

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date April 8th, 2021.

Application: CU 2235 Brian P. Lessard

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

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

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

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

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

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

Councilmatic District: Mr. Schaffer

School District: Milford School District

Fire District: Memorial Fire District

Sewer: Private – On site

Water: Private – On site

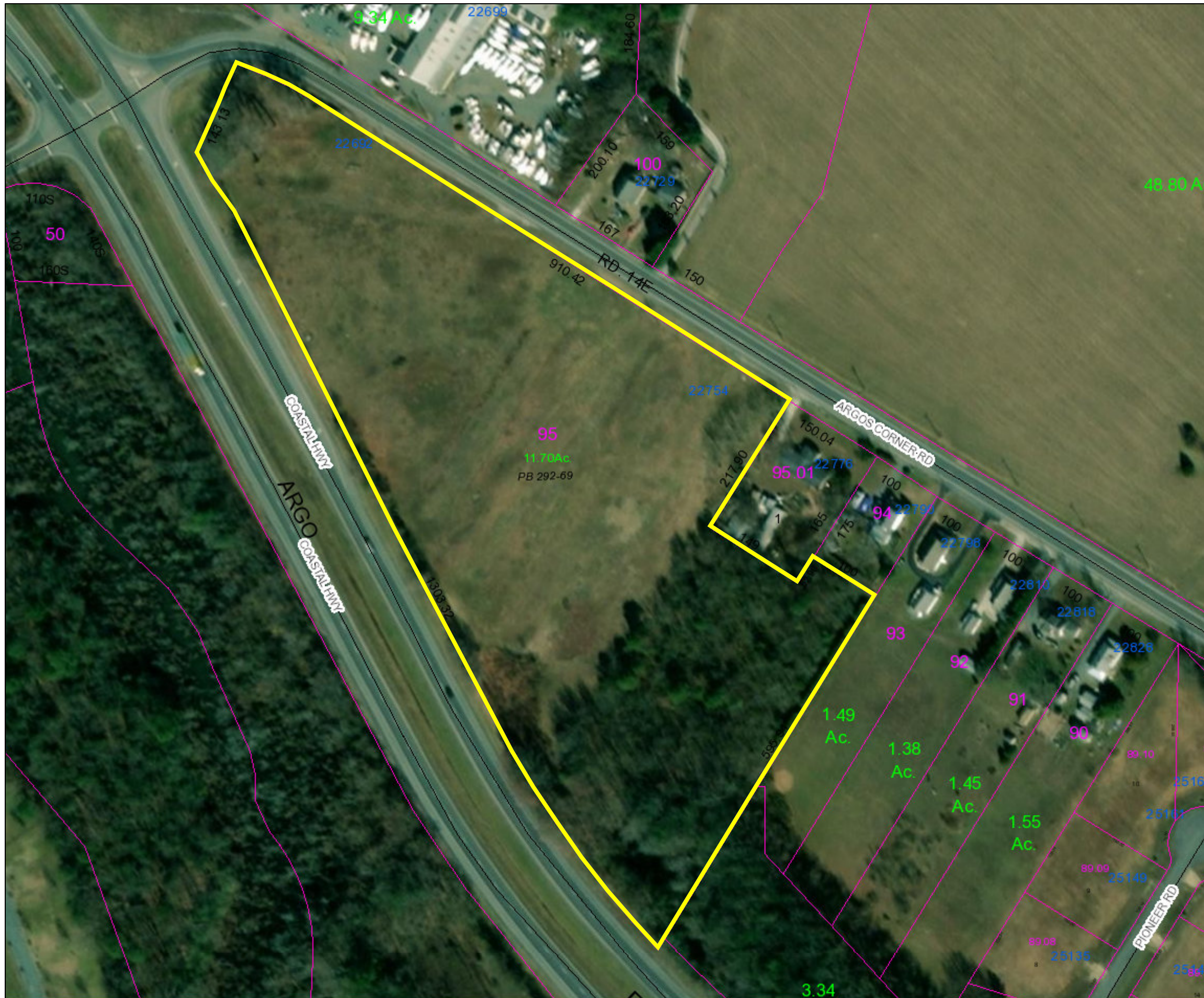
Site Area: 10.75 acres +/-

Tax Map ID: 230-7.00-95.00





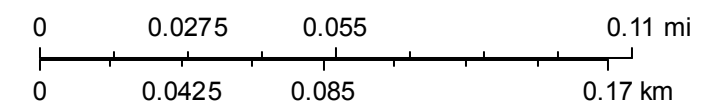
Sussex County



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

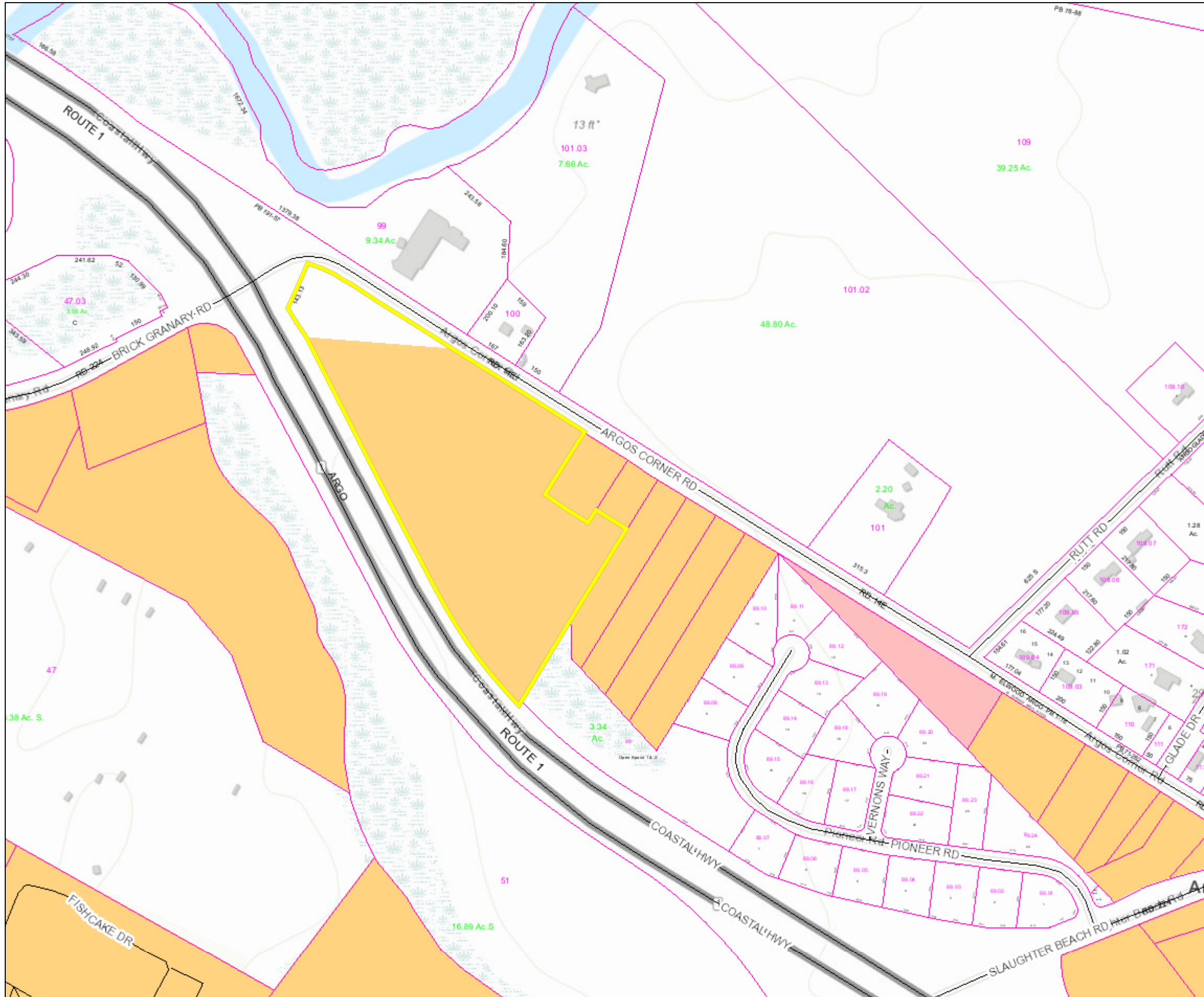
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 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

