

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

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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

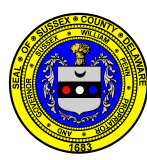
Sewer: Artesian

Water: Sussex County

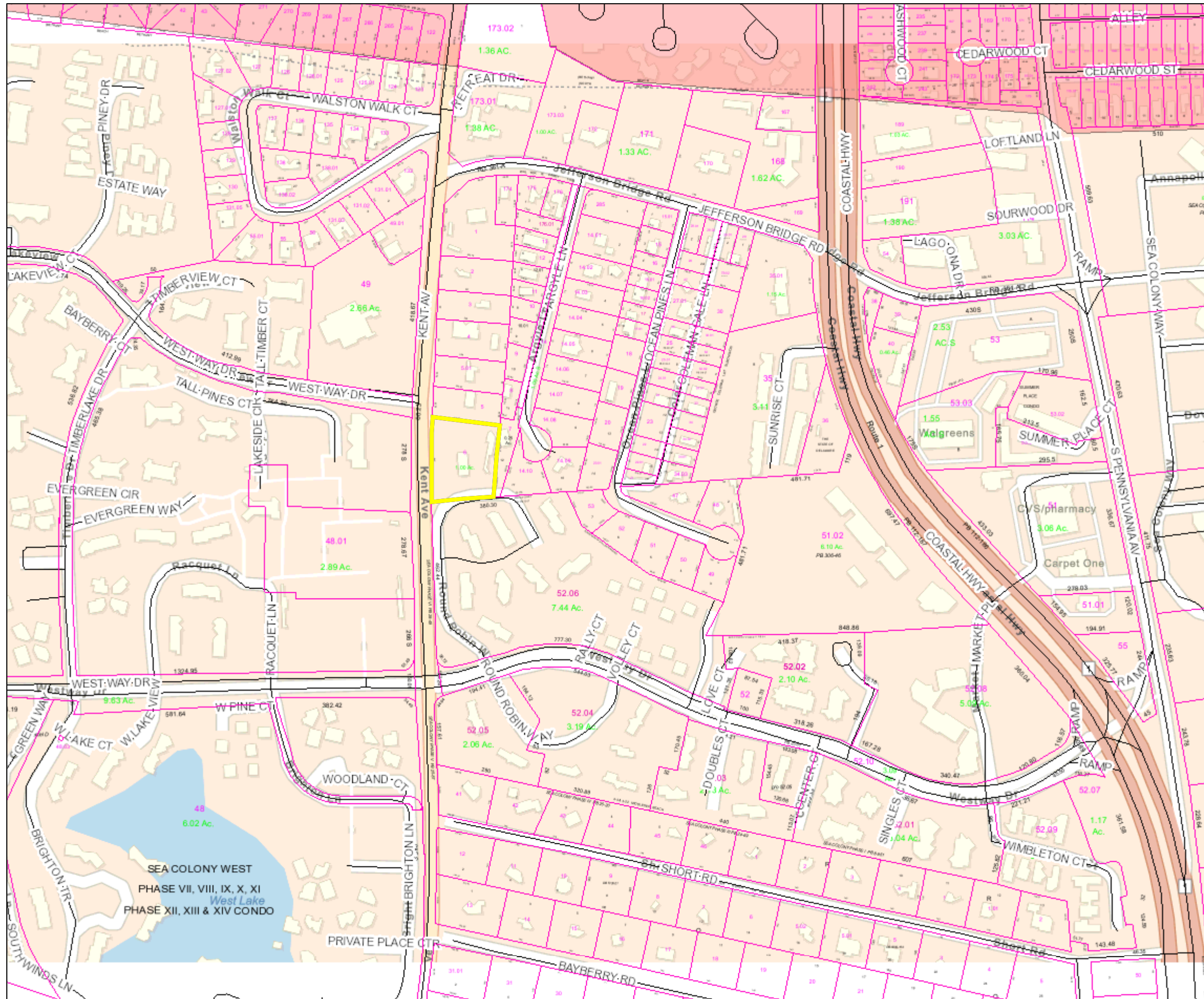
Site Area: 1.035 acres +/-

Tax Map ID.: 134-17.11-6.00





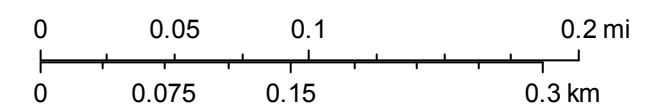
Sussex County



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	

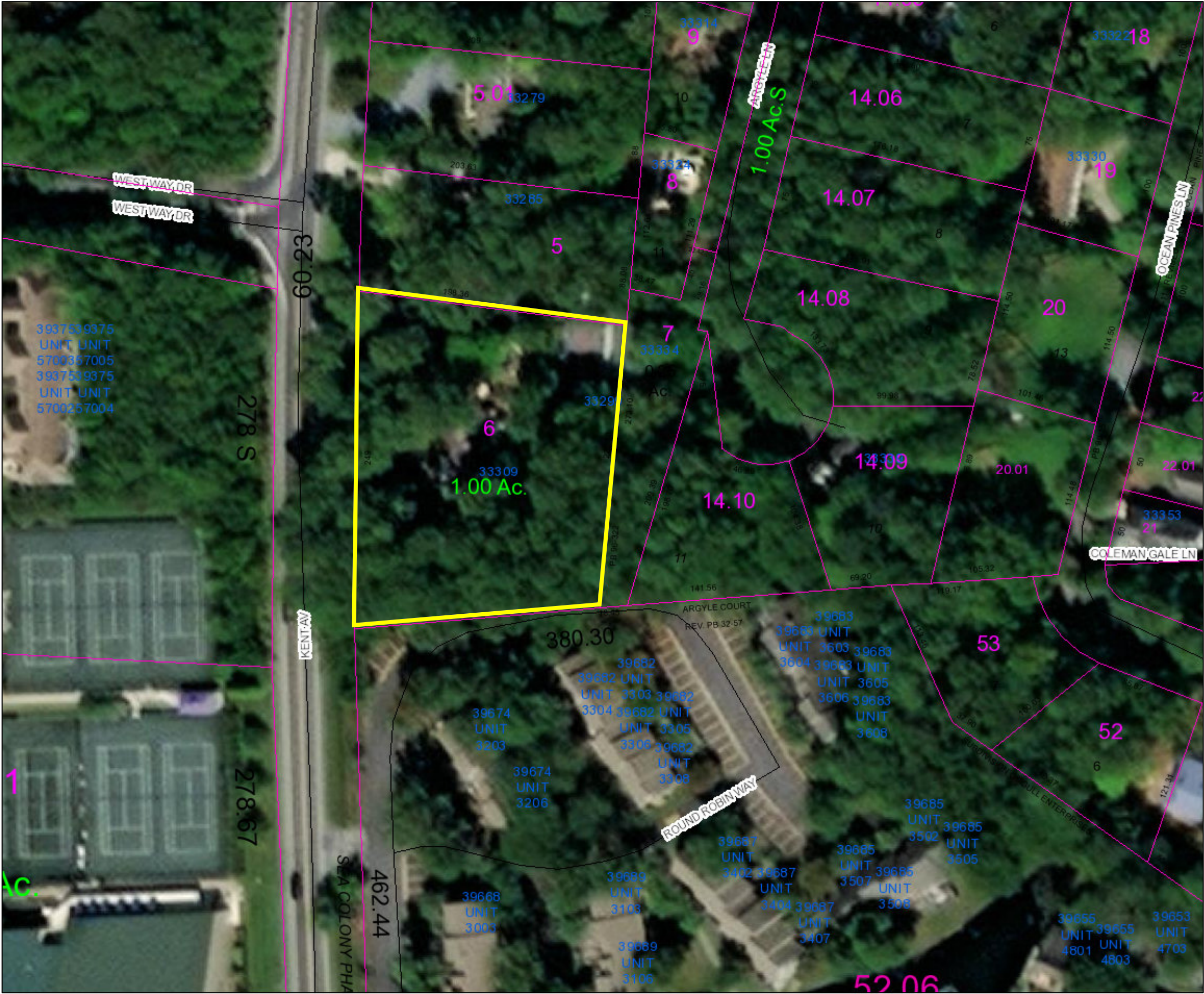
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- polygonLayer**
Override 1
- Tax Parcels
 - Streets
 - County Boundaries
 - Municipal Boundaries

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Sussex County

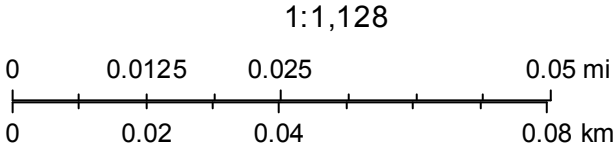


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- polygonLayer

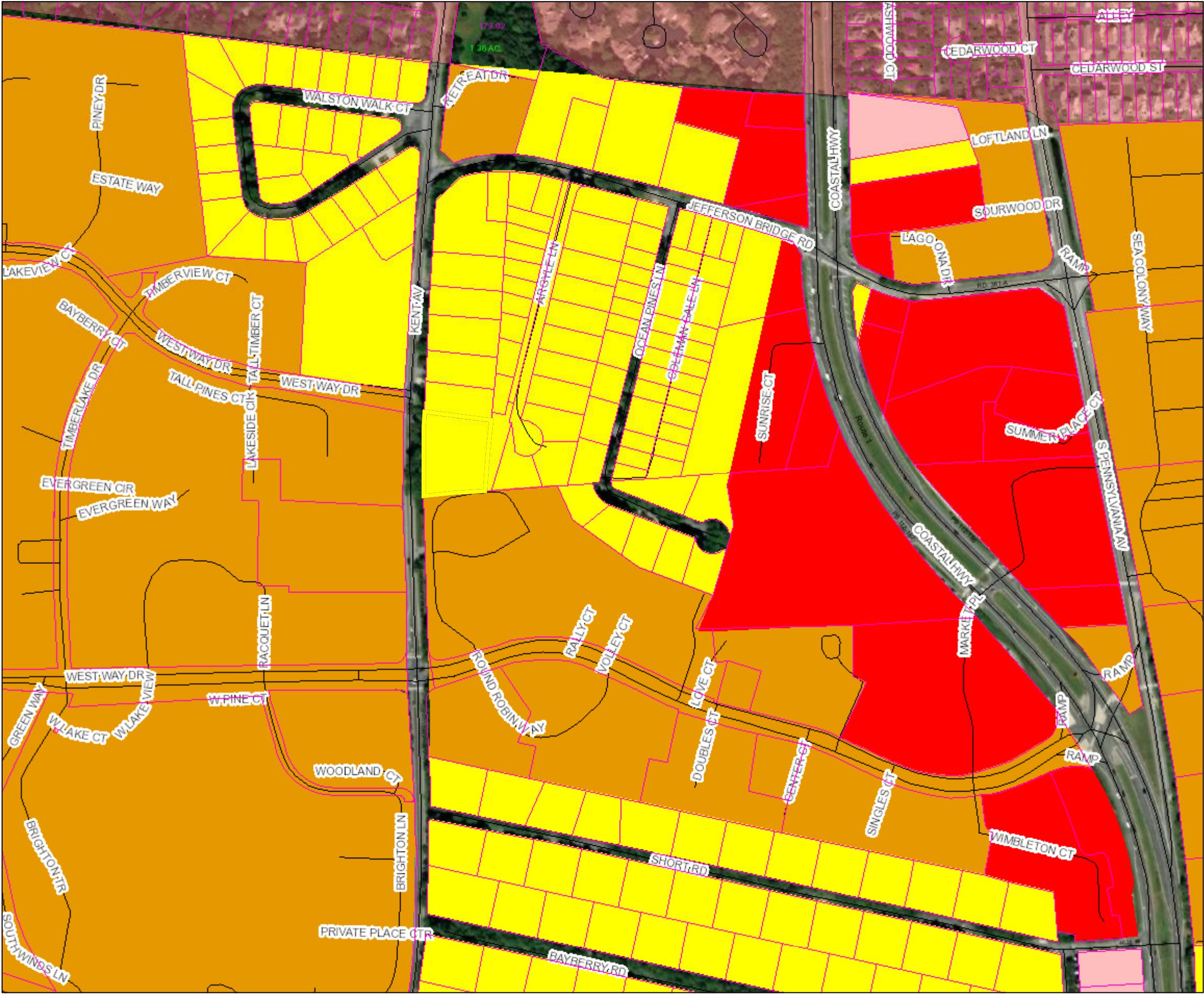
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- polygonLayer

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





Sussex County

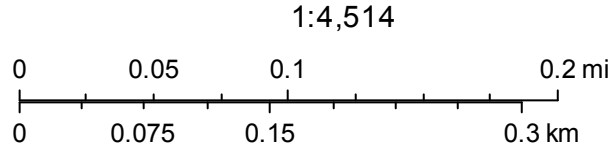


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- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
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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.**

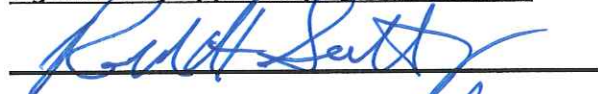
☒ **DelDOT Service Level Evaluation Request Response**

☐ **PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

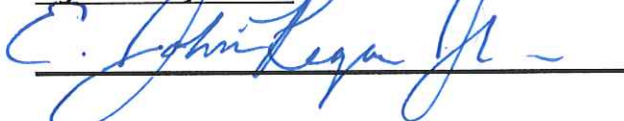
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 3-24-21

Signature of Owner



Date: 3-23-21

For office use only:

Date Submitted: 4/8/2021

Staff accepting application: NAT

Location of property: _____

Fee: \$500.00 Check #: 2823

Application & Case #: _____

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____



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

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 Fumato, 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 Fumato, 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



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

Last updated 3-12-20

**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.**

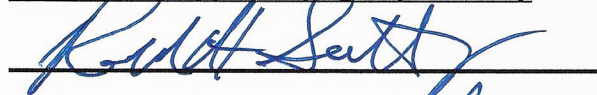
☒ **DeIDOT Service Level Evaluation Request Response**

☐ **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

BK: 4432 PG: 332

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	.00
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

By

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.

