

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date April 8<sup>th</sup>, 2021.

Application: CU 2246 Bee Wise, LLC

Applicant: Bee Wise, LLC  
P.O. Box 249  
Nassau, DE 19969

Owner: Craig Allan Beebe & Erin Francis Martin Beebe  
20028 John J. Williams Highway  
Lewes, DE 19958

Site Location: 20028 John J. Williams Hwy. Lying on northwest side of John J. Williams Hwy. (Rt. 24), approximately 0.37 mile southwest of Mulberry Knoll Rd. (S.C.R. 284), Lewes

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Real Estate Business

Comprehensive Land Use Plan Reference: Commerical

Councilmatic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County

Water: Well

Site Area: 0.709 acre +/-

Tax Map ID.: 334-12.00-24.00

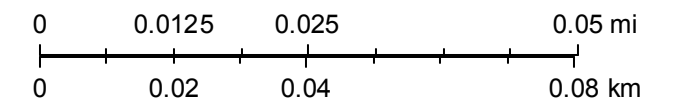




<b>PIN:</b>	334-12.00-24.00
<b>Owner Name</b>	BEEBE CRAIG ALAN
<b>Book</b>	5332
<b>Mailing Address</b>	PO BOX 249
<b>City</b>	NASSAU
<b>State</b>	DE
<b>Description</b>	HWY LEWES TO
<b>Description 2</b>	MILLSBORO
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**
  - Override 1
- polygonLayer**
  - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018**
  - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
  - A
  - AE
  - AO
  - OPEN WATER
  - VE
  - Extent of Right-of-Way
  - Municipal Boundaries

1:1,128



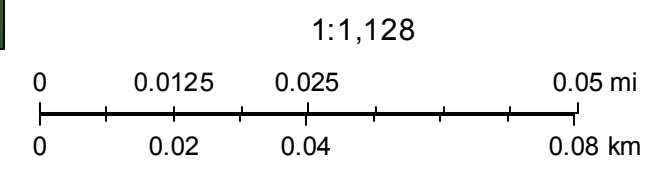


# Sussex County



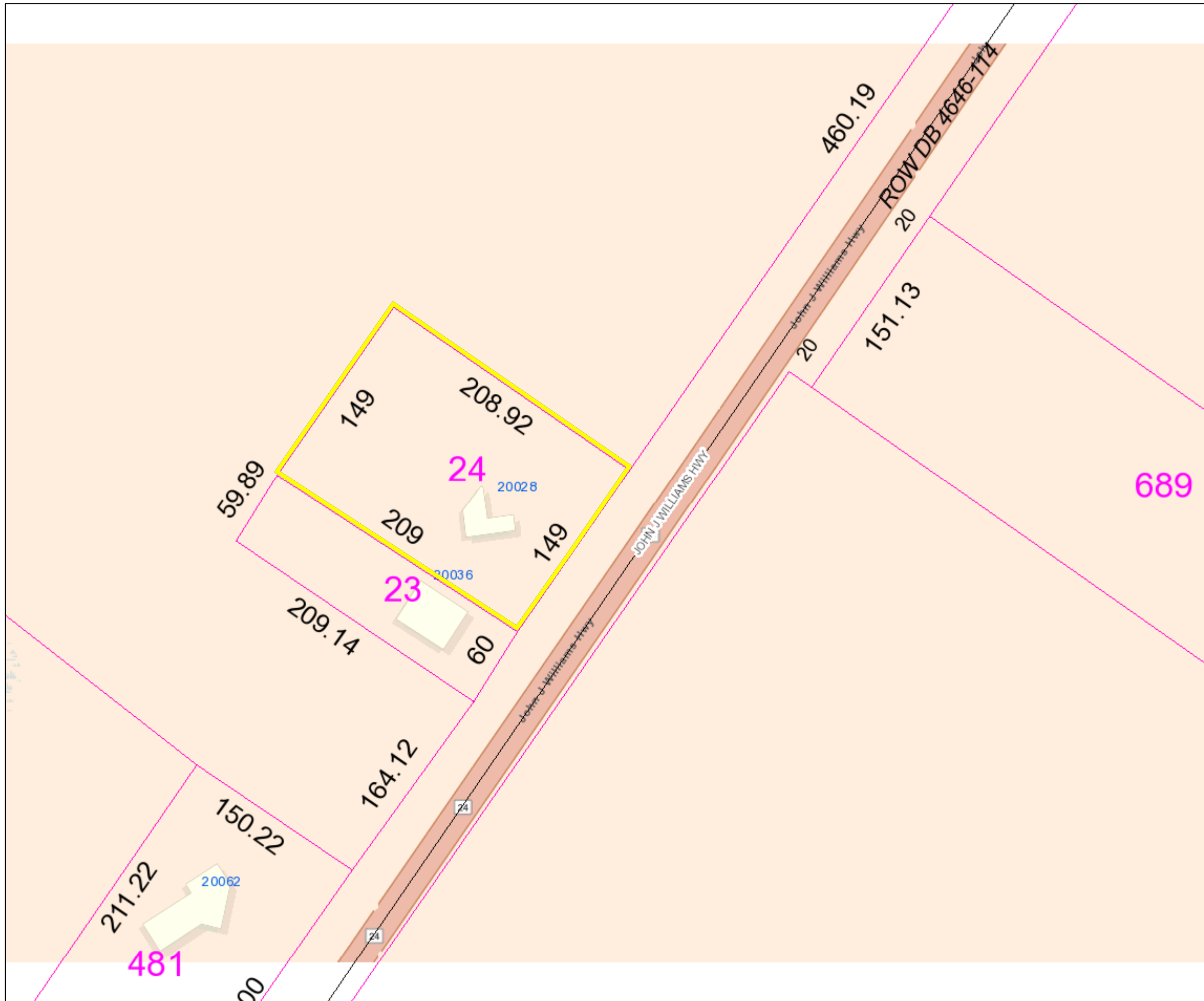
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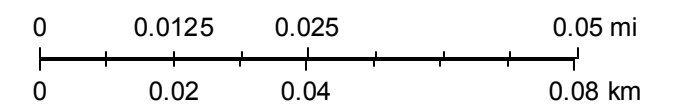
# Sussex County



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1:1,128



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



Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Scott, Planner I  
CC: Vince Robertson, Assistant County Attorney, and applicant  
Date: March 31<sup>st</sup>, 2021  
RE: Staff Analysis for CU 2246 Bee Wise, LLC

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2246 Bee Wise, LLC to be reviewed during the April 8<sup>th</sup>, 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 Parcel 334-12.00-24.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a Real Estate Business. The parcel is located on the northwest side of John J. Williams Highway (Route 24) at 20028 John J. Williams Highway in Lewes, Delaware. The size of the property is approximately 0.71 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 "Commercial". The surrounding parcels to the south, north and east are all designated on the Future Land Use Map as "Commercial". The parcels to the west are all designated on the Future Land Use Map as "Coastal Area".

As outlined within the 2018 Sussex County Comprehensive Plan, "Commercial Areas" include concentrations of retail and service uses, commercial corridors, shopping centers, hotels, motels, car washes and auto dealers. This includes other medium and larger scale commercial uses as well as mixed-use buildings.

The property is zoned AR-1 (Agricultural Residential Zoning District). All adjoining and surrounding properties also zoned AR-1 (Agricultural Residential Zoning District). Properties further south of this site are zoned MR (Medium Density Residential).

Since 1970, there have been twenty-six (26) Conditional Use applications within a 1-mile radius of the application site. Twenty-two (22) of those applications have been approved, one (1) has been denied and four (4) have been withdrawn. Please see attached exhibits for more detail.

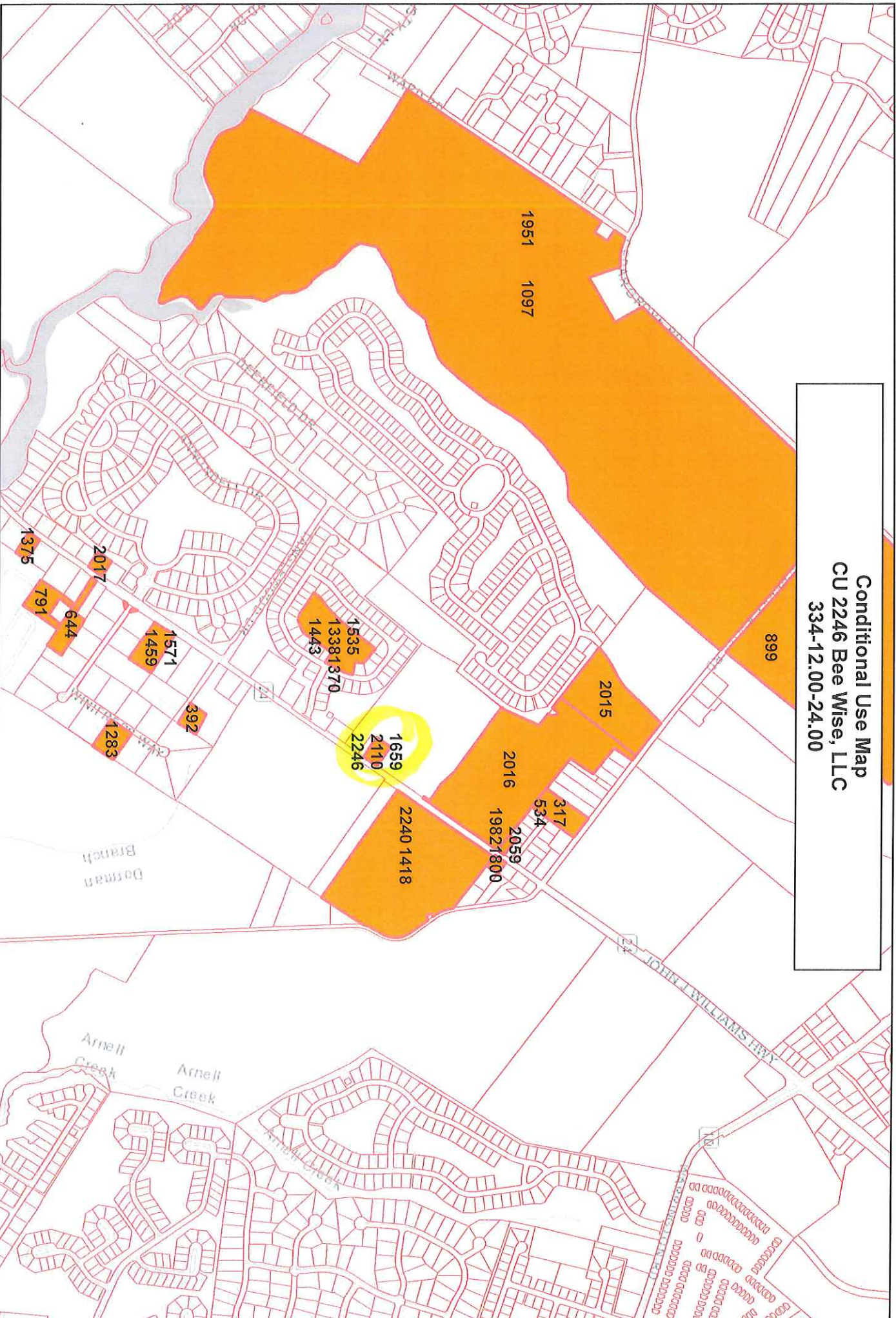
Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a Real Estate Business, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





