

## COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT  
JOHN L. RIELEY, VICE PRESIDENT  
CYNTHIA C. GREEN  
DOUGLAS B. HUDSON  
MARK G. SCHAEFFER



# Sussex County

DELAWARE  
sussexcountyde.gov  
(302) 855-7743

## SUSSEX COUNTY COUNCIL

### A G E N D A

JUNE 8, 2021

10:00 A.M.

**PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA**

### Call to Order

### Approval of Agenda

### Approval of Minutes – May 25, 2021

### Reading of Correspondence

### Public Comments

### Todd Lawson, County Administrator

1. Appointment to Planning and Zoning Commission
2. Appointment to Board of Adjustment
3. Information Related to the County's Collection Process
4. Administrator's Report

### Chris Keeler, Director of Assessment

1. Reassessment RFP Discussion and Possible Contract Award

### Hans Medlarz, County Engineer

1. Comfort-Burton Tract Forest Maintenance RFP
  - A. Recommendation to Award



**2. Bulk Delivery of Magnesium Hydroxide, Project M21-12**

**A. Recommendation to Award**

**3. Bulk Delivery of Seed & Chemical, Project M19-31**

**A. FY 2022 Funding Approval**

**4. Delaware Coastal Business Park**

**A. Becker Morgan Group, Inc., - Amendment 3 for Design Phase II**

**5. FEMA Mitigation Grant**

**A. Sponsorship Consideration of 25867 Berry Street**

**Council Members' Comments**

**Executive Session – Pending Litigation and Land Acquisition pursuant to 29 Del.C.§10004(b)**

**Possible action on Executive Session items**

**1:30 p.m. Public Hearings**

**Conditional Use No. 2235 filed on behalf of Brian P. Lessard, Lessard Builders, Inc.**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2129 (ORDINANCE 2603) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.76 ACRES, MORE OR LESS” (property lying at the southeast corner of Argos Corner Road and Coastal Highway [Route 1]) (Tax I.D. No. 230-7.00-95.00) (911 Address: 22754 Argos Corner Road, Lincoln)**

**Conditional Use No. 2244 filed on behalf of Ramon A. Mendez and Alma Mendez**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.39 ACRES, MORE OR LESS” (property lying on the south side of Hickman Road [Route 16] approximately 1,600 feet east of Scotts Store Road [Route 36]) (Tax I.D. No. 530-9.00-53.01) (911 Address: 8354 Hickman Road, Greenwood).**

**Conditional Use No. 2246 filed on behalf of Bee Wise, LLC**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.709 ACRE, MORE OR LESS” (property lying on the northwest side of John J. Williams Highway [Route 24] approximately 0.37 miles southwest of Mulberry Knoll Road [S.C.R. 284]) (Tax I.D. No. 334-12.00-24.00) (911 Address: 20028 John J. Williams Highway, Lewes)**

**Adjourn**

**In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on June 1, 2021 at 4:25 p.m. and at least seven (7) days in advance of the meeting.**

**This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.**

**Agenda items may be considered out of sequence.**

**Further meeting access instructions are listed below.**

-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited and seating assignments will be enforced.

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

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

To join the meeting via telephone, please dial:

**Conference Number: 1-302-394-5036**

**Conference Code: 570176**

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

If any member of the public would like to submit comments electronically, please feel free to send them to [rgriffith@sussexcountyde.gov](mailto:rgriffith@sussexcountyde.gov). All comments shall be submitted by 4:30 P.M. on Monday, June 7, 2021.

# # # #

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date April 8<sup>th</sup>, 2021.

Application: CU 2235 Brian P. Lessard

Applicant: Mr. Brian P. Lessard  
Lessard Builders, Inc.  
257 E. Camden-Wyoming Avenue  
Camden, DE 19932

Owner: Mr. John P. Laursen and Ms. June J. Laursen  
715 Halstead Road  
Wilmington, DE 19803

Site Location: Lying on the southeast corner of Argos Corner Road (S.C.R. 14E) and Coastal Highway (Route 1).

Current Zoning: General Residential (GR) w/a portion of the parcel being zoned Agricultural Residential (AR-1) Zoning District

Proposed Use: Storage Units – Amending Condition “K” of Conditional Use No. 2129

Comprehensive Land Use Plan Reference: Existing Development Area & Developing Area

Councilmatic District: Mr. Schaffer

School District: Milford School District

Fire District: Memorial Fire District

Sewer: Private – On site

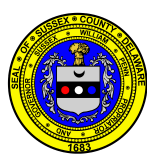
Water: Private – On site

Site Area: 10.75 acres +/-

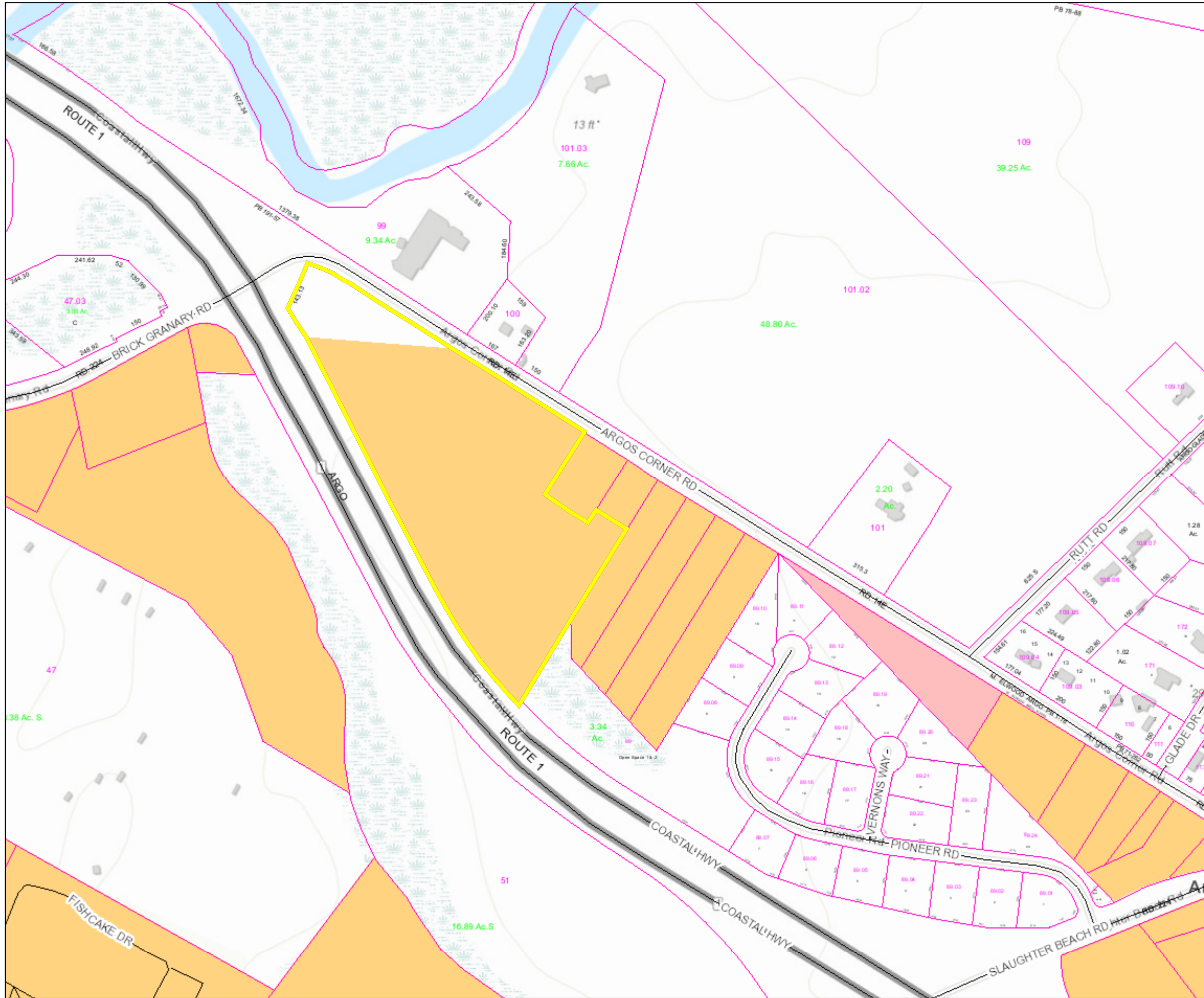
Tax Map ID: 230-7.00-95.00







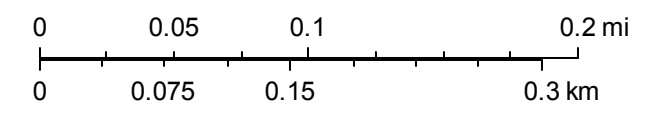
# Sussex County

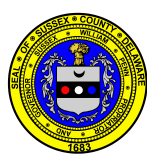


<b>PIN:</b>	230-7.00-95.00
<b>Owner Name</b>	ARGOS CORNER LLC
<b>Book</b>	5221
<b>Mailing Address</b>	261 E CAMDEN-WYOMING
<b>City</b>	CAMDEN
<b>State</b>	DE
<b>Description</b>	SW/ ARGOS CORNER RD
<b>Description 2</b>	NW/ RT 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

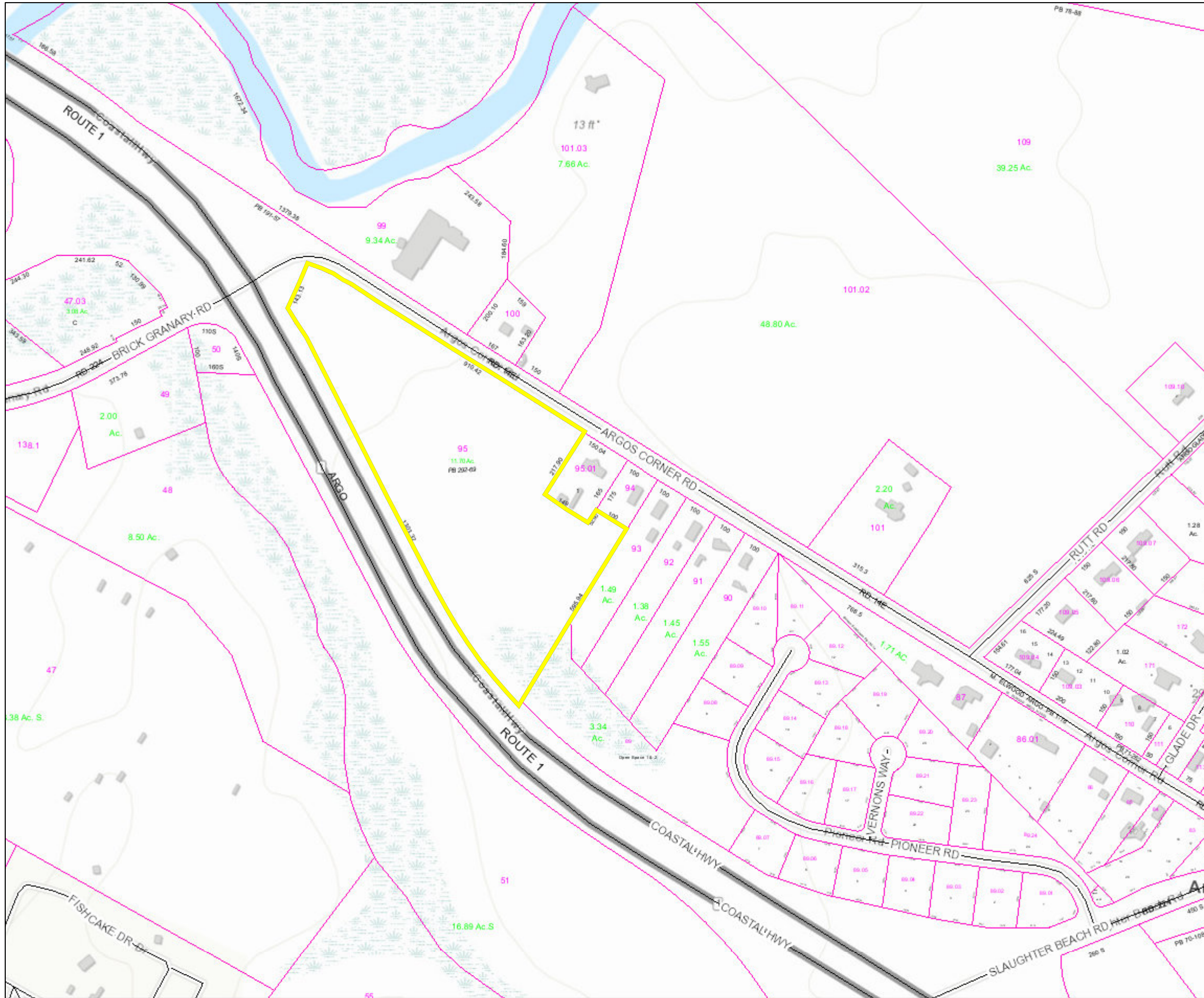
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets

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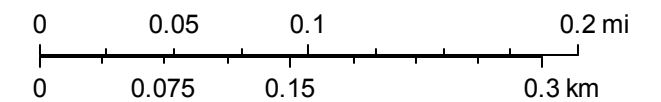
# Sussex County



<b>PIN:</b>	230-7.00-95.00
<b>Owner Name</b>	ARGOS CORNER LLC
<b>Book</b>	5221
<b>Mailing Address</b>	261 E CAMDEN-WYOMING
<b>City</b>	CAMDEN
<b>State</b>	DE
<b>Description</b>	SW/ ARGOS CORNER RD
<b>Description 2</b>	NW/ RT 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

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

1:4,514





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



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## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren Devore, Planner III  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: April 1<sup>st</sup>, 2021  
RE: Staff Analysis for CU 2235 Brian P. Lessard

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2235 Brian P. Lessard to be reviewed during the April 8, 2021, 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 an Amendment to the Conditions of Approval for the existing Conditional Use (C/U 2129) for Brian P. Lessard, Lessard Builders, Inc. to allow for mini-storage buildings on Tax Parcel 230-7.00-95.00. Specifically, the applicant is requesting an amendment to Condition "K" which requires the provision of "One lighted sign with a maximum area of 32 square feet per side [to be] permitted" on the site. The applicant has suggested that this language be amended to read, "K. Two lighted on premises signs, one sign with a maximum area of 32 square feet per side and one sign with a maximum area of 82.75 square feet per side shall be permitted." The previous Conditional Use application was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, June 14, 2018. Additionally the previous Conditional Use application was approved by the Sussex County Council at their meeting of Tuesday, October 2, 2018 and the use was adopted through Ordinance No. 2603. Copies of the Meeting Minutes from both of these meetings have been attached to this memo for circulation to members of the Commission and Council.

The parcel is lying on the southeast corner of Argos Corner Road (S.C.R. 14E) and Coastal Highway (Route 1). The property consists of 10.76 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designations of "Developing Area" (which consists of a small segment of the northernmost portion of the parcel) and "Existing Development Area" (which comprises the larger remnant of the southern portion of property.) The properties to the north have the land use designation of "Low Density Area." The properties to the southeast have the land use designations of "Existing Development Area" and "Developing Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the 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.

Futhermore, Existing Development Areas are consists of primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are surrounded by Low Density Areas, and this particular classification is simply being used to identify these existing scattered zoning areas that have no direct relation to their surrounding zoning and/or the Future Land Use Map. The full range of housing types allowed in the existing underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units. Non-residential development consists of uses found in the neighborhood business districts and commercial districts.

The property is split-zoned Agricultural Residential (AR-1) (which consists of a small segment of the northernmost portion of the parcel,) and General Residential (GR) (which comprises the larger remnant of the southern portion of the property.)

Since 2011, there has been one (1) Conditional Use application within a 2-mile radius of the application site. The application was for Conditional Use No. 2022 for to allow for a nonprofit boarding home for female veterans. The application was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, December 19, 2019. The application was approved by the Sussex County Council at their meeting of Tuesday, February 4, 2020 and the use was adopted through Ordinance No. 2705.

Based on the analysis of the land use, surrounding zoning, and uses, an Amendment to Condition "K" of the previously approved Conditional Use (C/U 2129) could be considered as being consistent with the land use, area zoning, and surrounding uses.

- dumpster locations shall be shown on the Final Site Plan.
- D. Except for the property owner's personal vehicles located on site, no more than 10 vehicles shall be parked on the site.
  - E. No sales of automobiles shall be permitted.
  - F. All repairs shall be performed inside the existing pole building located on the property. No other buildings on the property shall be used for the auto repair shop. No automobile parts or equipment shall be stored outside.
  - G. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
  - H. The site shall be subject to all DelDOT entrance and roadway requirements.
  - I. Handling and disposal of all hazardous waste from the auto repair shop shall comply with all local, state, and federal laws, rules, and regulations.
  - J. The automotive repair hours shall only be from 7:00 a.m. through 6:00 p.m., Monday through Saturday. There shall not be any Sunday hours.
  - K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the areas set aside for parking.

Motion by Mr. Wheatley, seconded by Ms. Stevenson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 5-0.

**C/U #2129 Brian P. Lessard, Lessard Builders, Inc.**

**An Ordinance to grant a Conditional Use of land in a GR General Residential District for Mini-Storage Buildings to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 11.70 acres, more or less.** The property is lying at the southeast corner of Argos Corner Rd. and Coastal Hwy. (Rt. 1). 911 Address: 22754 Argos Corner Rd. Tax Parcels: 230-7.00-95.00, 96.00 & 97.00

The Planning Commission discussed the application which has been deferred since May 24, 2018.

Ms. Stevenson moved that the Commission recommend approval of C/U 2129 for Brian Lessard – Lessard Builders, Inc., for mini storage buildings based upon the record made during the public hearing and for the following reasons:

1. The use as a mini- storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of area residents.
2. Entrance and roadway improvements will be constructed in accordance with DelDOT requirements. The proposed use as a storage facility generates less traffic than other retail, commercial, or residential uses. As a result, the use will not adversely affect traffic or adjacent roadways.
3. The site is located just south of Milford and the hospital currently under construction. The facility is needed and will serve the anticipated increasing population and business needs in the area.
4. Because this application is a conditional use, the underlying zoning will not be changed and the use will be limited to that of a storage facility with site design reviewed and approved by the Commission.

5. The site has no environmental restraints associated with the property and the small area of on-site wetlands will be protected by a 25 foot buffer.
6. The site is located adjacent to Route 1, a major arterial road which is appropriate for the proposed use. The site is also located along Argo's Corner Road directly across from an established boat dealership which has substantial outdoor display and storage of boats. The proposed use is consistent with the character of the area.
7. The site's location between Route 1 and the boat dealership would not be appropriate or desirable for residential development under its current zoning.
8. With conditions and stipulations placed upon it, the conditional use will not have an adverse impact on nearby properties or uses.
9. This recommendation for approval is subject to the following conditions and stipulations.
  - A. No outside storage, except for boats, trailers, campers, recreational vehicles (RV's), and vehicles, shall be allowed on the premises. The number of boats, trailers, campers, recreational vehicles (RV's), and vehicles stored on the site shall not exceed 80.
  - B. All buildings shall be one story tall and shall not exceed 15 feet in height except that the water tank shall not exceed 18 feet tall.
  - C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
  - D. Entrance and roadway improvements required by DelDOT shall be constructed in accordance with DelDOT regulations and the site design shall be in compliance with DelDOT's Corridor Capacity Preservation Program.
  - E. The area used for the storage buildings and the storage of boats, trailers, campers, recreational vehicles (RV's), and vehicles shall be fenced and gated. The type of fencing shall be shown on the Final Site Plan.
  - F. There shall not be any building contractor's or subcontractor's offices or workshops within the project.
  - G. Stormwater Management design shall meet or exceed DNREC requirements and shall be approved the Sussex Conservation District.
  - H. One office for management and security of the facility shall be permitted.
  - I. A landscape buffer shall be established along the Route 1 right-of-way in compliance with the Combined Highway Corridor Overlay Zone Section of the Zoning Ordinance. A landscape plan for the site shall be included with the Final Site Plan.
  - J. There shall be a maintained, forested buffer of 50 feet from neighboring properties to the north and east of the site identified as Tax Map Numbers 230-7.00-95.01, 230-7.00-94.00, 230-7.00-93.00, and 230-7.00-89.00.
  - K. One lighted sign with a maximum area of 32 square feet per side shall be permitted.
  - L. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
  - M. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
  - N. The hours of operation shall only be from 6:00 a.m. through 10:00 p.m. daily.
  - O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the size and location of buildings related to the facility.

Motion by Ms. Stevenson, seconded by Mr. Wheatley and carried unanimously to forward this

application to Sussex County Council with a recommendation that the application be approved. Motion carried 5-0.

**C/Z #1850 Swann Cove West, LLC.**

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR-RPC Medium Residential District-Residential Planned Community (Extension of Change of Zone No. 1471) for a certain parcel of land laying and being in Baltimore Hundred, Sussex County, containing 7.236 acres, more or less.** The property is lying on the northeast and southeast corners of Herring Way and Old Mill Bridge Rd. 911 Address: N/A. Tax Parcel: 533-12.00-73.02

The Planning Commission discussed the application which has been deferred since May 24, 2018.

