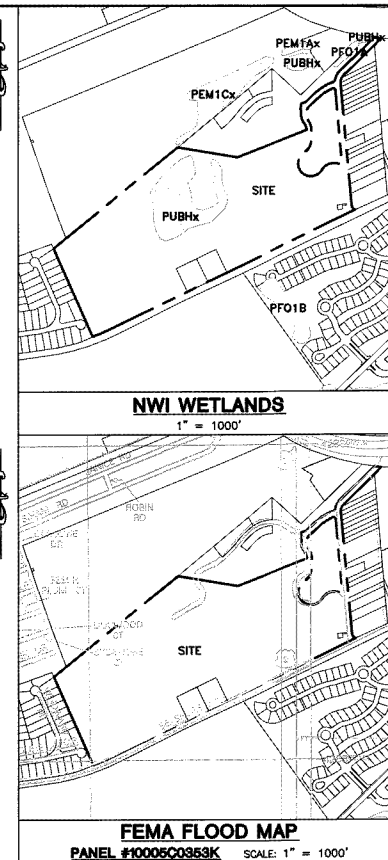
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S "SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY".
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK.
- DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH LOCATIONS.
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
- A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ENTRANCE CONSTRUCTION.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODOORS, THE USE OF AGRICULTURAL CHEMICALS, AND NIGHTTIME FARMING OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
- NO BUILDING PERMIT WILL BE ISSUED UNTIL EITHER ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, CONSTRUCTED, OR PLACED FOR THE LOT FOR WHICH THE BUILDING PERMIT IS TO BE ISSUED IN A MANNER ACCEPTABLE TO THE COUNTY AND STATE, OR UNTIL THE DEVELOPER FILES A PERFORMANCE BOND OR OTHER GUARANTEE WITH THE COUNTY FOR ANY UNCOMPLETED PUBLIC OR PRIVATE STREET OR OTHER REQUIRED IMPROVEMENT.
- AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- THE FORESTED AND/OR LANDSCAPE BUFFER SHALL BE INSTALLED WITHIN 18 MONTHS FROM THE DATE SITE WORK IS AUTHORIZED TO COMMENCE, AS DOCUMENTED BY A NOTICE TO PROCEED LETTER FROM THE PLANNING & ZONING COMMISSION OFFICE.
- THIS COMMERCIAL PARCEL HAS DIRECT FRONTAGE ALONG LEWES-GEORGETOWN HWY. (US RT. 9, SCR 018), WHICH HAS A FUNCTIONAL CLASSIFICATION OF PRINCIPLE ARTERIAL AS DEFINED BY THE STATE OF DELAWARE'S DEPARTMENT OF TRANSPORTATION. PER SECTION 3.6.1 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM): IT IS THE DEVELOPER'S RESPONSIBILITY TO EVALUATE NOISE LEVELS AND THEIR IMPACTS ON PROPOSED DEVELOPMENT. FOR PROJECTS ADJACENT TO EXISTING TRANSPORTATION FACILITIES WITH THIS FUNCTIONAL CLASSIFICATION, ROADWAYS WITH THIS CLASSIFICATION CAN BE EXPECTED TO GENERATE ELEVATED LEVELS OF ROAD AND TRAFFIC RELATED NOISE, SIMILAR TO WHAT CAN BE EXPECTED IN URBAN AREAS. A DETAILED NOISE ANALYSIS PER DCM 3.6 IS TYPICALLY RECOMMENDED TO HELP GAUGE THE ACTUAL IMPACTS THAT ROADWAY RELATED NOISE MAY HAVE ON VARIOUS POTENTIAL LAND-USES (SUCH AS THOSE DESCRIBED IN DCM FIGURE 3.6.3-A: NOISE ABATEMENT CRITERIA). WITH THE INCLUSION OF THIS NOTE, THE DEVELOPER IS ACKNOWLEDGING THAT THE DECIBEL LEVEL FOR THIS PARCEL MAY EXCEED THE APPLICABLE LIMITS FOR SOME CURRENT OR FUTURE PROPOSED USES. THE USE OF THIS NOTE SIGNIFIES THE SUBDIVISION ENGINEER'S CONCURRENCE WITH WAIVING THE DEVELOPER'S COMPLETION OF A DETAILED NOISE STUDY AND SUBSEQUENT REVIEW OF RESULTING NOISE ABATEMENT FINDINGS OR MITIGATION MEASURES. ANY FUTURE COMPLAINTS RELATING TO EXISTING OR FUTURE NOISE LEVELS IMPACTING PROPOSED USES ON THIS SITE AND ALONG THIS EXISTING TRANSPORTATION FACILITY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR LAND OWNER OR BOTH.

Document # 202000019946 BK: 311 PG: 90
On 5/18/2020 at 8:40:22 AM
RECORDER OF DEEDS Scott Dailey
Sussex County
Consideration: \$0.00
Doc Surcharge Paid



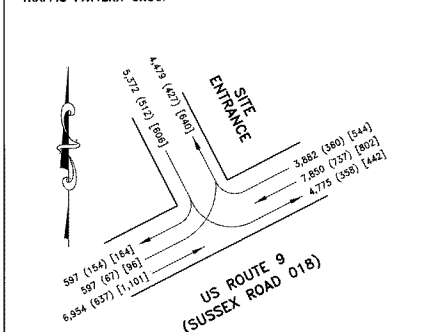
DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS

MILFORD, DELAWARE (302) 424-1441



DoA - DOWNER SANDY LOAM, 0 TO 2% SLOPES, HSG A
DoB - DOWNER SANDY LOAM, 2 TO 5% SLOPES, HSG A
HnA - HAMMONTON SANDY LOAM, 0 TO 2% SLOPES, HSG B
Lo - LONGMARSH & INDIANTOWN SOILS, FREQUENTLY FLOODED, HSG D

ROAD
US ROUTE 9 (SUSSEX COUNTY ROAD 018)
FUNCTIONAL CLASSIFICATION - PRINCIPLE ARTERIAL
AADT (2017 DELAWARE VEHICLE VOLUME SUMMARY)
10 YR PROJECTED AADT = 14,696
10 YR PROJECTED AADT + SAT SITE ADT (6,398)
PEAK HOUR = 17,047 X 11.70%
DIRECTIONAL SPLIT = 55.24% / 44.76%
10.17% TRUCK % X 1,994
SPEED - POSTED - 50
TRAFFIC PATTERN GROUP - B



APPROVED
TRAFFIC

PHASES 1 - 3 TRAFFIC

SITE ACCESS & OFF-SITE IMPROVEMENTS TRIP GENERATION - APPROVED SEPTEMBER 13, 2013
• PM PEAK HOUR TRIPS = 930
• SAT PEAK HOUR TRIPS = 1,246
• ADT = 9,851

SITE TRIPS GENERATED - PHASES 1 THROUGH 3					
PHASE 1/1A					
• 90 MULTIFAMILY MID-RISE UNITS (40 APARTMENTS BUILT & 50 CONDOMINIUMS BUILT)					
• 35,877 SQUARE FEET SHOPPING CENTER (BUILT)					
PHASE 2					
• 33 SINGLE FAMILY					
• 278 MULTIFAMILY MID-RISE UNITS (192 APARTMENTS [63 APARTMENTS BUILT] & 86 CONDOMINIUMS)					
PHASE 3					
• 25 SINGLE FAMILY					
• 164 MULTIFAMILY MID-RISE UNITS (164 CONDOMINIUMS)					
TYPE OF DEV.	ITE	UNITS	PM	SAT	SAT
SINGLE FAMILY	210	58	60	67	588
MULTIFAMILY MID-RISE	221	532	220	230	2,034
SHOPPING CENTER	820	35,877	254	275	4,720
TOTAL TRIPS			534	572	7,342
INTERNAL CAPTURE			-92	-32	-944
TOTAL EXTERNAL TRIPS			442	540	6,398
PASS-BY TRIPS			-71	-68	-1,487
TOTAL PRIMARY TRIPS			371	472	4,911

REMAINDER OF MASTER PLAN
PHASE 4
• 25 SINGLE FAMILY
• 36 MULTIFAMILY MID-RISE UNITS (36 CONDOMINIUMS)
PHASE 5
• 278 MULTIFAMILY MID-RISE UNITS (64 APARTMENTS & 214 CONDOMINIUMS)
PHASE 6
• FUTURE COMMERCIAL (SIZE AND TYPE TO BE DETERMINED)

NOTES:
• TRIP GENERATION IS BASED ON ITE TRIP GENERATION MANUAL 10TH EDITION.
• WEEKDAY, SATURDAY, AND SATURDAY MIDDAY INTERNAL CAPTURE CALCULATIONS BASED ON TRIP GENERATION HANDBOOK, 2ND EDITION.
• WEEKDAY AM AND PM INTERNAL CAPTURE CALCULATIONS BASED ON TRIP GENERATION HANDBOOK, 3RD EDITION.
• DESIGN VEHICLE: WB-62.

TRAFFIC DIAGRAM
NO SCALE

OWNER'S STATEMENT

I HEREBY CERTIFY THAT BAR-SGR L.L.C. IS THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THAT WE CONSENT TO THE PLAN'S PREPARATION. I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.

Susan E. Hopton 5-8-20
BAR-SGR, L.L.C.
32193 WINERY WAY
LEWES, DE 19958

ENGINEER'S STATEMENT

I, JAMIE L. SECHLER, 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.

Jamie L. Sechler, P.E.
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DELAWARE, 19963

DEVELOPER'S STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE DEVELOPER 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 TO BE RECORDED ACCORDING TO LAW.

Cathy Price 5/18/20
FERNWOOD HOLDINGS AT VINEYARDS
DE LIMITED LIABILITY COMPANY
1 KATHLEEN DRIVE, SUITE 1
JACKSON, NJ 08527

BOUNDARY LEGEND:

- IPF ○ IRON PIPE FOUND (2)
IRF ○ IRON ROD FOUND (2)
⊙ IRON ROD AND CAP SET (30)
○ POINT (6)

POB COORDINATE TABLE

POINT NO.	NORTHING	EASTING
POB (1)	269748.8243	719250.3058
POB (2)	272295.2693	721779.9420

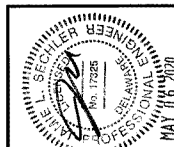
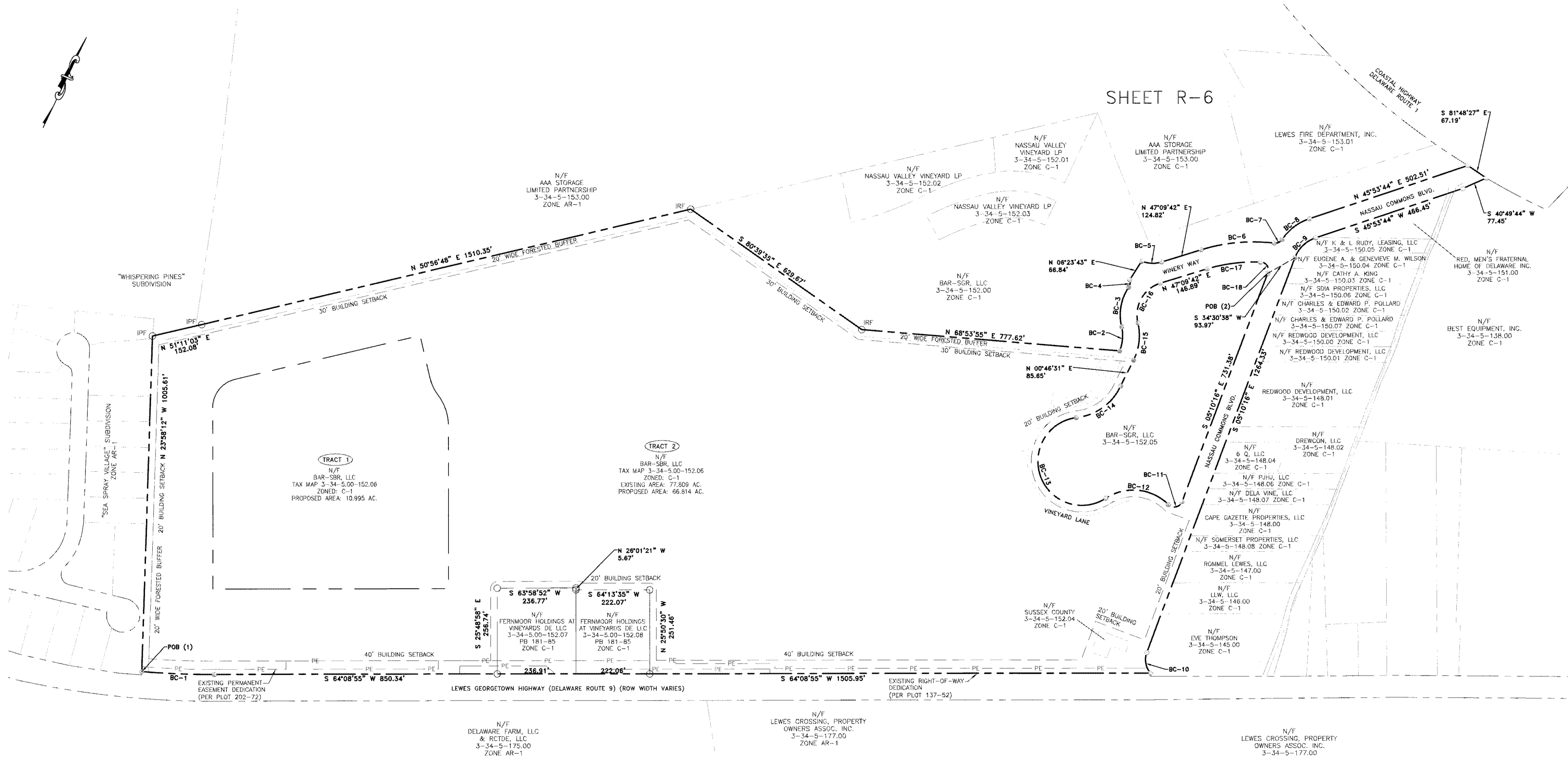
BOUNDARY CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
BC-1	2652.69'	218.41'	218.34'	S 66°30'27" W	4°43'03"
BC-2	115.00'	73.85'	72.59'	N 20°50'29" W	36°47'42"
BC-3	150.00'	123.73'	120.25'	N 15°36'32" W	47°15'34"
BC-4	25.00'	23.11'	22.30'	N 18°27'47" W	52°58'04"
BC-5	90.00'	61.64'	60.44'	N 66°46'56" E	59°14'29"
BC-6	530.00'	221.37'	219.77'	N 59°07'39" E	23°55'54"
BC-7	25.00'	27.36'	26.01'	N 39°44'46" E	62°41'41"
BC-8	160.00'	104.71'	102.85'	N 27°08'50" E	37°29'49"
BC-9	100.00'	89.13'	86.21'	S 20°21'44" W	51°04'00"
BC-10	60.00'	65.44'	62.24'	S 36°24'59" E	62°29'26"
BC-11	25.00'	49.86'	42.00'	S 51°57'53" W	114°15'58"
BC-12	149.74'	204.33'	188.84'	S 70°04'42" W	78°11'03"
BC-13	132.18'	474.53'	257.74'	N 46°03'21" W	205°41'46"
BC-14	165.96'	172.04'	164.44'	N 28°47'54" E	59°23'37"
BC-15	165.00'	115.23'	112.90'	N 19°13'54" W	40°00'51"
BC-16	100.00'	150.80'	136.91'	N 03°57'41" E	86°24'02"
BC-17	504.23'	161.86'	161.16'	N 57°02'02" E	18°23'30"
BC-18	24.09'	47.97'	40.43'	S 59°07'57" E	114°05'47"

LEGEND

- PROPERTY BOUNDARY LINE
+ + PROPOSED PERMANENT EASEMENT
--- EXISTING PROPERTY LINE
--- EXISTING RIGHT-OF-WAY LINE
+ + EXISTING PERMANENT EASEMENT (UTILITY)
--- PE EXISTING PERMANENT EASEMENT (DELDOT)
S-31 UNIT LABELS (PROPOSED)
--- PROPOSED BUILDING SETBACK LINE
--- WOODSLINE
--- PROPOSED 20' FORESTED BUFFER LINE

SHEET R-6



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

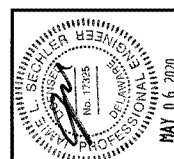


**THE VINEYARDS AT NASSAU VALLEY-
SINGLE FAMILY MINOR SUBDIVISION**
RESIDENTIAL COMMUNITY, SUSSEX COUNTY, DELAWARE

REVISED:

Date: MAY, 2020
Scale: 1"=150'
Dwn.By: DJS
Proj.No.: 2467A002.A01
Dwg.No.:

R-02



PLAN

**THE VINEYARDS AT NASSAU VALLEY-
SINGLE FAMILY MINOR SUBDIVISION**

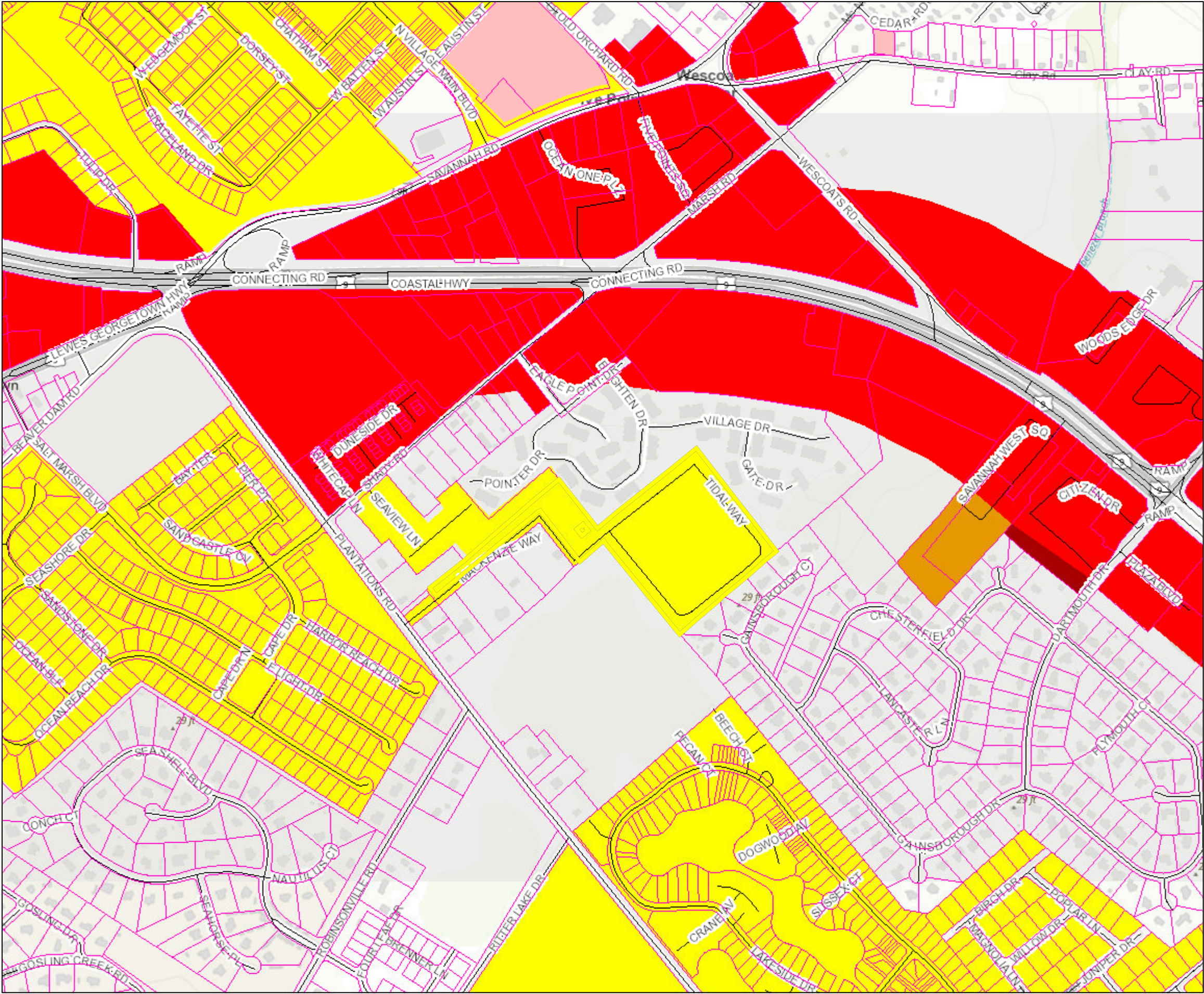
REVISÉ:

Date:	MAY, 2020
Scale:	1"=60'
Dwn.By:	DJS
Proj.No.:	2467A002.A0
Dwg.No.:	

R-03



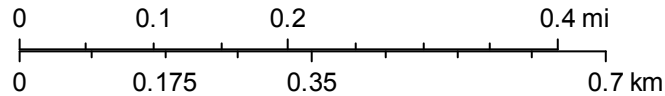
Sussex County

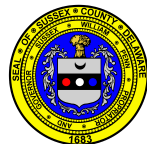


PIN:	334-6.00-504.02
Owner Name	CB LEWES LLC
Book	4175
Mailing Address	PO BOX 310
City	NASSAU
State	DE
Description	COASTAL TIDE
Description 2	F/K/A ARBORS OF COTTAGE
Description 3	FUTURE CONDOS
Land Code	

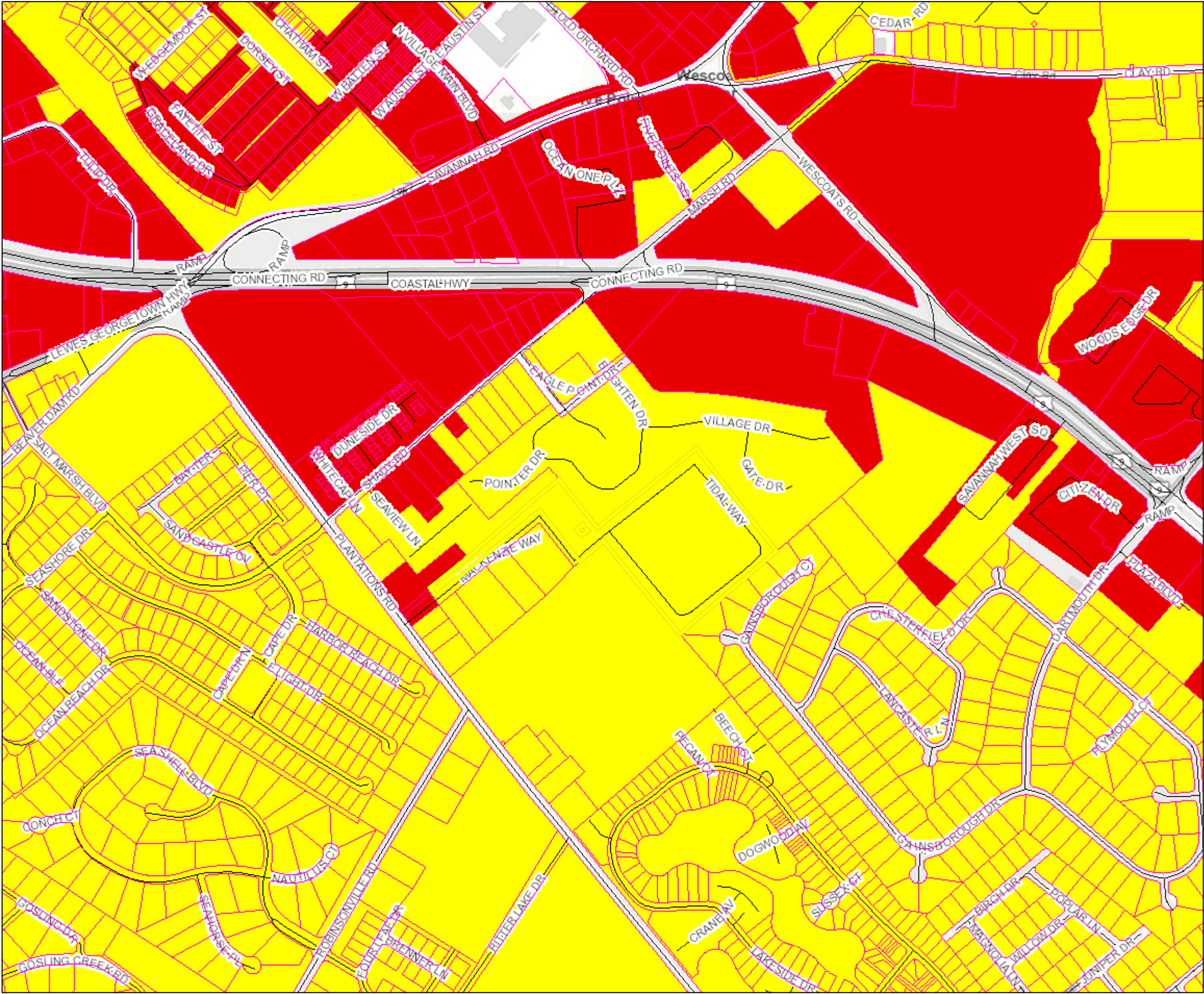
- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
- Streets

1:9,028





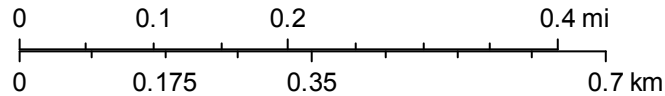
Sussex County



PIN:	334-6.00-504.02
Owner Name	CB LEWES LLC
Book	4175
Mailing Address	PO BOX 310
City	NASSAU
State	DE
Description	COASTAL TIDE
Description 2	F/K/A ARBORS OF COTTAGE
Description 3	FUTURE CONDOS
Land Code	

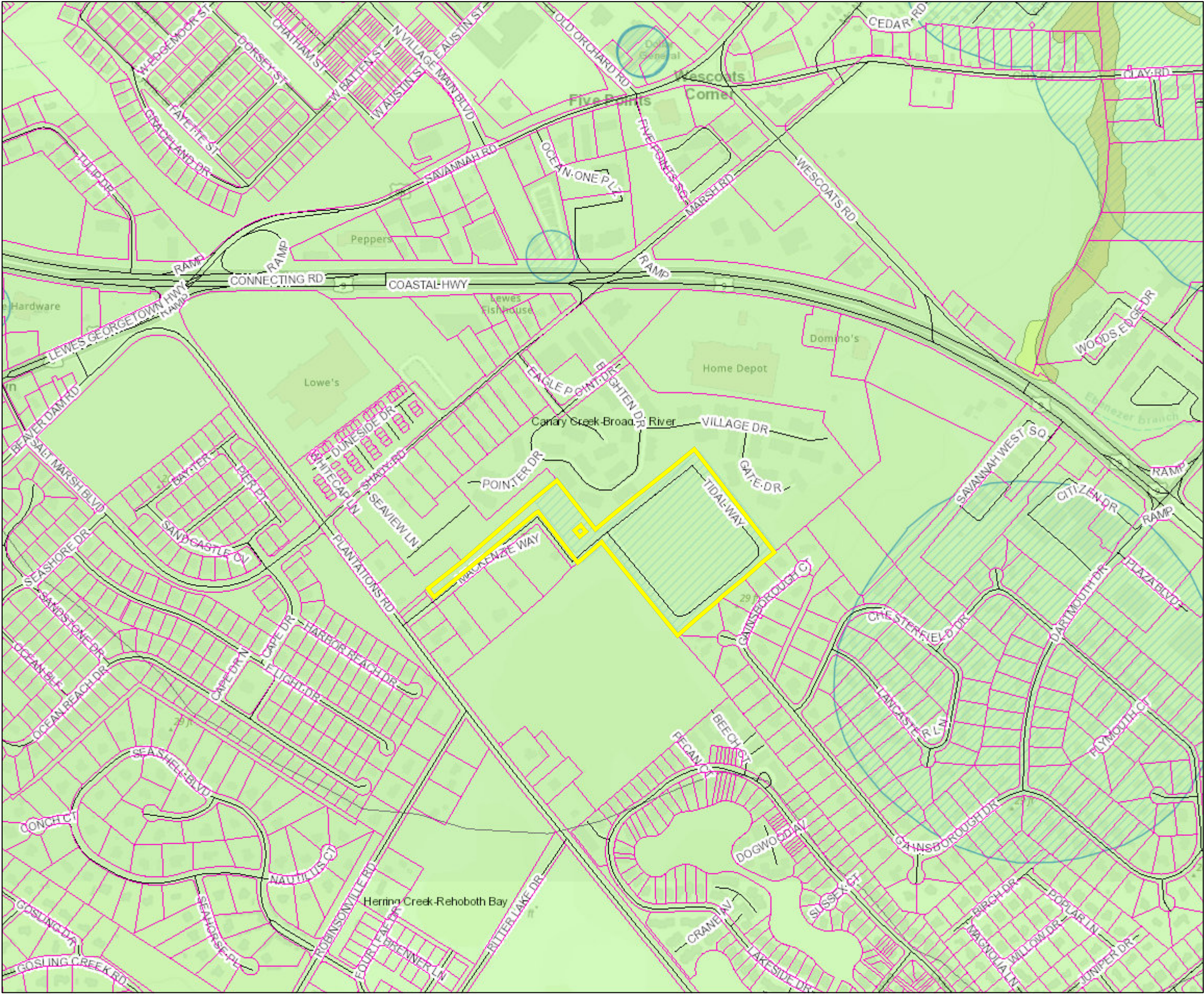
- 2019 Future Land Use
- Low Density
 - Coastal Area
 - Commercial
 - Developing Area
 - Existing Development Area
 - Industrial
 - Municipalities
 - Town Center
- polygonsLayer
- Override 1
- polygonsLayer
- Override 1
 - Tax Parcels
 - Streets
 - County Boundaries

1:9,028





Sussex County



PIN:	334-6.00-504.02
Owner Name	CB LEWES LLC
Book	4175
Mailing Address	PO BOX 310
City	NASSAU
State	DE
Description	COASTAL TIDE
Description 2	F/K/A ARBORS OF COTTAGE
Description 3	FUTURE CONDOS
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

Streets

Watersheds

County Boundaries

Flood Zones 2018

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

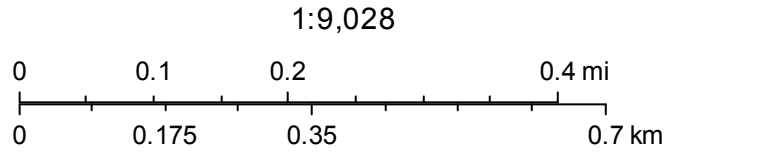
A

AE

AO

OPEN WATER

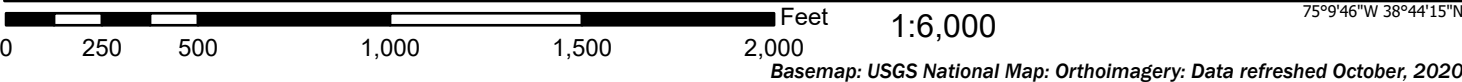
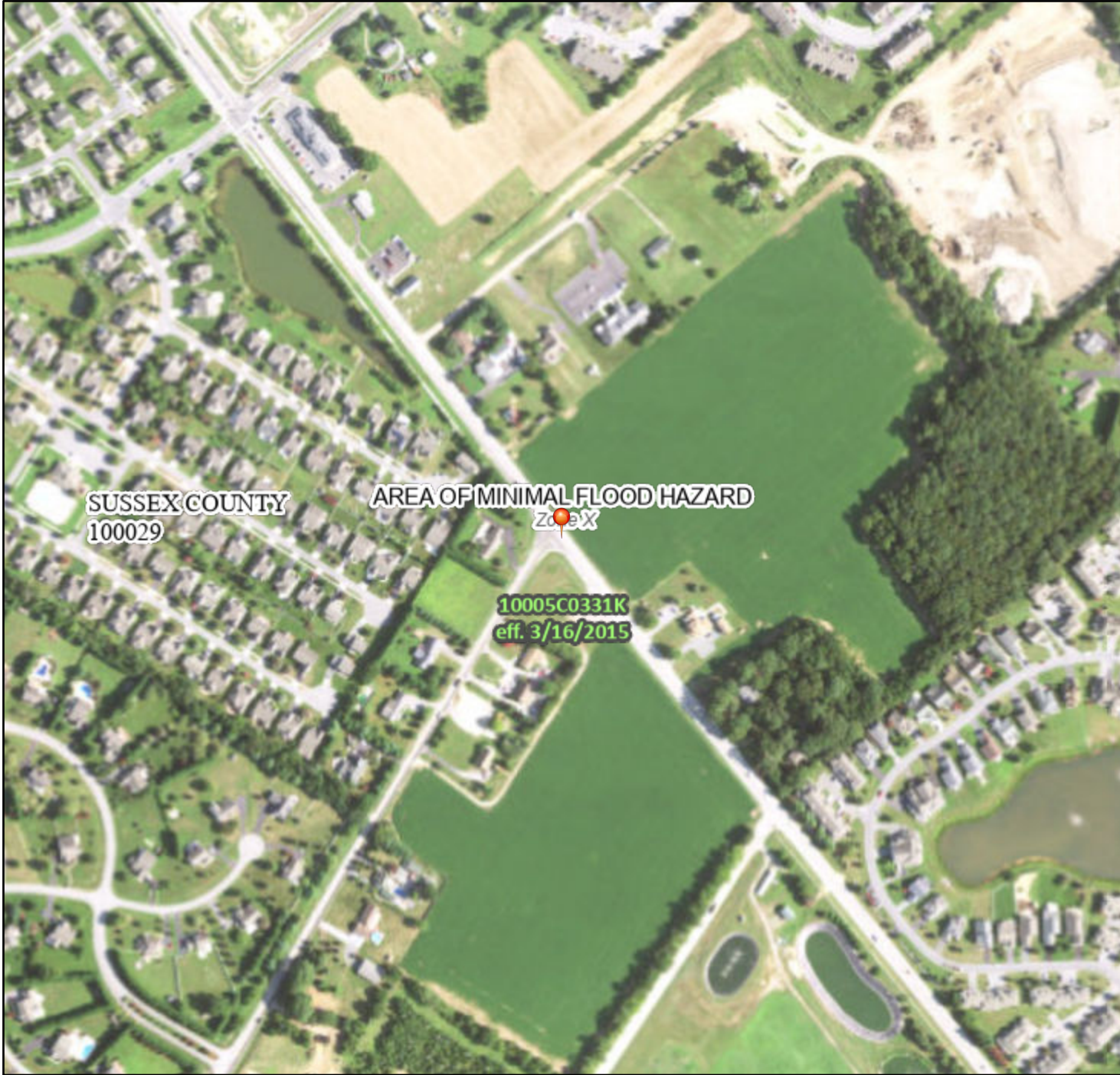
VE



National Flood Hazard Layer FIRMette



75°10'24"W 38°44'44"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/11/2022 at 4:14 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Delaware State Strategies 2020

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

Peppets

Lewes Fishhouse

Home Depot

Domino's

Duneside Dr

Shady Rd

Village Dr

Plumation Rd

Harbor Reach Dr

Cape Rd

Chesfield Dr

Gainsboro Dr

SITE

esri

600ft

1 of 1

Costal Tide

1992

Legend



Google Earth

Image U.S. Geological Survey



1000 ft

Costal Tide

2005

Legend



Google Earth

Image © 2022 Maxar Technologies

1000 ft



Costal Tide

2011

Legend



Google Earth

Image USDA/FPAC/GEO

1000 ft

Costal Tide

2017

Legend



1000 ft

Google Earth

Costal Tide

2018

Legend



1000 ft

Google Earth



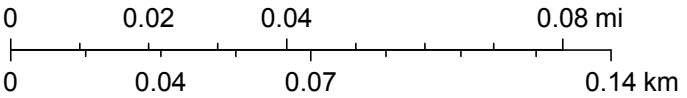
Sussex County



May 16, 2022

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

1:2,257



Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Geological Survey, Maxar, Microsoft, Delaware Public Service Commission, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County,

PLANNING & ZONING
Jamie Whitehouse, AICP, MRTPI
Director
(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountysde.gov

Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date:

Site Information:

Site Address/Location:

Tax Parcel Number:

Current Zoning:

Proposed Zoning:

Land Use Classification:

Proposed Use(s):

Square footage of any proposed buildings or number of units:

Applicant Information:

Applicant's Name:

Applicant's Address:

City:

State:

Zip Code:

Applicant's Phone Number:

Applicant's e-mail address:



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

Last updated 3-12-20



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

NICOLE MAJESKI
SECRETARY

February 25, 2022

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **CB Lewes, LLC** proposed land use application, which we received on February 21, 2022. This application is for an approximately 16.96- acre parcel (Tax Parcel: 334-6.00-504.02). The subject land is located on MacKenzie Way on the northeast side of Plantations Road (Sussex Road 275). The subject land is currently zoned MR (Medium Density Residential), and the applicant seeks a conditional use approval to build 30 multi-family apartment units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along the section of Plantations Road from Beaver Dam Road (State Route 23) to Cedar Grove Road (Sussex Road 283) is 10,907 vehicles per day.

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

However, the subject development is located in the Henlopen Transportation Improvement District (TID), adopted by DelDOT and Sussex County in accordance with Section 2.4 of the Development Coordination Manual. For that reason, the applicant will be required to pay a fee per dwelling in lieu of doing a TIS and making off-site improvements in accordance therewith. Any improvements required by DelDOT beyond the site entrance construction will be creditable toward the fee.



Mr. Jamie Whitehouse

Page 2 of 2

February 25, 2022

The applicant should contact Ms. Sarah Coakley, Principal Planner in DelDOT's Regional Systems Planning Section, for information regarding the TID and the associated fees. Ms. Coakley may be reached at Sarah.Coakley@delaware.gov or (302) 760-2236.

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 Furmato, at Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



Claudy Joinville
Project Engineer
Development Coordination

CJ:afm

cc: CB Lewes LLC, Applicant
Ann Lepore, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, County Coordinator, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Sarah Coakley, Principal Planner, Regional Systems Planning
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Annamaria Furmato, Project Engineer, Development Coordination

ORDINANCE NO. 2105

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18.33 ACRES, MORE OR LESS

WHEREAS, on the 13th day of May 2009, a zoning application, denominated Change of Zone No. 1687 was filed on behalf of Rick Banning; and

WHEREAS, on the 27th day of August 2009, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 12th day of November 2009, said Planning and Zoning Commission recommended that Change of Zone No. 1687 be approved; and

WHEREAS, on the 22nd day of September 2009, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation MR Medium Density Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northeast of Plantation Road (Road 275) 710 feet southeast of Shady Road (Road 276) and being more particularly described as follows:

BEGINNING at a point on the northeasterly right-of-way of Plantation Road, a corner for these subject lands and lands of the Church of Israel Trustees; thence north 52° 34' 19" east 216.27 feet and north 37° 25' 33" west 64.26 feet along lands of the Church of Israel Trustees to a point; thence north 50° 10' 27" east 991.35 feet along lands, now or formerly, of the Church of Israel Trustees, and lands, now or formerly, of Morris Winston to a point; thence south 38° 26' 01" east 364.28 feet, north 50° 53' 45" east 744.21 feet and south 38° 47' 09" east 765.55 feet along said Winston lands to a point; thence south 49° 25' 32" west 754.98 feet along Rolling Meadows Subdivision to a point; thence north 39° 34' 15" west 703.83 feet and south 49° 14' 34" west 230.57 feet along lands, now or formerly, of Billie Lynn Thompson, Trustee, to a point; thence north 38° 26' 01" west 329.00 feet along lands, now or formerly, of Garciel Street to a point; thence south 50° 17' 41" west 639.58 feet along said Street lands, lands, now or formerly, of Paul W. and Patricia E. Kase, and lands, now or formerly, of Scott and Harold Lednum to a point; thence south 52° 34' 28" west 320.00 feet along lands, now or formerly, or Gertrude L. Jones to a point on the northeasterly right-of-way of Plantation Road; and thence north 37° 25' 06" west 50.00 feet along the northeasterly right-of-way of Plantation Road to the point and place of beginning and containing 18.33 acres, more or less.

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

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2105 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF FEBRUARY 2010.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Change of Zone was appropriate legislative action based on the following findings of fact:

1. This is an application to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to an MR Medium Density Residential District for a parcel of land containing 18.33 acres, more or less, lying in Lewes and Rehoboth Hundred, Sussex County, Delaware, lying northeast of Plantation Road (Road 275), 710 feet southeast of Shady Road (Road 276).

2. The subject property is owned by Mid Atlantic Development Ventures, LLC, a Delaware limited liability company.
3. The project will be known as The Arbors of Cottagedale and is to be located on 18.83 acres, more or less, in Lewes and Rehoboth Hundred, lying northeast of Plantation Road and southeast of Shady Road.
4. There are 168 rental units approved for the project, a portion of which will be under the Affordably Priced Rental Unit Program of Sussex County.
5. In the Sussex County Comprehensive Plan, the area for The Arbors of Cottagedale project is identified for purposes of future land use as a growth zone and environmentally sensitive developing area. The recommended densities and uses set out in Table 8 of the Comprehensive Plan include MR Medium Density Residential Districts and the guidelines for future growth recommends a range of housing types, including multi-family dwelling units.
6. The Strategies for State Policies and Spending identify the area as Investment Level 2 which encourages departure from single family dwellings consistent with the character of the area with higher densities and compact mixed use development.
7. The Applicant has applied for and has been granted permission to participate in the Affordably Priced Rental Unit Program of Sussex County.
8. The Applicant has responded appropriately to the PLUS comments.
9. The project site has been previously used as a borrow pit for sand and gravel; it was known as the Jackson Pit. Later, it was used as an unpermitted landfill for domestic trash. The removal and disposal of solid waste from the Jackson Pit site has received Brownfield Certification and has been qualified by DNREC for grant funding. Cleaning up the Jackson Pit will benefit the environment and provide for the health and safety of the inhabitants of the project and the surrounding area.
10. With the conditions imposed, The Arbors of Cottagedale project will be designed in accordance with the County's zoning ordinance and will provide moderately and affordably priced rental units to the area.
11. The proposed project site is appropriate because the project is adjacent to and surrounded by growth areas, commercial sites and other residential developments.

- 12. The proposed project is in character with the nature of the area in that it will be a part of the larger Route One and Plantation Road communities and will provide affordably priced rental units adjacent to retail areas. The project is beneficial to the Affordably Priced Rental Unit Program and is a prominent part of Level 2 of the Strategies for State Policies and Spending.**
- 13. Public investment in infrastructure will be avoided because the proposed project will be served with wastewater treatment provided by Sussex County. The Applicant will bear its fair share of costs relating to this project.**
- 14. Water will be provided by Tidewater Utilities, Inc., which has been granted the Certificate of Public Convenience and Necessity (CPCN) for the proposed project.**
- 15. The approval of this project promotes and protects the health, safety, convenience, orderly growth and welfare of the inhabitants of Sussex County.**
- 16. Based on the record and recommendation of the Planning and Zoning Commission and the above Findings, the Council approved the application.**

ORDINANCE NO. 2106

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18.33 ACRES, MORE OR LESS

WHEREAS, on the 13th day of May 2009, a conditional use application, denominated Conditional Use No. 1845 was filed on behalf of Rick Banning; and

WHEREAS, on the 27th day of August 2009, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 12th day of November 2009, said Planning and Zoning Commission recommended that Conditional Use No. 1845 be approved with conditions; and

WHEREAS, on the 22nd day of September 2009, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1845 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northeast of Plantation Road (Road 275) 710 feet southeast of Shady Road (Road 276) and being more particularly described as follows:

BEGINNING at a point on the northeasterly right-of-way of Plantation Road, a corner for these subject lands and lands of the Church of Israel Trustees; thence north 52° 34' 19" east 216.27 feet and north 37° 25' 33" west 64.26 feet along lands of the Church of Israel Trustees to a point; thence north 50° 10' 27" east 991.35 feet along lands, now or formerly, of the Church of Israel Trustees, and lands, now or formerly, of Morris Winston to a point; thence south 38° 26' 01" east 364.28 feet, north 50° 53' 45" east 744.21 feet and south 38° 47' 09" east 765.55 feet along said Winston lands to a point; thence south 49° 25' 32" west 754.98 feet along Rolling Meadows Subdivision to a point; thence north 39° 34' 15" west 703.83 feet and south 49° 14' 34" west 230.57 feet along lands, now or formerly, of Billie Lynn Thompson, Trustee, to a point; thence north 38° 26' 01" west 329.00 feet along lands, now or formerly, of Garciel Street to a point; thence south 50° 17' 41" west 639.58 feet along said Street lands, lands, now or formerly, of Paul W. and Patricia E. Kase, and lands, now or formerly, of Scott and Harold Lednum to a point; thence south 52° 34' 28" west 320.00 feet along lands, now or formerly, or Gertrude L. Jones to a point on the northeasterly right-of-way of Plantation Road; and thence north 37° 25' 06" west 50.00 feet along the northeasterly right-of-way of Plantation Road to the point and place of beginning and containing 18.33 acres, more or less.

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

This Ordinance was adopted subject to the following conditions:

1. The maximum number of residential rental units shall not exceed 168 units.
2. The removal, disposal and monitoring of waste from the Jackson Pit, located on the project site, shall be in compliance with all DNREC requirements.
3. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's requirements.
4. The swimming pool shall be constructed and open to use by residents within one year of issuance of the first building permit for the project.
5. The project shall be served by central sewer as part of a Sussex County Sanitary Sewer District.

6. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
7. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures.
8. The interior street design shall be in accordance with or exceed Sussex County street design requirements. Sidewalks shall be installed along both sides of all streets.
9. The Applicant shall submit as part of the site plan review, a landscape plan showing the proposed tree and shrub landscape plan and an architectural rendition.
10. Construction, site work, grading and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.
11. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.
12. The Applicant shall cooperate with the local school district's transportation manager and DART to establish school bus stop areas and DART stop areas. The areas for school bus stops and/or DART stops shall be shown on the Final Site Plan.
13. The Applicant shall comply with all of the requirements of the Sussex County Affordably Priced Rental Unit Program, but participation in this program shall not exceed 30 percent of the total residential units available and a minimum of 70 percent market priced units.
14. The location of the cemetery shall be determined in cooperation with the Delaware State Historic Preservation Office and it shall be delineated on the Final Site Plan. There shall be a 40 foot landscaped buffer from the delineated boundary of the cemetery.
15. The recreation area shall either be relocated to the center of the project or there shall be speed bumps or some similar traffic calming devices and signs located in the vicinity of it.

16. Six (6) foot high fencing shall be installed between this project and the adjacent Eagle Point development and maintenance of it shall be included in the maintenance agreement. The location and type of fencing shall be shown on the Final Site Plan.
17. There shall be a 50 foot landscaped buffer from the delineated boundary of Eagle Point development.
18. The Final Site Plan for the development shall be subject to the approval of the Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2106 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF FEBRUARY 2010.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Conditional Use was appropriate legislative action based on the following findings of fact:

1. This is an application for a Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, containing 18.33 acres, more or less, lying northeast of Plantation Road (Road 275) and 710 feet southeast of Shady Road (Road 276).
2. The subject property is owned by Mid Atlantic Development Ventures, LLC, a Delaware limited liability company.
3. The project will be known as The Arbors of Cottagedale. The site is located on 18.83 acres, more or less, in Lewes and Rehoboth Hundred, lying northeast of Plantation Road and southeast of Shady Road.
4. There are 168 rental units approved, a portion of which will be under the Affordably Priced Rental Unit Program of Sussex County.

5. In the Sussex County Comprehensive Plan, the area for The Arbors of Cottagedale project is identified for purposes of future land use as a growth zone and environmentally sensitive developing area. The recommended densities and uses set out in Table 8 of the Comprehensive Plan include MR Medium Density Residential Districts and the guidelines for future growth recommends a range of housing types, including multi-family dwelling units.
6. The Strategies for State Policies and Spending identify the area as Investment Level 2 which encourages departure from single family dwellings and development consistent with the character of the area with higher densities and compact mixed use development.
7. The Applicant has applied for and has been granted permission to participate in the Affordably Priced Rental Unit Program of Sussex County.
8. The Applicant has responded appropriately to the PLUS comments.
9. The project site has been previously used as a borrow pit for sand and gravel; it was known as the Jackson Pit. Later, it was used as an unpermitted landfill for domestic trash. The removal and disposal of solid waste from the Jackson Pit site has received Brownfield Certification and has been qualified by DNREC for grant funding. Cleaning up the Jackson Pit will benefit the environment and provide for the health and safety of the inhabitants of the project and the surrounding area.
10. With the conditions imposed, the Arbors of Cottagedale project will be designed in accordance with the County's zoning ordinance and will provide affordably priced rental units to the area.
11. The proposed project site is appropriate because the project is adjacent to and surrounded by growth areas, commercial sites and other residential developments.
12. The proposed project is in character with the nature of the area in that it will be a part of the larger Route One and Plantation Road communities and will provide affordably priced rental units adjacent to retail areas. The project is beneficial to the Affordably Priced Rental Unit Program and is a prominent part of Level 2 of the Strategies for State Policies and Spending.

13. Public investment in infrastructure will be avoided because the proposed project will be served with wastewater treatment provided by Sussex County. The Applicant will bear its fair share of costs relating to this project.
14. Water will be provided by Tidewater Utilities, Inc., which has been granted the Certificate for Public Convenience and Necessity (CPCN) for the proposed project.
15. The approval of this project promotes and protects the health, safety, convenience, orderly growth and welfare of the inhabitants of Sussex County.
16. The use is of a public or semi public character in that it will provide additional housing and is desirable for the health, safety, convenience, order, prosperity, morals and general welfare of the residents of Sussex County.
17. Based on the records created before the Planning and Zoning Commission and the Council and based on the recommendation of the Planning and Zoning Commission, this Conditional Use was approved subject to eighteen (18) conditions, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.

SITE DATA:

OWNER/
APPLICANT/
DEVELOPER:

STEVE & ROBERT CAMPBELL
19 RIDGEWOOD TURN
NEWARK, DE 19711
PHONE: 302.992.9210
CONTACT: STEVE CAMPBELL

ENGINEER:

SOLUTIONS IP&M
303 NORTH BEDFORD STREET
GEORGETOWN, DE 19947
PHONE: 302.297.9215
CONTACT: JASON PALKIEWICZ, PE

- TAX MAP:
3-34-6 PARCEL 504.02
SITE AREA = 18.33 ACRES
- PROPOSED USE:
MULTI-FAMILY RENTAL APARTMENTS
168 APARTMENT UNITS
(6 GARDEN-STYLE APARTMENT BUILDINGS)
- EXISTING ZONING:
MR W/ CONDITIONAL USE #1845
- BUILDING SETBACKS (MR):
FRONT: 40'
SIDE: 10'
REAR: 10'
MAXIMUM BUILDING HEIGHT: 42'
- FLOOD ZONE:
THE PROPERTY IS LOCATED WITHIN FLOOD ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), PER FIRM MAP NUMBER 10005C0331K, MAP REVISED MARCH 16, 2015.
- SOIL TYPES:
DoA - DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES
DoB - DOWNER SANDY LOAM, 2 TO 5 PERCENT SLOPES
UBB - UDORTHENTS, BORROW AREA, 0 TO 5 PERCENT SLOPES
- WATER SUPPLY:
TIDEWATER UTILITIES
- SANITARY SEWER:
SUSSEX COUNTY (WEST REHOBOTH EXPANSION)

GROSS AREA = 18.08 AC.±
MACKENZIE WAY R.O.W. AREA = 1.310 AC.±
MACKENZIE WAY EASEMENT AREA = 0.389 AC.±
OPEN SPACE AREA (INCLUDING STORMWATER FEATURES, BUFFERS, RECREATIONAL FACILITIES, ETC.) = 11.433 AC.± (63.24%)
PUMP STATION LOT AREA (DEDICATED TO SUSSEX COUNTY) = 0.057 AC.±
RESIDENTIAL BUILDING AREA = 1.640 AC.±
PARKING LOT AREA = 2.938 AC.±
GARAGE AREA = 0.313

- TOTAL IMPERVIOUS AREA = 6.622 AC. ± (36.6%)
- PROPOSED DENSITY = 9.29 UNITS/ACRE
- PUBLIC SANITARY SEWER MAINS SHALL BE LOCATED WITH 20' EASEMENTS IF REQUIRED BY SUSSEX COUNTY ENGINEERING DEPARTMENT.
- TOPOGRAPHY SHOWN HEREIN ARE AS PROVIDED BY THE CLIENT, PREPARED BY MERIDIAN ARCHITECTS AND ENGINEERS, DATED 7-8-2005. DELAWARE STATE PLAN COORDINATE SYSTEM NAD 83/91.
- BOUNDARY SHOWN HEREIN PROVIDED BY THE CLIENT, PREPARED BY MERESTONE CONSULTANTS, ENTITLED REVISED SITE PLAN, DATED NOVEMBER 15, 2005.

PARKING CALCULATIONS:
168 UNITS * 2 SPACES/UNIT = 336 SPACES
336-50 = 286 SPACES
286 SPACES * 85% = 243.1 SPACES
244 + 50 SPACES = 294 SPACES REQUIRED
SPACES PROVIDED = 294 SPACES

HANDICAPPED SPACES REQUIRED = 7 SPACES (1 SPACE WITH 96" ACCESS AISLE)
HANDICAPPED SPACES PROVIDED = 7 SPACES (2 SPACES WITH 96" ACCESS AISLES)

DeIDOT NOTES:

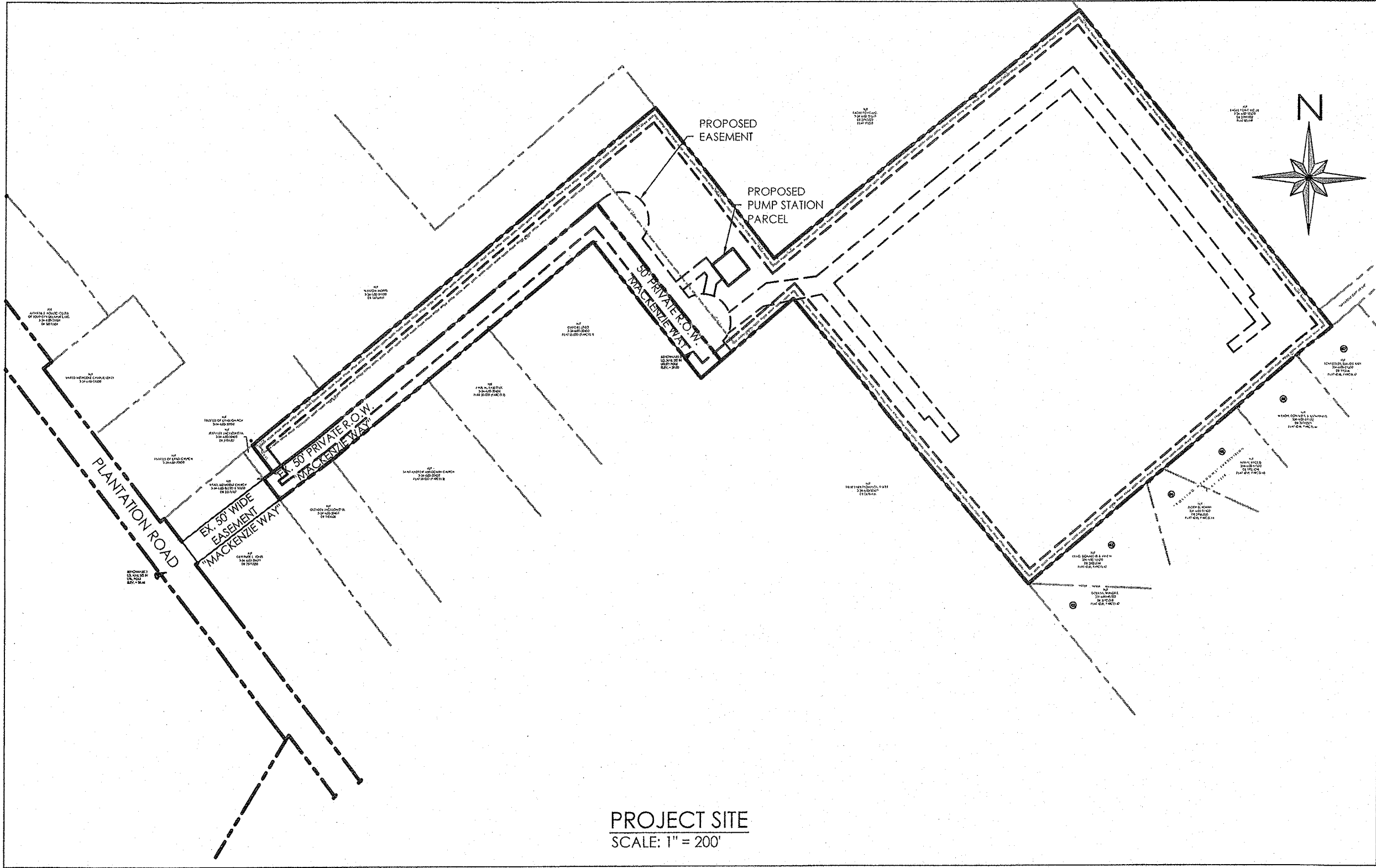
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS AND SHALL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S "SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY".
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS
- THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE FOR THE SIDEWALK.
- ALL BMP MAINTENANCE SHALL BE RESPONSIBILITY OF THE DEVELOPER OR HOMEOWNERS ASSOCIATION.

NOTES:

- ALL ON-SITE STREETS ARE PRIVATE AND SHALL BE MAINTAINED BY THE OWNER.
- STORMWATER MANAGEMENT AND STORM DRAINAGE SHALL BE IN ACCORDANCE WITH THE SUSSEX COUNTY CONSERVATION DISTRICT AND SUSSEX COUNTY ENGINEERING REQUIREMENTS. THE SITE IS TO BE TREATED BY MULTIPLE WET PONDS. MAINTENANCE OF THE ON-SITE STORMWATER MANAGEMENT FACILITIES AND STORM DRAINAGE SYSTEM SHALL BE BY THE OWNER. THE PERPETUAL MAINTENANCE OF THE ABOVE PROACTIVE SHALL BE BY THE RESPECTIVE ORGANIZATION.
- ALL OPEN SPACE SHALL BE MAINTAINED BY THE OWNER.

FINAL SITE PLAN FOR THE ARBORS OF COTTAGEDALE

SUSSEX COUNTY, DELAWARE
FOR
STEVE AND ROBERT CAMPBELL



SHEET INDEX

- COVER SHEET
- CONDITIONS OF APPROVAL & CROSS SECTIONS
- EXISTING CONDITIONS
- FINAL SITE PLAN A
- FINAL SITE PLAN B
- SITE UTILITY PLAN A
- SITE UTILITY PLAN B
- LANDSCAPING PLAN A
- LANDSCAPING PLAN B



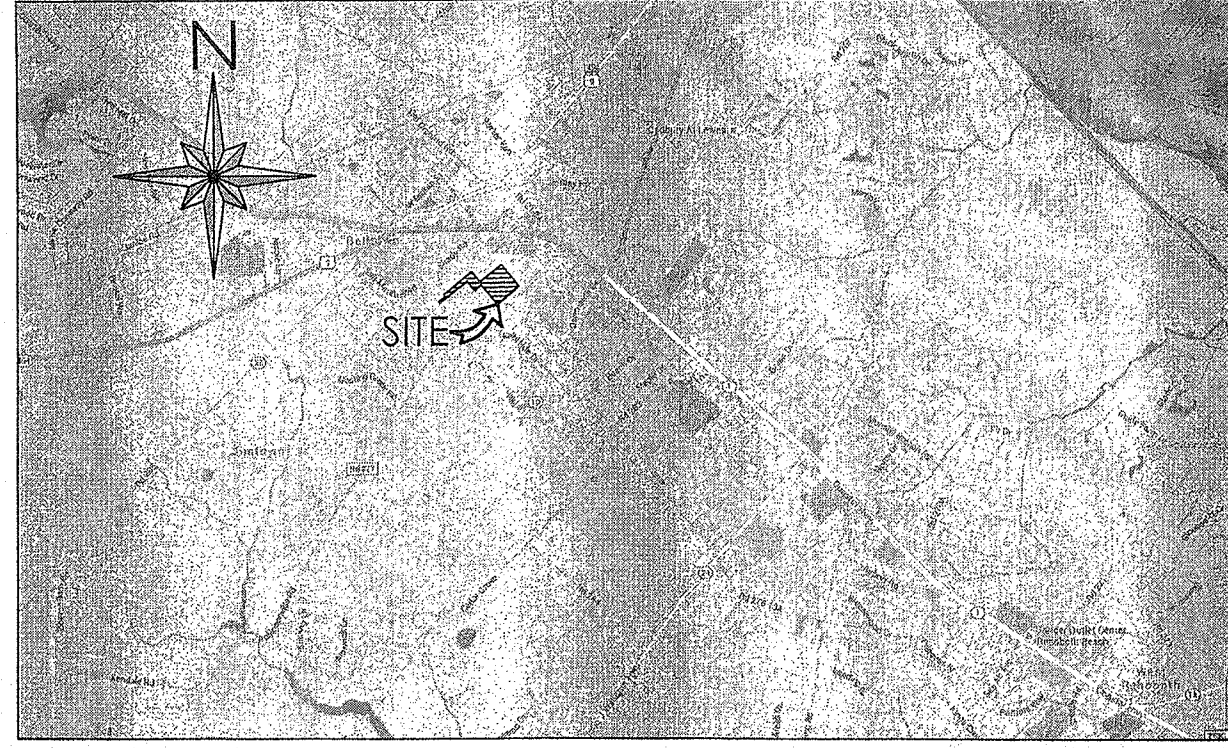
APPROVED
SEDIMENT CONTROL & STORMWATER MANAGEMENT
Reviewed by: *[Signature]* Date: *8/17/15*
Approved by: *[Signature]* Date: *8/17/15*

APPROVED
Final Site Plan Per County
302.992.9210
SUSSEX COUNTY
PLANNING & ZONING COMMISSION

APPROVED BY:

SECRETARY OF PLANNING COMMISSION

PRESIDENT OF COUNTY COUNCIL
DATE

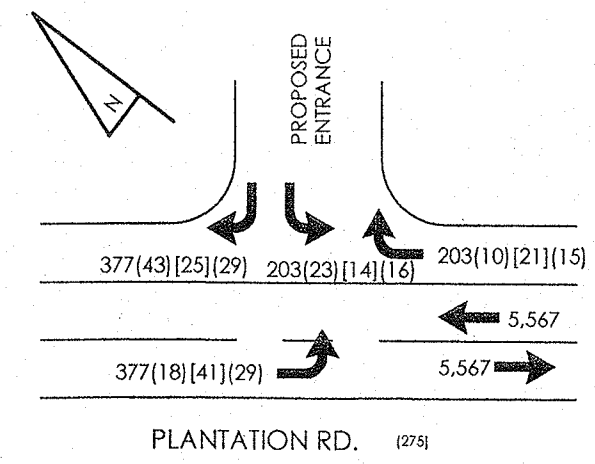


VICINITY MAP
SCALE: 1" = 5,280'
PERMITTED USE NO. 21003216

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE	---	---
EASEMENT LINE	---	---
EASEMENT HATCH	///	N/A
SETBACK LINE	---	---
R.O.W. LINE	---	---
PROPERTY CORNER (NOT SPECIFIED)	○	N/A
CONCRETE MONUMENT FOUND	CMF □	CMS □
IRON PIPE FOUND	IPF ●	N/A
SPOT ELEV. LABEL	N/A	19.25
MAJOR CONTOUR	---	N/A
MINOR CONTOUR	---	N/A
ROAD CENTERLINE	---	---
EDGE OF CONCRETE	---	---
EDGE OF PAVEMENT	---	---
PAINT STRIPE	---	N/A
CURB	---	---
PAVEMENT HATCH	///	---
SIDEWALK	---	---
SIDEWALK HATCH	///	---
EDGE OF POND	---	---
STORM MANHOLE	⊙	⊙
CURB INLET	⊙	⊙
STORM PIPE	SD	SD
SANITARY MANHOLE	⊙	⊙
SANITARY PIPE	SS	SS
WATER PIPE	W	W
FIRE HYDRANT	⊙	⊙
OVERHEAD ELECTRIC	E	N/A
UTILITY POLE	⊙	N/A
TREE LINE	---	---

TRIP GENERATION - PLANTATION ROAD - (S275)
(FULL MOVEMENT)



ROAD TRAFFIC DATA:

FUNCTIONAL CLASSIFICATION - S275 (PLANTATION RD.); MAJOR COLLECTOR ROAD
POSTED SPEED LIMIT - 45 mph
AADT = 11,134 TRIPS (FROM 2012 DeIDOT TRAFFIC SUMMARY)
10 YEAR PROJECTED AADT = 12,915 TRIPS
10 YEAR PROJECTED AADT + SITE ADT = 14,075 TRIPS
TRAFFIC PATTERN GROUP - 7 (FRPM 2012 DeIDOT TRAFFIC SUMMARY)
PEAK HOUR = 10% x 11,134 TRIPS = 1,113 TRIPS

SITE TRIPS GENERATED:

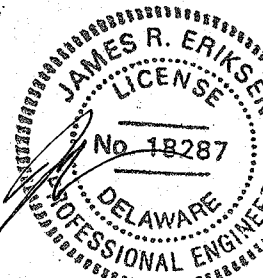
SOURCE: 7TH EDITION TRIP GENERATION MANUAL
168 UNIT APARTMENT BUILDINGS
ONE ENTRANCE - FULL MOVEMENT
TOTAL ADT = 1,160 TRIPS
DIRECTIONAL DISTRIBUTION:
35% TO AND FROM THE SOUTH = 406 ADT [46 AM PK] [59 PM PK] [31 SAT PK]
65% TO AND FROM THE NORTH = 754 ADT [61 AM PK] [66 PM PK] [58 SAT PK]
5% TRUCKS & BUSES x 1,160 = 58
NOTE: 2008 TIS WAS BASED ON 216 RESIDENTIAL UNITS. ADT AND PEAK HOUR DATA HAS BEEN RECALCULATED USING 168 APARTMENT UNITS.

