

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: December 9th, 2021

Application: CU 2279 Ron Sutton (Winward Village)

Applicant: Ron Sutton
55 W. Main St
Middletown, DE 19709

Owner: Christopher Land, LLC
10461 White Granite Drive Suite 250
Oakton, VA 22124

Site Location: Lying on the east side of Kent Ave. (S.C.R 361) approximately 0.66 mile south of Garfield Parkway. (Route 26)

Current Zoning: Medium Density (MR) Zoning District

Proposed Use: Multi-Family (11 Units)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Bethany Beach Fire Department

Sewer: Artesian

Water: Sussex County

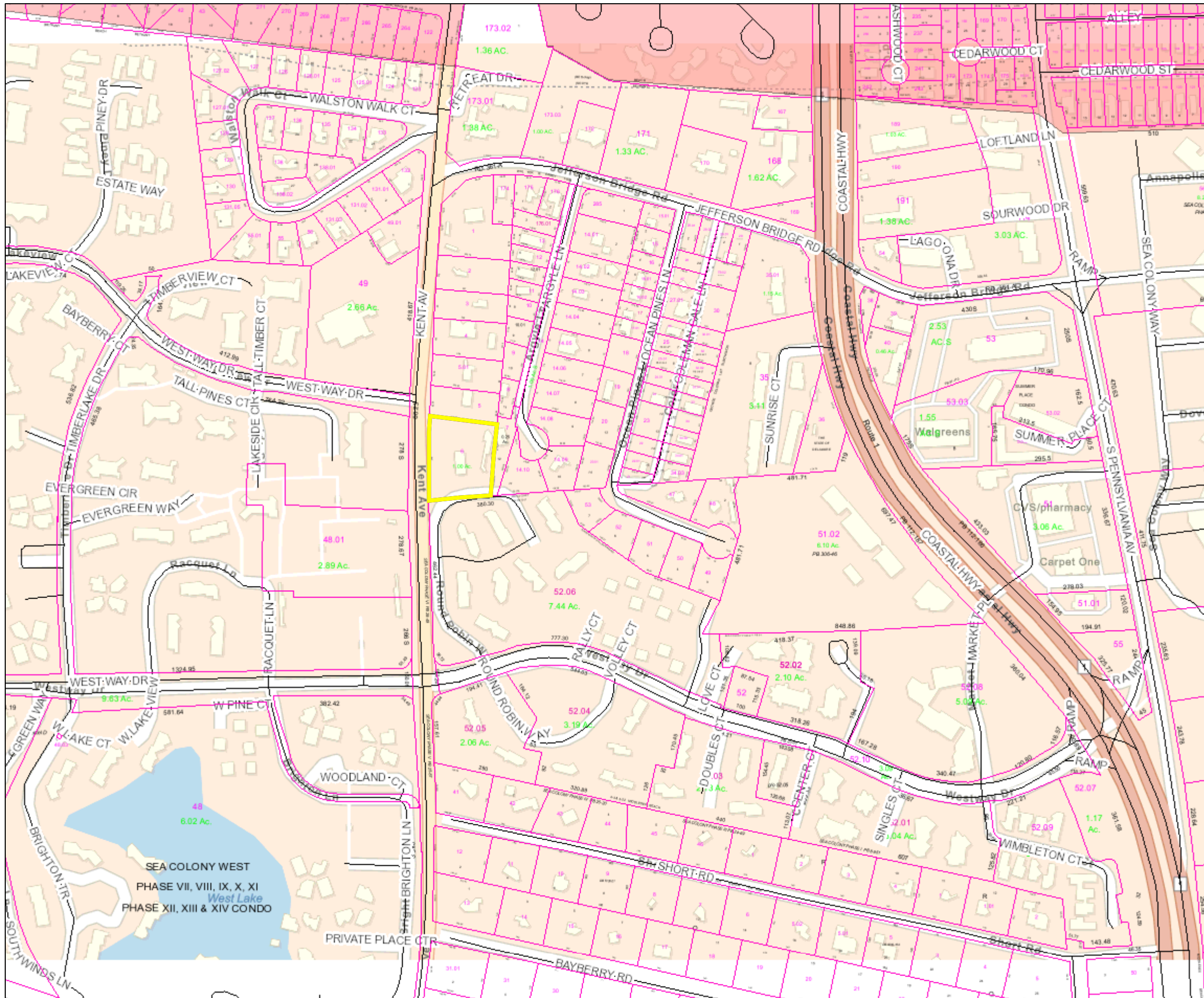
Site Area: 1.035 acres +/-

Tax Map ID.: 134-17.11-6.00





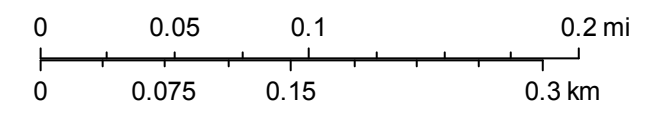
Sussex County



PIN:	134-17.11-6.00
Owner Name	MERGARD LLC
Book	4432
Mailing Address	33309 KENT AVE
City	BETHANY BEACH
State	DE
Description	E/RD BETHANY BH TO
Description 2	JEFFERSON BRIDGE
Description 3	N/A
Land Code	

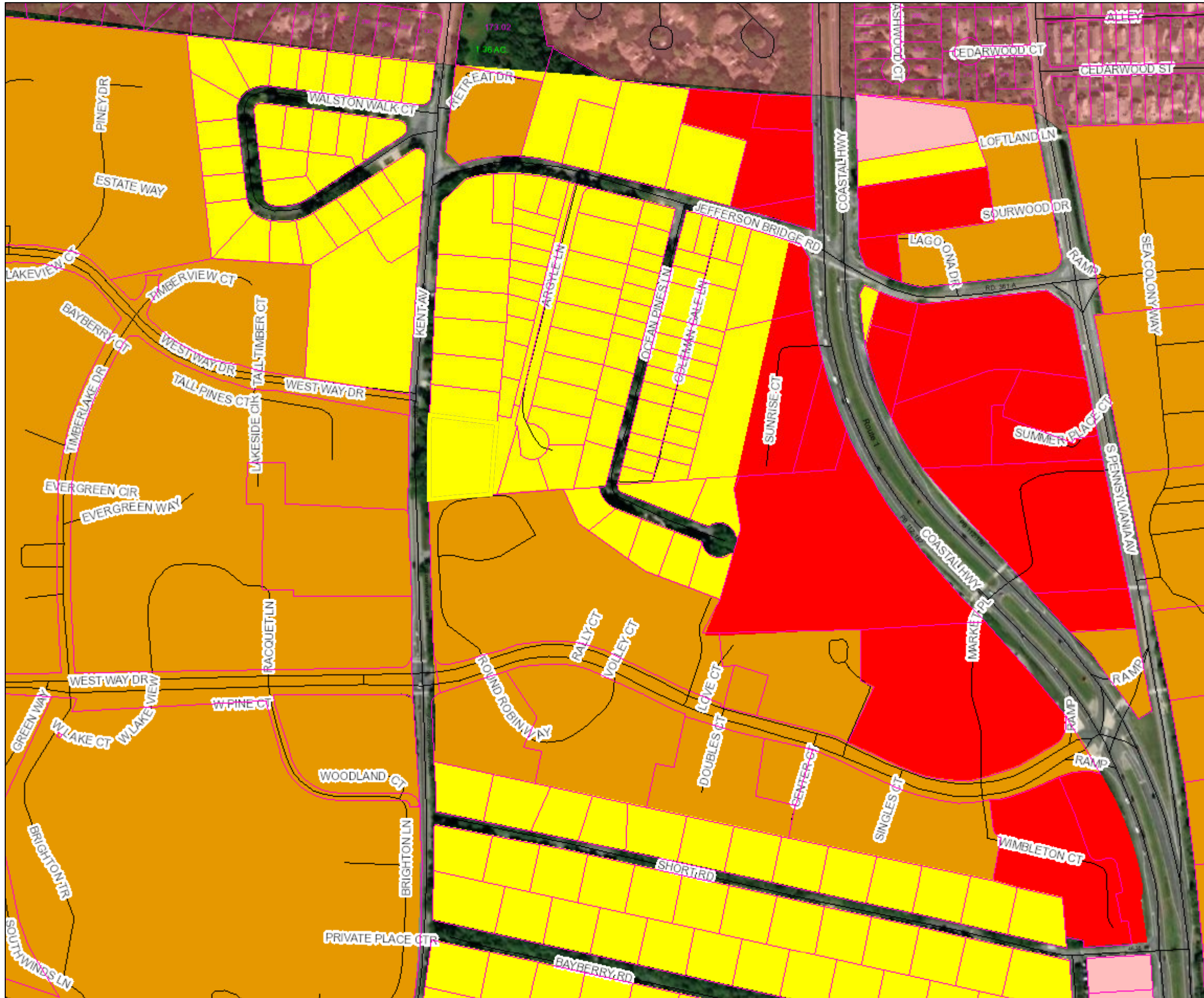
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| ⋯ | Tax Parcels |
| — | Streets |
| ⋯ | County Boundaries |
| ⋯ | Municipal Boundaries |

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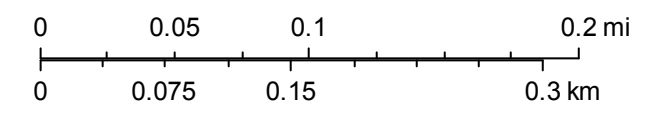
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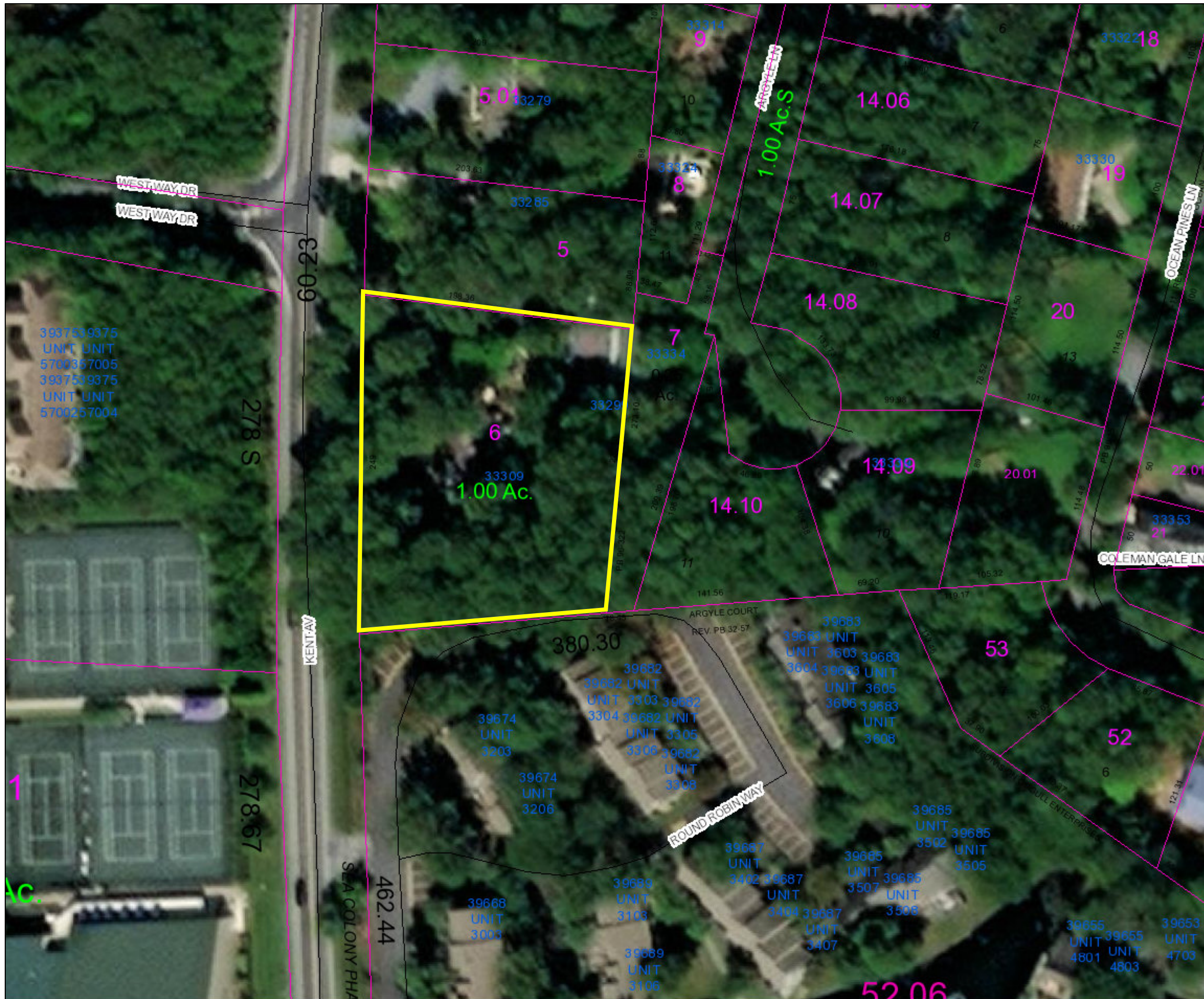
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- ⋯ Tax Parcels
- Streets

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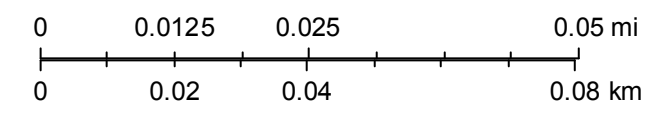
Sussex County



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Description	E/RD BETHANY BH TO
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Description 3	N/A
Land Code	

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

1:1,128



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jamie.whitehouse@sussexcountyde.gov



Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: December 2, 2021
RE: Staff Analysis for CU 2279 Ron Sutton

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2279 Ron Sutton to be reviewed during the December 9, 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: 134-17.11-6.00 to allow for multi-family condominiums. The parcel is lying on the east side of Kent Avenue (S.C.R. 361), approximately 0.66 mile south of Garfield Parkway (Route 26). The parcel consists of 1.035 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Coastal Area". The surrounding and adjacent parcels to the north, south, west and east also contain the "Coastal Area" land use designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

The subject property is zoned Medium Residential (MR). The adjacent properties to the north and east of the subject site are also zoned Medium Residential (MR). The adjacent properties to the south and across Kent Avenue are zoned High Density Residential (HR-1). Properties further east are zoned General Commercial (C-1) Zoning District.

Since 2011, there has been one (1) Conditional Use application within a 1-mile radius of the application site. Conditional Use No. 2222 was approved by the Sussex County Council on Tuesday, June 9, 2020, through Ordinance No. 2713, to allow for a mini golf course.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use for multi-family condominiums, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



File #: CU2279
202105288

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

33309 Kent Ave Bethany Beach, DE 19930

Type of Conditional Use Requested:

MULTI-FAMILY CONDOMINIUMS

Tax Map #: 134-17.11-6.00 Size of Parcel(s): 1.035 Ac

Current Zoning: MR Proposed Zoning: MR Size of Building: N/A

Land Use Classification: RESIDENTIAL

Water Provider: ARTESIAN WATER CO Sewer Provider: SUSSEX COUNTY

Applicant Information

Applicant Name: RON SUTTON
Applicant Address: 55 W. MAIN STREET
City: MIDDLETOWN State: DE Zip Code: 19709
Phone #: (302) 574-2444 E-mail: RON@CEA-DE.COM

Owner Information

Owner Name: CHRISTOPHER LAND, LLC
Owner Address: 10461 WHITE GRANITE DRIVE, SUITE 250
City: OAKTON State: VA Zip Code: 22124
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: SAME AS APPLICANT
Agent/Attorney/Engineer Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

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

Provide Fee \$500.00

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

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

DeIDOT Service Level Evaluation Request Response

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: 3-24-21

Signature of Owner



Date: 3-23-21

For office use only:

Date Submitted: 4/8/2021

Fee: \$500.00 Check #: 2823

Staff accepting application: NAT

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

NICOLE MAJESKI
SECRETARY

March 24, 2021

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 **Civil Engineering Associates** proposed land use application, which we received on February 12, 2021. This application is for an approximately 1.00- acre parcel (Tax Parcel: 134-17.11-6.00). The subject land is located east of Kent Avenue (Sussex Road 361). The subject land is currently zoned MR (Medium-Density Residential) and the applicant seeks a conditional use approval to build 11 Condominiums.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Kent Avenue (Sussex Road 361), from Westway Drive to Atlantic Avenue (Sussex Road 26), is 3,903 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** 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 diminutive with regard to warranting a TIS does not mean that it is diminutive 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
March 24, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

Enclosure

cc: Civil Engineering Associates, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, 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
Annamaria Furmato, Project Engineer, Development Coordination

PLANNING & ZONING
Jamie Whitehouse, AICP, MRTPI
Director
(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 2/12/21

Site Information:

Site Address/Location: 33309 Kent Ave Bethany Beach, DE 19930

Tax Parcel Number: 134-17.11-6.00

Current Zoning: MR

Proposed Zoning: MR

Land Use Classification: Residential

Proposed Use(s): Multifamily residential - condominiums
(Conditional Use)

Square footage of any proposed buildings or number of units: 11

Applicant Information:

Applicant's Name: Civil Engineering Associates

Applicant's Address: 55 W. Main Street

City: Middletown State: DE Zip Code: 19709

Applicant's Phone Number: (302) 584-6632

Applicant's e-mail address: sroberts@cea-de.com



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **11/23/2021**

APPLICATION: **CU 2279 Ron Sutton (Winward Village)**

APPLICANT: **Ron Sutton**

FILE NO: **OM-3.07**

TAX MAP &
PARCEL(S): **134-17.11-6.00**

LOCATION: **Lying on the east side of Kent Ave. (SCR 361), approximately
0.66 mile south of Garfield Parkway.**

NO. OF UNITS: **Multi-Family (11 units)**

GROSS
ACREAGE: **1.035**

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

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **There are currently 4.67 EDU's being billed on the parcel. If those are disconnected as part of the project that would result in a 4.67 EDU credit..** Is it likely that additional SCCs will be required? **Yes**

If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Denise Burns** 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? **N/A**
- (8). Comments: **The parcel is currently served with one 6-inch lateral, and at a minimum, will need to be upgraded to an 8-inch lateral.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Denise Burns

WINDWARD VILLAGE

DESIGN SUMMARY & SUPPLEMENTAL DATA

CONDITIONAL USE APPLICATION CU-2279

Proposed MR – Multifamily Dwelling Structures

Tax Parcel 1-34-17.00-6.00

BALTIMORE HUNDRED
SUSSEX COUNTY
DELAWARE



FOR:



PREPARED BY:



CIVIL ENGINEERING ASSOCIATES, LLC

55 W. Main Street
Middletown, DE 19709
(302) 376-8833

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- A. **CONDITIONAL USE APPLICATION FORM**
- B. **PROPERTY SURVEY & DEED**
- C. **PRELIMINARY PLANS**
- D. **SUSSEX COUNTY CODE DESIGN CONSIDERATIONS (SECTION 99-9 C.)**
- E. **ENVIRONMENTAL ASSESSMENT & PUBLIC FACILITY EVALUATION REPORT**
- F. **DELDOT SERVICE LEVEL EVALUATION REQUEST FORM/DELDOT RESPONSE**
- G. **ZONING & COMPREHENSIVE PLAN CONTEXT & MAPPING**
- H. **SUSSEX COUNTY SSCE COMPLETED FORM**

APPENDIX A

CONDITIONAL USE APPLICATION FORM

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

33309 Kent Ave Bethany Beach, DE 19930

Type of Conditional Use Requested:

MULTI-FAMILY CONDOMINIUMS

Tax Map #: 134-17-116.0

Size of Parcel(s): 1.035 Ac

Current Zoning: MR

Proposed Zoning: MR

Size of Building: N/A

Land Use Classification: RESIDENTIAL

Water Provider: ARTESIAN WATER CO

Sewer Provider: SUSSEX COUNTY

Applicant Information

Applicant Name: RON SUTTON

Applicant Address: 55 W. MAIN STREET

City: MIDDLETOWN

State: DE

Zip Code: 19709

Phone #: (302) 574-2444

E-mail: RON@CEA-DE.COM

Owner Information

Owner Name: CHRISTOPHER LAND, LLC

Owner Address: 10461 WHITE GRANITE DRIVE, SUITE 250

City: OAKTON

State: VA

Zip Code: 22124

Phone #:

E-mail:

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: SAME AS APPLICANT

Agent/Attorney/Engineer Address:

City:

State:

Zip Code:

Phone #:

E-mail:



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- Provide Fee \$500.00**
- Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- DeIDOT Service Level Evaluation Request Response**
- 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: 3-24-21

Signature of Owner



Date: 3-23-21

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: _____

APPENDIX B

PROPERTY SURVEY & DEED

1-34-17.11-6.00
Prepared By/Return To:
The Lawson Firm, LLC
402 Rehoboth Avenue, P.O. Box 739
Rehoboth Beach, DE 19971

RECEIVED
AUG 13, 2015
ASSESSMENT DIVISION
OF SUSSEX COUNTY

THIS QUITCLAIM DEED, made this 5th day of August, 2015

- BETWEEN -

REVERE HIGH YIELD FUND, LP, a Delaware limited partnership, of 105 Rowayton Avenue, Suite 100, Rowayton, Connecticut 06853, party of the first part

- AND -

MERGARD, L.L.C., a Delaware limited liability company, of P.O. Box 730, Bethany Beach, Delaware, party of the second part.

