

PLANNING & ZONING COMMISSION

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Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date October 8th, 2020

Application: CU 2234 Tidewater Utilities, Inc

Applicant/Owner: Tidewater Utilities, Inc
1100 South Little Creek Road
Dover, DE 19901

Site Location: 1270 Kings Highway. Located on the southeast side of John J. Williams Highway (Rt. 24) approximately 1.52 miles southwest of Coastal Highway (Route 1)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Elevated Storage Tank

Comprehensive Land
Use Plan Reference: Commercial

Councilmatic
District: Mr. Hudson

School District: Cape Henlopen School District

Fire District: Rehoboth Fire Company

Sewer: Tier 2 - Sussex County Planning Area

Water: Tidewater Utilities

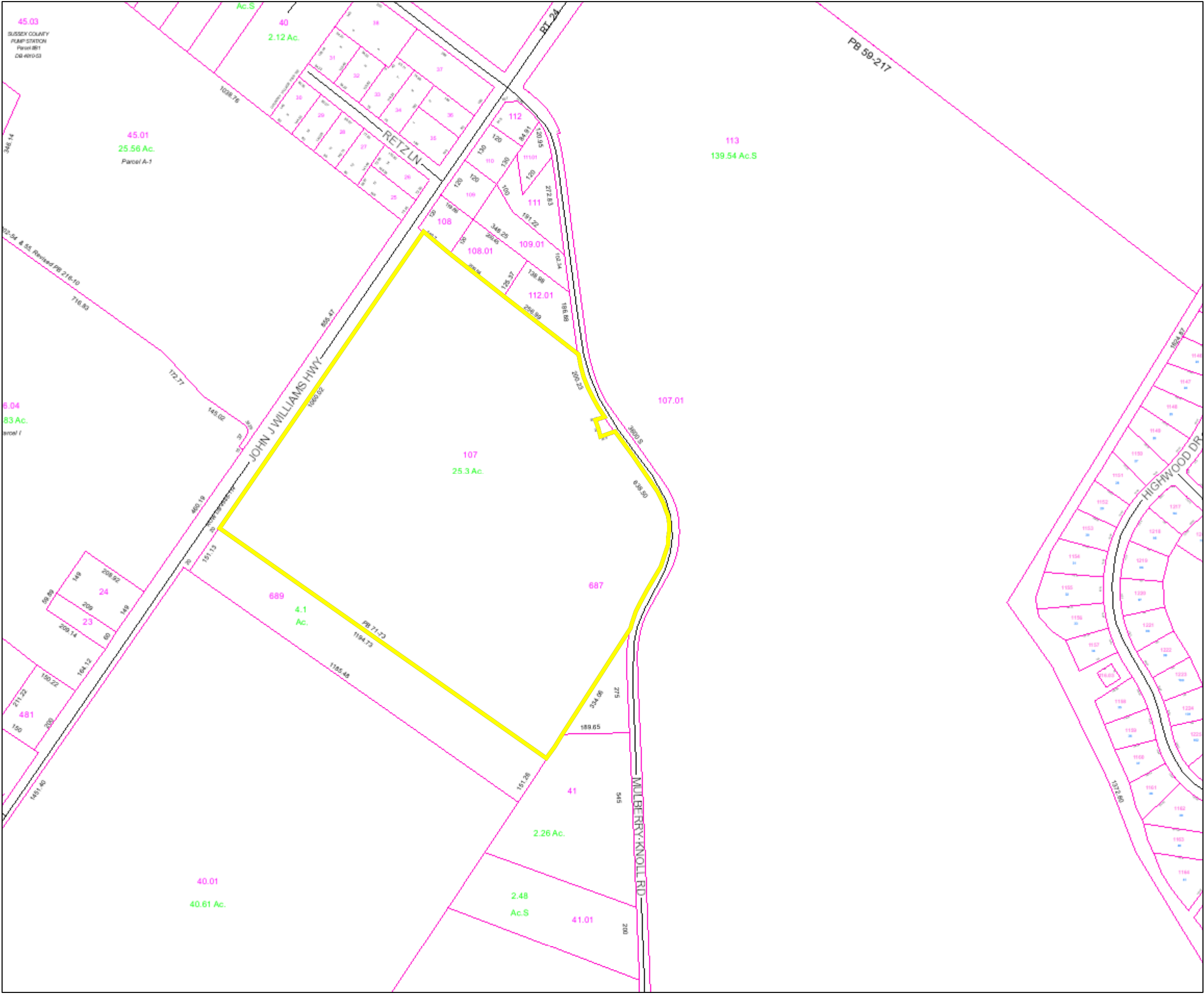
Site Area: 2124 Square Feet +/-

Tax Map ID.: 334-12.00-107.00 (Portion of)





Sussex County



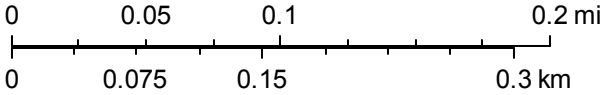
PIN:	334-12.00-107.00	
Owner Name	CAPE	HENLOPEN
	SCHOOL DISTRICT	
Book	2549	
Mailing Address	1270 KINGS HWY	
City	LEWES	
State	DE	
Description	ON RD 24	
Description 2	CAPE HENLOPEN MIDDLE	
Description 3	SCHOOL 2759700	
Land Code		

- polygonLayer

Override 1
- polygonLayer

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

1:4,514





Sussex County





PIN:	334-12.00-107.00	
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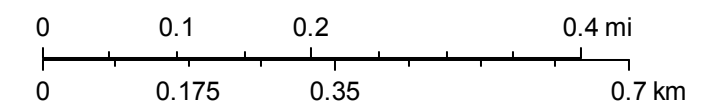
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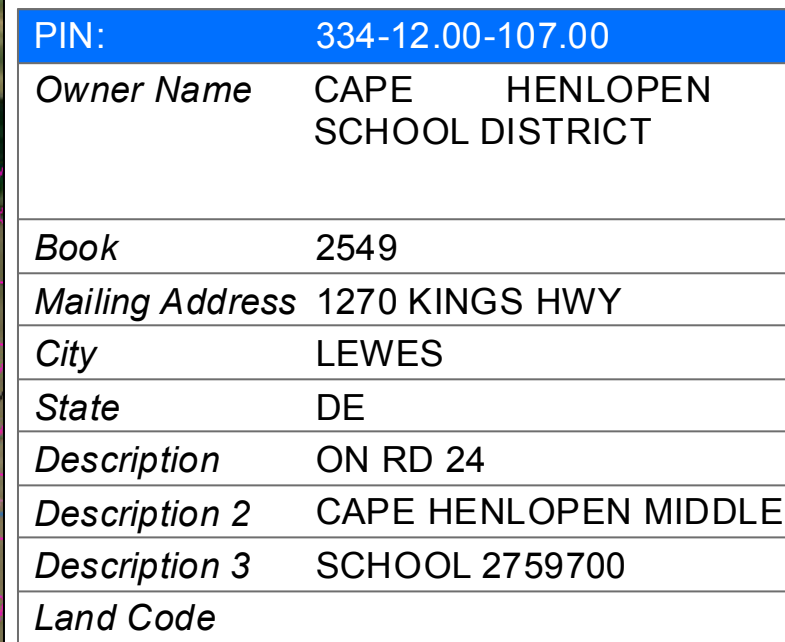
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Override 1

-  Tax Parcels
-  Streets

1:9,028





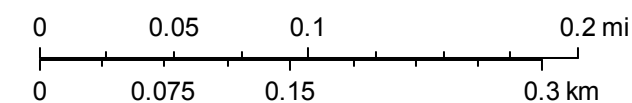
Override 1

Override 1

— Streets

 Municipal Boundaries

1:4,514



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: Jennifer Norwood, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 1, 2020
RE: Staff Analysis for CU 2240 Tidewater Utilities LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2240 Tidewater Utilities, LLC to be reviewed during the October 8, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 334-12.00-107.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a public utility elevated storage tank. The parcel is located on the southeast side of John J. Williams Hwy (Rt.24) in Lewes, Delaware. The size of the property is approximately 2,124 SF +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a Commercial designation. The adjacent properties in each direction are also a part of the Commercial and Coastal Area.

The Commercial Area is designated to encourage commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. The Coastal Area is designated to encourage growth and development without diminishing ecological and environmental characteristics.

This parcel is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the north, south, east and west of the parcel are zoned Agricultural Residential (AR-1) Zoning District.

Since 2011, there has been one (1) Conditional Use application in a one-mile radius. Conditional Use 2059, to allow for a beauty salon, was approved by County Council on October 25, 2016 and adopted through Ordinance No. 2478.

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



File #: CU 2240
202008884

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

JUL 21 2020

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

Site Address of Conditional Use/Zoning Map Amendment

(Beacon Middle School) 19483 John J. Williams Highway, Lewes, Delaware 19958

Type of Conditional Use Requested:

Public utility; installation of an elevated storage tank

Tax Map #: 334-12.00-107.00

Size of Parcel(s): 29.23 AC

Current Zoning: AR-1

Proposed Zoning: AR-1

Size of Building: 2,124 SF (tank base)

Land Use Classification: Institutional/Governmental

Water Provider: Tidewater Utilities, Inc.

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Tidewater Utilities, Inc.

Applicant Address: 1100 South Little Creek Road

City: Dover

State: DE

Zip Code: 19901

Phone #: (302) 747-1306

E-mail: gcoury@middlesexwater.com

Owner Information

Owner Name: Cape Henlopen School District

Owner Address: 1270 Kings Highway

City: Lewes

State: DE

Zip Code: 19958

Phone #: (302) 645-1442

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Beacon Engineering, LLC

Agent/Attorney/Engineer Address: 23318 Cedar Lane

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 864-8825

E-mail: rpalmer@beaconengineeringllc.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

✓ **Completed Application**

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

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

✓ **Provide Fee \$500.00**

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

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

✓ **DeIDOT Service Level Evaluation Request Response**


N/A **PLUS Response Letter** (if required)

SLER was applied for on July 2, 2020. We will provide the County with a response once we receive it from DeIDOT.

