

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
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(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



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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 12<sup>th</sup>, 2022

Application: CU 2363 Laurel Wesleyan Church c/o Reverend M. Scott Conn

Applicant: Laurel Wesleyan Church c/o Reverend M. Scott Conn  
30186 Seaford Road  
Laurel, Delaware 19956

Owner: Laurel Wesleyan Church  
30186 Seaford Road  
Laurel, Delaware 19956

Site Location: Lying on the west side of Seaford Road (Rt. 13A), approximately 0.75 mile north of Discount Land Road (S.C.R. 468)

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

Proposed Use: Electronic Message Center

Comprehensive Land  
Use Plan Reference: Developing Area

Councilmanic  
District: Mr. Vincent

School District: Laurel School District

Fire District: Laurel Fire Department

Sewer: On-site septic

Water: On-site well

Site Area: 7.03 acres +/-

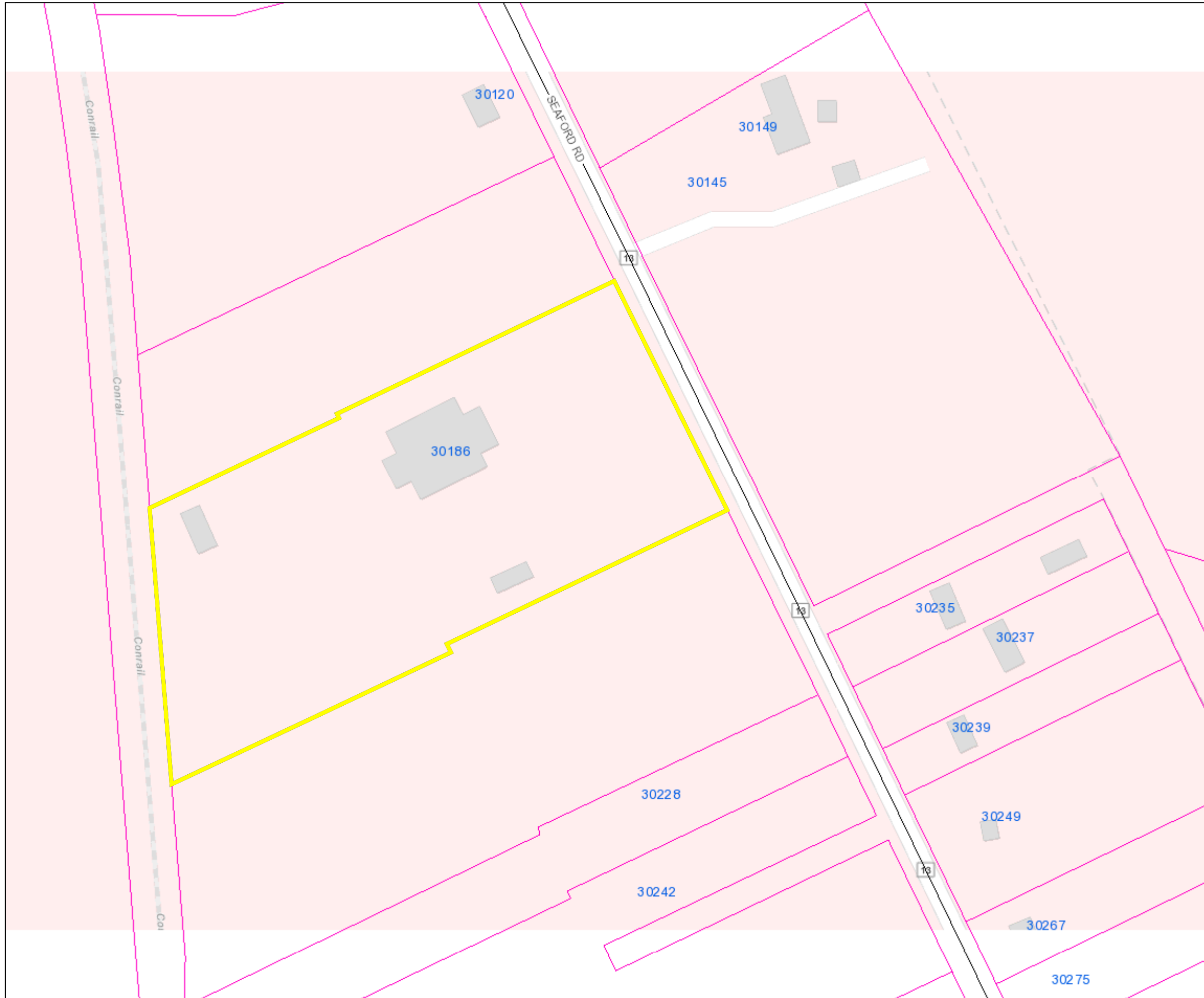
Tax Map IDs.: 232-12.10-3.00







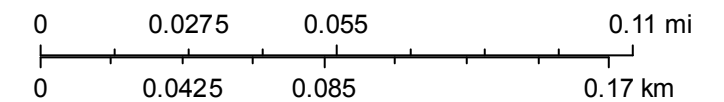
# Sussex County



<b>PIN:</b>	232-12.10-3.00	
<b>Owner Name</b>	CHURCH	LAUREL
	WESLEYAN	
<b>Book</b>	2441	
<b>Mailing Address</b>	PO BOX 68	
<b>City</b>	LAUREL	
<b>State</b>	DE	
<b>Description</b>	JOHN W MOORE SUB	
<b>Description 2</b>	49 LOTS	
<b>Description 3</b>		
<b>Land Code</b>		

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

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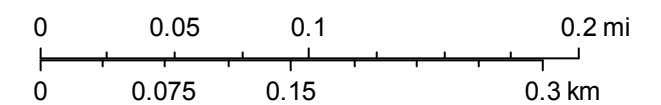
# Sussex County



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<b>Owner Name</b>	CHURCH	LAUREL
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- Tax Parcels
- Streets

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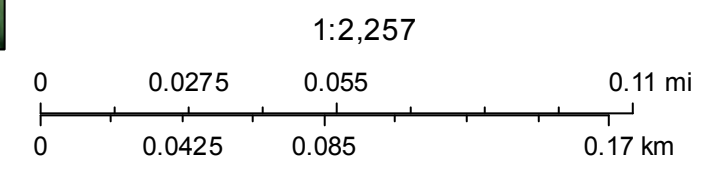


# Sussex County



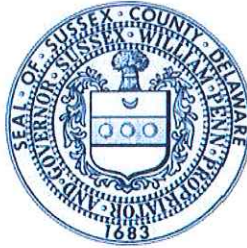
<b>PIN:</b>	232-12.10-3.00	
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**Sussex County**

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## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner II  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: May 3<sup>rd</sup>, 2022  
RE: Staff Analysis for C/U 2363 Laurel Wesleyan Church

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The purpose of this memo is to background and analysis for the Planning Commission to consider as a part of application C/U 2363 Laurel Wesleyan Church to be reviewed during the May 12<sup>th</sup>, 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 232-12.10-3.00 to allow for an on-premises electronic message center (sign). The property is located on the west side of Seaford Road (S.C.R. 13A), approximately 0.53 mile north of Discount Land Road (S.C.R. 468). The property is 7.03 acres, more or less.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Developing Area." The adjacent parcels to the south and east subject properties retain the Future Land Use Map designation of "Low Density Area." The properties to the north, south, and east are also with the Developing Area. The properties to the west are within the Low Density Area.

As outlined within the 2018 Sussex County Comprehensive Plan, The Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental trends. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. – A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home (Sussex County Comprehensive Plan, 4-14).



### Zoning Information

The subject property is within the Agricultural Residential (AR-1) Zoning District. The principal use of a church/place of religious worship and congregation is a permitted use in this AR-1 Zoning District. The properties to the north, south, east, and west are also within the AR-1 Zoning District.

### Existing Conditional Uses within the Vicinity of the Subject Site

There have been almost no major Conditional Use applications within a one-mile radius in the past 25 years. The one exception to this is a Conditional Use approval for an archery repair and sales business that exists approximately 0.3 mile south of the subject site. This CU was approved by the Sussex County Council on September 11<sup>th</sup>, 2007, through Ordinance No. 232-12.14-16.00.

Based on the analysis provided, the Conditional Use to allow for an electronic message center (sign) could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.

File #: 2363  
202204792

RECEIVED

**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

APR 04 2022

SUSSEX COUNTY  
PLANNING & ZONING

**Type of Application: (please check applicable)**

Conditional Use   
Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

30186 Seaford Road, Laurel DE 19956

**Type of Conditional Use Requested:**

Requesting to replace existing on-premise message sign with an electronic message sign.

**Tax Map #:** 232-12.10-3.00 **Size of Parcel(s):** 7.03

**Current Zoning:** AR-1 **Proposed Zoning:** AR-1 **Size of Building:** 15,424 square feet

**Land Use Classification:** Developing Area

**Water Provider:** Private Well **Sewer Provider:** Private Sewer

**Applicant Information**

**Applicant Name:** Laurel Wesleyan Church - Reverend M. Scott Conn

**Applicant Address:** 30186 Seaford Road

**City:** Laurel **State:** DE **Zip Code:** 19956

**Phone #:** (302) 875-5380 **E-mail:** pastorscott@laurelwesleyan.org

**Owner Information**

**Owner Name:** Laurel Wesleyan Church

**Owner Address:** 30186 Seaford Road

**City:** Laurel **State:** DE **Zip Code:** 19956

**Phone #:** (302) 875-5380 **E-mail:** pastorscott@laurelwesleyan.org

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Kent Sign Co. - Kim Diehl

**Agent/Attorney/Engineer Address:** 2 E. Brady's Ln

**City:** Dover **State:** DE **Zip Code:** 19901

**Phone #:** (302) 697-2181 **E-mail:** kim@kentsigns.net





# 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**

M. Scott Carr

Date: 4-4-22

**Signature of Owner**

M. Scott Carr

Date: 4-4-22

**For office use only:**

Date Submitted: 4/4/22

Fee: \$500.00 Check #: 24316

Staff accepting application: AC

Application & Case #: 2022 04792

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_



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

NICOLE MAJESKI  
SECRETARY

March 7, 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 **Laurel Wesleyan Church - Reverend M. Scott Conn** proposed land use application, which we received on February 9, 2022. This application is for an approximately 7.03- acre parcel (Tax Parcel: 232-12.10-3.00). The subject land is located on the west side of Seaford Road (Sussex Road 13) 2,600 feet north of the intersection with Discount Land Road (Sussex Road 468). The subject land is currently zoned AR-1 (Agriculture Residential), and the applicant seeks a conditional use approval to replace an existing message sign with an electronic message sign.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the section of Seaford Road, which is from E. 10<sup>th</sup> Street to Georgetown Road (Sussex Road 28), is 4,280 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 DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DeIDOT'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. DeIDOT'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  
March 7, 2022

If the County approves this application, the applicant should be reminded that DeIDOT 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](mailto:Annamaria.Furmato@delaware.gov), if you have questions concerning this correspondence.

Sincerely,



Claudy Joinville  
Project Engineer  
Development Coordination

CJ:afm

cc: Reverend M. Scott Conn, Applicant  
Jennifer Norwood, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
T. William Brockenbrough, County Coordinator, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Annamaria 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: **4/25/2022**

APPLICATION: **CU 2363 Laurel Wesleyan Church c/o Reverend M. Scott Conn**

APPLICANT: **Laurel Wesleyan Church c/o Reverend M. Scott Conn**

FILE NO: **WSPA-5.02**

TAX MAP &  
PARCEL(S): **232-12.10-3.00**

LOCATION: **Lying on the west side of Seaford Road (Rt 13A),  
approximately 0.75 miles north of Woodland Ferry Road  
(Route 78)**

NO. OF UNITS: **Electronic Message Sign**

GROSS  
ACREAGE: **7.03 +/-**

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? **Municipal Growth & annexation Area**
- (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? **N/A** 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.

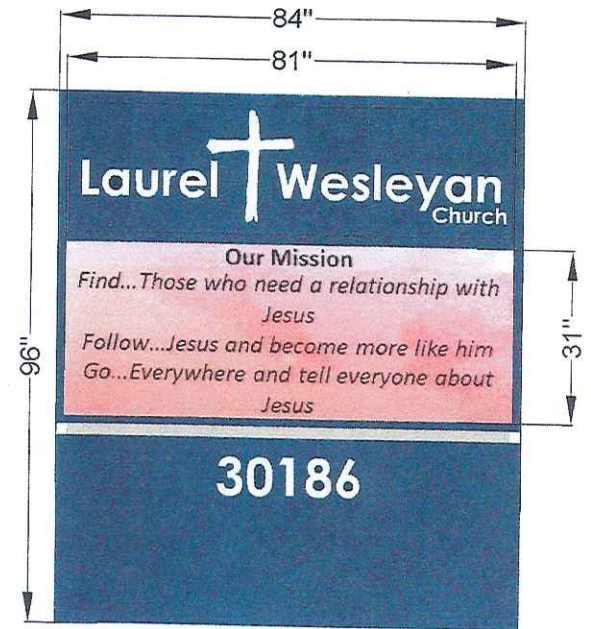
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The proposed Conditional Use is within the Growth and Annexation area of the Town of Laurel.**
- (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





DESCRIPTION: Laurel Wesleyan Church

DATE: 4/20/21

DESIGN BY: JY

APPROVED BY:

ALL DESIGNS PROPERTY OF

**Yent**  
**SIGNS**





LAUREL WESLEYAN  
CHURCH



SEASON OF LENT  
40 DAYS  
OF REFLECTION  
PRAYER & FASTING

[WWW.LAURELWESLEYAN.ORG](http://WWW.LAURELWESLEYAN.ORG)

Sunday Services

9:00 am

10:45 am







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GEORGETOWN, DELAWARE

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J. BRUCE MEARS  
HOLLY J. WINGATE



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DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: May 26<sup>th</sup>, 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 850-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 +/-

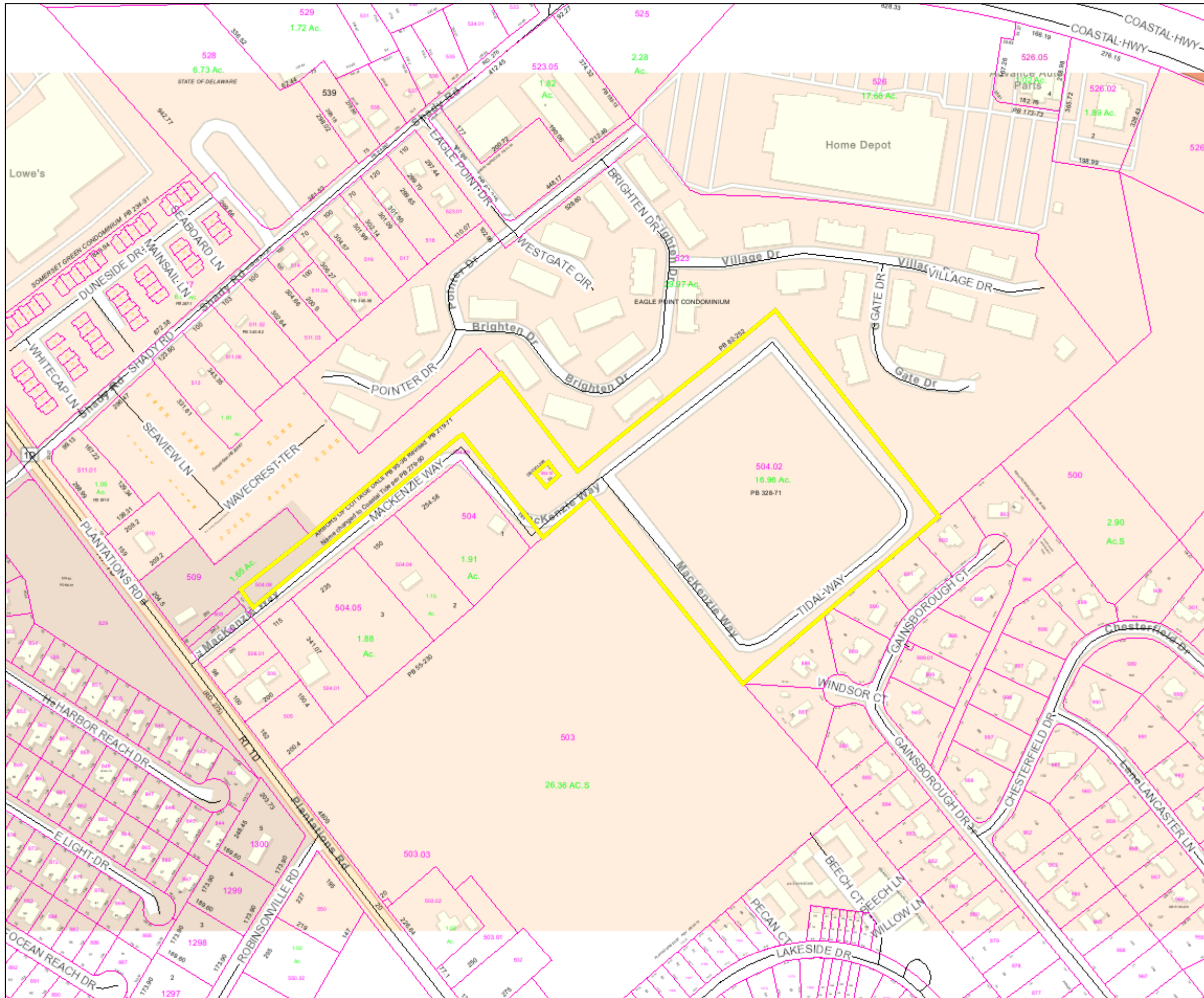
Tax Map IDs.: 334-6.00-504.02, 504.08, 504.09, & 504.10







# Sussex County



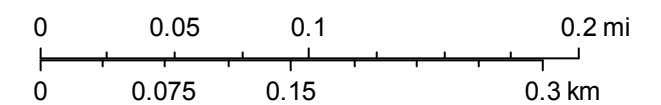
<b>PIN:</b>	334-6.00-504.02
<b>Owner Name</b>	CB LEWES LLC
<b>Book</b>	4175
<b>Mailing Address</b>	PO BOX 310
<b>City</b>	NASSAU
<b>State</b>	DE
<b>Description</b>	COASTAL TIDE
<b>Description 2</b>	F/K/A ARBORS OF COTTAGE
<b>Description 3</b>	FUTURE CONDOS
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
  - Tax Parcels
  - Streets
  - County Boundaries

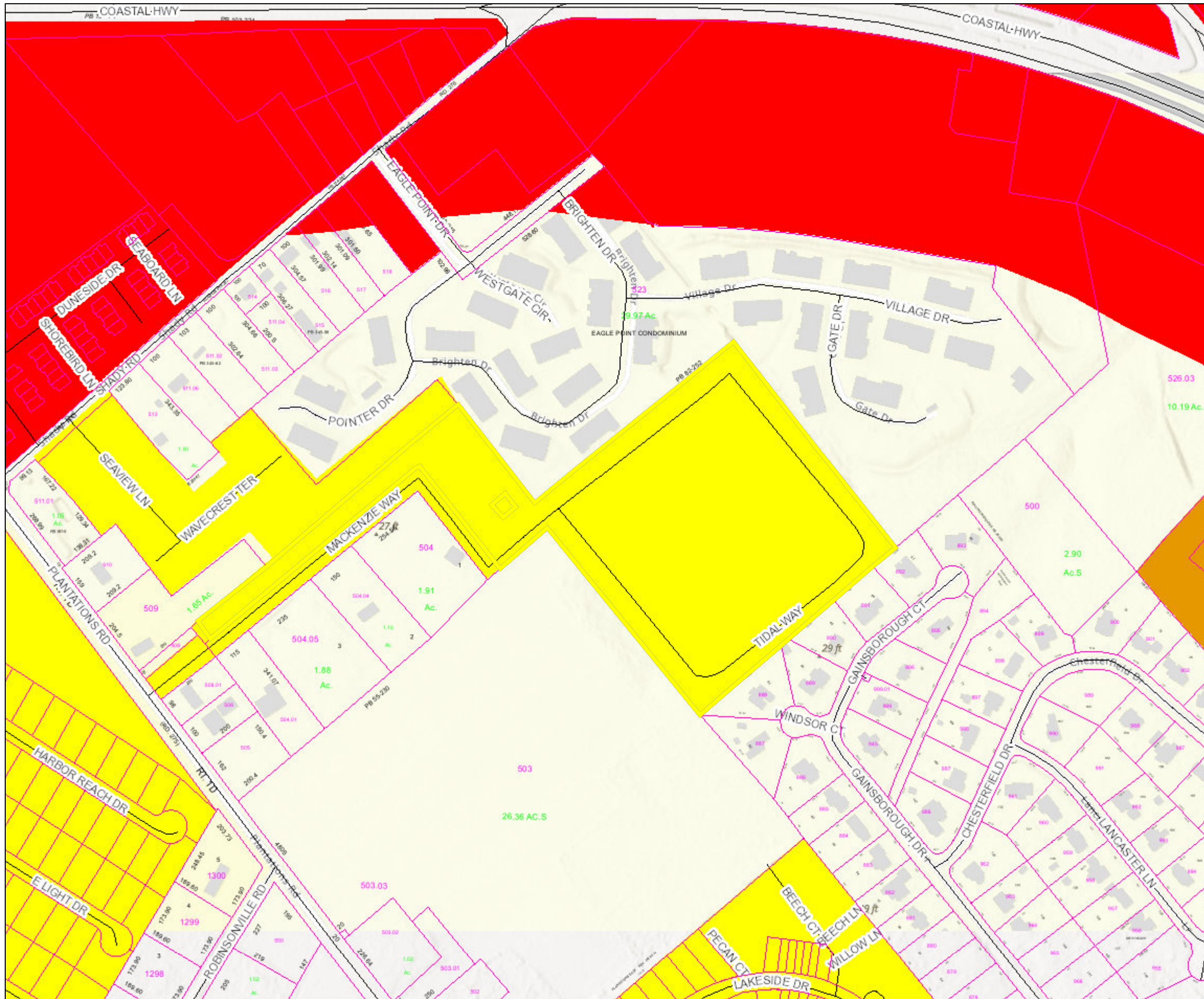
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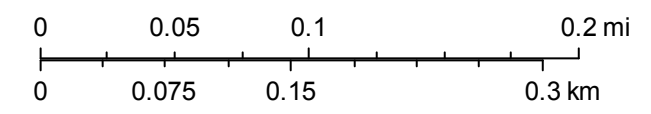
# Sussex County



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

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1:4,514









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## 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

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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.**
- DeIDOT Service Level Evaluation Request Response**
- PLUS Response Letter** (if required)

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

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

**Signature of Applicant/Agent/Attorney**

  
\_\_\_\_\_

Date: 2/16/22

**Signature of Owner**

  
\_\_\_\_\_

Date: 2/17/2022

**For office use only:**

Date Submitted: 2/13/22

Fee: \$500.00 Check #: 1582

Staff accepting application: AL

Application & Case #: 202202738

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 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 Plantations 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

# COASTAL TIDE APARTMENTS

## OVERVIEW



Received at Public Hearing 5.26.2022

First Compliance Review: February 7<sup>th</sup> & 8<sup>th</sup> of 2022

We reviewed 14 tenant files (current tenants only), 1 rejected application (applicant was denied for unsatisfactory criminal & credit background) and 1 move out file.

The AMI% fell within these thresholds:

- 30%- 2
- 50%- 8
- 80%- 4

SCRIP Rental Rates at time of review:

- 1BR \$590
- 2BR \$705
- 3BR \$815

SCRIP Waiting list at time of review:

- 1BR-7 applicants
- 2BR-4 applicants
- 3BR-4 applicants

Current SCRIP Rental Rates

- 1BR \$660
- 2BR \$790
- 3BR \$915

Current SCRIP Waiting list numbers as of May 26, 2022

- 1BR-19 applicants
- 2BR-7 applicants
- 3BR-6 applicants

10 Applicants have been denied for either of the following reasons:

- Unsatisfactory Criminal & Credit background
- Over-income
- Below income

- Not living and working in Sussex County (Under review for New Ordinance)

Coast Tide Apartments submits monthly reports to Community Development & Housing along with a current Rent Roll and Delinquency report by the 15<sup>th</sup> of each month.

The property remains under construction; however, we are **currently serving 18 families** under the Sussex County Rental Program.

**FINDINGS OF FACT & CONDITONS OF APPROVAL**

(Proposed)

**Applicant  
Exhibit**

*Received at Public Hearing  
5. 26. 2022*

**CB LEWES, LLC  
COASTAL TIDE  
CU#2352**



**FILE COPY**

1. This is an application for a conditional use to amend the conditions of approval for an existing multifamily use by increasing the number of permitted multifamily units from 168 to 198 on a property located in Lewes and Rehoboth Hundred, Sussex County, being situated on the northeast side of Plantations Road (Rt. 1D), 850 northwest of Robinsonville Road (S.C.R. 271), also being known as Tax Parcel No. 334-6.00-504.02 (the "Property").

2. The Property is owned by the applicant, CB Lewes, LLC, a Delaware limited liability company.

3. The Property is subject to an existing conditional use, known as Conditional Use No. 1845, which was adopted by County Council as Ordinance No. 2106 on February 23, 2010, which conditional use approved 168 multifamily units on the Property for a project that was going to be known as the "Arbors of Cottagedale," and is now known as Coastal Tide.

4. The Property is presently the site of the Coastal Tide apartment community with a number of tenants residing at the Property and using the on-site amenities, including the pool and pool house.

5. The Property is currently participating in Sussex County's Affordably Priced Rental Unit Program. As part of the participation in the Affordably Priced Rental Unit Program, 26 of the 168 units are part of the program.

6. The requested change to the existing approval is for one (1) additional thirty-unit (30 units) apartment building with six (6) additional units being entered into the County's Affordably Priced Rental Unit Program.

7. Prior to the 1960s, the Property was once the site of the Jackson Pit, a borrow pit. After the borrow pit operations ceased, household waste was dumped into the pit until the early 1980s. In the 1990s, DNREC permitted trees stumps, lumber and masonry materials to be dumped on the site and the site was then graded with sand and gravel. After that time the site was used for illegal dumping. Multiple environmental investigations occurred between 1986 and 2014 including a Brownfield Investigation. In 2015 a Remedial Action Work Plan was approved by DNREC. In 2019, DNREC issued a Certification of Completion of Remedy for the cleanup of the Property.

8. All six (6) of the apartment buildings containing the 168 approved units are constructed; however, two (2) of the buildings are waiting Certificates of Occupancy in order to be leased. This application seeks to add a seventh (7<sup>th</sup>) apartment building to the Property along with two (2) garage buildings.



9. Sussex County's comprehensive zoning map identifies the Property as being in within the MR (Medium-Density Residential District).

10. On the 2045 Future Land Use Map in the 2018 Sussex County Comprehensive Plan, the Property is identified for purposes of future land use as being part of the Coastal Area, a "Growth Area." The proposed project is consistent with the guidelines for projects within the Coastal Area.

11. The properties that surround this Property are also in the Coastal Area.

12. The 2020 Delaware Strategies for State Policies and Spending identify the Property as being in an Investment Level 1 area. According to Delaware's Strategies for State Policies and Spending in Investment Level 1 areas, "[i]t is the State's intent to use its spending and management tools to maintain and enhance community character, to promote well-designed and efficient new growth, and to facilitate redevelopment."

13. The Property lies within a mixture of commercial and residentially zoned properties, including a mixture of densities. More specifically, the zoning classifications around the Property include the following: MR (Medium-Density Residential District), HR (High-Density Residential District), AR-1 (Agricultural Residential District), and C-1 (General Commercial District).

14. Consistent with the requested conditional use, in the immediate area there are a number of multifamily uses including, but not limited to, the Plantations, Sunset Glen, Eagle Point, Somerset Green and Savannah West.

15. The Property is not within a floodplain based upon FEMA Map Number 10005C0331K, dated March 16, 2015, as it is in an area designated as Zone "X," which is an area determined to be outside the 500-year floodplain.

16. There are no wetlands located on the Property.

17. Potable water will be provided to the Property by Tidewater Utilities, Inc.

18. Tidewater Utilities, Inc. has indicated that it is willing and able to provide public water, including fire protection, to the project.

19. Sussex County Engineering identified the Property as being in a Tier 1 Sewer District Area located within the Sussex County Unified Sanitary Sewer District and will collect, treat and dispose of sanitary sewerage from the site.

20. Sussex County's Engineering Department has indicated that adequate wastewater capacity is available for the additional thirty (30) units proposed for the community.

21. Through Sussex County and Tidewater Utilities, Inc. adequate public water and sewage treatment is available to support the proposed project.

22. DelDOT responded to the Service Level Evaluation Request and, pursuant to its Memorandum of Understanding for Land Development Coordination with Sussex County, found that the proposed addition of thirty (30) units would have a “Negligible” impact on the local area roadways, which means less than 50 vehicle trips in any hour and less than 500 vehicle trips per day. In addition, the Property is located in the Henlopen Transportation Improvement District and the applicant will be required to pay the fees associated with the construction of residential units in the Henlopen TID.

23. As the site plan is finalized, DelDOT’s approval, will be required to provide for safe vehicular and pedestrian movement within the site and onto Plantations Road (S.C.R. 275).

24. As a part of final site plan approval, stormwater management design and permitting will be required; thus assuring neighboring lands will be protected from the development and use of the Property.

25. The 2018 Comprehensive Plan and its Future Land Use Map approved by Sussex County Council identifies the Coastal Area as a Growth Area where “[a] range of housing types should be permitted..., including single-family homes, townhouses, and multi-family units.”

26. In addition, Chapter 4 of the 2019 Sussex County Comprehensive Plan update 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.

27. Further, Chapter 8, the Housing Element of the 2018 Comprehensive Plan, seeks opportunities like the one afforded by this application. Various goals and strategies in Chapter 8 point to this type of opportunity, including, but not limited to, the following:

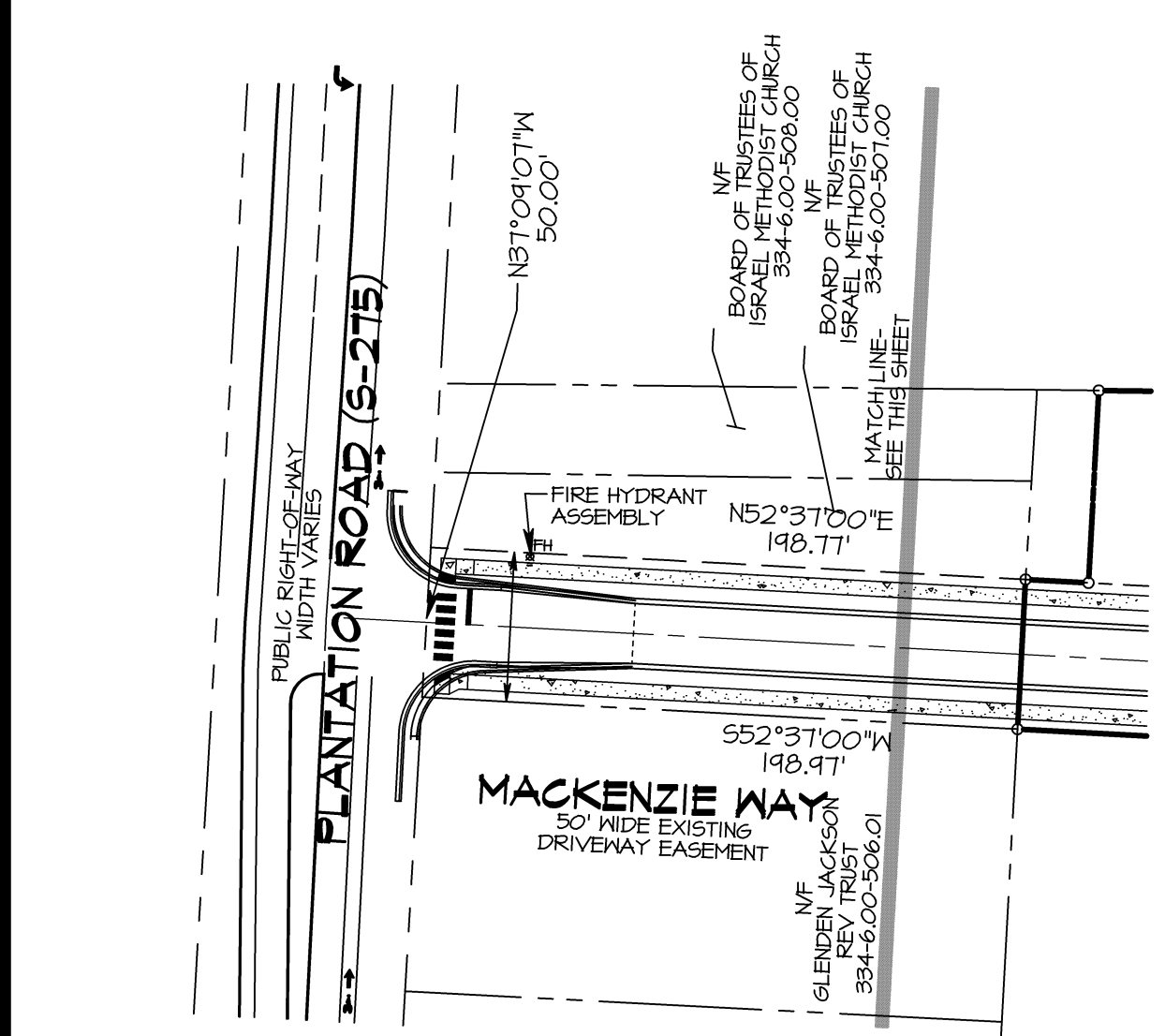
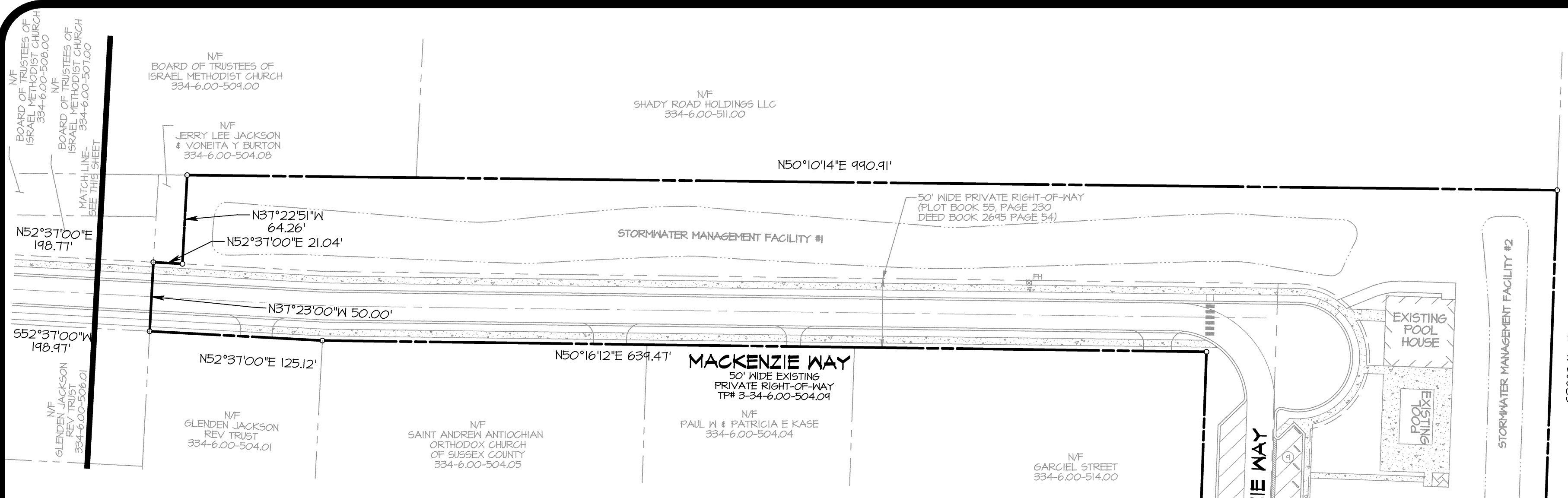
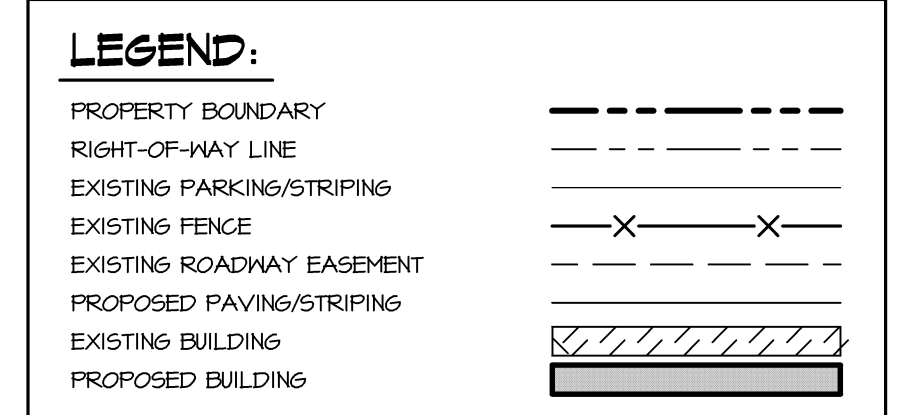
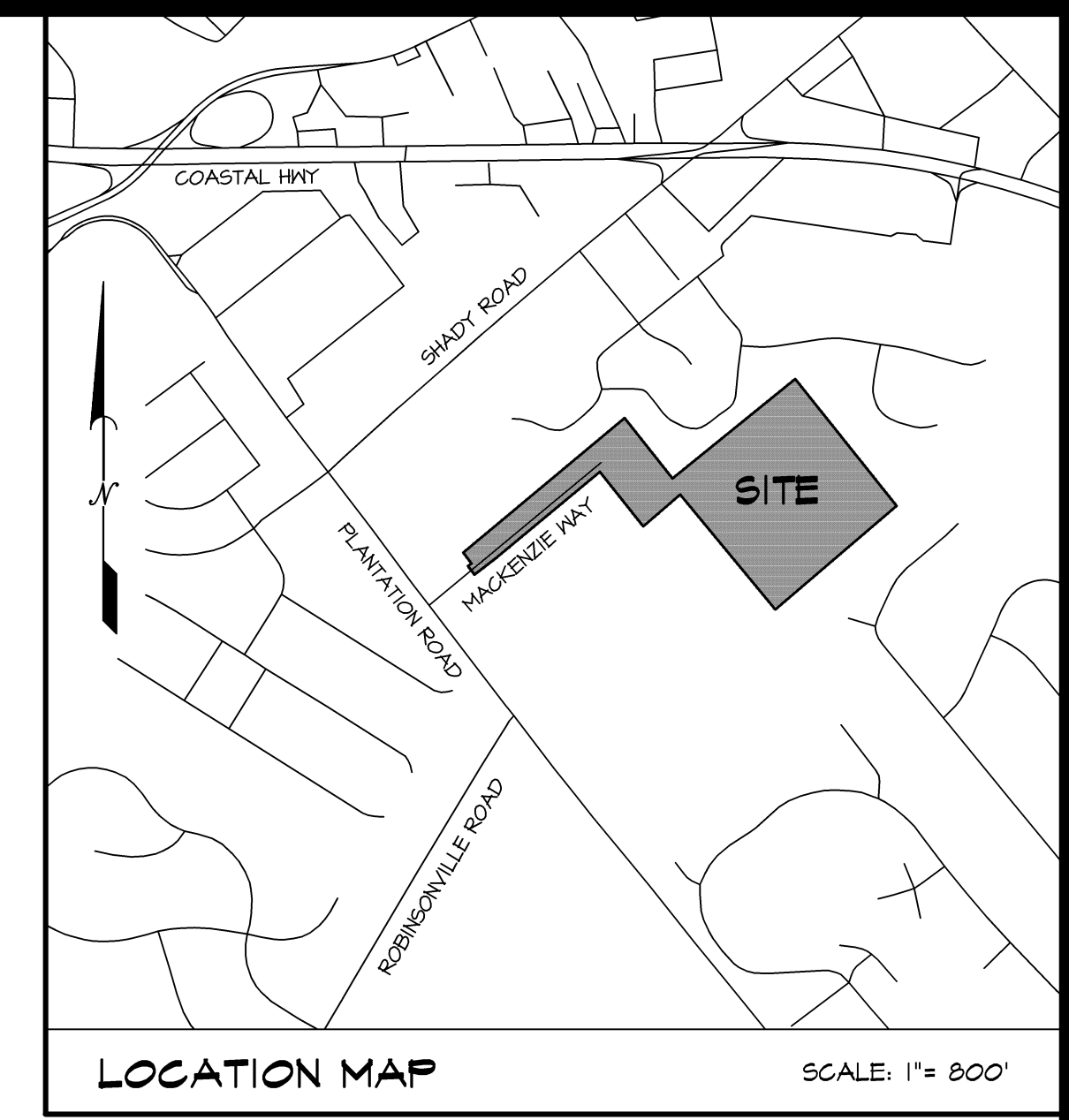
- a. Goal 8.2: states that Sussex County should “Ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations”;
- b. Objective 8.2.1 and Strategy 8.2.1.1 state that Sussex County will “Affirmatively further affordable and fair housing opportunities in the County to accommodate the needs of all residents”; and
- c. Strategy 8.2.1.3 states that Sussex County should “explore ways for private developers to provide multi-family and affordable housing opportunities.”

28. The proposed project creates additional affordable residential housing options in an area in desperate need of those options and in an area served by County sewer and central water, which is near a significant number of commercial uses and employment centers, is in keeping with the character of the area, situated along a main road—Plantations Road (Rt. 1D, a Major Collector), all of which are consistent with the purpose of both the MR (Medium Residential District) and the Coastal Area designated on the Comprehensive Plan.

This recommendation of approval is subject to the following proposed conditions:

1. The conditions of approval for conditional use 1845 (Ordinance No. 2106) shall remain in full force and effect except that Condition A shall be modified as set forth herein:
  - A. The maximum number of residential rental units shall not exceed 198168.





**DATA COLUMN**

- OWNER/APPLICANT/DEVELOPER: CB LEWES, LLC, 20409 SILVER LAKE DRIVE, UNIT 1, REHOBOTH BEACH, DE 19411, CONTACT: JOE CALABRO (302) 281-3045
- ENGINEER: HILLCREST ASSOCIATES, INC., P.O. BOX 1180, HOCKESSIN, DE 19707, (302) 455-4873
- TAX PARCEL NUMBER: 3-34-6.00-504.02
- SITE AREA: 18.088 AC±
- EXISTING ZONING: MR W CONDITIONAL USE #1845
- 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%)
- FLOOD ZONE: THE PROPERTY IS LOCATED WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRMY MAP NUMBER 10005C039K, MAP REVISED MARCH 16, 2015.
- WATER SUPPLY: TIDENATER UTILITIES
- SANITARY SEWER: SUSSEX COUNTY (WEST REHOBOTH EXPANSION)
- GROSS AREA = 18,088 AC±  
 MACKENZIE WAY ROW AREA = 1,311 AC±  
 MACKENZIE WAY EASEMENT AREA = 0,408 AC±  
 OPEN SPACE AREA (INCLUDING STORMWATER FEATURES, BUFFERS, RECREATIONAL FACILITIES, ETC.) = 10,816 AC± (59.8%)  
 PUMP STATION LOT AREA (DEDICATED TO SUSSEX COUNTY) = 0,051 AC±  
 RESIDENTIAL BUILDING AREA = 1,941 AC±  
 PARKING LOT AREA = 3,269 AC±  
 GARAGE AREA = 0,236 AC±  
 TOTAL IMPERVIOUS AREA = 1,184 AC± (43.0%)
- 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.