WITNESSETH, that the said party of the first part, without consideration, hereby remises, quitclaims and releases unto the party of the second part, its successors and/or assigns, in fee simple,

33309 Kent Avenue, Bethany Beach, Sussex County, State of Delaware, identified as Tax ID: 1-34-17.11-6.00, more particularly described as follows, to wit:

ALL that certain lot, piece or parcel of land situate, lying and being in Baltimore Hundred, Sussex County, Delaware, lying on the east side of the County Road leading from Bethany Beach to Jefferson's Bridge and described as follows, to wit:

BEGINNING on the east side of the said County Road, thence, with lands now or formerly of George W. Bunting to lands now or formerly of John G. Bunting; thence, in a southerly direction with the east line of lands now or formerly of George W. Bunting to lands now or formerly of Louis L. Drexler, known as Farlow tract, thence, with said Drexler's tract to east side of County Road; thence, with the same having a frontage of about 249 feet to the place of beginning. Containing one acre of land, be the same more or less, with all improvements thereon.

BEING the same lands and premises conveyed unto Revere High Yield Fund, LP, by deed of MerGard, L.L.C., dated December 17, 2014, and recorded on June 25, 2015, in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 4412, Page 305.

SUBJECT to any restrictions, reservations, easements, covenants, agreements, etc. of record.

Consideration: .00

1

County	.00
State	.00
Town Total	.00
Received: Sue D Aug 13, 2015	

TC

AS

TO HAVE AND TO HOLD, said real property, with all appurtenances, estate, title and interest thereto belonging to said Party of the Second Part, its successors and assigns, forever.

Said Party of the First Part does hereby covenant with said Party of the Second Part that said Party of the First Part, its successors and representatives, shall warrant and defend title to said real property unto said Party of the Second Part, its successors and assigns, against the lawful claims of all persons claiming, by and through or under said Party of the First Part, but now otherwise.

GRANTEE'S ADDRESS: MerGard, L.L.C.
P.O. Box 730
Bethany Beach, DE 19930

IN WITNESS WHEREOF, the said party of the first part has hereunto caused its hand and seal to be hereunto set, the day and year aforesaid.

SEALED AND DELIVERED
IN THE PRESENCE OF:

Revere High Yield Fund, LP
By: Revere GP, LLC, a Connecticut limited liability company, its General Partner

Witness Lincoln Dailey

By [Signature]
Clark Briner, Manager
Brigitte White, Authorized Signatory

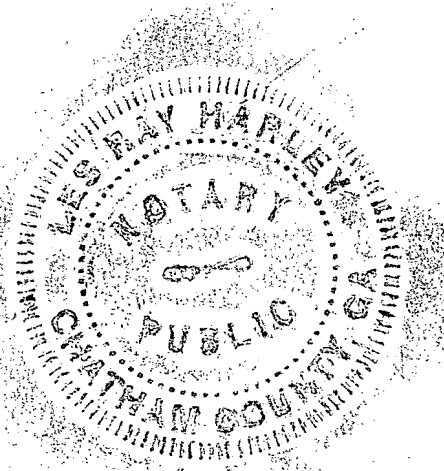
STATE OF Georgia)
) ss:
COUNTY OF Chatham)

I HEREBY CERTIFY, that on this 5th day of August, 2015, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, ~~Clark Briner, Manager~~ of Revere GP, LLC, a Connecticut limited liability company, the General Partner of Revere High Yield Fund, LP, who acknowledged the foregoing Quitclaim Deed to be the act of said company and made oath in due form of law that no consideration in said Quitclaim Deed is true and bona fide as therein set forth.

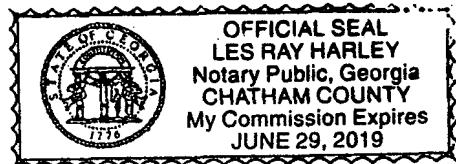
Brigitte White,
Authorized Signatory

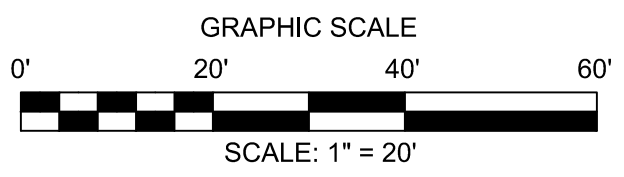
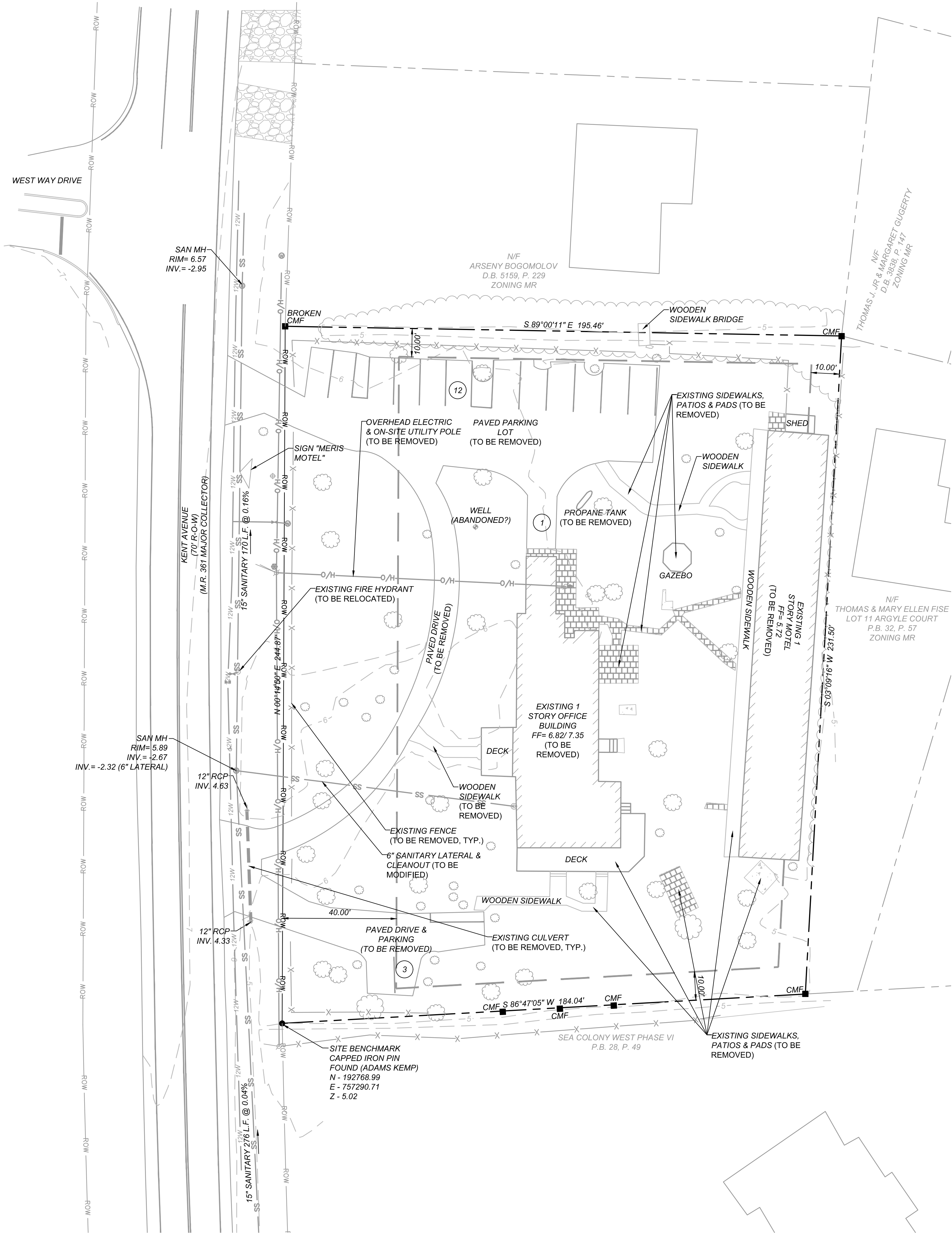
AS WITNESS my Hand and Notarial Seal.

[Signature]
Notary Public
Printed Name: Les Ray Harley
My Commission Expires: June 29, 2019



Recorder of Deeds
Scott Dailey
Aug 13, 2015 03:42P
Sussex County
Doc. Surcharge Paid





EXISTING CONDITIONS PLAN
FOR
WINDWARD VILLAGE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

DATE: DECEMBER 2, 2021

DESIGNED BY: JTW APPROVED BY: RHS

FILE:

SHEET NO.: **EX-1**

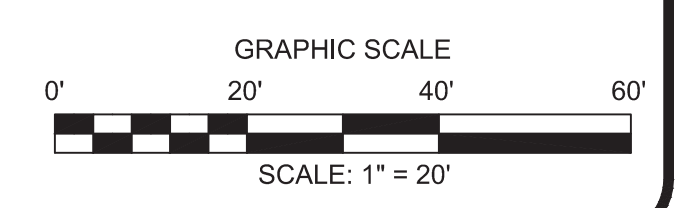
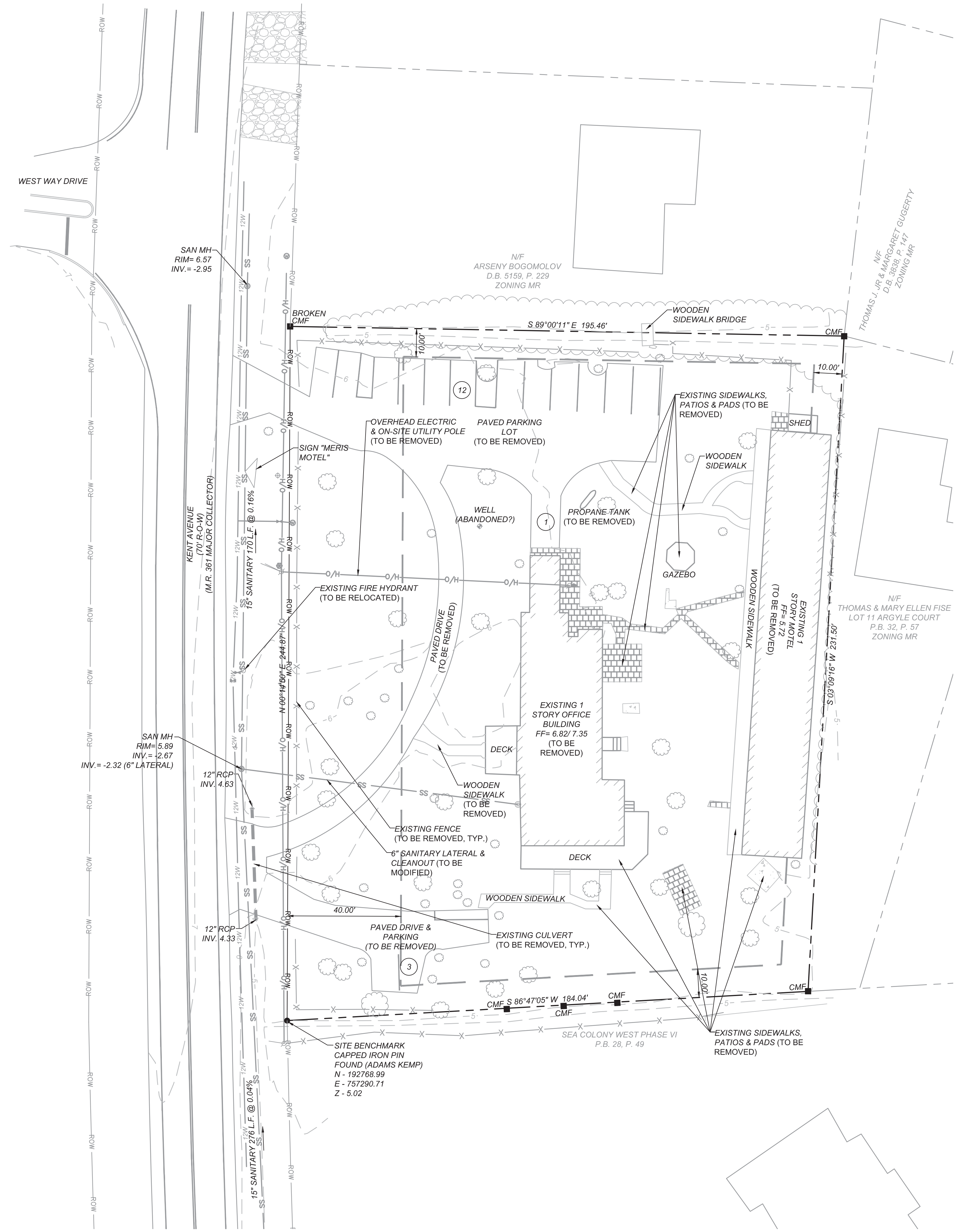
CIVIL ENGINEERING ASSOCIATES, LLC
 • ENGINEERING • SURVEYING • CONSTRUCTION SERVICES
 55 W. MAIN STREET
 MIDDLETOWN, DE 19709
 WWW.CEA-DE.COM
 PHONE (302) 376-8833
 FAX (302) 376-8834

REVISION	DATE	DESCRIPTION

DATE

APPENDIX C

PRELIMINARY PLANS



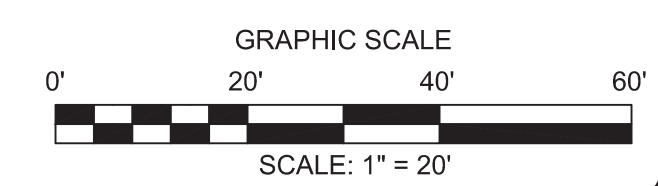
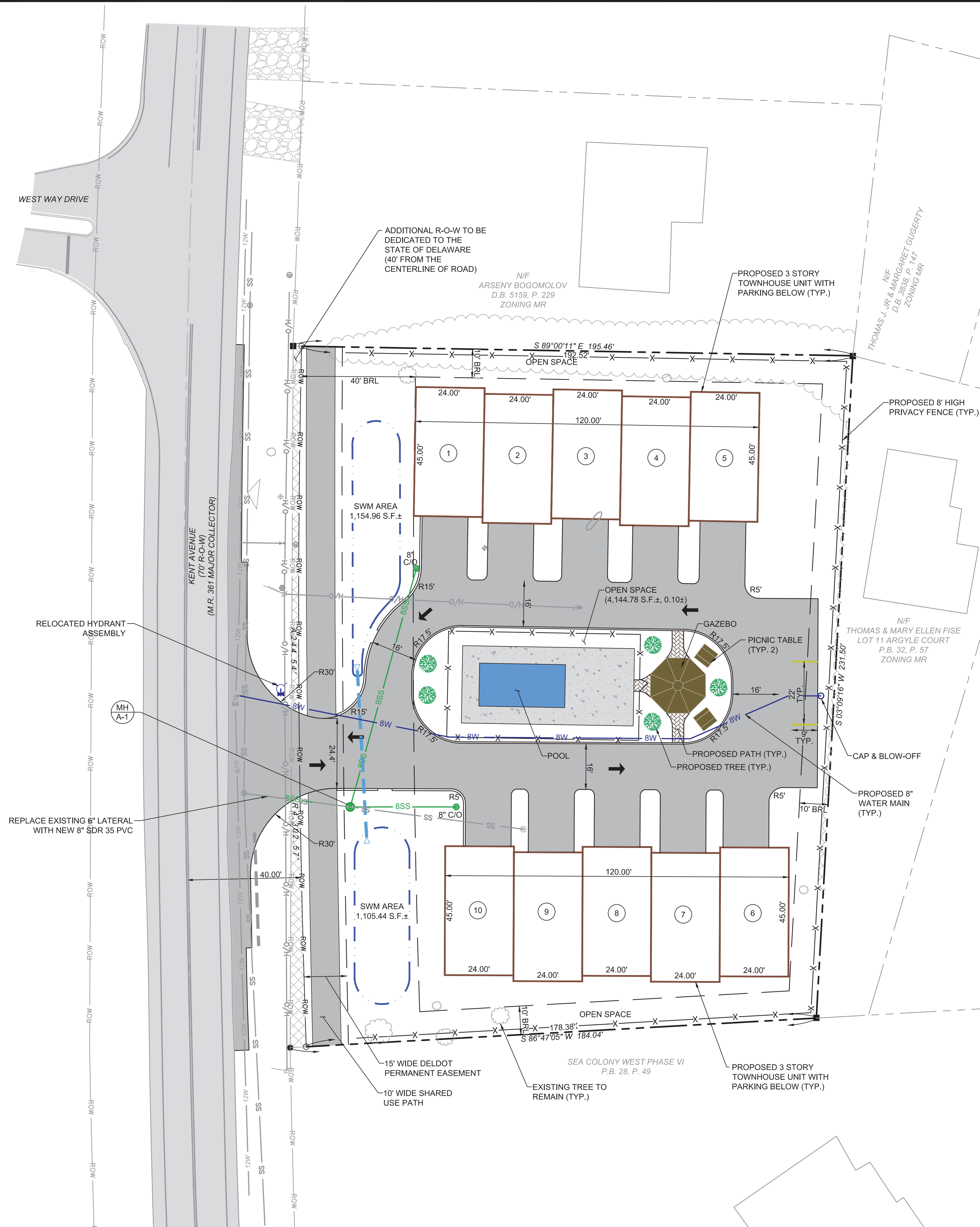
REVISION	DATE	DESCRIPTION

CIVIL ENGINEERING ASSOCIATES, LLC
 • ENGINEERING • SURVEYING • CONSTRUCTION SERVICES
 55 W. MAIN STREET
 MIDDLETOWN, DE 19709
 PHONE (302) 376-8833
 FAX (302) 376-8834
 WWW.CEA-DE.COM

EXISTING CONDITIONS PLAN
 FOR
WINDWARD VILLAGE
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE

DATE: DECEMBER 2, 2021
 DESIGNED BY: JTW APPROVED BY: RHS
 FILE:
 SHEET NO.: **EX-1**

DATE _____



SITE & UTILITY PLAN
FOR
WINDWARD VILLAGE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

