

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, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: June 10th, 2021

Application: CU 2236 Carl M. Freeman Companies

Applicant: Carl M. Freeman Companies
21 Village Green Drive Suite 200
Ocean View, DE 19970

Owner: Carl M. Freeman Companies
21 Village Green Drive Suite 200
Ocean View, DE 19970

Site Location: Lying on the northwest side of the intersection of Lighthouse Road (S.C.R. 58) and Bennett Avenue, approximately 0.79 mile west of Coastal Highway (Route 1)

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

Proposed Use: Hotel and Restaurant

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire Department

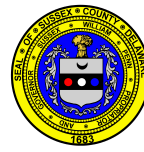
Sewer: Sussex County

Water: Artesian

Site Area: 9.2 acres +/-

Tax Map ID.: 533-20.00-22.00 & 20.00 (Portion of)





Sussex County



PIN:	533-20.00-20.00
Owner Name	CANNON ALLIE HEIRS
Book	5056
Mailing Address	38518 DUPONT BLVD
City	SELBYVILLE
State	DE
Description	HWY TO FENWICK
Description 2	ISLAND
Description 3	T12544 19177
Land Code	

polygonLayer

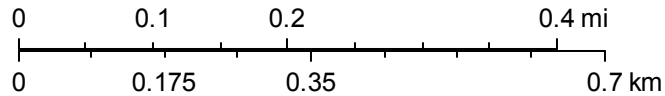
Override 1

polygonLayer

Override 1

- Tax Parcels
- Streets
- County Boundaries
- Extent of Right-of-Way
- Municipal Boundaries

1:9,028





Sussex County



PIN:	533-20.00-20.00
Owner Name	CANNON ALLIE HEIRS
Book	5056
Mailing Address	38518 DUPONT BLVD
City	SELBYVILLE
State	DE
Description	HWY TO FENWICK
Description 2	ISLAND
Description 3	T12544 19177
Land Code	

polygonLayer

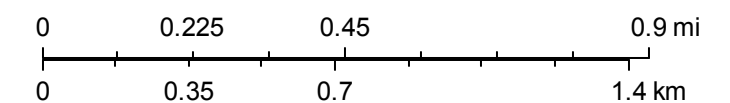
Override 1

polygonLayer

Override 1

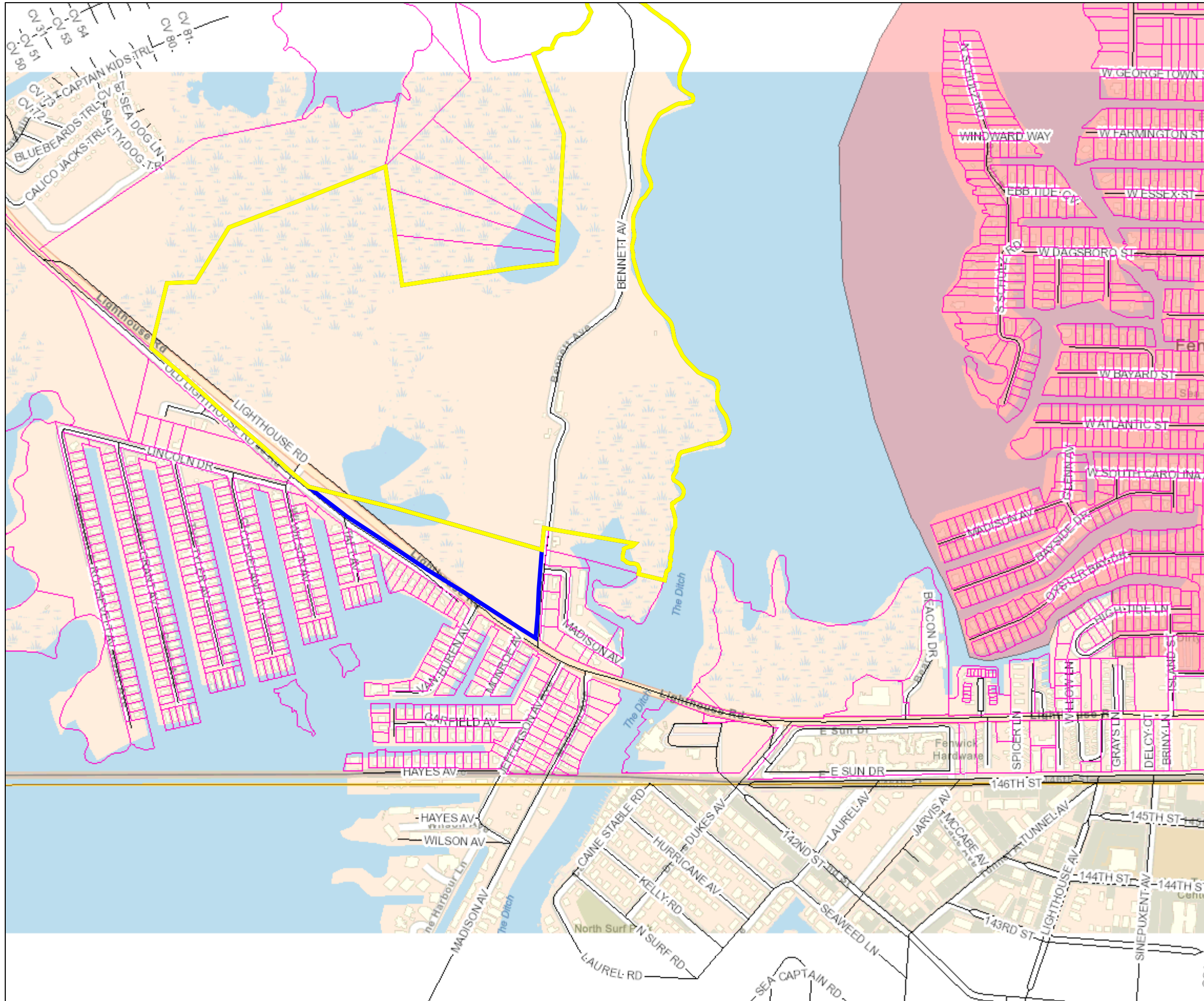
- Tax Parcels
- Streets

1:18,056





Sussex County



PIN:	533-20.00-20.00
Owner Name	CANNON ALLIE HEIRS
Book	5056
Mailing Address	38518 DUPONT BLVD
City	SELBYVILLE
State	DE
Description	HWY TO FENWICK
Description 2	ISLAND
Description 3	T12544 19177
Land Code	

polygonLayer

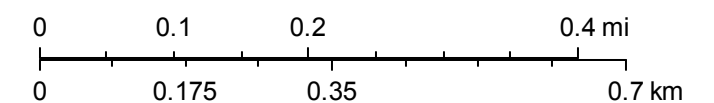
Override 1

polygonLayer

Override 1

- Tax Parcels
- Streets
- County Boundaries
- Extent of Right-of-Way
- Municipal Boundaries

1:9,028



JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING
(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: Nicholas Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 3rd, 2021
RE: Staff Analysis for CU 2236 Carl M. Freeman Companies

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2236 Carl M. Freeman Companies to be reviewed during the June 10th, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcels 533-20.00-22.00 & 20.00 (Portion of) to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a hotel and restaurant. The parcel is located on the north side of Lighthouse Road in Selbyville, Delaware. The area of the site is approximately 9.2 acres +/-.

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

The Coastal Area land use designation recognizes that a range of housing types should be permitted in Coastal Area, including single-family homes, townhouses, and multifamily units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. It also recognizes a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home.

The property is within an Agricultural Residential (AR-1) Zoning District. The parcels to the north, west, and south across Lighthouse Rd are also within an AR-1 Zoning District. There are five (5) small parcels directly to the east that are zoned Neighborhood Business District B-1.

Since 1971, there have been 20 Conditional Use applications within a one-mile radius of the application site. Of the 20 Conditional Use applications within a one-mile radius, 16 have been approved, 3 have been denied, and 1 was withdrawn.

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



File #: CU 2236

202007782
202007784

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

RECEIVED

JUN 03 2020

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

Site Address of Conditional Use/Zoning Map Amendment

North side of the intersection of Route 54 and Bennett Ave., near Fenwick Island.

Type of Conditional Use Requested:

AR-1 Conditional Use for Hotel and Restaurant use.

Tax Map #: 533-20.00-22.00 & p/o 20.00

Size of Parcel(s): 9.2

Current Zoning: AR-1

Proposed Zoning: AR-1

Size of Building: Hotel - 70 Rooms, (3) floors, 14,750 sf per floor. Restaurant ±8500 sf +

Land Use Classification: Coastal Area

Water Provider: Artesian

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Carl M. Freeman Companies

Applicant Address: 21 Village Green Drive, Suite 200

City: Ocean View

State: DE

Zip Code: 19970

Phone #: (302) 436-3000

E-mail: jmastrangelo@cmfa.com

Owner Information

Owner Name: Everett Clifton & Allie Cannon

Owner Address: 38876 Bennett Ave.

City: Selbyville

State: DE

Zip Code: 19975

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Stephen L. Marsh, P.E. - George, Miles & Buhr, LLC

Agent/Attorney/Engineer Address: 206 West Main Street

City: Salisbury

State: MD

Zip Code: 21801

Phone #: (410) 742-3115

E-mail: smarsh@gmbnet.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**

*provided under
separate cover

✓ **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: 5/27/20

Signature of Owner



Date: 5.28.20

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

July 8, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Carl M. Freeman Companies** conditional use application, which we received on June 8, 2020. This application is for an approximately 9.20-acre parcel (Tax Parcel: 533-20.00-22.00) and part of an adjoining 127.72-acre parcel (Tax Parcel: 533-20.00-20.00). The subject land is located on the north side of Lighthouse Road (Sussex Road 58) and both sides of Bennett Avenue. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to develop a 44,250 square-foot / 70-room hotel and an 8,500 square-foot quality restaurant.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Lighthouse Road where the subject land is located, which is from Zion Church Road (Sussex Road 382) to Dukes Avenue (Sussex Road 58D), are 7,769 and 9,999 vehicles per day, respectively.

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 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 fewer than 200 vehicle trips per a weekly peak hour and fewer 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 were agreeable, we would permit the developer to pay an Area-wide Study Fee.

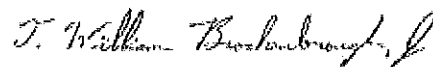
Mr. Jamie Whitehouse
Page 2 of 2
July 8, 2020

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a 70-room hotel and an 8,500 square-foot quality restaurant would generate 1,298 vehicle trips per day, 39 vehicle trips during the morning peak hour, and 108 vehicle trips during the afternoon peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, 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 \$12,980.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvements, including a traffic operational analysis (TOA) if one is found to be necessary during the plan review process.

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,



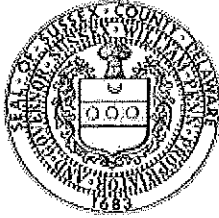
T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

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

PLANNING & ZONING
Janie Whitehouse, AICP, MRTPI
Director

(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountype.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: 6/4/20

Site Information:

Site Address/Location: North side of the intersection of Route 54 & Bennett Ave., Fenwick Island

Tax Parcel Number: 533-20.00-22.00 and part of 20.00

Current Zoning: AR-1

Proposed Zoning: AR-1

Land Use Classification: Coastal Area

Proposed Use(s): Hotel and Restaurant

Square footage of any proposed buildings or number of units: Hotel - 44,250 sf (3 floors) sf, Restaurant 8,500 sf

Applicant Information:

Applicant's Name: Carl M. Freeman Companies

Applicant's Address: 21 Village Green Drive, Suite 200

City: Ocean View State: DE Zip Code: 19970

Applicant's Phone Number: (302) 436-3000

Applicant's e-mail address: jmastrangelo@cmfa.com



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Last updated 3-12-20



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

NICOLE MAJESKI
SECRETARY

February 15, 2021

Mr. William Conway
Century Engineering, Inc.
550 South Bay Road
Dover, DE 19901

Dear Mr. Conway:

The enclosed Traffic Operational Analysis (TOA) review letter for the proposed **Cannon Property** (Tax Parcel 533-20.00-20.00) development has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TOA to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2167.

Sincerely,

A handwritten signature in cursive script, reading "Troy Brestel".

Troy Brestel
Project Engineer

TEB:km

Enclosures

cc with enclosures: Mr. Stephen Marsh, George, Miles & Buhr, L.L.C.
Ms. Constance C. Holland, Office of State Planning Coordination
Mr. Jamie Whitehouse, Sussex County Planning and Zoning
Mr. Mir Wahed, Johnson, Mirmiran & Thompson, Inc.
Ms. Joanne Arellano, Johnson, Mirmiran & Thompson, Inc.
Mr. Kevin Hickman, Johnson, Mirmiran & Thompson, Inc.
DelDOT Distribution



DelDOT Distribution

Brad Eaby, Deputy Attorney General
J. Marc Côté, Director, Planning
Shanté Hastings, Director, Transportation Solutions (DOTS)
Mark Luszc, Deputy Director, Traffic, DOTS
Michael Simmons, Assistant Director, Project Development South, DOTS
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Peter Haag, Chief Traffic Engineer, Traffic, DOTS
Kerry Yost, Traffic Calming and Subdivision Relations Manager, Traffic, DOTS
Alistair Probert, South District Engineer, South District
Gemez Norwood, South District Public Works Manager, South District
Jared Kauffman, Service Development Planner, Delaware Transit Corporation
Tremica Cherry, Service Development Planner, Delaware Transit Corporation
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning
Wendy Polasko, Subdivision Engineer, Development Coordination
Richard McCabe, Sussex Review Coordinator, Development Coordination
Mark Galipo, Traffic Engineer, Traffic, DOTS
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Fumato, Project Engineer, Development Coordination



February 15, 2021

Mr. Troy Brestel
Project Engineer
Development Coordination
DelDOT Division of Planning
P O Box 778
Dover, DE 19903

RE: Agreement No. 1774
Project Number T201769002
Traffic Impact Study Services
Task 19A-Cannon Property TOA

Dear Mr. Brestel:

Johnson, Mirmiran and Thompson (JMT) has completed the review of the Traffic Operational Analysis (TOA) for Cannon Property, prepared by Century Engineering dated May 2018. This task was assigned as Task Number 19A. Century Engineering prepared the report in a manner generally consistent with DelDOT's *Development Coordination Manual*.

The TOA evaluates the impacts of a proposed mixed-use development in Sussex County, Delaware, west of Fenwick Island. The development would be comprised of a 6,600 square-foot quality restaurant, a 3,300 square-foot high-turnover sit-down restaurant, and 70 single-family detached houses. The site is located on the northwest corner of the intersection of Delaware Route 54 (Sussex Road 58/Lighthouse Road) with Bennett Avenue. As part of the project, Bennett Avenue would be realigned opposite Monroe Avenue to create a four-legged intersection with Delaware Route 54. Two full access points to the site would be via the Bennett Avenue leg of the realigned intersection. The subject property is on an approximately 125.72-acre assemblage of parcels that are zoned as AR-1 (Agricultural Residential) and no rezoning is proposed. Construction is anticipated to be complete in 2021.

Per the June 2020 Commercial Site Plan Rendering prepared by George, Miles & Buhr, LLC. (GMB), the proposed uses differ from what was included in the TOA. Per the June 2020 plan, a 70-room hotel and a 8,500 square-foot restaurant is proposed on the site. Although the land uses have changed, the trip generation projected in the TOA is higher than the June 2020 plan. As such, the results based on the proposed development in the TOA will be utilized as part of this review. A trip generation comparison between the previously proposed plan and the new plan is included on page 10.

DelDOT's 2012 High Risk Rural Roads Program (HRRRP) included Site 18, which is within the project area. Site 18 is a 0.29 mile section of Delaware Route 54 from 0.12-mile west of Van Buren Avenue to 0.05-mile east of Madison Avenue. The Site 18 report included a crash summary, sight

Cannon Property TOA

February 15, 2021

Page 1



distance review, and field observations at the Delaware Route 54 intersections with Monroe Avenue, Bennett Avenue, and Jefferson Avenue. The recommendations in the Site 18 report included installing stop lines along the Monroe Avenue, Bennett Avenue, and Jefferson Avenue approaches to Delaware Route 54 as well as replacing the 30-inch STOP (R1-1) signs with 36-inch STOP signs and replacing the street name blades to upper-case/lower-case. Per a site visit, the signage and pavement marking recommendations have been implemented.

Additionally, DelDOT Traffic Section completed the *SR 54 Corridor Study* in December 2020. The corridor study evaluated intersections along Delaware Route 54 from SR 1 to SR 20/Americana Parkway in Sussex County, Delaware. The study reviewed crash history, proposed land development, vehicular speeds, and traffic data (pedestrian, bicycle, and vehicular) within the area. The study also included a corridor analysis of the signalized and unsignalized locations. Within the TOA study area, the recommendations from the *SR 54 Corridor Study* include considering reducing the speed limit along Delaware Route 54 between Madison Avenue and Old Mill Bridge Road to 35 miles per hour and installing a traffic signal at the intersection of Delaware Route 54 with Bennett Avenue.

Based on our review of the traffic operational analysis, we have the following comments and recommendations:

The following intersections exhibit level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements.

<i>Intersection</i>	<i>Situations for which LOS deficiencies occur</i>
Delaware Route 54/Bennett Avenue	2017 Existing Saturday (Case 1) 2021 Saturday without development (Case 2)
Delaware Route 54/Monroe Avenue	2017 Existing Saturday (Case 1) 2021 Saturday without development (Case 2)
Delaware Route 54/Bennett Avenue/Monroe Avenue (With Proposed Realignment)	2021 PM and Saturday with development (Case 3)
Delaware Route 54/Jefferson Avenue	2017 Existing Saturday (Case 1) 2021 Saturday without development (Case 2) 2021 Saturday with development (Case 3)

The unsignalized intersections of Delaware Route 54 with Bennett Avenue and Monroe Avenue exhibit LOS deficiencies under existing and future conditions with or without the proposed development during the Summer Saturday peak period. The deficiencies take place along the northbound Monroe Avenue and southbound Bennett Avenue approaches to Delaware Route 54.

As part of the proposed development, Bennett Avenue would be realigned along Delaware Route 54 to be directly opposite to Monroe Avenue and will form the north leg. The realigned intersection, under two-way stop control, would exhibit LOS deficiencies. Specifically, the northbound Monroe Avenue approach would operate at LOS F (242.8 seconds of delay) during the Saturday peak period and the southbound Bennett Avenue approach would operate at LOS E



(46.7 seconds of delay) and LOS F (549.6 seconds of delay) during the PM and Summer Saturday peak periods, respectively.

The modification of the realigned intersection of Delaware Route 54/Bennett Avenue/Monroe Avenue to be either a roundabout or controlled by a traffic signal would improve the intersection to operate at LOS D or better. However, the installation of a roundabout is not recommended at this location due to the potential additional right-of-way needed at the southerly leg of the intersection to accommodate the roundabout as well as the significantly higher through volumes along the Delaware Route 54 approaches. Per the DelDOT Traffic *SR 54 Corridor Study*, installing a traffic signal at the intersection of Delaware Route 54 and Bennett Avenue should be considered. Therefore, it is recommended that the developer realign the Bennett Avenue approach to Delaware Route 54 to be directly across Monroe Avenue and that the resulting four-legged intersection be signalized. Details regarding the signal warrant evaluation performed as part of this review can be found on Page 10 of this letter.

The unsignalized intersection of Delaware Route 54 with Jefferson Avenue exhibits LOS deficiencies under existing and future conditions with or without the proposed development during the Summer Saturday peak period. The deficiencies occur along the northbound Jefferson Avenue approach with LOS E (40.1 seconds of delay) and LOS F (59.9 and 66.4 seconds of delay) during the Case 1, Case 2, and Case 3 conditions, respectively. The installation of a signal would improve the intersection operation to LOS C. However, the installation of a signal would not meet any of the DE MUTCD volume warrants (Warrant 1, Eight hour; Warrant 2, Four hour; and Warrant 3, Peak hour). Due to the proximity of the Jefferson Avenue intersection to the future signalized Monroe Avenue intersection along Delaware Route 54, it is recommended that the design of this intersection be coordinated with DelDOT's Project Development South, Development Coordination, and Traffic sections during the early stages of the plan review process.

Should Sussex County approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer should realign Bennett Avenue along Delaware Route 54 to be across from Monroe Avenue to create a new four-legged intersection and enter into a traffic signal agreement with DelDOT for the installation of a traffic signal. The intersection should be consistent with the lane configurations shown in the table below.

Approach	Current Configuration	Proposed Configuration
Eastbound Delaware Route 54	One shared left turn/through/right turn lane	One left turn lane and one shared through/right turn lane
Westbound Delaware Route 54	One shared left turn/through/right turn lane	One left turn lane, one through lane, and one right turn lane



Northbound Monroe Avenue	One shared left turn/through/right turn lane	No change
Southbound Bennett Avenue	One shared left turn/through/right turn lane	One shared left turn/through lane and one right turn lane

Based on DelDOT's *Development Coordination Manual*, the recommended minimum storage lengths (excluding taper) of the separate left turn and right turn lanes along Delaware Route 54 are listed below.

Approach	Left Turn Lane	Right Turn Lane
Eastbound Delaware Route 54	50 feet	N/A
Westbound Delaware Route 54	50 feet	190 feet

The calculated queue lengths from the HCS analysis can be accommodated within the recommended storage lengths. The traffic signal agreement should include pedestrian signals, crosswalks, interconnection, and ITS equipment such as CCTV cameras at DelDOT's discretion. Signalized pedestrian crossings should be provided along each approach to the intersection.

Prior to Entrance Plan approval, the developer should submit a plan to DelDOT's Development Coordination section depicting the design of the signalized intersection. The final design of the realigned intersection, including any modifications to the Jefferson Avenue intersection, should be coordinated with DelDOT's Project Development South, Development Coordination, and Traffic sections during the early stages of the Entrance Plan review process.

2. At DelDOT's discretion, the developer should provide a bituminous concrete overlay as necessary to address restriping and pavement damage on the Delaware Route 54 existing travel lanes as a result of the realignment of Bennett Avenue from Van Buren Avenue to the limits of the bridge approach east of Madison Avenue.
3. The following bicycle, pedestrian, and transit improvements should be included:
 - a. A minimum fifteen-foot wide permanent easement from the edge of the right-of-way should be dedicated to DelDOT along the Delaware Route 54 site frontage.



- b. Within the easement, the developer should construct a ten-foot wide shared-use path that meets current AASHTO and ADA standards. A minimum five-foot setback should be maintained from the edge of the pavement to the shared-use path. If feasible, the shared-use path should be placed behind utility poles and street trees should be provided within the buffer area. The developer should coordinate with DelDOT's Development Coordination section during the plan review process to identify the exact location of the shared-use path.
- c. All internal roads, including Bennett Avenue, should be provided with sidewalks on both sides.
- d. ADA compliant curb ramps and marked crosswalks should be provided along the Bennett Avenue approach to Delaware Route 54. The use of diagonal curb ramps is discouraged.
- e. Minimum five-foot wide bicycle lanes should be incorporated in the shoulders along both directions of Delaware Route 54 from Madison Avenue to Van Buren Avenue.
- f. When a right turn lane is added along Delaware Route 54, a five-foot wide bicycle lane should be maintained through the right turn lane to facilitate safe and unimpeded bicycle travel.
- g. Utility covers should be moved outside of any designated bicycle lanes and any proposed sidewalks/shared-use paths or should be flush with the pavement.
- h. Bike parking racks should be provided near the restaurant building entrances. Where the building architecture provides for an awning or other overhang, the bike parking should be covered.
- i. The developer should coordinate with DART to provide a bus stop along the Delaware Route 54 site frontage, adjacent to Bennett Avenue. Coordination should include provisions for appropriate amenities (bus pad, shelter, etc.). Sidewalk connecting the subject property to the bus stop should be provided.

Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DelDOT's Plan Review process.

Improvements in this TOA may be considered "significant" under DelDOT's *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT's website at

Cannon Property TOA

February 15, 2021

Page 5



https://www.deldot.gov/Publications/manuals/de_mutcd/index.shtml. For any additional information regarding the work zone impact and mitigation procedures during construction please contact Mr. Don Weber, Assistant Director for Traffic Operations and Management. Mr. Weber can be reached at (302) 659-4651 or by email at Don.Weber@delaware.gov.

Additional details on our review of the TOA are attached. Please contact me at (302) 266-9600 if you have any questions concerning this review.

Sincerely,
Johnson, Mirmiran, and Thompson, Inc.

Mir Wahed,
Mir Wahed, P.E., PTOE

cc: Joanne Arellano, P.E., PTOE

Enclosure



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

NICOLE MAJESKI
SECRETARY

February 15, 2021

Mr. William Conway
Century Engineering, Inc.
550 South Bay Road
Dover, DE 19901

Dear Mr. Conway:

The enclosed Traffic Operational Analysis (TOA) review letter for the proposed **Cannon Property** (Tax Parcel 533-20.00-20.00) development has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TOA to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2167.

Sincerely,

Troy Brestel
Project Engineer

TEB:km

Enclosures

cc with enclosures: Mr. Stephen Marsh, George, Miles & Buhr, L.L.C.
Ms. Constance C. Holland, Office of State Planning Coordination
Mr. Jamie Whitehouse, Sussex County Planning and Zoning
Mr. Mir Wahed, Johnson, Mirmiran & Thompson, Inc.
Ms. Joanne Arellano, Johnson, Mirmiran & Thompson, Inc.
Mr. Kevin Hickman, Johnson, Mirmiran & Thompson, Inc.
DelDOT Distribution

DelDOT Distribution

Brad Eaby, Deputy Attorney General
J. Marc Coté, Director, Planning
Shanté Hastings, Director, Transportation Solutions (DOTS)
Mark Luszcz, Deputy Director, Traffic, DOTS
Michael Simmons, Assistant Director, Project Development South, DOTS
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Peter Haag, Chief Traffic Engineer, Traffic, DOTS
Kerry Yost, Traffic Calming and Subdivision Relations Manager, Traffic, DOTS
Alistair Probert, South District Engineer, South District
Gemez Norwood, South District Public Works Manager, South District
Jared Kauffman, Service Development Planner, Delaware Transit Corporation
Tremica Cherry, Service Development Planner, Delaware Transit Corporation
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning
Wendy Polasko, Subdivision Engineer, Development Coordination
Richard McCabe, Sussex Review Coordinator, Development Coordination
Mark Galipo, Traffic Engineer, Traffic, DOTS
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination



February 15, 2021

Mr. Troy Brestel
Project Engineer
Development Coordination
DelDOT Division of Planning
P O Box 778
Dover, DE 19903

RE: Agreement No. 1774
Project Number T201769002
Traffic Impact Study Services
Task 19A-Cannon Property TOA

Dear Mr. Brestel:

Johnson, Mirmiran and Thompson (JMT) has completed the review of the Traffic Operational Analysis (TOA) for Cannon Property, prepared by Century Engineering dated May 2018. This task was assigned as Task Number 19A. Century Engineering prepared the report in a manner generally consistent with DelDOT's *Development Coordination Manual*.

The TOA evaluates the impacts of a proposed mixed-use development in Sussex County, Delaware, west of Fenwick Island. The development would be comprised of a 6,600 square-foot quality restaurant, a 3,300 square-foot high-turnover sit-down restaurant, and 70 single-family detached houses. The site is located on the northwest corner of the intersection of Delaware Route 54 (Sussex Road 58/Lighthouse Road) with Bennett Avenue. As part of the project, Bennett Avenue would be realigned opposite Monroe Avenue to create a four-legged intersection with Delaware Route 54. Two full access points to the site would be via the Bennett Avenue leg of the realigned intersection. The subject property is on an approximately 125.72-acre assemblage of parcels that are zoned as AR-1 (Agricultural Residential) and no rezoning is proposed. Construction is anticipated to be complete in 2021.

Per the June 2020 Commercial Site Plan Rendering prepared by George, Miles & Buhr, LLC. (GMB), the proposed uses differ from what was included in the TOA. Per the June 2020 plan, a 70-room hotel and a 8,500 square-foot restaurant is proposed on the site. Although the land uses have changed, the trip generation projected in the TOA is higher than the June 2020 plan. As such, the results based on the proposed development in the TOA will be utilized as part of this review. A trip generation comparison between the previously proposed plan and the new plan is included on page 10.

DelDOT's 2012 High Risk Rural Roads Program (HRRRP) included Site 18, which is within the project area. Site 18 is a 0.29 mile section of Delaware Route 54 from 0.12-mile west of Van Buren Avenue to 0.05-mile east of Madison Avenue. The Site 18 report included a crash summary, sight



distance review, and field observations at the Delaware Route 54 intersections with Monroe Avenue, Bennett Avenue, and Jefferson Avenue. The recommendations in the Site 18 report included installing stop lines along the Monroe Avenue, Bennett Avenue, and Jefferson Avenue approaches to Delaware Route 54 as well as replacing the 30-inch STOP (R1-1) signs with 36-inch STOP signs and replacing the street name blades to upper-case/lower-case. Per a site visit, the signage and pavement marking recommendations have been implemented.

Additionally, DelDOT Traffic Section completed the *SR 54 Corridor Study* in December 2020. The corridor study evaluated intersections along Delaware Route 54 from SR 1 to SR 20/Americana Parkway in Sussex County, Delaware. The study reviewed crash history, proposed land development, vehicular speeds, and traffic data (pedestrian, bicycle, and vehicular) within the area. The study also included a corridor analysis of the signalized and unsignalized locations. Within the TOA study area, the recommendations from the *SR 54 Corridor Study* include considering reducing the speed limit along Delaware Route 54 between Madison Avenue and Old Mill Bridge Road to 35 miles per hour and installing a traffic signal at the intersection of Delaware Route 54 with Bennett Avenue.

Based on our review of the traffic operational analysis, we have the following comments and recommendations:

The following intersections exhibit level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements.

<i>Intersection</i>	<i>Situations for which LOS deficiencies occur</i>
Delaware Route 54/Bennett Avenue	2017 Existing Saturday (Case 1) 2021 Saturday without development (Case 2)
Delaware Route 54/Monroe Avenue	2017 Existing Saturday (Case 1) 2021 Saturday without development (Case 2)
Delaware Route 54/Bennett Avenue/Monroe Avenue (With Proposed Realignment)	2021 PM and Saturday with development (Case 3)
Delaware Route 54/Jefferson Avenue	2017 Existing Saturday (Case 1) 2021 Saturday without development (Case 2) 2021 Saturday with development (Case 3)

The unsignalized intersections of Delaware Route 54 with Bennett Avenue and Monroe Avenue exhibit LOS deficiencies under existing and future conditions with or without the proposed development during the Summer Saturday peak period. The deficiencies take place along the northbound Monroe Avenue and southbound Bennett Avenue approaches to Delaware Route 54.

As part of the proposed development, Bennett Avenue would be realigned along Delaware Route 54 to be directly opposite to Monroe Avenue and will form the north leg. The realigned intersection, under two-way stop control, would exhibit LOS deficiencies. Specifically, the northbound Monroe Avenue approach would operate at LOS F (242.8 seconds of delay) during the Saturday peak period and the southbound Bennett Avenue approach would operate at LOS E



(46.7 seconds of delay) and LOS F (549.6 seconds of delay) during the PM and Summer Saturday peak periods, respectively.

The modification of the realigned intersection of Delaware Route 54/Bennett Avenue/Monroe Avenue to be either a roundabout or controlled by a traffic signal would improve the intersection to operate at LOS D or better. However, the installation of a roundabout is not recommended at this location due to the potential additional right-of-way needed at the southerly leg of the intersection to accommodate the roundabout as well as the significantly higher through volumes along the Delaware Route 54 approaches. Per the DelDOT Traffic *SR 54 Corridor Study*, installing a traffic signal at the intersection of Delaware Route 54 and Bennett Avenue should be considered. Therefore, it is recommended that the developer realign the Bennett Avenue approach to Delaware Route 54 to be directly across Monroe Avenue and that the resulting four-legged intersection be signalized. Details regarding the signal warrant evaluation performed as part of this review can be found on Page 10 of this letter.

The unsignalized intersection of Delaware Route 54 with Jefferson Avenue exhibits LOS deficiencies under existing and future conditions with or without the proposed development during the Summer Saturday peak period. The deficiencies occur along the northbound Jefferson Avenue approach with LOS E (40.1 seconds of delay) and LOS F (59.9 and 66.4 seconds of delay) during the Case 1, Case 2, and Case 3 conditions, respectively. The installation of a signal would improve the intersection operation to LOS C. However, the installation of a signal would not meet any of the DE MUTCD volume warrants (Warrant 1, Eight hour; Warrant 2, Four hour; and Warrant 3, Peak hour). Due to the proximity of the Jefferson Avenue intersection to the future signalized Monroe Avenue intersection along Delaware Route 54, it is recommended that the design of this intersection be coordinated with DelDOT's Project Development South, Development Coordination, and Traffic sections during the early stages of the plan review process.

Should Sussex County approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer should realign Bennett Avenue along Delaware Route 54 to be across from Monroe Avenue to create a new four-legged intersection and enter into a traffic signal agreement with DelDOT for the installation of a traffic signal. The intersection should be consistent with the lane configurations shown in the table below.

Approach	Current Configuration	Proposed Configuration
Eastbound Delaware Route 54	One shared left turn/through/right turn lane	One left turn lane and one shared through/right turn lane
Westbound Delaware Route 54	One shared left turn/through/right turn lane	One left turn lane, one through lane, and one right turn lane



Northbound Monroe Avenue	One shared left turn/through/right turn lane	No change
Southbound Bennett Avenue	One shared left turn/through/right turn lane	One shared left turn/through lane and one right turn lane

Based on DelDOT's *Development Coordination Manual*, the recommended minimum storage lengths (excluding taper) of the separate left turn and right turn lanes along Delaware Route 54 are listed below.

Approach	Left Turn Lane	Right Turn Lane
Eastbound Delaware Route 54	50 feet	N/A
Westbound Delaware Route 54	50 feet	190 feet

The calculated queue lengths from the HCS analysis can be accommodated within the recommended storage lengths. The traffic signal agreement should include pedestrian signals, crosswalks, interconnection, and ITS equipment such as CCTV cameras at DelDOT's discretion. Signalized pedestrian crossings should be provided along each approach to the intersection.

Prior to Entrance Plan approval, the developer should submit a plan to DelDOT's Development Coordination section depicting the design of the signalized intersection. The final design of the realigned intersection, including any modifications to the Jefferson Avenue intersection, should be coordinated with DelDOT's Project Development South, Development Coordination, and Traffic sections during the early stages of the Entrance Plan review process.

2. At DelDOT's discretion, the developer should provide a bituminous concrete overlay as necessary to address restriping and pavement damage on the Delaware Route 54 existing travel lanes as a result of the realignment of Bennett Avenue from Van Buren Avenue to the limits of the bridge approach east of Madison Avenue.
3. The following bicycle, pedestrian, and transit improvements should be included:
 - a. A minimum fifteen-foot wide permanent easement from the edge of the right-of-way should be dedicated to DelDOT along the Delaware Route 54 site frontage.

- b. Within the easement, the developer should construct a ten-foot wide shared-use path that meets current AASHTO and ADA standards. A minimum five-foot setback should be maintained from the edge of the pavement to the shared-use path. If feasible, the shared-use path should be placed behind utility poles and street trees should be provided within the buffer area. The developer should coordinate with DelDOT's Development Coordination section during the plan review process to identify the exact location of the shared-use path.
- c. All internal roads, including Bennett Avenue, should be provided with sidewalks on both sides.
- d. ADA compliant curb ramps and marked crosswalks should be provided along the Bennett Avenue approach to Delaware Route 54. The use of diagonal curb ramps is discouraged.
- e. Minimum five-foot wide bicycle lanes should be incorporated in the shoulders along both directions of Delaware Route 54 from Madison Avenue to Van Buren Avenue.
- f. When a right turn lane is added along Delaware Route 54, a five-foot wide bicycle lane should be maintained through the right turn lane to facilitate safe and unimpeded bicycle travel.
- g. Utility covers should be moved outside of any designated bicycle lanes and any proposed sidewalks/shared-use paths or should be flush with the pavement.
- h. Bike parking racks should be provided near the restaurant building entrances. Where the building architecture provides for an awning or other overhang, the bike parking should be covered.
- i. The developer should coordinate with DART to provide a bus stop along the Delaware Route 54 site frontage, adjacent to Bennett Avenue. Coordination should include provisions for appropriate amenities (bus pad, shelter, etc.). Sidewalk connecting the subject property to the bus stop should be provided.

Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DelDOT's Plan Review process.

Improvements in this TOA may be considered "significant" under DelDOT's *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT's website at



https://www.deldot.gov/Publications/manuals/de_mutcd/index.shtml. For any additional information regarding the work zone impact and mitigation procedures during construction please contact Mr. Don Weber, Assistant Director for Traffic Operations and Management. Mr. Weber can be reached at (302) 659-4651 or by email at Don.Weber@delaware.gov.

Additional details on our review of the TOA are attached. Please contact me at (302) 266-9600 if you have any questions concerning this review.

Sincerely,
Johnson, Mirmiran, and Thompson, Inc.

Mir Wahed,
Mir Wahed, P.E., PTOE

cc: Joanne Arellano, P.E., PTOE

Enclosure

General Information

Report date: May 2018

Prepared by: Century Engineering

Prepared for: CMF Companies

Tax Parcels: 533-20.00-20.00 and 22.00

Generally consistent with DelDOT's *Development Coordination Manual*: Yes

Project Description and Background

Description: The developer seeks to develop a 6,600 square-foot quality restaurant, a 3,300 square-foot high-turnover sit-down restaurant, and 70 single family detached houses.

Location: The subject site is located on the northwest corner of the intersection of Delaware Route 54 (Lighthouse Road/Sussex Road 58) and Bennett Avenue, west of Fenwick Island.

Amount of Land to be developed: Approximately 125.72-acre assemblage of parcels.

Land Use approval(s) needed: Entrance Plan.

Proposed completion date: 2021.

Proposed access location: One full access is proposed along Delaware Route 54, by way of Bennett Avenue.

Daily Traffic Volumes:

- 2017 Average Annual Daily Traffic on Delaware Route 54: 17,062 vehicles per day.

