

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  
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302-854-5079 F  
JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: September 8<sup>th</sup>, 2022

Application: CU 2333 Kent Walston, LLC

Applicant: Kent Walston, LLC  
30398 Pavilion Drive #1704  
Ocean View, Delaware 19970

Owner: Same as Applicant

Site Location: East Side of Kent Avenue, North of Jefferson Bridge Road

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Density Residential (MR)

Proposed Use: Duplex (multifamily, 2 units)

Current  
Comprehensive Land  
Use Plan Reference: Low Density

Proposed  
Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Mr. Hudson

School District: Indian River School District

Fire District: Greenwood Fire Department

Sewer: County Sewer

Water: Private Provider

Site Area: 1.4 ac. +/-

Tax Map ID.: 134-17.07-173.02



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## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner II  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: August 5, 2022  
RE: Staff Analysis for CU 2333, CZ 1965, and Ordinance No. 22-02

---

This memo provides background and an analysis for the Planning Commission to consider as a part of three (3) separate applications. They include Conditional Use No. 2333 (CU 2333), Change of Zone No. (CZ 1965), and Ordinance 22-02 (O-22-02). 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 subject applications of CU 2333, CZ 1965, and O-22-02 are for Tax Parcel 134-17.07-173.02. The property is on the east side of Kent Avenue (S.C.R. 361), just north of Jefferson Bridge Road (S.C.R. 361A). The property is approximately 1.41 acres +/- . The Conditional Use request is for 2 units to be located on one parcel of land. The Change of Zone request is to change the district from Agricultural Residential (AR-1) to Medium Density Residential (MR). Lastly, the Comprehensive Plan Amendment request proposes a change in the Future Land Use Designation from Municipalities Area to Coastal Area.

### 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. This application involves an amendment to the Future Land Use Map (O-22-02). The Future Land Use of this parcel is classified as a "Municipalities Area". Please note that this property is not within the Municipality of Bethany Beach. The property is within the jurisdiction of Sussex County; and therefore, the proposed Land Use Designation is "Coastal Area."

The State of Delaware's Office of State Planning Coordination (a/k/a PLUS) has reviewed the proposal to change the Future Land Use Designation to Coastal Area. This review was completed on December 15<sup>th</sup>, 2021. Comments regarding the PLUS review have been included as part of the record and in the published packet.

Parcels to the north, northeast, and west have a Future Land Use Designation as they are within the Town of Bethany Beach. Parcels to the south, southeast, and southwest have a Future Land Use Designation of Coastal Area. As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, 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 all 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

This application proposes a Change of Zone from an Agricultural Residential (AR-1) Zoning District to the Medium Density Residential (MR) Zoning District. The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories”, the Medium Density Residential (MR) Zoning District is listed as an Applicable Zoning District within a “Coastal Area.” (Sussex County Comprehensive Plan, 4-25).

Properties to the north hold no Sussex County Zoning Designation as they are within the Town of Bethany Beach. The adjacent parcels to the southeast and southwest are within the Medium Density (MR) Zoning District. The property directly to the south is within the Vacation-Retirement-Residential Park District.

### Conditional Uses Near the Subject Site

Since 2011, there has been three (3) Conditional Use applications within a one-mile radius. Conditional Use No. 1177, which proposed 25 multi-family units, was approved by the Sussex County Council on July 30<sup>th</sup>, 1997, through Ordinance No. 1158. Conditional Use No. 1802, which proposed 6 multi-family units, was approved by the Sussex County Council on October 5<sup>th</sup>, 2010 through Ordinance No. 2151. Conditional Use No. 2279, which proposed 11 multi-family units, was received a recommendation for approval by the Sussex County Planning and Zoning Commission. However, this application was withdrawn prior to being heard by the Sussex County Council. Staff note that a Conditional Use for office storage was issued for the property located at 32904 Coastal Highway in Bethany Beach. It was approved in 1972; however, little information is known about this application.

Based on the analysis provided, a Conditional Use for two (2) multi-family units, a Change of Zone to the MR District, and a Future Land Use Map Amendment could be considered as consistent with the surrounding land uses, zoning designations, and environment.



File #: CU 2333  
202118463

## 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**

East Side of Kent Avenue north of Jefferson Bridge Road

**Type of Conditional Use Requested:**

Conditional Use for multi family dwelling structures

**Tax Map #:** 134-17.07-173.02 **Size of Parcel(s):** 60,958 sf. (1.4 ac.)

**Current Zoning:** AR-1 **Proposed Zoning:** MR **Size of Building:** refer to site plan

**Land Use Classification:** Residential

**Water Provider:** Bethany Beach **Sewer Provider:** ~~Sussex County~~ South Bethany

**Applicant Information**

**Applicant Name:** Kent Walston, LLC

**Applicant Address:** 30398 Pavilion Drive #1704

**City:** Ocean View **State:** DE **Zip Code:** 19970

**Phone #:** (302) 727-8818 **E-mail:** paul@paulmccabe.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:** George, Miles and Buhr, LLC

**Agent/Attorney/Engineer Address:** 206 West Main Street

**City:** Salisbury **State:** MD **Zip Code:** 21801

**Phone #:** (410) 742-3115 **E-mail:** kkalinski@gmbnet.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.

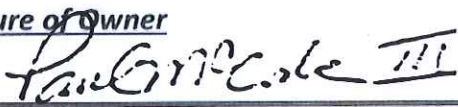
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_

Date: 12/6/21

Signature of Owner

  
\_\_\_\_\_

Date: 12/07/2021

For office use only:

Date Submitted: 12/28/21

Staff accepting application: cer

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

Fee: \$500.00 Check #: 2778304378

Application & Case #: 202118463

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

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

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

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

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



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

NICOLE MAJESKI  
SECRETARY

November 15, 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 **Kent Walston, LLC** proposed land use application, which we received on November 8, 2021. This application is for an approximately 1.36-acre parcel (Tax Parcel: 134-17.07-173.02). The subject land is located on the east side of Kent Avenue (State Route 54A) across from the intersection with Beachwood Lane. The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of MR (Medium Density Residential) to build one duplex and one single family house.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Kent Avenue from Atlantic Avenue (State Route 26) to Westway Drive (Sussex Road 224), is 3,903 vehicles per day.

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

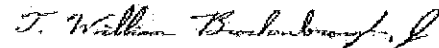
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
November 15, 2021

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:afm

cc: Kent Walston, LLC, Applicant  
Christin Scott, 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  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furrato, 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: **8/24/2022**  
APPLICATION: **CU 2333 Kent Walston, LLC**  
APPLICANT: **Kent Walston, LLC**  
FILE NO: **om-2.07**

RECEIVED

AUG 29 2022

SUSSEX COUNTY  
PLANNING & ZONING

TAX MAP &  
PARCEL(S): **134-17.07-173.02**

LOCATION: **East side of Kent Avenue, North of Jefferson Bridge Road.**

NO. OF UNITS: **Duplex (Multifamily, 2 units**

GROSS  
ACREAGE: **1.4**

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

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **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 **Noell Warren** at **302-855-7719** for additional information on charges.



- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **A lateral will need to be installed for this parcel due to a parcel split after the original installation of sewer for the Bethany Beach Area.**
- (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  
Noell Warren

# KENT WALSTON

## SUSSEX COUNTY, DELAWARE

### CONDITIONAL USE / CHANGE OF ZONE

GMB FILE NO. 210114

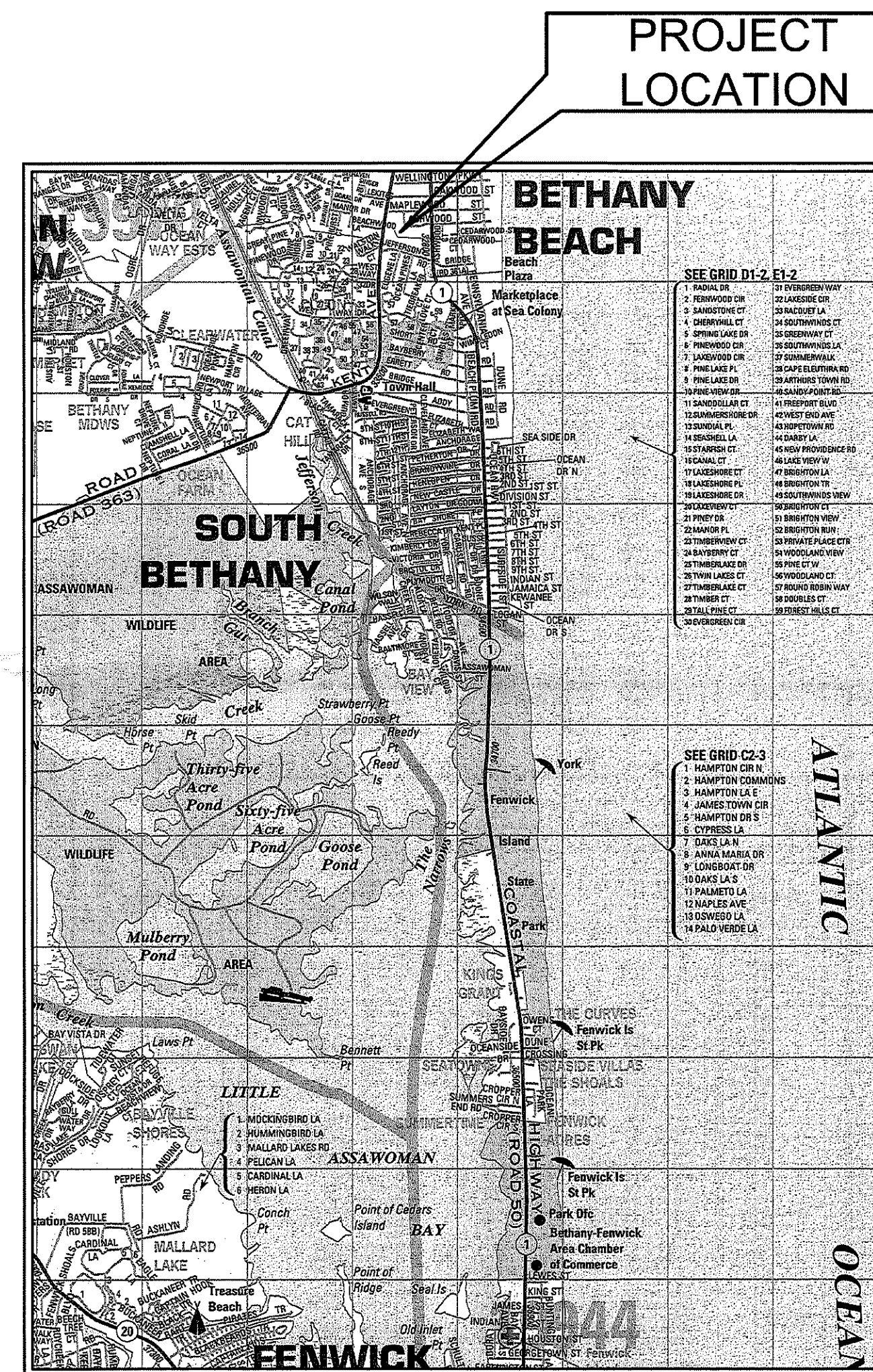
#### CONTACTS

OWNER/DEVELOPER: KENT WALSTON, LLC  
30398 PAVILION DRIVE #1704  
OCEAN VIEW, DELAWARE 19970

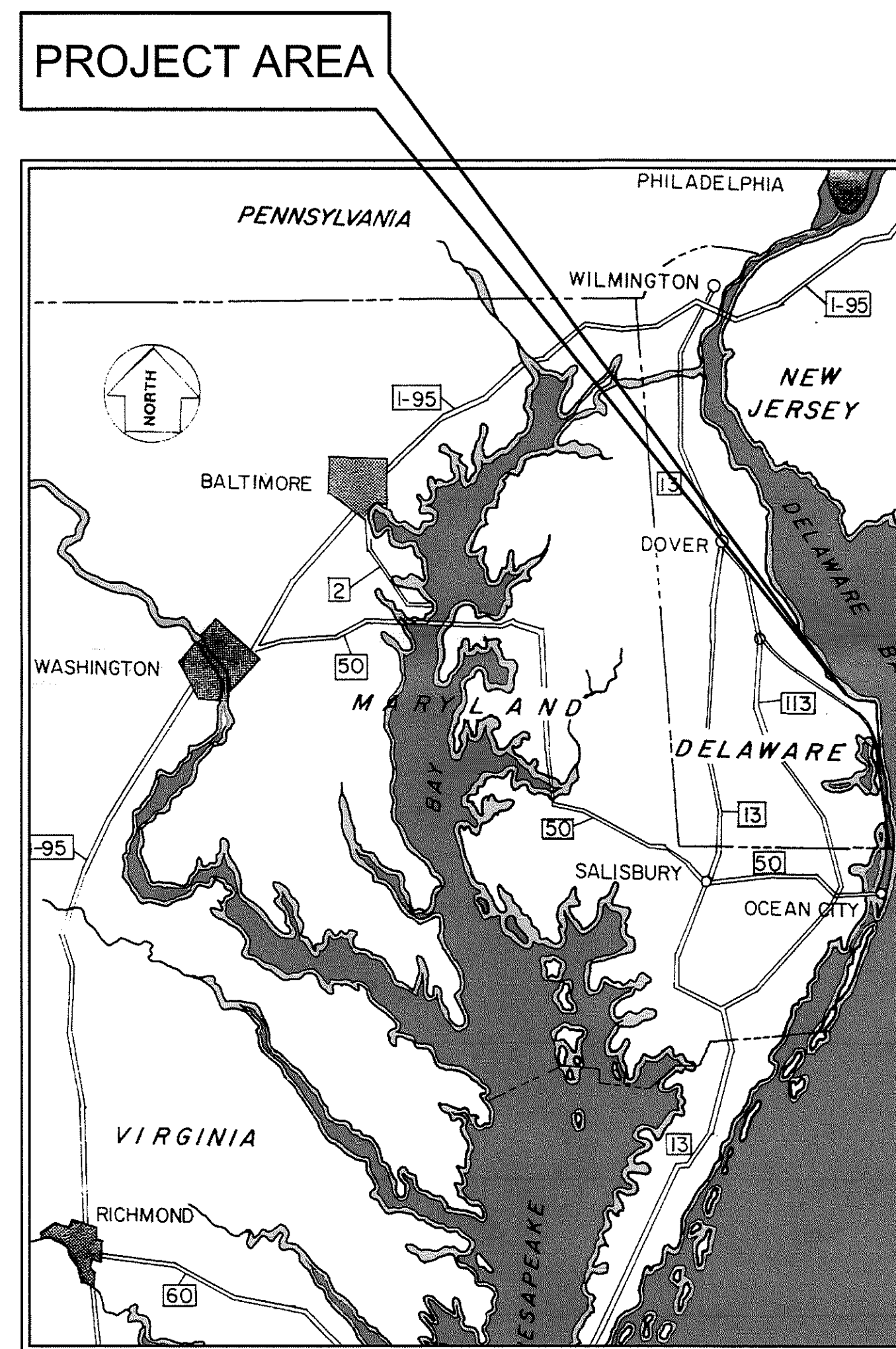
CONTACT: PAUL MCCABE  
(PHONE) 302-727-8818  
(EMAIL) PAUL@PAULMCCABE.COM

CIVIL: GEORGE MILES & BUHR, LLC  
206 WEST MAIN STREET  
SALISBURY, MARYLAND 21801

CONTACT: CHRISTOPHER PFEIFER, P.E.  
(PHONE) 410-742-3115  
(EMAIL) CPFEIFER@GMBNET.COM



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



**VICINITY MAP**  
SCALE: 1" = 20 MILES

#### SITE DATA

TAX MAP & PARCEL: 1-34-17.07-173.02  
TOTAL SITE AREA: ±1.37 ACRES  
EXISTING WETLANDS: ±0.00 ACRES  
EXISTING ZONING: AR-1  
PROPOSED ZONING: MR  
PROPOSED USE: 3 MULTI FAMILY UNITS  
BUILDING SETBACKS: 40' FRONT YARD  
10' SIDE YARD  
10' REAR YARD

PARKING REQUIRED: 6 PARKING SPACES  
PARKING PROVIDED: 6 PARKING SPACES

FLOOD PLAIN: FLOOD INFORMATION: SPECIAL HAZARD AREA ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FEMA MAP 10005C0187K DATED MARCH 16, 2015.

WATER PROVIDER: TOWN OF BETHANY  
SEWER PROVIDER: TOWN OF BETHANY

DE STATE PLANE COORDINATE SYSTEM NAD83/91 AND NAVD88 VERTICAL DATUM

LIGHTING: ADEQUATE LIGHTING SHALL BE PROVIDED ON AND AROUND THE BUILDINGS. THE LIGHTING WILL BE ARRANGED AND INSTALLED TO MINIMIZE GLARE ON ANY ADJACENT RESIDENTIAL PROPERTIES.

SOURCE WATER PROTECTION: THIS PARCEL IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA. THIS PARCEL IS LOCATED WITHIN AN AREA OF EXCELLENT GROUNDWATER RECHARGE POTENTIAL.

STORMWATER MANAGEMENT AND STORM DRAINAGE SHALL BE IN ACCORDANCE WITH THE SUSSEX CONSERVATION DISTRICT, AND SUSSEX COUNTY ENGINEERING REQUIREMENTS. THE SITE IS TO BE TREATED BY GREEN TECHNOLOGIES, AND BMP FACILITIES SUCH AS DETENTION PONDS, MAINTENANCE OF THE ON-SITE STORMWATER MANAGEMENT FACILITIES AND STORM DRAINAGE SYSTEM SHALL BE THE RESPONSIBILITY OF THE OWNER.

BOUNDARY AND TOPOGRAPHY SHOWN HEREIN PROVIDED BY VISTA DESIGN, INC., DATED 7/20/21.

THERE ARE NO STATE OR FEDERAL WETLANDS PRESENT ON SITE.