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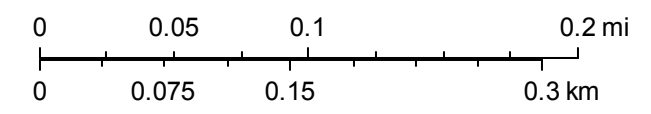
Sussex County



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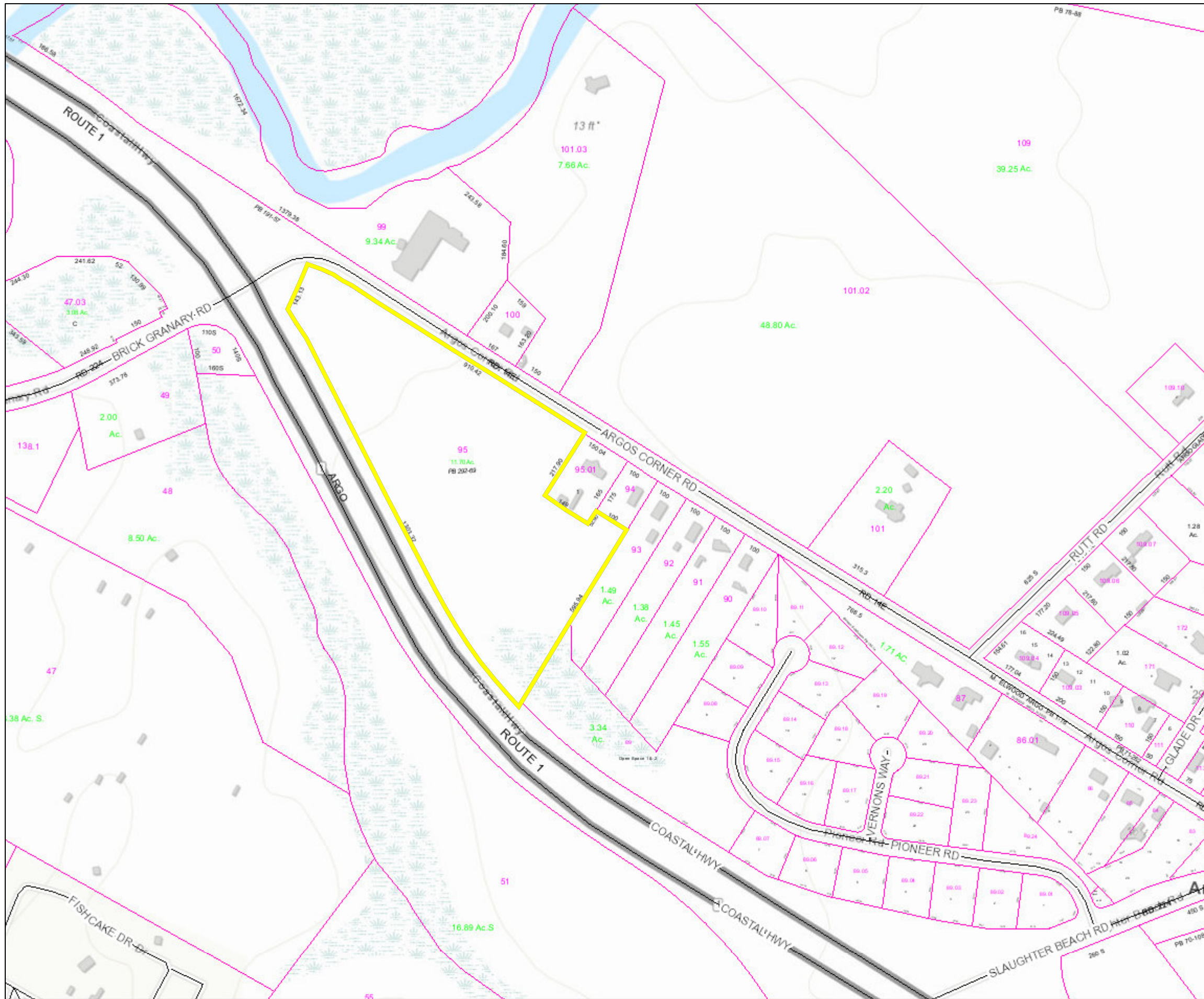
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- Override 1
- Tax Parcels
- Streets

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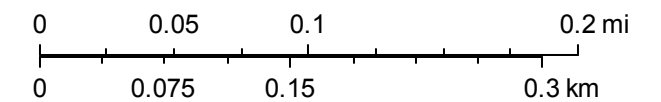
Sussex County