Avenue to 0.05-mile east of Madison Avenue. The Site 18 report included a crash summary, sight distance review, and field observations at the Delaware Route 54 intersections with Monroe Avenue, Bennett Avenue, and Jefferson Avenue. The recommendations in the Site 18 report included installing stop lines along the Monroe Avenue, Bennett Avenue, and Jefferson Avenue approaches to Delaware Route 54 as well as replacing the 30-inch STOP (R1-1) signs with 36-inch STOP signs and replacing the street name blades to upper-case/lower-case. Per a site visit, the signage and pavement marking recommendations have been implemented.

Additionally, DelDOT Traffic Section completed the *SR 54 Corridor Study* in December 2020. The corridor study evaluated intersections along Delaware Route 54 from SR 1 to SR 20/Americana Parkway in Sussex County, Delaware. The study reviewed crash history, proposed land development, vehicular speeds, and traffic data (pedestrian, bicycle, and vehicular) within the area. The study also included a corridor analysis of the signalized and unsignalized locations. Within the TOA study area, the recommendations from the *SR 54 Corridor Study* include considering reducing the speed limit along Delaware Route 54 between Madison Avenue and Old Mill Bridge Road to 35 miles per hour and installing a traffic signal at the intersection of Delaware Route 54 at Bennett Avenue.

Trip Generation

The trip generation for the proposed development was determined by using the comparable land use and rates/equations contained in the *Trip Generation, 9th Edition: An ITE Informational Report*, published by the Institute of Transportation Engineers (ITE) for ITE Land Use Code 210 (single family detached housing), 931 (quality restaurant) and 932 (high turnover restaurant).

Table 1
Cannon Property Trip Generation from TOA

Land Use	ADT	AM Peak Hour			PM Peak Hour			SAT Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total
70 Units Single-Family Detached Housing (ITE Code 210)	756	15	44	59	48	28	76	38	33	71
Internal Capture	-	2	3	5	8	6	14	6	7	13
6,600 Square Feet Quality Restaurant (ITE Code 931)	594	3	2	5	33	16	49	42	29	71
Internal Capture	-	1	1	2	4	4	8	5	3	8
Pass-By Trips	-	0	0	0	13	5	18	16	11	27
3,300 Square Feet High Turnover (Sit-Down) Restaurant (ITE Code 932)	420	20	16	36	20	13	33	24	22	46
Internal Capture	-	2	1	3	2	4	6	2	3	5
Pass-By Trips	-	0	0	0	8	4	12	9	8	17
Total New Trips	1,770	33	57	90	66	34	100	66	52	118

Cannon Property Trip Generation based on June 2020 Site Plan

Land Use	ADT	AM Peak Hour			PM Peak Hour			SAT Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total
70 Room Hotel (ITE Code 310)	585	19	14	33	21	21	42	28	22	50
Internal Capture	-	0	0	0	2	4	6	4	4	8
Pass-By Trips	-	0	0	0	0	0	0	0	0	0
8,500 Square Feet Quality Restaurant (ITE Code 931)	713	3	3	6	44	22	66	54	37	91
Internal Capture	-	0	0	0	4	2	6	4	4	8
Pass-By Trips	-	0	0	0	18	9	27	22	15	37
Total New Trips	1,298	22	17	39	41	28	69	52	36	88

Cannon Property New Trip Generation Comparison

Land Use	ADT	AM Peak Hour			PM Peak Hour			SAT Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total
TOA	1,770	33	57	90	66	34	100	66	52	118
June 2020 Site Plan	1,298	22	17	39	41	28	69	52	36	88
Difference	472	11	40	51	25	6	31	14	16	30

Overview of TOA

Intersections examined:

1. Delaware Route 54/Bennett Avenue (provide Site Access)
2. Delaware Route 54/Monroe Avenue
3. Delaware Route 54/Jefferson Avenue

Conditions examined:

- Case 1 – 2017 Existing
- Case 2 – 2021 without development
- Case 3 – 2021 with development

Peak hours evaluated: Weekday morning, Weekday evening, and Saturday midday peak hours.

Intersection Descriptions

1. Delaware Route 54/Bennett Avenue (provides Site Access)

Type of Control: Existing two-way stop controlled intersection (T-intersection); proposed to realign Bennett Avenue to form a four-leg, two-way stop controlled intersection with Monroe Avenue

Eastbound Approach: (Delaware Route 54) Existing one shared left tur/through lane; proposed one left turn lane and one shared through/right turn lane.

Westbound Approach: (Delaware Route 54) Existing one shared through/right turn lane; proposed one left turn lane, one through lane, and one right turn lane

Southbound Approach: (Bennett Avenue) Existing one shared left turn/right turn lane, stop controlled; proposed one shared left turn/through lane and one right turn lane, stop controlled

2. **Delaware Route 54/Monroe Avenue**

Type of Control: Existing two-way stop controlled (T-intersection); proposed four-leg intersection with Bennett Avenue and two-way stop controlled

Eastbound Approach: (Delaware Route 54) Existing one shared through/right turn lane; proposed one left turn lane and one shared through/right turn lane

Westbound Approach: (Delaware Route 54) Existing one shared left turn/through lane; proposed one left turn lane, one through lane, and one right turn lane

Northbound Approach: (Monroe Avenue) Existing one shared left turn/right turn lane, stop controlled; proposed one shared left turn/through/right turn lane, stop controlled

3. **Delaware Route 54/Jefferson Avenue**

Type of Control: Existing two-way stop controlled intersection (T-intersection)

Eastbound Approach: (Delaware Route 54) Existing one shared through/right turn lane

Westbound Approach: (Delaware route 54) Existing one shared left turn/through lane

Northbound Approach: (Jefferson Avenue) Existing one shared left turn/right turn lane, stop controlled

Transit, Pedestrian, and Bicycle Facilities

Existing transit service: Delaware Transit Corporation (DTC) currently does not provide any service in the study area.

Planned transit service: JMT contacted Ms. Tremica Cherry, Transit Planner at the DTC. Per email correspondence on June 21, 2018 from Ms. Cherry, it was recommended that one bus stop pad be installed along Delaware Route 54, between Bennett Avenue and Jefferson Avenue.

Existing bicycle and pedestrian facilities: According to the DelDOT's *Sussex County Bicycle Map*, a Regional Bicycle Route exists within the study area. The Regional Bicycle Route exists along Delaware Route 54 and traverses through all of the project's intersections (Bennett Avenue, Monroe Avenue and Jefferson intersection with Delaware Rout 54). Pedestrian facilities do not exist within the study area.

Planned bicycle and pedestrian facilities: Per email correspondence on June 18, 2018 from Mr. John Fiori, DelDOT's Bicycle Coordinator, the following improvements were recommended:

- A 10 feet-wide shared use path along the Delaware Route 54 site frontage should a pedestrian facility be required by the Subdivision Engineer
- All entrance, roadway, and intersection improvements should incorporate bicycle and pedestrian facilities
- A 15 feet wide right-of-way should be provided along the Delaware Route 54 property frontage

Bicycle Level of Service and Bicycle Compatibility Index: According to the League of Illinois Bicyclists (LIB), Bicycle Level of Service (BLOS) is an emerging national standard for

quantifying the bike-friendliness of a roadway by measuring on-road bicyclist comfort levels for specific roadway geometries and traffic conditions. Utilizing the 10-year projected AADT along the Delaware Route 54 site frontage with 35 miles per hour speed limit, and the provision of an eight-foot bike/shoulder lane, the BLOS with the full build out construction of the proposed development are summarized below. The BLOS was determined utilizing the calculators published on the LIB website:

<http://rideillinois.org/blos/blosform.htm>

- Delaware Route 54 – BLOS: A (below 1.50)

Signal Warrant Evaluation

JMT conducted a signal warrant evaluation for the realigned Bennett Avenue/Monroe Avenue intersection with Delaware Route 54. The evaluation was conducted using traffic volume data; three years collision data; and geometric conditions in accordance with the Delaware Manual on Uniform Traffic Control Devices (DE MUTCD).

Based on the evaluation, Warrants 1 (Eight-hour), 2 (Four-hour), and 3 (Peak Hour) are not met under 2021 conditions with the development. The evaluation is based on the provision of two lanes along the Bennett Avenue approach and one lane along Delaware Route 54. Note, two evaluations adjusting for right turn minor street volumes were conducted with one based on the methodology from NCHRP Report 457 and the other based on the “Pagones Theorem”. Furthermore, the crash warrant (based on both the MUTCD and the IA-19.3 – Alternative Signal Warrant 7) are also not met.

DelDOT Traffic Section also evaluated the Delaware Route 54/Bennett Avenue intersection as part of the *SR 54 Corridor Study*. The corridor study recommended the consideration of installing a traffic signal at the intersection of Delaware Route 54 at Bennett Avenue to accommodate future development growth.

Previous Comments

None.

General HCS Analysis Comments

(See table footnotes on the following pages for specific comments)

1. For the intersection analyses, the TOA and JMT used HCS7 version 7.3 whereas JMT used HCS7 version 7.5.
2. Per DelDOT's *Development Coordination Manual*, JMT used a heavy vehicle percentage of 3% for each movement in the Case 2 and Case 3 future scenario analyses, unless the existing heavy vehicle percentage was greater than 3% and there was no significant increase of vehicles along that movement, in which case the existing heavy vehicle percentage was used for analysis of future scenarios whereas the TOA utilized existing heavy vehicle percentages for the future scenario analyses.
3. Per DelDOT's *Development Coordination Manual*, JMT utilized the existing PHF for the Case 1 scenario and a future PHF for Cases 2 and 3 scenarios of 0.80 for roadways with less than 500 vph, 0.88 for roadways between 500 and 1,000 vph, and 0.92 for roadways with more than 1,000 vph or the existing PHF, whichever was higher. The TOA assumed 0.92 for all existing and future scenarios.
4. JMT utilized updated Cases 1, 2 and 3 volumes. As discussed with DelDOT, the updated volumes were created to address some volume development inconsistencies identified in the TOA report
5. JMT included pedestrian volumes in the analysis whereas the TOA did not.

Table 2
Peak Hour Levels Of Service (LOS)
Based on Traffic Operational Analysis for Cannon Property
Report Dated: May 2018
Prepared by Century Engineering

Unsignalized Intersection Two-Way Stop Control (T-Intersection) ¹	LOS per TOA			LOS per JMT		
Delaware Route 54/Bennett Avenue (provides Site Access)	Weekday AM	Weekday PM	Saturday Peak	Weekday AM	Weekday PM	Saturday Peak
2017 Existing (Case 1) ^{2,3}						
Eastbound Delaware Route 54 Left Turn	A (8.7)	A (9.2)	A (10.0)	A (8.1)	A (9.2)	A (10.0)
Southbound Bennett Avenue Approach	C (15.2)	C (21.5)	F (52.7)	C (16.7)	C (20.5)	E (46.3)
2021 Without development (Case 2)						
Eastbound Delaware Route 54 Left Turn	A (8.9)	A (9.7)	B (10.6)	A (8.2)	A (9.7)	B (10.7)
Southbound Bennett Avenue Approach	C (18.5)	D (27.6)	F (88.4)	C (18.2)	D (26.2)	F (74.7)

¹ For signalized and unsignalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds.

² The TOA utilized a PHF of 0.80 for the AM peak hour whereas JMT utilized a PHF of 0.79 consistent with existing traffic counts.

³ During the AM peak hour, JMT utilized a heavy vehicle percentage of 0% for the eastbound left turn, southbound left turn, and southbound right turn consistent with the existing traffic counts whereas the TOA did not.

Table 3
Peak Hour Levels Of Service (LOS)
Based on Traffic Operational Analysis for Cannon Property
Report Dated: May 2018
Prepared by Century Engineering

Unsignalized Intersection Two-Way Stop Control (T-Intersection) ¹	LOS per TOA			LOS per JMT		
Delaware Route 54/Monroe Avenue	Weekday AM	Weekday PM	Saturday Peak	Weekday AM	Weekday PM	Saturday Peak
2017 Existing (Case 1) ^{4,5}						
Westbound Delaware Route 54 Left Turn	A (8.1)	A (8.5)	B (10.6)	A (8.5)	A (8.5)	B (10.6)
Northbound Monroe Avenue Approach	B (11.6)	C (16.0)	F (64.0)	B (13.2)	C (16.0)	F (63.5)
2021 Without development (Case 2)						
Westbound Delaware Route 54 Left Turn	A (8.5)	A (8.7)	B (11.4)	A (8.8)	A (8.9)	B (11.4)
Northbound Monroe Avenue Approach	B (13.0)	C (18.8)	F (94.3)	B (14.0)	C (19.0)	F (95.6)

⁴ During the PM peak hour, JMT utilized a heavy vehicle percentage of 0% for the northbound Monroe Avenue approach consistent with existing conditions whereas the TOA did not.

⁵ During the AM peak hour, JMT utilized a PHF of 0.79 consistent with existing conditions whereas the TOA did not.

Table 4
Peak Hour Levels Of Service (LOS)
Based on Traffic Operational Analysis for Cannon Property
Report Dated: May 2018
Prepared by Century Engineering

Unsignalized Intersection Two-Way Stop Control ¹	LOS per TOA			LOS per JMT		
Delaware Route 54/Bennett Avenue/Monroe Avenue	Weekday AM	Weekday PM	Saturday Peak	Weekday AM	Weekday PM	Saturday Peak
2021 With development (Case 3) with Realignment ⁶						
Eastbound Delaware Route 54 Left Turn	A (8.2)	B (10.3)	B (11.6)	A (8.2)	B (10.2)	B (11.4)
Westbound Delaware Route 54 Left Turn	A (8.5)	A (8.7)	B (11.3)	A (8.7)	A (8.8)	B (11.3)
Northbound Monroe Avenue Approach	B (14.0)	D (28.7)	F (348.1)	B (14.5)	D (26.9)	F (242.8)
Southbound Bennett Avenue Left Turn	D (25.2)	F (105.3)	F (2290.9)	D (26.8)	F (75.4)	F (1077.9)
Southbound Bennett Avenue Right Turn	-	-	-	B (10.7)	C (15.5)	C (21.2)
Southbound Bennett Avenue Approach	-	-	-	C (20.6)	E (46.7)	F (549.6)

⁶ JMT and the TOA analyzed the intersection for future conditions as realigned. Based on the May 2018 concept plan, Bennett Avenue will be realigned to form the northerly leg at the Delaware Route 54/Bennett Avenue/Monroe Avenue intersection. JMT modeled the southbound Bennett Avenue Approach with a right turn lane and shared through/left turn lane, the westbound Delaware Route 54 approach with one shared through/left turn lane and one right turn lane, the eastbound Delaware Route 54 approach with one left turn lane and one shared through/right turn lane, and the northbound Monroe Avenue approach with one shared through/left turn/right turn lane. However, the TOA modeled the proposed intersection with one shared through/left turn/right turn lane along all four approaches.

Table 5
Peak Hour Levels Of Service (LOS)
Based on Traffic Operational Analysis for Cannon Property
Report Dated: May 2018
Prepared by Century Engineering

Unsignalized Intersection Two-Way Stop Control ¹	LOS per TOA			LOS per JMT		
Delaware Route 54/Bennett Avenue/Monroe Avenue	Weekday AM	Weekday PM	Saturday Peak	Weekday AM	Weekday PM	Saturday Peak
2021 With development (Case 3) with Realignment and Two-Way Left Turn Lane ⁷						
Eastbound Delaware Route 54 Left Turn	-	-	-	A (8.2)	B (10.2)	B (11.4)
Westbound Delaware Route 54 Left Turn	-	-	-	A (8.7)	A (8.8)	B (11.3)
Northbound Monroe Avenue Approach	-	-	-	B (13.2)	C (17.1)	F (50.1)
Southbound Bennett Avenue Left Turn	-	-	-	C (17.5)	D (25.9)	F (72.9)
Southbound Bennett Avenue Right Turn	-	-	-	B (10.7)	C (15.5)	C (21.2)
Southbound Bennett Avenue Approach	-	-	-	B (14.9)	C (20.9)	E (47.1)

⁷ JMT analyzed the intersection for future conditions as realigned with a two-way left turn lane along Delaware Route 54. Based on the May 2018 concept plan, Bennett Avenue will be realigned to form the northerly leg at the Delaware Route 54/Bennett Avenue/Monroe Avenue intersection. JMT modeled the southbound Bennett Avenue Approach with a right turn lane and shared through/left turn lane, the westbound Delaware Route 54 approach with one two-way left turn lane, one through lane, and one right turn lane, the eastbound Delaware Route 54 approach with one two-way left turn lane and one shared through/right turn lane, and the northbound Monroe Avenue approach with one shared through/left turn/right turn lane.

Table 6
Peak Hour Levels Of Service (LOS)
Based on Traffic Operational Analysis for Cannon Property
Report Dated: May 2018
Prepared by Century Engineering

Roundabout ¹	LOS per TOA			LOS per JMT		
Delaware Route 54/Bennett Avenue/Monroe Avenue	Weekday AM	Weekday PM	Saturday Peak	Weekday AM	Weekday PM	Saturday Peak
2021 With development (Case 3) with Roundabout ⁸						
Eastbound Delaware Route 54 Approach	-	-	-	A (7.7)	A (8.4)	E (44.7)
Westbound Delaware Route 54 Approach	-	-	-	A (5.7)	B (13.1)	C (24.5)
Northbound Monroe Avenue Approach	-	-	-	A (6.2)	A (6.4)	B (10.8)
Southbound Bennett Avenue Approach	-	-	-	A (4.8)	A (7.9)	B (12.3)
Overall Intersection	-	-	-	A (6.7)	B (11.0)	D (34.2)

Signalized Intersection ¹	LOS per TOA			LOS per JMT		
Delaware Route 54/Bennett Avenue/Monroe Avenue	Weekday AM	Weekday PM	Saturday Peak	Weekday AM	Weekday PM	Saturday Peak
2021 With development (Case 3) with Signal ^{9, 10}	*	B (13.3)	*	B (18.1)	B (17.9)	D (51.1)

*TOA did not provide results for the AM and Saturday periods

⁸ Roundabout scenario includes the provision of a one-lane roundabout for the Delaware Route 54/Bennett Avenue/Monroe Avenue realigned intersection.

⁹ Signal scenario includes the provision of a signal for the Delaware Route 54/Bennett Avenue/Monroe Avenue realigned intersection. JMT utilized 90 seconds cycle length during the AM peak period and 120 seconds cycle length during the PM and Summer Saturday peak periods consistent with the existing signal timings at the adjacent signalized intersections whereas the TOA did not.

¹⁰ Per *DelDOT's Development Coordination Manual*, JMT used a saturation flow rate of 1,750 pc/h/ln at signalized intersections south of the C&D Canal whereas the TOA maintained the default rate of 1,900 pc/h/ln.

Table 7
Peak Hour Levels Of Service (LOS)
Based on Traffic Operational Analysis for Cannon Property
Report Dated: May 2018
Prepared by Century Engineering

Unsignalized Intersection Two-Way Stop Control (T-Intersection) ¹	LOS per TOA			LOS per JMT		
Delaware Route 54/Jefferson Avenue	Weekday AM	Weekday PM	Summer Saturday Peak	Weekday AM	Weekday PM	Summer Saturday Peak
2017 Existing (Case 1) ¹¹						
Westbound Delaware Route 54 Left Turn	A (8.3)	A (8.5)	B (10.7)	A (8.3)	A (8.3)	B (10.7)
Northbound Jefferson Avenue Approach	B (13.6)	C (19.1)	E (38.8)	B (13.6)	C (19.2)	E (40.1)
2021 Without development (Case 2)						
Westbound Delaware Route 54 Left Turn	A (8.7)	A (8.7)	B (11.4)	A (8.7)	A (8.9)	B (11.6)
Northbound Jefferson Avenue Approach	C (15.7)	C (23.5)	F (56.3)	C (15.8)	C (24.0)	F (59.9)
2021 With development (Case 3)						
Westbound Delaware Route 54 Left Turn	A (8.8)	A (8.9)	B (11.6)	A (8.8)	A (8.9)	B (11.8)
Northbound Jefferson Avenue Approach	C (16.6)	D (25.8)	F (61.1)	C (16.7)	D (25.4)	F (66.4)
2021 With development (Case 3) <i>with Two-Way Left Turn Lane</i> ¹²						
Westbound Delaware Route 54 Left Turn	-	-	-	A (8.8)	A (8.9)	B (11.8)
Northbound Jefferson Avenue Approach	-	-	-	B (13.9)	C (16.4)	D (28.0)

¹¹ During the PM peak hour, the TOA used a heavy vehicle percentage of 0% along the westbound left turn whereas JMT used a heavy vehicle percentage of 7% consistent with the existing traffic count data.

¹² JMT analyzed the intersection for future conditions with a two-way left turn lane along Delaware Route 54.

Table 8
Peak Hour Levels Of Service (LOS)
Based on Traffic Operational Analysis for Cannon Property
Report Dated: May 2018
Prepared by Century Engineering

Signalized Intersection ¹	LOS per TOA			LOS per JMT		
Delaware Route 54/Jefferson Avenue	Weekday AM	Weekday PM	Saturday Peak	Weekday AM	Weekday PM	Saturday Peak
2021 With development (Case 3) with Improvement ¹³	-	-	-	A (3.5)	A (5.8)	C (22.9)

¹³ Improvement scenario includes the provision of a signal as well as a left turn lane along the westbound Delaware Route 54 approach, and a right turn lane along the eastbound Delaware Route 54 approach at the Delaware Route 54/Jefferson Avenue intersection. JMT utilized 90 seconds cycle length during the AM peak period and 120 seconds cycle length during the PM and Summer Saturday peak periods consistent with the existing signal timings at the adjacent signalized intersections.

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/25/2021**

APPLICATION: **CU 2236 Carl M. Freeman Companies**

APPLICANT: **Carl M. Freeman Companies**

FILE NO: **OM-4.05 (Fenwick Area)**

TAX MAP &
PARCEL(S): **533-20.00-22.00 & 20.00 (portion of)**

LOCATION: **Lying on the northwest side of the intersection of Lighthouse Road (SCR 58) and Bennett Avenue, approximately 0.79 mile west of Coastal Highway (Route 1)**

NO. OF UNITS: **Hotel & Restaurant**

GROSS
ACREAGE: **9.2**

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

SEWER:

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- ☐ 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: **There is currently one (1) EDU connected on parcel 533-20.00-20.00.**
- (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.
Lisa Walls
Noell Warren

Jamie Whitehouse

From: beachloverliz@verizon.net
Sent: Thursday, June 3, 2021 9:12 AM
To: Jamie Whitehouse
Subject: Subject: Opposition to C/U 2236 - Hotel and Restaurent on parcel 533-20.00-22.00 & 20.00

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Jamie Whitehouse, Sussex County Planning and Zoning Dear Sussex County Planning and Zoning Please record, for all related hearings, that I am opposed to building a hotel and restaurant on parcel 533-20.00-22.00 & 20.00. Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies. Thank you. Elizabeth Sweeney and Earl Blake 37890 Bayview Circle East Selbyville, DE 19975

Date: 05/28/2021

To: Jamie Whitehouse, Sussex County Planning and Zoning

Subject: Opposition to C/U 2236 - Hotel and Restaurant on parcel 533-20.00-22.00 & 20.00

Dear Sussex County Planning and Zoning:

Please record for all related hearings, that I am opposed to the planned building of a hotel and restaurant on parcel 533-20.00-22.00 & 20.00.

Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies.

Name: Timothy + Susan Danaher
Address: 38855 Roosevelt Ave Selbyville De 19975
Cape Windsor Home Owner

Opposition
Exhibit

RECEIVED

JUN 03 2021

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Date: 05/28/2021

To: Jamie Whitehouse, Sussex County Planning and Zoning

Subject: Opposition to C/U 2236 - Hotel and Restaurant on parcel 533-20.00-22.00 & 20.00

Dear Sussex County Planning and Zoning:

Please record for all related hearings, that I am opposed to the planned building of a hotel and restaurant on parcel 533-20.00-22.00 & 20.00. Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies.



Hilary Jessop
38847 Cleveland Ave
Selbyville, DE 19975
Cape Windsor Community Homeowner

RECEIVED

JUN 03 2021

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Date: 05/28/2021

To: Jamie Whitehouse, Sussex County Planning and Zoning

Subject: Opposition to C/U 2236 - Hotel and Restaurant on parcel 533-20.00-22.00 & 20.00

Dear Sussex County Planning and Zoning:

Please record for all related hearings, that I am opposed to the planned building of a hotel and restaurant on parcel 533-20.00-22.00 & 20.00. Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies.

Robert Nigro

Robert Nigro
38847 Cleveland Ave
Selbyville, DE 19975
Cape Windsor Community Homeowner

RECEIVED

JUN 03 2021

SUSSEX COUNTY
PLANNING & ZONING

Jamie Whitehouse

From: Eugenia Select... Zavodny <noreply@forms.email>
Sent: Wednesday, June 2, 2021 10:56 AM
To: Jamie Whitehouse
Subject: Contact Form: Opposition to C/U 2236 Hotel & Restaurant parcel 533-20.00-22.00 & 20.00

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: Eugenia Select... Zavodny
Email: gzavodnyde@comcast.net
Phone: 4108425542
Subject: Opposition to C/U 2236 Hotel & Restaurant parcel 533-20.00-22.00 & 20.00
Message: 6/2/21
To Jamie Whitehouse,
Please record for all related hearings that we are opposed to the planned building of a hotel and restaurant on parcel 533-20.00-22.00 & 20.00. Please reference the hearing notice C/U 2236-Carl M. Freeman Companies.
Thank you,
Eugenia and Michael Zavodny
36550 Coneflower Circle
Selbyville, DE 19975

Jamie Whitehouse

From: Tana Golob <tanagolob@gmail.com>
Sent: Thursday, May 27, 2021 6:59 PM
To: Jamie Whitehouse
Subject: Opposition to C/U 2236 Hotel and Restaurant on Parcel 553-20.00-22.00& 20.00

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Date: 5/27/2021

To: Jamie Whitehouse, Sussex County Planning and Zoning

Subject: Opposition to C/U 2236 - Hotel and Restaurant on parcel 533-20.00-22.00 & 20.00

Dear Sussex County Planning and Zoning:

Please record for all related hearings, that I am opposed to the planned building of a hotel and restaurant on on parcel 533-20.00-22.00 & 20.00.

Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies.

The development of the property in this manner will add to already existing flooding issues in this area. There will be a loss of much wildlife as well.

There will also need to be additional infrastructure to keep up with traffic on an already crowded Route 54, Lighthouse Road. Taxpayers should not be expected to fund this project.

**Tana Golob
38757 Grant Avenue
Selbyville DE 19975
Cape Windsor Community Home Owner**

Tana @~>>~
#dontignorestageIV
#iamsusan

Jamie Whitehouse

From: Mary Lou Straughan <fibeachcomber1@me.com>
Sent: Thursday, May 27, 2021 7:24 PM
To: Jamie Whitehouse
Subject: Freeman project Bennett Ave.

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

I vehemently oppose this project (CU 2236).

Mary L. Straughan
38956 Bunting Ave.
Fenwick Island, DE 19944

Date: 05/28/2021

To: Jamie Whitehouse, Sussex County Planning and Zoning

Subject: Opposition to C/U 2236 - Hotel and Restaurant on parcel 533-20.00-22.00 & 20.00

Dear Sussex County Planning and Zoning:

Please record for all related hearings, that I am opposed to the planned building of a hotel and restaurant on parcel 533-20.00-22.00 & 20.00.

Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies.

Name: Timothy + Susan Danaher
Address: 38763 Grant Ave Selbyville De 19975

Cape Windsor Home Owner

Opposition
Exhibit

RECEIVED

JUN 03 2021

SUSSEX COUNTY
PLANNING & ZONING

Jamie Whitehouse

From: Karl Getschel <kmgetschel@gmail.com>
Sent: Tuesday, June 1, 2021 9:33 AM
To: Jamie Whitehouse
Cc: Torie
Subject: Opposition to C/U 2236 - Hotel and Restaurent on parcel 533-20.00-22.00 & 20.00

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Jamie Whitehouse, Sussex County Planning and Zoning Dear Sussex County Planning and Zoning Please record, for all related hearings, that I am opposed to building a hotel and restaurant on parcel 533-20.00-22.00 & 20.00. Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies. Please acknowledge that you have received this email. Thank you.

Karl and Victoria Getschel
51 Madison Avenue
Fenwick Island, DE

Jamie Whitehouse

From: Erin Rosati <erinrosati@gmail.com>
Sent: Wednesday, June 2, 2021 8:18 AM
To: Jamie Whitehouse
Subject: Opposition to C/U 2236 - Freeman Hotel and Restaurant Selbyville/FI area

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good morning,

My family and I live across the street from this future development. The insane non-stop building in this area is not environmentally friendly. The traffic is already insane on Rt.54, and the roads can barely handle traffic as is.

Most importantly, this development will destroy valuable wetlands which not only protect the wildlife, it acts a protection from storms.

That land may be zoned as a farm, but as the water has raised over the years, the majority of it is wetlands, being home to many animals and plants.

I thought it was illegal to build on wetlands, so obviously people are getting big time kickbacks.
It's evil and needs to stop.

Maybe suggest to the wealthy owners to create a wildlife refuge, or Living Bays project instead. Truly give back to the environment instead of constantly taking!

Sincerely,
The Rosati Family

Sent from my iPhone

Jamie Whitehouse

From: wbarrycregan@gmail.com
Sent: Wednesday, June 2, 2021 7:43 AM
To: Jamie Whitehouse
Subject: Hotel on Rt54

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

You have got to be kidding me. Does anyone from the council live or work in the proposed area for the hotel. If you did you would be voting against this proposal and understand the congestion on Rt54 right now. I can only imagine what it is going to be like when all the new townhouses are occupied down past Harpoon Hanna's let alone a hotel in the proposed area. The only thing I can think of is that the council does not care how it affects the residence and this a tax grab for more money? Com'on Man!

Subject: Opposition to C/U 2236 - Hotel and Restaurent on parcel 533-20.00-22.00 & 20.00 Jamie Whitehouse, Sussex County Planning and Zoning Dear Sussex County Planning and Zoning Please record, for all related hearings, that I am opposed to building a hotel and restaurant on parcel 533-20.00-22.00 & 20.00. Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies. Thank you.

Best Regards
W.Barry Cregan
Cape Windsor
Tyler Ave 38736
301-785-2872

Jamie Whitehouse

From: KENNETH HAHN <noreply@forms.email>
Sent: Tuesday, June 1, 2021 9:12 PM
To: Jamie Whitehouse
Subject: Contact Form: C/U 2236

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: KENNETH HAHN
Email: KDHAHN@COMCAST.NET
Phone: 443.463.8238
Subject: C/U 2236
Message: June 1, 2021

Reference C/U 2236 Carl M Freeman Company Property
Northwest Side of Lighthouse Road and Bennett Ave.

Dear Director Whitehouse:

We would like to post our objection to you and ask you to consider rejecting the Conditional Use proposal of The Freeman Property Companies to convert this land from AR-1 to allow a Hotel and Restaurant on the 9.1 acres.

Allowing a Hotel/Restaurant to be built on this land will destroy the fragile land and scenery and will change the character of Sussex County. Creating a hotel in an area where there are not any similar businesses will have a domino effect on how development will proceed in the future. The traffic and congestion at the hotel/restaurant intersection onto Lighthouse Road will be horrendous and will be the scene of many vehicle accidents and a traffic light will eventually be required. This traffic light will cause additional backups along the heavy Lighthouse Road traffic. Traffic moving westbound over the bridge crossing the ditch will not have enough reaction time to avoid the traffic entering and leaving the facility.

We realize the Freeman Companies have a lot of money and clout to leverage their proposal through the processes but we urge you to vote no on this for the good of Sussex County.

We are fulltime residents of Sussex County and may not be able to attend the meeting in person due to family commitments. We assume the public outcry will be horrendous and the public meeting will not be pleasant for anyone.

Trusting your judgement---Best Regards,

Kenneth and Irene Hahn
37435 Alcove Court
Selbyville, Delaware 19975
KDHAHN@comcast.net

Nick Torrance

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, June 1, 2021 9:15 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, June 1, 2021 - 9:15pm

Name: KENNETH HAHN
Email address: KDHAHN@COMCAST.NET
Phone number: 443.463.8238
Subject: cu 2236
Message:
June 1, 2021

Reference C/U 2236 Carl M Freeman Company Property
Northwest Side of Lighthouse Road and Bennett Ave.

Dear Planning and Zoning Commissioners.

We would like to post our objection to you and ask you to consider rejecting the Conditional Use proposal of The Freeman Property Companies to convert this land from AR-1 to allow a Hotel and Restaurant on the 9.1 acres. Allowing a Hotel/Restaurant to be built on this land will destroy the fragile land and scenery and will change the character of Sussex County. Creating a hotel in an area where there are not any similar businesses will have a domino effect on how development will proceed in the future. The traffic and congestion at the hotel/restaurant intersection onto Lighthouse Road will be horrendous and will be the scene of many vehicle accidents and a traffic light will eventually be required. This traffic light will cause additional backups along the heavy Lighthouse Road traffic. Traffic moving westbound over the bridge crossing the ditch will not have enough reaction time to avoid the traffic entering and leaving the facility.

We realize the Freeman Companies have a lot of money and clout to leverage their proposal through the processes but we urge you to vote no on this for the good of Sussex County.

We are fulltime residents of Sussex County and may not be able to attend the meeting in person due to family commitments. We assume the public outcry will be horrendous and the public meeting will not be pleasant for anyone. Trusting your judgement---Best Regards,

Kenneth and Irene Hahn
37435 Alcove Court
Selbyville, Delaware 19975
KDHAHN@comcast.net

RECEIVED

Opposition
Exhibit

JUN 02 2021

SUSSEX COUNTY
PLANNING & ZONING

Michelle Kinsey
38827 Lincoln Ave
Selbyville, DE 19975

May 27, 2021

Jamie Whitehouse
Sussex County Planning and Zoning
2 The Cir, Georgetown, DE 19947

Subject: Opposition to C/U 2236 – Hotel and Restaurant on parcel 533-20.00-22.00 & 20.00

Dear Sussex County Planning and Zoning,

Please record for all related hearings that I am strongly opposed to the planned building of a hotel and restaurant on parcel 533-20.00-22.00 & 20.00. Please reference the hearing notice C/U 2236 – Carl M. Freeman Companies.

This property is currently used as a wildlife sanctuary and has no direct access or utilities. It is located adjacent to a residential community. Building a hotel and restaurant on this property would cause great harm to the environment and the Cape Windsor Community. I am a resident of Cape Windsor. I will be devastated if the fabric of our community is disrupted by allowing commercial use, thus destroying the marshland that is home to coastal birds and wildlife. In addition, the proposed use would create sound pollution at all hours of the day and night and would greatly increase traffic through our peaceful community.

Please do not approve this variance and keep this property in its current zoning.

Regards,



Michelle Kinsey
410-564-9316

Date: May 28, 2021

To: Jamie Whitehouse, Sussex County Planning and Zoning

Subject: Opposition to C/U 2236 - Hotel and Restaurant on parcel 533-20.00-22.00 & 20.00

Dear Sussex County Planning and Zoning:

Please record for all related hearings, that I am opposed to the planned building of a hotel and restaurant on on parcel 533-20.00-22.00 & 20.00.

Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies.

Faye E Hartman

**Faye Hartman
38861 Grant Ave
Cape Windsor Community Home Owner**

RECEIVED

JUN 02 2021

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Opposition
Exhibit

Date: 05/27/2021

To: Jamie Whitehouse, Sussex County Planning and Zoning

**Subject: Opposition to C/U 2236 - Hotel and Restaurant on parcel
533-20.00-22.00 & 20.00**

Dear Sussex County Planning and Zoning:

**Please record for all related hearings, that I am opposed to the
planned building of a hotel and restaurant on parcel 533-20.00-
22.00 & 20.00.**

**Please reference the hearing notice C/U 2236 - Carl M. Freeman
Companies.**

**Ron Pieper
712 Eastwood Court
Bel Air Maryland 21014**

Cape Windsor Community Home Owner for following addresses:

**38803 Grant Avenue
38804 Grant Avenue
38849 Lincoln Avenue**

RECEIVED

JUN 02 2021

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Andrew Kleinstuber <noreply@forms.email>
Sent: Saturday, May 29, 2021 8:22 AM
To: Jamie Whitehouse
Subject: Contact Form: Opposition to c/u 2236 hotel and restaurant on parcel 553-20-22

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: Andrew Kleinstuber
Email: adkleinstuber@gmail.com
Phone: 3025425947
Subject: Opposition to c/u 2236 hotel and restaurant on parcel 553-20-22
Message:

Dear Sussex County Planning and Zoning:

Please record for all related hearings, that I am opposed to the planned building of a hotel and restaurant on parcel 533-20.00-22.00 & 20.00.

Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies.

Andrew Kleinstuber
KeenWick on The Bay

Jamie Whitehouse

From: Andrew Kleinstuber <noreply@forms.email>
Sent: Saturday, May 29, 2021 8:23 AM
To: Jamie Whitehouse
Subject: Contact Form: Opposition to c/u 2236 hotel and restaurant on parcel 553-20-22

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: Andrew Kleinstuber
Email: adkleinstuber@gmail.com
Phone: 3025425947
Subject: Opposition to c/u 2236 hotel and restaurant on parcel 553-20-22
Message:

Dear Sussex County Planning and Zoning:

Please record for all related hearings, that I am opposed to the planned building of a hotel and restaurant on parcel 533-20.00-22.00 & 20.00.

Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies.

Andrew Kleinstuber
KeenWick on The Bay

Jamie Whitehouse

From: Andrew Kleinstuber <noreply@forms.email>
Sent: Saturday, May 29, 2021 8:23 AM
To: Jamie Whitehouse
Subject: Contact Form: Opposition to c/u 2236 hotel and restaurant on parcel 553-20-22

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: Andrew Kleinstuber
Email: adkleinstuber@gmail.com
Phone: 3025425947
Subject: Opposition to c/u 2236 hotel and restaurant on parcel 553-20-22
Message:

Dear Sussex County Planning and Zoning:

Please record for all related hearings, that I am opposed to the planned building of a hotel and restaurant on parcel 533-20.00-22.00 & 20.00.

Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies.

Andrew Kleinstuber
KeenWick on The Bay

Jamie Whitehouse

From: Dennis W Sirman <noreply@forms.email>
Sent: Saturday, May 29, 2021 3:04 PM
To: Jamie Whitehouse
Subject: Contact Form: Freeman Hotel Project C/U 2236

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: Dennis W Sirman
Email: dsirman11@gmail.com
Phone: 13023814156
Subject: Freeman Hotel Project C/U 2236

Message: I am adamantly opposed to this project. I will explain specifics in subsequent contacts. But I can say this -- Freeman has filled wetlands with impunity at Bayside. Recently I have seen a 4 story pile of dirt adjacent to tidal wetlands where new houses are being erected. They must not be allowed to further despoil the environment, there or elsewhere.

