

CZ 1912 Beach and Bay, LLC

File #: C/2# 1912
201913755

Planning & Zoning Commission Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

RECEIVED

NOV 27 2019

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use ☐

Zoning Map Amendment ☒

Site Address of Conditional Use/Zoning Map Amendment

16816 and 16820 Kings Highway, Lewes, DE 19958

Type of Conditional Use Requested:

Not applicable.

Tax Map #: 334-6.00-58.00

Size of Parcel(s): 0.92 acres

Current Zoning: AR-1

Proposed Zoning: C-2

Size of Building: To be determind

Land Use Classification: 2019 Future Land Use Map: Coastal Area

Water Provider: Tidewater

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Beach and Bay, LLC

Applicant Address: 16820 Kings Highway

City: Lewes

State: DE

ZipCode: 19958

Phone #: (302) 670-6756

E-mail: knorwood8132@yahoo.com

Owner Information

Owner Name: Kyle Norwood and Katie Davison

Owner Address: 16820 Kings Highway

City: Lewes

State: DE

Zip Code: 19958

Phone #: (302) 670-6756

E-mail: knorwood8132@yahoo.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esquire (Morris James LLP)

Agent/Attorney/Engineer Address: 107 West Market Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 856-0015

E-mail: dhutt@morrisjames.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ **Completed Application**

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

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

☒ **Provide Fee \$500.00**

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

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

☒ **DelDOT Service Level Evaluation Request Response**

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

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

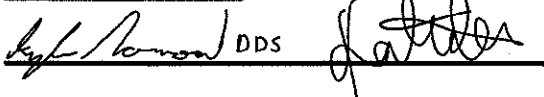
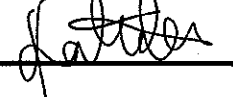
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 11/26/19

Signature of Owner

 DDS 

Date: 11/26/19

For office use only:

Date Submitted: 11/27/19

Staff accepting application: ceh

Location of property: _____

Fee: \$500.00 Check #: 106813

Application & Case #: 201913755

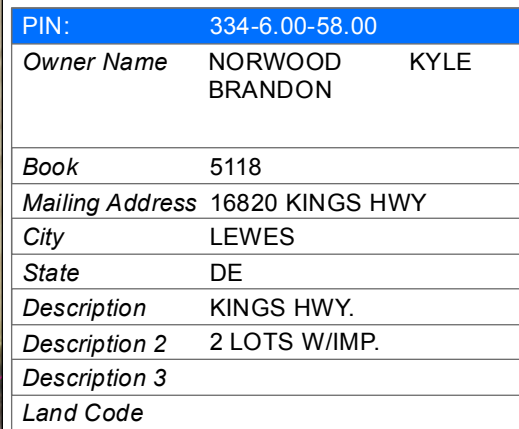
Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____



Override 1

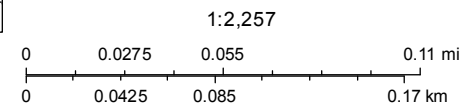
Override 1

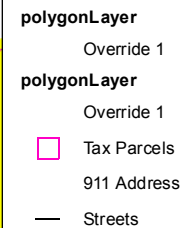
911 Address

Streets

County Boundaries

A horizontal scale bar with two rows of markings. The top row is labeled in miles (mi) with major ticks at 0, 0.0275, 0.055, and 0.11. The bottom row is labeled in kilometers (km) with major ticks at 0, 0.0425, 0.085, and 0.17. The bar is divided into segments by vertical tick marks.







Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: May 28, 2020
RE: Staff Analysis for CZ 1912 Beach and Bay, LLC (Kyle Norwood and Katie Davison)

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1912 to be reviewed during the June 11, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 334-6.00-58.00. The current zoning is AR-1 Agricultural Residential, and the request is for a proposed C-2 Medium Commercial Zone. The parcel is located on the southwest corner of the intersection of Kings Highway (Route 9) and Savannah East Drive. The size of the property is 0.92 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of "Coastal Area." The Coastal Area is designated to encourage growth and development without diminishing ecological and environmental characteristics. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex's County base density of two (2) units per acre is appropriate. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

The parcel is currently located with an Agricultural Residential (AR-1) Zoning District. In addition, each of the parcels that directly border the property are also zoned AR-1. The subject parcel is bordered by 65 acres of farmland to the east (across King's Highway). This parcel received an approved Change of Zone in 2016. Its current use is agriculture, but various neighborhood business uses have been approved, and are now permitted. The parcel to the north is an institutional use (New Covenant Presbyterian Church). Residential uses border the subject site to the west and south. The site is located approximately 1,215 feet north of Coastal Highway (Route 1).

Since 2011, there have been five major Change of Zones within a one-mile radius of the subject site. CZ 1753, to allow for a Change of Zone from Agricultural Residential (AR-1) to Medium Residential-Residential Planned Community (MR-RPC) was approved on August 4, 2014 by Sussex County Council through Ordinance No. 2361. CZ 1753 was approved for a parcel that lies approximately 0.40 miles east of the intersection of Kings Highway and Gills Neck Road. It has since been subdivided and is known as Cadbury at Lewes. CZ 1802, to allow for a Change of Zone from Agricultural Residential (AR-1) to Neighborhood Business (B-1) was approved on August 23, 2016 and adopted by Sussex County Council through Ordinance No. 2480. This parcel is approximately 65 acres and



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



Sussex County
DELAWARE
sussexcountyde.gov

lies directly east of the subject site. CZ 1818, to allow for a Change of Zone from Agricultural Residential (AR-1) to Commercial Residential (CR-1) was approved on May 23, 2017 and adopted by Sussex County Council through Ordinance No. 2497. In 2020, Mitchell Family, LLC applied for two Change of Zones (CZ 1886 and 1887) for a parcel of land that lies approximately 3,255 feet (0.62 miles) north of the subject along Kings Highway. It is currently zoned Agricultural Residential (AR-1), and a Medium Residential- Residential Planned Community (MR-RPC) Zoning District is proposed. This application is in progress.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from Agricultural Residential (AR-1) to a Medium Commercial (C-2) Zoning District be considered as consistent with the surrounding area, zoning, and uses.



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date June 11, 2020.

Application: (CZ 1912) Beach and Bay, LLC

Applicant: Beach and Bay, LLC
16820 Kings Highway
Lewes, DE 19958

Owner: Kyle Norwood and Katie Davison
16820 Kings Highway
Lewes, DE 19958

Site Location: Located on the southwest corner of Savannah East Drive and Kings Highway (Route 9)

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Commercial (C-2)

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Company District

Sewer: Tier 1- Sussex County Unified Sanitary System

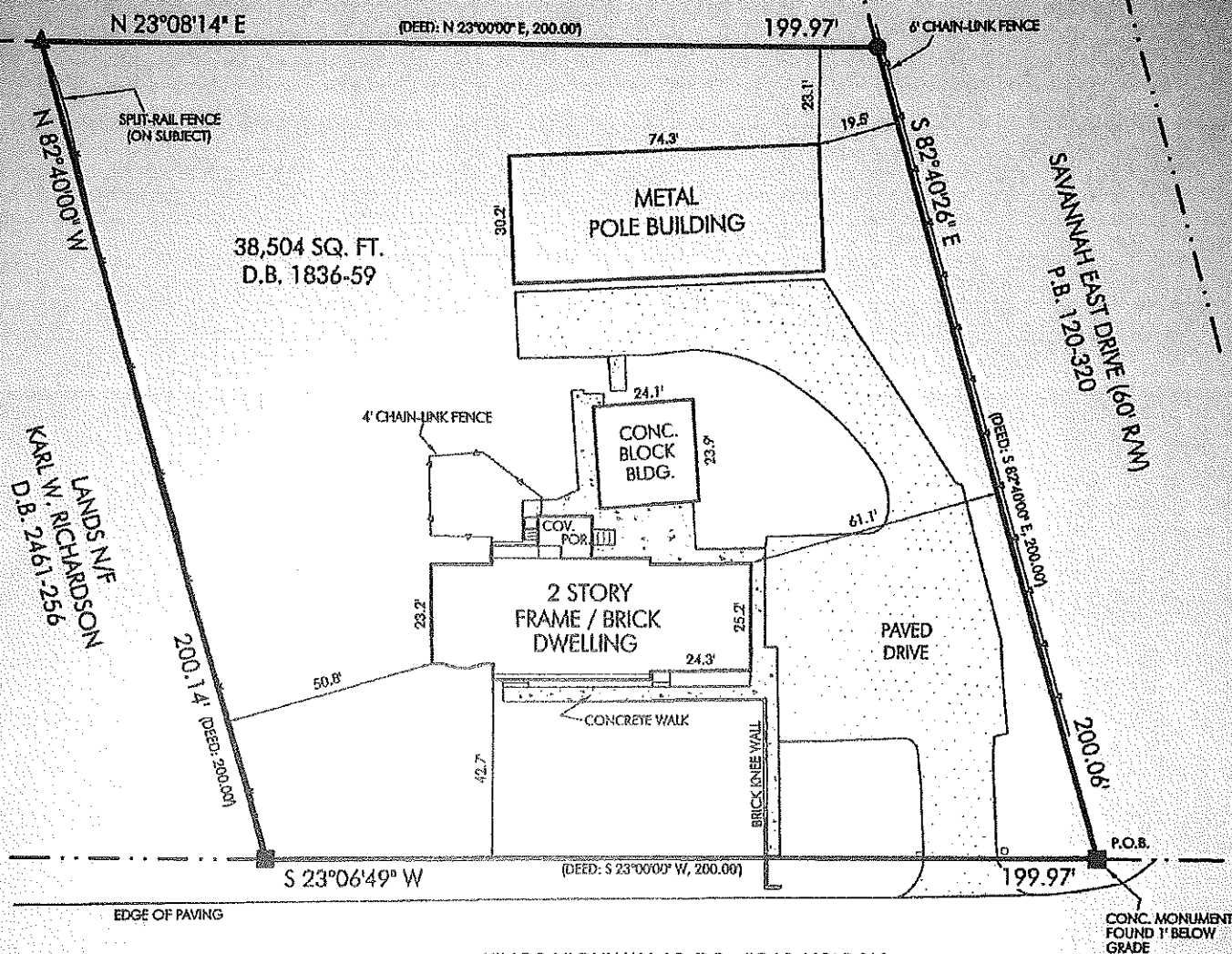
Water: Private

Site Area: 0.92 acres +/-

Tax Map ID.: 334-6.00-58.00



LANDS N/F
NEW COVENANT PRESBYTERIAN CHURCH
P.B. 120-320



LEGEND:

- CONCRETE MONUMENT (FOUND)
- IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)

NOTES:

ALL RESTRICTIONS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX CO. (302-855-7878).

THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.

NO TITLE SEARCH PROVIDED OR STIPULATED.

