

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date May 14, 2020

Application: CU 2198 Jeffrey Myer

Applicant/Owner: Jeffrey N. Douglas Myer
10573 Seashore Hwy
Bridgeville, DE 19933

Site Location: 10595 & 10609 Seashore Hwy. Northwest corner of Seashore Hwy and Oak Rd.

Current Zoning: AR-1

Proposed Use: Indoor and Outdoor Retail Sales

Comprehensive Land
Use Plan Reference: Low Density Area

Councilmatic
District: Mr. Vincent

School District: Woodbridge School District

Fire District: Bridgeville Fire District

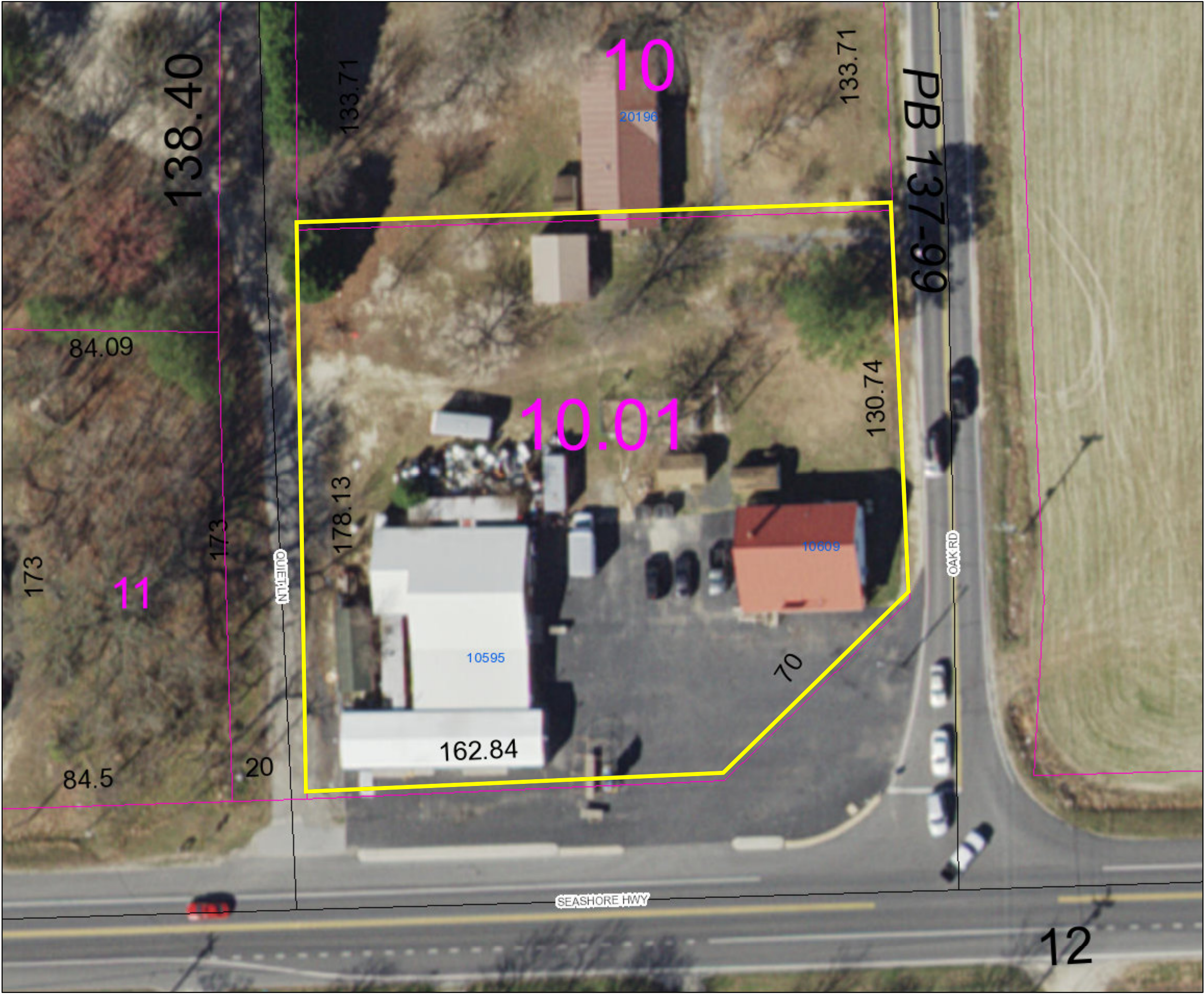
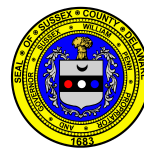
Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 0.8474 ac. +/-

Tax Map ID.: 430-22.00-10.01





PIN:	430-22.00-10.01
Owner Name	MYER JEFFREY ALAN & DOUGLAS
Book	3745
Mailing Address	10573 SEASHORE HWY
City	BRIDGEVILLE
State	DE
Description	CRN/RT 18 RD 594
Description 2	LOT 1
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

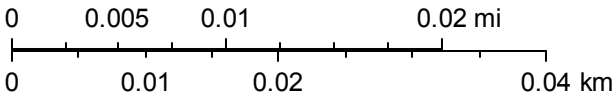
Override 1

- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Extent of Right-of-Way

Ag Preservation Districts

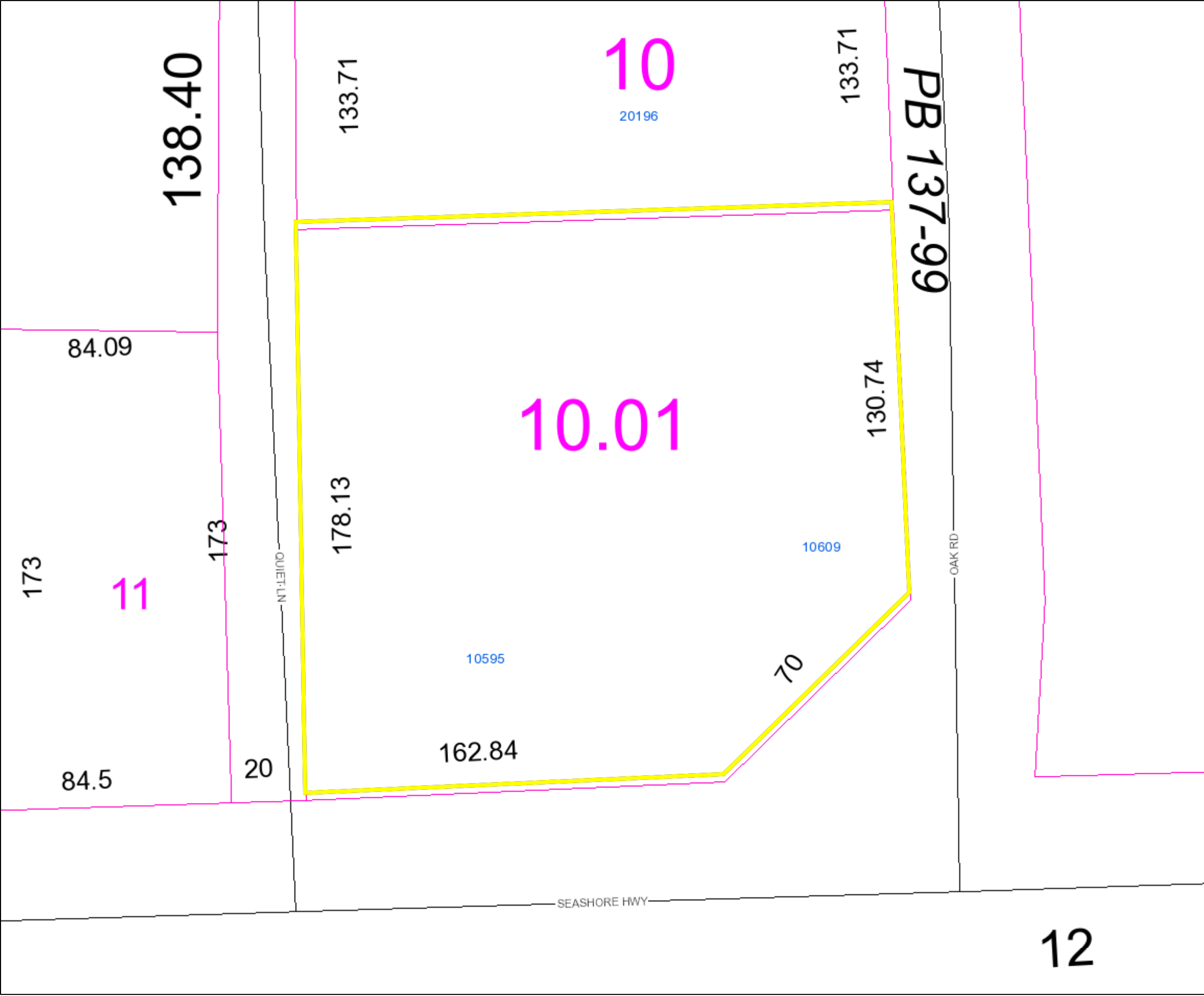
- Agricultural Easement
- Agricultural District
- Agricultural Expansion
- Municipal Boundaries

1:564





Sussex County



PIN:	430-22.00-10.01
Owner Name	MYER JEFFREY ALAN & DOUGLAS
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- polygonLayer

Override 1
- polygonLayer

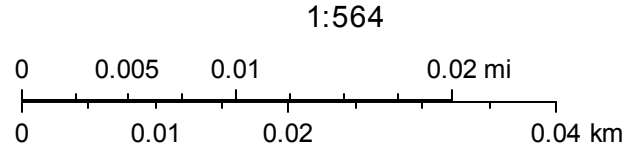
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Extent of Right-of-Way
- Ag Preservation Districts

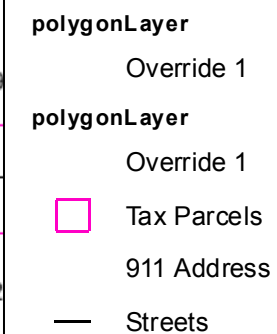
Agricultural Easement

Agricultural District

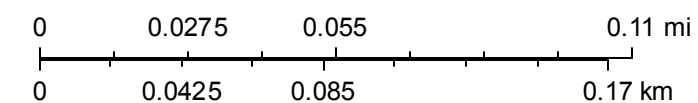
Agricultural Expansion

Municipal Boundaries





1:2,257



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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Jennifer Norwood, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 8, 2020
RE: Staff Analysis for CU 2198 Jeffrey Myer

This memo is to provide background and analysis for the Planning Commission to consider as part of application CU 2198 Jeffrey Myer to be reviewed during the May 14, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that this Application was added to the Commission's agenda for November 21, 2019, but has since been re-noticed for May 14, 2020 as the Applicant was unable to attend.

The request is for a Conditional Use for parcel 430-22.00-10.01 to allow for indoor and outdoor retail sales to be located at 10595 & 10609 Seashore Hwy. The application seeks to regularize the existing use that has operated for many years in this location. The size of the property to be used as the Conditional Use is 0.8474 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the property has the land use designation of Low Density.

The surrounding land use to the north and west is Existing Development Area. The land use to the south and east is Low Density Area. The Low Density Area land use designation recognizes that the primary uses are agriculture and single family detached homes and that a business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation. The use as auto repair and gasoline sales, should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned GR (General Residential District). The properties to the west, south, and east are zoned AR-1 (Agricultural Residential District). There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow an indoor and outdoor retail sales could be considered consistent with the land use, area zoning and uses.





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

JENNIFER COHAN
SECRETARY

June 11, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Jeffrey A. Myer** conditional use application, which we received on June 10, 2019. This application is for an approximately 0.66-acre parcel (Tax Parcel: 430-22.00-10.01). The subject land is located on the northwest corner of the intersection of Delaware Route 18 and Oak Road (Sussex Road 594), southeast of Bridgeville. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to continue operating an outdoor market with an accessory structure.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 18 where the subject land is located, which is from Delaware Route 404 to Chaplains Chapel Road (Sussex Road 42), are 12,274 and 15,797 vehicles per days, respectively. As the subject land also has frontage along Oak Road, the annual average daily traffic volume along that road segment, which is from Delaware Route 18 to Haven Road (Sussex Road 596), is 1,392 vehicles per day.

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

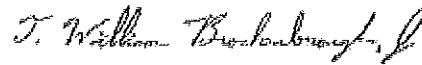


Ms. Janelle M. Cornwell
Page 2 of 2
June 11, 2019

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

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

Sincerely,

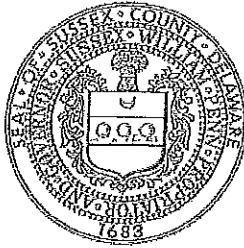


T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Jeffrey A. Myer, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PLANNING & ZONING
JANELLE M. CORNWELL, AICP
DIRECTOR
(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

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

Date: 6/10/2019

Site Information:

Site Address/Location: Seashore Hwy ¹⁰⁶⁰⁹ ~~7000~~ Bridgeville DE

Tax Parcel Number: 430 - 22.00 - 10.01

Current Zoning: AR-1

Proposed Zoning: AR-1

Land Use Classification: OUTDOOR MARKET

Proposed Use(s):

Outdoor market

Applicant wishes to
continue outdoor market
within Accessory structure.

Square footage of any proposed buildings or number of units: _____

SEE ATTACHED PLAN.

Applicant Information:

Applicant's Name: Jeffrey A Myer

Applicant's Address: 10573 Seashore Hwy
City: BRIDGEVILLE State: DE Zip Code: 19933

Applicant's Phone Number: 302 369-2075

Applicant's e-mail address: _____



File #: CU2198
201908501

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

Site Address of Conditional Use/Zoning Map Amendment

10595 & 10609 Seashore Hwy

Type of Conditional Use Requested:

Continuing uses (outdoor sales, convenience store, etc.)

Tax Map #: 430-22.00-10.01

Size of Parcel(s): 0.84174 ac.

Current Zoning: AR-1 Proposed Zoning: CU Size of Building: _____

Land Use Classification: _____

Water Provider: Well Sewer Provider: septic

Applicant Information

Applicant Name: JEFFREY MYER

Applicant Address: 10573 Seashore Hwy

City: BRIDGEVILLE State: DE Zip Code: 19933

Phone #: 302 396 2075 E-mail: _____

Owner Information

Owner Name: JEFFREY N DOUGLAS MYER

Owner Address: 10573

City: BRIDGEVILLE State: DE Zip Code: 19933

Phone #: 302 396 2075 E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____

Agent/Attorney/Engineer Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

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

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

___ Provide Fee \$500.00

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

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

___ DeIDOT Service Level Evaluation Request Response

☒ PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Date: _____

Signature of Owner

Jeffrey A. Dixon

Date: July 23 2019

For office use only:

Date Submitted: 7/23/19

Staff accepting application: cel

Location of property: _____

Fee: \$500.00 Check #: 4513

Application & Case #: 201908501

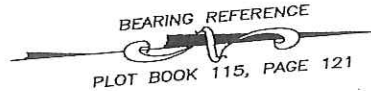
Subdivision: _____

Date of PC Hearing: _____

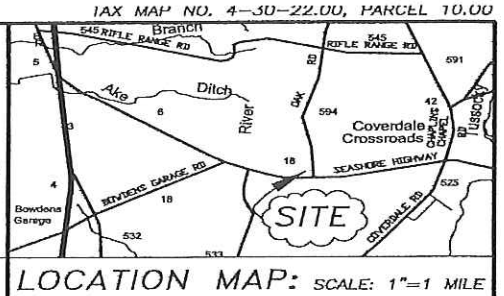
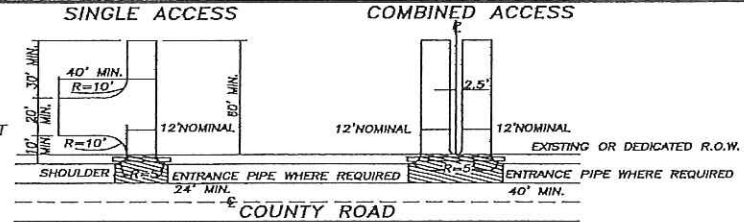
Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____

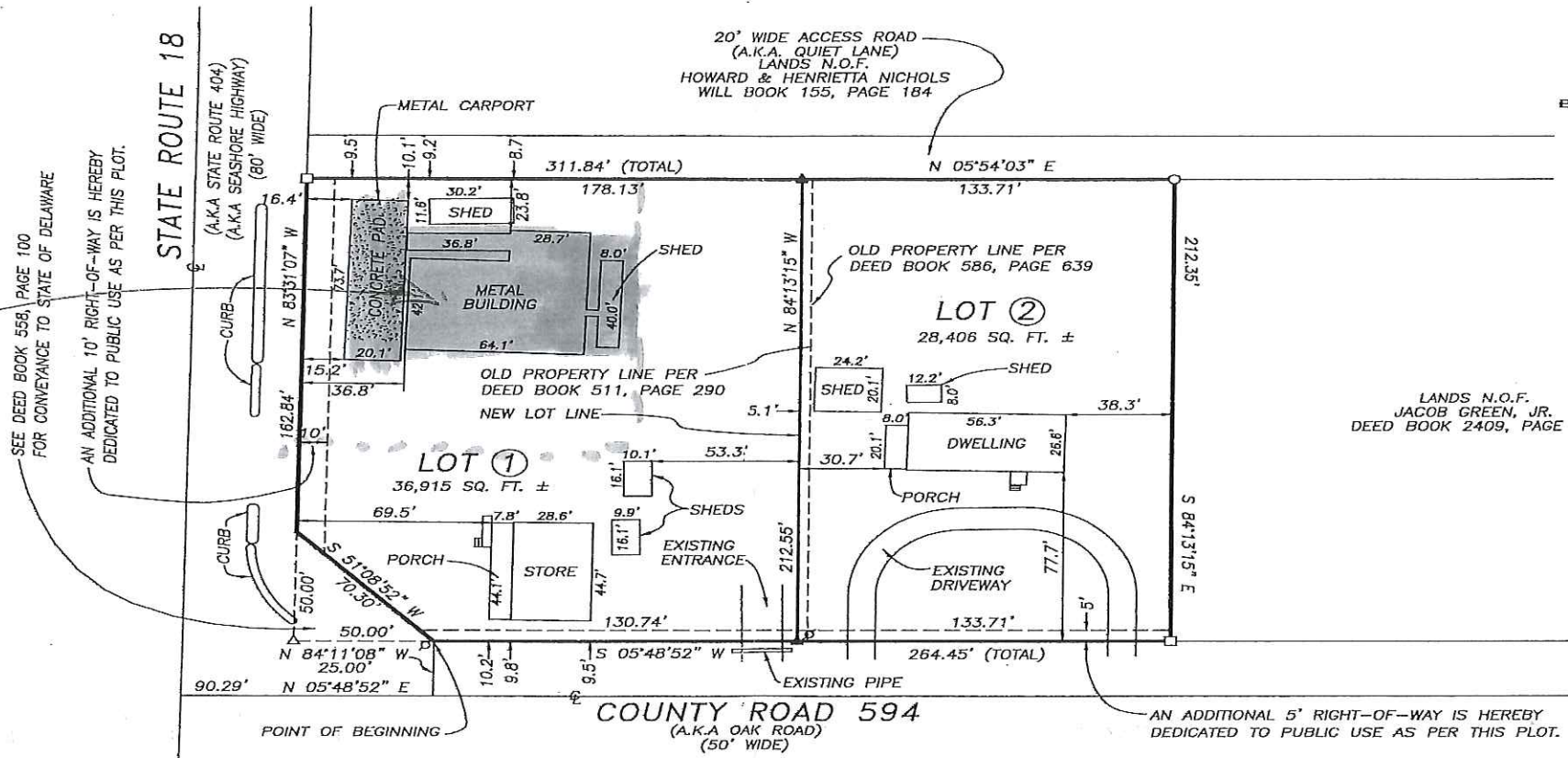


- 1) WHERE DRIVEWAY SERVES TWO ADJACENT RESIDENCES (COMBINED DRIVEWAY ACCESS), THE DRIVEWAY WIDTH AT THE RIGHT OF WAY WILL BE 29 FEET.
- 2) DRIVEWAY WIDTHS MAY BE INCREASED WITH DIVISION OF HIGHWAYS APPROVAL FOR SPECIAL PURPOSE VEHICLES (i.e. FARM VEHICLES, ETC.).
- 3) ENTRANCE PIPE FURNISHED BY THE PROPERTY OWNER WILL BE INSTALLED BY THE DIVISION OF HIGHWAYS ON REQUEST.
- 4) MINIMUM RESIDENTIAL PAVEMENT SECTION - BITUMINOUS SURFACE TREATMENT ON 6" SELECT BORROW BASE COURSE.
- 5) ACCESS TO RESIDENTIAL LOTS SHALL BE LIMITED TO ONE ACCESS POINT.



TYPICAL RESIDENTIAL ACCESS:

OUTDOOR
MARKET IS
SEPARATE TO
NON-CONFORMING
RETAIL STORE



39449
BK= 137 PG= 99

DATA COLUMN:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) TOTAL NUMBER OF LOTS - 2
- 3) RESIDUAL FRONTAGE - NONE
- 5) GROSS ACREAGE - 1.528 ACRES ±
- 4) RESIDUAL AREA - NONE
- 6) ZONING - AR (CONDITIONAL USE #1558)
- 7) PRESENT USE - RESIDENTIAL/COMMERCIAL
- 8) PROPOSED USE -
LOT 1 - RESIDENTIAL
LOT 2 - COMMERCIAL (CONDITIONAL USE #1558)
- 9) WATER - PRIVATE/ON-SITE
- 10) SEPTIC - PRIVATE/ON-SITE

NOTES:

- 1) OWNER: RACHEL M. MYER, TRUSTEE
20196 OAK ROAD
BRIDGEVILLE, DE 19933
- 2) IF THE RESIDUAL LANDS OF RACHEL M. MYER, TRUSTEE ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THESE PARCELS SHALL BE FROM AN INTERNAL SUBDIVISION STREET.
- 3) ALL ENTRANCES SHALL CONFORM TO DELDOT'S STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND ACCESS AND SHALL BE SUBJECT TO ITS APPROVAL.
- 4) SUBDIVISION AS REVISED AND REASSEMBLED
PRIOR DEED REFERENCES:
DEED BOOK 511, PAGE 290
DEED BOOK 586, PAGE 639
- 5) LOT 1 SHALL HAVE ACCESS FROM EXISTING ENTRANCE ALONG ROUTE 18, AS SHOWN HEREON. LOT 2 SHALL HAVE ACCESS FROM THE EXISTING ENTRANCE ALONG SCR 594, AS SHOWN HEREON.

LEGEND:

- Δ FOUND RAIL ROAD SPIKE
- FOUND CONCRETE MONUMENT
- FOUND IRON PIPE
- ⊠ EXISTING UTILITY POLE
- ▲ SET IRON BAR



PREPARED BY
ADAMS-KEMP ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
AND PLANNERS
217 SOUTH RACE STREET
GEORGETOWN, DELAWARE 19947

SUBDIVISION SURVEY PLAN

PREPARED FOR
RACHEL M. MEYER (TRUSTEE)
SITUATED IN
NANTICOKE HUNDRED, SUSSEX COUNTY
STATE OF DELAWARE
AREA: 1.500 ACRES ± (TOTAL)
SCALE: 1" = 40'
DATE: SEPTEMBER 11, 2009
REVISED: OCTOBER 8, 2009

PLAN NO. 090803-G

Recorder of Deeds
John F. Brady
Oct 19, 2009 02:43P
Sussex County
Doc. Surcharge Paid

APPROVED
FEL DOT 10-6-01
10-12-09
SUSSEX COUNTY
PLANNING & ZONING COMMISSION

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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **11/5/2019**

APPLICATION: **CU 2198 Jeffrey Myer**

APPLICANT: **Jeffrey & Douglas Myer**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **430-22.00-10.01**

LOCATION: **10595 & 10609 Seashore Hwy. Northwest corner of Seashore Highway and Oak Road.**

NO. OF UNITS: **Indoor and outdoor retail sales**

GROSS
ACREAGE: **0.8474**

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

SEWER:

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

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

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
No Permit Tech Assigned



RECEIVED

NOV 19 2019

SUSSEX COUNTY
PLANNING & ZONING

MEMORANDUM

TO: Janelle M. Cornwell

FROM: Debbie Absher, Director of Ag Programs

SUBJECT: LUPA

DATE: November 18, 2019

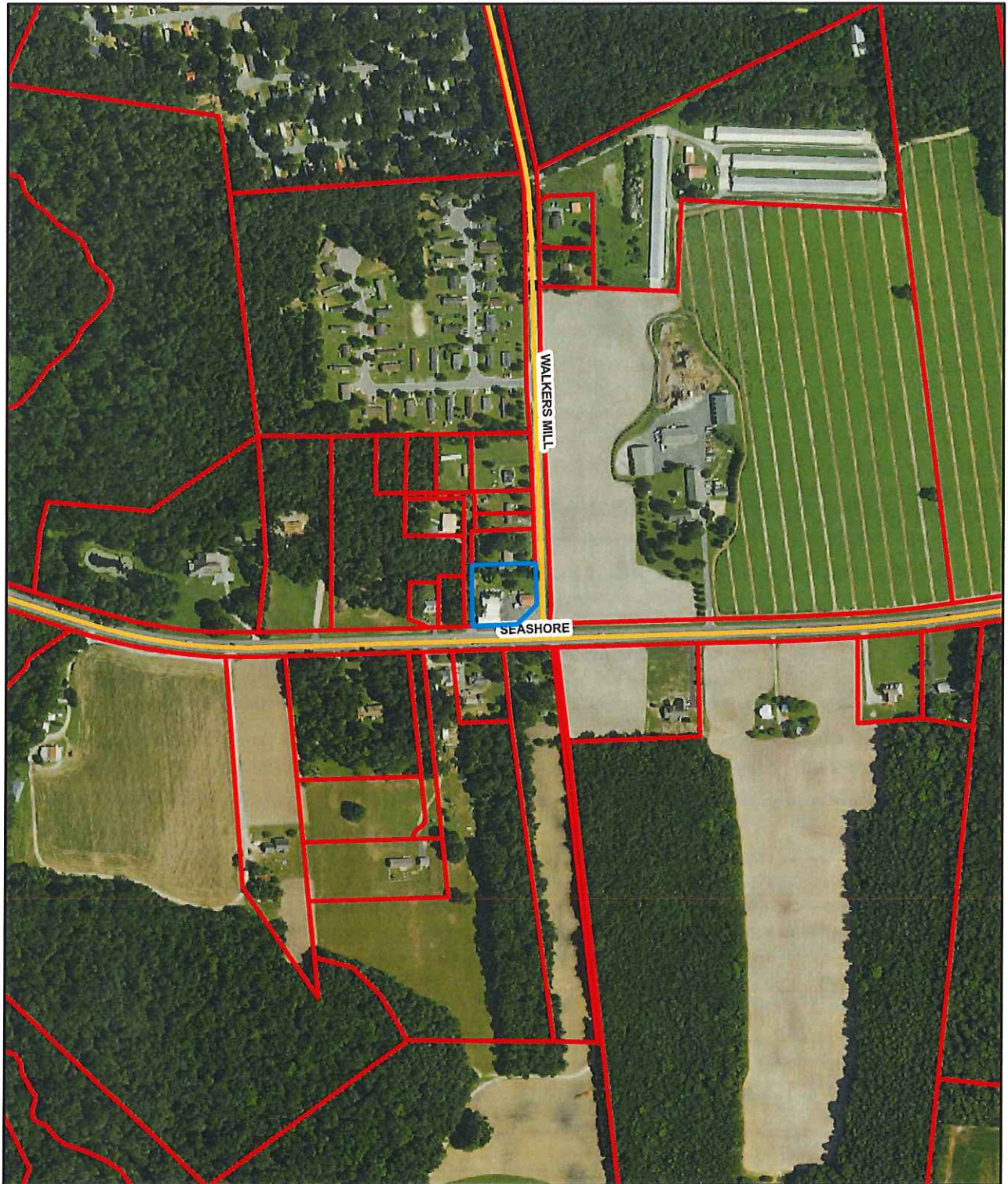
Attached you will find the comments for the following proposed zoning changes:

- 2019-08 – Azalea Woods
- 2019-21 – Lands of Nancy Marshall, Gideon Sisk III, David Bartee
- 2019-22 – Lands of Elmer T. Adkins, Sr. Trustee
- 2019-23 – Lands of John J. Hamstead
- CU 2191 – Jason B. Hill
- CU 2198 – Jeffrey Myer

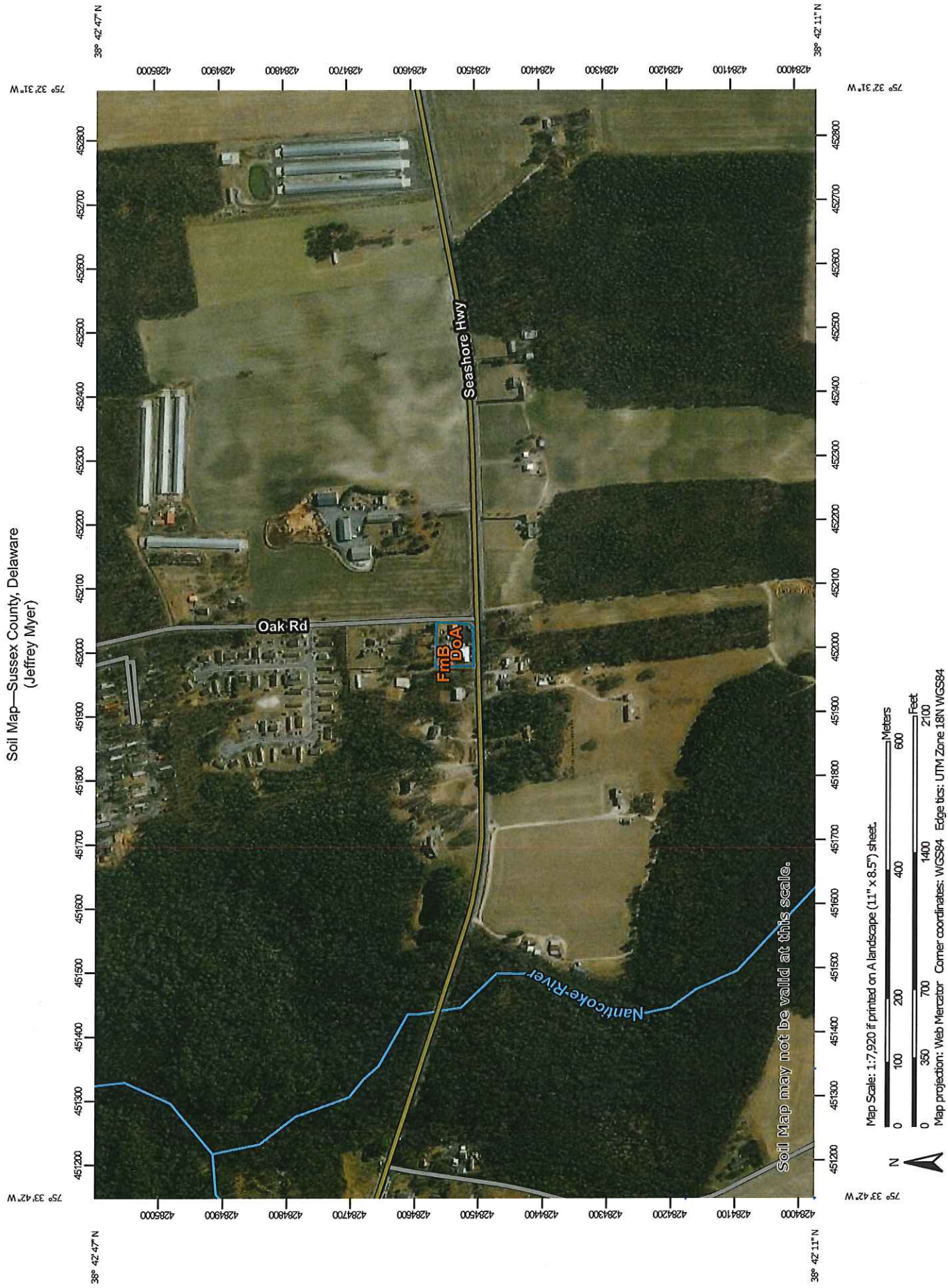
If you have any questions, I can be reached at 856-3990, ext. 3.

BJH
































Enclosures



CU 2198
TM #430-22.00-10.01
Jeffrey Myer



MAP LEGEND

Area of Interest (AOI)		Special Line Features	
	Area of Interest (AOI)		Streams and Canals
Soils		Water Features	
	Soil Map Unit Polygons		Streams and Canals
	Soil Map Unit Lines	Transportation	
	Soil Map Unit Points		Rails
Special Point Features			Interstate Highways
	Blowout		US Routes
	Borrow Pit		Major Roads
	Clay Spot		Local Roads
	Closed Depression	Background	
	Gravel Pit		Aerial Photography
	Gravelly Spot		
	Landfill		
	Lava Flow		
	Marsh or swamp		
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 20, Sep 13, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DoA	Downer sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	0.9	95.1%
FmB	Fort Mott loamy sand, 2 to 5 percent slopes	0.0	4.9%
Totals for Area of Interest		1.0	100.0%

Selected Soil Interpretations

This report allows the customer to produce a report showing the results of the soil interpretation(s) of his or her choice. It is useful when a standard report that displays the results of the selected interpretation(s) is not available.

When customers select this report, they are presented with a list of interpretations with results for the selected map units. The customer may select up to three interpretations to be presented in table format.

For a description of the particular interpretations and their criteria, use the "Selected Survey Area Interpretation Descriptions" report.

Report—Selected Soil Interpretations

Selected Soil Interpretations--Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
DoA—Downer sandy loam, 0 to 2 percent slopes, Northern Tidewater Area							
Downer	80	Not limited		Not limited		Very limited	
						Restricted permeability	0.99
FmB—Fort Mott loamy sand, 2 to 5 percent slopes							
Fort mott	80	Not limited		Not limited		Somewhat limited	
						Restricted permeability	0.50

Data Source Information

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 20, Sep 13, 2019

Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

Prime farmland is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Report—Prime and other Important Farmlands

Prime and other Important Farmlands—Sussex County, Delaware		
Map Symbol	Map Unit Name	Farmland Classification
DoA	Downer sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	All areas are prime farmland
FmB	Fort Mott loamy sand, 2 to 5 percent slopes	Prime farmland if irrigated

Data Source Information

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 20, Sep 13, 2019

SOILS

ADD ANY ADDITIONAL INFORMATION THAT MAY BE CONSIDERED PERTINENT:

SOILS:

DoA Downer sandy loam, 0 to 2 percent slopes
FmB Fort Mott loamy sand, 2 to 5 percent slopes

- A. SUITABILITY OF SOILS INTENDED USE:
See attached table for suitability.
- B. EVALUATE THE SOILS INCLUDED IN THIS PROJECT WITH RESPECT TO EROSION AND SEDIMENTATION CONTROL:
 - 1. DURING CONSTRUCTION:

Follow recommended erosion and sediment control practices.
 - 2. AFTER CONSTRUCTION:

Maintain vegetation.
- C. FARMLAND RATING (PRIME, UNIQUE, STATEWIDE IMPORTANCE, ETC.):
See attached table(s) for ratings.
- D. ADDITIONAL COMMENTS (IF APPLICABLE):

DRAINAGE AND FLOODING

Add any additional information that may be considered pertinent:

DRAINAGE:

- A. Any Storm flood hazard area affected? ☐ Yes ☒ No
- B. Would the proposed project necessitate any off-site drainage improvements?
No
- C. Would the proposed project necessitate any on-site drainage improvements?
No
- D. Any Tax Ditch affected? ☐ Yes ☒ No

Additional Comments (if applicable)

All landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right-of-ways along tax ditches. These documents are located in the Prothonotary's Office and/or with the Recorder of Deeds. If a stormwater management facility is proposed along a stream or ditch, the Sussex Conservation District will require verification of any easements. Before you start any project design, please look into this matter by calling the Division of Soil and Water Conservation-Drainage Program at (302) 855-1930 or the Sussex Conservation District Sediment and Stormwater Program at (302) 856-7219 for more information.

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date March 12, 2020.

Application: (CU 2222) Lands of Jessica F. Peake

Applicant: Nick Geracimos
13001 Riggin Road
Ocean City, MD 21842

Owner: Jessica F. Peake
21 Ocean Drive
Apartment 707
Rehoboth Beach, DE 19971

Site Location: Located on the east side of Coastal Highway (Route 1), south of
Jefferson Bridge Road (S.C.R. 361-A) at 32967 Coastal Highway,
Bethany Beach, DE 19930.

Current Use: Commercial

Proposed Use: 18-hole miniature golf course.

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmatic
District: Mr. Hudson

School District: Indian River School District

Fire District: Bethany Beach Fire District

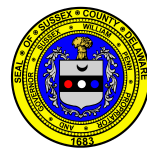
Sewer: Sussex County

Water: Private, On-site

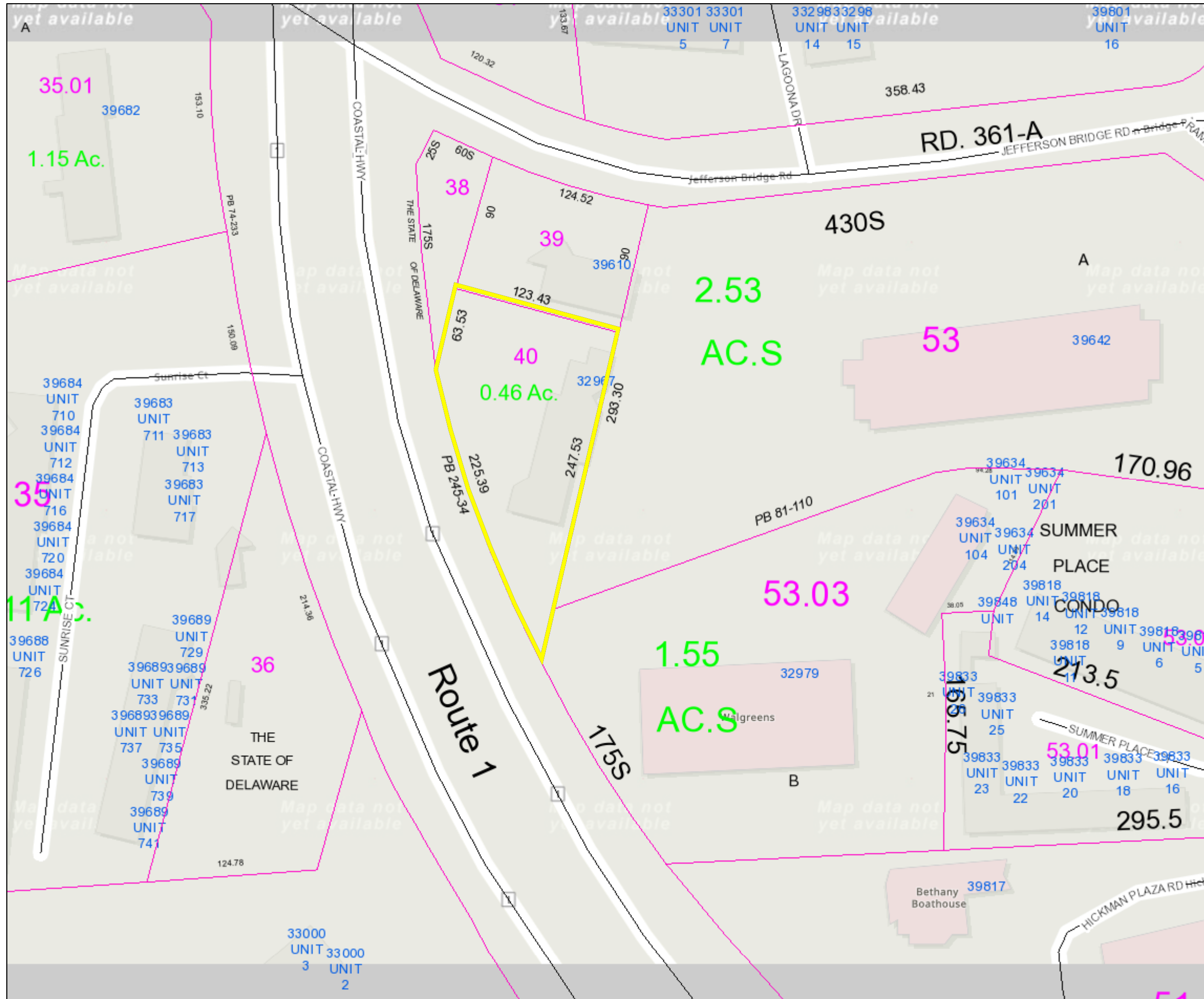
Site Area: 0.46 acres +/-

Tax Map ID.: 134-17.11-40.00



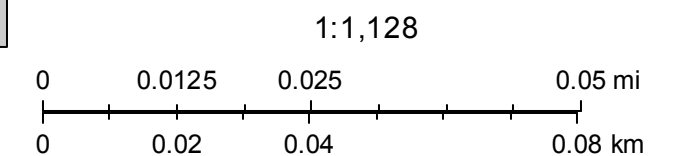


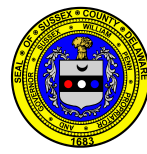
Sussex County



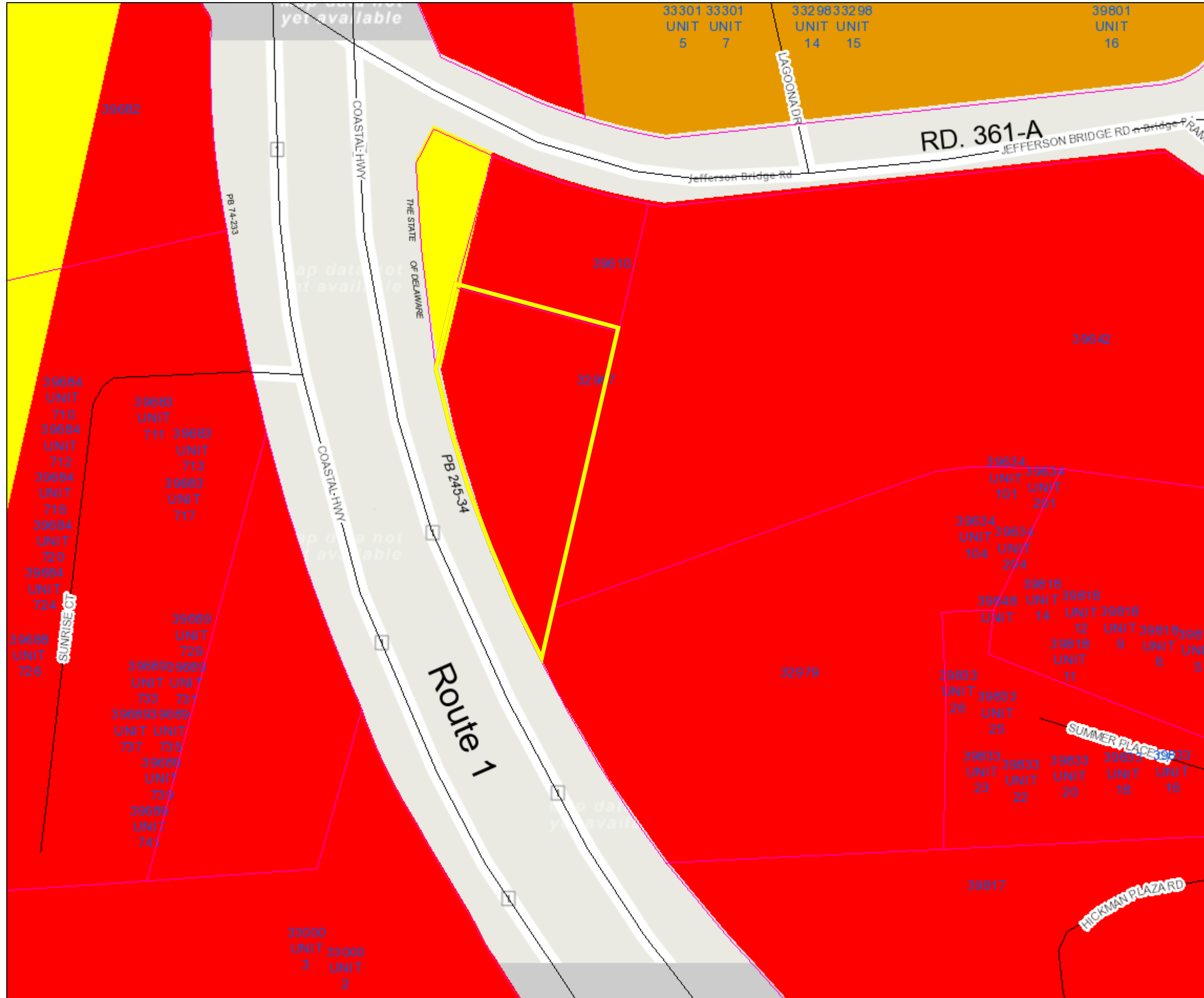
PIN:	134-17.11-40.00
Owner Name	PEAKE JESSICA F TRUSTEE
Book	4710
Mailing Address	35229 OVERFALLS DR NOR
City	LEWES
State	DE
Description	DELAWARE AVE LOT
Description 2	N/A
Description 3	N/A
Land Code	

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






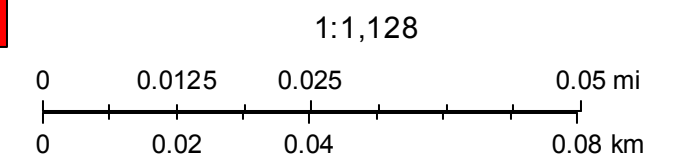


Sussex County



PIN:	134-17.11-40.00
Owner Name	PEAKE JESSICA F TRUSTEE
Book	4710
Mailing Address	35229 OVERFALLS DR NOR
City	LEWES
State	DE
Description	DELAWARE AVE LOT
Description 2	N/A
Description 3	N/A
Land Code	

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



Mailing List Exhibit Map
Planning Commission
CU 2222 Lands of Jessica F. Peake
134-17.11-40.00
Jessica F. Peake
21 Ocean Drive
Apartment 707
Rehoboth Beach, DE 19971

Located on the east side of Coastal Highway (Route 1), south of Jefferson Bridge Road (S.C.R. 361-A) at 32967 Coastal Highway, Bethany Beach, DE 19930.



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



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: March 5, 2020
RE: Staff Analysis for CU 2222 Jessica F. Peake

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2222 Jessica F. Peake to be reviewed during the March 12, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for tax parcel 134-17.11-40.00 to allow for an outdoor mini golf course to be located on the east side of Coastal Highway (Route 1), south of Jefferson Bridge Road (S.C.R. 361-A) at 32967 Coastal Highway in Bethany Beach, Delaware. The size of the property is 0.46 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of "Coastal Areas."

The areas to the north, south, east and west are also designated "Coastal Areas." "Coastal Areas" are areas that can accommodate development provided special environmental concerns are addressed. "Coastal Areas" also support a range of housing types including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Mixed-use development should also be allowed.

The property is zoned General Commercial (C-1). The properties located to the north and east of the application site are also zoned General Commercial (C-1). There is one parcel zoned High Density Residential (HR-1) to the north on the northern side of Jefferson Bridge Road as well as a single parcel zoned Medium Density Residential (MR) to the northwest of the subject parcel. The properties on the western side of Coastal Highway (Route 1) are zoned General Commercial (C-1) and Medium Density Residential (MR).

Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application site.



Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use proposed for the abovementioned location subject to considerations of scale and impact, could be considered as being consistent, in principle, with the land use, area zoning and surrounding uses. Additionally, the site lies within the Combined Highway Corridor Overlay Zone (CHCOZ) and as such, all applicable landscape buffer requirements shall apply.

File #: CU 2222
202000 972

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

Site Address of Conditional Use/Zoning Map Amendment

32967 Coastal Highway, Bethany Beach, DE 19930

Type of Conditional Use Requested:

Section 115-79 Conditional use for an outdoor 18-hole miniature golf course.

Tax Map #: 134-17.11-40.00

Size of Parcel(s): 0.46 acres

Current Zoning: C-1

Proposed Zoning: N/A

Size of Building: N/A

Land Use Classification: Commercial

Water Provider: _____

Sewer Provider: County

Applicant Information

Applicant Name: Nick Geracimos

Applicant Address: 13001 Riggan Road

City: Ocean City

State: MD

Zip Code: 21842

Phone #: _____

E-mail: geracimos17@gmail.com; cclosson@bwdc.com

Owner Information

Owner Name: Jessica F. Peake

Owner Address: 21 Ocean Drive, Apt. 707

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Mackenzie M. Peet, Esq.

Agent/Attorney/Engineer Address: 323E Rehoboth Avenue

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 227-1314

E-mail: mackenzie@tunnellraysor.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney

Mackenzie M. Peck, Esq.

Date: 01/27/2020

Signature of Owner

J. Peake

Date: 01/09/2020

For office use only:

Date Submitted: 1/28/2020

Staff accepting application: ceh

Location of property: _____

Fee: \$500.00 Check #: 1962

Application & Case #: 2020 00 972

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **3/2/2020**

APPLICATION: **CU 2222 Lands of Jessica F. Peake**

APPLICANT: **Nick Geracimos**

FILE NO: **OM-3.07**

TAX MAP &
PARCEL(S): **134-17.11-40.00**

LOCATION: **East side of Coastal Highway (SR 1), south of Jefferson
Bridge Road at 32967 Coastal Highway, Bethany Beach,
Delaware**

NO. OF UNITS: **18 hole minature golf**

GROSS
ACREAGE: **0.46**

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

SEWER:

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

Yes ☒

No ☐

a. If yes, see question (2).

b. If no, see question (7).

- (2). Which County Tier Area is project in? **Tier 1**

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

- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.

- (5). Are there any System Connection Charge (SCC) credits for the project? **Yes** If yes, how many? **1.81.** Is it likely that additional SCCs will be required? **Choose an item.**

If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Denise Burns** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.


- (7). Is project adjacent to the Unified Sewer District? **N/A**

- (8). Comments: **The parcel is served with one six-inch lateral. Depending on the number of EDU's required by the proposed use the lateral may need to be upgraded to an eight-inch lateral. It is unknown at this time if additional EDU's will be required for the proposed use. If the current structure is demolished an additional 1.26 EDU's of credit will be available bringing the total to 3.07. Once the proposed use has been reviewed by the Utility Permits department a final determination on the total number of EDU's will be determined.**

- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**

- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
Denise Burns

EXHIBIT A

Site Plan



FILE COPY

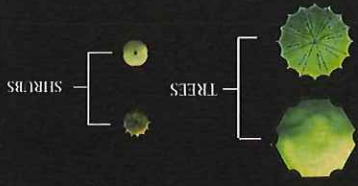
EXISTING
PARKING

EXISTING
BUILDING

PROPOSED PARKING
(BY OTHERS)



DELAWARE ROUTE 1



REVISIONS
Handicap accessible portions of the course are designed in accordance with ADA requirements and Delaware Act 107.
Access to the course is provided without restriction of any other person without restriction of access to the course.



