

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, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: November 19, 2020

Application: CZ 1927 Preston Lynch Dyer & Mason Dyer

Applicant: Preston Lynch Dyer & Mason Dyer
P.O. Box 212
Lewes, DE 19958

Owner: Millsboro Town Center III, LLC
P.O. Box 212
Lewes, DE 19958

Site Location: The north side of Lewes-Georgetown Highway (Rt. 9), approximately 0.12 mile west of Josephs Rd. (S.C.R. 281)

Current Zoning: AR-1 (Agricultural Residential Zoning District)

Proposed Zoning: C-2 (Medium Commercial Zoning District)

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Private

Water: Private

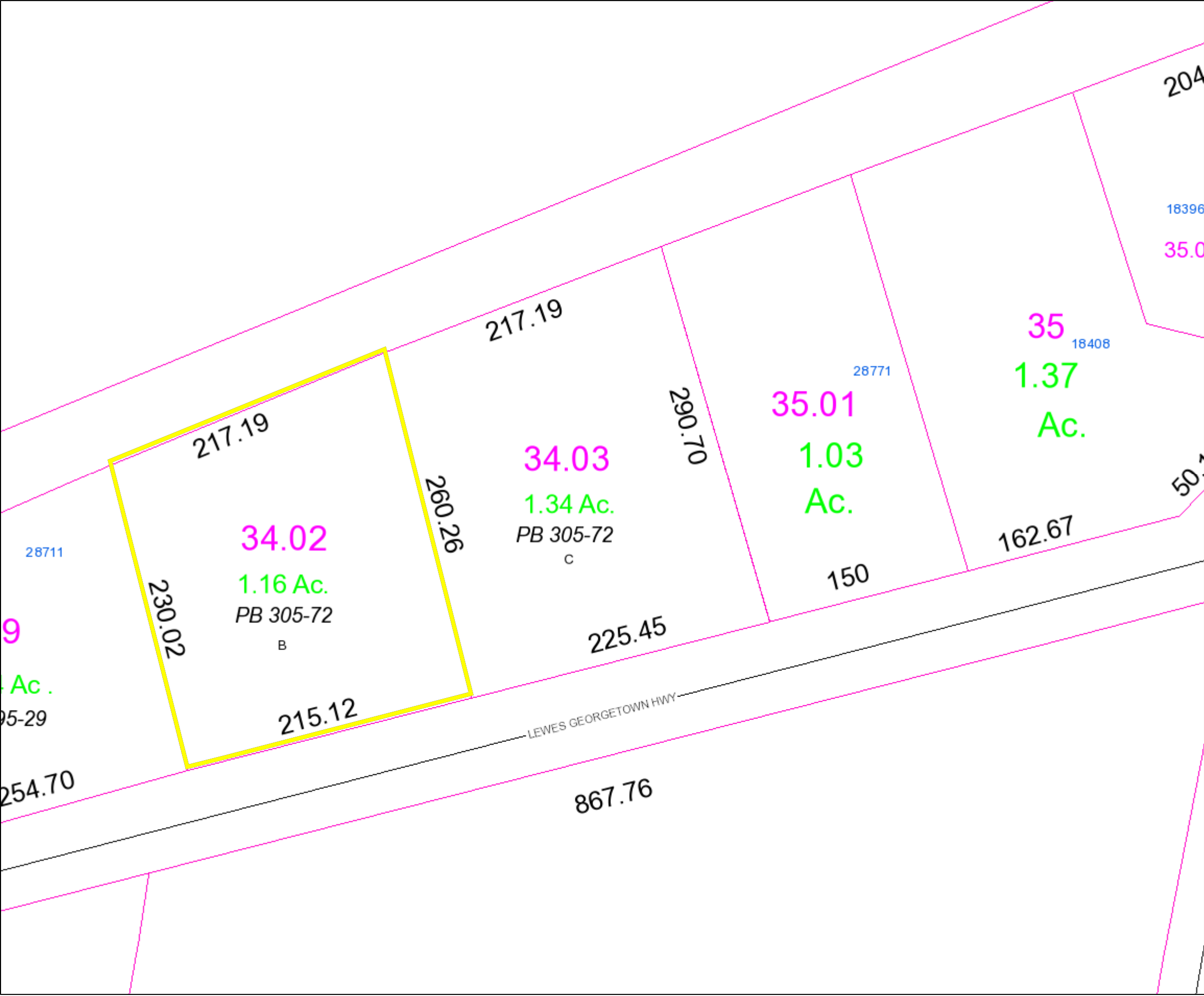
Site Area: 2.5 acres +/-

Tax Map ID.: 334-4.00-34.02 & 334-4.00-34.03





Sussex County



PIN:	334-4.00-34.02
Owner Name	MILLSBORO TOWNE CENTER III LLC
Book	5257
Mailing Address	PO BOX 212
City	LEWES
State	DE
Description	NW/LEWES GEORGETOWN
Description 2	W/JOSEPH RD
Description 3	PARCEL B
Land Code	

- polygonLayer

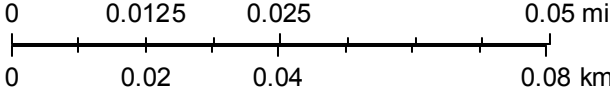
Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018

0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- OPEN WATER
- VE
- Tax Ditch Segments

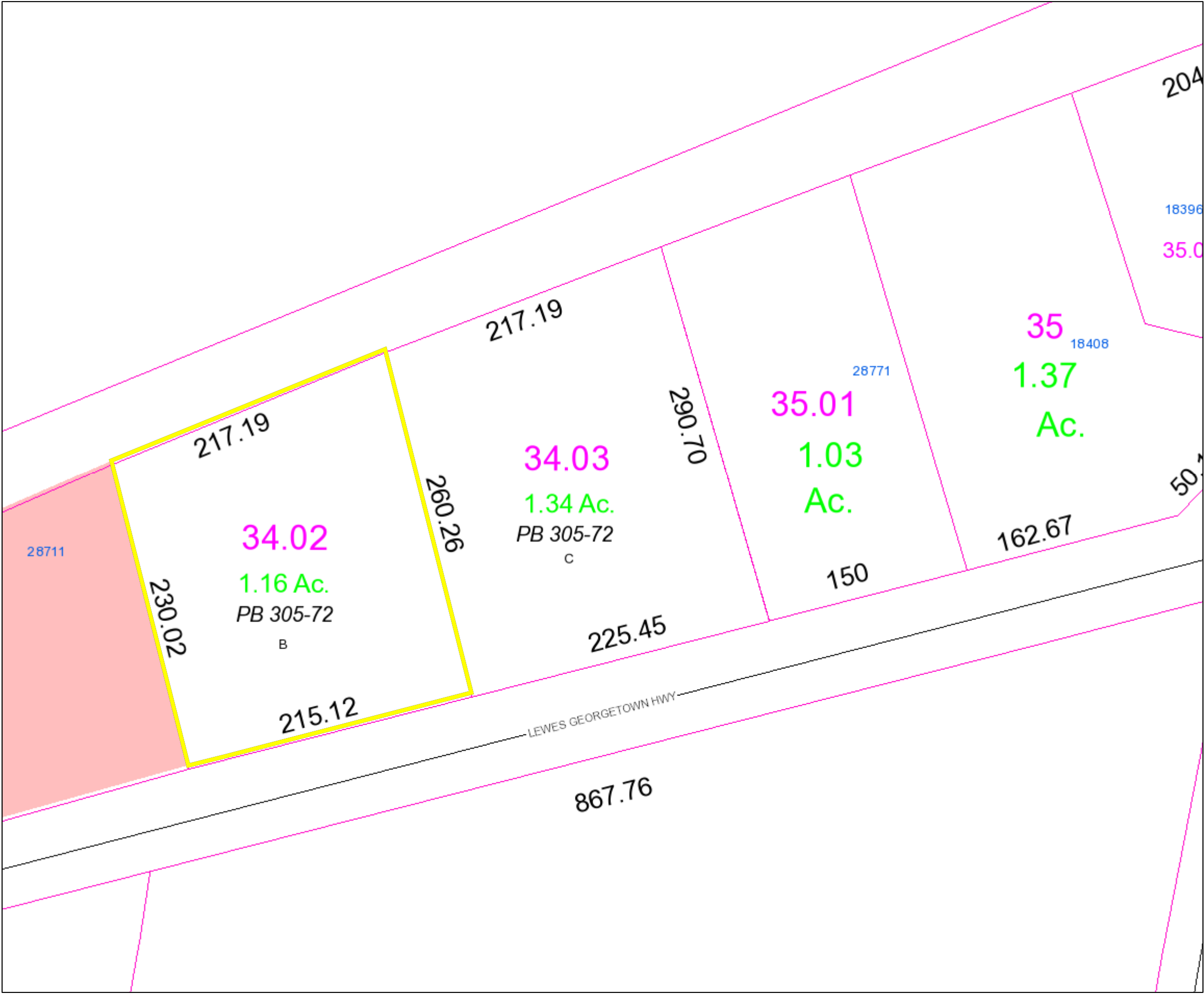
Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way