Jamie Whitehouse

From: Peter Roenke <roenkep@gmail.com>
Sent: Sunday, May 30, 2021 12:21 PM
To: Jamie Whitehouse
Subject: Opposition to C/U 2236 - Hotel and Restaurent on parcel 533-20.00-22.00 & 20.00

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Hi Jamie,

As a life-long resident of Sussex County, I am saddened to see the proposed development by Michelle Freeman along Rt. 54. Our family has known Michelle and I was good friends with her son Nick as a child, so I know that they are not evil people. She has experienced great hardship in life and through it, has emerged a very successful business person, which is to be applauded. I believe this is simply an instance where she has become beholden to shareholders and investors, and is experiencing strain on her morality.

I have enjoyed fishing and swimming in that water since I was a child. The proposed townhomes throughout the marsh and wetlands will surely destroy the surrounding environment and my children will never be afforded the opportunity to enjoy what makes this area so wonderful. **My family is thankful for all that you and your organization do for our area. Please use your authority at P&Z to ensure that this moment ends up on the right side of history. We ask that Planning & Zoning, County Council, and Michelle Freeman have mercy on our community.**

Please record, for all related hearings, that I am opposed to building a hotel and restaurant on parcel 533-20.00-22.00 & 20.00. Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies. Additionally, I am opposed to the townhomes proposed throughout the wetlands along the water.

Thank you for all your help in this matter, Peter Roenke

38174 Roy Creek Ln
Selbyville, DE 19975

Jamie Whitehouse

From: lsh0913@verizon.net
Sent: Sunday, May 30, 2021 4:38 PM
To: Jamie Whitehouse
Subject: Opposition to C/U 2236 Hotel and Restaurant on Parcel 533-20.00-22.00 & 20.00

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Sussex County Planning and Zoning:

Please record, for all related hearings, that I am opposed to building a hotel and restaurant on parcel 533-20.00-22.00 & 20.00. Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies.

Thank you.

Linda Hayes
32775 Watchtower Drive
Selbyville, DE 19975
lsh0913@verizon.net

Jamie Whitehouse

From: Laura GETSCHEL <lgetschel@verizon.net>
Sent: Monday, May 31, 2021 11:58 AM
To: Jamie Whitehouse
Subject: Opposition to C/U 2236 - Hotel and Restaurent on parcel 533-20.00-22.00 & 20.00

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Jamie Whitehouse, Sussex County Planning and Zoning Dear Sussex County Planning and Zoning Please record, for all related hearings, that I am opposed to building a hotel and restaurant on parcel 533-20.00-22.00 & 20.00. Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies. Please acknowledge that you have received this email. Thank you.

Laura and Leonard Getschel
51 Madison Avenue
Fenwick Island, DE

Jamie Whitehouse

From: Susan Parente <parente@s3-tec.com>
Sent: Monday, May 31, 2021 2:03 PM
To: Jamie Whitehouse
Subject: Opposed to C/U 2236

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Jamie,

I heard about the hotel and restaurant proposed on Rt. 54 in Fenwick. I am opposed to the hotel and restaurant proposed for Rt. 54 near Fenwick Island. I am in opposition to this request for use of land by Carl Freeman Companies.

My reasons are as follows:

- The impacts to traffic.
- The environmental impacts/ including increased flooding.
- The impacts to evacuating, if necessary...

I moved here 6 years ago to get away from traffic and population density and now this area is getting so congested that isn't almost impossible to drive anywhere on the weekends.

It seems to me that developers like Freeman are being allowed to come in and develop on the wetlands, just because they have money. What about representation of what homeowners want in this area. My husband and I own 2 homes off of 54, one of which is the home my parents live in. It feels like the concerns of residents are less important than the developers who have money and power. A community should listen to those who live there. This is our community, not the builders who build in this area...

Thank you,
Susan

Proactively managing risks while being Agile and adaptive...

Susan Parente (PMP, CISSP, PMI-RMP, PMI-ACP, CSM, CSPO, PSM I, SFC, SDC, SMC, SPOC, SAMC, SCT, ITIL, RESILIA, CRISC, GLCP, MS Eng. Mgmt.)

Parente@s3-tec.com | [@TechRiskManager](https://www.linkedin.com/in/susanparente) | [linkedin.com/in/susanparente](https://www.linkedin.com/in/susanparente) DC: 703-328-7391 | CT: 203-307-5246

S3 Technologies, LLC | www.s3-tec.com *Revitalizing projects through risk management...*

Jamie Whitehouse

From: Janice Bortner <jbandlb@hotmail.com>
Sent: Monday, May 31, 2021 9:23 PM
To: Jamie Whitehouse
Subject: Hearing Notice c/u2236

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Sussex County Planning and Zoning Committee As a concerned citizen of Fenwick Island I would like it on record that I oppose the building of a Hotel complex on parcel 539-2000-2200-2000 of natural wetlands .

Please reference the hearing notice C/U2236 Carl M Freeman Companies.

Please confirm that you received this letter of opposition to this or any other Proposed commercial plans for the wetlands mentioned above Thank You, Janice Bortner

1303 N Schulz Rd

Fenwick Island DE 19944

Sent from my iPhone

From: Nancy R. and Kenneth A. Flacco <noreply@forms.email>

Sent: Wednesday, May 26, 2021 7:03 PM

To: Robin Griffith <rgriffith@sussexcountyde.gov>

Subject: Contact Form: Opposition to Zoning Change

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: Nancy R. and Kenneth A. Flacco

Email: papitbull@aol.com

Phone: 3023886756

Subject: Opposition to Zoning Change

Message: We have been residents of Sussex County since May, 2000 and have witnessed first-hand development without proper planning. Evacuation routes are inadequate as we witnessed during the evacuation of Hurricane Sandy. Developments are approved without proper traffic impact studies or impact studies conducted during winter months instead of summer. Now is the time to take responsibility instead of passing the buck between Planning and Zoning, County Council and DelDot and place a higher value on public safety. We are respectfully requesting a "NO" vote from all of you on the proposed change of zoning to allow a hotel to be built behind Catch 54. Nancy R. and Kenneth A. Flacco, 36983 Canvasback Road, Selbyville, DE 19975

Jamie Whitehouse

From: Julie Schoen <julieschoen819@gmail.com>
Sent: Thursday, May 27, 2021 5:53 AM
To: Jamie Whitehouse
Subject: Opposition to C/U 2236 - Hotel and Restaurent on parcel 533-20.00-22.00 & 20.00

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Sussex County Planning and Zoning Please record, for all related hearings, that we are opposed to building a hotel and restaurant on parcel 533-20.00-22.00 & 20.00. Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies. Thank you.

Very truly yours,

Paul and Julie Schoen
32492 Fish Sound Way
Selbyville, DE 19975
301-461-3244

Today is a good day to have a good day.

Nick Torrance

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, May 26, 2021 6:57 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form
Categories: Nick

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, May 26, 2021 - 6:56pm

Name: Nancy R. and Kenneth A. Flacco

Email address: papitbull@aol.com

Phone number: 3023886756

Subject: Opposition to Rezoning

Message:

We have been residents of Sussex County since May, 2000 and have witnessed first-hand development without proper planning. Evacuation routes are inadequate as we witnessed during the evacuation of Hurricane Sandy. Developments are approved without proper traffic impact studies or impact studies conducted during winter months instead of summer. Now is the time to take responsibility instead of passing the buck between Planning and Zoning, County Council and DelDot and place a higher value on public safety. We are respectfully requesting a "NO" vote from all of you on the proposed change of zoning to allow a hotel to be built behind Catch 54. Nancy R. and Kenneth A. Flacco, 36983 Canvasback Road, Selbyville, DE 19975

Jamie Whitehouse

From: toni geil <newbeginnings0724@yahoo.com>
Sent: Tuesday, May 25, 2021 4:13 PM
To: Jamie Whitehouse
Subject: Proposed hotel on Rt 54

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Horrible, bad idea. Just a note to say I am opposed to this hotel being built on the preserved wetlands behind the Catch 54 Restaurant! The traffic and the beach are at full capacity during summer months. It's a bad idea.

Thank you,
Toni Geil
Frankford, DE

Sent from my iPad

Jamie Whitehouse

From: Karen Napolitano <knap99@gmail.com>
Sent: Tuesday, May 25, 2021 4:31 PM
To: Jamie Whitehouse
Subject: Opposed to C/U 2236 - Proposed Hotel and Restaurant on Rt. 54 in Fenwick

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

I am writing in opposition to the request for conditional use by the Carl Freeman Companies to build a hotel and restaurant on a 9 acre parcel on the northwest side of the intersection of Lighthouse Rd. and Bennett Avenue. Have traffic impacts been considered? What about environmental impacts? Most of that land is wetlands and paving over those areas will only increase the flooding that already happens there.

As a resident of a community along Lighthouse Rd., I respectfully urge the Planning and Zoning Commission to deny this request by the Freeman Companies.

v/r,
Karen Napolitano
37389 Harmony Drive, Selbyville, DE 19975

Jamie Whitehouse

From: Rosely Robinson <rosely489@verizon.net>
Sent: Wednesday, May 26, 2021 12:43 PM
To: Jamie Whitehouse
Subject: Opposition to C/U 2236 Hotel and Restaurant on Parcel 533-20-00-22 &20.00

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To Jamie Whitehouse of the Sussex County Planning and Zoning,

Please put into your records, for all related hearing, that I am opposed to having a hotel and restaurant built/developed on parcel 533-20-00-22.00/

Referece the hearing code C/U 2236 - Carl M. Freeman Companies.

Do not let anymore developing in our Quiet Resort. I am against this planning of development.

Thank you,
Rosely Robinson
404 Periwinkle Rd.
Bethany, DE 19930

62 Willow Creek Lane
Newark, DE 19711

Jamie Whitehouse

From: Ben Moses <ben.moses@comcast.net>
Sent: Wednesday, May 26, 2021 9:36 AM
To: Jamie Whitehouse
Cc: Julie Moses
Subject: Opposition to C/U 2236 - Hotel and Restaurent on parcel 533-20.00-22.00 & 20.00

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Jamie Whitehouse, Sussex County Planning and Zoning

Dear Sussex County Planning and Zoning

Please record, for all related hearings, that I am opposed to building a hotel and restaurant on parcel 533-20.00-22.00 & 20.00. Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies.

Thank you.

Ben Moses
38843 Cleveland Ave
Selbyville, DE 19975

Jamie Whitehouse

From: Roger <rogerwilliams@verizon.net>
Sent: Wednesday, May 26, 2021 10:53 AM
To: Jamie Whitehouse
Subject: Subject: Opposition to C/U 2236 - Hotel and Restaurant on parcel 533-20.00-22.00 & 20.00

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Jamie Whitehouse, Sussex County Planning and Zoning Dear Sussex County Planning and Zoning:

Please record, for all related hearings, that I am opposed to building a hotel and restaurant on parcel 533-20.00-22.00 & 20.00. Please reference the hearing notice C/U 2236 - Carl M. Freeman Companies. Rt 54 is only 2 lanes and is used for an evacuation route plus on the weekends in summer it is backup to Rt 20 at times. Make Rt 54 at least 3 lanes from Rt 1 to the wetlands Passover near Bayview.

Regards
Roger and Sandy Williams
32497 Fish Sound Way
Selbyville, DE 19975
3025647017.

Sent from Mail for Windows 10

Jamie Whitehouse

From: Brenda Coates <brendajcoates@gmail.com>
Sent: Wednesday, May 26, 2021 10:43 AM
To: Jamie Whitehouse
Subject: Plans for hotel and restaurant

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

I live in Cape Windsor and have great concerns regarding your plans for the hotel and restaurant across the road off Bennett and Hi 54. The added traffic concerns are a huge challenge for those of us living here. The marshland will also be impacted.

Many of my neighbors seem to be very concerned as well. Please consider how this will make many changes to the area, not for the better.

Brenda and John Coates
38844 Cleveland Ave
Cape Windsor
Selbyville De 19975

Sent from my iPhone

Jamie Whitehouse

From: Tom Dambrogi <t.dambrogi@icloud.com>
Sent: Wednesday, May 26, 2021 10:42 AM
To: Jamie Whitehouse
Subject: Freeman project on Rt 54 in Fenwick

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Opposition to CU 2236 Hotel and Restaurant

Dear Sussex County Planning and Zoning

Please record for all related hearings that I am vehemently opposed to building a hotel, and restaurant on Parcel 533-20.20-22.00-20.00 Ref CU 2236 Carl Freeman Company. This would be a detriment to not only the wildlife in that area but the traffic and roads are not sufficient to handle this.

Thank you.

Valerie Dambrogi
Selbyville, DE

Sent from my iPhone

Jamie Whitehouse

From: Brian Radcliffe <brianradcliffe1@gmail.com>
Sent: Wednesday, May 26, 2021 9:07 AM
To: Jamie Whitehouse
Subject: Hotel on 54

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good Morning! I have a home in the Cape Windsor Community. I just found out that a hotel and restaurant are planned for the property on the other side of Route 54. My wife and I are opposed to this plan. Traffic on 54 can not handle any increase! The environmental impact would be a disaster. Enough is enough! Preserve this piece of undeveloped land. Thank you, Brian Radcliffe

Sent from my iPhone

Sent: Wednesday, May 26, 2021 7:31 AM

Subject: Contact Form: Opposition to Rezoning

Submitted on Wednesday, May 26, 2021 - 7:31am

Name: Nancy R Flacco

Email address: papitbull@aol.com

Phone number: 3023886756

Subject: Opposition to Rezoning

Message:

The Southern Sussex County Community Action Group (SSCCAG) is a non-partisan coalition of 29 communities located in the unincorporated areas of southern Sussex County along Routes 54 and 20. Its purpose is to address common issues that impact quality of life, availability of public services, public safety, and property values; and to positively affect continued improvement in these and other areas.

We understand that there is a Planning and Zoning hearing on June 10th and a County Council hearing on July 27th to change the farm behind Catch 54 to a 9-acre hotel. Since one of the largest concerns of our membership is traffic, especially related to land development use and public safety, we are opposed to the request to change the zoning.

We respectfully request that serious consideration be given to:

1. Traffic impact vs. inadequate emergency evacuation routes. Look what happened during the evacuation process when Hurricane Sandy hit us and that nightmare was before many new developments had been constructed along Route 54.
2. Flooding impact that occurs when building on wetlands. Learn from the mistake made when Mallard Lakes was approved and lawsuits are still pending.
3. Route 54 cannot be widened to accommodate the increase in traffic opposite all of the development along this corridor.
4. Has a traffic impact study been completed during the high season NOT in the winter months?

Respectfully,
Nancy R. Flacco
SSCCAG, Chairperson

Communities in SSCCAG: Arrington Woods, Ashley Manor, Batson Creek, Bayview Estates, Bayside, Bayview Landing, Bayville Shores, Bishop's Landing, Cape Windsor, East of the Sun, Fenwick Farms, Fenwick West/W. Fenwick Station, Hamlet at Dirickson Pond, Keenwick Sound, Keenwick West, Keenwick-on-the-Bay, Laguna Bay, Lighthouse Lakes, Mallard Cove, Mallard Lakes, Mill Creek Acres II, Swann Cove, Swann Cove West, Swann Keys, Teaberry Woods, The Refuge, Treasure Beach, Waters Run

▪

Jamie Whitehouse

From: Ravtown <ravtown@aol.com>
Sent: Wednesday, May 26, 2021 6:45 AM
To: Jamie Whitehouse
Subject: C/U 2236- Russell Hall Proposed Hotel and Restaurant

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

We are opposed to the hotel and restaurant proposed for Rte. 54 near Fenwick Island.

We are also having a hard time understanding why the houses were approved. Isn't this land mostly wetlands? There is already significant flooding in the area.

The roads are already clogged with traffic.

We live in Keenwik-West, and moved here from Maryland to get away from over-development and government that ignores what the constituents want.

I thought I was told that the land was willed to the state so that it wouldn't be developed. So the state sells the land to Freeman and then Sussex County makes the situation worse, by allowing them to build something that the land is not zoned or suitable for.

Thank you,
Mary and Tim Raver
37805 Crab Bay Lane
Selbyville, DE 19975

Jamie Whitehouse

From: Doris Ann <dapierce0@gmail.com>
Sent: Tuesday, May 25, 2021 7:26 PM
To: Jamie Whitehouse
Subject: Hotel off Rt. 54 at "the Ditch" hearing

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

It is unsettling to learn that a hotel is being proposed for the farm behind the Catch 54 Restaurant complex and the townhomes in that area.

A Hotel will increase the traffic to a level that is unmanageable. Already, there are problems getting in and out of the road that leads into the townhomes and the restaurant complex.

Rt. 54 has become a major entrance for people coming into North Ocean City. Traffic can be a nightmare. I live in Keenwik on the Bay and it already takes me 15-20 minutes to drive to my church on coastal highway which is only 2 miles from my house on a Sunday morning when people are trying to get to the beach. Traffic is bumper to bumper. In the event of a major hurricane and a mandatory evacuation, you will not be able to get visitors and residents out of Fenwick Island and Ocean City in a timely fashion.

The Rt. 54 corridor is stressed. Water and sewer infrastructure will be a major issue for more building in the Fenwick Island/Rt 54 area.

Please do not give consideration to a hotel in this area. I know the farmer would like to sell his land. Maybe the county can purchase it for a park area or wildlife preserve.

Respectfully,
Doris P. Pierce, Keenwik Rd., dapierce0@gmail.com

Jamie Whitehouse

From: Lori Johnson <lbj19944@outlook.com>
Sent: Tuesday, May 25, 2021 6:29 PM
To: Jamie Whitehouse
Subject: Proposed Hotel behind Catch 54 in Fenwick Island

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

'Opposed to C/U 2236 - Proposed Hotel and Restaurant on Rt. 54 in Fenwick I am writing in opposition to the request for conditional use by the Carl Freeman Companies to build a hotel and restaurant on a 9 acre parcel on the northwest side of the intersection of Lighthouse Rd. and Bennett Avenue. Have traffic impacts been considered? What about environmental impacts? Most of that land is wetlands and paving over those areas will only increase the flooding that already happens there. As a resident of a community along Lighthouse Rd., I respectfully urge the Planning and Zoning Commission to deny this request by the Freeman Companies.'

Sent from [Mail](#) for Windows 10

Jamie Whitehouse

From: Henderson, Joyce <JHenderson@cbmove.com>
Sent: Wednesday, May 26, 2021 8:51 AM
To: Jamie Whitehouse
Subject: RT 54 Hotel

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Opposed to C/U 2236 - Proposed Hotel and Restaurant on Rt. 54 in Fenwick I am writing in opposition to the request for conditional use by the Carl Freeman Companies to build a hotel and restaurant on a 9 acre parcel on the northwest side of the intersection of Lighthouse Rd. and Bennett Avenue. Have traffic impacts been considered? What about environmental impacts? Most of that land is wetlands and paving over those areas will only increase the flooding that already happens there. As a resident of a community along Lighthouse Rd., I respectfully urge the Planning and Zoning Commission to deny this request by the Freeman Companies.'

Sent from [Mail](#) for Windows 10

Wire Fraud is Real. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions. Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

Nick Torrance

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, May 26, 2021 7:28 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, May 26, 2021 - 7:27am

Name: Nancy R Flacco
Email address: papitbull@aol.com
Phone number: 3023886756
Subject: Opposition to Rezoning
Message:

The Southern Sussex County Community Action Group (SSCCAG) is a non-partisan coalition of 29 communities located in the unincorporated areas of southern Sussex County along Routes 54 and 20. Its purpose is to address common issues that impact quality of life, availability of public services, public safety, and property values; and to positively affect continued improvement in these and other areas.

We understand that there is a Planning and Zoning hearing on June 10th and a County Council hearing on July 27th to change the farm behind Catch 54 to a 9-acre hotel. Since one of the largest concerns of our membership is traffic, especially related to land development use and public safety, we are opposed to the request to change the zoning.

We respectfully request that serious consideration be given to:

1. Traffic impact vs. inadequate emergency evacuation routes. Look what happened during the evacuation process when Hurricane Sandy hit us and that nightmare was before many new developments had been constructed along Route 54.
2. Flooding impact that occurs when building on wetlands. Learn from the mistake made when Mallard Lakes was approved and lawsuits are still pending.
3. Route 54 cannot be widened to accommodate the increase in traffic opposite all of the development along this corridor.
4. Has a traffic impact study been completed during the high season NOT in the winter months?

Respectfully,
Nancy R. Flacco
SSCCAG, Chairperson

Communities in SSCCAG: Arrington Woods, Ashley Manor, Batson Creek, Bayview Estates, Bayside, Bayview Landing, Bayville Shores, Bishop's Landing, Cape Windsor, East of the Sun, Fenwick Farms, Fenwick West/W. Fenwick Station, Hamlet at Dirickson Pond, Keenwick Sound, Keenwick West, Keenwick-on-the-Bay, Laguna Bay, Lighthouse Lakes, Mallard Cove, Mallard Lakes, Mill Creek Acres II, Swann Cove, Swann Cove West, Swann Keys, Teaberry Woods, The Refuge, Treasure Beach, Waters Run

Nick Torrance

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, May 25, 2021 6:27 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, May 25, 2021 - 6:26pm

Name: Lori Johnson
Email address: lbj19944@outlook.com
Phone number: 302-436-9899
Subject: Proposed Hotel behind Catch 54 in Fenwick Island

Message:

Opposed to C/U 2236 - Proposed Hotel and Restaurant on Rt. 54 in Fenwick I am writing in opposition to the request for conditional use by the Carl Freeman Companies to build a hotel and restaurant on a 9 acre parcel on the northwest side of the intersection of Lighthouse Rd. and Bennett Avenue. Have traffic impacts been considered? What about environmental impacts? Most of that land is wetlands and paving over those areas will only increase the flooding that already happens there.

As a resident of a community along Lighthouse Rd., I respectfully urge the Planning and Zoning Commission to deny this request by the Freeman Companies.'

Nick Torrance

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, June 1, 2021 10:51 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, June 1, 2021 - 10:50am

Name: William Bradley Fuhrer
Email address: wfuhrer@comcast.net
Phone number: 302-988-2660
Subject: In regard to upcoming hearings on Parcel 533-20.00-22.00 & 20.00 (Portion of)

Message:

Dear Sussex County Planning & Zoning Commission members,

This message is in reference to the Parcel 533-20.00-22.00 & 20.00 (Portion of).

The subject of this message is a respectful request for you to consider a different future for this land, and is based on simple generalities. I am not affiliated with any special interest groups or polarizing political causes that seem to inflict more convulsion and confusion than simplicity and understanding.

I respectfully suggest that when you and Sussex County Council have any type of interaction with this situation, you find a way to make this a part of Sussex County's Farmland Preservation efforts. This is land that should not be developed for public commerce, as in a hotel, condo, apartments, shopping, restaurant, etc. This is land that is extremely pleasant to look at and experience. This is land that is home to a great deal of marine birds, fish and other animals. If I was messaging you from a side of this matter, it would be for them. The animals, the beauty, the unfettered land that is without a doubt, coveted by those who would develop it. This is not a financial growth issue. This is a preservation issue. One of the things we love most about the coast is the land, the marshes, the water, the animals. We need not develop every last morsel of land that is just there seemingly screaming for the taking. It should be left alone to continue its mission as the home it already is.

I implore you all to give thorough consideration to this issue, In my humble opinion, I see this as part of an overdevelopment issue that must be addressed. This piece of land should remain undeveloped, or taken over by the county and made into a nature park. I am hopeful that all of you recognize the absolute value of retaining unfettered coastal property and will steer the future of this land away from being developed. Sussex County could create a masterpiece of a coastal park for all to enjoy that is integrated with the land and surrounding water and wildlife so we could add humans to the up close and personal enjoyment of this land. Once the development genie is out of the bottle, there is no going back. So let's keep the cork in, and seal it for good so that no one can ever harm this beautiful property by changing it into something other than it is right now.

One other point. I go to the beach every morning to take pictures and videos. It's a great way to start the day. The pandemic has taught me something just by observation. The Earth heals itself pretty quickly and shows us things that we haven't seen in a while, or that we've never seen. I've been a lifelong "part-timer" here, since the late 60's. I'm now a full time resident. Up until a year or so ago, I've never ever seen a pelican. Last year, we started seeing them more and more. Now, we have full formations of them swooping in for breakfast each and every morning. We've all seen

bottlenose dolphins swimming out to sea, but have any of you ever seen a pod of 20+? Ospreys coming out of nowhere from out to sea with a fish. Bait fish galore... jumping out of waves that are just curling over to crash on shore. Whales... and a good many of them. Things we just didn't see in such numbers from time I started coming here for the entire month of August and more in 1967 to now being a full time resident for the past several years.

I don't mean to imply that the potential development of this land could impact the wildlife mentioned. I do mean to imply that the parcel, again, is already home to many and they shouldn't be evicted at any cost.

Respectfully submitted,
Bill Fuhrer
Selbyville, DE

Nick Torrance

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, June 2, 2021 6:43 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, June 2, 2021 - 6:42pm

Name: Kirsten McGuigan-Kleinstuber
Email address: kirstenmcguigan@hotmail.com Phone number: 3024306736
Subject: Opposition to C/U 2236
Message:

I am writing this letter in opposition to C/U 2236, a proposed hotel and restaurant on parcel 533-20.00-22.00 & 20.00 by the Carl M. Freeman Companies.

This property is quintessentially Fenwick; it is the view that visitors look forward to seeing as they come into town. It is what the locals love about their home. As a lifetime resident of this area who will be directly affected by this proposal, I have many concerns:

The impact on our infrastructure, roadways, and quality of life. Route 54 has become increasingly busy with the influx of visitors to our area. Bringing new visitors to this proposed hotel each week will only make this worse. The road is not equipped for this heavy traffic, which will already increase with the number of new developments being built inland of Fenwick Island. Additional traffic patterns and cars coming onto the road will make it even worse. Locals such as myself have chosen to live in this area because it has a quiet, small-town feel even with heavy visitor numbers. We enjoy not sitting in traffic on our commute to work. Tourists to the area also enjoy that we are the "Quiet Resorts" - they choose to visit Fenwick over the more populated Ocean City and Rehoboth areas for these same reasons. We all enjoy the same aspects of this area - its natural beauty and lack of large hotels and establishments. It is part of what makes Fenwick unique. It has always been a small beach town with residences and rental homes, not like the neighboring beaches with sky scraping hotels and traffic.

Impact on local businesses. I am the general manager of Captain Mac's, a restaurant that is very close to this property. My family has owned this property and business for 40 years. Local restaurants will not benefit from this massive influx of weekly visitors. They are already at maximum capacity every night during the summer season, with waits well over an hour for tables, and full dining rooms until they close. They cannot take on any more business. Having so many renters here each week will not increase business to these establishments. It will serve to frustrate these new visitors as well as other visitors when they are unable to dine at restaurants.

It is also worth noting impact on local realtors and homeowners that rely on summer rentals. What impact will another large hotel in the area have on these people who make their living renting their beach homes to tourists?

Environmental damage. This particular property is critical marsh habitat. Having healthy wetlands is critical for water filtration and a healthy watershed. Affecting this will have negative consequences on the entire Little Assawoman Bay Watershed. We need healthy wetlands for a healthy environment. The development proposal will not allow building within the 50-foot buffer zone of tidal wetlands; but sea level rise has not been taken into account. This property already

holds much standing water and floods during tidal events and hurricanes. With rising sea levels and regular storms in this area, it is likely that it will continue to flood and affect the structures built there. I also worry what will have to be done to backfill this wetland to make it buildable. The Army Corps of Engineers have denied requests to build on this property before for this same reason. We have seen enough of the negative impacts of dredging. It would be terrible for more of the sensitive inland bay to be dredged for dirt to fill this property.

With all the development in this area, there are fewer and fewer places for wildlife to live. It is imperative that we protect some habitat for our native species. This is critical and unique wildlife habitat. It is home to many species that have few other places to live. Many of these species are threatened, endangered, or of special concern. The Eastern Diamondback Terrapin, once hunted almost to extinction, nests on this property. This species is listed as a "species of concern" in Delaware and is Near Threatened by the International Union for Conservation of Nature (IUCN). Bald and golden eagles nest near this property and hunt on it. Wading marsh birds including herons, egrets, willets, rails, and many others live, nest, and hunt on this property. Osprey, only recently recovered, nest here. Migrating birds, protected under the Migratory Bird Treaty Act, have important feeding ground here that they feed on during their migrations. Seals, also driven out of this area by humans in the last century, are making a comeback to this area that they are historically native to. Harbor seals and gray seals, both protected under the Marine Mammal Protection Act, use our inland bays to hunt and rest. Foxes, deer, raccoons, rabbits, horseshoe crabs, blue crabs, hundreds of fish species, and many others, all live, hunt, and raise young on this property. I have seen all of these species and more on this property. It is one of my favorite places in the area, and enjoying the wildlife and view is something that many locals love. It is irreplaceable habitat and should not be destroyed.

Thank you for your consideration. I hope that these concerns, and the concern of many others, are taken seriously. People choose to live and vacation here because of the natural beauty. Leave Fenwick to be the quiet resort that it is known for. Let the large corporations develop areas that are equipped to handle so many people. The wants and needs of the local community (and tourists are included in this - they are a vital part of our community and economy) should be considered against the interests of corporations. Bear in mind the quality of life of those of us that live and work near the coast. We have chosen to live here because we love it. Please do not allow any more of our home to be destroyed.

Thank you,
Kirsten McGuigan-Kleinstuber

C:\Projects\2019\180022 Cannon Property\Drawings\Working Sets\180022-B Commercial Hold and Restaurant\PSP1.0 DISTING CONDITIONS INFO SHEET.dwg, 6/4/2020 1:29 PM, Kaito Kodaki

PENT-RED 0.06 INCHES (1.6mm) PENT-YELLOW 0.07 INCHES (1.8mm) PENT-GREEN 0.10 INCHES (2.5mm) PENT-BLUE 0.07 INCHES (2.0mm) PENT-WHITE 0.09 INCHES (2.3mm)

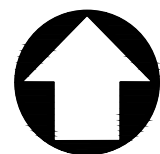
PENT-BLUE 0.07 INCHES (2.0mm)

PENT-BLUE 0.07 INCHES (2.0mm)

PENT-BLUE 0.07 INCHES (2.0mm)

PENT-BLUE 0.07 INCHES (2.0mm)

0 150 300 600 900
SCALE: 1" = 300'



PSP1.1

LEGEND

- PROPERTY LINE / MEAN LOW WATER
PROPERTY LINE
MEAN HIGH WATER
BOUNDARY OF STATE REGULATED WETLANDS (DNREC)
BOUNDARY OF WATERS OF THE U.S. INCLUDING WETLANDS SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM
FEMA FLOOD ZONES
LIMIT OF MODERATE WAVE ACTION
WETLAND BOUNDARY POINT
STATE REGULATED (DNREC) TIDAL WETLANDS / WATERS OF THE U.S.
WATERS OF THE U.S. LANDWARD OF DNREC WETLANDS
EXISTING RIP RAP SHORELINE

AREA TABLE:

UPLANDS AREA: ±1,661,378.80 SF (38.14 AC.)
WATERS OF THE U.S. INCLUDING WETLANDS SUBJECT TO USACE REGULATORY PROGRAM: ±3,599,218.86 SF (82.63 AC.)
TOTAL SITE AREA: ±5,260,597.66 SF (120.77 AC.)

NOTE:
A TOTAL OF 68.85 ACRES OF STATE REGULATED WETLANDS EXIST ON THE SITE, INCLUDING 2.11 AC TIDAL POND.

PRINTS ISSUED FOR:
PRELIMINARY

DATE

REVISIONS

NO.

GMB

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

CANNON PROPERTY
COMMERCIAL SUBDIVISION

Can M & B
COMMUNITIES

SUSSEX COUNTY, DELAWARE

PSP1.0 KEY SHEET
EXISTING
CONDITIONS

SCALE: 1" = 300'
DESIGN BY: KK
DRAWN BY: CEM
CHECKED BY: SLM
GMB FILE: 180022-B
DATE: MAY 2020

SHEET NO.
PSP1.0

© COPYRIGHT 2020 GEORGE, MILES & BUHR, LLC

C:\Projects\2019\180022 Cannon Property\Drawings\Working Set\Plan\180022-B Commercial Hold and Restaurant\PSD1.D EXISTING CONDITIONS.dwg, 6/4/2020 1:29 PM, kcdp kcdp

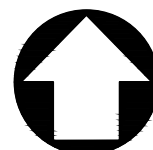
PLOT CODE
PEN=GREEN 010 INCHES (25mm)
PEN=BLUE 007 INCHES (20mm)
PEN=BLACK 007 INCHES (20mm)
PEN=WHITE 009 INCHES (20mm)

MATCHLINE: SEE SHEET C1.5

LEGEND

- PROPERTY LINE / MEAN LOW WATER
- PROPERTY LINE
- MEAN HIGH WATER
- BOUNDARY OF STATE REGULATED WETLANDS (DNREC)
- BOUNDARY OF WATERS OF THE U.S. INCLUDING WETLANDS SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM
- FEMA FLOOD ZONES
- LIMIT OF MODERATE WAVE ACTION
- WETLAND BOUNDARY POINT
- STATE REGULATED (DNREC) TIDAL WETLANDS / WATERS OF THE U.S.
- WATERS OF THE U.S. LANDWARD OF DNREC WETLANDS
- EXISTING RIP RAP SHORELINE

0 25 50 100 150
SCALE: 1" = 50'



PRINTS ISSUED FOR:
PRELIMINARY

DATE

REVISIONS

NO.

GMB

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-9790
www.gmbnet.com

CANNON PROPERTY
COMMERCIAL SUBDIVISION

Carl Miles
GEORGE, MILES & BUHR, LLC
COMMUNITIES

SUSSEX COUNTY, DELAWARE

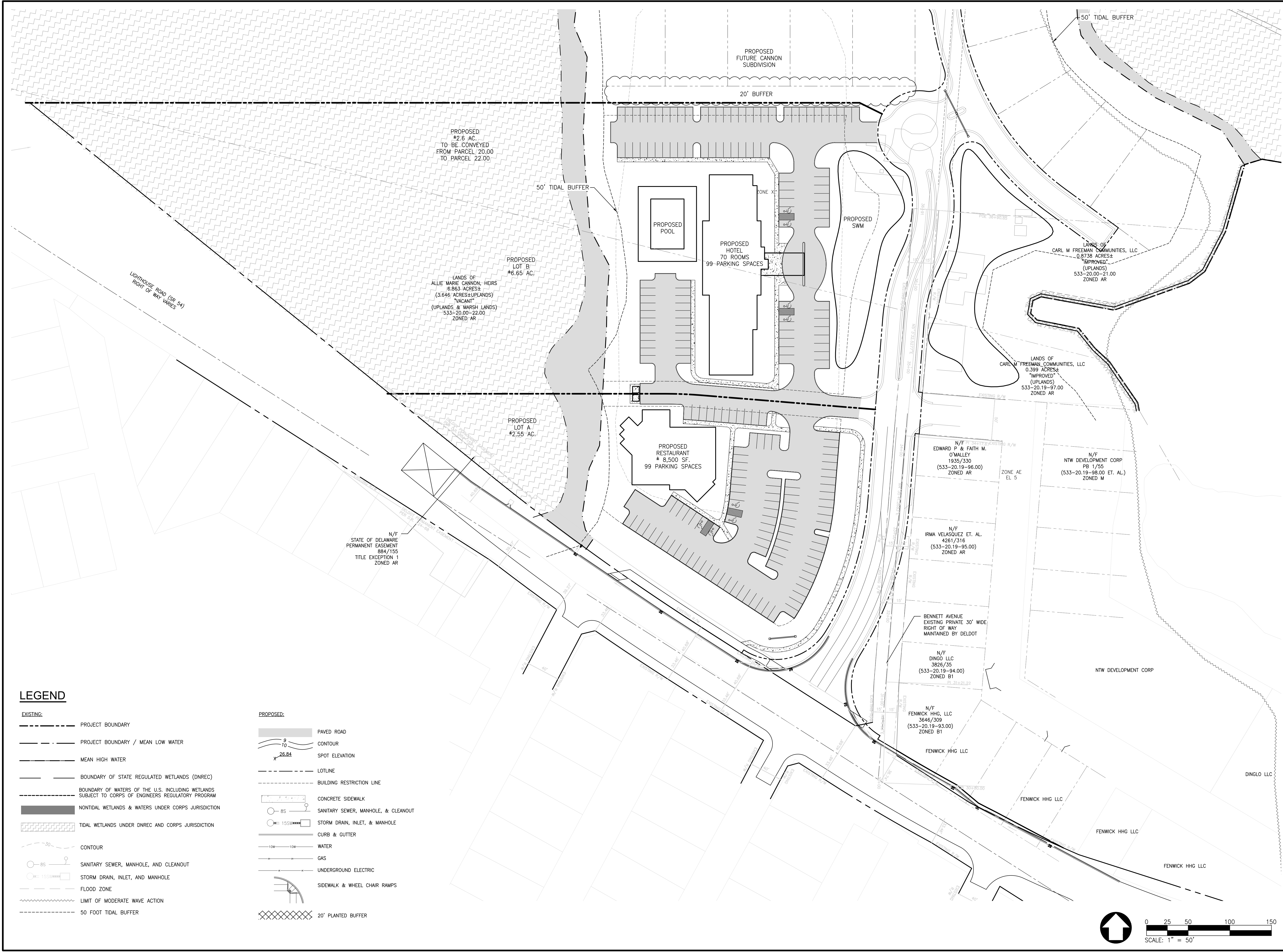
EXISTING
CONDITIONS

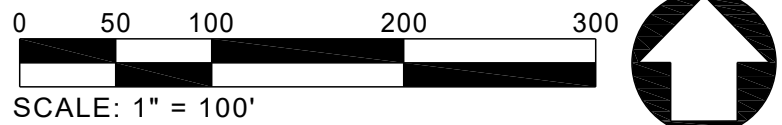
SCALE: 1" = 50'
DESIGN BY: KK
DRAWN BY: CEM
CHECKED BY: SLM
GMB FILE: 180022-B
DATE: MAY 2020

SHEET NO.
PSP1.1

© COPYRIGHT 2020 GEORGE, MILES & BUHR, LLC

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD

[illegible]



WATER PROVIDER: ARTESIAN WATER COMPANY
SEWER PROVIDER: SUSSEX COUNTY PUBLIC WORKS

SCALE : 1" = 100'	SHEET NO. 1
DESIGN BY : KK	
DRAWN BY : KK	
CHECKED BY :	
GMB FILE : 180022-B	
DATE : JUN 2020	



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

August 19, 2020

Katja Kalinski
George Miles & Buhr, LLC
206 W. Main St.
Salisbury, MD 21801

RE: PLUS review 2020-07-01; Cannon Commercial

Dear Ms. Kalinski:

Thank you for meeting with State agency planners on July 22, 2020 to discuss the Cannon Commercial project. According to the information received you are seeking review of a combined site plan for a hotel and restaurant totaling 60,000 square feet on 9.2 acres along Lighthouse Road in Level 4 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

As presented this project represents a commercial development within Level 4 and Out of Play areas 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 commercial development activities 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.