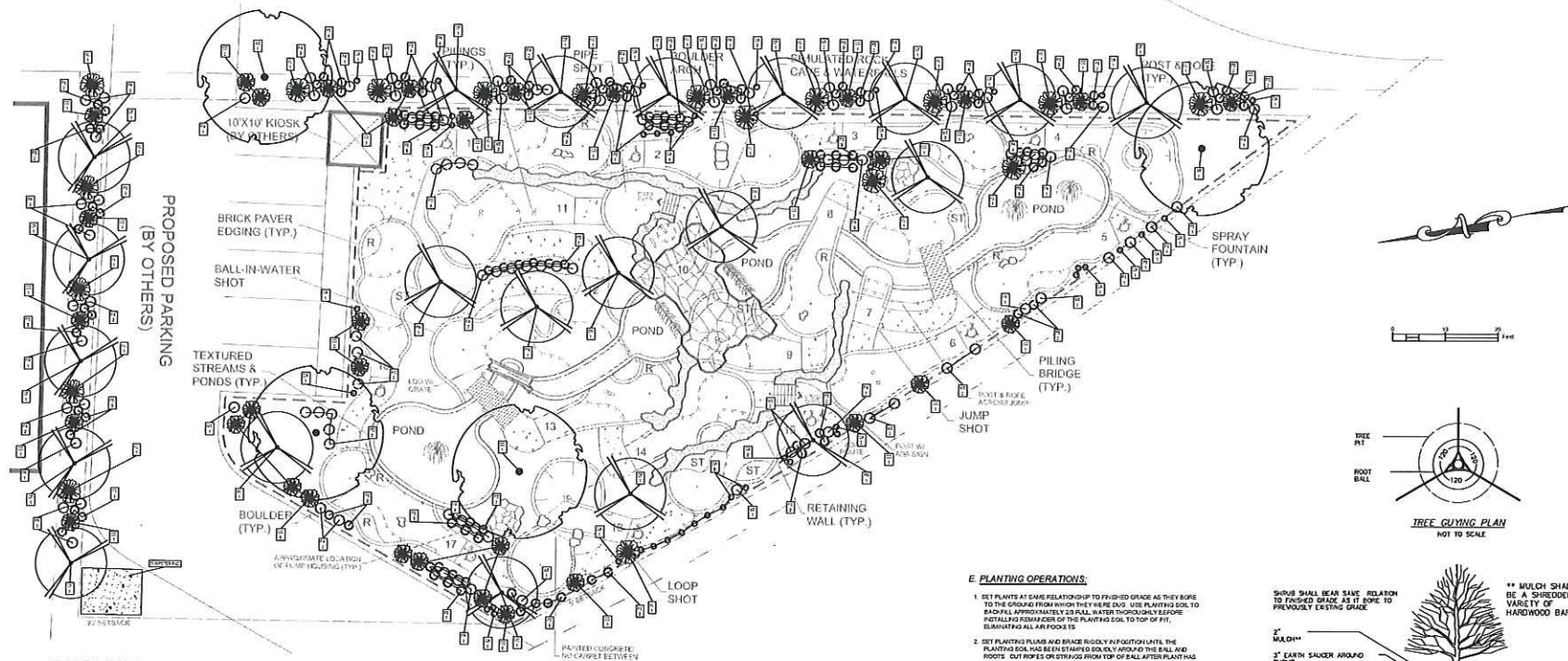
PROJECT		Proposed	
Miniature Golf		Bethany, DE	
DRAWN BY: J. Chappell		DATE: 01 / 05 / 20	
CHECKED BY: P. Babin		JOB #: 20-01-5	
REVISIONS		SHEET: 3 OF 3	
DATE PRINTED: 01 / 08 / 20			



EXHIBIT B

Landscape Plan

LAW OFFICES
TUNNELL
& **RAYSOR**, P.A.



LEGEND

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
--------	-------------	--------	-------------



LARGE SHADE TREE



MEDIUM TREE/LARGE SHRUB



SMALL TREE/MEDIUM SHRUBS

SYMBOL	DESCRIPTION
--------	-------------



SMALL SHRUBS



TALL GRASSES



SHORT GRASSES

GENERAL PLANTING SCHEDULE					
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE & ROOT TYPE	
LARGE TREES					
AR	1	ACER PLURIM 'AUTUMN BLAZE'	AUTUMN BLAZE RED MAPLE	2-3" CAL., BAB	
AS	1	ACER SACHARINUM 'SILVER QUEEN'	SILVER QUEEN SUGAR MAPLE	2-3" CAL., BAB	
QS	1	QUERCUS COONROSA	DOWNY OAK	2-3" CAL., BAB	
MEDIUM TREES					
BN	2	BETULA NANA 'HERITAGE'	HERITAGE DWARF BIRCH	2-3" CAL., BAB	
DO	1	DOUGLASS SPRUCE 'FLAME'	FLAME EASTERN REDWOOD	1-5" CAL., BAB	
OF	13	ORFEDRUM PAUCIFLORUM 'BARTON'	BARTON FLOWERING DOGWOOD	1-5" CAL., BAB	
FM	2	FORSYTHIA MANOSATA 'ATPURPLE'	ATPURPLE MANOSATA DOGWOOD	1-5" CAL., BAB	
SHRUBS					
KL	10	KALIA LATIFOLIA 'ELF'	ELF MOUNTAIN LAUREL	16-21" WID., 2-6" CAL.	
OS	38	OSMORHIZA FRUTICOSA 'DUFFY'S'	DUFFY'S HIGH-CHINE	16-21" WID., 2-6" CAL.	
GRASSES					
MS	75	MISANTHUS SINGENS 'GRASSLAMP'	MIDLAND GRASS	2-3" WID., COHT	
PA	36	PENISTEMUM ALPINE 'DWARF'S FLAME'	HAWK PENISTEMUM GRASS	2-3" WID., COHT	
PS	10	PENISTEMUM SETACEUM 'FIRE KNIFE'	FIRE KNIFE FOUNTAIN GRASS	2-3" WID., COHT	
PS	12	PENISTEMUM SETACEUM 'BLACK AND WHITE'	BLACK AND WHITE FOUNTAIN GRASS	2-3" WID., COHT	
PS	12	PENISTEMUM SETACEUM 'DWARF'S FLAME'	DWARF'S FLAME FOUNTAIN GRASS	2-3" WID., COHT	

PLANTING SPECIFICATIONS

A. MATERIALS:

- [illegible]

B. APPLICABLE SPECIFICATIONS AND STANDARDS:

- 1 "STANDARDIZED PLANT NAMES," LATEST EDITION AMERICAN JOINT COMMITTEE ON HORTICULTURAL NOMENCLATURE.

C. DIGGING AND HANDLING OF PLANT MATERIALS:

1. IMMEDIATELY BEFORE DITCHING, SPRAY ALL EVERGREEN OR DECIDUOUS PLANT MATERIAL IN FULL LEAF WITH ANTI-DESICCANT, APPLYING AN ADEQUATE FILM OVER TRUNKS, BRANCHES, TWIGGS, AND/OR FOLIAGE.

D. EXCAVATION OF PLANTING AREAS.

1. STAKE OUT ON THE GROUND LOCATIONS FOR PLANTS AND OUTLINES OF AREA TO BE PLANTED AND OBTAIN APPROVAL OF THE LANDSCAPE ARCHITECT/DESIGNER BEFORE EXCAVATION IS BEGUN

E. PLANTING OPERATIONS.

- 1. SET PLANTS AT EASE RELATIONSHIP TO THE DITCH GRASS AS THEY KICK OUT TO THE GRASS FROM WHERE THEY WERE DUG. USE PLANTING SOIL TO COVER THE PLANT'S ROOTS AND THE DITCH GRASS. DO NOT COVER THE PLANT'S LEAVES. REMOVE POTENTIAL REMAINERS OF THE PLANTING SOIL TO TOP OF FIT, EXAMINING THE PLANT'S ROOTS FOR DAMAGE.
- 2. SET PLANTING PLANTS AND BARE-ROOTED PLANTS INTO THE PLANTING SOIL AS THEY HAVE BEEN DITCHED AND ASK AROUND THE BALL AND THE PLANTING SOIL TO COVER THE PLANT'S ROOTS. DO NOT COVER THE PLANT'S LEAVES. LEAVE BARE-ROOT PLANTS AND GROUNDWATER PLANTS TO BE PLANTED IN THE PLANTING SOIL AS THEY HAVE BEEN DITCHED AND ASK AROUND THE BALL AND THE PLANTING SOIL TO COVER THE PLANT'S ROOTS.
- 3. PREPARE PLANTS AT ALL TIMES FROM BOWLING BALLS AND PLANTS THAT CANNOT BE PLANTED IMMEDIATELY OVERWINTER THEM AS BEST FOR THE PLANTING SOIL TO COVER THE PLANT'S ROOTS. DO NOT COVER THE PLANT'S LEAVES. LEAVE BARE-ROOT PLANTS AND GROUNDWATER PLANTS TO BE PLANTED IN THE PLANTING SOIL AS THEY HAVE BEEN DITCHED AND ASK AROUND THE BALL AND THE PLANTING SOIL TO COVER THE PLANT'S ROOTS.
- 4. PLANTS SHOULD NOT BE SOILED WITH THE PLANTING SOIL AT ANY TIME AS TO DAMAGE THE PLANT'S ROOTS AND PLANTS. PLANTS SHOULD BE LEAVED TO THE PLANTING SOIL TO COVER THE PLANT'S ROOTS. DO NOT COVER THE PLANT'S LEAVES. LEAVE BARE-ROOT PLANTS AND GROUNDWATER PLANTS TO BE PLANTED IN THE PLANTING SOIL AS THEY HAVE BEEN DITCHED AND ASK AROUND THE BALL AND THE PLANTING SOIL TO COVER THE PLANT'S ROOTS.
- 5. MAXON ALL PLANTS AND TREES WITH A SINGLE FINGER OF DOUBLE DITCHED HANDS AND BARE-ROOTED PLANTS IMMEDIATELY AFTER PLANTS AND TREES HAVE BEEN DITCHED AND ASK AROUND THE BALL AND THE PLANTING SOIL TO COVER THE PLANT'S ROOTS. DO NOT COVER THE PLANT'S LEAVES. LEAVE BARE-ROOT PLANTS AND GROUNDWATER PLANTS TO BE PLANTED IN THE PLANTING SOIL AS THEY HAVE BEEN DITCHED AND ASK AROUND THE BALL AND THE PLANTING SOIL TO COVER THE PLANT'S ROOTS.
- 6. REMOVE ANY TREE WRAPPING FROM PLANTS FOLLOWING INSTALLATION.

F. STAKING AND PRUNING:

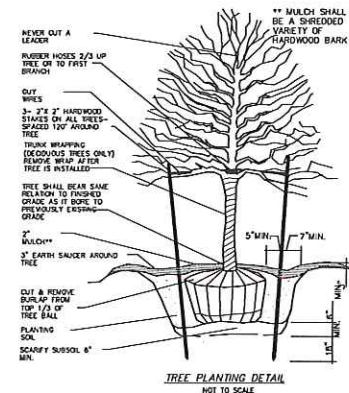
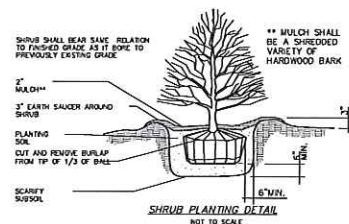
1. STAKING SHALL BE COMPLETED IMMEDIATELY AFTER PLANTING. PLANTS SHALL STAND PLUMB AFTER STAKING. STAKES AND GUY WIRES SHALL BE REMOVED AT THE END OF THE GUARANTEE PERIOD AND DEPOSITED OFF SITE BY THE CONTRACTOR.

2. PRUNE PLANTS AT THE TIME OF FLU-
DUCERS, OR BROKEN BRANCHES.

- G. GUARANTEE:**
- ALL PLANT MATERIALS SHALL BE GUARANTEED FOR ONE (1) FULL YEAR FROM THE DATE THAT THE LANDSCAPE INSTALLATION IS ACCEPTED AS COMPLETE. PLANT MATERIAL NOT FOUND TO BE IN A HEALTHY, VIGOROUS CONDITION AT THE BEGINNING OF THE SECOND GROWING SEASON IS TO BE REPLACED.

H. SEEDING:

- ALL AREAS REMAINING DISTURBED AFTER CONSTRUCTION PAVING AND INSTALLATION OF THE LANDSCAPING ARE TO BE SEEDING
- A. SEEDING PREPARATION APPLY 25 LB. OF 10-10-10 FERTILIZER PER 1000 SQ. FT. HAND OR DISC INTO SOIL TO A DEPTH OF 3-4 FEET.
- B. APPLY FULVURIZED GROUND LIMESTONE, 10 LBS. PER 1000 SQ. FT.
- C. SEEDING APPLY 45 LBS. PER 1000 SQ. FT. OF KENTUCKY 31 TALL FESCUE OR A SUITABLE COARFABLE MIX OF A MOST SEED BED WITH SUITABLE EQUIPMENT.
- D. MOWING IMMEDIATELY AFTER SEEDING UNIFORMLY MOW ENTIRE AREA WITH UNDERSEEDER SMALL GRASS STRAY AT A RATE OF 1 1/2-2" TOPS PER ACRE.
- FOR BEST RESULTS, SEEDING SHOULD BE PERFORMED BETWEEN MARCH 1ST AND APRIL 30TH OR AUG. 15TH TO OCT. 31ST.



I, ROBERT S. KANE, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A QUALIFIED LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 26661, EXPIRATION DATE: 03/29/2019

[illegible]

McCRONE

ENGINEERS ■ SURVEYORS ■ PLANNERS
ANAPOLIS ■ CENTREVILLE ■ ELKTON ■ SALISBURY ■ DELAWARE
JIM NAYLON MILL ROAD SUITE 6

SAZIMUTH, MD 21011
(410) 548-1492

DATE:	01/16/2020
JOB NUMBER:	P0220011
SCALE:	AS SHOWN
DRAWN BY:	EOX
DESIGNED BY:	EOX
APPROVED BY:	RM
PHASE:	

LANDSCAPE PLAN

FOR

BETHANY MINIATURE GOLF COURSE

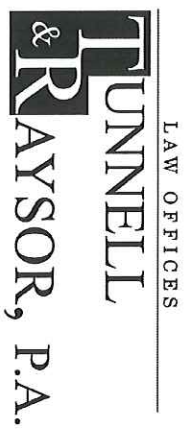
BETHANY BEACH, DELAWARE, 19930

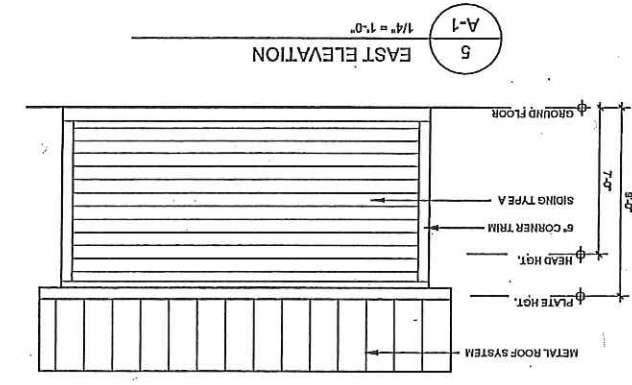
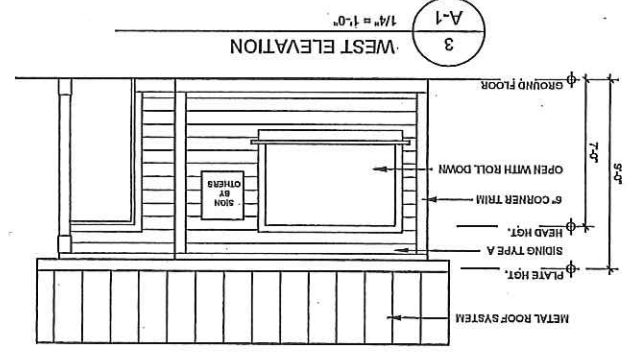
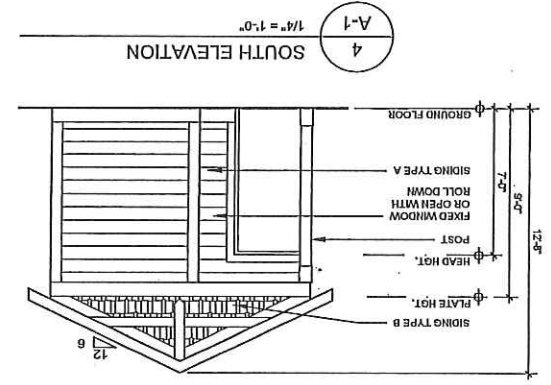
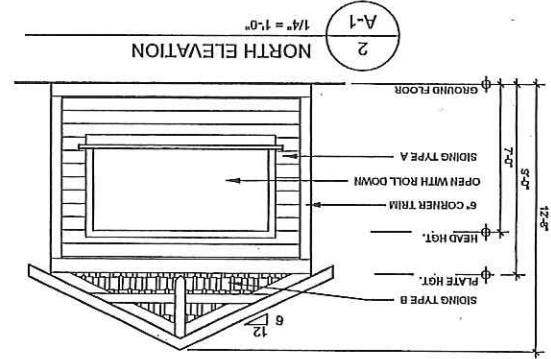
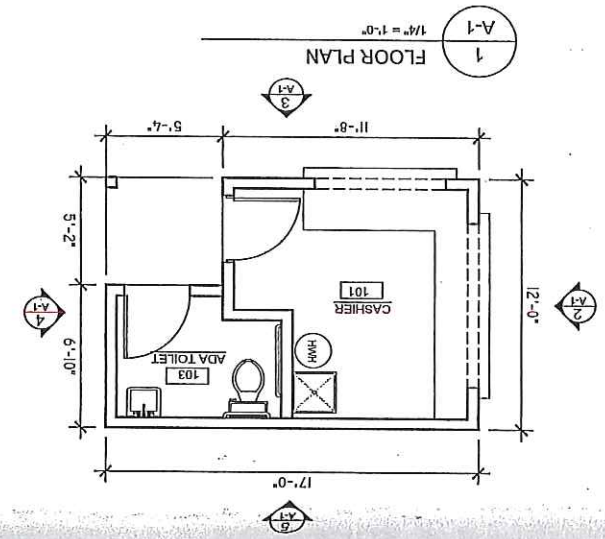
Prepared For: MIKE O'NEILL

SHEET NO.: C.11

EXHIBIT C

Building Plans





DATE: 1-9-2020
ISSUED FOR: DELTA
SCHEMATIC DESIGN

DRAWN BY: GWC
JOB NO: 20-010

SHEET TITLE: PLAN & ELEVATIONS

SHEET NO: A-1

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NICK'S MINI GOLF
ROUTE 1
BETHANY BEACH, DE

DESIGN GROUP, INC.
ARCHITECTURAL & ENGINEERING SOLUTIONS
P.O. Box 802
Ocean City, MD 21843
P: 410-289-1859 F: 410-208-1234
www.madengineeringgroup-inc.com

MAD

EXHIBIT D

Sussex County Code

LAW OFFICES
TUNNELL
& RAYSOR, P.A.

*Sussex County, DE
Tuesday, January 14, 2020*

Chapter 115. Zoning

Article XI. C-1 General Commercial District

§ 115-79. Conditional uses.

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

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

Aquariums, commercial

Beaches, commercial

Bus terminals

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

Drive-in theaters

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums

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

Outdoor amusement places and open-air drive-in theaters. Outdoor amusement places include, but are not limited to, bathing cages, skating rinks, waterslides, miniature golf model racing tracks and similar recreational activities. Mobile or fixed-type cranes or lifting devices, not designed, not approved for, not manufactured for or not intended to carry, transport or in any fashion move individual(s) or person(s), shall be prohibited and shall not be used for amusement purposes. [Added 8-11-1992 by Ord. No. 849; amended 3-30-1993 by Ord. No. 887; 8-22-2006 by Ord. No. 1870]

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

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations and transmission lines utilizing multilegged structures

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

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

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

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as

Permits issued under a condition use approval may be revoked by the Director for failure to comply with conditions of approval or applicable regulations.

Article XXV. Supplementary Regulations

§ 115-194.1. Combined Highway Corridor Overlay Zone (CHCOZ).

[Added 1-30-1996 by Ord. No. 1072; amended 8-3-2004 by Ord. No. 1711

A. Purpose. The Combined Highway Corridor Overlay Zoning District - (CHCOZ District) is hereby established to provide for the continued and efficient use of existing roadways and Emergency Evacuation Routes, to preserve and enhance the aesthetic and visual character of land uses contiguous to those roadways and to provide for orderly development in Sussex County. The requirements and guidelines contained in the chapter are to encourage a positive visual experience of development of lands along the corridors and provide safe access and turning movements for vehicular and pedestrian traffic, especially during an emergency evacuation. Development within the CHCOZ District shall conform to the minimum standards in this chapter; provided, however, that variances to the provisions of this section will be considered by the Board of Adjustment, as permitted pursuant to Article XXVII, Board of Adjustment.

B. Delineation of the zoning district. The CHCOZ District shall be established along the major north south corridors (Routes 1, 13, and 113). They are more particularly described below.

(1) The Route 1 Corridor:

(a) The Highway Corridor Overlay Zoning District - Route 1 shall include all unincorporated lands within 600 feet on each side of State Route 1, between Kent County, Delaware and Fenwick Island, Delaware.

(b) The six-hundred-foot zone will be measured from the existing road right-of-way line.

(2) The Route 13 Corridor:

(a) The Highway Corridor Overlay Zoning District - Route 13 shall include all unincorporated lands within 600 feet on each side of State Route 13, between Kent County, Delaware and Delmar, Delaware.

(b) The six-hundred-foot zone will be measured from the existing road right-of-way line.

(3) The Route 113 Corridor:

(a) The Highway Corridor Overlay Zoning District - Route 113 shall include all unincorporated lands within 600 feet on each side of State Route 113 between Milford, Delaware and Selbyville, Delaware.

(b) The six-hundred-foot zone will be measured from the existing road right-of-way line.

C. Permitted uses.

(1) The overlay zone.

(a) The CHCOZ District establishes procedures, guidelines and standards in which development and access should occur. The overlay zone is established to promote orderly development within the underlying zoning district. Uses permitted within the CHCOZ District will be those permitted by the underlying zoning category, except as modified by this section of the Zoning Ordinance.

(b) Uses prohibited in underlying zone are also prohibited in the overlay zone.

(2) The underlying zone.

- (a) Established development densities in underlying zoning districts shall be maintained; however buffer and building setbacks will be required in the CHCOZ District.
- (b) Existing buildings and structures that do not meet the requirements of this section shall be a nonconforming use and shall continue subject to the provisions of § 115-195 of the Zoning Ordinance.
- (3) Exemptions from the requirements of the CHCOZ District include:
 - (a) Existing homes and businesses.
 - (b) Commercial and industrial developments and subdivisions that have obtained site plan approval prior to the adoption of this section.
 - (c) Land in agricultural use.
 - (d) Historic properties that are listed on the National Register of Historic Places.

D. Permitted accessory uses.

- (1) Permitted accessory uses in the CHCOZ District shall be the same as in the underlying zoning district, except as modified by this section of the Zoning Ordinance.
- (2) Prohibited accessory uses in the underlying district shall be prohibited in the overlay zoning district.

E. Minimum buffer and setback requirements.

(1) For the purposes of this section, a "buffer" is defined as the area landscaped with native vegetative species, as provided for in Subsection E(6) below, between the road right-of-way line of the relevant corridor and the edge of paving and/or area of disturbance. The buffer is a part of and is included in the required setback.

(2) A "building setback" is defined as the minimum distance from the road right-of-way line of the relevant corridor to the nearest building edge. For purposes of this section of the Zoning Ordinance, the setback shall be measured as described in Table 1, Note 7, in the General Table of Height, Area and Bulk Requirements.^[1]

[1] Editor's Note: Table 1 is included at the end of this chapter.

(3) Setbacks and buffers will be required for all developments in the CHCOZ District in accordance with the following table:

[Amended 6-19-2012 by Ord. No. 2263; 2-27-2018 by Ord. No. 2550]

District	Setback (feet)	Buffer (feet)
AR-1 Agricultural Residential	40	20
AR-2 Agricultural Residential	40	20
MR Medium Density Residential	40	20
GR General Residential	40	20
HR-1 High-Density Residential	60	20
HR-2 High Density Residential	60	20
B-1 Neighborhood Business	60	20

District	Setback (feet)	Buffer (feet)
B-2 Business Community	60	20
B-3 Business Research	60	20
C-1 General Commercial	60	20
CR-1 Commercial Residential	60	20
C-2 Medium Commercial	60	20
C-3 Heavy Commercial	60	20
C-4 Planned Commercial	60	20
C-5 Service/Limited Manufacturing	60	20
I-1 Institutional	60	20
M Marine	60	20
LI-1 Limited Industrial	60	20
LI-2 Light Industrial	60	20
HI-1 Heavy Industrial	60	20

(4) Permitted uses within the required buffer include:

- (a) Driveway access.
- (b) Transit-oriented uses, including bus stops and shelters.
- (c) Utility lines.
- (d) Pedestrian and bike paths.
- (e) Lighting fixtures.
- (f) Signs.
- (g) Clearing and grading for sight distance.
- (h) Benches and other streetscape furniture.
- (i) Water features, but not including storm water management structures.
- (j) Pathways.

(5) Permitted uses in the setback, outside of the buffer, are those uses permitted in the underlying zone, including but not limited to lawns, parking areas, driveways and stormwater management structures.

(6) Landscape requirements.

(a) A landscape plan for the buffer and the site shall be submitted and approved with each site plan. Buffers shall retain existing native vegetated areas to the maximum extent possible. In areas where vegetation does not exist, additional landscaping shall be provided utilizing earth mounds and/or plant material. Landscape plantings should be indigenous to local areas and should provide a soft visual buffer between the roadway, the proposed development and contiguous land uses.

(b) For each 100 linear feet of buffer yard required, the number of plantings required shall be not less than 22. The plantings shall include, on average, a canopy forest of at least 12 deciduous or evergreen/conifer trees and 10 shrubs. The buffer yard shall be seeded

with grass or plants with ivy unless natural ground cover is established. In areas where a ten-foot paved path is provided, the landscaping requirement can be reduced by 50%.

F. Access standards from arterial roadways. The intent of the CHCOZ District is to minimize the number of access points and left turning movements along the designated corridor. Access and circulation to the designated corridor shall comply with the following standards:

- (1) Access from the designated corridor shall be subject to the approval of the Delaware Department of Transportation.
- (2) Access drives and service roads should be designed to minimize queuing of entering or exiting vehicles.
- (3) Shared driveways shall be used where feasible.
- (4) Access driveways should accommodate pedestrian traffic through the use of depressed curbs.
- (5) When properties are bound by two or more roadways, access shall be obtained from the lower roadway classification unless a traffic study, approved by DelDOT, determines that the operation or safety of an adjacent intersection is degraded.

G. Additional requirements.

(1) The following improvements shall be shown on the site plan:

- (a) Transit accommodations shall be provided for sites containing structures of 75,000 gross square feet or greater, at the discretion of the Planning and Zoning Commission and DelDOT.
- (b) Pedestrian movement must be accommodated throughout the site to provide safe connections to transit stops, parking areas and sidewalks.
- (c) Cross access easements and interconnections shall be provided between adjoining sites for vehicular and pedestrian traffic.
- (d) Service roads shall be provided where required by DelDOT.

Article XXVII. Board of Adjustment

§ 115-207. Establishment membership; officers; meetings.

- A. A Board of Adjustment is hereby created, which shall hereafter be referred to as the "Board."
- B. The Board shall consist of five members, whose selection, terms and qualifications shall be as indicated in 9 Del. C. § 6803(c), and any subsequent amendments thereto.
- C. The Board shall select a Chairman from its membership, shall appoint a Secretary and shall prescribe rules for the conduct of its affairs. The Chairman or, in his absence, the Acting Chairman shall have the power to issue subpoenas for the attendance of witnesses and the production of records and may administer oaths and take testimony.
- D. For the conduct of any hearing, a quorum shall not be less than three members, and an affirmative vote of three members of the Board shall be required to overrule any decision, ruling or determination of the official charged with enforcement of this chapter or to approve any special exception or variance.

a permitted use under § 115-79 all require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy. [Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Sports arenas or stadiums, commercial athletic fields or baseball parks
Swimming or tennis clubs, private, nonprofit or commercially operated

§ 115-82. Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Area** (square feet)	Width* (feet)	Depth (feet)
Single-family dwelling	10,000	75	100
Other	10,000	75	100

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.
[Added 11-7-1989 by Ord. No. 632; amended 7-20-1999 by Ord. No. 1328]

**NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.
[Added 7-15-1997 by Ord. No. 1157]

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
Single-family dwelling	40 (30)*	10	10
Other	60**	5*	5*
Multifamily-type structure	(See Table II, included at the end of this chapter.)		

*NOTE: See also the table of district regulations at the end of this chapter.

**NOTE: See also § 115-194.1.

C. Maximum height requirements. Maximum height requirements shall be as follows:
[Amended 10-31-1995 by Ord. No. 1062]

Use	Feet
Single-family dwelling	42
Other	42

§ 115-83. Reference to additional regulations.

A. The regulations contained in this article are supplemented or modified by regulations contained in other articles of this chapter, especially the following:

- Article I, § 115-4, Definition, id word usage
- Article XXI, Signs
- Article XXII, Off-Street Parking
- Article XXIII, Off-Street Loading
- Article XXIV, Conditional Uses
- Article XXV, Supplementary Regulations
- Article XXVII, Board of Adjustment

B. Closed district. As of the date of adoption of this amendment, the C-1 General Commercial District shall be considered a closed district and shall not be applied to any additional lands in Sussex County. The district and its various provisions and regulations shall continue to exist as they apply to a C-1 District established under the procedures of this chapter.
[Added 8-22-2006 by Ord. No. 1870]

Article XXII. Off-Street Parking

§ 115-162. Requirements.

A. When any building or structure is hereafter erected or structurally altered or any building or structure is converted for any use listed below, accessory off-street parking spaces shall be provided as follows:

Use	Parking Spaces Required
Single-family dwellings, single-family manufactured homes and apartments [Amended 3-25-1997 by Ord. No. 1131; 2-2-1999 by Ord. No. 1286; 5-2-2000 by Ord. No. 1371; 10-12-2010 by Ord. No. 2152]	2 per family unit
Multifamily dwellings and townhouses [Amended 3-25-1997 by Ord. No. 1131; 2-2-1999 by Ord. No. 1286; 8-15-2006 by Ord. No. 1869]	See Subsection B.
Rooming, boarding- or tourist houses	1 per rental room, plus 2 for the resident owner or manager
Hotels, motels or lodging inns	1 1/2 per rental room or suite, plus 1 per 3 employees. If a restaurant open to the public is operated in connection with such use, additional off-street parking space meeting the minimum requirements for a restaurant must be provided
Eating places, taverns, bars and nightclubs	1 for each 50 square feet assigned for patron use, plus 1 per 2 employees on the largest shift
Indoor commercial recreation	1 per 150 square feet of floor area or 1 per 4 seats for patron use, whichever is applicable to the particular use
Offices, office buildings, banks or other financial offices	1 per 200 square feet of floor area, exclusive of basement, if not used for office or customer service purposes
Retail stores or supermarkets	1 per 200 square feet of floor area used for sales or display of merchandise purposes, plus 1 for each 2 employees on the largest shift

Use	Parking Spaces Required
Beauty and barber shops or other personal services	1 per 200 square feet of floor area
Shopping centers	5 per 1,000 square feet of gross leasable area
Furniture and appliance stores	1 per 400 square feet of floor area devoted to sales and display purposes
Funeral homes	1 per 20 square feet of floor area used for seating accommodations, plus 1 per employee
Commercial nurseries, sales of outdoor equipment or furniture or sales of new and used cars, trucks, boats, manufactured homes and campers	2 per salesman during peak period of employment
[Amended 10-12-2010 by Ord. No. 2152]	
Car wash establishments	
Coin-do-it yourself	2 at waiting area for each lane; 1 at exit area for each lane
Coin-operated automatic drive-through	4 at waiting area for each lane; 2 at exit area for each lane
Employee-operated	8 at waiting area for each lane; 2 at exit area for each lane
Gasoline filling stations	2 for employees, plus 1 for each service bay
Automobile service and repair garages	1 per 500 square feet of floor area, plus 1 per employee during peak period of employment
Wholesaling or manufacturing	1 for every 2 employees on the major shift establishments
Day nurseries, day-care centers or private preschools or kindergartens	1 per 1,000 square feet of floor area, plus 1 per employee
Elementary and junior high or middle schools	3 per room used for administrative purposes, plus 1 per classroom, plus 1 for each 5 seats in the auditorium or gymnasium or other facility open to the public
Senior high, trade and vocational schools, colleges and universities	3 per room used for administrative offices, plus 1 for every 10 pupils enrolled, plus 1 for each 5 seats in the auditorium, gymnasium or other facility open to the public
Stadiums, assembly halls, theaters and community centers	1 per 4 fixed seats in the assembly area or for each 50 square feet of floor area for rooms having movable seats
Public libraries	1 per 400 square feet of floor area for public use, plus 1 per 2 employees
Nursing homes, convalescent homes and homes for the aged	1 for each 4 patient beds, plus 1 per 2 employees on the largest shift
Hospitals	1 for each 3 patient beds, except bassinets, plus 1 per medical staff member, plus 1 per 2 employees on the largest shift
Medical and dental clinics and offices	1 for each 2 employees, plus 4 per doctor or dentist
Churches or other places of worship	1 for each 4 seats

B. Multifamily dwellings and townhouses. The number of off-street parking spaces per dwelling unit shall be as indicated below:

[Amended 8-15-2006 by Ord. 1869]

- (1) Two spaces per dwelling unit plus 0.5 space for each bedroom over three bedrooms with a maximum of three spaces per dwelling unit. For one-bedroom and efficiency units, the required number of parking spaces will be 1.5 spaces per unit.
- (2) For each development in excess of 50 units, the required number of parking spaces shall be reduced by 15% from the required number of spaces set forth in Subsection **B(1)** above after those spaces required for the first 50 units have been provided; and for each development in excess of 200 units, the required number of parking spaces shall be reduced by 20% from the required number of spaces set forth in Subsection **B(1)** above after those spaces required for the first 200 units have been provided. In calculating the required parking, the number of one-bedroom and efficiency units shall be proportionally distributed if the development exceeds 50 units. When the total number of parking spaces required for a project has been reduced according to this section, the land area saved shall be used only for open space, landscaping or pedestrian walkways.
- (3) A minimum of one space per dwelling unit must be outside of a private enclosed garage and accessible to guests.
- (4) For the purposes of this section, an "efficiency unit" shall mean a one-story room, the size of which may not exceed 500 square feet, that is not susceptible to permanent division and that contains a kitchen or kitchenette and not more than one bathroom. An efficiency or room that is larger than 500 square feet is considered to be a "one-bedroom unit" for the purposes of this Code. An accessory room shall mean any room in a dwelling unit other than a bedroom, bathroom, kitchen or one living room, one dining room or living-dining room combination, including, but not necessarily limited to, a den, library, family room, game room, patio room, Florida room, bar, nursery, etc. Any room as defined as being an "accessory room" is to be treated in the same manner as a bedroom, and required parking shall be computed accordingly. This shall apply to all residential buildings except detached single-family dwellings.

§ 115-163. Interpretation of requirements.

The following shall apply in the interpretation of the requirements of § 115-162:

- A. The parking requirements in the chart are in addition to space for storage of trucks or other vehicles used in connection with any use.
- B. The parking requirements in this Article do not limit other parking requirements contained in the district regulations.
- C. The parking requirements in this Article do not limit special requirements which may be imposed with large-scale developments, conditional uses (Article **XXIV**) or special exceptions (Article **XVII**).
- D. Floor area shall be as defined in § 115-4.
- E. Where fractional spaces result, the parking spaces required shall be construed to be the highest whole number.
- F. Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
- G. The parking space requirements for a use not specifically listed in the chart shall be the same for a listed use of similar characteristics of parking demand generation.

- H. In the case of mixed uses, _____s with different parking requirements occupying the same building or premises or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- I. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need under the requirements of this Article for an increase in parking spaces of 10% or more than those required before the change or enlargement, such additional space shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than 10% of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of 10% or more.
- J. The parking requirement, if any, for a home occupation or home office shall be determined by the Director, subject to review by the Board of Adjustment. In any event, the front yard shall not be used for the required parking spaces, and parking spaces shall not be less than five feet from any property line.

§ 115-164. Modification of requirements.

Where, in the judgment of the Planning and Zoning Commission, the parking requirements listed in § 115-162 are clearly excessive and unreasonable, the Commission may modify the requirements.

§ 115-165. Joint use and off-site facilities.

- A. All parking spaces required herein shall be located on the same lot with the building or use served.
- B. Shared parking. The Planning and Zoning Commission may authorize a reduction in the number of required parking spaces for multiple use developments or for uses that are located near one another with a maximum distance from the farthest parking space (or in the case of a parking garage, the pedestrian entrance to the garage) of 600 feet to the public entrances or a lighted, semi-weather-proofed covered walkway leading to the public entrances for commercial uses and with a maximum distance of 600 feet (or in the case of a parking garage, the pedestrian entrance to the garage) to the residential entrances that are being considered in the shared uses and, which have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:
[Amended 2-14-2006 by Ord. No. 1826¹¹]
- (1) Location. All uses that participate in a single shared parking plan shall be located on the same lot or on lots that share a common boundary. The shared parking lot shall be developed and used as though the uses on the lots were a single unit.
- (2) Shared parking study. A shared parking study signed and sealed by a Delaware licensed professional engineer in a form acceptable to the Planning Director shall be submitted which clearly establishes those uses that will utilize the shared spaces at different times of the day, week, month and year, including seasonal or mode adjustment factors. The study shall:
- (a) Be based on the most current Urban Land Institute's shared parking study methodology or other generally accepted methodology;
- (b) Address the size and type of activities, the composition of occupants, the rate of turnover for proposed shared spaces and the anticipated peak parking and traffic loads;

- (c) Provide for a reduced parking by not more than 50% of the combined parking required for each use;
 - (d) Provide for no reduction in the number of spaces reserved for persons with disabilities;
 - (e) Provide a plan to convert the reserved area to parking area if it is ever required; and
 - (f) Be reviewed and approved by the Planning Director and the Planning and Zoning Commission.
- (3) Agreement for shared parking plan. A shared parking plan shall be enforced through written agreement. An attested copy of the agreement between the owners of record shall be submitted to the Planning Director who shall forward a copy to the County Attorney for review and approval. Proof of recordation of the agreement shall be presented to the Planning Director prior to issuance of a certificate of occupancy. The agreement shall:
- (a) List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
 - (b) Provide a legal description of the land;
 - (c) Include a site plan showing the area of the parking parcel and the open space reserved area which would provide for future parking and any required stormwater management facilities;
 - (d) Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
 - (e) Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
 - (f) Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;
 - (g) Describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;
 - (h) Incorporate the shared parking study by reference; and
 - (i) Describe the method by which the covenant shall, if necessary, be revised.
- (4) Change in use. Should any of the shared parking uses be changed, or should the Planning Director find that any of the conditions described in the approved shared parking study or agreement no longer exist or if the Planning Director and Planning and Zoning Commission determine that insufficient parking is an issue, the owner shall have the option of submitting a revised shared parking study and an amended shared parking agreement in accordance with the standards of this subsection or of providing the number of spaces required for each use as if computed separately. If the Planning Director determines that the revised shared parking study or agreement does not satisfy the off-street parking needs of the proposed uses, the shared parking request shall be denied, and no certificates of occupancy shall be issued until the full number of off-street parking spaces are provided.
- (5) Revocation of permits. Failure to comply with the shared parking provisions of this subsection shall constitute a violation of this Code and shall specifically be cause for revocation of a certificate of occupancy.

[1] *Editor's Note: This ordinance also repealed former Subsection C, which immediately followed and provided for the establishment of shared parking spaces by covenant or agreement.*

EXHIBIT E

Property and Owner Information



1/27/2020

Property Search

PARID: 134-17.11-40.00
PEAKE JESSICA F TRUSTEE

ROLL: RP
32967 COASTAL HWY

Property Information

Property Location:	32967 COASTAL HWY
Unit:	
City:	BETHANY BEACH
State:	DE
Zip:	19930
Class:	COM-Commercial
Use Code (LUC):	CO-COMMERCIAL
Town:	00-None
Tax District:	134 - BALTIMORE
School District:	1 - INDIAN RIVER
Council District:	4-Hudson
Fire District:	70-Bethany Beach
Deeded Acres:	.0001
Frontage:	225
Depth:	247.000
Ir Lot:	1
Zoning 1:	C-1-GENERAL BUSINESS
Zoning 2:	-
Plot Book Page:	245 34/PB
100% Land Value:	\$20,000
100% Improvement Value	\$74,700
100% Total Value	\$94,700

Legal

Legal Description DELAWARE AVE LOT

Owners

Owner	Co-owner	Address	City	State	Zip
PEAKE JESSICA F TRUSTEE		35229 OVERFALLS DR NORTH	LEWES	DE	19958

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed BookPage:
2019	PEAKE JESSICA F TRUSTEE		35229 OVERFALLS DR NORTH	LEWES	DE	19958	4710/176
2018	PEAKE JESSICA F TRUSTEE		35229 OVERFALLS DR NORTH	LEWES	DE	19958	4710/176
2017	PEAKE JESSICA F TRUSTEE		35229 OVERFALLS DR NORTH	LEWES	DE	19958	4710/176
2017	PEAKE JESSICA F TRUSTEE		21 OCEAN DR APT 707	REHOBOTH BEACH	DE	19971	4710/176
2017	PEAKE JESSICA F		21 OCEAN DR APT 707	REHOBOTH BEACH	DE	19971	1982/242
2006	PEAKE JESSICA F		21 OCEAN DR APT 707	REHOBOTH BEACH	DE	19971	1982/242
1900	PEAKE JESSICA F				0	0/0	
1900	PEAKE C REX JRJESSICA F				0	851/318	
1900	RESORT HOMES INC				0	657/428	
1900	PEAKE C REX JRJESSICA F				0	1982/242	
1900	BEACH PACKAGE STORE LLC				0	1937/201	

Land

Line	Class	Land Use Code	Act Front	Depth	Deeded Acres	Ag
1	COM	CO	225	247	.0001	

Land Summary

Line	1
100% Land Value	20,000

11/27/2020

Property Search

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$20,000	\$74,700	\$94,700

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$10,000	\$37,350	\$47,350

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
13-JUN-2016	201604698	\$20,000	BEER COOLER EXTENSION 12X15 - BEACH LIQUORS
16-NOV-2012	201200308	\$0	DIGITAL SIGN-DELAWARE AVE LOT
16-MAR-2010	19461-7	\$0	WALL SIGN-DELAWARE AVE
28-FEB-2005	19461-6	\$0	TENANT FIT UP-DELAWARE AVE
02-DEC-2004	19461-5	\$200,000	GROUND SIGN-E/RT1 125' S/RD361A
17-NOV-1999	19461-4	\$0	DECKSTORAGE AREA-DELAWARE AVE.
06-JUN-1995	19461-3	\$3,200	EXT. REMODELING-DELAWARE AVE
30-SEP-1994	19461-2	\$22,000	STORAGE ADD. TO STORE-E/1 200' S/361A
07-MAY-1985	19461-1	\$6,000	

18877

BK: 4710 PG: 176

Tax Number: 1-34 17.11 40.00
PREPARED BY & RETURN TO:
Tunnell & Raysor, P.A.
30 E. Pine Street
Georgetown, DE 19947
File No. DO2820/CCE

NO TITLE SEARCH REQUESTED
NO TITLE SEARCH PERFORMED
NO TITLE GUARANTEE
DEED PREPARATION ONLY

THIS DEED, made this 12th day of May, 2017,

- BETWEEN -

JESSICA F. PEAKE, of 21 Ocean Drive, Apt. #707, Rehoboth Beach, Delaware
19971, party of the first part,

- AND -

JESSICA F. PEAKE, TRUSTEE, OF THE JESSICA F. PEAKE
REVOCABLE TRUST, DATED MAY 12th, 2017, AND ANY AMENDMENTS
THERE TO, of 21 Ocean Drive, Apt. #707, Rehoboth Beach, DE 19971, as sole owner,
party of the second part.

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

ALL THAT certain lot, piece or parcel of land situate, lying and being in Baltimore
Hundred, Sussex County and State of Delaware, and being more particularly described as
follows, to wit:

TUNNELL
RAYSOR, P.A.
Georgetown, Delaware

BK: 4710 PG: 177

BEGINNING at an iron pipe set in the Eastern right-of-way line of Delaware Route #14, said iron pipe marking a corner for these lands and lands now or formerly of George Knox; thence along and with the division line between these lands and lands now or formerly of George Knox North 14 degrees 38 minutes 45 seconds East for a distance of 247.53 feet to an iron pipe, said iron pipe marking a corner for these lands, lands now or formerly of George Knox and lands now or formerly of J.M. Loftus; thence along and with the division line between these lands and lands now or formerly of J.M. Loftus North 73 degrees 35 minutes 15 seconds West for a distance of 123.44 feet to an iron pipe, said iron pipe marking a corner for these lands, lands now or formerly of J.M. Loftus and lands now or formerly of the State of Delaware; thence along and with the division line between these lands and the lands now or formerly of the State of Delaware South 14 degrees 38 minutes 45 seconds West for a distance of 63.53 feet to an iron pipe set in the Eastern right-of-way line of Delaware Route #14; thence along and with the Eastern right-of-way line of Delaware Route #14 in a Southeasterly direction along the arc of a curve having a radius of 1070.63 feet for an arc distance of 225.11 feet to the first iron pipe, the point and place of beginning, said to contain 0.46 acres of land, more or less, together with all improvements thereon.

BEING the same lands conveyed to C. Rex Peake, Jr., and Jessica F. Peake, his wife from Beach Package Store, L.L.C., a Delaware limited liability company, by Deed dated March 10, 1994, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on June 1, 1994, in Deed Book 1982, Page 242.

THE SAID, C. Rex Peake, Jr. also known as Cornelius Rex Peake, Jr., departed this life on or about June 18th, 1996. His interest in the above property passed to his surviving spouse, Jessica F. Peake, by rights of survivorship.

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

BK: 4710 PG: 178

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

Signed, Sealed and Delivered
in the presence of:

CP Emmert
Witness

J. F. Peake (SEAL)
Jessica F. Peake

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on May 12th, 2017, personally came before me, the subscriber, Jessica F. Peake, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

CHRISTOPHE CLARK EMMERT
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A) 3

CP Emmert
Notary Public
My Commission Expires: 12/14

Consideration: .00

County	
State	.00
Town	.00
Total	.00
Received: Margaret P	May 19, 2017

Recorder of Deeds
Scott Bailey
May 19, 2017 10:39A
Sussex County
Doc. Surcharge Paid

RECEIVED
MAY 19, 2017
ASSESSMENT DIVISION
OF SUSSEX COUNTY

EXHIBIT F

Parking

LAW OFFICES
TUNNELL
& RAYSOR, P.A.



Sussex County



PIN:	134-17.11-40.00
Owner Name	PEAKE JESSICA F TRUSTEE
Book	4710
Mailing Address	35229 OVERFALLS DR N
City	LEWES
State	DE
Description	DELAWARE AVE LO
Description 2	N/A
Description 3	N/A
Land Code	

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

EXHIBIT G

Harris Miniature Golf Course Information

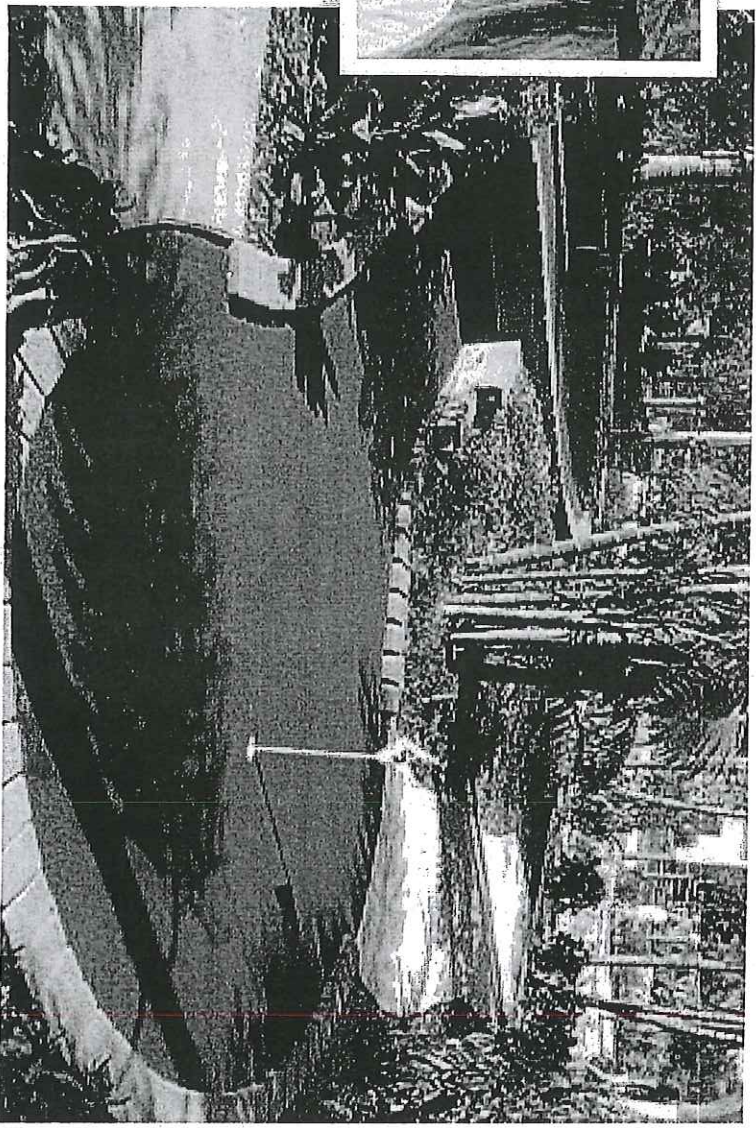




ABOUT HARRIS THE PIONEER OF MINI GOLF PROFITABILITY



Rich Lahey, President



Rich Lahey purchased Harris Miniature Golf Courses Inc. in 1988 with a vision for changing the industry.

Back then, miniature golf courses were mostly portable plywood tracks dominated by windmills and clown faces. Sales were dismal. Miniature golf, which hadn't changed much for decades, had lost its appeal.

