

CJ2  
File #: 1914  
201914143

**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  
DEC 09 2019  
SUSSEX COUNTY  
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

Horseplay Way and Roxanna Road, Frankford, DE 19945

Type of Conditional Use Requested:

Tax Map #: 1-34-15.00-20.06

Size of Parcel(s): 10.0636 acres

Current Zoning: AR-1

Proposed Zoning: B-2

Size of Building: 40 Bldgs. w/703 storage units

Land Use Classification: AGR-Agriculture

Water Provider: N/A-existing on-site well

Sewer Provider: NA - existing on-site septic system

**Applicant Information**

Applicant Name: Ronald E. & M. Candice Gray

Applicant Address: c/o John A. Sergovic, Jr., Esq, Sergovic Carmean Weidman McCartney & Owens

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: john@sussexattorney.com

**Owner Information**

Owner Name: Ronald E. & M. Candice Gray

Owner Address: 37176 Sunset Cove

City: Selbyville

State: DE

Zip Code: 19975

Phone #: (302) 855-1260

E-mail: john@sussexattorney.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name:

Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, 25 Chestnut Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: 302-855-1260

E-mail: john@sussexattorney.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

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

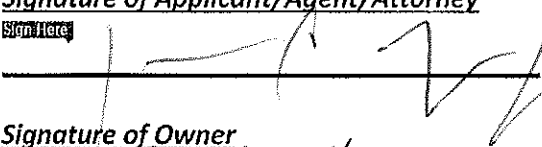
\_\_\_ PLUS Response Letter (if required)

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

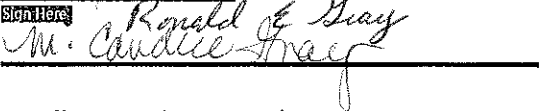
Sign Here



Date: 12-9-19

Signature of Owner

Sign Here



M. Candice Gray

Date: 11/25/19  
11/25/19

For office use only:

Date Submitted: 12/9/19

Staff accepting application: CEH

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

Fee: \$500.00 Check #: 4071

Application & Case #: 201914143

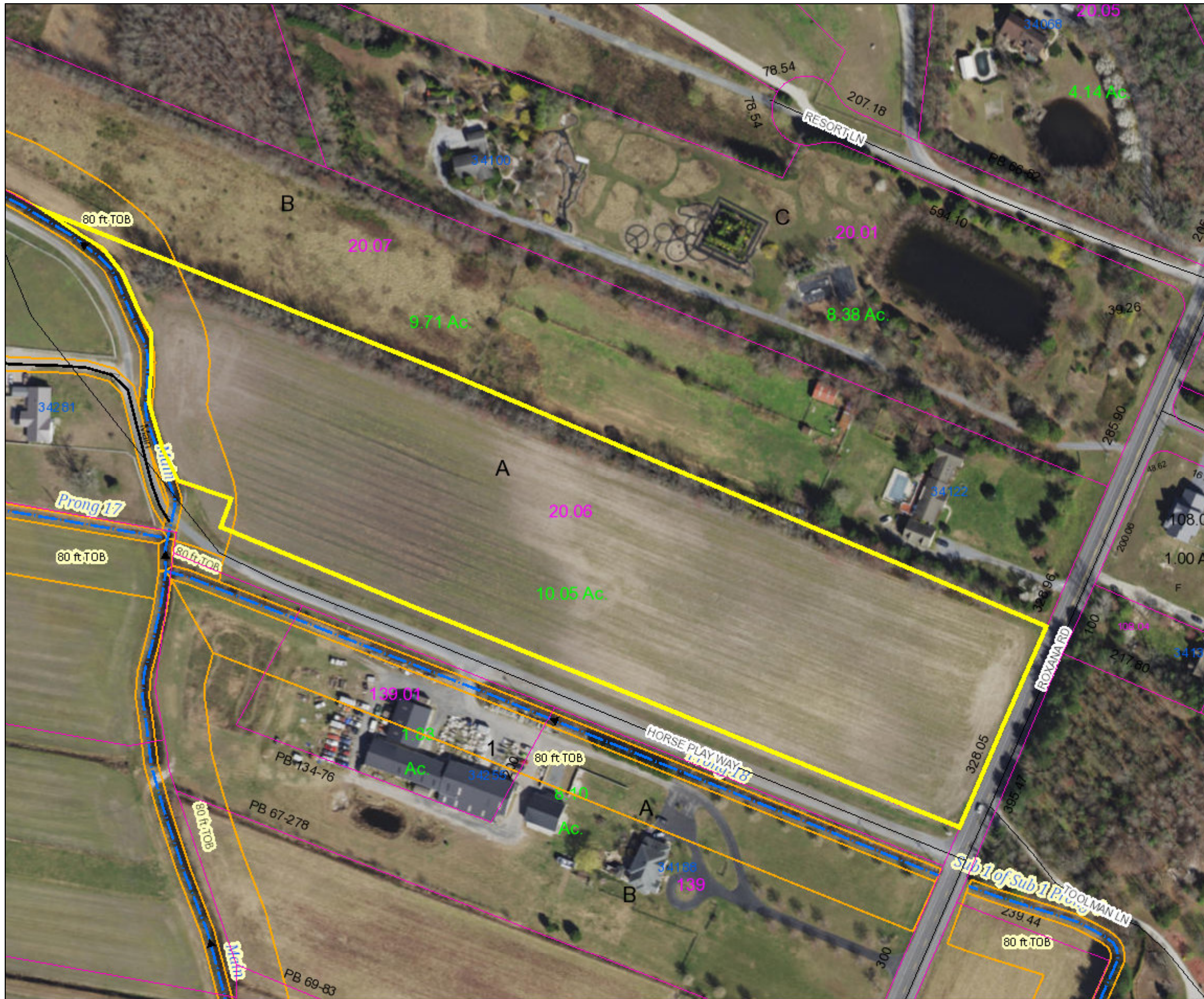
Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_

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



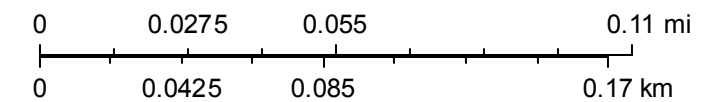
# Sussex County



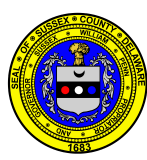
<b>PIN:</b>	134-15.00-20.06
<b>Owner Name</b>	GRAY RONALD E
<b>Book</b>	4863
<b>Mailing Address</b>	37176 SUNSET CV
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	RD 17
<b>Description 2</b>	N/A
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets

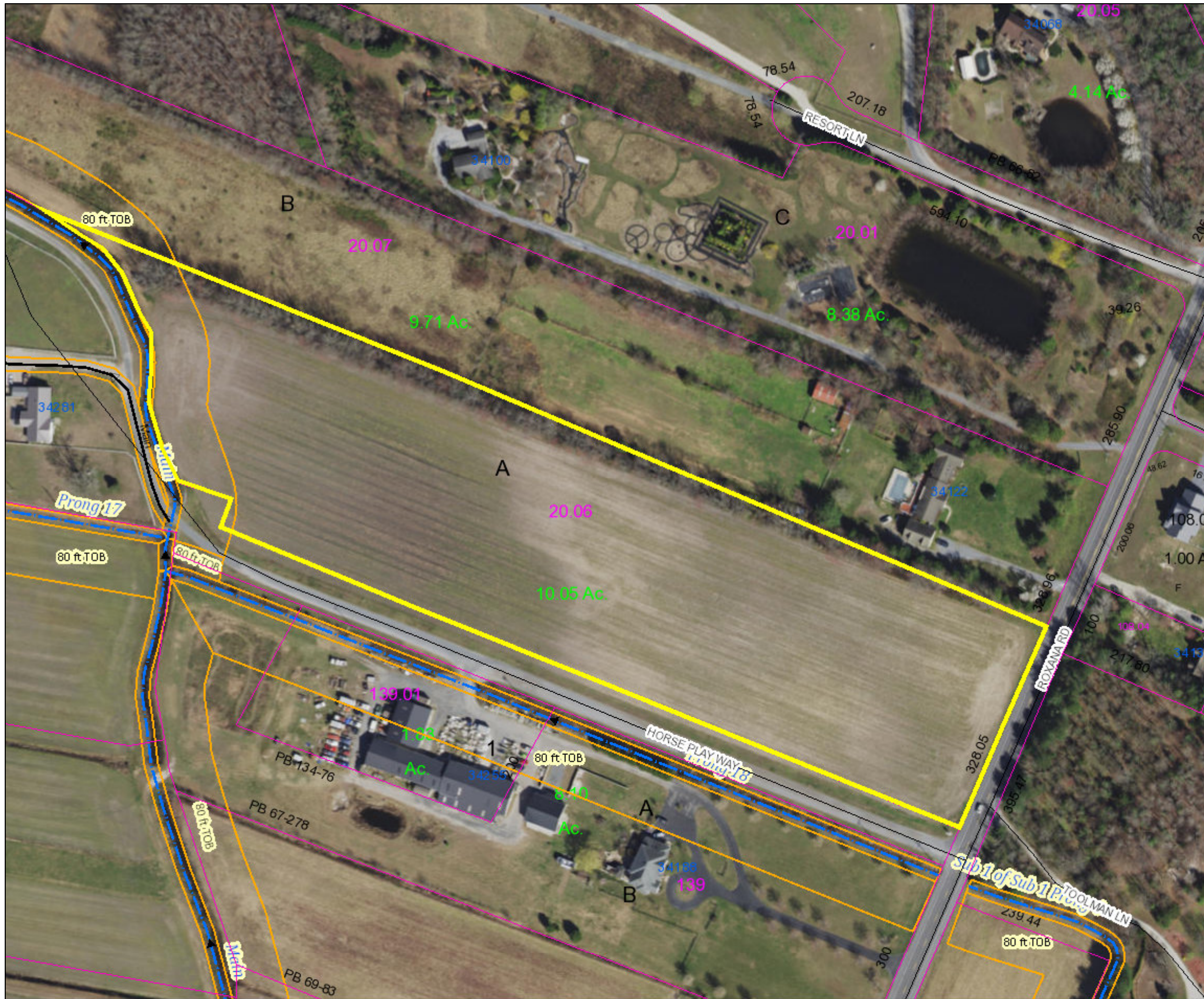
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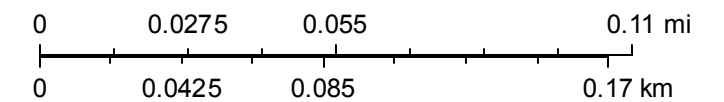
# Sussex County



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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257



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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Headley, Planner I  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: May 6, 2020  
RE: Staff Analysis for CZ 1914 Ronald E. & M. Candace Grey

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1914 to be reviewed during the May 28, 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 134-15.00-20.06 from an Agricultural Residential District (AR-1) to a Business Community District (B-2). The parcel is located on the northwest side of Roxana Rd. (Rt. 17), south of Powell Farm Rd. Frankford, Delaware. The size of the property is 10.0636 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 areas to the north, south, east and west are also designated "Coastal Areas." "Coastal Areas" are areas that can accommodate development provided special environmental concerns are addressed. The "Coastal Area" also supports a range of housing types including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Mixed-use development should also be allowed.

The Business Community (B-2) Zoning District is listed as an applicable zoning district for the Coastal Area under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan.

The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent properties to the north, south, east and west of the application site are also zoned Agricultural Residential (AR-1). Further north on Roxana Rd. (Rt. 17), the properties are located within the town limits of Millville. The adjacent property to the south is labeled as in an Agricultural Preservation District.

Since 2011, there have been no Change of Zone applications within the vicinity of the application site:

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Business Community (B-2) Zoning District could be considered as being consistent with the land use, area zoning and surrounding 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 May 28, 2020.

Application: (CZ 1914) Ronald E. & M. Candice Grey

Applicant: Ronald E. & M. Candice Grey  
37176 Sunset Cove  
Selbyville, DE 19975

Owner: Ronald E. & M. Candice Grey  
37176 Sunset Cove  
Selbyville, DE 19975

Site Location: Located on the northwest side of Roxana Rd. (Rt. 17).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Business Community District (B-2)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 10.0636 acres +/-

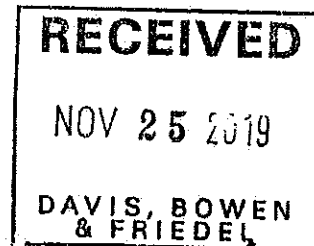
Tax Map ID.: 134-15.00-20.06





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

November 21, 2019



Mr. Timothy M. Metzner  
Davis, Bowen & Friedel, Inc.  
1 Park Ave.  
Milford, DE 19963

RE: PLUS review 2019-10-06; Roxanna Road Storage

Dear Mr. Metzner:

Thank you for meeting with State agency planners on October 23, 2019 to discuss the Roxanna Road Storage project. According to the information received you are seeking review of a rezoning of 10.06 acres from AR-1 to B-2 in anticipation of a 13,000 square foot office and 94,800 square foot storage facility along Roxanna Road in Level 4 in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

**Strategies for State Policies and Spending**

- This project represents land development that will result in 13,000 square feet of office space and 98,000 sq. feet of storage unit space in an Investment Level 4 area according to the *2015 Strategies for State Policies and Spending*. In addition, it is located adjacent to a property preserved through the State's Agricultural Lands Preservation Program. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.



Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State cannot support the proposed development.

With that said, **the comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property, construct the development you indicate, or any subdivision thereof on these lands.**

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

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

- The site access on Roxana Road (Delaware Route 17) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The PLUS application states that the site would generate 275 vehicle trip ends per day. DelDOT calculates a slightly higher value, 290 vehicle trip ends per day and a corresponding weekday evening peak hour value of 32 vehicle trip ends per hour. In any case, a TIS is not warranted.

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Even without the benefit of the TIS, DelDOT anticipates requiring the developer to improve Delaware Route 17 to meet Collector Road standards, including two 11-foot travel lanes and two 8-foot shoulders, within the limits of their frontage.

DelDOT also anticipates requiring the applicant to contribute toward the construction of a planned roundabout at the intersection of Route 17 and Peppers Corner Road/ Powell Farm Road (both Sussex Road 365).