#### LIST OF DRAWINGS

PSP1.0 COVER SHEET  
PSP2.0 EXISTING CONDITIONS / BOUNDARY SURVEY  
PSP3.0 PRELIMINARY SITE PLAN



GEORGE, MILES & BUHR, LLC  
ARCHITECTS & ENGINEERS  
SALISBURY • BALTIMORE • SEAFORD  
206 DOWNTOWN PLAZA  
SALISBURY, MARYLAND 21801  
410-742-3115, FAX 410-546-5790  
www.gmbnet.com

DECEMBER 2021

#### ENGINEER'S CERTIFICATION:

"I, CHRISTOPHER PFEIFER, P.E. HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES."

CHRISTOPHER PFEIFER, P.E. \_\_\_\_\_ DATE \_\_\_\_\_

#### OWNERS CERTIFICATION:

"I, THE UNDERSIGNED, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHOULD BE DONE PURSUANT TO THE APPROVED PLAN AND THAT RESPONSIBLE PERSONNEL (I.E., BLUE CARD HOLDER) INVOLVED IN THE LAND DISTURBANCE WILL HAVE A CERTIFICATION OF TRAINING PRIOR TO INITIATION OF THE PROJECT, AT A DNREC SPONSORED OR APPROVED TRAINING COURSE FOR THE CONTROL OF EROSION AND SEDIMENT DURING CONSTRUCTION. IN ADDITION, I GRANT THE DNREC SEDIMENT AND STORMWATER PROGRAM AND/OR THE RELEVANT DELEGATED AGENCY THE RIGHT TO CONDUCT ON-SITE REVIEWS, AND I UNDERSTAND MY RESPONSIBILITIES UNDER THE NPDES CONSTRUCTION GENERAL PERMIT, AS REFERENCED ON THIS COVER SHEET."

KENT WALSTON, LLC \_\_\_\_\_ DATE \_\_\_\_\_

PRINTS ISSUED FOR: REVIEW

NO.	REVISIONS	DATE

PREPARED BY: LAND PLANNING, LLC  
206 WEST MAIN STREET, SUITE 202  
SALISBURY, MARYLAND 21801  
PHONE: (302) 539-2386

**GMB**  
GEORGE, MILES & BUHR, LLC  
ARCHITECTS & ENGINEERS  
SALISBURY • BALTIMORE • SEAFORD  
206 WEST MAIN STREET  
SALISBURY, MARYLAND 21801  
410-742-3115, FAX 410-546-5790  
www.gmbnet.com

KENT WALSTON  
SUSSEX COUNTY, DELAWARE

COVER SHEET

SCALE: AS NOTED	SHEET NO.
DESIGN BY: KK	PSP1.0
DRAWN BY: RFT	
CHECKED BY: KK	
GMB FILE: 210114	
DATE: DEC 2021	

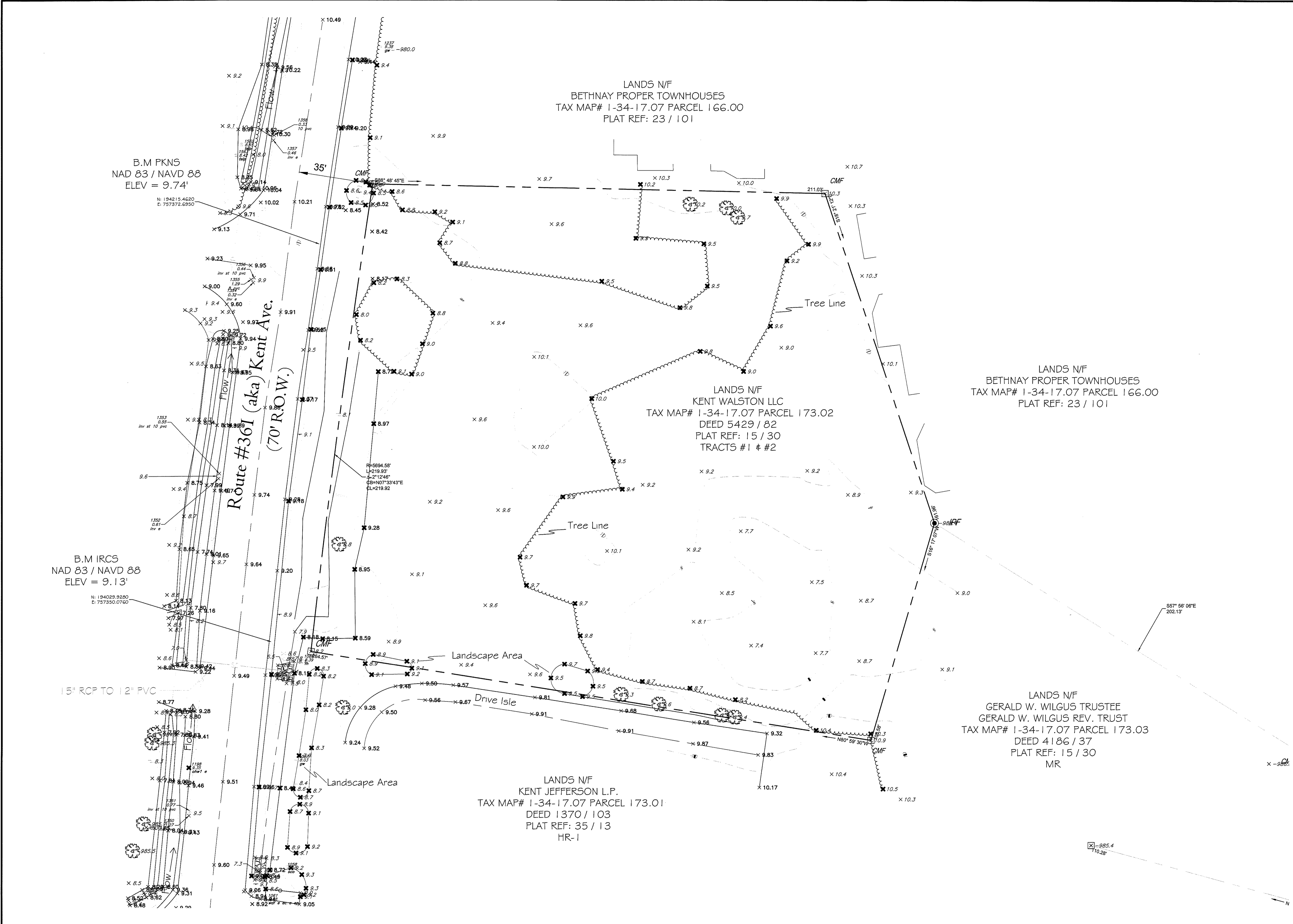
© COPYRIGHT 2021 GEORGE, MILES & BUHR, LLC

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 PLOT CODE: 210114  
 PLOT DATE: 12/13/2021  
 PLOT TIME: 10:15:15 AM  
 PLOT USER: KENT WALSTON  
 PLOT DEVICE: HP DesignJet T1100e  
 PLOT STATUS: SUCCESS



G:\Projects\2021\210114\_McCabe\_Conceptual\_SMI\_and\_Site\_Develop/Drawings/Working Sets/Vermont/Plans/PSP2.0 Existing Conditions.dwg, 12/19/2021, Katie Kothari

PENK-RED 200 INCHES (1:800) PENK-YELLOW 200 INCHES (1:800) PENK-BLUE 200 INCHES (1:800) PENK-MAGENTA 200 INCHES (1:800) PENK-WHITE 200 INCHES (1:800) PLOT CODE: PENK-CW 214 INCHES (1:800) PENK-ORANGE 200 INCHES (1:800) PENK-GREEN 200 INCHES (1:800)



LANDS N/F  
BETHNAY PROPER TOWNHOUSES  
TAX MAP# 1-34-17.07 PARCEL 166.00  
PLAT REF: 23 / 101

LANDS N/F  
KENT WALSTON LLC  
TAX MAP# 1-34-17.07 PARCEL 173.02  
DEED 5429 / 82  
PLAT REF: 15 / 30  
TRACTS #1 & #2

LANDS N/F  
BETHNAY PROPER TOWNHOUSES  
TAX MAP# 1-34-17.07 PARCEL 166.00  
PLAT REF: 23 / 101

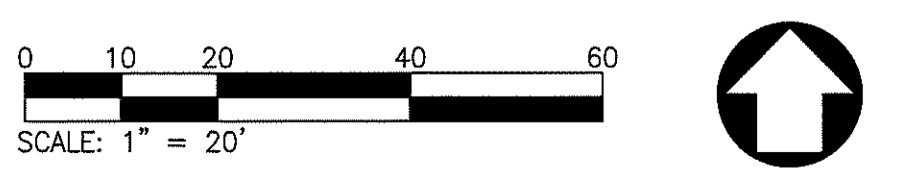
LANDS N/F  
GERALD W. WILGUS TRUSTEE  
GERALD W. WILGUS REV. TRUST  
TAX MAP# 1-34-17.07 PARCEL 173.03  
DEED 4186 / 37  
PLAT REF: 15 / 30  
MR

LANDS N/F  
KENT JEFFERSON L.P.  
TAX MAP# 1-34-17.07 PARCEL 173.01  
DEED 1370 / 103  
PLAT REF: 35 / 13  
HR-1

B.M PKNS  
NAD 83 / NAVD 88  
ELEV = 9.74'

B.M IRCS  
NAD 83 / NAVD 88  
ELEV = 9.13'

Route #361 (aka) Kent Ave.  
(70' R.O.W.)



PRINTS ISSUED FOR REVIEW

NO.	REVISIONS	DATE

PREPARED BY:

LAND PLANNING, LLC  
3286 SOUTH COASTAL HIGHWAY, SUITE 202  
BETHNAY, MARYLAND 21030  
PHONE (302) 538-2330

GEORGE, MILES & BUHR, LLC  
ARCHITECTS & ENGINEERS  
SALISBURY, BALTIMORE - SEAFORD  
206 WEST MAIN STREET  
SALISBURY, MARYLAND 21801  
410-742-3115, FAX 410-548-0790  
www.gmbnet.com

KENT WALSTON  
SUSSEX COUNTY, DELAWARE

EXISTING CONDITIONS/  
BOUNDARY SURVEY

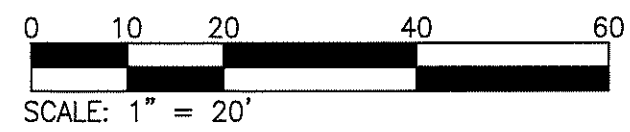
SCALE : 1" = 20'	SHEET NO.
DESIGN BY :	PSP2.0
DRAWN BY : OTHERS	
CHECKED BY : KJK	
GMB FILE : 210114	
DATE : DEC 2021	

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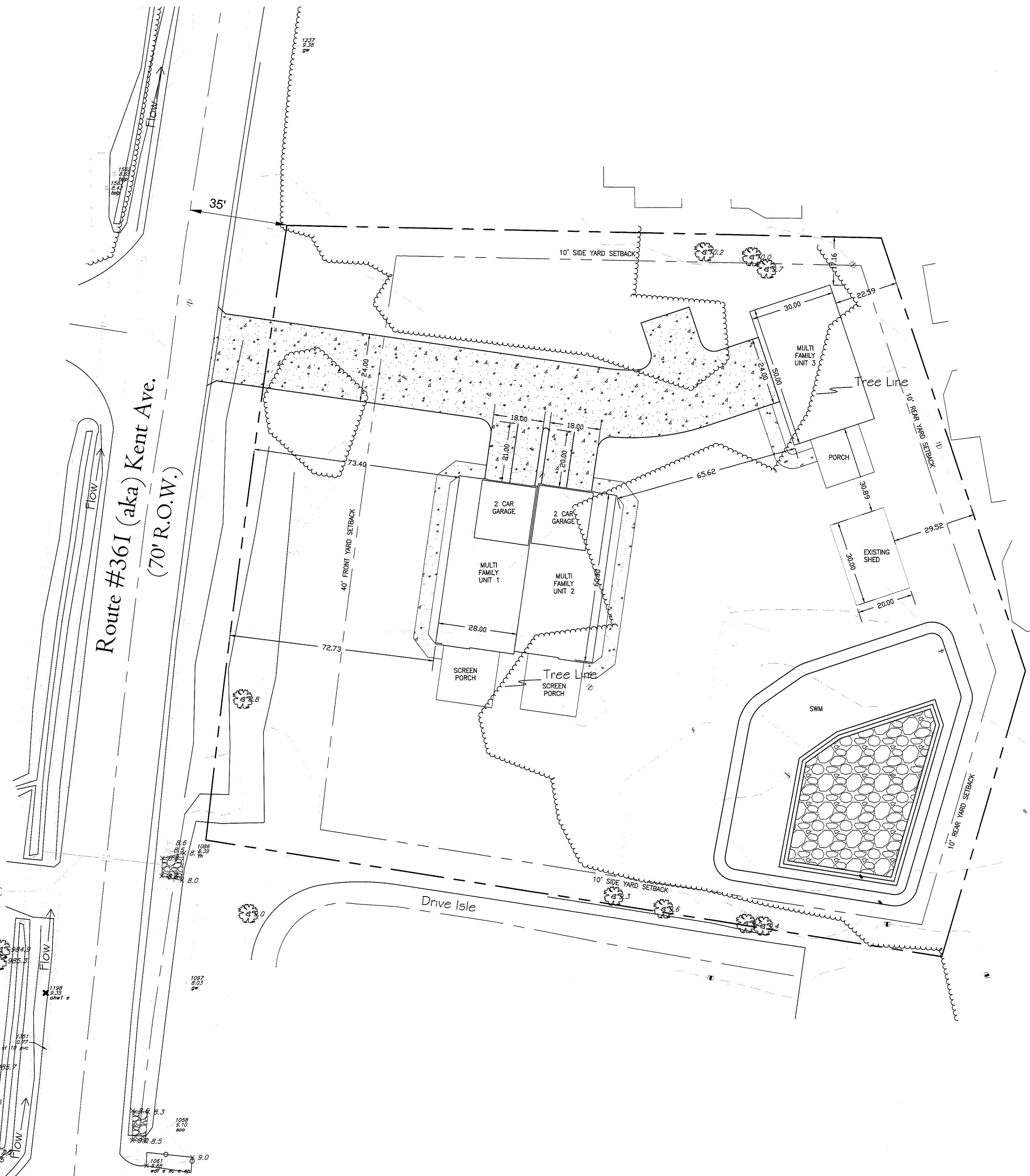
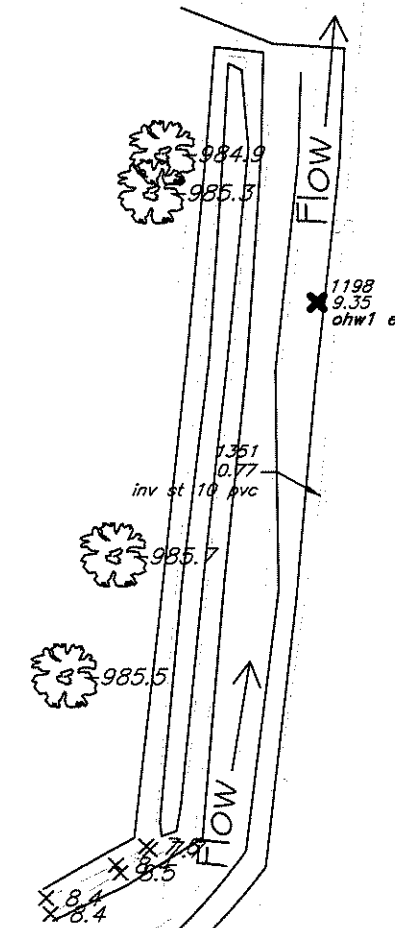


G:\Projects\2021\210114 McCabe Conceptual SWM and Site Design\Drawings Working Set\Preliminary Plans\PSP3.0 Preliminary Site Planning, 12/13/2021, Kelly Kosaki

PEN1-RED 1/16" (1.5mm) PEN2-YELLOW 1/32" (1.0mm) PEN3-GREEN 1/16" (1.5mm) PEN4-BLUE 1/32" (1.0mm) PEN5-INDIA 1/32" (1.0mm) PEN6-BLUE 1/32" (1.0mm) PEN7-INDIA 1/32" (1.0mm)



15" RCP TO 12" PVC



### PRELIMINARY SITE PLAN

SCALE : 1" = 20'  
 SHEET NO. : PSP3.0  
 DESIGN BY : KK  
 DRAWN BY : RFT  
 CHECKED BY : KK  
 GMB FILE : 210114  
 DATE : DEC 2021

KENT WALSTON  
 SUSSEX COUNTY, DELAWARE

**GMB**  
 GEORGE, MILES & BUHR, LLC  
 ARCHITECTS & ENGINEERS  
 SALISBURY • BALTIMORE • SEABOARD  
 208 WEST MAIN STREET  
 SALISBURY, MARYLAND 21801  
 410-744-4111 • 410-686-3776  
 www.gmbnet.com

PREPARED BY:  
**LAND TECH**  
**LAND PLANNING, LLC**  
 32896 SOUTH COASTAL HIGHWAY, SUITE 202  
 BETHANY BEACH, DELAWARE 19830  
 PHONE: (302) 538-2586

NO.	REVISIONS	DATE

PRINTS ISSUED FOR:  
REVIEW



# Kent Walston Multi-Family

## Parcel # 134-17.07-173.02

### Conditional Use # 2333 & Change of Zone # 1965

## Public Hearing Information Packet

September 2022  
GMB Project No. 220127



# GMB

GEORGE, MILES & BUHR, LLC

**ARCHITECTS/ENGINEERS**

206 WEST MAIN STREET  
SALISBURY, MD 21801  
410.742.3115

SALISBURY/BALTIMORE/SEAFORD



**Kent Walston Multi-Family  
TAX MAP 134-17.07-173.02  
Conditional Use #2333 &  
Change of Zone #1965**

**INFORMATION FOR PUBLIC RECORD  
SEPTEMBER 2022**

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**2. PLANNING & ZONING**

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  - Letter to Planning & Zoning, dated 12/22/2021
  - Conditional Use Application
  - Zoning Map Amendment Application
  
- *Environmental Assessment / Public Facility Evaluation,*
  - *Preliminary Site Plan*

**3. PRELIMINARY LAND USE SERVICE (PLUS)**

- PLUS Application, dated 10/29/2021
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**4. SITE SPECIFIC MAPS, PLANS AND DOCUMENTATION**

- Parcels & Zoning Map
- List of Adjoining Property Owners
- Deed
- FEMA Map – Map # 1005C0516K & 1005C0512K
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- Flood Zone Map
- Land Use Map
- Wetlands & Tax Ditch Map
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- SCD Pre-Application Meeting Minutes, dated 7/21/2021

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- Service Level Evaluation Response, dated 11/15/2021

**7. THREATENED AND ENDANGERED SPECIES**

- Environmental Resources, Inc. Letter, dated 8/18/2022
- U.S. Dept. of the Interior, Fish and Wildlife Service Letter, dated 8/18/2022

## **1. EXECUTIVE SUMMARY**

**Kent Walston Multi-Family Project**  
**Conditional Use 2333 & Change of Zone 1965**

**EXECUTIVE SUMMARY**

Kent Walston, LLC. is seeking a Conditional Use for Tax Map Parcel **134-17.07-173.02** as a proposed Multifamily Residential project under Condominium Regime.

