

File #: 0121915  
201914514

# Planning & Zoning Commission Application Sussex County, Delaware

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

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

Conditional Use   
Zoning Map Amendment

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

Zion Church Road

**Type of Conditional Use Requested:**

FROM AR-1 TO B-3

Tax Map #: 533-11.00-78.04 - ZION CHURCH RD. (SCR 300) Size of Parcel(s): 17.15 ac.

Current Zoning: AR-1 Proposed Zoning: B-3 Size of Building: 8000 sq.ft.

Land Use Classification: Undeveloped

Water Provider: \_\_\_\_\_ Sewer Provider: \_\_\_\_\_

**Applicant Information**

Applicant Name: Fisher's Popcorn Fenwick, LLC  
Applicant Address: 37243 Sand Dollar Lane  
City: Selbyville State: DE Zip Code: 19975  
Phone #: \_\_\_\_\_ E-mail: bill@fishers-popcorn.com

**Owner Information**

Owner Name: Fisher's Popcorn Fenwick, LLC  
Owner Address: 37243 Sand Dollar Lane  
City: Selbyville State: DE Zip Code: 19975  
Phone #: \_\_\_\_\_ E-mail: bill@fishers-popcorn.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: LandDesign, Inc. (contact: Thomas J. Ford)  
Agent/Attorney/Engineer Address: Oak Square, Suite 3, 53 Atlantic Avenue  
City: Ocean View State: DE Zip Code: 19970  
Phone #: (302) 537-1919 E-mail: tjford51@aol.com

RECEIVED

DEC 19 2019

SUSSEX COUNTY  
PLANNING & ZONING



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

\_\_\_ **Completed Application**

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

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

\_\_\_ **Provide Fee \$500.00**

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

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

\_\_\_ **DeIDOT Service Level Evaluation Request Response**

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

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

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

**Signature of Applicant/Agent/Attorney**

\_\_\_\_\_

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

**Signature of Owner**

Walter B. Hall III

Date: 12/17/2015

**For office use only:**

Date Submitted: 12/19/19

Fee: \$500.00 Check #: 1196

Staff accepting application: Ceh

Application & Case #: 201914514

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

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

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

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

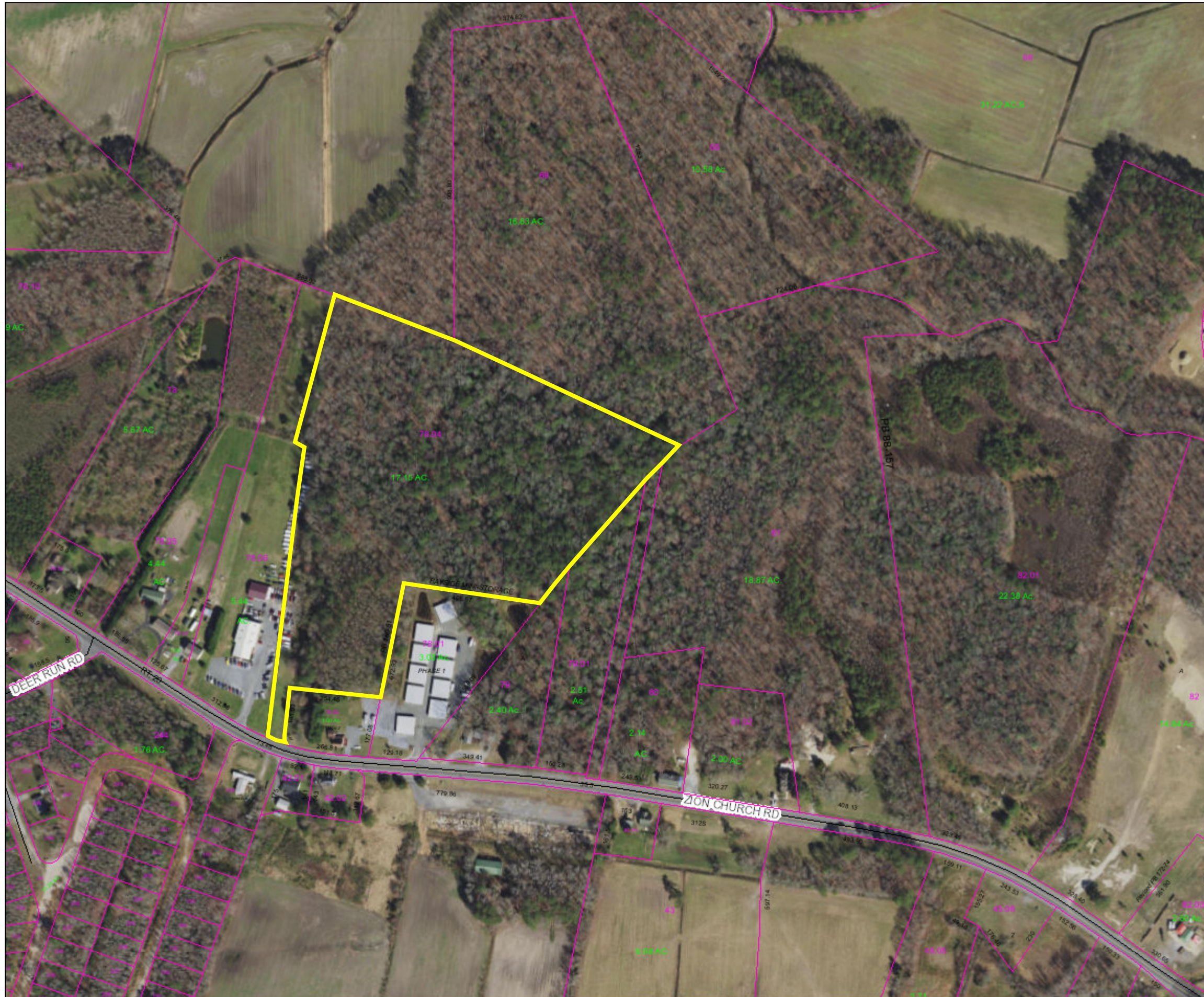
Date of CC Hearing: \_\_\_\_\_

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





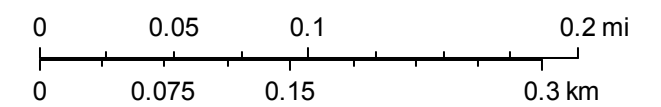
# Sussex County



<b>PIN:</b>	533-11.00-78.04
<b>Owner Name</b>	FISHERS POPCORN FENWICK LLC
<b>Book</b>	5167
<b>Mailing Address</b>	37081 COASTAL HWY
<b>City</b>	FENWICK ISLAND
<b>State</b>	DE
<b>Description</b>	N/RT 382
<b>Description 2</b>	600' E/RT 388
<b>Description 3</b>	N/A
<b>Land Code</b>	

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

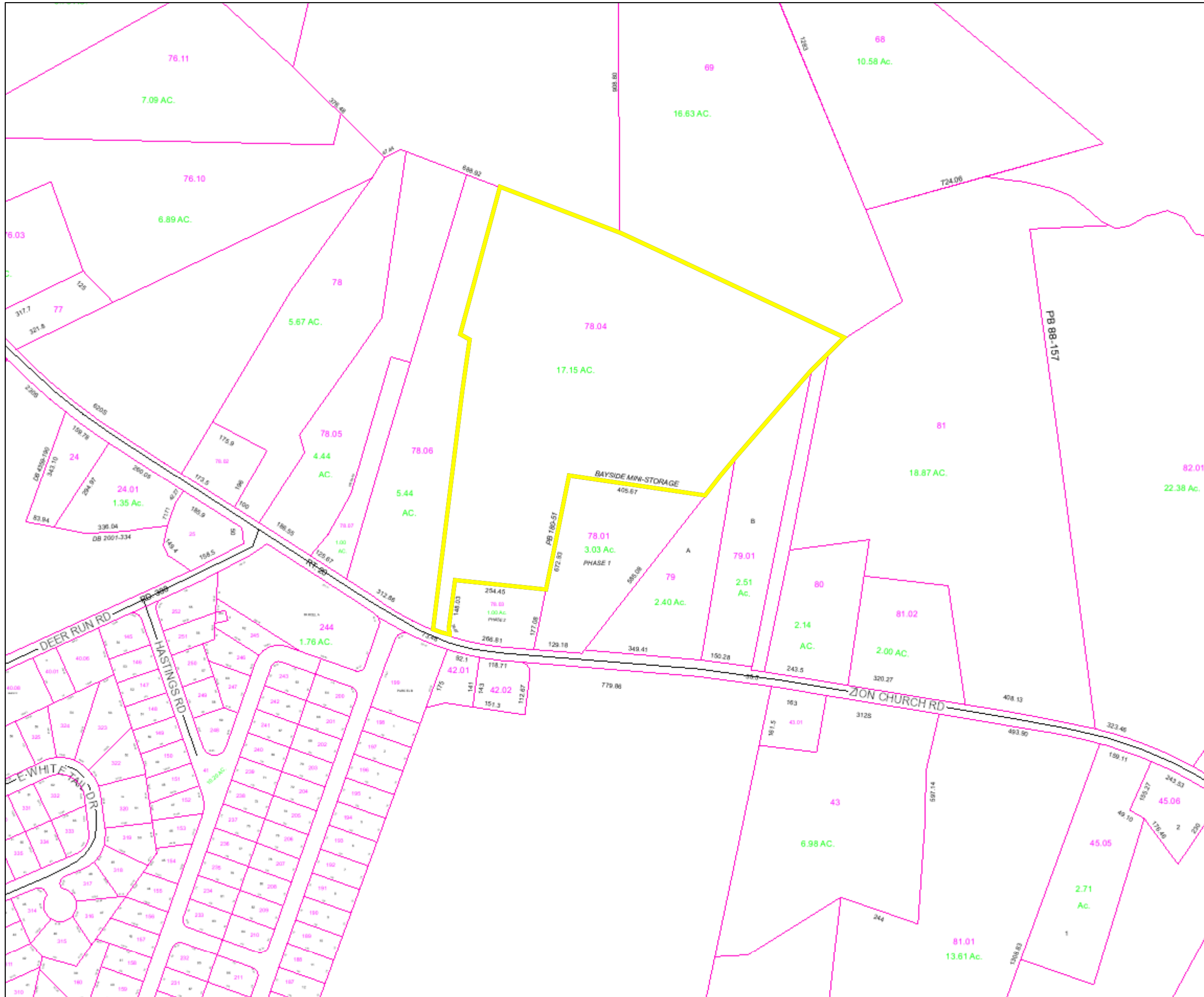
1:4,514







# Sussex County



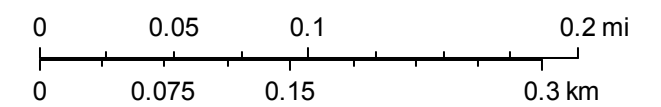
<b>PIN:</b>	533-11.00-78.04
<b>Owner Name</b>	FISHERS POPCORN FENWICK LLC
<b>Book</b>	5167
<b>Mailing Address</b>	37081 COASTAL HWY
<b>City</b>	FENWICK ISLAND
<b>State</b>	DE
<b>Description</b>	N/RT 382
<b>Description 2</b>	600' E/RT 388
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
- Tax Parcels
- Streets
- County Boundaries