Mr. Wheatley moved that the Commission recommend approval CZ 1850 for Swann Cove West, LLC, for a change of zone from AR-1 to MR-RPC based upon the record made during the public hearing and for the following reasons:

1. This application is for an extension of the Swann Cove West MR-RPC (CZ #1471), which includes 372 units on 109 acres. The expansion area consists of 20 single family lots on 6.913 acres. This expansion area is identified as “Phase 9” of the Swann Cove MR/RPC.
2. This expansion area will use the existing Swann Cove entrances on Route 54 and Old Mill Bridge Road.
3. The residents of this expansion shall become part of the existing Swann Cove HOA, and shall be entitled to use all of the existing Swann Cove amenities.
4. This new MR/RPC area will include 1.5 acres of open space, or approximately 21% of the site.
5. The site is located in the Environmentally Sensitive Development Area which is designated as “Growth” area under the Comprehensive Plan.
6. The density of this application is approximately 2.89 units per acre, which is less than the 3.4 units per acre in the existing MR/RPC.
7. The site is located within the Sussex County Sewer District and the water service area of Artesian Water Company.
8. This expansion of the existing Swann Cove MR/RPC will not adversely affect neighboring roadways, traffic or the community.
9. The Findings of Fact supporting approval of CZ #1471 are incorporated by reference herein.
10. This recommendation for approval is subject to the following conditions and stipulations:
  - A. The maximum number of lots permitted in Phase 9 of Swann Cove West shall not exceed 20.
  - B. Phase 9 of Swann Cove West shall be an extension of the Swann Cove West MR-RPC (CZ #1471) and is subject to the conditions imposed on CZ #1471, approved on July 23, 2002, as amended and subject to any revisions caused by these conditions.
  - C. As proposed by the Applicant, Phase 9 of Swann Cove West shall be subject to the existing Swann Cove West Homeowners Association covenants and deed restrictions. The residents of Phase 9 of Swann Cove West shall become members of the Swann Cove Homeowners Association and shall have access to the amenities within Swann

**M 545 18  
Approve  
Use of  
Existing  
Infra-  
structure  
Agreement/  
Silverwoods**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Silverstock WP, LLC for capacity allocation and regional transmission system, as presented.**

**Motion Adopted: 4 Yeas, 1 Absent.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**Public  
Hearing/  
CU 2129**

**Mr. Moore read the rules for public hearings.**

**Mr. Moore referenced the Public Hearing to be held on Conditional Use No. 2129, noting that it is a unique situation. On September 11, 2018, the Council approved reopening the public record and requested that the application be re-advertised for public hearing for the very limited purpose of considering a substitute Condition J (amendment to the conditions recommended by the Planning and Zoning Commission) which describes setbacks between the Applicant and surrounding property owners. It was noted that the Public Hearing on this date is for that very limited purpose.**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MINI-STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS” (Conditional Use No. 2129) filed on behalf of Brian P. Lessard, Lessard Builders, Inc. (Tax I.D. No. 230-7.00-95.00, 96.00, and 97.00) (911 Address: 22754 Argos Corner Road, Lincoln).**

**The Planning and Zoning Commission held a Public Hearing on this application on May 24, 2018 at which time action was deferred. During the public hearing, a neighboring property owner expressed concern that an existing tree line be maintained as a buffer. The Commission suggested that the Applicant and neighbor talk after the public hearing to address the issue.**

**On June 14, 2018, the Commission recommended that the application be approved with the following conditions:**

- A. No outside storage, except for boats, trailers, campers, recreational vehicles (RVs), and vehicles shall be allowed on the premises. The number of boats, trailers, campers, recreational vehicles (RVs), and vehicles stored on the site shall not exceed 80.**
- B. All buildings shall be one story tall and shall not exceed 15 feet in height except that the water tank shall not exceed 18 feet tall.**
- C. Security lighting shall be downward screened and shall be directed**

**Public  
Hearing/  
CU 2129  
(continued)**

- away from neighboring properties and roadways.
- D. Entrance and roadway improvements required by DelDOT shall be constructed in accordance with DelDOT regulations and the site design shall be in compliance with DelDOT's Corridor Capacity Preservation Program.**
  - E. The area used for the storage buildings and the storage of boats, trailers, campers, recreational vehicles (RVs), and vehicles shall be fenced and gated. The type of fencing shall be shown on the Final Site Plan.**
  - F. There shall not be any building contractor's or subcontractor's offices or workshops within the project.**
  - G. Stormwater management design shall meet or exceed DNREC requirements and shall be approved by the Sussex Conservation District.**
  - H. One office for management and security of the facility shall be permitted.**
  - I. A landscape buffer shall be established along the Route 1 right-of-way in compliance with the Combined Highway Corridor Overlay Zone section of the Zoning Ordinance. A landscape plan for the site shall be included with the Final Site Plan.**
  - J. There shall be a maintained, forested buffer of 50 feet from neighboring properties to the south and east of the site identified as Tax Map Numbers 230-7.00-95.01, 230-7.00-94.00, 230-7.00-93.00 and 230-7.00-89.00.**
  - K. One lighted sign with a maximum area of 32 square feet per side shall be permitted.**
  - L. Any dumpster shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
  - M. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
  - N. The hours of operation shall only be from 6:00 a.m. through 10:00 p.m. daily.**
  - O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the size and location of buildings related to the facility.**

**(See the minutes of the Planning and Zoning Commission dated May 24 and June 14, 2018.)**

**Janelle Cornwell, Planning and Zoning Director, presented the application and reported that, on June 14, 2018, the Commission recommended approval with conditions. Thereafter, when the record was closed, the Applicant met with the adjacent property owner for the purpose of addressing his concerns. Since that time, the site plan has been revised.**

**The Council found that Jim Fuqua, Attorney, was present on behalf of the Applicant. Mr. Fuqua submitted into the record a letter addressed to County Attorney Everett Moore, dated August 21, 2018, which was a request to reopen the record for the sole purpose of including the letter as**

**Public  
Hearing/  
CU 2129  
(continued)**

part of the record. In his letter Mr. Fuqua referenced the Planning and Zoning Commission's public hearing and recommendation of approval, the Council's public hearing, Councilman Burton's recommendation that the Applicant also meet with the other neighbors, the Applicant's meeting and agreement with the neighbors which occurred after the record was closed, the submittal of a revised site plan and a substitute Condition J, as follows:

- J. For the benefit of Tax Map Parcels 2-30-7.00-95.01, 94.00 and 93.00, the Applicant shall revise the site plan to provide the following:**
- 1. Building #1 shall have a setback of 20 feet from parcel 95.01 and 25 feet from parcel 93.00.**
  - 2. A 6 foot high chain link fence shall be erected along the boundary of parcel 95.01, starting at the gate and running along the west, south and east boundary of parcel 95.01 and the south boundary of parcel 94.00. The fence shall continue along the west boundary of parcel 93.00 starting at a point adjacent to parcel 94.00 and 25 feet west of the boundary of parcel 93.00 extending to the northeast corner of Building #1.**
  - 3. A continuous row of giant arborvitae for buffering shall be planted along the boundaries of the site with parcels 95.01, 94.00 and 93.00.**
  - 4. Parking along the westerly boundary of parcel 95.01 shall be eliminated and relocated to the northern boundary of the site.**
  - 5. The 80 parking spaces for storage of vehicles (boats, campers, RVs) shall be marked and numbered on the site plan.**
  - 6. A 6 foot high shadowbox privacy fence shall be erected along the south boundary of parcel 94.00 and the west boundary of parcel 93.00, extending from a point being the corner of parcels 94.00, 93.00 and the site to a point parallel to the northeast corner of Building #1 and extending from the southeast corner of Building #1 to the southwest corner of the water tank site.**

**These conditions shall be incorporated into the Preliminary and Final Site Plans.**

**Public comments were heard.**

**Paul Reiger questioned if the neighbors get equal setbacks. Mr. Reiger commented on the advertisement for the Public Hearing and specifically, the zoning districts of the application site.**

**There were no additional public comments.**

**The Public Hearing and public record were closed.**

**In response to questions, Mr. Moore stated that in regard to the advertisement, the tax map and parcel numbers were correct and the title indicates what the use is going to be. Additionally, the application site was posted.**



**(continued) The Public Hearing and public record were closed.**

**M 546 18** A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to accept the  
**Accept** amended Condition J, as read into the record by Mr. Fuqua.  
**Amended**

**Condition** Motion Adopted: 4 Yeas, 1 Absent.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea

**M 547 18** A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt  
**Adopt** Ordinance No. 2603 entitled "AN ORDINANCE TO GRANT A  
**Ordinance** CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL  
**No. 2603/** DISTRICT FOR MINI-STORAGE BUILDINGS TO BE LOCATED ON A  
**CU 2129** CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK  
HUNDRED, SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE  
OR LESS" (Conditional Use No. 2129) filed on behalf of Brian P. Lessard,  
Lessard Builders, Inc., with the following conditions as amended:

- A. No outside storage, except for boats, trailers, campers, recreational vehicles (RVs), and vehicles shall be allowed on the premises. The number of boats, trailers, campers, recreational vehicles (RVs) and vehicles stored on the site shall not exceed 80.
- B. All buildings shall be one story tall and shall not exceed 15 feet in height except that the water tank shall not exceed 18 feet tall.
- C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
- D. Entrance and roadway improvements required by DelDOT shall be constructed in accordance with DelDOT regulations and the site design shall be in compliance with DelDOT's Corridor Capacity Preservation Program.
- E. The area used for the storage buildings and the storage of boats, trailers, campers, recreational vehicles (RVs), and vehicles shall be fenced and gated. The type of fencing shall be shown on the Final Site Plan.
- F. There shall not be any building contractor's or subcontractor's offices or workshops within the project.
- G. Stormwater management design shall meet or exceed DNREC requirements and shall be approved by the Sussex Conservation District.
- H. One office for management and security of the facility shall be permitted.
- I. A landscape buffer shall be established along the Route 1 right-of-way in compliance with the Combined Highway Corridor Overlay Zone section of the Zoning Ordinance. A landscape plan for the site shall be included with the Final Site Plan.
- J. For the benefit of Tax Map Parcels 2-30-7.00-95.01, 94.00 and 93.00, the Applicant shall revise the site plan to provide the following:

**M 547 18  
Adopt  
Ordinance  
No. 2603/  
CU 2129  
(continued)**

1. **Building #1 shall have a setback of 20 feet from parcel 95.01 and 25 feet from parcel 93.00.**
2. **A 6 foot high chain link fence shall be erected along the boundary of parcel 95.01, starting at the gate and running along the west, south and east boundary of parcel 95.01 and the south boundary of parcel 94.00. The fence shall continue along the west boundary of parcel 93.00 starting at a point adjacent to parcel 94.00 and 25 feet west of the boundary of parcel 93.00 extending to the northeast corner of Building #1.**
3. **A continuous row of giant arborvitae for buffering shall be planted along the boundaries of the site with parcels 95.01, 94.00 and 93.00.**
4. **Parking along the westerly boundary of parcel 95.01 shall be eliminated and relocated to the northern boundary of the site.**
5. **The 80 parking spaces for storage of vehicles (boats, campers, RVs) shall be marked and numbered on the site plan.**
6. **A 6 foot high shadowbox privacy fence shall be erected along the south boundary of parcel 94.00 and the west boundary of parcel 93.00, extending from a point being the corner of parcels 94.00, 93.00 and the site to a point parallel to the northeast corner of Building #1 and extending from the southeast corner of Building #1 to the southwest corner of the water tank site.**

**These conditions shall be incorporated into the Preliminary and Final Site Plans.**

- K. One lighted sign with a maximum area of 32 square feet per side shall be permitted.**
- L. Any dumpster shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- M. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- N. The hours of operation shall only be from 6:00 a.m. through 10:00 p.m. daily.**
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the size and location of buildings related to the facility.**

**Motion Adopted: 4 Yeas, 1 Absent.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**Grant  
Requests**

**Mrs. Jennings presented grant requests for the Council's consideration.**

**M 548 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$5,000.00 from Mr. Vincent's Councilmanic Grant Account to the Chesapeake Conservancy for the Oyster House Project.**

**Motion Adopted: 4 Yeas, 1 Absent.**

## 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**

22754 Argo's Corner Rd. Lincoln, DE 19960

**Type of Conditional Use Requested:**

Amend Condition "K" of C.U. No. 2129 (See Exhibit "A")

Tax Map #: 230-07.00-95.00

Size of Parcel(s): 10.75+/- Acres

Current Zoning: GR

Proposed Zoning: N/A

Size of Building: 109,300

Land Use Classification: Vacant Site

Water Provider: Private, on site

Sewer Provider: Private, on-site

**Applicant Information**

Applicant Name: Brian P. Lessard, Lessard Builders, Inc.

Applicant Address: 257 E. Camden-Wyoming Avenue

City: Camden

State: DE

Zip Code: 19932

Phone #: (302) 270-3095

E-mail: bpl@lessardbuilders.com

**Owner Information**

Owner Name: John P. Laursen and June J. Laursen

Owner Address: 715 Halstead Road

City: Wilmington

State: DE

Zip Code: 19803

Phone #: (302) 656-1177

E-mail: laursen7@comcast.net

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: James Fuqua

Agent/Attorney/Engineer Address: 20245 Bay Vista Road & Route 1 Bay Vista Business Center, Suite 203

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 227-7727

E-mail: jimf@fywlaw.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

**Completed Application**

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

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

**Provide Fee \$500.00**

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

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

**DelDOT Service Level Evaluation Request Response**

**PLUS Response Letter** (if required)

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

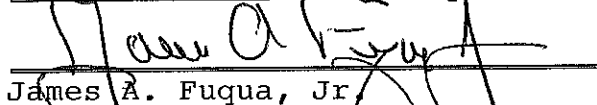
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney

James A. Fuqua, Jr.  


Date: July 9, 2020

Signature of Owner Attorney

James A. Fuqua, Jr.  


Date: July 9, 2020

For office use only:

Date Submitted: 7/9/20

Staff accepting application: JBD

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

Fee: \$500.00 Check #: 23094  
Application & Case #: 202007760, CU 2235

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

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

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



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
600 BAY ROAD  
P.O. Box 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

August 21, 2017

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Lessard Builders, Inc.** conditional use application, which we received on August 2, 2017. This application is for an approximately 11.40-acre assemblage of parcels (Tax Parcels 230-7.00-95.00 and 96.00). The subject land is located on the southeast corner of the intersection of Delaware Route 1 and Argos Corner Road (Sussex Road 14E) / Brick Granary Road (Sussex Road 217). The subject land is currently split-zoned AR-1 (Agricultural Residential) and GR (General Residential), and the applicant is seeking a conditional use approval to develop a 201,200 square-foot mini-storage facility.

Per the 2016 Delaware Vehicle Volume Summary, the annual average daily traffic volumes on an average day and on an average summer day along the segment of Delaware Route 1 where the subject land is located, which is from Slaughter Beach Road / Pine Haven Road (Sussex Road 224) to Milford Bypass Road (Sussex Road 8A), are 24,306 and 31,842 vehicles per day, respectively. As the subject land also has frontage on its north side along Argos Corner Road, the annual average daily traffic volume on that road segment, which is from Slaughter Beach Road to Delaware Route 1, is 782 vehicles per day.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per a weekly peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be less than 200 vehicle trips per a weekly peak hour and less than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County is agreeable, we would permit the developer to pay an Area-wide Study Fee.



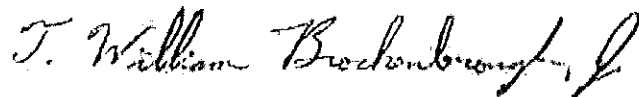
Ms. Janelle M. Cornwell  
Page 2 of 2  
August 21, 2017

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a 201,200 square-foot mini-storage facility would generate 503 vehicle trips per day, 28 vehicle trips during the morning peak hour, and 52 vehicle trips during the afternoon peak hour. As stated above, because this development would generate fewer than 200 vehicle trips during a weekly peak hour and fewer than 2,000 vehicle trips per day, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be \$5,030.00. Payment of the Area-Wide Study Fee does not relieve a developer from having to make or participate in off-site improvements.

The subject property is adjacent to Delaware Route 1, and therefore is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the amount of direct driveway access points along the arterial road. Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has frontage along a secondary road, therefore the property owner can develop a full access along Argos Corner Road. The Corridor Capacity Preservation Program policy can be viewed on Department's website at [www.deldot.gov](http://www.deldot.gov). The manual is located under the publication link.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence or Mr. Thomas Felice, at (302) 760-2338, if you have questions concerning the Corridor Capacity Preservation Program.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance and Operations  
Steven Sisson, Sussex County Subdivision Coordinator, Development Coordination  
Tom Felice, Corridor Capacity Preservation Program Manager, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Scott Johnson, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **3/25/2021**

APPLICATION: **CU 2235 Brian P. Lessard**

APPLICANT: **Mr. Brian P. Lessard**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **230-7.00-95.00**

LOCATION: **Lying on the southeast corner of Argos Corner Road (SCR 14E) and Coastal Highway (Route 1).**

NO. OF UNITS: **Storage Units**

GROSS  
ACREAGE: **10.75**

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

**SEWER:**

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes

No

a. If yes, see question (2).

b. If no, see question (7).

(2). Which County Tier Area is project in? **Tier 4**


(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **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 \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
No Permit Tech Assigned



**C.U. NO. 2235**

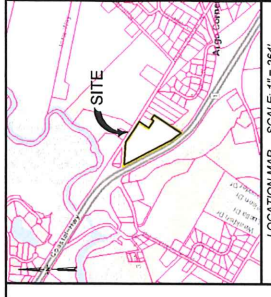
**BRIAN P. LESSARD, LESSARD BUILDERS, INC.**

**REQUEST TO AMEND CONDITION "K" OF**

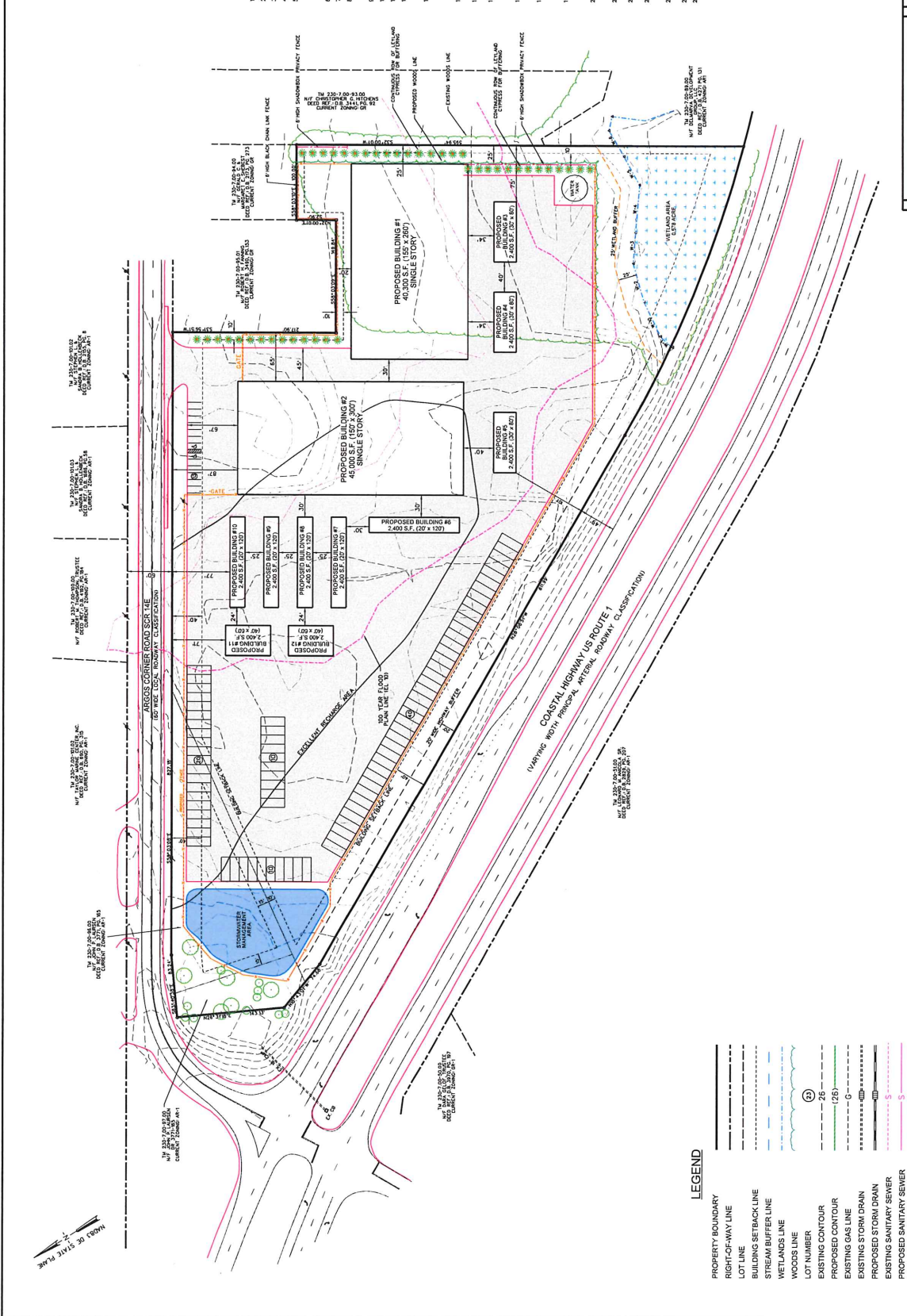
**C.U. NO. 2129 TO PERMIT ADDITIONAL SIGN**

**EXHIBITS**

- A) Argo's Corner Self Storage site plan
- B) Proposed Sign
  - Option 1 – 78.6 square feet
  - Option 2 – 82.75 square feet
- C) Sign Permit Application and photo of existing sign at Taylor Marine, Argo's Corner
- D) Proposed Amended Condition "K" for C.U. No. 2129



- NOTES AND DATA**
1. ASSESSOR'S MAPS
  2. EXISTING ZONING OR GENERAL RESIDENTIAL
  3. PROPOSED USE: SELF-STORAGE WAREHOUSE
  4. TAX PARCEL NOS.
  5. SEWER SERVICE PRIVATE ON SITE WELL
  6. PROPOSED STORAGE BUILDING AREAS - INDICATED ON THIS PLAN
  7. MAXIMUM BUILDING HEIGHT: 35 FEET
  8. PROPOSED BUILDING FOOTPRINTS (11,000 SQ. FT.)
  9. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY PRECAUTIONS TO PROTECT ALL UTILITIES AND STRUCTURES TO REMAIN AT THE SITE.
  10. ALL UTILITIES TO BE MAINTAINED AND PROTECTED BY THE CONTRACTOR.
  11. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY PRECAUTIONS TO PROTECT ALL UTILITIES AND STRUCTURES TO REMAIN AT THE SITE.
  12. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY PRECAUTIONS TO PROTECT ALL UTILITIES AND STRUCTURES TO REMAIN AT THE SITE.
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  25. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY PRECAUTIONS TO PROTECT ALL UTILITIES AND STRUCTURES TO REMAIN AT THE SITE.
  26. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY PRECAUTIONS TO PROTECT ALL UTILITIES AND STRUCTURES TO REMAIN AT THE SITE.