SURVEY CLASS: SUBURBAN

KINGS HIGHWAY / S.C.R. #268 (60' R/W)

BOUNDARY SURVEY PLAN FOR KYLE B. NORWOOD & KATIE DAVIDSON

REFERENCE: DEED BOOK 1836 PAGE 59, TRACT I & II
16820 & 16816 KINGS HIGHWAY, LEWES
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
AUGUST 9, 2019 SCALE: 1" = 40'

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement

302.226.2229 phone

302.226.2239 fax

2103A Coastal Highway

Dewey Beach, DE 19921



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

JENNIFER COHAN
SECRETARY

November 13, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request (SLER) for the **Beach and Bay, LLC** rezoning application, which we received on October 16, 2019. This application is for an approximately 0.92-acre parcel (Tax Parcel: 334-6.00-58.00). The subject land is located on the west side of Kings Highway (Sussex Road 268), approximately 300 feet northwest of the intersection of Kings Highway and Dartmouth Drive (Sussex Road 268A). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to C-2 (Medium Commercial) for professional office(s) with accessory residential use.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Kings Highway where the subject land is located, which is from Dartmouth Drive to Clay Road (Sussex Road 269), are 18,846 and 24,255 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

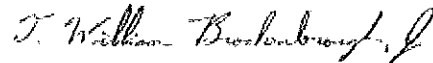
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell
Page 2 of 2
November 13, 2019

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Beach and Bay, LLC, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/29/2020**

APPLICATION: **CZ 1912 – Bay and Beach, LLC**

APPLICANT: **Bay and Beach, LLC**

FILE NO: **OM-9.04**

TAX MAP &
PARCEL(S): **334-6.00-58.00**

LOCATION: **Located on the southwestern corner of Savannah East Drive
and Kings Highway (Rt. 9)**

NO. OF UNITS: **Up-zone from AR-1 to C-2**

GROSS
ACREAGE: **0.92 +/-**

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? **Unknown at this time.** Is it likely that additional SCCs will be required? **Yes**
If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The proposed CZ is located in a Tier 1 area for sanitary sewer service. Therefore, the parcel is currently served but the service may need to be increased to serve the parcel if the change of zone is approved. There are currently 2 edu's connected to the sanitary sewer system and if disconnected would result in a credit of 2.0 edu's.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
Christine Fletcher

June 1, 2020

BY HAND DELIVERY

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

**RE: Change of Zone No. 1912
Beach and Bay, LLC
SCTP No. 334-6.00-58.00**

Dear Mr. Whitehouse:

Kindly find the enclosed seven (7) copies of Applicant Beach and Bay, LLC's Exhibit Notebook for Change of Zone No. 1912. The exhibit notebook will be used at the public hearings before the Planning and Zoning Commission on June 11, 2020 and before County Council on July 14, 2020. I will also be emailing an electronic copy of the exhibit notebook to you. Please let me know if you need any additional information prior to the public hearing.

Very Truly Yours,

MORRIS JAMES LLP


David C. Hutt, Esquire

Enclosures

Cc: Beach and Bay, LLC

Beach and Bay, LLC

Change of Zone No. 1912

Beach and Bay, LLC
16820 Kings Highway
Lewes, DE 19958

SCTP No: 334-6.00-58.00
16816 & 16820 Kings Highway
Lewes, DE 19958

David C. Hutt, Esquire
Morris James LLP

Public Hearings:

Planning Commision	06/11/2020
County Council	07/14/2020

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2. Foresight Services Survey Dated August 9, 2019
3. Title to Property: Deed: Dated August 13, 2019, Deed Book 5118, Page 37
4. DelDOT Response to Service Level Evaluation Request (October 16, 2019)
5. Sussex County Tax Maps
 - a. Tax Parcels
 - b. Zoning
 - c. Comprehensive Plan
 - d. Aerial Imagery
 - e. Sewer Tier
6. 2015 Delaware State Strategies Map
7. National Flood Hazard Map & Sussex County Flood Map
8. Dental Demographics for Sussex County
9. Proposed Findings of Fact

TAB “1”

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 ☒

RECEIVED

NOV 27 2019

Site Address of Conditional Use/Zoning Map Amendment

16816 and 16820 Kings Highway, Lewes, DE 19958

SUSSEX COUNTY
PLANNING & ZONING**Type of Conditional Use Requested:**

Not applicable.

Tax Map #: 334-6.00-58.00**Size of Parcel(s):** 0.92 acres**Current Zoning:** AR-1**Proposed Zoning:** C-2**Size of Building:** To be determind**Land Use Classification:** 2019 Future Land Use Map: Coastal Area**Water Provider:** Tidewater**Sewer Provider:** Sussex County**Applicant Information****Applicant Name:** Beach and Bay, LLC**Applicant Address:** 16820 Kings Highway**City:** Lewes**State:** DE**ZipCode:** 19958**Phone #:** (302) 670-6756**E-mail:** knorwood8132@yahoo.com**Owner Information****Owner Name:** Kyle Norwood and Katie Davison**Owner Address:** 16820 Kings Highway**City:** Lewes**State:** DE**Zip Code:** 19958**Phone #:** (302) 670-6756**E-mail:** knorwood8132@yahoo.com**Agent/Attorney/Engineer Information****Agent/Attorney/Engineer Name:** David C. Hutt, Esquire (Morris James LLP)**Agent/Attorney/Engineer Address:** 107 West Market Street**City:** Georgetown**State:** DE**Zip Code:** 19947**Phone #:** (302) 856-0015**E-mail:** dhutt@morrisjames.com

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ☒ **Completed Application**
- ☒ **Provide eight (8) copies of the Site Plan or Survey of the property**
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- ☐ **PLUS Response Letter (if required)**

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Signature of Applicant/Agent/Attorney



Date: 11/26/19

Signature of Owner

 DDS

Date: 11/26/19

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: _____

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

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

Application Information:

Site Address: 16820 Kings Hwy

Lewes, DE 19958

Parcel #: 334-6.00-58.00

Site Address: _____

Parcel #: _____

Applicant Name: Beach and Bay, LLC

Owner Name: Kyle Norwood & Katie Davison

Type of Application:

Conditional Use: ☐

Change of Zone: ☒

Subdivision: ☐

Board of Adjustment: ☐

Date Submitted: 11/27/19

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

Date letters mailed: _____

List created by: _____

Letters sent by: _____

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

33016139-0023 Megan D. 11/27/2019 11:13AM

PERMITS / INSPECTIONS

CHANGE OF ZONE - FEE

2019 Item: 201913755|2015 500.00

500.00

Subtotal 500.00

Total 500.00

CHECK 500.00

Check Number 00000106013

Change due 0.00

Paid by: MORRIS JAMES LLP



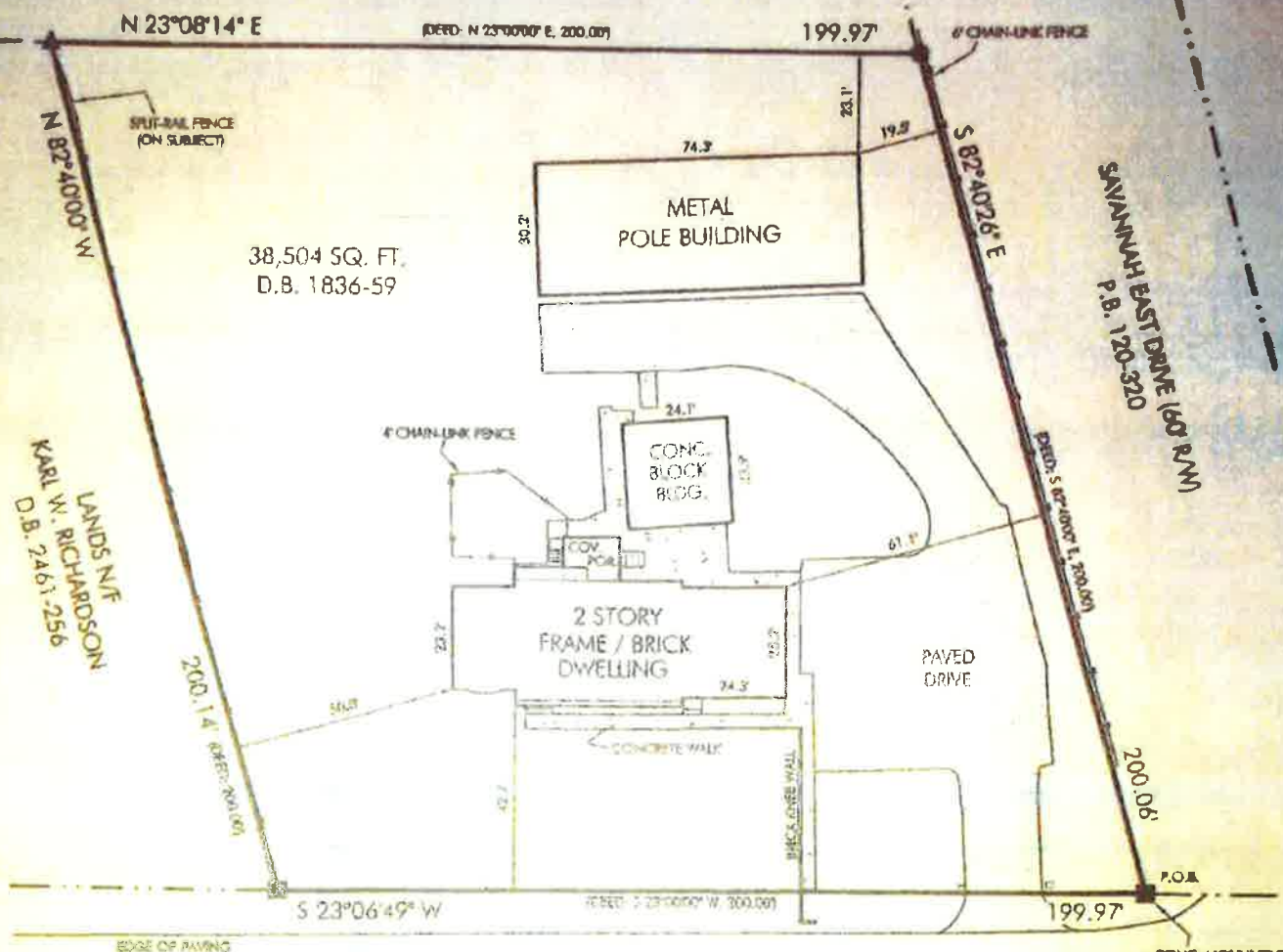
Thank you for your payment

Sussex County, DE COPY
DUPLICATE RECEIPT

TAB “2”

T.M. #3-34-6.00-58.00

LANDS N/F
NEW COVENANT PRESBYTERIAN CHURCH
P.B. 120-320



KINGS HIGHWAY / S.C.R. #268 (60' R/W)

BOUNDARY SURVEY PLAN FOR KYLE B. NORWOOD & KATIE DAVIDSON

LEGEND:

- CONCRETE MONUMENT (FOUND)
- IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)

REFERENCE: DEED BOOK 1836 PAGE 59, TRACT I & II

16820 & 16816 KINGS HIGHWAY, LEWES

LEWES & REHOBOTH HUNDRED SUSSEX COUNTY

STATE OF DELAWARE

AUGUST 9, 2019 SCALE: 1" = 40'

NOTES:

ALL RESTRICTIONS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX CO. (302-855-7878).

THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.

NO TITLE SEARCH PROVIDED OR STIPULATED.
SURVEY CLASS: SUBURBAN

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement

302.226.2229 phone

302.226.2229 fax

2100A Coastal Highway

Dewey Beach, DE 19971

TAB “3”

TAX MAP AND PARCEL #: 3-34 6.00 58.00
PREPARED BY & RETURN TO:
Hudson, Jones, Jaywork & Fisher
309 Rehoboth Avenue
Rehoboth Beach, DE 19971
File No. NORWOOD,K-P-19/DPM

THIS DEED, made this 13th day of August, 2019,

- BETWEEN -

DONALD A. WAGNER, JR. of 16820 Kings Highway, Lewes, DE 19958 and CARL LOUIS WAGNER, of 16063 New Road, Lewes, DE 19958, parties of the first part,

- AND -

KYLE BRANDON NORWOOD and KATIE ANNE DAVISON, of 16820 Kings Hwy, Lewes, DE 19958, as joint tenants with right of survivorship and not tenants in common, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **TEN DOLLARS (\$10.00)**, lawful money of the United States of America and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

TRACT I: ALL THAT CERTAIN LOT, Piece and parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County and State of Delaware, adjoining lands of Elizabeth Murray and other lands of Charles H. Rickards, fronting on King's Highway and being more particularly described as follows, to wit:

BEGINNING at an iron pipe in the edge of the above-described highway, corner for these lands and lands of Elizabeth Murray; thence along and with one line of said Murray North 82° 40' West 200 feet to an iron pipe; thence leaving lands of said Murray with other lands of Charles H. Rickards South 23° West 100 feet to an iron pipe; thence South 82° 40' East 200 feet to a pipe in line of the above-described highway; thence along with one line of the highway

North 23° East 100 feet, home to the place of BEGINNING, containing about 20,000 square feet of land, more or less.