Rich believed beautiful landscaped courses with dramatic features, lots of curb appeal and plenty of challenge – not by putting windmills or barns in the way, but by building banked, undulating greens and holes with risks and rewards – would revive interest in miniature golf and bring profitability back to the industry.

“I could see it,” Rich recalls. “I’d drive by these flat plywood courses with the usual array of wooden obstacles, and there would be no one playing.

Miniature golf is a really fun family game, but the courses were old and boring. I knew if we built more appealing and challenging courses, people of all ages would come.”

And come they did.

Over the ensuing decade, Rich’s vision led a revolution in miniature golf, leading the industry to build more elaborate courses than ever before and causing profits to soar. Now, instead of charging \$2 a game, course owners could charge \$4 or \$5 and people would pay it. Today, the average price of a round of miniature golf is \$8. Rich was hailed by *The New York*

Times as the man who reinvented miniature golf. Today, the industry boasts more than \$1 billion in annual revenues, and has minted more than its share of millionaire course owners.

Based on Rich's vision and decades of experience building courses around the world, Harris relies on water features and beautiful landscaping to create



I'd drive by these flat plywood courses with the usual array of wooden obstacles, and there would be no one playing. Miniature golf is a really fun family game, but the courses were old and boring. I knew if we built more appealing and challenging courses, people of all ages would come.

*- Rich Lahey, President,
Harris Miniature Golf Inc.*



fun and inviting spaces. The delicate contours, slopes and undulations of our greens reward players for a good putt while not overly penalizing a poor effort. At Harris, we believe the key to success is building courses that are interesting and fun to play with just enough challenge to make players want to come back and play again.

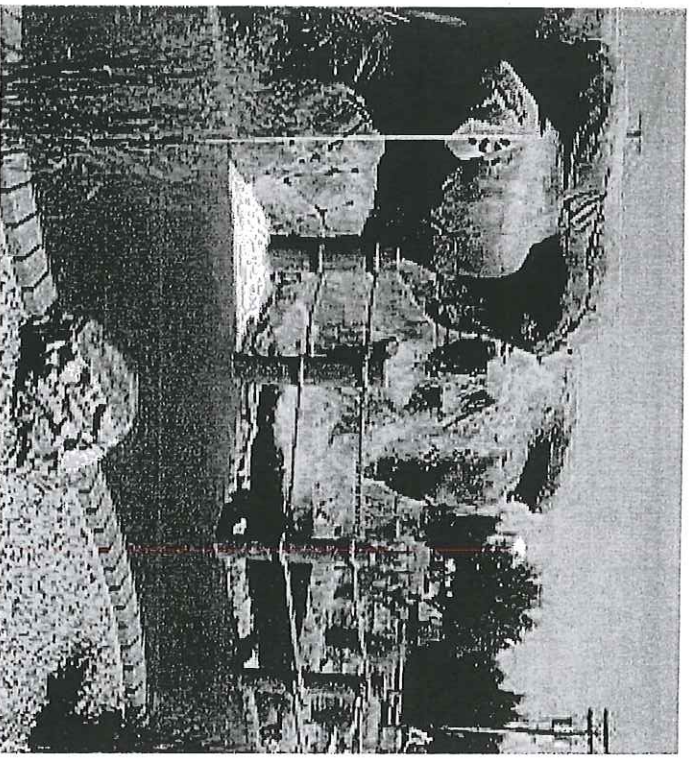
Rich and the team at Harris also pioneered the concept of the 36-hole course. Having two 18-hole courses can be key to promoting repeat business and profitability. Two courses not only create more choices and challenges for players, they provide the capacity necessary to accommodate large crowds

on summer evenings and weekends. Long lines at overcrowded single courses can reduce profits and drive customers away. Having a second course also allows owners to host groups without having to turn away walk-in customers - a key to midweek profitability.

At Harris, we know that a well-designed and well-built course will produce repeat business year after year. A poorly designed course will quickly become boring and frustrating, and repeat business will drop off. We also know that some of the best design ideas occur during construction, as the course is taking shape. All on-site changes are made with the customer's approval and without additional charge.

All of our projects are covered by the Harris 110% Guarantee, which means Rich and the team will always go the extra mile to make sure your project is as good as it can possibly be.

"At Harris Miniature Golf, we always give our customers the full measure of our talents," Rich says. "We feel it is the little things that make the difference between a good job and a great job. The courses we build not only meet but exceed customers' expectations. We finish projects on time and on budget. When we give you a price, we stick to it."





HARRIS

Miniature Golf

THE LEADER IN COURSE DESIGN & CONSTRUCTION

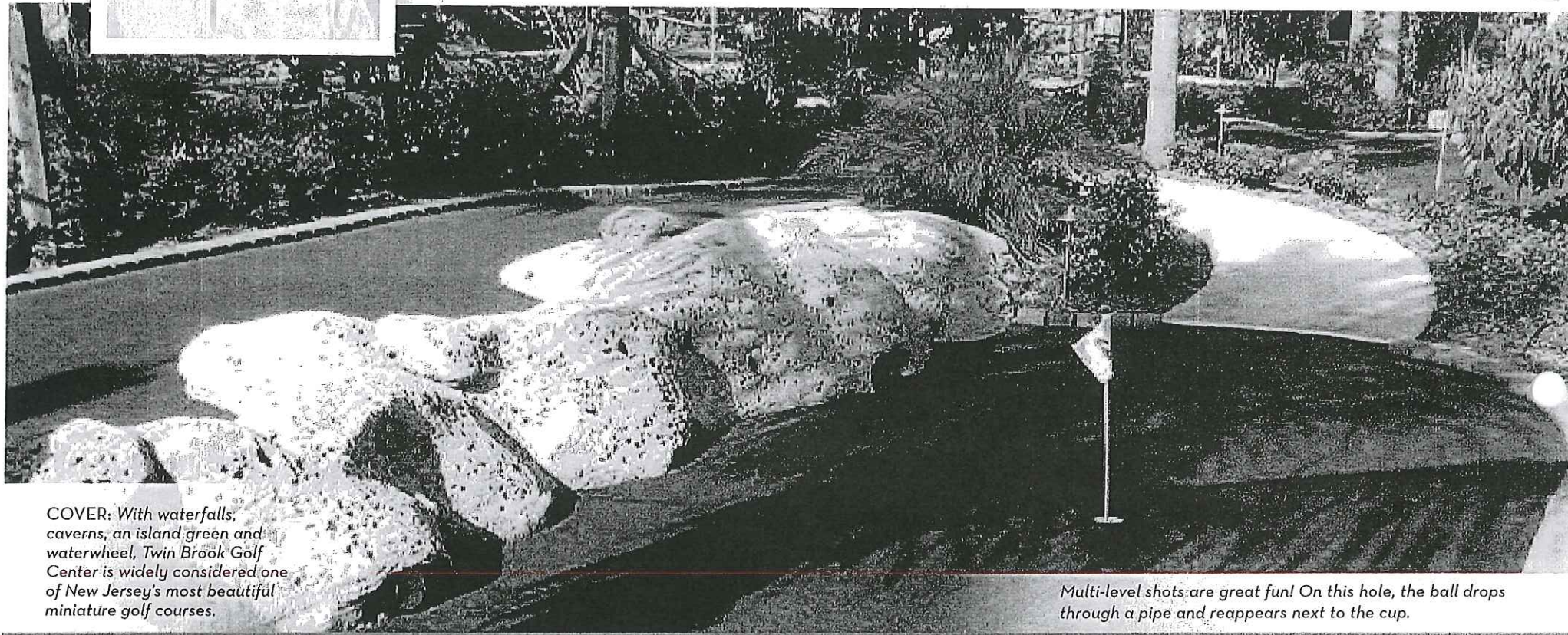
For 50+ Years!

THE HARRIS GUARANTEE



At Harris Miniature Golf, we always give our customers the full measure of our talents. We feel it is the little things that make the difference between a good job and a GREAT job. The courses we build not only meet, but exceed, customers' expectations. We finish projects on time and on budget. When we give you a price, we stick to it.

- Rich Lahey, President, Harris Miniature Golf Courses, Inc.



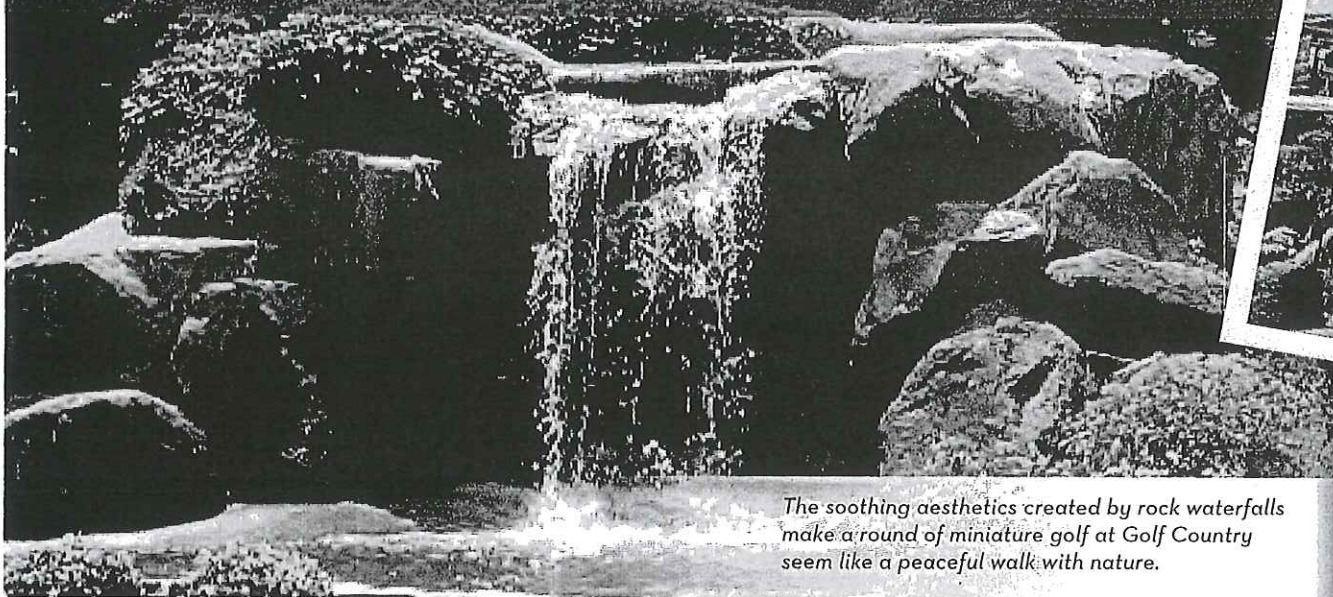
COVER: With waterfalls, caverns, an island green and waterwheel, Twin Brook Golf Center is widely considered one of New Jersey's most beautiful miniature golf courses.

Multi-level shots are great fun! On this hole, the ball drops through a pipe and reappears next to the cup.

2

Find Out How YOU Can Become a Successful Miniature Golf Course Owner

WHY MINIATURE GOLF?



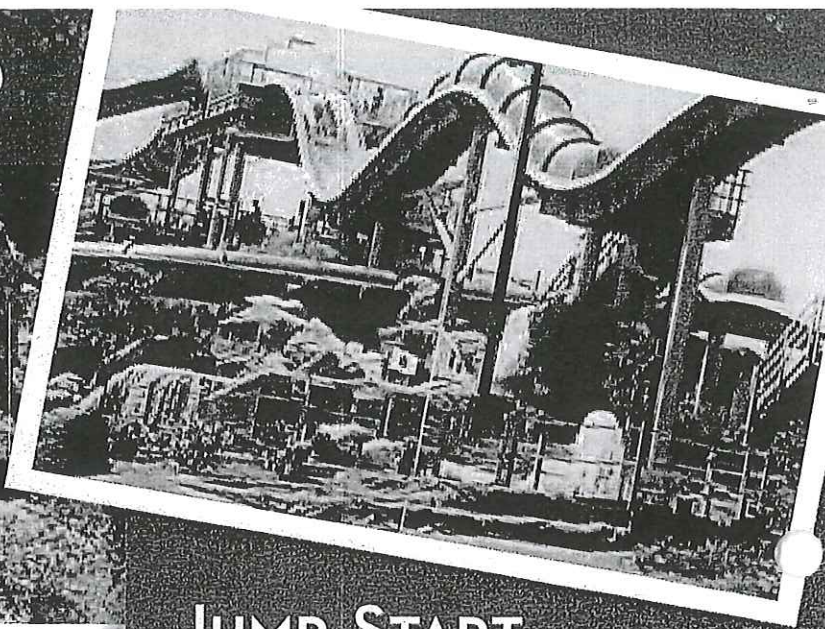
The soothing aesthetics created by rock waterfalls make a round of miniature golf at Golf Country seem like a peaceful walk with nature.

Longtime Harris course owners who operate other attractions such as rock climbing, go-cart racing and paintball courses say nothing compares to miniature golf in terms of profit margin, return on investment and broad market appeal. More than 130 million people of all ages play miniature golf every year with industry revenues in excess of \$1 billion annually.

- Fun family business to operate
- Seasonal business
- Attracts all age groups
- High profit margins
- Fast payback
- High return on investment (ROI)
- Low overhead (staff of one or two people)
- Low equipment cost for putters and balls
- No inventory (only scorecards)
- Minimal liability exposure

Adding miniature golf to our 50-year-old family business, which includes a dairy farm and ice cream shop, was the best decision we could have made. The golf course is consistently busy and we have seen an increase of more than 40 percent in our ice cream sales.

*- Tom Kerber
Kerber Dairy*



JUMP-START YOUR EXISTING BUSINESS

Turn your amusement park, driving range, ice cream stand, restaurant or other business into a moneymaking machine with a miniature golf course by Harris. Many of our customers say revenue generated by their miniature golf courses far surpasses anything

else they do. "We have seven attractions and miniature golf is, by far, the most profitable," says Mark Blasko, owner of Chuckster's. "I wish I had built a miniature golf course first and stopped."

(888) 294-6530 | www.harrisminigolf.com

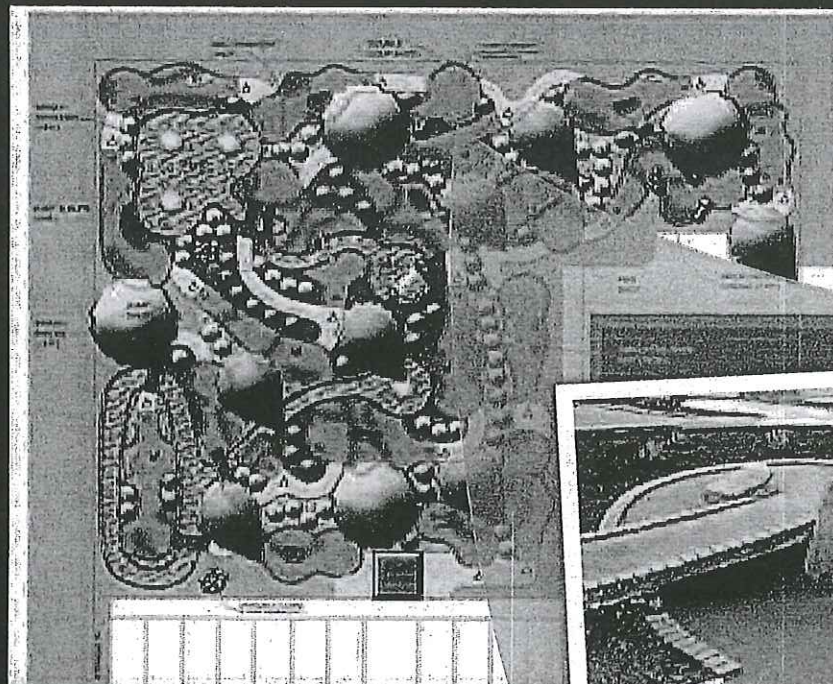


ON-SITE DESIGN IMPROVEMENTS

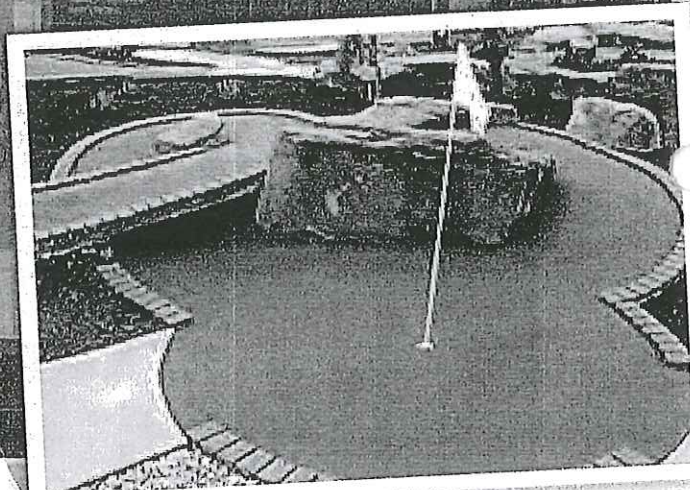
During construction, our project foremen are always looking for ways to improve a course's design, playability and visual appeal. That might involve changing the angle of a waterfall to increase roadside visibility or moving a stream to bring it into play on another hole, and we do it all at no additional cost to the owner/developer.

It was fun to watch the guys work and bring the course to life. The crew was always looking to improve the design whenever possible. They really wanted it to be as good as it could be!

- Gary Papa
Wildwood Mini Golf



HARRIS



At Harris, we use a state-of-the-art computer-aided design system to render our course designs.

HARRIS - THE RIGHT CHOICE FOR YOU

Harris Miniature Golf has been designing and building picturesque and profitable miniature golf courses for more than 50 years. To date, we have designed and built more than 800 courses across the United States. We believe it speaks volumes about the quality of our work that the majority of our new customers are referred to us by our existing customers.

- Recognized as a national leader in design and construction
- More than 50 years of experience
- More than 800 courses built
- Every course custom-designed to meet customer's needs and expectations
- Fixed price guarantee
- State-of-the-art color CAD design
- Promotional / marketing support



The beauty and challenge of a well-designed course like Woodstone Mini Golf keeps customers coming back again and again.

It was incredible working with the team at Harris. I never saw a group of guys work so hard in my life. No matter what issues they encountered on site, they just made it all happen.

*- Rusty Bertholet
Logs of Fun*

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DESIGNING FOR PROFIT

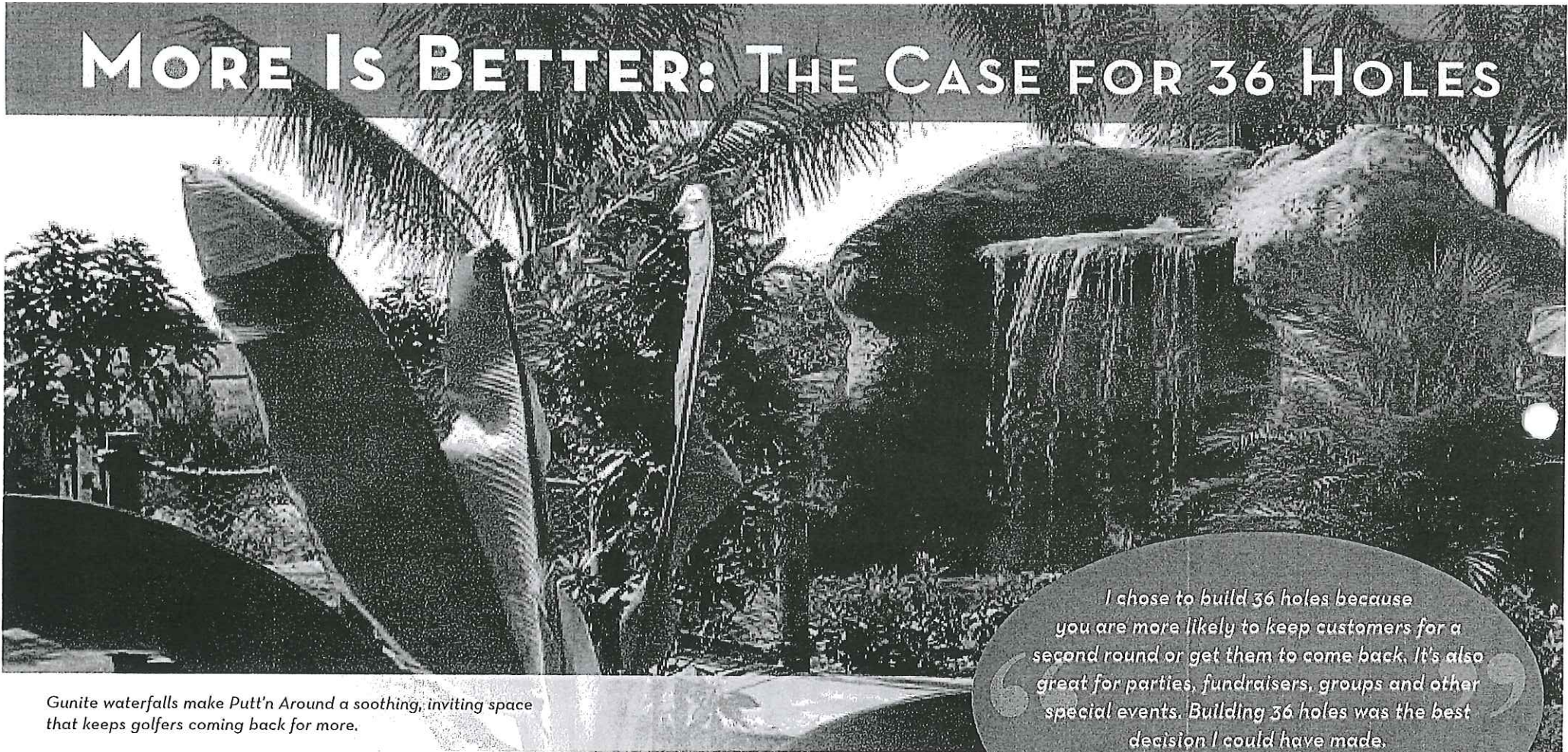
At Harris, we believe great design is the key to sustaining profitability year after year. Gone are the days of windmills and clown faces. By creating inviting and intriguing spaces, and challenging holes that test a golfer's skills, Harris designs courses that keep customers coming back. Ninety percent of Harris-built courses are in non-resort areas where repeat business is critical to profitability. By designing courses with soothing waterfalls, dramatic landscapes and other features that capture the imagination, Harris creates destinations that customers will want to visit again and again.

DESIGNING FOR FUN

Miniature golf is no longer child's play. Whether you're young or simply young at heart, miniature golf is all about the FUN!!! Our waterfalls, splash fountains, ponds, streams and undulating greens create thrills and laughs for golfers of all ages. Our water hazards create lots of awesome fun for kids. We use floating balls and even have a hole design where the ball goes into the water hazard and is returned back to the green near the cup!



MORE IS BETTER: THE CASE FOR 36 HOLES



Gunitite waterfalls make Putt'n Around a soothing, inviting space that keeps golfers coming back for more.

Having two 18-hole courses can be key to promoting repeat business and profitability for your facility. Two courses not only create more choices and challenges for players, they provide the capacity necessary to accommodate large crowds on summer evenings and weekends. Long lines at overcrowded single courses will reduce profits and drive customers away, maybe for good. Having a second course also allows you to host groups without having to turn away walk-in customers – a key to midweek profitability.

I chose to build 36 holes because you are more likely to keep customers for a second round or get them to come back. It's also great for parties, fundraisers, groups and other special events. Building 36 holes was the best decision I could have made.

- Elise Johnson
Putt'n Around

- More challenges and choices for golfers
- Promotes repeat customers
- Increases capacity for group sales
- Can accommodate groups and walk-in customers simultaneously
- Boosts midweek sales and profitability

(888) 294-6530 | www.harrisminigolf.com

IF YOU CAN DREAM IT, WE CAN BUILD IT

At Harris, we have more than 50 years of experience building all types of courses on all kinds of terrain. Our in-house designers start by looking at your property and designing a course that makes optimum use of your land's natural features.

LANDSCAPED COURSES

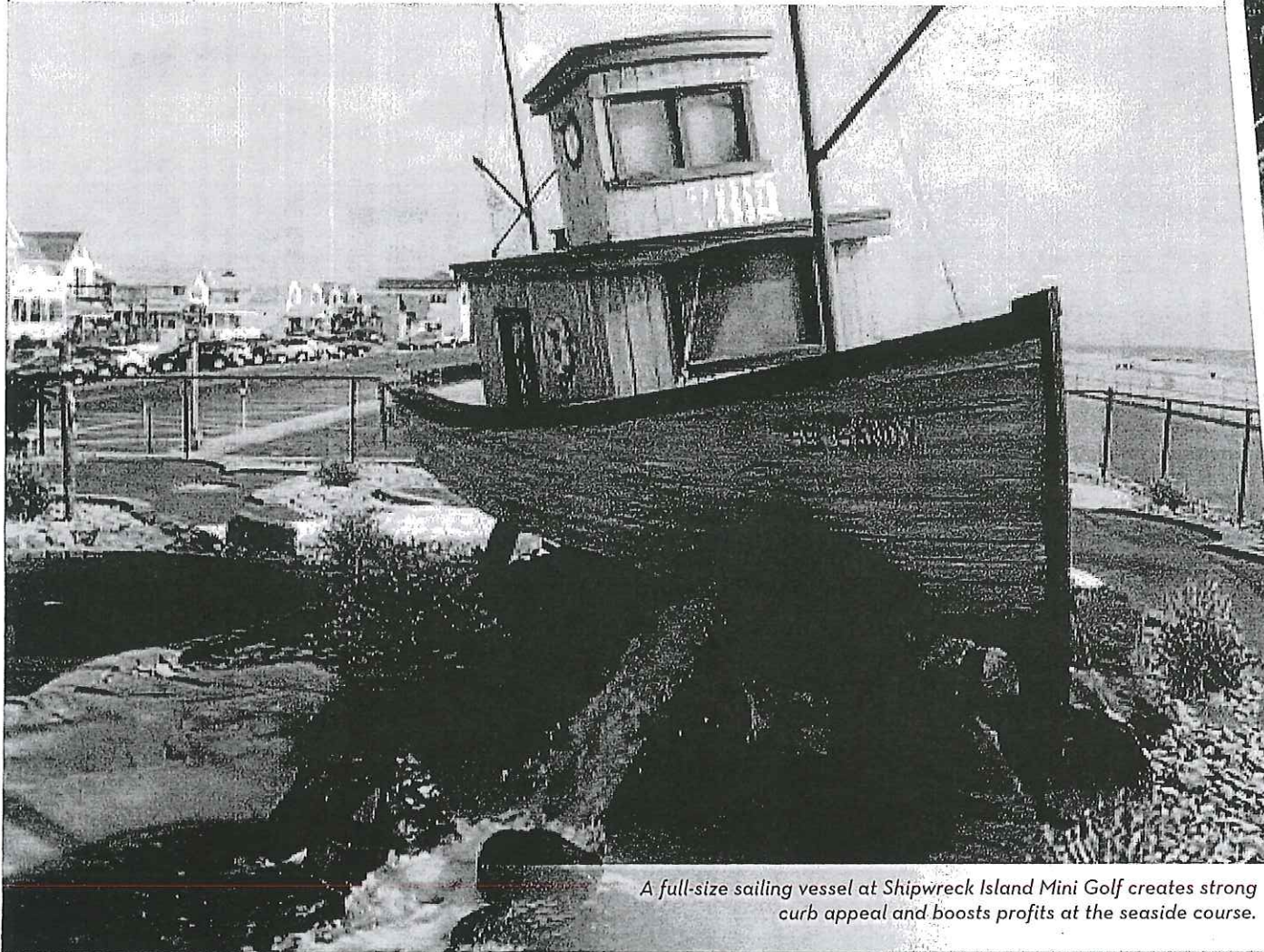
The team at Harris specializes in designing and building courses with stunning beauty and lots of curb appeal by combining terraced layouts with eye-catching water features like falls, splash fountains, ponds and streams. We use extensive masonry, rock and gunite throughout our designs to create tiers, terraces, walls and borders, while providing long-term durability and easy maintenance. Landscaped courses provide a soothing outdoor space for adults and lots of fascinating fun for kids – all to keep your customers coming back.



The terraces, splash fountains and waterfalls at Logs of Fun are just a few examples of the eye-popping features that create curb appeal and attract crowds of golfers.

THEMED COURSES

Whether it's a prehistoric world full of dinosaurs or a deserted island with shipwrecks and jungle creatures, Harris builds themed courses that give resort-area owners the edge over their competitors. Our themed courses feature eye-popping curb appeal that will have your tourist customers lining up to play.



A full-size sailing vessel at Shipwreck Island Mini Golf creates strong curb appeal and boosts profits at the seaside course.



CHANGEABLE THEMED COURSES

Harris courses are designed for owners who want to change themes periodically – during major holidays, for instance – or just want the option to add their own touches to the course. We start with a landscaped course design and provide areas between holes where owners can set up different types of themed or holiday-oriented props.

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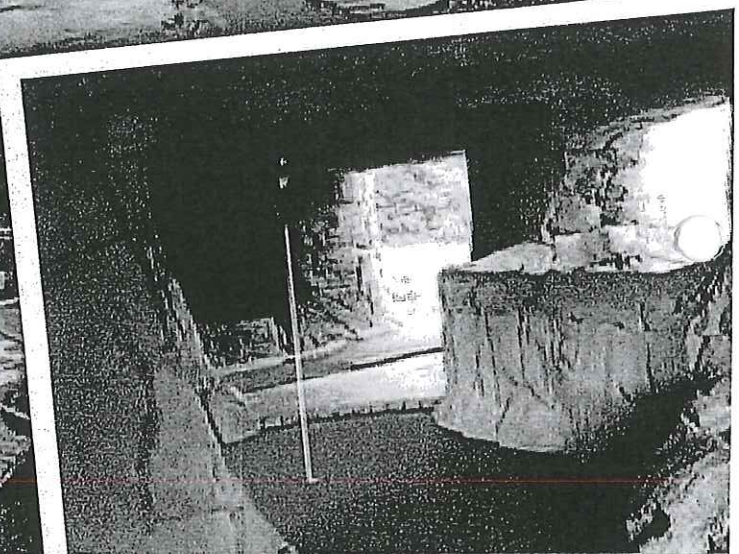
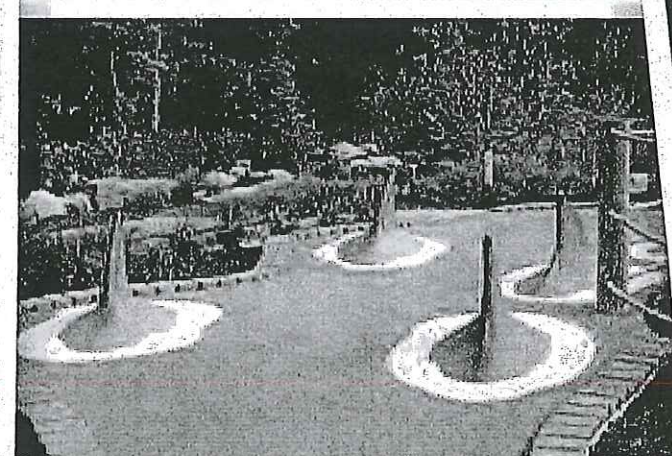
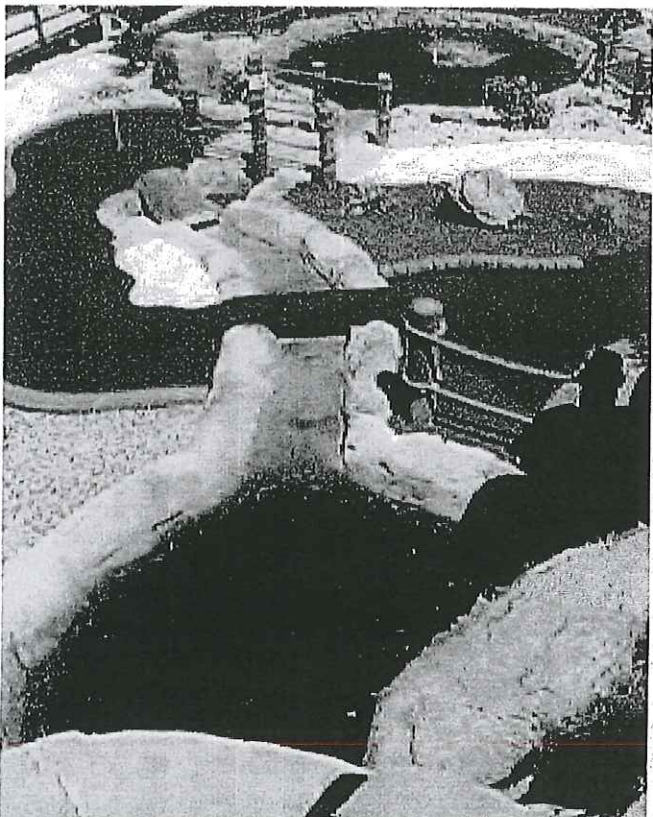
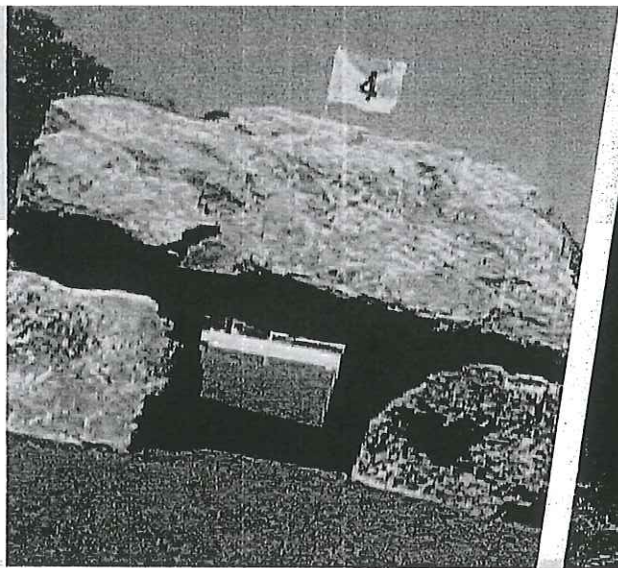
EYE CANDY

CURB APPEAL MEANS BIGGER CROWDS, HIGHER PROFITS



10

Interesting, Challenging Course Designs Keep Customers Coming Back



A GOOD WORD GOES A LONG WAY

READ WHAT HARRIS CUSTOMERS HAVE TO SAY

FIGURE-8
SHOT



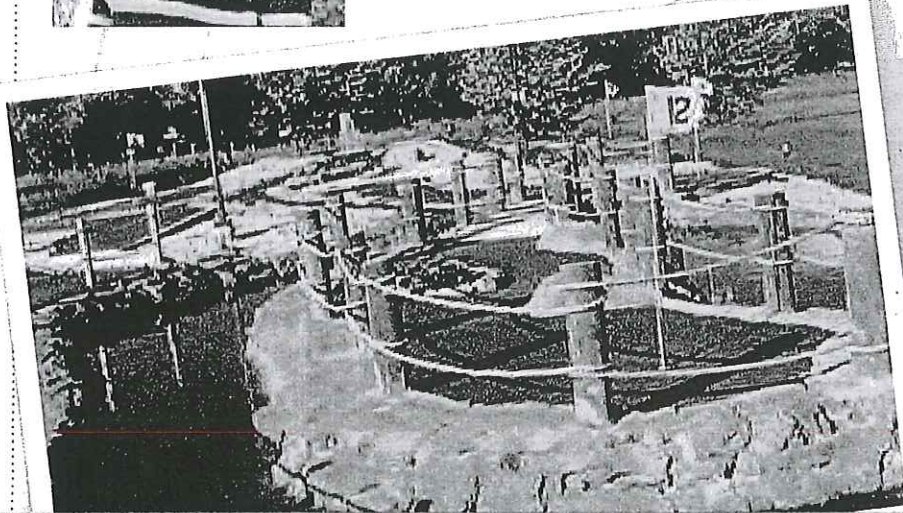
I knew Harris had a good reputation and everyone I met there was very friendly and very professional. I saw a lot of their courses and they always looked nice. The Harris folks clearly wanted me to succeed. They let me incorporate a lot of my unique ideas into the design and the process was very collaborative. The end result - three unique courses that consistently get rave reviews.

- Mark Blasko, Chuckster's



Working with Harris was fantastic from day one! When you are going into a new business, it's important to have trust. Harris helped us make decisions and steered us in the right direction. They treated us like family and still do.

- Elise Johnson, Putt'n Around



I wanted a miniature golf course that adults and teenagers could enjoy - not just little kids. I wanted something spectacular, different. Harris built us a beautiful course that's fair, but challenging - the perfect mix. The kids like it and so do the adults. Rich and the team at Harris are outstanding! Anything you want, they'll do it.

- Dennis Mekosh
Calm Miniature Golf



It's unbelievable the job Harris did on our small 90-by-100-foot piece of property. They built two large stone waterfalls, two streams and a pond with a small waterfall. The course plays beautifully. I never thought they could do such a wonderful job on such a small piece of property.

- Charlie Hook
Tropical Island

The people at Harris were efficient, effective and flexible. I was on site every day during construction and the guys were always asking me for my input. They would take what I suggested and make it happen. They were on time and on budget, which was an absolute delight! Best of all, I've made a ton of money in the miniature golf business.

- Randy Bloch, Putt U



I have had 11,000 customers pass through my doors in the past 35 days and every single person takes not just a minute, but sometimes five, 10 or 20 minutes, to tell me how much they love the course. If they are down for a week's vacation, they come back three or four times because the kids love it so much. Everyone says it's the nicest course they have ever played.

- Stephanie Bennett, Island Miniature Golf



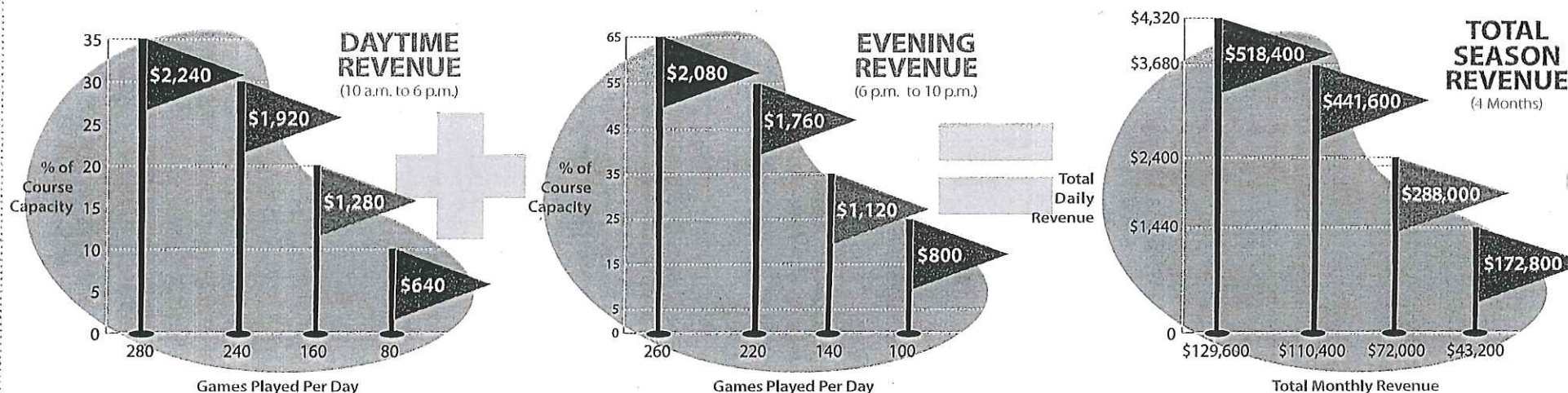
RUNNING THE NUMBERS

Miniature golf course owners are doing a tremendous business. In a typical season, Harris-built courses gross \$250,000 to \$500,000. An 18-hole course can accommodate about 100 players an hour. With an average playing fee of \$8 per round, that means income of \$800 an hour. In the summer, many of our courses have waiting lines and capacity crowds most of the night.

INCOME PROJECTIONS

The income projections below are based on a northern miniature golf course, which operates from about May 15 to Sept. 15. As you go farther south, the season becomes longer and income increases.

The illustration below shows that a reasonably busy course in a northern location can produce exceptional profits. Many Harris-built courses return their capital investment in the first year.



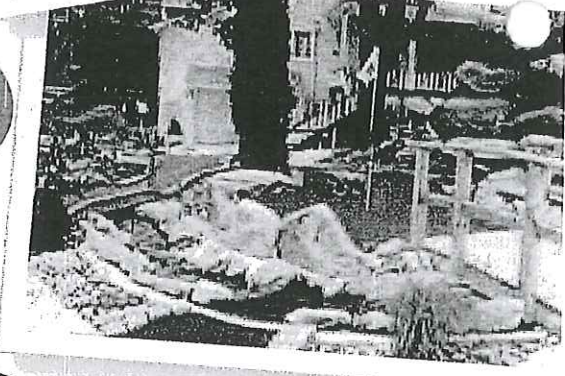
MAKE MONEY AND HAVE FUN DOING IT!!!

JOIN THE FAMILY OF HARRIS OWNERS



*I love being a miniature golf owner
and I am so grateful to Harris for making it
happen. My course is so beautiful and my business is
so rewarding. I love coming to work every day.
I have never been happier in my life!*

- Stephanie Bennett
Island Miniature Golf



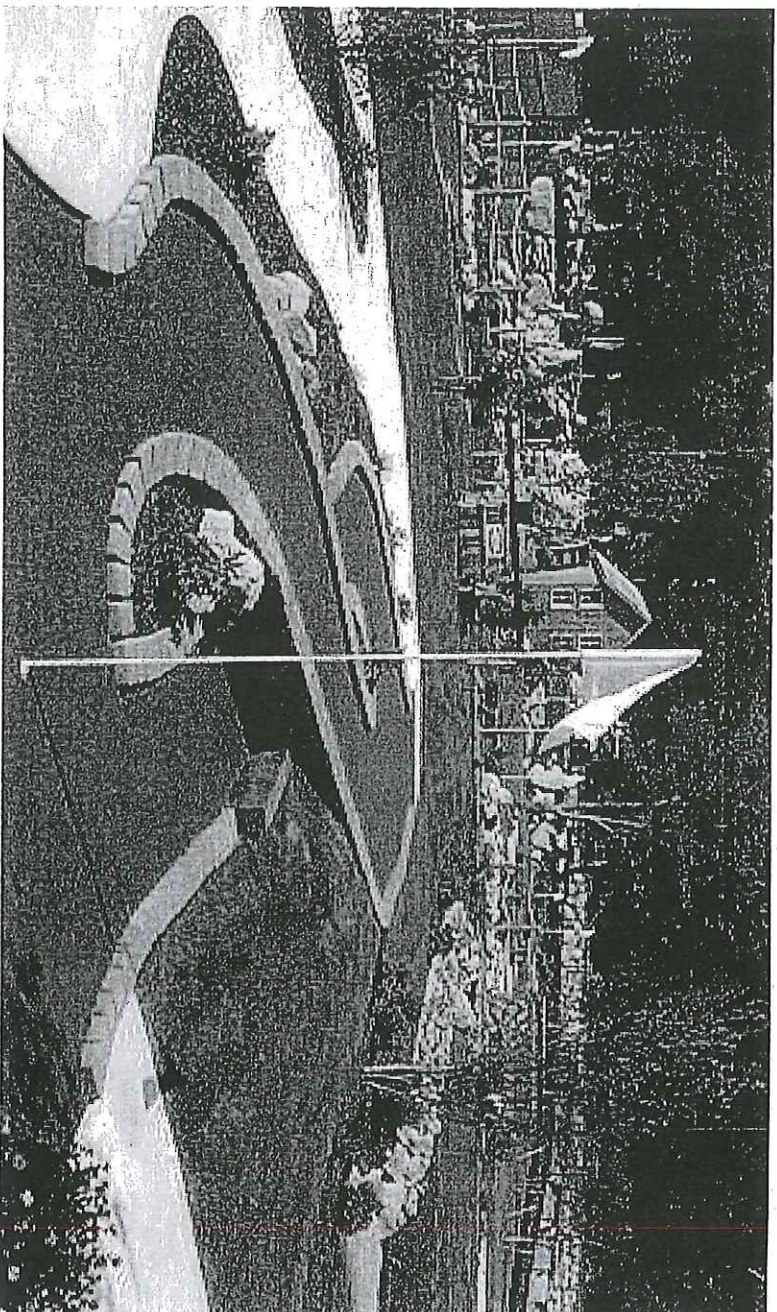
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141 West Burk Avenue
Wildwood, NJ 08260
(888) 294-6530
www.harrisminigolf.com



FAQS TYPICAL CUSTOMER QUESTIONS



What is included in your price?

At Harris, we understand that your miniature golf course is much more than a construction project. We pride ourselves on providing our customers with the essential tools to both build and operate a miniature golf business.

We start by providing expert consultation during the pre-construction phase. Our highly experienced staff works with clients to develop a one-of-a-kind plan, individually created to maximize location and the natural beauty of the land. Full-color renderings are provided to facilitate and positively influence meetings with local planning boards and financial institutions.

Once the design is complete and a commitment to move forward has been accomplished, Harris provides a Marketing & Promotions Manual and Operations & Maintenance Manual to assist in the successful day-to-day operation and maintenance of the facility. Both manuals are based upon 50 years of experience, contain a wealth of knowledge and will support a successful outcome for your business.

Each Harris construction team is led by a foreman with more than 10 years' experience in building miniature golf courses. The team leader is customer-focused, keenly aware that it is in the best interest of owners not only to build a high-quality miniature

golf course, but also to expeditiously complete the job, enabling the business to begin operations. To this end, owner involvement is encouraged, and they should expect to be apprised of progress on a regular basis.

A typical project includes 18 or 36 playing holes with connecting concrete walkways, water systems and bridges. In addition, a full golf supply package containing the basic startup necessities is provided for each project.

Why invest in miniature golf?

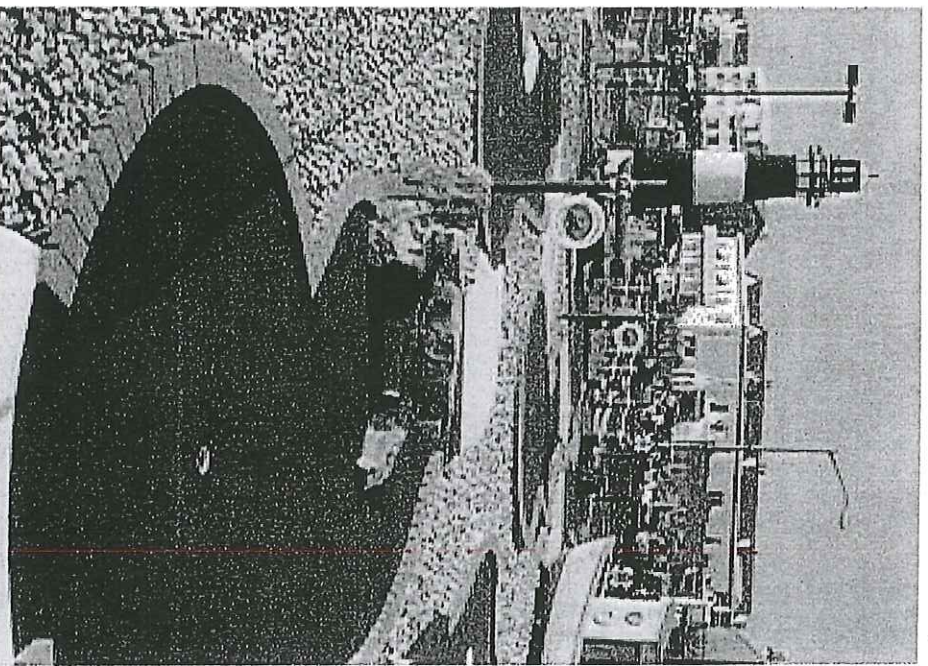
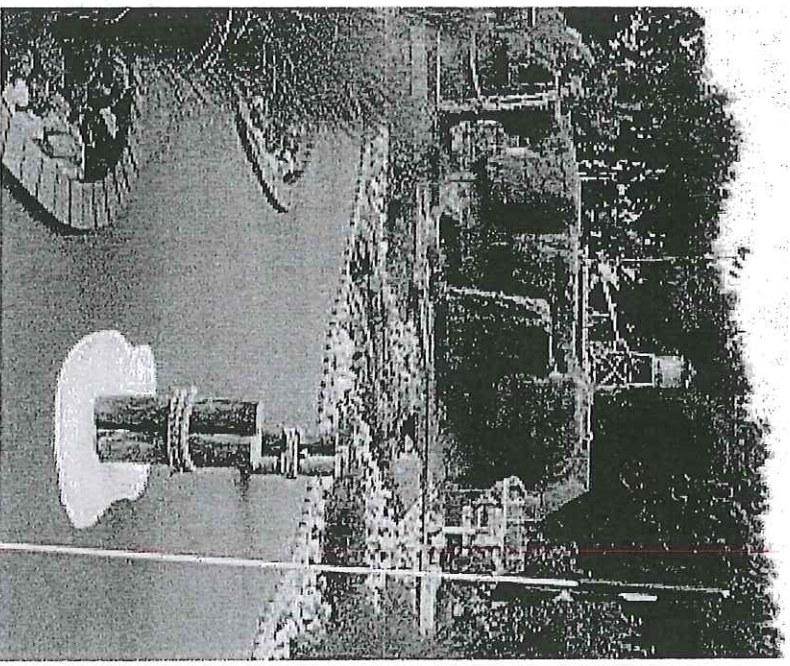
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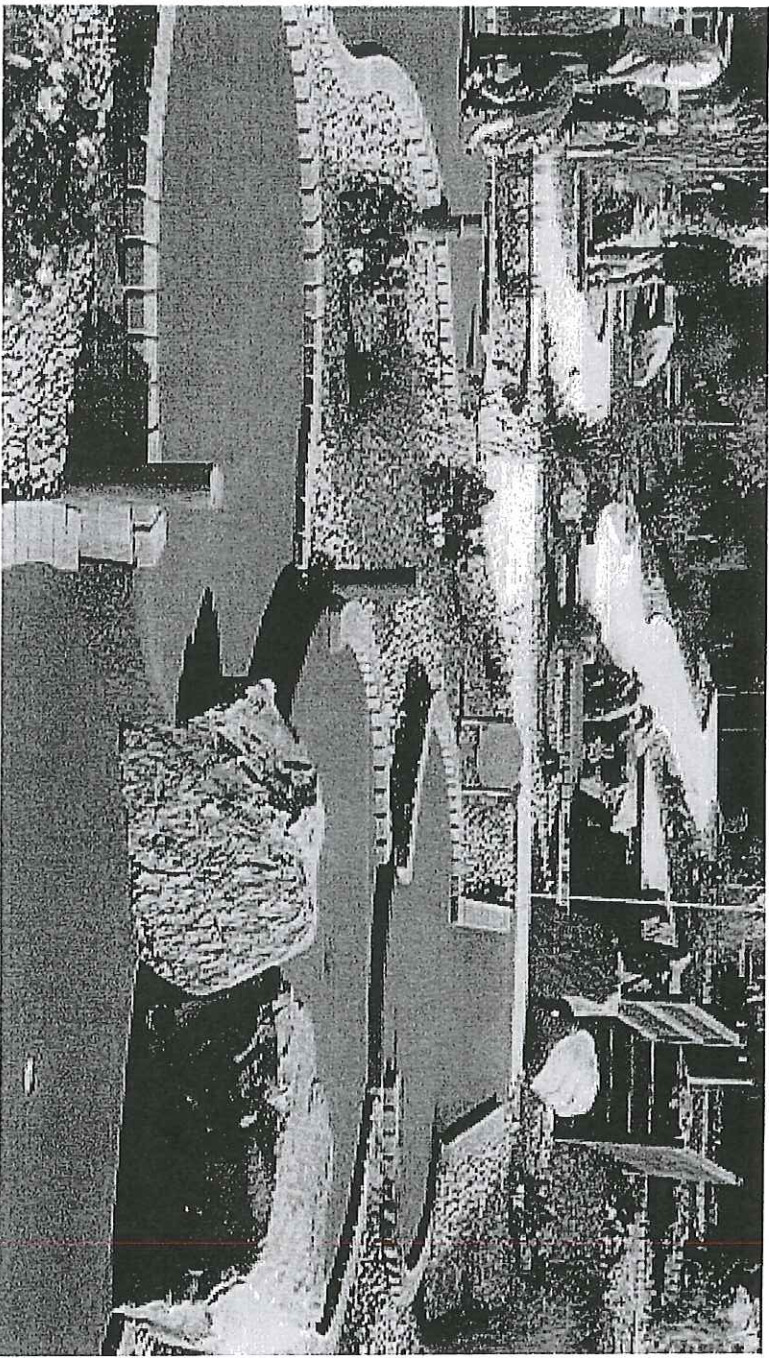
- Fun family business to operate
- Attracts all age groups
- High profit margins
- Fast payback
- High return on investment (ROI)
- Low overhead (staff of 1 or 2 people)
- Low equipment cost (balls and putters)
- Minimal liability exposure

What support do you provide after the project is complete?