Out of Play reflects lands that, at the time the State Strategies were developed, were not available for private development due to public ownership and / or preservation.

Because the development is inconsistent with the 2015 Strategies for State Policies and Spending, the Department will not support this proposed commercial use

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The proposed realignment of Bennett Avenue and the site access thereon must be designed in accordance with DelDOT's Development Coordination Manual. One issue that DelDOT foresees in this regard is maintaining access the existing commercial uses with entrances on Bennett Avenue close to Lighthouse Road (Delaware Route 54).
- Pursuant to Section 1.3 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 https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- Section 1.7 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. The PLUS application shows 1,200 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, and assuming a 70-room Business Hotel and an 8,500 square foot Quality Restaurant, DelDOT estimates that the total daily trips generated would be 1,068 vehicle trip ends per day and that the trip generation during the weekday evening peak hour would be 88 vehicle trip ends. Therefore, the plan does meet the warrants for a TIS.

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$18,170, accounting for the subject development plus the 70 single-family detached houses planned behind it. This figure is more than the amount cited in DelDOT's July 8, 2020, letter to Sussex County (copy attached), primarily because of the houses just mentioned but also there is a difference in how the hotel traffic was estimated. The final amount will be determined when a site plan is submitted in DelDOT's plan review process. AWS Fees are used to fund traffic studies, not to build improvements.

Regarding improvements, DelDOT met with the applicant in 2017 to scope a Traffic Operational Analysis (TOA) for a similar development proposal (see attached memorandum). That TOA was completed and submitted to DelDOT in May 2018 but resolution was never reached with the developer regarding how to control traffic at the intersection of Lighthouse Road, Monroe and Bennett Avenues. The developer sought a signal or a roundabout and DelDOT was not amenable to having either one. As shown in the table below, the current development proposal is quite similar to what was evaluated in the TOA and DelDOT does not anticipate requiring a new one. However, the developer will need to reach agreement with DelDOT on access control for that intersection and to design on that basis.

Size	Land Use	Daily Traffic	PM Peak Hour
	Uses Addressed in TOA		
6,600 sf	Quality Restaurant	553	51
3,300 sf	High Turnover Restaurant	370	32
70 dwellings	Single-Family Houses	749	72
	Total	1,672	155
	Uses Currently Proposed		
8,500 sf	Quality Restaurant	713	66
70 room	Business Hotel	355	22
70 dwellings	Single-Family Houses	749	72
	Total	1,817	160

- 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 Lighthouse Road and realigned Bennett Avenue. By this regulation, this dedication is to provide a minimum of 40 feet from the physical centerline of Lighthouse Road and 30 feet from the centerline of Bennett Avenue. 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 Lighthouse Road and Bennett Avenue. 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."
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - Depiction of all existing entrances within 300 feet of the entrance on Bennett Avenue

- Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 3 and 4 Investment Areas, DelDOT has discretion regarding the installation of paths or sidewalks along the frontage on State-maintained roads. However, given the density of development in the immediate area, DelDOT anticipates significant pedestrian traffic between the proposed restaurant and both Monroe Avenue and the existing and proposed residential development served by Bennett Avenue. DelDOT anticipates requiring a path along Lighthouse Road and a path or sidewalk along Bennett Avenue. DelDOT also recommends that the developer provide a more direct path from Route 54 to the restaurant parking lot to prevent the creation of unpaved paths through the landscaping.
- 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 Lighthouse Road and realigned Bennett Avenue.
- 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.
- Sections 5.2.4 and 5.2.5 of the Manual, respectively, address entrance width and intersection corner radii. The concept plan accompanying the PLUS application shows a wide cross-section and large corner radii for Bennett Avenue at Lighthouse Road. DelDOT anticipates requiring tighter radii and possibly a median island.
- 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 Bennett Avenue/Monroe Avenue intersection on Lighthouse Road and at the main site entrance on Bennett Avenue and to determine how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

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

This project parcel was subject to previous review (PLUS# 2018-07-03) for a residential community development. Tidal and nontidal wetlands, and 1% annual chance floodplain (Zone AE) associated with the Inland Bays encompass most of the parcel. The entire parcel has wetland associated hydric soils. This parcel will also be significantly impacted by permanent inundation of future sea level rise. The subject parcel is designated as Level 4 and Out of Play by the Delaware State Strategies.

Department staff from the Division of Water, Division of Watershed Stewardship, Division of Fish and Wildlife, Division of Waste and Hazardous Substances, Division of Parks and Recreation, and Division of Climate, Coastal, and Energy reviewed the development plans submitted for PLUS review. However, the absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project. Developers and municipal officials are encouraged to reach out to Mike Tholstrup at (302) 735-3480 if they have any specific requests for information.

Concerns Identified Within the Development Footprint:

Floodplain

Nearly all of the parcel is situated within the 100-year floodplain (1% annual-chance), also referred to as a Special Flood Hazard Area (SFHA). The SFHA is the area where the National Flood Insurance Program's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

Requirements:

- The applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at <https://maps.dnrec.delaware.gov/floodplanning/default.html>

Contact: DNREC Division of Watershed Stewardship, Shoreline and Waterway Management Section at (302) 739-9921. Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx>

Recommendation:

- DNREC reviewers recommend designing proposed structures outside of the Special Flood Hazard Area. If this is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

Sea Level Rise Inundation

- This parcel is vulnerable to permanent inundation as a result of sea level rise. By 2050, sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation of land, higher tide levels caused by sea level rise will result in increasing frequency and severity of flood events.

Recommendation:

- Construction of permanent structures and infrastructure in potential inundation areas, particularly those below 3 ft mean higher high water, should be avoided. All infrastructure and structures on site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.

Contact: DNREC Division of Climate, Coastal, & Energy at (302) 735-3480. Maps are available here: <https://www.dgs.udel.edu/projects/coastal-inundation-maps-delaware>

Excellent Recharge Potential Area

- DNREC reviewers have determined that this project intersects an Excellent Groundwater Recharge Potential Area near the proposed stormwater management pond. These are areas where soils and sedimentary deposits of the most coarse-grained nature have the best ability to transmit water vertically from the ground surface through the unsaturated zone to the water table. Excellent Ground-Water Recharge Potential Areas shall constitute a critical area as defined under Chapter 92, Title 29 of the Delaware Code, and as such, they are protected by local County/Municipal ordinances.

Requirement:

- The applicant must comply with all local codes that affect excellent groundwater recharge areas, to protect the critical water resource.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.

Stormwater Management

- Land disturbing activity (soil disturbance) has met the minimum threshold of 5000 square feet.

Requirements:

- Projects disturbing greater than 5,000 square feet require the development and approval of a Sediment and Stormwater Plan prior to any land disturbing activity taking place on the site. The plan must be approved by the appropriate agency. This agency will vary depending on the location of the project, or whether is operated by a state agency or school district. The plan review and approval, as well as construction inspection, will be coordinated through the Delegated Agency.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 NOI fee.

- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Contact the Delegated Agency: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Recommendations:

- Integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce overall runoff including pollutant runoff.
- Siting a stormwater management pond within hydric soils is not considered an environmentally acceptable practice by DNREC and will likely increase the potential for future flooding impacts, while increasing nutrient and bacterial pollutant discharge to ground and surface waters.
- For improved stormwater management on any site, preserve existing trees, wetlands, and passive open space. Trees and shrubs native to Delaware should be used to the maximum extent practicable in the landscaping for open spaces.

Water Quality and the Pollution Control Strategy

- Inland Bays Pollution Control Strategies (PCS) apply on this project parcel. Water quality within the Inland Bays watershed is significantly impaired from nitrogen and phosphorus (nutrient) pollution. When land is developed in a PCS area, stormwater plans must include criteria to manage stormwater for these nutrients.
- To support the state's water quality efforts, DNREC reviewers encourage applicants to reduce the amount of pollutants that enter local waterways by limiting the disturbance of natural habitat, limiting the amount of impervious cover, and increasing the use of green infrastructure.

Recommendation:

- Developers can accomplish water quality goals by utilizing several methods. If open-water stormwater management is selected for use, refer to the PCS for details. Please work through the Sussex Conservation District for additional requirements on PCS. The PCS can be found here:
<http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedManagementPlans.aspx>

Wetlands

- Statewide Wetlands Mapping Project (SWMP) maps indicate that much of the parcel is tidal wetland.

Requirements:

- DNREC's Wetlands and Subaqueous Lands Section will require a Jurisdictional Determination (JD) to be completed to determine jurisdiction of subaqueous lands and wetlands. Please apply for the JD through the website at <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>.
- If the project proposes to disturb (dredge or fill) subaqueous lands or state regulated wetlands, an application for a permit must be submitted to the DNREC Wetlands and Subaqueous Lands Section for review and approval. Please contact the DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943 for further questions about state requirements.

Recommendation:

- To protect the function and integrity of wetlands, DNREC reviewers recommend a vegetated buffer from the edge of any waterbody. Buffers are an integral component of aquatic and wetland habitats. Buffers reduce sediment and pollutants that may enter a waterway, which can negatively impact aquatic organisms and habitat.

Hydric Soils Present (Wetland)

- Based on soil maps, hydric soils are present in the entire proposed project area. While regulations do not specifically address hydric soils, hydric soils are oftentimes associated with the presence of wetlands.

Recommendation:

- Appropriate stormwater Best Management Practices (BMPs) to be constructed in areas of hydric soils include constructed wetlands, wet ponds, and sheet flow practices. Runoff reduction BMPs that include infiltration are not ideally suited within areas of hydric soils.

Contact: Delegated Agency: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Hydric Soil Group C & D Soils Present

- HSG C and/or D soils are present on the parcel and are not conducive to infiltration practices for stormwater management BMPs. Infiltration practices are most suitable for HSG A and/or B soils and runoff reduction BMPs are preferred practices.

Requirement:

- All stormwater BMPs that propose to use infiltration or natural recharge shall include a soils investigation in accordance with 7. Del. Admin. C. §5101 subsection 12.1 to determine the appropriate design criteria. Infiltration-type BMPs, such as bioretention basins (rain gardens) and infiltration basins must meet minimum infiltration requirements. HSG C and D soils are not conducive to soil infiltration for placement of such BMPs.

Concerns Identified Outside of the Development Footprint:

Limits of Moderate Wave Action (LiMWA)

- A portion of the parcel is located within the SFHA and seaward of the Limit of Moderate Wave Action (LiMWA) line. This area is subject to enhanced coastal hazards due to storm waves. Additional information can be found here:
<http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx>

Requirement:

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the floodplain.

Recommendation:

- Place proposed structures outside of the LiMWA area and/or build to Zone VE standards within the LiMWA area.

Sustainable Development Strategies:

Air Pollution and Greenhouse Gas Reduction

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution. Renewable energy infrastructure such as solar or geothermal will further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy (www.de.gov/greenenergy, www.de.gov/eeif).
- Install electric vehicle charging infrastructure to assist Delaware in achieving its clean transportation goals. The Division of Climate, Coastal, & Energy offers incentives for clean transportation (electric vehicle charging). These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (www.de.gov/cleantransportation).
- Air pollution is also directly related to increased motorized transportation activity. Incorporating nonmotorized connectivity and installing bicycle racks where feasible will help to facilitate non-vehicular travel modes.
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

Solid Waste Reduction

- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.
- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There is an archaeological site (S00707) located near the eastern part of parcel # 533-20.00-20.00, west of Bennett Avenue. This site was surveyed in 1991, but with little information provided. It will not be impacted by this project but likely will be by the proposed future Cannon Subdivision. Prehistoric potential is considered low based on the inhospitable soils and distance from freshwater sources. Historic archaeological potential is also low. Historic maps show the “J.H. Brassure” house near the area, but likely to the north of the area of impact.
- 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.

Delaware Transit Corporation (DTC) – Contact: Jared Kauffman 576-6062

- Type 2 12' x 8' shelter pad placed at least 50' past the entrance
- Bicycle parking is needed at both buildings or larger shared bicycle parking
- Direct pedestrian pathway is needed into the site from the bus stop
- Pedestrian pathway needed to pedestrian pathway to residential lot behind site

Sussex County Housing – Contact: Brandy Nauman 855-7779

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's “Affordable Housing Support Policy”. The policy along with other resources are available on the County's Affordable & Fair

Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.
- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

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,

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

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

CC: Sussex County



Cannon Property

TAX MAP 5-33-20.00 PARCEL 22.00 &
PART OF PARCEL 20.00

Public Hearing Information Packet CONDITIONAL USE #2236

JUNE 2021



GMB Project No. 180022.B

GMB

GEORGE, MILES & BUHR, LLC

ARCHITECTS/ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
410.742.3115

SALISBURY/BALTIMORE/SEAFORD



**CANNON PROPERTY
TAX MAP 533-20.00 PARCEL 22.00 &
PART OF PARCEL 20.00**

**INFORMATION FOR PUBLIC RECORD
Conditional Use # 2236
June 2021**

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY

2. PLANNING & ZONING AND PLUS APPLICATION

- *Sussex County Conditional Use Application*
 - Letter to Planning & Zoning – Conditional Use Application, dated May 27, 2020
 - Subdivision Application
 - Preliminary Site Plan
- *Planning & Zoning - Environmental Assessment / Public Facility Evaluation, dated May 25, 2021*
 - Proximity Map
 - Site Plan Rendering
- *Preliminary Land Use Service (PLUS)*
 - PLUS Application, dated June 15, 2020
 - PLUS Comments Letter, dated August, 19, 2020
 - PLUS Response Letter, dated January 15, 2021

3. SITE SPECIFIC MAPS, PLANS AND DOCUMENTATION

- *Site Maps & Plans*
 - Zoning Map
 - Tax Map
 - List of Adjoining Property Owners
 - Boundary & Topo Survey
 - Deeds
 - Legal Description
 - FEMA Map – Map # 1005C0635K
 - USGS Quad Map
 - Soils Map
 - Indian River School District Map

4. TRAFFIC AND SITE CIRCULATION

- Service Level Evaluation Request Response, dated July 8, 2020

5. UTILITY PROVIDERS

- Artesian Water Company
 - Willing & Able Email, dated January 20, 2017
- Wastewater - Sussex County
 - Sewer Capacity Email, dated July 18, 2018

6. WETLANDS

- Wetlands Delineation Map – Sheet No. W1.1 – W1.8

7. THREATENED AND ENDANGERED SPECIES

- Delaware Heritage Request Letter, dated July 6, 2017
- Chesapeake Bay Ecological Services – Species List, dated July 6, 2017
- ERI 2017 Bennett Road General Request Letter, dated August 4, 2017

8. SUSSEX COUNTY COMPREHENSIVE MAPS

- Sussex County Comprehensive Plan – Existing Land Use Map
- Sussex County Comprehensive Plan – Future Land Use Map
- Sussex County Comprehensive Plan Strategies for State Policies and Spending Map
- Sussex County Comprehensive Plan Developed & Protected Lands
- Sussex County Comprehensive Plan County Water Service Areas
- Sussex County Comprehensive Plan Water Supply Wellhead & Excellent Recharge Areas
- Sussex County Comprehensive Plan County Wastewater Service Areas
- Sussex County Comprehensive Plan Wastewater Service Areas that have Received Certificates of Public Convenience and Necessity
- Sussex County Comprehensive Plan – Floodplains & Wetlands Map
- Sussex County Comprehensive Plan – Woodlands & Natural Areas

EXECUTIVE SUMMARY

**Cannon Property
Conditional Use Application #2236
Executive Summary**

Carl M. Freeman Companies proposes to develop the Route 54 frontage of the Cannon Property (Tax Map Parcel 533-20-00-22.00 and part of parcel 20.00), as a 70-room hotel and a 8,500± square foot restaurant. The parcels are located along the north side of Route 54 at the intersection with Bennett Avenue, near Fenwick Island.

The parcels are currently zoned AR-1 and located in the Coastal Area under the Comprehensive Plan. The total parcel area is 9.2 acres and will be divided into Parcel A containing 2.55 acres for the restaurant use and Parcel B containing 6.65 acres for the hotel use. The total developed upland area is proposed at 4.31 acres.

The project is surrounded by existing developed areas along Route 54, consisting of single and multifamily residential development, manufactured home parks, and commercial sites. Several other restaurants and non-residential uses are adjacent to and within walking distance of the property. Previously, on November 29, 2018 and April 23, 2021, the Planning Commission approved a seventy (70) unit subdivision for the remainder of the Cannon Property, which borders the proposed commercial uses to the north.

Stormwater management will meet the requirements of the Sussex Conservation District. A 50' tidal buffer is provided from tidal waters. A minimum 20' buffer is maintained off all non-tidal wetlands.

The project will be accessed off Route 54 through Bennett Avenue. As part of the project, Bennett Avenue will be realigned at Route 54 to align with Monroe Avenue. Two access points to the commercial development are proposed. The northern most of these is off a proposed traffic circle that will also provide access to the residential part. A traffic signal will be installed at the intersection of Bennett Avenue and Route 54 which will significantly improve access and safety for both the proposed development and the existing residential and commercial uses that access to Route 54 from Bennett Avenue.

Central sewer will be provided by Sussex County. Central water will be provided by Artesian Water Company.

A Site Plan Rendering and Preliminary Site Plan are included for reference. An Environmental Assessment and Public Facility Report, and responses to PLUS are included in the project binder.

PLANNING & ZONING AND PLUS APPLICATION

■ ■ ■ ■

**ARCHITECTS
ENGINEERS**

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

■ ■ ■ ■

JAMES H. WILLEY, JR., PE
PETER A. BOZICK, JR., PE
JUDY A. SCHWARTZ, PE
CHARLES M. O'DONNELL, III, PE
W. BRICE FOXWELL, PE
A. REGGIE MARINER, JR., PE
JAMES C. HOAGESON, PE
STEPHEN L. MARSH, PE
DAVID A. VANDERBEEK, PE
ROLAND E. HOLLAND, PE
JASON M. LYTLE, PE
CHRIS B. DERBYSHIRE, PE
W. MARK GARDOCKY, PE
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, PE

JOHN E. BURNSWORTH, PE
MICHAEL G. KOBIN, PE
VINCENT A. LUCIANI, PE
ANDREW J. LYONS, JR., PE
W. NICHOLAS LLOYD
AUTUMN J. WILLIS

May 27, 2020

Ms. Lauren DeVore
Planner III
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Re: Cannon Property
Tax Map Parcels 533-20-20.00, 22.00
Preliminary Site Plan for Conditional Use
GMB Project 180022

Dear Ms. DeVore:

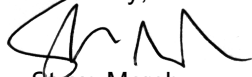
In accordance with Section 115-217 of the Sussex County Zoning Code, please accept the enclosed conditional use application and supporting Preliminary Site Plan for Tax Map parcels 533-20-22.00 and part of 20.00, also known as "The Cannon Property". The Cannon Property is zoned AR-1 and located in the Coastal Zone. The Parcel is located at the north side of the intersection of Route 54 and Bennett Avenue near Fenwick Island.

Preliminary Subdivision Plan approval was granted for much of the property by the Planning Commission at its December 20, 2018 regular meeting. That plan identified an area in the front of the site to be reserved, or "carved out", as separate from the proposed residential subdivision.

It is the intention of Carl M Freeman Companies to develop the front 5 acres of uplands with a 70-room hotel and approximately 8500 sf restaurant. The development team had discussed a change of zone application, but feel a conditional use is more appropriate. Per Section 115-22 of the code, "residential, business, commercial or industrial uses (are allowed in AR-1) when the purposes of this chapter are more fully met by issuing a conditional use permit".

Upon your review, we would like to schedule a preliminary conference to discuss Staff comments. If you should have any questions, or comments, please feel free to contact me by telephone at (410) 742-3115 or by e-mail at smarsh@gmbnet.com.

Sincerely,



Steve Marsh
Senior Vice President

SLM/cl

Enclosures:

- One (1) Copy of the Conditional Use Application
- Eight (8) Copies of the Preliminary Site Plan
- One (1) GMB Check - \$500.00 – Application Fee

cc: Carl M Freeman Companies
Attn: Mr. Josh Mastrangelo (w/ electronic encl.)

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

North side of the intersection of Route 54 and Bennett Ave., near Fenwick Island.

Type of Conditional Use Requested:

AR-1 Conditional Use for Hotel and Restaurant use.

Tax Map #: 533-20.00-22.00 & p/o 20.00

Size of Parcel(s): 9.2

Current Zoning: AR-1

Proposed Zoning: AR-1

Size of Building: Hotel - 70 Rooms, (3) floors, 14,750 sf
per floor. Restaurant ±8500 sf

Land Use Classification: Coastal Area

Water Provider: Artesian

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Carl M. Freeman Companies

Applicant Address: 21 Village Green Drive, Suite 200

City: Ocean View

State: DE

Zip Code: 19970

Phone #: (302) 436-3000

E-mail: jmastrangelo@cmfa.com

Owner Information

Owner Name: Everett Clifton & Allie Cannon

Owner Address: 38876 Bennett Ave.

City: Selbyville

State: DE

Zip Code: 19975

Phone #:

E-mail:

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Stephen L. Marsh, P.E. - George, Miles & Buhr, LLC

Agent/Attorney/Engineer Address: 206 West Main Street

City: Salisbury

State: MD

Zip Code: 21801

Phone #: (410) 742-3115

E-mail: smarsh@gmbnet.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**

*provided under
separate cover

☒ **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.**

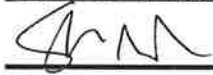
☐ **DelDOT Service Level Evaluation Request Response**

☐ **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.

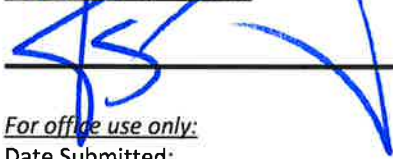
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 5/27/20

Signature of Owner



Date: 5.28.20

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

PLOT CODE
PENT-RED
0.08 INCHES (1.0mm)
PENT-YELLOW
0.07 INCHES (1.8mm)
PENT-ORANGE
0.10 INCHES (2.5mm)
PENT-BLUE
0.07 INCHES (2.0mm)
PENT-MASTIFF
0.07 INCHES (1.7mm)
PENT-WHITE
0.09 INCHES (1.0mm)

NOTES:

1. ALL INTERIOR SIDE LOT LINES ARE RESERVED FOR THE CENTERLINE OF A 10' WIDE DRAINAGE AND/OR UTILITY EASEMENT, A 10' WIDE DRAINAGE AND/OR UTILITY EASEMENT IS RESERVED ON EACH LOT ALONG THE FRONT AND REAR PROPERTY LINES. THIS PLAN AND SURVEY DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS PERTAINING TO THIS PROPERTY.
2. MAINTENANCE OF THE STREETS WITHIN THIS SUBDIVISION WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS WITHIN THE SUBDIVISION, OR BOTH. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STREETS WITHIN INDICATED DELDOT RIGHT-OF-WAYS ONLY.
3. MAINTENANCE OF STORM DRAIN AND STORMWATER MANAGEMENT FACILITIES WILL BE THE RESPONSIBILITY OF THE DEVELOPERS. THE PROPERTY OWNERS WITHIN THE SUBDIVISION, THE HOA, OR ALL. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STORM DRAIN WITHIN INDICATED DELDOT RIGHTS OF WAY ONLY.
4. ALL SIDEWALKS MUST BE INSTALLED IN CONJUNCTION WITH THE ROADS, AND FOR THE PROJECT TO ACHIEVE SUBSTANTIAL COMPLETION FROM THE PUBLIC WORKS DIVISION.
5. WATER SERVICE WILL BE PROVIDED BY CONNECTION TO AN EXISTING PUBLIC SYSTEM. ALL DISTRIBUTION EQUIPMENT WILL BE INSTALLED AND MAINTAINED BY ARTESIAN WATER CO. ALL PROPOSED FACILITIES WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DELAWARE DIVISION OF PUBLIC HEALTH.
6. WASTEWATER TREATMENT AND DISPOSAL WILL BE PROVIDED BY THE SUSSEX COUNTY ENGINEERING DEPARTMENT, SOUTH COASTAL WASTE WATER TREATMENT FACILITY. THE COLLECTION AND TRANSMISSION SYSTEM WILL CONSIST OF VARIOUS DIAMETER GRAVITY SEWERS. THE COLLECTION AND TRANSMISSION SYSTEM WILL BE SUBJECT TO REVIEW AND APPROVAL BY SUSSEX COUNTY AND DNREC.
7. THERE IS NO ACTIVE AGRICULTURAL PROPERTY GREATER THAN 10 ACRES DIRECTLY ABUTTING THE PROPOSED DEVELOPMENT.
8. TIDAL AND NON-TIDAL WETLANDS EXIST ON THE PROPERTY.
9. STORMWATER MANAGEMENT PRACTICES WILL BE DESIGNED TO MEET STORMWATER QUALITY AND QUANTITY MANAGEMENT REQUIREMENTS. ALL STORMWATER MANAGEMENT DESIGN WILL BE IN ACCORDANCE WITH DELAWARE STORMWATER DESIGN MANUAL STANDARDS.
10. EASEMENTS SHALL BE PROVIDED WHERE NECESSARY TO MEET PUBLIC UTILITY REQUIREMENTS. NECESSARY EASEMENTS ALONG PERIMETER BOUNDARIES OF THE DEVELOPMENT SHALL BE NO LESS THAN TEN (10) FEET IN WIDTH ON THE INTERIOR SIDE OF THE BOUNDARY.
11. BOUNDARY SHOWN HEREIN PROVIDED BY ADKINS SURVEYING, LLC, DATE SEPT 21, 2017.

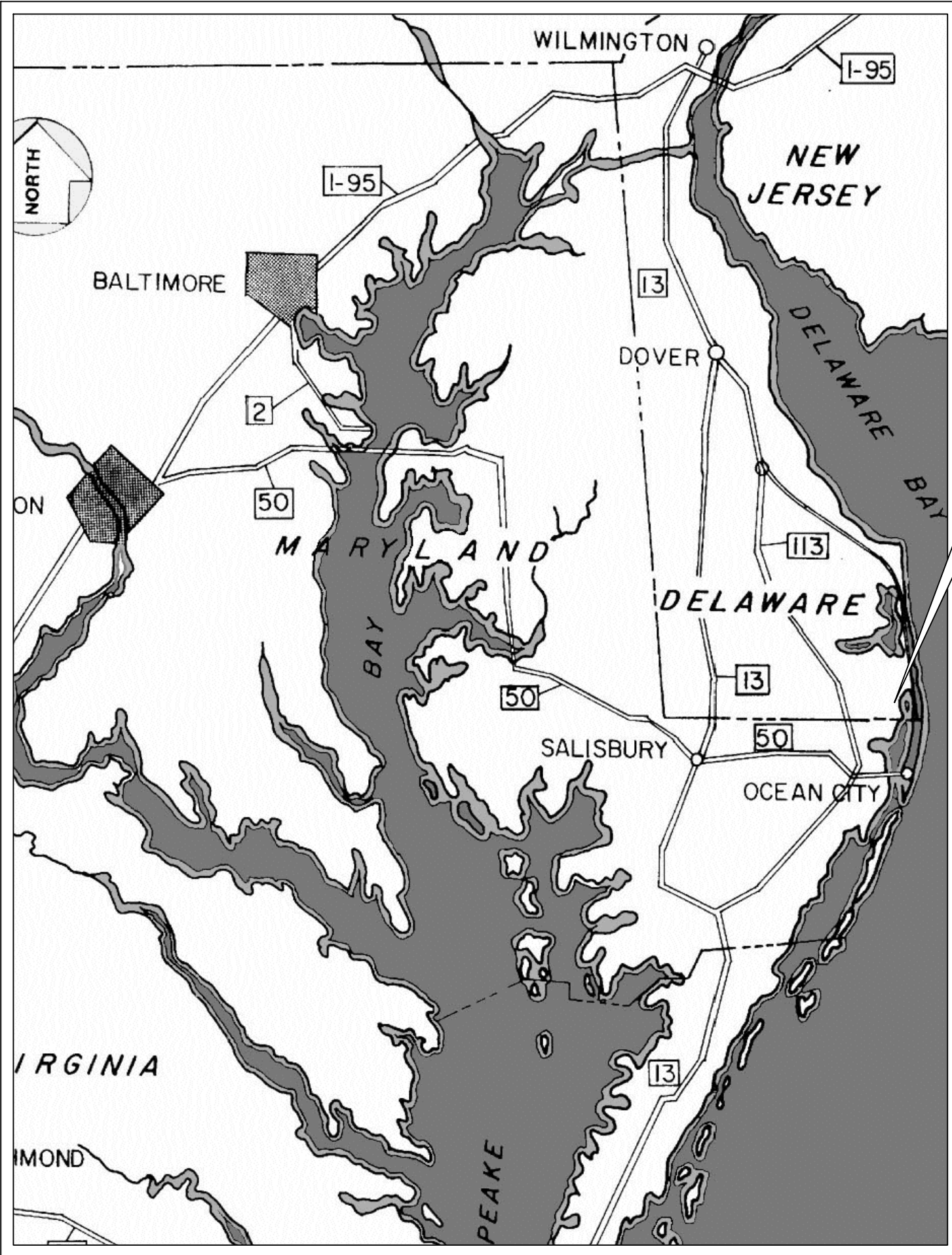
CANNON PROPERTY

Carl M. Freeman
COMMUNITIES

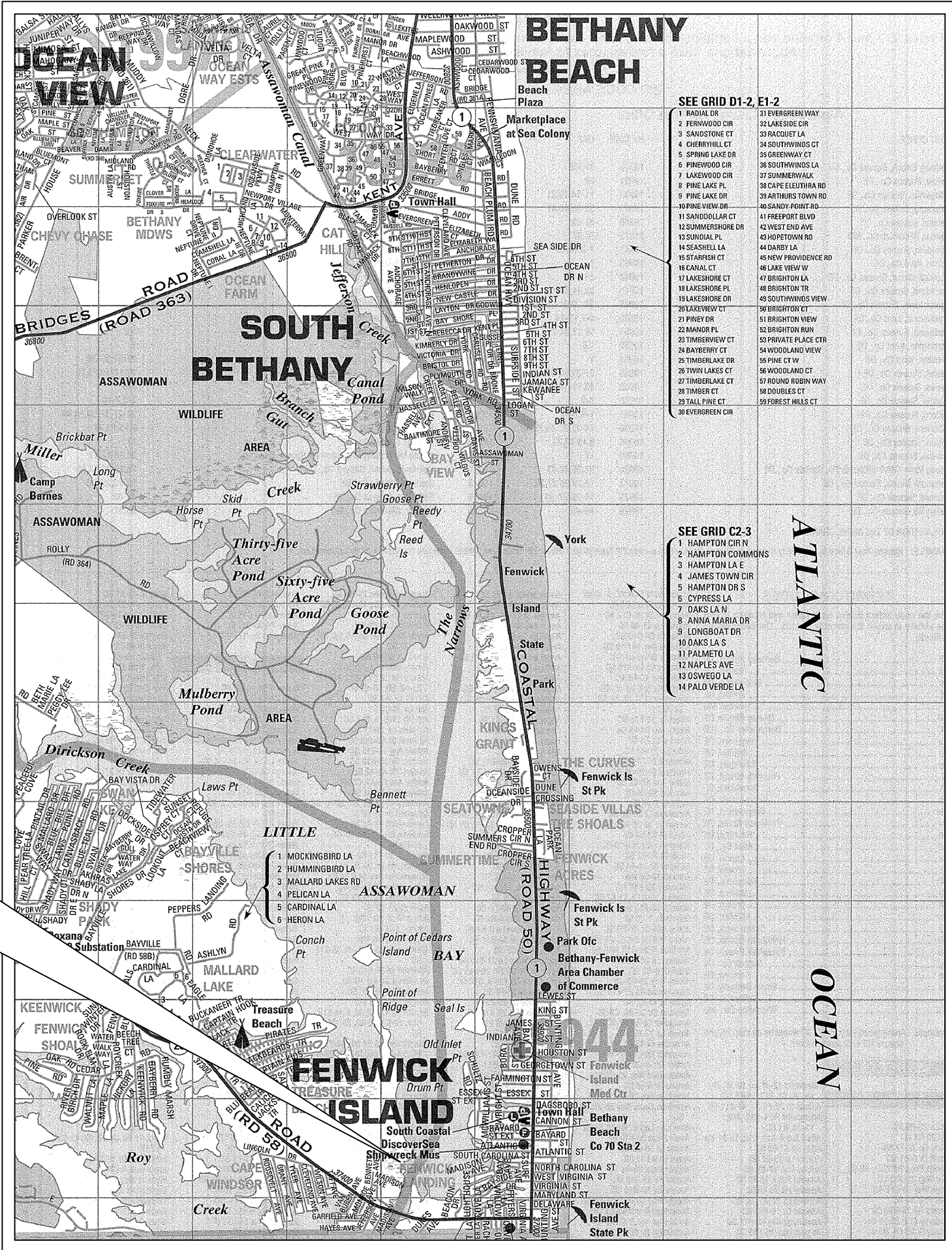
SUSSEX COUNTY, DELAWARE

CONDITIONAL USE APPLICATION PRELIMINARY COMMERCIAL SITE PLAN PARCELS 533-20.00-22.00, P/O 20.00

GMB NO. 180022-B



VICINITY MAP
SCALE: 1" = 20 MILES



LOCATION MAP
SCALE: 1" = 2000'

WETLANDS CERTIFICATION:

"I, EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGEMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3(c)(8)), WATERS OF THE U.S. DEFINITION/CECW-OR, 10-7-1991, QUESTIONS AND ANSWERS ON THE 1987 CDE MANUAL/CECW-OR, 9-26-1990, RGL 90-7/CECW-OR, 3-6-1992, CLARIFICATION AND INTERPRETATION OF THE 1987 MANUAL. THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES. DNREC STATE REGULATED WETLANDS HAVE BEEN IDENTIFIED IN ACCORDANCE WITH DNREC WETLAND MAP NOS. 2 & 28 SUSSEX COUNTY.

EDWARD M. LAUNAY, PWS NO. 875
SOCIETY OF WETLAND SCIENTISTS
CORPS OF ENGINEERS
CERTIFIED WETLAND DELINEATOR WDCP93MD05100369

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

MAY 2020

LIST OF DRAWINGS

G1.0 COVER SHEET
PSP 1.0 KEY SHEET
PSP 1.1 EXISTING CONDITIONS
PSP 1.2 LINE AND CURVE TABLE
PSP 2.0 PRELIMINARY COMMERCIAL SUBDIVISION PLAN

SITE DATA:

TAX MAP #: T.M. ID 533-20.00-20.00
DEED REFERENCE: BOOK 5056 PAGE 0
OWNER: ALLIE MARIE CANNON HEIRS

TAX MAP #: T.M. ID 533-20.00-22.00
DEED REFERENCE: BOOK 4781 PAGE 46
OWNER: CARL M. FREEMAN COMMUNITIES LLC.

ZONING CLASSIFICATION: AR-1
PROPOSED ZONING: AR-1 CONDITIONAL USE
PRESENT USE: RESIDENTIAL, OPEN AREA & MAINTAINED VACANT LAND
PROPOSED USE: HOTEL AND RESTAURANT

TOTAL COMBINED PARCEL AREA: ± 9.2 ACRES
PROPOSED HOTEL AREA: ± 6.65
PROPOSED RESTAURANT AREA: ± 2.55
DISTURBED SECTION 404 WETLANDS: ± 0.00

FLOOD INFORMATION: SPECIAL FLOOD HAZARD AREA ZONE X, YE, AE 6 AND
AE 5 PER FEMA MAP 1000SC0654K DATED
MARCH 16, 2015

BUILDING SETBACKS

40' FRONT YARD
15' SIDE YARD
20' REAR YARD

MAX. BUILDING HEIGHT: 42'

REQUIRED PARKING HOTEL (70 ROOMS): 105
PROVIDED PARKING: 99

REQUIRED PARKING RESTAURANT (6175 SF PATRON USE): 124
PROVIDED PARKING: 99

TOTAL PARKING PROVIDED: 198 (15% REDUCTION FROM REQUIREMENT PROVIDED SHARED SPACES)

SHARED PARKING STUDY:

USE	M-F 8am-5pm	M-F 6pm-10pm	M-F 10pm-6am	S-S 8am-5pm	S-S 6pm-10pm	S-S 10pm-6am	AVERAGE
HOTEL (105) # of spaces	70%	70%	100%	70%	70%	100%	85
RESTAURANT (124) # of spaces	70%	100%	10%	70%	100%	20%	77
TOTAL	161	198	118	161	198	131	162

WATER PROVIDER: ARTESIAN WATER COMPANY
SEWER PROVIDER: SUSSEX COUNTY PUBLIC WORKS

DEVELOPER'S CERTIFICATION:

"I HEREBY CERTIFY THAT I AM THE DEVELOPER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THAT THE PLAN WAS MADE AT MY DIRECTION.

JOSH MASTRANGELO
CARL M. FREEMAN COMPANIES
21 GREEN VILLAGE DRIVE, SUITE 200
OCEAN VIEW, DELAWARE 19970

DATE

STEPHEN L. MARSH, P.E.
GEORGE, MILES, & BUHR, LLC.
206 W. MAIN STREET
SALISBURY, MD 21801

DATE

PRINTS ISSUED FOR:
PRELIMINARY

DATE

REVISIONS

NO.