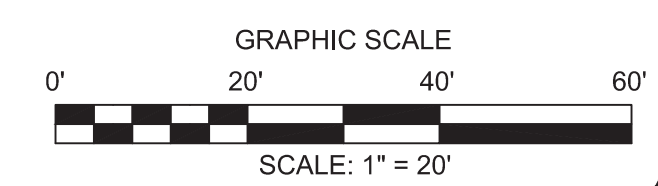
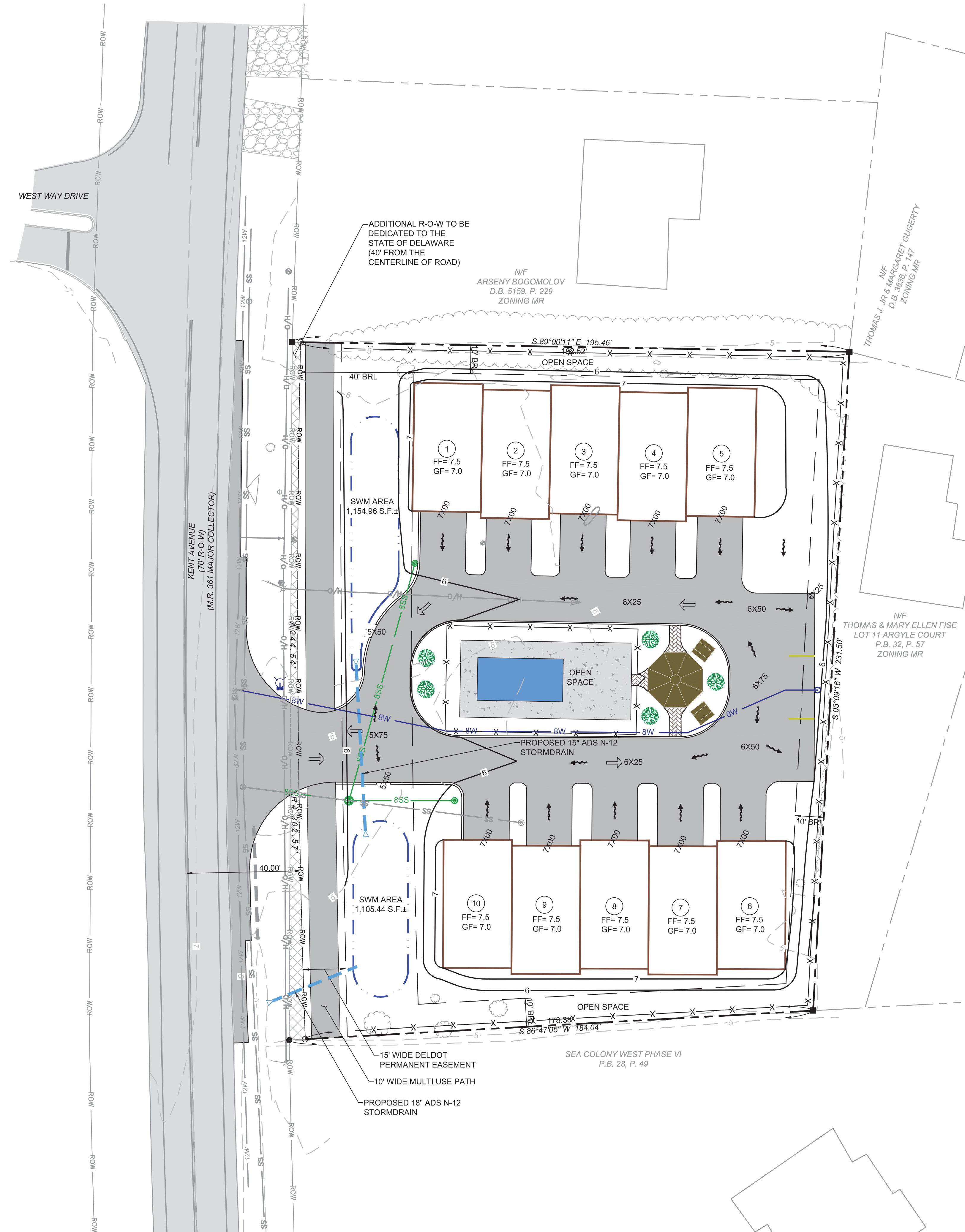
DATE: FEBRUARY 3, 2021
DESIGNED BY: JTW
FILE:
APPROVED BY: RHS
SHEET NO.: **C-1**

C&A CIVIL ENGINEERING ASSOCIATES, LLC
ENGINEERING • SURVEYING • CONSTRUCTION SERVICES
55 W. MAIN STREET
MIDDLETOWN, DE 19709
WWW.CEA-DE.COM

PHONE (302) 376-8833
FAX (302) 376-8834

REVISIONS	
REVISION	DATE

DATE



GRADING PLAN
FOR
WINDWARD VILLAGE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

DATE: DECEMBER 2, 2021
DESIGNED BY: JTW APPROVED BY: RHS
FILE:

SHEET NO.: **G-1**

CFA CIVIL ENGINEERING ASSOCIATES, LLC
• ENGINEERING • SURVEYING • CONSTRUCTION SERVICES
55 W. MAIN STREET
MIDDLETOWN, DE 19709
WWW.CEA-DE.COM
PHONE (302) 376-8833
FAX (302) 376-8834

REVISIONS	REVISION	DATE	DESCRIPTION

DATE

APPENDIX D

SUSSEX COUNTY DESIGN CONSIDERATIONS (SECTION 99.9 C.)

**SUSSEX COUNTY
DESIGN CONSIDERATIONS
(SECTION 99-9 C.)**

INTEGRATION OF THE PROPOSED SUBDIVISION INTO EXISTING TERRAIN AND SURROUNDING LANDSCAPE

The proposed project is a redevelopment of an existing bed & breakfast/motel and will consist of 10 condominiums. The property is surrounded by existing landscaping/woods that will be maintained. Sufficient landscaping will be installed to supplement the surrounding woods.

MINIMAL USE OF WETLANDS AND FLOODPLAINS

There are no wetlands existing on site.

PRESERVATION OF NATURAL AND HISTORICAL FEATURES

As stated, this is a redevelopment of an existing motel. There are no existing natural or historical features.

PRESERVATION OF OPEN SPACE AND SCENIC VIEWS

Because this is a redevelopment surrounded by other development as well as fairly dense vegetation, there are no scenic views from the property. Proposed open space will exceed the 30% requirement.

MINIMIZATION OF TREE, VEGETATION AND SOIL REMOVAL AND GRADE CHANGES

The existing motel and associated access roads will be removed. Care will be taken to preserve as many of the large trees surrounding the property as well as any vegetation not impinging on the development. Proposed grades will closely match existing to tie-into the surrounding developed areas.

SCREENING OF OBJECTIONABLE FEATURES FROM NEIGHBORING PROPERTIES AND ROADWAYS

As stated above, the property is surrounded by existing woods which will be maintained and supplemented with additional landscaping. In addition, there will be an 8-foot privacy fence surrounding the property.

PROVISION FOR WATER SUPPLY

Water will be provided by Tidewater Utilities.

PROVISION FOR SEWAGE DISPOSAL

Sanitary sewer will be provided by Sussex County.

PREVENTION OF POLLUTION OF SURFACE AND GROUNDWATER

Surface and groundwater pollution will be prevented with the onsite stormwater management system. All surface runoff will be conveyed into the 2 stormwater facilities along Kent Avenue. All stormwater design will be reviewed and approved by Sussex Conservation District.

MINIMIZATION OF EROSION AND SEDIMENTATION, MINIMIZATION OF CHANGES IN GROUNDWATER LEVELS, MINIMIZATION OF INCREASED RATES OF RUNOFF, MINIMIZATION OF POTENTIAL FOR FLOODING AND DESIGN OF DRAINAGE SO THAT GROUNDWATER RECHARGE IS MAXIMIZED

Surface and groundwater pollution will be prevented with the onsite stormwater management system. All surface runoff will be conveyed into the 2 stormwater facilities along Kent Avenue. All stormwater design will be reviewed and approved by Sussex Conservation District.

PROVISION FOR SAFE VEHICULAR AND PEDESTRIAN MOVEMENT WITHIN THE SITE AND TO ADJACENT WAYS

The proposed layout of the road consists of a 16-foot wide one-way travel lane around

an internal amenity area with access to each individual condominium unit. A shared use path is proposed along the frontage of the property to allow for pedestrian movement.

EFFECT ON AREA PROPERTY VALUES

We anticipate that property values in the surrounding area will increase due to this project.

PRESERVATION AND CONSERVATION OF FARMLAND

As stated before, a bed & breakfast/motel currently occupies this property, there is no existing farmland to be preserved.

EFFECT ON SCHOOLS, PUBLIC BUILDINGS AND COMMUNITY FACILITIES

No negative impact to the surrounding school, public buildings, or community is expected due to proposed development.

EFFECT ON AREA ROADWAYS AND PUBLIC TRANSPORTATION

We do not anticipate any negative impacts to the roadways or public transportation. The existing bed & breakfast/motel consists of 14 rooms and an office generating approximately 25 trips per day. The proposed project will produce an additional 28 trips per day for a total ADT of 53. No auxiliary lanes are required by DelDOT as the existing ADT of Kent Avenue is 3,103 trips.

COMPATIBILITY WITH OTHER AREA LAND USES

The surrounding land uses consists of residential homes (both seasonal and off-season). We are proposing a residential use to replace the existing bed and breakfast/motel which is compatible with the surrounding areas.

EFFECT ON AREA WATERWAYS

We do not anticipate any effects on area waterways due to the re-development.

APPENDIX E

ENVIRONMENTAL ASSESSMENT & PUBLIC FACILITY EVALUATION REPORT

ENVIRONMENTAL ASSESSMENT
&
PUBLIC FACILITY EVALUATION
REPORT

FOR

WINDWARD VILLAGE

**BALTIMORE HUNDRED
SUSSEX COUNTY
DELAWARE**

PREPARED BY:



CIVIL ENGINEERING ASSOCIATES, LLC

55 West Main Street
Middletown, DE 19709
(302) 376-8833

DATE:
December 2021

Seal

TABLE OF CONTENTS

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- Scope of Project.....1

B. ENGINEER'S REPORT

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- Drainage and Stormwater Runoff.....2
- Potable Water.....2
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- Impacts to Surrounding Roadways.....2
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- Preservation and Protection of Tidal and Non-Tidal Wetlands.....3
- Open Space and Buffers.....3
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- Economic & Recreational Benefits.....3
- Historic or Cultural Resources.....3
- Affirmation of Conformance with Sussex County Comprehensive Plan.....3
- Actions Taken to Mitigate Proposed Impacts of the Development.....3

A. EXECUTIVE SUMMARY

Introduction

This Report has been prepared in accordance with Chapter 115 – Zoning: Article XXV Supplementary Regulations, 194.3 Coastal Area of the Sussex County Code. This Report provides a summary of site-specific information and accompanies the Preliminary Plans submittal, dated February 3, 2021.

Scope of Project:

The proposed project will include ten (10) condominiums on the property currently known as the Meris Gardens Bed and Breakfast located on Kent Avenue in Bethany Beach, Delaware. The existing zoning designation is MR.

The project will involve typical construction activities associated with new roads, stormwater management facilities, home construction, and utility installation. The utilities for the site will consist of electric, telecommunications, sewer, and water services to each home. Stormwater management for the site will be provided by two (2) stormwater management areas.

B. ENGINEER'S REPORT

Drainage and Stormwater Runoff

Stormwater quality will be met by managing the Resource Protection Event (RPv) and quantity management will be met by managing the Conveyance Event and the Flooding Event (Cv and Fv) this will be achieved through the proposed stormwater management area and will be denoted on the plans as Stormwater Management Area. It will discharge into an existing ditch that is in good working condition.

The runoff from the areas that are being developed will be collected and directed to the proposed stormwater management areas by downspouts or by grass lined swales.

Potable Water

A water connection to Tidewater Utilities facilities is anticipated along Kent Avenue. During the Sussex County approval process, Water Plans will be submitted to Tidewater Utilities for approval as well. Once the Tidewater Utilities approves the connection, both domestic and fire flows will be provided.

No private wells are expected to be impacted.

Wastewater Treatment and Disposal

The proposed site lies within the South Bethany Sanitary Sewer District, it is anticipated to connect and be served by an existing gravity sewer line situated along Kent Avenue. Ordinance No. 38 Plans will be submitted to the County for approval.

No impacts to the surrounding surface or groundwaters are expected.

Impacts to Surrounding Roadways

The Windward Garden development is proposed to contain 10 condominium units. Based upon the latest Institute of Transportation Engineers Traffic Generation Manual, a condominium (multifamily midrise) is anticipated to generate approximately 5.44 vehicle trips per day (1/2 entering the site, 1/2 leaving the site), and the site is anticipated to generate approximately 53 vehicle trips per day (27 entering, 26 leaving).

Based upon the 2020 DeIDOT Traffic Counts, Kent Avenue currently carries 3,103 average annual daily vehicles. Therefore, it is anticipated that the Windward Village development will not cause any adverse impacts to the surrounding road network.

Endangered or Threatened Species

Based upon a review of the site, existence of any endangered or threatened species is not expected.

Preservation and Protection of Tidal and Non-Tidal Wetlands

Based on site evaluations and a review of the National Inventory Mapping it has been determined that no wetlands exist on this site.

Open Space and Buffers

The total area of the site is 1.035 acres. Proposed open space will be comprised of approximately 0.397 acres, or 38.4% which fulfills the required minimum open space of 30%.

A forested buffer is not proposed nor is required for this project; however, sufficient landscaping will be installed to supplement the existing woods surrounding the property.

Proposed Public and Private Infrastructure

This is a redevelopment of an existing project. Public infrastructure exists on site and impacts to surrounding areas will be minimal

Economic & Recreational Benefits

The proposed project is anticipated to provide several economic benefits. These benefits include:

- Anticipated increase the tax base of Sussex County
- Increase to surrounding home values

The proposed project is a private condominium complex and will provide recreational benefits to the private condominium owners.

Historic and Cultural Resources

There is no presence of any historic or cultural resources listed on the National register of Historic Places at the site.

Affirmation of Conformance with Sussex County Comprehensive Plan

The proposed development has been designed in accordance to the current Sussex County Comprehensive Plan.

Actions Taken to Mitigate Proposed Impacts of the Development

No negative impact to the environment and its surrounding community is projected to originate from the proposed development.

APPENDIX F

DELDOT SERVICE LEVEL EVALUATION REQUEST FORM/DELDOT RESPONSE

PLANNING & ZONING
Jamie Whitehouse, AICP, MRTPI
Director
(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date:

Site Information:

Site Address/Location:

Tax Parcel Number:

Current Zoning:

Proposed Zoning:

Land Use Classification:

Proposed Use(s):

Square footage of any proposed buildings or number of units:

Applicant Information:

Applicant's Name:

Applicant's Address:

City:

State:

Zip Code:

Applicant's Phone Number:

Applicant's e-mail address:





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

NICOLE MAJESKI
SECRETARY

March 24, 2021

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 **Civil Engineering Associates** proposed land use application, which we received on February 12, 2021. This application is for an approximately 1.00- acre parcel (Tax Parcel: 134-17.11-6.00). The subject land is located east of Kent Avenue (Sussex Road 361). The subject land is currently zoned MR (Medium-Density Residential) and the applicant seeks a conditional use approval to build 11 Condominiums.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Kent Avenue (Sussex Road 361), from Westway Drive to Atlantic Avenue (Sussex Road 26), is 3,903 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** 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 diminutive with regard to warranting a TIS does not mean that it is diminutive 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

March 24, 2021

Please contact Ms. Annamaria Furrato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

Enclosure

cc: Civil Engineering Associates, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, 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
Annamaria Furrato, Project Engineer, Development Coordination