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: 7/17/2020

Signature of Owner



Date: 7/13/20

For office use only:

Date Submitted: 7/21/20

Staff accepting application: NT

Location of property: _____

Fee: \$500.00 Check #: 10246133

Application & Case #: CU2240

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

July 30, 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 **Tidewater Utilities, Inc.** conditional use application, which we received on July 2, 2020. This application is for an approximately 25.3-acre parcel (Tax Parcel: 334-12.00-107.00). The subject land is located on the southeast side of Delaware Route 24, approximately 500 feet southwest of the intersection of Delaware Route 24 and Mulberry Knoll Road (Sussex Road 284). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to install an elevated storage tank onsite at the Beacon Middle School to serve the south Rehoboth area.

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

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

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



Mr. Jamie Whitehouse
Page 2 of 2
July 30, 2020

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **9/21/2020**

APPLICATION: **CU 2240 Tidewater Utilities, Inc**

RECEIVED

APPLICANT: **Tidewater Utilities, Inc**

OCT 01 2020

FILE NO: **NCPA-5.03**

SUSSEX COUNTY
PLANNING & ZONING

TAX MAP &
PARCEL(S): **334-12.00-107.00 (portion of)**

LOCATION: **Located on the southeast side of John J. Williams Highway
(Rt. 24), approximately 1.52 miles southwest of Coastal
Highway (SR 1)**

NO. OF UNITS: **Elevated Water Storage Tank**

GROSS
ACREAGE: **2,124 sq. ft.**

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

SEWER:

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

Yes ☐

No ☒

a. If yes, see question (2).

b. If no, see question (7).

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

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

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

- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **No** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

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

☒ 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? **Yes**

(8). Comments: **Sussex County has a pumpstation and forcemain contract permitted by DNREC for construction of sewer improvements in the area. Construction is scheduled to begin early 2021 coordination of the project and utilities is required. The proposed project is on a parcel that is currently served with Sussex County sewer through a Memorandum of Understanding.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
Christine Fletcher



Cape Henlopen School District

Lenny C. Richardson
Supervisor of Facilities
lenny.richardson@cape.k12.de.us

Cape Henlopen School District
1270 Kings Highway, Lewes, DE 19958
Phone 302.644.6314
Fax 302.644.7915

To the Planning and Zoning Committee of Sussex County

This correspondence from the Cape Henlopen School District is to promise our continued cooperation for the water tower project being presented by Tidewater (TUI). Since the summer of 2019, when we were first approached to revive the agreement signed when Beacon Middle School was erected, we have been working with Tidewater to make this project happen.

We were able to locate the original agreements and two other attempts to move forward with this project in 2010 and 2012. We are not sure why they were not carried out, but we are prepared to make it work this time. Tidewater has made some edits to the plans and scheduling to be the least invasive to our school should this project be approved.

If there are any questions you may have, feel free to contact me by email (lenny.richardson@cape.k12.de.us) or on my cell phone (302-228-2530).

Thank you

Lenny C. Richardson

The Cape Henlopen School District is an equal opportunity employer and does not discriminate on the basis of race, color, creed, religion, gender (including pregnancy, childbirth and related medical conditions), national origin, citizenship or ancestry, age, disability, marital status, veteran status, genetic information, sexual orientation, or gender identity, against victims of domestic violence, sexual offenses, or stalking, or upon any other categories protected by federal, state, or local law. (El Distrito Escolar Cape Henlopen ofrece oportunidades iguales de empleo y sin discriminación de raza, color, credo, religión, género (incluyendo embarazo, parto y sus condiciones médicas), nacionalidad, ciudadanía o ascendencia, edad, discapacidad, estado civil, servicio military(veterano), información genética, orientación sexual, o identidad de género, en contra de víctimas de violencia doméstica, ofensas sexuales, acoso, o bajo cualquier otra categoría protegida por la ley local, estatal, y federal.) Edward I. Waples, Employee/Student Compliance Officer; OCR/Title IX/504 Office of Human Resources; LouAnn Hudson, Student 504 Compliance Officer, 1270 Kings Highway, Lewes, DE 19958.

CONDITIONAL USE APPLICATION No. 2240

PROJECT NO. TUI01-02

**Exhibit Booklet
Proposed Elevated Storage Tank**

**On the site of Beacon Middle School
19483 John J. Williams Highway
Lewes & Rehoboth Hundred
Sussex County, Delaware**

Prepared by:

Beacon Engineering, LLC
23318 Cedar Lane
Georgetown, Delaware 19947

Robert J. Palmer, P.E.
302.864.8825

Prepared for:

Tidewater Utilities, Inc.
1100 South Little Creek Road
Dover, Delaware 19901

Mr. Gregory L. Coury
302.734.7500



September 28, 2020

Table of Contents

- I. Introduction
- II. Environmental Assessment and Public Facility Evaluation
- III. Support Documentation and Exhibits
 - a. Deed
 - b. Legal Description and Exhibit of Conditional Use Area Requested
 - c. Site Photos
 - d. Investment Level State Strategies Map
 - e. Preliminary Site Plan
 - f. Service Level Evaluation Request Response

I. Introduction

II. Environmental Assessment and Public Facility Evaluation

I. Introduction

This request is for a Conditional Use to permit the construction of an elevated storage tank for Tidewater Utilities, Inc., a public utility, to be located between an existing middle school and Mulberry Knoll Road on the subject property. In particular, the elevated storage tank would be for the purpose of expanding the capacity of the existing Rehoboth District which will further improve the level of water service for the unincorporated areas surrounding Lewes and Rehoboth in Sussex County.

The 29.23 acre property, belonging to the Cape Henlopen School District, is the site of the Beacon Middle School, located approximately 1,400 feet southeast of the intersection of John J. Williams Highway (Route 24) and Mulberry Knoll Road (SCR #284). The location of the elevated storage tank would be defined by a permanent easement, totaling approximately 14,125 SF. The legal description is provided in Exhibit III. b. The parcel is bound by John J. Williams Highway, to the west, Mulberry Knoll road to the north and east, with agriculture and single family residential to the north, east, and south. The property is zoned AR-1 and is situated within the Coastal Area of Sussex County. The property is designated as Commercial based the 2019 Future Land Use layer of the Sussex County Mapping and Addressing online application, and is within a Commercial Area per the 2018 Sussex County Comprehensive Plan 2045 Future Land Use Map.

The setting of the region is primarily residential with intermittent agriculture and wooded lots. The tank location is approximately 1.5 miles south of the Route 1 corridor, which is primarily developed with various commercial uses. Exhibit III. c. depicts the site of the proposed elevated storage tank location from various surrounding viewpoints which demonstrates that granting of this conditional use will not be disruptive to the existing character of the surrounding area.

The proposed elevated storage tank will be accessed from Mulberry Knoll Road which is designated as a local road per DelDOT's Functional Classification Map. This site is an unmanned facility and will generate zero traffic impact to the existing road network. In the DelDOT Service Level Evaluation Request response that is presented in Exhibit III. f., DelDOT anticipates minimal increase in traffic associated with the project and determined the impact negligible. The property lies within a Level 2 Investment Area according to the 2020 Investment Level State Strategies Map. Refer to Exhibit III. d. According to the 2020 State Strategies for Policies and Spending, "Level 2 areas can be composed of less developed areas within municipalities, [and] rapidly growing areas in the counties that have or will have public water and wastewater services and utilities..." Areas designated as Level 2 are intended to promote a variety of uses, and enhance the existing, surrounding communities; therefore, Tidewater Utilities' desire to increase the water system capacity and further improve the level of water service through the construction of this proposed elevated storage tank is in harmony with the development goals for this property and region.

The property would be served by the following infrastructure:

- DelDOT – The SLER found in Exhibit III. f. indicates "...the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application." A letter of no

contention/permit for entrance construction is being proposed for the approval mechanism which is in harmony with the existing Sussex County Pump station located 190 feet north of the proposed site driveway.

- DNREC Sediment and Stormwater Program. A non-residential standard plan for less than 1.0 acre disturbed is the proposed approval mechanism. The project is consistent with the following applicability criteria:
 1. The disturbed area for construction of the improvements will not exceed 1.0 acre.
 2. Within the disturbed area, the pre-development land use is not classified as forest.
 3. For project site locations within an area previously managed for stormwater quantity and quality under an approved Sediment and Stormwater Plan, the post construction condition meets the original stormwater design criteria.
- Water Service –Tidewater Utilities, Inc. No service is proposed.
- Wastewater Service – Sussex County. No service is proposed.

II. Environmental Assessment and Public Facility Evaluation

- (a) Proposed drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.

Narrative: Minimal land disturbance is proposed, and the existing, approved sediment and stormwater design will remain unchanged. A culvert is proposed beneath the proposed driveway to allow the existing runoff patterns to match pre-construction conditions. The proposed elevated storage tank will add approximately 4,600 square feet of impervious area to the 29.23 acre parcel.

- (b) Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.

Narrative: The property and environs are served by Tidewater Utilities, Inc. No water service is proposed to this facility because it is an unmanned facility and will, therefore, not incur a water demand increase. The purpose of this property would be to expand the system capacity and further improve the existing level of water service.

- (c) Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.

Narrative: The property is served by Sussex County; however, no service connection is proposed or required for the proposed elevated storage tank because the facility would be unmanned. No effect on quality of groundwater or surface waters is anticipated.

- (d) Analysis of the increase in traffic and the effect on the surrounding roadway system.

