

ROBERT C. WHEATLEY, CHAIRMAN  
MARTIN L. ROSS, VICE CHAIRMAN  
R. KELLER HOPKINS  
DOUGLAS B HUDSON  
KIM HOEY STEVENSON



2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DE 19947  
(302) 855-7878 T  
(302) 854-5079 F  
sussexcountyde.gov

# Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET  
Planning Commission Public Hearing Date July 28, 2022

Application: C/U 2309 Rockswitch Properties, LLC

Owners: Rockswitch Properties, LLC  
12300 Rockswitch Street  
Milton, DE 19968

Applicant: Rockswitch Properties, LLC  
12300 Rockswitch Street  
Milton, DE 19968

Site Location: 12537 Coastal Highway, Milton. The property is lying on the north side of Coastal Highway (Route 1), approximately 0.14 miles southeast of Deep Branch Road (S.C.R. 234).

Zoning: AR-1 (Agricultural Residential District)

Current Use: Residential

Proposed Use: Real Estate Office

Comprehensive Land Use Plan Reference: Low Density Area

Councilmatic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Milton Fire District

Sewer: Septic

Water: Private Well

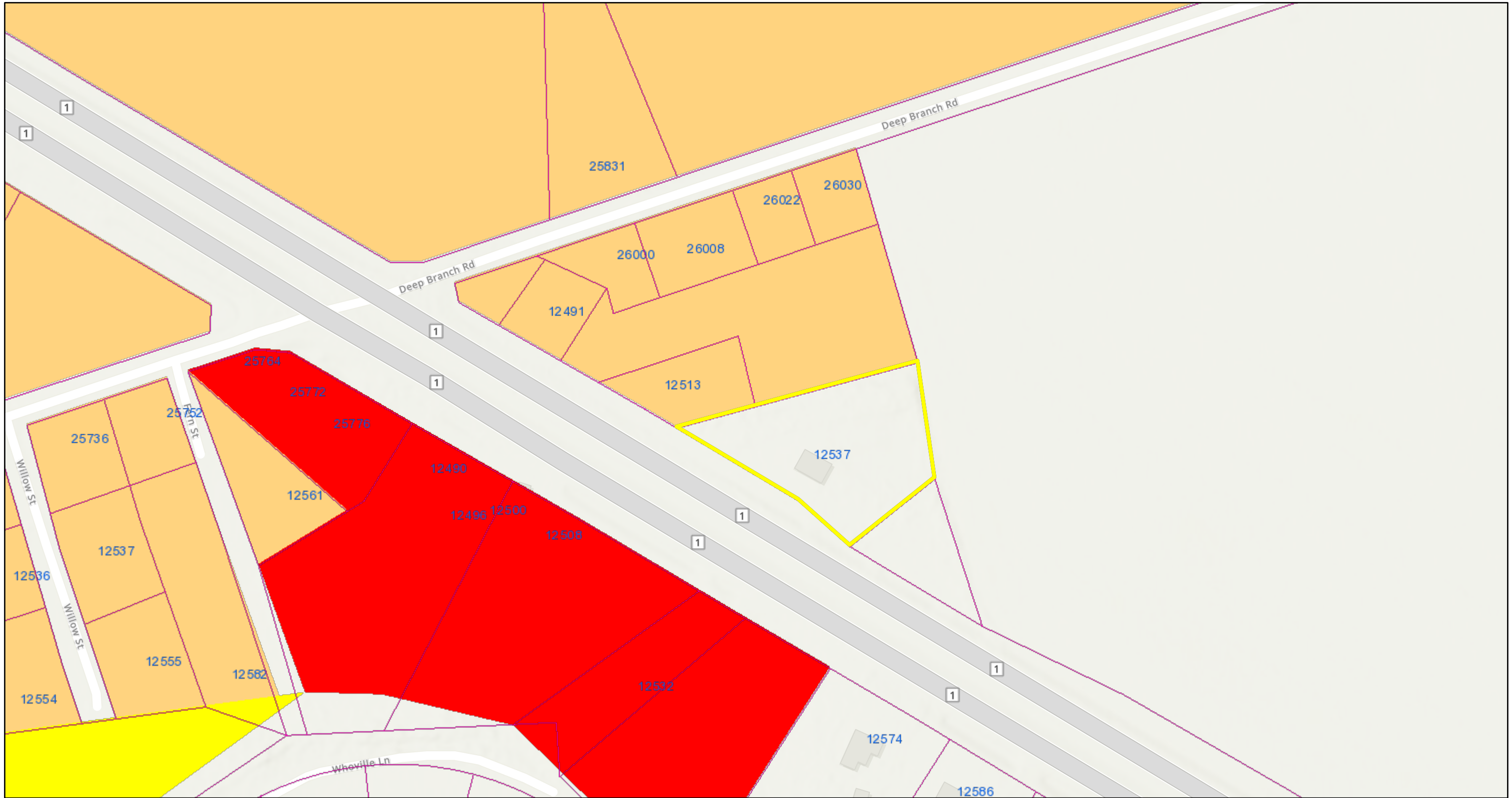
Site Area: 1.3802 ac. +/-

Tax Map ID.: 235-8.00-62.00



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

# Sussex County

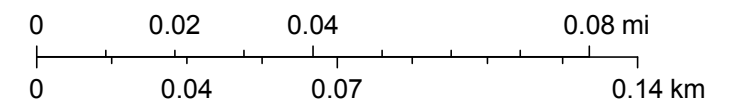


June 28, 2022

- Override 1
- Override 1
- Tax Parcels
- 911 Address
- Zoning**
- Agricultural Residential - AR-1

- |  |  |   |  |
|--|--|---|--|
| <span style="background-color: #ffffcc; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Agricultural Residential - AR-2 | <span style="background-color: #808000; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Vacation, Retire, Resident - VRP              | <span style="background-color: #f08080; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> General Commercial - C-2   | <span style="background-color: #000080; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Institutional - I-1       |
| <span style="background-color: #ffff00; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Medium Residential - MR         | <span style="background-color: #f08080; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Neighborhood Business - B-1                   | <span style="background-color: #f08080; border: 1px solid black; border-style: dotted; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> General Commercial - C-3                   | <span style="background-color: #008080; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Marine - M                |
| <span style="background-color: #ffcc99; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> General Residential - GR        | <span style="background-color: #f08080; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Neighborhood Business - B-2                   | <span style="background-color: #f08080; border: 1px solid black; border-style: dashed; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> General Commercial - C-4                   | <span style="background-color: #cccccc; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Limited Industrial - LI-1 |
| <span style="background-color: #cc9933; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> High Density Residential - HR-1 | <span style="background-color: #cccccc; border: 1px solid black; border-style: dotted; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Business Research - B-3 | <span style="background-color: #f08080; border: 1px solid black; border-style: solid; border-width: 2px; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> General Commercial - C-5 | <span style="background-color: #999999; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Light Industrial - LI-2   |
| <span style="background-color: #cc6633; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> High Density Residential - HR-2 | <span style="background-color: #ff0000; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> General Commercial - C-1                      | <span style="background-color: #800000; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Commercial Residential - CR-1                                    | <span style="background-color: #666666; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Heavy Industrial - HI-1   |

1:2,257



Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Government, Sussex County Mapping and Addressing, Esri Community Maps Contributors, County of