1:1,128





Sussex County

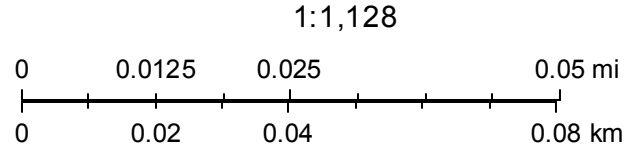


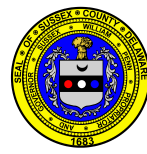
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Sussex County



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polygonLayer

Override 1

polygonLayer

Override 1

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911 Address

Streets

County Boundaries

Flood Zones 2018

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A

AE

AO

OPEN WATER

VE

Tax Ditch Segments

Tax Ditch Channel

Pond Feature

Special Access ROW

Extent of Right-of-Way

1:1,128

00.01250.0250.05 mi

00.020.040.08 km



Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: November 12, 2020
RE: Staff Analysis for CZ 1927 Preston Lynch Dyer & Mason Dyer

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1927 Preston Lynch Dyer & Mason Dyer to be reviewed during the November 19, 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 Tax Parcels 334-4.00-34.02 and 334-4.00-34.03 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) District. The properties are lying on the north side of Lewes Georgetown Hwy. (Rt. 9) approximately 0.12 mile west of the Josephs Rd. (S.C.R. 281) in Lewes, DE. The size of the properties are approximately 1.16 acres +/- and 1.34 acres +/- respectively.

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 subject properties 334-4.00-34.02 and 334-4.00-34.03 have the land use designation of "Low Density." Each property to the north, south and east also have the "Low Density" designation. A property to the west is designated "Existing Development Area". The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories", the Medium Commercial (C-2) Zoning District is listed as an applicable zoning district in the "Low Density" area.

Additionally, the subject property is currently within an Agricultural Residential (AR-1) Zoning District. Parcels to the north south and east are also located within an Agricultural Residential (AR-1) Zoning District. A parcel to the west is located in a Neighborhood Business (B-1) Zoning District and properties further to the east are located in the General Commercial (C-1) Residential Zoning District and Medium Commercial (C-2) Zoning District.



Since 2011, there have been four (4) Change of Zone applications within a one-mile radius of the subject properties. Change of Zone No. 1897, which proposed a change from Agricultural Residential (AR-1) District to Medium Commercial (C-2) District, was approved by County Council on December 17, 2019. It was adopted through Ordinance No. 2697. Change of Zone No. 1839, which proposed a change from Agricultural Residential (AR-1) District to Commercial Residential (CR-1) District, was approved by County Council on February 27, 2018. It was adopted through Ordinance No. 2551. Change of Zone No. 1782, which proposed a change from Agricultural Residential (AR-1) District to Commercial Residential (CR-1) District, was approved by County Council on March 1, 2016. It was adopted through Ordinance No. 2437. Change of Zone No. 1704, which proposed a change from Agricultural Residential (AR-1) District and General Commercial (C-1) District to Commercial Residential (CR-1) District, was approved by County Council on September 13, 2011. It was adopted through Ordinance No. 2214.

