

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

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



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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: March 24<sup>th</sup>, 2022

Application: C/U 2315 American Storage of Delaware, LLC

Applicant: American Storage of Delaware, LLC  
113 Dickinson Street  
Dewey Beach, DE 19971

Owner: American Storage of Delaware, LLC  
113 Dickinson Street  
Dewey Beach, DE 19971

Site Location: Lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Multi-Family (140 units)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Department

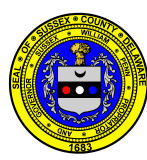
Sewer: Sussex County

Water: Tidewater

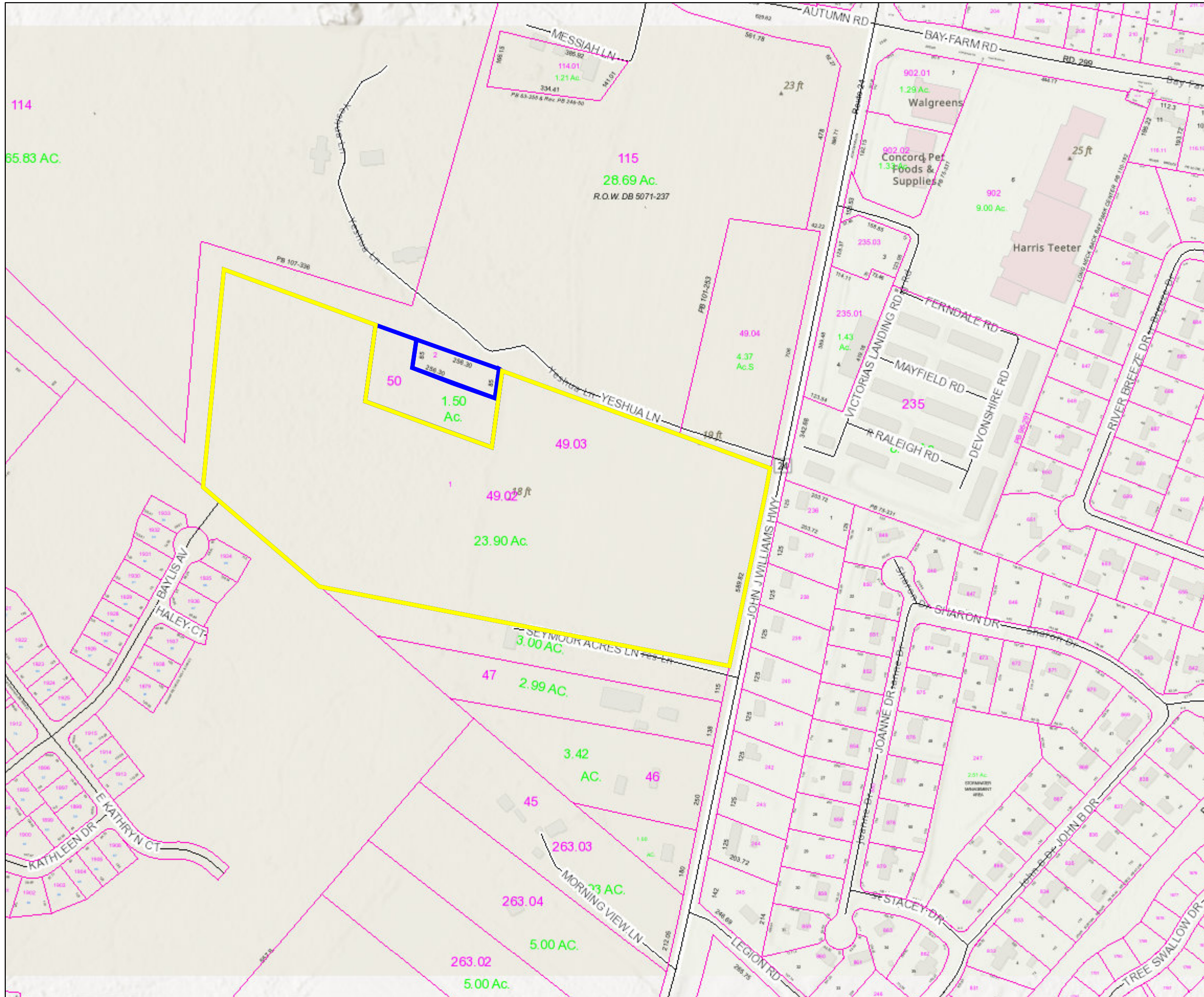
Site Area: 17.63 acres +/-

Tax Map ID.: (portion of) 234-29.00-49.02, 49.03 & 50.000





# Sussex County



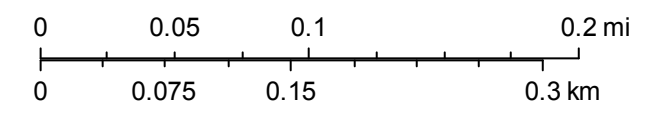
<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	
<b>Land Code</b>	

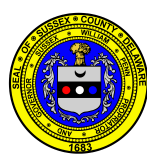
- polygonLayer**

  - Override 1
- polygonLayer**

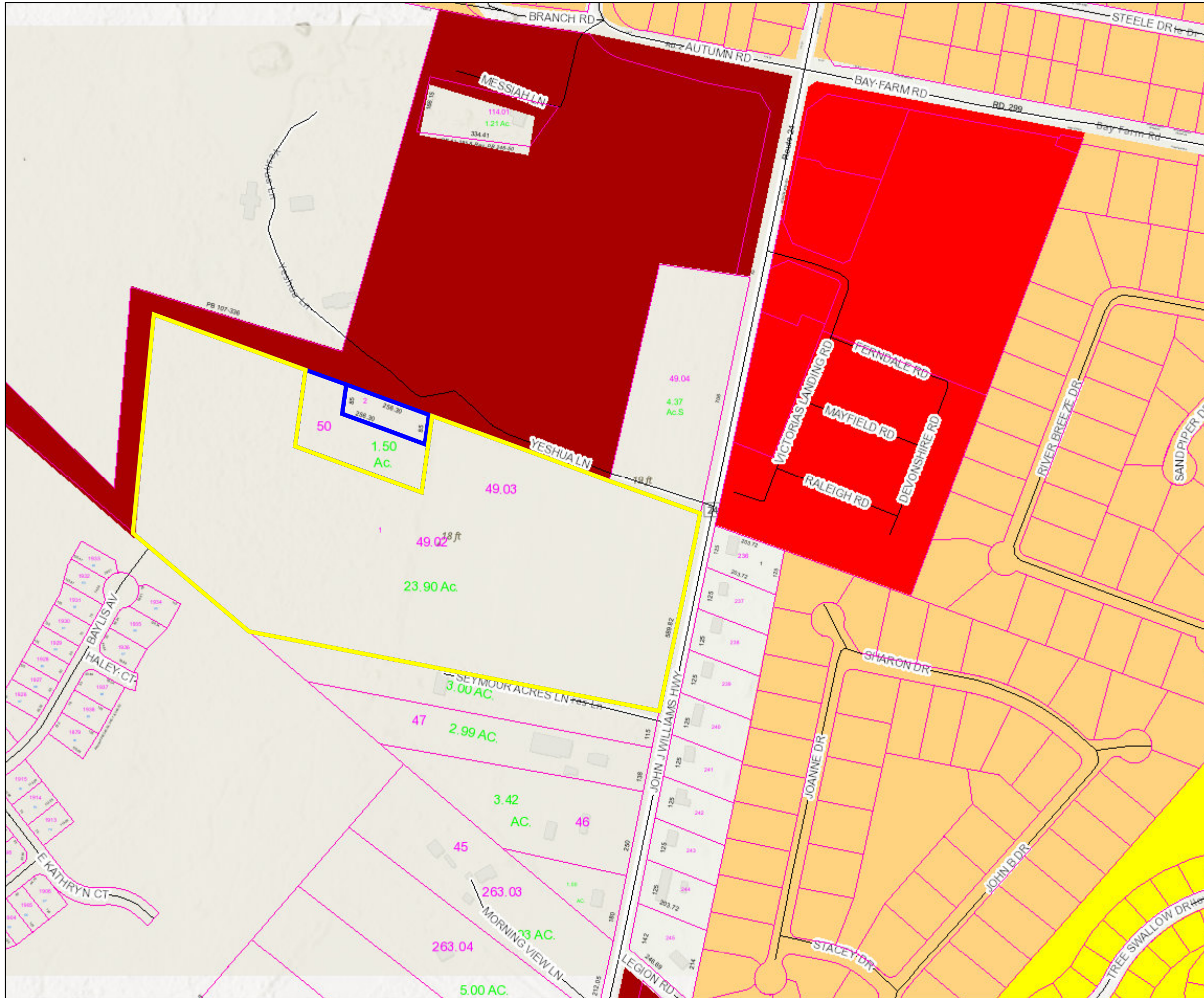
  - Override 1
- ⋯ Tax Parcels
- Streets
- ⋯ County Boundaries

1:4,514





# Sussex County

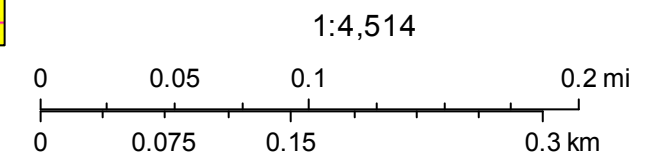


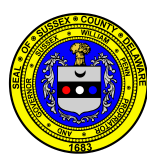
<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	
<b>Land Code</b>	

- polygonLayer**

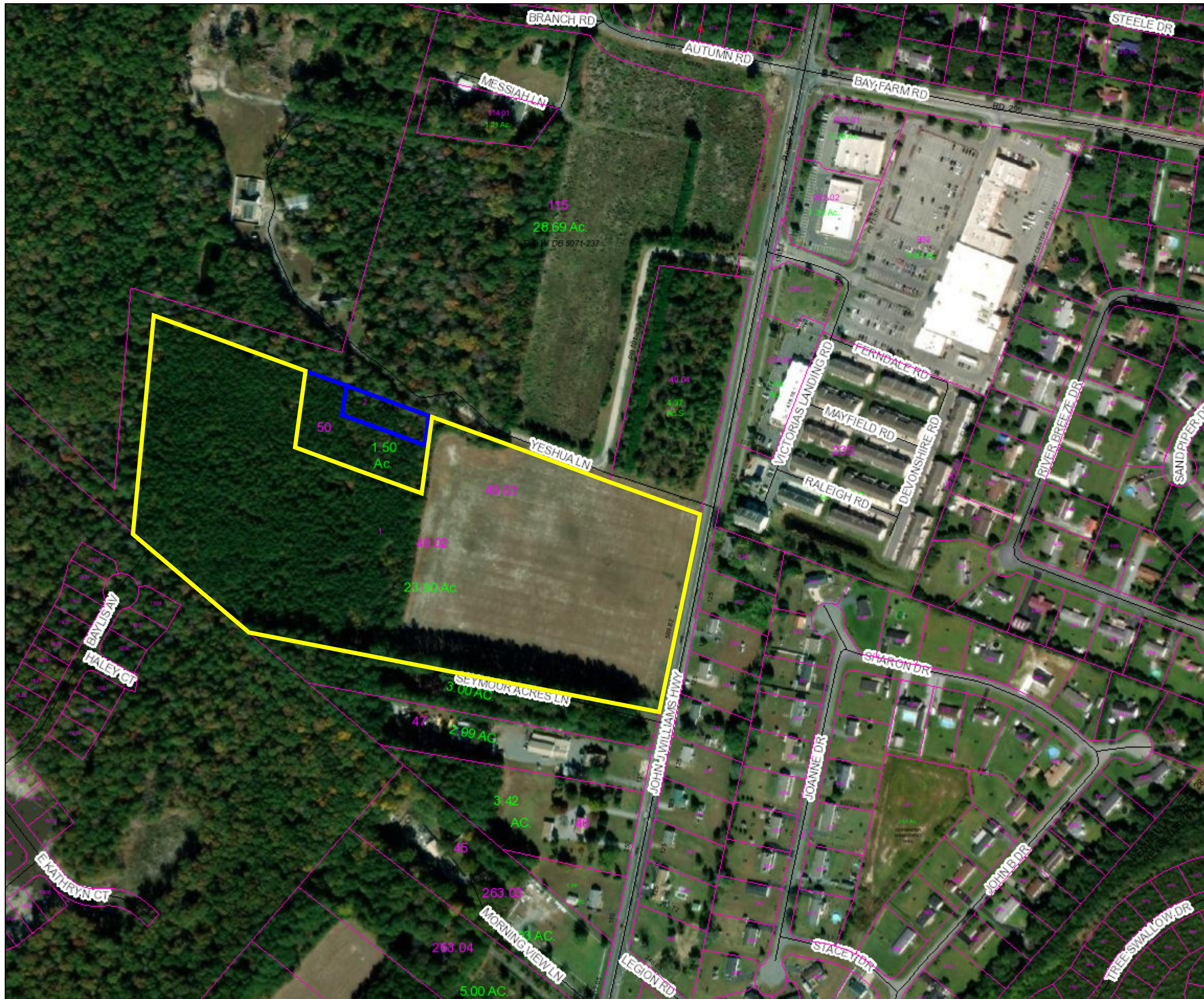
  - Override 1
- polygonLayer**

  - Override 1
- Tax Parcels
- Streets





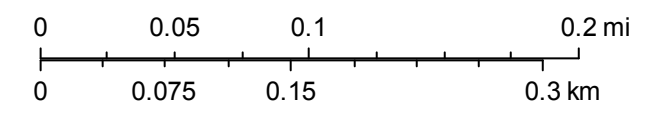
# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	
<b>Land Code</b>	

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

1:4,514



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: Ms. Lauren DeVore, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: February 21, 2022  
RE: Staff Analysis for C/U 2315 American Storage of Delaware, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2315 American Storage of Delaware, LLC to be reviewed during the March 24, 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 a portion of Tax Parcels: 234-29.00-49.02, 49.03 and 50.00 to allow the construction of 140 multifamily units (apartments), a clubhouse, a playground amenity, and other ancillary improvements. The properties are located on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299). The parcels comprise a total area of 17.63 acres +/-.

### Further Site Considerations

It should be noted that an opportunity for potential interconnectivity exists for this proposal by way of Baylis Avenue within the adjacent and proposed Baylis Estates (2004-55, 2017-01 & 2021-13) Subdivision.

### 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 parcels have a designation of "Coastal Area" The parcels to the north, east and west also have a Future Land Use Map designation of "Coastal Area." The adjacent parcels to the north and south of the subject properties also retain the Future Land Use Map designation of "Coastal Area." The properties on the opposite side of John J. Williams Highway (Route 24) are also designated as "Coastal Areas." The balance of the property to the northwest of the subject site contains the Future Land Use Map designation of "Low Density Area" with four properties on the eastern side of John J. Williams Highway (Route 24) containing a Future Land Use Map designation of "Commercial Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, 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. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).

### Zoning Information

The subject properties are zoned Agricultural Residential (AR-1). All surrounding properties to the south and 90 degrees due east on the opposite side of John J. Williams Highway (Route 24) are zoned Agricultural Residential (AR-1). The remaining parcels on the opposite side of John J. Williams Highway (Route 24) to the northeast are zoned General Commercial (C-1) and General Residential (GR).

### Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been five (5) Conditional Use applications within less than a 0.25-mile radius of the application site. The first application is Conditional Use No. 990 Charles Coursey to allow for removal of soil for aquaculture in the Agricultural Residential (AR-1) of which the Application was withdrawn. The second application is Conditional Use No. 1575 for the American Legion Post 28 to allow for a carnival and circus events in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, January 4, 2005, and this change was adopted through Ordinance No. 1741. The third application is Conditional Use No. 1893 Toby L. Schlick to permit a lawn and tree service to be located in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, June 7, 2011, and this change was adopted through Ordinance No. 2209. The fourth application is Conditional Use No. 1643 Lloyd Saunders for purposes of allowing a roofing company in an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, September March 28, 2006, and adopted through Ordinance No. 1839. The fifth application is Conditional Use No. 2021 VIII P-Loan Portfolio Holding to allow for multifamily (288 units) to be located within a Commercial Residential (CR-1) Zoning District of which the Application was withdrawn.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for the construction of 140 multifamily units (apartments), a clubhouse, a playground amenity and other ancillary improvements in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



**BAIRD  
MANDALAS  
BROCKSTEDT LLC**

Stephen W. Spence  
[sws@bmbde.com](mailto:sws@bmbde.com)  
(302)645-2262

February 15, 2022

RECEIVED

**VIA EMAIL**

Department of Planning & Zoning  
Director Jamie Whitehouse  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

FEB 16 2022

SUSSEX COUNTY  
PLANNING & ZONING

**RE: Change of Zone Applications and Conditional Use for American Storage of Delaware, LLC**  
**Tax Map Parcel Nos.: 234-29.00-48.02, 49.03 & 50.00**  
**CZ 1954: Change of Zone Application for 8.0 Acres from AR-1 to C-3**  
**CZ 1955: Change of Zone Application for 17.63 Acres from AR-1 to MR**  
**CU 2315: Conditional Use Application for Multi-Family Use on the MR area**

Director Whitehouse:

This letter confirms that Baird Mandalas Brockstedt LLC will be handling the above-referenced applications.

We also request a meeting with you or a member of Planning Staff to review the files associated with the applications. We are available for a meeting on February 28, 2022 between 11:00AM and 12:30PM. Please confirm your availability to meet with us then.

Should you have any questions, please contact us via email at [sws@bmbde.com](mailto:sws@bmbde.com) and [mackenzie@bmbde.com](mailto:mackenzie@bmbde.com) or by phone at 302-645-2262.

Sincerely,

Stephen W. Spence, Esquire  
Mackenzie M. Peet, Esquire

Cc: American Storage of Delaware, LLC



# Morris James LLP

David C. Hutt  
302.856.0018  
dhutt@morrisjames.com

February 14, 2022

RECEIVED

FEB 14 2022

SUSSEX COUNTY  
PLANNING & ZONING

**BY HAND DELIVERY**

Jamie Whitehouse, Director  
Sussex County Planning & Zoning Office  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

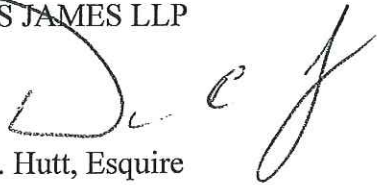
**RE: Change of Zone Applications and a Conditional Use  
America Storage of Delaware, LLC  
SCTP Nos. 234-29.00-49.02, 49.03 & 50.00  
CZ 1954: Change of Zone Application for 8.0 acres from AR-1 to C-3  
CZ 1955: Change of Zone Application for 17.63 acres from AR-1 to MR  
CU 2315: Conditional Use Application for Multi-Family Use on the MR area**

Dear Mr. Whitehouse:

Please be advised that Stephen W. Spence with Baird Mandalas Brockstedt, LLC will be handling the above-referenced applications going forward. If you have any questions, please let me know.

Very Truly Yours,

MORRIS JAMES LLP

  
David C. Hutt, Esquire

Cc: America Storage of Delaware, LLC  
Stephen W. Spence, Esquire

File #: CU 2315  
202114020

## 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**

West Side of Route 24 (Long Neck Area), Lewes, DE 19958

**Type of Conditional Use Requested:**

Multifamily residential development within an MR Medium Density Residential District to be considered with Change of Zone Applications denominated CZ 1954 and CZ 1955.

Tax Map #: p/o 234-29.00-49.02, 49.03, 50.00 Size of Parcel(s): 17.63

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

Land Use Classification: Coastal Area (2019 FLUM)

Water Provider: Tidewater Sewer Provider: Sussex County

**Applicant Information**

Applicant Name: American Storage of Delaware, LLC

Applicant Address: 113 Dickinson Street

City: Dewey Beach State: DE Zip Code: 19971

Phone #: (302) 645-2262 E-mail: farmerslawyer.com

**Owner Information**

Owner Name: See Applicant Information

Owner Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt LLC; Stephen W. Spence, Esquire

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

City: Lewes State: DE Zip Code: 19958

Phone #: (302) 645-2262 E-mail: sws@bmbde.com; mackenzie@bmbde.com



## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
  - 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

*Steph W. Brink*

Date: 2/22/22

Signature of Owner

\_\_\_\_\_

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

*For office use only:*

Date Submitted: 2/22/2021

Fee: \$500.00 Check #: 107074

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

Application & Case #: CU 2315

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

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

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

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

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

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

CU 2315  
File #. 202114020

# 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

RECEIVED

SEP 22 2021

SUSSEX COUNTY  
PLANNING & ZONING

**Type of Application: (please check applicable)**

Conditional Use   
Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

West Side of Rt. 24 (Long Neck Area)

**Type of Conditional Use Requested:**

Mutli-Family Residential within an MR Zoning District (Medium-Density Residential District).  
To be considered with the Change of Zone Application Requesting the MR (Medium Density Residential District)  
Zoning Classification.

Tax Map #: p/o 234-29.00-49.02 & 49.03 & 50.00 Size of Parcel(s): 17.63 acres

Current Zoning: AR-1 Proposed Zoning: MR Size of Building: \_\_\_\_\_

Land Use Classification: Coastal Area (2019 FLUM)

Water Provider: Tidewater Sewer Provider: Sussex County

**Applicant Information**

Applicant Name: American Storage of Delaware, LLC  
Applicant Address: 113 Dickinson Street  
City: Dewey Beach State: DE ZipCode: 19971  
Phone #: (202) 905-6706 E-mail: farmerslawyer@aol.com

**Owner Information**

Owner Name: same as applicant  
Owner Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: David C. Hutt, Esq. | Morris James LLP  
Agent/Attorney/Engineer Address: 107 W. Market St.  
City: Georgetown State: DE Zip Code: 19947  
Phone #: (302) 856-0018 E-mail: dhutt@morrisjames.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide eight (8) copies of the Site Plan or Survey of the property**
  - 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)**

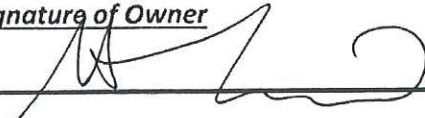
The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

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: \_\_\_\_\_

Signature of Owner

 \_\_\_\_\_ Date: 8/12/21

For office use only:

Date Submitted: 9/22/21 Fee: \$500.00 Check #: 107074  
Staff accepting application: ABA Application & Case #: CU 2315  
Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_

# 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: West Side of John J. Williams Highway (Rt. 24)

No 911/Mailing Address

Parcel #: p/o 234-29.00-49.02 all of 49.03 and 50.00

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

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

Applicant Name: American Storage of Delaware, LLC

Owner Name: American Storage of Delaware, LLC

## Type of Application:

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

Date Submitted: 9/21/21

## For office use only:

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

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

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

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

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

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



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

NICOLE MAJESKI  
SECRETARY

September 10, 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 **American Storage of Delaware, LLC** proposed land use application, which we received on September 2, 2021. This application is for approximately 25.90- acre assemblage of parcels (Tax Parcels: 234-29.00-49.02, 49.03, 50.00) The subject land is located on the west side of John J. William Highway (State Route 24) about 800 ft north of the intersection with Legion Road (Sussex Road 298). The subject land is currently zoned AR-1 (Agriculture Residential); and the applicant is seeking to change the existing parcel lines to create two new parcels with a proposed zoning of C-3 (Heavy Commercial) for the first parcel to build a mini warehouse. The second parcel is proposed to be zoned as MR (Medium Density Residential) with a conditional use approval to build 140 multifamily housing units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along John J. William Highway from Long Neck Road (State Route 5) to Mount Joy Road (Sussex Road 297), are 18,682 and 24,022 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a **Minor** impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.



Mr. Jamie Whitehouse  
Page 2 of 2  
September 10, 2021

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,

 for

T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff

cc: American Storage of Delaware, LLC, Applicant  
David C. Hutt, Esquire, Applicant  
Lauren DeVore, 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: **2/25/2022**

APPLICATION: **CU 2315 American Storage of Delaware, LLC**

APPLICANT: **American Storage of Delaware, LLC**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **234-29.00-49.02 (p/o), 49.03 & 50.00**

LOCATION: **Lying on the west side of John J. Williams Highway (Rt. 24),  
approximately 0.25 mile south of Autumn Road (SCR 299).**

NO. OF UNITS: **140 units (multi-family)**

GROSS  
ACREAGE: **17.63**

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 2**
- (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? **N/A.** 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 **Nicole Messeck** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**
- 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? **Yes**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 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  
Nicole Messeck

## **Policy for Extending District Boundaries**

1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

<b>Application Fees</b>	
<b>Less than 2 acres</b>	<b>\$500.00</b>
<b>2.1 -9.99 acres</b>	<b>\$750.00</b>
<b>10 - 150.00 acres</b>	<b>\$1,500.00</b>
<b>Greater than 150.00 acres</b>	<b>\$2,500.00</b>

4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.

**SITE DATA:**

- TAX MAP NUMBERS: 234-29.00-49.02, 49.03 & 50.00
- ADDRESS: JOHN J. WILLIAMS HIGHWAY, MILLSBORO, DE 19966
- OWNERS: AMERICAN STORAGE OF DELAWARE  
113 DICKENSON STREET  
DEWEY BEACH, DE 19971
- ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)  
PROPOSED: PARCEL 1 - C-3 (HEAVY COMMERCIAL DISTRICT)  
PARCEL 2 - MR (MEDIUM RESIDENTIAL)
- USE: EXISTING: AGRICULTURAL / WOODED  
PROPOSED:  
PARCEL 1 - MINI-WAREHOUSE (SELF STORAGE) = 150,000 SQ FT  
PARCEL 2 - MULTI-FAMILY HOUSING (MID-RISE)  
(140 UNITS) = 170,000 SQ FT  
MULTI-FAMILY HOUSING CLUBHOUSE = 3,060 SQ FT
- BUILDING SETBACKS: C-3 (HEAVY COMMERCIAL DISTRICT):  
FRONT 60' (JOHN J. WILLIAMS HWY.)  
SIDE 5' (YESHUA LN.)  
SIDE 20' (SEYMOUR ACRES LN.) \*  
REAR 30' \*

\* THERE SHALL BE A SIDE YARD NOT LESS THAN 20 FEET IN WIDTH ON THE SIDE OF THE LOT ADJOINING A RESIDENTIAL DISTRICT AND THERE SHALL BE A REAR YARD OF NOT LESS THAN 30 FEET IN DEPTH ON THE REAR SIDE OF A LOT ADJOINING A RESIDENTIAL DISTRICT.