# Sussex County

Conditional Use Map  
CU 2246 Bee Wise, LLC  
334-12.00-24.00



CU #	Tax Parcel #	APPLICANT	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision Date	CC Decision	Ordinance Number
2246	334-12.00-24.00	Bee Wise, LLC	AR-1	Real Estate Business	<Null>	<Null>	<Null>	<Null>	<Null>
2240	334-12.00-107.00	Tidewater Utilities, Inc	AR-1	Elevated Storage Tank	Recommended Approval	10/22/2020	11/10/2020	Approved	<Null>
2110	334-12.00-24.00	Gaw Venture Group	AR-1	Home Construction and Sales Business	Recommended Approval	1/25/2018	2/6/2018	Approved	<Null>
2059	334-12.00-25.00	Julie Norwood	AR-1	Beauty Salon	Recommended Approval	11/17/2016	10/25/2016	Approved	2478
2017	334-18.00-7.00	Ell and Victoria Zacharia	M/R	Multi-family Dwelling Structures	Recommended Denial	9/24/2015	2/9/2016	Approved	2436
2016	334-12.00-45.01	Cape Hemlopen School District	AR-1	Elementary School	Recommended Approval	5/7/2015	6/16/2015	Approved	2402
2015	334-12.00-16.06	Delaware Division of Facilities Management	AR-1	Public Service Facility (State Police)	Recommended Approval	3/27/2014	5/20/2014	Approved	2401
1982	334-12.00-25.00	Gary Ennis-Southern Delaware Classic Cars, LLC	AR-1	Office for a Cleaning Service Business	Recommended Approval	8/22/2013	12/9/2014	Denied *	2348
1951	334-12.00-16.00	Jack Lingo Asset Management	AR-1	RV resort and campground	Recommended Approval	8/22/2013	12/9/2014	Denied *	<Null>
1800	334-12.00-108.00	Cheryl Normandeau	AR-1	office/retail	Recommended Approval	11/5/2009	2/9/2010	Approved	2102
1659	334-12.00-24.00	Robin R. May	AR-1	Window Treatment	Recommended Approval	6/22/2006	7/18/2006	Approved	1860
1571	334-18.00-38.05	Mid-Atlantic Property Ventures	AR-1	medical office	Recommended Approval	5/13/2004	6/8/2004	Approved	1697
1535	334-18.00-40.00	The Barn Yard	AR-1	sale of mulch/stone/landscape goods	Recommended Approval	5/13/2004	5/18/2004	Approved	1691
1459	334-18.00-38.05	Center for Neurology L.L.C.	<Null>	medical offices	Withdrawn	8/27/2002	8/27/2002	Withdrawn *	<Null>
1443	334-18.00-40.00	The Barn Yard	AR-1	amended CU 1370 sales of playsets & yard	Recommended Approval	2/14/2002	3/12/2002	Approved	1526
1418	334-12.00-107.00	Cape Henlopen School District	AR-1	public school	Recommended Approval	9/13/2001	11/6/2001	Approved	1504
1375	334-18.00-35.00	Herring Chiropractic	AR-1	chiropractic office	Recommended Approval	12/14/2000	1/2/2001	Approved	1425
1370	334-18.00-40.00	Jay Beach	AR-1	sale of sheds/etc & seasonal sales	Recommended Approval	11/30/2000	1/9/2001	Approved	1427
1338	334-18.00-40.00	Jay Beach	AR-1	retail sales	Recommended Denial	7/13/2000	7/25/2000	Withdrawn *	<Null>
1283	334-18.00-38.00	Deborah S. Appleby	AR-1	art/craft studio & gallery	Recommended Approval	5/13/1999	6/8/1999	Approved	1314
1097	334-12.00-16.00	Charles P. Moore	AR-1	auto repair & towing service	Recommended Approval	12/22/1994	1/10/1995	Approved	1007
899	334-12.00-52.00	Lewes Fire Department, Inc.	AR-1	substation for fire department	Withdrawn	<Null>	<Null>	Withdrawn *	<Null>
791	334-18.00-37.00	William K. McMahon	AR-1	business office in accessory building	Recommended Approval	6/14/1984	11/20/1984	Approved	<Null>
644	334-18.00-38.01	Eugene Bookhammer	AR-1	Small Engine Sales and Repair Shop	Recommended Approval	<Null>	<Null>	Approved	<Null>
534	334-12.00-40.00	Clifford A Copp Sr	AR-1	seafood sales (except fish)	N/A	<Null>	<Null>	Approved	<Null>
392	334-18.00-39.01	Gwen Dickerson	AR-1	beauty salon	N/A	<Null>	<Null>	Approved	<Null>
317	334-12.00-40.00	Clifford A Copp	AR-1	Retail Seafood Store	N/A	<Null>	1/27/1976	Approved	<Null>

File #: C10 2246  
202012514

## 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**

20028 John J. Williams Highway, Lewes, DE 19958

**Type of Conditional Use Requested:**

Conditional use requested for the operation of a real estate business on approximately .71 acres, consisting of a parking lot, shed, and dwelling. No site conditions will be altered if approved; Section 115-22.

Tax Map #: 334-12.00-24.00 Size of Parcel(s): .71 +/- acres

Current Zoning: AR-1 Proposed Zoning: N/A Size of Building: \_\_\_\_\_

Land Use Classification: \_\_\_\_\_

Water Provider: \_\_\_\_\_ Sewer Provider: \_\_\_\_\_

**Applicant Information**

Applicant Name: Bee Wise, LLC  
Applicant Address: PO BOX 249  
City: Nassau State: DE Zip Code: 19969  
Phone #: (302) 841-0755 E-mail: mackenzie@tunnellraysor.com

**Owner Information**

Owner Name: Craig Alan Beebe and Erin Francis Martin Beebe  
Owner Address: 20028 John J. Williams Highway  
City: Lewes State: DE Zip Code: 19958  
Phone #: \_\_\_\_\_ E-mail: N/A

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Mackenzie Peet, Esq  
Agent/Attorney/Engineer Address: 323E Rehoboth Avenue  
City: Rehoboth Beach State: DE Zip Code: 19971  
Phone #: (302) 227-1314 E-mail: mackenzie@tunnellraysor.com





# Check List for Sussex County Planning & Zoning Applications

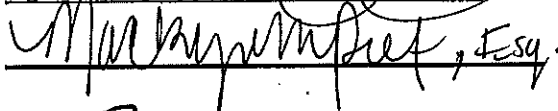
The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
  - o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - o Provide a PDF of Plans (may be e-mailed to a staff member)
  - o 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.**
- De/IDOT 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.

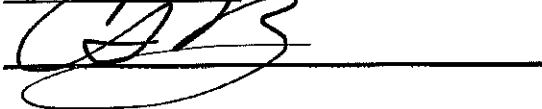
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 09/30/2020

Signature of Owner



Date: 9/30/2020

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: \_\_\_\_\_

## Planning & Zoning Project Contact List

### Applicant Information

Applicant Name: Bee Wise, LLC  
Applicant Address: PO BOX 249  
City: Nassau State: DE Zip: 19969  
Phone #: (302) 841-0755 E-mail: mackenzie@tunnellraysor.com

### Owner Information

Owner Name: Craig Allan Beebe and Erin Francis Martin Beebe  
Owner Address: 20028 John J. Williams Highway  
City: Lewes State: DE Zip: 19958  
Phone #: \_\_\_\_\_ E-mail: N/A

### Engineer/Surveyor Information

Engineer/Surveyor Name: John L. Conner, JR.  
Engineer/Surveyor Address: 401A North Central Avenue  
City: Laurel State: DE Zip: 19956  
Phone #: (302) 875-4440 E-mail: \_\_\_\_\_

### Agent/Attorney Information

Agent/Attorney Name: Mackenzie Peet, Esq.  
Agent/Attorney Address: 323E Rehoboth Avenue  
City: Rehoboth Beach State: DE Zip: 19971  
Phone #: (302) 227-1314 E-mail: mackenzie@tunnellraysor.com

### Other

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_



# Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

## Application Information:

Site Address: 20028 John J. Williams Highway  
Lewes, DE 19958

Parcel #: 334-12.00-24.00

Site Address: \_\_\_\_\_  
\_\_\_\_\_

Parcel #: \_\_\_\_\_

Applicant Name: Bee Wise, LLC

Owner Name: Craig Allan Beebe and Erin Francis Martin Beebe

## Type of Application:

Conditional Use:   
Change of Zone:   
Subdivision:   
Board of Adjustment:

Date Submitted: \_\_\_\_\_

## For office use only:

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

Letters sent by: \_\_\_\_\_



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 **Fresh Start, LLC** conditional use application, which we received on June 18, 2018. This application is for an approximately 0.72-acre parcel (Tax Parcel: 334-12.00-24.00). The subject land is located on the northwest side of Delaware Route 24, approximately 1,800 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 utilize the existing facility to operate a real estate business.