TRAFFIC GENERATION DIAGRAM
ADT (A.M. PEAK HOUR) [P.M. PEAK HOUR] [SAT PEAK HOUR]

solutions
Integrated Planning
Engineering & Management, LLC

Fuller Hall
& ASSOCIATES, INC.

A Wholly Owned Subsidiary
303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9215
3003 Meritt Mill Road
Salisbury, MD 21804
T. 410.572.8833
www.solutionsipem.com Copyright © 2014



Seal 8/14/15
Date

NO.	DATE	DESCRIPTION
1	7/20/2015	PLANNING OFFICE COMMENTS
2	8/4/2015	PLANNING AND ZONING COMMENTS

COVER SHEET
for
ARBORS OF COTTAGEDALE
LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DE
Prepared for: CAMPBELL

Date:	01-17-2014
Job Number:	13050
Scale:	1" = 200'
Drawn By:	JRE
Designed By:	JRE
Approved By:	JP

Sheet No.:

1
File Name:
FINAL SITE PLAN COVER.dwg

CONDITIONAL USE # 1845

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

This Ordinance was adopted subject to the following conditions:

1. The maximum number of residential rental units shall not exceed 168 units.
2. The removal, disposal and monitoring of waste from the Jackson Pit, located on the project site, shall be in compliance with all DNREC requirements.
3. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's requirements.
4. The swimming pool shall be constructed and open to use by residents within one year of issuance of the first building permit for the project.
5. The project shall be served by central sewer as part of a Sussex County Sanitary Sewer District.
6. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
7. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures.
- ~~8. The interior street design shall be in accordance with or exceed Sussex County street design requirements. Sidewalks shall be installed along both sides of all streets.~~
9. The Applicant shall submit as part of the site plan review, a landscape plan showing the proposed tree and shrub landscape plan and an architectural rendition.
10. Construction, site work, grading and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.
11. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.
- ~~12. The Applicant shall cooperate with the local school district's transportation manager and DART to establish school bus stop areas and DART stop areas. The areas for school bus stops and/or DART stops shall be shown on the Final Site Plan.~~
13. The Applicant shall comply with all of the requirements of the Sussex County Affordably Priced Rental Unit Program, but participation in this program shall not exceed 30 percent of the total residential units available and a minimum of 70 percent market priced units.
14. The location of the cemetery shall be determined in cooperation with the Delaware State Historic Preservation Office and it shall be delineated on the Final Site Plan. There shall be a 40 foot landscaped buffer from the delineated boundary of the cemetery.
15. The recreation area shall either be relocated to the center of the project or there shall be speed bumps or some similar traffic calming devices and signs located in the vicinity of it.
16. Six (6) foot high fencing shall be installed between this project and the adjacent Eagle Point development and maintenance of it shall be included in the maintenance agreement. The location and type of fencing shall be shown on the Final Site Plan.
17. There shall be a 50 foot landscaped buffer from the delineated boundary of Eagle Point development.
18. The Final Site Plan for the development shall be subject to the approval of the Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2106 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF FEBRUARY 2010.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

REVISED CONDITION # 8

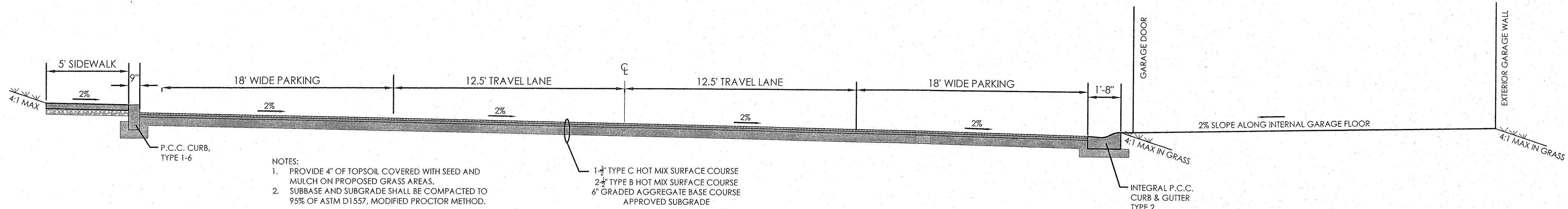
8. INTERIOR STREET DESIGN SHALL BE IN ACCORDANCE WITH OR EXCEED SUSSEX COUNTY STREET DESIGN REQUIREMENTS. SIDEWALKS SHALL BE INSTALLED ALONG BOTH SIDES OF THE ENTRANCE ROAD. SIDEWALKS SHALL BE INSTALLED ALONG ONE SIDE OF INTERIOR PARKING AREAS.

REMOVED CONDITION #12

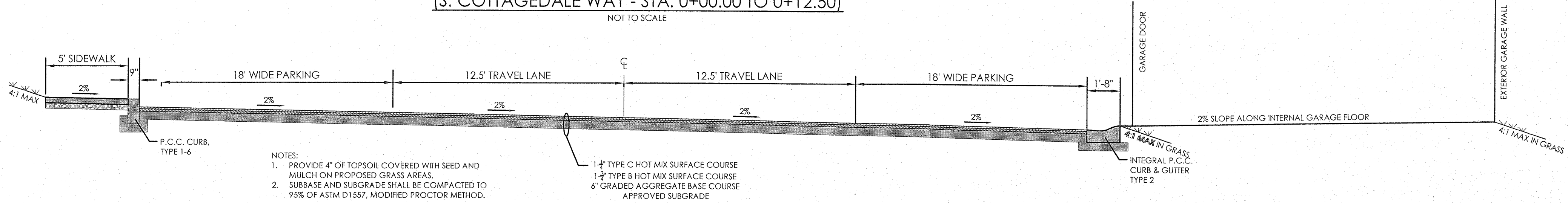
THE PLANNING COMMISSION REMOVED THE CONDITION TO PROVIDE A BUS STOP AREA AT THEIR MEETING ON AUGUST 13, 2015. DECISION WAS MADE BASED ON EMAIL CORRESPONDENCE INDICATING THAT THE SCHOOL DISTRICT WILL NOT COME ONTO THE PROPERTY FOR A BUS STOP.

GENERAL NOTE:

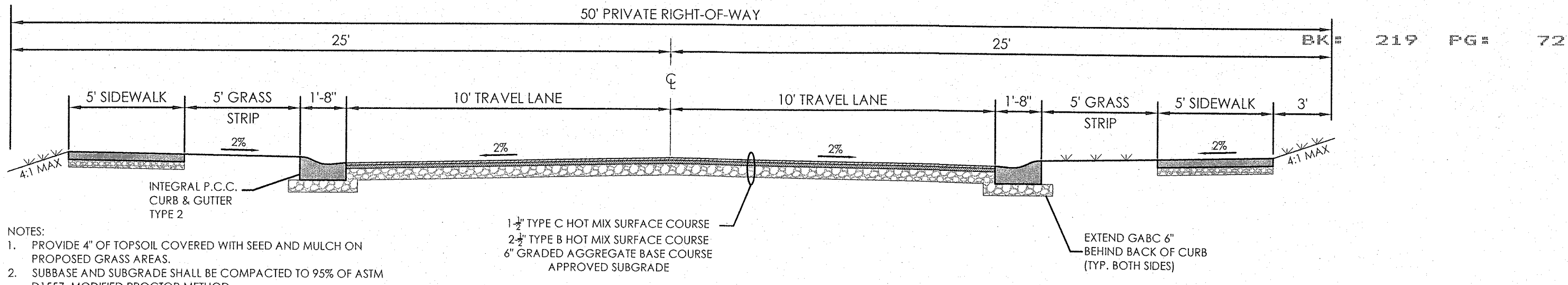
AS PER THE DISCUSSION DURING THE PLANNING COMMISSION MEETING ON AUGUST 13, 2015, STORMWATER MANAGEMENT STRUCTURES SHALL BE ALLOWED WITHIN THE 50' LANDSCAPED BUFFER ALONG THE EAGLE POINT SUBDIVISION (SEE CONDITION #17), BUT SHALL NOT BE ALLOWED WITHIN THE TYPICAL 20' LANDSCAPED BUFFER.



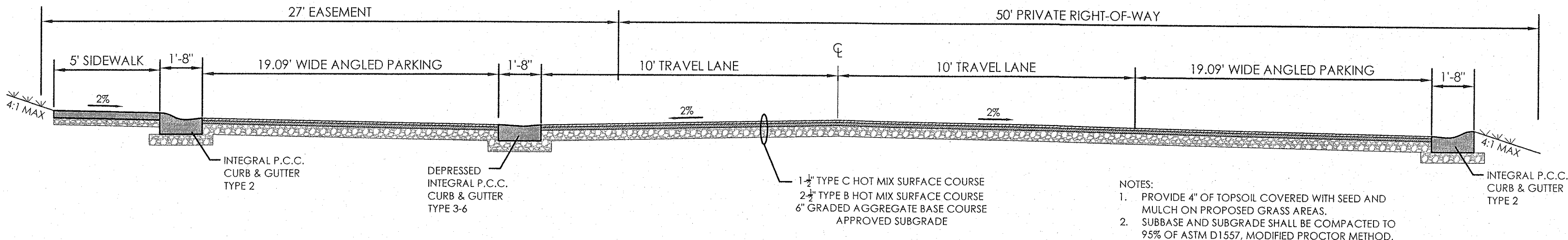
TYPE II RESIDENTIAL STREET W/ 90° PARKING SECTION
(N. COTTAGEDALE WAY - STA: 0+00.00 TO 6+35.00)
(S. COTTAGEDALE WAY - STA: 0+00.00 TO 0+12.50)
NOT TO SCALE



TYPE I RESIDENTIAL STREET W/ 90° PARKING SECTION
(N. COTTAGEDALE WAY - STA: 6+35.00 TO 12+75.81)
(S. COTTAGEDALE WAY - STA: 0+12.50 TO 4+97.97)
NOT TO SCALE



TYPE I RESIDENTIAL STREET
(MACKENZIE WAY - STA. 0+96.82 - 9+87.73)
NOT TO SCALE

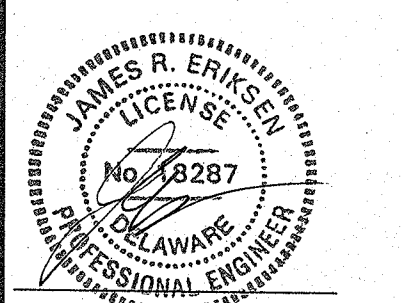


TYPE I RESIDENTIAL STREET W/ 45° ANGLED PARKING SECTION
("EAST" MACKENZIE WAY)
NOT TO SCALE

solutions
Integrated Planning
Engineering & Management, LLC

Fuller Hall
& ASSOCIATES, INC.
A Wholly Owned Subsidiary

303 North Bedford Street
Georgetown, DE 19947
T. 302.227.9518
3003 Merritt Hill Road
Salisbury, MD 21804
T. 410.572.8833
www.solutionsipem.com Copyright © 2014

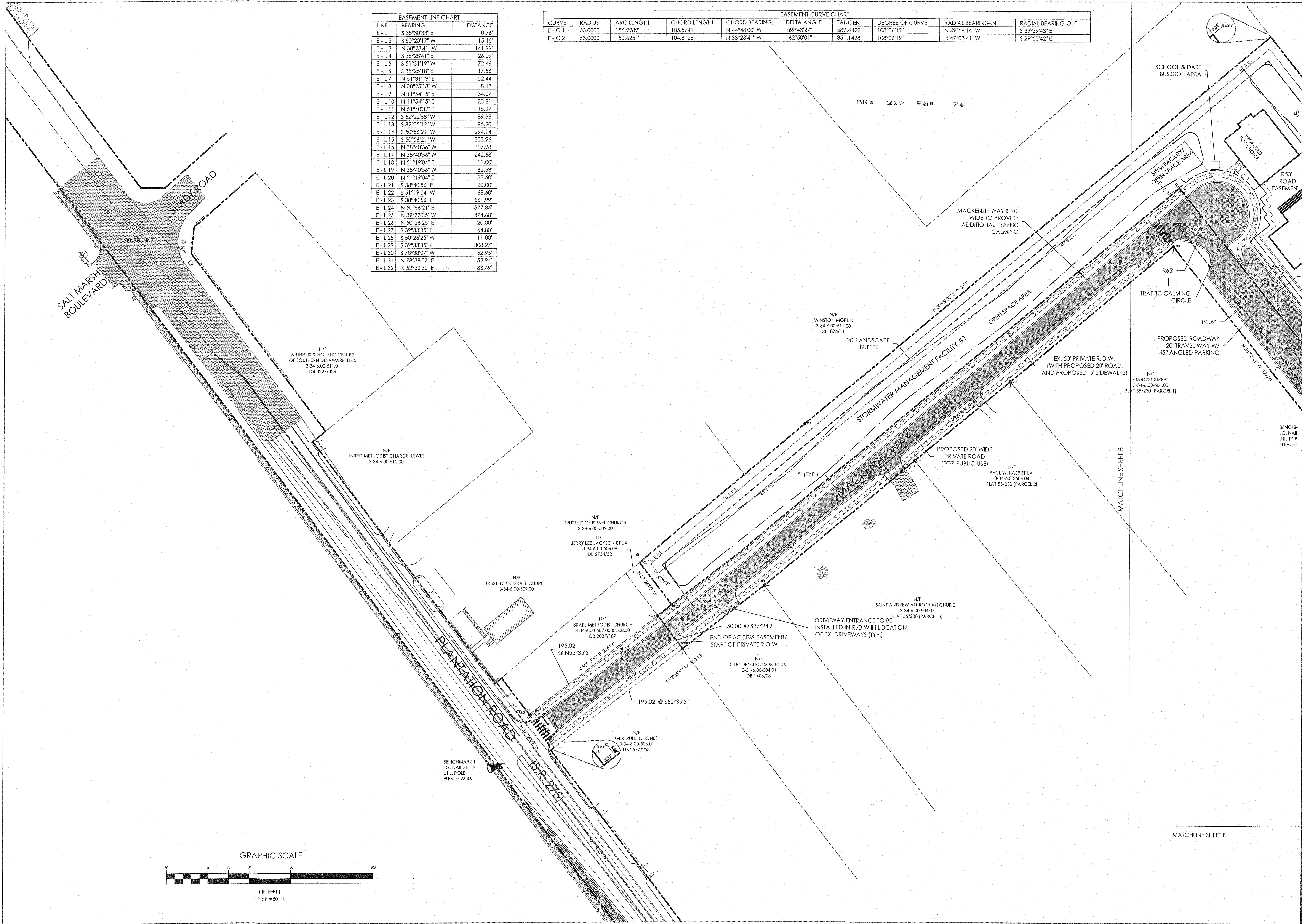

Seal
Date 6/14/15

REVISIONS		DESCRIPTION	
NO.	DATE	NO.	DATE

CONDITIONS OF APPROVAL & CROSS SECTIONS
for
ARBORS OF COTTAGEDALE
LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DE
Prepared for: CAMPBELL

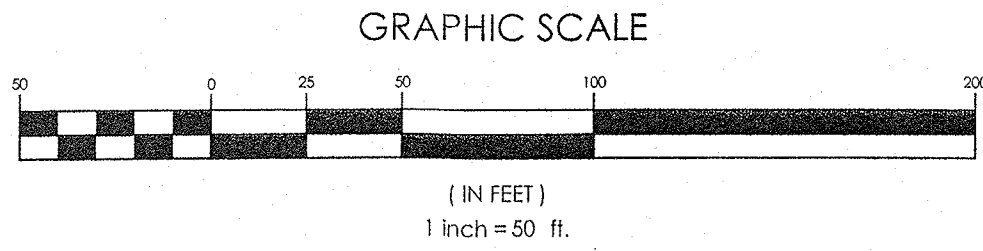
Date: 01-17-2014
Job Number: 13050
Scale: AS NOTED
Drawn By: JRE
Designed By: JRE
Approved By: JP

Sheet No.: 2
File Name: FINAL SITE PLAN COVER.dwg



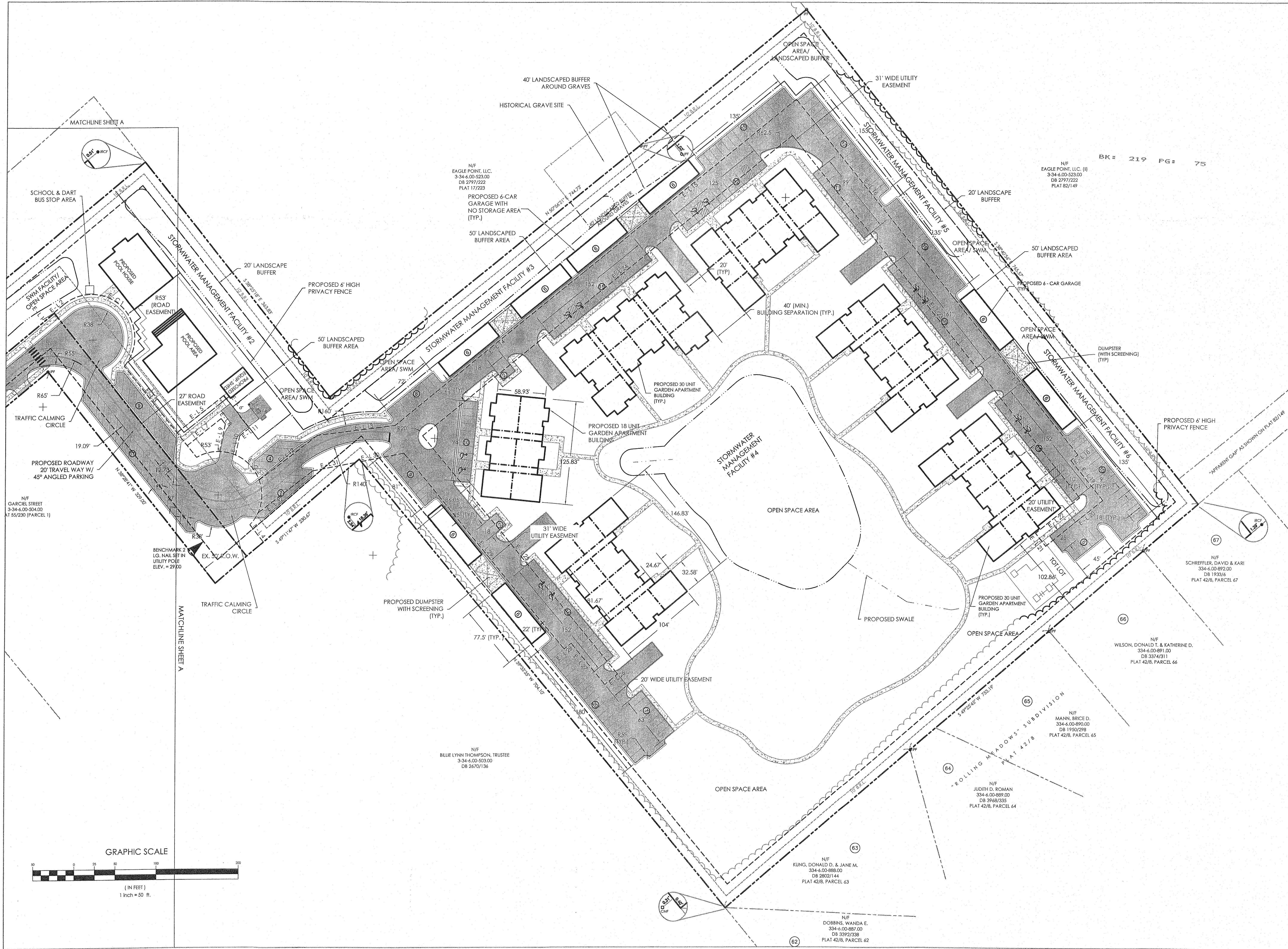
EASEMENT LINE CHART		
LINE	BEARING	DISTANCE
E-L1	S 38°30'33" E	0.76'
E-L2	S 50°20'17" W	15.15'
E-L3	N 38°28'41" W	141.99'
E-L4	S 38°28'41" E	26.09'
E-L5	S 51°31'19" W	72.46'
E-L6	S 38°25'18" E	17.56'
E-L7	N 51°31'19" E	52.44'
E-L8	N 38°25'18" W	8.43'
E-L9	N 11°54'15" E	34.07'
E-L10	N 11°54'15" E	23.81'
E-L11	N 51°40'32" E	15.27'
E-L12	S 52°22'58" W	89.33'
E-L13	S 82°35'12" W	95.20'
E-L14	S 50°56'21" W	294.14'
E-L15	S 50°56'21" W	333.26'
E-L16	N 38°40'56" W	307.98'
E-L17	N 38°40'56" W	242.68'
E-L18	N 51°19'04" E	11.00'
E-L19	N 38°40'56" W	62.53'
E-L20	N 51°19'04" E	88.60'
E-L21	S 38°40'56" E	20.00'
E-L22	S 51°19'04" W	48.60'
E-L23	S 38°40'56" E	561.99'
E-L24	N 50°56'21" E	577.84'
E-L25	N 39°33'35" W	374.68'
E-L26	N 50°26'25" E	20.00'
E-L27	S 39°33'35" E	64.80'
E-L28	S 50°26'25" W	11.00'
E-L29	S 39°33'35" E	308.27'
E-L30	S 78°38'07" W	52.95'
E-L31	N 78°38'07" E	52.94'
E-L32	N 52°32'30" E	83.49'

EASEMENT CURVE CHART									
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT	DEGREE OF CURVE	RADIAL BEARING-IN	RADIAL BEARING-OUT
E-C1	53.0000'	156.9989'	105.5741'	N 44°48'00" W	169°43'27"	589.4429'	108°06'19"	N 49°56'16" W	S 39°39'43" E
E-C2	53.0000'	150.6251'	104.8128'	N 38°28'41" W	162°50'01"	351.1428'	108°06'19"	N 47°03'41" W	S 29°53'42" E



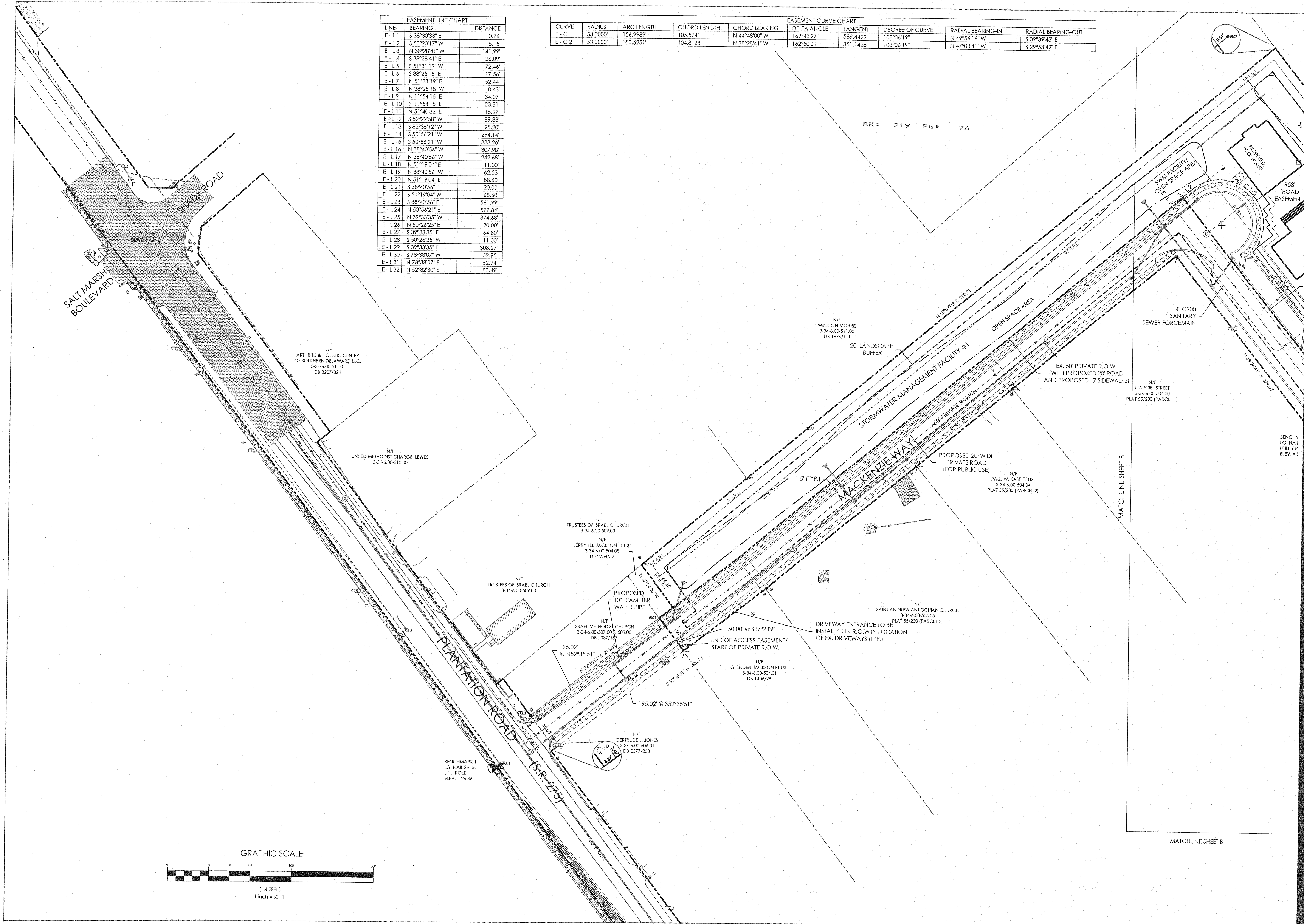
REVISIONS		DESCRIPTION
NO.	DATE	PLANNING OFFICE COMMENTS
1	7/20/2015	

Date:	01-17-2014
Job Number:	13050
Scale:	1" = 50'
Drawn By:	JRE
Designed By:	JRE
Approved By:	JP



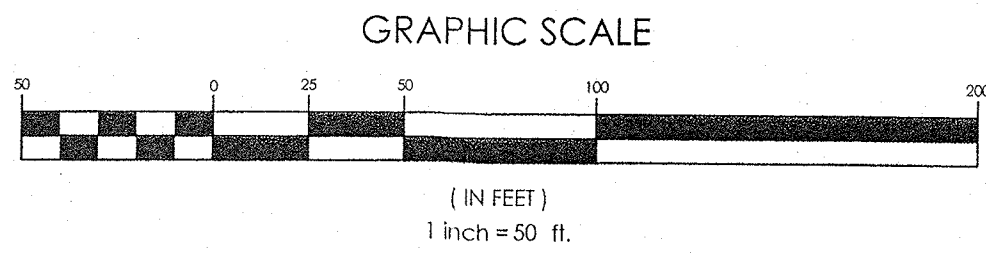
NO.	DATE	DESCRIPTION
		PLANNING OFFICE COMMENTS
1	7/20/2015	

FINAL SITE PLAN B
for
ARBORS OF COTTAGEDALE
LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DE
Prepared for: CAMPBELL



EASEMENT LINE CHART		
LINE	BEARING	DISTANCE
E-L1	S 38°30'33" E	0.76'
E-L2	S 50°20'17" W	15.15'
E-L3	N 38°28'41" W	141.99'
E-L4	S 38°28'41" E	26.09'
E-L5	S 51°31'19" W	72.46'
E-L6	S 38°25'18" E	17.56'
E-L7	N 51°31'19" E	52.44'
E-L8	N 38°25'18" W	8.43'
E-L9	N 11°54'15" E	34.07'
E-L10	N 11°54'15" E	23.81'
E-L11	N 51°40'32" E	15.27'
E-L12	S 52°22'58" W	89.33'
E-L13	S 82°35'12" W	95.20'
E-L14	S 50°56'21" W	294.14'
E-L15	S 50°56'21" W	333.26'
E-L16	N 38°40'56" W	307.98'
E-L17	N 38°40'56" W	242.68'
E-L18	N 51°19'04" E	11.00'
E-L19	N 38°40'56" W	62.53'
E-L20	N 51°19'04" E	88.60'
E-L21	S 38°40'56" E	20.00'
E-L22	S 51°19'04" W	68.60'
E-L23	S 38°40'56" E	561.99'
E-L24	N 50°56'21" E	577.84'
E-L25	N 39°33'35" W	374.68'
E-L26	N 50°26'25" E	20.00'
E-L27	S 39°33'35" E	64.80'
E-L28	S 50°26'25" W	11.00'
E-L29	S 39°33'35" E	308.27'
E-L30	S 78°38'07" W	52.95'
E-L31	N 78°38'07" E	52.94'
E-L32	N 52°32'30" E	83.49'

EASEMENT CURVE CHART									
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT	DEGREE OF CURVE	RADIAL BEARING-IN	RADIAL BEARING-OUT
E-C1	53.0000'	156.9989'	105.5741'	N 44°48'00" W	169°43'27"	589.4429'	108°06'19"	N 49°56'16" W	S 39°39'43" E
E-C2	53.0000'	150.6251'	104.8128'	N 38°28'41" W	162°50'01"	351.1428'	108°06'19"	N 47°03'41" W	S 29°53'42" E



solutions
Integrated Planning
Engineering & Management, LLC

Fuller Hall
& ASSOCIATES, INC.
A Wholly Owned Subsidiary
303 North Bedford Street
Georgetown, DE 19847
T. 302.297.9916
3033 Meritt Mill Road
Salisbury, MD 21804
T. 410.572.8853
www.solutionsipm.com Copyright © 2014

JAMES R. ERISMAN
LICENSE
No. 8287
DELAWARE
PROFESSIONAL ENGINEER
Seal 8/14/15
Date

REVISIONS		DESCRIPTION	
NO.	DATE		

SITE UTILITY PLAN A

for

ARBORS OF COTTAGEDALE

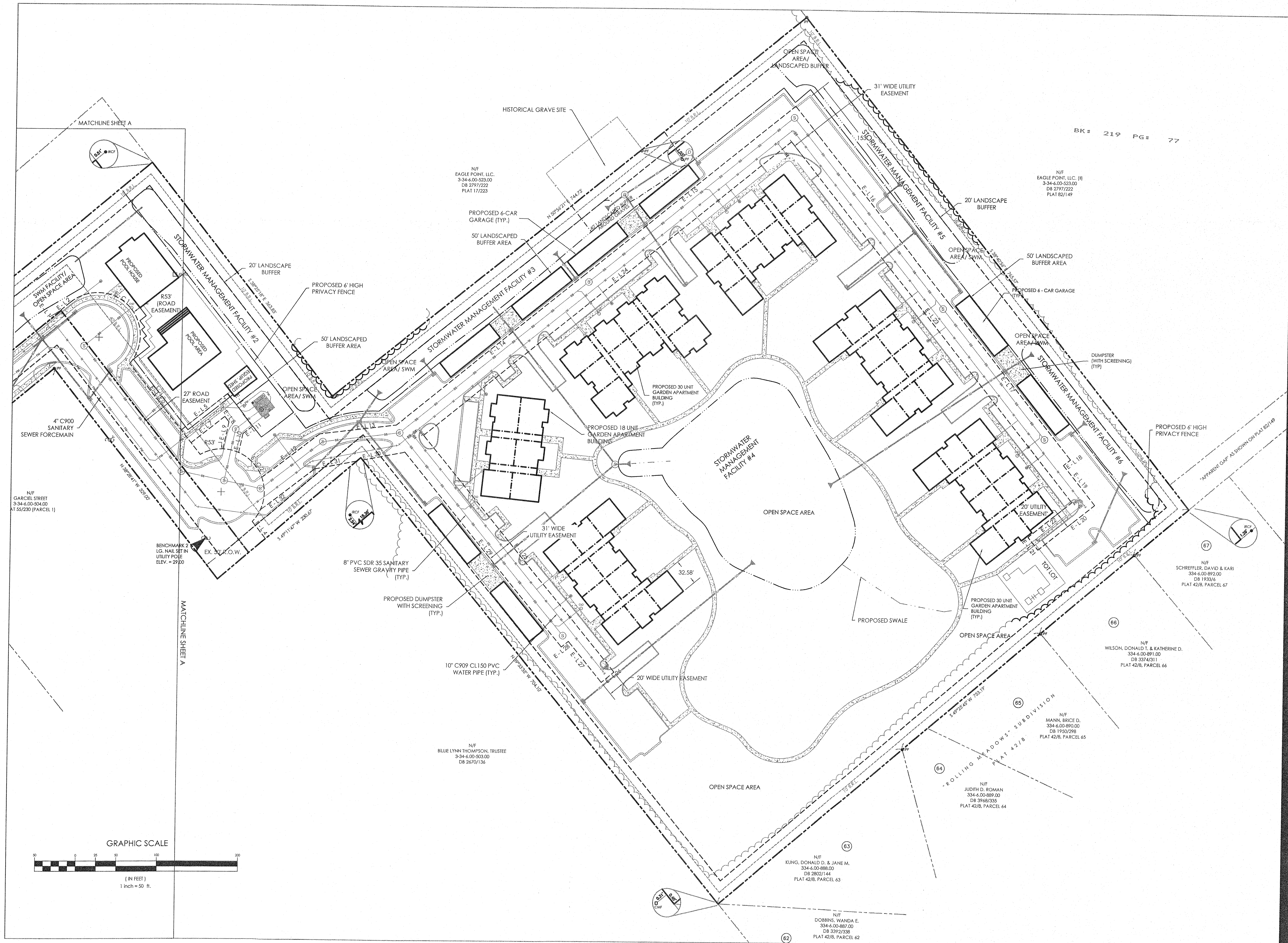
LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DE

Prepared for: CAMPBELL

Date:	01-17-2014
Job Number:	13050
Scale:	1" = 50'
Drawn By:	JRE
Designed By:	JRE
Approved By:	JP

Sheet No.: 6

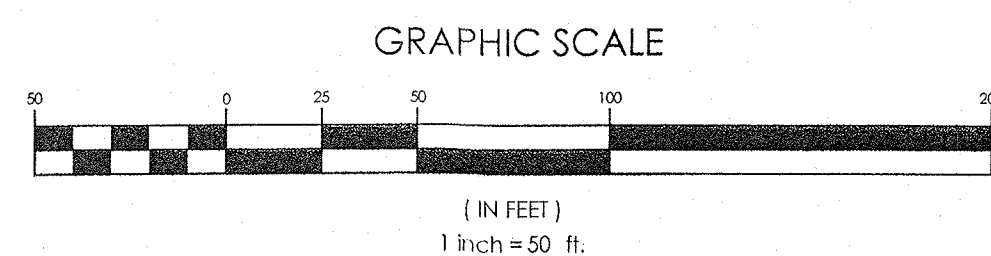
File Name: SITE UTILITY PLANS.dwg



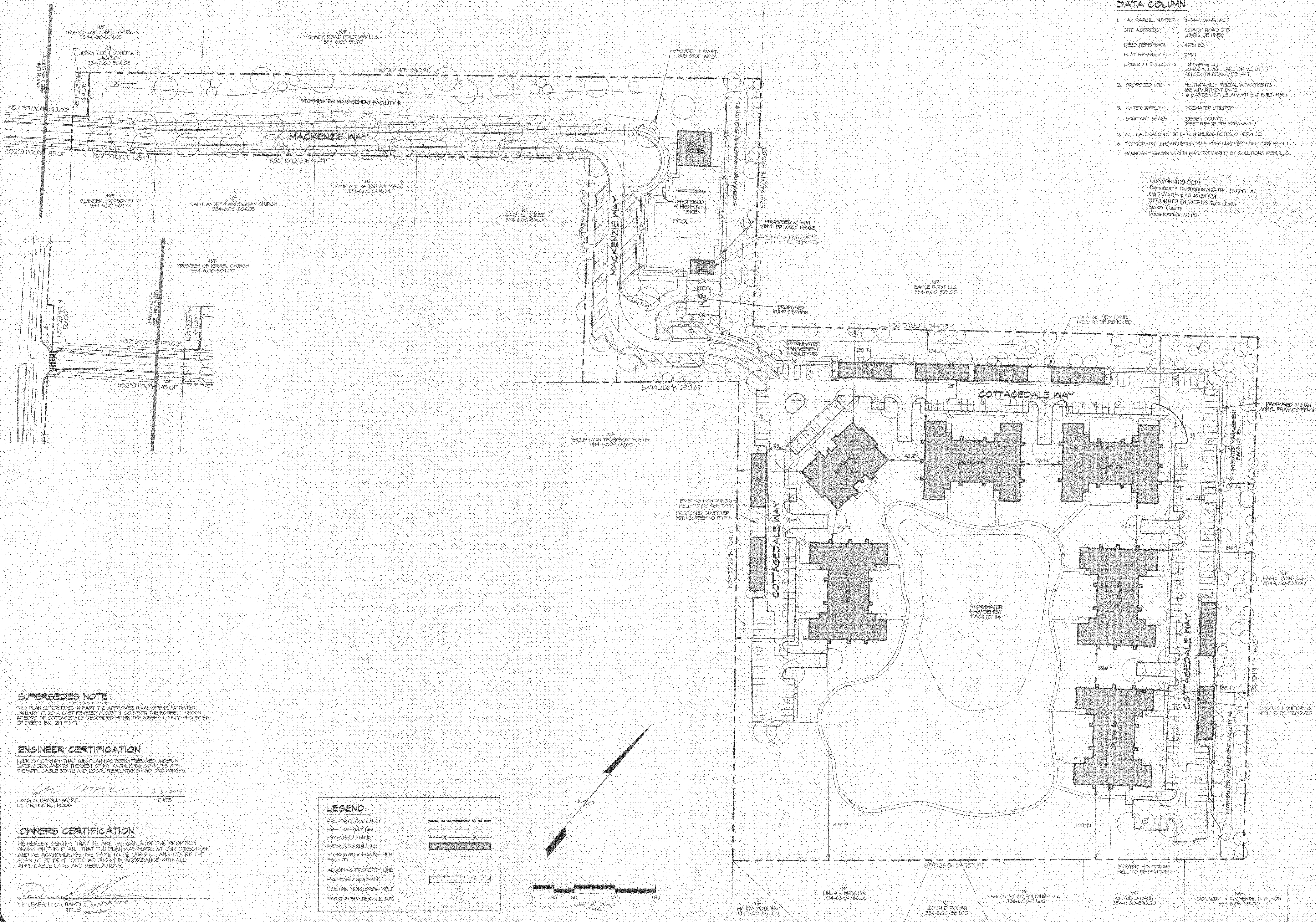
REVISIONS		DESCRIPTION	
NO.	DATE	NO.	DATE

SITE UTILITY PLAN B
for
ARBORS OF COTTAGEDALE
LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DE
Prepared for: CAMPBELL

Date:	01-17-2014	Job Number:	13050
Scale:	1" = 50'	Drawn By:	JRE
Designed By:	JRE	Approved By:	JF



Name: _____
LANDSCAPING PLAN.dwg



DATA COLUMN	
1. TAX PARCEL NUMBER:	3-34-6.00-504.02
SITE ADDRESS:	COUNTY ROAD 275 LEWES, DE 19550
DEED REFERENCE:	4175/62
PLAT REFERENCE:	219/71
OWNER / DEVELOPER:	CB LEWES, LLC 20402 SILVER LAKE DRIVE, UNIT 1 REHOBOTH BEACH, DE 19471
2. PROPOSED USE:	MULTI-FAMILY RENTAL APARTMENTS 160 APARTMENT UNITS (6 GARDEN-STYLE APARTMENT BUILDINGS)
3. WATER SUPPLY:	TIDEWATER UTILITIES
4. SANITARY SEWER:	SUSSEX COUNTY (WEST REHOBOTH EXPANSION)
5. ALL LATERALS TO BE 8-INCH UNLESS NOTES OTHERWISE.	
6. TOPOGRAPHY SHOWN HEREIN WAS PREPARED BY SOLUTIONS IPEN, LLC.	
7. BOUNDARY SHOWN HEREIN WAS PREPARED BY SOLUTIONS IPEN, LLC.	

CONFORMED COPY
Document # 201900007633 BK: 279 PG: 90
On 3/7/2019 at 10:49:28 AM
RECORDER OF DEEDS Scott Dailey
Sussex County
Consideration: \$0.00

SUPERSEDES NOTE

THIS PLAN SUPERSEDES IN PART THE APPROVED FINAL SITE PLAN DATED JANUARY 17, 2014, LAST REVISED AUGUST 4, 2015 FOR THE FORMERLY KNOWN ARBORS OF COTTAGEDALE, RECORDED WITHIN THE SUSSEX COUNTY RECORDER OF DEEDS, BK: 219 PG: 71

ENGINEER CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.

Colin M. Krauginas
COLIN M. KRAUGINAS, P.E.
DE LICENSE NO. 14308
DATE 3-5-2019

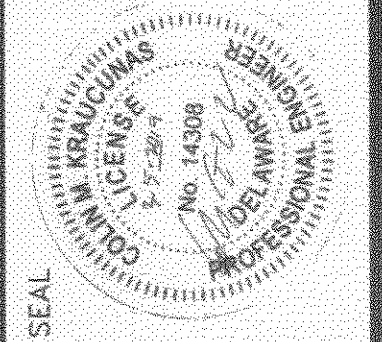
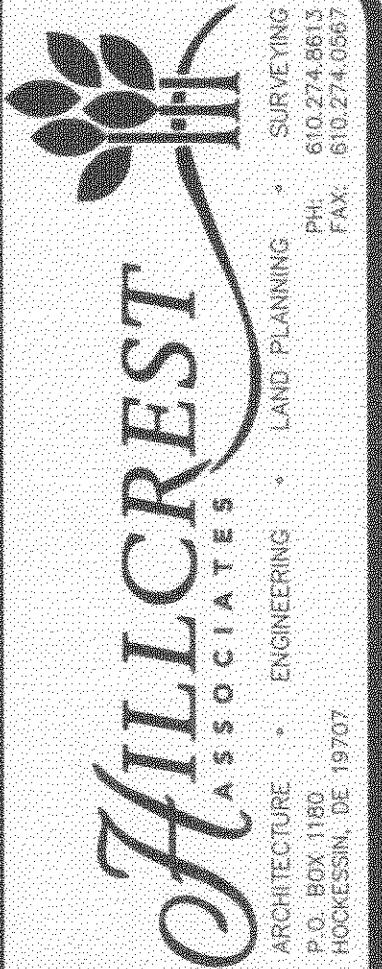
OWNERS CERTIFICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY SHOWN ON THIS PLAN. THAT THE PLAN WAS MADE AT OUR DIRECTION AND WE ACKNOWLEDGE THE SAME TO BE OUR ACT, AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

Dorel Moore
CB LEWES, LLC : NAME: Dorel Moore
TITLE: member

LEGEND:

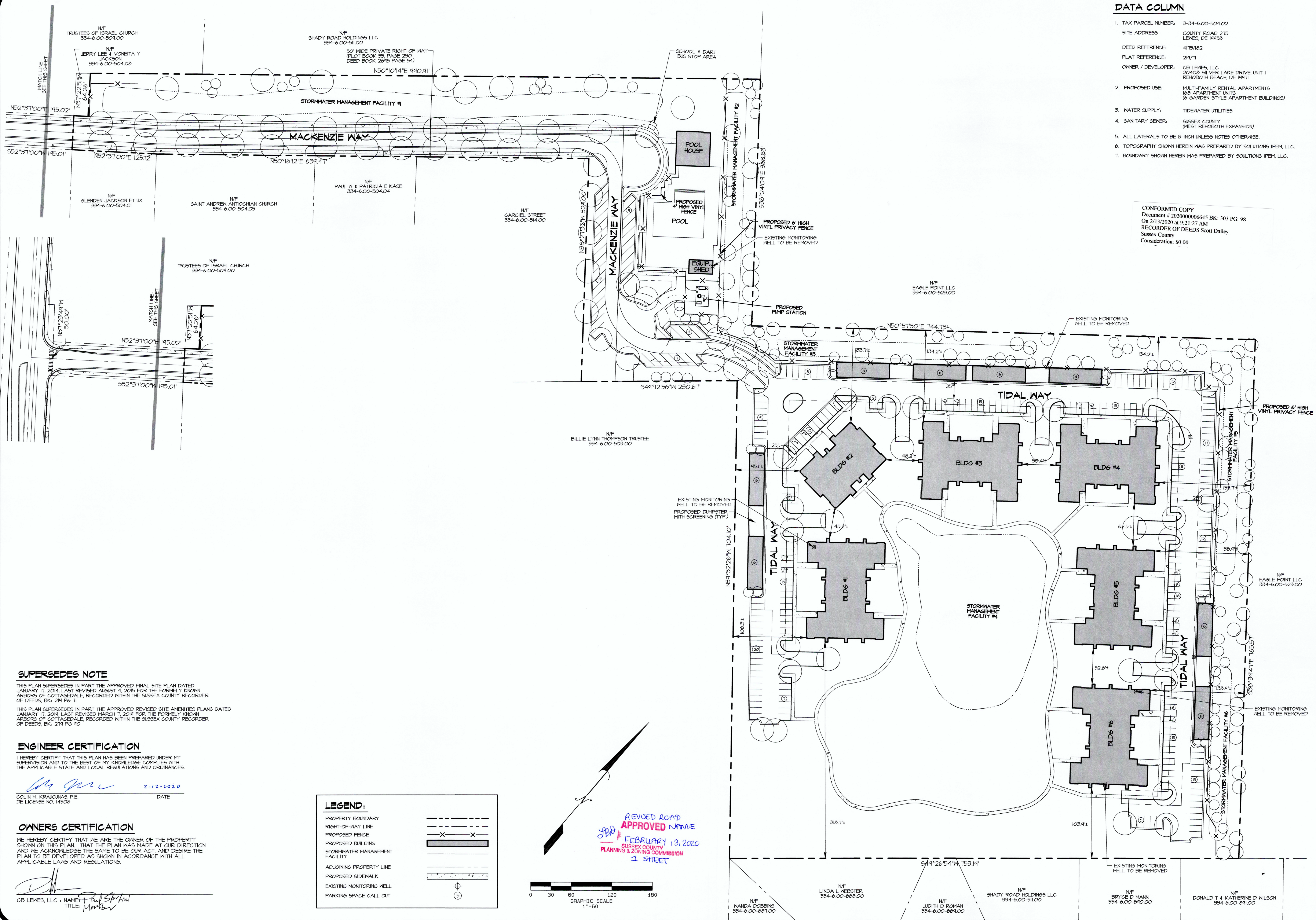
PROPERTY BOUNDARY	---
RIGHT-OF-WAY LINE	---
PROPOSED FENCE	-X-X-
PROPOSED BUILDING	█
STORMWATER MANAGEMENT FACILITY	---
ADJOINING PROPERTY LINE	---
PROPOSED SIDEWALK	---
EXISTING MONITORING WELL	⊕
PARKING SPACE CALL OUT	⑤



REVISED SITE AMENITIES PLAN
COASTAL TIDE N/F ARBORS OF COTTAGEDALE
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

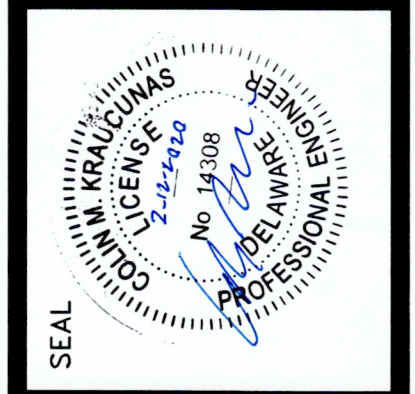
APPROVED
SUSSEX COUNTY
PLANNING & ZONING COMMISSION
AS PER RES. FEB 14, 2019

DATE:	1-17-19
DRAWN BY:	TAS
CHECKED BY:	AJH
PROJ. NO.:	4202
SCALE:	1"=60'
CAD FILE NAME:	4202B02-SPC.PRO
DWG. NO.:	1



- DATA COLUMN**
- TAX PARCEL NUMBER: 3-34-6.00-504.02
 - SITE ADDRESS: COUNTY ROAD 275 LEWES, DE 19550
 - DEED REFERENCE: 4175/102
 - PLAT REFERENCE: 219/71
 - OWNER / DEVELOPER: CB LEWES, LLC 20408 SILVER LAKE DRIVE, UNIT 1 REHOBOTH BEACH, DE 19411
 - PROPOSED USE: MULTI-FAMILY RENTAL APARTMENTS 168 APARTMENT UNITS (6 GARDEN-STYLE APARTMENT BUILDINGS)
 - WATER SUPPLY: TIDEWATER UTILITIES
 - SANITARY SEWER: SUSSEX COUNTY (WEST REHOBOTH EXPANSION)
 - ALL LATERALS TO BE 8-INCH UNLESS NOTES OTHERWISE.
 - TOPOGRAPHY SHOWN HEREIN WAS PREPARED BY SOLUTIONS IP&M, LLC.
 - BOUNDARY SHOWN HEREIN WAS PREPARED BY SOLUTIONS IP&M, LLC.

CONFORMED COPY
Document # 202000006645 BK: 303 PG: 98
On 2/13/2020 at 9:21:27 AM
RECORDER OF DEEDS Scott Dailey
Sussex County
Consideration: \$0.00



REVISED ROAD NAME PLAN
COASTAL TIDE N/F ARBORS OF COTTAGEDALE
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

SUPERSEDES NOTE
THIS PLAN SUPERSEDES IN PART THE APPROVED FINAL SITE PLAN DATED JANUARY 17, 2014, LAST REVISED AUGUST 4, 2015 FOR THE FORMERLY KNOWN ARBORS OF COTTAGEDALE, RECORDED WITHIN THE SUSSEX COUNTY RECORDER OF DEEDS, BK: 214 PG: 71.
THIS PLAN SUPERSEDES IN PART THE APPROVED REVISED SITE AMENITIES PLANS DATED JANUARY 17, 2014, LAST REVISED MARCH 7, 2019 FOR THE FORMERLY KNOWN ARBORS OF COTTAGEDALE, RECORDED WITHIN THE SUSSEX COUNTY RECORDER OF DEEDS, BK: 274 PG: 40.

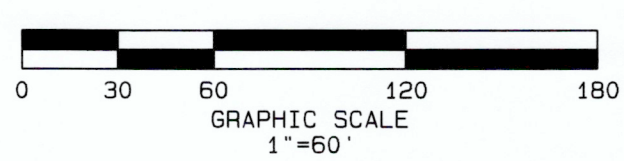
ENGINEER CERTIFICATION
I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.
Colin M. Kraucunas
COLIN M. KRAUCUNAS, P.E.
DE LICENSE NO. 14308
DATE 2-12-2020

OWNERS CERTIFICATION
WE HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY SHOWN ON THIS PLAN. THAT THE PLAN WAS MADE AT OUR DIRECTION AND WE ACKNOWLEDGE THE SAME TO BE OUR ACT, AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.
Paul Strickland
CB LEWES, LLC : NAME: Paul Strickland
TITLE: Member

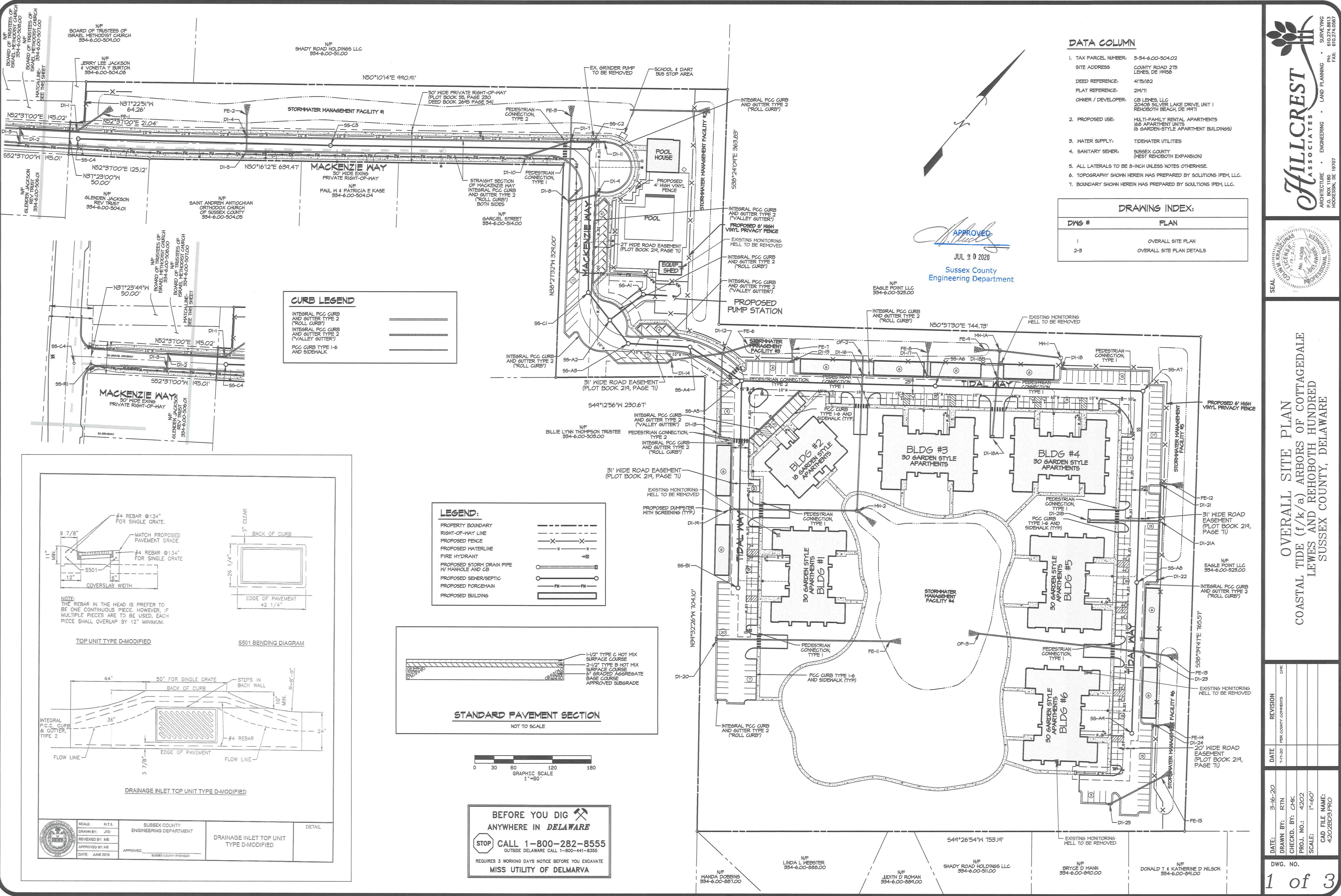
LEGEND:

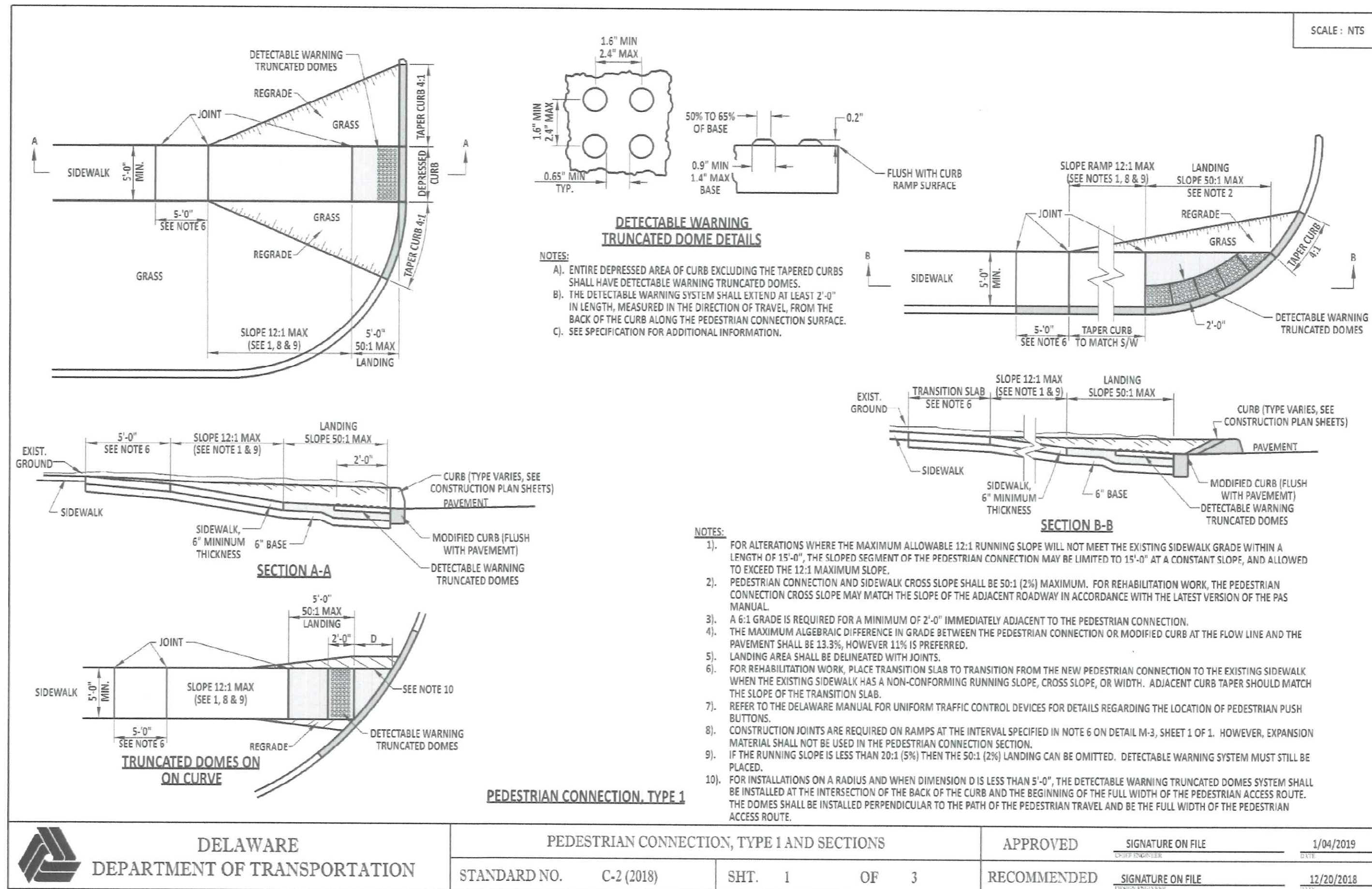
- PROPERTY BOUNDARY
- RIGHT-OF-WAY LINE
- PROPOSED FENCE
- PROPOSED BUILDING
- STORMWATER MANAGEMENT FACILITY
- ADJOINING PROPERTY LINE
- PROPOSED SIDEWALK
- EXISTING MONITORING WELL
- PARKING SPACE CALL OUT

REVISED ROAD
APPROVED NAME
FEBRUARY 13, 2020
SUSSEX COUNTY
PLANNING & ZONING COMMISSION
1 STREET

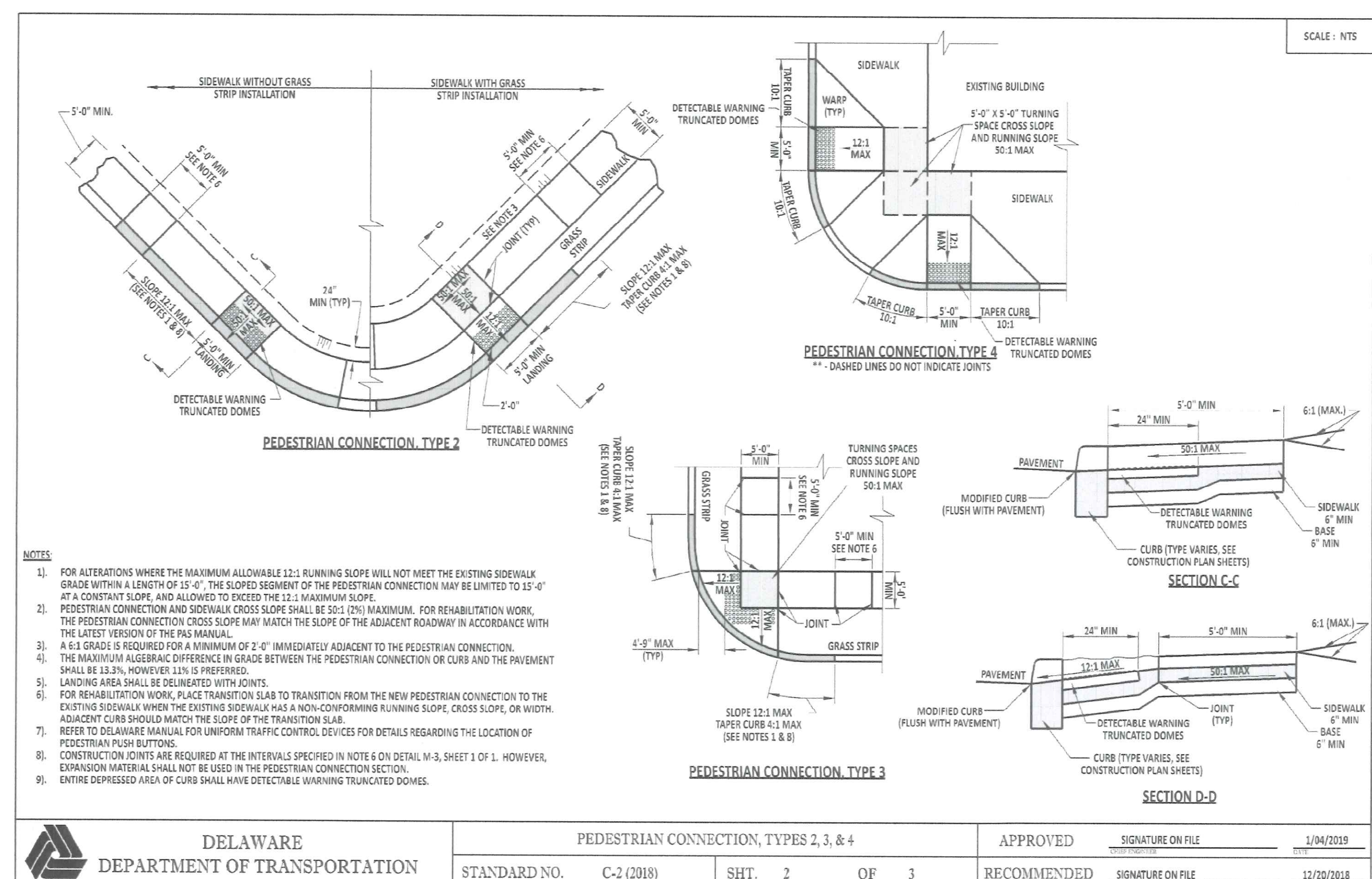


DATE:	1-21-20	REVISION	
DRAWN BY:	TA5		
CHECKD. BY:	AJH		
PROJ. NO.:	4202		
SCALE:	1"=60'		
CAD FILE NAME:	4202ED2-SFC-FRO		
DWG. NO.	1		





1/7/2019



1/7/2019

Tax Parcel: 3-34 6.00 504.02

PREPARED BY AND RETURN TO

ENVIRONMENTAL PROGRAM ADMINISTRATOR

DNREC-RS

391 Lukens Drive,

New Castle, DE 19720

CERTIFICATION OF COMPLETION OF REMEDY



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
REMEDiation SECTION

391 LUKENS DRIVE
NEW CASTLE, DE 19720

TELEPHONE: (302) 395-2600
FAX: (302) 395-2601

Tax Parcel Number: 34.6.00-504.02

PREPARED BY AND RETURN TO:
Environmental Program Administrator
DNREC-RS
391 Lukens Drive
New Castle DE 19720

CERTIFICATION OF COMPLETION OF REMEDY

IMPORTANT NOTICE: Pursuant to 7 Del. C. § 9108, this Certification of Completion of Remedy ("COCR") includes conditions and/or limitations providing for the performance of additional remedial actions in accordance with the final plan of remedial action.