**CONDITIONAL USE SITE PLAN**  
**ARGO'S CORNER**  
**SELF STORAGE**

SITUATE IN CEDAR CREEK WARDEN - SUSSEX COUNTY, DELAWARE

DATE: 11/27/17 SCALE: 1" = 60'

PROJECT NO: 17-142 DGN FILE: 17-142

**Minnich**  
 Engineering & Land Planning  
 Engineering Quality Not Quantity  
 288A Center Street  
 Dover, DE 19901  
 (302) 697-2833 FAX: (302) 697-2833

REVISIONS:  
 REVISION NO. DATE BY DESCRIPTION

**ENGINEER CERTIFICATION**  
 I, KEVIN R. WINCH, A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF DELAWARE, CERTIFY THAT THE INFORMATION SHOWN HEREON BELIEVES TO BE TRUE AND CORRECT AND THAT I BELIEVE REPRESENTS GOOD ENGINEERING PRACTICE AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DATE: 11/27/17

**OWNER CERTIFICATION**  
 WE, JOHN P. LAURSEN AND JANE T. LAURSEN HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THAT THE PLAN AND SPECIFICATIONS SHOWN ON THIS PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

DATE: 11/27/17

**LEGEND**

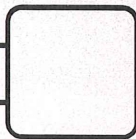
- PROPERTY BOUNDARY
- RIGHT-OF-WAY LINE
- LOT LINE
- BUILDING SETBACK LINE
- STREAM BUFFER LINE
- WETLANDS LINE
- WOODS LINE
- LOT NUMBER
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING GAS LINE
- EXISTING STORM DRAIN
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- EXISTING WATER LINE
- PROPOSED WATER LINE
- EXISTING UTILITY POLE
- EXISTING ROAD SIGN
- EXISTING SPOT ELEVATION
- PROPOSED SPOT ELEVATION
- PROPOSED PARKING LIGHTING

DATE: 11/27/17

DATE: 11/27/17

DATE: 11/27/17





A FULL SERVICE SIGN COMPANY  
**Rogers Sign Co., Inc.**  
 WE'RE FULL OF BRIGHT IDEAS...

110 Lavinia St., Milton, De 19968  
 www.rogerssign.com  
 302-684-8338 302-684-0700 Fax

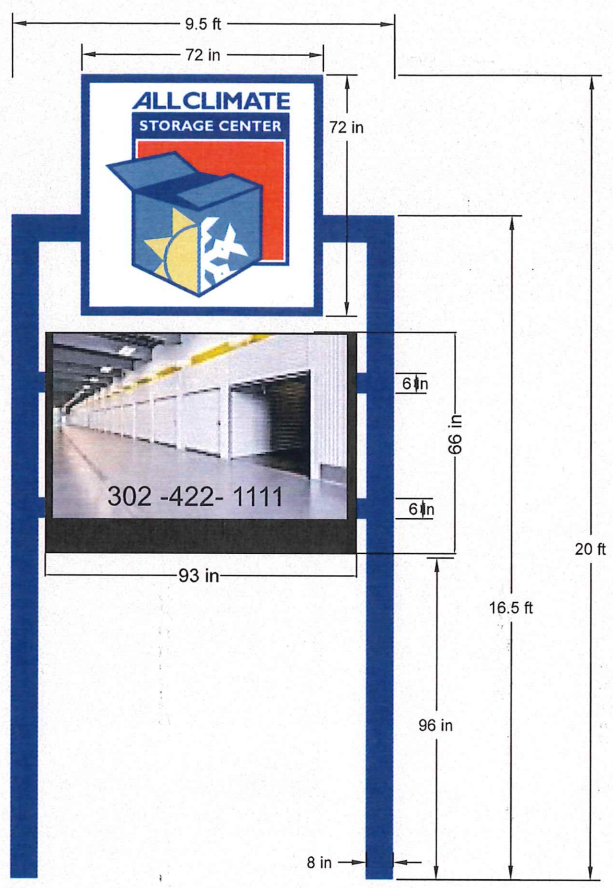
Job Name ALL CLIMATE STORAGE  
MILFORD, DE  
 Project Location \_\_\_\_\_  
 Client Contact LESSARD BUILDERS  
 order # 58526 Date 03/10/21 Artist Name DEB BRENEMAN

After deposit all projects include 3 free proof revisions, thereafter billed at our hourly design rate

Proof # 1/3

## OPTION 1

A SERIES, 16MM, RGB  
 LED MESSAGE CENTER  
 5' 6" X 7'9" CASE  
 96 ROWS, 144 COLUMNS  
 LED 42.6 SQ. FT.  
 ELECTRICAL CABINET - 36 SQ. FT.  
 TOTAL SQ. FT. 78.6 SQ. FT.



PRODUCT DETAIL:

FONTS:

**PLEASE REVIEW CAREFULLY! Check all spelling, phone numbers, websites, addresses, dates, etc. Also check for any omissions. Rogers Sign Co., Inc., will not be held responsible for any errors once this design has been approved.**

All Drawings, Renderings, and/or Details are sole property of Rogers Sign Co., Inc. and are not to be duplicated or to be shown to anyone unauthorized by Rogers Sign Co., Inc.

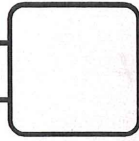
AUTHORIZED SIGNATURE  
 X

MATERIALS USED:

VINYL MATERIAL:

- Approved
- Approved Pending Revisions
- Revise and Resubmit

DATE  
 / /



A FULL SERVICE SIGN COMPANY

Rogers Sign Co., Inc.

WE'RE FULL OF BRIGHT IDEAS...

110 Lavinia St., Milton, De 19968  
www.rogerssign.com  
302-684-8338 302-684-0700 Fax

Job Name ALL CLIMATE STORAGE MILFORD, DE

Project Location \_\_\_\_\_

Client Contact LESSARD BUILDERS

order # 58526 Date 03/10/21 Artist Name DEB BRENEMAN

After deposit all projects include 3 free proof revisions, thereafter billed at our hourly design rate

Proof # 1/3

## OPTION 2

A SERIES, 16MM, RGB  
LED MESSAGE CENTER  
5'6" X 8'7" CASE  
96 ROWS, 160 COLUMNS  
LED 46.75 SQ. FT.  
ELECTRICAL CABINET - 36 SQ. FT.  
TOTAL SQ. FT. - 82.75 SQ. FT.



PRODUCT DETAIL:

MATERIALS USED:

FONTS:

VINYL MATERIAL:

**PLEASE REVIEW CAREFULLY! Check all spelling, phone numbers, websites, addresses, dates, etc. Also check for any omissions. Rogers Sign Co., Inc., will not be held responsible for any errors once this design has been approved.**

All Drawings, Renderings, and/or Details are sole property of Rogers Sign Co., Inc. and are not to be duplicated or to be shown to anyone unauthorized by Rogers Sign Co., Inc.

- Approved
- Approved Pending Revisions
- Revise and Resubmit

AUTHORIZED SIGNATURE

DATE

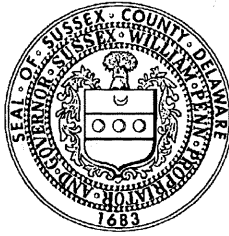
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/ /

B 2

**Sussex County  
Planning & Zoning Commission  
Sign Permit Application**

P.O. Box 417  
Georgetown, DE 19947  
302-855-7878  
302-854-5079 (Fax)



RENEWAL
Fee: \$ _____
Date: <u>05/02/2015</u>

Application
Number: <u>201403937</u>
Fee: \$ <u>89.00</u>
Issue Date: <u>05/02/2014</u>

Applicant Information	
Name: <u>TAYLOR MARINE, CENTER INC</u>	Phone#: _____
Address: <u>22699 ARGOS CORNER ROAD</u>	_____
Description: <u>E/RT 14 200'SE/RT 1</u>	Contractor: <u>TAYLOR MARINE, CENTER INC</u>
Parcel ID: <u>230-7.00-99.00</u>	_____

Signage Information	
Zoning District: <u>AR-1</u>	On-Premise: _____ Off-Premise: _____
Sign Type: <u>GROUND</u>	_____
Dimensions: <u>9.10 X 19.50</u>	Square Footage <u>177</u>
Height: _____ Not to Exceed 25 feet	Number of Signs Facing _____
Sign Wording: <u>TAYLOR MARINE</u>	Illuminated: <u>Y</u>

Setback Information			
Setbacks: Front: _____	Setbacks from nearest:	Church: _____	_____
Sides: _____		School: _____	_____
Corner: _____		Dwelling: _____	_____
		Public Lands: _____	_____
		Other Lands: _____	_____

**An application for any sign exceeding thirty-two (32) square feet in any district must also be made to the State of Delaware of Transportation (DeIDOT). DeIDOT requires permits for all off-premise signs. The County requires permits for all signs based on Sussex County code Chapter 115.**

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Approved By: \_\_\_\_\_





D-1



C-2

**AMENDED CONDITION "K" FOR**

**C.U. NO. 2129**

"K. Two lighted on premises signs, one sign with a maximum area of 32 square feet per side and one sign with a maximum area of 82.75 square feet per side shall be permitted."



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

September 21, 2017

Mr. Patrick Ryan, AIA  
Ryan Architecture, LLC  
140 Layton Ave.  
Georgetown, DE 19947

RE: PLUS review 2017-08-05; Lessard Mini Storage

Dear Patrick:

Thank you for meeting with State agency planners on August 23, 2017 to discuss the Lessard Mini Storage project. According to the information received you are seeking review of a site plan for 201,200 square foot commercial space on 11.77 acres along Argo's Corner Rd. in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

### **Strategies for State Policies and Spending**

This project represents land development that will result in 201,200 square feet of commercial space in an Investment Level 4 area according to the *2015 Strategies for State Policies and Spending*. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.



From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed will bring new residents to an area where the State has no plans to invest in infrastructure upgrades or additional services. These residents will need access to such services and infrastructure as schools, police, and transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, 100% of school transportation and paratransit services, up to 80% of school construction costs, and 100% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed development.

**With that said, the comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property, construct the development you indicate, or any subdivision thereof on these lands.**

### **Code Requirements/Agency Permitting Requirements**

#### **Department of Transportation – Contact Bill Brockenbrough 760-2109**

- Because the subject property adjoins Delaware Route 1 between Dover Air Force Base and US Route 9 at Five Points, it is subject to DelDOT's Corridor Capacity Preservation Program (CCPP). See Section 1.2 of the Development Coordination Manual and Section 145, Title 17 of the Delaware Code. The goal of the Program is to maintain the capacity of the existing highway by managing access along it.

According to the Office of State Planning Coordination's Strategies for State Policies and Spending document, the property is located within a Level 4 Investment Area. In this area, State policies will encourage the preservation of a rural lifestyle.

In accordance with the CCPP policy (available at [http://www.deldot.gov/Publications/manuals/corr\\_cap/index.shtml](http://www.deldot.gov/Publications/manuals/corr_cap/index.shtml)) no new or expanded direct access to SR1 will be permitted in a Level 4 Investment Area. Access will be permitted to the existing secondary road. In this case, the property owner can develop a full access along Argo's Corner Road (Sussex Road 14E).

- The site access on Argo's Corner Road must be designed in accordance with DelDOT's Development Coordination Manual (formerly the Standards and Regulations for

Subdivision Streets and State Highway Access), which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.

- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [http://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](http://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, DelDOT sees that the total daily trips are estimated at 503 vehicle trip ends per day (significantly more than indicated on the PLUS application) and 80 vehicle trip ends per hour during the Saturday peak hour.

For developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour, if the local government does not require a TIS, Section 2.2.2.2 of the Manual provides that DelDOT may accept an Area Wide Study Fee, calculated by multiplying the daily trip generation by \$10, in lieu of requiring a TIS. DelDOT is willing to accept a fee in lieu in this instance. Based on 503 vehicle trip ends per day, the fee would be \$5,030.

An Area Wide Study Fee, when accepted, is set aside for use in funding future traffic studies in the same county as the subject development. Payment of the Fee does not relieve the payer of responsibility for off-site improvements where DelDOT has identified a need for improvements or from the need to provide a Traffic Operational Analysis (TOA) if DelDOT determines in the plan review process that a TOA is needed to address a concern about the proposed site entrance. DelDOT has not yet identified a need for specific off-site improvements that might be required of the applicant.

- Section 3.2.4.2 of the Manual addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case Delaware Route 1 and Argo's Corner Road. Monuments sufficient to re-establish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the field in accordance with this section.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Delaware

Route 1 and Argo's Corner Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the outermost edge of the through lanes on Route 1 and 30 feet of right-of-way from the road centerline on Argo's Corner Road. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Delaware Route 1 and Argo's Corner Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing "Letter of No Objection". The following information will be required for the "Letter of No Objection" review:
  - Initial Stage Fee Calculation Form
  - Initial Stage Review Fee
  - Gate-Keeping Checklist – Site Plan
  - Design Checklist - Record Plan
  - Sight Distance Spreadsheet
  - Owners and Engineers' name and e-mail address
  - Record Plan
  - Conceptual Entrance Plan
  - Submission of the Area-Wide Study Fee (If applicable)
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 300 feet of the proposed entrance.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted. Presently DelDOT does not anticipate requiring any off-site improvements.
- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions.

- Section 3.5.4.2 of the Development Coordination Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is at the discretion of DelDOT's Subdivision Engineer if the project does not abut an existing facility. DelDOT does not require a path or sidewalk in this instance.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Delaware Route 1 and Argo's Corner Road.
- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:
  - Construction Stage Fee Calculation Form
  - Construction Review Fee
  - Gate-Keeping Checklist – Entrance Plan
  - Design Checklist - Entrance Plan
  - Auxiliary Lane Spreadsheet
  - Entrance Plan
  - Pipe/Angle Spreadsheet (If applicable)
  - SWM Report and Calculations (If applicable)
- In accordance with Section 5.2.5.6 of the Manual, a separate turning template plan shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the Manual, the entrance shall be designed for the largest vehicle using the entrance.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrance and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

- Section 6.4.3 of the Manual, which pertains to the inspection and acceptance of commercial entrances, applies. Construction inspection responsibilities shall be in accordance with Figure 6.4.3-a. DelDOT's preliminary reading of this figure is that the project requires Level I inspection and that a construction inspection agreement will not be needed.
- Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

**Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352**

**Executive Summary**

Expanded development of this parcel will result in increased impervious surface and new sources of greenhouse gas emissions. Reducing the environmental impacts on-site through appropriate consideration of the high and moderate risk floodplain areas and wetlands will protect these resources and the overall health of the community. Including waste reduction and resource conservation measures will also improve long term regional sustainability.

The State of Delaware is threatened by climate change and has a goal of reducing greenhouse gas emissions by 30 percent by 2030. Appropriate development that provides access to public transportation, opportunities to walk and bike to shopping and recreation, and that employs energy efficient building standards are among key strategies to meet these goals. DNREC encourage the use of high performance building standards and consideration of alternative energy sources to promote clean sustainable energy and reduce greenhouse gas emissions. This could mean siting the buildings to take advantage of solar and geothermal systems, and/or including infrastructure for electric vehicle charging stations (funding assistance may be available at [www.de.gov/cleantransportation](http://www.de.gov/cleantransportation)). DNREC further recommend an abundant use of native vegetation and shade trees throughout the landscape, as well as green infrastructure, where practicable, to absorb carbon dioxide, protect water quality and provide relief on hot days.

The following pages provide information about applicable regulations associated with this project, from various DNREC Divisions. DNREC would like to be a partner in creating appropriate development that protects and highlights the environment as a natural amenity of the landscape. The Department has resources and expertise that are available to help make this a reality, often at no expense to the landowner.

**Water Quality: TMDLs**

- The project is located in the greater Delaware River and Bay drainage and Mispillion River watershed, more specifically within the Cedar Creek sub watershed. In the Cedar

Creek sub watershed, the State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets that call for a 45 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 96 percent reduction in bacteria from baseline conditions. These were developed under the auspices of Section 303(d) of the Clean Water Act. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting.

- A nutrient management plan is required under the *Delaware Nutrient Management Law* (3 *Del.C., Chapter 22*) for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres; the area of open space may exceed this 10 acre threshold. Please contact the Delaware Nutrient Management Program at (302) 739-4811 for further information concerning compliance requirements, or view additional information here: <http://dda.delaware.gov/nutrients/index.shtml>

### **Flood Management**

- A significant portion of this property is located in the high risk (1% annual chance) floodplain per FEMA FIRM panel 10005C0151K dated 3/16/15. Some of the property is located in a moderate risk (0.2% annual chance) floodplain. Development must comply with Sussex County’s floodplain ordinance. DNREC would encourage any development be placed outside of the high risk floodplain, or at a minimum 18 inches above the base flood elevation.

### **Water Supply**

- The project information sheets state that individual on-site wells will be used to provide water for the proposed project. DNREC records indicate that the part of the project (parcel identification # 230-7.00-95.00) is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 09-CPCN-31, the other parcel identification # 234-7.00-96.00 is located in an area not supplied by public water. DNREC recommends that the developer contact Tidewater Utilities to determine the availability of public water. Any public water utility providing water to the site must obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Information on CPCN's and the application process can be obtained by contacting the Public Service Commission at (302) 736-7500.
- Should an on-site Public well be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area, storm water management ponds, and it must also be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the

Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

- Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.
- All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take four weeks to process, which allows the necessary time for technical review and advertising.

### **Source Water Protection**

- DNREC has reviewed the project and determined that the project falls partially within an excellent groundwater recharge area for Sussex County (Figure 1). The State Strategies for Policy and Spending classify excellent groundwater recharge areas as Environmentally Sensitive Developing Areas.
- Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. These soils are able to transmit water very quickly from the land surface to the water table. This map category (excellent) is an indicator of how fast contaminants will move and how much water may become contaminated (Andres, 2004). Land use activities or impervious cover on excellent groundwater recharge potential areas may adversely affect ground water (quality and quantity) in these areas.
- DNREC acknowledges that Sussex County has a source water protection ordinance in place but DNREC recommends that this project go beyond the requirements of the ordinance and consider their recommendations. The Sussex County Ordinance allows for development on parcels within excellent groundwater recharge where impervious cover ranges between 35-percent and 60-percent provided the applicant demonstrates, through an environmental assessment report prepared by a registered professional geologist or registered professional engineer familiar with the hydrogeologic characteristics of Sussex County and using a climatic water budget that will insure, that post-development recharge quantity will meet or exceed the existing (pre-development) recharge quantity. Beneficial efforts to mitigate discharges to impervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges.
- DNREC advises affording this resource additional and much needed protection. Rough calculations show that development on this property is going to exceed 40-percent impervious cover.

- The portion of the new development within the excellent ground-water recharge area not exceed 20 percent impervious cover. Some allowance for augmenting groundwater recharge should be considered if the impervious cover exceeds 20 percent but is less than 50 percent of that portion of the parcel within this area. However, the development should not exceed 50 percent regardless. A water balance calculation will be necessary to determine the quantity of clean water to be recharged via a recharge basin. The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in storm water) and protect the quality and quantity of ground water and surface water supplies.
- Impervious surface cover is known to accumulate pollutants leaked from vehicles. Wind-blown pollutants also accumulate on impervious surface cover. During a storm event, these pollutants are mobilized in runoff (Li, 2003; Schueler, 1994). The runoff from impervious surface cover can carry a pollutant load in a sufficient concentration to degrade water quality.
- Stormwater ponds should not be constructed within the excellent groundwater recharge potential area. These systems do not address the particulate and nutrient components of stormwater runoff, they do not address pathogens, petroleum hydrocarbons, pesticides, other organic compounds, and other inorganic compounds associated with residential land use (DNREC, 1999). Because this is an area of excellent recharge potential, there exists the potential for these constituents to enter the aquifer and compromise water quality.
- The construction of stormwater ponds requires excavation, hauling, and grading. The heavy equipment used in this phase has the capacity to compact and degrade the structure of the strata that defines the area as an excellent groundwater recharge area (Schueler, 2000a). Changes to the structural soil properties may cause significant reduction in recharge capacity. Installing stormwater management facilities in excellent groundwater recharge areas has the potential to contaminate the ground water beneath it and infiltrate into the aquifer (Schueler, 2000b).
- In addition, because the excellent ground water recharge area can readily affect the underlying aquifer if contaminants are spilled or discharged across the area, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.
- Impervious surface cover is known to accumulate pollutants leaked from vehicles. Wind-blown pollutants also accumulate on impervious surface cover. During a storm event, these pollutants are mobilized in runoff (Li, 2003; Schueler, 1994). The runoff from impervious surface cover can carry a pollutant load in a sufficient concentration to degrade water quality.



- Use best management practices in the design, construction, and maintenance of a stormwater management system designed to address water quality with respect to the dissolved component of nutrient and other pollutant loads. Design the infiltration facility with advanced treatment to minimize the likelihood of introduction of any contamination to the infiltration basin, such as a multi-chamber sand filter system.

*References:*

Andres, A. Scott, 2004, Ground-Water Recharge Potential Mapping in Kent and Sussex Counties, Delaware: Delaware Geological Survey Report of Investigations No. 66, p. 14.

<http://www.udel.edu/dgs/Publications/pubform.html#investigations>

Delaware Department of Natural Resources and Environmental Control, 1999, The State of Delaware Source Water Assessment Plan: Dover, DE, p. 301.

Gobel, P, Dierkes, C., and Coldewey, W. G., 2007, Storm Water runoff concentration matrix for urban areas: Journal of Contaminant Hydrology v. 91, no. 1-2, p. 26-42.

Li, L., Yin, C., He, Q., and Kong, L., 2006, First flush of storm runoff pollution from an urban catchment in China: Journal of Environmental Sciences v. 19, no. 1-2, p. 295 - 299.

Schueler, T. R., 2000a, The Compaction of Urban Soils, in Schueler, T.R., and Holland, H.K., eds., The Practice of Watershed Protection: Ellicott City, MD, Center for Watershed Protection, p. 210 - 218.

Schueler, T. R., 2000b, Pollutant Dynamics of Pond Muck, in Schueler, T.R., and Holland, H.K., eds., The Practice of Watershed Protection: Ellicott City, MD, Center for Watershed Protection, p. 453 - 460.