TRACT II: ALL THAT CERTAIN LOT, Piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, adjoining lands of Charles H. Rickards and lands granted and conveyed to Oliver C. Short and Katherine A. Short, his wife, more particularly described as follows, to wit:

BEGINNING at a pipe in the edge of the slag road leading from Lewes to Carpenter's Corner, a corner for this lot and other lands of Charles H. Rickards; thence along with said lot North 82° 40' West 200 feet to an iron pipe in line of lands of Charles H. Rickards; thence with said lands South 23° West 100 feet to an iron pipe, a corner for this land and lands conveyed to Oliver C. Short and Katherine A. Short, his wife; thence along and with said lands South 82° 40' East 200 feet to a pipe in the edge of the above-described road; thence along and with said road North 23° East 100 feet, home to the place of BEGINNING, containing 20,000 square feet of land, be the same more or less.

BEING the same property conveyed to Christine Wagner and Donald A. Wagner from H. Edward Maull, Jr., by Deed dated March 17, 1992, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on March 19, 1992, in Deed Book 1836, Page 59.


SUBSEQUENTLY the said Christine Wagner departed this life, on or about March 20, 1995, said property passed by operation of law unto her husband, Donald A. Wagner, sole surviving tenant by the entirety.


SUBSEQUENTLY the said Donald A. Wagner departed this life, on or about October 31, 2016, pursuant to the terms set forth in the Last Will and Testament of Donald A. Wagner, Sr. dated June 16, 2006, Article II, devised said property unto his sons, Donald A. Wagner, Jr. and Carl Louis Wagner.

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

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

Signed, Sealed and Delivered
in the presence of:







Donald A. Wagner, Jr. (SEAL)




Carl Louis Wagner (SEAL)

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on August 13, 2019, personally came before me, the subscriber, Donald A. Wagner, Jr. and Carl Louis Wagner, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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

DANIEL P. MYERS, II
NOTARIAL OFFICER PURSUANT TO
29 DEL. CODE SECT. 4323 (3)
ATTORNEY AT LAW/DELAWARE
ID# 2685



Notary Public
My Commission Expires: N/A

TAB “4”



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

JENNIFER COHAN
SECRETARY

November 13, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request (SLER) for the **Beach and Bay, LLC** rezoning application, which we received on October 16, 2019. This application is for an approximately 0.92-acre parcel (Tax Parcel: 334-6.00-58.00). The subject land is located on the west side of Kings Highway (Sussex Road 268), approximately 300 feet northwest of the intersection of Kings Highway and Dartmouth Drive (Sussex Road 268A). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to C-2 (Medium Commercial) for professional office(s) with accessory residential use.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Kings Highway where the subject land is located, which is from Dartmouth Drive to Clay Road (Sussex Road 269), are 18,846 and 24,255 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

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.



Ms. Janelle M. Cornwell
Page 2 of 2
November 13, 2019

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Beach and Bay, LLC, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

(302) 855-7878 T
(302) 854-5079 F



Sussex County

DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

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

Date: 10/16/19

RECEIVED

OCT 16 2019

SUSSEX COUNTY
PLANNING & ZONING

Site Information:

Site Address/Location: 16820 Kings Highway, Lewes, DE 19958

Tax Parcel Number: 334-6.00-58.00

Current Zoning: AR-1

Proposed Zoning: C-2

Land Use Classification: Residential

Proposed Use(s): Professional Office(s) with Accessory
Residential Use

Square footage of any proposed buildings or number of units: N/A

Applicant Information:

Applicant's Name: Beach and Bay LLC

Applicant's Address: 16820 Kings Highway

City: Lewes

State: DE

Zip Code: 19958

Applicant's Phone Number: (302) 856-0015

Applicant's e-mail address: dhutt@morrisjames.com

David C. Hutt, Esq.
Morris James, LLP
107 W. Market Street
PO Box 690
Georgetown, DE 19947
(302) 856-0015

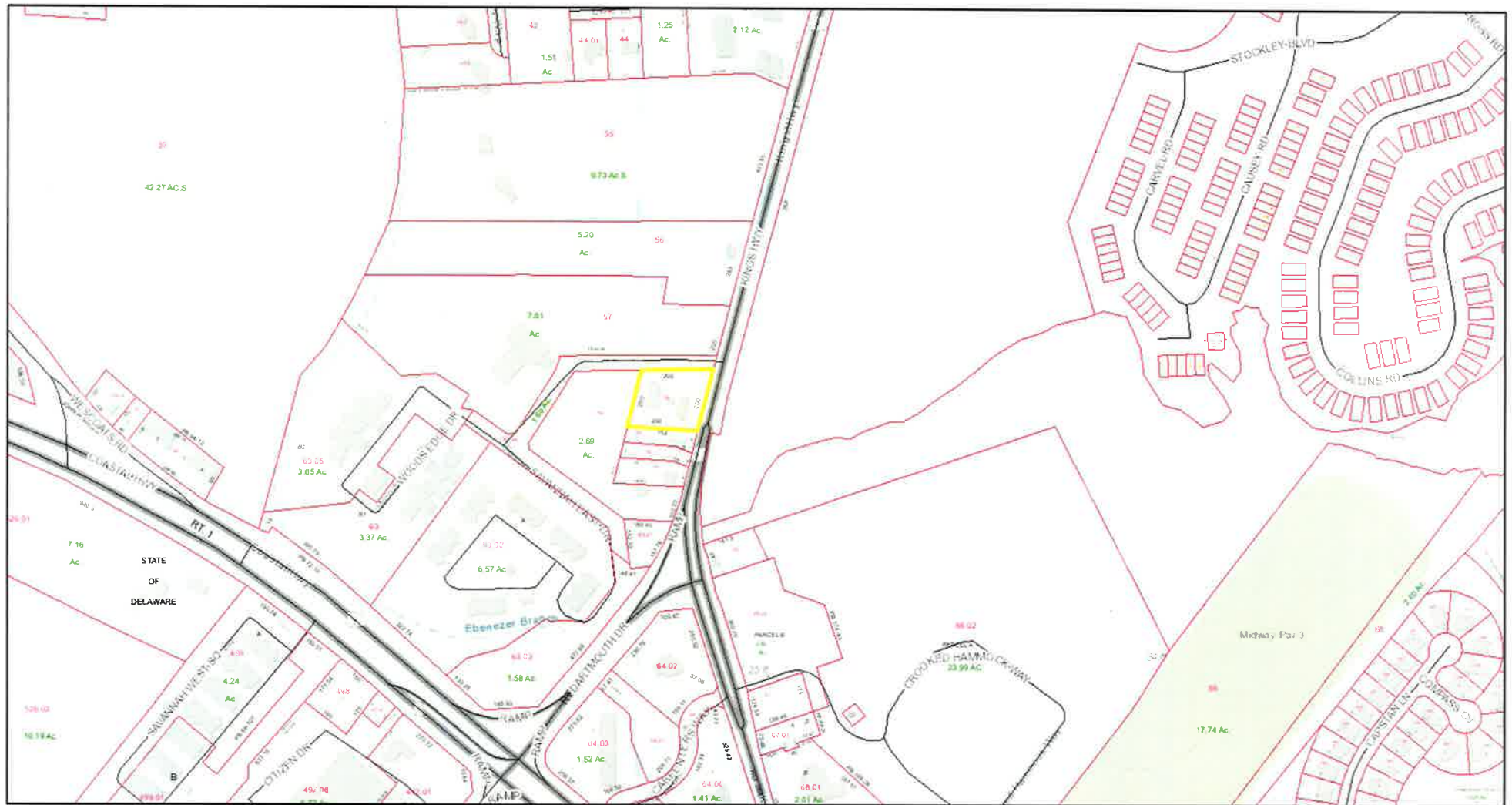


COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Last updated 7-27-18

TAB “5”

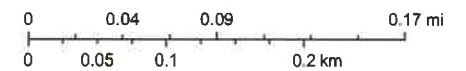
Sussex County



June 1, 2020

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

1:4,514



Delaware Department of Education, Delaware Geological Survey, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China

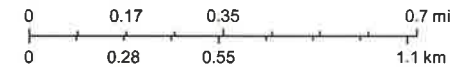
Sussex County



June 1, 2020

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

1:18,056



Delaware Department of Education, Delaware Geological Survey, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China

This is a detailed land parcel map. The left portion of the map is dominated by a large area shaded in solid red, which includes several smaller parcels outlined in black. To the right of this red area, there are several white-outlined parcels of varying sizes. One prominent parcel in the upper center is labeled '90' and contains the text '973 AC S'. Other nearby parcels are labeled with numbers like 42, 48, 44, 125, 1.51, 5.20, 7.61, and 2.69, followed by 'Ac.' or 'S'. A network of roads is shown, including 'RT. 1' running diagonally from the bottom left towards the top right, and 'WOODS COVE DR' branching off it. In the top right corner, there's a residential development with many small rectangular lots, some labeled 'STOCKLEY BLVD', 'CANEY RD', and 'COLLINS RD'. At the bottom right, another residential area is shown with a road named 'CHICKEN HAMMOCK WAY' and a large green-shaded area labeled 'Midway Park' with '17.74 Ac.'. Various other labels like 'SQUAWBURY WEST DR', 'CITIZEN DR', 'HAMPDEN DR', and 'CALDWELL'S WAY' are scattered throughout the map. Some parcels are highlighted with colored borders: one near the center is outlined in yellow, and a larger area at the bottom right is outlined in orange.