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 (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.

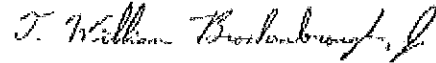
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
July 8, 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  
Fresh Start, LLC, 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 & DESIGN REVIEW DIVISION  
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **3/25/2021**

APPLICATION: **CU 2246 Bee Wise LLC**

APPLICANT: **Craig Allan Beebe & Erin Francis Martin Beebe**

FILE NO: **OM-9.04**

TAX MAP &  
PARCEL(S): **334-12.00-24.00**

LOCATION: **20028 John J. Williams Hwy. Lying on the northwest side of  
John J. Williams Hwy (Rt. 24), approximately 0.37 mile  
southwest of Mulberry Knoll Road (SCR 284).**

NO. OF UNITS: **Real Estate Business**

GROSS  
ACREAGE: **0.709**

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? **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? **Yes** 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? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The building on the site is currently connected to the Unified Sanitary Sewer District as a single-family dwelling. Additional assessment and fees are likely if the use changes to commercial.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



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John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
Christine Fletcher

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, April 6, 2021 5:29 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

**Categories:** Nick

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, April 6, 2021 - 5:29pm

Name: Nora Martin  
Email address: nora1956@aol.com  
Phone number: 3025420188  
Subject: C/U 2246

**Message:**

Please accept this email as my full support of granting a conditional use for 20028 John J Williams Highway Lewes.

Respectfully submitted

Nora Martin

SUPPORT EXHIBIT



## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Monday, April 5, 2021 11:04 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Monday, April 5, 2021 - 11:04am

Name: Betsy Reamer

Email address: inquiry@leweschamber.com

Phone number: 13026458073

Subject: C/U 2246

Message: IThe Lewes Chamber of Commerce supports the approval of the conditional use for 20028 John J Williams Highway for the offices of NextHome Tomorrow Realty. The property has been used commercially for more than 20 years.

SUPPORT EXHIBIT

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, April 1, 2021 4:59 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, April 1, 2021 - 4:58pm

Name: Michelle Hearn  
Email address: meeesh24@gmail.com  
Phone number: 3022497723  
Subject: C/U 2246

Message:

To whom it may concern,

I am very pleased with the location NextHome Tomorrow Realty chose for their new business office. We have new developments being built all over Lewes/Millsboro/Longneck and it is great for the area to have a truly local Real Estate office to meet those housing needs. It is also helpful to have this type of business here on Rt. 24, without having to drive out to Coastal Highway. I do not feel it poses any traffic hazards, as the driveway is easily accessible to enter and exit in both directions. There is also plenty of well marked parking spots.

Welcome to the neighborhood!

Sincerely,  
Michelle Hearn  
31525 Hazzard Drive  
Lewes, DE 19958

SUPPORT EXHIBIT

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Friday, April 2, 2021 9:12 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Friday, April 2, 2021 - 9:12am

Name: Karen LeCates  
Email address: karen@nexthometomorrowrealty.com Phone number: 302-381-7360  
Subject: C/U 2246  
Message: I approve of the application.

SUPPORT EXHIBIT

**Nick Torrance**

---

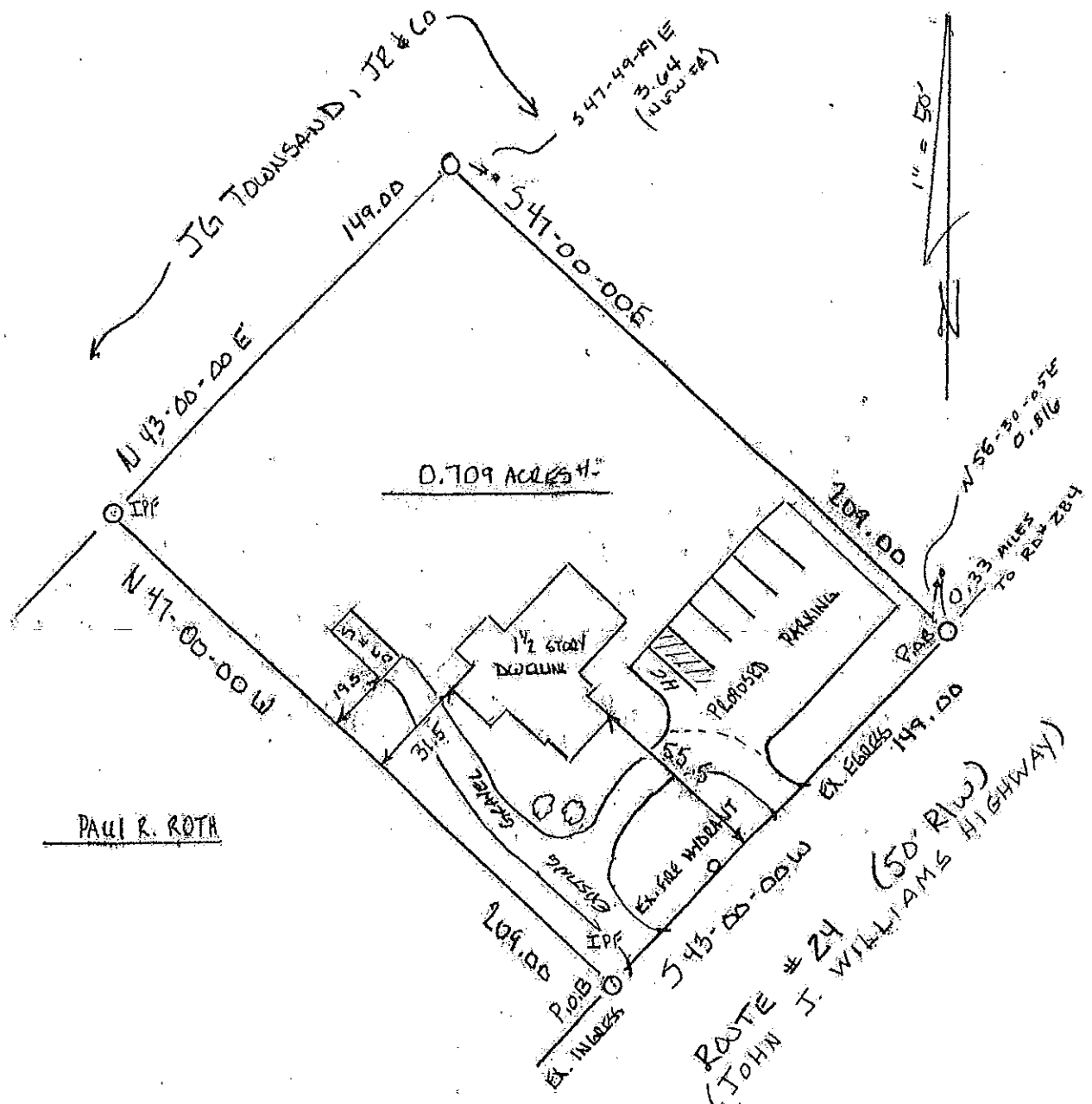
**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Monday, April 5, 2021 7:12 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Monday, April 5, 2021 - 7:11am

Name: Thomas Protack  
Email address: tjprotack@aol.com  
Phone number: 302-945-5007  
Subject: Support of C/U 2246  
Message: I support the continued use of this land as commercial.

SUPPORT EXHIBIT

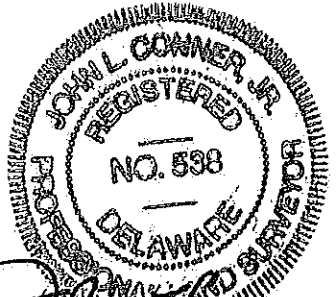


PAUL R. ROTH

SITE PLAN

LEWES & RENOVATION HOMES - SUSSEX COUNTY - DELAWARE  
 PREPARED FOR:  
 ROBIN R. MAY

TAX MAP # 3-34-12-24



*John L. Conner* 7/12/05  
 John L. Conner, Del. P.L.S. 538

**MANN ASSOCIATES SURVEYING, INC.**

401A N. Central Ave.  
 Laurel, DE 19956  
 (302) 875-4440

405-09

NY39478

EXHIBIT A  
DEED

LAW OFFICES

---

**T**TUNNELL  
&**R**AYSOR, P.A.

---

TAX MAP #: 3-34 12.00 24.00  
PREPARED BY & RETURN TO:  
Tunnell & Raysor, P.A.  
323 Rehoboth Avenue  
Suite E  
Rehoboth Beach, DE 19971  
File No. AS11596/HED

**THIS DEED**, made this September 21, 2020,

- BETWEEN -

**GAW PROPERTIES, LLC**, of 20028 John J. Williams Highway, Lewes, DE 19958, party of the first part,

- AND -

**CRAIG ALAN BEEBE** and **ERINANN FRANCIS MARTIN BEEBE**, of PO Box 249, Nassau, DE 19969, as tenants by the entireties, parties of the second part.