Schueler, T. R., 1994, The Importance of Imperviousness: Watershed Protection Techniques, v. 1, no. 3, p. 100-111.

### **Sediment and Erosion Control/Stormwater Management**

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

### **Air Quality**

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply to your project:

<b>Table 1: Potential Regulatory Requirements</b>	
<b>Regulation</b>	<b>Requirements</b>

<b>7 DE Admin. Code 1102 – Permits</b>	<ul style="list-style-type: none"> <li>• This regulation establishes air quality analysis, control technology, permitting, and public and EPA notice/comment requirements for large stationary sources of air pollutants.</li> </ul>
<b>7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling</b>	<ul style="list-style-type: none"> <li>• Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads.</li> <li>• Use covers on trucks that transport material to and from site to prevent visible emissions.</li> </ul>
<b>7 DE Admin. Code 1125 - Requirements for Preconstruction Review</b>	<ul style="list-style-type: none"> <li>• Facilities should consult with the Division of Air Quality, Engineering and Compliance Branch early in the process if preconstruction permits. Under 7 DE Administrative Code 1125 may be triggered.</li> </ul>
<b>7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products</b>	<ul style="list-style-type: none"> <li>• Use structural/ paint coatings that are low in Volatile Organic Compounds.</li> <li>• Use covers on paint containers when paint containers are not in use.</li> </ul>
<b>7 DE Admin. Code 1144 – Control of Stationary Generator Emissions</b>	<ul style="list-style-type: none"> <li>• Ensure that emissions of nitrogen oxides (NO<sub>x</sub>), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), and carbon dioxide (CO<sub>2</sub>) from emergency generators meet the emissions limits established. (See section 3.2).</li> <li>• Maintain recordkeeping and reporting requirements.</li> </ul>
<b>7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles</b>	<ul style="list-style-type: none"> <li>• Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.</li> </ul>

For a complete listing of all Delaware applicable regulations, please look at our website: <http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>

### Recycling

- Delaware Law (7 *Del.C.*, §6053) and Regulations (7 *Del. Admin. C.* §1305) specify that the ‘commercial sector’ shall participate in a comprehensive recycling program. As such,

all those involved with the planning of new development should give consideration to space for collection of recyclables that would be typically generated. For example, space for a recycling dumpster should be provided adjacent to each trash dumpster. For more information or assistance related to recycling requirements, benefits, tools, and assistance, please call (302) 739-9403.

### **Tank Management**

- If a release of a Regulated Substance occurs at the proposed project site, compliance of 7 *Del.C., Chapter 60*; 7 *Del.C., Chapter 74* and *DE Admin. Code 1351*, State of Delaware Regulations Governing Underground Storage Tank Systems (the UST Regulations) is required.
- No environmental impacts are anticipated; however, per the UST Regulations: Part E, § 1. Reporting Requirements: Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:
  - The Department's 24-hour Release Hot Line (800) 662-8802; and
  - The DNREC Tank Management Section (302) 395-2500.
- If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the Tank Management Section. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by DNREC.
- For more information, go to: <http://www.dnrec.delaware.gov/tanks/Pages/default.aspx> or contact Ross D. Elliott with further questions at (302) 395-2500, or [Ross.Elliott@state.de.us](mailto:Ross.Elliott@state.de.us)

### **State Historic Preservation Office – Contact Terrence Burns 736-7404**

- The State Historic Preservation Office supports no development, or rezoning of any kind, for any proposed project, in a Level-4 area. There are known archaeological sites (S00466, 7S-C-017; S00478, 7S-C-018), on the parcels. With this in mind, be aware of the Unmarked Human Burials and Human Skeletal Remains Law.
- Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked

graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to see more information, please review the following websites: [www.history.delaware.gov/preservation/umhr.shtml](http://www.history.delaware.gov/preservation/umhr.shtml) and [www.history.delaware.gov/preservation/cemeteries.shtml](http://www.history.delaware.gov/preservation/cemeteries.shtml).

Therefore, prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources and plan to avoid those sites or areas.

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at the following: [www.achp.gov](http://www.achp.gov).

**Delaware State Fire Marshall's Office – Contact John Rudd 739-4394**

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

**Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 750 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for mini-storage sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants.

**Fire Protection Features:**

- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- All mini-storage buildings greater than 2500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

*Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased for the purposes of storing personal or business items where all of the following apply:*

- (1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*
- (2) the owner of the facility does not have unrestricted access to the storage units, and*
- (3) the items being stored are concealed from view from outside the storage unit.*

**Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

**Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Constance C. Holland".

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

CC: Sussex County

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date April 8<sup>th</sup>, 2021.

Application: CU 2244 Ramon A. Mendez & Alma Mendez

Applicant: Ramon A. Mendez & Alma Mendez  
8354 Hickman Rd  
Greenwood, DE 19950

Owner: Ramon A. Mendez & Alma Mendez  
8354 Hickman Rd  
Greenwood, DE 19950

Site Location: 8354 Hickman Road. Lying on the south side of Hickman Rd. (Rt. 16), approximately 1,600 ft. east of Scotts Store Rd. (Rt. 36), Greenwood

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Grocery Store

Comprehensive Land  
Use Plan Reference: Developing Area

Councilmatic  
District: Ms. Green

School District: Woodbridge School District

Fire District: Greenwood Fire District

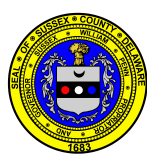
Sewer: Septic

Water: Well

Site Area: 1.39 acres +/-

Tax Map ID.: 530-9.00-53.01



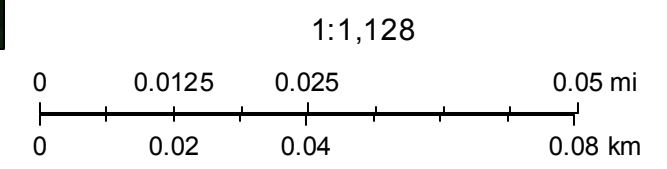


# Sussex County



<b>PIN:</b>	530-9.00-53.01	
<b>Owner Name</b>	MENDEZ	RAMON
	ALBERTO	
<b>Book</b>	4790	
<b>Mailing Address</b>	8354 HICKMAN RD	
<b>City</b>	GREENWOOD	
<b>State</b>	DE	
<b>Description</b>	163' S OF RT 16	
<b>Description 2</b>	1850' E OF RD 32	
<b>Description 3</b>	N/A	
<b>Land Code</b>		

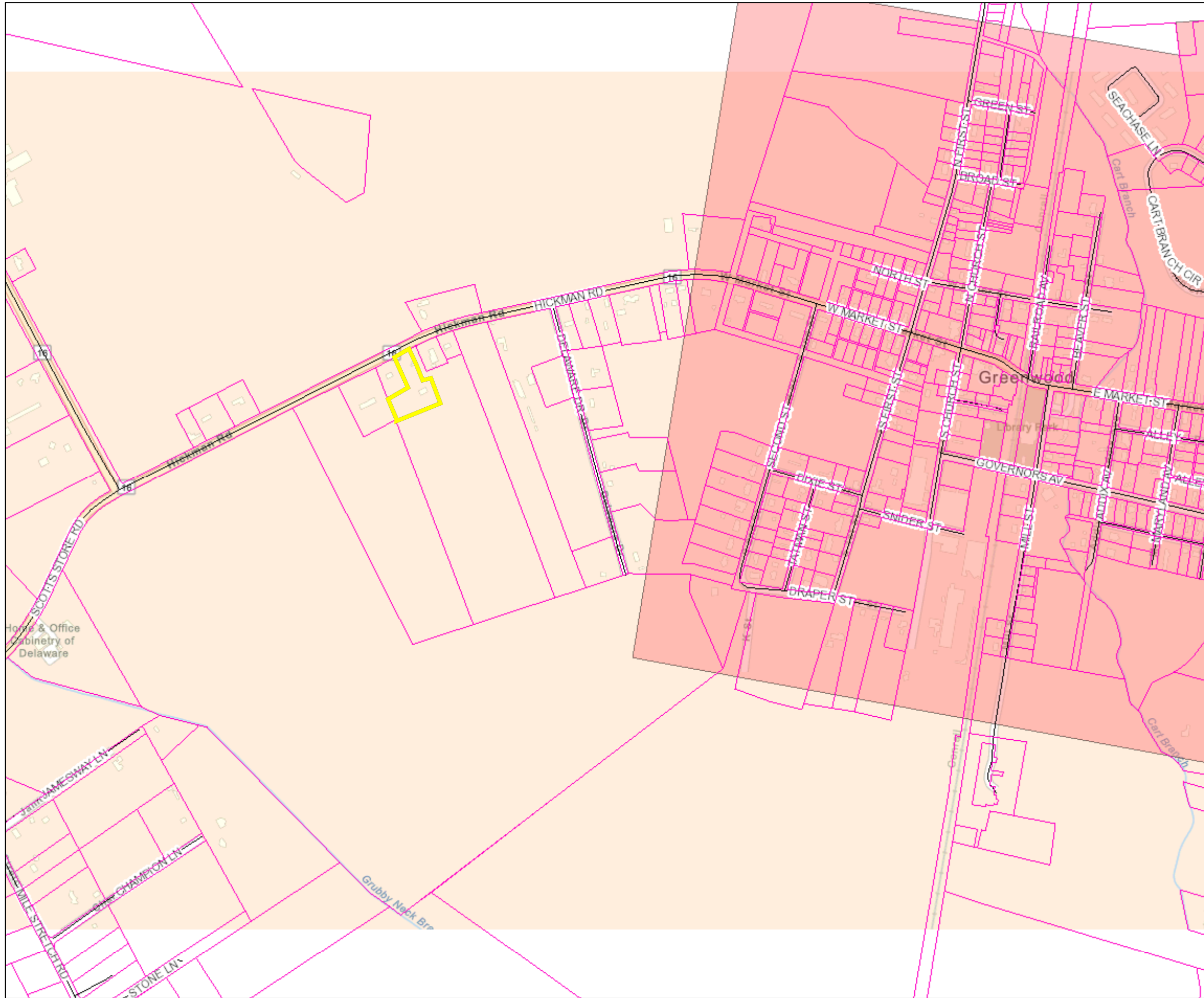
- polygonLayer**
  - Override 1
- polygonLayer**
  - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Extent of Right-of-Way
- Municipal Boundaries







# Sussex County



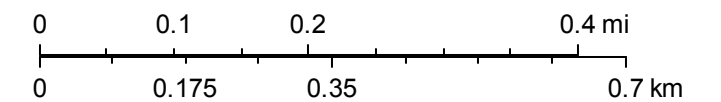
<b>PIN:</b>	530-9.00-53.01	
<b>Owner Name</b>	MENDEZ	RAMON ALBERTO
<b>Book</b>	4790	
<b>Mailing Address</b>	8354 HICKMAN RD	
<b>City</b>	GREENWOOD	
<b>State</b>	DE	
<b>Description</b>	163' S OF RT 16	
<b>Description 2</b>	1850' E OF RD 32	
<b>Description 3</b>	N/A	
<b>Land Code</b>		

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries

1:9,028







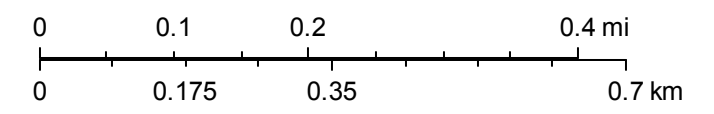
# Sussex County



<b>PIN:</b>	530-9.00-53.01	
<b>Owner Name</b>	MENDEZ	RAMON
	ALBERTO	
<b>Book</b>	4790	
<b>Mailing Address</b>	8354 HICKMAN RD	
<b>City</b>	GREENWOOD	
<b>State</b>	DE	
<b>Description</b>	163' S OF RT 16	
<b>Description 2</b>	1850' E OF RD 32	
<b>Description 3</b>	N/A	
<b>Land Code</b>		

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

1:9,028



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



Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Nick Torrance, Planner I  
CC: Vince Robertson, Assistant County Attorney, and applicant  
Date: March 31<sup>st</sup>, 2021  
RE: Staff Analysis for CU 2244 Ramon A. Mendez & Alma Mendez

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2244 Ramon A. Mendez & Alma Mendez to be reviewed during the April 8<sup>th</sup>, 2021 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 530-9.00-53.01 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a grocery store. The parcel is located on the south side of Hickman Road. (Route 16) at 8354 Hickman Road in Greenwood, Delaware. The size of the property is approximately 1.39 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for 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 property has the land use designation of Developing Area.

The surrounding parcels to the southwest, west, and northwest are all designated on the Future Land Use Map as "Developing Area". The uses that the Developing Area land use designation recognizes are 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.

The property is zoned AR-1 (Agricultural Residential Zoning District). All adjoining and surrounding properties also zoned AR-1 (Agricultural Residential Zoning District).

Since 1970, there have been four Conditional Use approvals within a 1-mile radius of the application site. Conditional Use No. 217 was to allow an extension to the current plant and was approved by County Council on July 2<sup>nd</sup>, 1974. Conditional Use No. 232 was to add an addition to an existing butcher shop and was approved by the County Council on August 27<sup>th</sup>, 1974. Conditional Use No. 660 was to add another addition to the same butcher shop approved in Conditional Use No. 232 and was approved by the County Council on December 29<sup>th</sup>, 1981. Conditional Use No. 1427 was for a showroom countertop shop and was approved by the County



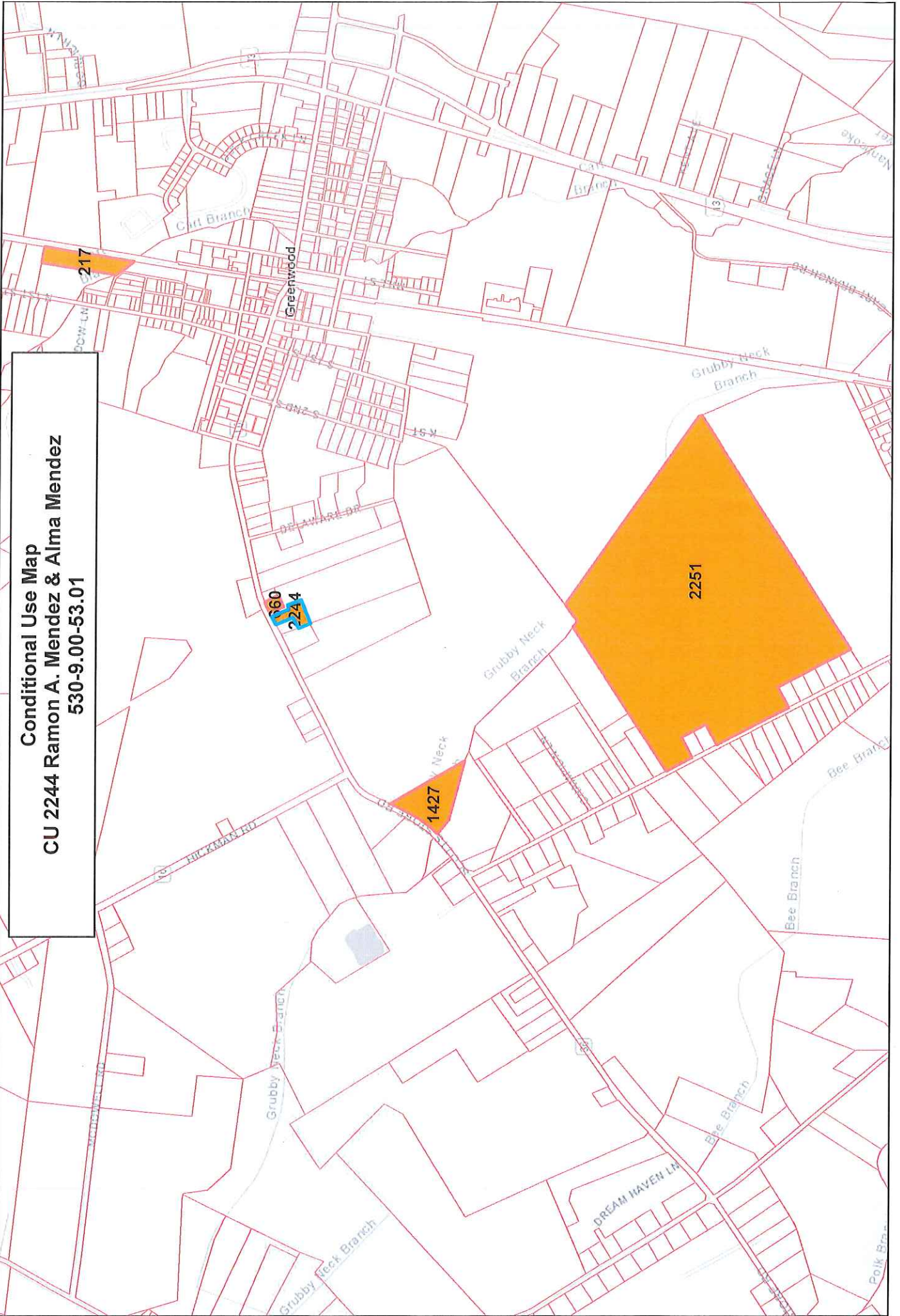
Council on November 27<sup>th</sup>, 2001 and was adopted through Ordinance No. 1510. There is one pending Conditional Use application within a 1-mile radius. Conditional Use No. 2251 for a solar farm was recommended for approval by the Planning and Zoning Commission at their meeting of March 25<sup>th</sup>, 2021.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a grocery store, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



# Sussex County

**Conditional Use Map**  
**CU 2244 Ramon A. Mendez & Alma Mendez**  
**530-9.00-53.01**



CU #	Tax Parcel #	APPLICANT	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision Date	CC Decision	Ordinance #
217	530-10.00-32.00	New Process Fiber Co	AR-1	addition to existing plant	N/A	<Null>	<Null>	Approved	1510
1427	530-9.00-42.01	Michael Biggs	AR-1	showroom countertop shop	Recommended Approval	11/8/2001	11/27/2001	Approved	
2244	530-9.00-53.01	Ramon A. Mendez & Alma Mendez	AR-1	Grocery Store	Recommended Approval	<Null>	<Null>	Approved	
660	530-9.00-54.00	Charles & Beverly Ferrar	AR-1	addition to retail (meat market)	Recommended Approval	<Null>	<Null>	Approved	
2251	530-13.00-10.00	Heimlich Solar Partners, LLC	GR	35.4 Acre Solar Field	N/A	<Null>	<Null>	Approved	
232	530-9.00-54.00	Thomas Tennefoss Jr & Cora & James Tennefoss	AR-1	Addition to Existing Butcher Shop	N/A	<Null>	8/27/1974	Approved	

File #: 2244  
202010641

# 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**

8354 HICKMAN RD GREENWOOD, DE 19950-4822

**Type of Conditional Use Requested:**

FOR BUSINESS. "GROCERY STORE".

Tax Map #: 530.9.53.01 Size of Parcel(s): 1.39

Current Zoning: RESIDE <sup>Actual</sup> Proposed Zoning: COMMER Size of Building: 40 X30

Land Use Classification: \_\_\_\_\_

Water Provider: WELL Sewer Provider: \_\_\_\_\_

**Applicant Information**

Applicant Name: RAMON A. MENDEZ AND ALMA MENDEZ.  
Applicant Address: 8354 HICKMAN RD  
City: GREENWOOD State: DE Zip Code: 19950-4822  
Phone #: (302) 727-1182 E-mail: ramonmendez7175@gmail.com

**Owner Information**

Owner Name: RAMON A. MENDEZ & ALMA MENDEZ.  
Owner Address: 8354 HICKMAN RD  
City: GREENWOOD State: DE Zip Code: 19950-4822  
Phone #: (302) 727-1182 E-mail: ramonmendez7175@gmail.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: \_\_\_\_\_  
Agent/Attorney/Engineer Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_



# Check List for Sussex County 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.

DeDOT 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

*Howard A. Neely*  
\_\_\_\_\_

Date:

### For office use only:

Date Submitted: 9/3/2020

Fee: \$500.00 Check #: Card

Staff accepting application: JD

Application & Case #: 202010641

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

JENNIFER COHAN  
SECRETARY

August 20, 2020

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 **Ramon A. Mendez & Alma Mendez** rezoning application, which we received on July 31, 2020. This application is for an approximately 1.39-acre parcel (Tax Parcel: 530-9.00-53.01). The subject land is located on the south side of Hickman Road (Sussex Road 16), approximately 350 feet southwest of the intersection of Hickman Road and Delaware Drive (Sussex Road 16C), west of Greenwood. The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-1 (General Commercial) to utilize the facility to operate a grocery store.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Hickman Road where the subject land is located, which is from Scotts Store Road (Sussex Road 32) to S. 2<sup>nd</sup> Street, are 3,964 and 5,102 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or site plan is proposed.