☐ Agricultural Residential - AR-1

High Density Residential - HR-2

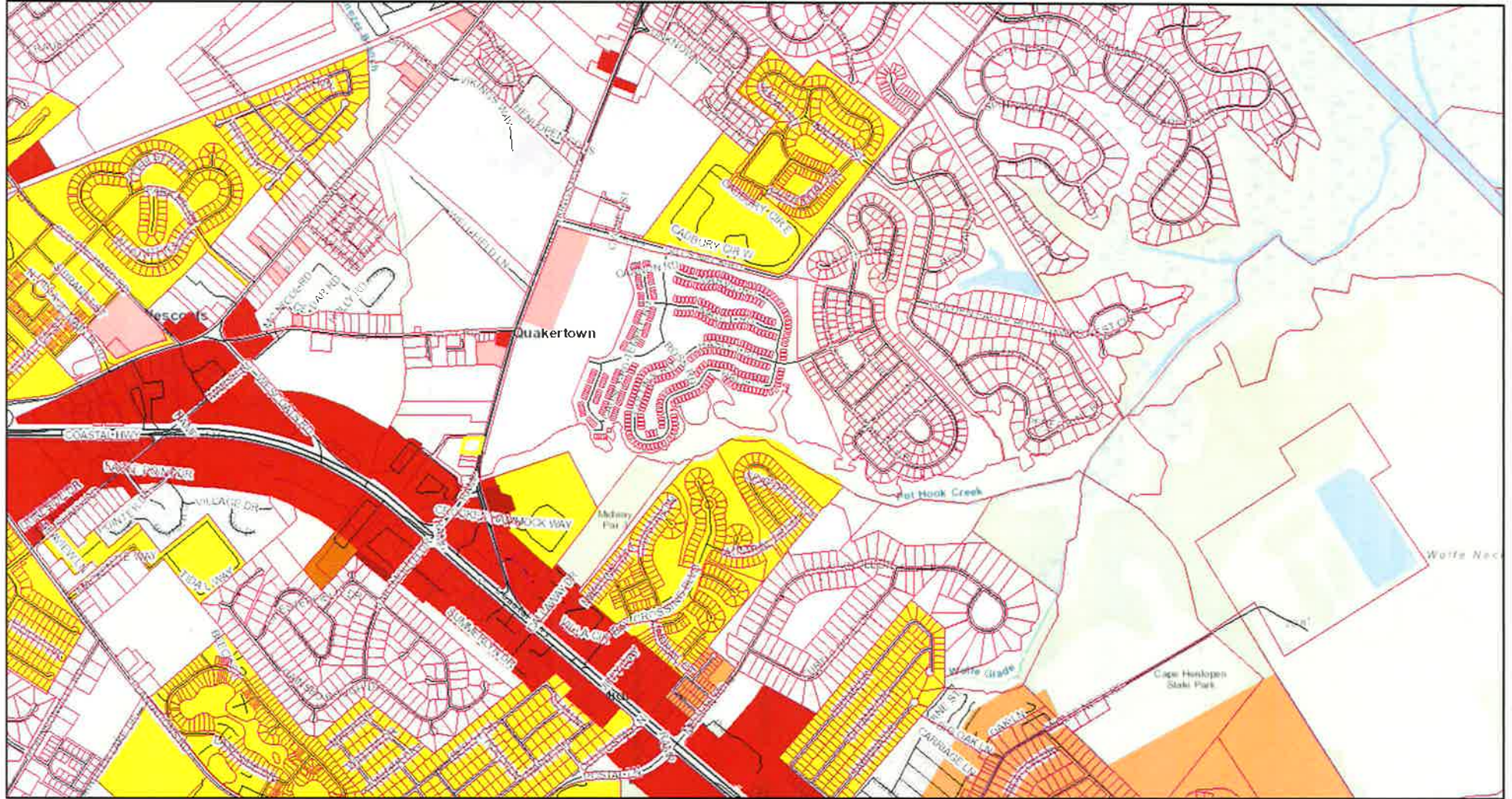
General Commercial - C-2

Institutional - I-1

 County Boundaries

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

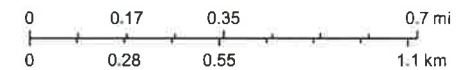
Sussex County



June 1, 2020

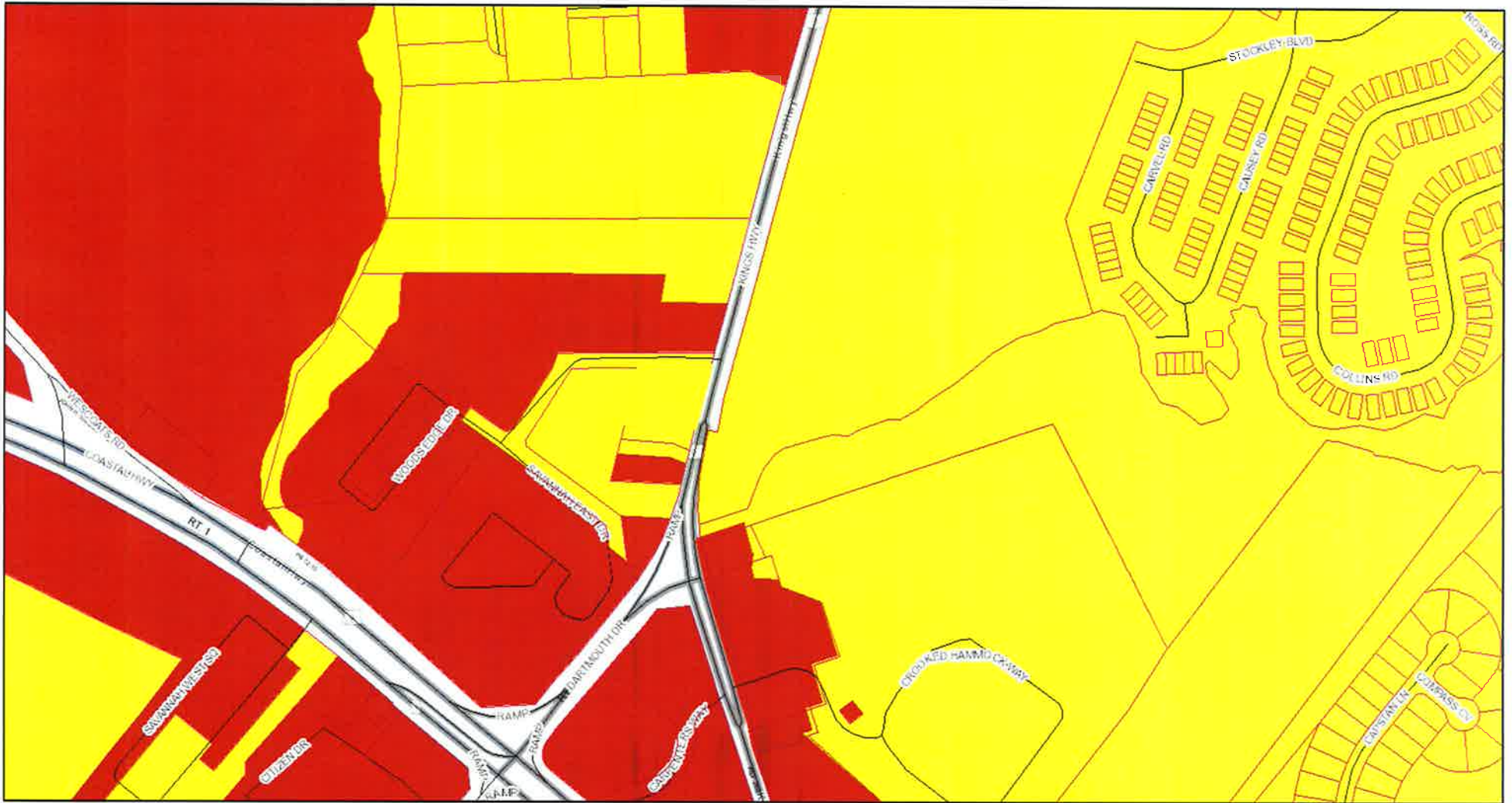


1:18,056



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

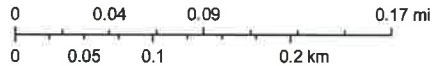
Sussex County



June 1, 2020

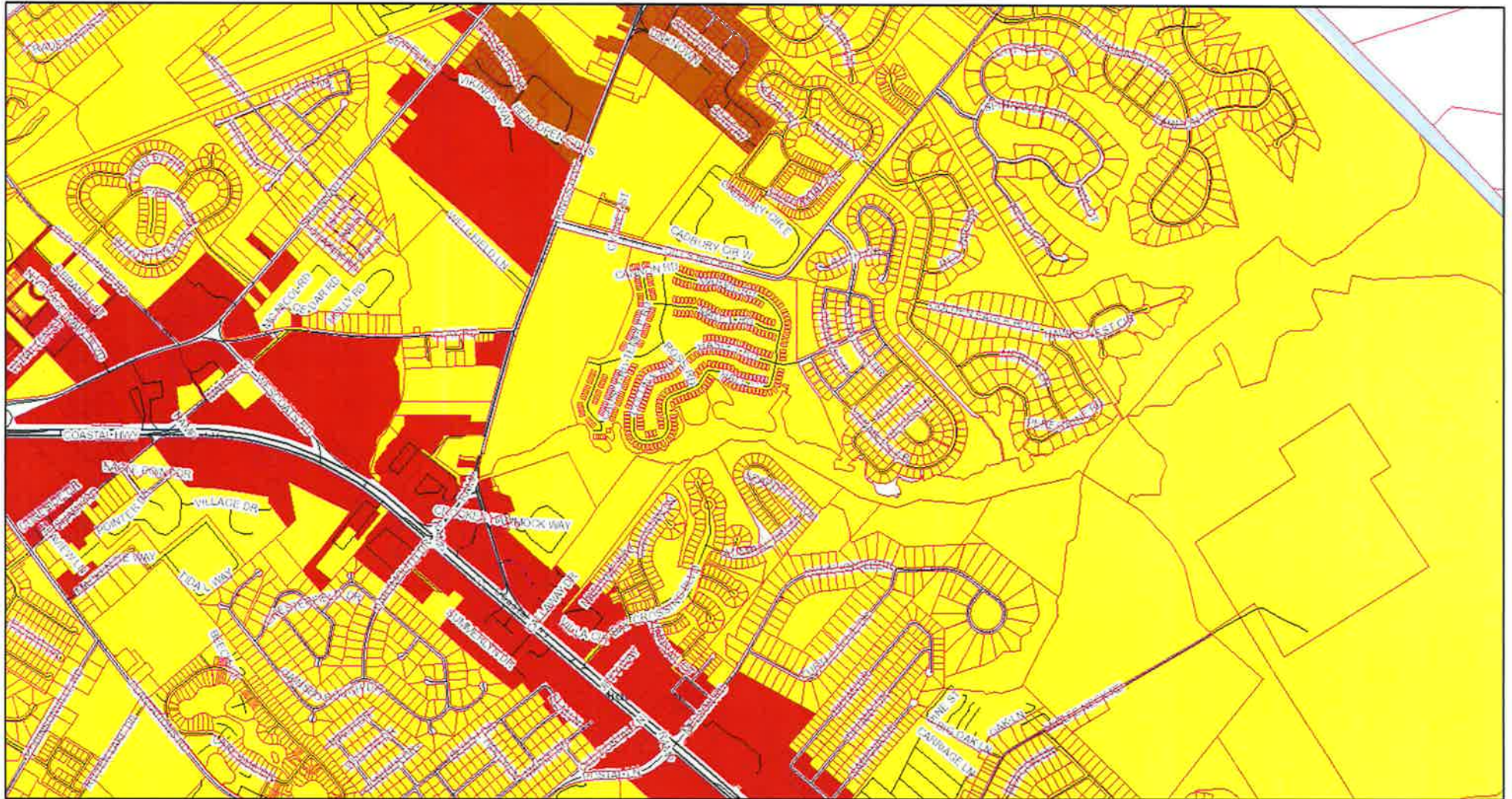
 Override 1
  County Boundaries
  Commercial
  Municipalities
 Override 1
 2019 Future Land Use
 Developing Area
 Town Center
 Tax Parcels
 Low Density
 Existing Development Area
 Streets
 Coastal Area
 Industrial

1:4,514



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

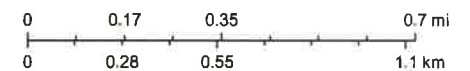
Sussex County



June 1, 2020



1:18,056



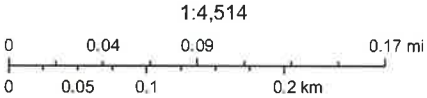
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government