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

ALL that certain lot or parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County Delaware, lying on the Northwest side of Route 24 (50' r/w), (John J. Williams Highway), and being more particularly described according to a survey prepared by Mann Associates, Registered Surveyors, dated May 6, 2005, as follows, to wit:

BEGINNING at a point on the Northwest side of Route 24 (50' r/w), (John J. Williams Highway); said point marking a corner for this lot and for lands now or formerly of J.G. Townsend, Jr. & Co., said point also being located approximately 0.33 of a mile

Southwest of County Road 284; thence from this point of beginning running by and along Route 24 (50' r/w), (John J. Williams Highway), South 43 degrees 00 minutes 00 seconds West 149.00 feet to an iron pipe found; thence turning and running by and along the line of these lands, North 47 degrees 00 minutes 00 seconds West 209.00 feet to an iron pipe found; thence turning and running by and along the line of these lands, North 43 degrees 00 minutes 00 seconds East 149.00 feet to a point; thence turning and running by and along the line of these lands, South 47 degrees 00 minutes 00 seconds East 209.00 feet home to the place of beginning. Said to contain 0.709 acres, more or less, together with any and all improvements located thereon.

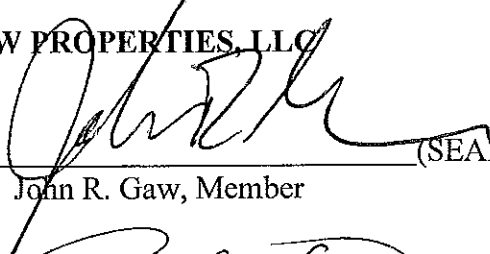
BEING the same lands conveyed to GAW Properties, LLC from Robin R. May, by Deed dated November 7, 2017, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on November 15, 2017, in Deed Book 4799, Page 225.

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



IN WITNESS WHEREOF, the said GAW Properties, LLC, a Delaware limited liability company, has caused its name to be hereunto set under seal by John R. Gaw and Robert G. Gaw, authorized members of GAW Properties, LLC, the day and year first above written.

GAW PROPERTIES, LLC

By:  (SEAL)  
John R. Gaw, Member

\_\_\_\_\_  
Witness

By:  (SEAL)  
Robert G. Gaw, member

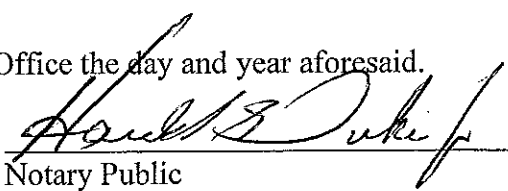
\_\_\_\_\_  
Witness

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 21st day of September, A.D. 2020, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, John R. Gaw and Robert G. Gaw, Members of GAW Properties, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company; that the signature of the Member is in his/her own proper handwriting and by his/her authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

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

HAROLD E. DUKES, JR.  
ATTORNEY AT LAW WITH  
POWER TO ACT AS NOTARY PUBLIC  
PER 29 DEL. C SEC 4323 (A)3

  
Notary Public

My Commission Expires: \_\_\_\_\_

TAX MAP AND PARCEL  
#: 3-34-12.00-24.00  
PREPARED BY & RETURN TO:  
Berl & Feinberg, LLP  
34382 Carpenter's Way, Suite 3  
Lewes, DE 19958  
File No. 2-2944/LE

THIS DEED, made this 7<sup>th</sup> day of November, 2017,

- BETWEEN -

ROBIN R. MAY, of 32246 Brandy Circle, Millsboro, DE 19966, party of the first part,

- AND -

GAW PROPERTIES, LLC, a limited liability company of the State of Delaware, of  
9 Cornwall Road, Rehoboth Beach, DE 19971, party of the second part.

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

**ALL** that certain lot or parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County Delaware, lying on the Northwest side of Route 24 (50' r/w), (John J. Williams Highway), and being more particularly described according to a survey prepared by Mann Associates, Registered Surveyors, dated May 6, 2005, as follows, to wit:

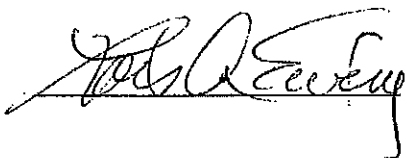
**BEGINNING** at a point on the Northwest side of Route 24 (50' r/w), (John J. Williams Highway); said point marking a corner for this lot and for lands now or formerly of J.G. Townsend, Jr. & Co., said point also being located approximately 0.33 of a mile Southwest of County Road 284; thence from this point of beginning running by and along Route 24 (50' r/w), (John J. Williams Highway), South 43 degrees 00 minutes 00 seconds West 149.00 feet to an iron pipe found; thence turning and running by and along the line of these lands, North 47 degrees 00 minutes 00 seconds West 209.00 feet to an iron pipe found; thence turning and running by and along the line of these lands, North 43 degrees 00 minutes 00 seconds East 149.00 feet to a point; thence turning and running by and along the line of these lands, South 47 degrees 00 minutes 00 seconds East 209.00 feet home to the place of beginning. Said to contain 0.709 acres, more or less, together with any and all improvements located thereon.


BEING the same lands and premises which were conveyed unto Robin R. May, by deed of Mae Constance Rickards n/k/a Constance R. Wertz dated May 9, 2005, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on May 9, 2005, in Deed Book 3139, Page 267.

The said Elizabeth Rickards departed this life on or about March 20, 1980, at which time the life estate granted to her in Deed Book 991, page 319 terminated.

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

Signed, Sealed and Delivered in the presence of:



 (SEAL)  
Robin R. May

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on November 7<sup>th</sup>, 2017, personally came before me, the subscriber, Robin R. May, party of the first part to this Indenture, known to me personally to be such, and she acknowledged this Indenture to be her act and deed.

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

Lois A. Ewing  
NOTARY PUBLIC  
State of Delaware  
My Commission Expires  
August 29, 2021

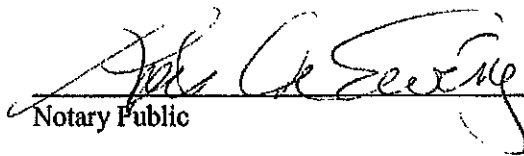
  
Notary Public

EXHIBIT B  
AERIAL MAP

LAW OFFICES

---

**T**UNNELL  
& **R**AYSOR, P.A.

---



# Sussex County



<b>PIN</b>	334-12.00-24.00
<b>Owner Name</b>	GAW PROPERTIES LLC
<b>Book</b>	4799
<b>Mailing Address</b>	20028 JOHN J WILLIAMS HWY
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	HWY LEWES TO
<b>Description 2</b>	MILLSBORO
<b>Description 3</b>	N/A
<b>Land Code</b>	

### polygonLayer

Override 1

### polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

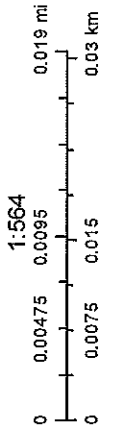


EXHIBIT C  
CODE

LAW OFFICES

---

**T**UNNELL  
& **R**AYSOR, P.A.

---

Sussex County, DE  
Thursday, June 25, 2020

## Chapter 115. Zoning

### Article IV. AR-1 and AR-2 Agricultural Residential Districts

#### § 115-22. Conditional uses.

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

Agricultural related industry, provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment

[Added 1-27-2004 by Ord. No. 1658]

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

Aquariums, commercial

Beaches, commercial

Biotech campus

[Added 1-27-2004 by Ord. No. 1659]

Biotech industry not located within a biotech campus provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment.

[Added 1-27-2004 by Ord. No. 1659]

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

Excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision or planned residential development. (See § 115-172B.)

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums, but not animal hospitals

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

Land application of sludge, treated sludge or any product containing these materials. For purposes of this section, "sludge" means the accumulated semiliquid suspension, settled solids or dried residue of these solids that is deposited from liquid waste in a wastewater treatment plant or surface or ground waters treated in a water treatment plant, whether or not these solids have undergone treatment. "Septage" is included herein as sludge. "Land application" means the placement of sludge, treated sludge or any other product containing these materials within two feet below the surface of land used to support vegetative growth.

[Added 5-8-1990 by Ord. No. 681]

Livestock auction markets in an AR District

Marinas or yacht clubs

Multifamily dwelling structures and/or townhouses and/or town homes, subject to the provisions of

this chapter when:

[Added 7-31-2007 by Ord. No. 1920]