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Book	5221
Mailing Address	261 E CAMDEN-WYOMING
City	CAMDEN
State	DE
Description	SW/ ARGOS CORNER RD
Description 2	NW/ RT 1
Description 3	N/A
Land Code	

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

1:4,514



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Sussex County

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Memorandum

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

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2235 Brian P. Lessard to be reviewed during the April 8, 2021, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

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

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

As outlined in the 2018 Sussex County Comprehensive Plan, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. A range of housing types are



appropriate in Developing Areas including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C/Z #1850 Swann Cove West, LLC.

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

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

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

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

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

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

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
CU 2129**

Mr. Moore read the rules for public hearings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public comments were heard.

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

There were no additional public comments.

The Public Hearing and public record were closed.

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

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

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

Condition Motion Adopted: 4 Yeas, 1 Absent.

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

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

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

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

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

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

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

Motion Adopted: 4 Yeas, 1 Absent.

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

**Grant
Requests**

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

**M 548 18
Council-
manic
Grant**

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

Motion Adopted: 4 Yeas, 1 Absent.

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

22754 Argo's Corner Rd. Lincoln, DE 19960

Type of Conditional Use Requested:

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

Tax Map #: 230-07.00-95.00

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

Current Zoning: GR

Proposed Zoning: N/A

Size of Building: 109,300

Land Use Classification: Vacant Site

Water Provider: Private, on site

Sewer Provider: Private, on-site

Applicant Information

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

Applicant Address: 257 E. Camden-Wyoming Avenue

City: Camden

State: DE

Zip Code: 19932

Phone #: (302) 270-3095

E-mail: bpl@lessardbuilders.com

Owner Information

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

Owner Address: 715 Halstead Road

City: Wilmington

State: DE

Zip Code: 19803

Phone #: (302) 656-1177

E-mail: laursen7@comcast.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: James Fuqua

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

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 227-7727

E-mail: jimf@fywlaw.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

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

Provide Fee \$500.00

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

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

DelDOT Service Level Evaluation Request Response

PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

James A. Fuqua, Jr.


Date: July 9, 2020

Signature of Owner Attorney

James A. Fuqua, Jr.


Date: July 9, 2020

For office use only:

Date Submitted: 7/9/20

Staff accepting application: JBD

Location of property: _____

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

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

August 21, 2017

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

Dear Ms. Cornwell:

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

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

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



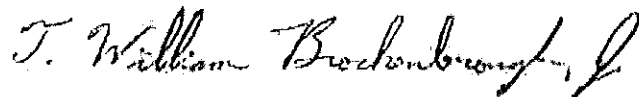
Ms. Janelle M. Cornwell
Page 2 of 2
August 21, 2017

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

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **3/25/2021**

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

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

FILE NO: **NCPA-5.03**

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

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

NO. OF UNITS: **Storage Units**

GROSS
ACREAGE: **10.75**

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

SEWER:

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

Yes

No

a. If yes, see question (2).

b. If no, see question (7).

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


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

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

(5). Are there any System Connection Charge (SCC) credits for the project? **N/A** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

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

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

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

C.U. NO. 2235

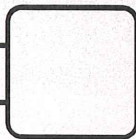
BRIAN P. LESSARD, LESSARD BUILDERS, INC.