Sussex County



June 1, 2020

- Override 1
- Override 1
- Tax Parcels
- Streets



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County Government

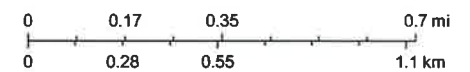
Sussex County



June 1, 2020

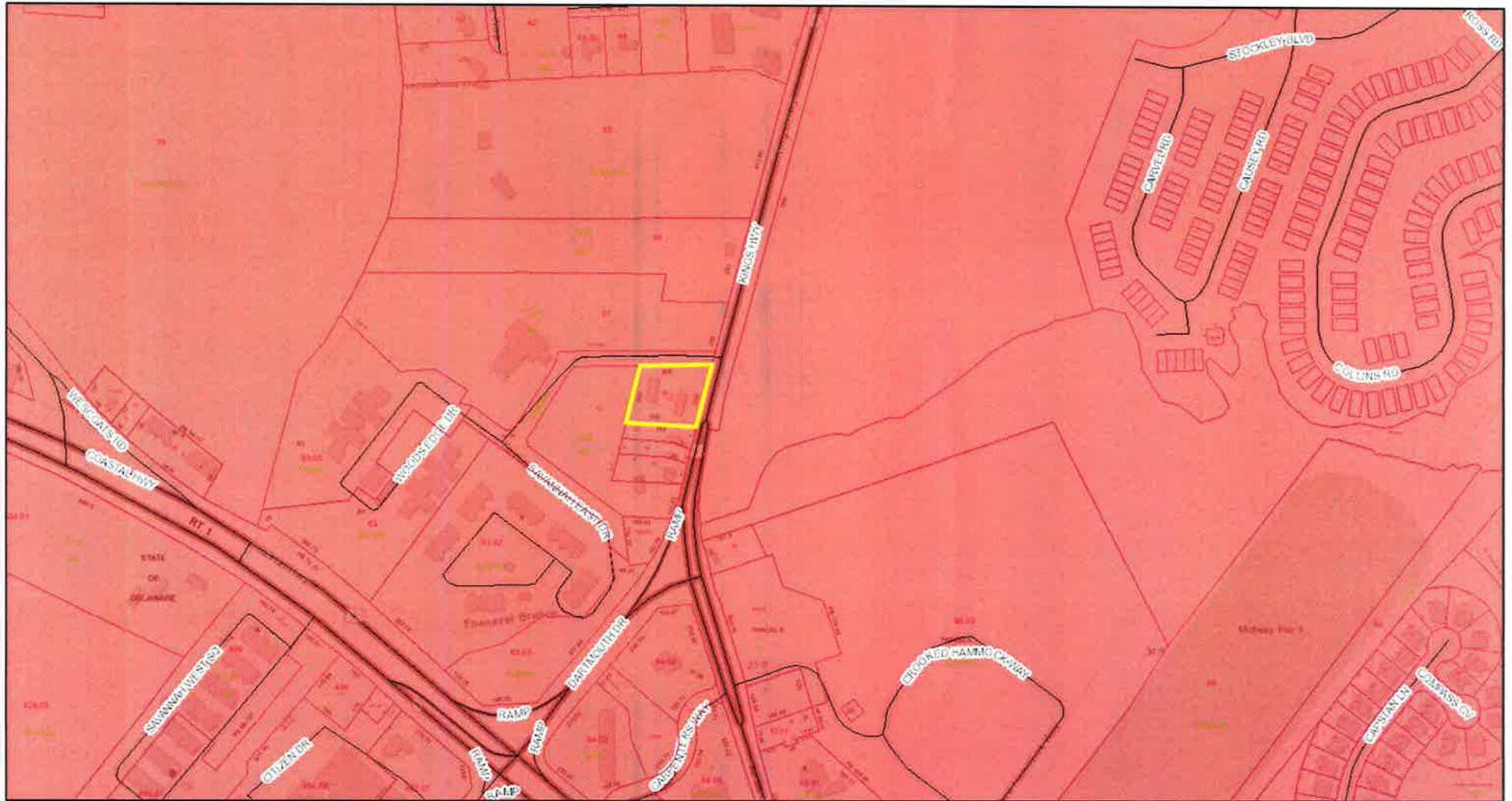
-  Override 1
-  Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:18,056



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County Government

Sussex County



June 1, 2020

Override 1

Override 1

Tax Parcels

Streets

County Boundaries

Sewer Tiers

Tier 1 - Sussex County Unified Sanitary Sewer District

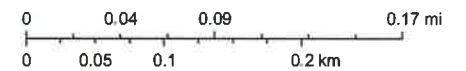
Tier 2 - Sussex County Planning Area

Tier 3 - Coordinated CPCN Areas

Tier 4 - System Optional Areas

Tier 5 - Regulated On-site Area

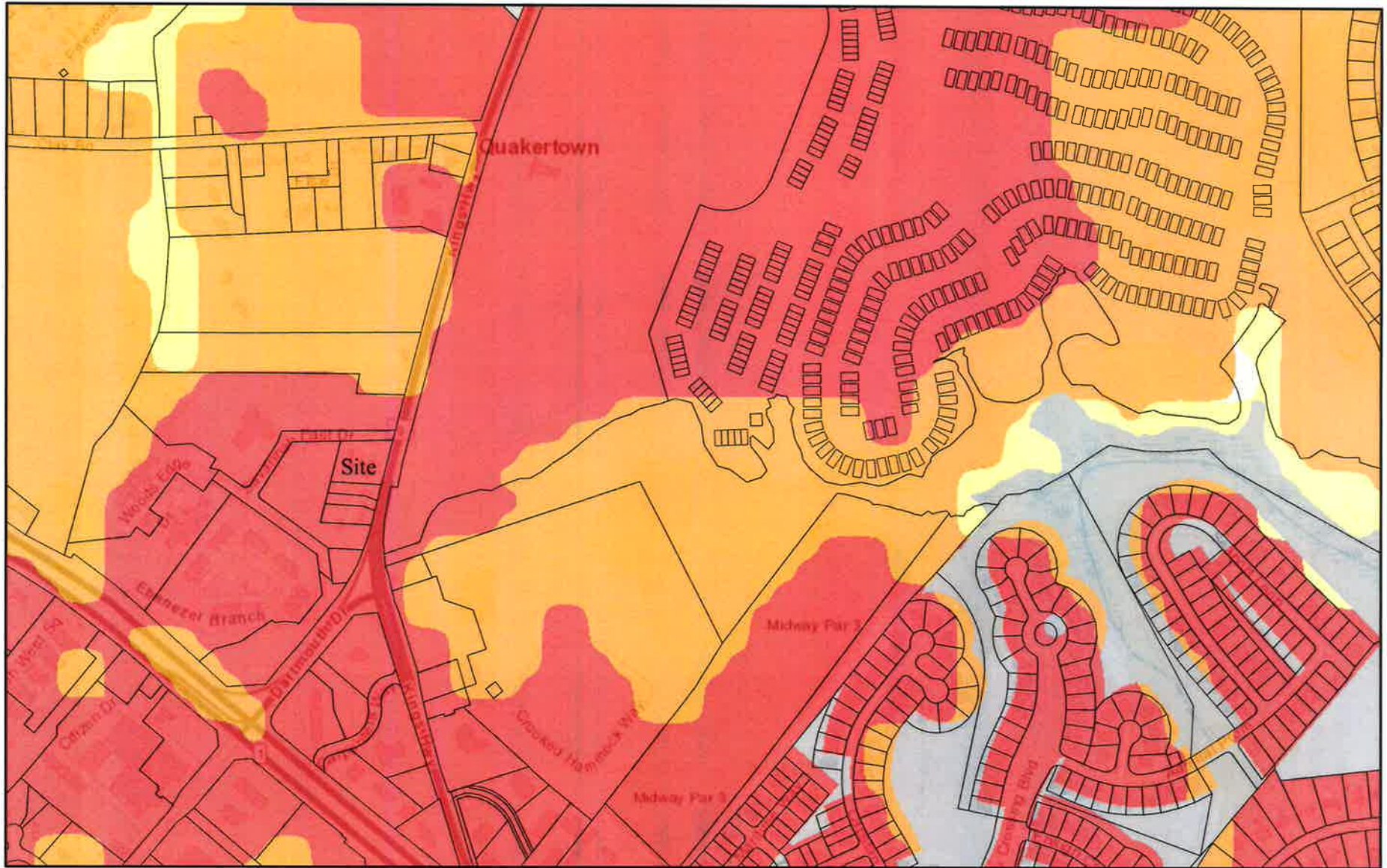
1:4,514



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





TAB “6”

Delaware State Strategies 2015



1:9,028

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

 Level 1
 Level 2
 Level 3
 Level 4
 Out of Play

TAB “7”

National Flood Hazard Layer FIRMette



38°45'7.40"N

75°9'26.52"W



USGS The National Map Orthoimagery Data refreshed April, 2019

0 250 500 1,000 1,500 2,000 Feet 1:6,000

38°44'39.34"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, X, AP
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes, Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

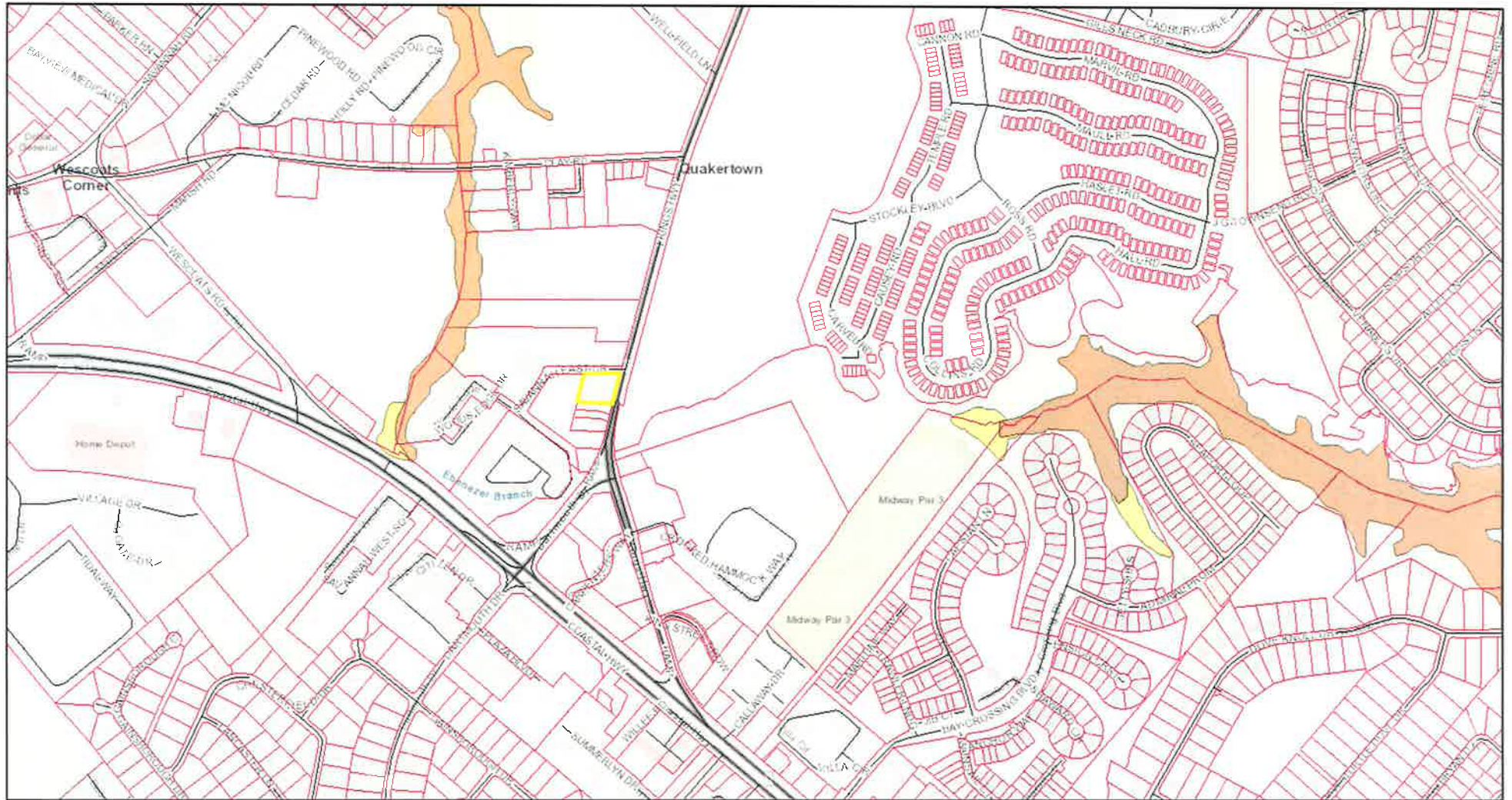
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/1/2020 at 9:33:37 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.