In many ways, Harris thinks of its customers as members of our extended family. When questions arise or assistance is required, Harris will always be available to lend a helping hand. We speak with our clients on a regular basis, continually sharing ideas on ways to improve and grow the business of miniature golf.

A full-year, no-cost warranty on materials and workmanship is extended to each owner of a Harris-built miniature golf course. If a construction issue does arise and repairs are needed, the problem will be satisfactorily corrected. Remember, even after the first year, help is no more than a phone call away.





How much land is needed for an 18-hole course?

The recommendation for an 18-hole miniature golf course is between 15,000 and 22,000 square feet for the playing surface. However, a site as small as 9,000 square feet can be accommodated. The clubhouse and parking areas are additional to the playing surface. Call (888) 294-6530 and a Harris expert will be happy to discuss your land needs.

How much money will I make?

Many of our customers tell us that their investment is returned in one to two years. The amount of money that a particular business will generate is dependent upon varying factors.

Marketing and promotion is very important, and the Harris Marketing & Promotions Manual provides some great advice. Does the facility have a good visible location? How much is charged for a round of golf? Is there competition within a short traveling distance? Try our online Revenue Calculator to get a quick estimate.

Is it expensive to operate a miniature golf course?

Compared with other family entertainment options, operating a miniature golf course is very economical. Annual operating expenses include one or two low-wage employees per shift, electric and water utilities, reasonable liability and worker's compensation insurances, taxes and Internet service. Scorecards are the only daily consumable supply.

What are the typical ongoing maintenance items?

Typical course maintenance includes landscape maintenance and watering, draining and cleaning of ponds and streams, carpet vacuuming and winterization. However, part of the advantage of utilizing the services of Harris Miniature Golf is that an Operations & Maintenance Manual is provided to each course owner. The manual covers most daily and weekly operational items and includes a detailed description on how to winterize a mini golf course at season's end.

Where has Harris built miniature golf courses?

The greatest percentage of our miniature golf courses are located in small towns throughout the United States either as standalone facilities or in conjunction with existing family-run businesses. As the world's largest builder of miniature golf courses, Harris has thrived in the U.S. market. However, our company is actively expanding to overseas markets, having built courses on five of the seven continents worldwide.

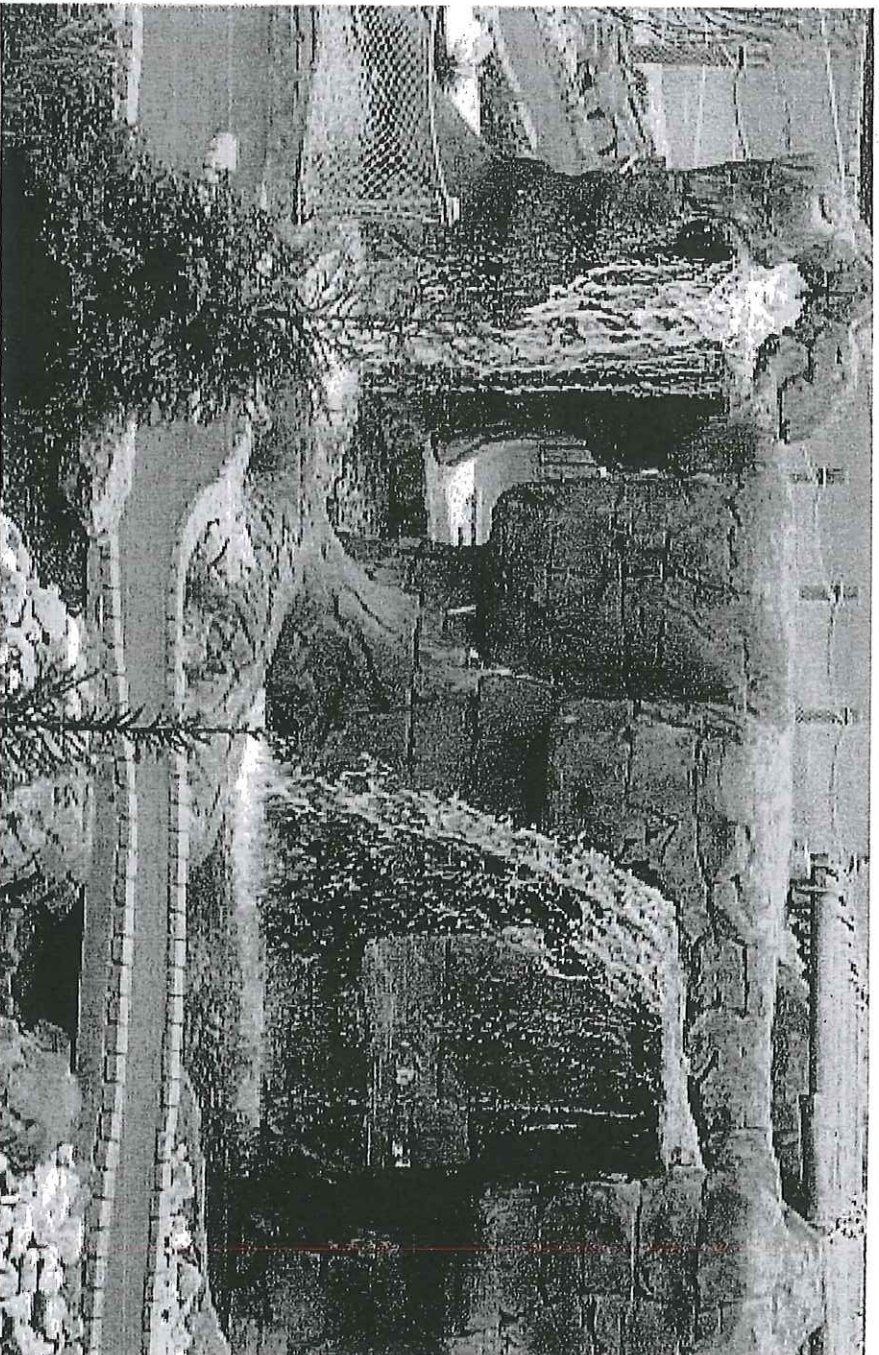
What is the typical clubhouse size?

The right size clubhouse is unique to each owner's vision. A small building of 80 to 120 square feet will satisfy the needs of a business that offers strictly mini golf. Businesses that offer food service, party rooms, arcades or other additional future attractions obviously require more space and should be sized accordingly.

Harris Miniature Golf principals are not only highly experienced in the design and construction of miniature golf courses, but they are also well-versed in the operations of personally owned facilities. Contact a Harris Miniature Golf expert at (888) 294-6530 if you have more questions.

How long does it take to construct an 18-hole course?

Harris Miniature Golf construction crews are highly skilled. Our many years of expertise have enabled us to develop a process to complete construction within a four-week period. Knowledgeable in our craft, our foremen and staff have the ability to overcome all obstacles that might be encountered during construction. Harris will dispatch a construction team to your location once the site has been prepared according to the design specifications noted on your plan. Work will begin immediately. The playing surface and water systems will be completed in three weeks, leaving the remaining week for turf installation by our carpet installers.





THE 10-STEP PROCESS OF BUILDING A MINIATURE GOLF COURSE

THE STEPS

HOW YOU CAN DO IT

HOW HARRIS CAN HELP

1 YOU'RE CONSIDERING MINI GOLF AS A BUSINESS

Miniature golf is a very profitable, cash business with low overhead, reusable inventory and a small number of employees, which is fun to own and easy to operate.

Miniature golf is a \$1 billion market with more than 150 million golfers per year.

Miniature golf courses have demonstrated that they will increase the revenue of your existing business 20% to 50%.

Consult with our team. With more than 800 courses built nationwide, the professionals at Harris can help guide you through the initial feasibility process.

2 SITE SELECTION

Choose a site with a minimum 10,000 square feet. A typical 18-hole course takes up 15,000 to 20,000 square feet, plus additional space for your clubhouse and parking.

We know from experience what locations are best suited for mini golf.

3 ROUGH SITE LAYOUT

Obtain a topographical drawing of the site. Sketch out a block diagram of the layout with the area for the golf course, clubhouse, parking and/or other attractions.

With a topographical drawing of your site, our designer can lay out your 9-, 18- or 36-hole mini golf course, which will start the discussion process about building the perfect course for your location.

4 COURSE DESIGN

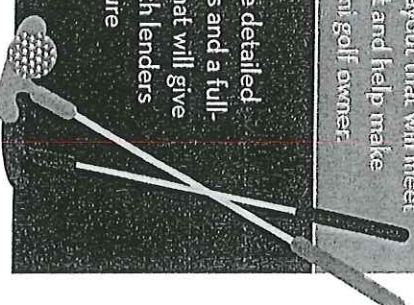
Visit Harris headquarters in Wildwood, N.J., where you can meet our team and visit some of the several courses we've built within a short drive of our office. Decide if you want a beautiful landscaped garden or a themed miniature golf course.

More than 65 percent of our existing customers visited our headquarters, and each one said it was well worth their time. The Harris design team will collaborate with you to turn your rough course design into a feature-rich layout that will meet your project budget and help make you a successful mini golf owner.

5 PROJECT FINANCING

Make sure you are creditworthy and capable of securing financing for your project, seek financing through local lending institutions, explore loans through the Small Business Administration, and negotiate a lease agreement, where necessary.

Harris will provide detailed design documents and a full-color rendering that will give you credibility with lenders and help you secure financing.



THE 10-STEP PROCESS ... continued



THE STEPS	HOW YOU CAN DO IT	HOW HARRIS CAN HELP
6 PERMITS AND APPROVALS	Hold preliminary meetings with local zoning and/or planning officials to understand the requirements for approval of your project. Hire a local engineering firm to provide a drawing of the final site layout and assist you in the approval process.	Harris will provide a full-color rendering, lighting plan and detailed drawing for the local review and approval process. If something needs to be changed to meet municipal requirements, our team will create a new drawing using our state-of-the-art CAD system.
7 PRE-CONSTRUCTION	A signed construction agreement and small financial commitment will reserve time for your project on our construction schedule.	We will schedule a pre-construction meeting – a key component of the Harris Construction Methodology – to bring together everyone involved in your project to review all aspects of your project and make sure everyone understands and meets their commitments. We will also order all long lead-time items for the construction of your course.
8 CONSTRUCTION	You should visit the construction site to check the progress and confer with the Harris crew. Your input is always welcome during construction.	Harris has developed standard practices and procedures that enable us to build high-quality courses in a very efficient manner. We meet with you frequently during construction to discuss your project and make sure everyone's expectations are being met. Our construction foremen are master craftsmen who typically will have suggestions for course improvements. Any improvements suggested by you or us during the construction phase are normally done at no additional cost. As always, you have our 100% satisfaction guarantee.
9 STAFFING AND OPERATION	Interview and hire staff. Set up your web site and social media channels, such as your course's Facebook page. Put together a marketing plan and budget for your course launch and ongoing promotion. Set up your operational budget and payroll system.	The team at Harris will share our experience operating multiple miniature golf courses to help you transition from construction to operation as smoothly as possible. As part of your project package, we will provide you with an initial supply of clubs and floating balls to get you started. We will also provide you with our Maintenance & Operations Manual, which gives you step-by-step instructions on how to maintain the beauty of your course throughout the season and winterize it after the season ends.
10 GRAND OPENING	Plan a grand opening celebration with advertising and media splash in your market.	Harris will provide you with our Marketing & Promotions Guide, which will give you a roadmap on how to market and promote your course. We combined our knowledge with the collective genius of more than 100 existing Harris course owners to create a treasure trove of marketing and promotional ideas for you.

Grand Opening!

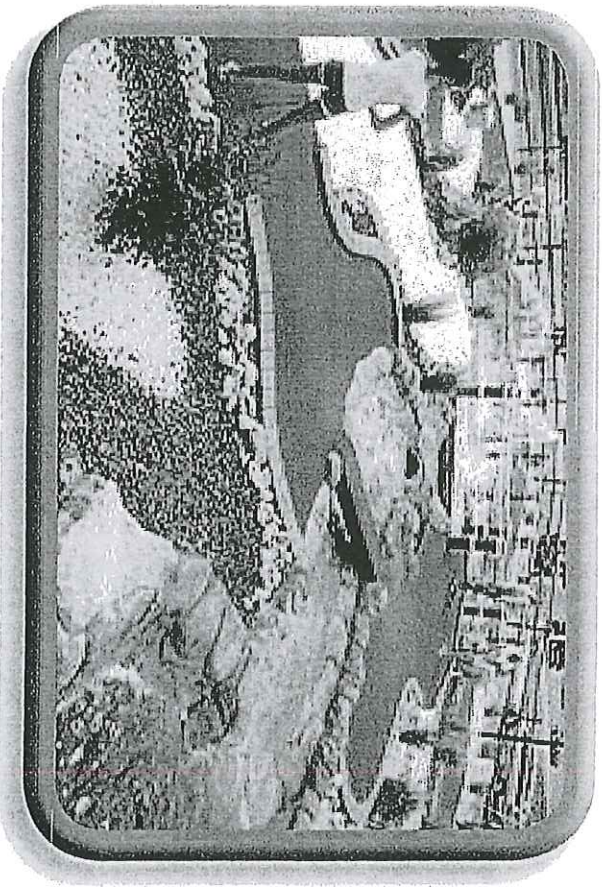
MINI-GOLF PRODUCT FEATURE

Advice for Choosing a Miniature Golf Construction Company

By Bob Lahey

A mistake will cost you money.

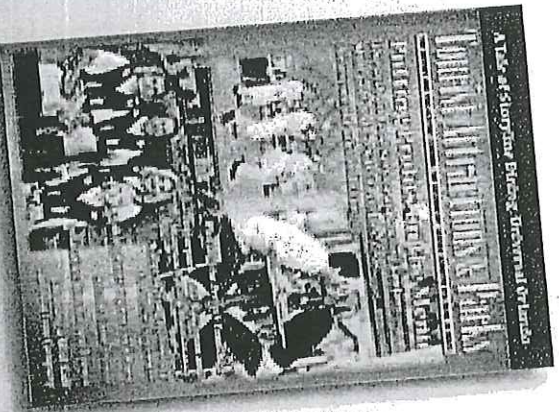
Whether you are an entrepreneur looking to get started in the family entertainment business or a seasoned veteran who has decided a new miniature golf course is the right investment, the path from idea to reality is complex.



Research is the cornerstone of remodeling or constructing a successful miniature golf course.

New business owners have to analyze the revenue potential and the operating cost, which by the way is very low, next purchase or lease a great piece of land with excellent visibility and secure the financing for the project. Now it is time to select a construction company. Unfortunately, selecting the right company is like picking the right bottle of wine. The right bottle is the perfect accompaniment to your evening. The wrong bottle leaves you with bad taste in your mouth and a headache the next morning.

Here are a few suggestions that will make the selection taste like the best bottle of wine imaginable.



This article appeared in the April/May 2014 edition of Tourist Attractions & Parks. It is reprinted by permission.

FAMILY ENTERTAINMENT CENTER REPORT

MINI-GOLF PRODUCT FEATURE

Do Your Research

Get out and visit as many miniature golf courses as possible. Play the courses and watch others play. Are the holes fun and interesting? Is the course crowded? Is everyone enjoying themselves or are they frustrated because the course is too hard? Maybe they are bored because it was too easy. Talk with the owner or course manager. Ask questions about the

“Building a miniature golf course is part construction project and part art form. Therefore, work with a company that specializes in miniature golf construction.”

perienced construction crew has at one time or another worked through most of the obstacles that can come up during construction. And yes, there will be obstacles to overcome!

pace of play. Solicit feedback from the players. Determine how long it typically takes to play the course. Make note of what you like and make sure to discuss it with the course designer.

Selecting the Right Company

Building a miniature golf course is part construction project and part art form. Therefore, work with a company that specializes in miniature golf construction. The fact that a contractor can pour concrete is no indication he can build a miniature golf course. A well-constructed miniature golf course has lots of contouring, multi-level shots, elevation changes and water to enhance the beauty and playability of the course. It will entice customers to return again and again.

Customer testimonials are a good source in helping to select the perfect construction company. An experienced builder should be able to provide customer references and sites. Call the references. Inquire about expectations of the builder and how the builder performed against their expectations. Always ask about the construction process. Did the contractor confront adversity? How did he handle the problem? A lot can be learned about a construction company by finding out how they deal with on the job issues. Did they do a quality job? Did they finish by the date promised? This may well be the best 30 minutes spent investigating your construction company.

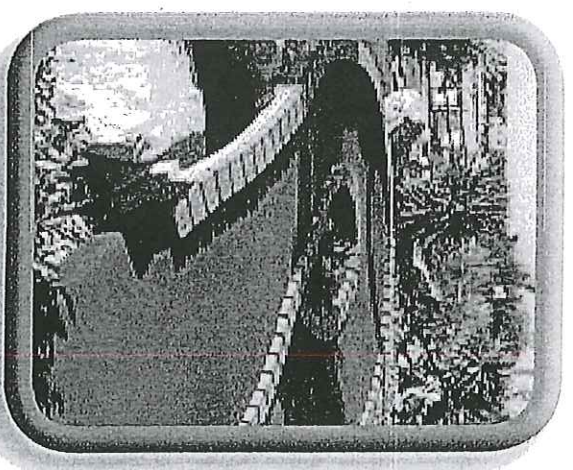
A good company employs in-house designers that work exclusively on designing miniature

MINI-GOLF PRODUCT FEATURE

golf courses. A seasoned designer understands how to incorporate different elevations to enhance the curb appeal of the course and still stay within Americans with Disabilities Act (ADA) requirements. He knows how to design a course that is fun for the entire family, with the right mix of challenging and easier holes. A good design rewards a good putt with a hole in one and does not heavily penalize a poor putt. No one wants to be frustrated when they are enjoying a family night out! A quality plan allows for the "flow" of the game and minimizes bottlenecks and stoppage of play throughout the entire course. Lastly, in-house designers work closely with their construction crews on a

regular basis. This working relationship provides continuity between design and construction.

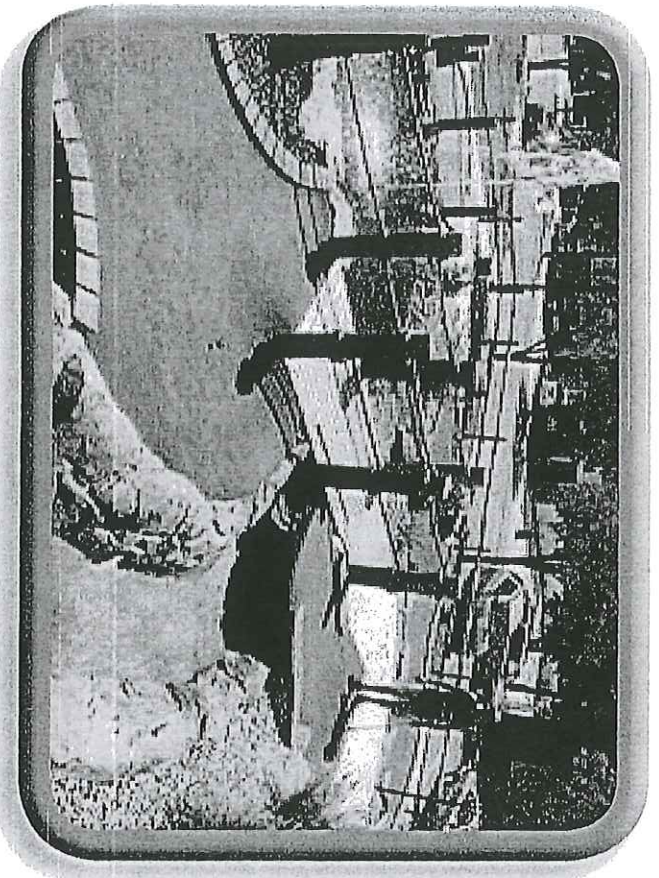
Miniature golf construction is a seasonal business. Work with a company that has construction crews available during the peak spring and early summer construction seasons. Every day waiting for



Choosing the right company to design and build your mini golf course is critical.

a construction crew to become available, is another day that you are not making money. Work with a company that assigns construction crews exclusively to its customers until the project is complete.

Another huge consideration is state licensing for construction contractors. Each state's requirements differ. Does your state require the licensing of contractors? Does your contractor hold a license in your state? In most instances, a licensed contractor must demonstrate



Building a miniature golf course is part construction project and part art form.

FAMILY ENTERTAINMENT CENTER REPORT

MINI-GOLF PRODUCT FEATURE

“Customer testimonials are a good source in helping to select the perfect construction company. An experienced builder should be able to provide customer references and sites. Call the references.”

However, a beautiful, well designed and constructed miniature golf course will ensure that they will come back!

Ask the contractor for ideas on how to market your business. A good builder understands what customers want and can provide good marketing guidance. Does the builder have a marketing manual as part of the project bundle?

not only functional competence, but also the financial capability to perform. Licensed contractors are required to have workers compensation and liability insurance. Competent contractors will gladly provide proof of such insurance before work begins. If someone is injured during the construction project you may be liable if the contractor is not insured.

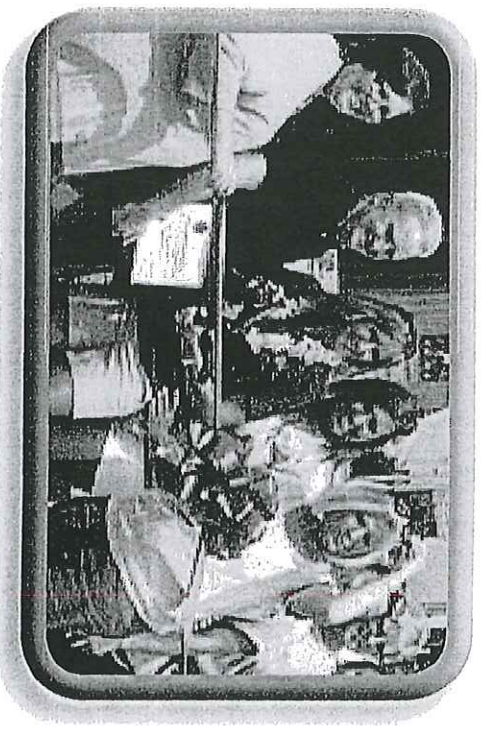
In the end, hiring a non-licensed contractor in a state that requires licensing may limit your legal recourse against a claim for nonperformance and may result in fines and other penalties.

Marketing

Every business needs a robust marketing plan to ensure success. It is well recognized that today's operators must compete for their share of the market. The successful owner must rise above his competition. Don't expect that just because you built it they will come.

Selecting the right miniature golf construction company has a direct impact on your long-term success. Follow the guidance provided here. Do the research. Select a construction company that is most capable of meeting your needs. And aggressively market the business. ♣

Bob Lahey is general manager of Harris Miniature Golf. Reach him by calling 609-522-4200 or emailing bob@harrisminiigolf.com.



After opening your miniature golf course, aggressive marketing is key to success.

A Solid Course of Action

Adding Miniature Golf to a Family Entertainment Center

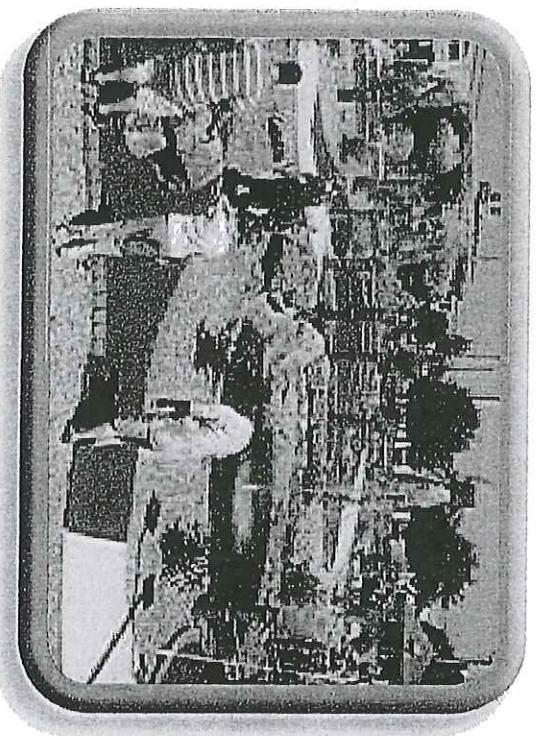
By Patrick Boylan

Twenty years ago the experts and consultants exalted the virtues of building the Big 5: go-karts, batting cages, arcades, bumper boats and miniature golf. It was also a time when the economy was starting to boom and money was there for the asking. All a bank needed to know was that Walmart was planning to build in your town. Sounded like a rock solid business plan! What could go wrong?

Just like day trading, house flipping, investing in .com companies, multi-level marketing and a host of other ventures, the Big 5 worked for many savvy operators. For others, not so much.

It is critical to have the right combination, and even more critical to be able to

manage the right combination. All of the attractions can turn a profit by appealing to the right demographic at the right time. If the FEC mix mostly appeals to 15-24-year-old males, the potential profit pie shrinks. Too many trained employ-



The Island Mini Golf in Wildwood, N.J. Miniature golf is highly accessible, appealing to a broad demographic.

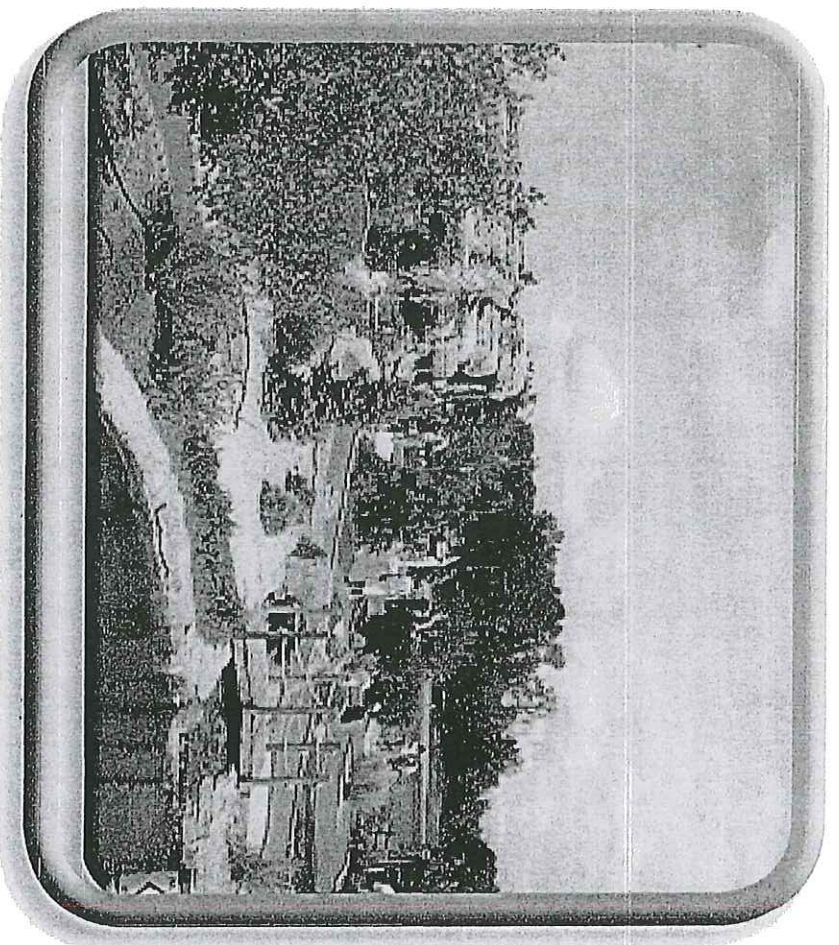
ees required to operate an attraction will cut into the net profit pie. Insurance, taxes, general maintenance, specialized maintenance, government regulation, parts inventory, advertising, marketing and utilities will also like a slice of the net profit pie. There is nothing more discouraging than a hungry entrepreneur looking at crumbs. A high-grossing business is nothing without a strong net profit. Due to some kind of Jedi mind trick, blinders or rose

FAMILY ENTERTAINMENT CENTER REPORT

colored glasses, a business can keep its doors open months, sometimes even years, before it becomes evident the business is actually losing money.

Miniature golf is one of those activities that appeals to a very large market. Anyone can play mini-

golf. Young, old, handicapped, athletic, not athletic, singles, groups and couples on dates can enjoy mini-golf. Corporate events, birthday parties, school trips, tournaments and charity fundraisers are all ideal activities that can include mini-golf. The appeal of mini-golf is widespread. When was the last time you saw a grandparent, parent, teenager and child engage in an activity where everyone had fun and nobody got embarrassed? The last time you watched a movie with a teenager there was probably a scene that



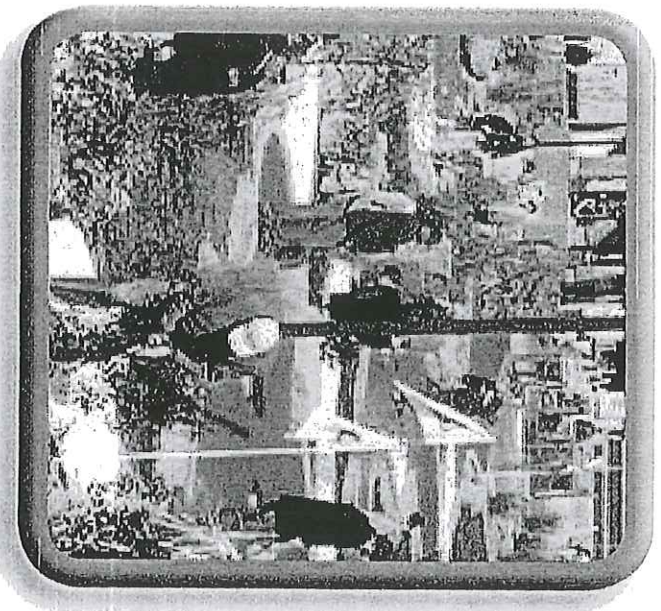
A course at South of the Border in Haner, S.C. With its varied design shapes, miniature golf holes can be built to fit any location.

made for a very awkward moment that nobody really wanted to acknowledge. Embarrassment in mini-golf comes from a missed putt inches from the cup. On a date, miniature golf is not the only game being played. Interaction is crucial for a successful memorable experience.

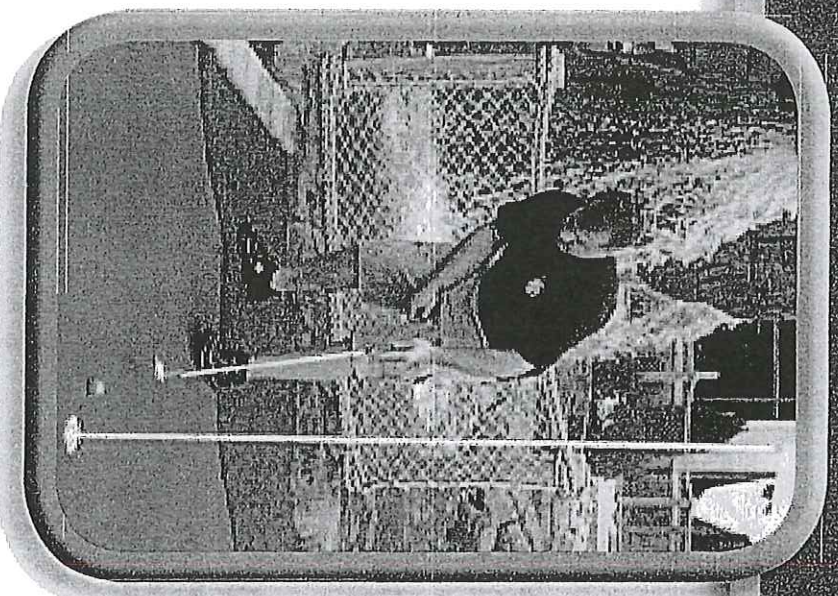
A family can go to an FEC and have an absolute blast riding karts, hitting balls and playing video games and blow through a small fortune in a short period of time. By extending the visit another

30-40 minutes, a sense of added value is added to the trip. All of a sudden a brief costly burst of fun became an evening out. For a few dollars more, a family will perceive the FEC as a good deal and will become frequent fliers. Miniature golf is the perfect fit to add value.

Miniature golfers are an adventure-some bunch. While they may not set out to hit balls in a cage, drive balls at a range, ride karts, or play video games, they will do all of this while knocking down an ice-cream cone, and never break a sweat. Fast forward 20 years and the Big 5 has



Miniature golf is a perfect way to add value and fun to a family entertainment visit. Shown is the course at Chuckster's in Vestal, N.Y.



Tournaments and group events can bring a large number of guests to family entertainment centers. Shown above, Twin Brook Golf Center, Tinton Falls, N.J.

expanded to laser tag, bowling, ropes courses, mazes and zip lines, and miniature golfers are up for all of it!

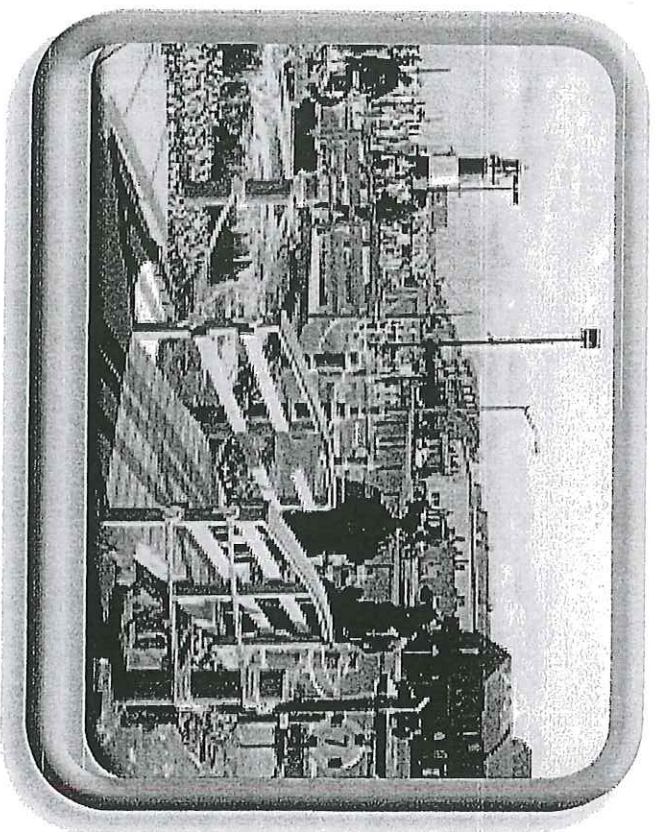
Miniature golf expands the market pie and the synergy it creates increases revenue for other attractions, often by 15-30 percent or more. That's good. What about on the operation side of the business? Typically one employee can handle day hours during the week. A second employee can be added during evening hours and on weekends to keep things flowing smoothly. Hand out a ball and putter, take in money, and say thank you. Not super technical. A daily maintenance schedule will keep the course looking fresh.

FAMILY ENTERTAINMENT CENTER REPORT

Does your FEC have any land not being used? Miniature golf can be built in squares, rectangles, circles and whatever other shapes that have been long since forgotten from high school geometry. Take a trip down memory lane to that geometry class to see your site in another perspective. The land is already owned or leased.

Maybe your FEC consists of all indoor activities. People who drive by see a parking lot, a building and if the town allows it, an eye-catching sign. Miniature golf can be that sign! A cool waterfall, some fountains and beautiful landscaping make a great billboard. Imagine a billboard that attracts new business and makes money! A savvy operator will turn that real estate into revenue!

By Patrick Boylan
Vice President Sales
Harris Miniature Golf
141 West Burk Avenue, Wilwood, NJ 08260
www.harrisminiigolf.com



Shipwreck Island Mini Golf in Bradley Beach, N.J. A high-quality miniature golf course is an ideal way to capture the attention of customers as they drive by a family entertainment center.



This article appeared in the June 2014 edition of Tourist Attractions & Parks. It is reprinted by permission.

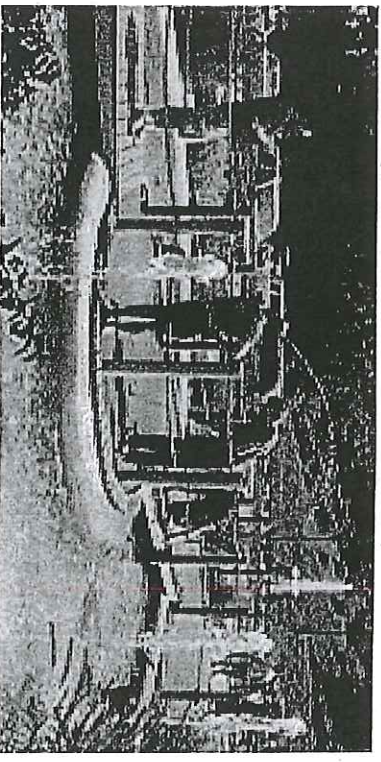
Special Expanded Entertainment Center Report Vendor Perspective

Adding Mini Golf Can Rejuvenate Your Business

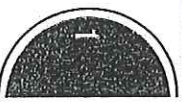
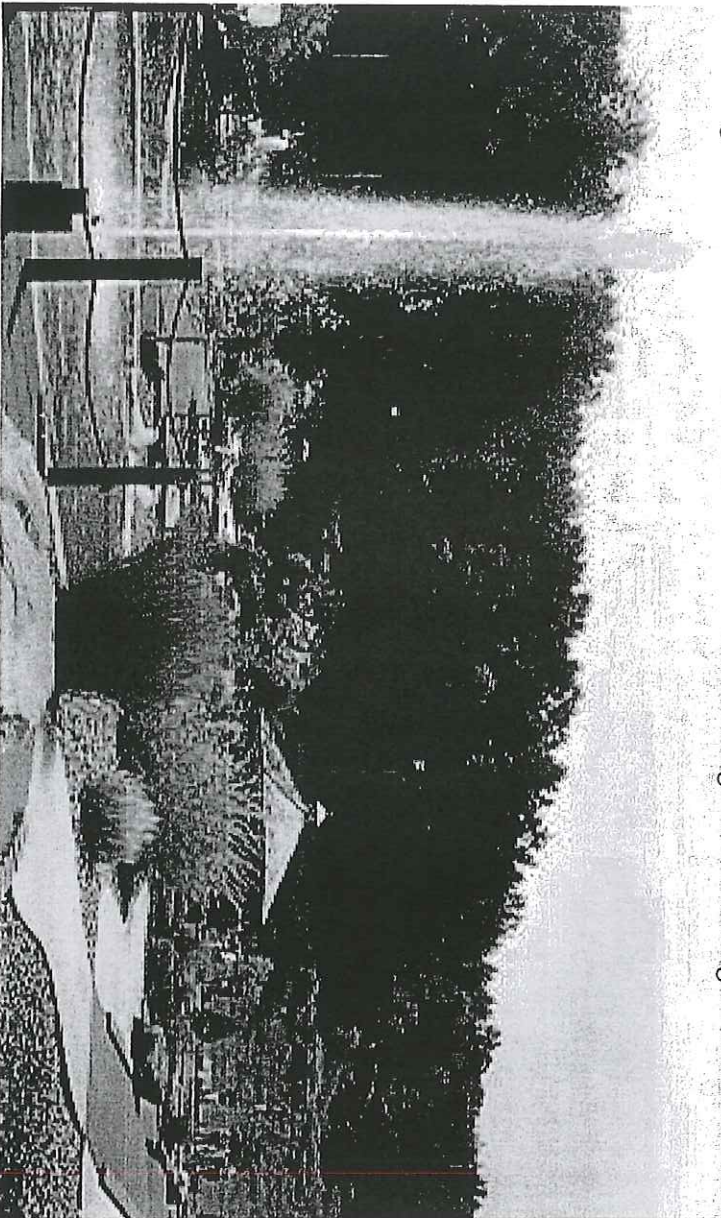
By Rich Lahey

Need to attract more customers to your business and breathe new life into your bottom line? Miniature golf might be just the ticket.

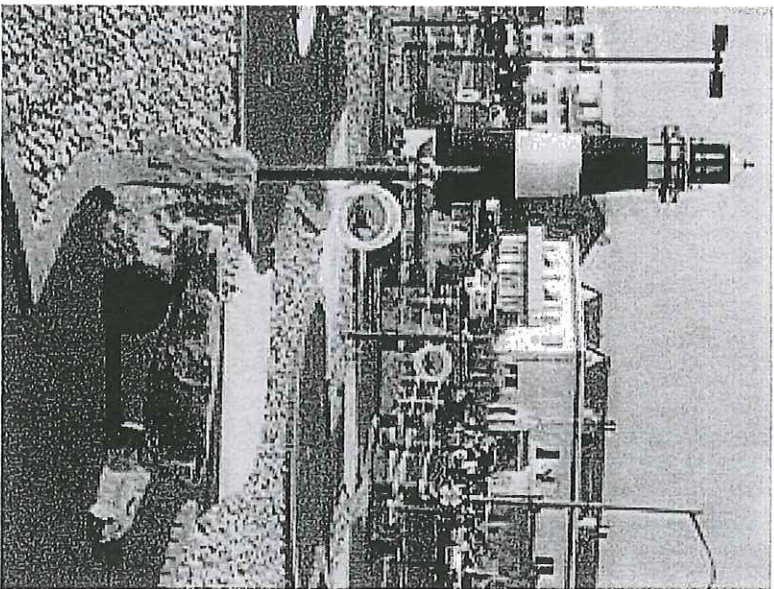
For many businesses, adding a mini golf course can help drive traffic to your door and rejuvenate your bottom line. At Harris Miniature Golf Courses, Inc., we have seen mini golf revitalize all kinds of businesses, from traditional family attractions like ice cream stands, campgrounds and driving ranges to restaurants, car washes and even a furniture store. In fact, more than half the courses we design and build are add-ons to existing attractions and businesses.



A beautifully designed mini golf course creates curb appeal and draws attention to your existing business. Curb appeal means more walk-in traffic, and more walk-in traffic means more sales. For businesses that rely heavily on group sales, such as bowling alleys and skating rinks, a mini golf course can be a



○○● Entertainment Center Report • Vendor Perspective



Without exception, our customers' businesses have benefited by the addition of a mini golf course. One of our customers, Tom Kerber, owner of Kerber Dairy, saw a 40 percent jump in ice cream sales by adding a mini golf course, and the course paid for itself within two years. "Adding miniature golf to our 50-year-old family business was the best decision we could have made," he said.

Mini Golf Profits Often Trump Existing Business

Many of our customers say profits from their mini golf courses far surpass profits from other areas of their businesses. "We have seven attractions and miniature golf is, by far, the most profitable," said Mark Blasko, owner of Chuckster's. "I wish I had built a miniature golf course first and stopped."

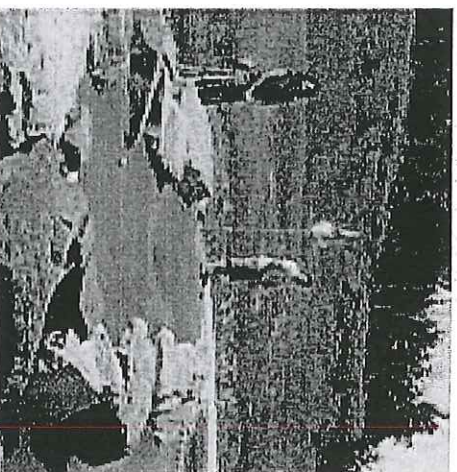
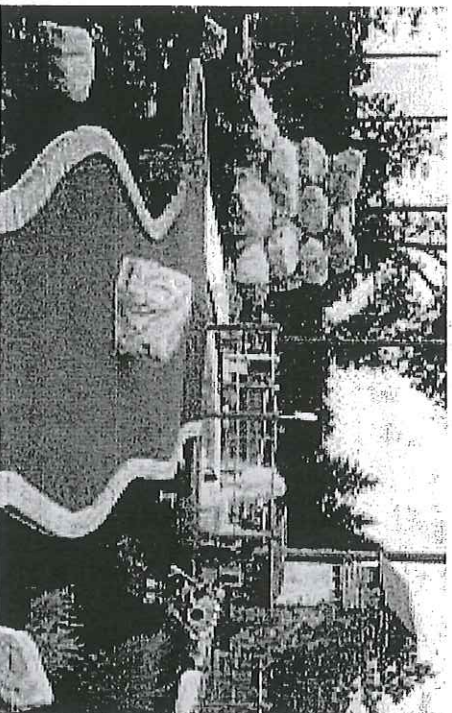
Mini golf is a natural add-on for many family recreation businesses. We have designed and built courses for campgrounds, family parks, go-cart tracks, bowling alleys, batting cages, driving ranges, roller rinks and arcades, to name a few. But we have also added them to family-owned grocery stores, strip malls, pizza parlors, car washes and even a furniture store.

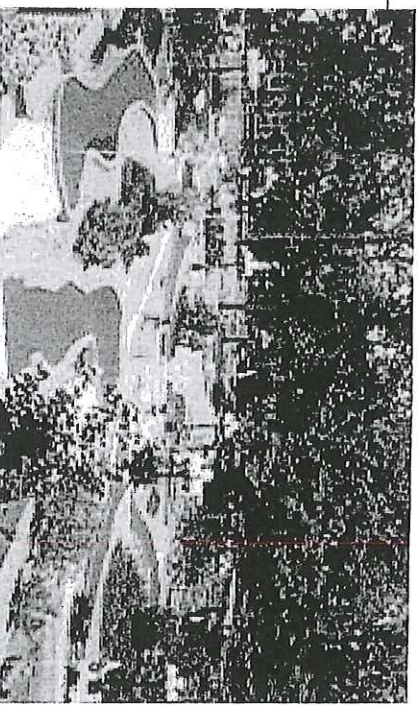
The feedback from customers who have added mini golf to their existing businesses has been overwhelmingly positive. Most



huge boost. It also creates buzz in your community, demonstrates that you are reinvesting in your business and gives people more reasons to come.

In the case of campgrounds, for instance, a mini golf course is the second most requested amenity behind a swimming pool, so customers will always choose a campground that has mini golf over one that doesn't. For a family restaurant, a mini golf course means families can enjoy a whole evening of family fun in one place.





of them said the addition of mini golf was a worthwhile investment, and found that the course paid for itself in a year or two. Our furniture store owner, who was nearing retirement, told us he wished he had built his mini golf course earlier because the business was so much fun to operate and so profitable.

Existing Businesses Have a Leg Up

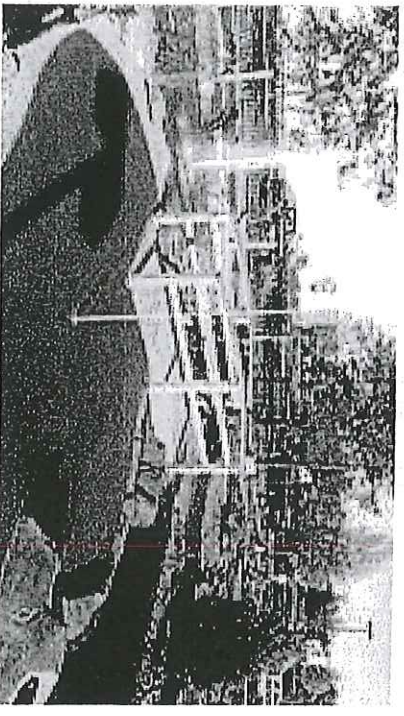
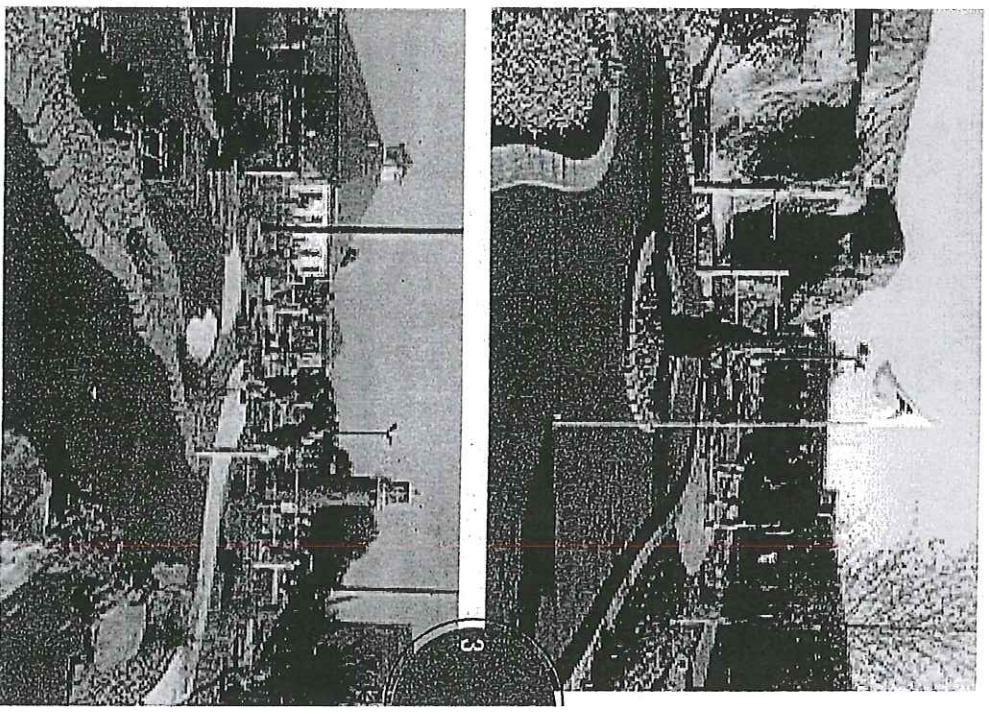
In contrast to miniature golf course startups, existing business owners have a leg up. They have an existing customer base and already own land that is zoned for commercial purposes. They have existing infrastructure like buildings, parking lots, utilities and lighting, existing staff and established channels for marketing and promotion.