REQUEST TO AMEND CONDITION "K" OF

C.U. NO. 2129 TO PERMIT ADDITIONAL SIGN

EXHIBITS

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



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110 Lavinia St., Milton, De 19968
 www.rogerssign.com
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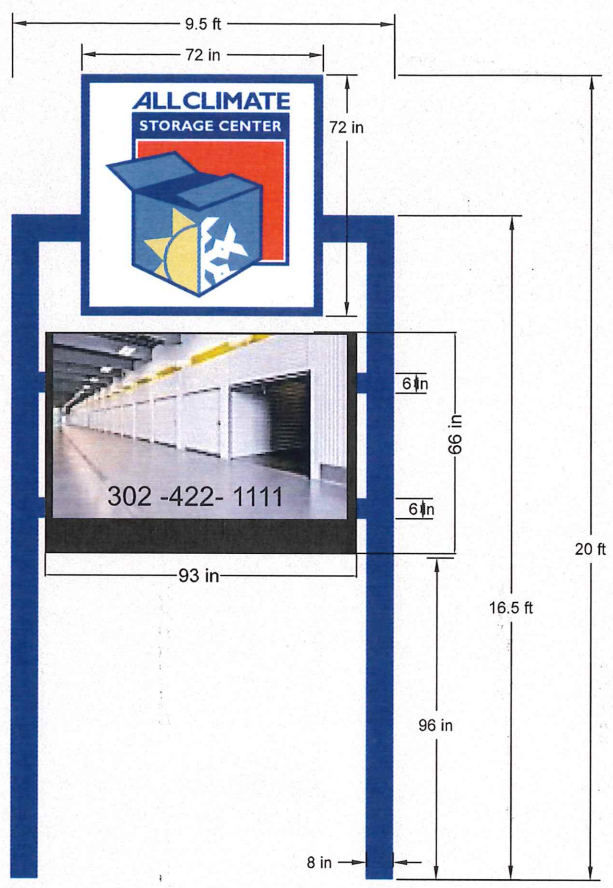
Job Name ALL CLIMATE STORAGE
MILFORD, DE
 Project Location _____
 Client Contact LESSARD BUILDERS
 order # 58526 Date 03/10/21 Artist Name DEB BRENEMAN

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

Proof # 1/3

OPTION 1

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



PRODUCT DETAIL:

FONTS:

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

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

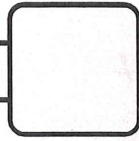
AUTHORIZED SIGNATURE
 X

MATERIALS USED:

VINYL MATERIAL:

- Approved
- Approved Pending Revisions
- Revise and Resubmit

DATE
 / /



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

Job Name ALL CLIMATE STORAGE MILFORD, DE

Project Location _____

Client Contact LESSARD BUILDERS

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

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

Proof # 1/3

OPTION 2

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



PRODUCT DETAIL:

MATERIALS USED:

FONTS:

VINYL MATERIAL:

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

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

- Approved
- Approved Pending Revisions
- Revise and Resubmit

AUTHORIZED SIGNATURE

DATE

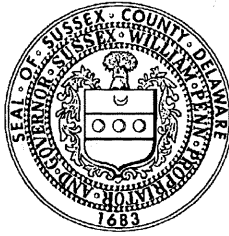
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/ /

B 2

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

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



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

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

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

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

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

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

Applicant Signature: _____ Date: _____ Approved By: _____





D-1



C-2

AMENDED CONDITION "K" FOR

C.U. NO. 2129

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



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 21, 2017

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

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

Dear Patrick:

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

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

Strategies for State Policies and Spending

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

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

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

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

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Executive Summary

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

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

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

Water Quality: TMDLs

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

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

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

Flood Management

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

Water Supply

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

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

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

Source Water Protection

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

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

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

References:

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

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

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

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

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

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

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

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

Sediment and Erosion Control/Stormwater Management

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

Air Quality

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

Table 1: Potential Regulatory Requirements	
Regulation	Requirements

7 DE Admin. Code 1102 – Permits	<ul style="list-style-type: none"> • This regulation establishes air quality analysis, control technology, permitting, and public and EPA notice/comment requirements for large stationary sources of air pollutants.
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> • Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. • Use covers on trucks that transport material to and from site to prevent visible emissions.
7 DE Admin. Code 1125 - Requirements for Preconstruction Review	<ul style="list-style-type: none"> • Facilities should consult with the Division of Air Quality, Engineering and Compliance Branch early in the process if preconstruction permits. Under 7 DE Administrative Code 1125 may be triggered.
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<ul style="list-style-type: none"> • Use structural/ paint coatings that are low in Volatile Organic Compounds. • Use covers on paint containers when paint containers are not in use.
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<ul style="list-style-type: none"> • Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (See section 3.2). • Maintain recordkeeping and reporting requirements.
7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles	<ul style="list-style-type: none"> • Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

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

Recycling

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

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

Tank Management

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

State Historic Preservation Office – Contact Terrence Burns 736-7404

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

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

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

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

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

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

Fire Protection Water Requirements:

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

Fire Protection Features:

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

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

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

Accessibility:

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

Required Notes:

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

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

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

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is written in a cursive style with a large initial "C".

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

CC: Sussex County