# Sussex County

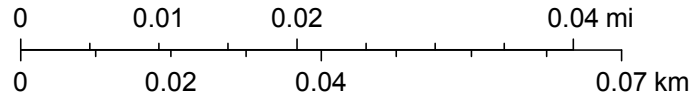


June 28, 2022

TP 235-8.00-62.00

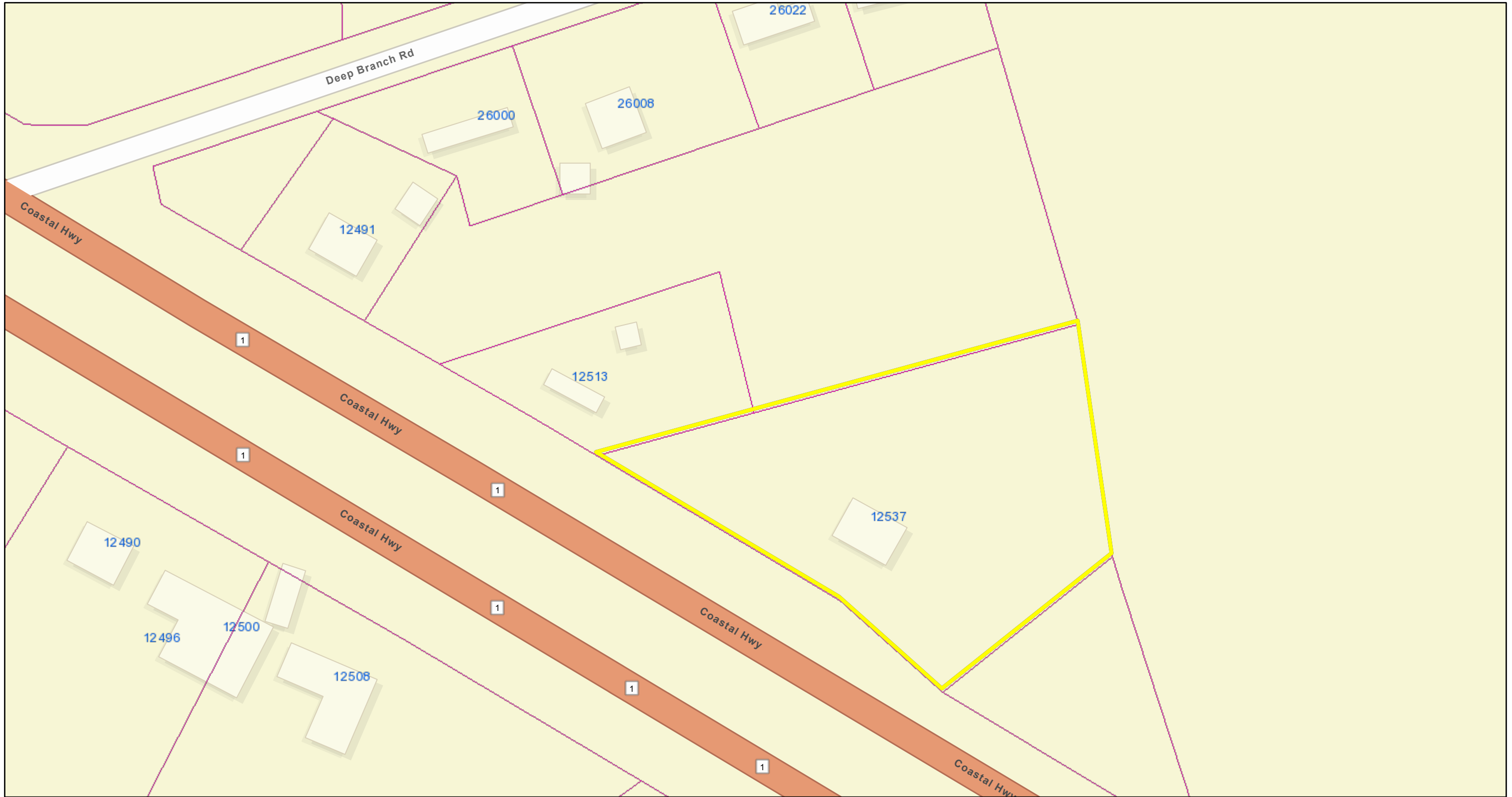
1:1,128

-  Override 1
-  Override 1
-  Tax Parcels



Maxar, Microsoft, Sussex County Government




# Sussex County

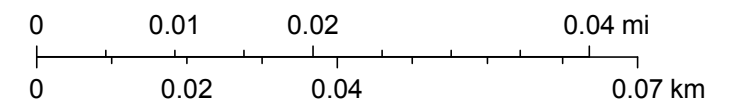


June 28, 2022

TP 235-8.00-62.00

1:1,128

-  Override 1
-  Override 1
-  Tax Parcels
- 911 Address



Sussex County Government, Sussex County Mapping and Addressing, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Michael Lowrey, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: July 13, 2022  
RE: Staff Analysis for C/U 2309 Rockswitch Properties, LLC

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2309 Rockswitch Properties, LLC to be reviewed during the July 28<sup>th</sup>, 2022, 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: 235-8.00-62.00 to allow for a realty office use. The property is located on the north side of Coastal Highway (Route 1), approximately 0.14 miles southeast of Deep Branch Road (S.C.R. 234). The parcel is 1.3802 acres +/-.

### Comprehensive Plan Analysis

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 “Low Density”, with the parcels immediately to the east and northeast also having a Future Land Use Map designation of “Low Density.” The adjacent parcels to the west and northwest of the subject property have the Future Land Use Map designation of “Existing Development Area” with properties on the opposite side of Coastal Highway (Route 1) also designated as “Existing Development Area.”

As outlined within the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas zoned Agricultural Residential (AR-1). The Plan notes that retail and office uses in Low Density Areas should be focused on providing “convenience goods and services to nearby residents” as well as indicating that the commercial uses “should be limited in their location, size, and hours of operation.” (Sussex County Comprehensive Plan, 4-19) The Plan notes that these policy guidelines are provided to “maintain the rural landscape” in Low Density Areas (Sussex County Comprehensive Plan, 4-18).

### Zoning Information

The subject property is zoned Agricultural Residential (AR-1). The properties to the east on both sides of Coastal highway (Route 9) are also zoned Agricultural Residential (AR-1). The parcels immediately south across Coastal Highway (Route 9) and extending westward to the intersection with Deep Branch Road (S.C.R. 234) are zoned General Commercial (C-1). The remaining



properties adjacent to the west of the subject parcel on the north side of Coastal Highway (Route 9) and extending northwest to Deep Branch Road (S.C.R. 234), are zoned General Residential (GR).

Existing Conditional Uses within the Vicinity of the Subject Site

Since 2011, there has been one (1) Conditional Use application within a 0.5-mile radius of the application site. This application was Conditional Use No. 1992 for the lands of W. Ralph Brumbley to permit a vendor (lunch truck) to sell foods and beverages within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, January 13, 2015, and this was adopted through Ordinance No. 2383.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow to allow for a real estate office use within an Agricultural Residential (AR-1) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: CU 2309  
202112175

**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**

12537 Coastal Highway, Milton, DE

**Type of Conditional Use Requested:**

Operation of small office space for real estate service business pursuant to Sussex County Zoning Code 115-22.

**Tax Map #:** 235-8.00-62.00

**Size of Parcel(s):** 1.3802 Acres +/-

**Current Zoning:** AR-1

**Proposed Zoning:** C/U

**Size of Building:** 1,250 S.F. +/- existing

**Land Use Classification:** Residential

**Water Provider:** Private Well

**Sewer Provider:** Septic

**Applicant Information**

Applicant Name: Rockswitch Properties, LLC

Applicant Address: 12300 Rock Switch Street

City: Milton

State: DE

Zip Code: 19968

Phone #: (302) 644-1405

E-mail: richr@atlanticmillwork.com

**Owner Information**

Owner Name: Rockswitch Properties, LLC

Owner Address: 12300 Rock Switch Street

City: Milton

State: DE

Zip Code: 19968

Phone #: (302) 644-1405

E-mail: richr@atlanticmillwork.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt, LLC c/o Mackenzie M. Peet, Esq.

Agent/Attorney/Engineer Address: 1413 Savannah Road, Suite 1

City: Lewes

State: DE

Zip Code: 19958

Phone #: (302) 645-2262

E-mail: mackenzie@bmbde.com





## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**

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- 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: 08/10/2021

Signature of Owner



Date: 8/10/21

For office use only:

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

Staff accepting application: \_\_\_\_\_

Location of property: \_\_\_\_\_

Fee: \$500.00 Check #: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Decision of CC: \_\_\_\_\_

## Planning & Zoning Project Contact List

### Applicant Information

Applicant Name: Rockswitch Properties, LLC  
Applicant Address: 12300 Rock Switch Street  
City: Milton State: DE Zip: 19968  
Phone #: (302) 644-1405 E-mail: richr@atlanticmillwork.com

### Owner Information

Owner Name: Rockswitch Properties, LLC  
Owner Address: 12300 Rock Switch Street  
City: Milton State: DE Zip: 19968  
Phone #: (302) 644-1405 E-mail: richr@atlanticmillwork.com

### Engineer/Surveyor Information

Engineer/Surveyor Name: John B. Roach Engineering LLC  
Engineer/Surveyor Address: 22184 Melson Road  
City: Georgetown State: DE Zip: 19948  
Phone #: (302) 856-1565 E-mail: \_\_\_\_\_

### Agent/Attorney Information

Agent/Attorney/Name: Baird Mandalas Brockstedt, LLC c/o Mackenzie M. Peet, Esq.  
Agent/Attorney/Address: 1413 Savannah Road, Suite 1  
City: Lewes State: DE Zip: 19958  
Phone #: (302) 645-2262 E-mail: mackenzie@bmbde.com

### Other

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



## Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

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

### Application Information:

Site Address: 12537 Coastal Highway, Milton, DE

Parcel #: 235-8.00-62.00

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

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

Applicant Name: Rockswitch Properties, LLC

Owner Name: Rockswitch Properties, LLC

### Type of Application:

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

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

### For office use only:

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

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

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

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

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

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



**BAIRD MANDALAS BROCKSTEDT, LLC**  
Attorney Operating Account

3670

Date : Aug 10, 2021  
Che # : 3670  
Amount: 500.00  
Paid To: Sussex County Council

Sussex County, DE  
Treasury  
P.O. Box 601  
Georgetown, DE 19947  
Welcome

Re: Conditional Use Application Fee

33020286-0051 Lindsey S 08/13/2021 12:34PM

PERMITS / INSPECTIONS  
CONDITIONAL USE - FEE  
2021 Item: 2021121751Z010 500.00

500.00

Subtotal 500.00  
Total 500.00

CHECK 500.00  
Check Number: 003670

3670

Change due 0.00

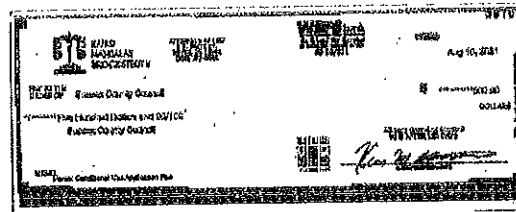
Paid by: BAIRD MANDALS BROCKSTEDT LLC

**BAIRD MANDALAS BROCKSTEDT, LLC**  
Attorney Operating Account

Date : Aug 10, 2021  
Che # : 3670  
Amount: 500.00  
Account: 010  
Paid To: Sussex County Council

Contact: 20988; Reed, Richard  
File : 20988-001; Conditional Use/Rezoning

Re: Conditional Use Application Fee



Thank you for your payment

Sussex County, DE COPY  
DUPLICATE RECEIPT



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 77B  
DOVER, DELAWARE 19903

NICOLE MAJESKI  
SECRETARY

July 27, 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 **Rockswitch Properties, LLC** proposed land use application, which we received on July 14, 2021. This application is for an approximately 1.38-acre parcel (Tax Parcel: 235-8.00-62.00). The subject land is located on the north side of Coastal Highway (State Route 1) about 0.1 mile south of the intersection with Deep Branch Road (Sussex Road 234). The subject land is currently zoned AR-1 (Agriculture Residential) and the applicant seeks a conditional use approval to operate an office for property management/ construction company.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along Coastal Highway from Union Street Extended to Broadkill Road are 25,224 and 32,434 vehicles per day, respectively.