Notary Public

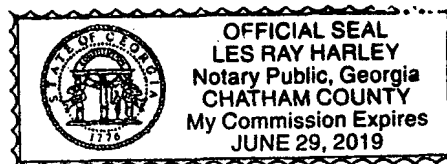
Printed Name:

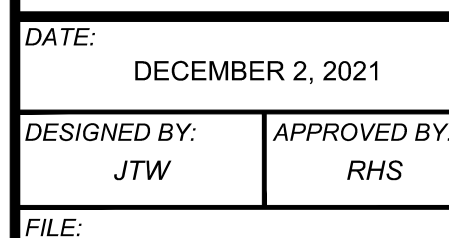
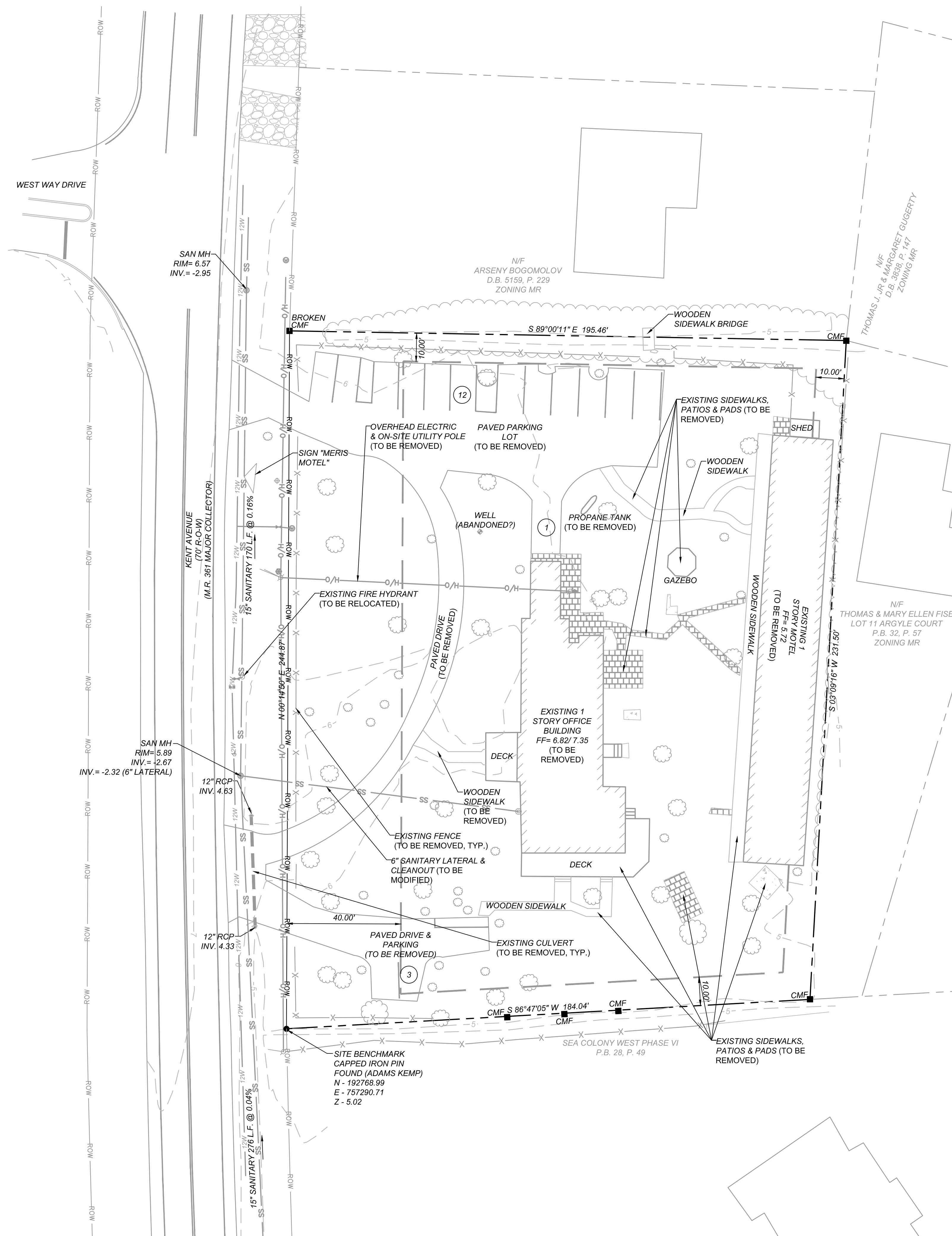
My Commission Expires:

Les Ray Harley
June 29, 2019

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

2





EX-1

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

BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

CE CIVIL ENGINEERING
ASSOCIATES, LLC

Copyright © 2011

● **ENGINEERING** ● **SURVEYING** ● **CONSTRUCTION SERVICES**

● SURVEYING ● CONSTRUCTION SERVICES

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

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

55 W. MAIN STREET
MIDDLETOWN, DE 19709

WWW.CEA-DE.COM

REVISIONS

[illegible]

DATE _____

APPENDIX C

PRELIMINARY PLANS

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

WESTWAY DRIVE

ARSENY BOGOMOLOV
D.B. 5159, P. 229
ZONING MR

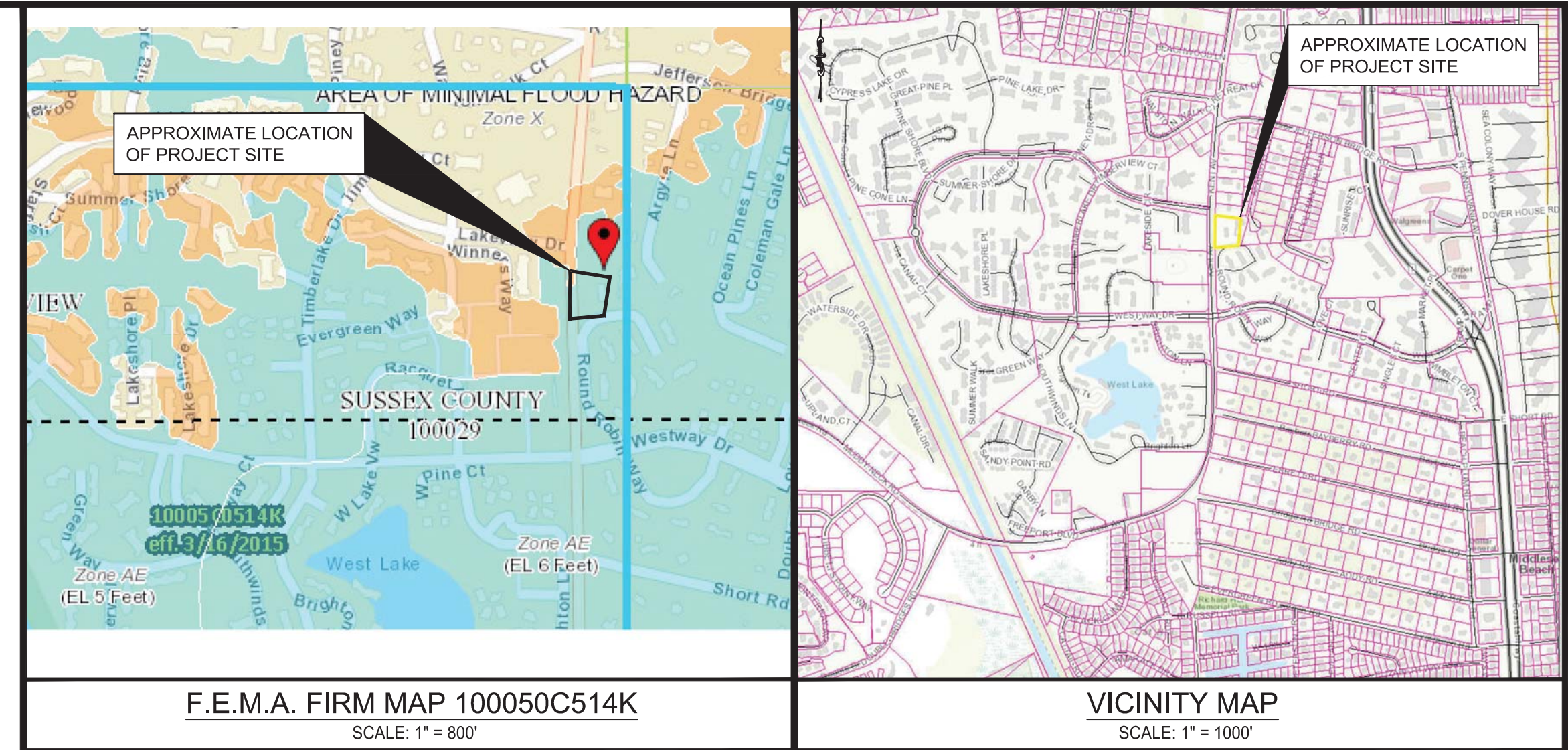
THOMAS J. JR. & MARGARET GUGERTY
D.B. 3838, P. 147
ZONING MR

THOMAS & MARY ELLEN FISE
LOT 11 ARROYO COURT
P.B. 32, P. 57
ZONING MR

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

SITE BENCHMARK
CAPPED IRON PIN
FOUND (ADAMS KEMP)
N - 192768.99
E - 757290.71
Z - 5.02

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



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	

1. OWNER: MORGAN, LLC
33309 KENT AVENUE
BETHANY BEACH, DE 19930

2. EQUITABLE OWNER: CHRISTOPHER LAND, LLC
10461 WHITE GRANITE DRIVE, SUITE 103
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 - 10 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	10,800.00 S.F. +/- = 0.248 AC. +/-
PRIVATE STREET/PARKING AREA	10,788.88 S.F. +/- = 0.248 AC. +/-
OPEN SPACE	22,743.82 29 S.F. +/- = 0.522 AC. +/-
STORMWATER MANAGEMENT AREA	2260.40 S.F. +/- = 0.052 AC. +/-

10. PARKING: REQUIRED = 20 SPACES (2 SPACES PER UNIT MIN. X 10 UNITS)
PROVIDED = 22 SPACES + 3 ADDITIONAL SPACES = 25 SPACES

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.

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

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. 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

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.