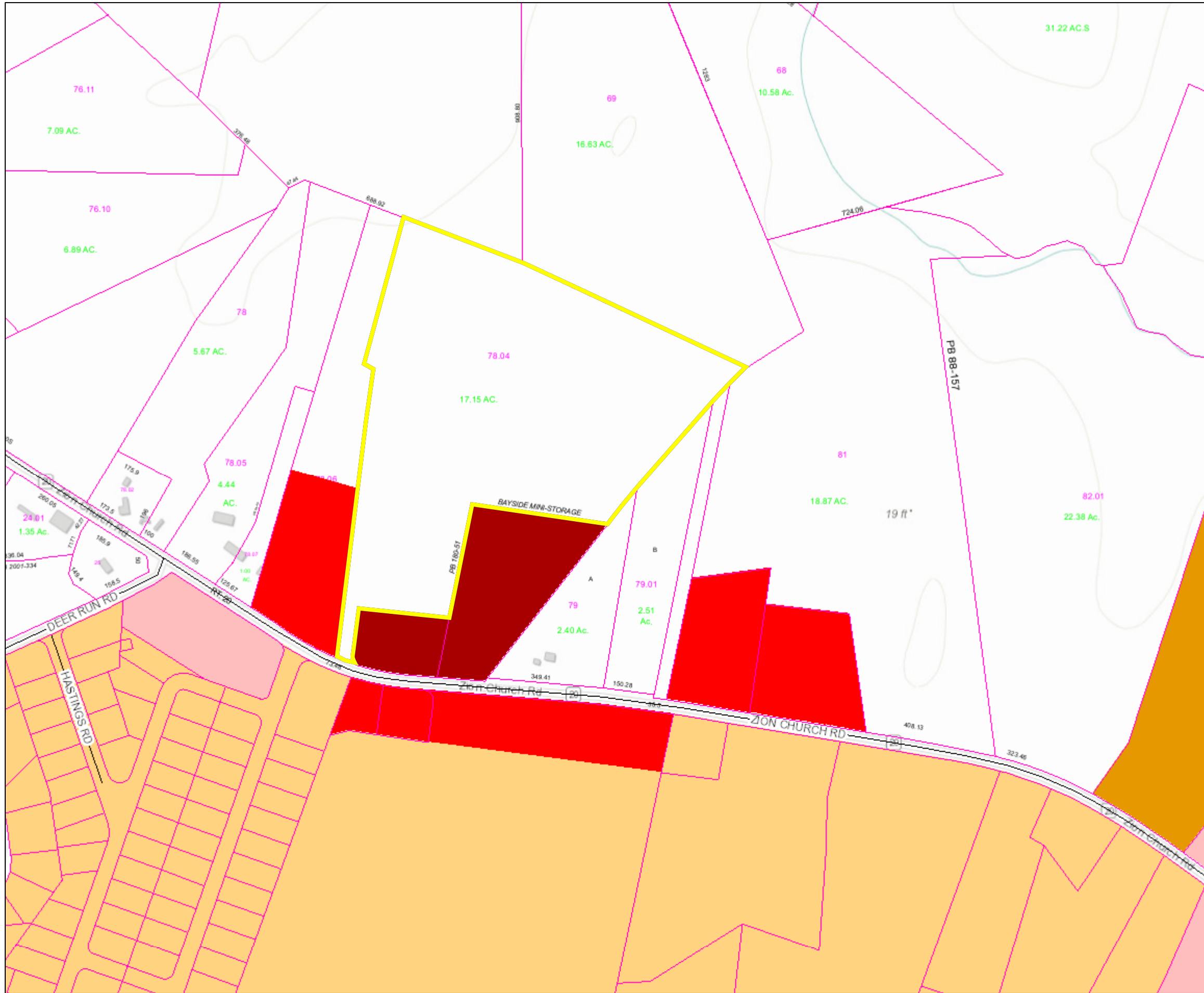
1:4,514







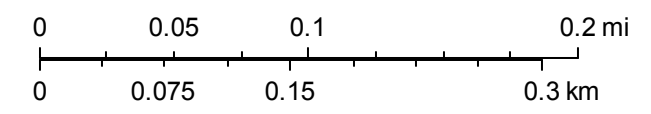
# Sussex County



<b>PIN:</b>	533-11.00-78.04
<b>Owner Name</b>	FISHERS POPCORN FENWICK LLC
<b>Book</b>	5167
<b>Mailing Address</b>	37081 COASTAL HWY
<b>City</b>	FENWICK ISLAND
<b>State</b>	DE
<b>Description</b>	N/RT 382
<b>Description 2</b>	600' E/RT 388
<b>Description 3</b>	N/A
<b>Land Code</b>	

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

1:4,514



**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<sup>th</sup>,2020.

Application: (CZ 1915) Fisher’s Popcorn Fenwick, LLC

Applicant: Fisher’s Popcorn Fenwick, LLC  
37243 Sand Dollar Lane  
Selbyville, DE 19975

Owner: Fisher’s Popcorn Fenwick, LLC  
37243 Sand Dollar Lane  
Selbyville, DE 19975

Site Location: Located on the north side of Zion Church Rd (Route 20), approximately  
318 feet southeast of Deer Run Rd.

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Business Research (B-3)

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmatic  
District: Mr. Riley

School District: Indian River School District

Fire District: Roxana Volunteer Fire District

Sewer: Sussex County

Water: Private

Site Area: 17.15 acres +/-

Tax Map ID.: 533-11.00-78.04





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: Nick Torrance, Planner I  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: May 12, 2020  
RE: Staff Analysis for CZ 1915 Fisher's Popcorn Fenwick, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1915 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 533-11.00-78.04 from an Agricultural Residential District (AR-1) to a Business Research District (B-3). The parcel is located on the north side of Zion Church Rd. (Rt. 20), approximately 318 feet east of Deer Run Road in Frankford, Delaware. The size of the property is 17.15 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 Research (B-3) 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 of the application site are also zoned Agricultural Residential (AR-1) while the adjacent property to the west is zoned General Commercial (C-1), the property to the east is zoned Commercial Residential (CR) and on the south side of Zion Church Rd. (Route 20) a combination of Neighborhood Business (B-1), General Residential (GR) and General Commercial (C-1).

In 2012, there was a Change of Zone application approved on the parcel adjacent to the east of this application, changing its zone from Agricultural Residential (AR-1) to Commercial Residential (CR)



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



# Sussex County

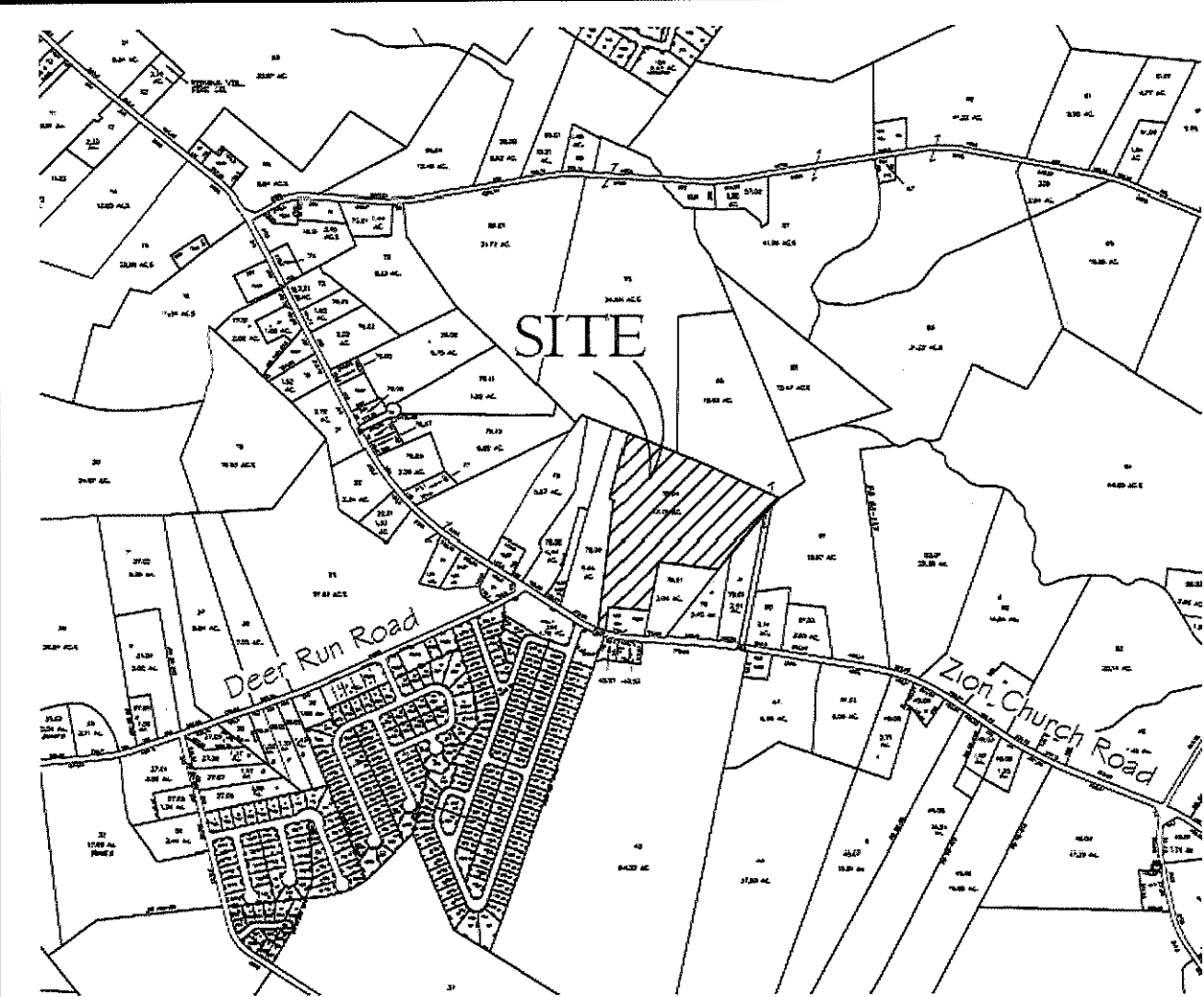
DELAWARE  
sussexcountyde.gov

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Business Research (B-3) 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





VICINITY MAP  
NOT TO SCALE



ADJACENT ZONING  
NOT TO SCALE

- Zoning**
- Agricultural Residential - AR-1
  - Agricultural Residential - AR-2
  - Commercial Residential - CR-1
  - General Commercial - C-1
  - General Residential - GR
  - Heavy Industrial - HI-1
  - High Density Residential - HR-1
  - High Density Residential - HR-2
  - Limited Industrial - LI-1
  - Limited Industrial - LI-2
  - Marine - M
  - Medium Residential - MR
  - Neighborhood Business - B-1
  - Vacation, Retire, Resident - VRP

**PARCEL ZONING DATA:**

1. TAX PARCEL: 533-11.00-78.04  
 PARCEL AREA: ±17.15 AC. (±747105 SQ.FT.)  
 LOCATION: DE ROUTE 20 (ZION CHURCH ROAD)  
 NEAR DEER RUN ROAD (SCR 388)
2. OWNER/ DEVELOPER: FISHER'S POPCORN FENWICK, LLC  
 37243 SAND DOLLAR LANE  
 SELBYVILLE, DE. 19975
3. PRESENT ZONING: AR-1  
 PRESENT LAND USE: UNDEVELOPED
4. PROPOSED ZONING: B-3, PORTION / AR-1, PORTION  
 PROPOSED AREA TO BE REZONED: ±3.25 AC.  
 PROPOSED LAND USE: MANUFACTURING/ DISTRIBUTION
5. SEWER PROVIDER: SUSSEX COUNTY  
 WATER PROVIDER: PRIVATE WELL