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **3/25/2021**

APPLICATION: **CU 2244 Ramon A. Mendez & Alma Mendez**

APPLICANT: **Ramon A. Mendez & Alma Mendez**

FILE NO: **WS-4.06**

TAX MAP &  
PARCEL(S): **530-9.00-53.01**

LOCATION: **8354 Hickman Road. Lying on the south side of Hickman Road (Route 16), approximately 1,600 feet east of Scotts Store Road (Rt. 36).**

NO. OF UNITS: **Grocery Store**

GROSS  
ACREAGE: **1.39**

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

**SEWER:**

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is in a Tier 2 area for sewer service and is in the Growth and Annexation Area of the Town of Greenwood. Contact the Town concerning the availability of sanitary sewer service**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

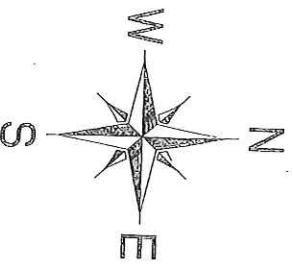
UTILITY PLANNING APPROVAL:



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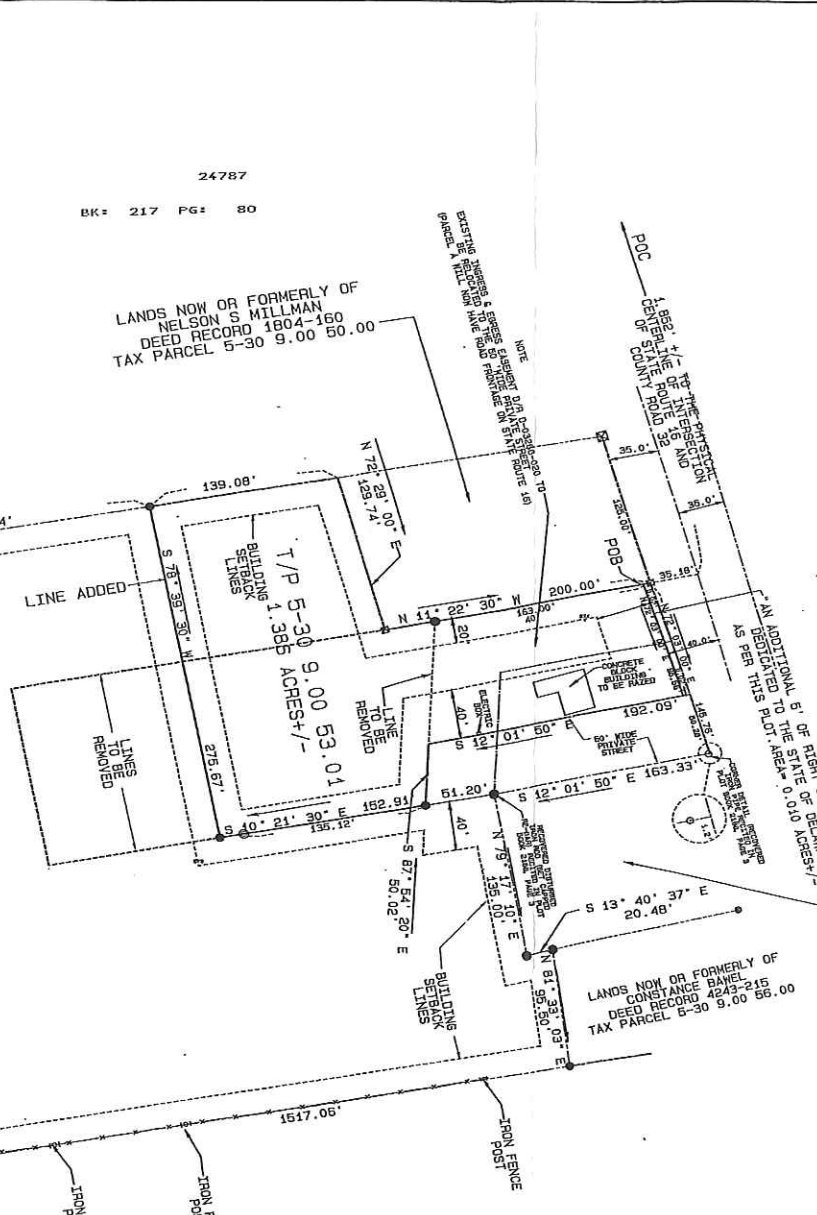
John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
No Permit Tech Assigned



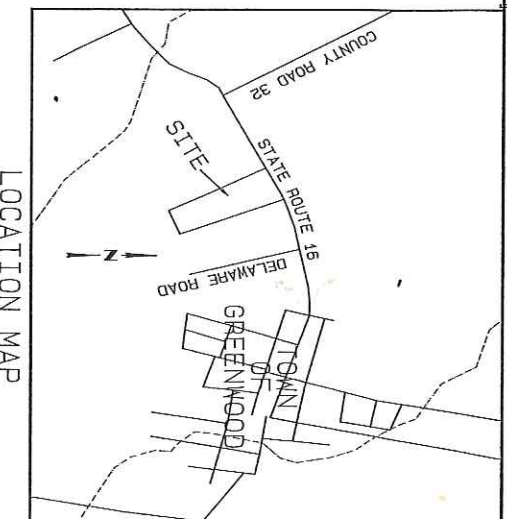
STATE ROUTE 16  
(SCOTT'S STORE ROAD)  
(COUNTY ROAD 36)

Recorder of Deeds  
Scott Dallen  
Jul 31 2015 09:16p  
Sussex County  
Doc. Surcharge Paid



DATA COLUMN

TAX PARCEL 5-30 9.00 53.01	TAX PARCEL 5-30 9.00 53.01
BEFORE ADJUSTMENT = 1.901 ACRES +/-	AFTER ADJUSTMENT = 1.986 ACRES +/-
TAX PARCEL 5-30 9.00 53.00	TAX PARCEL 5-30 9.00 53.00
AFTER ADJUSTMENT = 16.482 ACRES +/-	BEFORE ADJUSTMENT = 15.482 ACRES +/-
ROAD DEDICATION = 0.011 ACRES +/-	PRIVATE ROAD = 0.236 ACRES +/-
ZONING A/R	SETBACKS
REAR YARD 20'	FRONT YARD 40'
SURVEY CLASSIFICATION SUBURBAN	TAX PARCEL 5-30 9.00 53.00
SOURCE OF TITLE DEED RECORD M-26-304	REMAINING ROAD FRONTAGE 90.47'
RESIDUE ACREAGE 15.815 ACRES	ROAD CLASSIFICATION MAJOR COLLECTOR
THE SUBDIVISION SHOWN DOES NOT	LIE WITHIN A FLOOD ZONE PER
FEMA MAP 1000500125J	BEARING REFERENCE DEED BOOK 1585-519
PARCEL A	PURPOSE
FUTURE USE RESIDENTIAL	FUTURE USE RESIDENTIAL
SEPTIC PRIVATE ON SITE	WATER PRIVATE ON SITE
RESIDUE PRESENT USE AGRICULTURE	FUTURE USE AGRICULTURE
PROPERTY CORNERS SET (6) SIX	EXISTING INGRESS & EGRESS
EASEMENT D/R D-03268-020	



- ENTRANCE NOTES
- WHERE DRIVEWAY GIVES TWO ADJACENT RESIDENCES (COMBINED DRIVEWAY) THE DRIVEWAY WIDTH AT THE RIGHT OF WAY LINE WILL BE 29 FEET
  - DRIVEWAY WIDTHS MAY BE INCREASED WITH DIV. OF HWYS. APPROVED FOR PURPOSE VEHICLES I.E. FARM VEHICLES, ETC.
  - ENTRANCE PIPE FURNISHED BY THE PROPERTY OWNER WILL BE INSTALLED BY THE DIVISION OF HIGHWAYS ON REQUEST
  - MINIMUM RESIDENTIAL PAVEMENT SECTION 91 UNPAVED SURFACE
  - TREATMENT ON S' SELECT BORROW BASE COURSE TO ACCESS TO RESIDENTIAL LOTS SHALL BE TO THE PHYLIAE ROAD

- LEGEND
- ⊙ = RECOVERED IRON PIPE
  - ⊗ = RECOVERED CONCRETE MONUMENTS
  - = SET CAPPED RE-94R
  - ⊠ = IRON FENCE POST

LANDS NOW OR FORMERLY OF  
RICHFIELD FARMS INC  
DEED RECORD 4339-4339  
TAX PARCEL 5-30 9.00 52.00  
ZONING A/R

RESIDUE 53.00  
T/P 5-30 9.00 ACRES +/-  
AREA=15.815

LANDS NOW OR FORMERLY OF  
ARTHUR J BABINSKI & ROSE M BABINSKI TRUSTEES  
RADOE M BABINSKI TRUST  
DEED RECORD 3741-155  
TAX PARCEL 5-30 9.00 55.00  
ZONING A/R

LOT LINE ADJUSTMENT  
FOR LANDS TO BE CONVEYED TO  
RICHFIELD FARMS INC.  
FROM PHYSICAL BOUNDARY SURVEY  
NORTHWEST FORK HUNDRED  
SUSSEX COUNTY  
DELAWARE

CERTIFICATION OF OWNERSHIP

WE, LESTER B & JULIAN MARVEL, CERTIFY THAT WE ARE THE LEGAL OWNERS FOR THE PROPERTY SHOWN IN HEREBY CERTIFY THAT THE LEGAL MADE AT OUR OFFICE, THAT THE PLAN HAS BEEN MADE AT OUR OFFICE AND DESIRE, AND THE PLAN WAS MADE AT MY OFFICE AND THE PLAN TO BE RECORDED, ACCORDING TO LAW

DATE 7-21-14

SIGNATURE *Lester B. Marvel*

DATE 7-21-14

SIGNATURE *Julian Marvel*

LAND SURVEYORS CERTIFICATION

I, W. JULIAN MARVEL, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, AND THAT THE SURVEY SHOWN, AND DESCRIBED HEREON IS TRUE AND CORRECT AND THAT THE MARKERS SHOWN HEREBY ARE ACTUALLY PLACED AND THEIR POSITIONS ARE ACCURATELY SHOWN

DATE 12/31/2014

SIGNATURE *W. Julian Marvel*

Lester B & Julian Marvel  
OWNERS  
109 BEEBE ROAD  
LEWIS, DE 19892

LANDS NOW OR FORMERLY OF  
RICHFIELD FARMS INC  
DEED RECORD 53-30 9.00 51.00  
TAX PARCEL 5-30 9.00 51.00  
ZONING A/R

SCALE 1"=60'

DATE	REVISIONS	COMMENT

APPROVED  
*W. Julian Marvel*  
12/31/2014  
PLANNING & ZONING COMMISSION

E-MAIL: JULIANM@SUSSEXCOUNTYDE.GOV  
SCALE 1" = 60'  
DATE 12/31/2014 CLIENT MILLS



**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date April 8<sup>th</sup>, 2021.

Application: CU 2246 Bee Wise, LLC

Applicant: Bee Wise, LLC  
P.O. Box 249  
Nassau, DE 19969

Owner: Craig Allan Beebe & Erin Francis Martin Beebe  
20028 John J. Williams Highway  
Lewes, DE 19958

Site Location: 20028 John J. Williams Hwy. Lying on northwest side of John J. Williams Hwy. (Rt. 24), approximately 0.37 mile southwest of Mulberry Knoll Rd. (S.C.R. 284), Lewes

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Real Estate Business

Comprehensive Land Use Plan Reference: Commerical

Councilmatic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire District

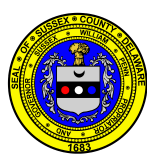
Sewer: Sussex County

Water: Well

Site Area: 0.709 acre +/-

Tax Map ID.: 334-12.00-24.00





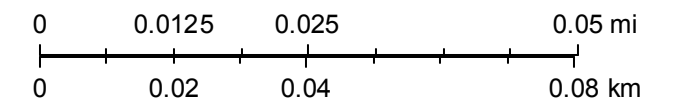
# Sussex County

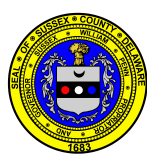


<b>PIN:</b>	334-12.00-24.00
<b>Owner Name</b>	BEEBE CRAIG ALAN
<b>Book</b>	5332
<b>Mailing Address</b>	PO BOX 249
<b>City</b>	NASSAU
<b>State</b>	DE
<b>Description</b>	HWY LEWES TO
<b>Description 2</b>	MILLSBORO
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**
  - Override 1
- polygonLayer**
  - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018**
  - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
  - A
  - AE
  - AO
  - OPEN WATER
  - VE
  - Extent of Right-of-Way
  - Municipal Boundaries

1:1,128



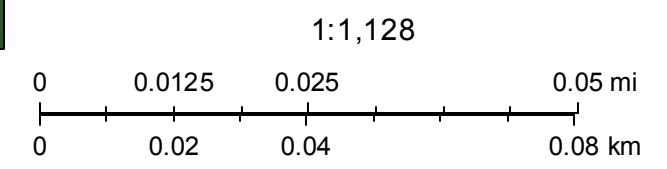


# Sussex County



<b>PIN:</b>	334-12.00-24.00
<b>Owner Name</b>	BEEBE CRAIG ALAN
<b>Book</b>	5332
<b>Mailing Address</b>	PO BOX 249
<b>City</b>	NASSAU
<b>State</b>	DE
<b>Description</b>	HWY LEWES TO
<b>Description 2</b>	MILLSBORO
<b>Description 3</b>	N/A
<b>Land Code</b>	

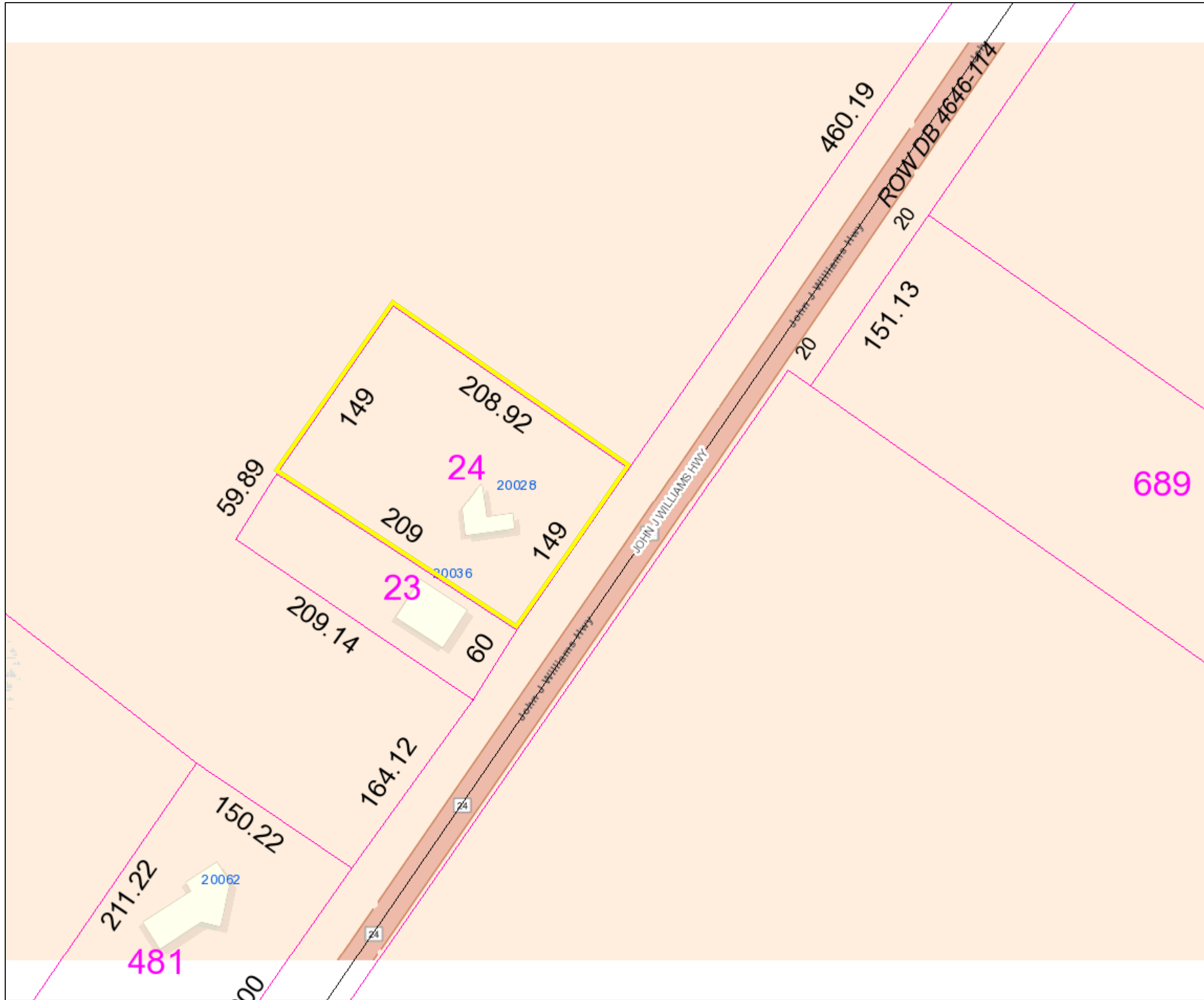
- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets







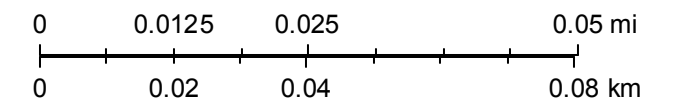
# Sussex County



<b>PIN:</b>	334-12.00-24.00
<b>Owner Name</b>	BEEBE CRAIG ALAN
<b>Book</b>	5332
<b>Mailing Address</b>	PO BOX 249
<b>City</b>	NASSAU
<b>State</b>	DE
<b>Description</b>	HWY LEWES TO
<b>Description 2</b>	MILLSBORO
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**
  - Override 1
- polygonLayer**
  - Override 1
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  - A
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  - OPEN WATER
  - VE
  - Extent of Right-of-Way
  - Municipal Boundaries

1:1,128



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



Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Scott, Planner I  
CC: Vince Robertson, Assistant County Attorney, and applicant  
Date: March 31<sup>st</sup>, 2021  
RE: Staff Analysis for CU 2246 Bee Wise, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2246 Bee Wise, LLC to be reviewed during the April 8<sup>th</sup>, 2021 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 334-12.00-24.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a Real Estate Business. The parcel is located on the northwest side of John J. Williams Highway (Route 24) at 20028 John J. Williams Highway in Lewes, Delaware. The size of the property is approximately 0.71 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for 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 property has the land use designation of "Commercial". The surrounding parcels to the south, north and east are all designated on the Future Land Use Map as "Commercial". The parcels to the west are all designated on the Future Land Use Map as "Coastal Area".

As outlined within the 2018 Sussex County Comprehensive Plan, "Commercial Areas" include concentrations of retail and service uses, commercial corridors, shopping centers, hotels, motels, car washes and auto dealers. This includes other medium and larger scale commercial uses as well as mixed-use buildings.

The property is zoned AR-1 (Agricultural Residential Zoning District). All adjoining and surrounding properties also zoned AR-1 (Agricultural Residential Zoning District). Properties further south of this site are zoned MR (Medium Density Residential).

Since 1970, there have been twenty-six (26) Conditional Use applications within a 1-mile radius of the application site. Twenty-two (22) of those applications have been approved, one (1) has been denied and four (4) have been withdrawn. Please see attached exhibits for more detail.

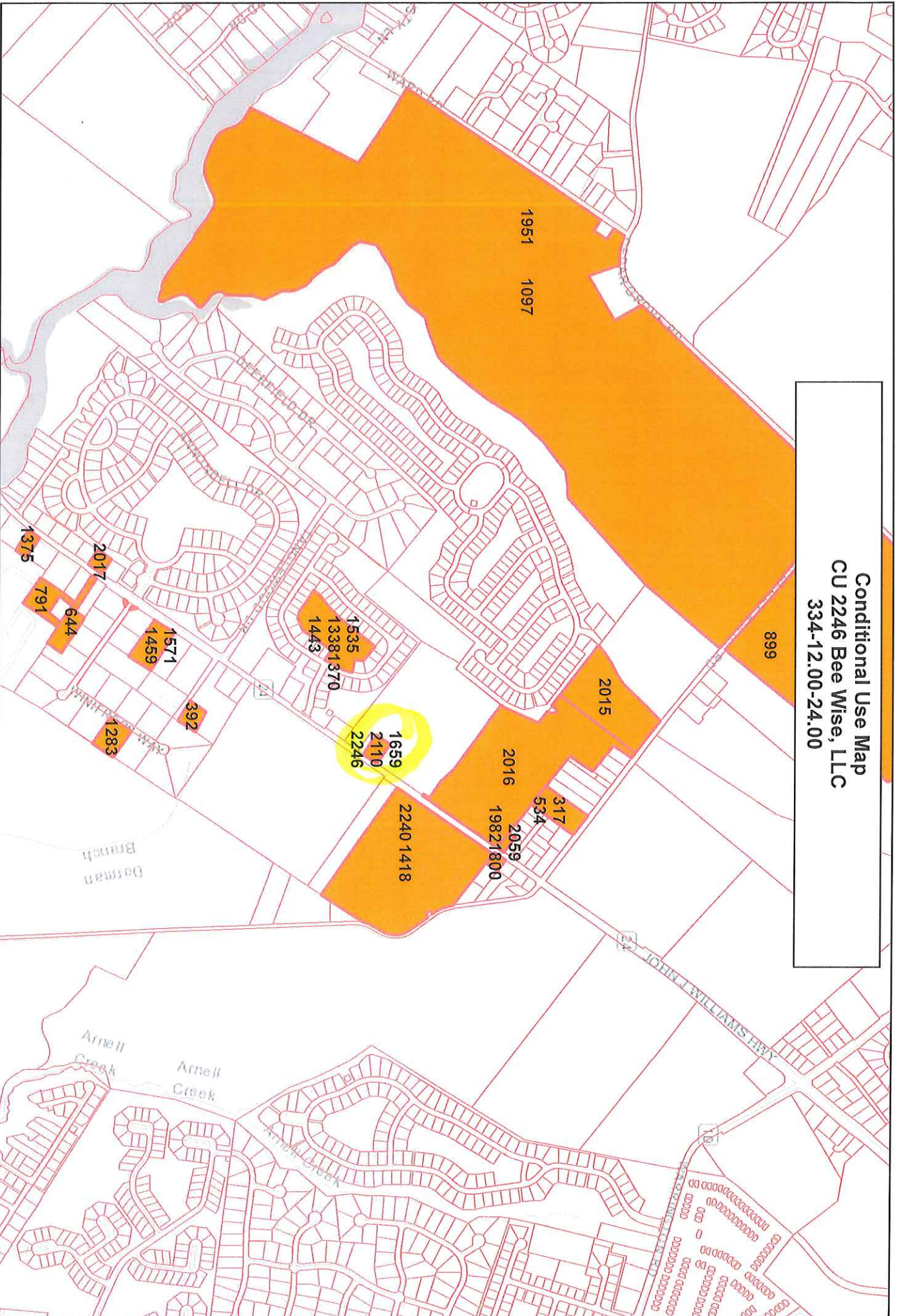
Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a Real Estate Business, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