APPENDIX G

ZONING & COMPREHENSIVE PLAN CONTEXT & MAPPING

Figure 4.2-1 Existing Land Use

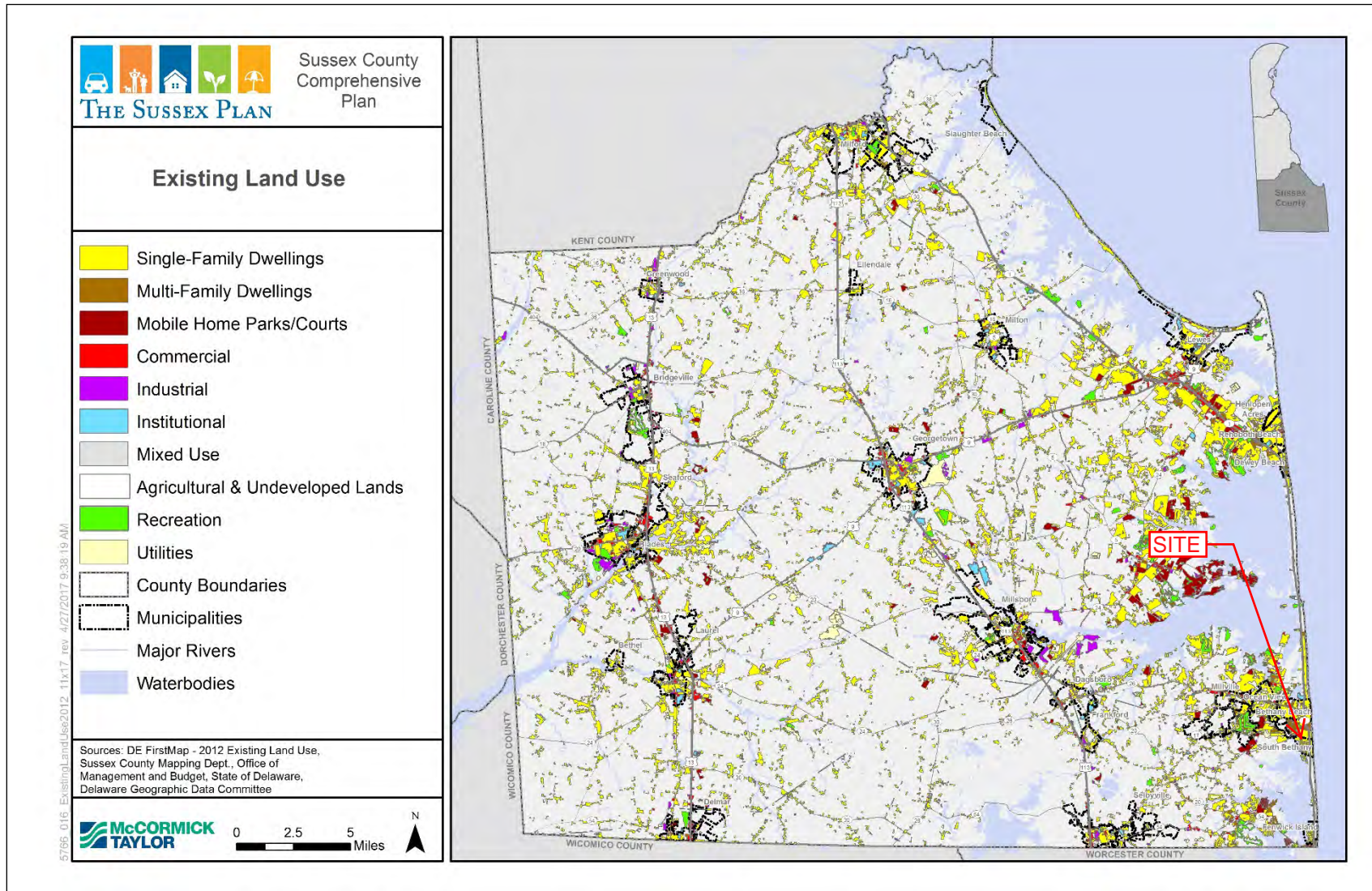


Figure 4.5-1 Sussex County 2045 Future Land Use

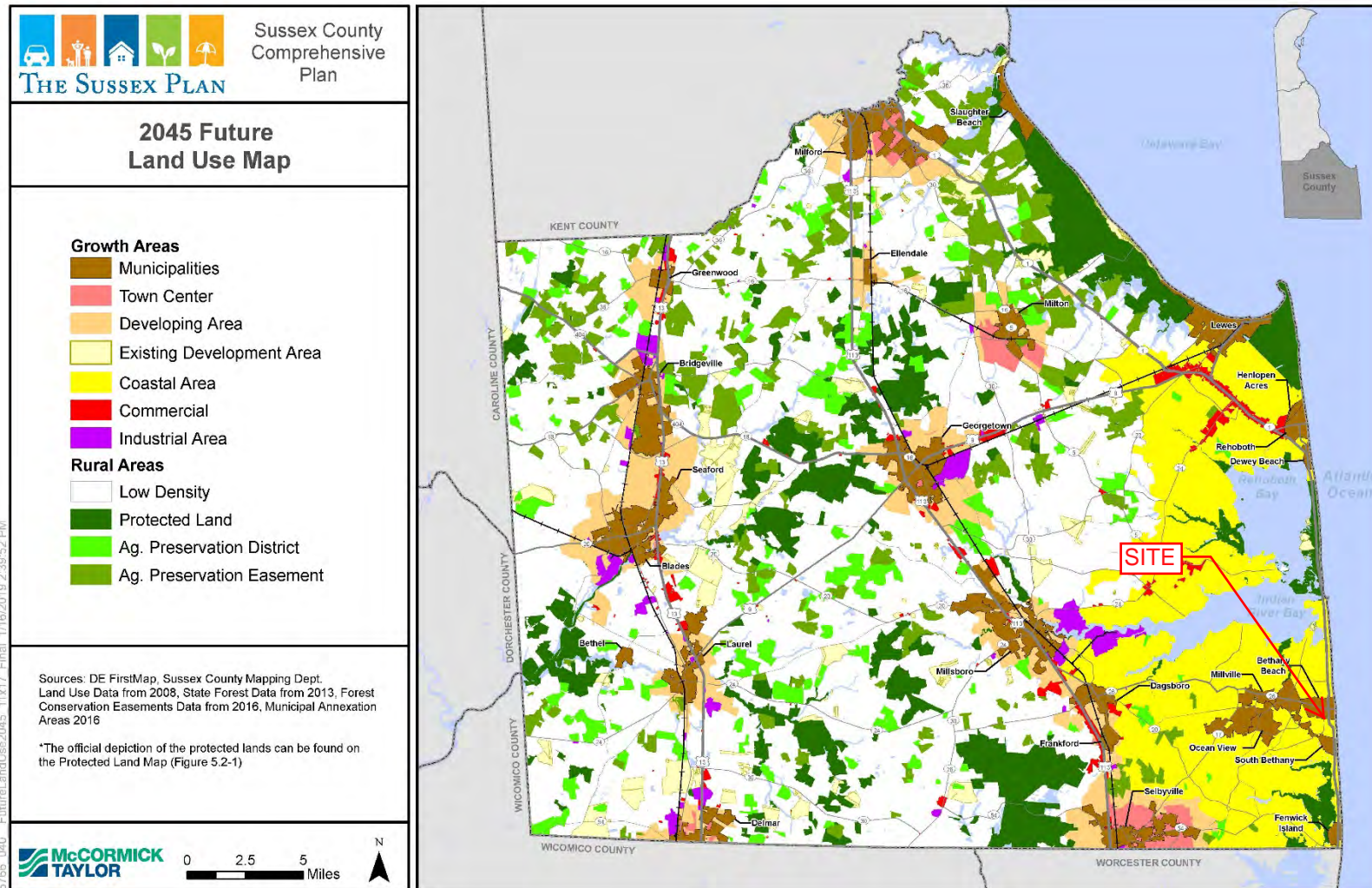


Figure 4.4-1 Strategies for State Policies and Spending

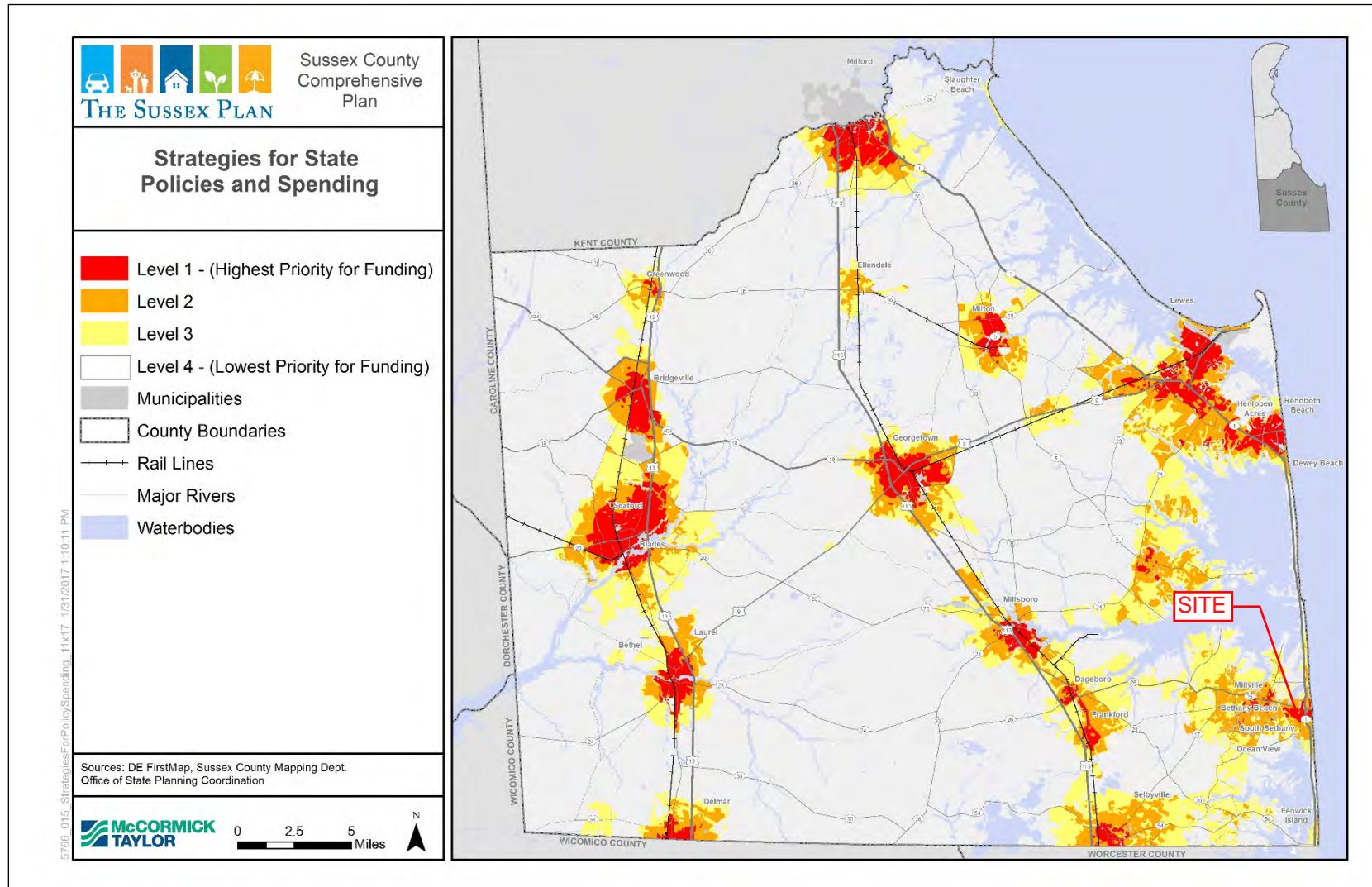
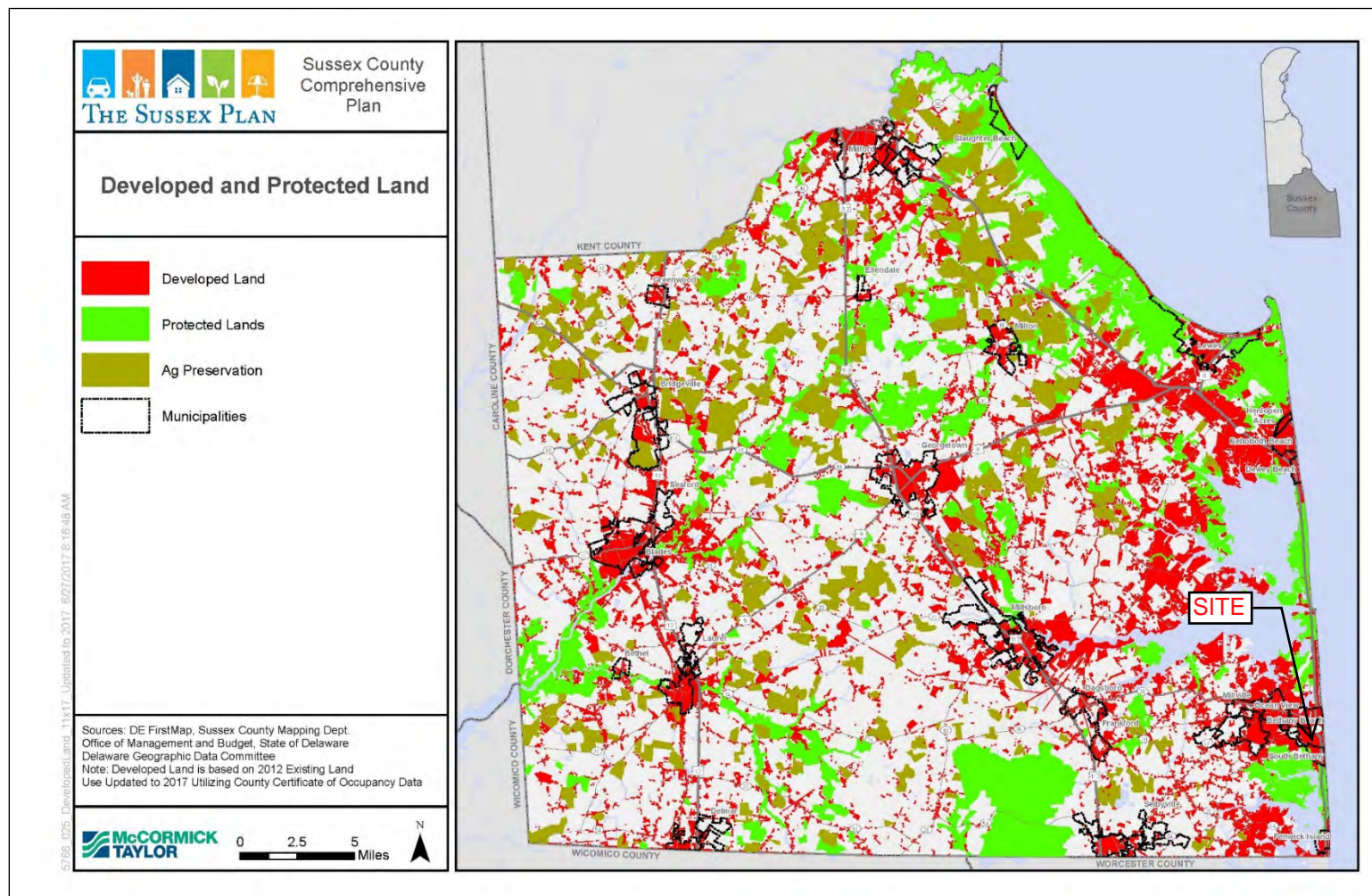


Figure 4.2-2 Developed and Protected Land *

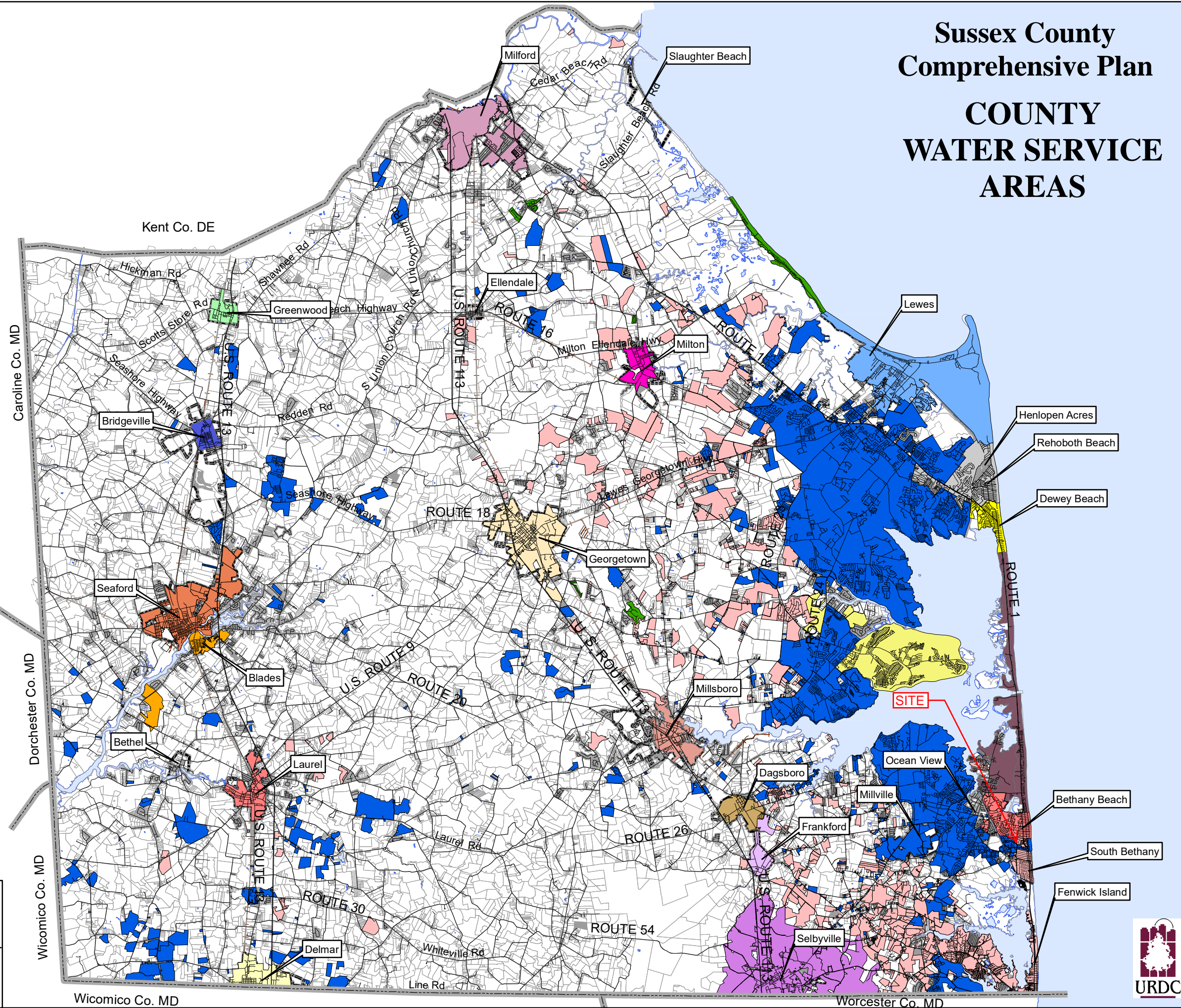


* Parcels enrolled in the State's Agricultural Lands Preservation Program change frequently and that the Delaware Department of Agriculture can be contacted for latest update.

Sussex County Comprehensive Plan COUNTY WATER SERVICE AREAS

Water Providers

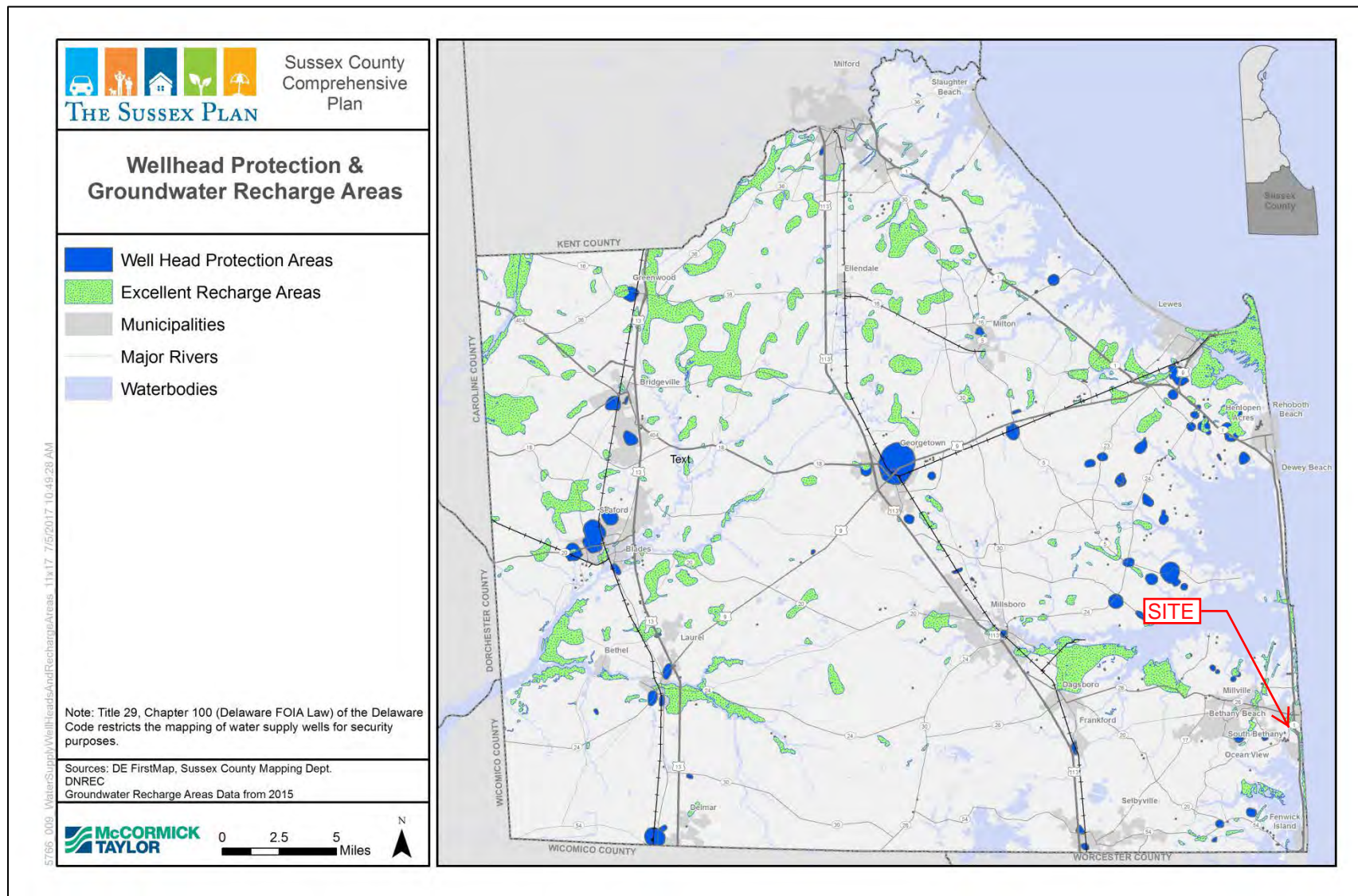
- Unknown
- Artesian Water Company
- Bethany Beach
- Blades
- Bridgeville
- Dagsboro
- Delmar
- Frankford
- Georgetown
- Greenwood
- J.H. Wilkerson & Son
- Laurel
- Lewes
- Long Neck Water Co.
- Milford
- Millsboro
- Milton
- Rehoboth
- Seaford
- Selbyville
- Sussex County Council
- Sussex Shores Water Co.
- Tidewater Utilities



Base Map Provided By: Sussex County Mapping Department
Sources: DNREC, Sussex County Mapping Department












Figure 7.2-2 Wellhead Protection & Excellent Recharge Areas



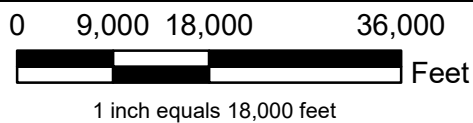
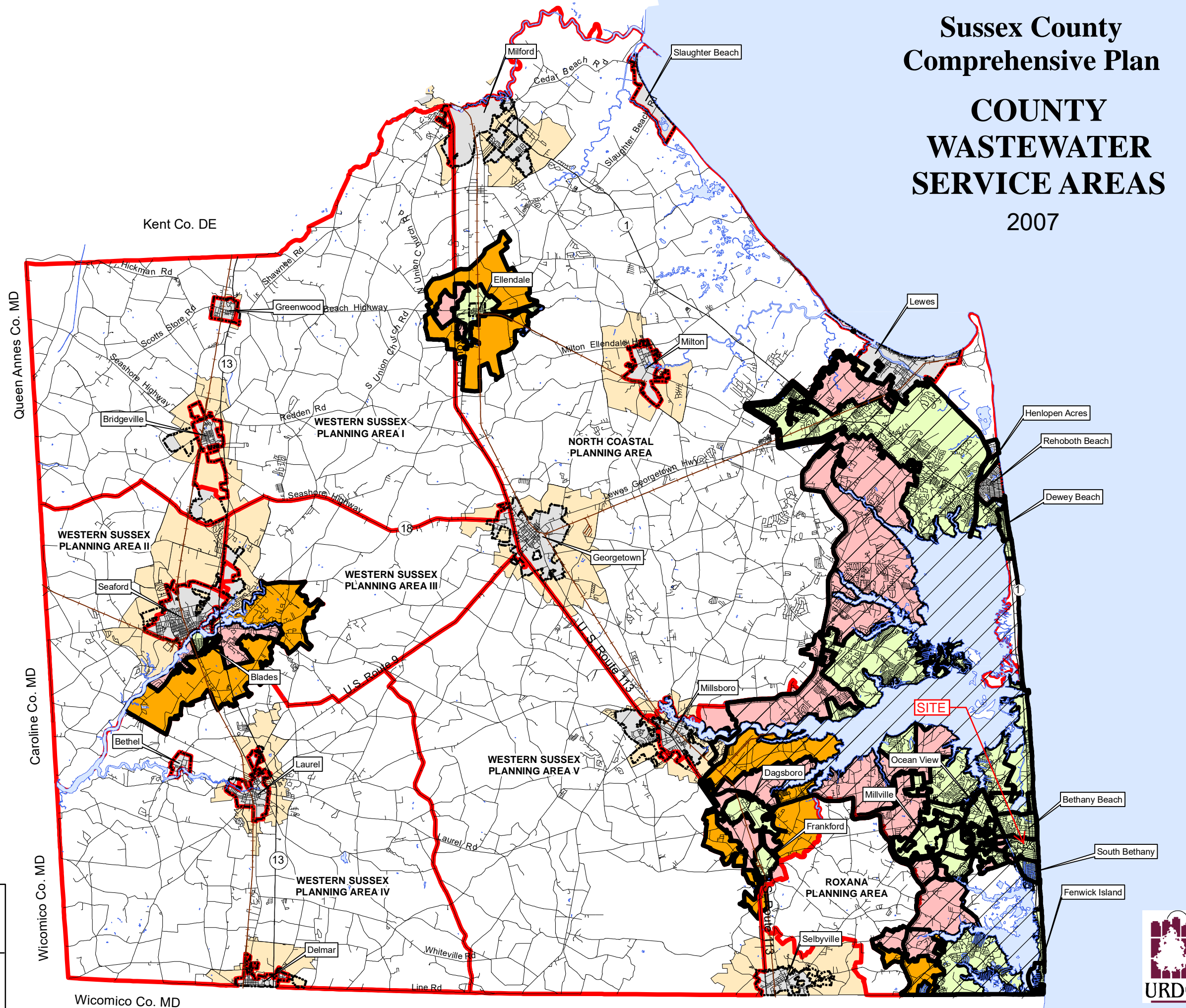
Sussex County Comprehensive Plan

COUNTY WASTEWATER SERVICE AREAS

2007

-  Environmentally Sensitive Development Area (ESDA)
-  Roads
-  Boundaries of Sewer Planning Areas
-  Existing County Sewer Districts
-  Primary County Service Areas
-  Secondary County Service Areas
-  Unclassified Service Areas
-  Town/City Potential Annexation Areas (intended to be eventually served by Town/City in most cases.)
-  Municipal Boundaries

Please see text for planning area and service area definitions.