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.

Mr. Jamie Whitehouse  
Page 2 of 2  
July 27, 2021

The above-mentioned property is adjacent to State Route 1, making it subject to the Department's Corridor Capacity Preservation Program. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number of high-density, direct access points on the arterial highway. According to the Office of State Planning Coordination's Strategies for State Policies and Spending document, the property is located in Investment Level 4. No new or expanded direct access to the State Route 1 will be permitted in these areas. Access will be permitted to existing secondary roads. If alternative access is determined to be reasonable but degrades the operation or safety of an adjacent intersection (as determined by a traffic engineering study), then direct access to the corridor may also be permitted by way of rights-in/rights-out access only. The Corridor Capacity Preservation Program policy can be viewed on the Department's website at [www.deldot.gov](http://www.deldot.gov). The manual is located under the publication link.

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

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:afm

cc: Rockswitch Properties, LLC, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
David Edgell, 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



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **7/8/2022**

APPLICATION: **CU 2309 Rockswitch Properties, LLC**

APPLICANT: **Rockswitch Properties, LLC**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **235-8.00-62.00**

LOCATION: **12537 Coastal Highway, Milton. Lying on the north side of Coastal Highway (Rt. 1), approximately 0.14 miles southeast of Deep Branch Road (SCR 234)**

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

GROSS  
ACREAGE: **1.3802**

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

**SEWER:**

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

Yes

No

a. If yes, see question (2).

b. If no, see question (7).

(2). Which County Tier Area is project in? **Tier 4**

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

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

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Choose an item.** 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 proposed Conditional Use is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

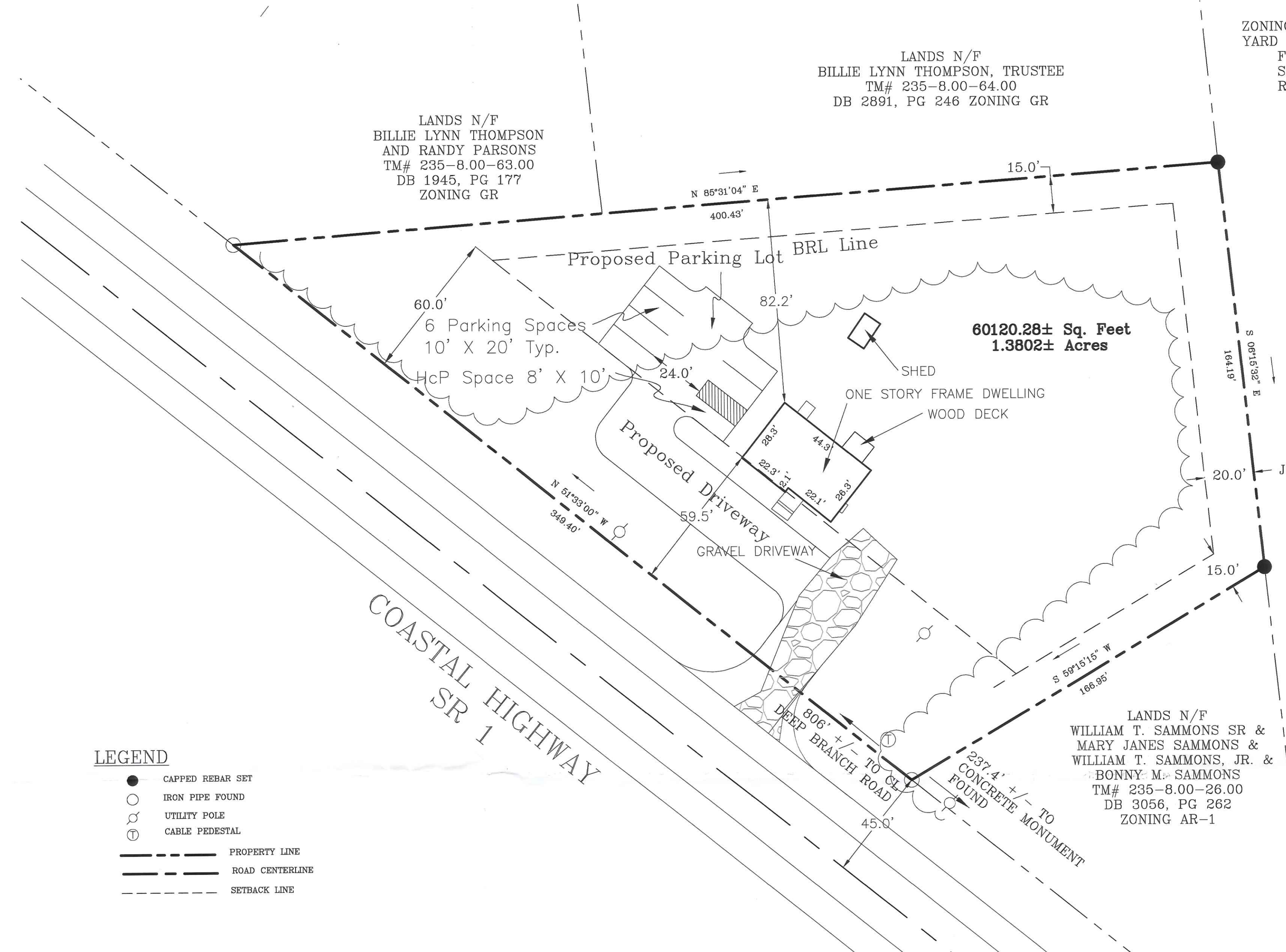


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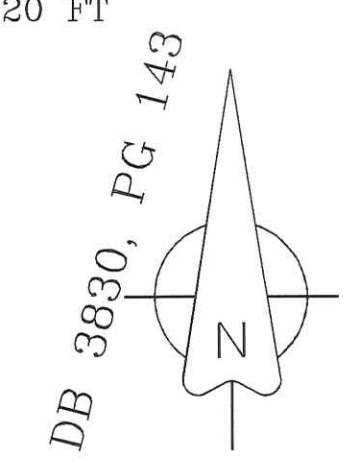
John J. Ashman  
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
No Permit Tech Assigned





