



Memorandum

To: Sussex County Planning Commission Members From: Jamie Whitehouse, Director, Department of Planning & Zoning; Jenny Norwood, Planning and Zoning Manager; Lauren DeVore, Planner III; Christin Scott, Planner I; Nicholas Torrance, Planner I; and Elliott Young, Planner I CC: Vince Robertson, Assistant County Attorney Date: September 2, 2021 RE: Other Business for the September 9, 2021 Planning Commission Meeting

This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the September 9, 2021 Planning Commission meeting.

Plantation Square (S-18-54)

Final Site Plan

This is a Final Site Plan for two proposed two-story commercial business buildings totaling 49,450 square feet, 253 parking spaces and other site improvements on a 6.058 +/- acre parcel located on the southwest side of Plantations Road within the Henlopen TID. Staff notes there are currently 22 parking spaces that are located within the front setback and the applicant is seeking relief from that requirement. Staff also note that interconnectivity is also shown with the parcel located directly to the south currently zoned AR-1. The Preliminary Site Plan Complies with the Sussex County Zoning Code. Tax Parcel: 334-12.00-57.01. Zoning: B-1 (Neighborhood Business Zoning District). Staff are in receipt of all agency approvals.

Riverside Apartments (F.K.A. Riverside Plaza)

Final Site Plan

This is a Final Site Plan for the establishment of five (5) 24-unit, 3-story apartment buildings, one (1) 22-unit, 3-story apartment building, four (4) parking garages, a 2,500 square foot pool house, pool, parking, and other site improvements. The property is located on the southeast side of John J. Williams Highway (Rt. 24) and Oak Orachard Road (Route 5). The Preliminary Site Plan was approved by the Planning & Zoning Commission at their meeting of Thursday, September 8, 2016. This plan complies with the Sussex County Zoning Code. Tax Parcel: 234-29.00-69.01. Zoning: B-1 (Neighborhood Business) Zoning District. Staff are in receipt of all agency approvals.

Eastern Shore Natural Gas

Preliminary Site Plan

This is a Preliminary Site Plan for Eastern Shore Natural Gas for the creation of a proposed meter & regulator station and other site improvements to be located on the west side of Beaver Dam Road (S.C.R 285) at an existing natural gas site. The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 234-16.00-12.00. Zoning: GR (General Residential) Zoning District. Staff are awaiting agency approvals.



BM

KS

Other Business Memo for September 9, 2021 Page 2

American Way Warehouse (American Cedar & Millwork)

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the establishment of a 9,900 square feet, one-story showroom/storage building to an existing site. The property is located on the southwest side of Coastal Highway (Route 1) off American Way. This plan was last viewed by the Planning & Zoning Commission at their meeting off Thursday, July 8, 2021 where the Commission requested interconnectivity to be shown or explained why it cannot be shown. The requested information has been provided. This plan complies with the Sussex County Zoning Code. Tax Parcels: 334-6.00-487.00, 488.00, & 489.00. Zoning: C-1 (General Commercial) Zoning District. Staff are awaiting agency approvals

SoDel Concepts Office - Rehoboth

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the establishment of a 2-story 2,826 square foot office building, parking and other site improvements. The property is located on the southwest corner of Coastal Highway (Route 1) and Ann Avenue. The applicant is requesting a reduction in the parking requirements from 24 spaces to 12 spaces. The Applicant is also requesting to allow for all 12 spaces to be located within the front yard setback. The plan otherwise complies with the Sussex County Zoning Code. The Revised Preliminary Site Plan was last viewed by the Planning & Zoning Commission at their meeting of Thursday, July 22, 2021 where the Commission requested more detail on what the office will be used for and the elevations of the proposed building. This requested information has been provided. Tax Parcel: 334-20.13-27.00. Zoning: C-1 (General Commercial) Zoning District. Staff are awaiting agency approvals.

Cleanbay Renewables (C/U 2113)

Determination as to whether Substantially Underway

This is to determine whether Conditional Use No. 2113 filed by Cleanbay Renewables, LLC has met the criteria for "Substanitally Underway." Conditional Use No. 2113 was approved by the Sussex County Council at their meeting of Tuesday July 31st, 2018 and adopted through Ordinance No. 2589. A Preliminary Site Plan was then submitted and approved by the Sussex County Planning and Zoning Commission at their meeting of Thursday July 8th, 2021. After a staff review of the site and the appropriate documents being provided, the Sussex County Planning and Zoning Staff sent a letter on August 9th, 2021 stating that the Conditional Use had lapsed. The applicant has since provided documentation for reconsideration of staff's findings. The documentation has been provided in the paperless packet. Tax Parcel: 133-6.00-123.00 Zoning: AR-1 (Agricultural Residential) Zoning District

Lands of Kenneth & Donna Bender

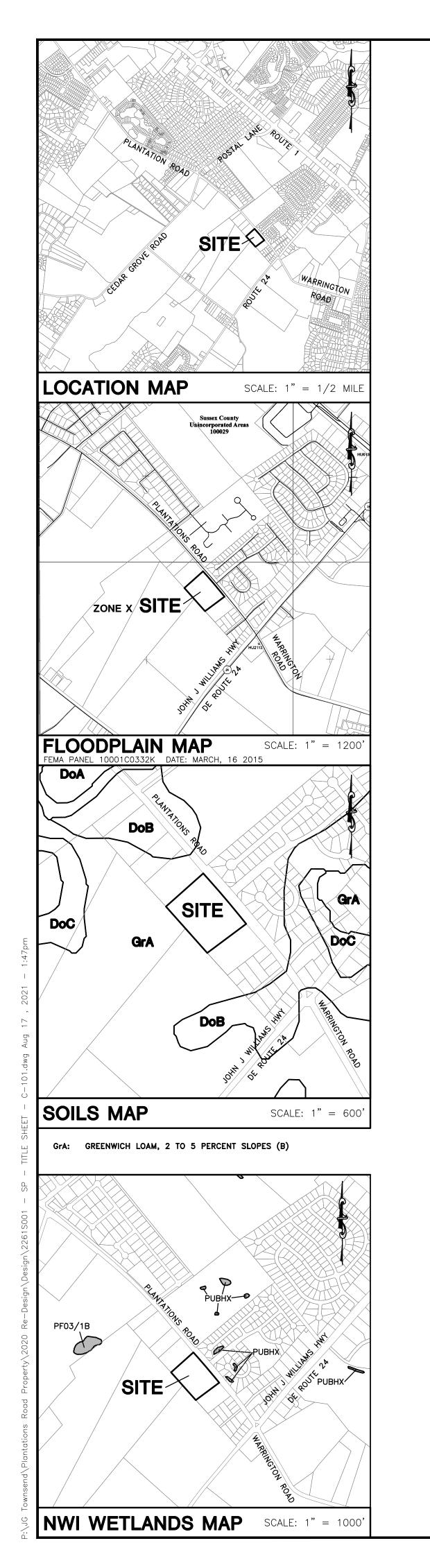
Minor Subdivision off a 50-ft Easement

This ia a Minor Subdivision Plan for Lands of Kenneth and Donna Bender for the establishment of two (2) proposed lots off a 50-ft ingress/egress access easement. The parcel is located on the southwest side of Memory Road (S.C.R. 613). This proposal is not located within the Henlopen TID. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcels: 430-3.00-22.00, 430-3.00-22.01, 430-3.00-23.00 Zoning: AR-1 (Agicultural Residential) Zoning District. Staff are awaiting agency approvals.

KS

KH

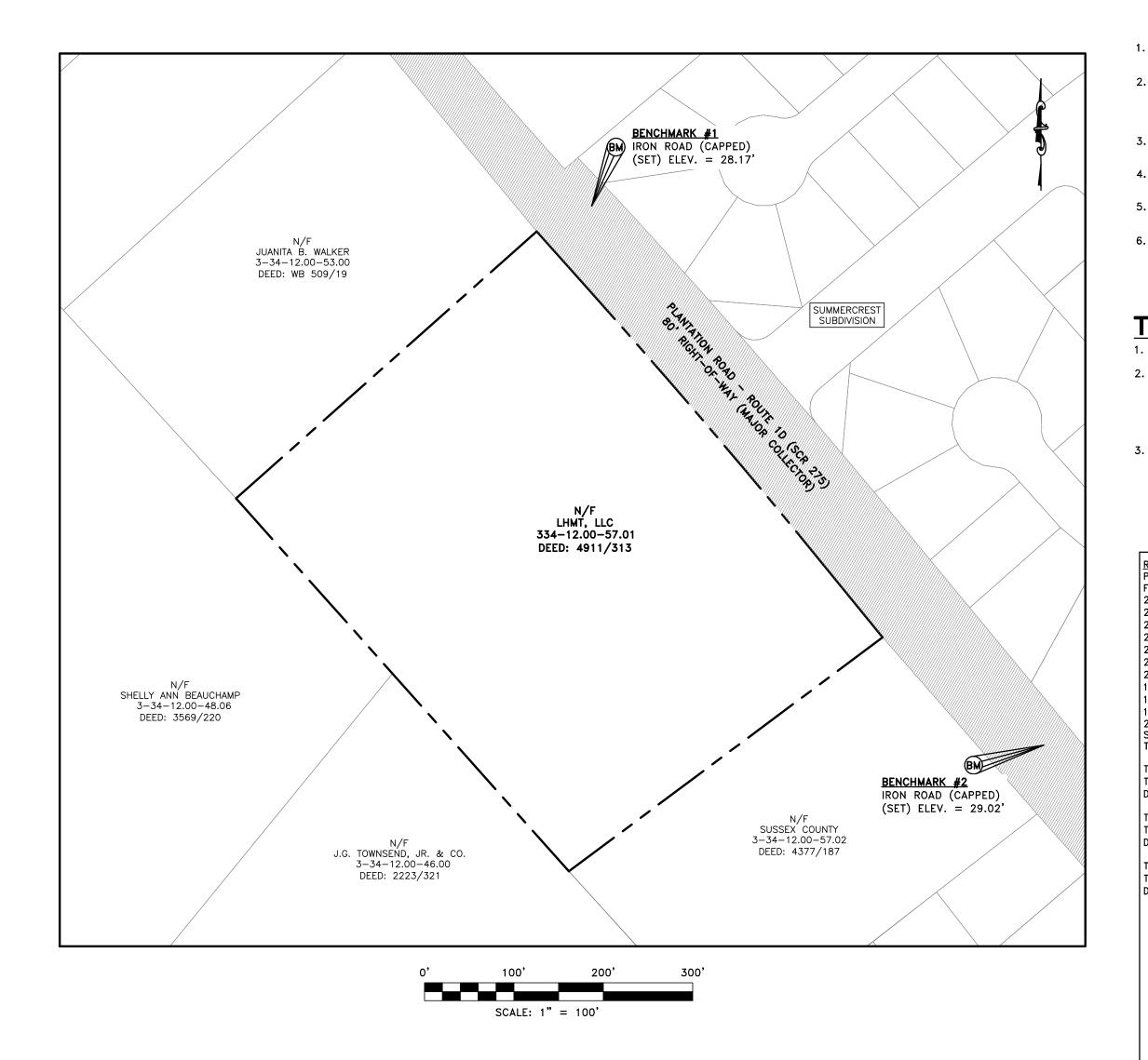
KH



DATA COLUMN

TAX MAP NUMBER:	3-34-12.00-57.01
<u>DATUM</u> VERTICAL: HORIZONTAL:	NAVD 83 NAD 83 (STATE PLANE)
BENCHMARK #1 IRON ROD (CAPPED) (N: 264852.7503 E: 733461.6720	
LAT: 38°43'36.99" LON: ELEV= 28.17' NE OF NORTH PROPER	
BENCHMARK #2 IRON ROD (CAPPED) (N: 264249.1144 E: 733967.4085	
LAT: 38°43'31.00" LON: ELEV.= 29.02' NE OF SOUTH PROPER	
	WAS PERFORMED BY DAVIS BOWEN AND WARE ON DECEMBER 6, 2017
<u>PROJECT COORDINATES</u> SITE – LAT: LON:	38°43'32.9961" –75°08'45.2036"
	NEIGHBORHOOD BUSINESS (B-1) NEIGHBORHOOD BUSINESS (B-1)
<u>AND USE</u> LOCAL AGENCY: EXISTING USE: PROPOSED USE:	SUSSEX COUNTY AGRICULTURAL OFFICE BUILDINGS
	ING @ 31,050 SQ FT ING @ 18,400 SQ FT = 49,450 SQ FT TOTAL
3-1 MINIMUM REQUIREME FRONT YARD SETBACK: SIDE YARD SETBACK: REAR YARD SETBACK: LOT AREA: LOT WIDTH: LOT DEPTH:	<u>ENTS</u> 60 FT. 20 FT. 30 FT. 10,000 SQ FT. 75 FT. 100 FT.
MAXIMUM REQUIREMENTS BUILDING HEIGHT:	42 FT.
<u>AREAS</u> TOTAL PARCEL AREA: EX. SITE AREA: PROP. SITE AREA:	6.041± ACRES 6.041 ACRES 5.784 ACRES
EX. NUMBER OF LOTS: PROP. NUMBER OF LO	
MAXIMUM IMPERVIOU	(5.784 ACRES) 251,932.07 SF AREA: 155,267.69 SF JS COVER: 85% COVER: 61.63% PAVEMENT BY OTHERS: 7,706.80 SF GRVIOUS AREA: 162,974.49 SF
POSTED SPEED LIMIT:	
NVESTMENT LEVEL: REQUIRED PARKING	2
1 SPACE FOR EVERY 2 49,450 SQ FT OF CON 49,450 / 200 = 247 TOTAL SPACES REQUIR	
	JIRED: 1 SPACE PER BUILDING 5,000 TO 25,000 SF 2 SPACES PER BUILDING 25,000 TO 100,000 SF BUILDING A= 30,050 SF. REQ. 2 SPACES BUILDING B= 18,400 SF. REQ. 1 SPACE TOTAL LOADING SPACES REQUIRED= 3
LOADING SPACES PROV	
SEWER PROVIDER:	WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT TIDEWATER UTILITIES
	STREET: ~870' NORTH OF DELAWARE ROUTE 24 JOHN WILLIAMS HIGHWAY
	PERTY IS NOT IMPACTED BY THE 100 YEAR MINED BY FEMA PANEL 10001C0332K.
) WITHIN THE HENLOPEN TID. T REQUIRED. SUBJECT TO DEVELOPER
WETLANDS — THERE ARE	NO WETLANDS LOCATED ON THE SITE.
DWNER/DEVELOPER LMHT, LLC 246 REHOBOTH BLVD. REHOBOTH BEACH, DE 302-226-6631 POC: NICK HAMMONDS	
PREPARED BY DAVIS, BOWEN, AND F 1 PARK AVENUE MILFORD, DE 19963 302-424-1441 POC: RING W. LARDNE	

PLANTATION SQUARE SITE PLAN PLANTATION ROAD (SCR 275) LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE SUSSEX COUNTY PLANNING & ZONING #S-18-54 DBF #2261S001 MAY, 2021



SHEET INDEX					
SITE PLANS					
SITE PLAN - TITLE SHEET	C-101				
SITE PLAN	C-102				
SIGHT DISTANCE TRIANGLE	C-103				

OWNER'S STATEMENT

I, LMHT, LLC, HEREBY STATE THAT WE ARE THE LEGAL OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

ENGINEER'S STATEMENT

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

LMHT, LLC by NICK HAMMONDS DATE

DAVIS, BOWEN & FRIEDEL, INC by RING W. LARDNER, P.E.

DATE

GENERAL NOTES

DRAINAGE, STORMWATER MANAGEMENT, AND EROSION AND SEDIMENT CONTROLS SHALL BE IN ACCORDANCE WITH THE DELAWARE SEDIMENT & STORMWATER REGULATIONS OF 2014, OR AS LATER AMENDED. MAINTENANCE OF DRAINAGE, STORMWATER MANAGEMENT, AND EROSION & SEDIMENT CONTROL PRACTICES WILL BE THE RESPONSIBILITY OF THE SITE CONTRACTOR DURING THE CONSTRUCTION PHASE OF THE PROJECT, INCLUDING CONSTRUCTION OF THE UTILITIES. WHEN THE PERMANENT DRAINAGE AND STORMWATER MANAGEMENT PRACTICES HAVE BEEN COMPLETED TO THE SATISFACTION OF THE APPLICABLE AGENCIES. MAINTENANCE WILL ULTIMATELY BECOME THE RESPONSIBILITY OF THE PROPERTY OWNERS. THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURE AS DEEMED NECESSARY.

THERE SHALL BE NO DEBRIS DISPOSAL ON THIS SITE.

THE BOUNDARY AND BASE TOPOGRAPHY SHOWN HEREON IS BASED ON A FIELD SURVEY BY DAVIS, BOWEN & FRIEDEL.

THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS, AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.

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

WATER SUPPLY - TIDEWATER UTILITY WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE STATE DIVISION OF PUBLIC HEALTH.

SANITARY SEWER - SUSSEX COUNTY ENGINEERING WILL PROVIDE SEWER SERVICE FOR THE PROPERTY. SEWER SERVICE IS SUBJECT TO THE APPROVAL OF THE STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES.

DELDOT GENERAL NOTES

ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL

UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION. AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW

FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE. AT THE DISCRETION OF THE PUBLIC WORKS INSPECTOR, ANY DAMAGED OR MISSING CURB OR SIDEWALK FOUND ON SITE WILL NEED TO BE REPAIRED OR REPLACED TO MEET CURRENT DELDOT STANDARDS.

5. THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK.

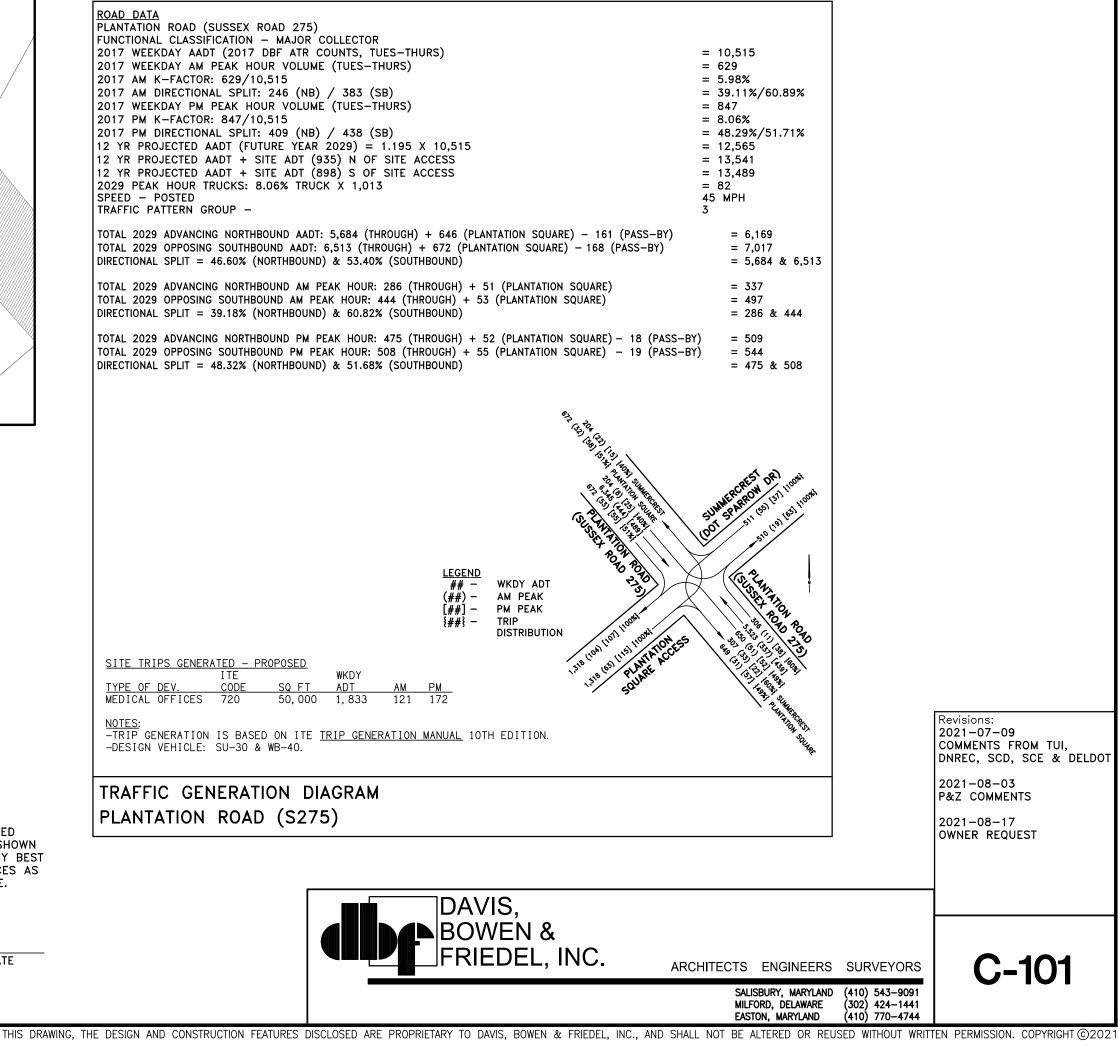
6. A PERPETUAL CROSS ACCESS INGRESS/EGRESS EASEMENT IS HEREBY ESTABLISHED AS SHOWN ON THE LONOR-RED PLAN.