MR - MEDIUM RESIDENTIAL:	
FRONT	40'
SIDE	20'
REAR	10'

7. AREAS:	EXISTING:	25.90 AC
	PROPOSED: PARCEL 1	8.27 AC*
	PARCEL 2	17.63 AC
	TOTAL	25.90 AC

\*DELDOT DEDICATION (0.27 AC) INCLUDED IN PARCEL 1

- NET DEVELOPMENT AREA: 25.90 AC
- SEWER PROVIDER: ON SITE SEPTIC / SUSSEX COUNTY
- WATER PROVIDER: TIDEWATER
- THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 100050477K REVISED MARCH 16, 2015 (ZONE X).
- NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.
- FOREST AREA: PRE-DEVELOPMENT = 14.28 AC  
POST DEVELOPMENT = 9.51 AC  
REMAINING = 4.77 AC
- PROXIMITY TO DELDOT TID AREA: ±3.5 MILES
- SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
- SITE WITHIN COASTAL AREA
- RECHARGE AREA: FAIR/POOR

**PARKING / LOADING REQUIREMENTS:**

**OFF-STREET PARKING - (PER CODE SECTIONS 115-102A & 45-5)**

<b>REQUIRED PARKING:</b>	
STORAGE FACILITY	0 SPACES REQUIRED
HANDICAP PARKING (1-25 PARKING SPACES)	1 VAN SPACE REQUIRED
STORAGE FACILITY OFFICE - 1 PER 200 SF (1,200 SF)	6 SPACES REQUIRED
10'X20' SPACES	14 SPACES PROVIDED
VAN HC SPACES	2 VAN SPACES PROVIDED
10'X40' COVERED RV SPACES	77 SPACES PROVIDED
10'X20' STORAGE SPACES	81 SPACES PROVIDED
	174 SPACES PROVIDED

APARTMENTS BUILDINGS - 2 PER UNIT (140 UNITS):	280 SPACES REQUIRED
HANDICAP PARKING (200-300 PARKING SPACES):	7 SPACES (2 VAN) REQUIRED
283 SPACES + 12 VAN HC SPACES =	295 SPACES PROVIDED

**TOTAL PARKING PROVIDED:**

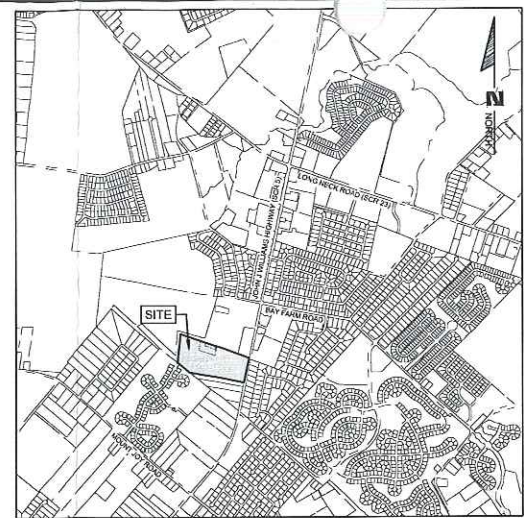
455 PARKING SPACES	
+ 14 HANDICAP SPACES	
469 TOTAL PARKING SPACES	

**OFF-STREET LOADING - (PER CODE SECTIONS 115-167)**

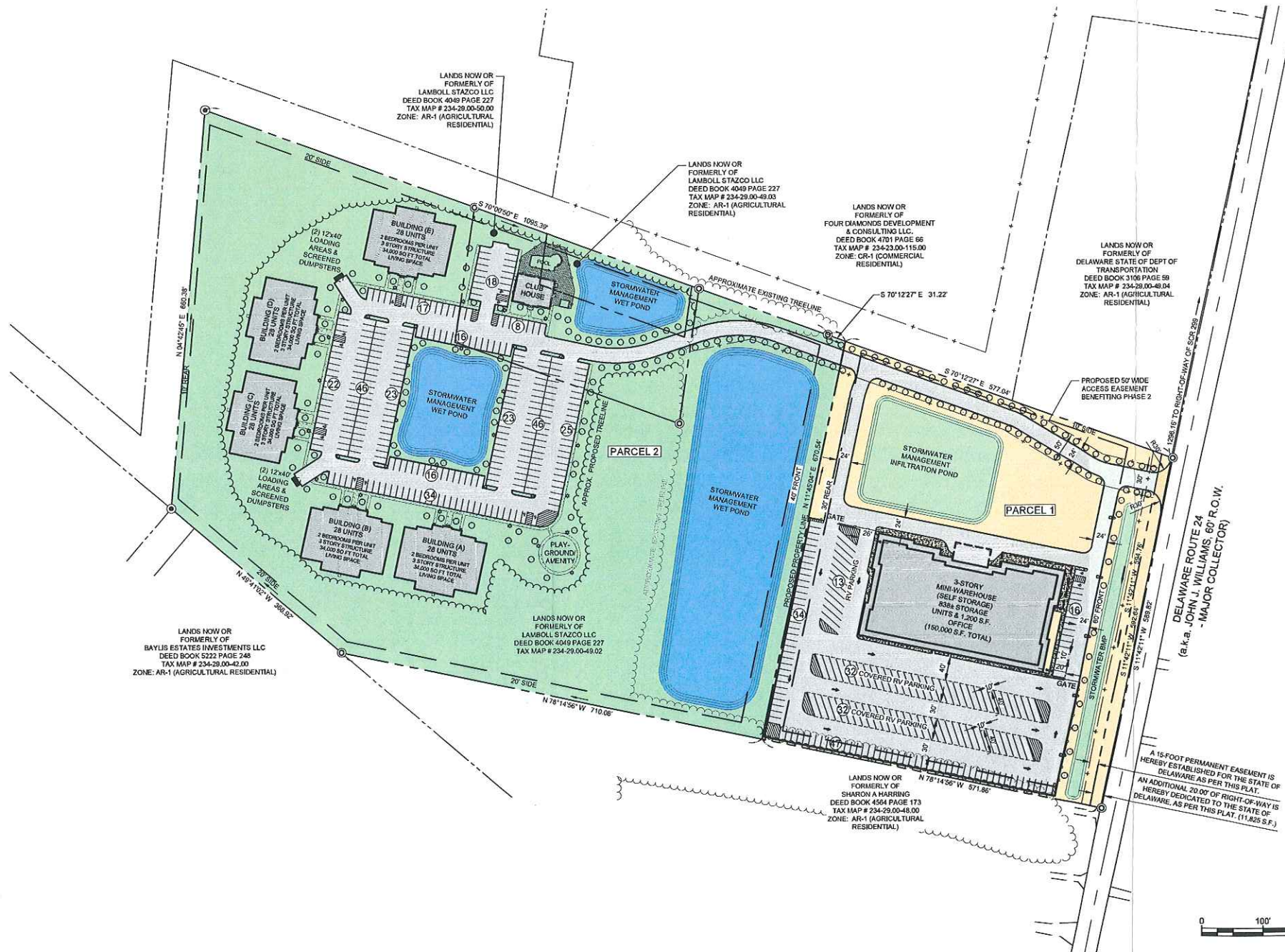
<b>LOADING</b>	
MINI-WAREHOUSE (SELF STORAGE) OFFICE	0 SPACE REQUIRED
LOADING SPACES REQUIRED	0 SPACE (12' X 40')
LOADING SPACES PROVIDED	
<b>APARTMENT BUILDINGS</b>	
LOADING SPACES REQUIRED	3 SPACES REQUIRED
LOADING SPACES PROVIDED	4 SPACES (12' X 40')

**LEGEND:**

- CAPPED REBAR FOUND
- IRON PIPE FOUND
- PROPERTY BOUNDARY
- - - ADJOINER LINE
- + - EASEMENT
- - - PROPOSED TREELINE
- - - BUILDING SETBACK
- AREA LIGHTING (CUT-OFF SCREENED / LIGHT POST)
- PROPOSED BUILDING
- PARCEL 1 - MINI-WAREHOUSE (SELF STORAGE) (8.27 AC) - TO BE REZONED C-3
- PARCEL 2 - MULTI-FAMILY HOUSING (17.63 AC) - TO BE RE-ZONED MR
- \*DELDOT DEDICATION (0.27 AC) INCLUDED IN PARCEL 1



**LOCATION MAP**  
SCALE: 1" = 2,000'



**AMERICAN STORAGE OF DELAWARE**

TAX MAP # 234-29.00-49.02, 49.03 & 50.00  
INDIAN RIVER HUNDRED, MILLSBORO, DELAWARE



Scaled Engineering Inc.  
20246 Coastal Highway  
Renoboth Beach, DE 19971  
Phone: (302) 226-5660



CONCEPTUAL SITE PLAN

4-21-21 - REVISED PER CLIENT  
6-18-21 - REVISED PER CLIENT  
7-15-21 - REVISED PER CLIENT  
7-21-21 - REVISED PER CLIENT

DATE: 8-26-21  
SCALE: 1" = 100'  
DRAWN BY: JRE  
PROJECT NO.: GRAL001

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2021



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

March 14, 2022

**VIA EMAIL**

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

Re: American Storage of Delaware, LLC  
CZ 1954 for 8.0 acres from AR-1 to C-3  
CZ 1955 for 17.63 acres from AR-1 to MR  
CU2315 for Multi-Family use on MR portion of  
Tax Map Parcel Nos. 234-29.00-49.02, 49.03, 50.00

Director Whitehouse,

Please find the enclosed supplemental packet for the above-referenced applications.

Should you need any additional information prior to the public hearing or have any questions, please contact [mackenzie@bmbde.com](mailto:mackenzie@bmbde.com).

Sincerely,

Stephen W. Spence, Esquire  
Mackenzie M. Peet, Esquire

SWS/MMP

Enclosures

Cc: Carlton Savage, Jr., PE  
Alex Pires  
Nate Graulich

# EXHIBIT A

**Property Information**

Property Location:

Unit:  
 City:  
 Zip:  
 State:

Class: AGR-Agriculture  
 Use Code (LUC): AG0-AG A-I  
 Town: 00-None  
 Tax District: 234 - INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 80-Indian River  
 Deeded Acres: 23.9000  
 Frontage: 0  
 Depth: .000  
 Irr Lot:  
 Plot Book Page: /PB

100% Land Value: \$3,600  
 100% Improvement Value  
 100% Total Value

**Legal**

Legal Description: W/RT 24  
 PARCEL 1

**Owners**

Owner	Co-owner	Address	City	State	Zip
AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
10/13/2020	5328/310	\$600,000.00			AMERICAN STORAGE OF DELAWARE LLC
10/09/2012	4049/227	\$105,000.00	\$1,575.00	0	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2021	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2020	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST	DEWEY BEACH	DE	19971	5328/310
2019	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2018	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2017	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2013	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29603	4049/227
2009	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19709	3029/338
2005	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	3029/338
2003	ADAMS KEITH CONSTANCE ADAMS		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	2818/91

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	AGR	AG0	0	0	23.9000	Y

**Land Summary**

---

Line	1
100% Land Value	3,600

**Agricultural Land**

---

Line:	CAMA Line:	Ag Use	Use:	Grade:	Acreage	Rate	Value:
1	1		AG		.0001		3600

**Agriculture Totals**

---

Agricultural Acres	23.9000
--------------------	---------

**100% Values**

---

100% Land Value	100% Improv Value	100% Total Value
\$3,600		

**50% Values**

---

50% Land Value	50% Improv Value	50% Total Value
\$1,800		



**Property Information**

**Property Location:**

Unit:  
 City:  
 Zip:  
 State:

Class: RES-Residential  
 Use Code (LUC): RV-RESIDENTIAL VACANT  
 Town: 00-None  
 Tax District: 234 - INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 80-Indian River  
 Deeded Acres: .4995  
 Frontage: 85  
 Depth: 256.000  
 Irr Lot:  
 Plot Book Page: /PB  
 100% Land Value: \$5,000  
 100% Improvement Value  
 100% Total Value

**Legal**

Legal Description: WRT 24  
 PARCEL 2

**Owners**

Owner	Co-owner	Address	City	State	Zip
AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
10/13/2020	5328/310				AMERICAN STORAGE OF DELAWARE LLC
01/15/2002	4049/227	\$202,577.00	\$3,038.00	0	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2021	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2020	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST	DEWEY BEACH	DE	19971	5328/310
2019	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2018	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2017	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2014	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29603	4049/227
2008	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19709	3029/338
2005	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	3029/338
2003	ADAMS KEITH CONSTANCE ADAMS		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	2818/91

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RV	85	256	.4995	

**Land Summary**

---

Line	1
100% Land Value	5,000

**100% Values**

---

100% Land Value	100% Improv Value	100% Total Value
\$5,000		

**50% Values**

---

50% Land Value	50% Improv Value	50% Total Value
\$2,500		

**Property Information**

Property Location:

Unit:  
 City:  
 Zip:  
 State:

Class: RES-Residential  
 Use Code (LUC): RV-RESIDENTIAL VACANT  
 Town: 00-None  
 Tax District: 234 - INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 80-Indian River  
 Deeded Acres: 1.5000  
 Frontage: 0  
 Depth: .000  
 Irr Lot:  
 Plot Book Page: /PB  
 100% Land Value: \$3,000  
 100% Improvement Value  
 100% Total Value

**Legal**

Legal Description N/OAK ORCHARDLEWES

**Owners**

Owner	Co-owner	Address	City	State	Zip
AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
10/13/2020	5328/125				AMERICAN STORAGE OF DELAWARE LLC
09/02/2004	4049/227	\$59,682.00	\$895.00	0	
02/07/2003	/	\$58,000.00	\$870.00	0	
11/14/1996	/	\$2,200.00	\$44.00	0	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/125
2021	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/125
2020	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST	DEWEY BEACH	DE	19971	5328/125
2019	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2018	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2017	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2013	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29603	4049/227
2008	STAZCO LLC		5179 W WOODMILL DR # 5	WILMINGTON	DE	19709	3029/341
2005	STAZCO LLC		5179 W WOODMILL DR # 5	WILMINGTON	DE	19808	3029/341
2003	AASCD VENTURES LLC		WOOD MILL CORPORATE CT 5 5179 W WOODMILL DR	WILMINGTON	DE	19808	2801/186
1900	DAVIS JOHN J VIRGIE M					0	421/159

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
------	-------	---------------	-----------	-------	------------------	----



TAX MAP AND PARCEL #'s: 234-29-00-  
49.02, 49.03 & 50.00  
PREPARED BY & RETURN TO:  
Baird Mandalas Brockstedt LLC  
1413 Savannah Road  
Lewes, DE 19958  
File No. RE20-1689/HG/SWS

THIS DEED, made this 7 day of October, 2020,

- BETWEEN -

LAMBOLL STAZCO, LLC, a Delaware limited liability company of P.O. Box 3418,  
Greenville, SC 29602, party of the first part,

- AND -

AMERICAN STORAGE OF DELAWARE, LLC, a Delaware Limited Liability  
Company, of 113 Dickinson Street, Dewey Beach, DE 19971, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum  
of **Six Hundred Thousand and 00/100 Dollars (\$600,000.00)**, lawful money of the United  
States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto  
the party of the second part, and its heirs and assigns, in fee simple, the following described  
lands, situate, lying and being in Sussex County, State of Delaware:

All those certain lots, pieces or parcels of land situate in the Lewes and Rehoboth Hundred,  
County of Sussex, , and being more particularly described as follows:

Parcel 1 - Tax Parcel #2-34 29.00 49.02

ALL that certain farm, tract, piece or parcel of land, situated in Indian River Hundred, Sussex County,  
State of Delaware, lying on the westerly side of Delaware Route 24, a short distance South of County  
Road 299, and being more particularly bounded. and described in accordance with a recent survey by  
Robert L. Larimore, RLS, dated December 28, 2001, as follows to-wit;

BEGINNING at an iron pipe found in the West line of Delaware Route 24, at a corner for this parcel and for  
lands of Charles W. Coursey, said point being located 1,296.16 feet from an iron pipe found at the  
intersection of the West line of Delaware Route 24(50 feet wide) with (the South line of County Road 299;  
thence from said beginning point along the West line of Delaware Route 24, South 20 degrees 22 minutes 57  
seconds West 589.82 feet to an iron pipe round in the West line of Delaware Route 24 at a corner for lands of  
Melvin R. Thompson and Brenda F. Thompson; thence along the line of lands of Melvin R. Thompson and

Brenda F. Thompson, North 69 degrees 34 minutes 10 seconds West 1,281.94 feet to an iron pipe found at a corner for lands of Melvin R Thompson and Brenda F. Thompson in line of lands of the Indian Town Farms Subdivision; thence along the line of lands of The Indian Farms Subdivision, North 41 degrees 00 minutes 16 seconds West 368.92 feet to a spike set at a corner for lands of Charles W. Coursey; thence along the line of lands of Charles W. Coursey on the following two (2) courses and distances: One (1) North 13 degrees 23 minutes 31 seconds East 660.38 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 473.07 feet to an iron pipe found at a corner for lands of Thomas C. Staz and Harriet Staz; thence along the line of lands of Thomas C. Staz and Harriet Staz on the following three (3) courses and distances; One (1) South 16 degrees 42 minutes 51 seconds West 225.00 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 395.77 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 225.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey; thence along the line of Charles W. Coursey and with the northerly line of a 16 foot wide outlet, as noted in Deed Book 468-401, on the following two (2) courses and distances: one (1) 61 degrees 20 minutes 04 seconds East 22655 feet to an iron pipe found, two (2) South 61 degrees 31 minutes 41 seconds East 608.26 feet to the place of beginning and containing 23.9 acres of land be the same more or less.

Parcel 2 —Tax Parcel #2-34 29.00 49.03

ALL that certain lot, piece or parcel of land, situated in Indian River Hundred, Sussex County, State of Delaware, lying on the West side of Delaware Route 24, but not adjacent there to, and being more particularly bounded and described in accordance with a recent survey by Robert L. Larimore, RES, dated December 28, 2001, as follows, to-wit:

BEGINNING at an iron pipe found at a corner for this parcel and for lands of Thomas C. Staz and Harriet Staz and lands of Charles W. Coursey and Diane R. Hudson, said point-being located the following three (3) courses and distances from an iron pipe found at the intersection of the West line of Delaware Route 24 (50 feet wide) with the South line of County Road 299: One (1) as measured along the West line of Delaware Route 24 in a southerly direction 1,296.16 feet to an iron pipe found in the West line of Delaware Route 24 at a corner for Parcel 1; thence two (2) along the line of Parcel 1 and lands Charles W. Coursey and with the North line of a 16 foot wide outlet, North 61 degrees 31 minutes 41 seconds West 608.26 feet to a point; thence three (3) North 61 degrees 20 minutes 04 seconds West 238.82 feet to said beginning point; thence from said beginning point along the line of lands of Thomas C. Staz and Harriet Staz on the following three (3) courses and distances: One (1) South 16 degrees 42 minutes 51 seconds West 85.00 feet to an iron pipe found, two (2) North 61 degrees 20 minutes 04 seconds West 256.30 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 85.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey and Diane R. Hudson; thence along the line of lands of Charles W. Coursey and Diane R. Hudson, South 61 degrees 20 minutes 04 seconds East 256.30 feet to the place of beginning and containing 0.4893 acres of land be the same more or less.

Parcel 3 - Tax Parcel Number 2-34 29.00 50.00

ALL that certain tract, piece and parcel of land, lying and being in Indian River Hundred, Sussex County, and the State of Delaware, as shown on a certain December 26, 2001 survey prepared by Coast Survey, Inc. (Plan #801-13), as described as follows,

BEGINNING at an iron pipe set in the line of lands now or formerly of Charles W. Coursey and the north corner of a 16 foot Outlet (Deed Book 468, Page 401), being South 61 degrees 23 minutes 59 seconds East 226.55 feet to an iron pipe recovered, a corner for lands of Charles W. Coursey and other lands of Charles W. Coursey, and South 61 degrees 34 minutes 13 seconds East 608.42 feet to an iron pipe recovered in the northwesterly right of way line of Route 24; thence from the point of beginning running by and with the line of a 16 foot Outlet and with the line of lands now or formerly of Marshall Lee

Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 225.00 feet to an Iron pipe set; 2) North 61 degrees 23 minutes 59 seconds West 395.77 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 225.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of Lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 127.20 feet to an iron pipe set, marking a corner for these lands and lands now or formerly of Marshall Lee Coursey; thence turning and running by and with the line of lands now or formerly of Marshall Lee Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 85.00 feet to an Iron pipe set; and 2) South 61 degrees 23 minutes 59 seconds 25630 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 85.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 12.27 feet to the point and place of beginning, said to contain 1.5107 acres of land more or less, together with any and all improvements located thereon.

BEING the same property conveyed to Lamboll Stazco, LLC from Stazco, LLC, AKA Stazco, L.L.C., by Deed dated October 3, 2012, and recorded on October 9, 2012, in Book 4049, Page 227.

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

IN WITNESS WHEREOF, the said Lamboll Stazco, LLC has caused its name to be hereunto set, and its common and corporate seal to be hereunto affixed, duly attested, the day and year first above written.

LAMBOLL STAZCO, LLC

BY: SD INVESTMENT PROPERTIES, LLC, ITS SOLE MEMBER

BY: LAMBOLL STREET, LLC ITS SOLE MEMBER

BY: [Signature] (Seal)  
TODD KUHLE, AUTHORIZED DIRECTOR

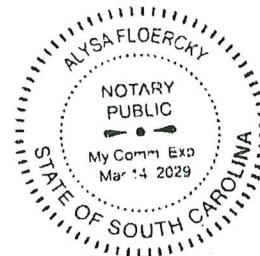
STATE OF South Carolina COUNTY OF Sussex : to-wit

BE IT REMEMBERED, that on this 7 day of October, A.D. 2020, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Todd Kuhl, Authorized Director, of Lamboll Street, LLC, sole member of SD Investment Properties, LLC, sole member of Lamboll Stazco, LLC, a Delaware Limited Liability Company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said company; that the signature of the authorized representative is in his own proper handwriting; and that his act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of Lamboll Stazco, LLC.

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

[Signature]  
Notary Public

My Commission Expires: Mar 14 2029





Tax Parcel Nos.: 2-34-29.00-49.02,  
2-34-29.00-49.03 & 2-34-29.00-50.00

PREPARED BY AND RETURN TO:  
Douglas M. Hershman, Esquire  
**BAYARD, P.A.**  
P.O. Box 25130  
Wilmington, DE 19899-25130

**THIS DEED** is made this 3<sup>rd</sup> day of October, 2012, between

**STAZCO, LLC, AKA STAZCO, L.L.C.**, a Delaware limited liability company, party of the first part,

AND

**LAMBOLL STAZCO, LLC**, a Delaware limited liability company, party of the second part.

**WITNESSETH**, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, the receipt of which is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors and/or assigns, in fee,

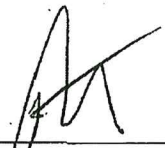
See legal description attached hereto as Exhibit "A", hereto and incorporated herein by reference.

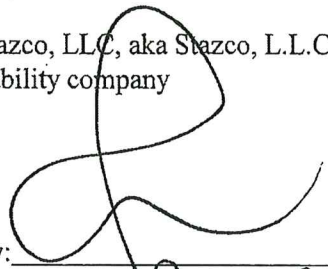
**SUBJECT** to all easements, restrictions, reservations, agreements and covenants of record, if any, affecting the property or the title thereto, together with the benefits of the same.

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

SEALED AND DELIVERED IN THE PRESENCE OF:

Stazco, LLC, aka Stazco, L.L.C., a Delaware limited liability company

  
\_\_\_\_\_  
Witness

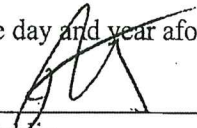
  
By: \_\_\_\_\_ (SEAL)  
Name: Richard C. Woodin  
Title: Authorized Person

*mw*

STATE OF DELAWARE )  
 ) SS  
NEW CASTLE COUNTY )

BE IT REMEMBERED, that on this 2nd day of October, 2012, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Richard C. Woods, Authorized Person of Stazco, LLC, aka Stazco, L.L.C., a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of the said company.

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

  
\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

GRANTEE'S ADDRESS  
c/o Lamboll Street, LLC  
PO Box 3418  
Greenville, SC 29603

**MICHAEL A. DeNOTE**  
Attorney at Law - State of Delaware  
Notarial Officer Pursuant to  
29 Del.C. § 4323(a)(3)  
My Commission Has No Expiration

## EXHIBIT "A"

Parcel 1 - Tax Parcel #2-34 29.00 49.02

ALL that certain farm, tract, piece or parcel of land, situated in Indian River Hundred, Sussex County, State of Delaware, lying on the westerly side of Delaware Route 24, a short distance South of County Road 299, and being more particularly bounded and described in accordance with a recent survey by Robert L. Larimore, RLS, dated December 28, 2001, as follows to-wit;

BEGINNING at an iron pipe found in the West line of Delaware Route 24, at a corner for this parcel and for lands of Charles W. Coursey, said point being located 1,296.16 feet from an iron pipe found at the intersection of the West line of Delaware Route 24 (50 feet wide) with the South line of County Road 299; thence from said beginning point along the West line of Delaware Route 24, South 20 degrees 22 minutes 57 seconds West 589.82 feet to an iron pipe found in the West line of Delaware Route 24 at a corner for lands of Melvin R. Thompson and Brenda F. Thompson; thence along the line of lands of Melvin R. Thompson and Brenda F. Thompson, North 69 degrees 34 minutes 10 seconds West 1,281.94 feet to an iron pipe found at a corner for lands of Melvin R. Thompson and Brenda F. Thompson inline of lands of the Indian Town Farms Subdivision; thence along the line of lands of The Indian Farms Subdivision, North 41 degrees 00 minutes 16 seconds West 368.92 feet to a spike set at a corner for lands of Charles W. Coursey; thence along the line of lands of Charles W. Coursey on the following two (2) courses and distances: One (1) North 13 degrees 23 minutes 31 seconds East 660.38 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 473.07 feet to an iron pipe found at a corner for lands of Thomas C. Stan and Harriet Staz; thence along the line of lands of Thomas C. Staz and Harriet Star on the following three (3) courses and distances: One (1) South 16 degrees 42 minutes 51 seconds West 225.00 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 395.77 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 225.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey; thence along the line of Charles W. Coursey and with the northerly line of a 16 foot wide outlet, as noted in Deed Book 468-401, on the following two (2) courses and distances: one (1) 61 degrees 20 minutes 04 seconds East 226.55 feet to an iron pipe found, two (2) South 61 degrees 31 minutes 41 seconds East 608.26 feet to the place of beginning and containing 23.9 acres of land be the same more or less.

Parcel 2 - Tax Parcel #2-34 29.00 49.03

ALL that certain lot, piece or parcel of land, situated in Indian River Hundred, Sussex County, State of Delaware, lying on the West side of Delaware Route 24, but not adjacent there to, and being more particularly bounded and described in accordance with a recent survey by Robert L. Larimore, RES, dated December 28, 2001, as follows to-wit:

BEGINNING at an iron pipe found at a corner for this parcel and for lands of Thomas C. Staz and Harriet Staz and lands of Charles W. Coursey and Diane R. Hudson, said point being located the following three (3) courses and distances from an iron pipe found at the intersection of the West line of Delaware Route 24 (50 feet wide) with the South line of County Road 299: One (1)

as measured along the West line of Delaware Route 24 in a southerly direction 1,296.16 feet to an iron pipe found in the West line of Delaware Route 24 at a corner for Parcel I; thence two (2) along the line of Parcel 1 and lands Charles W. Coursey and with the North line of a 16 foot wide outlet, North 61 degrees 31 minutes 41 seconds West 608.26 feet to a point; thence three (3) North 61 degrees 20 minutes 04 seconds West 238.82 feet to said beginning point; thence from said beginning point along the line of lands of Thomas C. Star and Harriet Staz on the following three (3) courses and distances: One (1) South 16 degrees 42 minutes 51 seconds West 85.00 feet to an iron pipe found, two (2) North 61 degrees 20 minutes 04 seconds West 256.30 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 85.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey and Diane R. Hudson; thence along the line of lands of Charles W. Coursey and Diane R. Hudson, South 61 degrees 20 minutes 04 seconds East 256.30 feet to the place of beginning and containing 0.4893 acres of land be the same more or less.