If you own an existing attraction or business and are interested in adding a mini golf course, we recommend a minimum of 15,000 to 22,000 square feet of property for an 18-hole course. While prices may vary depending on the developer, the average total investment for one of our beautifully designed courses is between \$200,000 and \$300,000.

Why Mini Golf?

While there are lots of family business opportunities out there, few are as profitable as miniature golf. More than 130 million people play mini golf every year with industry revenues in excess of \$1 billion annually. From small children to senior citizens, mini golf appeals to players of all ages.

Depending on location, mini golf can be a seasonal business. It also carries low overhead (usually one minimum-wage staff person to collect fees) and requires a small inventory of clubs, balls and scorecards. In addition, liability insurance is relatively inexpensive. While payback time varies depending on the course design, location and project scope, many of our customers recoup their initial invest-



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ment within the first 18 months of operation. However, it is important to note that the most successful courses are in good locations, well-run and marketed aggressively.

Choosing the Right Developer

As we always say, mistakes cost money. Choosing the right developer for your mini golf course is critical to your project's long-term success. Just because a contractor can pour concrete doesn't mean he can build a miniature golf course. Make sure the company has designers who are experts at designing miniature golf courses, not just general architects and/or engineers. A course that is visually attractive and fun to play will keep customers coming back. In many areas, contractors won't have construction crews available during the peak spring and early summer construction seasons when you will be building your course. Every day waiting for a construction crew is another day you aren't making money.

Make sure your developer is fully licensed, bonded and insured. Hiring an unlicensed contractor may limit your legal recourse in a claim for nonperformance, and may result in fines and other penalties. Make sure your developer will meet all of your state's licensing requirements, is financially capable of completing your project, and will assume all liability in the event someone on

the construction crew gets hurt during the building process.

Your developer should also make sure your project complies with local zoning and land-use regulations. If a problem arises and something in the course design needs to be changed, you need a developer that can turn around a revised blueprint within 24 hours, so your project stays on time and on budget.

Consider Miniature Golf

If you are in the family entertainment industry, and even if you're not, there's a good chance that mini golf can breathe new life into your business. If you are interested in exploring miniature golf opportunities further, seek out additional information from a professional developer like Harris. Take a long, hard look at your existing business, run the numbers and see if mini golf makes sense for you.

Rich Lahay

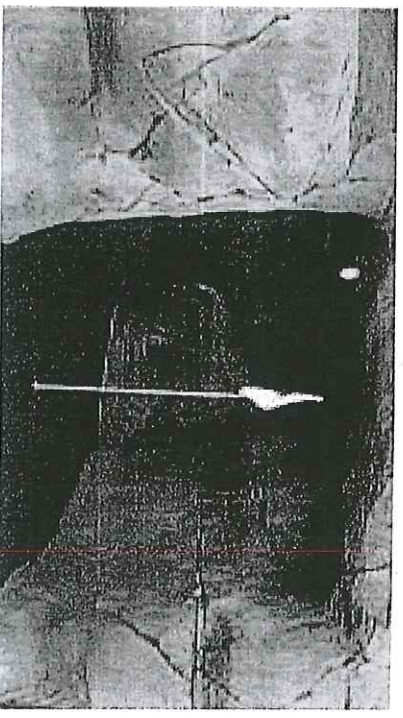
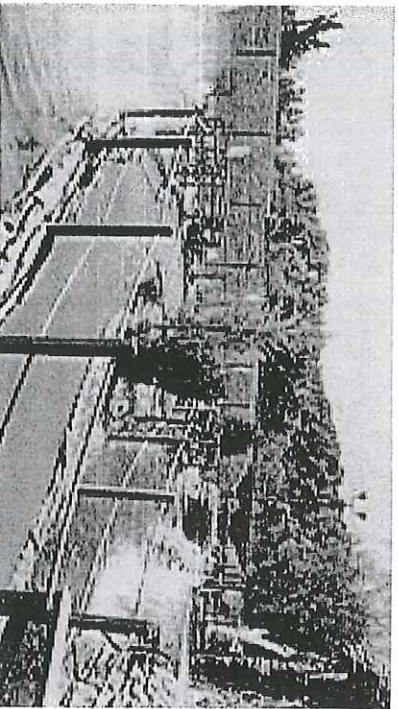
President

Harris Miniature Golf

141 West Burk Avenue

Wildwood, NJ 08260

www.harrismini golf.com



TESTIMONIALS

A GOOD WORD GOES A LONG WAY



The great thing about Harris Miniature Golf is the years of experience they bring to course design. From first design to the crew working on site, I can honestly say that working with Harris has been one of the best business decisions I have ever made. The nearly 40,000 visitors we had during the first year proves that a well-designed mini golf course will bring people to your attraction.

- Michael McAdam
Movie House Cinemas
Northern Ireland

Adding miniature golf to our 50-year-old family business, which includes a dairy farm and ice cream shop, was the best decision we could have made. The golf course is consistently busy and we have seen an increase of more than 40 percent in our ice cream sales.

- Tom Kerber
Kerber Dairy



Working with Harris was fantastic from day one! When you are going into a new business, it's important to have trust. Harris helped us make decisions and steered us in the right direction. They treated us like family and still do.

- Elise Johnson
Puttn Around

It's unbelievable the job Harris did on our small 90-by-100-foot piece of property. They built two large stone waterfalls, two streams and a pond with a small waterfall. The course plays beautifully. I never thought they could do such a wonderful job on such a small piece of property.

- Charlie Hook
Tropical Island

From your first response to my email inquiry to the final day of your stay in the Kingdom, your team has been exemplary role models of efficiency, professionalism and good old-fashioned hard work. Undertaking a first of its kind task like this in Saudi Arabia is no easy feat, but your determination, research, creativity, and enthusiasm brought it all together. I am truly so pleased that I found Harris Miniature Golf to help make our vision for a high-end, luxury miniature golf course here at our beautiful resort a reality! I would recommend Harris without reservation.

- Frederick Petry
Al Faisaliyah Resort
Riyadh, Saudi Arabia

It was incredible working with the team at Harris. I never saw a group of guys work so hard in my life. No matter what issues they encountered on site, they just made it all happen.

- Rusty Bertholet
Logs of Fun

TESTIMONIALS A GOOD WORD GOES A LONG WAY



The people at Harris were efficient, effective and flexible. I was on site every day during construction and the guys were always asking me for my input. They would take what I suggested and make it happen. They were on time and on budget, which was an absolute delight! Best of all, I've made a ton of money in the miniature golf business."

- Randy Bloch
Putt U

Our experience with the team from Harris has been nothing short of stellar. From the opening sales dialogue, to the on-site sales meetings, to working with the design teams, the construction crew, office staff, and marketing support, all showed a level of professionalism seldom found concentrated in one organization. We have already, and we will be happy to continue recommending Harris to anyone considering building a high-quality miniature golf facility.

- Richard and Dawn Lussier
Mulligan's Miniature Golf



The Harris folks clearly wanted me to succeed. They let me incorporate a lot of my unique ideas into the design and the process was very collaborative. The end result - three unique courses that consistently get rave reviews.

- Mark Blasko
Chuckster's

We are extremely pleased with our course and would recommend Harris to anyone that is considering construction of a new course. The course is attractive, entertaining and challenging. We have a tremendous amount of repeat business. Our customers are highly complimentary of the course. Many have said I the best they have ever played.

- Stan and Denise Capps
Dalton Falls Golf

I wanted a miniature golf course that adults and teenagers could enjoy - not just little kids. I wanted something spectacular, different. Harris built us a beautiful course that's fair, but challenging - the perfect mix. The kids like it and so do the adults. Rich and the team at Harris are outstanding! Anything you want, they'll do it.

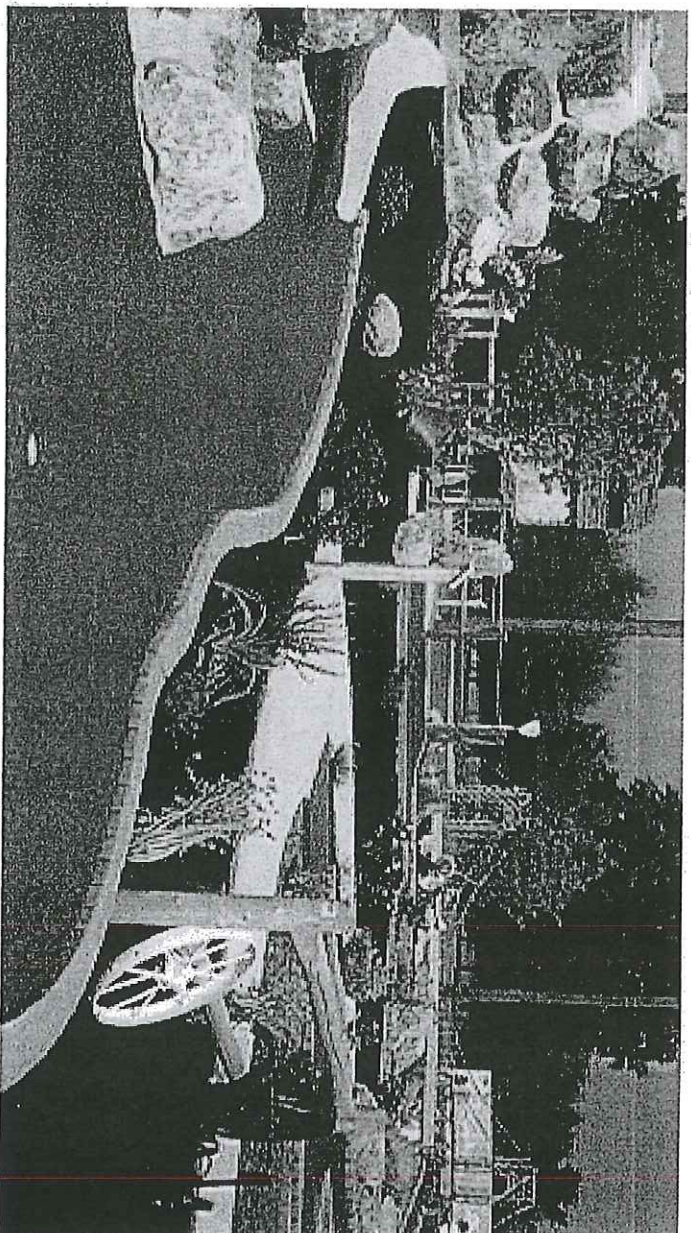
- Dennis Mekosh
Cala Miniature Golf

When Jodie and I decided that Harris would be our builder we expected delays, surprise cost and to deal with some less-than-friendly employees. During the construction of our building we dealt with these problems, and much more. We thought it was only natural that we would have to deal with similar problems from the Harris crew, but to our surprise there were no delays, no surprise cost and the employees were on time and very friendly.

- Tony and Jodie McCoy
Just Swing'n It



WHY MINI GOLF? A FUN & PROFITABLE FAMILY BUSINESS



Longtime Harris course owners who operate other attractions such as rock climbing, go-cart racing and paintball courses say nothing compares to miniature golf in terms of profit margin, return on investment and broad market appeal. More than 130 million people of all ages play miniature golf every year with industry revenues in excess of \$1 billion annually.

- Fun family business to operate
- Seasonal business
- Attracts all age groups
- High profit margins
- Fast payback
- High return on investment (ROI)
- Low overhead (staff of one or two people)
- Low equipment cost for putters and balls
- No inventory (only scorecards)
- Low liability insurance costs

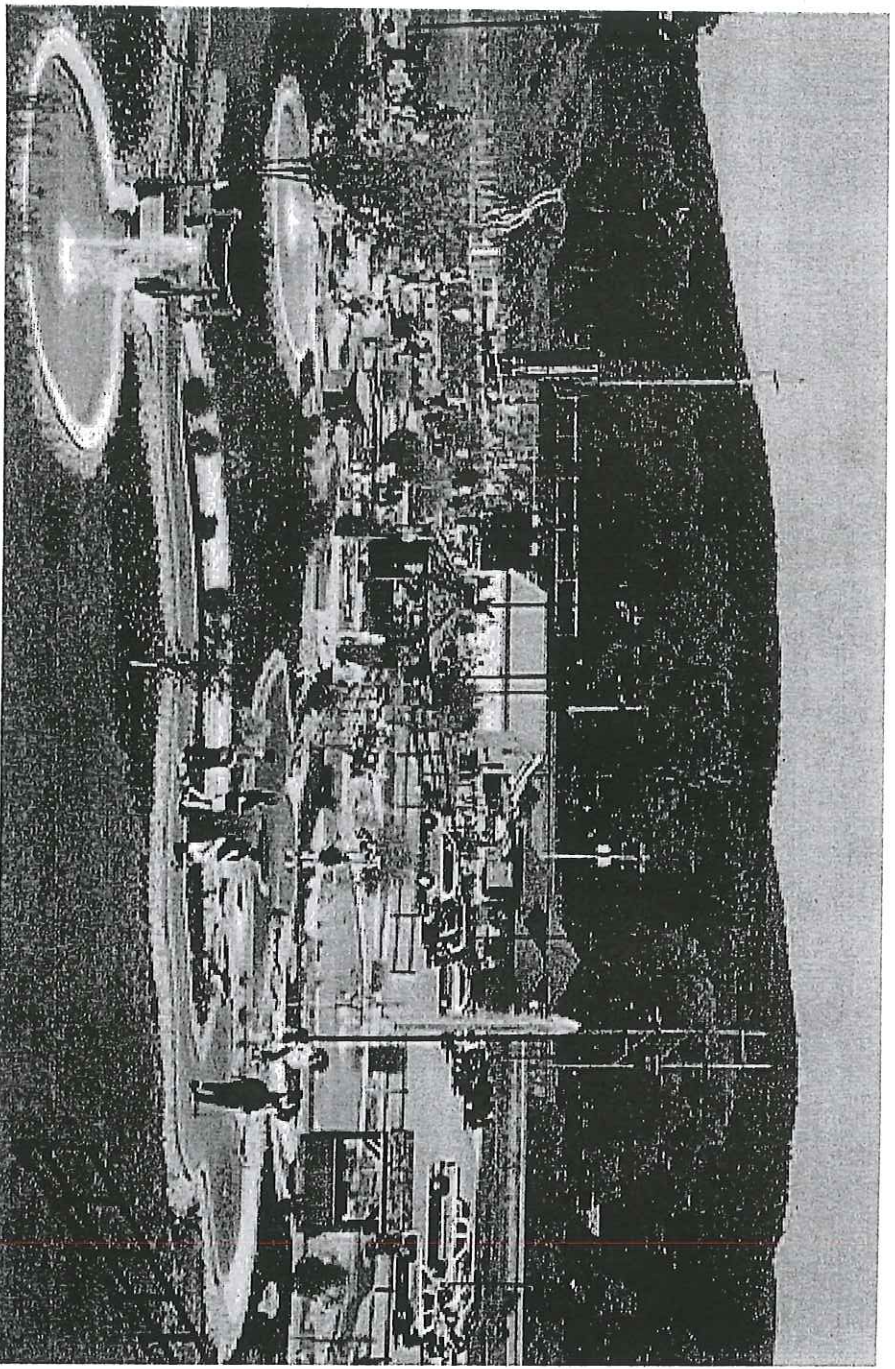
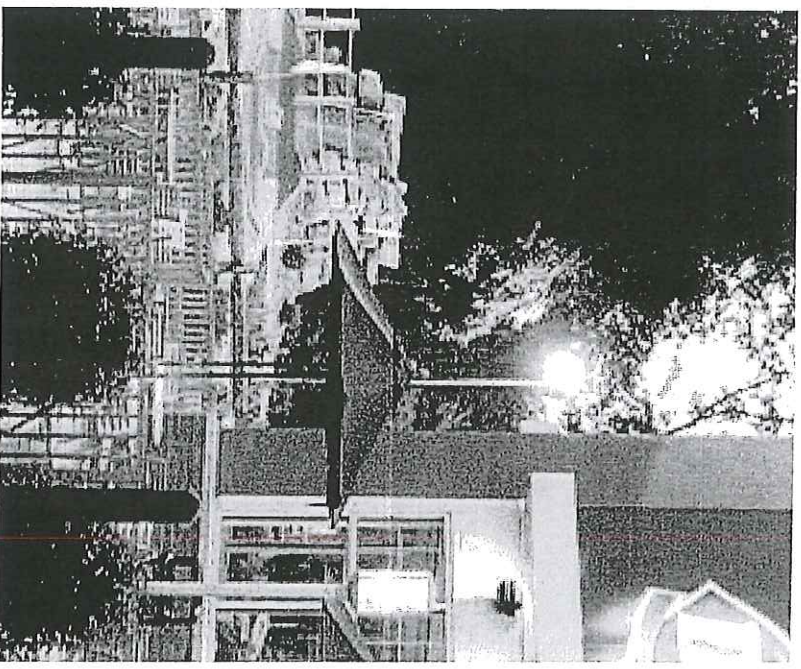
Every year, more than 130 million people of all ages play miniature golf, producing revenues in excess of \$1 billion annually for course owners.

Jump-Start Your Existing Business

Turn your amusement park, driving range, ice cream stand, restaurant or other business into a money-making machine with a miniature golf course by Harris. Many of our customers say revenue generated by their miniature golf courses far surpasses anything else they do.

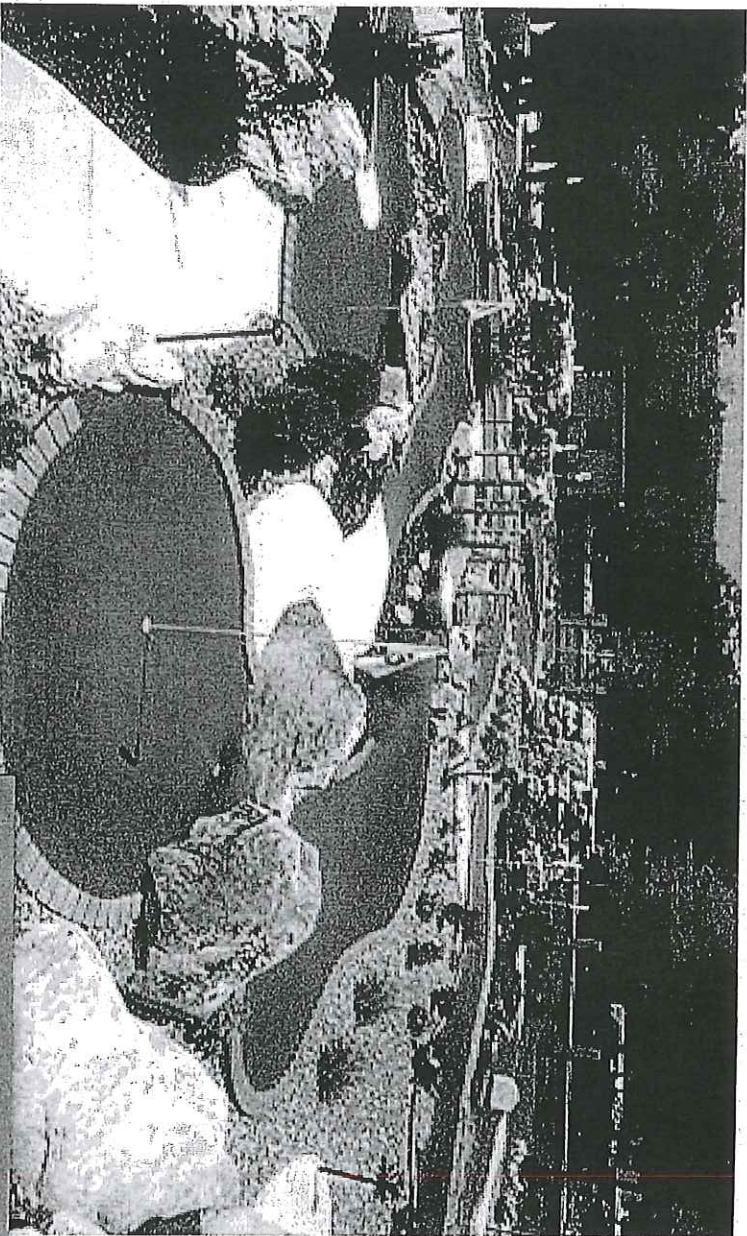
More Is Better: The Case for 36 Holes

Having two 18-hole courses can be key to promoting repeat business and profitability for your facility. Two courses not only create more choices and challenges for players, they provide the capacity to accommodate large crowds on summer evenings and weekends. Long lines at overcrowded single courses will reduce profits and drive customers away. Having a second course also allows you to host groups without having to turn away walk-in customers – a key to midweek profitability.





WHY HARRIS? THE NATION'S LEADER IN COURSE DESIGN & CONSTRUCTION



Harris Miniature Golf has been designing and building picturesque and profitable miniature golf courses for more than 50 years. To date, we have designed and built more than 800 courses worldwide. We believe it speaks volumes about the quality of our work that the majority of our new customers are referred to us by our existing customers.

- Recognized as a national leader in design and construction
- More than 50 years of experience
- More than 800 courses built
- Every course custom-designed to meet customer's needs and expectations
- Fixed price guarantee
- State-of-the-art color CAD design
- Promotional / marketing support

Harris
Miniature Golf
Courses Inc.
has designed
and built
more than
800 courses
worldwide over
the past 50-
plus years.

Designing for Fun

Miniature golf is no longer child's play. Whether you're young or simply young at heart, miniature golf is all about the FUN!!! Our waterfalls, splash fountains, ponds, streams and undulating greens create thrills and laughs for golfers of all ages. Our water hazards create lots of awesome fun for kids. We use floating balls and even have a hole design where the ball goes into the water hazard and is returned back to the green near the cup!

Designing for Profit

At Harris, we believe great design is the key to sustaining profitability year after year. Gone are the days of windmills and clown faces. By creating inviting and intriguing spaces, and challenging holes that test a golfer's skills, Harris designs courses that keep customers coming back. Ninety percent of Harris-built courses are in non-resort areas where repeat business is critical to profitability. By designing courses with soothing waterfalls, dramatic landscapes

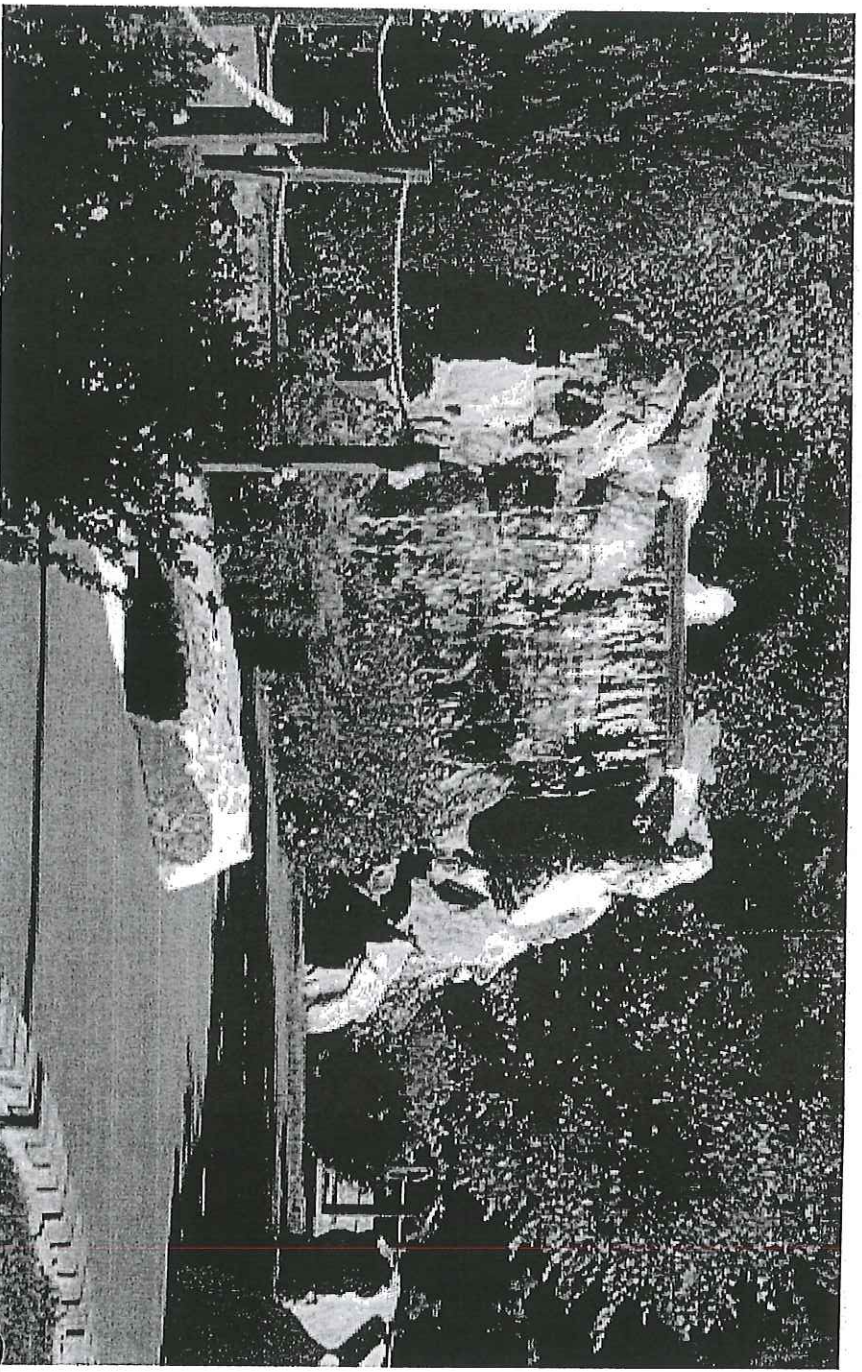
and other features that capture the imagination, Harris creates destinations that customers will want to visit again and again.

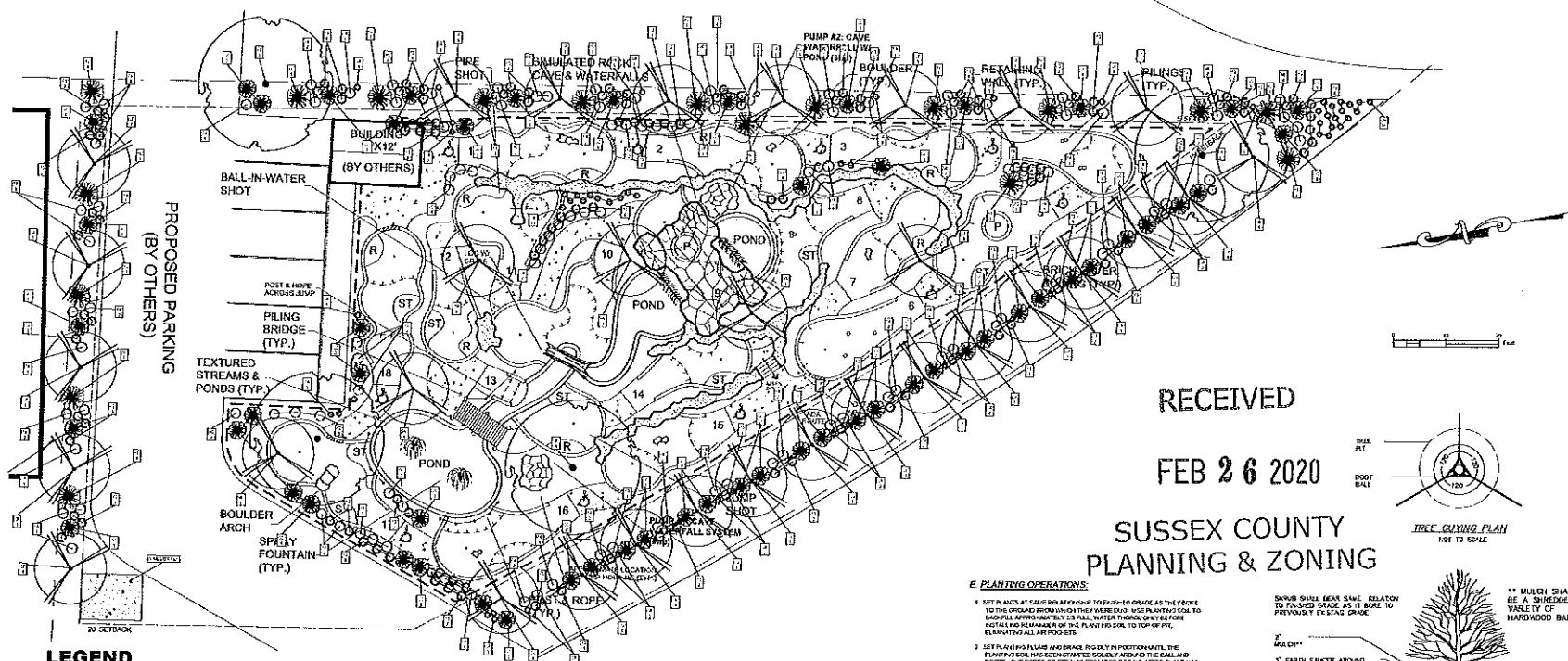
On-Site Design Improvements

During construction, our project foremen are always looking for ways to improve a course's design, playability and visual appeal. That might involve changing the angle of a waterfall to increase roadside visibility or moving a stream to bring it into play on another hole, and we do it all at no additional cost to the owner/developer.

The Harris Guarantee

At Harris Miniature Golf, we always give our customers the full measure of our talents. We feel it is the little things that make the difference between a good job and a GREAT job. The courses we build not only meet, but exceed customers' expectations. We finish projects on time and on budget. When we give you a price, we stick to it.





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PLANNING & ZONING

E. PLANTING OPERATIONS:

- [illegible]

F. STAKING AND PRIESTING

- 1 STAKING SHALL BE COMPLETED IMMEDIATELY AFTER PLANTING. PLANTS SHALL STAY IN PLUMB AFTER STAKING. STAKES AND GUINTEES SHALL BE REMOVED AT THE END OF THE GUINTEE PERIOD AND DEPOSITED TO OFF SITE BY THE CONTRACTOR.
- 2 PRUNE PLANTS AT THE TIME OF PLANTING ONLY TO REMOVE DEAD WOOD, SUCKERS, OR BROKEN BRANCHES.

G. GUARANTEE:

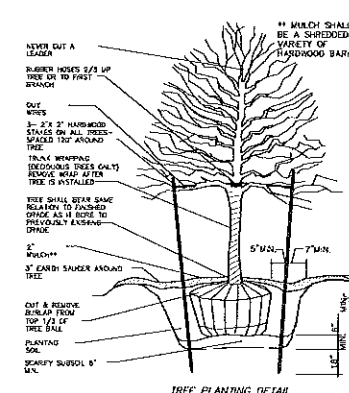
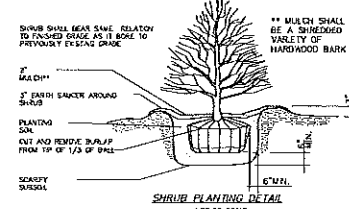
- ALL PLANT MATERIALS SHALL BE GUARANTEED FOR ONE (1) FULL YEAR FROM THE DATE THAT THE LANDSCAPE INSTALLATION IS ACCEPTED AS COMPLETE. PLANT MATERIAL NOT FOUND TO BE IN A HEALTHY, VIGOROUS CONDITION AT THE END OF THE SECOND GROWING SEASON TO BE REPLACED.

H. SEEDING:







- ALL AREAS REMAINING DISTURBED AFTER CONSTRUCTION, PAVING AND INSTALLATION OF THE LANDSCAPING ARE TO BE SEED
- A. SEED BED PREPARATION: APPLY 25 LBS. OF 10-10-10 FERTILIZER PER 1000 SQ. FT. IN ROW OR DOG EIGHT GOAL TO A DEPTH OF 3 INCHES. APPLY PALMERIZED GROUND LIMESTONE, 50 LBS. PER 1000 SQ. FT.

**B. SECTION APPLYABLES FOR
FEEDBACK ON A SUITABLE COM**

- WITH SUITABLE EQUIPMENT
- C. MAINTAIN IMMEDIATELY AFTER BREEDING, UNIFORMITY SURCH
ENTIRE AREA WITH UNDER A THICKER SMALL GRASS STRAW AT A
RATE OF 1 V2-3" TO 4" PER ACRE
- FOR BEST RESULTS, SEEDING SHOULD BE PERFORMED BETWEEN MARCH
15-1
15-1 APRIL 15TH OR JULY 15TH TO OCT. 31ST.



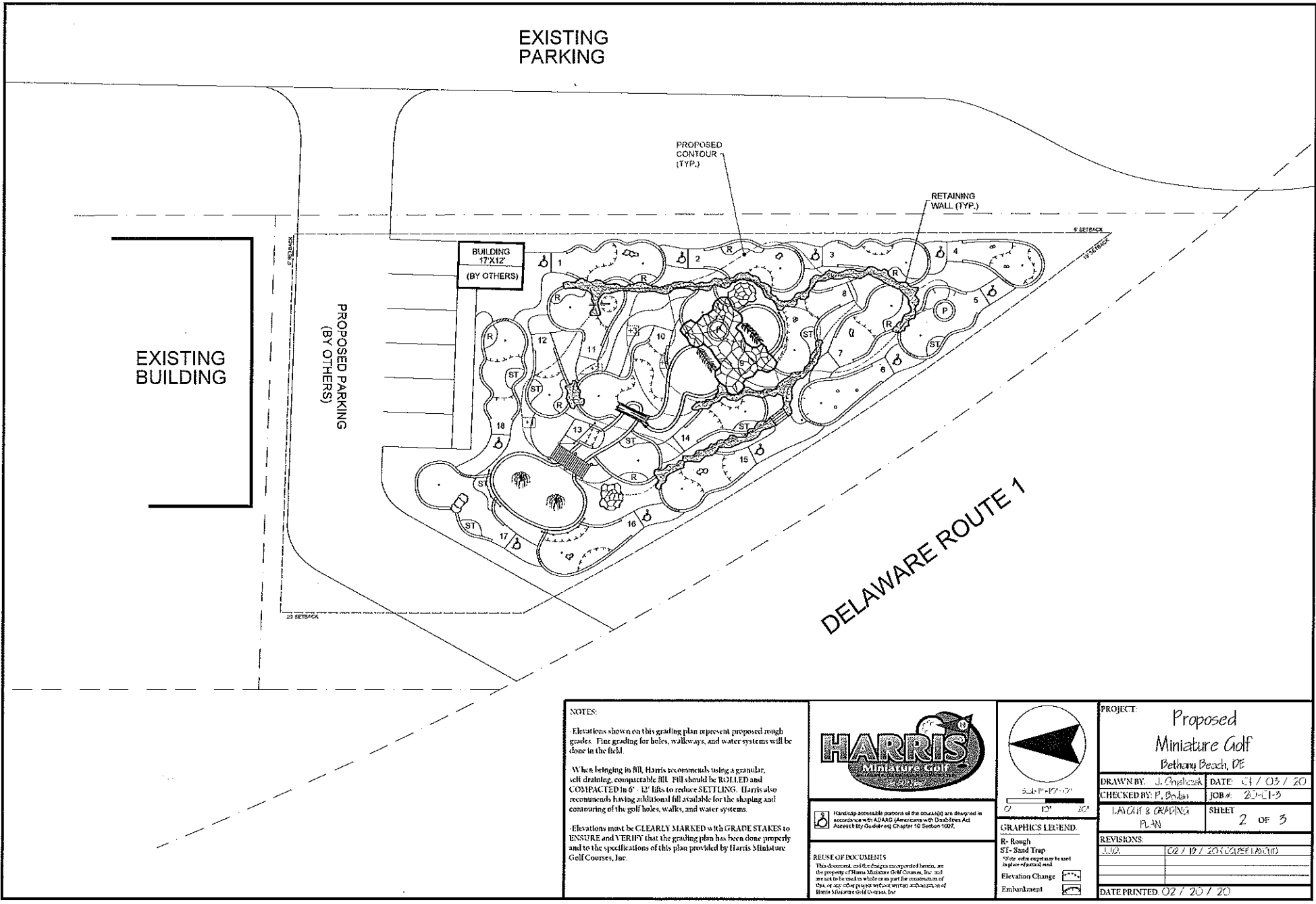
SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
--------	-------------	--------	-------------

SYMBOL	SYMBOL	SYMBOL	SYMBOL
	LARGE SHADE TREE		SMALL SHRUBS
	MEDIUM TREE/LARGE SHRUB		TALL GRASSES
	SMALL TREE/MEDIUM SHRUBS		SHORT GRASSES

GENERAL PLANTING SCHEDULE					
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE @ ROOT TYPE	
LARGE TREES					
AR	1	ACER RUBRA VAR. RUBRA	RED BIRCH	12" DB, S&B	
AD	1	ACER DIABOLICA 'SILVER GLASS'	BLACK BIRCH	12" DB, S&B	
QO	1	QUERCUS COOGEE	CHALKY OAK	12" DB, S&B	
MEDIUM TREES					
LA	6	LARIX LARicina 'NORWAY SPRUCE'	NORWAY SPRUCE	22" DB, S&B	
LAH	6	LARIX LARicina 'NORWAY SPRUCE'	NORWAY SPRUCE	22" DB, S&B	
SA	2	SEALBARK OAK	SEALBARK OAK	22" DB, S&B	
CO	1	CORONILLA ALBA	FLAME TREE	16" DB, S&B	
FM	13	FORSYTHIA ALBA	SPRING EGG	16" DB, S&B	
PF	13	PRUNUS PANDORA	PRUNUS PANDORA	16" DB, S&B	
SMALL TREES					
JA	13	JACARANDA PAPER	JACARANDA PAPER	12" DB, S&B	
CO	36	CORONILLA ALBA	CORONILLA ALBA	12" DB, S&B	
SHRUBS					
MA	23	MYRTILLUS SPERMATOPHYTES	MYRTILLUS SPERMATOPHYTES	12" DB, S&B	
PA	6	PRUNUS PANDORA	PRUNUS PANDORA	12" DB, S&B	
SP	115	SPERGANDIA FLORIDA	SPERGANDIA FLORIDA	12" DB, S&B	
NO	1	NORWAY SPRUCE	NORWAY SPRUCE	12" DB, S&B	
CA	41	CAREX LASIOCARPA	CAREX LASIOCARPA	12" DB, S&B	
LAH	13	LARIX LARicina	LARIX LARicina	12" DB, S&B	

LANDSCAPE PLAN		DATE	01/10/2020
FOR		APP. NUMBER	1902000111
BETHANY MINIATURE GOLF COURSE		DESIGN	AS SHOWN
		DRAWN BY	ECN
		PROJECT NO.	1902000111
		SCALE	AS SHOWN
		PRICE	RE
BETHANY BEACH, DELAWARE, 19820			
Prepared for: MRG, PTH, LLC			
SHEET NO.:		C.11	

New



NOTES:

Elevations shown on this grading plan represent proposed rough grades. Fine grading for holes, walkways, and water systems will be done in the field.

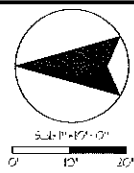
When bringing in fill, Harris recommends using a granular, self-draining, compactable fill. Fill should be ROLLED and COMPACTED in 6" - 12" lifts to reduce SETTLEMENT. Harris also recommends having additional fill available for the shaping and contouring of the golf holes, walks, and water systems.

Elevations must be CLEARLY MARKED with GRADE STAKES to ENSURE and VERIFY that the grading plan has been done properly and to the specifications of this plan provided by Harris Miniature Golf Courses, Inc.



Handicap accessible portions of the course(s) are designed in accordance with ADAAG (Americans with Disabilities Act Accessibility Guidelines Chapter 10 Section 1007).

REUSE OF DOCUMENTS
This document, and the designs incorporated herein, are the property of Harris Miniature Golf Courses, Inc. and are not to be used in whole or in part for construction of this, or any other project without written authorization of Harris Miniature Golf Courses, Inc.



GRAPHICS LEGEND

R- Rough	
ST- Sand Trap	
*Note: only to be used in place of actual road.	
Elevation Change	
Embankment	

PROJECT: Proposed Miniature Golf Bethany Beach, DE	
DRAWN BY: J. Omelczak	DATE: 01 / 03 / 20
CHECKED BY: P. DeJas	JOB #: 20-01-3
LAYOUT & GRADING PLAN	SHEET 2 OF 3
REVISIONS:	
J.O.	02 / 19 / 20 (CORRECTION)
DATE PRINTED: 02 / 20 / 20	

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FEB 26 2020
SUSSEX COUNTY
PLANNING & ZONING

Conditional
Use

Sussex County Planning & Zoning Department
Attn: Planning & Zoning Commission
2 The Circle (P.O. Box 417)
Georgetown, DE 19947

RE: Case No. ~~12416~~ – Jessica Peake CU2202

Date: February 26, 2020

Dear Planning & Zoning Department and Planning & Zoning Commission:

I/We, as (a) customer(s) and supporter(s) of Nick's Mini Golf and member(s) of the public, offer strong support for the Planning and Zoning Commission's approval of the Applicant's request for Conditional Use for operation of a miniature golf course located at 32967 Coastal Highway, Bethany Beach, DE 19930. I/We, as a member(s) of the public strongly support this Application and encourage your favorable consideration.

Sincerely,

Ann Baker (Name)

101 Canal Rd (Address)

Bethany Beach, DE 19930 (Address)

Ann Baker

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MAR 02 2020

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Planning & Zoning Department
Attn: Planning & Zoning Commission
2 The Circle (P.O. Box 417)
Georgetown, DE 19947

RE: Case No. ~~12416~~ - Jessica Peake *CU2222*

Date: *2-26-2020*

Dear Planning & Zoning Department and Planning & Zoning Commission:

I/We, as (a) customer(s) and supporter(s) of Nick's Mini Golf and member(s) of the public, offer strong support for the Planning and Zoning Commission's approval of the Applicant's request for Conditional Use for operation of a miniature golf course located at 32967 Coastal Highway, Bethany Beach, DE 19930. I/We, as a member(s) of the public strongly support this Application and encourage your favorable consideration.

Sincerely, *D S Setz*

Daniel Setz (Name)

20359 Thompson Way (Address)

Bethany Beach DE (Address)

19971

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SUSSEX COUNTY
PLANNING & ZONING

Sussex County Planning & Zoning Department
Attn: Planning & Zoning Commission
2 The Circle (P.O. Box 417)
Georgetown, DE 19947

RE: Case No. ~~12416~~ – Jessica Peake *CU 2222*

Date: *2-25-2020*

Dear Planning & Zoning Department and Planning & Zoning Commission:

I/We, as (a) customer(s) and supporter(s) of Nick's Mini Golf and member(s) of the public, offer strong support for the Planning and Zoning Commission's approval of the Applicant's request for Conditional Use for operation of a miniature golf course located at 32967 Coastal Highway, Bethany Beach, DE 19930. I/We, as a member(s) of the public strongly support this Application and encourage your favorable consideration.

Sincerely,

Nick's Mini Golf (Name)
34923 Pickards Rd (Address)
Frankford, DE 19945 (Address)

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MAR 02 2020

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Planning & Zoning Department
Attn: Planning & Zoning Commission
2 The Circle (P.O. Box 417)
Georgetown, DE 19947

RE: Case No. ~~12416~~ Jessica Peake

CY
2020

Date: 2-25-2020

Dear Planning & Zoning Department and Planning & Zoning Commission:

I/We, as (a) customer(s) and supporter(s) of Nick's Mini Golf and member(s) of the public, offer strong support for the Planning and Zoning Commission's approval of the Applicant's request for Conditional Use for operation of a miniature golf course located at 32967 Coastal Highway, Bethany Beach, DE 19930. I/We, as a member(s) of the public strongly support this Application and encourage your favorable consideration.

Sincerely,

Jess Doyle

Jess Doyle (Name)
35129 Glen Eagles (Address)
Dagsboro DE (Address)

19939

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MAR 02 2020

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Planning & Zoning Department
Attn: Planning & Zoning Commission
2 The Circle (P.O. Box 417)
Georgetown, DE 19947

RE: Case No. ~~12416~~ - Jessica Peake

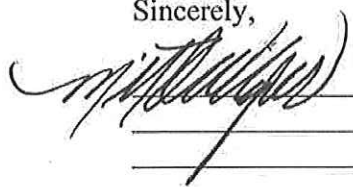
CU 7702

Date: 02/28/2020

Dear Planning & Zoning Department and Planning & Zoning Commission:

I/We, as (a) customer(s) and supporter(s) of Nick's Mini Golf and member(s) of the public, offer strong support for the Planning and Zoning Commission's approval of the Applicant's request for Conditional Use for operation of a miniature golf course located at 32967 Coastal Highway, Bethany Beach, DE 19930. I/We, as a member(s) of the public strongly support this Application and encourage your favorable consideration.

Sincerely,



(Name)

(Address)

(Address)

Michael J. Wilcus, President
Wilcus Assoc. Inc.
32904 Coastal Hwy
P.O. Box 309
Bethany Beach, DE 19930

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MAR 02 2020

SUSSEX COUNTY
PLANNING & ZONING

February 27, 2020

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

RE: Case No. 12416 - Jessica Peake *CU 2222*

Dear Planning & Zoning Department and Planning & Zoning Commission:

I support and welcome the new business of Nick's Mini Golf as members of the Bethany Beach business community and offer strong support for the Planning and Zoning Commission's approval of the Applicant's request for Conditional Use for the operation of a miniature golf course located at 32967 Coastal Highway, Bethany Beach, DE 19930.

I believe that this wholesome family activity aligns perfectly Bethany Beach Resort and that visitors and locals are looking for experiences that allow them to spend time together having fun and being active.

Sincerely,

Wm Kevin McCabe
DB FRIES
32932 Daisey Rd
Frankford, DE
19945

[Signature]
D.B. Fries
29741 Millsboro Hwy
Millsboro DE
19966

Wm Kevin McCabe

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MAR 02 2020
SUSSEX COUNTY
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Sussex County Planning & Zoning Department
Attn: Planning & Zoning Commission
2 The Circle (P.O. Box 417)
Georgetown, DE 19947

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FEB 28 2020

SUSSEX COUNTY
PLANNING & ZONING

RE: Case No. ~~12416~~ - Jessica Peake CU2222

Date: 24 Feb 2020

Dear Planning & Zoning Department and Planning & Zoning Commission:

I/We, as (a) customer(s) and supporter(s) of Nick's Mini Golf and member(s) of the public, offer strong support for the Planning and Zoning Commission's approval of the Applicant's request for Conditional Use for operation of a miniature golf course located at 32967 Coastal Highway, Bethany Beach, DE 19930. I/We, as a member(s) of the public strongly support this Application and encourage your favorable consideration.

Sincerely, Cindy Hall

Cindy Hall (Name)
15 Seabrook Rd (Address)
Ocean View DE (Address)
19970

Sussex County Planning & Zoning Department
Attn: Planning & Zoning Commission
2 The Circle (P.O. Box 417)
Georgetown, DE 19947

RECEIVED

FEB 28 2020

SUSSEX COUNTY
PLANNING & ZONING

RE: Case No. ~~42416~~ - Jessica Peake *CU 2222*

Date: *2/24/20*

Dear Planning & Zoning Department and Planning & Zoning Commission:

I/We, as (a) customer(s) and supporter(s) of Nick's Mini Golf and member(s) of the public, offer strong support for the Planning and Zoning Commission's approval of the Applicant's request for Conditional Use for operation of a miniature golf course located at 32967 Coastal Highway, Bethany Beach, DE 19930. I/We, as a member(s) of the public strongly support this Application and encourage your favorable consideration.

Sincerely,



DONNASZYMANSKI (Name)

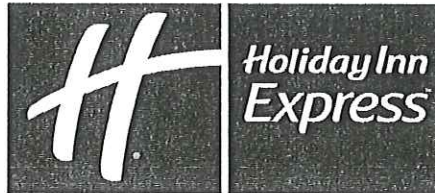
14 Josephine LA (Address)

Ocean View, DE (Address)

19970

Conditional
use

①



February 16, 2020

I am pleased to write this letter to you expressing support for the addition of Nick's Mini Golf in the Quiet Resorts. Mini golf is precisely what you think of when you think of a quiet, family friendly beach town like ours, and the addition of this business will tremendously enhance the small town atmosphere that we love and promote. The location on Jefferson Bridge Road is an ideal opportunity to grow leisure tourism outside of Bethany Beach proper, expanding both the physical and economical footprints of tourism further South throughout the town.

As our town continues to grow as a year round travel destination, more family and children's activities are needed in the shoulder season. Visitors come here throughout the year with the anticipation of family fun where they can create vacation memories, and Nick's is the ideal business to provide these services to our area.

In addition to being a draw for tourism, Nick's is also a favorite among locals. I know Nick's Mini Golf to be a quality business run by quality people, both with an excellent reputation throughout Delmarva. I ask you to consider this new business and the positive impact will undoubtedly have on our community.

Respectfully,

Bonnie Patterson
Hotel Manager
Holiday Inn Express
39642 Jefferson Bridge Road
Bethany Beach, DE 19930
(302) 541-9200
Bonnie.Patterson@hiexbethanybeach.com

RECEIVED

FEB 26 2020

SUSSEX COUNTY
PLANNING & ZONING



February 14, 2020

To Whom It May Concern:

Please accept this letter of support for the addition of a Nick's Mini Golf in Bethany Beach, DE. There is currently a lack of activities in our area. Reputable businesses like Nick's Mini Golf would increase the desire for visitors to stay in our area. Further, it's a great addition for our local community both in and off season. The proposed location at Jefferson Bridge Road and Coastal Highway is ideal as there is ample parking nearby.

Nick's Mini Golf is a first-class operation that will lend well to the family atmosphere Bethany Beach continues to provide to both visitors and the local community. I look forward to seeing this family-owned business thriving in our community.

Yours in Hospitality,

Lorrie Miller

Lorrie Miller
Area General Manager
Bethany Beach Ocean Suites
99 Hollywood Street
Bethany Beach, DE 19930

3

Susan Todaro
26340 Wild Air Way
Millville, De 19967

February 16, 2020

To whom it may concern,

It recently came to my attention that there was a proposal to build a new Nicks Mini Golf in Bethany Beach. I would like to register my support for this endeavor as my husband and I are always looking for ways to entertain family and guests when visiting. During the summer months with increased traffic and parking limitations in our region it becomes much harder to make the trek to Rehoboth or Ocean City. Having this option right in town and within walking proximity to the beach also makes for greater utilization of local community offerings that we are so proud to support.