<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>COVER SHEET FOR WINDWARD VILLAGE BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE</p> </div> <div style="width: 50%; text-align: right;"> <p>DATE: _____ DECEMBER 2, 2021</p> </div> </div>	
<p>DESIGNED BY: JTW</p>	<p>APPROVED BY: RHS</p>
<p>FILE: _____</p>	
<p>SHEET NO.: _____</p>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>COVER SHEET FOR WINDWARD VILLAGE BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE</p> </div> <div style="width: 50%; text-align: right;"> <p>DATE: _____ DECEMBER 2, 2021</p> </div> </div>	
<p>DESIGNED BY: JTW</p>	<p>APPROVED BY: RHS</p>
<p>FILE: _____</p>	
<p>SHEET NO.: _____</p>	

COVER SHEET
FOR
WINDWARD
VILLAGE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

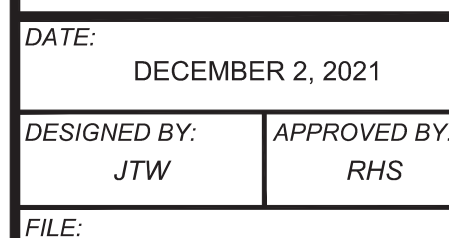
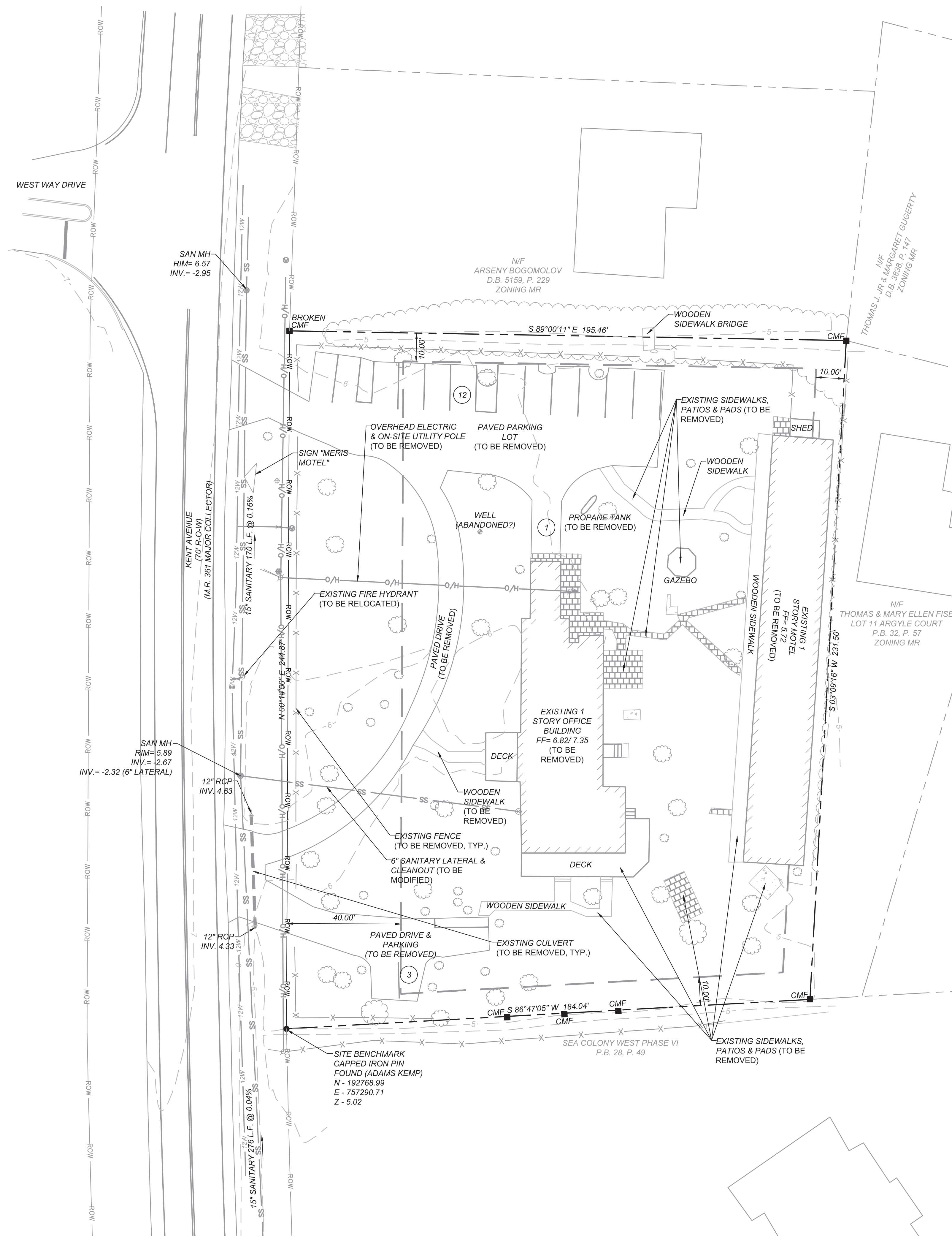
DATE: _____
DECEMBER 2, 2021

DESIGNED BY:
JTW

APPROVED BY:
RHS

FILE: _____

SHEET NO.: _____



SHEET NO.: **EX-1**

EXISTING CONDITIONS PLAN FOR WINDWARD VILLAGE BALTIMORE HUNDRED

ING CONDITIONS FOR WINDWARD VILLAGE BALTIMORE HUNDRED

C&A CIVIL ENGINEERING ASSOCIATES, LLC
• ENGINEERING • SURVEYING • CONSTRUCTION SERVICES

55 W. MAIN STREET
MIDDLETOWN, DE. 19709

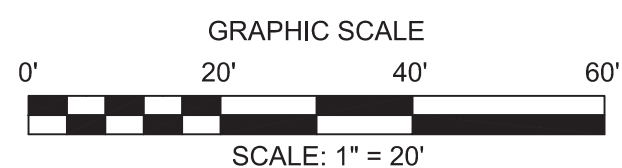
PHONE (302) 376-8833
FAX (302) 376-8834

C&A ©2011

[illegible]

REVIEWS

DATE _____



VILLAGE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

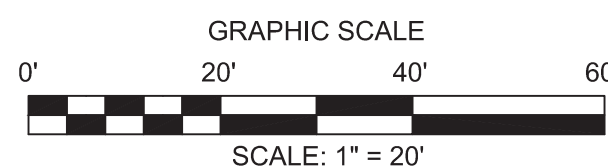
C-1

55 W. MAIN STREET
MIDDLETOWN, DE 19709

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

WWW.CEA-DE.COM

DATE _____



DATE: DECEMBER 2, 2021	
DESIGNED BY: JTW	APPROVED BY: RHS
FILE:	
SHEET NO.: 34	

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

A. EXECUTIVE SUMMARY

- Introduction.....1
- Scope of Project.....1

B. ENGINEER'S REPORT

- General Overview.....2
- Drainage and Stormwater Runoff.....2
- Potable Water.....2
- Wastewater Treatment and Disposal.....2
- Impacts to Surrounding Roadways.....2
- Endangered or Threatened Species.....2
- Preservation and Protection of Tidal and Non-Tidal Wetlands.....3
- Open Space and Buffers.....3
- Proposed Public and Private Infrastructure.....3
- 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 DelDOT 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 exiting 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
sussexcountye.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:



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

Last updated 3-12-20



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

NICOLE MAJESKI
SECRETARY

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

APPENDIX G

ZONING & COMPREHENSIVE PLAN CONTEXT & MAPPING

Figure 4.2-1 Existing Land Use

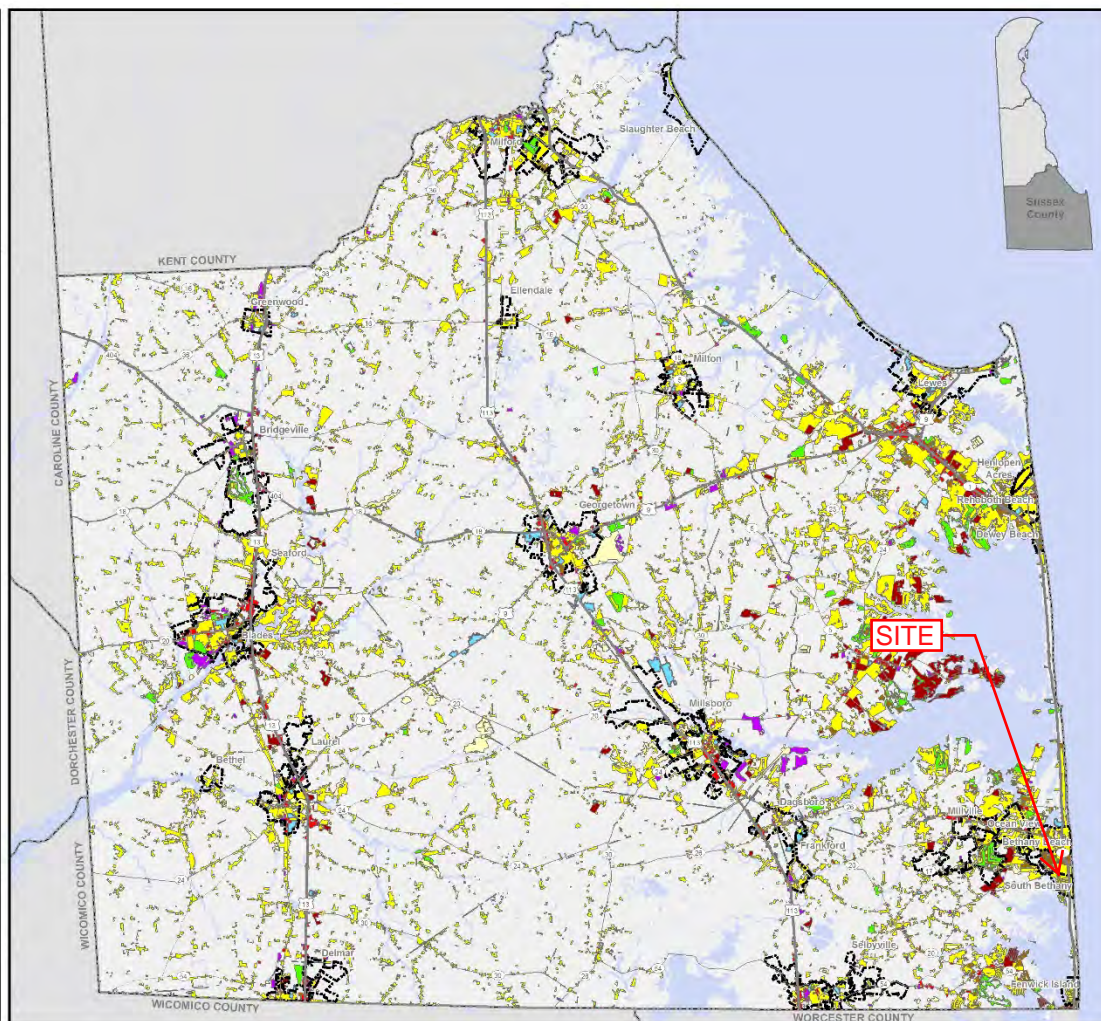


Figure 4.5-1 Sussex County 2045 Future Land Use

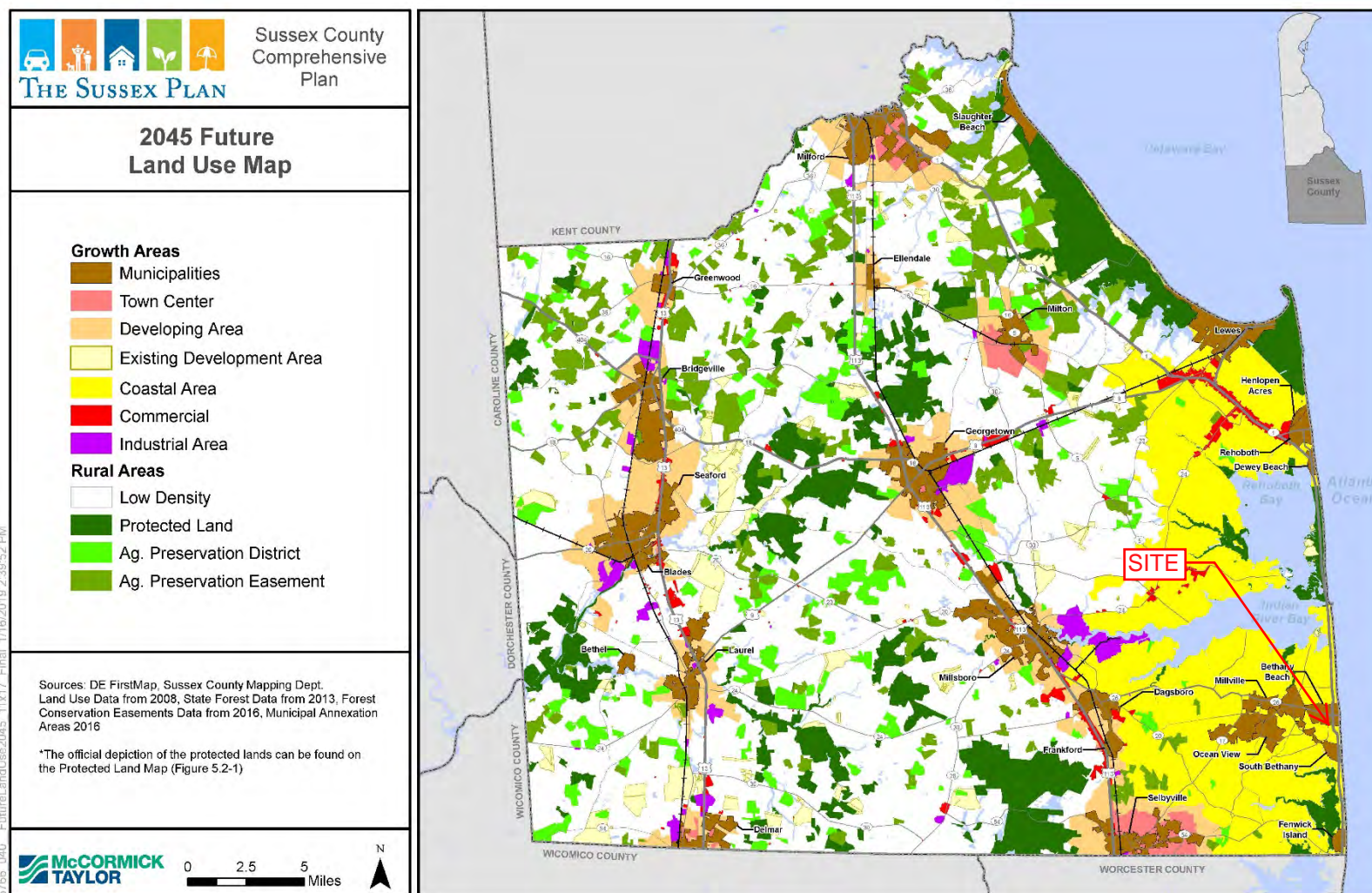


Figure 4.4-1 Strategies for State Policies and Spending

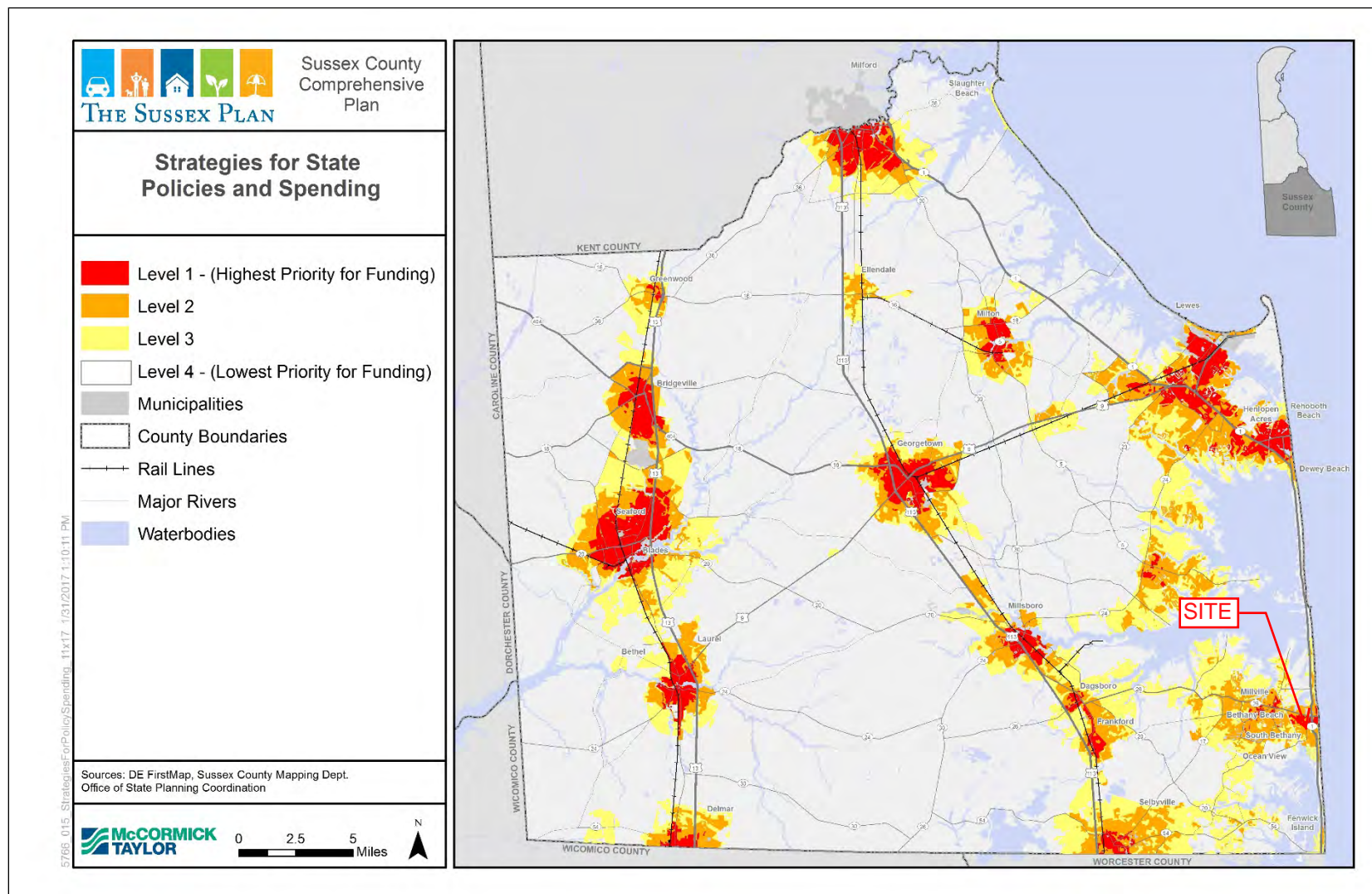
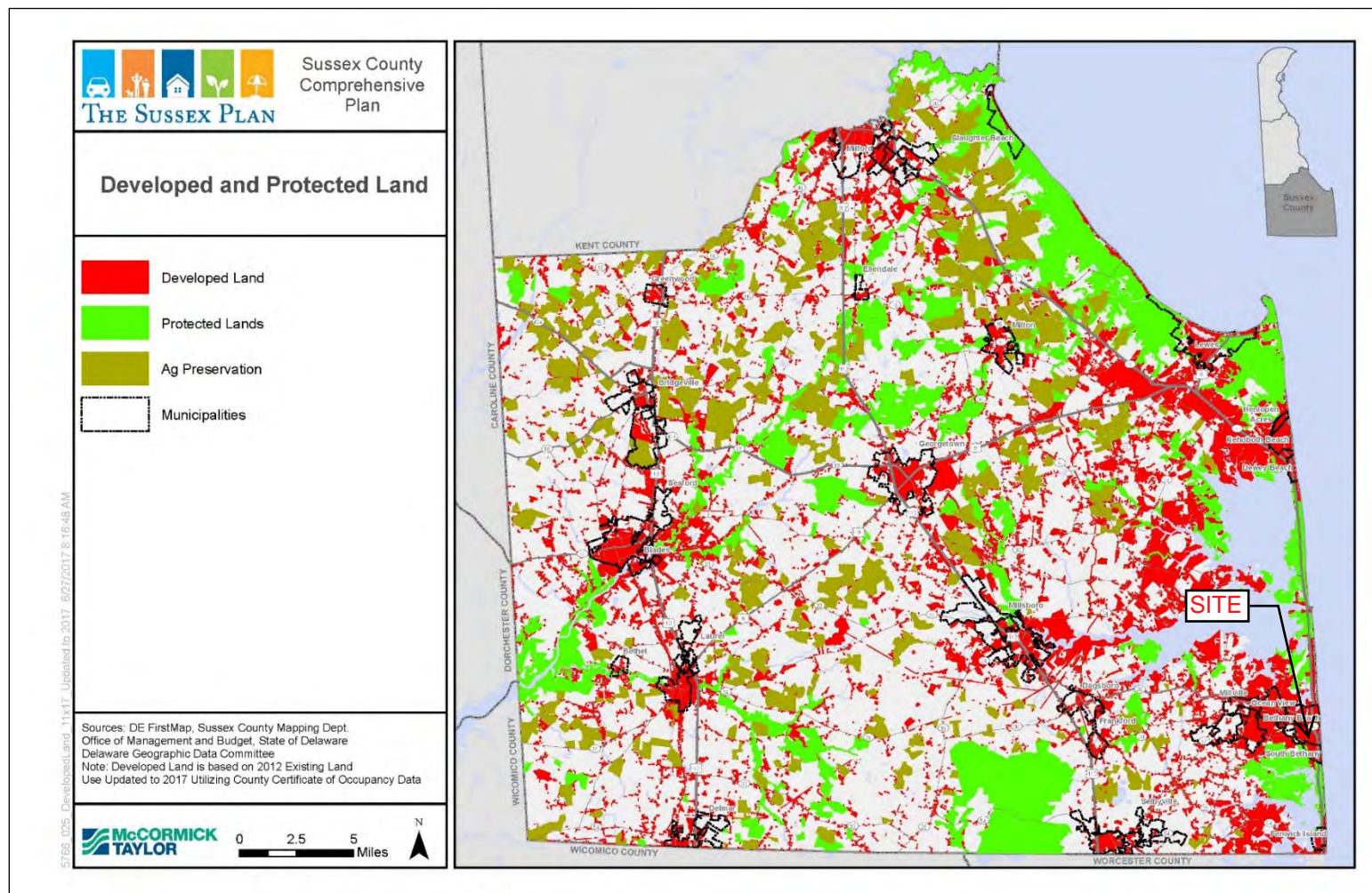


Figure 4.2-2 Developed and Protected Land *



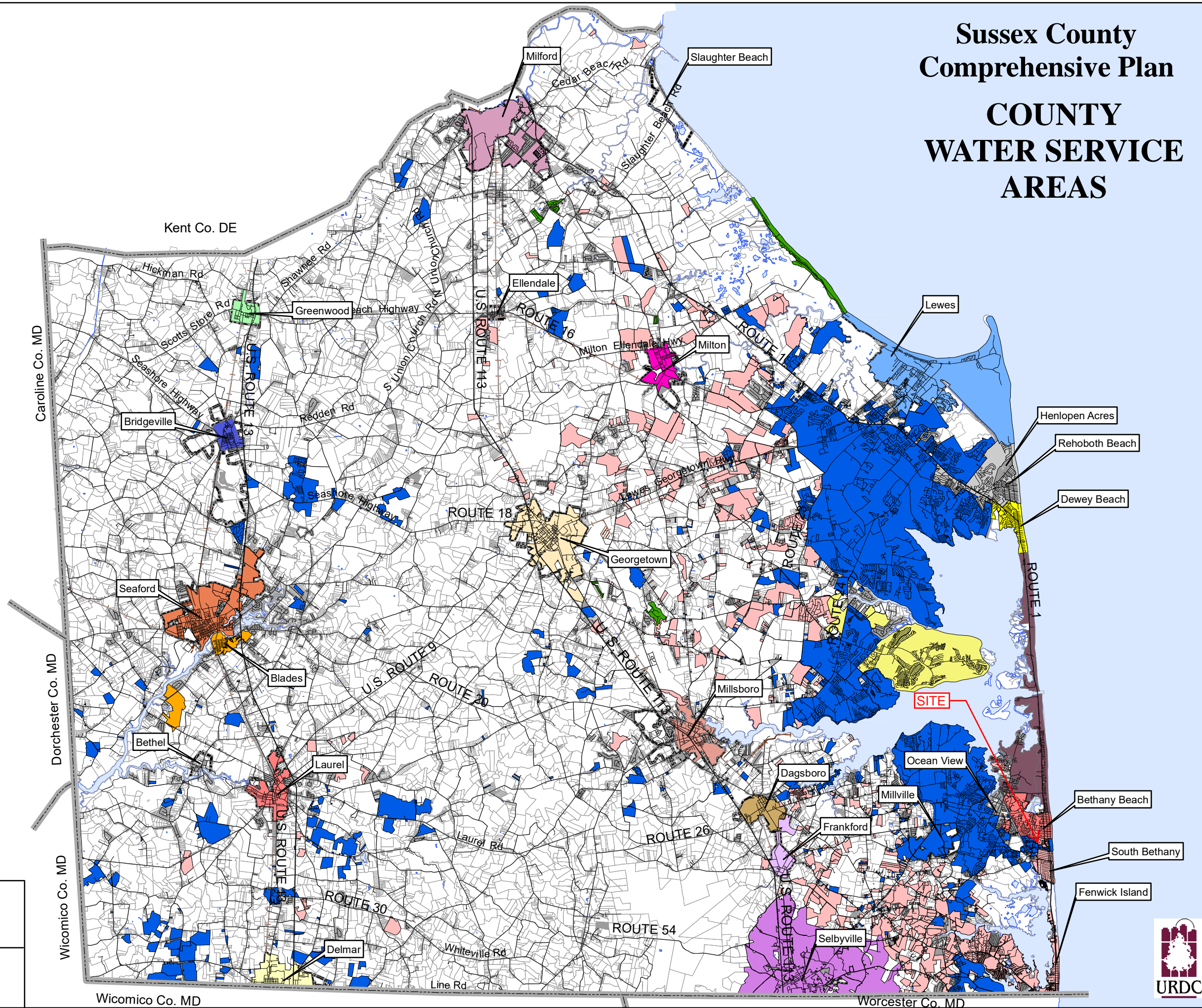
* Parcels enrolled in the State's Agricultural Lands Preservation Program change frequently and that the Delaware Department of Agriculture can be contacted for latest update.