Parcel 3 - Tax Parcel Number 2-34 29.00 50.00

ALL that certain tract, piece and parcel of land, lying and being in Indian River Hundred, Sussex County, and the State of Delaware, as shown on a certain December 26, 2001 survey prepared by Coast Survey, Inc. (Plan #801-13), as described as follows,

BEGINNING at an iron pipe set in the line of lands now or formerly of Charles W. Coursey and the north corner of a 16 foot Outlet (Deed Book 468, Page 401), being South 61 degrees 23 minutes 59 seconds East 226.55 feet to an iron pipe recovered, a corner for lands of Charles W. Coursey and other lands of Charles W. Coursey, and South 61 degrees 34 minutes 13 seconds East 608.42 feet to an iron pipe recovered in the northwesterly right of way line of Route 24; thence from the point of beginning running by and with the line of a 16 foot Outlet and with the line of lands now or formerly of Marshall Lee Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 225.00 feet to an Iron pipe set; 2) North 61 degrees 23 minutes 59 seconds West 395.77 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 225.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of Lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 127.20 feet to an iron pipe set, marking a corner for these lands and lands now or formerly of Marshall Lee Coursey; thence turning and running by and with the line of lands now or formerly of Marshall Lee Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 85.00 feet to an Iron pipe set; and 2) South 61 degrees 23 minutes 59 seconds 256.30 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 85.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 12.27 feet to the point and place of beginning, said to contain 1.5107 acres of land more or less, together with any and all improvements located thereon.

BEING the same lands and premises which Keith and Constance Adams, husband and wife, by Deed dated August 30, 2004 and recorded September 2, 2004 in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 3029, Page 338, did grant and convey unto Stazco, L.L.C., a Delaware limited liability company, in fee.

AND BEING the same lands and premises which AASCD Ventures, LLC, a Delaware limited liability company, by Deed dated August 30, 2004 and recorded September 2, 2004 in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 3029, Page 341, did grant and convey unto Stazco, LLC, a Delaware limited liability company, in fee.

Consideration: 105,000.00

---

County	1,575.00
State	1,575.00
Town	Total 3,150.00

Received: Kara S Oct 09, 2012

Recorder of Deeds  
Scott Dailey  
Oct 09, 2012 12:45P  
Sussex County  
Doc. Surcharge Paid

**RECEIVED**

OCT 09 2012

**ASSESSMENT DIVISION  
OF SUSSEX COUNTY**



20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Tel: 302 - 236 - 3600

**PARTICULAR DESCRIPTION  
PARCEL 1**

**TAX MAP PARCEL 234-29.00-49.02 (PART OF)**

**ALL THAT CERTAIN PIECE**, parcel or tract of land lying and being situated in Indian River Hundred, Sussex County, and State of Delaware, lying on the westerly side of John J. Williams Highway – Delaware Route 24 (60 foot right-of-way), being Parcel 1 on a conceptual site plan titled, “American Storage of Delaware”, prepared by Scaled Engineering Inc., dated August 26<sup>th</sup>, 2021, and being bounded on the south by lands now or formerly of Sharon A. Harring; on the west by Parcel 2 of said conceptual site plan; on the north by lands now or formerly of Four Diamonds Development & Consulting LLC and lands now or formerly of State of Delaware, Department of Transportation and being more particularly described as follows, to wit:

**BEGINNING** at a point near an iron pipe found on the westerly right-of-way of aforementioned John J. Williams Highway at a corner for lands herein described and aforementioned lands of State of Delaware; said point being located 1,296.16 feet from the southerly right of way of Autumn Road - Sussex County Road 299 as measured in a southwesterly direction along said right-of-way of John J. Williams Highway; thence continuing with the same **South 11 degrees 42 minutes 11 seconds West, 589.82 feet** to an iron pipe found at a corner for aforementioned lands of Harring; thence with the same **North 78 degrees 14 minutes 56 seconds West, 571.86 feet** to a point at a corner for aforementioned Parcel 2; thence with same **North 11 degrees 45 minutes 04 seconds East, 670.54 feet** to a point on the southerly line of aforementioned lands of Four Diamonds Development & Consulting LLC; thence with same and partially with said lands of State of Delaware **South 70 degrees 12 minutes 27 seconds East, 577.04 feet** to the point and place of beginning, containing 8.27 acres of land, being the same more or less.



20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Tel: 302 - 236 - 3600

**PARTICULAR DESCRIPTION  
PARCEL 2**

**TAX MAP PARCELS 234-29.00-49.02 (PART OF),  
234-29.00-49.03 & 234-29.00-50.00**

**ALL THAT CERTAIN PIECE**, parcel or tract of land lying and being situated in Indian River Hundred, Sussex County, and State of Delaware, lying west of John J. Williams Highway – Delaware Route 24 (60 foot right-of-way), being Parcel 2 on a conceptual site plan titled, “American Storage of Delaware”, prepared by Scaled Engineering, Inc., dated August 26, 2021, and being bounded on the east by Parcel 1 of said conceptual site plan; on the south by lands now or formerly of Sharon A. Haring; on the southwest by lands now or formerly of Baylis Estates Investments LLC; on the west and north by lands now or formerly of Four Diamonds Development & Consulting LLC and being more particularly described as follows, to wit:

**BEGINNING** at a point, a corner for lands herein described and the aforementioned Parcel 1; said point being located the following two (2) courses and distances from the point of intersection of the southerly right of way of Autumn Road - Sussex County Road 299 and the westerly right of way of John J. Williams Highway – Delaware Route 24:

1. **1,296.16 feet** from said right of way of Autumn Road as measured in southwesterly direction along said right-of-way of John J. Williams Highway to a point near an iron pipe found.
2. **North 70 degrees 12 minutes 27 seconds West, 577.04 feet** to said beginning point; thence with said Parcel 1 **South 11 degrees 45 minutes 04 seconds West, 670.54 feet** to a point on the northerly line of aforementioned lands of Haring; thence with the same **North 78 degrees 14 minutes 56 seconds West, 710.08 feet** to an iron pipe found on the north easterly line of aforementioned lands of Baylis Estates Investments LLC; thence with same **North 49 degrees 41 minutes 02 seconds West, 368.92 feet** to a capped rebar found at a corner for aforementioned lands of Four Diamonds Development & Consulting LLC; thence with same the following three (3) courses and distances:
  1. **North 04 degrees 42 minutes 45 seconds East, 660.38 feet** to a capped rebar found.
  2. **South 70 degrees 00 minutes 50 seconds East, 1,095.39 feet** to a point.
  3. **South 70 degrees 12 minutes 27 seconds East, 31.22 feet** to the point and place of beginning, containing 17.63 acres of land, being the same more or less.

# EXHIBIT B



**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: 9/2/21

### Site Information:

Site Address/Location: John J. Williams Highway, Millsboro, DE

Tax Parcel Number: 234-29.00-49.02, 49.03 & 50.00

Current Zoning: AR-1

Proposed Zoning: Parcel 1: C-3; Parcel 2: MR with Conditional Use for Multifamily

Land Use Classification: Coastal Area (Future Land Use Map)

Proposed Use(s): **Parcel 1:** Mini-Warehouse (Self Storage) = 150,000 sq. ft.  
**Parcel 2:** Multifamily Housing (Mid-Rise) = 140 Units  
Multifamily Housing Clubhouse = 3,060 sq. ft.  
See Attached Conceptual Site Plan

Square footage of any proposed buildings or number of units: See Proposed Use/140 residential units

### Applicant Information:

Applicant's Name: American Storage of Delaware, LLC

Applicant's Address: 113 Dickinson Street

City: Dewey Beach State: DE Zip Code: 19971

Applicant's Phone Number: (302) 462-5871

Applicant's e-mail address: nate.gmconstruction@gmail.com

Please send copy to:  
David C. Hutt, Esquire  
Morris James LLP  
107 W. Market Street  
Georgetown, DE 19947  
Phone: (302) 856-0018  
Email: dhutt@morrisjames.com



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

September 10, 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 **American Storage of Delaware, LLC** proposed land use application, which we received on September 2, 2021. This application is for approximately 25.90- acre assemblage of parcels (Tax Parcels: 234-29.00-49.02, 49.03, 50.00) The subject land is located on the west side of John J. William Highway (State Route 24) about 800 ft north of the intersection with Legion Road (Sussex Road 298). The subject land is currently zoned AR-1 (Agriculture Residential); and the applicant is seeking to change the existing parcel lines to create two new parcels with a proposed zoning of C-3 (Heavy Commercial) for the first parcel to build a mini warehouse. The second parcel is proposed to be zoned as MR (Medium Density Residential) with a conditional use approval to build 140 multifamily housing units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along John J. William Highway from Long Neck Road (State Route 5) to Mount Joy Road (Sussex Road 297), are 18,682 and 24,022 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a **Minor** impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.

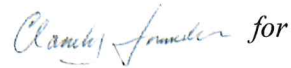


Mr. Jamie Whitehouse  
Page 2 of 2  
September 10, 2021

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.

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff

cc: American Storage of Delaware, LLC, Applicant  
David C. Hutt, Esquire, Applicant  
Lauren DeVore, 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 Furrato, Project Engineer, Development Coordination

# EXHIBIT C

### Preliminary Land Use Service (PLUS)

#### Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.**

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): 2021-02-05 2/3  
 Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): \_\_\_\_\_

1. Project Title/Name: American Storage of Delaware			
2. Location ( please be specific): Delaware Route 24 (John J. Williams Highway), Millsboro, Delaware			
3. Parcel Identification #: 234-29.00-49.02, 49.03 & 50.00		4. County or Local Jurisdiction Name: where project is located: Sussex County	
5. If contiguous to a municipality, are you seeking annexation: Not applicable.			
6. Owner's Name: American Storage of Delaware, LLC (Alex Pires)			
Address: 113 Dickinson Street			
City: Dewey Beach	State: Delaware	Zip: 19971	
Phone: (302) 462-5871 (202) 905-6706	Fax:	Email: nate.gmconstruction@gmail.com farmerslawyer@aol.com	
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting):			Same as owner
Address:			
City:	State:	Zip:	
Phone:	Fax:	Email:	
8. Project Designer/Engineer: Carlton Savage, Jr.   SCALED.Engineering			
Address: 20246 Coastal Highway			
City: Rehoboth Beach	State: Delaware	Zip: 19971	
Phone: (302) 236-3600	Fax:	Email: carlton@scaledengineering.com	
9. Please Designate a Contact Person, including phone number, for this Project:			Nate Graulich   (302) 462-5871 Alex Pires   (202) 905-6706

**Information Regarding Site:**

10. Type of Review:  Rezoning, if not in compliance with certified comprehensive plan  Site Plan Review  
 Subdivision

11. Brief Explanation of Project being reviewed: The Project proposes to (1) rezone the front half of the property to C-3 (Heavy Commercial) for a Business Park (Flex Space) of 12.63 acres with 36,000 sq. ft. of Flex Park and 103,600 sq. ft. of mini-storage and an office for the mini-storage; and (2) rezone the rear half of the property to MR (Medium Residential) with a conditional use for multifamily (midrise) housing (13 acres) consisting of 104 units. If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.

12. Area of Project (Acres +/-): 25.90 +/- acres      Number of Residential Units: 104      Commercial square footage: Business Park/Flex Space (36K Sq. Ft); Mini Storage (103,600 Sq. Ft.)

13. Present Zoning: AR-1 (Agricultural Residential)      14. Proposed Zoning: C-3 (Heavy Commercial); MR (Medium Density) with Conditional Use

15. Present Use: Agricultural/Wooded      16. Proposed Use: Business Park (Flex Park); Mini Storage and Multi-Family Housing

17. Water:  Central (Community system)     Individual On-Site     Public (Utility)    Tidewater  
 Service Provider Name:

Will a new public well be located on the site?  Yes     No

18. Wastewater:  Central (Community system)     Individual On-Site     Public (Utility)  
 Service Provider Name: Sussex County

Will a new community wastewater system be located on this site?  Yes     No

19. If residential, describe style and market segment you plan to target (Example- Age restricted):  
 The residential units are targeted as market rate apartments intended for those who live and work in the Long Neck and surrounding area

20. Environmental impacts:

How many forested acres are presently on-site? 13.79    How many forested acres will be removed? 9.20

To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site?  Yes     No

Are the wetlands:  Tidal    Acres:  
 Non-tidal    Acres:

If "Yes", have the wetlands been delineated?  Yes     No

Has the Army Corps of Engineers signed off on the delineation?  Yes     No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits?  Yes     No    If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? +/- 200'

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)?  Yes     No  
per the DNREC NavMap

22. List the proposed method(s) of stormwater management for the site:  
 BMPs to likely include a combination of wet pond(s) and infiltration pond(s)

23. Is open space proposed?  Yes     No    If "Yes," how much?    Acres: 11.45

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? active and passive recreation and stormwater management

24. Are you considering dedicating any land for community use (e.g., police, fire, school)?  Yes     No

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 1,170 ADT

What percentage of those trips will be trucks, excluding vans and pick-up trucks? < 5%

26. Will the project connect to state maintained roads?  Yes  No **De. Rt. 24 (John J. Williams Highway)**

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.

There are no existing developments on adjacent lands.

28. Are there existing sidewalks?  Yes  No; bike paths  Yes  No  
Are there proposed sidewalks?  Yes  No; bike paths  Yes

Is there an opportunity to connect to a larger bike, pedestrian, or transit network?  Yes  No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites?  Yes  No

Has this site been evaluated for historic and/or cultural resources?  Yes  No

Would you be open to a site evaluation by the State Historic Preservation Office?  Yes  No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit?  Yes  No

Person to contact to arrange visit: Carlton Savage, Jr. phone number: (302) 238-3800

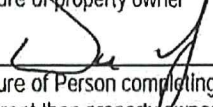
Alex Pires | (202) 905-8706

31. Are any federal permits, licensing, or funding anticipated?  Yes  No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

  
Signature of property owner

1/29/21  
Date

  
Signature of Person completing form  
(If different than property owner)

1/29/2021  
Date

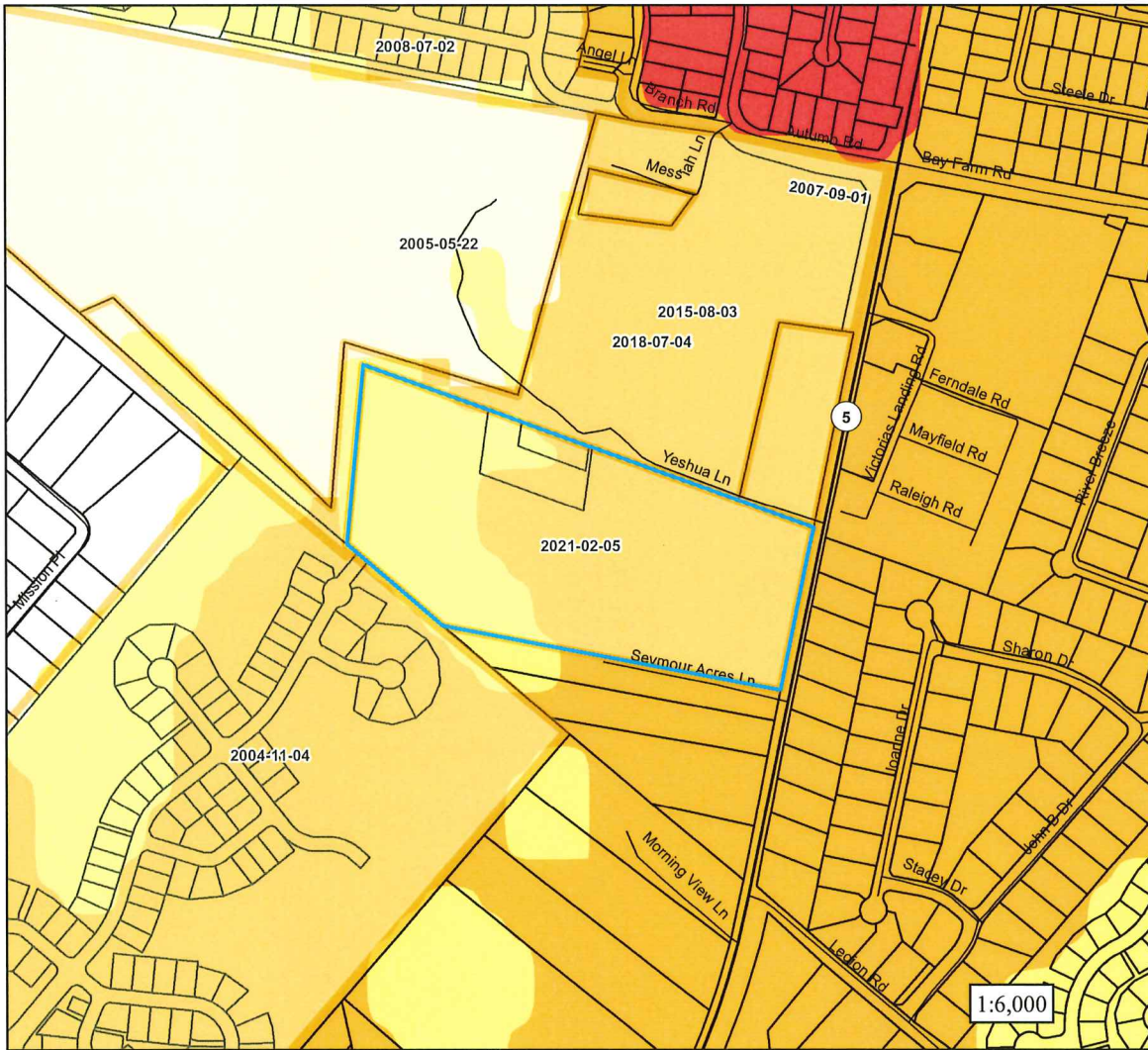
**Signed application must be received before application is scheduled for PLUS review.**

This form should be returned to the Office of State Planning electronically at [plus@state.de.us](mailto:plus@state.de.us) along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.





# Preliminary Land Use Service (PLUS)



**American Storage**  
2021-02-05

**Legend**

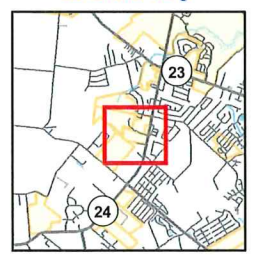
**PLUS Project Areas type**

- Comp Plans
- All Other PLUS Reviews

**2020 State Strategies Strategy Level**

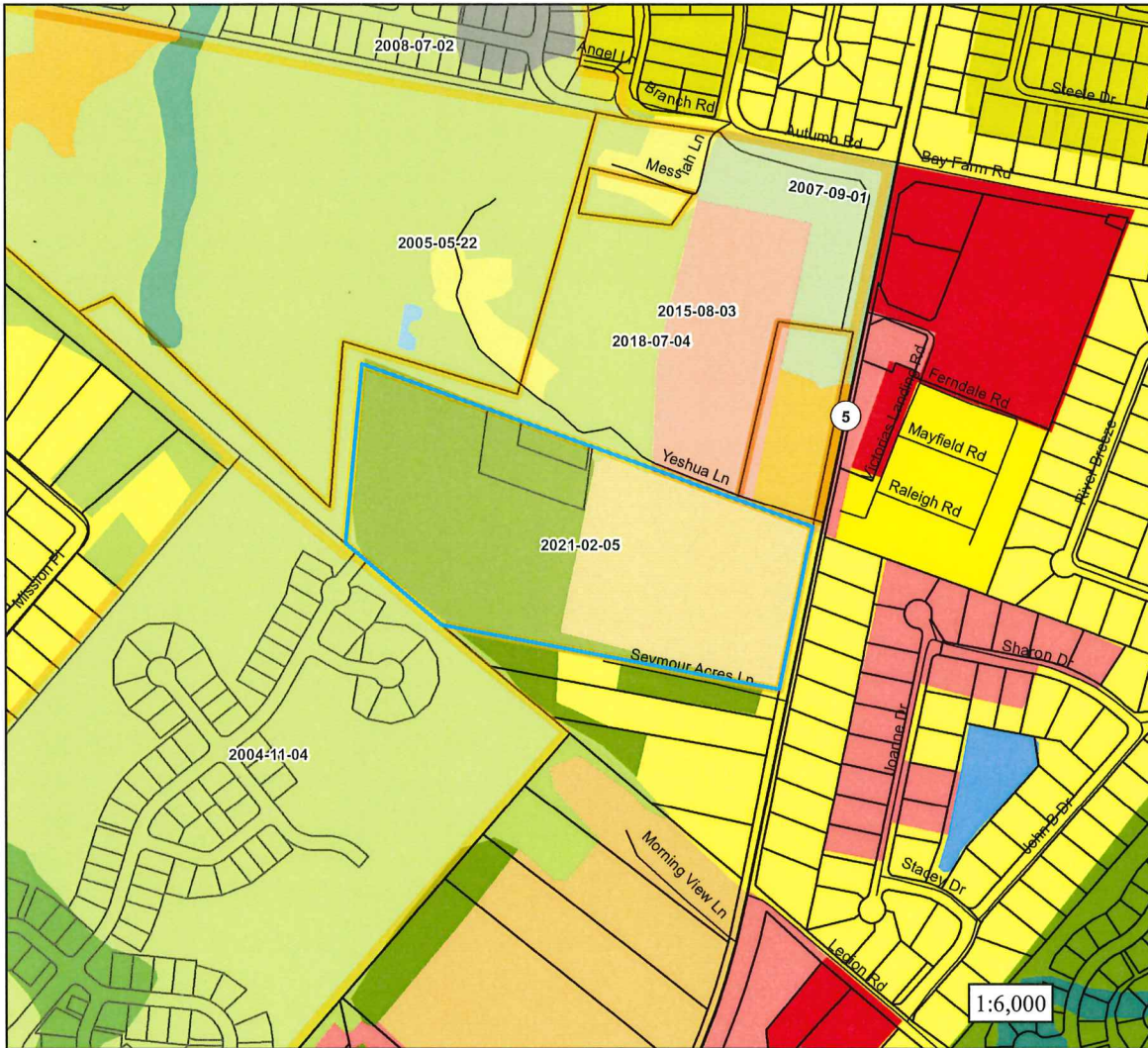
- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

**Location Map**



1:6,000

# Preliminary Land Use Service (PLUS)



**American Storage  
2021-02-05**

**Legend**

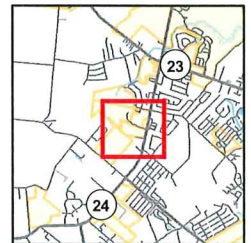
**2012 Land Use  
LULC Category**

- 110
- Single Family Dwellings
- Multi-Family Dwellings
- Mobile Home Parks/Courts
- Commercial
- Industrial
- Transportation/Communication/Utilities
- Mixed Urban/Built-up
- Institutional/Governmental
- Recreational
- Farms, Pasture, Cropland
- Confined Animal Feeding Operations/Feedlots/Holding
- Rangeland
- Orchards/Nurseries/Horticulture
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/Brush Rangeland
- Clear-cut
- Man-made Reservoirs and Impoundments
- Marinas/Port Facilities/Docks
- Open Water
- Emergent Wetlands - Tidal and Non-tidal
- Forested Wetlands - Tidal and Non-tidal
- Scrub/Shrub Wetlands - Tidal and Non-tidal
- Sandy Areas and Shoreline
- Extraction and Transitional

**PLUS Project Areas  
type**

- Comp Plans
- All Other PLUS Reviews

**Location Map**



# Preliminary Land Use Service (PLUS)



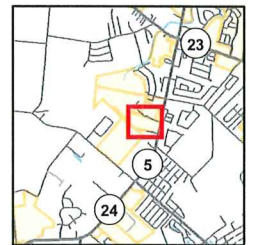
American Storage  
2021-02-05

**Legend**

PLUS Project Areas  
type

- Comp Plans
- All Other PLUS Reviews

## Location Map





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

March 23, 2021

Nate Graulich  
Graulich Builders  
34697 Jiffy Way, Suite 2  
Lewes, DE 19958

RE: PLUS review 2021-02-05; American Storage of Delaware

Dear Mr. Graulich:

Thank you for meeting with State agency planners on February 24, 2021 to discuss the proposed plans for the American Storage of Delaware project. According to the information received you are seeking review of a proposed rezoning of 25.9 acres from AR-1 to C-3 and MR and a site plan for 104 residential units and 139,600 square feet of mini storage and business park in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

**Strategies for State Policies and Spending**

This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

Our office has no objections to the proposed rezoning and development of this project provided it is in compliance with Sussex County Comprehensive plan and all applicable codes and ordinances.

We do ask that you work to preserve the environmental features on the site if the plan moves forward.

**Code Requirements/Agency Permitting Requirements**

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The site access on John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT’s Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,170 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers’ Trip Generation Manual, as shown in the table below, DelDOT calculates 1,171 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 60 and 79, respectively. Therefore, a TIS would normally be required.

	Land Use Code	Floor Area (sf) / Dwellings	Average Daily Traffic	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
Business Park	770	36,000	448	8	6	7	8
Mini-Warehouse	151	104,800	158	6	4	8	10
Multifamily Housing (Mid-Rise)	221	104	565	9	27	28	18
Total			1,171	23	37	43	36

- Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in

lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$11,710. AWS Fees are used to fund traffic studies, not to build improvements.

- DelDOT anticipates requiring the developer to contribute to a DelDOT project presently scheduled for construction this summer, HSIP SR 24 at Mount Joy Road and SR 24 at Bay Farm Road Intersection Improvements, Contract No. T200711201. Information on the project is available at <https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T200711201>.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 600 feet of the entrance on Route 24.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Route 24.
- Section 3.5.4.3 of the Manual addresses requirements for walkways. A walkway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring at least two walkways to connect the interior of the site to Route 24,

one along the driveway at the north edge of the property and one at the south end of the frontage, connecting to the parking lot of the business park.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.
- Section 5.2.4 of the Manual addresses requirements for Entrance Width, for commercial entrances, the minimum undivided width varies from 18 to 32 feet. The proposed 30-foot entrance will be examined during the plan review process. DelDOT may require the developer's engineer to provide turning templates.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. DelDOT anticipates requiring a right turn lane with a five-foot bicycle lane, and possibly a left turn lane into the site from Route 24. Coordination of the construction schedules of the DelDOT project and the proposed development should be discussed at the Pre-Submittal Meeting.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Stormwater Management**

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
- Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Hydrologic Soils Group**

While much of the site consists of Hydrologic Soils Group A soils (well drained), the northwest portion of the site lies within A/D soils (somewhat poorly drained). These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.
- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921  
E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Water Quality (Pollution Control Strategies)**

Pollution Control Strategies have been developed for the following watersheds in Delaware: Christina, Appoquinimink, Broadkill, Mispillion and Cedar Creek, Murderkill, Saint Jones, Inland Bays (Rehoboth Bay, Indian River Bay, and Little Assawoman Bay), Nanticoke, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- The western half of the site (forested portion) lies within the Rehoboth Bay Watershed & the eastern half of the site (unforested portion) lies within the Indian River Bay Watershed, both of which are included under Pollution Control Strategies. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
  - Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219  
Website: <https://www.sussexconservation.org/>

### **Nutrient Management Plan**

This project proposes approximately 11 acres of open space, exceeding the threshold of 10 Acres for nutrient management.



- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.
- Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

#### **Wildlife Displacement**

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.