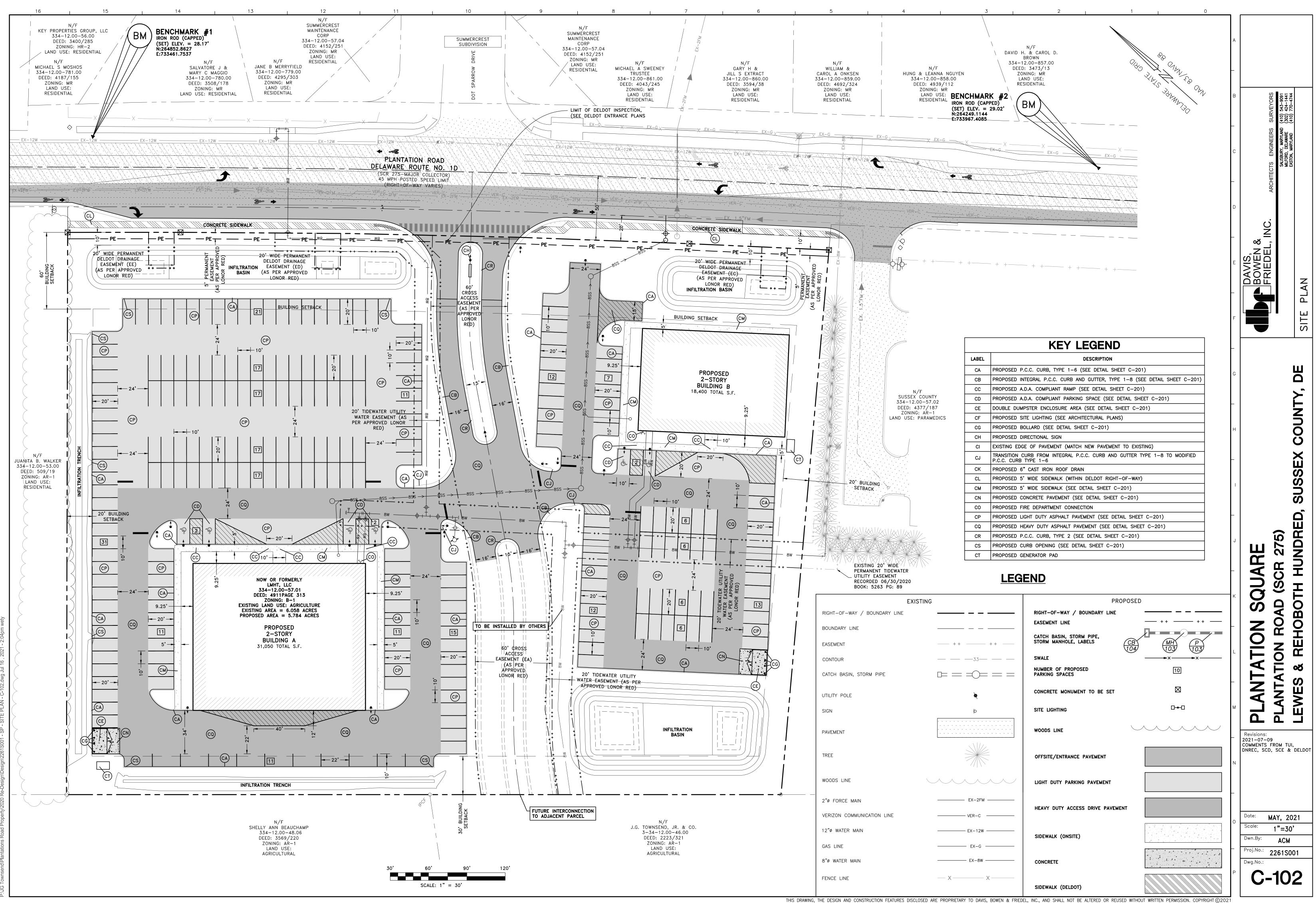
TIS (AWSF) NOTES

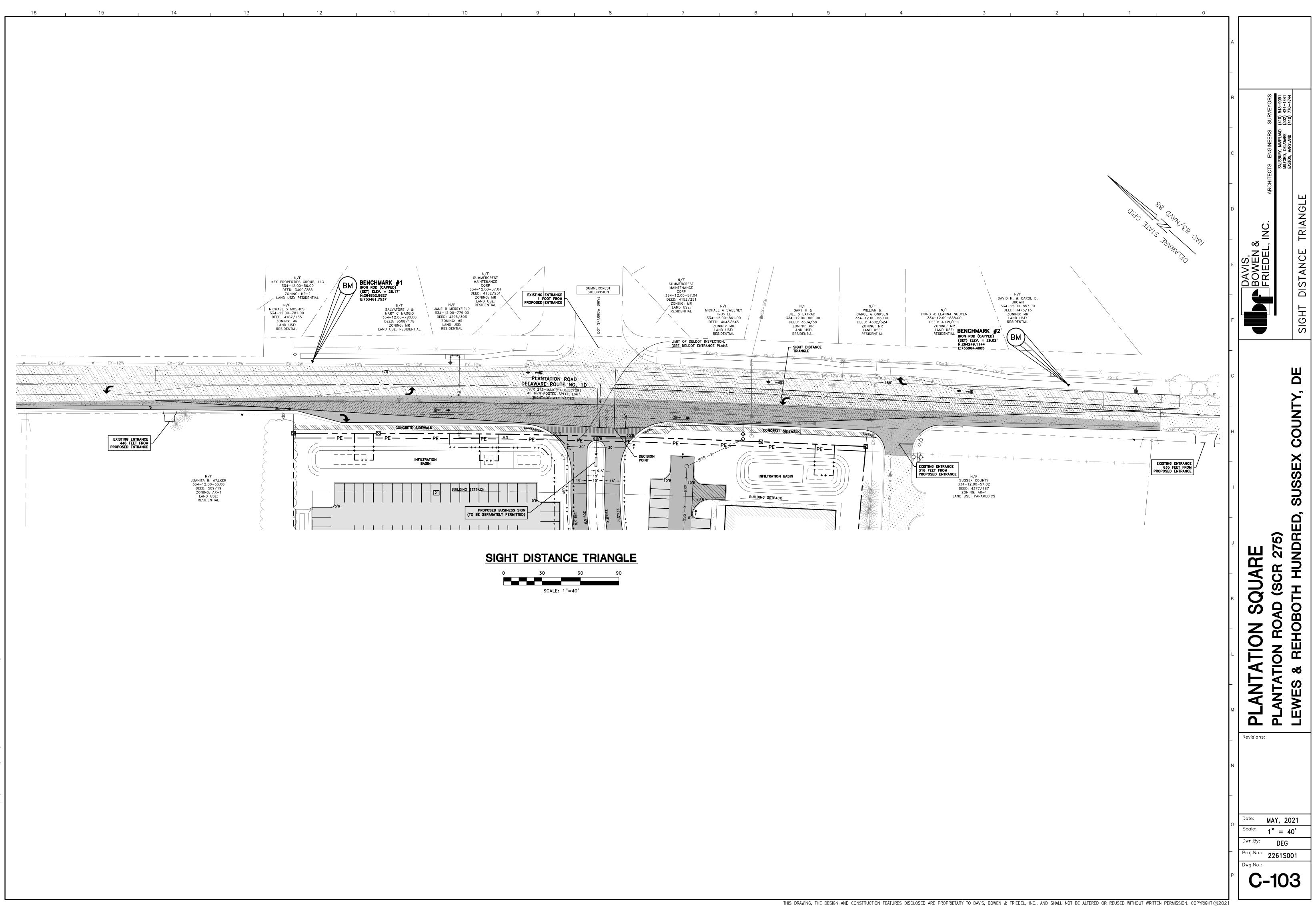
SUSSEX COUNTY DOES NOT REQUIRE A TIS.

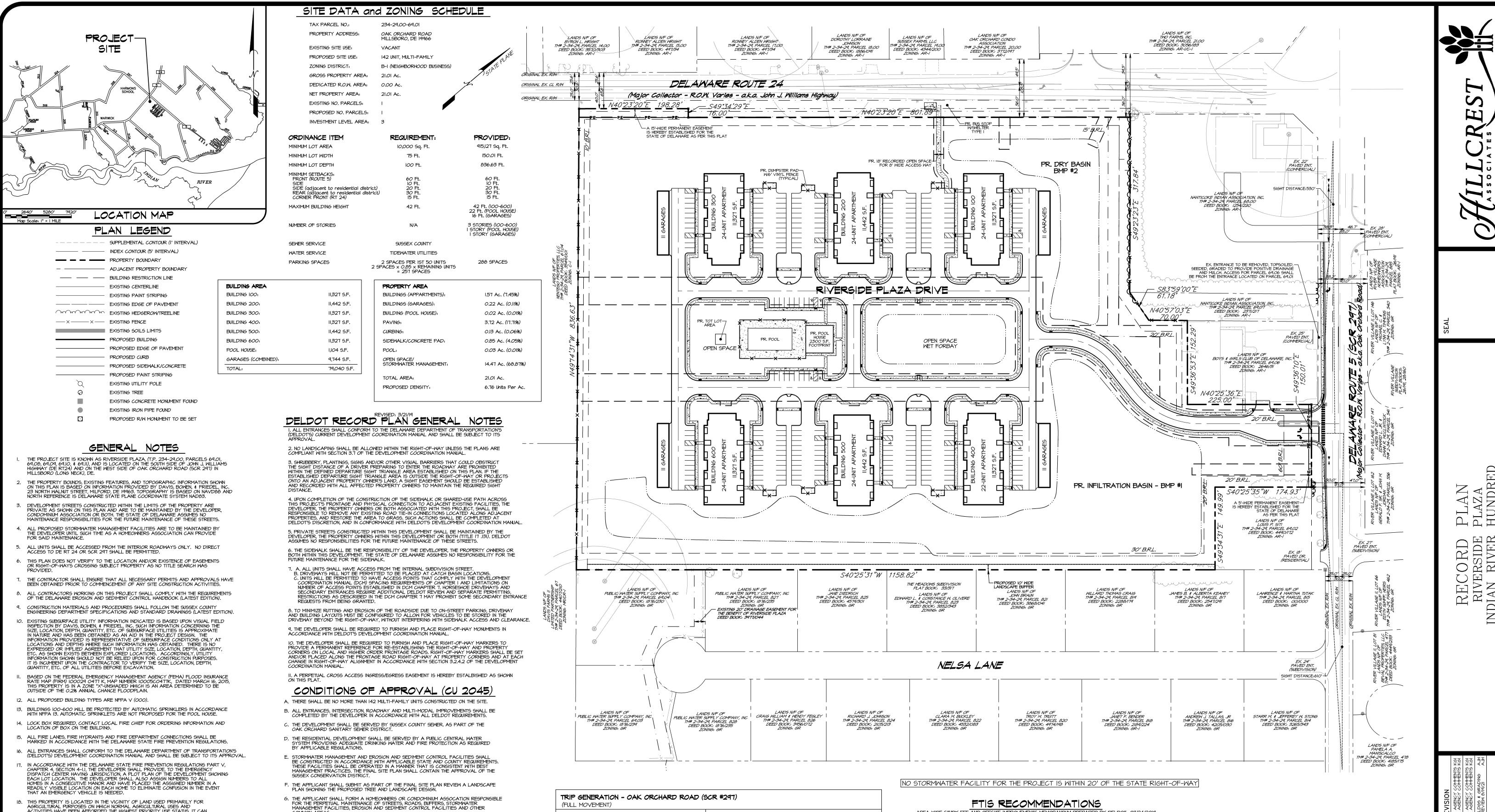
THE DEVELOPER PAYS AN AREA WIDE STUDY FEE, CALCULATED BY MULTIPLYING THE AVERAGE DAILY TRAFFIC BY \$10 PER VEHICLE TRIP END. BASED ON AN EARLIER PLAN FOR THE SITE, THE DEVELOPER PAID AN AREA WIDE STUDY FEE OF \$26,360 ON MARCH 4, 2019. AS THE FEE WOULD NOW BE LESS, THAT IS \$18,330. DELDOT WILL CREDIT THE DIFFERENCE TOWARD THE APPLICANT'S CONTRIBUTION TOWARD THE ROUTE 24 PROJECT MENTIONED ABOVE AND DISCUSSED FURTHER BELOW.

PRIOR TO THE ISSUANCE OF DELDOT'S ENTRANCE PLAN APPROVAL, THE DEVELOPER SHALL ENTER INTO AN AGREEMENT WITH DELDOT TO FUND AN EQUITABLE SHARE OF DELDOT'S IMPROVEMENTS PLANNED TO WIDEN DELAWARE ROUTE 24 FROM MULBERRY KNOLL ROAD TO DELAWARE ROUTE 1 (CONTRACT NO. T200411209).



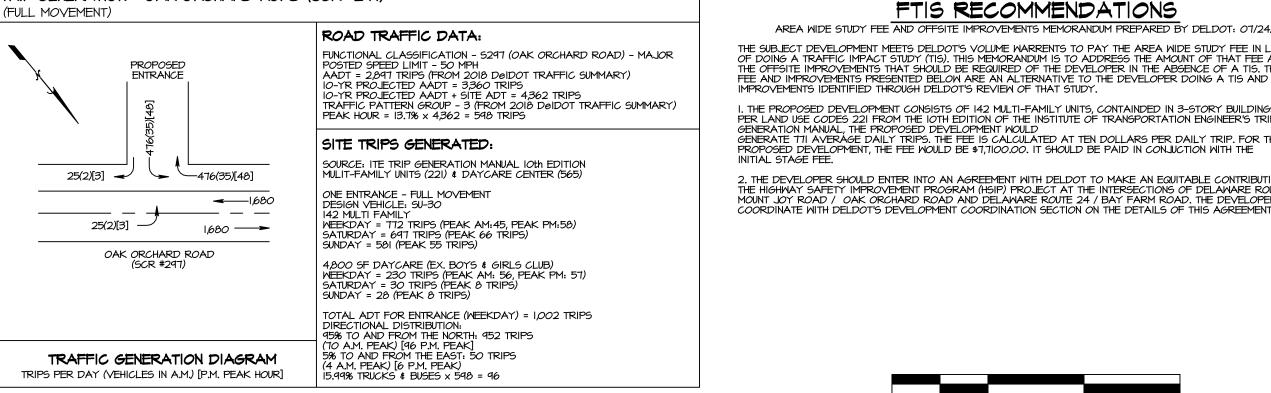






- CTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN F ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF OPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCOVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
- . PROPOSED LANDSCAPE BUFFERS ARE TO BE MAINTAINED BY THE OWNER DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECTS FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S "SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY"
- 22. THIS PROPERTY IS LOCATED WITHIN A WELLHEAD PROTECTION AREA.
- THIS PROPERTY IS LOCATED IN AN AREA OF "FAIR/GOOD" GROUNDWATER RECHARGE POTENTIAL. 24. THERE ARE NO WETLANDS ON THIS SITE.

- COMMON AREAS
- H. ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE COUNTY MAPPING AND ADDRESSING DEPARTMENT. . CONSTRUCTION, SITE WORK, GRADING AND DELIVERIES OF CONSTRUCTION MATERIALS,
- LANDSCAPE MATERIALS AND FILL ON, OFF, OR TO THE PROPERTY SHALL ONLY OCCUR BETWEEN 8:00 AM AND 6:00 PM MONDAY THROUGH FRIDAY AND ON SATURDAY BETWEEN THE HOURS OF 9:00 AM AND NOON.
- J. AS STATED BY THE APPLICANT, THERE SHALL BE A RECREATION AREA THAT WILL INCLUDE A POOL, POOL HOUSE, AND PLAYGROUND AREAS. THESE AMENITIES SHALL BE OPEN AND AVAILABLE TO THE RESIDENTS PRIOR TO THE ISSUANCE OF THE 96TH BUILDING PERMIT.
- K. AS STATED BY THE APPLICANT, SIDEWALKS SHALL BE PROVIDED THROUGHOUT THE DEVELOPMENT AS SHOWN ON THE PERIMTER SITE PLAN WITH THE ADDITION OF THE SIDEWALK CONNECTING THE BOYS AND GIRLS CLUB.
- L. A SIX FOOT HIGH PRIVACY FENCE SHALL BE PROVIDED BETWEEN THIS PROPERTY AND THE NANTICOKE INDIAN MUSEUM. DETAILS OF THE FENCE SHALL BE SHOWN ON THE LANDSCAPE PLAN INCLUDED AS PART OF THE FINAL SITE PLAN REVIEW PROCESS.
- M. AS PROPOSED BY THE APPLICANT, A SIX-FOOT HIGH PRIVACY FENCE SHALL BE ERECTED ALONG THE WEST SIDE OF THE PROPERTY AND LANDSCAPING AND A MULTI-MODAL PATH SHAL BE INSTALLED ALONG ROUTE 24. ALSO, A 10 FOOT WIDE LANDSCAPING STRIP WITH SCREENING SHALL BE PROVIDED ALONG THE SOUTH SIDE OF THE PROJECT, ADJACENT TO THE DAY MEADONS (INDIVIDED ALONG THE SOUTH SIDE OF THE PROJECT, ADJACENT TO THE OAK MEADOWS SUBDIVISION.
- N. ANY STREETLIGHTS ASSOCIATED WITH THE PROJECT SHALL BE DOWNWARD SCREENED SO THAT THEY DO NOT SHINE ON ADJACENT PROPERTIES OR ROADWAYS.
- 0. THIS PRELIMINARY APPROVAL IS CONTIGENT UPON THE APPLICANT SUBMITTING A REVISED PRELIMINARY SITE PLAN EITHER DEPICTING OR NOTING THE CONDITIONS OF THIS APPROVAL UPON IT. THE STAFF SHALL REVIEW AND APPROVE THE REVISED SITE PLAN UPON CONFIRMATION THAT THE CONDITIONS OF APPROVAL HAVE BEEN DEPICTED OR NOTED ON IT.
- P. THE FINAL SITE PLAN SHALL BE SUBJECT TO REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION. Q. THE SITE PLAN SHALL DEPICT UP TO AN ADDITIONAL 20 PARKING SPACES FOR THE PURPOSE
- OF OVERFLOW PARKING FOR GUESTS OF THE RESIDENTS OF THE COMMUNITY.



AREA WIDE STUDY FEE AND OFFSITE IMPROVEMENTS MEMORANDUM PREPARED BY DELDOT: 07/24/2019 THE SUBJECT DEVELOPMENT MEETS DELDOT'S VOLUME WARRENTS TO PAY THE AREA WIDE STUDY FEE IN LIEU OF DOING A TRAFFIC IMPACT STUDY (TIS). THIS MEMORANDUM IS TO ADDRESS THE AMOUNT OF THAT FEE AND THE OFFSITE IMPROVEMENTS THAT SHOULD BE REQUIRED OF THE DEVELOPER IN THE ABSENCE OF A TIS. THE FEE AND IMPROVEMENTS PRESENTED BELOW ARE AN ALTERNATIVE TO THE DEVELOPER DOING A TIS AND THE IMPROVEMENTS IDENTIFIED THROUGH DELDOT'S REVIEW OF THAT STUDY. I. THE PROPOSED DEVELOPMENT CONSISTS OF 142 MULTI-FAMILY UNITS, CONTAINDED IN 3-STORY BUILDINGS. PER LAND USE CODES 22I FROM THE IOTH EDITION OF THE INSTITUTE OF TRANSPORTATION ENGINEER'S TRIP GENERATION MANUAL, THE PROPOSED DEVELOPMENT WOULD GENERATE TTI AVERAGE DAILY TRIPS. THE FEE IS CALCULATED AT TEN DOLLARS PER DAILY TRIP. FOR THE

PROPOSED DEVELOPMENT, THE FEE WOULD BE \$7,7100.00. IT SHOULD BE PAID IN CONJUCTION WITH THE 2. THE DEVELOPER SHOULD ENTER INTO AN AGREEMENT WITH DELDOT TO MAKE AN EQUITABLE CONTRIBUTION TO

> 80 160 40 GRAPHIC SCALE

THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) PROJECT AT THE INTERSECTIONS OF DELAWARE ROUTE 24 / MOUNT JOY ROAD / OAK ORCHARD ROAD AND DELAWARE ROUTE 24 / BAY FARM ROAD. THE DEVELOPER SHOULD

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OWNER CERTIFICATE

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

THIS PLAN SUPERCEDES

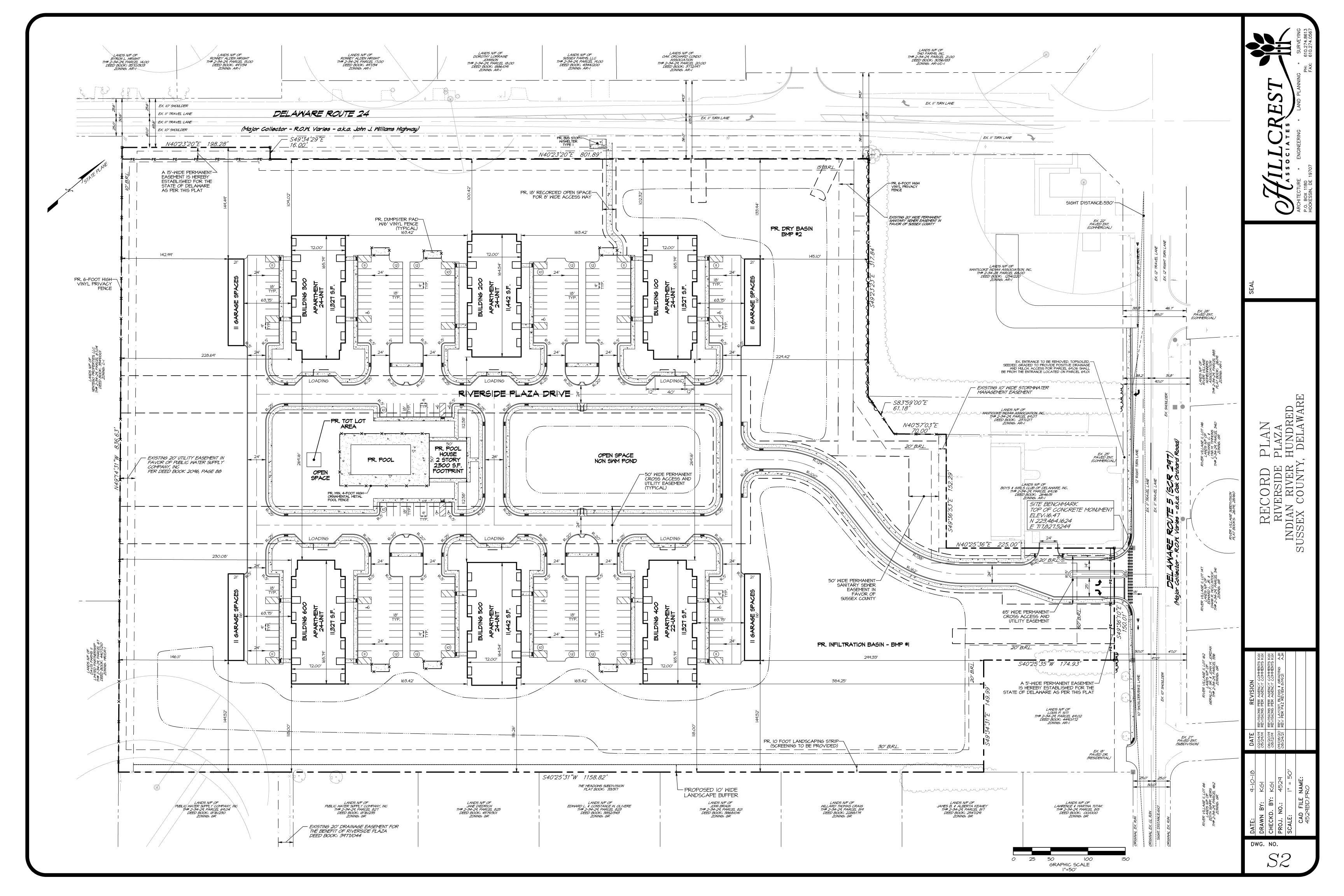
THE RECORD PLAN FOR RIVERSIDE PLAZA PREPARED BY HILLCREST ASSOCIATES, LAST REVISED SEPTEMBER ϑ , 2020 AND RECORED IN THE OFFICE OF THE SUSSEX COUNTY

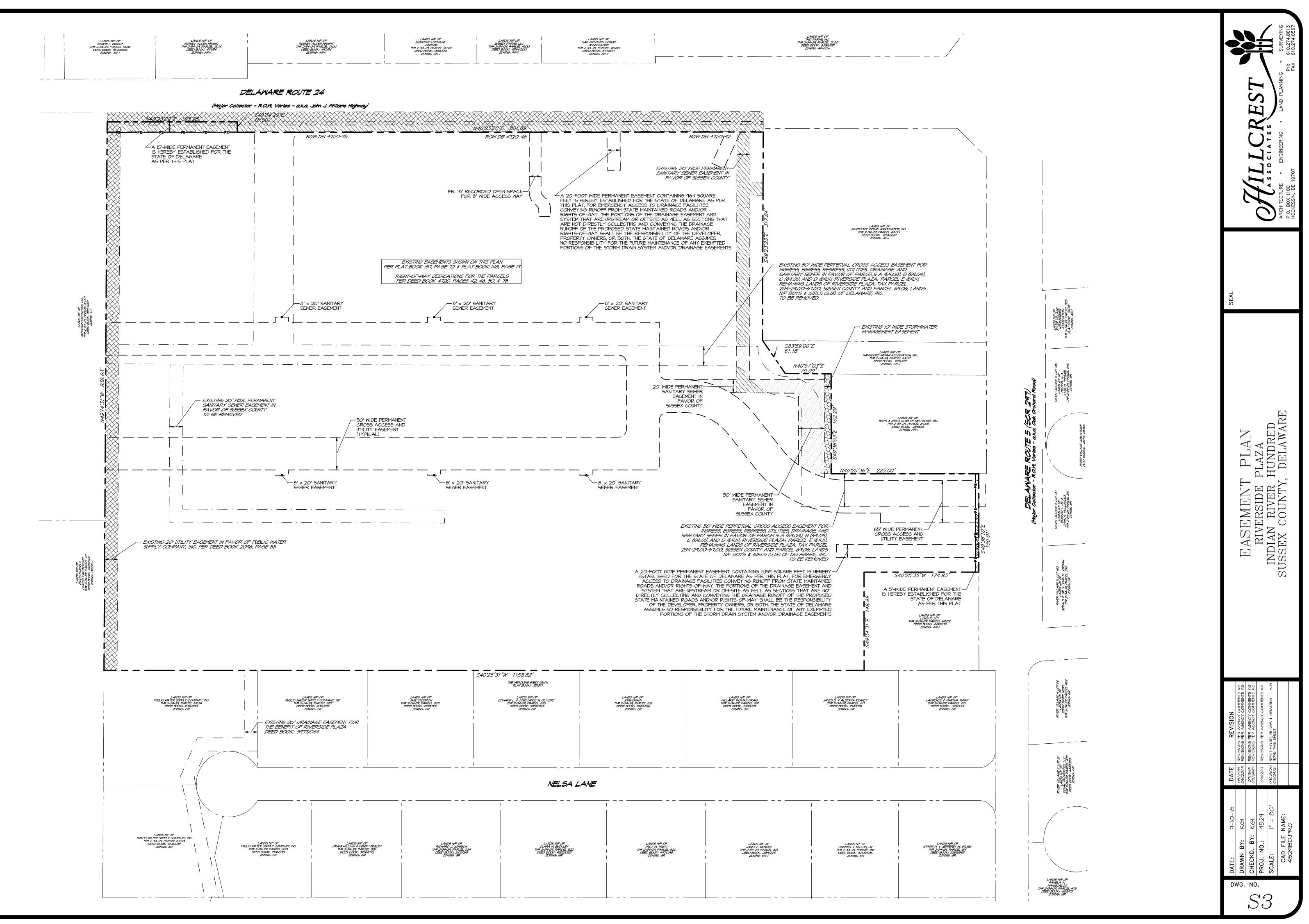
RECORDER OF DEEDS AS DOCUMNET # 20210000379 BK:341 PG: 95 ON JUNE 10, 2021.