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

CANNON PROPERTY
COMMERCIAL SUBDIVISION

Carl M. Freeman
COMMUNITIES

SUSSEX COUNTY, DELAWARE

G1.0 COVER SHEET

SCALE: AS NOTED
DESIGN BY: KK
DRAWN BY: CEM
CHECKED BY: SLN
GMB FILE: 180022-B
DATE: MAY 2020

SHEET NO.
G1.0

C:\Projects\2019\180022 Cannon Property\Drawings\Working Sets\180022-B Commercial Hold and Restaurant\PSPI.0 DISTING CONDITIONS INFO SHEET.dwg, 6/17/2020 2:45 PM, Kaito Kodaka

PENT-RED 0.06 INCHES (1.6mm) PENT-YELLOW 0.07 INCHES (1.8mm) PENT-GREEN 0.10 INCHES (2.5mm) PENT-BLUE 0.07 INCHES (1.8mm) PENT-WHITE 0.09 INCHES (2.3mm)

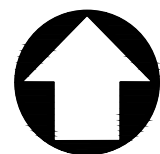
PSPI-RED 0.14 INCHES (3.6mm)

PSPI-GREEN 0.07 INCHES (1.8mm)

PSPI-BLUE 0.07 INCHES (1.8mm)

PSPI-WHITE 0.09 INCHES (2.3mm)

0 150 300 600 900
SCALE: 1" = 300'



PSP1.1

LEGEND

- PROPERTY LINE / MEAN LOW WATER
- PROPERTY LINE
- MEAN HIGH WATER
- BOUNDARY OF STATE REGULATED WETLANDS (DNREC)
- BOUNDARY OF WATERS OF THE U.S. INCLUDING WETLANDS SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM
- FEMA FLOOD ZONES
- LIMIT OF MODERATE WAVE ACTION
- * A23 WETLAND BOUNDARY POINT
- STATE REGULATED (DNREC) TIDAL WETLANDS / WATERS OF THE U.S.
- WATERS OF THE U.S. LANDWARD OF DNREC WETLANDS
- EXISTING RIP RAP SHORELINE

AREA TABLE:

UPLANDS AREA: ±1,661,378.80 SF (38.14 AC.)
WATERS OF THE U.S. INCLUDING WETLANDS SUBJECT TO USACE REGULATORY PROGRAM: ±3,599,218.86 SF (82.63 AC.)
TOTAL SITE AREA: ±5,260,597.66 SF (120.77 AC.)

NOTE:
A TOTAL OF 68.85 ACRES OF STATE REGULATED WETLANDS EXIST ON THE SITE, INCLUDING 2.11 AC TIDAL POND.

PRINTS ISSUED FOR:
PRELIMINARY

DATE

REVISIONS

NO.

GMB

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

CANNON PROPERTY
COMMERCIAL SUBDIVISION

Carroll
COMMUNITIES

SUSSEX COUNTY, DELAWARE

PSP1.0 KEY SHEET
EXISTING
CONDITIONS

SCALE: 1" = 300'
DESIGN BY: KK
DRAWN BY: CEM
CHECKED BY: SLM
GMB FILE: 180022-B
DATE: MAY 2020

SHEET NO.
PSP1.0

© COPYRIGHT 2020 GEORGE, MILES & BUHR, LLC

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SODOR
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

CANNON PROPERTY
COMMERCIAL SUBDIVISION

Carl M. Freeman
COMMUNITIES

SUSSEX COUNTY, DELAWARE

LINE AND CURVE TABLE

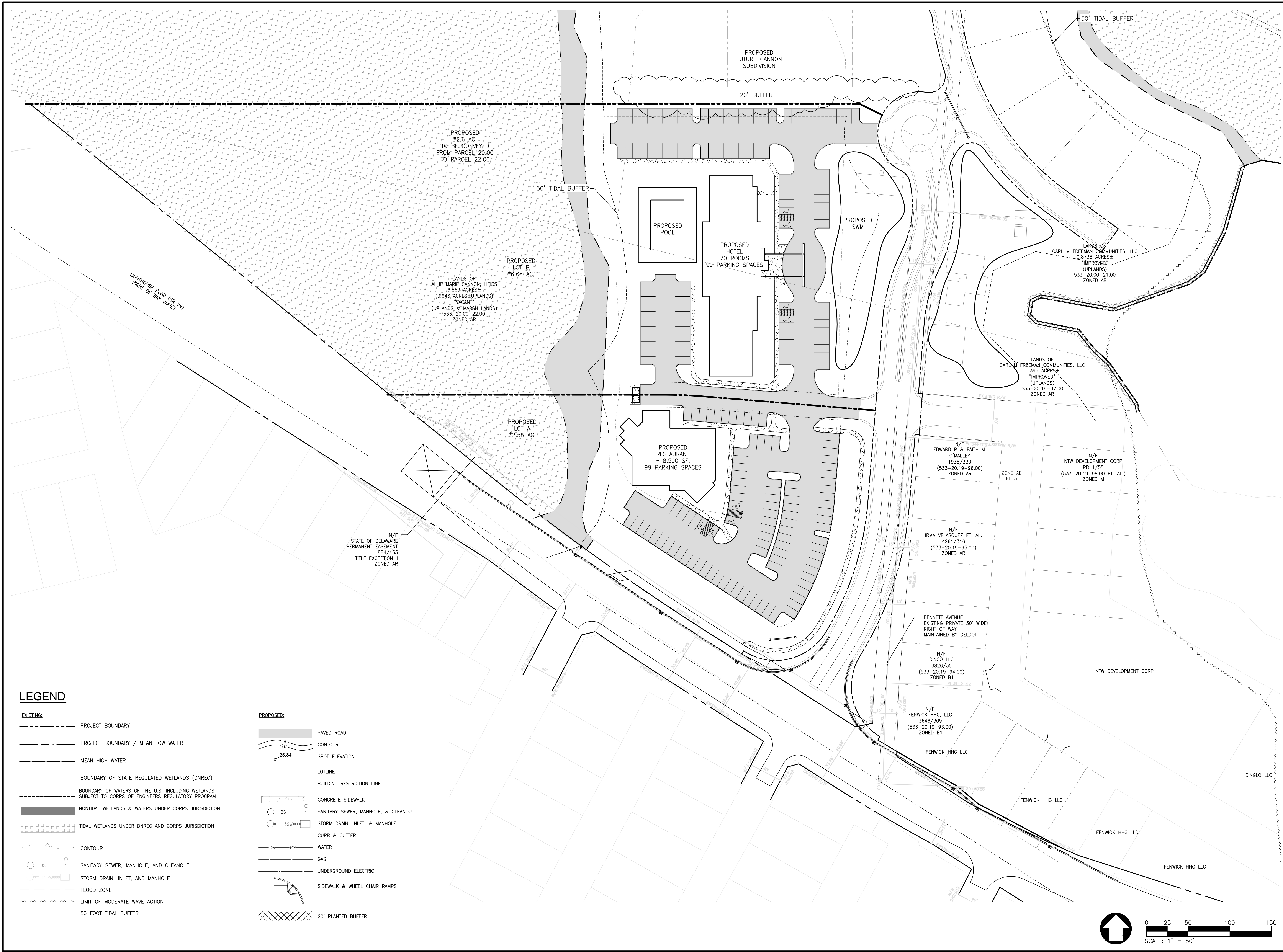
SCALE : NONE	SHEET NO. PSP1.
DESIGN BY : KK	
DRAWN BY : CEM	
CHECKED BY : SLM	
GMB FILE : 180022-B	
DATE : MAY 2020	

PLOT CODE
PENT-RED 0.06 INCHES (1.6mm)
PENT-YELLOW 0.07 INCHES (1.8mm)
PENT-ORANGE 0.10 INCHES (2.5mm)
PENT-GREEN 0.10 INCHES (2.5mm)
PENT-BLUE 0.07 INCHES (2.0mm)
PENT-WHITE 0.09 INCHES (2.0mm)

LEGEND

- EXISTING:**
- PROJECT BOUNDARY
 - PROJECT BOUNDARY / MEAN LOW WATER
 - MEAN HIGH WATER
 - BOUNDARY OF STATE REGULATED WETLANDS (DNREC)
 - BOUNDARY OF WATERS OF THE U.S. INCLUDING WETLANDS SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM
 - NONTIDAL WETLANDS & WATERS UNDER CORPS JURISDICTION
 - TIDAL WETLANDS UNDER DNREC AND CORPS JURISDICTION
 - CONTOUR
 - SANITARY SEWER, MANHOLE, AND CLEANOUT
 - STORM DRAIN, INLET, AND MANHOLE
 - FLOOD ZONE
 - LIMIT OF MODERATE WAVE ACTION
 - 50 FOOT TIDAL BUFFER

- PROPOSED:**
- PAVED ROAD
 - CONTOUR
 - SPOT ELEVATION
 - LOTLINE
 - BUILDING RESTRICTION LINE
 - CONCRETE SIDEWALK
 - SANITARY SEWER, MANHOLE, & CLEANOUT
 - STORM DRAIN, INLET, & MANHOLE
 - CURB & GUTTER
 - WATER
 - GAS
 - UNDERGROUND ELECTRIC
 - SIDEWALK & WHEEL CHAIR RAMPS
 - 20' PLANTED BUFFER



GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-9790
www.gmbnet.com

CANNON PROPERTY
COMMERCIAL SUBDIVISION
Carl M. Freeman
COMMUNITIES
SUSSEX COUNTY, DELAWARE

PRELIMINARY COMMERCIAL SUBDIVISION SITE PLAN

SCALE: 1" = 50'	SHEET NO.
DESIGN BY: KK	PSP2.0
DRAWN BY: CEM	
CHECKED BY: SLM	
GMB FILE: 180022-B	
DATE: MAY 2020	

■■■■
ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

■■■■

JAMES H. WILLEY, JR., P.E.
PETER A. BOZICK, JR., P.E.
JUDY A. SCHWARTZ, P.E.
CHARLES M. O'DONNELL, III, P.E.
W. BRICE FOXWELL, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LYTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
W. MARK GARDOCKY, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
ANDREW J. LYONS, JR., P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. WILLIS
CHRISTOPHER J. PFEIFER, P.E.

May 27, 2021

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

Attn: Ms. Lauren DeVore
Planner III

Re: Cannon Property
Proposed Conditional Use
Tax Map 533-20.00 Parcels 22.00, P/O 20.00
GMB Project # 180022-B

Dear Ms. DeVore:

On behalf of Carl M Freeman Companies, please accept this Environmental Assessment and Public Facility Evaluation Report for Tax Map Number 533-20.00 Parcels 22.00, and part of 20.00 ("Cannon Property"). This letter is in support of the Proposed Conditional Use and Preliminary Site Plan submittal as directed by Sussex Code 115-194.3. A copy of this letter report will also be included in the project binders.

Summary

It is the intention of Carl M Freeman Companies to develop this 9.2-acre site as a combined site plan for a 70- room hotel and an 8,500± square feet restaurant. The parcel is located at the north side of the intersection of Route 54 and Bennett Avenue near Fenwick Island. The Cannon Property falls within the Conservation Zone; therefore, we will abide by the regulations set forth in Section 115-194 of the Sussex County Zoning Code. The parcel is currently zoned AR (Agricultural Residential) and is located in the Coastal Zone.

Please note a revised Preliminary and Final Subdivision Plan for the proposed residential portion of this project was approved by the Planning Commission on April 22, 2021 subject to all agency approvals. The subdivision plan delineates the limits of the proposed conditional use.

Stormwater Management (SWM) and Erosion and Sediment Control (ESC)

The stormwater management design will meet all current regulatory requirements. Stormwater management methodology was previously discussed with the Sussex Conservation District. A proposed Stormwater Management and Erosion and Sediment Control Plan was submitted to the Sussex Conservation District, and comments are being addressed. The developer will incorporate swales, and wet ponds wetlands into the final drainage and landscape plans. We anticipate incorporating green technology into the final design as much as possible.

Public Water Supply

Public water service will be supplied by Artesian Water Company. Artesian has confirmed that there is capacity to serve from the 16" main along Route 54 via email on January 20, 2017 and has confirmed the preferred tie-in location as well as where to loop the main with the adjacent development.

Public Wastewater Collection, Treatment and Disposal

The project is located within the West Fenwick Sanitary Sewer District. The proposed project is within planning study assumptions for sewer service. The Sussex County Engineering Department confirmed adequate capacity is available via email on July 18, 2018. Service will be provided from an existing 8" sewer line in Bennett Avenue will be extended to serve the proposed subdivision. A lateral from the main will serve the proposed hotel and restaurant.

Traffic

The entrance design is being completed in accordance with the DelDOT Development Coordination Manual. The project team has participated in multiple project specific meetings with DelDOT. The second Pre-submittal meeting was held on May 5, 2021. In cooperation with DelDOT, the developer will realign existing Bennett Avenue to intersect with Delaware Route 54 at Monroe Avenue, as outlined in the draft Traffic Operational Analysis (TOA) completed February 15, 2021. The realigned entrance will be signalized, required auxiliary lanes, bike lanes, shared use path, pedestrian crossings will be installed, and a speed reduction to 35 MPH is required. The developer will coordinate the relocation of the access with adjacent commercial parcels. The signal will be installed by the developer.

Threatened/Endangered Species

Environmental Resources, Inc. (ERI) contacted the U.S. Fish and Wildlife Service in regard to the presence of any federally listed threatened or endangered species or their critical habitats which may occur on the property. In their response dated July 6, 2017, the U.S. Fish and Wildlife Service determined that there are no listed species or critical habitats on this site.

The developer will preserve all wetlands on the property in their natural state to further enhance wildlife. Development is only proposed within a contiguous upland area bordering existing developed uses along the easterly boundary of the property.

Tidal/Non-tidal Wetlands

Environmental Resources, Inc. (ERI) performed a delineation of Waters of the United States including wetlands subject to the Corps of Engineers' Regulation Program. The investigation was in accordance with the three-parameter approach evaluating soils, hydrology, and vegetation outlined in the 1987 Corps of Engineers Wetlands Delineation Manual and associated guidance. Wetland boundaries were surveyed and are accurately represented on project plans.

The developer acknowledges that the subject 9.2-acre property contains acreages of federally and state regulated wetlands and waters totaling 4.89 acres. However, the proposed commercial development of this property is located entirely upon 4.31 acres of contiguous uplands. Impacts to both state and federally regulated wetlands are fully avoided. Required and voluntary wetland buffers (min. 50' from tidal wetlands and min. 20' from non-tidal wetlands) are meeting or exceeding the requirements of Sussex County Code are provided.

Wetland areas primarily lie to the west of these uplands. These areas will remain undisturbed in a large contiguous block of acreage.

Provision of Open Space

Approximately 53% of the existing site's 9.2 acres will remain open space. All areas not included in the hotel and restaurant area will be included in open spaces. These open spaces will be developed as an amenity area, stormwater management ponds, or as protected wetlands or buffer areas.

The stormwater management facilities will be integrated into the natural environment with native plantings and will be used to further enhance the open areas of the development.

Provisions for Public and Private Infrastructure

Public infrastructure will include public water, public sewer, and "dry" utilities (telephone, electric, cable television, data lines, etc.). Except for Bennett Avenue, the interior streets will be private infrastructure. The hotel and restaurant will be responsible for the operation and maintenance of the driveways, curbs, sidewalks, and any landscaping in the street right-of-ways. A "blanket" easement over the proposed driveways and parking areas will allow utility access. The open space infrastructure will also be maintained and operated by the individual owners. The stormwater management facilities will also be subject to an operation and maintenance agreement between the hotel, the restaurant, the HOA, and the Sussex Conservation District. The operation and maintenance agreements, along with pertinent deed covenants and restrictions, will be provided as these arrangements are made final.

Economic and Recreational Benefits

The economic benefits of in-fill development are well documented. A relatively small investment is needed in the public infrastructure to accommodate this project. The additional taxes generated by the hotel and restaurant will far exceed the current real estate tax revenue generated by approximately 9.2 acres of raw land. The hotel and restaurant will generate significant permit and inspection fees.

In addition, the proposed hotel and restaurant will provide multiple construction jobs during both the infrastructure (roads, sidewalks, trails, water, sewer, dry utilities) and vertical construction phases, as well as professional service jobs for engineers, surveyors, architects, and interior decorators. Once the hotel and restaurant are complete, hospitality and maintenance jobs will be created. The vast majority of the above-mentioned jobs, or increased workload opportunities, will be performed by local companies or individuals.

The addition of the hotel and restaurant will also maintain or increase employment opportunities for the current population or ancillary to, the proposed development. Several other restaurants are in walking distance to the proposed hotel. Since this is an infill development within an established viable coastal resort community, the certainty of these increased opportunities is great.

Historic or Cultural Resources

Should any unmarked graves, human remains, or historic artifacts are discovered during construction, the developer will stop work, consult with an archeologist, and contact the State's Historic Preservation Office (SHPO) immediately. Regarding the possible presence of an archeological site on the southern portion of the property north of Lighthouse Road (S00707), the developer would advise that the upland portion of this site extending over 800 feet north of Lighthouse Road and east of Bennett Avenue was significantly disturbed and filled during the development of the State Route 54 (Lighthouse Road) elevated causeway constructed by the Delaware Department of Transportation. As part of that project, a temporary earthen haul road was constructed on the north side of the current causeway between 2002 and 2003. Once the causeway was constructed, the temporary haul road was removed by the contractor and the impacted area was restored as salt marsh wetlands. An estimate of the fill removed from the temporary road is believed to be in the neighborhood of 30,000 cubic yards. All of that material was trucked, stockpiled, and compacted within the area identified by the State Historic Preservation Office in the above comment. Accordingly, the integrity of any possible archeological site at this location or the ability to evaluate as the same has been effectively lost.

Conformance with Current Sussex County Comprehensive Plan

The project is located within the Coastal Area which is one of the "growth" areas designated per the Sussex County Comprehensive Plan. This project is located in the correct location for the intended use, as documented in the PLUS comments and responses, and follow up correspondence with review agencies. All conditions and requirements within applicable sections of County Code Chapters 99, 110 and 115 will be met. In addition, the proposed use will function as an extension of an existing developed Route 54 corridor served with appropriate public infrastructure and in a designated growth area. As such the proposed subdivision is in conformance with the County Comprehensive Plan.

Conclusion

The proposed hotel and restaurant are consistent with the County's Comprehensive Land Use Plan. The site's location within the existing West Fenwick community and the surrounding residential communities supports the proposed commercial development of the Cannon Property. The proposed commercial use is consistent with other Route 54 property frontage in the area.

Environmental impacts will be minimized by the use of best management practices for stormwater treatment, conservation of existing wetlands and the provision of central water and sewer. The economic benefits of the construction jobs, the permit fees,

increased tax revenue, and long-term jobs associated with this community addition are well documented. The chances for a successful project, ensuring these jobs and economic benefits, are increased due to the site's location within the existing West Fenwick community and existing infrastructure. Carl M. Freeman Companies looks forward to working with Sussex County to implement the proposed development.

Please feel free to contact me with any questions.

Sincerely,



Katja Kalinski
Senior Landscape Designer

KK/cl

Enclosures:

- One (1) copy of the Proximity Map
- One (1) copy of the Site Plan Rendering

cc: Carl M. Freeman Companies
Attn: Mr. Josh Mastrangelo (w/ enclosure)

Mr. Jim Fuqua (w/ enclosure)

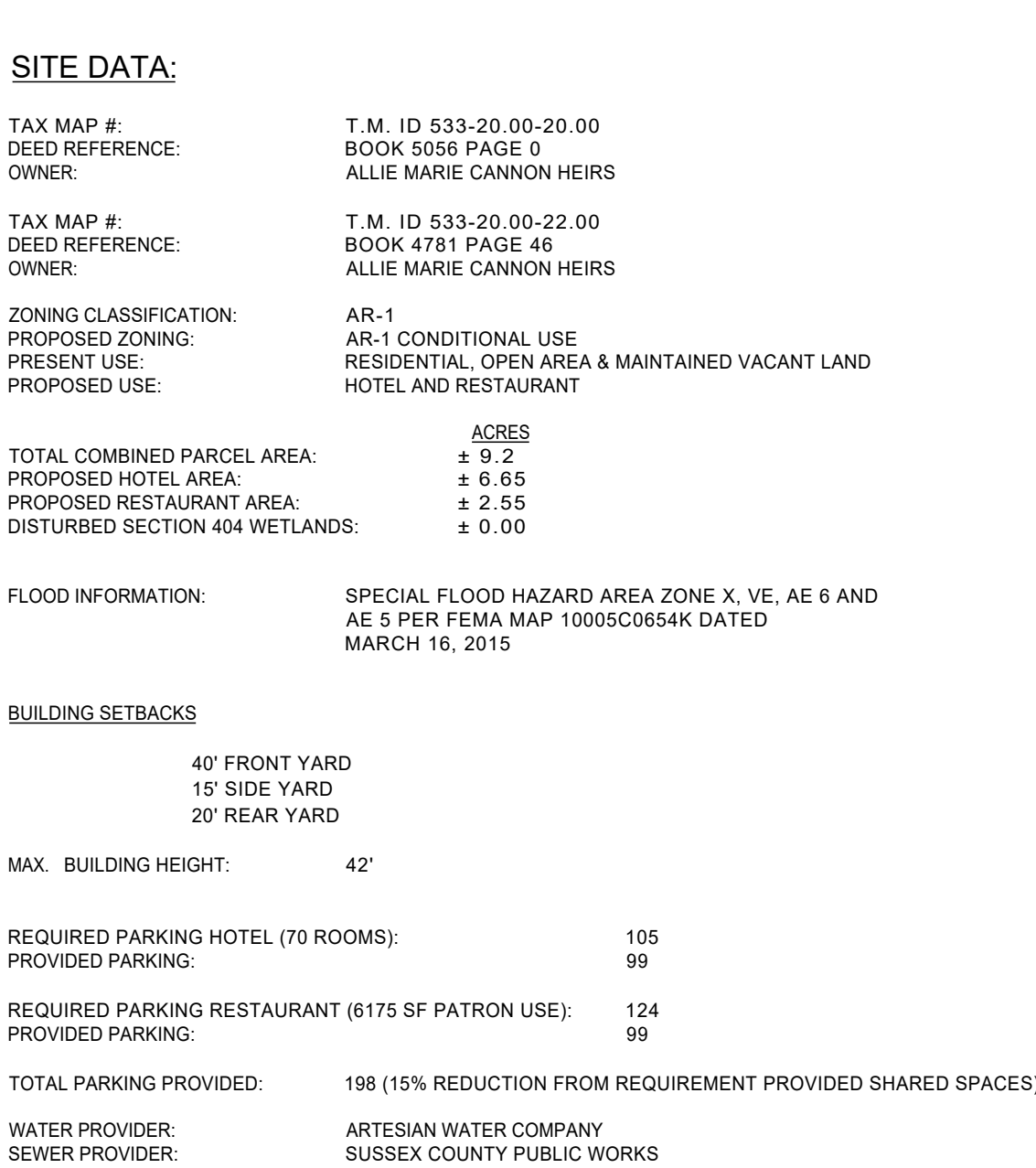


THE MARKETPLACE
AT BISHOP'S POINTE
(FKA CANNON PROPERTY)
SUSSEX COUNTY, DELAWARE

PROXIMITY MAP

SCALE : 1" = 400'	SHEET NO. 1
DESIGN BY : KK	
DRAWN BY : KK	
CHECKED BY :	
GMB FILE : 180022-B	
DATE : JUN 2020	

[illegible]PRINTS ISSUED FOR
DRAWINGS STAGE



Preliminary Land Use Service (PLUS)**Delaware State Planning Coordination**

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

Purpose of PLUS - The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): _____

Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): _____

1. Project Title/Name: **CANNON COMMERCIAL**2. Location (please be specific): **North side of Rte 54 at intersection with Bennet Avenue, near Fenwick Island.**3. Parcel Identification #: **533-20.00-22.00 and part of 20.00**4. County or Local Jurisdiction Name: where project is located: **Sussex County, Delaware**5. If contiguous to a municipality, are you seeking annexation: **N/A**6. Owner's Name: **Everett Clifton & Allie Cannon**Address: **38876 Bennett Ave.**City: **Selbyville**State: **DE**Zip: **19975**

Phone:

Fax:

Email:

7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting): **Josh Mastrangelo - CMF Companies**Address: **21 Village Green Dr. Suite 200**City: **Ocean View**State: **DE**Zip: **19970**Phone: **302-436-3000**Fax: **302-436-3080**Email: **jmastrangelo@cmfa.com**8. Project Designer/Engineer: **Katja Kalinski - George Miles & Buhr, LLC**Address: **206 W. Main St**City: **Salisbury**State: **Maryland**Zip: **21801**Phone: **410-742-3115**Fax: **410-548-5790**Email: **kkalinski@gmbnet.com**9. Please Designate a Contact Person, including phone number, for this Project: **Katja Kalinski - 410-742-3115 x 1143**

Information Regarding Site:

10. Type of Review: ☐ Rezoning, if not in compliance with certified comprehensive plan ☒ Site Plan Review
☐ Subdivision

11. Brief Explanation of Project being reviewed:

If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications. Commercial use along Rte 54. Residential use (70 lots) was approved for rear of property.

12. Area of Project (Acres +/-): 9.20 Number of Residential Units: 0 Commercial square footage: ±60,000 sf

13. Present Zoning: AR-1

14. Proposed Zoning: AR-1 with Conditional Use

15. Present Use: Vacant Land

16. Proposed Use: Hotel / Restaurant

17. Water: ☐ Central (Community system) ☐ Individual On-Site ☒ Public (Utility) Artesian Water Company
Service Provider Name:

Will a new public well be located on the site? ☐ Yes ☒ No

18. Wastewater: ☐ Central (Community system) ☐ Individual On-Site ☒ Public (Utility)
Service Provider Name: Sussex County

Will a new community wastewater system be located on this site? ☐ Yes ☒ No

19. If residential, describe style and market segment you plan to target (Example- Age restricted): N/A

20. Environmental impacts: Increase in impervious surfaces.

How many forested acres are presently on-site? 0 How many forested acres will be removed? 0

To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site? ☒ Yes ☐ No

Are the wetlands: ☒ Tidal Acres: 4.30
☐ Non-tidal Acres:

If "Yes", have the wetlands been delineated? ☒ Yes ☐ No

Has the Army Corps of Engineers signed off on the delineation? ☐ Yes ☒ No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? ☐ Yes ☒ No If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? Minimum 50' from tidal wetlands

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? ☐ Yes ☒ No

22. List the proposed method(s) of stormwater management for the site: Stormwater management ponds, bio-retention, vegetated swales

23. Is open space proposed? ☒ Yes ☐ No If "Yes," how much? Acres: 1.65 acres

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? Active - swimming pool Passive - outdoor seating Stormwater management

24. Are you considering dedicating any land for community use (e.g., police, fire, school)? ☐ Yes ☒ No

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 1200

What percentage of those trips will be trucks, excluding vans and pick-up trucks? Less than 5%

26. Will the project connect to state maintained roads? ☒ Yes ☐ No

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections. This project will be connected to the proposed Cannon residential community as well as the existing residential townhomes and commercial uses such as Papa Grande's and Catch 54

28. Are there existing sidewalks? ☐ Yes ☒ No; bike paths ☐ Yes ☒ No
Are there proposed sidewalks? ☒ Yes ☐ No; bike paths ☐ Yes ☒ No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network? ☒ Yes ☐ No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites? ☐ Yes ☒ No

Has this site been evaluated for historic and/or cultural resources? ☐ Yes ☒ No

Would you be open to a site evaluation by the State Historic Preservation Office? ☐ Yes ☒ No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit? ☒ Yes ☐ No
Person to contact to arrange visit: Josh Mastrangelo phone number: 302-436-3000

31. Are any federal permits, licensing, or funding anticipated? ☐ Yes ☒ No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

Signature of property owner

Date

Signature of Person completing form
(If different than property owner)

06/15/2020
Date

Signed application must be received before application is scheduled for PLUS review.

This form should be returned to the Office of State Planning **electronically** at plus@state.de.us **along with an electronic copy of any site plans and development plans for this site.** Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. **If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions.** A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. **Please be sure to note the contact person so we may schedule your request in a timely manner.**



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

August 19, 2020

Katja Kalinski
George Miles & Buhr, LLC
206 W. Main St.
Salisbury, MD 21801

RE: PLUS review 2020-07-01; Cannon Commercial

Dear Ms. Kalinski:

Thank you for meeting with State agency planners on July 22, 2020 to discuss the Cannon Commercial project. According to the information received you are seeking review of a combined site plan for a hotel and restaurant totaling 60,000 square feet on 9.2 acres along Lighthouse Road in Level 4 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

As presented this project represents a commercial development within Level 4 and Out of Play areas 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 commercial development activities 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.

Out of Play reflects lands that, at the time the State Strategies were developed, were not available for private development due to public ownership and / or preservation.

Because the development is inconsistent with the 2015 Strategies for State Policies and Spending, the Department will not support this proposed commercial use

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The proposed realignment of Bennett Avenue and the site access thereon must be designed in accordance with DelDOT's Development Coordination Manual. One issue that DelDOT foresees in this regard is maintaining access the existing commercial uses with entrances on Bennett Avenue close to Lighthouse Road (Delaware Route 54).
- Pursuant to Section 1.3 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 https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- Section 1.7 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. The PLUS application shows 1,200 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, and assuming a 70-room Business Hotel and an 8,500 square foot Quality Restaurant, DelDOT estimates that the total daily trips generated would be 1,068 vehicle trip ends per day and that the trip generation during the weekday evening peak hour would be 88 vehicle trip ends. Therefore, the plan does meet the warrants for a TIS.

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$18,170, accounting for the subject development plus the 70 single-family detached houses planned behind it. This figure is more than the amount cited in DelDOT's July 8, 2020, letter to Sussex County (copy attached), primarily because of the houses just mentioned but also there is a difference in how the hotel traffic was estimated. The final amount will be determined when a site plan is submitted in DelDOT's plan review process. AWS Fees are used to fund traffic studies, not to build improvements.

Regarding improvements, DelDOT met with the applicant in 2017 to scope a Traffic Operational Analysis (TOA) for a similar development proposal (see attached memorandum). That TOA was completed and submitted to DelDOT in May 2018 but resolution was never reached with the developer regarding how to control traffic at the intersection of Lighthouse Road, Monroe and Bennett Avenues. The developer sought a signal or a roundabout and DelDOT was not amenable to having either one. As shown in the table below, the current development proposal is quite similar to what was evaluated in the TOA and DelDOT does not anticipate requiring a new one. However, the developer will need to reach agreement with DelDOT on access control for that intersection and to design on that basis.

Size	Land Use	Daily Traffic	PM Peak Hour
	Uses Addressed in TOA		
6,600 sf	Quality Restaurant	553	51
3,300 sf	High Turnover Restaurant	370	32
70 dwellings	Single-Family Houses	749	72
	Total	1,672	155
	Uses Currently Proposed		
8,500 sf	Quality Restaurant	713	66
70 room	Business Hotel	355	22
70 dwellings	Single-Family Houses	749	72
	Total	1,817	160

- 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 Lighthouse Road and realigned Bennett Avenue. By this regulation, this dedication is to provide a minimum of 40 feet from the physical centerline of Lighthouse Road and 30 feet from the centerline of Bennett Avenue. 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 Lighthouse Road and Bennett Avenue. 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."
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - Depiction of all existing entrances within 300 feet of the entrance on Bennett Avenue

- Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 3 and 4 Investment Areas, DelDOT has discretion regarding the installation of paths or sidewalks along the frontage on State-maintained roads. However, given the density of development in the immediate area, DelDOT anticipates significant pedestrian traffic between the proposed restaurant and both Monroe Avenue and the existing and proposed residential development served by Bennett Avenue. DelDOT anticipates requiring a path along Lighthouse Road and a path or sidewalk along Bennett Avenue. DelDOT also recommends that the developer provide a more direct path from Route 54 to the restaurant parking lot to prevent the creation of unpaved paths through the landscaping.
- 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 Lighthouse Road and realigned Bennett Avenue.
- 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.
- Sections 5.2.4 and 5.2.5 of the Manual, respectively, address entrance width and intersection corner radii. The concept plan accompanying the PLUS application shows a wide cross-section and large corner radii for Bennett Avenue at Lighthouse Road. DelDOT anticipates requiring tighter radii and possibly a median island.
- 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 Bennett Avenue/Monroe Avenue intersection on Lighthouse Road and at the main site entrance on Bennett Avenue and to determine how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

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

This project parcel was subject to previous review (PLUS# 2018-07-03) for a residential community development. Tidal and nontidal wetlands, and 1% annual chance floodplain (Zone AE) associated with the Inland Bays encompass most of the parcel. The entire parcel has wetland associated hydric soils. This parcel will also be significantly impacted by permanent inundation of future sea level rise. The subject parcel is designated as Level 4 and Out of Play by the Delaware State Strategies.

Department staff from the Division of Water, Division of Watershed Stewardship, Division of Fish and Wildlife, Division of Waste and Hazardous Substances, Division of Parks and Recreation, and Division of Climate, Coastal, and Energy reviewed the development plans submitted for PLUS review. However, the absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project. Developers and municipal officials are encouraged to reach out to Mike Tholstrup at (302) 735-3480 if they have any specific requests for information.

Concerns Identified Within the Development Footprint:

Floodplain

Nearly all of the parcel is situated within the 100-year floodplain (1% annual-chance), also referred to as a Special Flood Hazard Area (SFHA). The SFHA is the area where the National Flood Insurance Program's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

Requirements:

- The applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at <https://maps.dnrec.delaware.gov/floodplanning/default.html>

Contact: DNREC Division of Watershed Stewardship, Shoreline and Waterway Management Section at (302) 739-9921. Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx>

Recommendation:

- DNREC reviewers recommend designing proposed structures outside of the Special Flood Hazard Area. If this is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

Sea Level Rise Inundation

- This parcel is vulnerable to permanent inundation as a result of sea level rise. By 2050, sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation of land, higher tide levels caused by sea level rise will result in increasing frequency and severity of flood events.

Recommendation:

- Construction of permanent structures and infrastructure in potential inundation areas, particularly those below 3 ft mean higher high water, should be avoided. All infrastructure and structures on site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.

Contact: DNREC Division of Climate, Coastal, & Energy at (302) 735-3480. Maps are available here: <https://www.dgs.udel.edu/projects/coastal-inundation-maps-delaware>

Excellent Recharge Potential Area

- DNREC reviewers have determined that this project intersects an Excellent Groundwater Recharge Potential Area near the proposed stormwater management pond. These are areas where soils and sedimentary deposits of the most coarse-grained nature have the best ability to transmit water vertically from the ground surface through the unsaturated zone to the water table. Excellent Ground-Water Recharge Potential Areas shall constitute a critical area as defined under Chapter 92, Title 29 of the Delaware Code, and as such, they are protected by local County/Municipal ordinances.

Requirement:

- The applicant must comply with all local codes that affect excellent groundwater recharge areas, to protect the critical water resource.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.

Stormwater Management

- Land disturbing activity (soil disturbance) has met the minimum threshold of 5000 square feet.

Requirements:

- Projects disturbing greater than 5,000 square feet require the development and approval of a Sediment and Stormwater Plan prior to any land disturbing activity taking place on the site. The plan must be approved by the appropriate agency. This agency will vary depending on the location of the project, or whether is operated by a state agency or school district. The plan review and approval, as well as construction inspection, will be coordinated through the Delegated Agency.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 NOI fee.

- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Contact the Delegated Agency: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Recommendations:

- Integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce overall runoff including pollutant runoff.
- Siting a stormwater management pond within hydric soils is not considered an environmentally acceptable practice by DNREC and will likely increase the potential for future flooding impacts, while increasing nutrient and bacterial pollutant discharge to ground and surface waters.
- For improved stormwater management on any site, preserve existing trees, wetlands, and passive open space. Trees and shrubs native to Delaware should be used to the maximum extent practicable in the landscaping for open spaces.

Water Quality and the Pollution Control Strategy

- Inland Bays Pollution Control Strategies (PCS) apply on this project parcel. Water quality within the Inland Bays watershed is significantly impaired from nitrogen and phosphorus (nutrient) pollution. When land is developed in a PCS area, stormwater plans must include criteria to manage stormwater for these nutrients.
- To support the state's water quality efforts, DNREC reviewers encourage applicants to reduce the amount of pollutants that enter local waterways by limiting the disturbance of natural habitat, limiting the amount of impervious cover, and increasing the use of green infrastructure.

Recommendation:

- Developers can accomplish water quality goals by utilizing several methods. If open-water stormwater management is selected for use, refer to the PCS for details. Please work through the Sussex Conservation District for additional requirements on PCS. The PCS can be found here:
<http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedManagementPlans.aspx>

Wetlands

- Statewide Wetlands Mapping Project (SWMP) maps indicate that much of the parcel is tidal wetland.

Requirements:

- DNREC's Wetlands and Subaqueous Lands Section will require a Jurisdictional Determination (JD) to be completed to determine jurisdiction of subaqueous lands and wetlands. Please apply for the JD through the website at <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>.
- If the project proposes to disturb (dredge or fill) subaqueous lands or state regulated wetlands, an application for a permit must be submitted to the DNREC Wetlands and Subaqueous Lands Section for review and approval. Please contact the DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943 for further questions about state requirements.

Recommendation:

- To protect the function and integrity of wetlands, DNREC reviewers recommend a vegetated buffer from the edge of any waterbody. Buffers are an integral component of aquatic and wetland habitats. Buffers reduce sediment and pollutants that may enter a waterway, which can negatively impact aquatic organisms and habitat.

Hydric Soils Present (Wetland)

- Based on soil maps, hydric soils are present in the entire proposed project area. While regulations do not specifically address hydric soils, hydric soils are oftentimes associated with the presence of wetlands.

Recommendation:

- Appropriate stormwater Best Management Practices (BMPs) to be constructed in areas of hydric soils include constructed wetlands, wet ponds, and sheet flow practices. Runoff reduction BMPs that include infiltration are not ideally suited within areas of hydric soils.

Contact: Delegated Agency: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Hydric Soil Group C & D Soils Present

- HSG C and/or D soils are present on the parcel and are not conducive to infiltration practices for stormwater management BMPs. Infiltration practices are most suitable for HSG A and/or B soils and runoff reduction BMPs are preferred practices.

Requirement:

- All stormwater BMPs that propose to use infiltration or natural recharge shall include a soils investigation in accordance with 7. Del. Admin. C. §5101 subsection 12.1 to determine the appropriate design criteria. Infiltration-type BMPs, such as bioretention basins (rain gardens) and infiltration basins must meet minimum infiltration requirements. HSG C and D soils are not conducive to soil infiltration for placement of such BMPs.