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Delaware Route 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline along. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Delaware Route 17. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."**
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 600 feet of the entrance proposed on Delaware Route 7.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Delaware Route 17.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352**

**Water Quality**

- The project is located in the low nutrient reduction zone of the greater Inland Bays watershed. In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction targets have been developed by the State of Delaware (under the auspices of Section 303(d) of the 1972 Federal Clean Water Act) for nutrients (e.g., nitrogen, phosphorus), and bacteria. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the low reduction zone of the Inland Bays watershed calls for 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions. Please view the following web link for further information on the regulatory requirements and technical analysis involved in the development of the specific TMDLs: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>

The Inland Bays Pollution Control Strategy (PCS) and the accompanying regulations were finalized by order of the DNREC Secretary on October 2008. The PCS regulations can be reviewed here: <http://regulations.delaware.gov/documents/November2008c.pdf>. Background information about the PCS with guidance documents and mapping tools can be retrieved here:

[http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib\\_pcs.htm](http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm)

- Based on the NRCS soil survey mapping update, wetland-associated hydric soils (e.g., Mullica & Hurlock) are mapped over the entirety of the project area. These soils have severe limitations for development (considered unsuitable) and are functionally important source of water storage as a natural sponge. The loss of water storage through excavation, filling, or grading of intact native hydric soils increases the vulnerability for more frequent and destructive flooding events. The increased probability for flooding from stormwater runoff is further aggravated by increases in the proportion of impervious surfaces in the landscape as building density increases over time.

**Sediment and Erosion Control/Stormwater Management**

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District.

Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

#### **Groundwater Discharges**

- There is currently no record of existing permit or site evaluation, associated with the tax parcel (1-34-15.00-20.06), in the DNREC Groundwater Discharges Section Small System database. The applicant will need to follow the permitting process of the Groundwater Discharges Section Small System to obtain an individual on-site system for wastewater disposal.

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

- The Delaware SHPO does not support or recommend development in a Level 4 area. There are no known archaeological sites or known National Register listed or eligible properties on the parcel.
- The soils are poorly drained in their natural state, and the parcel borders a natural stream to the west. It is very unlikely that there is an early historic period site present based on the soils and its distance from navigable streams.
- There is low potential for archaeological data to be present on the parcel.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

#### **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:**

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

**Fire Protection Features:**

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

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

*(1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*

*(2) the owner of the facility does not have unrestricted access to the storage units, and*

*(3) the items being stored are concealed from view from outside the storage unit.*

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

**Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

**Gas Piping and System Information:**

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

**Required Notes:**

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

**Department of Agriculture – Contact: Scott Blaier 698-4532**

- The proposed project is adjacent to a property preserved through the State’s Agricultural Lands Preservation Program (Hudson Heritage Expansion of the Hickman Farms District, S-17-03-085B), (Sussex County Parcel Number 134-15.00-15.00). Therefore, the following regulations may apply.
- If any wells are to be installed, **Section 5.1.1.3 of the DNREC’s 7301 Regulations Governing the Construction and Use of Wells** may apply. This regulation states:
- 50 feet from any boundary of an Agricultural Lands Preservation District (as defined in 3 Del.C. Chapter 9) for any parcel, lot, or subdivision. Wells on parcels, lots, or subdivisions created or recorded prior to April 6, 1997 are exempt. The Department requires that all wells be placed the maximum distance possible from lands where federally regulated chemicals have been applied. Pesticides that have been applied in accordance with their respective pesticide product label and are not associated with any known contamination are exempt.

**Sussex County – Contact Rob Davis 302-855-7820**

- The project is within a Tier 3 area for wastewater planning. Sussex County does not expect to provide sanitary sewer service within the area proposed for industrial operations and uses. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility as proposed.

PLUS review 2019-10-06  
Page 8 of 8

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

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

Sincerely,

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

CC: Sussex County Planning

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/21/2020**

APPLICATION: **CZ 1914 – Ronald E. & M. Candice Grey**

APPLICANT: **Ronald E. & M. Candice Grey**

FILE NO: **ROX: 1.01**

TAX MAP &  
PARCEL(S): **134-15.00-20.06**

LOCATION: **Located on the northwest side of Roxana Road (Rt. 17)**

NO. OF UNITS: **Upzone from AR-1 to B-2**

GROSS  
ACREAGE: **10.0636**

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

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 4**
- (3). Is wastewater capacity available for the project? **No** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **N/A** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer

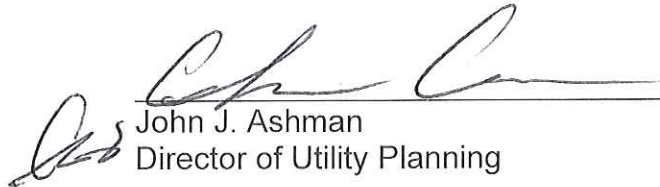


district? **N/A**

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? **No**
- (8). Comments: **The proposed CZ is in a Tier 4 area for wastewater service. The Sussex County Engineering does not have a schedule to provide sanitary sewer service to this parcel.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:

  
John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
No Permit Tech Assigned

**INDEX**

**RONALD E. GRAY and M. CANDICE GRAY**

**APPLICATION FOR CHANGE OF ZONE NO. 1914**

- A. Conceptual Site Plan Rendering**
- B. Compliance with Land Use Plan prepared by Sergovic Carmean Weidman  
McCartney & Owens, P.A.**
- C. Water Service Areas with nearest tie-in**
- D. Sussex County Sewer District with nearest tie-in**
- E. Deed whereby the Applicants acquired the property**
- F. Proposed Findings**
- G. Sketch Drawing of Compatible Uses, Exhibit "A" to Compliance**
  - 1. Hocker's Super Center**
  - 2. Creative Concepts**
  - 3. Bob's Marine Services, Inc.**
  - 4. Beach Storage**
  - 5. The Fireplace Store**
  - 6. Rob Ward's Commercial Storage**
  - 7. Millville by The Sea Lifestyle Center**
  - 8. Garth Enterprises**
  - 9. Mercantile Processing, Inc.**
  - 10. Beebe Hospital**
  - 11. Subject Property**
  - 12. One Coastal Farm**
  - 13. Blackwater Fellowship Church**
  - 14. Our Lady Guadalupe Church.**
- H. PLUS Report and response of Davis, Bowen & Friedel, Inc.**