**SITE PLAN DATA:**

1. B-3 SETBACKS:  
 FRONT YARD: 40'  
 SIDE YARD: 10', 20' ADJACENT TO RESIDENTIAL  
 REAR YARD: 10', 30' ADJACENT TO RESIDENTIAL
- PROPOSED BUILDING: ±8000 SQ.FT. MANUFACTURING/ WAREHOUSE  
 (6 EMPLOYEES ON LARGEST SHIFT)
- PARKING: 1 SPACE / 2 EMPLOYEES ON LARGEST SHIFT  
 3 SPACES REQUIRED  
 14 SPACES PROPOSED

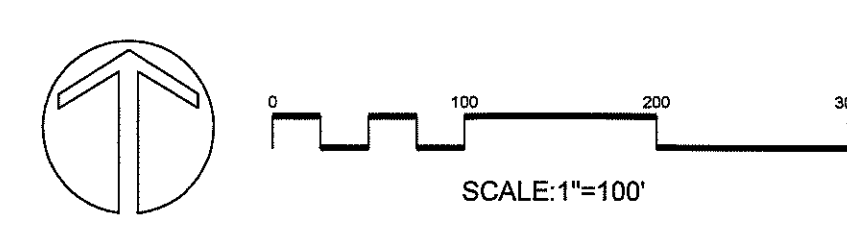
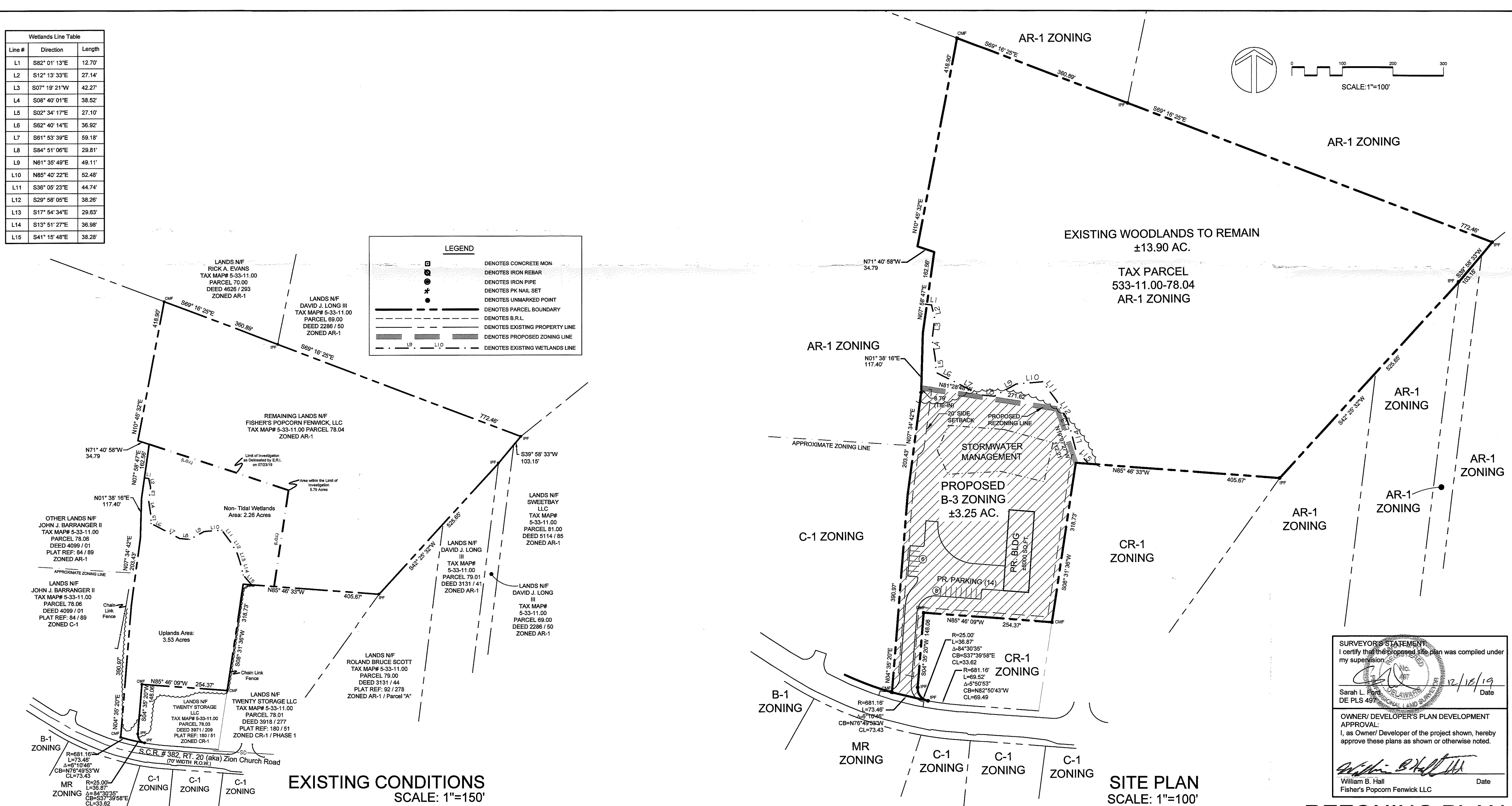
**NOTES:**

1. SURVEY SOURCE: VISTA DESIGN, INC. FROM A SURVEY TITLED "LANDS N/F CHARLES & JEFFREY T. TOWNSEND", DATED NOVEMBER 4, 2019. HORIZONTAL DATUM NAD '83, VERTICAL DATUM NAVD '88.
2. THERE ARE FEDERAL 404 LANDS ON SITE AS SHOWN. THERE ARE NO STATE TIDAL WETLANDS ON SITE.
3. SITE IS IN FLOOD ZONE X (UNSHADED) AS SHOWN PER FEMA FLOOD MAP 10005C0635K DATED MARCH 16, 2015.

Line #	Direction	Length
L1	S82° 01' 13"E	12.70'
L2	S12° 13' 33"E	27.14'
L3	S07° 19' 21"W	42.27'
L4	S08° 40' 01"E	38.52'
L5	S02° 34' 17"E	27.10'
L6	S62° 40' 14"E	36.92'
L7	S61° 53' 38"E	59.18'
L8	S84° 51' 06"E	29.81'
L9	N61° 35' 49"E	49.11'
L10	N85° 40' 22"E	52.48'
L11	S38° 05' 23"E	44.74'
L12	S29° 58' 05"E	38.26'
L13	S17° 54' 34"E	29.63'
L14	S13° 51' 27"E	36.98'
L15	S41° 15' 48"E	38.28'

**LEGEND**

- DENOTES CONCRETE MON
- DENOTES IRON REBAR
- DENOTES IRON PIPE
- DENOTES PK NAIL SET
- DENOTES UNMARKED POINT
- DENOTES PARCEL BOUNDARY
- DENOTES B.R.L.
- DENOTES EXISTING PROPERTY LINE
- DENOTES PROPOSED ZONING LINE
- DENOTES EXISTING WETLANDS LINE



**SURVEYOR'S STATEMENT**  
 I certify that the proposed site plan was compiled under my supervision.

*[Signature]* 12/18/19 Date

Sarah L. Ford  
 DE PLS 497

**OWNER/ DEVELOPER'S PLAN DEVELOPMENT APPROVAL:**  
 I, as Owner/ Developer of the project shown, hereby approve these plans as shown or otherwise noted.

*[Signature]* Date

William B. Hall  
 Fisher's Popcorn Fenwick LLC

**LAND DESIGN INK.**  
 Surveying / Landscape Architecture  
 63 Atlantic Ave., Suite 403  
 Ocean View, DE 19970  
 Phone: 302-253-0288  
 Email: landez@landez.com

Planning and Development Consultants

REZONING PLAN  
**FISHERS POPCORN**  
 ZION CHURCH ROAD  
 BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN: TJF	DATE
DRAWING: RWB	12/17/19
REVIEW: SLF	
SHEET	1 OF 1 SHEETS



PLANNING & ZONING APPLICATION  
Case No. 1915

# Fisher's Popcorn Fenwick, LLC

Property: 3.25 +/- acres; Zion Church Road



RECEIVED  
MAY 19 2020  
SUSSEX COUNTY  
PLANNING & ZONING

David C. Hutt, Esquire  
Morris James LLP

Public Hearings:  
Planning Commission  
May 28, 2020  
County Council  
June 30, 2020

FILE COPY



**Table of Contents**

1. Planning & Zoning Commission Application, Change of Zone No. 1915
2. Title to Property: Deed: Dated December 10, 2019, Deed Book 5167, Page 150
3. DelDOT Response to Service Level Evaluation Request (May 22, 2019)
4. Sussex County Tax Maps
  - a. Tax Parcels
  - b. Zoning
  - c. Comprehensive Plan
  - d. Aerial Imagery
5. 2015 Delaware State Strategies Map
6. Rezoning Plan, Land Design, Inc. (December 17, 2019)
7. Proposed Findings of Fact

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

## Planning & Zoning Commission Application

### Sussex County, Delaware

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

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

Conditional Use

Zoning Map Amendment

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

Zion Church Road

**Type of Conditional Use Requested:**

Tax Map #: 533-11.00-78.04-ZION CHURCH RD. (42K 3882) Size of Parcel(s): 17.15 ac.

Current Zoning: AR-1 Proposed Zoning: B-3 Size of Building: 8000 sq.ft.

Land Use Classification: Undeveloped

Water Provider: \_\_\_\_\_ Sewer Provider: \_\_\_\_\_

**Applicant Information**

Applicant Name: Fisher's Popcorn Fenwick, LLC

Applicant Address: 37243 Sand Dollar Lane

City: Selbyville State: DE Zip Code: 19975

Phone #: \_\_\_\_\_ E-mail: bill@fishers-popcorn.com

**Owner Information**

Owner Name: Fisher's Popcorn Fenwick, LLC

Owner Address: 37243 Sand Dollar Lane

City: Selbyville State: DE Zip Code: 19975

Phone #: \_\_\_\_\_ E-mail: bill@fishers-popcorn.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: LandDesign, Inc. (contact: Thomas J. Ford)

Agent/Attorney/Engineer Address: Oak Square, Suite 3, 53 Atlantic Avenue

City: Ocean View State: DE Zip Code: 19970

Phone #: (302) 537-1919 E-mail: tjford51@aol.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

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

### Signature of Owner

William B. Hall III Date: 12/17/2015

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

Part of Tax Map 533-11.00-78.04

The following is a description of a portion of Lands of Fisher's Popcorn Fenwick, LLC, located on the northside of Sussex County Road 382, also known as Route 20, also known as Zion Church Road, located in Baltimore Hundred, Sussex County, Delaware.