- A. Said multifamily dwelling structures and/or townhouses and/or town homes, the owners of which would share and own in common the surrounding grounds (which may also be referred to herein collectively as "units"), lie within a Town Center, a Developing Area, or a Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan; and  
[Amended 5-21-2019 by Ord. No. 2656]
- B. The developer has proffered to Sussex County for the purpose of creating open space for preservation and/or active and/or passive recreation areas a development fee per unit, as described in Chapter 62, § 62-7, for every unit in excess of two units per gross acre that is included in the application; and
- C. The Sussex County Council prior to the signing of a contract to purchase or lease open space for preservation and/or active and/or passive recreation areas shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this amendment. All such approvals by the Council shall be by a four-fifths majority vote and shall include a determination that the land and/or conservation easement to be acquired is located in the same watershed area as the land where the bonus density will be located; and
- D. It is understood that Sussex County shall control all monies paid to it under this amendment and that the Sussex County Land Trust may act as a recommending body and/or partner at the discretion of the Sussex County Council; and
- E. The maximum number of multifamily dwelling structures and/or townhouses and/or town homes, as defined in Subsection A above, included in the application, shall not exceed four dwelling units per gross acre, including land set aside for common open space and/or recreational uses; and
- F. The minimum percentage of the total site which shall be set aside as common open space shall be 40% of the total land area included in the application; and
- G. There shall be a vegetated buffer of not less than 75 feet, subject to the following conditions:
  - (1) The vegetated buffer shall be located adjacent to a numbered road shown on the General Highway Map for Sussex County and may include the required setback area from the road and shall be kept free of vehicle parking areas, buildings and structures; and
  - (2) The vegetated buffer shall include a mix of deciduous shade trees and evergreen trees, a majority of which shall be of common local species; and
  - (3) The deciduous shade trees shall include trees reasonably capable of attaining a minimum trunk diameter of two inches measured 3.5 feet above the ground within five years of being planted; and
  - (4) The evergreen trees shall include trees reasonably capable of attaining a minimum height of 10 feet above the ground within five years of being planted; and
  - (5) The goal of the landscape plan for the buffer area shall be include trees of the type indicated herein that will be planted in a natural manner, as they might appear in nature, as opposed to being planted in row fashion which will filter views from the road in such a manner that the dwelling units appear more green and less dense than if no landscaping had been required; and
  - (6) A further goal of the landscape plan would be to avoid placing plantings in an area adjacent to the entrance to the development in such a manner as to restrict the view of motorists entering or exiting from the development or restricting sight lines for motorists in such a manner as to create a potential safety hazard; and
  - (7) The landscape plan for the buffer area shall be designed and signed by a Delaware licensed landscape architect and approved by the Planning and Zoning Commission and County Council; and
- H. Council and/or the County Administrator may consider and authorize an expedited review of a conditional use application filed under this section; and
- I. Multifamily dwelling structures and/or townhouses and/or town homes shall not be considered as



a conditional use under any other provision of this section which existed prior to the date of this amendment; and

- J. The density bonus fee for each multifamily and/or townhouse and/or town home dwelling unit in excess of two units per gross acre shall be determined by reference to and the use and application of the per-unit density bonus fees adopted as part of Ordinance 1842 and applicable to cluster developments and appearing in Chapter 62, Article III, § 62-7, as the same may hereafter be modified by Council, from time to time. Council will review the fees for a density bonus under the terms of this amendment on an annual basis and revise such fees as it deems necessary by an appropriate amendment.

Manufactured home parks

[Amended 10-12-2010 by Ord. No. 2152]

Nursing and similar care facilities

[Added 4-16-2019 by Ord. No. 2645]

Parks or campgrounds for mobile campers, tents, camp trailers, touring vans and the like

Private clubs

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

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations or substations, but not telephone central offices

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

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

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

[Added 4-6-2004 by Ord. No. 1677<sup>[1]</sup>]

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as a permitted use under § 115-20 shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

[Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Sports arenas or stadiums, commercial athletic fields or baseball parks

Stores or shops for the sale of farm products, farm supplies, groceries, beverages, drugs and food and similar stores and shops

Structures for commercial poultry raising on farms of less than five acres

Swimming or tennis clubs, private, nonprofit or commercially operated

[1] *Editor's Note: This entry was previously repealed 1-27-2004 by Ord. No. 1658.*

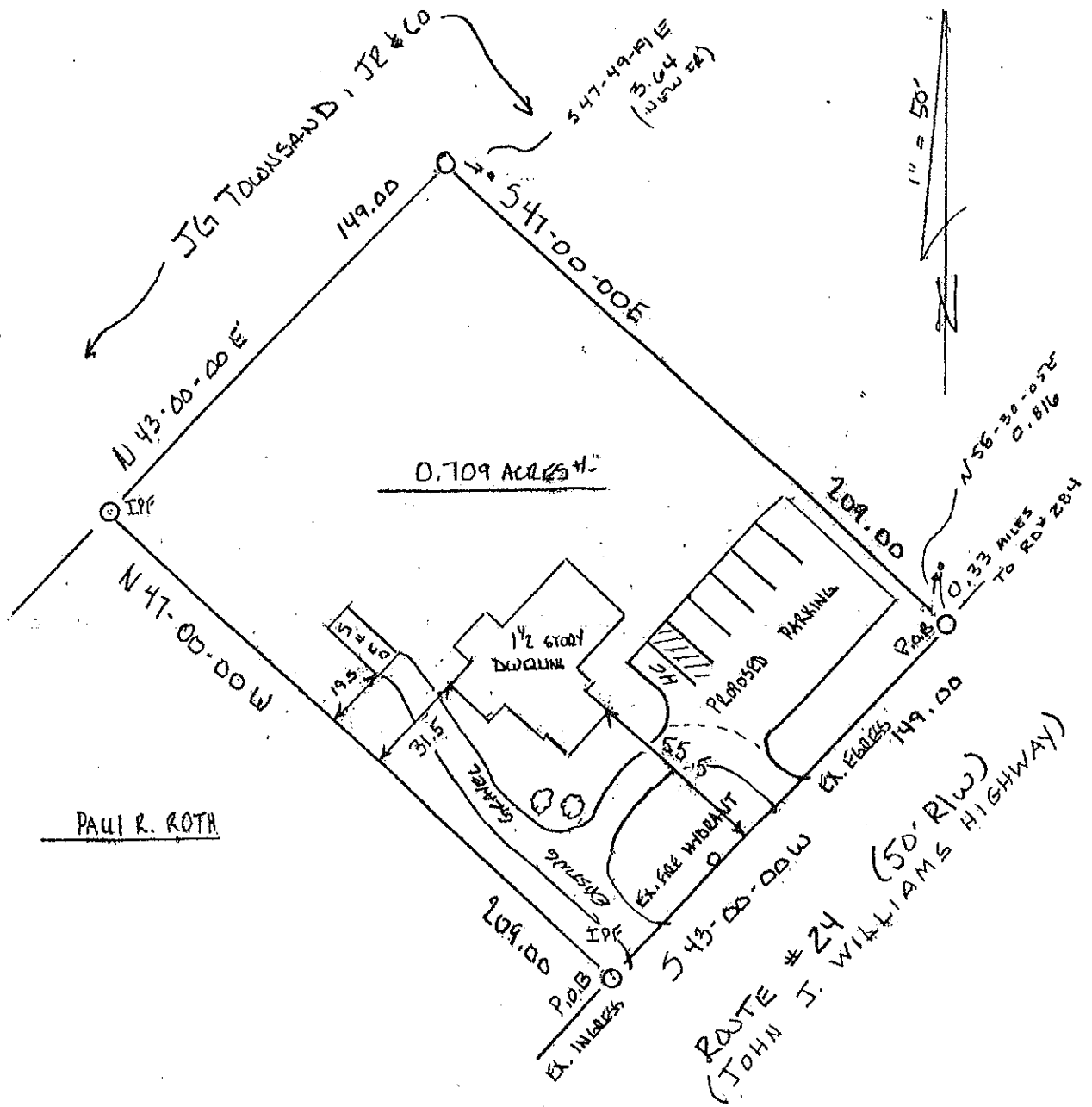
EXHIBIT D  
SURVEY

LAW OFFICES

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**T**UNNELL  
& **R**AYSOR, P.A.