Concerns Identified Outside of the Development Footprint:

Limits of Moderate Wave Action (LiMWA)

- A portion of the parcel is located within the SFHA and seaward of the Limit of Moderate Wave Action (LiMWA) line. This area is subject to enhanced coastal hazards due to storm waves. Additional information can be found here:
<http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx>

Requirement:

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the floodplain.

Recommendation:

- Place proposed structures outside of the LiMWA area and/or build to Zone VE standards within the LiMWA area.

Sustainable Development Strategies:

Air Pollution and Greenhouse Gas Reduction

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution. Renewable energy infrastructure such as solar or geothermal will further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy (www.de.gov/greenenergy, www.de.gov/eeif).
- Install electric vehicle charging infrastructure to assist Delaware in achieving its clean transportation goals. The Division of Climate, Coastal, & Energy offers incentives for clean transportation (electric vehicle charging). These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (www.de.gov/cleantransportation).
- Air pollution is also directly related to increased motorized transportation activity. Incorporating nonmotorized connectivity and installing bicycle racks where feasible will help to facilitate non-vehicular travel modes.
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

Solid Waste Reduction

- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.
- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There is an archaeological site (S00707) located near the eastern part of parcel # 533-20.00-20.00, west of Bennett Avenue. This site was surveyed in 1991, but with little information provided. It will not be impacted by this project but likely will be by the proposed future Cannon Subdivision. Prehistoric potential is considered low based on the inhospitable soils and distance from freshwater sources. Historic archaeological potential is also low. Historic maps show the “J.H. Brassure” house near the area, but likely to the north of the area of impact.
- 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.

Delaware Transit Corporation (DTC) – Contact: Jared Kauffman 576-6062

- Type 2 12' x 8' shelter pad placed at least 50' past the entrance
- Bicycle parking is needed at both buildings or larger shared bicycle parking
- Direct pedestrian pathway is needed into the site from the bus stop
- Pedestrian pathway needed to pedestrian pathway to residential lot behind site

Sussex County Housing – Contact: Brandy Nauman 855-7779

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's “Affordable Housing Support Policy”. The policy along with other resources are available on the County's Affordable & Fair

Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.
- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

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,



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

CC: Sussex County



GEORGE, MILES & BUHR, LLC

■ ■ ■ ■

ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

■ ■ ■ ■

JAMES H. WILLEY, JR., PE
PETER A. BOZICK, JR., PE
JUDY A. SCHWARTZ, PE
CHARLES M. O'DONNELL, III, PE
W. BRICE FOXWELL, PE
A. REGGIE MARINER, JR., PE
JAMES C. HOAGESON, PE
STEPHEN L. MARSH, PE
DAVID A. VANDERBEEK, PE
ROLAND E. HOLLAND, PE
JASON M. LYTLE, PE
CHRIS B. DERBYSHIRE, PE
W. MARK GARDOCKY, PE
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, PE

JOHN E. BURNSWORTH, PE
VINCENT A. LUCIANI, PE
ANDREW J. LYONS, JR., PE
W. NICHOLAS LLOYD
AUTUMN J. WILLIS

January 15, 2021

Delaware Office of State Planning
122 William Street
Dover, DE 19901

Attn: Ms. Constance C. Holland, AICP
Director

Re: Response to PLUS Review Comments
Cannon Commercial
PLUS Review – 2020-07-01

Dear Ms. Holland:

Please accept this letter as the formal response to the Office of State Planning Coordination PLUS review comments dated, August 19, 2020 for the above referenced project. The original State Agency comments are included below with our responses highlighted in red and italicized.

Sincerely,

Stephen L. Marsh, P. E.
Sr. Vice President

SLM/cl

cc: Carl M. Freeman Communities
Attn: Josh Mastrangelo (w/encl.)
ERI
Attn: Ed Launay (w/ encl.)
Fuqua, Willard, Stevens & Schab, P.A.
Attn: Mr. Jim Fuqua (w/encl.)
Sussex County Planning & Zoning
Attn: Jamie Whitehouse (w/encl.)
Century Engineering
Attn: Mr. Bill Conway (w/encl.)

Strategies for State Policies and Spending

As presented this project represents a commercial development within Level 4 and Out of Play areas 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 commercial development activities 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.

Out of Play reflects lands that, at the time the State Strategies were developed, were not available for private development due to public ownership and / or preservation.

Because the development is inconsistent with the 2015 Strategies for State Policies and Spending, the Department will not support this proposed commercial use.

The Applicant respectfully disagrees with this comment. The Cannon property is surrounded by existing development along Route 54 consisting of single and multi-family residential developments, manufactured home parks and commercial sites. Significant investments in roadway, water and sewer infrastructure has been made in the area.

Furthermore, a residential subdivision of 70 lots behind the commercial area has already received preliminary subdivision plan approval with Sussex County Planning Commission. The remaining 9.19 acres proposed for this development will be completely surrounded by development.

Development of the commercial site will occur on the 4.88 acre of contiguous uplands. The 4.31 acres of state and federal regulated wetlands, including all high salt marsh areas and key wildlife habitats are avoided and undisturbed. In addition, upland buffers to wetlands and waters will meet or exceed statutory requirements.

Of the 4.88- acre portion of the site proposed for commercial development, approximately 3.6 acres has been impacted by past spoil disposal operations conducted between 2002 and 2003. As part of DelDOT's reconstruction of State Route 54 (Lighthouse Road) approximately 30,000 cubic yards of earthen fill used to construct a temporary construction road alongside the current State Route 54 elevated causeway over wetlands was relocated, stockpiled, and stabilized within the proposed commercial site. This elevated spoil disposal site occupies nearly three quarters of the proposed commercial site. As a result, the 4.88-acre upland area being proposed for the commercial development is neither prime agricultural farmland or a natural area.

The Cannon property is located in the Coastal Area which is one of the "Growth" areas designated by the Sussex County Comprehensive Plan and single family "cluster" subdivisions, at a density of 2.0 lots per acre are a permitted use on lands zoned AR-1 in the Coastal Area.

The applicant acknowledges that the State does not support the Application. However, as is stated on page iii of the 2015-Delaware Strategies for State Policies and Spending:

“It is equally important to note that while this document and map series directs state investments, it is not a land-use plan. In Delaware, the state has delegated land-use authority to the local governments. Any land development activity must be in compliance with comprehensive plans and meet all of the relevant codes and ordinances of local jurisdictions.”

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The proposed realignment of Bennett Avenue and the site access thereon must be designed in accordance with DelDOT’s Development Coordination Manual. One issue that DelDOT foresees in this regard is maintaining access the existing commercial uses with entrances on Bennett Avenue close to Lighthouse Road (Delaware Route 54).

Comment Noted. There has been on-going discussion with DelDOT over the last several years about site access and Bennett Ave.re-alignment.

- Pursuant to Section 1.3 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 https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

A Pre-Submittal meeting was held on October 12, 2020.

- Section 1.7 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.

Payment of fees associated with record plan submittal and construction plan submittal for review will be made at DelDOT’s direction.

- 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. The PLUS application shows 1,200 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers’ Trip Generation Manual, and assuming a 70-room Business Hotel and an 8,500 square foot Quality Restaurant, DelDOT estimates that the total daily trips generated would be 1,068 vehicle trip ends per day and that the trip generation during the weekday evening peak hour would be 88 vehicle trip ends. Therefore, the plan does meet the warrants for a TIS.

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$18,170, accounting for the subject development plus the 70 single-family detached houses planned behind it. This figure is more than the amount cited in DelDOT's July 8, 2020, letter to Sussex County (copy attached), primarily because of the houses just mentioned but also there is a difference in how the hotel traffic was estimated. The final amount will be determined when a site plan is submitted in DelDOT's plan review process. AWS Fees are used to fund traffic studies, not to build improvements.

Regarding improvements, DelDOT met with the applicant in 2017 to scope a Traffic Operational Analysis (TOA) for a similar development proposal (see attached memorandum). That TOA was completed and submitted to DelDOT in May 2018, but resolution was never reached with the developer regarding how to control traffic at the intersection of Lighthouse Road, Monroe, and Bennett Avenues. The developer sought a signal or a roundabout and DelDOT was not amenable to having either one. As shown in the table below, the current development proposal is quite similar to what was evaluated in the TOA and DelDOT does not anticipate requiring a new one. However, the developer will need to reach agreement with DelDOT on access control for that intersection and to design on that basis.

Size	Land Use	Daily Traffic	PM Peak Hour
	Uses Addressed in TOA		
6,600 sf	Quality Restaurant	553	51
3,300 sf	High Turnover Restaurant	370	32
70 dwellings	Single-Family Houses	749	72
	Total	1,672	155
	Uses Currently Proposed		
8,500 sf	Quality Restaurant	713	66
70 room	Business Hotel	355	22
70 dwellings	Single-Family Houses	749	72
	Total	1,817	160

Comments noted.

- 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 Lighthouse Road and realigned Bennett Avenue. By this regulation, this dedication is to provide a minimum of 40 feet from the physical centerline of Lighthouse Road and 30 feet from the centerline of Bennett Avenue. 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."

Comment noted.

- 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 Lighthouse Road and Bennett Avenue. 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."

The Record Plan will include the Frontage Easement note "A 15-foot permanent easement is hereby established for the State of Delaware as per this plat." in accordance with Section 3.2.5.1.2 of the DelDOT Development Coordination Manual to provide the required 15ft easement beyond the minimum right-of-way.

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - Depiction of all existing entrances within 300 feet of the entrance on Bennett Avenue
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

The Record Plan will be completed to include the above listed items in - accordance with Section 3.4.2.1 of the DelDOT Development Coordination Manual.

- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 3 and 4 Investment Areas, DelDOT has discretion regarding the installation of paths or sidewalks along the frontage on State-maintained roads. However, given the density of development in the immediate area, DelDOT anticipates significant pedestrian traffic between the proposed restaurant and both Monroe Avenue and the existing and proposed residential development served by Bennett Avenue. DelDOT anticipates requiring a path along Lighthouse Road and a path or sidewalk along Bennett Avenue. DelDOT also recommends that the developer provide a more direct path from Route 54 to the restaurant parking lot to prevent the creation of unpaved paths through the landscaping.

Comments noted. The Record Plan will be completed to reflect a 15-foot wide permanent easement beyond the right-of-way dedicated along the property

frontage for the installation of a shared use path or sidewalk. The development team will coordinate with DelDOT on pedestrian route connectivity during the design process.

- 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 Lighthouse Road and realigned Bennett Avenue.

Comment noted.

- 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.

Existing Utilities will be shown as applicable and a utility relocation plan will be prepared to show any proposed utility relocations, if needed, in accordance with Section 5.14 of the DelDOT Development Coordination Manual.

- Sections 5.2.4 and 5.2.5 of the Manual, respectively, address entrance width and intersection corner radii. The concept plan accompanying the PLUS application shows a wide cross-section and large corner radii for Bennett Avenue at Lighthouse Road. DelDOT anticipates requiring tighter radii and possibly a median island.

Comment noted. The development team will work with DelDOT through the design process.

- 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 Bennett Avenue/Monroe Avenue intersection on Lighthouse Road and at the main site entrance on Bennett Avenue and to determine how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

Auxiliary Lane Worksheets were completed as part of the draft Traffic Operational Analysis (TOA) dated May 2018 to determine auxiliary turn lane needs and were further detailed and developed in coordination with the pre-submittal meeting held on October 12, 2020.

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

This project parcel was subject to previous review (PLUS# 2018-07-03) for a residential community development. Tidal and nontidal wetlands, and 1% annual chance floodplain (Zone AE) associated with the Inland Bays encompass most of the parcel. The entire parcel has wetland associated hydric soils. This parcel will also be significantly impacted by permanent inundation of future sea level rise. The subject parcel is designated as Level 4 and Out of Play by the Delaware State Strategies.

Department staff from the Division of Water, Division of Watershed Stewardship, Division of Fish and Wildlife, Division of Waste and Hazardous Substances, Division of Parks and Recreation, and Division of Climate, Coastal, and Energy reviewed the development plans submitted for PLUS review. However, the absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project. Developers and municipal officials are encouraged to reach out to Mike Tholstrup at (302) 735-3480 if they have any specific requests for information.

Comment noted.

Concerns Identified Within the Development Footprint:

Floodplain

Nearly all of the parcel is situated within the 100-year floodplain (1% annual-chance), also referred to as a Special Flood Hazard Area (SFHA). The SFHA is the area where the National Flood Insurance Program's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

Requirements:

- The applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at <https://maps.dnrec.delaware.gov/floodplanning/default.html>

Contact: DNREC Division of Watershed Stewardship, Shoreline and Waterway Management Section at (302) 739-9921. Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx>

Comments noted.

Recommendation:

- DNREC reviewers recommend designing proposed structures outside of the Special Flood Hazard Area. If this is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

Comments noted.

Sea Level Rise Inundation

- This parcel is vulnerable to permanent inundation as a result of sea level rise. By 2050, sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation of land, higher tide levels caused by sea level rise will result in increasing frequency and severity of flood events.

Comment noted. The development team will consider projected sea level rise in design elevations.

Recommendation:

- Construction of permanent structures and infrastructure in potential inundation areas, particularly those below 3 ft mean higher high water, should be avoided. All infrastructure and structures on site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.

Contact: DNREC Division of Climate, Coastal, & Energy at (302) 735-3480. Maps are available here: <https://www.dgs.udel.edu/projects/coastal-inundation-maps-delaware>

Comments noted.

Excellent Recharge Potential Area

- DNREC reviewers have determined that this project intersects an Excellent Groundwater Recharge Potential Area near the proposed stormwater management pond. These are areas where soils and sedimentary deposits of the most coarse-grained nature have the best ability to transmit water vertically from the ground surface through the unsaturated zone to the water table. Excellent Ground-Water Recharge Potential Areas shall constitute a critical area as defined under Chapter 92, Title 29 of the Delaware Code, and as such, they are protected by local County/Municipal ordinances.

Requirement:

- The applicant must comply with all local codes that affect excellent groundwater recharge areas, to protect the critical water resource.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.

Per Sussex County Code Section 89-7 Excellent groundwater recharge areas:

A. Except as otherwise noted in this chapter, within zoning districts established under Article II of Chapter 115:

- 1. The requirements of this chapter do not impose any additional limitations upon land development, provided the impervious cover of any portion of the tax parcel located within the excellent recharge area is 35% or less.*

The total acreage for the Commercial parcel is 9.19 acres and the total amount of impervious cover within that parcel is 2.67 acres (29%).

Furthermore, the Excellent Groundwater Recharge Potential Area is underneath existing Bennett Avenue. So, there is already pavement in place there. The entrance road is simply being redeveloped.

Stormwater Management

- Land disturbing activity (soil disturbance) has met the minimum threshold of 5000 square feet.

Requirements:

- Projects disturbing greater than 5,000 square feet require the development and approval of a Sediment and Stormwater Plan prior to any land disturbing activity taking place on the site. The plan must be approved by the appropriate agency. This agency will vary depending on the location of the project, or whether is operated by a state agency or school district. The plan review and approval, as well as construction inspection, will be coordinated through the Delegated Agency.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 NOI fee.
- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Contact the Delegated Agency: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

A project application meeting will be scheduled with the Sussex Conservation District. The development team understands that a SCD approved Stormwater Management and Erosion Sediment Control Plan will be required prior to final site plan approval. The development team will work with SCD through the design process and will employ green technology BMP's where appropriate.

Recommendations:

- Integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce overall runoff including pollutant runoff.

The development team will work with SCD through the design process to incorporate green technology BMP's and runoff reduction techniques, where appropriate.

- Siting a stormwater management pond within hydric soils is not considered an environmentally acceptable practice by DNREC and will likely increase the potential for future flooding impacts, while increasing nutrient and bacterial pollutant discharge to ground and surface waters.

As described in later responses to the wetland comments, the physical boundaries of hydric soils were determined on site during the wetlands delineation. Hydric soils are limited to areas classified as wetlands. There are no wet ponds proposed in hydric soils.

- For improved stormwater management on any site, preserve existing trees, wetlands, and passive open space. Trees and shrubs native to Delaware should be used to the maximum extent practicable in the landscaping for open spaces.

Comment noted.

Water Quality and the Pollution Control Strategy

- Inland Bays Pollution Control Strategies (PCS) apply on this project parcel. Water quality within the Inland Bays watershed is significantly impaired from nitrogen and phosphorus (nutrient) pollution. When land is developed in a PCS area, stormwater plans must include criteria to manage stormwater for these nutrients.
- To support the state's water quality efforts, DNREC reviewers encourage applicants to reduce the amount of pollutants that enter local waterways by limiting the disturbance of natural habitat, limiting the amount of impervious cover, and increasing the use of green infrastructure.

Recommendation:

- Developers can accomplish water quality goals by utilizing several methods. If open-water stormwater management is selected for use, refer to the PCS for details. Please work through the Sussex Conservation District for additional requirements on PCS. The PCS can be found here: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedManagementPlans.aspx>

Comments noted. Through approval of the stormwater management plan, the development plan will comply with the Inland Bays Pollution Control Strategies.

Wetlands

- Statewide Wetlands Mapping Project (SWMP) maps indicate that much of the parcel is tidal wetland.

Requirements:

- DNREC's Wetlands and Subaqueous Lands Section will require a Jurisdictional Determination (JD) to be completed to determine jurisdiction of subaqueous lands and wetlands. Please apply for the JD through the website at <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>.
- If the project proposes to disturb (dredge or fill) subaqueous lands or state regulated wetlands, an application for a permit must be submitted to the DNREC Wetlands and Subaqueous Lands Section for review and approval. Please contact the DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943 for further questions about state requirements.

Recommendation:

- To protect the function and integrity of wetlands, DNREC reviewers recommend a vegetated buffer from the edge of any waterbody. Buffers are an integral component of aquatic and wetland habitats. Buffers reduce sediment and pollutants that may enter a waterway, which can negatively impact aquatic organisms and habitat.

The location and extent of all state and federally regulated waters and wetlands has been accurately determined. A delineation and survey of boundaries for state and federally regulated waters and wetlands on the subject site was performed by Environmental Resources, Inc. (Edward M. Launay, Professional Wetland Scientist No. 875). The boundary of state regulated wetlands was determined in accordance with DNREC's official wetlands maps (DNR No. 2 & 28).

The U.S. Army Corps of Engineers approved the wetland and water boundaries on the subject site by issuance of a Jurisdictional Determination approval letter (CENAP-OP-R-1014-23) dated November 16, 2018.

Although no impacts are anticipated, any proposed impact to state or federally regulated waters or wetlands will obtain proper agency authorization as required. The proposed project has incorporated wetland buffers in excess of those required by Sussex County code.

The proposed project is in compliance with PLUS review requirements and recommendations.

Hydric Soils Present (Wetland)

- Based on soil maps, hydric soils are present in the entire proposed project area. While regulations do not specifically address hydric soils, hydric soils are oftentimes associated with the presence of wetlands.

Recommendation:

- Appropriate stormwater Best Management Practices (BMPs) to be constructed in areas of hydric soils include constructed wetlands, wet ponds, and sheet flow practices. Runoff reduction BMPs that include infiltration are not ideally suited within areas of hydric soils.

Contact: Delegated Agency: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

As part of the delineation of federally regulated wetlands the physical boundaries of actual hydric soils were specifically determined. Hydric soils are limited to those areas classified as wetlands.

The proposed project has avoided impacts to both wetlands and hydric soils.

Hydric Soil Group C & D Soils Present

- HSG C and/or D soils are present on the parcel and are not conducive to infiltration practices for stormwater management BMPs. Infiltration practices are most suitable for HSG A and/or B soils and runoff reduction BMPs are preferred practices.

Comments noted.

Requirement:

- All stormwater BMPs that propose to use infiltration or natural recharge shall include a soils investigation in accordance with 7. Del. Admin. C. §5101 subsection 12.1 to determine the appropriate design criteria. Infiltration-type BMPs, such as bioretention basins (rain gardens) and infiltration basins must meet minimum infiltration requirements. HSG C and D soils are not conducive to soil infiltration for placement of such BMPs.

Comments noted.

Concerns Identified Outside of the Development Footprint:

Limits of Moderate Wave Action (LiMWA)

- A portion of the parcel is located within the SFHA and seaward of the Limit of Moderate Wave Action (LiMWA) line. This area is subject to enhanced coastal hazards due to storm waves. Additional information can be found here: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx>

Requirement:

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the floodplain.

Recommendation:

- Place proposed structures outside of the LiMWA area and/or build to Zone VE standards within the LiMWA area.

Comments noted. Proposed structures will comply with all applicable standards.

Sustainable Development Strategies:

Air Pollution and Greenhouse Gas Reduction

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution. Renewable energy infrastructure such as solar or geothermal will further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy (www.de.gov/greenenergy, www.de.gov/eeif).
- Install electric vehicle charging infrastructure to assist Delaware in achieving its clean transportation goals. The Division of Climate, Coastal, & Energy offers

incentives for clean transportation (electric vehicle charging). These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (www.de.gov/cleantransportation).

Comment noted.

- Air pollution is also directly related to increased motorized transportation activity. Incorporating nonmotorized connectivity and installing bicycle racks where feasible will help to facilitate non-vehicular travel modes.

Comments noted. Bike racks will be included. Pedestrian mobility is being coordinated within the development as well as with multimodal paths on Route 54.

- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

Comments noted.

Solid Waste Reduction

- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.

Comments noted.

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.

Comments noted.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There is an archaeological site (S00707) located near the eastern part of parcel # 533-20.00-20.00, west of Bennett Avenue. This site was surveyed in 1991, but with little information provided. It will not be impacted by this project but likely will be by the proposed future Cannon Subdivision. Prehistoric potential is considered low based on the inhospitable soils and distance from freshwater sources. Historic archaeological potential is also low. Historic maps show the “J.H. Brassure” house near the area, but likely to the north of the area of impact.
- 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.

In regard to the possible presence of an archeological site on the southern portion of the property north of Lighthouse Road (S00707), the developer would advise that the upland portion of this site extending over 800 feet north of Lighthouse Road and east of Bennett Avenue was significantly disturbed and filled during the development of the State Route 54 (Lighthouse Road) elevated causeway constructed by the Delaware Department of Transportation. As part of that project, a temporary earthen haul road was constructed on the north side of the current causeway between 2002 and 2003. Once the causeway was constructed, the temporary haul road was removed by the contractor and the impacted area was restored as salt marsh wetlands. An estimate of the fill removed from the temporary road is believed to be in the neighborhood of 30,000 cubic yards. All of that material was trucked, stockpiled, and compacted within the area identified by the State Historic Preservation Office in the above comment. Accordingly, the integrity of any possible archeological site at this location or the ability to evaluate as the same has been effectively lost.

The developer is aware of the presence of a two-story home once occupied by the Ellie Marie Cannon family and an associated barn on the property which is aged correctly at well over 50 years. It is the developer's intention to cooperate with the State Historic Preservation Office toward future documentation of these structures prior to their removal. If any unmarked graves or human remains are found during construction, the developer will immediately stop work and notify the State's Historic Preservation Office.

The developer is aware of the requirements of Section 106 of the Natural Historic Preservation Act. In the event that any portion of a historic or cultural resource eligible for listing in the National Register of Historic Places exists within the Section 106 Permit Area determined by the Corps of Engineers or other federal agency, the developer will conduct all necessary investigations as required by the Natural Historic Preservation Act of 1977, Section 106 Provisions.

Delaware Transit Corporation (DTC) – Contact: Jared Kauffman 576-6062

- Type 2 12'x 8' shelter pad placed at least 50' past the entrance
- Bicycle parking is needed at both buildings or larger shared bicycle parking
- Direct pedestrian pathway is needed into the site from the bus stop
- Pedestrian pathway needed to pedestrian pathway to residential lot behind site

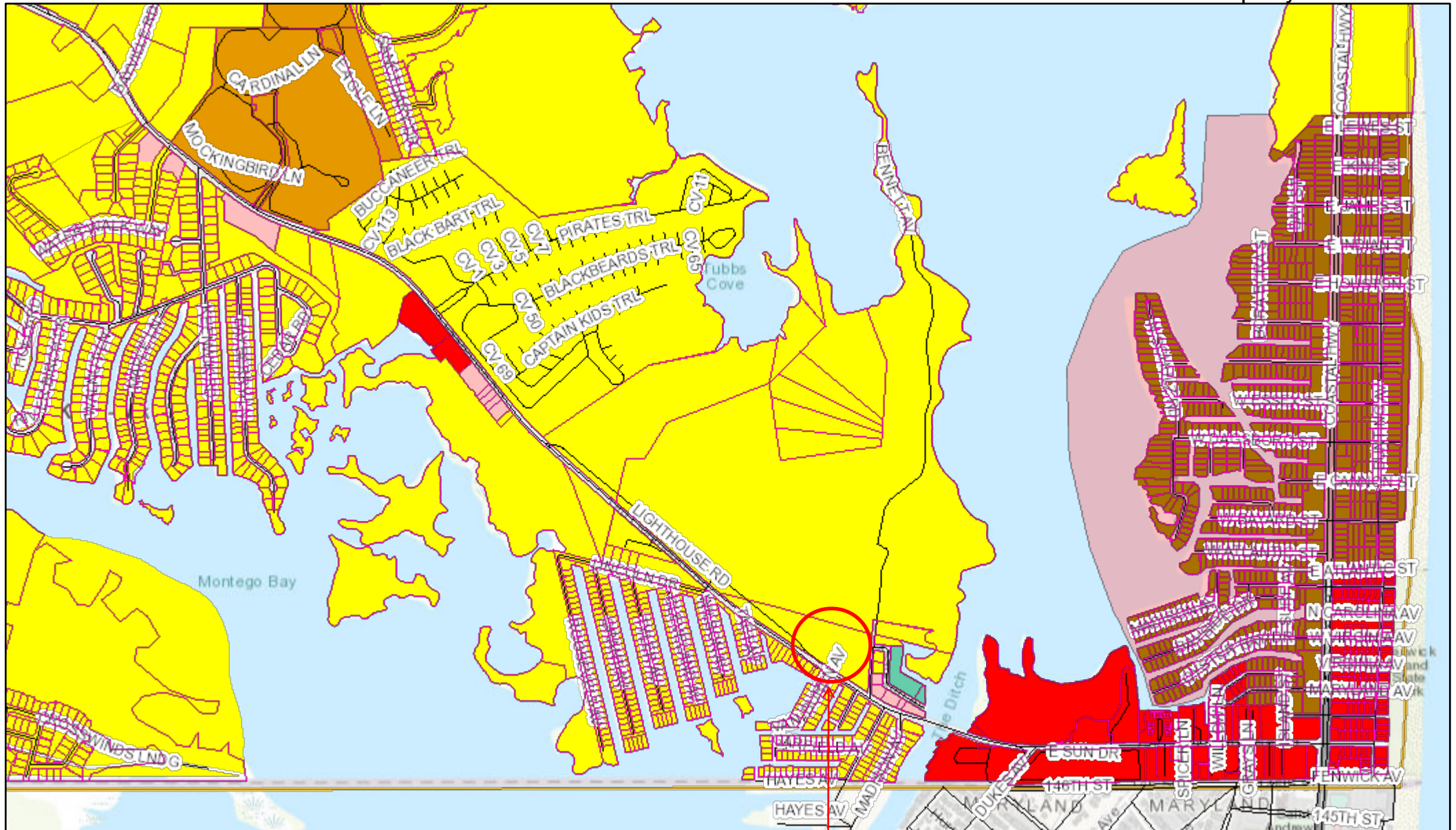
There are no existing DTC transit stops, nor year-round transit routes along the site frontage. Through email coordination with DTC it was determined that there are also no proposed year-round transit routes for the Delaware Route 54 (Sussex Road 58 / Lighthouse Road) corridor. Accordingly, it is not anticipated at this time that a DTC transit stop will be required at the site frontage.

Sussex County Housing – Contact: Brandy Nauman 855-7779

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountype.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.
- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

Comments noted.

SITE SPECIFIC MAPS, PLANS & DOCUMENTATION



May 24, 2021

Tax Parcels

Streets

Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

SITE

1:18,056

0 0.1 0.2 0.4 mi

0 0.17 0.35 0.7 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government

C:\Projects\2018\18022-B Cannon Commercial Hotel and Restaurant\Drawings\Delaware P and T\Tax Map 533-11.dwg, 3/27/2020 2:10 PM, Lorton Myrick

PEN: RED 0.08 INCHES (2.0mm) PEN: BLUE 0.08 INCHES (2.0mm) PEN: GREEN 0.08 INCHES (2.0mm) PEN: YELLOW 0.08 INCHES (2.0mm) PEN: WHITE 0.08 INCHES (2.0mm)

PLT: CODE 0.08 INCHES (2.0mm)

PSN: MAGENTA 0.08 INCHES (2.0mm)



0 625 1,250 2,500 3,750 5,000 Feet

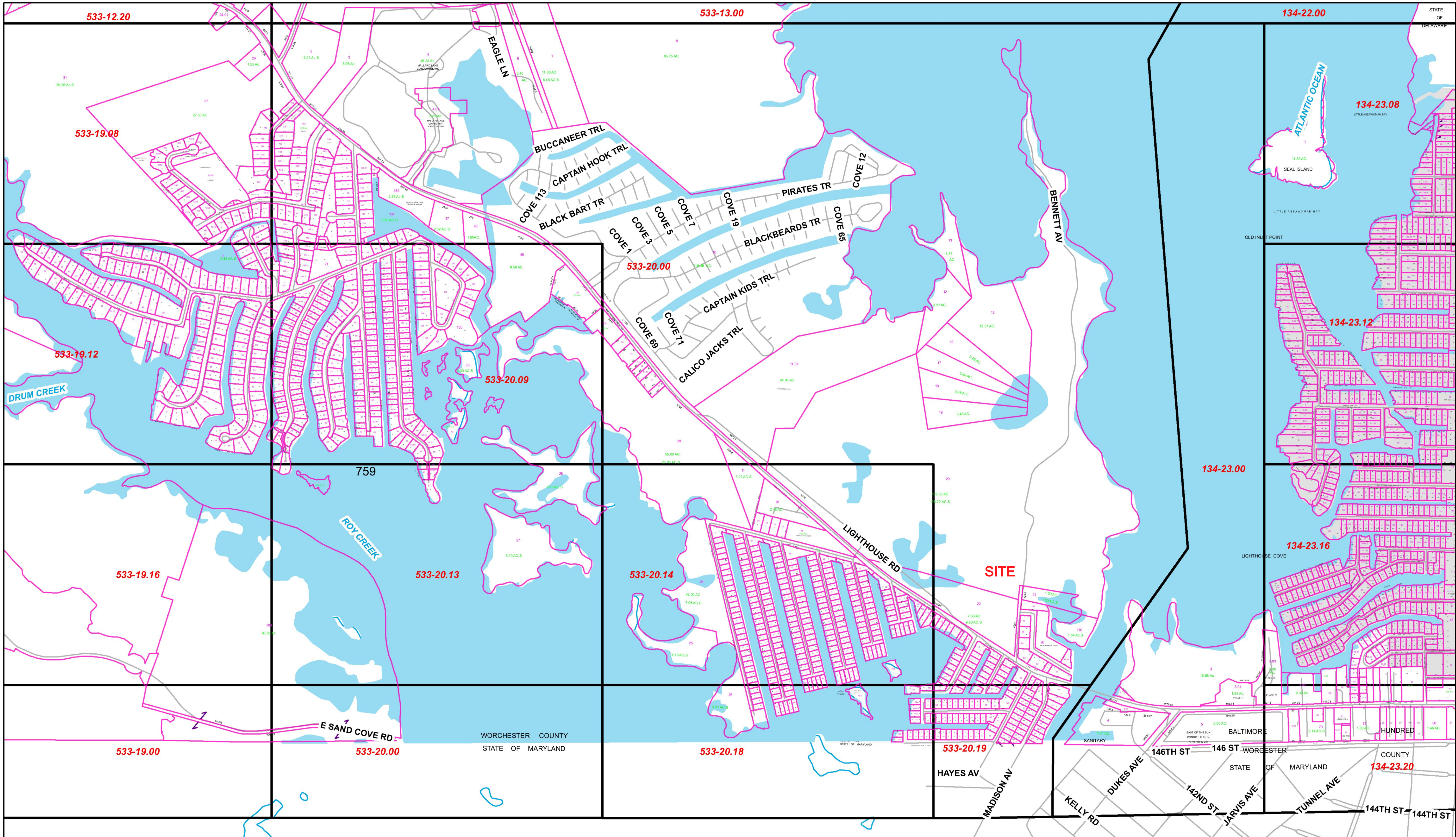
Printed October 16, 2014

Sussex County Delaware

533-20.00

Legend

- Map Line
- Municipal Boundaries



PRINTS ISSUED FOR:
DRAWINGS STAGE

DATE

REVISIONS

NO.

GMB

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

THE MARKETPLACE
AT BISHOP'S POINTE

FKA CANNON PROPERTY
SUSSEX COUNTY, DELAWARE

TAX MAP 533-20.00

SCALE : NO SCALE
DESIGN BY :
DRAWN BY :
CHECKED BY :
GMB FILE : 180022-B
DATE : MAR 2020

SHEET NO.

XX

© COPYRIGHT 2020 GEORGE, MILES & BUHR, LLC

**Adjacent Property Owners to
533-20.00-22.00 & part of 533-20.00-20.00**

- 11.01 **533-20.00-11.01**
State of Delaware
P.O. Box 778
Dover, DE

- 12. **533-20.00-12.00**
Andrew Adkins Trustee
37792 Cedar Road
Selbyville, DE 19975

- 15. **533-20.00-15.00**
Helen H. Johnson
37811 Crab Bay Ln
Selbyville, DE 19975

- 16. **533-20.00-16.00**
Vaughn & Clift C. Lynch Brasure
P.O. Box 42
Selbyville, DE 19975

- 17. **533-20.00-17.00**
David R. Reusing
31101 National Pike
Little Orleans, MD

- 18. **533-20.00-18.00**
Sandra M. Robertson Trustee
1101 Bunting Ave.
Fenwick Island, DE

- 19. **533-20.00-19.00**
Scott W. Lednum
36818 Bayside Dr.
Fenwick Island, DE

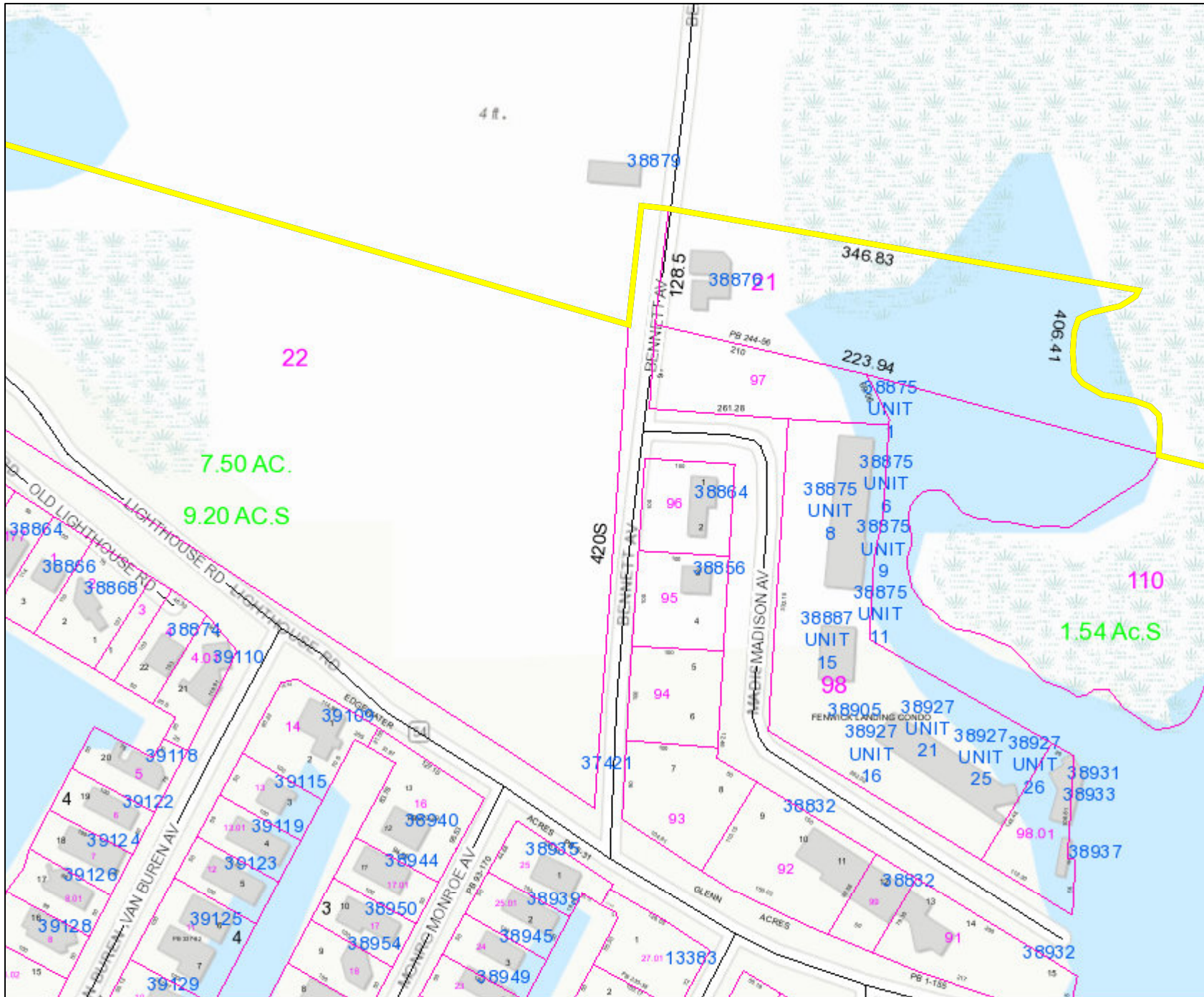
- 21. **533-20.00-21.00**
Carl M. Freeman Communities, LLC
21 Village Green
Suite 200
Ocean View, DE 19970

- 91. **533-20.19-91.00**
Fenwick HHG LLC
PO Box 11777
Washington, D.C.