Sussex County Comprehensive Plan

COUNTY WATER SERVICE AREAS

Water Providers

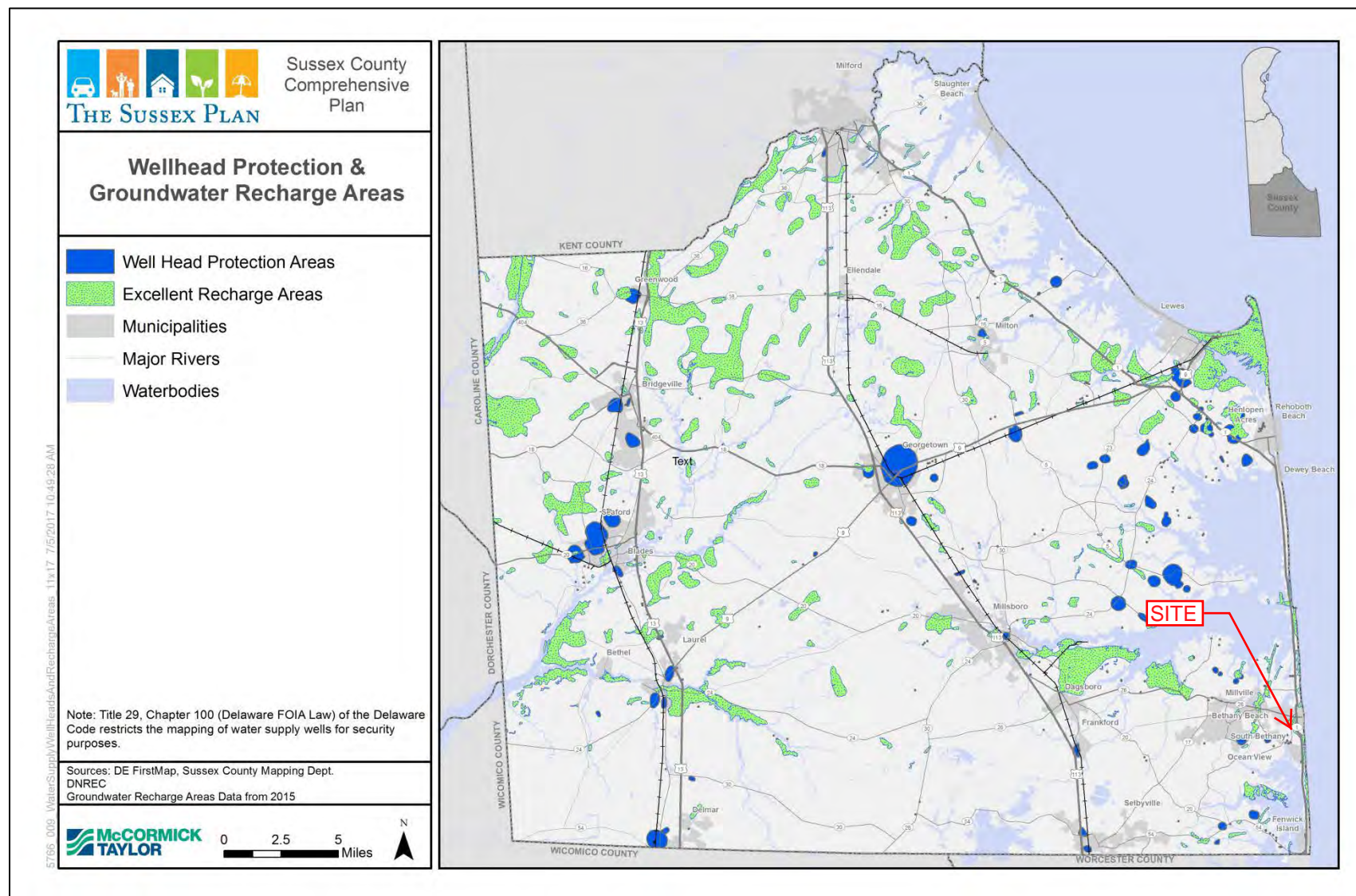
- Unknown
- Artesian Water Company
- Bethany Beach
- Blades
- Bridgeville
- Dagsboro
- Delmar
- Frankford
- Georgetown
- Greenwood
- J.H. Wilkerson & Son
- Laurel
- Lewes
- Long Neck Water Co.
- Milford
- Millsboro
- Milton
- Rehoboth
- Seaford
- Selbyville
- Sussex County Council
- Sussex Shores Water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



<p>0 9,000 18,000 36,000</p> <p style="text-align: center;">1 inch equals 18,000 feet</p>	
<p>Base Map Provided By: Sussex County Mapping Department</p> <p>Sources: DNREC, Sussex County Mapping Department</p>	












Figure 7.2-2 Wellhead Protection & Excellent Recharge Areas



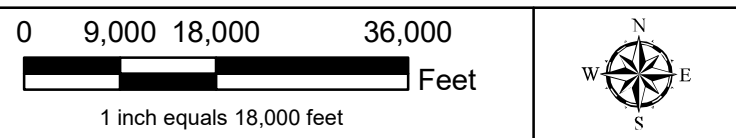
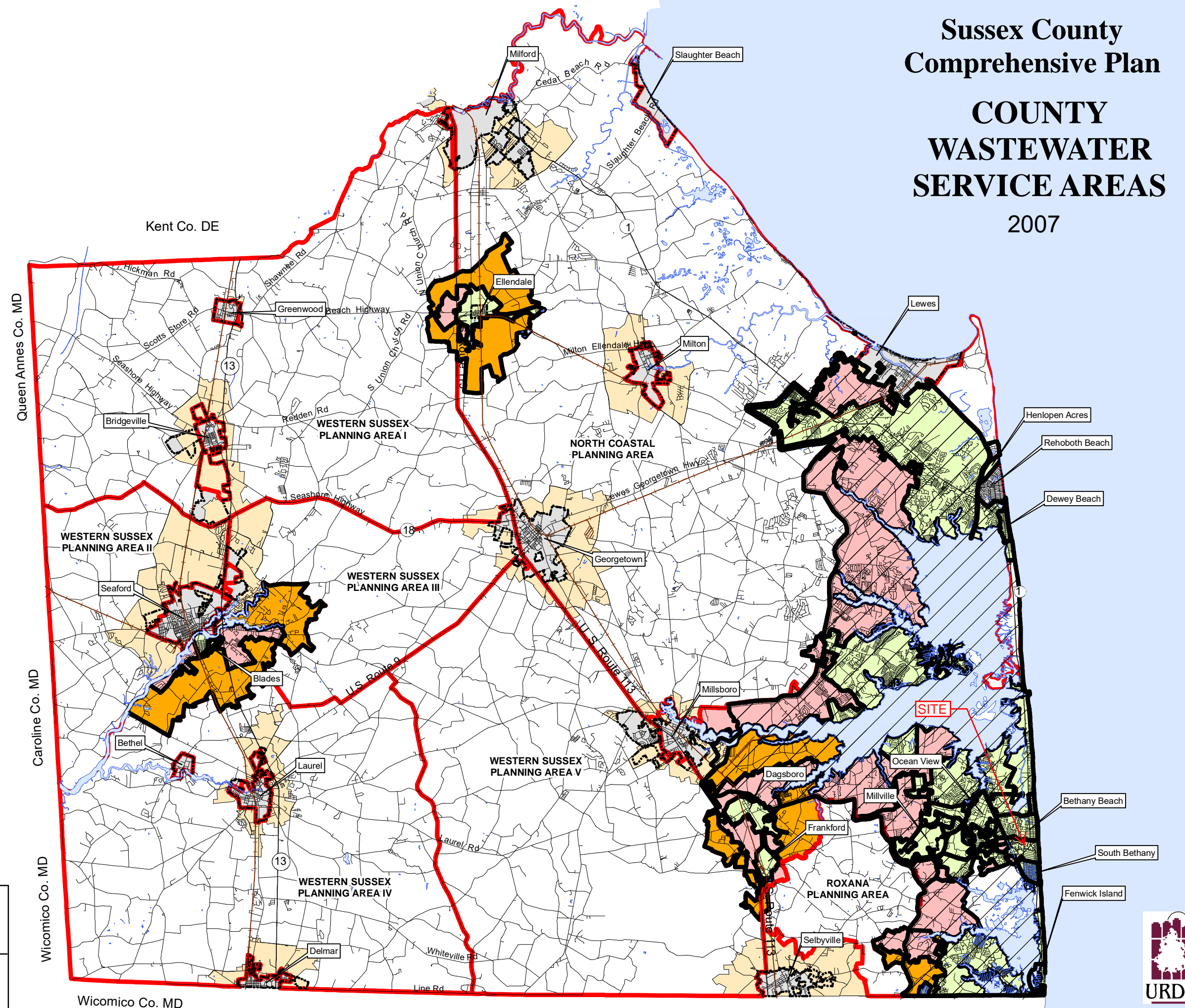
Sussex County Comprehensive Plan

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

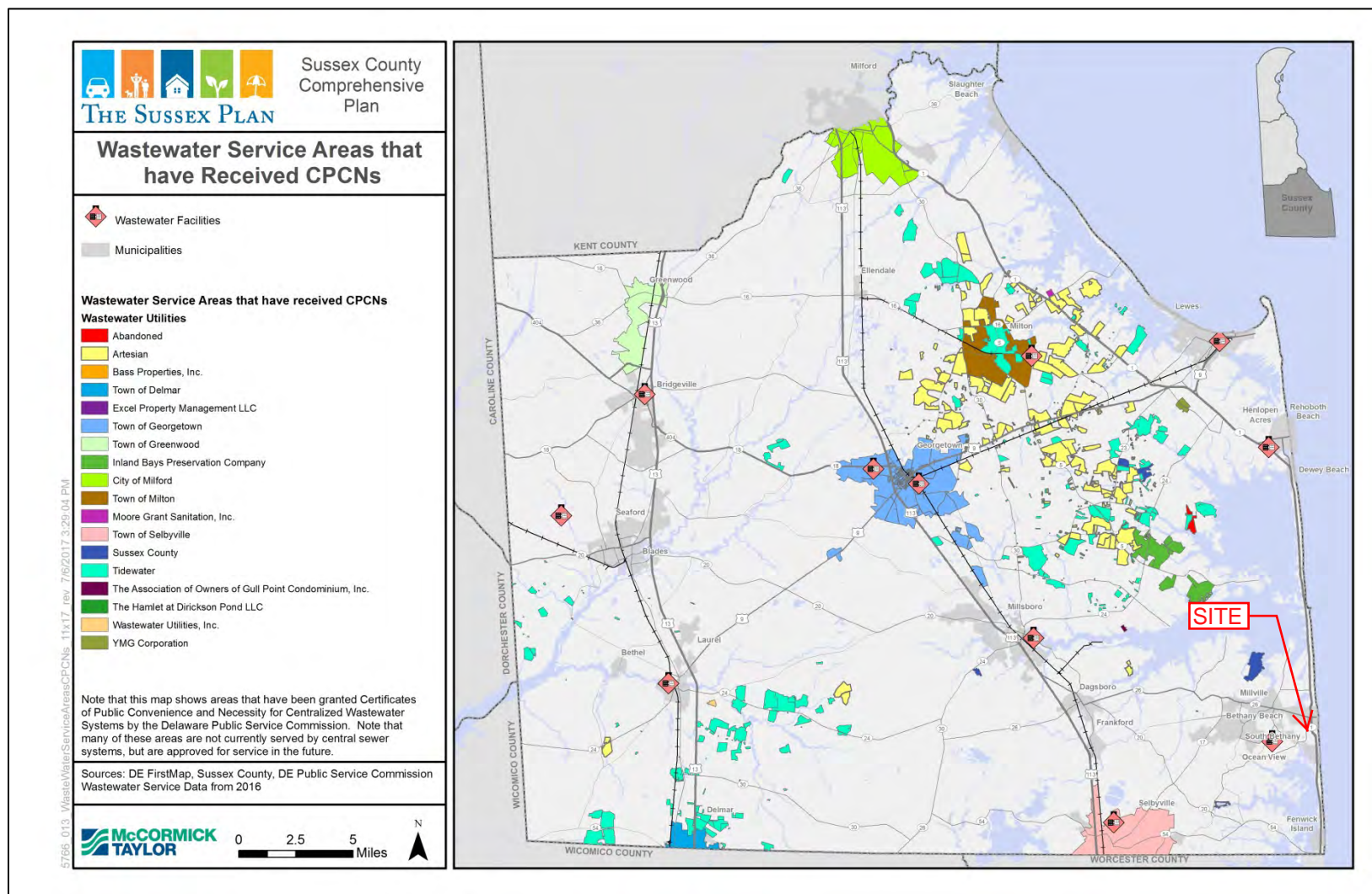
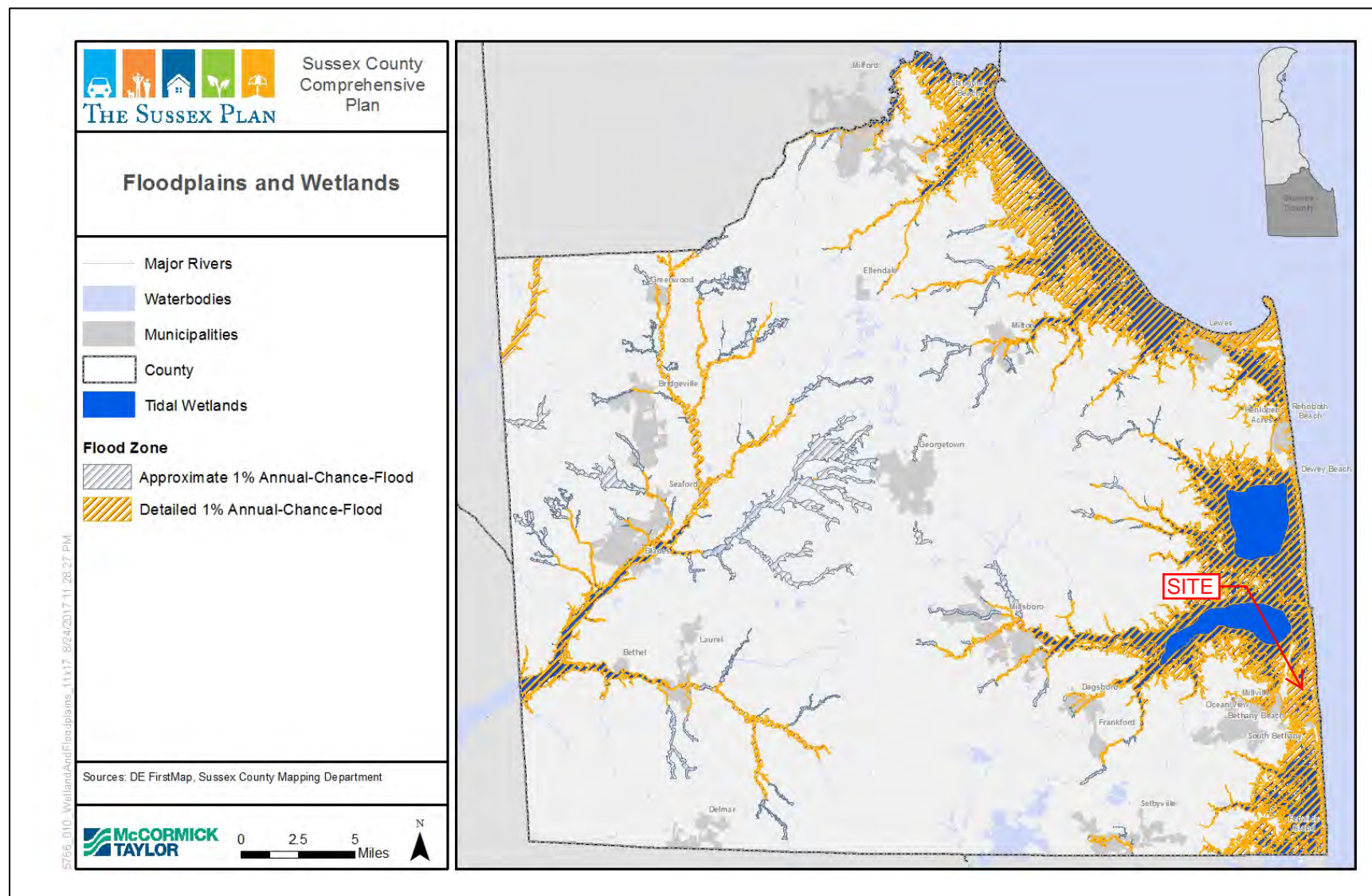