Beginning for the purposes of this description at an Concrete Monument located on the northerly right of way line of Zion Church Road, this corner being the common corner for this property and Lands now or formerly of John J. Barranger II; Thence leaving Zion Church Road and proceeding by and with Lands of John J Barranger II the following three courses and distances:

North 04 degrees 35 minutes 20 seconds East 390.97 feet to a point,

North 07 degrees 34 minutes 42 seconds East 203.43 feet to a point,

North 01 degree 38 minutes 16 seconds East 8.79 feet to a point,

Thence leaving Lands of John J. Barranger and proceeding thru this parcel on the proposed zoning line the following two courses and distances:

South 81 degrees 28 minutes 48 seconds East 271.62 feet to a point,

South 19 degrees 07 minutes 27 seconds East 112.21 feet to a point being a common corner for these Lands and Lands Now or Formerly of Twenty Storage LLC;

Thence proceeding by and with Lands Now or Formerly of Twenty Storage LLC, the following three courses and distances:

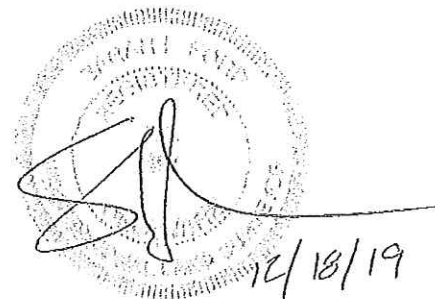
South 08 degrees 31 minutes 36 seconds West 318.73 feet to a Concrete Monument,

North 85 degrees 46 minutes 09 seconds West 254.37 feet to a Concrete Monument,

South 04 degrees 35 minutes 20 seconds West 148.06 feet to an iron pipe;

Thence continuing with Lands Now or Formerly of Twenty Storage LLC along a curve to the left with a radius of 25.00 feet an arc length of 36.87 feet with a chord bearing of South 37 degrees 39 minutes 58 seconds East and length of 33.62 feet to an Iron Pipe and the northerly right of way line of Zion Church Road;

Thence proceeding by and with the northerly right of way line of Zion Church Road along a curve to the right with radius of 681.16 feet, an arc length of 73.46 feet with a chord bearing of North 76 degrees 49 minutes 53 seconds West and length of 73.43 feet to the place of beginning and containing 3.25 acres.



12/18/19

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

33016302-0001 Dina M. 12/19/2019 08:33AM

PERMITS / INSPECTIONS  
CHANGE OF ZONE - FEE  
2019 Item: 201914514|2015 500.00

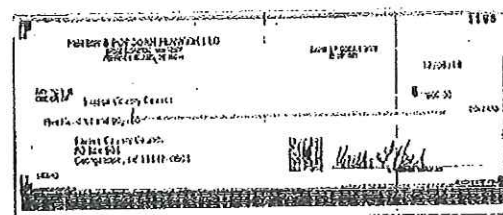
500.00

Subtotal 500.00  
Total 500.00

CHECK 500.00  
Check Number 001196

Change due 0.00

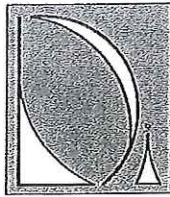
Paid by: FISHERS POPCORN FENWICK LLC



Thank you for your payment

Sussex County, DE COPY  
DUPLICATE RECEIPT





**LANDDESIGN**  
*Surveying / Landscape Architecture* INC.

Planning and  
 Development Consultants

53 Allanto Ave.  
 Oak Square, Suite #3  
 Ocean View, DE 19970  
 302/537-1919; 302/519-0328FAX  
 landn@aol.com

**MEMO FOR RECORD**

**LAND + DESIGN = (VALUE)<sup>2</sup>**

DATE & TIME: 12/18/19

ATTENTION: Janelle Cornwall

PROJECT: Fisher Popcorn Fenwick, LLC

Sussex County Planning & Zoning

SUBJECT: 533-11.00-78.04

C/Z - Zion Church Rd. (SCR 388)

TELEPHONE

Janelle,  
 Please find attached:

1. Application for a change of Zone from AR-1 to B-3
2. Application Fee of \$500.00; ck.# 1196
3. four (4) copies of a Re-zoning Plan dated 12/17/19
4. A Description for the portion of this property that shall be part of this application

Should you have any questions and/or comments please feel free to contact me.

By: Tom Ford

Cc: FILE/ client

P:\\_Pro19\Hall-Fisher Popcorn\Correspondence\191218PZ.doc

RECEIVED

DEC 19 2019

SUSSEX COUNTY  
 PLANNING & ZONING

**LANDDESIGN, Inc.**  
 (Enhancing **LAND** Values since 1982)  
 12/18/19

TAX MAP # 533-11.00-78.04

PREPARED BY & RETURN TO:  
Parsons & Robinson, P.A.  
P.O. Box 480  
118 Atlantic Ave, Ste 401  
Ocean View, DE 19970  
File No. 35882/SHS

THIS DEED, made this 10<sup>th</sup> day of December, 2019,

- BETWEEN -

CHARLES JEFFREY TOWNSEND and THOMAS G. TOWNSEND, of 208 Rachel Court, Newark, DE 19702, parties of the first part,

- AND -

FISHER'S POPCORN FENWICK, LLC, of 37081 Coastal Highway, Fenwick Island, DE 19944, party of the second part.

**WITNESSETH:** That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR and 00/100 (\$1.00) and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part:

ALL that certain tract, piece and parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, and being all of Parcel E as shown on recorded plot of the subdivision of lands of the Estate of Hallie M. Gray, as said plot was recorded on February 9, 1988, in the Office of the Recorder of Deeds, in Plot Book 38, page 349, said parcel being more particularly described as follows:

BEGINNING at a concrete monument situate along the northeasterly 70 foot right of way of County Route 382, said monument marking a common boundary between the herein described parcel and the adjoining Parcel D; thence from said monument the following six (6) courses and distances by and with Parcel D; (1) North 05 degrees 18 minutes 20 seconds East 390.97 feet; (2) North 08 degrees 17 minutes 42 seconds East 203.43 feet; (3) North 02 degrees 21 minutes 16 seconds East 117.40 feet; (4) North 08 degrees 41 minutes 47 seconds East 162.56 feet; (5) North 70 degrees 57 minutes 58 seconds West 34.79 feet, and (6) North 11 degrees 28 minutes 32 seconds East 419.90 feet to a concrete monument; thence South 68 degrees 33 minutes 25 seconds East 1133.35 feet by and with lands now or formerly of Asher B. and James Carey to an iron pipe; thence by and with lands now or formerly of Webster Berry, South 40 degrees 41 minutes 33 seconds West 103.15 feet to an iron pipe; thence by and with lands now or formerly of Walton Long, South 43 degrees 08 minutes 32 seconds West 525.65 feet to an iron pipe; thence by and with lands of Michael W. Townsend, North 85 degrees 03 minutes 33 seconds West 405.67 feet to a two foot diameter poplar tree; thence continuing with Michael Townsend lands South 09 degrees 14 minutes 36 seconds West 318.73 feet to an iron pipe; thence North 85 degrees 03 minutes 09 seconds West 254.37 feet to an iron pipe; thence South 05 degrees 18 minutes 20 seconds West to a point of curvature; thence with a 25 foot radius curve having an delta of 84 degrees 30 minutes 35 seconds and an arc length of 36.87 feet and a chord of 33.62 feet home to the point and place of Beginning, along Route 382, containing 17.15 acres, as surveyed by McCann, Inc. and as shown on the aforementioned subdivision plot.

BEING the same land and premises that Mary Jane Wharton and Patricia T. Magee, Executors of the Estate of Hallie M. Gray, deceased by deed dated 03/22/1988 and recorded in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware in Deed Book 1555, page 45, did grant and convey unto Charles Jeffery Townsend and Thomas G. Townsend, in fee.



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:

\_\_\_\_\_  
Thomas G. Townsend (SEAL)  
Thomas G. Townsend

STATE OF CO, COUNTY OF Adair : to-wit

BE IT REMEMBERED, that on this 15 day of <sup>Nov</sup>~~December~~, 2019, personally came before me, the subscriber, Thomas G. Townsend, party 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.

JOSHUA THOMAS CRAGG  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20184006040  
MY COMMISSION EXPIRES FEBRUARY 5, 2022

Joshua Cragg  
Notary Public  
Printed Name: Joshua Cragg  
My Commission Expires: 2/5/22

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:

Notary

Charles Jeffrey Townsend (SEAL)  
Charles Jeffrey Townsend



STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 21<sup>st</sup> day of November, 2019, personally came before me, the subscriber, Charles Jeffrey Townsend, party 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.

Judy K. Schippacase  
Notary Public  
Printed Name: Judy K. Schippacase  
My Commission Expires: 7/1/21



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

JENNIFER COHAN  
SECRETARY

May 22, 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 **Fisher's Popcorn Fenwick, LLC (William B. Hall III)** rezoning application, which we received on April 26, 2019. This application is for a 17.15-acre parcel (Tax Parcel: 533-11.00-78.04). The subject land is located on the north side of Zion Church Road (Sussex Road 382), approximately 570 feet east of the intersection of Zion Church Road and Deer Run Road (Sussex Road 388). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 / B-3 (Neighborhood Business) / (Business Research) to develop a 2,000 square-foot manufacturing facility and a 6,000 square-foot warehouse storage.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Zion Church Road where the subject land is located, which is from Bayard Road (Sussex Road 384) / Johnson Road (Sussex Road 384A) to Frankford School Road (Sussex Road 92), is 5,305 and 6,828 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  
May 22, 2019

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

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

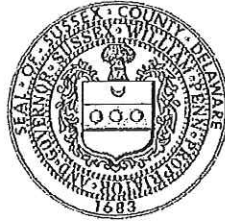
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Fisher's Popcorn Fenwick, LLC (William B. Hall III), 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 DeIDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 4/25/19

**Site Information:**

Site Address/Location: 36089 Zion Church Road

Tax Parcel Number: 533-11.00-78.04

Current Zoning: AR-1

Proposed Zoning: B2/3

Land Use Classification: Undeveloped

Proposed Use(s): +/-2000 sq.ft. Manufacturing and +/-  
6000 sq.ft. warehouse storage

Square footage of any proposed buildings or number of units: 8000 sq.ft.