The parcel is zoned AR Agricultural Residential and lies in the Coastal Area. We are seeking a change in Zoning to MR- Medium Density Residential.

**Parcel 173.02** is 1.37 acres, located along Kent Avenue adjacent to Bethany Beach, Delaware.

The site is surrounded by existing Residential uses.

A shared entrance will be located along Kent Avenue.

Public Water and Sewer will be provided by the Town of Bethany Beach, Delaware.

Stormwater management will meet the requirements of the Sussex Conservation District.

Disturbance is generally contained to the center of the site.

An Environmental Assessment Report and responses to the PLUS comments are included in the project binder.

## **2. PLANNING & ZONING**

••••

ARCHITECTS  
ENGINEERS

206 WEST MAIN STREET  
SALISBURY, MD 21801  
PH: 410.742.3115  
PH: 800.789.4462  
FAX: 410.548.5790

SALISBURY  
BALTIMORE  
SEAFORD

www.gmbnet.com

••••

## TRANSMITTAL

DATE: December 22, 2021                      GMB NO: 210114  
TO: Sussex County                              RE: Kent Walston  
      Planning & Zoning                        TMP# 134-17.07-173.02  
      2 The Circle                                Sussex County, DE  
      Georgetown, DE 19947  
  
ATTN: Lauren DeVore  
       Planner III

---

COPIES:	DESCRIPTION
1	Kent Walston Site Plan (24X36)
1	Kent Walston Conditional Use Application
1	Conditional Use Application Fee \$500
1	Kent Walston Zoning Map Amendment Application
1	Zoning Map Amendment Application Fee \$500
1	Intake Form

---

REMARKS: Please feel free to contact our office with any questions or comments.

---

COPIES TO: Kent Walston, LLC  
              Attn: Mr. Paul McCabe



---

Katja Kalinski  
Sr. Landscape Designer

## 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**

East Side of Kent Avenue north of Jefferson Bridge Road

**Type of Conditional Use Requested:**

Conditional Use for multi family dwelling structures

Tax Map #: 134-17.07-173.02 Size of Parcel(s): 60,958 sf. (1.4 ac.)Current Zoning: AR-1 Proposed Zoning: MR Size of Building: refer to site planLand Use Classification: ResidentialWater Provider: Bethany Beach Sewer Provider: Sussex County**Applicant Information**Applicant Name: Kent Walston, LLCApplicant Address: 30398 Pavilion Drive #1704City: Ocean View State: DE Zip Code: 19970Phone #: (302) 727-8818 E-mail: paul@paulmccabe.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: George, Miles and Buhr, LLCAgent/Attorney/Engineer Address: 206 West Main StreetCity: Salisbury State: MD Zip Code: 21801Phone #: (410) 742-3115 E-mail: kkalinski@gmbnet.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.

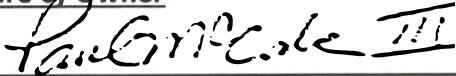
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 12/6/21

Signature of Owner



Date: 12/07/2021

For office use only:

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

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

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

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

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

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

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

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

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

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

## Planning & Zoning 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**

East side of Kent Avenue north of Jefferson Bridge Road

**Type of Conditional Use Requested:**

change in zoning from AR-1 to MR

Tax Map #: 134-17.07-173.02 Size of Parcel(s): 60,958 sf (1.4 ac.)Current Zoning: AR-1 Proposed Zoning: MR Size of Building: refer to site planLand Use Classification: ResidentialWater Provider: Bethany Beach Sewer Provider: Sussex County**Applicant Information**Applicant Name: Kent Walston, LLCApplicant Address: 30398 Pavilion Drive #1704City: Ocean View State: DE Zip Code: 19970Phone #: (302) 727-8818 E-mail: paul@paulmccabe.com**Owner Information**Owner Name: same as applicant

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

**Agent/Attorney/Engineer Information**Agent/Attorney/Engineer Name: George, Miles and Buhr, LLCAgent/Attorney/Engineer Address: 206 West Main StreetCity: Salisbury State: MD Zip Code: 21801Phone #: (410) 742-3115 E-mail: kkalinski@gmbnet.com

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**Provide Fee \$500.00**

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

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

**DelDOT Service Level Evaluation Request Response**

**PLUS Response Letter** (if required)

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

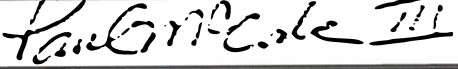
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Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_

Date: 12/6/21

Signature of Owner

  
\_\_\_\_\_

Date: 12/07/2021

For office use only:

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

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

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

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

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

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

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

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

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

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



GEORGE, MILES & BUHR, LLC



ARCHITECTS  
ENGINEERS

206 WEST MAIN STREET  
SALISBURY, MD 21801  
PH: 410.742.3115  
PH: 800.789.4462  
FAX: 410.548.5790

SALISBURY  
BALTIMORE  
SEAFORD

[www.gmbnet.com](http://www.gmbnet.com)



August 24, 2022

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

Attn: Mr. Chase Phillips  
Planner II

Re: Kent Walston Multi-family  
Proposed Conditional Use No. 2333  
Proposed Change of Zone No. 1965  
Tax Map Number 134-17.07-173.02  
GMB Project # 220127

Dear Mr. Phillips:

On behalf of Kent Walston, LLC, please accept this Environmental Assessment and Public Facility Evaluation Report for Tax Map Number 134-17.07-173.02. This letter is in support of the Proposed Conditional Use application, Change of Zone application and Preliminary Site Plan submittal as encouraged by Sussex County Code Section 115-194.3. A copy of this letter report will also be included in the project binders. The Preliminary Site Plan and supporting documentation was originally submitted to Sussex County Department of Planning and Zoning on December 22, 2021.

### Summary

Kent Walston, LLC is seeking a Change of Zone and Conditional Use permit to develop a Multifamily residential project under condominium ownership regime. The project includes three (3) Multi-Family units. The property is currently zoned AR and is in the Coastal Area along Kent Avenue near Bethany Beach, Delaware. The 1.37 acres site is surrounded by Residential uses.

### Stormwater Management (SWM) and Erosion and Sediment Control (ESC)

The stormwater management design will meet all current regulatory requirements. No offsite drainage will be adversely impacted.

### Public Water Supply

Public water will be supplied by the Town of Bethany.

### Public Wastewater Collection, Treatment and Disposal

Public Sewer will be provided by Sussex County Public Works.

### Traffic

A small, shared Entrance Plan is proposed along Kent Avenue. Final entrance design at Kent Avenue will be coordinated within DeIDOT rules and regulations and will be reviewed and approved by DeIDOT.

JAMES H. WILLEY, JR., P.E.  
PETER A. BOZICK, JR., P.E.  
CHARLES M. O'DONNELL, III, P.E.  
A. REGGIE MARINER, JR., P.E.  
JAMES C. HOAGESON, P.E.  
STEPHEN L. MARSH, P.E.  
DAVID A. VANDERBEEK, P.E.  
ROLAND E. HOLLAND, P.E.  
JASON M. LYTLE, P.E.  
CHRIS B. DERBYSHIRE, P.E.  
MORGAN H. HELFRICH, AIA  
KATHERINE J. MCALLISTER, P.E.  
W. MARK GARDOCKY, P.E.  
ANDREW J. LYONS, JR., P.E.

JUDY A. SCHWARTZ, P.E.  
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.  
VINCENT A. LUCIANI, P.E.  
AUTUMN J. WILLIS  
CHRISTOPHER J. PFEIFER, P.E.



### **Threatened/Endangered Species**

There are no known threatened or endangered species on the site.

### **Tidal/Non-tidal Wetlands**

Environmental Resources, Inc. (ERI) performed a site investigation in early 2022. The investigation was in accordance with the three-parameter approach evaluating soils, hydrology, and vegetation outlined in the 1987 Corps of Engineers Wetlands Delineation Manual and associated guidance. Wetland boundaries are still being field verified. ERI has advised GMB that the proposed plan avoids impacts to any potential wet areas. There are no State regulated wetlands or tidal wetlands on this property. A wetland report and plan will be submitted to the Philadelphia District Corps of Engineers. We do not anticipate any impacts to federally regulated wetlands.

### **Non-tidal Waters & Drainage Features**

There are no non-tidal waters or wetlands present on the site.

### **Provision of Open Space**

No public open space is anticipated at this time. A portion of the site will be designated as shared Open Space under the proposed condominium regime.

### **Provisions for Public and Private Infrastructure**

Public Water and Sewer services will be brought to the entrance of the site. The condominium regime will maintain private ownership of all interior utilities and the shared driveway.

### **Economic and Recreational Benefits**

The economic benefits for infill development are well documented. The economic benefits of the permit fees, increased tax revenue, and long-term jobs associated with this community addition are to be expected. The chances for a successful project, ensuring these jobs and economic benefits, are increased due to the success of the existing communities in the area and the minimal infrastructure investment required.

### **Historic or Cultural Resources**

If any unmarked graves or human remains are found during construction, the developer will stop work and contact the State's Historic Preservation Office (SHPO) immediately. SHPO comments note in the PLUS comments that historic archaeological potential is low. In the event any other unknown historic or archeological resource should be found on the site located within a Section 106 permit area as determined by the Corps of Engineers or other federal permitting agency, the developer will conduct all necessary investigations as required by the Natural Historic Preservation Act of 1966, Section 106 Provisions.

### **Conformance with Current Sussex County Comprehensive Plan**

The project is located within the State Level 1 Investment Area and falls within the Coastal Area, which is designated as a growth area per the Sussex County Comprehensive Plan. As such, the proposed project is consistent with the Comprehensive Plan.

**Conclusion**

The proposed residential development is consistent with the County's Comprehensive Land Use Plan. The site's proximity to other development in the area makes it appropriate for the proposed use. Environmental impacts will be minimized using best management practices for stormwater treatment and the use of Central Water and Sewer. The economic benefits of the permit fees, increased tax revenue, and long-term jobs associated with this community addition are to be expected. The chances for a successful project, ensuring these jobs and economic benefits, are increased due to the success of the existing communities in the area and the minimal infrastructure investment required. Kent Walston, LLC. looks forward to working with Sussex County to implement the proposed development, which will be integrated into the surrounding community and existing natural environment.

Please feel free to contact me with any questions.

Sincerely,



Christopher Pfeifer, P.E.  
Project Manager

CJP/cl

Enclosures: One (1) copy of the Preliminary Site Plan

cc: Kent Walston, LLC  
Attn: Mr. Paul McCabe



# KENT WALSTON

## SUSSEX COUNTY, DELAWARE

# CONDITIONAL USE / CHANGE OF ZONE

GMB FILE NO. 210114

### CONTACTS

OWNER/DEVELOPER: KENT WALSTON, LLC  
30398 PAVILION DRIVE #1704  
OCEAN VIEW, DELAWARE 19970

CONTACT: PAUL MCCABE  
(PHONE) 302-727-8818  
(EMAIL) PAUL@PAULMCCABE.COM

CIVIL: GEORGE, MILES & BUHR, LLC  
206 WEST MAIN STREET  
SALISBURY, MARYLAND 21801

CONTACT: CHRISTOPHER PFEIFER, P.E.  
(PHONE) 410-742-3115  
(EMAIL) CPFEIFER@GMBNET.COM

### SITE DATA

TAX MAP & PARCEL: 1-34-17.07-173.02

TOTAL SITE AREA: ±1.37 ACRES

EXISTING WETLANDS: ±0.00 ACRES

EXISTING ZONING: AR-1

PROPOSED ZONING: MR

PROPOSED USE: 3 MULTI FAMILY UNITS

BUILDING SETBACKS: 40' FRONT YARD  
10' SIDE YARD  
10' REAR YARD

PARKING REQUIRED: 6 PARKING SPACES

PARKING PROVIDED: 6 PARKING SPACES

FLOOD PLAIN: FLOOD INFORMATION: SPECIAL HAZARD AREA ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FEMA MAP 10005C0187K DATED MARCH 16, 2015.

WATER PROVIDER: TOWN OF BETHANY

SEWER PROVIDER: TOWN OF BETHANY

DE STATE PLANE COORDINATE SYSTEM NAD83/91 AND NAVD88 VERTICAL DATUM

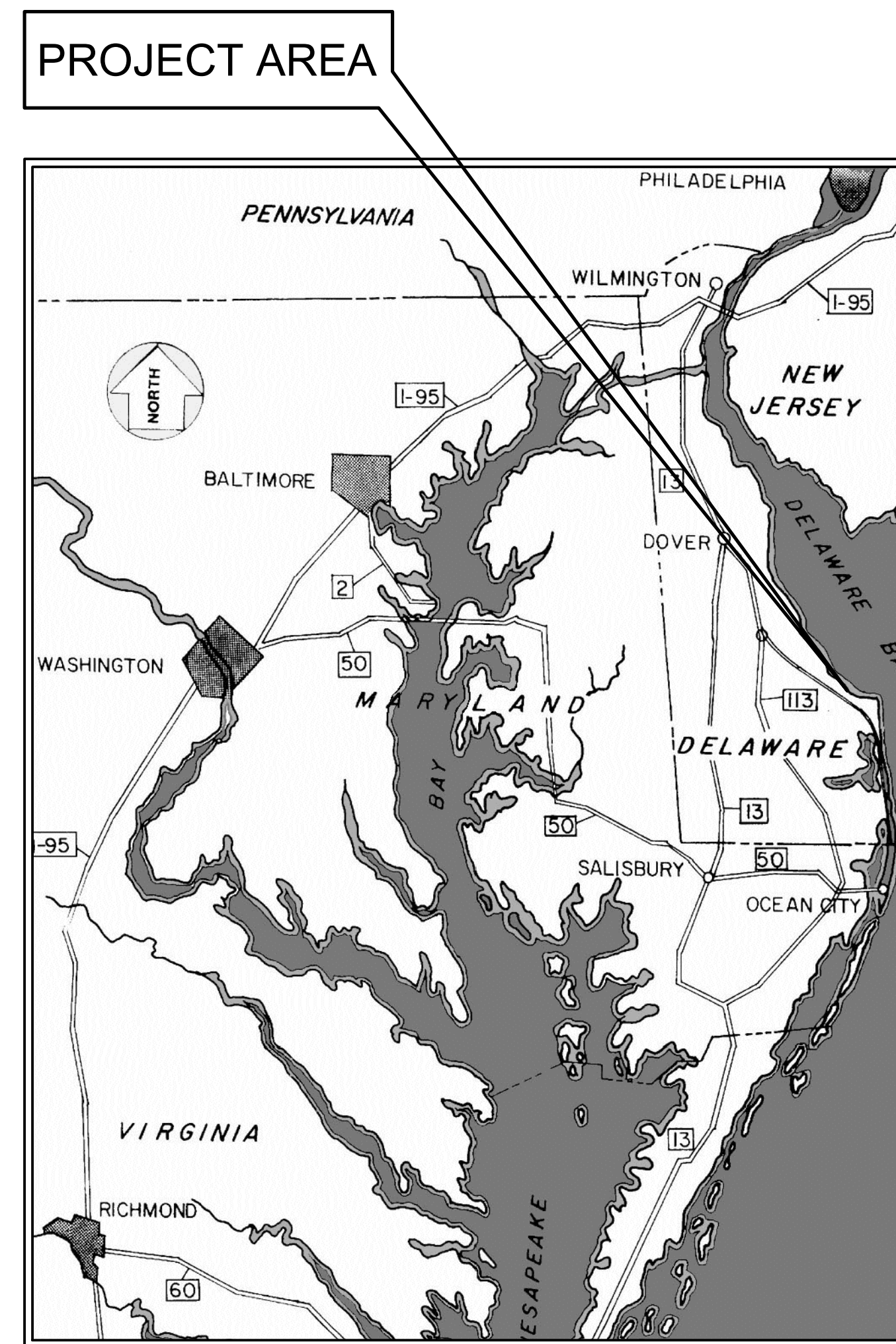
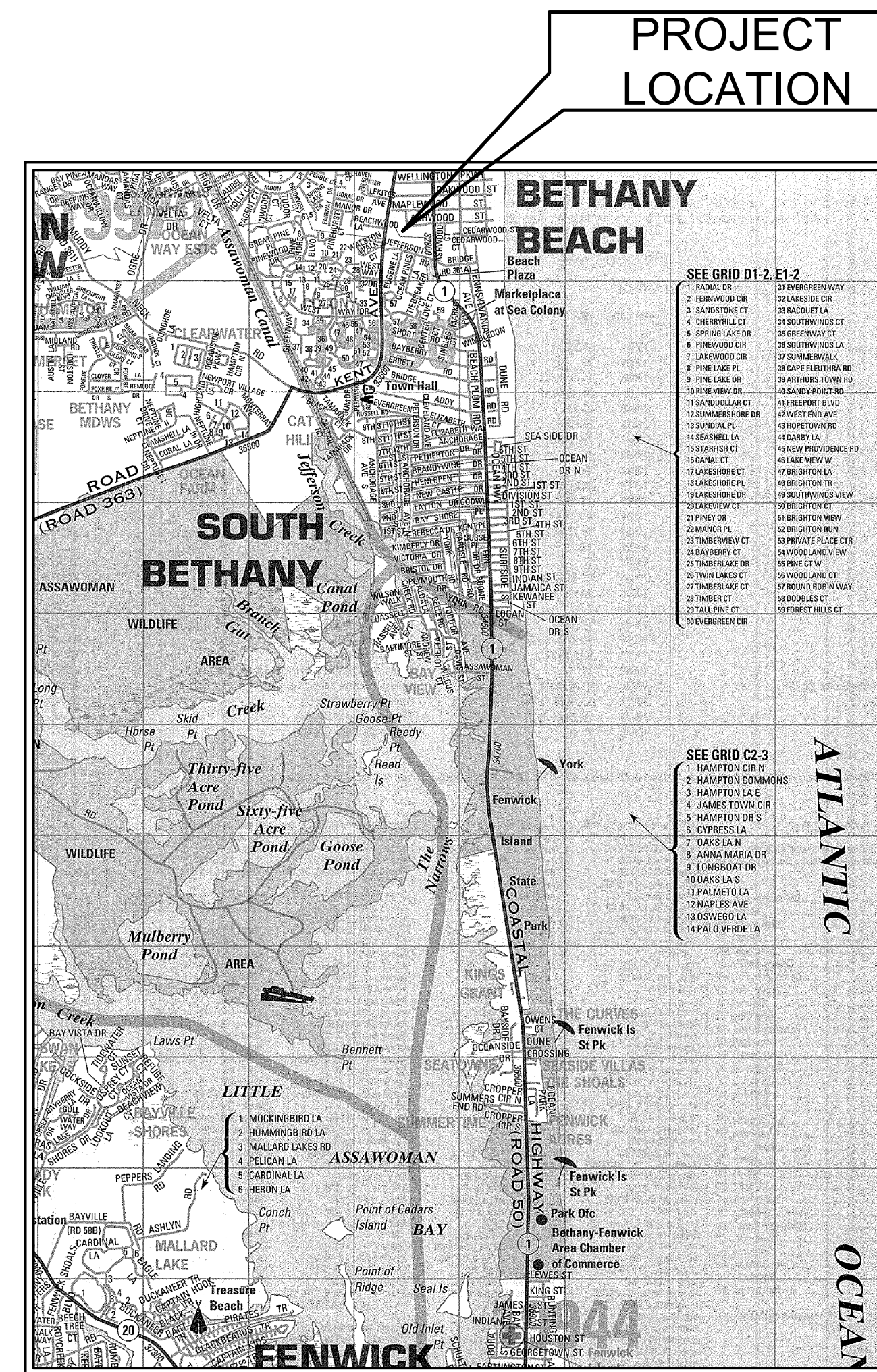
LIGHTING: ADEQUATE LIGHTING SHALL BE PROVIDED ON AND AROUND THE BUILDINGS. THE LIGHTING WILL BE ARRANGED AND INSTALLED TO MINIMIZE GLARE ON ANY ADJACENT RESIDENTIAL PROPERTIES.

