

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 8th, 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

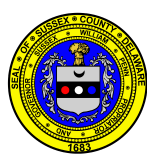
Sewer: Sussex County

Water: Well

Site Area: 0.709 acre +/-

Tax Map ID.: 334-12.00-24.00





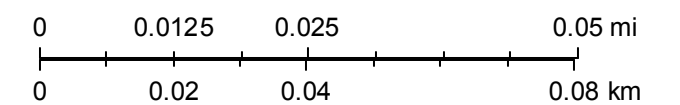
Sussex County

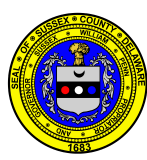


| | |
|------------------------|------------------|
| PIN: | 334-12.00-24.00 |
| Owner Name | BEEBE CRAIG ALAN |
| Book | 5332 |
| Mailing Address | PO BOX 249 |
| City | NASSAU |
| State | DE |
| Description | HWY LEWES TO |
| Description 2 | MILLSBORO |
| Description 3 | N/A |
| Land Code | |

- 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

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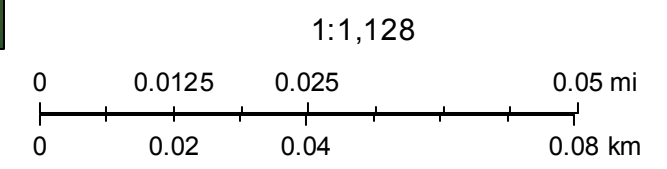


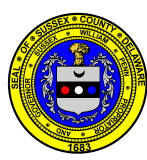
Sussex County



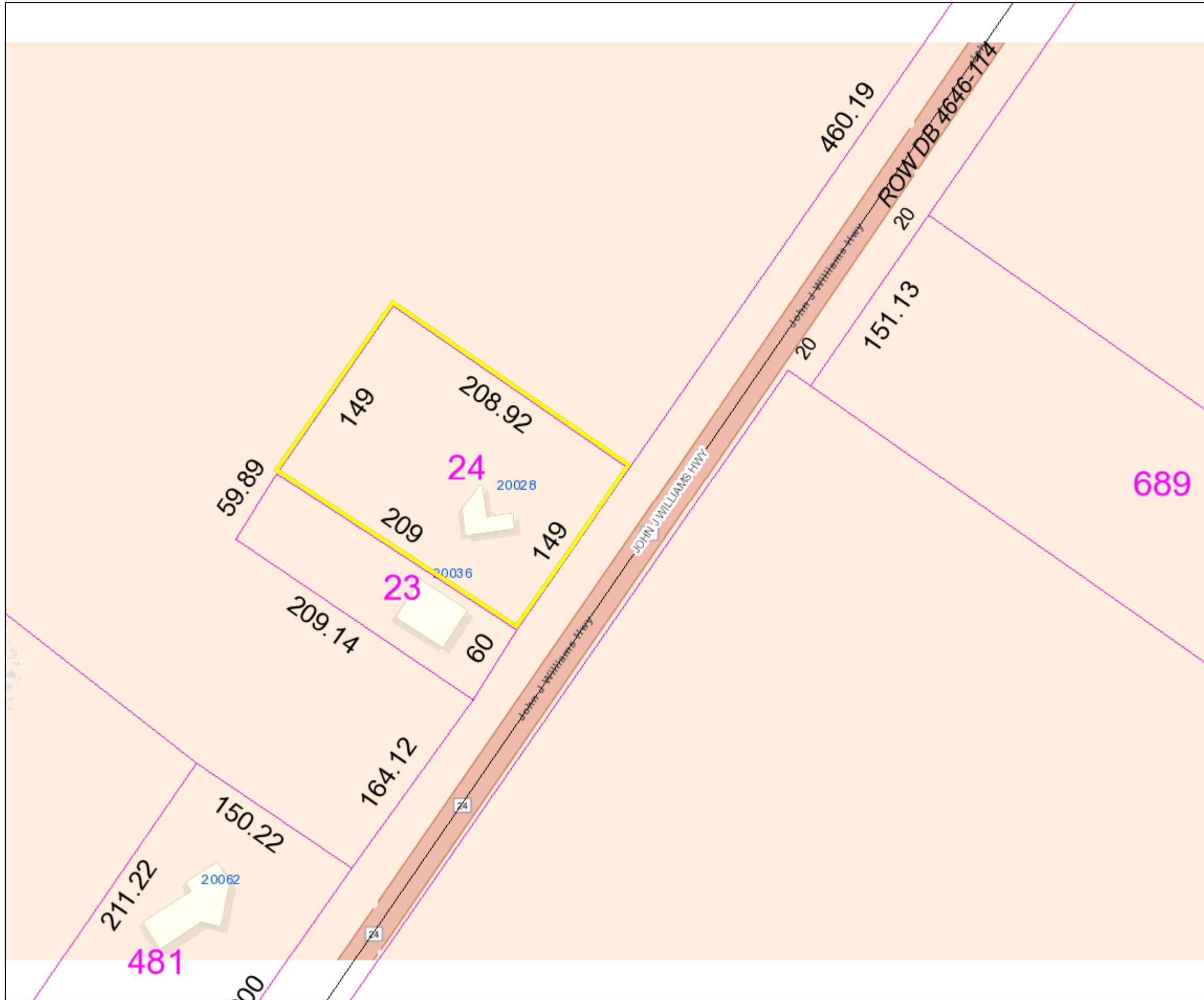
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- polygonLayer**
- Override 1
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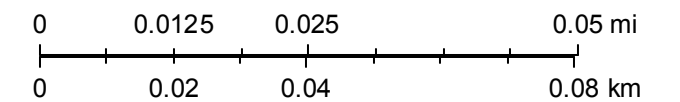
Sussex County



| | |
|------------------------|------------------|
| PIN: | 334-12.00-24.00 |
| Owner Name | BEEBE CRAIG ALAN |
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- polygonLayer**
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 - AO
 - OPEN WATER
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 - Municipal Boundaries

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 31st, 2021
RE: Staff Analysis for CU 2246 Bee Wise, LLC

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 8th, 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.



| 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

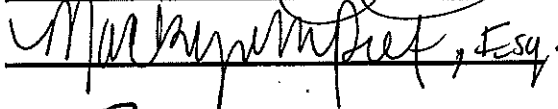
The following shall be submitted with the application

- 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.