**Applicant Information:**

Applicant's Name: Fisher's Popcorn Fenwick, LLC (contact: William B. Hall III)

Applicant's Address: P.O. Box 3130

City: Ocean City State: MD Zip Code: 21843

Applicant's Phone Number: (302) 539-8833

Applicant's e-mail address: bill@fishers-popcorn.com

*Landzn@aol.com*

*Contract MADE  
2:07 pm  
5/23/2019*

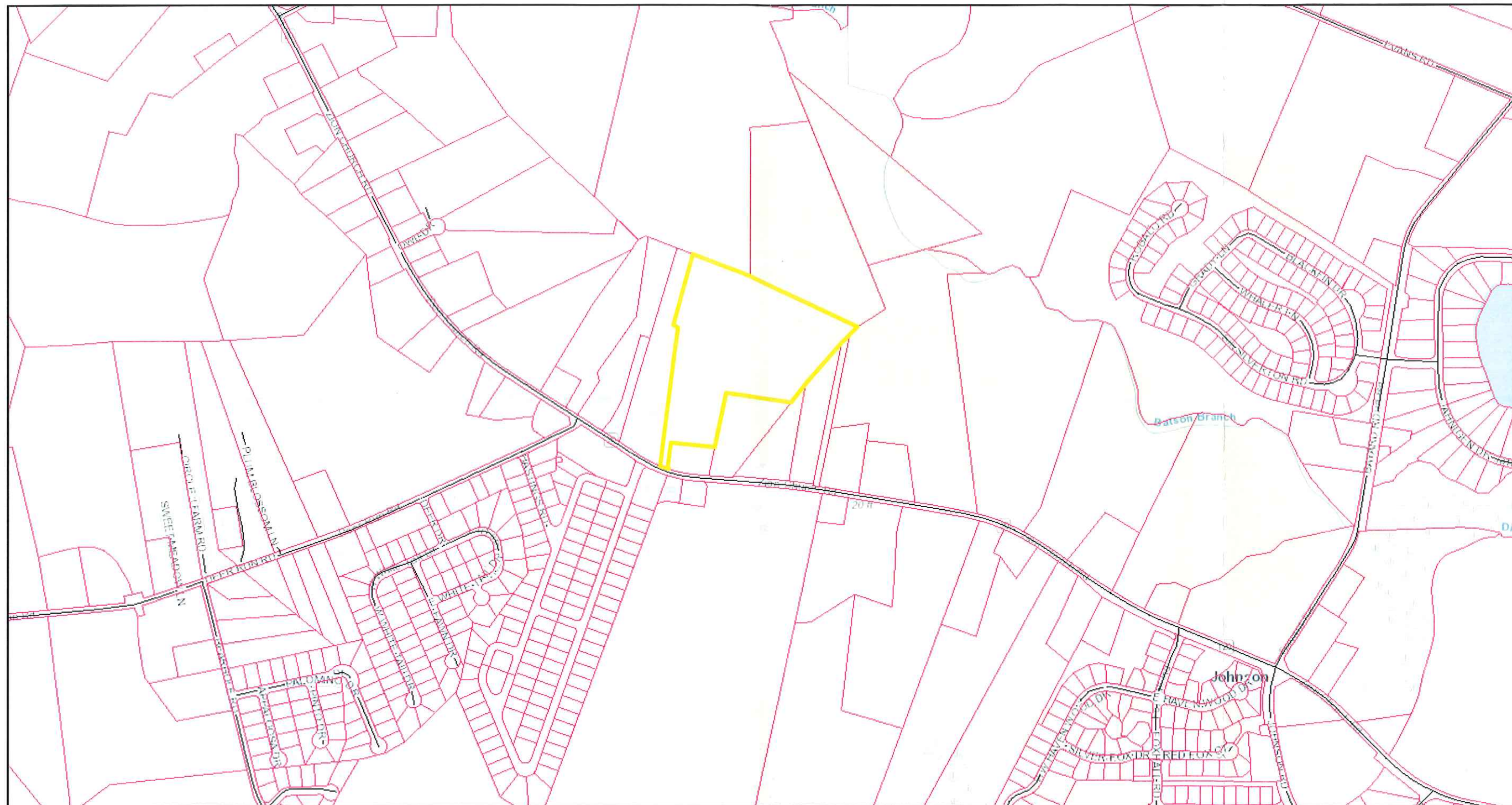


COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE 19947

Last updated 7-27-18

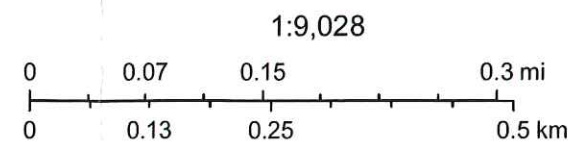


# Sussex County



May 14, 2020

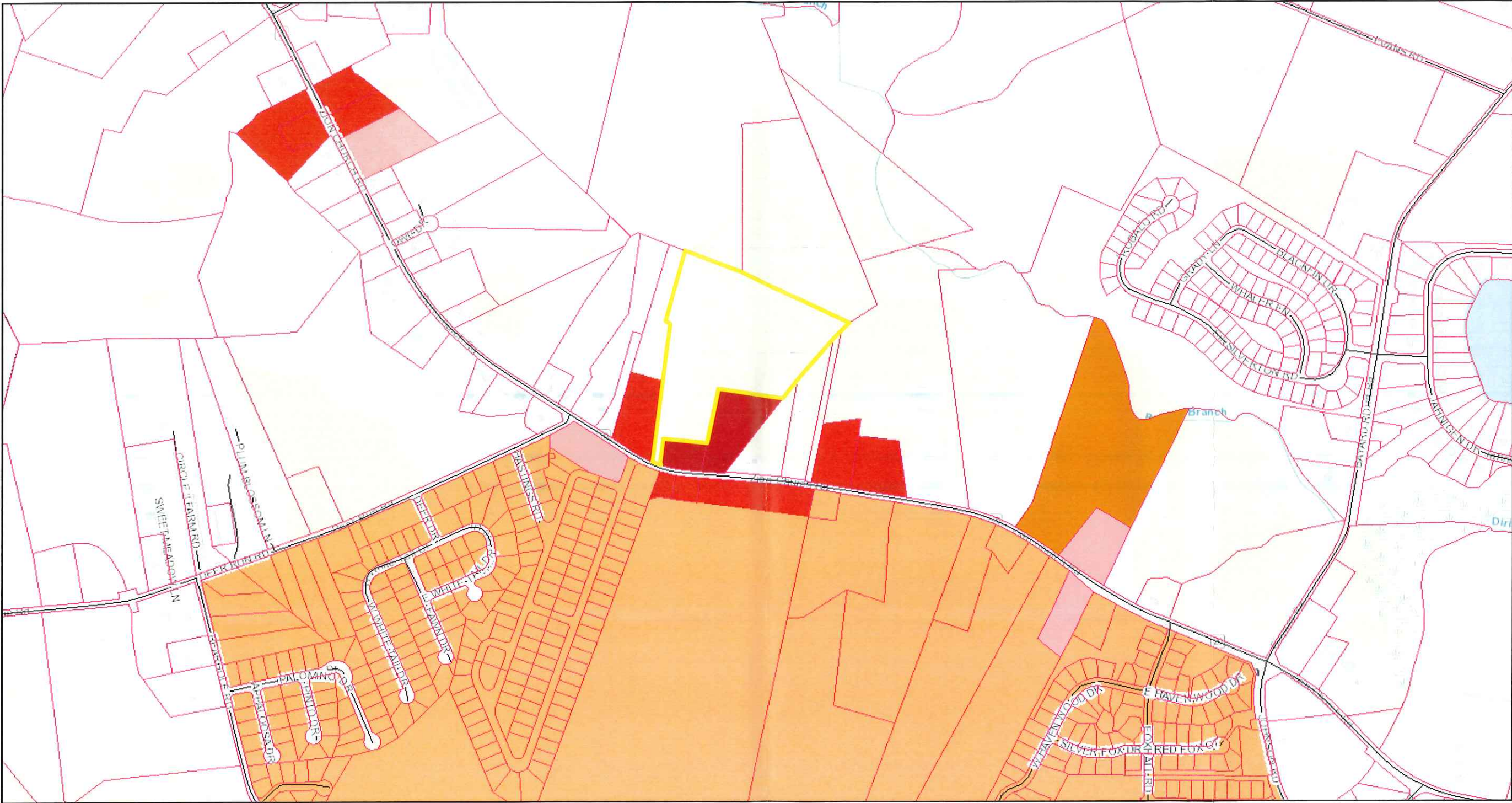
-  Override 1
-  Override 1
-  Tax Parcels
-  Streets
-  County Boundaries



DALPF, 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,



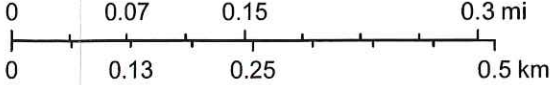
# Sussex County



May 14, 2020

- |                                 |                                 |                                  |                               |                           |
|---------------------------------|---------------------------------|----------------------------------|-------------------------------|---------------------------|
| Override 1                      | Agricultural Residential - AR-2 | Vacation, Retire, Resident - VRP | General Commercial - C-3      | Marine - M                |
| Override 1                      | Medium Residential - MR         | Neighborhood Business - B-1      | General Commercial - C-4      | Limited Industrial - LI-1 |
| Tax Parcels                     | General Residential - GR        | Neighborhood Business - B-2      | General Commercial - C-5      | Limited Industrial - LI-2 |
| Streets                         | High Density Residential - HR-1 | General Commercial - C-1         | Commercial Residential - CR-1 | Heavy Industrial - HI-1   |
| <b>Zoning</b>                   | High Density Residential - HR-2 | General Commercial - C-2         | Institutional - I-1           | County Boundaries         |
| Agricultural Residential - AR-1 |                                 |                                  |                               |                           |