The Department of Natural Resources and Environmental Control ("DNREC") has reviewed a letter request, dated October 11, 2019, made on behalf of Mid-Atlantic Community Partners, Inc. ("Owner") for a COCR for the Jackson Pit Site (DE-0149), located southwest of the Town of Lewes, Delaware.

The Jackson Pit Site (the "Site") was originally 15.5 acres in size comprised of two tax parcel numbers: 3-34.6.00-504.02 and 34.6.00-504.03. In 2003, DNREC divided the Site into two operable units ("OUs"), OU-1 and OU-2, respectively. OU-1 was approximately 5.05 acres in size. OU-2 was the adjacent parcel to the west of OU-1 and consisted of 10.5 acres..

The current property owner of the Site, CB Lewes, LLC, added two more properties to the Site – tax parcels 3-34-6.00-504.06 and 3-34-6.00-504.07. The additional parcels were each approximately three acres in size. The consolidation of the four tax parcels enlarged the Site to approximately 18.3 acres in size. DNREC certified the Site as a Brownfield in January 2009. Subsequently, the four tax parcels were consolidated into one parcel, described on the tax maps of Sussex County as tax parcel number 3-34.6.00-504.02.

Prior to the 1960s, the Site was reportedly used as a borrow pit from which native material was excavated. Afterward ceasing to be used as a borrow pit, until the early 1980s, the Site was used as a dump for municipal or household waste. In the 1990s, the DNREC Solid and Hazardous Waste Branch permitted the disposal of tree stumps, lumber, and masonry materials on the Site. Subsequently, the Site was graded with sand and gravel. For many years, access to

the Site was unrestricted, and was subject to illegal dumping.

Multiple environmental investigations were conducted on the Site between 1986 and 2014. The most comprehensive evaluation, the Brownfield Investigation (BFI), was initiated in 2010 on behalf of a previous property owner. The BFI concluded in 2014 on behalf of the current property owner, CB Lewes, LLC. The results of the BFI indicated that long-term exposure to the subsurface soil (greater than 2 feet below ground surface) in the vicinity of soil sample location GP-07 could potentially pose an unacceptable risk to future site residents due to the concentration of semi-volatile organic compounds (SVOCs), specifically polycyclic aromatic hydrocarbons (PAHs) detected in the sample. The results of the BFI also led to the conclusion that long-term exposure to the maximum concentrations of the metals, arsenic, cobalt, iron, and manganese detected in on-site groundwater samples could potentially pose an unacceptable risk to construction workers and future site residents. Another result of the Site's past use as a dump is that the buried biodegradable debris has been naturally decomposing below the ground surface generating methane. While methane is a non-toxic gas, provided there is a viable pathway to a virtually enclosed structure, the potential exists for methane to create a fire or explosion hazard if it accumulates to certain levels and is ignited. Methane can also displace oxygen in an enclosed area. As a result, the removal of this buried debris from the Site will eliminate the potential threat posed by methane accumulation.

The BFI conformed to the requirements of the Delaware Hazardous Substance Cleanup Act, 7 Del. C. Chapter 91 ("HSCA"), the Regulations Governing Hazardous Substance Cleanup (the "Regulations") and all applicable guidance established thereunder.

In February 2003, DNREC issued a Final Plan for the OU-1 portion of the Site; however, in August 2003, DNREC issued a Second Amended Final Plan for the Site to address both OU-1 and OU-2. The remedial action requirements consisted of a deed restriction prohibiting the installation of any shallow water wells on, or groundwater usage at, the Site without the prior written approval of DNREC, and the creation of a Groundwater Management Zone (GMZ). The GMZ was created in October 2003 and the restriction to the deed for tax parcel numbers 3-34-6.00-504.02 and 3-34-6.00-504.03 was recorded on October 14, 2003 with the Sussex County Recorder of Deeds, at Deed Book 2896, page 100. After the GMZ was recorded DNREC issued a COCR; however, the COCR was never recorded in the Sussex County Recorder of Deeds office.

On March 27, 2015, DNREC issued the Third Amended Proposed Plan of Remedial Action for the Site based on the BFI, which concluded in 2014, and advertised the public comment period in the News Journal and the Delaware State News from March 29, 2019 through April 20, 2019. Since there were no public comments, DNREC adopted the Third Amended Proposed Plan as the Third Amended Final Plan of Remedial Action for the Site. The Third Amended Final Plan required the following remedial actions to be taken at the Site:

1. A Contaminated Materials Management Plan ("CMMP") must be submitted to DNREC within 90 days of the issuance of the Final Plan of Remedial Action and implemented upon its approval by DNREC. The CMMP will provide guidance to construction workers for the safe handling of any potentially contaminated groundwater at the Site.

DNREC approved the CMMP in September 2015.

2. An Environmental Covenant, consistent with Delaware's Uniform Environmental Covenants Act (7 Del. C. Chapter 79, Subchapter II) must be recorded in the Office of the Recorder of Deeds for Sussex County within 90 days of the issuance of the Third Final Plan of Remedial Action. The Environmental Covenant must include the following activity restrictions:
 - a. Limitation of Groundwater Withdrawal. No groundwater wells shall be installed and no groundwater shall be withdrawn from any well on the Property without the prior written approval of DNREC's Remediation Section and DNREC's Division of Water; and
 - b. Compliance with the Contaminated Materials Management Plan. All work required by the Contaminated Materials Management Plan must be performed to DNREC's satisfaction in accordance with the CMMP.

The Environmental Covenant, as described above, was recorded in the Office of the Recorder of Deeds for Sussex County on July 6, 2015 in Deed Book 4416, Page 160.

3. Subsurface soil in the vicinity of GP-07 must be excavated and properly disposed of at an off-site location. If it is required that off-site material be imported to backfill this excavation, it must meet residential use quality requirements. The excavation of soil must be performed pursuant to the requirements and schedule indicated in the DNREC approved Remedial Action Work Plan ("RAWP"). ***DNREC approved the RAWP in September 2015.***
4. Buried organic debris and biodegradable waste, e.g. tree stumps, paper products, must be excavated from the Site. If off-site material must be imported to backfill any excavations, the imported material must meet residential use quality requirements. This excavation must be performed pursuant to the requirements and schedule indicated in the DNREC approved Remedial Action Work Plan. ***DNREC approved the RAWP in September 2015.***

The conditions and/or limitations contained in this COCR identify portions of the Third Amended Final Plan of Remedial Action ("final plan") "which must continue to be performed, and which provide for the performance of additional remedies in the event that the remedial goals contained in the final plan are not achieved as required by the plan and the HSCA regulations." 7 Del. C. §9108.

If circumstances change or any new information becomes available relating to a prior or future release of a hazardous substance at the Site in excess of applicable risk levels, DNREC reserves the right to require additional remedial actions to be taken in order to protect human health and the environment.

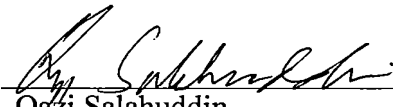
Any person who owns, operates or otherwise controls activities at the Site after the date of issuance of this COCR shall not, by virtue of that later ownership, operation or control, be

liable for any release or imminent threat of release addressed herein. Nor shall such person be liable for any future release or imminent threat of release attributable to conditions existing prior to the issuance of this COCR, provided such person does not interfere with, or permit any interference with, any aspect of the remedy or fail to comply with the requirements of the Third Amended Final Plan of Remedial Action. See 7 Del. C. § 9105(e).

Pursuant to 7 Del. C. § 9115(b), the Owner is required to promptly record this COCR in the Office of the Sussex County Recorder of Deeds.

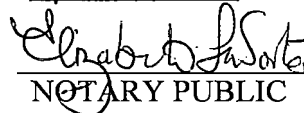
11/8/2019

Date of Issuance



Qazi Salahuddin,
Environmental Program
Administrator
DNREC, Remediation Section

SWORN TO AND SUBSCRIBED before me this 8th day of November, 2019.


NOTARY PUBLIC

Commission Expires
Upon Office.

ELIZABETH M. LASORTE
NOTARY PUBLIC
STATE OF DELAWARE
My commission expires upon office.

Tax Parcel No.: 3-34-6.00-504.02 and 504.09
Prepared By: Parkowski, Guerke & Swayze, P.A.
& Return To: 19354C Miller Road
Rehoboth Beach, DE 19971

COASTAL TIDE, F/K/A ARBORS OF COTTAGEDALE
AGREEMENT & RESTRICTIVE COVENANTS

This Agreement is made and entered into by and between **SUSSEX COUNTY**, hereafter referred to as "County";

-AND-

THE DEPARTMENT OF COMMUNITY DEVELOPMENT AND HOUSING, hereafter referred to as "Department";

-AND-

CB LEWES, LLC, hereafter referred to as "Developer".

WHEREAS, Sussex County Council adopted Chapter 72 of the Code of Sussex County (hereinafter referred to as "Chapter 72"), relating to moderately priced housing units, to establish an affordably priced rental unit program known as the Sussex County Rental Program ("SCR"); and

WHEREAS, MidAtlantic Development Ventures, LLC, hereafter referred to as "Applicant", entered into an "Agreement to Enter The Sussex County Affordably Priced Rental Unit Program (SCR)" hereafter referred to as the "Original SCR Agreement" dated 2009, a copy of which is attached hereto as Exhibit A; and

WHEREAS, Sussex County has previously approved Applicants' plan of a rental housing development that would provide for the development of at least 26 dwelling units on qualifying

land (as defined in Chapter 72) in a development formerly known as the Arbors at Cottagedale Apartments, and now known as "Coastal Tide"; and

WHEREAS, Developer has acquired all right, title and interest in Coastal Tide, and by operation of the Original SCRP Agreement and Chapter 72 is bound by the terms of both; and

WHEREAS, Coastal Tide consists of an 18.08 acre site situated in Lewes and Rehoboth Hundred, Sussex County and is further identified as Sussex County Tax Map and Parcel Numbers 3-34 6.00 504.02 and 504.09 (hereafter referred to as the "Development"). The legal description of the Development is attached hereto and incorporated herein as Exhibit B; and

WHEREAS, Both the original SCRP Agreement and Chapter 72 obligate the Developer to enter into an additional Agreement and to record certain Restrictive Covenants against the Development; and

WHEREAS, County and Developer execute this Agreement in order to comply with the requirements contained in the Original SCRP Agreement and Chapter 72 in order to obligate the Developer to construct the promised rental housing units within the Development in accordance with all of the terms and conditions of Chapter 72.

In consideration of the mutual covenants contained herein, the parties hereto covenant and agree as follows:

1. The parties incorporate by reference all of the terms and conditions of the Original SCRP Agreement (unless modified herein) and Chapter 72 establishing an affordably priced rental housing program.
2. A Final Site Plan for Coastal Tide was approved by the Sussex County Planning and Zoning Commission on August 13, 2015, with subsequent amendments approved in 2019 and

2020. The Final Site Plan is recorded in the Office of the Recorder of Deeds in and for Sussex County at Plot Book 219, Page 71. The Final Site Plan, as may be amended from time to time, is incorporated by reference herein as though fully set forth herein.

3. This Agreement governs the development of the property upon which Coastal Tide shall be developed, as shown on the Final Site Plan of the Development.

4. The Final Site Plan includes five (5) thirty (30) unit apartment buildings and one (1) eighteen (18) unit apartment building with a total of 168 apartments, consisting of a combination of 1, 2 and 3 bedroom units ranging in size from 784 square feet to 1,350 square feet. Within the Development there shall be 142 units set aside as market rate units and 26 units set aside as SCRP units. A schedule listing the proposed number of 1, 2 and 3 bedroom SCRP units at the time of lease-up and the square footage of each by building is attached hereto and incorporated herein as Exhibit C. The County and the Developer recognize that this schedule may be modified during initial lease-up as a result of factors including the family size of prospective eligible tenants at the time of initial lease-up. However, any modifications shall not affect the total number of SCRP units or their overall *pro rata* distribution throughout the entire development based on unit type. Exhibit C shall also include the schedule pursuant to which the units will be constructed, marketed and delivered and which explains the relationship between the delivery of market rate units and the delivery of SCRP units.

5. Like the Original SCRP Agreement, this Agreement applies to the entire Development, including both the market rate and SCRP units. If the Developer fails to build the SCRP units in accordance with the schedule set forth on Exhibit C, the County Administrator will withhold additional Building Permits and/or Certificates of Occupancy and refuse to release performance bonds and letters of credit required of the Developer until such time as the SCRP

units as proposed in the construction schedule are built and contributed to the SCRP rental inventory to the satisfaction of the Department.

6. In the event the Developer transfers all or part of the ownership, possession or control of the Development to a legal entity other than the Developer, the Developer shall be obligated to notify the County and the Department of such transfer and the transferee will be bound by the terms of this Agreement. Partnerships, associations, corporations and other legal entities may not evade the requirements of this Agreement through voluntary dissolution, bankruptcy or the sale or transfer of the project site or the obligation to construct the SCRP units.

7. All SCRP units must be fully integrated into the community as to location and shall not be substantially different in appearance from non-SCRP units. When they are part of a phased development, a proportionate number or percentage of said units shall be placed within each phase and/or constructed within each housing type appearing in the development. The planning and design of individual SCRP units must be consistent with the planning and design of market-rate units within the same project. Aside from the SCRP-specific terms, all leases for the SCRP units must be substantially the same as those for non-SCRP units.

8. SCRP unit rental rates shall be 25% of the household income for 50% of the Area Median Income for Sussex County, adjusted by household size and unit size. All utilities and similar charges shall be paid by the tenant, unless said charges are included in the rent for the non-SCRP units. Every SCRP unit constructed under this Agreement must be offered to all eligible tenants for lease as the eligible tenant's principal or primary residence and such lease agreement shall be for a minimum period of one year, with an option to renew provided that the Tenant is not in default and still qualifies to occupy an SCRP unit.

9. As required by Chapter 72 of the Code of Sussex County, the Developer's additional obligations as they relate to the SCRP units shall be as follows:

(1) The Developer shall abide by the requirements of the Sussex County Fair Housing Policy in its operation of the Development and its rental of both market-rate and SCRP units within the Development. A copy of the Sussex County Fair Housing Policy is attached hereto as Exhibit D.

(2) The Developer shall provide a copy of its form Lease Agreement for all SCRP units to the Department for review and approval. Any amendments to this Lease Agreement form shall be subject to the review and approval of the Department. No SCRP units shall be leased unless, and until, the Lease Agreement (or any modifications thereto) have been reviewed and approved by the Department.

(3) The Developer shall screen all eligible tenants in order from the randomized list of prequalified potential SCRP tenants generated by the County in accordance with Paragraph 10(3) below.

(4) The Initial Lease Agreement with any Tenant, or any Renewal Lease Agreement with any Tenant shall be provided to the Department within thirty (30) days of the Lease or a Renewal Lease being signed.

(5) The Developer shall provide the Department with regular information about SCRP Unit Availability for the Department's and County's website and advertise within sources including, but not limited to: DelawareHousingSearch.org. In addition, the Developer should affirmatively market the SCRP units to diverse populations.

(6) The Developer shall not refuse to rent to an eligible tenant without providing the Department with a written explanation of just cause for the refusal.

(7) A Certificate of Eligibility shall be issued to prospective tenants who qualify under the terms of this Agreement and Chapter. A copy of this Certificate of Eligibility shall be provided to the Department.

(8) The Developer shall ensure that the SCRP units are only occupied by tenants whose monthly income levels do not exceed the eligible income limit, as defined herein or in Chapter 72. Tenants shall not be permitted to sublet any SCRP unit.

(9) The Developer shall provide an Annual Report to the Department, which shall include (but is not limited to) the following:

- (a) A listing of all SCRP units, by bedroom count, within the Development during the prior year.
- (b) The monthly rents charged for each SCRP unit within the project during the prior year.
- (c) SCRP Unit Vacancy rates and any relevant supporting information for the Development during the prior year.
- (d) The tenant's name, household size and monthly income for SCRP Tenants in the Development during the prior year.
- (e) A statement that to the best of the Developer's information and knowledge, the tenants who are leasing the SCRP units meet the eligibility requirements.

(f) A copy of each new or revised Annual Income Recertification and Recertification of Primary Residence received since the last annual report.

(10) The Department shall be notified by the Developer of the filing of pleadings in Justice of the Peace Court for collection of rent or eviction of a tenant of an SCRP

Unit. This notice shall be provided to the Department within three (3) business days of the filing of the pleadings in Justice of the Peace Court.

10. As required by Chapter 72, the County's additional obligations as they relate to the SCRP units shall be as follows:

(1) The County shall continue to abide by the requirements of the Sussex County Fair Housing Policy in its coordination with the Developer about this Development. A copy of the Sussex County Fair Housing Policy is attached hereto as Exhibit D.

(2) The Department shall annually provide updated income guidelines (as determined by HUD's annual update to the Area Median Income Limits For Sussex County, which take into account inflation) and rent formulas to the Developer for use in leasing the SCRP Units.

(3) The County shall develop a dedicated page within its official website (sussexcountyde.gov) that will create a lottery for all potential SCRP tenants. A software program will generate a randomized list of prequalified potential tenants.

11. As required by Chapter 72, the Tenant's additional obligations as they relate to the SCRP units shall be as follows:

(1) All prospective Tenants shall provide proof of citizenship.

(2) All prospective Tenants shall provide proof income eligibility pursuant to this Agreement and Chapter 72 to the Developer.

(3) All prospective Tenants shall provide proof of employment and residence in Sussex County of at least 1 year prior to the application to the Developer.

(4) All prospective Tenants shall provide proof of no felony convictions (provided that this is a requirement of all Tenants in the Development) to the Developer and/or the Department.

(5) All prospective Tenants shall provide proof that the unit will be the Tenant's primary residence to the Developer. This obligation shall continue as an annual requirement for all SCRP tenants and shall be a requirement of the lease.

12. The parties agree that in accordance with §72-28.D of Chapter 72, the Department is authorized to pursue any available remedy, legal or equitable in nature, to enforce the requirements of Chapter 72 and this Agreement and/or to prevent or abate a violation of Chapter 72 and/or this Agreement. Further, the Department may take legal action to stop or cancel any lease of a SCRP unit if the Tenant does not comply with all requirements of the program and may recover any funds improperly obtained from the rental of a SCRP unit in violation of Chapter 72 in this Agreement.

13. In the event of litigation brought by the County, the Department or the Developer to enforce the terms and conditions of Chapter 72 and/or of this Agreement, the prevailing party shall be entitled to an award of legal costs and fees incurred in that litigation.

14. This Agreement is binding upon the parties, their heirs, successors and assigns.

15. If any portion of this Agreement is held to be invalid, the remaining portions shall survive and remain in full force and effect.

16. Any litigation which may be brought relating to this Agreement shall occur within the State of Delaware and in a Court located in Sussex County, Delaware.

17. This Agreement shall be recorded in the Office of the Recorder of Deeds in and for Sussex County as a Restrictive Covenant that shall run with and bind the land upon which the

Development is situated. In furtherance thereof, this Agreement, as a Restrictive Covenant, shall be binding upon the Developer, any assignees, mortgagees, purchasers (including buyers of individual units) and all other parties that shall receive title to the Development. In the event any mortgagee acquires the Property through foreclosure or acceptance of a deed-in-lieu of foreclosure, the terms of this Agreement as a Restrictive Covenant shall continue in full force and effect and remain binding upon the Development. This Agreement as a Restrictive Covenant shall be senior to all mortgages, liens or other instruments securing debts or financing and as necessary, Developer shall obtain and provide County with Subordination Agreements confirming this obligation.

18. The Developer acknowledges that its principal officers are required to execute this Agreement both individually and on behalf of the entity pursuant to a duly adopted resolution of the entity and that such resolution has been adopted.

19. The Developer, the Department, and the Developer's Rental Agent/Property Manager shall execute a Memorandum of Understanding setting forth the internal procedures for implementing the requirements of this Agreement.

20. This Agreement shall remain in effect for a period of thirty (30) years from the date the first SCRP unit lease agreement is executed by an eligible tenant.

IN WITNESS WHEREOF, the parties have set their hands and seals on the respective dates
as set forth below.

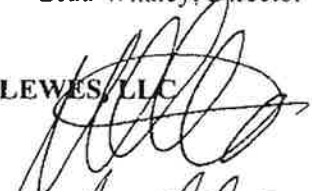
SUSSEX COUNTY

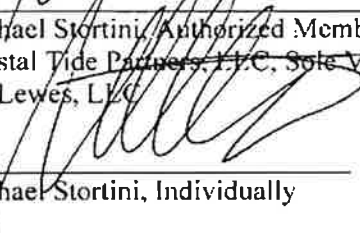
By:  (SEAL)
Michael Vincent, President

**DEPARTMENT OF COMMUNITY
DEVELOPMENT AND HOUSING**

By:  (SEAL)
Brad Whaley, Director

CB LEWES, LLC

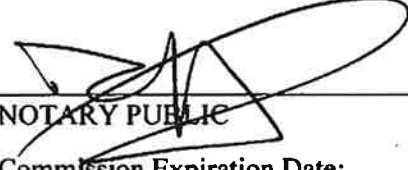
By:  (SEAL)
Michael Stortini, Authorized Member of
Coastal Tide Partners, LLC, Sole Member of
CB Lewes, LLC

By:  (SEAL)
Michael Stortini, Individually

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 2nd day of Feb., A.D. 2020, personally appeared before me, a Notary Public for the State and County aforesaid, **MICHAEL VINCENT**, President of Sussex County, party to this Agreement and Restrictive Covenants, the said undersigned being known to me personally to be such, and he did acknowledge this Indenture to be his act and deed and the act and deed of Sussex County; and that the signature of said President is in his own proper handwriting; and that his act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of Sussex County.

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




NOTARY PUBLIC
Commission Expiration Date: _____

ROBIN A. GRIFFITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on May 6, 2021

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 2nd day of Feb., A.D. 2020, personally appeared before me, a Notary Public for the State and County aforesaid, **BRAD WHALEY**, Director of Department of Community Development and Housing, party to this Agreement and Restrictive Covenants, the said undersigned being known to me personally to be such, and he did acknowledge this Indenture to be his act and deed and the act and deed of Department of Community Development and Housing; and that the signature of said Director is in his own proper handwriting; and that his act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of Department of Community Development and Housing.

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



NOTARY PUBLIC
Commission Expiration Date: _____

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :
NEWCASTLE

BE IT REMEMBERED, that on this 14th day of DECEMBER, A.D. 2020, personally appeared before me, a Notary Public for the State and County aforesaid, **Michael Stortini**, Authorized Member of Coastal Tide Partners, LLC, sole member of CB Lewes, LLC, both being Delaware limited liability corporations, party to this Agreement and Restrictive Covenants, the said undersigned being known to me personally to be such, and he did acknowledge this Indenture to be his act and deed and the act and deed of CB Lewes, LLC; and that the signature of said Managing Member is in his own proper handwriting; and that his act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of CB Lewes, LLC.

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


NOTARY PUBLIC

Commission Expiration Date



STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :
NEWCASTLE

BE IT REMEMBERED, that on this 14th day of DECEMBER, A.D. 2020, personally appeared before me, a Notary Public for the State and County aforesaid, **Michael Stortini**, individually, party to this Agreement and Restrictive Covenants, the said undersigned being known to me personally to be such, and he did acknowledge this Indenture to be his act and deed.

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


NOTARY PUBLIC

Commission Expiration Date



**MEMORANDUM OF UNDERSTANDING
REGARDING IMPLEMENTATION AND COORDINATION
OF
SUSSEX COUNTY RENTAL PROGRAM
AT
COASTAL TIDE APARTMENT COMMUNITY**

This Memorandum of Understanding, or MOU, is agreed upon between Sussex County and its Department of Community Development and Housing (the “Department”) and CB Lewes, LLC, the developer of an apartment community known as Coastal Tide (the “Developer”).

Coastal Tide is a development located on Sussex County Tax Map and Parcel Numbers 3-34-6.00-504.02 and 504.09 (the “Development”). The Development was approved under Chapter 72 of the Code of Sussex County, known as the “Sussex County Rental Program” or “SCRP”, and it contains 26 SCRPs Units.

Sussex County, the Department and the Developer have entered into an Agreement dated _____, _____, known as the “Coastal Tide, F/K/A Arbors of Cottagedale Agreement & Restrictive Covenants” (the “Agreement”). That Agreement identifies the legal requirements of the County, the Developer and the Department regarding the Development and the SCRPs units.

This MOU is intended to memorialize the day-to-day coordination between the Department and the Developer, and more particularly the Developer’s property

manager or rental agent (the “Agent”), as to the promotion of the SCRP units, the approval of SCRP tenants and other similar types of coordination.

This MOU is further intended to supplement, but not replace, any of the requirements of the Agreement. To the extent there are inconsistencies between this MOU and the Agreement, the Agreement shall govern.

In light of the foregoing, the parties hereto agree as follows:

1. The Developer’s property manager or rental agent is: Your Place Property Management LLC(the “Agent”). This MOU is binding upon the Developer and the Developer’s Agent.
2. The Agent and the Department shall coordinate the initial promotion of the SCRP units as each of the buildings in the Development are constructed and completed. This shall include promotion of the SCRP units within the development on the DelawareHousingSearch.org website. The Agent shall also distribute promotional materials to local employers, school districts, social service agencies and similar organizations so as to affirmatively market the SCRP units. The Agent shall maintain records of such marketing efforts, to be provided to the Department on an annual basis.
3. All potential SCRP tenants shall be directed to a dedicated page developed by the Department and Sussex County within Sussex County’s official website

(sussexcountyde.gov) to be placed in a lottery to determine potential tenants for prequalification. The Department and the Agent shall determine pre-screening, or pre-qualification criteria that must be supplied by all potential SCRP tenants. There shall be a deadline for submission to the lottery by prospective tenants that will provide sufficient time in advance of the completion of the Development for the Agent to review and approve prospective SCRP tenants in accordance with the Agreement and this MOU.

4. Once the lottery deadline passes, a software program will generate a randomized list of prequalified potential tenants. The Agent shall select prequalified potential tenants in order from the randomized list for further qualification in accordance with the Agreement. This shall be a random selection, provided that the Department and the Agent shall endeavor to equally distribute SCRP tenants requiring 1-, 2- and 3-bedroom units throughout each new building based upon household size.
5. There shall not be any fees charged to a potential SCRP tenant to join the lottery list described herein or to be prequalified. After a potential SCRP tenant satisfies the prequalification criteria, the initial application fees shall be \$35.00 for the first SCRP unit applicant and \$15.00 for each subsequent applicant to simultaneously occupy the same SCRP unit. These application

fees shall be paid to the Agent. They shall not be revised without the prior written approval of the County.

6. The Agent shall complete the final qualification of a potential SCRP tenant.

The Agent shall maintain a working, current spreadsheet or similar document that shall indicate whether each prequalified SCRP tenant was approved or denied. This spreadsheet shall be available at all times to the Department through a document sharing program such as google docs. The Agent shall not refuse to rent an SCRP unit to a qualified and eligible SCRP tenant without providing the Department with a written explanation of just cause for the refusal.

7. The Agent shall have the ability to determine the amount of the security deposit to be collected from each SCRP tenant. Provided, however, that in no event shall the Agent or the Developer collect more than one-months' SCRP rental amount as a security deposit.

8. The Agent shall provide the Department with copies of all executed SCRP leases, including any renewal leases (including Annual Income Recertification and a Recertification of Primary Residence) within thirty (30) days of the lease being signed by all parties.

9. The process outlined in Paragraphs 1 through 4 herein shall repeat as each new apartment building within the Development is under construction on an as-needed basis to maintain a sufficient list of potential tenants.

10. Once the list of potential SCRP tenants created through the initial lottery process is exhausted, the Department and the Agent shall renew the lottery process outlined in the preceding paragraphs to solicit and create a new list of potential SCRP tenants. The Department and the Agent shall continue to promote the SCRP units as set forth in Paragraph 2 herein, as needed, to ensure that all SCRP units are leased to qualified SCRP tenants, with all inquiries directed to Sussex County's official website (sussexcountysde.gov).

11. The Agreement identifies 1- 2- and 3- bedroom units within the Development, and the rental rates are determined based on the number of bedrooms as set forth in the Agreement. The parties recognize that while each type of unit will include the same number and type of rooms and fixtures, there may be minor variations in the layout and/or square footage of each type of unit based on the architectural requirements of the apartment buildings. These minor differences shall not affect the rent, and all 1-, 2- and 3- bedroom units shall have the same SCRP rental rate per type of unit, regardless of these minor differences in layout and/or size.

12. The Agent shall update and share with the Department a document identifying each SCRP unit by unit type and location in each building. The Department and the Agent agree that this is an internal working document, and while subject to the Delaware Freedom of Information Act, it shall not be unilaterally published or disclosed by the Department to any third party.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the respective dates as set forth below.

**THE SUSSEX COUNTY
DEPARTMENT OF
COMMUNITY DEVELOPMENT
AND HOUSING**

By: 
Brad Whaley, Director

CB LEWES, LLC

By: 
_____, Managing Member

(AGENT) _____

By: _____

RECEIVED

EXHIBIT A

SEP 22 2009

Tax Parcel No. 3-34 6.00 504.2, 3-34 6.00 504.3,
3-34 6.00 504.6, 3-34 6.00 504.7

PLANNING & ZONING
COMM. OF SUSSEX COUNTY

Prepared By: Moore & Rutt, P.A.
122 West Market Street
Georgetown, DE 19947

Return to: Sussex County Council
2 The Circle
Georgetown, DE 19947

**AGREEMENT TO ENTER THE SUSSEX COUNTY AFFORDABLY PRICED
RENTAL UNIT (SCRP) PROGRAM**

This Agreement is made and entered into by and between SUSSEX COUNTY,
hereafter referred to as "County";

- AND -

THE DEPARTMENT OF COMMUNITY DEVELOPMENT AND HOUSING, hereafter
referred to as "Department";

- AND -

MID ATLANTIC DEVELOPMENT VENTURES, LLC, hereafter referred to as "Applicant".

WHEREAS, Council adopted Chapter 62 of the Code of Sussex County, relating to
moderately priced housing units, to establish an affordably priced rental unit program
known as the Sussex County Rental Program ("SCRP") and/or as the "Ordinance"; and

WHEREAS, Applicant has submitted to the County a plan of rental housing
development that would provide for the development of at least 25 dwelling units on
qualifying land (as defined in the Ordinance) in a subdivision known as the Arbors at
Cottagedale Apartments; and

WHEREAS, applicant desires to participate in the SCRCP and utilize requests to any
incentives provided for therein; and

WHEREAS, County and Applicant execute this Agreement in order to comply with the requirements contained in § 72-23 of the Ordinance requiring an Applicant to execute a SCRP Agreement in order to obligate the Applicant to construct the promised rental housing units in accordance with all of the terms and conditions of the Ordinance.

In consideration of the mutual covenants contained herein and any benefits that may accrue to the Applicant as a result of being approved for participation in the program, the parties hereto covenant and agree as follows:

1. The Applicant agrees to construct a minimum of 25 SCRP units within the project to be located on 18.33 acres located on the east side of Plantation Road, 760 feet south of the intersection with Shady Road in Sussex County, Delaware.

2. If a preliminary or final site plan has not been approved when this Agreement is executed, this Agreement will be hereafter amended to incorporate the approved preliminary and final site plans.

3. If Applicant is approved and receives a density bonus of up to 20% as allowed by the SCRP Ordinance, it proposes to develop a total of nine 24 unit apartment buildings with a total of 216 apartments, consisting of a combination of 1, 2 and 3 bedroom units ranging in size from 750 square feet to 1,100 square feet with 184 of those units being proposed as market rate units and 32 being proposed as SCRP units.

4. The schedule pursuant to which the units will be constructed, marketed and delivered and which explains the relationship between the delivery of market rate units and the delivery of SCRP units and defines the relationship and frequency of the construction of SCRP units in relation to that of market rate units is attached as Exhibit A hereto and incorporated herein by reference.

5. Any economic risks created by changes, whether within or outside of the Applicant's control, in development and/or construction costs, interest rates, processing and construction schedules, permits and any other factors that may impact the Applicant's costs and development obligations will be borne solely by the Applicant and not by the County.

6. This Agreement applies to the entire subdivision, including both the market rate and SCRP units. If the Applicant fails to build the SCRP units in accordance with the construction schedule set forth on Exhibit A, the County Administrator will withhold building permits and refuse to release performance bonds and letters of credit required of the Applicant until such time as all of the SCRP units proposed in the construction schedule are built and contributed to the SCRP rental inventory to the satisfaction of the Department.

7. In the event the Applicant transfers ownership, possession or control of the project site to a legal entity other than the Applicant, the Applicant shall be obligated to notify the County and the Department of such transfer and the transferee will be required to become an additional party to this Agreement through amendment or, in the sole discretion of the County and Department, to execute a separate SCRP Agreement. Partnerships, associations, corporations and other legal entities may not evade the requirements of this Agreement through voluntary dissolution, bankruptcy or the sale or transfer of the project site or the obligation to construct the SCRP units. Further, this Agreement may only be assigned with the prior written approval of the Department and only if the proposed assignee demonstrates the financial ability to fulfill and agrees to accept all of the Applicant's obligations under this Agreement and the Ordinance. If the Applicant is not also the builder, the relationship between the Applicant and builder shall

be fully disclosed to the Department's satisfaction, prior to the relationship being legally established.

8. Applicant is solely responsible for marketing and leasing 'SCRIP units, although the Department agrees to screen eligible tenants and issue a certificate of eligibility to such tenants who qualify. Upon availability of a vacant SCRIP unit, the eligible tenant will be referred to the landlord to sign a lease agreement, which shall not be signed unless tenant has received a certificate of eligibility from the Department. A landlord shall not be permitted to refuse to rent to an eligible tenant without providing the Department with an explanation of just cause for the refusal, to the satisfaction of the Department. SCRIP units will only be occupied by tenants whose monthly income levels do not exceed the eligible income limit, as defined in the Ordinance and shall prohibit tenants from subletting or leasing SCRIP units. The Applicant shall submit an annual report to the director, which includes, but is not limited to, a listing of all affordable rental units within the project; the monthly rents charged; vacancy information for the prior years; the household size and monthly income for tenants for each affordable rental unit throughout the prior year. The Department shall audit the report and may require such additional information as needed to allow it to evaluate and approve the annual report.

9. All SCRIP units must be fully integrated into the community as to location and shall not be substantially different in appearance from non-SCRIP units. When they are part of a phased development, a proportionate number or percentage of said units shall be placed within each phase and/or constructed within each housing type appearing in the development. The planning and design of individual SCRIP units must be consistent with the planning and design of market-rate units within the same project.

10. A tenant of a SCRP unit must vacate the unit if the tenant's household income exceeds 80% of the area median income by 20%. The Applicant agrees to take such action as is necessary at its expense, including the prosecution of legal action, to require such a tenant to vacate the SCRP unit within 6 months of the date the Applicant receives information that the tenant's household income exceeds the eligible income limits.

11. SCRP unit rental rates shall be 25% of the total gross monthly income of the household and shall include trash services, parking, water and sewer utilities and any other charges to be paid by the tenant. Every SCRP unit constructed under this Agreement must be offered to all eligible tenants for lease as the eligible tenant's principal or primary residence and such lease agreement shall be for a minimum period of one year.

12. Following the execution of this Agreement and Applicant filing an appropriate zoning application, the Department shall notify the Planning and Zoning office that the Applicant is entitled to request the benefit of the bonus density and expedited review incentives contained in the Ordinance. The actual density granted to the Applicant shall be determined by the Commission and/or Council, as required, depending upon zoning approval required for the project.

13. The parties incorporate by reference all of the terms and conditions of Chapter 72 establishing an affordably priced rental housing program.

14. In compliance with § 72-23.K., Applicant agrees to execute and record the restrictive covenants required by Subsections a. and b. thereof. Specifically, the covenants will bind the Applicant, any assignees, mortgagee, or buyer and all other parties that receive title to the property. In the event the mortgagee acquires the property through a foreclosure or acceptance of deed-in-lieu of foreclosure, the SCRP agreement covenants will continue in effect. The covenants must be senior to all instruments securing financing.

In any deed or instrument conveying title by the Applicant, the property shall remain subject to all of the terms and conditions contained in the SCRP agreements by the Applicant required under the Ordinance during the Control Period. The source of the SCRP agreements and any deed restrictions related thereto must be included in the public land records so that they are readily identifiable in a routine title search.

15. The parties agree that in accordance with § 72-28.D. the director is authorized to pursue any available remedy, legal or equitable in nature, to enforce the requirements of the SCRP Ordinance and this Agreement and/or to prevent or abate a violation of the Ordinance and/or this Agreement. Further, the director may take legal action to stop or cancel any lease of a SCRP unit if the tenant does not comply with all requirements of the program and may recover any funds improperly obtained from the rental of a SCRP unit in violation of Chapter 72 in this Agreement.

16. In the event of litigation brought by the County and/or the Department to enforce the terms and conditions of the SCRP Ordinance and/or of this Agreement, County shall be entitled to an award of legal costs and fees to be collected from the Applicant if it is determined to be in violation of the Ordinance and/or this Agreement or the obligations created thereunder.

17. This Agreement is binding upon the parties, their heirs, successors and assigns.

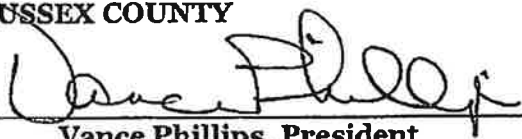
18. If any portion of this Agreement is held to be invalid, the remaining portions shall survive and remain in full force and effect.

19. Any litigation which may be brought relating to this Agreement shall occur within the State of Delaware and in a Court located in Sussex County, Delaware.

20. The Applicant acknowledges that its principal officers are required to execute this agreement both individually and on behalf of the entity pursuant to a duly adopted resolution of the entity and that such resolution has been adopted. '

IN WITNESS WHEREOF, the parties have set their hands and seals on the respective dates set forth below.

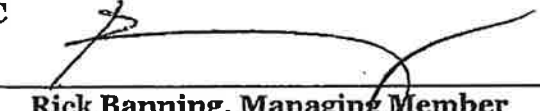
SUSSEX COUNTY

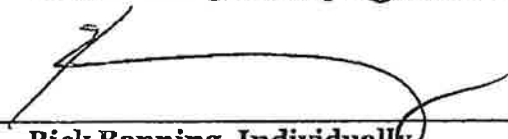
By:  (SEAL)
Vance Phillips, President

**DEPARTMENT OF COMMUNITY
DEVELOPMENT AND HOUSING**

By:  (SEAL)
William C. LeCates, Director

**MID ATLANTIC DEVELOPMENT VENTURES,
LLC**

By:  (SEAL)
Rick Banning, Managing Member

By:  (SEAL)
Rick Banning, Individually

STATE OF DELAWARE:

COUNTY OF SUSSEX : ss.

BE IT REMEMBERED, That on this 22nd day of September, A.D. 2009, personally came before me, a Notary Public for the State and County aforesaid, **Vance Phillips, President of Sussex County**, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed.

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

Jayne E. Dickerson
Printed Name: _____
Title: NOTARY PUBLIC
Commission Expires: _____
Jayne E. Dickerson
Notary Public
Commission Expires 4/7/2011

STATE OF DELAWARE:

COUNTY OF SUSSEX : ss.

BE IT REMEMBERED, That on this 22nd day of September, A.D. 2009, personally came before me, a Notary Public for the State and County aforesaid, **William C. LeCates, Director of Department of Community Development and Housing**, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed.

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

Jayne E. Dickerson
Printed Name: _____
Title: NOTARY PUBLIC
Commission Expires: _____
Jayne E. Dickerson
Notary Public
Commission Expires 4/7/2011

STATE OF DELAWARE;

COUNTY OF SUSSEX :

ss.

BE IT REMEMBERED, That on' this _____ day of September, A.D., 2009, personally came before me, a Notary Public for the State and County aforesaid, **Rick Banning, Individually and as Managing Member of Mid Atlantic Development Ventures, LLC**, a limited liability company existing under the laws of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said company; that the signature of the Member thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said company; and that his act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by said company.

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

Maureen Theresa White
Maureen Theresa White

Printed Name: _____

Title: NOTARY PUBLIC

Commission Expires: 10-6-2012



Exhibit B

All that certain tract of ground or parcel of land situate in Lewes and Rehoboth Hundred, County of Sussex, State of Delaware, as shown on a plan set prepared by Solutions Integrated Engineering & Management, I.L.C., entitled "Arbors of Cottagedale", dated January 17, 2014 and being more particularly described as follows to wit:

Beginning at a concrete monument at the southwestern most corner of the herein described tract of land, said monument being the northwest corner of Tax Parcel 3-34-6.00-504.01 and being further located North 52°35'51" East, a distance of 200.00 feet along Mackenzie Way from the eastern Right-of-Way of Plantation Road; thence crossing Mackenzie Way, North 37°24'09" West, a distance of 50.00 feet to a point in the Lands of Israel Methodist Church; thence along the lands of the Lands of Israel Methodist Church the following two courses and distances:

1. North 52°35'51" East, a distance of 21.04 feet to an iron rod with cap; thence
2. North 37°24'00" West, a distance of 64.26 feet to an iron rod w/cap; thence

along lands of Tax Parcel 3-34-6.00-511.00, North 50°09'05" East, a distance of 990.91 feet to a point, said point being located South 50°09'05" West, a distance of 0.51 feet of an iron rod w/cap; thence along lands now or formerly of Eagle Point, LLC as shown Plat Book 17, Page 223 the following 2 courses and distances:

1. South 38°25'18" East, a distance of 363.83 feet to an iron pipe; thence
2. North 50°56'21" East, a distance of 744.73 feet to an iron pipe; thence

along lands now or formerly of Eagle Point, LLC as shown Plat Book 82, Page 149 South 38°40'56" East, a distance of 765.57 feet to a point; thence along Lots 67, 66, 65, 64 & 63 of the Rolling Meadows Subdivision, (Plat Book 42, Page 8) South 49°25'45" West, a distance of 753.19 feet to a point, said point being located 0.40 feet East and 0.31' North of a concrete monument; thence along Tax Parcel 3-34-6.00-503.00 the following two courses and distances:

1. North 39°33'35" West, a distance of 704.10 feet to a point; thence
2. South 49°11'47" West, crossing the terminus of Mackenzie Way, a distance of 230.67 feet to an iron rod with cap; thence along Mackenzie Way the following 3 courses and distances:
 1. North 38°28'41" West, a distance of 329.00 feet to an iron pipe thence
 2. South 50°15'03" West, a distance of 639.47 feet, crossing iron rods at distances of 254.68 feet and 404.71 feet, to an iron rod; thence
 3. South 52°35'51" West, a distance of 125.11 feet to the Point of Beginning.

TOGETHER WITH AND SUBJECT TO that certain easement for ingress and egress as described in Deed dated May 18, 1979, from Harland Jackson and Bernice Jackson, husband and wife, and Glendon Jackson and Sonya Rudy Jackson, husband and wife, as contained in Deed Book 951, Page 165 and recorded May 11, 1979, in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

Sussex County Rental Program**EXHIBIT C**

The County and the Developer recognize that this schedule may be modified during initial lease-up as a result of factors including the facility size at the time of initial lease-up.

Marketing for SCRP units will occur simultaneously with the market-rate units for each buildings and includes:

- ** Posting to the DSHA Affordable Housing Site
- ** Out Reach Marketing - Flyers and Brochure Packets to Local Employers
- ** Sussex County Web Site

Building Delivery Sequence		
Delivery	Address	Number of SCRP Units
1	33520	5
2	33526	5
3	33534	5
4	33514	3
5	33540	5
6	33562	3
		26

** Building Delivery Sequence may be modified

Coastal Tide Apartments Unit Mix					
UNIT #	FLOOR PLAN	UNIT TYPE	SQ FT	UNIT TYPE	SQ FT
514-101	CORAL	2/2	944	2/2	944
514-102	BAY BREEZE	3/2	1350	3/2	1350
514-103	TIDE	1/1	791	1/1	791
514-104	TIDE	1/1	791	1/1	791
514-105	CORAL	2/2	944	2/2	944
514-106	BAY BREEZE	3/2	1350	3/2	1350
514-201 SCRP	CORAL	2/2	944	2/2	944
514-202	BAY BREEZE	3/2	1350	3/2	1350
514-203	TIDE	1/1	791	1/1	791
514-204	TIDE	1/1	791	1/1	791
514-205	CORAL	2/2	944	2/2	944
514-206	BAY BREEZE	3/2	1350	3/2	1350
514-301	CORAL	2/2	944	2/2	944
514-302	BAY BREEZE	3/2	1350	3/2	1350
514-303 SCRP	TIDE	1/1	791	1/1	791
514-304	TIDE	1/1	791	1/1	791
514-305	CORAL	2/2	944	2/2	944
514-306 SCRP	BAY BREEZE	3/2	1350	3/2	1350
520-101	BAY BREEZE	3/2	1350	3/2	1350
520-102	COVE	1/1	784	1/1	784
520-103	BAY BREEZE	3/2	1350	3/2	1350
520-104	FINN	2/2	988	2/2	988
520-105	FINN	2/2	988	2/2	988
520-106	FINN	2/2	988	2/2	988
520-107	FINN	2/2	988	2/2	988
520-108	BAY BREEZE	3/2	1350	3/2	1350
520-109	COVE	1/1	784	1/1	784
520-110	BAY BREEZE	3/2	1350	3/2	1350
520-201	BAY BREEZE	3/2	1350	3/2	1350
520-202 SCRP	COVE	1/1	784	1/1	784
520-203	BAY BREEZE	3/2	1350	3/2	1350
520-204	FINN	2/2	988	2/2	988
520-205	FINN	2/2	988	2/2	988
520-206 SCRP	FINN	2/2	988	2/2	988
520-207	FINN	2/2	988	2/2	988
520-208	BAY BREEZE	3/2	1350	3/2	1350
520-209	COVE	1/1	784	1/1	784
520-210	BAY BREEZE	3/2	1350	3/2	1350
520-301 SCRP	BAY BREEZE	3/2	1350	3/2	1350
520-302	COVE	1/1	784	1/1	784

520-303	BAY BREEZE	3/2	1350	3/2	1350
520-304 SCRP	FINN	2/2	988	2/2	988
520-305	FINN	2/2	988	2/2	988
520-306	FINN	2/2	988	2/2	988
520-307	FINN	2/2	988	2/2	988
520-308 SCRP	BAY BREEZE	3/2	1350	3/2	1350
520-309	COVE	1/1	784	1/1	784
520-310	BAY BREEZE	3/2	1350	3/2	1350
526-101	BAY BREEZE	3/2	1350	3/2	1350
526-102	COVE	1/1	784	1/1	784
526-103	BAY BREEZE	3/2	1350	3/2	1350
526-104	FINN	2/2	988	2/2	988
526-105	FINN	2/2	988	2/2	988
526-106	FINN	2/2	988	2/2	988
526-107	FINN	2/2	988	2/2	988
526-108	BAY BREEZE	3/2	1350	3/2	1350
526-109	COVE	1/1	784	1/1	784
526-110	BAY BREEZE	3/2	1350	3/2	1350
526-201 SCRP	BAY BREEZE	3/2	1350	3/2	1350
526-202	COVE	1/1	784	1/1	784
526-203	BAY BREEZE	3/2	1350	3/2	1350
526-204 SCRP	FINN	2/2	988	2/2	988
526-205	FINN	2/2	988	2/2	988
526-206	FINN	2/2	988	2/2	988
526-207	FINN	2/2	988	2/2	988
526-208	BAY BREEZE	3/2	1350	3/2	1350
526-209	COVE	1/1	784	1/1	784
526-210	BAY BREEZE	3/2	1350	3/2	1350
526-301	BAY BREEZE	3/2	1350	3/2	1350
526-302 SCRP	COVE	1/1	784	1/1	784
526-303	BAY BREEZE	3/2	1350	3/2	1350
526-304	FINN	2/2	988	2/2	988
526-305	FINN	2/2	988	2/2	988
526-306 SCRP	FINN	2/2	988	2/2	988
526-307	FINN	2/2	988	2/2	988
526-308 SCRP	BAY BREEZE	3/2	1350	3/2	1350
526-309	COVE	1/1	784	1/1	784
526-310	BAY BREEZE	3/2	1350	3/2	1350
534-101	BAY BREEZE	3/2	1350	3/2	1350
534-102	COVE	1/1	784	1/1	784
534-103	BAY BREEZE	3/2	1350	3/2	1350
534-104 ADA	FINN	2/2	988	2/2	988
534-105	FINN	2/2	988	2/2	988
534-106	FINN	2/2	988	2/2	988
534-107	FINN	2/2	988	2/2	988
534-108	BAY BREEZE	3/2	1350	3/2	1350
534-109 ADA	COVE	1/1	784	1/1	784
534-110	BAY BREEZE	3/2	1350	3/2	1350
534-201 SCRP	BAY BREEZE	3/2	1350	3/2	1350
534-202	COVE	1/1	784	1/1	784
534-203	BAY BREEZE	3/2	1350	3/2	1350
534-204	FINN	2/2	988	2/2	988
534-205	FINN	2/2	988	2/2	988
534-206 SCRP	FINN	2/2	988	2/2	988
534-207	FINN	2/2	988	2/2	988
534-208 SCRP	BAY BREEZE	3/2	1350	3/2	1350
534-209	COVE	1/1	784	1/1	784
534-210	BAY BREEZE	3/2	1350	3/2	1350
534-301	BAY BREEZE	3/2	1350	3/2	1350
534-302	COVE	1/1	784	1/1	784
534-303	BAY BREEZE	3/2	1350	3/2	1350

534-305	FINN	2/2	988	2/2	988
534-306	FINN	2/2	988	2/2	988
534-307	FINN	2/2	988	2/2	988
534-308	BAY BREEZE	3/2	1350	3/2	1350
534-309 SCRP	COVE	1/1	784	1/1	784
534-310	BAY BREEZE	3/2	1350	3/2	1350
540-101	BAY BREEZE	3/2	1350	3/2	1350
540-102	COVE	1/1	784	1/1	784
540-103	BAY BREEZE	3/2	1350	3/2	1350
540-104 ADA	FINN	2/2	988	2/2	988
540-105	FINN	2/2	988	2/2	988
540-106	FINN	2/2	988	2/2	988
540-107	FINN	2/2	988	2/2	988
540-108	BAY BREEZE	3/2	1350	3/2	1350
540-109	COVE	1/1	784	1/1	784
540-110	BAY BREEZE	3/2	1350	3/2	1350
540-201 SCRP	BAY BREEZE	3/2	1350	3/2	1350
540-202	COVE	1/1	784	1/1	784
540-203	BAY BREEZE	3/2	1350	3/2	1350
540-204	FINN	2/2	988	2/2	988
540-205	FINN	2/2	988	2/2	988
540-206	FINN	2/2	988	2/2	988
540-207	FINN	2/2	988	2/2	988
540-208 SCRP	BAY BREEZE	3/2	1350	3/2	1350
540-209	COVE	1/1	784	1/1	784
540-210	BAY BREEZE	3/2	1350	3/2	1350
540-301	BAY BREEZE	3/2	1350	3/2	1350
540-302	COVE	1/1	784	1/1	784
540-303	BAY BREEZE	3/2	1350	3/2	1350
540-304 SCRP	FINN	2/2	988	2/2	988
540-305	FINN	2/2	988	2/2	988
540-306 SCRP	FINN	2/2	988	2/2	988
540-307	FINN	2/2	988	2/2	988
540-308	BAY BREEZE	3/2	1350	3/2	1350
540-309 SCRP	COVE	1/1	784	1/1	784
540-310	BAY BREEZE	3/2	1350	3/2	1350
562-101	BAY BREEZE	3/2	1350	3/2	1350
562-102	COVE	1/1	784	1/1	784
562-103	BAY BREEZE	3/2	1350	3/2	1350
562-104	FINN	2/2	988	2/2	988
562-105	FINN	2/2	988	2/2	988
562-106	FINN	2/2	988	2/2	988
562-107	FINN	2/2	988	2/2	988
562-108 ADA	BAY BREEZE	3/2	1350	3/2	1350
562-109	COVE	1/1	784	1/1	784
562-110	BAY BREEZE	3/2	1350	3/2	1350
562-201	BAY BREEZE	3/2	1350	3/2	1350
562-202	COVE	1/1	784	1/1	784
562-203	BAY BREEZE	3/2	1350	3/2	1350
562-204 SCRP	FINN	2/2	988	2/2	988
562-205	FINN	2/2	988	2/2	988
562-206	FINN	2/2	988	2/2	988
562-207	FINN	2/2	988	2/2	988
562-208	BAY BREEZE	3/2	1350	3/2	1350
562-209 SCRP	COVE	1/1	784	1/1	784
562-210	BAY BREEZE	3/2	1350	3/2	1350
562-301 SCRP	BAY BREEZE	3/2	1350	3/2	1350
562-302	COVE	1/1	784	1/1	784
562-303	BAY BREEZE	3/2	1350	3/2	1350
562-304	FINN	2/2	988	2/2	988
562-305	FINN	2/2	988	2/2	988
562-306	FINN	2/2	988	2/2	988

562-307	FINN	2/2	988	2/2	988
562-308	BAY BREEZE	3/2	1350	3/2	1350
562-309	COVE	1/1	784	1/1	784
562-310	BAY BREEZE	3/2	1350	3/2	1350

Coastal Tide Apartments				
Unit Mix				
Type	Size	Sq. Ft.	No. Units	
Cove	1 BR 1BA	784	25	
Cove AF	1 BR 1BA	784	5	
Tide	1BR 1 BA	791	5	
Tide AF	1BR 1 BA	791	1	
Coral	2BR 2 BA	944	5	
Coral AF	2BR 2 BA	944	1	
Finn	2BR 2 BA	988	51	
Finn AF	2BR 2 BA	988	9	
Bay Breeze	3BR 2 BA	1350	56	
Bay Breeze AF	3BR 2 BA	1350	10	
Total		971	168	















TYESIA DUPONT-PALMER
COMMUNITY DEVELOPMENT
PROGRAM SPECIALIST

(302) 855-7777 T
(302) 854-5397 F

tyesia.dupontpalmer@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

February 16, 2022

Linda Smith
Coastal Tide Apartments
33451 Mackenzie Way
Lewes, DE 19958

RE: Sussex County Rental Program Compliance Review

Dear Ms. Smith,

On February 7, and February 8, 2022, Sussex County Community Development & Housing conducted a compliance review of fourteen (14) tenant files, one (1) move out file and one (1) rejected application. We are pleased to advise that there were no Non-Compliance issues found. Please find attached a line-by-line list of observations and comments noted during the compliance review.

We would like to thank the staff who assisted with the compliance review. If you have any questions, please contact our office at (302) 855-7777.

Thank you,

Tyesia DuPont-Palmer
Community Development Program Specialist



COUNTY ADMINISTRATIVE OFFICES WEST COMPLEX
22215 DUPONT BOULEVARD | PO BOX 589
GEORGETOWN, DELAWARE 19947



May 16, 2022

Hillcrest Associates
Attn: Alan Hill
PO Box 1180
Hockessin, DE 19707

RE: Willing & Able Letter – The Arbors of Cottagedale (Tax Parcel Number: 334-6.00-504.02)

Dear Mr. Hill:

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, *including fire protection*, to the following parcel(s) identified as Tax Map Parcel No. 334-6.00-504.02. Water service is contingent on the terms and conditions of a Water Service Agreement by and between Tidewater and the Project Owner. This parcel is located within Tidewater's existing water Certificate of Public Convenience and Necessity franchise area.

Please feel free to contact me at 302-747-1304 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,

A handwritten signature in cursive script that reads "Kelly R. Bailey". The signature is written in dark ink and is positioned above the printed name and title.

Kelly Bailey
Manager of Contract Administration

RECEIVED

MAY 12 2022

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

May 9, 2022

TO: Sussex County Administration
P.O. Box 417
Georgetown, DE 19947

RE: C/U 2352 CB Lewes, LLC
The Arbors of Cottage Dale

Dear Reader:

I was appalled to learn about the request to increase the number of apartments being built in this development from 168 to 198. This obviously means that an additional structure would need be built on this property.

My home at 8 Windsor Court backs up to this site, and we have already suffered for over four years from the development of this project. First, there were approximately two years of soil remediation due to the property being designated as a brownfields site (an industrial or commercial dump site that is potentially contaminated). During that period, we were subjected daily to highly unpleasant odors and an oily mix of dust and debris that coated everything in the neighborhood, including our cars, our gardens, our swimming pool, our outdoor furniture, and our grills. Even after the remedial groundwork was completed, the dust from construction has continued to this day to coat everything outside. I constantly see large construction vehicles driving next to our property and causing clouds of dust to rise from the dirt construction roads, with no effort being made by the crews to alleviate the problem by watering the roadway.

Our outdoor activities have been accompanied by constant construction noise, including—but not limited to—hammering, yelling (including obscenities), workers' loud music, and loud banging from loading and unloading dump trucks. Objects in our homes vibrate and rattle from all the concussive activities. After four years of this we have to wonder if this constant vibration may have caused damage to our homes.

The work on this project began in January 2018 and is still ongoing, although we were finally anticipating (we thought) the completion of the last building from the original construction drawings. We were all relieved and looking forward to the first summer in five years without a backdrop of construction noise and airborne debris. And now we have been informed that the developer is looking to extend this project.