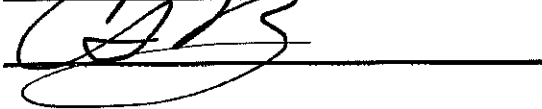
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future 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.

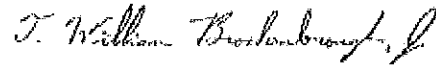
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



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.

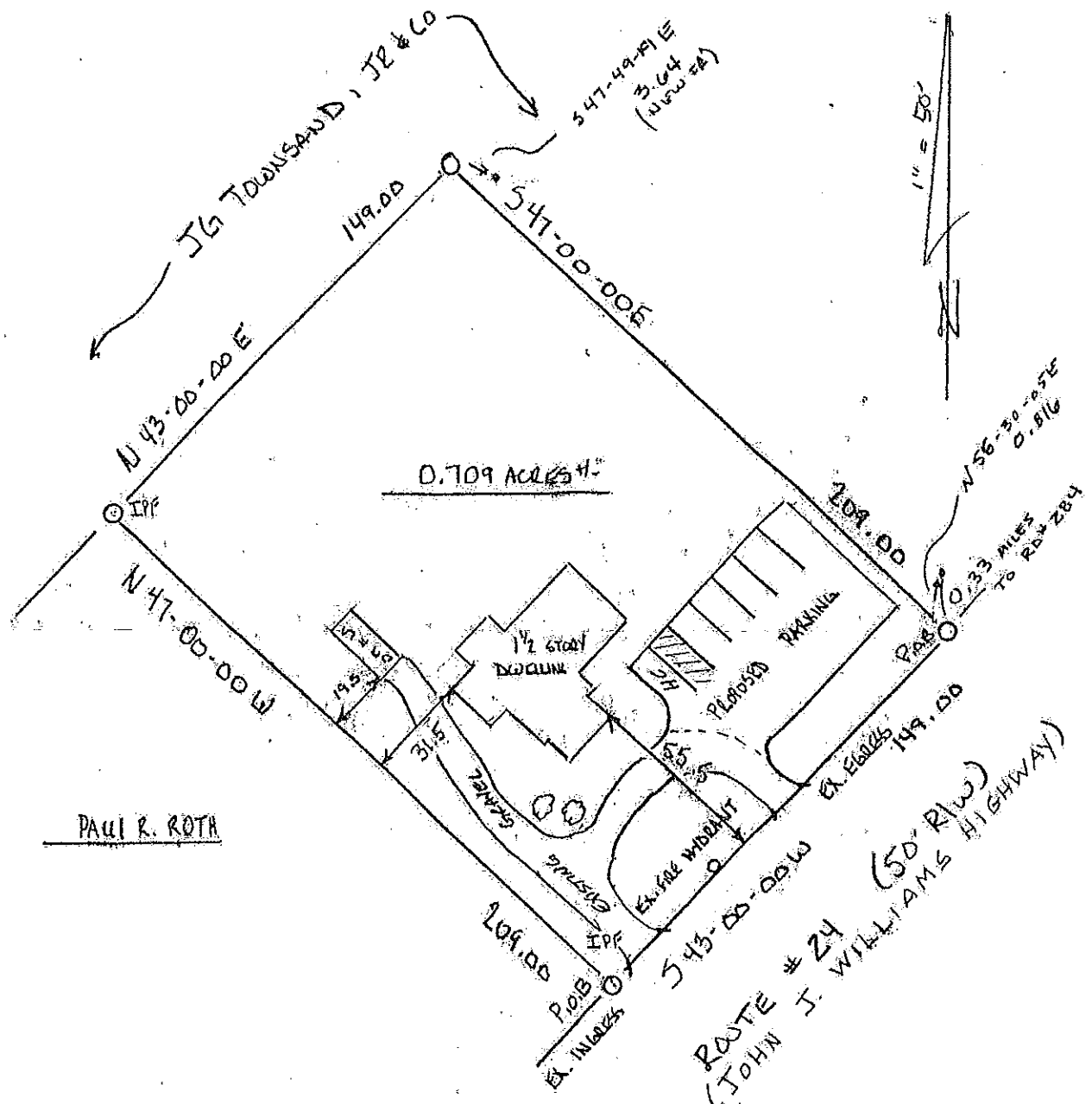
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **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:



John J. Ashman
Director of Utility Planning

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



PAUL R. ROTH

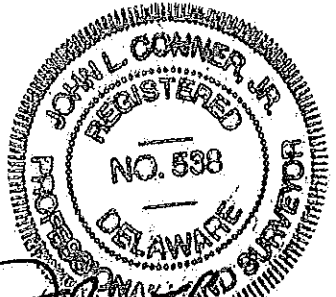
SITE PLAN

LEWES & RENOVATION HONOREE - 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

TTUNNELL
&**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

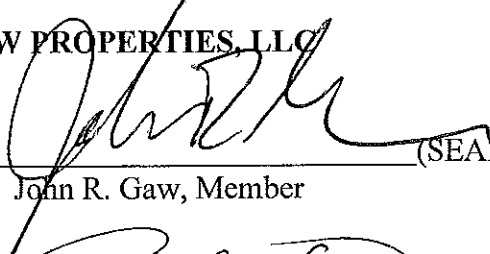
Southwest of County Road 284; thence from this point of beginning running by and along Route 24 (50' r/w), (John J. Williams Highway), South 43 degrees 00 minutes 00 seconds West 149.00 feet to an iron pipe found; thence turning and running by and along the line of these lands, North 47 degrees 00 minutes 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 7th 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:

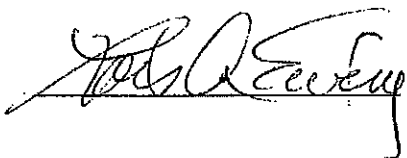
BEGINNING at a point on the Northwest side of Route 24 (50' r/w), (John J. Williams Highway); said point marking a corner for this lot and for lands now or formerly of J.G. Townsend, Jr. & Co., said point also being located approximately 0.33 of a mile Southwest of County Road 284; thence from this point 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 7th, 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

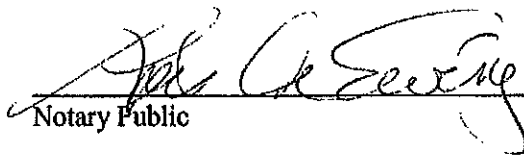

Notary Public

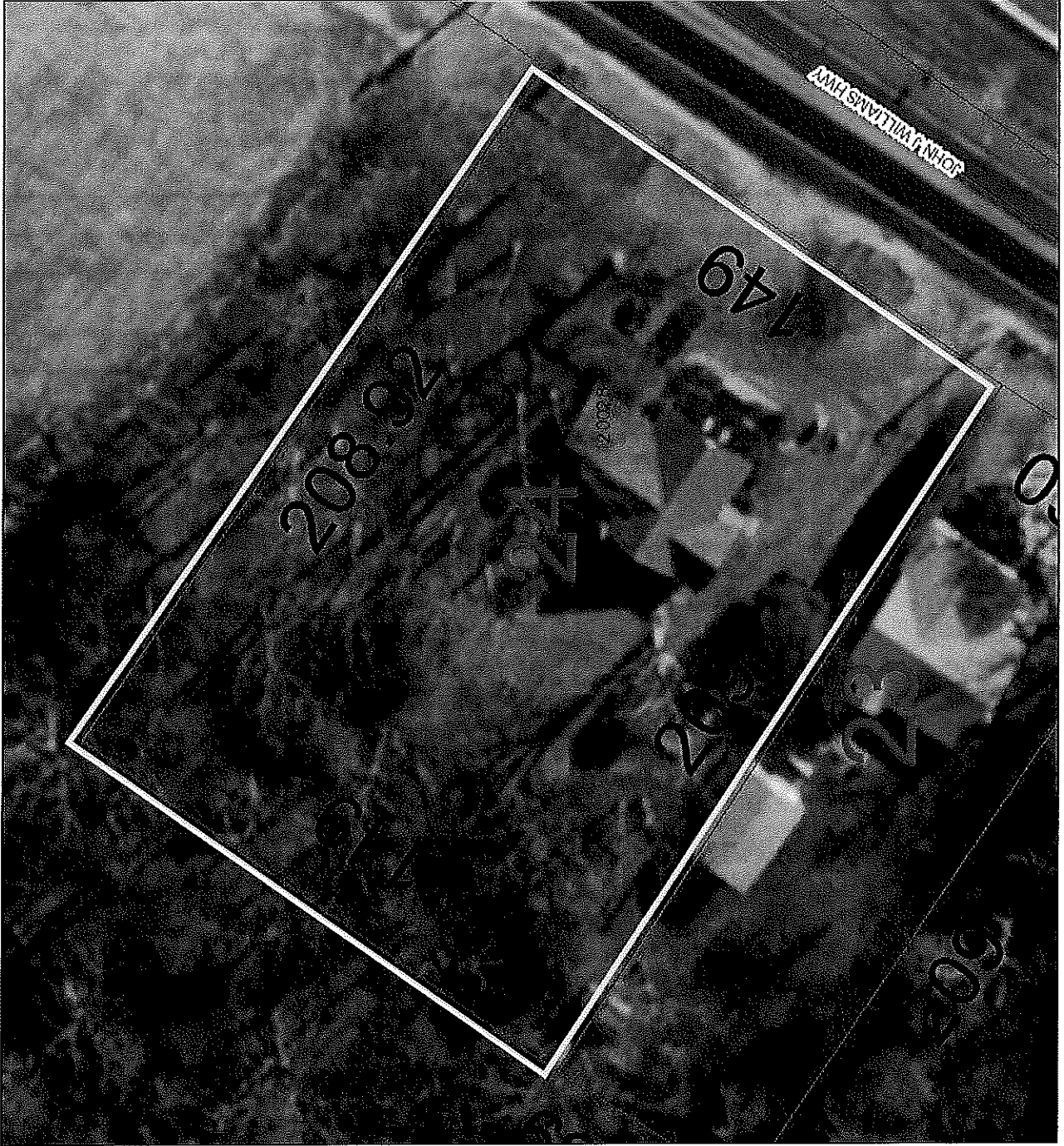
EXHIBIT B
AERIAL MAP

LAW OFFICES

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



Sussex County



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

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

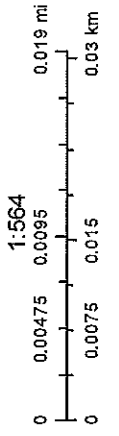


EXHIBIT C
CODE

LAW OFFICES

TUNNELL
& **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^[1]]