#### **State Historic Preservation Office – Contact Carlton Hall 736-7400**

- There are no known National Register listed or eligible properties on the parcel.
- Prehistoric archaeological potential is moderate. Soils are mostly well-drained except for the northwest corner of the area. Guinea Creek appears on Beers map and some historic aerials as extending closer to the parcels, which may mean that it is within favorable distance to freshwater for prehistoric site probability. A survey conducted in part of the parcel showed very little remains under a thick plow zone except for two isolated prehistoric finds; could mean that there are other archaeological resources throughout the area.
- Historic archaeological potential is low. Beers Map doesn't show anything near that parcel. A road appears to have existed through the middle-ish until 1950s, and historic aerials show the western portion to be continuously wooded.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: [www.achp.gov](http://www.achp.gov)

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

**Fire Protection Water Requirements:**

- Where a water distribution system is proposed for Storage/Warehouse sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for apartment (multi-family living units) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

**Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Buildings occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection installed.
- All mini-storage buildings greater than 2500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

*Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased for the purposes of storing personal or business items where all of the following apply:*

- (1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*
- (2) the owner of the facility does not have unrestricted access to the storage units, and*
- (3) the items being stored are concealed from view from outside the storage unit.*

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

#### Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be accessible to fire apparatus.
- Any dead end more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

#### Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.

#### Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

#### Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The subject land adjoins both a recorded but as-yet-unbuilt stub street in the Baylis Estates subdivision, which fronts on Mount Joy Road (Sussex Road 297), and the Peninsula Square mixed-use development, which fronts on Autumn Road (Sussex Road 299). In addition to providing emergency access to the proposed apartments, with appropriate interconnections and easements required of the subject development and Peninsula Square, these three developments could provide a low-stress pedestrian and bicycle connection between Mount Joy Road and Autumn Road.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Forest Removal**

The preliminary plans and/or project application proposed the elimination of approximately 9.2 out of 13.8 existing acres of forest habitat.

- Removing forested areas for development should be avoided to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling and reduces carbon that contributes to climate change. A forest assessment should be conducted to determine if mature forest resource exists on the property, and to determine species present.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

### **General Drainage Recommendations**

There are numerous reported drainage concerns near the proposed project area. One concern from 2009 referenced flooding of a nearby property. There are numerous concerns ranging from 2010-2020 from landowners on the eastern side of John J. Williams Highway about property flooding. The storage of onsite stormwater and the release stormwater to adjacent properties is a concern if this property is developed.

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemption coverage may be required by the County Conservation District (Standard Plan), DNREC Sediment and Stormwater (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site stormwater.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.
- Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

### **Wildlife Displacement**

- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Developers can avoid conflicts with future residents and most wildlife by

maintaining large blocks of forest, as opposed to small pockets of wooded areas within a 300-foot safety zone.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

### **Mosquitoes**

The project lies within a zone that will be impacted by mosquitoes due to its location near large expanses of wetland types including freshwater forested, freshwater emergent, and estuarine.

- Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands by the public for mosquito control services. These control services can be provided at no charge to homeowners and other entities by the state's Mosquito Control Section, or by a private company licensed in this area of specialty.
- Contact: DNREC Division of Fish and Wildlife at (302) 739-9917. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

### **Current or Previous Contamination**

This parcel is contained within a large area that has been investigated for well contamination (DE-1388 Long Neck Mercury Study). In 2001, mercury was detected in a public water supply well; levels were reported above the Maximum Contaminant Level. While DNREC and the U.S. Geological Survey investigated the incident, the source could not be located. The well has been temporarily turned off.

- Delaware Health and Social Services reviews the monitoring reports from the water company. The USGS report that resulted from the study can be found here: <https://pubs.usgs.gov/sir/2006/5011/pdf/sir-2006-5011.pdf>
- Contact the Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600.  
Website: <https://dnrec.alpha.delaware.gov/waste-hazardous/>
- Additional information may also be found online by searching Delaware's Environmental Navigator at <http://www.nav.dnrec.delaware.gov/den3/>

### **Additional Sustainable Practices**

Recommendations for entire project:

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.

- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.
- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.
- Incorporate nonmotorized connectivity in the residential area and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

Recommendations for residential section:

- Include an option to install electric vehicle charging stations in garages of homes for your customers and tenants to assist Delaware in achieving its clean transportation goals.
- For the proposed pool and clubhouse, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities. Grants may be available for qualifying renewable energy systems installed in Delaware by applicants whose electricity provider collects funds for the program and offers a grant program for renewable energy projects. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>.

Recommendations for commercial section:

- Install electric vehicle charging stations for your customers and tenants to assist Delaware in achieving its clean transportation goals. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>.

Concerns Identified Outside of the Development Footprint

**Delaware Ecological Network**

Lands designated as part of the Delaware Ecological Network lie to the east of this parcel. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on the proposed development site could jeopardize habitat beyond the parcel boundary.

- Removing forested areas within (and nearby) the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.
- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.


**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- The location is not within any flood plain nor in a coastal inundation zone. 2018 QAP described the region this project is located in as being an “Area of Opportunity” while bordering a region identified as “Stable”. The region has a homeownership rate of approximately 81.2% to 83%, a poverty ratio of 10 to 1 with approximately 21% of that census block’s population at the age of 65 or older.



**State of Delaware**  
The Official Website of the First State

Home  
Search  
Legend  
Results

 Location is **NOT WITHIN** the FEMA 100-year floodplain  
Preliminary data does not exist.

**Effective Flood Zone:**  
X  
**Preliminary Flood Zone:**  
n/a  
**FEMA Issued Flood Map:**  
10005C0477K  
**Effective Map Date:**  
3/15/2015  
**Watershed (HUC12):**  
Indian River Bay-Indian River Inlet

**Attachments:**  
None

Print  
Contacts  
Getting Started/Help



Federal Emergency Management Agency | Digital Aerial S...

Privacy | Contact | Phone Directory



Tract  
O&P Geographic Area: Areas Of Opportunity  
[Zoom to](#) [Get Directions](#)

**Sussex County Planning & Zoning – Contact Lauren DeVore 855-7878**

- As of January 11, 2021, the applicant has already participated in a pre-application meeting with Planning and Zoning staff.
- Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID).
- Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.
- For the Conditional Use, a Service Level Evaluation Request form must be completed and submitted to the Office of Planning and Zoning. Once the Office receives the completed Service Level Evaluation Response from DelDOT, the applicant may submit all documentation and materials pertaining to their Conditional Use application.

- Please note that since the proposed development lies within the Coastal Area and is above the 50 dwelling unit and 75,000 feet of commercial development threshold, copies of an Environmental Assessment (EA) and Public Facility Evaluation Report must be submitted which address the criteria located in §115-194.3(2)(a-1).
- Additionally, the proposal will have to comply with the site plan requirements of §115-220 and the multifamily requirements of §115-188 of the Sussex County Code.
- Please include the proposed density for the project for separately for both the residential component as well as the commercial site. The C-3 Zoning District and the MR Zoning District (as a Conditional Use) allow for a density of up to 12 dwelling units per acre.
- Please note on the plans that the parcels are not located within a Wellhead Protection Area in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§ 89-6). Please note on the plans that the parcels are located within an area of “good” groundwater recharge potential in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§89-7).
- Staff note that there is only one-way-in, one-way-out access to the property. The Planning and Zoning Commission desire more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.
- The side yard setback for the portion of the property to be zoned C-3 adjacent to the existing Yeshua Lane is shown with a 10-ft side yard setback. The Site Data Column indicates that this setback is 5-ft. The side yard setback in the C-3 Zoning District is 20-ft when adjacent to a residentially zoned parcel (Tax Map: 234-29.00-49.04 appears to be residentially zoned as AR-1) (§115-83.22(B)(2)). Please indicate if the applicant wishes to amend this setback as part of the application.
- Staff note that 11.45 acres of open space is proposed. The proposed open space of 44% is desirable. Please include the amount of open space proposed as a percentage and in acres within the Site Data Column.
- The proposed parking appears to meet Code requirements as well as ADA requirements regarding the provision of handicap spaces per total number of parking spaces (§115-162).
- Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of the formal application.
- Please reach out to Lauren DeVore with any questions regarding these comments at [lauren.devore@sussexcountyde.gov](mailto:lauren.devore@sussexcountyde.gov) or call the Planning and Zoning Office at (302)855-7878.

**Sussex County Engineering Department – Contact Chris Calio 855-1299**

- The proposed project is located within a Tier 2 and Tier 3 area for sewer service and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.
- A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used.
- The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.
- One-time system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County’s “Affordable Housing Support Policy”. The policy along with other resources are available on the County’s Affordable & Fair Housing Resource Center website: [www.sussexcountyde.gov/affordable-and-fair-housing-resource-center](http://www.sussexcountyde.gov/affordable-and-fair-housing-resource-center). The County’s Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and

county sources, as well as private funding sources that also promote affordable housing in Sussex County.

- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

## Mackenzie Peet

---

**From:** Stephen W. Spence  
**Sent:** Wednesday, March 9, 2022 11:24 AM  
**To:** Alex Pires (farmerslawyer@aol.com); Graulich Builders; Carlton Savage  
**Cc:** Mackenzie Peet  
**Subject:** FW: American Storage of Delaware

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

See the chain below.

Stephen W. Spence, Esquire  
1413 Savannah Road, Suite 1, Lewes, Delaware 19958  
Tel: (302) 645-2262 | Fax: (302) 644-0306  
[sws@bmbde.com](mailto:sws@bmbde.com)



This Electronic Message contains privileged client attorney communications from the law firm of Baird Mandalas Brockstedt, LLC. The information is intended to be for the use of the addressee only. If you are not the addressee, note that any disclosure, copying, distribution or use of the contents of this message is prohibited.

---

**From:** David C. Hutt <DHutt@morrisjames.com>  
**Sent:** Wednesday, March 9, 2022 10:32 AM  
**To:** Stephen W. Spence <sws@bmbde.com>  
**Subject:** FW: American Storage of Delaware

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

See below.

---

**From:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>  
**Sent:** Tuesday, August 31, 2021 10:52 AM  
**To:** Hutt, David C. <DHutt@morrisjames.com>  
**Subject:** RE: American Storage of Delaware

Hi David,

Thank you for your email. I have reviewed this with Dorothy and David. OSPC will not require a new PLUS review.

We do note that the State Comments letter referred to a bike path in the DelDOT comments. The site plan does not appear to show one. Please make sure to address this feature moving forward with the plan.

Please let me know if you have any questions or if I can provide any additional information.

Thanks much,  
-Steve Bayer

Steve Bayer  
Planner  
Delaware Office of State Planning Coordination  
Haslet Armory  
122 Martin Luther King Jr. Boulevard, South  
Dover, DE 19901  
(302) 739-3090  
(302) 739-5661 fax  
<http://stateplanning.delaware.gov/>

---

**From:** Hutt, David C. <DHutt@morrisjames.com>  
**Sent:** Tuesday, August 31, 2021 9:34 AM  
**To:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>; Morris, Dorothy (OMB) <Dorothy.Morris@delaware.gov>  
**Subject:** American Storage of Delaware

Dorothy,

Earlier this year, the OSPC reviewed an application for American Storage of Delaware (PLUS Review 2021-02-05). For your ready reference, I have attached a copy of the PLUS Review Letter dated March 23, 2021.

The overall concept has stayed the same with a commercial-type use along Route 24 and residential behind that application. The acreage for the commercial has been reduced which, of course, increased the acreage for the residential component.

In short, what before was 139,600 square feet of mini storage and business park (flex space) and 104 residential units is now proposed to be 150,000 square feet of mini-storage and 140 residential units. Attached is a copy of the new concept.

Does your office want to see a new/revised application?

Thanks,

David

**Morris James**<sub>LLP</sub>

David C. Hutt | Partner  
107 W. Market Street, P.O. Box 690, Georgetown, DE 19947  
19339 Coastal Highway, Suite 300, Rehoboth Beach, DE 19971

**Phone:** 302.856.0018 | **Fax:** 302.856.7217  
morrisjames.com | dhutt@morrisjames.com  
Facebook | LinkedIn | Twitter

---

This communication may be subject to the attorney-client privilege or the attorney work product privilege or may be otherwise confidential. Any dissemination, copying or use of this communication by or to anyone other than the designated and intended recipient(s) is unauthorized. If you are not the intended recipient, please delete or destroy this communication immediately.



# EXHIBIT D



# American Storage

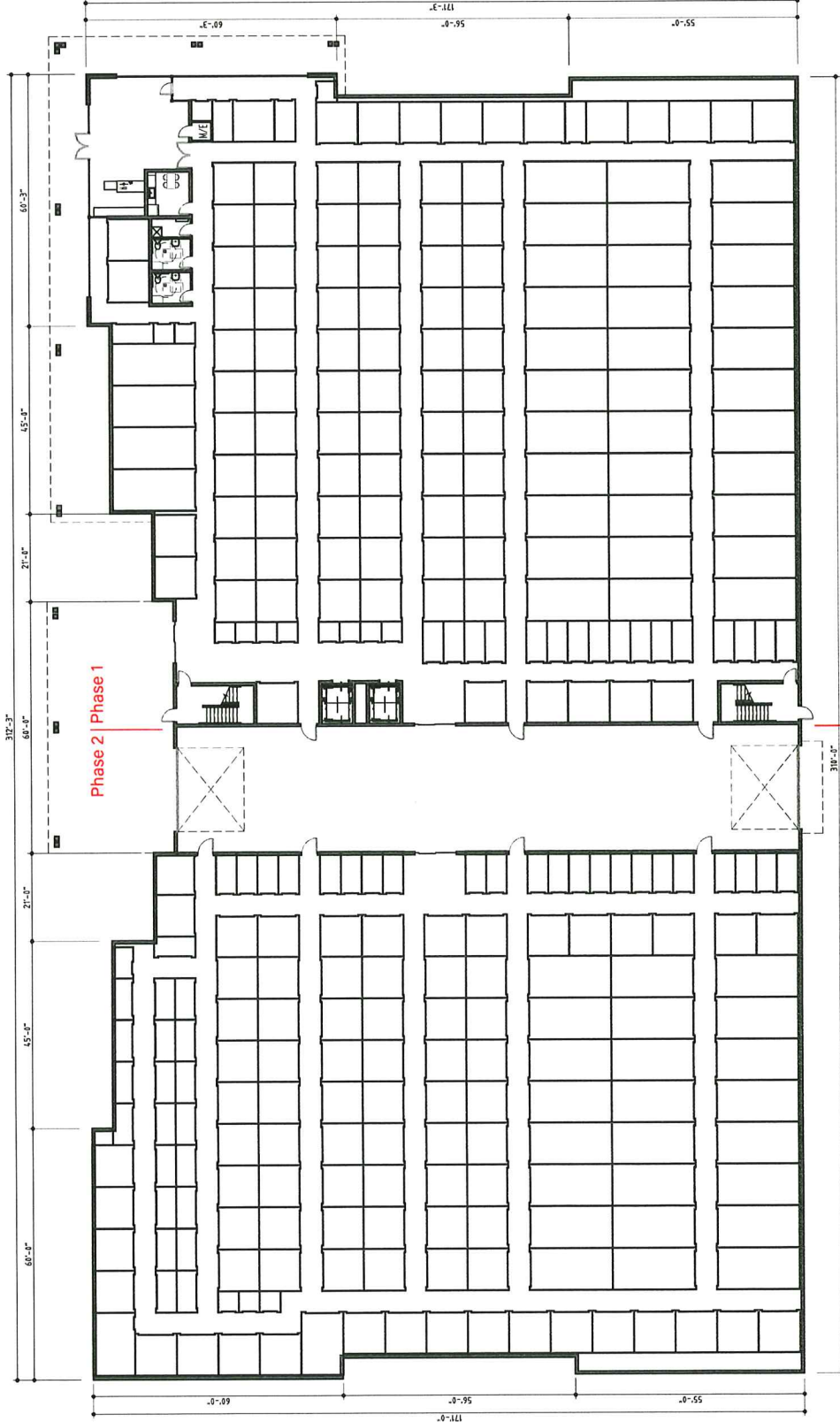


July 23, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | [www.designhaus.com](http://www.designhaus.com)



UNIT MATRIX

Size	1st Floor	2nd Floor	3rd Floor	Total
5 x 5	15	18	18	51
5 x 7.5	1	1	1	3
5 x 10	63	84	84	231
10 x 10	169	195	195	559
10 x 15	2	6	6	14
10 x 20	61	63	63	187
TOTAL	311	367	367	1,045



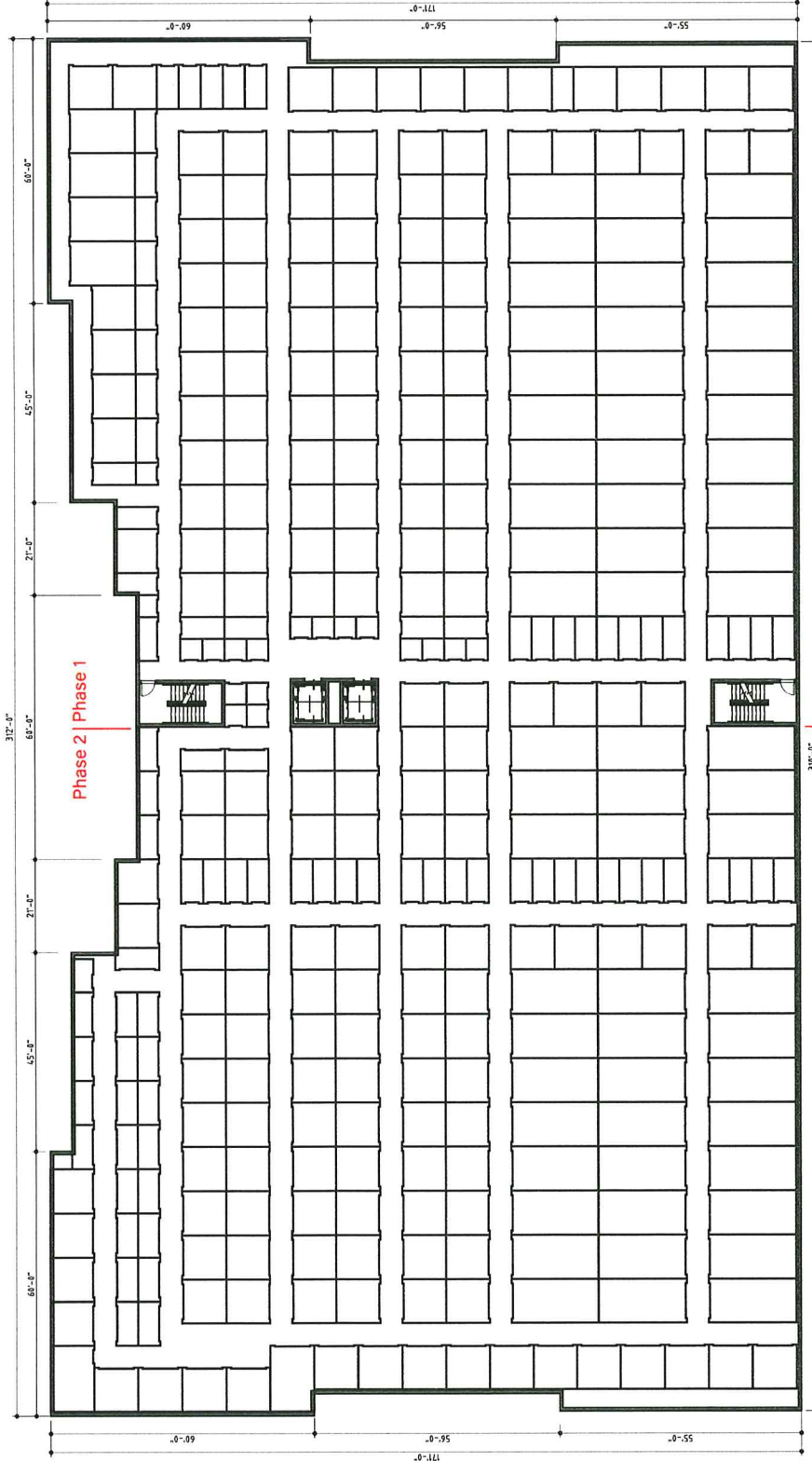
July 23, 2021

3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | www.designhaus.com

First Floor Concept

UNIT MATRIX

Size	1st Floor	2nd Floor	3rd Floor	Total
5 x 5	15	18	18	51
5 x 7.5	1	1	1	3
5 x 10	63	84	84	231
10 x 10	169	195	195	559
10 x 15	2	6	6	14
10 x 20	61	63	63	187
TOTAL	311	367	367	1,045



July 23, 2021

3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | www.designhaus.com

Second and Third Floor Concept



Exterior Rendering



July 28, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI 48326 | p 248 601 4422 | www.designhaus.com



Exterior Rendering



3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p. 248 601 4422 | [www.designhaus.com](http://www.designhaus.com)

July 23, 2021



Exterior Rendering



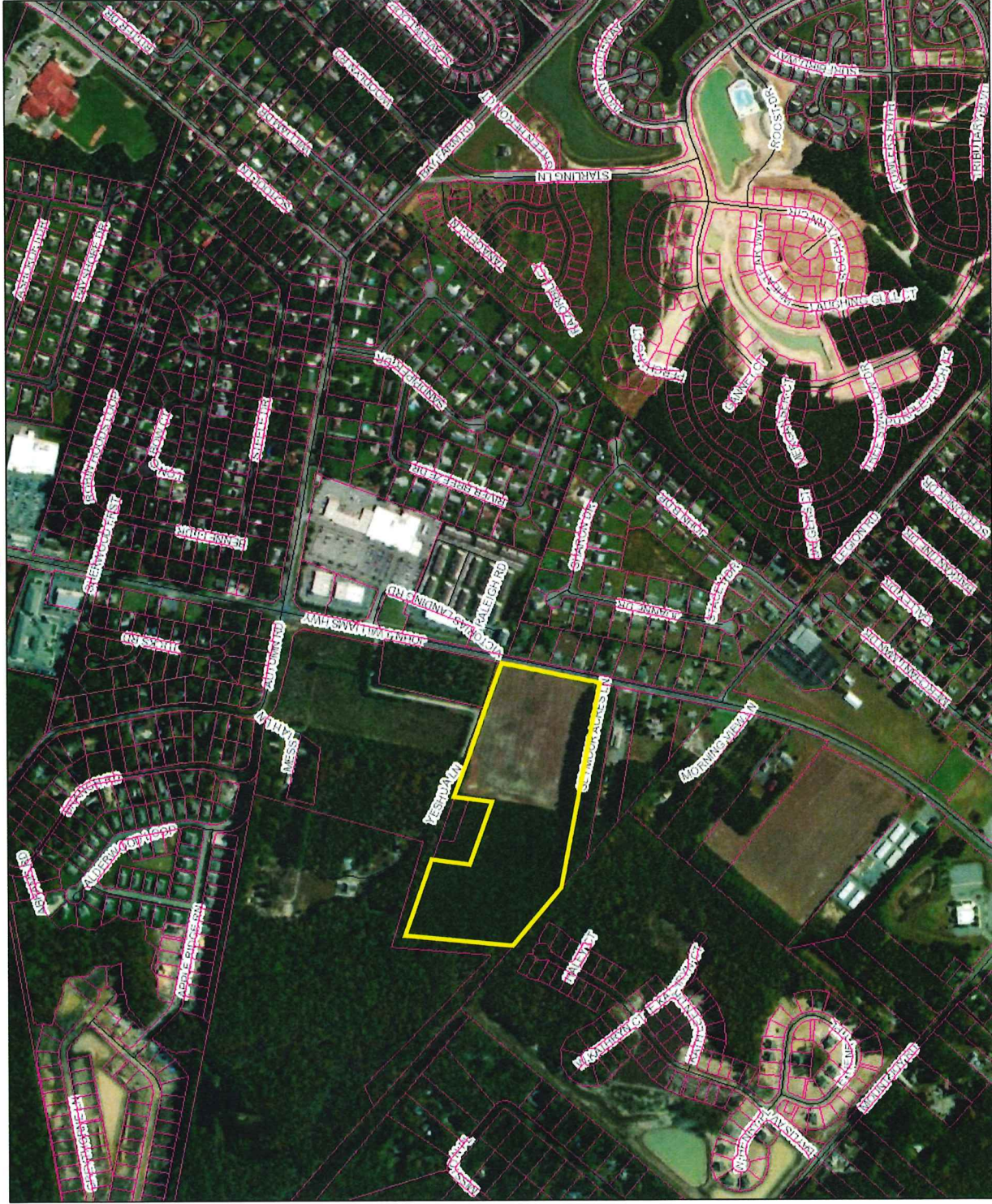
July 23, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | www.designhaus.com



# EXHIBIT E

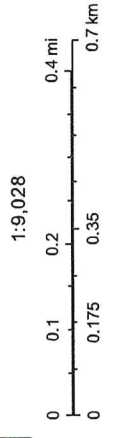


# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 101
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

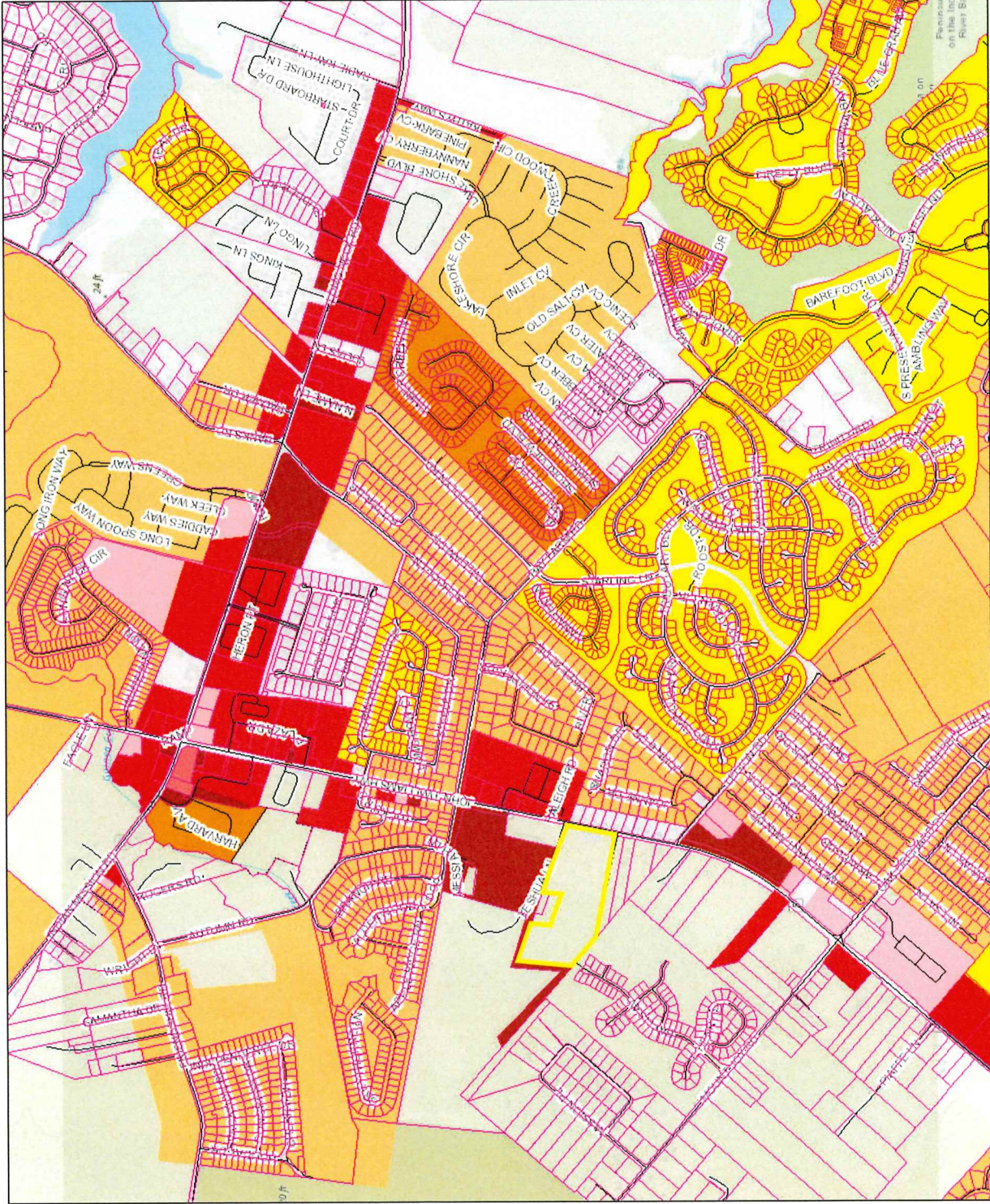
- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets
- County Boundaries