It is obvious from the locations of the existing buildings that an additional building can only be located right next to our backyard, making its construction even more of a concern to those of us in Rolling Meadows who are unfortunate enough to live adjacent to this site. Apartment buildings looming over our homes will not only detract from the enjoyment we rightfully expect as property owners but will also affect our property values. Conversely, leaving some green space to allow for grass, flowers, and trees will not only enhance the living conditions of the tenants of the existing apartments, but will also provide somewhat of a natural barrier to the noise that will inevitably result from so many people living in a densely populated area right next to our peaceful and spacious community.

Additional people crammed into this site also means additional cars and trucks and traffic on our roads. There is already great concern about overbuilding in Sussex County without the infrastructure to support it. This is just another example of a developer greedily trying to squeeze as much as possible out of acreage without any thought to the impact on the area. The loss of green space has been proven to undermine quality of life. Please do not approve this request, as it will negatively affect us all.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Judith D. Roman". The signature is written in dark ink and is positioned above the printed name and address.

Judith D. Roman
8 Windsor Court
Lewes DE 19958
703-851-2463

RECEIVED

MAY 04 2022

May 1, 2022

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Planning and Zoning Office

Opposition
Exhibit

P.O. Box 417

Georgetown, Delaware 19947

C4 2352

ATTN: Jamie Whitehouse

Ref A: Sussex County Council Minutes, dated February 23, 2010

Ref B: Sussex County Council Memorandum, dated November 30,
2017

The clean-up of Jackson Pit in Lewes and the subsequent plans for development as the Arbors of Cottagedale, now called Coastal Tide Apartments, in Lewes have been going on for many years. On Saturday, we received a notice from the Sussex County Planning and Zoning Commission of a public hearing scheduled for May 26th at 5 p.m. The purpose of this hearing is that the developer would like to increase the number of apartments from the County-approved 168 units to 198 units. This would mean one additional 30-apartment building. This hearing will be followed by a Sussex County Council public hearing on June 14th at 1:30 p.m.

As a resident of the neighboring community of Eagle Point, my wife and I are very concerned about the expansion. First, the County Council approved this development with 18 conditions (Ref A). The first one is "the maximum number of residential rental units shall not exceed 168

units.” The proposal would exceed the Council’s approval by 30 residential units, ignoring its earlier due deliberation and consideration.

In addition, the Coastal Tide current residential density of 9.29 density (Ref B) would be increased with 30 additional units.

The only access road into Coastal Tide remains MacKenzie Way that joins Plantation Road at an uncontrolled point. The increase in traffic with the current 168 new apartments would increase yet again with another 30 family units.

The only place that could accommodate an additional 30-apartment building would be the far corner of the approved site plan. This would come very close to the property line between Coastal Tide and the neighboring community to the southeast, Rolling Meadows. This would require redesigning the previously approved 5-foot-wide concrete sidewalks in the green space on the site plan. These are identified as “walking trails” on Coastal Tide brochures.

The Coastal Tide Apartments have already had an impact on the area, but especially on the Eagle Point community. The construction of the six residential buildings, the pool and community building, with their infrastructure, roads, stormwater drainage, foundation work, exterior build-up, interior furnishing, and the moving in of the many new renters has been noisy and at times overwhelming. An additional building and its tenants would be unacceptable because it would violate previous approvals and be detrimental to the quality of life not only for the neighbors but also for the occupants of Coastal Tide itself.

We urge you to recommend disapproval of this request for “an ordinance to grant a conditional use of land in an MR medium-density residential district to amend the conditions of approval of C/U 1845 (Ordinance No. 2106) to increase the number of permitted multifamily

units from 168 to 198 for a certain parcel of land lying and being in
Lewes and Rehoboth Hundred, Sussex County, containing 18.08 acres,
more or less."

Marc R. Collard

Marc R. and Elizabeth V. Collard

17702 Brighten Drive Unit 1

Lewes, Delaware 19958

Jesse Lindenberg

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Monday, May 2, 2022 5:48 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse



Submitted on Monday, May 2, 2022 - 5:48am

Name: Marc R. Collard
Email address: marccollard@comcast.net
Phone number: 302-645-4821
Subject: Letter on May 26 Public Hearing

Message:

Attached is a letter on the C/U 2352 CB Lewes LLC. This has also been sent by regular mail.

May 1, 2022

Sussex County Planning and Zoning Office P.O. Box 417 Georgetown, Delaware 19947
ATTN: Jamie Whitehouse

Ref A: Sussex County Council Minutes, dated February 23, 2010

Ref B: Sussex County Council Memorandum, dated November 30, 2017

The clean-up of Jackson Pit in Lewes and the subsequent plans for development as the Arbors of Cottagedale, now called Coastal Tide Apartments, in Lewes have been going on for many years. On Saturday, we received a notice from the Sussex County Planning and Zoning Commission of a public hearing scheduled for May 26th at 5 p.m. The purpose of this hearing is that the developer would like to increase the number of apartments from the County-approved 168 units to 198 units. This would mean one additional 30-apartment building. This hearing will be followed by a Sussex County Council public hearing on June 14th at 1:30 p.m.

As a resident of the neighboring community of Eagle Point, my wife and I are very concerned about the expansion. First, the County Council approved this development with 18 conditions (Ref A). The first one is "the maximum number of residential rental units shall not exceed 168 units." The proposal would exceed the Council's approval by 30 residential units, ignoring its earlier due deliberation and consideration.

In addition, the Coastal Tide current residential density of 9.29 density (Ref B) would be increased with 30 additional units.

The only access road into Coastal Tide remains MacKenzie Way that joins Plantation Road at an uncontrolled point. The increase in traffic with the current 168 new apartments would increase yet again with another 30 family units.

The only place that could accommodate an additional 30-apartment building would be the far corner of the approved site plan. This would come very close to the property line between Coastal Tide and the neighboring community to the southeast, Rolling Meadows. This would require redesigning the previously approved 5-foot-wide concrete sidewalks in the green space on the site plan. These are identified as "walking trails" on Coastal Tide brochures.

The Coastal Tide Apartments have already had an impact on the area, but especially on the Eagle Point community. The construction of the six residential buildings, the pool and community building, with their infrastructure, roads, stormwater drainage, foundation work, exterior build-up, interior furnishing, and the moving in of the many new renters has been noisy and at times overwhelming. An additional building and its tenants would be unacceptable because it

would violate previous approvals and be detrimental to the quality of life not only for the neighbors but also for the occupants of Coastal Tide itself.

We urge you to recommend disapproval of this request for "an ordinance to grant a conditional use of land in an MR medium-density residential district to amend the conditions of approval of C/U 1845 (Ordinance No. 2106) to increase the number of permitted multifamily units from 168 to 198 for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 18.08 acres, more or less."

Marc R. and Elizabeth V. Collard
17702 Brighten Drive Unit 1
Lewes, Delaware 19958

ROLLING MEADOWS HOME OWNERS ASSOCIATION

2 DARTMOUTH DRIVE * LEWES, DE 19958 * 302-236-3181

May 15, 2022

Opposition
Exhibit

RECEIVED

MAY 18 2022

SUSSEX COUNTY
PLANNING & ZONING

Jamie Whitehouse
Director, Planning & Zoning Commission
2 The Circle P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse,

The Board of Directors of the Rolling Meadows Homeowners Association (RMHA), representing the 171 members of the Association, submits this letter in opposition to the pending application by C/U 2352 CB Lewes, LLC, The Arbors of Cottage Dale, to increase the number of apartments in their development from 168 to 198.

The application, if granted, would most directly impact the homeowners along our community's Northern boundary, and particularly those along the Western portion. They have been subjected to years of excessive construction noise, blowing dust and debris. This has been further exacerbated by unpleasant odors, glaring bright lights and concussive vibrations in the owner's homes. This has gone on now for 4 years. Our property owners should not be subjected to even more of this should construction of additional apartment buildings be approved.

The RMHA Board has been made aware of the multitude of problems experienced and voiced to you by occupants of the current apartments, the primary one being congestion and the lack of adequate parking. Additional apartments can only negatively enhance this flaw in the design of the overall development. Additional buildings will bring the congestion and accompanying parking problems ever closer to the backyards of our Rolling Meadows northern boundary homeowners. This will assuredly diminish our affected homeowner's property values. Therefore, we ask that before a final decision is made on the developer's application, the following conditions of approval, be considered. At a minimum, require the developer to pre-install and maintain a 30-foot-high row of evergreen trees along the development's southern and eastern border with Rolling Meadows. Leyland Cypress have been popular since the 1970's, because of their pyramidal shape. They are very fast growing and would establish a quick privacy screen, would block the noise, dust and lights during and following final construction, and offers an inexpensive solution to the problem.

We will very much appreciate your expeditious response to our request.

Regards,


Stephen B Hyle
President, RMHA

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, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: May 26th, 2022

Application: C/Z 1946 Ronald and Candice Gray

Applicant: Ronald & Candice Gray
37176 Sunset Cove
Selbyville, DE 19975

Owner: Ronald & Candice Gray
37176 Sunset Cove
Selbyville, DE 19975

Site Location: Lying on the west side of Roxana Road (Route 17), approximately 0.45-miles south of the intersection of Peppers Corner Road (S.C.R. 365), Powell Farm Road (S.C.R. 365) and Roxana Road.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: Business Community (B-2) District

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire Department

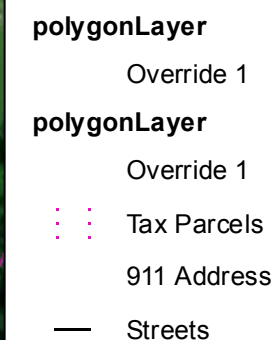
Sewer: Septic

Water: Well

Site Area: 1.56 acres +/-

Tax Map ID.: 134-15.00-20.12

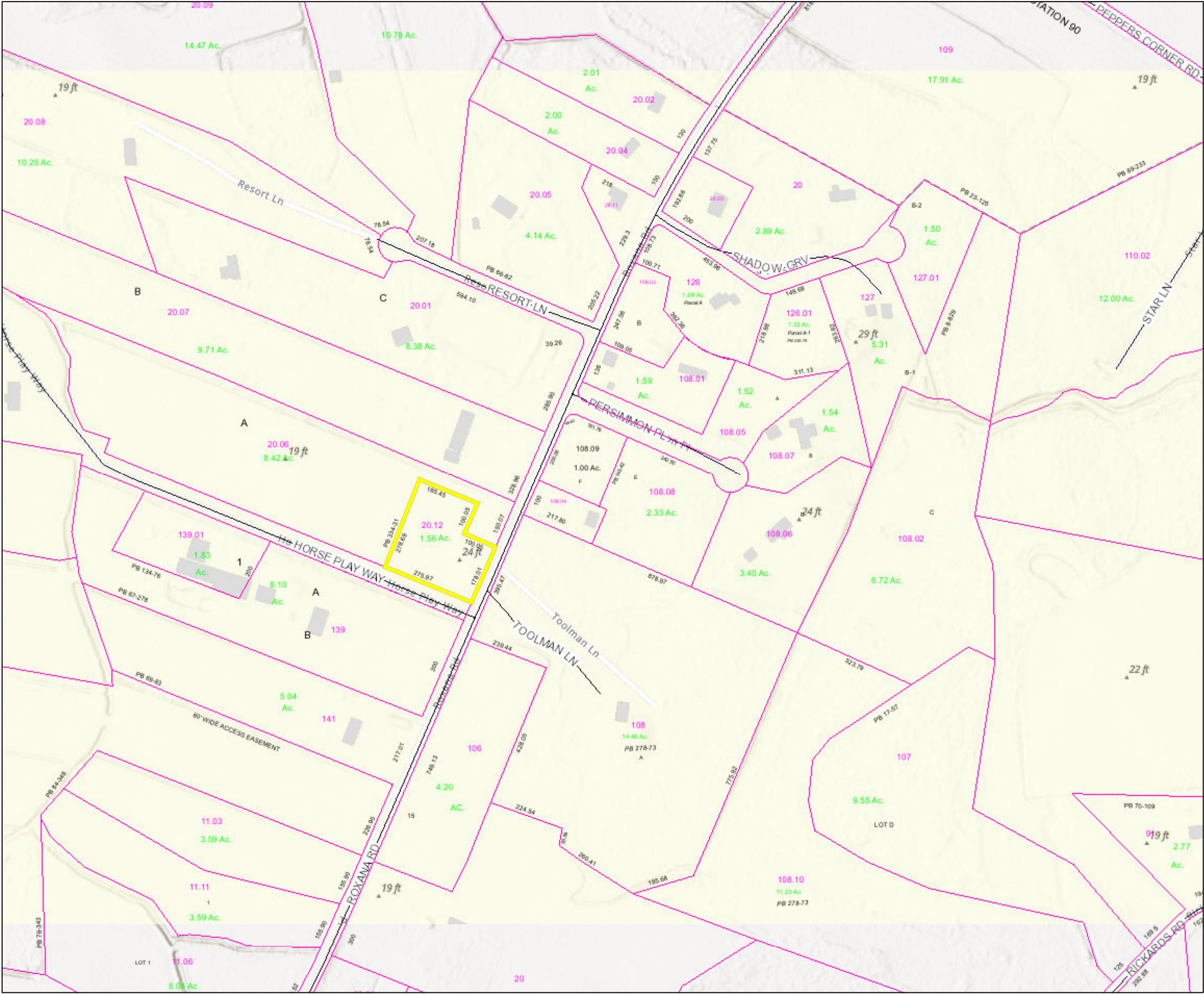




A graphic scale bar with two rows of markings. The top row is labeled in miles (mi) with values 0, 0.0275, 0.055, and 0.11. The bottom row is labeled in kilometers (km) with values 0, 0.0425, 0.085, and 0.17. The bar consists of a horizontal line with vertical tick marks corresponding to these values.



Sussex County



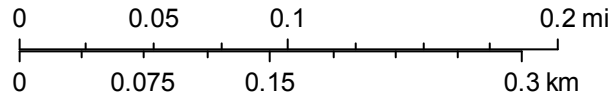
PIN:	134-15.00-20.12
Owner Name	GRAY RONALD E
Book	Text
Mailing Address	37176 SUNSET CV
City	SELBYVILLE
State	DE
Description	NW/ROXANA RD
Description 2	
Description 3	
Land Code	

- polygonLayer

Override 1
- polygonLayer

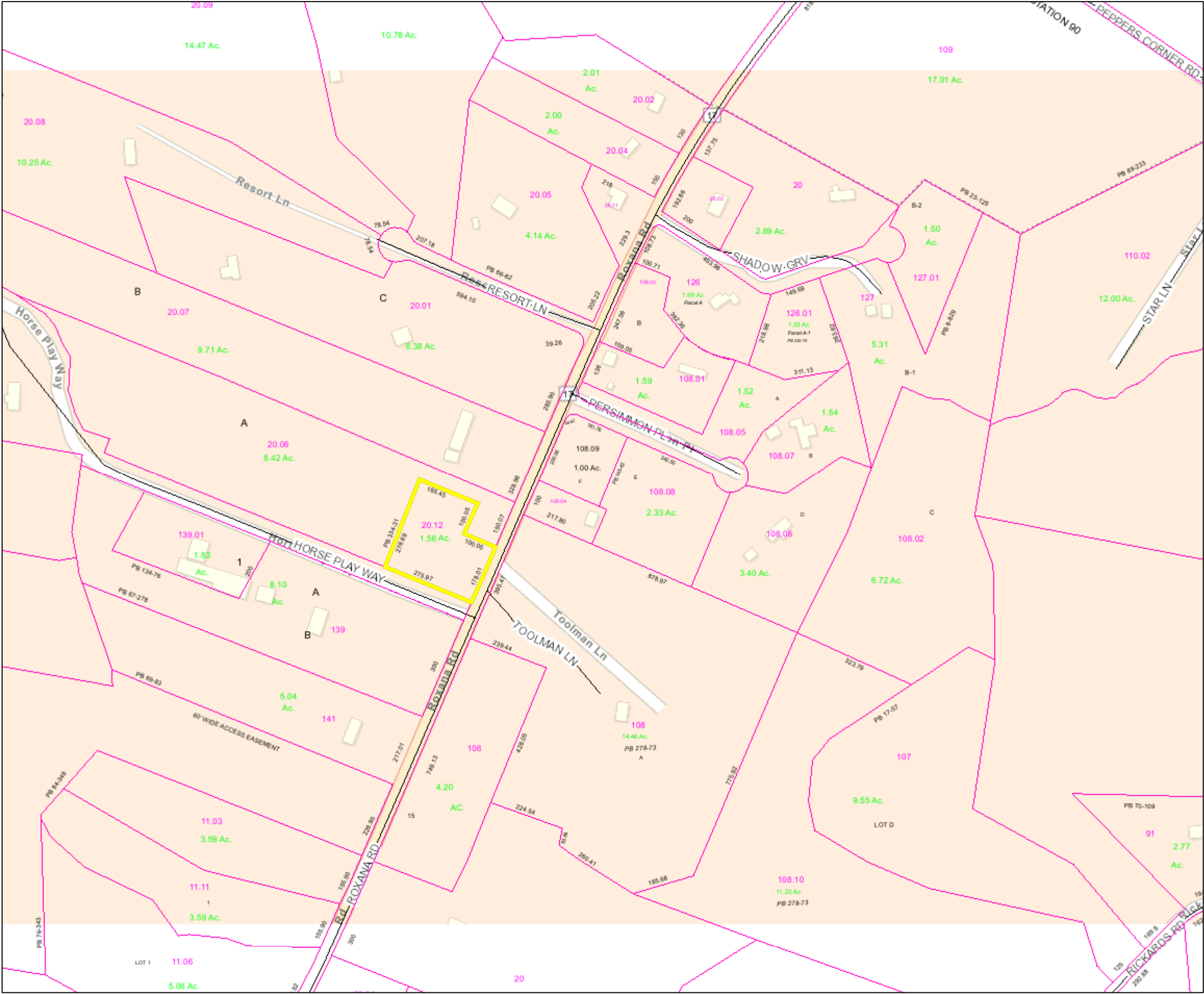
Override 1
- Tax Parcels
- Streets

1:4,514





Sussex County

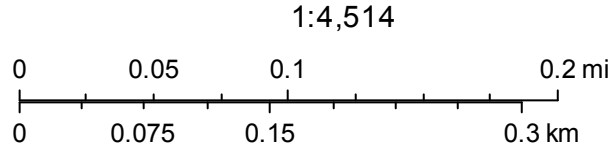


PIN:	134-15.00-20.12
Owner Name	GRAY RONALD E
Book	Text
Mailing Address	37176 SUNSET CV
City	SELBYVILLE
State	DE
Description	NW/ROXANA RD
Description 2	
Description 3	
Land Code	

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets





Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: May 18, 2022
RE: Staff Analysis for CZ 1946 Ronald and Candice Gray

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1946 Ronald and Candice Gray to be reviewed during the May 26, 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 Tax Parcel 134-15.00-20.12 to allow for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Business Community Zoning District (B-2). The property is lying on the east side of Roxana Road (Rt. 17) approximately 0.45-miles south of the intersection of Peppers Corner Road (S.C.R. 365), Powell Farm Road (S.C.R. 365) and Roxana Road. The parcel to be rezoned contains 1.56 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 north, south, east, and west also have the land use designation of Coastal Area.

As outlined in the 2018 Sussex County Comprehensive Plan, the Coastal Areas are areas that can accommodate development provided that 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 all be allowed.

The property is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north, south, east are zoned Agricultural Residential (AR-1) Zoning District. The properties to the west are also zoned Agricultural Residential (AR-1) Zoning District.

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 Business Community Zoning District (B-2) is listed as an applicable zoning district in the "Coastal Area."

Since 2011, there has been zero (0) Change of Zone applications within a 1-mile radius of the application site.



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 Business Community Zoning District (B-2) could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

File #: C2 1946
202109537

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

Horseplay Way and Roxanna Road, Frankford, DE 19945

Type of Conditional Use Requested:

Tax Map #: 1-34-15.00-20.12

Size of Parcel(s): 1.56 acres

Current Zoning: AR-1

Proposed Zoning: B-2

Size of Building: 5,000 sf and 8,000 sf

Land Use Classification: AG1-Residential

Water Provider: N/A-existing on-site well

Sewer Provider: NA - existing on-site septic system

Applicant Information

Applicant Name: Ronald E. & M. Candice Gray

Applicant Address: c/o John A. Sergovic, Jr., Esq, Sergovic Carmean Weidman McCartney & Owens,

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: john@sussexattorney.com

Owner Information

Owner Name: Ronald E. & M. Candice Gray

Owner Address: 37176 Sunset Cove

City: Selbyville

State: DE

Zip Code: 19975

Phone #: (302) 855-1260

E-mail: john@sussexattorney.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: John A. Sergovic, Jr., Esquire

Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, 25 Chestnut Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: 302-855-1260

E-mail: john@sussexattorney.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

Sign Here:

Date:

Signature of Owner

Sign Here:

Date:

For office use only:

Date Submitted: 05/26/2021

Fee: \$500.00 Check #: 4439

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

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

Date of CC Hearing: _____ Decision of CC: _____

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **4/28/2022**

APPLICATION: **CZ 1946 Ronald and Candice Gray**

APPLICANT: **Ronald & Candice Gray**

FILE NO: **ROX-1.01**

TAX MAP &
PARCEL(S): **134-15.00-20.12**

LOCATION: **Lying on the west side of Roxana Road (Route 17),
approximately 0.45 miles south of the intersection of Peppers
Corner Road (SCR 365), Powell Farm Road (SCR 365), and
Roxana Road.**

NO. OF UNITS: **Upzone from AR-1 to B-2**

GROSS
ACREAGE: **1.56**

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

SEWER:

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Change of Zone is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (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
No Permit Tech Assigned



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 22, 2021

Timothy M. Metzner
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2021-08-11; Roxana Road Office

Dear Mr. Metzner:

Thank you for meeting with State agency planners on August 25, 2021 to discuss the proposed plans for the Roxana Road Storage project. According to the information received you are seeking review of a proposed rezoning of 1.56 acres from AR-1 to B-2 and a proposed site plan for a 13,000 square foot office building.

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

Strategies for State Policies and Spending

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

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.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Roxana Road (Delaware Route 17) 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 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.
- 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. From the PLUS application, the total daily trips are estimated at 275 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, Land Use Code 710, and square feet of gross floor area as a variable, DelDOT calculates 147 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 15 and 16, respectively. Therefore, a TIS is not warranted.

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. DelDOT anticipates requiring the developer to improve Roxana Road within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Roxana Road is a Major Collector Road. The standards for such roads include 12-foot lanes and 8-foot shoulders.

Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway. Thus, the projected frontage would be about 300 feet.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.

- 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 17.

By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, **“An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.”** However, it appears that the existing right-of-way may meet this requirement.

- 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.”**
- 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 600 feet of the entrance on Route 17.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas DelDOT has discretion to not require installation of paths or sidewalks along the frontage on State-maintained roads. DelDOT does not anticipate requiring the developer to build a sidewalk or SUP along their frontage on Route 17.
- 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 17.
- 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>.
- 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.

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.
- 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.
- 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.

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/>

Hydrologic Soils Group

Hydrologic Soil Group A/D (poorly drained and very poorly drained) soils have been identified over most of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

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 Inland Bays 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/>

Wastewater Disposal Permitting – Large Systems

The application states that wastewater from the site will be connected to the Sussex County system. 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

If plans change and a small systems wastewater disposal system (septic) is proposed for the site, the applicant must follow current regulations to apply for a permit. The on Site Regulation are listed within Section 5 (Small Systems) or Section 6 (Large Systems) of the *Regulations Governing the Design, Installation and Operation of the On-site Wastewater Treatment and Disposal system at*
<http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/delaware-on-site-regulations-with-exhibits.pdf>

- A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions.
- A list of licensed Class D soil scientists can be found at the following website: <https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator->

Licensees-Based-on-Licensed/6vjq-34rp

Contact: DNREC Groundwater Discharges

Section <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/> for proposed projects in Sussex County (Small Systems Branch) at (302) 856-4561 or Large Systems Branch at (302) 739-9948.

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

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites or known National Register listed or eligible properties on the parcel.
- There is low potential for prehistoric archaeological resources. There are no known archaeological sites on this parcel, nor are there any within a half-mile radius. This parcel is not near any water source and soils are poorly drained.
- There is low potential for historic archaeological resources. There are no properties shown on this parcel in historic topographic and aerial maps. The parcel has remained consistently agricultural field. Historic field scatter is possible.
- 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

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

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

Fire Protection Water Requirements:

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.

Fire Protection Features:

- For commercial buildings greater than 5000 sq. ft, a fire alarm signaling system which is monitored off-site is required
- For commercial buildings greater than 10,000 sq. ft Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sq. ft. or less

- 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

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 Horse Play Road 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.

Gas Piping and System Information:

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

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)
- Provide Road Names, even for County Roads

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 17.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that 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/>

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/>

Additional Sustainable Practices

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- 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/>).

- Incorporate trees into the landscaping plan to reduce the heat island effects from pavement.
- 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.

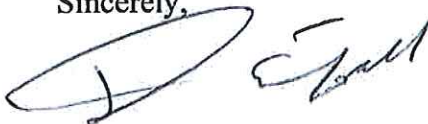
Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

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

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

Sincerely,



David Edgell, AICP
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

DATA COLUMN

MAP & PARCEL NUMBER: 134-15.00-20.12

DEED REFERENCE: 4863/221

OWNER/DEVELOPER: RONALD E. GRAY AND M. CANDICE L. GRAY
37176 SUNSET COVE
SELBYVILLE, DELAWARE 19975

PREPARED BY: DAVIS, BOWEN AND FRIEDEL, INC.
601 E. MAIN ST, SUITE 100
SALISBURY, MARYLAND 21804
(410) 543-9091

TOTAL SITE AREA: 1.56 ACRES±

LANDS DEDICATED TO STATE OF DELAWARE (R.O.W.): 0.075 ACRES± (3,281 S.F.)

EXISTING ZONING: AR-1

PRESENT USE: AGRICULTURAL W/ RESIDENTIAL

PROPOSED USE: OFFICE BUILDINGS

SEWER PROVIDER: ON SITE

WATER PROVIDER: ON SITE WELL

SURVEY CLASSIFICATION: SUBURBAN

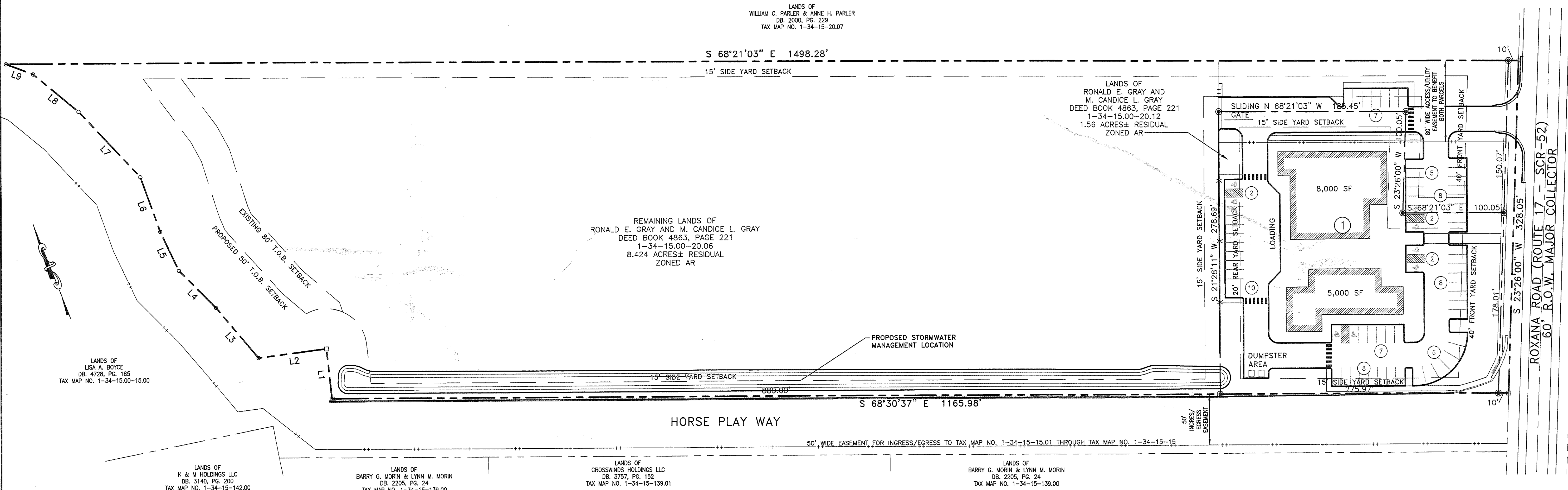
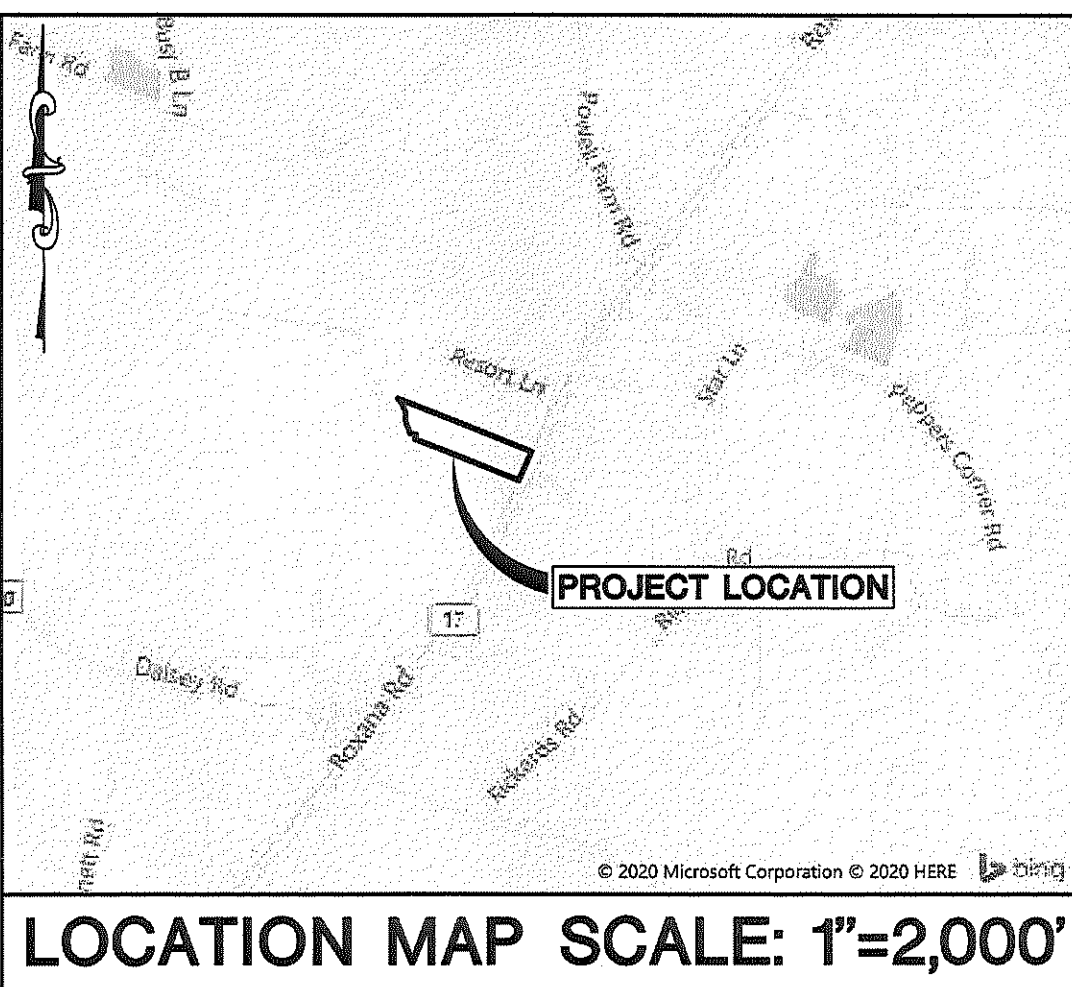
SETBACK REQUIREMENTS: 40' FRONT
20' REAR
15' SIDE

LEGEND

- BOUNDARY LINE
- PROPERTY LINE
- SETBACK LINE
- EXISTING EASEMENT
- PROPOSED EASEMENT
- FENCE
- CONTOUR
- +29.03 +29.03 SPOT ELEVATIONS
- PROPERTY CORNER SET

GENERAL NOTES

1. OTHER THAN SHOWN, THIS SURVEY PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAYS OR EASEMENTS ON THIS PROPERTY. NO TITLE SEARCH WAS REQUESTED OR PERFORMED.
2. ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
4. LOT 1 AND 2 SHALL HAVE A COMBINED ACCESS TO ROXANA ROAD (ROUTE 17).



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 15°15'23" E	49.60'
L2	S 75°42'23" E	67.71'
L3	N 18°20'52" W	65.28'
L4	S 23°11'45" E	152.15'
L5	N 03°45'22" W	42.70'
L6	N 01°49'43" E	57.25'
L7	S 21°49'00" E	38.85'
L8	S 29°06'38" E	57.77'
L9	S 47°57'47" E	28.90'

OWNERS STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE LEGAL OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

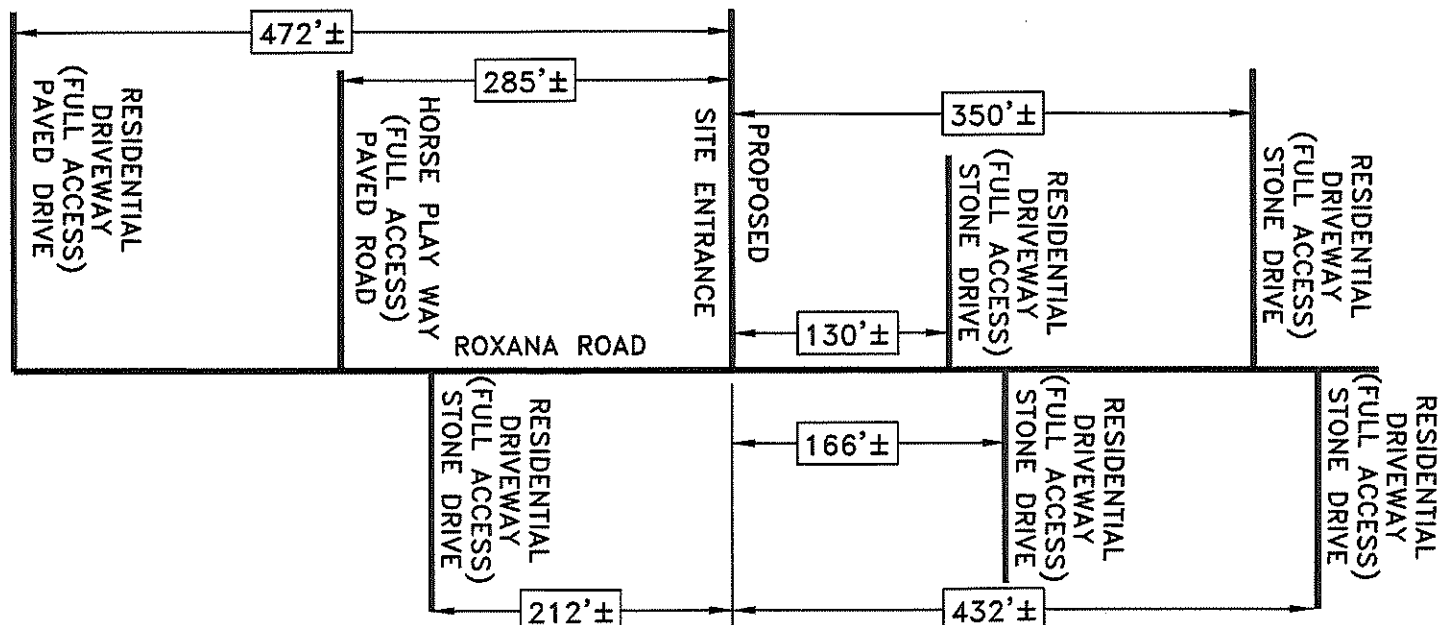
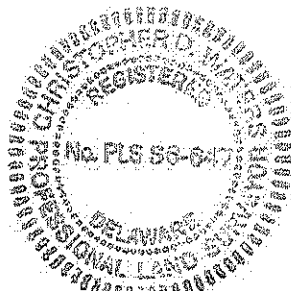
RONALD E. GRAY DATE

M. CANDICE L. GRAY DATE

SURVEYOR'S STATEMENT

THIS PLAT AND SURVEY WERE PERFORMED FOR RONALD E. GRAY AND M. CANDICE L. GRAY, UNDER MY SUPERVISION, TO THE LOCAL STANDARD OF CARE, AND SUBSTANTIALLY MEET THE MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS PROMULGATED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS FOR A SUBURBAN SURVEY.

CHRISTOPHER D. WATERS
PROFESSIONAL LAND SURVEYOR
DE NO. 530
6-21-21
DATE



EXISTING ENTRANCES DETAIL
NO SCALE

ROXANA ROAD OFFICE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

Revisions:

Date: MAY 2021
Scale: 1" = 50'
Dwn.By: ADM
Proj.No.: 1111B001
Dwg.No.: 1

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

OFFICE SITE PLAN

WRITTEN SUBMISSION
OF
RONALD E. GRAY AND M. CANDICE GRAY
CZ NO. 1946
May 26, 2022

John A. Sergovic, Jr., Esquire
Sergovic Carmean Weidman
McCartney & Owens, PA
25 Chestnut Street
P.O. Box 751
Georgetown, DE 19947
(302) 855-1260

INDEX

RONALD E. GRAY and M. CANDICE GRAY APPLICATION FOR CHANGE OF ZONE NO. 1946

- A. Conceptual Site Plan Rendering**
- B. Compliance with Comprehensive Plan and Zoning Code of Sussex County prepared by Sergovic Carmean Weidman McCartney & Owens, P.A.**
- C. Water Service Areas with nearest tie-in**
- D. Sussex County Sewer District with nearest tie-in**
- E. Soil Map**
- F. Ed Launay – Environmental Science Report**
- G. Deed whereby the Applicants acquired the property**
- H. Proposed Findings**
- I. Compatible Uses, Google Location Mapping**
 - 1. Hocker's Super Center**
 - 2. Car Wash**
 - 3. Bob's Marine Services, Inc.**
 - 4. That Fireplace Store**
 - 5. Fishy Business**
 - 6. Millville by The Sea Christopher Companies**
 - 7. Garth Enterprises**
 - 8. Mercantile Processing, Inc.**
 - 9. Beebe Healthcare's South Coastal Emergency Department**
 - 10. Apartment Complex next to Beebe Healthcare's South Coastal Emergency Department with final approval scheduled for this month and construction to begin shortly thereafter**
 - 11. Grant Massey Studio**
 - 12. Subject Property**
 - 13. Kitchen & Cabinet Corner on Wild Goose Lane a/k/a Horse Play Way**
 - 14. Our Lady Guadalupe Mission Church**
 - 15. Blackwater Fellowship Church**
- J. PLUS Report and response of Davis, Bowen & Friedel, Inc.**
- K. DelDOT Service Level Evaluation**
- L. Applicants' photographs**
 - a. Photographs of existing vegetation and trees bordering the subject property on the north;**

- b. Photograph of the subject property south/east boundaries;**
- c. Photograph of the subject property east boundary; and**
- d. Photograph of example of a similar project developed by Applicants, with partners.**

M. Applicant, Ron Gray's narrative - need for use and response to prior opposition

A

DATA COLUMN

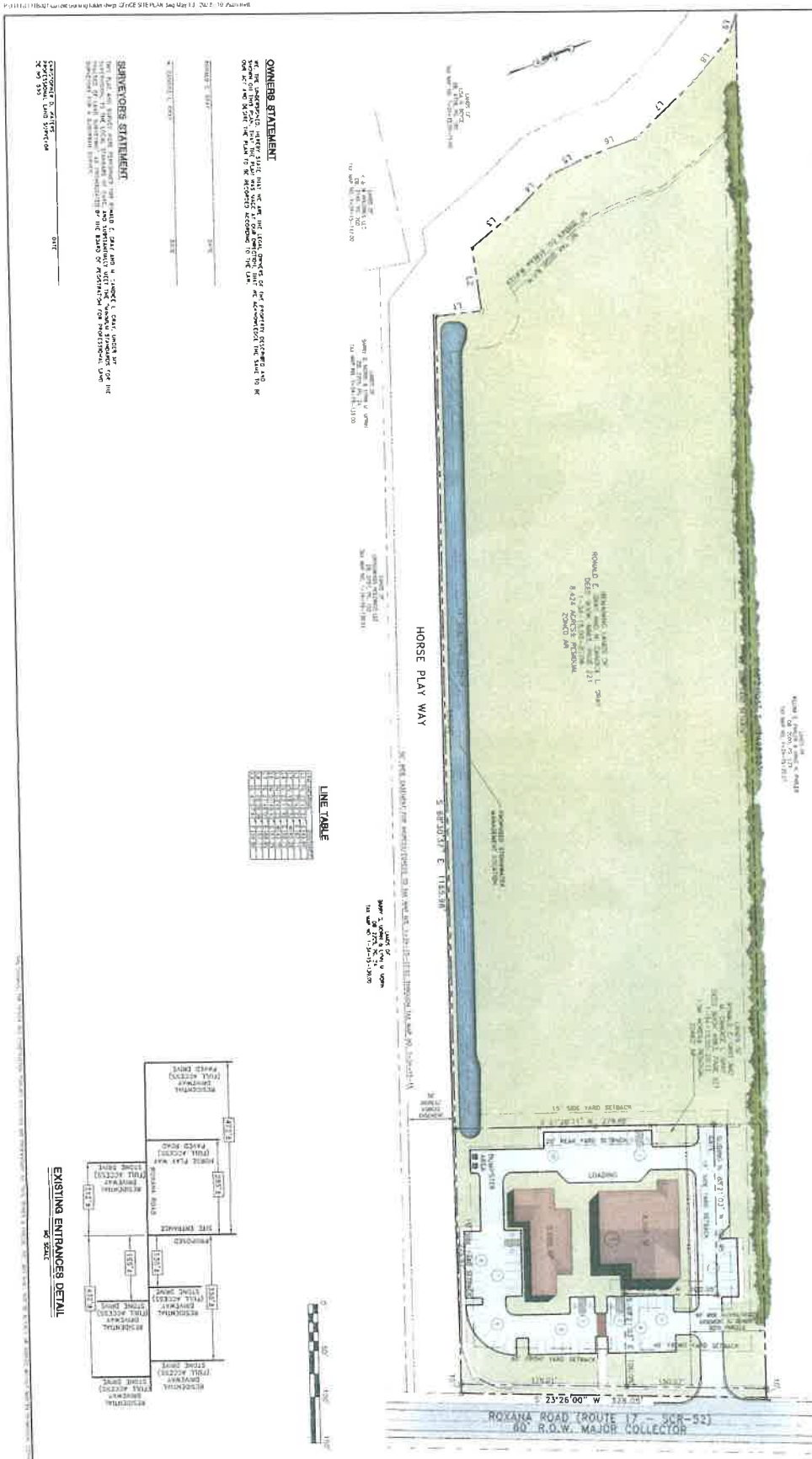
DATE: 11-13-09-2012
 PROJECT: ROXANA ROAD OFFICE
 CLIENT: BALTIMORE HUNDRED
 DESIGNER: DAVIS, BOWEN & FRIEDEL, INC.
 PROJECT NO.: 1111-001
 SHEET NO.: 1111-001
 SCALE: 1"=200'
 DATE: 11-13-09-2012
 PROJECT: ROXANA ROAD OFFICE
 CLIENT: BALTIMORE HUNDRED
 DESIGNER: DAVIS, BOWEN & FRIEDEL, INC.
 PROJECT NO.: 1111-001
 SHEET NO.: 1111-001
 SCALE: 1"=200'

LEGEND

PROPOSED LOT
 EXISTING LOT
 EXISTING ROAD
 EXISTING DRIVE
 EXISTING WALK
 EXISTING FENCE
 EXISTING UTILITY
 EXISTING STRUCTURE
 EXISTING POOL
 EXISTING POND
 EXISTING LAKE
 EXISTING RIVER
 EXISTING STREAM
 EXISTING CREEK
 EXISTING RAILROAD
 EXISTING AIRPORT
 EXISTING AIRFIELD
 EXISTING AIRPORT

GENERAL NOTES

1. Check local zoning, setbacks, and other regulations for this property. The title block was prepared on 11/13/09.
2. All dimensions shall conform to the 11/13/09 edition of the 2009 Delaware State Building Code.
3. The owner is responsible for obtaining all necessary permits and approvals from the appropriate authorities.
4. The owner is responsible for obtaining all necessary easements and rights-of-way from the appropriate authorities.
5. The owner is responsible for obtaining all necessary surveys and maps from the appropriate authorities.
6. The owner is responsible for obtaining all necessary utility records and maps from the appropriate authorities.
7. The owner is responsible for obtaining all necessary environmental studies and reports from the appropriate authorities.
8. The owner is responsible for obtaining all necessary historical and archaeological studies and reports from the appropriate authorities.
9. The owner is responsible for obtaining all necessary geotechnical and foundation studies and reports from the appropriate authorities.
10. The owner is responsible for obtaining all necessary structural and mechanical studies and reports from the appropriate authorities.
11. The owner is responsible for obtaining all necessary electrical and plumbing studies and reports from the appropriate authorities.
12. The owner is responsible for obtaining all necessary fire and life safety studies and reports from the appropriate authorities.
13. The owner is responsible for obtaining all necessary accessibility studies and reports from the appropriate authorities.
14. The owner is responsible for obtaining all necessary energy and sustainability studies and reports from the appropriate authorities.
15. The owner is responsible for obtaining all necessary security and risk management studies and reports from the appropriate authorities.
16. The owner is responsible for obtaining all necessary insurance and bonding studies and reports from the appropriate authorities.
17. The owner is responsible for obtaining all necessary legal and regulatory studies and reports from the appropriate authorities.
18. The owner is responsible for obtaining all necessary financial and economic studies and reports from the appropriate authorities.
19. The owner is responsible for obtaining all necessary social and community studies and reports from the appropriate authorities.
20. The owner is responsible for obtaining all necessary cultural and heritage studies and reports from the appropriate authorities.



OWNER'S STATEMENT

I, the undersigned, hereby state that we are the owner of the property shown on this plan and that we have no other interest in the property shown on this plan.

SURVEYOR'S STATEMENT

I, the undersigned, hereby state that I am a duly licensed surveyor and that I have surveyed the property shown on this plan and that the survey is true and correct.

DATE: 11-13-09-2012
 PROJECT: ROXANA ROAD OFFICE
 CLIENT: BALTIMORE HUNDRED
 DESIGNER: DAVIS, BOWEN & FRIEDEL, INC.
 PROJECT NO.: 1111-001
 SHEET NO.: 1111-001
 SCALE: 1"=200'

LINE TABLE

LINE	DESCRIPTION	LENGTH	AREA
1	PROPOSED LOT	100.00	100.00
2	EXISTING LOT	100.00	100.00
3	EXISTING ROAD	100.00	100.00
4	EXISTING DRIVE	100.00	100.00
5	EXISTING WALK	100.00	100.00
6	EXISTING FENCE	100.00	100.00
7	EXISTING UTILITY	100.00	100.00
8	EXISTING STRUCTURE	100.00	100.00
9	EXISTING POOL	100.00	100.00
10	EXISTING POND	100.00	100.00
11	EXISTING LAKE	100.00	100.00
12	EXISTING RIVER	100.00	100.00
13	EXISTING STREAM	100.00	100.00
14	EXISTING CREEK	100.00	100.00
15	EXISTING RAILROAD	100.00	100.00
16	EXISTING AIRPORT	100.00	100.00
17	EXISTING AIRFIELD	100.00	100.00
18	EXISTING AIRPORT	100.00	100.00

EXISTING ENTRANCES DETAIL



ROXANA ROAD OFFICE
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE



OFFICE SITE PLAN

DATE: 11-13-09-2012
 PROJECT: ROXANA ROAD OFFICE
 CLIENT: BALTIMORE HUNDRED
 DESIGNER: DAVIS, BOWEN & FRIEDEL, INC.
 PROJECT NO.: 1111-001
 SHEET NO.: 1111-001
 SCALE: 1"=200'

B

**COMPLIANCE WITH COMPREHENSIVE PLAN AND
ZONING CODE OF SUSSEX COUNTY FOR C/Z NO. 1946**

The applicants, Ronald E. and M. Candice Gray (hereinafter “the Grays”), have proposed an Ordinance to Amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District (“AR-1”) to B-2 Business Community District (“B-2”) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville, consisting of 1.56 acres, more or less, designated by Sussex County Tax Mapping as District 1-34, Map 15.00, Parcel 20.12 (“Subject Property”). The Grays seek to utilize the Subject Property for purposes of operating 13,000 square feet of office space in two separate buildings.

The Subject Property is located within an area identified in the Sussex County Comprehensive Plan dated March 2019 (“The Sussex Plan”) as Coastal Area. In addition to residential uses, permitted uses within the Coastal Area include retail and office use, with larger shopping centers and office parks confined to selected locations with access along arterial roads. The Sussex Plan further provides that “[a]ppropriate 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.”¹

A rezoning of this land from AR-1 to B-2 is appropriate and compatible with the goals and directions of the Coastal Area of The Sussex Plan. The rezoning of the Subject Property will not have an adverse impact on neighboring properties or the community. The proposed rezoning of the Subject Property is compatible with other uses along Roxana Road, Route 17, between Route 26 and Daisey Road, which include a wide range

¹ Sussex County Comprehensive Plan dated March 2019, at pages 4-15.

of land uses, such as Hocker's Super Center, Car Wash, Bob's Marine Services, Inc., That Fireplace Store, Fishy Business, Millville By The Sea Christopher Companies, Garth Enterprises, Mercantile Processing, Inc., Beebe Healthcare's South Coastal Emergency Department, Apartment complex next to Beebe Healthcare's South Coastal Emergency Department with final approval scheduled for this month and construction to begin shortly thereafter, Grant Massey Studio, Kitchen & Cabinet Corner and car storage operation on Wild Goose Lane a/k/a Horse Play Way, Our Lady Guadalupe Mission Church and Blackwater Fellowship Church.² Although the adjoining property owned by William and Anne Parler, and identified by Sussex County Tax Mapping as Parcel 134-15.00-20.07, is used for agricultural and residential purposes, the boundary between the properties contains mature trees, which will serve as a natural buffer and screening from the proposed use on the Subject Property, and a swale. The Grays are committed to maintaining the trees within the Subject Property and will fill any gaps to provide a continuous buffer and reduce any potential impact of the proposed use on the neighboring property. Thus, the proposed amendment to the Comprehensive Zoning Map is cohesive with uses along Route 17 and is not adverse or detrimental to surrounding areas.

The proposed use will have no significant impact upon traffic in the area. More specifically, as determined by DelDOT in its letter to Mr. Jamie Whitehouse, Director of Sussex County Planning and Zoning, dated May 4, 2021, there will be negligible impact on traffic. As a result, DelDOT did not require a traffic impact study when it reviewed the proposed use. The rezoning of the Subject Property will result in a mixture of light commercial and residential uses in a developing area, as appropriate in the Coastal Area under The Sussex Plan, and will provide conveniently located office space to

² See Part G of Notebook, Google Location Map, identifying multiple different uses along Roxanna Road.

accommodate the needs generated by the Millville by the Sea Community, the Beebe Hospital facility and other uses near the Subject Property located on Roxana Road.

In connection with The Office of State Planning Coordination (“OSP”) review 2021-09-22, The Office of State Planning advised that it “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.” Furthermore, Davis, Bowen & Friedel, Inc. addressed each concern, if any, of the Plus review 2021-09-22. In the Applicants’ prior withdrawn application for land use changes, the opposition to the application focused upon the prior Investment Level 4 classification under the OSP Strategies for State Policies and Spending, submitting that Sussex County should follow the Office of State Planning Strategy. Since then, the OSP has reclassified Route 17 to Investment Levels 2 and 3 acknowledging that Route 17 lies within an area where growth is anticipated by local, county and State plans. Based upon the assertion that Sussex County should follow the Office of State Planning Strategy, the Grays believe that the reclassification significantly supports the proposed rezoning.

In addition, the proposed use complies with the Sussex County Zoning Code (the “Code”). The Grays propose to rezone the Subject Property from AR-1 to B-2. The purpose of the B-2 District “is to provide primarily for office, retail shopping and personal service uses, to be developed either as a unit or on an individual parcel, to serve the needs of a relatively small area, primarily nearby rural, low-density or medium-density residential neighborhoods. To enhance the general character of the district and its compatibility with its residential surroundings, signs are limited to those accessories to

businesses conducted on the premises, and the number, area and type of signs are limited.”

The depicted office structures are not intended to be erected until central sewer is available to the Subject Property. However, upon its completion, the permitted uses in the B-2 District will benefit the health, safety and welfare of present and future residents of Sussex County by providing needed services and employment opportunities in a convenient location close to residential communities along Routes 17, 26 and 54.

For the reasons set forth herein, the rezoning of the Subject Property from an AR-1 District to a B-2 District is appropriate legislative action.

C



Sources:
 Tax Parcels per Sussex County
 Aerial Photograph Courtesy of DEMAC



Water Service Territories
Ronald E. & M. Candice Gray
 Sussex County, Delaware



D



Spring 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County
Aerial Photograph Courtesy of DEMAC



Sussex County Sewer Districts

Ronald E. & M. Candice Gray

Sussex County, Delaware

0 800 1,600
Feet



E

Under the NRCS Soils Map ("the Soils Map") the soil designations of the site are of three types, HmA (B), HuA (A/D) and MuA (A/D). The Soils Map classifies the soils from A being the best drained in its natural state, to D being the worst drained in its natural state. This is not a limitation by the Code. During the engineering phase, the site will be designed to have positive drainage, therefore the soils on site that are A/D will become A after the site is engineered. The owner will be improving the existing drainage conditions.

Hydrologic Soil Group—Sussex County, Delaware

































USDA
Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

4/28/2022
Page 1 of 4

MAP LEGEND

	Area of Interest (AOI)		C
	Area of Interest (AOI)		C/D
	Soils		D
	Soil Rating Polygons		Not rated or not available
	A		
	A/D		
	B		
	B/D		
	C		
	C/D		
	D		
	Not rated or not available		
	Soil Rating Lines		
	A		
	A/D		
	B		
	B/D		
	C		
	C/D		
	D		
	Not rated or not available		
	Soil Rating Points		
	A		
	A/D		
	B		
	B/D		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 22, Aug 26, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
HmA	Hammonton loamy sand, 0 to 2 percent slopes	B	6.9	14.4%
HuA	Hurlock loamy sand, 0 to 2 percent slopes	A/D	4.8	10.0%
KsA	Klej loamy sand, 0 to 2 percent slopes	A/D	0.4	0.9%
MuA	Mullica-Berryland complex, 0 to 2 percent slopes	A/D	36.1	74.8%
Totals for Area of Interest			48.3	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

F

Assessment of Environmental Conditions & Natural Features

**Tax Map Parcels 134-15.00-20.06 & 134-15.00-20.12
Baltimore Hundred, Sussex County, Delaware**

May 6, 2022

Prepared for

**Ronald E. Gray
37176 Sunset Cove
Selbyville, Delaware 19975**

Prepared by

**Edward M. Launay
Senior Professional Wetland Scientist No. 875
Environmental Resources, Inc.
P.O. Box 169
38173 DuPont Blvd.
Selbyville, Delaware 19975**

ERI Project No. 969#1032

Assessment of Environmental Conditions & Natural Features

Tax Map Parcels 134-15.00-20.06 & 134-15.00-20.12 Baltimore Hundred, Sussex County, Delaware

Table of Contents

Introduction	1
Site Location & Topography	1
Soils.....	2
Threatened & Endangered Species.....	3

List of Exhibits

1. Sussex County Tax Map
2. Google Earth Photo, May 2021
3. Boundary Survey – Davis, Bowen & Friedel, Inc. (reduced)
4. Concept Plans – Davis, Bowen & Friedel, Inc. (reduced)
5. USDA Soil Survey of Sussex County
6. U.S. Fish & Wildlife Service National Wetland Inventory Map
7. U.S. Fish & Wildlife Service Species List, May 5, 2021
8. Photographs

Introduction

Environmental Resources, Inc. (ERI) has performed a review of 9.98 acres of land located in Sussex County, Delaware on the western side of Roxana Road (State Route 17) just north of Horse Play Way. The site is located in the Baltimore Hundred and it is composed of Tax Map Parcels 134-15.00-20.06 (8.42 acres) and 134-15.00-20.12 (1.56 acres). The Sussex County Tax Map is included as Exhibit 1. A May 2021 Google Earth Photo is Exhibit 2. Exhibit 3 is a copy of a boundary survey reduced in size. This review was conducted on behalf of the property owner, Ronald E. Gray, who is seeking land use approval from Sussex County for a potential mixed use commercial development involving commercial offices and a commercial storage facility component. The proposed site plans are provided as Exhibit 4. Since the beginning of 2021, multiple field reconnaissance's of the property were performed. The last site visit was May 9, 2022. Prior to that reconnaissance, ERI reviewed a variety of published guidance document involving topics such as wetlands, soils and topography. The subject site is entirely agricultural land under active cultivation (soybean/corn rotation).

ERI found that in the case of the subject site, published guidance map information about environmental resources was relatively accurate. However, the extent of hydric soils shown on the USDA Soil Survey guidance map does appear to be greater than the actual condition. ERI did not encounter any wetlands, unique topographic conditions such as steep slopes, forest or any federally listed threatened or endangered species, or any critical habitats present on the property. The west boundary of parcel 20.06 is formed by the waters of the Beaver Dam Canal Tax Ditch Main. The site is surrounded by existing low density residential use and farmland. An existing commercial use containing among other things a granite supply business is present on the adjacent parcel (134-15.00-139.01) owned by Crosswinds Holdings, LLC (Photograph 4). Our Lady of Guadalupe Church is 0.4 miles to the south. The site lies 0.4 miles south of Peppers Corner Road. Land along Pepper Corner Road and north of Peppers Corner is being engineered for expanded residential development (part of original Millville by the Sea tract).

Site Location and Topography

The combined 9.98 acre site is rectangular in shape. It has 328.05 feet of frontage along the western side of Roxana Road (State Route 17). It is roughly 1,325 feet deep. A parcel lane named Horse Play Way is located along the south property line. The waters of the Beaver Dam Tax Ditch Main form the west property boundary. This tax ditch is a perennial stream and a federally regulated Waters of the U.S. The tax ditch right of way is 50 feet.

The topography over the site is relatively flat. State Route 17 is somewhat higher than the adjacent agricultural fields. Elevations range throughout the site from 17 toward the

rear of the property to 22 feet near the Roxana Road frontage. However, most of the property lies between 18 and 19 feet. Elevations lower than 17 feet exist along and within the tax ditch.

A man made drainage ditch exists along the north property line. The ditch drains only uplands and is not a regulated wetland feature. It drains into the tax ditch, but it is not a tax ditch.

Based on ERI's site reconnaissance and investigation of resource mapping there is no evidence of any surface ponding within any portion of the agricultural site. The site was dry on May 9th after 2.7 inches of rain over the previous three days. Depth to seasonal high groundwaters appears to be greater than 36 inches below the soil surface based upon the soil boring excavated on March 9, 2022. Soil textures were found to be composed of very permeable loamy sand soils.

Soil Characteristics & Groundwater

The USDA Soil Survey guidance map for Sussex County is included as Exhibit 5 of this report. The Soil Survey indicates three soil types within the site, all with 0 – 2 percent slopes. Hammonton loamy sand (HmA), Hurlock loamy sand (HuA), and Mullica Berryland Complex (MuA). Hammonton loamy sand composes roughly 2.4 percent of the site. Hurlock loamy sand composes 28.6 percent of the site and Mullica Berryland Complex composes 68.9 percent of the site. Hammonton loamy sand is a well drained upland soil.

Hurlock loamy sand and Mullica-Berryland Complex are hydric soils which under normal circumstances have high groundwater tables. These conditions can limit the development ability of these soils along with the presence of wetlands under normal circumstances.

In the case of this property, the entire site is drained agricultural land. Normal circumstances do not exist. A deeply dug well maintained tax ditch (Beaver Dam Canal) forms the western boundary of the site. An existing drainage channel is located on the north side of the site. A review of aerial topography and other resource maps show extensive agricultural ditching around this site for more than a 0.5 mile radius. In fact, Mullica-Berryland Complex and Hurlock loamy sand are by far the predominant soil types mapped by the USDA Soil Survey.

Many types of uses both residential and commercial and farm buildings are developed on these soils where they are drained. Development on these soils where they are uplands and drained is common throughout this area. Engineering practices are adapted to account for any development limitations.

ERI observed ground conditions and elevation on May 9, 2022, after the site had been plowed for crops. A soil boring was conducted in the center of the property. This area was mapped as Hurlock loamy sand by the USDA Soil Survey guidance map. The following textures and soil colors / features were observed.

DEPTH IN INCHES	DESCRIPTION
0-6	10 YR 3/3 dark brown loamy sand
6-10	10 YR 4/4 dark yellowish brown loamy sand
10-24	10 YR 5/4 yellowish brown loamy sand
24-36	10 YR 5/4 yellowish brown with 10 YR 5/8 mottles loamy sand
36+	10 YR 6/2 light brownish grey loamy sand
Boring dry to 36"	

Based upon actual soil profile description, hydric soils were not present. The soil colors below the plow layer were yellowish brown. The extent of actual hydric soils on this property is probably limited to the more low lying areas which abut the Beaver Dam Canal Tax Ditch where Mullica Berryland complex was mapped. This area is effectively drained by the tax ditch. Grey colors typical of hydric soils below the plow layer were absent. Soil colors were bright yellowish brown and without any redoximorphic features to 24 inches. The actual soil type is better described as Klej loamy sand (not a hydric soil).

Federally Listed Threatened or Endangered Species

No evidence of any federally listed threatened or endangered species under the Endangered Species Act was observed on the site during ERI's reconnaissance.

ERI also consulted with the U.S. Fish and Wildlife Service on this topic. The Service has no record of any federally listed species on this site. The Service's determination letter dated May 5, 2022, is included as Exhibit 7 of this report. The Service's letter does identify a candidate species for listing, Monarch Butterfly (*Dahaus plexippus*) where suitable conditions exist.

This species of butterfly has a life cycle dependent upon milkweed species growing in open fields. The open lands of this property are active agricultural lands. Suitable habitat is not present.

Review of the Office of State Land Use Planning PLUS Comments involving this property letters dated October 5, 2021, had no comments from the DNREC, Division of Fish and Wildlife about any rare, threatened or endangered species on this property.