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

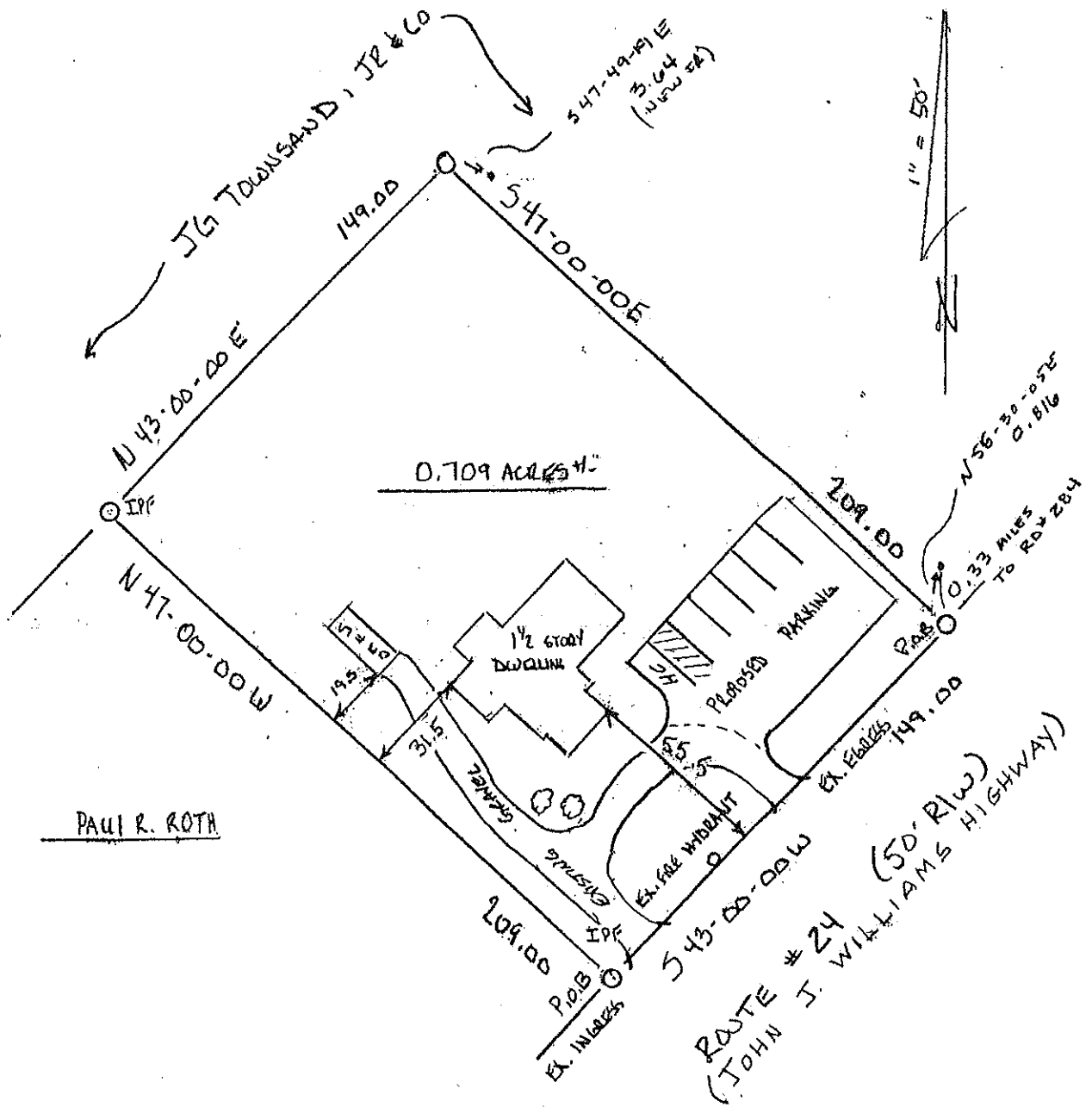
Swimming or tennis clubs, private, nonprofit or commercially operated