Narrative: The DelDOT planning staff estimated that the proposed elevated storage tank will increase the site average daily trips (ADT) by fewer than 50 trips per day. According to the Service Level Evaluation Request Response included in Exhibit III. f., DelDOT considers the increase "... to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application." Because this facility would be unmanned, zero traffic will be generated.

- (e) The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.

Narrative: According to the U.S. Fish & Wildlife Service Information for Planning and Consultation (iPaC) website, there are no federally listed threatened species. Of the 18 migratory bird species of conservation concern that are listed, 8 have been observed within the 10 km grid cell in which this project is located. No wildlife refuge lands, no fish hatcheries, and no wetland areas are present on the property, or within the 10 km grid cell in which this project is located. The parent property has been in continuous use as a middle school since approximately 2001.

While not ideal for operation and maintenance of the proposed elevated storage tank, bald eagles and osprey have been known to build nests on the roofs. Therefore, the tower could indirectly be a habitat improvement.

- (f) The preservation and protection from loss of any tidal or nontidal wetlands on the site.

Narrative: No tidal or nontidal wetlands are present on this property. Therefore, no tidal or nontidal wetlands will be affected by the requested Conditional Use.

- (g) Provisions for open space as defined in § 115-4.

Narrative: The main property is developed as a middle school and is surrounded by open turf areas. The portion of the property within the permanent easement totals 14,125 SF, (and will include 4,613 SF of impervious surface) which is approximately 1.1% of the total acreage.

- (h) A description of provisions for public and private infrastructure.

Narrative: The proposed conditional use would expand and improve the existing public water system infrastructure through the construction of the proposed elevated storage tank. Connection to the existing water main which runs along Mulberry Knoll Road and the addition of a fire hydrant are also proposed. No other public or private infrastructure is proposed.

- (i) Economic, recreational or other benefits.

Narrative: The proposed project will allow Tidewater Utilities, Inc. to increase the available system storage and provide an improved level of water service to existing customers, as well as, enable the expansion of service to new areas of the unincorporated area surrounding Lewes and Rehoboth.

- (j) The presence of any historic or cultural resources that are listed on the National Register of Historic Places.

Narrative: No historic or cultural resources are known to exist on the property. Should any historic or cultural resources be present, they would have been discovered and documented during the planning for the existing middle school.

- (k) An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.

Narrative: The proposed application for a Conditional Use is consistent with the 2018 Comprehensive Plan for the following reasons:

- The property is located in a Coastal Area which has been defined as one of the 7 types of growth areas.
- Expanded infrastructure supports the Level 2 Investment Area goals to accommodate continued residential and commercial development in the Coastal Area.
- Tidewater Utilities, Inc. is sited as the largest provider of water service in Sussex County and has been granted a Certificate of Public Convenience and Necessity (CPCN). The Public Service Commission grants the CPCNs, and “encourages compact and contiguous service territories to provide efficient delivery of drinking water without redundancy in infrastructure.” Construction of an elevated storage tank at this location is in harmony with the Rehoboth District CPCN.

- (l) Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan.

Narrative: All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the 2018 Comprehensive Plan.

III. Support Documentation and Exhibits

a. Deed

40048

02549 268

Tax Parcel #3-34-12.00-107.00 and Part of
#3-34-18.00-40.01

Prepared by and return to:
Morris, James, Hitchens & Williams LLP
222 Delaware Avenue
10th Floor
Wilmington, DE 19801
File No. 200101-0101

THIS DEED, made this 14th day of December, 2000,

BETWEEN J.G. Townsend, Jr. & Co., a Delaware corporation, party of the first part,

AND

Cape Henlopen School District, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN DOLLARS And 00/100 (\$10.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, its Successors and Assigns, its Successors and Assigns, in fee simple the following described lands, situate, lying and being Sussex County, State of Delaware,

ALL that certain piece, parcel and tract of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, and the State of Delaware, depicted on a survey prepared by Charles D Murphy Associates, Inc., dated December 11, 2000, fronting on the Southeasterly side of State Route 24 (at 50.00 feet wide), and on the Westerly side of County Road 284 (at fifty (50.00) feet wide), adjoining lands now or formerly of Thomas W. Bush et ux, lands now or formerly of Leroy O. Bush, lands now or formerly of Irene S. Murray, lands now or formerly of Albert G. Best, Trustee, and Parcel Two as shown on this Plan, and being more particularly bounded and described as follows, to-wit:

BEGINNING at a point on the Southeasterly right-of-way line of State Route 24, twenty-five (25.00) feet from the centerline thereof, and at the Northwesterly corner for lands now or formerly of Thomas W. Bush, et ux, said point being distant 469.00 feet, more or less, from the right-of-way line of County Road 284; thence running with said Bush lands, South 41 degrees 22 minutes 59 seconds East, passing over a found iron pipe at 1.43 feet, a total distance of 330.97 feet to a found iron pipe at a corner for lands now or formerly of Leroy O. Bush; thence running with said Leroy O. Bush lands, South 41 degrees 16 minutes 52 seconds East, passing over a found concrete monument 265.64 feet, a total distance of 271.56 feet to a set capped rebar on the Westerly right-of-way line of County Road 284; thence proceeding along said right-of-way line, the following five (5) courses and distances: (1) deflecting left along a 761.02 foot radius curve, the chord of which bears South 15 degrees 41 minutes 49 seconds East, 274.12 feet, an arc distance of 275.62 feet to a point of tangency; (2) South 26 degrees 04 minutes 20 seconds East, 52.90 feet to a point of curvature; (3) deflecting right along a 408.05 foot radius curve, the chord of which bears South 03 degrees 03 minutes 08 seconds West, 397.21 feet, an arc distance of 414.84 feet to a point of reverse curve; and (4) deflecting left along an 825.85 foot radius curve, the chord of which bears South 28 degrees 44 minutes 12 seconds West, 99.11 feet, an arc distance of 99.17 feet to a set capped rebar at a point on curve and a corner for lands now or formerly of Irene S. Murray; thence running with said Murray

County State Total
00 00 .00
Date: 12/18/2000
Consideration: .00

lands and in part with lands now or formerly of Alfred G. Best, Trustee, South 42 degrees 36 minutes 44 seconds West, 322.86 feet to a found iron pipe at a corner for Parcel Two (part of Tax Map Parcel 3-34-18-40.01); thence following said Parcel Two, North 45 degrees 01 minute 13 seconds West, 1,199.73 feet to a set capped rebar on the aforementioned Southeasterly right-of-way line of State Route 24; thence finally proceeding along said right-of-way line of Route 24, North 44 degrees 47 minutes 21 seconds East, 903.39 feet to the place of **BEGINNING**. Containing within said described metes and bounds, 25.6755 acres of land, be the same more or less.

SUBJECT to all matters of record, to the extent valid and enforceable.

BEING the same lands and premises which Ebe Roy Dorman and Arzie Dorman, by Deed dated November 16, 1945, of record in the Office of the Recorder of Deeds, in and for Sussex County and State of Delaware, in Deed Book 357, Page 356, did grant and convey unto J. G. Townsend, Jr. & Co., in fee.

ALSO BEING the same lands and premises which Mary Irma Ayers and Dudley A. Ayers, by Deed dated March 5, 1949, of record in the Office of the Recorder of Deeds aforesaid in Deed Book 387, Page 176, did grant and convey unto J. G. Townsend, Jr. & Co., in fee.

Parcel 2 (Part of Tax Map Parcel 3-34-18-40.01)

ALL that certain piece, parcel and tract of land, lying and being situate in the Lewes and Rehoboth Hundred, Sussex County and the State of Delaware, depicted on a survey prepared by Charles D. Murphy Associates, Inc., dated December 11, 2000, lying on the Southeasterly line of State Route 24 (at fifty (50) feet wide), adjoining Parcel One above described and lands now or formerly of Alfred G. Best, Trustee, and being more particularly bounded and described as follows to-wit:

BEGINNING at a point on aforementioned Southeasterly right-of-way line of State Route 24, twenty-five (25.00) feet from the centerline thereof, and at the Southwesterly corner of aforementioned Parcel One; thence running with said Parcel One, South 45 degrees 01 minute 13 seconds East 1,199.73 feet to a found iron pipe at a point on line of lands now or formerly of Alfred G. Best, Trustee; thence following line of said Best lands, South 42 degrees 36 minutes 44 seconds West, 156.76 feet to a set capped rebar at a corner for residual lands of J.G. Townsend, Jr. & Co.; thence following said other lands of J.G. Townsend, Jr., & Co.; North 45 degrees 01 minute 13 seconds West, 1,205.69 feet to set capped rebar on aforementioned Southeasterly right-of way line of State Route 24; thence finally running with said Southeasterly right-of-way line of State Route 24, North 44 degrees 47 minutes 21 seconds East, 156.63 feet to the place of **BEGINNING**. Containing within said described metes and bounds, 4.3245 acres of lands, be the same more or less.

SUBJECT to all matters of record, to the extent valid and enforceable.

BEING a part of the same lands and premises which James B. Dorman and Elconore K. Dorman, by Deed dated January 7, 1999, of record in the Office of the Recorder of Deeds, in and for Sussex County and State of Delaware, in Deed Book 2354, Page 76, did grant and convey unto J. G. Townsend, Jr. & Co., in fee.

02549 270

IN WITNESS WHEREOF, the said J.G. Townsend, Jr. & Co. has caused its name by Steven C. Nett, its President, to be hereunto set, and the common and corporate seal of the said corporation to be hereunto affixed, duly attested by its Secretary, the day and year first above written.

J.G. TOWNSEND, JR. & CO.

By: Steven C. Nett, President (SEAL)

Attest: Rebecca B. [unclear] (SEAL)

[Corporate Seal]

State of Delaware)
County of Sussex) S.S.