Conclusion

The 9.98 acre site consists of actively cultivated upland agricultural field. No wetlands or forested land is present. No federally listed threatened or endangered species exist on the property.

The site is relatively flat as is the surrounding topography. Elevations range from 17 to 22 feet. Most of the site is between 18 and 19 feet in elevation. Soils on the site are primarily permeable loamy sands.

Soil types mapped by the USDA Soil Survey guidance map on this property and throughout the area are predominantly hydric soil in the Hurlock Loamy Sand or Mullica-Berryland Complex. Unless drained, these soils can have significant development limitations due to high groundwater.

Hydric soil on this property are drained directly by the Beaver Dam Canal Tax Ditch Main and it's nearby prongs. A man made drainage ditch connecting to the Tax Ditch lies on the north boundary of this site. Based upon borings made to observe actual soil conditions the extent of hydric soils on this site is also less than mapped by the USDA Soil Survey guidance map. With proper engineering practices this property can be effectively developed.

Since the site consists of drained, cleared agricultural land, valuable habitat areas such as forest and wetlands will not be impacted by development of this property.

Exhibit 1

Sussex County Tax Map



PIN: 134-15.00-20.06	
Owner Name	GRAY RONALD E
Book	4863
Mailing Address	37176 SUNSET CV
City	SELBYVILLE
State	DE
Description	NW/ROXANA RD
Description 2	RESIDUAL LANDS
Description 3	
Land Code	



June 4, 2021

Exhibit 2

Google Earth Photo, May 2021

Gray Property May 2021

Legend

📍 Kitchen & cabinet corner

SITE

Google Earth

Image © 2022 Maxar Technologies

600 ft

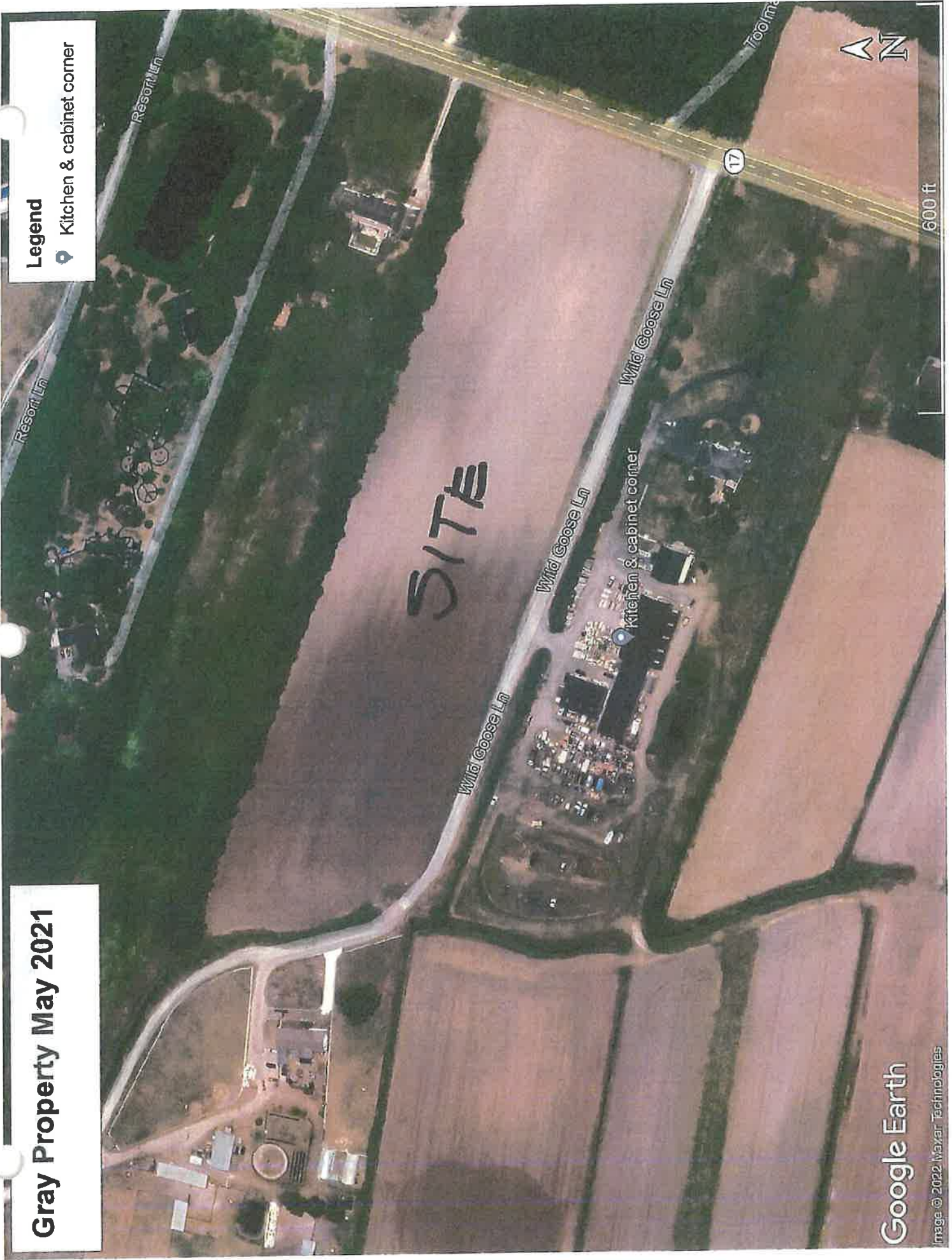


Exhibit 3

**Boundary Survey
Davis, Bowen & Friedel, Inc.
(reduced)**

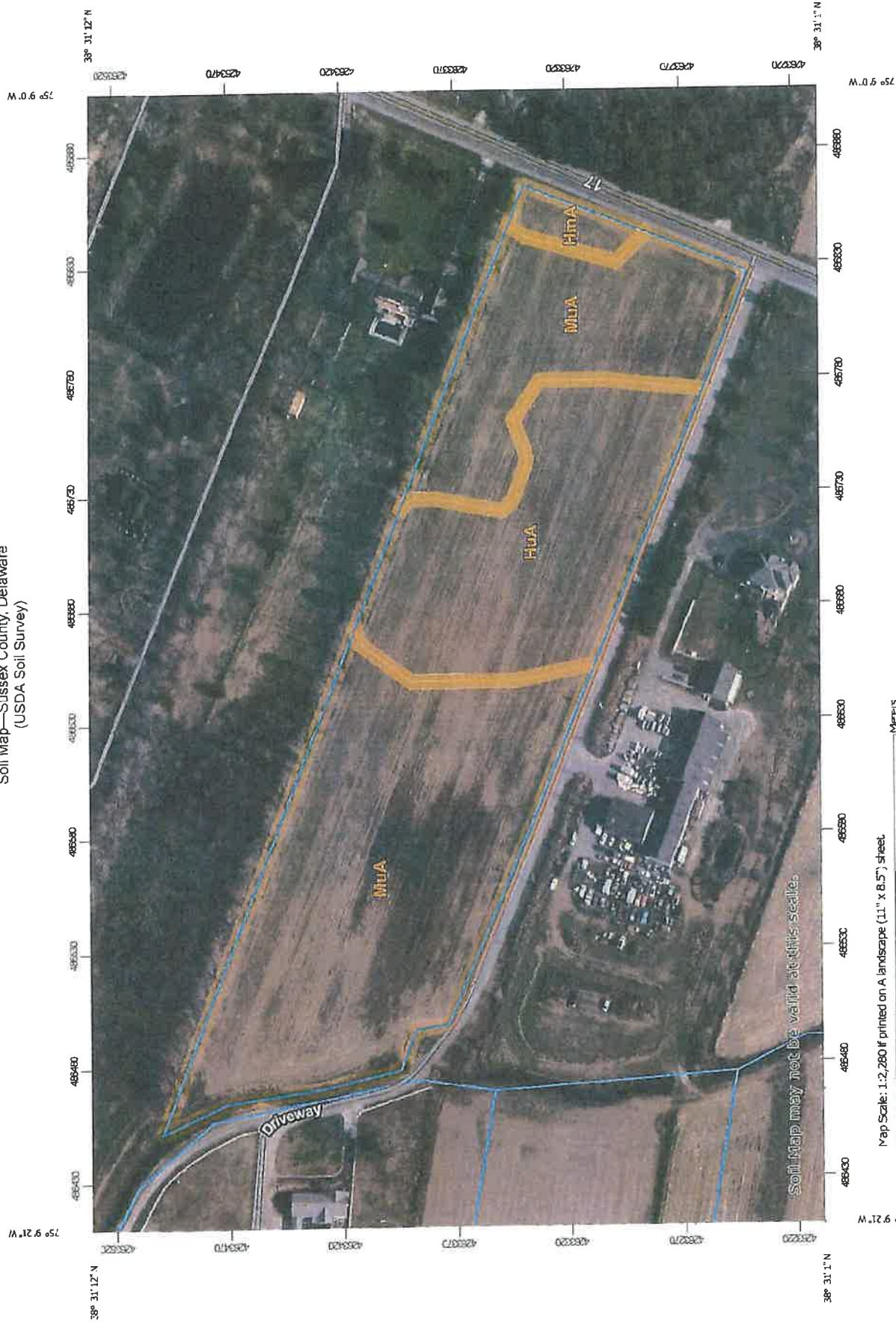
Exhibit 4

**Concept Plans
Davis, Bowen & Friedel, Inc.
(reduced)**

Exhibit 5

USDA Soil Survey of Sussex County

Soil Map—Sussex County, Delaware (USDA Soil Survey)









































Map Scale: 1:2,280 If printed on a landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

	Area of Interest (AOI)		Area of Interest (AOI)
	Soils		Soil Map Unit Polygons
	Soil Map Unit Lines		Soil Map Unit Lines
	Soil Map Unit Points		Soil Map Unit Points
	Special Point Features		Special Line Features
	Blowout		Streams and Canals
	Borrow Pit		Transportation
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow		Background
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 22, Aug 26, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HmA	Hammonton loamy sand, 0 to 2 percent slopes	0.3	2.4%
HuA	Hurlock loamy sand, 0 to 2 percent slopes	3.0	28.6%
MuA	Mullica-Berryland complex, 0 to 2 percent slopes	7.2	68.9%
Totals for Area of Interest		10.4	100.0%

Exhibit 6

**U.S. Fish & Wildlife Service
National Wetland Inventory Map**



U.S. Fish and Wildlife Service

National Wetlands Inventory

Gray Property



May 5, 2022

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Exhibit 7

**U.S. Fish & Wildlife Service
Species List
May 5, 2021**



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127

<http://www.fws.gov/chesapeakebay/>
<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

May 05, 2022

In Reply Refer To:

Project Code: 2022-0039791

Project Name: Gray Property - Proposed Commercial Development

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
(410) 573-4599

Project Summary

Project Code: 2022-0039791

Event Code: None

Project Name: Gray Property - Proposed Commercial Development

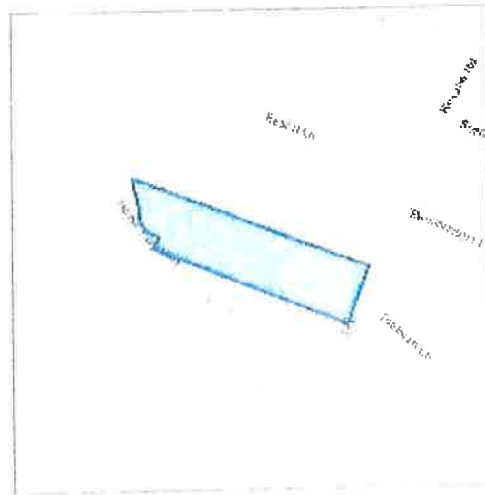
Project Type: Commercial Development

Project Description: The owners plan to develop the site with commercial uses. the current site is a open upland agricultural field.

Project Location:

Approximate location of the project can be viewed in Google Maps: [https://](https://www.google.com/maps/@38.51846825,-75.15282347525441,14z)

www.google.com/maps/@38.51846825,-75.15282347525441,14z



Counties: Sussex County, Delaware

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i>	Candidate
No critical habitat has been designated for this species.	
This species only needs to be considered under the following conditions:	
<ul style="list-style-type: none"> ▪ The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: https://www.fws.gov/savethemonarch/FAQ-Section7.html). 	
Species profile: https://ecos.fws.gov/ecp/species/9743	

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPaC User Contact Information

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

City: Selbyville

State: DE

Zip: 19975

Email: elaunay@ericonsultants.com

Phone: 3024369637

Exhibit 8

Photographs



Photo 1
View southeast toward Roxanna Road
showing plowed field &
Horse Play Way



Photo 2 View northwest toward Roxanna Road
showing soil boring
(Note yellow brown soil color)
not a hydric soil



Photo 3 View east from back of
property of field & Horse Play way



Photo 4 Photo of Existing Commercial
Use & Warehouse Crosswinds Holdings
opposite project site (TM 135-15-134-01)



Photo 5 Tax Ditch Culvert
Under Horse Play way

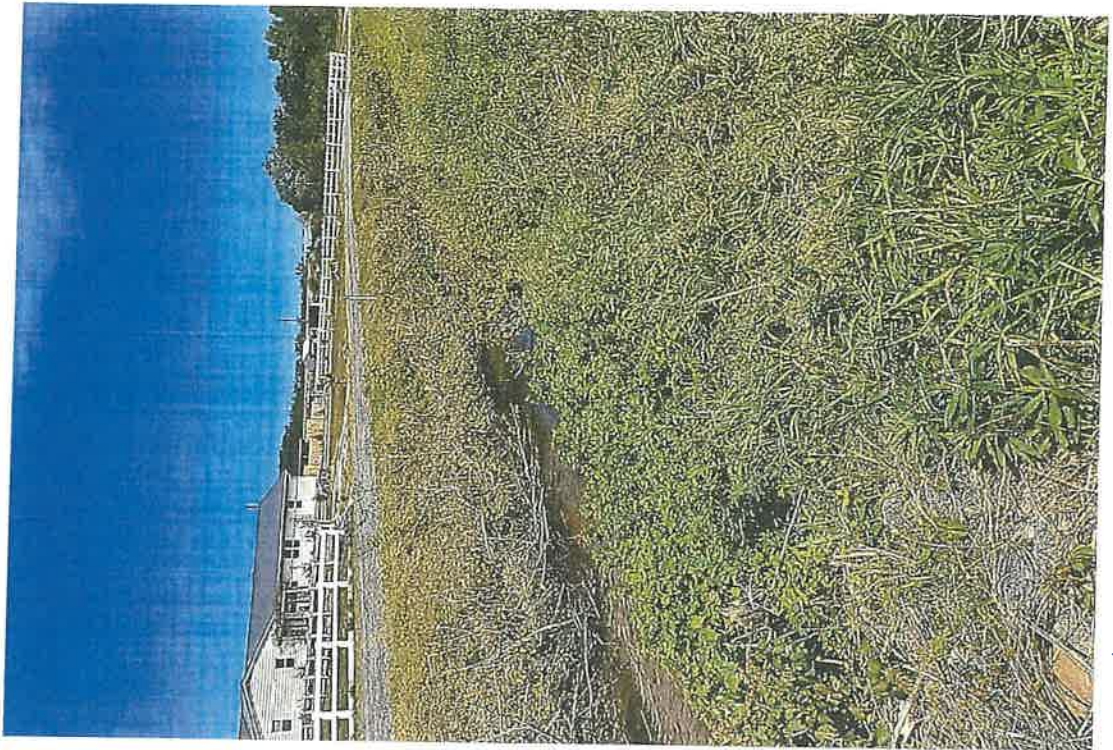


Photo 6 View north along
Beaver Dam Canal Tax Ditch

G

11203

BK: 4863 PG: 221

Tax Map and Parcel #: 1-34-15.00-20.06

PREPARED BY:
 TOMASETTI LAW LLC
 1100 Coastal Hwy., Unit 3
 Fenwick Island, DE 19944
 File No. 518-89/KR

RETURN TO:
 RONALD E. GRAY
 M. CANDICE L. GRAY
 37176 Sunset Cove
 Selbyville, DE 19975

Consideration: 265,000.00

County	3,975.00
State	6,625.00
Town	Total 10,600.00
Received: Maria T Apr 02, 2018	

THIS DEED, made this 28th day of March, 2018,

- BETWEEN -

ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, of 33099 Omar Road, Frankford, DE 19945, parties of the first part,

- AND -

RONALD E. GRAY and M. CANDICE L. GRAY, husband and wife, of 37176 Sunset Cove, Selbyville, DE 19975, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **Two Hundred Sixty-Five Thousand and 00/100 Dollars (\$265,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware, as TENANTS BY THE ENTIRETY :

ALL that certain lot, piece or parcel of land situate, lying and being on the Northwestern side of Route 17, Baltimore Hundred, Sussex County, Delaware, more particularly described as follows: Being: PARCEL "A", on a plot entitled "SUBDIVISION OF LANDS OF BONARD B. TIMMONS, JR.", dated April 23, 1987, prepared by McCann,

BK: 4863 PG: 222

Inc., a copy of said plot is of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 37, Page 19. Said parcel containing 10.05 acres of land, more or less.

BEING the same lands as conveyed unto Alexander Pszczola, III and Shelly Hocker Pszczola, husband and wife, by Deed of Gerald Hocker and Emily Hocker, husband and wife, dated December 18, 2013 and filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 4210, Page 302.

Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated January 4, 2007 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 1, Page 196.

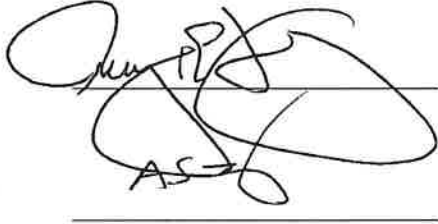
Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated March 12, 2009 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 6, Page 97.

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.

BK: 4863 PG: 223

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:



Signature of Alexander Pszczola, III

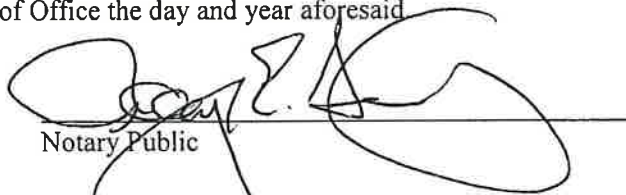
 (SEAL)
ALEXANDER PSZCZOLA, III

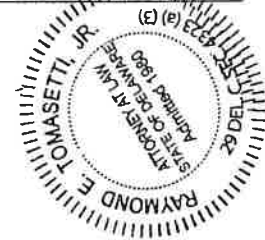
 (SEAL)
SHELLY HOCKER PSZCZOLA

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on March 28, 2018, personally came before me, the subscriber, ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, 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
My Commission Expires: none



RECEIVED
APR 02, 2018
ASSESSMENT DIVISION
OF SUSSEX COUNTY

Recorder of Deeds
Scott Dailey
Apr 02, 2018 12:14P
Sussex County
Doc. Surcharge Paid

H

PROPOSED FINDINGS

The record presented in C/Z No. 1946, the application of Ronald E. and M. Candice Gray (hereinafter “the Grays”), supports an Ordinance to amend the Comprehensive Zoning Map of Sussex County from an Agricultural Residential District (“AR-1”) to a Business Community District (“B-2”) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville, on 1.56 acres, more or less, consisting of District 1-34, Map 15.00, Parcel 20.12 (“Subject Property”). In support of its recommendation for approval, the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions, based upon the record:

1. The application of the Grays seeks to amend the Comprehensive Zoning Map by proposing an Ordinance to amend the Comprehensive Zoning Map of Sussex County from an Agricultural Residential District (AR-1) to a Business Community District (B-2) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville, for the purposes of operating 13,000 square foot office space in two buildings, after central sewer is available to the Subject Property.
2. The property consists of approximately 1.56 acres.
3. The proposed zoning is compatible and consistent with neighboring uses along Roxana Road, including, but not limited to, Hocker’s Super Center, Car Wash, Bob’s Marine Services, Inc., That Fireplace Store, Fishy Business, Millville By The Sea Christopher Companies, Garth Enterprises,

Mercantile Processing, Inc., Beebe Healthcare's South Coastal Emergency Department, Apartment complex next to Beebe Healthcare's South Coastal Emergency Department with final approval scheduled for this month and construction to begin shortly thereafter, Grant Massey, Studio, Subject Property, Kitchen & Cabinet Corner on Wild Goose Lane a/k/a Horse Play Way, Our Lady Guadalupe Mission Church and Blackwater Fellowship Church.

4. The amendment to the Comprehensive Zoning Map will have no adverse or detrimental impact on neighboring areas or uses. The boundary between the Subject Property and that of its neighbor, William and Anne Parler, owners of SCTM 134-15.00-20.07, contains mature trees, which will serve as a natural buffer and screening from the proposed use on the Subject Property, and a swale. The Applicants have committed to maintaining the trees within its property boundary and will fill any gaps to provide a continuous buffer and reduce any potential impact of the proposed use on the neighboring property.
5. The proposed use will have no significant impact upon traffic in the area. DelDOT required no traffic impact study. As determined by DelDOT, in its letter to Mr. Jamie Whitehouse, director of Sussex County Planning and Zoning, dated May 4, 2021, there will be negligible impact on traffic.
6. In the prior withdrawn application for land use changes by the Applicants, the opposition focused upon the prior Investment classification Level 4 under the Office of State Planning ("OSP") Strategies for State Policies

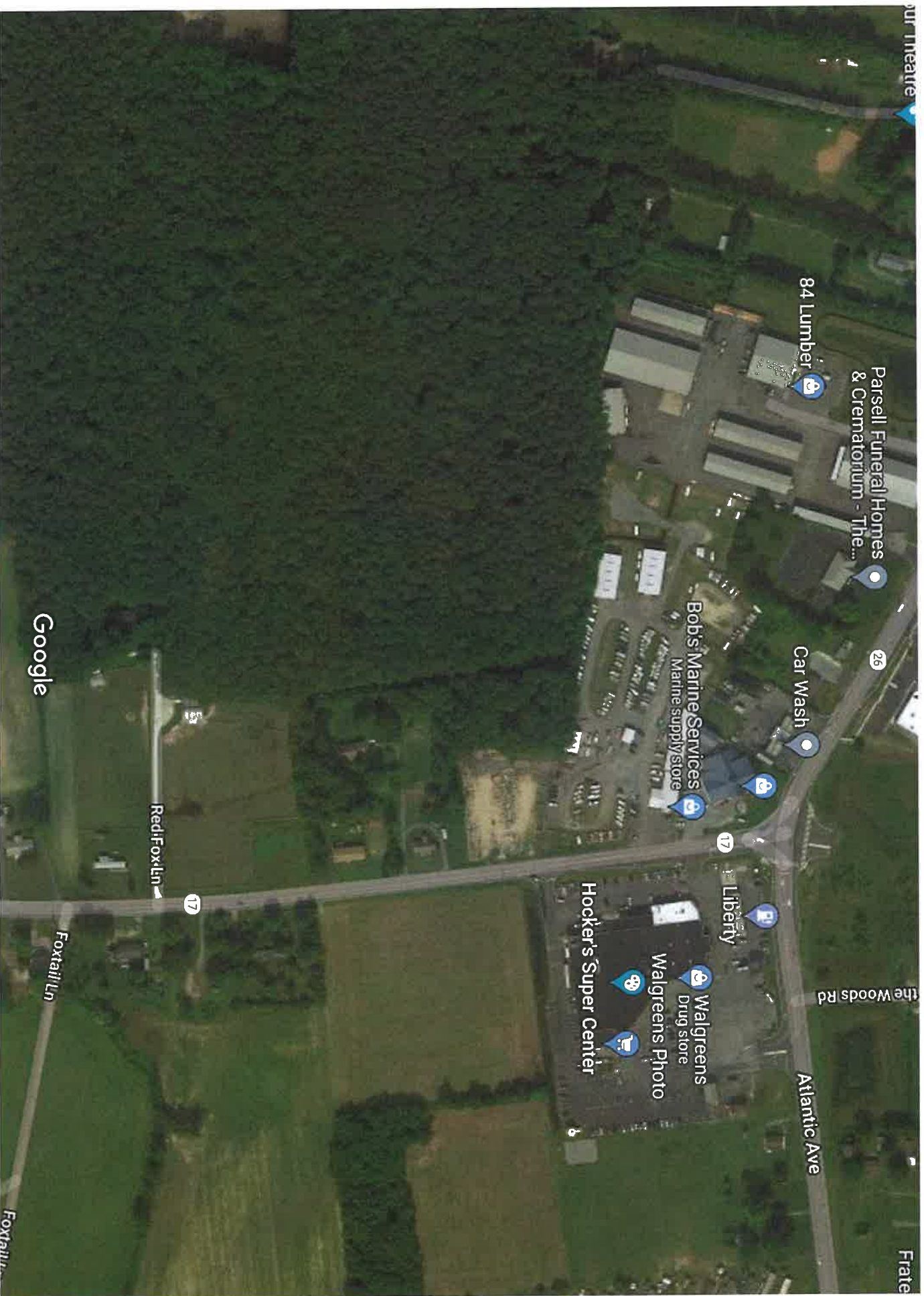
and Spending, submitting that Sussex County should follow the Office of State Planning Strategy. The OSP changed Route 17 to Investment Levels 2 and 3 and that reclassification significantly supports the current application.

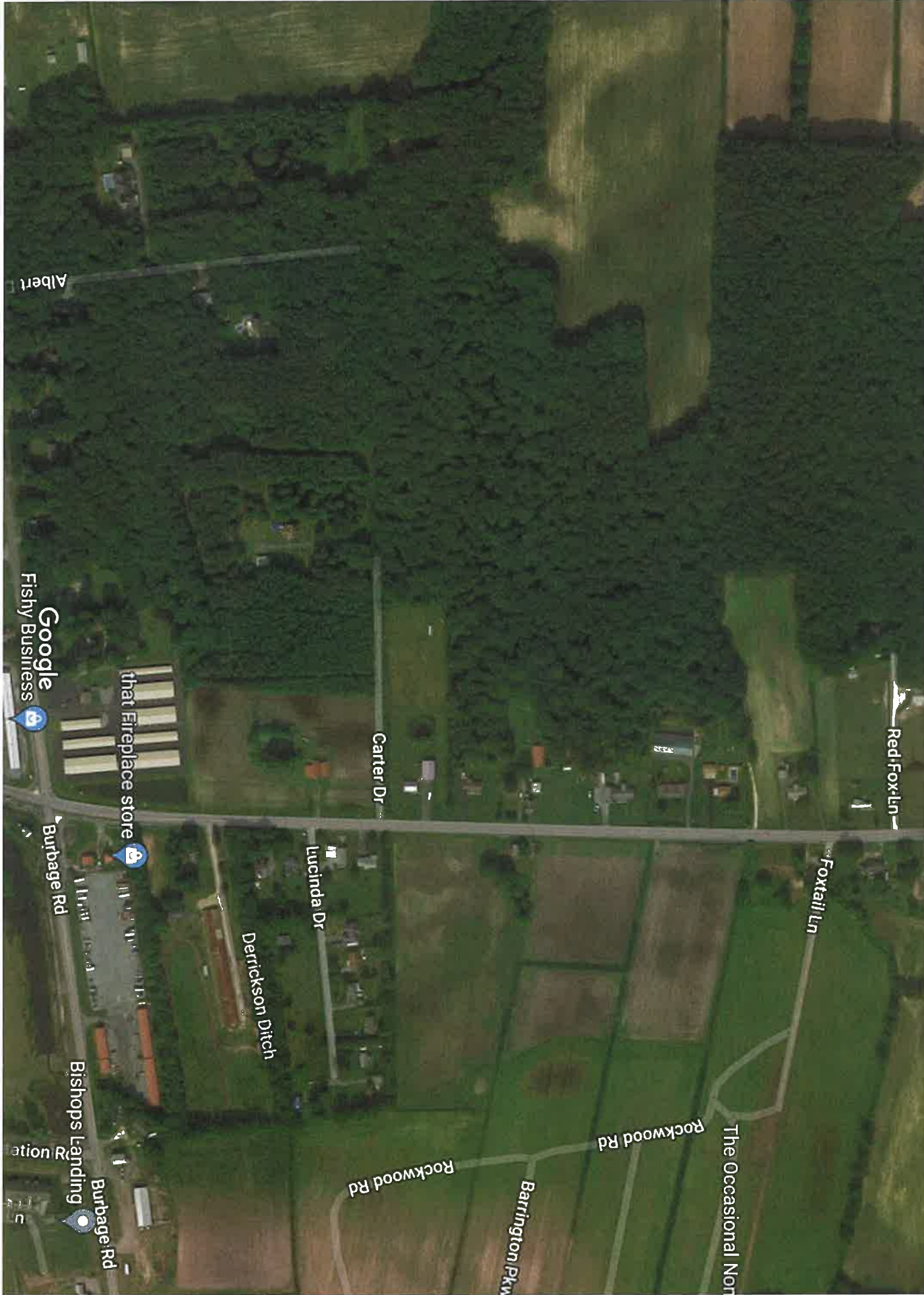
7. The Office of State Planning has no objection to the development of the Subject Property, provided that it meets the codes and criteria of Sussex County.
8. Davis, Bowen & Friedel, Inc. addressed each concern, if any, of the Plus review 2021-09-22.
9. Under the NRCS Soils Map (“the Soils Map”), the soil designations of the site are of three types, HmA (B), HuA (A/D) and MuA (A/D). The Soils Map classifies the soils from A, being the best drained in its natural state, to D, being the worst drained in its natural state. This is not a limitation by the Code. Based upon the soil analysis provided by Edward M. Launay of Environmental Resources, Inc., the soils are well drained, which report provides a more site-specific analysis of the soil types and drainage.
10. The Subject Property is located in the Coastal Area as established by the Sussex County Comprehensive Plan, dated March 2019 (“The Sussex Plan”). The Coastal Area is a growth area according to The Sussex Plan. The proposed use meets the purpose of The Sussex Plan in that it follows recommended allowed uses in the Coastal Area.
11. Historically, before and after adoption of the Sussex County Zoning Ordinance, the Subject Property has been vacant land.

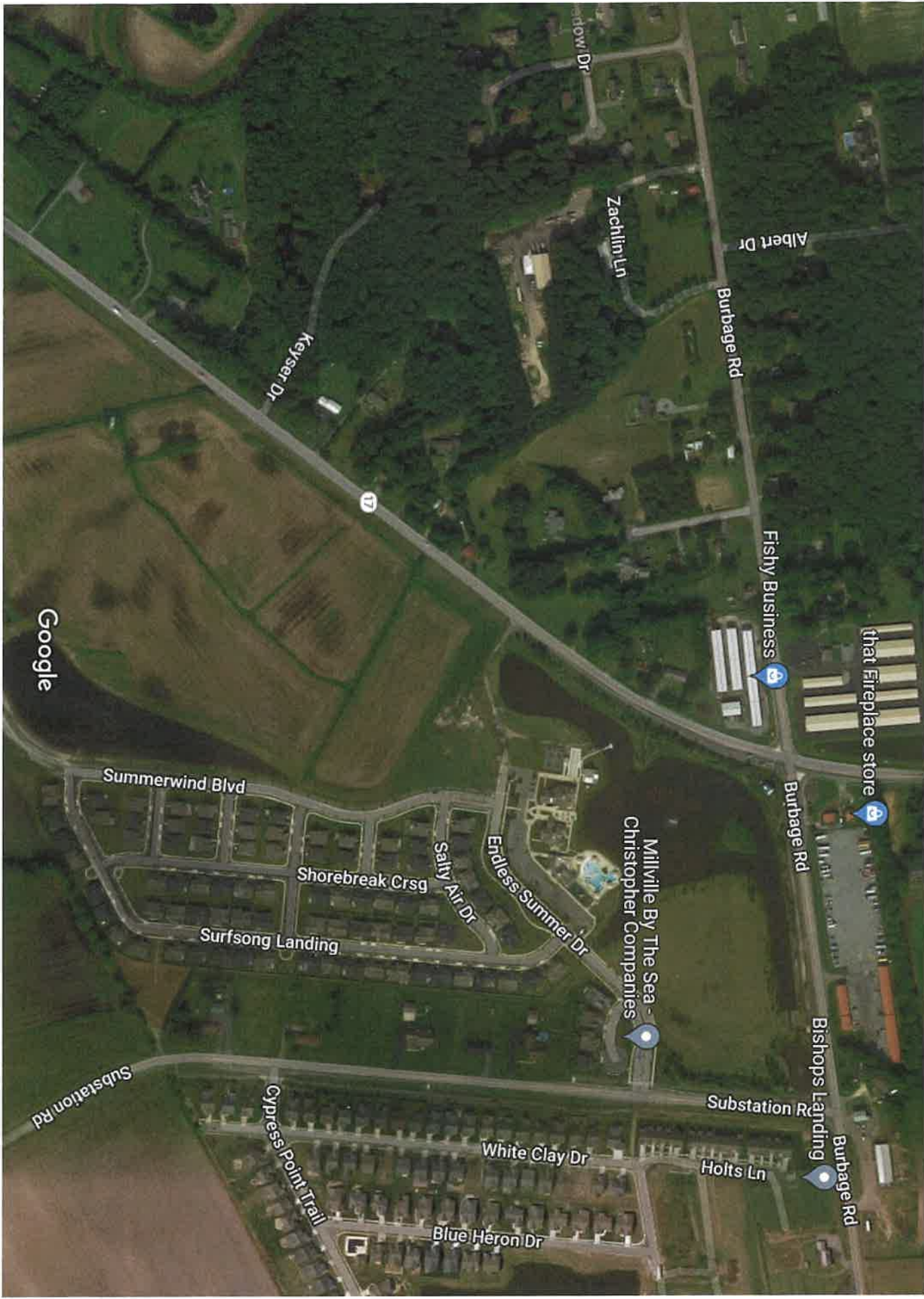
12. The proposed office uses are permissible uses under Article XA, Section 115-75.2(A)(4) of the Sussex County Code governing permitted uses in the B-2 District.

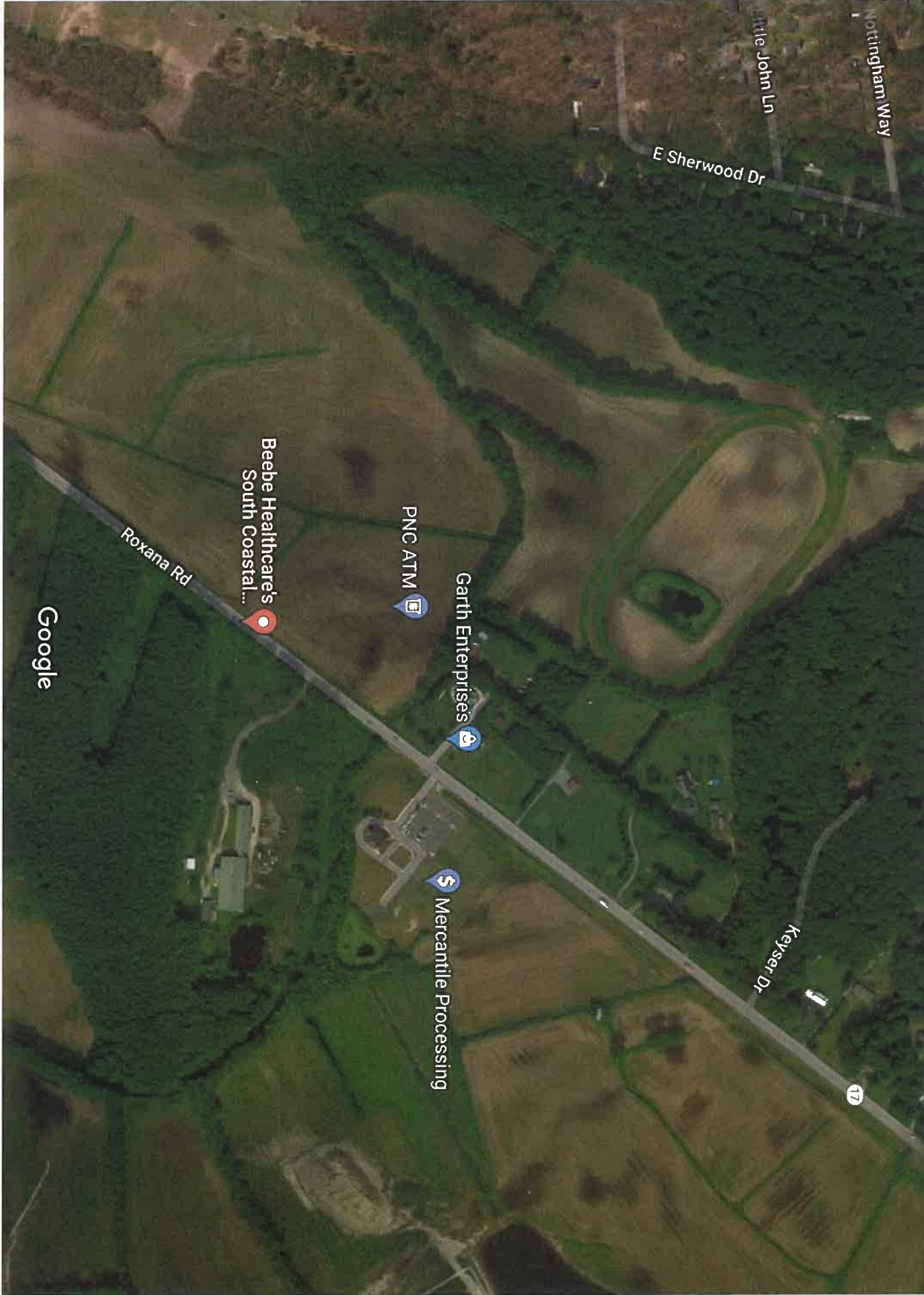
Based upon the record and the above findings, the Planning and Zoning Commission recommends approval of the applied for Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-2 Business Community District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, land lying north Roxana Road at Selbyville located on 1.56 acres, more or less, consisting of District 1-34, Map 15.00, Parcel 20.06 to allow for the B-2 use, to the County Council finding that the proposed Ordinance is for the purpose of promoting the health, safety, moral, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County, including amongst other things, the lessening of congestion in the streets or roads, securing safety from fire, flood and other dangers, providing adequate light and air; preventing on the one hand, excessive concentration of population and on the other hand, excessive and wasteful scattering of population or settlement and promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements.

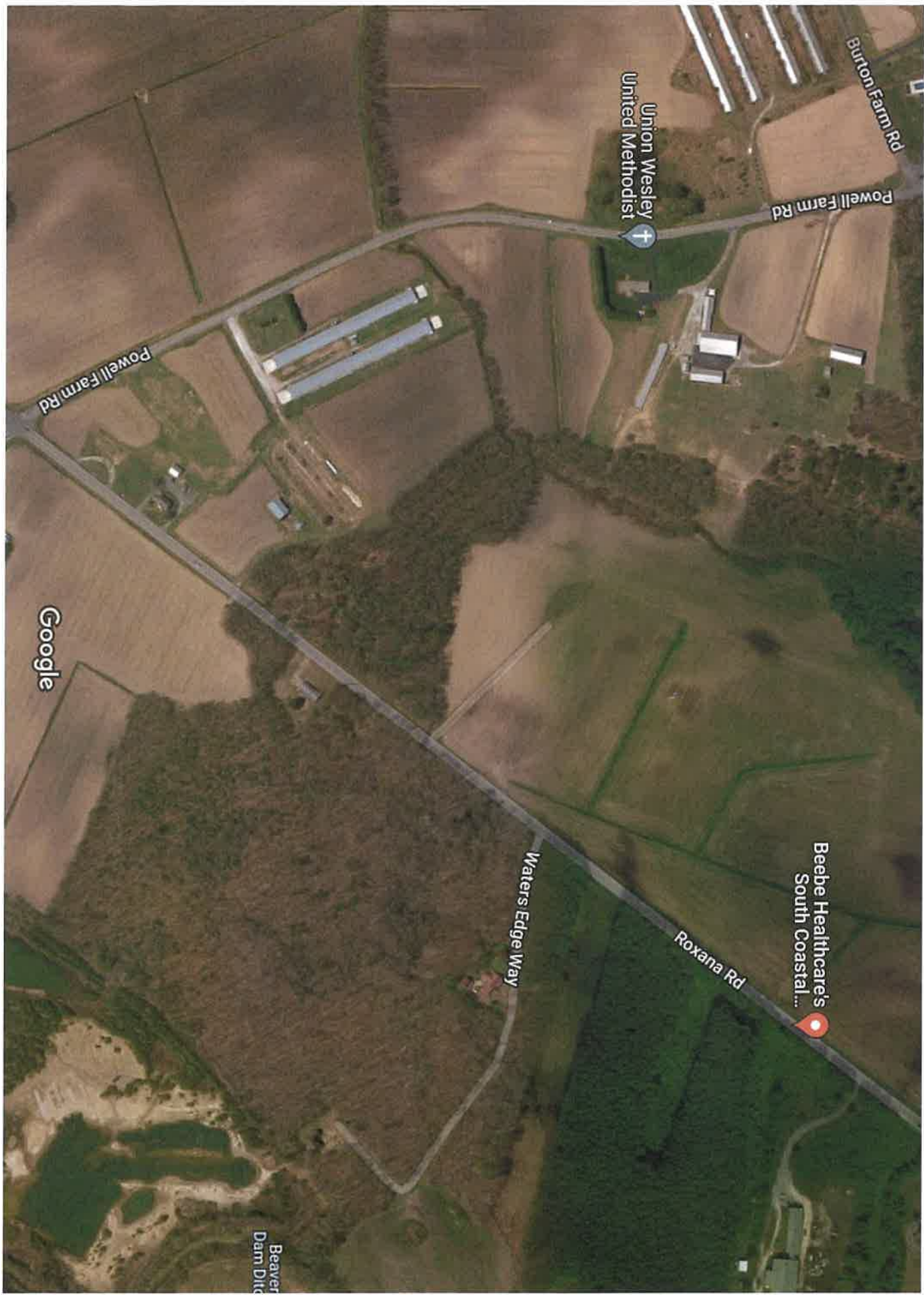
I

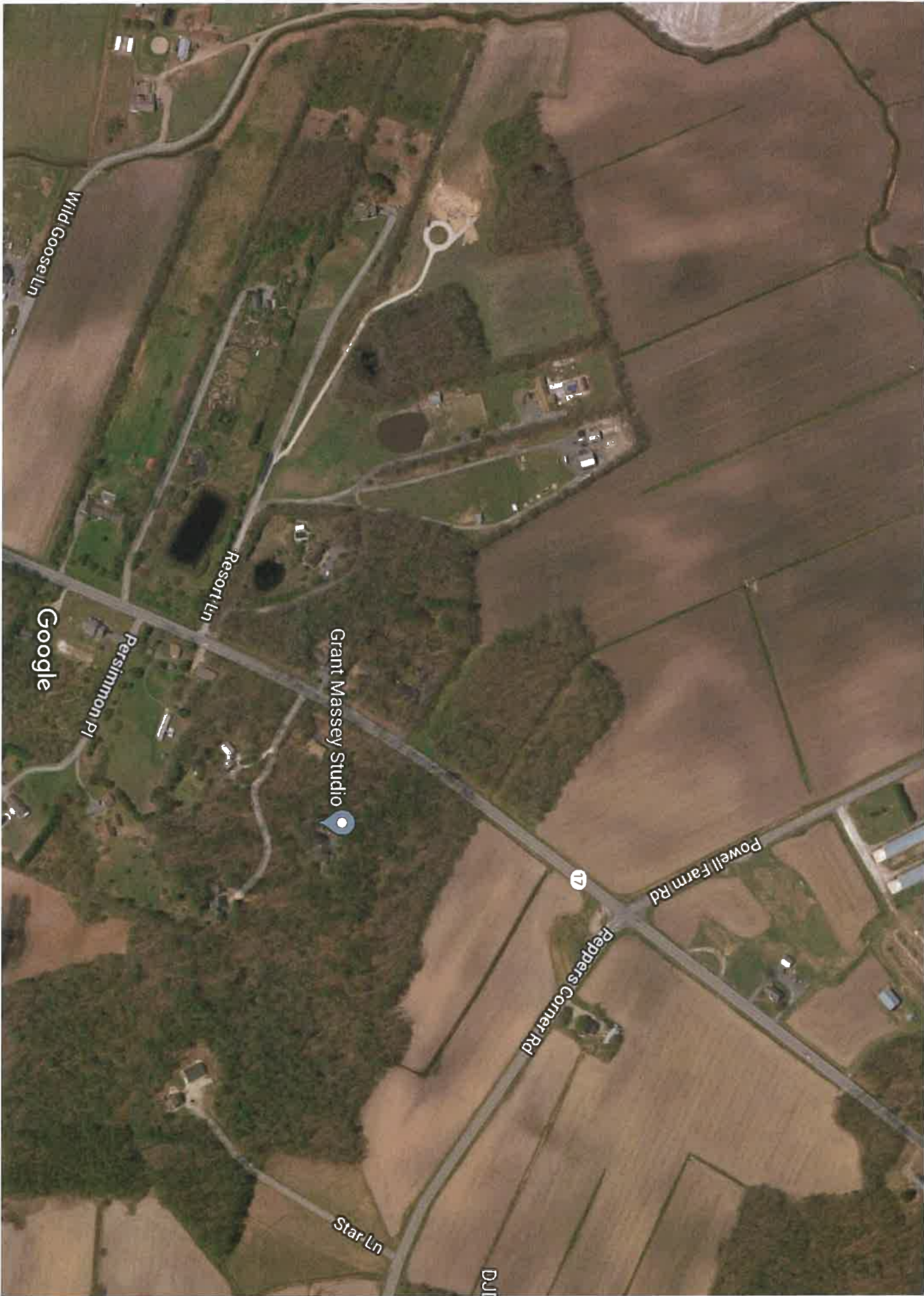




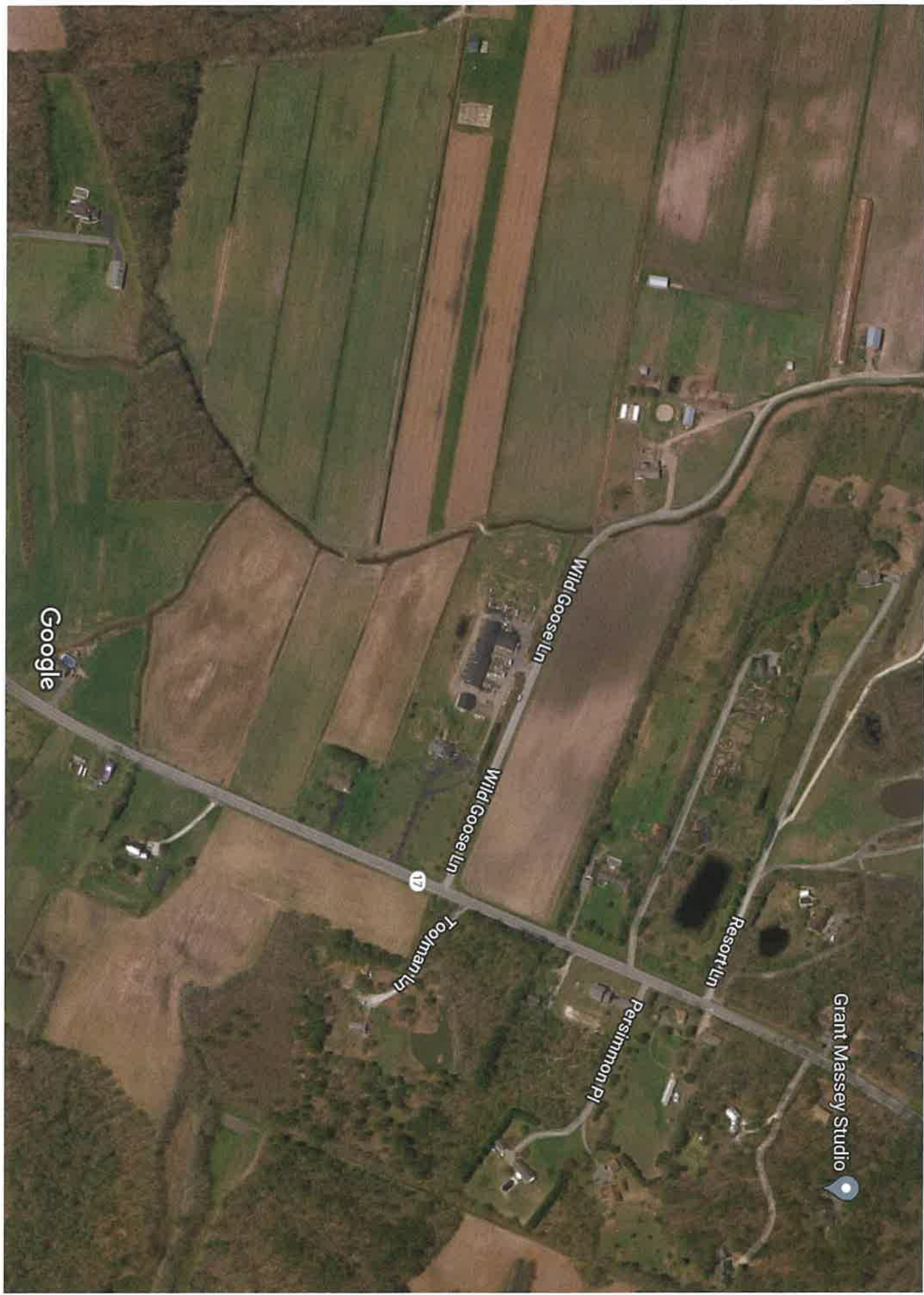




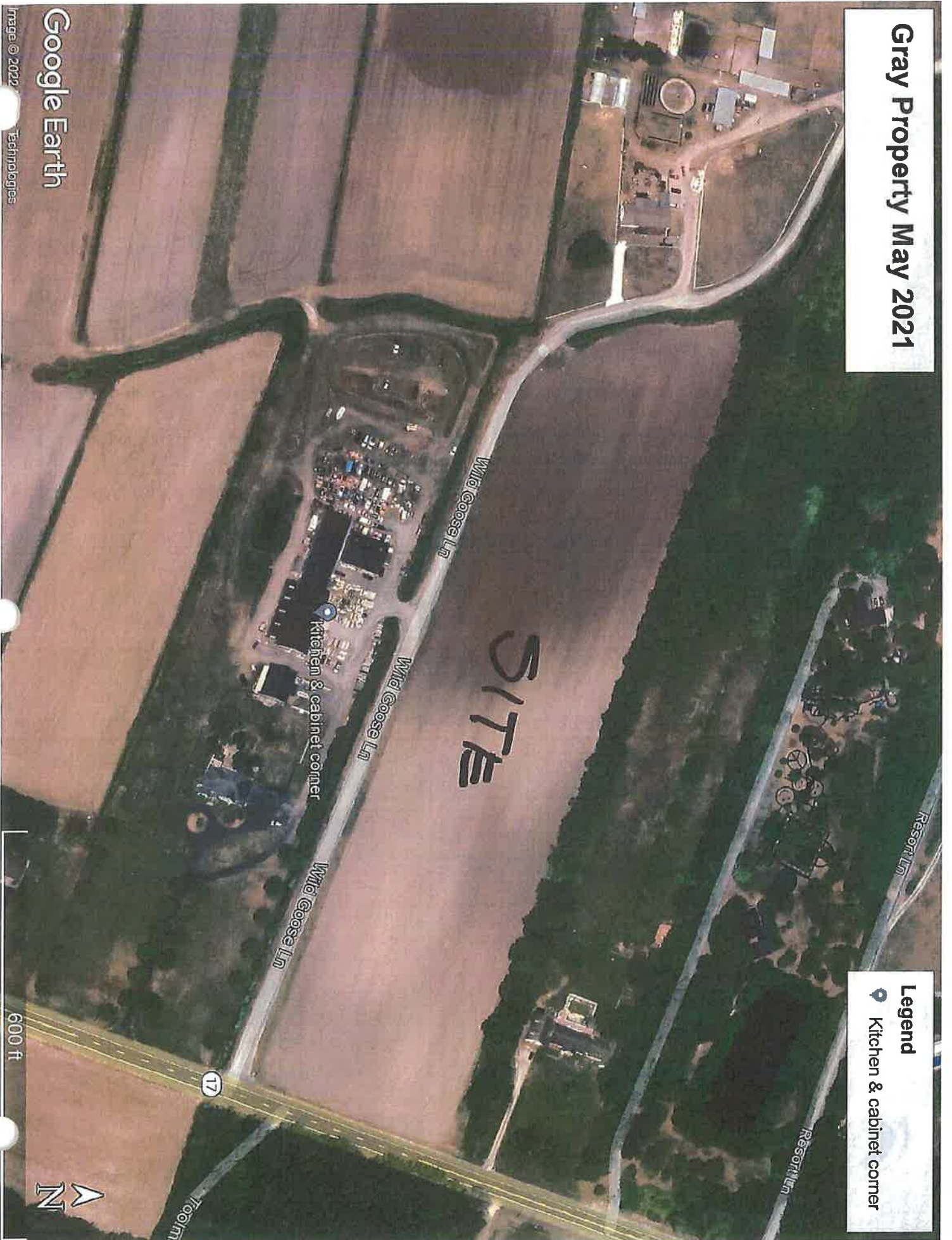





Imagery ©2022 Google, Map data ©2022 Google 500 ft



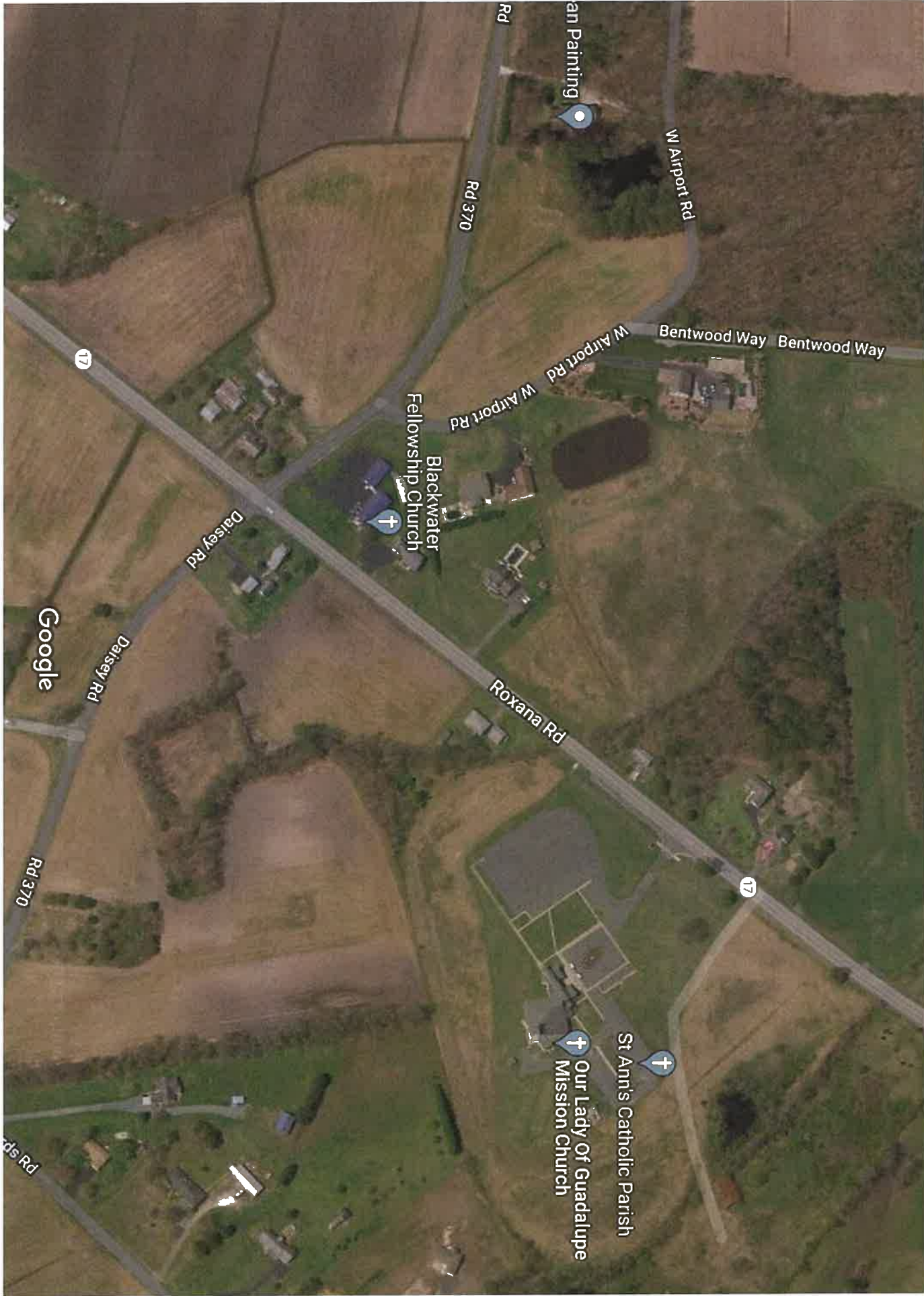
Gray Property May 2021



- Legend**
-  Kitchen & cabinet corner

Google Earth

Image © 2022 Technologies



J

October 15, 2021

Office of State Planning Coordination
122 Martin Luther King Jr, Blvd, Third Floor
Dover, DE 19901

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheelaton, AIA, LEED GA
Jason P. Lear, P.E.
Ring W. Lordner, P.E.
Jamie L. Sechler, P.E.

Attn: Mr. David Edgell, AICP
Director

Re: **PLUS review 2021-09-22; Roxanna Road Office**
Tax Parcel No: 1-34-15.00-20.06
DBF# 0003H001

Dear Mr. Edgell,

We are pleased to submit the following responses to the Office of State Planning Coordination's review letter dated September 22, 2021.

Strategies for State Policies and Spending

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

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.
Understood

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Roxanna Road (Delaware Route 17) 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>. We will design the site access 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.

A Pre-Submittal Meeting will be requested in the near future.

- 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 will submit the Initial Stage Fee with the record plan, and the Construction Stage Fee with the construction plans when they are submitted.

- 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 275 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, Land Use Code 710, and square feet of gross floor area as a variable, DelDOT calculates 147 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 15 and 16, respectively. Therefore, a TIS is not warranted.
We concur that a Traffic Impact Study is not warranted.

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. DelDOT anticipates requiring the developer to improve Roxana Road within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Roxana Road is a Major Collector Road. The standards for such roads include 12-foot lanes and 8-foot shoulders.

We acknowledge the improvement requirements for DE Route 17 within the frontage limits.

Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway. Thus, the projected frontage would be about 300 feet.
We acknowledge that a projected frontage of 300 feet is required.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.
Understood

- 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 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**" However, it appears that the existing right-of-way may meet this requirement.

We acknowledge the ROW required along the frontage of DE Route 17.

- 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."**

We acknowledge a 15' easement is required along the frontage on DE Route 17.

- 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.
We acknowledge a Traffic Generation Diagram is required.
 - Depiction of all existing entrances within 600 feet of the entrance on Route 17. All existing entrances within 600 feet of our proposed entrance will be shown on the plan.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
We acknowledge notes of any off-site improvements, agreements, and contributions will be required.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas DelDOT has discretion to not require installation of paths or sidewalks along the frontage on State-maintained roads. DelDOT does not anticipate requiring the developer to build a sidewalk or SUP along their frontage on Route 17.
Understood. We also acknowledge the requirements for Shared Use Paths and sidewalks.
- 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 17.
We acknowledge the setback requirement of stormwater treatment methods.
- 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>.
We will provide an auxiliary Lane Worksheet

- 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.

We will show all existing utilities on the plan.

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*.

We acknowledge that the project will be subjected 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.
Understood. Sussex Conservation District will be contacted for review for the Sediment and Stormwater Plan.
- 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.
We acknowledge to submit a Construction General Permit via electronically with the fee.
- 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.
Understood. We acknowledge to submit a Stormwater Assessment Study with the submittal.

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/>

Hydrologic Soils Group

Hydrologic Soil Group A/D (poorly drained and very poorly drained) soils have been identified over most of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.
We acknowledge that any stormwater that proposed the use of infiltration shall require a soils investigation.

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 Inland Bays 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/>
Understood. Sussex Conservation District will be contacted to review plans on determining if stricter standards may apply.

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

Wastewater Disposal Permitting – Large Systems

The application states that wastewater from the site will be connected to the Sussex County system. 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
Understood.

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

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

Wastewater Disposal Systems – Small Systems

If plans change and a small systems wastewater disposal system (septic) is proposed for the site, the applicant must follow current regulations to apply for a permit. The on Site Regulation are listed within Section 5 (Small Systems) or Section 6 (Large Systems) of the *Regulations Governing the Design, Installation and Operation of the On-site Wastewater Treatment and Disposal system at*

<http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/delaware>

-on-site-regulations-with-exhibits.pdf
Understood.

- A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions.
We acknowledge that a site evaluation performed by a Delaware licensed Class D Soil Scientist is required.
- A list of licensed Class D soil scientists can be found at the following website: <https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator-Licensees-Based-on-Licensed/6vjq-34rp>
Understood.

Contact: DNREC Groundwater Discharges
Section <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/> for proposed projects in Sussex County (Small Systems Branch) at (302) 856-4561 or Large Systems Branch at (302) 739-9948.
Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites or known National Register listed or eligible properties on the parcel.
We acknowledge that there are no known archaeological sites or known National Register listed or eligible properties on the parcel.
- There is low potential for prehistoric archaeological resources. There are no known archaeological sites on this parcel, nor are there any within a half-mile radius. This parcel is not near any water source and soils are poorly drained.
Understood. We also acknowledge that there is low potential for prehistoric archaeological resources on the parcel.
- There is low potential for historic archaeological resources. There are no properties shown on this parcel in historic topographic and aerial maps. The parcel has remained consistently agricultural field. Historic field scatter is possible.
Understood. We also acknowledge that there is low potential for historic archaeological resources.
- 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
We acknowledge the National Historic Preservation Act.

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

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

Fire Protection Water Requirements:

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.
We acknowledge the requirements of an individual on-site wells.

Fire Protection Features:

- For commercial buildings greater than 5000 sq. ft, a fire alarm signaling system which is monitored off-site is required
We acknowledge the requirements for fire alarm signaling system.
- For commercial buildings greater than 10,000 sq. ft Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sq. ft. or less
We acknowledge the requirements for fire barriers.
- 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
We acknowledge the requirements for fire lane markings.