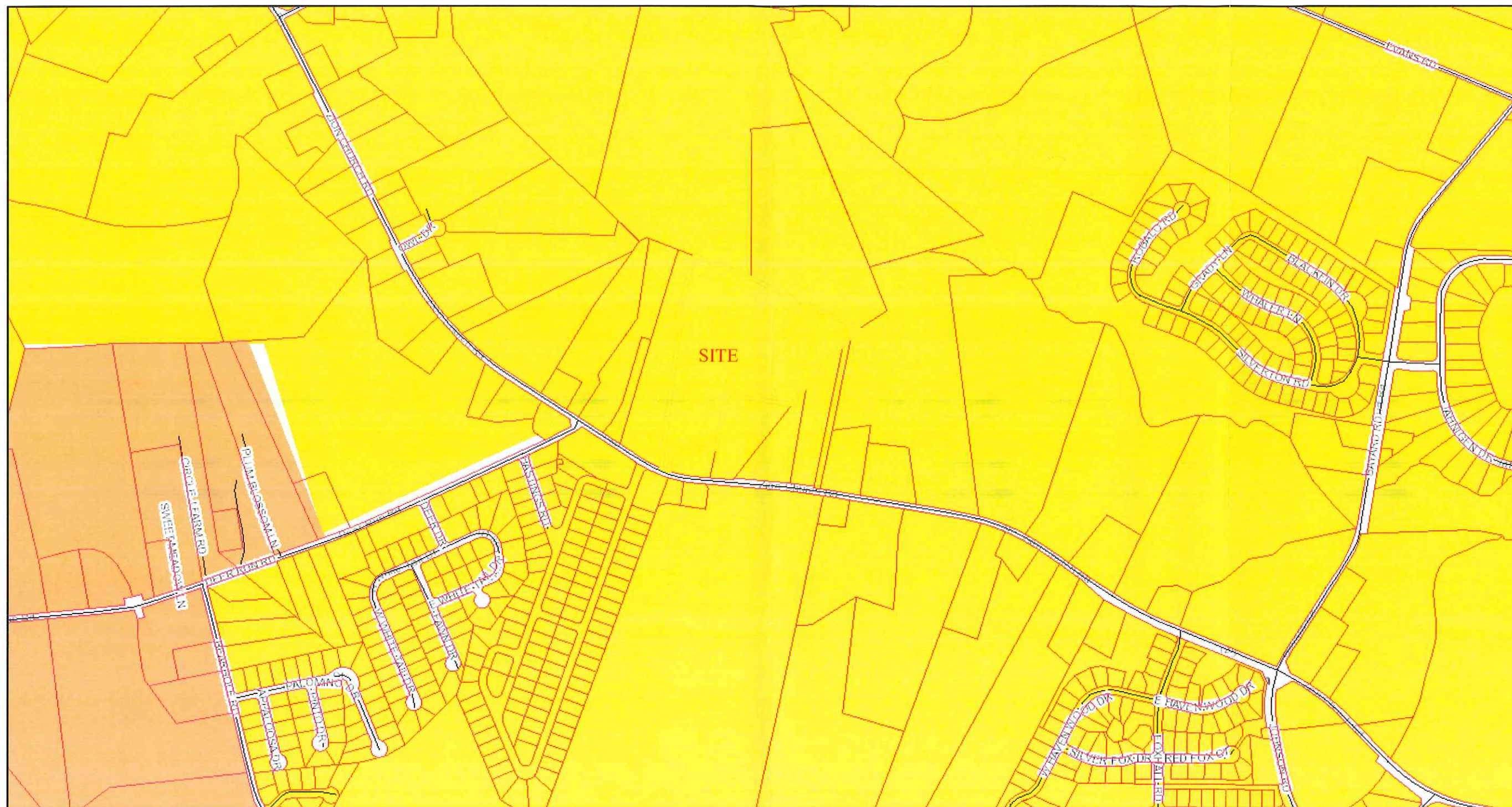
1:9,028



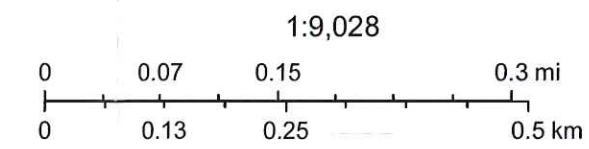
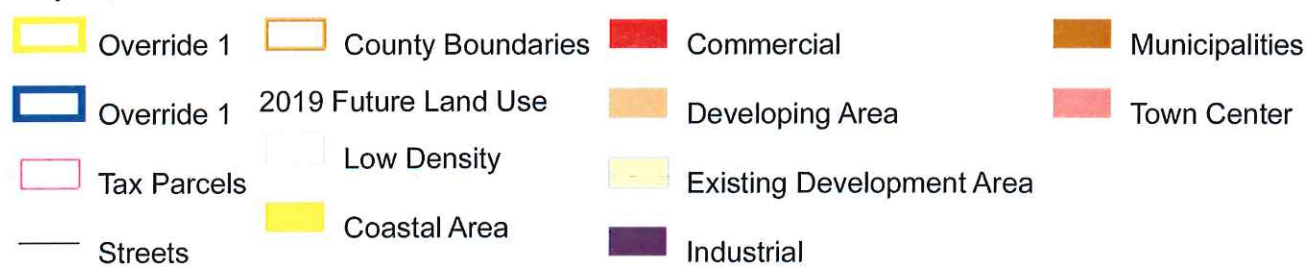
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government



# Sussex County



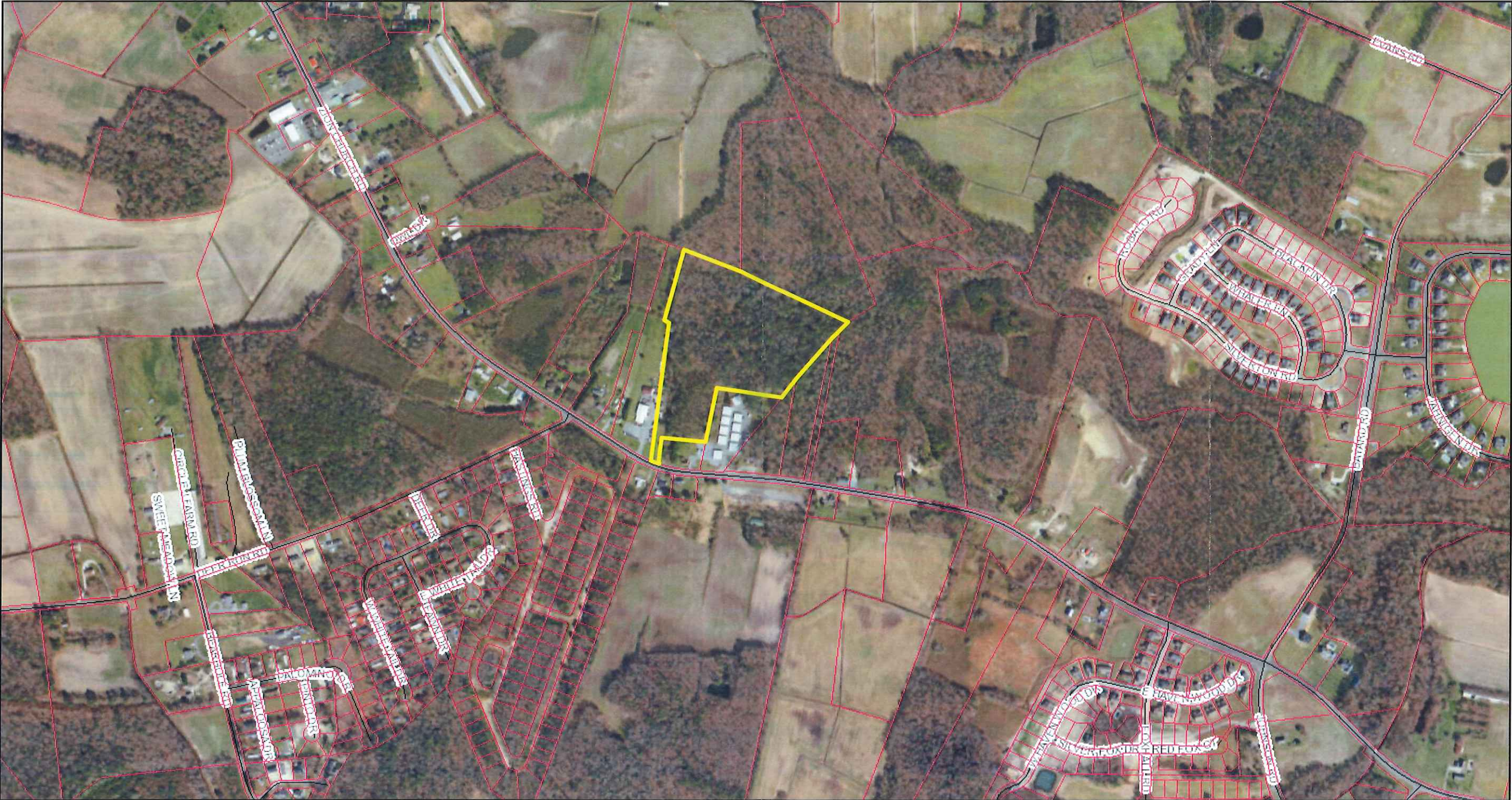
May 14, 2020



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

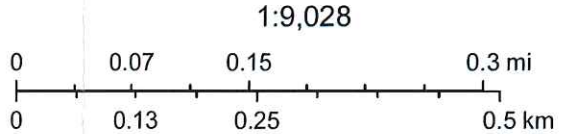


# Sussex County



May 14, 2020

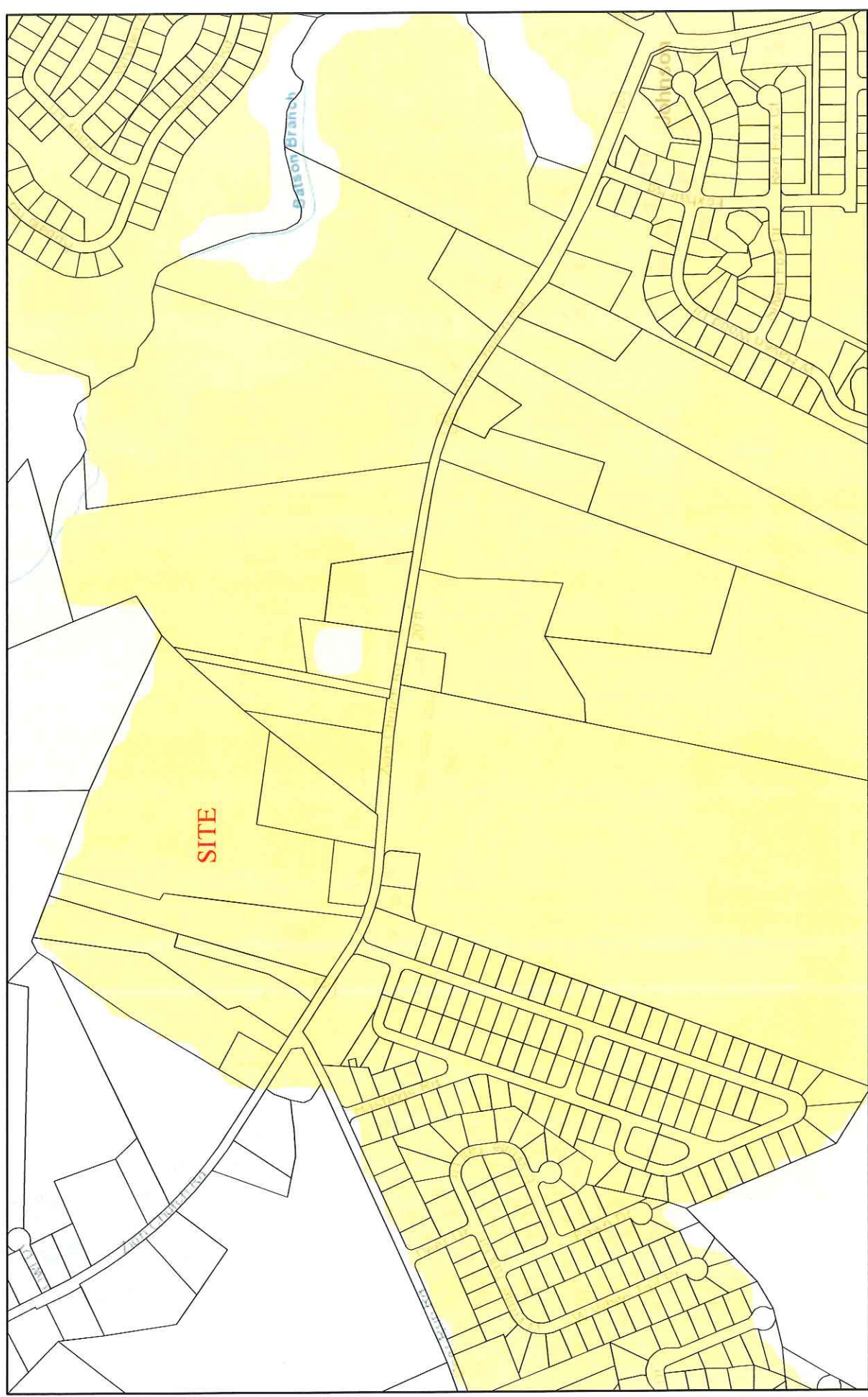
- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries



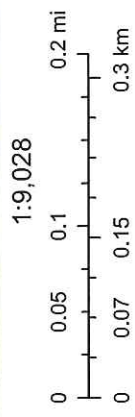
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County Government



# Delaware State Strategies 2015



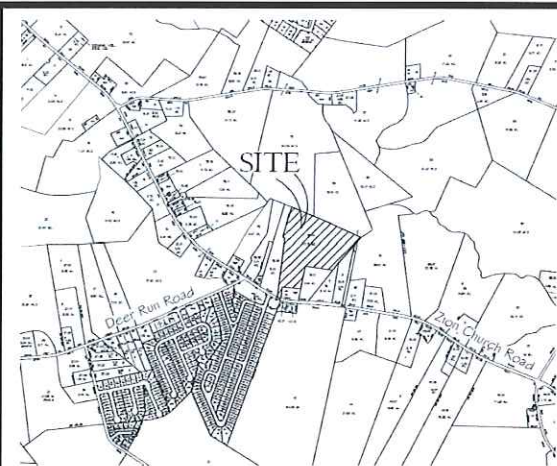
- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play