RIVERSIDE APARTMENTS DEVELOPMENT CO., LLC 300 DELAWARE AVENUE, SUITE 1370 WILMINGTON DE 19801 Phone: 302.287.3045 Fax: jcalabro@apenninedev.com

DATE

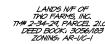
ID ARE ZE ₩/ $\exists \triangleleft$ D . H RC SIDJ VE O X X O \circ RE(RIV EX SID ΝN \mathcal{O} 88.88 DWG. NO.











LANDS N/F OF JANE DIEDRICH TM 2-34-24 PARCEL 0.25 DEED BOOK: 4574/301 ZONING: GR	S40°25'31"W 1158.82' THE MEADONG SUBDIVISION PLAT BOOK: 33/5/17 LANDS NF OF EDWARD L. & CONSTANCE W. OLIVERE TOM: 2-34-27, PARCEL 023 DEED BOOK: 3852/343 ZONING: GR	LANDS NF OF JOHN BRAIN THE 2-34-29 PARCEL B21 DEED BOCK, 3968/041 ZONING; GR	LANDS NF OF WILLARD THOMAS CRAIG TM# 2-34-29, PARCE 8/9 DED BOCK: 2288/179 ZONING; GR	LANDS NF OF JANES B. & ALBERTA KEAHEY TIMI 2-34-74 PARCEL BIT DEED BOCK: 2547/241 ZONING; GR

LANDS N/F O/F	LANDS NF OF	LANDS N/F OF	LANDS NF OF	LANDS NF OF
RICHARD J. JOHNSON	OLARA M. BUCKLEY	TTROY M. TRUTT	JANET F. BENDER	ANDREY J. TALLAS, JR
TIMI 2-34-29, PARCEL 824	TM# 2-34-29, PARCEL 822	TM# 2-34-29, TRUTT	TM# 2-34-24, PARCEL 818	TM# 254-29, FARCEL 816
DEED BOOK, 2105/213	DEED BOOK: 4532/083	DED BOOK, 4914/198	DEED BOOK, 2184/224	DEED BOCK: 4205/030
ZONING, GR	ZONING: GR	ZONING, GR	ZONING; GR-1	ZONING: GR



OFFICE OF THE STATE FIRE MARSHAL Technical Services

22705 Park Avenue Georgetown, DE 19947



SFMO PERMIT

Plan Review Number: 2020-04-204178-MJS-01 Status: Approved as Submitted

Tax Parcel Number: 234-29.00-69.01 **Date:** 07/09/2020

Project

Riverside Plaza

Riverside Plaza

Oak Orchard Road Millsboro DE 19966

Scope of Project

Number of Stories: Square Footage: Construction Class: Fire District: 80 - Indian River Volunteer Fire Co., Inc.

Occupant Load Inside: Occupancy Code: 9603

Applicant

Joseph Calabro 300 Delaware Avenue Suite 1370 Wilmington, DE 19801

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments. Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

the construction, installation and/or completion of loseph Mo ਕੇ

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2020-04-204178-MJS-01 Status: Approved as Submitted

Tax Parcel Number: 234-29.00-69.01 Date: 07/09/2020

PROJECT COMMENTS

- 1002 A This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 1050 A This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 1,500 gpm @ 20 psi residual for 2 hours duration. Hydrant Spacing: 800' on center.
- 1180 A This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
- 1190 A Separate plan submittal is required for the building(s) proposed for this project.
- 2710 A The following items will be field verified by this Agency at the time of final inspection:
- 1132 A Fire hydrants shall be color coded in accordance with the DSFPR, Part III, Section 3 4. This includes both color coding the bonnet and 2" reflective tape around the barrel under the top flange.
- 1130 A Provide a water flow test on the subdivision hydrant(s) once they have been installed, and before they are placed into service (DSFPR Part I, Section 4 4.2 and Part III, Chapter 3). Results are to be forwarded to this Agency for review.
- 1032 A Additional hydrants and/or relocation of proposed hydrants are required for this project (DSFPR Part II Chapter 6). Contact this Agency for location information.

- 1232 A All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located. DSFPR Part III,Section 1.1.5.1.
- 1332 A The distance between a fire hydrant and the fire lane shall not be greater than seven feet (DSFPR Part V, Chapter 5, Section 5 10.4).
- 1432 A The steamer connection of all fire hydrants shall be so positioned so as to be facing the street or fire lane. (DSFPR Regulation 705, Chapter 5, Section 10). The center of all hose outlet(s) on fire hydrants shall be not less than 18 inches above finalgrade (NFPA 24, Section 7.3.3).
- 1090 A Fire Lane Access and Perimeter Access shall be in accordance with Table 5-2. (DSFPR Regulation 705, Chapter 5, Section 4.2)Percent of Perimeter Access requirements shall include the required Percent of Fire Lane Access requirements of Table 5-2. (DSFPR Regulation 705, Chapter 5, Section 4.5.2).
- 1501 A If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes orrevisions to the plans occur, plans are required to be submitted, reviewed, and approved.



December 21, 2020

Mr. Joseph Calabro c/o Hillcrest Associates P.O. Box 1180 Hockessin, DE 19707

RE: Riverside Plaza Revision

Dear Mr. Calabor:

A Sediment and Stormwater Management Plan has been reviewed for compliance with the Sediment and Stormwater Regulations and is approved with conditions (see attached). Enclosed herein please find a revision to the approved plans. Please retain a copy for your use, and provide the contractor with a copy to be retained onsite at all times. Failure to keep an approved plan onsite is a violation of the approved plan.

Approval of a Sediment and Stormwater Plan does not grant or imply a right to discharge stormwater runoff. The owner/developer is responsible for acquiring any and all agreements, easements, etc., necessary to comply with State drainage and other applicable laws.

This plan approval pertains to compliance with the *Delaware Sediment and Stormwater Regulations*. Please understand that the approval of this plan does not relieve you from complying with any and all federal, state, county, or municipal laws and regulations.

As of January 1, 2014, the Sussex Conservation District began collecting financial guarantees to ensure the construction of stormwater management practices is accomplished in accordance with the approved sediment and stormwater plan. Please refer to the SCD Policy on Bonds located on our website at *Sussexconservation.org*. If you have any questions concerning the aforementioned, please do not hesitate to call 302 856-7219.

Sincerely,

Jessica Watson

Jessica Watson Program Manager

JW/jmg

cc: Janelle Cornwell

23818 SHORTLY ROAD, GEORGETOWN, DE office: 302-856-2105 fax: 302-856-0951 WWW.SUSSEXCONSERVATION.ORG

CONDITIONS OF APPROVAL

NOTIFICATION

- 1. This revised plan does not extend or change the original sediment and stormwater plan approval date, which is valid for 5 years. If construction does not begin within five years of the original approval date, the approved plan will be considered to have expired, and must be resubmitted to the District for a new review. In addition, if work is not completed within the five-year timeframe, the District must be contacted and a request for an extension submitted. Depending on regulation changes, a new plan may need to be submitted to ensure that all stormwater management facilities are constructed to the most recent standards.
- 2. Submittal of the Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activities together with this approval of the detailed Sediment and Stormwater Plan provide this project with Federal permit coverage to be authorized to discharge storm water associated with construction activities. It is the owner's responsibility to ensure that permit coverage remains valid throughout construction by submitting the NOI fee annually as requested. The developer is responsible for weekly self-inspection reporting to be retained onsite.
- 3. Notify the Sussex Conservation District Sediment and Stormwater Management Section of your intent to begin construction in writing five (5) days prior to commencing. Failure to do so constitutes a violation of the approved plan.

CHANGES

- 4. This project is to be undertaken in accordance with the plans submitted and as approved. If changes are necessary at any time during the completion of the project, submit revised plans, prior to further construction, to the Sussex Conservation District Sediment and Stormwater Program for review and approval of the revision.
- 5. Should ownership change during the construction period, a revised plan must be submitted for approval showing the new owner's signature on the owner's certification. In addition, a Transfer of Authorization form must be submitted to DNREC to transfer Federal permit coverage to the new owner.

CONSTRUCTION AND CLOSEOUT

- 6. A pre-construction meeting must take place before any land disturbing activity begins. The meeting may take place on site and be attended by the owner, contractor, design consultant, Certified Construction Reviewer and Sussex Conservation District Sediment and Stormwater Program Construction Reviewer. The owner or the owner's designee shall contact the Sussex Conservation Construction Reviewer to schedule the pre-construction meeting.
- 7. Keep available onsite, during all phases of construction, a copy of the approved Sediment and Stormwater Management Plan.
- 8. Keep available onsite, during all phases of constriction, copies of the Developers weekly self-inspection reports and/or the CCR Reports.
- 9. Any sediment transported off-site to roads or road rights-of-way including ditches shall be removed. Any damage to ditches shall be repaired and stabilized to original condition.
- 10. Grading shall not impair surface drainage, create an erosion hazard, or create a source of sediment to any adjacent watercourse or property owner.
- 11. Failure to implement the permanent stormwater management practices as mentioned herein constitutes a violation of the conditions of this plan approval; it may result in the suspension or revocation of building permits or grading permits issued by the local jurisdiction; and it may result in legal action by the DNREC to bring the site into compliance with the approved Sediment and Stormwater Management Plan and the *Delaware Sediment and Stormwater Regulations*.
- 12. The permanent stormwater management facility or facilities must be constructed and accepted by the Sussex Conservation District Sediment and Stormwater Program prior to final closeout of the project site. Post construction verification documentation of the stormwater management facility or facilities must be completed as soon as construction of the facility or facilities is complete so that any necessary modifications may be made during the construction period.

ENGINEERING DEPARTMENT

(302) 855-7718
(302) 855-7774
(302) 855-7730
(302) 855-7703
(302) 854-5033
(302) 855-7717
(302) 855-7719
(302) 855-1299
(302) 855-7799





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

MICHAEL E. BRADY DIRECTOR OF PUBLIC WORKS

December 29, 2020

Hillcrest Associates Inc. PO Box 1180 Hockessin, DE 19707

RE: **Riverside Plaza** SUSSEX COUNTY TAX MAP NUMBERS 234-29.00-69.01, 69.08, 69.09, 69.11 AGREEMENT NO. 1114-1

Dear Mr. Hill,

The Sussex County Engineering Department has concluded its final review of agreement number 1114-1.

For FINAL approval please submit the following:

- A completed wastewater construction permit review from DNREC. .
- Four (3) sets of 24" x 36" •
- One (1) CD or electronic file transfer of PDFs for each sheet. Include all scanned • signatures.

All submitted plans must be signed and sealed by the Engineer/Consultant. All cover sheets must have the owner/developer's signature and wetland consultant signature.

After approval, one set of County approved plans will be returned for your files.

If you have questions, my direct number is listed below.

Sincerely,

Ken Briggs Public Works Engineering Technician II 302-855-7820



COUNTY ADMINISTRATIVE OFFICES 2 THE CIRCLE | PO BOX 589 **GEORGETOWN, DELAWARE 19947**



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

NICOLE MAJESKI SECRETARY

July 08, 2021

Mr. Alan Hill Hillcrest Associates, Inc. P.O. Box 1180 Hockessin, Delaware 19707

SUBJECT: Entrance Plan Approval Letter Riverside Plaza

Tax Parcel #234-29.00-69.11, 234-29.00-69.09, 234-29.00-69.10, 234-29.00-69.01, 234-29.00-69.08 SCR00297-OAK ORCHARD ROAD SCR00024-JOHN J WILLIAMS HIGHWAY Indian River Hundred, Sussex County

Dear Mr. Hill:

The Department of Transportation has reviewed the Commercial Entrance Plans dated March 2, 2021 (last revised March 2, 2021) for the referenced project and determined that they are in general conformance with the Department's current regulations, specifications and standard details. By signing and sealing the plan set, the developer's engineer is responsible for accuracy of content. Any errors, omissions or required field changes will be the responsibility of the developer. This plan approval shall be valid a period of <u>three (3) years</u>. If an entrance permit has not been obtained within three years, then the plans must be updated to meet current requirements and resubmitted for review and approval.

This letter does not authorize the commencement of entrance construction. The following items will be <u>required</u> prior to the permit being issued. A pre-construction meeting may be required as determined by the South District Public Works office.

- 1. A copy of the <u>recorded Site Plan</u> which is consistent with the DelDOT "No Objection to Recordation" stamped plan and all appropriate signatures, seals, plot book and page number.
- 2. Three (3) copies of the approved entrance plans.
- 3. Completed permit application.
- 4. Executed agreements (i.e. construction, signal, letter).
- 5. An itemized construction cost estimate.



- 6. A 150% security based upon an approved itemized construction cost estimate and W-9 form (if providing escrow).
- 7. A letter of source of materials, work schedule, list of subcontractors, emergency telephone numbers and names of contact persons.

Please contact the South District Public Works office (302) 853-1340 concerning any questions you may have relative to the aforementioned required items.

Sincerely,

Hichard S. MCalo

R. Stephen McCabe Sussex County Review Coordinator Development Coordination

Joseph Calabro, Riverside Plaza Development, LLC cc: Jamie Whitehouse, Sussex County Planning & Zoning Commission Rusty Warrington, Sussex County Planning & Zoning Jessica L. Watson, Sussex Conservation District Matt Schlitter, South District Public Works Engineer Scott Rust, South District Public Work Manager James Argo, South District Project Reviewer William Kirsch, South District Entrance Permit Supervisor Jerry Nagyiski, Safety Officer Supervisor Jennifer Pinkerton, Chief Materials & Research Engineer Linda Osiecki, Pedestrian Coordinator John Fiori, Bicycle Coordinator Mark Galipo, Traffic Development Coordination Engineer Tim Phillips, Maintenance Support Manager Dan Thompson, Safety Officer North District Jared Kauffman, DTC Planner James Kelley, JMT Wendy L. Polasko, Subdivision Engineer Kevin Hickman, Sussex County Reviewer

MAPPING & ADDRESSING

MEGAN NEHRBAS MANAGER OF GEOGRAPHIC INFORMATION SYSTEMS (GIS) (302) 855-1176 T (302) 853-5889 F





August 24, 2021

Apennine Development Co., LLC

Attn: Joseph Calabro

RE: Change of Subdivision Name(s)/Formally known as:

RIVERSIDE PLAZA

I have received your request to change the subdivision previously approved as **RIVERSIDE PLAZA**, located in **Millsboro**, **DE** (234-29.00-69.01). The name change has been approved and will now been known as:

RIVERSIDE APARTMENTS

Should you have any questions please contact the **Sussex County Addressing Department at 302-855-1176.**

Sincerely,

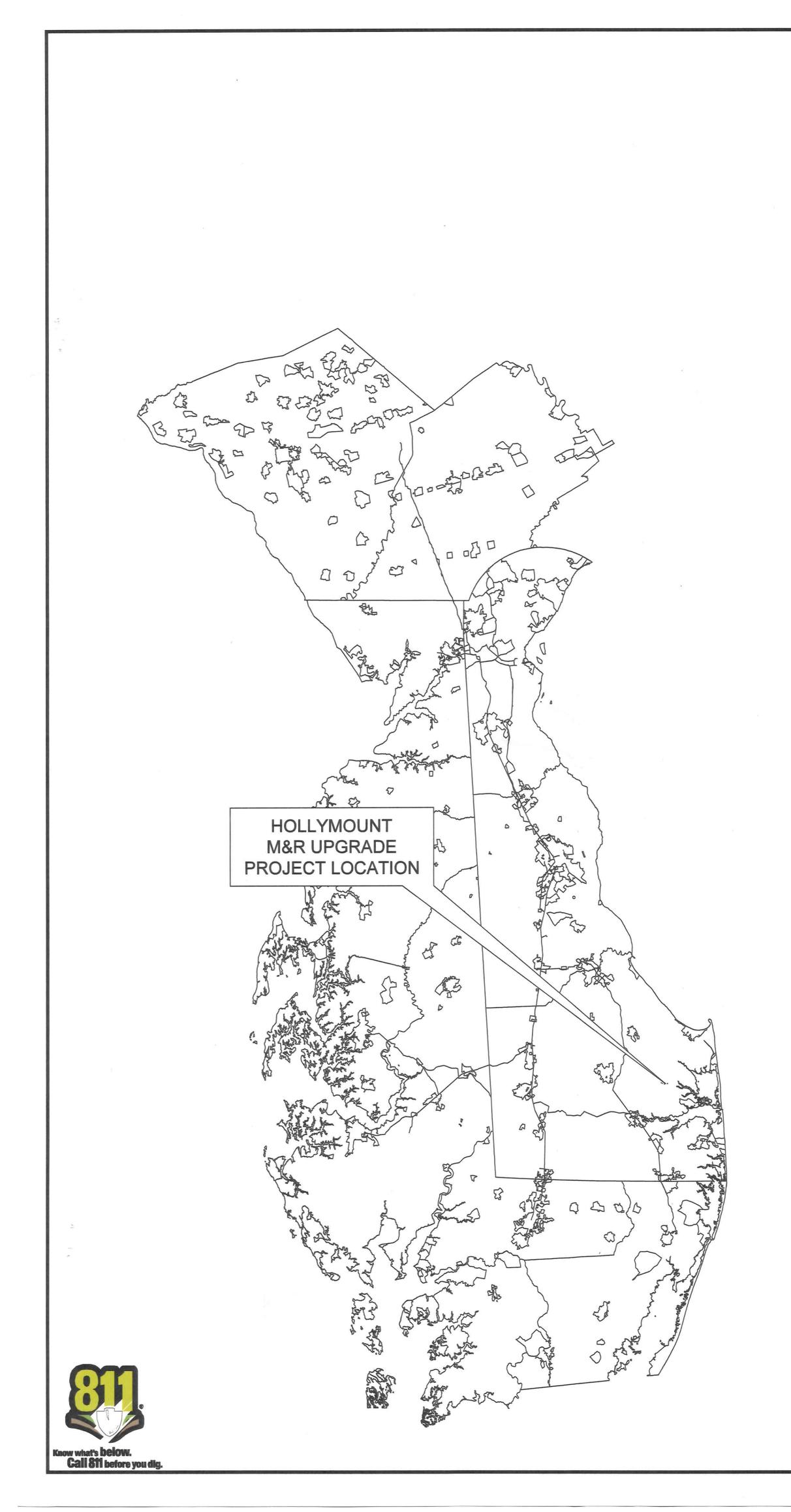
Prior 2. Fally

Brian L. Tolley, GISP,CP GIS Specialist II

CC: Christin Scott Planning & Zoning

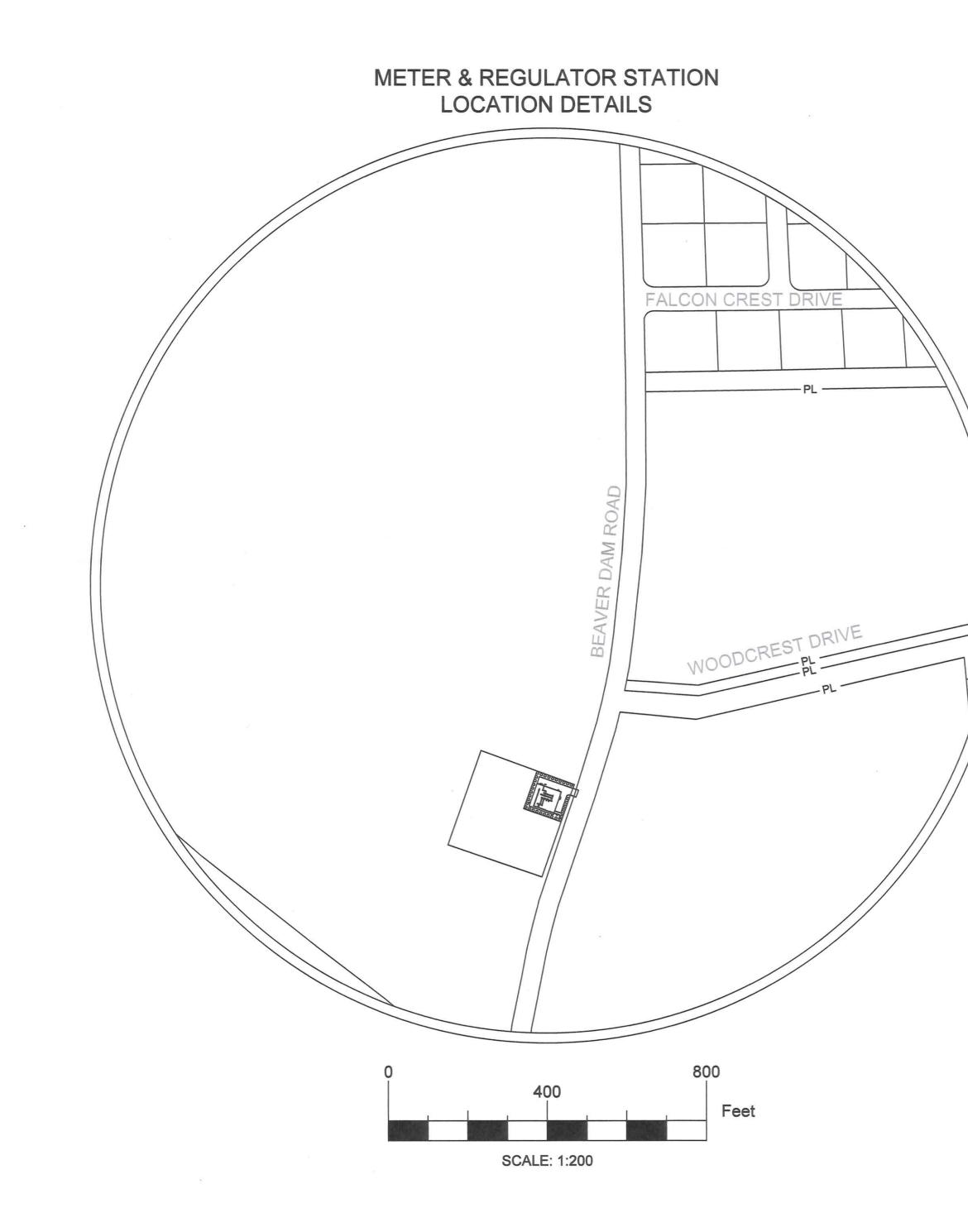


COUNTY ADMINISTRATIVE OFFICES 2 THE CIRCLE | PO BOX 589 GEORGETOWN, DELAWARE 19947



EASTERN SHORE NATURAL GAS HOLLYMOUNT **PROPOSED METER & REGULATOR STATION**

20928 BEAVER DAM ROAD, HARBESON, DE 19951



	DEPARTMENTAL AUDIT	2	NOTES: NO ADDITIONAL REMARKS	5		HOLLY	(MOUNT	
DEPARTMENT	SME SIGNATURE	DATE					ULATOR STATION	20
CONSTRUCTION				EASTERN SHORE			DAD, HARBESON, DE 19951	P P
ENGINEERING				500 ENERGY LANE - SUITE 200, DOVER, DE 19901	DRAWING:	COVER PAGE		- 2
INTEGRITY				TELEPHONE: (302)734-6710 - FAX: (302)735-5601				- 2
OPERATIONS					DRAWN BY:	C. BIDDLE	DATE: 3/27/2020	
RIGHT-OF-WAY				ISSUE FOR BID	MOC No.:	MOC-2018-49	PROJECT ID: ES18080126	장

the second state of the se		and the second s				
REVISION LOG						
REV #	DATE		DESCRIPTION	REQUEST BY		
		2	DRAWING INDEX			
		SHEET #	SHEET NAME			
		1	COVER PAGE			
		2	MAINLINE P&ID			
		3	STATION P&ID			
		4 - 6	E&S CONTROL			
		7	SITE PLAN - CONSTRUCTION			
		8	SITE PLAN - FINAL			
		9	STATION PLAN - CIVIL			
		10	STATION PLAN - MECHANICAL			
		11-14	SECTION VIEW			
		15-16	CONSTRUCTION DETAILS			
		17-18	STATION ELECTRICAL AND GROUNDING DETAILS			