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PAUL R. ROTH

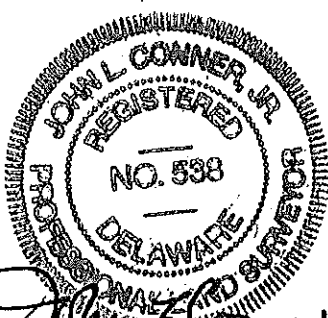
SITE PLAN

LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24

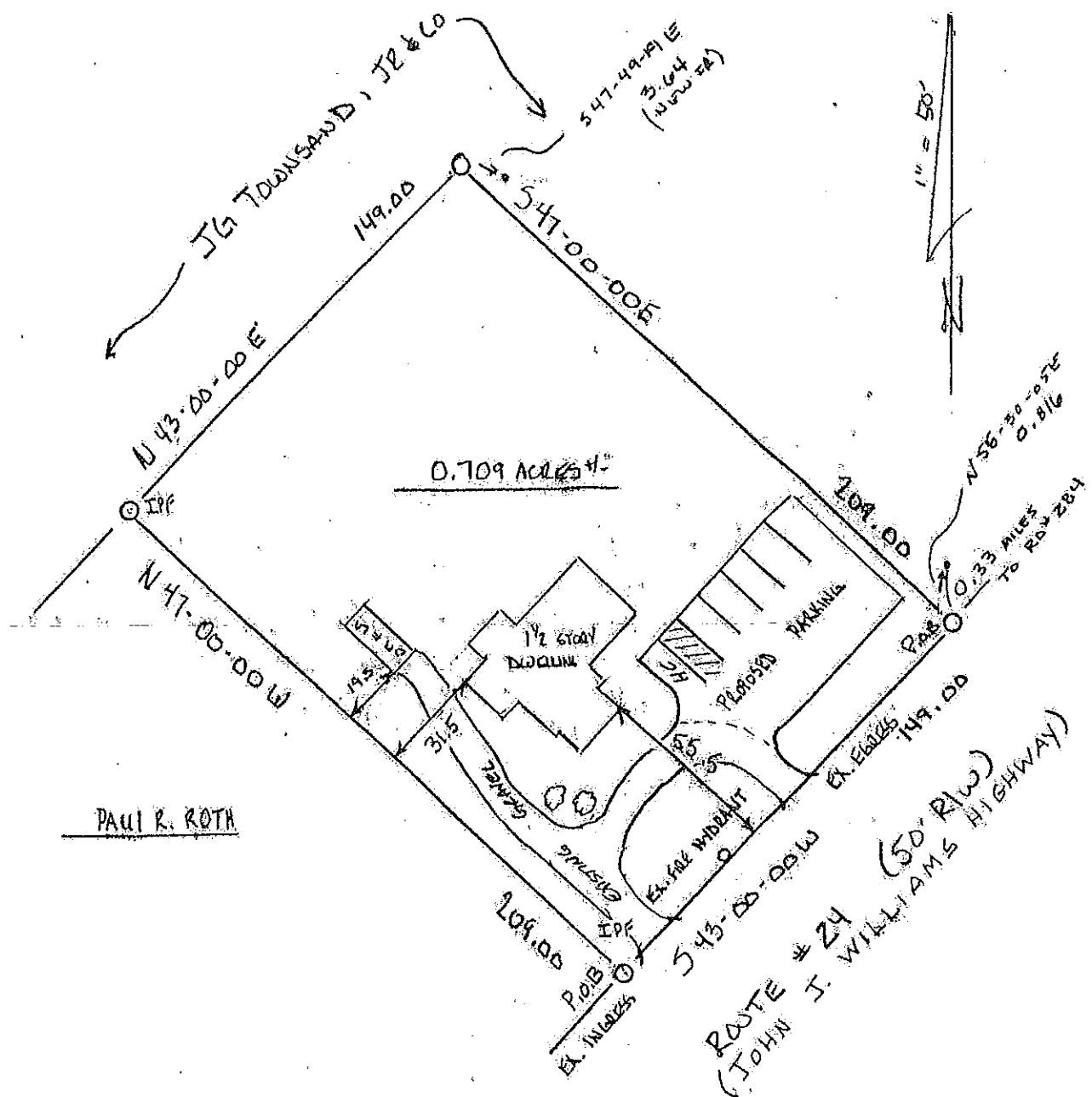


*John L. Conner* 7/12/05  
 John L. Conner, Del. P.L.S. 538

**MANN ASSOCIATES SURVEYING, INC.**

401A N. Central Ave.  
 Laurel, DE 19956  
 (302) 875-4440

405-09



PAUL R. ROTH

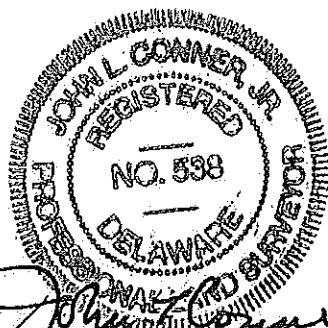
SITE PLAN

LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



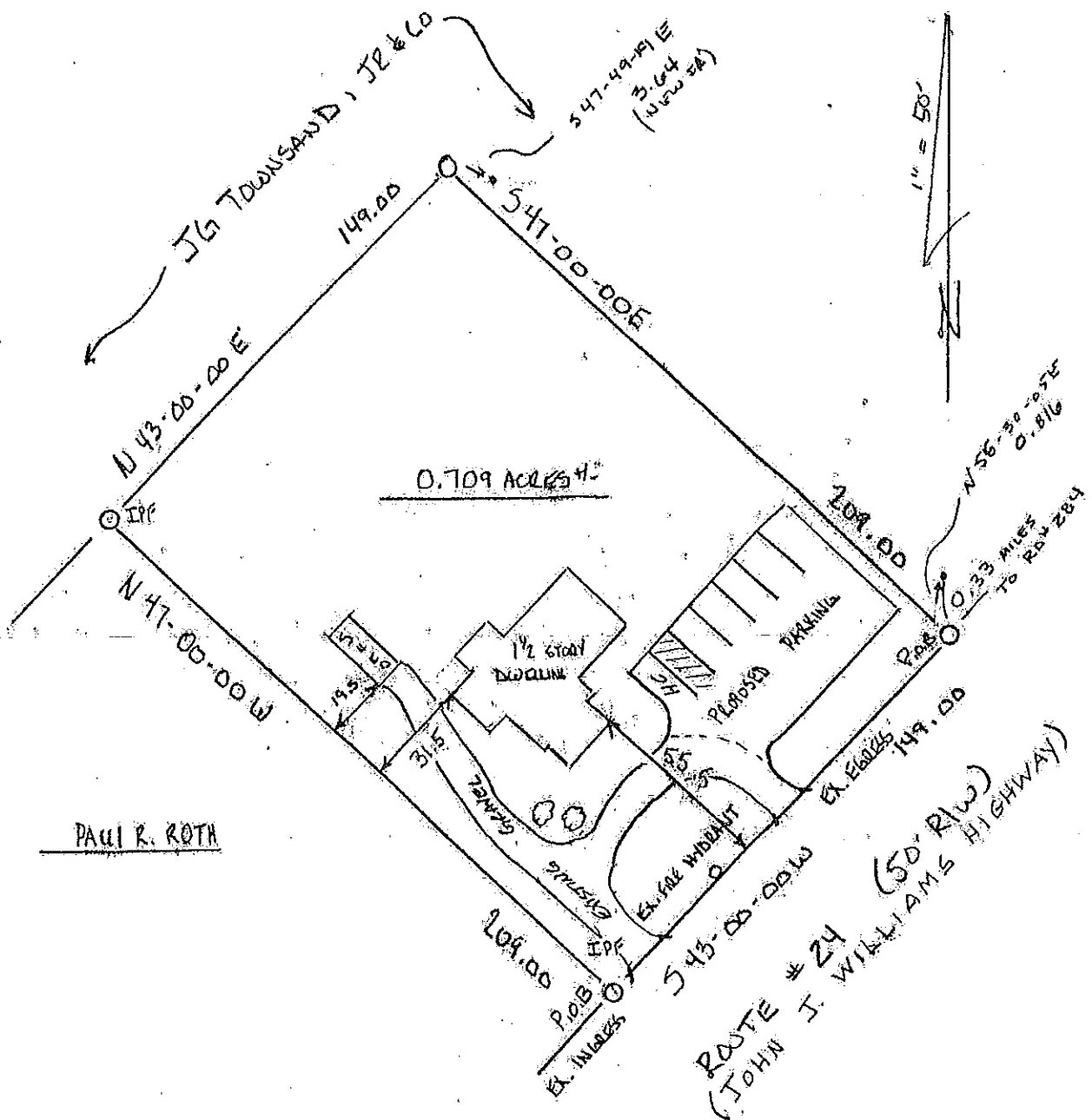
*John L. Conner* 7/12/05  
 John L. Conner, Del. P.L.S. 538