**F RECEIVED**

**MAY 19 2020**

**SUSSEX COUNTY  
PLANNING & ZONING**

# ROXANA ROAD STORAGE

SUSSEX COUNTY, DELAWARE



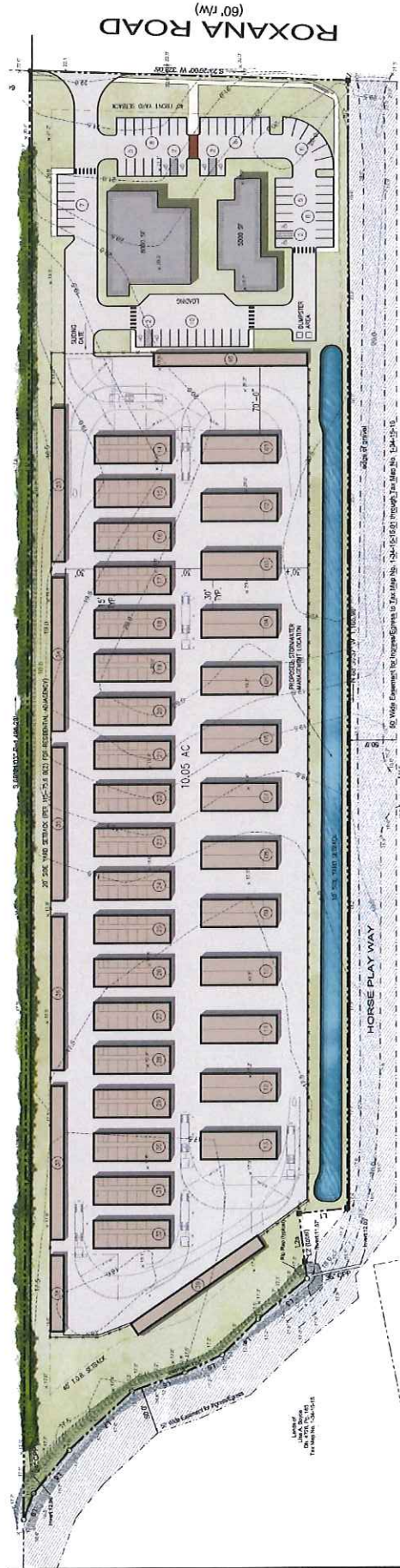
NOTE: Documentation has been taken from survey worksheets drawn by Simpson Surveying & Associates, Inc. dated 02-27-18.

## CONCEPTUAL SITE PLAN - PROPOSED B-2 ZONING

1" = 50'  
 July 12, 2019  
 DBF# 1111B001.A01



- OFFICES 65 PARKING SPACES 40 STORAGE BUILDINGS (1) 15x80 EXTERIOR ACCESS
- (1) 8000 S.F. (57) STANDARD (19) 30X80 CLIMATE-CONTROLLED (7) 15X160 EXTERIOR ACCESS
- (1) 5000 S.F. (8) ACCESSIBLE (13) 30X80 EXTERIOR ACCESS



**COMPLIANCE WITH SUSSEX COUNTY COMPREHENSIVE PLAN  
DATED MARCH 2019**

The applicants, Ronald E. and M. Candice Gray (hereinafter “the Grays”), have proposed an Ordinance to Amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District (“AR-1”) to B-2 Business Community District (“B-2”) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville consisting of 10.0636 acres, more or less, designated by Sussex County Tax Mapping as 1-34, Map 15.00, Parcel 20.06 (“Subject Property”). The Grays seek to utilize the Subject Property for purposes of operating 13,000 square feet of office buildings, and 94,800 square feet of enclosed storage space, located in forty (40) buildings, containing seven-hundred-three (703) storage units therein.

The lands are located within an area identified in the Sussex County Comprehensive Plan dated March 2019 as Coastal Area. Coastal Areas are designated based on two characteristics: (1) “this region is among the most desirable locations in Sussex County for new housing ... [and] [(2)] this region contains ecologically important and sensitive characteristics as well as other coastal lands which help to absorb floodwaters and provide extensive habitat for native flora and fauna.”<sup>1</sup> Permitted uses within the Coastal Area include “retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be

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<sup>1</sup> Sussex County Comprehensive Plan dated March 2019, at pages 4-15 – 4-16.

appropriate to provide for convenient services and to allow people to work close to home.”<sup>2</sup>

A rezoning of this land from AR-1 to B-2 is appropriate and compatible with the goals and directions of the Coastal Area of the Sussex County Comprehensive Plan dated March 2019. The rezoning of these lands is compatible with uses along Roxana Road, Route 17, between Routes 26 and Daisey Road, which include a wide range of land uses. See attached sketch drawing, Exhibit “A” to Compliance, identifying multiple different uses along Roxanna Road (Hocker’s Super Center, Creative Concepts, Bob’s Marine Services, Inc., Beach Storage, The Fireplace Store, Rob Ward’s Commercial Storage, Millville By The Sea Lifestyle Center, Garth Enterprises, Mercantile Processing, Inc., Beebe Hospital, Subject Property, One Coastal Farm, Blackwater Fellowship Church, and Our Lady Guadalupe Church). Thus, the amendment to the Comprehensive Zoning Map will have no adverse or detrimental impact on neighboring areas or uses.

In summary, the rezoning of the subject property from an AR-1 to B-2 is appropriate legislative action. **DeIDOT did not require a traffic impact study when it reviewed the proposed use.** As determined by DeIDOT, there will be minimal, if any, impact on traffic as the proposed use would not generate more than four hundred (400) trips per day or fifty (50) trips during any peak hour. The rezoning of the Subject Property will also provide a mixture of light commercial uses which are appropriate in Coastal Areas under the update to our Comprehensive Plan to provide for convenient services by having enclosed water tight storage for residents living in relative close proximity to the Subject Property in communities off of Routes 17, 54 and 26 to meet

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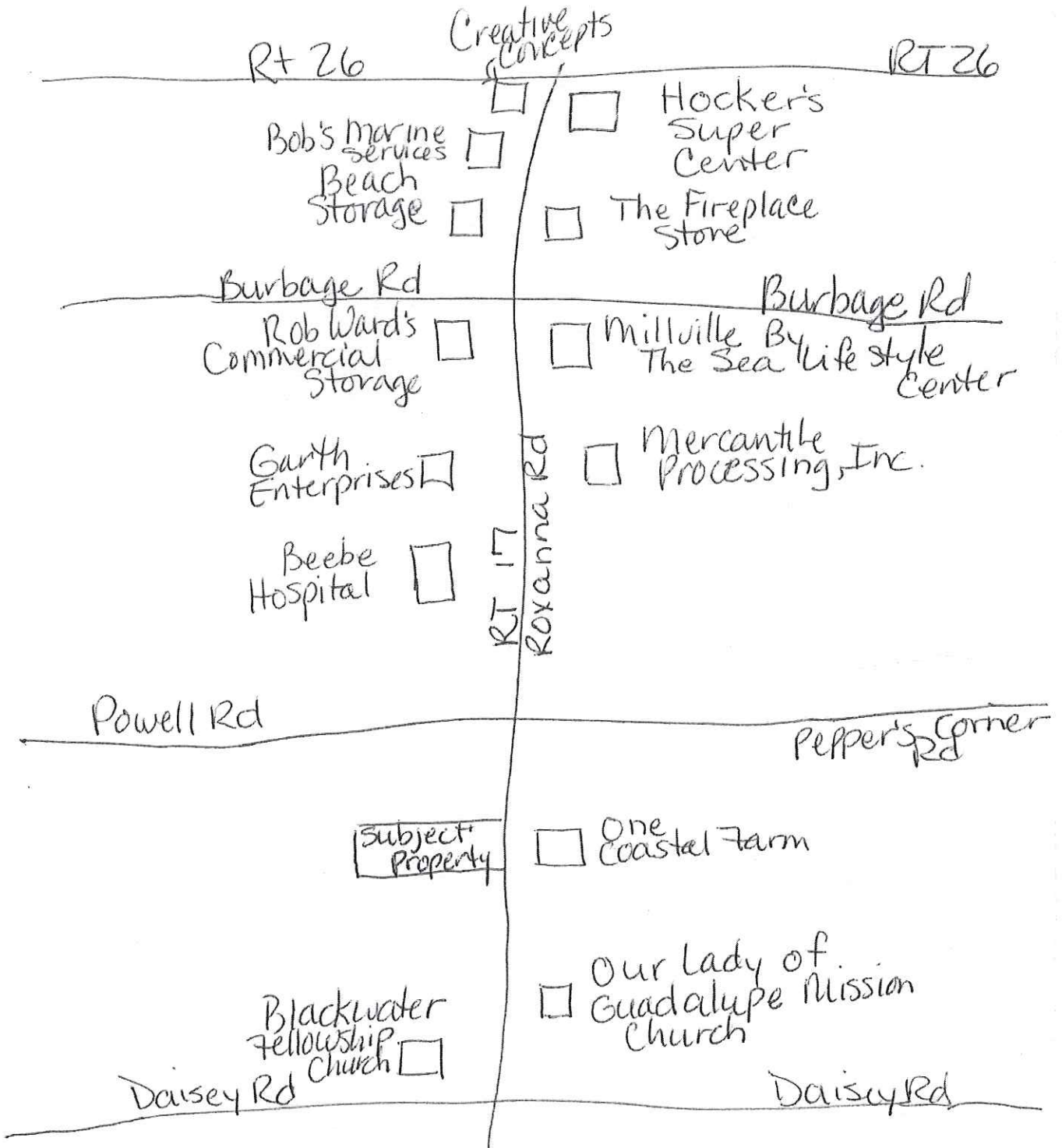
<sup>2</sup> Sussex County Comprehensive Plan dated March 2019, at pages 4-15 – 4-16.