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

EXHIBIT D
SURVEY

LAW OFFICES

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



PAUL R. ROTH

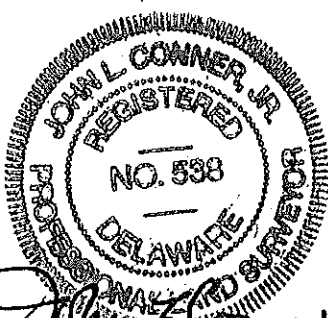
SITE PLAN

LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24

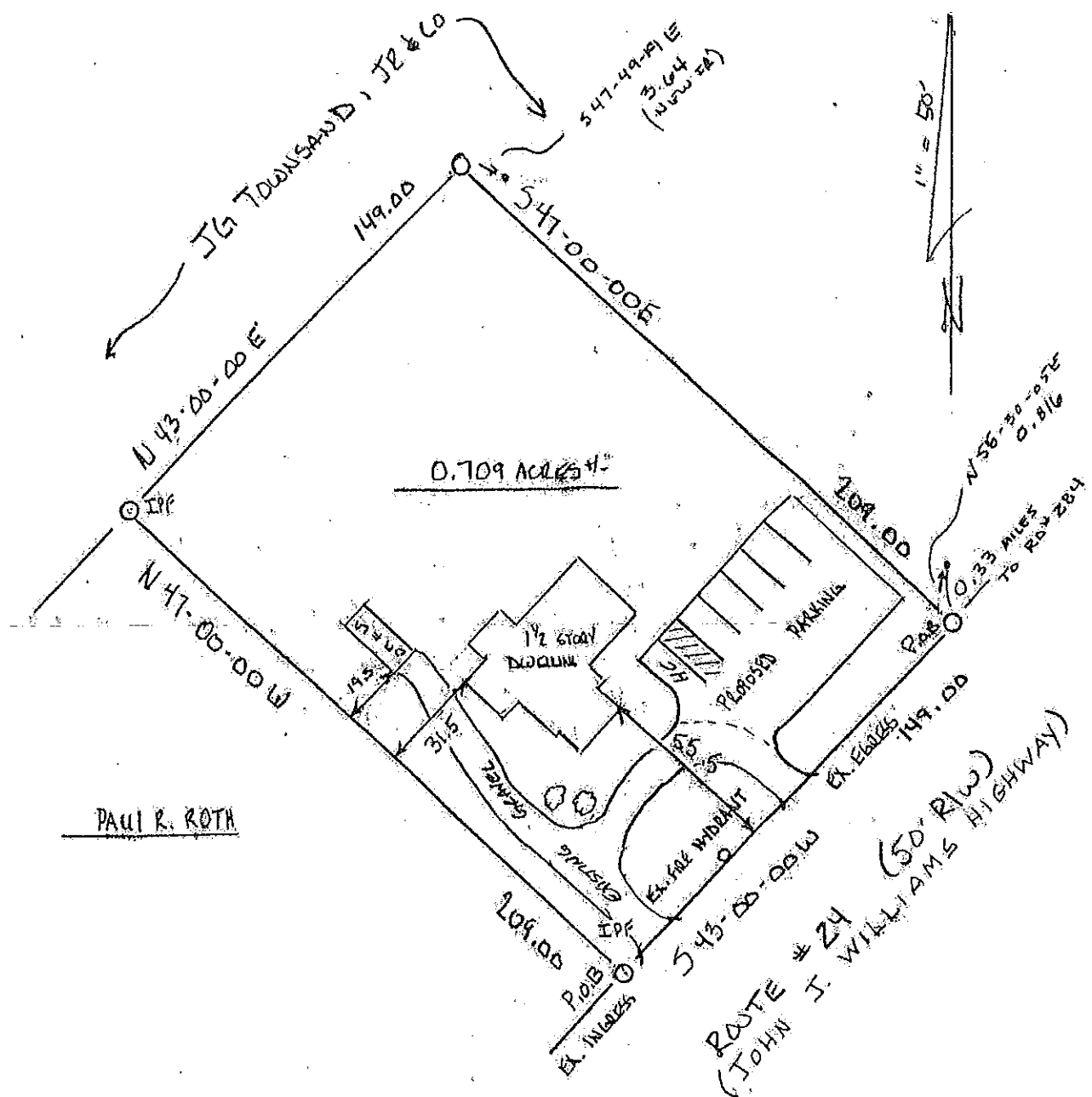


John L. Conner 7/12/05
 John L. Conner, Del. P.L.S. 538

MANN ASSOCIATES SURVEYING, INC.

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

405-09



PAUL R. ROTH

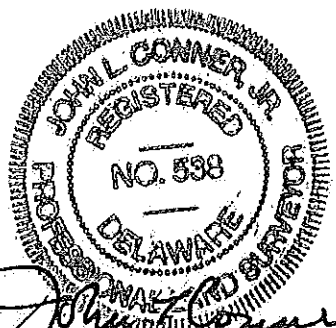
SITE PLAN

LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



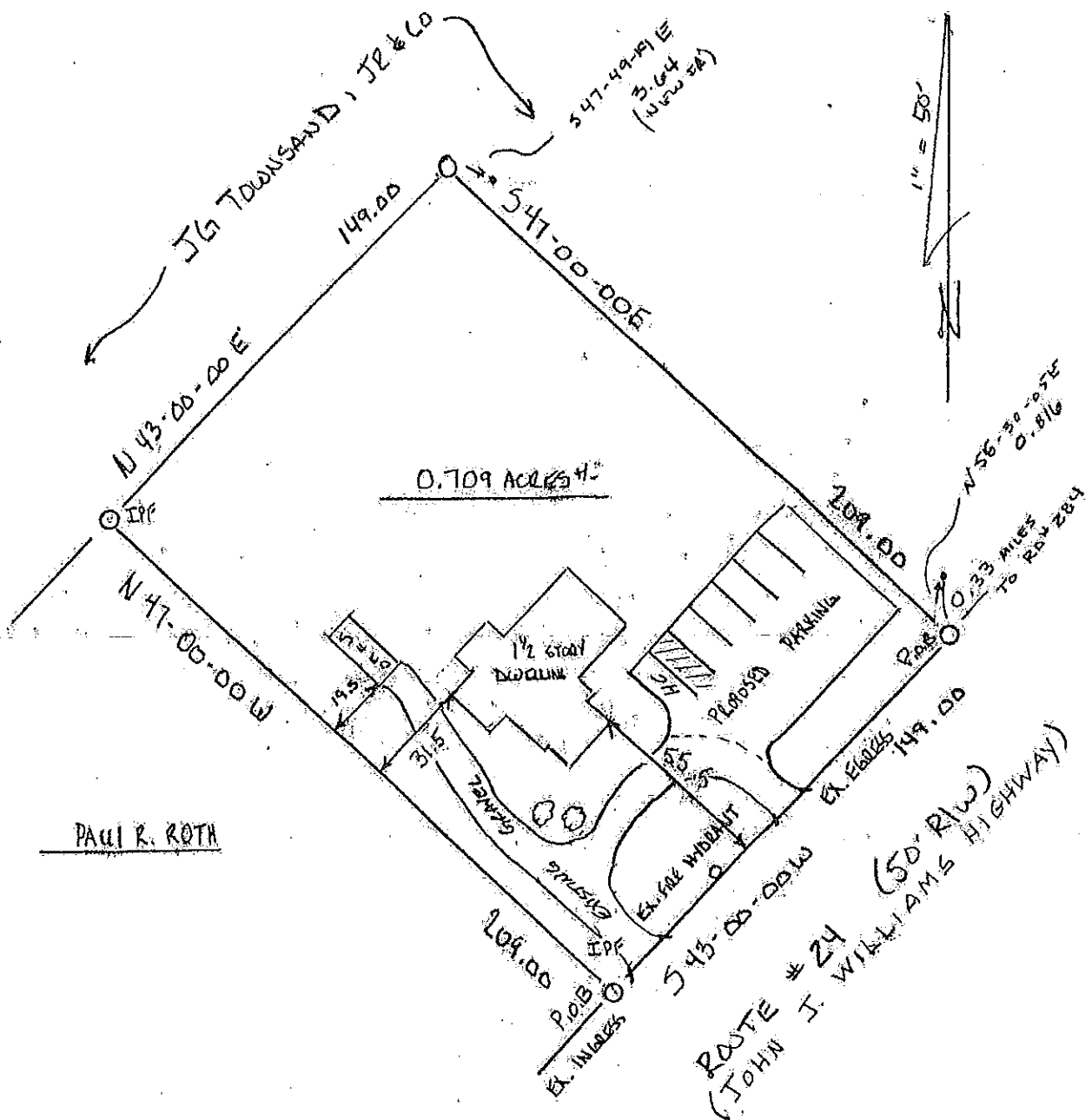
John L. Conner 7/12/05
 John L. Conner, Del. P.L.S. 538