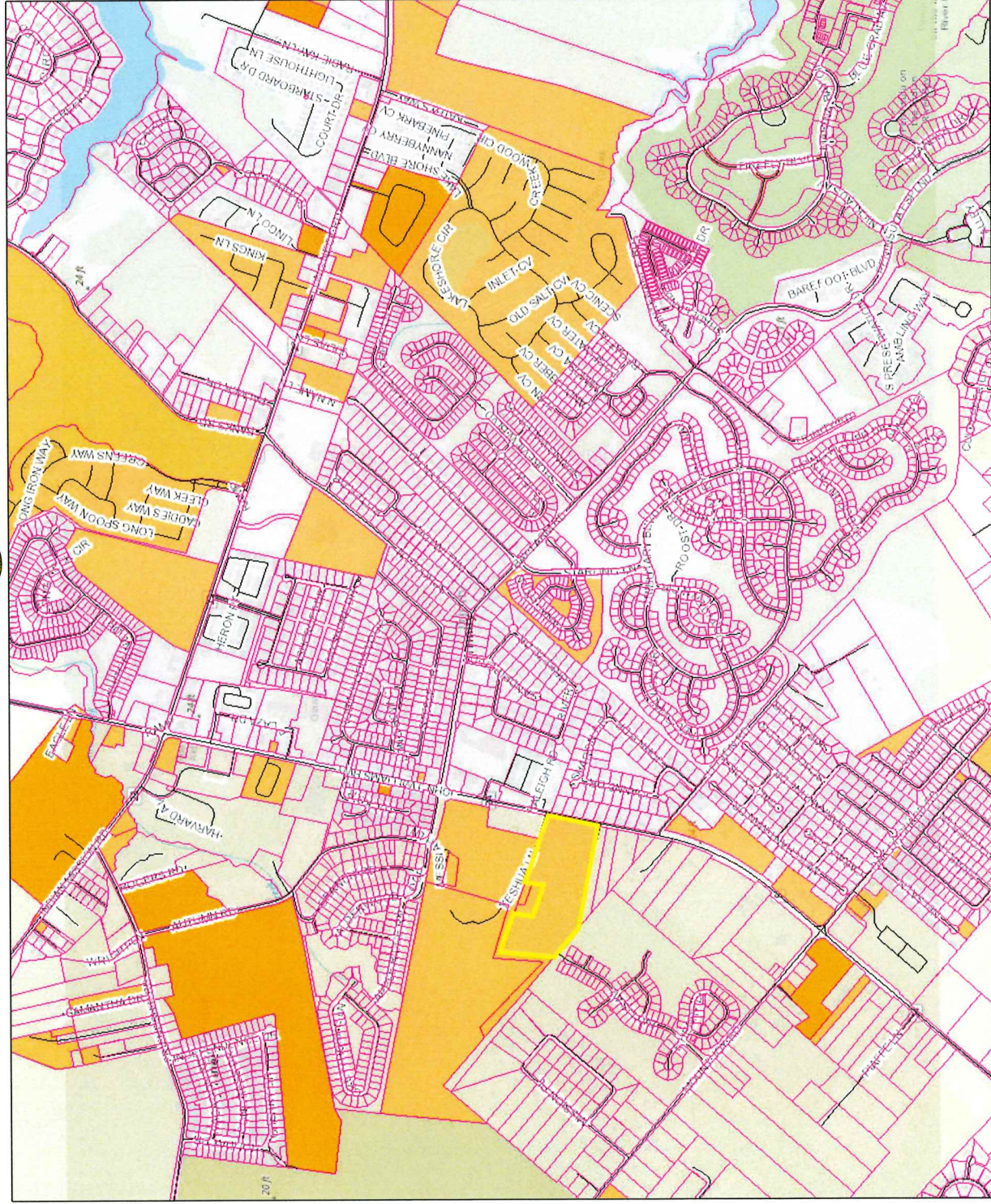
# Sussex County

<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	



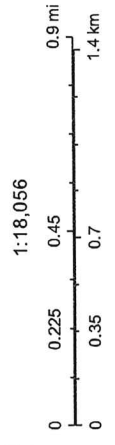


# Sussex County



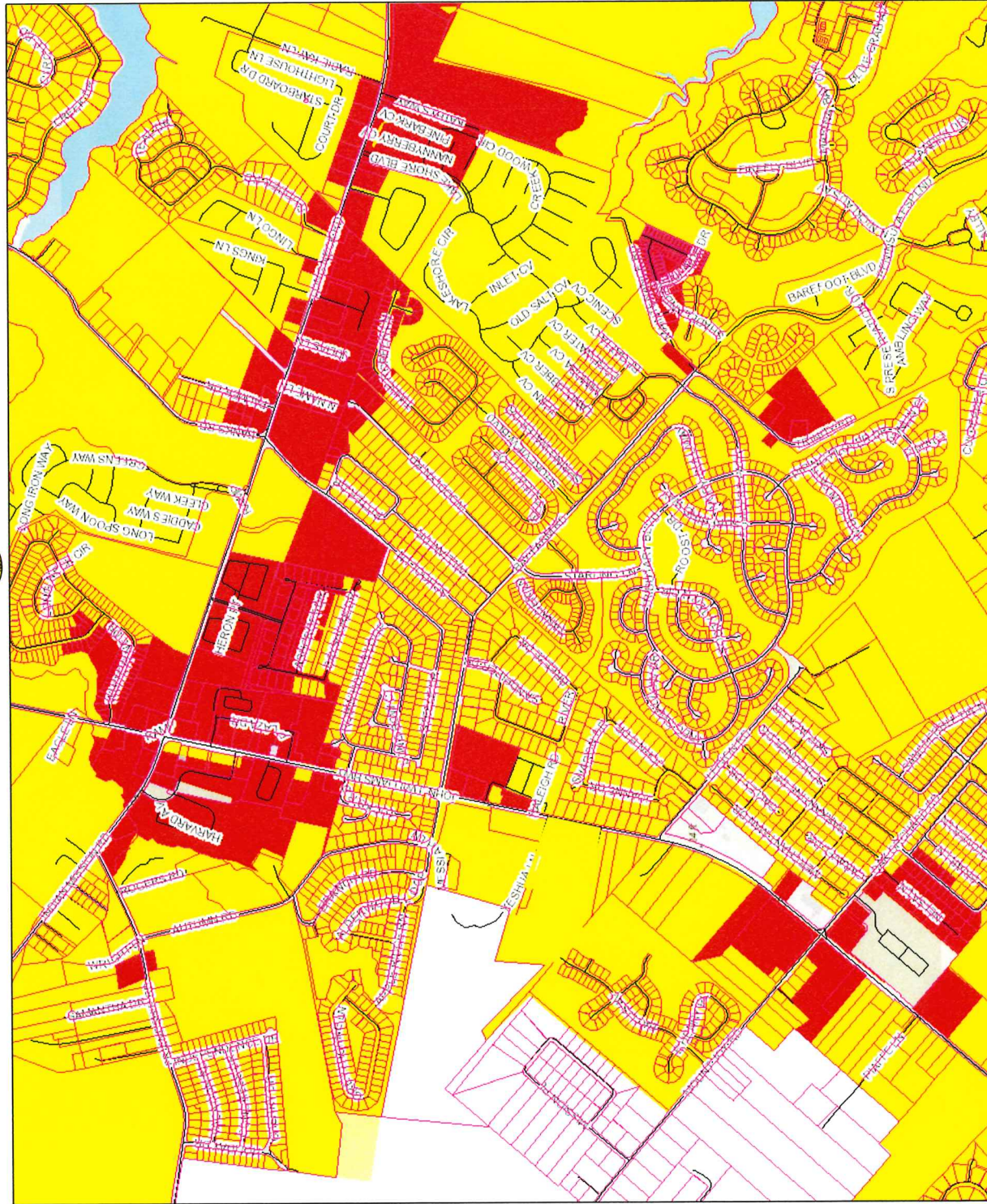
<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets
- County Boundaries
- Conditional Use

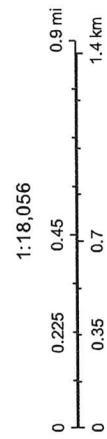




# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 101
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	



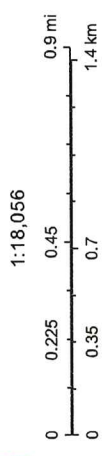


# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**
  - Override 1
- polygonLayer**
  - Override 1
- Tax Parcels**
- Streets**
- County Boundaries**
- Sewer Tiers**
  - Tier 1 - Sussex County Unified Sanitary Sewer District
  - Tier 2 - Sussex County Planning Area
  - Tier 3 - Coordinated CPCN Areas
  - Tier 4 - System Optional Areas
  - Tier 5 - Regulated On-site Area



# EXHIBIT F



20246 Coastal Highway  
Rehoboth Beach, DE 19971  
PH: (302) 227-7808  
www.scaledengineering.com

---

## COASTAL AREA ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUATION REPORT

---

**AMERICAN STORAGE OF DELAWARE  
JOHN J. WILLIAMS HIGHWAY  
MILLSBORO, DE 19966**



**PREPARED FOR:**

American Storage of Delaware LLC  
113 Dickinson Street  
Suite 100  
Dewey Beach, DE 19971

**PREPARED BY:**

Scaled Engineering Inc  
20246 Coastal Highway  
Rehoboth Beach, DE 19971

  
M. Josh Stallings  
Senior Environmental Scientist



Carlton R. Savage, Jr., P.E.  
Senior Engineer | Principal



## **TABLE OF CONTENTS**

1.0	INTRODUCTION.....	3
2.0	EXISTING CONDITIONS.....	3
3.0	ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUATION.....	3
3.A	PROPOSED DRAINAGE DESIGN AND THE EFFECT ON STORMWATER QUALITY AND QUANTITY LEAVING THE SITE, INCLUDING METHODS FOR REDUCING THE AMOUNT OF PHOSPHORUS AND NITROGEN IN THE STORMWATER RUNOFF AND THE CONTROL OF ANY OTHER POLLUTANTS SUCH AS PETROLEUM HYDROCARBONS OR METALS.....	3
3.B	PROPOSED METHOD OF PROVIDING POTABLE AND, WHERE APPROPRIATE, IRRIGATION WATER AND THE EFFECT ON PUBLIC OR PRIVATE WATER SYSTEMS AND GROUNDWATER, INCLUDING AN ESTIMATE OF AVERAGE AND PEAK DEMANDS.....	3
3.C	PROPOSED MEANS OF WASTEWATER TREATMENT AND DISPOSAL WITH AN ANALYSIS OF THE EFFECT ON THE QUALITY OF GROUNDWATER AND SURFACE WATERS, INCLUDING ALTERNATIVE LOCATIONS FOR ON-SITE SEPTIC SYSTEMS.....	4
3.D	ANALYSIS OF THE INCREASE IN TRAFFIC AND THE EFFECT ON THE SURROUNDING ROADWAY SYSTEM.....	4
3.E	THE PRESENCE OF ANY ENDANGERED OR THREATENED SPECIES LISTED ON FEDERAL OR STATE REGISTERS AND PROPOSED HABITAT PROTECTION AREAS.....	4
3.F	THE PRESERVATION AND PROTECTION FROM LOSS OF ANY TIDAL OR NONTIDAL WETLANDS ON THE SITE.....	4
3.G	PROVISIONS FOR OPEN SPACE AS DEFINED IN § 115-4. [ADDED 12-16-2008 BY ORD. NO. 2022 <sup>1</sup> ].....	4
3.H	A DESCRIPTION OF PROVISIONS FOR PUBLIC AND PRIVATE INFRASTRUCTURE.....	5
3.I	ECONOMIC, RECREATIONAL OR OTHER BENEFITS.....	5
3.J	THE PRESENCE OF ANY HISTORIC OR CULTURAL RESOURCES THAT ARE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.....	5
3.K	A DESCRIPTION OF HOW THE PROPOSED APPLICATION AND PROPOSED MITIGATION MEASURES ARE IN CONFORMANCE WITH THE CURRENT SUSSEX COUNTY COMPREHENSIVE PLAN.....	5
3.L	ACTIONS TO BE TAKEN BY THE APPLICANT TO MITIGATE THE DETRIMENTAL IMPACTS IDENTIFIED RELEVANT TO SUBSECTION B(2)(A) THROUGH (K) ABOVE AND THE MANNER BY WHICH THEY ARE CONSISTENT WITH THE COMPREHENSIVE PLAN.....	6
4.0	CONCLUSION.....	6
	REFERENCES.....	7

### APPENDICES:

APPENDIX A – PRELIMINARY CONCEPT PLAN

APPENDIX B – FIGURES

- CRITICAL HABITAT FOR THREATENED & ENDANGERED SPECIES
- WETLAND MAPPING

APPENDIX C – ASSESSMENT OF ENVIRONMENTAL CONDITIONS & NATURAL FEATURES REPORT

## **1.0 INTRODUCTION**

Scaled Engineering Inc (Scaled) on behalf of American Storage of Delaware LLC (client), has prepared an Environmental Assessment and Public Facility Evaluation Report (report) for the American Storage of Delaware LLC property, located west side of John J. Williams Highway (Route 24), 0.25± miles south of Bay Farm Road, Millsboro, DE 19966. The site is listed under Sussex County tax map numbers 234-29.00-49.02, 49.03 & 50.00. The site is intended to be improved with commercial business park (flex park), mini-warehouse (self-storage) facilities, mini-warehouse office, and residential multi-family housing with clubhouse. A preliminary concept plan is provided in Appendix A.

## **2.0 EXISTING CONDITIONS**

The subject property consists of a vacant, 25.90± acre, partially wooded parcel with approximately 12 acres of tillable land. Topographically, much of the site is nearly level, with gently sloped areas to the north and northwest with approximately 3 feet of relief. Regionally, the eastern part of the site is located within the Indian River Bay – Indian River Inlet watershed, which ultimately drains to the Indian River Bay. The western part of the site is located within the Love Creek watershed, which ultimately drains to the Rehoboth Bay.

## **3.0 ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUATION**

### **3.A PROPOSED DRAINAGE DESIGN AND THE EFFECT ON STORMWATER QUALITY AND QUANTITY LEAVING THE SITE, INCLUDING METHODS FOR REDUCING THE AMOUNT OF PHOSPHORUS AND NITROGEN IN THE STORMWATER RUNOFF AND THE CONTROL OF ANY OTHER POLLUTANTS SUCH AS PETROLEUM HYDROCARBONS OR METALS**

The proposed drainage design will utilize best management practices to meet or exceed state regulatory requirements. A combination of wet basin(s), planted buffers, and infiltration practices (at a minimum) will be utilized to reduce phosphorus and nitrogen, and control runoff of other pollutants, such as petroleum hydrocarbons and metals. Quantity discharges would also be managed by appropriate measures on-site. A detailed stormwater management plan would be prepared and submitted to the Sussex Conservation District for review and approval prior to any land disturbing activities.

### **3.B PROPOSED METHOD OF PROVIDING POTABLE AND, WHERE APPROPRIATE, IRRIGATION WATER AND THE EFFECT ON PUBLIC OR PRIVATE WATER SYSTEMS AND GROUNDWATER, INCLUDING AN ESTIMATE OF AVERAGE AND PEAK DEMANDS**

Potable water will be serviced by Tidewater Utilities, Inc (Tidewater, TUI). The property is located within TUI's Certificate of Public Necessity (CPCN) area. A service request has been submitted to Tidewater, and the "Willing and Able to Serve Letter" will be provided upon receipt. A water main including potable and fire suppression water is located on the opposite side of Route 24. It is unknown if service stubs are already provided to the site; however, they would be extended to provide adequate water supply to the project. Utilizing the public water utility will ensure there are no negative effects to groundwater. The current plan would generate the need for 140 residential units (140 EDU's) and a single bathroom facility for the mini-storage facility (3 EDU's estimated). Based on Sussex County design standards of 250 gallons per day per Estimated Dwelling Unit (EDU) an average demand of 35,750 gallons per day with a peak demand (assuming a peaking factor of 2.3) to be approximately 82,225 gallons per day. With the property in the Coastal Area, factors such as seasonal occupancy may reduce this demand. Extension of the existing water main would be designed in accordance with Tidewater Standards (by the site engineer) and installed by the developer to accommodate the potable demand, and to provide additional fire hydrant(s) and fire suppression to proposed facilities.

### **3.C PROPOSED MEANS OF WASTEWATER TREATMENT AND DISPOSAL WITH AN ANALYSIS OF THE EFFECT ON THE QUALITY OF GROUNDWATER AND SURFACE WATERS, INCLUDING ALTERNATIVE LOCATIONS FOR ON-SITE SEPTIC SYSTEMS**

Sanitary Sewer (Wastewater) service will be provided by Sussex County. A "Sewer Service Concept Evaluation" (SSCE) was submitted to the Sussex County Engineering Department along with the appropriate fee. The SSCE will analyze the project's capacity needs and provide the appropriate location and method for connection to the County's system. A "Willing and Able to Serve Letter" was also requested. Conversation with the County has determined, based on a preliminary review, the project will most likely utilize an existing stub near the Route 24 / (Bay Farm Rd/Autumn Rd) intersection. An adjacent property (to the North) is under design currently, which may allow for a closer connection. Following Sussex County Sewer Design standards and utilizing the Sussex County facility(s) will ensure there are no effects to the quality of groundwater and surface waters from wastewater treatment and disposal. It is currently assumed that this area will be handled by the Inland Bay Wastewater Treatment Plant off Cannon Road.

### **3.D ANALYSIS OF THE INCREASE IN TRAFFIC AND THE EFFECT ON THE SURROUNDING ROADWAY SYSTEM**

The increase in traffic and effect on the surrounding roadways will be analyzed, reviewed, and approved by the Department of Transportation (DelDOT) through a thorough review process. On-site entrance location, size, and any site (or off-site) improvements would be part of this process during design. Based on the PLUS report response by the DelDOT (dated March 3, 2021) (included in application) the proposed improvements would generate less than 2,000 Average Daily Traffic (ADT) and less than 200 peak hour vehicle trip ends. This allows the developer to provide an Area Wide Study (AWS) fee in lieu of a Traffic Impact Study (TIS). The fee is calculated as \$10 per daily trip and is used to fund traffic studies. The actual traffic generated by proposed improvements will be adjusted based on the actual use at the time of submission, and should traffic increase, requirements may change; however, it is not anticipated the thresholds would be exceeded to require a TIS. The site is fronted along Route 24, which is deemed a "Major Collector" and provides for substantial traffic flows given its functional classification. All necessary improvements would be designed and installed by the developer to ensure safe and appropriate traffic flow into and out of the site.

### **3.E THE PRESENCE OF ANY ENDANGERED OR THREATENED SPECIES LISTED ON FEDERAL OR STATE REGISTERS AND PROPOSED HABITAT PROTECTION AREAS**

Per the U.S. Fish & Wildlife Service (FWS), "Critical Habitat for Threatened & Endangered Species" mapping, no critical habitat for threatened and endangered species, nor proposed habitat protection areas exist on the site (see Appendix B). An "Assessment of Environmental Conditions and Natural Features" report, prepared by Edward M. Launay of Environmental Resources, Inc., revealed no endangered or threatened species on the site (see Appendix C).

### **3.F THE PRESERVATION AND PROTECTION FROM LOSS OF ANY TIDAL OR NONTIDAL WETLANDS ON THE SITE**

Per the FWS, National Wetlands Inventory, no wetlands exist on the site (see Appendix B). An "Assessment of Environmental Conditions and Natural Features" report, prepared by Edward M. Launay of Environmental Resources, Inc., revealed no wetlands on the site (see Appendix C).

### **3.G PROVISIONS FOR OPEN SPACE AS DEFINED IN § 115-4. [ADDED 12-16-2008 BY ORD. NO. 2022']**

The proposed project will allow approximately 11 acres of land to remain open space. Approximately 4.77 acres will consist of undisturbed forested area, which will be utilized for recreation and provide wildlife habitat. Other

passive open space will contain stormwater best management practices. Active open space will contain grass areas, recreational features, and decorative landscaping.

### **3.H A DESCRIPTION OF PROVISIONS FOR PUBLIC AND PRIVATE INFRASTRUCTURE**

Sewer service will be provided by Sussex County. Potable water will be provided by Tidewater. Sewer and water infrastructure necessary to connect to the public utilities will be constructed by the developer. Electric will be serviced by Delmarva Power. Easements will be provided, as necessary, for all infrastructure to be maintained by an agency and/or service provider. Internal access roads and parking will be constructed and privately maintained by the developer and/or homeowners association.

### **3.I ECONOMIC, RECREATIONAL OR OTHER BENEFITS**

The proposed commercial business park and mini-warehouse facilities will provide business and employment opportunities, which will promote economic growth to the community and surrounding areas. The self-storage facility will provide a viable personal storage option, which will benefit the growing community. The multi-family housing will offer market rate apartments to individuals and families living and working in Long Neck and surrounding areas. The proposed club house and active outdoor open space will provide safe and family oriented recreational area for residents on-site.

### **3.J THE PRESENCE OF ANY HISTORIC OR CULTURAL RESOURCES THAT ARE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES**

Per an online review of the National Park Service, National Register of Historic Places database, there are no historic or cultural resources at the site.

### **3.K A DESCRIPTION OF HOW THE PROPOSED APPLICATION AND PROPOSED MITIGATION MEASURES ARE IN CONFORMANCE WITH THE CURRENT SUSSEX COUNTY COMPREHENSIVE PLAN**

Currently the property is Zoned AR-1 with a Future Land Use Designation of Coastal Area. The Coastal Area is "...among the most desirable locations in Sussex County for new housing, as is reflected in new construction data and real estate prices." With the development of new homes in this Coastal Area, commercial facilities will need to be added to support the needs of the additional residents.

#### Commercial Storage:

Many new residents are moving from remote destinations to Sussex County (and the Coastal Area in particular) for retirement and lower cost living after achieving a specific age. Generally, new homes are smaller than those they are leaving, and located within planned residential communities which do not provide ample storage for their needs (or the ability to add additional storage facilities such as detached garages/sheds/buildings). This use provides a cost effective means of storage in a centralized location adjacent to adequate transportation and roadways.

Per the 2018 Sussex Comprehensive Plan Update, "Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and HIGHWAYS."

This site is directly located along Route 24 (John J. Williams HIGHWAY), and adjacent to other commercial uses (retail and service). Based on these facts, the property appears suited to be included within that concentration of use already prescribed in the area.

#### Medium Density Residential:

The rear of the property (as proposed) is for multi-family residential. Per the 2018 Comprehensive Plan "Sussex County's base density of 2 units per acres is appropriate throughout this classification (Coastal Area); however, medium and higher density (4-12 units per acre) can be appropriate in certain areas. Medium and Higher Density

could be supported in areas: where there is central water and sewer (provided); near sufficient commercial uses (Harris Teeter shopping center across Route 24 and newly proposed commercial to north); where it is in keeping with the character of the area (Victoria's Landing multifamily across Route 24 and other nearby medium density developments to north and south of property); where it is along a main road or at/near a major intersection (along Route 24); where there is adequate Level of Service (Located within Level 2 of the 2020 Delaware Strategies for State Policies and Spending);...".

### **3.L ACTIONS TO BE TAKEN BY THE APPLICANT TO MITIGATE THE DETRIMENTAL IMPACTS IDENTIFIED RELEVANT TO SUBSECTION B(2)(A) THROUGH (K) ABOVE AND THE MANNER BY WHICH THEY ARE CONSISTENT WITH THE COMPREHENSIVE PLAN**

The above subsections B(2)(A) through (K), strive to identify possible impacts from the proposed development. Each item above requires professional engineering/design, oversight, review, and approval by respective authoritative agency(s); therefore, will meet the requirements set forth in all Federal, State, County, and Local codes/regulations to minimize (or eliminate) possible detrimental impacts from development.

"The (2018 Comprehensive) Plan strives to set a foundation for decision-making and provide the County with a roadmap to a future that will maintain and enhance the quality of life all residents enjoy." The proposed project as described compliments the nearby area by providing responsible growth and necessities of the community while maintaining the quality of life residents are moving to the area to enjoy, as is consistent with the Comprehensive Plan.

## **4.0 CONCLUSION**

The American Storage of Delaware LLC project will utilize best management practices that meet or exceed regulatory requirements. The project will provide opportunity for economic and societal growth within the community, while preserving the environment.

Scaled Engineering Inc. is committed to bringing the best resources to our clients to assist in development of their projects. Should you have any questions or need additional information, please do not hesitate to contact Scaled.

## **REFERENCES**

The following documents, publications, maps, etc., were used as source materials for this report:

- Sussex County Delaware, Online Mapping: <https://maps.sussexcountype.gov/OnlineMap/Map.html>
- Sussex County Delaware Property Records: <https://property.sussexcountype.gov>; <https://maps.sussexcountype.gov/OnlineMap/Map.html>; <https://sussexcountype.gov/recorder-deeds>
- U.S. Fish & Wildlife Service (FWS), Critical Habitat for Threatened & Endangered Species: <https://fws.maps.arcgis.com/home/item.html?id=9d8de5e265ad4fe09893cf75b8dbfb77#!>
- FWS, National Wetlands Inventory: <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>
- National Park Service, National Register of Historic Places: <https://www.nps.gov/subjects/nationalregister/index.htm>
- Sussex County Comprehensive Plan – Final March 2019 – “The Sussex Plan” <https://sussexcountype.gov/sites/default/files/PDFs/2018CompPlan-Final.pdf>
- Strategies for State Policies and Spending (DelDOT) <http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=265b9ac2d304432b962b0ba0f1de76>

b6

S:\PROJECTS\GRAULICH\GRAU001 - Rt 24 - American Storage\ENVIRONMENTAL\Coastal Area Env Report.docx

**APPENDIX A**  
**PRELIMINARY CONCEPT PLAN**





# **APPENDIX B**

## **FIGURES**

**CRITICAL HABITAT FOR THREATENED & ENDANGERED  
SPECIES**

### Critical Habitat for Threatened & Endangered Species [USFWS]



A specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.