SOURCE WATER PROTECTION: THIS PARCEL IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA. THIS PARCEL IS LOCATED WITHIN AN AREA OF EXCELLENT GROUNDWATER RECHARGE POTENTIAL.

STORMWATER MANAGEMENT AND STORM DRAINAGE SHALL BE IN ACCORDANCE WITH THE SUSSEX CONSERVATION DISTRICT, AND SUSSEX COUNTY ENGINEERING REQUIREMENTS. THE SITE IS TO BE TREATED BY GREEN TECHNOLOGIES, AND BMP FACILITIES SUCH AS DETENTION PONDS. MAINTENANCE OF THE ON-SITE STORMWATER MANAGEMENT FACILITIES AND STORM DRAINAGE SYSTEM SHALL BE THE RESPONSIBILITY OF THE OWNER.

BOUNDARY AND TOPOGRAPHY SHOWN HEREIN PROVIDED BY VISTA DESIGN, INC., DATED 7/20/21.

THERE ARE NO STATE OR FEDERAL WETLANDS PRESENT ON SITE.



### LIST OF DRAWINGS

- PSP1.0 COVER SHEET
- PSP2.0 EXISTING CONDITIONS / BOUNDARY SURVEY
- PSP3.0 PRELIMINARY SITE PLAN

**GMB**  
GEORGE, MILES & BUHR, LLC  
ARCHITECTS & ENGINEERS  
SALISBURY • BALTIMORE • SEAFORD  
206 DOWNTOWN PLAZA  
SALISBURY, MARYLAND 21801  
410-742-3115, FAX 410-548-5790  
www.gmbnet.com

**DECEMBER 2021**

PREPARED BY:  
**LAND PLANNING, LLC**  
3208E SOUTH COASTAL HIGHWAY, SUITE 202  
BETHANY BEACH, DELAWARE 19933  
PHONE: (302) 339-2396

**GMB**  
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**KENT WALSTON**  
SUSSEX COUNTY, DELAWARE

**COVER SHEET**

SCALE: AS NOTED SHEET NO.  
DESIGN BY: KK  
DRAWN BY: RFT  
CHECKED BY: KK  
GMB FILE: 210114  
DATE: DEC 2021

**PSP1.0**

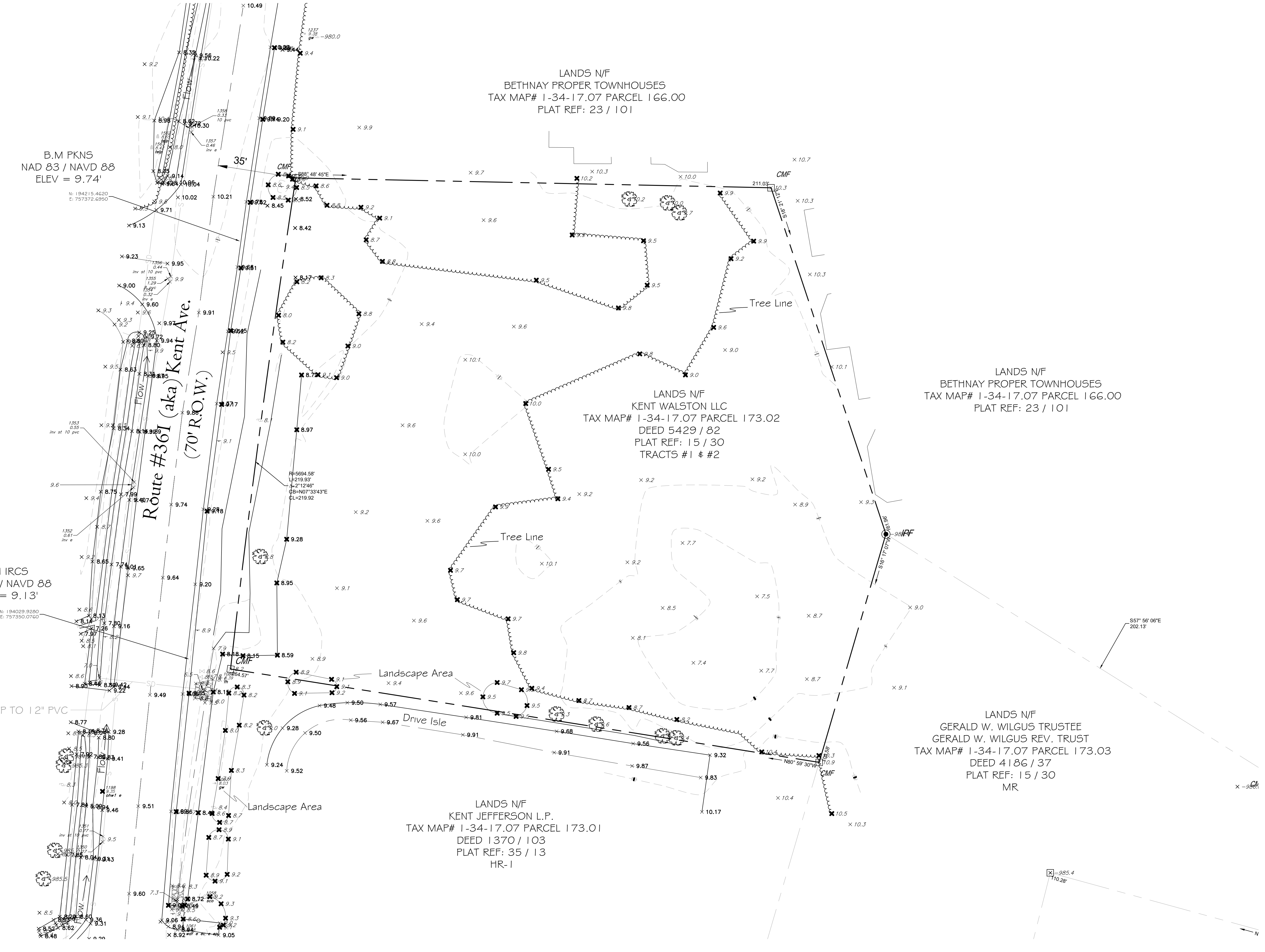
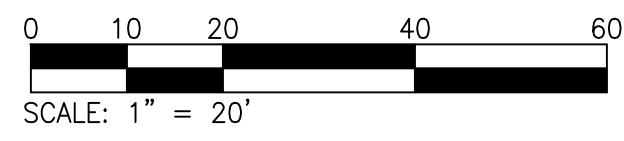
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 PEN=GREEN, 210 INCHES (53mm)  
 PEN=YELLOW, 207 INCHES (53mm)  
 PEN=WHITE, 209 INCHES (53mm)

DATE	REVISIONS	NO.

PRINTS ISSUED FOR:  
REVIEW



- PEN-RED 0.01 INCHES (2.5mm)
- PEN-YELLOW 0.01 INCHES (2.5mm)
- PEN-BLUE 0.01 INCHES (2.5mm)
- PEN-GREEN 0.01 INCHES (2.5mm)
- PEN-MAGENTA 0.01 INCHES (2.5mm)
- PEN-WHITE 0.01 INCHES (2.5mm)



B.M PKNS  
NAD 83 / NAVD 88  
ELEV = 9.74'

B.M IRC5  
NAD 83 / NAVD 88  
ELEV = 9.13'

LANDS N/F  
BETHNAY PROPER TOWNHOUSES  
TAX MAP# 1-34-17.07 PARCEL 166.00  
PLAT REF: 23 / 101

LANDS N/F  
KENT WALSTON LLC  
TAX MAP# 1-34-17.07 PARCEL 173.02  
DEED 5429 / 82  
PLAT REF: 15 / 30  
TRACTS #1 & #2

LANDS N/F  
BETHNAY PROPER TOWNHOUSES  
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LANDS N/F  
GERALD W. WILGUS TRUSTEE  
GERALD W. WILGUS REV. TRUST  
TAX MAP# 1-34-17.07 PARCEL 173.03  
DEED 4186 / 37  
PLAT REF: 15 / 30  
MR

LANDS N/F  
KENT JEFFERSON L.P.  
TAX MAP# 1-34-17.07 PARCEL 173.01  
DEED 1370 / 103  
PLAT REF: 35 / 13  
HR-1

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**GMB**  
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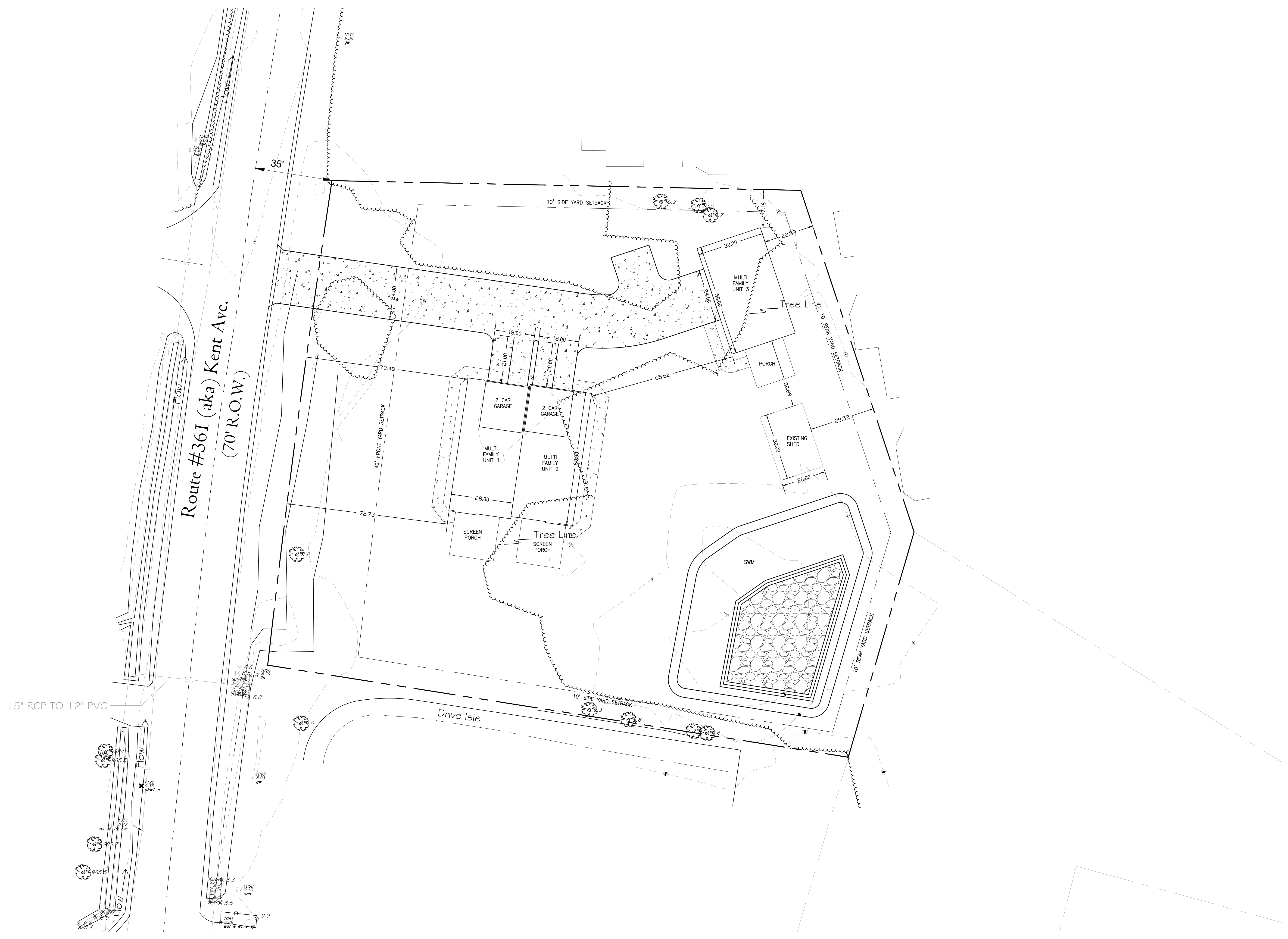
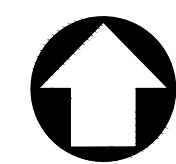
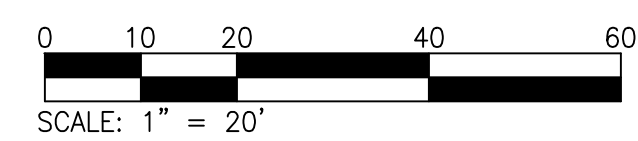
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SUSSEX COUNTY, DELAWARE


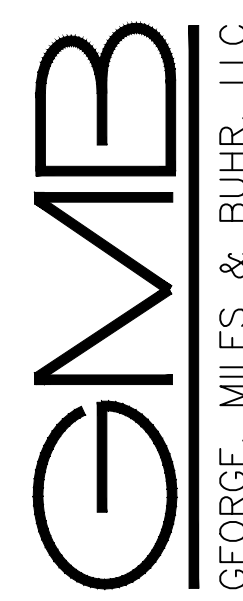
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BOUNDARY  
SURVEY

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DESIGN BY :	PSP2.0
DRAWN BY : OTHERS	
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GMB FILE : 210114	
DATE : DEC 2021	



PEN=RED 0.01 INCHES (0.25mm)	PEN=YELLOW 0.07 INCHES (1.8mm)	PEN=GREEN 0.10 INCHES (2.5mm)	PEN=BLUE 0.07 INCHES (1.8mm)	PEN=WHITE 0.01 INCHES (0.25mm)
PLOT CODE PUN=CON 0.14 INCHES (3.6mm)	PUN=SDN 0.10 INCHES (2.5mm)	PUN=BLU 0.07 INCHES (1.8mm)	PUN=MDY 0.07 INCHES (1.8mm)	



PRINTS ISSUED FOR REVIEW	
DATE	
REVISIONS	
NO.	
 PREPARED BY: LAND PLANNING, LLC 3200E SOUTH COAST HIGHWAY, SUITE 202 BETHANY BEACH, DELAWARE 19003 PHONE: (302) 339-2366	
 GEORGE, MILES & BUHR, LLC ARCHITECTS & ENGINEERS SALISBURY • BALTIMORE • SEAFORD 206 WEST MAIN STREET SALISBURY, MARYLAND 21801 410-742-3115, FAX 410-548-5790 www.gmbnet.com	
KENT WALSTON SUSSEX COUNTY, DELAWARE	
PRELIMINARY SITE PLAN	
SCALE : 1" = 20'	SHEET NO.
DESIGN BY : KK	PSP3.0
DRAWN BY : RFT	
CHECKED BY : KK	
GMB FILE : 210114	
DATE : DEC 2021	
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PRINTS ISSUED FOR:  
REVIEW