their storage needs. The depicted office structure is not intended to be erected until central sewer is available but will allow employment opportunities close to residential communities along Routes 17, 26 and 54.

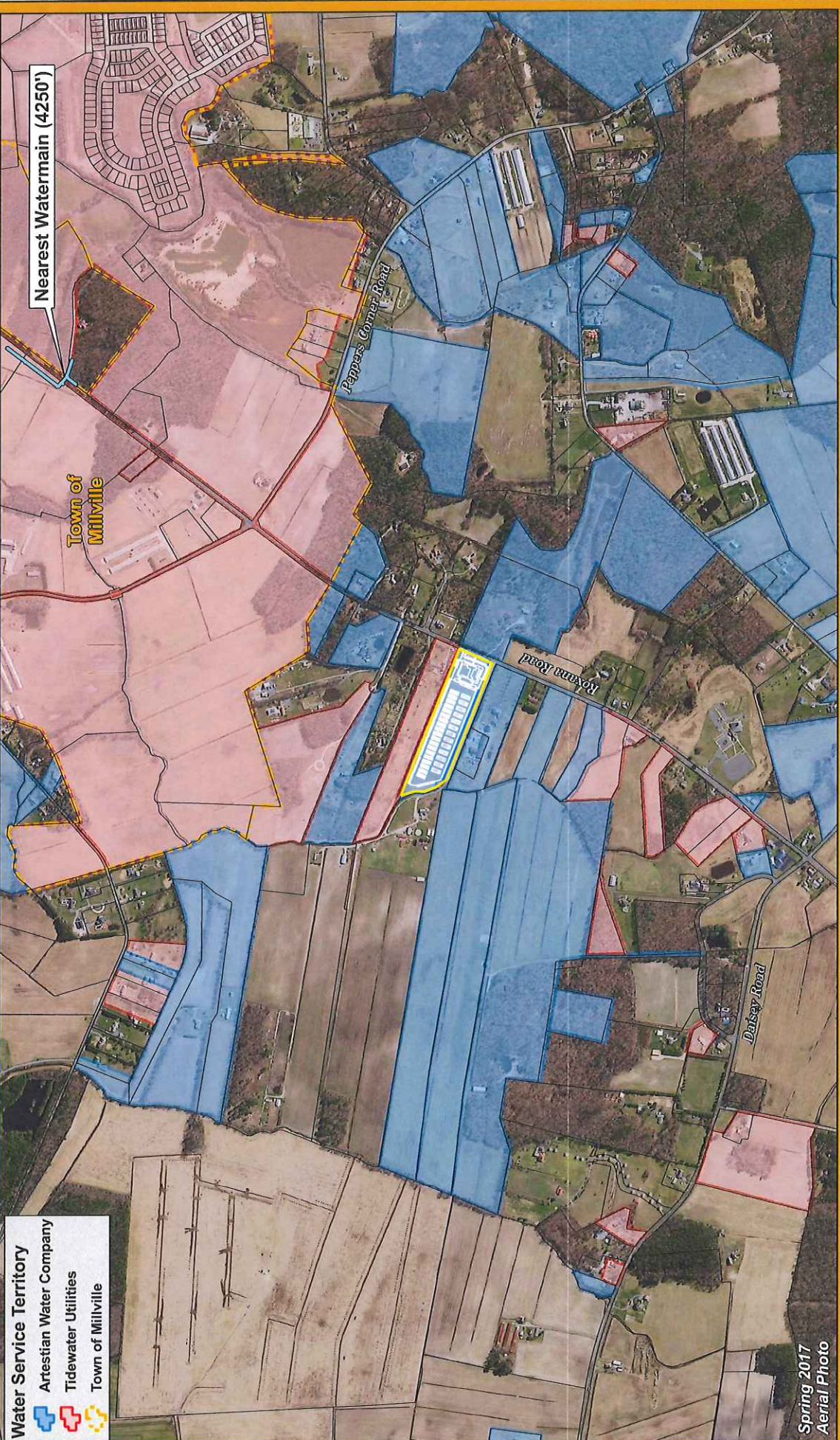
# EXHIBIT "A"

TO COMPLIANCE WITH SUSSEX COUNTY COMPREHENSIVE PLAN

DATED MARCH 2019



**Water Service Territory**  
 Artesian Water Company  
 Tidewater Utilities  
 Town of Millville



Nearest Watermain (4250')

Town of Millville

Peppers Corner Road

Roxana Road

Daisy Road



May 2020



**Water Service Territories**  
 Ronald E. & M. Candice Gray  
 Sussex County, Delaware

Sources:  
 Tax Parcels per Sussex County  
 Aerial Photograph Courtesy of DEMAC

Spring 2017  
 Aerial Photo







Town of Millville

Nearest Sewer (4250')

Ex 18''S

Town of Millville

Milville Sanitary Sewer District

Pappas Corner Road

Beaver Dam Sanitary Sewer District

Roxana Road

Daisey Road

Sussex County Government



May 2020

**Sussex County Sewer Districts**  
 Ronald E. & M. Candice Gray  
 Sussex County, Delaware



Sources:  
 Tax Parcels per Sussex County  
 Aerial Photograph Courtesy of DEMAC

Spring 2017  
 Aerial Photo

11203

BK: 4863 FG: 221

Tax Map and Parcel #: 1-34-15.00-20.06

PREPARED BY:  
TOMASETTI LAW LLC  
1100 Coastal Hwy., Unit 3  
Fenwick Island, DE 19944  
File No. 518-89/KR

RETURN TO:  
RONALD E. GRAY  
M. CANDICE L. GRAY  
37176 Sunset Cove  
Selbyville, DE 19975

Consideration: 265,000.00

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County	3,975.00
State	6,625.00
Town	Total 10,600.00
Received: Maria T Apr 02, 2018	

**THIS DEED**, made this 28th day of March, 2018,

- BETWEEN -

ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, of 33099 Omar Road, Frankford, DE 19945, parties of the first part,

- AND -

RONALD E. GRAY and M. CANDICE L. GRAY, husband and wife, of 37176 Sunset Cove, Selbyville, DE 19975, parties of the second part.