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 Horse Play Road must be constructed so fire department apparatus may negotiate it.
Understood. We also acknowledge the need of accessibility to fire apparatus.
- 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.
We acknowledge that the fire department access shall be provided so that the fire apparatus will be able to locate within 100' 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.
Understood. We also acknowledge that if a dead-end road is more than 300 feet, a cul-de-sac or turn-around is required.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
We acknowledge that if traffic speed reduction measures are used, they must be in accordance to DOT 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. We acknowledge that the local Fire Chief shall approve the use of gates into and out of the site.

Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.
We acknowledge the if gas piping is proposed, we will show it and the locations of any bulk containers on the plan.

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)
 - Provide Road Names, even for County Roads
- The above referenced notes will be provided on the plans.

Recommendations/Additional Information

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 17.
We acknowledge the access requirements for a substation and/or wastewater facility.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
We acknowledge that all comments be addressed prior to submitting plans for 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/> Understood.

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.
We acknowledge the need for runoff reduction techniques if site and soil condition permits.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.
We acknowledge the need for improving stormwater management by keeping 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/>

Additional Sustainable Practices

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
We acknowledge the need for recycling dumpsters within the preliminary site design stage.
- 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/>).
We acknowledge the need for renewable energy infrastructure to reduce pollution.
- Incorporate trees into the landscaping plan to reduce the heat island effects from pavement.
We acknowledge the need to incorporate trees in the landscape plans to reduce heat island effects from the pavement.

- 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.
We acknowledge the need for energy efficient appliances.
- 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.
We acknowledge the need for paint coatings low in Volatile Organic Compounds to protect air quality.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.
We acknowledge the need for reclaimed asphalt pavement to reduce heat island effects on paved surfaces.

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.
Understood.

Should you have any questions or need additional information, please call.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Timothy M. Metzner, RLA, LEED AP ND
Associate

TMM
P:\1111\1111B001\submit\PLUS\2021-10-15 Comment Reponse\Office Parcel\Response Letter.docx

cc: Sussex County Planning & Zoning



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 22, 2021

Timothy M. Metzner
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2021-08-11; Roxana Road Office

Dear Mr. Metzner:

Thank you for meeting with State agency planners on August 25, 2021 to discuss the proposed plans for the Roxana Road Storage project. According to the information received you are seeking review of a proposed rezoning of 1.56 acres from AR-1 to B-2 and a proposed site plan for a 13,000 square foot office building.

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

Strategies for State Policies and Spending

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

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.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Roxana Road (Delaware Route 17) 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 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.
- 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. From the PLUS application, the total daily trips are estimated at 275 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, Land Use Code 710, and square feet of gross floor area as a variable, DelDOT calculates 147 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 15 and 16, respectively. Therefore, a TIS is not warranted.

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. DelDOT anticipates requiring the developer to improve Roxana Road within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Roxana Road is a Major Collector Road. The standards for such roads include 12-foot lanes and 8-foot shoulders.

Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway. Thus, the projected frontage would be about 300 feet.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.

- 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 17.

By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."** However, it appears that the existing right-of-way may meet this requirement.

- 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."**
- 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 600 feet of the entrance on Route 17.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas DelDOT has discretion to not require installation of paths or sidewalks along the frontage on State-maintained roads. DelDOT does not anticipate requiring the developer to build a sidewalk or SUP along their frontage on Route 17.
- 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 17.
- 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>.
- 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.

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.
- 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.
- 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.

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/>

Hydrologic Soils Group

Hydrologic Soil Group A/D (poorly drained and very poorly drained) soils have been identified over most of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

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 Inland Bays 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/>

Wastewater Disposal Permitting – Large Systems

The application states that wastewater from the site will be connected to the Sussex County system. 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

If plans change and a small systems wastewater disposal system (septic) is proposed for the site, the applicant must follow current regulations to apply for a permit. The on Site Regulation are listed within Section 5 (Small Systems) or Section 6 (Large Systems) of the *Regulations Governing the Design, Installation and Operation of the On-site Wastewater Treatment and Disposal system at*
<http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/delaware-on-site-regulations-with-exhibits.pdf>

- A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions.
- A list of licensed Class D soil scientists can be found at the following website: <https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator->

Licensees-Based-on-Licensed/6vjg-34rp

Contact: DNREC Groundwater Discharges

Section <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/> for proposed projects in Sussex County (Small Systems Branch) at (302) 856-4561 or Large Systems Branch at (302) 739-9948.

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

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites or known National Register listed or eligible properties on the parcel.
- There is low potential for prehistoric archaeological resources. There are no known archaeological sites on this parcel, nor are there any within a half-mile radius. This parcel is not near any water source and soils are poorly drained.
- There is low potential for historic archaeological resources. There are no properties shown on this parcel in historic topographic and aerial maps. The parcel has remained consistently agricultural field. Historic field scatter is possible.
- 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

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

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

Fire Protection Water Requirements:

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.

Fire Protection Features:

- For commercial buildings greater than 5000 sq. ft, a fire alarm signaling system which is monitored off-site is required
- For commercial buildings greater than 10,000 sq. ft Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sq. ft. or less

- 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

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 Horse Play Road 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.

Gas Piping and System Information:

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

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)
- Provide Road Names, even for County Roads

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 17.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that 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/>

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/>

Additional Sustainable Practices

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- 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/>).

- Incorporate trees into the landscaping plan to reduce the heat island effects from pavement.
- 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.

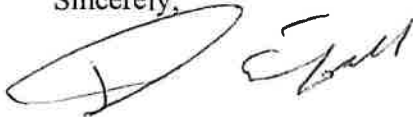
Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

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

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

Sincerely,



David Edgell, AICP
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

K



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

NICOLE MAJESKI
SECRETARY

May 4, 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 **Ronald E. Gray and M. Candice Gray** proposed land use application, which we received on April 22, 2021. This application is for an approximately 1.56- acre parcel (Tax Parcel: 134-15.00-20.12). The subject land is located on the southwest corner of Horse Play Way and Roxana Road (Sussex Road 52) about 0.5 miles south of the intersection with Peppers Corner Road (Sussex Road 365). The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of B-2 (Business Community) and the applicant seeks to operate 13,000 S.F. of office space.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along Roxana Road (Sussex Road 52) from Daisy Road to Atlantic Avenue, are 4,780 and 6,146 vehicles per day, respectively.

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

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
May 4, 2021

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Ronald E. Gray and M. Candice Gray, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, 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 Furrato, Project Engineer, Development Coordination

L

a





b



c



D



M

Ron Gray Narrative: CZ 1946 5/11/2022

This is a change in zone request for the remainder of the 10-acre parcel (1.5 acres of land) that is being proposed for a change of zone from A-1 to B-2. It is anticipated that the two office buildings would be placed on this parcel only after central sewer and water are available. Landscaping would be placed near the storage area in the interim to buffer the view of the storage facility until the two office buildings are built. The two proposed buildings would be able to house businesses in a more rural setting than found along Route 26 making them easier to access than more congested areas and roadways closer to the beach. The types of businesses that would be interested in space here would be family and specialty doctor's offices to support the nearby Beebe emergency facility, financial services companies like Edward Jones, a dental office, an eye doctor, physical therapy offices, a hair salon and other similar service businesses. These businesses would be operated during the day and would have limited noise associated with their operation. The parking lot for the buildings would be lighted from dusk to dawn with professionally designed lighting to ensure no carry over of lighting to the adjacent parcels. This is a compatible use for this property as there is a commercial counter-top display and manufacturing business located on the adjacent property along Horse Play Drive. Stormwater management facilities for this parcel and the proposed storage facility behind it would be designed to ensure that stormwater runoff would be no greater post-development than today. I hope you will consider recommending County Council approve this change of zone for this property.

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, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: May 26th, 2022

Application: CU 2293 Ronald & Candice Gray

Applicant: Ronald & Candice Gray
37176 Sunset Cove
Selbyville, DE 19975

Owner: Ronald & Candice Gray
37176 Sunset Cove
Selbyville, DE 19975

Site Location: Lying on the west side of Roxana Road (Route 17), approximately 0.45-miles south of the intersection of Peppers Corner Road (S.C.R. 365), Powell Farm Road (S.C.R. 365) and Roxana Road.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: Agricultural Residential (AR-1) District

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire Department

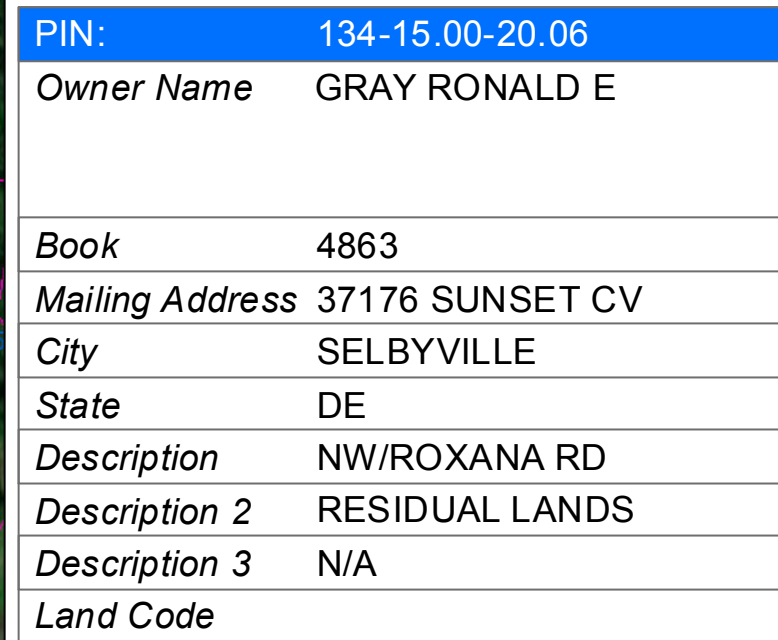
Sewer: Septic

Water: Well

Site Area: 8.424 acres +/-

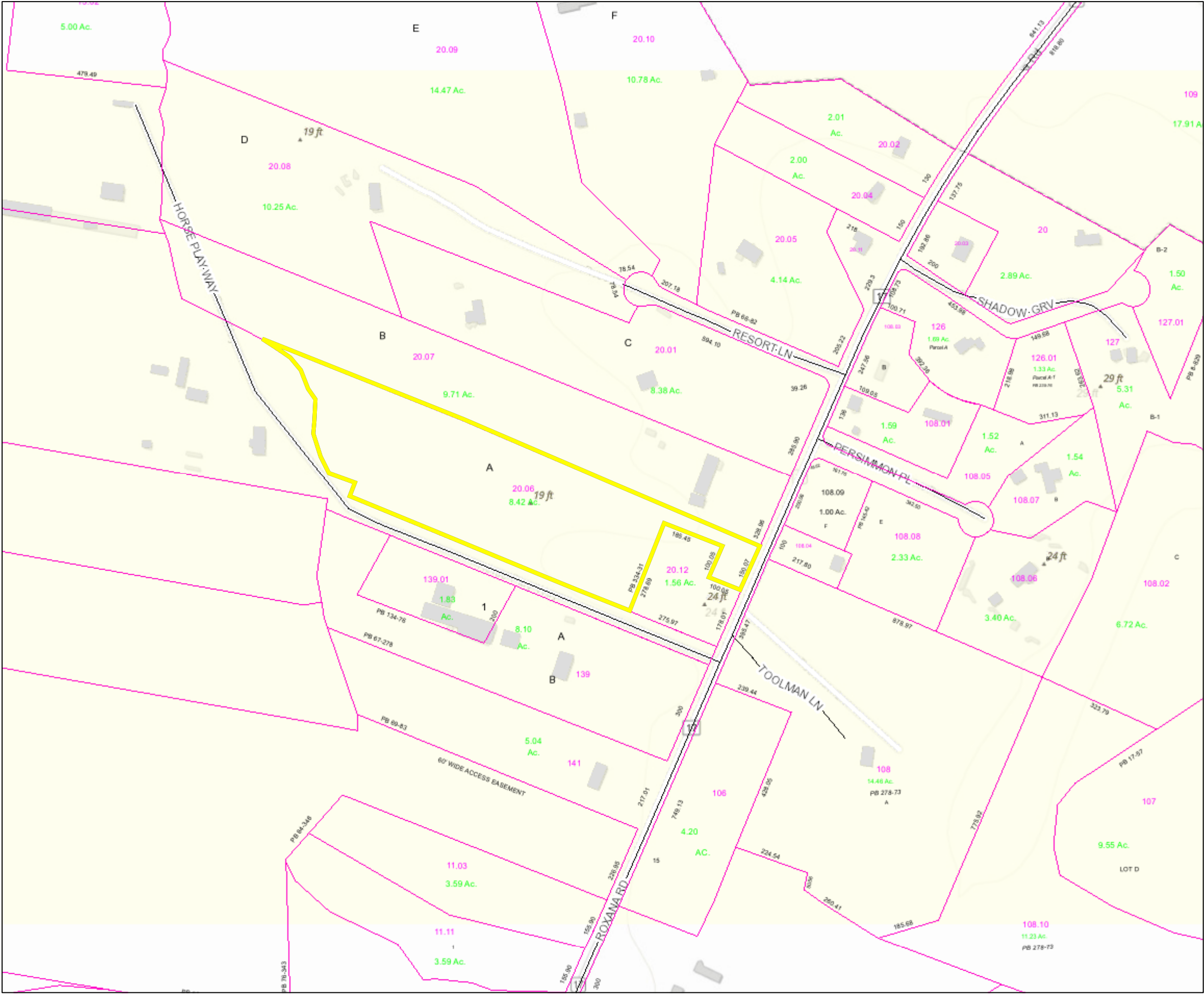
Tax Map ID.: 134-15.00-20.06



 County Boundaries



Sussex County



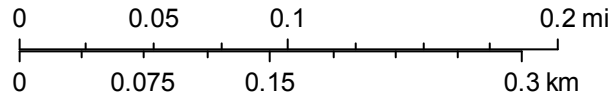
PIN:	134-15.00-20.06
Owner Name	GRAY RONALD E
Book	4863
Mailing Address	37176 SUNSET CV
City	SELBYVILLE
State	DE
Description	NW/ROXANA RD
Description 2	RESIDUAL LANDS
Description 3	N/A
Land Code	

- polygonLayer

Override 1
- polygonLayer

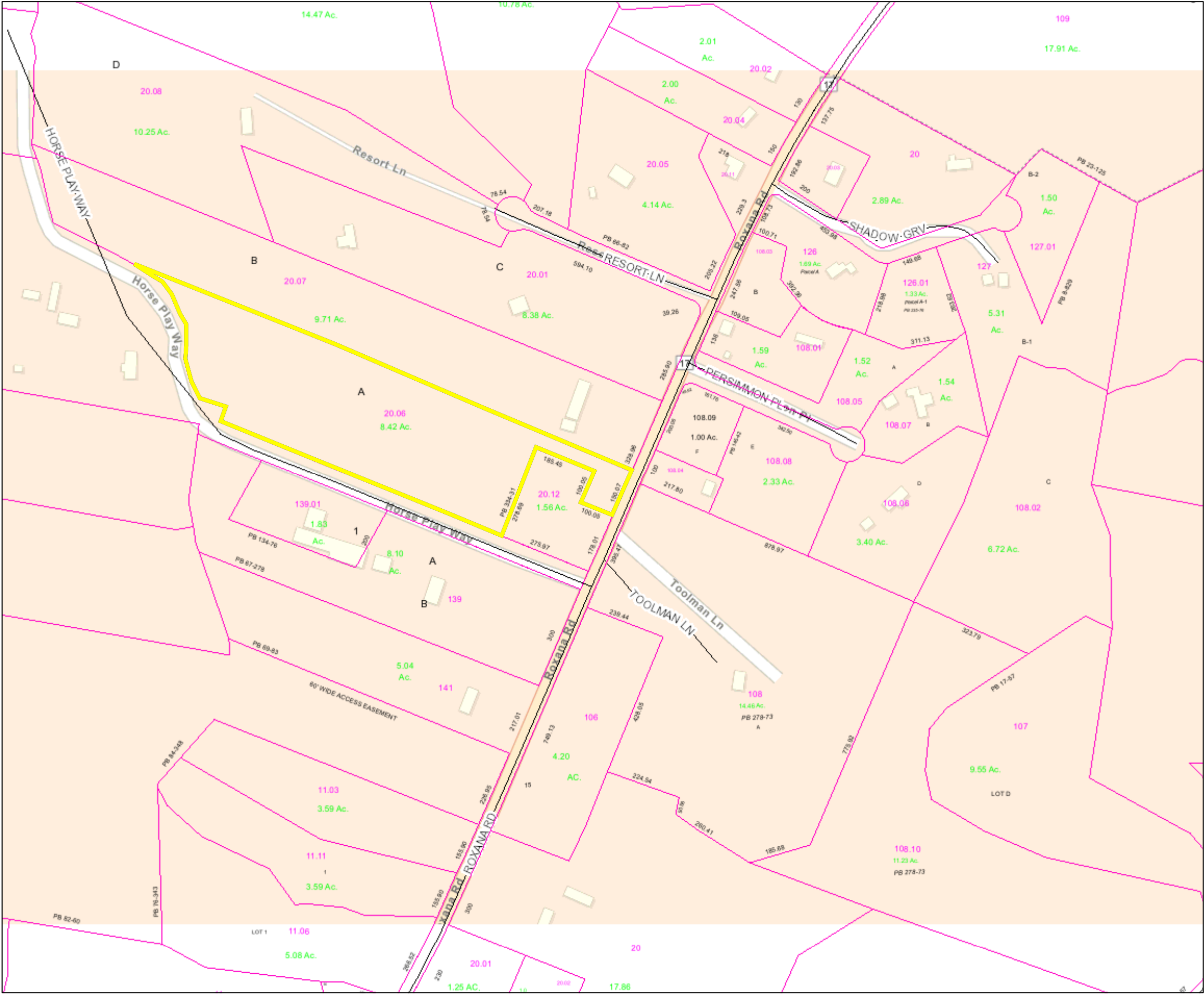
Override 1
- Tax Parcels
- Streets

1:4,514





Sussex County



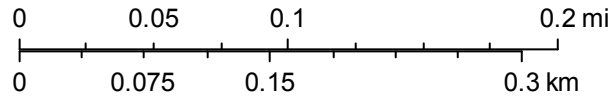
PIN:	134-15.00-20.06
Owner Name	GRAY RONALD E
Book	4863
Mailing Address	37176 SUNSET CV
City	SELBYVILLE
State	DE
Description	NW/ROXANA RD
Description 2	RESIDUAL LANDS
Description 3	N/A
Land Code	

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514



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: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: May 18, 2022
RE: Staff Analysis for CU 2293 Ronald and Candice Gray

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2293 Ronald and Candice Gray to be reviewed during the May 26, 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 Parcel 134-15.00-20.06 to allow for 703 storage units as well as outdoor storage for boats and RV's. The property is lying on the east side of Roxana Road (Rt. 17) approximately 0.45-miles south of the intersection of Peppers Corner Road (S.C.R. 365), Powell Farm Road (S.C.R. 365) and Roxana Road. The parcel contains 8.42 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 north, south, east, and west also have the land use designation of Coastal Area.

As outlined in the 2018 Sussex County Comprehensive Plan, the Coastal Areas are areas that can accommodate development provided that 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 all be allowed.

The property is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north, south, east are zoned Agricultural Residential (AR-1) Zoning District. The properties to the west are also zoned Agricultural Residential (AR-1) Zoning District.

Since 1970, there has been five (5) Conditional Use applications within a 1-mile radius of the application site. CU 163 was approved 11/6/73 by County Council for the use of a fishpond. CU 1355 was approved through ordinance 1399 by County Council on 9/26/2000 for the use of a cabinet shop and storage. CU 1432 was approved through ordinance 1519 by County Council on 1/29/2002 for the use of a landscaping business/equipment storage. CU 1735 was approved through ordinance 1981 by the County Council for use of an Airport/Helipad. CU 2301 is still undecided and has a hearing with the County Council on 8/9/2022.



Based on the analysis of the land use, surrounding zoning and uses, a storage facility with outdoor storage could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

File #: CU 2292
202109538

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

Horseplay Way and Roxanna Road, Frankford, DE 19945

Type of Conditional Use Requested:

Operate 94,800 square feet of enclosed storage space located in 40 buildings containing 703 storage units therein and outdoor storage for boats, boat trailers and RV's during the build-out and continuing after the build-out in limited areas not interfering with access to the built storage units.

Tax Map #: 1-34-15.00-20.06

Size of Parcel(s): 8.424 acres

Current Zoning: AR-1

Proposed Zoning: _____

Size of Building: 40 Bldgs. w/703 storage units

Land Use Classification: AG1-Residential/Residential

Water Provider: N/A-existing on-site well

Sewer Provider: NA - existing on-site septic system

Applicant Information

Applicant Name: Ronald E. & M. Candice Gray

Applicant Address: c/o John A. Sergovic, Jr., Esq, Sergovic Carmean Weidman McCartney & Owens

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: john@sussexattorney.com

Owner Information

Owner Name: Ronald E. & M. Candice Gray

Owner Address: 37176 Sunset Cove

City: Selbyville

State: DE

Zip Code: 19975

Phone #: (302) 855-1260

E-mail: john@sussexattorney.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: John A. Sergovic, Jr., Esquire

Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, 25 Chestnut Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: 302-855-1260

E-mail: john@sussexattorney.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

Sign Here

Date: 6/1/21

Signature of Owner

Sign Here

Date: 5/26/2021

For office use only:

Date Submitted: 6/23/21

Fee: \$500.00 Check #: 4438

Staff accepting application: CES

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **4/28/2022**

APPLICATION: **CU 2293 Ronald & Candice Gray**

APPLICANT: **Ronald & Candice Gray**

FILE NO: **ROX-1.01**

TAX MAP &
PARCEL(S): **134-15.00-20.06**

LOCATION: **Lying on the west side of Roxana Road (Route 17),
approximately 0.45 miles south of the intersection of Peppers
Corner Road (SCR 365), Powell Farm Road (SCR 365) and
Roxana Road**

NO. OF UNITS: **703 storage units and outdoor storage for boats and RV's.**

GROSS
ACREAGE: **8.424**

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

SEWER:

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (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
No Permit Tech Assigned



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 22, 2021

Timothy M. Metzner
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2021-08-10; Roxana Road Storage

Dear Mr. Metzner:

Thank you for meeting with State agency planners on August 25, 2021 to discuss the proposed plans for the Roxana Road Storage project. According to the information received you are seeking review of a proposed site plan for a 94,800 square foot storage area on 8.42 acres along Roxana Road in Sussex County.

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

Strategies for State Policies and Spending

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

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.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Roxana Road (Delaware Route 17) 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 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.
- 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. From the PLUS application, the total daily trips are estimated at 275 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, Land Use Code 151, and square feet of gross floor area as a variable, DelDOT calculates 143 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 9 and 16, respectively. Therefore, a TIS is not warranted.

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. DelDOT anticipates requiring the developer to improve Roxana Road within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Roxana Road is a Major Collector Road. The standards for such roads include 12-foot lanes and 8-foot shoulders.

Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway. Thus, the projected frontage would be about 300 feet.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.

Further regarding the trip generation calculation, Land Use Code 151 assumes a small office area associated with the storage use. From DelDOT's perspective, if the rezoning

contemplated for Tax Parcel No. 134-15.00-20.12 is not approved, the subject storage use could proceed as per the plan provided with the conversion of part of one of the proposed buildings to an accessory office use.

- 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 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."** However, it appears that the existing right-of-way may meet this requirement.
- 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."**
- 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 600 feet of the entrance on Route 17.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas DelDOT has discretion to not require installation of paths or sidewalks along the frontage on State-maintained roads. DelDOT does not anticipate requiring the developer to build a sidewalk or SUP along their frontage on Route 17.
- 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 17.
- 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>.

- 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.

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.
- 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.
- 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.

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/>

Hydrologic Soils Group

Hydrologic Soil Group A/D (poorly drained and very poorly drained) soils have been identified over most of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

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/>

Tax Ditches

The Main Prong of the Beaver Dam Canal Tax Ditch lies on the western edge of the site within the Beaver Dam Canal Tax Ditch Watershed. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax Ditch ROWs vary by channel size and location. The Main Prong of the Beaver Dam Canal Tax Ditch has an 80-foot to Top of Bank (TOB) ROW extending into the project boundary.

- If the site and/or stormwater management features are designed to discharge into the Main Prong of the Beaver Dam Canal Tax Ditch, located on the western edge of the project parcel, design must consider existing conditions versus design specifications. Please consult with the DNREC Drainage Program for As-Built design information if necessary.
- Proposed structures or construction lies within the existing Tax Ditch ROW. To reduce or change existing Tax Ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map.
- Contact the DNREC Drainage Program to discuss the on-site tax ditch ROW prior to the project application meeting with the appropriate plan review agency for construction stormwater management.
- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the tax ditch ROW.
- Existing tax ditches on the property must be surveyed and compared to tax ditch design specifications for effective function. The channel should be cleared or excavated prior to the construction of the project if needed.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

Wastewater Disposal Systems – Small Systems

An expired elevated sand mound septic permit (permit #163810) exists for this site in the Small System Branch database.

- Contact the DNREC Groundwater Discharges Section to properly abandon these systems.
- The applicant must follow current regulations to apply for a small system permit. The On-Site Regulation are listed within Section 5 of the *Regulations Governing the Design, Installation and Operation of the On-site Wastewater Treatment and Disposal Systems* at: <http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/delaware-on-site-regulations-with-exhibits.pdf>
- A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions. A list of licensed Class D soil scientists can be found at the following website: <https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator-Licensees-Based-on-Licensed/6vjq-34rp>

Contact: DNREC Groundwater Discharges Section for proposed projects in Sussex County at (302) 856-4561.

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

Water Quality (Pollution Control Strategies)

This site lies within the Inland Bays 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/>

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known Archaeological Sites or known National Register listed or eligible properties on the parcel.
- There is low potential for prehistoric archaeological resources. There are no known archaeological sites on this parcel, nor are there any within a half-mile radius. This parcel is not near any water source and soils are poorly drained.
- There is low potential for historic archaeological resources. There are no properties shown on this parcel in historic topographic and aerial maps. The parcel has remained consistently agricultural field. Historic field scatter is possible.
- 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

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

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

Fire Protection Water Requirements:

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.

Fire Protection Features:

- For mini-storage buildings greater than 10,000 sq. ft. Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sq. ft. or less
- 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

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 Roxana Road 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.

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
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Department of Agriculture – Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Hudson's Heritage Expansion of the Hickman Farm's District S-17-03-085B Parcel 134-15.00-15). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

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

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

Recommendations/Additional Information

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 17.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that 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/>

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/>

Tax Ditches

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

Additional Sustainable Practices

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- 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/>).
- Incorporate trees into the landscaping plan to reduce the heat island effects from pavement.
- 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.

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

- 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.

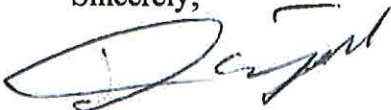
Department of Agriculture – Contact: Milton Melendez 698-4534

- The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested buffer between the proposed residential development and existing preserved properties. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between this new development and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program. This farm generates dust, noise and odors that new residents may not be familiar with.

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

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

Sincerely,



David Edgell, AICP
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

Attachments

DATA COLUMN

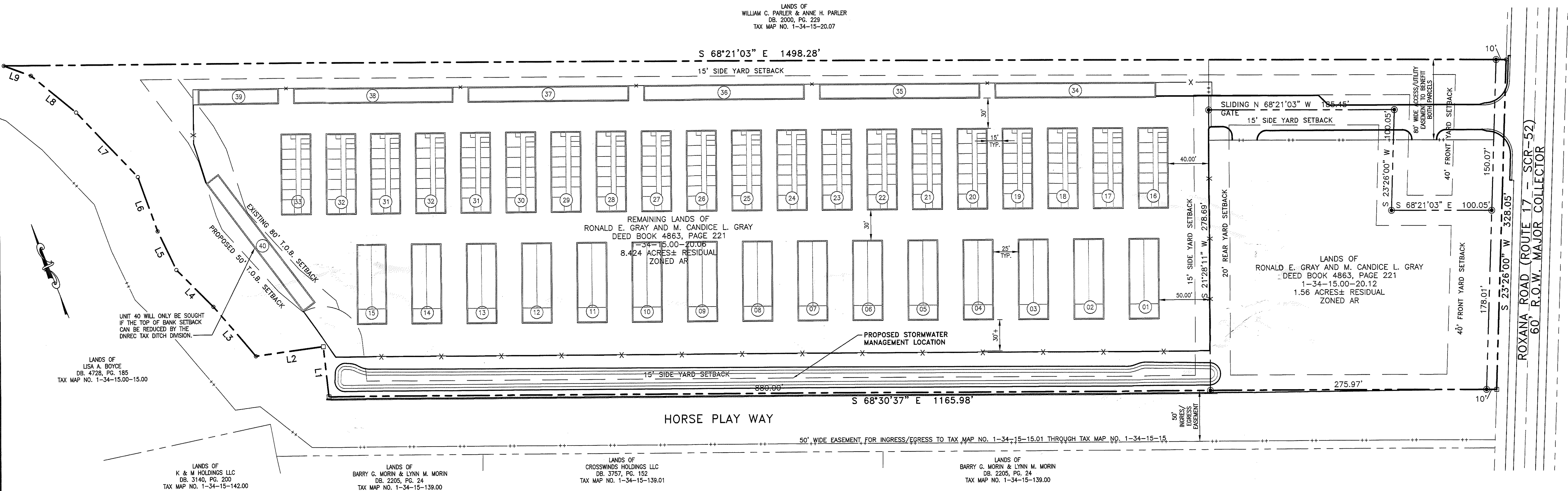
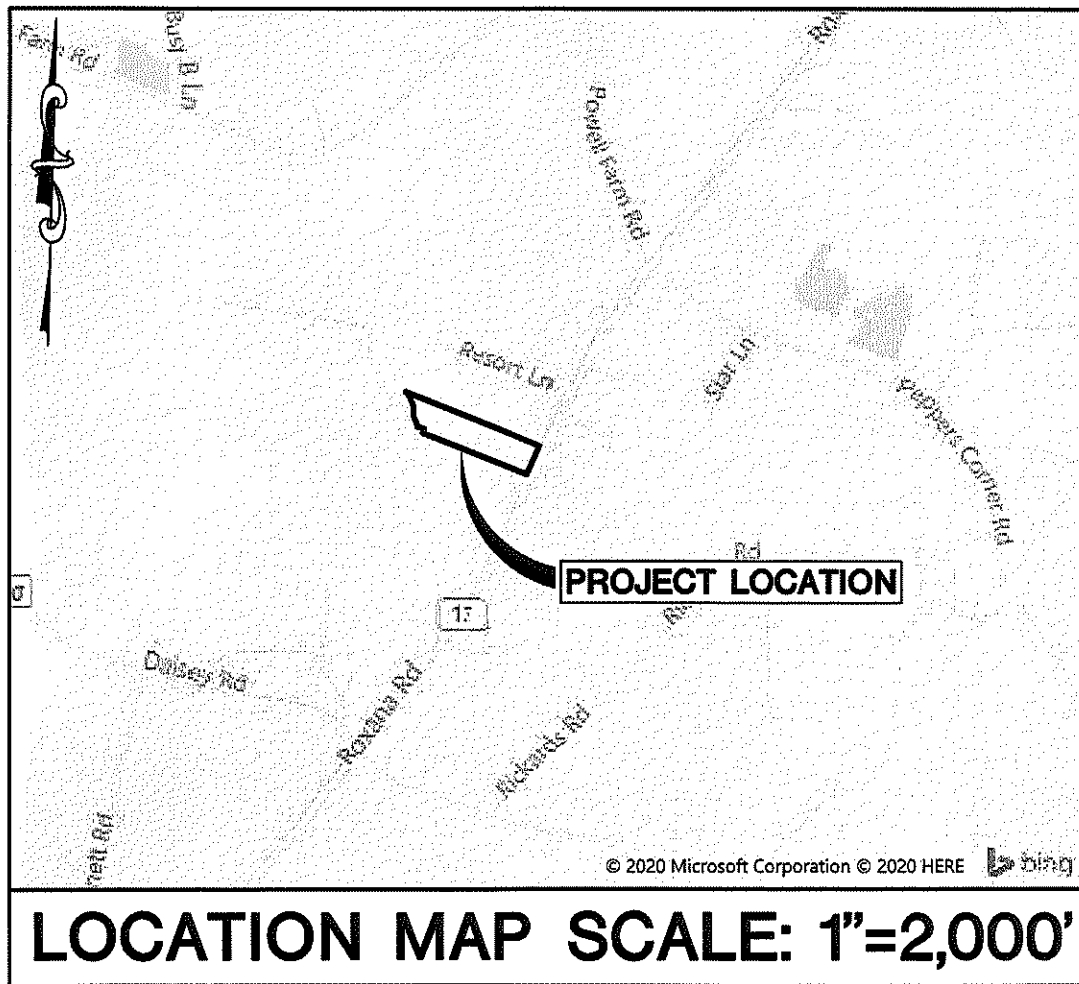
MAP & PARCEL NUMBER: 134-15.00-20.06
DEED REFERENCE: 4863/221
OWNER/DEVELOPER: RONALD E. GRAY AND M. CANDICE L. GRAY
37176 SUNSET COVE
SELBYVILLE, DELAWARE 19975
PREPARED BY: DAVIS, BOWEN AND FRIEDEL, INC.
601 E. MAIN ST, SUITE 100
SALISBURY, MARYLAND 21804
(410) 543-9091
TOTAL SITE AREA: 8.42 ACRES±
EXISTING ZONING: AR-1
PRESENT USE: AGRICULTURAL W/ RESIDENTIAL
PROPOSED USE: OPERATE 94,800 SQUARE FEET OF ENCLOSED STORAGE SPACE
LOCATED IN 40 BUILDINGS CONTAINING 703 STORAGE UNITS THEREIN
AND OUTDOOR STORAGE FOR BOATS, BOAT TRAILERS, AND RV'S
DURING THE BUILD-OUT AND CONTINUING AFTER THE BUILD-OUT IN
LIMITED AREAS NOT INTERFERING WITH ACCESS TO THE BUILT
STORAGE UNITS.
SEWER PROVIDER: ON SITE
WATER PROVIDER: ON SITE WELL
SURVEY CLASSIFICATION: SUBURBAN
SETBACK REQUIREMENTS: 40' FRONT
20' REAR
15' SIDE

LEGEND

- BOUNDARY LINE
--- PROPERTY LINE
--- SETBACK LINE
++ EXISTING EASEMENT
++ PROPOSED EASEMENT
X FENCE
--- 24' --- CONTOUR
+29.03 +29.03 SPOT ELEVATIONS
● PROPERTY CORNER SET

GENERAL NOTES

- OTHER THAN SHOWN, THIS SURVEY PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAYS OR EASEMENTS ON THIS PROPERTY. NO TITLE SEARCH WAS REQUESTED OR PERFORMED.
- ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- LOT 1 AND 2 SHALL HAVE A COMBINED ACCESS TO ROXANA ROAD (ROUTE 17).



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 15°15'23" E	149.50'
L2	S 75°42'23" E	67.71'
L3	N 18°20'52" W	65.28'
L4	S 23°11'45" E	52.19'
L5	N 03°45'22" W	42.70'
L6	N 01°49'43" E	57.25'
L7	S 21°49'00" E	88.85'
L8	S 20°06'38" E	57.77'
L9	S 47°57'47" E	128.90'

OWNERS STATEMENT

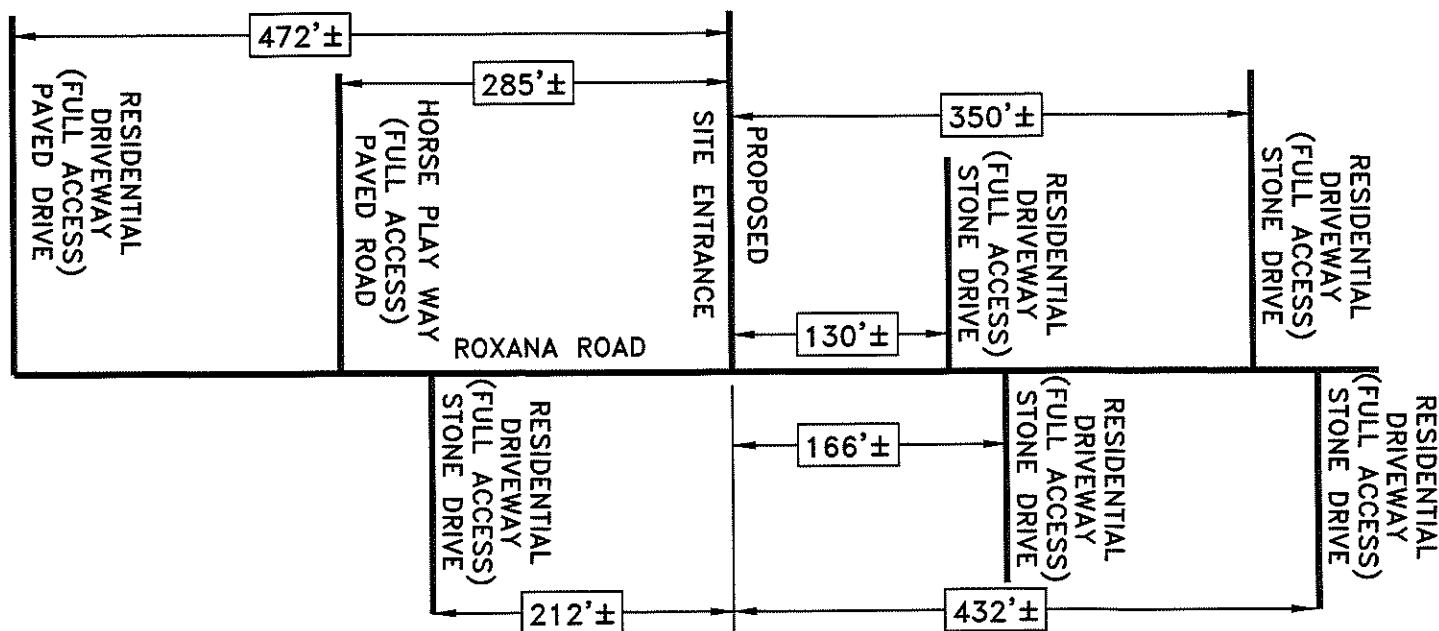
WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE LEGAL OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

RONALD E. GRAY _____ DATE _____
M. CANDICE L. GRAY _____ DATE _____

SURVEYOR'S STATEMENT

THIS PLAT AND SURVEY WERE PERFORMED FOR RONALD E. GRAY AND M. CANDICE L. GRAY, UNDER MY SUPERVISION, TO THE LOCAL STANDARD OF CARE, AND SUBSTANTIALLY MEET THE "MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING" AS PROMULGATED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS FOR A SUBURBAN SURVEY.

CHRISTOPHER D. WATERS _____ DATE _____
PROFESSIONAL LAND SURVEYOR
DE NO. 530



EXISTING ENTRANCES DETAIL
NO SCALE

ROXANA ROAD STORAGE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

Revisions:

Date: MAY 2021
Scale: 1" = 50'
Dwn.By: ADM
Proj.No.: 1111B001
Dwg.No.: 1

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND
100 E. MAIN ST., SUITE 100
SALISBURY, MARYLAND 21804
(410) 543-9091
(410) 543-9092
(410) 770-4744

STORAGE SITE PLAN

WRITTEN SUBMISSION
OF
RONALD E. GRAY AND M. CANDICE GRAY
CU NO. 2293
May 26, 2022

**John A. Sergovic, Jr., Esquire
Sergovic Carmean Weidman
McCartney & Owens, PA
25 Chestnut Street
P.O. Box 751
Georgetown, DE 19947
(302) 855-1260**

INDEX
RONALD E. GRAY and M. CANDICE GRAY
APPLICATION FOR CONDITIONAL USE 2293

- A. Conceptual Site Plan Rendering**
- B. Compliance with Comprehensive Plan and Zoning Code of Sussex County prepared by Sergovic Carmean Weidman McCartney & Owens, P.A.**
- C. Water Service Areas with nearest tie-in**
- D. Sussex County Sewer District with nearest tie-in**
- E. Soil Map**
- F. Ed Launay – Environmental Science Report**
- G. Deed whereby the Applicants acquired the property**
- H. Proposed Findings**
- I. Compatible Uses, Google Location Mapping**
 - 1. Hocker's Super Center**
 - 2. Car Wash**
 - 3. Bob's Marine Services, Inc.**
 - 4. That Fireplace Store**
 - 5. Fishy Business**
 - 6. Millville by The Sea Christopher Companies**
 - 7. Garth Enterprises**
 - 8. Mercantile Processing, Inc.**
 - 9. Beebe Healthcare's South Coastal Emergency Department**
 - 10. Apartment Complex next to Beebe Healthcare's South Coastal Emergency Department with final approval scheduled for this month and construction to begin shortly thereafter**
 - 11. Grant Massey Studio**
 - 12. Subject Property**
 - 13. Kitchen & Cabinet Corner on Wild Goose Lane a/k/a Horse Play Way**
 - 14. Our Lady Guadalupe Mission Church**
 - 15. Blackwater Fellowship Church**
- J. PLUS Report and response of Davis, Bowen & Friedel, Inc.**
- K. DelDOT Service Level Evaluation**
- L. Applicants' photographs**
 - a. Photographs of existing vegetation and trees bordering the subject property on the north;**

- b. Photographs of property and existing commercial uses on the subject property south boundary;**
- c. Photographs of the subject property east boundary; and**
- d. Photographs of examples of a similar project developed by Applicants, with partners.**

M. Applicant, Ron Gray's narrative - need for use and response to prior opposition

A

B

**COMPLIANCE WITH COMPREHENSIVE PLAN AND
ZONING CODE OF SUSSEX COUNTY FOR C/U 2293**

The applicants, Ronald E. and M. Candice Gray (hereinafter “the Grays” or the “Applicants”), seek an Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District (“AR-1”) for purposes of operating 94,800 square feet of enclosed storage space to be located in 40 buildings containing 703 storage units and outdoor storage for boats, boat trailers and RV’s during the build-out, and continuing after the build-out in limited areas, on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville, consisting of 8.424 acres, more or less. The subject property is designated by Sussex County Tax Mapping as District 1-34, Map 15.00, Parcel 20.06 (“Subject Property”). This conditional use will enable the Grays to provide essential services to meet the storage needs of the expanding population in Sussex County.

The Subject Property is located within an area identified in the Sussex County Comprehensive Plan dated March 2019 (“The Sussex Plan”) as Coastal Area. In addition to residential uses, permitted uses within the Coastal Area include retail and office use, with larger shopping centers and office parks confined to selected locations with access along arterial roads. The Sussex Plan further provides that “[a]ppropriate 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.”¹

The proposed use of the Subject Property is appropriate and compatible with the goals and directions of the Coastal Area of The Sussex Plan. The proposed use will not

¹ Sussex County Comprehensive Plan dated March 2019, at pages 4-15.

have an adverse impact on neighboring properties or the community. Rather, the proposed use is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area. As acknowledged by The Sussex Plan, Sussex County is the fastest growing county in the State of Delaware. The proposed use will serve the needs of the expanding population in this area by providing convenient storage space to local businesses and residents in housing communities, such as Millville by The Sea and other communities located within a five (5) mile radius. In addition, the proposed use is compatible with other uses along Roxana Road, Route 17, between Route 26 and Daisey Road, which include a wide range of land uses, such as Hocker's Super Center, Car Wash, Bob's Marine Services, Inc., That Fireplace Store, Fishy Business, Millville By The Sea Christopher Companies, Garth Enterprises, Mercantile Processing, Inc., Beebe Healthcare's South Coastal Emergency Department, Apartment Complex next to Beebe Healthcare's South Coastal Emergency Department with final approval scheduled for this month and construction to begin shortly thereafter, Grant Massey Studio, Kitchen & Cabinet Corner and car storage operation on Wild Goose Lane a/k/a Horse Play Way, Our Lady Guadalupe Mission Church and Blackwater Fellowship Church.² Although the adjoining property owned by William and Anne Parler, and identified by Sussex County Tax Mapping as Parcel 134-15.00-20.07, is used for agricultural and residential purposes, the boundary between the properties contains mature trees, which will serve as a natural buffer and screening from the proposed use on the Subject Property, and a swale. The Grays are committed to maintaining the trees within the Subject Property and will fill any gaps to provide a

² See Part G of Notebook, Google Location Map, identifying multiple different uses along Roxanna Road.

continuous buffer and reduce any potential impact of the proposed use on the neighboring property.

The proposed use will have no significant impact upon traffic in the area and will generate less traffic than other uses permitted in the AR-1 Zoning District. More specifically, as determined by DelDOT, in its Plus Review comments 2021-08-10, there will be negligible impact on traffic. As a result, DelDOT did not recommend that a traffic impact study be performed for the proposed use.

In connection with The Office of State Planning Coordination (“OSP”) review 2021-09-22, The Office of State Planning advised that it “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.” Furthermore, Davis, Bowen & Friedel, Inc. addressed each concern, if any, of the Plus review 2021-09-22. In the Applicants’ prior withdrawn application for land use changes, the opposition to the application focused upon the prior Investment Level 4 classification under the OSP Strategies for State Policies and Spending, submitting that Sussex County should follow the Office of State Planning Strategy. Since then, the OSP has reclassified Route 17 to Investment Levels 2 and 3 acknowledging that Route 17 lies within an area where growth is anticipated by local, county and State plans. Based upon the assertion that Sussex County should follow the Office of State Planning Strategy, the Grays believe that the reclassification significantly supports the proposed conditional use.

In addition, the proposed use complies with the Sussex County Zoning Code (the “Code”). The Property is located in the AR-1 Agricultural Residential District under the Sussex County Zoning Code (the “Code”). The purpose of the AR-1 Zoning District is to

provide for “a full range of agricultural activities and to protect agricultural lands, as one of the county’s most valuable natural resources, from the depreciating effect of objectional, hazardous and unsightly uses.” Conditional Uses allowed within the AR-1 District pursuant to Section 115-22 of the Code include, among other uses, agricultural related industries, “as well as residential, business, commercial or industrial uses when the purposes of the chapter are more fully met by issuing a conditional use permit.” Thus, the proposed storage use is a permitted conditional use under the Code.

The Applicants propose the following conditions for the proposed storage complex:

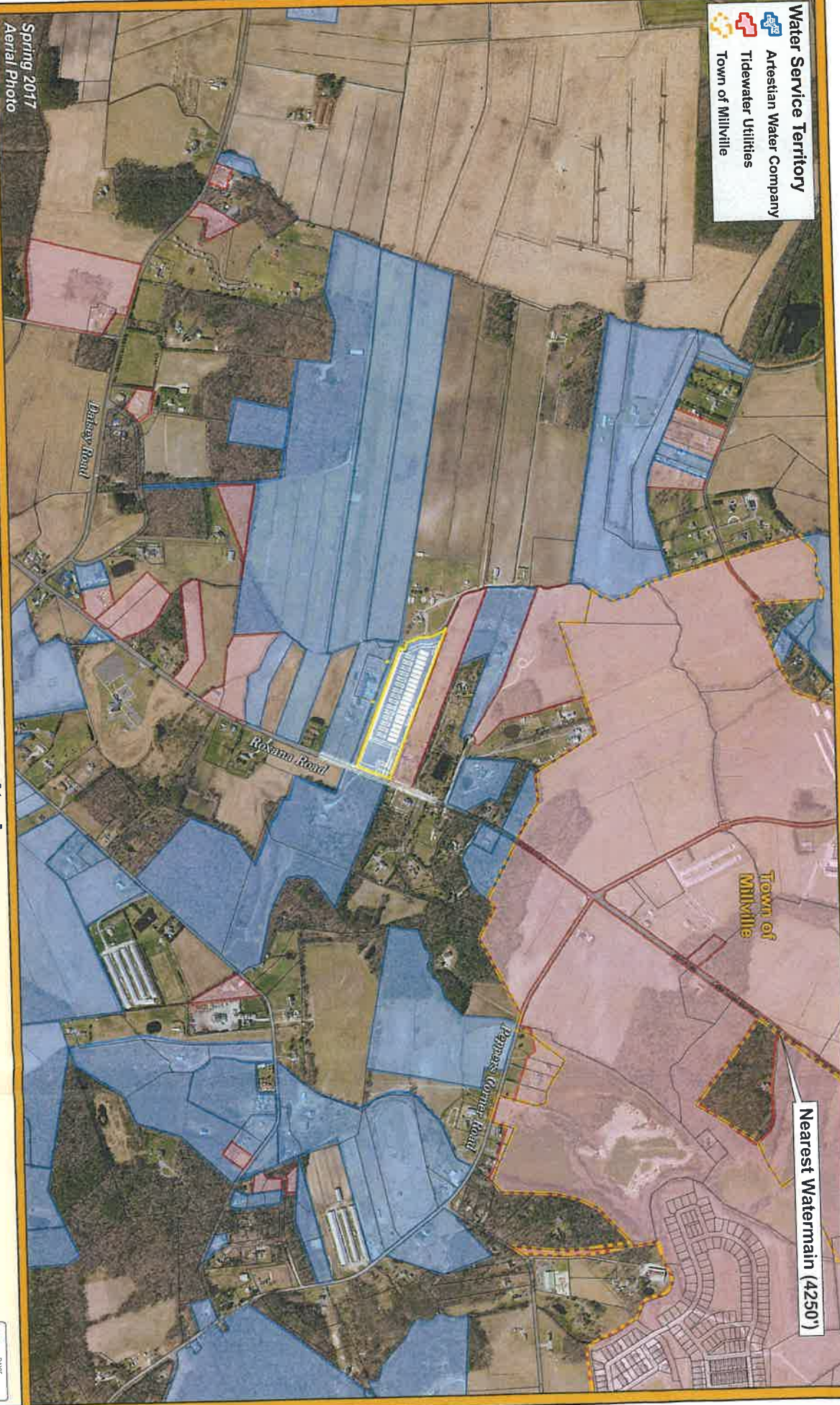
- a) Any security lights or other lighting shall be directed toward the interior of the Subject Property and shall be downward illumination so that they do not shine on any neighboring properties or roadways;
- b)³ There shall not be any storage of welding, flammable, explosive or other inherently dangerous materials.
- c)³ There shall not be any waste committed or allowed to be committed upon the Subject Property or in a building.
- d) The perimeter of the storage area shall be fenced and gated.
- e) The hours of operation will be 6:00 am – 10:00 pm, with earlier access allowed on a case-by-case basis as determined by the operator.
- f) The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

³ To be included in the lease form used by Applicant for leased storage units.

For the reasons set forth herein, the proposed conditional use is appropriate under The Sussex Plan and Code as it promotes the health, safety, morals, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County.

C

Water Service Territory
 Artesian Water Company
 Tidewater Utilities
 Town of Millville



Spring 2017
 Aerial Photo

Sources:
 Tax Parcels per Sussex County
 Aerial Photograph Courtesy of DEMAC



Water Service Territories
 Ronald E. & M. Candice Gray
 Sussex County, Delaware

0 800 1,600
 Feet



D



Spring 2017
Aerial Photo

Source:
Tax Parcels per Sussex County
Aerial Photograph Courtesy of DEMAC



Sussex County Sewer Districts
Ronald E. & M. Candice Gray
Sussex County, Delaware

0 800 1,600
Feet



Nearest Sewer (4250')

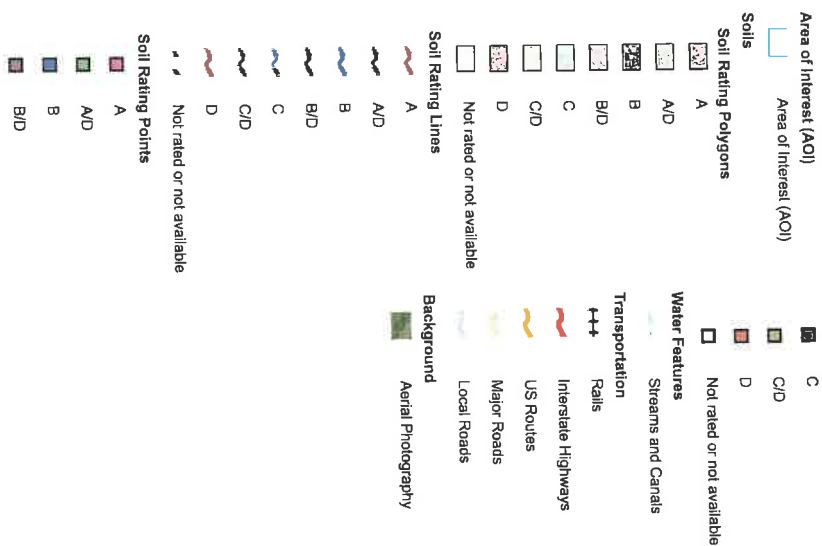
E

Under the NRCS Soils Map (“the Soils Map”) the soil designations of the site are of three types, HmA (B), HuA (A/D) and MuA (A/D). The Soils Map classifies the soils from A being the best drained in its natural state, to D being the worst drained in its natural state. This is not a limitation by the Code. During the engineering phase, the site will be designed to have positive drainage, therefore the soils on site that are A/D will become A after the site is engineered. The owner will be improving the existing drainage conditions.

Hydrologic Soil Group—Sussex County, Delaware



MAP LEGEND



MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 22, Aug 26, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
HmA	Hammonton loamy sand, 0 to 2 percent slopes	B	6.9	14.4%
HuA	Hurlock loamy sand, 0 to 2 percent slopes	A/D	4.8	10.0%
KsA	Klej loamy sand, 0 to 2 percent slopes	A/D	0.4	0.9%
MuA	Mullica-Berryland complex, 0 to 2 percent slopes	A/D	36.1	74.8%
Totals for Area of Interest			48.3	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

F

Assessment of Environmental Conditions & Natural Features

**Tax Map Parcels 134-15.00-20.06 & 134-15.00-20.12
Baltimore Hundred, Sussex County, Delaware**

May 6, 2022

Prepared for

**Ronald E. Gray
37176 Sunset Cove
Selbyville, Delaware 19975**

Prepared by

**Edward M. Launay
Senior Professional Wetland Scientist No. 875
Environmental Resources, Inc.
P.O. Box 169
38173 DuPont Blvd.
Selbyville, Delaware 19975**

ERI Project No. 969#1032

Assessment of Environmental Conditions & Natural Features

Tax Map Parcels 134-15.00-20.06 & 134-15.00-20.12 Baltimore Hundred, Sussex County, Delaware

Table of Contents

Introduction	1
Site Location & Topography	1
Soils.....	2
Threatened & Endangered Species.....	3

List of Exhibits

1. Sussex County Tax Map
2. Google Earth Photo, May 2021
3. Boundary Survey – Davis, Bowen & Friedel, Inc. (reduced)
4. Concept Plans – Davis, Bowen & Friedel, Inc. (reduced)
5. USDA Soil Survey of Sussex County
6. U.S. Fish & Wildlife Service National Wetland Inventory Map
7. U.S. Fish & Wildlife Service Species List, May 5, 2021
8. Photographs

Introduction

Environmental Resources, Inc. (ERI) has performed a review of 9.98 acres of land located in Sussex County, Delaware on the western side of Roxana Road (State Route 17) just north of Horse Play Way. The site is located in the Baltimore Hundred and it is composed of Tax Map Parcels 134-15.00-20.06 (8.42 acres) and 134-15.00-20.12 (1.56 acres). The Sussex County Tax Map is included as Exhibit 1. A May 2021 Google Earth Photo is Exhibit 2. Exhibit 3 is a copy of a boundary survey reduced in size. This review was conducted on behalf of the property owner, Ronald E. Gray, who is seeking land use approval from Sussex County for a potential mixed use commercial development involving commercial offices and a commercial storage facility component. The proposed site plans are provided as Exhibit 4. Since the beginning of 2021, multiple field reconnaissance's of the property were performed. The last site visit was May 9, 2022. Prior to that reconnaissance, ERI reviewed a variety of published guidance document involving topics such as wetlands, soils and topography. The subject site is entirely agricultural land under active cultivation (soybean/corn rotation).

ERI found that in the case of the subject site, published guidance map information about environmental resources was relatively accurate. However, the extent of hydric soils shown on the USDA Soil Survey guidance map does appear to be greater than the actual condition. ERI did not encounter any wetlands, unique topographic conditions such as steep slopes, forest or any federally listed threatened or endangered species, or any critical habitats present on the property. The west boundary of parcel 20.06 is formed by the waters of the Beaver Dam Canal Tax Ditch Main. The site is surrounded by existing low density residential use and farmland. An existing commercial use containing among other things a granite supply business is present on the adjacent parcel (134-15.00-139.01) owned by Crosswinds Holdings, LLC (Photograph 4). Our Lady of Guadalupe Church is 0.4 miles to the south. The site lies 0.4 miles south of Peppers Corner Road. Land along Pepper Corner Road and north of Peppers Corner is being engineered for expanded residential development (part of original Millville by the Sea tract).

Site Location and Topography

The combined 9.98 acre site is rectangular in shape. It has 328.05 feet of frontage along the western side of Roxana Road (State Route 17). It is roughly 1,325 feet deep. A parcel lane named Horse Play Way is located along the south property line. The waters of the Beaver Dam Tax Ditch Main form the west property boundary. This tax ditch is a perennial stream and a federally regulated Waters of the U.S. The tax ditch right of way is 50 feet.

The topography over the site is relatively flat. State Route 17 is somewhat higher than the adjacent agricultural fields. Elevations range throughout the site from 17 toward the

rear of the property to 22 feet near the Roxana Road frontage. However, most of the property lies between 18 and 19 feet. Elevations lower than 17 feet exist along and within the tax ditch.

A man made drainage ditch exists along the north property line. The ditch drains only uplands and is not a regulated wetland feature. It drains into the tax ditch, but it is not a tax ditch.

Based on ERI's site reconnaissance and investigation of resource mapping there is no evidence of any surface ponding within any portion of the agricultural site. The site was dry on May 9th after 2.7 inches of rain over the previous three days. Depth to seasonal high groundwaters appears to be greater than 36 inches below the soil surface based upon the soil boring excavated on March 9, 2022. Soil textures were found to be composed of very permeable loamy sand soils.

Soil Characteristics & Groundwater

The USDA Soil Survey guidance map for Sussex County is included as Exhibit 5 of this report. The Soil Survey indicates three soil types within the site, all with 0 – 2 percent slopes. Hammonton loamy sand (HmA), Hurlock loamy sand (HuA), and Mullica Berryland Complex (MuA). Hammonton loamy sand composes roughly 2.4 percent of the site. Hurlock loamy sand composes 28.6 percent of the site and Mullica Berryland Complex composes 68.9 percent of the site. Hammonton loamy sand is a well drained upland soil.

Hurlock loamy sand and Mullica-Berryland Complex are hydric soils which under normal circumstances have high groundwater tables. These conditions can limit the development ability of these soils along with the presence of wetlands under normal circumstances.

In the case of this property, the entire site is drained agricultural land. Normal circumstances do not exist. A deeply dug well maintained tax ditch (Beaver Dam Canal) forms the western boundary of the site. An existing drainage channel is located on the north side of the site. A review of aerial topography and other resource maps show extensive agricultural ditching around this site for more than a 0.5 mile radius. In fact, Mullica-Berryland Complex and Hurlock loamy sand are by far the predominant soil types mapped by the USDA Soil Survey.

Many types of uses both residential and commercial and farm buildings are developed on these soils where they are drained. Development on these soils where they are uplands and drained is common throughout this area. Engineering practices are adapted to account for any development limitations.

ERI observed ground conditions and elevation on May 9, 2022, after the site had been plowed for crops. A soil boring was conducted in the center of the property. This area was mapped as Hurlock loamy sand by the USDA Soil Survey guidance map. The following textures and soil colors / features were observed.

DEPTH IN INCHES	DESCRIPTION
0-6	10 YR 3/3 dark brown loamy sand
6-10	10 YR 4/4 dark yellowish brown loamy sand
10-24	10 YR 5/4 yellowish brown loamy sand
24-36	10 YR 5/4 yellowish brown with 10 YR 5/8 mottles loamy sand
36+	10 YR 6/2 light brownish grey loamy sand
Boring dry to 36"	

Based upon actual soil profile description, hydric soils were not present. The soil colors below the plow layer were yellowish brown. The extent of actual hydric soils on this property is probably limited to the more low lying areas which abut the Beaver Dam Canal Tax Ditch where Mullica Berryland complex was mapped. This area is effectively drained by the tax ditch. Grey colors typical of hydric soils below the plow layer were absent. Soil colors were bright yellowish brown and without any redoximorphic features to 24 inches. The actual soil type is better described as Klej loamy sand (not a hydric soil).

Federally Listed Threatened or Endangered Species

No evidence of any federally listed threatened or endangered species under the Endangered Species Act was observed on the site during ERI's reconnaissance.

ERI also consulted with the U.S. Fish and Wildlife Service on this topic. The Service has no record of any federally listed species on this site. The Service's determination letter dated May 5, 2022, is included as Exhibit 7 of this report. The Service's letter does identify a candidate species for listing, Monarch Butterfly (*Dahaus plexippus*) where suitable conditions exist.

This species of butterfly has a life cycle dependent upon milkweed species growing in open fields. The open lands of this property are active agricultural lands. Suitable habitat is not present.

Review of the Office of State Land Use Planning PLUS Comments involving this property letters dated October 5, 2021, had no comments from the DNREC, Division of Fish and Wildlife about any rare, threatened or endangered species on this property.

Conclusion

The 9.98 acre site consists of actively cultivated upland agricultural field. No wetlands or forested land is present. No federally listed threatened or endangered species exist on the property.

The site is relatively flat as is the surrounding topography. Elevations range from 17 to 22 feet. Most of the site is between 18 and 19 feet in elevation. Soils on the site are primarily permeable loamy sands.

Soil types mapped by the USDA Soil Survey guidance map on this property and throughout the area are predominantly hydric soil in the Hurlock Loamy Sand or Mullica-Berryland Complex. Unless drained, these soils can have significant development limitations due to high groundwater.

Hydric soil on this property are drained directly by the Beaver Dam Canal Tax Ditch Main and it's nearby prongs. A man made drainage ditch connecting to the Tax Ditch lies on the north boundary of this site. Based upon borings made to observe actual soil conditions the extent of hydric soils on this site is also less than mapped by the USDA Soil Survey guidance map. With proper engineering practices this property can be effectively developed.

Since the site consists of drained, cleared agricultural land, valuable habitat areas such as forest and wetlands will not be impacted by development of this property.