NO.	REVISIONS	DATE



**GEORGE, MILES & BUHR, LLC**  
ARCHITECTS & ENGINEERS  
SALISBURY, MARYLAND  
206 WEST MAIN STREET  
SALISBURY, MARYLAND 21801  
410-742-3115, FAX 410-548-0790  
www.gmbnet.com

**KENT WALSTON**  
SUSSEX COUNTY, DELAWARE

**PRELIMINARY  
SITE PLAN  
RENDERING**

SCALE	1" = 20'	SHEET NO.	PSP4.0
DESIGN BY	KK	DATE	DEC 2021
DRAWN BY	RFT		
CHECKED BY	KK		
GMB FILE	210114		
DATE	DEC 2021		

LANDS N/F  
BETHNAY PROPER TOWNHOUSES  
TAX MAP# 1-34-17.07 PARCEL 166.00  
PLAT REF: 23 / 101

LANDS N/F  
BETHNAY PROPER TOWNHOUSES  
TAX MAP# 1-34-17.07 PARCEL 166.00  
PLAT REF: 23 / 101

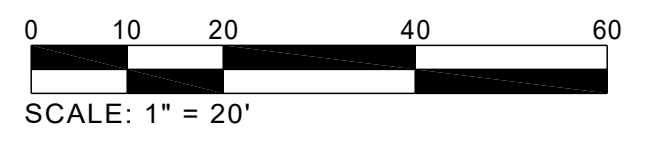
LANDS N/F  
GERALD W. WILGUS TRUSTEE  
GERALD W. WILGUS REV. TRUST  
TAX MAP# 1-34-17.07 PARCEL 173.03  
DEED 4186 / 37  
PLAT REF: 15 / 30  
MR

LANDS N/F  
KENT JEFFERSON L.P.  
TAX MAP# 1-34-17.07 PARCEL 173.01  
DEED 1370 / 103  
PLAT REF: 35 / 13  
HR-1

B.M PKNS  
NAD 83 / NAVD 88  
ELEV = 9.74'

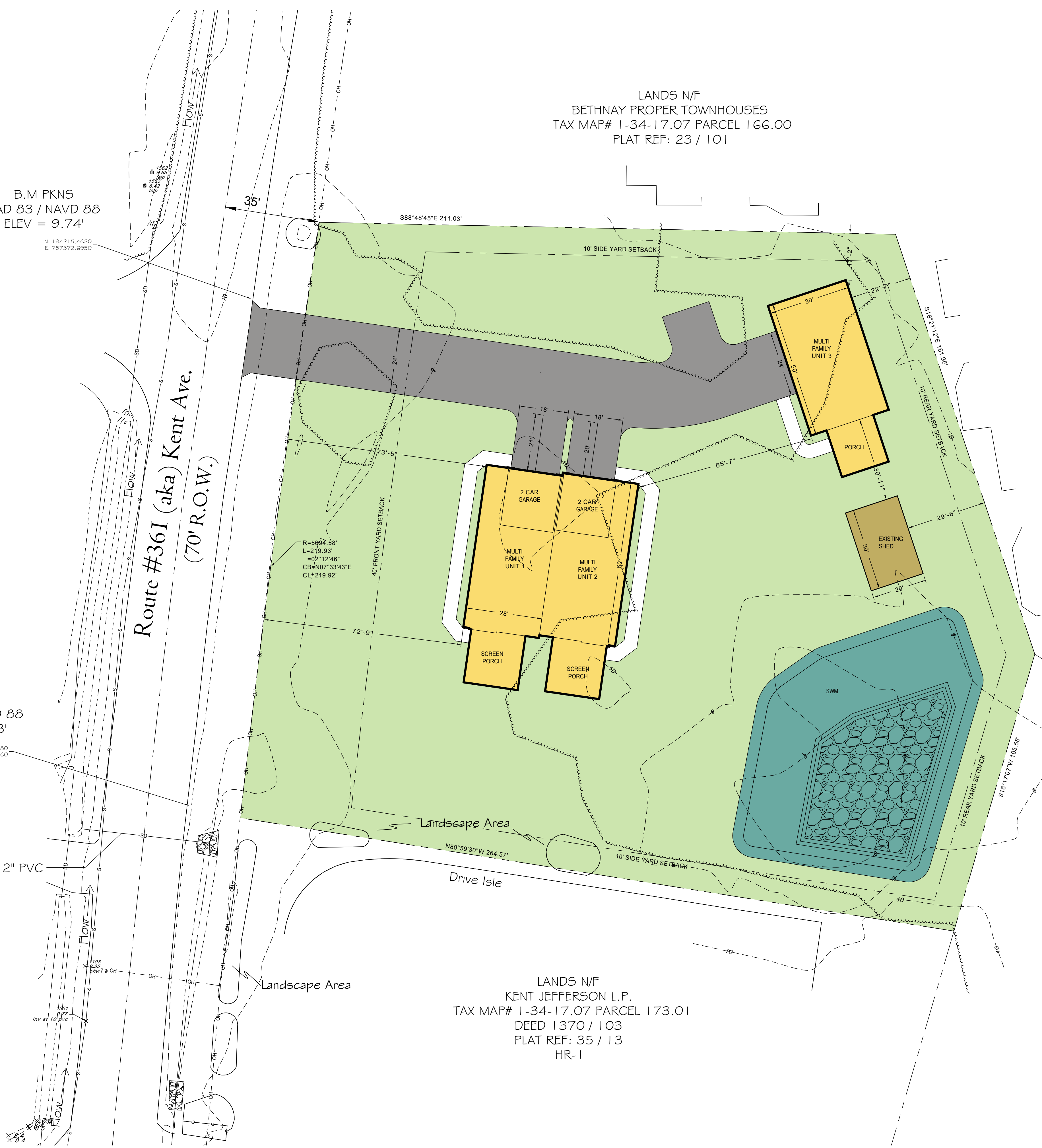
B.M IRCS  
NAD 83 / NAVD 88  
ELEV = 9.13'

**Route #361 (aka) Kent Ave.**  
(70' R.O.W.)



G:\Projects\2021\10114\_McCabe\_Conceptual\_SWM\_and\_Site\_Design\Drawings\Working\Plan\Site\Site Plan Rendering.dwg, 7/22/2021, Kasia Kalinski  
 PEN: WHITE (10mm) 0.00 INCHES (0.00mm)  
 PEN: MAGENTA (10mm) 0.00 INCHES (0.00mm)  
 PEN: BLUE (10mm) 0.00 INCHES (0.00mm)  
 PEN: GREEN (10mm) 0.00 INCHES (0.00mm)  
 PEN: YELLOW (10mm) 0.00 INCHES (0.00mm)  
 PEN: RED (10mm) 0.00 INCHES (0.00mm)

**PLOT CODE**  
PSP4.0A



### **3. PRELIMINARY LAND USE SERVICE (PLUS)**



**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): \_\_\_\_\_

Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): \_\_\_\_\_

1. Project Title/Name: **Kent Walston**2. Location ( please be specific): **East side of Kent Avenue north of Jefferson Bridge Road**3. Parcel Identification #: **134-17.07-173.02**4. County or Local Jurisdiction Name: where project is located: **Sussex**5. If contiguous to a municipality, are you seeking annexation: **No Annexation to Bethany Beach**6. Owner's Name: **Kent Walston, LLC c/o Paul McCabe**Address: **30398 Pavillion Drive # 1704**City: **Ocean View** State: **DE** Zip: **19970**Phone: **302-727-8818** Fax: \_\_\_\_\_ Email: **paul@paulmccabe.com**7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting): **Same as above**

Address:

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

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

8. Project Designer/Engineer: **Land Tech Land Planning, LLC**Address: **32895 Coastal Highway, Taggart Professional Center Suite 202**City: **Bethany Beach** State: **DE** Zip: **19930**Phone: **302-539-2366** Fax: \_\_\_\_\_ Email: **jeffc@landtechllc.com**9. Please Designate a Contact Person, including phone number, for this Project: **Jeff Clark 302-542-1455**

Information Regarding Site:	
10. Type of Review:	<input checked="" type="checkbox"/> Rezoning, if not in compliance with certified comprehensive plan <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Subdivision <b>Change of Zone &amp; Conditional Use to MR - Multifamily Residential</b>
11. Brief Explanation of Project being reviewed:	<b>Proposed Duplex and Apartment over a Garage</b>
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. <b>No previous application</b>	
12. Area of Project (Acres +/-):	<b>1.4 ac.</b> Number of Residential Units: <b>3</b> Commercial square footage: <b>none</b>
13. Present Zoning:	<b>AR-1</b>
14. Proposed Zoning:	<b>MR</b>
15. Present Use:	<b>Vacant</b>
16. Proposed Use:	<b>Multifamily Residential</b>
17. Water:	<input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility) Service Provider Name: <b>Town of Bethany Beach</b>  Will a new public well be located on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
18. Wastewater:	<input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility) Service Provider Name: <b>Sussex County</b>  Will a new community wastewater system be located on this site? <input type="checkbox"/> Yes <input type="checkbox"/> No
19. If residential, describe style and market segment you plan to target (Example- Age restricted):	<b>Resort Rental</b>
20. Environmental impacts:	How many forested acres are presently on-site? <b>+/- 0.7</b> How many forested acres will be removed? <b>+/-0.35</b>  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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Are the wetlands: <input type="checkbox"/> Tidal    Acres: <input type="checkbox"/> Non-tidal    Acres:  If "Yes", have the wetlands been delineated? <input type="checkbox"/> Yes <input type="checkbox"/> No  Has the Army Corps of Engineers signed off on the delineation? <input type="checkbox"/> Yes <input type="checkbox"/> No  Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? <input type="checkbox"/> Yes <input type="checkbox"/> No    If "Yes", describe the impacts:  How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? _____
21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
22. List the proposed method(s) of stormwater management for the site:	<b>submerged wetland</b>
23. Is open space proposed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If "Yes," how much?    Acres: <b>+/-1.0</b>  What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? <b>Passive recreation area</b>
24. Are you considering dedicating any land for community use (e.g., police, fire, school)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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: **42**

What percentage of those trips will be trucks, excluding vans and pick-up trucks? **1 trash truck per week**

26. Will the project connect to state maintained roads?  Yes  No **Kent Avenue**

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. **None**

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: \_\_\_\_\_ phone number: \_\_\_\_\_

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

**10/29/21**  
Date

\_\_\_\_\_  
Signature of Person completing form  
(if different than property owner)

**10/29/2021**  
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.



GEORGE, MILES & BUHR, LLC



ARCHITECTS  
ENGINEERS

206 WEST MAIN STREET  
SALISBURY, MD 21801  
PH: 410.742.3115  
PH: 800.789.4462  
FAX: 410.548.5790

SALISBURY  
BALTIMORE  
SEAFORD

[www.gmbnet.com](http://www.gmbnet.com)



August 24, 2022

Delaware Office of State Planning  
122 William Street  
Dover, DE 19901

Attn: M. David L. Edgell, AICP  
Director

Re: Response to PLUS Review Comments  
Kent Walston, LLC  
PLUS Review – 2021-11-01  
GMB # 220127

Dear Mr. Edgell:

Please accept this letter as the formal response to the Office of State Planning Coordination PLUS review comments dated, December 17, 2021 for the above referenced project. The original State Agency comments are included below with our responses highlighted in red and italicized.

Sincerely,

Katja Kalinski  
Senior Landscape Designer

KK/cl

cc: Paul McCabe

JAMES H. WILLEY, JR., P.E.  
PETER A. BOZICK, JR., P.E.  
CHARLES M. O'DONNELL, III, P.E.  
A. REGGIE MARINER, JR., P.E.  
JAMES C. HOAGESON, P.E.  
STEPHEN L. MARSH, P.E.  
DAVID A. VANDERBEEK, P.E.  
ROLAND E. HOLLAND, P.E.  
JASON M. LYTLE, P.E.  
CHRIS B. DERBYSHIRE, P.E.  
MORGAN H. HELFRICH, AIA  
KATHERINE J. MCALLISTER, P.E.  
W. MARK GARDOCKY, P.E.  
ANDREW J. LYONS, JR., P.E.

JUDY A. SCHWARTZ, P.E.  
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.  
VINCENT A. LUCIANI, P.E.  
AUTUMN J. WILLIS  
CHRISTOPHER J. PFEIFER, P.E.

### **Strategies for State Policies and Spending**

- This project is located in Investment Level 1 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.
- At the PLUS meeting it was discussed that this parcel is currently identified as being with the Town of Bethany Beach; however, the owner of the property stated that this property was actually within Sussex County. The office of State Planning has reached out to the Town who has confirmed this property is not within the town limits. Additionally, we have reached out to the Sussex County Mapping office to verify this information. Once we receive formal confirmation, we will remove this property from the town boundary.
- In addition, this will require a comprehensive plan amendment through the Sussex County. The county submitted a PLUS application for this amendment in December. The State had no objections to this amendment at our PLUS meeting on 12/15/2021.

*The comments are understood. Sussex County Mapping Office has amended the map, the parcel is now shown outside the town limits.*

*An Ordinance to amend the Future Land Use Map of the Comprehensive Plan will be introduced at the Planning & Zoning Commission meeting on 9/8/2022 and the Sussex County Council on 10/18/2022.*

### **Code Requirements/Agency Permitting Requirements**

#### **Office of State Planning Coordination – Contact: Dorothy Morris 739-3090**

- Regarding the rezoning of this property, if the comprehensive plan amendment is approved moving this parcel from Municipality to Coastal, MR is an allowable zoning with the coastal area, so no comprehensive plan amendment is required for the rezoning portion of the applications. The development would be required to meet all county codes and ordinances.

*The comment is acknowledged.*

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

- This site access on Kent Avenue ( Sussex Road 361) 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>. Preliminary, DelDOT anticipates that the access can be permitted through DelDOT's South District office in accordance with Section 7.2.1 of the Manual.
- 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 from the proposed development are estimated at 42 vehicle trip ends per day. As detailed in our letter to Sussex County Planning and Zoning, dated November 15, 2021, a Traffic Impact Study is not warranted.

**Department of Natural Resources and Environmental Control–Beth Krumrine 735-3480**

**Concerns Identified Within the Development Footprint**

**Stormwater Management**

- This application proposes greater than 5,000 square feet of land disturbing activities, therefore, this project will be subject to Delaware’s *Sediment and Stormwater Regulations*.
  - 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, to address federal requirements, 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.denrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
  - Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of the 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.

Email: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)

Website: <https://dnrec.alpha.delaware.gov/watershedstewardship/sedimentstormwater/>

**Hydrologic Soils Group**

- Hydrologic Soil Group A/D (poorly drained) soils have been identified over most of the site, primarily on the western side. 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: [DMREC.Stormwater@delaware.gov](mailto:DMREC.Stormwater@delaware.gov).

Website: <https://denrec.alpha.delaware.gov/watershedstewardship/sedimentstormwater/>

### **Excellent Groundwater Recharge Area**

- An Excellent Groundwater Recharge Area is located on the northern portion of the site. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for the replenishing groundwater supplies and ensuring drinking water for future generations.
  - The applicant must comply with all county and municipal requirements for construction and uses in Excellent Groundwater Recharge Areas.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945

Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>

### **Wastewater permits – Large Systems**

- Sussex County holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal.
  - If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch.

Contact: DNREC Large Systems Branch at (302) 739-9948

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

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

- There is a low potential for archaeological resources to be impacted by the proposed rezoning in anticipation of development. There are no known Archaeological sites on or within a half-mile's radius of the parcel. The parcel is not within favorable distance of a fresh water source, and therefore is not likely to contain prehistoric archaeological resources. Historic aerial and topographic

maps do not show any historic structures on the parcel, therefore there is low historic archaeological potential.

*The entrance design will be completed in accordance with the DelDOT Development Coordination Manual.*

### **Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

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 single-family dwellings, it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on the center are required. (One & Two-Family Dwelling)
- On- and Two- Family dwellings are required by law to offer the homeowner an automatic sprinkler system, therefor infrastructure should accommodate water needs.
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

#### **Fire Protection Features:**

- For duplexes buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

#### **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 provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means the access road to the subdivision from Kent Avenue must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door. Streets designed without parking need to develop a plan for enforcement once HOA takes charge. Fire apparatus still need to negotiate the streets.
- Any dead-end road 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. Also, please be advised that parking is prohibited in the cul-de-sac or turn-around.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The use of open bridge or covered bridge shall be designed to DeIDOT standards and accessible by all fire department apparatus.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limits 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 plans.

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
- National fire Protections Associations (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Duplex 2-hr separation wall details shall be show on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Road Names, even for County Roads

*A State Fire Marshal Plan will be submitted and approved by the Delaware State Fire Marshal's Office.*

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 are knowledge. **These suggestions do not represent State code requirements.** They are offered here 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 and dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

**Department of Natural Resources and Environmental Control - Beth Krumine 735-3480**

**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.

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.

Email: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

Website: <https://denrec.alpha.delaware.gov/watershedstewardship/sedimentstormwater/>

*Comments noted.*

**Drainage**

- All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (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 storm water.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

*Comments noted.*

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

- This site lies within the Inland Bays Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.
- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

*Comments noted.*

### **Excellent Groundwater Recharge Area**

- **For** Excellent Groundwater Recharge Areas, limits impervious surfaces to no more than 20% of the entire area designated as having excellent recharge.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.

Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>

*Comments noted.*

### **Additional Sustainable Practices**

- Install electric vehicle charging stations and/or build parking spaces to be "EV-ready". It is easier to plan for the installation at construction, rather than doing costly retrofits later. 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 (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>).
- Use renewable energy infrastructure such as solar or geothermal to reduce energy cost and further reduce pollution created from onsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use Efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over tie. This save consumers and businesses money, while also helping to reduce pollution from power generation.
- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air Pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material cost.

**Contact:** DNREC Division of Climate, Coast & Energy at (302) 735-3480

**Website:** <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

*Comments noted.*

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

- 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.