**PURPOSE OF PLAN**

THE PURPOSE OF THIS PLAN IS TO PROVIDE AN ADDITIONAL 64 PARKING SPACES AND PROPOSE A FUTURE 24 GARAGE PARKING SPACES.

**PARKING CALCULATIONS:**

168 UNITS \* 2 SPACES/UNIT = 336 SPACES  
 336-50 = 286 SPACES  
 286 SPACES \* 85% = 243 SPACES  
 244 + 50 SPACES = 294 SPACES REQUIRED

SPACES PREVIOUSLY PROVIDED = 244 SPACES  
 ADDITIONAL SPACES PROVIDED BY THE AMENDED SITE PLAN = 55 SPACES  
 ADDITIONAL SPACES PROPOSED BY THIS PLAN = 64 SPACES  
 TOTAL PROPOSED PARKING = 418 SPACES  
 TOTAL PROPOSED PARKING WITH OPTIONAL GARAGES IN CURRENT LOCATION = 403

HANDICAPPED SPACES REQUIRED = 8 SPACES (2 VAN ACCESSIBLE)  
 HANDICAPPED SPACES PROVIDED = 14 SPACES (ALL VAN ACCESSIBLE)

**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.

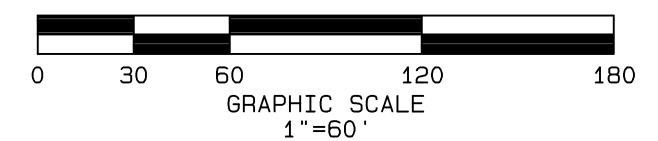
**ENGINEERS CERTIFICATION**

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.

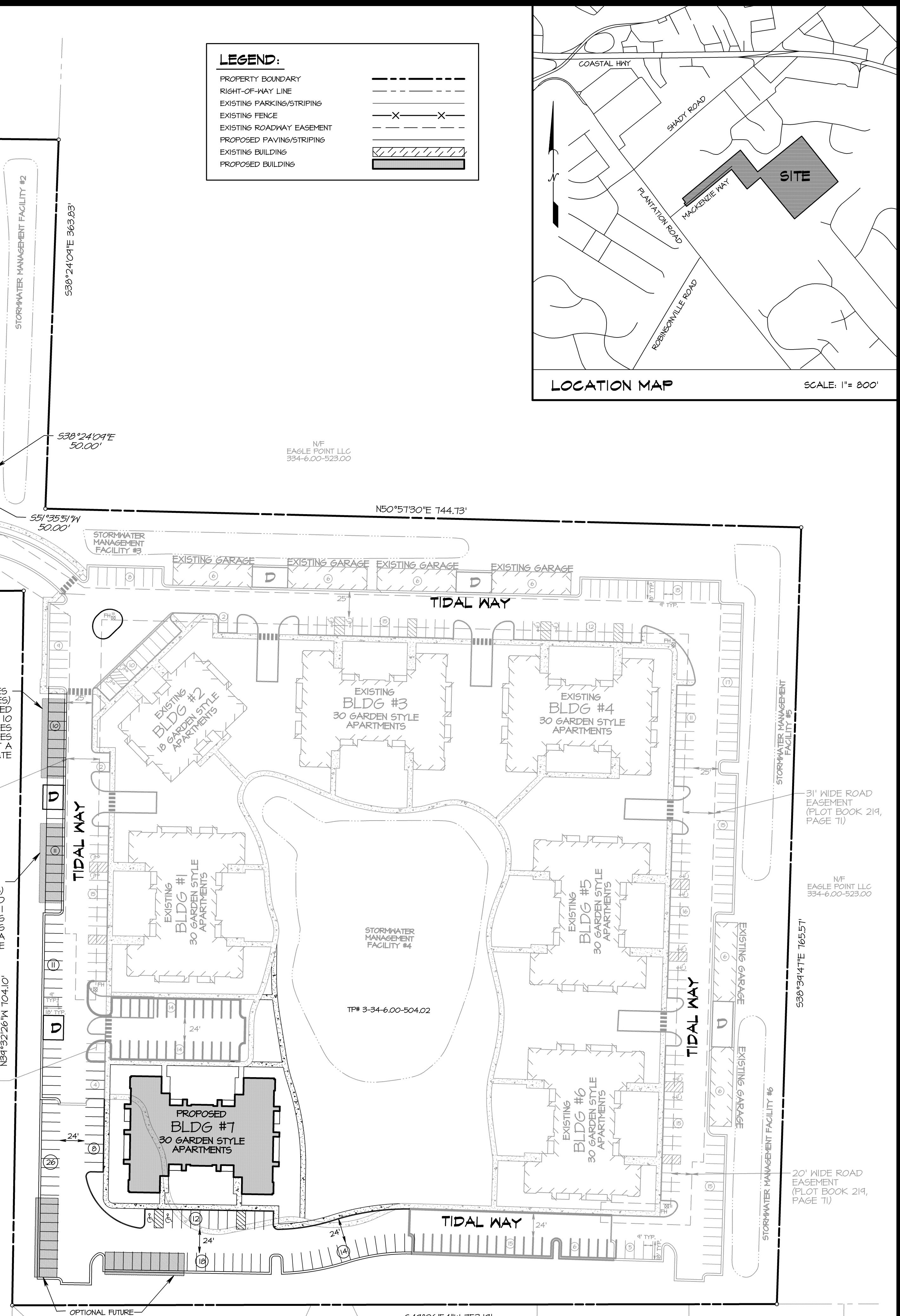
5-11-2022

COLIN M. KRAKUNAS, P.E.  
 DE LICENSE NO. 14908

DATE



CB LEWES, LLC : NAME:  
 TITLE:



SEAL

CONDITIONAL USE PLAN  
 COASTAL TIDE (fka ARBORS OF COTTAGEDALE)  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE

DATE:	REVISION	DATE	REVISION
2-16-22	AH/RTN	5-11-22	REV. PARKING LAYOUT
	CNK		
	4202		
	1"=60'		
	4202BD3PRD		

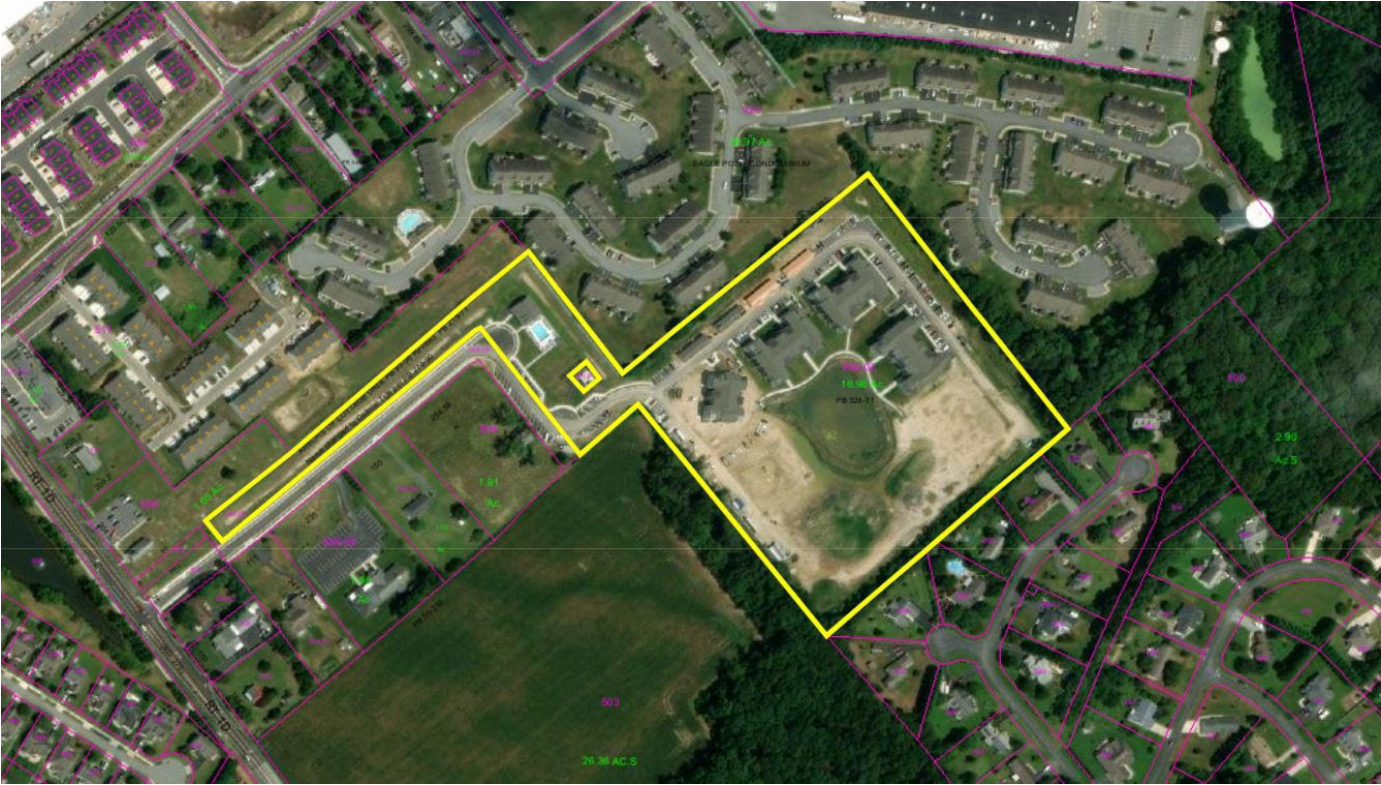
DWG. NO.



# 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

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## 1.0 EXECUTIVE SUMMARY

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### 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 HISTORY 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 2 spaces per 2-3-bedroom dwelling units (162)	324 Spaces	418 Spaces including 14 van accessible spaces
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 x 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 1 loading space for up to 25,000 Sq. Ft.	6 Bldgs @ 13,081 Sq. Ft. 1 Bldg @ 8,224 Sq. Ft. 7 Loading spaces	10 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](mailto: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: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
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

\_\_\_\_\_

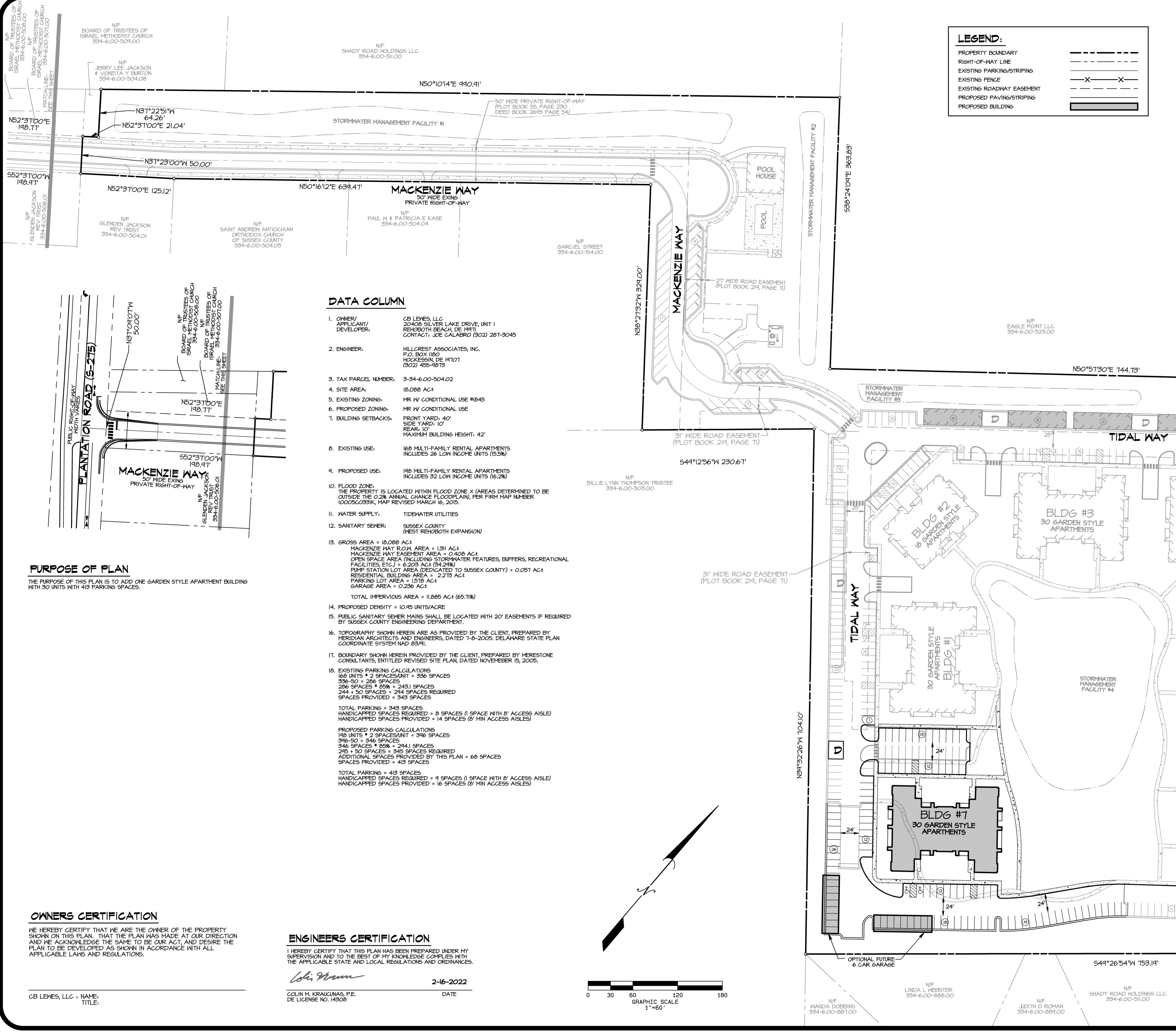
Date:

### For office use only:

Date Submitted: \_\_\_\_\_ Fee: \$500.00 Check #: \_\_\_\_\_  
Staff accepting application: \_\_\_\_\_ Application & Case #: \_\_\_\_\_  
Location of property: \_\_\_\_\_

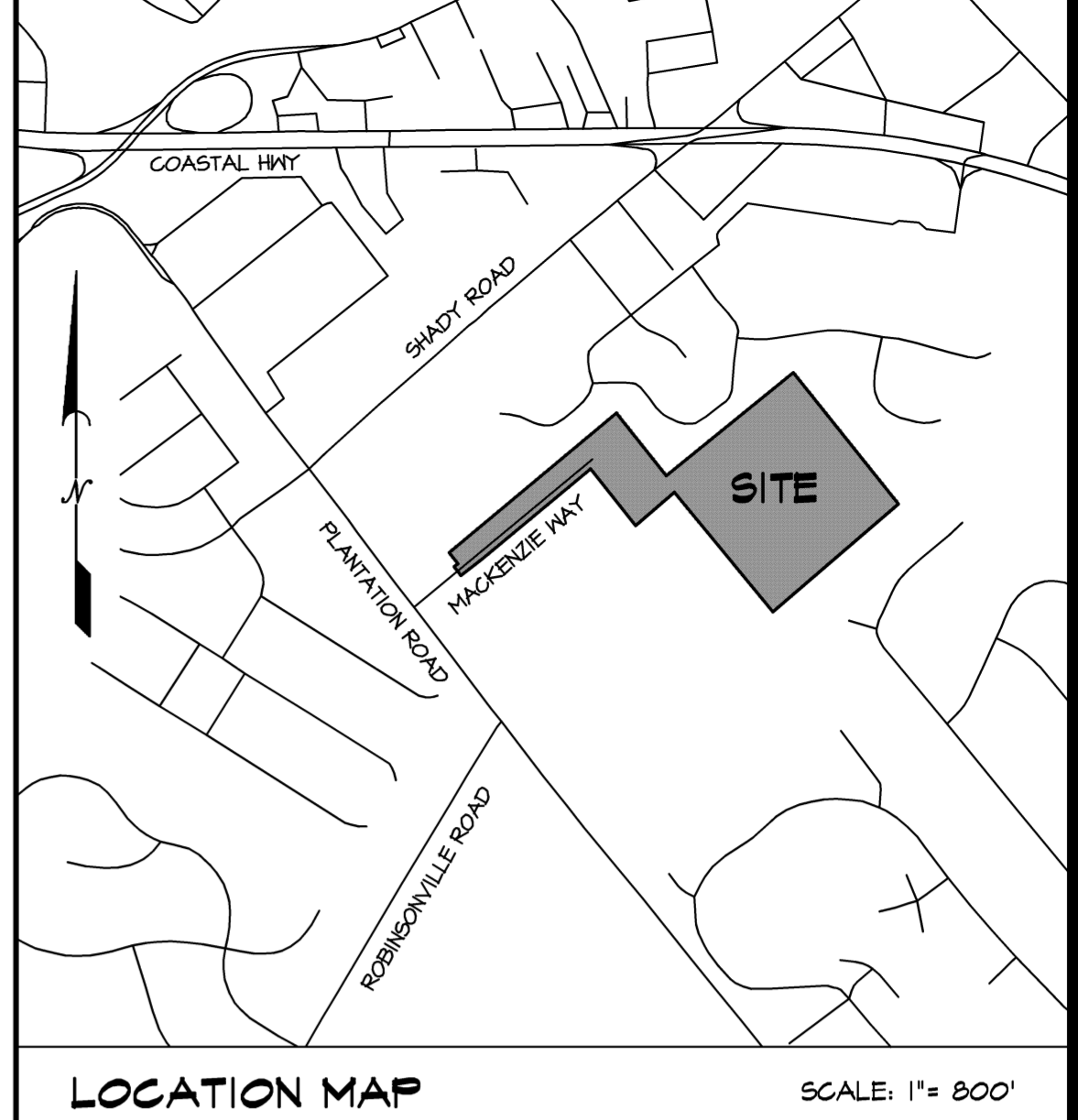
Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_





**LEGEND:**

- PROPERTY BOUNDARY: - - - - -
- RIGHT-OF-WAY LINE: - - - - -
- EXISTING PARKING/STRIPING: - - - - -
- EXISTING FENCE: - X - X -
- EXISTING ROADWAY EASEMENT: - - - - -
- PROPOSED PAVING/STRIPING: - - - - -
- PROPOSED BUILDING: [Hatched Box]



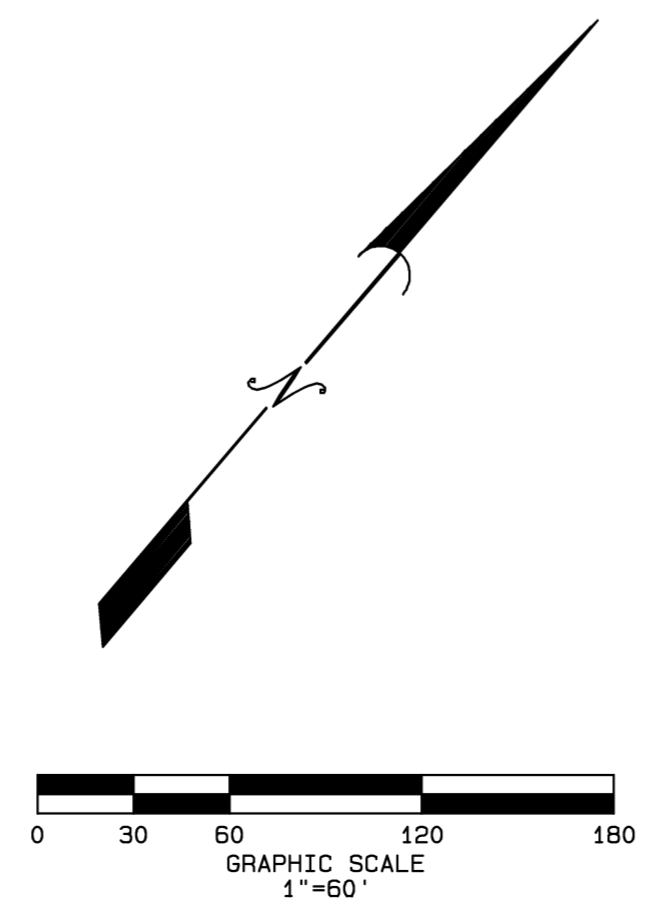
- DATA COLUMN**
- OWNER/APPLICANT/DEVELOPER: CB LEWES, LLC, 20408 SILVER LAKE DRIVE, UNIT 1, REHOBOTH BEACH, DE 19411, CONTACT: JOE CALABRO (302) 281-3045
  - ENGINEER: HILLCREST ASSOCIATES, INC., P.O. BOX 1180, HOCKESSIN, DE 19107, (302) 455-4875
  - TAX PARCEL NUMBER: 3-34-6.00-504.02
  - SITE AREA: 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 10005C0393K, 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.) = 8,293 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  
 336-30 = 286 SPACES  
 286 SPACES \* 0.5% = 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:  
 148 UNITS \* 2 SPACES/UNIT = 296 SPACES  
 296-30 = 266 SPACES  
 266 SPACES \* 0.5% = 241 SPACES  
 245 + 50 SPACES = 295 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.

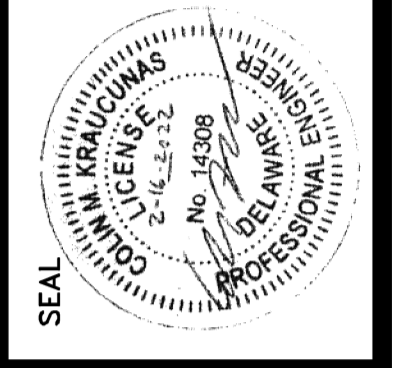
**OWNERS CERTIFICATION**  
 WE HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY SHOWN ON THIS PLAN. THAT THE PLAN WAS MADE AT OUR DIRECTION AND WE ACKNOWLEDGE THE SAME TO BE OUR ACT, AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

**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. Kruginas*  
 COLIN M. KRUGINAS, P.E.  
 DE LICENSE NO. 14908  
 DATE: 2-16-2022



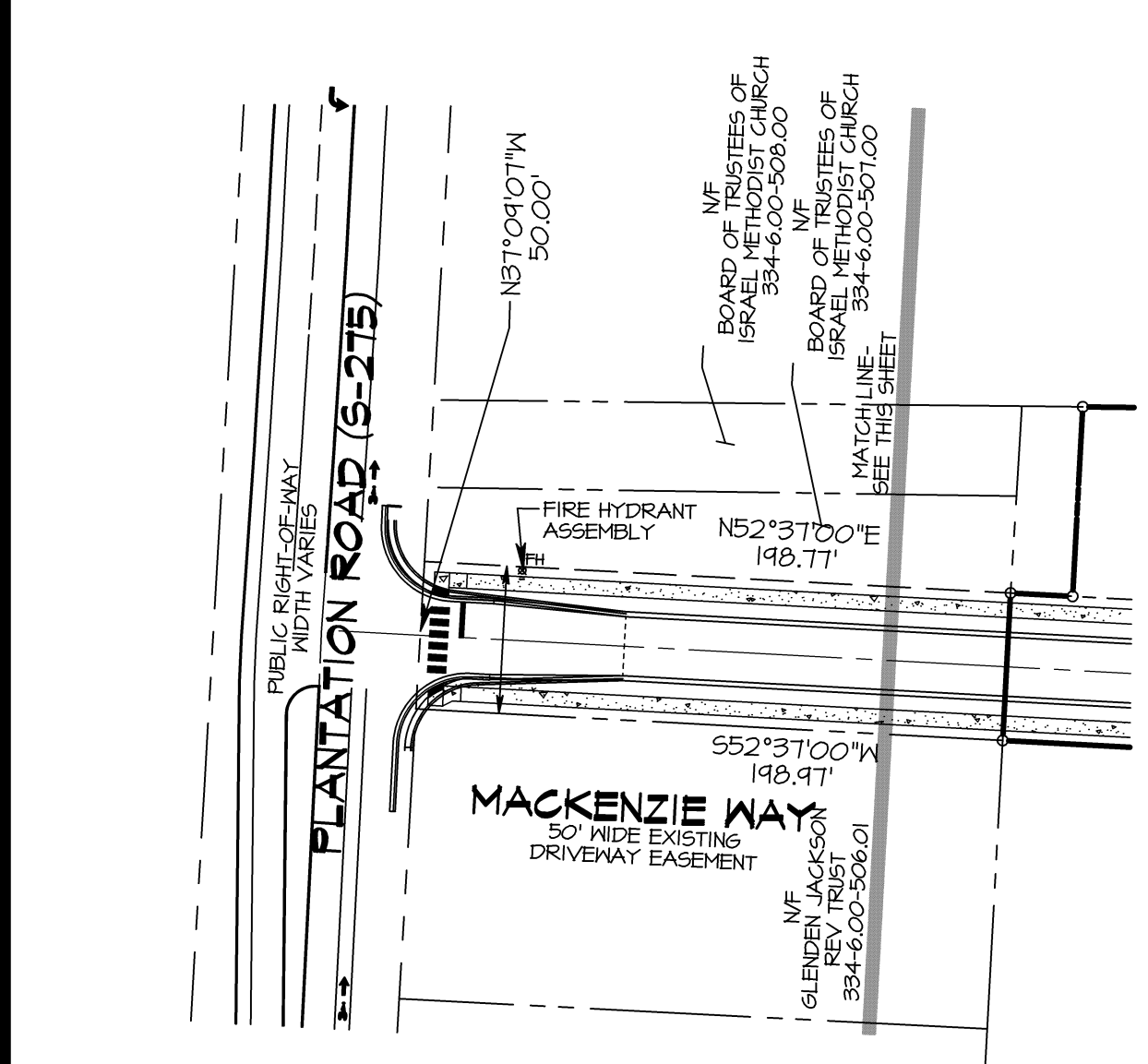
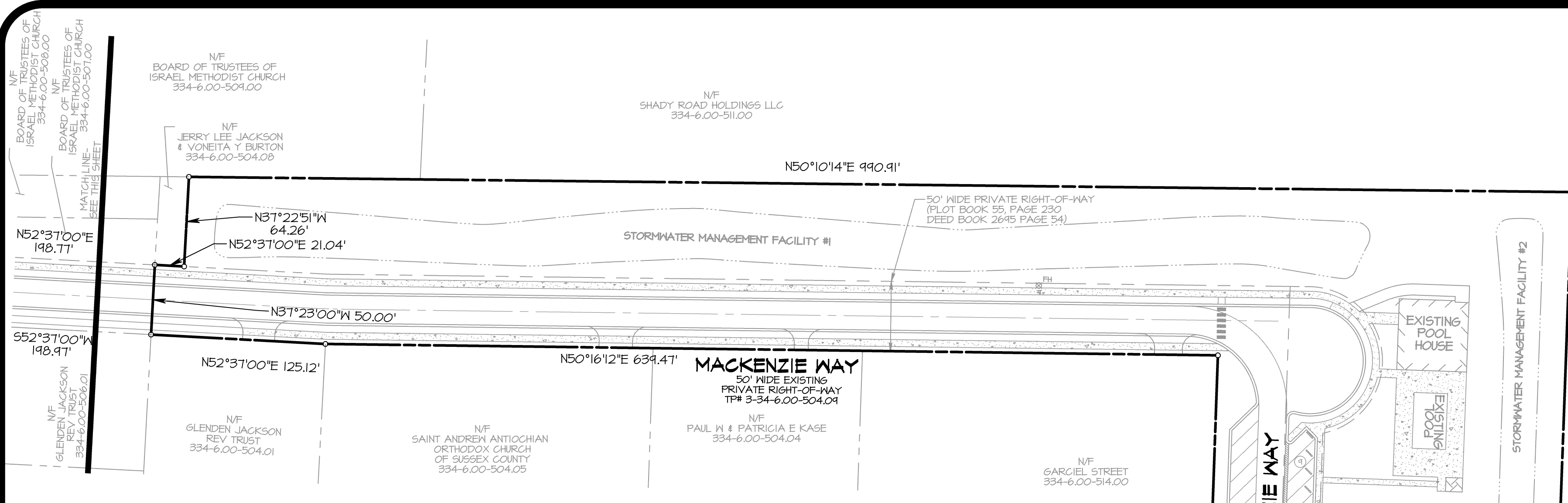
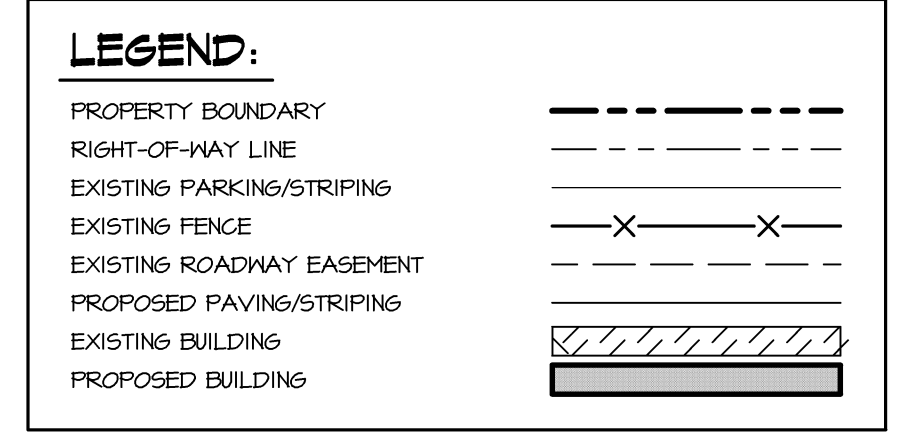
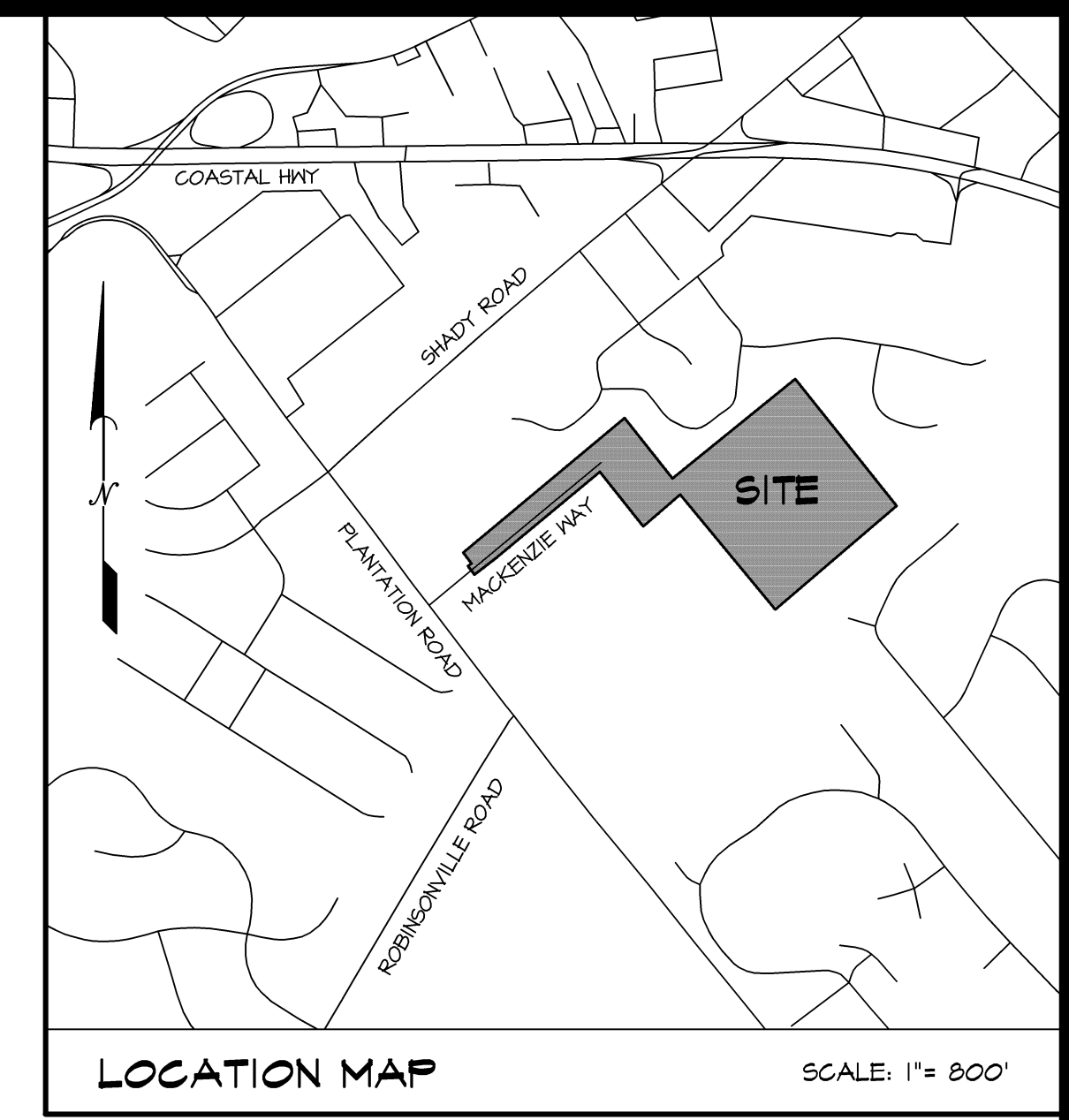
**HILLCREST ASSOCIATES**  
 ARCHITECTURE • ENGINEERING • LAND PLANNING  
 SURVEYING  
 P.O. BOX 1180  
 HOCKESSIN, DE 19107  
 PH: 610.274.8613  
 FAX: 610.274.0587



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

DATE:	REVISION
2-16-22	
DRAWN BY: AHH/RTN	
CHECKD. BY: CNK	
PROJ. NO.: 4202	
SCALE: 1"=60'	
CAD FILE NAME: 4202BD3-PRO	





**DATA COLUMN**

- OWNER/APPLICANT/DEVELOPER: CB LEWES, LLC, 20409 SILVER LAKE DRIVE, UNIT 1, REHOBOTH BEACH, DE 19411, CONTACT: JOE CALABRO (302) 281-3045
- ENGINEER: HILLCREST ASSOCIATES, INC., P.O. BOX 1180, HOCKESSIN, DE 19707, (302) 455-4873
- TAX PARCEL NUMBER: 3-34-6.00-504.02
- SITE AREA: 18.088 AC±
- EXISTING ZONING: MR W CONDITIONAL USE #1845
- 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%)
- FLOOD ZONE: THE PROPERTY IS LOCATED WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRN MAP NUMBER 10005C039K, MAP REVISED MARCH 16, 2015.
- WATER SUPPLY: TIDENATER UTILITIES
- SANITARY SEWER: SUSSEX COUNTY (WEST REHOBOTH EXPANSION)
- GROSS AREA = 10,088 AC±  
 MACKENZIE WAY ROW AREA = 1,311 AC±  
 MACKENZIE WAY EASEMENT AREA = 0,408 AC±  
 OPEN SPACE AREA (INCLUDING STORMWATER FEATURES, BUFFERS, RECREATIONAL FACILITIES, ETC.) = 10,816 AC± (91.0%)  
 PUMP STATION LOT AREA (DEDICATED TO SUSSEX COUNTY) = 0,051 AC±  
 RESIDENTIAL BUILDING AREA = 1,491 AC±  
 PARKING LOT AREA = 3,269 AC±  
 GARAGE AREA = 0,236 AC±  
 TOTAL IMPERVIOUS AREA = 1,784 AC± (43.0%)
- 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.

**PURPOSE OF PLAN**

THE PURPOSE OF THIS PLAN IS TO PROVIDE AN ADDITIONAL 64 PARKING SPACES AND PROPOSE A FUTURE 24 GARAGE PARKING SPACES.

**PARKING CALCULATIONS:**

168 UNITS \* 2 SPACES/UNIT = 336 SPACES  
 336-50 = 286 SPACES  
 286 SPACES \* 85% = 243 SPACES  
 244 + 50 SPACES = 294 SPACES REQUIRED

SPACES PREVIOUSLY PROVIDED = 244 SPACES  
 ADDITIONAL SPACES PROVIDED BY THE AMENDED SITE PLAN = 55 SPACES  
 ADDITIONAL SPACES PROPOSED BY THIS PLAN = 64 SPACES  
 TOTAL PROPOSED PARKING = 418 SPACES  
 TOTAL PROPOSED PARKING WITH OPTIONAL GARAGES IN CURRENT LOCATION = 403

HANDICAPPED SPACES REQUIRED = 8 SPACES (2 VAN ACCESSIBLE)  
 HANDICAPPED SPACES PROVIDED = 14 SPACES (ALL VAN ACCESSIBLE)

**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.

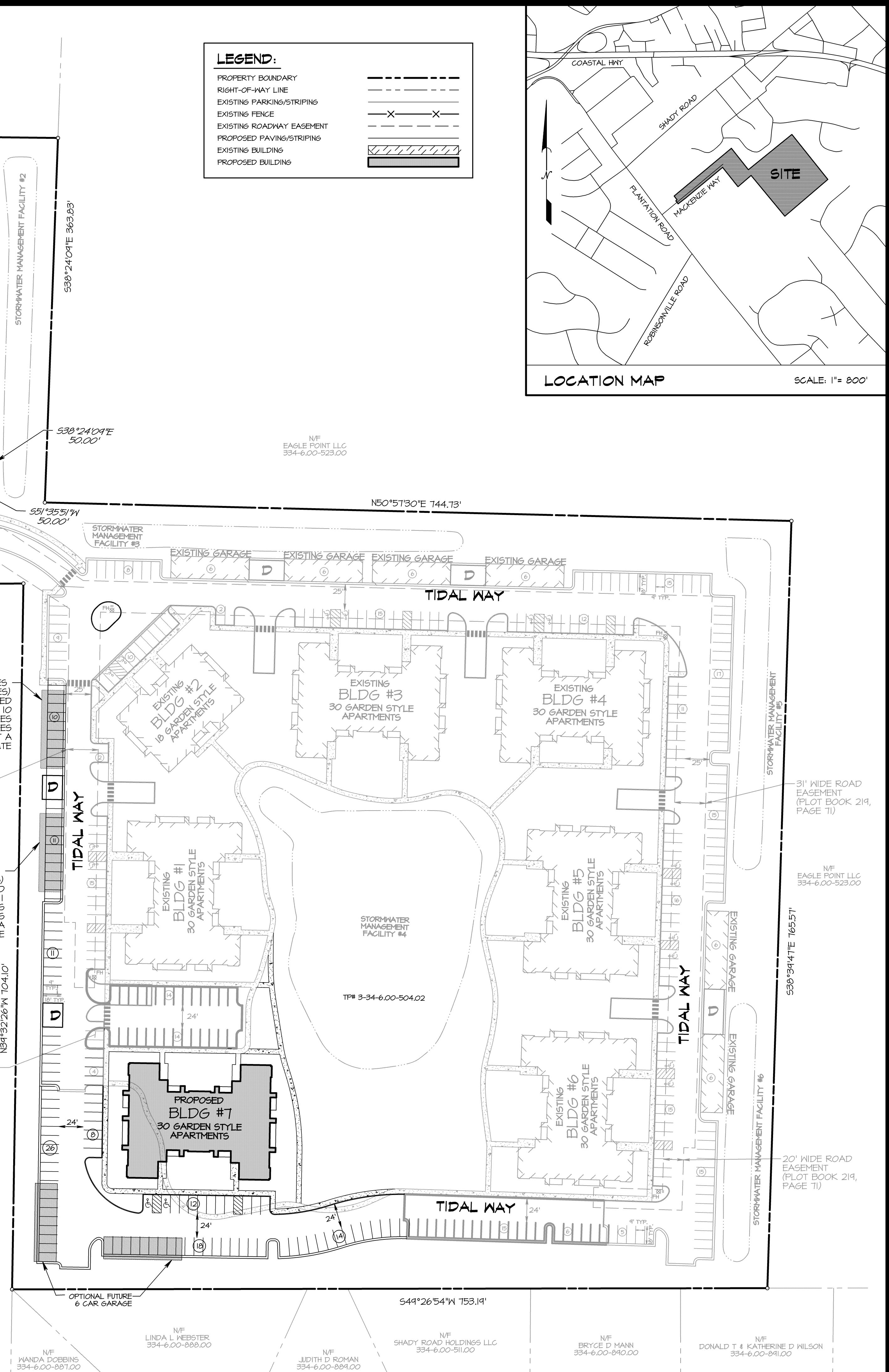
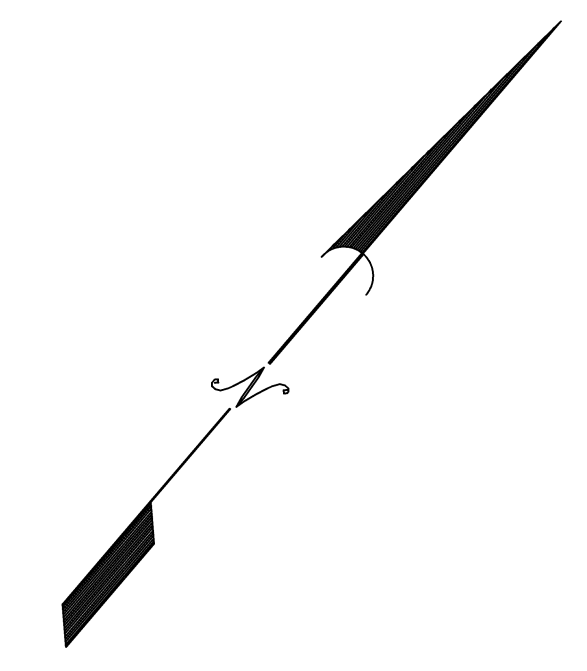
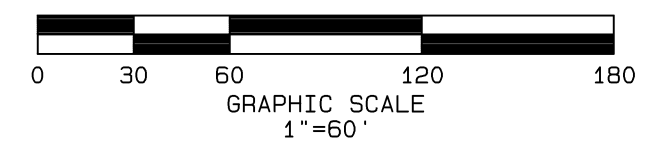
**ENGINEERS CERTIFICATION**

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.