Exhibit 1

Sussex County Tax Map



Sussex County



PIN:	134-15-00-20.06
Owner Name	GRAY RONALD E
Book	4863
Mailing Address	37176 SUNSET CV
City	SELBYVILLE
State	DE
Description	NW/ROXANA RD
Description 2	RESIDUAL LANDS
Description 3	
Land Code	

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
- 311 Address
- Streets
- County Boundaries
- Extent of Right-of-Way
- Approx. Watershed Boundary
- Sussex_Co
- Depression Index
- Depression Intermediate
- Normal Index
- Normal Intermediate

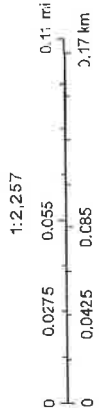


Exhibit 2

Google Earth Photo, May 2021

Gray Property May 2021

Legend

-  Kitchen & cabinet corner

SITE

Google Earth

Image © 2022 Maxar Technologies



600 ft

17

Toolma

Wild Goose Ln

Wild Goose Ln

Wild Goose Ln

Resort Ln

Resort Ln

Kitchen & cabinet corner

Exhibit 3

**Boundary Survey
Davis, Bowen & Friedel, Inc.
(reduced)**

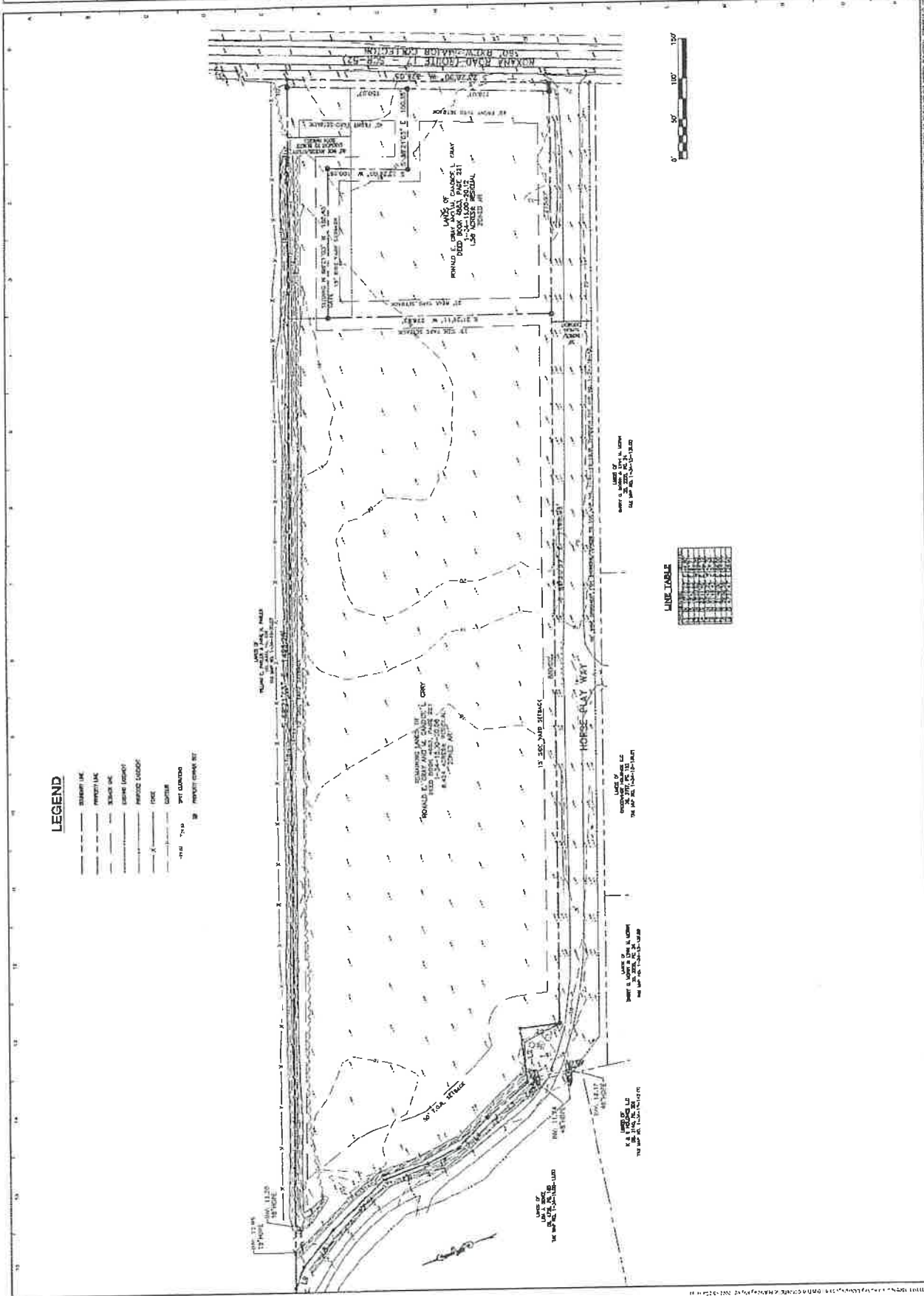


Exhibit 4

**Concept Plans
Davis, Bowen & Friedel, Inc.
(reduced)**

(M) NITRO MG.
 DATE/DESCRIPTION
 04/04/80
 0017 2400 100
 0018 2400 100
 0019 2400 100
 0020 2400 100
 0021 2400 100
 0022 2400 100
 0023 2400 100
 0024 2400 100
 0025 2400 100
 0026 2400 100
 0027 2400 100
 0028 2400 100
 0029 2400 100
 0030 2400 100
 0031 2400 100
 0032 2400 100
 0033 2400 100
 0034 2400 100
 0035 2400 100
 0036 2400 100
 0037 2400 100
 0038 2400 100
 0039 2400 100
 0040 2400 100
 0041 2400 100
 0042 2400 100
 0043 2400 100
 0044 2400 100
 0045 2400 100
 0046 2400 100
 0047 2400 100
 0048 2400 100
 0049 2400 100
 0050 2400 100
 0051 2400 100
 0052 2400 100
 0053 2400 100
 0054 2400 100
 0055 2400 100
 0056 2400 100
 0057 2400 100
 0058 2400 100
 0059 2400 100
 0060 2400 100
 0061 2400 100
 0062 2400 100
 0063 2400 100
 0064 2400 100
 0065 2400 100
 0066 2400 100
 0067 2400 100
 0068 2400 100
 0069 2400 100
 0070 2400 100
 0071 2400 100
 0072 2400 100
 0073 2400 100
 0074 2400 100
 0075 2400 100
 0076 2400 100
 0077 2400 100
 0078 2400 100
 0079 2400 100
 0080 2400 100
 0081 2400 100
 0082 2400 100
 0083 2400 100
 0084 2400 100
 0085 2400 100
 0086 2400 100
 0087 2400 100
 0088 2400 100
 0089 2400 100
 0090 2400 100
 0091 2400 100
 0092 2400 100
 0093 2400 100
 0094 2400 100
 0095 2400 100
 0096 2400 100
 0097 2400 100
 0098 2400 100
 0099 2400 100
 0100 2400 100
 0101 2400 100
 0102 2400 100
 0103 2400 100
 0104 2400 100
 0105 2400 100
 0106 2400 100
 0107 2400 100
 0108 2400 100
 0109 2400 100
 0110 2400 100
 0111 2400 100
 0112 2400 100
 0113 2400 100
 0114 2400 100
 0115 2400 100
 0116 2400 100
 0117 2400 100
 0118 2400 100
 0119 2400 100
 0120 2400 100
 0121 2400 100
 0122 2400 100
 0123 2400 100
 0124 2400 100
 0125 2400 100
 0126 2400 100
 0127 2400 100
 0128 2400 100
 0129 2400 100
 0130 2400 100
 0131 2400 100
 0132 2400 100
 0133 2400 100
 0134 2400 100
 0135 2400 100
 0136 2400 100
 0137 2400 100
 0138 2400 100
 0139 2400 100
 0140 2400 100
 0141 2400 100
 0142 2400 100
 0143 2400 100
 0144 2400 100
 0145 2400 100
 0146 2400 100
 0147 2400 100
 0148 2400 100
 0149 2400 100
 0150 2400 100
 0151 2400 100
 0152 2400 100
 0153 2400 100
 0154 2400 100
 0155 2400 100
 0156 2400 100
 0157 2400 100
 0158 2400 100
 0159 2400 100
 0160 2400 100
 0161 2400 100
 0162 2400 100
 0163 2400 100
 0164 2400 100
 0165 2400 100
 0166 2400 100
 0167 2400 100
 0168 2400 100
 0169 2400 100
 0170 2400 100
 0171 2400 100
 0172 2400 100
 0173 2400 100
 0174 2400 100
 0175 2400 100
 0176 2400 100
 0177 2400 100
 0178 2400 100
 0179 2400 100
 0180 2400 100
 0181 2400 100
 0182 2400 100
 0183 2400 100
 0184 2400 100
 0185 2400 100
 0186 2400 100
 0187 2400 100
 0188 2400 100
 0189 2400 100
 0190 2400 100
 0191 2400 100
 0192 2400 100
 0193 2400 100
 0194 2400 100
 0195 2400 100
 0196 2400 100
 0197 2400 100
 0198 2400 100
 0199 2400 100
 0200 2400 100
 0201 2400 100
 0202 2400 100
 0203 2400 100
 0204 2400 100
 0205 2400 100
 0206 2400 100
 0207 2400 100
 0208 2400 100
 0209 2400 100
 0210 2400 100
 0211 2400 100
 0212 2400 100
 0213 2400 100
 0214 2400 100
 0215 2400 100
 0216 2400 100
 0217 2400 100
 0218 2400 100
 0219 2400 100
 0220 2400 100
 0221 2400 100
 0222 2400 100
 0223 2400 100
 0224 2400 100
 0225 2400 100
 0226 2400 100
 0227 2400 100
 0228 2400 100
 0229 2400 100
 0230 2400 100
 0231 2400 100
 0232 2400 100
 0233 2400 100
 0234 2400 100
 0235 2400 100
 0236 2400 100
 0237 2400 100
 0238 2400 100
 0239 2400 100
 0240 2400 100
 0241 2400 100
 0242 2400

[illegible]

NAME _____
DATE _____
PERIOD _____
GRADE _____
SUBJECT _____

[illegible]

A hand-drawn map of the study area. The map shows a central rectangular area labeled 'STATION LOCATION'. To the left of this area is a small square labeled 'STATION'. To the right of the 'STATION LOCATION' is another rectangular area labeled 'STATION'. The map is oriented with a north arrow pointing towards the top right. The map is labeled 'LOCATION MAP SCALE: 1"=5,000'.

W. THE DEFENDANT, HERETOFOR STATED THAT HE WAS THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND OWNED THE PLANT. THAT THE PLANT WAS MADE AT HIS DIRECTION, FOR THE DEFENDANT'S USE AND NOT FOR ANY OTHER PURPOSE. ACCORDING TO THE LAW.

Page 10 of 10

[illegible]

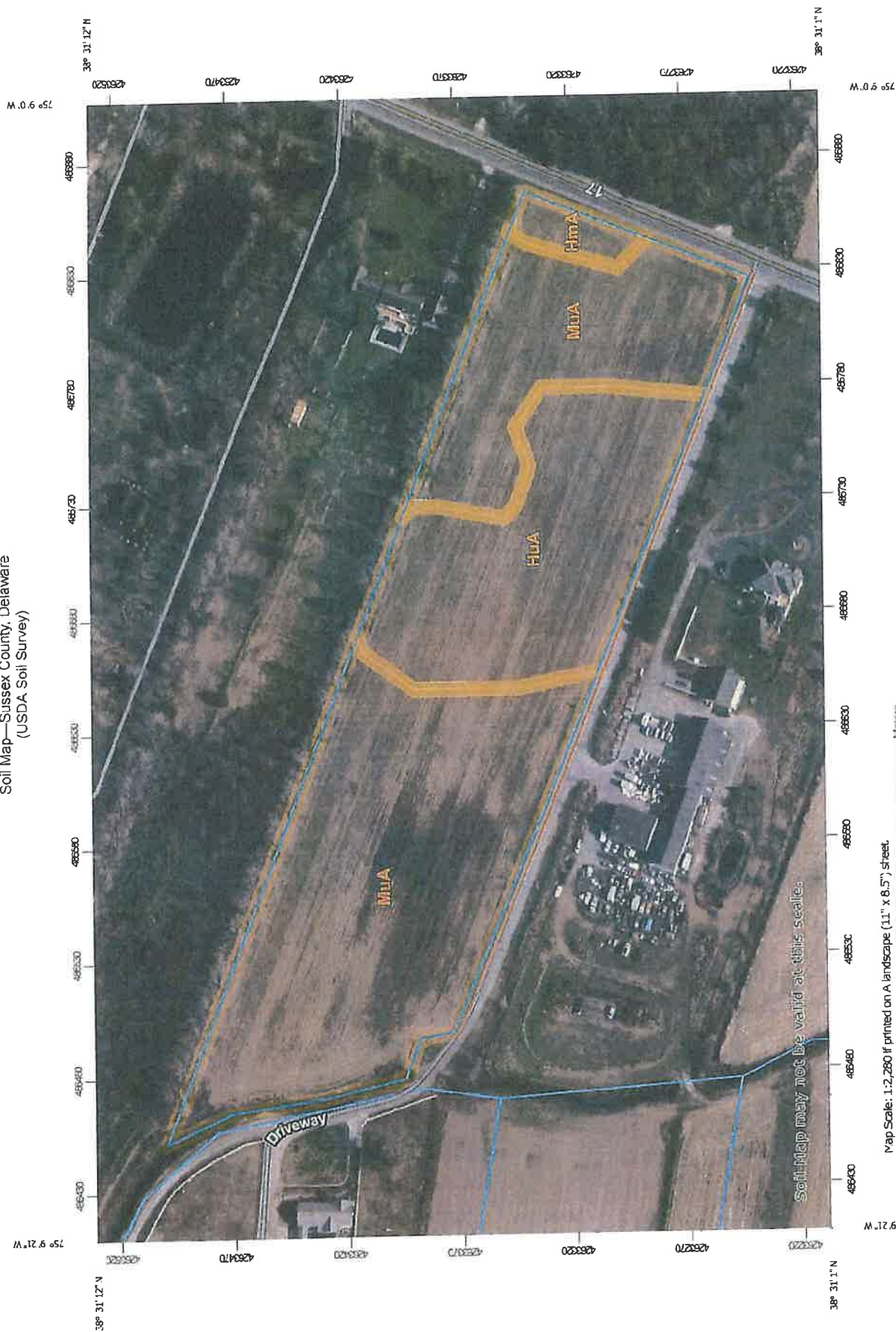
DATE _____
FBI/DOJ SPECIAL UNIT 22 INVOICE
DC NO. 518

dbf DAVIS,
BOWEN &
FRIEDEL, INC.
STORAGE SITE PLAN

Exhibit 5

USDA Soil Survey of Sussex County

Soil Map—Sussex County, Delaware (USDA Soil Survey)



Map Scale: 1:2,280 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



MAP LEGEND

Area of Interest (AOI)	Area of Interest (AOI)	Soil Map Unit Polygons	Soil Map Unit Lines	Soil Map Unit Points	Special Point Features	Water Features	Streams and Canals	Transportation	Rails	Interstate Highways	US Routes	Major Roads	Local Roads	Background	Aerial Photography
Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils	Soils
Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)
Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)	Area of Interest (AOI)

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 22, Aug 26, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HmA	Hammonton loamy sand, 0 to 2 percent slopes	0.3	2.4%
HuA	Hurlock loamy sand, 0 to 2 percent slopes	3.0	28.6%
MuA	Mullica-Berryland complex, 0 to 2 percent slopes	7.2	68.9%
Totals for Area of Interest		10.4	100.0%

Exhibit 6

**U.S. Fish & Wildlife Service
National Wetland Inventory Map**



National Wetlands Inventory

Gray Property



This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

May 5, 2022

Wetlands

- | Wetland Type | Wetland Type | Wetland Type | Wetland Type | Wetland Type | Wetland Type |
|--------------------------------|------------------------------|-----------------------------------|--------------|-----------------|--------------|
| Estuarine and Marine Deepwater | Estuarine and Marine Wetland | Freshwater Forested/Shrub Wetland | Other | Freshwater Pond | Riverine |

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

Exhibit 7

**U.S. Fish & Wildlife Service
Species List
May 5, 2021**



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127



<http://www.fws.gov/chesapeakebay/>
<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

May 05, 2022

In Reply Refer To:

Project Code: 2022-0039791

Project Name: Gray Property - Proposed Commercial Development

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
(410) 573-4599

Project Summary

Project Code: 2022-0039791

Event Code: None

Project Name: Gray Property - Proposed Commercial Development

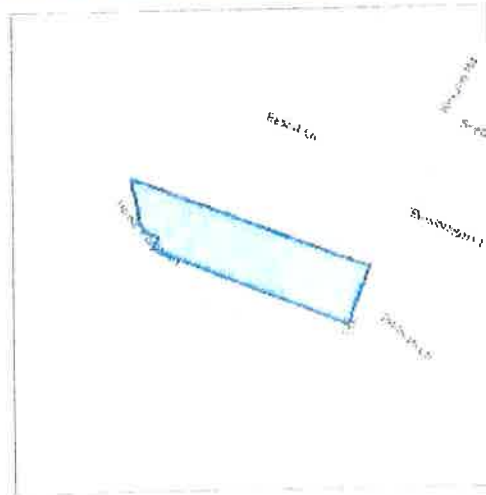
Project Type: Commercial Development

Project Description: The owners plan to develop the site with commercial uses. the current site is a open upland agricultural field.

Project Location:

Approximate location of the project can be viewed in Google Maps: [https://](https://www.google.com/maps/@38.51846825,-75.15282347525441,14z)

www.google.com/maps/@38.51846825,-75.15282347525441,14z



Counties: Sussex County, Delaware

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Insects

NAME

STATUS

Monarch Butterfly *Danaus plexippus*

Candidate

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

- The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: <https://www.fws.gov/savethemonarch/FAQ-Section7.html>).

Species profile: <https://ecos.fws.gov/ecp/species/9743>

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPaC User Contact Information

Agency: Environmental Resources Inc.
Name: Edward Launay
Address: PO Box 169
City: Selbyville
State: DE
Zip: 19975
Email: elaunay@ericonsultants.com
Phone: 3024369637

Exhibit 8

Photographs



Photo 1
View southeast toward Roxanna Road
Showing plowed field &
Horse Play Way



Photo 2 View northwest toward Roxanna Road
Showing soil boring
(Note yellow brown soil color)
not a hydric soil



Photo 3 View east from back of
property of field & Horse Play Way



Photo 4 Photo of Existing Commercial
Use & Warehouse Crosswinds Holdings
opposite project site (TM 135-15-134.01)



Photo 5 TAX Ditch Culvert
under Horse Play way

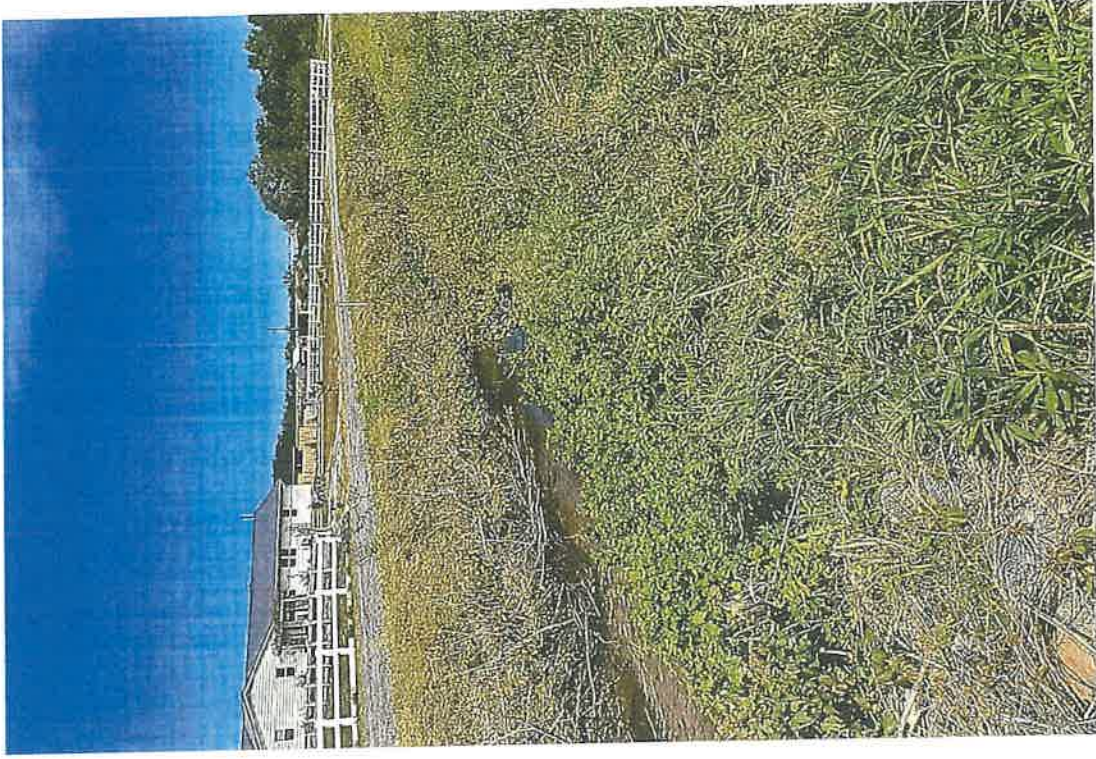


Photo 6 View north along
Beaver Dam Canal TAX Ditch

G

11203

BK: 4863 PG: 221

Tax Map and Parcel #: 1-34-15.00-20.06

PREPARED BY:
TOMASETTI LAW LLC
1100 Coastal Hwy., Unit 3
Fenwick Island, DE 19944
File No. 518-89/KR

RETURN TO:
RONALD E. GRAY
M. CANDICE L. GRAY
37176 Sunset Cove
Selbyville, DE 19975

Consideration: 265,000.00

County	3,975.00
State	6,625.00
Town	Total 10,600.00
Received: Maria T Apr 02, 2018	

THIS DEED, made this 28th day of March, 2018,

- BETWEEN -

ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, of 33099 Omar Road, Frankford, DE 19945, parties of the first part,

- AND -

RONALD E. GRAY and M. CANDICE L. GRAY, husband and wife, of 37176 Sunset Cove, Selbyville, DE 19975, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **Two Hundred Sixty-Five Thousand and 00/100 Dollars (\$265,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware, as **TENANTS BY THE ENTIRETY** :

ALL that certain lot, piece or parcel of land situate, lying and being on the Northwestern side of Route 17, Baltimore Hundred, Sussex County, Delaware, more particularly described as follows: Being: PARCEL "A", on a plot entitled "SUBDIVISION OF LANDS OF BONARD B. TIMMONS, JR.", dated April 23, 1987, prepared by McCann,

BK: 4863 PG: 222

Inc., a copy of said plot is of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 37, Page 19. Said parcel containing 10.05 acres of land, more or less.

BEING the same lands as conveyed unto Alexander Pszczola, III and Shelly Hocker Pszczola, husband and wife, by Deed of Gerald Hocker and Emily Hocker, husband and wife, dated December 18, 2013 and filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 4210, Page 302.

Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated January 4, 2007 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 1, Page 196.

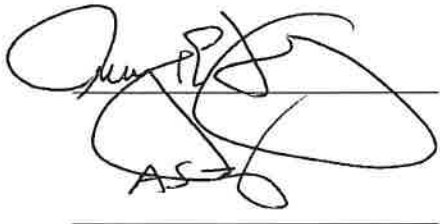
Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated March 12, 2009 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 6, Page 97.

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.

BK: 4863 PG: 223

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:



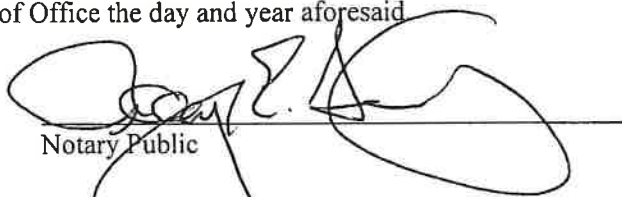
 (SEAL)
ALEXANDER PSZCZOLA, III

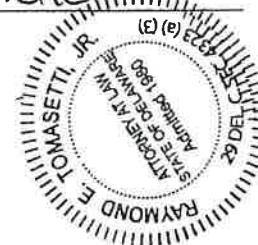
 (SEAL)
SHELLY HOCKER PSZCZOLA

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on March 28, 2018, personally came before me, the subscriber, ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, 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
My Commission Expires: none



RECEIVED
APR 02, 2018
ASSESSMENT DIVISION
OF SUSSEX COUNTY

Recorder of Deeds
Scott Dailey
Apr 02, 2018 12:14P
Sussex County
Doc. Surcharge Paid

H

PROPOSED FINDINGS OF FACT AND CONDITIONS

The record presented in C/U No. 2293, the application of Ronald E. and M. Candice Gray (hereinafter "the Grays"), supports an Ordinance to grant a conditional use of land in an AR-1 Agricultural Residential District ("AR-1") for purposes of operating 94,800 square feet of enclosed storage space to be located in 40 buildings containing 703 storage units and outdoor storage for boats, boat trailers and RV's during the build-out, and continuing after the build-out in limited areas, on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville, consisting of 8.424 acres, more or less. The subject property is designated by Sussex County Tax Mapping as District 1-34, Map 15.00, Parcel 20.06 ("Subject Property"). In support of its recommendation for approval, the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions, based upon the record:

1. The application of the Grays seeks an Ordinance to grant a conditional use of land in an AR-1 District for purposes of operating 94,800 square feet of enclosed storage space to be located in 40 buildings containing 703 storage units and outdoor storage for boats, boat trailers and RV's during the build-out, and continuing after the build-out in limited areas
2. The Subject Property consists of approximately 8.424 acres and is designated by Sussex County Tax Mapping as District 1-34, Map 15.00, Parcel 20.06.
3. The Subject Property is located on Roxana Road outside of Selbyville.
4. The proposed use of the Subject Property is compatible and consistent with neighboring uses along Roxana Road, including, but not limited to, Hocker's Super

Center, Car Wash, Bob's Marine Services, Inc., That Fireplace Store, Fishy Business, Millville By The Sea Christopher Companies, Garth Enterprises, Mercantile Processing, Inc., Beebe Healthcare's South Coastal Emergency Department, Apartment complex next to Beebe Healthcare's South Coastal Emergency Department with final approval scheduled for this month and construction to begin shortly thereafter, Grant Massey Studio, Subject Property, Kitchen & Cabinet Corner and car storage operation on Wild Goose Lane a/k/a Horse Play Way, Our Lady Guadalupe Mission Church and Blackwater Fellowship Church.

5. The proposed use is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area.

6. The proposed use will have no adverse or detrimental impact on neighboring areas or uses. The boundary between the Subject Property and that of its neighbor, William and Anne Parler, owners of SCTM 134-15.00-20.07, contains mature trees, which will serve as a natural buffer and screening from the proposed use on the Subject Property, and a swale. The Applicants have committed to maintaining the trees within its property boundary and will fill any gaps to provide a continuous buffer and reduce any potential impact of the proposed use on the neighboring property.

7. The proposed use will have no significant impact upon traffic in the area. DelDOT did not require a traffic impact study.

8. In the prior withdrawn application for land use changes by the Applicants, the opposition focused upon the prior Investment classification Level 4 under the Office of State Planning ("OSP") Strategies for State Policies and Spending, submitting that Sussex County should follow the Office of State Planning Strategy. The OSP changed

Route 17 to Investment Levels 2 and 3 and that reclassification significantly supports the current application.

9. The Office of State Planning has no objection to the development of the Subject Property, provided that it meets the codes and criteria of Sussex County.

10. Davis, Bowen & Friedel, Inc. addressed each concern, if any, of the Plus review 2021-09-22.

11. Under the NRCS Soils Map (“the Soils Map”), the soil designations of the site are of three types, HmA (B), HuA (A/D) and MuA (A/D). The Soils Map classifies the soils from A, being the best drained in its natural state, to D, being the worst drained in its natural state. This is not a limitation by the Code. Based upon the soil analysis provided by Edward M. Launay of Environmental Resources, Inc., the soils are well drained, which report provides a more site-specific analysis of the soil types and drainage capability.

12. The Subject Property is located in a Coastal Area as established by the Sussex County Comprehensive Plan, dated March 2019 (“The Sussex Plan”). The Coastal Area is a growth area according to The Sussex Plan. The proposed use meets the purposes and goals of The Sussex Plan in that it follows recommended allowed uses in the Coastal Area.

13. Historically, before and after adoption of the Sussex County Zoning Ordinance, the Subject Property has been rented farm lands.

14. The proposed use complies with the Sussex County Zoning Code (the “Code”). The Property is located in the AR-1 District under the Code. The proposed storage use is a permitted conditional use under the Code.

15. Proposed Conditions:

a) Any security lights or other lighting shall be directed toward the interior of the Subject Property and shall be downward illumination so that they do not shine on any neighboring properties or roadways;

b)¹ There shall not be any storage of welding, flammable, explosive or other inherently dangerous materials.

c)¹ There shall not be any waste committed or allowed to be committed upon the Subject Property or in a building.

d) The perimeter of the storage area shall be fenced and gated.

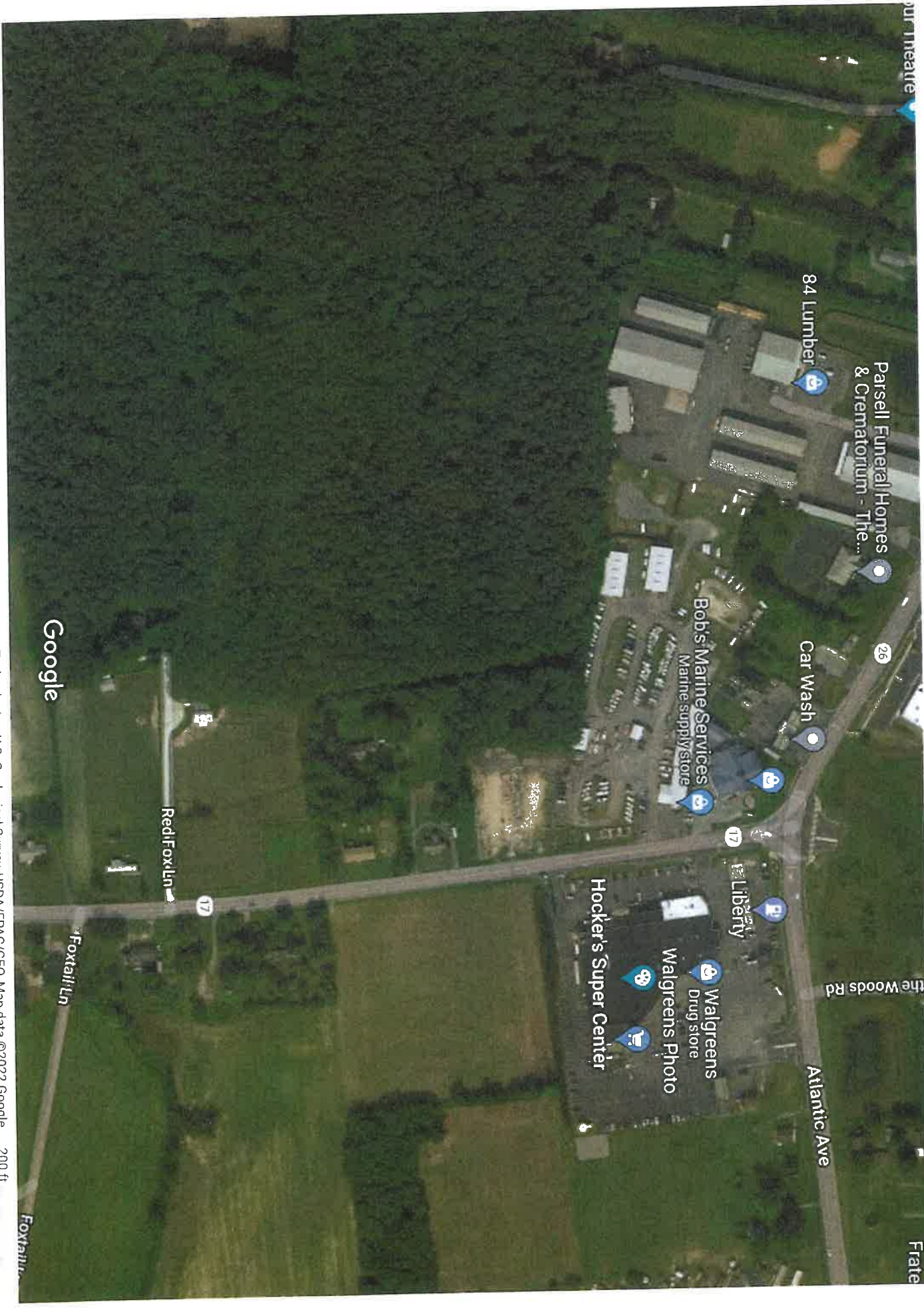
e) The hours of operation will be 6:00 am – 10:00 pm, with earlier access allowed on a case-by-case basis as determined by the operator.

f) The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

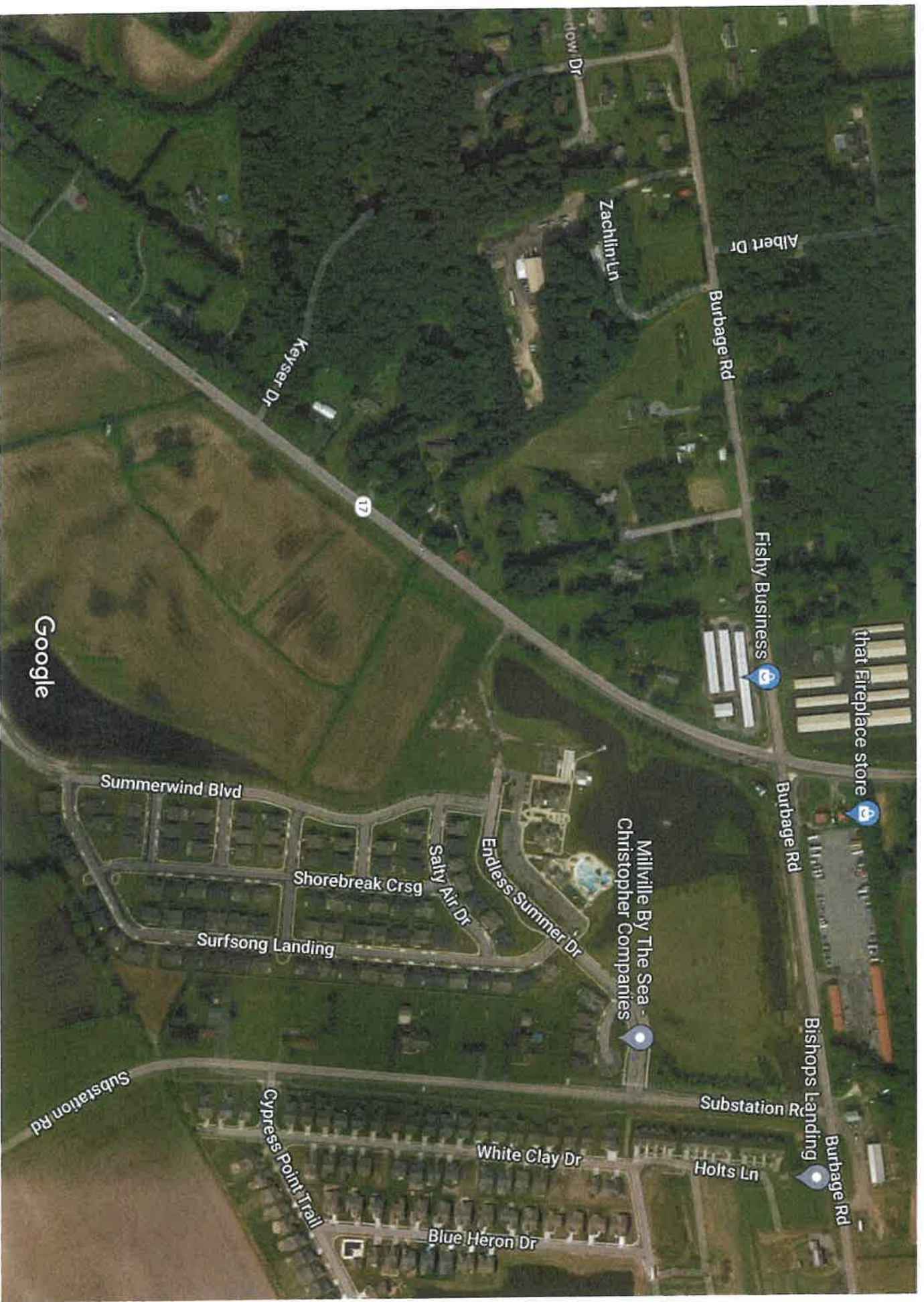
Based upon the record and the above findings, the Planning and Zoning Commission recommends that the County Council approve the proposed conditional use as it is in accordance with the Sussex County Comprehensive Plan and is for the purpose of promoting the health, safety, moral, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County.

¹ To be included in the lease form used by Applicant for leased storage units.

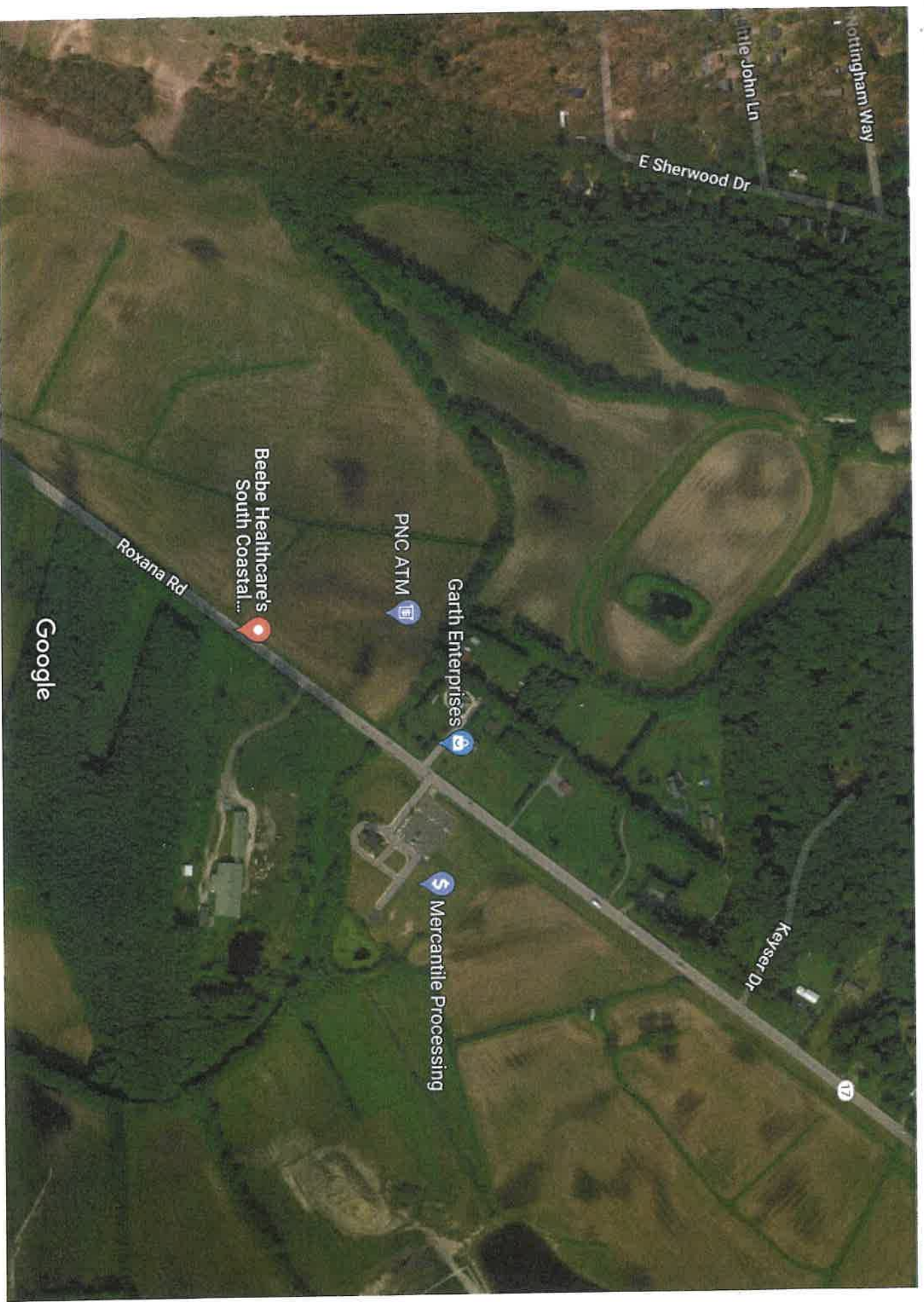
I

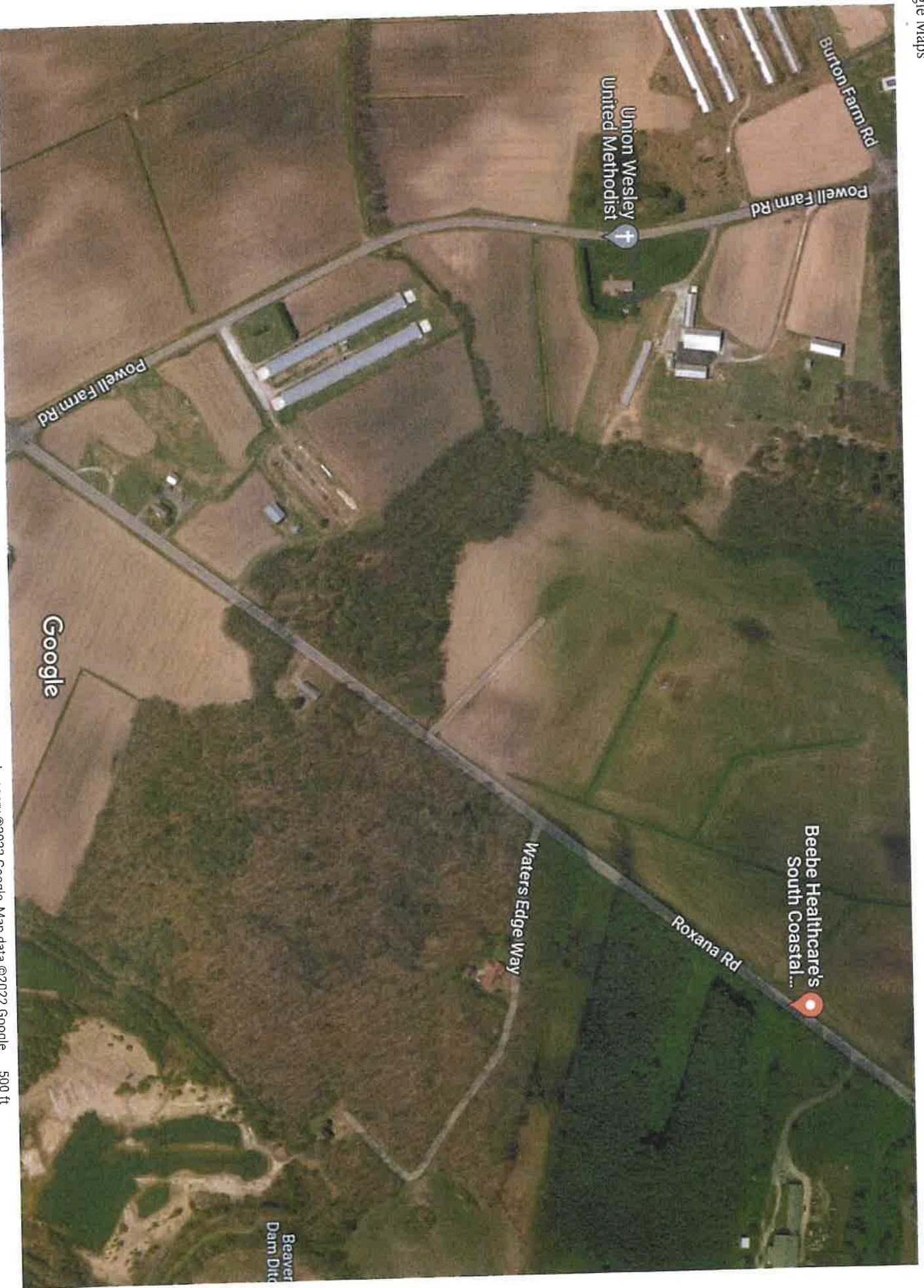


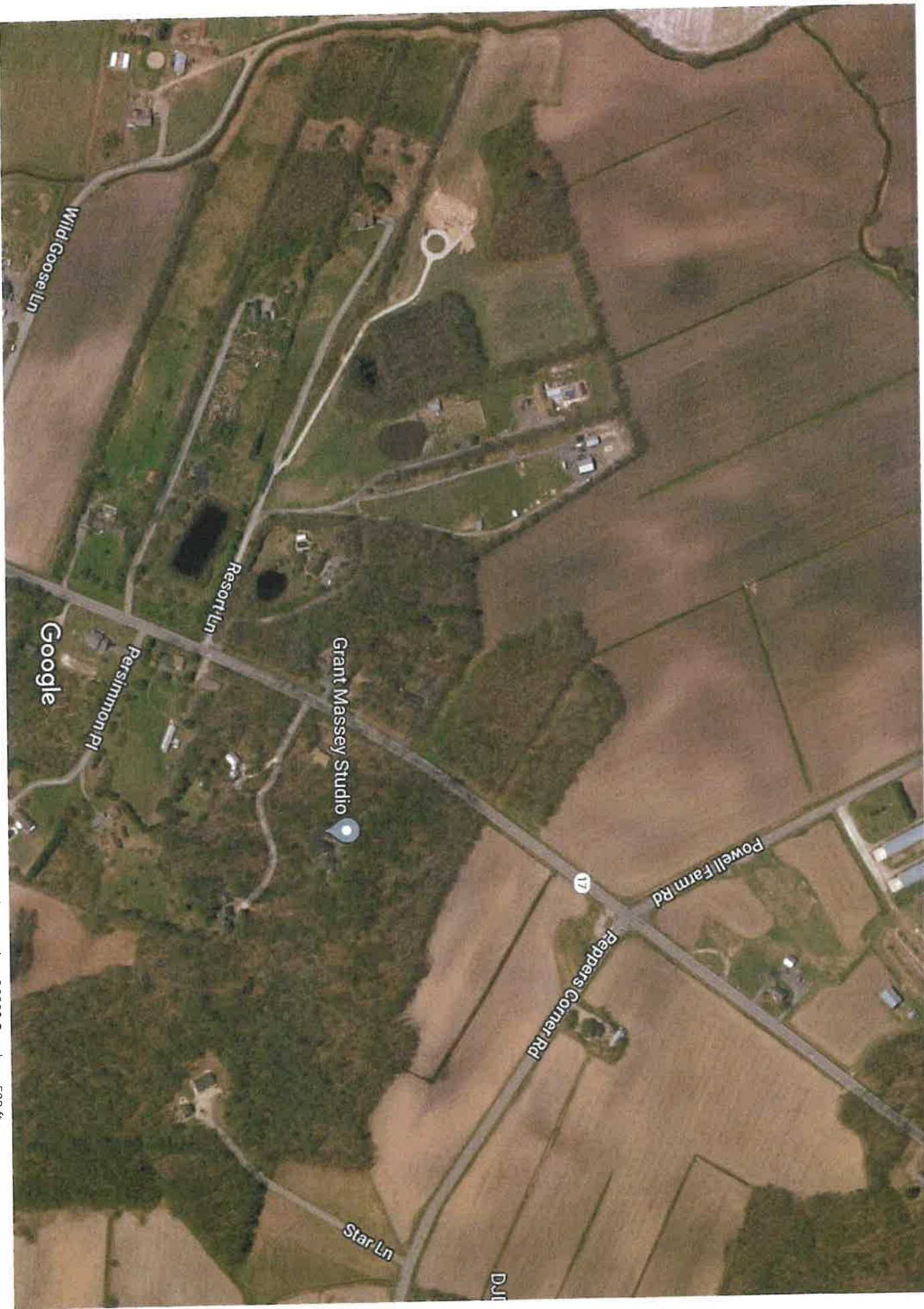




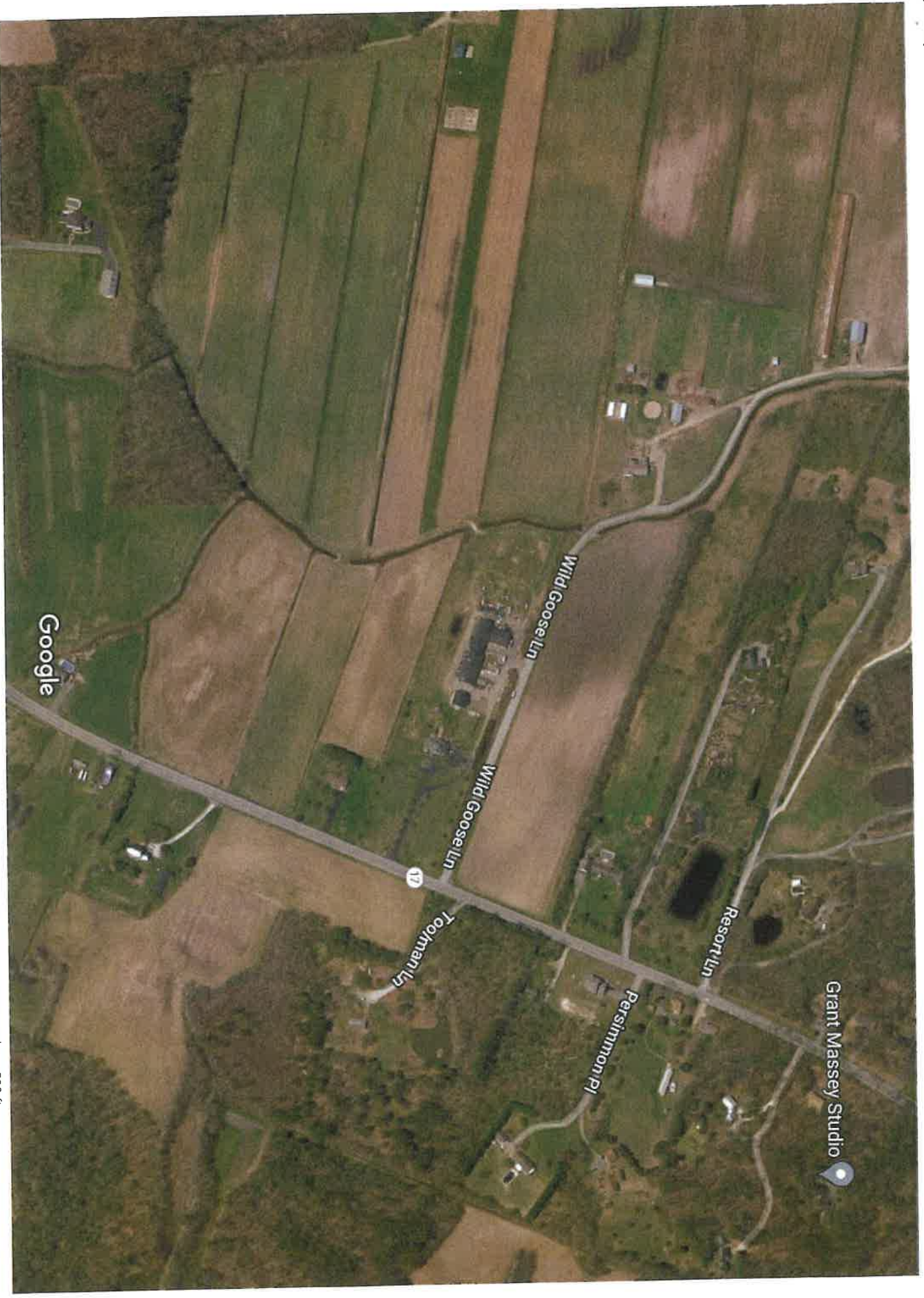
Google



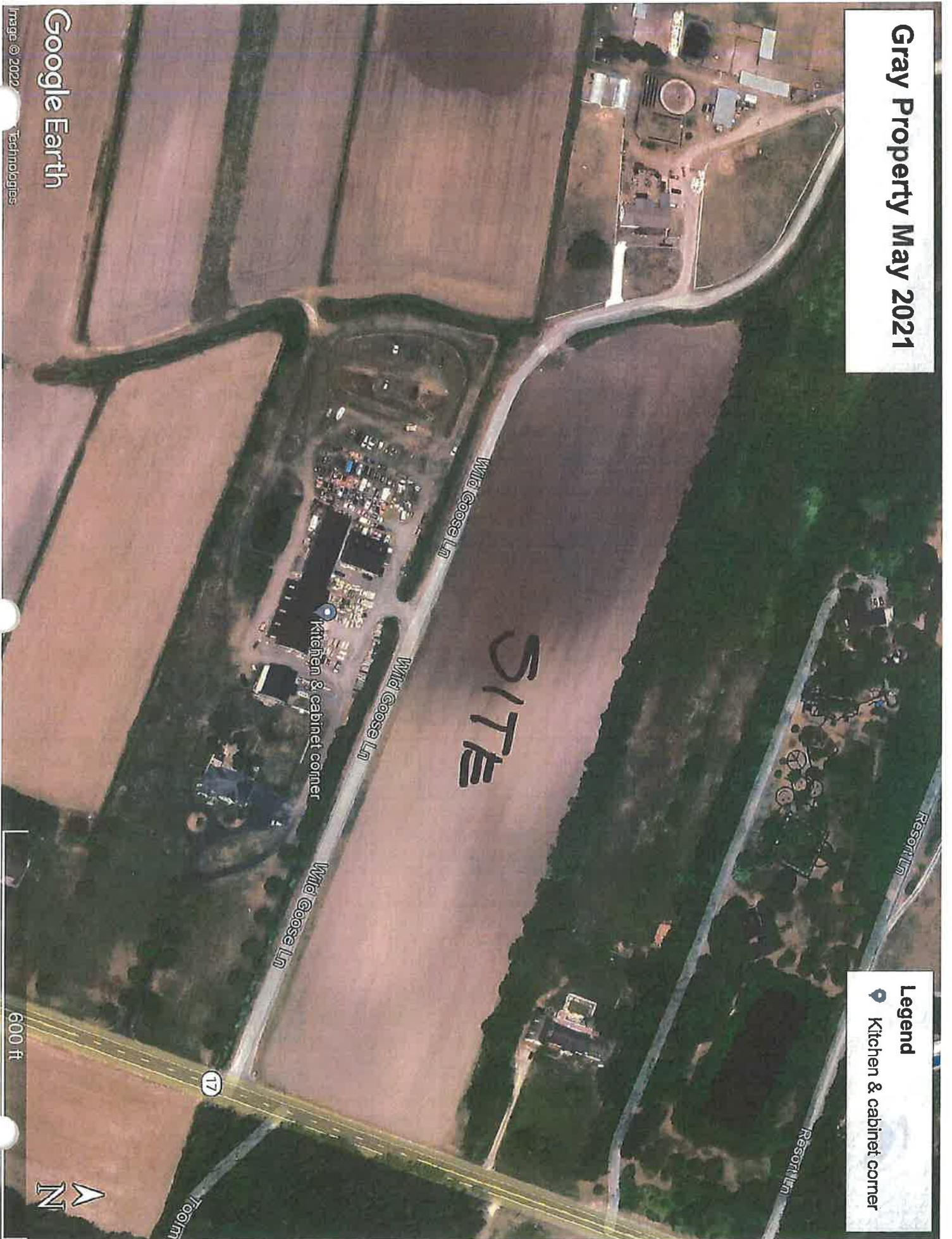




Imagery ©2022 Google, Map data ©2022 Google 500 ft



Gray Property May 2021

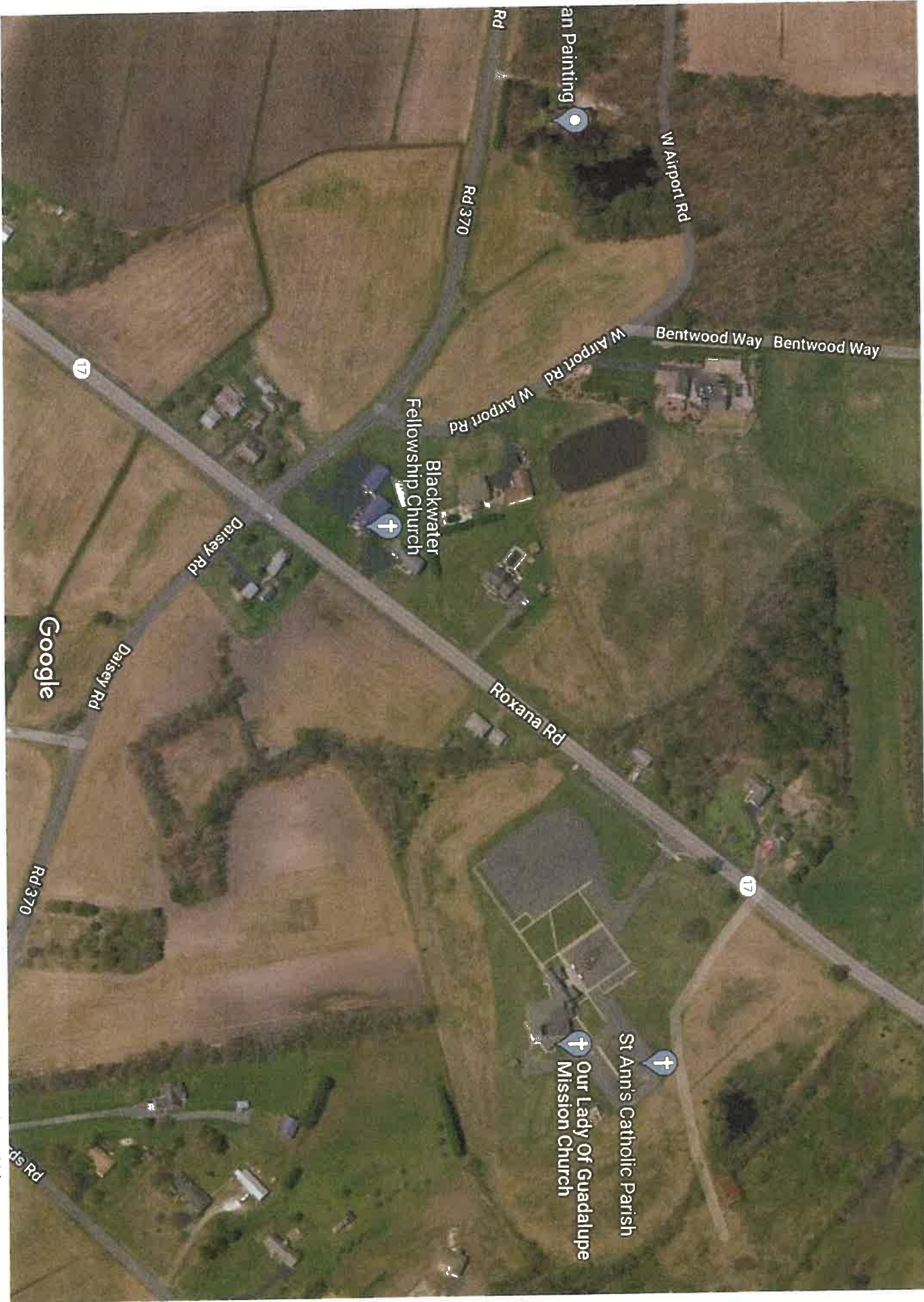


Legend

-  Kitchen & cabinet corner

Google Earth

Image © 2022, Technologies



Imagery ©2022 Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 Google 200 ft

J



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 22, 2021

Timothy M. Metzner
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2021-08-10; Roxana Road Storage

Dear Mr. Metzner:

Thank you for meeting with State agency planners on August 25, 2021 to discuss the proposed plans for the Roxana Road Storage project. According to the information received you are seeking review of a proposed site plan for a 94,800 square foot storage area on 8.42 acres along Roxana Road in Sussex County.

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

Strategies for State Policies and Spending

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

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.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Roxana Road (Delaware Route 17) 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 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.
- 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. From the PLUS application, the total daily trips are estimated at 275 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, Land Use Code 151, and square feet of gross floor area as a variable, DelDOT calculates 143 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 9 and 16, respectively. Therefore, a TIS is not warranted.

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. DelDOT anticipates requiring the developer to improve Roxana Road within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Roxana Road is a Major Collector Road. The standards for such roads include 12-foot lanes and 8-foot shoulders.

Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway. Thus, the projected frontage would be about 300 feet.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.

Further regarding the trip generation calculation, Land Use Code 151 assumes a small office area associated with the storage use. From DelDOT's perspective, if the rezoning

contemplated for Tax Parcel No. 134-15.00-20.12 is not approved, the subject storage use could proceed as per the plan provided with the conversion of part of one of the proposed buildings to an accessory office use.

- 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 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**" However, it appears that the existing right-of-way may meet this requirement.
- 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.**"
- 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 600 feet of the entrance on Route 17.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas DelDOT has discretion to not require installation of paths or sidewalks along the frontage on State-maintained roads. DelDOT does not anticipate requiring the developer to build a sidewalk or SUP along their frontage on Route 17.
- 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 17.
- 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>.

- 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.

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.
- 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.
- 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.

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/>

Hydrologic Soils Group

Hydrologic Soil Group A/D (poorly drained and very poorly drained) soils have been identified over most of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

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/>

Tax Ditches

The Main Prong of the Beaver Dam Canal Tax Ditch lies on the western edge of the site within the Beaver Dam Canal Tax Ditch Watershed. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax Ditch ROWs vary by channel size and location. The Main Prong of the Beaver Dam Canal Tax Ditch has an 80-foot to Top of Bank (TOB) ROW extending into the project boundary.

- If the site and/or stormwater management features are designed to discharge into the Main Prong of the Beaver Dam Canal Tax Ditch, located on the western edge of the project parcel, design must consider existing conditions versus design specifications. Please consult with the DNREC Drainage Program for As-Built design information if necessary.
- Proposed structures or construction lies within the existing Tax Ditch ROW. To reduce or change existing Tax Ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map.
- Contact the DNREC Drainage Program to discuss the on-site tax ditch ROW prior to the project application meeting with the appropriate plan review agency for construction stormwater management.
- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the tax ditch ROW.
- Existing tax ditches on the property must be surveyed and compared to tax ditch design specifications for effective function. The channel should be cleared or excavated prior to the construction of the project if needed.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>
Tax Ditch Mapper: de.gov/taxditchmap

Wastewater Disposal Systems – Small Systems

An expired elevated sand mound septic permit (permit #163810) exists for this site in the Small System Branch database.