This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



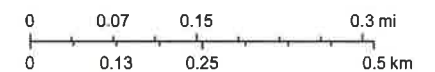
Sussex County



June 1, 2020

- | | | |
|--|--|--|
|  Override 1 |  County Boundaries |  AE |
|  Override 1 |  Flood Zones 2018 |  AO |
|  Tax Parcels |  0.2 PCT ANNUAL CHANCE FLOOD HAZARD |  OPEN WATER |
|  Streets |  A |  VE |

1:9,028



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

TAB “8”

BEACH AND BAY LLC
REZONING HEARING
16820 KINGS HIGHWAY LEWES, DE

To Sussex County Planning & Zoning Commission/Sussex County Council:

We are greatly appreciative for the opportunity to present you our property for rezoning today. We wanted to attach a cover sheet to provide some clarifications for the documents we have provided.

We are seeking commercial zoning to one day form a dental practice on the property. We have provided some information on the research we have done to show that a dental practice would be a much-needed addition to our community in Sussex County.

According to the Health Resources and Services Administration, Sussex County is an underserved community in terms of its' dental health resources. When the documents reference "HPSA" this is an acronym for "health professional shortage area". Some of the maps provided shade Sussex County as not only an area that has a health professional shortage but specifically a Dental HPSA. We have also found this supporting information on Delaware.Gov.

This information is even further supported by a professional study we had done to show the need in the area. According to the American Dental Association (ADA), the national average is 1 dentist for every 1,639 people. At this specific location on Kings Highway, the ratio is much different. Within a 25-minute driving radius from this location, there is 1 dental office per 9,699 patients – a dramatic difference. Residents of Sussex County would greatly benefit from an additional dentist in the area.

As our community continues to grow and thrive, the disparity between dentists and patients will continue. We are hopeful for the opportunity to contribute to Kings Highway and our Sussex County community in positive way.

Thank you so much for your consideration,

Beach And Bay

SATELLITE VIEW

10, 25, 40 MINUTE DRIVE TIMES

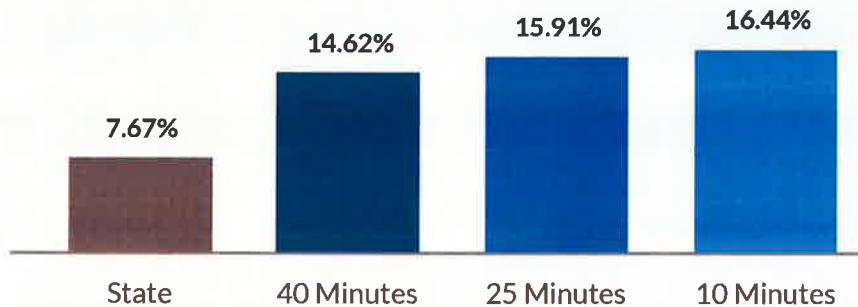
Below is a satellite view of your location, with the selected drive times overlaid. Pay particular attention to land-use (residential, commercial, industrial) and the density found in close proximity to your site.



DATA SUMMARY

Population Growth

Population Growth 2010-2018

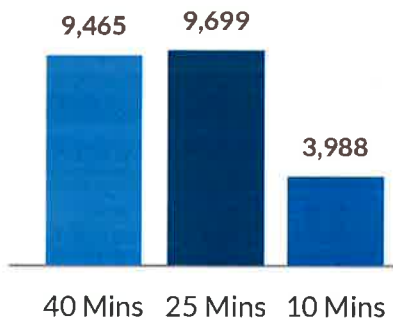


Growth: As a measure of the relative, current growth rate. Measured from the most recent Census to this year, this percentage indicates the growth of an area's population.

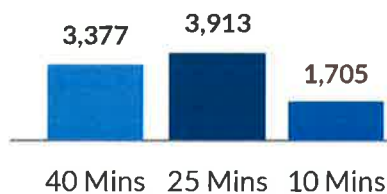
	State	40 Mins	25 Mins	10 Mins
Growth 2010-2018	7.67%	14.62%	15.91%	16.44%

Population Per Dental Office

Residents per Dental Office



Employees per Dental Office

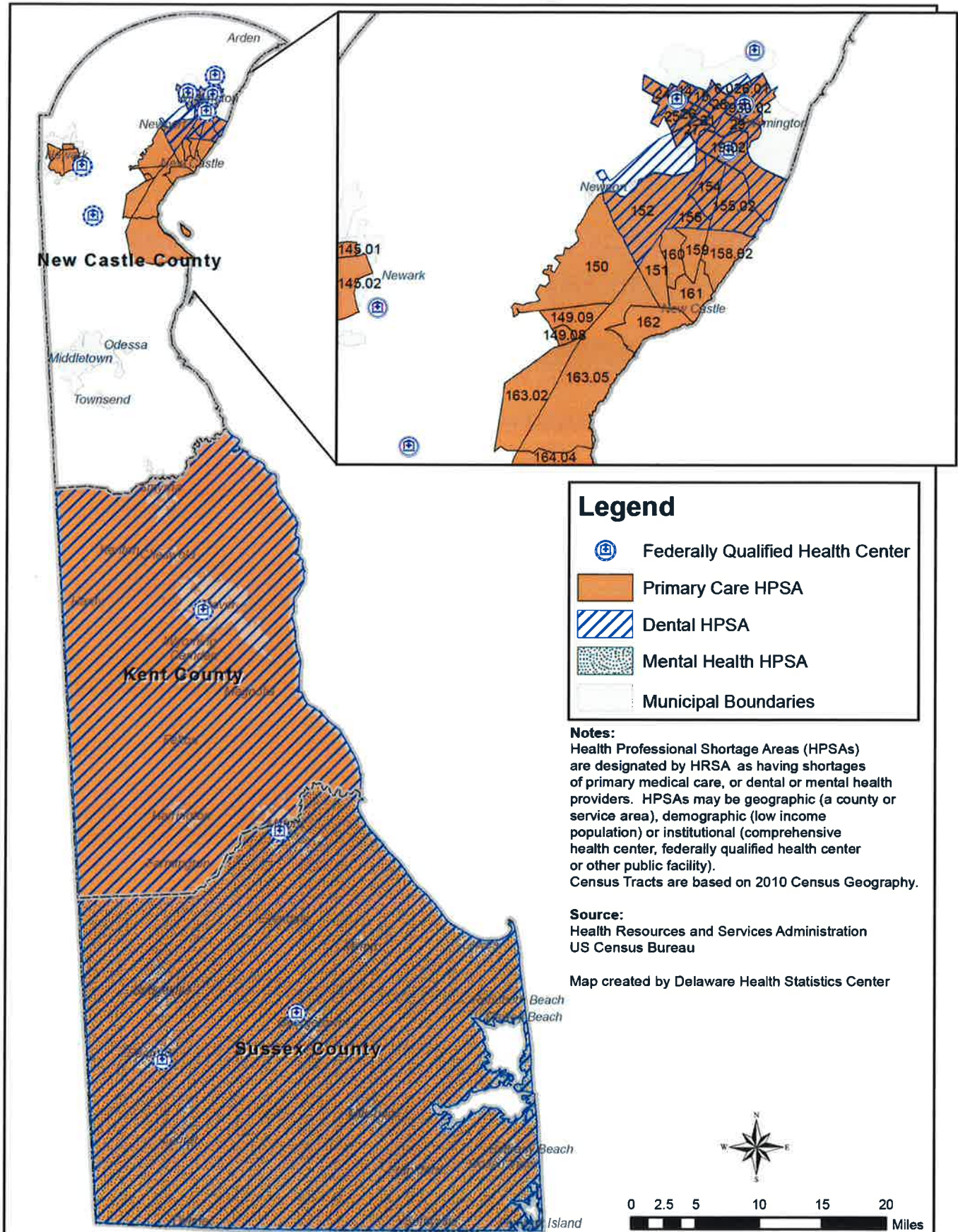


Residents/Dental Office: As a measure of relative saturation within an area. Each office is called to confirm the location, as a measure of accuracy. The higher the ratio, the better.

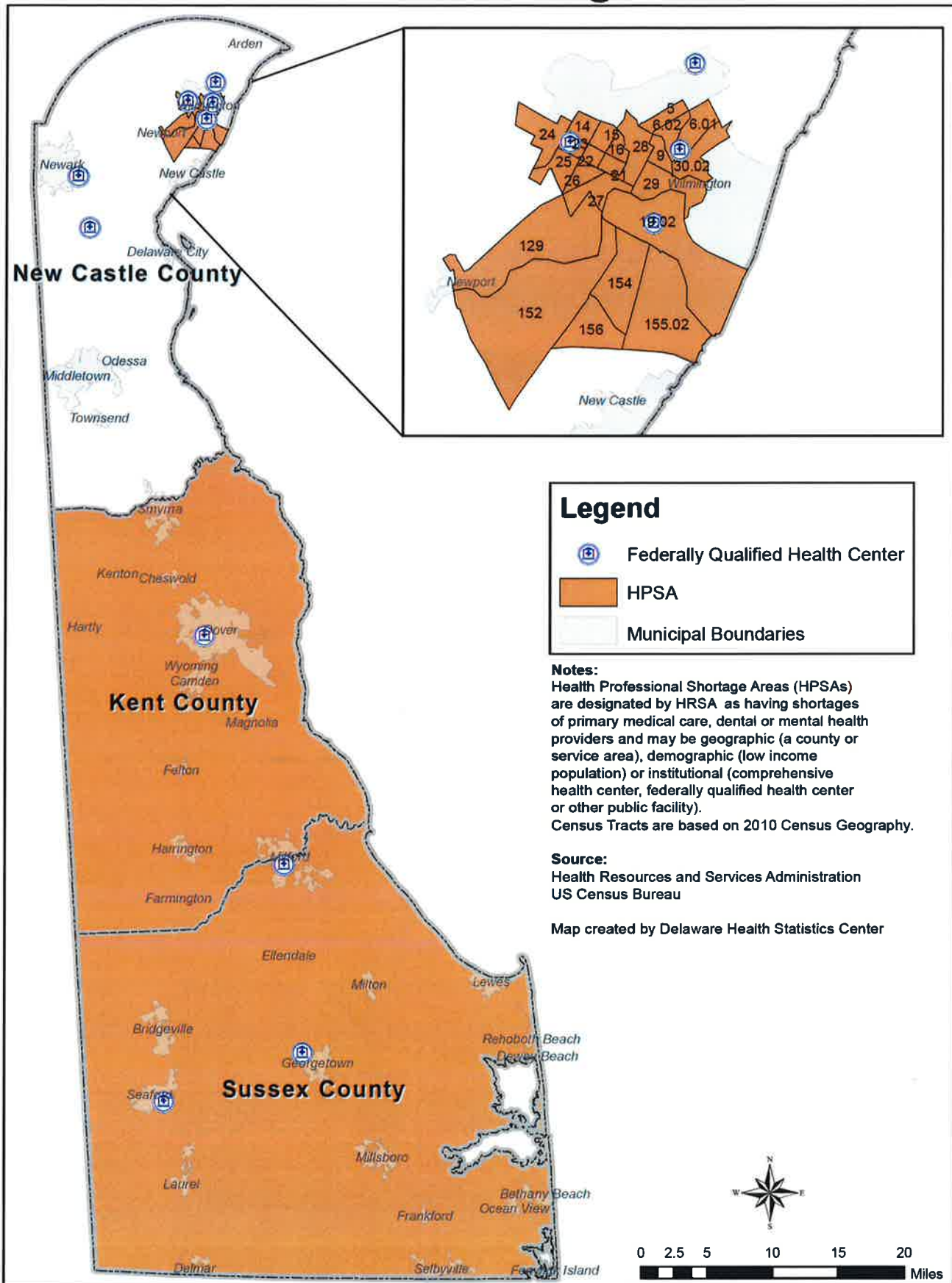
Employees/Dental Office: As a measure of relative employee saturation within an area. In metropolitan and in high-traffic areas, this ratio becomes more important. Data is trending such that single, young adults are finding it increasingly important that their healthcare is accessible from work.