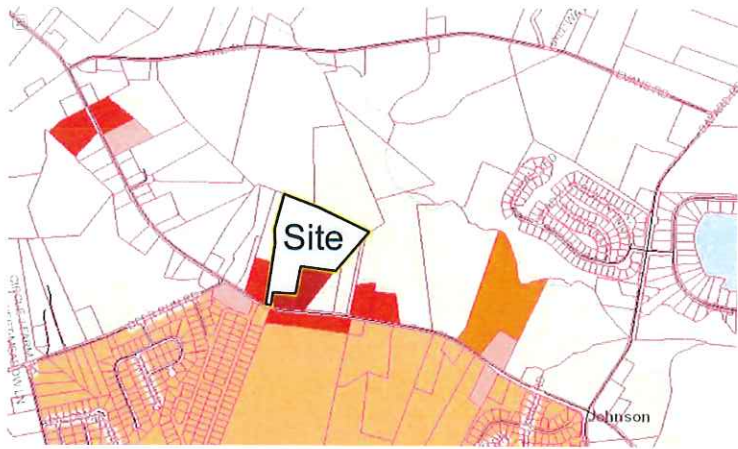
1:9,028

Delaware Office of State Planning Coordination, Sources: Esri, HERE,





VICINITY MAP  
NOT TO SCALE



ADJACENT ZONING  
NOT TO SCALE

- ① Zoning
- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Commercial Residential - CR-1
- General Commercial - C-1
- General Residential - GR
- Heavy Industrial - HI-1
- High Density Residential - HR-1
- High Density Residential - HR-2
- Limited Industrial - LI-1
- Limited Industrial - LI-2
- Marine - M
- Medium Residential - MR
- Neighborhood Business - B-1
- Vacation, Retire, Resident - VRP

**PARCEL ZONING DATA:**

1. TAX PARCEL: 533-11.00-78.04  
PARCEL AREA: ±17.15 AC (±747105 SQ.FT.)  
LOCATION: DE ROUTE 20 (ZION CHURCH ROAD) NEAR DEER RUN ROAD (SCR 388)
2. OWNER/ DEVELOPER: FISHER'S POPCORN FENWICK, LLC  
37243 SAND DOLLAR LANE SELBYVILLE, DE 19975
3. PRESENT ZONING: AR-1  
PRESENT LAND USE: UNDEVELOPED
4. PROPOSED ZONING: B-3, PORTION / AR-1, PORTION  
PROPOSED AREA TO BE REZONED: ±3.25 AC.  
PROPOSED LAND USE: MANUFACTURING/ DISTRIBUTION
5. SEWER PROVIDER: SUSSEX COUNTY  
WATER PROVIDER: PRIVATE WELL

**SITE PLAN DATA:**

1. B-3 SETBACKS:  
FRONT YARD: 40'  
SIDE YARD: 10', 20' ADJACENT TO RESIDENTIAL  
REAR YARD: 10', 30' ADJACENT TO RESIDENTIAL
- PROPOSED BUILDING: ±8000 SQ.FT. MANUFACTURING/ WAREHOUSE (6 EMPLOYEES ON LARGEST SHIFT)
- PARKING: 1 SPACE / 2 EMPLOYEES ON LARGEST SHIFT  
3 SPACES REQUIRED  
14 SPACES PROPOSED

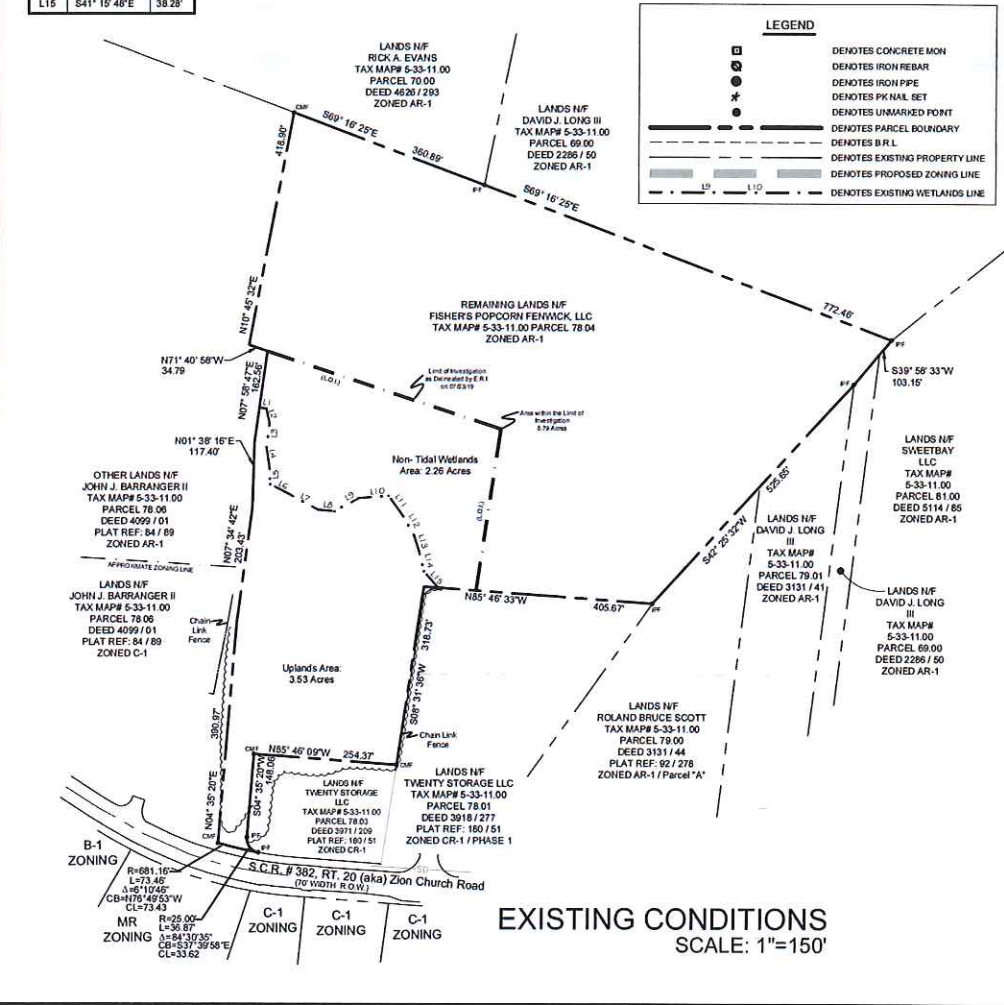
**NOTES:**

1. SURVEY SOURCE: VISTA DESIGN, INC. FROM A SURVEY TITLED "LANDS N/F CHARLES & JEFFREY T. TOWNSEND", DATED NOVEMBER 4, 2019. HORIZONTAL DATUM NAD '83, VERTICAL DATUM NAVD '88.
2. THERE ARE FEDERAL 404 LANDS ON SITE AS SHOWN. THERE ARE NO STATE TIDAL WETLANDS ON SITE.
3. SITE IS IN FLOOD ZONE X (UNSHADED) AS SHOWN PER FEMA FLOOD MAP 10005C0635K DATED MARCH 16, 2015.

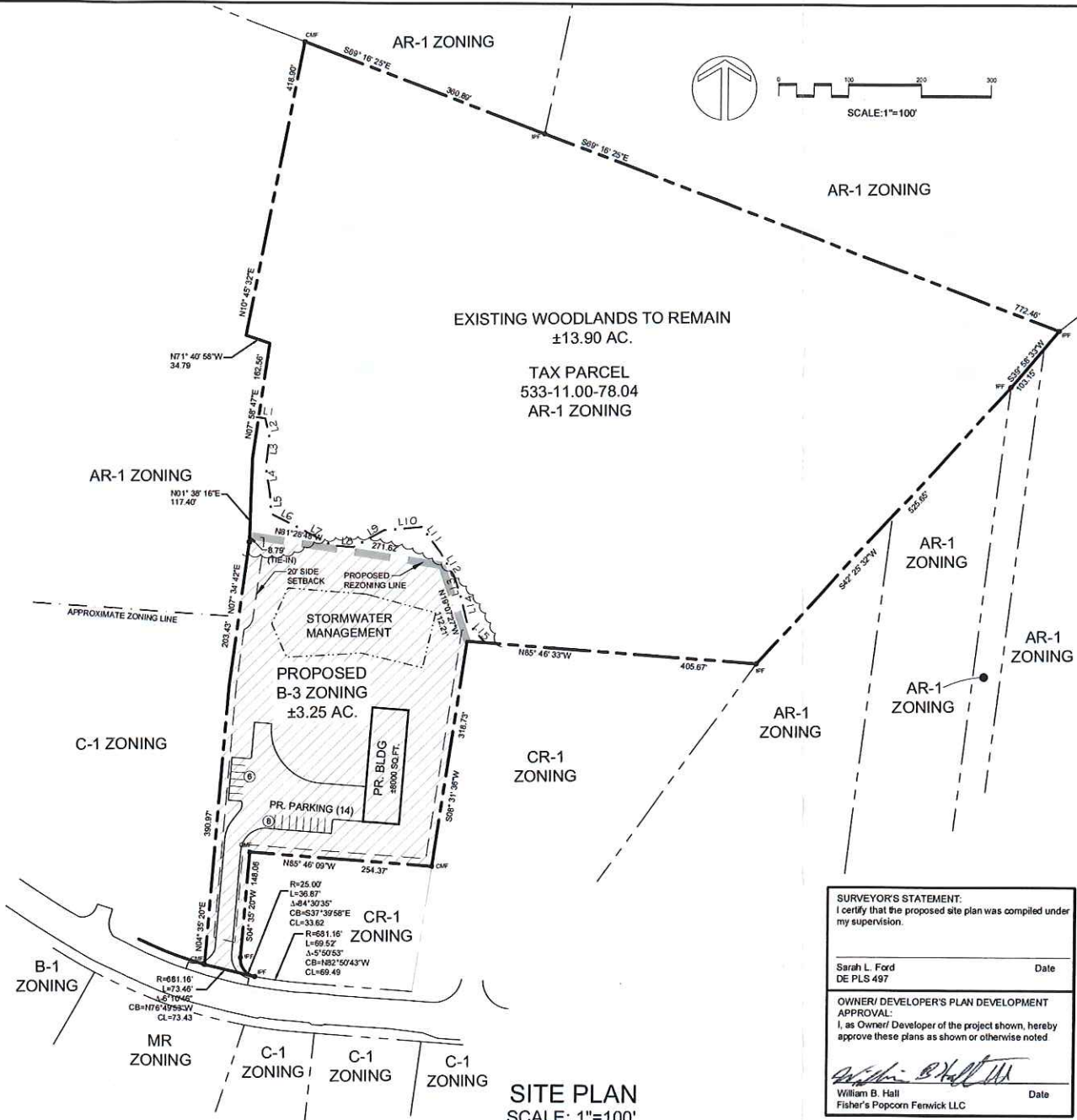
Line #	Direction	Length
L1	S82° 01' 13"E	12.70
L2	S12° 13' 33"E	27.14
L3	S07° 18' 21"W	42.27
L4	S08° 40' 01"E	38.52
L5	S02° 34' 17"E	27.10
L6	S62° 40' 14"E	36.92
L7	S61° 53' 39"E	59.18
L8	S84° 51' 00"E	29.81
L9	N61° 35' 49"E	49.11
L10	N85° 40' 22"E	52.48
L11	S36° 05' 23"E	44.74
L12	S29° 58' 05"E	38.26
L13	S17° 54' 34"E	29.63
L14	S13° 51' 27"E	36.99
L15	S41° 15' 48"E	38.28

**LEGEND**

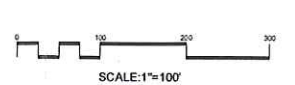
- DENOTES CONCRETE MON
- DENOTES IRON REBAR
- DENOTES IRON PIPE
- DENOTES P/WALL, SET
- DENOTES UNMARKED POINT
- DENOTES PARCEL BOUNDARY
- DENOTES B.R.L.
- DENOTES EXISTING PROPERTY LINE
- DENOTES PROPOSED ZONING LINE
- DENOTES EXISTING WETLANDS LINE



EXISTING CONDITIONS  
SCALE: 1"=150'



SITE PLAN  
SCALE: 1"=100'



**SURVEYOR'S STATEMENT:**  
I certify that the proposed site plan was compiled under my supervision.

Sarah L. Ford \_\_\_\_\_ Date  
DE PL5 497

**OWNER/ DEVELOPER'S PLAN DEVELOPMENT APPROVAL:**  
I, as Owner/ Developer of the project shown, hereby approve these plans as shown or otherwise noted.