# Sussex County

Conditional Use Map  
CU 2246 Bee Wise, LLC  
334-12.00-24.00



CU #	Tax Parcel #	APPLICANT	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision Date	CC Decision	Ordinance Number
2246	334-12.00-24.00	Bee Wise, LLC	AR-1	Real Estate Business	<Null>	<Null>	<Null>	<Null>	<Null>
2240	334-12.00-107.00	Tidewater Utilities, Inc	AR-1	Elevated Storage Tank	Recommended Approval	10/22/2020	11/10/2020	Approved	<Null>
2110	334-12.00-24.00	Gaw Venture Group	AR-1	Home Construction and Sales Business	Recommended Approval	1/25/2018	2/6/2018	Approved	<Null>
2059	334-12.00-25.00	Julie Norwood	AR-1	Beauty Salon	Recommended Approval	11/17/2016	10/25/2016	Approved	2478
2017	334-18.00-7.00	Ell and Victoria Zacharia	M/R	Multi-family Dwelling Structures	Recommended Denial	9/24/2015	2/9/2016	Approved	2436
2016	334-12.00-45.01	Cape Hemlopen School District	AR-1	Elementary School	Recommended Approval	5/7/2015	6/16/2015	Approved	2402
2015	334-12.00-16.06	Delaware Division of Facilities Management	AR-1	Public Service Facility (State Police)	Recommended Approval	3/27/2014	5/20/2014	Approved	2401
1982	334-12.00-25.00	Gary Ennis-Southern Delaware Classic Cars, LLC	AR-1	Office for a Cleaning Service Business	Recommended Approval	8/22/2013	12/9/2014	Denied *	2348
1951	334-12.00-16.00	Jack Lingo Asset Management	AR-1	RV resort and campground	Recommended Approval	8/22/2013	12/9/2014	Denied *	<Null>
1800	334-12.00-108.00	Cheryl Normandeau	AR-1	office/retail	Recommended Approval	11/5/2009	2/9/2010	Approved	2102
1659	334-12.00-24.00	Robin R. May	AR-1	Window Treatment	Recommended Approval	6/22/2006	7/18/2006	Approved	1860
1571	334-18.00-38.05	Mid-Atlantic Property Ventures	AR-1	medical office	Recommended Approval	5/13/2004	6/8/2004	Approved	1697
1535	334-18.00-40.00	The Barn Yard	AR-1	sale of mulch/stone/landscape goods	Recommended Approval	5/13/2004	5/18/2004	Approved	1691
1459	334-18.00-38.05	Center for Neurology L.L.C.	<Null>	medical offices	Withdrawn	8/27/2002	8/27/2002	Withdrawn *	<Null>
1443	334-18.00-40.00	The Barn Yard	AR-1	amended CU 1370 sales of playsets & yard	Recommended Approval	2/14/2002	3/12/2002	Approved	1526
1418	334-12.00-107.00	Cape Henlopen School District	AR-1	public school	Recommended Approval	9/13/2001	11/6/2001	Approved	1504
1375	334-18.00-35.00	Herring Chiropractic	AR-1	chiropractic office	Recommended Approval	12/14/2000	1/2/2001	Approved	1425
1370	334-18.00-40.00	Jay Beach	AR-1	sale of sheds/etc & seasonal sales	Recommended Approval	11/30/2000	1/9/2001	Approved	1427
1338	334-18.00-40.00	Jay Beach	AR-1	retail sales	Recommended Denial	7/13/2000	7/25/2000	Withdrawn *	<Null>
1283	334-18.00-38.00	Deborah S. Appleby	AR-1	art/craft studio & gallery	Recommended Approval	5/13/1999	6/8/1999	Approved	1314
1097	334-12.00-16.00	Charles P. Moore	AR-1	auto repair & towing service	Recommended Approval	12/22/1994	1/10/1995	Approved	1007
899	334-12.00-52.00	Lewes Fire Department, Inc.	AR-1	substation for fire department	Withdrawn	<Null>	<Null>	Withdrawn *	<Null>
791	334-18.00-37.00	William K. McMahon	AR-1	business office in accessory building	Recommended Approval	6/14/1984	11/20/1984	Approved	<Null>
644	334-18.00-38.01	Eugene Bookhammer	AR-1	Small Engine Sales and Repair Shop	Recommended Approval	<Null>	<Null>	Approved	<Null>
534	334-12.00-40.00	Clifford A Copp Sr	AR-1	seafood sales (except fish)	N/A	<Null>	<Null>	Approved	<Null>
392	334-18.00-39.01	Gwen Dickerson	AR-1	beauty salon	N/A	<Null>	<Null>	Approved	<Null>
317	334-12.00-40.00	Clifford A Copp	AR-1	Retail Seafood Store	N/A	<Null>	1/27/1976	Approved	<Null>

File #: C10 2246  
202012514

## 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**

20028 John J. Williams Highway, Lewes, DE 19958

**Type of Conditional Use Requested:**

Conditional use requested for the operation of a real estate business on approximately .71 acres, consisting of a parking lot, shed, and dwelling. No site conditions will be altered if approved; Section 115-22.

Tax Map #: 334-12.00-24.00 Size of Parcel(s): .71 +/- acres

Current Zoning: AR-1 Proposed Zoning: N/A Size of Building: \_\_\_\_\_

Land Use Classification: \_\_\_\_\_

Water Provider: \_\_\_\_\_ Sewer Provider: \_\_\_\_\_

**Applicant Information**

Applicant Name: Bee Wise, LLC  
Applicant Address: PO BOX 249  
City: Nassau State: DE Zip Code: 19969  
Phone #: (302) 841-0755 E-mail: mackenzie@tunnellraysor.com

**Owner Information**

Owner Name: Craig Alan Beebe and Erin Francis Martin Beebe  
Owner Address: 20028 John J. Williams Highway  
City: Lewes State: DE Zip Code: 19958  
Phone #: \_\_\_\_\_ E-mail: N/A

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Mackenzie Peet, Esq  
Agent/Attorney/Engineer Address: 323E Rehoboth Avenue  
City: Rehoboth Beach State: DE Zip Code: 19971  
Phone #: (302) 227-1314 E-mail: mackenzie@tunnellraysor.com



# Check List for Sussex County Planning & Zoning Applications

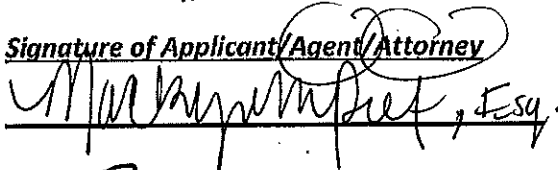
The following shall be submitted with the application

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

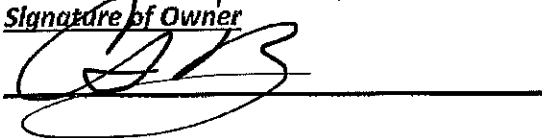
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 09/30/2020

Signature of Owner



Date: 9/30/2020

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: \_\_\_\_\_

## Planning & Zoning Project Contact List

### Applicant Information

Applicant Name: Bee Wise, LLC  
Applicant Address: PO BOX 249  
City: Nassau State: DE Zip: 19969  
Phone #: (302) 841-0755 E-mail: mackenzie@tunnellraysor.com

### Owner Information

Owner Name: Craig Allan Beebe and Erin Francis Martin Beebe  
Owner Address: 20028 John J. Williams Highway  
City: Lewes State: DE Zip: 19958  
Phone #: \_\_\_\_\_ E-mail: N/A

### Engineer/Surveyor Information

Engineer/Surveyor Name: John L. Conner, JR.  
Engineer/Surveyor Address: 401A North Central Avenue  
City: Laurel State: DE Zip: 19956  
Phone #: (302) 875-4440 E-mail: \_\_\_\_\_

### Agent/Attorney Information

Agent/Attorney Name: Mackenzie Peet, Esq.  
Agent/Attorney Address: 323E Rehoboth Avenue  
City: Rehoboth Beach State: DE Zip: 19971  
Phone #: (302) 227-1314 E-mail: mackenzie@tunnellraysor.com

### Other

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_



# Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

## Application Information:

Site Address: 20028 John J. Williams Highway  
Lewes, DE 19958

Parcel #: 334-12.00-24.00

Site Address: \_\_\_\_\_  
\_\_\_\_\_

Parcel #: \_\_\_\_\_

Applicant Name: Bee Wise, LLC

Owner Name: Craig Allan Beebe and Erin Francis Martin Beebe

## Type of Application:

Conditional Use:   
Change of Zone:   
Subdivision:   
Board of Adjustment:

Date Submitted: \_\_\_\_\_

## For office use only:

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

Letters sent by: \_\_\_\_\_





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

JENNIFER COHAN  
SECRETARY

July 8, 2020

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 **Fresh Start, LLC** conditional use application, which we received on June 18, 2018. This application is for an approximately 0.72-acre parcel (Tax Parcel: 334-12.00-24.00). The subject land is located on the northwest side of Delaware Route 24, approximately 1,800 feet southwest of the intersection of Delaware Route 24 and Mulberry Knoll Road (Sussex Road 284). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the existing facility to operate a real estate business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Camp Arrowhead Road (Sussex Road 279) to Warrington Road (Sussex Road 275), are 19,793 and 25,474 vehicles per day, respectively.

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

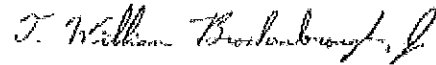
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
July 8, 2020

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Fresh Start, LLC, Applicant  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **3/25/2021**

APPLICATION: **CU 2246 Bee Wise LLC**

APPLICANT: **Craig Allan Beebe & Erin Francis Martin Beebe**

FILE NO: **OM-9.04**

TAX MAP &  
PARCEL(S): **334-12.00-24.00**

LOCATION: **20028 John J. Williams Hwy. Lying on the northwest side of John J. Williams Hwy (Rt. 24), approximately 0.37 mile southwest of Mulberry Knoll Road (SCR 284).**

NO. OF UNITS: **Real Estate Business**

GROSS  
ACREAGE: **0.709**

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? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** 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? **No**
- (8). Comments: **The building on the site is currently connected to the Unified Sanitary Sewer District as a single-family dwelling. Additional assessment and fees are likely if the use changes to commercial.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



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John J. Ashman  
Director of Utility Planning

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

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, April 6, 2021 5:29 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

**Categories:** Nick

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, April 6, 2021 - 5:29pm

Name: Nora Martin  
Email address: nora1956@aol.com  
Phone number: 3025420188  
Subject: C/U 2246

**Message:**

Please accept this email as my full support of granting a conditional use for 20028 John J Williams Highway Lewes.

Respectfully submitted

Nora Martin

SUPPORT EXHIBIT

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Monday, April 5, 2021 11:04 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Monday, April 5, 2021 - 11:04am

Name: Betsy Reamer

Email address: inquiry@leweschamber.com

Phone number: 13026458073

Subject: C/U 2246

Message: IThe Lewes Chamber of Commerce supports the approval of the conditional use for 20028 John J Williams Highway for the offices of NextHome Tomorrow Realty. The property has been used commercially for more than 20 years.

SUPPORT EXHIBIT

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, April 1, 2021 4:59 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, April 1, 2021 - 4:58pm

Name: Michelle Hearn  
Email address: meeesh24@gmail.com  
Phone number: 3022497723  
Subject: C/U 2246

Message:

To whom it may concern,

I am very pleased with the location NextHome Tomorrow Realty chose for their new business office. We have new developments being built all over Lewes/Millsboro/Longneck and it is great for the area to have a truly local Real Estate office to meet those housing needs. It is also helpful to have this type of business here on Rt. 24, without having to drive out to Coastal Highway. I do not feel it poses any traffic hazards, as the driveway is easily accessible to enter and exit in both directions. There is also plenty of well marked parking spots.

Welcome to the neighborhood!

Sincerely,  
Michelle Hearn  
31525 Hazzard Drive  
Lewes, DE 19958

SUPPORT EXHIBIT

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Friday, April 2, 2021 9:12 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Friday, April 2, 2021 - 9:12am

Name: Karen LeCates  
Email address: karen@nexthometomorrowrealty.com Phone number: 302-381-7360  
Subject: C/U 2246  
Message: I approve of the application.

SUPPORT EXHIBIT



**Nick Torrance**

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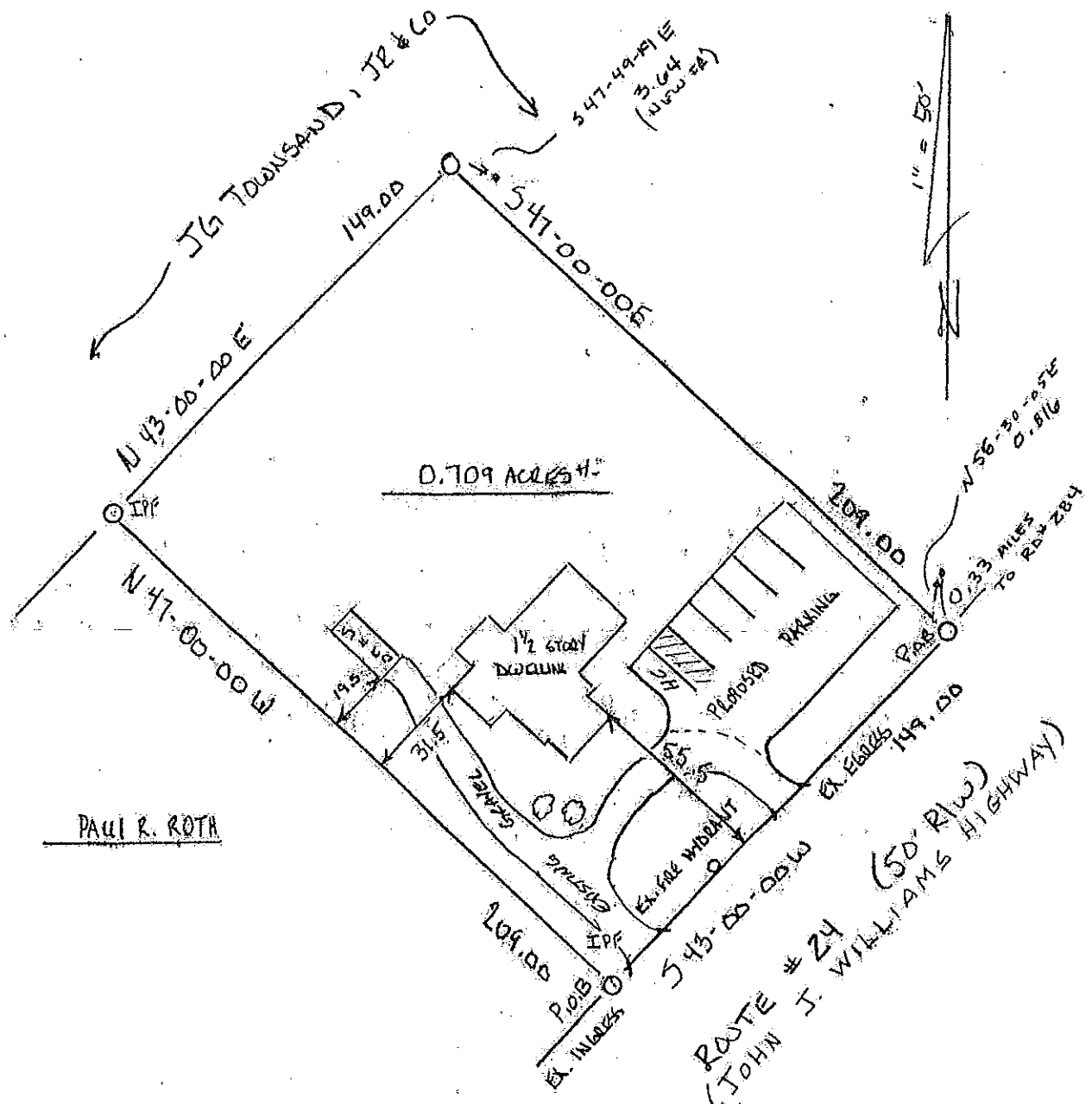
**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Monday, April 5, 2021 7:12 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Monday, April 5, 2021 - 7:11am

Name: Thomas Protack  
Email address: tjprotack@aol.com  
Phone number: 302-945-5007  
Subject: Support of C/U 2246  
Message: I support the continued use of this land as commercial.

SUPPORT EXHIBIT



PAUL R. ROTH

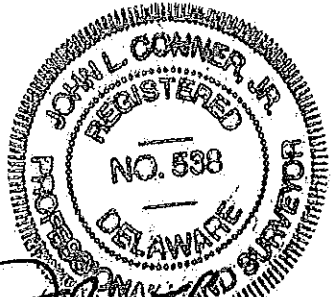
SITE PLAN

LEWES & REHOBOTH HONOREN - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



*John L. Conner 7/12/05*  
 John L. Conner, Del. P.L.S. 538

**MANN ASSOCIATES SURVEYING, INC.**

401A N. Central Ave.  
 Laurel, DE 19956  
 (302) 875-4440

405-09

CLASS 'B' SURVEY

NY39478

EXHIBIT A  
DEED

LAW OFFICES

---

**T**TUNNELL  
&**R**AYSOR, P.A.

---

TAX MAP #: 3-34 12.00 24.00  
PREPARED BY & RETURN TO:  
Tunnell & Raysor, P.A.  
323 Rehoboth Avenue  
Suite E  
Rehoboth Beach, DE 19971  
File No. AS11596/HED

**THIS DEED**, made this September 21, 2020,

- BETWEEN -

**GAW PROPERTIES, LLC**, of 20028 John J. Williams Highway, Lewes, DE 19958, party of the first part,

- AND -

**CRAIG ALAN BEEBE** and **ERINANN FRANCIS MARTIN BEEBE**, of PO Box 249, Nassau, DE 19969, as tenants by the entireties, parties of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot or parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County Delaware, lying on the Northwest side of Route 24 (50' r/w), (John J. Williams Highway), and being more particularly described according to a survey prepared by Mann Associates, Registered Surveyors, dated May 6, 2005, as follows, to wit:

BEGINNING at a point on the Northwest side of Route 24 (50' r/w), (John J. Williams Highway); said point marking a corner for this lot and for lands now or formerly of J.G. Townsend, Jr. & Co., said point also being located approximately 0.33 of a mile

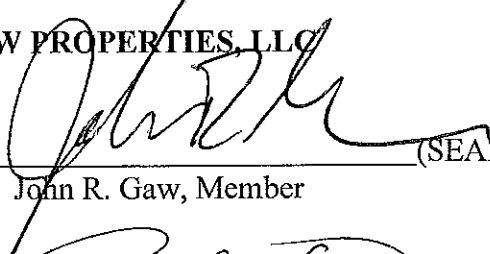
Southwest of County Road 284; thence from this point of beginning running by and along Route 24 (50' r/w), (John J. Williams Highway), South 43 degrees 00 minutes 00 seconds West 149.00 feet to an iron pipe found; thence turning and running by and along the line of these lands, North 47 degrees 00 minutes 00 seconds West 209.00 feet to an iron pipe found; thence turning and running by and along the line of these lands, North 43 degrees 00 minutes 00 seconds East 149.00 feet to a point; thence turning and running by and along the line of these lands, South 47 degrees 00 minutes 00 seconds East 209.00 feet home to the place of beginning. Said to contain 0.709 acres, more or less, together with any and all improvements located thereon.

BEING the same lands conveyed to GAW Properties, LLC from Robin R. May, by Deed dated November 7, 2017, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on November 15, 2017, in Deed Book 4799, Page 225.

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

IN WITNESS WHEREOF, the said GAW Properties, LLC, a Delaware limited liability company, has caused its name to be hereunto set under seal by John R. Gaw and Robert G. Gaw, authorized members of GAW Properties, LLC, the day and year first above written.

GAW PROPERTIES, LLC

By:  (SEAL)  
John R. Gaw, Member

\_\_\_\_\_  
Witness

By:  (SEAL)  
Robert G. Gaw, member

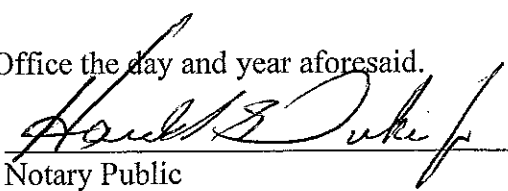
\_\_\_\_\_  
Witness

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 21st day of September, A.D. 2020, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, John R. Gaw and Robert G. Gaw, Members of GAW Properties, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company; that the signature of the Member is in his/her own proper handwriting and by his/her authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

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

HAROLD E. DUKES, JR.  
ATTORNEY AT LAW WITH  
POWER TO ACT AS NOTARY PUBLIC  
PER 29 DEL. C SEC 4323 (A)3

  
Notary Public

My Commission Expires: \_\_\_\_\_

TAX MAP AND PARCEL  
#: 3-34-12.00-24.00  
PREPARED BY & RETURN TO:  
Berl & Feinberg, LLP  
34382 Carpenter's Way, Suite 3  
Lewes, DE 19958  
File No. 2-2944/LE

THIS DEED, made this 7<sup>th</sup> day of November, 2017,

- BETWEEN -

ROBIN R. MAY, of 32246 Brandy Circle, Millsboro, DE 19966, party of the first part,

- AND -

GAW PROPERTIES, LLC, a limited liability company of the State of Delaware, of  
9 Cornwall Road, Rehoboth Beach, DE 19971, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

**ALL** that certain lot or parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County Delaware, lying on the Northwest side of Route 24 (50' r/w), (John J. Williams Highway), and being more particularly described according to a survey prepared by Mann Associates, Registered Surveyors, dated May 6, 2005, as follows, to wit:

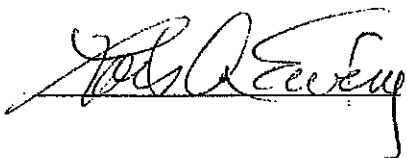
**BEGINNING** at a point on the Northwest side of Route 24 (50' r/w), (John J. Williams Highway); said point marking a corner for this lot and for lands now or formerly of J.G. Townsend, Jr. & Co., said point also being located approximately 0.33 of a mile Southwest of County Road 284; thence from this point of beginning running by and along Route 24 (50' r/w), (John J. Williams Highway), South 43 degrees 00 minutes 00 seconds West 149.00 feet to an iron pipe found; thence turning and running by and along the line of these lands, North 47 degrees 00 minutes 00 seconds West 209.00 feet to an iron pipe found; thence turning and running by and along the line of these lands, North 43 degrees 00 minutes 00 seconds East 149.00 feet to a point; thence turning and running by and along the line of these lands, South 47 degrees 00 minutes 00 seconds East 209.00 feet home to the place of beginning. Said to contain 0.709 acres, more or less, together with any and all improvements located thereon.