	State	40 Mins	25 Mins	10 Mins
Residents per Dental Office	3,930	9,465	9,699	3,988
Employees per Dental Office	1,658	3,377	3,913	1,705
Residents	966,809	208,233	87,292	23,928
Employees	407,946	74,294	35,218	10,231
Dental Offices	246	22	9	6

All HPSA Designations



Dental HPSA Designations



Address

16820 kings hwy, Lewes, DE, 19958

[Start Over](#)

Standardized address

16820 Kings Hwy, Lewes, Delaware, 19958

HPSA Data as of 10/20/2019

MUA Data as of 10/20/2019

[\[+\] More about this address](#)

In a Dental Health HPSA: ✓ Yes

HPSA Name:Low Income-Sussex County

ID:6103438265

Designation Type:HPSA Population

Status:Designated

Score:16

Designation Date:12/29/2016

Last Update Date:12/29/2016

In a Mental Health HPSA: ✓ Yes

HPSA Name:Low Income-Sussex County

ID:7103506247

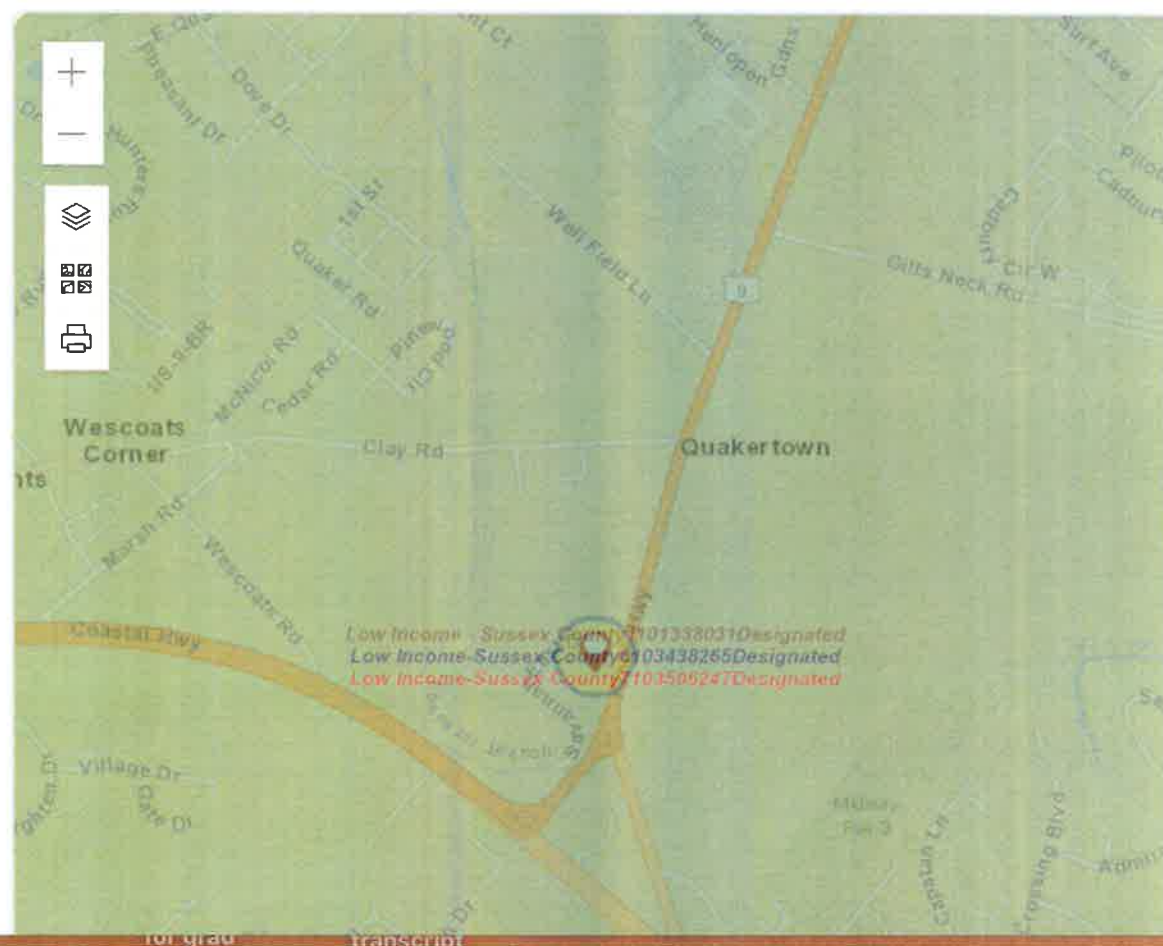
Designation Type:HPSA Population

Status:Designated

Score:17

Designation Date:11/02/2012

Last Update Date:10/28/2017





[Home \(/\)](#) › [Tools](#) › [Find Shortage Areas \(/tools/shortage-area\)](#) › **Find Shortage Areas by Address**



Find Shortage Areas by Address

Enter an address to determine whether it is located in a shortage area: HPSA Geographic, HPSA Geographic High Needs, or Population Group HPSA or an MUA/P.

Note: This search will not identify facility HPSAs. To find these HPSAs, use the [HPSA Find \(/tools/shortage-area/hpsa-find\)](/tools/shortage-area/hpsa-find) tool.

Start Over

HPSA Data as of 10/20/2019

MUA Data as of 10/20/2019

Address

16820 kings hwy, Lewes, DE, 19958

Standardized address

16820 Kings Hwy, Lewes, Delaware, 19958



0.4 km

0.3 mi

Note: The address you entered is geocoded and then compared against the HPSA and MUA/P data in data.HRSA.gov. Due to geoprocessing limitations, the designation cannot be guaranteed to be 100% accurate and does not constitute an official determination.

[+] More about this address

In a Dental Health HPSA: ✓ Yes

HPSA Name:Low Income-Sussex County

ID:6103438265

Designation Type:HPSA Population

Status:Designated

Score:16

Designation Date:12/29/2016

Last Update Date:12/29/2016

In a Mental Health HPSA: ✓ Yes

HPSA Name:Low Income-Sussex County

ID:7103506247

Designation Type:HPSA Population

Status:Designated

Score:17

Designation Date:11/02/2012

Last Update Date:10/28/2017

In a Primary Care HPSA: ✓ Yes

HPSA Name:Low Income - Sussex County

ID:1101338031

Designation Type:HPSA Population

Status:Designated

Score:16

Designation Date:11/06/2012

Last Update Date:10/28/2017

In a MUA/P: ✓ Yes

Service Area Name:Sussex County

ID:00493

Designation Type:Medically Underserved Area

Designation Date:11/01/1978

Last Update Date:11/01/1978

About HRSA

HRSA programs provide health care to people who are geographically isolated, economically or medically vulnerable. This includes people living with HIV/AIDS, pregnant women, mothers and their families, and those otherwise unable to access high quality health care. HRSA also supports access to health care in rural areas, the training of health professionals, the distribution of providers to areas where they are needed most, and improvements in health care delivery. Learn more about HRSA »
(<https://www.hrsa.gov>)

About Us (<https://data.hrsa.gov/about>)

About the Data (<https://data.hrsa.gov/data/about>)

A to Z Index (<https://data.hrsa.gov/a-to-z>)

Site Map (<https://data.hrsa.gov/site-map>)

What's New (<https://data.hrsa.gov/whats-new>)



(<https://data.hrsa.gov/>)

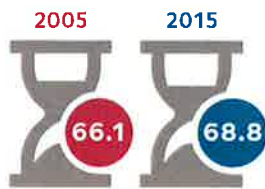
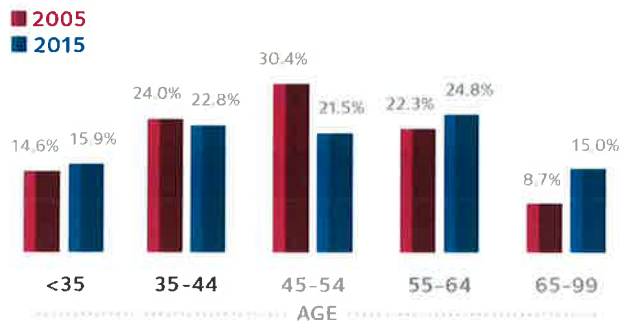


(<https://www.hhs.gov>)

The Dentist Workforce – Key Facts

THE DENTIST WORKFORCE HAS AGED

The average age of dentists increased from 48.5 in 2005 to 50 in 2015.

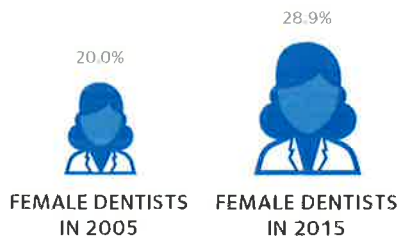
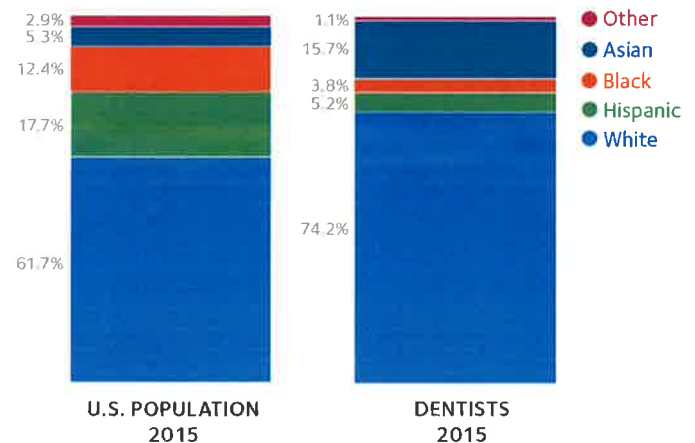


DENTISTS ARE WAITING LONGER TO RETIRE

While dentists' average age at retirement in 2005 was 66.1, it increased to 68.8 in 2015.

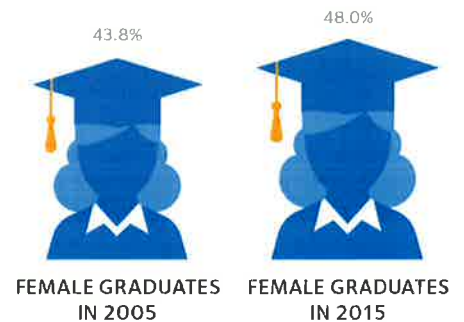
ETHNIC AND RACIAL DIVERSITY AMONG DENTISTS DOES NOT MIRROR THAT OF THE U.S. POPULATION

In terms of race and ethnicity, white and Asian dentists are proportionally more represented in the profession when compared to the U.S. population. Hispanic and black dentists, as well as dentists who identify themselves as another race or ethnicity, are proportionally less represented in the profession when compared to the U.S. population.