*Comments noted.*

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

- This location is not within a 100-year flood plain nor along any coastal inundation zone. In the development of homes and other amenities, DEMA encourages energy efficient development, incorporating modern technologies and nature-based solutions. These include energy efficient appliances and utilities with renewable energies, adding the potential for electric vehicle charging stations, using green-roofs.

*Comments noted.*

In addition to the comments above our office has received preliminary comments from Sussex County. A copy of those preliminary comments are enclosed with this letter.

**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 PLUS process, noting whether comments were incorporated into the project design or not and the reason, therefore.**

**Kent Walston (2021-11-01)**

Sussex County Planning and Zoning Comments

Tax Parcel ID: 134-17.07-173.02

Zoning: AR-1 (Agricultural Residential Zoning District)

Proposed: The application indicates a rezoning from AR-1 (Agricultural Residential Zoning District) to MR (Medium Density Residential Zoning District) and Conditional Use Application for the provision of a proposed duplex and apartment over a garage.

Although it is stated that the property is within the municipal limits of the Town of Bethany Beach, the property is currently located within the unincorporated area of the County (within Sussex County's jurisdiction). The Application also indicates that the Applicant has no desire at this time to annex into the Town, currently.

Table 4.5-2 "Zoning Districts Applicable to Future Land Use categories" within the Comprehensive Plan Document does not indicate that a Future Land Use designation of "Municipality" has an Applicable Zoning District category or MR (Medium Density Residential Zoning District) and therefore, further internal discussions will take place pertaining to and clarifying where this proposal will necessitate a future Land Use map Amendment (which could potentially be the case for this proposal.)

The Applicant is required to engage in a Pre-Application meeting with Department staff prior to the submittal of a formal application to the Planning and Zoning Department.

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.

Staff note that the project is located with Flood Zone "X" – Areas determined to be outside the 100-year floodplain.

Please note that when approving a conditional use for attached or detached single-family or multifamily dwellings Council shall have the right to impose a condition requiring the applicant to install a forested and/or landscaped buffer as defined in 99-5 and 99-6D of the Subdivision Ordinance (115-218(E)).

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 a form 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.

The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District, Oak Orchard area and connection to the sewer system is mandatory.

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, and all required parcels are served.

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.

## **4. SITE SPECIFIC MAPS, PLANS & DOCUMENTS**



G:\Projects\2022\20127 McCabe Multi-Family Kent Avenue\Drawings\GIS\Maps\2022\20127 McCabe Multi-Family Kent Avenue Base GIS.aprx



- ▬ Boundary
- TaxParcels
- Medium Residential - MR
- High Density Residential - HR-2
- General Commercial - C-1

0 15 30 60 90 120  
US Feet

Surdex Corp

NAD 1983 StatePlane Delaware FIPS 0700  
Feet

PRINTS ISSUED FOR:	
NO.	REVISIONS

**GMB**  
 GEORGE, MILES, & BUHR, LLC  
 ARCHITECTS & ENGINEERS  
 300 WEST MAIN STREET  
 SALESURY, MARYLAND 21801  
 410-742-2115 FAX 410-544-5790  
 www.gmbnet.com

**MCCABE MULTI-FAMILY  
 KENT AVENUE**  
 Sussex County, Delaware

**PARCELS &  
 ZONING**

SCALE	1"=100'	SHEET NO.	4a
DESIGN BY	KNL	DATE	8/17/2022
DRAWN BY	KNL	GMB FILE	220127
CHECKED BY	GMB		

© COPYRIGHT 2022 GEORGE, MILES, AND BUHR, LLC



**Kent Walston Multi-Family  
134-17.07-173.02  
Conditional Use #2333 &  
Change of Zone 1965  
Adjoining Property Owners**

**134-17.07-173.01**  
Kent Jefferson LP  
PO Box 523  
Bethany Beach, DE

**134-17.07-173.03**  
Gerald W Wilgus Trustee  
PO Box 309  
Bethany Beach, DE

**134-17.07-166.00**  
Bethany Proper Limited Partnership  
PO Box 309  
Bethany Beach, DE

Tax Map Parcel No.: 134-17.07-173.02  
Prepared by and return to:  
Deirdre A. McCartney, Esquire  
Sergovic Carmean Weidman McCartney &  
Owens, P.A.  
25 Chestnut Street  
P.O. Box 751  
Georgetown, Delaware 19947-0588

NO TITLE SEARCH, LIEN SEARCH OR SURVEY REQUESTED OR PERFORMED

THIS DEED, made this 13<sup>th</sup> day of March, 2021,

-BETWEEN-

PAUL B. McCABE, III, of 30398 Pavilion Drive, #1704, Ocean View, Delaware 19970,  
party of the first part,

- AND -

KENT WALSTON LLC, of 30398 Pavilion Drive, #1704, Ocean View, Delaware 19970,  
party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)** lawful money of the United States of America and other valuable consideration, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, its successors and assigns,

**Tract One**

**ALL** that certain lot, piece and parcel of land situate, lying and being new Bethany Beach, Baltimore Hundred, Sussex County, Delaware, and being more particularly described in accordance with a Plot of Resubdivision of William F. Wilgus, Jr., Subdivision, Baltimore Hundred, Sussex County, Delaware, prepared by Peter E. Loewenstein & Associates, Inc., dated February 1976 and recorded in the Office aforesaid, in Plot Book 15, Page 30, to-wit:

**BEGINNING** at a point on the Easterly right-of-way of County Route 361, said point being a corner for these lands and lands now or formerly of Sea and Pines thence by and with lands formerly of Sea and Pines the following two courses and distances (1) South 89 degrees 16 minutes 30 seconds East 208.79 feet; (2) South 18 degrees 46 minutes 30 seconds East 162.00 feet to a point, said point being a corner for these lands and lands, now or formerly of Gerald W. Wilgus *et ux*; thence by and with a new line dividing these lands now or formerly of Gerald W. Wilgus *et ux* South 15 degrees 54 minutes 09 seconds West 105.53 feet to a point, said point being a corner for these lands and lands now or formerly of Donald L. Wilgus *et ux*; thence by and with a new line dividing

these lands now or formerly of Donald L. Wilgus *et ux* South 81 degrees 10 minutes 49 seconds East 261.98 feet to the Easterly right-of-way of County Route 361; thence by and with the Easterly right-of-way of County Route 361 with a curve to the right whose chord bearing and distance are North 07 degrees 03 minutes 00 seconds East 219.03 feet, to the point of Beginning and containing 60,408 square feet of land, more or less, and being all of Parcel 1 as shown on the plot above mentioned;

**Tract Two**

**ALL** that certain triangular strip of land, situate, lying and being in Baltimore Hundred, Sussex County, Delaware, more particularly described as follows, according to a survey and plot thereof prepared by McCann Surveyors, In, Professional Land Surveyors, dated October 1983, to wit:

**BEGINNING** at a concrete marker situate on the Easterly right-of-way of Route 361, said concrete marker being Northerly 329 feet +/- from the centerline of Route 361 A, said concrete marker also being a corner for this parcel and lands now or formerly of Donald L. Wilgus and wife; thence, by and with lands now or formerly of Donald L. Wilgus and wife, South 81 degrees 23 minutes 11 seconds East, 264.54 feet to a concrete marker, said concrete marker being a corner for this parcel, lands now or formerly of Donald L. Wilgus and wife, lands now or formerly of Gerald W. Wilgus and wife, and lands now or formerly of Paul B. McCabe and wife; thence, by and with lands now of formerly of Paul B. McCabe and wife, North 81 degrees 10 minutes 16 seconds West, 264.54 feet to a point on the Easterly right-of-way of Route 361; thence by and with the Easterly right-of-way of Route 361; thence by and with a curve bearing to the left, said curve having a delta angle of 0 degrees 00 minutes 36 seconds and a radius of 5,694.58 feet; thence, by and with said curve, an arc distance of 1.0 feet to a concrete marker, being the place of beginning, containing 131 square feet of land, be the same more or less.

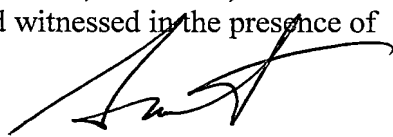
**BEING** the same lands and premises granted and conveyed unto Paul B. McCabe, III, from Jane W. McCabe, Trustee of the Jane W. McCabe Revocable Trust dated October 27, 1994, by deed dated September 25, 2020, of record in the Office of the Recorder of Deeds, Georgetown, Delaware, in Deed Book 5327, at Page 349.


**SUBJECT** to any and all out conveyance, 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 party of the first part have hereunto set his hand and seal the day and year aforesaid.

SIGNED, SEALED, DELIVERED,  
 and witnessed in the presence of

  
 \_\_\_\_\_  
 WITNESS

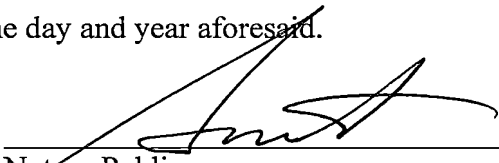
  
 \_\_\_\_\_ (SEAL)  
 PAUL B. McCABE, III

STATE OF DELAWARE )  
 ) SS.  
 SUSSEX COUNTY )

BE IT REMEMBERED, that on this 13<sup>th</sup> day of March, 2021, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, **PAUL B. McCABE, III**, party to this Indenture, known to me personally to be such, and he acknowledged this Indenture to be his act and deed.

GIVEN under my hand and seal of office, the day and year aforesaid.

George B. Smith  
 Attorney  
 Admitted to the Delaware Bar 12-15-82  
 Bar ID#2129  
 Uniform Law on Notarial Acts  
 Pursuant to 29 Del C Sec. 4323(a)(3)

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

**NOTES TO USERS**

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

**Coastal Base Flood Elevations** shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was State Plane Delaware zone (FIPZONE 0700). The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of information shown on this FIRM.

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NGS Information Services  
NOAA, NNGS12  
National Geodetic Survey  
SSM-C-3, #9202  
1315 East-West Highway  
Silver Spring, Maryland 20910-3282  
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

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**LEGEND**

**SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

**FLOODWAY AREAS IN ZONE AE**

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

**OTHER FLOOD AREAS**

- ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

**OTHER AREAS**

- ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.

**COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**

**OTHERWISE PROTECTED AREAS (OPAs)**

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- Floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities
- Limit of Moderate Wave Action
- Advisory line estimating flooding extents if dunes are breached during a 0.2% annual chance flood event
- Base Flood Elevation line and value; elevation in feet\* (EL 987)
- Base Flood Elevation value where uniform within zone; elevation in feet\*

\* Referenced to the North American Vertical Datum of 1988

- Cross section line
- Transect line

87°07'45", 32°22'30"

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

- 1000-meter Universal Transverse Mercator grid values, zone 18N
- 5000-foot grid values: Delaware State Plane coordinate system (FIPZONE 0700), Transverse Mercator projection
- Bench mark (see explanation in Notes to Users section of this FIRM panel)
- M 1.5 River Mile

**MAP REPOSITORY**  
Refer to listing of Map Repositories on Map Index

**EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP**  
June 16, 1995

**EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL**  
See Notice to Users Page in FIS Report

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-9620.

**MAP SCALE 1" = 500'**

250 0 500 1000 FEET  
150 0 150 300 METERS

**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0516K**

**FIRM**  
**FLOOD INSURANCE RATE MAP**

**SUSSEX COUNTY, DELAWARE AND INCORPORATED AREAS**

**PANEL 516 OF 660**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

**CONTAINS:**

COMMUNITY	NUMBER	PANEL	SUFFIX
BETHANY BEACH, TOWN OF SUSSEX COUNTY	105083	0516	K
	100029	0516	K

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

**MAP NUMBER 1005C0516K**

**MAP REVISED MARCH 16, 2015**

**Federal Emergency Management Agency**



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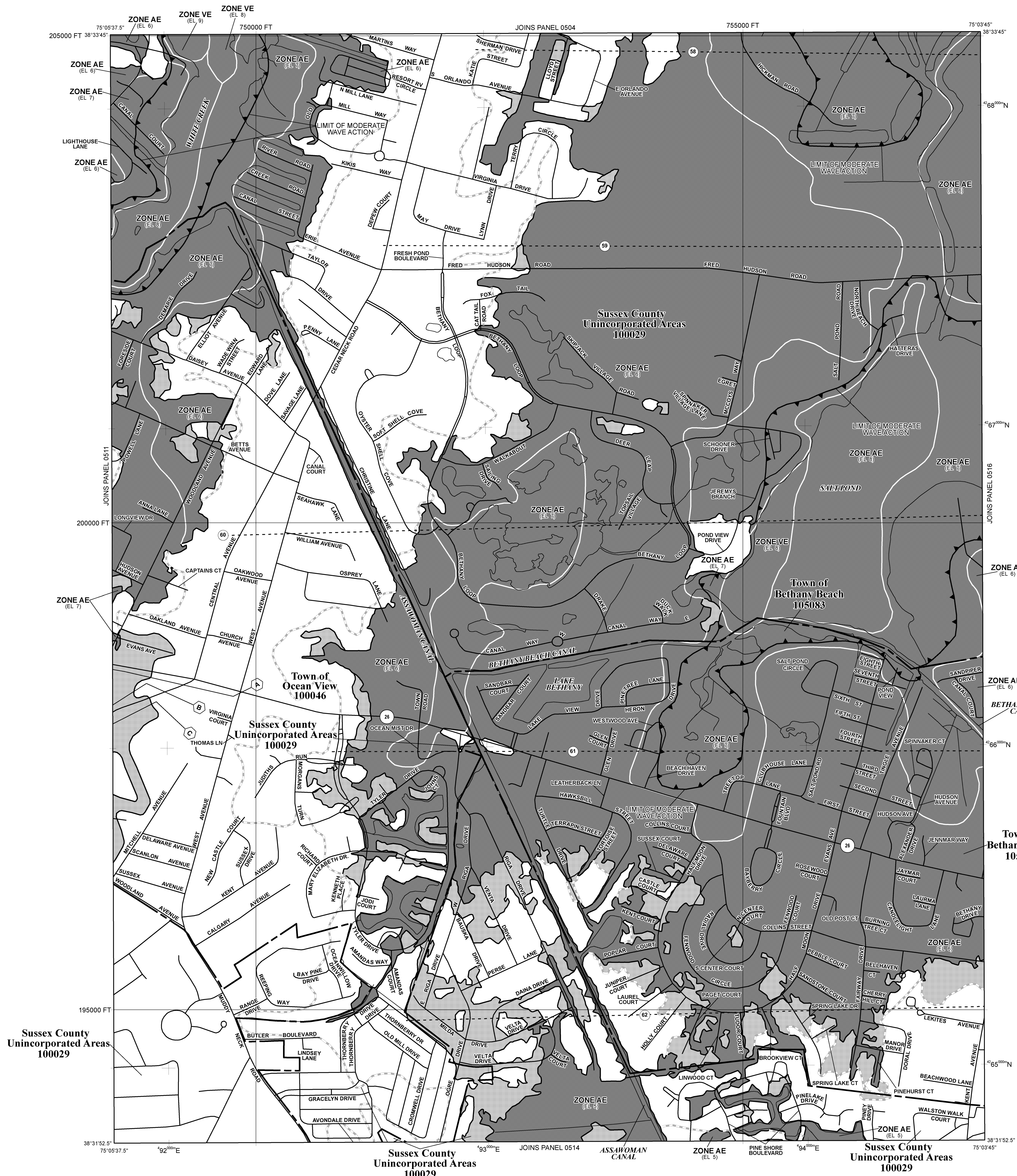
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**LEGEND**

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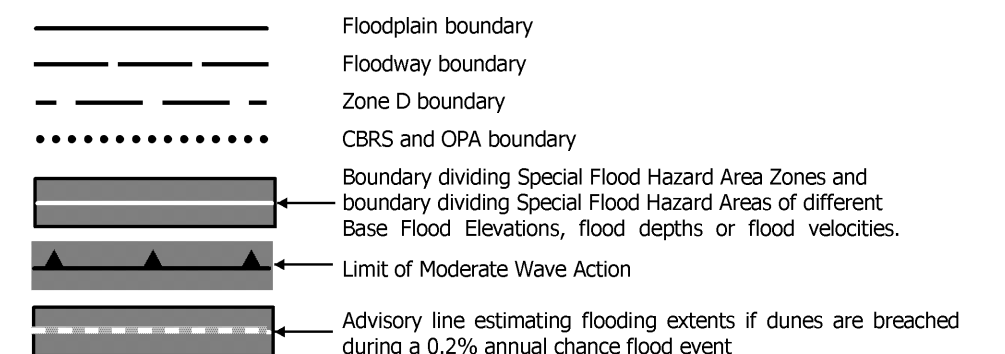
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Base Flood Elevations determined.
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Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO**  
Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR**  
Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99**  
Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V**  
Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE**  
Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

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Base Flood Elevation line and value; elevation in feet\*  
Base Flood Elevation value where uniform within zone; elevation in feet\*  
\* Referenced to the North American Vertical Datum of 1988

Transsect line  
Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

1000-meter Universal Transverse Mercator grid values, zone 18N

5000-foot grid values; Delaware State Plane coordinate system (FIPSZONE 0700), Transverse Mercator projection

Bench mark (see explanation in Notes to Users section of this FIRM panel)  
River Mile

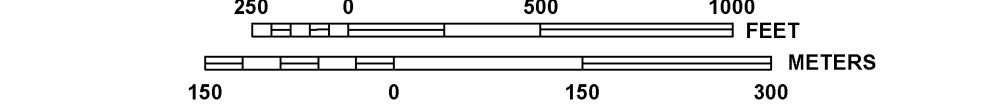
**MAP REPOSITORY**  
Refer to listing of Map Repositories on Map Index

**EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP**  
June 16, 1995

**EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL**  
See Notice to Users Page in FIS Report

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-9620.