- Contact the DNREC Groundwater Discharges Section to properly abandon these systems.
- The applicant must follow current regulations to apply for a small system permit. The On-Site Regulation are listed within Section 5 of the *Regulations Governing the Design, Installation and Operation of the On-site Wastewater Treatment and Disposal Systems* at: <http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/delaware-on-site-regulations-with-exhibits.pdf>
- A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions. A list of licensed Class D soil scientists can be found at the following website: <https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator-Licensees-Based-on-Licensed/6vjg-34rp>

Contact: DNREC Groundwater Discharges Section for proposed projects in Sussex County at (302) 856-4561.

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

Water Quality (Pollution Control Strategies)

This site lies within the Inland Bays 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/>

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known Archaeological Sites or known National Register listed or eligible properties on the parcel.
- There is low potential for prehistoric archaeological resources. There are no known archaeological sites on this parcel, nor are there any within a half-mile radius. This parcel is not near any water source and soils are poorly drained.
- There is low potential for historic archaeological resources. There are no properties shown on this parcel in historic topographic and aerial maps. The parcel has remained consistently agricultural field. Historic field scatter is possible.
- 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

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

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

Fire Protection Water Requirements:

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.

Fire Protection Features:

- For mini-storage buildings greater than 10,000 sq. ft. Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sq. ft. or less
- 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

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 Roxana Road 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.

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
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Department of Agriculture – Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Hudson's Heritage Expansion of the Hickman Farm's District S-17-03-085B Parcel 134-15.00-15). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

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

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

Recommendations/Additional Information

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 17.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that 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/>

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/>

Tax Ditches

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

Additional Sustainable Practices

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- 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/>).
- Incorporate trees into the landscaping plan to reduce the heat island effects from pavement.
- 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.

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

- 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.

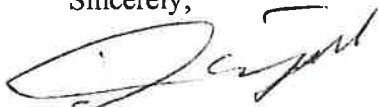
Department of Agriculture – Contact: Milton Melendez 698-4534

- The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested buffer between the proposed residential development and existing preserved properties. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between this new development and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program. This farm generates dust, noise and odors that new residents may not be familiar with.

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

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

Sincerely,

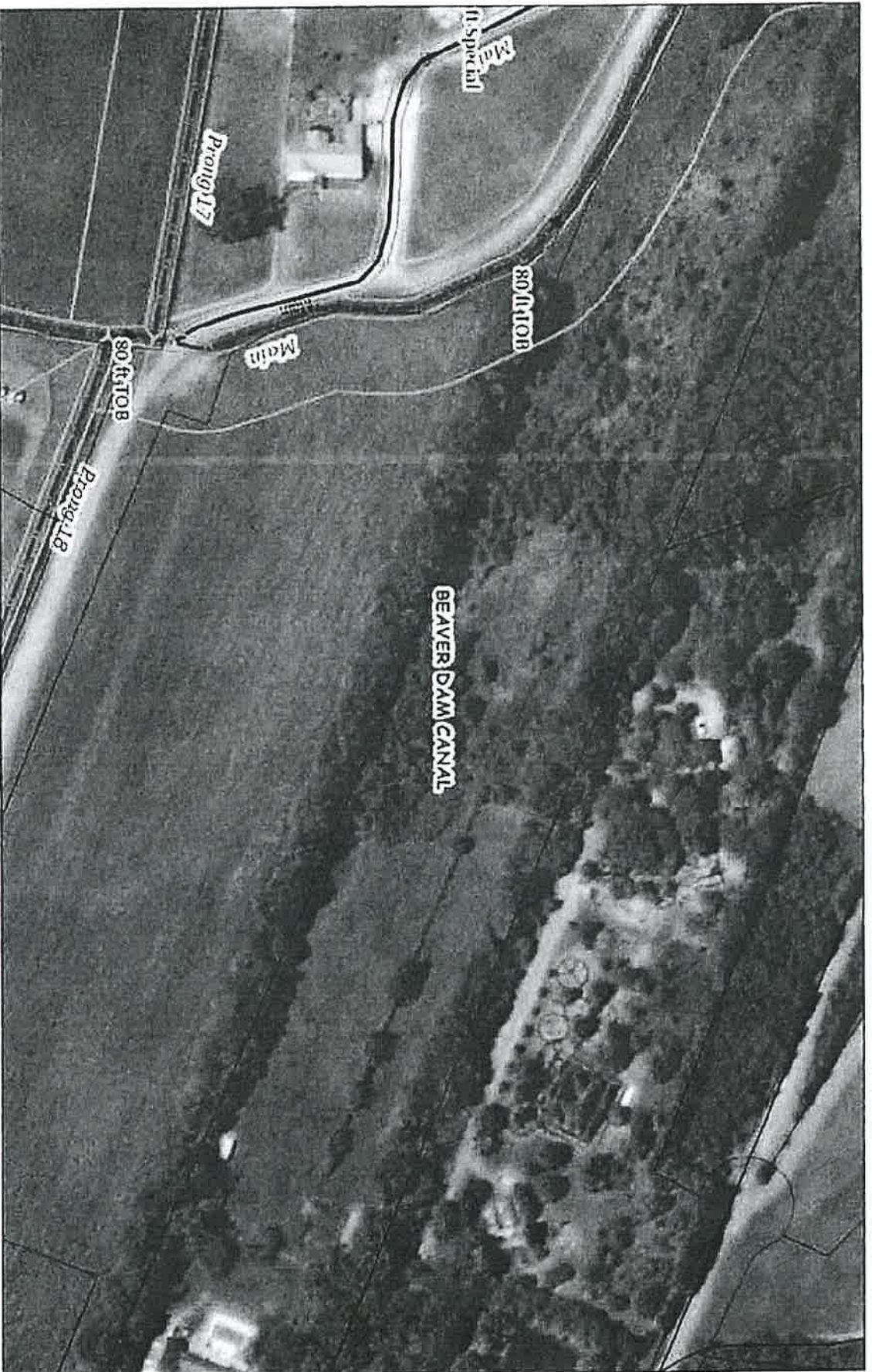


David Edgell, AICP
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

Attachments

PLUS 2021-08-10 Tax Ditch Map



8/31/2021 3:00:23 PM

- DE_Roadways, Main - CENTER LINE ☐ Approx. Watershed Boundary ☐ Spec. Access ROW
- DE_StateParcels - Sussex ☐ Tax Ditch Segments ☐ Municipalities
- Extent of Right-of-Way ☐ Tax Ditch Channel ☐ Communities



1:2,257



Division of Watershed Stewardship
Drainage Program
21309 Berlin Rd., Unit 6
Georgetown, DE 19947

Tax Ditch Land Development Project Review Request Form

Project Name: _____

Attach Site Plan of proposed request(s) and include all structures, easements, setbacks, etc. that make your proposal as requested necessary. Include and label existing tax ditch channel and rights-of-way for comparison.

Check out de.gov/taxditchmap to view tax ditch channels and rights-of-way from any web browser. To download the tax ditch GIS Feature Service layer to your own application, visit Delaware FirstMap. Don't forget to label all tax ditch features in all your plans!

Project Representative/Consultant Information:

Name(s): _____
Company: _____
Title(s): _____
Phone Number(s): _____
Email(s): _____

Owner(s) Contact Information:

Name: _____
Phone Number: _____
Email: _____

Authorized Signer(s) Contact Information (when applicable):

Name: _____
Title: _____
Phone Number: _____
Email: _____

For Internal Use Only

Date Received: _____
Tracking #: _____



Division of Watershed Stewardship
Drainage Program
21309 Berlin Rd., Unit 6
Georgetown, DE 19947

Property Information:

Tax Parcel(s) Affected: _____
Tax Ditch Organization(s) Affected: _____

Request(s) of / Proposed Impact(s) to Tax Ditch System (Check all that apply):

<input type="checkbox"/>	Outfall/Discharge into Tax Ditch Channel(s)
<input type="checkbox"/>	Pipe Crossing/Entrances in Tax Ditch Channel(s)
<input type="checkbox"/>	Relocate/Eliminate Tax Ditch Channel(s)
<input type="checkbox"/>	Reduce/Increase Tax Ditch Rights-of-Way
<input type="checkbox"/>	Change Tax Ditch Watershed Boundary
<input type="checkbox"/>	Alteration of Existing Tax Ditch Channel(s)
<input type="checkbox"/>	Utility Crossing in Tax Ditch Channel
<input type="checkbox"/>	Other Explain: _____

Based on the options selected above, additional information may be requested.

Please specify Tax Ditch Channel(s) affected, existing and requested tax ditch rights-of-way extents whenever applicable, using the space below. (REQUIRED)

Submit all forms to the DNREC Drainage Program
Via email: DNREC_drainage@delaware.gov
Subject Line: Tax Ditch- Land Development Request

For questions about this form please call the Tax Ditch Program at 302-855-1930.

For Internal Use Only

Date Received: _____
Tracking #: _____

October 15, 2021

Office of State Planning Coordination
122 Martin Luther King Jr, Blvd, Third Floor
Dover, DE 19901

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheelerton, AIA, LEED GA
Jason P. Lear, P.E.
King W. Lordnot, P.E.
Jamie L. Sechler, P.E.

Attn: Mr. David Edgell, AICP
Director

Re: **PLUS review 2021-09-22; Roxanna Road Storage**
Tax Parcel No: 1-34-15.00-20.06
DBF# 0003H001

Dear Mr. Edgell,

We are pleased to submit the following responses to the Office of State Planning Coordination's review letter dated September 22, 2021.

Strategies for State Policies and Spending

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

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.
Understood

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Roxana Road (Delaware Route 17) 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>. We will design the site access 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.

A Pre-Submittal Meeting will be requested in the near future.

- 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 will submit the Initial Stage Fee with the record plan, and the Construction Stage Fee with the construction plans when they are submitted.

- 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 275 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, Land Use Code 151, and square feet of gross floor area as a variable, DelDOT calculates 143 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 9 and 16, respectively. Therefore, a TIS is not warranted.

We concur that a Traffic Impact Study is not warranted.

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. DelDOT anticipates requiring the developer to improve Roxana Road within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Roxana Road is a Major Collector Road. The standards for such roads include 12-foot lanes and 8-foot shoulders.

We acknowledge the improvement requirements for DE Route 17 within the frontage limits.

Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway. Thus, the projected frontage would be about 300 feet.

We concur that the projected frontage shall be about 300 feet.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.

Understood

Further regarding the trip generation calculation, Land Use Code 151 assumes a small office area associated with the storage use, From DelDOT's perspective, If the rezoning contemplated for Tax Parcel No. 134-15.00-20.12 is not approved, the subject storage use could proceed as per the plan provided with the conversion of par of one of the proposed buildings to an accessory office use.

Understood.

- 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 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**" However, it appears that the existing right-of-way may meet this requirement. We acknowledge the ROW required along the frontage of DE Route 17.
- 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.**" We acknowledge a 15' easement is required along the frontage on DE Route 17.
- 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.
We acknowledge a Traffic Generation Diagram is required.
 - Depiction of all existing entrances within 600 feet of the entrance on Route 17. All existing entrances within 600 feet of our proposed entrance will be shown on the plan.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
We acknowledge notes of any off-site improvements, agreements, and contributions will be required.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas DelDOT has discretion to not require installation of paths or sidewalks along the frontage on State-maintained roads. DelDOT does not anticipate requiring the developer to build a sidewalk or SUP along their frontage on Route 17.
Understood. We also acknowledge the requirements for Shared Use Paths and sidewalks.
- 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 17.
We acknowledge the setback requirement of stormwater treatment methods.
- 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>.
We will provide an auxiliary Lane Worksheet

- 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.
We will show all existing utilities on the plan.

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*.

We acknowledge that the project will be subjected 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.
Understood. Sussex Conservation District will be contacted for review for the Sediment and Stormwater Plan.
- 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.
We acknowledge to submit a Construction General Permit via electronically with the fee.
- 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.
Understood. We acknowledge to submit a Stormwater Assessment Study with the submittal.

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/>

Hydrologic Soils Group

Hydrologic Soil Group A/D (poorly drained and very poorly drained) soils have been identified over most of the site. These soil types are typically not conducive to utilizing infiltration

stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.
We acknowledge that any stormwater that proposed the use of infiltration shall require a soils investigation.

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/>

Tax Ditches

The Main Prong of the Beaver Dam Canal Tax Ditch lies on the western edge of the site within the Beaver Dam Canal Tax Ditch Watershed. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax Ditch ROWs vary by channel size and location. The Main Prong of the Beaver Dam Canal Tax Ditch has an 80-foot to Top of Bank (TOB) ROW extending into the project boundary.

- If the site and/or stormwater management features are designed to discharge into the Main Prong of the Beaver Dam Canal Tax Ditch, located on the western edge of the project parcel, design must consider existing conditions versus design specifications. Please consult with the DNREC Drainage Program for As-Built design information if necessary.
Understood.
- Proposed structures or construction lies within the existing Tax Ditch ROW. To reduce or change existing Tax Ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map.
Understood. We also acknowledge a Court Order Change is required to be submitted by DNREC.
- Contact the DNREC Drainage Program to discuss the on-site tax ditch ROW prior to the project application meeting with the appropriate plan review agency for construction stormwater management.
Understood. DNREC Drainage Program will be contacted prior to a project application meeting.
- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the tax ditch ROW.
Understood.

- Existing tax ditches on the property must be surveyed and compared to tax ditch design specifications for effective function. The channel should be cleared or excavated prior to the construction of the project if needed.
Understood.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.
Understood. We also acknowledge that all precautions should be taken to avoid off-site drainage problems.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

Wastewater Disposal Systems – Small Systems

An expired elevated sand mound septic permit (permit #163810) exists for this site in the Small System Branch database.

- Contact the DNREC Groundwater Discharges Section to properly abandon these systems.
Understood. DNREC Groundwater Discharges Section will be contacted.
- The applicant must follow current regulations to apply for a small system permit. The On-Site Regulation are listed within Section 5 of the *Regulations Governing the Design, Installation and Operation of the On-site Wastewater Treatment and Disposal Systems* at: <http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/delaware-on-site-regulations-with-exhibits.pdf>
We acknowledge that a small system permit is required.
- A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions. A list of licensed Class D soil scientists can be found at the following website: <https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator-Licensees-Based-on-Licensed/6vjq-34rp>
We acknowledge that a site evaluation performed by a Delaware licensed Class D Soil Scientist is required.

Contact: DNREC Groundwater Discharges Section for proposed projects in Sussex County at (302) 856-4561.

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

Water Quality (Pollution Control Strategies)

This site lies within the Inland Bays 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/>
Understood. Sussex Conservation District will be contacted to review plans on determining if stricter standards may apply.

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

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites or known National Register listed or eligible properties on the parcel.
We acknowledge that there are no known archaeological sites or known National Register listed or eligible properties on the parcel.
- There is low potential for prehistoric archaeological resources. There are no known archaeological sites on this parcel, nor are there any within a half-mile radius. This parcel is not near any water source and soils are poorly drained.
Understood. We also acknowledge that there is low potential for prehistoric archaeological resources on the parcel.
- There is low potential for historic archaeological resources. There are no properties shown on this parcel in historic topographic and aerial maps. The parcel has remained consistently agricultural field. Historic field scatter is possible.
Understood. We also acknowledge that there is low potential for historic archaeological resources.
- 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
We acknowledge the National Historic Preservation Act.

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

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

Fire Protection Water Requirements:

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.
We acknowledge the requirements of an individual on-site wells.

Fire Protection Features:

- For mini-storage buildings greater than 10,000 sq. ft Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sq. ft. or less
We acknowledge the requirements for fire barriers.
- 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
We acknowledge the requirements for fire lane markings.

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 Horse Play Road must be constructed so fire department apparatus may negotiate it.
Understood. We also acknowledge the need of accessibility to fire apparatus.
- 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.
We acknowledge that the fire department access shall be provided so that the fire apparatus will be able to locate within 100' 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.
Understood. We also acknowledge that if a dead-end road is more than 300 feet, a cul-de-sac or turn-around is required.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
We acknowledge that if traffic speed reduction measures are used, they must be in accordance to DTO 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.
We acknowledge that the local Fire Chief shall approve the use of gates into and out of the site.

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)
 - Provide Road Names, even for County Roads
- The above referenced notes will be provided on the plans.

Department of Agriculture – Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Hudson's Heritage Expansion of the Hickman Farm's District S-17-03-085B Parcel 134-15.00-15). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

We acknowledge the restrictions of the State's Agricultural Lands Preservation Program.

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

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

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

We acknowledge the regulations if wells are to be installed.

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

Recommendations/Additional Information

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 17.

We acknowledge the access requirements for a substation and/or wastewater facility.

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

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.
We acknowledge the need for runoff reduction techniques where site and soil condition permits.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.
We acknowledge the need for improving stormwater management by preserving 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/>

Tax Ditches

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
We acknowledge that existing ditches to be evaluated prior to construction.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
We acknowledge that environmental permits or exemptions may be required prior to clearing and/or excavating ditch channels.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>
Tax Ditch Mapper: de.gov/taxditchmap

Additional Sustainable Practices

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
We acknowledge the need for recycling dumpsters within the preliminary site design stage.
- 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/>).
We acknowledge the need for renewable energy infrastructure to reduce pollution.
- Incorporate trees into the landscaping plan to reduce the heat island effects from pavement.
We acknowledge the need to incorporate trees in the landscape plans to reduce heat island effects from the pavement.
- 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.
We acknowledge the need for energy efficient appliances to reduce pollution.
- 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.
We acknowledge the need for paint coatings low in Volatile Organic Compounds to protect air quality.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.
We acknowledge the need for reclaimed asphalt pavement to reduce heat island effects on paved surfaces.

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.
Understood.

Department of Agriculture – Contact: Milton Melendez 698-4534

The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested

buffer between the proposed residential development and existing preserved properties. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between this new development and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program. This farm generates dust, noise and odors that new residents may not be familiar with.

Understood.

Should you have any questions or need additional information, please call.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

A handwritten signature in black ink, appearing to read 'T Metzner', written in a cursive style.

Timothy M. Metzner, RLA, LEED AP ND
Associate

TMM
P:\1111\1111B001\submit\PLUS\2021-10-15 Comment Reponse\Storage Parcel\Response Letter.docx

cc: Sussex County Planning & Zoning

K



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

NICOLE MAJESKI
SECRETARY

May 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 **Ronald E. Gray and M. Candice Gray** proposed land use application, which we received on April 22, 2021. This application is for an approximately 8.42-acre parcel (Tax Parcels: 134-15.00-20.06). The subject land is located on the southwest corner of Horse Play Way and Roxana Road (Sussex Road 52) about 0.5 miles south of the intersection with Peppers Corner Road (Sussex Road 365). The subject land is currently zoned AR-1 (Agriculture Residential) and the applicant seeks a conditional use approval for operation of a 90,800 S.F. storage space with 703 units and outdoor storage space for boats, boat trailers and RV's.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volume along Roxana Road (State Route 52) from Daisy Road to Atlantic Avenue, is 4,780 and 6,146 vehicles per day, respectively.

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

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
May 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:aff

cc: Ronald E. Gray and M. Candice Gray, 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 Furmato, Project Engineer, Development Coordination

L

a







b









c







D







M

Ron Gray Narrative 5/10/22

This is the second time I have brought this project to Planning and Zoning. I initially proposed a complete rezoning of a single ten-acre parcel but with the same proposed usage as I am now proposing in two portions; a 1.5-acre parcel proposed for office buildings and 8.5 acres for storage buildings and boat and RV storage. There were several concerns raised at the County Council hearing that caused me to want to pull the complete rezoning request and take the current approach. The conditional use of the storage parcel assures everyone that this portion of the property will only be used for storage. There has become an increased demand for storage units throughout our area from Fenwick Island to Millsboro in the last 2 years. This project will serve that need. It will not bring new people to our area but will allow those that are nearby to have a convenient place to store their things. I think it is somewhat a result of the new homes being built in our area that don't have the same storage capacity as homes people sold to move to our area. There was a lot of discussion about visibility of the storage area from neighboring properties. So, I have included pictures looking north toward the Parlor property. There is a 30 to 40-foot-tall line of trees along this property that we plan to keep that substantially limits our ability to see the house and buildings behind them and these pictures were taken in the springtime before the trees have leaves. The view to the west is a farmhouse and buildings that we will plan to buffer with landscaping. There is a commercial area to the south that you may wish to have landscaped as well especially closer to Route 17. The area across Route 17 is already wooded and I will show you some pictures of another project I jointly own in Millsboro to see how that would look in the future depending on your approvals of our plans. All lighting on the project would be down lighting and not spill over into adjacent parcels. The facility will be gated and accessible with individual codes assigned to those that have storage units. We have allowed access to our other storage facilities beginning at 6 am in the morning until 10 pm at night with exceptions allowed on a case-by-case basis. This has worked out well for our other facilities and we have had minimal complaints from neighbors there that live next door. We would plan to place cameras around the site and in buildings to ensure the security of all that are inside. The facility would have fencing around the perimeter for security reasons as well.

I have pictures of our Millsboro facility that show the access gate and how that facility looks from the outside. The proposed office buildings would limit one's view of the storage facility from Route 17 like the Millsboro project. I think the proposed office buildings will blend in well with other residential buildings and businesses that currently exist along route 17 toward route 26 and toward Roxana from this site.

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
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: May 12th, 2022

Application: CU 2294 Horsey Farm, LLC

Applicant: Horsey Farm, LLC
28107 Beaver Dam Branch Rd
Laurel, DE 19956

Owner: Horsey Farm, LLC
28107 Beaver Dam Branch Rd
Laurel, DE 19956

Site Location: The site is on the east side of Asbury Toad (S.C.R. 446), south of County Seat Highway (Rt. 9).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Agricultural Residential (AR-1)

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: District 1 - Vincent

School District: Seaford School District

Fire District: Georgetown Fire Company

Sewer: On-site septic systems

Water: On-site well

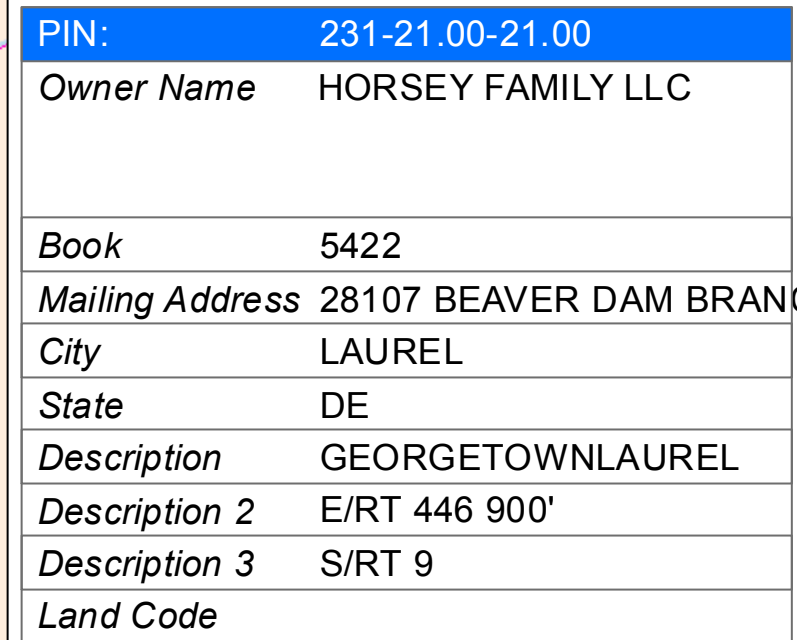
TID: Not Applicable

Site Area: 62.204 acres +/-

Tax Map ID: 231-21.00-21.00



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



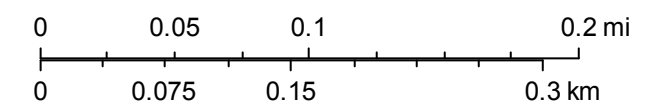
Override 1

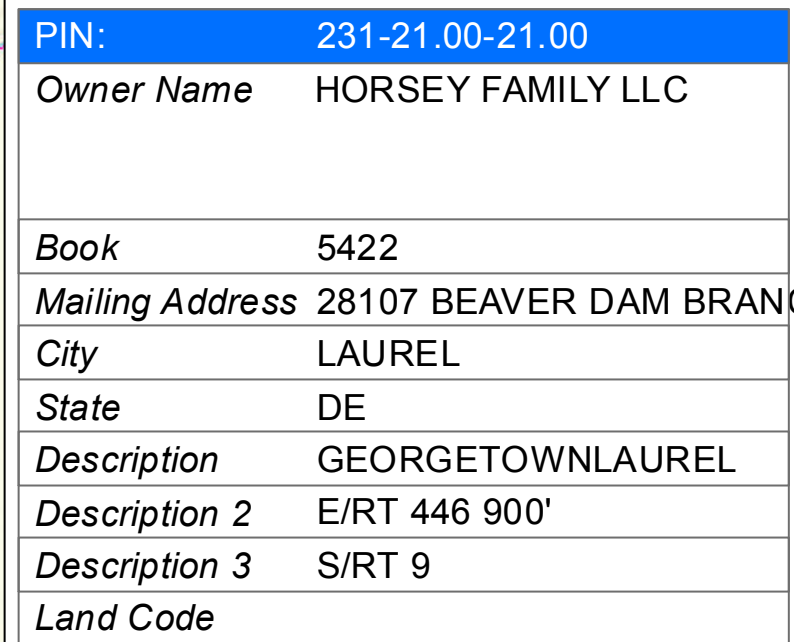
Override 1

— Streets

 County Boundaries

1:4,514





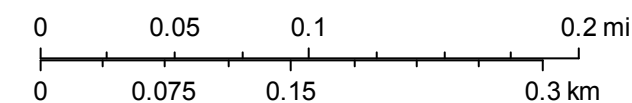
polygonLayer Override 1

polygonLayer Override 1

⋮ Tax Parcels

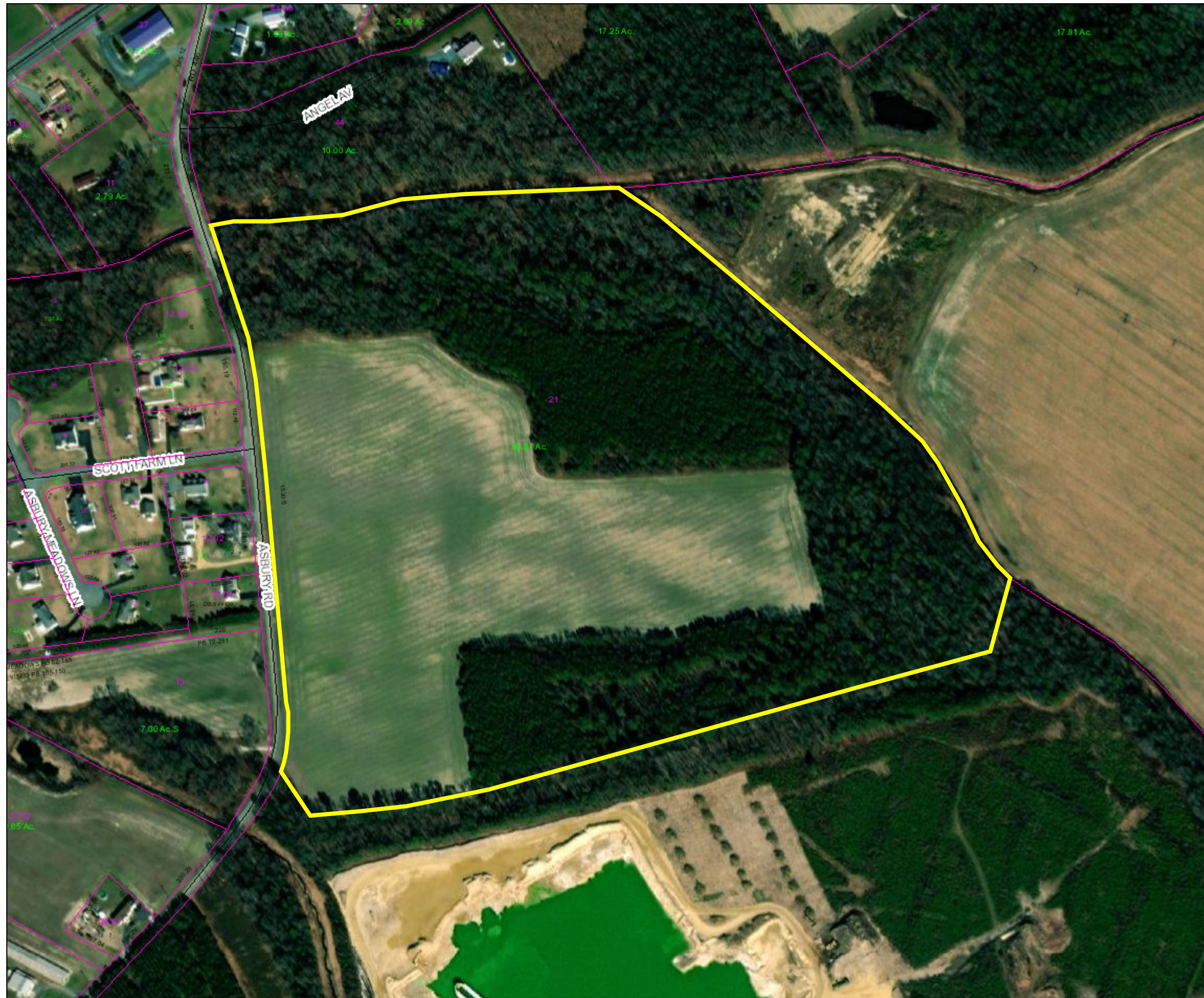
— Streets

1:4,514





Sussex County



PIN:	231-21.00-21.00
Owner Name	HORSEY FAMILY LLC
Book	5422
Mailing Address	28107 BEAVER DAM BRAN
City	LAUREL
State	DE
Description	GEORGETOWNLAUREL
Description 2	E/RT 446 900'
Description 3	S/RT 9
Land Code	

polygonLayer

Override 1

polygonLayer

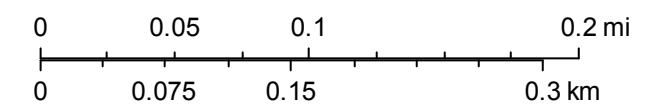
Override 1

- Tax Parcels

— Streets

 County Boundaries

1:4,514



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: Mx. Jesse Lindenberg, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: April 26, 2022
RE: Staff Analysis for CU 2294 Horsey Family, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2294 Horsey Family, LLC to be reviewed during the May 26th, 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 Parcel: 231-21.00-21.00 to amend Conditional Use No. 1741 (Ordinance No. 2021) to allow for the expansion of an existing borrow pit through the addition of 62.204+/- acres of land. The property is lying on east side of Asbury Road (S.C.R. 446), approximately 0.35 mile south of County Seat Highway (Rt. 9). The parcel consists of 62.204 acres +/-.

It should be noted that the previous Conditional Use (Conditional Use No. 1741) was filed on behalf of David G. Horsey & Sons, Inc. for a borrow pit excavation to be located on a 199.50 acre +/- parcel of land. The Conditional Use was approved by the Sussex County Council on Tuesday, December 16th, 2008, and the change was adopted through Ordinance No. 2021.

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 parcel has a designation of "Low Density." The parcels to the north, south, east, and west also have a Future Land Use Map designation of "Low Density."

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

The subject property is zoned Agricultural Residential (AR-1). All surrounding properties to the north, south, east, and west are also zoned Agricultural Residential (AR-1).

Since 2011, there has been one (1) Conditional Use application within a 1-mile radius of the application site. This application was Conditional Use No. 1952 Clinton & McCutchen to allow for



boat repair, storage, and sales to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, March 19, 2013, and this change was adopted through Ordinance No. 2296. Please see the attached excel spreadsheet for information regarding previous Conditional Use Applications prior to 2011.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for the amendment of Conditional Use No. 1741 (Ordinance No. 2021) for the expansion of an existing borrow pit through the addition of 62.204 +/- acres of land, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Conditional Use Number	Tax Parcel #	APPLICANT	911 Address or Road Name	Current Zoning
476	232-2.00-28.02	William P Layton	Layton Rd	AR-1
515	231-21.00-5.01	John & Hattie Wilkins	County Seat Hwy	AR-1
369	232-2.00-23.00	Ralph W Callaway	Messick Rd	AR-1
546	232-2.00-7.01	Charles T Workman & Brenda	Beaver Dam Rd	AR-1
373	232-2.00-7.01	Charles T Workman & Brenda	Messick Rd	AR-1
546	231-21.00-3.00	Independent Auto Sales	Concord Rd	AR-1
655	232-2.00-9.00	George Fensick	Rt 20	AR-1
1139	231-21.00-3.00	John W. Scott	Concord Rd	AR-1
1143	232-2.00-11.00	Shirley A. Sato	County Seat Hwy	AR-1
1271	232-2.00-6.00	The Horsey Family LLC	Beaver Dam Branch Rd	AR-1
1534	232-2.00-20.00	Kevin A. Davis	Beaver Dam Rd & Messick Rd	AR-1
1741	231-21.00-22.00	David G. Horsey & Sons, Inc.	Hardscrabble Rd.	AR-1
1952	232-2.00-21.00	Clinton & McCutchen	Messick Road (SCR. 473)	AR-1

Proposed Use	P&Z Initial Hearing Date	P&Z Decision	P&Z Decision Date	CC Initial Hearing Date
poultry house on less than 5-acres		N/A	N/A	N/A
sample home & sales office (Nanticoke Homes)		N/A	N/A	N/A
borrow pit		N/A	N/A	N/A
poultry house on less than 5-acres		N/A	N/A	N/A
Poultry Farm on Less than 5 Acres		N/A	N/A	N/A
Auto Sales Lot and Office		Recommended		
	9/10/1981	Approval	9/10/1981	9/29/1981
		Recommended		
antique shop	11/12/1981	Approval		12/1/1981
		Recommended		
automotive sales facility	11/16/1995	Approval	11/16/1995	12/5/1995
		Recommended		
tanning salon	1/25/1996	Approval	1/25/1996	2/13/1996
		Recommended		
borrow pit	2/11/1999	Approval	3/25/1999	3/9/1999
		Recommended		
auto body repair	4/29/2004	Approval	4/29/2004	5/18/2004
		Recommended		
Borrow Pit	5/8/2008	Approval	5/8/2008	6/3/2008
		Recommended		
Boat repair, boat storage and boat sales	1/10/2013	Approval	2/28/2013	3/19/2013

CC Decision Date	CC Decision	Ordinance Number	parcel id 2
	Approved		
	Approved		
	Approved		
	Approved		
8/31/1976	Approved		
9/29/1981	Approved		
	Approved		
12/5/1995	Denied		231-21.00-3.01
2/13/1996	Approved	1077	
5/25/1999	Approved	1310	232-2.00-8.00
5/18/2004	Approved	1690	
12/16/2008	Approved	2021	
3/19/2013	Approved	2296	232-2.00-22.00

File #: CU 2294
202109613

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

RECEIVED

JUN 24 2021

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

Site Address of Conditional Use/Zoning Map Amendment

Asbury Road, Seaford, South of Route 9 and east of Hardscrabble Road

Type of Conditional Use Requested:

Extension of an existing borrow pit by adding 62.204+/- acres and modifying the conditions of CU 1741 (Ordinance No. 2021)(copy attached) for the existing borrow pit on an adjacent property.

Tax Map #: 231-21.00-21.00

Size of Parcel(s): 62.204+/-

Current Zoning: AR

Proposed Zoning: AR

Size of Building: _____

Land Use Classification: Agricultural

Water Provider: None

Sewer Provider: None

Applicant Information

Applicant Name: Horsey Family, LLC

Applicant Address: 28107 Beaver Dam Branch Road

City: Laurel

State: DE

Zip Code: 19956

Phone #: (302) 875-3033

E-mail: rcklefsk@aol.com

Owner Information

Owner Name: Horsey Family, LLC

Owner Address: 28107 Beaver Dam Branch Road

City: Laurel

State: DE

Zip Code: 19956

Phone #: (302) 875-3033

E-mail: rcklefsk@aol.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Ring W. Lardner, c/o Davis, Bowen & Friedel, Inc.

Agent/Attorney/Engineer Address: 1 Park Ave

City: Milford

State: DE

Zip Code: 19963

Phone #: (302) 424-1441

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

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

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

Signature of Applicant/Agent/Attorney

[Signature]

Date: 6/22/2021

Signature of Owner

[Signature: Robert E. Hays]

Date: 6/20/2021

For office use only:

Date Submitted: 06/24/2021

Fee: \$500.00 Check #: 2947

Staff accepting application: Chase Phillips

Application & Case #: 202109013

Location of property: Asbury Road, S/Rt. 9 E/Hardscrabble

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



Mailing List Application Form

For Applications Requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application, a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: Asbury Road, Seaford, South of Route 9 and east of Hardscrabble Road

Parcel #: 2-31-21.00-21.00

Site Address: _____

Parcel #: _____

Applicant Name: Horsey Family, LLC

Owner Name: Horsey Family, LLC

Type of Application:

Conditional Use: ☒
Change of Zone: ☐
Subdivision: ☐
Board of Adjustment: ☐

Date Submitted: 6/23/21

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

Date letters mailed: _____

List created by: _____

Letters sent by: _____



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

NICOLE MAJESKI
SECRETARY

May 9, 2022

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Horsey Farm LLC** proposed land use application, which we received on April 12, 2022. This application is for an approximately 62.87-acre parcel (Tax Parcel: 231-21.00-21.00). The subject land is located on the southeast side of Asbury Road (Sussex Road 446) approximately 900 feet south of the intersection with County Seat Highway (US Route 9). The subject land is currently zoned AR-1 (Agriculture Residential), and the applicant seeks a conditional use approval to expand an existing borrow pit by adding 62.204 acres.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Asbury Road (Sussex Road 446), from County Seat Highway to Hardscrabble Road (State Route 20), is 737 vehicles per day.

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



Mr. Jamie Whitehouse

Page 2 of 2

May 9, 2022

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 Furmato, at Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



Claudy Joinville
Project Engineer
Development Coordination

CJ:afm

cc: Horsey Farm, LLC, Applicant
Jesse Lindenberg, Sussex County Planning & Zoning
David Edgell, Office of State Planning Coordination
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, County Coordinator, Development Coordination
Matthew Schlitter, South District Public Works Engineer
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Annamaria Furmato, 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: **4/28/2022**

APPLICATION: **CU 2294 Horsey Farm, LLC**

APPLICANT: **Horsey Farm, LLC**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **231-21.00-21.00**

LOCATION: **Lying on the east side of Asbury Road (SCR 446), south of
County Seat Highway (Rt. 9).**

NO. OF UNITS: **Expansion of CU 1741 for the expansion of a Borrow Pit.**

GROSS
ACREAGE: **62.204**

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

SEWER:

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (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
No Permit Tech Assigned

SHEET INDEX	
TITLE SHEET	PRE-01
PRELIMINARY PLAN	PRE-02

BORROW PIT EXPANSION

GEORGETOWN

NANTICOKE HUNDRED, SUSSEX COUNTY, DELAWARE

DBF # 0700A035

PRELIMINARY PLAN

JUNE, 2021

GENERAL NOTES:

- BOUNDARY INFORMATION, EXISTING UTILITIES, AND TOPOGRAPHICAL INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD RUN SURVEY PERFORMED BY DAVIS, BOWEN AND FRIEDEL, INC. (DBF) MARCH 22, 2021 AND INFORMATION FOUND AT THE RECORDER OF DEEDS OFFICE FOR SUSSEX COUNTY.
- THIS SITE IS IMPACTED BY THE 100-YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0450L DATED JUNE 20, 2018.
- THIS PLAN DOES NOT VERIFY THE LOCATION, EXISTENCE, OR NON-EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING THE SUBJECT PROPERTY AS NO TITLE SEARCH WAS PERFORMED OR PROVIDED.
- EXISTING UTILITIES ARE SHOWN ACCORDING TO THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THROUGH TEST PITTING, THE LOCATIONS, SIZE AND INVERT ELEVATIONS OF ALL UNDERGROUND UTILITIES AS REQUIRED TO GIVE TIMELY ADVANCE NOTICE TO ENGINEERS ANY CONFLICT BETWEEN EXISTING AND NEW WORK.
- THE CONTRACTOR SHALL NOTIFY MISS UTILITY (1-800-282-8555) AND SUSSEX COUNTY 48 HOURS PRIOR TO EXCAVATION TO HAVE UNDERGROUND UTILITIES MARKED. THE CONTRACTOR SHALL NOTIFY ALL UTILITY OWNERS PRIOR TO EXCAVATION.
- ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT, LATEST EDITION, AND ALL RULES AND REGULATIONS THERETO.
- PROPOSED PROJECT SITE WITHIN FLOOD ZONE X. INFORMATION OBTAINED FROM FEMA FIRM MAPS. MAP #10005C0450J DATED 1-6-2005.

CONDITIONAL USE #1741 CONDITIONS OF APPROVAL

- NO MATERIALS MAY BE BROUGHT FROM OFF THE SITE FOR PROCESSING, MIXING OR SIMILAR PURPOSES.
- THE OPERATION OF THE BORROW PIT SHALL BE CONTROLLED TO PROVIDE REASONABLE PROTECTION SURROUNDING PROPERTIES AS FOLLOWS:
 - A 200 FOOT VEGETATION/FORRESTED BUFFER SHALL BE MAINTAINED ALONG THAT PORTION OF THE SITE WHICH ABUTS THE STATE ROUTE 20 (HARDSCRABBLE ROAD) AND THE ROUTE 446 (ASBURY ROAD) RIGHTS-OF-WAY. EXISTING VEGETATION AND TREES WITHIN THE BUFFER AREA BETWEEN THE PROPERTY LINE AND THE PERIMETER DIKE SHALL REMAIN UNDISTURBED.
 - A 100 FOOT VEGETATION/FORRESTED BUFFER SHALL BE MAINTAINED ALONG ALL OTHER PERIMETER PROPERTY LINES WITHIN THE SITE. EXISTING VEGETATION BETWEEN THE PROPERTY LINES AND THE PERIMETER DIKE SHALL REMAIN UNDISTURBED.
 - A WATER TRUCK WILL BE AVAILABLE TO CONTROL DUST FROM INTERIOR TRUCKING TRAFFIC WHEN CONDITIONS REQUIRE.
- HOURS OF OPERATION OF TRUCKING ACTIVITIES SHALL BE FROM 6:00 A.M. TO 6:00 P.M., MONDAY THROUGH FRIDAY, AND 6:00 A.M. TO 2:00 P.M. ON SATURDAY. THERE SHALL BE NO TRUCKING ACTIVITIES ON SUNDAY.
- ENTRANCE IMPROVEMENTS REQUIRED BY THE DELAWARE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THIS LAND USE WILL BE COMPLETED BY THE APPLICANT.
- THE BORROW PIT ENTRANCE SHALL HAVE A FENCED GATE, WHICH SHALL BE SECURED WHEN THE OPERATION IS CLOSED.
- NO MATERIALS WILL BE STORED ON ANY ACCESS ROADS OR WITHIN ANY BUFFER AREAS.
- SIGNAGE WILL BE PLACED AT APPROPRIATE LOCATIONS TO DESIGNATE PIT AREAS.
- FUEL SHALL BE STORED IN STORAGE TANKS WITH CONFINEMENT AREAS AS REQUIRED BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) AND THE OFFICE OF THE STATE FIRE MARSHAL.
- NO STUMPS, BRANCHES, DEBRIS OR SIMILAR ITEMS WILL BE BURIED ON THE SITE.
- A FINAL SITE PLAN SHALL BE REVIEWED AND APPROVED BY THE PLANNING AND ZONING COMMISSION PRIOR TO COMMENCEMENT OF OPERATIONS.
- BEFORE ANY EXCAVATION OPERATIONS BEGIN, A COMPLETE ENVIRONMENTAL IMPACT STUDY AS DEFINED IN CONNECTION WITH ORDINANCE NO. 1310 WILL BE CONDUCTED AND PRESENTED WITH THE FINAL SITE PLAN.
- OWNER SHALL COMPLY WITH ALL STATE AND COUNTY EROSION AND SEDIMENT CONTROL REGULATIONS.
- OWNER SHALL BE RESPONSIBLE FOR MONITORING GROUND WATER QUALITY. SPECIFICALLY, OWNER SHALL INSTALL THREE WELLS, ONE ABOVE THE EXCAVATION, AND TWO BELOW THE EXCAVATION. MONITORING SHALL BE PERFORMED BY A LICENSED GEOLOGIST, AND THE RESULTS FILED ON AN ANNUAL BASIS WITH SUSSEX COUNTY AND THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC). OWNER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE WATER QUALITY MONITORING. OWNER SHALL ALSO BE RESPONSIBLE FOR THE COST OF CORRECTING ADVERSE IMPACTS ON WATER QUALITY WHICH MAY BE OCCASIONED BY THE EXCAVATION OPERATION. NECESSARY REMEDIATION SHALL BE DETERMINED BY SUSSEX COUNTY, WITH GUIDANCE FROM THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
- RECLAMATION PLANS SHALL INDICATE FINISHED GRADINGS, SEEDING, AND PLANTING SCHEDULES DESIGNED TO CREATE A PLEASING APPEARANCE. RECLAMATION WILL BE COMPLETED IN PHASES AS EXCAVATION OPERATIONS IN A SECTION ARE COMPLETED. APPLICANT WILL NOTIFY THE PLANNING AND ZONING DEPARTMENT IN WRITING ON OR ABOUT APRIL 1 ST OF EACH YEAR AS TO THE STATUS OF THE RECLAMATION AND RECLAMATION PLANS FOR THE FOLLOWING YEAR.
- THE 199.5 ACRE PARCEL SHALL BE DIVIDED INTO THREE (3) PHASES OF 45 ACRES EACH. PHASE TWO WILL NOT BE STARTED UNTIL 75% OF PHASE ONE IS COMPLETED. PHASE THREE WILL NOT BE STARTED UNTIL 75% OF PHASE TWO IS COMPLETED. THE EXCAVATED AREA SHALL NOT EXCEED 135 ACRES.
- THE DREDGE MAY OPERATE 24 HOURS PER DAY, BUT NO FRONT-END LOADERS, BACKHOES, OR OTHER CONSTRUCTION EQUIPMENT WITH SAFETY BUZZERS WILL OPERATE AFTER 10:00 P.M.
- EVERY FIVE (5) YEARS AFTER THE START OF DIGGING, THE PLANNING AND ZONING DEPARTMENT SHALL PERFORM AN INSPECTION OF THE SITE, AND SHALL REQUEST WRITTEN COMMENTS FROM ALL APPROPRIATE STATE AGENCIES SO THAT THE PLANNING AND ZONING COMMISSION CAN REVIEW THE COMMENTS TO VERIFY COMPLIANCE WITH ALL THEN-EXISTING REGULATIONS. AFTER TWENTY (20) YEARS, THE PROPERTY OWNER SHALL COMPLETE AND PAY FOR AN ENVIRONMENTAL IMPACT STUDY, AS THE PHASE IS DEFINED BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, OR ANY SUCCESSOR. UPON CERTIFICATION BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL OF THE OWNERS' COMPLIANCE WITH THEN-EXISTING REGULATIONS, THE PERMIT SHALL BE EXTENDED FOR AN ADDITIONAL TEN (10) YEARS. THE PERMIT SHALL TERMINATE UPON THE EXPIRATION OF FORTY (40) YEARS FROM THE DATE OF ENACTMENT.
- TRUCKING VEHICLES SHALL BE PROHIBITED FROM USING ROAD 446 (ASBURY ROAD). THE ENTRANCE TO THE BORROW PIT SHALL BE FROM ROUTE 20 (HARDSCRABBLE ROAD).
- NO DEWATERING ACTIVITIES WILL OCCUR ON SITE.

LEGEND

EXISTING	PROPOSED
RIGHT-OF-WAY	RIGHT-OF-WAY / BOUNDARY LINE
ADJACENT PROPERTY OWNER	PROPERTY LINE
EASEMENT	SETBACK
CONTOUR	EASEMENT
CATCH BASIN, STORM PIPE	BUFFER
DELMARVA POWER LINES	SANITARY SEWER IDENTIFICATION, MANHOLE, PIPE, FLOW ARROW, PIPE SIZE
SANITARY SEWER MANHOLE, PIPE	WATER MAIN, TEE W/ VALVES, PIPE SIZE
WATER MAIN	FIRE HYDRANT ASSEMBLY
FIRE HYDRANT ASSEMBLY	TREE LINE
UTILITY POLE	PAVEMENT
SIGN	SIDEWALK
FENCE	
TREE	
TREE LINE	
WETLANDS	
PAVEMENT	

DATA COLUMN

TAX MAP ID: 2-31-21.00-21.00
2-31-21.00-22.00

DATUM: NAVD 88
VERTICAL: NAD 83 (DE STATE PLANE)
HORIZONTAL: 2017-06-04
PLUS #:

LAND USE
EXISTING: AGRICULTURAL
PROPOSED: BORROW PIT

ZONING
EXISTING: AR

AREAS:
EXISTING SITE
SITE AREA: 202.518 AC.
WETLANDS (INCLUDED IN SITE AREA): 8.523 AC. (4.21%)

PROPOSED SITE
SITE AREA: 270.323 AC.
WETLANDS (INCLUDED IN SITE AREA): 22.432 AC. (8.30%)

TOTAL SITE AREA 270.323 AC.

FORESTED AREAS
EXISTING: 37.049 AC.
REMOVED: 29.469 AC.
TOTAL PRESERVED: 7.580 AC.

WETLANDS - THIS PROPERTY IS IMPACTED BY WETLANDS.

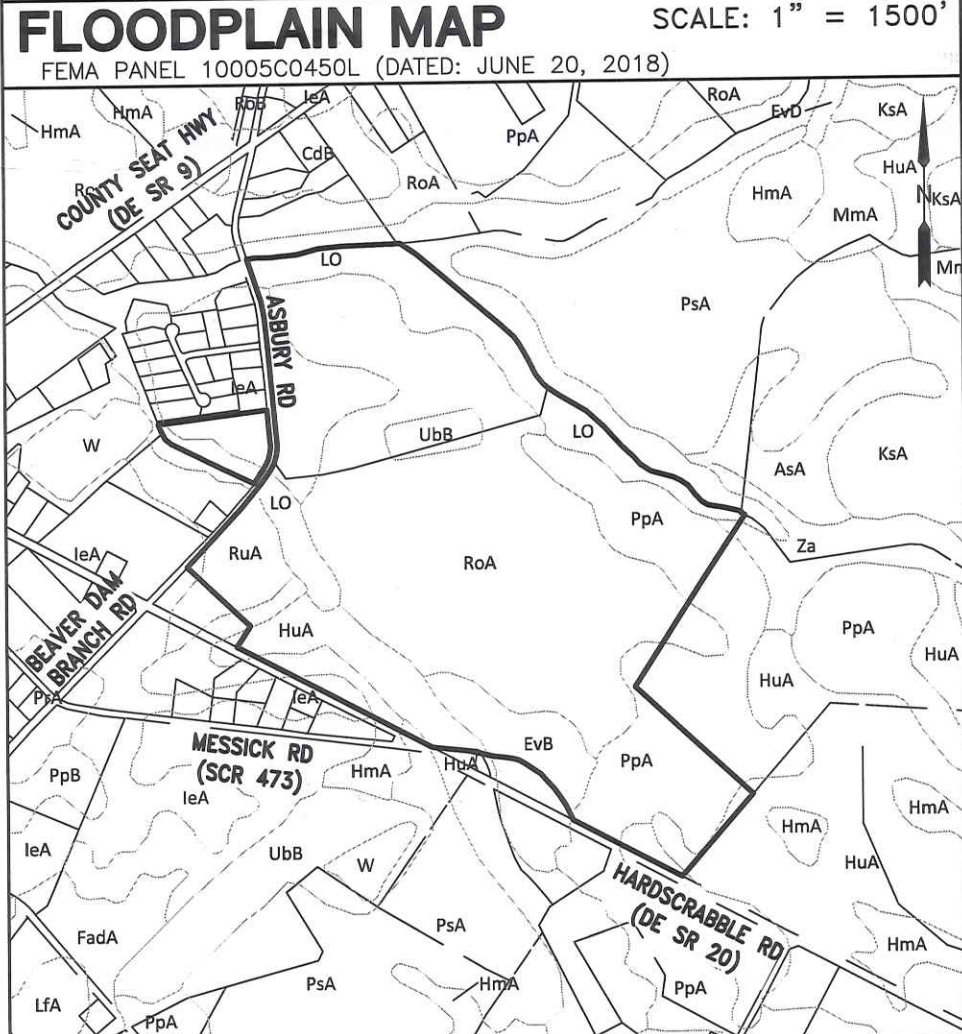
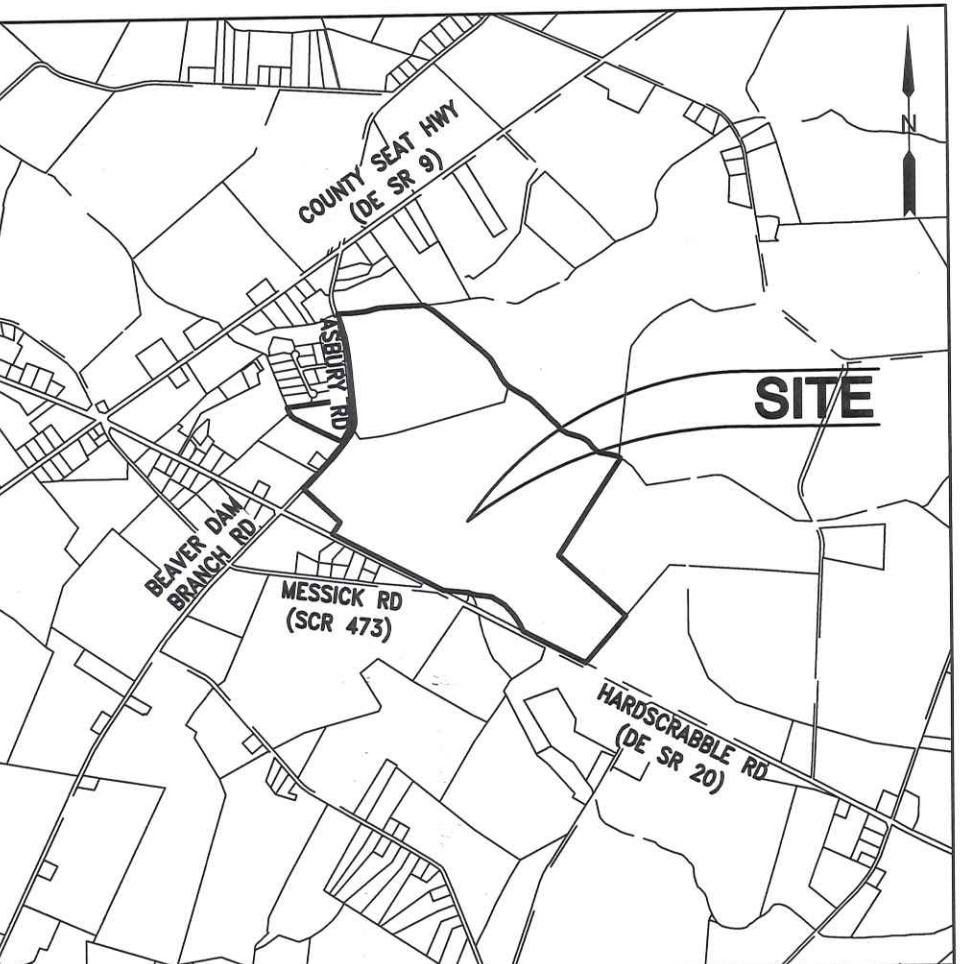
FLOODPLAIN - THE PROPERTY IS IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0450L DATED JUNE 20, 2018.

THIS PROPERTY IS LOCATED SOUTHEAST OF THE INTERSECTION OF ASBURY ROAD AND HARDSCRABBLE ROAD (DE SR 20).

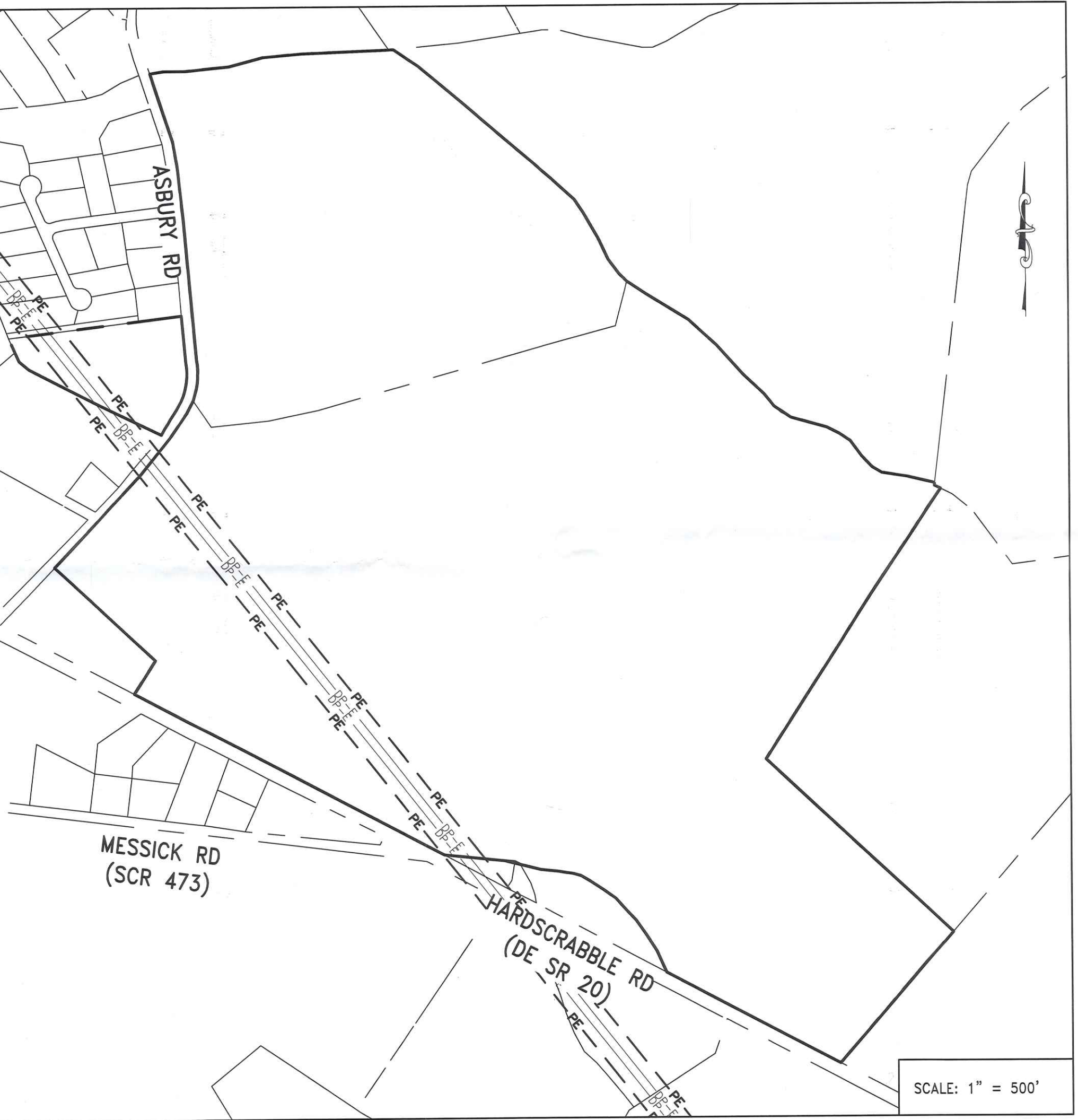
PROPERTY OWNER/DEVELOPER:

HORSEY FAMILY LLC,
28107 BEAVER DAM ROAD
LAUREL, DE. 19956
PHONE: 302-875-3033

ENGINEER:
DAVIS, BOWEN, & FRIEDEL, INC.
RING LARDNER, P.E.
1 PARK AVENUE
MILFORD, DE 19963
PHONE: 302-424-1441
FAX: 302-424-0430



AsA: ASKECKSY LOAMY SAND, 0 TO 2 PERCENT SLOPES
EvB: EYEBORO LOAMY SAND, 0 TO 5 PERCENT SLOPES
HmA: HAMMONTON SANDY LOAM, 0 TO 2 PERCENT SLOPES
HuA: HURLOCK SANDY LOAM, 0 TO 2 PERCENT SLOPES
Ld: LONGMARSH AND INDIANTOWN SOILS, FREQUENTLY FLOODED
PpA: PEPPERBOX LOAMY SAND, 0 TO 2 PERCENT SLOPES
RnA: ROSEDALE LOAMY SAND, 0 TO 2 PERCENT SLOPES
Ubb: RUNCLINT LOAMY SAND, 0 TO 2 PERCENT SLOPES
W: UDOTHENTS, BORROW AREA 0 TO 5 PERCENT SLOPES
W: WATER



OWNER'S STATEMENT

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

HORSEY FAMILY LLC
28107 BEAVER DAM BRANCH RD
LAUREL, DE 19956

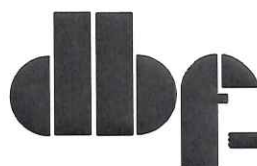
DATE

ENGINEER'S STATEMENT

I, RING W. LARDNER, 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 BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

RING W. LARDNER
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DELAWARE, 19963

DATE



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

SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

P:\Horsey\700A035 Borrow Pit Expansion\Design\Prelim\700A035 Preliminary Site Plan.dwg Jun 21, 2021 7:08am GRED



BORROW PIT EXPANSION
NANTICOKE HUNDRED
GEORGETOWN, SUSSEX COUNTY, DELAWARE

Revisions:

Date: JUNE 2021
Scale: 1" = 300'
Dwn.By: DEG
Proj.No.: 0700A035
Dwg.No.:

PRE-02



DAVIS, BOWEN & FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS
SUSSEX, MARYLAND (410) 545-4000
MILFORD, DELAWARE (302) 425-1441
ESTON, MARYLAND (410) 770-4744

PRELIMINARY SITE PLAN