5-11-2022

CB LEWES, LLC : NAME:  
TITLE:

COLIN M. KRAKUNAS, P.E. DATE  
DE LICENSE NO. 14908



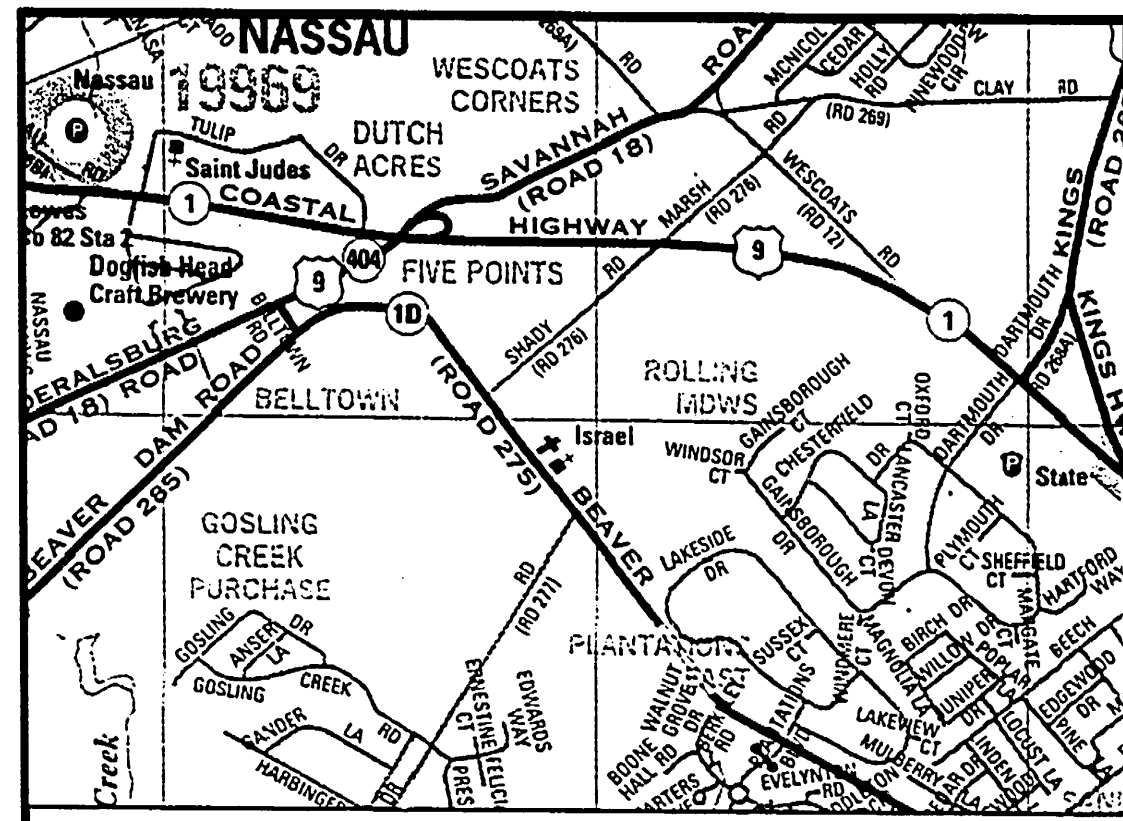
SEAL

**CONDITIONAL USE PLAN**  
 COASTAL TIDE (fka ARBORS OF COTTAGEDALE)  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE

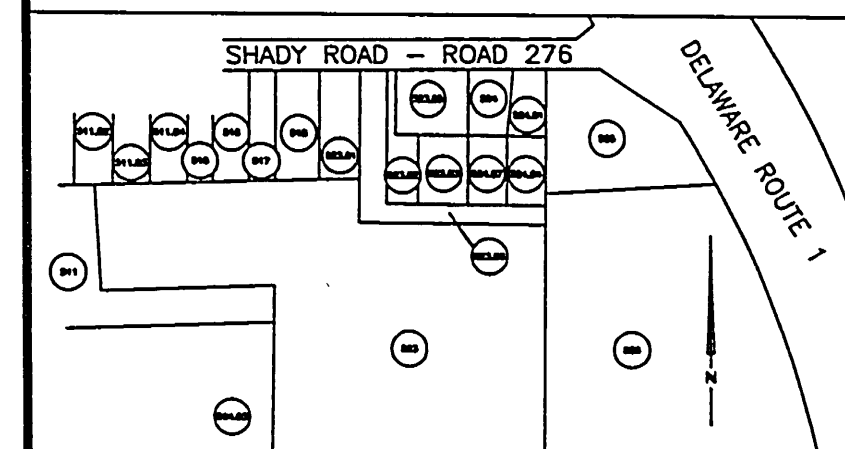
DATE:	REVISION	DATE	REVISION
2-16-22	AH/RTN	5-11-22	REV. PARKING LAYOUT
	CNK		
	4202		
	1"=60'		
	CAD FILE NAME:		
	4202BD3PRD		

DWG. NO.





VICINITY MAP  
SCALE: 1" = 1200'



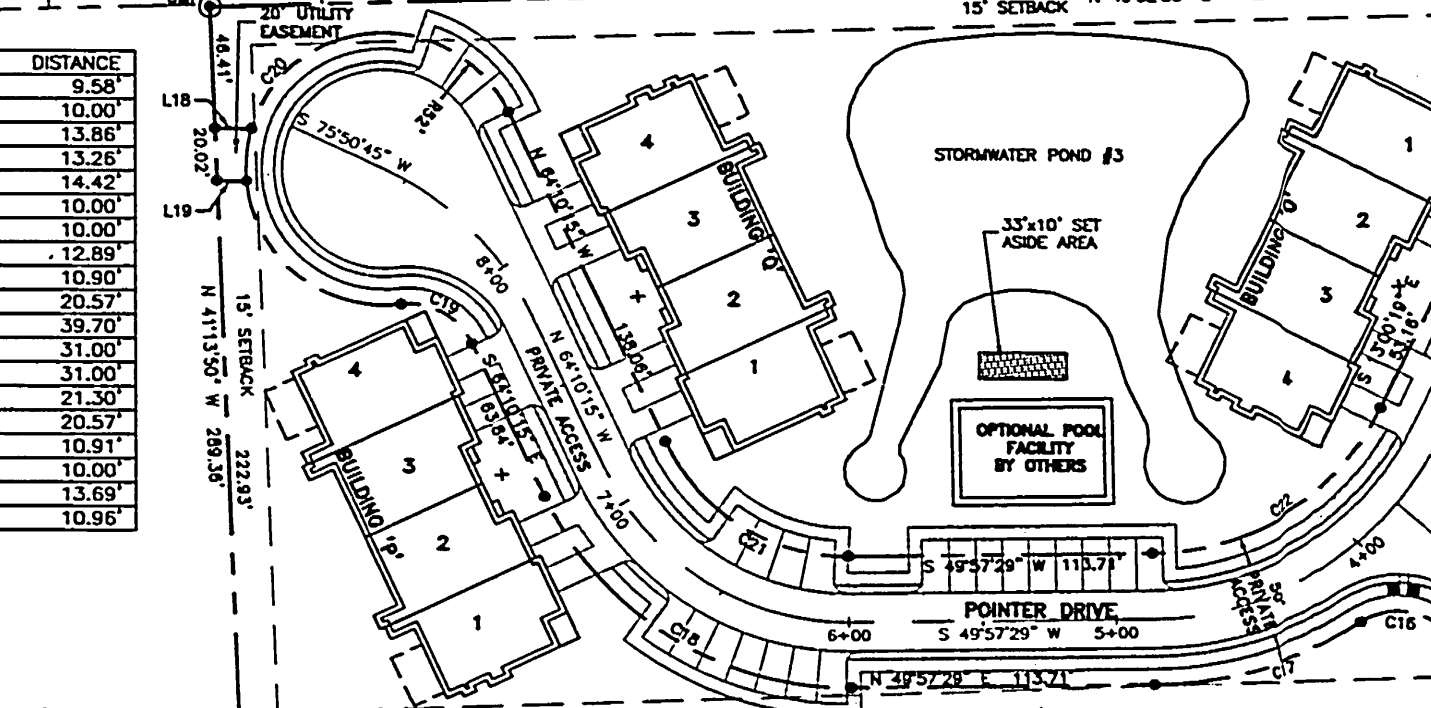
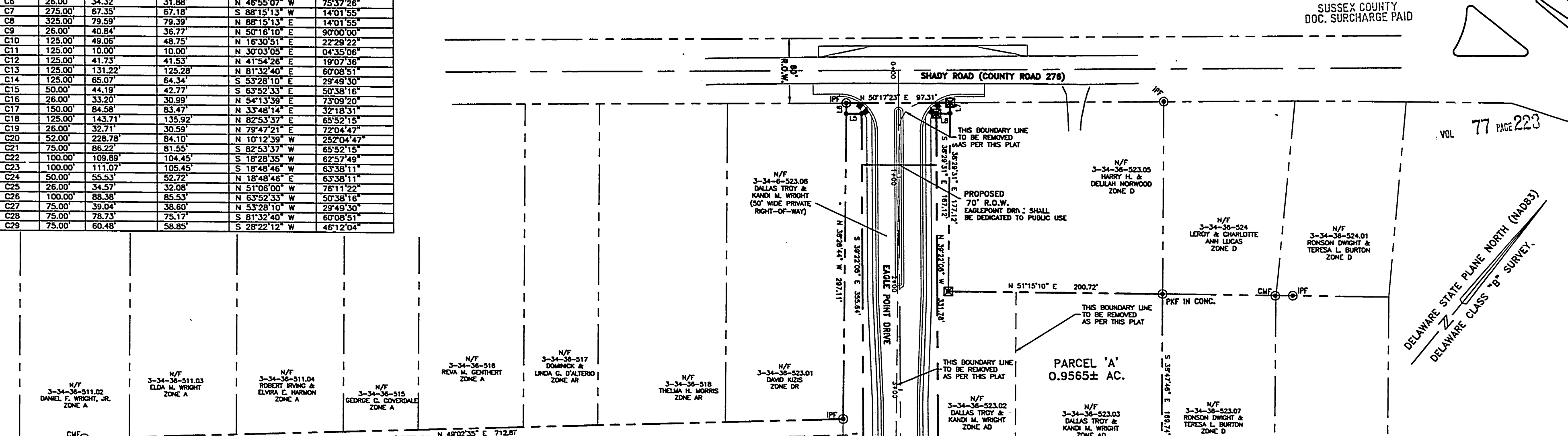
**ZONING MAP**  
SCALE: NOT TO SCALE

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 VACANT LOT	A AGRICULTURAL
511.04	RESIDENTIAL TRAILER ON PROPERTY	A AGRICULTURAL
511.05	RESIDENTIAL VACANT LOT	A AGRICULTURAL
515	RESIDENTIAL SINGLE	A AGRICULTURAL
517	RESIDENTIAL SINGLE	A AGRICULTURAL
523	FARM	A AGRICULTURAL/RESIDENTIAL
523.01	RESIDENTIAL SINGLE	DR GENERAL BUSINESS/RESIDENTIAL
523.02	RESIDENTIAL SINGLE	AD AC./RESIDENTIAL/GENERAL
523.03	RESIDENTIAL MP	DR GENERAL BUSINESS/RESIDENTIAL
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	D GENERAL BUSINESS
526	(FC)	DR GENERAL BUSINESS/RESIDENTIAL

**DATA COLUMN**

MAP & PARCEL NUMBER: 3-34-6-523.00, 523.02, 523.03, & 523.06  
 DEED REFERENCE: 218/0425  
 NO TITLE REPORT FURNISHED  
 EXISTING ZONING: AGRICULTURAL  
 ALTA/ACSM SURVEY CLASSIFICATION: URBAN  
 OWNER: DALLAS TROY WRIGHT  
 17523 SHADY ROAD  
 LEWES, DELAWARE 19958  
 EQUITABLE OWNER: EAGLE POINT L.L.C.  
 2644 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 UNITS / 1 PER  
 68 GARAGES / 1 PER  
 SPACES REQUIRED: 204  
 TOTAL SPACES PROVIDED: 215  
 UTILITIES:  
 TIDewater 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 DNREC 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°42'53" E	43°2'07"
C2	52.00	228.78	84.10	N 59°59'23" E	29°04'47"	C31	125.00	45.63	45.39	S 16°42'53" E	20°55'24"
C3	75.00	32.71	30.29	S 30°04'37" E	27°04'47"	C32	115.00	42.00	41.76	N 49°31'59" 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	89°10'49"
C5	125.00	64.52	63.81	N 29°53'40" W	29°34'33"						
C6	25.00	34.10	31.89	N 48°53'07" E	23°37'28"						
C7	275.00	67.35	67.18	S 88°15'13" W	14°01'55"						
C8	325.00	79.59	79.39	N 86°15'13" E	14°01'55"						
C9	25.00	40.84	38.79	N 50°15'10" E	30°00'00"						
C10	125.00	49.08	48.75	N 16°30'51" E	25°29'22"						
C11	125.00	10.00	10.00	N 30°03'09" E	04°35'06"						
C12	125.00	41.73	41.53	N 47°54'28" E	19°07'58"						
C13	125.00	131.22	125.28	N 81°32'40" E	80°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	30°38'18"						
C16	25.00	31.20	30.59	N 54°13'39" E	23°59'20"						
C17	150.00	84.58	83.47	N 33°48'14" E	32°18'31"						
C18	125.00	145.71	135.92	N 85°23'37" E	85°23'15"						
C19	25.00	35.71	30.59	N 79°41'21" E	22°04'47"						
C20	52.00	228.78	84.10	N 10°12'39" W	25°04'47"						
C21	75.00	86.22	81.58	S 85°23'37" W	6°52'15"						
C22	100.00	109.89	104.45	S 18°28'35" W	62°47'48"						
C23	100.00	111.07	105.45	S 18°48'46" W	63°38'11"						
C24	50.00	55.53	52.72	N 18°48'46" E	63°38'11"						
C25	25.00	34.57	32.08	N 57°00'00" W	78°11'22"						
C26	100.00	88.38	85.53	N 63°52'33" W	50°38'18"						
C27	75.00	39.04	38.60	N 53°28'10" W	29°49'30"						
C28	75.00	75.73	75.17	S 81°32'40" E	80°08'51"						
C29	75.00	60.48	58.85	S 28°22'12" W	46°12'04"						



**LEGEND**

CONCRETE MONUMENT FOUND (5 EXISTING)

IRON PIPE FOUND (7 EXISTING)

PKF FOUND IN CONCRETE (1 EXISTING)

PROPOSED MONUMENT (10 PROPOSED)

**LAND AREAS**

SITE AREA: 16.9760± ACRES

ROAD AREA: 4.4624± ACRES

GRAVE AREA: 0.0505± ACRES

UTILITY EASEMENT AREA: 0.0054± ACRES

WALKING EASEMENT AREA: 0.0173± ACRES

PARCEL 'A' AREA: 0.9565± ACRES

PARCEL 'B' AREA: 2.1181± ACRES

PARCEL 'C' AREA: 2.5855± ACRES

PARCEL 'D' AREA: 1.4010± ACRES

PARCEL 'E' AREA: 4.4778± ACRES

PARCEL 'F' AREA: 0.9015± ACRES

**BUILDING OFFSET SCHEDULE**

UNIT	SETBACK	OFFSET
1	1-92.6	136.00
2	1-24.0	108.00
3	1-20.0	80.00
4	1-20.0	140.00
5	1-18.0	141.00
6	1-18.0	108.00
7	1-18.0	136.00
8	1-18.0	108.00
9	1-18.0	136.00
10	1-18.0	108.00
11	1-18.0	136.00
12	1-18.0	108.00
13	1-18.0	136.00
14	1-18.0	108.00
15	1-18.0	136.00
16	1-18.0	108.00
17	1-18.0	136.00
18	1-18.0	108.00
19	1-18.0	136.00
20	1-18.0	108.00

**SURVEYOR'S STATEMENT**

I, Barry M. Hall, hereby state that I am a registered surveyor 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 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

**OWNERS CERTIFICATION**

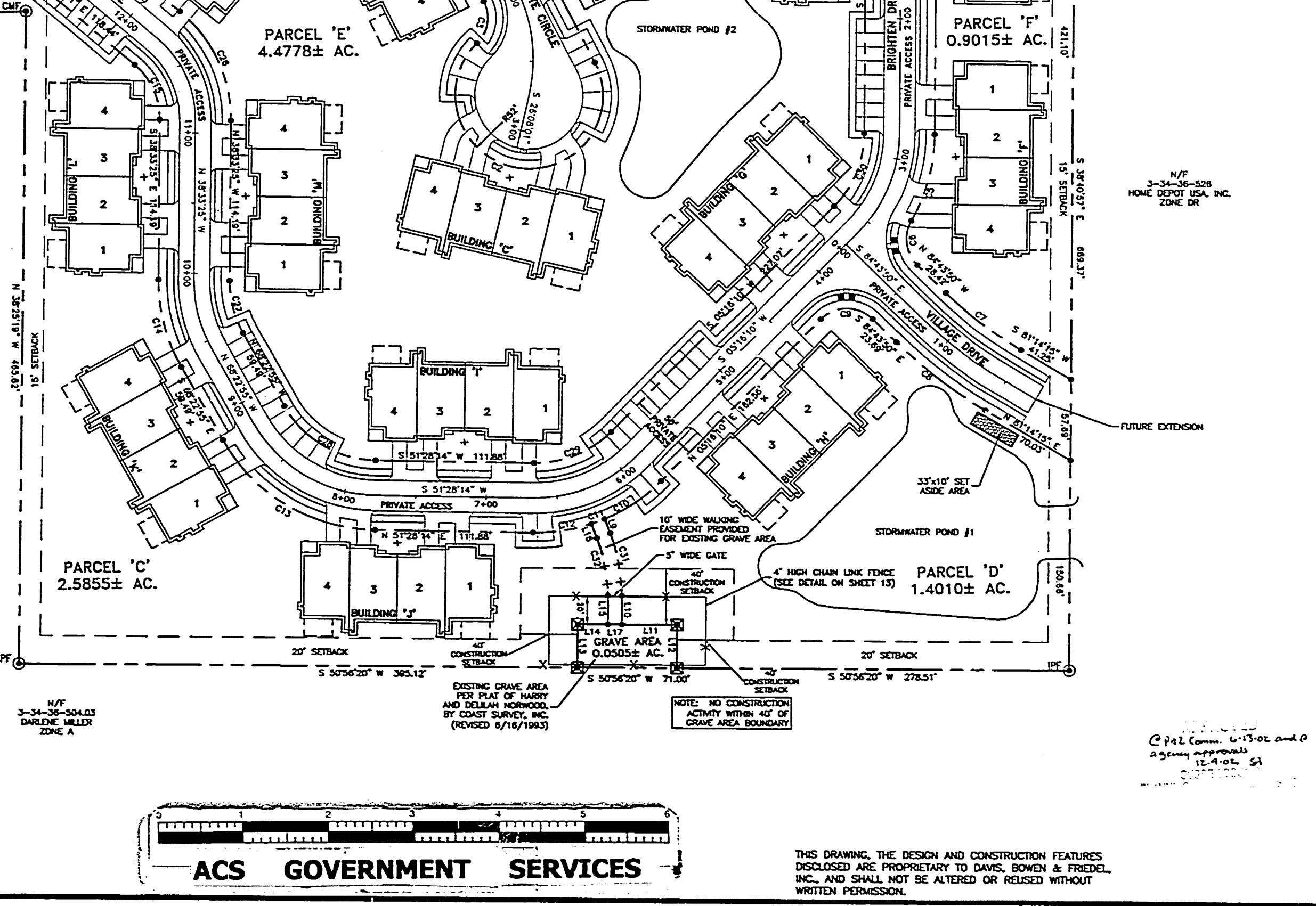
WE, DALLAS TROY WRIGHT AND KANDI M. WRIGHT, CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THAT THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS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

SIGNATURE: *Dallas Troy Wright* DATE: 12/6/02  
 SIGNATURE: *Kandi M. Wright* DATE: 12/6/02  
 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. 06 2002  
 TITLE: *Mario C. Capano* (AUTHORIZED MEMBER)  
 (302) 737-3401  
 (302) 737-2854-FAX



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

VOL 77 PAGE 223

DELAWARE STATE PLANE NORTH (AD893)  
 DELAWARE CLASS "B" SURVEY.

RECORD PLAN

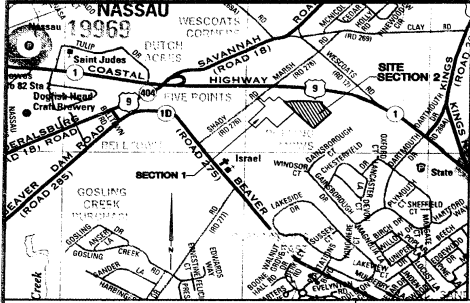
DAVIS, BOWEN & FRIEDEL, INC.  
 ARCHITECTS, ENGINEERS & SURVEYORS  
 SALISBURY, MARYLAND (410) 543-8091  
 MILFORD, DELAWARE (302) 424-1441

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

REVISIONS:  
 01/07/02 COMMENTS 8/15/02  
 02/07/02 COMMENTS 10/15/02  
 03/07/02 COMMENTS 10/15/02  
 04/07/02 COMMENTS 10/15/02  
 05/07/02 COMMENTS 10/15/02  
 06/07/02 COMMENTS 10/15/02

Date: MAY 2002  
 Scale: 1"=50'  
 Drawn By: D. STUMP  
 Proj. No.: 1031A001B  
 Drawn By:

**R-1**



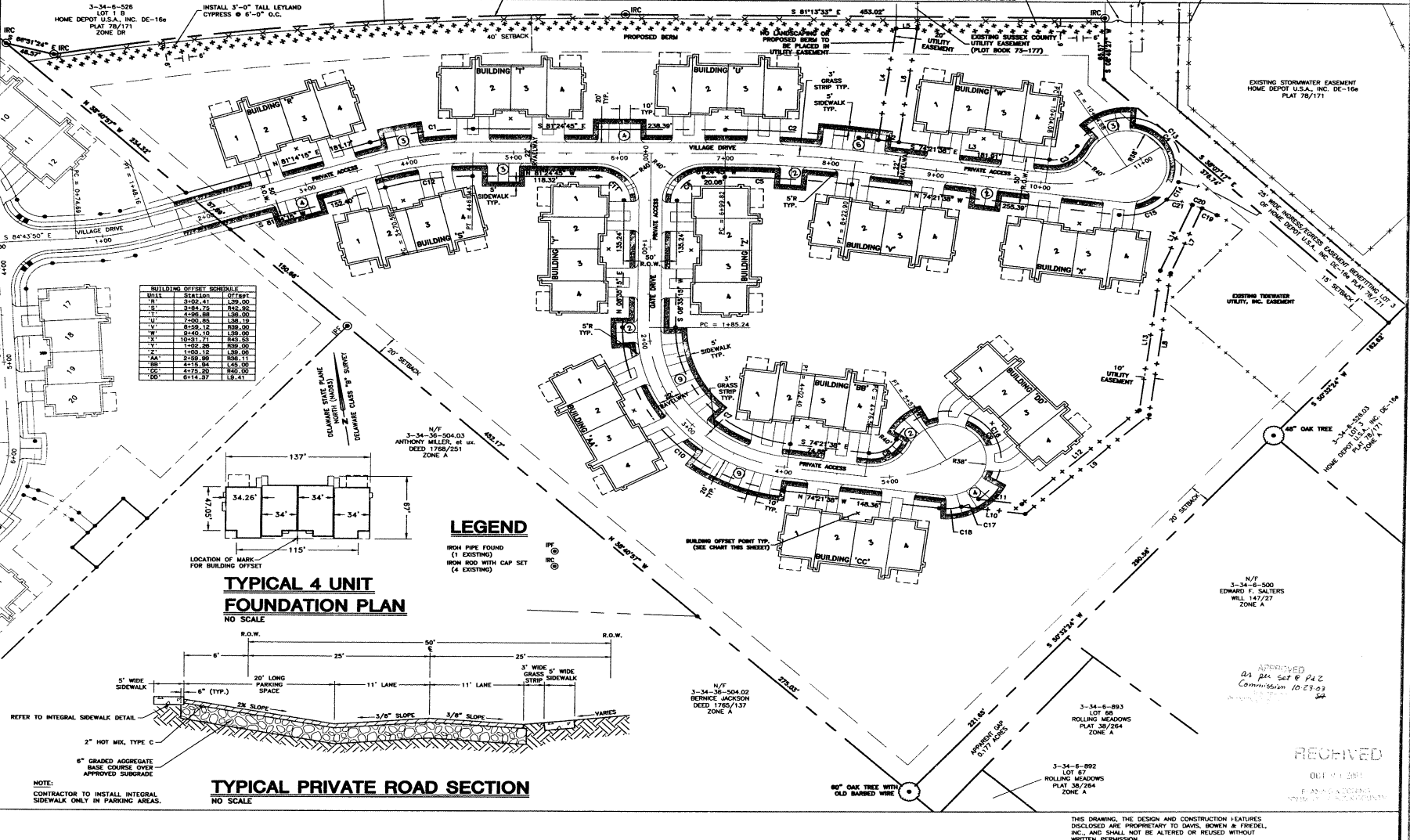
REGISTERED ENGINEER STATEMENT table with columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE. Lists curves C1 through C21 with their respective measurements.

REGISTERED ENGINEER STATEMENT text block containing the engineer's name (Randy Duplchain), title, date (9/26/03), and signature.

OWNERS CERTIFICATION text block containing the owner's name (Frank J. Capano, Jr.), title, date, and signature.

Table with columns: LINE, BEARING, DISTANCE. Lists boundary lines L1 through L13 with their bearings and distances.

ZONING MAP and DATA COLUMN section. Includes zoning codes (e.g., R-1, A-1), descriptions, and specific data for the site (Map & Parcel Number: 3-34-6-526).



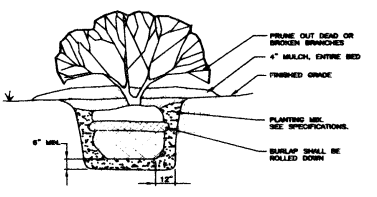
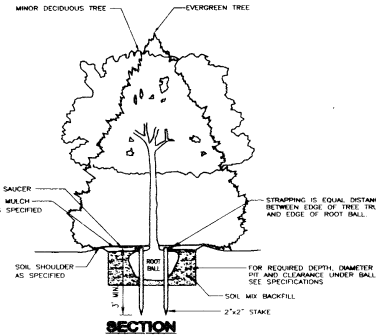
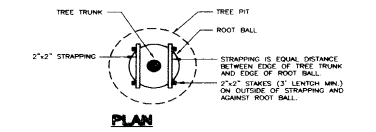
Vertical sidebar containing project title 'EAGLE POINT (SECTION II) LEWES AND REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE', record plan number 'R-1', date 'APRIL 2003', and other administrative information.



**GENERAL LANDSCAPE NOTES**

1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS FOR NURSERY STOCK, ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
2. CONTRACTOR SHALL BE REQUIRED TO GUARANTEE ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER INSTALLATION IS COMPLETE AND FINAL ACCEPTANCE OF SITE WORK HAS BEEN GIVEN. AT 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 PLANS 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 THREE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.
12. ALL AREAS BEARING 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 MAY BE FINISHED BY CURBS, SHOWINGS, WALLS OR OTHER STRUCTURES SHALL BE ENCLOSED BY ALUMINUM EDGING UNLESS OTHERWISE INDICATED. (SEE LANDSCAPE PLAN)

**LIGHTING LEGEND**  
COLONIAL LIGHT (13 TOTAL)



**SHRUB PLANTING DETAIL**  
NOT TO SCALE

LANDSCAPE PLANT SCHEDULE					
SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
AR	AR	ASER rubrum "OCTOBER GLORY"	OCTOBER GLORY RED MAPLE	1 3/4"-2" Cal. BALL	1
FR	FR	FRAXINUS pennsylvanica "TOLENT"	SHASTY ASH	1 3/4"-2" Cal. BALL	3
TO	TO	TILIA cordata "TROPICANA"	GREENSWAMP LINDEN	1 3/4"-2" Cal. BALL	4
<b>EVERGREEN TREES</b>					
CL	CL	CUPRESSOCYPRUS leylandii	LEYLAND CYPRESS	3" H., BALL	164
TS	TS	TAXUS canadensis	CANADIAN HEMLOCK	5-8" H.	12

**LANDSCAPE ARCHITECT'S CERTIFICATION**

I, GORDON B. MEAD, 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. Mead* 9/27/03  
GORDON B. MEAD DATE  
REGISTERED LANDSCAPE ARCHITECT

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RECORDED OF DEEDS  
303 NOV -03 PM 1:56

SUBSEX COUNTY DELAWARE  
RECORDING FEE PAID

INSTALL 3'-0" TALL LEYLAND CYPRESS @ 6'-0" O.C. 5' FROM PROPOSED FENCE

EXISTING SUSSEX COUNTY UTILITY EASEMENT (PLOT BOOK 75-177)

INSTALL 3'-0" TALL LEYLAND CYPRESS @ 6'-0" O.C. 5' FROM PROPOSED FENCE

EXISTING TIDEWATER UTILITY EASEMENT

EXISTING 25' WIDE ACCESS EASEMENT PROPOSED GATE (SEE DETAILS)

DRAINAGE IS PROVIDED BY SWM FACILITY OWNED BY OTHERS

FOREBAY (SEE DETAIL SHEET 12)



DAVIS, BOWEN & FRIEDEL, INC.  
ARCHITECTS, ENGINEERS & SURVEYORS  
SUSSEX COUNTY, DELAWARE (410) 542-3051  
WILMINGTON, DELAWARE (302) 451-1414

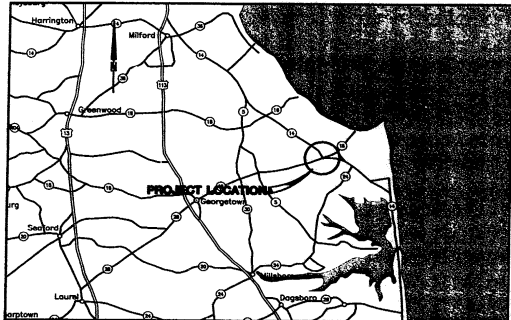


**LANDSCAPING PLAN**

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

DATE: APRIL 2003  
SCALE: 1"=80'  
DRAWN BY: TPE/DJS  
PROJECT NO.: 1031A000P  
DRAWING NO.:

THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES, DIMENSIONS AND PROVISIONS ARE THE PROPERTY OF DAVIS, BOWEN & FRIEDEL, INC. AND SHALL NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN PERMISSION.



VICINITY MAP 1" = 5.83 MILES

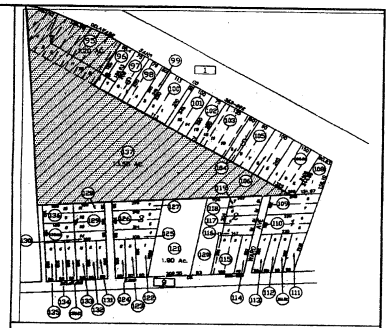
# SANDBAR VILLAGE AT NASSAU BRIDGE

## LEWES & REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

PROJECT NO. 1168A009  
SEPTEMBER, 2004

31755  
31735

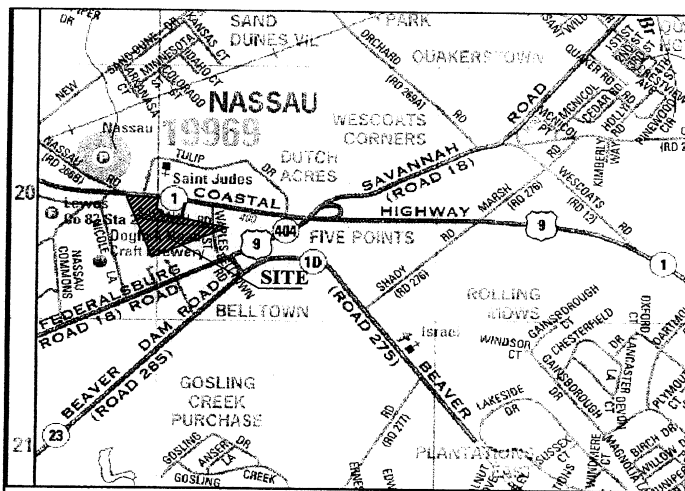
VOL 94 PAGE 14



TAX MAP 3-34-5 PARCELS 95 & 137

### GENERAL NOTES

- CONTRACTOR SHALL NOTIFY "MIS 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 TIDWATER 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 NGS 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 APURTANCES. 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 THERETO 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, GULVERTS, 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 #10005C0335F, 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'

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

### 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 "CL" DESIGNATION SHALL BE INCLUDED.
  - THE SINGLE CUT AND CUT-LINE SHALL BE INDICATED ON THE OUTSIDE OF THE STAKE, WHILE ALSO CONTAINING A "SM" DESIGNATION.
- THE CONTRACTOR SHALL PROVIDE TWO (2) WORKING DAYS NOTICE TO THE COUNTY INSPECTOR PRIOR TO PAVING. BEFORE PAVING ANY SOIL.
- 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 -°; 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, 1/2" WITHIN STREET RIGHT-OF-WAY SHALL BE 24". PIPES WITH LESS THAN 24" OF COVER WITHIN ANY STREET RIGHT-OF-WAY SHALL BE REINFORCED CONCRETE PIPE.



Natural Seal  
Elnor S. Seligler  
Elnor S. Seligler, P.E.  
Media, PA, Delaware County  
My Commission Expires Mar. 12, 2007  
Member Environmental Engineering Council of Delaware

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

NAME: *[Signature]* TITLE: PRESIDENT

### INDEX OF DRAWINGS

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

### LEGEND

EXISTING	PROPOSED

COUNTY AGREEMENT #399




SUSSEX COUNTY ENGINEERING DEPARTMENT  
APPROVED BY:

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

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**LEGEND**

-  ENTRANCE PAVEMENT
-  STREET & PARKING
-  SIDEWALKS

NOTES:  
 1. VERTICAL DATUM IS NAVD 88 BASED ON NGS BM "OPS 55", ELEV. 59.52'.  
 2. HORIZONTAL DATUM IS SPC DE MAD 83 (1981) BASED ON NGS BM "OPS 51", N 281,814.018', E 737,237.367'.

**LAND UTILIZATION SUMMARY**

Map-3-34-5 Parcel 95 & 137  
 Developer/ Joseph Ruggiero  
 Contract Ruggiero Development Group LLC  
 Purchaser: 75 West Baltimore Pike  
 Media, Pa. 19063

Owner: Holiday Park LLC  
 P.O. Box 478  
 Lewes, De. 19958

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

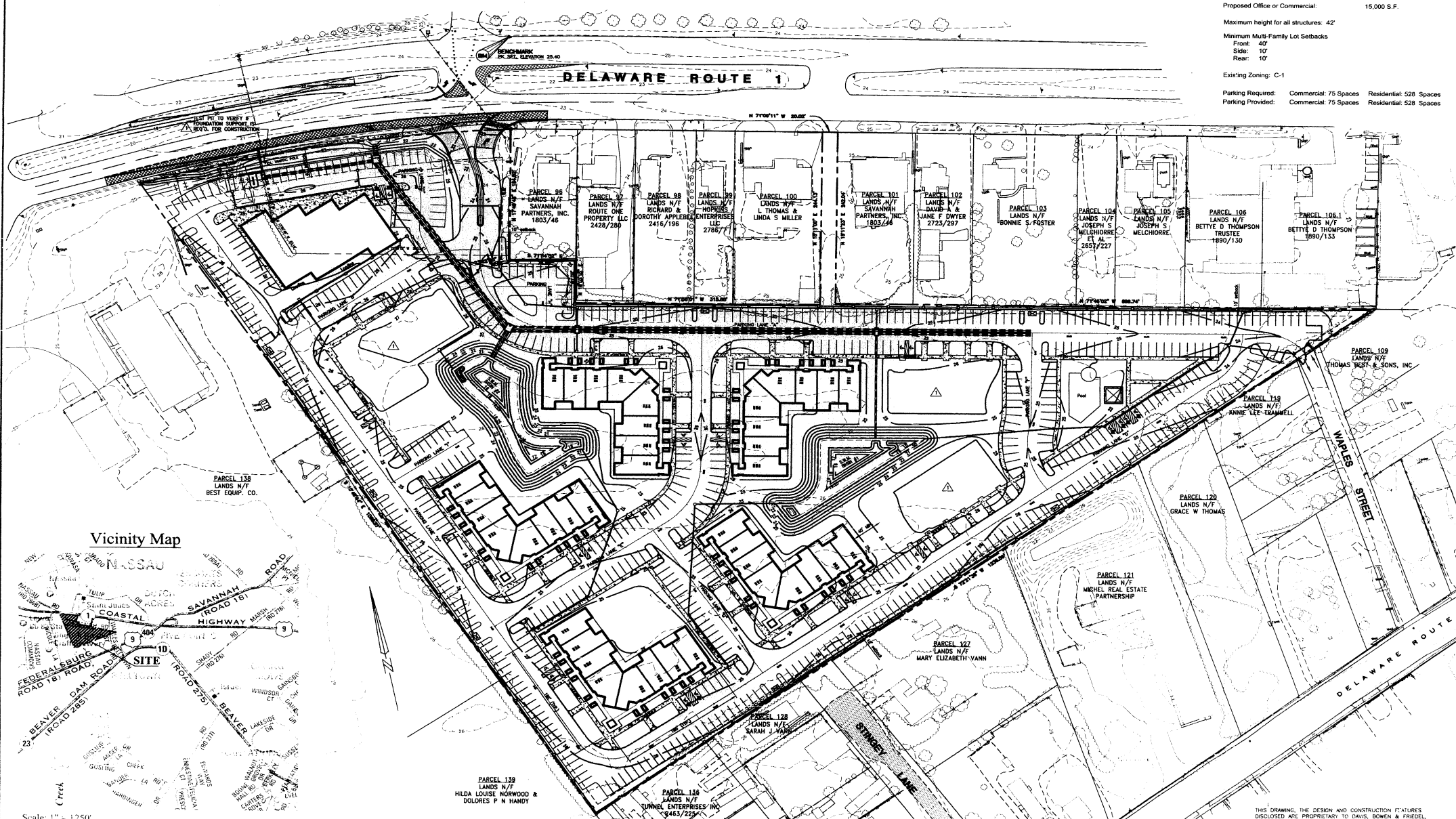
Gross Density: 11.91 Units/Acre  
 Proposed Office or Commercial: 15,000 S.F.

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

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ARCHITECTS ENGINEERS SURVEYORS  
 SAUSURY, MURPHY & FRIEDEL, INC.  
 1400 N. 14th St.  
 Milford, Delaware 19966  
 (302) 424-1441



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

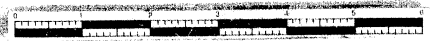
SITE KEY PLAN

Revisions:  
 1. SEE COMMENTS 04-19-05

Date: SEPTEMBER, 2004  
 Scale: 1" = 60'  
 Drawn By: WDM  
 Proj. No: 1168A009  
 Draw No:

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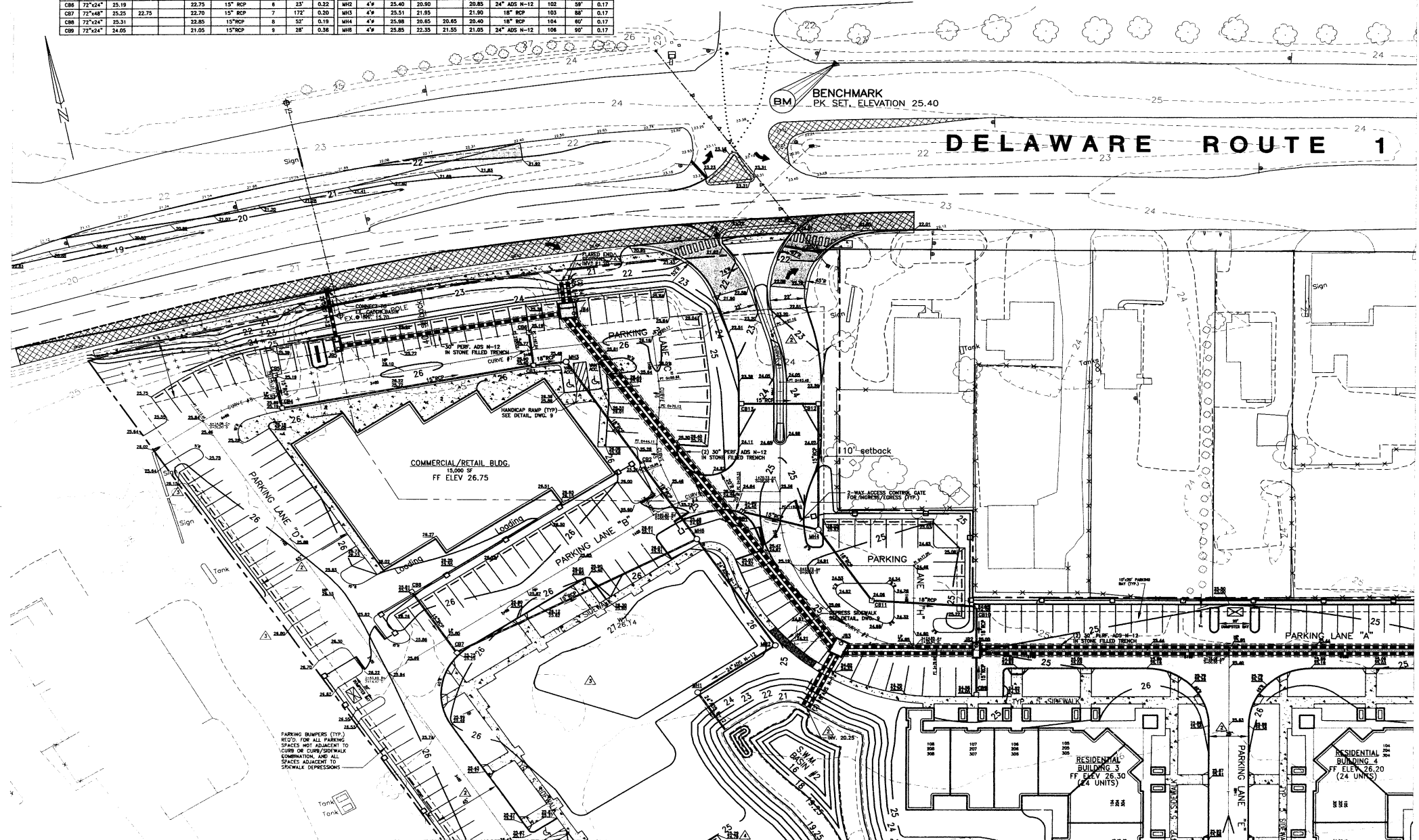
STRUCTURE SCHEDULE

Struct. No.	CB/AH Size	Frame Dia.	Invert In.	Invert Out.	Downstream Pipe Size & Type	Pipe #	Length	Slope %	Struct. No.	CB/AH Size	Frame Dia.	Invert In.	Invert Out.	Downstream Pipe Size & Type	Pipe #	Length	Slope %
CB1	72"x24"	24.40		20.75	15" RCP	1	50'	0.20	CB10	72"x24"	24.35	20.15	20.10	18" RCP	10	28'	0.36
CB2	72"x48"	25.21	21.75	21.70	18" RCP	2	63'	0.24	CB11	72"x24"	24.06	20.30	20.25	18" RCP	11	66'	0.15
CB3	72"x24"	25.40	22.70	22.30	18" RCP	3	21'	0.48	CB12	72"x24"	23.85	20.85	20.80	15" RCP	12	89'	0.17
CB4	72"x24"	25.19	22.70	22.85	15" RCP	4	163'	0.22	CB13	72"x24"	23.83	20.25	20.25	15" RCP	13	48'	0.20
CB5	72"x24"	25.19	22.75	22.75	15" RCP	5	23'	0.22	MH1	4'x4'	25.25	20.75	20.70	24" ADS N-12	101	32'	0.31
CB6	72"x24"	25.19	22.75	22.75	15" RCP	6	23'	0.22	MH2	4'x4'	25.40	20.90	20.85	24" ADS N-12	102	58'	0.17
CB7	72"x48"	25.25	22.75	22.70	15" RCP	7	172'	0.20	MH3	4'x4'	25.51	21.95	21.90	18" RCP	103	88'	0.17
CB8	72"x24"	25.31		22.85	15" RCP	8	52'	0.19	MH4	4'x4'	25.98	20.85	20.80	18" RCP	104	60'	0.17
CB9	72"x24"	24.05		21.05	15" RCP	9	28'	0.36	MH5	4'x4'	25.85	22.30	21.55	24" ADS N-12	105	90'	0.17

NOTES:  
 1. VERTICAL DATUM IS NAVD 88 BASED ON NOS IN "UPS 55", ELEV. 39.32'.  
 2. HORIZONTAL DATUM IS SPC DE NAD 83 (1983) BASED ON NOS IN "UPS 51", N 261.814016, E 751.237380'.