**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0512K**

**FIRM**  
**FLOOD INSURANCE RATE MAP**

**SUSSEX COUNTY, DELAWARE AND INCORPORATED AREAS**

**PANEL 512 OF 660**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

**CONTAINS:**

COMMUNITY	NUMBER	PANEL	SUFFIX
BETHANY BEACH, TOWN OF	105083	0512	K
OCEANVIEW TOWN OF	100046	0512	K
SUSSEX COUNTY	100029	0512	K

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

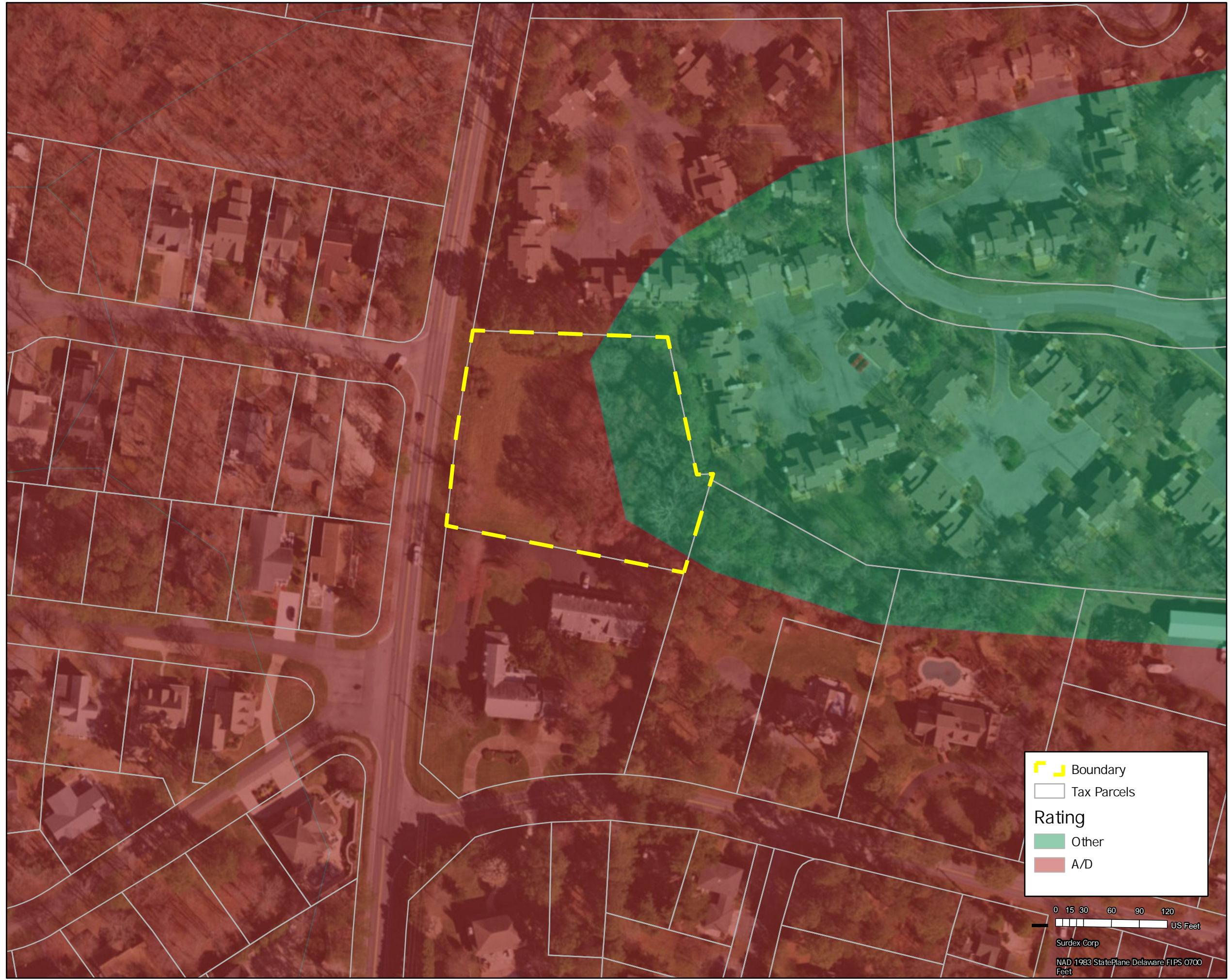
**MAP NUMBER**  
**10005C0512K**

**MAP REVISED**  
**MARCH 16, 2015**

**Federal Emergency Management Agency**



G:\Projects\2022\202127 McCabe Multi-Family Kent Avenue Base GIS\Drawings\GIS\Map\202127 McCabe Multi-Family Kent Avenue Base GIS.aprx



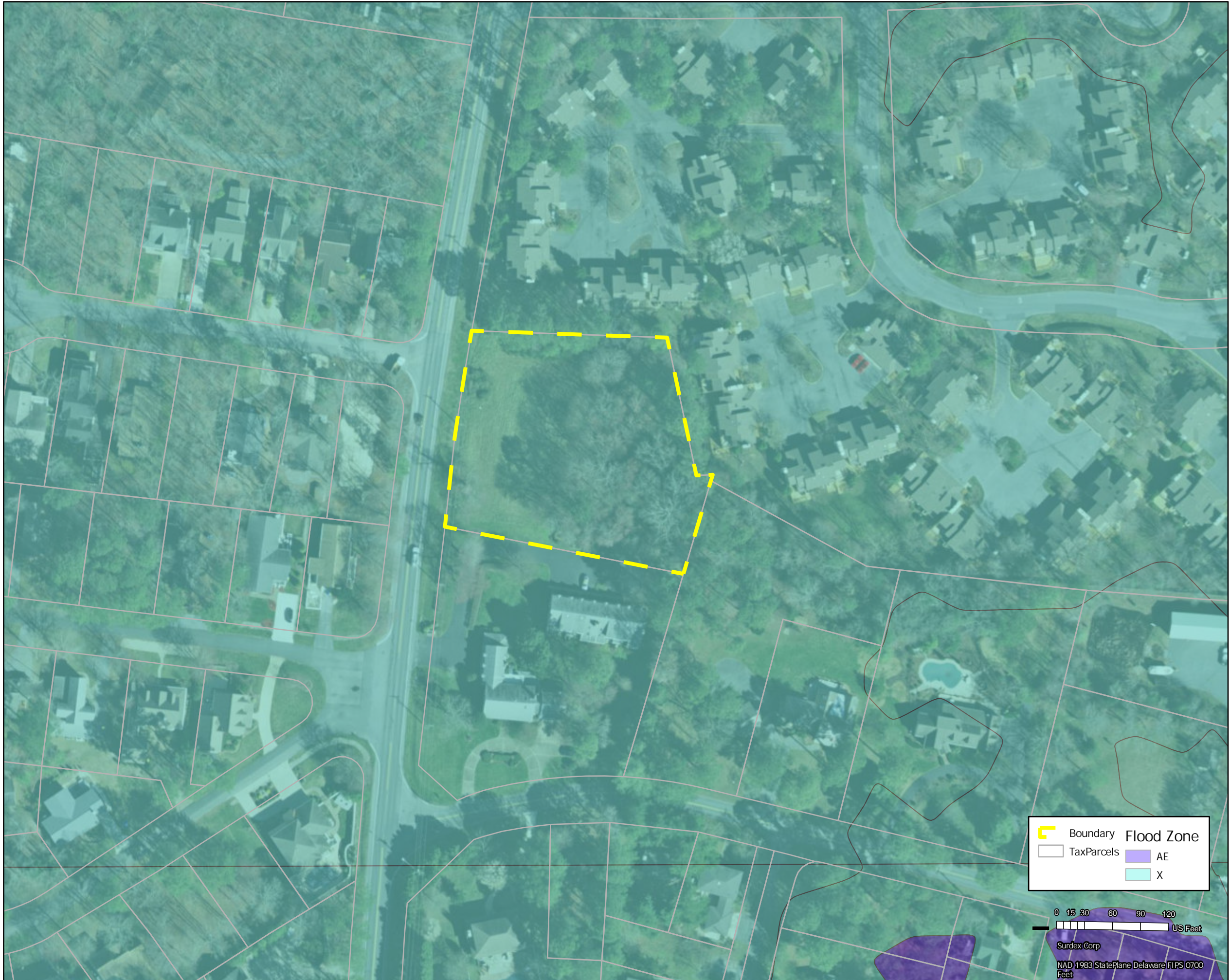
PRINTS ISSUED FOR:	
NO.	DATE

**GMB**  
GEORGE, MILES, & BUHR, LLC  
ARCHITECTS & ENGINEERS  
208 WEST MAIN STREET  
SALISBURY, MARYLAND 21801  
410-742-2115 FAX: 410-544-2790  
www.gmbe.com

**MCCABE MULTI-FAMILY  
KENT AVENUE**  
Sussex County, Delaware

SOILS	
SCALE: 1"=100'	SHEET NO.
DESIGN BY: [redacted]	4f
DRAWN BY: KNL	
CHECKED BY: 220127	
GMB FILE: 220127	
DATE: 8/18/2022	





	Boundary		Flood Zone
	TaxParcels		X

0 15 30 60 90 120 US Feet

**Surdex Corp**

NAD 1983 StatePlane Delaware FIPS 0700 Feet

PRINTS ISSUED FOR:	
NO.	DATE

**GEORGE MILES & BUHR, LLC**  
 ARCHITECTS & ENGINEERS  
 208 WEST MAIN STREET  
 SALESURY, MARYLAND 21801  
 410-742-2115 FAX: 410-544-2790  
[www.gmbnet.com](http://www.gmbnet.com)

**MCCABE MULTI-FAMILY  
KENT AVENUE**

**Sussex County, Delaware**

**FLOOD ZONE**

SCALE	1"=100'	SHEET NO.	4g
DESIGN BY	KNL		
DRAWN BY	KNL		
CHECKED BY			
GMB FILE	220127		
DATE	8/17/2022		



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**GMB**  
GEORGE, MILES, & BUHR, LLC  
ARCHITECTS & ENGINEERS  
308 WEST MAIN STREET  
SAUSURRY, MARYLAND 21801  
410-742-2115 FAX 410-544-2780  
www.gmbl.com

**MCCABE MULTI-FAMILY  
KENT AVENUE**  
Sussex County, Delaware

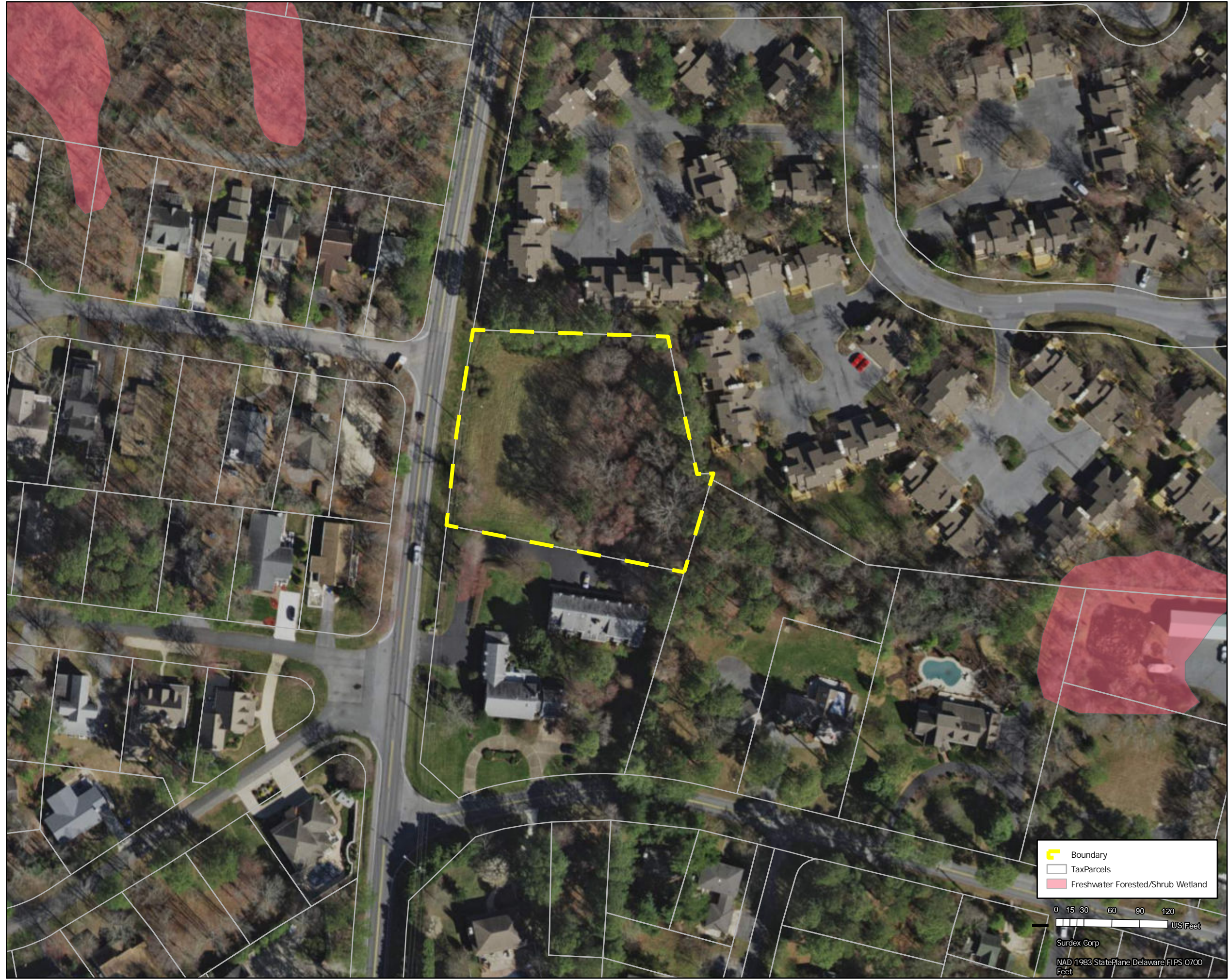
PRINTS ISSUED FOR:	
NO.	DATE

SCALE	1"=100'	SHEET NO.
DESIGN BY		4h
DRAWN BY	KNL	
CHECKED BY		
GMB FILE	220127	
DATE	8/18/2022	

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└─ Boundary  
 TaxParcels  
 Freshwater Forested/Shrub Wetland

0 15 30 60 90 120  
 US Feet  
 Surdex Corp  
 NAD 1983 StatePlane Delaware FIPS 0700 Feet

PRINTS ISSUED FOR:

NO.	REVISIONS	DATE

**GMB**  
 GEORGE, MILES, & BUHR, LLC  
 ARCHITECTS & ENGINEERS  
 200 WEST MAIN STREET  
 SALESURY, MARYLAND 21801  
 410-742-2115 FAX 410-548-0790  
[www.gmbnet.com](http://www.gmbnet.com)

**MCCABE MULTI-FAMILY  
 KENT AVENUE**  
 Sussex County, Delaware

**WETLANDS &  
 TAX DITCH**  
 SCALE: 1"=100'  
 DESIGN BY: KNL  
 DRAWN BY: KNL  
 CHECKED BY: GMB  
 GMB FILE: 2/20127  
 DATE: 8/17/2022  
 SHEET NO. **4k**  
© COPYRIGHT 2022 GEORGE, MILES, AND BUHR, LLC



DELAWARE STATE PLANE NAD 83

Route #361 (aka) Kent Ave.  
(70' R.O.W.)

LANDS N/F  
BETHNAY PROPER TOWNHOUSES  
TAX MAP# 1-34-17.07 PARCEL 166.00  
PLAT REF: 23 / 101

LANDS N/F  
KENT WALSTON LLC  
TAX MAP# 1-34-17.07 PARCEL 173.02  
DEED 5429 / 82  
PLAT REF: 15 / 30  
PLAT REF: 11 / 08  
PLAT REF: 8 / 183  
BEING ALL OF TRACTS #1 & #2

LANDS N/F  
BETHNAY PROPER TOWNHOUSES  
TAX MAP# 1-34-17.07 PARCEL 166.00  
PLAT REF: 23 / 101

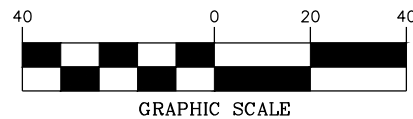
LANDS N/F  
GERALD W. WILGUS TRUSTEE  
GERALD W. WILGUS REV. TRUST  
TAX MAP# 1-34-17.07 PARCEL 173.03  
DEED 4186 / 37  
PLAT REF: 15 / 30

**LEGEND**  
 □ DENOTES CONCRETE MON  
 ○ DENOTES IRON REBAR  
 ● DENOTES IRON PIPE  
 ● DENOTES POINT  
 - - - DENOTES PROPERTY LINE  
 - - - DENOTES B.R.L.