BEING the same lands and premises which were conveyed unto Robin R. May, by deed of Mae Constance Rickards n/k/a Constance R. Wertz dated May 9, 2005, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on May 9, 2005, in Deed Book 3139, Page 267.

The said Elizabeth Rickards departed this life on or about March 20, 1980, at which time the life estate granted to her in Deed Book 991, page 319 terminated.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of:



 (SEAL)  
Robin R. May

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on November 7<sup>th</sup>, 2017, personally came before me, the subscriber, Robin R. May, party of the first part to this Indenture, known to me personally to be such, and she acknowledged this Indenture to be her act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

Lois A. Ewing  
NOTARY PUBLIC  
State of Delaware  
My Commission Expires  
August 29, 2021

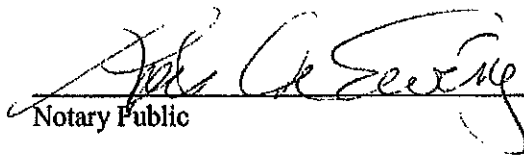
  
Notary Public



EXHIBIT B  
AERIAL MAP

LAW OFFICES

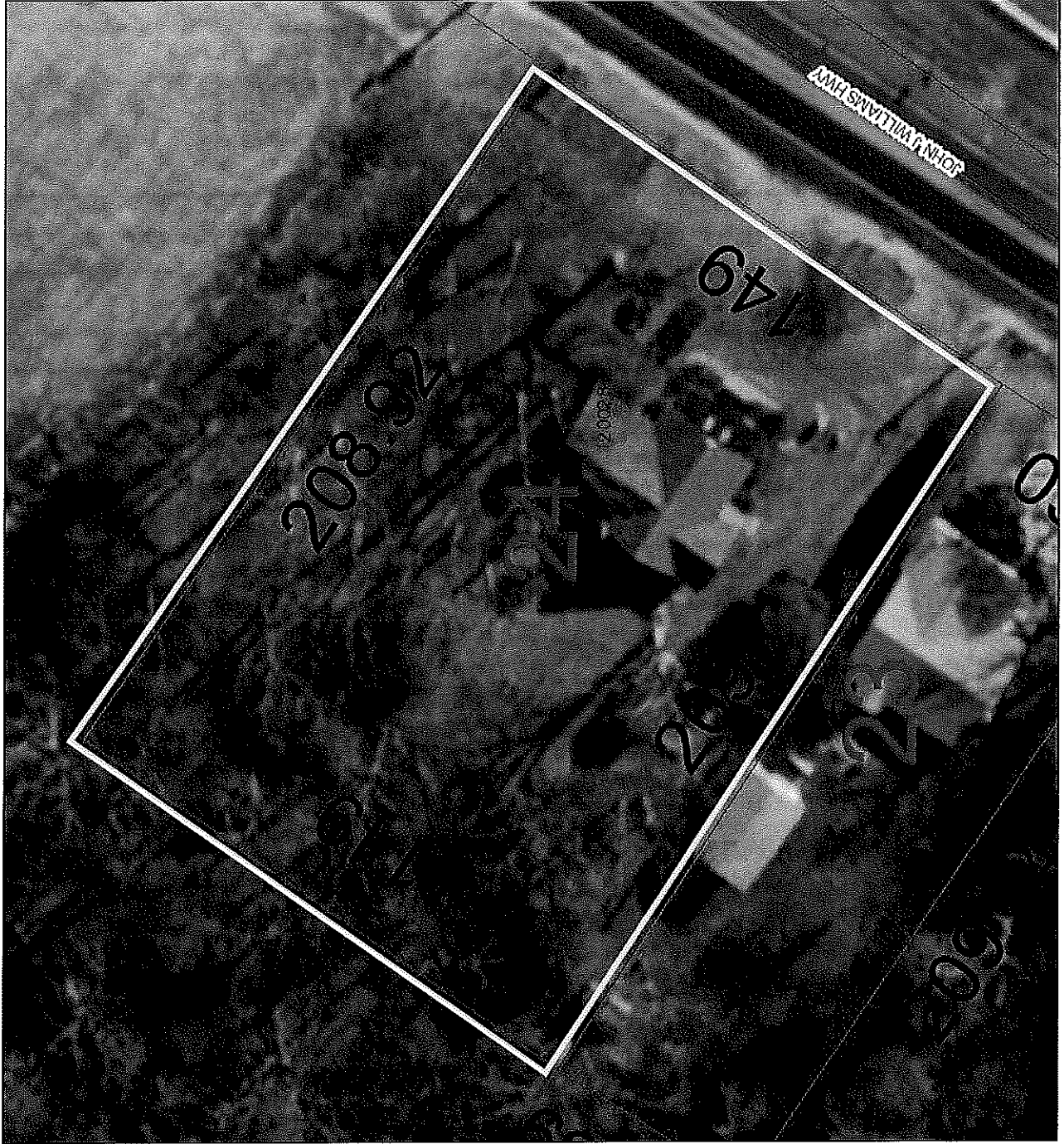
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**T**UNNELL  
& **R**AYSOR, P.A.

---



# Sussex County



<b>PIN</b>	334-12.00-24.00
<b>Owner Name</b>	GAW PROPERTIES LLC
<b>Book</b>	4799
<b>Mailing Address</b>	20028 JOHN J WILLIAMS HWY
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	HWY LEWES TO
<b>Description 2</b>	MILLSBORO
<b>Description 3</b>	N/A
<b>Land Code</b>	

### polygonLayer

Override 1

### polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

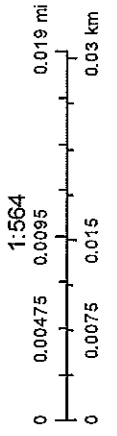


EXHIBIT C  
CODE

LAW OFFICES

---

**T**UNNELL  
& **R**AYSOR, P.A.

---

Sussex County, DE  
Thursday, June 25, 2020

## Chapter 115. Zoning

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

#### § 115-22. Conditional uses.

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

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

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

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

Aquariums, commercial

Beaches, commercial

Biotech campus

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

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

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

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

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

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums, but not animal hospitals

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

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

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

Livestock auction markets in an AR District

Marinas or yacht clubs

Multifamily dwelling structures and/or townhouses and/or town homes, subject to the provisions of

this chapter when:

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

- A. Said multifamily dwelling structures and/or townhouses and/or town homes, the owners of which would share and own in common the surrounding grounds (which may also be referred to herein collectively as "units"), lie within a Town Center, a Developing Area, or a Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan; and  
[Amended 5-21-2019 by Ord. No. 2656]
- B. The developer has proffered to Sussex County for the purpose of creating open space for preservation and/or active and/or passive recreation areas a development fee per unit, as described in Chapter 62, § 62-7, for every unit in excess of two units per gross acre that is included in the application; and
- C. The Sussex County Council prior to the signing of a contract to purchase or lease open space for preservation and/or active and/or passive recreation areas shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this amendment. All such approvals by the Council shall be by a four-fifths majority vote and shall include a determination that the land and/or conservation easement to be acquired is located in the same watershed area as the land where the bonus density will be located; and
- D. It is understood that Sussex County shall control all monies paid to it under this amendment and that the Sussex County Land Trust may act as a recommending body and/or partner at the discretion of the Sussex County Council; and
- E. The maximum number of multifamily dwelling structures and/or townhouses and/or town homes, as defined in Subsection A above, included in the application, shall not exceed four dwelling units per gross acre, including land set aside for common open space and/or recreational uses; and
- F. The minimum percentage of the total site which shall be set aside as common open space shall be 40% of the total land area included in the application; and
- G. There shall be a vegetated buffer of not less than 75 feet, subject to the following conditions:
  - (1) The vegetated buffer shall be located adjacent to a numbered road shown on the General Highway Map for Sussex County and may include the required setback area from the road and shall be kept free of vehicle parking areas, buildings and structures; and
  - (2) The vegetated buffer shall include a mix of deciduous shade trees and evergreen trees, a majority of which shall be of common local species; and
  - (3) The deciduous shade trees shall include trees reasonably capable of attaining a minimum trunk diameter of two inches measured 3.5 feet above the ground within five years of being planted; and
  - (4) The evergreen trees shall include trees reasonably capable of attaining a minimum height of 10 feet above the ground within five years of being planted; and
  - (5) The goal of the landscape plan for the buffer area shall be include trees of the type indicated herein that will be planted in a natural manner, as they might appear in nature, as opposed to being planted in row fashion which will filter views from the road in such a manner that the dwelling units appear more green and less dense than if no landscaping had been required; and
  - (6) A further goal of the landscape plan would be to avoid placing plantings in an area adjacent to the entrance to the development in such a manner as to restrict the view of motorists entering or exiting from the development or restricting sight lines for motorists in such a manner as to create a potential safety hazard; and
  - (7) The landscape plan for the buffer area shall be designed and signed by a Delaware licensed landscape architect and approved by the Planning and Zoning Commission and County Council; and
- H. Council and/or the County Administrator may consider and authorize an expedited review of a conditional use application filed under this section; and
- I. Multifamily dwelling structures and/or townhouses and/or town homes shall not be considered as

a conditional use under any other provision of this section which existed prior to the date of this amendment; and

- J. The density bonus fee for each multifamily and/or townhouse and/or town home dwelling unit in excess of two units per gross acre shall be determined by reference to and the use and application of the per-unit density bonus fees adopted as part of Ordinance 1842 and applicable to cluster developments and appearing in Chapter 62, Article III, § 62-7, as the same may hereafter be modified by Council, from time to time. Council will review the fees for a density bonus under the terms of this amendment on an annual basis and revise such fees as it deems necessary by an appropriate amendment.

Manufactured home parks

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

Nursing and similar care facilities

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

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

Private clubs

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

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

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

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

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

[Added 4-6-2004 by Ord. No. 1677<sup>[1]</sup>]

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

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

Sports arenas or stadiums, commercial athletic fields or baseball parks

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

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

Swimming or tennis clubs, private, nonprofit or commercially operated

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

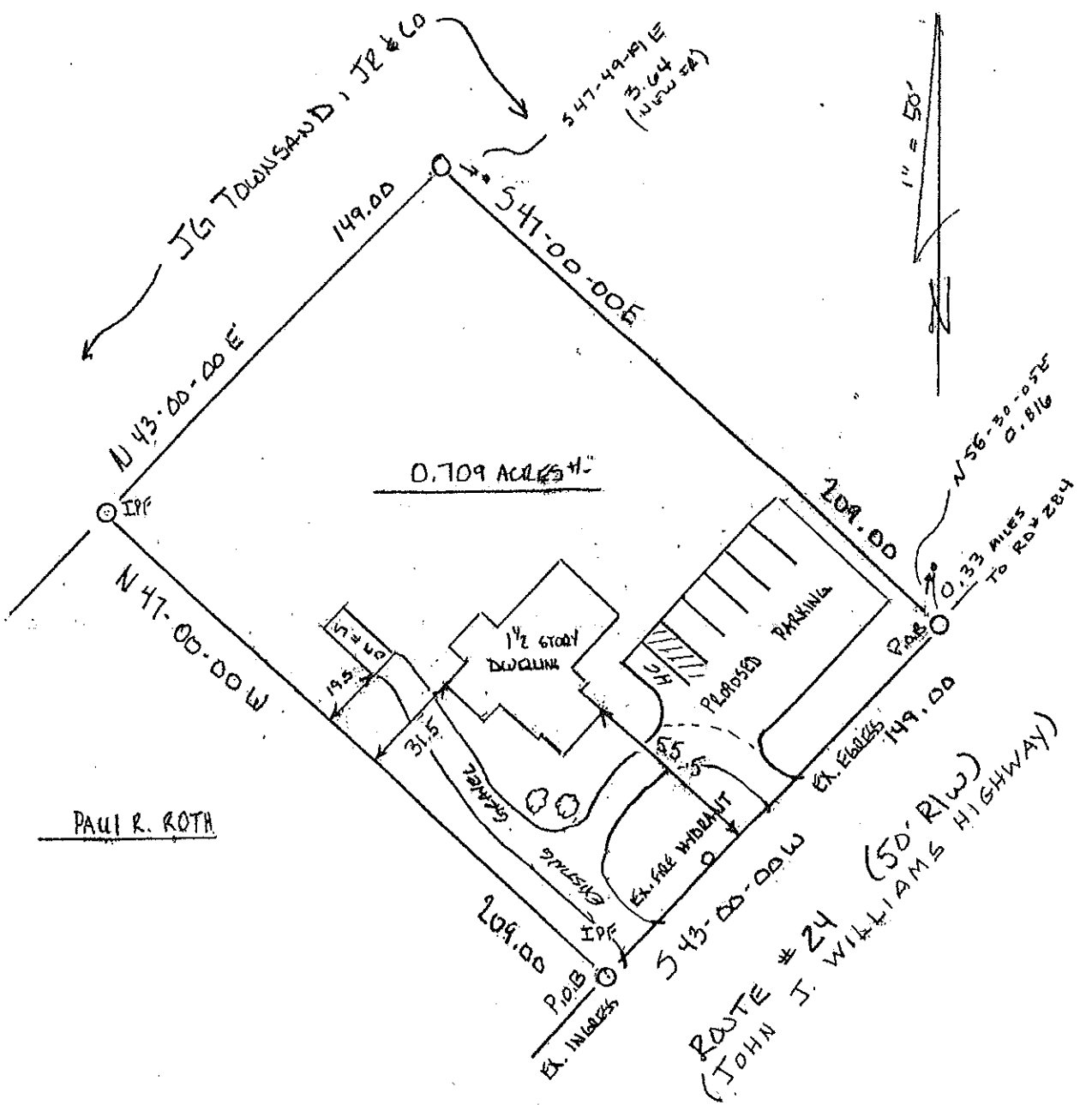
EXHIBIT D  
SURVEY

LAW OFFICES

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**T**TUNNELL  
&**R**AYSOR, P.A.

---



PAUL R. ROTH

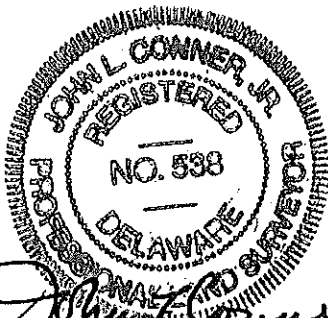
SITE PLAN

LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



John L. Conner, Del. P.L.S. 538

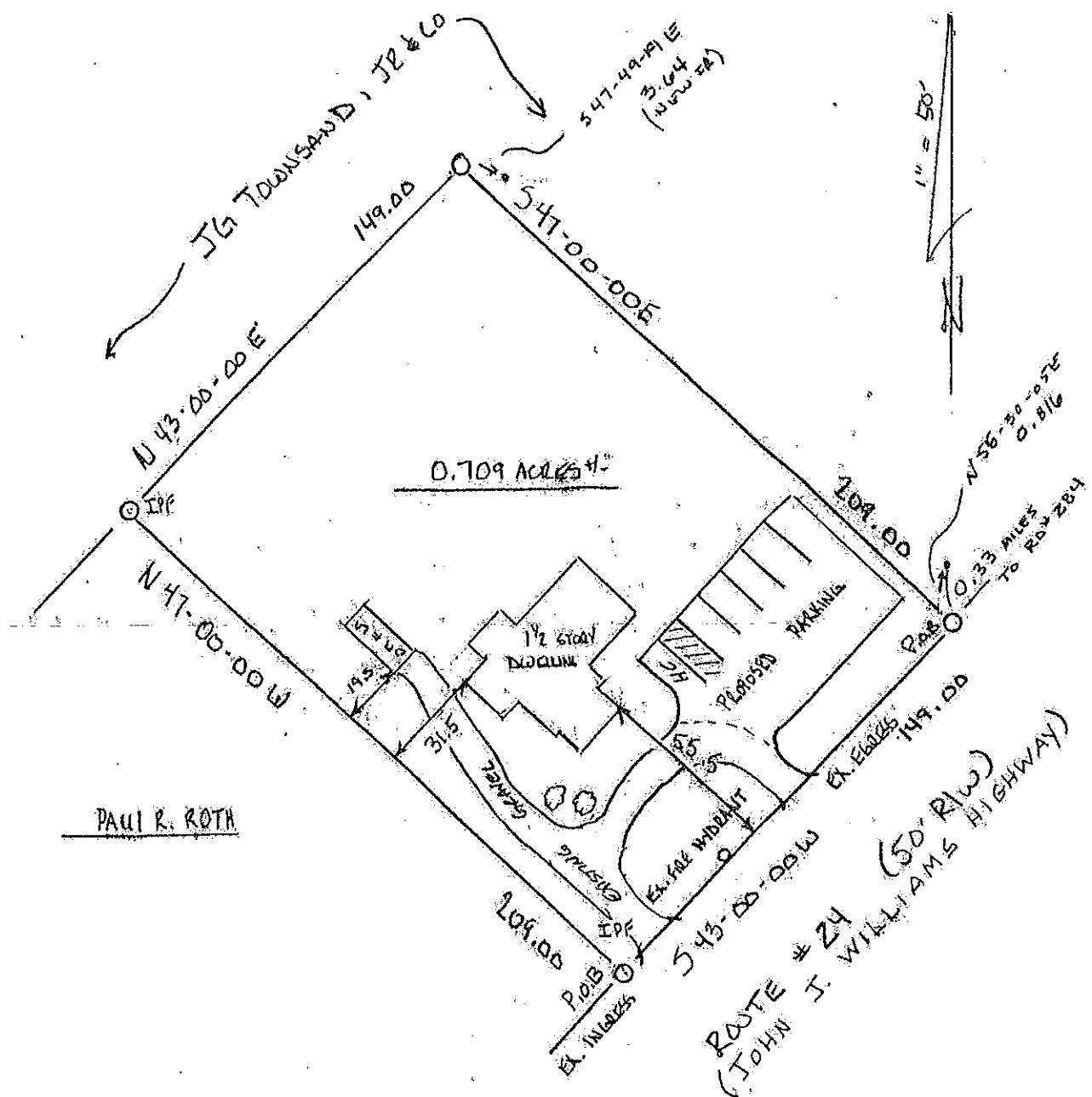
CLASS 'B' SURVEY

**MANN ASSOCIATES SURVEYING, INC.**

401A N. Central Ave.  
Laurel, DE 19956  
(302) 875-4440

405-09





PAUL R. ROTH

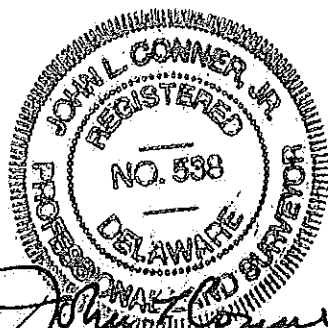
SITE PLAN

LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



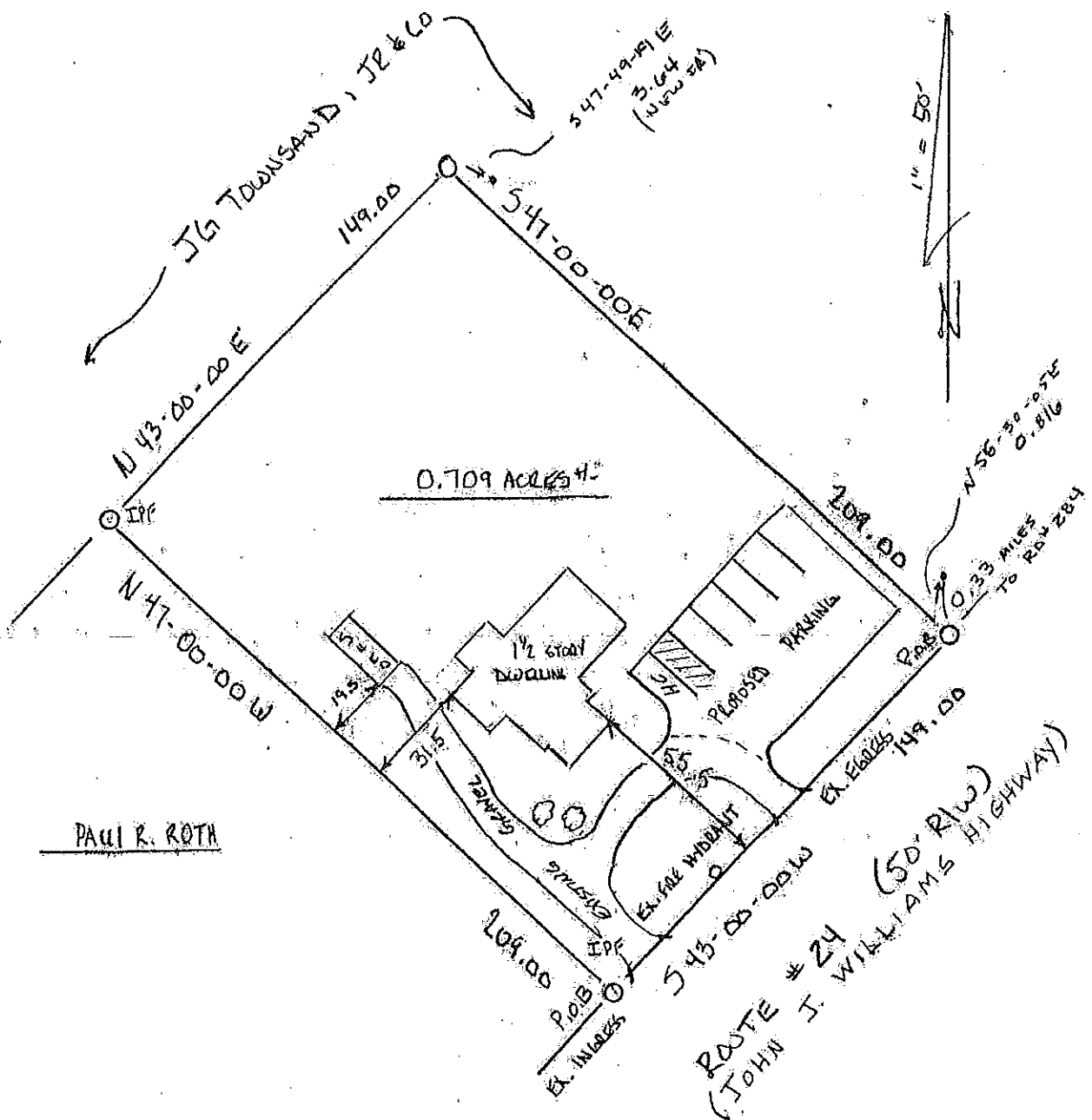
*John L. Conner* 7/12/05  
 John L. Conner, Del. P.L.S. 538