U.S. Fish and Wildlife Service | Maxar | Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

# WETLAND MAPPING



U.S. Fish and Wildlife Service

# National Wetlands Inventory

# WETLAND MAPPING



March 2, 2022

## Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

**APPENDIX C**  
**ASSESSMENT OF ENVIRONMENTAL CONDITIONS &**  
**NATURAL FEATURES REPORT**

# **Assessment of Environmental Conditions & Natural Features**

**Tax Map Parcels 234-29.00-49.02, 49.03 & 50.00  
Indian River Hundred, Sussex County, Delaware**

**March 3, 2022**

*Prepared for*

**American Storage of Delaware, LLC.  
113 Dickinson Street, Suite 100  
Dewey Beach, Delaware 19971**

*Prepared by*

**Edward M. Launay  
Senior Professional Wetland Scientist No. 875  
Environmental Resources, Inc.  
P.O. Box 169  
38173 DuPont Blvd.  
Selbyville, Delaware 19975**

**ERI Project No. 1062#1224**

# Assessment of Environmental Conditions & Natural Features

## Tax Map Parcels 234-29.00-49.02, 49.03 & 50.00 Indian River Hundred, Sussex County, Delaware

### Table of Contents

Introduction .....	1
Site Location & Topography .....	1
Soils.....	2
Forested Lands.....	3
Threatened & Endangered Species.....	4

### List of Exhibits

1. Sussex County Tax Map
2. Google Earth Photo, May 2021
3. Boundary Survey – Scaled Engineering (reduced)
4. Concept Plan – Scaled Engineering (reduced)
5. USDA Soil Survey of Sussex County
6. U.S. Fish & Wildlife Service National Wetland Inventory Map
7. U.S. Fish & Wildlife Service Species List, March 3, 2022
8. Photographs



## **Introduction**

Environmental Resources, Inc. (ERI) has performed a review of 29.90 acres of land located in Sussex County, Delaware on the western side of John J. Williams Highway (State Route 24) just south of Yeshua Lane. The site is located in the Indian River Hundred and it is composed of Tax Map Parcels 234-29.00-49.02, 49.03 and 50.00. The Sussex County Tax Map is included as Exhibit 1. A May 2021 Google Earth Photo is Exhibit 2. Exhibit 3 is a copy of a boundary survey reduced in size. This review was conducted on behalf of the property owner, American Storage of Delaware, LLC., who is seeking land use approval from Sussex County for a potential mixed use development involving residential housing and a commercial storage facility component. The proposed current plan is provided as Exhibit 4. A field reconnaissance of the property was performed on March 2, 2022. Prior to that reconnaissance, ERI reviewed a variety of published guidance document involving topics such as wetlands, soils and topography.

ERI found that in the case of the subject site, published guidance map information about environmental resources was relatively accurate. ERI did not encounter any wetlands, unique topographic conditions such as steep slopes, forest of exceptional resource value or any federally listed threatened or endangered species, or any critical habitats present on the property. The site is surrounded by existing residential and commercial development on three sides.

## **Site Location and Topography**

The 29.90 acre site is somewhat rectangular in shape. It has 598.92 feet of frontage along the western side of John J. Williams Highway (State Route 24). It is roughly 660 feet deep. Two unimproved driveways lie just to the north and south of the site, Yeshua Lane and Seymore Acres Lane respectively. Both lanes access low density residential housing. The frontage of the property is occupied by an 11.5 acre agricultural field (See Photographs 1, 2 & 3). The remainder of the site, 14.4 acres is immature woodland.

The topography over the site is relatively flat. State Route 24 is somewhat higher than the adjacent agricultural fields. Elevations range throughout the site from 15 to 19 feet. However, most of the property lies between 16 and 19 feet. While being relatively flat, the property is generally concave with somewhat higher lands surrounding it off site. A low point exists just off site at the northeast corner of the property. Within the site itself, topographic information shows areas of ridges and shallow closed depression. Soil conditions are very sandy. Historic aerial photography indicates that some parts of the agricultural field portion of the site has rare occurrences of wetness at the surface in some years after major storm events.

Based on ERI's site reconnaissance there is no evidence of any surface ponding within the wooded portion of the site. Depth to seasonal high groundwaters appears to average about 42 inches below the soil surface as observed on March 2, 2022. Soil textures were found to be composed of permeable loamy sand soils. There are no ditches, streams or surface water conveyances within, abutting or in close proximity to the property boundaries.

**Soil Characteristics & Groundwater**

The USDA Soil Survey for Sussex County is included as Exhibit 5 of this report. The Soil Survey indicates four soil types within the site, all with 0 – 2 percent slopes. Downer loamy sand (DnA), Fort Mott loamy sand (FmA), Ingleside loamy sand (IeA) soils total 78.9 percent of the site. They are well drained soils found on uplands.

Klej loamy sand (KsA) occupies 21.1 percent of the site. This somewhat poorly drained soil is mapped in the northwest quadrant of the site as shown by Exhibit 5. The occurrence of this soil type within the northwest quadrant of the site is consistent with conditions observed during ERI's site reconnaissance. Land of slightly lower elevation lie within this area and within some shallow topographically depressed areas in the center of the site. A soil boring near the northeast corner of the of the site where klej sandy loam is mapped is described as follows:

Inches	Description
0 – 2	10 YR 3/1 very dark grey loamy sand
2 - 14	10 YR 5/3 brown loamy sand
14 - 25	10 YR 5/4 yellowish brown loamy sand
25 – 38+	10 YR 5/2 greyish brown loamy sand
Groundwater Depth 36" 3/2/2022	

The extent of Klej loamy sand soils on this site is likely larger than mapped by the USDA Soil Survey.

Fort Mott loamy sand is mapped over much of the southerly half of the site (60.5% of total site). A soil boring was excavated near the center of the site just inside of the woods line (See Photograph 4) within the Fort Mott unit is described as follows:

Inches	Description
0 – 2	10 YR 3/2 very dark greyish brown loamy sand
2 - 13	10 YR 4/3 brown loamy sand
13 – 30	10 YR 4/4 dark yellowish brown loamy sand
30 - 52+	10 YR 5/6 yellowish brown loamy sand
Boring was dry at 52 inches 3/2/2022	

Within the center of the wooded portion of the site, a third boring was excavated in an area mapped as Fort Mott soils by the Soil Survey. It was very similar to the previously described soil, however, below 40 inches soil chromas had a chroma of 2.5 Y. They were variegated in color between 2.5 Y 6/3 light yellowish brown and 2.5 Y 5/6 light olive brown loamy sand. Depth to groundwater was 42 inches on 3/2/2022. It is likely the inclusions of other well drained soils in the Hammonton and Woodstown and Klej Series occur within the Fort Mott mapping unit shown on the USDA Soil Survey.

No hydric soils or soils indicative of wetlands were identified on this property. Soils on this property are somewhat poorly drained to well drained in character with few development limitations. Soil conditions are permeable loamy sands to sand.

**Forested Land** – The forest on this property is monotypic in both age and structure. Based upon review of aerial photography, the wooded portion of the site was clear cut in approximately 2004. The current forest is about 17 years old. Dominant species include loblolly pine, sweet gum and red maple. The understory ranges from open in higher parts (See Photograph 4) of the site and denser in more lowlying areas (See Photograph 5). In these low lying areas or within shallow topographic depression red maple is more prevalent along with species such as high bush blueberry, American holly and green briar. The plant community generally appears more wet tolerant than soil conditions would indicate in these areas.

Exhibit 6 of this report is the U.S. Fish and Wildlife Service, National Wetlands Inventory Map (NWI Map). The NWI Map classifies this entire site as uplands.

A palustrine forest wetland associated with a drainage way is mapped 0.15 miles northwest of the site. An isolated water filled depression is mapped approximately 0.03 miles north, northwest of the site. No indication of special habitat types was observed on the property.

**Federally Listed Threatened or Endangered Species** – No evidence of any federally listed threatened or endangered species under the Endangered Species Act was observed on the site during ERI's reconnaissance.

ERI also consulted with the U.S. Fish and Wildlife Service on this topic. The Service has no record of any federally listed species on this site. The Service's determination letter dated March 3, 2022, is included as Exhibit 7 of this report. The Service's letter does identify a candidate species for listing, Monarch Butterfly (*Dahaus plexippus*) where suitable conditions exist.

This species of butterfly has a life cycle dependent upon milkweed species growing in open fields. The open lands of this property are active agricultural lands. Suitable habitat is not present.

### **Conclusion**

The 25.90 acre site consists of 11.5 acres of agricultural field and 14.4 acres of a relatively immature stand of trees dominated by loblolly pine, sweet gum and red maple. The wooded portion of the site was clear cut in 2004. No specimen trees or habitats of special concern exist. No federally listed threatened or endangered species exist on the property.

The site is relatively flat but somewhat concave with respect to surrounding topography. There are no wetlands, streams or drainage conveyances on or nearby the site. Soils on the site are primarily loamy sands with few development limitations. The soils are mostly well drained in character. Only an estimated 20 to 35 percent of the site is occupied by soils somewhat poorly drained in character. Soil textures are permeable loamy sand to sand. Seasonal high water conditions observed on March 2, 2022 ranged from 36 inches below the surface to dry at 52 inches or greater.

The subject site is surrounded by existing commercial and residential development on three sides. To the rear or west of the site an area of relatively mature upland forests exists offsite.

# Exhibit 1

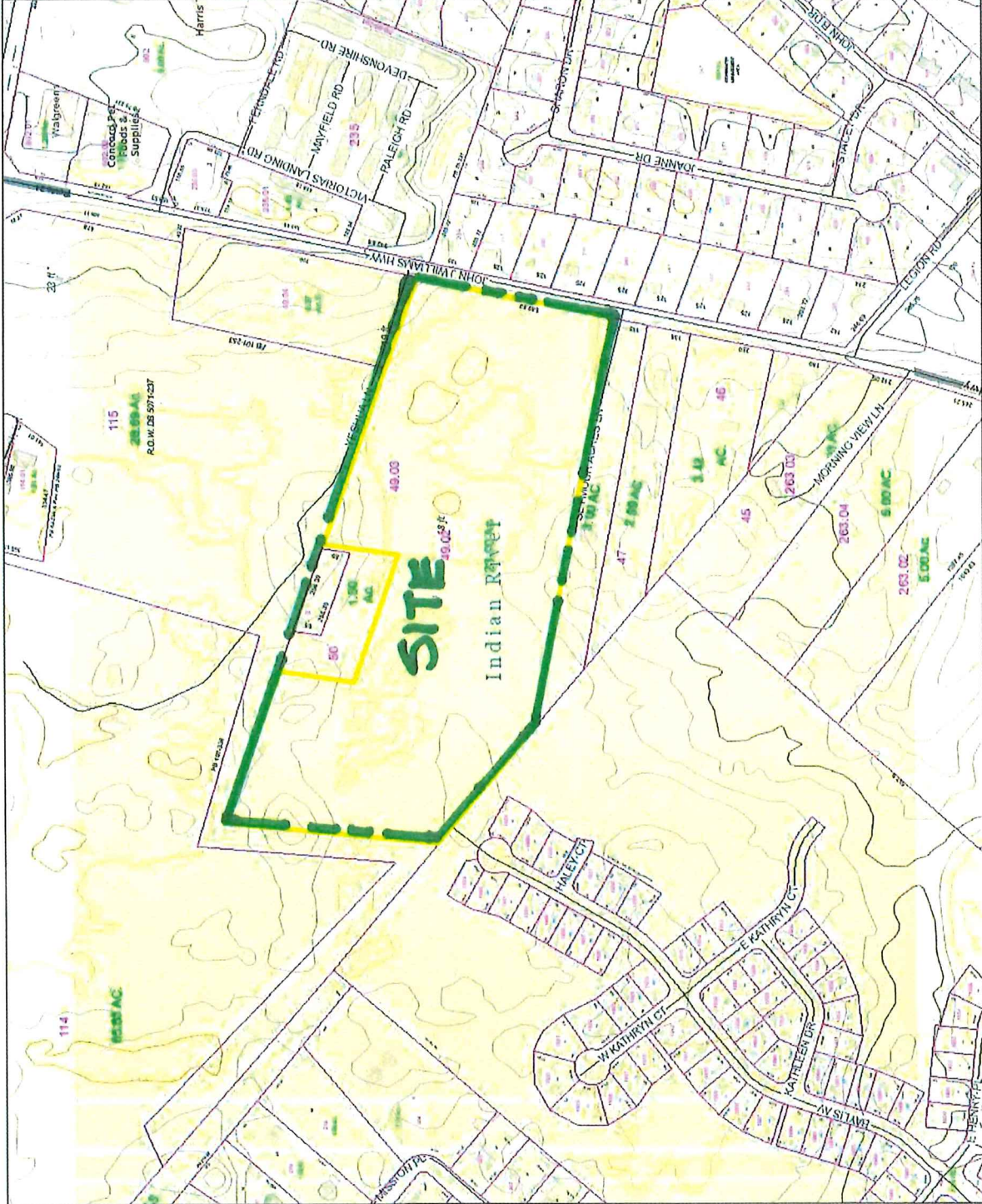
## Sussex County Tax Map

# EXHIBIT 1

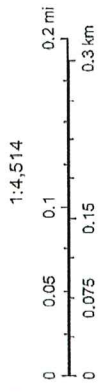


Sussex County

PIN	234-29.00-49.02
Owner Name	AMERICAN STORAGE OF DELAWARE LLC
Book	5328
Mailing Address	113 DICKINSON ST STE
City	DEWEY BEACH
State	DE
Description	W/RT 24
Description 2	PARCEL 1
Description 3	
Land Code	



- polygonLayer Override 1
- polygonLayer Override 1
- Tax Parcels
- Streets
- Hundred Boundaries
- County Boundaries
- Sussex\_Co
- Depression Index
- Depression Intermediate
- Normal Index
- Normal Intermediate
- <all other values>



## **Exhibit 2**

**Google Earth Photo, May 2021**

**American Storage  
EXHIBIT 2**

**Legend**



Google Earth

Image © 2021 Maxar Technologies



**Exhibit 3**

**Boundary Survey  
Scaled Engineering (reduced)**

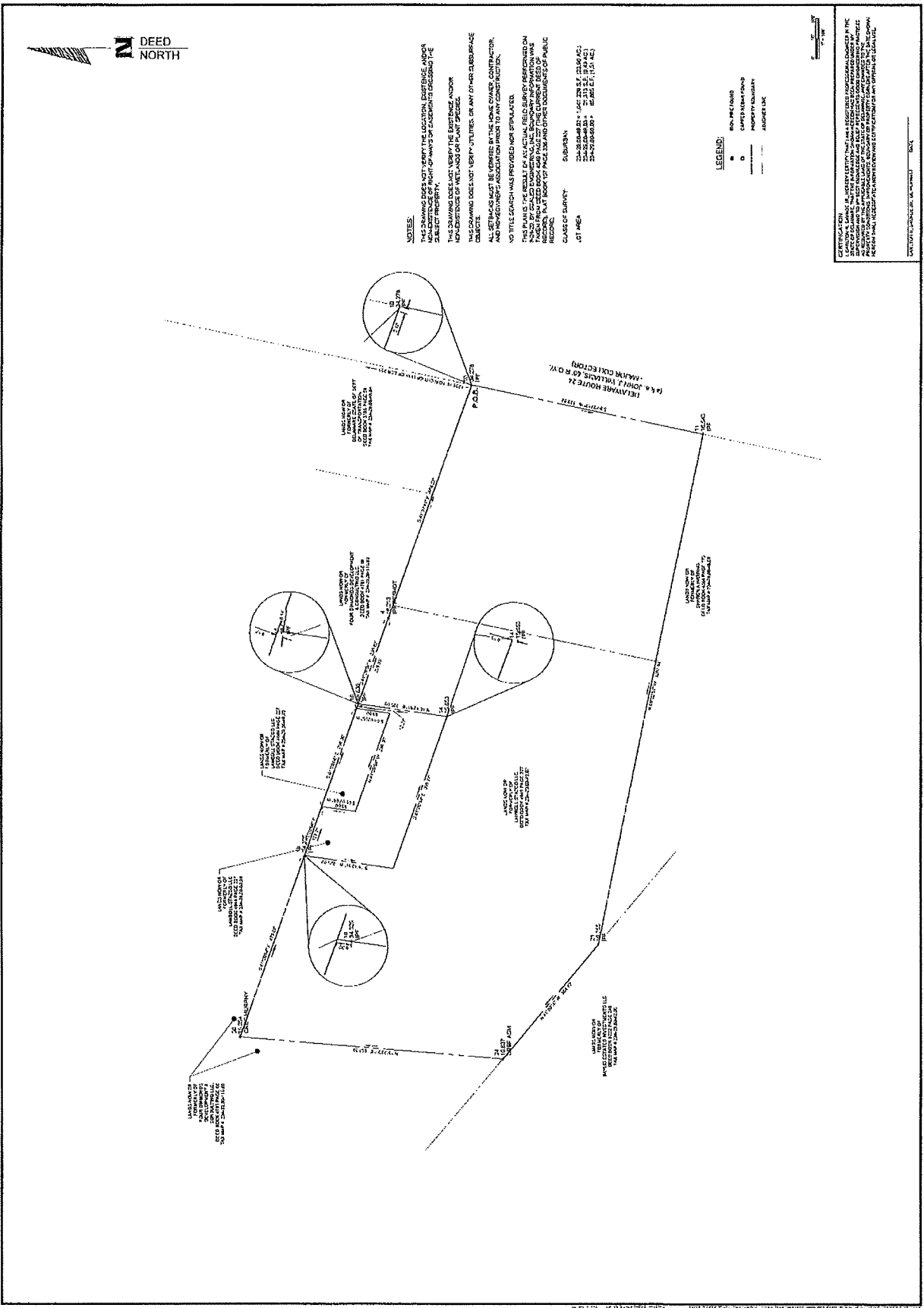


EXHIBIT 5

**Exhibit 4**

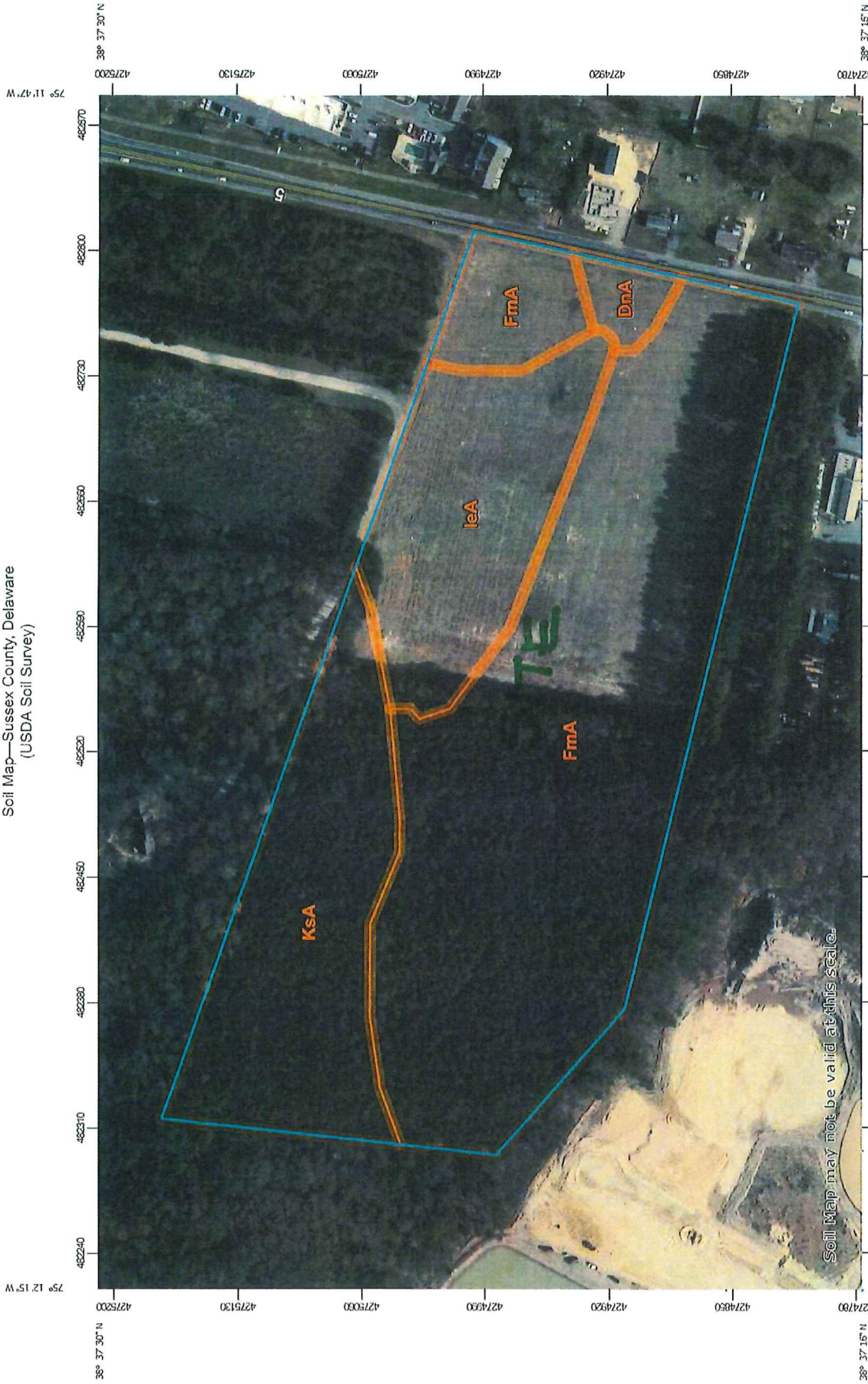
**Concept Plan  
Scaled Engineering (reduced)**



## **Exhibit 5**

# **USDA Soil Survey of Sussex County**

Soil Map—Sussex County, Delaware  
(USDA Soil Survey)



Map Scale: 1:3,050 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

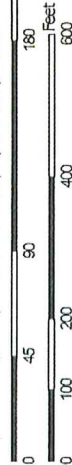


EXHIBIT 5

## MAP LEGEND

Area of Interest (AOI)	Area of Interest (AOI)	Spoil Area
Soils	Soil Map Unit Polygons	Stony Spot
	Soil Map Unit Lines	Very Stony Spot
	Soil Map Unit Points	Wet Spot
	Special Point Features	Other
	Blowout	Special Line Features
	Borrow Pit	Streams and Canals
	Clay Spot	Transportation
	Closed Depression	Rails
	Gravel Pit	Interstate Highways
	Gravelly Spot	US Routes
	Landfill	Major Roads
	Lava Flow	Local Roads
	Marsh or swamp	Background
	Mine or Quarry	Aerial Photography
	Miscellaneous Water	
	Perennial Water	
	Rock Outcrop	
	Saline Spot	
	Sandy Spot	
	Severely Eroded Spot	
	Sinkhole	
	Slide or Slip	
	Sodic Spot	

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware  
Survey Area Data: Version 22, Aug 26, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DnA	Downer loamy sand, 0 to 2 percent slopes	0.5	1.8%
FmA	Fort Mott loamy sand, 0 to 2 percent slopes	15.9	60.5%
IeA	Ingleside loamy sand, 0 to 2 percent slopes	4.3	16.5%
KsA	Klej loamy sand, 0 to 2 percent slopes	5.6	21.1%
<b>Totals for Area of Interest</b>		<b>26.3</b>	<b>100.0%</b>



## **Exhibit 6**

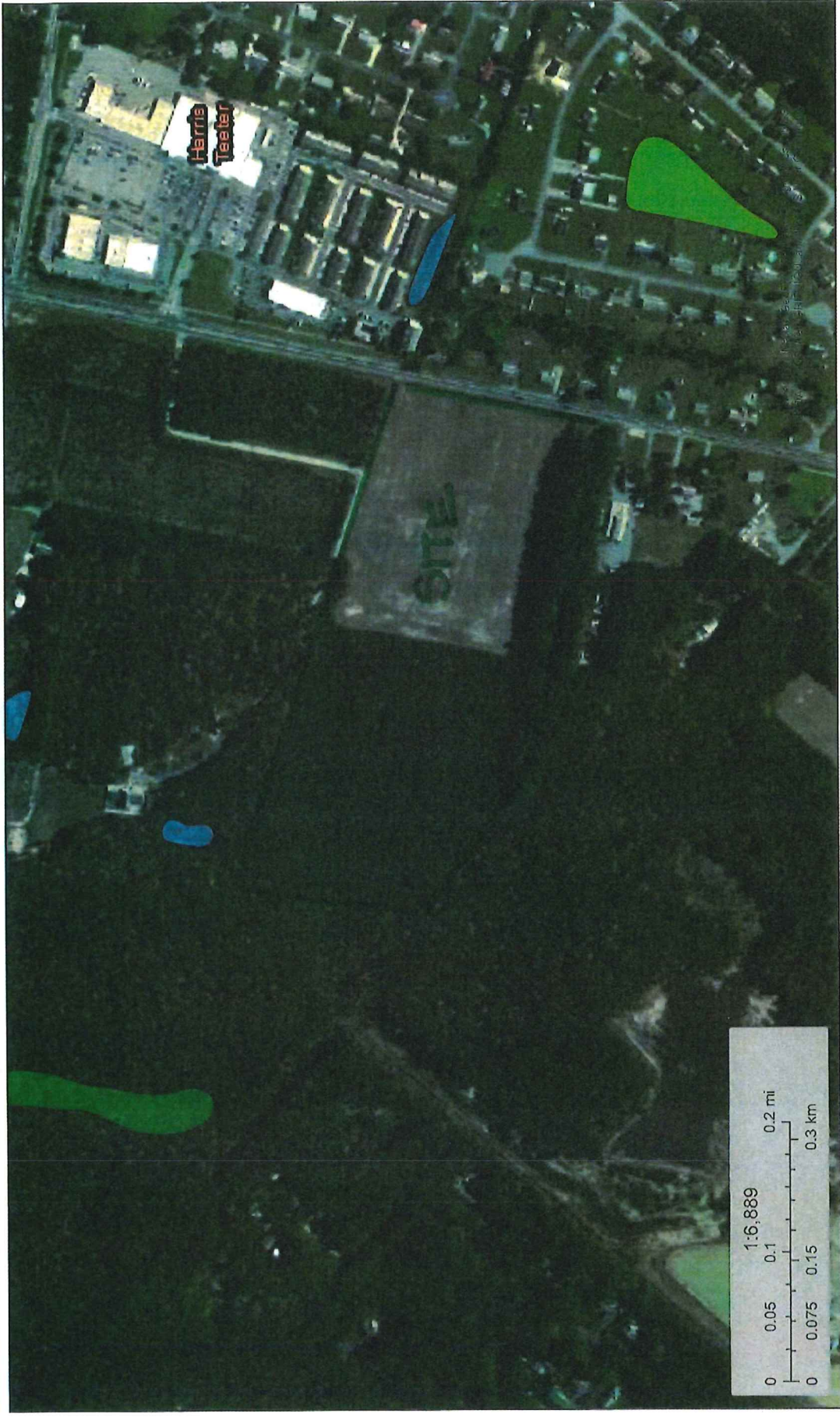
# **U.S. Fish & Wildlife Service National Wetland Inventory Map**



U.S. Fish and Wildlife Service

# National Wetlands Inventory

# American Storage of Delaware LLC



March 4, 2022

### Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

## EXHIBIT 6

National Wetlands Inventory (NWI)  
 This page was produced by the NWI mapper

**Exhibit 7**

**U.S. Fish & Wildlife Service  
Species List  
March 3, 2022**

# EXHIBIT 7



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Chesapeake Bay Ecological Services Field Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307  
Phone: (410) 573-4599 Fax: (410) 266-9127

<http://www.fws.gov/chesapeakebay/>  
<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:  
Project Code: 2022-0015439  
Project Name: American Storage of Delaware LLC

March 03, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

## **Official Species List**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Chesapeake Bay Ecological Services Field Office**  
177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307  
(410) 573-4599

## Project Summary

Project Code: 2022-0015439

Event Code: None

Project Name: American Storage of Delaware LLC

Project Type: Mixed-Use Construction

Project Description: Proposed development of a mixed use commercial storage facility and residential Hosing project on uplands.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.623283,-75.20047726008434,14z>



Counties: Sussex County, Delaware



## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> <li>▪ The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: <a href="https://www.fws.gov/savethemonarch/FAQ-Section7.html">https://www.fws.gov/savethemonarch/FAQ-Section7.html</a>).</li> </ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

---

## **USFWS National Wildlife Refuge Lands And Fish Hatcheries**

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.  
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