SITE DATA

BILL OF MATERIALS

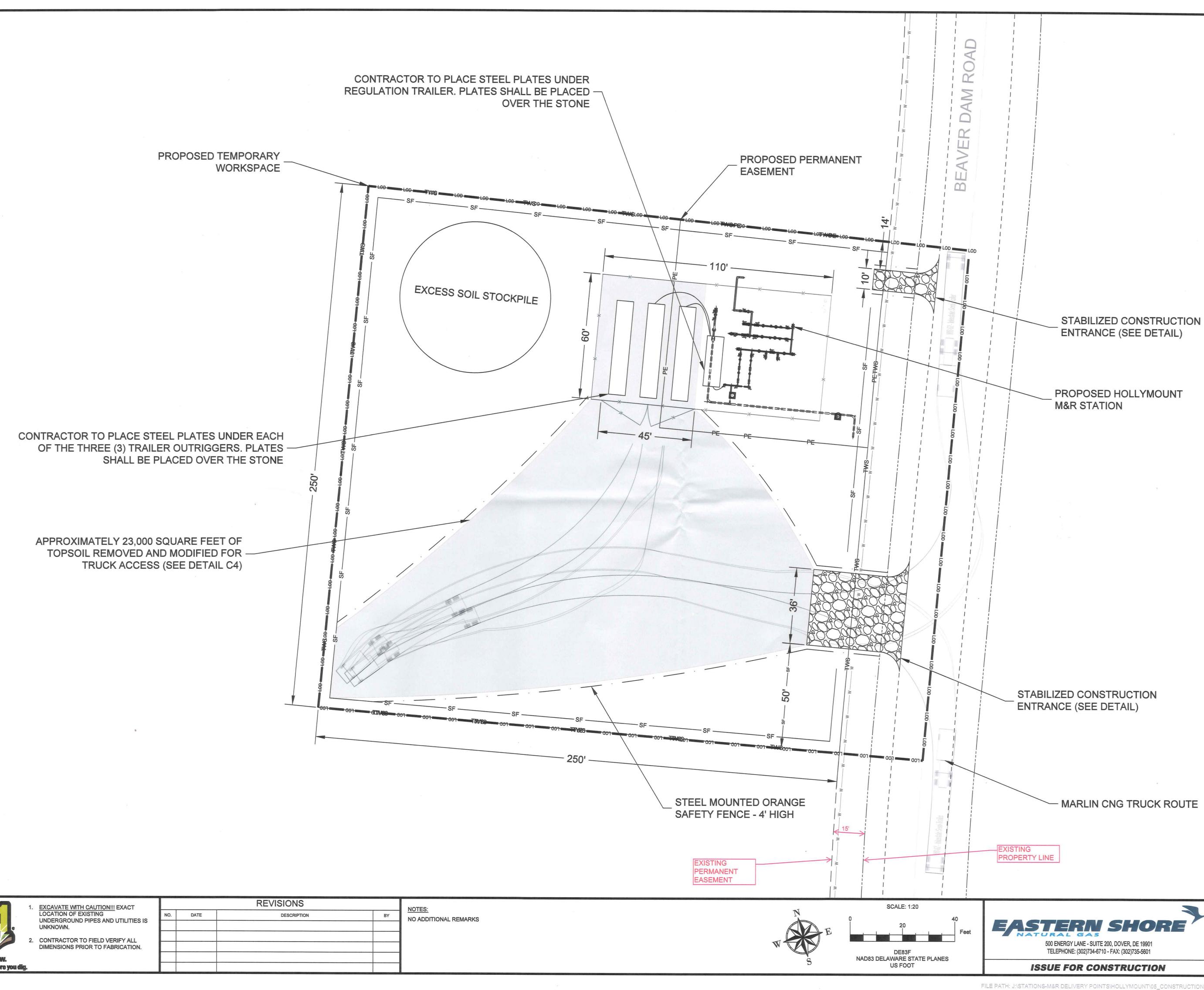
- 1. TAX PARCEL NO 234-16.00-12.00 2. EXISTING ZONING: AR-1, AGRICULTURAL
- 2. EXIGNING ZONING, ART, AGRICOLTORAL RESIDENTIAL
 3. PROPOSED TOTAL EASEMENT AREA: 71,780 SQUARE FEET (1.65 ACRES)
 4. SETBACKS

19-20

- FRONT YARD: 40-FEET SIDE YARD: 15-FEET
- REAR YARD: 20-FEET
- 5. NO WETLANDS ARE PRESENT ON THE LANDS DEPICTED WITHIN THE PROPOSED EASEMENT AREA 6. FLOOD INSURANCE RATE MAP 10005C0340K PANEL 340 OF 660 INDICATES THIS SITE IS NOT LOCATED WITHIN A FLOOD PLAIN

STATION DATA

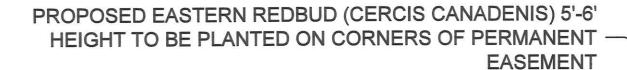
PARAMETER	VALUE	UNIT
ATLAS ID	DP101	
INLET PRESSURE	720	PSIG
OUTLET PRESSURE	55	PSIG
RUN CAPACITY	300	MCFH



1. EXCAVATE WITH CAUTION!!! EXACT				NOTES:	
LOCATION OF EXISTING UNDERGROUND PIPES AND UTILITIES IS UNKNOWN.	NO.	DATE	DESCRIPTION	BY	NO ADDITIONAL REMARKS
2. CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS PRIOR TO FABRICATION.					
Know what's below. Call 811 before you dig.					

HOLLYMOUNT						
METER & REGULATOR STATION						
20933 RD 285 HARBESON, SUSSEX COUNTY, DE 19951						
DRAWING: 07 - SITE PLAN - CONSTRUCTION						
DRAFTER: C. BIDDLE DATE: 03/27/2020						
MOC No.: MOC-2018-49	PROJECT ID: ES180801					

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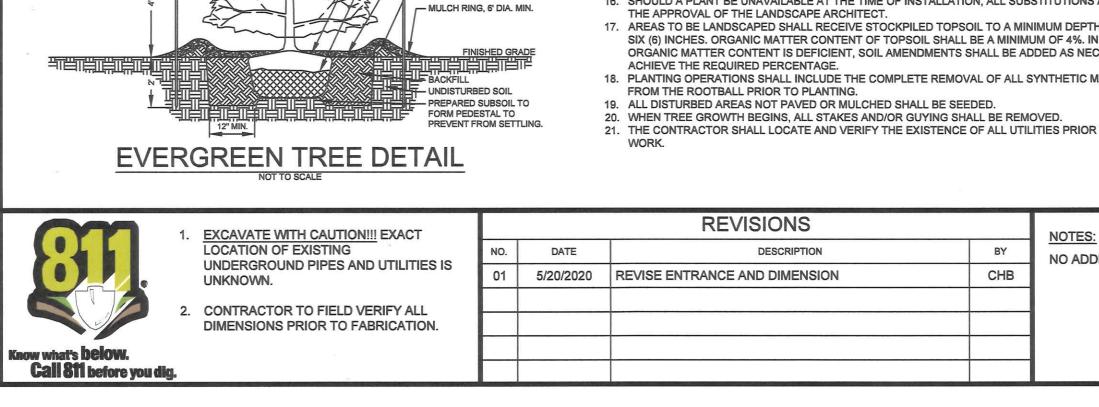


APPROXIMATELY 3,900 SQUARE FEET OF PERVIOUS GRAVEL SURFACE (AASHO #57 STONE) 6" COVER INSIDE OF STATION (SEE DETAIL C3)

12 PROPOSED EMERALD GREEN ARBORVITAE (THUJA OCCIDENTALIS) 5'-6' HEIGHT TO BE PLANTED 3' OFF OF PERMANENT EASEMENT LINE AND 8' CENTER TO CENTER

> PROPOSED EASTERN REDBUD (CERCIS CANADENIS) 5'-6' HEIGHT TO BE PLANTED ON CORNERS OF PERMANENT EASEMENT

- 1. PLANT MATERIAL SHALL BE FURNISHED AND INSTALLED AS INDICATED INCLUDING ALL LABOR, MATERIALS, PLANTS. EQUIPMENT, INCIDENTALS AND CLEANUP. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PLANTING AT CORRECT GRADES AND ALIGNMENT. PLANTS SHALL BE TYPICAL OF THEIR SPECIES AND VARIETY, HAVE NORMAL GROWTH HABITS, WELL
- DEVELOPED BRANCHES, DENSE FOLIAGE, VIGOROUS ROOT SYSTEMS, AND BE FREE FROM DEFECTS AND INJURIES. 4. THE CONTRACTOR SHALL REPORT ANY SOIL OR DRAINAGE CONDITIONS CONSIDERED DETRIMENTAL TO THE GROWTH OF THE PLANT MATERIAL.
- 5. ALL PLANT MATERIAL SHALL BE GUARANTEED BY THE CONTRACTOR TO BE IN VIGOROUS GROWING CONDITION. PROVISIONS SHALL BE MADE FOR A GROWTH GUARANTEE OF AT LEAST ONE (1) YEAR FOR TREES AND A MINIMUM OF ONE (1) YEAR FOR SHRUBS. REPLACEMENT SHALL BE MADE AT THE BEGINNING OF THE FIRST SUCCEEDING PLANTING SEASON. ALL REPLACEMENTS SHALL HAVE A GUARANTEE EQUAL TO THAT STATED ABOVE, THE DEVELOPER IS EXPECTED TO MAINTAIN PLANTINGS, INCLUDING WATERING ALL PLANTS ANY TIME FROM APRIL TO DECEMBER WHEN NATURAL RAINFALL IS LESS THAN ONE INCH PER WEEK
- 6. INSOFAR AS IS PRACTICABLE, PLANT MATERIALS SHALL BE PLANTED ON THE DAY OF DELIVERY. IN THE EVENT THIS IS NOT POSSIBLE, THE CONTRACTOR SHALL PROTECT STOCK NOT PLANTED. PLANTS SHALL NOT REMAIN UNPLANTED FOR LONGER THAN A THREE (3) DAY PERIOD AFTER DELIVERY. 7. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF ROOTBALLS SHALL BE IN ACCORDANCE
- WITH ANSI Z60.1-1986 (OR CURRENT EDITION) "AMERICAN STANDARD FOR NURSERY STOCK," LAST REVISION, AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMAN, INC. 8. ALL PLANTS SHALL BE PLANTED IN TOPSOIL THAT IS THOROUGHLY WATERED AND TAMPED AS BACKFILLING
- PROGRESSES. NOTHING BUT SUITABLE TOPSOIL, FREE OF DRY SOD, STIFF CLAY, LITTER, ETC., SHALL BE USED FOR PLANTING. 9. PLANTS SHALL NOT BE BOUND WITH WIRE OR ROPE AT ANY TIME SO AS TO DAMAGE THE BARK AND BREAK BRANCHES. PLANTS SHALL BE HANDLED FROM THE BOTTOM OF THE ROOTBALL ONLY.
- 10. PLANTING OPERATIONS SHALL BE PERFORMED DURING PERIODS WITHIN THE PLANTING SEASON WHEN WEATHER AND SOIL CONDITIONS ARE SUITABLE AND IN ACCORDANCE WITH ACCEPTED LOCAL PRACTICE. 11. NO PLANT, EXCEPT GROUND COVERS, SHALL BE PLANTED LESS THAN TWO (2) FEET FROM EXISTING
- STRUCTURES AND SIDEWALKS. 12. SET PLANTS PLUMB AND STRAIGHT. SET AT SUCH LEVEL THAT, AFTER SETTLEMENT, A NORMAL OR NATURAL RELATIONSHIP TO THE CROWN OF THE PLANT WITH THE GROUND SURFACE WILL BE ESTABLISHED. LOCATE PLANT IN THE CENTER OF THE PIT.
- 13. ALL INJURED ROOTS SHALL BE PRUNED TO MAKE CLEAN ENDS BEFORE PLANTING. IT IS ADVISABLE TO PRUNE APPROXIMATELY 1/3 OF THE GROWTH OF LARGE TREES (2" CALIPER AND OVER) BY THE REMOVAL OF SUPERFLUOUS BRANCHES, THOSE WHICH CROSS, THOSE WHICH RUN PARALLEL, ETC. MAIN LEADER OF TREES MUST NOT BE CUT BACK. LONG SIDE BRANCHES, HOWEVER, MUST BE SHORTENED.
- 14. EACH TREE AND SHRUB SHALL BE PRUNED IN ACCORDANCE WITH STANDARD HORTICULTURAL PRACTICE TO PRESERVE NATURAL CHARACTER OF THE PLANT. PRUNING SHALL BE DONE WITH CLEAN, SHARP TOOLS. 15. TREES SHALL BE SUPPORTED IMMEDIATELY AFTER PLANTING ONLY WHEN CONDITIONS MERIT. ALL TREES
- SIX (6) INCHES AND OVER IN CALIPER SHALL BE GUYED. SMALLER TREES SHALL BE STAKED. GUYING WIRES AND STAKES SHALL BE INSTALLED AS INDICATED. 16. SHOULD A PLANT BE UNAVAILABLE AT THE TIME OF INSTALLATION, ALL SUBSTITUTIONS ARE SUBJECT TO
- 17. AREAS TO BE LANDSCAPED SHALL RECEIVE STOCKPILED TOPSOIL TO A MINIMUM DEPTH OF FOUR (4) TO SIX (6) INCHES. ORGANIC MATTER CONTENT OF TOPSOIL SHALL BE A MINIMUM OF 4%. IN THE EVENT THAT ORGANIC MATTER CONTENT IS DEFICIENT, SOIL AMENDMENTS SHALL BE ADDED AS NECESSARY TO ACHIEVE THE REQUIRED PERCENTAGE.
- 18. PLANTING OPERATIONS SHALL INCLUDE THE COMPLETE REMOVAL OF ALL SYNTHETIC MATERIAL (IF USED) FROM THE ROOTBALL PRIOR TO PLANTING.
- 21. THE CONTRACTOR SHALL LOCATE AND VERIFY THE EXISTENCE OF ALL UTILITIES PRIOR TO STARTING



THE.

2.5 x ROOT BALL DIA.

DECIDUOUS TREE DETAIL

- SET TOP OF ROOT BALL

- REMOVE ALL TWINE, ROPE AND BURLAP FROM TOP

FLUSH TO GRADE

HALF OF ROOT BALL.

TOTALLY REMOVED.

- 2" MULCH. DO NOTPLACE

MULCH IN CONTACT WITH TREE TRUNK.

- 4" HIGH EARTH SAUCER

BALL

UNDISTURBED SOIL

PREPARED SUBSOIL TO

FORM PEDESTAL TO

- SET TOP OF ROOT BALL

- REMOVE ALL TWINE, ROPE AND BURLAP FROM TOP

- 2" MULCH. DO NOTPLACE

MULCH IN CONTACT WITH TREE TRUNK.

- 4" HIGH EARTH SAUCER

BEYOND EDGE OF ROOT

BALL

FLUSH TO GRADE

HALF OF ROOT BALL.

NON-BIODEGRADABLE MATERIAL SHALL BE

TOTALLY REMOVED.

PREVENT FROM SETTLING.

BACKFILL

BEYOND EDGE OF ROOT

- MULCH RING, 6' DIA. MIN.

NON-BIODEGRADABLE MATERIAL SHALL BE

NOTE: STAKE TREES ONLY UPON THE APPROVAL OF THE LANDSCAPE ARCHITECT.

0.5" DIA. PLASTIC HOSE -

1.5" SQUARE HARDWOOD -

当时日日日

NOTE: STAKE TREES ONLY UPON THE APPROVAL OF THE LANDSCAPE ARCHITECT.