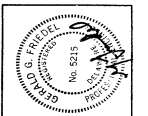
VOL 94 PAGE 16

CURVE	RADIUS	ARC LENGTH	CHORD LEN	CHORD BEARING	DELTA ANGLE	TANGENT
1	115,000'	36.377'	36.222'	S 02°56'56" E	18°07'25"	18.342'
2	100,000'	134.728'	134.177'	S 32°23'36" E	65°41'09"	39.640'
4	100,000'	86.717'	87.877'	S 89°11'03" W	33°58'32"	30.232'
5	82,400'	15.233'	15.082'	N 02°18'00" E	38°01'44"	7.254'
6	100,000'	18.622'	18.485'	N 10°23'55" E	10°58'24"	9.287'
7	100,000'	6.455'	6.454'	N 86°45'44" W	3°41'50"	3.229'
8	150,000'	32.243'	31.892'	S 75°25'53" W	23°11'52"	26.479'

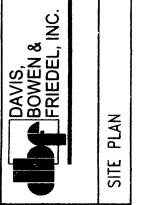


MATCH LINE DRAWING 4

MATCH LINE DRAWING 5



ARCHITECTS ENGINEERS SURVEYORS  
 DAVIS, BOWEN & FRIEDEL, INC.  
 1000 MARKET STREET, SUITE 200  
 WILMINGTON, DELAWARE 19801-4441



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

Revisions:  
 1. SUSSEX 900 COMMENTS 11-20-04  
 2. SUSSEX COMMENTS 01-11-05  
 3. SUSSEX COMMENTS 04-11-05  
 4. SUSSEX COMMENTS 05-11-05

Date: SEPTEMBER, 2004  
 Scale: 1"=30'  
 Dwn. By: WDM  
 Proj. No.: 1168A009  
 Dwg. No.: 3 OF 9

SITE PLAN

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MATCH LINE DRAWING 3

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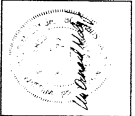
NOTES:  
 1. VERTICAL DATUM IS NAVD 88 BASED ON NGS BM "GPS 53", ELEV. 39.32'.  
 2. HORIZONTAL DATUM IS SPC DE MAD 83 (1981) BASED ON NGS BM "GPS 51", N 281,814.018', E 737,237.387'.

MATCH LINE DRAWING 5

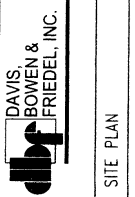
STRUCTURE SCHEDULE									
Struct. No.	CB/WH Size	Frame Elev.	Invert In	Invert In	Invert Out	Downstream Pipe Size & Type	Pipe #	Length	Slope %
CB23	72"x24"	24.31	20.90	20.90	20.90	18" RCP	23	92	0.11
CB24	72"x48"	24.04	20.30	20.30	20.30	24" RCP	24	128	0.12
WH5	4"	25.25	20.15	20.10	24" ADS N-12	105	98	0.10	
WH25	72"x24"	24.51	20.90	20.90	18" RCP	25	92	0.11	
CB25	72"x48"	24.05	20.30	20.30	24" RCP	26	156	0.10	
WH7	4"	25.50	20.15	22.10	24" ADS N-12	107	104	0.10	

CURVE DATA					
CURVE	RADIUS	ARC LENGTH	CHORD LEN	CHORD BEARING	DELTA ANGLE
9	52,500'	82.447'	74.246'	S 68°58'13" E	SP 09°17'
11	100,000'	98.000'	82.133'	S 49°17'08" W	SP 09°17' 33.344'

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ARCHITECTS ENGINEERS SURVEYORS  
 DAVIS, BOWEN & FRIEDEL, INC.  
 1000 MARKET STREET, SUITE 1000  
 WILMINGTON, DELAWARE 19801

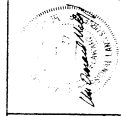


**SANDBAR VILLAGE AT NASSAU BRIDGE**  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE

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

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

4 OF 9



RECORDED OF DEEDS  
05 JUN 17 AM 11:52  
COUNTY OF SUSSEX  
DOC. SURCHARGE PAID

ARCHITECTS ENGINEERS SURVEYORS  
DAVIS, BOWEN & FRIEDEL, INC.  
SALESBURY, WYOMING (410) 843-9091  
BALTIMORE, MARYLAND (410) 843-9091  
AUGUSTE, DELAWARE (302) 424-1441

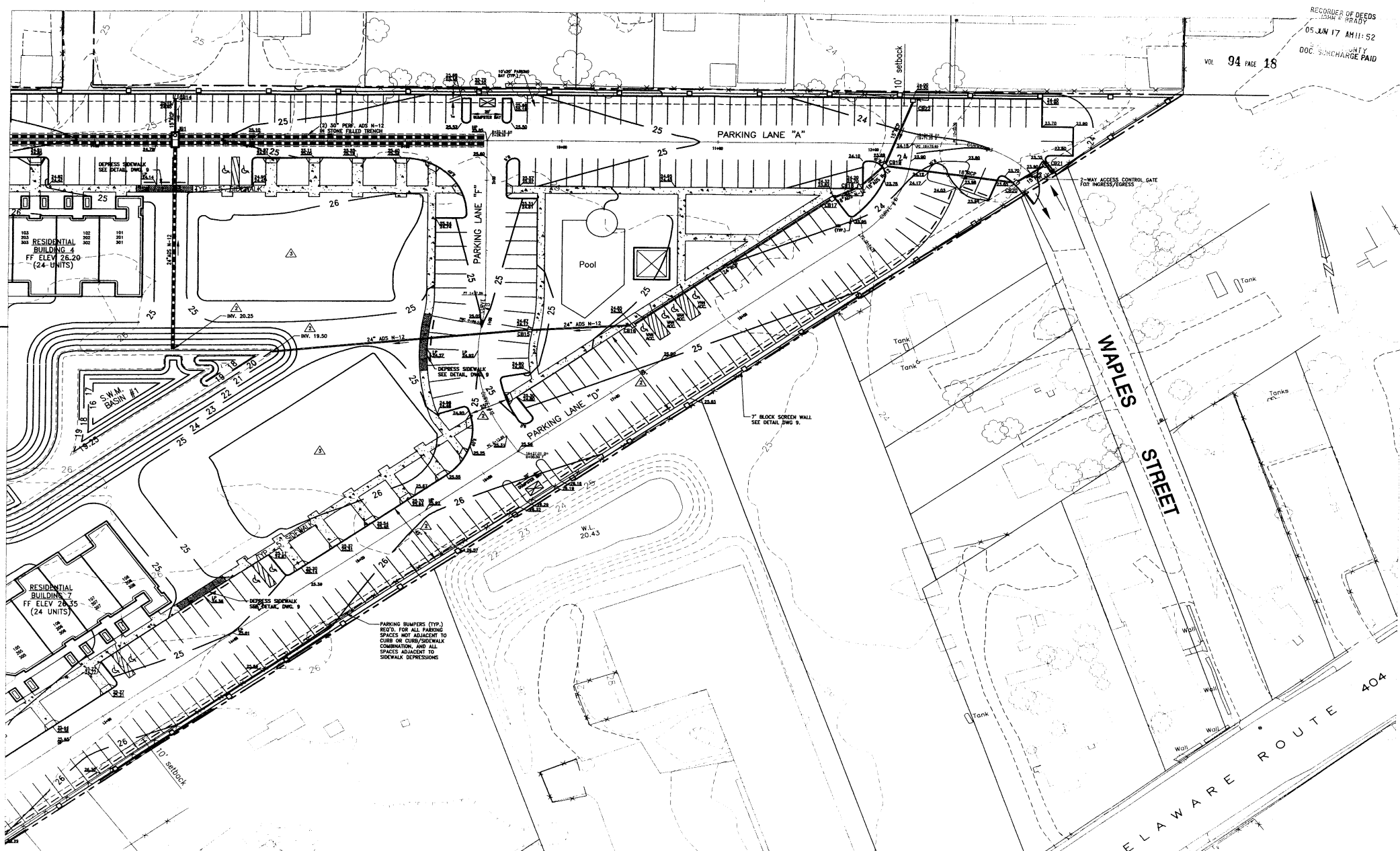
**SANDBAR VILLAGE AT NASSAU BRIDGE  
LEWES AND REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE**

Revisions:  
 △ SUSSEX SDC COMMENTS 12-20-04  
 △ SDC COMMENTS 01-17-05  
 △ SDC COMMENTS 04-19-05

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

MATCH LINE DRAWING 3

MATCH LINE DRAWING 4



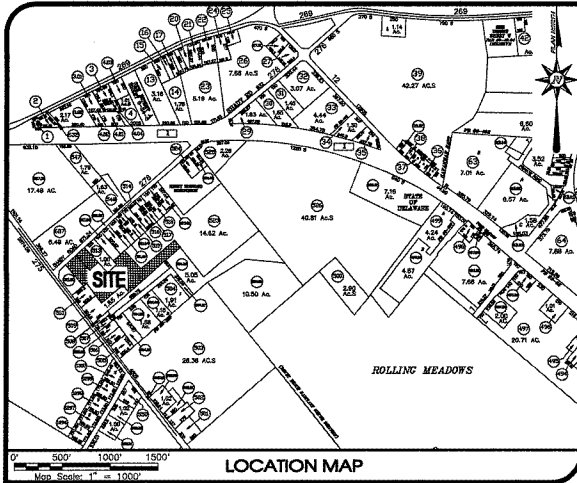
CURVE	RADIUS	ARC LENGTH	CHORD LEN	CHORD BEARING	DELTA ANGLE	TANGENT
1	65.000'	81.632'	56.348'	S 50°37'42" E	54°19'57"	33.353'
10	80.000'	75.854'	53.643'	N 39°22'18" E	54°19'57"	41.080'
12	100.000'	83.630'	61.214'	N 00°29'58" W	47°24'58"	44.435'
13	100.000'	21.368'	21.328'	N 18°19'48" E	12°14'55"	10.725'

STRUCTURE SCHEDULE									
Sheet No.	CB/MI	Frame Elev.	Invert In	Invert In	Invert Out	Downstream Pipe Size & Type	Pipe #	Length	Slope %
CB14	72°24"	24.65	21.85	21.85	21.85	15" RCP	14	28'	0.36
CB15	72°24"	24.17	20.00	19.95	20.15	24" ADS N-12	15	168'	0.27
CB16	48°40"	24.35	20.20	20.15	20.15	24" ADS N-12	16	88'	0.23
CB17	48°40"	23.82	20.93	20.45	20.45	24" RCP	17	156'	0.16
CB18	48°40"	23.70	21.05	21.00	21.00	18" ADS N-12	18	20'	0.25
CB19	72°24"	23.88	21.35	21.19	21.19	18" ADS N-12	19	22'	0.23
CB20	72°24"	23.65	21.85	21.30	21.30	18" RCP	20	80'	0.18
CB21	72°24"	23.65	21.85	21.85	21.85	15" RCP	21	23'	0.43
CB22	72°24"	23.50		21.45	21.45	15" RCP	22	50'	0.20

NOTES:  
 1. VERTICAL DATUM IS NAVD 88 BASED ON NGS BM "OPS 55", ELEV. 34.32'  
 2. HORIZONTAL DATUM IS SDC OF NGS DE NAD 83 (1983) BASED ON NGS BM "OPS 51", N 281.814+19.8, E 737.237+30.7'

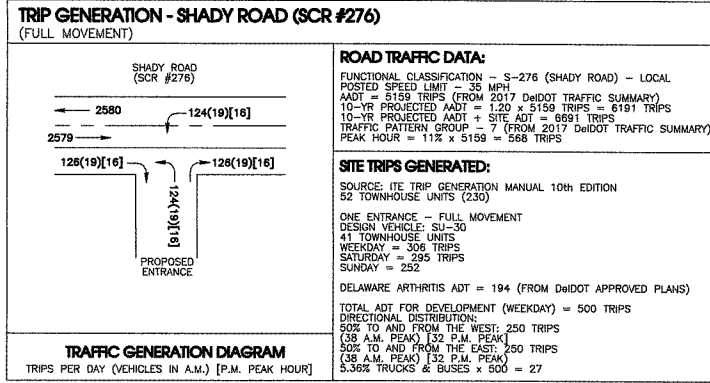
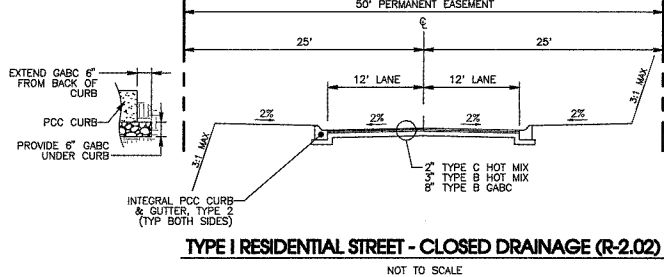
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**PLAN LEGEND**

- SUPPLEMENTAL CONTOUR (1' INTERVAL)
- INDEX CONTOUR (5' INTERVAL)
- EXISTING STORM SEWER PIPING
- EXISTING SANITARY SEWER PIPING
- EXISTING PAVEMENT EXTENTS
- EXISTING PAVEMENT STRIPING
- PROPOSED EDGE OF PAVEMENT
- PROPOSED CURB LINE
- PROPOSED EASEMENT EXTENTS
- EXISTING TREE LINE
- EXISTING PROPERTY BOUNDARY
- ADJOINING PROPERTY LINE
- PROPOSED BUILDING RESTRICTION LINE
- EXISTING CONCRETE PROPERTY MONUMENT
- EXISTING IRON PIPE
- EXISTING POST IN CONCRETE

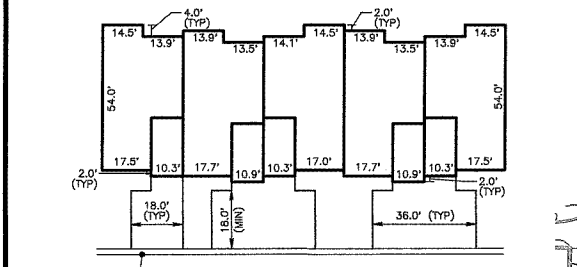


**SITE DATA and ZONING SCHEDULE**

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	



- GENERAL NOTES**
- THE PROJECT SITE IS KNOWN AS SUNSET GLEN, (T.P. 334-6.00-511.00 & 512.00) AND IS LOCATED IN THE NORTHWEST CORNER OF SHADY ROAD (SCR 276) AND PLANTATION 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 RESPONSIBILITY 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. NO FIELD 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 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 P, MAP NUMBER 1000290331K, DATED MARCH 16, 2015, THE SUBJECT PROPERTY IS LOCATED IN A ZONE "X" UNDESIGNED 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 LANES, 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 FLOT PLAN OF THE DEVELOPMENT SHOWING EACH DWELLING LOCATION, THE DEVELOPER SHALL 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 AN ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA EXISTS, THE ROADWAY 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 THE 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".
  - 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 PLAT.



**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 MAPS 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 MANAGEMENT PRACTICES.
- THE FINAL SITE PLAN SHALL CONTAIN THE APPROVAL OF THE SUSSEX CONSERVATION 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 # 20190000282 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 BY 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.

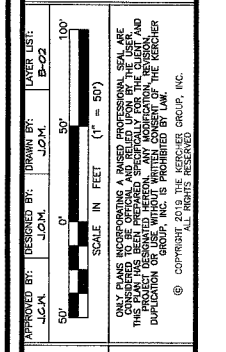
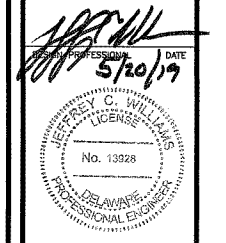
CHRIS KULL  
 STAFFORD STREET CAPITAL, LLC  
 179 REHOBOTH AVE.  
 REHOBOTH BEACH, DE 19971  
 Phone: 202.302.5735

5-28-19 DATE

**REVISIONS**

No.	DATE	DESCRIPTION
1	07/24/17	REVISIONS PER DELDOT COMMENTS
2	10/09/17	REVISIONS PER DELDOT COMMENTS
3	06/11/18	REVISIONS PER DELDOT COMMENTS
4	07/18/18	REVISIONS PER DELDOT COMMENTS
5	07/18/18	REVISIONS PER DELDOT COMMENTS
6	09/20/18	REVISIONS PER DELDOT COMMENTS
7	12/06/18	REVISIONS PER DELDOT COMMENTS
8	09/20/18	REVISIONS PER DELDOT COMMENTS
9	09/20/18	REVISIONS PER DELDOT COMMENTS
10	09/20/18	REVISIONS PER DELDOT COMMENTS

HEREBY CERTIFY THAT THIS PLAN SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE ORDINANCES OF SUSSEX COUNTY AND THE LAWS OF THE STATE OF DELAWARE.



**OWNER/APPPLICANT:** STAFFORD STREET CAPITAL, LLC  
 179 REHOBOTH AVE.  
 REHOBOTH BEACH, DE 19971  
 Phone: 202.302.5735

**PARCEL INFORMATION:**  
 T.P. 334-6.00-511.00 & 512.00  
 GROSS AREA: 6.86 Acres  
 SUBDIVISION: SUNSET GLEN  
 MAP NO. 202.302.5735

**RECORD PLAN:** SUNSET GLEN  
 LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

**THE KERCHER GROUP, INC.**  
 CONSULTING & SYSTEMS ENGINEERING  
 3785 REHOBOTH BEACH, DE 19971  
 302.864.8892 (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

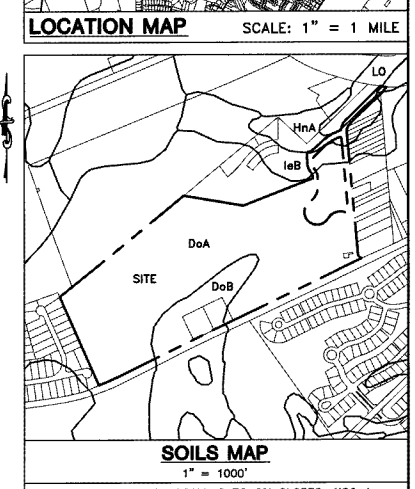
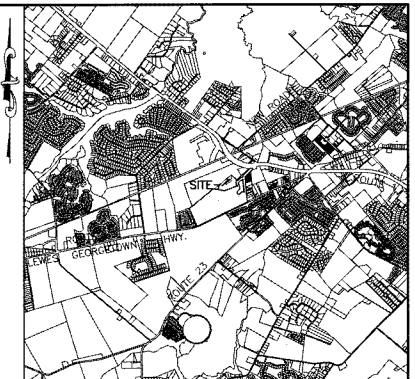
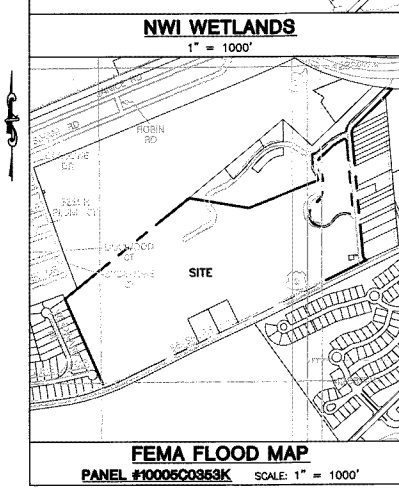
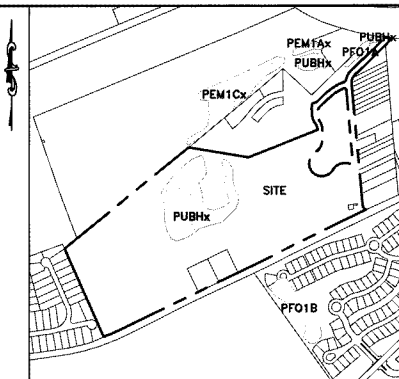
# THE VINEYARDS AT NASSAU VALLEY-SINGLE FAMILY

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

DBF PROJECT NO. 2467A002 MAY, 2020

### DATA COLUMN

**TAX MAP ID:** 3-34-5.00-152.06  
**OWNER:** BAR-SGR, L.L.C. 32193 WINERY WAY LEWES, DE 19958  
**DEVELOPER:** FERMOOR HOLDINGS AT VINEYARDS OF LIMITED LIABILITY COMPANY 1 KATHLEEN DRIVE, SUITE 1 JACKSON, NJ 08527  
**PREPARED BY:** DAVIS, BOWEN & FRIEDEL, INC. PARK AVENUE MILFORD, DE 19963 PHONE (302) 424-1441 FAX (302) 424-0430  
**DATUM:** NAVD 88  
**VERTICAL:** NAD 83 (DE STATE PLANE)  
**PROPOSED USE:** RESIDENTIAL DEVELOPMENT  
**PROPOSED CONSTRUCTION:** WOOD/CONCRETE BLOCK  
**ZONING:** C-1 GENERAL COMMERCIAL DISTRICT  
**EXISTING 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 10,955 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.



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

### GENERAL NOTES:

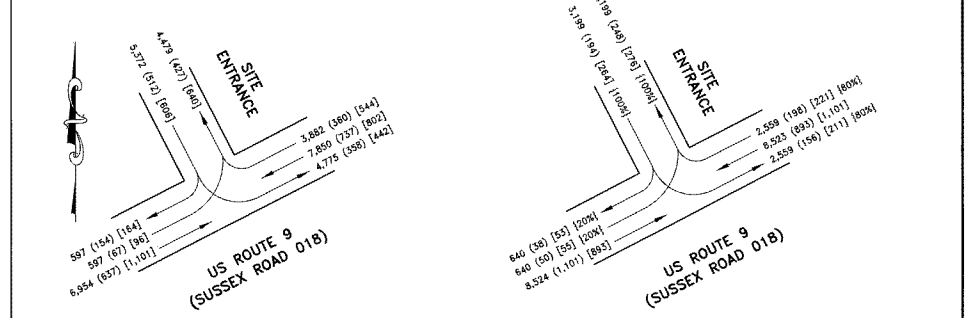
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER 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 FOR 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 ODORS, 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 PROPOSED SITE AND/OR BUILDING LOCATION CAN BE EXPECTED TO EXCEED THE SPECIFIC MAXIMUM NOISE LEVELS FOR CERTAIN COMMERCIAL AND NON-RESIDENTIAL USES AS SHOWN IN DCM FIGURE 3.6.3-A. THE DEVELOPER'S WAIVER OF THE NOISE ANALYSIS AND REVIEW OF POTENTIAL NOISE MITIGATION MEASURES ARE SUPPORTED BY THE INFEASIBILITY OF APPLYING NOISE MITIGATION MEASURES, BASED ON ENGINEERING CONSIDERATIONS AND FACTORS THAT WOULD LIMIT THE ABILITY TO ACHIEVE SUBSTANTIAL NOISE REDUCTION, RELATED TO THE COMMERCIAL USE OF THE SITE AND/OR BUILDINGS. THIS WAIVER ACKNOWLEDGES 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.

**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. DATE  
 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. DATE  
 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.  
 Casey Price 5/18/20  
 FERMOOR HOLDINGS AT VINEYARDS  
 OF LIMITED LIABILITY COMPANY  
 1 KATHLEEN DRIVE, SUITE 1  
 JACKSON, NJ 08527

**ROAD**  
 US ROUTE 9 (SUSSEX COUNTY ROAD 018)  
 FUNCTIONAL CLASSIFICATION - PRINCIPLE ARTERIAL  
 ADT (2017 DELAWARE VEHICLE VOLUME SUMMARY) = 14,696  
 10 YR PROJECTED ADT = 1.16 X 14,696 = 17,047  
 10 YR PROJECTED ADT + SAT SITE ADT (6,398) = 23,445  
 PEAK HOUR = 17,047 X 11.70% = 1,994  
 DIRECTIONAL SPLIT = 55.24% / 44.76% = 1,101/893  
 10.17% TRUCK X 1,994 = 203  
 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 = 939
- 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/500 FT.	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	274	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.

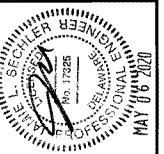
**LEGEND**

- ## - SAT ADT
- ## - PM PEAK
- ## - SAT PEAK
- ## - TRIP DISTRIBUTION

US ROUTE 9 @ VINEYARDS SITE ACCESS (APPROVED 10/17/08 & 9/13/13). PHASE 1 APPROVAL ACCEPTED BY DELDOT PER 8/5/08 PHASE 1 TIS RECOMMENDATIONS - ALL TIS IMPROVEMENTS COMPLETED FOR UP TO 9,851 ADT & 1,246 SATURDAY PEAK HOUR.

**TRAFFIC DIAGRAM**  
 NO SCALE





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



OVERVIEW

**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**

**BOUNDARY LEGEND:**

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

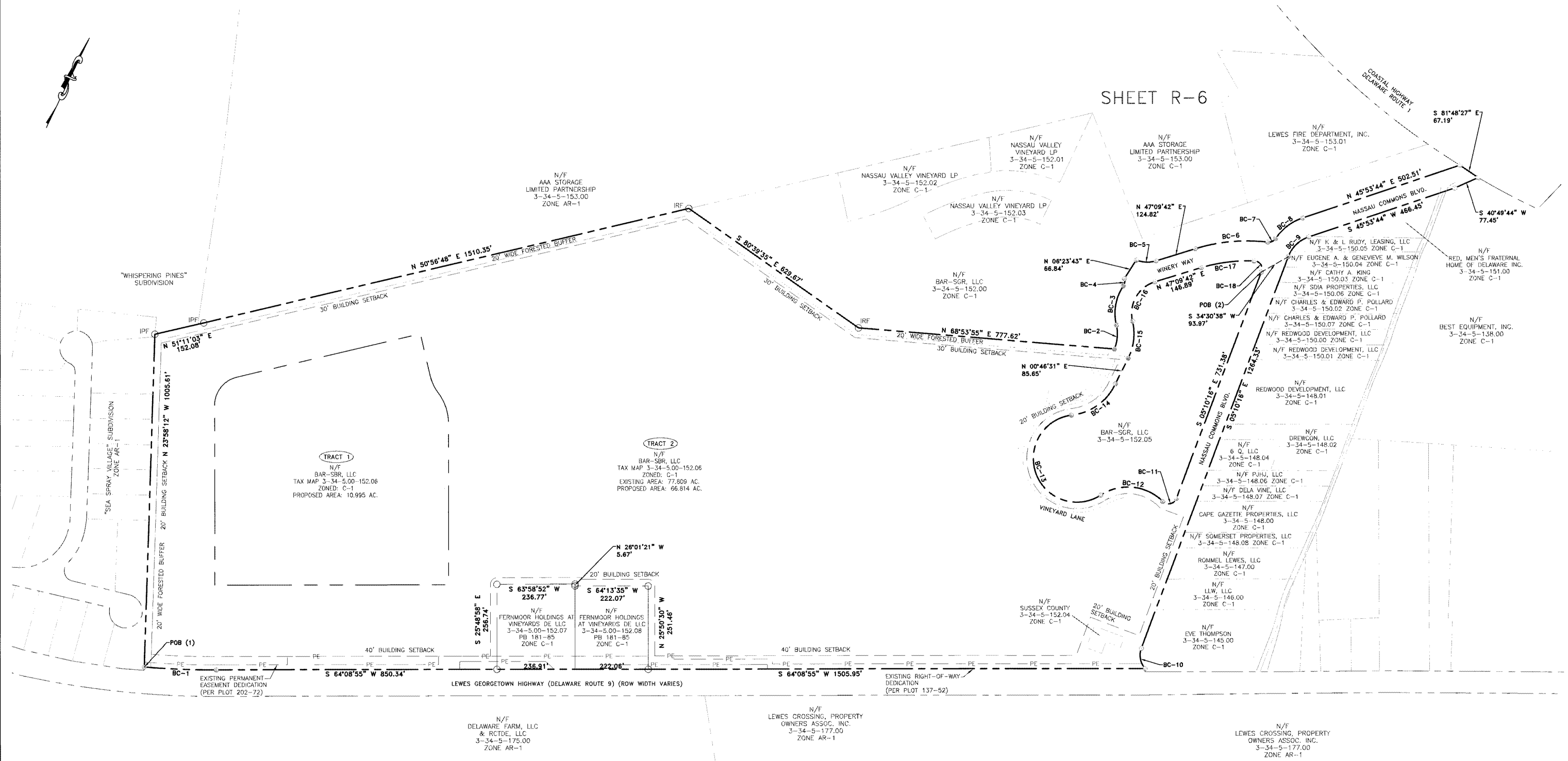
**POB COORDINATE TABLE**

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

- 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

**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°48'56" 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'	85.44'	62.24'	S 38°24'59" E	62°29'26"
BC-11	25.00'	49.86'	42.00'	S 51°57'33" W	114°15'38"
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'	113.23'	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"

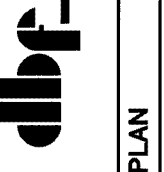


SHEET R-6

P:\Fermoor - Homes\2467A002 - Vineyards\DESIGN\SINGLE FAMILY\RECORD\2467A002 - MINOR SUB PLANS-SINGLES-2019-04-01.dwg, May 05, 2020 - 8:45am



DAVIS, BOWEN & FRIEDEL, INC.  
 ARCHITECTS, ENGINEERS & SURVEYORS  
 SALISBURY, MARYLAND (410) 543-9091  
 MILFORD, DELAWARE (302) 424-1141



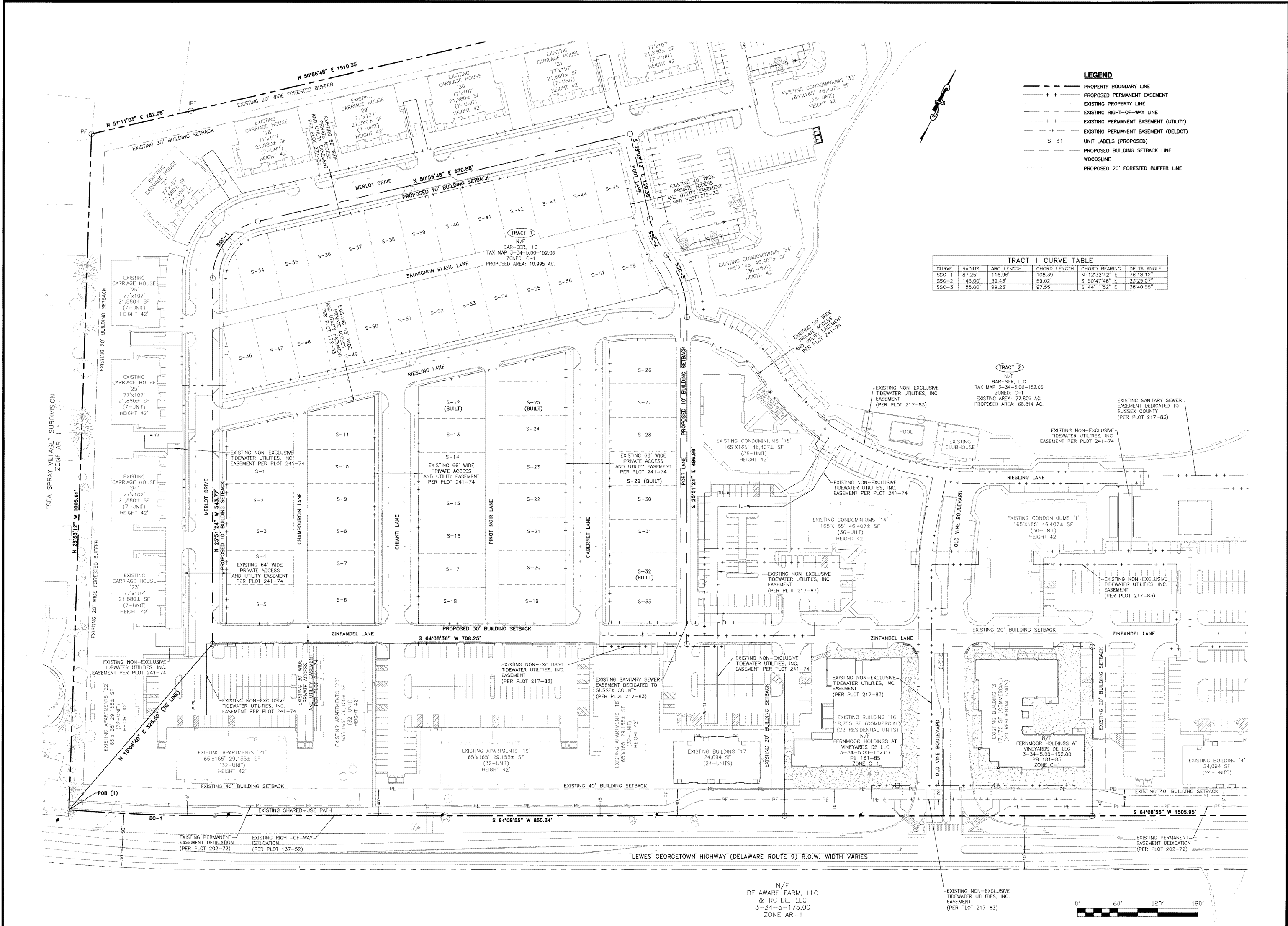
PLAN

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

REVISED:

Date: MAY, 2020  
 Scale: 1"=60'  
 Dwn.By: DJS  
 Proj.No.: 2467A002.A01  
 Dwg.No.:

**R-03**



- 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
  - - - WOODS LINE
  - - - PROPOSED 20' FORESTED BUFFER LINE

**TRACT 1 CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
SSC-1	87.25'	116.96'	108.39'	N 12°32'42" E	76°48'12"
SSC-2	145.00'	59.43'	59.02'	S 50°47'46" E	23°29'07"
SSC-3	155.00'	99.23'	97.55'	S 44°11'52" E	36°40'55"

N/F DELAWARE FARM, LLC & RCTDE, LLC  
 3-34-5-175.00  
 ZONE AR-1







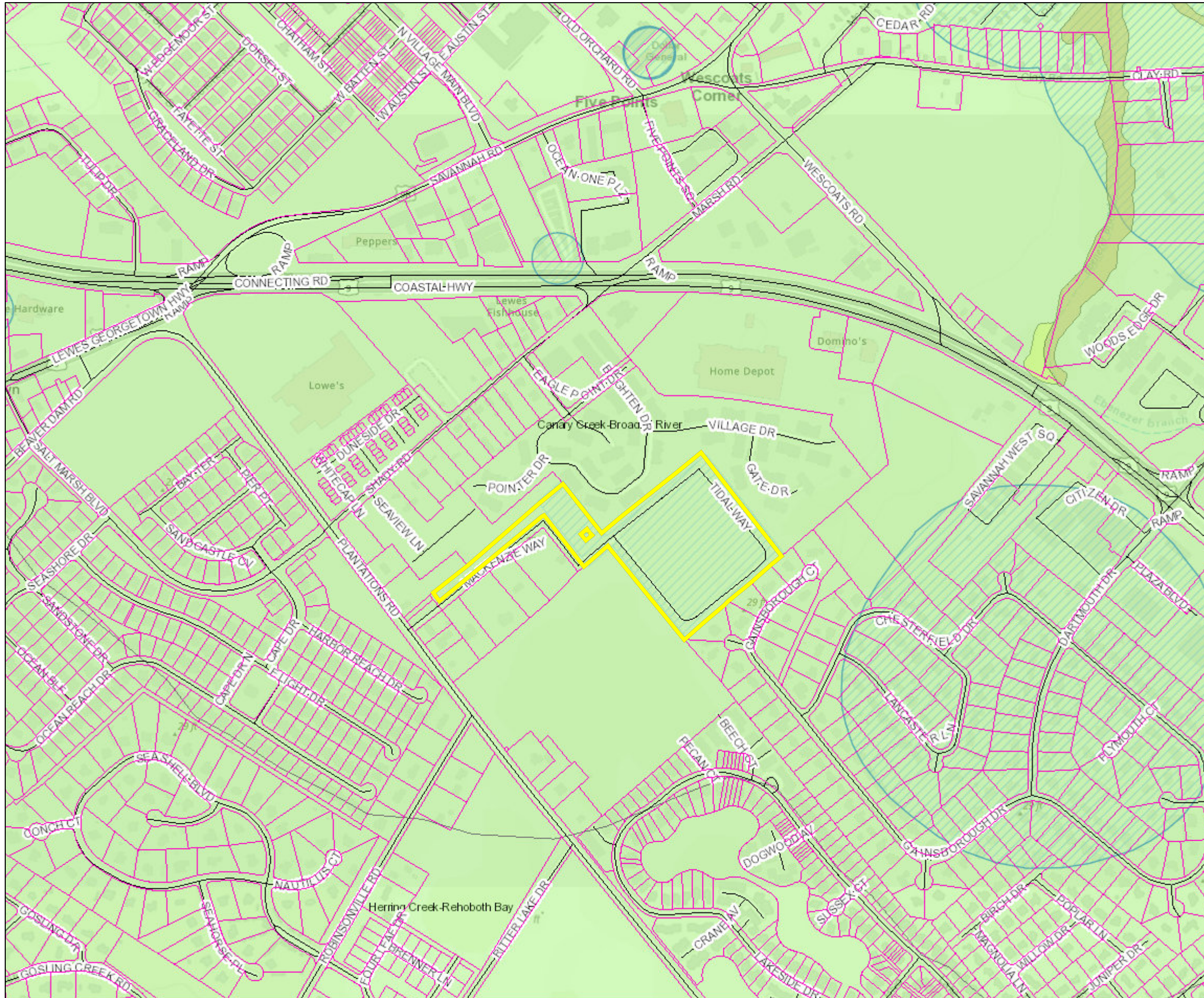








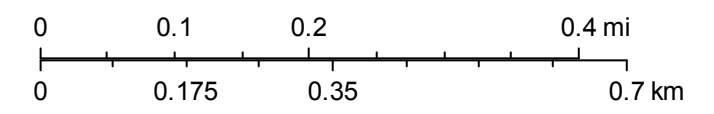
# Sussex County



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

- 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

1:9,028

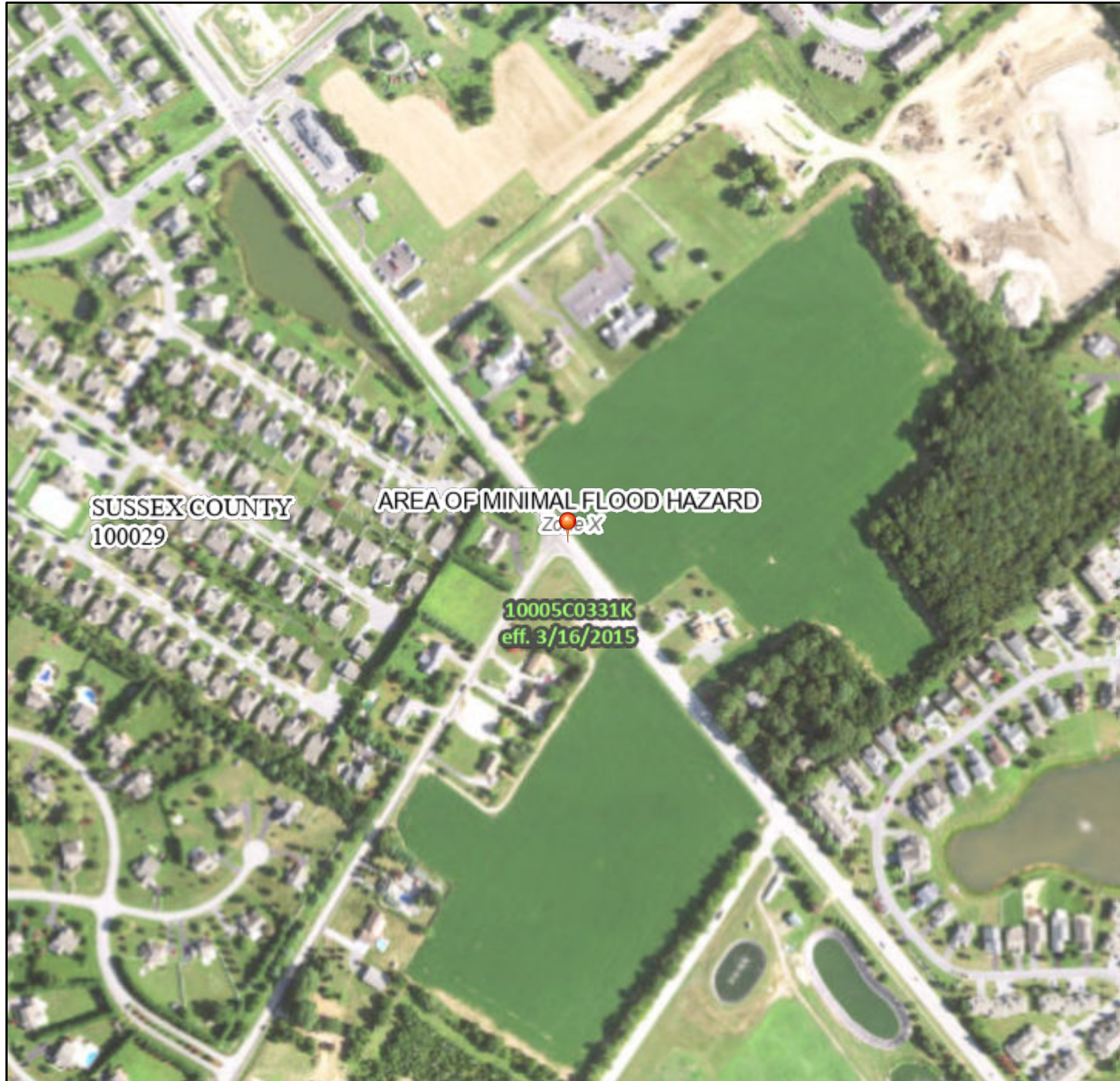




# National Flood Hazard Layer FIRMette



75°10'24"W 38°44'44"N



SUSSEX COUNTY  
100029

AREA OF MINIMAL FLOOD HAZARD  
Zone X

10005C0331K  
eff. 3/16/2015



75°9'46"W 38°44'15"N

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

## 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
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		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
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



The purpose of the Strategies for State Policies and Spending is to coordinate land-use decision-making with the provision of infrastructure and services in a manner that makes the best use of our natural and fiscal resources.