Additionally, I work for a local business where families look for suggestions for activities and entertainment. I welcome additional options as we want to keep visitors using the services in our town rather than spending tourist dollars elsewhere. I believe the business community should support each other for the greater good it serves. I hope you will take this into consideration when approving this option. Thank you.

Sincerely,

Susan Todaro

Susan Todaro

Annalise Ridgeway
33 S Williams Street
Selbyville, DE 19975
302.519.2145

February 17, 2020

To Whom It May Concern,

It has been brought to my attention Nick's Mini Golf is hoping to expand to the heart of Bethany Beach, Delaware. As a fairly young local I am thrilled new businesses are growing in our community. I welcome the entertaining and fun activity simply because it is not a norm in Delaware. Fresh ideas are a necessity, especially to a seasonal town.

Proudly, I am a mother of a young child. The biggest battle of living in Sussex County is seeking entertainment our whole family can enjoy. Much of the time (such as off season) I truly love the quiet, laid back feel. At other times (such as high season) I am frustrated. The drive into Ocean City for some family fun is a headache. Traffic and congestion make the travel time longer than the actual activity. Just knowing outdoor fun will be within an easy reach is exactly what so many families need. I sincerely hope the town, area, county, etc. will invite other new businesses so families such as mine will feel more welcomed.

Please consider adding Nick's Mini Golf to town. It is vital to our area to expand our reach of entertainment and enjoyment.

All the best,

Annalise Ridgeway

(5)

To Whom It May Concern,

As a resident in Dagsboro, I believe it would be super beneficial to put a Nick's Mini Golf course in Bethany Beach. Not only will this bring in a substantial amount of business in to the town of Bethany but this will also provide jobs to the local people in Bethany and will create a fun environment for the visitors and locals in Bethany Beach. Therefore, as a local to Bethany Beach, I believe this Golf Course will bring in the light to Bethany Beach.

Sincerely,

Frank Barranco

7 Windward Way, Dagsboro, DE 19939

February 27, 2020

Sussex County Planning & Zoning Department

Attn: Planning & Zoning Commission

2 The Circle

P.O. Box 417

Georgetown, DE 19947

RE: Case No. 12416 - Jessica Peake

Dear Planning & Zoning Department and Planning & Zoning Commission:

I support and welcome the new business of Nick's Mini Golf as members of the Bethany Beach business community and offer strong support for the Planning and Zoning Commission's approval of the Applicant's request for Conditional Use for the operation of a miniature golf course located at 32967 Coastal Highway, Bethany Beach, DE 19930.

I believe that this wholesome family activity aligns perfectly Bethany Beach Resort and that visitors and locals are looking for experiences that allow them to spend time together having fun and being active.

Sincerely,



Dick Heidenberger

February 27, 2020

Sussex County Planning & Zoning Department

Attn: Planning & Zoning Commission

2 The Circle

P.O. Box 417

Georgetown, DE 19947

RE: Case No. 12416 - Jessica Peake

Dear Planning & Zoning Department and Planning & Zoning Commission:

I support and welcome the new business of Nick's Mini Golf as members of the Bethany Beach business community and offer strong support for the Planning and Zoning Commission's approval of the Applicant's request for Conditional Use for the operation of a miniature golf course located at 32967 Coastal Highway, Bethany Beach, DE 19930.

I believe that this wholesome family activity aligns perfectly Bethany Beach Resort and that visitors and locals are looking for experiences that allow them to spend time together having fun and being active.

Sincerely,



Dick Heidenberger

February 27, 2020

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

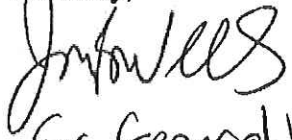
RE: Case No. 12416 – Jessica Peake

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I believe that this wholesome family activity aligns perfectly Bethany Beach Resort and that visitors and locals are looking for experiences that allow them to spend time together having fun and being active.

Sincerely,


Sr. General Manager
ResortQuest Delaware

February 27, 2020

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

RE: Case No. 12416 – Jessica Peake

Dear Planning & Zoning Department and Planning & Zoning Commission:

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I believe that this wholesome family activity aligns perfectly Bethany Beach Resort and that visitors and locals are looking for experiences that allow them to spend time together having fun and being active.

Sincerely,

A handwritten signature in black ink, appearing to be 'CR' or 'Chris Reda', written in a cursive style.

Chris Reda
Ropewalk Restaurants
chris@ropewalk.com
410.977.6752

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date May 14, 2020.

Application: (CU 2224) Pamela Price

Applicant: Pamela Price
38613 Benro Drive, Unit 5
Delmar, DE 19940

Owner: Pamela Price/Taylor Carney LLC
38613 Benro Drive, Unit 5
Delmar, DE 19940

Site Location: Located on the east side of Sussex Highway (Route 13) at 34590
Sussex Highway, Laurel, DE 19956.

Current Use: Residential

Proposed Use: Real Estate Office

Comprehensive Land
Use Plan Reference: Low Density Areas

Councilmatic
District: Mr. Rieley

School District: Delmar School District

Fire District: Delmar Fire District

Sewer: Sussex County

Water: Private, On-site

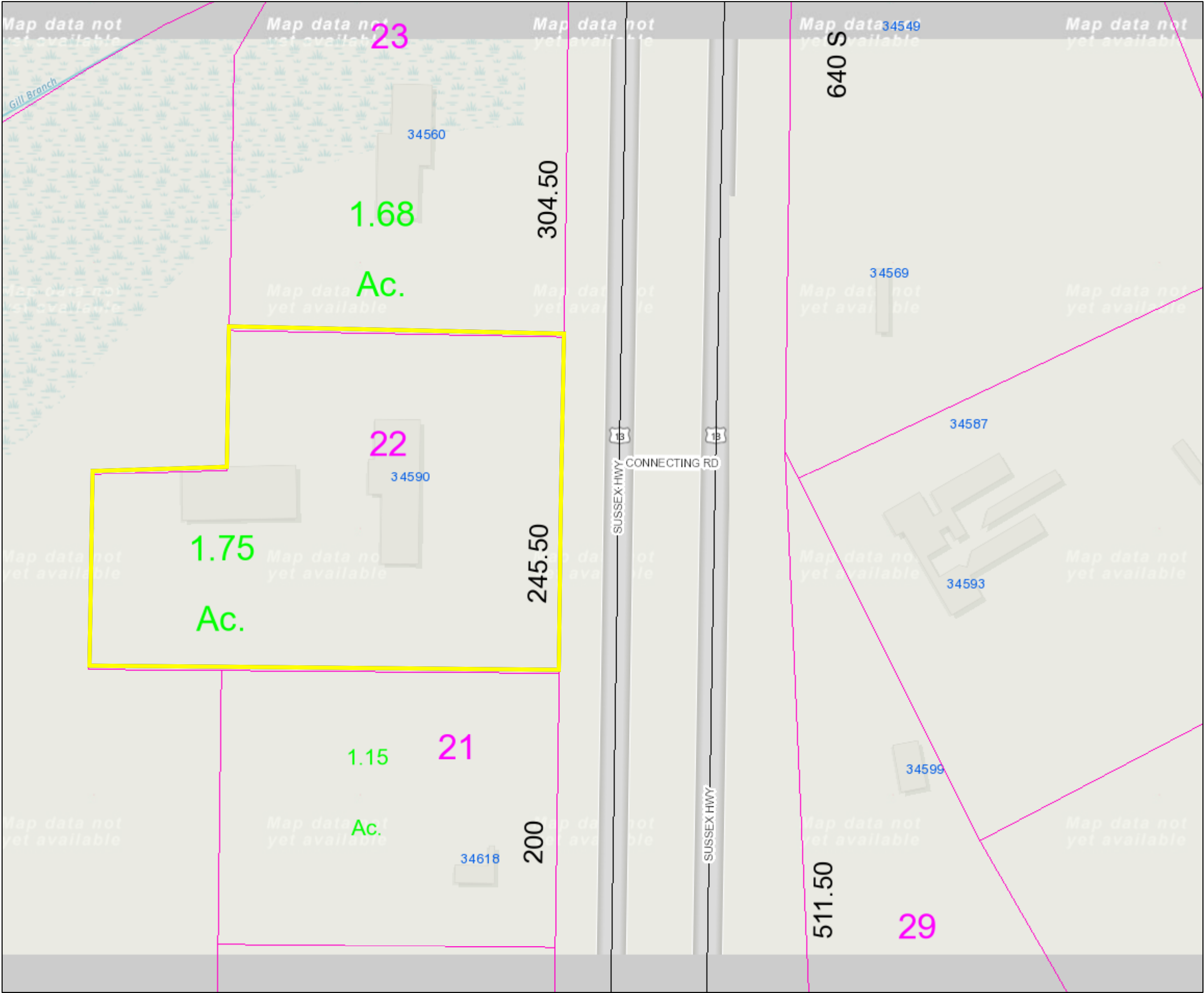
Site Area: 1.75 acres +/-

Tax Map ID.: 332-7.00-22.00





Sussex County

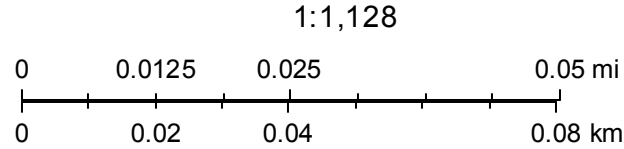


PIN:	332-7.00-22.00
Owner Name	TAYLOR CARNEY LLC
Book	5190
Mailing Address	38613 BENRO DR UNIT 5
City	DELMAR
State	DE
Description	W/RT 13
Description 2	N/A
Description 3	N/A
Land Code	

- polygonLayer

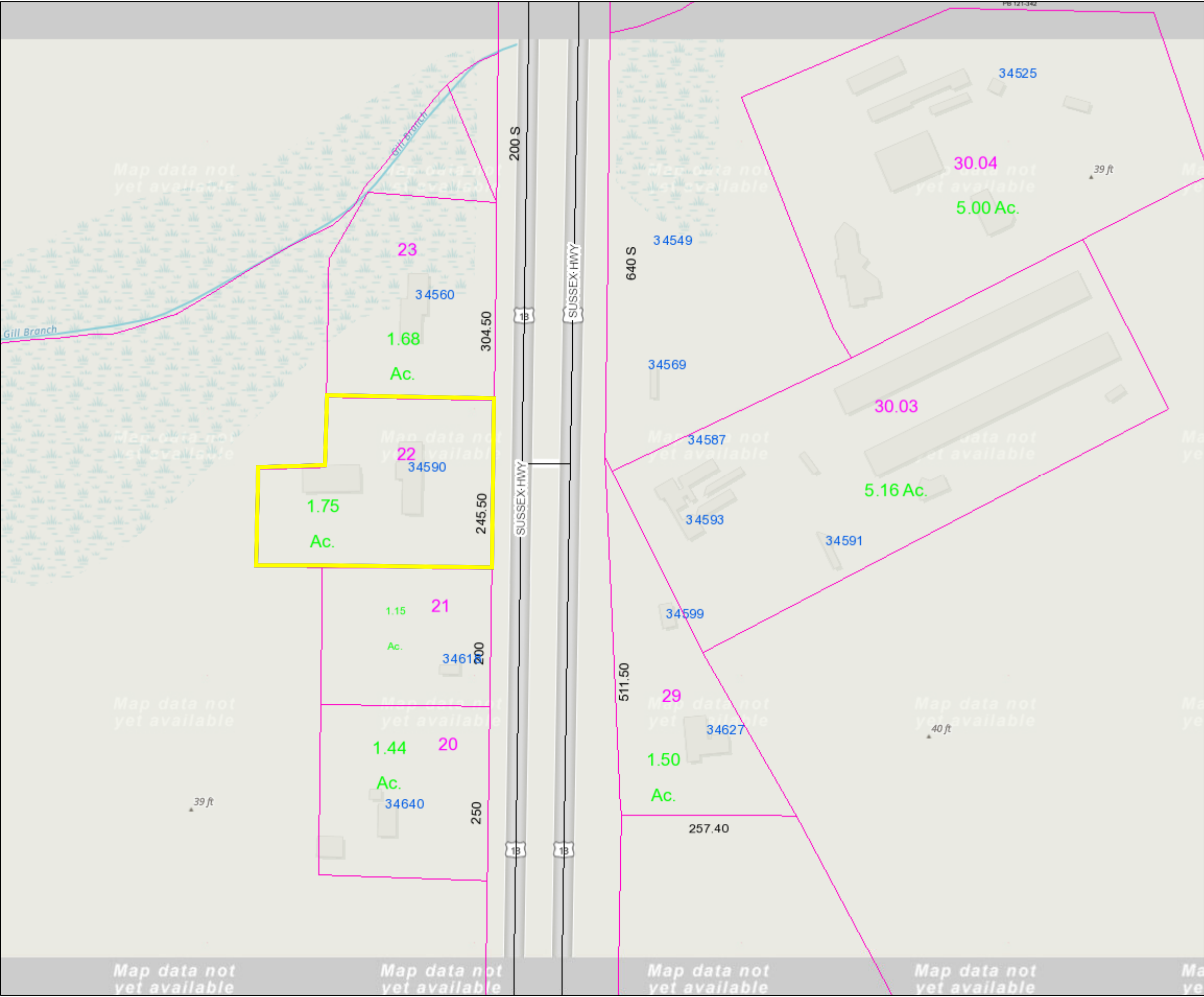
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- polygonLayer

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





Sussex County

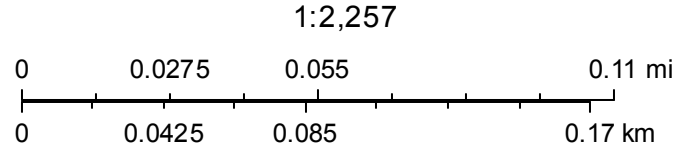


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Description	W/RT 13
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Land Code	

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets



Mailing List Exhibit Map
Planning and Zoning Commission
CU 2224 Pamela Price
332-7.00-22.00
Pamela Price/Taylor Carney LLC
38613 Benro Drive, Unit 5
Delmar, DE 19940

On the east side of Sussex Highway (Route 13) at 34590 Sussex Highway, Laurel, DE 19956.



332-7.00-19.00

332-7.00-23.00

332-7.00-22.00

332-7.00-21.00

332-7.00-20.00

332-7.00-30.00

332-7.00-30.04

332-7.00-30.03

332-7.00-30.00

332-7.00-29.00

SUSSEX HIGHWAY 00001

SUSSEX HIGHWAY 00001

7-26-2018

0 35 70 140 210 280
Feet

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government, DelDOT, Planning, Surdex Corp, 2017



Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, AICP, MRTPI Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 8, 2020
RE: Staff Analysis for CU 2224 Pamela Price

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2224 Pamela Price to be reviewed during the May 14, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 332-7.00-22.00 to allow for a real estate office to be located at 34590 Sussex Hwy. The size of the property is 1.75 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of Low-Density Area.

The surrounding parcels to the north, east, south, and west are all designated on the Future Land Use Map as "Low Density Area". The properties to the south have the land use designation of "Commercial Area" and "Existing Development Area". The Low-Density Area land use designation recognizes agricultural activities and homes. Business development should be largely confined to business addressing the needs of these two uses. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties to the north, south, east and west are all zoned AR-1 (Agricultural Residential Zoning District). Since 2011, there have been no applications for Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for a real estate office could be considered consistent with the land use, area zoning and uses.



File #: CU # 2224
202001333

Planning & Zoning Commission Application
Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

Site Address of Conditional Use/Zoning Map Amendment

34590 Sussex Hwy Laurel, DE 19956

Type of Conditional Use Requested:

Professional Office / Small Real Estate Office

Tax Map #: 322-07.00-22.00

Size of Parcel(s): 1.75

Current Zoning: AR-1

Proposed Zoning: AR-1

Size of Building: 2800 sqft

Land Use Classification: RS

Water Provider: Well

Sewer Provider: Septic

Applicant Information

Applicant Name:

Pamela Price

Applicant Address:

38613 Benro Dr Unit 5

City: Delmar

State: De

Zip Code: 19940

Phone #: 302-249-2546

E-mail: pamprice@remax.net

Owner Information

Owner Name:

Pamela Price / Taylor Carney LLC

Owner Address:

38613 Benro Dr Unit 5

City: Delmar

State: De

Zip Code: 19940

Phone #: 302-249-2546

E-mail: pamprice@remax.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name:

Haller and Hudson

Agent/Attorney/Engineer Address:

101 S. Bedford St.

City: Georgetown

State: De

Zip Code: 19947

Phone #: 302-856-4525

E-mail: Stephanie@hallerandhudson.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

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

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

___ Provide Fee \$500.00

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

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

___ DelDOT Service Level Evaluation Request Response

___ PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Date: _____

Signature of Owner

Carole Spruce

Date: 2/4/2020

For office use only:

Date Submitted: 2/5/2020

Staff accepting application: LD

Location of property: _____

Fee: \$500.00 Check #: PC

Application & Case #: 202001333

Subdivision: _____

Date of PC Hearing: 3/26/2020

Date of CC Hearing: 5/12/2020

Recommendation of PC Commission: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

February 11, 2020

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

Dear Mr. Jamie:

The Department has completed its review of a Service Level Evaluation Request for the **Pamela Price** conditional use application, which we received on January 13, 2020. This application is for an approximately 1.75-acre parcel (Tax Parcel: 332-7.00-22.00). The subject land is located on the west side of US Route 13, approximately 1,250 feet northwest of the intersection of US Route 13 and Whitesville Road / Dorothy Road (Sussex Road 64), southeast of Laurel. The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the existing residential facility as five-employee real estate office.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of US Route 13 where the subject land is located, which is from Whitesville Road / Dorothy Road to Delaware Route 24, is 22,602 vehicles per day.

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

The subject property is adjacent to US Route 13, thereby is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing the number of direct driveway access points on the arterial highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. According to the Office of State Planning, *Strategies for State Policies and Spending document*, the property is located within a Level 4 Investment Area. In this Investment Area, State policies encourage the preservation of a rural lifestyle and discourage new development. According to Program policy, no new or expanded



Mr. Jamie Whitehouse
Page 2 of 2
February 11, 2020

direct access to the corridor will be permitted in a Level 4 Investment Area. Therefore, the property owner can retain direct access to the corridor for a development that produces a similar vehicular trip generation as compared to the site's current use; under 100 vehicle trips per day according to the 10th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The U-shape driveway will be subject to review by the Subdivision and District Offices and may require some modification. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov.

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Pamela Price, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Thomas Felice, Corridor Capacity Preservation Program Manager, Development Coordination
Gomez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

December 18, 2019

To whom it may concern:

In regards to the property we currently own located at 34590 Sussex Highway, Laurel, DE 19956, the new buyers for the property are applying for Conditional Use to be able to occupy the property as a professional building/real estate office. We welcome this use of the property and are willing to provide any necessary documentation you may need.

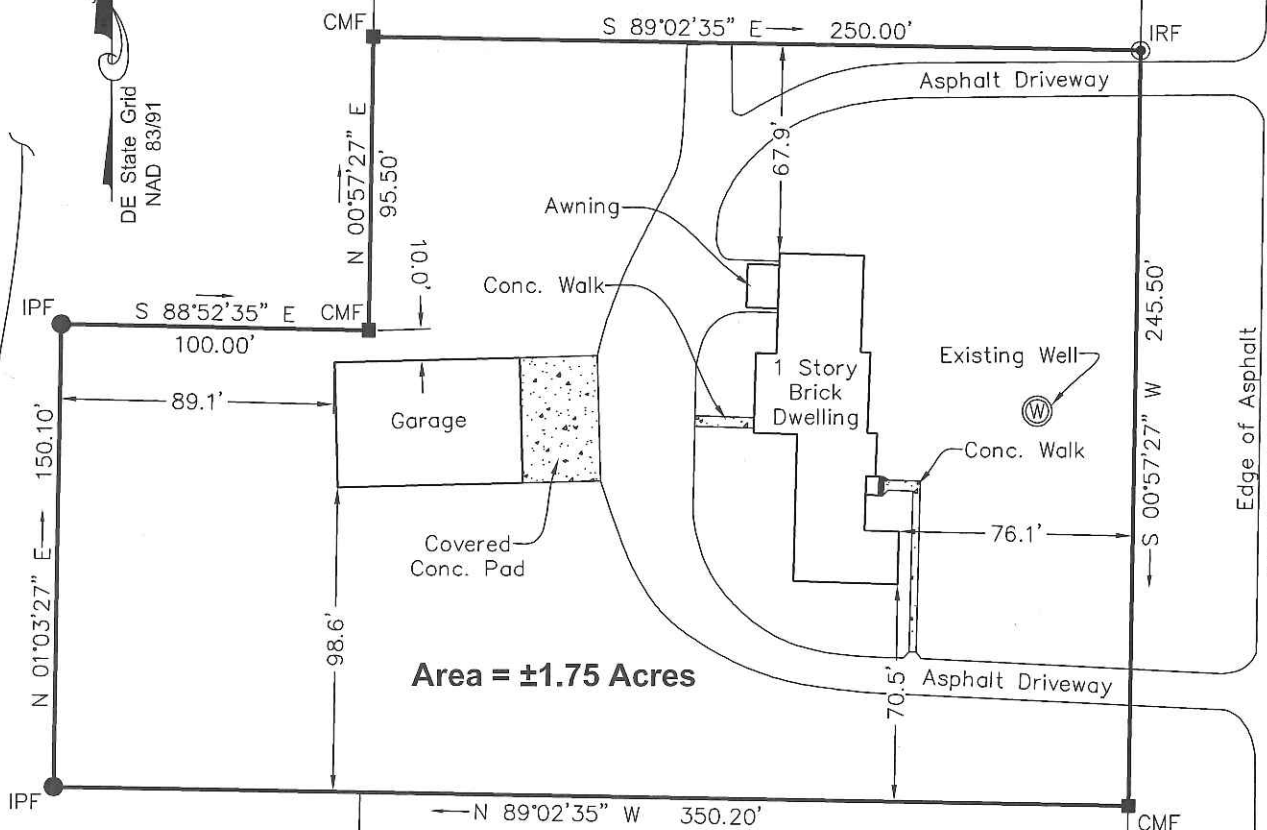
Please do not hesitate to contact us with any questions or concerns at 443-359-0100.

Sincerely,

Hal & Lisa Cathell

A handwritten signature in black ink, appearing to read "Hal Cathell", with a stylized flourish extending from the end.

Lands N/F of
Hal K. Cathell
332-7.00-23.00



Lands N/F of
Levin N. Dickerson, Trustee
Deed Ref.: 3594/80
332-7.00-19.00

Lands N/F of
House of Solid Rock Tabernacle
332-7.00-21.00

OTHER THAN SHOWN, THIS PLAT
DOES NOT VERIFY THE EXISTENCE OR
NON-EXISTENCE OF RIGHTS OF WAY
OR EASEMENTS ON THIS PROPERTY.

NO TITLE SEARCH WAS REQUESTED
OR PERFORMED.

LEGEND

- CMF Concrete Monument Found
- IPF Iron Pipe Found
- IRF Iron Rod Found



Douglas P. Williams, Professional Land Surveyor
Land Surveying • Land Planning • GPS/GIS
9072 Canter Lane
Hebron, MD 21830
410-726-1831

BOUNDARY SURVEY PLAN WITH IMPROVEMENTS LOCATION

34590 SUSSEX HIGHWAY
TOWN OF LAUREL

SUSSEX COUNTY, DELAWARE

SCALE 1" = 60'	DATE 01/09/2020	TAX MAP 332-7.00
JOB NO. 20001	DRAWN BY MPB	PARCEL 22.00

NOTES
1. Deed Ref.: 4018/198
2. Plat Ref.: N/A
3. Owner of Record: Cathell Family, LLC
3510 Yacht Club Rd.
Eden, MD 21822

March 15, 2020

Received 3/17/20

Michael H. Vincent, Council President
Samuel R. Wilson Jr.
Irwin G. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, DE 19947

RECEIVED

MAR 18 2020

SUSSEX COUNTY
PLANNING & ZONING

Dear Council Members:

We are the partners of HKLS, LLC, located on the Southwest corner of Plantations Rd and Cedar Grove/Postal Lane intersection. We are writing in support of the Change of Zone Density application number C/Z 1907 & C/U 2209, made by Matthew C. Here for parcel #334-6.00-686.00, because we believe the zoning change would allow for needed affordable housing to be built and benefit local residents.

We respectfully submit our support for approval of this rezoning application.

Sincerely,



Kenneth K. Martin
On behalf of HKLS partners, LLC



Sherri S. Martin

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on both US Route 9 and Fisher Road. By this regulation, the dedication is to provide a minimum of 50 feet from the physical centerline of US Route 9 and 30 feet of right-of-way from the physical centerline of Fisher Road. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**

Additional right-of-way along both roadways was dedicated to DelDOT back in 2012. An additional dedication along US Route 9 is anticipated as part of the planning of the property.

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on both roads. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."**

Understood

- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, DelDOT may require developments in Level 3 and 4 Areas to install a sidewalk or Shared Use Path along their frontage. DelDOT anticipates requiring a Shared Use Path along US Route 9 and Fisher Road.

Understood

- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.

Understood

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether turning lanes are warranted at the site entrance, if a new entrance is proposed and how long the lanes should be at the existing entrances. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. Because of the proximity of the Route 9 entrance to the Fisher Road intersection and the limited space available to accommodate westbound left turns into the site, DelDOT anticipates requiring that that movement be served by the Fisher Road entrance.

Will Comply

and services that are part of the community in scale. Additionally, the nearest residential development (Shoreview Woods Development) which is across the road as well as the Coolspring Developments further east on Fisher Road will benefit in that the subject property is not adjacent to their development but close enough to serve the residences with future services without them having to travel farther distances];

- c. Engage in planning that considers the efficient location of public services and infrastructure while establishing future public sewer service areas that will help preserve open space by promoting orderly growth rather than unplanned sprawl – [this property is located along US Route 9 with access to both Artesian water and sanitary sewer as well as access to a major roadway systems that's east and west to Lewes and Georgetown. This property in this location with a commercial zoning, will prohibit any unplanned sprawl that the Comprehensive Plan is discouraging];
- d. Coordinate with DelDOT on road improvements and other transportation projects – [the property owners have already worked with DelDOT in the dedication of additional right-of-way along US RT 9 and Fisher Road that was part of the intersection improvements that was constructed back in 2018. The Developers will work with DelDOT to allow for a shared cross access easement within the property that will promote interconnection to adjacent properties. Although a TIS was not required as a part of this application, the Developers will have to provide future Transportation Improvements to the adjacent roadways during the future planning of the commercial development. In addition, future connection to the rails to trails pedestrian path along the existing railroad tracks along the rear of the property will be coordinated with DelDOT. DART Bus Shelter will be required for this project. Since US 9 is a principal arterial and an important freight corridor, setbacks will be increased to allow for future capacity in the form of additional right-of-way dedication; permanent easements and additional stormwater management setbacks. Intersections and commercial entrances will be consolidated to reduce access

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date May 14, 2020.

Application: (CZ 1904) Dry Acres, LLC

Applicant: Jill A. Cicierski
16808 Gravel Hill Road
Milton, DE 19968

Owner: Dry Acres, LLC
16973 Island Farm Lane
Milton, DE 19968

Site Location: Located on the southwest corner of the intersection of U.S. Route 9 and Fisher Road (S.C.R. 262).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Commercial District (C-2)

Comprehensive Land
Use Plan Reference: Low Density Area

Councilmatic
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Milton Fire District

Sewer: Private, On-Site

Water: Private, On-Site

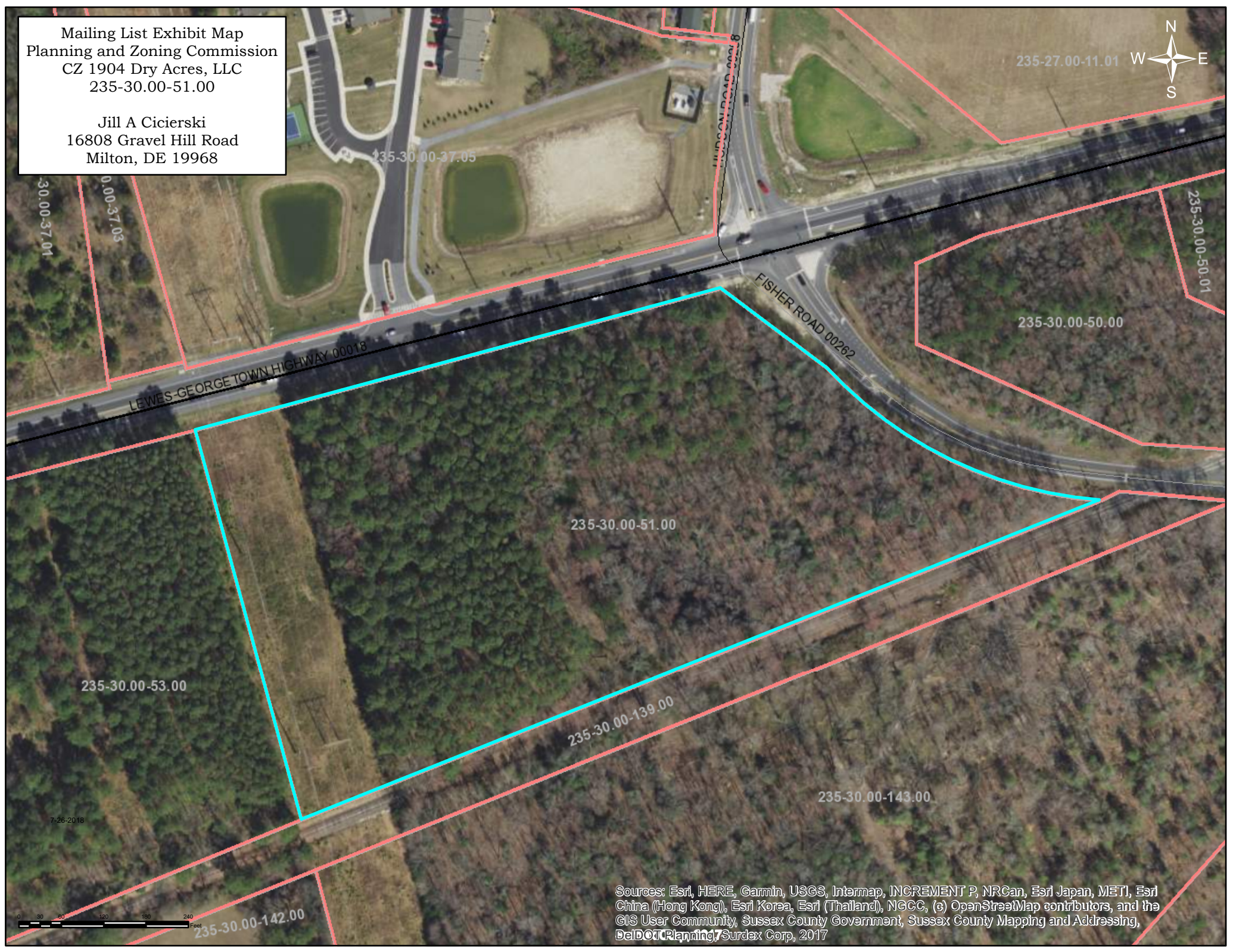
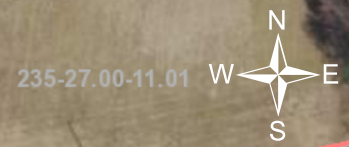
Site Area: 10.88 acres +/-

Tax Map ID.: 235-30.00-51.00



Mailing List Exhibit Map
Planning and Zoning Commission
CZ 1904 Dry Acres, LLC
235-30.00-51.00

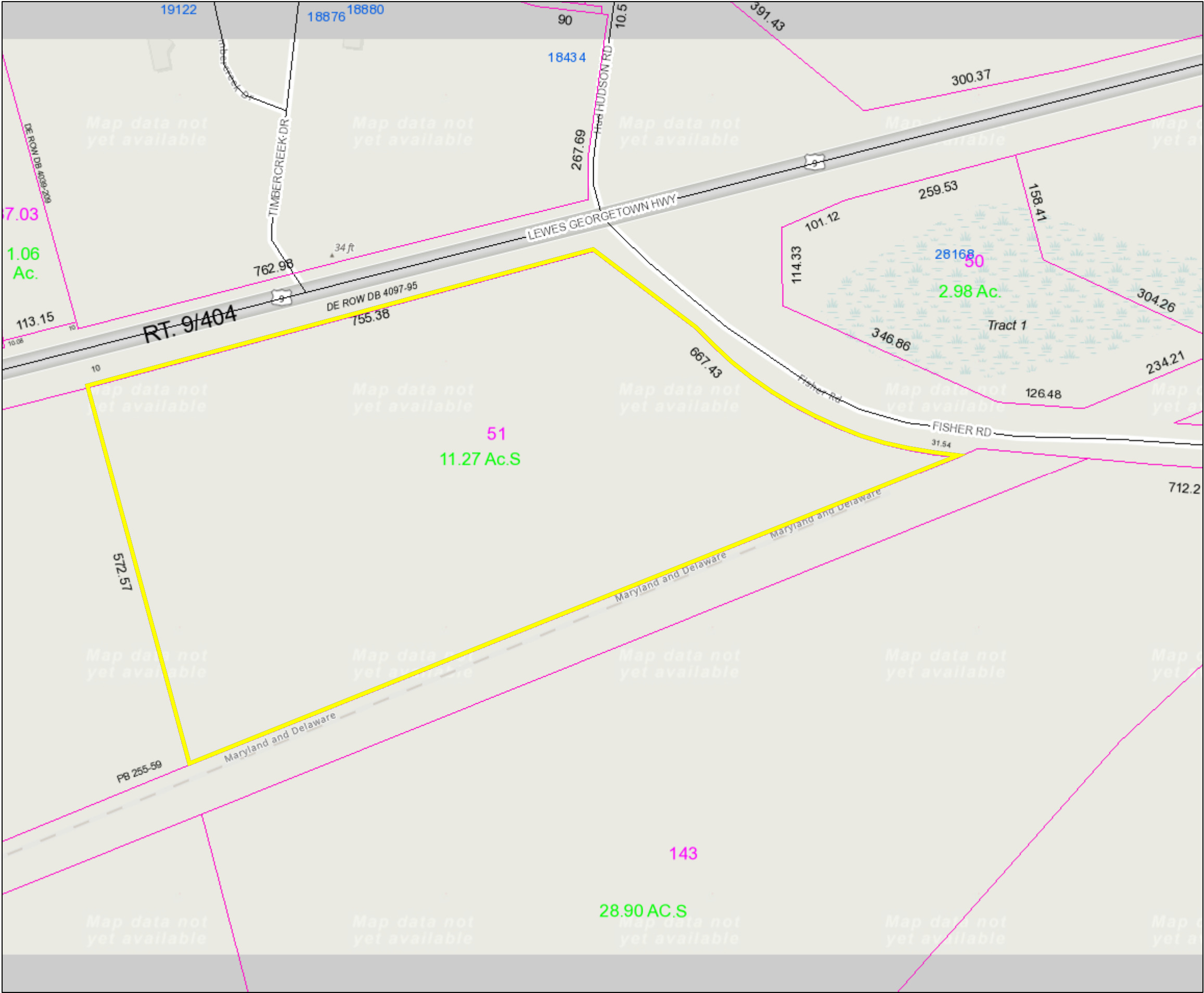
Jill A Cicierski
16808 Gravel Hill Road
Milton, DE 19968



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government, Sussex County Mapping and Addressing, DelDOT Planning, Surdex Corp, 2017



Sussex County

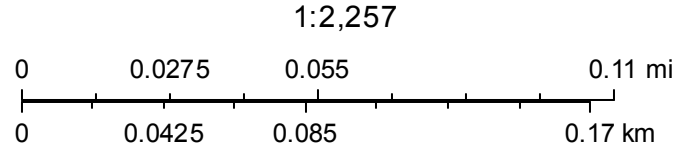


PIN:	235-30.00-51.00
Owner Name	DRY ACRES LLC
Book	3802
Mailing Address	16793 ISLAND FARM LN
City	MILTON
State	DE
Description	RD 18
Description 2	FX
Description 3	N/A
Land Code	

- polygonLayer

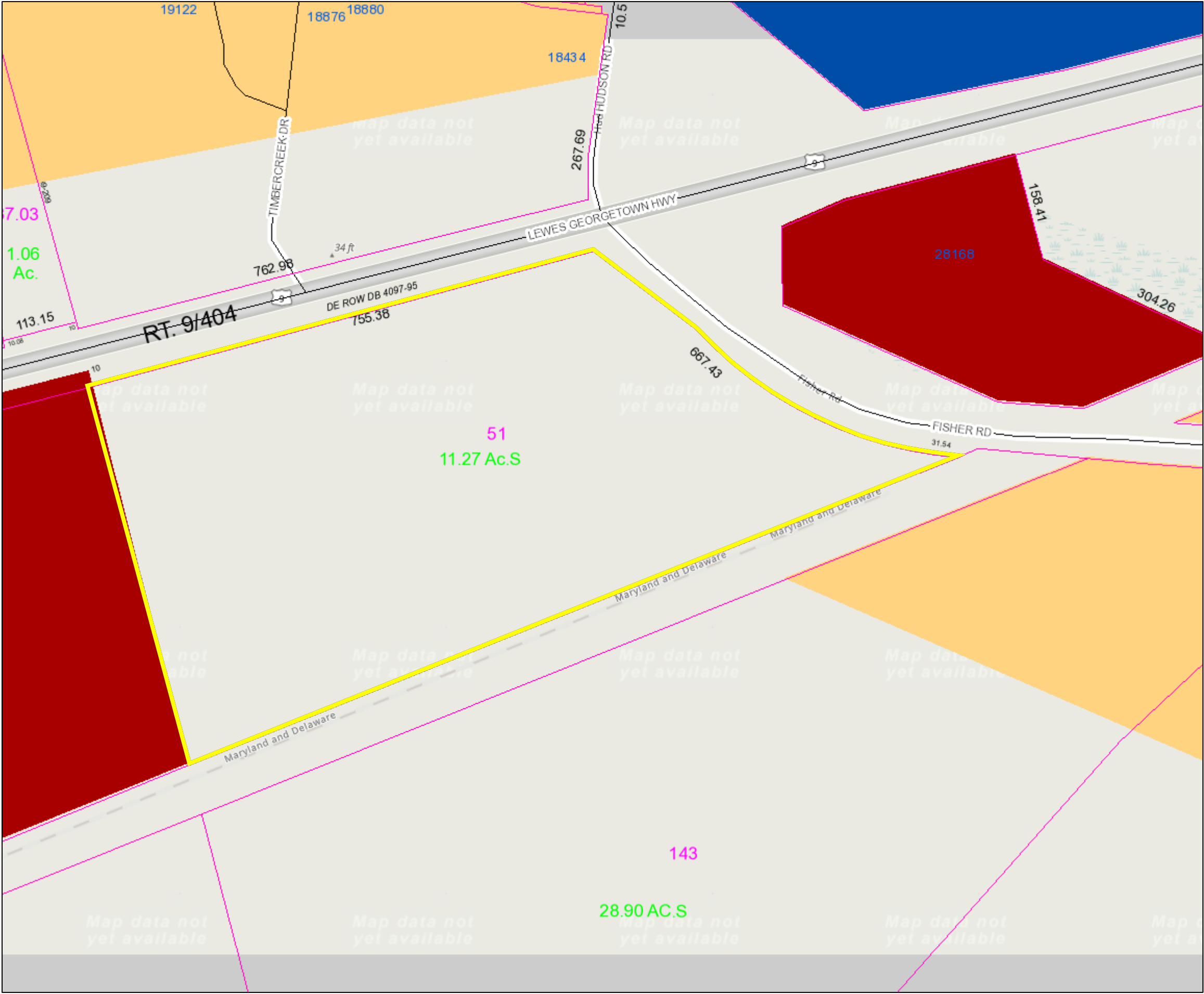
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- polygonLayer

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





Sussex County

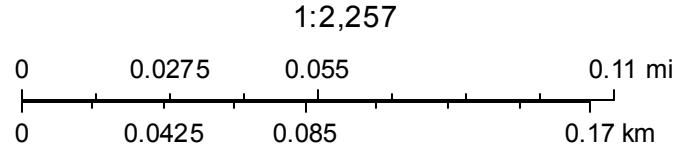


PIN:	235-30.00-51.00
Owner Name	DRY ACRES LLC
Book	3802
Mailing Address	16793 ISLAND FARM LN
City	MILTON
State	DE
Description	RD 18
Description 2	FX
Description 3	N/A
Land Code	

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets



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



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, Director of Planning & Zoning
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 8, 2020
RE: Staff Analysis for CZ 1904 Dry Acres, LLC (Jill Cicierski)

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1904 Dry Acres, LLC (Jill Cicierski) to be reviewed during the May 14, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that this application was heard by the Commission at its meeting of January 23, 2020. To ensure that the all required noticing for the application has been undertaken, this application has been re-noticed and is being heard by the Commission again at its May 14, 2020 meeting.

The request is for a Change of Zone for parcel 235-30.00-51.00 to facilitate a change from the Agricultural Residential Zoning District (AR-1) to a Medium Commercial Zoning District (C-2) and is located on the southwest corner of the intersection of Lewes-Georgetown Hwy. (Rt. 9) and Fisher Rd. The size of the property is 10.88 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of "Low Density." This designation applies to the entire parcel.

The parcels to the north and south are designated on the Future Land Use Map as "Low Density Areas". The surrounding land use to the east and west is designated "Existing Development Area". Low Density Areas primarily recognize businesses that support agricultural activities and the development of single-family homes. The focus of retail and office uses in Low Density Areas should be for providing convenience goods and services to nearby residents. It also recognizes that commercial uses should be limited in location, size, and hours of operation and that intense uses should be avoided. The Existing Development Area recognizes that a range of housing types and uses in the neighborhood business and commercial districts are permitted.

Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan states that the Medium Commercial (C-2) Zoning District may be considered as appropriate in "Low Density" Areas.



The property is zoned AR-1 (Agricultural Residential District). The surrounding parcels are zoned both AR-1 (Agricultural Residential District) and CR-1 (Commercial Residential District).

Since 2011, there has been three (3) Change of Zone applications in the vicinity of the application site; including, Change of Zone No. 1773 which was approved for AR-1 to CR-1 by Sussex County Council on May 21, 2015, Change of Zone No. 1812 which was approved for AR-1 to CR-1 by Sussex County Council on February 23, 2017, and Change of Zone No. 1866 which was approved for AR-1 to I-1 by Sussex County Council on January 24, 2019.

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Medium Commercial (C-2), could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: 021904
201911187

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use ☐

Zoning Map Amendment ☒

Site Address of Conditional Use/Zoning Map Amendment

Southwest corner of the intersection of US Route 9 and Fisher Road (Sussex Road 262)

Type of Conditional Use Requested:

Tax Map #: 235-30.00-51.00 Size of Parcel(s): 10.88-11.27 acres

Current Zoning: AR-1 Proposed Zoning: C-2 Size of Building: Total 75,000sf

Land Use Classification: Low Density/Adjacent to Existing Developing Area/ level 3 (Adj to level 2)

Water Provider: Artesian Sewer Provider: Artesian

Applicant Information

Applicant Name: Jill A. Cicierski
Applicant Address: 16808 Gravel Hill Road
City: Milton State: DE Zip Code: 19968
Phone #: 302-841-2282 E-mail: allamericanbuildingconcepts@gmail.com

Owner Information

Owner Name: Dry Acres LLC
Owner Address: 16973 Island Farm Lane
City: Milton State: DE Zip Code: 19968
Phone #: 302-438-5366 E-mail: thom500@yahoo.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Mark H. Davidson
Agent/Attorney/Engineer Address: Pennoni - 18972 Davidson Drive
City: Milton State: DE Zip Code: 19968
Phone #: 302-684-8030 E-mail: mdavidson@pennoni.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

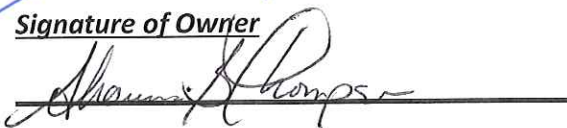
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 9-30-19

Signature of Owner



Date: 9/30/19

For office use only:

Date Submitted: 9/30/19

Staff accepting application: JN

Location of property: _____

Fee: \$500.00 Check #: 1148

Application & Case #: 22911187

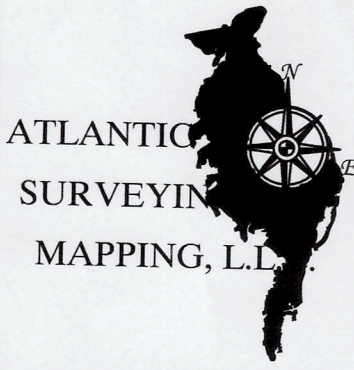
Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____



P.O. BOX 247
HARBESON, DE 19951
PH. 302-684-2924



BOUNDARY SURVEY PLAN:
Lands n/f Dry Acres LLC
Broadkill Hundred, Sussex County, Delaware
Deed Ref: 3802/102, TM 235-30.00-51.00

Project:

Revisions:

Surveyed By: V. Walsh, PLS
Prepared By: P.E.L.
Checked By: M.J.
Project #: A181103
Client: Dry Acres, LLC

No recorded or non-recorded rights-of-way, easements or other encumbrances affecting these lands have been provided to Compass Point Associates by the Client. No warranty as to title to any lands depicted hereon is explicitly or implicitly provided.

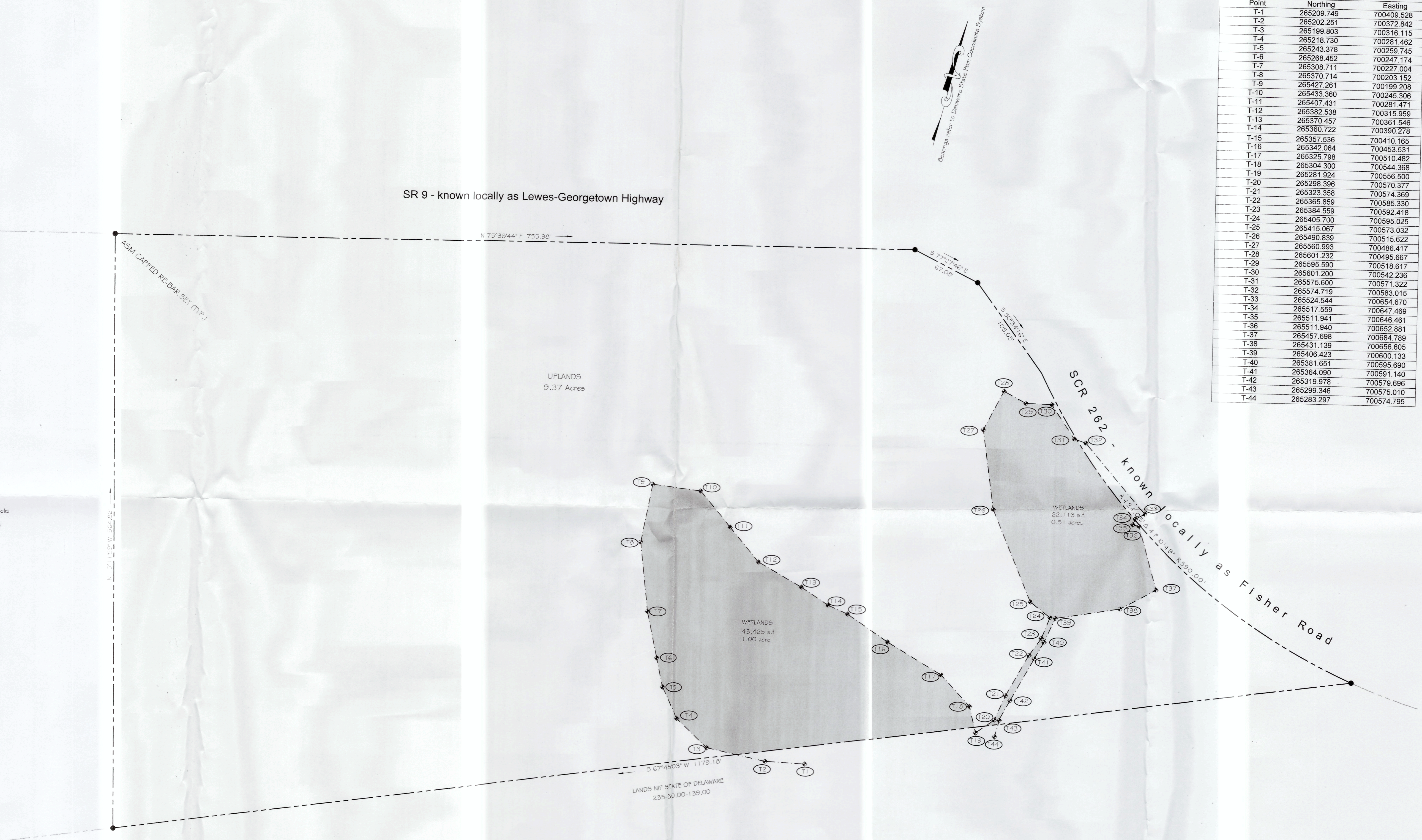
Date:
12/14/2018

Scale:
As Shown

Sheet 1 of 1

WETLANDS COORDINATE POINTS

Point	Northing	Easting
T-1	265209.749	700409.528
T-2	265202.251	700372.842
T-3	265199.803	700316.115
T-4	265218.730	700281.462
T-5	265243.378	700259.745
T-6	265268.452	700227.174
T-7	265308.711	700223.152
T-8	265370.714	700199.208
T-9	265427.261	700199.208
T-10	265433.360	700245.306
T-11	265407.431	700281.471
T-12	265382.538	700315.959
T-13	265370.457	700361.546
T-14	265360.722	700390.278
T-15	265357.536	700410.165
T-16	265342.064	700453.531
T-17	265326.798	700544.368
T-18	265304.300	700550.500
T-19	265281.924	700570.377
T-20	265298.396	700574.369
T-21	265323.358	700585.330
T-22	265365.859	700592.418
T-23	265384.559	700595.025
T-24	265405.700	700573.032
T-25	265415.067	700486.417
T-26	265490.839	700495.667
T-27	265560.993	700518.617
T-28	265601.232	700542.236
T-29	265595.590	700571.322
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T-31	265574.719	700646.461
T-32	265524.544	700652.881
T-33	265517.559	700684.789
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T-35	265511.940	700600.133
T-36	265457.698	700595.690
T-37	265431.139	700591.140
T-38	265406.423	700579.696
T-39	265381.651	700575.010
T-40	265364.090	700574.795
T-41	265319.978	
T-42	265299.346	
T-43	265283.297	
T-44		



WETLAND DELINEATION CERTIFICATION

I, Theodore L. Mercer, Jr., Wetlands Delineator, do hereby state to the best of my professional judgement that the information contained within this report has been prepared with acceptable environmental research methods, is true and correct, and has been prepared in accordance with the U.S. ARMY CORPS OF ENGINEERS WETLANDS MANUAL (1987), the DNREC WETLANDS ACT OF 1973, and the regulations governing the use of subaqueous lands in accordance with the provisions of 7 DEL.7212.