Figure 5.2-4 Wetlands and Floodplains

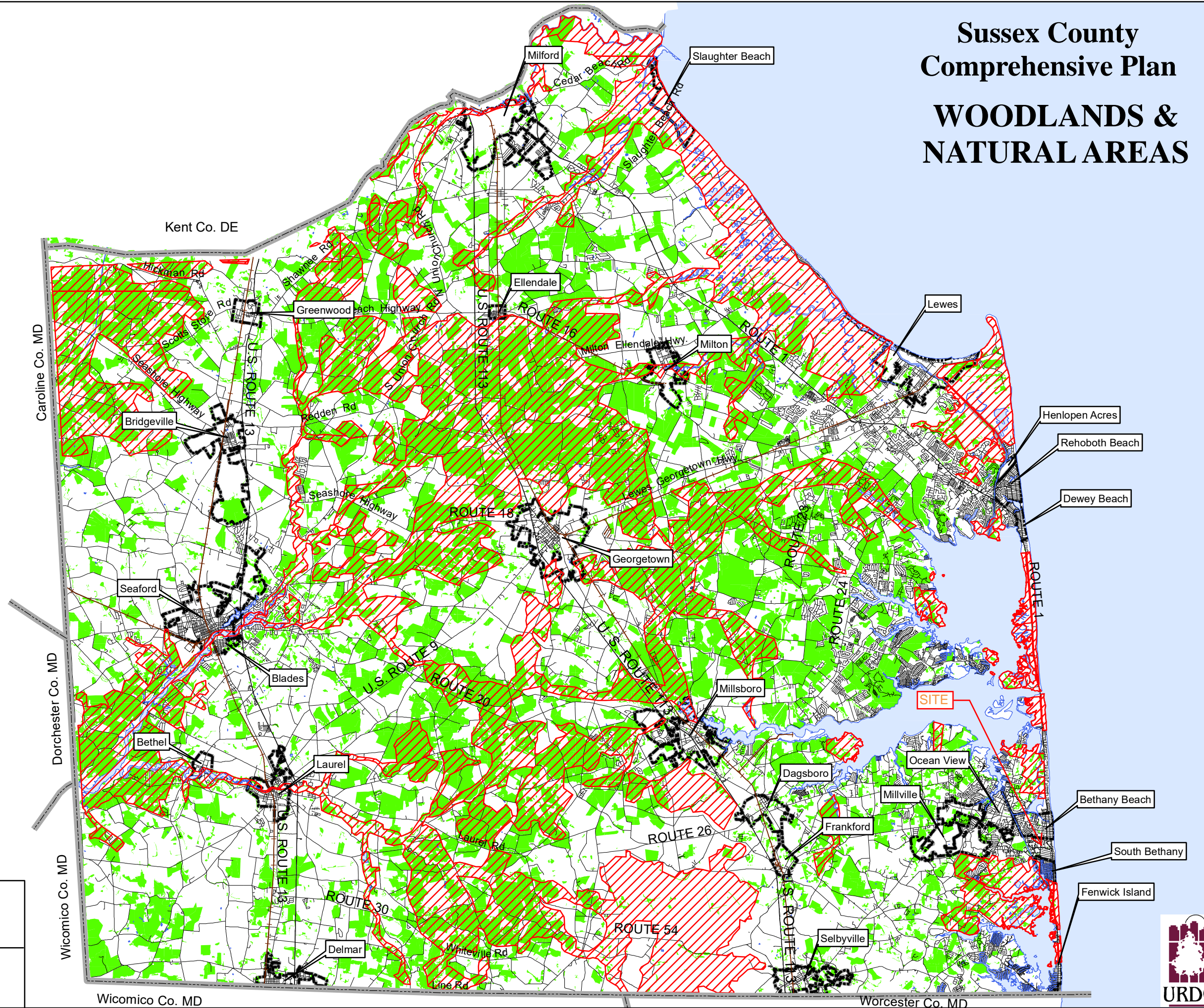


Sussex County Comprehensive Plan

WOODLANDS & NATURAL AREAS

 **Woodlands**

 **Natural Areas**



APPENDIX H

SUSSEX COUNTY SSCE COMPLETED FORM



CIVIL ENGINEERING ASSOCIATES
• ENGINEERS • SURVEYORS • CONSTRUCTION SERVICES

55 West Main Street
Middletown, DE 19709

cea-de.com

Phone: 302-376-8833
Fax: 302-376-8834

**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

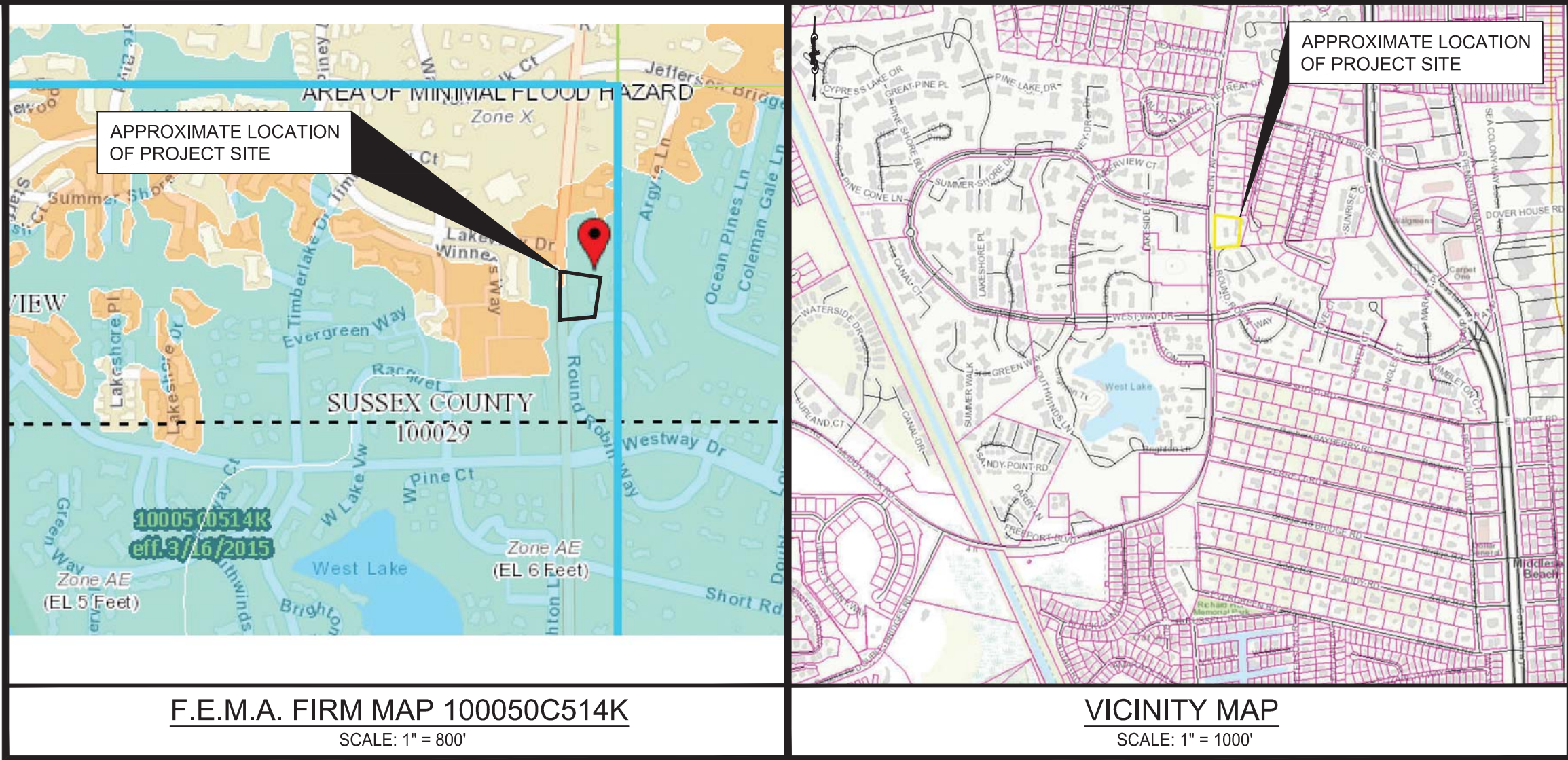
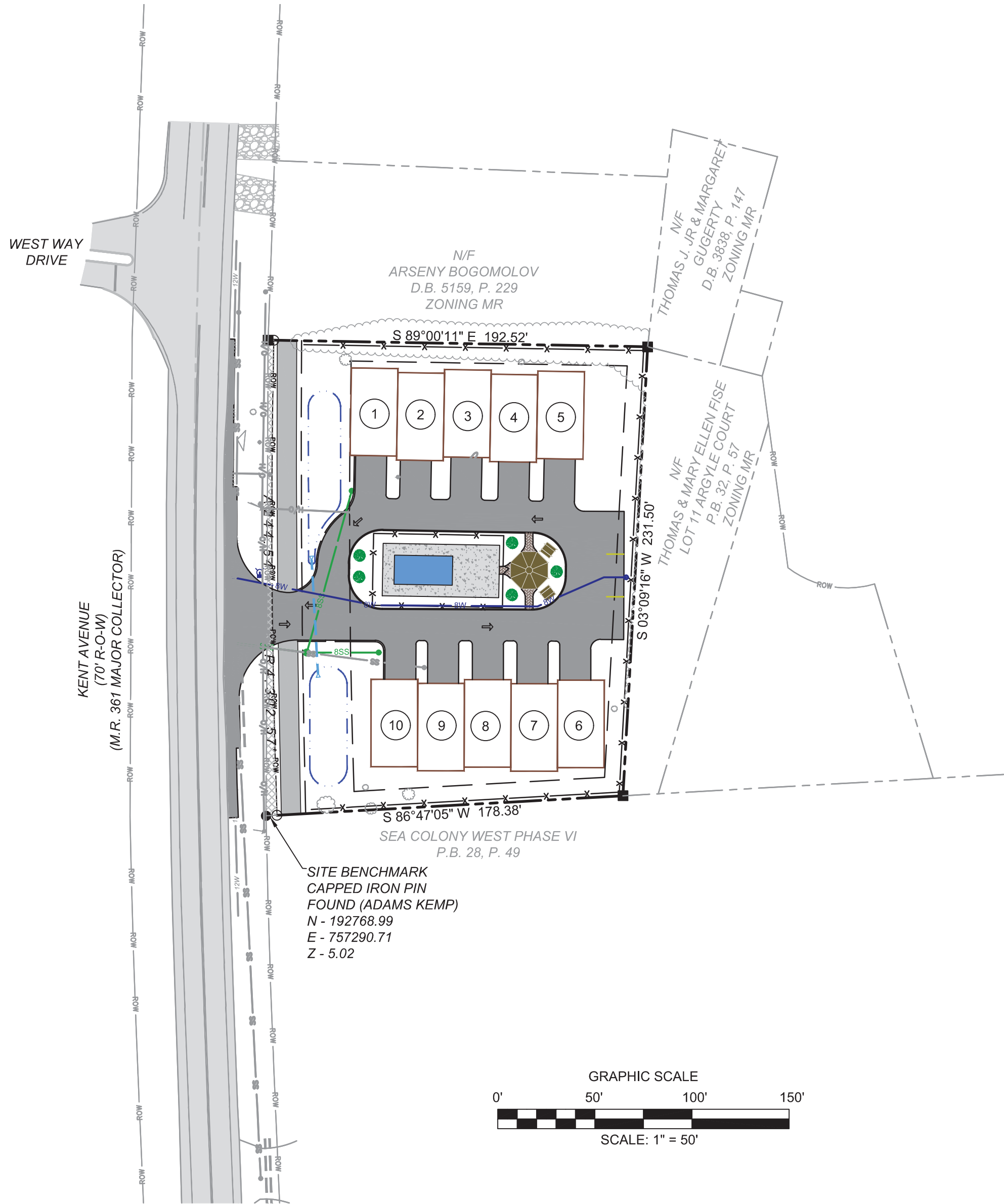
Proposed Zoning:

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
10461 WHITE GRANITE DRIVE, SUITE 103
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 - 10 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 10,800.00 S.F. +/- = 0.248 AC. +/-
PRIVATE STREET/PARKING AREA 10,788.88 S.F. +/- = 0.248 AC. +/-
OPEN SPACE 22,743.82 S.F. +/- = 0.522 AC. +/-
STORMWATER MANAGEMENT AREA 2260.40 S.F. +/- = 0.052 AC. +/-
10. PARKING: REQUIRED = 20 SPACES (2 SPACES PER UNIT MIN. X 10 UNITS)
PROVIDED = 22 SPACES + 3 ADDITIONAL SPACES = 25 SPACES
11. FLOODPLAIN: PER F.E.M.A. FIRM MAP 100050C0514K, 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.

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

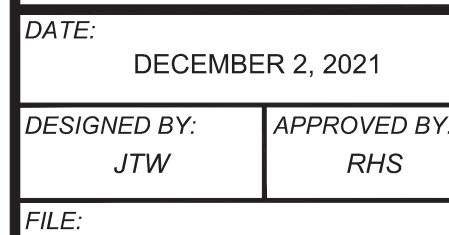
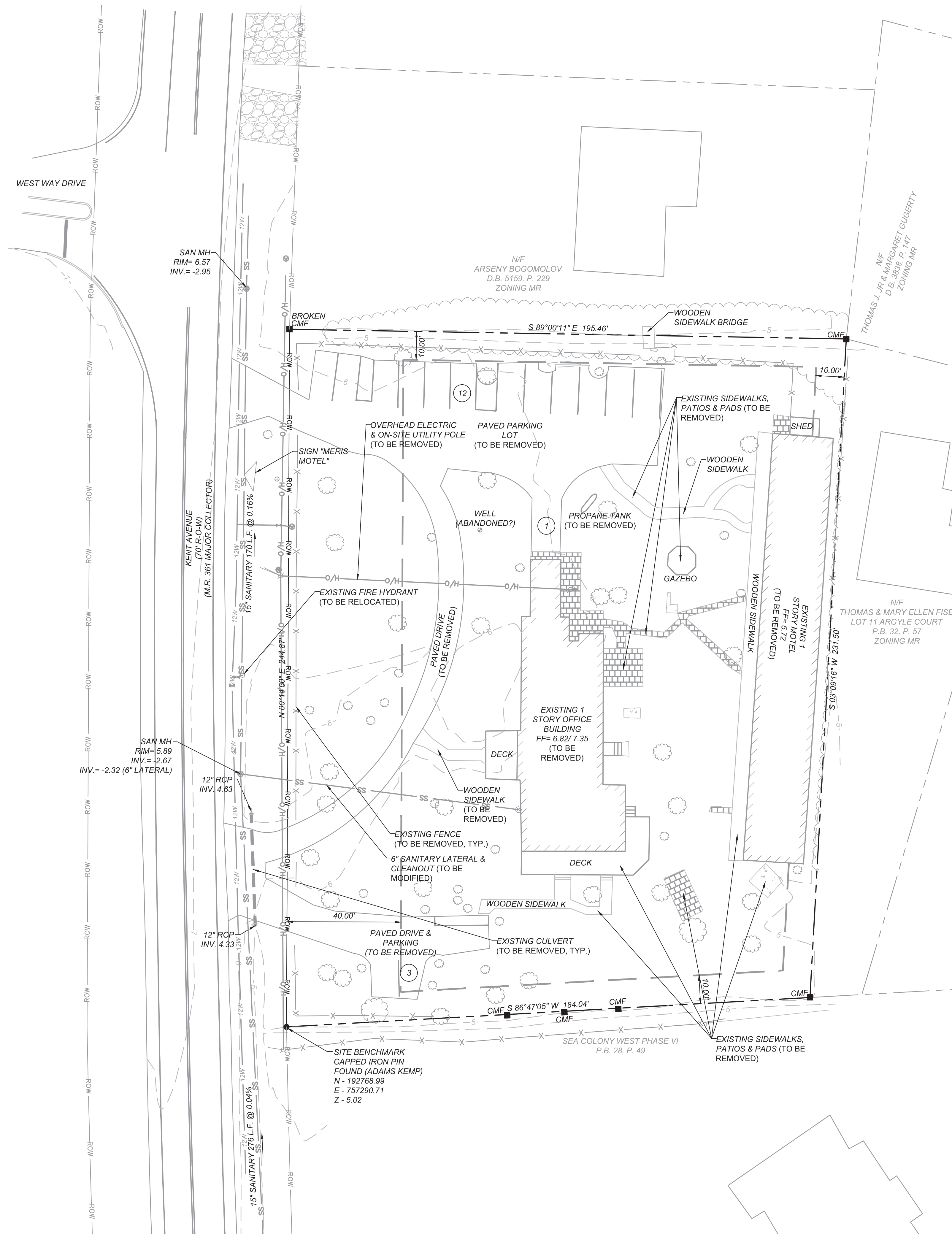
ENGINEER'S CERTIFICATION:

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.

COVER SHEET FOR WINDWARD VILLAGE BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE		DATE: DECEMBER 2, 2021	
DESIGNED BY: JTW	APPROVED BY: RHS	SHEET NO.: T-1	
FILE:		DATE: _____	
SHEET NO.:		DATE: _____	

CIVIL ENGINEERING ASSOCIATES, LLC

55 W. MAIN STREET
MIDDLETOWN, DE 19709
PHONE (302) 376-8833
FAX (302) 376-8834
WWW.CEA-DE.COM



EX-1

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

BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

CEA CIVIL ENGINEERING
ASSOCIATES, LLC

• ENGINEERING • SURVEYING • CONSTRUCTION SERVICES

55 W. MAIN STREET
MIDDLETOWN, DE 19001

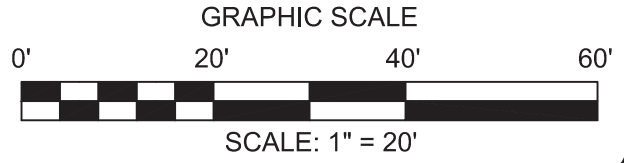
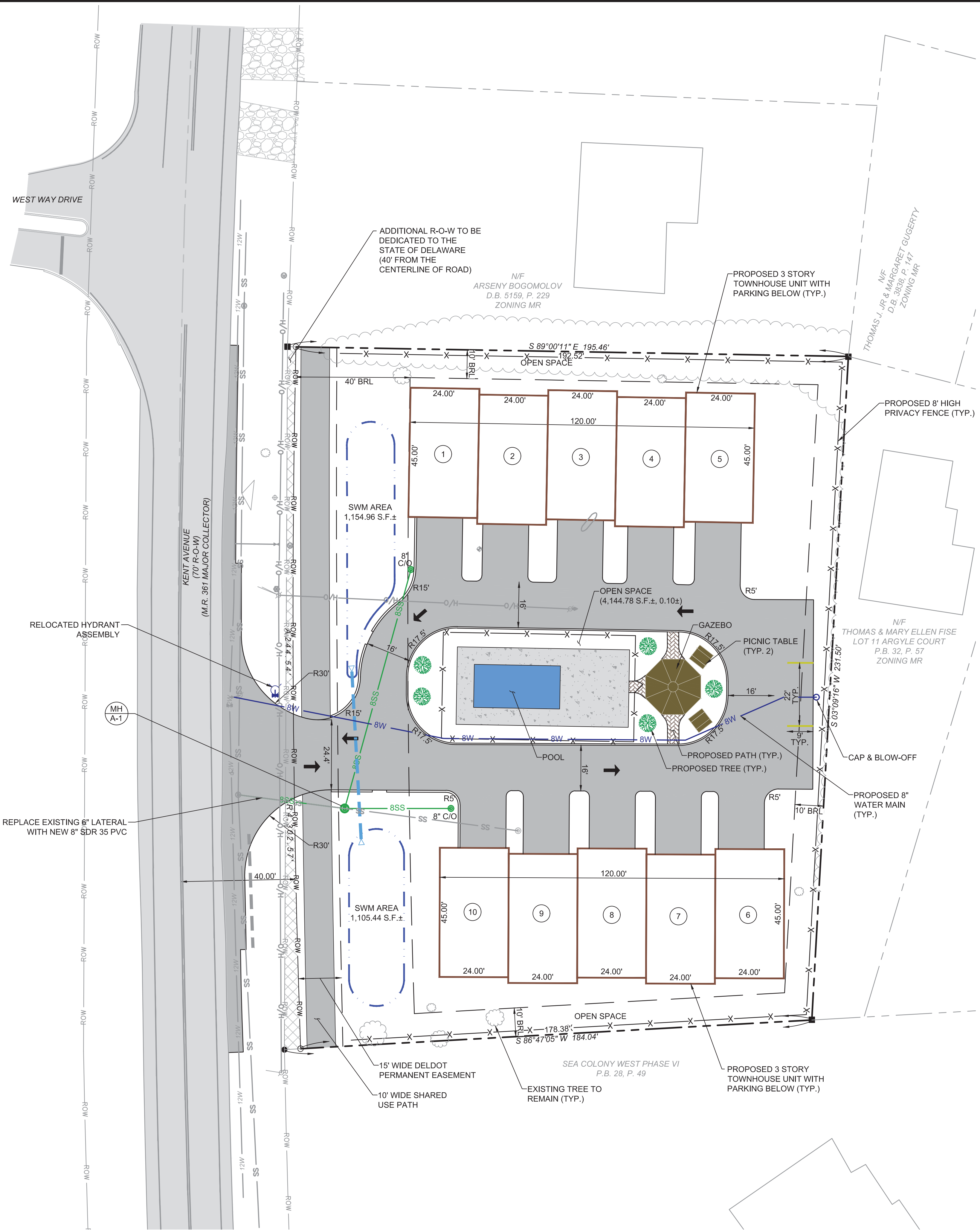
PHONE (302) 376-8833
FAX (302) 376-8834

WWW.CEA-DE.COM

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[illegible]

DATE _____



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

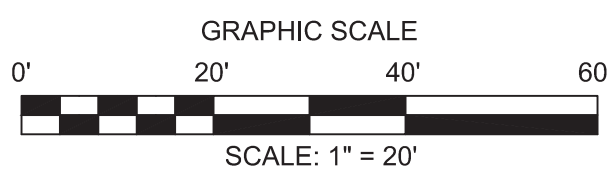
DATE: FEBRUARY 3, 2021
DESIGNED BY: JTW
APPROVED BY: RHS
FILE:

SHEET NO.: **C-1**

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

DATE



SHEET NO.: **G-1**

CEA *CIVIL ENGINEERING*
ASSOCIATES, LLC

• ENGINEERING • SURVEYING • CONSTRUCTION SERVICES

55 W. MAIN STREET
MIDDELTON, DE. 19709

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

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Jamie Whitehouse

From: Lev Ellian <mcp2461@aol.com>
Sent: Friday, November 26, 2021 5:47 PM
To: Planning and Zoning
Subject: Opposition to #C/U2279

Follow Up Flag: Follow up
Flag Status: Completed

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.