92. **533-20.19-92.00**
Fenwick HHG LLC
PO Box 11777
Washington, D.C.
93. **533-20.19-93.00**
Fenwick HHG LLC
PO Box 11777
Washington, D.C.
94. **533-20.19-94.00**
Dingo LLC
PO Box 11777
Washington, D.C.
95. **533-20.19-95.00**
Irma & Juan Pablo Velasquez
1536 Summerset Pl.
Herndon, VA
96. **533-20.19-96.00**
Edward P. & Faith M. O'Malley
38864 Bennett Ave.
Selbyville, DE
98. **533-20.19-98.00**
NTW Development Corp
Professional Plaza
3324 Danmark Dr.
Texarkana, TX
- 98.01 **533-20.19-98.01**
Dingo LLC
PO Box 11777
Washington, D.C.
99. **533-20.19-99.00**
Fenwick HHG LLC
PO Box 11777
Washington, D.C.



Sussex County



PIN:	Text
Owner Name	Text
Book	Text
Mailing Address	Text
City	Text
State	Text
Description	
Description 2	
Description 3	
Land Code	

polygonLayer

Override 1

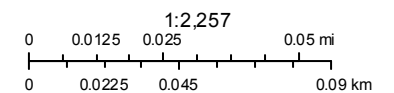
polygonLayer

Override 1

- Tax Parcels
- 911 Address
- Streets
- County Boundaries

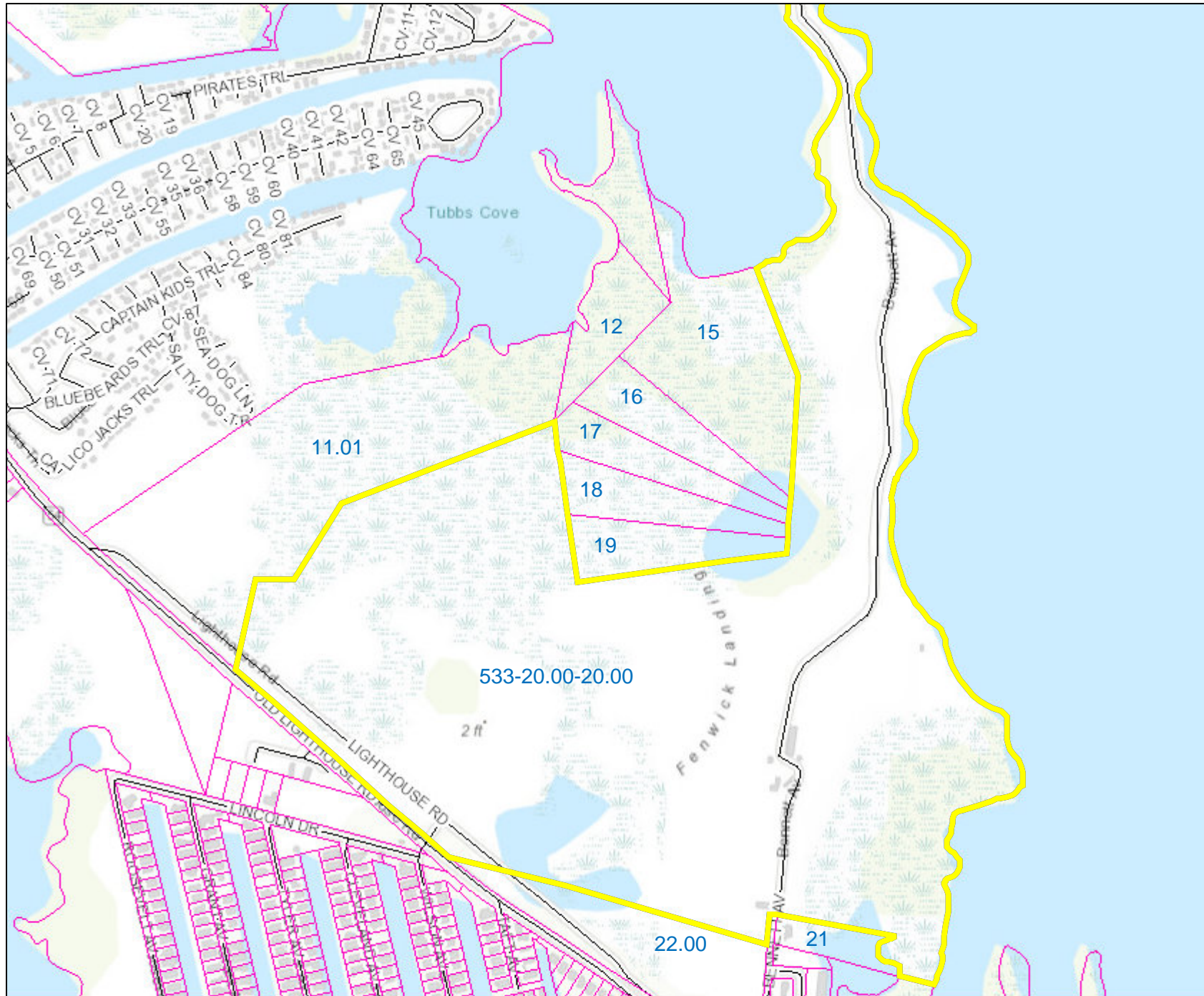
May 24, 2021

Adjacent Property Owners to 533-20.00-22.00





Sussex County



PIN:	Text
Owner Name	Text
Book	Text
Mailing Address	Text
City	Text
State	Text
Description	
Description 2	
Description 3	
Land Code	

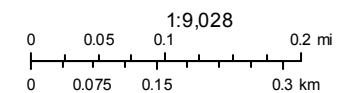
polygonLayer

Override 1

polygonLayer

Override 1

- Tax Parcels
- Streets
- County Boundaries



This Deed, made this 24 day of January in the year of our LORD one thousand nine hundred and sixty-nine.

BETWEEN BESSIE A. BENNETT, widow, of Selbyville, Sussex County, Delaware, party of the first part,

- to -

EVERETT CLIFTON CANNON and ALLIE MARIE BENNETT CANNON, his wife, of Selbyville, Delaware, as joint tenants by the entireties with common law right of survivorship and not as tenants in common, parties of the second part,

Witnesseth, That the said party (parties) of the first part, for and in consideration of the sum of ONE dollars (\$1.00), of Current Lawful Money, of the United States of America, and other good and valuable considerations, the receipt whereof is hereby acknowledged, hereby grant and convey(s) unto the said party (parties) of the second part, in fee simple

TRACT I. ALL that certain piece, parcel or point of marsh land situate in Baltimore Hundred, County and State aforesaid, known as Drum Point or Ridge, adjoining other marsh lands of Jehu D. Bennett and lying on the North side thereof and the other side surrounded by the Assawamun Bay and a Cove containing about fifteen (15) acres to be the same more or less, it being a part of the marsh land hired by Prudence A. M. Williams from her father and for the courses and distances see Orphans' Court Record in the division of the lands of John W. Williams, deceased; being that piece or point of land conveyed to Jehu D. Bennett by Prudence A. M. Williams by deed dated the 8th day of November, 1902, on record in the Office for the recording of Deeds at Georgetown, Sussex County, Delaware, in Deed Record E.M.D., Vol. 364, page 153; said piece, parcel or point of land having been conveyed unto Samuel D. Bennett by the Last Will and Testament of his father, Jehu D. Bennett, said Will having been duly probated in the Office of the Register of Wills in Georgetown, Sussex County, Delaware.

TRACT II. ALL THAT CERTAIN piece or parcel of land being, lying and situated in Baltimore Hundred, Sussex County and State of Delaware, being bounded and described as follows, to wit: being three certain tracts and lying near Fenwick Island:

(a) Adjoining lands of Samuel D. Bennett, Orlando McCollum, William R. Tubbs, and others, containing five (5) acres, more or less, and being the same tract of land conveyed by Jehu D. Bennett and wife to Joseph M. Derrickson, by deed recorded in the Office for the recording of deeds, at Georgetown, in Deed Record C.C. W., Vol. 148, page 529.

(b) Adjoining lands of Samuel D. Bennett, James Derrickson, Alfred McCabe, and others, containing six (6) acres, more or less, and being the same tract of land conveyed by Joshua W. Bishop and wife, George L. Bennett and wife, and Ebe L. McCabe to the said Joseph M. Derrickson, by deed on record in the Office for the recording of Deeds, at Georgetown, in Deed Record C.C.J. Vol. 148, page 527.

(c) Adjoining lands of Samuel D. Bennett, and Tract No. (b) above described, containing one and five-eighths (1 5/8) acres of land, more or less, and being the same tract of land which was conveyed by Jehu D. Bennett and wife to the said Joseph M. Derrickson by Deed now on record in the Office for the recording of Deeds, at Georgetown, in Deed Record D.D. A., Vol. 152, page 374, reference to which being had will more fully and at large appear.

PAUL E. REED
111 South Redford Street
GEORGETOWN, DELAWARE
19941

TRACT III. ALL of two tracts, pieces, or parcels of land lying and being situate in Baltimore Hundred, County of Sussex and State of Delaware,

(a) ALL that certain tract, piece or parcel of farm and marsh land, lying and being situate in Baltimore Hundred, County of Sussex and State of Delaware, adjoining lands of Orlando McCollum on the South, Annanias Rogers on the West, Pruda Williams and Joseph Williams, W. A. Lynch on the North and the aforesaid Pruda Williams at the Drum Point, on the Assawama Bay, and bounded by the said Assawama Bay and what is known as the "Big Ditch" on the East, said to contain one hundred and fifty acres (150), be the same more or less, improved with a two story frame dwelling and other out buildings thereon.

(b) ALL that certain tract, piece or parcel of wood land lying and being situate in Baltimore Hundred, County of Sussex and State of Delaware, adjoining lands of Orlando McCollum and John H. Hudson lying on the North side of the County Road leading from Fenwick Island to the Sound Church containing fifteen (15) acres of land off the Southeast corner of a tract of wood land owned, or formerly owned by Jacob H. Brasure and Margaret J. Brasure, his wife, and to adjoin the aforesaid Orlando McCollum and John H. Hudson, together with all and singular the buildings, improvements, woods, ways, waters, water courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto belonging, or in anywise appertaining, etc.

EXCEPTING THEREFROM all the lands deeded Great Eastern, Inc., a corporation of the State of Delaware, by deed of Bessie A. Bennett, dated July 3, 1967 and of record in the Office of the Recorder of Deeds in Deed Book 621, at page 1069.

ALSO EXCEPTING THEREFROM all the lands conveyed to Gladys A. Swann by deed of Bessie A. Bennett, dated January 17, 1963 and of record in Deed Book 557, at page 113.

BEING THE same lands conveyed to Bessie A. Bennett by deed of Jeannette H. Betts, dated April 26, 1950 and of record in the Office of the Recorder of Deeds in Deed Book 394, at page 219.

THIS IS A CORRECTIVE deed conveying the same lands which this grantor intended to convey unto these grantees by deed dated September 4, 1968 and of record in Deed Book 634, at page 434, which deed failed to convey Tract II., a, b, & c, described above.

And that party (parties) of the first part, and all persons hereafter claiming under me (us), will at any time hereafter, at the request and expense of the said party (parties) of the first part, his (their) heirs or assigns, make all such further assurances for the more effectual conveying of the said premises, with the appurtenances, as may be reasonable required by me, him, or them.

In Witness Whereof, the said party (parties) of the first part has (have) hereunto set his (their) hand(s) and seal(s), the day and year aforesaid.

Signed, Sealed and Delivered
in the presence of:
Paul R. Daxter } Bessie A. Bennett (SEAL.)
Bessie A. Bennett (SEAL.)



STATE OF DELAWARE }
County of SUSSEX } ss.

9th day of January DE IT REMEMBERED, That on this
hundred and sixty-nine personally came before me, The Subscriber, a Notary Public for
the State and County aforesaid, in the year of our LORD, one thousand nine

BESSIE A. BENNETT, widow,

Party (Parties) to this Indenture known to me personally to be such, and she
acknowledged this Indenture to be his, her, or their Deed.

MICHAEL SPORNHMAN
By John H. Houch
Notary at Arms in Sussex County
for Es

AND, the said
being at the same time privately examined by me, apart from her husband, acknowledged
that she executed the said Indenture willing without compulsion or threats, or fear of her
husband's displeasure.

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

RECEIVED
JAMES H. DAXTER JR.
JAN 13 4 14 PM '69
RECORDER OF DEEDS
SUSSEX COUNTY

Paul R. Daxter
Notary Public

67180

00884 2155

Tax Map # Part of 5-33-20.00-20.00
Part of 5-33-20.00-22.00
Prepared by and Return to:
Parkowski, Guerke & Swayze, P.A.
PO Box 598
Dover, DE 19903

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY

THE STATE OF DELAWARE, UPON
THE RELATION OF THE SECRETARY
OF THE DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

v.

EVERETT CLIFTON CANNON and
ALLIE MARIE CANNON, his wife,
DELAWARE POWER & LIGHT COMPANY,
n/k/a CONECTIV; DELAWARE ELECTRIC
COOPERATIVE, INC., 13.6943 ACRES,
MORE OR LESS, AS A PERMANENT
TAKING, .0596 ACRES, MORE OR LESS,
AS A PERMANENT EASEMENT, 1.4205
ACRES, MORE OR LESS, AS TEMPORARY
CONSTRUCTION EASEMENTS, SITUATE IN
BALTIMORE HUNDRED, SUSSEX COUNTY,
DELAWARE and UNKNOWN OWNERS,

Defendants.

C.A. No. 01C-05-015 ESB

2005 DEC -9 PM 1:04
CLERK OF COURT

CERTIFIED ABSTRACT OF RECORD
OF CONDEMNATION PROCEEDINGS

The following Abstract of Record in the above captioned condemnation is made,
certified and filed pursuant to 10 Del. C. §6115.

1. The lands and premises condemned and taken in these proceedings are
described in Exhibit "A" attached hereto and made a part hereof by reference.

K5

3

CMF – Cannon – Parcel “A”
Lighthouse Road

ALL that certain lot, piece or parcel of land, situate in Baltimore Hundred, Sussex County, Delaware, Lying on the northern side of Lighthouse Road (SR 54), being all of Parcel “A” as shown on a record plan prepared by George, Miles, & Buhr and intended to be but not yet recorded among the land records of Sussex County, Delaware and is more particularly described as follows, to wit:

Beginning at a point on the northern right of way line of Lighthouse Road (SR 54 – width varies), being a common boundary corner between this Parcel and the revised western right of way line associated with Bennett Dr., said point of beginning being 219.94’+/- in a northwestern direction from a junction curve between the aforementioned northern right of way line and the existing western right of way line associated with Bennett Drive (30’ wide); Thence leaving said point of beginning and running with the northern right of way line along the following (3) courses and distances, 1) N 57°23’59” W, a distance of 57.83’ to a point of curvature; Thence continuing with the curve to the right having a radius of 2,813.79’, an arc distance of 311.04’, the chord of which bears, 2) N 54°12’46” W, and a chord distance of 310.88’ to a point of tangency; Thence, 3) N 51°02’46” W, a distance of 158.87’ to a point on the northern right of way line associated SR 54, being a common boundary corner between this Parcel and Parcel “B”; Thence turning and running with Parcel “B” along the following (3) courses and distances, 4) S 89°51’37” E, a distance of 334.73’ to a point; Thence along a curve to the right having a radius of 500.00’, an arc distance of 40.73’, the chord of which bears, 5) S 87° 31’ 36” E, and a chord distance of 40.72’ to a point of tangency; Thence, 6) S 85°11’35” E, a distance of 211.21’ to a point on the revised western right of way associated with Bennett Dr.; Thence turning and continuing with the revised western right of way line along the following (4) courses and distances, 7) S 04°48’25” W, a distance of 112.34’ to a point of curvature on the revised western right of way line; Thence continuing along a curve to the right having a radius of 350.00’, an arc distance of 164.62’, the chord of which bears, 8) S 18°16’52” W, and a chord distance of 163.10’ to a point of compound curvature; Thence continuing with the curve to the right having a radius of 70.00’, an arc distance of 112.08’, the chord of which bears 9) S 77°37’23” W, and a chord distance of 100.48’ to a point; Thence, 10) S 32°37’13” W, a distance of 5.00’ to the point and place of beginning, containing 2.550 Acres of land, more or less.

CMF – Cannon – Parcel “B”
Lighthouse Road

ALL that certain lot, piece or parcel of land, situate in Baltimore Hundred, Sussex County, Delaware, Lying on the northern side of Lighthouse Road (SR 54), being all of Parcel “B” as shown on a record plan prepared by George, Miles, & Buhr and intended to be but not yet recorded among the land records of Sussex County, Delaware and is more particularly described as follows, to wit:

Beginning at a point on the northern right of way line of Lighthouse Road (SR 54 – width varies), being a common boundary corner between this Parcel and Parcel “A”, said point of beginning being 689.9’ +/- in a northwestern direction from a junction curve between the aforementioned northern right of way line and the existing western right of way line associated with Bennett Drive (30’ wide); Thence leaving said point of beginning and running with the northern right of way line, 1) N 51°02’46” W, a distance of 557.47’ to a point on the northern right of way line associated SR 54, being a common boundary corner between this Parcel and the residual lands of the Allie Marie Cannon, Heirs; Thence turning and running with the Cannon Heirs lands along the following (2) courses and distances, 2) S 89°51’37” E, a distance of 1,001.41’ to a point; Thence, 3) S 63°35’14” E, a distance of 30.20’ to a point on a curve associated with a proposed roundabout associated with the revised western right of way associated with Bennett Dr.; Thence continuing with the proposed roundabout and along a curve to the left having a radius of 50.00’, an arc distance of 78.67’, the chord of which bears, 4) S 18°39’36” E, and a chord distance of 70.80’ to a point of reverse curvature; Thence continuing with the roundabout along a curve to the right having a radius of 19.50’, an arc distance of 17.34, the chord of which bears, 5) S 38°15’08” E, and a chord distance of 16.78’ to a point of reverse curvature on the western right of way line associated with the revised western right of way line associated with Bennett Dr.; Thence continuing along a curve to the right having a radius of 125.00’, an arc distance of 83.50’, the chord of which bears, 6) S 06°21’51” W, and a chord distance of 81.95’ to a point of tangency; Thence continuing with the revised western right of way line 7) S 25°29’59” W, a distance of 6.23’ to a point of curvature; Thence continuing with the curve to the left having a radius of 225.00’, an arc distance of 81.26’, the chord of which bears, 8) S 15°09’12” W, and a chord distance of 80.82’ to a point of tangency; Thence continuing with the revised western right of way, 9) S 04°48’25” W, a distance of 109.93’ to a point on the revised western right of way line, being a common boundary corner between this Parcel and Parcel “A”; Thence turning and running with Parcel “A” along the following (3) courses and distances, 10) N 85°11’35” W, a distance of 211.21’ to a point of curvature; Thence along a curve to the left having a radius of 500.00’, an arc distance of 40.73’, the chord of which bears, 11) N 87° 31’ 36” W, and a chord distance of 40.72’ to a point of tangency; Thence, 12) N 89°51’37” W, a distance of 334.73’ to the point and place of beginning, containing 6.639 Acres of land, more or less.

© COPYRIGHT 2020 GEORGE MILES & BUHR, LLC



Map Unit Legend			
Sussex County, Delaware (DE005)			
Sussex County, Delaware (DE005)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AsA	Askecksy loamy sand, 0 to 2 percent slopes	12.1	1.6%
Br	Broadkill mucky peat, very frequently flooded, tidal	52.3	6.9%
BuA	Brockatonorton-Urban land complex, 0 to 2 percent slopes	161.6	21.3%
KsA	Klej loamy sand, 0 to 2 percent slopes	15.0	2.0%
Pu	Purnell peat, very frequently flooded, tidal	119.6	15.8%
Sp	Saltpond mucky sand, very frequently flooded, tidal	24.5	3.2%
TP	Transquaking and Mispillion soils, very frequently flooded, tidal	43.4	5.7%
W	Water	328.7	43.4%
Totals for Area of		757.2	100.0%

PRINTS ISSUED FOR:
DRAWINGS STAGE

DATE

REVISIONS

NO.

GNMB

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmnet.com

THE MARKETPLACE
AT BISHOP'S POINTE
FKA CANNON PROPERTY
SUSSEX COUNTY, DELAWARE

WEB SURVEY
SOILS MAP

SCALE : NO SCALE
DESIGN BY :
DRAWN BY :
CHECKED BY :
GNB FILE : 180022-B
DATE : MAR 2020

SHEET NO.
XX

© COPYRIGHT 2020 GEORGE, MILES & BUHR, LLC

TRAFFIC AND SITE CIRCULATION



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

JENNIFER COHAN
SECRETARY

July 8, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Carl M. Freeman Companies** conditional use application, which we received on June 8, 2020. This application is for an approximately 9.20-acre parcel (Tax Parcel: 533-20.00-22.00) and part of an adjoining 127.72-acre parcel (Tax Parcel: 533-20.00-20.00). The subject land is located on the north side of Lighthouse Road (Sussex Road 58) and both sides of Bennett Avenue. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to develop a 44,250 square-foot / 70-room hotel and an 8,500 square-foot quality restaurant.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Lighthouse Road where the subject land is located, which is from Zion Church Road (Sussex Road 382) to Dukes Avenue (Sussex Road 58D), are 7,769 and 9,999 vehicles per day, respectively.

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 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 fewer than 200 vehicle trips per a weekly peak hour and fewer 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 were agreeable, we would permit the developer to pay an Area-wide Study Fee.



Mr. Jamie Whitehouse

Page 2 of 2

July 8, 2020

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a 70-room hotel and an 8,500 square-foot quality restaurant would generate 1,298 vehicle trips per day, 39 vehicle trips during the morning peak hour, and 108 vehicle trips during the afternoon peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, 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 \$12,980.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvements, including a traffic operational analysis (TOA) if one is found to be necessary during the plan review process.

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
Carl M. Freeman Companies, Applicant
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

UTILITY PROVIDERS

Stephen L. Marsh

From: Adam Gould <AGould@artesianwater.com>
Sent: Friday, January 20, 2017 11:42 AM
To: Stephen L. Marsh
Subject: RE: Cannon Property - help request

Hi Steve,

Yes, that's in our territory and we have extra capacity in that system. We have a 16-inch main on 54. Once you get closer to a real submission I can provide you with what you need to move forward.

Thanks,
Adam

From: Stephen L. Marsh [mailto:SMarsh@gmbnet.com]
Sent: Wednesday, January 18, 2017 8:20 AM
To: Adam Gould <AGould@artesianwater.com>
Subject: Cannon Property - help request

Good morning Adam:

I am working with the Freeman team on a proposed project near Fenwick. Just doing some preliminary research. This is a property across from Harpoon Hannah's along Route 54, and I believe this is in your service area. I just want to confirm there is adequate capacity in your water mains out front along Route 54.

Thanks.

Steve Marsh

Steve Marsh, P.E.
Senior Vice President



206 West Main Street | Salisbury, MD | 21801
410.742.3115 | www.gmbnet.com | [Find us on facebook](#)

*** This e-mail and any files transmitted with it may contain confidential and/or proprietary information. It is intended solely for the use of the individual or entity who is the intended recipient. Unauthorized use of this information is prohibited. If you have received this in error, please contact the sender by replying to this message and delete this material from any system it may be on. ***

Stephen L. Marsh

From: John J. Ashman <jashman@sussexcountyde.gov>
Sent: Wednesday, July 18, 2018 2:09 PM
To: Stephen L. Marsh
Subject: RE: proposed Cannon property project on Route 54

Steve,

Capacity is currently available to serve the proposed 70-80 single family homes, a Use of Existing Infrastructure Agreement will be required. The parcels to the north we would prefer not be connected via gravity and suggest a pressure system be proposed.

John

From: Stephen L. Marsh [mailto:SMarsh@gmbnet.com]
Sent: Wednesday, July 18, 2018 8:37 AM
To: John J. Ashman <jashman@sussexcountyde.gov>
Cc: 'rrishel@cmfa.com' <rrishel@cmfa.com>
Subject: Re: proposed Cannon property project on Route 54

My apologies John, I should have been more clear. Single family homes, anywhere between 70 and 80 depending on the final layout.

Get [Outlook for Android](#)

From: John J. Ashman <jashman@sussexcountyde.gov>
Sent: Wednesday, July 18, 2018 8:34:05 AM
To: Stephen L. Marsh
Cc: 'rrishel@cmfa.com'
Subject: RE: proposed Cannon property project on Route 54

Steve/Rich

Are you figuring single family homes? Looks like about 70?

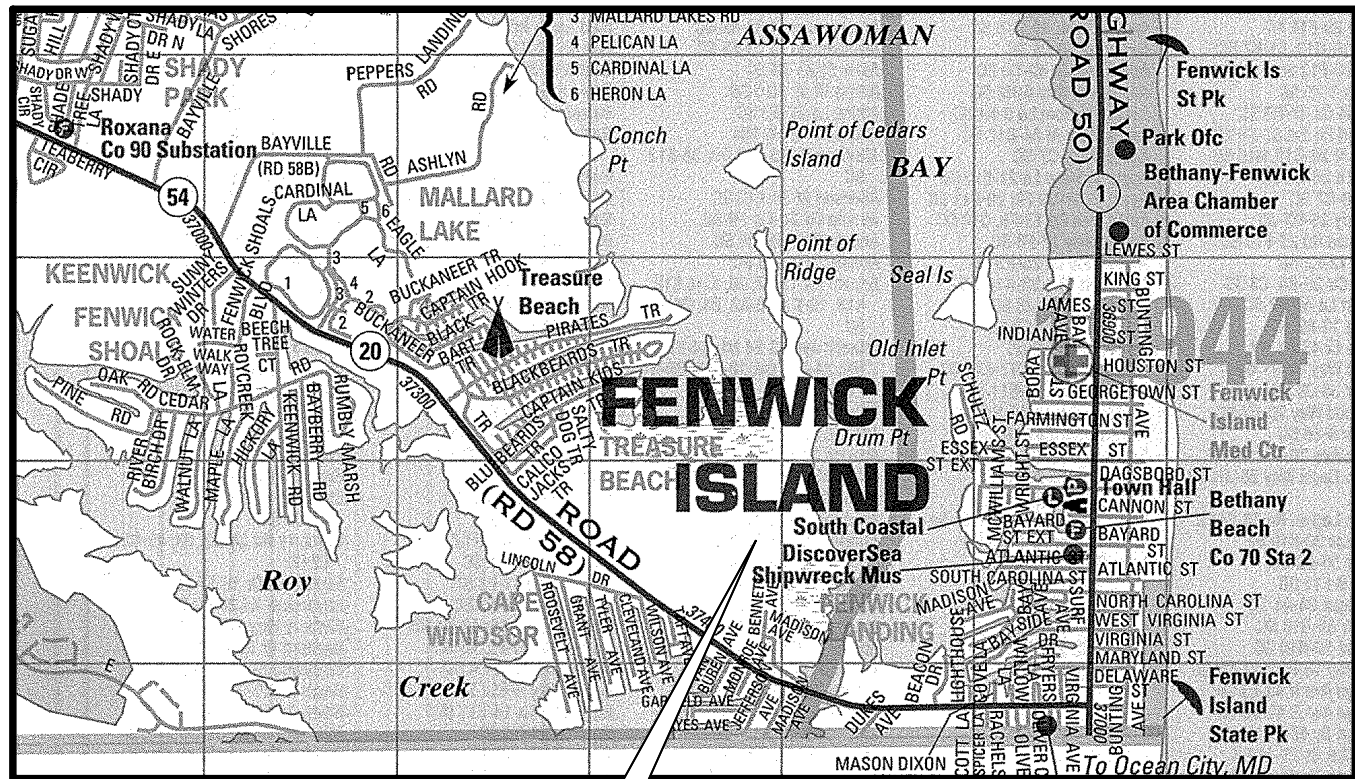
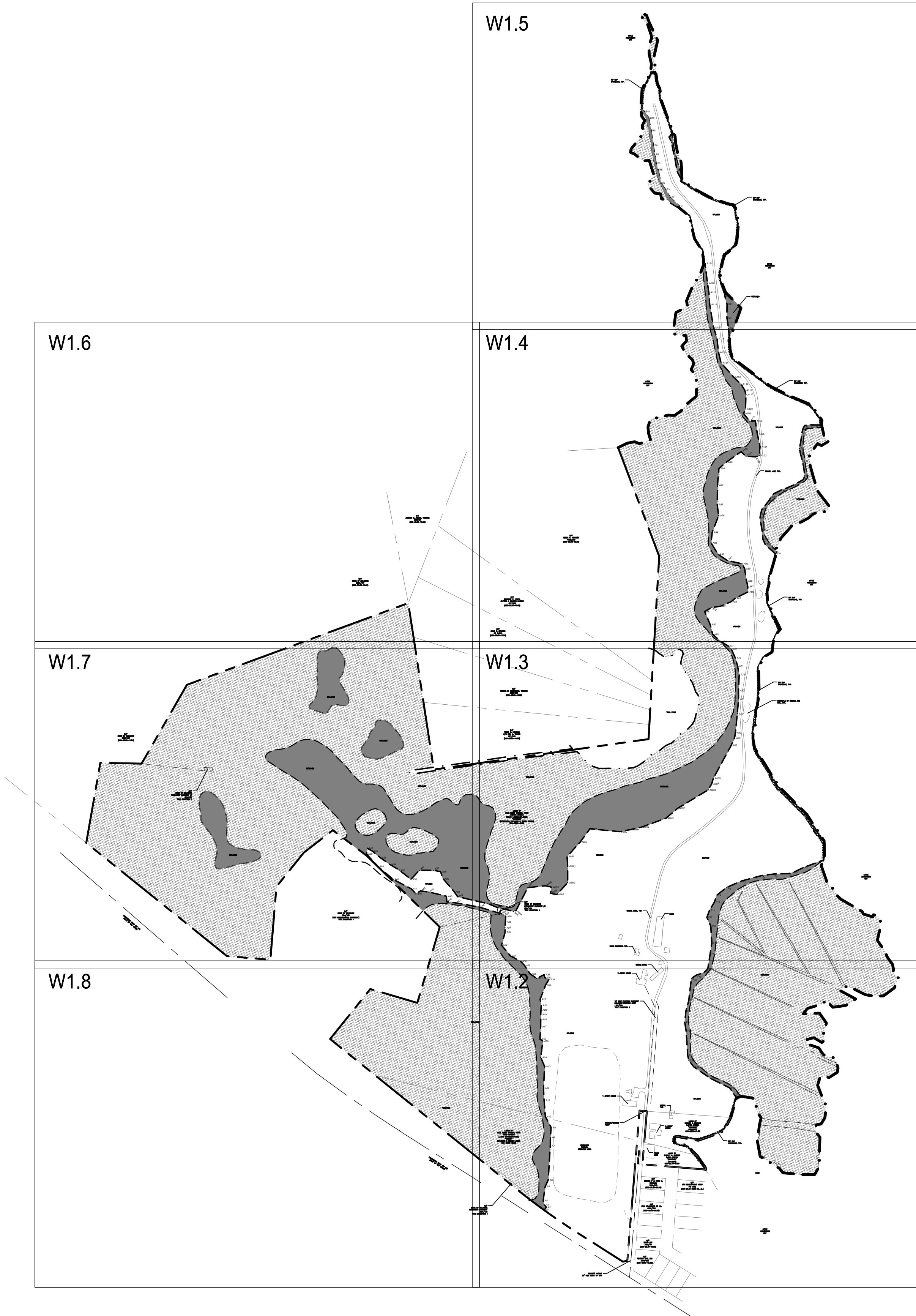
John

From: Stephen L. Marsh [mailto:SMarsh@gmbnet.com]
Sent: Thursday, July 12, 2018 12:26 PM
To: John J. Ashman <jashman@sussexcountyde.gov>
Cc: 'rrishel@cmfa.com' <rrishel@cmfa.com>
Subject: proposed Cannon property project on Route 54

Good afternoon John:

I was wondering if Rich and I could stop in for a few minutes early next week and discuss sewer capacity for a project the Freeman Companies is looking at along Route 54 behind the area of Catch 54 and the Papa Grande's. Let me know if you or anyone on your staff is free.

WETLANDS



PROJECT
LOCATION

AREA TABLE:

UPLANDS AREA:	±1,661,378.80 SF (38.14 AC.)
WATERS OF THE U.S. INCLUDING WETLANDS SUBJECT TO USACE REGULATORY PROGRAM:	±3,599,218.86 SF (82.63 AC.)
TOTAL SITE AREA:	±5,260,597.66 SF (120.77 AC.)

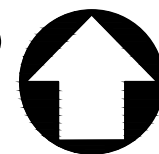
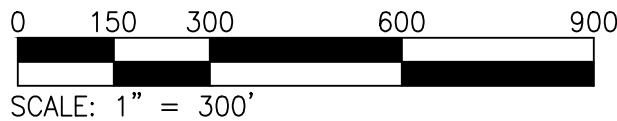
NOTE:
A TOTAL OF 68.85 ACRES OF STATE
REGULATED WETLANDS EXIST ON THE SITE,
INCLUDING 2.11 AC TIDAL POND.

WETLANDS CERTIFICATION:

"I, EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGEMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3(a)(6), WATERS OF THE U.S. DEFINITION/CECW-OR, 10-7-1991, QUESTIONS AND ANSWERS ON THE 1987 COE MANUAL/CECW-OR, 9-26-1990, RCL 90-7/CECW-OR, 3-6-1992, CLARIFICATION AND INTERPRETATION OF THE 1987 MANUAL). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES. DNREC STATE REGULATED WETLANDS HAVE BEEN IDENTIFIED IN ACCORDANCE WITH DNREC WETLAND MAP NOS. 2 & 28 SUSSEX COUNTY.

EDWARD M. LAUNAY, PWS NO. 875
SOCIETY OF WETLAND SCIENTISTS
CORPS OF ENGINEERS,
CERTIFIED WETLAND DELINEATOR WDGP93MD0510036B

DATE



BOUNDARY OF WATERS OF THE
U.S. INCLUDING WETLANDS
SUBJECT TO THE U.S. ARMY
CORPS REGULATORY PROGRAM
CANNON FARM - LANDS OF
ALLIE MARIE CANNON HEIRS

KEY SHEET

SCALE : 1" = 300'	SHEET NO.
DESIGN BY : RLM	W1.1
DRAWN BY : RLM	
CHECKED BY :	
DATE : DEC 2017	

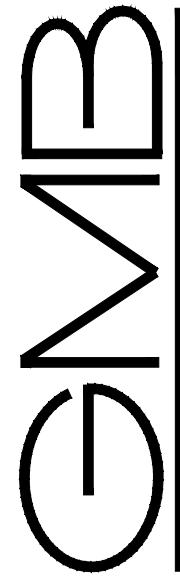
PRINTS ISSUED FOR:
DRAWINGS STAGE

DATE

REVISIONS

NO.

TAX MAP 533-20.00
PARCELS 20.00, 21.00,
22.00, & 97.00
BALTIMORE HUNDRED
SUSSEX COUNTY,
DELAWARE



GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com



C:\Projects\1927\1927055-1\Drawings\1927055-1\Wetlands\NLS Wetlands Delineation.dwg, 1/9/2018 2:09 PM, London Myrick

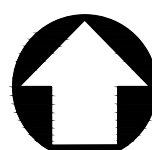
PLOT CODE
PLOT-RED 0.08 INCHES (1.0mm)
PLOT-YELLOW 0.07 INCHES (1.8mm)
PLOT-ORANGE 0.10 INCHES (2.5mm)
PLOT-GREEN 0.10 INCHES (2.5mm)
PLOT-BLUE 0.02 INCHES (0.5mm)
PLOT-MAGENTA 0.07 INCHES (1.8mm)
PLOT-WHITE 0.09 INCHES (2.3mm)



LEGEND

- PROPERTY LINE / MEAN LOW WATER
- PROPERTY LINE
- MEAN HIGH WATER
- BOUNDARY OF STATE REGULATED WETLANDS (DNREC)
- BOUNDARY OF WATERS OF THE U.S. INCLUDING WETLANDS SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM
- WETLAND BOUNDARY POINT
- STATE REGULATED (DNREC) TIDAL WETLANDS / WATERS OF THE U.S.
- WATERS OF THE U.S. LANDWARD OF DNREC WETLANDS
- EXISTING RIP RAP SHORELINE

0 30 60 120 180
SCALE: 1" = 60'



BOUNDARY OF WATERS OF THE
U.S. INCLUDING WETLANDS
SUBJECT TO THE U.S. ARMY
CORPS REGULATORY PROGRAM
CANNON FARM - LANDS OF
ALLIE MARIE CANNON HEIRS

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY - BALTIMORE - SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmnet.com

TAX MAP 533-20.00
PARCELS 20.00, 21.00,
22.00, & 97.00
BALTIMORE HUNDRED
SUSSEX COUNTY,
DELAWARE

SCALE : 1" = 60'
DESIGN BY : RLM
DRAWN BY : RLM
CHECKED BY :
GMB FILE : R160171.00
DATE : DEC 2017

SHEET NO.
W1.4

DATE

REVISIONS

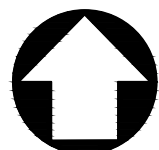
NO.

PRINTS ISSUED FOR:
DRAWINGS STAGE

© COPYRIGHT 2017 GEORGE, MILES & BUHR, LLC



-
- 0 30 60 120 180
- SCALE: 1" = 60'



WETLANDS DELINEATION MAP

SCALE : 1" = 60'	SHEET NO. W1.5
DESIGN BY : RLM	
DRAWN BY : RLM	
CHECKED BY :	
GMB FILE : R160171.00	
DATE : DEC 2017	

© COPYRIGHT 2017 GEORGE, MILES & BUHR, LLC

PRINTS ISSUED FOR:
DRAWINGS STAGE[illegible]

TAX MAP 533-20.00
PARCELS 20.00, 21.00,
22.00, & 97.00
BALTIMORE HUNDRED
SUSSEX COUNTY,
DELAWARE

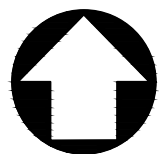
ONE

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

PLOT CODE	
PEN1-RED	.06 INCHES (.15mm)
PEN2-YELLOW	.007 INCHES (.18mm)
PEN3-GREEN	.010 INCHES (.25mm)
PEN4-CYAN	.014 INCHES (.35mm)
PEN5-BLUE	.020 INCHES (.50mm)
PEN6-MAGENTA	.027 INCHES (.70mm)
PEN7-WHITE	.039 INCHES (1.00mm)

0 30 60 120 180

SCALE: 1" = 60'



DATE _____

REVISIONS

NO.