*William B. Hall* \_\_\_\_\_ Date  
William B. Hall  
Fisher's Popcorn Fenwick LLC

**REVISIONS**

**LAND DESIGN**  
Surveying / Landscape Architecture  
INC.

Charlotte, NC 28203  
352.592.1919 | 1919  
302.530.0289 FAX  
landdesign@landdesign.com

Planning and  
Development Consultants

REZONING PLAN  
**FISHERS POPCORN**  
ZION CHURCH ROAD  
BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN: TJF	DATE
DRAWING: RWB	12/17/19
REVIEW: SLF	
SHEET	
1	OF 1 SHEETS

P:\Projects\Fisher Popcorn\Fisher Popcorn.dwg, 12/18/2019 4:35:36 PM, DWG To PDF.pc3, 1:1, LANDDESIGN, INC.



**PROPOSED FINDINGS OF FACTS**

**C/Z 1915**

1. This is an application to amend the comprehensive zoning map from AR-1 (Agricultural Residential District) to B-3 (Business Research District) for 3.25± acres located in Baltimore Hundred, Sussex County, being situated along S.C.R. #382, Delaware Route 20 (Zion Church Road) approximately 600± feet east of its intersection with S.C.R. #388 (Deer Run Road), being a part of Sussex County Tax District 533, Map 11.00, Parcel 78.04.
2. The subject property is owned by the applicant, Fisher's Popcorn Fenwick, LLC.
3. The proposed site is a portion of larger tract consisting of approximately 17.15± acres.
4. The proposed site is presently undeveloped and is an upland portion of the property.
5. The intended use of the site will be for an approximately 8,000± square foot building with approximately 2,000± for manufacturing and 6,000± for warehousing/storage.
6. In the 2018 Sussex County Comprehensive Plan update, the area for the proposed rezoning is identified for purposes of future land use as being in the Coastal Area. The Coastal Area is a Growth Area and the table of Applicable Zoning Districts identifies B-3 zoning as being appropriate in a Coastal Area.
7. The 2015 Delaware Strategies for State Policies and Spending identify the property as Investment Level 3.
8. The purpose of the B-3 District is to provide for a range of business research and business park uses, including office and administrative uses, designed to be conducted wholly within enclosed buildings. Two of the permitted uses in the B-3 District are "Manufacturing" and "Storage" provided these occur indoors. The intended use of the property is consistent with these permitted uses as the manufacturing and storage would all occur indoors.
9. The area west of Fenwick Island where the site is located is a mixture of agricultural, residential and commercial areas.
10. The immediate area surrounding the proposed area for rezoning is primarily zoned for commercial or business uses, *i.e.*, to the east the properties are zoned CR-1 (Commercial Residential District), to the west the property is zoned C-1 (General Commercial District) and across the street the properties are zoned GR (General Residential District), C-1 (General Commercial District) and B-1 (Neighborhood Business District).



11. DeIDOT reviewed the applicant's planned project and has issued a letter stating that the proposed project will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day therefore no Traffic Impact Study is required. In addition, DeIDOT's review indicated that it considered the proposed development's traffic impact to be negligible in the context of DeIDOT's agreement with Sussex County regarding land development coordination. The nature of the area, the size and nature of the intended use and the requested B-3 zoning all point to a low volume of traffic. Further, any site plan will require DeIDOT review and approval to provide for safe vehicular and pedestrian movement within the site and entrance approval for access onto Zion Church Road.

12. Potable drinking water will be provided for on-site.

13. Sanitary Sewer is available from Sussex County.

14. 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 activity on site.

15. The proposed B-3 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 B-3 zoning district.

16. 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.

17. All factors have been considered and the proposed B-3 classification meets the purposes and goals of the County's Comprehensive Plan and its Zoning Code. The addition of the business park-style uses permitted in a B-3 zoning district is appropriate for and consistent with this area along Zion Church Road. As a result, the proposed B-3 classification is consistent with the Sussex County Comprehensive Land Use Plan.



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

JENNIFER COHAN  
SECRETARY

May 22, 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 **Fisher's Popcorn Fenwick, LLC (William B. Hall III)** rezoning application, which we received on April 26, 2019. This application is for a 17.15-acre parcel (Tax Parcel: 533-11.00-78.04). The subject land is located on the north side of Zion Church Road (Sussex Road 382), approximately 570 feet east of the intersection of Zion Church Road and Deer Run Road (Sussex Road 388). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 / B-3 (Neighborhood Business) / (Business Research) to develop a 2,000 square-foot manufacturing facility and a 6,000 square-foot warehouse storage.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Zion Church Road where the subject land is located, which is from Bayard Road (Sussex Road 384) / Johnson Road (Sussex Road 384A) to Frankford School Road (Sussex Road 92), is 5,305 and 6,828 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.

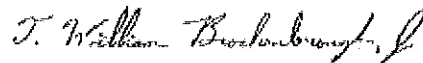


Ms. Janelle M. Cornwell  
Page 2 of 2  
May 22, 2019

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

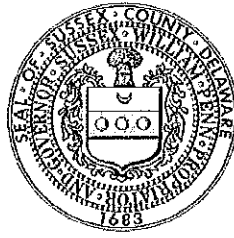
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Fisher's Popcorn Fenwick, LLC (William B. Hall III), Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne Laws, 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 DeIDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 4/25/19

**Site Information:**

Site Address/Location: 36089 Zion Church Road

Tax Parcel Number: 533-11.00-78.04

Current Zoning: AR-1

Proposed Zoning: B2/3

Land Use Classification: Undeveloped

Proposed Use(s): +/-2000 sq.ft. Manufacturing and +/-  
6000 sq.ft. warehouse storage

Square footage of any proposed buildings or number of units: 8000 sq.ft.

**Applicant Information:**

Applicant's Name: Fisher's Popcorn Fenwick, LLC (contact: William B. Hall III)

Applicant's Address: P.O. Box 3130

City: Ocean City

State: MD

Zip Code: 21843

Applicant's Phone Number: (302) 539-8833

Applicant's e-mail address: bill@fishers-popcorn.com

*Landzn@aol.com*

*CONTACT MADE 2:07 pm  
5/23/2019*



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

Last updated 7-27-18

# Morris James LLP

David C. Hutt  
302.856.0018  
dhutt@morrisjames.com

May 18, 2020

## BY HAND DELIVERY

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

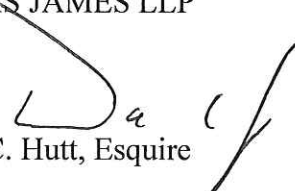
**RE: Change of Zone No. 1915  
Fisher's Popcorn Fenwick, LLC  
SCTP No. 533-11.00-78.04**

Dear Mr. Whitehouse:

Kindly find the enclosed seven (7) copies of Applicant Fisher's Popcorn Fenwick, LLC's Exhibit Notebook for Change of Zone No. 1915. The exhibit notebook will be used at the public hearings before the Planning and Zoning Commission on May 28, 2020 and before County Council on June 30, 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: Fisher's Popcorn Fenwick, LLC

RECEIVED  
MAY 19 2020  
SUSSEX COUNTY  
PLANNING & ZONING

**TWENTY STORAGE, LLC d/b/a  
BAYSIDE MINI STORAGE  
36097 Zion Church Road  
Frankford, Delaware 19945**

May 12, 2020

Jamie Whitehouse, Planning Director  
Sussex County Planning and Zoning Commission  
P. O. Box 589  
Georgetown, Delaware 19947

Re: C/Z 1915-Fisher's Popcorn Fenwick, LLC  
Change of Zoning  
Tax Parcel 533-11.00-78.04 (portion of)  
Containing 17.15 acres ± Zion Church Road (Rt. 20), Frankford, DE

Dear Mr. Whitehouse:

We are writing to express our support of the above-referenced application. However, we feel it is the appropriate time to address the cleanout and repair of the tax ditch, which runs between our property and the Fisher Popcorn property. The ditch currently doesn't drain properly and is in great need of repairs. We believe that repairs to the tax ditch should be a part of the approval process. Our property is directly adjacent to the subject property.

Thank you for your attention in this regard. We trust we will be hearing from you shortly.

Very truly yours,

TWENTY STORAGE, LLC

By: 

Joel M. Farr, Manager Member

JMF:jkf

e-mail copies also sent to: jamie.whitehouse@sussexcountyde.gov  
bob@rcwheatley.com

RECEIVED

MAY 18 2020

SUSSEX COUNTY  
PLANNING & ZONING



**TWENTY STORAGE, LLC d/b/a  
BAYSIDE MINI STORAGE  
36097 Zion Church Road  
Frankford, Delaware 19945**

May 12, 2020

RECEIVED

MAY 14 2020

SUSSEX COUNTY  
PLANNING & ZONING

Jamie Whitehouse, Planning Director  
Sussex County Planning and Zoning Commission  
P. O. Box 589  
Georgetown, Delaware 19947

Re: C/Z 1915-Fisher's Popcorn Fenwick, LLC  
Change of Zoning  
Tax Parcel 533-11.00-78.04 (portion of)  
Containing 17.15 acres ± Zion Church Road (Rt. 20), Frankford, DE

Dear Mr. Whitehouse:

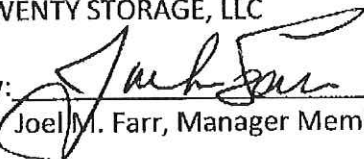
We are writing to express our support of the above-referenced application. However, we feel it is the appropriate time to address the cleanout and repair of the tax ditch, which runs between our property and the Fisher Popcorn property. The ditch currently doesn't drain properly and is in great need of repairs. We believe that repairs to the tax ditch should be a part of the approval process. Our property is directly adjacent to the subject property.

Thank you for your attention in this regard. We trust we will be hearing from you shortly.

Very truly yours,

TWENTY STORAGE, LLC

By:

  
Joel M. Farr, Manager Member

JMF:jkf

e-mail copies also sent to: jamie.whitehouse@sussexcountyde.gov  
bob@rcwheatley.com