The foregoing Deed was acknowledged before me this 14th of December, 2000, by STEVEN C. NETT, President of J.G. Townsend, Jr. & Co., on behalf of the Corporation.

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

Received

DEC 19 2000

ASSESSMENT DIVISION
OF SUSSEX CTY.

RECORDER OF DEEDS
RICHARD M. [unclear]
90 DEC 18 PM 1:34
SUSSEX COUNTY
DOC. SURCHARGE PAID

[Signature]
Notary Public
Printed Name: _____
My Commission Expires: _____

EUGENE H. BAYARD, ESQ.
NOTARIAL OFFICER PURSUANT TO
29 DEL. CODE SECT. 4323
ATTORNEY AT LAW
DELAWARE

Received

DEC 19 2000

ASSESSMENT DIVISION
OF SUSSEX CTY.

**b. Legal Description and Exhibit of Conditional Use Request
Area**

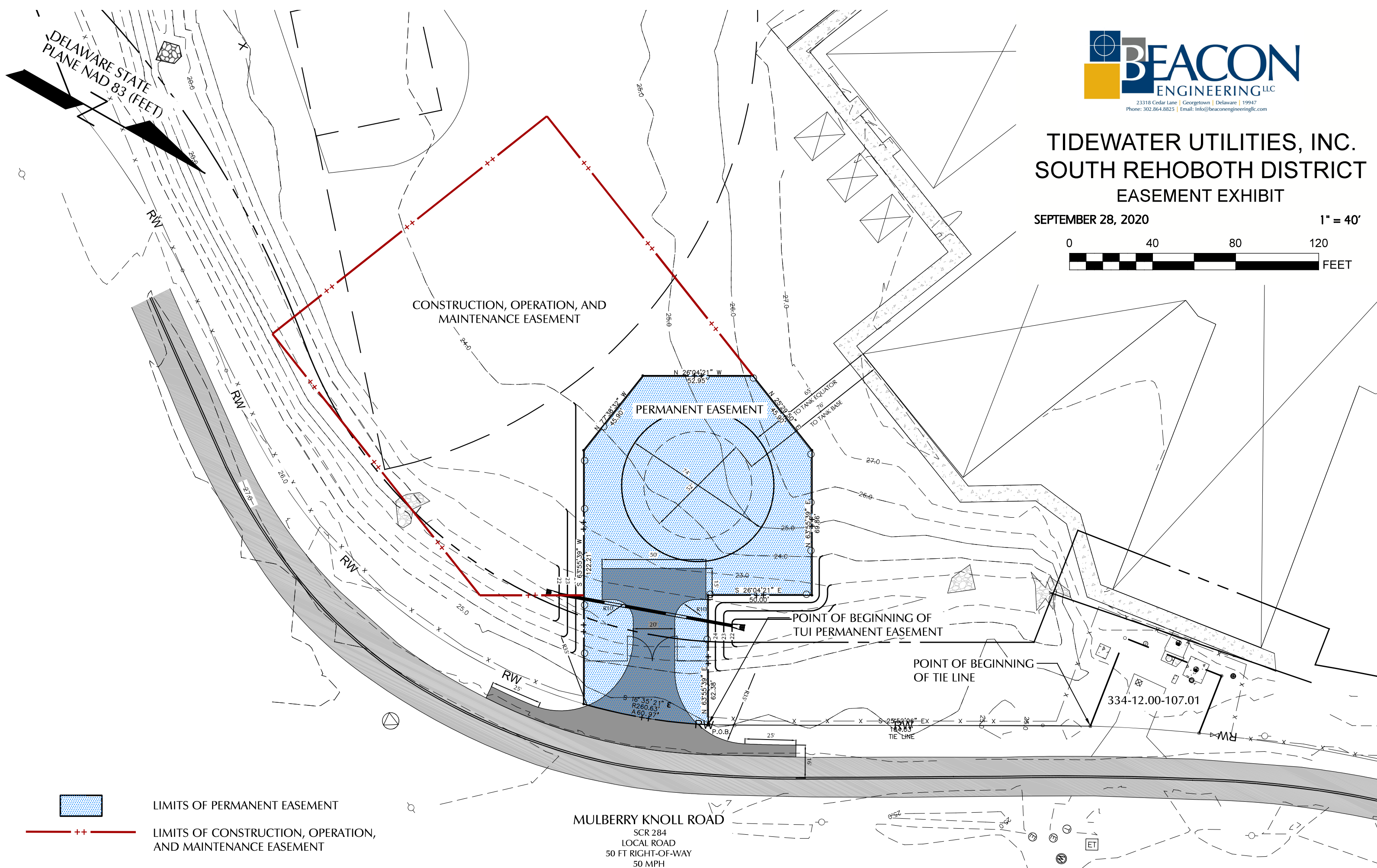
LEGAL DESCRIPTION
TIDEWATER UTILITIES, INC., PERMANENT EASEMENT
REFERENCE PARCEL: 334-12.00-107.00

BEGINNING AT A POINT found at the southeast corner of the lands of Sussex County, Tax Map No. 334-12.00 Parcel 107.01 (Sussex County Pump Station), and being a common marker between the lands of Sussex County and Cape Henlopen School District, the same corner lying on the northerly Right-of-Way of Mulberry Knoll Road (S.C.R. 286), along a tie line, running South 25 degrees 52 minutes 06 seconds East, 184.03 feet to a point, being along a curve deflecting to the right, having a chord bearing South 08 degrees 51 minutes 54 seconds West, a radius of 260.63 feet, and arc length of 317.86 feet, per the plat recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware, in Plot Book 71, page 73, to a place and point of beginning; thence running by and with said curve, with a chord bearing South 16 degrees 35 minutes 21 seconds East, having a radius of 260.63 feet, and an arc length of 60.97 feet to a point along the aforementioned curve; thence turning into the lands of the Cape Henlopen School District South 63 degrees 55 minutes 39 seconds West, and running 122.21 feet to a point; thence turning North 77 degrees 38 minutes 32 seconds West, and running 45.90 feet to a point; thence turning North 26 degrees 04 minutes 21 seconds West, and running 52.95 feet to a point; thence turning North 25 degrees 29 minutes 50 seconds East, and running 45.90 feet to a point; thence turning North 63 degrees 55 minutes 39 seconds East, and running 69.86 feet to a point; thence turning South 26 degrees 04 minutes 21 seconds East, and running 50.00 feet to a point; thence turning North 63 degrees 55 minutes 39 seconds East, and running 62.38 feet to the place and point of beginning, containing 14,125 square feet of land, more or less.

TIDEWATER UTILITIES, INC. SOUTH REHOBOTH DISTRICT EASEMENT EXHIBIT

SEPTEMBER 28, 2020

1" = 40'



LIMITS OF PERMANENT EASEMENT



LIMITS OF CONSTRUCTION, OPERATION,
AND MAINTENANCE EASEMENT

c. Site Photos



1. Looking from existing ballfield, north towards proposed elevated storage tank location.



2. Looking northwest past the proposed elevated storage tank location, west of Mulberry Knoll Road.



3. Looking southeast toward the proposed elevated storage tank location from Beacon Middle School.



4. Looking northeast towards the proposed elevated storage tank location from Beacon Middle School.



5. Looking northwest toward the proposed elevated storage tank location from Mulberry Knoll Road.



6. Looking southwest towards the proposed elevated storage tank location from Mulberry Knoll Road.



7. Site example showing the elevated storage tank proximity to The Breakers Hotel and 2nd Street, in Rehoboth Beach.



8. Site example showing the elevated storage tank proximity to The Breakers Hotel, Sandcastle Motel, and the Rehoboth Beach City Hall parking lot.



9. Site example showing the water spheroid view from the entrance of Rehoboth Beach City Hall.



10. Site example looking west towards the water spheroid from the intersection of 1st Street and Baltimore Avenue, in Rehoboth Beach.



11. Site example looking west towards the water spheroid on Baltimore Avenue between the Admiral on Baltimore and the Sands Hotels, in Rehoboth Beach.



12. Site example looking north towards the water spheroid from Rehoboth Avenue, in Rehoboth Beach.



13. Example of existing Tidewater Utilities, Inc. elevated storage tank with approved DeIDOT entrance.

d. Investment Level State Strategies Map



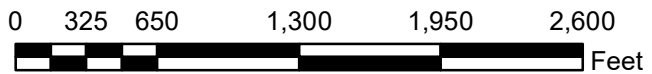
Legend

Delaware State Strategies 2020

	1
	2
	3
	4
	Out of Play



Tidewater Utilities, Inc.
Elevated Storage Tank
Lewes & Rehoboth Hundred
Sussex County, Delaware



This map is provided by Beacon Engineering, LLC solely for display and reference purposes and was prepared using publically available data. No guarantee, either real or assumed, as to the absolute accuracy or precision of any data contained herein is made.