**WITNESSETH:** That the said parties of the first part, for and in consideration of the sum of **Two Hundred Sixty-Five Thousand and 00/100 Dollars (\$265,000.00)**, lawful money of the United States of America, 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, as **TENANTS BY THE ENTIRETY** :

**ALL** that certain lot, piece or parcel of land situate, lying and being on the Northwestern side of Route 17, Baltimore Hundred, Sussex County, Delaware, more particularly described as follows: Being: PARCEL "A", on a plot entitled "SUBDIVISION OF LANDS OF BONARD B. TIMMONS, JR.", dated April 23, 1987, prepared by McCann,

BK: 4863 PG: 222

Inc., a copy of said plot is of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 37, Page 19. Said parcel containing 10.05 acres of land, more or less.

BEING the same lands as conveyed unto Alexander Pszczola, III and Shelly Hocker Pszczola, husband and wife, by Deed of Gerald Hocker and Emily Hocker, husband and wife, dated December 18, 2013 and filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 4210, Page 302.

**Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated January 4, 2007 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 1, Page 196.**

**Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated March 12, 2009 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 6, Page 97.**

**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.**

BK: 4863 PG: 223

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:

*[Handwritten signature]*  
\_\_\_\_\_  
AS

*Alexander Pszczola III* (SEAL)  
\_\_\_\_\_  
ALEXANDER PSZCZOLA, III

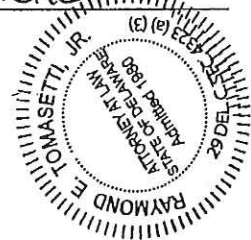
*Shelly Hocker Pszczola* (SEAL)  
\_\_\_\_\_  
SHELLY HOCKER PSZCZOLA

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on March 28, 2018, personally came before me, the subscriber, ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, 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

*[Handwritten signature]*  
\_\_\_\_\_  
Notary Public  
My Commission Expires: none



RECEIVED  
APR 02, 2018  
ASSESSMENT DIVISION  
OF SUSSEX COUNTY

Recorder of Deeds  
Scott Dailey  
Apr 02, 2018 12:14P  
Sussex County  
Doc. Surcharge Paid

## PROPOSED FINDINGS OF FACT

The record presented in C/Z No. 1914, the application of Ronald E. and M. Candice Gray (hereinafter "the Grays"), supports an Ordinance to amend the Comprehensive Zoning Map of Sussex County from an Agricultural Residential District ("AR-1") to a Business Community District ("B-2") for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville, on 10.0636 acres, more or less, consisting of District 1-34, Map 15.00, Parcel 20.06 ("Subject Property"). In support of its recommendation for approval the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions, based upon the record:

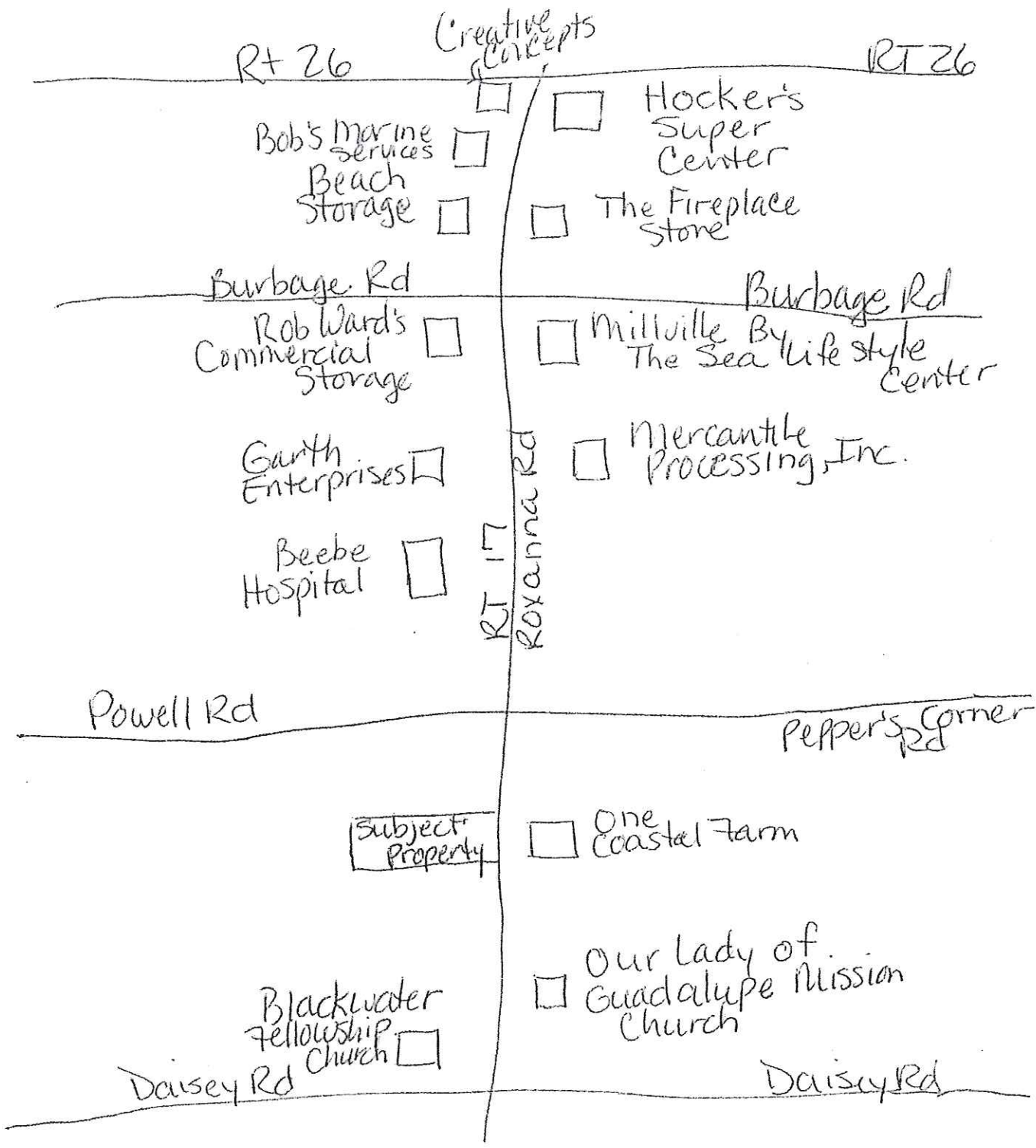
1. The application of the Grays seeks to amend the Comprehensive Zoning Map by proposing an Ordinance to amend the Comprehensive Zoning Map of Sussex County from an Agricultural Residential District (AR-1) to a Business Community District (B-2) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville for the purposes of operating a 13,000 square foot office building after central sewer is available, and 94,800 square feet of water tight enclosed self-storage space located in forty (40) buildings and containing seven-hundred-three (703) storage units therein.
2. The property consists of approximately 10.0636 acres.
3. The proposed use of the property is compatible and consistent with neighboring uses along Roxana Road. Hocker's Super Center, Creative Concepts, Bob's Marine Services, Inc., Beach Storage, The Fireplace

Store, Rob Ward's Commercial Storage, Millville by The Sea Lifestyle Center, Garth Enterprises, Mercantile Processing, Inc., Beebe Hospital, Subject Property, One Coastal Farm, Blackwater Fellowship Church, and Our Lady Guadalupe Church.