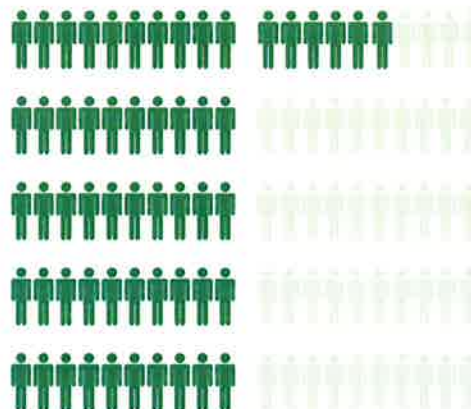
A HIGHER SHARE OF DENTISTS IS FEMALE

Between 2005 and 2015, the percentage of female dentists in the workforce increased from 20 percent to 29 percent. This increase is expected to continue for several more years, as is evident in the growth of the proportion of female dental school graduates.



FEMALE DENTISTS WORK SLIGHTLY FEWER HOURS PER WEEK

The average number of hours a dentist works per week has remained stable since 2005. However, female dentists work slightly fewer hours than their male peers.

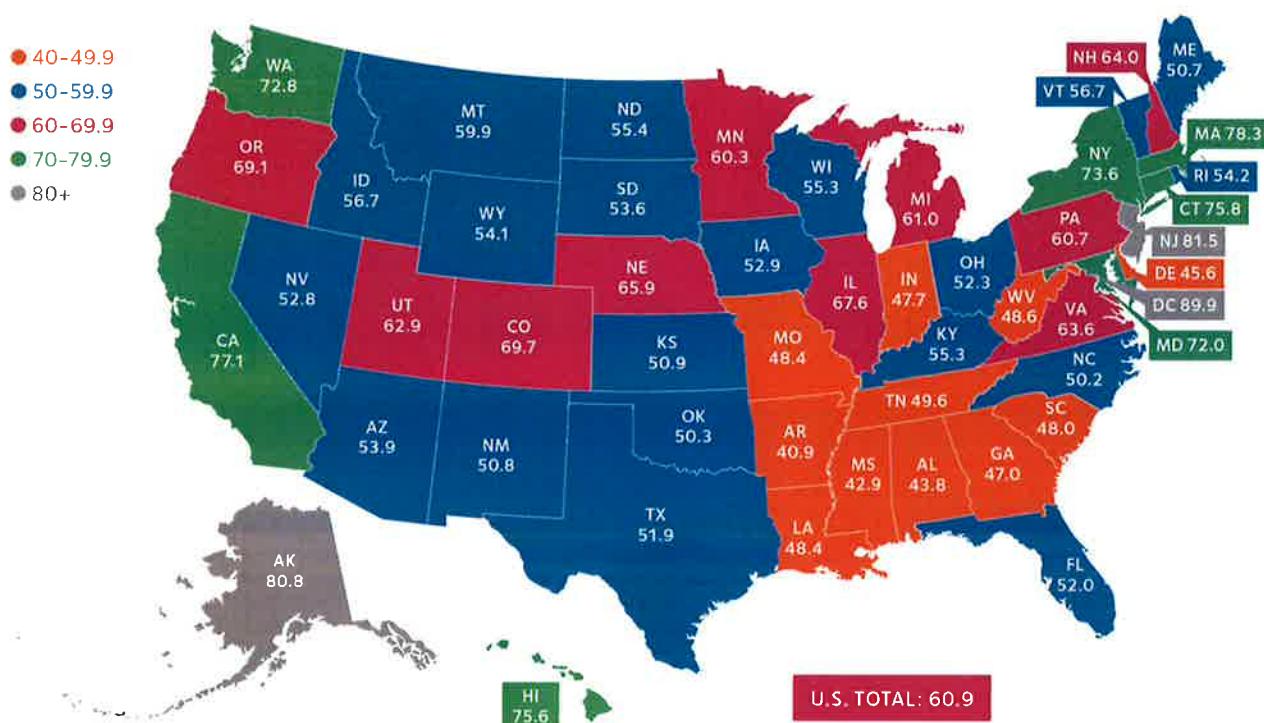


MOST DENTISTS WORK SOLO

"Solo" denotes a dentist who is the sole dentist in a dental office. They made up 56 percent of dentists in 2014.

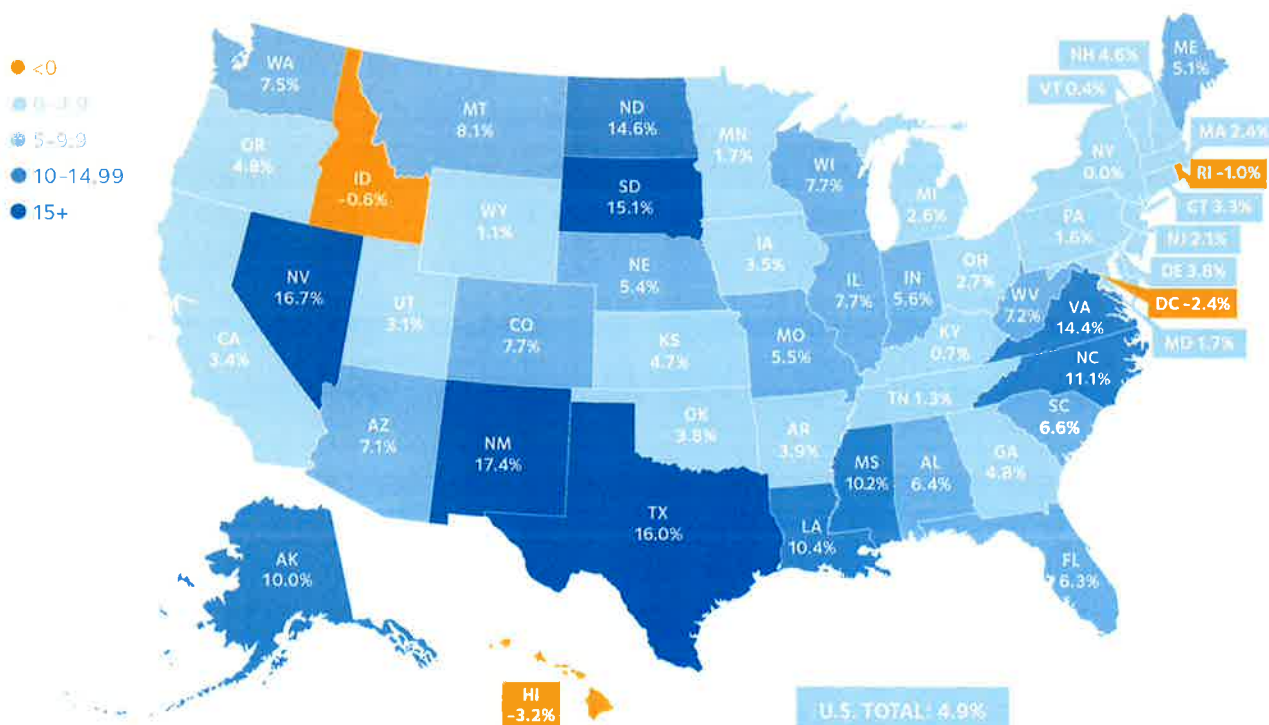
DENTIST-TO-POPULATION RATIOS VARY ACROSS STATES

The number of dentists per 100,000 population in the United States was 60.9 in 2015 and varied across states. The District of Columbia (89.9), New Jersey (81.5) and Alaska (80.8) had the highest ratios in the nation.



DENTIST-TO-POPULATION RATIOS INCREASED FOR MOST STATES IN THE PAST DECADE

The states where the dentists per 100,000 population increased the most between 2005 and 2015 were New Mexico (17.4 percent), Nevada (16.7 percent) and Texas (16 percent). Only four states experienced decreases, ranging from -0.6 percent (Idaho) to -3.2 percent (Hawaii).



For more information, contact the Health Policy Institute at hpi@ada.org.

TAB “9”

PROPOSED FINDINGS OF FACTS
C/Z 1912

1. This is an application to amend the comprehensive zoning map from AR-1 (Agricultural Residential District) to C-2 (Medium Commercial District) for 0.92± acres located in Lewes and Rehoboth Hundred, Sussex County, being situated along U.S. Route 9 (Kings Highway) at its intersection with Savannah East Drive, being also known and designated as Sussex County Tax District 334, Map 6.00, Parcel 88.00.

2. The applicant is Beach and Bay, LLC, a Delaware limited liability company, whose members are Kyle Norwood and Katie Davison, the owners of the property.

3. The property is improved with a home and two outbuildings.

4. The intended use of the site will be for professional offices with a possible accessory residential use, either using some of the existing structures or demolishing what is there and constructing a new structure.

5. In the 2018 Sussex County Comprehensive Plan update, the property is identified for purposes of future land use as being in the Coastal Area. The property has areas designated as Commercial Area immediately adjacent to it. The Coastal Area is a Growth Area and the table of Applicable Zoning Districts identifies C-2 zoning as being appropriate in a Coastal Area. According to the Comprehensive Plan, “retail and office uses are appropriate” in the Coastal Area and “larger shopping centers and office parks should be confined to selected locations with access along arterial roads.” While the property is not large enough for a large scale center or park, it is located on U.S. Route 9 (Kings Highway) a major arterial.

6. The 2015 Delaware Strategies for State Policies and Spending identify the property as Investment Level 1, where “state investments and policies should support and encourage a wide range of uses.”

7. The purpose of the C-2 Medium Commercial District is to “support uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and services businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.” One of the expressly permitted uses in the C-2 District is “office, clerical, research, personal service and similar enterprises not primarily related to goods.” Further, a permitted accessory use is “residential within structure commercial or business uses.” The intended use of the property is consistent with these permitted uses.

8. The property is located on U.S. Route 9 (Kings Highway), a major arterial, a place where the Zoning Code and Comprehensive Plan encourage growth and commercial uses.

9. This area just east of U.S. Route 1 (Coastal Highway) is just off of one of Sussex County's busiest commercial corridors and is in close proximity to residential development in the City of Lewes and greater Lewes area.

10. The greater Lewes area around Sussex County is in need of doctors and specialists in numerous practices areas.

11. The property is approximately a third of a mile from Kings Highway's intersection with Route 1 (Coastal Highway). In that third of a mile, there exist numerous professional offices, multiple banks, a restaurant and other commercial uses. The property is approximately one half mile from Gill's Neck Road. In that one half mile, there exist a church, offices, and other commercial uses.

12. DelDOT reviewed the applicant's planned project and has issued a letter recommending that no Traffic Impact Study be required unless a subdivision or land development plan is proposed warranting a study.

13. Potable drinking water will be provided by Tidewater.

14. Sanitary sewer will be provided by Sussex County.

15. As a part of site plan approval for any future use, stormwater management design and permitting will be required; thus assuring neighboring lands will be protected from any land disturbance activity on site.

16. The proposed C-2 zoning classification is in character with the nature of the area, will not adversely affect the neighboring and adjacent properties, and is consistent with the purpose of the C-2 zoning district and the character and trend of development along Kings Highway.

17. The proposed project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth, convenience, order, prosperity and welfare of the County.

18. All factors have been considered and the proposed C-2 classification meets the purposes and goals of the County's Comprehensive Plan and its Zoning Code. The addition of professional offices permitted in a C-2 zoning district is appropriate for and consistent with this area along Kings Highway. As a result, the proposed C-2 classification is consistent with the Sussex County Comprehensive Land Use Plan.