0.5" DIA, PLASTIC HOSE -

GALVANIZED TURNBUCKLE -

1.5" SQUARE HARDWOOD -

STAKES OR OTHER APPROVED STAKE

MATERI

GALVANIZED WIRE -

OR CABLE

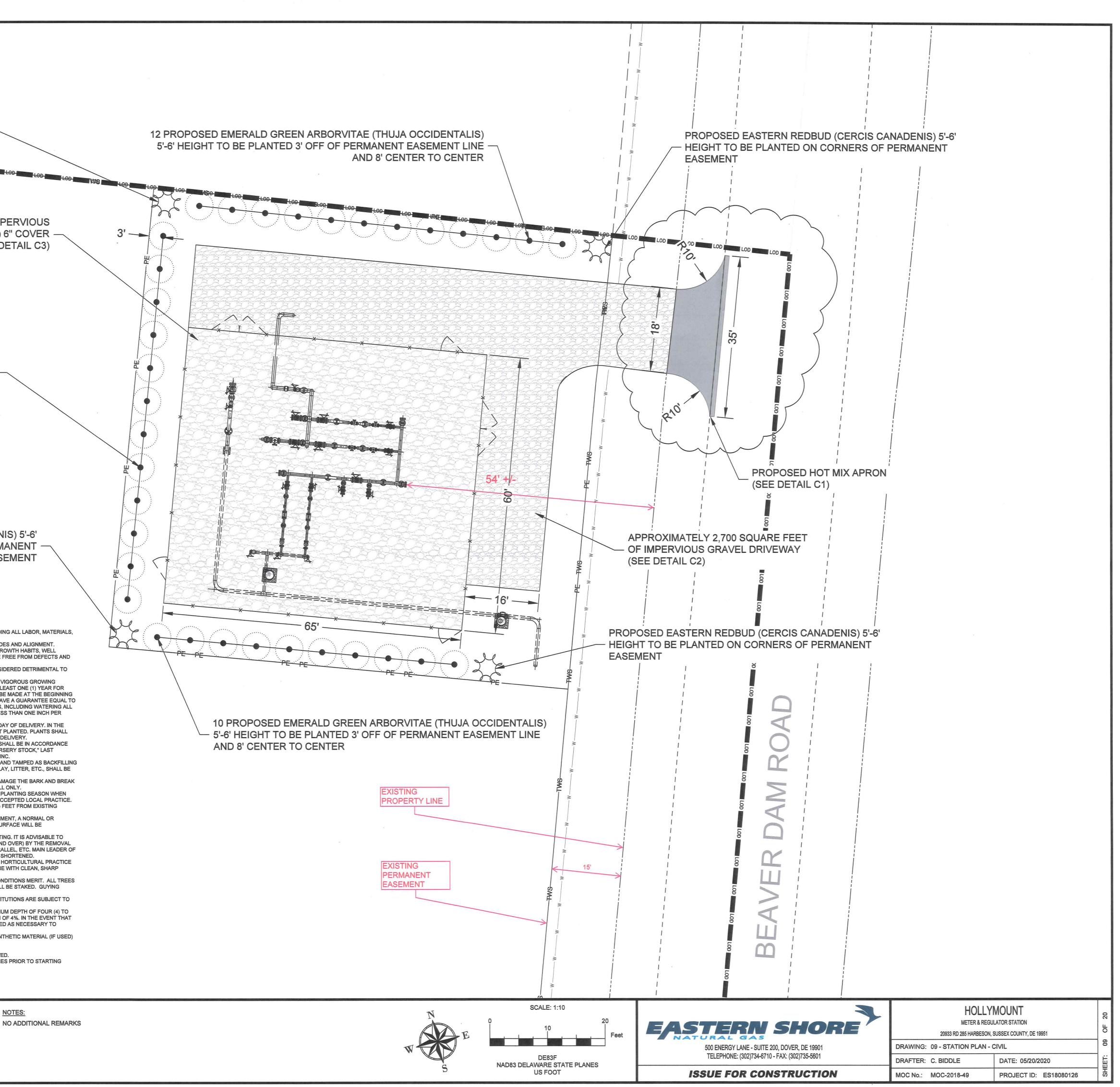
STAKES OR OTHER

APPROVED STAKE

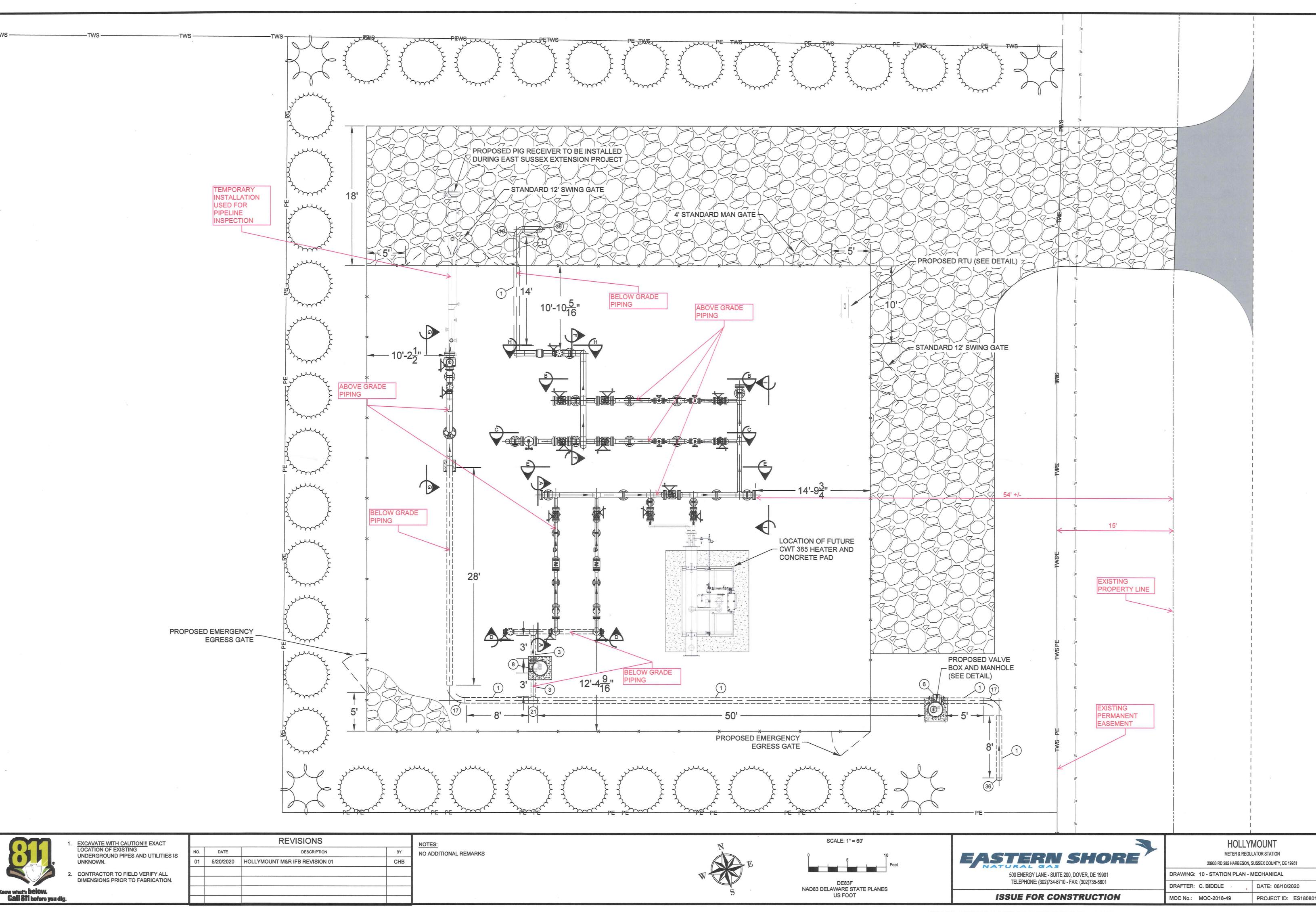
OR CABLE

MATERIA

GALVANIZED TURNBUCKLE -GALVANIZED WIRE -

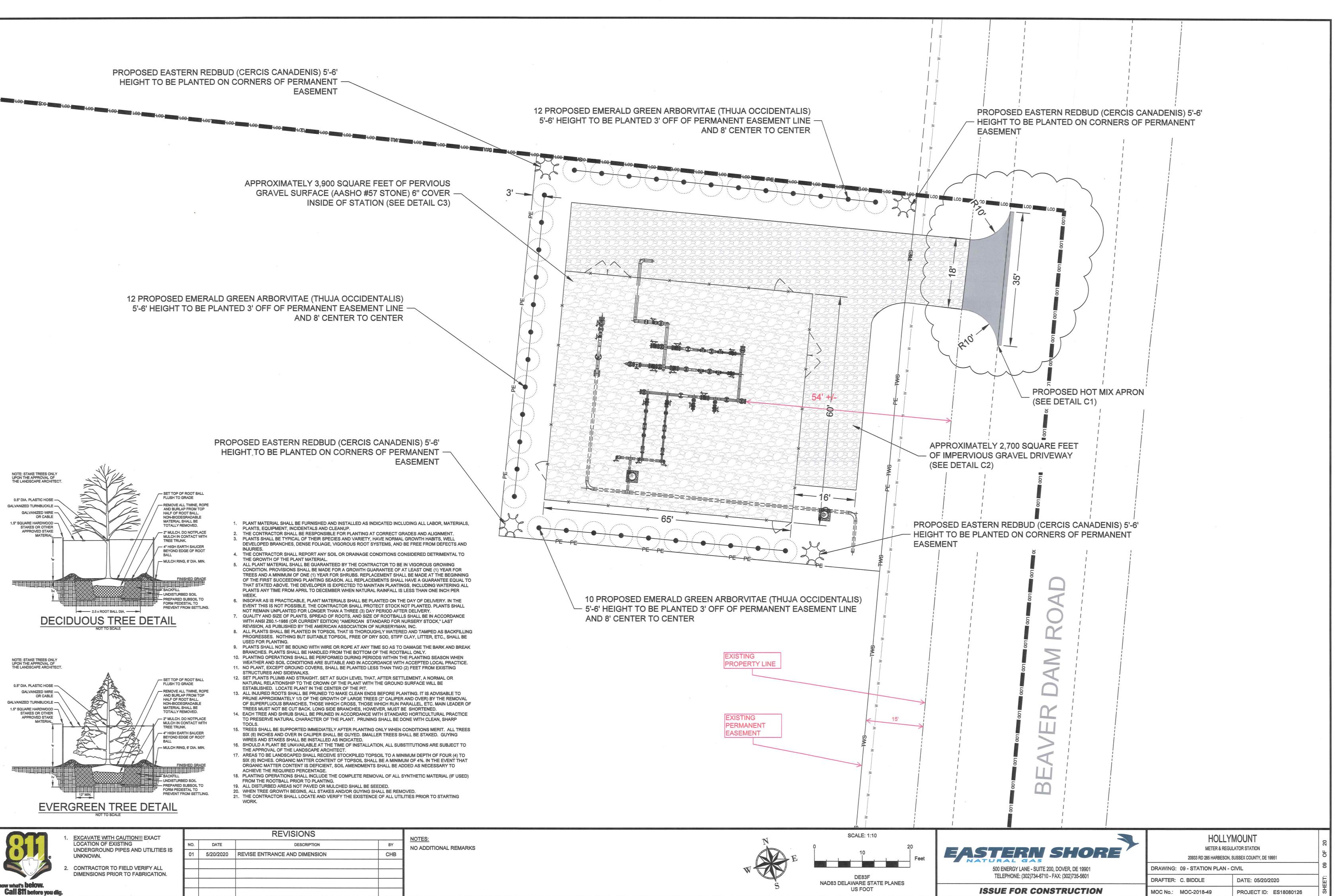


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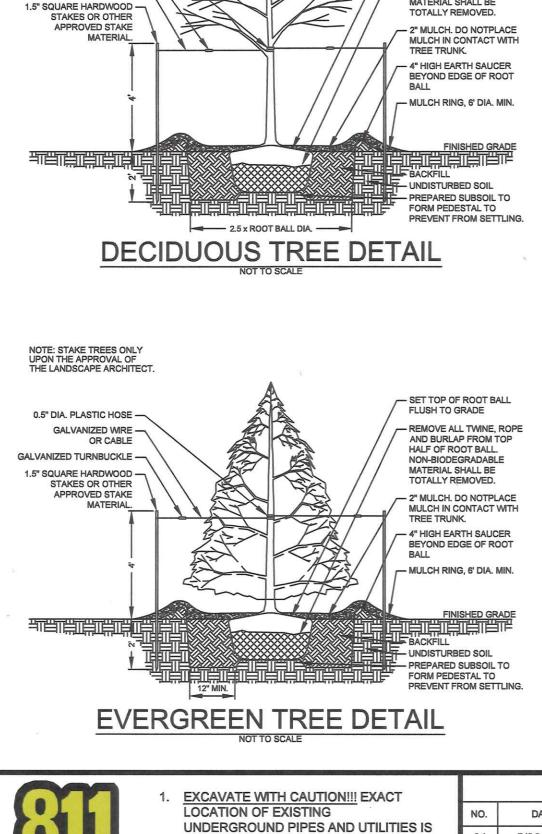


7	1.	EXCAVATE WITH CAUTION !!! EXACT			NOTES:		
		LOCATION OF EXISTING UNDERGROUND PIPES AND UTILITIES IS	NO.	DATE	DESCRIPTION	BY	NO ADDITIONAL REMARKS
		UNKNOWN.	01	5/20/2020	HOLLYMOUNT M&R IFB REVISION 01	CHB	
	2.	CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS PRIOR TO FABRICATION.					
)W. pre you dig.		5 					3

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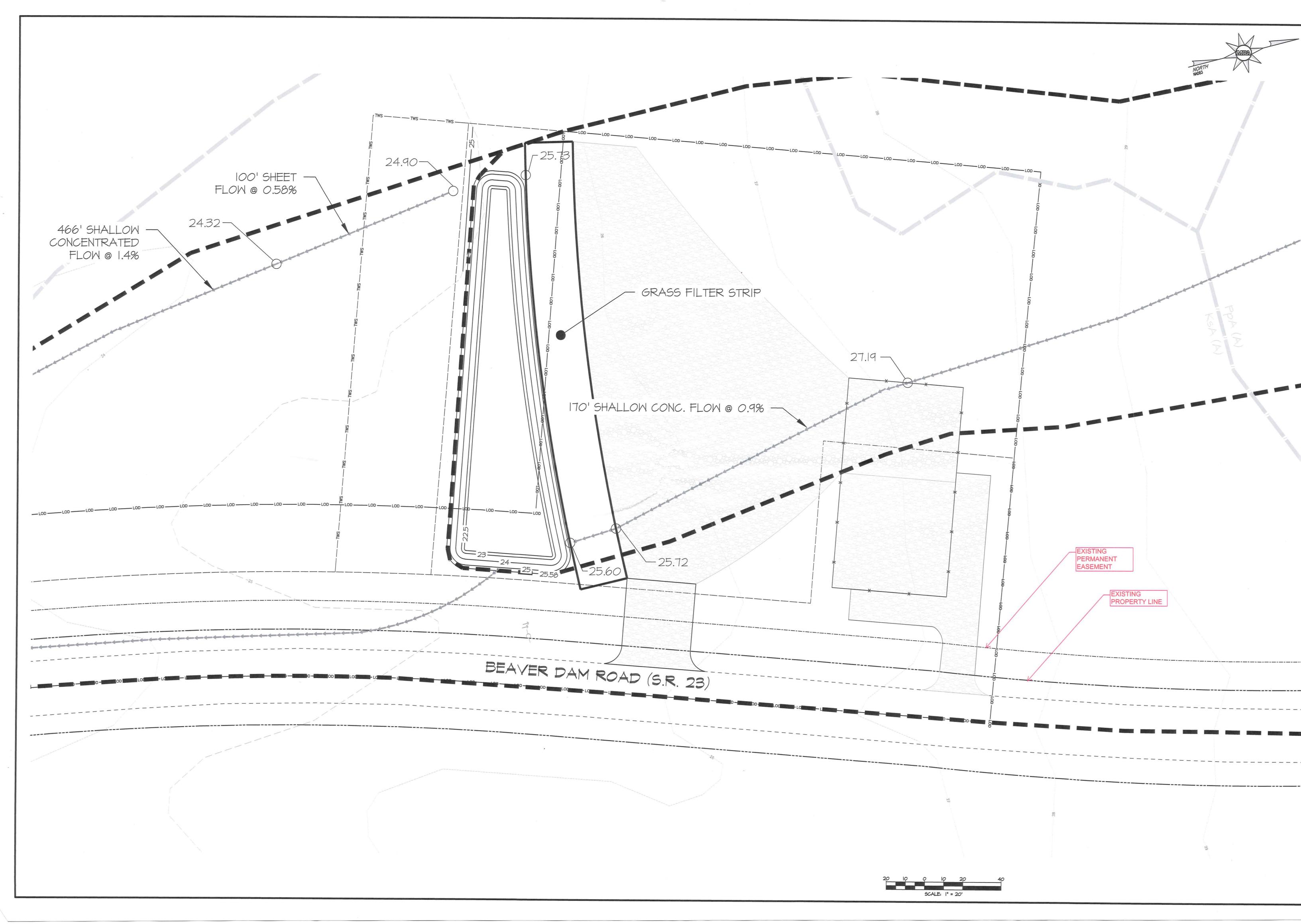






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1. TAX MAP NUMBER:	334-6.00-487.00	
T. TAX WAI NOWDER.	DEED BOOK: D 1809, PG 273 334-6.00-488.00	Г
	DEED BOOK: D 2007, PG 180 334-6.00-489.00	
	DEED BOOK: D 2961, PG 281	
2. DEVELOPER: DEVELOPER ADDRESS:	MORTON BUILDINGS, INC. C/O LENNY CATALANO 3368 YORK ROAD	
	GETTYSBURG, PA 17325	ĺ.
3. OWNER: OWNER ADDRESS:	MICHAEL C NEAL TRUSTEE 17993 AMERICAN WAY LEWES, DE 19958	
4. ADDRESS LOCATION:	17993 AMERICAN WAY	/
HUNDRED:	LEWES COUNTY, DE 19958 LEWES AND REHOBOTH	
COUNTY:	SUSSEX	
5. CURRENT ZONING:	C-1 (GENERAL COMMERCIAL)	
6. PRESENT USE:	RETAIL/ WAREHOUSING	/
 PROPOSED USE: REQUIRED SETBACKS (B.R.L.): 	RETAIL/ WAREHOUSING (PER 115-82 B)	
FRONT: SIDE:	60 FT 5 FT	
REAR:	5 FT	
9. BUILDING HEIGHT:	(PER 115-82 C) 42' MAX ALLOWED	
10. REQUIRED LOT SIZE (MIN.):		
DEPTH: WIDTH:	100 FT (PER 115-82A) 75 FT	
AREA:	10,000 FT (PER 115-82A)	
11. PARKING	(ARTICLE XXII: OFF-STREET PARKING, CODE SECTION 115-162)	
<u>REQUIRED PARKING:</u> RETAIL :	1 SPACE FOR EACH 200 SF OF FLOOR AREA USED	
WAREHOUSING:	FOR SALES/ DISPLAY OF MERCHANDISE PURPOSES AND 1 SPACE PER 2 EMPLOYEES 1 SPACE FOR EVERY 2 EMPLOYEES ON THE MAJOR	i
OFFICE:	SHIFT 1 SPACE FOR EACH 200 SF OF FLOOR AREA	
PARCEL 487	, SEAGET ON ERGITZED OF OF FLOUR ARLA	/
Building A SHOWROOM		
TOTAL REQUIRED SPACES: PROVIDED SPACES:	NO REQUIREMENT 1 SPACE	
HANDICAP SPACES: OFFICE	0 SPACES INCLUDED	
TOTAL REQUIRED SPACES: PROVIDED SPACES:	7 SPACES 7 SPACES	
HANDICAP SPACES: <u>Building B</u>	0 SPACES INCLUDED	
TOTAL REQUIRED SPACES: PROVIDED SPACES:	2 SPACES 1 SPACE	/
PARCEL 488 Building C		
TOTAL REQUIRED SPACES: PROVIDED SPACES:	2 SPACES 1 SPACES	
Building D TOTAL REQUIRED SPACES:	1 SPACE	
PROVIDED SPACES: Building E	1 SPACE	
TOTAL REQUIRED SPACES: PROVIDED SPACES:	6 SPACES 6 SPACES	
PARCEL 489 Building F TOTAL REQUIRED SPACES:	9 SPACES	
PROVIDED SPACES:	9 SPACES	
TOTAL REQUIRED SPACES: TOTAL PROPOSED SPACES:	20 26	
12. LOADING SPACE REQUIRED:	1 SPACE	
LOADING SPACE PROVIDED:	3 SPACE	
13. PARCEL 487 SITE CALCULATIONS		TM: 334-6.
BUILDING AREA PAVEMENT/STONE AREA	EX.= 0.41 AC. PR.= 0.41 AC. EX.= 0.88 AC. PR.= 0.88 AC.	LANDS N/F OF RC REALTY
OPENSPACE AREA	<u>EX.= 0.09</u> AC. PR.= 0.09 AC. EX.= 1.38 AC. PR.= 1.38 AC.	DEED BOOK 4 ZONIN
PARCEL 488 SITE CALCULATIONS	EA 1.00 AO. 11A 1.00 AO.	USE: COM
BUILDING AREA PAVEMENT/STONE AREA	EX.= 0.23 AC. PR.= 0.45 AC. EX.= 1.14 AC. PR.= 1.03 AC.	
OPENSPACE AREA TOTAL	EX.= 0.08 AC. PR.= 0.08 AC. EX.= 1.45 AC. PR.= 1.56 AC.	
PARCEL 489 SITE CALCULATIONS		
BUILDING AREA PAVEMENT/STONE AREA	EX.= 0.04 AC. PR.= 0.04 AC. EX.= 0.23 AC. PR.= 0.12 AC.	
OPENSPACE AREA TOTAL	EX.= 0.08 AC. PR.= 0.08 AC. EX.= 0.35 AC. PR.= 0.24 AC.	
PERCENTAGE OF IMPERVIOUS COVER: NUMBER OF FORESTED ACRES TO ME		L
13. UTILITY SERVICES:		
SANITARY SEWER SUPPLIER:	SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT	
WATER SUPPLIER:	TIDEWATER UTILITIES INC.	EXISTING CURB AND
14. SECTION 89 - SOURCE WATER PROPERT	IY: A. SUBJECT PROPERTY IS WITHIN AN AREA OF "FAIR" GROUNDWATER RECHARGE.	EDGE OF TRAVEL
	B. SUBJECT PROPERTY IS NOT LOCATED IN WELLHEAD PROTECTION AREA.	
15. STATE INVESTMENT AREA:	LEVEL 1	
FIRE DISTRICT: SUSSEX COUNTY:	LEVEL T LEWES FIRE CO. (STATION 82) COMMERCIAL	
16. LATITUDE AND LONGITUDE STATE PLAN		
LONGITUDE: W 75° 08' 56.832"	LATITUDE: N 38° 44' 27.888"	
17. WETLAND AREA:	0.00 ACRES	
18. PROPOSED DISCHARGE LOCATION:		
19. WATERSHED:	BROADKILL RIVER	
20. LIMIT OF DISTURBANCE:		
21. FLOOD ZONE:	FIRM NUMBER 10005C0332K, DATED MARCH 16, 2015	
22. TRANSPORTATION IMPROVEMENT DISTRICT (T10):	NONE	
	HORIZONTAL = NAD83	
23. DATUM:		
23. DATUM:24. LOCAL GOVERNMENT RESPONSIBLE FO	VERTICAL = NAVD88	FIRE MARSHAL NO

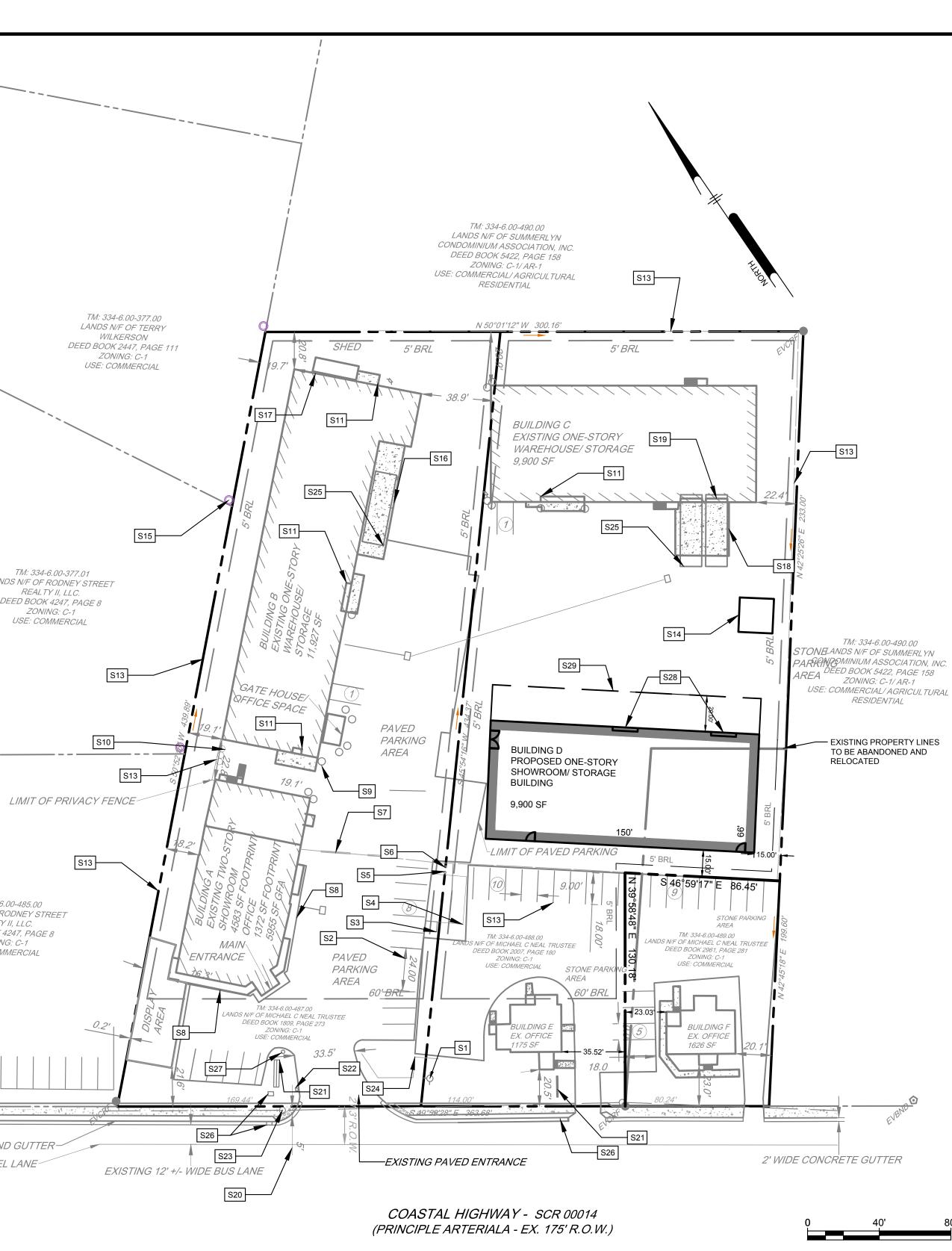
24. LOCAL GOVERNMENT RESPONSIBLE FOR LAND USE APPROVAL: SUSSEX COUNTY

BUILDING USE AND CONSTRUCTION

BUILDING	USE	CONSTRUCTION TYPE	SF	SPRINKLER
EX. BUILDING A	SHOWROOM/ OFFICE 2-STORY TYPE V (000) WOOD FRAME		5,955	NO
EX. BUILDING B	WAREHOUSE/ STORAGE	1-STORY TYPE V (000) WOOD FRAME	11,927	NO
EX. BUILDING C	WAREHOUSE/ STORAGE	1-STORY TYPE V (000) WOOD FRAME	9,900	NO
PR. BUILDING D	SHOWROOM/ STORAGE	1-STORY TYPE V (000) WOOD FRAME	9,900	NO
EX, BUILDING E	OFFICE	2-STORY TYPE V (000) WOOD FRAME	1,175	NO
EX. BUILDING F	OFFICE	2-STORY TYPE V (000) WOOD FRAME	1,626	NO
	5			

FIRE MARSHAL NOTES:

1.	SITE NAME/ADDRESS :	17993 AMEF	- RETAIL/ WAREHOU RICAN WAY DUNTY, DE 19958
2.	OWNER INFORMATION : <u>CURRENT OWNER/DEVELOPER</u> MORTON BUILDINGS, INC. C/O LENNY 3368 YORK ROAD GETTYSBURG, PA 17325	CATALANO	TAX MAP/PARCEL # 334-6.00-487.00 334-6.00-488.00
3.	INTENDED USE :	RETAIL/ WA	REHOUSING
4.	WATER SUPPLIER:	PUBLIC - TII	DEWATER UTILITIES
5.	MAXIMUM BUILDING HEIGHT:	42'	
6.	AUTOMATIC SPRINKLERS:	NO	
7.	FIRE DISTRICT:	LEWES FIRE	E CO. (STATION 82)



RETAIL/ WAREHOUSING AN WAY NTY, DE 19958

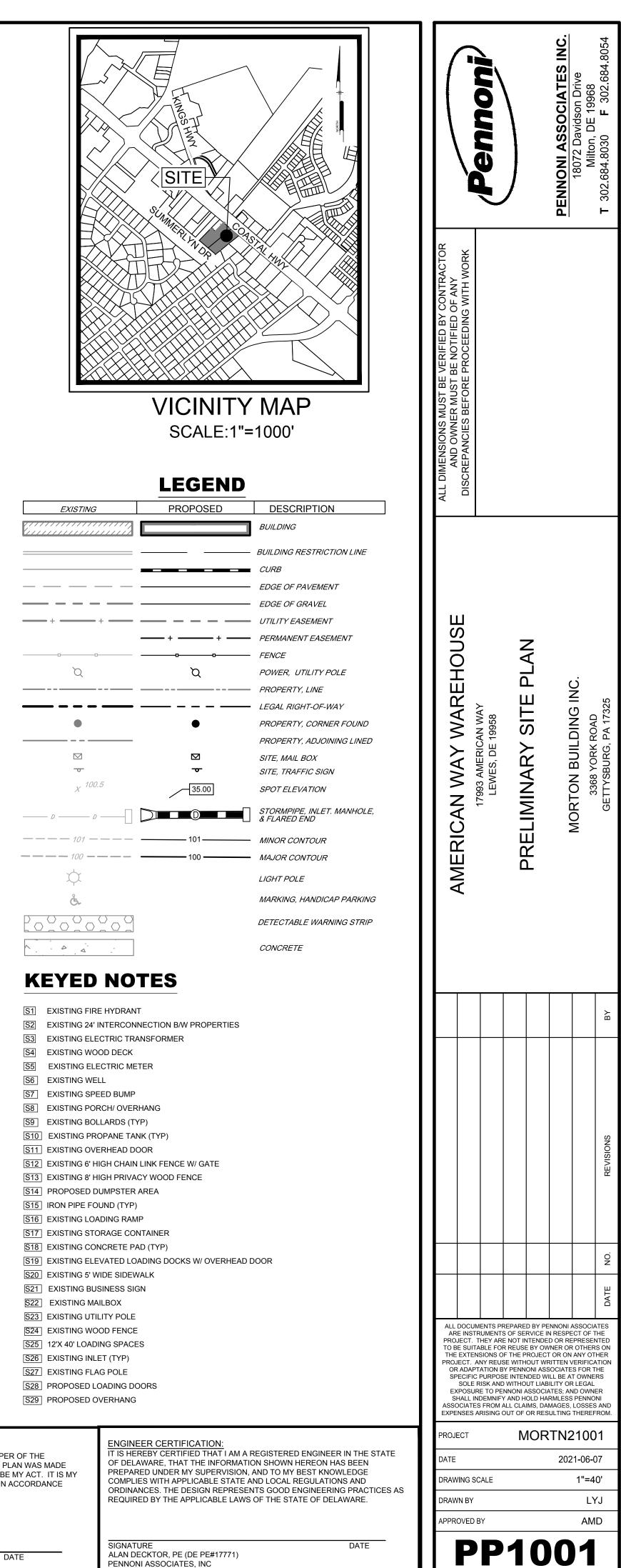
X MAP/PARCEL # 4-6.00-487.00 84-6.00-488.00

HOUSING WATER UTILITIES

GROSS ACREAGE 3.0± ACRES

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

SIGNATURE MICHAEL C NEAL TRUSTEE 17993 AMERICAN WAY LEWES, DE 19958



DATE			
DATE			

PENNONI ASSOCIATES, INC 18072 DAVIDSON DRIVE MILTON, DE 19968

OFFICE (302) 684-8030 - FAX (302) 684-8054

SHEET 1 OF 2



18072 Davidson Drive Milton, DE 19968 T: 302-684-8030 F: 302-684-8054

www.pennoni.com

July 15, 2021 MORTN21001

Jamie Whitehouse, Director Sussex County Planning and Zoning Commission 2 The Circle Georgetown, DE 19958

RE: Preliminary Site Plan American Way Warehouse Tax Map No. 334-6.00 Parcels 487, 488 & 489 Coastal Highway, Lewes, DE 19958

Dear Mr. Whitehouse:

On behalf of Lands of Michael C. Neal Trustee & American Cedar and Millwork, Pennoni Associates Inc. (Pennoni) is submitting the below responses to the request for cross access interconnectivity to the adjacent properties. That was discussed at the July 8, 2021, Sussex County Planning Commission Meeting which resulted in a "No Action" vote on the preliminary site plan.