September 25, 2020
TUI01-02



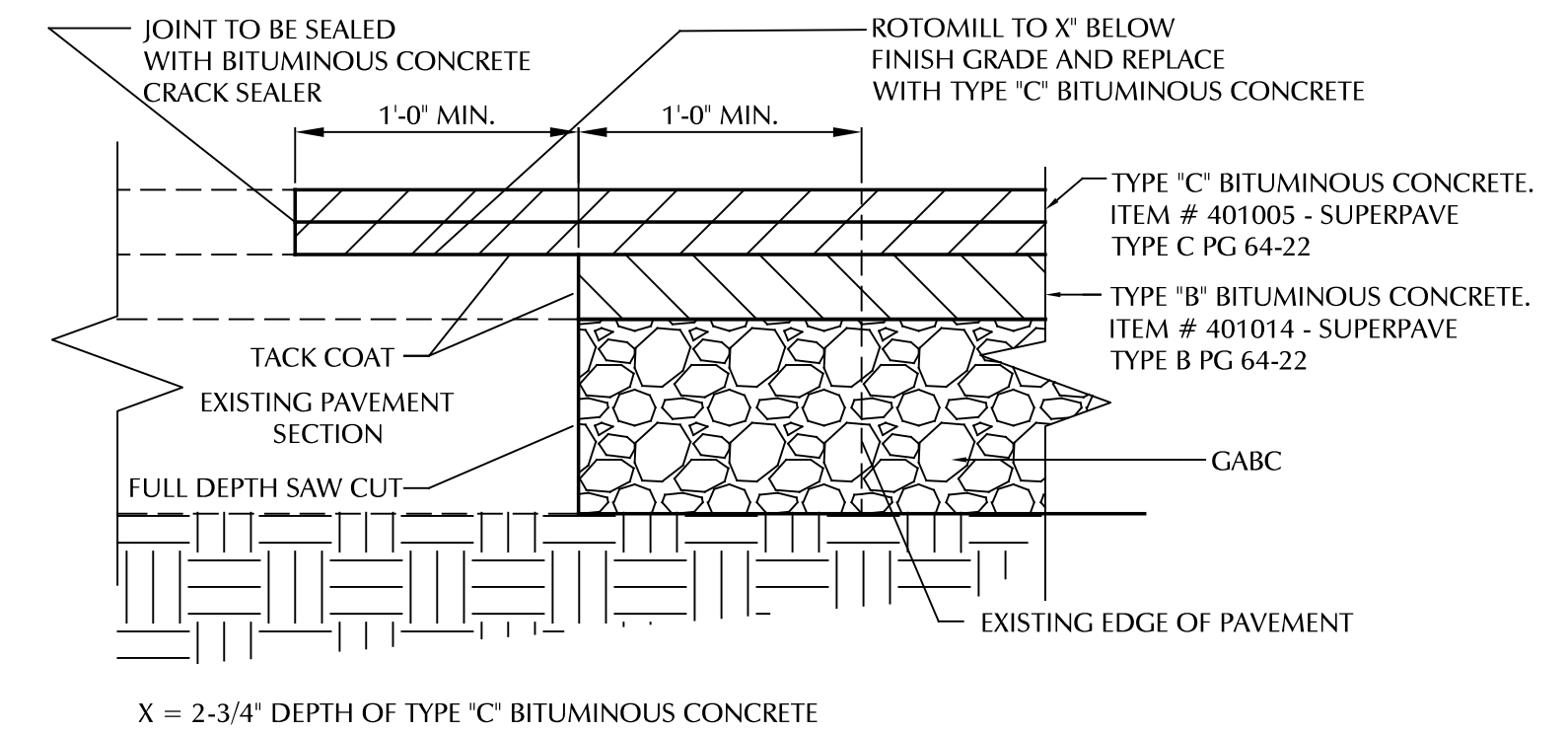
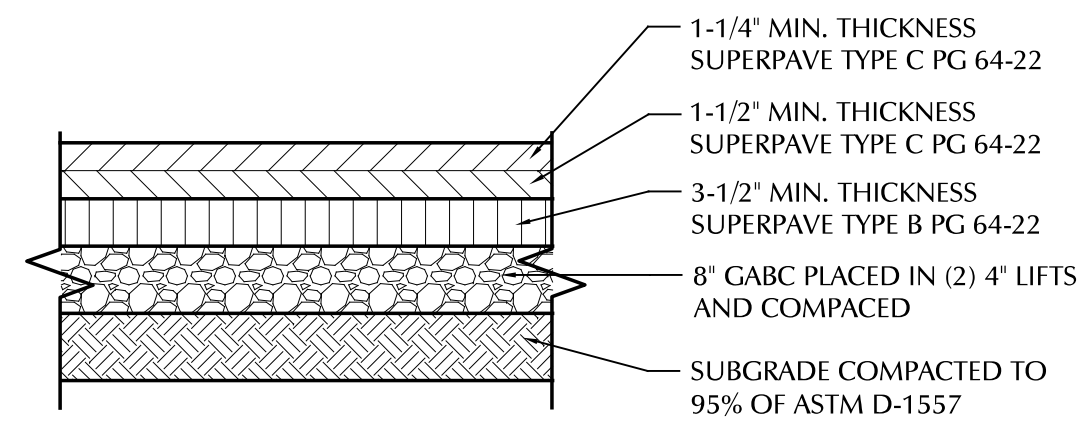
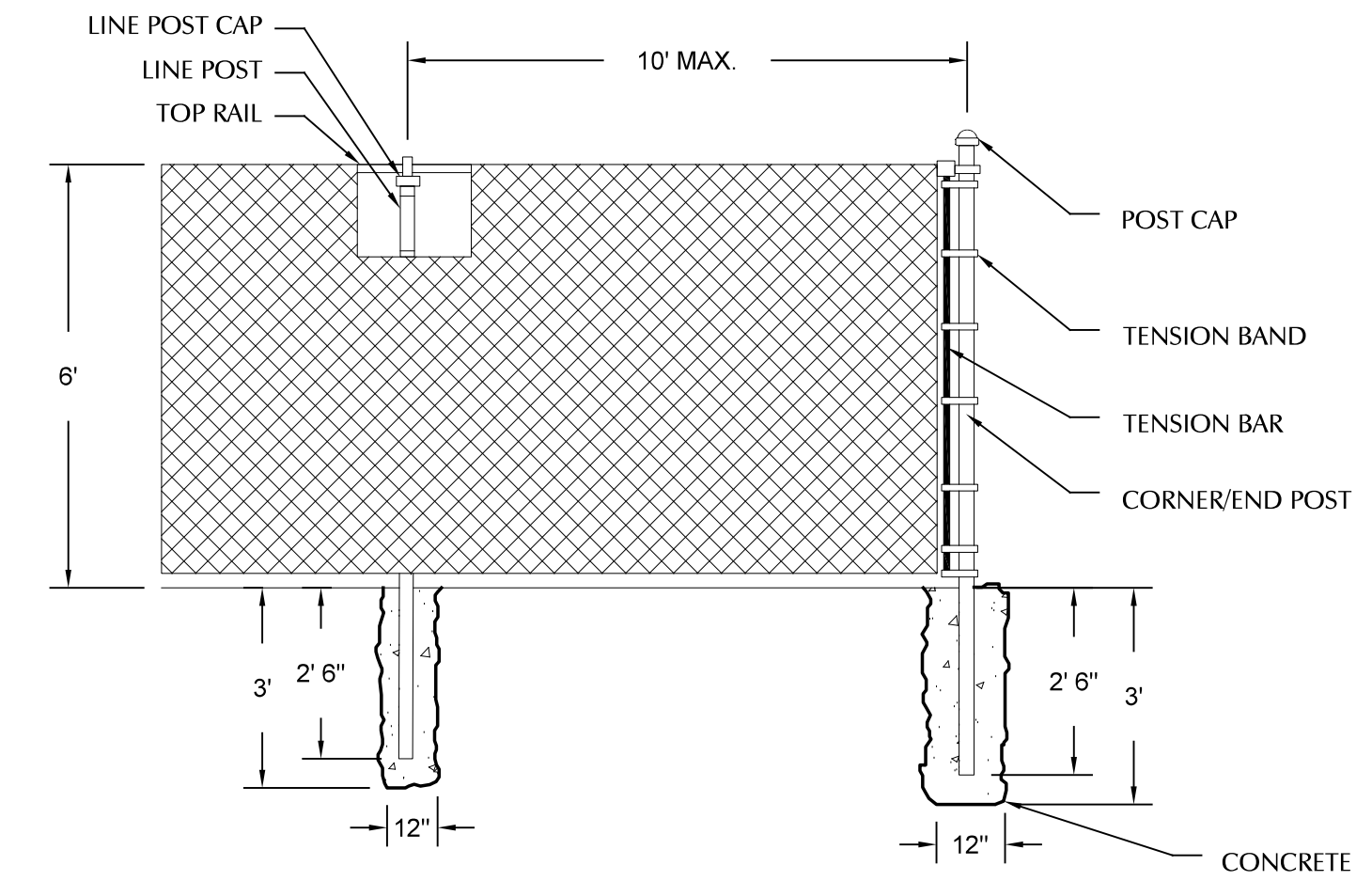
e. Preliminary Site Plan



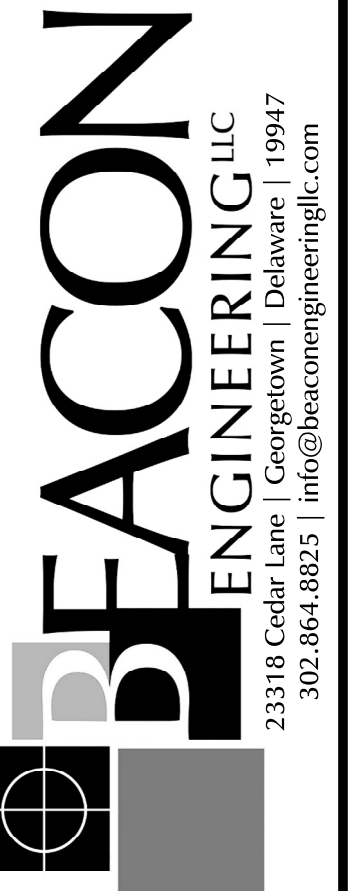


6 FT HIGH CHAIN LINK DOUBLE GATE BY
HOOVER FENCE COMPANY (1-800-355-2335)
OR APPROVED EQUAL.

24 FT WIDE DOUBLE LEAF SWING GATE



Seal:

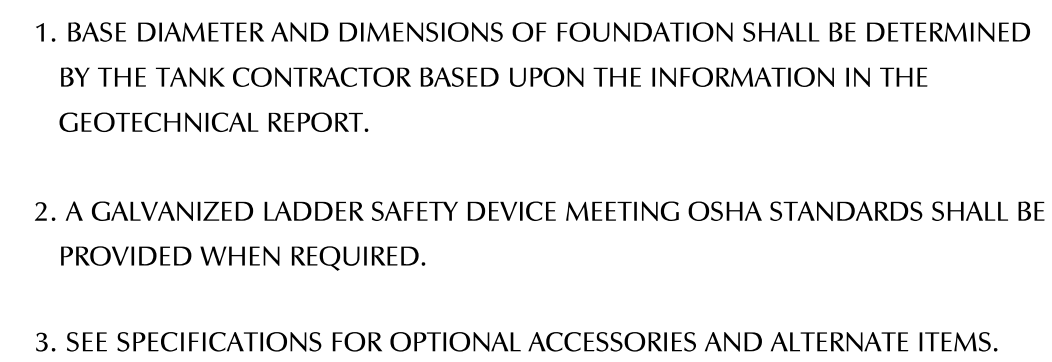
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**ELEVATED STORAGE TANK
TIDEWATER UTILITIES - REHOBOTH DISTRICT
HERRING CREEK-REHOBOTH BAY WATERSHED
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE
TAX MAP #334-12.00-107.00**

Date:	JUL 17, 2020
Scale:	NO SCALE
Dwn.By:	SKM
Proj.No.:	TUI01-02

Fig. No.:

CD1.1



Dwg. No.:

CD1.2

f. Service Level Evaluation Request Response



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

JENNIFER COHAN
SECRETARY

July 30, 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 **Tidewater Utilities, Inc.** conditional use application, which we received on July 2, 2020. This application is for an approximately 25.3-acre parcel (Tax Parcel: 334-12.00-107.00). The subject land is located on the southeast side of Delaware Route 24, approximately 500 feet southwest of the intersection of Delaware Route 24 and Mulberry Knoll Road (Sussex Road 284). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to install an elevated storage tank onsite at the Beacon Middle School to serve the south Rehoboth area.

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

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

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



Mr. Jamie Whitehouse

Page 2 of 2

July 30, 2020

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

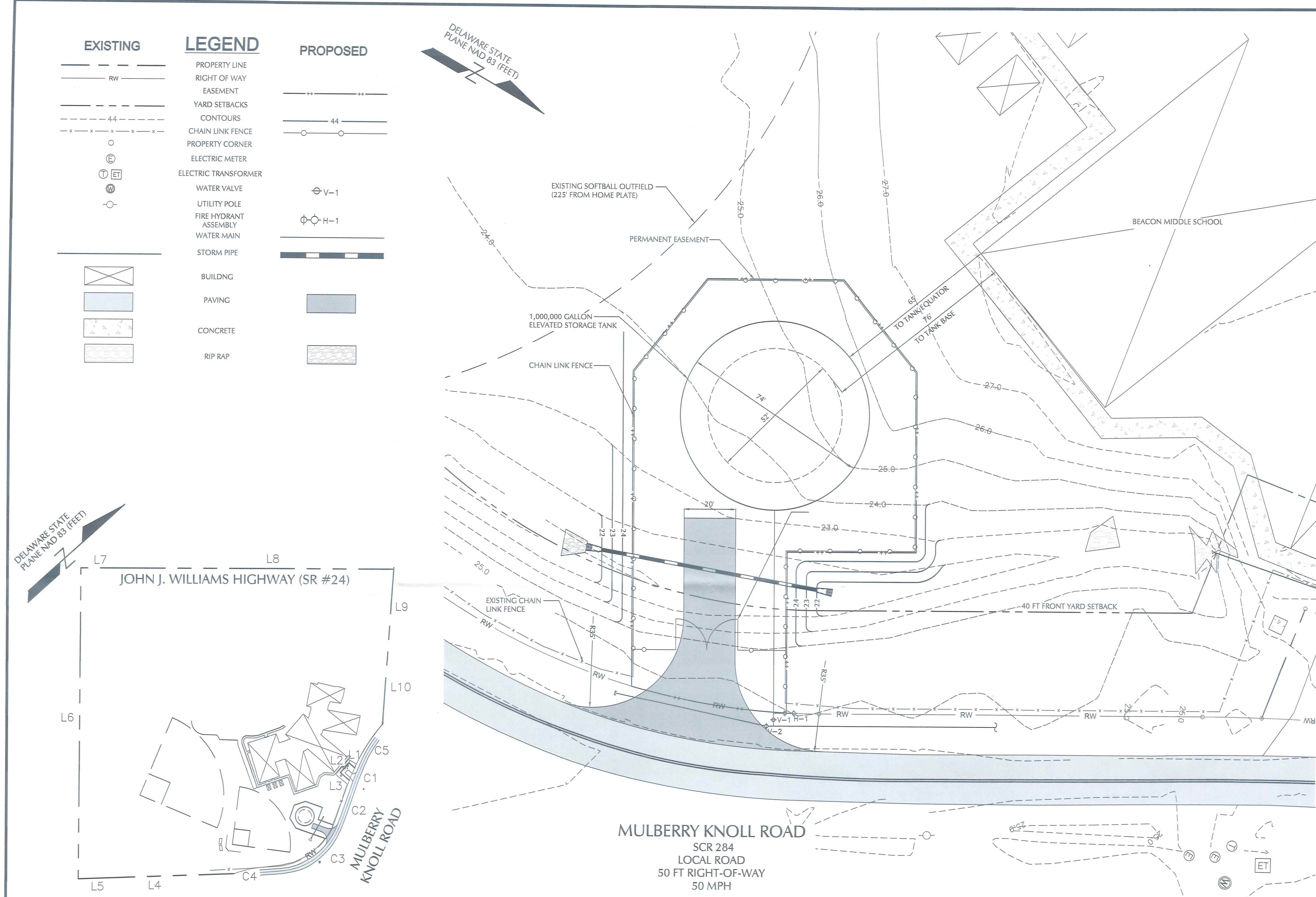
Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Tidewater Utilities, Inc., 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



DELAWARE STATE
PLANE NAD 83 (FEET)

DELAWARE STATE
PLANE NAD 83 (FEET)

EXISTING

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LEGEND
PROPERTY LINE
RIGHT OF WAY
EASEMENT
YARD SETBACKS
CONTOURS
CHAIN LINK FENCE
PROPERTY CORNER
ELECTRIC METER
ELECTRIC TRANSFORMER
WATER VALVE
UTILITY POLE
FIRE HYDRANT
ASSEMBLY
WATER MAIN
STORM PIPE

BUILDING
PAVING
CONCRETE
RIP RAP

PROPOSED

- - - - -
44

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V-1

P

H-1

W

S

LINE	BEARING	DISTANCE
L1	S 85°19'48" W	29.84'
L2	S 04°40'20" E	50.00'
L3	N 85°19'48" E	45.60'
L4	S 42°36'44" W	452.26'
L5	S 42°36'44" W	151.26'
L6	N 45°01'13" W	1205.48'
L7	N 44°47'20" E	151.13'
L8	N 44°47'20" E	1060.02'
L9	S 41°22'58" E	330.97'
L10	S 41°16'20" E	271.56'

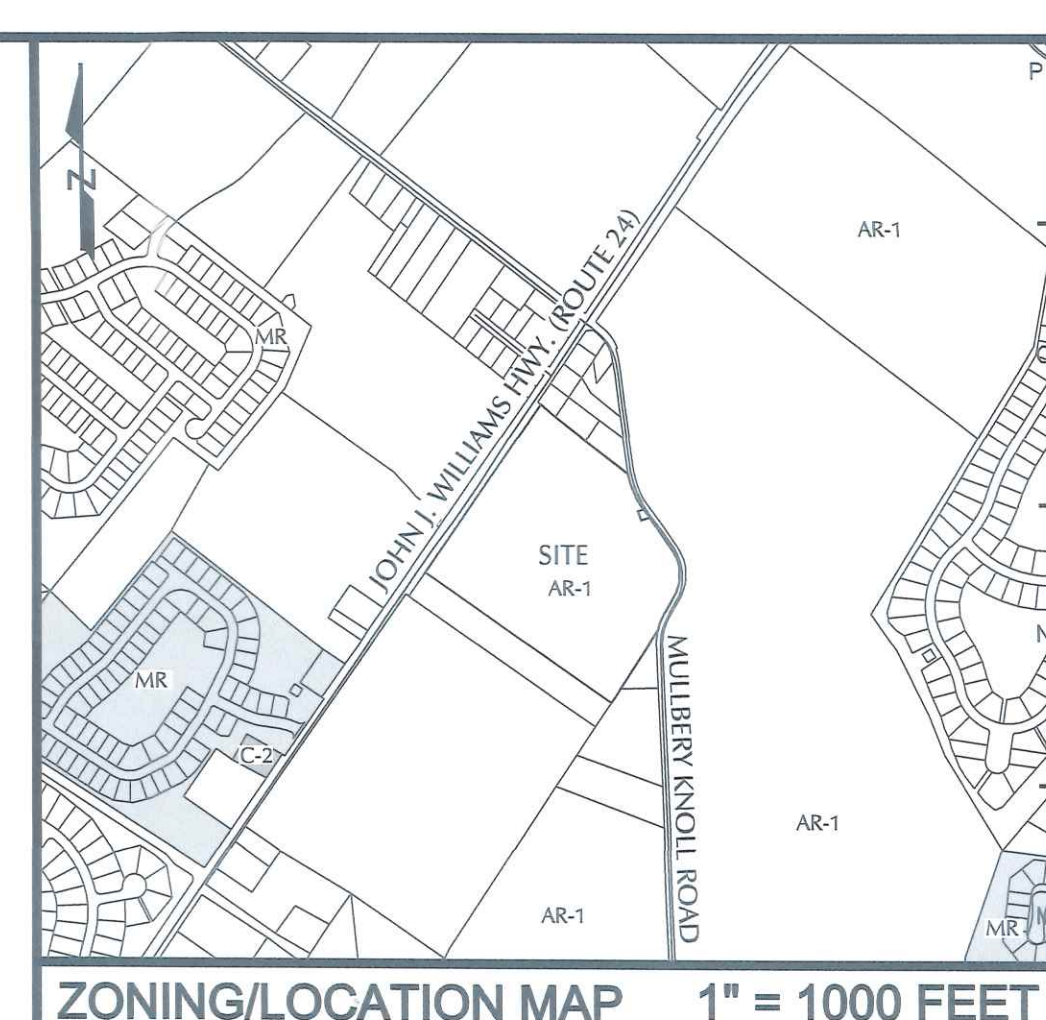
CURVE	CHORD	LENGTH	ARC LENGTH	RADIUS	CHORD BEARING
C1	52.49'	52.50'	761.02'	761.02'	S 22°22'17" E
C2	22.90'	22.90'	761.02'	761.02'	S 25°12'35" E
C3	298.53'	317.86'	260.69'	260.69'	N 08°51'27" E
C4	148.48'	149.19'	442.07'	442.07'	N 34°07'10" E
C5	199.64'	200.21'	761.02'	761.02'	S 12°51'30" E