Base Map Provided By: Sussex County Mapping Department
Sources: Sussex County Engineering Department



Figure 7.3-1 Wastewater Service Areas that have Received Certificates of Public Convenience and Necessity

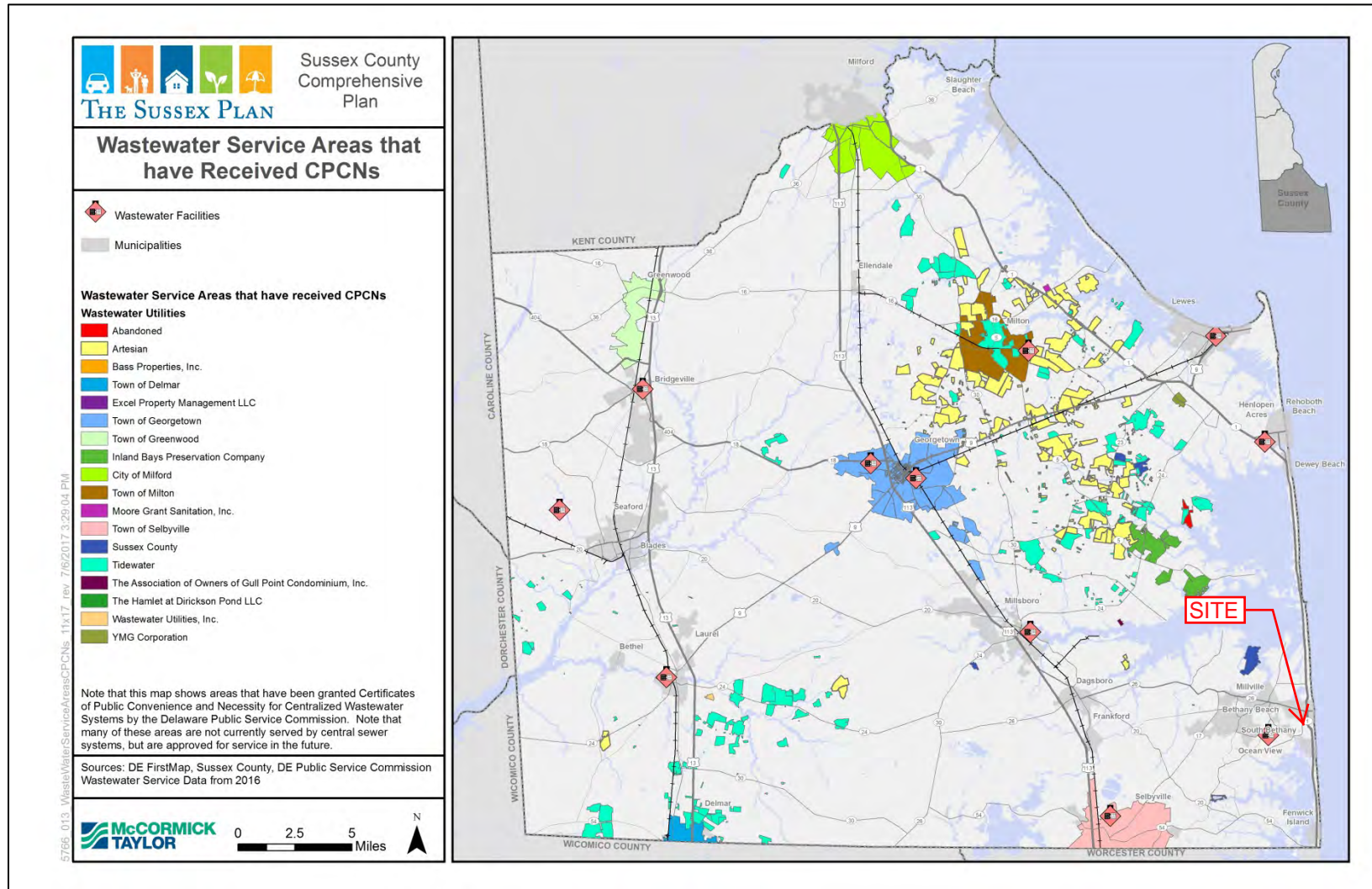
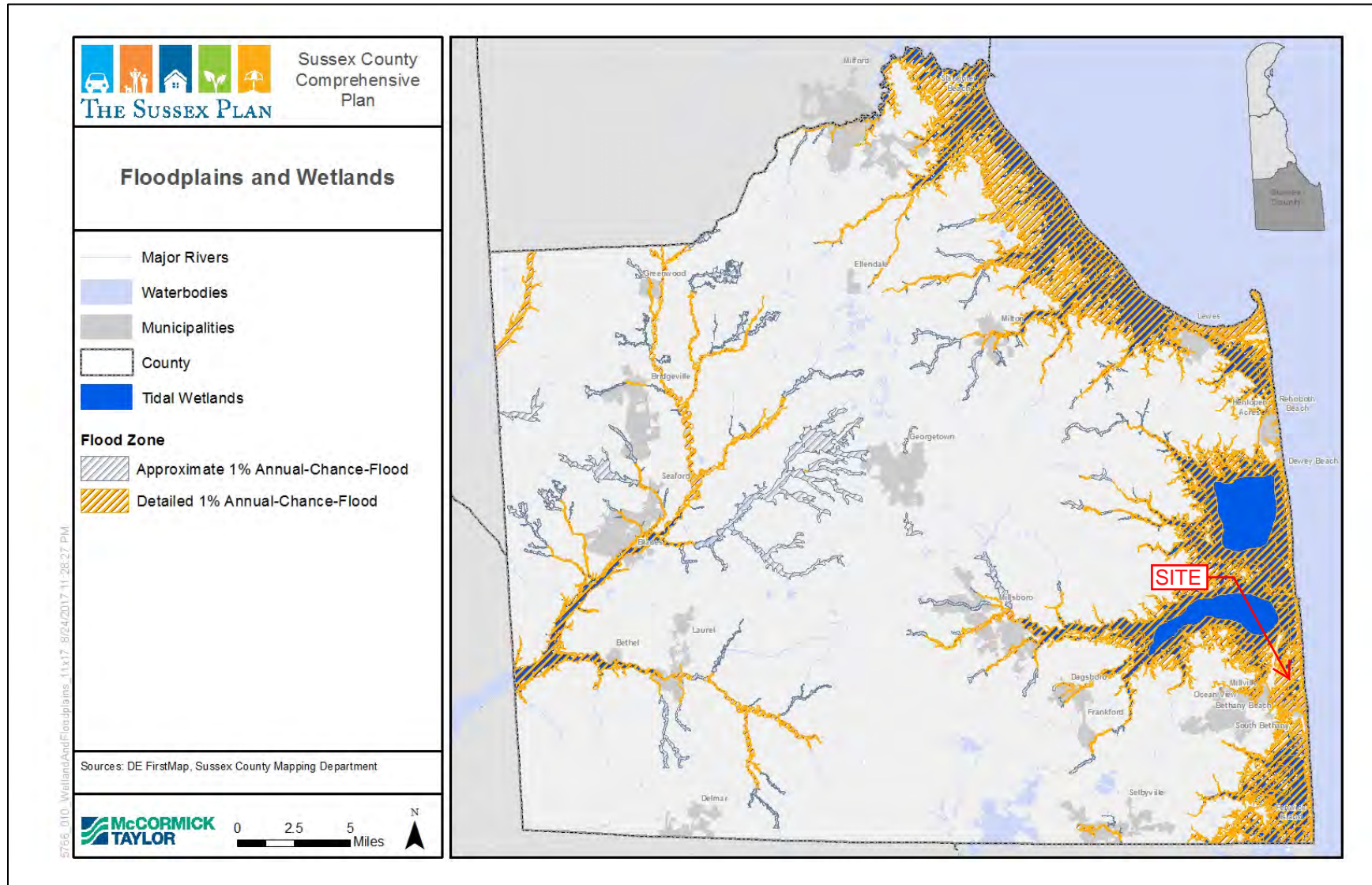


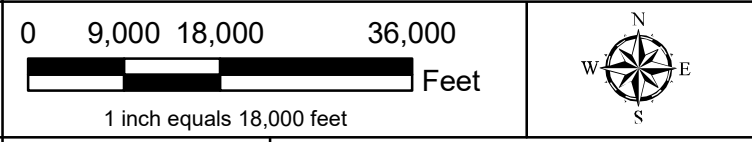
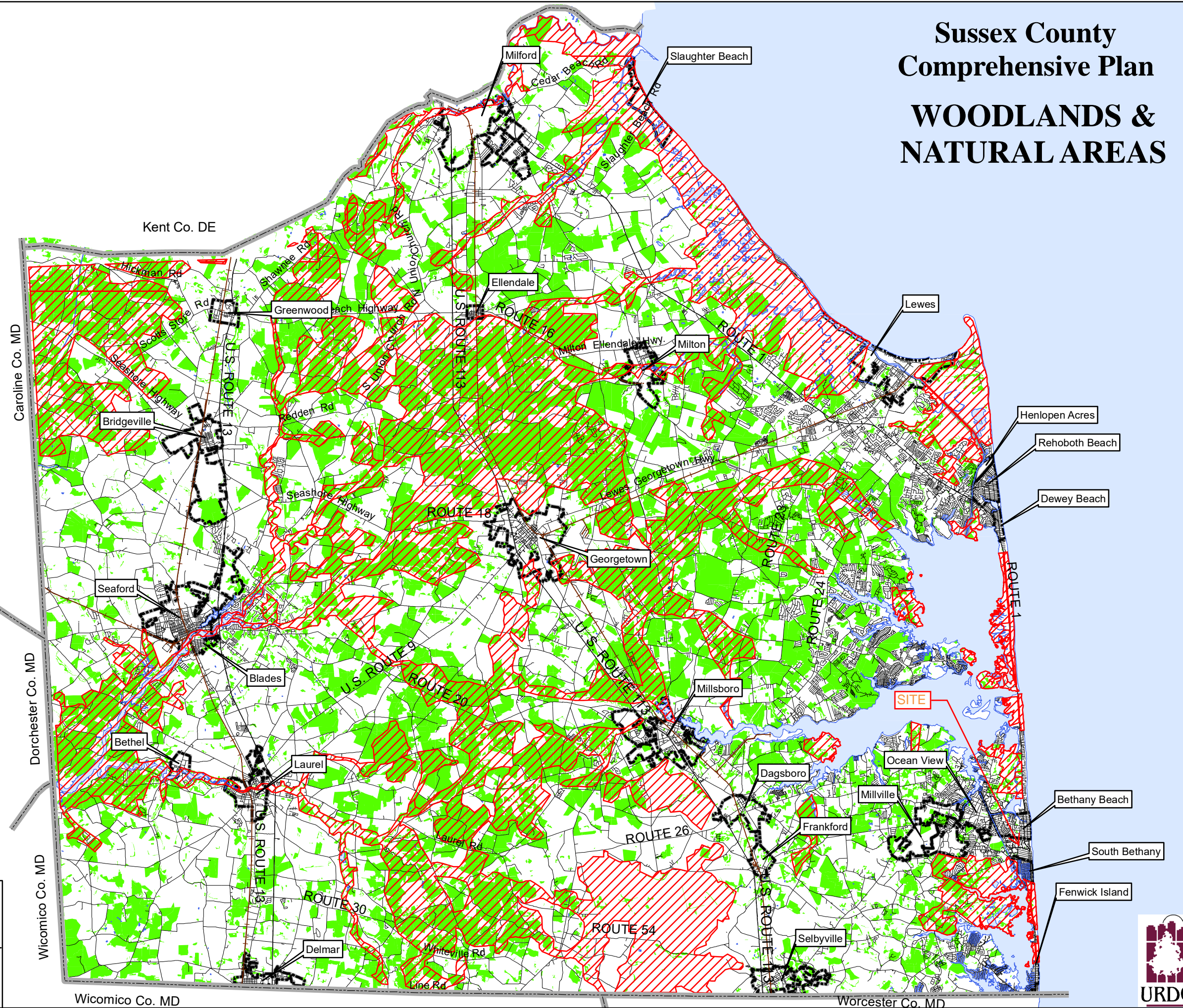


Figure 5.2-4 Wetlands and Floodplains



Sussex County Comprehensive Plan WOODLANDS & NATURAL AREAS

-  **Woodlands**
-  **Natural Areas**



Base Map Provided By: **Sources:**
 Sussex County Mapping Department
 DNREC
 Sussex County Mapping Department



APPENDIX H

SUSSEX COUNTY SSCE COMPLETED FORM



**WINDWARD GARDENS
SEWER SERVICE CONCEPT EVALUATION
SUSSEX COUNTY, DELAWARE**

Engineer:

Civil Engineering Associates
55 W. Main Street
Middletown, De 19709
Scott Roberts
302-584-6632

Developer:

Christopher Land, LLC
10461 Oakton Granite Drive, Suite 250
Oakton, VA 22124
703-927-8669

Project Name:

Windward Gardens

Tax Map:

134-17.00-6.00

Proposed EDUs:

8 Multifamily Units (Condominiums) = 6 EDUs (0.75 EDU/SF Unit)

Current Zoning:

MR

Proposed Zoning:

MR

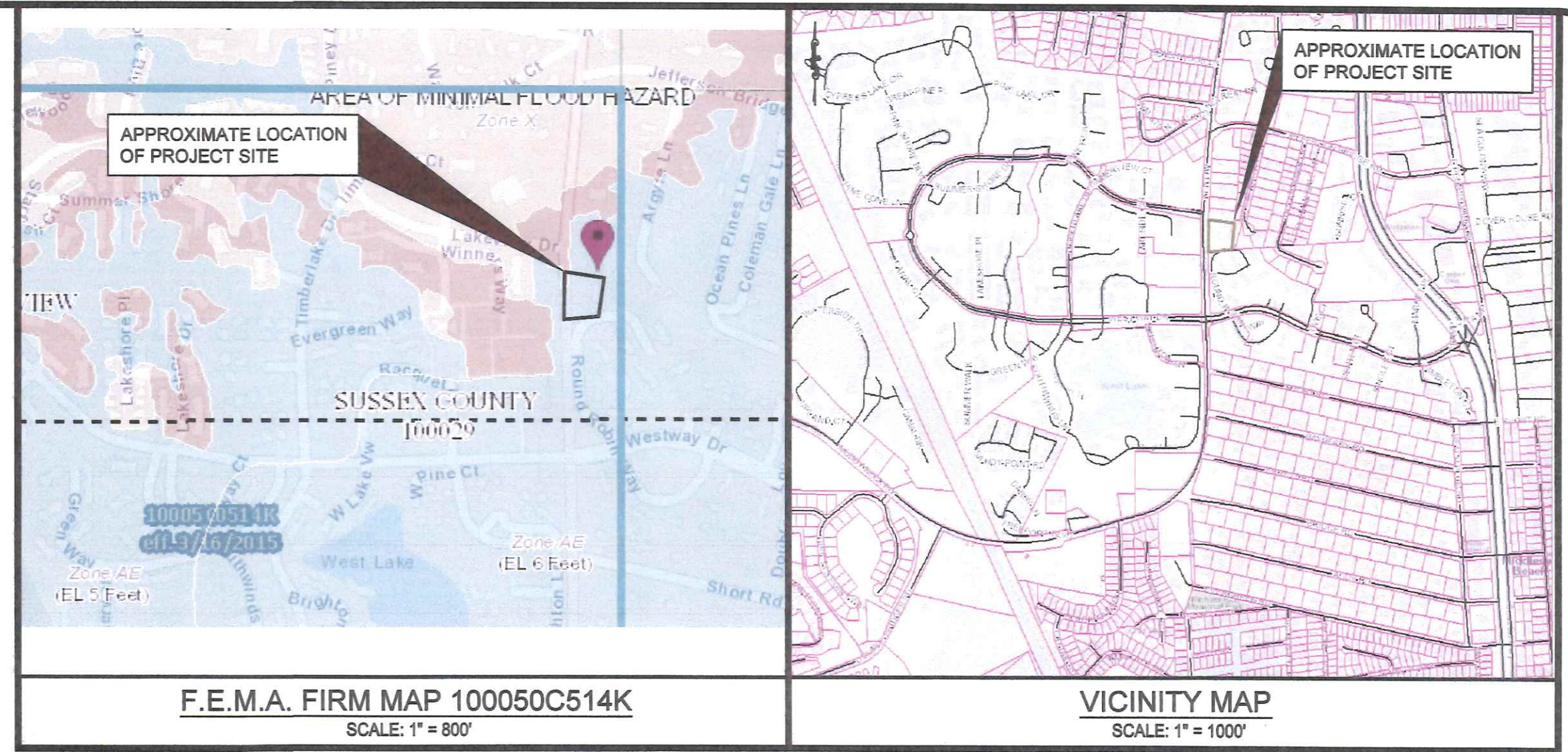
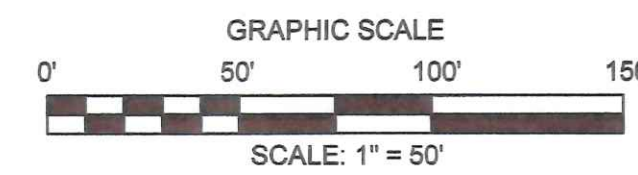
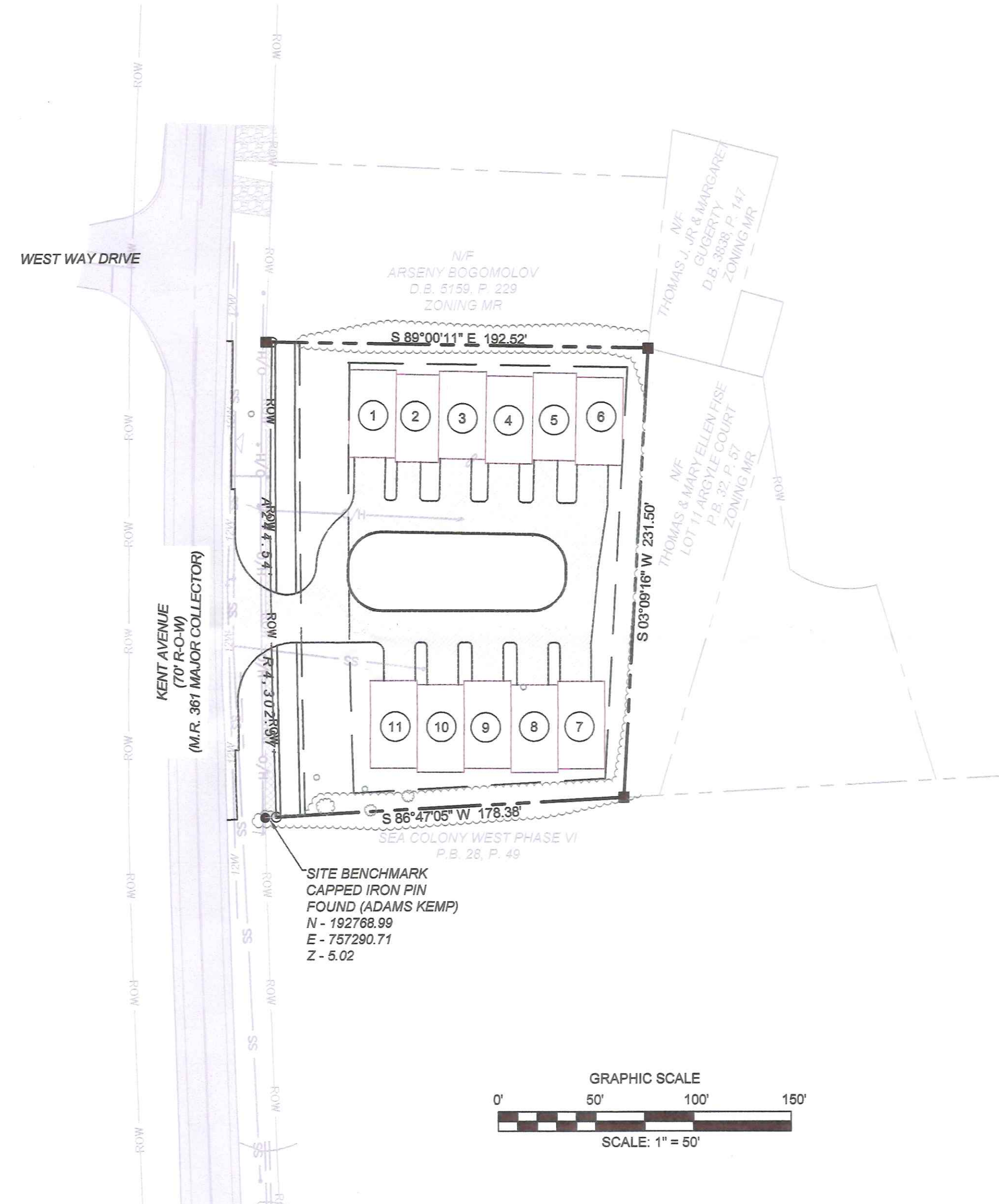
Acreage:

1.035 Acres

PRELIMINARY SITE PLAN

FOR WINDWARD VILLAGE

BALTIMORE HUNDRED
 TAX PARCEL #: 134-17.11-6.00
 SUSSEX COUNTY, DELAWARE



SITE DATA:

1. OWNER: MERGARD, LLC
 33309 KENT AVENUE
 BETHANY BEACH, DE 19930
2. EQUITABLE OWNER: CHRISTOPHER LAND, LLC
 10481 WHITE GRANITE DRIVE, SUITE 250
 OAKTON, VA 22124
3. ENGINEER: CIVIL ENGINEERING ASSOCIATES
 55 WEST MAIN STREET
 MIDDLETOWN, DE 19709
 P(302) 376-8833
 CONTACT: RONALD H. SUTTON, JR.
4. PROPERTY INFORMATION: TAX PARCEL ID: 134-17.00-6.00
 DEED REFERENCE: D.B. 4432, P. 332
5. EXISTING ZONING: MR
6. PROPOSED ZONING: MR
7. SETBACKS: FRONT YARD: 40 FEET
 SIDE YARD: 10 FEET
 REAR YARD: 10 FEET
 MAXIMUM BUILDING HEIGHT: 42 FEET
8. PROPOSED USE: RESIDENTIAL - 11 CONDOMINIUMS
9. AREAS:
 EXISTING SITE AREA 45,100.15 S.F. +/- = 1.035 AC. +/-
 IMPERVIOUS AREA 14,406.03 S.F. +/-
 WOODEN SURFACE AREA 2,092.79 S.F. +/-
 PROPOSED SITE AREA 44,332.70 S.F. +/- = 1.017 AC. +/-
 DEDICATED ROW 767.45 S.F. +/- = 0.018 AC. +/-
 BUILDING AREA 11,700.00 S.F. +/- = 0.269 AC. +/-
 PRIVATE STREET/PARKING AREA 15,303.41 S.F. +/- = 0.351 AC. +/-
 OPEN SPACE 17,329.29 S.F. +/- = 0.397 AC. +/-
 STORMWATER MANAGEMENT AREA 2260.40 S.F. +/- = 0.052 AC. +/-
10. PARKING: REQUIRED = (2 SPACES PER UNIT MIN.)(11 UNITS) = 22 SPACES PROVIDED = (2 SPACES PER UNIT MAX.)(11 UNITS) = 22 SPACES + 3 ADDITIONAL SPACES = 25 SPACES PROVIDED
11. FLOODPLAIN: PER F.E.M.A FIRM MAP 10005C0514K, EFFECTIVE MARCH 16, 2015, THE ENTIRE SITE LIES WITHIN A SPECIAL FLOOD HAZARD AREA, ZONE AE, ELEVATION= 6.0.
12. WETLANDS: PER THE NATIONAL WETLANDS INVENTORY MAP, THE PARCEL IS NOT AFFECTED BY THE EXISTENCE OF WETLANDS.
13. UTILITIES: WATER: ARTESIAN WATER COMPANY, INC.
 SANITARY SEWER: SUSSEX COUNTY
14. FIRE LANES: ALL FIRE LANES, FIRE HYDRANTS, AND FIRE CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH DELAWARE FIRE PREVENTION REGULATIONS.
15. BOUNDARY & TOPOGRAPHY: BOUNDARY AND TOPOGRAPHY WAS PERFORMED BY CIVIL ENGINEERING ASSOCIATES IN DECEMBER 2020.

LEGEND

PROPERTY LINE	---
ADJOINING PROPERTY LINE	---
PROPOSED PROPERTY LINE	---
PROPOSED BUILDING	---
EXISTING RIGHT-OF-WAY	---
RIGHT-OF-WAY	---
PROPOSED EASEMENT	---
BUILDING SETBACK LINE	---
EXISTING CONTOURS	---
PROPOSED CONTOURS	---
EXISTING SANITARY SEWER	---
PROPOSED SANITARY SEWER	---
EXISTING WATER MAIN	---
PROPOSED WATER MAIN	---
EXISTING WOODS LINE	---
EXISTING SANITARY SEWER MANHOLE	⊙
PROPOSED SANITARY SEWER MANHOLE	⊙
EXISTING SANITARY SEWER CLEANOUT	⊙
PROPOSED SANITARY SEWER CLEANOUT	⊙
EXISTING FIRE HYDRANT	⊙
PROPOSED FIRE HYDRANT	⊙
EXISTING TREES	☼
PROPOSED PATH	---
EXISTING PAVEMENT	---
PROPOSED PAVEMENT	---

INDEX OF DRAWINGS

SHEET NUMBER	SHEET TITLE
T-1	COVER SHEET
EX-1	EXISTING CONDITIONS PLAN
C-1	SITE & UTILITY PLAN
G-1	GRADING PLAN

OWNER'S CERTIFICATION:

I, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION. I FURTHER CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION, AND DEVELOPMENT SHALL BE PURSUANT TO THE APPROVED PLAN AND THAT RESPONSIBLE PERSONNEL INVOLVED WILL HAVE A CERTIFICATE OF TRAINING FROM DNREC. DNREC AND SUSSEX COUNTY PERSONNEL SHALL HAVE THE RIGHT TO CONDUCT ON-SITE INSPECTIONS

E. John Ryan, Jr.
 NAME DATE 2/4/21

ENGINEER'S CERTIFICATION:

I, RONALD H. SUTTON JR., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON OTHER THAN THE PROPERTY BOUNDARY AND EXISTING TOPOGRAPHY, IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE SUSSEX COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS TO THE EXTENT THAT IT DESCRIBES THE BEARINGS AND DISTANCES OF SUBDIVIDED LANDS.

Ronald H. Sutton Jr.
 NAME DATE 2-8-21

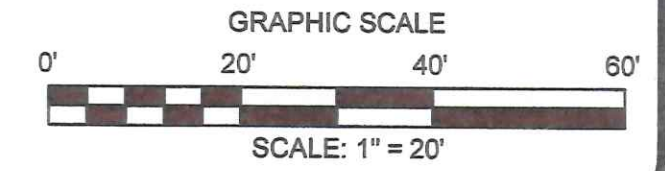
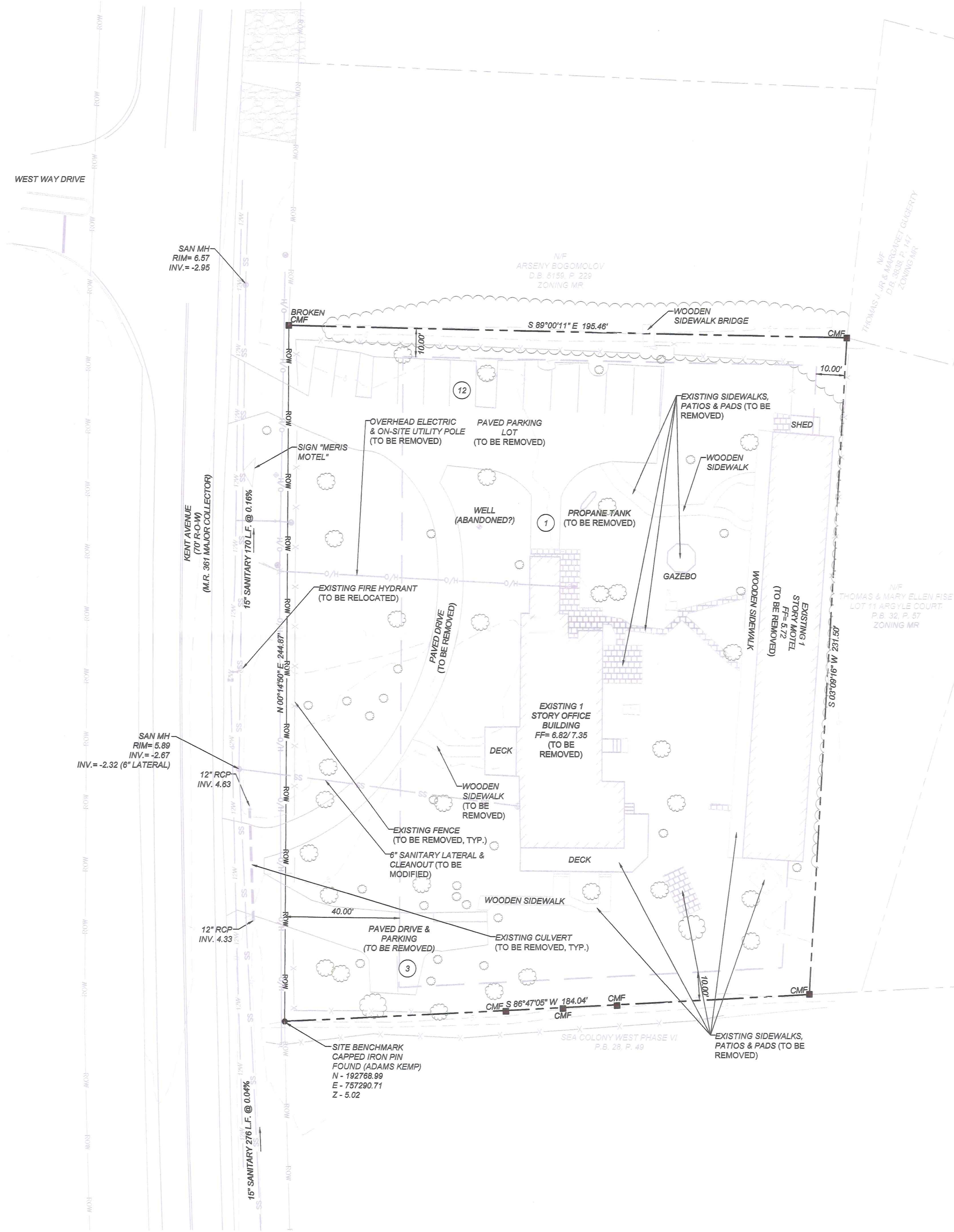
REVISIONS

REVISION	DATE	DESCRIPTION

Civil Engineering Associates, LLC
 ENGINEERING • SURVEYING • CONSTRUCTION SERVICES
 55 W. MAIN STREET
 MIDDLETOWN, DE 19709
 PHONE (302) 376-8833
 FAX (302) 376-8834
 WWW.CEA-DE.COM

COVER SHEET FOR WINDWARD VILLAGE
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE

DATE: FEBRUARY 3, 2021
 DESIGNED BY: JTW APPROVED BY: RHS
 FILE:
 SHEET NO.: T-1



EXISTING CONDITIONS PLAN
FOR
WINDWARD VILLAGE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

DATE: FEBRUARY 3, 2021

DESIGNED BY: JTW APPROVED BY: RHS

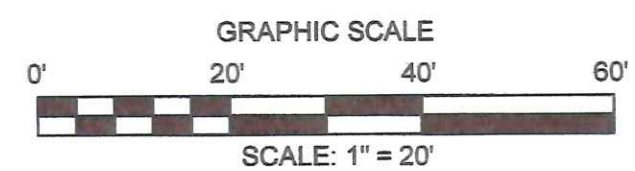
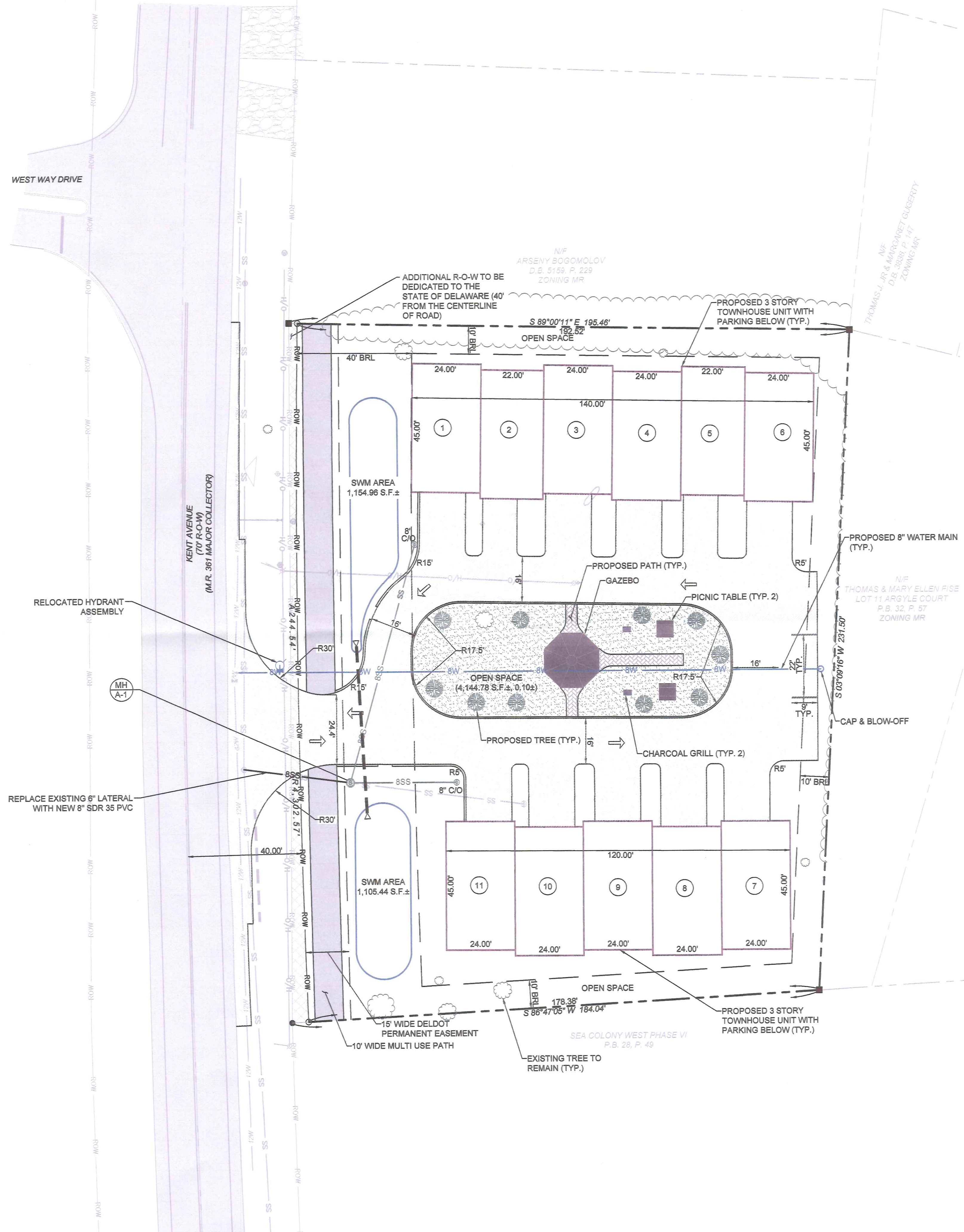
FILE:

SHEET NO.: **EX-1**

CEA CIVIL ENGINEERING ASSOCIATES, LLC
 • ENGINEERING • SURVEYING • CONSTRUCTION SERVICES
 55 W. MAIN STREET
 MIDDLETOWN, DE 19709
 WWW.CEA-DE.COM
 PHONE (302) 376-8833
 FAX (302) 376-8834

REVISION	DATE	DESCRIPTION

[Signature]
DATE: 2-8-21



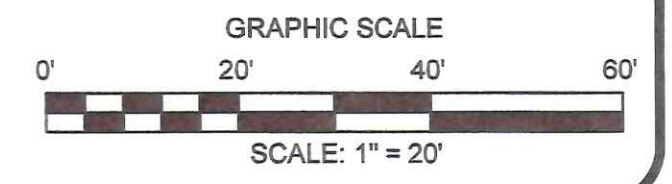
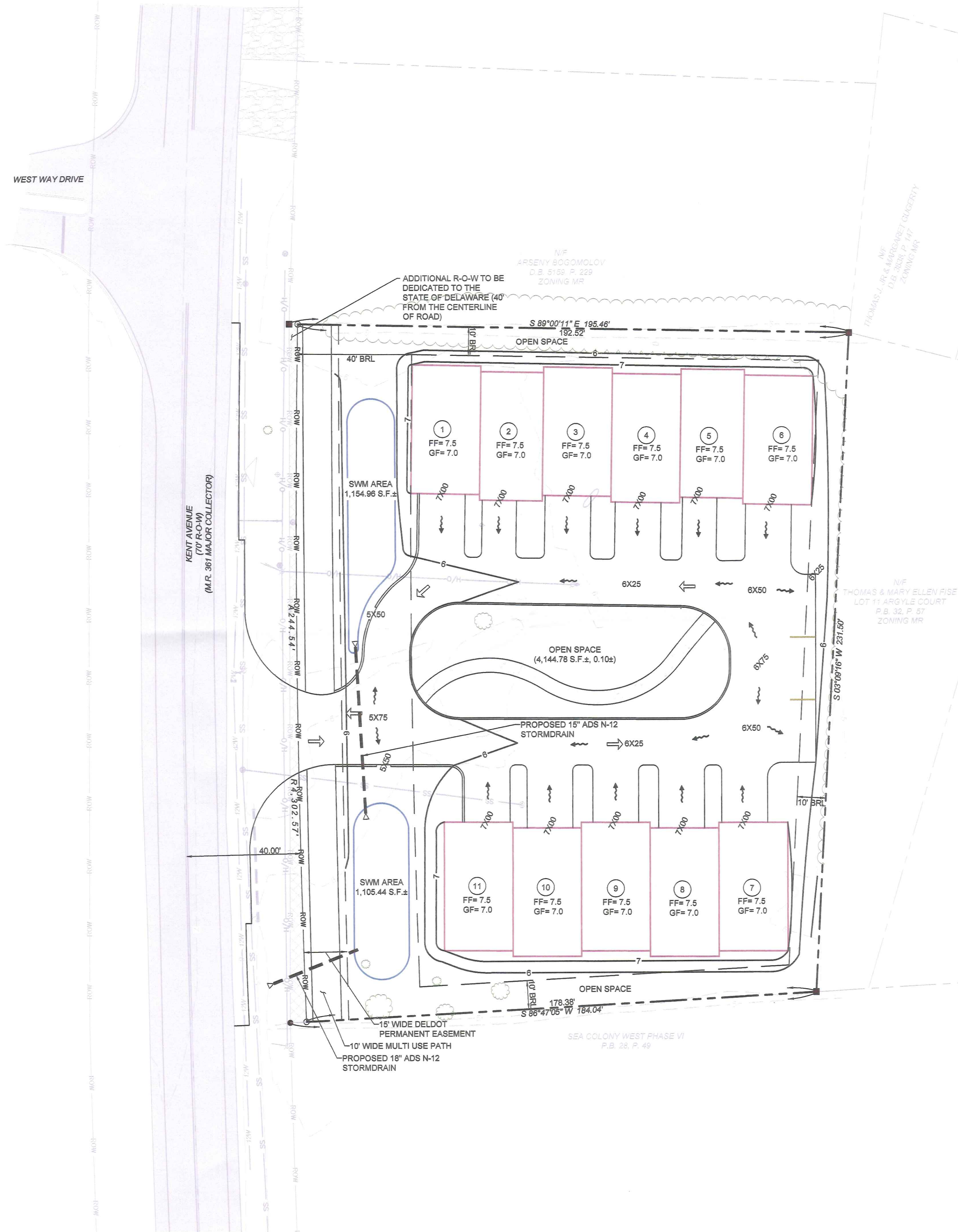
REVISION	DATE	DESCRIPTION

CEA CIVIL ENGINEERING ASSOCIATES, LLC
 ENGINEERING • SURVEYING • CONSTRUCTION SERVICES
 55 W. MAIN STREET
 MIDDLETOWN, DE 19709
 WWW.CEA-DE.COM
 PHONE (302) 376-8833
 FAX (302) 376-8834

SITE & UTILITY PLAN
 FOR
WINDWARD VILLAGE
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE

DATE: FEBRUARY 3, 2021
 DESIGNED BY: JTW
 APPROVED BY: RHS
 FILE:
 SHEET NO.: **C-1**

[Signature]
 2-8-21
 DATE



**GRADING PLAN
FOR
WINDWARD
VILLAGE**
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

DATE: FEBRUARY 3, 2021
DESIGNED BY: JTW
APPROVED BY: RHS
FILE:

SHEET NO.: **G-1**

**CIVIL ENGINEERING
ASSOCIATES, LLC**
• ENGINEERING • SURVEYING • CONSTRUCTION SERVICES
55 W. MAIN STREET
MIDDLETOWN, DE 19709
WWW.CEA-DE.COM
PHONE (302) 376-8833
FAX (302) 376-8834

REVISION	DATE	DESCRIPTION

[Signature]
2-8-21
DATE



WINDWARD VILLAGE

33309 KENT AVENUE BETHANY BEACH, DE 19930



LOCATION

- The site is located on Kent Avenue.
- Surrounding roads include:
 - Westway Drive (to the North)
 - Argyle Lane (to the East)
 - Round Robin Way (to the South)





EXISTING SITE

- Two existing buildings:
 - Office
 - Motel
- All existing buildings and existing pavement are to be removed.
- Entire site is canopied by the existing trees.
 - Existing trees around perimeter are to remain.