We have discussed the easement comment further with Planning and Zoning staff planner Christin Scott. The discussion resulted in asking for a cross access easement to the adjacent commercial property, Parcel 485. It was stated that due to Parcel 490 (Lands of Summerlyn Condominium Association being residential, it was not likely required and would create other necessary requirements and approvals. All properties are fully developed which creates a difficulty in providing easements that are in located in such a way that do not cause a hardship to the existing businesses.

The subject parcel has existing parking and a large display area which is located directly in conflict with the proposed easement. This is very common on the properties along Coastal Highway. The American Cedar business has been a tenant on these properties for many years. The large display area comprises of decking, railing and other outdoor materials they market to their customers. These materials make up about 25% of their business. The proposed easement and future constructed connection will compromise this existing marketing area and will provide a hardship to the business if this display area would have to be removed.

For these reasons we feel the proposed cross access easements will cause a hard ship and difficulty to their existing business and therefore respectfully request that the Planning Commission grant approval of the preliminary site plan as submitted.

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

Sincerely, PENNONI ASSOCIATES INC.

Alan Decktor, PE, ENV SP Senior Engineer

CC.

U:\Accounts\MORTN\MORTN21001 - American Way Warehouse\DELIVERABLES\P&Z\2021-06-24 Revised Prelim\2021-07-15 MORTN Easement Waiver.docx

Alan M. Decktor

Subject:

FW: American Way - Preliminary Stie Plan

From: Gillen, Tom <<u>tom.gillen1000@millwork1.com</u>>
Sent: Thursday, July 15, 2021 7:03 AM
To: Alan M. Decktor <<u>ADecktor@Pennoni.com</u>>; John Ritson <<u>iritson@millwork1.com</u>>; Rich Brady
<<u>rbrady@millwork1.com</u>>
Cc: Leonard Catalano <<u>Leonard.Catalano@mortonbuildings.com</u>>
Subject: RE: American Way - Preliminary Stie Plan

Yes, please proceed.

As far as a hardship, over 25% of my business is decking and railing. Which are displayed in the area they want an easement in.

Having them eliminate the displays for these products would be a serious blow to my business. It would be safe to say this would constitute a hardship.

Tom Gillen General Manager American Cedar & Millwork 17993 American Way Lewes, Delaware 19958

302-645-9580 Store 302-703-1855 Direct 302-858-3630 Cell www.millwork1.com

From: Gillen, Tom <tom.gillen1000@millwork1.com>
Sent: Wednesday, July 14, 2021 9:20 AM
To: Alan M. Decktor <ADecktor@Pennoni.com>; John Ritson <jritson@millwork1.com>
Cc: Leonard Catalano <Leonard.Catalano@mortonbuildings.com>; Rich Brady <rbrady@millwork1.com>
Subject: RE: American Way - Preliminary Stie Plan

Alan,

We do not agree to this easement. It compromises our outside selling area and displays. The checks will be cut on Friday. Thanks

Tom Gillen General Manager American Cedar & Millwork 17993 American Way Lewes, Delaware 19958



TO: Sussex County Planning & Zoning Dept.

DATE: 2 August 2021 JOB NO: 21-0403 ATTN: Christin Scott RE: SoDel Office - Rehoboth

Copy of letter	Change Order		Submittals
Shop drawings	Prints	Plans	Specifications
We are sending you:	Attached	Under separate c	over via: ups

Copies	Date	No.	Description			
1	08/02/21		COVID Intake Document			
1	08/02/21		Transmittal			
1	07/29/21		Letter (Parking in Setback Waiver Request)			
1	07/30/21		Letter (Parking Reduction Waiver Request)			
1	07/30/21		Rendering (11x17)			
1	07/22/21		Preliminary Site Plan (Revised) (S1)			
1	07/22/21		Preliminary Demo Plan (D1)			
1	07/30/21		Preliminary Lighting Plan (E-301)			
1	07/30/21		Floor Plan Exhibits for Parking Reduction (A-101)			
1	07/30/21		Building Elevations (A-201, A-202)			

THESE ARE TRANSMITTED as checked below:

For approval	Approved
As requested	Returned for corrections
X For review and comment	For your signature
For bids due	Approved for payment
For your use	Approved as Noted
Reviewed	Reviewed with Notations

REMARKS:

Christin:

Attached are revised plans based on Planning & Zoning Commission meeting on July 22, 2021. The Commission deferred action on the project and requested additional information to be provided on the parking reduction waiver request. They asked that documents be provided that give an explanation of how this reduction would actually work for the proposed use and to provide them with building elevations.

Based on meetings with DELDOT, SCD, and the PZ meeting, the client made revisions to the plans per suggestions made by those various agencies. The parking was moved away from the daylight easement for DELDOT, provided 15% reduction in impervious surface for SCD (using Geoblock for overflow parking), and based on comments from PZ, the building was reduced

THE KERCHER GROUP, INC.

www.kerchergroup.com | 37385 Rehoboth Ave., Unit #11, Rehoboth Beach, De 19971 | 302-854-9062



which reduces the total number of spaces required. There are still (12) spaces that are paved, however, there are now an additional (7) temporary spaces on a grassed surface using the Geoblock system. The Geoblock system achieves the reduction of impervious as vetted by SCD, plus gives additional spaces PZ asked for.

Also included with this submission, are letters and exhibits related to the parking. Floor plans are being provided that highlight areas used by the employees to justify the number of parking spaces. Building elevations are being provided at the request of the Commission.

Thank you for your help and please do not hesitate to contact me at your earliest convenience if you should have any questions.

SINCERELY

Kevin Smith



July 29, 2021

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

RE: SoDel Concepts Office – Rehoboth Beach TM#: 334-20.13-27.00

Dear Mr. Whitehouse:

As per a Planning & Zoning Commission Meeting on July 22, 2021, the above referenced project was deferred by the Commission. The Commission requested additional information to be provided on the parking reduction waiver request. They asked that documents be provided that explain how this reduction would actually work for the proposed use and to provide them with building elevations. Those plans and exhibits are included with the revised submittal package.

Also discussed by the Commission was the request to allow parking within the front yard and corner yard setbacks. Based on meetings with DELDOT, SCD, and the PZ meeting, the client made revisions to the plans per suggestions made by those various agencies. The parking was moved away from the daylight easement for DELDOT, provided 15% reduction in impervious surface for SCD (using Geoblock for overflow parking), and based on comments from PZ, the building was reduced which reduces the total number of spaces required. It shall be noted that the reduction of the building and calculations for the usable area indicate that only fifteen (15) parking spaces are required. There are still (12) spaces that are paved, however, there are now an additional (7) temporary spaces on a grassed surface using the Geoblock system. The Geoblock system achieves the reduction of impervious as vetted by SCD, plus gives additional spaces PZ asked for. Although revision to the plans were made based on those agency suggestions, parking remains in the front yard and corner yard setbacks. At this meeting, the Commission did not pose any objections to the parking within these setbacks.

Please allow this letter to serve as a formal waiver request to allow four (4) paved parking spaces and seven (7) grassed overflow parking spaces to be located within the front yard and corner front yard setback as well as allow the reduction from the required fifteen (15) parking spaces down to the twelve (12) spaces as shown and dimensioned on the plans, if the grassed overflow parking is not considered for the total parking spaces provided.

A separate letter shall accompany this request regarding the reduction of parking shown on the plans. The applicant has noted that the twelve (12) spaces shall be sufficient for their use with the seven (7) grassed overflow parking spaces being adequate at various times during business operations.

THE KERCHER GROUP, INC.

If you should have any questions regarding a statement made within this document please do not hesitate to contact our office at your earliest convenience.

Thank you for your attention and consideration.

Sincerely,

1

The Kercher Group, Inc. Kevin Smith, Project Manager



7/30/2021

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

Re: SoDel Concepts Office – Rehoboth Beach TM#: 334-20.13-27.00

Dear Mr. Whitehouse,

In response to the planning commissions review and questions regarding our request for the parking waiver our team is offering the following response.

The proposed building is a **two story** structure with access to the attic. The Attic is strictly for mechanical and maintenance of the equipment. We have provided conceptual renderings of the building to reinforce this.

As proposed, 15 spaces are required. We have 12 paved spaces on site and 19 total spaces when including the geogrid. Given the possibility that the geogrid area that adds 7 additional spaces, may not be considered, we offer the following additional information in the hopes to reinforce our position and request for a waiver:

- 1. Sodel has a significant portion of current employees that work remote. Either from home or from other restaurant locations. This will be the primary reason for the lower occupancy we are requesting. We have created a plan that permits an open work environment so that employees can freely work in different areas. These open areas are for the twelve to sixteen accounted for inhabitants.
- 2. The Zoning Code requires offices to provide parking at the rate of '1 per 200 square feet of <u>floor area</u>. Exclusive of basement, if not used for office or customer service purposes'. Floor Area for commercial, business, etc. is defined as 'the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, <u>but not including attic or basement</u> storage space, ... mechanical utility equipment areas, rest rooms and stairs.' By excluding these areas, our total floor area comes to 3,734sf. This would require 19 parking spaces. However, when calculating the walking paths and circulation areas (463sf-1st level & 445sf-2nd level) we come to <u>2,826sf of usable area</u>. This would require the 15 parking spaces noted above.

542 Riverside Drive Salisbury, MD 21801 (410) 742-0238 (office) (888) 879-7149 (fax) fisherarchitecture.com However, if we look even deeper into the programming of this business, there are additional areas we feel should allow us to reduce the space.

- a. The conference room and communal areas (991sf) will require 5 spaces.
- b. The large private offices (333sf) would require 2 when in reality only one per office is needed.

This would allow us to reduce by another six spaces; which would equate to 11 required spaces. However, we are asking for your permission to provide 12 spaces. We have provided a color coded plan within this package to elaborate exactly where the 12 employees would be. This diagram also clarifies area we consider communal within a department (where employees within that department can sit down together and plan). It also clarifies areas we consider communal for all employees within the building to meet.

- 3. This site currently has two street entrances, one from Anne Ave and one from Rt.1. DelDot has required that the Rt.1 entrance be closed and that we respect the 20 foot clear sight easement on the corner. These two requirements of this site reduce the amount of space available for additional parking and vehicular circulation.
- 4. Ownerships current employee base consists of many local residents that currently do and plan to continue to bike to work when attendance in the office is warranted. For that reason, we have also added a bike rack to accommodate.

Sodel has demonstrated on many occasions in the County that they are very responsible neighbors and understand the impact they are making in the immediate surrounding areas; they are committed to making positive impacts when they build. We appreciate your consideration on this matter and look forward to your feedback.

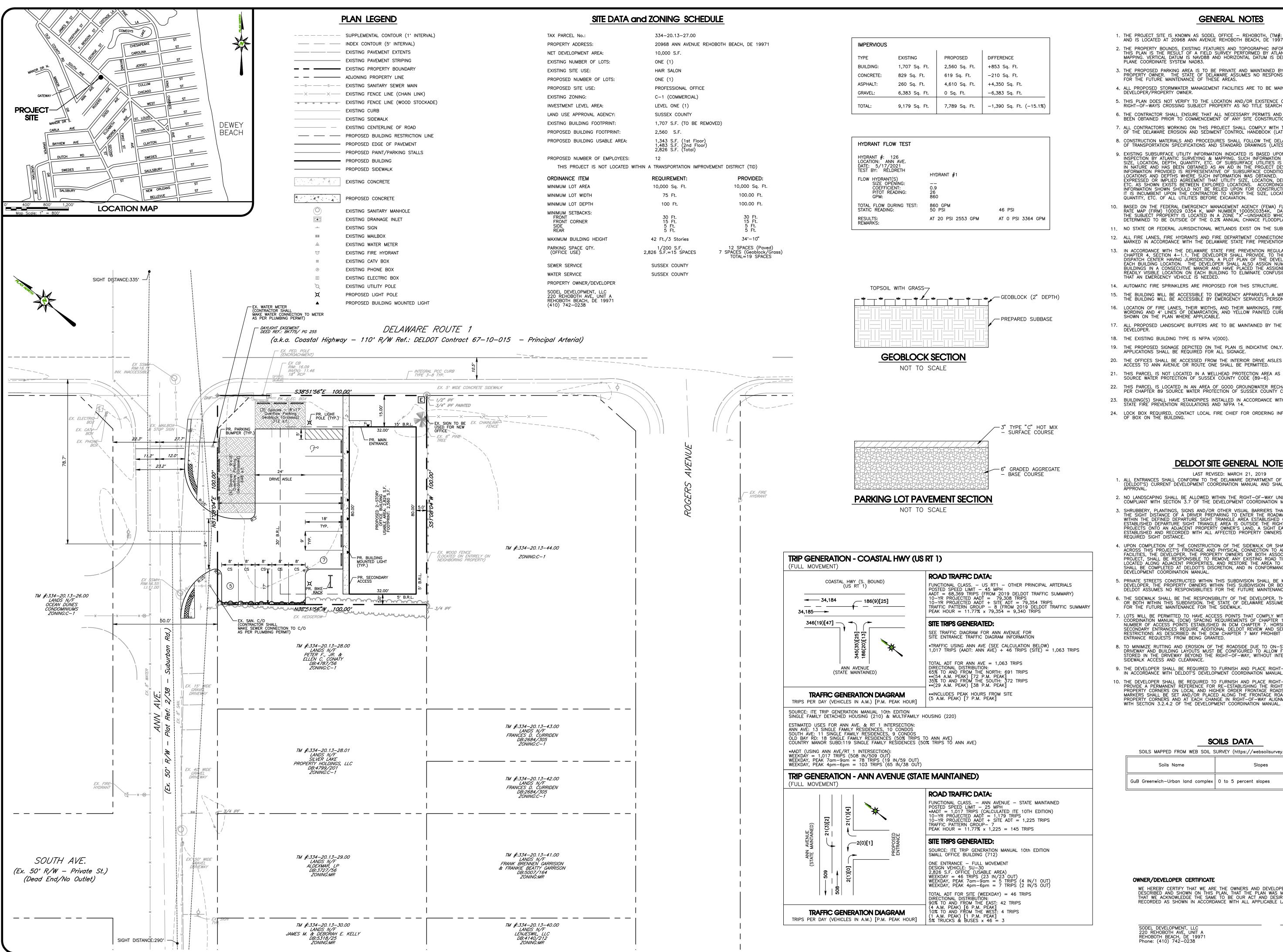
Sincerely,

Keith P. Fisher AIA LEED AP Principal **Fisher Architecture, LLC** 542 Riverside Dr. Salisbury MD. 21801



CONCEPTS





PROJECT SITE IS KNOWN AS SODEL OFFICE – REHOBOTH, (TM#: 334–20.13–27.00), IS LOCATED AT 20968 ANN AVENUE REHOBOTH BEACH, DE 19971.	
PROPERTY BOUNDS, EXISTING FEATURES AND TOPOGRAPHIC INFORMATION SHOWN ON S PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY ATLANTIC SURVEYING & PING. VERTICAL DATUM IS NAVD88 AND HORIZONTAL DATUM IS DELAWARE STATE NE COORDINATE SYSTEM NAD83.	

GENERAL NOTES

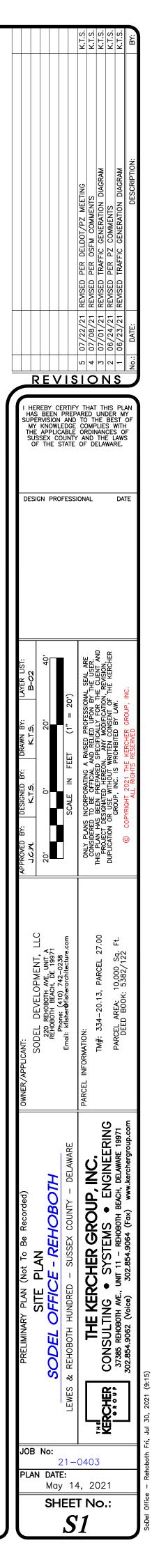
- 3. THE PROPOSED PARKING AREA IS TO BE PRIVATE AND MAINTAINED BY THE DEVELOPER/ PROPERTY OWNER. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE AREAS.
- 4. ALL PROPOSED STORMWATER MANAGEMENT FACILITIES ARE TO BE MAINTAINED BY THE DEVELOPER/PROPERTY OWNER. 5. THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR
- RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED. 6. THE CONTRACTOR SHALL ENSURE THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO COMMENCEMENT OF ANY SITE CONSTRUCTION ACTIVITIES.
- 7. ALL CONTRACTORS WORKING ON THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS
- THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK (LATEST EDITION). 8. CONSTRUCTION MATERIALS AND PROCEDURES SHALL FOLLOW THE DELAWARE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND STANDARD DRAWINGS (LATEST EDITION).
- 9. EXISTING SUBSURFACE UTILITY INFORMATION INDICATED IS BASED UPON VISUAL FIELD INSPECTION BY ATLANTIC SURVEYING & MAPPING. SUCH INFORMATION CONCERNING THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF SUBSURFACE UTILITIES IS APPROXIMATE IN NATURE AND HAS BEEN OBTAINED AS AN AID IN THE PROJECT DESIGN. THE INFORMATION PROVIDED IS REPRESENTATIVE OF SUBSURFACE CONDITIONS ONLY A INFORMATION PROVIDED IS REPRESENTATIVE OF SUBSURFACE CONDITIONS UNLY AT LOCATIONS AND DEPTHS WHERE SUCH INFORMATION WAS OBTAINED. THERE IS NO EXPRESSED OR IMPLIED AGREEMENT THAT UTILITY SIZE, LOCATION, DEPTH, QUANTITY, ETC. AS SHOWN EXISTS BETWEEN EXPLORED LOCATIONS. ACCORDINGLY, UTILITY INFORMATION SHOWN SHOULD NOT BE RELIED UPON FOR CONSTRUCTION PURPOSES. IT IS INCUMBENT UPON THE CONTRACTOR TO VERIFY THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF ALL UTILITIES BEFORE EXCAVATION.
- 10. BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 100029 0354 K, MAP NUMBER 10005C0354K, DATED MARCH 16, 2015, THE SUBJECT PROPERTY IS LOCATED IN A ZONE "X"-UNSHADED WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- 11. NO STATE OR FEDERAL JURISDICTIONAL WETLANDS EXIST ON THE SUBJECT PROPERTY. 12. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- 13. IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS PART V, CHAPTER 4, SECTION 4–1.1, THE DEVELOPER SHALL PROVIDE, TO THE EMERGENCY DISPATCH CENTER HAVING JURISDICTION, A PLOT PLAN OF THE DEVELOPMENT SHOWING EACH BUILDING LOCATION. THE DEVELOPER SHALL ALSO ASSIGN NUMBERS TO ALL BUILDINGS IN A CONSECUTIVE MANOR AND HAVE PLACED THE ASSIGNED NUMBER IN A READILY VISIBLE LOCATION ON EACH BUILDING TO ELIMINATE CONFUSION IN THE EVENT THAT AN EMERGENCY VEHICLE IS NEEDED. THAT AN EMERGENCY VEHICLE IS NEEDED
- 14. AUTOMATIC FIRE SPRINKLERS ARE PROPOSED FOR THIS STRUCTURE. 15. THE BUILDING WILL BE ACCESSIBLE TO EMERGENCY APPARATUS. A MINIMUM OF 50% OF THE BUILDING WILL BE ACCESSIBLE BY EMERGENCY SERVICES PERSONNEL.
- LOCATION OF FIRE LANES, THEIR WIDTHS, AND THEIR MARKINGS, FIRE LANE SIGNS, WORDING AND 4' LINES OF DEMARCATION, AND YELLOW PAINTED CURBING ARE TO BE SHOWN ON THE PLAN WHERE APPLICABLE.
- 17. ALL PROPOSED LANDSCAPE BUFFERS ARE TO BE MAINTAINED BY THE PROPERTY OWNER/ DEVELOPER.
- 19. THE PROPOSED SIGNAGE DEPICTED ON THE PLAN IS INDICATIVE ONLY. SEPARATE
- APPLICATIONS SHALL BE REQUIRED FOR ALL SIGNAGE. 20. THE OFFICES SHALL BE ACCESSED FROM THE INTERIOR DRIVE AISLES ONLY. NO SECONDARY ACCESS TO ANN AVENUE OR ROUTE ONE SHALL BE PERMITTED.
- 21. THIS PARCEL IS NOT LOCATED IN A WELLHEAD PROTECTION AREA AS PER CHAPTER 89 SOURCE WATER PROTECTION OF SUSSEX COUNTY CODE (89-6).
- 22. THIS PARCEL IS LOCATED IN AN AREA OF GOOD GROUNDWATER RECHARGE POTENTIAL AS PER CHAPTER 89 SOURCE WATER PROTECTION OF SUSSEX COUNTY CODE (89–7).
- BUILDING(S) SHALL HAVE STANDPIPES INSTALLED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS AND NFPA 14.
- 24. LOCK BOX REQUIRED, CONTACT LOCAL FIRE CHIEF FOR ORDERING INFORMATION AND LOCATION OF BOX ON THE BUILDING.

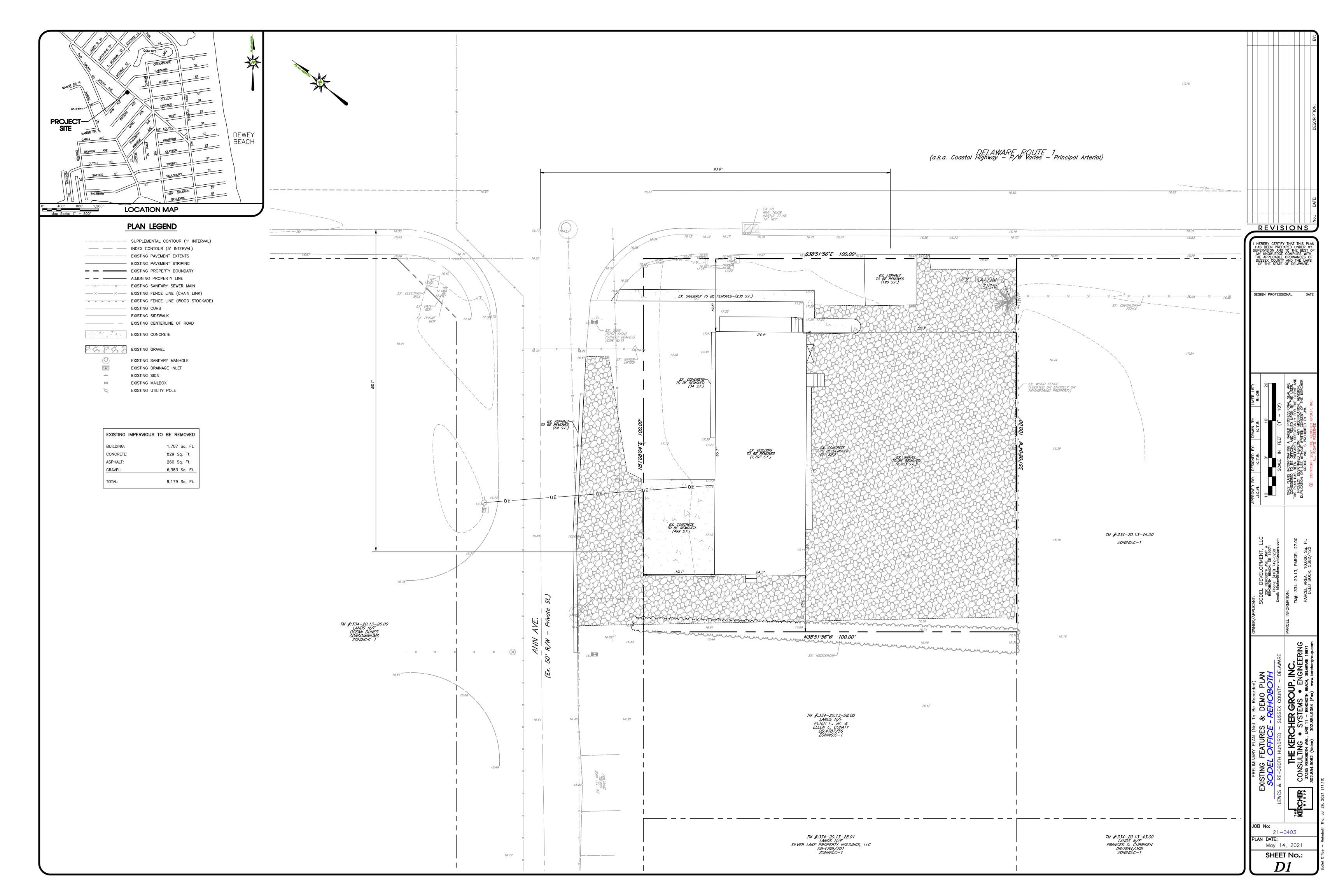
DELDOT SITE GENERAL NOTES

- LAST REVISED: MARCH 21, 2019 1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS
- . NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT—OF—WAY UNLESS THE PLANS ARE
- COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL. 3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE PROJUBED SIGHT DISTANCE. REQUIRED SIGHT DISTANCE.
- 4. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELOOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- 5. PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17 .131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS. 6. THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE FOR THE SIDEWALK.
- 7. LOTS WILL BE PERMITTED TO HAVE ACCESS POINTS THAT COMPLY WITH THE DEVELOPMENT COORDINATION MANUAL (DCM) SPACING REQUIREMENTS OF CHAPTER 1 AND LIMITATIONS ON NUMBER OF ACCESS POINTS ESTABLISHED IN DCM CHAPTER 7. HORSESHOE DRIVEWAYS AND SECONDARY ENTRANCES REQUIRE ADDITIONAL DELDOT REVIEW AND SEPARATE PERMITTING, RESTRICTIONS AS DESCRIBED IN THE DCM CHAPTER 7 MAY PROHIBIT SOME SECONDARY ENTRANCE REQUESTS FROM BEING GRANTED.
- 8. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH
- 9. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL. 10. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE

SOILS DATA

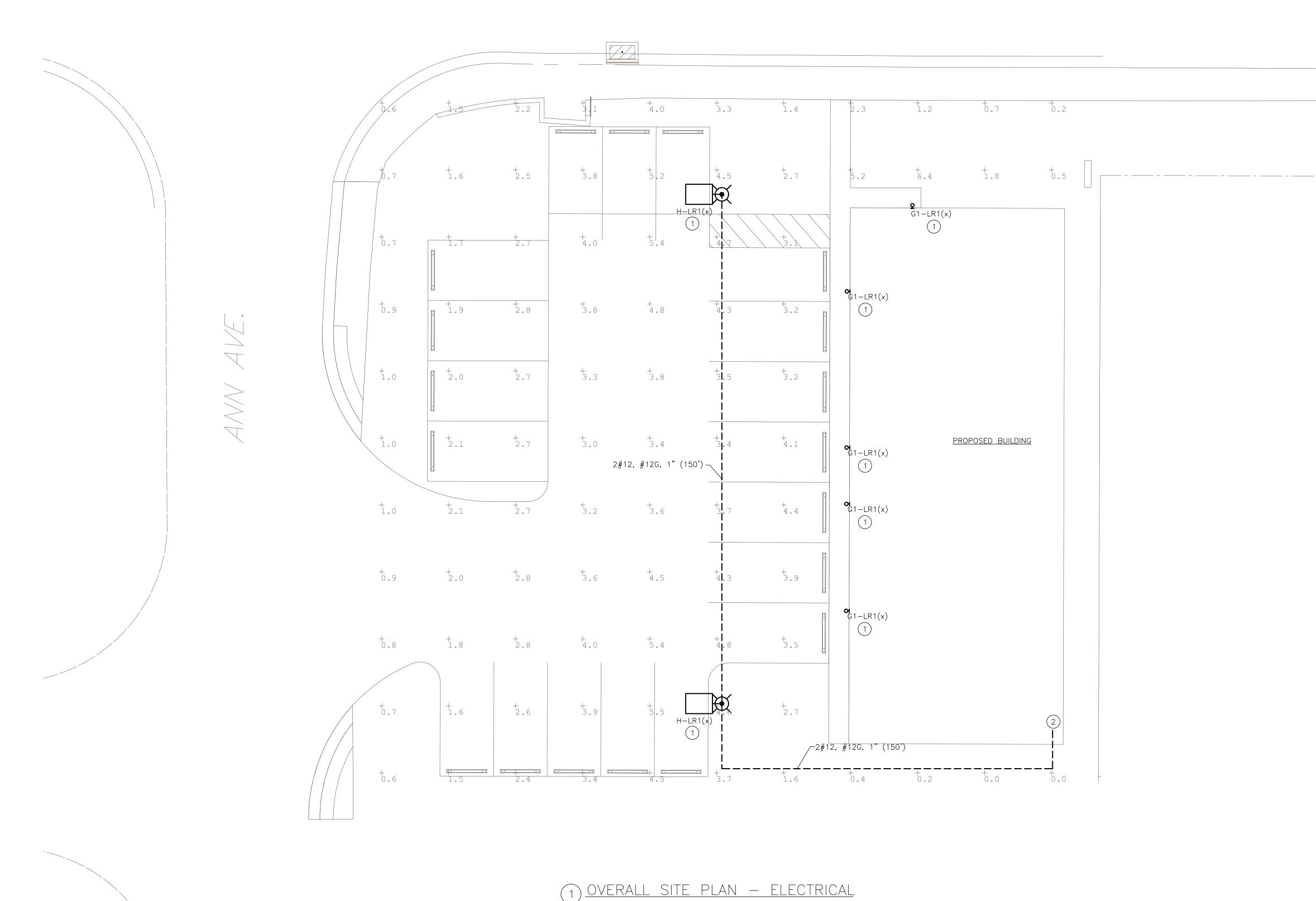
SOILS MAPPED FROM WEB SOIL S	URVEY (https://websoilsurvey.sc.egov	.usaa.gov)
Soils Name	Slopes	Hydrolic Soils Group
GuB Greenwich-Urban land complex	0 to 5 percent slopes	В
DESCRIBED AND SHOWN ON THIS THAT WE ACKNOWLEDGE THE SAME	E THE OWNERS AND DEVELOPERS OF PLAN, THAT THE PLAN WAS MADE AT E TO BE OUR ACT AND DESIRE THE I ANCE WITH ALL APPLICABLE LAWS AN	OUR DIRECTIO
WE HEREBY CERTIFY THAT WE ARE DESCRIBED AND SHOWN ON THIS THAT WE ACKNOWLEDGE THE SAME	PLAN, THAT THE PLAN WAS MADE AT TO BE OUR ACT AND DESIRE THE I	OUR DIRECTIO





	ABBREVIATED LIGHTING FIXTURE SCHEDULE								
TYPE	MANUFACTURER	CATALOG #	LAMPS	VOLT	MOUNTING	REMARKS	QTY	WATTS	
G1	PHILIPS/STONCO	LPW-16-50-NW-G3-2-UNV-xx	80 CRI,/74,000K, 5,400 LUMEN LED	120	SURFACE	SLIM EXTERIOR SURFACE MOUNTED LED FIXTURE W/TYPE 2 DISTRIBUTION. UL LISTED FOR WET LOCATIONS. FINISH SELECTED BY OTHERS.	5	48	
Н	PHILIPS/GARDCO	ECF-S-32L-1A-NW-G2-AR-3-UNV- F1-RPA-xx	70 CRI, 4,000K, 13,000 LUMEN LED	120	POLE	ARCHITECTURAL OUTDOOR LOW PROFILE POLE ARM MOUNTED FIXTURE WITH TYPE III DISTRIBUTION, ROLE POLE ADAPTER, SINGLE FUSE, & DIFFUSING LENS. PROVIDE 20' TALL, ROUND POLE. FINISHED SELECTED BY OTHERS.	2	106	

NOTES: 1. ALL LIGHTING FIXTURES SHALL BE APPROVED BY THE OWNER / ARCHITECT PRIOR TO ORDERING AND INSTALLING. 2. CONTRACTOR SHALL BE RESPONSIBLE FOR ORDERING AND COORDINATION ALL FIXTURE OPTIONS AND ACCESSORIES TO ENSURE A COMPLETE QUALITY INSTALLATION



DELAMARE ROUTE 1



<u>GENERAL NOTES:</u>

- 1. REFER TO ELECTRICAL PANEL SCHEDULES FOR WIRE SIZES, BREAKER SIZES, AND OTHER INFORMATION NOT SHOWN ON THIS DRAWING. 2. ALL EQUIPMENT, CONDUITS, WIRING ETC. THAT
- PENETRATIONS INTO FIRE RATED WALLS, PARTITIONS, OR BARRIERS MUST BE SEALED, FIRE RATED, & APPROVED BY THE AHJ. 3. PANELBOARDS TO UTILIZE BOLT-ON CIRCUIT
- BREAKERS.
- 4. ALL LOW-VOLTAGE OUTLETS TO HAVE CONDUIT STUBS UP TO CEILING & TURNED OUT. 5. COORDINATE WITH SUPPLIERS OF ALL
- EQUIPMENT TO ENSURE ALL CONDUITS, CIRCUITS, & POWER CONNECTIONS ARE INSTALLED. 6. PROVIDE/COORDINATE MOUNTING BLOCK(S) FOR
- ALL EXTERIOR LIGHTS AND RECEPTACLES. 7. FIELD CALIBRATE OCCUPANCY SENSOR(S) TO
- AVOID INADVERTENT ACTIVATION OF LIGHT(S).

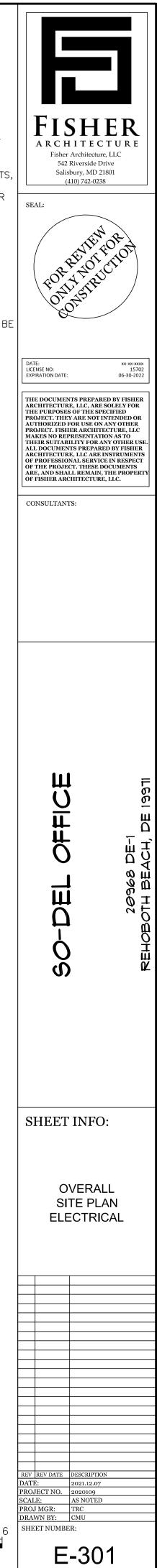
DRAWING NOTES:

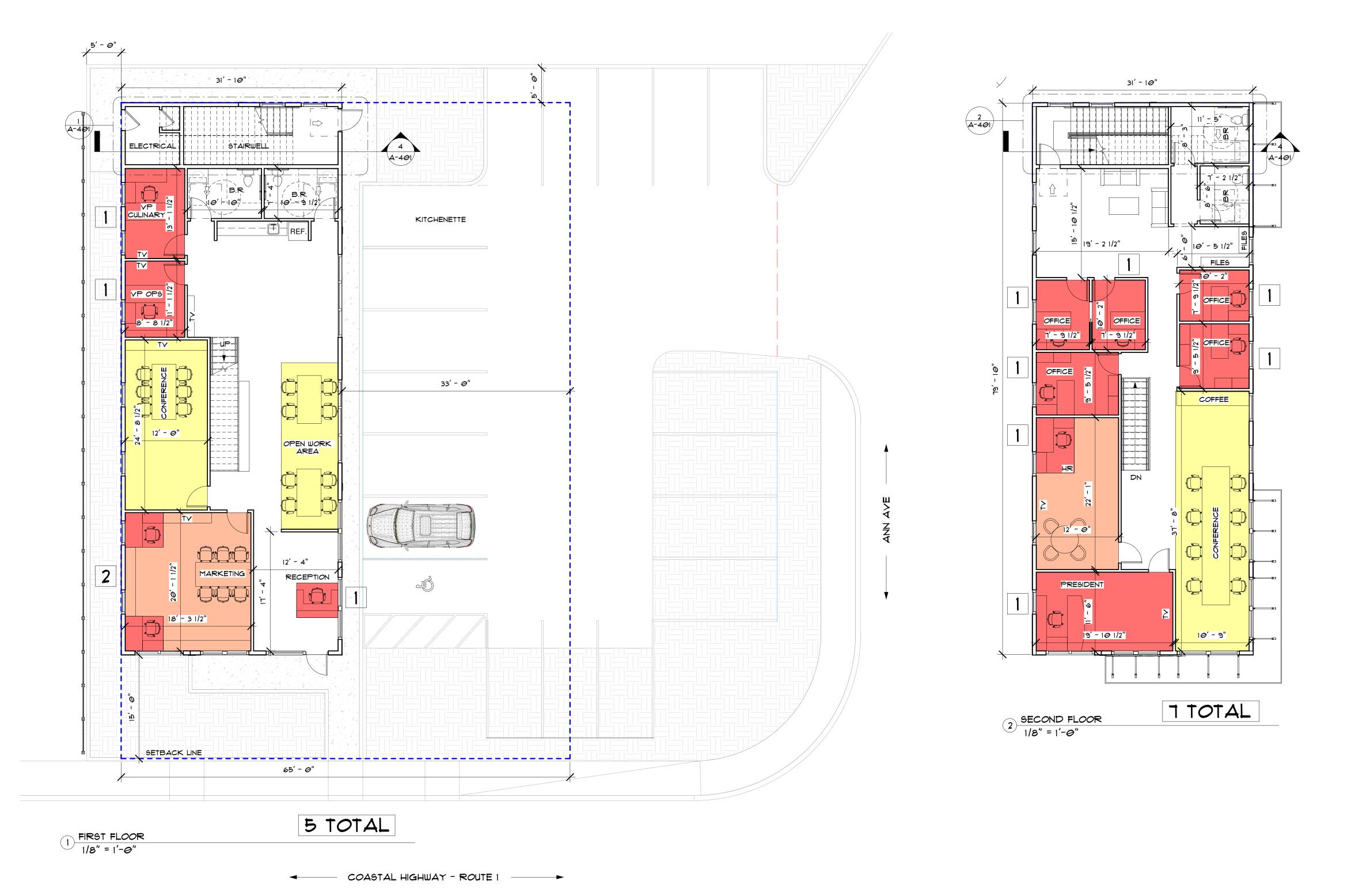
- (1) LIGHTING TO BE CONTROLLED BY TIMECLOCK & PHOTOCELL. COORDINATE "OFF" TIMES WITH OWNER PRIOR TO COMPLETION. TIMECLOCK TO BE LOCATED ADJACENT TO PANEL <u>LR1</u>.
- 2 EXTEND CIRCUITRY BELOW SLAB & TURN UP INTO WALL. EXTEND CIRCUITRY THROUGH BUILDING TO PANEL <u>LR1</u>.

<u>GRAPHIC SCALE</u>

4 0

SCALE: 1/8"=1'-0" UNIT OF MEASURE: FEET

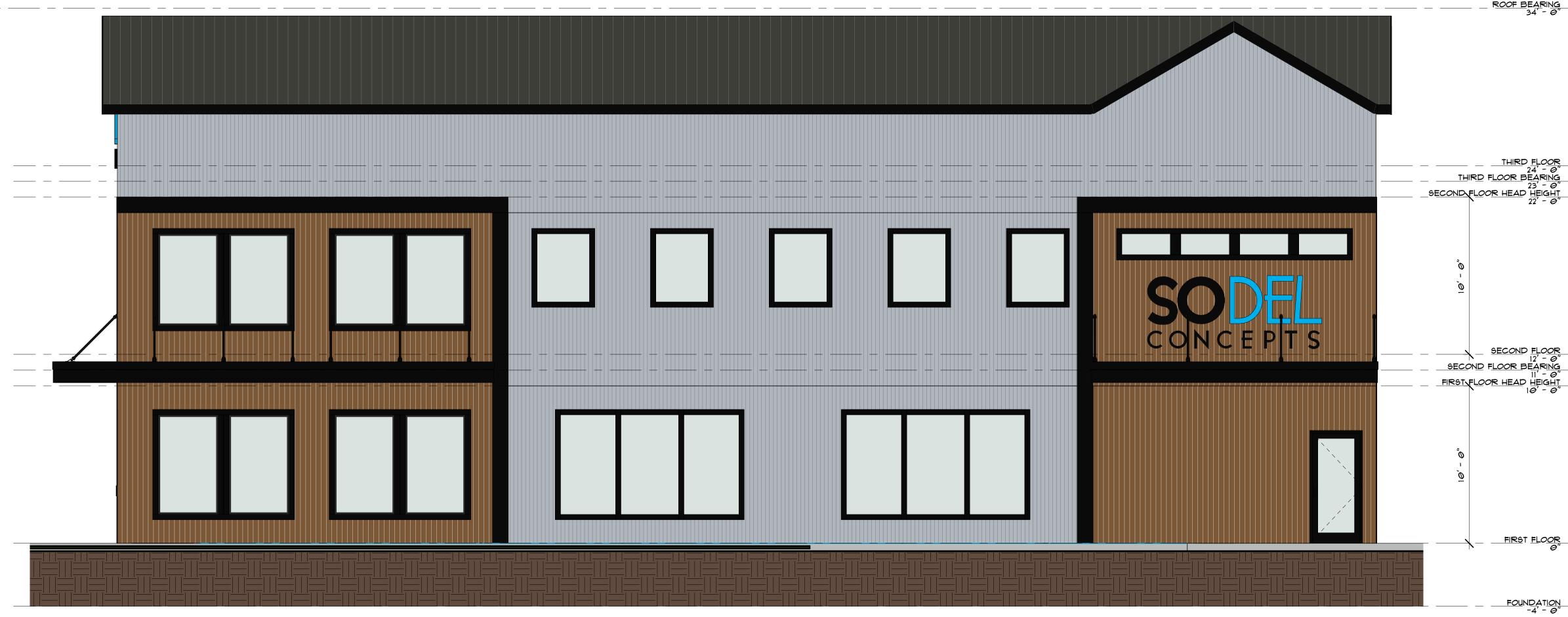




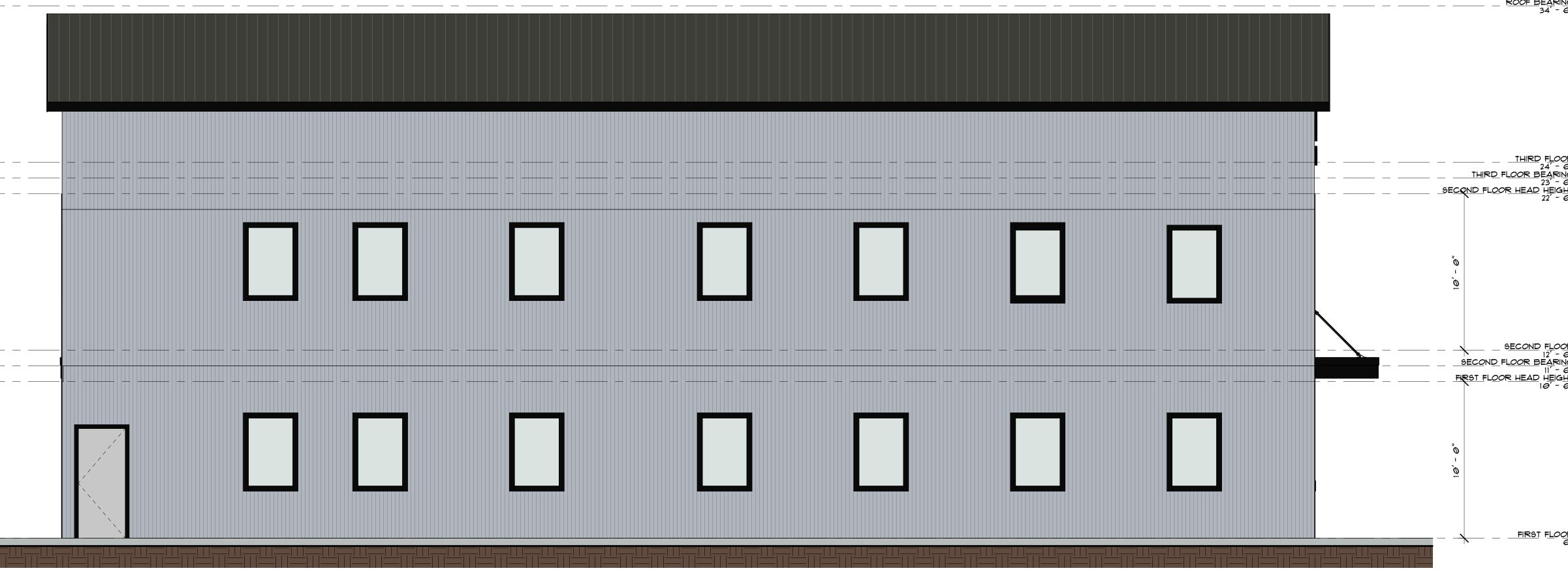


49

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-			
-			
v	REV DATE	DESCRIPTION	
TE:		2020.12.07	
OJECT NO.		2020109	
ALE:		2020109 1/8" = 1'-0"	
OJ MGR:		H. MORRISON	
AWN BY:		S. FINCH	
IEET NUMBER:			
A-101			



1 ELEVATION EAST



3 ELEVATION WEST



ROOF BEARING

<u>THIRD FLOOR</u> 24 - 0"

SECOND FLOOR

FOUNDATION -4' - 0"

<u>ROOF BEARING</u> 34' - 0"

<u>THIRD FLOOR BÉARI</u>

SECOND FLO SECOND FLOOR BEARI HRST FLOOR HEAD HEIGI

 REV
 REV DATE
 DESCRIPTION

 DATE:
 2020.12.07

 PROJECT NO.
 2020109

 SCALE:
 1/4" = 1'-0"

 PROJ MGR:
 H. MORRISON

 DRAWN BY:
 Author
 SHEET NUMBER: A-201



FISHER ARCHITECTURE Fisher Architecture, LLC 542 Riverside Drive Salisbury, MD 21801 (410) 742 0238

(410) 742-0238



2 ELEVATION SOUTH 1/4" = 1'-0"

<u>ROOF</u> <u>BEARING</u> 34' - O''

11' - 0

·

ROOF BEARING 34' - 0"

THIRD FLOOR 24' - 0" THIRD FLOOR BEARING 23' - 0" SECOND FLOOR HEAD HEIGHT 22' - 0"

<u>SECOND FLOOR</u> 12' - O" <u>SECOND FLOOR BEARING</u> 11' - O" <u>FIRST FLOOR HEAD HEIGHT</u> 10' - O"



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

August 9, 2021

Dr. Kristi Shaw Cleanbay Renewables 726 Second St. Suite 3B Annapolis, MD 21403

By email to: kristi@cleanbayrenewables.com

RE: Expiration of Conditional Use No. 2113 Cleanbay Renewables, LLC for an electrical generation and nutrient recovery facility located on the west side of Dupont Boulevard (Route 113) in Georgetown.

Dear Dr. Shaw:

Conditional Use No. 2113, filed by Cleanbay Renewables, LLC, was approved by the Sussex County Council on July 31st, 2018 and adopted through Ordinance No. 2589.

Persuanant to §115-174, a Conditional Use is valid for a period of three (3) years from the date of approval and shall become null and void unless the use is "substantially underway." As stated in §115-174, construction shall be deemed to be substantially underway if *"the right of way has been cleared, the roadways, internal streets and/or parking areas have been rough-graded, the drainage system and/or stormwater management facilities have been rough-graded and erosion and sediment control measures are in place and being actively maintained.*"

After a staff review of this project, it appears that this approval has now lapsed.

If you disagree with staff's findings, please provide documentation to our office that would deem this project to be substantially underway within the three year time frame.