600ft

Delaware Office of State Planning Coordination 122 Martin Luther King Blvd, South Dover, DE 19901 (302) 739-3090 | Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



# 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



Google Earth

1000 ft





# Costal Tide

2018

Legend



Google Earth



1000 ft







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



**Sussex County**  
DELAWARE  
sussexcountyde.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:







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](mailto: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 Fumato, at [Annamaria.Fumato@delaware.gov](mailto:Annamaria.Fumato@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 Fumato, 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 IPEM  
 303 NORTH BEDFORD STREET  
 GEORGETOWN, DE 19947  
 PHONE: 302.297.9215  
 CONTACT: JASON PALKEWICZ, PE

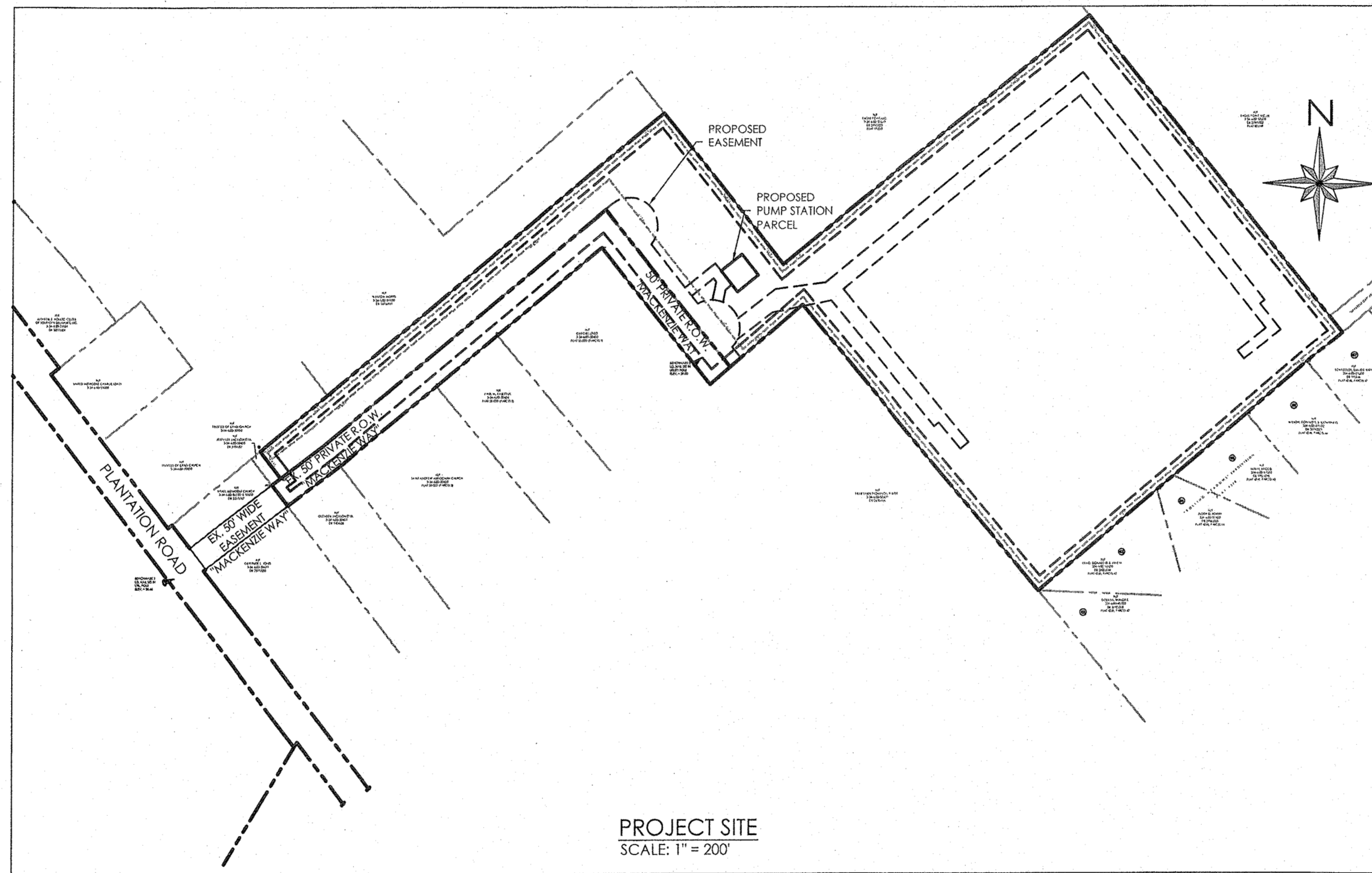
- TAX MAP: 3-34-6 PARCEL 504.02  
 SITE AREA = 18.33 ACRES
  - PROPOSED USE: MULTI-FAMILY RENTAL APARTMENTS  
 168 APARTMENT UNITS  
 (6 GARDEN-STYLE APARTMENT BUILDINGS)
  - EXISTING ZONING: MR W/ CONDITIONAL USE #1845
  - BUILDING SETBACKS (MR):  
 FRONT: 40'  
 SIDE: 10'  
 REAR: 10'  
 MAXIMUM BUILDING 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  
 UB5 - UDORTHERTS, 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

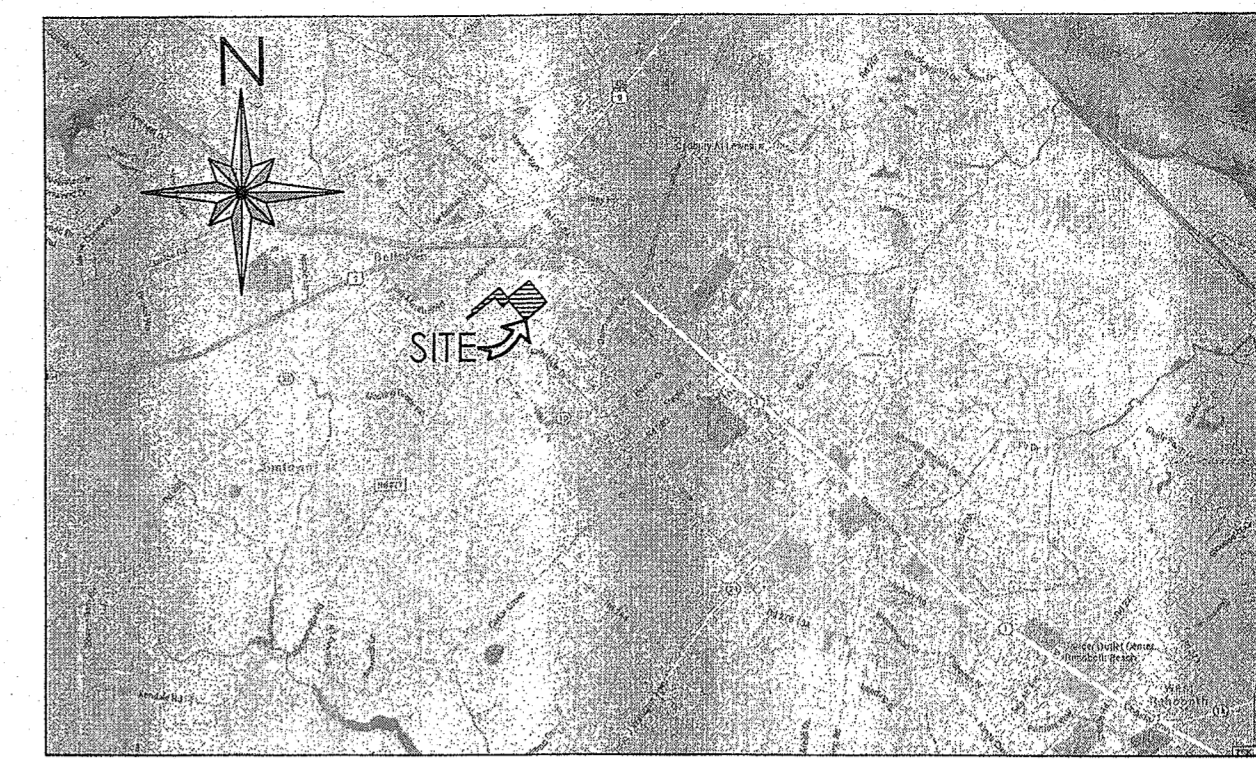


**SHEET INDEX**

- 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

29469

BK# 219 PG# 71

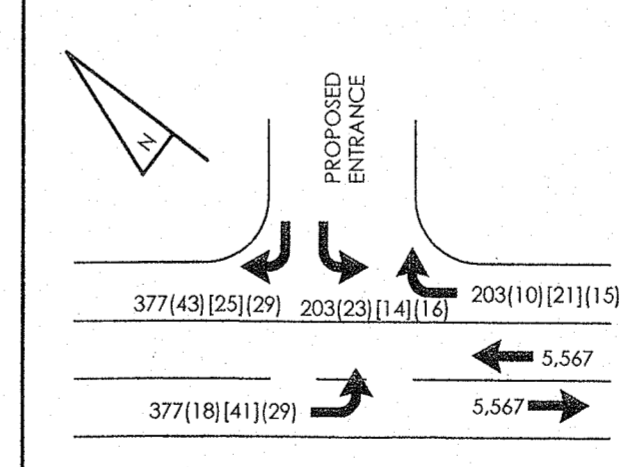


VICINITY MAP  
 SCALE: 1" = 5,280'  
 PERMITTED USE NO. 21003216

**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]

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

**APPROVED BY:**  
 SECRETARY OF PLANNING COMMISSION DATE  
 PRESIDENT OF COUNTY COUNCIL DATE

**DEVELOPER'S CERTIFICATION**  
 WE HEREBY CERTIFY THAT WE ARE THE DEVELOPER 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. WE FURTHERMORE UNDERSTAND AND ACKNOWLEDGE THAT IT IS THE RIGHT OF THE SUSSEX CONSERVATION DISTRICT AND/OR ITS DELEGATED INSPECTION AGENCIES TO CONDUCT ON-SITE INSPECTIONS.  
 Date: *8/27/15*  
 Steven J Campbell

**solutions**  
 Integrated Planning  
 Engineering & Management, LLC

**Fuller Hall & Associates, Inc.**  
 A Wholly Owned Subsidiary  
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 3003 Meritt Hill Road  
 Salisbury, MD 21804  
 T. 410.572.8833  
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**JAMES R. ERICKSON**  
 No. 18287  
 DELAWARE  
 PROFESSIONAL ENGINEER  
 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  
 Designated By: JRE  
 Approved By: JP  
 Sheet No.: 1  
 File Name: FINAL SITE PLAN COVER.dwg



# CONDITIONAL USE # 1845

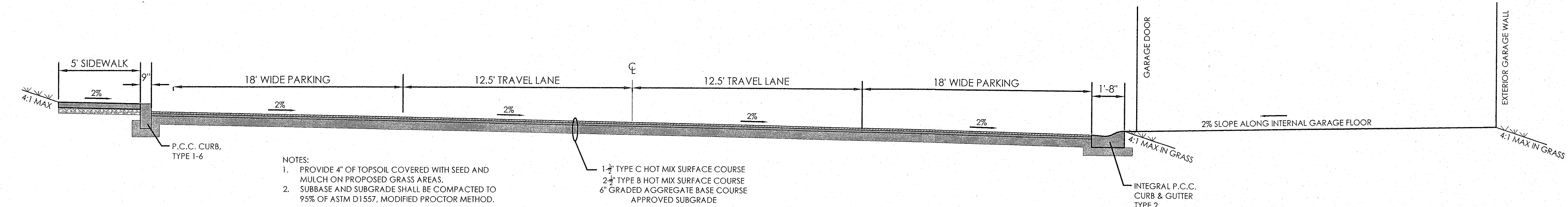
This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

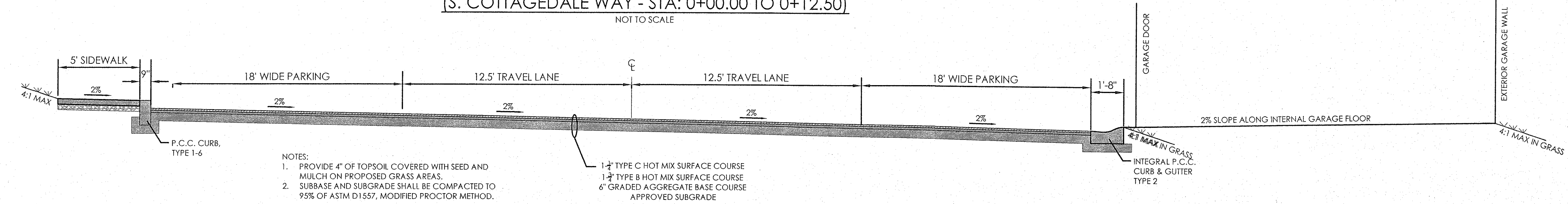
- The maximum number of residential rental units shall not exceed 168 units.
- The removal, disposal and monitoring of waste from the Jackson Pit, located on the project site, shall be in compliance with all DNREC requirements.
- All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's requirements.
- 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.
- The project shall be served by central sewer as part of a Sussex County Sanitary Sewer District.
- The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
- 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.
- ~~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.~~
- 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.
- 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.
- Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.
- ~~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.~~
- 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.
- 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.
- 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.
- 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.
- There shall be a 50 foot landscaped buffer from the delineated boundary of Eagle Point development.
- 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*  
ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL



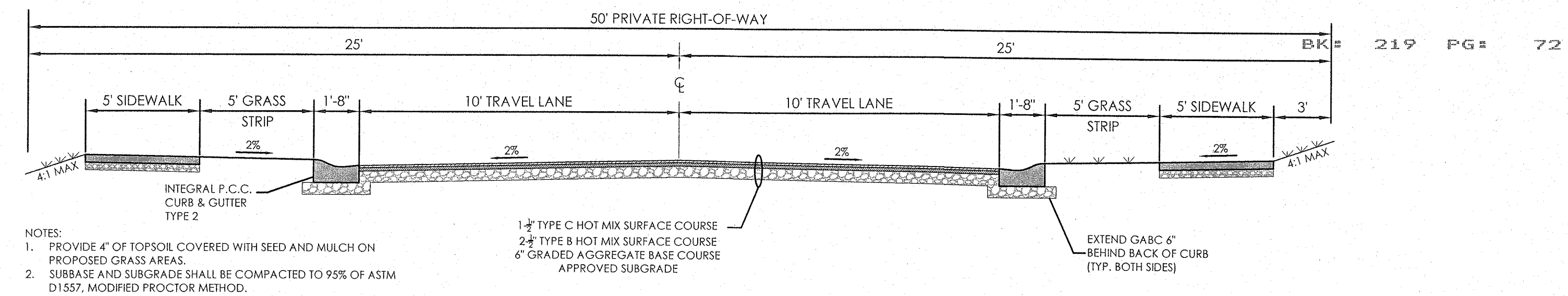
**TYPE II RESIDENTIAL STREET W/ 90° PARKING SECTION**  
(N. COTTAGEDALE WAY - STA: 0+00.00 TO 6+35.00)  
(S. COTTAGEDALE WAY - STA: 0+00.00 TO 0+12.50)  
NOT TO SCALE



**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

**REVISED CONDITION # 8**

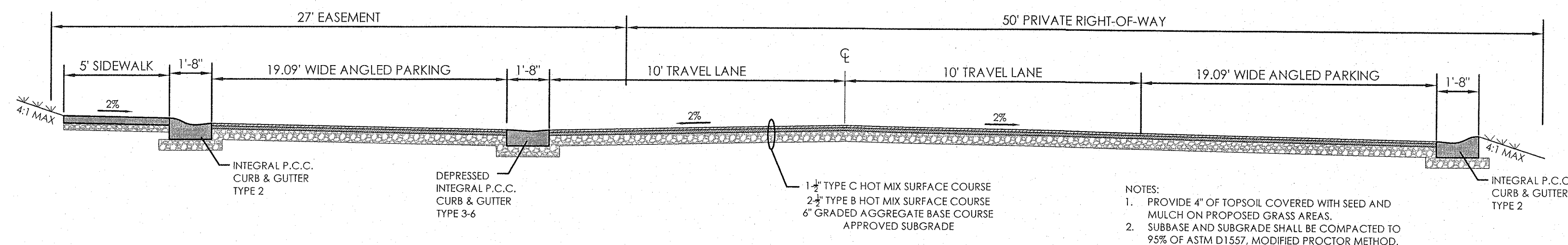
8. INTERIOR STREET DESIGN SHALL BE IN ACCORDANCE WITH OR EXCEED SUSSEX COUNTY STREET DESIGN REQUIREMENTS. SIDEWALKS SHALL BE INSTALLED ALONG BOTH SIDES OF THE ENTRANCE ROAD. SIDEWALKS SHALL BE INSTALLED ALONG ONE SIDE OF INTERIOR PARKING AREAS.



**TYPE I RESIDENTIAL STREET**  
(MACKENZIE WAY - STA. 0+96.82 - 9+87.73)  
NOT TO SCALE

**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.



**TYPE I RESIDENTIAL STREET W/ 45° ANGLED PARKING SECTION**  
(\"EAST\" MACKENZIE WAY)  
NOT TO SCALE

**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.

**solutions**  
Integrated Planning  
Engineering & Management, LLC

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& ASSOCIATES, INC.  
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Professional Engineer  
James R. Erskine  
No. 16287  
Seal  
Date 6/14/15

NO.	DATE	DESCRIPTION

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: JF

Sheet No.: 2  
File Name: FINAL SITE PLAN COVER.dwg



MATCHLINE - THIS SHEET

N/F TRUSTEES OF ISRAEL CHURCH  
3-34-6.00-509.00

N/F JERRY LEE JACKSON ET UX.  
3-34-6.00-504.08  
DB 2754/52

N/F WINSTON MORRIS  
3-34-6.00-511.00  
DB 1876/111

N/F GLENDEN JACKSON ET UX.  
3-34-6.00-504.01  
DB 1406/28

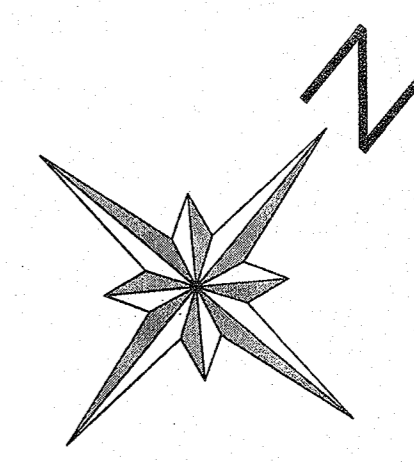
N/F SAINT ANDREW ANTIOCHIAN CHURCH  
3-34-6.00-504.05  
PLAT 55/230 (PARCEL 3)

N/F PAUL W. KASE ET UX.  
3-34-6.00-504.04  
PLAT 55/230 (PARCEL 2)

N/F GARCIEL STREET  
3-34-6.00-504.00  
PLAT 55/230 (PARCEL 1)

N/F EAGLE POINT, LLC.  
3-34-6.00-523.00  
DB 2797/222  
PLAT 17/223

N/F BILLIE LYNN THOMPSON, TRUSTEE  
3-34-6.00-503.00  
DB 2670/136



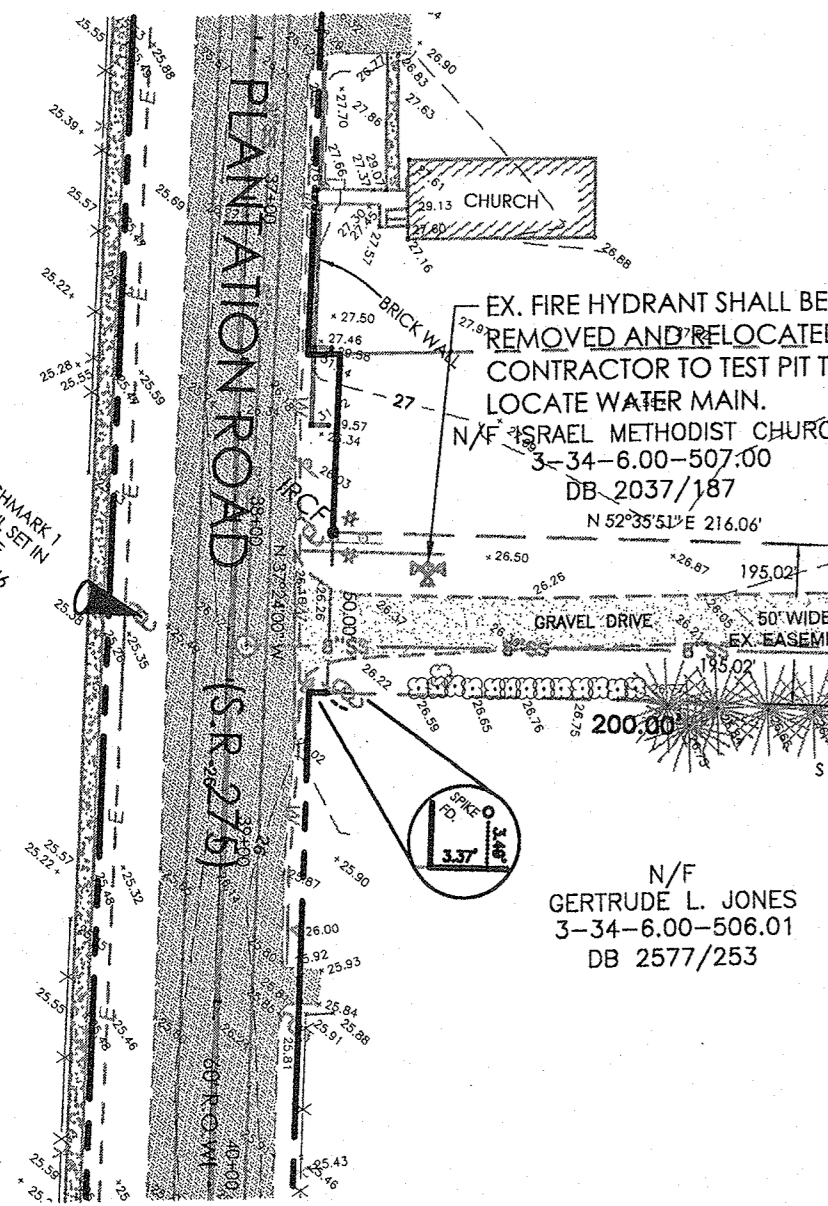
BK: 219 PG: 73

**DEMO NOTES:**

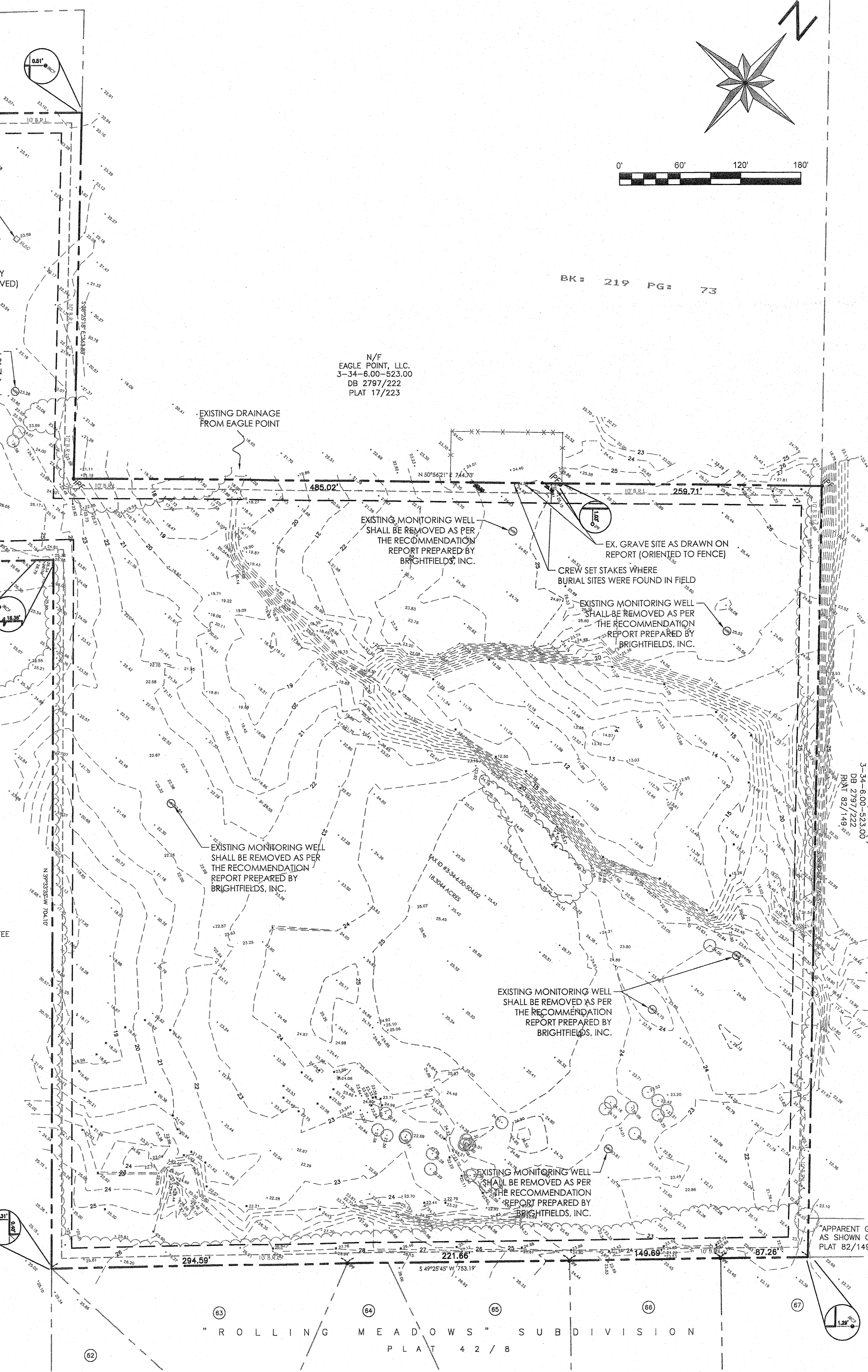
1. THE CONTRACTOR SHALL FOLLOW THE REMOVAL AND REMEDIATION PLAN AS PREPARED BY BRIGHTFIELDS, INC. AND APPROVED BY DNREC AND THE STATE OF DELAWARE.
2. ALL DEBRIS AND TRASH SHALL BE REMOVED AND DISPOSED OF IN A APPROVED LOCATION BY DNREC.

**NOTE:**  
EXISTING CONTOURS AND ELEVATIONS SHOWN ARE SUBJECT TO CHANGE AS PART OF A REMEDIATION PLAN BY OTHERS. CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY EXISTING TOPOGRAPHY.

MATCHLINE - THIS SHEET



N/F GERTRUDE L. JONES  
3-34-6.00-506.01  
DB 2577/253



**solutions**  
Integrated Planning  
Engineering & Management, LLC

**Fuller Hall**  
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JAMES R. ERIKES  
LICENSED PROFESSIONAL ENGINEER  
DELAWARE  
No. 18267  
Seal 8/14/15  
Date

NO.	DATE	DESCRIPTION

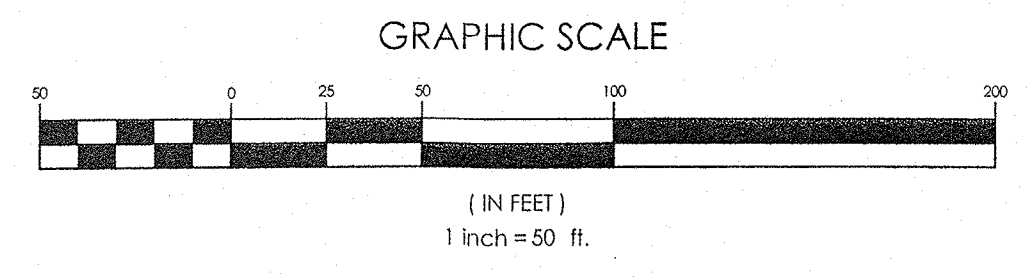
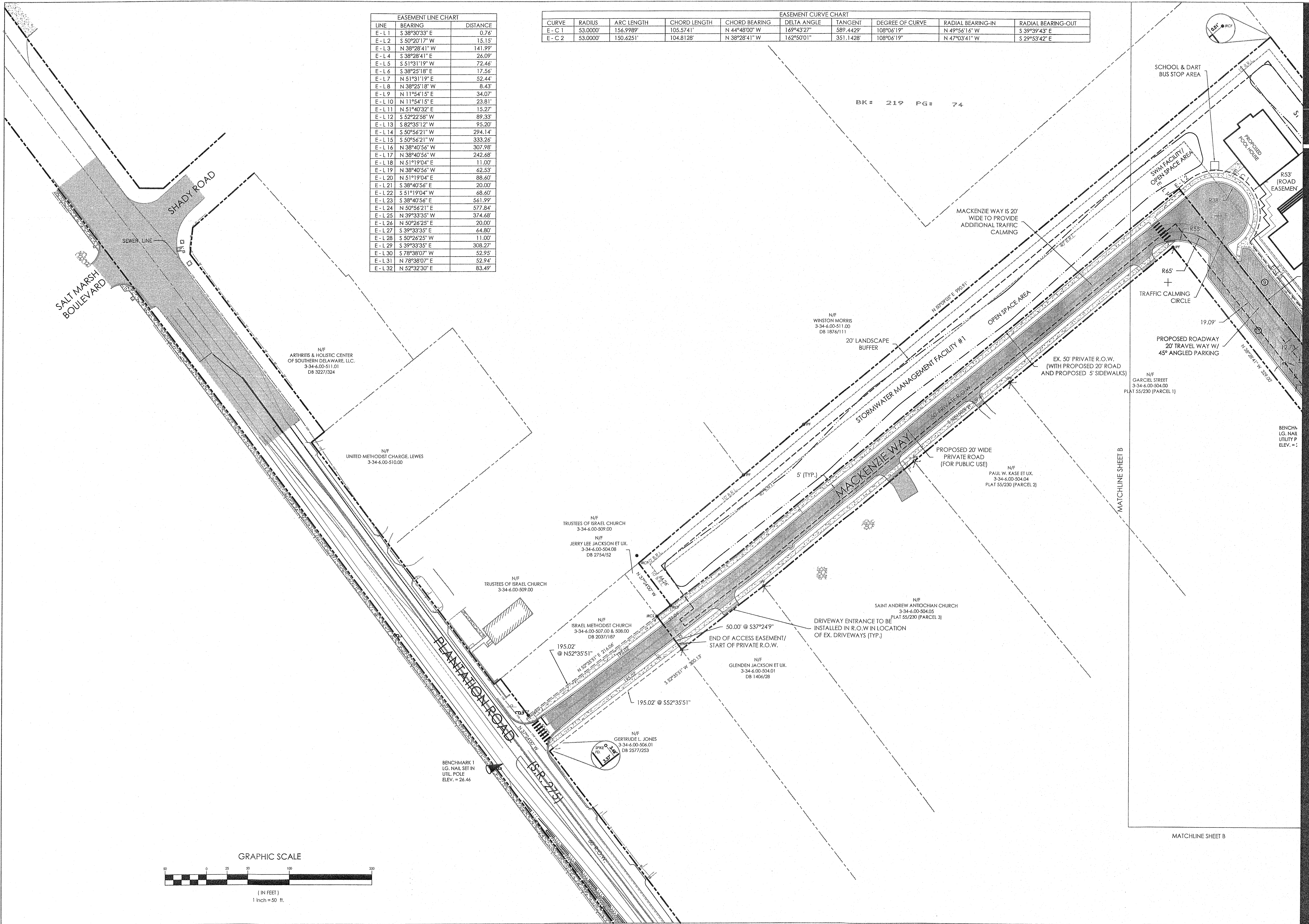
EXISTING CONDITIONS PLAN  
for  
**ARBORS OF COTTAGEDALE**  
LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DE  
Prepared for: CAMPBELL

Date: 01-17-2014  
Job Number: 13050  
Scale: 1" = 40'  
Drawn By: TMM  
Designed By: TMM  
Approved By: JP  
Sheet No.: 3  
File Name: EX COND.dwg



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	48.40'
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'	103.5741'	N 44°48'00" W	169°43'27"	589.4429'	108°06'19"	N 49°56'15" 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 19947  
T. 302.272.9216  
3003 Meathill Hill Road  
Salisbury, MD 21804  
T. 410.572.8833  
www.solutionsperm.com Copyright © 2014

**JAMES R. ERIKSEN**  
LICENSE  
18287  
PROFESSIONAL ENGINEER  
Seal 8/14/15  
Date

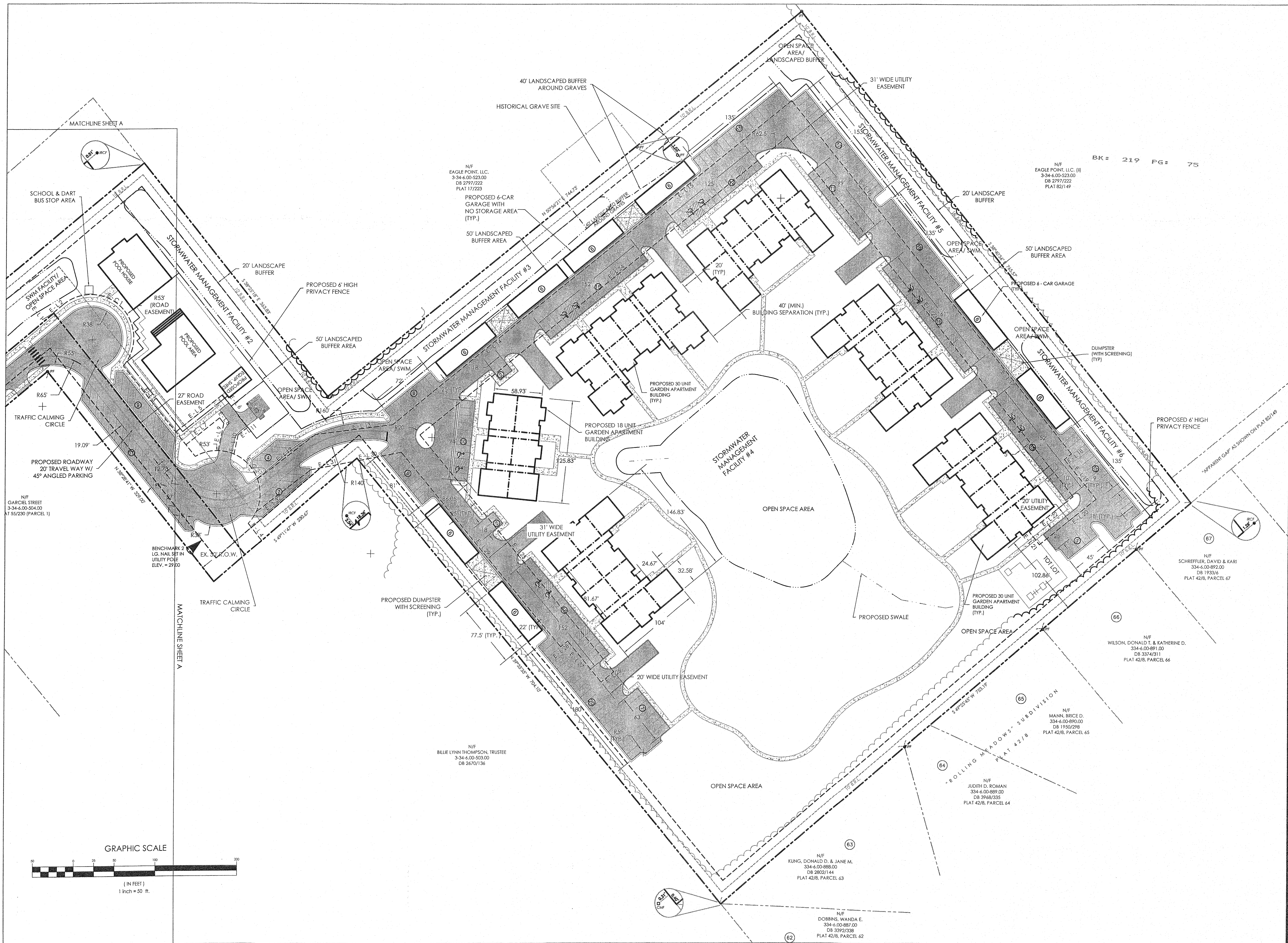
NO.	DATE	DESCRIPTION
1	7/20/2015	PLANNING OFFICE COMMENTS

FINAL SITE PLAN A  
for  
**ARBORS OF COTTAGEDALE**  
LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DE  
Prepared for: CAMPBELL

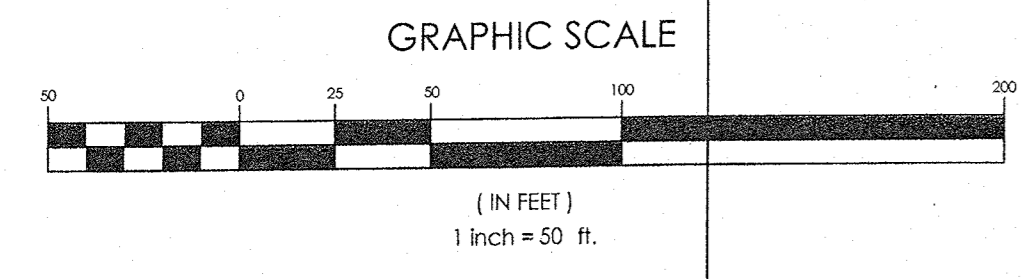
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Job Number:	19050
Scale:	1" = 50'
Drawn By:	JRE
Designed By:	JRE
Approved By:	JP

Sheet No.: **4**  
File Name: FINAL SITE PLANS.dwg





BK = 219 PG = 75



Seal of James R. Eriksen, Professional Engineer, License No. 18287, State of Delaware. Seal date: 8/14/15.