TAX MAP 533-20.00
PARCELS 20.00, 21.00,
22.00, & 97.00
BALTIMORE HUNDRED
SUSSEX COUNTY,
DELAWARE

GENE

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

BOUNDARY OF WATERS OF THE
U.S. INCLUDING WETLANDS
SUBJECT TO THE U.S. ARMY
CORPS REGULATORY PROGRAM
CANNON FARM - LANDS OF
ALLIE MARIE CANNON HEIRS

SCALE	: 1" = 60'
DESIGN BY	: RLM
DRAWN BY	: RLM
CHECKED BY	:
GMB FILE	: R160171.00
DATE	: DEC 2017

SHEET NO.

W1.6

© COPYRIGHT 2017 GEORGE, MILES & BUHR, LLC



PROPERTY LINE / MEAN LOW WATER

PROPERTY LINE

MEAN HIGH WATER

BOUNDARY OF STATE REGULATED WETLANDS (DNREC)

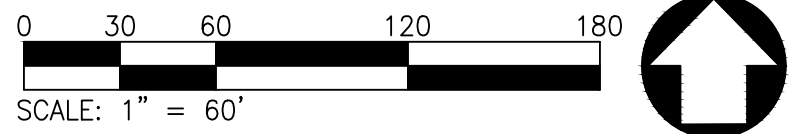
BOUNDARY OF WATERS OF THE U.S. INCLUDING WETLANDS SUBJECT TO CORPS OF ENGINEERS REGULATORY PROGRAM

WETLAND BOUNDARY POINT

STATE REGULATED (DNREC) TIDAL WETLANDS / WATERS OF THE U.S.

WATERS OF THE U.S. LANDWARD OF DNREC WETLANDS

EXISTING RIP RAP SHORELINE

PRINTS ISSUED FOR:
DRAWINGS STAGE[illegible]

TAX MAP 533-20.00
PARCELS 20.00, 21.00,
22.00, & 97.00
BALTIMORE HUNDRED
SUSSEX COUNTY,
DELAWARE

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbuhrl.com

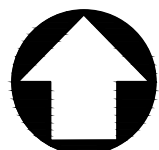
BOUNDARY OF WATERS OF THE
U.S. INCLUDING WETLANDS
SUBJECT TO THE U.S. ARMY
CORPS REGULATORY PROGRAM
CANNON FARM - LANDS OF
ALLIE MARIE CANNON HEIRS

WETLANDS DELINEATION MAP

SCALE : 1" = 60'	SHEET NO. W1.7
DESIGN BY : RLM	
DRAWN BY : RLM	
CHECKED BY :	
GMB FILE : R160171.00	
DATE : DEC 2017	

0 30 60 120 180

SCALE: 1" = 60'



WETLANDS

STATE OF
PERMANENT
TITLE EX

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

TAX MAP 533-20.00
PARCELS 20.00, 21.00,
22.00, & 97.00
BALTIMORE HUNDRED
SUSSEX COUNTY,
DELAWARE

PRINTS ISSUED FOR
DRAWINGS STAGE

DATE _____

REVISIONS

No.

SCALE : 1" = 60'

DESIGN BY : RIM

DRAWN BY : RLM

CHECKED BY :

GMB FILE : R160171.

SHEET NO.

W1.8

THREATENED & ENDANGERED SPECIES

July 6, 2017

ERI Project No.: 0300#660

Delaware Natural Heritage Program
Division of Fish and Wildlife
Department of Natural Resources
& Environmental Control
4876 Hay Point Landing Road
Smyrna, Delaware 19977

Attn: Ms. Kate Fleming

Re: Rare Threatened and Endangered Species Review
Tax Map Parcel 533-20.00-20.00
Baltimore Hundred, Selbyville DE

Dear Ms. Fleming,

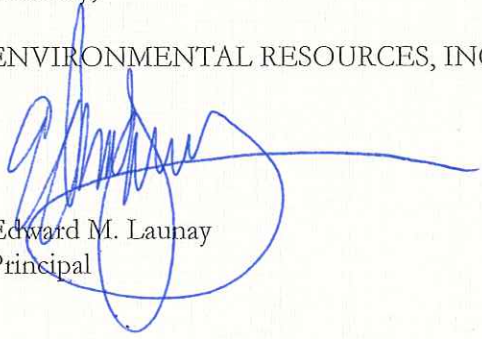
Environmental Resources, Inc. (ERI), is writing you to request any records your office may have in regards to Sussex County Tax Map Parcel 533-20.00-20.00 and 5-33-20.00-22.00. I have enclosed a tax record map which outlines the extent of the property in yellow first parcel (20.00). Parcel 22.00, a triangular area of land, is highlighted in orange. The site begins at the intersection of SR54 and Bennett Avenue. It lies north of SR54 and west of the Fenwick Ditch.

As part of a due diligence investigation of this site we have interest in learning what species of concern or other resources your office can provide records for. Extensive tidal and non-tidal wetlands exist on the site which are intended to be avoided by any future development plan. Development will be limited to the upland area of the historic and active farm area.

I appreciate your effort in responding to this request. If you have any questions I am available at your convenience at (302) 436-9637.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.



Edward M. Launay
Principal

Enclosure: Tax Record Map Parcel

Layer Visibility

☒ Addresses/Parcels

☒ 911 Addresses ☐ Id?

☒ Parcel Labels

☒ ☐ Parcels ☒ Id?

☒ Annotation

☒ Zoning

☒ County Districts

☒ Schools/Libraries

☒ Hydrology

☒ Tax Index

☒ Transportation

☒ Statewide

Selected Features:

Parcels (1)

1) 533-20.00-20.00

Zoom

PIN with UNIT	533-20.00-20.00
DEED_BOOK_PG	W 5056 0
Name	CANNON, ALLIE HEIRS
Mailing Address	38876 BENNETT AVE
City	SELBYVILLE
State	DE
ZIPCODE	19975
Description	HWY TO FENWICK
Description 2	ISLAND
Description 3	*T12544 & 19177*

Search Parcel

Tax ID

Switch Basemap

Printing





United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127

<http://www.fws.gov/chesapeakebay/>
<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:

July 06, 2017

Consultation Code: 05E2CB00-2017-SLI-1539

Event Code: 05E2CB00-2017-E-03226

Project Name: Cannon Property

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
(410) 573-4599

Project Summary

Consultation Code: 05E2CB00-2017-SLI-1539

Event Code: 05E2CB00-2017-E-03226

Project Name: Cannon Property

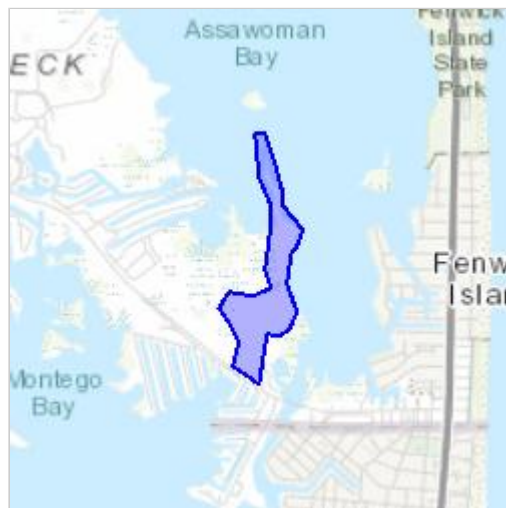
Project Type: DEVELOPMENT

Project Description: Within upland portions of the site develop a residential planned community and 25 slip community pier.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/38.4611160166332N75.06518116337215W>



Counties: Sussex, DE

Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area. Please contact the designated FWS office if you have questions.

Critical habitats

There are no critical habitats within your project area.

USFWS National Wildlife Refuges And Fish Hatcheries

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuges or fish hatcheries within your project area.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

ESTUARINE AND MARINE DEEPWATER

- [E1UBL](#)

ESTUARINE AND MARINE WETLAND

- [E2EM1P](#)
 - [E2EM1Pd](#)
 - [E2EM1N](#)
 - [E2EM1Nd](#)
-



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
89 Kings Highway
Dover, Delaware 19901

**OFFICE OF THE
DIRECTOR**

**Phone: (302) 739-9910
Fax: (302) 739-6157**

August 4, 2017

Edward M. Launay
Environmental Resources, Inc.
38173 DuPont Boulevard
P.O. Box 169
Selbyville, DE 19975

Re: ERI 2017 Bennett Road General Request, TP 533-20.00-20.00, 533-20.00-22.00
No Scope of Work was provided. Therefore, this review should not be used for permit applications.

Dear Mr. Launay,

Thank you for contacting the Species Conservation and Research Program (SCRP) about information on rare, threatened and endangered species, unique natural communities, and other significant natural resources as they relate to the above referenced project.

Our Division scientists have not surveyed this project area; therefore, we are unable to provide information pertaining to the existence of state-rare or federally listed plants, animals or natural communities at this project site.

The wetlands on this property are mapped as Key Wildlife Habitat (KWH) in the Delaware Wildlife Action Plan because it is part of a large complex that can support an array of plant and animals species. Further, there are spartina high salt marshes mapped as KWH as well because they are rare in the state and have the potential to harbor a high diversity of Species of Greatest Conservation Need. The high salt marshes have not been ground-truthed but analysis of aerial imagery indicates that there is a high likelihood they exist at this site. In addition to avoiding impacts to these wetlands, upland buffers of at least 100 ft. surrounding the wetlands on site should be retained.

State-endangered Forster's terns and American Oystercatchers have been documented nesting on island habitats in the surrounding area of this project area. Because our biologists have not been on site, it is unknown if they utilize habitats at this site.

Marsh nesting birds may be nesting at this site. Although the review request indicates that only upland areas will be disturbed, a time of year restriction may be necessary depending on the scope of work.

***We Bring You Delaware's Great Outdoors
through Science and Service***

Find us on Facebook <http://www.facebook.com/DelawareFishWildlife>

Terrapins are known to occur in Assawoman Bay and according to aerial imagery analysis, it appears suitable nesting habitat is present on this site. Depending on the scope of work, a time of year restriction and avoiding sand and marsh habitats could aid in protecting this species.

We are continually updating our records on Delaware's rare, threatened and endangered species, unique natural communities and other significant natural resources. If the start of the project is delayed more than a year past the date of this letter, please contact us again for the latest information.

Please feel free to contact me with any questions or if you require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Katherine M. Fleming".

Kate Fleming
Wildlife Biologist/Environmental Review Coordinator
(302) 735-8658; fax: (302) 653-3431; Kate.Fleming@state.de.us

(See invoice on next page)

INVOICE - PAYMENT DUE

It is our policy to charge a fee for this environmental review service. This letter constitutes an invoice for \$35.00 (\$35.00/hour for a minimum of one hour). Please make your check payable to “Delaware Division of Fish and Wildlife” and submit to:

DE Division of Fish and Wildlife
89 Kings Hwy.
Dover, DE 19901
ATTN: Pamela Severson

**In order for us to properly process your payment, you must reference
“ERI 2017 Bennett Road General Request” on your check.**

cc: Pamela Severson, Fish and Wildlife Coordination/Accounting; Code to 72900

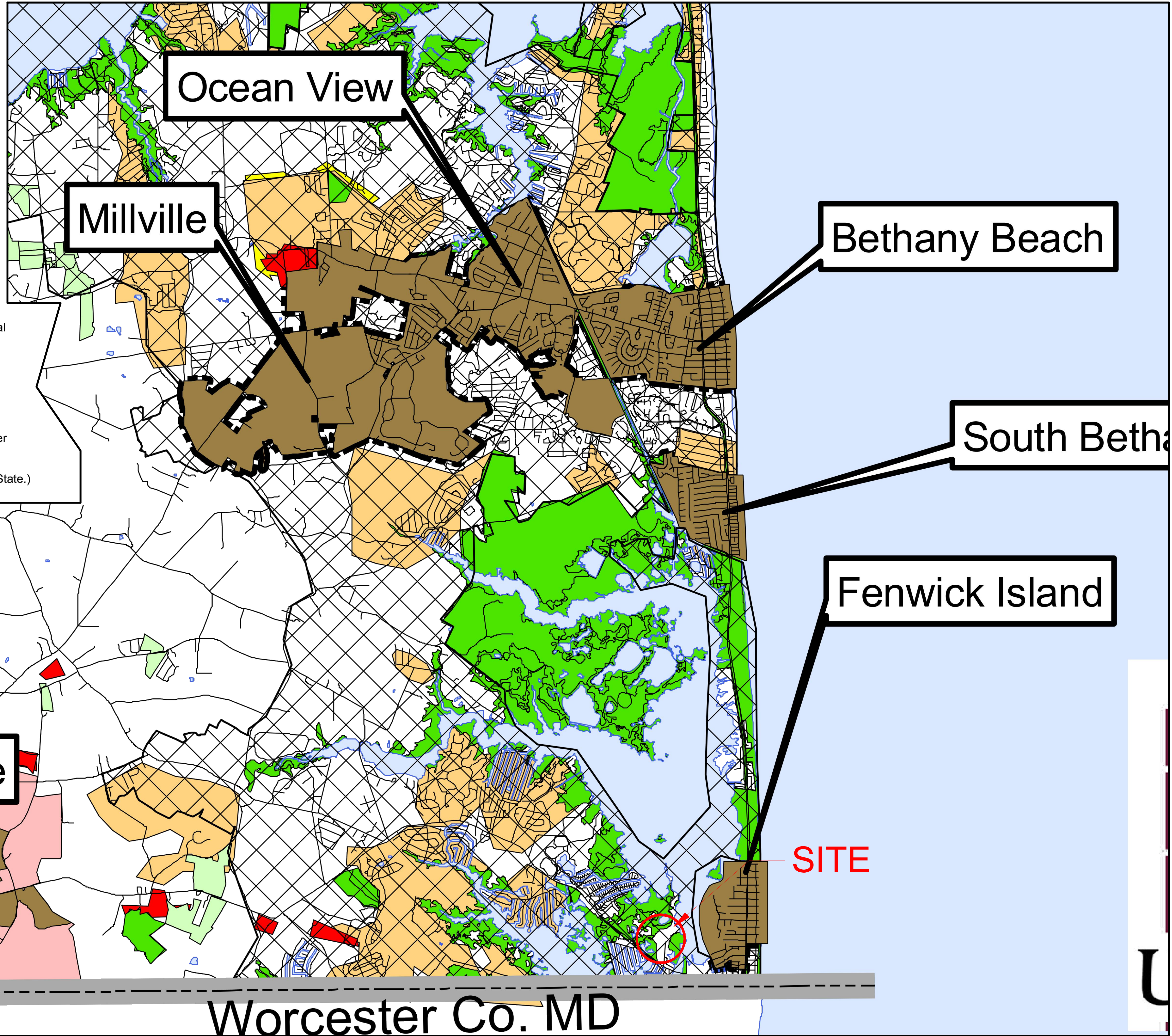
SUSSEX COUNTY COMPREHENSIVE MAPS

Growth Areas

- Municipality
- Town Center
- Developing Area
- Environmentally Sensitive Developing Area
- Mixed Residential Areas
- Highway Commercial Areas
- Planned Industrial Areas

Rural Areas

- Low Density Area
- Protected Lands
(All Federal lands, State lands, agricultural easements, private conservancy lands, major wetlands and lands preserved by other conservation easements)
- Agricultural Preservation Districts Under the State Program
(A voluntary program. Only a very limited number of homes allowed on a tract under State regulations during the time of an agreement. Participating landowners are eligible to sell development rights to the State.)



PRINTS ISSUED FOR:
DRAWINGS STAGE

DATE

REVISIONS

NO.

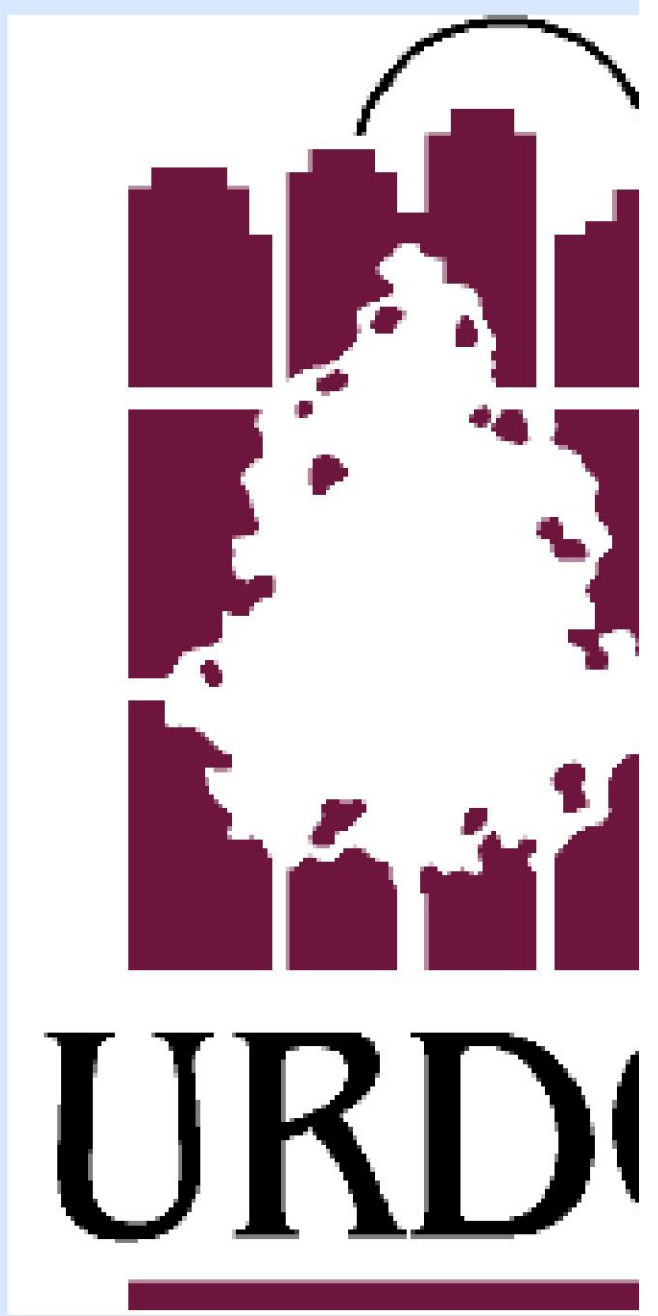
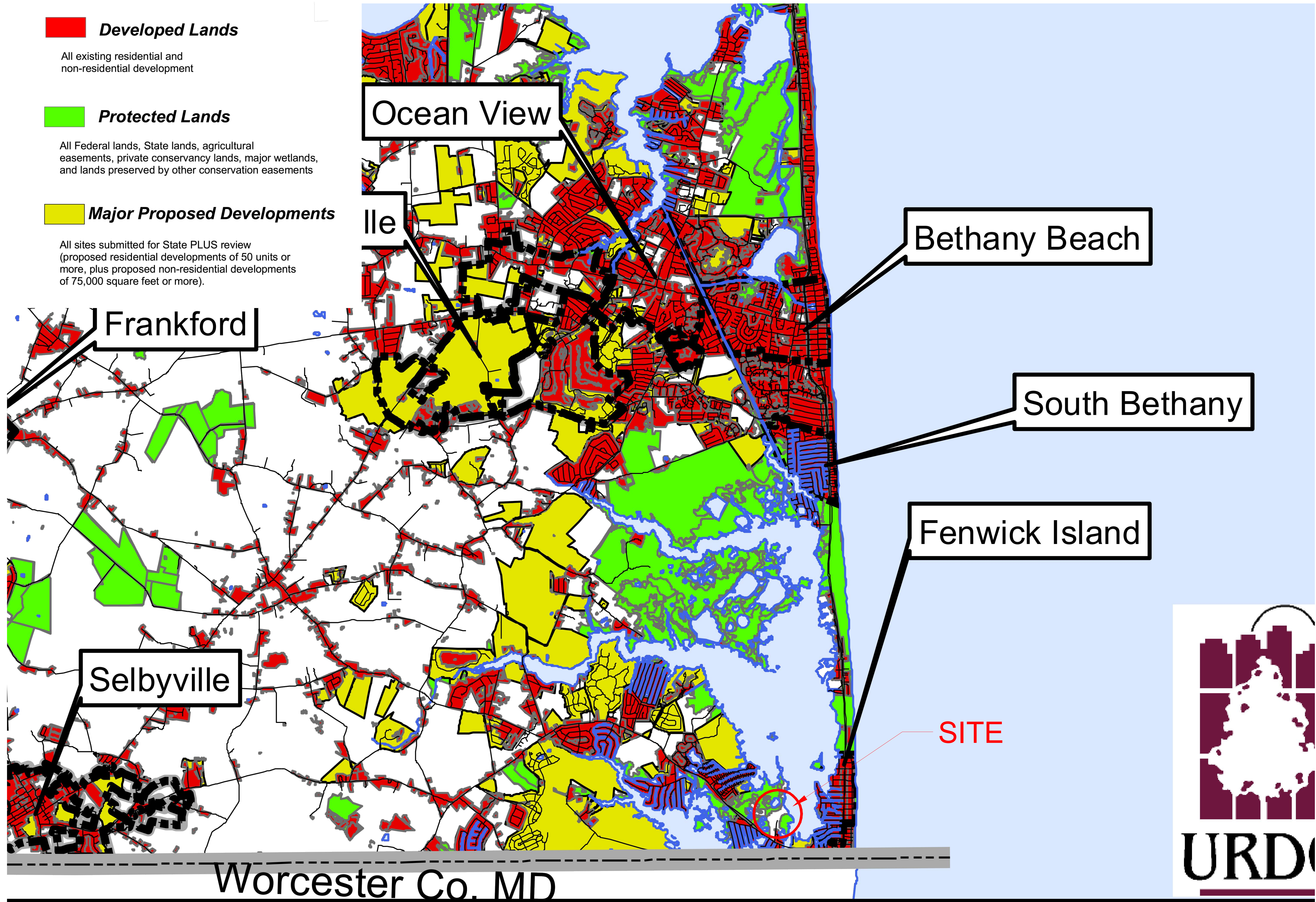
GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

THE MARKETPLACE
AT BISHOP'S POINTE
FKA CANNON PROPERTY
SUSSEX COUNTY, DELAWARE

FUTURE
LAND USE
MAP

SCALE : NO SCALE
DESIGN BY :
DRAWN BY :
CHECKED BY :
GMB FILE : 180022-B
DATE : MAR 2020
SHEET NO.
XX

G:\Projects\2018\180022-B Cannon Commercial Hotel and Restaurant\Drawings\Exhibits\Bishop's P and Z\Developed and Protected Landings, 3/27/2020 1:15 PM, London Wyck
PEN1=RED .006 INCHES (15mm)
PEN2=YELLOW .007 INCHES (18mm)
PEN3=GREEN .010 INCHES (25mm)
PEN4=ORANGE .014 INCHES (35mm)
PEN5=BLUE .020 INCHES (50mm)
PEN6=MASTOLA .027 INCHES (70mm)
PEN7=WHITE .030 INCHES (75mm)



GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

THE MARKETPLACE
AT BISHOP'S POINTE
FKA CANNON PROPERTY
SUSSEX COUNTY, DELAWARE

DEVELOPED AND
PROTECTED LANDS

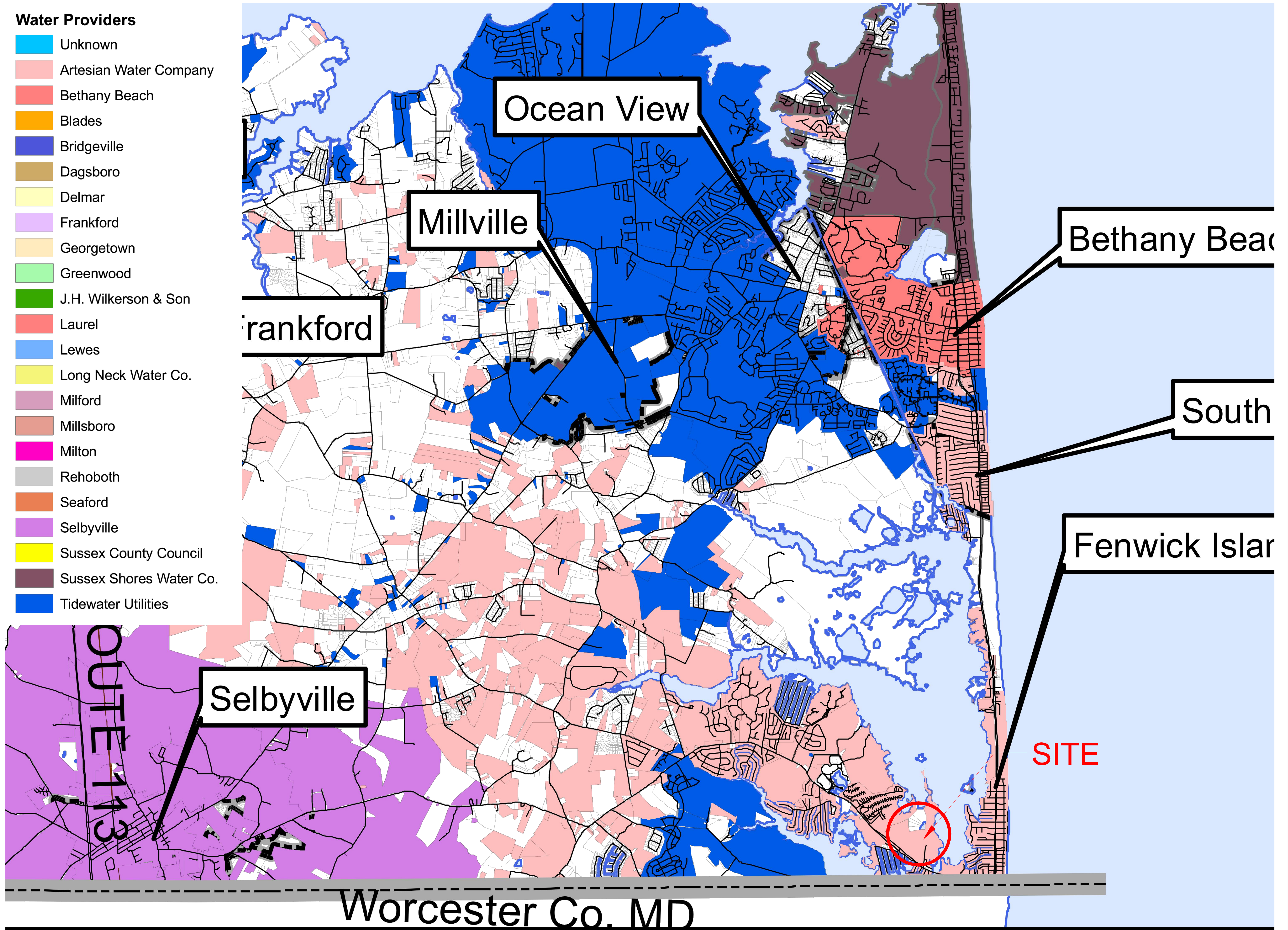
SCALE : NO SCALE	SHEET NO.
DESIGN BY :	XX
DRAWN BY :	
CHECKED BY :	
GMB FILE : 180022-B	
DATE : MAR 2020	

© COPYRIGHT 2020 GEORGE, MILES & BUHR, LLC

PRINTS ISSUED FOR: DRAWINGS STAGE	
DATE	
REVISIONS	
NO.	

Water Providers

- | | |
|-------------------------|--|
| Unknown | |
| Artesian Water Company | |
| Bethany Beach | |
| Blades | |
| Bridgeville | |
| Dagsboro | |
| Delmar | |
| Frankford | |
| Georgetown | |
| Greenwood | |
| J.H. Wilkerson & Son | |
| Laurel | |
| Lewes | |
| Long Neck Water Co. | |
| Milford | |
| Millsboro | |
| Milton | |
| Rehoboth | |
| Seaford | |
| Selbyville | |
| Sussex County Council | |
| Sussex Shores Water Co. | |
| Tidewater Utilities | |

PRINTS ISSUED FOR:
DRAWINGS STAGE

DATE _____

REVISIONS

No.

GNB
GEORGE NILES & BROTHERS, LLC

GEORGE, MILLS & DUNN, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

THE MARKETPLACE
AT BISHOP'S POINTE
FKA CANNON PROPERTY
SUSSEX COUNTY, DELAWARE

WATER SERVICE AREAS MAP

SCALE : AS SHOWN

DESIGN BY :

RAWN BY :

HECKED BY :

SHEET NO.

YY

© COPYRIGHT 2020 GEORGE MILES & BUHR, LLC



NO.

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

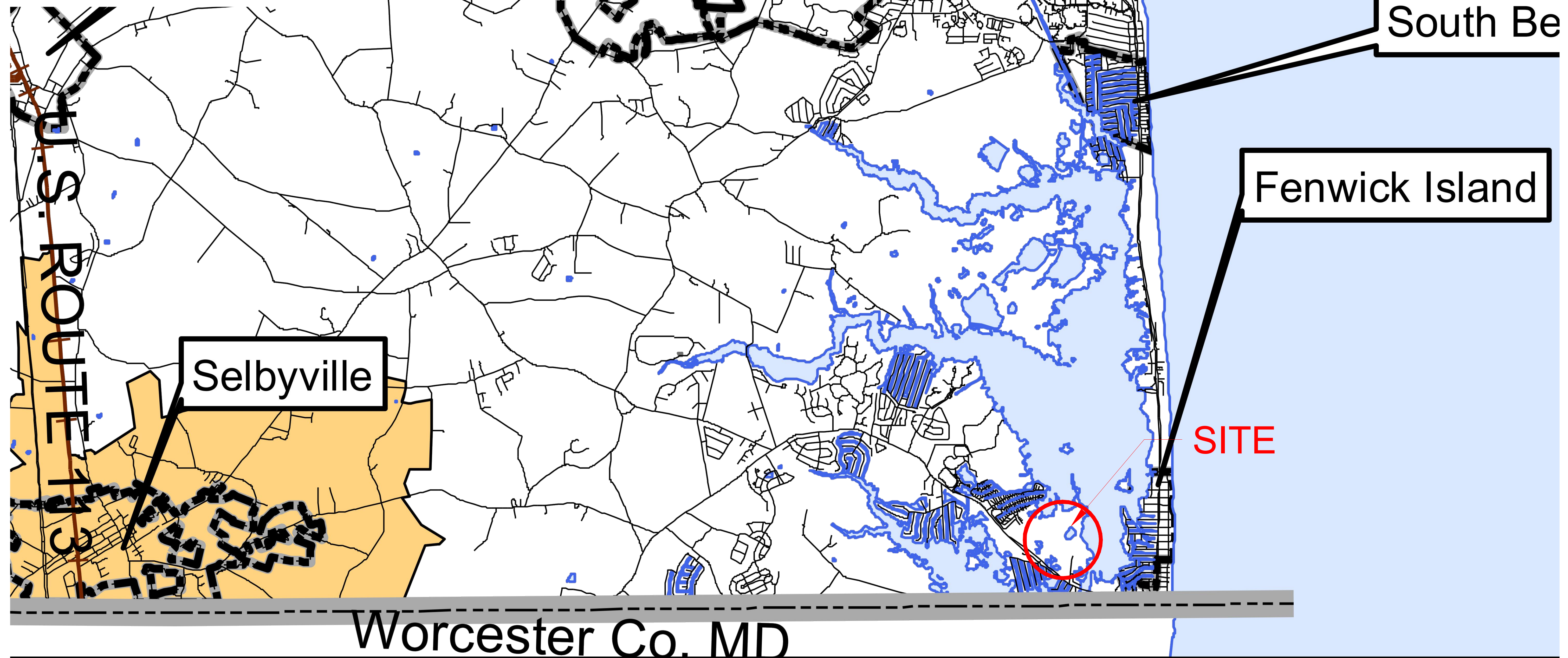
THE MARKETPLACE
AT BISHOP'S POINTE
FKA CANNON PROPERTY
SUSSEX COUNTY, DELAWARE

SCALE : NO SCALE	SHEET NO. XX
DESIGN BY :	
DRAWN BY :	
CHECKED BY :	
GWB FILE : 180022-B	
DATE : MAR 2020	

XX



1. This map shows areas that have been granted Certificates of Public Convenience and Necessity for Centralized Wastewater Systems by the Delaware Public Service Commission, as of December 2007.
2. Many of these areas are not currently served by central sewer systems, but are approved for service in the future.
3. Please also see County Wastewater Service Areas Map.



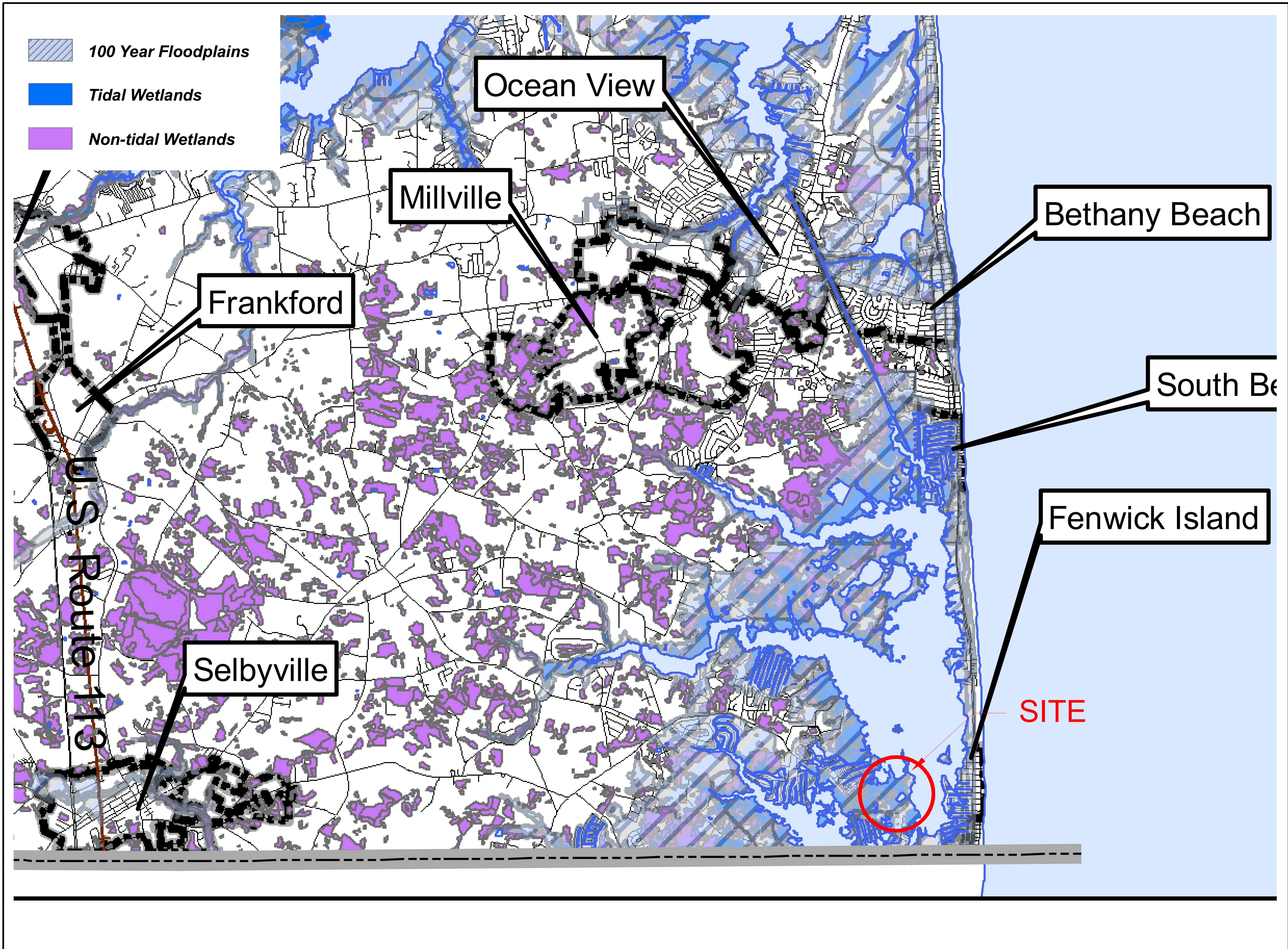
PRINTS ISSUED FOR: DRAWINGS STAGE					
DATE					
REVISIONS					
NO.					

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY, MARYLAND 21801
206 WEST STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

THE MARKETPLACE
AT BISHOP'S POINTE
FKA CANNON PROPERTY
SUSSEX COUNTY, DELAWARE

WASTEWATER
CPCN MAP

SCALE : NO SCALE	SHEET NO.
DESIGN BY :	
DRAWN BY :	
CHECKED BY :	XX
GMB FILE : 180022-B	
DATE : MAR 2020	



-  100 Year Floodplains
-  Tidal Wetlands
-  Non-tidal Wetlands

Ocean View

Millville

Frankford

Bethany Beach

South Beach

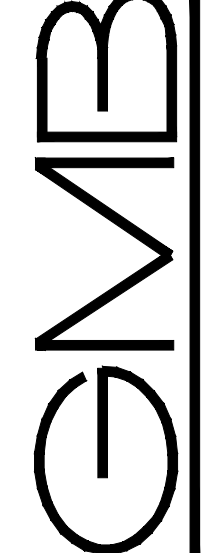
Fenwick Island

SITE

Selbyville

U.S. Route 113

G:\Projects\2018\180022-B Cannon Commercial Hotel and Restaurant\Drawings\CAD\Site\180022-B Cannon Commercial Hotel and Restaurant.dwg, 3/7/2020 1:58 PM, London Myrick

PRINTS ISSUED FOR: DRAWINGS STAGE	
DATE	
REVISIONS	
NO.	
 GEORGE, MILES & BUHR, LLC ARCHITECTS & ENGINEERS SALISBURY • BALTIMORE • SEAFORD 206 WEST MAIN STREET SALISBURY, MARYLAND 21801 410-742-3115, FAX 410-548-5790 www.gmbnet.com	
THE MARKETPLACE AT BISHOP'S POINTE FKA CANNON PROPERTY SUSSEX COUNTY, DELAWARE	
FLOODPLAINS & WETLANDS	
SCALE : NO SCALE	SHEET NO.
DESIGN BY :	XX
DRAWN BY :	
CHECKED BY :	
GMB FILE : 180022-B	
DATE : MAR 2020	
© COPYRIGHT 2020 GEORGE, MILES & BUHR, LLC	