ZONING CLASSIFICATION: AR-1  
 YARD REQUIREMENTS:  
 FRONT YARD 60 FT  
 SIDE YARD 15 FT  
 REAR YARD 20 FT

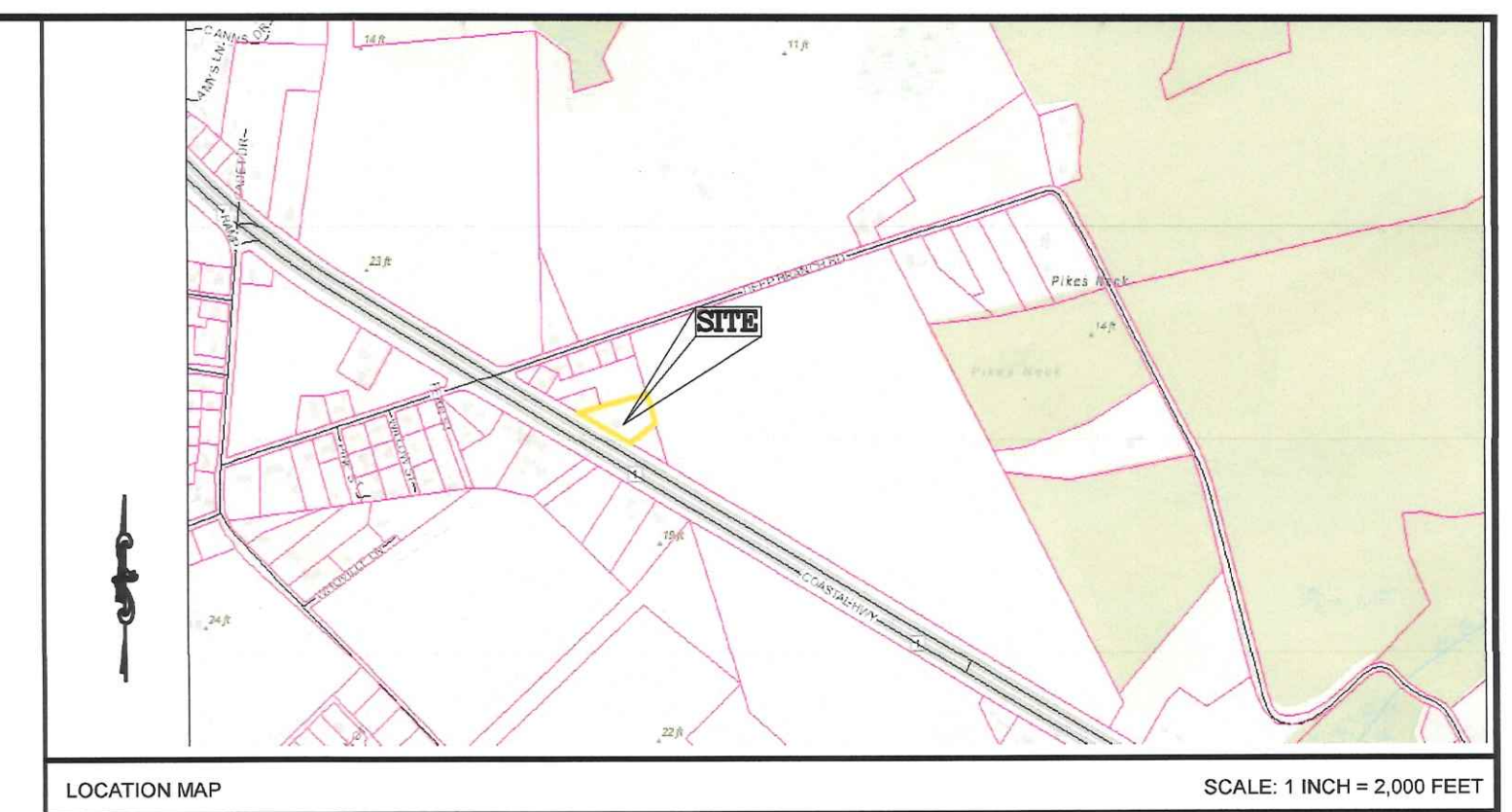


LANDS N/F  
 BILLIE LYNN THOMPSON  
 AND RANDY PARSONS  
 TM# 235-8.00-63.00  
 DB 1945, PG 177  
 ZONING GR

LANDS N/F  
 BILLIE LYNN THOMPSON, TRUSTEE  
 TM# 235-8.00-64.00  
 DB 2891, PG 246 ZONING GR

LANDS N/F  
 J.L. CARPENTER, SR. FAMILY  
 LIMITED PARTNERSHIP  
 TM# 235-8.00-60.00  
 DB 3032, PG 293  
 ZONING AR-1

LANDS N/F  
 WILLIAM T. SAMMONS SR &  
 MARY JANE SAMMONS &  
 WILLIAM T. SAMMONS, JR. &  
 BONNY M. SAMMONS  
 TM# 235-8.00-26.00  
 DB 3056, PG 262  
 ZONING AR-1

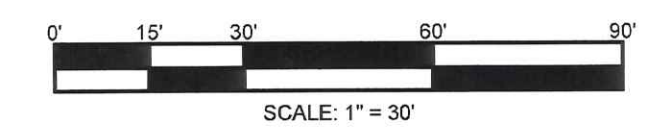


**PLAN DATA:**

PARCEL I.D. No	* 235-8.00-62.00
PLAT REFERENCE	* D.B. 3830, PAGE 143
ZONING DISTRICT	* AR-1 (ZONING CLASSIFICATION)
ROADWAY CLASSIFICATION	* ROUTE 1 (MAJOR HIGHWAY)
SEWERAGE DISPOSAL	* INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS (PRIVATE)
SEWERAGE	SEWERAGE IS SUBJECT TO APPROVAL OF THE THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
WATER SUPPLY	* INDIVIDUAL ON-SITE WELLS (PRIVATE)
WATER	WATER IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DIVISION OF PUBLIC HEALTH.
OWNER	* ROCKSWITCH PROPERTIES, LLC 12300 ROCK SWITCH STREET MILTON, DE 19968
LOT AREA RATIONALE	* AREA IN LOTS = 1.3802 ACRES
TOTAL No. OF LOTS	* 1 SINGLE FAMILY DWELLING UNITS
(TID) PROXIMITY	* 6.0 MILES
WETLANDS	* THERE ARE NO WETLANDS ON THIS SITE
100 YEAR FLOODPLAIN	* THIS PARCEL IS NOT WITHIN A 100 YEAR FLOOD PLANE

**LEGEND**

●	CAPPED REBAR SET
○	IRON PIPE FOUND
⊕	UTILITY POLE
⊖	CABLE PEDESTAL
---	PROPERTY LINE
---	ROAD CENTERLINE
---	SETBACK LINE



**ENGINEER'S CERTIFICATION**  
 I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.  
 JBR  
 JOHN B. ROACH, JR., P.E.  
 DATE: 8/07/2021

**PROPOSED SITE PLAN**  
 FOR PROPERTY KNOWN AS:  
**LANDS OF "ROCKSWITCH PROPERTIES, LLC"**  
 ALSO KNOWN AS:  
 "12537 COASTAL HIGHWAY, MILTON, DE"  
 SITUATE IN:  
 BROAD KILL HUNDRED \* SUSSEX COUNTY  
 STATE OF DELAWARE  
 TAX MAP#: 235-8.00-62.00

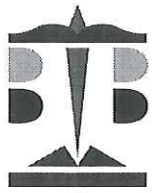
Revision Number	Revision Date	Revision Description

**JOHN B. ROACH**  
 Engineering LLC

22184 MELSON ROAD  
 GEORGETOWN, DELAWARE 19947  
 PHONE NO. 302-856-1565

Drawn By: JBR	Date: 08-05-2021
Scale: 1"=30'	Sheet 1/1

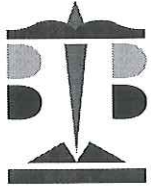




BAIRD  
MANDALAS  
BROCKSTEDT LLP

## EXHIBIT A

# Property and Deed Information



BAIRD  
MANDALAS  
BROCKSTEDT LLC

# EXHIBIT B

## Survey

30680

BK: 3830 PG: 143

NO TITLE SEARCH REQUESTED  
NO TITLE SEARCH PERFORMED  
NO TITLE GUARANTEE  
DEED PREPARATION ONLY

Tax No.: 2-35 8.00 62.00  
PREPARED BY & RETURN TO:  
Tunnell & Raysor, P.A.  
30 E. Pine Street  
Georgetown, DE 19947  
File No. DO1652/HG/sgm

RETURN TO:  
Rockswitch Properties, LLC  
12300 Rockswitch Street  
Milton, Delaware 19968

THIS DEED, made this 5<sup>th</sup> day of October, 2010,

- BETWEEN -

RICHARD A. REED and KAREN J. REED, his wife, of 12300 Rockswitch Street, Milton, Delaware 19968, parties of the first part,

- AND -

ROCKSWITCH PROPERTIES, LLC, of 12300 Rockswitch Street, Milton, Delaware 19968, party of the second part.

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

**ALL** that certain tract, piece or parcel of land situate, lying and being in Broadkill Hundred, Sussex County, State of Delaware, fronting on the Northeasterly right-of-way line of U.S. Route 1, Northbound, being 45.00 feet from the centerline thereof, adjoining lands of Conrad H. Fassell, Sr., et al, lands of Carrie H. Leverage, lands of James Lee Carpenter, and lands of Henry E. Atkins and being more particularly described as follows, to wit:

**BEGINNING** at a set iron pipe on the aforementioned Northeasterly right-of-way line of U.S. Route 1, Northbound, and at a corner for lands of Henry E. Atkins; thence proceeding along said right-of-way line, North 51 degrees 33 minutes West 349.40 feet to a set iron pipe at a corner for lands of Conrad H. Fassell, Sr., et al, thence following said Fassell lands and partly with lands of Carrie H. Leverage, North 85 degrees 31 minutes 04

seconds East 400.43 feet to a set iron pipe on line of lands of James Lee Carpenter; thence running with said Carpenter lands, South 06 degrees 15 minutes 32 seconds East 164.19 feet to a set iron pipe at a corner for lands of Henry E. Atkins; thence finally proceeding along Atkins lands, South 59 degrees 15 minutes 15 seconds West 166.95 feet to the place of beginning. Containing 1.3804 acres of land, more or less, in accordance with a survey prepared by Charles D. Murphy, P.L.S., 291, dated August 25, 1980.

BEING the same lands conveyed to Richard A. Reed and Karen J. Reed, his wife, by deed of Albert C. Freischmidt, Jr., and Patricia M. Chapman, said deed dated December 22, 2004, and recorded on December 23, 2004, in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 3079, Page 085.