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



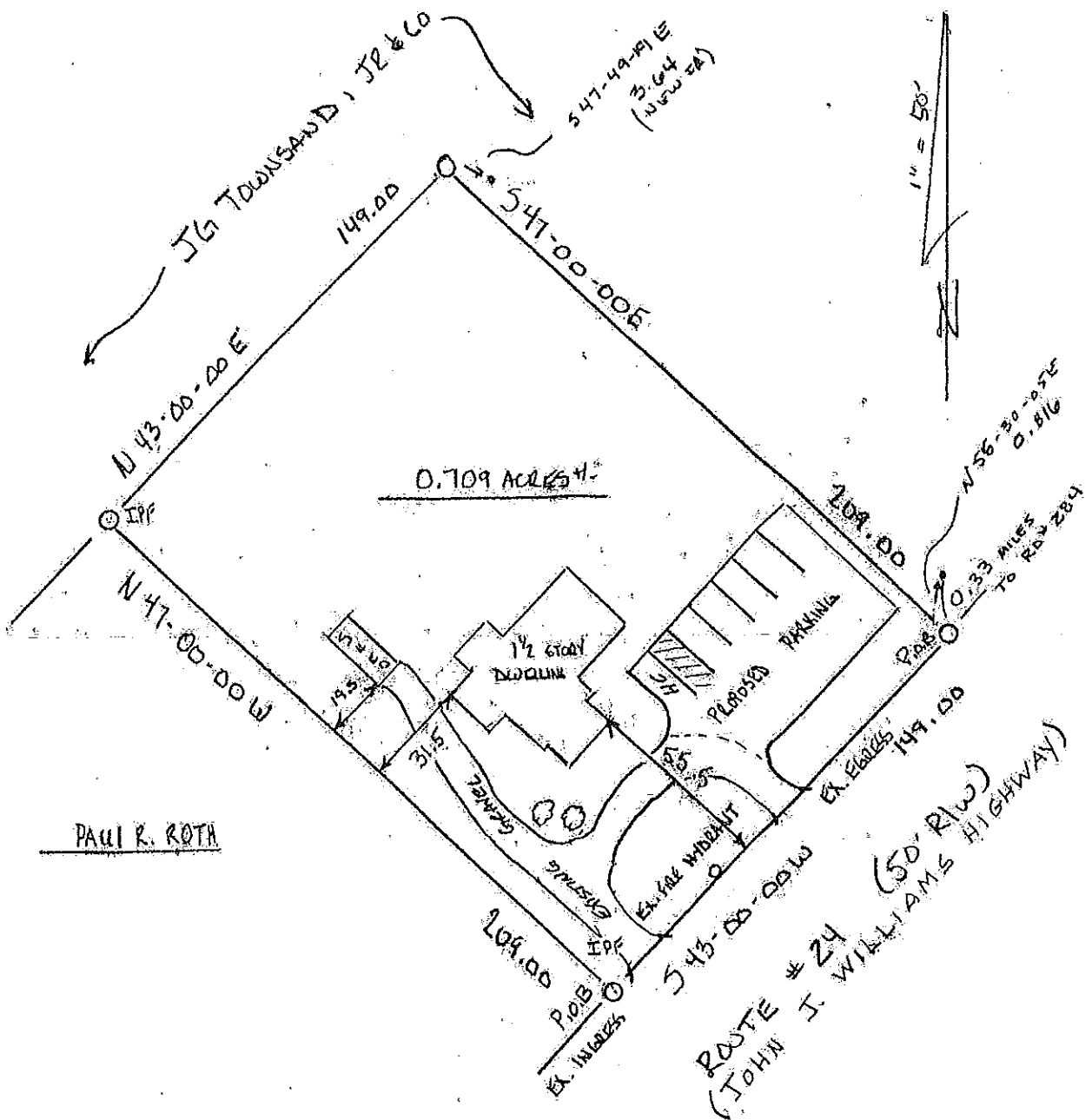
John L. Conner, Del. P.L.S. 538

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 Laurel, DE 19956
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405-09