NO.	DATE	DESCRIPTION
1	7/20/2015	PLANNING OFFICE COMMENTS

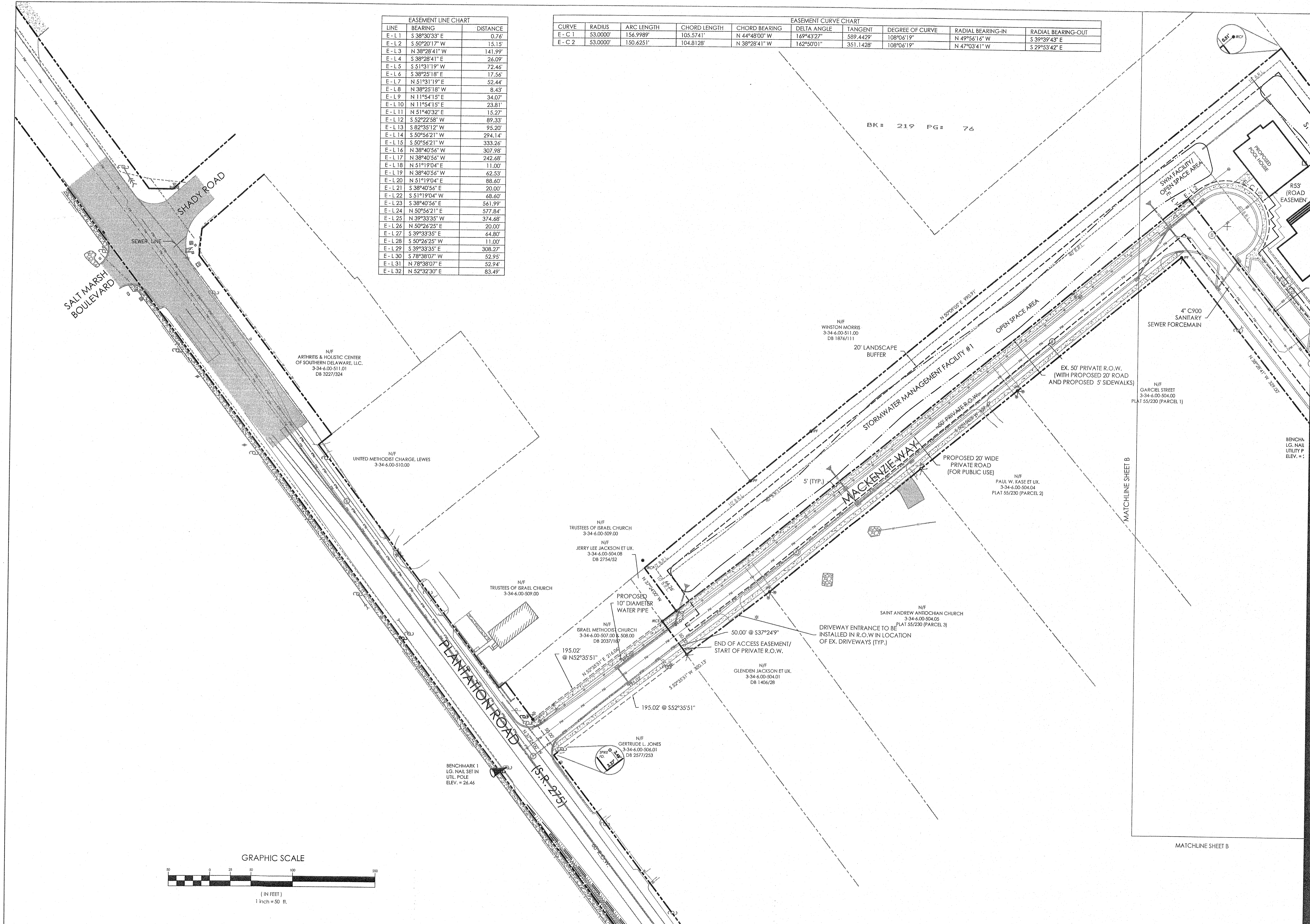
FINAL SITE PLAN B  
 for  
**ARBORS OF COTTAGEDALE**  
 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DE  
 Prepared for: CAMPBELL

Date:	01-17-2014
Job Number:	13050
Scale:	1" = 50'
Drawn By:	JRE
Designed By:	JRE
Approved By:	JF

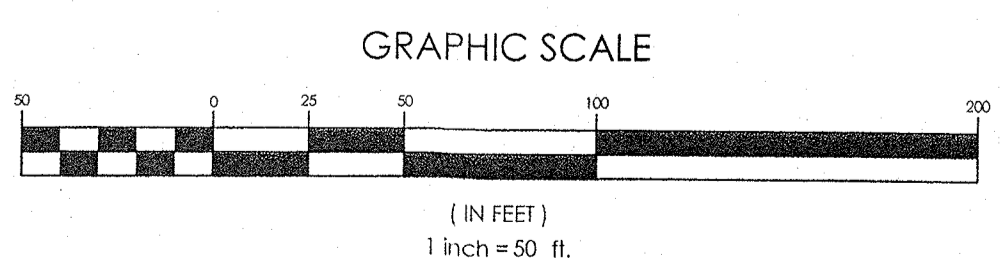


LINE	BEARING	DISTANCE
E-L 1	S 38°30'33" E	0.76'
E-L 2	S 50°20'17" W	15.15'
E-L 3	N 38°28'41" W	141.99'
E-L 4	S 38°28'41" E	26.09'
E-L 5	S 51°31'19" W	72.46'
E-L 6	S 38°25'18" E	17.56'
E-L 7	N 51°31'19" E	52.44'
E-L 8	N 38°25'18" W	8.43'
E-L 9	N 11°54'15" E	34.07'
E-L 10	N 11°54'15" E	23.81'
E-L 11	N 51°40'32" E	15.27'
E-L 12	S 52°22'58" W	89.33'
E-L 13	S 82°35'12" W	95.20'
E-L 14	S 50°56'21" W	294.14'
E-L 15	S 50°56'21" W	333.26'
E-L 16	N 38°40'56" W	307.98'
E-L 17	N 38°40'56" W	242.68'
E-L 18	N 51°19'04" E	11.00'
E-L 19	N 38°40'56" W	62.53'
E-L 20	N 51°19'04" E	88.60'
E-L 21	S 38°40'56" E	20.00'
E-L 22	S 51°19'04" W	68.60'
E-L 23	S 38°40'56" E	561.99'
E-L 24	N 50°56'21" E	577.84'
E-L 25	N 39°33'35" W	374.68'
E-L 26	N 50°26'25" E	20.00'
E-L 27	S 39°33'35" E	64.80'
E-L 28	S 50°26'25" W	11.00'
E-L 29	S 39°33'35" E	308.27'
E-L 30	S 78°38'07" W	52.95'
E-L 31	N 78°38'07" E	52.94'
E-L 32	N 52°32'30" E	83.49'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT	DEGREE OF CURVE	RADIAL BEARING-IN	RADIAL BEARING-OUT
E-C 1	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-C 2	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



BK: 219 PG: 76



**solutions**  
 Integrated Planning  
 Engineering & Management, LLC

**Fuller Hall**  
 & ASSOCIATES, INC.  
 A Wholly Owned Subsidiary  
 303 North Bedford Street  
 Georgetown, DE 19947  
 T. 302.271.9216  
 3033 Meffert Hill Road  
 Salisbury, MD 21804  
 T. 410.572.8853  
 www.solutionspem.com Copyright © 2014

**JAMES R. ERISMAN**  
 LICENSE  
 No. 8287  
 DELAWARE  
 PROFESSIONAL ENGINEER  
 Seal 8/19/15  
 Date

NO.	DATE	DESCRIPTION

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: JF

Sheet No.: 6  
 File Name: SITE UTILITY PLANS.dwg

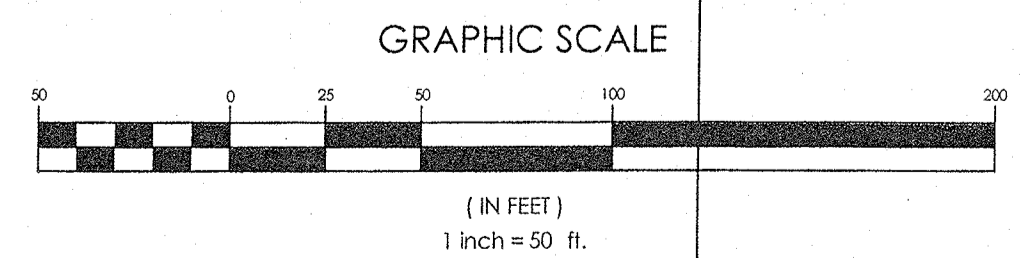
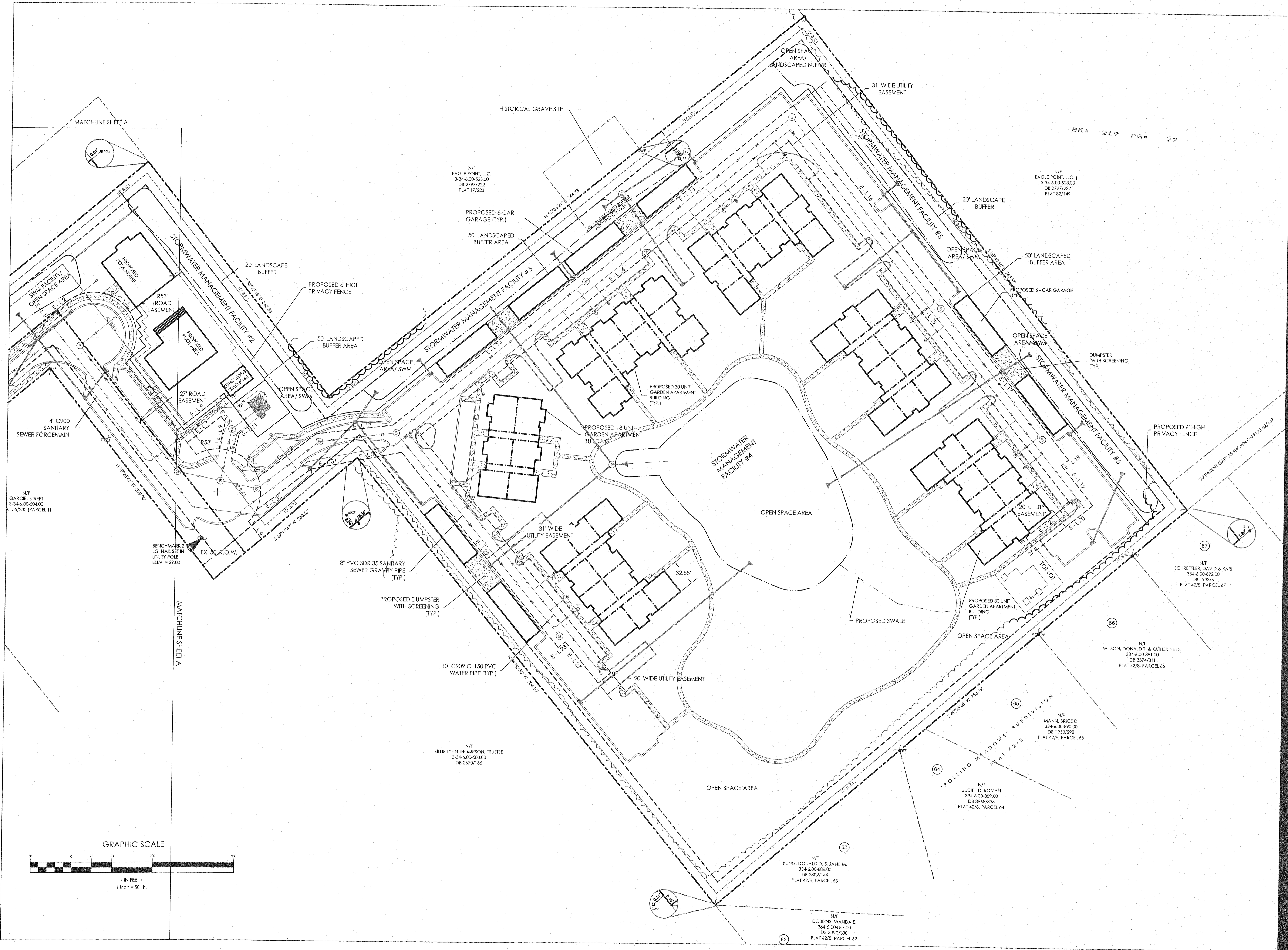


NO.	DATE	DESCRIPTION

SITE UTILITY PLAN B  
for  
**ARBORS OF COTTAGEDALE**  
LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DE  
Prepared for: CAMPBELL

Date:	01-17-2014
Job Number:	13030
Scale:	1" = 50'
Drawn By:	JRE
Designed By:	JRE
Approved By:	JF

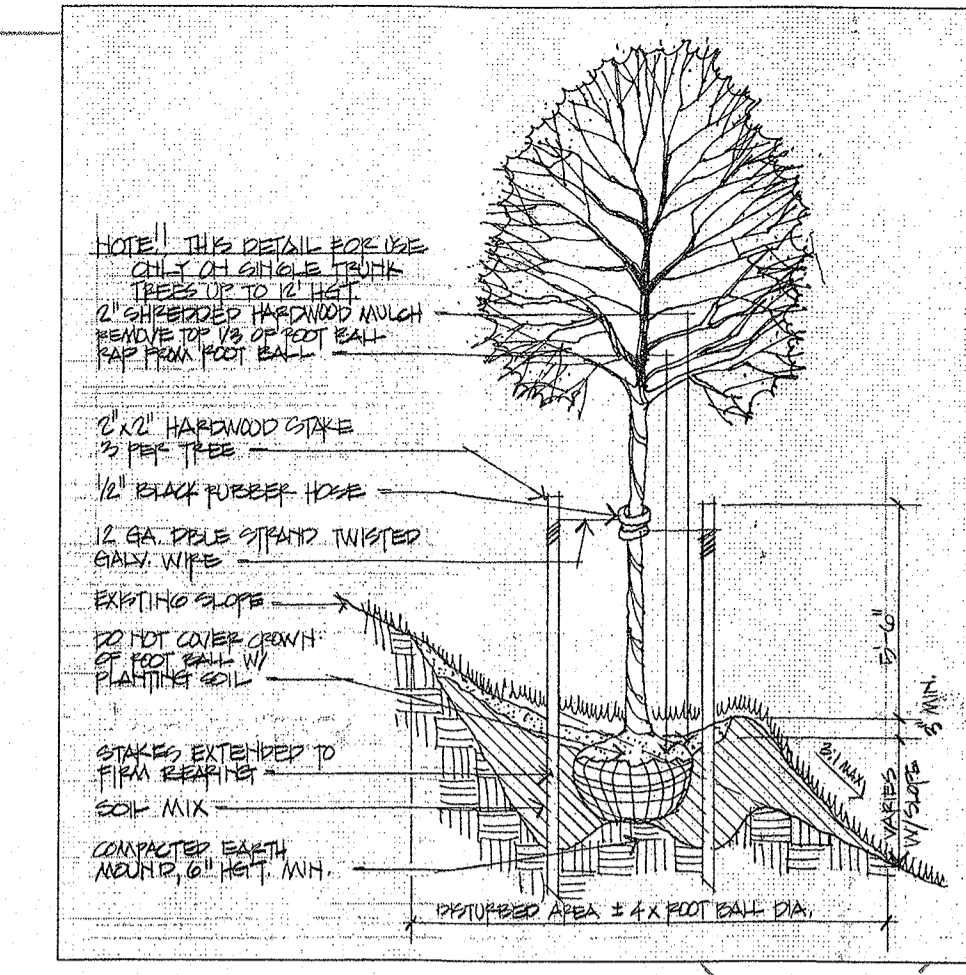
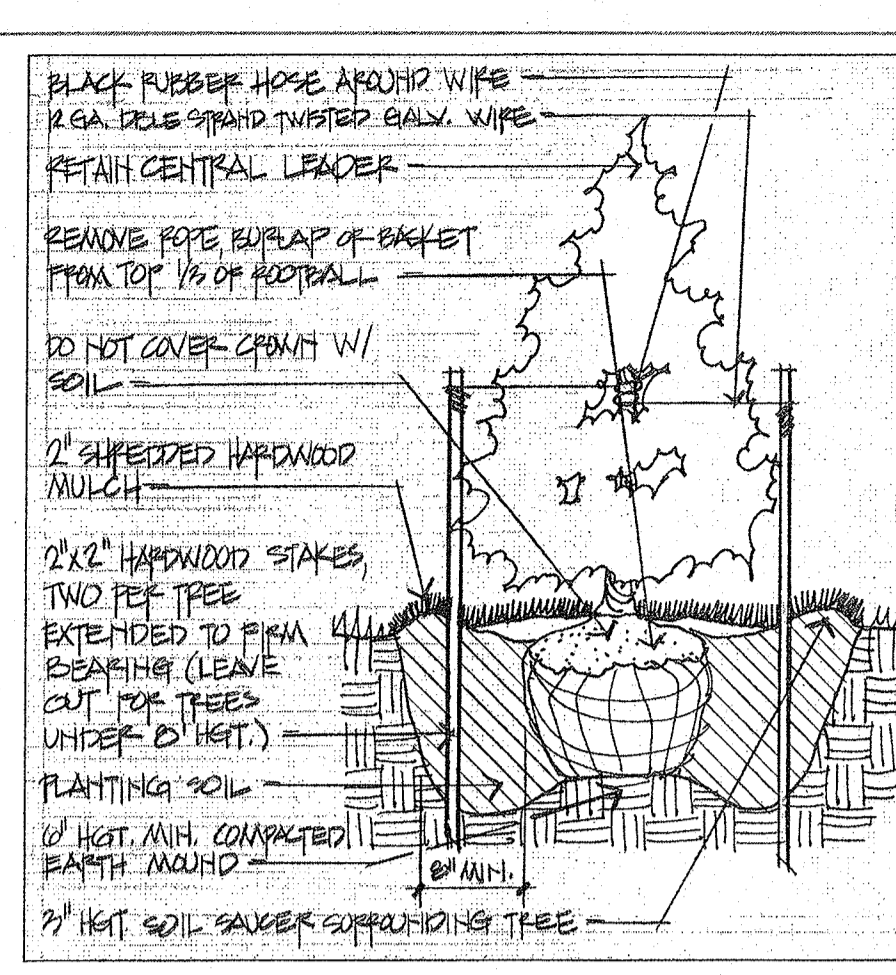
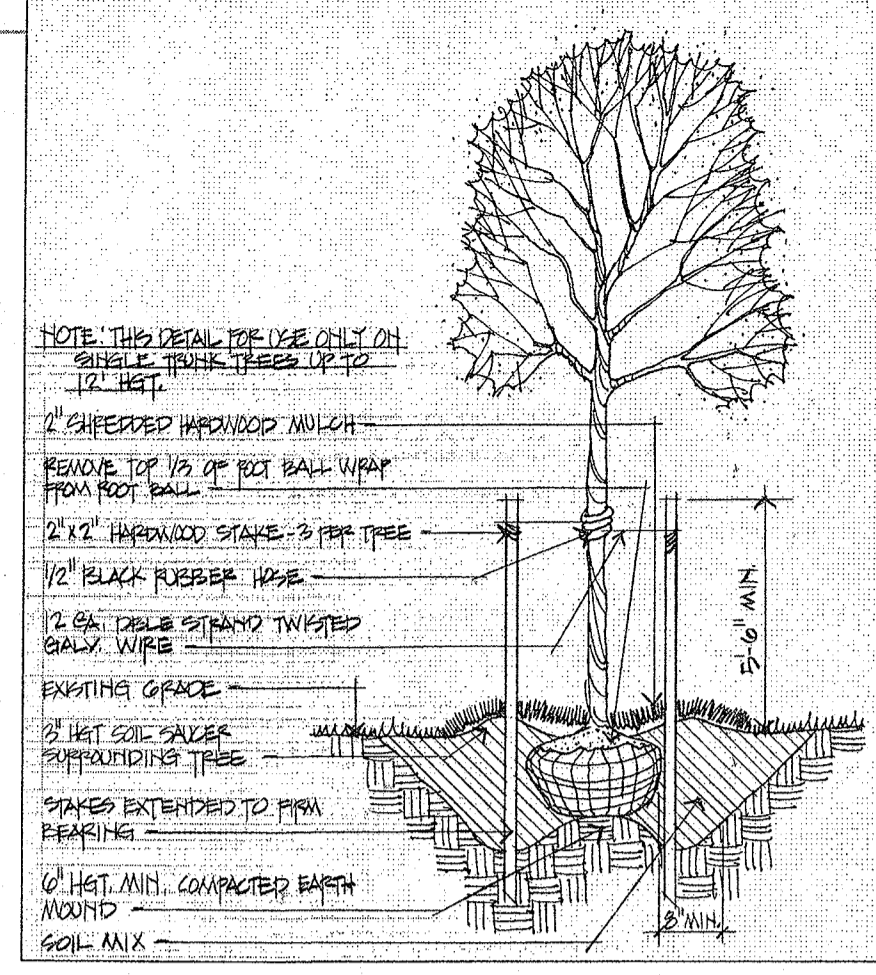
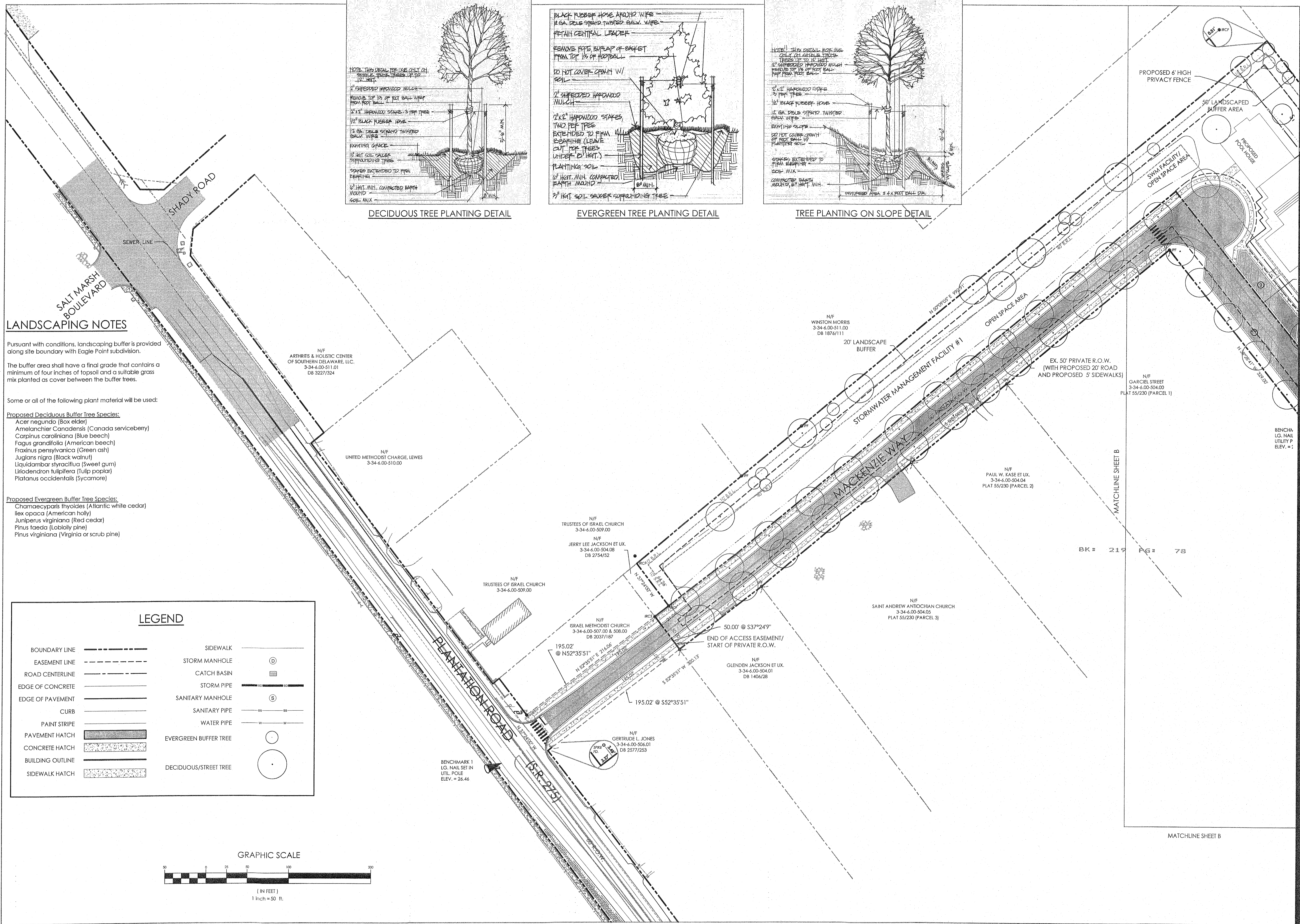
BK = 219 PG = 77



MATCHLINE SHEET A

MATCHLINE SHEET A





**LANDSCAPING NOTES**

Pursuant with conditions, landscaping buffer is provided along site boundary with Eagle Point subdivision.

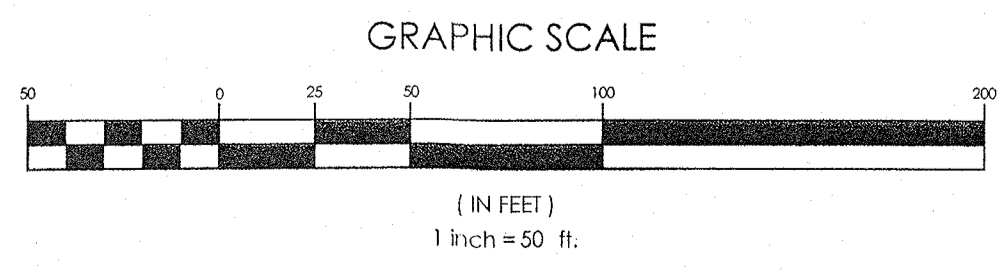
The buffer area shall have a final grade that contains a minimum of four inches of topsoil and a suitable grass mix planted as cover between the buffer trees.

- Some or all of the following plant material will be used:
- Proposed Deciduous Buffer Tree Species:**
- Acer negundo (Box elder)
  - Amelanchier Canadensis (Canada serviceberry)
  - Carpinus caroliniana (Blue beech)
  - Fagus grandifolia (American beech)
  - Fraxinus pensylvanica (Green ash)
  - Juglans nigra (Black walnut)
  - Liquidambar styraciflua (Sweet gum)
  - Liriodendron tulipifera (Tulip poplar)
  - Platanus occidentalis (Sycamore)

- Proposed Evergreen Buffer Tree Species:**
- Chamaecyparis thyoides (Atlantic white cedar)
  - Ilex opaca (American holly)
  - Juniperus virginiana (Red cedar)
  - Pinus taeda (Loblolly pine)
  - Pinus virginiana (Virginia or scrub pine)

**LEGEND**

BOUNDARY LINE	---	SIDEWALK	---
EASEMENT LINE	- - - -	STORM MANHOLE	⊙
ROAD CENTERLINE	---	CATCH BASIN	⊞
EDGE OF CONCRETE	---	STORM PIPE	—●—
EDGE OF PAVEMENT	---	SANITARY MANHOLE	⊙
CURB	---	SANITARY PIPE	—●—
PAINT STRIPE	---	WATER PIPE	—●—
PAVEMENT HATCH	▨	EVERGREEN BUFFER TREE	○
CONCRETE HATCH	▩	DECIDUOUS/STREET TREE	○
BUILDING OUTLINE	---		
SIDEWALK HATCH	▨		

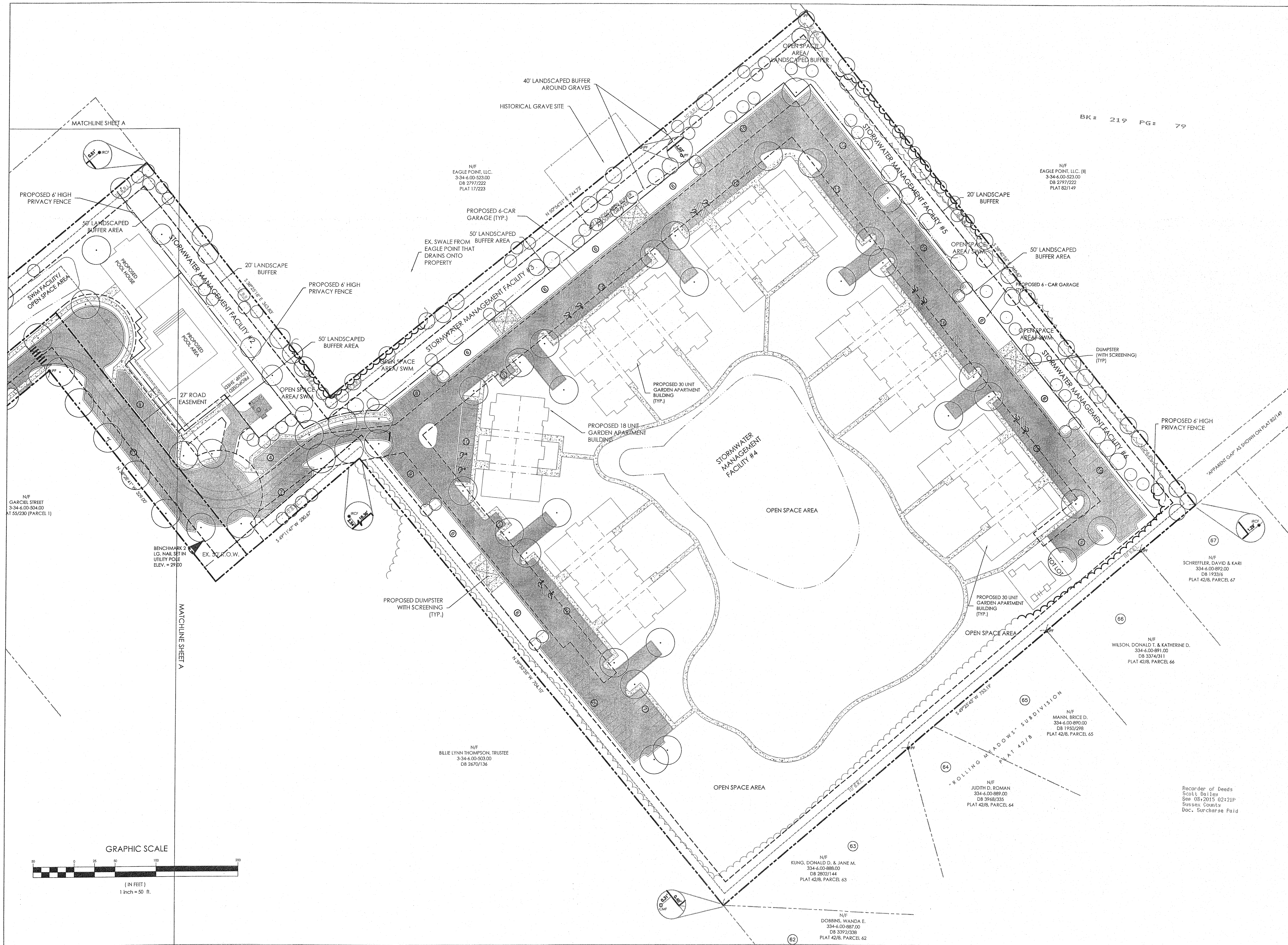


**REVISIONS**

NO.	DATE	DESCRIPTION

LANDSCAPING PLAN A  
for  
**ARBORS OF COTTAGEDALE**  
LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DE  
Prepared for: CAMPBELL





BK: 219 PG: 79

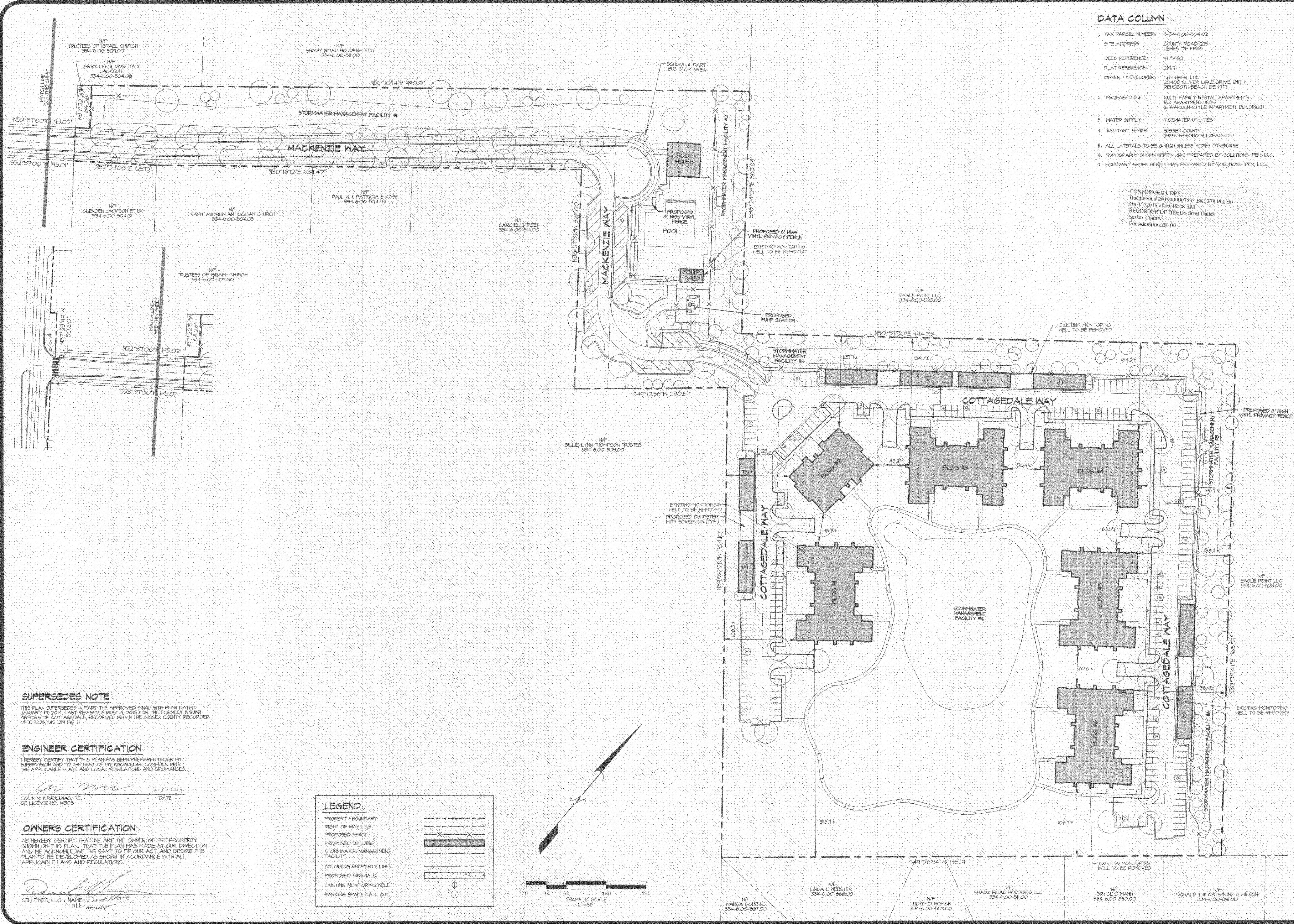
Professional Engineer Seal  
 JAMES R. ERIKSEN  
 License No. 18287  
 State of Delaware  
 Professional Engineer  
 Seal 8/14/15  
 Date

NO.	DATE	DESCRIPTION

LANDSCAPING 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:	FMK
Approved By:	JMK

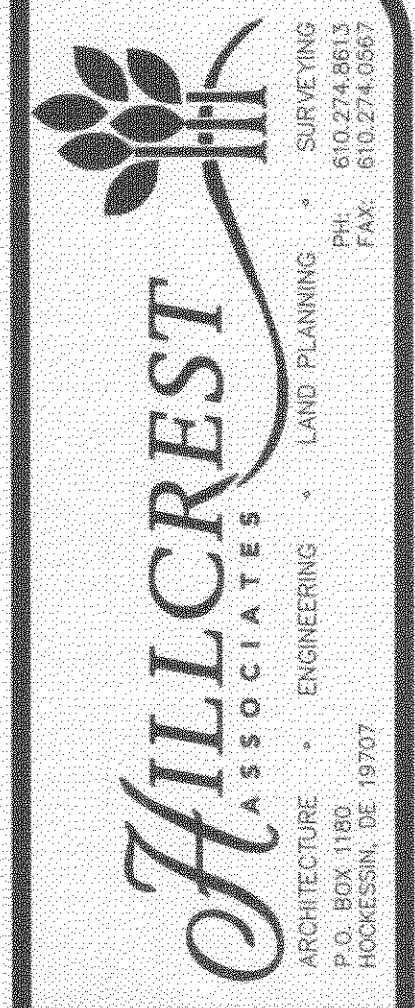




**DATA COLUMN**

- TAX PARCEL NUMBER: 3-34-6.00-504.02
- SITE ADDRESS: COUNTY ROAD 275 LEWES, DE 19458
- DEED REFERENCE: 4175/62
- PLAT REFERENCE: 214/71
- OWNER / DEVELOPER: CB LEWES, LLC 20409 SILVER LAKE DRIVE, UNIT 1 REHOBOTH BEACH, DE 19411
- PROPOSED USE: MULTI-FAMILY RENTAL APARTMENTS 160 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 IPEM, LLC.
- BOUNDARY SHOWN HEREIN WAS PREPARED BY SOLUTIONS IPEM, LLC.

CONFORMED COPY  
 Document # 201900007633 BK. 279 PG. 00  
 On 3/7/2019 at 10:49:28 AM  
 RECORDER OF DEEDS Scott Dailey  
 Sussex County  
 Consideration: \$0.00



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 REC. FILE FEB 14, 2019

**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

**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.

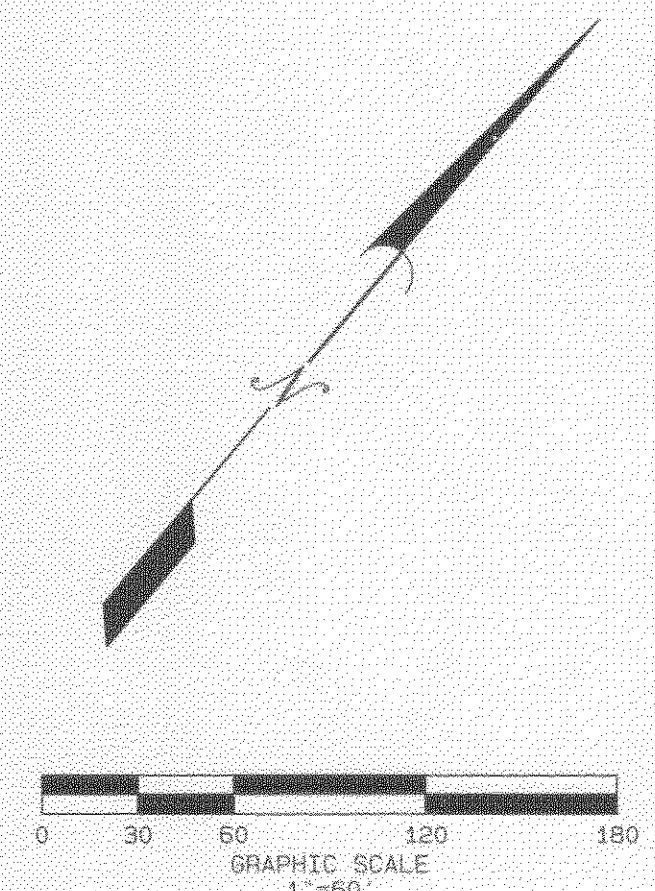
*Colin M. Krauginas*  
 COLIN M. KRAUGINAS, P.E. DATE: 2-5-2019  
 DE LICENSE NO. 14308

**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.

*Doral Moore*  
 CB LEWES, LLC NAME: Doral Moore  
 TITLE: member

**LEGEND:**

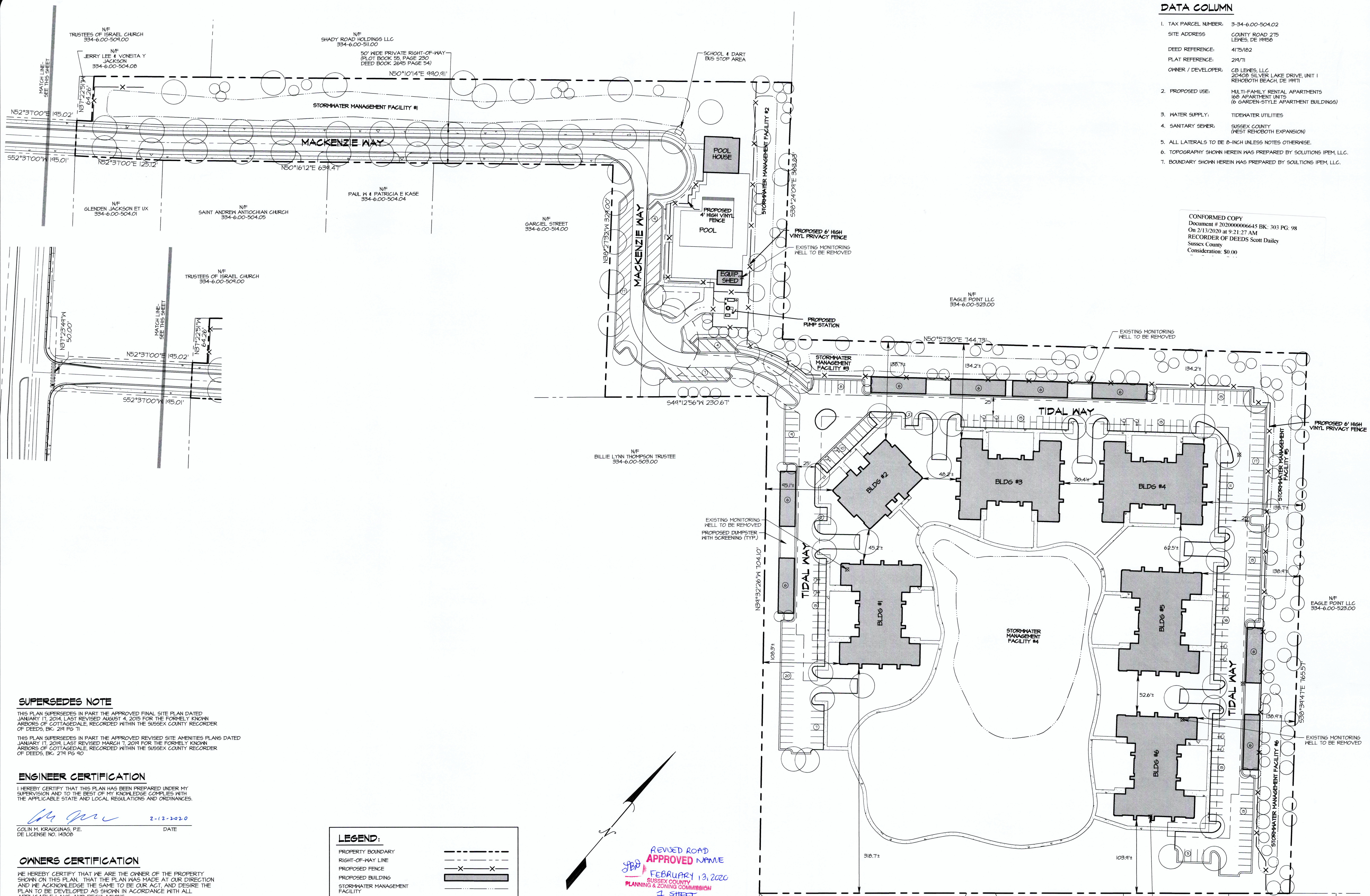
- PROPERTY BOUNDARY: - - - - -
- RIGHT-OF-WAY LINE: - - - - -
- PROPOSED FENCE: - X - X -
- PROPOSED BUILDING: [Solid Grey Box]
- STORMWATER MANAGEMENT FACILITY: [Hatched Box]
- ADJOINING PROPERTY LINE: - - - - -
- PROPOSED SIDEWALK: [Dashed Line]
- EXISTING MONITORING WELL: [Circle with Cross]
- PARKING SPACE CALL OUT: [Circle]



DATE:	DATE:	DATE:	DATE:
1-17-14	2-21-14	3-17-14	3-17-14
DRAWN BY: T.A.S.	CHECKED BY: A.J.H.	PROJ. NO.: 4202	SCALE: 1"=60'
CAD FILE NAME: 4202B02-5PC-PRO			

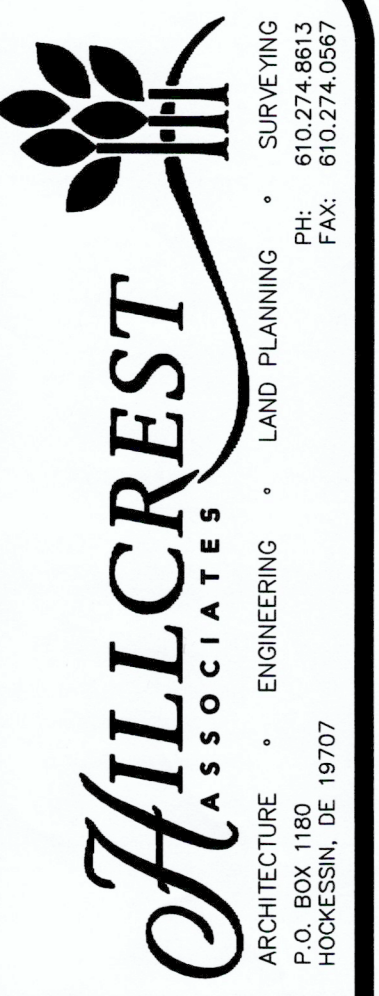
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- TAX PARCEL NUMBER: 3-34-6.00-504.02  
SITE ADDRESS: COUNTY ROAD 275 LEWES, DE 19558
  - DEED REFERENCE: 4175/102  
PLAT REFERENCE: 219/71  
OWNER / DEVELOPER: CB LEWES, LLC  
20408 SILVER LAKE DRIVE, UNIT 1  
REHOBOTH BEACH, DE 19411
  - PROPOSED 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 IPEM, LLC.
  - BOUNDARY SHOWN HEREIN WAS PREPARED BY SOLUTIONS IPEM, 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 ARBORNS 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 ARBORNS 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 ARBORNS OF COTTAGEDALE, RECORDED WITHIN THE SUSSEX COUNTY RECORDER OF DEEDS, BK: 214 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. Kraukunas*  
DATE: 2-12-2020  
COLIN M. KRAUKUNAS, P.E.  
DE LICENSE NO. 14308

**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.  
*Donald T. & Katherine D. Wilson*  
CB LEWES, LLC - NAME: *Donald T. & Katherine D. Wilson*  
TITLE: *Members*

**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 SHEET

DATE	REVISION
1-24-20	
DRAWN BY: TAS	
CHECKD. BY: AJH	
PROJ. NO.: 4202	
SCALE: 1"=60'	
CAD FILE NAME: 4202BD2-SFC-FRO	
DWG. NO.	1





**OVERALL SITE PLAN**  
 COASTAL TIDE (f/k/a) ARBORS OF COTTAGEDALE  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE