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

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Consideration: .00  
County .00  
State .00  
Town Total .00  
Received: Faith R Oct 06, 2010

Signed, Sealed and Delivered in the presence of:

Witness [Signature]  
Witness [Signature]

[Signature] (SEAL)  
Richard A. Reed  
[Signature] (SEAL)  
Karen J. Reed

RECEIVED

Recorder of Deeds  
John F. Brody  
Oct 06, 2010 02:28P  
Sussex County  
Doc. Surcharge Paid

STATE OF DELAWARE OCT 06 2010 : ss

COUNTY OF SUSSEX ASSESSMENT DIVISION OF SUSSEX COUNTY

BE IT REMEMBERED, that on the 5<sup>th</sup> day of October, 2010, personally came before me, the subscriber, Richard A. Reed and Karen J. Reed, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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

HEIDI J. A. GILMORE  
ATTORNEY AT LAW WITH  
POWER TO ACT AS NOTARY PUBLIC  
PER 29 DEL. C SEC 4323 (A)3

[Signature]  
Notary Public

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

Consideration: 3830 .00

County .00  
State .00  
Received: Date: Oct 06, 2010





STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 77B  
DOVER, DELAWARE 19903

NICOLE MAJESKI  
SECRETARY

July 27, 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 **Rockswitch Properties, LLC** proposed land use application, which we received on July 14, 2021. This application is for an approximately 1.38-acre parcel (Tax Parcel: 235-8.00-62.00). The subject land is located on the north side of Coastal Highway (State Route 1) about 0.1 mile south of the intersection with Deep Branch Road (Sussex Road 234). The subject land is currently zoned AR-1 (Agriculture Residential) and the applicant seeks a conditional use approval to operate an office for property management/ construction company.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along Coastal Highway from Union Street Extended to Broadkill Road are 25,224 and 32,434 vehicles per day, respectively.

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.



Mr. Jamie Whitehouse  
Page 2 of 2  
July 27, 2021

The above-mentioned property is adjacent to State Route 1, making it subject to the Department's Corridor Capacity Preservation Program. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number of high-density, direct access points on the arterial highway. According to the Office of State Planning Coordination's Strategies for State Policies and Spending document, the property is located in Investment Level 4. No new or expanded direct access to the State Route 1 will be permitted in these areas. Access will be permitted to existing secondary roads. If alternative access is determined to be reasonable but degrades the operation or safety of an adjacent intersection (as determined by a traffic engineering study), then direct access to the corridor may also be permitted by way of rights-in/rights-out access only. The Corridor Capacity Preservation Program policy can be viewed on the Department's website at [www.deldot.gov](http://www.deldot.gov). The manual is located under the publication link.

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

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

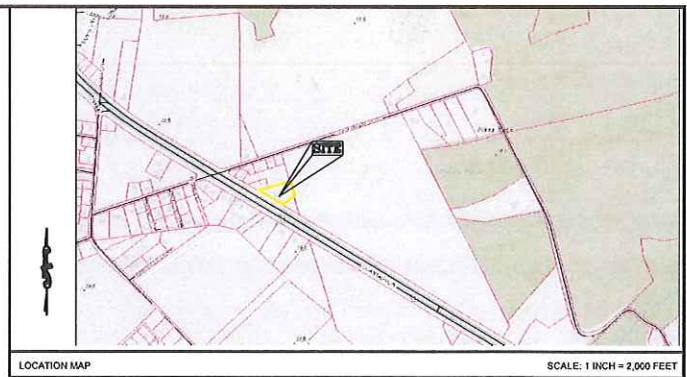
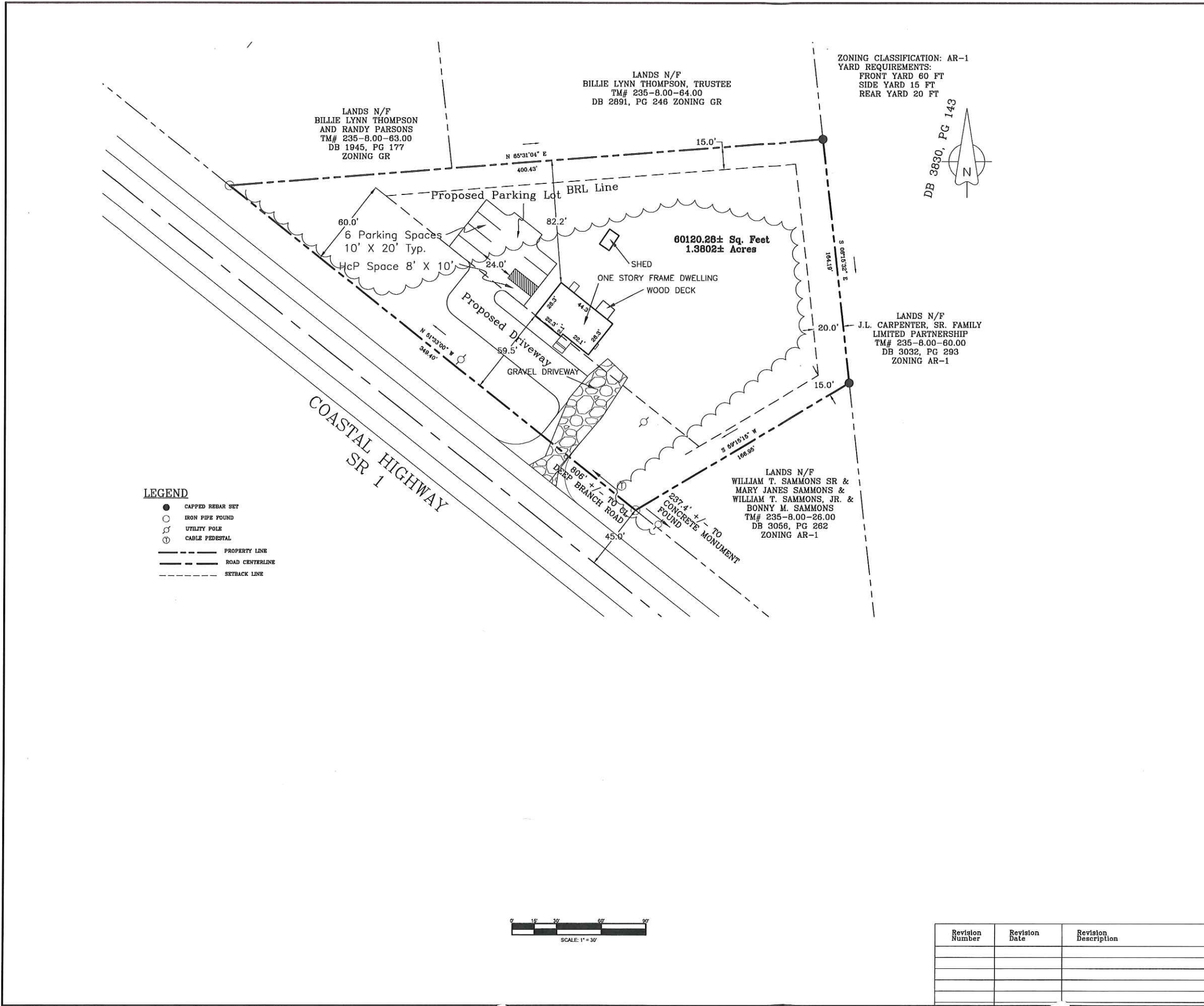
Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:afm

cc: Rockswitch Properties, LLC, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
David Edgell, 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



**PLAN DATA:**

PARCEL I.D. No	* 235-8.00-62.00
PLAT REFERENCE	* D.B. 3830, PAGE 143
ZONING DISTRICT	* AR-1 (ZONING CLASSIFICATION)
ROADWAY CLASSIFICATION	* ROUTE 1 (MAJOR HIGHWAY)
SEWERAGE DISPOSAL	* INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS (PRIVATE) SEWERAGE IS SUBJECT TO APPROVAL OF THE THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
WATER SUPPLY	* INDIVIDUAL ON-SITE WELLS (PRIVATE) WATER IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DIVISION OF PUBLIC HEALTH.
OWNER	* ROCKSWITCH PROPERTIES, LLC 12300 ROCK SWITCH STREET MILTON, DE 19968
LOT AREA RATIONALE	* AREA IN LOTS = 1.3802 ACRES
TOTAL No. OF LOTS	* 1 SINGLE FAMILY DWELLING UNITS
(TID) PROXIMITY	* 6.0 MILES
WETLANDS	* THERE ARE NO WETLANDS ON THIS SITE
100 YEAR FLOODPLAIN	* THIS PARCEL IS NOT WITHIN A 100 YEAR FLOOD PLANE

**ENGINEER'S CERTIFICATION**

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.