**MANN ASSOCIATES SURVEYING, INC.**

401A N. Central Ave.  
 Laurel, DE 19956  
 (302) 875-4440

405-09

CLASS 'B' SURVEY



PAUL R. ROTH

SITE PLAN

LEWES & RENOVATH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



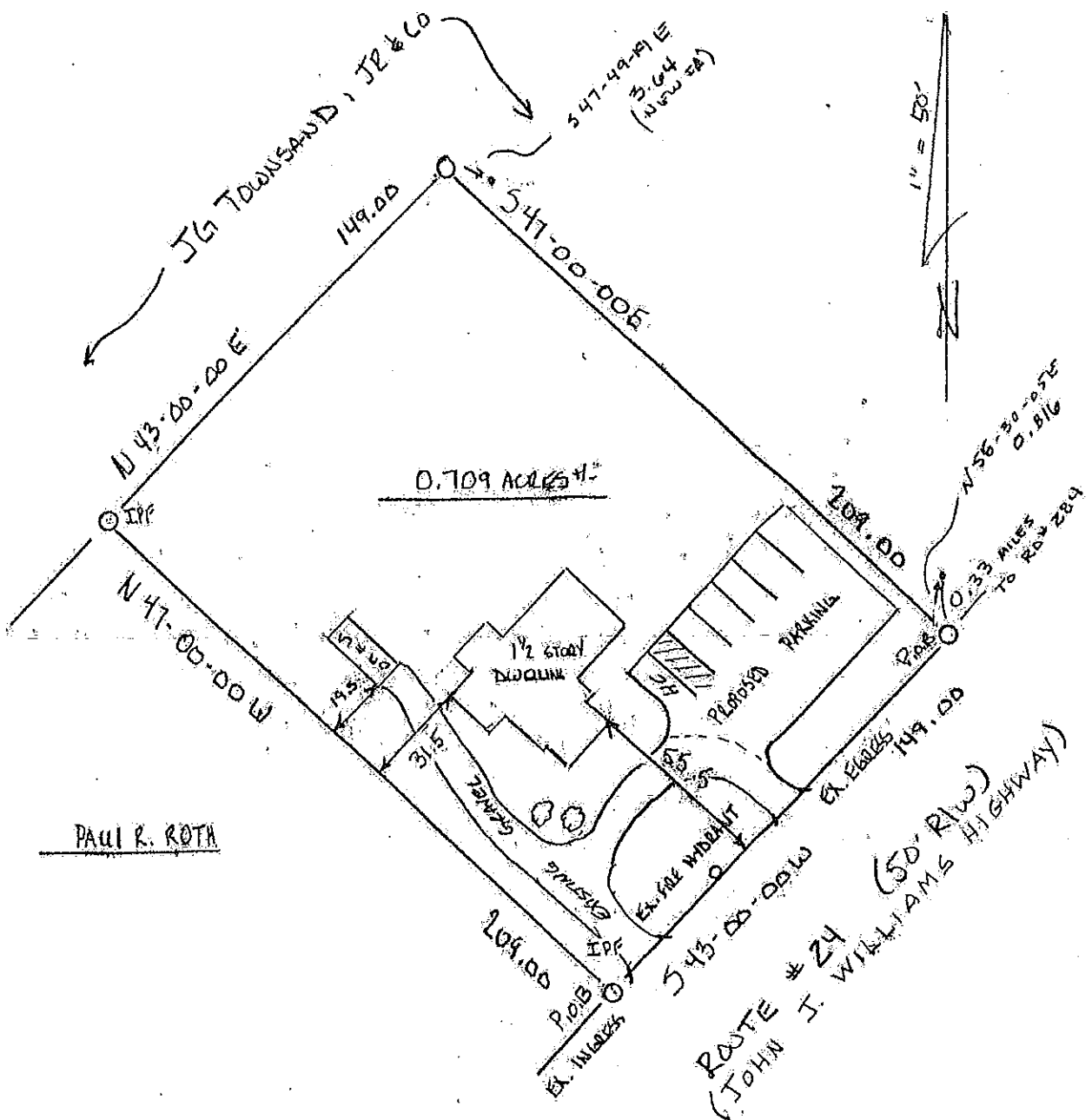
John L. Conner, Del. P.L.S. 538

CLASS 'B' SURVEY

**MANN ASSOCIATES SURVEYING, INC.**

401A N. Central Ave.  
 Laurel, DE 19956  
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405-09



PAUL R. ROTA

SITE PLAN

LEWES & RENOBOTH HUNDREN - SUSSEX COUNTY - DELAWARE

PREPARED FOR

ROBIN R. MAY

TAX MAP # 3-34-12-24



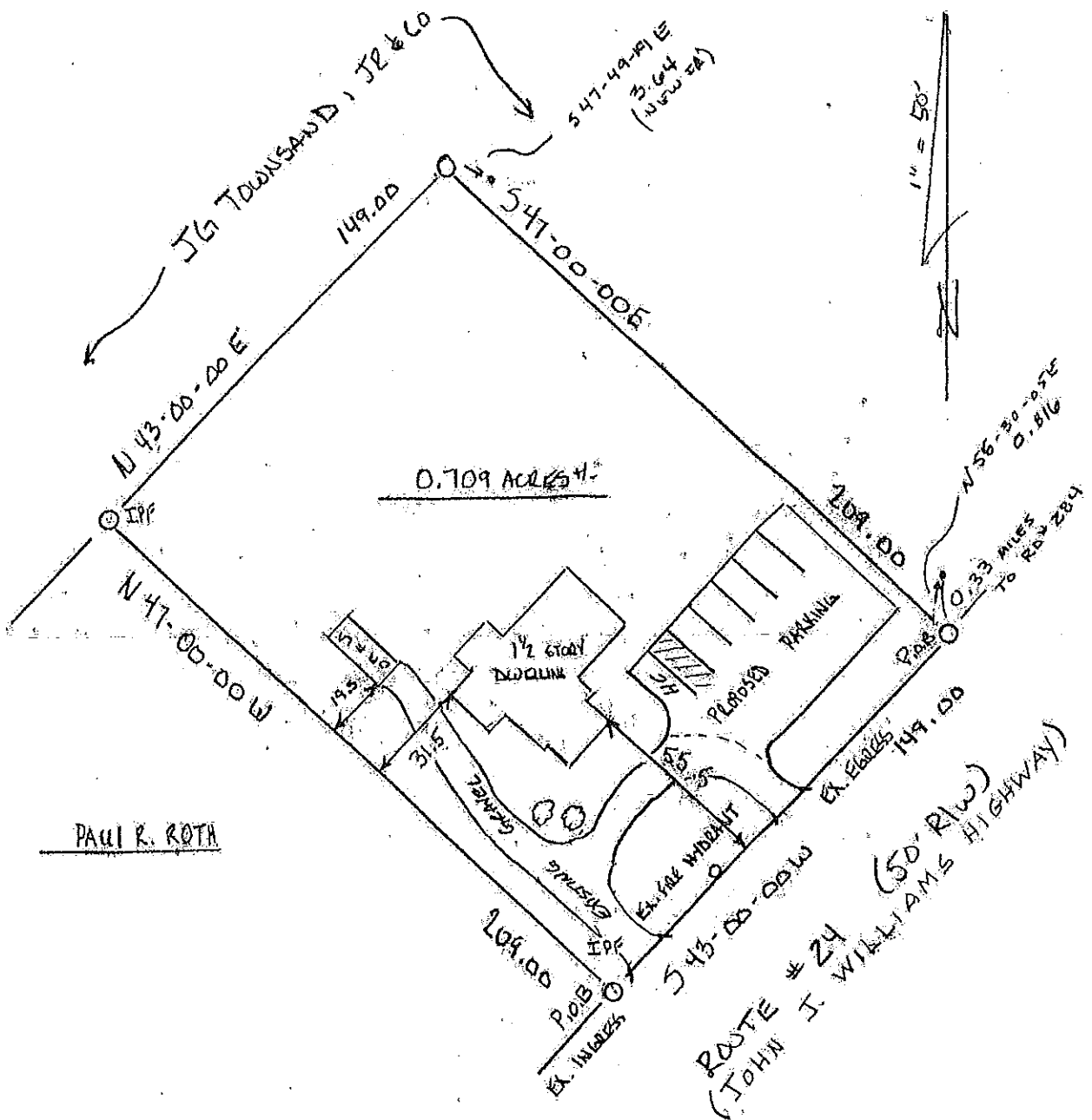
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John L. Conner, Del. P.L.S. 538

CLASS 'B' SURVEY



PAUL R. ROTA

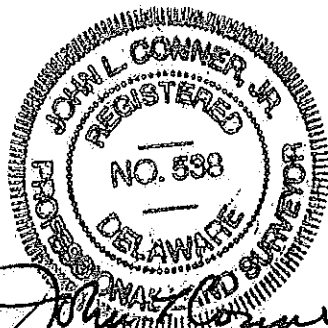
SITE PLAN

LEWES & RENOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

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ROBIN R. MAY

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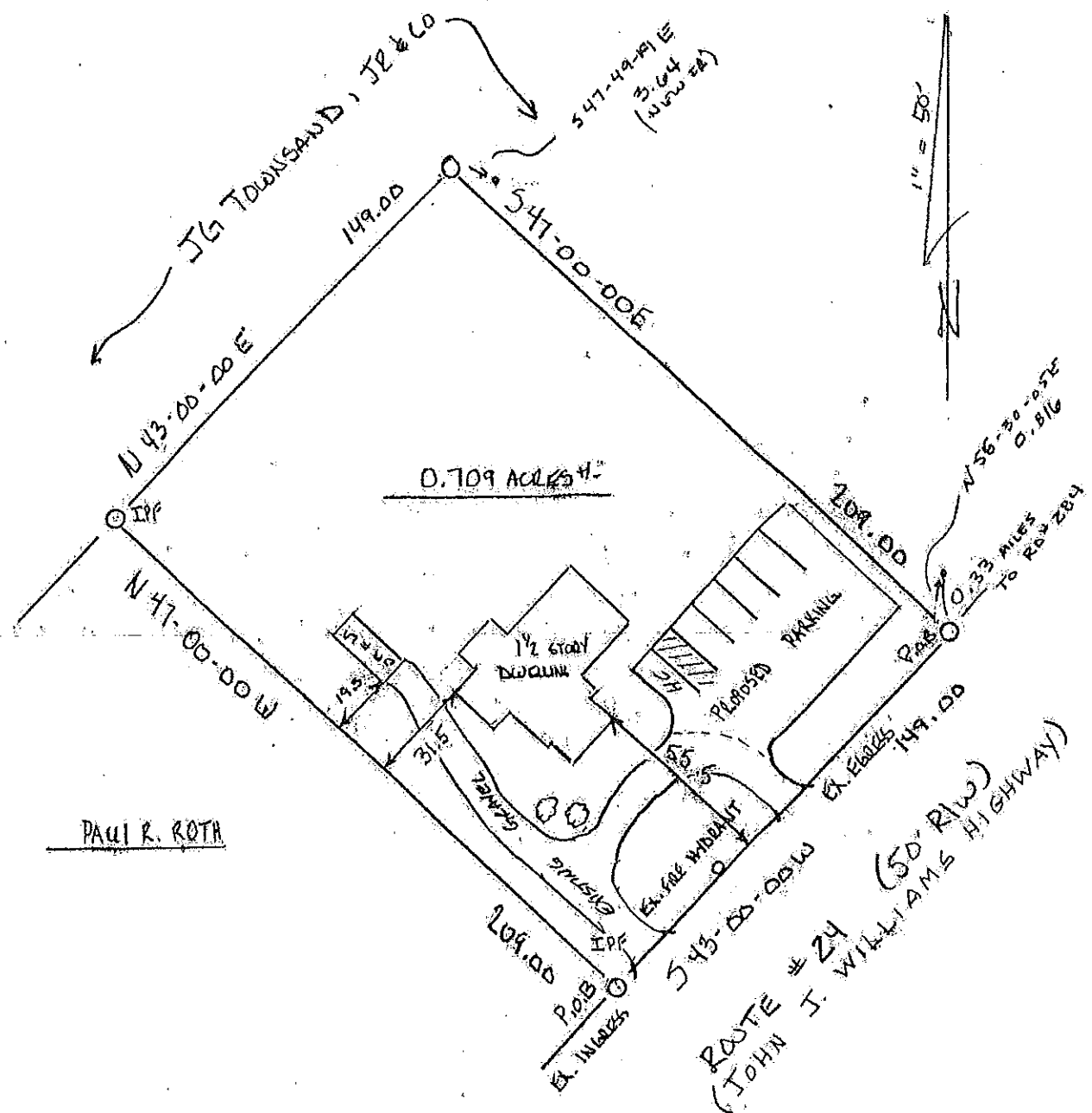
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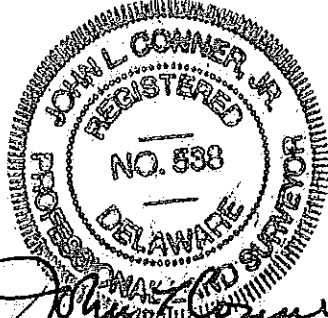
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LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



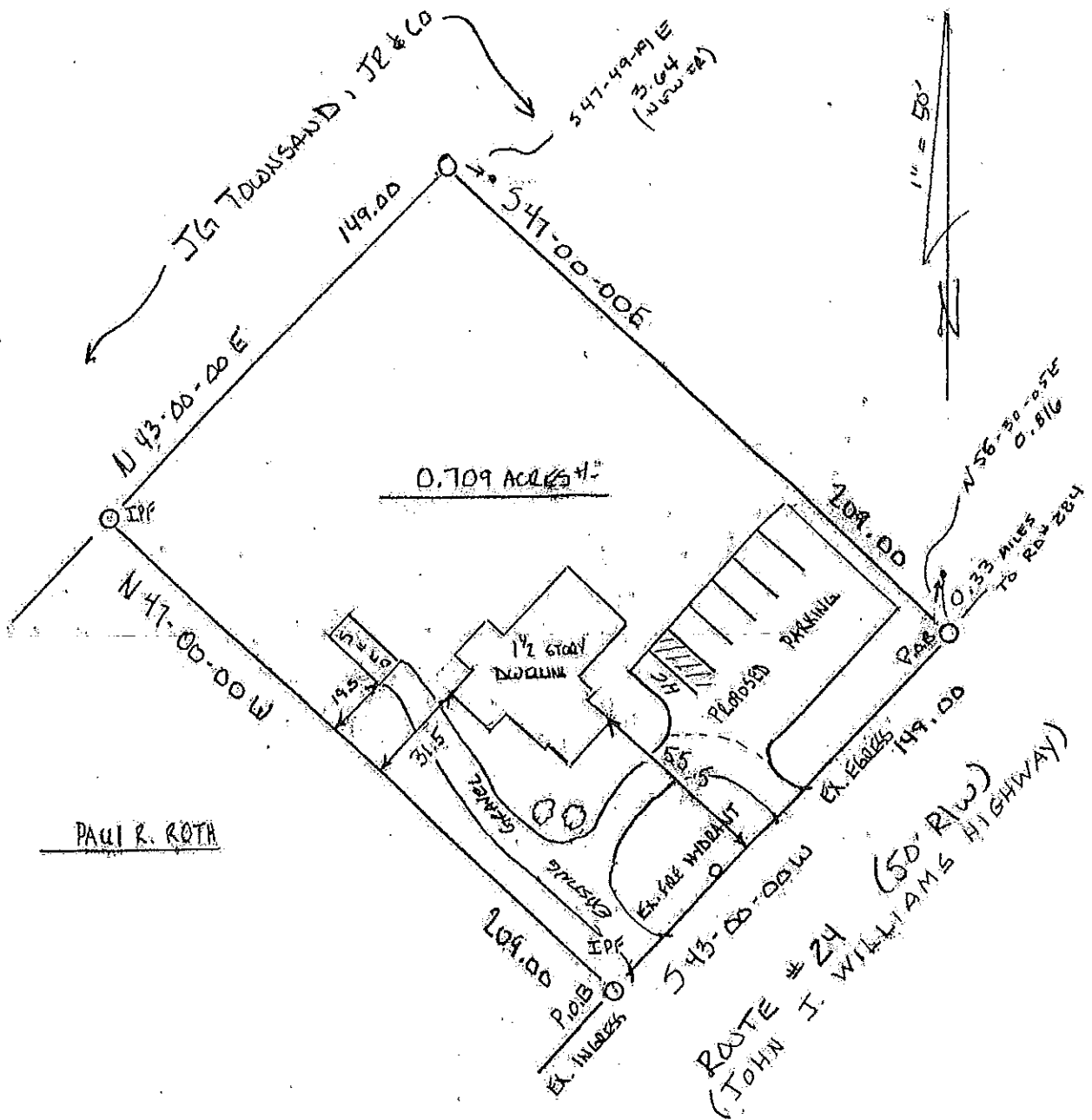
*John L. Conner* 7/12/05  
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PAUL R. ROTH

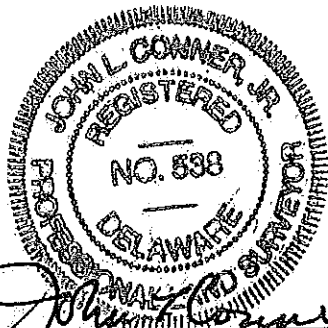
SITE PLAN

LEWES & RENOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



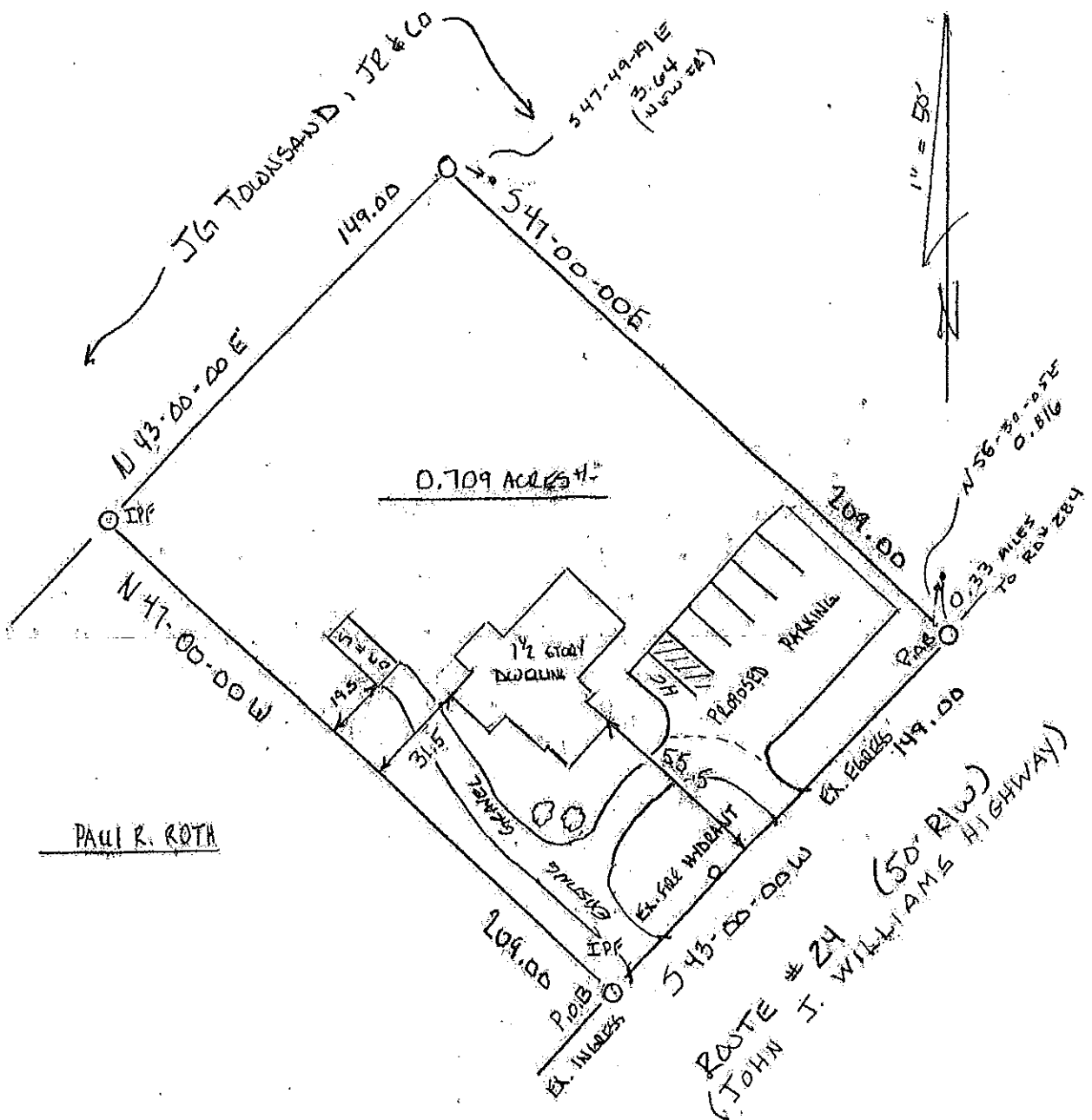
*John L. Conner* 7/12/05  
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405-09

CLASS 'B' SURVEY



PAUL R. ROTH

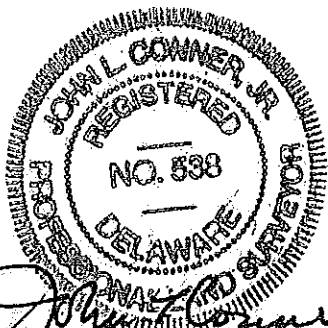
SITE PLAN

LEWES & RENOBOTH HUNDREN - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



*John L. Conner* 7/12/05  
 John L. Conner, Del. P.L.S. 538

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401A N. Central Ave.  
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405-09

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