PROPERTY BOUNDARY SURVEY



SITE PLAN

1" = 20'



SITE DATA

APPLICANT: TIDEWATER UTILITIES, INC.
MR. GREG COURY
1100 SOUTH LITTLE CREEK ROAD
DOVER, DELAWARE 19901
PHONE: 302-747-1306

OWNER: CAPE HENLOPEN SCHOOL DISTRICT
1270 KINGS HIGHWAY
LEWES, DELAWARE 19958
PHONE: 302-645-1442

CONSULTANT: BEACON ENGINEERING, LLC
23318 CEDAR LANE
GEORGETOWN, DELAWARE 19947
PHONE: 302-864-8825
RPALMER@BEACONENGINEERINGLLC.COM

PROPERTY & ZONING DATA:

TAX MAP: #334-12.00-107.00
COUNTY SITE PLAN FILE NUMBER: _____
COUNTY CONDITIONAL USE NUMBER: _____
LATITUDE: 38.713512° N
LONGITUDE: -75.148865° W
EXISTING ZONING: AR-1
EXISTING SITE AREA: 29.23 AC
EXISTING USE: MIDDLE SCHOOL
PROPOSED ZONING: AR-1
NET DEVELOPMENT AREA: 26.97 AC (WITHIN SETBACKS)
PROPOSED USE: MIDDLE SCHOOL WITH PUBLIC UTILITY (ELEVATED WATER STORAGE TANK)
WATER: TIDEWATER UTILITIES, INC.
SEWER: SUSSEX COUNTY

NUMBER OF EXISTING LOTS: 1
NUMBER OF PROPOSED LOTS: 1
PROPOSED LIMIT OF DISTURBANCE: 1.0 AC
SITE ACCESS: MULBERRY KNOLL ROAD
VERTICAL DATUM: NAVD 88, FEET
HORIZONTAL DATUM: DELAWARE STATE PLANE, NAD 83
DEED REFERENCE: DEED BOOK 2549, PAGE 268
BUILDING AREA: 2,124 SF (TANK BASE)
PROPOSED BUILDING HEIGHT: 140 FT (TO TOP OF WATERSPHEROID ACCESS)

STATE STRATEGIES
INVESTMENT LEVEL: 2
POSTED SPEED LIMIT: 40 MPH
NEAREST TOWN: LEWES
SURVEYOR: JOHN B. ROACH ENGINEERING, LLC
DATE OF SURVEY: APRIL 28, 2020

THIS SITE IS NOT WITHIN THE 100 YR FLOOD PLAIN PER FEMA MAP NUMBERED 10005C0334K DATED MARCH 16, 2015.

THIS PROJECT WILL BE CONSTRUCTED IN 1 PHASE.

HEIGHT, AREA & BULK REQUIREMENTS AR-1:

FRONT YARD SETBACK: 30 FT (40 FT (7')) THROUGH LOT
SIDE YARD SETBACK: 15 FT
REAR YARD SETBACK: 20 FT
MAXIMUM BUILDING HEIGHT: 42 FT
MINIMUM LOT AREA: 20,000 SF
MINIMUM LOT WIDTH: 100 FT (150 FT (10))
MINIMUM LOT DEPTH: 100 FT

(7) FOR LOTS FRONTING ON A NUMBERED ROAD SHOWN ON THE GENERAL HIGHWAY MAP FOR SUSSEX COUNTY OF 1964, AS REVISED.

DEVELOPER'S CERTIFICATION

DEVELOPER: GREG COURY
TIDEWATER UTILITIES, INC.
1100 SOUTH LITTLE CREEK ROAD
DOVER, DELAWARE 19901

ENGINEER'S CERTIFICATION

I, ROBERT J. PALMER, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THIS PLAN WAS EITHER PREPARED BY ME OR UNDER MY DIRECTION. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAN COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES. MY LICENSE NUMBER IS 11563, AND EXPIRES ON JUNE 30, 2022.

ENGINEER: ROBERT J. PALMER, P.E.
DATE: 7/17/2020

Seal: ROBERT J. PALMER
PROFESSIONAL ENGINEER
DELAWARE
LICENSE # 11563
EXPIRATION DATE 6/30/2022

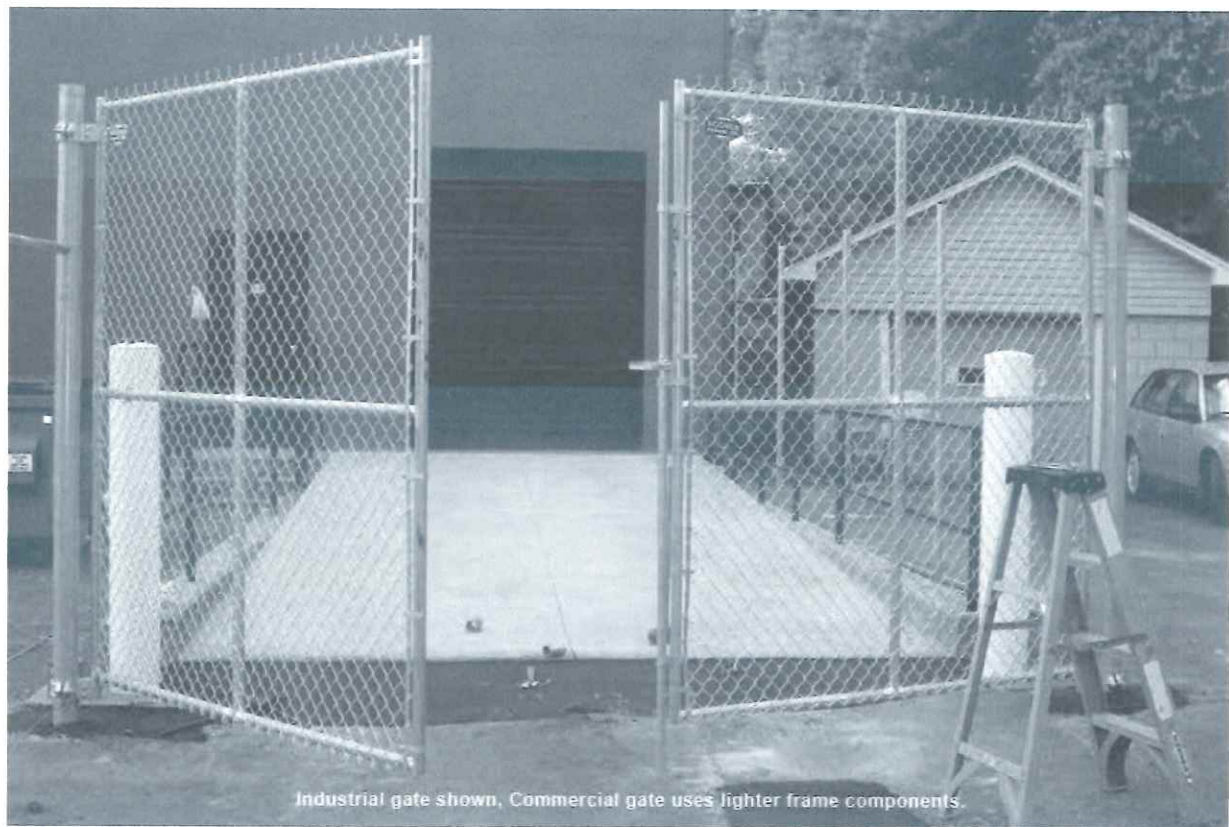
BEACON ENGINEERING, LLC
23318 CEDAR LANE
GEORGETOWN, DELAWARE 19947
PHONE: 302-864-8825
RPALMER@BEACONENGINEERINGLLC.COM

Date:	
By:	
Revision:	

ELEVATED STORAGE TANK
TIDEWATER UTILITIES - REHOBOTH DISTRICT
HERRING CREEK-REHOBOTH BAY WATERSHED,
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE
TAX MAP #334-12.00-107.00