**MANN ASSOCIATES SURVEYING, INC.**

401A N. Central Ave.  
 Laurel, DE 19956  
 (302) 875-4440

405-09

CLASS 'B' SURVEY



PAUL R. ROTH

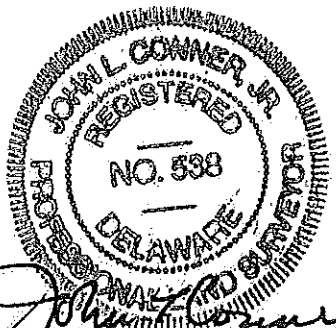
SITE PLAN

LEWES & RENOVATH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



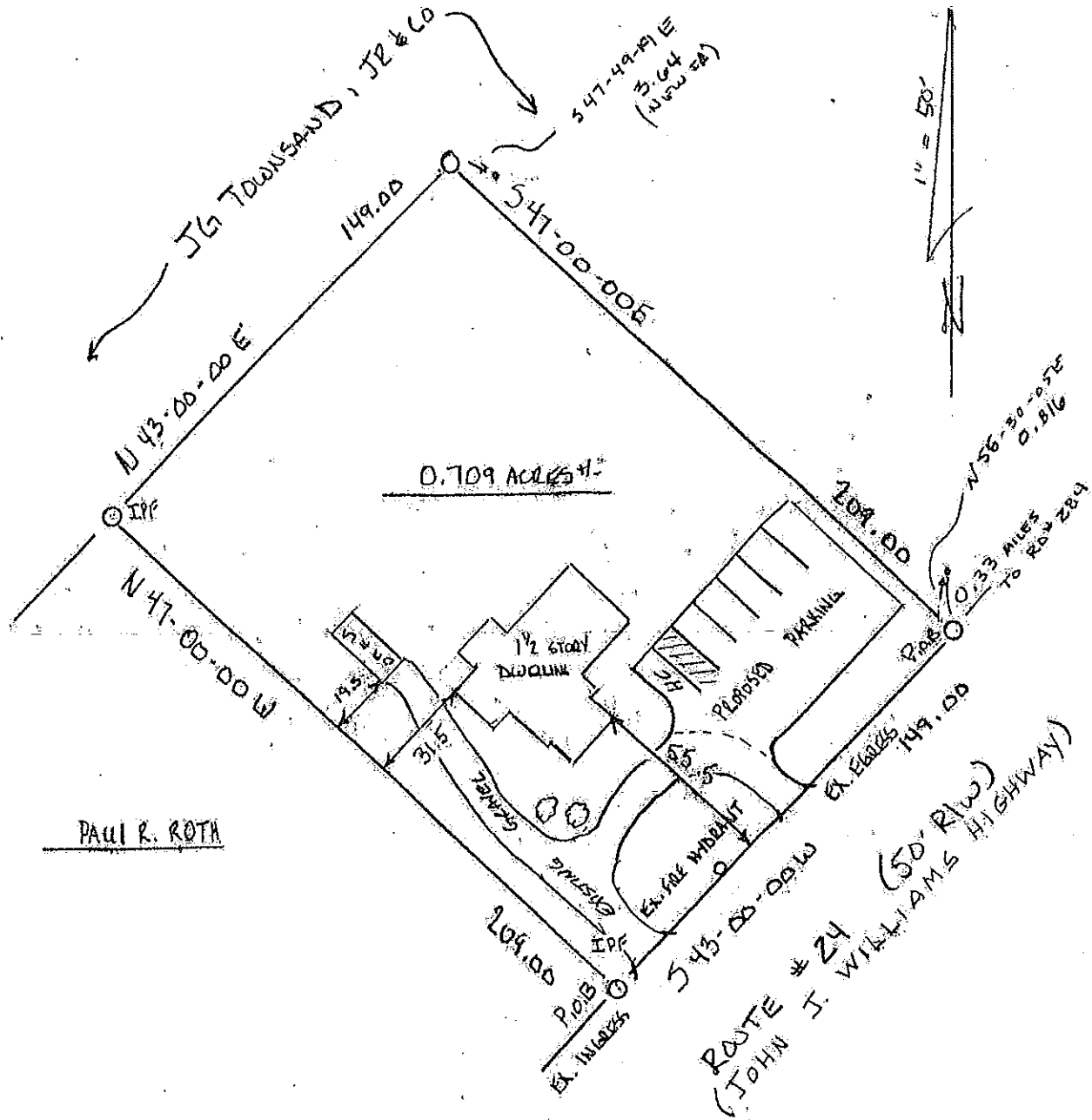
John L. Conner, Del. P.L.S. 538

CLASS 'B' SURVEY

**MANN ASSOCIATES SURVEYING, INC.**

401A N. Central Ave.  
 Laurel, DE 19956  
 (302) 875-4440

405-09



PAUL R. ROTA

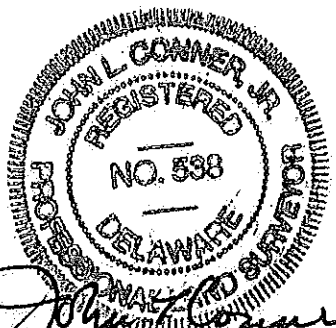
SITE PLAN

LEWES & REHOBOTH HUNDREDS - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



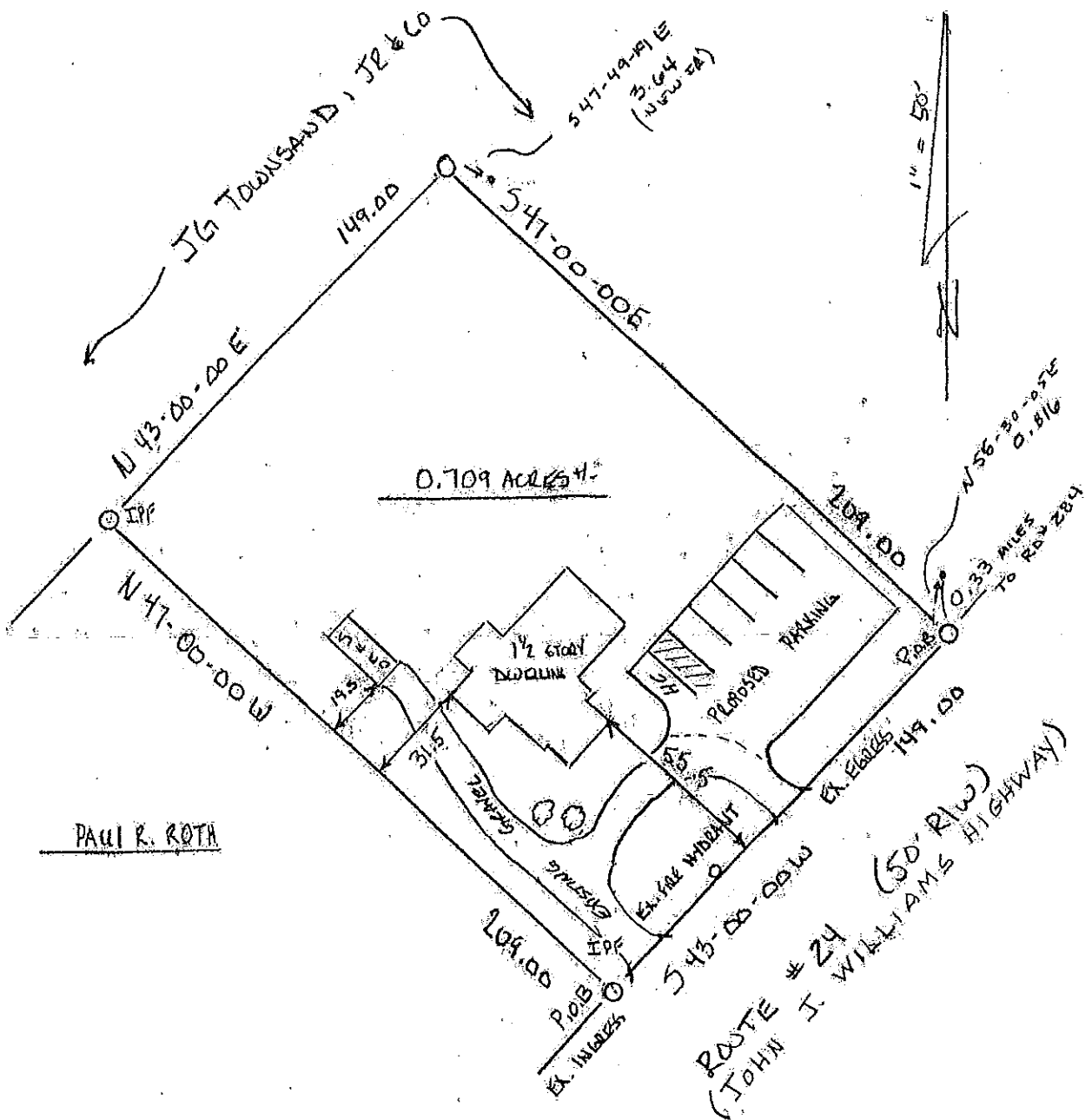
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**MANN ASSOCIATES SURVEYING, INC.**

401A N. Central Ave.  
 Laurel, DE 19956  
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405-09

CLASS 'B' SURVEY



PAUL R. ROTA

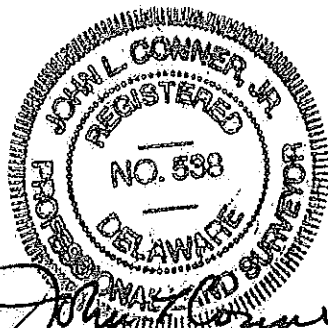
SITE PLAN

LEWES & RENOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



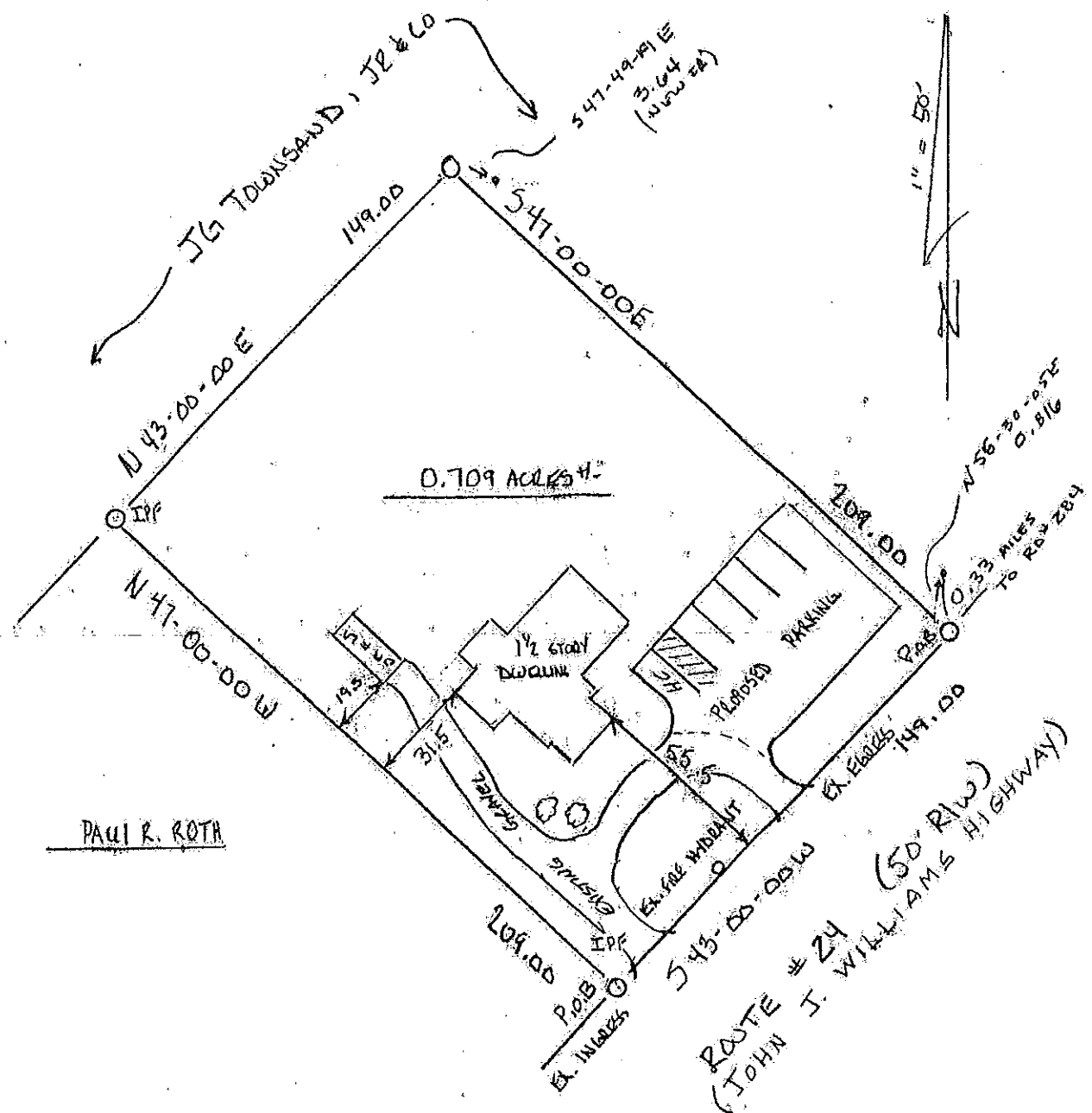
*John L. Conner* 7/12/05  
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CLASS 'B' SURVEY