4. The amendment to the Comprehensive Zoning Map will have no adverse or detrimental impact on neighboring areas or uses.
5. The proposed use will have no significant impact upon traffic in the area. DelDOT required no traffic impact study.
6. The applicant, Ron Gray, has surveyed owners along Roxanna Road with no one voicing objections to the proposed rezoning.
7. The property is located in a Coastal Area as established by the Sussex County Comprehensive Plan, dated March 2019. Thus, the proposed use meets the purpose of the Sussex County Comprehensive Plan, dated March 2019 in that it follows recommended allowed uses in the Coastal Area.
8. Historically, before and after adoption of the Sussex County Zoning Ordinance, the Subject Property has been vacant land.
9. The proposed uses are permissible under Section 115-75(2) of the Sussex County Code governing permitted uses in the B-2 Zone. Offices are permissible under (4). Self-storage use is permissible under (9).

Based upon the record and the above findings, Planning and Zoning Commission recommends approval of the applied for Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a

B-2 Business Community District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, land lying north Roxana Road at Selbyville located on 10.0636 acres, more or less, consisting of District 1-34, Map 15.00, Parcel 20.06 to allow for the operation and maintenance of a 13,000 square foot office, and 94,800 square feet, consisting of forty (40) buildings, containing seven-hundred-three (703) storage units, to the County Council finding that the proposed Ordinance is for the purpose of promoting the health, safety, moral, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County, including amongst other things, the lessening of congestion in the streets or roads, securing safety from fire, flood and other dangers, providing adequate light and air; preventing on the one hand, excessive concentration of population and on the other hand, excessive and wasteful scattering of population or settlement and promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements.





December 20, 2019

*Michael R. Wigley, AIA, LEED AP  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA  
Jason P. Loar, P.E.  
Ring W. Lardner, P.E.  
Jamie L. Sechler, P.E.*

Office of State Planning Coordination  
122 Martin Luther King Jr. Blvd., Third Floor  
Dover, DE 19901

Attn: Ms. Constance C. Holland, AICP  
Director

RE: **PLUS review 2019-10-06; Roxanna Road Storage**  
Tax Parcel No: 1-34-15.00-20.06  
DBF # 0003H001

Dear Ms. Holland,

We are pleased to submit the following responses to the Office of State Planning Coordination's review letter dated November 21, 2019.

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

- This project represents land development that will result in 13,000 square feet of office space and 98,000 sq. feet of storage unit space in an Investment Level 4 area according to the *2015 Strategies for State Policies and Spending*. In addition, it is located adjacent to a property preserved through the State's Agricultural Lands Preservation Program. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State cannot support the proposed development.

*Understood*

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

#### **Department of Transportation**

- The site access on Roxana Road (Delaware Route 17) 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>.

*We will design the site access in accordance with DelDOT's Development Coordination Manual.*

- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).

*A Pre-Submittal Meeting will be requested in the near future.*

- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

*We will submit the Initial Stage Fee with the record plan, and the Construction Stage Fee with the construction plans when they are submitted.*

- 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. The PLUS application states that the site would generate 275 vehicle trip ends per day. DelDOT calculates a slightly higher value, 290 vehicle trip ends per day and a corresponding weekday evening peak hour value of 32 vehicle trip ends per hour. In any case, a TIS is not warranted.

*We concur that a Traffic Impact Study is not warranted.*

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Even without the benefit of the TIS, DelDOT anticipates requiring the developer to improve Delaware Route 17 to meet Collector Road standards, including two 11-foot travel lanes and two 8-foot shoulders, within the limits of their frontage.

*We acknowledge the improvement requirements for DE Rt 17 within the frontage limits.*

DelDOT also anticipates requiring the applicant to contribute toward the construction of a planned roundabout at the intersection of Route 17 and Peppers Comer Road/ Powell Farm Road (both Sussex Road 365).

*We acknowledge there may be contribution requirements for a planned roundabout at the intersection of DE Route 17 and Peppers Corner Road/Powell Farm Road.*

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Delaware Route 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline along. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**

*We acknowledge the ROW required along the frontage of DE Route 17.*

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the

establishment of a 15-foot wide permanent easement across the property frontage on Delaware Route 17. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"

*We acknowledge a 15' easement is required along the frontage on DE Route 17.*

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - o A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.  
*We acknowledge a Traffic Generation Diagram is required.*
  - o Depiction of all existing entrances within 600 feet of the entrance proposed on Delaware Route 7.  
*All existing entrances within 600 feet of our proposed entrance will be shown on the plan.*
  - o Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.  
*We acknowledge notes of any off-site improvements, agreements, and contributions will be required.*
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Delaware Route 17.  
*We acknowledge the setback requirement of stormwater treatment methods.*
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.del.dot.gov/Business/subdivisions/index.shtml>.  
*We will provide an auxiliary Lane Worksheet.*
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.  
*We will show all existing utilities on the plan.*

## **Department of Natural Resources and Environmental Control**

### **Water Quality**

- The project is located in the low nutrient reduction zone of the greater Inland Bays watershed. In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction targets have been developed by the State of Delaware (under the auspices of Section 303(d) of the 1972 Federal Clean Water Act) for nutrients (e.g., nitrogen, phosphorus),

and bacteria. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited waterbody" can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the low reduction zone of the Inland Bays watershed calls for 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions. Please view the following web link for further information on the regulatory requirements and technical analysis involved in the development of the specific TMDLs: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>  
*We acknowledge the TMDL's requirement for 40% reduction in nitrogen, phosphorus and bacteria.*

- The Inland Bays Pollution Control Strategy (PCS) and the accompanying regulations were finalized by order of the DNREC Secretary on October 2008. The PCS regulations can be reviewed here: <http://regulations.delaware.gov/documents/November2008c.pdf>. Background information about the PCS with guidance documents and mapping tools can be retrieved here: [http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib\\_pcs.htm](http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm)  
*Understood*
- Based on the NRCS soil survey mapping update, wetland-associated hydric soils (e.g., Mullica & Hurlock) are mapped over the entirety of the project area. These soils have severe limitations for development (considered unsuitable) and are functionally important source of water storage as a natural sponge. The loss of water storage through excavation, filling, or grading of intact native hydric soils increases the vulnerability for more frequent and destructive flooding events. The increased probability for flooding from stormwater runoff is further aggravated by increases in the proportion of impervious surfaces in the landscape as building density increases over time.  
*We acknowledge the NRCS soil survey delineation of wetland-associated hydric soils on this site. Further geotechnical soils investigations will be performed.*

#### **Sediment and Erosion Control/Stormwater Management**

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District.

Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

*Understood. Sussex Conservation District will be contacted prior to a pre-application meeting.*

### **Groundwater Discharges**

- There is currently no record of existing permit or site evaluation, associated with the tax parcel (1-34-15.00-20.06), in the DNREC Groundwater Discharges Section Small System database. The applicant will need to follow the permitting process of the Groundwater Discharges Section Small System to obtain an individual on-site system for wastewater disposal.

*We acknowledge the permitting process to obtain an individual on-site system for wastewater disposal.*

### **State Historic Preservation Office**

- The Delaware SHPO does not support or recommend development in a Level 4 area. There are no known archaeological sites or known National Register listed or eligible properties on the parcel.

*Understood. We also acknowledge that there are no known archaeological sites or known National Register listed or eligible properties on the parcel.*

- The soils are poorly drained in their natural state, and the parcel borders a natural stream to the west. It is very unlikely that there is an early historic period site present based on the soils and its distance from navigable streams.

*Understood*

- There is low potential for archaeological data to be present on the parcel.

*We acknowledge that there is low potential for archaeological data on the parcel.*

- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

*We acknowledge the Unmarked Human Burials and Human Skeletal Remains Law.*

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

*We acknowledge the National Historic Preservation Act.*

### **Delaware State Fire Marshall's Office**

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:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

*We acknowledge the requirements of a water distribution system. As proposed the storage*

*units are below 2,500 square feet, and the office buildings are below 10,000 square feet. The nearest water connection is greater than 1,000 from this site. Due to the buildings being below the square footage requirements, we are not proposing a water distribution system for the site.*

- Where a water distribution system is proposed for Storage sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

*We are not proposing a water distribution system for the storage units.*

**Fire Protection Features:**

- All structures over 10,000 sq. ft. aggregate will require automatic sprinkler protection installed.

*We acknowledge the requirements for automatic sprinkler protection.*

- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

*We acknowledge the requirements for fire lane markings.*

- All mini-storage buildings greater than 2500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

*We acknowledge the automatic sprinkler system requirements.*

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

*(1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*

*Understood*

*(2) the owner of the facility does not have unrestricted access to the storage units, and*

*Understood*

*(3) the items being stored are concealed from view from outside the storage unit.*

*Understood*

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

*We acknowledge the requirements that the Fire Department Connection location must be within 300 feet of a fire hydrant as shown in the DSFPR.*

- Show Fire Lanes and Sign Detail as shown in DSFPR.  
*Fire lanes and Sign Detail will be shown on the plans as shown in the DSFPR.*

#### **Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.  
*We acknowledge the need of accessibility to fire apparatus.*
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.  
*We acknowledge that if traffic speed reduction measures are used, they must be in accordance with DOT requirements.*
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.  
*We acknowledge the local Fire Chief shall approve the use of gates into and out of the site.*

#### **Gas Piping and System Information:**

- Provide type of fuel proposed and show locations of bulk containers on plan.  
*We acknowledge that if gas piping is proposed we will show it and the locations of any bulk containers on the plan.*

#### **Required Notes:**

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

#### **Department of Agriculture**

- The proposed project is adjacent to a property preserved through the State's Agricultural Lands Preservation Program (Hudson Heritage Expansion of the Hickman Farms District, S-17-03-085B), (Sussex County Parcel Number 134-15.00-15.00). Therefore, the following regulations may apply.

- If any wells are to be installed, **Section 5.1.1.3 of the DNREC's 7301 Regulations Governing the Construction and Use of Wells** may apply. This regulation states:

50 feet from any boundary of an Agricultural Lands Preservation District (as defined in 3 Del.C. Chapter 9) for any parcel, lot, or subdivision. Wells on parcels, lots, or subdivisions created or recorded prior to April 6, 1997 are exempt. The Department requires that all wells be placed the maximum distance possible from lands where federally regulated chemicals have been applied. Pesticides that have been applied in accordance with their respective pesticide product label and are not associated with any known contamination are exempt.

*We acknowledge the setback requirements that must be met for wells installed near a property in an Agricultural Lands Preservation District.*

#### Sussex County

- The project is within a Tier 3 area for wastewater planning. Sussex County does not expect to provide sanitary sewer service within the area proposed for industrial operations and uses. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility as proposed.

*We acknowledge this site is within a Tier 3 area for wastewater planning.*

Should you have any questions or need additional information, please call.

Sincerely,  
*Davis, Bowen & Friedel, Inc.*



Timothy M. Metzner, RLA, LEED AP ND  
Associate

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CC: Sussex County Planning & Zoning





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

JENNIFER COHAN  
SECRETARY

September 25, 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 for the **Ronald E. Gray and M. Candice Gray** rezoning application, which we received on August 28, 2019. This application is for an approximately 10.05-acre parcel (Tax Parcel: 134-15.00-20.06). The subject land is located on the west side of Roxana Road (Sussex Road 52), approximately 2,200 feet southwest of the intersection of Roxana Road and Peppers Corner Road (Sussex Road 365), east of the Town of Frankford. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 (Neighborhood Business) to develop 40 buildings consisting of 380 regular storage units, 323 climate control storage units, and 13,000 square feet of office space.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Roxana Road where the subject land is located, which is from Daisey Road (Sussex Road 370) to Delaware Route 26, are 4,621 and 5,947 vehicles per day, respectively.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible 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 negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

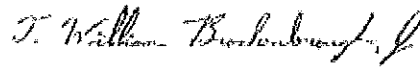


Ms. Janelle M. Cornwell  
Page 2 of 2  
September 25, 2019

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

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

Sincerely,



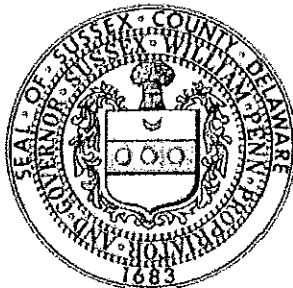
T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Ronald E. Gray and M. Candice Gray, Applicants  
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 Andreascavage, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

**PLANNING & ZONING COMMISSION**

MARTIN L. ROSS, CHAIRMAN  
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# Sussex County

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JANELLE M. CORNWELL, AICP  
DIRECTOR

## SERVICE LEVEL

## EVALUATION REQUEST

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: 8/28/19

### Site Information:

Site Address / Location: Horseplay Way and Roxana Road, Frankford, DE

Tax Parcel Number: 1-34-15.00-20.06

Current Zoning: AR-1

Proposed Zoning: B-2

Land Use Classification: B-2

Proposed Use(s): 40 Buildings consisting of 380 Regular Storage Units and 323 Climate Control Storage Units

Square Footage of any proposed buildings or number of units: 703 total storage units and 13,000 square feet of office space

### Application Information:

Applicant's Name: Ronald E. Gray and M. Candice Gray

Applicant's Address: c/o John A. Sergovic, Jr., Sergovic Carmean Weidman McCartney & Owens, P.A., 25 Chestnut Street, P.O. Box 751

City: Georgetown State: DE Zip: 19947

Applicant's Phone Number: 302-855-1260

Applicant's Email: john@sussexattorney.com

SENT BY MAIL 00  
9/25/2019 2:20 PM