Theodore L. Mercer, Jr., Wetlands Delineator

Date

PLAZA NINE JILL A. CICIERSKI | DRY ACRES, LLC

CASE NO. CZ 1904

ZONING MAP AMENDMENT FROM AR-1 TO C-2

OWNER:

Dry Acres, LLC
16973 Island Farm Lane
Milton, DE 19968

DEVELOPER:

Jill A. Cicierski
16808 Gravel Hill Road
Milton, DE 19968

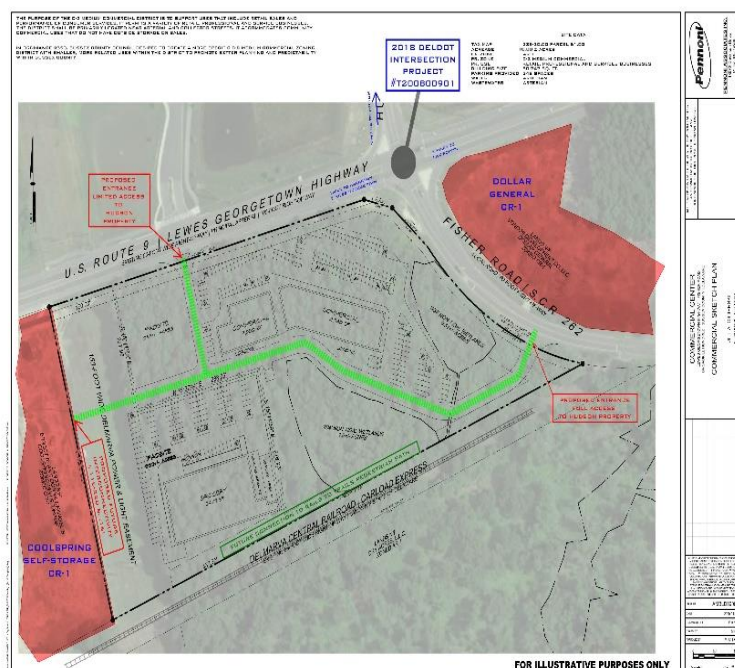
PLANNER/ENGINEER/SURVEYOR:

PENNONI
18072 DAVIDSON DRIVE
MILTON, DE 19968
MARK H. DAVIDSON, PRINCIPAL LAND PLANNER
ALAN DECKTOR, PE., ENV SP
JOHN W. HAUPT, PLS

ENVIRONMENTAL:

PENNONI & ACCENT ENVIRONMENTAL
WILLIAM J. GANGLOFF, PhD. PROFESSIONAL SOIL SCIENTIST

THEODORE L MERCER, JR.,
WETLANDS DELINEATOR



FOR ILLUSTRATIVE PURPOSES ONLY

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- PURCHASE AGREEMENT
- SLER

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- STATE COMMENTS & PENNONI RESPONSE

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- SC ZONING MAP
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- 2019 AERIAL, 2017, 2012, 2007, 2002, 1997, 1992, 1968, 1961, 1954, AND 1937 ORTHO - 2015 STATE STRATEGIES, COUNTY ZONING, 2012 LAND USE, NRCS SOILS, STATE WETLANDS, FEMA FLOODPLAIN, GROUNDWATER RECHARGE, USGS TOPOGRAPHIC AND AREA COMMERCIAL USES MAP

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- FINDINGS OF FACT.



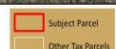
Figure 1 of 20.

20

2019 Aerial Image

Dry Acres, LLC

AMBLD19001



Date: 5/12/2020

Document Path: C:\Users\AMH\Documents\GIS Projects\AMBLD19001\02_2019 Aerial Image.mxd

Mark H. Davidson / Vice President

Principal Land Planner/Office Director

EDUCATION

University of Delaware; Civil Engineering,
(1986-1990)

Land Surveying, Delaware Technical &
Community College (1984-1986) and
Wastewater Microbiology Diploma
(1997)

Land Planning, Institute for Public
Administration (2006)

CERTIFICATIONS

DNREC Class A Percolation Tester & Class
B Septic Designer, (DE #2418)

Sediment & Stormwater Management,
Responsible Personnel, DE (#8760) and
MD (#4914)

DNREC Certified Construction Reviewer:
DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal
Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware
(2002)

Land Conservation and Historic
Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni
(2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling
Association

Delaware Onsite Wastewater Recycling
Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

Association of Professionals
Philanthropy, Brandywine Chapter
Fundraising Nominee (2014)

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

Mark H. Davidson serves as Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 33-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

Mark is a past director of the Delaware Onsite Wastewater Recycling Association as well as a member of the American Planning Association, American Institute of Certified Planners and has served in the past as a committee member of Delaware Low Impact Development Roundtable Committee, Delaware Pollution Control Strategy Committee, Delaware Sediment & Stormwater Regulatory Advisory Committee, and the Delaware Technical & Community College A/E Curriculum Committee. He was also nominated for the Brandywine Chapter Association of Fundraising Professionals Philanthropy Award and has won the BNI Notable Networker Award.

Along with all the experience and education stated and with many years of combined experience in Surveying, Engineering, Consulting and Land Planning, he has been responsible for providing consulting, layout and design in surveying, engineering and land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware, Maryland, Virginia and West Virginia. He has project managed, studied, planned, surveyed, designed and engineered sustainable, master-planned communities, commercial and urban redevelopment projects, and the public infrastructure that supports them.

Mark has provided nationwide land planning consulting services to a variety of clientele to help coordinate project startups as well as final construction consulting services when it came to commercial, residential, industrial, municipal, educational and community land planning. Provided additional consulting in civil/site engineering, stormwater management, erosion and sediment control, wastewater collection and disposal, transportation, and environmental. Market areas practiced; Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, North Dakota, Puerto Rico, Canada and Panama.

Additional Project experience includes cutting edge design and technology as well as value engineering to help clients through the ever-changing market including but not limited to solar voltaic and wind generation projects.

He was currently appointed by the Secretary of DNREC to serve 3-years on the On Site Septic Advisory Board for the State of Delaware.

File #: C21904
201911187

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use ☐

Zoning Map Amendment ☒

Site Address of Conditional Use/Zoning Map Amendment

Southwest corner of the intersection of US Route 9 and Fisher Road (Sussex Road 262)

Type of Conditional Use Requested:

Tax Map #: 235-30.00-51.00 Size of Parcel(s): 10.88-11.27 acres

Current Zoning: AR-1 Proposed Zoning: C-2 Size of Building: Total 75,000sf

Land Use Classification: Low Density/Adjacent to Existing Developing Area/level 3 (Adj to level 2)

Water Provider: Artesian Sewer Provider: Artesian

Applicant Information

Applicant Name: Jill A. Cicierski
Applicant Address: 16808 Gravel Hill Road
City: Milton State: DE Zip Code: 19968
Phone #: 302-841-2282 E-mail: allamericanbuildingconcepts@gmail.com

Owner Information

Owner Name: Dry Acres LLC
Owner Address: 16973 Island Farm Lane
City: Milton State: DE Zip Code: 19968
Phone #: 302-438-5366 E-mail: thom500@yahoo.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Mark H. Davidson
Agent/Attorney/Engineer Address: Pennoni - 18972 Davidson Drive
City: Milton State: DE Zip Code: 19968
Phone #: 302-684-8030 E-mail: mdavidson@pennoni.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ Completed Application

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

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

☒ Provide Fee \$500.00

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

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

☒ DeDOT Service Level Evaluation Request Response

☒ PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Date: 9-30-19

Signature of Owner

Date: 9/30/19

For office use only:

Date Submitted: 9/30/19

Fee: \$500.00 Check #: 1148

Staff accepting application: JN

Application & Case #: 201911187

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

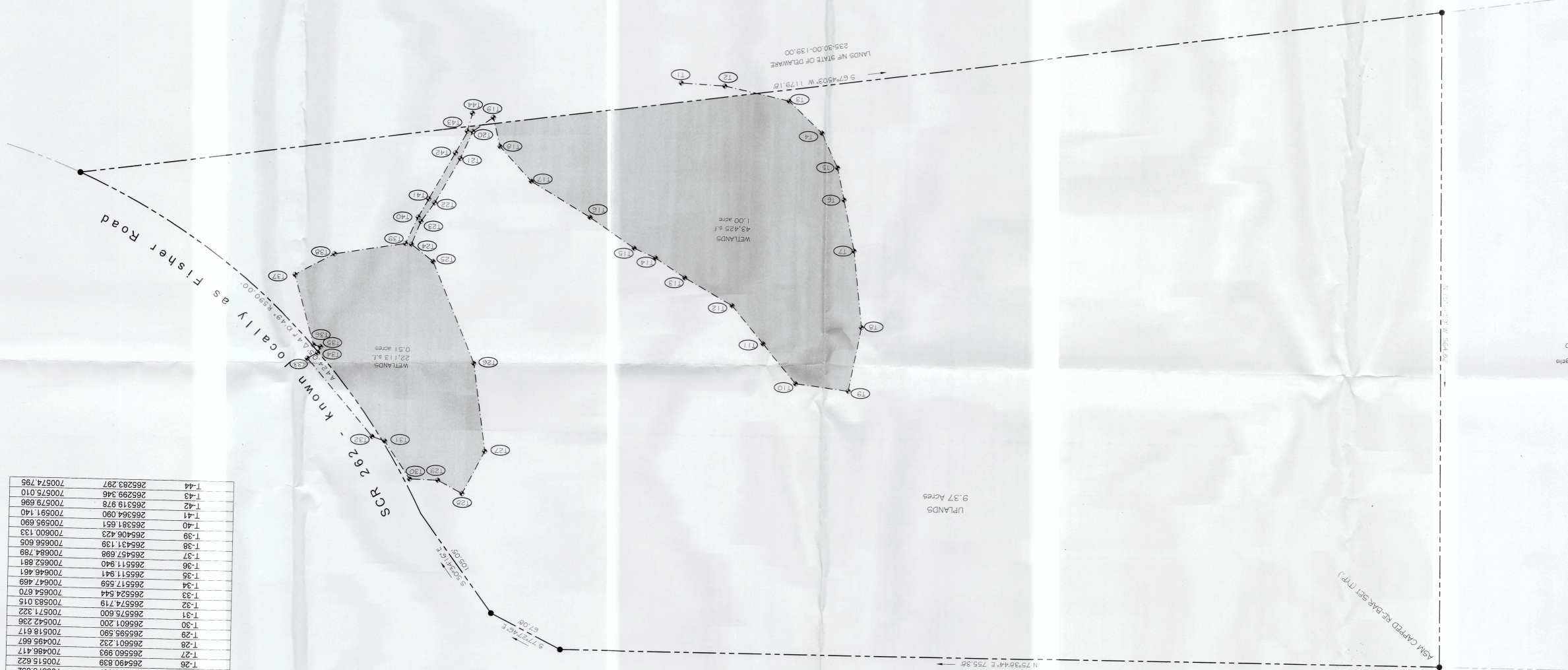
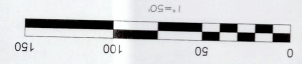
Decision of CC: _____

I, Theodore L. Mercer, Jr., Wetlands Delineator, do hereby state to the best of my professional judgement that the information contained within this report has been prepared with acceptable environmental research methods, is true and correct, and has been prepared in accordance with the U.S. ARMY CORPS OF ENGINEERS WETLANDS MANUAL (1987), the DNREC WETLANDS ACT OF 1973, and the regulations governing the use of subaqueous lands in accordance with the provisions of 7 DEL.2212.

Theodore L. Mercer, Jr., Wetlands Delineator

Date

WETLAND DELINEATION CERTIFICATION



Point	Nothing	Easting
T-1	265209.749	700409.528
T-2	265202.251	700372.842
T-3	265199.803	700316.115
T-4	265218.730	700281.462
T-5	265243.378	700259.745
T-6	265268.452	700247.174
T-7	265305.452	700227.004
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T-35	265511.941	700646.461
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T-39	265406.423	700600.133
T-40	265381.651	700585.690
T-41	265364.090	700591.140
T-42	265319.978	700579.696
T-43	265299.346	700575.010
T-44	265283.297	700574.795

Bearings refer to Delaware State Plane Coordinate System

Lands of
Ernest & Dora DeAngelo
3026056
235-30.00-53.00

ASM CAPED RELEASE SET (MP)
N 10° 1' 10" W 554.00'

UPLANDS
9.37 Acres

WETLANDS
43.425 ± ±
1.00 Acre

WETLANDS
22.113 ± ±
0.51 Acres

known locally as Fisher Road
known locally as SR 9 - known locally as Lewes-Georgetown Highway

Revisions
Scale: As Shown
Date: 12/14/2018
No recorded or non-recorded right-of-way, easements or other encumbrances affecting these lands have been provided to compare Point Associates by the Client. No warranty is made as to any lands depicted hereon is explicitly or implicitly provided.

Surveyed By: V. Wach, PLS
Checked By: M.J.
Project #: A181103
Client: Dry Acres, LLC

Project:
BOUNDARY SURVEY PLAN:
Lands of Dry Acres LLC
Broadkill Hundred, Sussex County, Delaware
Deed Ref: 3802/102, TM 235-30.00-51.00

Professional seal
P. O. BOX 247
HARRINGTON, DE 19951
PH. 302-684-2924
MAPPING, L.L.C.
SURVEYING
ATLANTIC

DESCRIPTION

The following is a Description of lands now or formerly of Dry Acres LLC, said lands being situate in Broadkill Hundred, Sussex County, Delaware and being bounded on the north by State Route 9 – known locally as, and hereafter referred to as Lewes-Georgetown Highway, on the east by Sussex County Route 262 – known locally as, and hereafter referred to as Fisher Road, on the south by lands now or formerly of the State of Delaware, and on the west by lands now or formerly of Ernest and Donna DeAngelis, said Dry Acres LLC and said lands being more particularly described as follows, to wit:

BEGINNING, for the purpose of this Description, at the common boundary corner of these lands and lands of Ernest and Donna DeAngelis, abovementioned, said Beginning point being on the southerly right of way line of the Lewes-Georgetown Highway, abovementioned; thence by and with the said southerly right of way line of the Lewes-Georgetown Highway North 75 degrees 38 minutes 44 seconds East 755.38 feet to a corner cut connecting the said southerly right of way line of the Lewes-Georgetown Highway with the westerly right of way line of Fisher Road, abovementioned; thence by and with said corner cut South 77 degrees 27 minutes 46 seconds East 67.08 feet; thence by and with said westerly right of way line of Fisher Road South 50 degrees 34 minutes 16 seconds East 105.05 feet; thence continuing with the said westerly right of way line of Fisher Road 424.05 feet by and with the arc of a curve to the left whose radius is 590.00 feet and whose central angle is 41 degrees 10 minutes 49 seconds, to lands now or formerly the State of Delaware, abovementioned; thence by and with said lands now or formerly of the State of Delaware South 67 degrees 45 minutes 03 seconds West 1179.18 feet to the common boundary corner of these lands and lands now or formerly of Ernest and Donna DeAngelis, abovementioned; thence by and with the common boundary line of these lands and said lands or formerly of Ernest and Donna DeAngelis North 51 degrees 11 minutes 59 seconds West 564.82 feet to the Beginning and containing 10.88 acres, more or less.

Project No.	T200800901
Tax Parcel No.	2-35-30.00-51.00
Project Parcel No.	10-R

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
REAL ESTATE SECTION

COPY

PURCHASE AGREEMENT

THIS PURCHASE AGREEMENT (hereinafter "Agreement") is made as of this 4th day of June, 2012 by and between Dry Acres, LLC (hereinafter "Owner") and the Department of Transportation of the State of Delaware (hereinafter "DelDOT").

WHEREAS, DelDOT has a transportation public use project with a State Project No. of T200800901 and an F.A.P. Project No. of ESTP-S999(88) (hereinafter "Project"); and

WHEREAS, the Owner is vested with the fee simple title to the property required for the Project, said property is identified as Project Parcel No. 10-R on the Project's Plan Sheet No(s). 15, 16, 17, 18 and 34 and further as County Tax Parcel No. 2-35-30.00-51.00, with a street address of on the southwest corner of Lewes Georgetown Highway and Fisher Road (hereinafter "Property"); and

WHEREAS, DelDOT is an agency of the State of Delaware with the authority to acquire real property for use in transportation projects or programs through eminent domain proceedings; and

WHEREAS, DelDOT wishes to acquire a portion of the Parcel and, if unsuccessful in acquiring such portion by purchase, will institute condemnation proceedings to acquire such portion.

NOW THEREFORE, in consideration of the promises and mutual covenants herein contained, the Owner, his/her/its heirs, executors, administrators, successors or assigns, and DelDOT do agree as follows:

1. Owner hereby agrees to sell, and DelDOT agrees to purchase in fee simple, the Property consisting of the following: A Fee Acquisition 1 consisting of approximately 7,455.9515 square feet (0.1712 acres), Fee Acquisition 2 consisting of approximately 4,033.8566 square feet (0.0926 acres) and the underlying Fee of Existing Daylight Easement consisting of approximately 1,008.4857 square feet (0.0232 acres) and all damages incident thereto. This sale includes all rights, title and interest, if any, of the Owner in and to any land lying in the bed of any street, road or avenue opened or proposed to the centerline thereof.
2. DelDOT will pay to the Owner the sum of Ten Thousand Nine Hundred Dollars (\$10,900.00) as the full purchase price of the Property.

3. Final settlement for the purchase of the Property shall be held within ninety (90) days from the date of this Agreement. However, DelDOT reserves the right to extend the settlement date if additional time is needed, through no fault of DelDOT in order to obtain clear title to the Property under Paragraph 7 of this Agreement. The Owner shall receive notice of the time and place of settlement.
4. Any written notice shall be directed to the Owner at

16793 Island Farm Lane
Milton, DE 19968
Attn.: Shauna Thompson;
Telephone: 302-684-3901

Any notice to be given to DelDOT will be mailed to:
State of Delaware
Department of Transportation
Attention: Ida J. Parrett
Real Estate Section
P.O. Box 778
Dover, Delaware 19903

All written notices shall be given by first class mail and shall be effective upon posting.

5. Municipal, county and school taxes will be prorated and paid at settlement when such proration equals \$20.00 or more. Water rent, sewer service and heating fuel will be prorated and paid only in cases where acquisition includes the structures serviced by such utilities and such proration equals \$20.00 or more.
6. In the event that the Property to be acquired is subject to a lease from the Owner to a third party, the Owner shall at the date of settlement deliver said Property free and clear of any leasehold interest, unless otherwise agreed in writing.
7. Good fee simple, marketable title shall be conveyed to the State of Delaware at DelDOT's expense. Title shall be free and clear of all liens or encumbrances of every description at or prior to settlement, unless otherwise agreed in writing. Owner represents and warrants to DelDOT that the Owner is the only fee simple title owner of the Property.
8. ~~If this Agreement is for the acquisition of land only, DelDOT shall have the right of immediate entry upon said land for the purpose of construction of a State highway. The Owner hereby waives the right to receive full payment prior to surrendering possession.~~
9. Possession of the Property shall be delivered by the Owner to DelDOT not later than the date of final settlement. All keys in the Owner's possession or under the Owner's control shall be delivered to DelDOT at settlement.
10. The Owner agrees to maintain the Property to be purchased hereunder in its condition as of the date of this Agreement, ordinary wear and tear excepted. DelDOT shall have the right to inspect the Property, including all improvements, fixtures, systems,

initial

machinery and equipment within 48 hours prior to settlement to determine that the Property is in the same condition as of the date of this Agreement. If there is a material change in the condition of any property being acquired, other than ordinary wear and tear, DelDOT reserves the right to renegotiate the purchase price to reflect the change in condition, or to extend the settlement date for a reasonable period of time until the Owner has returned the property being acquired to its condition on the date of this Agreement.

11. Any loss or damage to the Property by fire, windstorm or other casualty prior to settlement shall be borne by the Owner. Risk of loss or damage to the Property shall pass to DelDOT from the Owner at the time of final settlement or date of possession, whichever is earlier.
12. Owner shall not, during the terms of this Agreement, grant, convey, encumber or option the Property or any part thereof to any person, firm or association without the prior written consent of DelDOT.
13. This Agreement shall constitute the entire contract between DelDOT and the Owner, and no modification shall be binding on either party unless reduced to writing and signed by and on behalf of the Owner and by and on behalf of DelDOT.
14. As used herein, the singular terms shall include the plural, and the plural terms shall include the singular; male shall include female.
15. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their heirs, executors, administrators, successors or assigns.

[Signature Page Follows.]

IN WITNESS WHEREOF, the parties hereunto have set his/her/its hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Dry Acres, LLC

Shawn Thompson
Witness

Mark Bonk (SEAL)
Mark Bonk, President

Witness

(SEAL)

Witness

(SEAL)

Witness

(SEAL)

FOR DEPARTMENT OF TRANSPORTATION USE ONLY
DO NOT WRITE BELOW THIS LINE

DEPARTMENT OF TRANSPORTATION

Approved this _____ day of _____, 20____, A.D.

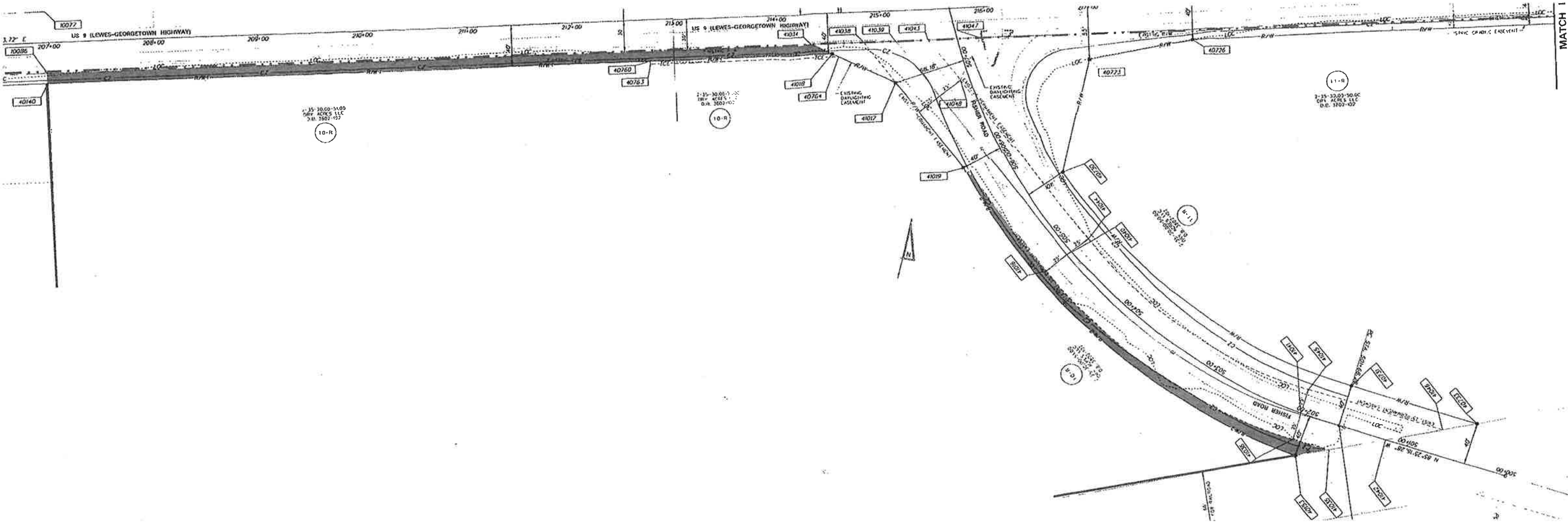
Lana Parrett
Witness

BY:

Ida J. Parrett (SEAL)

TITLE: Real Estate Representative

HSIP SUSSEX COUNTY US 9 PROJECTS	CONTRACT	BRIDGE NO.	RIGHT OF WAY PLAN	SHEET NO.
	T200800901			15
	COUNTY	DESIGNED BY: J.L.R.		TOTAL SHTS.
	SUSSEX	CHECKED BY: C.L.G.		41

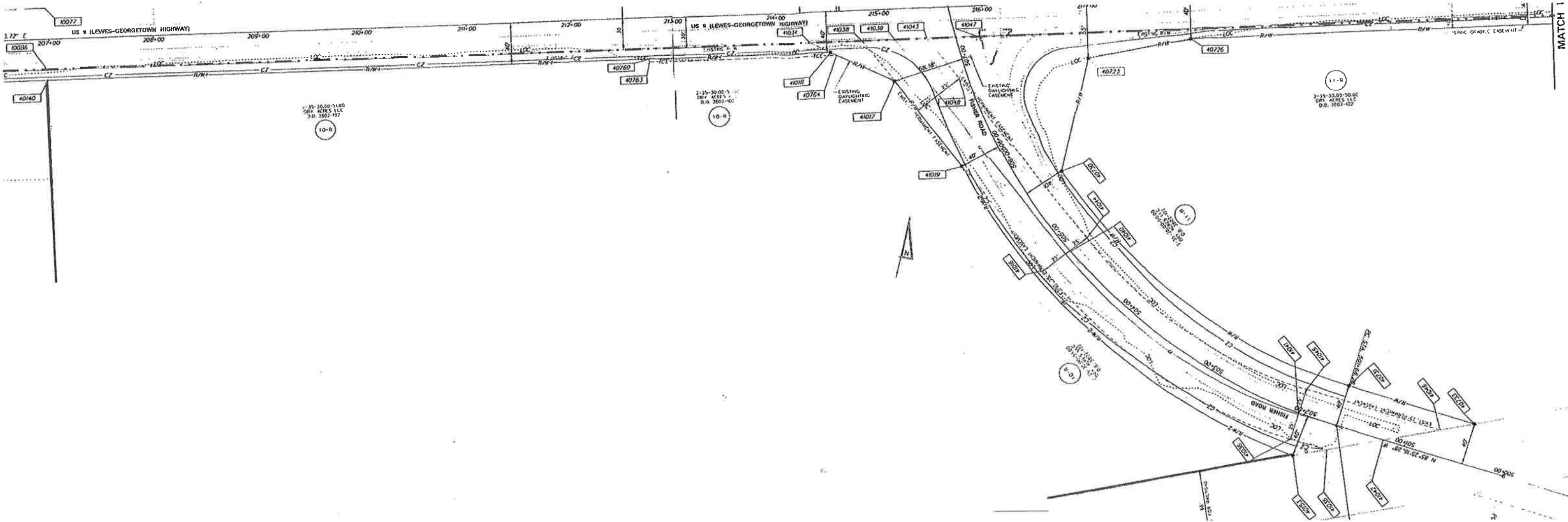


ASSESSMENT NUMBER		OWNERSHIP OF RECORD					TYPE OF ACQUISITION		TITLE SOURCE		PARCEL AREA (ACRES)		
2-35-30.00-51.00		(10-R) DRY ACRES LLC					FEE 1		3802-102		42.400		
ALIGNMENT NUMBER & DESCRIPTION:		2 - US 9 (LEWES-GEORGETOWN HIGHWAY)											
PT. NO.	ALIGN. NO.	STATION	OFFSET *	NORTH		EAST		BEARING	DISTANCE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	RADIUS **
40140	2	206+98.19	40.00	265521.1766	699646.7439		N 15°14'08.28" W		10.0012				
10085	2	206+98.03	30.00	265530.8262	699644.1157		N 75°38'43.72" E		735.8130				
41034	2	214+33.85	30.00	265713.2497	700356.9568		S 77°27'45.90" E		22.1089				
41018	2	214+53.36	40.00	265708.4505	700378.5385		S 75°38'43.72" W		755.3773				
40140	2	206+98.19	40.00	265521.1766	699646.7439								
FIGURE 155 AREA = 7455.9515 SQ. FT. (0.1712 ACRES)													

ASSESSMENT NUMBER		OWNERSHIP OF RECORD				TYPE OF ACQUISITION		TITLE SOURCE		PARCEL AREA (ACRES)	
2-35-30.00-51.00		(10-R) DRY ACRES LLC				FEE 2		3802-102		42.400	
ALIGNMENT NUMBER & DESCRIPTION: 5 - HUDSON/FISHER ROAD											
PT. NO.	ALIGN. NO.	STATION	OFFSET *	NORTH	EAST	BEARING	DISTANCE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	RADIUS **
41019	5	506+05.51	-40.00	265627.1888	700525.1608	S 50°34'16.31" E	131.4555				
41016	5	504+82.02	-30.16	265543.6789	700626.6990			S 67°59'46.39" E	289.5151	294.0267	-483.4001
41036	5	502+03.68	-26.19	265435.2069	700895.1256	S 85°25'16.94" E	34.8980				
41035	5	501+70.34	-25.00	265432.4211	700929.9122	S 67°46'18.48" W	31.5346				
41053	5	501+86.54	-40.00	265428.4917	700900.7211			H 81°10'30.99" W	438.6735	438.7108	590.0000
41019	5	506+05.51	-40.00	265627.1888	700525.1608						
FIGURE 175 AREA = 4033.8566 SQ. FT. (0.0926 ACRES)											

EXHIBIT 1

HSIP SUSSEX COUNTY US 9 PROJECTS	CONTRACT	BRIDGE NO.	RIGHT OF WAY PLAN	SHEET NO.
	T200800901			15
	COUNTY	DESIGNED BY: J.L.R.		TOTAL SHTS.
	SUSSEX	CHECKED BY: C.L.G.		41



ASSESSMENT NUMBER		OWNERSHIP OF RECORD				TYPE OF ACQUISITION		TITLE SOURCE		PARCEL AREA (ACRES)	
2-35-30.00-51.00		(10-R) DRY ACRES LLC				EXDE		3802-102		42.400	
ALIGNMENT NUMBER & DESCRIPTION: 2 - US 9 (LEWES-GEORGETOWN HIGHWAY), 5 - HUDSON/FISHER ROAD											
PT. NO.	ALIGN. NO.	STATION	OFFSET *	NORTH	EAST	BEARING	DISTANCE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	RADIUS **
41034	2	214+33.85	30.00	265713.2497	700356.9568	N 75°38'43.72" E	50.0000				
41038	2	214+83.85	30.00	265725.6458	700405.3958	S 50°34'15.77" E	49.9999				
41017	5	506+97.78	-68.18	265693.8898	700444.0164	N 77°27'46.11" W	89.1862				
41034	2	214+33.85	30.00	265713.2497	700356.9568						
FIGURE 176 AREA = 1008.4857 SQ. FT. (0.0232 ACRES)											

EXHIBIT 2



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

JENNIFER COHAN
SECRETARY

April 5, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Jill Cicierski** rezoning application, which we received on March 11, 2019. This application is for an 11.27-acre parcel (Tax Parcel: 235-30.00-51.00). The subject land is located on the southwest corner of the intersection of US Route 9 and Fisher Road (Sussex Road 262). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-3 (Heavy Commercial) to develop approximately 90,000 square feet of commercial space to include a business office, a retail plaza, a bank, and a restaurant.

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 and Delaware Route 1, are 14,696 and 18,914 vehicles per day, respectively. As the subject land also has frontage along Fisher Road, the annual average and summer average daily traffic volumes along that road segment, which is from Cool Spring Road (Sussex Road 290) to US Route 9, are 2,067 and 2,660 vehicles per day, respectively.

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



Ms. Janelle M. Cornwell
Page 2 of 2
April 5, 2019

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

Sincerely,

A handwritten signature in dark ink, appearing to read "T. William Brockenbrough, Jr.", followed by a small mark that looks like "for".

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Jill Cicierski, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance and Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

July 23, 2019

January 6, 2020

Ms. Constance C. Holland, AICP
Director, Office of State Planning Coordination
122 Martin Luther King, Jr. Blvd. South – Haslet Armory
Dover, Delaware 19901

Jill A. Cicierski
JC Reality, Inc.
16808 Gravel Hill Road
Milton, DE 19968

RE: PLUS review 2019-06-01; Plaza Nine

ADDITIONAL PLUS REVIEW RESPONSE FOR PLAZA NINE (CICIERSKI) LANDS

Dear Ms. Cicierski:

Dear Ms. Holland:

Thank you for meeting with State agency planners on June 26, 2019 to discuss the proposed plans for the Plaza Nine project. According to the information received you are seeking review of a site plan for a 90,000 square foot commercial center near the intersection of Route 9 and Fisher Road in Sussex County.

Pennoni is in receipt of your July 23, 2019 letter outlining the PLUS meeting that took place on June 26, 2019 with your office and several of the state agencies. We appreciate you accepting the application into the PLUS process and submit our response as an addition to the August 21, 2019 response provided to your office by the applicant, Ms. Jill Cicierski. The application you reviewed was for a rezoning to C-3 Heavy Commercial which is contrary at this time to how the 2019 Future Land Use Map has designated the use for this property. The Comprehensive Plan states that each land use proposal the County receives should be reviewed on its own merit to determine if the proposal is consistent and does not have a negative impact on the surrounding area or the County in general. The application submitted to the County is to rezone the property to C-2 Medium Commercial, which is an applicable zoning district per Table 4.5-2. Since the comprehensive plan is a guide for the future use of land, the County's official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan.

In Ordinance 2550, Sussex County Council desired to create a more specific C-2 Medium Commercial zoning district with smaller, more related uses within the District to promote better planning and predictability within Sussex County. The purpose of the C-2 Medium Commercial District is to support uses that include retail sales and performance of consumer services. It permits

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

a variety of retail, professional and service businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.

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

Understood.

Strategies for State Policies and Spending

This project is located in Investment Level 3 according to the Strategies for State Policies and Spending. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but may have priorities for the near future. Level 3 area means there may be environmental concerns on or near the parcel and we would encourage you to design the site with respect for the environmental features which are present.

The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 3. This area is intermingled within a fast-growing area within the county and is adjacent (just north of the property) to Level 2 areas. The priorities in the Level 3 Areas are for DelDOT to focus on regional movements between towns and other population centers. Developers and property owners will make local roadway improvements as development occurs. All infrastructure needs will be funded by the Developer. Additional public infrastructure that will benefit the community, such as, road improvements, utilities and access improvements will be paid for by the Developer. Consistent with the 2019 Comprehensive Plan's Future Land Use Chapter the County has considered the development along US 9 as a business corridor with a mix of residential and commercial uses that provide local residents with access to services they need. Local services would reduce travel to SR 1 for basic needs. The rezoning request is between US RT 9 and the Existing Railroad Tracks.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The proposed project is located or is adjacent to US Route 9/Lewes Georgetown Highway. This transportation corridor is part of the Federal Aid Primary Road System and is nominated as part of the Delaware Bayshore Byway Program. Accordingly, parts

of the subject development are subject to outdoor advertising regulations found in CFR 23 §131 and 17 Del. C. §1101-1120. Accordingly, the applicant should expect the following requirements or needs:

- No new billboards, variable message boards, or electronic changing message sign(s) anywhere within 660 feet of the closest right-of-way edge of Route 9.
- No off-premises advertising on the property for others within 660 feet of Route 9 e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.
- A standard Delaware Bayshore byway sign may be needed in public right ways as part of the entrance/development coordination review. Further needs would be determined during entrance plan submission and/or other applicable TIS studies.

For more information on the Byways program, please see

<http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=03d5049bc49041658cfecad5fd6ba8b9>.

The Property owner will work with DelDOT and the Bayshore Byway Program Committee in the development of the property.

- The site access on US Route 9 and on Fisher Road must be designed in accordance with DelDOT's Development Coordination Manual. A copy of the Manual is available at <http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>. .

Understood

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. If the County approves this rezoning, DelDOT will revisit the need for a TIS when a site plan is presented.

Understood

Preliminarily, however, DelDOT anticipates requiring the developer to provide a TIS for DelDOT's review and approval before receiving plan approvals. The purpose of a TIS is to identify off-site transportation improvements that the developer would be required to build or contribute toward. Without prejudging the results of the TIS, DelDOT anticipates requiring that the developer make improvements on Fisher Road and limit their access on US Route 9 to right turns in and out.

Will comply if requested during the design of the project.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on both US Route 9 and Fisher Road. By this regulation, the dedication is to provide a minimum of 50 feet from the physical centerline of US Route 9 and 30 feet of right-of-way from the physical centerline of Fisher Road. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**

Additional right-of-way along both roadways was dedicated to DelDOT back in 2012. An additional dedication along US Route 9 is anticipated as part of the planning of the property.

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on both roads. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."**

Understood

- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, DelDOT may require developments in Level 3 and 4 Areas to install a sidewalk or Shared Use Path along their frontage. DelDOT anticipates requiring a Shared Use Path along US Route 9 and Fisher Road.

Understood

- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.

Understood

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether turning lanes are warranted at the site entrance, if a new entrance is proposed and how long the lanes should be at the existing entrances. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. Because of the proximity of the Route 9 entrance to the Fisher Road intersection and the limited space available to accommodate westbound left turns into the site, DelDOT anticipates requiring that that movement be served by the Fisher Road entrance.

Will Comply

State Historic Preservation Office – Contact Carlton Hall 736-7404

- **There are no known archaeological sites, or known National Register-listed or eligible properties on the parcel.** However, the area has medium to high potential for prehistoric archaeological resources based on well drained soils adjacent to the wetlands on and near the project area. Therefore, the Delaware SHPO is recommending an archaeological survey of the project area.

Archeological Surveys were completed on several properties adjacent to this subject property as a part of the intersection improvements and additional property acquired for the intersection improvements. Nothing was found as a part of these surveys. This project is private, and no public investment is anticipated for the project. Rest assured that if any prehistoric archaeological resources are discovered during the planning, design and construction of the project, the developer will contact State Historic Preservation Office.

- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

Understood

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

Understood

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

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

Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for mercantile sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

The project will connect to Artesian Water distribution system that is currently located along the frontage of this property.

Fire Protection Features:

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

Accessibility

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

Gas Piping and System Information:

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

Required Notes:

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

Recommendations/Additional Information

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT is in the process of converting the Georgetown to Lewes rail line to a bicycle and pedestrian trail. Construction is complete from Lewes to Log Cabin Hill Road. A future phase of construction would route the trail along the south edge of the subject development. If the developer would like to have direct access to the trail, DelDOT is willing to include it in their construction plans and build the access at State expense as part of the trail construction. If trail access would be of interest, DelDOT asks that the developer work with DelDOT's Bicycle and Pedestrian Coordinator, Mr. Anthony Aglio, to determine a mutually agreeable location. Mr. Aglio can be reached at (302) 760-2509 or Anthony.Aglia@Delaware.gov.

The applicant is working with DelDOT's Bicycle and Pedestrian Coordinator to have direct access to the trail.

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

Noted

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

Forest Preservation

- DNREC mapping indicates presence of forested wetlands which encompass a large portion of the subject parcel.

A wetland delineation has been completed for the property and no disturbance to the wetlands will occur.

Recommendations:

- The site plan should be designed to allow for the preservation of as much of this wooded area as feasible, with special consideration for preservation given to large, mature trees.

Leaving a forest intact is usually more beneficial to the existing wildlife and is preferred to clearing

Noted

- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, we recommend that clearing not occur April 1st to July 31st.
- Contact the Division of Fish and Wildlife for assistance in identifying, preserving, and managing the mature forest on-site. For technical assistance or to schedule a site visit please contact Katie Kadlubar, Kathryn.Kadlubar@delaware.gov.

Water Quality

- DNREC mapping indicates presence of wetlands and hydric soils (Hurlock) which encompass a large portion of the subject parcel.
- Increased impervious cover from development and removal of forest cover will increase the potential for future flooding concerns.

Recommendations:

- Consider using pervious pavement/pavers in parking areas to help minimize impervious cover.
- To protect the function and integrity of wetlands, a minimum 100 foot buffer should be left intact around the perimeter.
- Avoid disturbance and filling of wetlands.

Recommendations will be taken under advisement.

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

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Will comply

Delaware Area Rapid Transit (DART) – Contact: Jared Kauffman 576-6062

- A shelter pad is needed. DART can specify a type as there is no sketch of the pedestrian pathway.

A shelter pad is being planned for the project.

- Sidewalk is needed to the stop across the street (stop ID 3390) with pedestrian pathway to stop ID 3390. Stop ID 3390 should be upgraded to a Type 2 12'x8' shelter pad.

Sussex County – Contact Rob Davis 302-855-7820

- Sussex County does not expect to provide sanitary sewer service within the area proposed for commercial development. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility as proposed.

Artesian has both water and sewer in front of the property that serves adjacent commercial properties as well extends to area residential communities. Private utility companies are considered a viable option for water and wastewater treatment in areas where County or municipal services are non-existent or unplanned. Artesian Wastewater Management, Inc. mainly provide water and sewer services for developments that are along Route 9 east of Georgetown CPCN's will be executed for both water and sewer for the property.

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

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

Sincerely,

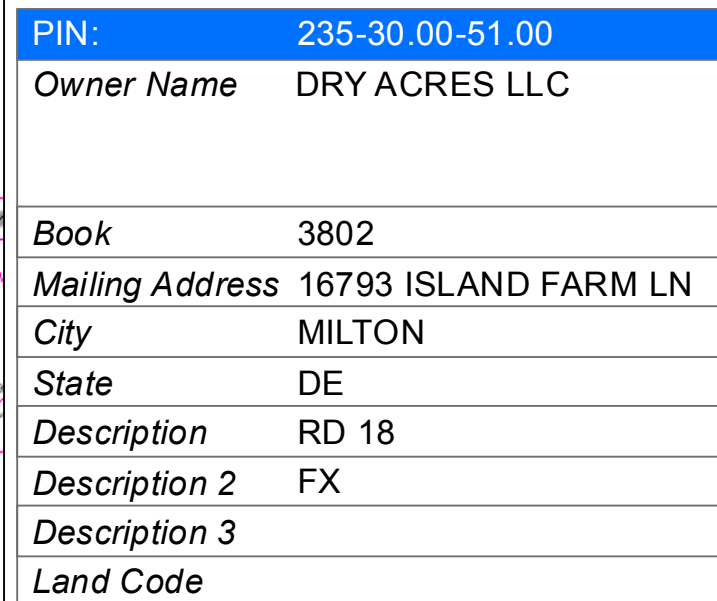
PENNONI

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

**Mark H. Davidson, VP
Principal Land Planner**

CC: Sussex County

**Sussex County P&Z
Commission & Council**



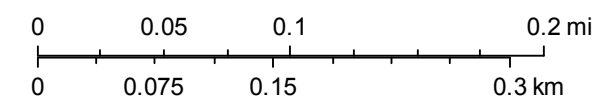
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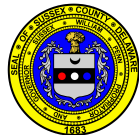
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— Streets

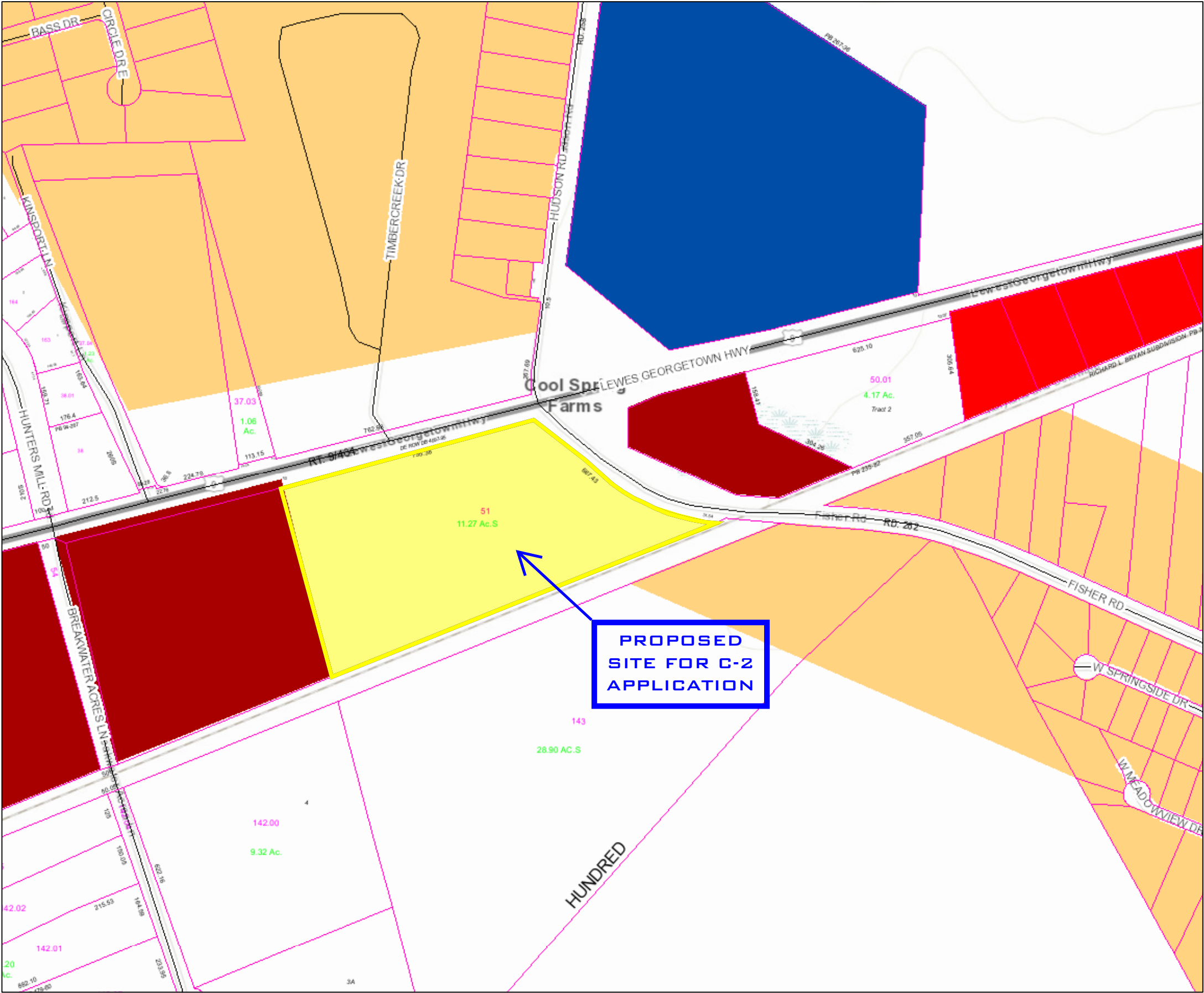
 County Boundaries

1:4,514





Sussex County



PIN:	235-30.00-51.00
Owner Name	DRY ACRES LLC
Book	3802
Mailing Address	16793 ISLAND FARM LN
City	MILTON
State	DE
Description	RD 18
Description 2	FX
Description 3	
Land Code	

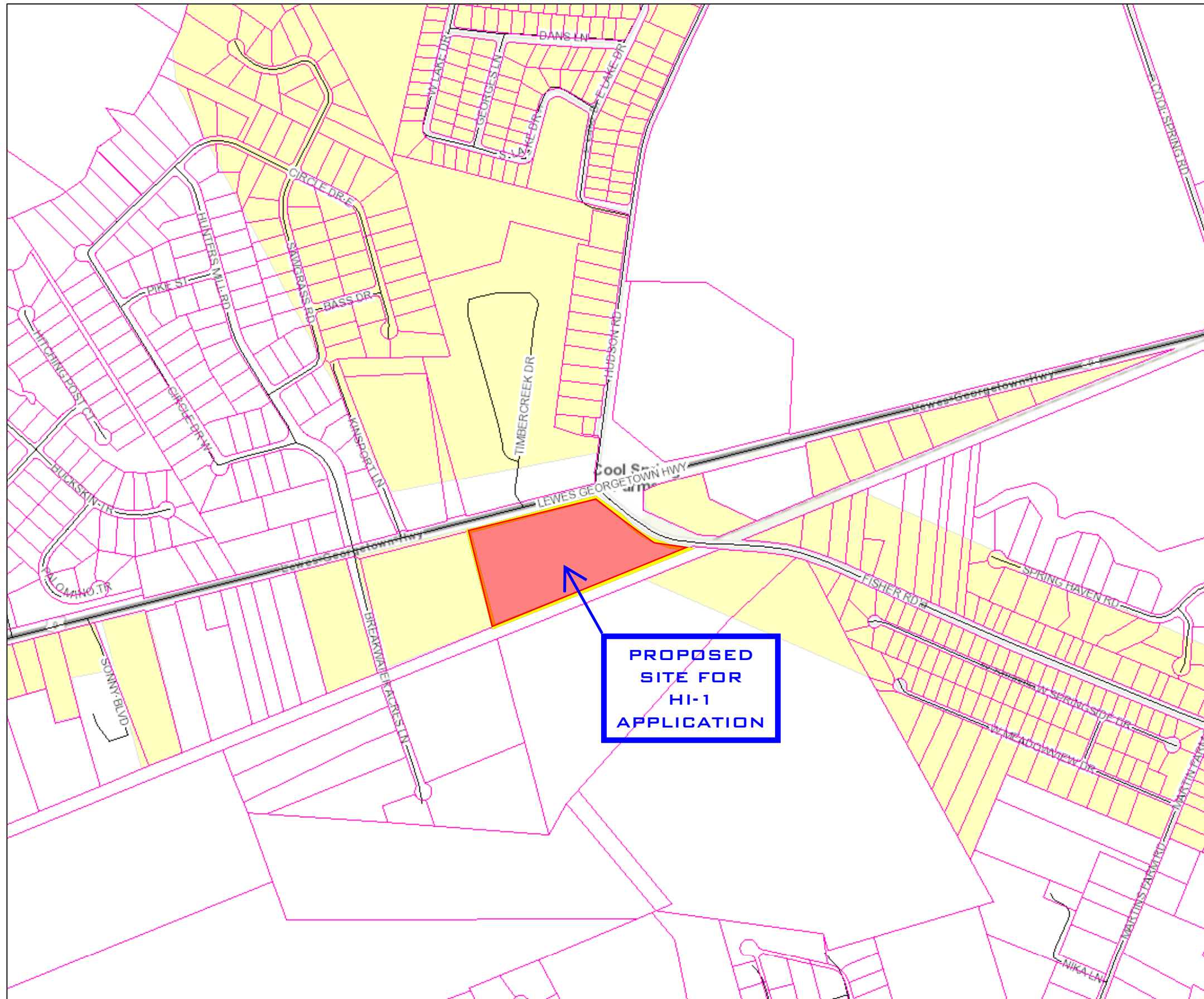
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- Override 1
- polygonLayer
- Override 1
- Tax Parcels
- Streets



Sussex County

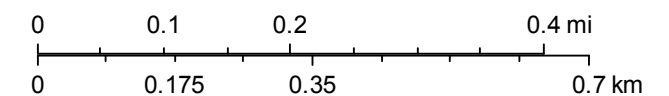


PIN:	235-30.00-51.00
Owner Name	DRY ACRES LLC
Book	3802
Mailing Address	16793 ISLAND FARM LN
City	MILTON
State	DE
Description	RD 18
Description 2	FX
Description 3	
Land Code	



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

1:9,028



IN ORDINANCE 2550, SUSSEX COUNTY COUNCIL DESIRED TO CREATE A MORE SPECIFIC C-2 MEDIUM COMMERCIAL ZONING DISTRICT WITH SMALLER, MORE RELATED USES WITHIN THE DISTRICT TO PROMOTE BETTER PLANNING AND PREDICTABILITY WITHIN SUSSEX COUNTY.