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

Dear Commissioners:

The County has a history of working hard to be responsive to concerns on long-time property owners/residents.

You may already know exactly the concerns you'd like to state which is terrific. As you think about what you might say, you may note a couple of topics that were raised at the October 27th meeting and mentioned in my prior email:

Areas of objection raised at the October 27 meeting included:

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.

Respectfully,

Suzanne Ellian

33334 Argyle Lane Bethany Beach, DE 19930
4317 Curtis Road Chevy Chase, MD 20815
HE9329@aol.com
(240) 426-5325

Levon Ellian

33334 Argyle Lane Bethany Beach, DE 19930
25223 Military Road Cascade, MD 21719
MCP2461@aol.com
(240) 418-7274

Jan Seilhamer (wife of Levon Ellian)

33334 Argyle Lane Bethany Beach, DE 19930
25223 Military Road Cascade, MD 21719



BAIRD
MANDALAS
BROCKSTEDT LLC

Mackenzie M. Peet
mackenzie@bmbde.com
(302) 645-2262

November 24, 2021

VIA EMAIL ONLY

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

RECEIVED

NOV 24 2021

SUSSEX COUNTY
PLANNING & ZONING

FILE COPY
**Opposition
Exhibit**

**RE: Opposition to #C/U2279
Ron Sutton**

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

Dear Commissioners:

We represent Thomas and Mary Ellen Fise, property owners of three parcels (TMP 134-17.11-14.09, 14.10, 20.01) located towards the southern end of Argyle Lane in Bethany Beach, Delaware and in the immediate vicinity of the Applicant's proposed multi-family condominium project, Windward Village, proposed to be located at 33309 Kent Avenue, Bethany Beach, DE 19930 (the "Site"). We write to express opposition to the above-referenced application (the "Application") as it is presently postured, and further, to respectfully request that the Commission either deny or place several limitations on any approval of the Application to address serious concerns with the projects proposed design, height, area, and bulk requirements, parking, lot coverage, and the project's impact on Kent Avenue and Jefferson Bridge Road traffic and pedestrian safety.

The Property is presently subject of a conditional use for what we believe to be a bed and breakfast. It is also our understanding based off a newspaper article from 2010 that this Site was subject of a previous conditional use application to redevelop the previously existing four-decade-old Westward Pines Motel into 16 townhome units with a pool.¹ We requested more information on both applications from the County, but the Planning & Zoning Department was unable to find records of either application. However, the Sussex County Mapping Application confirms that a Conditional Use was granted for the Site.² It also should be noted that Lot 5 on Kent Avenue has been sold since the 2010 application, so the site for proposed Winward Village is roughly 70% of the size of the larger lot proposed in 2010 for 16 townhouse units.

Now, more than a decade later a new Applicant is seeking a conditional use to develop the Site into a multifamily development complex. Planned since February 2021, the Windward

¹ See Exhibit A.

² See Exhibit B.

Village developers propose to use the small, one-acre parcel located on the east side of Kent Avenue, approximately .66 miles south from Garfield Parkway, and adjacent to and in the immediate vicinity of the single-family homes located on the southern side of Argyle Lane, to build *eleven (11), 4-story, 42-feet-high multi-family condominium units, featuring 44 bedrooms and 44 new parking spaces* to replace Meris Gardens Bed & Breakfast that consists of single-story motel units and an office building.

On October 27, 2021, the developer and its engineer held a public interest meeting to familiarize the neighborhood with the project. Property owners adjacent to and in the vicinity of the Site, including Mr. Fise, voiced concerns about the project's proposed design, density, height, parking arrangement, lot coverage and lighting, and the proposed project's serious impact on Kent Avenue and Jefferson Bridge Road traffic, and need for privacy screening between the Site and nearby single-family residential uses.

Section 115-31 of the Sussex County Zoning Code confirms that multi-family dwelling structures in the MR-Medium Residential District may be permitted as conditional uses. Section 115-171 of the Code explains the purpose of the Conditional Uses stating as follows:

The purpose of this Article is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of the relationship to the Comprehensive Plan, and possible impact, not only on neighboring properties, but on a large section of the county, require the exercise of planning judgment on location and site plan."

Stated differently, a conditional use permit is only permitted where it is desirable and will neither impact the integrity and character of the zoned district nor be detrimental to the public health, welfare, and morals. As the Commissioners understand, an Application may meet statutory requirements but still be denied if it is determined that the proposed land use does not promote the health, safety, and morals of the present and future inhabitants of Sussex County. Mr. and Mrs. Fise oppose the Application because the present design proposed by the Applicant is neither essential or desirable for the general convenience and welfare and is not in character with the surrounding community for the following reasons.

Points of Opposition

- 1) **Density:** The MR District permits 4 dwelling units/acre for single-family dwellings like the single-family dwellings that surround the Site. The Code also permits 12 dwelling units/acre for multi-family dwelling units based off a minimum lot area requirement of 3,630 square feet per dwelling unit. The Applicant proposes 11 multi-family condominium units immediately adjacent to single-family homes. 11 dwelling units per

acre meets the density and minimum lot area requirements of the Code, but the location of an 11-unit multi-family complex adjacent to and in the vicinity of single-family homes is not in character with the neighborhood. It is true that Sea Colony is in the vicinity of the Site, which were permitted at 18 dwelling units/acre, but the nearest Sea Colony townhome is located a greater distance from the Fise properties than the proposed condominium complex that will be located 10 feet from the rear yard property line of the Site.

- 2) **Height:** The project proposes to build the multi-family units to the Code's permitted 42 feet maximum height, a height limitation that may be permitted by Code but that is out of character with the one- to two-story homes adjacent to and in the vicinity of the Site and the two-story Sea Colony multi-family units nearby. Mr. and Mrs. Fise are reasonably concerned that the proposed units will tower over the Argyle Lane properties. The construction of decks on the top story of the proposed 42 feet high structures is an additional point of contention for Mr. and Mrs. Fise concerned about their potential new neighbors staring down on their properties and invading their privacy.
- 3) **Vehicular and Pedestrian Traffic:** Mr. and Mrs. Fise are concerned that the proposed project will increase traffic and congestion on already beleaguered Kent Avenue and Jefferson Bridge Road. The project proposes the addition of 44 bedrooms and 44 parking spaces. Property owners, their guests or tenants may trespass and park, legally or illegally, on surrounding streets like Argyle. Mr. and Mrs. Fise are also concerned about trespassing foot traffic for those who may seek to use Argyle as a shortcut to the beach. Added to the Jefferson Bridge Road traffic concern, is the fact that Sea Colony plans to erect a gate as an absolute limit on people driving west to east through Sea Colony, which will significantly increase traffic on Kent Avenue and Jefferson Bridge in the near future.
- 4) **Stormwater and Sewer Capacity:** There is a general concern that the development will nearly double the Site's lot coverage because there is presently an issue with stormwater runoff from the Site onto Argyle Lane properties. Mr. and Mrs. Fise understand that the Applicant will be required to comply with Sediment and Stormwater Regulations, but they remain reasonably concerned that this development will exacerbate an existing stormwater runoff issue with the increased lot coverage proposed by the Applicant. The attached press report also noted that the sewer capacity was deemed less than 60% of what would be required to permit construction of 16 townhomes on the larger 1.45 acre tract presented in the 2010 plan (10 EDUs contrasted to the 5.67 EDUs allocated).
- 5) **Existing Vegetation and Landscape Buffer:** Many trees on the Site will be removed to develop the project which will result in the removal of the presently existing landscape buffer that exists between the Site and the Fise property identified as Parcel No. 14.10. Mr. and Mrs. Fise are reasonably concerned that the existing vegetation will be removed and replaced with multi-family structures proposed 10 feet from the rear yard property line of the Site. Yes, Sea Colony is also located adjacent to their property, but

geographically separated from the Fise properties by presently existing trees that serves as a natural buffer between Sea Colony and the Fise properties unlike the proposed project that will be located 10 feet from the rear yard property line, with a five feet fence and what appears to be a tree line rather than a tree buffer. Section 115-218 of the Code permits the imposition of a condition requiring the Applicant to install a forested or landscape buffer when approving a conditional use for multifamily dwellings, a condition that Mr. and Mrs. Fise consider necessary to impose should the Application be approved.

- 6) **Light Pollution:** The Preliminary Site Plan suggests that the planned traffic pattern will direct all headlights to shine on the properties located on Argyle Lane. The Preliminary Site Plan proposes installation of a five (5) feet fence, lower than the six (6) feet existing fence of the Bed and Breakfast. Mr. and Mrs. Fise respectfully request that a condition of approval be required to install a seven (7) feet high, enclosed fence to shield the properties located on Argyle Lane from headlights.

While it may not be realistic to think development can be averted completely, the sheer density of the proposed development is excessive, applying maximum limits to height, number of condominiums, number of bedrooms in each condominium, number of new parking spaces, impact on drainage, which is neither sensitive to, nor at all consistent with the character of this peaceful neighborhood.

For all the reasons set forth above, Mr. and Mrs. Fise respectfully request that the Commission recommend denial of the Application. If you vote to recommend approval of the Application in some degree, then we respectfully request that you impose conditions to address the concerns stated herein.

In closing, I ask that this letter be included as part of the record of your December 9th, 2021 public hearing, and I thank you for your consideration.

Sincerely,

/s/ Mackenzie M. Peet

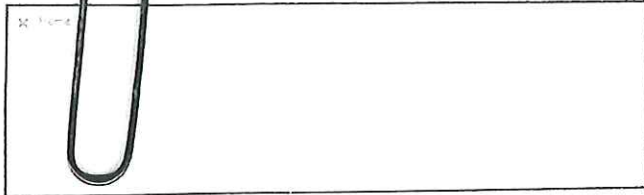
Mackenzie M. Peet, Esq.

MMP/mgp



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT A



- [Home](#)
- [Photo Galleries](#)
- [Facebook](#)
- [Twitter](#)
- [Mobile](#)
- [RSS](#)
- [Open House Submission](#)
- [About Us](#)

by Allison Stino

Westward Pines Motel proposed to become townhome development

- [Front Page](#)
- [Bethany Beach](#)
- [Local News](#)

By M. Patricia Titus
News Editor

Sussex County Council members this week heard a request to grant a conditional use that would allow the owner of the Westward Pines Motel and neighboring single-family home on Kent Avenue near Bethany Beach to convert the property into a multi-family townhome-condominium development.

The project has already been considered by the county's Planning and Zoning Commission, which last month deferred a decision on whether to recommend the conditional use be approved but is expected to vote at their next meeting. According to attorney Dennis Schrader, representing owner Mary P. Kelly, Kelly would like to redevelop the four-decade-old motel and the adjacent home, sitting on 1.45 acres on the east side of Kent Avenue, south of Jefferson Bridge Road, into 16 townhome units with a pool.

The site is inside an existing medium-density residential zone, but a conditional use is required in order to be able to build 16 units there. Schrader said he felt the density shouldn't be an issue, as neighboring Sea Colony units were approved at up to 18 units per acre, and this project is proposed for less than 12 units per acre.

But a complicating factor is that the two parcels, as they are currently used, have been allocated just 5.67 equivalent dwelling units (EDU) that determine what level of sewer service the county expects to provide there. County engineers noted on Tuesday that the motel units were each allocated just .33 EDUs each, owing to not having the washing machines or dishwashers that a normal residence might have.

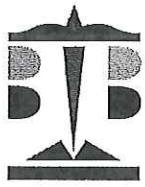
In order to build 16 townhomes on the site, the sewer capacity allocated to the property will have to increase by more than 10 EDUs.

Officially, the county engineering department recommends against approving projects with more EDUs needed than the allocated, and just last month the county council deferred indefinitely a decision on a project in the West Rehoboth sewer district that requires an increase in the allocation of EDUs, after extensive discussion of the larger issue of sewer capacity.

This week, the issue arose again in discussion of the Westward Pines project, with Councilman George Cole again telling fellow council members that he thinks the county should stick with its existing sewer capacity plan – which allocates just 5.67 units there.

"My concern is that you set a precedent," Cole said. "Does the sewer system have the capacity to double your capacity and then double the next one?" he asked, pointing to the potential for more projects to ask for such accommodations in the future. "Where do we draw the line? We do have a plan. Should we follow the plan?" he asked Schrader.

"I think your county plan would not permit this type of project," Schrader replied. "But the debate you need to have is between your philosophy and what the county engineering department is capable of doing. There may be some projects built that



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MANDALAS
BROCKSTEDT ^{LLC}

EXHIBIT B



Sussex County