EXISTING SITE PICTURES



STREET VIEW - NORTH PROPERTY LINE

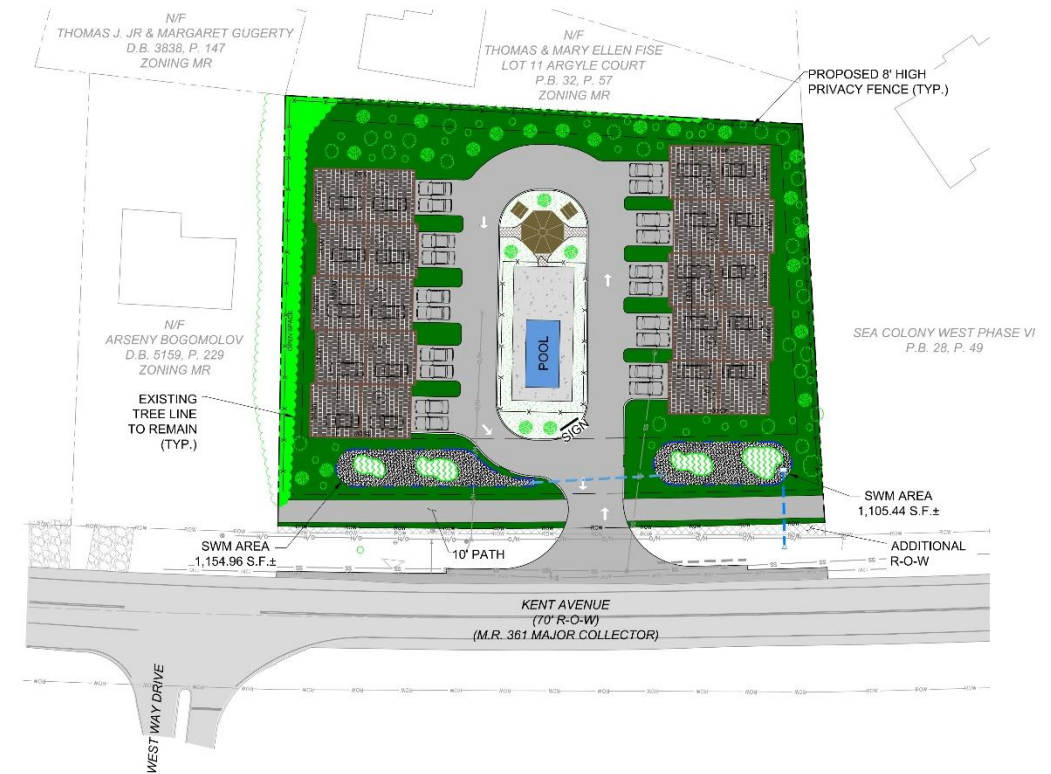


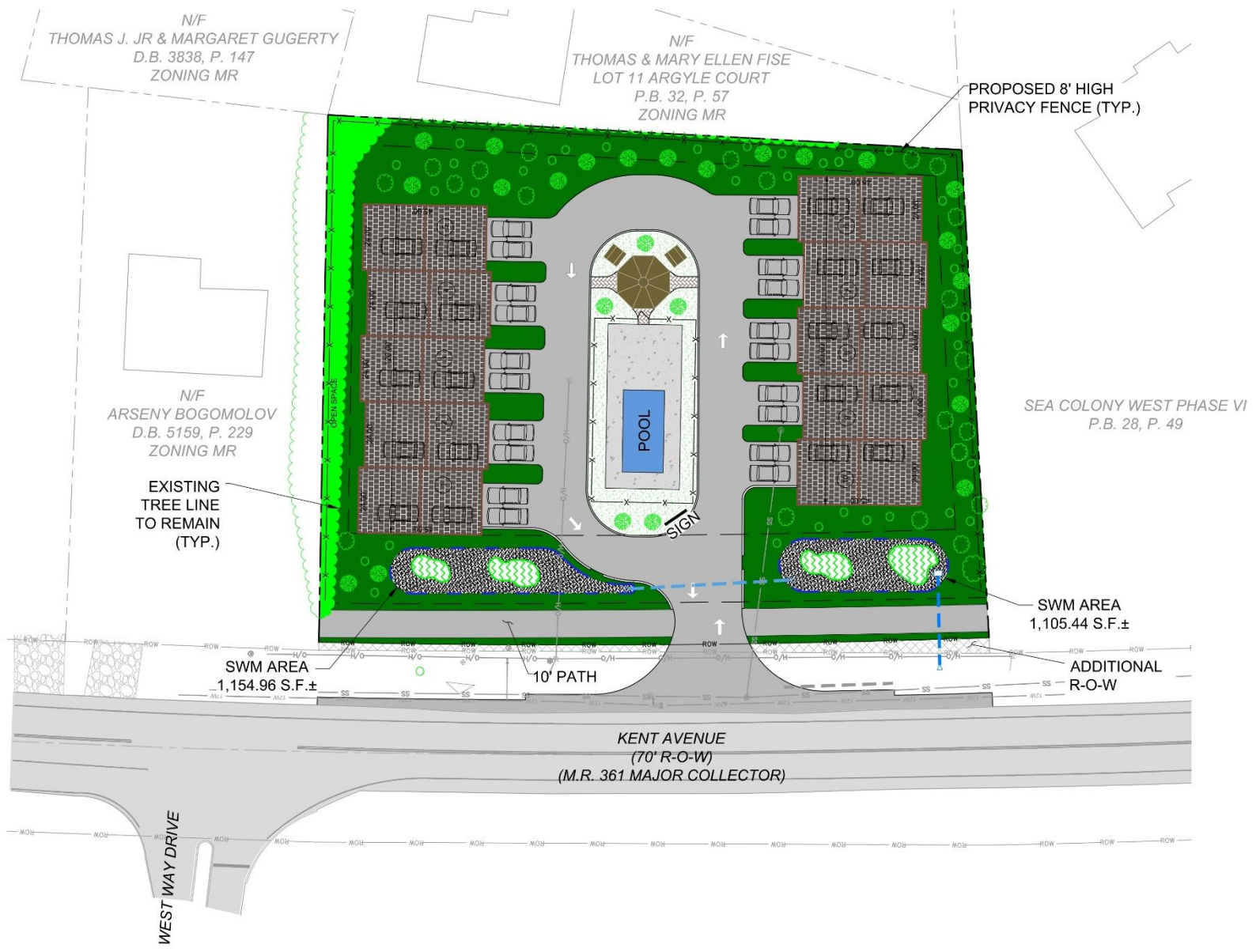
STREET VIEW – SOUTH PROPERTY LINE



PROPOSED SITE

- Eleven proposed condominiums
- Proposed amenity area includes:
 - Pool
 - Gazebo
 - Picnic tables
- Proposed vinyl fencing to surround the sides and rear of property.
- Proposed stormwater management area
- Sussex County parking requirement = 22 spaces
- Proposed parking = 45 spaces





N/F
THOMAS J. JR & MARGARET GUGERTY
D.B. 3838, P. 147
ZONING MR

N/F
THOMAS & MARY ELLEN FISE
LOT 11 ARGYLE COURT
P.B. 32, P. 57
ZONING MR

PROPOSED 8' HIGH
PRIVACY FENCE (TYP.)

N/F
ARSENY BOGOMOLOV
D.B. 5159, P. 229
ZONING MR

SEA COLONY WEST PHASE VI
P.B. 28, P. 49

EXISTING
TREE LINE
TO REMAIN
(TYP.)

SWM AREA
1,105.44 S.F.±

SWM AREA
1,154.96 S.F.±

10' PATH

ADDITIONAL
R-O-W

KENT AVENUE
(70' R-O-W)
(M.R. 361 MAJOR COLLECTOR)

WEST WAY DRIVE

COMPARABLE FINISHED CONDOMINIUM

- The Townes at Bayshore
- Located on Lighthouse Road in Fenwick Island, DE







QUESTIONS?



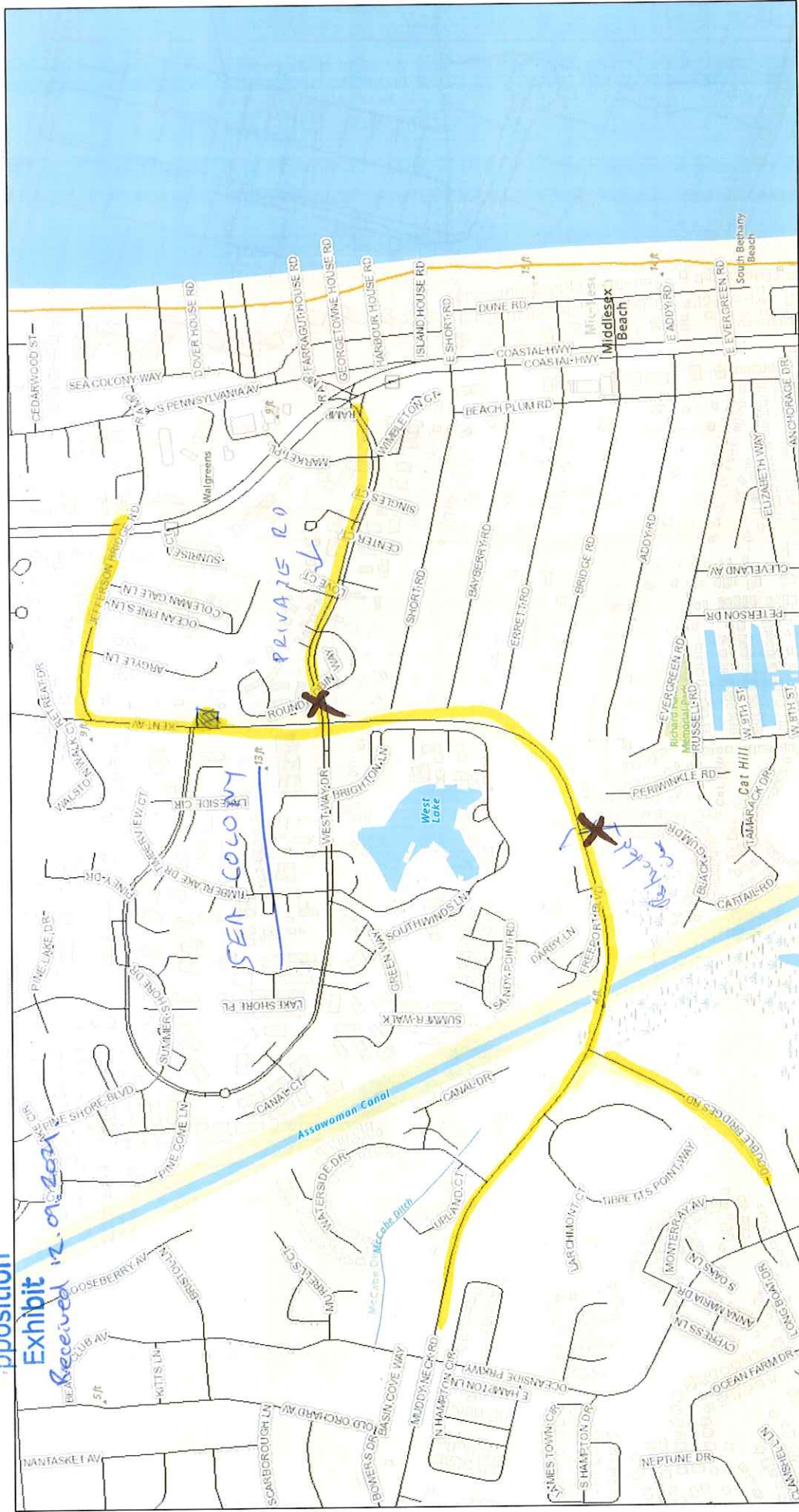
FILE COPY

Opposition

Exhibit
Received 12.09.2021

MAP # 1

Sussex County



December 9, 2021

1:9,028



Streets
County Boundaries

RECEIVED

DEC 09 2021

SUSSEX COUNTY
PLANNING & ZONING

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

Christin Scott

From: CLAIRE ALBERT <ecalbert@comcast.net>
Sent: Thursday, December 9, 2021 12:43 PM
To: Planning and Zoning; Andy Beck
Subject: RE: FW: Oppose development on Kent Avenue, Bethany Beach

Categories: Christin

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

I am definitely opposed to this development because of the heavy traffic on Jefferson Bridge Road in the summer. I own the home at 33311 Ocean Pines Lane and sometimes I cannot even get out of my street.

Jefferson Bridge is the only access to Coastal Highway for all of the development back on Double Bridges and other developments in that area. Also because of Sea Colony's SELFISH attitude towards the rest of the residents in this area, there is just too much traffic there. Sea Colony is the acerbating an already bad situation. They do not want any one to go through to Coastal Highway on THEIR streets, but they run their trams up and down Jefferson Bridge road all day long. Their trams are as long as 3 or 4 cars so you can imagine how long it takes them to turn left off Jefferson Bridge onto Kent or how much space they take up waiting for the light at Coastal Highway while on Jefferson Bridge Road. Also there is no sidewalk on Jefferson Bridge road and it is very dangerous to walk there now. We hardly need more traffic on it. This new proposed development is a very bad idea. Elizabeth Claire Albert, 33311 Ocean Pines Lane. Cell phone 410-382-6857

On 12/06/2021 4:08 PM Planning and Zoning <pandz@sussexcountyde.gov> wrote:

You may express any motions of support or opposition through email if you wish.

Elliott Young, Planner I

Sussex County Planning and Zoning Department

2 The Circle

Georgetown, DE 19947

302-855-7878

RECEIVED

DEC 09 2021

SUSSEX COUNTY
PLANNING & ZONING

From: CLAIRE ALBERT <ecalbert@comcast.net>
Sent: Monday, December 6, 2021 3:37 PM
To: Planning and Zoning <pandz@sussexcountyde.gov>
Subject: RE: FW: Oppose development on Kent Avenue, Bethany Beach

Christin Scott

From: leweslinda@aol.com
Sent: Thursday, December 9, 2021 2:13 PM
To: Planning and Zoning
Subject: Opposition to #C/U2279 : 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00
Attachments: CU2279 Petition, Argyle and Kent Ave - Opposition to Multi-Family Development 4867-9057-1524 v 1.doc
Categories: Christin

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

Sussex County Planning and Zoning Committee,

I am writing to express my opposition to the proposed development Kent Ave, Bethany Beach. For years the quaint motel that has operated in that location has existed without intrusion on the peace and tranquility of this area. The proposed development is too big for this property and will impinge on the properties surrounding it.

My concerns are:

- Water run/off issues due to development in the area
- Too many units that are too big for the property
- Increased traffic on Kent Ave and Double Bridges Road which are already a death-walk for pedestrians. Sea Colony buses use Jefferson Bridge Road to access the beach instead of their private roads due to improper licensing of their buses for travel on Route One.

Having lived on Ocean Pines Lane, I can attest to the water issues that largely started with the filling in of the corner of Route 1 and Jefferson bridge Road. That area which used to be used as a fluid dumping ground by a local company (most likely illegally so) was filled upon construction causing water to be directed to Ocean Pines Lane and Argyle Lane which has never been resolved.

Find attached my electronic signature on the petition.

Please oppose this proposed development in its current form.

Linda Teplica

RECEIVED
DEC 09 2021
SUSSEX COUNTY
PLANNING & ZONING

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council **DENY** Application No. C/U 2279 to grant a Conditional Use of Land in a MR Medium Density Residential District for Multi-Family Dwellings (11 Units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.035 acres, more or less, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00.

NAME

ADDRESS

Linda Teplica-----

117 Oakmont Drive Ocean View, DE 19970

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Christin Scott

From: Arseny Bogomolov <arseny.bogomolov@gmail.com>
Sent: Thursday, December 9, 2021 8:23 AM
To: Planning and Zoning
Cc: Katherine McAllister
Subject: Comments for Planning & Zoning Hearing on 12/09/2021- C/U 2279 Ron Sutton

Categories: Christin

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To Whom It May Concern:

My name is Arseny Bogomolov and my wife (CC'ed) is Katherine McAllister. We are the owners of the property at 33285 Kent Ave, Bethany Beach, DE 19930, which is the lot next to 33309 Kent Ave, where an 11 unit condominium is being proposed (first topic in Public hearings agenda, C/U 2279 Ron Sutton).

We apologize for the late comment submission, but wanted to send this in nonetheless, as we are not sure if we'll have a chance to ask the questions by phone (we unfortunately are unable to attend the meeting in person).

We wanted to log our concerns regarding the following:

1. **Drainage.** We fear that the proposed property with its increased lot coverage will exacerbate existing drainage issues in the area. Our property already continuously experiences storm water drainage issues and standing water, especially on the side bordering the lot in question, especially since the swails around our properties are not cleared. We have also observed significant drainage issues during heavy rains even on the existing motel property, where the swails on Kent Ave are filled and there is consistently standing water in the front yard/lawn of the motel following heavy rains.

We respectfully request that the developer, if the project is approved, goes beyond the required minimums to address the storm water management concerns from the neighborhood.

2. **Proximity to the Property Line.** We understand that the proposed project is within the required 10' BRL, although only by 1 or 2 feet. However, we are looking at at least 5 units backing to our property line, which is quite different from the normal single family dwellings that is the standard in the neighborhood. We did not previously have the same situation with the motel, as there was only a parking lot backing to our property line. We also have a concern with fire separation due to close proximity; will there be sprinklers installed in the new properties? If not, we are concerned that a fire in a large structure so close to our house could easily spread with the current setbacks.

We respectfully request that the developer, if the project is approved, adds additional space between our two properties.