## **IPaC User Contact Information**

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

City: Selbyville

State: DE

Zip: 19975

Email [elaunay@ericonsultants.com](mailto:elaunay@ericonsultants.com)

Phone: 3024369637

# **Exhibit 8**

## **Photographs**

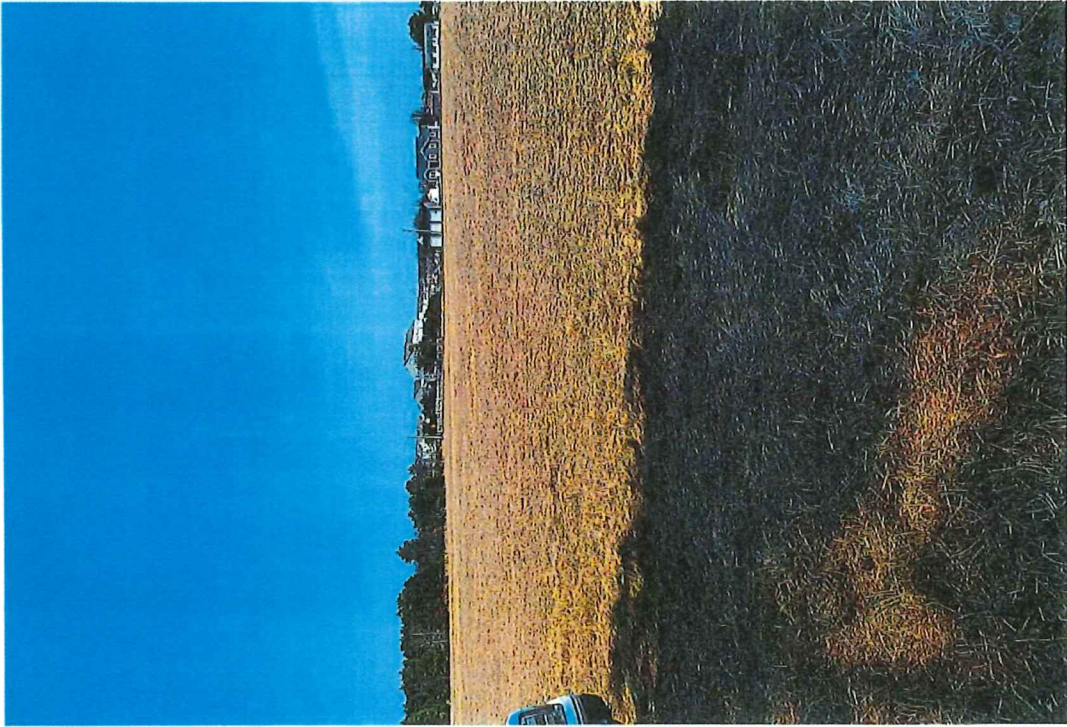


Photo 1 View east across agricultural field toward S.R. 24 3/2/2022

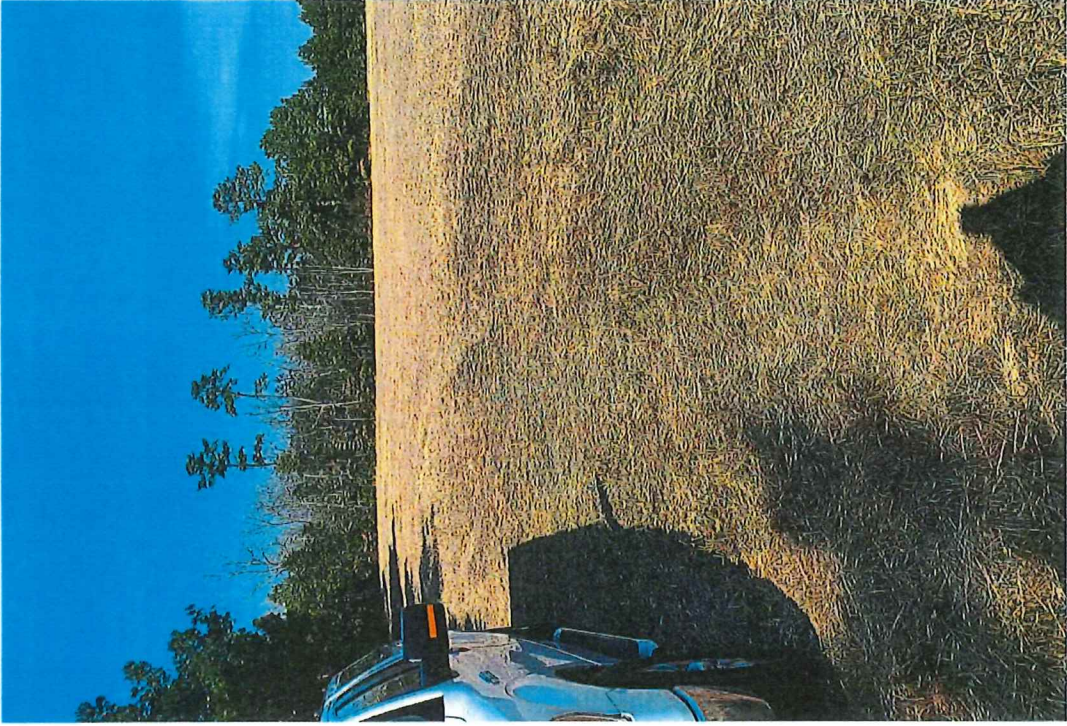


Photo 2 View north along field and woods edge



Photo 3 View south along  
field and woods edge



Photo 4 Open immature loblolly pine  
forest at woods edge near  
woods edge (higher elevation)



Photo 5 View of denser interior forest  
within topographic depression.  
Red maple, Sweet Gum & high bush blueberry  
do dominant species



# EXHIBIT G

# TIDEWATER

UTILITIES, INC.

A Middlesex Water Company Affiliate

March 10, 2022

*Sent via email*

M. Josh Stallings  
Scaled Engineering Inc.  
20246 Coastal Highway  
Rehoboth Beach, DE 19971

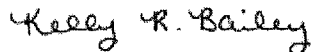
**RE: Willing & Able Letter- Tax Parcel No 234-29.00-49.02, 49.03, 50.00**

Dear Mr. Stallings:

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, including fire protection, to the following parcel identified as Tax Map Parcel No. 234-29.00-49.02, 234-29.00-49.03, and 234-29.00-50.00. Water service is contingent on the terms and conditions of a Water Service Agreement by and between Tidewater and the Project Owner.

Please feel free to contact me at 302-747-1304 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,



Kelly R. Bailey  
Manager of Contract Administration

## Hutt, David C.

---

**From:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>  
**Sent:** Tuesday, August 31, 2021 10:52 AM  
**To:** Hutt, David C.  
**Subject:** RE: American Storage of Delaware

Hi David,

Thank you for your email. I have reviewed this with Dorothy and David. OSPC will not require a new PLUS review.

We do note that the State Comments letter referred to a bike path in the DelDOT comments. The site plan does not appear to show one. Please make sure to address this feature moving forward with the plan.

Please let me know if you have any questions or if I can provide any additional information.

Thanks much,  
-Steve Bayer

Steve Bayer  
Planner  
Delaware Office of State Planning Coordination  
Haslet Armory  
122 Martin Luther King Jr. Boulevard, South  
Dover, DE 19901  
(302) 739-3090  
(302) 739-5661 fax  
<http://stateplanning.delaware.gov/>

---

**From:** Hutt, David C. <DHutt@morrisjames.com>  
**Sent:** Tuesday, August 31, 2021 9:34 AM  
**To:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>; Morris, Dorothy (OMB) <Dorothy.Morris@delaware.gov>  
**Subject:** American Storage of Delaware

Dorothy,

Earlier this year, the OSPC reviewed an application for American Storage of Delaware (PLUS Review 2021-02-05). For your ready reference, I have attached a copy of the PLUS Review Letter dated March 23, 2021.

The overall concept has stayed the same with a commercial-type use along Route 24 and residential behind that application. The acreage for the commercial has been reduced which, of course, increased the acreage for the residential component.

In short, what before was 139,600 square feet of mini storage and business park (flex space) and 104 residential units is now proposed to be 150,000 square feet of mini-storage and 140 residential units. Attached is a copy of the new concept.

Does your office want to see a new/revised application?

Thanks,

David

**Morris James**<sub>LLP</sub>

**David C. Hutt** | Partner

107 W. Market Street, P.O. Box 690, Georgetown, DE 19947  
19339 Coastal Highway, Suite 300, Rehoboth Beach, DE 19971

**Phone:** 302.856.0018 | **Fax:** 302.856.7217

[morrisjames.com](http://morrisjames.com) | [dhutt@morrisjames.com](mailto:dhutt@morrisjames.com)

[Facebook](#) | [LinkedIn](#) | [Twitter](#)

---

This communication may be subject to the attorney-client privilege or the attorney work product privilege or may be otherwise confidential. Any dissemination, copying or use of this communication by or to anyone other than the designated and intended recipient(s) is unauthorized. If you are not the intended recipient, please delete or destroy this communication immediately.

## Preliminary Land Use Service (PLUS)

### Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.**

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): 2021-02-05  
 Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): 2/3

1. Project Title/Name: American Storage of Delaware			
2. Location ( please be specific): Delaware Route 24 (John J. Williams Highway), Millsboro, Delaware			
3. Parcel Identification #: 234-29.00-49.02, 49.03 & 50.00		4. County or Local Jurisdiction Name: where project is located: Sussex County	
5. If contiguous to a municipality, are you seeking annexation: Not applicable.			
6. Owner's Name: American Storage of Delaware, LLC (Alex Pires)			
Address: 113 Dickinson Street			
City: Dewey Beach	State: Delaware	Zip: 19971	
Phone: (302) 462-5871	Fax:	Email: nate.gmconstruction@gmail.com	
(202) 905-6706		farmerslawyer@aol.com	
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting):			Same as owner
Address:			
City:	State:	Zip:	
Phone:	Fax:	Email:	
8. Project Designer/Engineer: Carlton Savage, Jr.   SCALED.Engineering			
Address: 20246 Coastal Highway			
City: Rehoboth Beach	State: Delaware	Zip: 19971	
Phone: (302) 236-3600	Fax:	Email: carlton@scaledengineering.com	
9. Please Designate a Contact Person, including phone number, for this Project:			Nate Graulich   (302) 462-5871 Alex Pires   (202) 905-6706

**Information Regarding Site:**

10. Type of Review:  Rezoning, if not in compliance with certified comprehensive plan  Site Plan Review  
 Subdivision

11. Brief Explanation of Project being reviewed: The Project proposes to (1) rezone the front half of the property to C-3 (Heavy Commercial) for a Business Park (Flex Space) of 12.63 acres with 36,000 sq. ft. of Flex Park and 103,600 sq. ft. of mini-storage and an office for the mini-storage; and (2) rezone the rear half of the property to MR (Medium Residential) with a conditional use for multifamily (midrise) housing (13 acres) consisting of 104 units. If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.

12. Area of Project (Acres +/-): 25.90 +/- acres      Number of Residential Units: 104      Commercial square footage: Business Park/Flex Space (36K Sq. Ft); Mini Storage (103,600 Sq. Ft.)

13. Present Zoning: AR-1 (Agricultural Residential)      14. Proposed Zoning: C-3 (Heavy Commercial); MR (Medium Density) with Conditional Use

15. Present Use: Agricultural/Wooded      16. Proposed Use: Business Park (Flex Park); Mini Storage and Multi-Family Housing

17. Water:  Central (Community system)  Individual On-Site  Public (Utility)      Tidewater  
 Service Provider Name:

Will a new public well be located on the site?  Yes  No

18. Wastewater:  Central (Community system)  Individual On-Site  Public (Utility)  
 Service Provider Name: Sussex County

Will a new community wastewater system be located on this site?  Yes  No

19. If residential, describe style and market segment you plan to target (Example- Age restricted):  
 The residential units are targeted as market rate apartments intended for those who live and work in the Long Neck and surrounding area

20. Environmental impacts:

How many forested acres are presently on-site? 13.79      How many forested acres will be removed? 9.20

To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site?  Yes  No

Are the wetlands:  Tidal      Acres:  
 Non-tidal      Acres:

If "Yes", have the wetlands been delineated?  Yes  No

Has the Army Corps of Engineers signed off on the delineation?  Yes  No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits?  Yes  No      If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? +/- 200'

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)?  Yes  No

per the DNREC NavMap

22. List the proposed method(s) of stormwater management for the site:  
 BMPs to likely include a combination of wet pond(s) and infiltration pond(s)

23. Is open space proposed?  Yes  No      If "Yes," how much?      Acres: 11.45

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)?      active and passive recreation and stormwater management

24. Are you considering dedicating any land for community use (e.g., police, fire, school)?  Yes  No

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 1,170 ADT

What percentage of those trips will be trucks, excluding vans and pick-up trucks? < 5%

26. Will the project connect to state maintained roads?  Yes  No De. Rt. 24 (John J. Williams Highway)

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.

There are no existing developments on adjacent lands.

28. Are there existing sidewalks?  Yes  No; bike paths  Yes  No

Are there proposed sidewalks?  Yes  No; bike paths  Yes  No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network?  Yes  No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites?  Yes  No

Has this site been evaluated for historic and/or cultural resources?  Yes  No

Would you be open to a site evaluation by the State Historic Preservation Office?  Yes  No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit?  Yes  No

Person to contact to arrange visit: Carlton Savage, Jr. phone number: (302) 238-3600

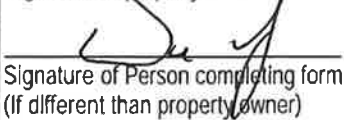
Alex Pires | (202) 905-6706

31. Are any federal permits, licensing, or funding anticipated?  Yes  No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

  
Signature of property owner

1/29/21  
Date

  
Signature of Person completing form  
(If different than property owner)

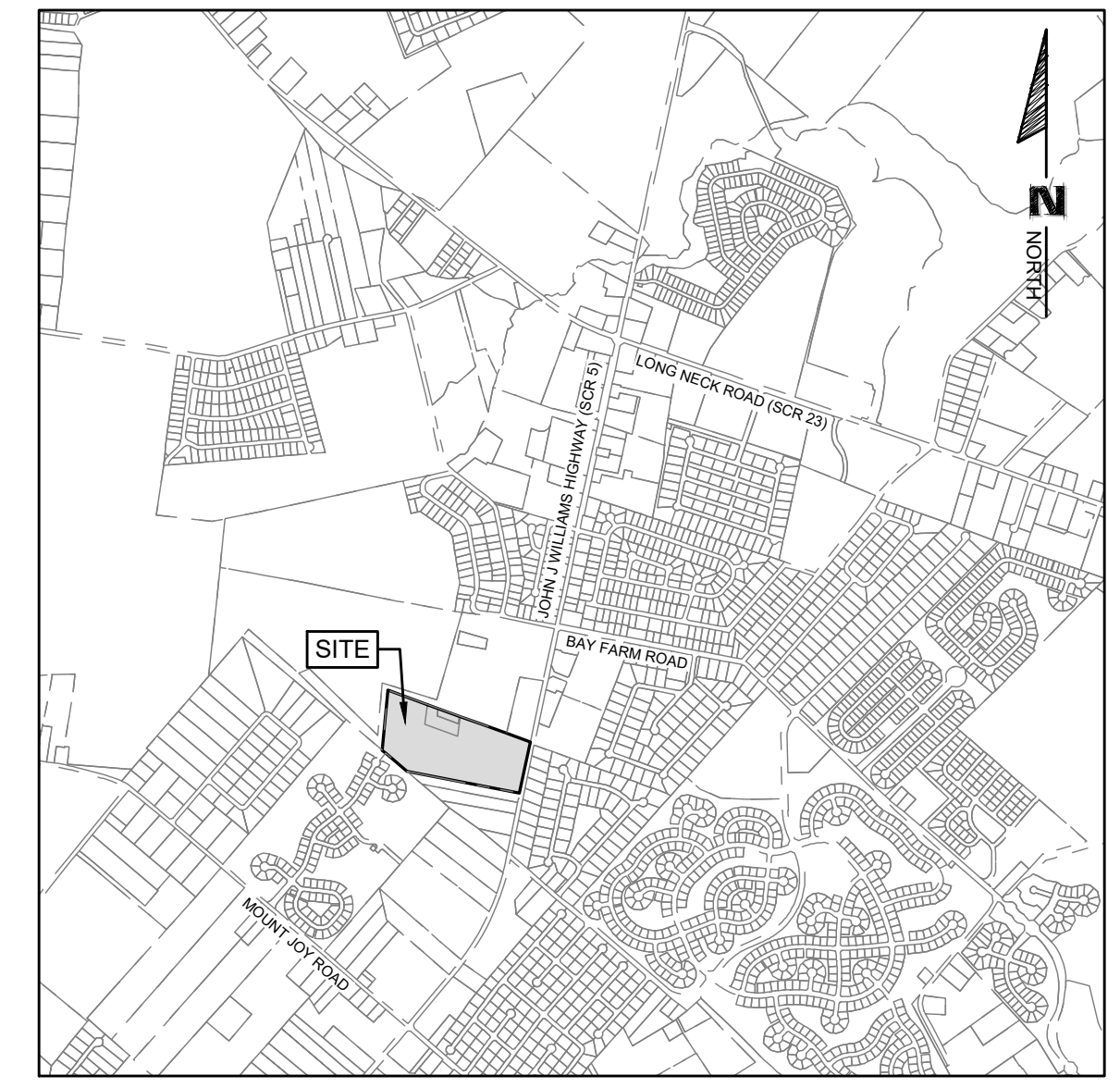
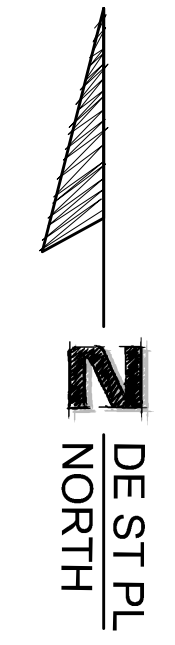
1/29/2021  
Date

**Signed application must be received before application is scheduled for PLUS review.**

This form should be returned to the Office of State Planning electronically at [plus@state.de.us](mailto:plus@state.de.us) along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.

**LEGEND:**

- PROPERTY BOUNDARY
- ADJOINER LINE
- EASEMENT
- PROPOSED TREELINE
- BUILDING SETBACK
- PROPOSED BUILDING
- PARCEL 1 - BUSINESS PARK (FLEX PARK) / MINI-WAREHOUSE (SELF STORAGE) (12.63 AC)
- PARCEL 2 - MULTI-FAMILY HOUSING (13.00 AC)
- DELDOT DEDICATION (0.27 AC)



**LOCATION MAP**  
SCALE: 1" = 2,000' X\_REF

**SITE DATA:**

- TAX MAP NUMBERS: 234-29.00-49.02, 49.03 & 50.00
- ADDRESS: JOHN J. WILLIAMS HIGHWAY, MILLSBORO, DE 19966
- OWNERS: AMERICAN STORAGE OF DELAWARE  
113 DICKENSON STREET  
DEWEY BEACH, DE 19971
- ZONING: EXISTING: (AGRICULTURAL RESIDENTIAL)  
PROPOSED: PARCEL 1 - C-3 (HEAVY COMMERCIAL DISTRICT)  
PARCEL 2 - MR (MEDIUM RESIDENTIAL)
- USE: EXISTING: AGRICULTURAL / WOODED  
PROPOSED:  
PARCEL 1 - BUSINESS PARK (FLEX PARK) = 36,000 SQ FT  
MINI-WAREHOUSE (SELF STORAGE) = 103,600 SQ FT  
MINI-WAREHOUSE OFFICE = 1,200 SQ FT  
PARCEL 2 - MULTI-FAMILY HOUSING (MID-RISE)  
(104 UNITS) = 114,228 SQ FT  
MULTI-FAMILY HOUSING CLUBHOUSE = 3,060 SQ FT
- BUILDING SETBACKS:  
C-3 (HEAVY COMMERCIAL DISTRICT):  
FRONT 60' (JOHN J WILLIAMS HWY.)  
SIDE 5' (YESHUA LN.)  
REAR 20' (SEYMOUR ACRES LN.) \*  
30' \*  
MR - MEDIUM RESIDENTIAL:  
FRONT 40'  
SIDE 10'  
REAR 10'
- AREAS: EXISTING: 25.90 AC  
PROPOSED: PARCEL 1 12.63 AC  
PARCEL 2 13.00 AC  
DELDOT DEDICATION 0.27 AC  
TOTAL 25.90 AC
- NET DEVELOPMENT AREA: 25.90 AC
- SEWER PROVIDER: ON SITE SEPTIC / SUSSEX COUNTY
- WATER PROVIDER: TIDEWATER
- THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0477K REVISED MARCH 16, 2015 (ZONE X).
- NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.

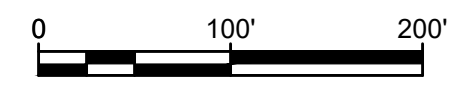
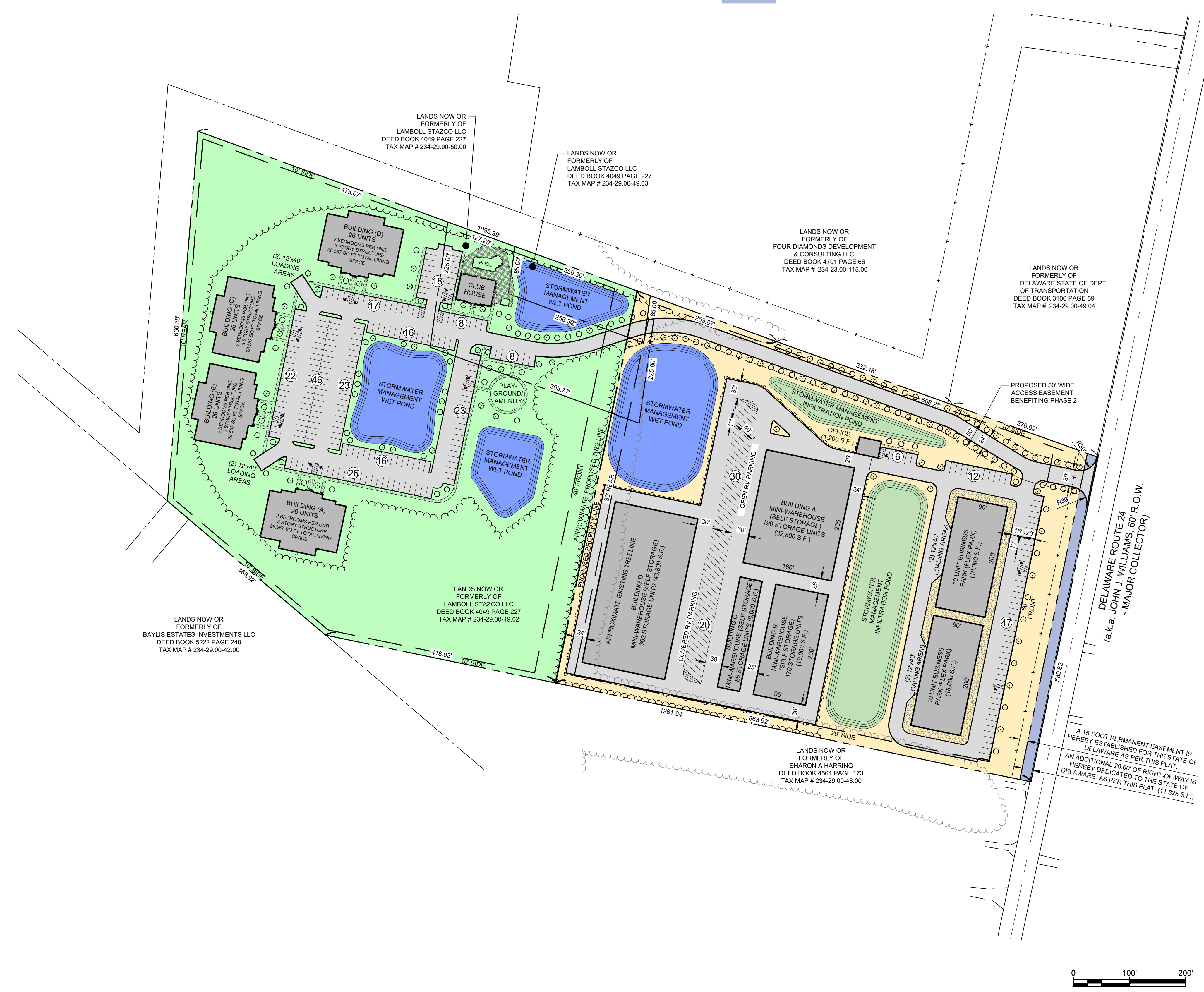
**PARKING / LOADING REQUIREMENTS:**

OFF-STREET PARKING - (PER CODE SECTIONS 115-162A & 45-5)

REQUIRED PARKING:	
WHOLESALE - 1 PER 2 EMPLOYEES (80 EMPLOYEES)	40 SPACES REQUIRED
HANDICAP PARKING (51-75 PARKING SPACES)	3 SPACES (1 VAN) REQUIRED
	56 SPACES + 3 HC SPACES (2 VAN) = 59 SPACES PROVIDED
STORAGE FACILITY	0 SPACES REQUIRED
10'X40' RV SPACES	50 SPACES PROVIDED
STORAGE FACILITY OFFICE - 1 PER 200 SF (1,200 SF)	6 SPACES REQUIRED
HANDICAP PARKING (1-25 PARKING SPACES)	1 VAN SPACE REQUIRED
	5 SPACES + 50 RV SPACES + 1 HC SPACES (VAN) = 56 SPACES PROVIDED
APARTMENTS BUILDINGS - 2 PER UNIT (104 UNITS):	208 SPACES REQUIRED
HANDICAP PARKING (200-300 PARKING SPACES)	7 SPACES (2 VAN) REQUIRED
	223 SPACES + 12 VAN HC SPACES = 235 SPACES PROVIDED
<b>TOTAL PARKING PROVIDED:</b>	<b>334 PARKING SPACES</b>
	+ 16 HANDICAP SPACES
	<b>= 350 TOTAL PARKING SPACES</b>

**OFF-STREET LOADING - (PER CODE SECTIONS 115-167)**

<b>LOADING</b>	
BUSINESS PARK (FLEX PARK)	
LOADING SPACES REQUIRED	3 SPACES REQUIRED
LOADING SPACES PROVIDED	4 SPACES (12' X 40')
MINI-WAREHOUSE (SELF STORAGE) OFFICE	
LOADING SPACES REQUIRED	0 SPACE REQUIRED
LOADING SPACES PROVIDED	0 SPACE (12' X 40')
APARTMENT BUILDINGS	
LOADING SPACES REQUIRED	3 SPACES REQUIRED
LOADING SPACES PROVIDED	4 SPACES (12' X 40')



**AMERICAN STORAGE OF DELAWARE**  
TAX MAP # 234-29.00-49.02, 49.03 & 50.00  
INDIAN RIVER HUNDRED, MILLSBORO, DELAWARE

**SCALED ENGINEERING**  
Scaled Engineering Inc.  
20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Phone: (302) 236-3600