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

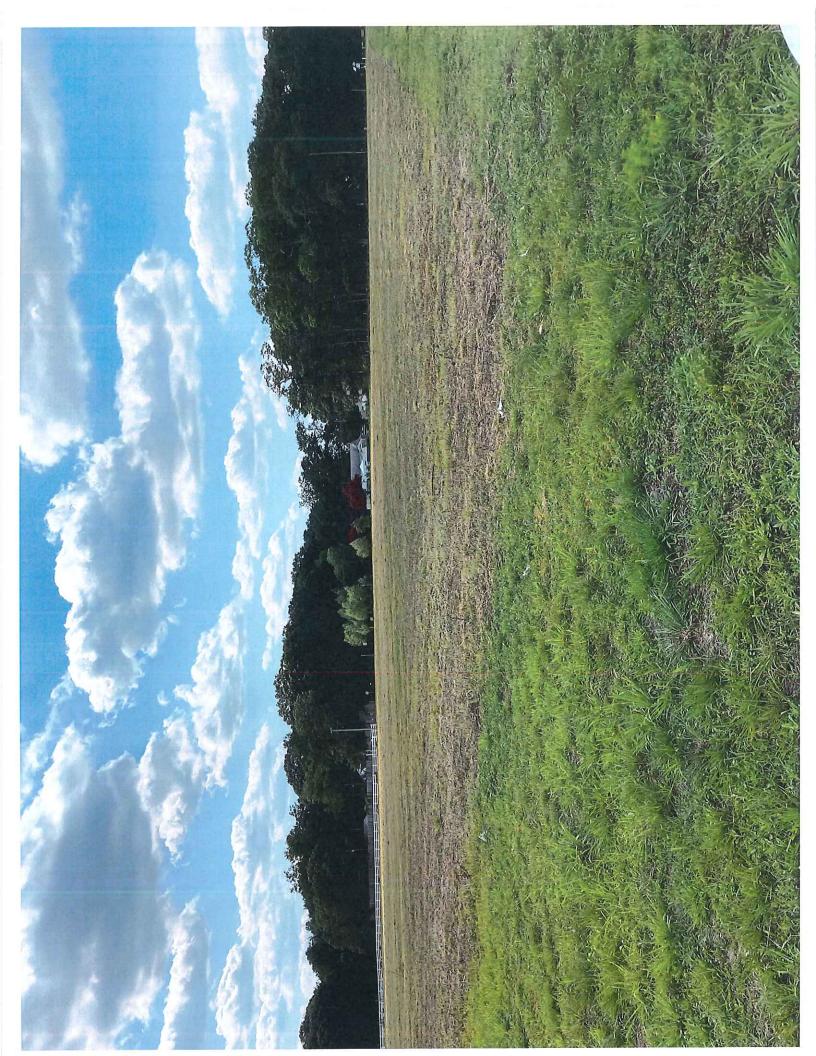
Sincerely,

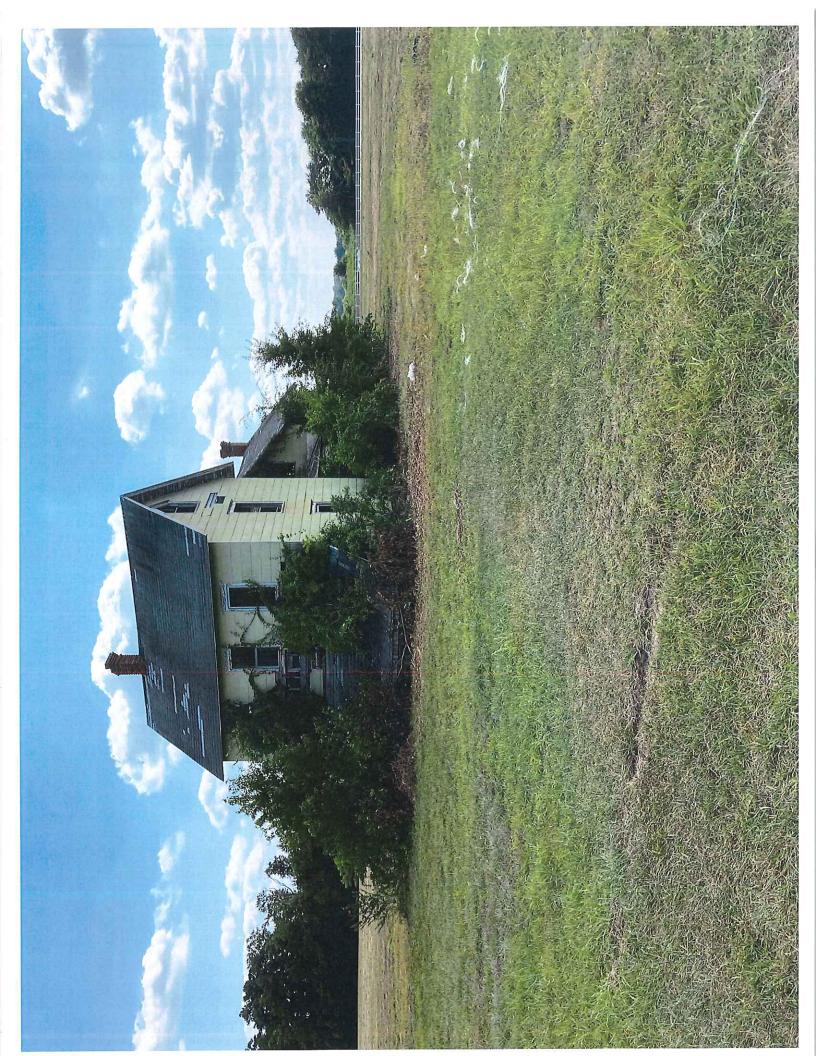
Nick Torrance

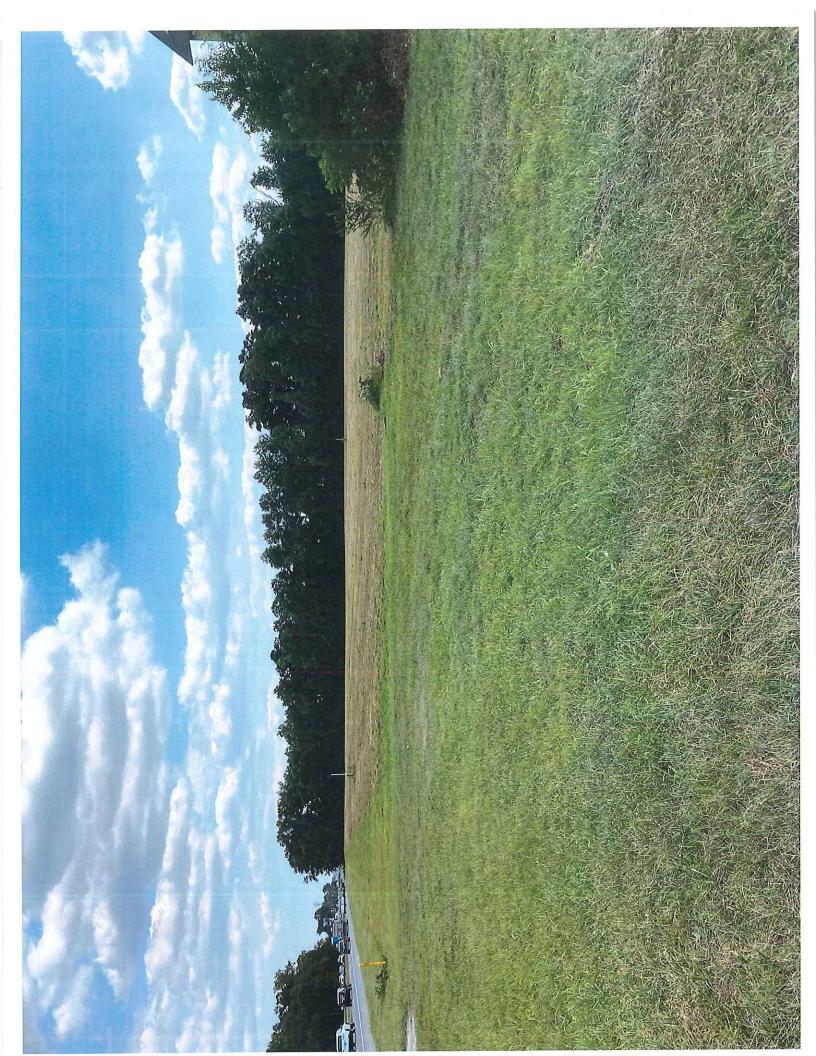
Nick Torrance Planner I



COUNTY ADMINISTRATIVE OFFICES 2 THE CIRCLE | PO BOX 417 GEORGETOWN, DELAWARE 19947 Staff's Photos taken on August 5th, 2021









August 10, 2021

Nick Torrance By email to: Nicholas.torrance@sussexcountyde.gov Planner I Sussex County Department of Planning and Zoning 2 The Circle Georgetown, DE 19947

RE: Expiration of Conditional Use No. 2113 Cleanbay Renewables, LLC for an electrical generation and nutrient recovery facility located on the west side of Dupont Boulevard (Route 113) in Georgetown.

Dear Nick,

Conditional Use No. 2113, filed by Cleanbay Renewables, LLC, was approved by the Sussex County Council on July 31_{st}, 2018 and adopted through Ordinance No. 2589. Persuant to §115-174 for the continued validity of the Conditional Use, this letter serves to show that construction and land management has been substantially underway based upon the following:

"the right of way has been cleared, the roadways, internal streets and/or parking areas have been rough-graded, the drainage system and/or stormwater management facilities have been rough-graded and erosion and sediment control measures are in place and being actively maintained."

CleanBay Renewables disagrees with the staff's findings that the approval for Conditional Use No. 2113 has lapsed. To confirm, photos are attached to demonstrate the clearing of a right of way and roadway/parking areas. The drainage system, stormwater management and erosion and sediment control has been maintained over the prior three years as agricultural ditches and agricultural tillage of the land. We are working closely with Melvin Joseph Construction company on scheduled improvements at the site, which commenced before the end of the 3 year CUA period.

Sincerely,

Dr. Kristi Shaw Director of Environmental & Regulatory Compliance CleanBay Renewables Attachments: Photos of site work completed before July 31, 2021.



Before, July 2021

After, July 2021

Site work being completed, July 2021.





August 24, 2021

By email to: Jamie. Whitehouse@sussexcountyde.gov

Sussex County Planning and Zoning Commission 2 The Circle Georgetown, DE 19947

RE: Conditional Use No. 2113 Cleanbay Renewables, LLC for an electrical generation and nutrient recovery facility located on the west side of Dupont Boulevard (Route 113) in Georgetown.

Dear Planning and Zoning Commission Members,

Conditional Use No. 2113, applied for by Cleanbay Renewables LLC Sussex I (CBR) on August 31, 2017, was heard before your commission on January 25, 2018, recommended for approval on February 8, 2018, heard by the Sussex County Council on February 20, 2018, approved by the Sussex County Council on July 31, 2018 and adopted through Ordinance No. 2589.

In accordance with the Conditions of Use for No. 2113, CBR has worked diligently with state and local officials on conforming to site plan approval submission requirements, including securing Fire Marshal approval (7/3/2019; Condition "A"), DelDOT approval for a new entrance off of Rt 113 (8/21/2019, Condition "J"), Sussex Conservation District approval for stormwater management and erosion-sediment control measures (4/29/2020; Condition "M") and a Hydrological Assessment, conducted in accord with DNREC (7/27/2020; Condition "O").

Given the nature of the past year of pandemic closures and delays, forward movement in the P&Z process were impacted, including the timeline of site plan review, communications, etc. Following updated site plan submissions made on 3/12/2021, a new planner was assigned to the project on 5/6/2021, a review was received (5/17/2021) and CBR edits were submitted (6/14/2021). The project was placed on the P&Z Commission agenda for 7/8/2021 after final edits were submitted.

Following the approval of final site plans for the CBR project on 7/8/2021, a follow-up email was sent to planners by CBR on 7/28/2021 to confirm steps forward for site plan signatures. In addition, CBR relayed updates regarding site work and schedules as contracted with Melvin Joseph Construction, with the expressed purpose of confirming substantial progress was being made toward site improvement for Conditional Use compliance, before the end of the CUA period on 7/31/2021. The next correspondence received was a letter on 8/9/2021 giving notice that CUA had expired, based upon lack of site work.

Persuant to §115-174 for the continued validity of the Conditional Use, this letter serves to provide additional details show that construction and land management has been substantially underway based upon the following:

"the right of way has been cleared, the roadways, internal streets and/or parking areas have been rough-graded, the drainage system and/or stormwater management facilities have been rough-graded and erosion and sediment control measures are in place and being actively maintained."



CleanBay Renewables disagrees with the staff's findings that the approval for Conditional Use No. 2113 has lapsed. The drainage system, stormwater management and erosion and sediment control has been maintained over the prior three years as agricultural ditches and by agricultural tillage of the land. Right of way onto the property from Rt 113 and a parking area in front of the house structure have been maintained over the prior three years. Following site plan approval on 7/8/2021, we have been working closely with Melvin Joseph Construction company on scheduled improvements at the site, which commenced before the end of the three year CUA period and have included landscape clearing, asbestos removal from the house structure and subsequent demolition of structure. If the work, as scheduled and communicated, was not in alignment with being "substantially underway", we would have hoped for a response to that effect before the expiration of the CUA period on 7/31/2021. If more specific requirements for this parcel to be considered "substantially underway" were implied, §115-174 does not provide language that is specific enough to substantiate a lapse in CUA.

Based upon this information, we request that the Planning and Zoning Commission find CUA No. 2113 in compliance and substantially underway, so that CleanBay Renewables may continue its development of this site.

Sincerely,

Dr. Kristi Shaw Director of Environmental & Regulatory Compliance

CleanBay Renewables

Attachments: Photos of site work completed before July 31, 2021 and during August 2021.





Before, July 2021

After, July 2021

Site work being completed, July 2021.



House following clearing and asbestos removal, August 2021.





ORDINANCE NO. 2589

 $\mathcal{L}_{\mathcal{D}}^{(n)}$

AN AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL GENERATION AND NUTRIENT RECOVERY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, **CONTAINING 16.71 ACRES, MORE OR LESS** ORDINANCE TO GRANT CONDITIONAL USE OF LAND Z AN AR-1

denominated Conditional Use No. 2113, was filed on behalf of CleanBay Renewables, LLC Sussex I; and WHEREAS, on the 31^{ST} day of August 2017, 2 conditional use application,

No. February 2018, said Planning and Zoning Commission recommended that Conditional Use before 2113 be approved with conditions; and the Planning and Zoning Commission of Sussex County and on the 8th day WHEREAS, on the 25th day of January 2018, a public hearing was held, after notice, of

Sussex County. that the order, prosperity and welfare of the present and future inhabitants of Sussex County, and determined, based on the findings of facts, that said conditional use is in accordance with the before Comprehensive Development Plan and promotes the health, safety, morals, convenience, the County Council of Sussex County and the County Council of Sussex WHEREAS, on the 31st day of July 2018, a public hearing was held, conditional use is for the general convenience and welfare of the inhabitants of after notice, County

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

be property hereinafter described. amended by Section 1. adding the designation of Conditional Use No. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, 2113as it applies to the

Section 2. The subject property is described as follows:

less. attached Dagsboro Hundred, Sussex County, Delaware, and lying on the southwest corner Boulevard (Route 113) and Breasure Road, and being more particularly described deed prepared ALL that by Moore & Rutt, P.A., said parcel containing 16.71 acres, more or certain tract, piece or parcel of land lying and being ; situate of DuPont per the in

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

Ч

This Ordinance was adopted subject to the following conditions:

- A and and Environmental Control, the State Fire Marshal, and any other state or federal All improvements for nutrient recovery and electrical generation shall be constructed agencies that have any jurisdiction over the development and use of the site. maintained in accordance with the **Delaware Department of Natural Resources**
- B appearance. This shall not apply to the generators, holding and treatment tanks or towers located on the site. As proffered by the applicant, all buildings on the site shall have an agricultural
- 0 located as far as possible from Breasure Road. The generators must have sound suppression measures in place and they must be
- Ð. No entrance to the site shall be to or from Breasure Road
- E All trucks entering or leaving the site shall be completely enclosed at all times.
- E No open dumping shall be permitted. All materials brought to the site shall be offloaded from trucks using a conveyor system.
- 9 offloaded from trucks into the facility's closed system. shall be stored outside on the site. All materials brought to the site shall be immediately No chicken litter or other materials brought to the site or the end-product from the use
- H. p.m., containing materials shall remain on the site beyond the delivery hours or on Sundays. Truck deliveries to the site shall be limited to the hours between 7:00 a.m. and 7:00 Monday through Saturday. No deliveries shall occur on Sunday, and no trucks
- I. The required trees and other plantings, minimum heights, and other requirements. Buffer Strip" meeting the planting requirements of Section 99-5 of the Code of Sussex County. Section 99-5 dictates the types of trees and vegetation, the density of the Final Site Plan shall contain a landscaping plan for these buffer areas. Final Site Plan shall include a thirty-foot wide "Forested and/or Landscaped dictates the types of trees and vegetation, The
- J. improvements. The Applicant shall comply with all DelDOT requirements for roadway and entrance
- X per side. Small directional signs shall also be permitted at the entrances to the site. location of the signage shall be shown on the Final Site Plan. One lighted sign shall be permitted on the site. The sign shall not exceed 32 square feet The
- L Conditional Use. Any violations of the conditions of approval may result in the termination of this
- M regarding drainage and stormwater management requirements. The Final Site Plan shall contain the approval of the Sussex Conservation District
- Z automatically be dimmed between 9:00 p.m. and 6:00 a.m. not shine on neighboring properties or roadways. In addition, all exterior lighting shall Any security lighting shall be designed so that it is downward screened so that it does
- 0 sample and the report from that shall be submitted to the Office of Planning and Zoning to confirm the groundwater quality prior to any development of the site. Prior to Final Site Plan approval, the applicant shall obtain a baseline water quality
- P Zoning Commission. The Final Site Plan shall be subject to the approval of the Sussex County Planning and

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2589 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 31ST DAY OF JULY 2018.

CLERK OF ROBIN'A. GRIFFITH THE COUNCIL

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

- A and being in Dagsboro Hundred, Sussex County, containing 16.71 acres, more or less (located at the southwest corner of DuPont Blvd. (Route 113) and Breasure Road) generation and nutrient recovery facility to be located on a certain parcel of land lying Conditional Use of land in an AR-1 Agricultural Residential District for an electrical This is the (Tax I.D. No. 133-6.00-123.00 (portion of) (911 Address: None Available). application of CleanBay Renewables, LLC, Sussex I, to consider · the
- B with public utility generation plant; that per the Comprehensive Plan, the site is low density; that it is in the Level 4 State Strategies; that they are not encouraging state OI the following were present on behalf of this application: Dennis Schrader, Attorney Joseph construction site; that the property is currently used for agricultural purposes and contains a dwelling; that the dwelling is old and not habitable and would cost a spending; that this process has been through State PLUS review; that a letter from located adjacent to a borrow pit and former airport; that the Applicant proposes a the public hearing before the Sussex County Council ("Council"), Based on testimony before the Planning & Zoning Commission ("Commission") and lot of money to rehab; and that the initial plan is to demolish the house Road is used for local residences and for truck access to the Borrow Pit and Melvin a borrow pit; Breasure Road to the north; that to the west of the property is the former airport and Delaware Andy Hallmark was present at the Council hearing; that the site is 16.71 acres and is Principal of CleanBay Renewables, LLC, was present at the Commission hearing and Consultant, were present at the Commission and Council hearings, Thomas Spangler, **Environmental** Science Morris James Wilson Halbrook & Bayard LLP, and Dr. Kristi Shaw, a doctor Electric that a solar farm is proposed across Route 113 to the east; that Breasure Cooperative was submitted; that there are and a Maryland certified Nutrient Council found that residences across Management
- Ω (nitrogen, potassium and a small amount phosphorous); that it is used as soil amendment for farm use with approximately five truckloads going out daily; that the other facility is approximately 250 tons per day; that the service areas of the litter are litter brokers to obtain material; that the quantity of litter similar to what can be found in local garden stores; that they have a contract with trucks exit empty and the other half exit with a saleable soil amendment by-product per day maximum and each truck carries 23 tons of poultry litter; that half of those entrance; that the type of trucks used are tractor trailers; that there will be 12 trucks from 7:00 am to 7:00 pm; that DelDOT minimized the use of Route 113 employee entrance; that they would self-impose delivery hours six (6) days a week poultry waste streams into energy; that Breasure Road would be used for trucks and Council also found that the proposed plant would convert poultry litter and other and that the chance of fire or explosion is very low. gas on-site is a wet gas and it is not explosive; that the tanks on site are not explosive; that they would not explode if hit by an airplane; that the adjacent airport is closed; they have separated the phosphorous; that they are then left with a soil amendment building and creates approximately one truck load of struvite pellets per day; that loop system; that liquid goes into tanks that breaks down the products then goes to hopper type system which goes into enclosed tanks; that the entire process is a closed generally within 50 miles of litter brokers; that the trucks come in and unload into a Electric Cooperative Substation; that some material is piped to the nutrient recovery tanks to create gas to electrical generation which connects into the Delaware that goes through the for an

the that the facility will be in compliance with air quality regulations; that the site will be sound suppressed; that the generators will approximately be 300-500 feet from the they are working with DNREC; that some wetlands are on-site and will be avoided; Shaw stated that the main environmental concerns are stormwater management and should not feel or hear anything. Salisbury Hospital; that the soil amendment by-product is pathogen free as a result of the process and will be a valuable commodity for local farmers; and that the homes it is an active sound dampening system containers for the generators which are off that they have four generators that are 2.4 megawatts (2,400 kw) per generator; that containers, which is approximately the sound of air conditioner unit or dishwasher; nearest house; that the noise they would have is 60 decibels at 33 feet away from the conveyor (completely enclosed) while unloading the litter; that the generators are are willing to request them to remain covered while unloading; that it is a hooded the loads coming in are covered and don't have to be uncovered to unload; that they Road is the main truck access from Melvin Joseph borrow pit and asphalt plant; that Comprehensive Plan to support agricultural use; that Mr. Spangler stated Breasure business Breasure Delaware monitored by a 24 hour 7 day use; that it will provide security lighting and proper signage; that Dr. campus and will incorporate screening and landscaping for the site; that the plant is Council also found that the architect is designing the facility as an agricultural type 113 and due to the Corridor Protection status, DelDOT supports truck traffic on shelf products; that two of the generators are sitting outside of a patient room at community Road entrance; that the facility is a positive facility for the agricultural Electric Cooperative supports this site; that the site is adjacent to Route DNREC for air, water and soil and will obtain proper permits; use in the County; that it is in compliance with that the

D.

- F they approximately 300 feet away from Breasure Road; that screening around the site as unloading area is Council further found that the Applicant will take DAF and hatchery waste; that they shift; that there will be a landscape buffer with trees and bushes with height; that there will be three shifts; that the number of employees will be 15 to 17 on the major according to odor experts; that it is a 15 minute controlled exposure going into a liquid well as the design of the facility will also help mitigate smells; that any odor that have mitigated the smell while unloading by using an injector type system; that the be around the perimeter of unloading area for containment. unexpected after dark; that the trailers back in; and that a three foot height wall will activated; that it is highly mechanized and automated system; that outside lighting is intersection or at facility entrance; that there will be security lighting which is motion DelDOT came up with 84 trips per day based on employees and truck usage; that based system and it is completely different than spreading on a farm field; escapes from the unloading process will fall off by 100 feet from processing area would like a 32 square foot lighted sign at the Breasure Road and Rt. covered by an overhang with a carbon air filtration system that 113
- H (12A through P), as amended, Council found that: and the Planning and Zoning Commission's Findings (1 through 11) and Conditions Based on the record and recommendation of the Planning and Zoning Commission
- 1. The proposed Conditional Use is to establish a facility for nutrient recovery and waste electrical generation will not include any incineration or composting of poultry conversion of poultry litter into electrical generation. The use and process of
- N necessary location for this type of use. close proximity to the existing electrical power grid. This is an appropriate and the 3 major north-south truck routes through Sussex County. The site is also in The site is a 16.71-acre parcel of land with frontage on Route 113, which is one of
- ŝ The proposed use is consistent with other existing uses in the immediate vicinity, equipment yard and an airstrip. which include a large borrow pit, an asphalt plant, a large construction contractor

- 4 utility providers. The proposed use is an agribusiness use which takes chicken litter, a biproduct of creating an economical alternative energy source for Sussex County and Delaware the Delmarva poultry industry, and converts it to electrical energy. litter. It is also a benefit to residents and businesses within Sussex County by benefit to the agricultural industry of Sussex County through the re-use of chicken This is a
- ý, delivered to the site arrives via truck through the end of the process when the pelletized remnants are removed from the site. There is no open storage of any material on site at any time. The entire process occurs within a closed system, from the time that the material
- 6 do generate odors associated with farming and poultry operations. expectations that the site could currently be used for agricultural purposes that from the site. And, given the current AR-1 zoning of the site, there are reasonable There was nothing in the record to indicate that there will be significant odors
- .7 dictate entrance and roadway improvements necessitated by the use associated with the use. And, the Delaware Department of Transportation will no more than 12 truck deliveries to the site per day and there are few employees 113 adjacent to other existing heavy uses. The Applicant testified that there are of traffic is relatively minor given the prominent location of the site along Route While there were concerns about traffic generated by the use, the actual amount
- 00 noise. Any noise coming from the conversion process or the generators is comparable to the noise already created by traffic along Route 113. The Applicant testified that the use does not generate an extensive amount of
- 9 The Applicants will be required to obtain all necessary permits and approvals from the Delaware Department of Natural Resources and Environmental Control, particularly those relating to air and water quality controls, and other agencies, prior to any operations on the site.
- 10. This parcel is appropriate for development given its proximity to the highway and upon neighboring properties or the community. with the conditions and limitations placed upon it, will not have an adverse impact being surrounded by other heavy commercial types of uses. This particular use,
- 11. This proposed use supports one of the primary goals of the current Sussex County of economy of Sussex County. biproduct of poultry operations which benefits and helps conserve the agricultural agricultural economy. This goal is also restated in the Future Land Use Element Land Use Plan as stated on page 1 of that document: the Plan. This agribusiness use provides a market for the chicken litter Conserve the County's
- 12 Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to sixteen (16) conditions (A - P), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.