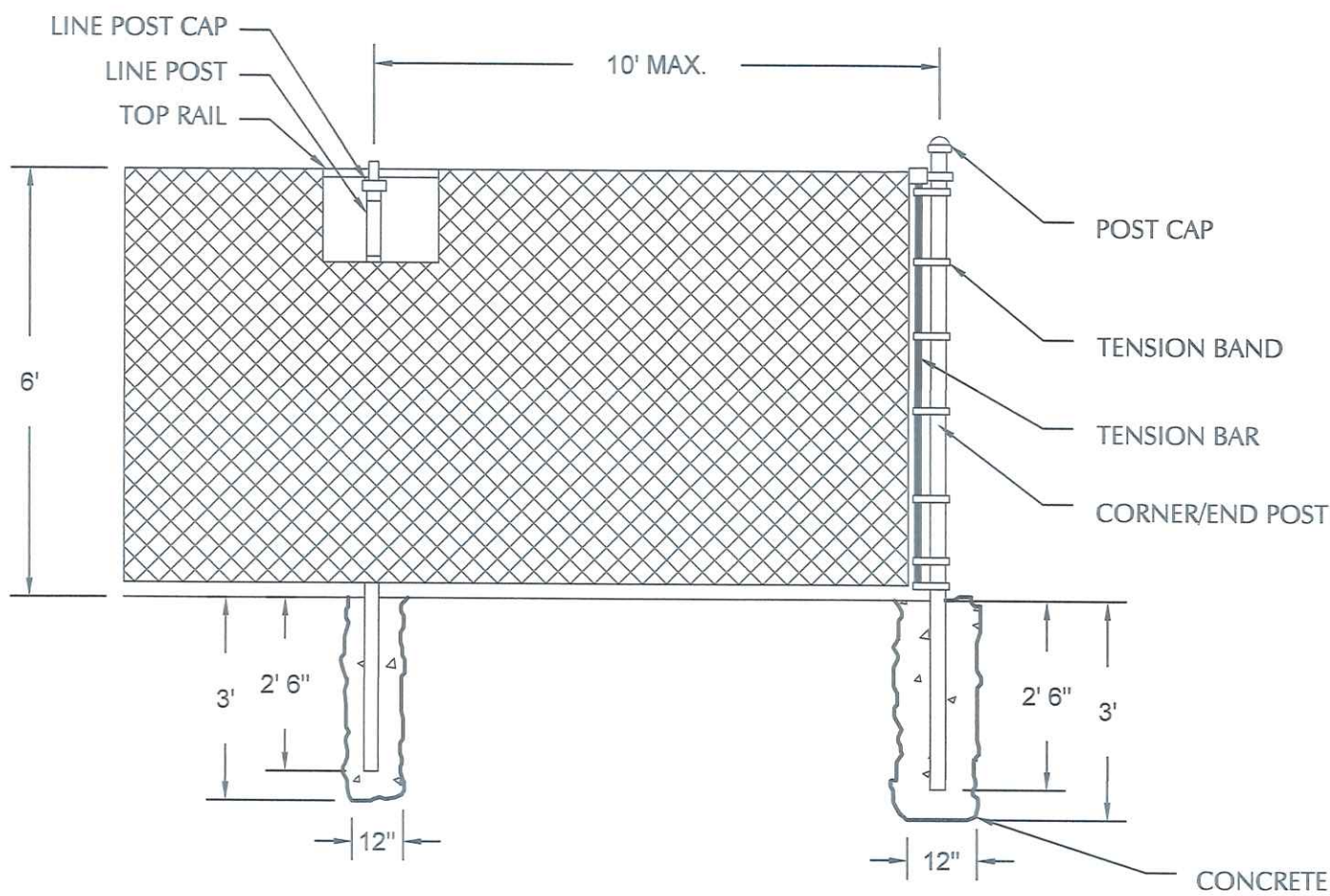
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Scale: AS SHOWN
Dwn. By: SKM
Proj. No.: TUI01-02

Dwg. No.: SP1

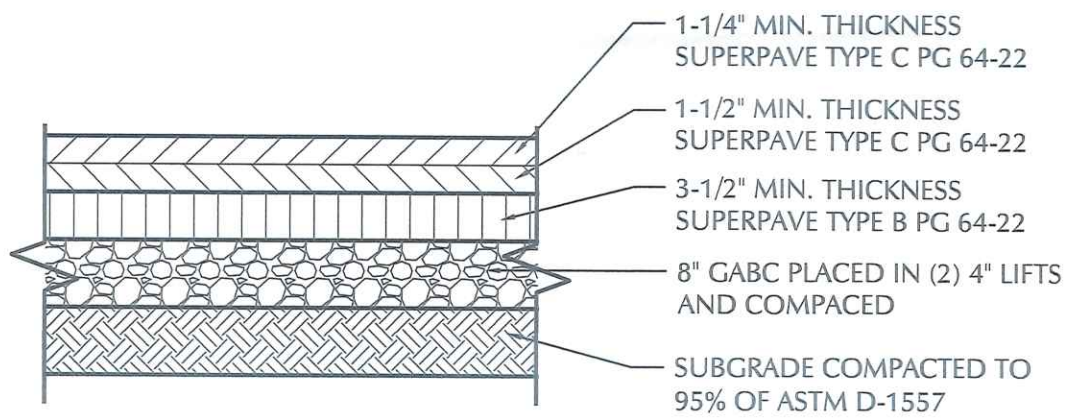


6 FT HIGH CHAIN LINK DOUBLE GATE BY HOOVER FENCE COMPANY (1-800-355-2335) OR APPROVED EQUAL.

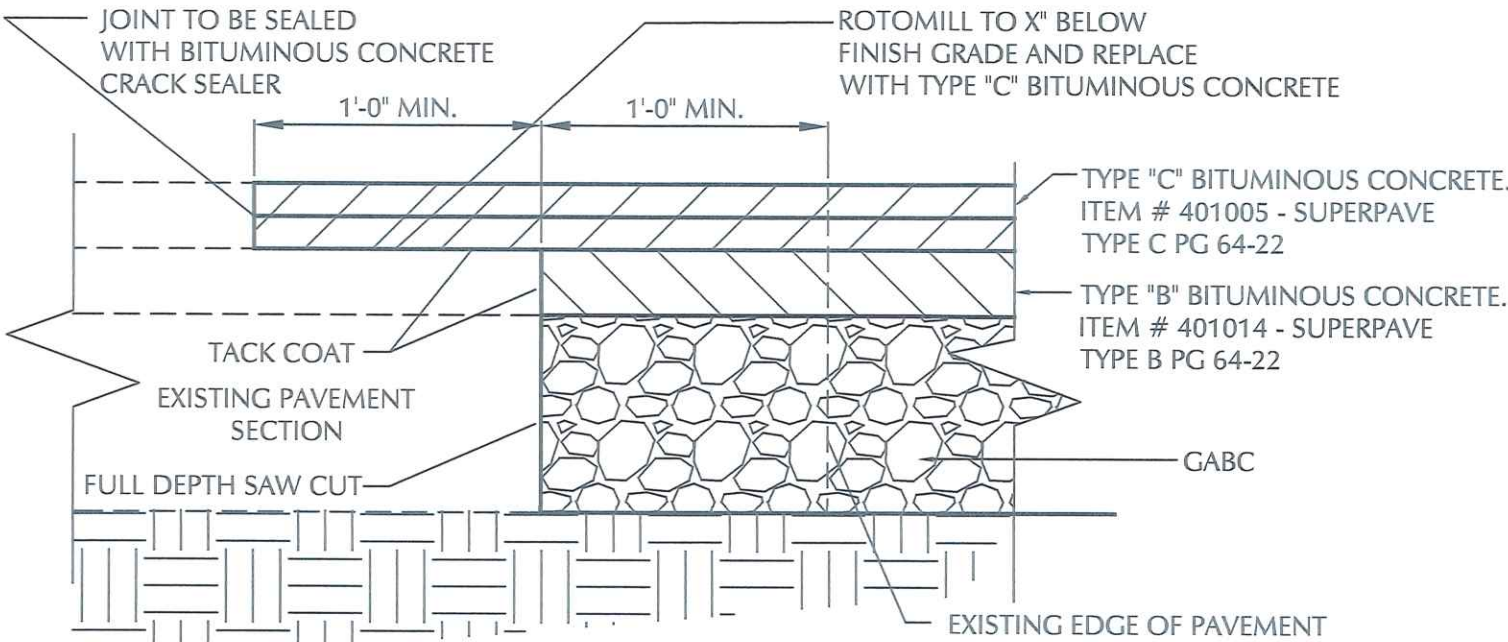
24 FT WIDE DOUBLE LEAF SWING GATE



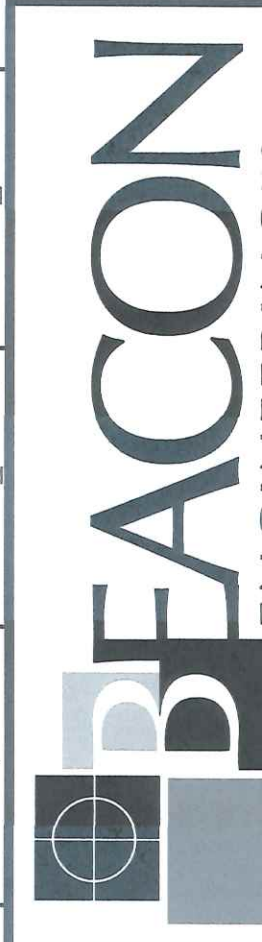
CHAIN LINK FENCE ENCLOSURE



ON SITE HEAVY PAVING SECTION (ON SITE ROADS AND PARKING AREA DRIVE AISLES)



TYPICAL PAVEMENT TIE-IN DETAIL



Date:	
By:	
Revision:	

ELEVATED STORAGE TANK
TIDEWATER UTILITIES - REHOBOTH DISTRICT
HERRING CREEK-REHOBOTH BAY WATERSHED,
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE
TAY MAP #234-112-00-107-00

Date:	JUL 17,
Scale:	NO SC
Dwn.By:	SK
Proj.No.:	TUI01

Dwg. No.:
CD1