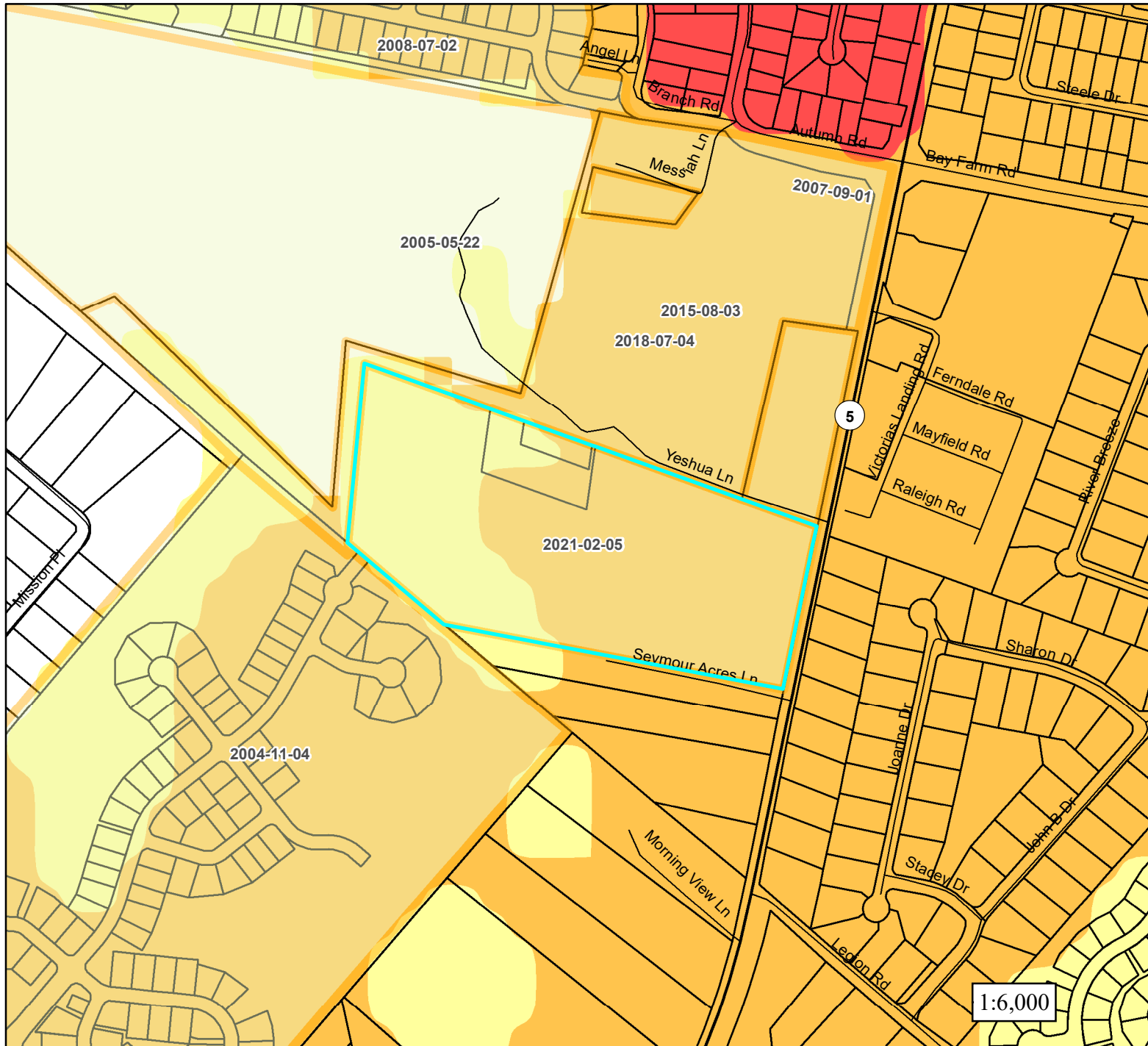
DATE:	6-29-20
SCALE:	1" = 100'
DRAWN BY:	JRE
PROJECT NO.	GRAU002

S:\PROJECTS\13102020\21-PA-BY-JLF-RJSTYLE-13102020\21-PA-BY-JLF-RJSTYLE-13102020.dwg

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2020



# Preliminary Land Use Service (PLUS)



American Storage  
2021-02-05

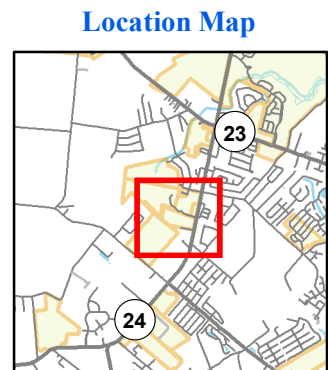
**Legend**

**PLUS Project Areas type**

- Comp Plans
- All Other PLUS Reviews

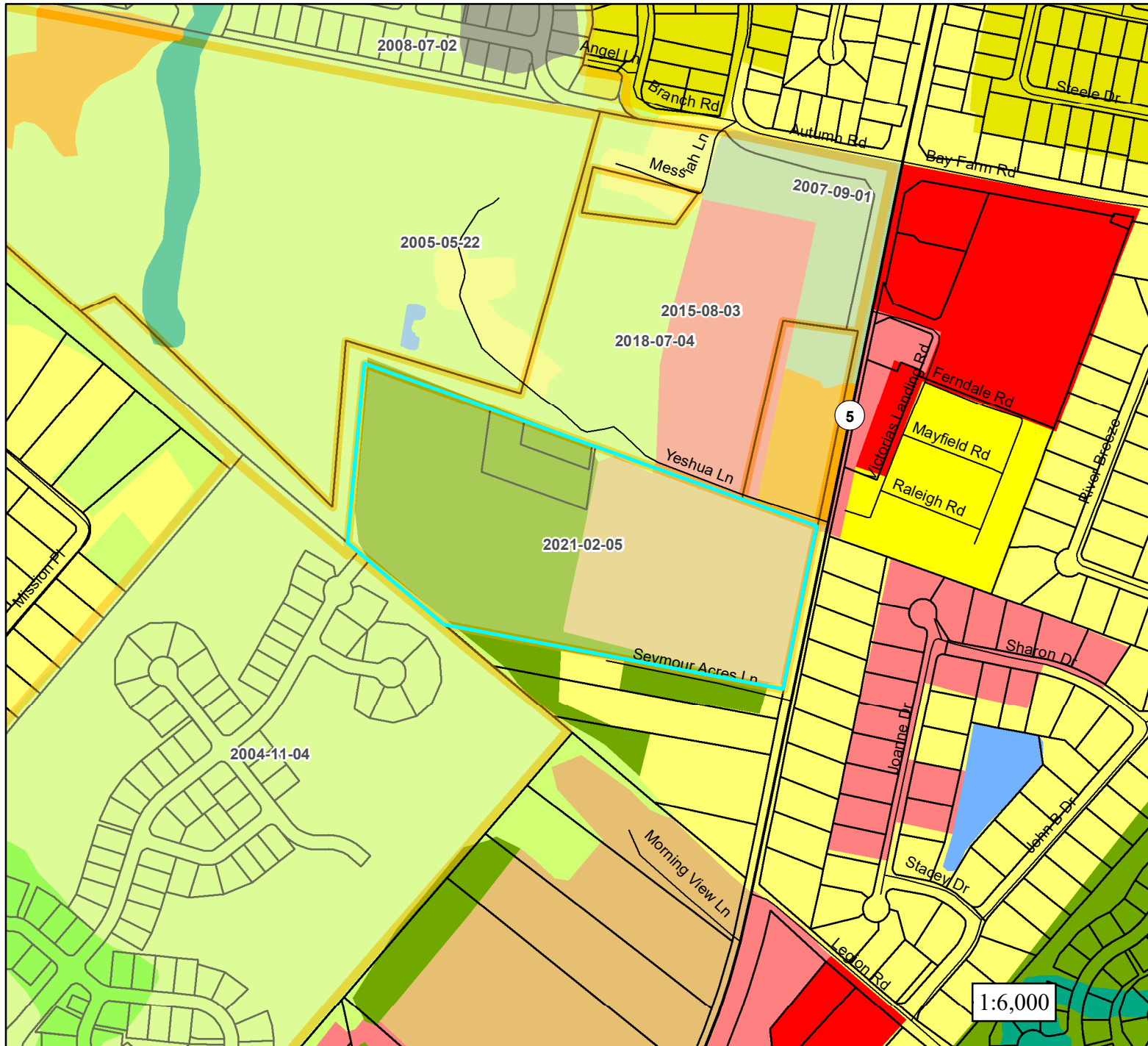
**2020 State Strategies Strategy Level**

- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play



# Preliminary Land Use Service (PLUS)

**American Storage**  
2021-02-05



**Legend**

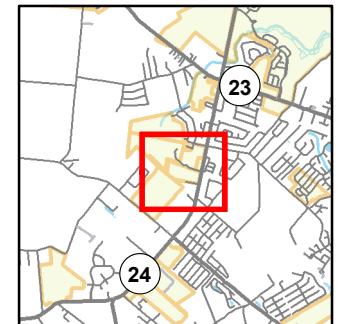
**2012 Land Use LULC Category**

- 110
- Single Family Dwellings
- Multi-Family Dwellings
- Mobile Home Parks/Courts
- Commercial
- Industrial
- Transportation/Communication/Utilities
- Mixed Urban/Built-up
- Institutional/Governmental
- Recreational
- Farms, Pasture, Cropland
- Confined Animal Feeding Operations/Feedlots/Holding
- Rangeland
- Orchards/Nurseries/Horticulture
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/Brush Rangeland
- Clear-cut
- Man-made Reservoirs and Impoundments
- Marinas/Port Facilities/Docks
- Open Water
- Emergent Wetlands - Tidal and Non-tidal
- Forested Wetlands - Tidal and Non-tidal
- Scrub/Shrub Wetlands - Tidal and Non-tidal
- Sandy Areas and Shoreline
- Extraction and Transitional

**PLUS Project Areas type**

- Comp Plans
- All Other PLUS Reviews

## Location Map



# Preliminary Land Use Service (PLUS)

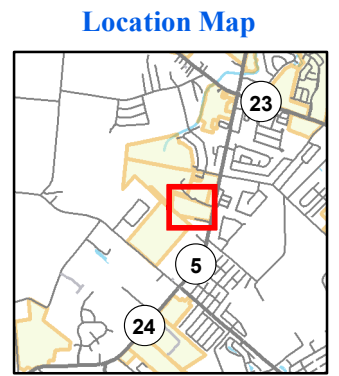


**American Storage**  
2021-02-05

**Legend**

**PLUS Project Areas**  
type

- Comp Plans
- All Other PLUS Reviews





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

March 23, 2021

Nate Graulich  
Graulich Builders  
34697 Jiffy Way, Suite 2  
Lewes, DE 19958

RE: PLUS review 2021-02-05; American Storage of Delaware

Dear Mr. Graulich:

Thank you for meeting with State agency planners on February 24, 2021 to discuss the proposed plans for the American Storage of Delaware project. According to the information received you are seeking review of a proposed rezoning of 25.9 acres from AR-1 to C-3 and MR and a site plan for 104 residential units and 139,600 square feet of mini storage and business park in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

**Strategies for State Policies and Spending**

This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

Our office has no objections to the proposed rezoning and development of this project provided it is in compliance with Sussex County Comprehensive plan and all applicable codes and ordinances.

We do ask that you work to preserve the environmental features on the site if the plan moves forward.

**Code Requirements/Agency Permitting Requirements**

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The site access on John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT’s Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,170 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers’ Trip Generation Manual, as shown in the table below, DelDOT calculates 1,171 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 60 and 79, respectively. Therefore, a TIS would normally be required.

	Land Use Code	Floor Area (sf) / Dwellings	Average Daily Traffic	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
Business Park	770	36,000	448	8	6	7	8
Mini-Warehouse	151	104,800	158	6	4	8	10
Multifamily Housing (Mid-Rise)	221	104	565	9	27	28	18
Total			1,171	23	37	43	36

- Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in

lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$11,710. AWS Fees are used to fund traffic studies, not to build improvements.

- DelDOT anticipates requiring the developer to contribute to a DelDOT project presently scheduled for construction this summer, HSIP SR 24 at Mount Joy Road and SR 24 at Bay Farm Road Intersection Improvements, Contract No. T200711201. Information on the project is available at <https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T200711201>.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 600 feet of the entrance on Route 24.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Route 24.
- Section 3.5.4.3 of the Manual addresses requirements for walkways. A walkway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring at least two walkways to connect the interior of the site to Route 24,

one along the driveway at the north edge of the property and one at the south end of the frontage, connecting to the parking lot of the business park.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.
- Section 5.2.4 of the Manual addresses requirements for Entrance Width, for commercial entrances, the minimum undivided width varies from 18 to 32 feet. The proposed 30-foot entrance will be examined during the plan review process. DelDOT may require the developer's engineer to provide turning templates.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. DelDOT anticipates requiring a right turn lane with a five-foot bicycle lane, and possibly a left turn lane into the site from Route 24. Coordination of the construction schedules of the DelDOT project and the proposed development should be discussed at the Pre-Submittal Meeting.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Stormwater Management**

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
- Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Hydrologic Soils Group**

While much of the site consists of Hydrologic Soils Group A soils (well drained), the northwest portion of the site lies within A/D soils (somewhat poorly drained). These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.
- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921  
E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Water Quality (Pollution Control Strategies)**

Pollution Control Strategies have been developed for the following watersheds in Delaware: Christina, Appoquinimink, Broadkill, Mispillion and Cedar Creek, Murderkill, Saint Jones, Inland Bays (Rehoboth Bay, Indian River Bay, and Little Assawoman Bay), Nanticoke, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- The western half of the site (forested portion) lies within the Rehoboth Bay Watershed & the eastern half of the site (unforested portion) lies within the Indian River Bay Watershed, both of which are included under Pollution Control Strategies. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
  - Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219  
Website: <https://www.sussexconservation.org/>

### **Nutrient Management Plan**

This project proposes approximately 11 acres of open space, exceeding the threshold of 10 Acres for nutrient management.



- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.
- Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

### **Wildlife Displacement**

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.

### **State Historic Preservation Office – Contact Carlton Hall 736-7400**

- There are no known National Register listed or eligible properties on the parcel.
- Prehistoric archaeological potential is moderate. Soils are mostly well-drained except for the northwest corner of the area. Guinea Creek appears on Beers map and some historic aerials as extending closer to the parcels, which may mean that it is within favorable distance to freshwater for prehistoric site probability. A survey conducted in part of the parcel showed very little remains under a thick plow zone except for two isolated prehistoric finds; could mean that there are other archaeological resources throughout the area.
- Historic archaeological potential is low. Beers Map doesn't show anything near that parcel. A road appears to have existed through the middle-ish until 1950s, and historic aerials show the western portion to be continuously wooded.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: [www.achp.gov](http://www.achp.gov)

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

**Fire Protection Water Requirements:**

- Where a water distribution system is proposed for Storage/Warehouse sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for apartment (multi-family living units) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

**Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Buildings occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection installed.
- All mini-storage buildings greater than 2500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

*Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased for the purposes of storing personal or business items where all of the following apply:*

- (1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*
- (2) the owner of the facility does not have unrestricted access to the storage units, and*
- (3) the items being stored are concealed from view from outside the storage unit.*

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

#### Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be accessible to fire apparatus.
- Any dead end more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

#### Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.

#### Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

#### Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The subject land adjoins both a recorded but as-yet-unbuilt stub street in the Baylis Estates subdivision, which fronts on Mount Joy Road (Sussex Road 297), and the Peninsula Square mixed-use development, which fronts on Autumn Road (Sussex Road 299). In addition to providing emergency access to the proposed apartments, with appropriate interconnections and easements required of the subject development and Peninsula Square, these three developments could provide a low-stress pedestrian and bicycle connection between Mount Joy Road and Autumn Road.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Forest Removal**

The preliminary plans and/or project application proposed the elimination of approximately 9.2 out of 13.8 existing acres of forest habitat.

- Removing forested areas for development should be avoided to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling and reduces carbon that contributes to climate change. A forest assessment should be conducted to determine if mature forest resource exists on the property, and to determine species present.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

### **General Drainage Recommendations**

There are numerous reported drainage concerns near the proposed project area. One concern from 2009 referenced flooding of a nearby property. There are numerous concerns ranging from 2010-2020 from landowners on the eastern side of John J. Williams Highway about property flooding. The storage of onsite stormwater and the release stormwater to adjacent properties is a concern if this property is developed.

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemption coverage may be required by the County Conservation District (Standard Plan), DNREC Sediment and Stormwater (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site stormwater.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.
- Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

### **Wildlife Displacement**

- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Developers can avoid conflicts with future residents and most wildlife by

maintaining large blocks of forest, as opposed to small pockets of wooded areas within a 300-foot safety zone.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

### **Mosquitoes**

The project lies within a zone that will be impacted by mosquitoes due to its location near large expanses of wetland types including freshwater forested, freshwater emergent, and estuarine.

- Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands by the public for mosquito control services. These control services can be provided at no charge to homeowners and other entities by the state's Mosquito Control Section, or by a private company licensed in this area of specialty.
- Contact: DNREC Division of Fish and Wildlife at (302) 739-9917. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

### **Current or Previous Contamination**

This parcel is contained within a large area that has been investigated for well contamination (DE-1388 Long Neck Mercury Study). In 2001, mercury was detected in a public water supply well; levels were reported above the Maximum Contaminant Level. While DNREC and the U.S. Geological Survey investigated the incident, the source could not be located. The well has been temporarily turned off.

- Delaware Health and Social Services reviews the monitoring reports from the water company. The USGS report that resulted from the study can be found here: <https://pubs.usgs.gov/sir/2006/5011/pdf/sir-2006-5011.pdf>
- Contact the Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600.  
Website: <https://dnrec.alpha.delaware.gov/waste-hazardous/>
- Additional information may also be found online by searching Delaware's Environmental Navigator at <http://www.nav.dnrec.delaware.gov/den3/>

### **Additional Sustainable Practices**

Recommendations for entire project:

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.

- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.
- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.
- Incorporate nonmotorized connectivity in the residential area and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

Recommendations for residential section:

- Include an option to install electric vehicle charging stations in garages of homes for your customers and tenants to assist Delaware in achieving its clean transportation goals.
- For the proposed pool and clubhouse, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities. Grants may be available for qualifying renewable energy systems installed in Delaware by applicants whose electricity provider collects funds for the program and offers a grant program for renewable energy projects. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>.

Recommendations for commercial section:

- Install electric vehicle charging stations for your customers and tenants to assist Delaware in achieving its clean transportation goals. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>.

Concerns Identified Outside of the Development Footprint

**Delaware Ecological Network**

Lands designated as part of the Delaware Ecological Network lie to the east of this parcel. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on the proposed development site could jeopardize habitat beyond the parcel boundary.

- Removing forested areas within (and nearby) the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.
- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.


**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- The location is not within any flood plain nor in a coastal inundation zone. 2018 QAP described the region this project is located in as being an “Area of Opportunity” while bordering a region identified as “Stable”. The region has a homeownership rate of approximately 81.2% to 83%, a poverty ratio of 10 to 1 with approximately 21% of that census block’s population at the age of 65 or older.



**State of Delaware**  
The Official Website of the First State

Home  
Search  
Legend  
Results

 Location is **NOT WITHIN** the FEMA 100-year floodplain. Preliminary data does not exist.

**Effective Flood Zone:**  
X

**Preliminary Flood Zone:**  
n/a

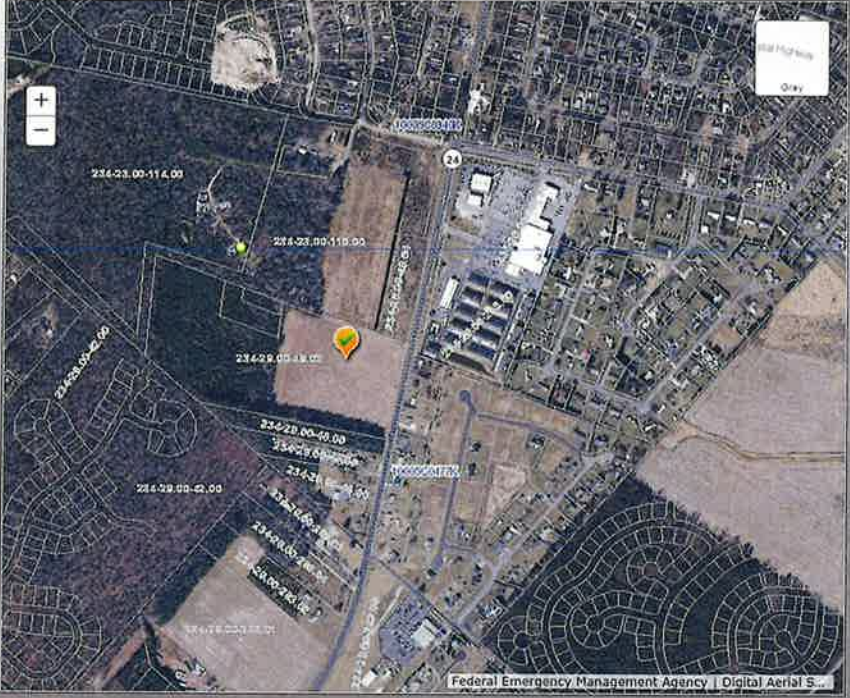
**FEMA Issued Flood Map:**  
10005C0477K

**Effective Map Date:**  
3/15/2015

**Watershed (HUC12):**  
Indian River Bay-Indian River Inlet

**Attachments:**  
None

Print  
Contacts  
Getting Started/Help



Federal Emergency Management Agency | Digital Aerial S...

Privacy | Contact | Phone Directory



Tract  
QAP Geographic Areas  
Areas Of Opportunity

[Zoom to](#) [Get Directions](#)

**Sussex County Planning & Zoning – Contact Lauren DeVore 855-7878**

- As of January 11, 2021, the applicant has already participated in a pre-application meeting with Planning and Zoning staff.
- Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID).
- Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.
- For the Conditional Use, a Service Level Evaluation Request form must be completed and submitted to the Office of Planning and Zoning. Once the Office receives the completed Service Level Evaluation Response from DelDOT, the applicant may submit all documentation and materials pertaining to their Conditional Use application.

- Please note that since the proposed development lies within the Coastal Area and is above the 50 dwelling unit and 75,000 feet of commercial development threshold, copies of an Environmental Assessment (EA) and Public Facility Evaluation Report must be submitted which address the criteria located in §115-194.3(2)(a-1).
- Additionally, the proposal will have to comply with the site plan requirements of §115-220 and the multifamily requirements of §115-188 of the Sussex County Code.
- Please include the proposed density for the project for separately for both the residential component as well as the commercial site. The C-3 Zoning District and the MR Zoning District (as a Conditional Use) allow for a density of up to 12 dwelling units per acre.
- Please note on the plans that the parcels are not located within a Wellhead Protection Area in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§ 89-6). Please note on the plans that the parcels are located within an area of “good” groundwater recharge potential in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§89-7).
- Staff note that there is only one-way-in, one-way-out access to the property. The Planning and Zoning Commission desire more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.
- The side yard setback for the portion of the property to be zoned C-3 adjacent to the existing Yeshua Lane is shown with a 10-ft side yard setback. The Site Data Column indicates that this setback is 5-ft. The side yard setback in the C-3 Zoning District is 20-ft when adjacent to a residentially zoned parcel (Tax Map: 234-29.00-49.04 appears to be residentially zoned as AR-1) (§115-83.22(B)(2)). Please indicate if the applicant wishes to amend this setback as part of the application.
- Staff note that 11.45 acres of open space is proposed. The proposed open space of 44% is desirable. Please include the amount of open space proposed as a percentage and in acres within the Site Data Column.
- The proposed parking appears to meet Code requirements as well as ADA requirements regarding the provision of handicap spaces per total number of parking spaces (§115-162).
- Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of the formal application.
- Please reach out to Lauren DeVore with any questions regarding these comments at [lauren.devore@sussexcountyde.gov](mailto:lauren.devore@sussexcountyde.gov) or call the Planning and Zoning Office at (302)855-7878.

**Sussex County Engineering Department – Contact Chris Calio 855-1299**

- The proposed project is located within a Tier 2 and Tier 3 area for sewer service and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.
- A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used.
- The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.
- One-time system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County’s “Affordable Housing Support Policy”. The policy along with other resources are available on the County’s Affordable & Fair Housing Resource Center website: [www.sussexcountyde.gov/affordable-and-fair-housing-resource-center](http://www.sussexcountyde.gov/affordable-and-fair-housing-resource-center). The County’s Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and

county sources, as well as private funding sources that also promote affordable housing in Sussex County.

- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

CU 2315 American Storage of Delaware, LLC  
Proposed Conditions of Approval

**FILE COPY**

Applicant  
Exhibit

Received 3.24.22  
@ R. B. C. Heaney

- A. There shall be no more than 140 units within the Conditional Use area.
- B. The Applicant shall form a homeowners' or condominium association responsible for perpetual maintenance of streets, roads, and buffers, stormwater management facilities, and other common areas.
- C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
- D. All entrances shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
- E. Interior street design shall comply with or exceed Sussex County standards and shall include sidewalks or multi-modal pathways on one side of all streets with street lighting.
- F. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- G. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas.
- H. There shall be a vegetated or forested buffer that is at least 20 feet wide installed around the residential portion of the development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.
- I. Recreational amenities shall be completed within the project upon issuance of the 84<sup>th</sup> building permit.
- J. Central sewer shall be provided to the development by Sussex County. The Developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
- K. The development shall be served by a central water system providing adequate drinking water and fire protection.
- L. Construction, site work, excavation, grading and deliveries to or from the property shall only occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturdays. A 24 inch x 36 inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
- M. The preliminary approval is contingent upon the Applicant submitting a revised preliminary site plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised plan upon confirmation that the conditions of approval have been depicted or noted on it.
- N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

**ENGINEERING DEPARTMENT**

JOHN J. ASHMAN  
SR. MANAGER OF UTILITY PLANNING  
& DESIGN REVIEW

(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

**SEWER SERVICE CONCEPT EVALUATION (SSCE)**  
**UTILITY PLANNING & DESIGN REVIEW**

Applicant: Scaled Engineering, Inc. Carlton R. Savage Jr.

Date: 3/8/2022

Reviewed by: Chris Calio

Agreement #:1204

Project Name: American Storage of Delaware – Route 24 (Rezoning)

Tax Map & Parcel(s): 234-29.00-49.02, 49.03 & 50.00

Sewer Tier: Tier 2 - Sussex County Planning Area

Proposed EDUs: 146

Pump Station(s) Impacted: PS 197

Facility treating and disposing of the wastewater: Inland Bays Regional Wastewater Facility

List of parcels to be served, created from the base parcel: N/A

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure):N/A

Connection Point(s): MH 32

Use of Existing Infrastructure Agreement required? Yes  or No

Annexation Required? Yes  or No

Easements Required? Yes  or No

Fee for annexation (based on acreage):\$1,500 (10.00 - 150.00 Acres)

Current Zoning: AR-1 Zoning Proposed: C-3 Heavy Commercial

**FILE COPY**

*Received 3.24.2022  
@Public Hearing*



Acreage: **25.90**

**Additional Information: Project will extend gravity sewer line from MH-32 to the project and provide a 20' wide easement along the entire front of parcel 234-29.00-49.02.**

\* No capacity is guaranteed until System Connection Fees are paid

**All gravity sewers with three (3) or more minor branches shall be designed at minimum slope and maximum depth.**

**Sussex County will be assessing bonding and inspection on projects on a unit cost approach per phase.**

**Recordation of Phasing Plans will now be required, each phase must be recorded prior to issuance of the Notice to Proceed. Any revisions to the phase will require the plan be re-recorded.**

**Once Construction Drawings are completed with all of the above information satisfied, please submit to:**

Sussex County Utility Planning & Design Review  
2 The Circle  
P.O. Box 589  
Georgetown DE 19947

CC: John Ashman  
Jordan Dickerson  
Nicole Messeck