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TAX MAP	235-30.00 PARCEL 51.00
ACREAGE	10.88 ± ACRES
EX. ZONE	AR-1
PR. ZONE	C-2 MEDIUM COMMERCIAL
PR. USE	RETAIL, PROFESSIONAL AND SERVICES BUSINESSES
BUILDING SIZE	50,747 SQ. FT.
PARKING PROVIDED	248 SPACES
WATER	ARTESIAN
WASTEWATER	ARTESIAN

SITE DATA

TAX MAP	235-30.00 PARCEL 51.00
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WASTEWATER	ARTESIAN

Pennoni

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

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

COMMERCIAL CENTER
LEWES GEORGETOWN HIGHWAY | FISHER ROAD
BROADKILL HUNDRED | SUSSEX COUNTY | DELAWARE

COMMERCIAL SKETCH PLAN

JILL A. CICIERSKI
16808 GRAVEL HILL ROAD
MILTON, DELAWARE 19968

[illegible]

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

PROJECT AMBLD19001

DATE 2020-01-03

DRAWING SCALE 1" = 50'

DRAWN BY MHD

APPROVED BY MHD | AD

A horizontal number line with tick marks at 0, 50', and 100'.

SHEET --- OF #

FOR ILLUSTRATIVE PURPOSES ONLY



Figure 1 of 20. 20	2019 Aerial Image		<div><div></div> Subject Parcel</div> <div><div></div> Other Tax Parcels</div>
	Dry Acres, LLC		
	AMBLD19001		



Figure 2 of 20. 20	2017 Orthophoto		<div><div></div> Subject Parcel</div> <div><div></div> Other Tax Parcels</div>
	Dry Acres, LLC		
	AMBLD19001		



Figure 3 of 20. 20	2012 Orthophoto		<div><div></div> Subject Parcel</div> <div><div></div> Other Tax Parcels</div>
	Dry Acres, LLC		
	AMBLD19001		



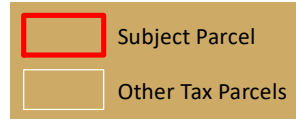
Figure 4 of 20.

4

2007 Orthophoto

Dry Acres, LLC

AMBLD19001





EarthData International of Maryland

Figure 5 of 20.	<div data-bbox="394 1406 688 1453">2002 Orthophoto</div> <div data-bbox="451 1461 634 1497">Dry Acres, LLC</div> <div data-bbox="470 1500 617 1529">AMBLD19001</div>		<div data-bbox="1457 1406 1751 1516"> <div data-bbox="1467 1414 1556 1459">Subject Parcel</div> <div data-bbox="1467 1468 1556 1513">Other Tax Parcels</div> </div>
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Figure 6 of 20. 6	<div>1997 Orthophoto</div> <div>Dry Acres, LLC</div> <div>AMBLD19001</div>		<div>  Subject Parcel </div> <div>  Other Tax Parcels </div>
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Figure 7 of 20.

7

1992 Orthophoto

Dry Acres, LLC

AMBLD19001

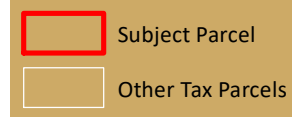




Figure 8 of 20. 8	1968 Orthophoto		<div> Subject Parcel</div> <div> Other Tax Parcels</div>
	Dry Acres, LLC		
	AMBLD19001		



Figure 9 of 20.

9

1961 Orthophoto

Dry Acres, LLC

AMBLD19001

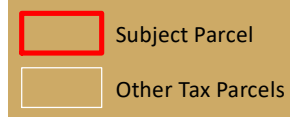




Figure 10 of 20. 10	1954 Orthophoto		
	Dry Acres, LLC		
	AMBLD19001		



USDA Agricultural Stabilization and Conservation Service

Figure 11 of 20. 11	1937 Orthophoto		<div data-bbox="1461 1409 1751 1523"> <div data-bbox="1461 1409 1556 1458">  </div> <div data-bbox="1556 1422 1709 1455">Subject Parcel</div> <div data-bbox="1461 1466 1556 1515">  </div> <div data-bbox="1556 1479 1740 1511">Other Tax Parcels</div> </div>
	Dry Acres, LLC		
	AMBLD19001		

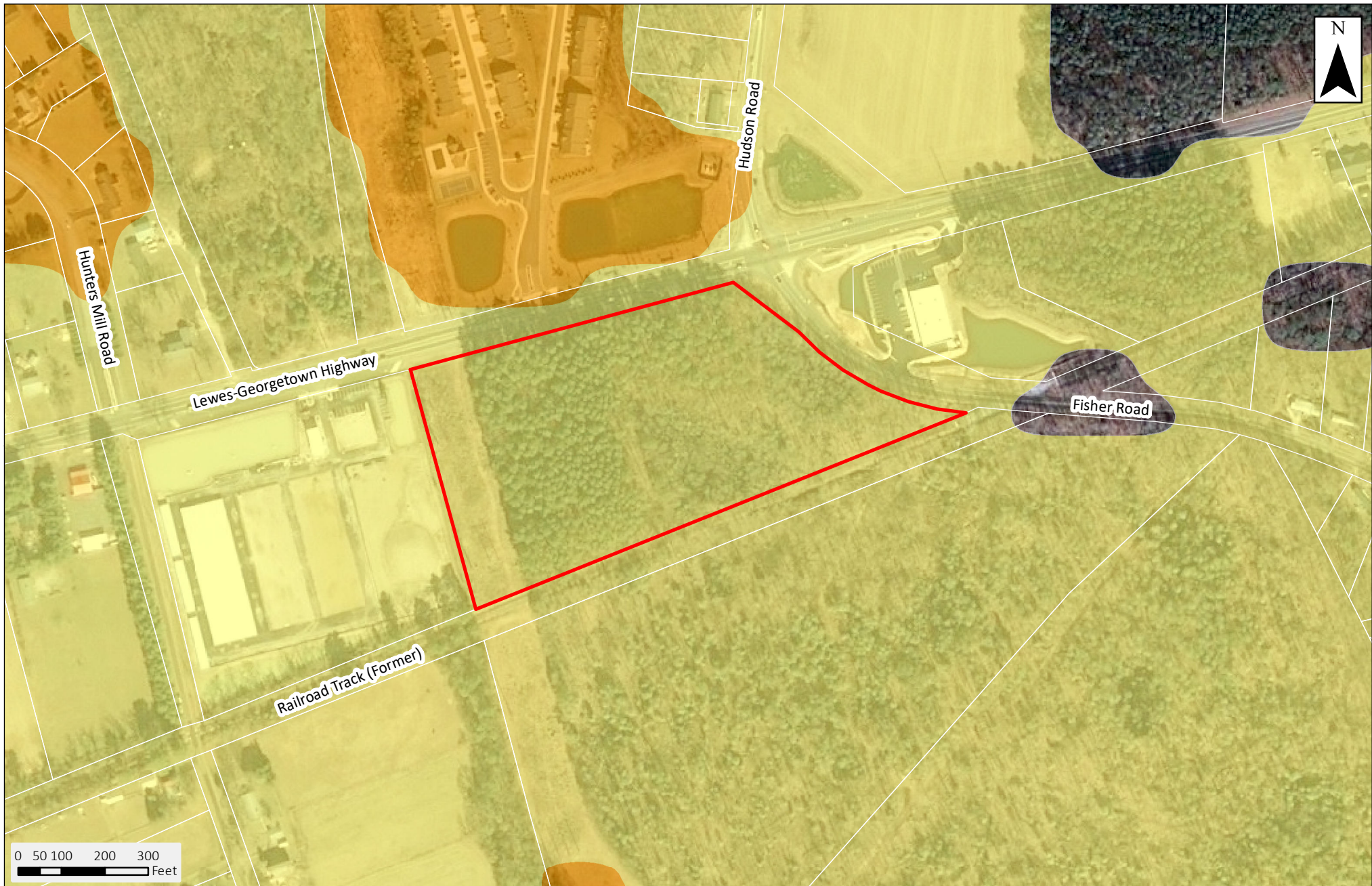


Figure 12 of 20.
12

2015 State Strategies & Investment Levels	
Dry Acres, LLC	
AMBLD19001	



	Level 2		Level 4 (Unshaded)
	Level 3		

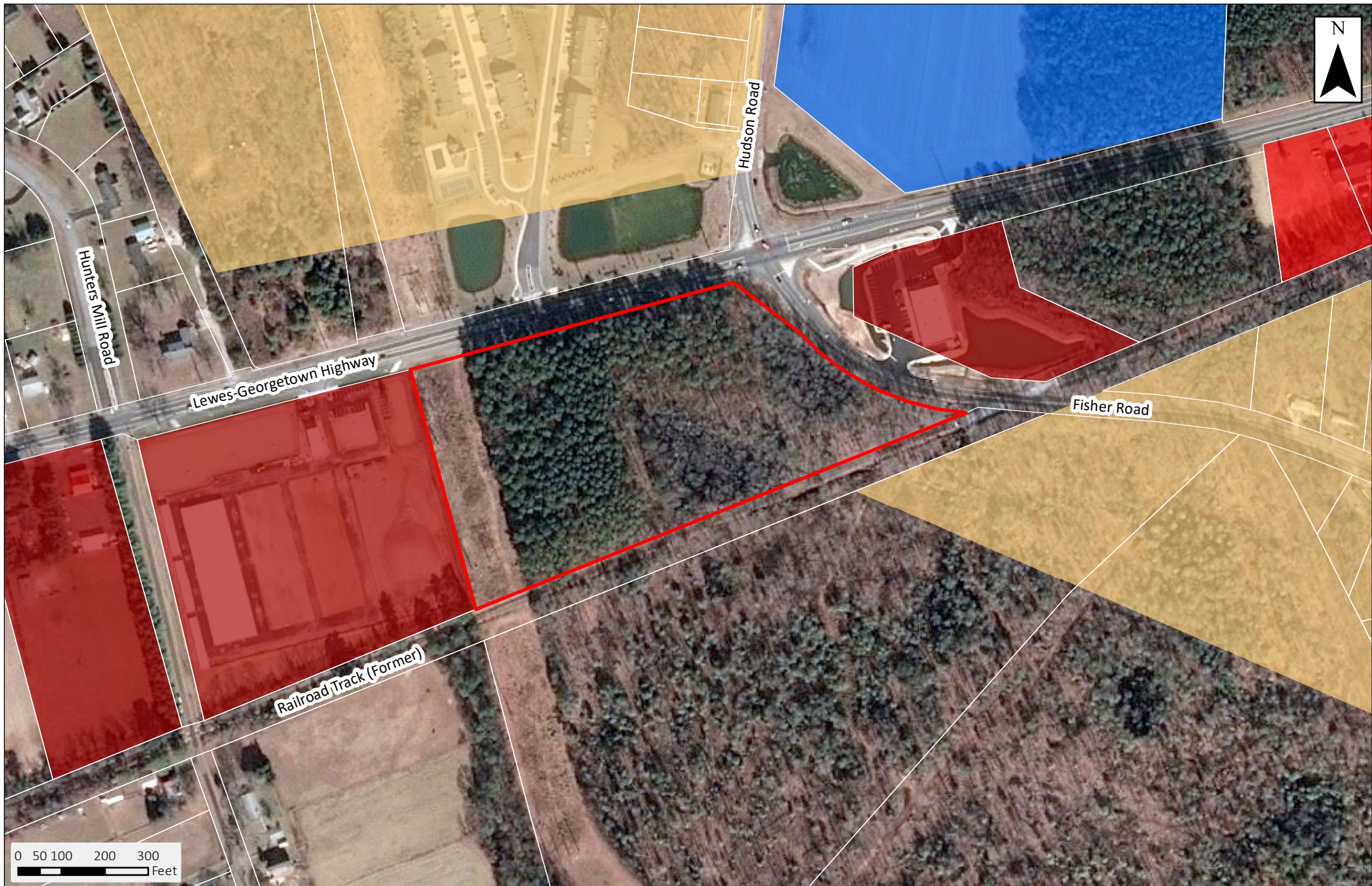


Figure 13 of 20. 13	County Zoning Map					
	Dry Acres, LLC					
	AMBLD19001					

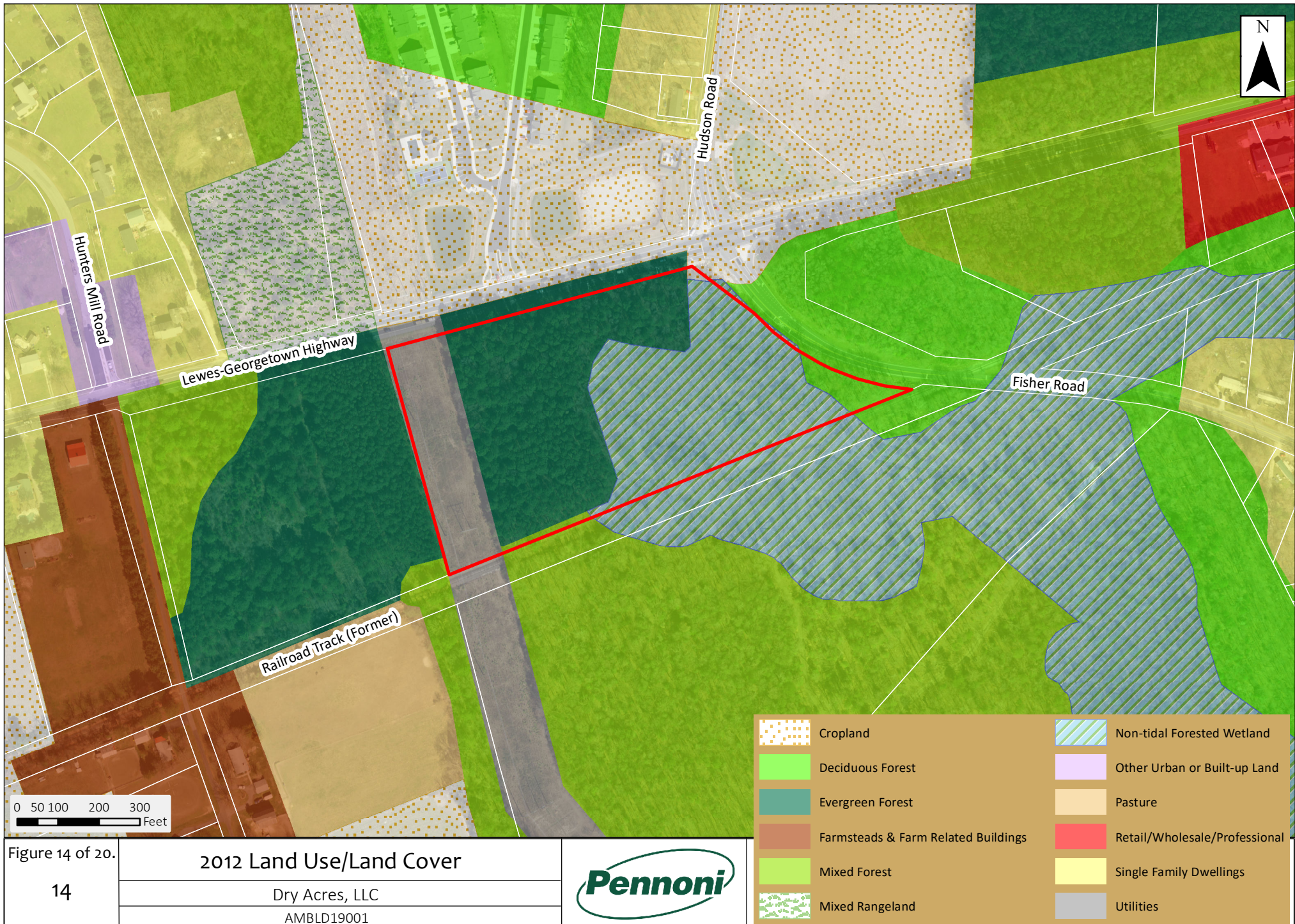


Figure 14 of 20.

14

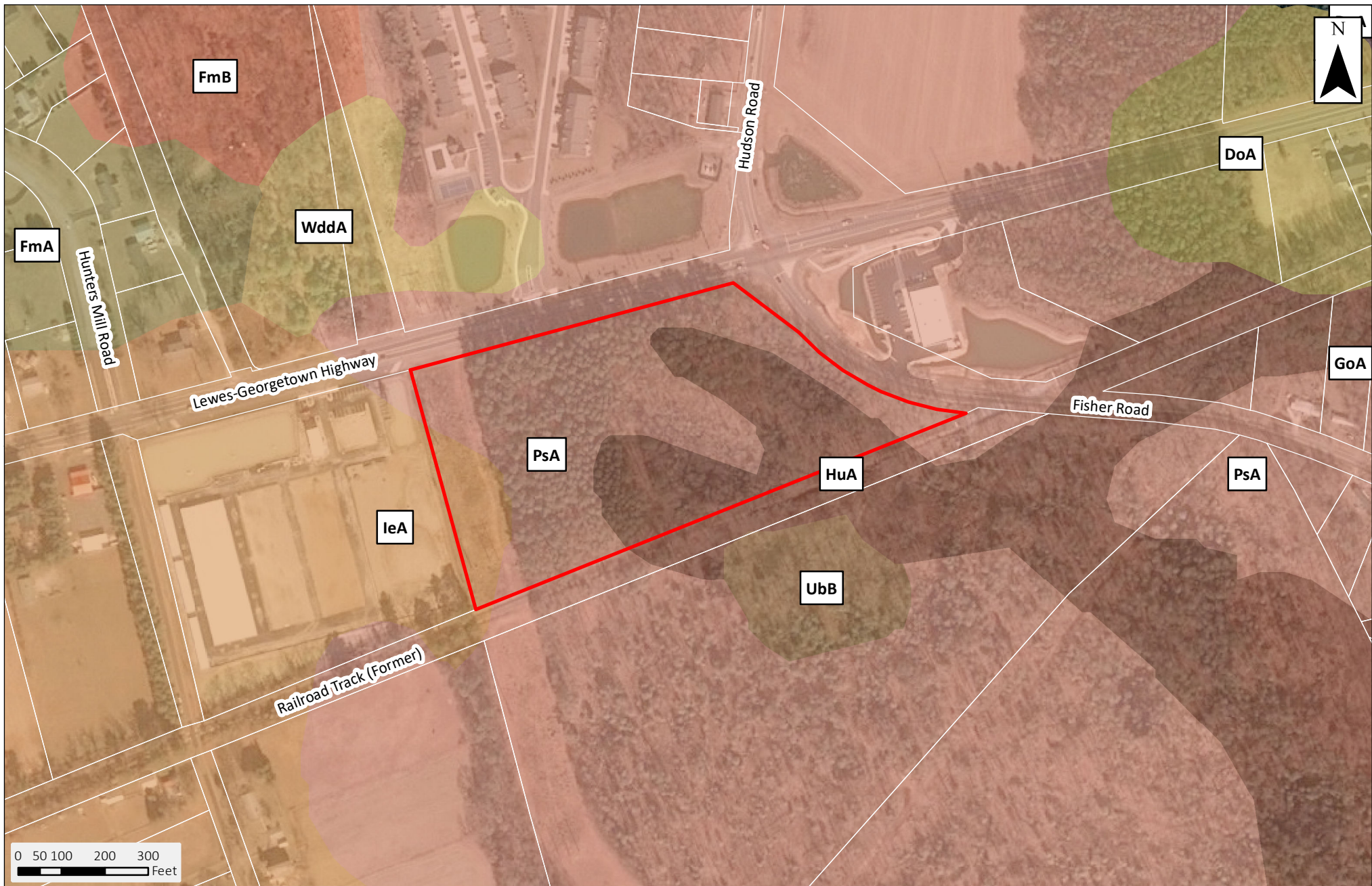



Figure 15 of 20. 15	NRCS Soils Mapping			Soil Types:
	Dry Acres, LLC			HuA - Hurlock loamy sand, Group A/D
	AMBLD19001			leA - Ingleside loamy sand, Group A PsA - Pepperbox-Rosedale complex, Group A



Figure 16 of 20.

16

State Wetlands Mapping

Dry Acres, LLC

AMBLD19001



DNREC Wetlands



Figure 17 of 20. 17	FEMA Floodplain Mapping		<div data-bbox="1522 1425 1686 1466">  Zone X </div> <div data-bbox="1203 1490 1602 1528"> Flood Map #10005C0310L (6/20/18) </div>
	Dry Acres, LLC		
	AMBLD19001		



Figure 18 of 20.
18

Groundwater Recharge Potential

Dry Acres, LLC
AMBLD19001



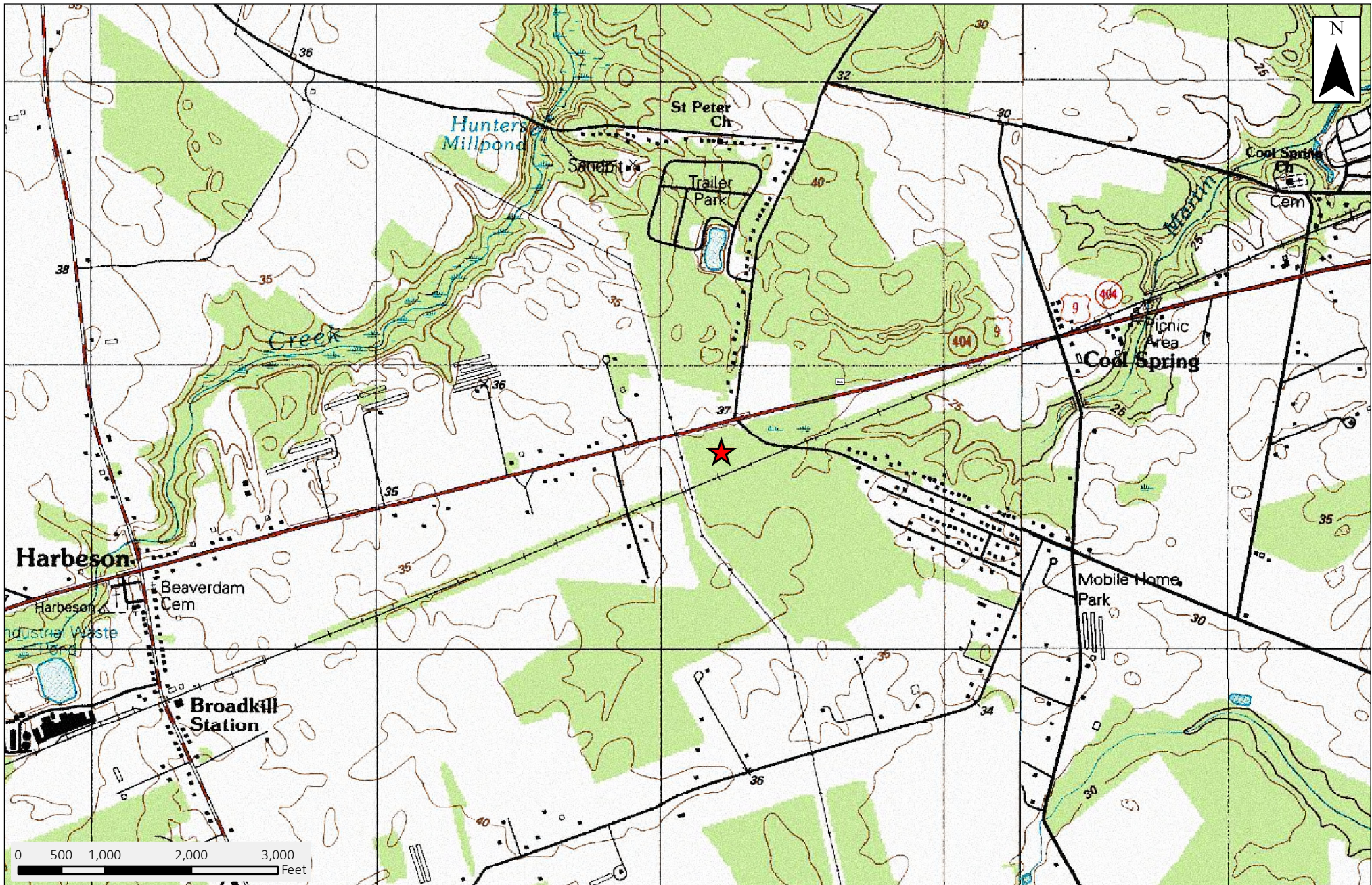


Figure 19 of 20.

19

USGS Topographic Map

Dry Acres, LLC

AMBLD19001



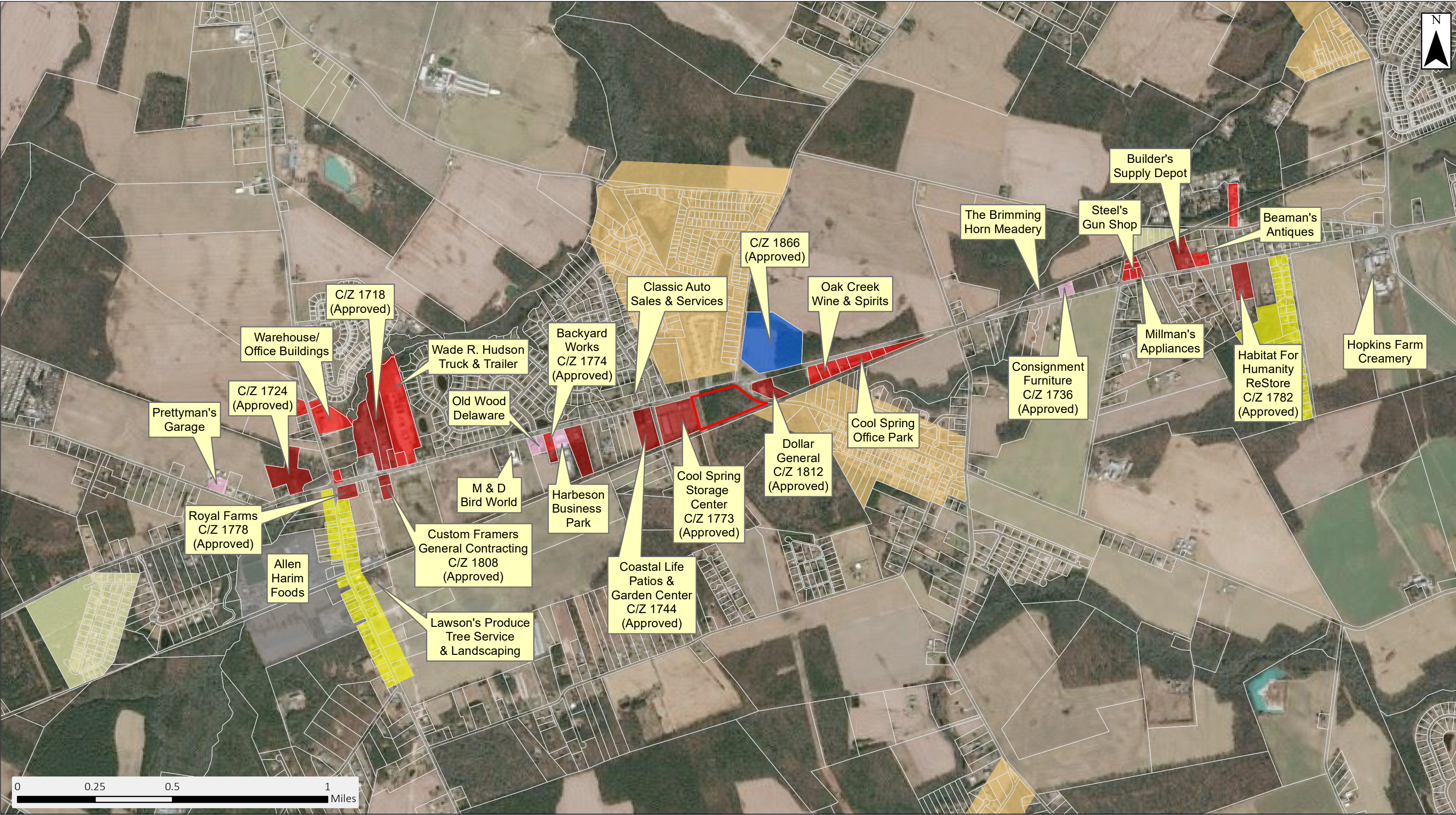


Figure 20 of 20.	Area Commercial Uses
20	Dry Acres, LLC
	AMBLD19001

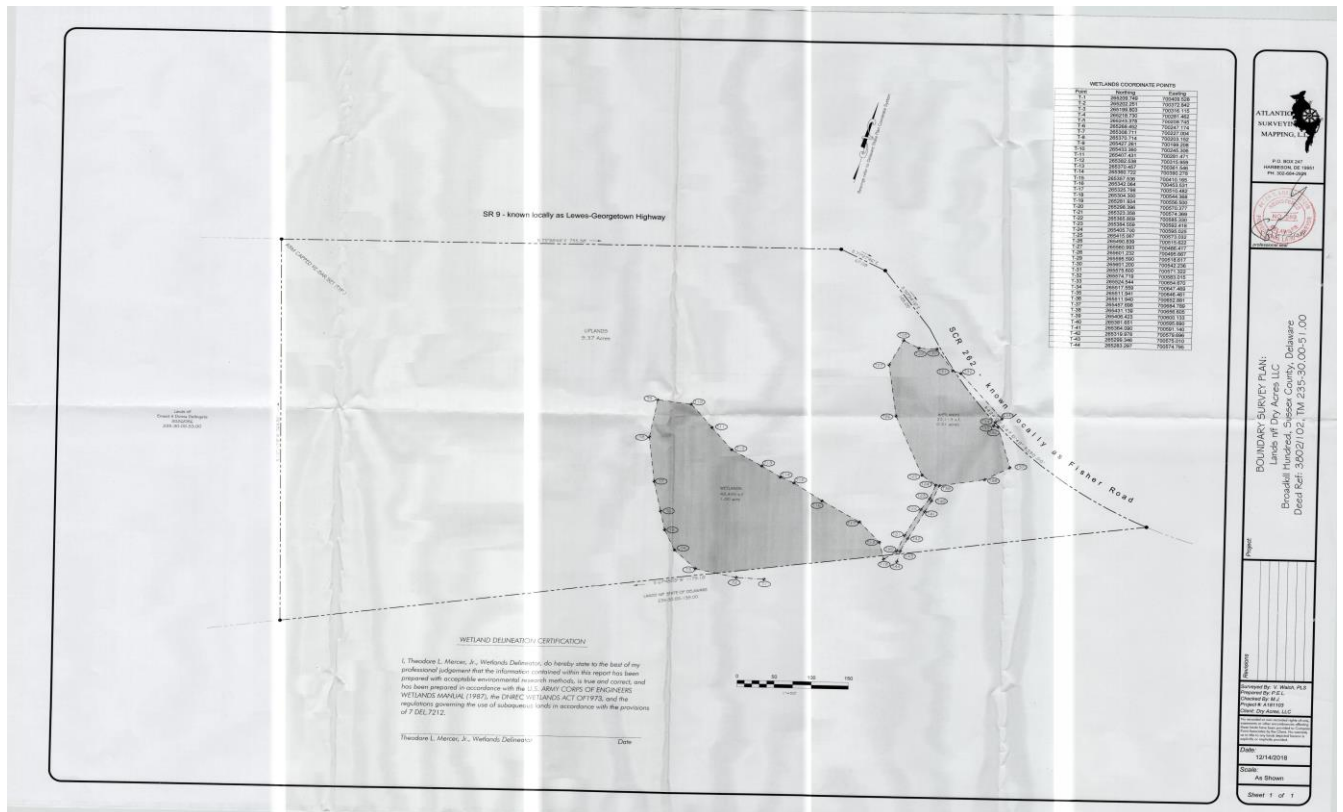


County
Zoning

AR-1	CR-1	GR	I-1	B-1
AR-2	C-1	HI-1	MR	

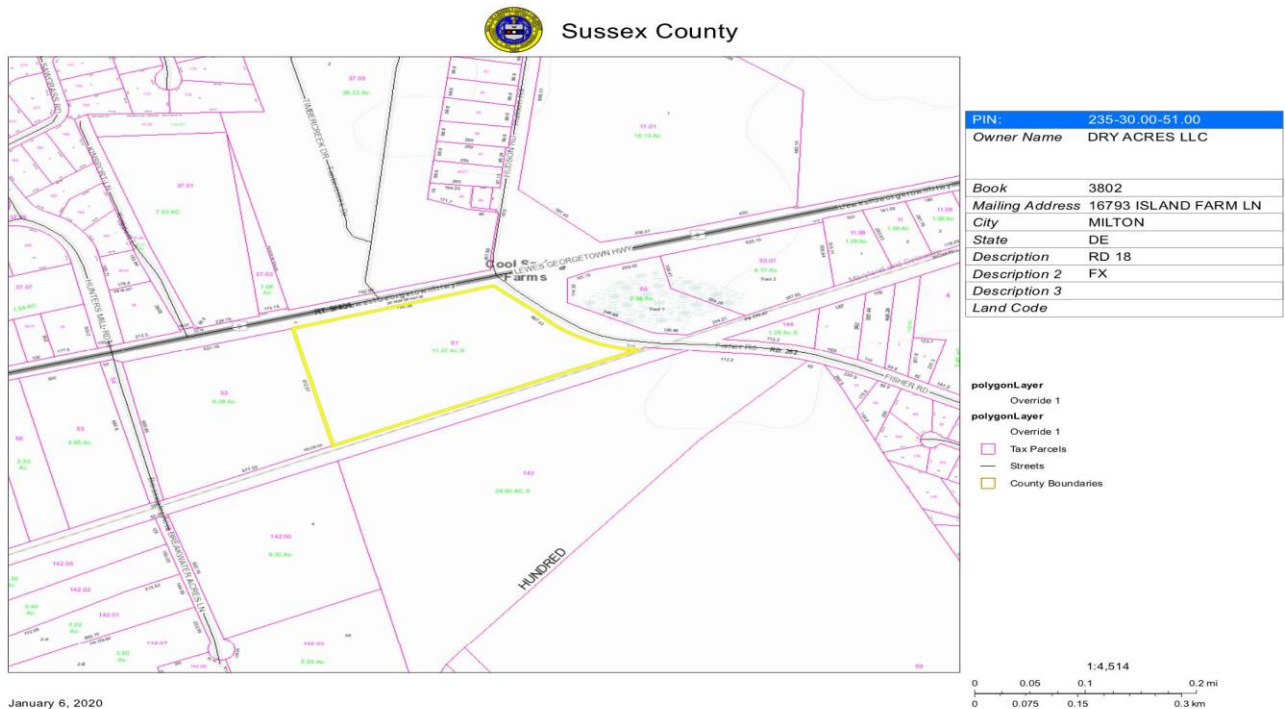
JILL A. CICIERSKI | PLAZA NINE
DRY ACRES, LLC
CHANGE OF ZONE #1904
PROPOSED FINDINGS OF FACT

1. This is an application to grant a rezoning of a portion of lands in a AR-1 Agricultural Residential District located on 10.88 acres, more or less in the Broadkill Hundred located on the south side of Lewes Georgetown Highway | U.S. Route 9 and west side of Fisher Road | Sussex County Route 262 to C-2, Medium Commercial District.



2. The property is under contract to be purchased by Jill C. Cicierski and will be assigned the name Plaza Nine.

3. The property is identified on the tax maps of the Sussex County Department of Finance as Tax Map No. 235-30.00 Parcel 51.00.

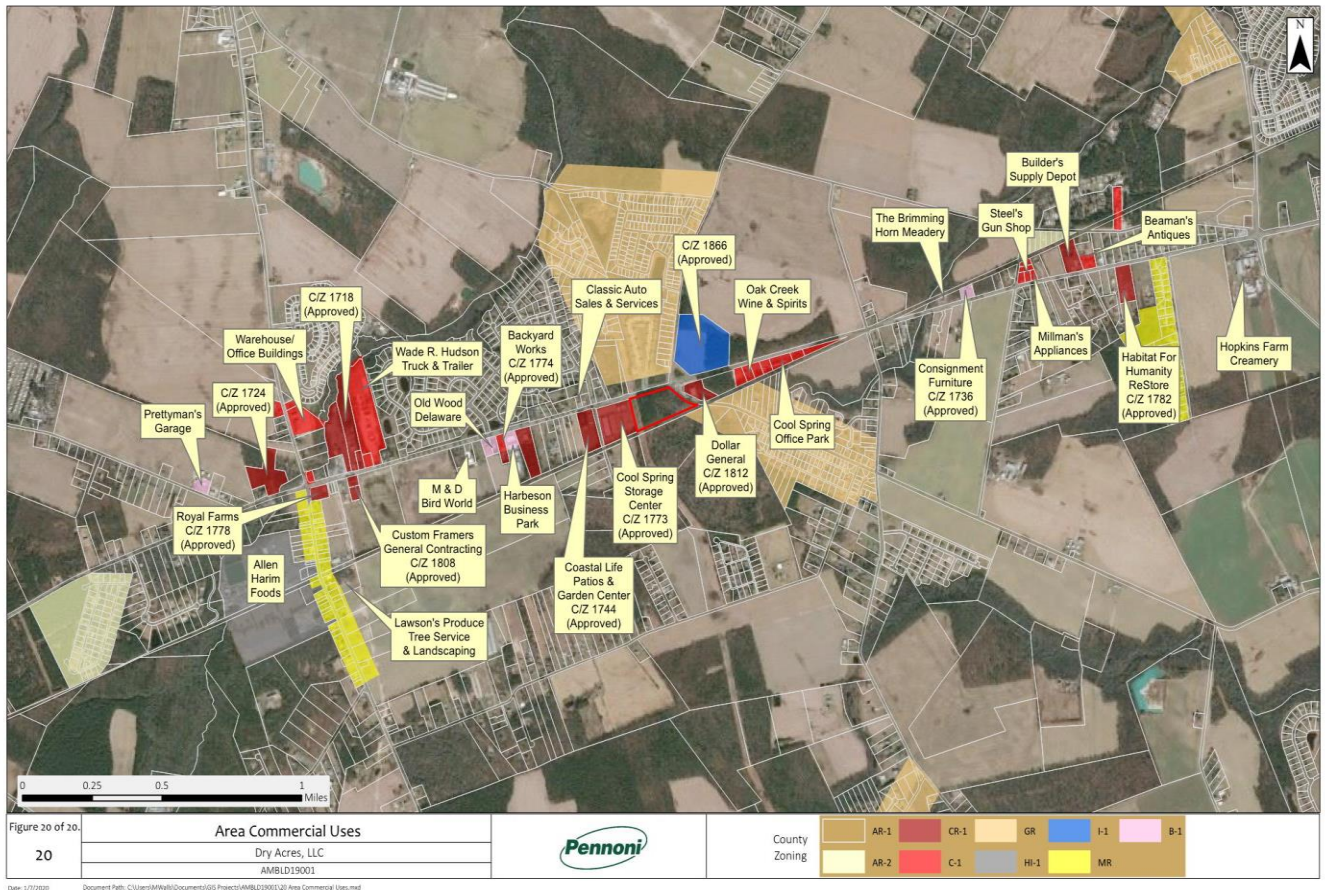


4. The properties are bordered on:
 - a. North US Route 9 a Principal Arterial; Shoreview Woods Development (96-Multi-Family Units);
 - b. South by Maryland Delaware Railroad (Future Rails to Trails Path) and other lands owned by Dry Acres, LLC – Zoned AR-1 and GR;
 - c. West with existing commercial uses such Coolspring Mini-Storage;
 - d. East with existing commercial uses such as Dollar General.

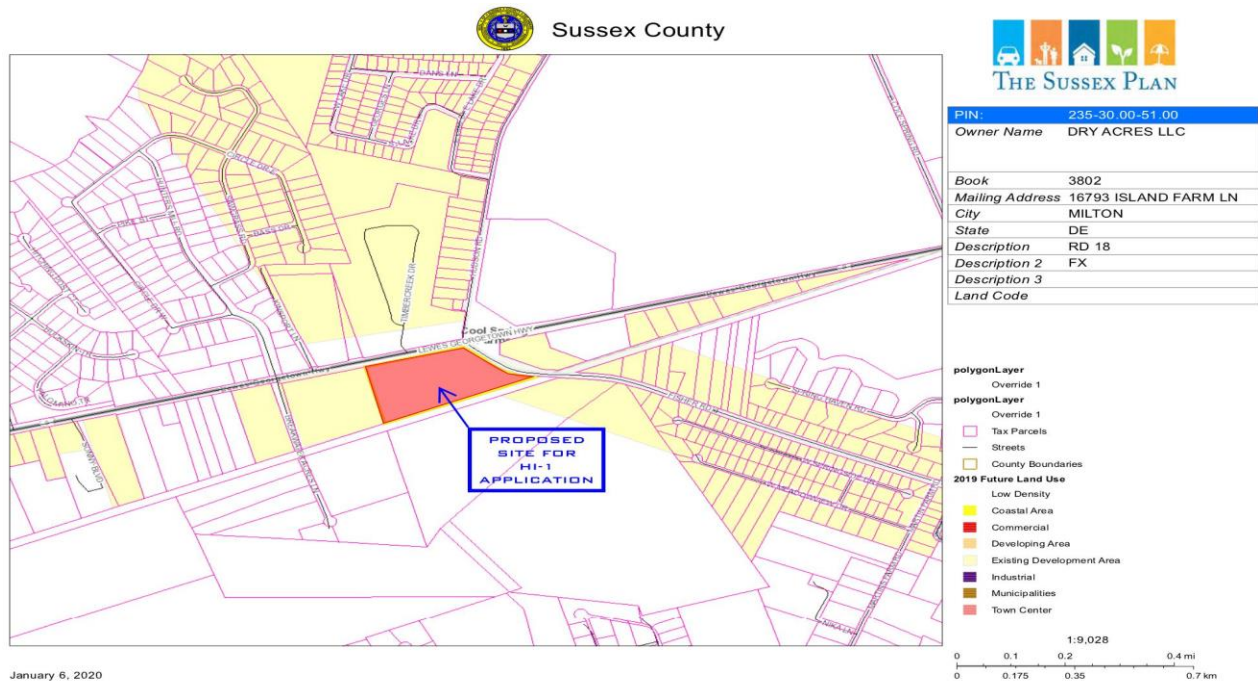


5. In Ordinance 2550, Sussex County Council desired to create a more specific C-2 Medium Commercial zoning district with smaller, more related uses within the District to promote better planning and predictability within Sussex County.
6. The purpose of the C-2 Medium Commercial District is to support uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and service businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.

8. The proposed rezoning to C-2 for this property is in the vicinity of other commercial zoned property and uses and will not diminish or impair property values within the neighborhood; will not create a public nuisance; or result in an increase in public expenditures.



9. In the 2019 Sussex County Comprehensive Plan – the area for the proposed rezoning for this property is identified to be in a Low-Density and is currently surrounded by Existing Developing Areas.



The Sussex Plan suggests that each application should be reviewed on its own merit and does not have a negative impact on the surrounding area or the county in general. Some of the stated goals within the plan for new commercial zoning is to:

- a. Promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth - [Artesian has both water and sewer in front of the property that serves adjacent commercial properties as well extends to area residential communities];
- b. Promote commercial development in designated commercial, office, and industrial areas in a scale/intensity/distance appropriate to adjacent residential neighborhoods – [Previously stated, Ms. Cicierski wants to provide a commercial development that is part of the community and provides for goods

and services that are part of the community in scale. Additionally, the nearest residential development (Shoreview Woods Development) which is across the road as well as the Coolspring Developments further east on Fisher Road will benefit in that the subject property is not adjacent to their development but close enough to serve the residences with future services without them having to travel farther distances];

- c. Engage in planning that considers the efficient location of public services and infrastructure while establishing future public sewer service areas that will help preserve open space by promoting orderly growth rather than unplanned sprawl – [this property is located along US Route 9 with access to both Artesian water and sanitary sewer as well as access to a major roadway systems that's east and west to Lewes and Georgetown. This property in this location with a commercial zoning, will prohibit any unplanned sprawl that the Comprehensive Plan is discouraging];
- d. Coordinate with DelDOT on road improvements and other transportation projects – [the property owners have already worked with DelDOT in the dedication of additional right-of-way along US RT 9 and Fisher Road that was part of the intersection improvements that was constructed back in 2018. The Developers will work with DelDOT to allow for a shared cross access easement within the property that will promote interconnection to adjacent properties. Although a TIS was not required as a part of this application, the Developers will have to provide future Transportation Improvements to the adjacent roadways during the future planning of the commercial development. In addition, future connection to the rails to trails pedestrian path along the existing railroad tracks along the rear of the property will be coordinated with DelDOT. DART Bus Shelter will be required for this project. Since US 9 is a principal arterial and an important freight corridor, setbacks will be increased to allow for future capacity in the form of additional right-of-way dedication; permanent easements and additional stormwater management setbacks. Intersections and commercial entrances will be consolidated to reduce access

points. Service roads through the properties will link local residents to commercial parking lots at the rear of the buildings. This would increase the aesthetic benefits to the community].

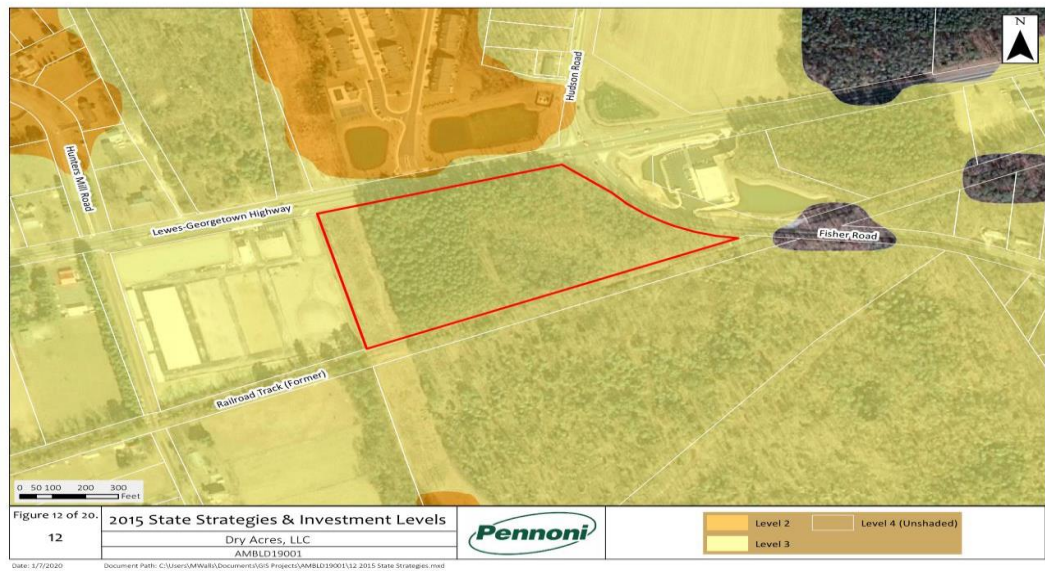
The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents which is what is being proposed for these properties. Commercial uses may be appropriate depending on surrounding uses. The surrounding uses are primarily commercial on the south side of US Route 9 with residential homes on the north side.

Consistent with the Comprehensive Plan's Future Land Use Chapter the County has considered the development along US 9 as a business corridor with a mix of residential and commercial uses that provide local residents with access to services they need. Local services would reduce travel to SR 1 for basic needs. Furthermore, the Sussex Plan promotes the US 9 vision to be tied to efforts to make the corridor multi-modal. Currently, the Georgetown to Lewes Rail Trail is being constructed by DelDOT in phases. Once completed, the trail will provide a pedestrian and bicycle path that is separated from car traffic. The trail will serve as both a recreational asset and a transportation option for commuters. Neighborhoods and businesses along the trail could see economic benefits from connecting to it. The plan presented provides for multi-modal access to RT 9 and Fisher Road as well as the existing railway at the rear of the property where the rail trail is being proposed.

Since the comprehensive plan is a guide for the future use of land, the County’s official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
RURAL AREAS	
Low Density	Agricultural Residential District (AR-1) Business Community District (B-2) Medium Commercial District (C-2) Marine District (M) Institutional District (I-1) New Zoning Districts

- The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 3. This area is intermingled within a fast-growing area within the county and is adjacent to Level 2 areas. The priorities in the Level 3 Areas are for DelDOT to focus on regional movements between towns and other population centers. Developers and property owners will make local roadway improvements as development occurs. All infrastructure needs will be funded by the Developer. Additional public infrastructure that will benefit the community, such as, road improvements and access improvements will be paid for by the Developer. When discussing the application with the Office of State Planning Coordination (OSPC) – The OSPC works to improve the coordination and effectiveness of land-use decisions made by state, county, and municipal governments. Though state policies can support growth in these areas, the state views these areas more in a long-term basis. It is here that the State will encourage the likes of master planning for the purpose of anticipating growth. The resources needed for applications such as this for rezoning to commercial are in place and available to the project.



11. Wetlands on the property have been delineated and will not be disturbed; the property is located in a Flood Zone X Unshaded; there are no historical or natural features on the property ; stormwater will be onsite and use Best Management Practices for handling stormwater runoff; the properties are not in any Groundwater Protection Zones;

Private utility companies are considered a viable option for water and wastewater treatment in areas where County or municipal services are non-existent or unplanned. Artesian Wastewater Management, Inc. mainly provide water and sewer services for developments that are along Route 9 east of Georgetown CPCN's will be executed for both water and sewer for the property.

Delmarva Power & Light Company has a 150-foot wide utility easement through the subject project that connects to major sub-station to the north of this property. These electric services will provide sufficient energy to this property, the area and beyond.

These properties are fortunate to have a natural gas transmission pipeline located along the property. It is owned and operated by Eastern Shore Natural Gas Company, a subsidiary of Chesapeake Utilities (Chesapeake).

Verizon and Comcast are the main telecommunication providers operating in this service area.

All of these utilities ensure quality growth of development by the planning and developing of infrastructure and services in the County to complement State and local planning efforts with adequate water, sewer, electricity, natural gas, and fiber optic infrastructure to the property.

12. The proposed rezoning meets the general purpose of the Zoning Ordinance being located in an appropriate location meeting the purpose of this district and the future land use plans, strategies and objectives of the comprehensive plan that promotes growth and development through community design, mobility, utilities, transportation and economic development in an area where a general mixture of commercial and service activity now exists, which is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.