JOHN B. ROACH, JR., P.E. \_\_\_\_\_ DATE \_\_\_\_\_

**PROPOSED SITE PLAN**  
FOR PROPERTY KNOWN AS:  
**LANDS OF "ROCKSWITCH PROPERTIES, LLC"**  
ALSO KNOWN AS:  
"12537 COASTAL HIGHWAY, MILTON, DE"  
SITUATE IN:  
BROAD KILL HUNDRED \* SUSSEX COUNTY  
STATE OF DELAWARE  
TAX MAP#: 235-8.00-62.00

Revision Number	Revision Date	Revision Description

**JOHN B. ROACH**  
Engineering LLC

22184 NELSON ROAD  
GEORGETOWN, DELAWARE 19947  
PHONE NO. 302-856-1565

Drawn By: JBR Date: 08-06-2021  
Scale: 1"=30' Sheet 1/1

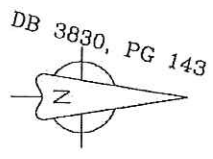
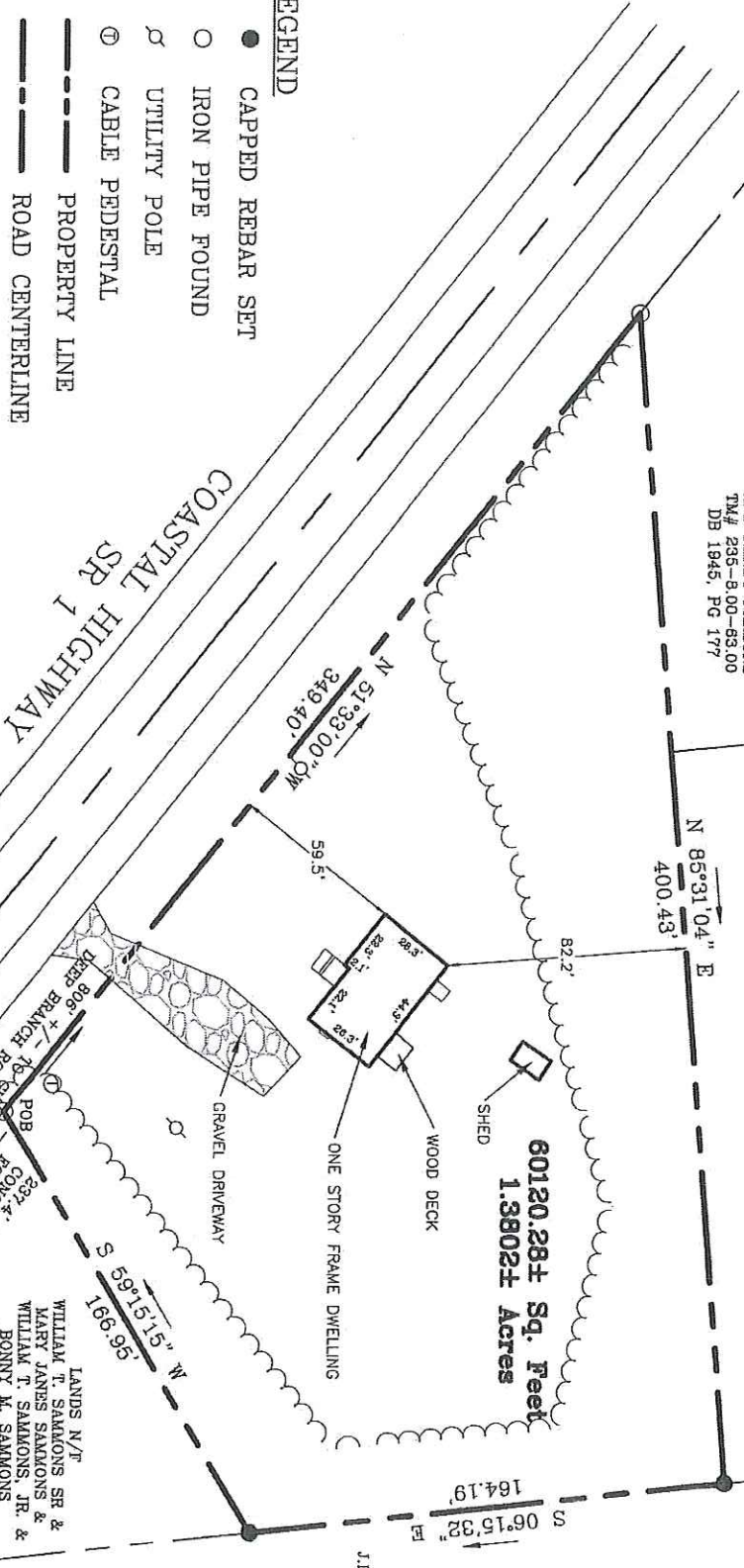


**BOUNDARY SURVEY PLAN**  
**LANDS OF ROCKSWITCH PROPERTIES, LLC**  
 ALSO KNOWN AS: 12637 COASTAL HIGHWAY  
 SITUATE IN: BROADKILL HUNDRED  
 SUSSEX COUNTY \* STATE OF DELAWARE  
 TAX MAP #: 235-8.00-62.00  
 DEED REFERENCE: DB 3830, PG 143

LANDS N/F  
 BILLIE LYNN THOMPSON  
 AND RANDY PARSONS  
 TM# 235-8.00-65.00  
 DB 1945, PG 177

LANDS N/F  
 BILLIE LYNN THOMPSON, TRUSTEE  
 TM# 235-8.00-64.00  
 DB 2891, PG 246

ZONING CLASSIFICATION: AR-1  
 YARD REQUIREMENTS:  
 FRONT YARD 40 FT  
 SIDE YARD 15 FT  
 REAR YARD 20 FT

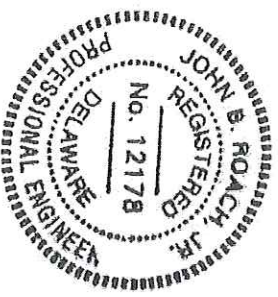


LANDS N/F  
 J.L. CARPENTER, SR. FAMILY  
 LIMITED PARTNERSHIP  
 TM# 235-8.00-60.00  
 DB 3032, PG 283

LANDS N/F  
 WILLIAM T. SAMMONS SR &  
 MARY JAMES SAMMONS &  
 WILLIAM T. SAMMONS, JR. &  
 BONNY M. SAMMONS  
 TM# 235-8.00-26.00  
 DB 3056, PG 262

**LEGEND**

- CAPPED REBAR SET
- IRON PIPE FOUND
- ⊗ UTILITY POLE
- ⊙ CABLE PEDESTAL
- PROPERTY LINE
- - - ROAD CENTERLINE



- NOTES**
1. THIS SURVEY IS CLASSIFIED AS A SUBURBAN SURVEY.
  2. UNLESS THIS PLAN HAS A SEAL WITH AN ORIGINAL SIGNATURE OF ENGINEER, IN RED INK, THIS IS NOT AN AUTHORIZED COPY.
  3. THE SURVEY DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF ANY EASEMENTS OR RIGHT OF WAYS.

PROFESSIONAL ENGINEER  
*John B. Roach, Jr.*

**JOHN B. ROACH**  
 Engineering LLC  
 22184 MELSON ROAD  
 GEORGETOWN, DELAWARE 19947  
 PHONE NO. 302-856-1565

DRAWN BY: JBR	DATE: 02-17-2020
SCALE: 1" = 60'	SHEET 1/1

**Property Information**

Property Location: 12537 COASTAL HWY  
 Unit:  
 City: MILTON  
 State: DE  
 Zip: 19968

Class: RES-Residential  
 Use Code (LUC): RS-RESIDENTIAL SINGLE FAMILY  
 Town: 00-None  
 Tax District: 235 - BROAD KILL  
 School District: 6 - CAPE HENLOPEN  
 Council District: 3-Schaeffer  
 Fire District: 85-Milton  
 Deeded Acres: 1.3800  
 Frontage: 0  
 Depth: .000  
 Irr Lot:  
 Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL  
 Zoning 2: -  
 Plot Book Page: /PB

100% Land Value: \$3,000  
 100% Improvement Value: \$22,200  
 100% Total Value: \$25,200

**Legal**

Legal Description: RD 14

**Owners**

Owner	Co-owner	Address	City	State	Zip
ROCKSWITCH PROPERTIES LLC		12300 ROCK SWITCH ST	MILTON	DE	19968

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
12/23/2004	3830/143	\$176,000.00	\$2,640.00	0	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2021	ROCKSWITCH PROPERTIES LLC		12300 ROCK SWITCH ST	MILTON	DE	19968	3830/143
2020	ROCKSWITCH PROPERTIES LLC		12300 ROCK SWITCH ST	MILTON	DE	19968	3830/143
2019	ROCKSWITCH PROPERTIES LLC		12300 ROCK SWITCH ST	MILTON	DE	19968	3830/143
2018	ROCKSWITCH PROPERTIES LLC		12300 ROCK SWITCH ST	MILTON	DE	19968	3830/143
2017	ROCKSWITCH PROPERTIES LLC		12300 ROCK SWITCH ST	MILTON	DE	19968	3830/143
2011	ROCKSWITCH PROPERTIES LLC		12300 ROCK SWITCH ST	MILTON	DE	19968	3830/143
2005	REED RICHARD A KAREN J REED		12185 ROCKSWITCH RD	MILTON	DE	19968	3079/85
1900	FREISCHMIDT DOROTHY E					0	415/274

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RS	0	0	1.3800	

**Land Summary**

Line 1  
100% Land Value 3,000

**100% Values**

---

100% Land Value	100% Improv Value	100% Total Value
\$3,000	\$22,200	\$25,200

**50% Values**

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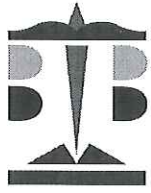
50% Land Value	50% Improv Value	50% Total Value
\$1,500	\$11,100	\$12,600

**Permit Details**

---

Permit Date:	Permit #:	Amount:	Note 1
09-FEB-1983	60496-1	\$46,000	DWELLING-N/E 14 390' S/234





BAIRD  
MANDALAS  
BROCKSTEDT LLC

# EXHIBIT C

## Zoning Code

## Chapter 115. Zoning

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

#### § 115-22. Conditional uses.

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

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

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

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

Aquariums, commercial

Beaches, commercial

Biotech campus

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

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

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

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

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

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums, but not animal hospitals

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

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

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

Livestock auction markets in an AR District

Marinas or yacht clubs

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

this chapter when:

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

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



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

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

Manufactured home parks

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

Nursing and similar care facilities

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

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

Private clubs

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

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

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

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

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

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

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

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

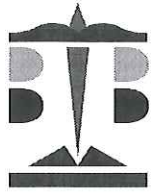
Sports arenas or stadiums, commercial athletic fields or baseball parks

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

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

Swimming or tennis clubs, private, nonprofit or commercially operated

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



BAIRD  
MANDALAS  
BROCKSTEDT LLC

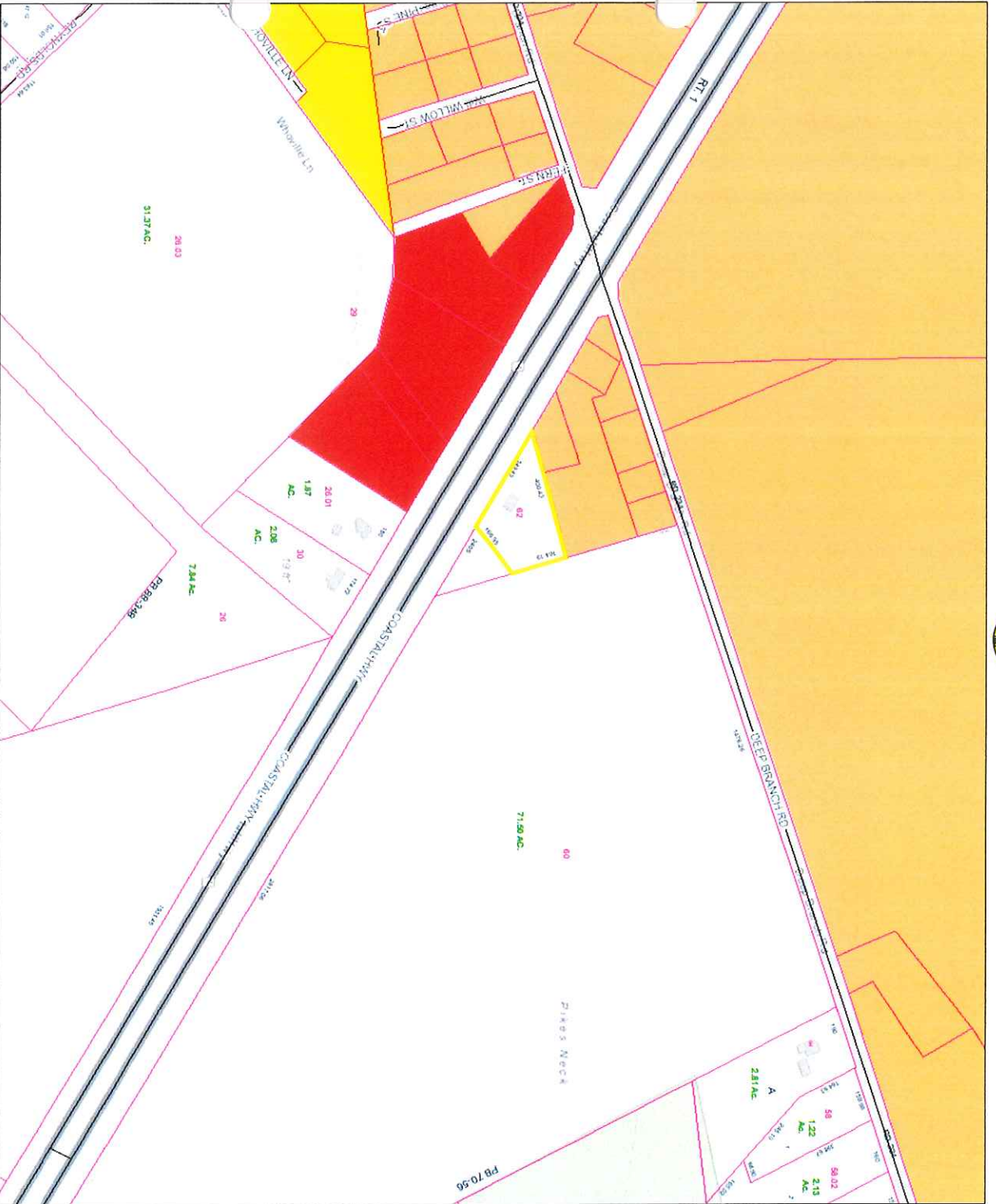
# EXHIBIT D

## Aerial Maps



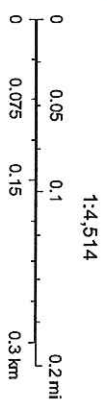


# Sussex County



<b>PIN:</b>	235-8-00-62-00
<b>Owner Name</b>	ROCKSWITCH PROPERTIES LLC
<b>Book</b>	3830
<b>Mailing Address</b>	12300 ROCK SWITCH ST
<b>City</b>	MILTON
<b>State</b>	DE
<b>Description</b>	RD 14
<b>Description 2</b>	
<b>Description 3</b>	
<b>Land Code</b>	

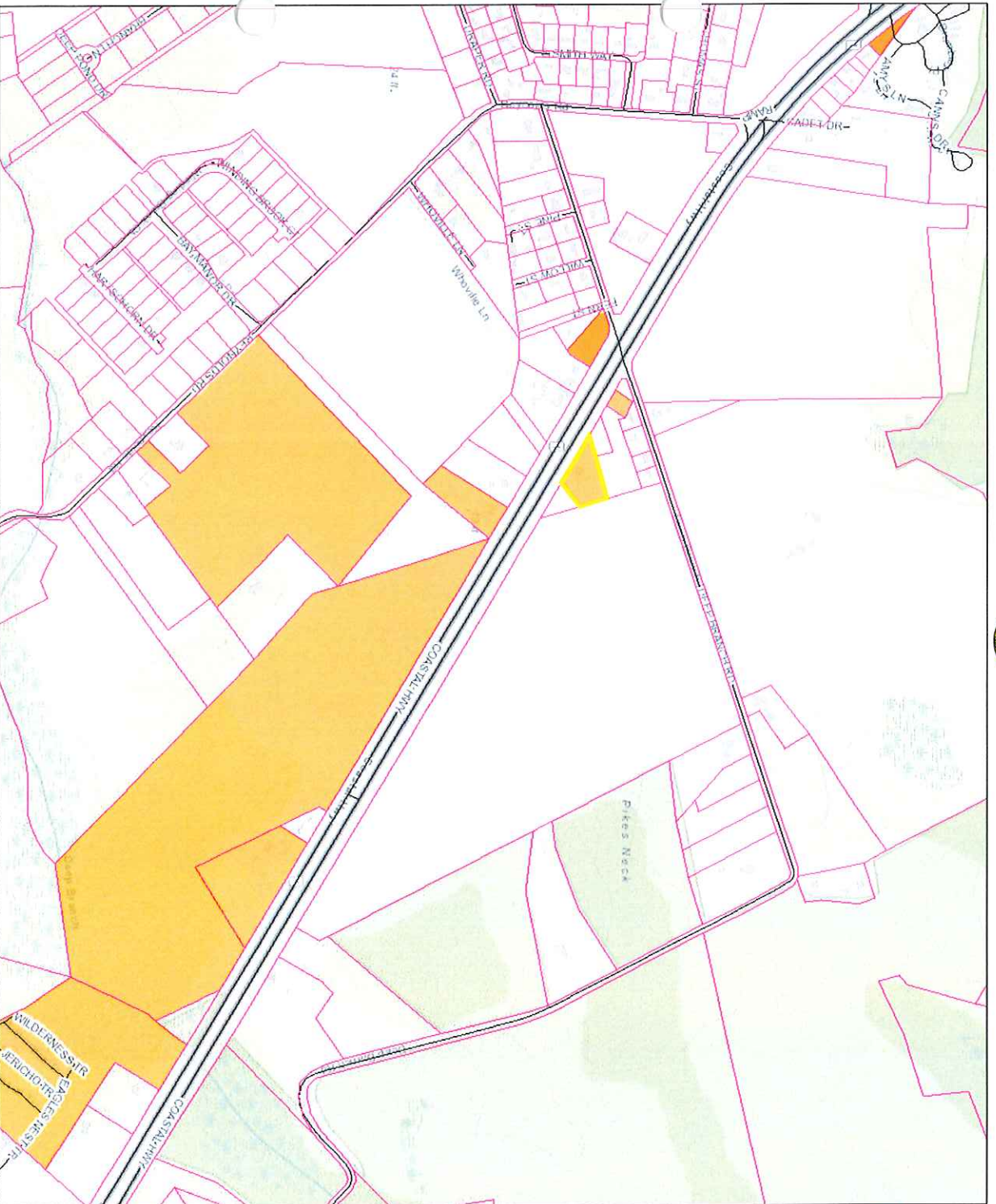
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 Override 1
- Tax Parcels
- Streets



February 5, 2021

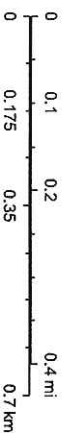


# Sussex County



<b>PIN:</b>	235-8-00-62.00
<b>Owner Name</b>	ROCKSWITCH PROPERTIES LLC
<b>Book</b>	3830
<b>Mailing Address</b>	12300 ROCK SWITCH ST
<b>City</b>	MILTON
<b>State</b>	DE
<b>Description</b>	RD 14
<b>Description 2</b>	N/A
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygon layer**
- Override 1
- polygon layer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Conditional Use