**BOUNDARY SURVEY**

PREPARED FOR

LOT 1, BLK 2, WILLIAM F. WILGUS JR. SUBDIVISION  
BALTIMORE HUNDRED  
SUSSEX COUNTY, DELAWARE  
TAX MAP #1-34-17.07 PARCEL 173.02  
AREA: 60,958 ± SQ.FT. OR 1.3994 ± ACRES



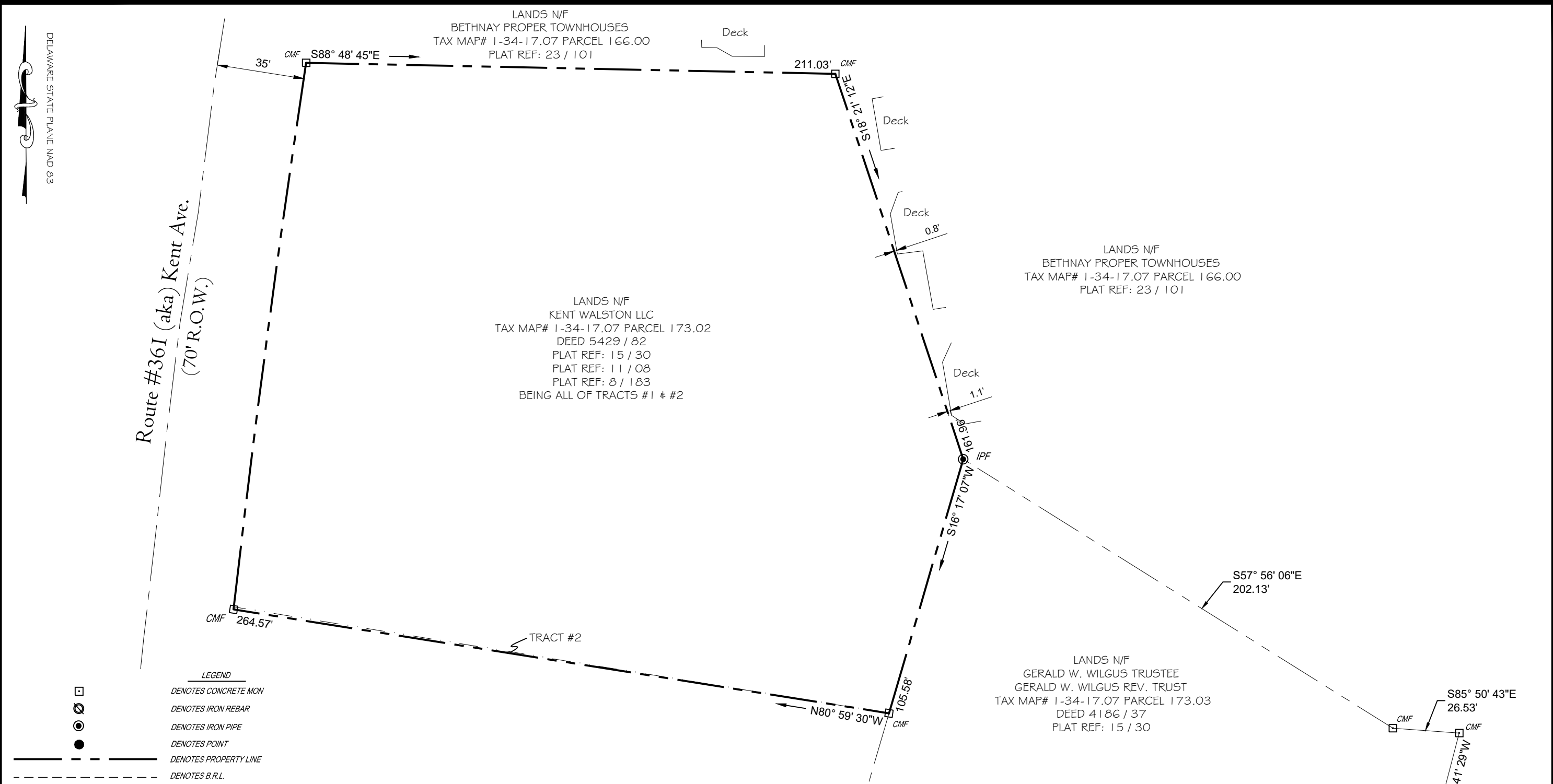
**VISTA DESIGN INC.**  
Engineers, Surveyors, Landscape Architects,  
Land Planning Consultants  
11634 Worcester Hwy, Showell, MD 21862  
ph. 410-352-3874 email vista@vistadesigninc.com

This drawing, specifications, and work produced by Vista Design, Inc. (VDSI) for this project are instruments of service for this project only, and remains the copyrighted property of VDSI. Reuse or reproduction of any of the instruments of service of VDSI by the Client or assignees without the written permission of VDSI will be at the Client's risk and be a violation of the copyright laws of the United States of America and the respective state within which the work was completed.

DESIGNED BY: VD	FIELD BOOK# 107 PAGE# 17	JOB# 21-086
DRAWN BY: VD	DATE: 07/20/21	SHEET 1 OF 1
CHECKED BY: DLA	SCALE: AS SHOWN	

**GENERAL NOTES:**

- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A FORMAL TITLE REPORT. EASEMENTS, RIGHTS-OF-WAY, COVENANTS AND OTHER RESTRICTIONS MAY AFFECT THIS PROPERTY AND NOT BE SHOWN.
- THIS SURVEY IS BASED IN PART ON PLAT OF THE WILGUS RE-SUBDIVISION DATED 6/12/78, AND IS SUBJECT TO ANY OR ALL EASEMENTS AND RIGHT-OF-WAYS AS RECORDED. BEARING SYSTEM REFERENCED TO PLAT BOOK 15 PAGES 30
- THIS SURVEY SHOWS ONLY VISIBLE ABOVE GROUND IMPROVEMENTS AND DOES NOT ADDRESS WETLANDS, CONTAMINATED WASTE OR TOXIC SOIL CONDITIONS, NOR HAVE ANY REPORTS, STUDIES OR INFORMATION REGARDING SUCH BEEN PROVIDED.
- THE INFORMATION SHOWN HEREON IS BASED ON THE PLATS OF RECORD AS INDEXED IN THE PROPERTY CADASTRE OF SUSSEX COUNTY, DELAWARE AND A FIELD RUN SURVEY. (FLOOD ZONE "X" UNSHADED PER FEMA MAP #10005C0516 K DATED 03/16/2015)



## **5. SWM APPROACH**



GEORGE, MILES & BUHR, LLC



ARCHITECTS  
ENGINEERS

206 WEST MAIN STREET  
SALISBURY, MD 21801  
PH: 410.742.3115  
PH: 800.789.4462  
FAX: 410.548.5790

SALISBURY  
BALTIMORE  
SEAFORD

www.gmbnet.com



## SAS Pre-Application Meeting Minutes

McCabe Kent Avenue

GMB # 210114.00

A Pre-Application meeting for the McCabe project took place on Wednesday, July 21, 2021, via a Cisco WebEx remote meeting.

### In attendance:

John Justice	Sussex Conservation District (SCD)
Donna Colton	SCD
Barbara Schauer	SCD
Jonathan Soistman	George, Miles, and Buhr, LLC. (GMB)
Keegan Marsh	GMB

### Items of discussion:

1. GMB gave an overview of the proposed McCabe Kent Avenue project and reviewed the site's existing conditions.
  - a. The site is located in Sussex County, DE. The site has a Bethany mailing address but is not within town limits.
  - b. The existing site consists of two (2) drainage areas, one drains to the south and the other to the east.
  - c. The existing site is serviced by Town of Bethany water and County sewer.
  - d. The proposed site area is approximately 1.36 acres.
  - e. The proposed site will consist of two (2) duplex homes, one (1) garage with an apartment, and access drive, for a total of five (5) dwellings.
2. Stormwater compliance will be achieved with one (1) submerged gravel wetland.
3. Submerged Gravel Wetland (SGW) to be used as Temporary Sediment Basin during construction.
  - a. SCD is to send SGW computation Excel files. Received by GMB.
  - b. Contractor is to verify depth of excavation for gravel media prior to installing gravel.
4. Submerged Gravel Wetland Sizing Criteria:
  - a. Gravel layer must hold 25% of R<sub>Pv</sub> inflow volume.
  - b. R<sub>Pv</sub> volume is to be per BMP S&S, sheet 12-22.
5. BMP to discharge to back of lot and must meet existing flow rate and condition at the property line.
6. PLD method of compliance to be used for DURMM analysis.
7. Soil testing to be completed to determine SHGW and meet SIP checklist requirements.
8. Include a note on the plans warning of Overhead Electric Lines along road frontage.

JAMES H. WILLEY, JR., P.E.  
 PETER A. BOZICK, JR., P.E.  
 JUDY A. SCHWARTZ, P.E.  
 CHARLES M. O'DONNELL, III, P.E.  
 W. BRICE FOXWELL, P.E.  
 A. REGGIE MARINER, JR., P.E.  
 JAMES C. HOAGESON, P.E.  
 STEPHEN L. MARSH, P.E.  
 DAVID A. VANDERBEEK, P.E.  
 ROLAND E. HOLLAND, P.E.  
 JASON M. LYTLE, P.E.  
 CHRIS B. DERBYSHIRE, P.E.  
 W. MARK GARDOCKY, P.E.  
 MORGAN H. HELFRICH, AIA  
 KATHERINE J. MCALLISTER, P.E.  
 ANDREW J. LYONS, JR., P.E.

JOHN E. BURNSWORTH, P.E.  
 VINCENT A. LUCIANI, P.E.  
 AUTUMN J. WILLIS  
 CHRISTOPHER J. PFEIFER, P.E.

9. GMB to evaluate roadside ditch/swale and direction of flow (model must show no adverse impact along frontage).
10. GMB to design DeIDOT entrance. No pre-application or Traffic Impact Study (TIS) scope meeting has been held with DeIDOT.

Please respond to GMB with any additions or modifications to the above items.

Sincerely,



Keegan Marsh  
Senior Technician

cc: Attendees



## 6. TRAFFIC



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

NICOLE MAJESKI  
SECRETARY

November 15, 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 **Kent Walston, LLC** proposed land use application, which we received on November 8, 2021. This application is for an approximately 1.36-acre parcel (Tax Parcel: 134-17.07-173.02). The subject land is located on the east side of Kent Avenue (State Route 54A) across from the intersection with Beachwood Lane. The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of MR (Medium Density Residential) to build one duplex and one single family house.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Kent Avenue from Atlantic Avenue (State Route 26) to Westway Drive (Sussex Road 224), is 3,903 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DeIDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DeIDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

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



Mr. Jamie Whitehouse

Page 2 of 2

November 15, 2021

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:afm

cc: Kent Walston, LLC, Applicant  
Christin Scott, 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  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furmato, Project Engineer, Development Coordination

## **7. THREATENED AND ENDANGERED SPECIES**



August 18, 2022

ERI Project No. 0354#1272

Mr. Steve Marsh,  
George, Miles & Buhr  
206 West Main Street  
Salisbury, MD 21801

**RE: Kent Walston, LLC. Proposed Multi-Family Residential Community  
Environmental Review for Wildlife Habitat and Endangered Species  
Tax Map No.: 134-17.07-173.02 (1.37 Acres)  
Town of Bethany Beach, Baltimore Hundred, Sussex County, Delaware**

Dear Mr. Marsh,

Environmental Resources, Inc. (ERI) has investigated the Kent Walston, LLC. 1.37 acre property for the presence of any wildlife habitats supporting state or federally listed species of concern. The property is proposed for a future multi-family residential community. No state or federally regulated wetlands or waters exist on the property.

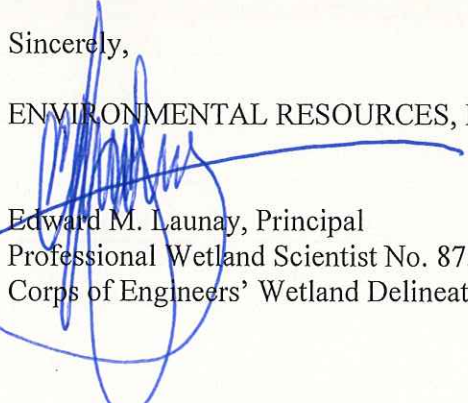
ERI consulted with the U.S. Fish and Wildlife Service (Service) with respect to the occurrence of any federally listed threatened or endangered species or their critical habitats subject to the Endangered Species Act of 1973 (ESA). In their letter of August 18, 2022, the Service concluded that there are no records of any federally listed threatened or endangered species on this property (see attached). This confirms the results of observations ERI conducted on this property.

I do want to mention that the USFWS letter did provide information that a proposed candidate species, the Monarch Butterfly (*Danaus plexippus*) has been designated throughout the entire project vicinity. This species has no critical habitats designated and it is not yet listed as a protected species. In addition, this is a transitory species which has very specific habitat requirements which include an abundance of milkweed to be present on a property. The required vegetation does not occur on the subject site since the site consists of forest and managed lawn area.

Upon review of this report, I am available at your convenience should you have any comments or concerns.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.

  
Edward M. Launay, Principal  
Professional Wetland Scientist No. 875, Society of Wetland Scientists  
Corps of Engineers' Wetland Delineator Certification No. WDCP93MD0510036B



# 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



In Reply Refer To:

August 18, 2022

Project Code: 2022-0076221

Project Name: Ken Walston LLC. - Proposed Multi-Family Residential Community

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: 2022-0076221

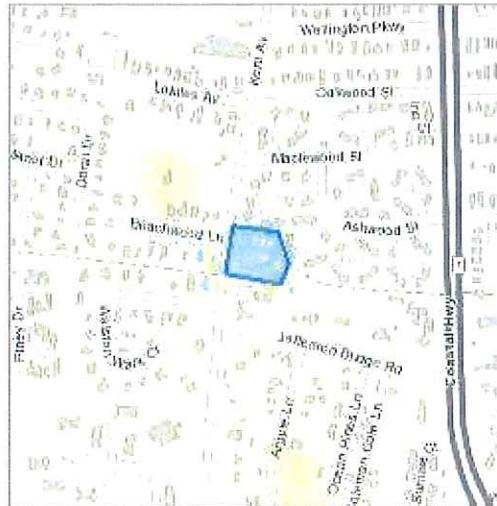
Project Name: Ken Walston LLC. - Proposed Multi-Family Residential Community

Project Type: Residential Construction

Project Description: Construct a small multi-family residential community on uplands

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.53252945,-75.06244610556521,14z>



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.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.



## **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



# 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

In Reply Refer To:

August 18, 2022

Project Code: 2022-0076221

Project Name: Ken Walston LLC. - Proposed Multi-Family Residential Community

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.

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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

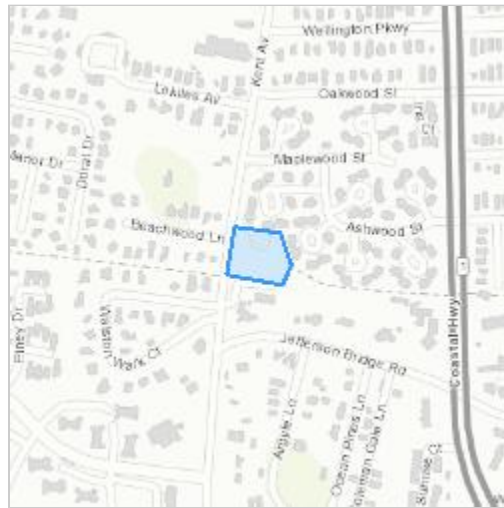
(410) 573-4599

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## Project Summary

Project Code: 2022-0076221  
Project Name: Ken Walston LLC. - Proposed Multi-Family Residential Community  
Project Type: Residential Construction  
Project Description: Construct a small multi-family residential community on uplands  
Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.53252945,-75.06244610556521,14z>



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.

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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
<p>Monarch Butterfly <i>Danaus plexippus</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <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> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a></p>	Candidate

## Critical habitats

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

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# **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.

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## 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.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

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## **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

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**STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION**

January 13, 2022

Jamie Whitehouse, AICP  
Director, Department of Planning & Zoning  
Sussex County  
2 The Circle  
P.O. Box 589  
Georgetown, DE 19947

RE: PLUS review 2021-12-13; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on December 15, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would change the Future Land Use map designation for parcel 134-17.07-173.02 from Municipalities Area to Coastal Area.

Please note that additional changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

**Office of State Planning Coordination – Contact Dorothy Morris 739-3090**

During a PLUS review for the planned development of this parcel in November 2021 it was determined that this parcel is shown as within the town of Bethany Beach. The applicant stated in that meeting that the parcel was, in fact, within Sussex County.

After that meeting, we worked with the Town of Bethany and Sussex County to determine that this parcel is within the County jurisdiction. Our municipal boundary files have been updated.

With this change, it would make sense to change the Future Land Use map designation to match that of the surrounding area outside the municipality, which would be Coastal. The Office of State Planning has no objections to this comprehensive plan amendment.

The parcel is in an Investment Level 1 according to the 2020 Strategies for State Policies and Spending. Level 1 is where state and local governments expect growth and infill to happen. The Office of State Planning has no objections to the comp plan amendment as proposed.

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

- This amendment, besides correcting an error, would facilitate a development known as Kent Walston. DelDOT provided PLUS comments on it on November 23.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**

- The comprehensive plan amendment proposes to change the Future Land Use map for one parcel from Municipalities Area to Coastal Area, since property owner does not wish to annex into the Town of Bethany. This area was previously reviewed in PLUS as 2021-11-01 Kent Walston. DNREC reviewers have no concerns or comments at this time.

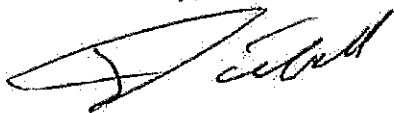
**State Historic Preservation Office – Contact Carlton Hall 736-7400**

- There is low potential for archaeological resources to be impacted by the proposed rezoning in anticipation of development. There are no known archaeological sites on or within a half-mile radius of the parcel. The parcel is not within favorable distance of a fresh water source, and therefore is not likely to contain prehistoric archaeological resources. Historic aerial and topographic maps do not show any historic structures on the parcel, therefore there is low historic archaeological potential.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the County, please notify the office so we can update our records.

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

Sincerely,



David L. Edgell, AICP  
Director, Office of State Planning Coordination

## Jamie Whitehouse

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**From:** jmshaw35@verizon.net  
**Sent:** Wednesday, August 31, 2022 11:25 AM  
**To:** Jamie Whitehouse  
**Subject:** Public Hearing Sept. 8th

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

Mr. Jamie Whitehouse.  
Re: C/Z 1965 & C/U 2333

I am against the above amendment to re-zone & also against the above amendment to locate Multifamily Units (2). Kent Avenue is a very heavy traffic area year round. One of the causes is the allowed zone changes on Muddy Neck Rd. & Camp Barnes Rd. thousands of houses have been built & using Kent Avenue to access Garfield Parkway & Bethany Beach.

If you allow this change, it is "an accident waiting to happen" . Additional entrance onto Kent I the same as Beachwood Lane, Walston Walk, Jefferson Bridge Road & Bethany Beach Proper is unnecessary.

Jean M. Shaw  
403 Beachwood Lane  
Bethany Beach, De. 19930  
jmshaw35@verizon.net  
302-539.9516

Sent from the all new AOL app for Android