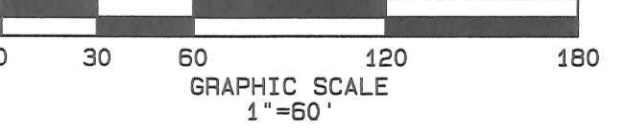
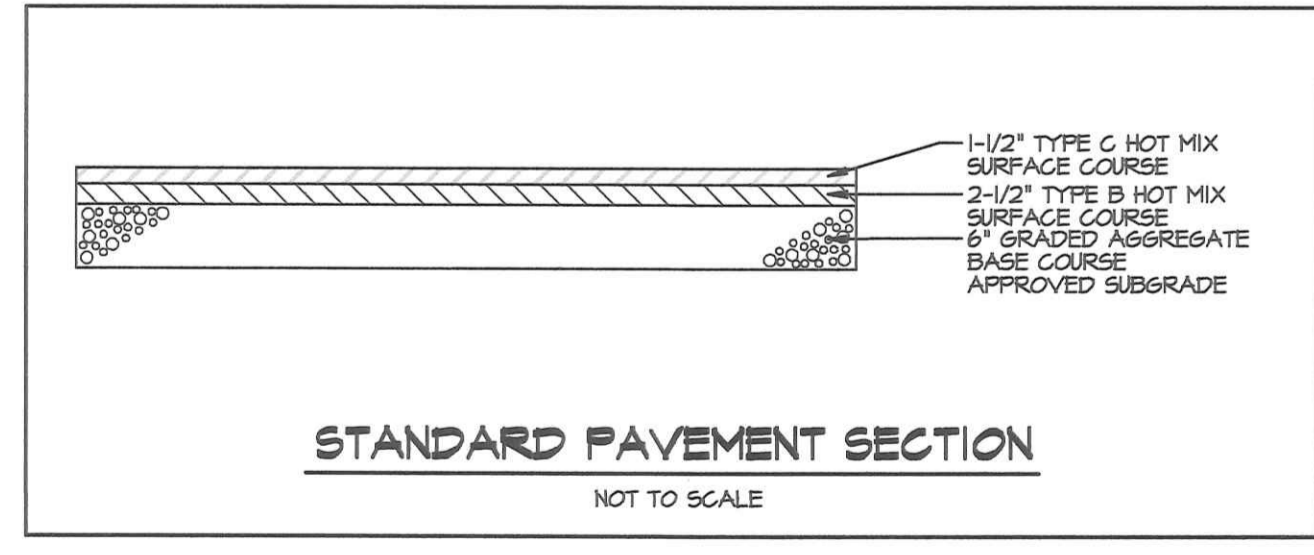
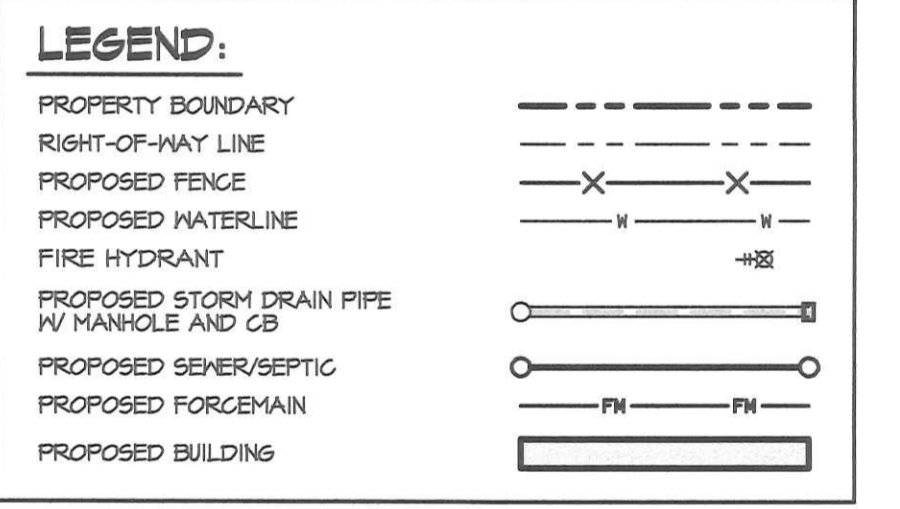
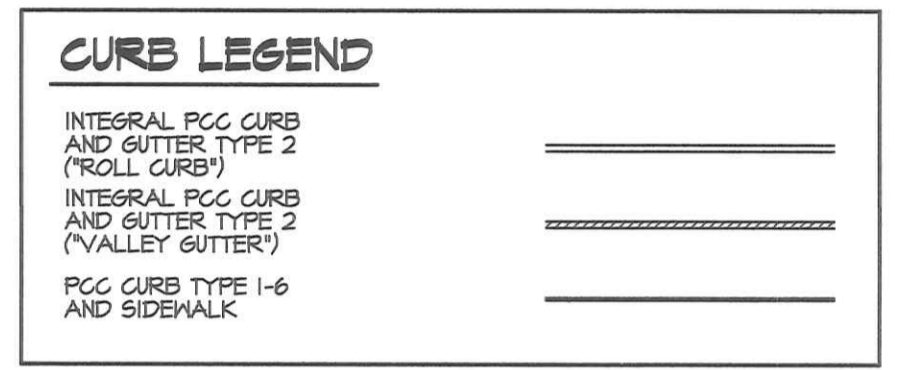
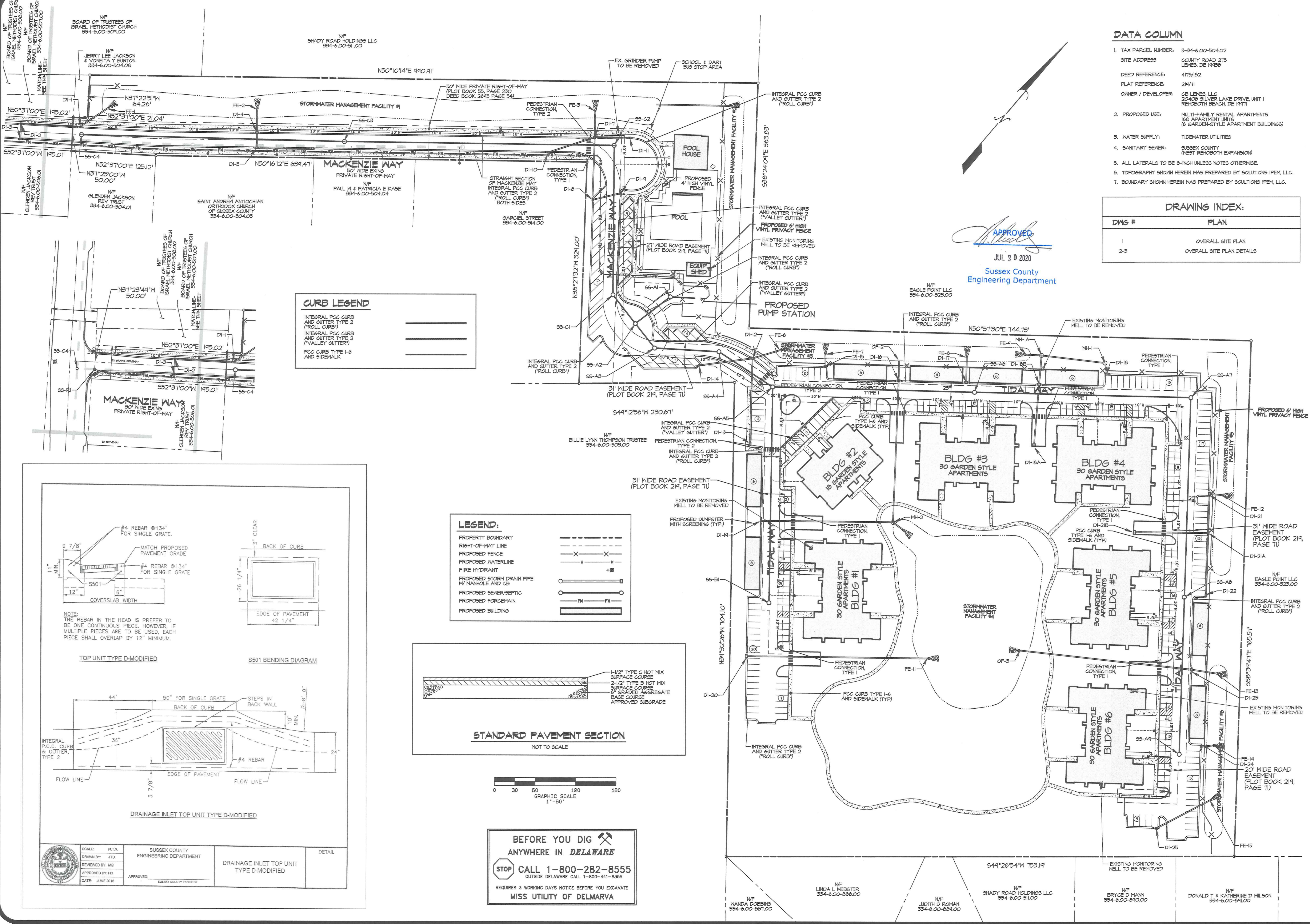
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3-16-20	RTN	
7-15-20	PER COUNTY COMMENTS	
	DATE	
	7-15-20	
	DRAWN BY:	RTN
	CHECKD. BY:	CHK
	PROJ. NO.:	4202
	SCALE:	1"=60'
	CAD FILE NAME:	4202ED3.PRO

- DATA COLUMN**
- TAX PARCEL NUMBER: 9-34-6.00-504.02  
 SITE ADDRESS: COUNTY ROAD 275 LEWES, DE 19458  
 DEED REFERENCE: 4175/182  
 PLAT REFERENCE: 214/71  
 OWNER / DEVELOPER: CB LEWES, LLC 20408 SILVER LAKE DRIVE, UNIT 1 REHOBOTH BEACH, DE 19511
  - PROPOSED USE: MULTI-FAMILY RENTAL APARTMENTS (188 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 IFEM, LLC.
  - BOUNDARY SHOWN HEREIN WAS PREPARED BY SOLUTIONS IFEM, LLC.

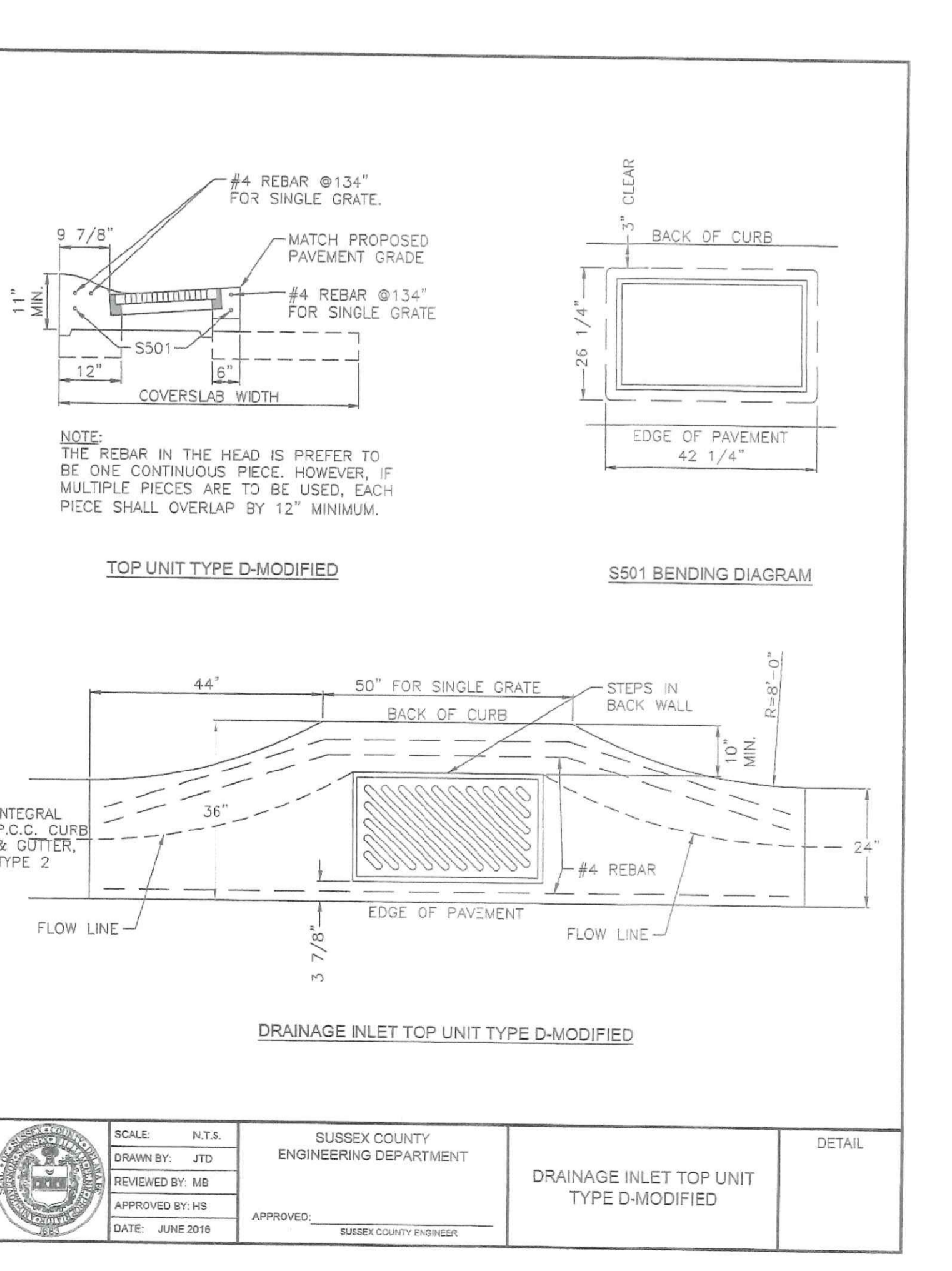
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DWG #	PLAN
1	OVERALL SITE PLAN
2-3	OVERALL SITE PLAN DETAILS

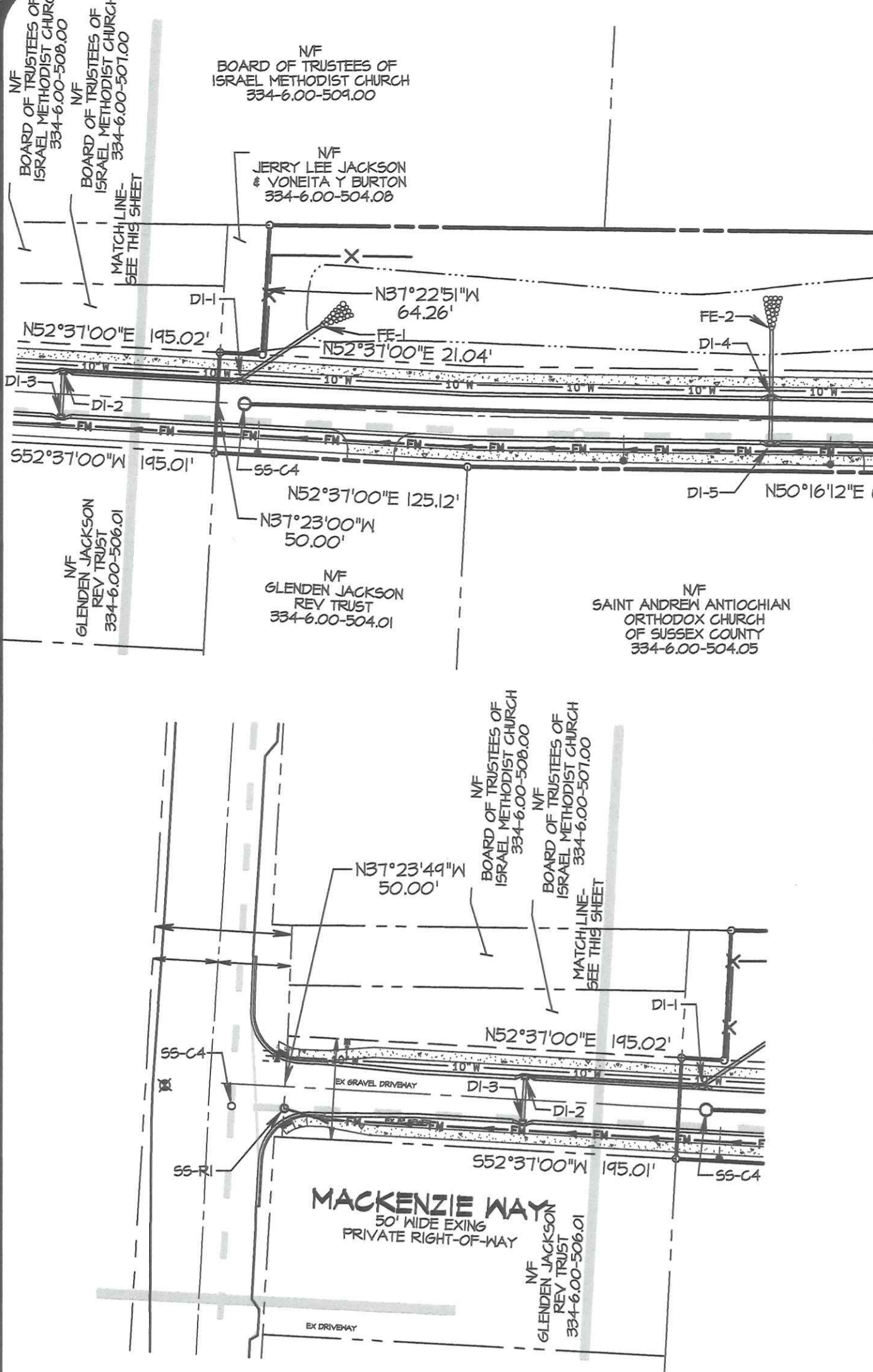
**APPROVED**  
 JUL 9 2020  
 Sussex County  
 Engineering Department



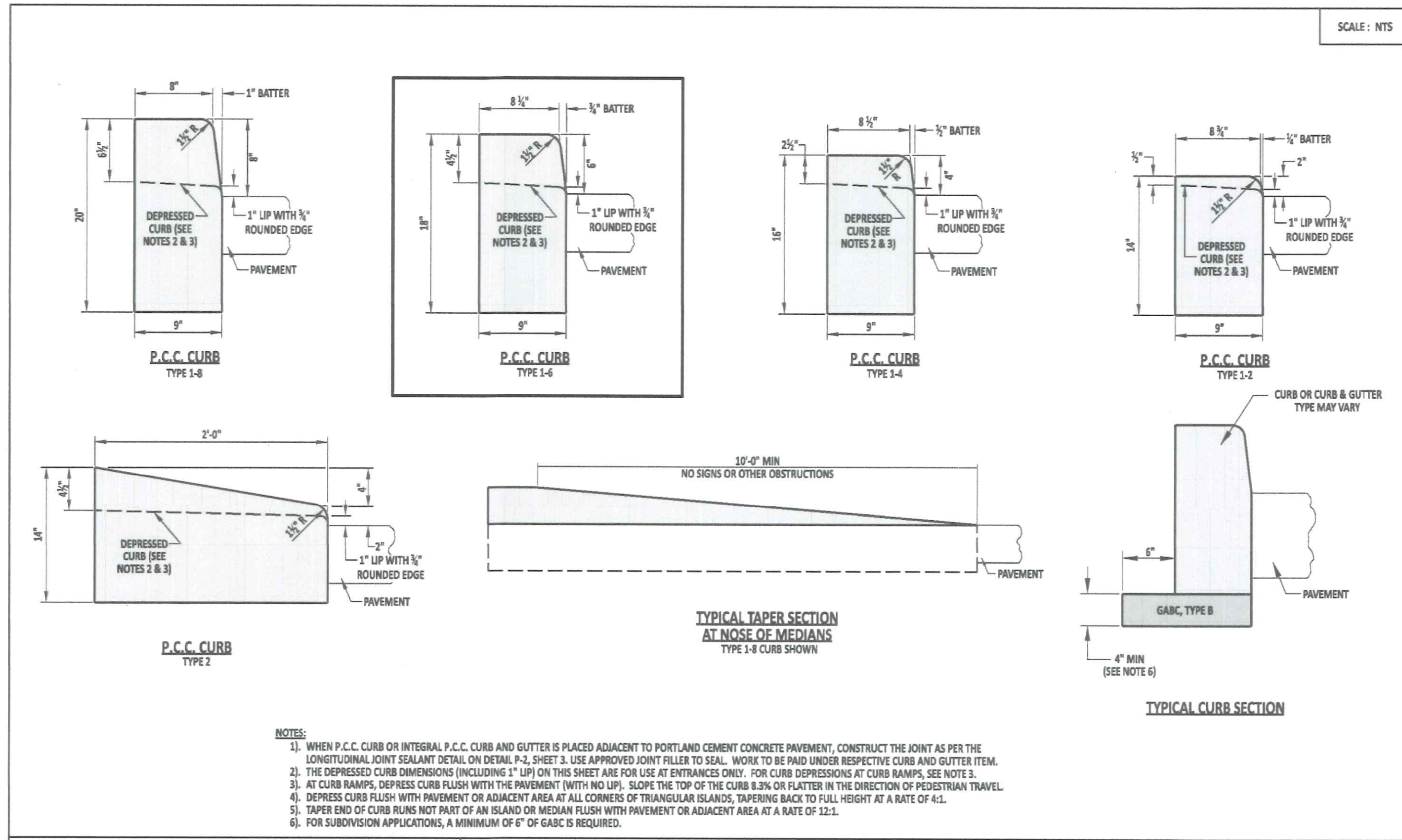
**BEFORE YOU DIG ANYWHERE IN DELAWARE**  
 STOP CALL 1-800-282-8555  
 OUTSIDE DELAWARE CALL 1-800-441-8355  
 REQUIRES 3 WORKING DAYS NOTICE BEFORE YOU EXCAVATE  
 MISS UTILITY OF DELMARVA



SCALE: N.T.S.	SUSSEX COUNTY ENGINEERING DEPARTMENT	DETAIL
DRAWN BY: JTD		
REVIEWED BY: MB		
APPROVED BY: MS		
DATE: JUNE 2016	APPROVED: SUSSEX COUNTY ENGINEER	

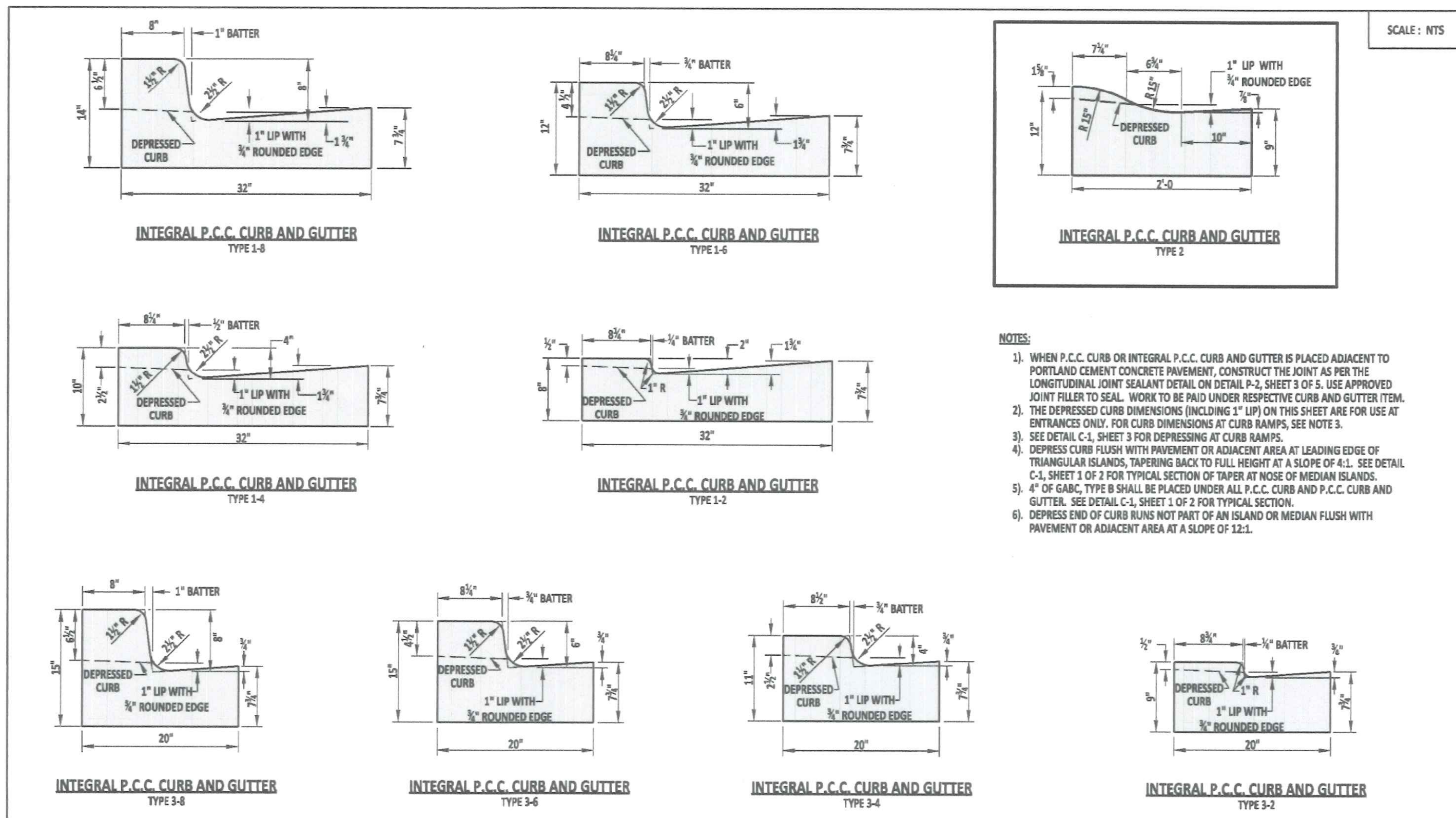






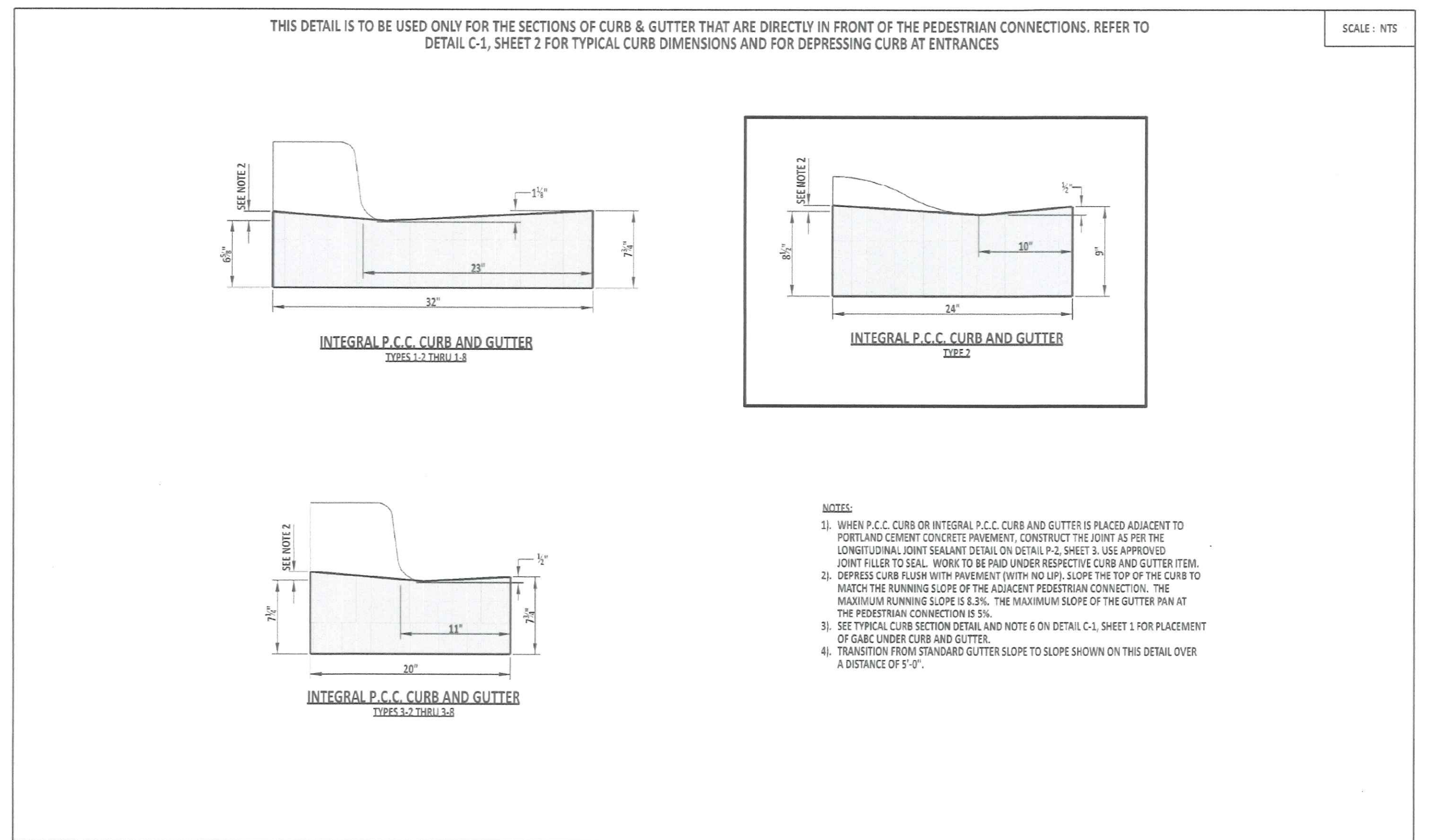
- NOTES:
1. WHEN P.C.C. CURB OR INTEGRAL P.C.C. CURB AND GUTTER IS PLACED ADJACENT TO PORTLAND CEMENT CONCRETE PAVEMENT, CONSTRUCT THE JOINT AS PER THE LONGITUDINAL JOINT SEALANT DETAIL ON DETAIL P-2, SHEET 3. USE APPROVED JOINT FILLER TO SEAL. WORK TO BE PAID UNDER RESPECTIVE CURB AND GUTTER ITEM.
  2. THE DEPRESSED CURB DIMENSIONS (INCLUDING 1" UP) ON THIS SHEET ARE FOR USE AT ENTRANCES ONLY. FOR CURB DEPRESSIONS AT CURB RAMPS, SEE NOTE 3.
  3. AT CURB RAMPS, DEPRESS CURB FLUSH WITH THE PAVEMENT (WITH NO LIP). SLOPE THE TOP OF THE CURB 8:1 OR FLATTER IN THE DIRECTION OF PEDESTRIAN TRAVEL.
  4. DEPRESS CURB FLUSH WITH PAVEMENT OR ADJACENT AREA AT ALL CORNERS OF TRIANGULAR ISLANDS, TAPERING BACK TO FULL HEIGHT AT A RATE OF 4:1.
  5. TAPER END OF CURB RUNS NOT PART OF AN ISLAND OR MEDIAN FLUSH WITH PAVEMENT OR ADJACENT AREA AT A RATE OF 12:1.
  6. FOR SUBDIVISION APPLICATIONS, A MINIMUM OF 6" OF GABC IS REQUIRED.

 DELAWARE DEPARTMENT OF TRANSPORTATION	P.C.C. CURB			APPROVED	SIGNATURE ON FILE	5/21/2017
	STANDARD NO.	C-1 (2017)	SHT. 1 OF 3	RECOMMENDED	SIGNATURE ON FILE	5/18/2017



- NOTES:
1. WHEN P.C.C. CURB OR INTEGRAL P.C.C. CURB AND GUTTER IS PLACED ADJACENT TO PORTLAND CEMENT CONCRETE PAVEMENT, CONSTRUCT THE JOINT AS PER THE LONGITUDINAL JOINT SEALANT DETAIL ON DETAIL P-2, SHEET 3 OF 5. USE APPROVED JOINT FILLER TO SEAL. WORK TO BE PAID UNDER RESPECTIVE CURB AND GUTTER ITEM.
  2. THE DEPRESSED CURB DIMENSIONS (INCLUDING 1" UP) ON THIS SHEET ARE FOR USE AT ENTRANCES ONLY. FOR CURB DIMENSIONS AT CURB RAMPS, SEE NOTE 3.
  3. SEE DETAIL C-1, SHEET 3 FOR DEPRESSING AT CURB RAMPS.
  4. DEPRESS CURB FLUSH WITH PAVEMENT OR ADJACENT AREA AT LEADING EDGE OF TRIANGULAR ISLANDS, TAPERING BACK TO FULL HEIGHT AT A RATE OF 4:1. SEE DETAIL C-1, SHEET 3 OF 2 FOR TYPICAL SECTION OF TAPER AT NOSE OF MEDIAN ISLANDS.
  5. 4" OF GABC, TYPE B SHALL BE PLACED UNDER ALL P.C.C. CURB AND P.C.C. CURB AND GUTTER. SEE DETAIL C-1, SHEET 1 OF 2 FOR TYPICAL SECTION.
  6. DEPRESS END OF CURB RUNS NOT PART OF AN ISLAND OR MEDIAN FLUSH WITH PAVEMENT OR ADJACENT AREA AT A RATE OF 12:1.

 DELAWARE DEPARTMENT OF TRANSPORTATION	INTEGRAL P.C.C. CURB & GUTTER			APPROVED	SIGNATURE ON FILE	5/31/2017
	STANDARD NO.	C-1 (2017)	SHT. 2 OF 3	RECOMMENDED	SIGNATURE ON FILE	5/18/2017



- NOTES:
1. WHEN P.C.C. CURB OR INTEGRAL P.C.C. CURB AND GUTTER IS PLACED ADJACENT TO PORTLAND CEMENT CONCRETE PAVEMENT, CONSTRUCT THE JOINT AS PER THE LONGITUDINAL JOINT SEALANT DETAIL ON DETAIL P-2, SHEET 3. USE APPROVED JOINT FILLER TO SEAL. WORK TO BE PAID UNDER RESPECTIVE CURB AND GUTTER ITEM.
  2. DEPRESS CURB FLUSH WITH PAVEMENT (WITH NO LIP). SLOPE THE TOP OF THE CURB TO MATCH THE RUNNING SLOPE OF THE ADJACENT PEDESTRIAN CONNECTION. THE MAXIMUM RUNNING SLOPE IS 8.3%. THE MAXIMUM SLOPE OF THE GUTTER PAN AT THE PEDESTRIAN CONNECTION IS 5%.
  3. SEE TYPICAL CURB SECTION DETAIL AND NOTE 6 ON DETAIL C-1, SHEET 1 FOR PLACEMENT OF GABC UNDER CURB AND GUTTER.
  4. TRANSITION FROM STANDARD GUTTER SLOPE TO SLOPE SHOWN ON THIS DETAIL OVER A DISTANCE OF 5'-0".

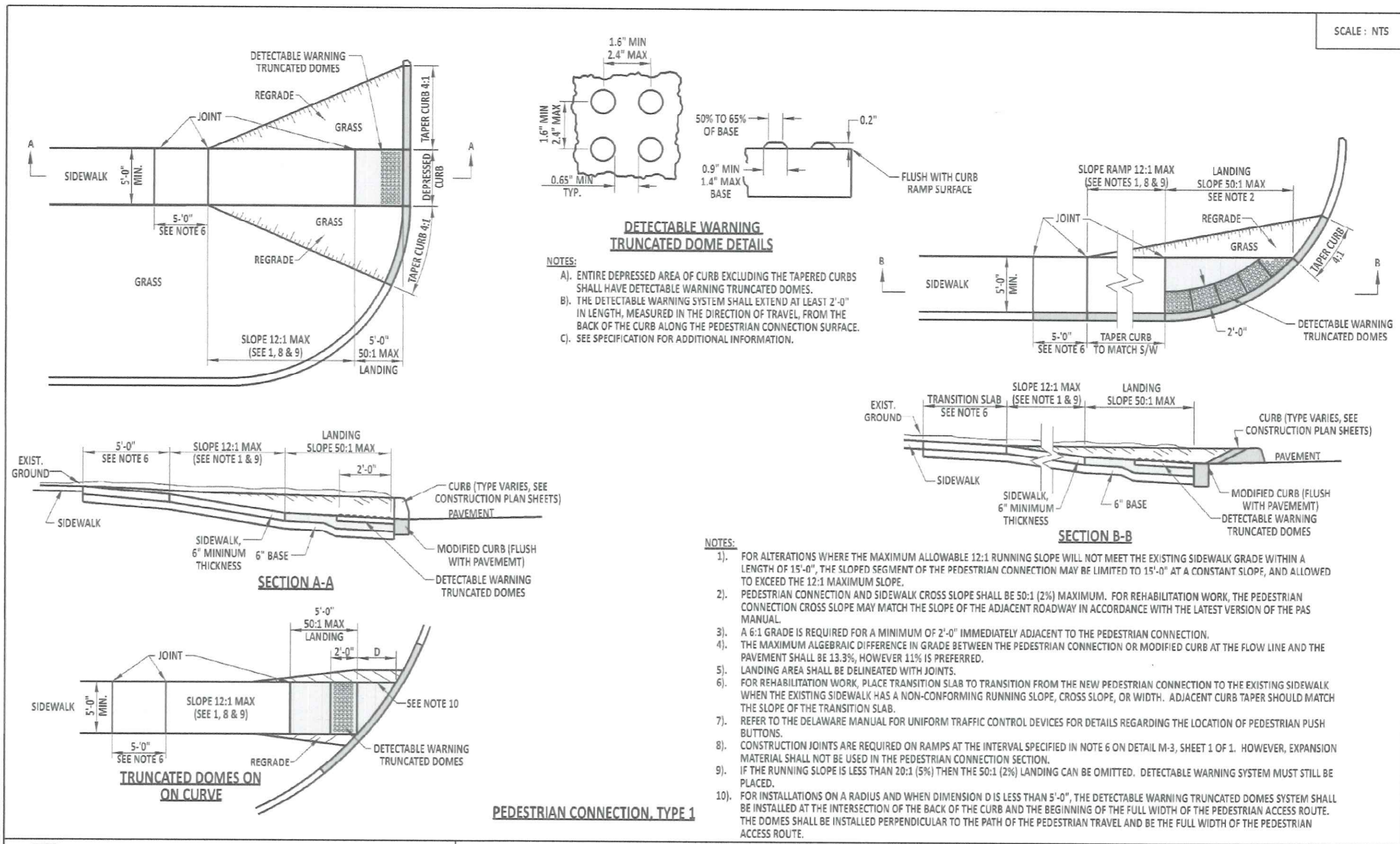
 DELAWARE DEPARTMENT OF TRANSPORTATION	INTEGRAL P.C.C. CURB & GUTTER (FOR USE AT PEDESTRIAN CONNECTIONS ONLY)			APPROVED	SIGNATURE ON FILE	1/04/2019
	STANDARD NO.	C-1 (2018)	SHT. 3 OF 3	RECOMMENDED	SIGNATURE ON FILE	12/20/2018



OVERALL SITE PLAN DETAILS  
 ARBORS OF COTTAGEDALE  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE

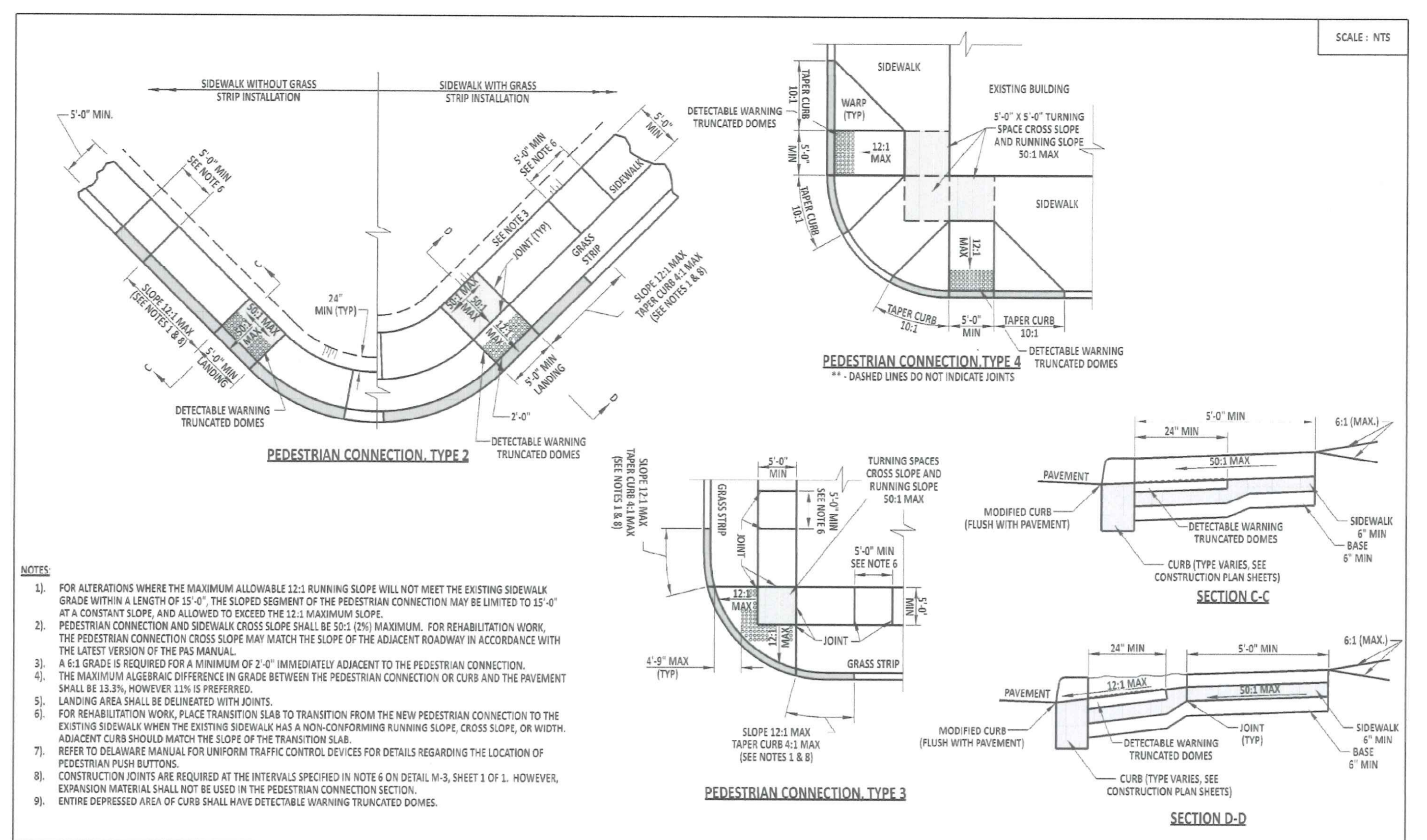
DATE:	3-16-20
DRAWN BY:	RTN
CHECKD. BY:	CHK
PROJ. NO.:	4202
SCALE:	1"=60'
CAD FILE NAME:	4202B03.PRO





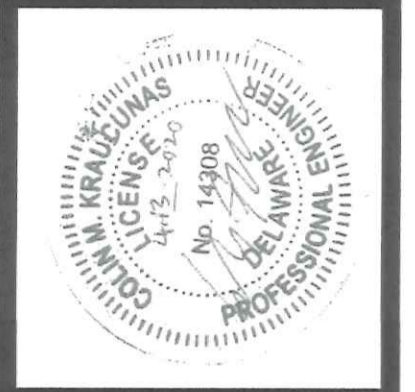
 DELAWARE DEPARTMENT OF TRANSPORTATION	PEDESTRIAN CONNECTION, TYPE 1 AND SECTIONS		APPROVED	SIGNATURE ON FILE	1/04/2019
	STANDARD NO.	C-2 (2018)	SHT.	1	OF
			RECOMMENDED	SIGNATURE ON FILE	12/20/2018

1/7/2019



 DELAWARE DEPARTMENT OF TRANSPORTATION	PEDESTRIAN CONNECTION, TYPES 2, 3, & 4		APPROVED	SIGNATURE ON FILE	1/04/2019
	STANDARD NO.	C-2 (2018)	SHT.	2	OF
			RECOMMENDED	SIGNATURE ON FILE	12/20/2018

1/7/2019



OVERALL SITE PLAN DETAILS  
 ARBORS OF COTTAGEDALE  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE

DATE:	3-16-20
DRAWN BY:	RTN
CHECKD. BY:	CHK
PROJ. NO.:	4202
SCALE:	1"=60'
CAD FILE NAME:	4-202BD3-PRO



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**

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**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  
Qazi Salahuddin,  
Environmental Program  
Administrator  
DNREC, Remediation Section

SWORN TO AND SUBSCRIBED before me this 8<sup>th</sup> day of November, 2019.