Best regards,
Arseny Bogomolov & Katherine McAllister

RECEIVED
DEC 09 2021
SUSSEX COUNTY
PLANNING & ZONING

Christin Scott

From: Haig Ellian <he9329@aol.com>
Sent: Wednesday, December 8, 2021 10:08 AM
To: Planning and Zoning
Subject: re Opposition to #C/U2279

Categories: Christin

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Department of Planning & Zoning Commission
ATTN: Planning & Zoning Commission 2 The Circle
Georgetown, DE 19947

RE: Opposition to #C/U2279
Ron Sutton
Site: 3309 Kent Avenue. Bethany Beach, DE 19930 TMP 134-17.11-6.00

Dear Commissioners:

My husband and I purchased 12 Eugene Lane which is now 33334 Argyle Lane, Bethany Beach, DE 19930 41 years ago. We chose Bethany because it was a quiet peaceful place to build our second home, a quiet peaceful beach cottage for our family. which we have enjoyed for 41 years.

Having a motel so close to us was a concern but because it was one level like our cottage and very quiet we continued to enjoy our wonderful peaceful second home. Our son lived in our cottage for 13 years while he was a policeman in South Bethany.

It is very upsetting to think our cottage will be overshadowed by this development of 11 units 4 stories high. We will be directly impacted because our property runs along the length of the proposed development. Our family, along with our neighbors would appreciate a development more in tune with our neighborhood, not a huge block of buildings which is not smart development and will create more noise for our peaceful neighborhood and more traffic on Jefferson Bridge Road.

Respectfully,

Suzanne Ellian
33334 Argyle Lane, Bethany Beach, DE 19930
4317 Curtis Rd., Chevy Chase, MD 20815
he9329@aol.com
240 426 5325

Levon Ellian
33334 Argyle Lane, Bethany Beach DE 19930
25223 Military RD, Cascade MD 21719
MCP246@aol.com
240 418 7274

Jan Seilhamer (wife of Levon Ellian)
3334 Argyle Lane, Bethany Beach DE 19930
25223 Military Rd., Cascade MD 21719

Email to: pandz@sussexcountryde.gov

Submitted: December 8, 2021 at 9 am, EST

Neighborhood Petition Signed by 28 Owner Residents Urging Denial of Application No. C/U 2279, Ron Sutton. 33309 Kent Avenue, Bethany Beach 19930: TMP 134-17.11-6.00, Argyle Lane, Ocean Pines Lane, Kent Avenue and Surrounding, December 8 PandZ Hearing

This is a request that you please enter into the official record, and share with Commissioners, the attached Petition signed by the following 28 Owner Residents Urging Denial of Application No. C/U 2279, Ron Sutton. 33309 Kent Avenue, Bethany Beach 19930: TMP 134-17.11-6.00, Argyle Lane, Ocean Pines Lane, Kent Avenue and Surrounding, for December 8 PandZ Hearing.

Signers:

- ✓ Thomas F. Fise
- ✓ Mary Ellen R. Fise
- ✓ Craig Curtis
- ✓ Susan Curtis
- ✓ Suzanne Ellian
- ✓ Levon Ellian
- ✓ Jan Seilhamer
- ✓ Candace Minner
- ✓ Dale Minner
- ✓ Edward Petronzio
- ✓ Melanie Petronzio
- ✓ Robert Frumkin
- ✓ Maureen Frumkin
- ✓ Scott Frumkin
- ✓ Neal Frumkin
- ✓ Frumkin
- ✓ Joseph W. Howard
- ✓ Ann E. Howard
- ✓ Nina S. Holvey
- ✓ Andrew Beck
- ✓ Vicki Beck
- ✓ Thomas Gugerty
- ✓ Margaret Gugerty
- ✓ David Connolly
- ✓ Joan Connolly
- ✓ Brent Hayhurst
- ✓ Ellen Feeney
- ✓ John Feeney

I look forward to participating in the December 9 hearing; many of the above residents will be present in person or virtually. In addition other owner-residents in opposition to C/U 2279 have already provided written statements of their opposition, and others will be participating to register their opposition during the course of the hearing.

Thank you, and please let me know if anything else may be needed from me to accomplish entry of this petition and its signers' opposition into the hearing record, or to otherwise assist your efforts in any other way.

Thomas F. Fise

tomfise@mindspring.com

Cell: 202-270-7630

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council **DENY** Application No. C/U 2279 to grant a Conditional Use of Land in a MR Medium Density Residential District for Multi-Family Dwellings (11 Units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.035 acres, more or less, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00.

NAME

ADDRESS

Mary Ellen R Fise

33339 Argyle Lane, Bethany Beach DE 19930

Mary Ellen R Fise

33339 Argyle Lane, Bethany Beach, DE 19930

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PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

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NAME

ADDRESS

Susan A. Curtis

3378 Ocean Pines Lane B.B. DE

Susan Curtis

33378 Ocean Pines Lane B.B. DE

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

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NAME	ADDRESS
Suzanne Ellian	33334 Argyle Lane Bethany Beach, DE 19930 4317 Curtis Road Chevy Chase, MD 20815
Levon Ellian	33334 Argyle Lane Bethany Beach, DE 19930 25223 Military Rd Cascade, MD 21719
Jan Seilhamer	33334 Argyle Lane Bethany Beach, DE 19930 25223 Military Rd Cascade, MD 21719
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NAME

ADDRESS

Cardace C. Minner
Pale Minner

39500 Jefferson Bridge Rd. Bethany
" " " " "

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

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NAME

ADDRESS

NAME	ADDRESS
<i>Edna King</i>	<i>33309 Kent Ave, Bethany Beach, 19930</i>
<i>John King</i>	<i>33309 Kent Ave - Bethany Beach, DE 19930</i>

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NAME	ADDRESS
Robert Franklin	33309 Argyle Lane Bethany Beach, DE
Maureen Franklin	33307 Argyle Lane Bethany Beach, DE
Maureen Franklin	33307 Argyle Lane Bethany Beach, DE
[Signature]	33307 Argyle Lane Bethany Beach, DE
[Signature]	33307 Argyle Lane Bethany Beach, DE
[Signature]	33307 Argyle Lane Bethany Beach, DE

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NAME

ADDRESS

Joseph W. Howard	33380 Ocean Pines La
Joseph W. Howard	Bethany Beach DE 19930
Ann E. Howard	33380 Ocean Pines La
Ann E. Howard	Bethany Beach DE 19930

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council DENY Application No. CU 2270 to grant a Conditional Use of Land in a MR Medium Density Residential District for Multi-Family Dwellings (11 Units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.035 acres, more or less, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17-11-6.00

NAME

ADDRESS

Mina S. Holwey

33296 Argyle Ln Bethany Beach

Lined area for additional signatures and addresses.

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

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NAME

ADDRESS

Michael Beck
Michael Beck

33378 Ocean Pines Lane
33315 Ocean Pines Lane

ALSO OWN

LOT # 3 GULL ENTERPRISES
SUBDIVISION

LOT # 7 GULL ENTERPRISES
SUBDIVISION

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

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NAME

ADDRESS

Thomas Gugerby / Jr
Margaret Gugerby

33324 Argyle Lane Bethany Beach, DE. 19936
33324 Argyle Lane, Bethany Beach
Delaware 199

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

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NAME

ADDRESS

David Connelly
Jean Connelly

3968 1/2 Round Robin Way, Bethany Beach
39682 Round Robin Way, Bethany Beach

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

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NAME

ADDRESS

Burt R. Hight

33282 Argyle Lane, Bethany Beach DE

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council **DENY** Application No. C/U 2279 to grant a Conditional Use of Land in a MR Medium Density Residential District for Multi-Family Dwellings (11 Units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.035 acres, more or less, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00.

NAME

ADDRESS

Ellen Feeney

54044 Sundial Place Bethany

Ellen Feeney

Beach Delaware

John Feeney

54044 Sundial Place Bethany

John Feeney

Beach Delaware

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NAME

ADDRESS

NAME	ADDRESS
<i>Christ T. ...</i>	<i>Argyle Court LOT 9</i>
<i>...</i>	<i>Argyle Court LOT 9</i>

Elliott Young

From: Candy Minner <cminner423@comcast.net>
Sent: Sunday, December 5, 2021 10:33 PM
To: Planning and Zoning
Subject: Opposition to #C/U2279 Ron Sutton; 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00

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Department of Planning and Zoning
Attn: Planning & Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, De 19947

Re: Opposition to #C/U2279
Ron Sutton
Site: 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00

SUSSEX COUNTY
PLANNING & ZONING
DEC 05 2021
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Dear Commissioners:

My name is Dale Minner. My wife and I have been Bethany homeowners for the past 25 years. I would like to express my concern and opposition of the proposed development on Kent Avenue in Bethany Beach.

Our property is on the corner of Jefferson Bridge Road and Argyle Lane. We are already extremely concerned about the heavy traffic on Jefferson Bridge Road. The number of cars associated with this proposed complex of eleven, 4-story, 4-bedroom units would make that road even more dangerous than it already is!

In addition, current ditching and storm drainage in the area of Kent, Jefferson Bridge, and Argyle Lane is inadequate and can only be exacerbated by the amount of run-off that would be created by a development that would double the current lot coverage.

We **strongly oppose** this development for numerous reasons including the fact that a development of this magnitude is not in character with homes in the neighborhood. Even the Sea Colony villas are two-story buildings..... not 11 condos with 44 bedrooms positioned on a 1-acre lot!

I respectfully request that you DENY Application No. C/U 2279.

Thank you for your consideration.

Sincerely,
Dale Minner

Elliott Young

From: capt.a.j.beck@gmail.com
Sent: Saturday, December 4, 2021 2:33 PM
To: Planning and Zoning
Subject: Opposition to #C/U2279
Attachments: 1202210904_HDR.jpg; 1202210903_HDR.jpg

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DEC 04 2021

SUSSEX COUNTY
PLANNING & ZONING

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**Department of Planning and Zoning
Attn: Planning & Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947**

**RE: Opposition to #C/U2279
Ron Sutton
Site: 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00**

Sir/Madam:

I am writing you today to express my absolute opposition to the above captioned Conditional Use application that you will hear this Thursday, 9 December 2021. My wife and I intend to be at the meeting to voice our objections to this application.

Since 1976, we have owned eight different properties on Ocean Pines Lane, all of which are in near proximity to the subject property. We currently make our home at 33378 Ocean Pines Lane in a new home we finished just last year. Also, we currently own two vacant lots on Ocean Pines Lane adjacent to our home.

We have seen many changes over the years, but nothing in comparison to what has happened over the past couple of years in terms of new development and construction that has negatively impacted the long time residents of this neighborhood. The negative impacts to our neighborhood if this conditional use application is approved include but are not limited to the following:

- 1. 11 is way too many units.** The issue that we want to emphasize is that the proposed density is not in character with homes adjacent to and in the immediate vicinity of the Site—the Meris Bed & Breakfast consists of two one-story buildings, eleven units of one bedroom each which is a long way from 11 condos with 44 bedrooms.
- 2. 42 foot height for this many buildings would change the character of the neighborhood.** This is a big issue and what the developer is proposing is not in character with single family homes nearby. The vast majority of nearby homes are single family dwellings; those multi-family units nearby--the Sea Colony villas—are only two-story buildings.

3. **Lighting from traffic on property will be a nuisance to surrounding homes.** Picture 44 cars (when these four BR homes are fully leased or otherwise occupied) coming in and out of the complex in the evening. There may be additional concerns from spotlights or other building lighting given that the plan calls for the buildings to be within 10 feet of the property line.
4. **Traffic—**
 - a. Adding 44 BRs and 44 cars (and likely more in July/August) to the traffic and parking mix.
 - b. Jefferson Bridge Rd. traffic, already treacherous (one recent pedestrian fatality), will be made much worse because Sea Colony is erecting a gate as an absolute limit on people driving west to east through Sea Colony.
6. **Swails—runoff, ditches and storm drainage already are a big overflow problem in the area already near the old motel/planned condo; likely would be made worse by new construction, congestion and many more people.** We should recognize that State law has created and requires the developer to go through an agency approval process with the Sussex Conservation District (SCD), so Commissioners generally tend to defer to the Sussex Conservation District as to opposition based on stormwater issues. This suggests NOT making this your dominant point; perhaps just emphasizing that developer's plan would double the current lot coverage and while we understand that the developer will have to comply with Sediment and Stormwater Regulations, we have experienced, and have continued concern with present stormwater issues that may be exacerbated by the development of the site in the manner proposed by the Applicant.
7. **Condos – Developers will leave all enforcement of rules to a condo board.** The developer/applicant held a preliminary meeting on October 27, during which the developer representatives repeatedly suggested that many of our concerns would be addressed down the road in community governing documentation. We recognize that the design of this project will be determined by the Commission and ultimately the Council, hopefully in a manner that will address our concerns now rather than post site plan approval in condominium governing documents where owners of the surrounding community of long-term, primarily single-family dwellings will be very unlikely to have any voice.
8. **Inadequate Sewer Capacity.** Our information is that there are only 5.5 EDU's of sewer capacity available to this property. By what authority are these developers entitled to double the sewer capacity already allocated, and at whose expense will this additional capacity be created?

In the past year, Virginia builder Evergreen Homes has built seven homes in our immediate neighborhood. Photos of these homes taken this morning show how imposing these buildings are on the streetscape. These buildings have been built setback to setback to setback, and up to the maximum allowed building height. Every single cubic foot of the building envelope has been filled with plastic-sided structures that resemble cheaply built barracks on a military base. Every single tree on these seven lots has been cut down to accommodate the over-building of the seven lots. What the applicant is proposing to do with the subject property is more of the same; clear-cutting the property of all trees and then filling the entire building envelop with plastic-sided architecturally vacuous structures that destroy the character of the neighborhood.

WE look forward to rising in opposition to this project this coming Thursday evening.

Sincerely,

Andrew J. Beck

Vicki L. Beck

Andrew J. Beck

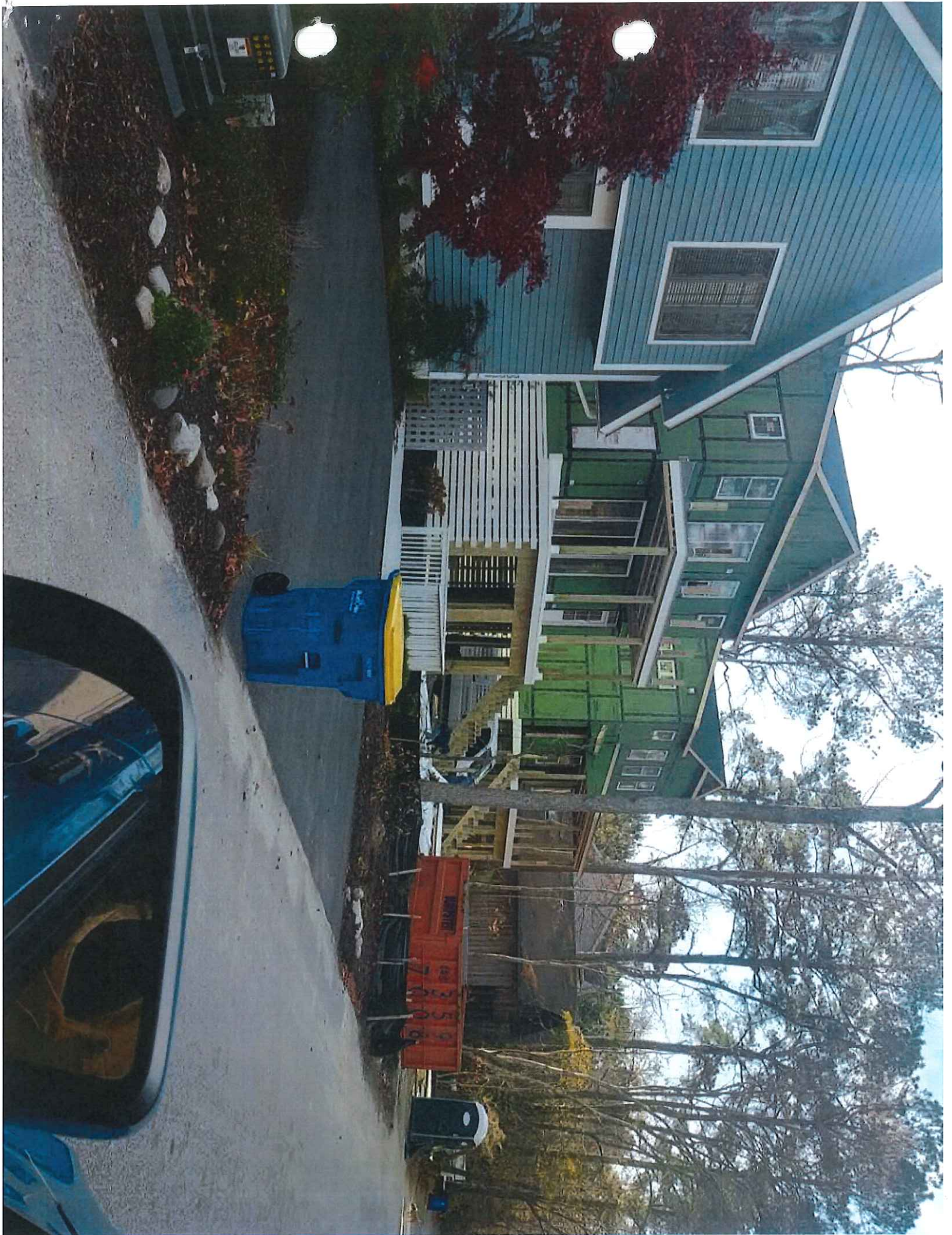
33378 Ocean Pines Lane

Bethany Beach, Delaware 19930

e-mail: capt.a.j.beck@gmail.com

Phone/text: 843-345-8288





Elliott Young

From: Susan Curtis <slcurtis000@gmail.com>
Sent: Friday, December 3, 2021 2:21 PM
To: Planning and Zoning
Subject: 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00
Attachments: Zoning Letter BB.pdf

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Department of Planning and Zoning
Commissioners,

Attached is my letter in opposition of the proposed development of 33309 Kent Ave. in Bethany Beach DE.

Please consider this when determining approval of this project.

Susan Curtis

RECEIVED
DEC 03 2021
SUSSEX COUNTY
PLANNING & ZONING

Susan and Craig Curtis
533 Fern Trail
Signal Mountain TN 37377
Scurtis000@gmail.com

December 3, 2021

Department of Planning and Zoning
Attn: Planning & Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Opposition to #C/U2279

Ron Sutton

Site: 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00

My husband and I own the property at 33378 Ocean Pines Lane which was transferred to us by my mother in January 2021. My parents had owned this property since the 1970's along with 3 other lots and a small house at 33343 Ocean Pines Lane. I have spent significant time in Bethany Beach throughout my youth and adulthood, sometimes living year round and sometimes travelling from as far away as Southern California to spend time there. I have shared this special place with my children and plan to develop the lot we now own as a family retreat.

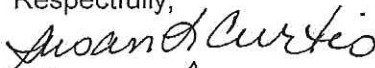
In part what has been so important to us is that the surrounding area to the proposed rezoning for 33309 Kent Avenue was quieter than Bethany Beach proper and nearby communities, without homes being on top of each other, and the scale of what has been built, until recently, has been fitting within the current character of the area.

The slow creep of high density development is impacting the community greatly, traffic has increased and infrastructure has not kept up. Road safety for pedestrians has deteriorated and needs to be addressed.

All in all granting high density development without generous setbacks to maintain mature vegetation will damage the quality of life for all current residence. Thoughtful improvements while maintaining the special character of this area are desired, high density development which alters it is not.

Bethany Beach's motto has always been "The Quiet Resort" please maintain that to the greatest extent possible.

Respectfully,



Susan and Craig Curtis



Jennifer Norwood

From: Ellen Feeney <ellenfeeney@icloud.com>
Sent: Monday, November 29, 2021 12:28 PM
To: Planning and Zoning
Cc: tomfise@mindspring.com
Subject: opposition to #C/U2279 Ron Sutton

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Department of Planning and Zoning

Attn: Planning & Zoning Commission

2 The Circle

P.O. Box 417

Georgetown, DE 19947

RE: Opposition to #C/U2279

Ron Sutton

Site: 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00

I am a homeowner in Sea Colony West. I want it to be known that I am strongly against the building of the 11 unit condominium on the site of 33309 Kent Ave.

This proposed density is definitely not in keeping with the character of the homes adjacent to and in the vicinity of the site.

In addition the height of the proposed buildings - 42 feet - would NOT fit into this area. This height would change the character of the area into a commercialized site.

The additional traffic and noise would change our lovely neighborhood into a much busier and commercialized site.

If condominiums need to be built, at least cut the size in half. This new 11 unit development would be a huge detriment to the existing area and all the people that currently enjoy and have invested in this space.

Again, I am a current homeowner that is STRONGLY opposed to this development plan.

Ellen Feeney

Sea Colony homeowner