PAUL R. ROTA

SITE PLAN

LEWES & RENOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



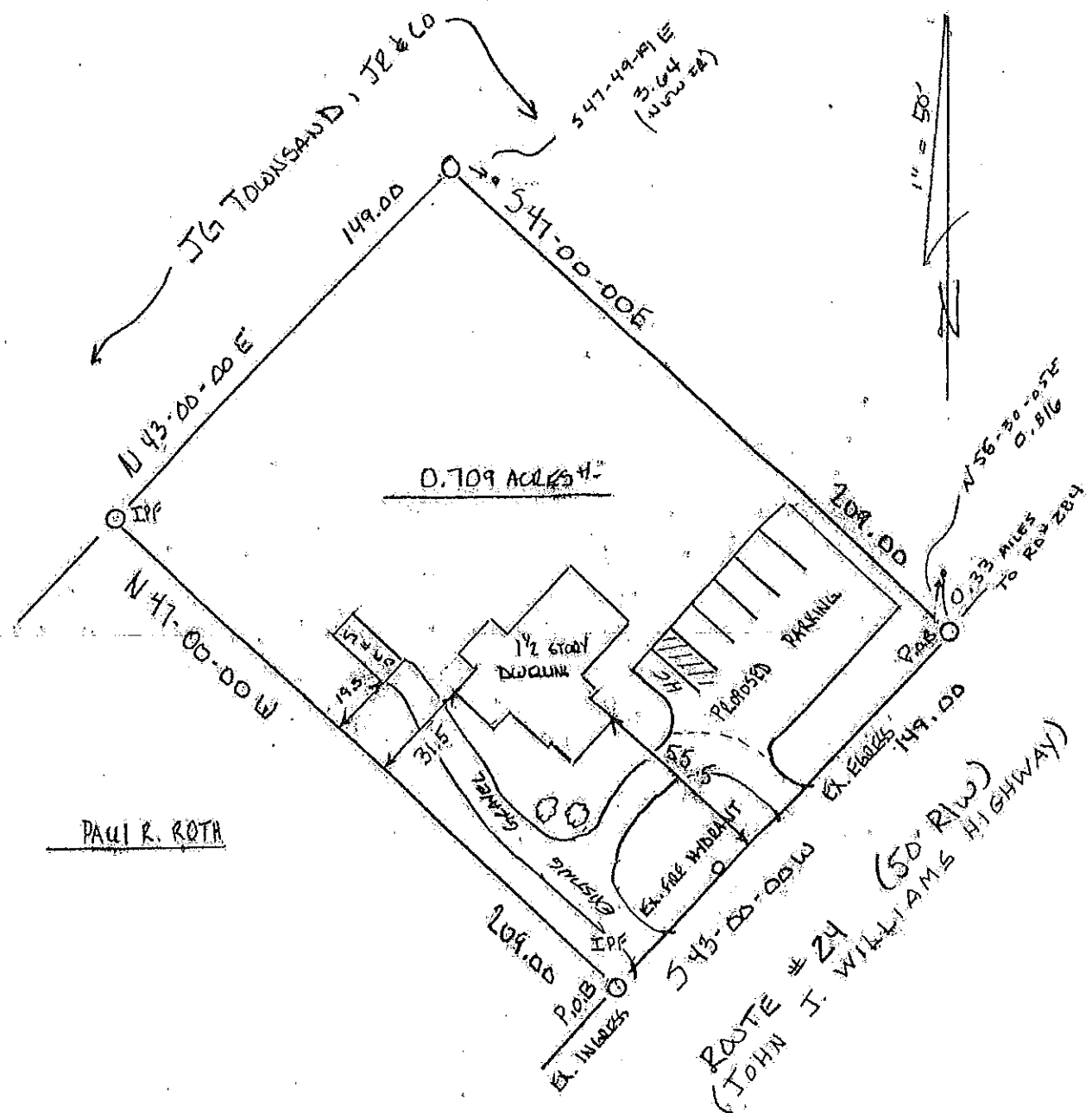
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CLASS 'B' SURVEY



PAUL R. ROTH

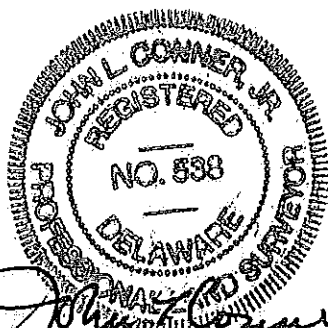
SITE PLAN

LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



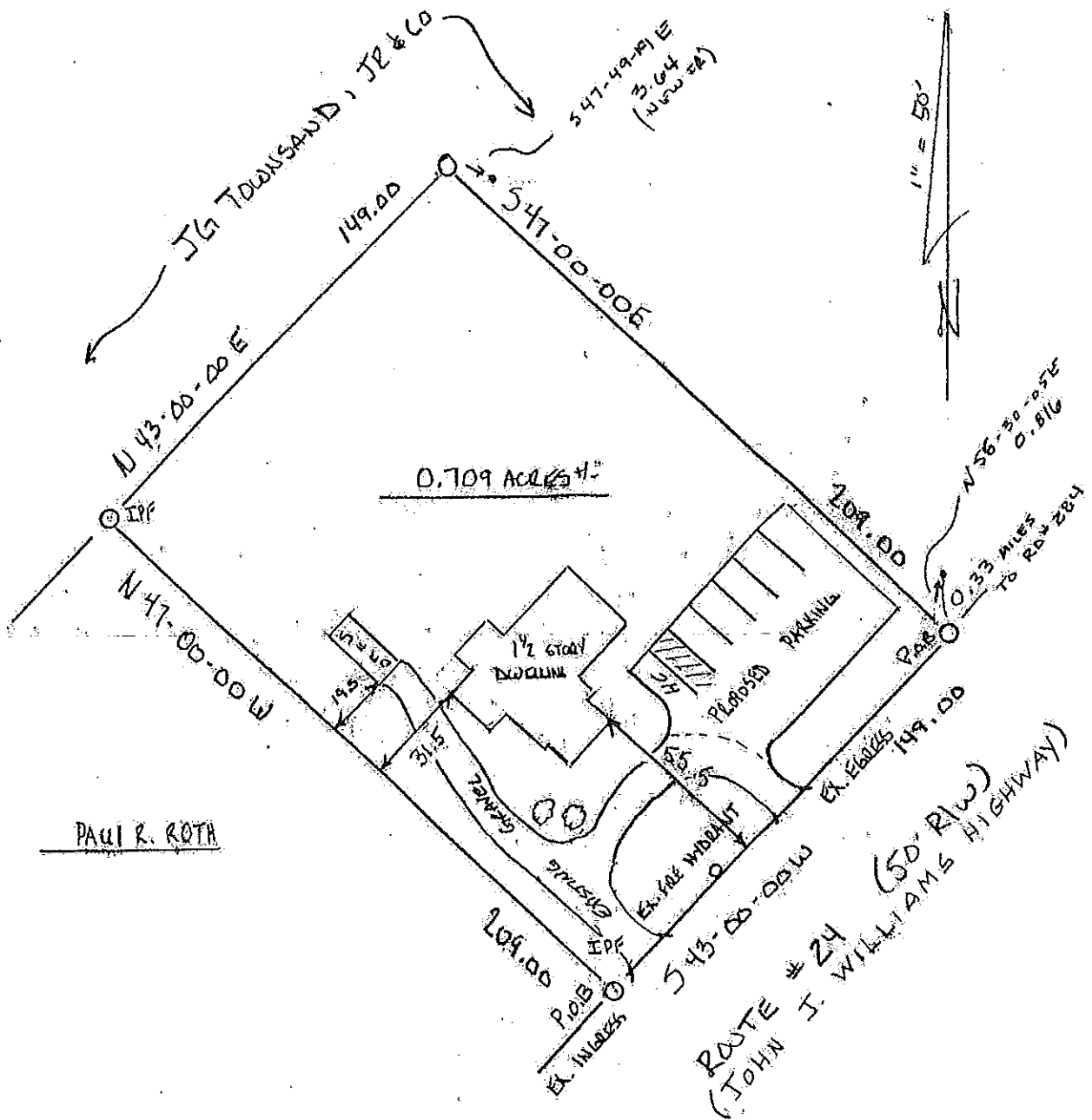
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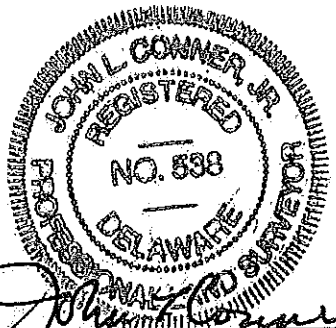
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LEWES & RENOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