Elizabeth M. Lasorte  
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 (“SCRP”); 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 (SCRP)” hereafter referred to as the “Original SCRП 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 SCRIP 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 SCRIP 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 SCRIP 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**

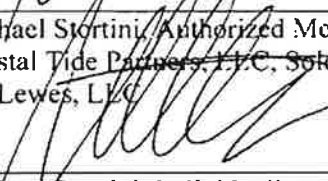
By:  (SEAL)  
Michael Vincent, President

**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: \_\_\_\_\_

**ROBIN A. GRIFFITH**





**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 SCRIP units, the approval of SCRIP 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 SCRIP units as each of the buildings in the Development are constructed and completed. This shall include promotion of the SCRIP 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 SCRIP units. The Agent shall maintain records of such marketing efforts, to be provided to the Department on an annual basis.
3. All potential SCRIP tenants shall be directed to a dedicated page developed by the Department and Sussex County within Sussex County’s official website



(sussexcountysde.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.



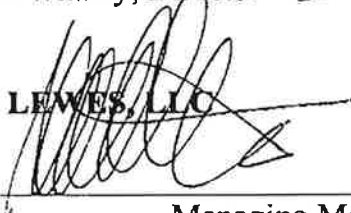
9. The process outlined in Paragraphs 1 through 4 herein shall repeat as each new apartment building within the Development is under construction on an as-needed basis to maintain a sufficient list of potential tenants.
10. Once the list of potential SCRP tenants created through the initial lottery process 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 ([sussexcountystate.gov](http://sussexcountystate.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.

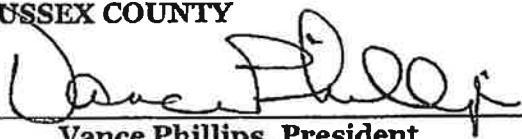
19. Any litigation which may be brought relating to this Agreement shall occur within the State of Delaware and in a Court located in Sussex County, Delaware.



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**

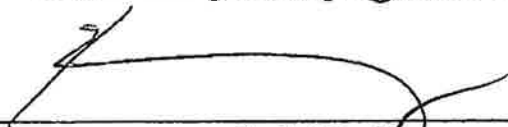
By:  (SEAL)  
Vance Phillips, President

**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







**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 Pont, 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 Glenden 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 family 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

<b>Building Delivery Sequence</b>		
<b>Delivery</b>	<b>Address</b>	<b>Number of SCRP Units</b>
1	33520	5
2	33526	5
3	33534	5
4	33514	3
5	33540	5
6	33562	3
		<b>26</b>

\*\* Building Delivery Sequence may be modified

<b>Coastal Tide Apartments Unit Mix</b>					
<b>UNIT #</b>	<b>FLOOR PLAN</b>	<b>UNIT TYPE</b>	<b>SQ. FT.</b>	<b>UNIT TYPE</b>	<b>SQ. FT.</b>
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 SCRCP	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 SCRCP	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 SCRCP	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 SCRCP	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 SCRCP	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 SCRCP	FINN	2/2	988	2/2	988
526-307	FINN	2/2	988	2/2	988
526-308 SCRCP	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 SCRCP	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 SCRCP	FINN	2/2	988	2/2	988
534-207	FINN	2/2	988	2/2	988
534-208 SCRCP	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 SCRCP	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	COVL	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 SCRCP	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 SCRCP	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 SCRCP	FINN	2/2	988	2/2	988
540-305	FINN	2/2	988	2/2	988
540-306 SCRCP	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 SCRCP	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 SCRCP	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 SCRCP	COVE	1/1	784	1/1	784
562-210	BAY BREEZE	3/2	1350	3/2	1350
562-301 SCRCP	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

<b>Coastal Tide Apartments</b>			
<i>Unit Mix</i>			
<i>Type</i>	<i>Size</i>	<i>Sq. Ft.</i>	<i>No. Units</i>
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
<u>Bay Breeze AF</u>	<u>3BR 2 BA</u>	<u>1350</u>	<u>10</u>
<b>Total</b>		<b>971</b>	<b>168</b>













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SEEKING  
PARING  
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SEEKING  
PARING  
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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.

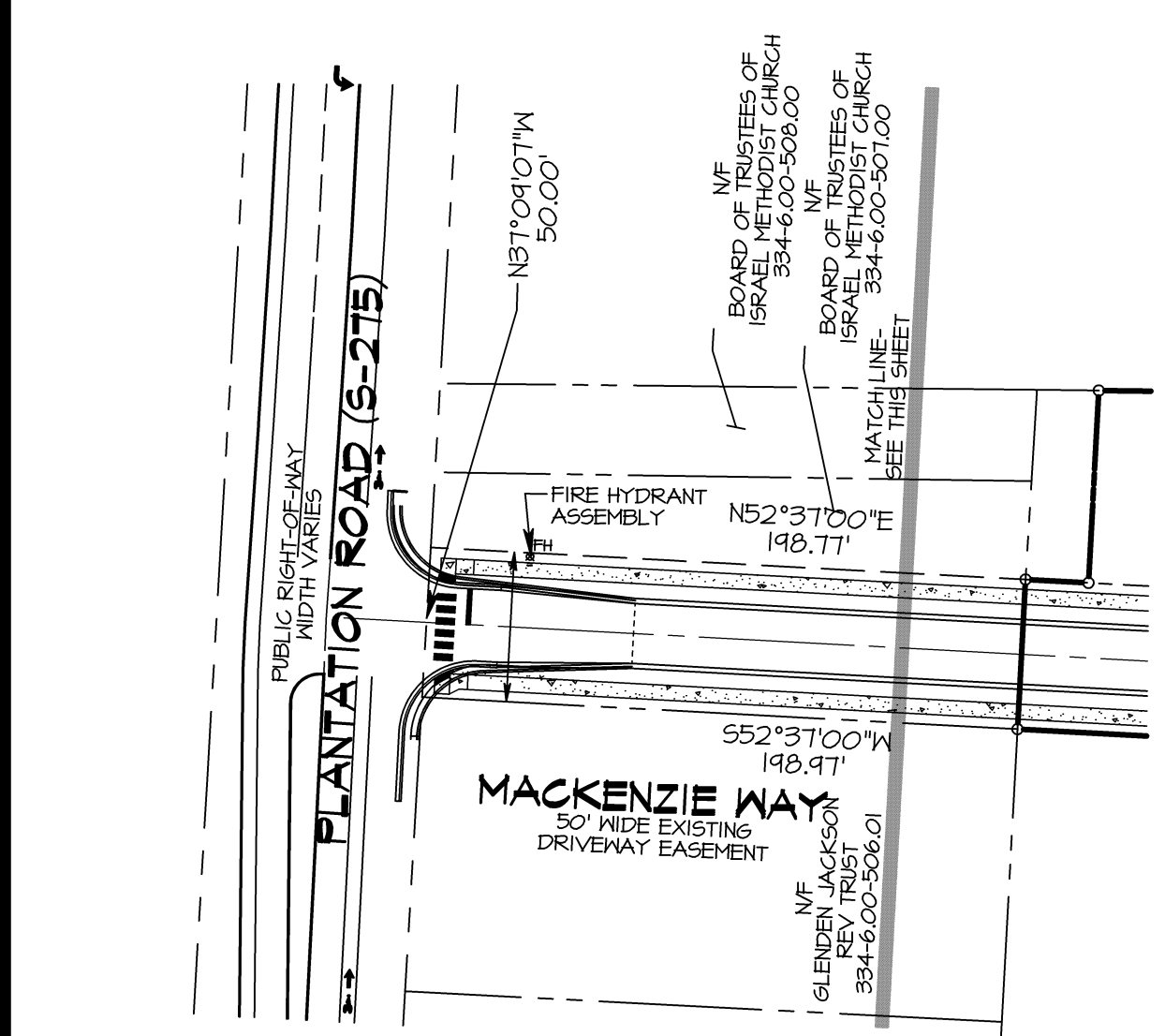
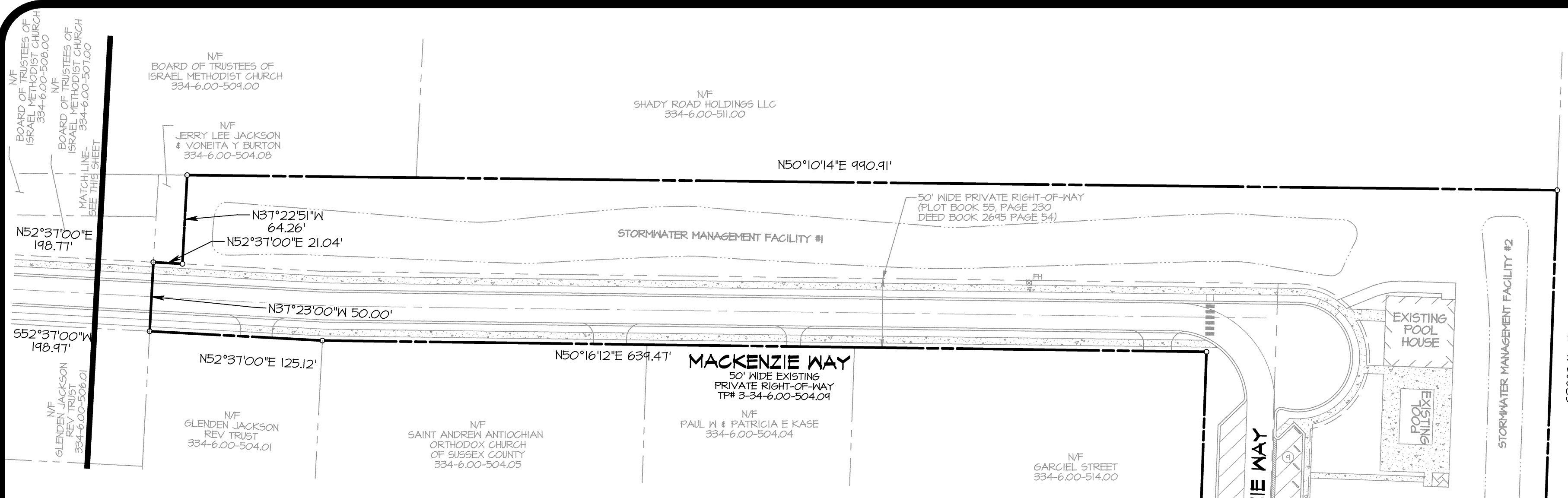
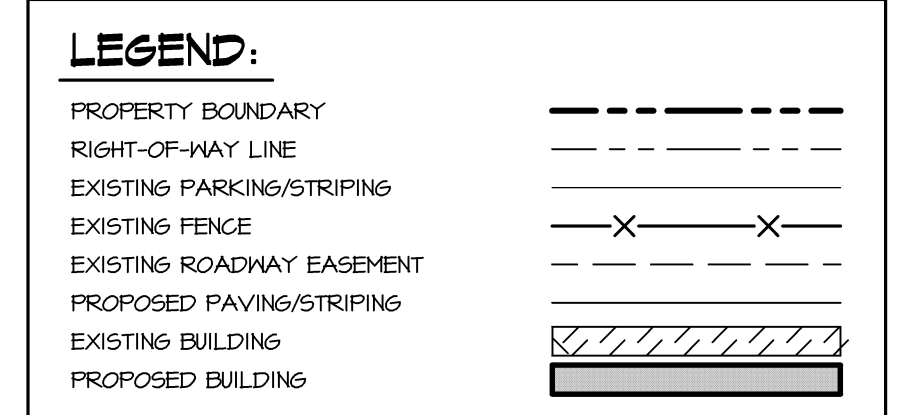
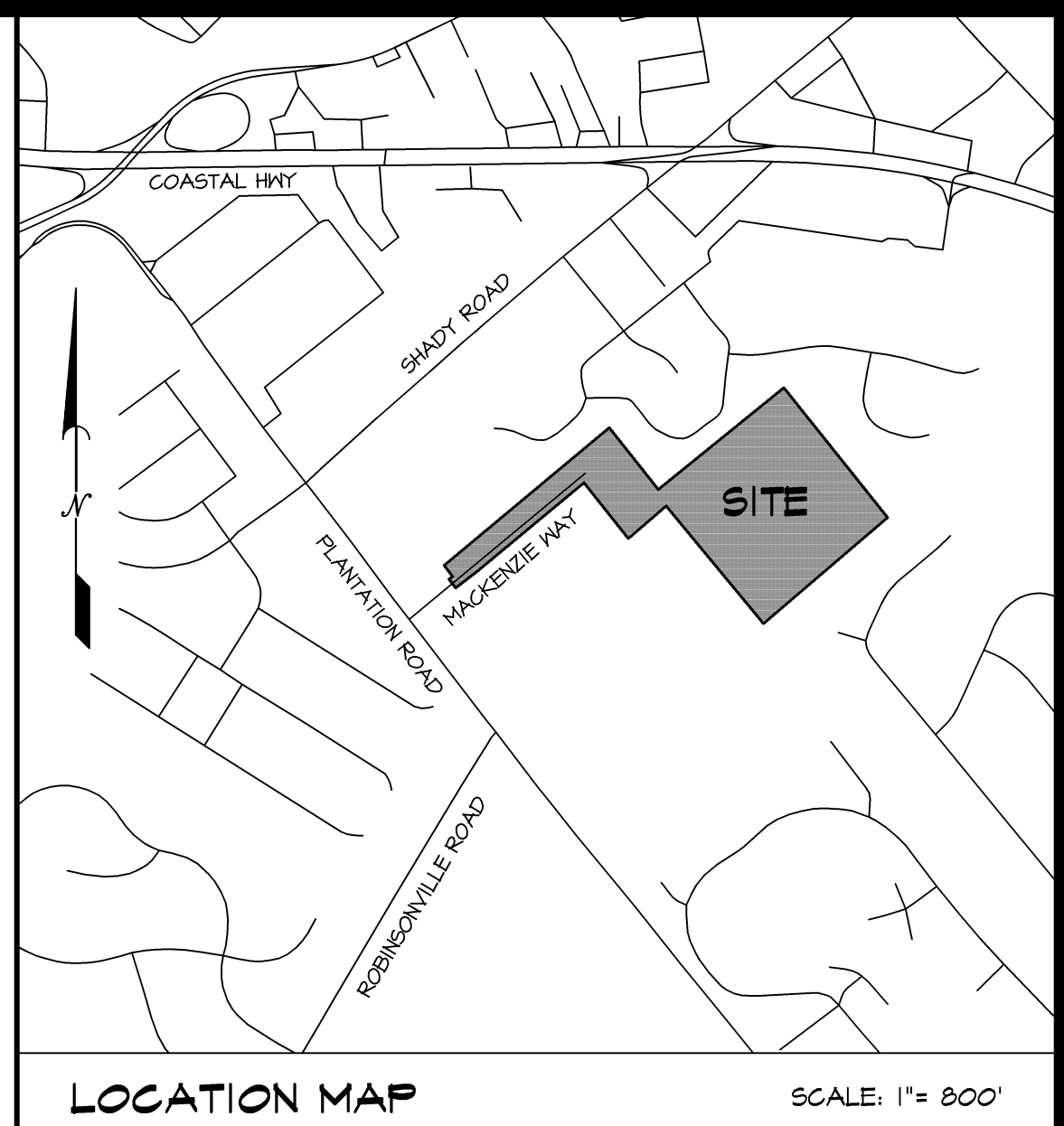
Please feel free to contact me at 302-747-1304 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,

A handwritten signature in black ink that reads "Kelly R. Bailey". The signature is written in a cursive style and is positioned above the typed name.

Kelly Bailey  
Manager of Contract Administration





**DATA COLUMN**

- OWNER/APPLICANT/DEVELOPER: CB LEWES, LLC, 20409 SILVER LAKE DRIVE, UNIT 1, REHOBOTH BEACH, DE 19418, CONTACT: JOE CALABRO (302) 281-3045
- ENGINEER: HILLCREST ASSOCIATES, INC., P.O. BOX 1180, HOCKESSIN, DE 19707, (302) 455-4873
- TAX PARCEL NUMBER: 3-34-6.00-504.02
- SITE AREA: 18.088 AC±
- EXISTING ZONING: MR W CONDITIONAL USE #1845
- 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%)
- FLOOD ZONE: THE PROPERTY IS LOCATED WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRN MAP NUMBER 10005C039K, MAP REVISED MARCH 16, 2015.
- WATER SUPPLY: TIDENATER UTILITIES
- SANITARY SEWER: SUSSEX COUNTY (WEST REHOBOTH EXPANSION)
- GROSS AREA = 18,088 AC±  
 MACKENZIE WAY ROW AREA = 1,311 AC±  
 MACKENZIE WAY EASEMENT AREA = 0,408 AC±  
 OPEN SPACE AREA (INCLUDING STORMWATER FEATURES, BUFFERS, RECREATIONAL FACILITIES, ETC.) = 10,816 AC± (59.8%)  
 PUMP STATION LOT AREA (DEDICATED TO SUSSEX COUNTY) = 0,051 AC±  
 RESIDENTIAL BUILDING AREA = 1,941 AC±  
 PARKING LOT AREA = 3,269 AC±  
 GARAGE AREA = 0,236 AC±  
 TOTAL IMPERVIOUS AREA = 1,184 AC± (43.0%)
- 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.

**PURPOSE OF PLAN**

THE PURPOSE OF THIS PLAN IS TO PROVIDE AN ADDITIONAL 64 PARKING SPACES AND PROPOSE A FUTURE 24 GARAGE PARKING SPACES.

**PARKING CALCULATIONS:**

168 UNITS \* 2 SPACES/UNIT = 336 SPACES  
 336-50 = 286 SPACES  
 286 SPACES \* 85% = 243 SPACES  
 244 + 50 SPACES = 294 SPACES REQUIRED

SPACES PREVIOUSLY PROVIDED = 244 SPACES  
 ADDITIONAL SPACES PROVIDED BY THE AMENDED SITE PLAN = 55 SPACES  
 ADDITIONAL SPACES PROPOSED BY THIS PLAN = 64 SPACES  
 TOTAL PROPOSED PARKING = 418 SPACES  
 TOTAL PROPOSED PARKING WITH OPTIONAL GARAGES IN CURRENT LOCATION = 403

HANDICAPPED SPACES REQUIRED = 8 SPACES (2 VAN ACCESSIBLE)  
 HANDICAPPED SPACES PROVIDED = 14 SPACES (ALL VAN ACCESSIBLE)

**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.

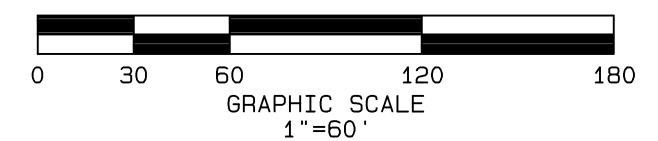
**ENGINEERS CERTIFICATION**

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.

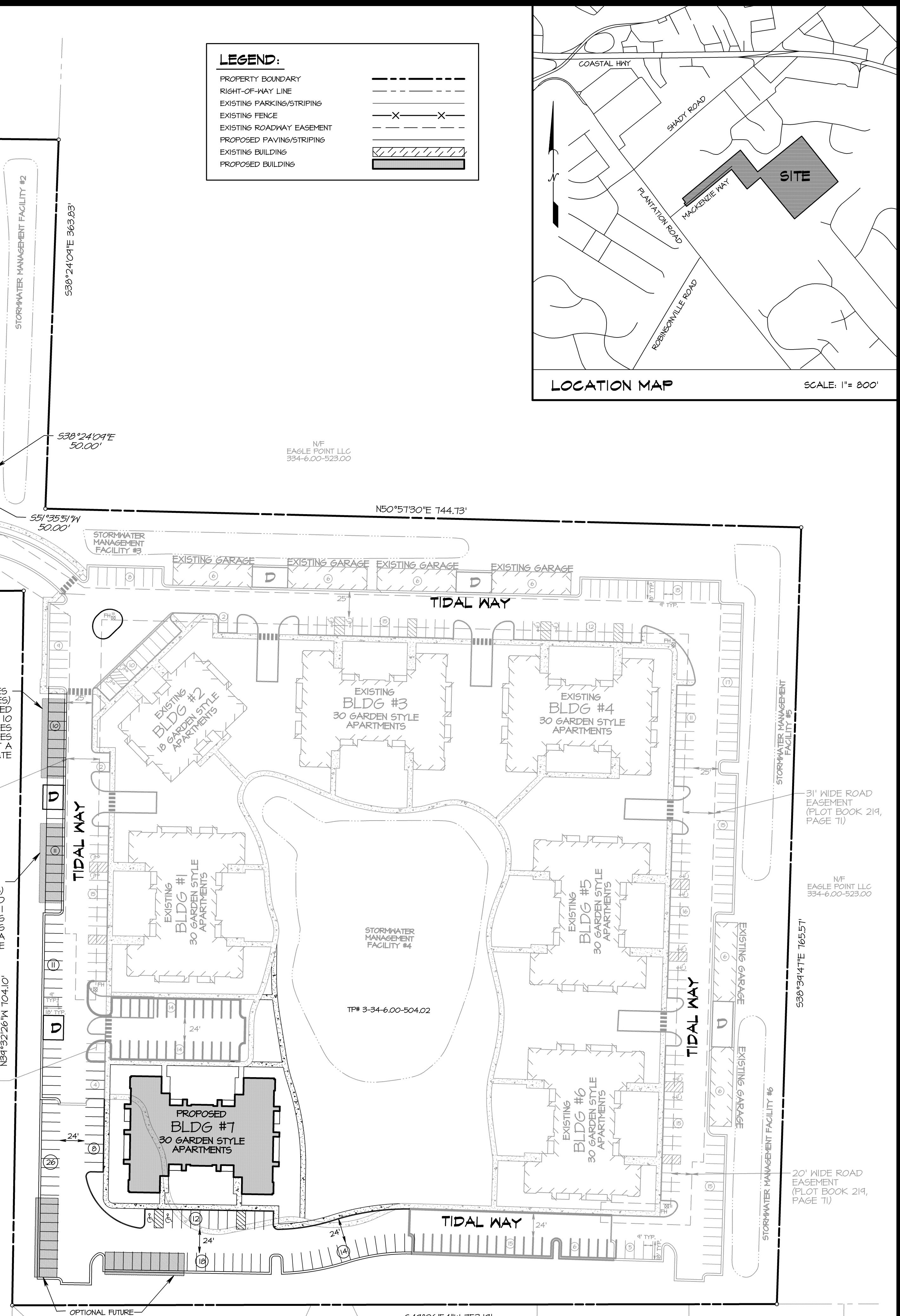
5-11-2022

COLIN M. KRAKUNAS, P.E.  
 DE LICENSE NO. 14908

DATE



CB LEWES, LLC : NAME:  
 TITLE:



SEAL

CONDITIONAL USE PLAN  
 COASTAL TIDE (fka ARBORS OF COTTAGEDALE)  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE

DATE:	REVISION	DATE	REVISION
2-16-22	AH/RTN	5-11-22	REV. PARKING LAYOUT
	CNK		
	4202		
	1"=60'		
	4202BD3PRD		

DWG. NO.



**SITE DATA:**

OWNER/  
APPLICANT/  
DEVELOPER: STEVE & ROBERT CAMPBELL  
19 RIDGEWOOD TURN  
NEWARK, DE 19711  
PHONE: 302.992.9210  
CONTACT: STEVE CAMPBELL

ENGINEER: SOLUTIONS IPEM  
303 NORTH BEDFORD STREET  
GEORGETOWN, DE 19947  
PHONE: 302.297.9215  
CONTACT: JASON PALKEWICZ, 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 - UDORTHERTS, 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:**

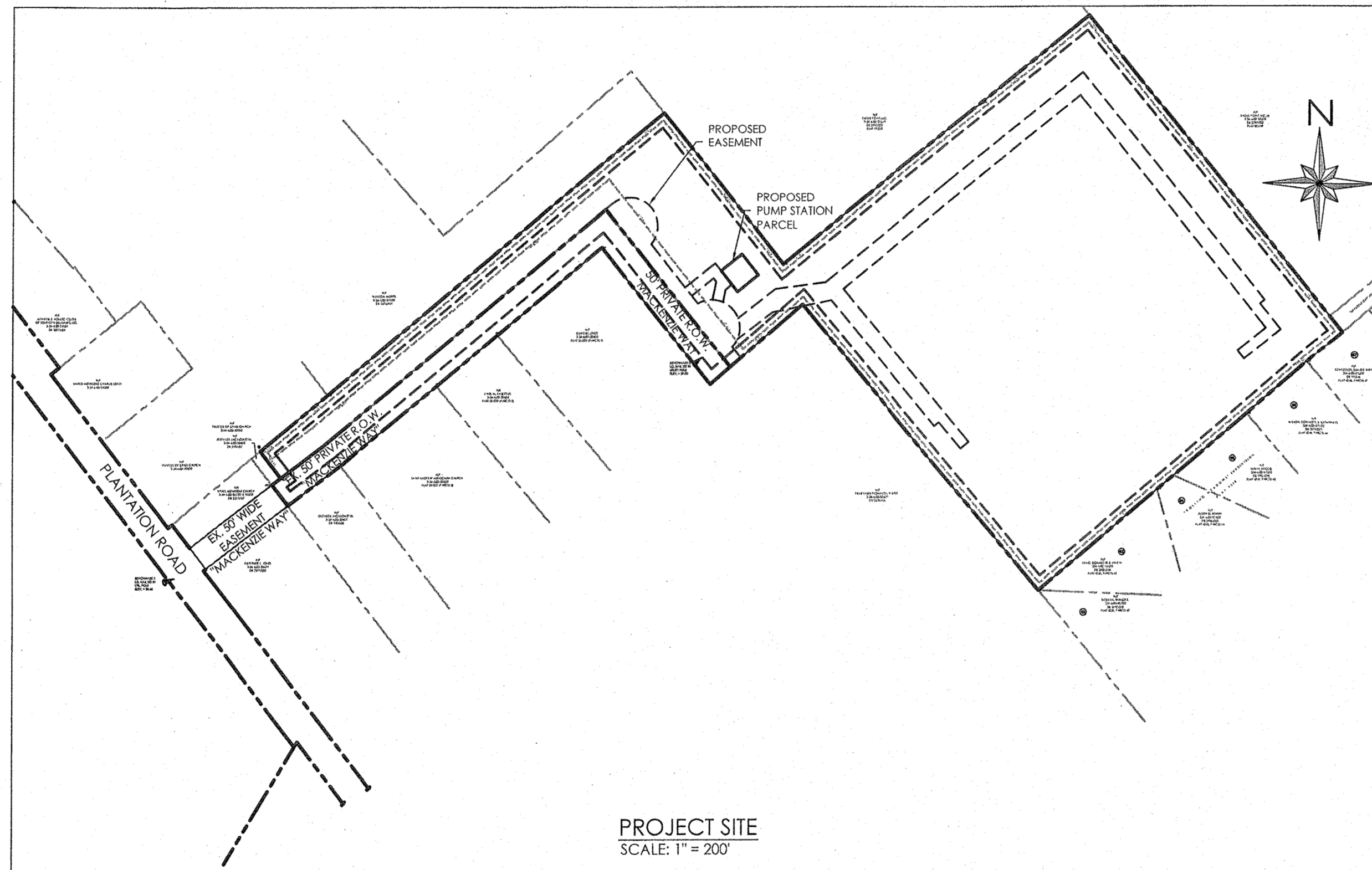
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS AND SHALL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE 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



PROJECT SITE  
SCALE: 1" = 200'

**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 BY:**  
SECRETARY OF PLANNING COMMISSION DATE  
PRESIDENT OF COUNTY COUNCIL DATE

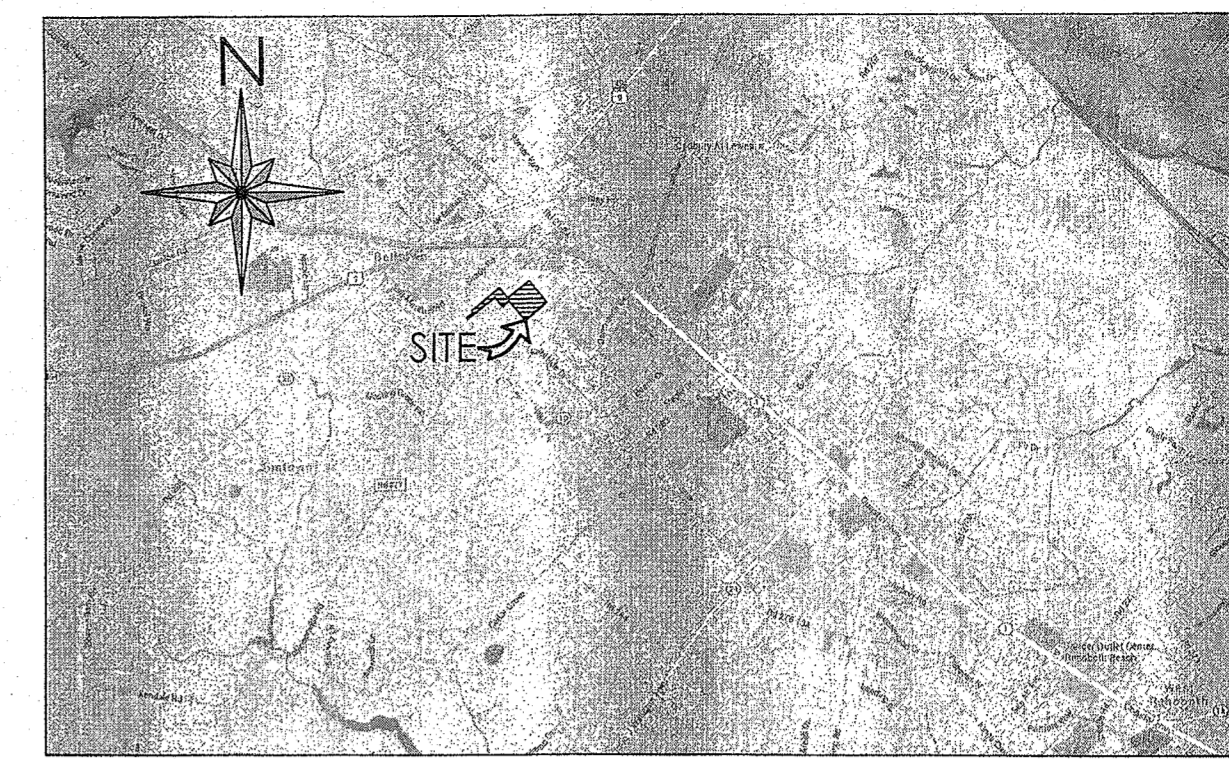
**DEVELOPER'S CERTIFICATION**  
WE HEREBY CERTIFY THAT WE ARE THE DEVELOPER OF THE PROPERTY SHOWN ON THIS PLAN. THAT THE PLAN WAS MADE AT OUR DIRECTION AND WE ACKNOWLEDGE THE SAME TO BE OUR ACT, AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. WE FURTHERMORE UNDERSTAND AND ACKNOWLEDGE THAT IT IS THE RIGHT OF THE SUSSEX CONSERVATION DISTRICT AND/OR ITS DELEGATED INSPECTION AGENCIES TO CONDUCT ON-SITE INSPECTIONS.  
*[Signature]* 8/27/15  
STEVEN J CAMPBELL

**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]



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

BK# 219 PG# 71

	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	---	---

**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 Hill Road  
Salisbury, MD 21804  
T. 410.572.8833  
www.solutionsipem.com Copyright © 2014

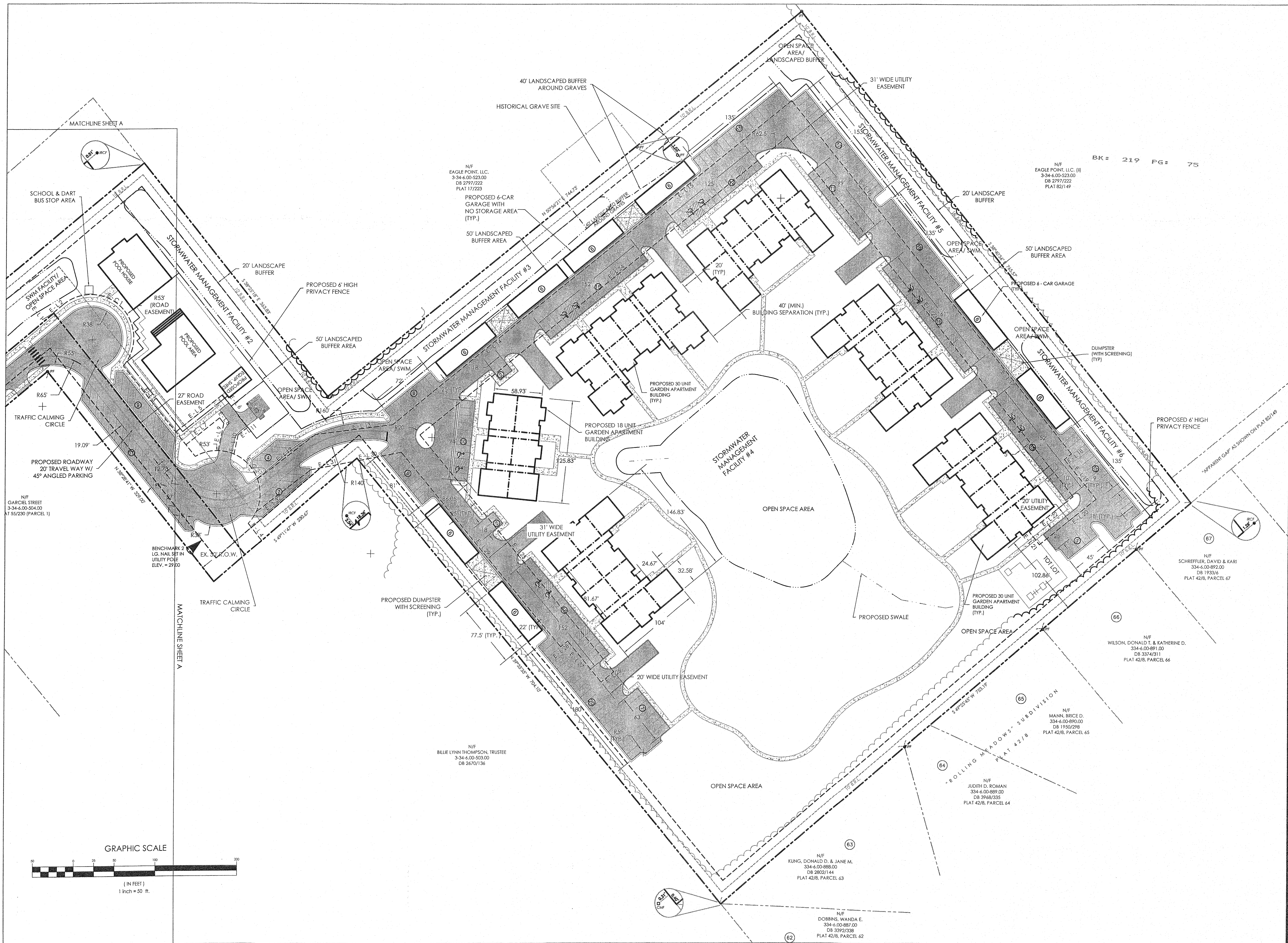
**JAMES R. ERICKSON**  
Professional Engineer  
No. 18287  
DELAWARE  
Professional Engineer  
Seal 8/14/15  
Date

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





BK = 219 PG = 75

Seal of James R. Eriksen, Professional Engineer, License No. 18287, State of Delaware. Seal date: 8/14/15.

NO.	DATE	DESCRIPTION
1	7/20/2015	PLANNING OFFICE COMMENTS

FINAL SITE 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





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SEEKING  
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Coastal Tide Apartments				
Floor Plan	Beds	Baths	SCRP Rent	Market Rent
Tide	1	1	\$ 660	\$ 1,565
Cove	1	1	\$ 660	\$ 1,549
Coral	2	2	\$ 790	\$ 1,695
Finn	2	2	\$ 790	\$ 1,749
Bay Breeze	3	2	\$ 915	\$ 1,999



**Ashley Paugh**

**From:** Adam Spanier <ajspan@yahoo.com>  
**Sent:** Wednesday, May 25, 2022 7:09 AM  
**To:** Planning and Zoning  
**Subject:** Zoning Change

RECEIVED

MAY 25 2022

**Categories:** Ashley

SUSSEX COUNTY  
PLANNING & ZONING

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To Whom It May Concern:

I am a resident in Eagle Point at 17653 Gate Dr. Unit 2, Lewes, DE. As a direct neighbor to the location under deliberation, I am writing to state my strong and unequivocal OPPOSITION to the proposed INCREASE IN DENSITY related to: *C/U 2352 CB Lewes, LLC 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.* There are several reasonable issues why I find the increase in density objectionable, including, but not limited to:

- 1) the traffic that now attempts to get in and out of the site onto Plantations Road already creates safety hazards because it only as a 2 lane ingress/egress with no internal turn lanes. The area often referred to at DelDOT hearings as Malfunction Junction within 1/4 mile pulls traffic from Beaver Dam Rd, Plantations Road, the Henlopen Landing single family housing community, Lowes ONLY ingress/egress and Five Points. DelDOT keeps referencing "years" in time before any solution to an already bad situation can maybe be slightly corrected. TRAFFIC ALONE CAUSES MANY HEALTH AND SAFETY ISSUES with emergency vehicles, school buses, etc.
- 2) the site for over two years has created flooding and repeated drainage issues onto the Eagle Point property without any resolution by the DEVELOPERS
- 3) the site already exceeds highest capacity per acre of surrounding communities
- 4) the Eagle Point community cooperatively assisted Coastal Tide to modify their original site plan by allowing a delay in construction of fencing that the County required to be installed as part of the original site plan. Only a portion of the fencing has been completed, although occupied for almost a year. Without the required fencing, many residents believe that the adjacent private property is their personal path to Wawa, Home Depot, Dominios Pizza or Tokyo Steakhouse and others.
- 5) None of the ENCLOSED trash areas has been constructed and when cans are put out, they blow over and scatter into adjoining communities= EAGLE POINT. Those enclosures were all part of the original approved plan by the County.
- 6) The owner has demonstrated that they are not capable of living up to the requirements and are only seeking additional ways to enhance their bottom line.

Therefore, I strongly object to increasing the density of this property that has already demonstrated an inability to be a good neighbor. Adding more residents would only exacerbate the situation. Thank you for your consideration.

Sincerely,



Adam Spanier  
17653 Gate Dr. Unit 2  
Lewes, DE 19958



**Ashley Paugh**

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**From:** Denny Collins <collinsnanden@aol.com>  
**Sent:** Wednesday, May 25, 2022 4:36 PM  
**To:** Planning and Zoning  
**Subject:** Zoning Hearing -- Density Increase Proposal on Adjacent Property  
**Categories:** Ashley

RECEIVED  
MAY 25 2022  
SUSSEX COUNTY  
PLANNING & ZONING

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Sussex County Planning Commission Public Hearing Members,

We currently live in Eagle Point at 17709 Brighten Dr., Unit 1, Lewes, DE. 19958-6522 and our home is directly across from the Indian burial ground and the Coastal Tide apartments. We have very serious concerns about their request to increase the number of units from 168 to 198 particularly as these were originally approved so as to provide some affordable housing in the Lewes/ Sussex County area but many of the vehicles parked at the complex do not have Delaware license plates but mostly MD., NJ., PA., and NY. In addition, drainage issues have been created in Eagle Point which have been advised to the Developers but have not been corrected. Traffic/safety concerns are also issues as Planation Road is already over capacitated with all the development that is being approved and Del Dot has already advised solutions to these problems are still "years" in time. Finally, Eagle Point has been a good neighbor by allowing the Developer to delay perimeter fencing as required by the original site plan -- County assistance is now requested to force the Developer to comply with this issue as only part of the fencing has been completed to date.

Thanking you in advance for your consideration of our concerns.

Raymond D. & Nancy L. Collins



**Ann Lepore**

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**From:** Ed Eaton <ed.eaton@live.com>  
**Sent:** Friday, May 27, 2022 12:20 PM  
**To:** Planning and Zoning  
**Subject:** COASTAL TIDE DENSITY INCREASE PROPOSAL ON ADJACENT PROPERTY to Eagle Point Community

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We would like to state our opposition to the proposed INCREASE IN DENSITY PROPOSAL by COASTAL TIDE.

Wendy & Edward Eaton  
17708-3 Brighten Drive  
Eagle Point, Lewes, DE

Our Property is located (IMMEDIATELY NEXT DOOR) to Coastal Tides. The only separation between developments is the Coastal Tides created storm water drainage ditch that does not carry the water away but rather floods our Eagle Point property!

Some other reasons we find additional density objectionable, are-

the traffic that now attempts to get in and out of the site onto Plantations. DeIDOT keeps referencing "years" in time before any solution to an already bad situation can maybe be slightly corrected.

the Eagle Point community cooperatively assisted Coastal Tide to modify their original site plan by allowing a delay in construction of fencing that the County required to be installed as part of the original site plan. Only a portion of the fencing has been completed, although occupied for almost a year.

168 is ENOUGH!!!!!!

Received after  
PZC Public Hearing  
before  
CC Public Hearing

Sent from Ed Eaton's iPhone