PAUL R. ROTH

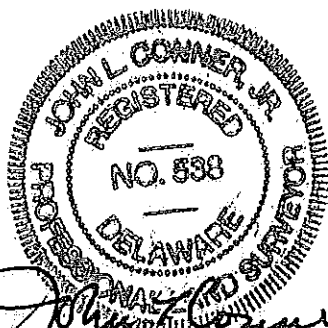
SITE PLAN

LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



*John L. Conner* 7/12/05  
John L. Conner, Del. P.L.S. 538

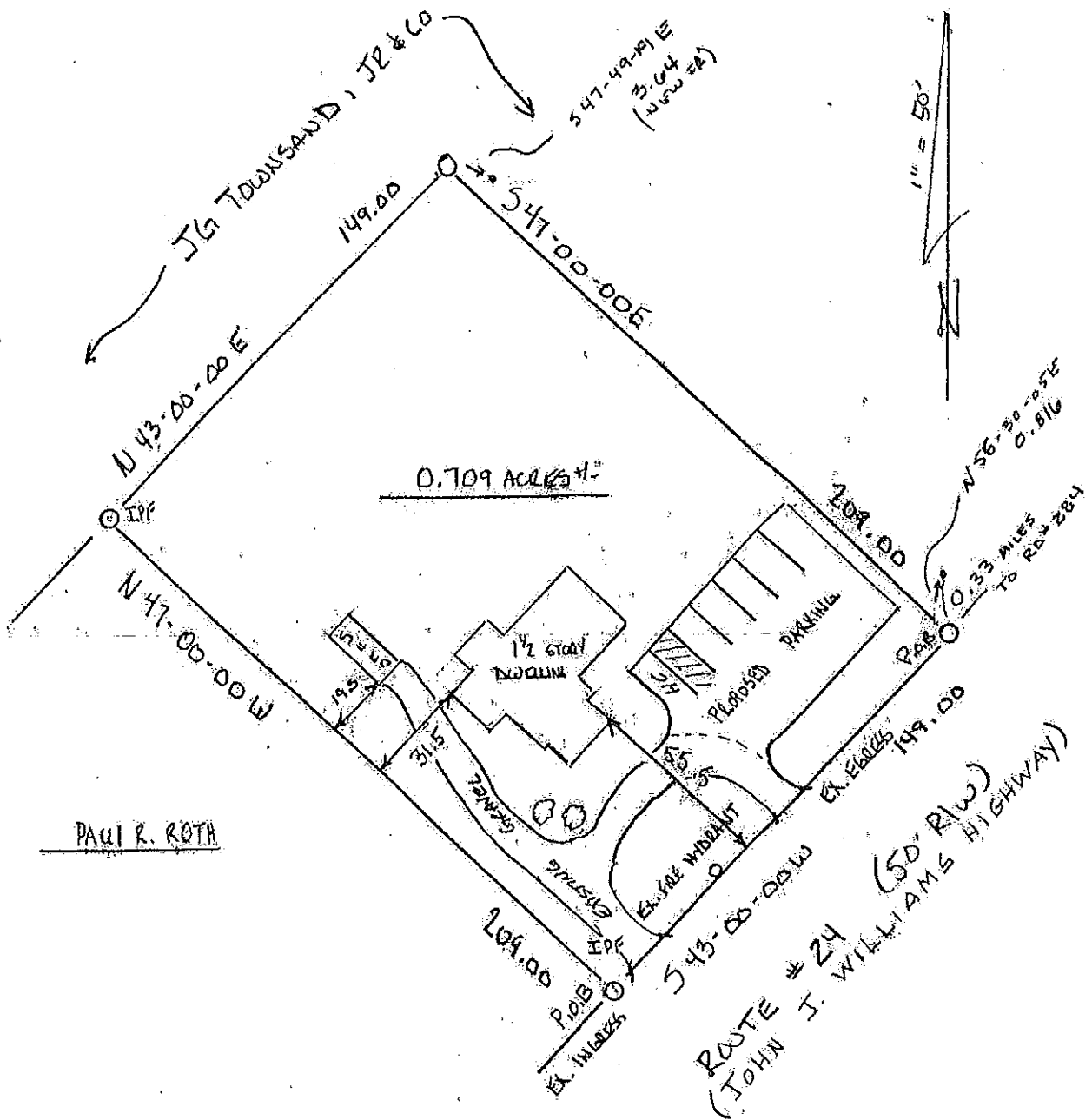
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405-09

CLASS 'B' SURVEY





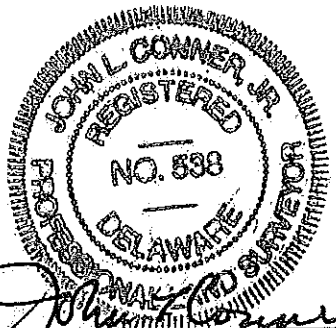
SITE PLAN

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PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



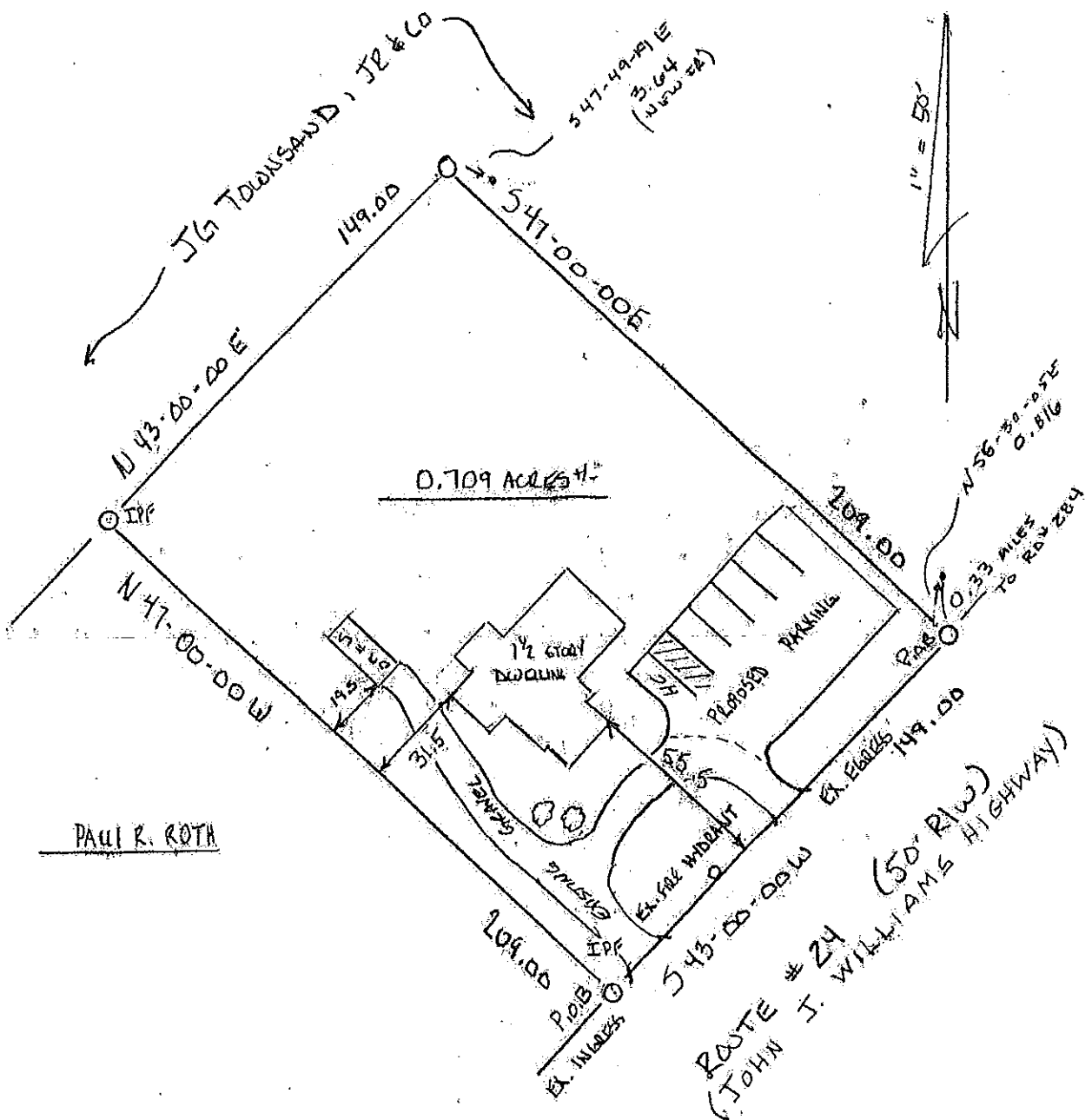
*John L. Conner* 7/12/05  
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401A N. Central Ave.  
 Laurel, DE 19956  
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405-09

CLASS 'B' SURVEY



PAUL R. ROTH

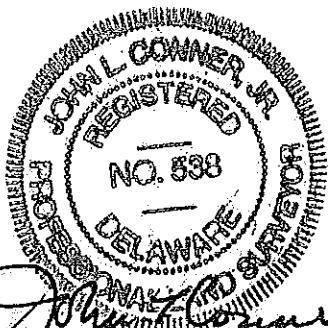
SITE PLAN

LEWES & RENOBOTH HUNDREN - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



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