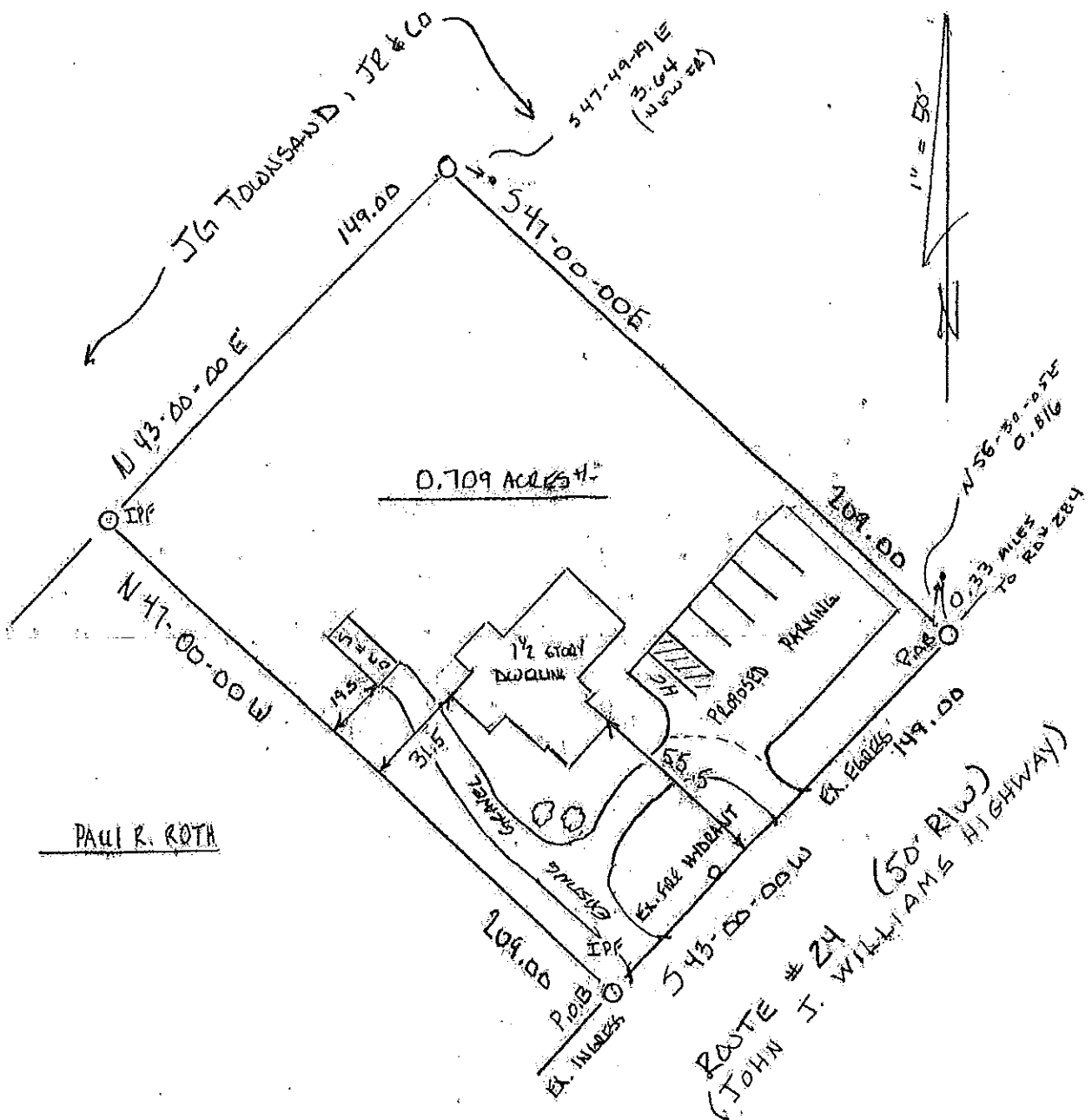
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CLASS 'B' SURVEY



PAUL R. ROTH

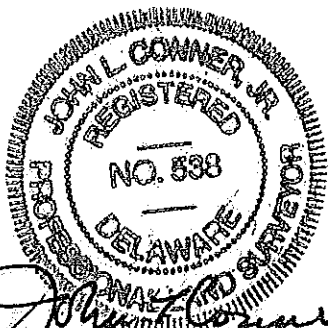
SITE PLAN

LEWES & RENOBOTH HUNDREN - SUSSEX COUNTY - DELAWARE

PREPARED FOR:

ROBIN R. MAY

TAX MAP # 3-34-12-24



John L. Conner 7/12/05
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