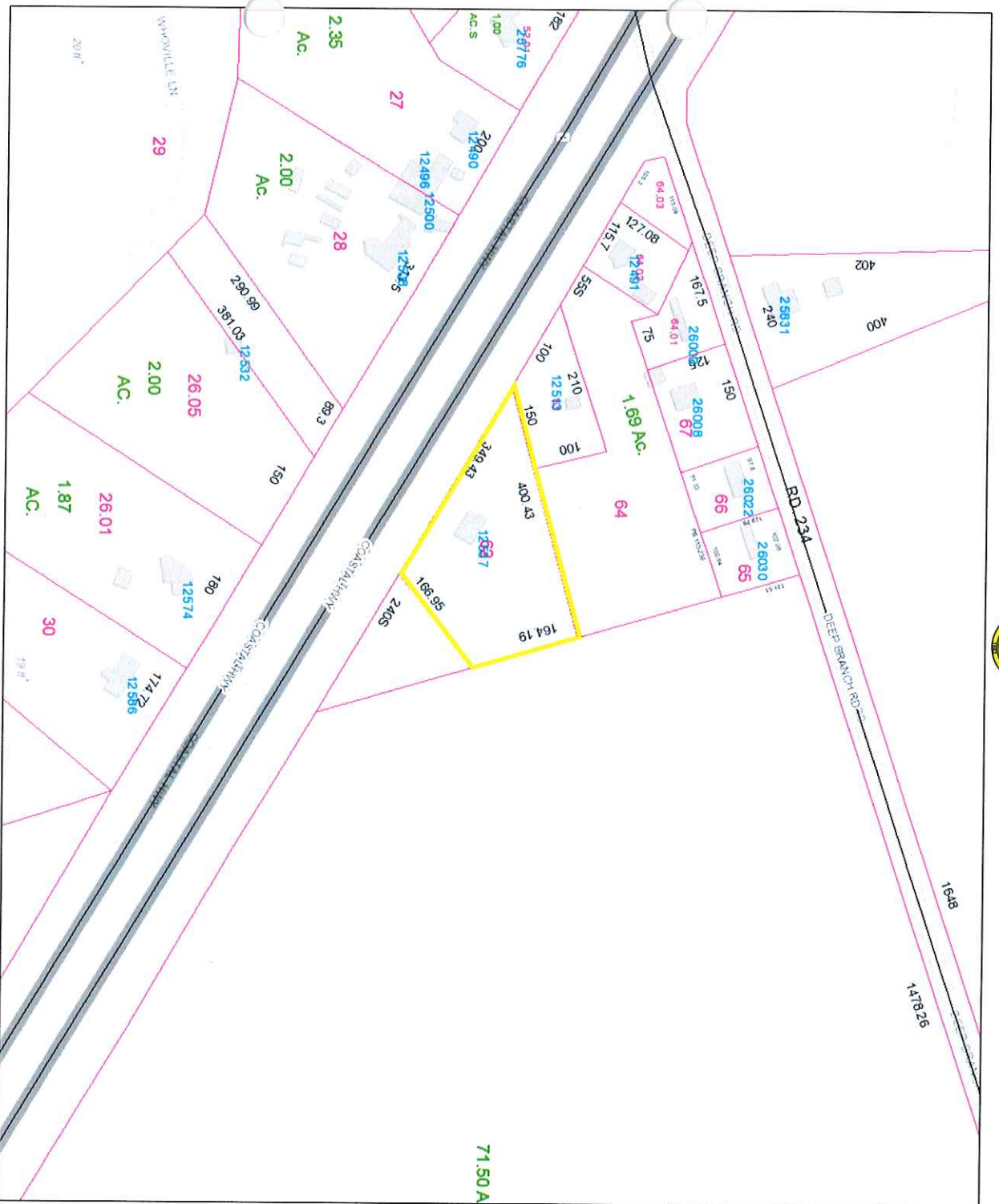


July 1, 2021



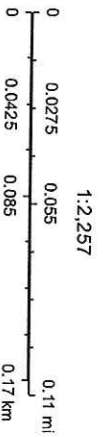


# Sussex County



<b>PIN:</b>	235-8-00-62.00
<b>Owner Name</b>	ROCKSWITCH PROPERTIES LLC
<b>Book</b>	3830
<b>Mailing Address</b>	12300 ROCK SWITCH ST
<b>City</b>	MILTON
<b>State</b>	DE
<b>Description</b>	RD 14
<b>Description 2</b>	N/A
<b>Description 3</b>	N/A
<b>Land Code</b>	

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





# Sussex County

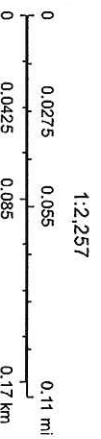


<b>PIN:</b>	235-8-00-62.00
<b>Owner Name</b>	ROCKSWITCH PROPERTIES LLC
<b>Book</b>	3830
<b>Mailing Address</b>	12300 ROCK SWITCH ST
<b>City</b>	MILTON
<b>State</b>	DE
<b>Description</b>	RD 14
<b>Description 2</b>	N/A
<b>Description 3</b>	N/A
<b>Land Code</b>	

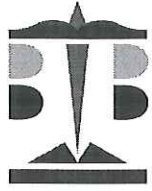
- polygon layer**

  - Override 1
- polygon layer**

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







BAIRD  
MANDALAS  
BROCKSTEDT LLC

# EXHIBIT E

## Land Use History

No. 609

16-17-13 ✓

Pages 1 234

or Haxlet Area WAPLES POND

Beginning point

Description:

RESOLUTION NO. R 020 81

A RESOLUTION TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MARINE SALES, SERVICE, AND STORAGE, SMALL ENGINE SALES AND SERVICE, AND PRODUCE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.33 ACRES, MORE OR LESS.

WHEREAS, on the 12<sup>th</sup> day of November, A.D. 1980, an application for a Conditional Use of land in an AR-1 Agricultural Residential District for Marine Sales, Service and Storage, Small Engine Sales and Service, and Produce Sales, denominated C/U #609, was filed on behalf of Albert C. Freischmidt; and

WHEREAS, on the 18<sup>th</sup> day of December, A.D. 1980, a public hearing, after notice, was held before the Planning and Zoning Commission of Sussex County and said Commission recommended that C/U #609 be deferred; and

WHEREAS, on the 6<sup>th</sup> day of January, A.D. 1981, of Sussex County on C/U #609 said Council deferred action pending recommendation from the Planning and Zoning Commission of Sussex County; and

WHEREAS, on the 22<sup>nd</sup> day of January, A.D. 1981, the Planning and Zoning Commission recommended that C/U #609 be approved; and

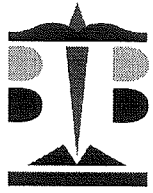
WHEREAS, on the 24<sup>th</sup> day of February, A.D. 1981, the County Council of Sussex County Considered the public comments and the recommendations of the Planning and Zoning Commission and the County Council having found as follows:

- (a) That the Conditional Use applied for is for the general convenience and welfare of the inhabitants of Sussex County;
- (b) That the location is appropriate for the Conditional Use applied for and not in conflict with the Comprehensive Plan;
- (c) That the public health, safety, morals and general welfare of the inhabitants of Sussex County will not be adversely affected;
- (d) That adequate off-street parking facilities will be provided;
- (e) That the necessary safeguards will be provided for the protection of surrounding property, persons and neighborhood values; and

235-8-62

TW





BAIRD  
MANDALAS  
BROCKSTEDT LLP

Mackenzie M. Peet  
[mackenzie@bmbde.com](mailto:mackenzie@bmbde.com)  
(302)645-2262

July 11, 2022

**VIA EMAIL ONLY**

Department of Planning and Zoning  
Attn: Jamie Whitehouse, Director  
2 The Circle  
P.O. Box 417  
Georgetown, DE 19947  
Email: [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov)

RE: Conditional Use 2309 Rockswitch Properties, LLC

Property: 12537 Coastal Highway, Milton, Delaware

Director Whitehouse:

Enclosed please find proposed conditions of approval for CU 2309 Rockswitch Properties, LLC for office space for a real state service, property management and construction business.

Please include the proposed conditions of approval in the record for the July 28, 2022 Planning & Zoning Commission public hearing.

Sincerely,

*/s/ Mackenzie M Peet*

Mackenzie M. Peet, Esq.



## **Proposed Conditions of Approval**

**Applicant: Rockswitch Properties, LLC**

**Property: 12537 Coastal Highway, Milton, DE 19968**

**TMP: 235-8.00-62.00**

- A. The Property shall be used for office space for a real estate service, property management and construction business.
- B. The use shall occur within the existing structure that will be renovated by the Applicant.
- C. The hours of operation shall be between 7 a.m. and 5 p.m., Monday through Saturday. There shall be no Sunday hours.
- D. Any dumpsters shall be located to the rear of the property and screened from view of neighboring properties and roadways.
- E. The Applicant intends to place a sign on the property as permitted by Sections 115-159 and 159.1 of the Zoning Ordinance for Sussex County, Delaware.
- F. The Final Site Plan shall designate all parking areas associated with this use.
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.