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

File #: C12 1927
202009763
202009764

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

LEWES-GEORGETOWN HWY. 350'+/- WEST OF JOSEPH ROAD, LEWES & REHOBOTH HUNDRED

Type of Conditional Use Requested:

N/A

Tax Map #: 334-4.00-34.02 AND 334-4.00-34.03 **Size of Parcel(s):** 2.5 +/- ACRES

Current Zoning: AR-1 **Proposed Zoning:** C-2 **Size of Building:** TBD

Land Use Classification: LOW DENSITY | ADJACENT TO EXISTING DEVELOPING AREA

Water Provider: PRIVATE

Sewer Provider: PRIVATE

Applicant Information

Applicant Name: PRESTON LYNCH DYER AND MASON DYER

Applicant Address: P.O. Box 212

City: Lewes

State: DE

Zip Code: 19958

Phone #: (302) 644-1400

E-mail: pdyer@landventures.com | pdyer@ipmequities.com |
mdyer@ipmequities.com

Owner Information

Owner Name: MILLSBORO TOWNE CENTER III, LLC

Owner Address: PO BOX 212

City: LEWES

State: DE

Zip Code: 19958

Phone #: (302) 644-1400

E-mail: pdyer@landventures.com | pdyer@ipmequities.com |
mdyer@ipmequities.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: MARK H DAVIDSON | PENNONI

Agent/Attorney/Engineer Address: 18072 DAVIDSON DRIVE

City: MILTON

State: DE

Zip Code: 19968

Phone #: (302) 684-8030

E-mail: MDAVIDSON@PENNONI.COM



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ **Completed Application**

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

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc. **RECORDED PLAT PB305 PG72**
- 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.**

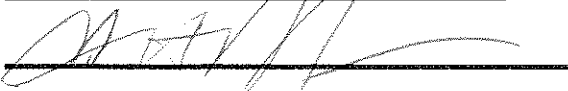
☒ **DeIDOT Service Level Evaluation Request Response**

☐ **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.

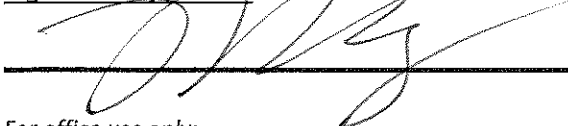
Signature of Applicant/Agent/Attorney



Date:

8/18/2020

Signature of Owner



Date:

8/14/20

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: _____



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

JENNIFER COHAN
SECRETARY

July 22, 2020

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Preston L. Dyer & Mason Dyer - 1** rezoning application, which we received on June 25, 2020. This application is for an approximately 2.5-acre assemblage of parcels (Tax Parcels: 334-4.00-34.02 & 34.03). The subject land is located on the north side of US Route 9, approximately 380 feet northwest of the intersection of US Route 9 and Josephs Road (Sussex Road 281). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to develop an unspecified number of square feet of professional / medical office space.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 13,160 and 16,937 vehicles per day, respectively.

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

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



Mr. Jamie Whitehouse
Page 2 of 2
July 22, 2020

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
Preston L. Dyer & Mason Dyer – I, Applicant
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



PENNONI ASSOCIATES
18002 DAVIS
MILFORD, DE 19037
T 302.634.8030 F 302.634.8031

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND DIMENSIONS BEFORE PROCEEDING WITH WORK
WAYNE HAWKINS
1815 BLANK FARM LANE
MILFORD, DELAWARE 19038

MINOR SUBDIVISION PLAN
SUSSEX COUNTY T148 334-4-00-31-00
PARCELS A, B & C, LANDS W/F OF DRY ACRES, LLC.

NO.	DATE	REVISION
1	2/20/20	ISSUED FOR RECORD
2	2/20/20	REVISION: AS SHOWN
3	2/20/20	REVISION: AS SHOWN
4	2/20/20	REVISION: AS SHOWN
5	2/20/20	REVISION: AS SHOWN
6	2/20/20	REVISION: AS SHOWN
7	2/20/20	REVISION: AS SHOWN
8	2/20/20	REVISION: AS SHOWN
9	2/20/20	REVISION: AS SHOWN
10	2/20/20	REVISION: AS SHOWN
11	2/20/20	REVISION: AS SHOWN
12	2/20/20	REVISION: AS SHOWN
13	2/20/20	REVISION: AS SHOWN
14	2/20/20	REVISION: AS SHOWN
15	2/20/20	REVISION: AS SHOWN
16	2/20/20	REVISION: AS SHOWN
17	2/20/20	REVISION: AS SHOWN
18	2/20/20	REVISION: AS SHOWN
19	2/20/20	REVISION: AS SHOWN
20	2/20/20	REVISION: AS SHOWN

V-0201
SHEET 1 OF 1
TACH1001
DATE: 2/20/20
DRAWING SCALE: 1" = 100'
DRAWN BY: JMD
CHECKED BY: JMD
APPROVED BY: JMD



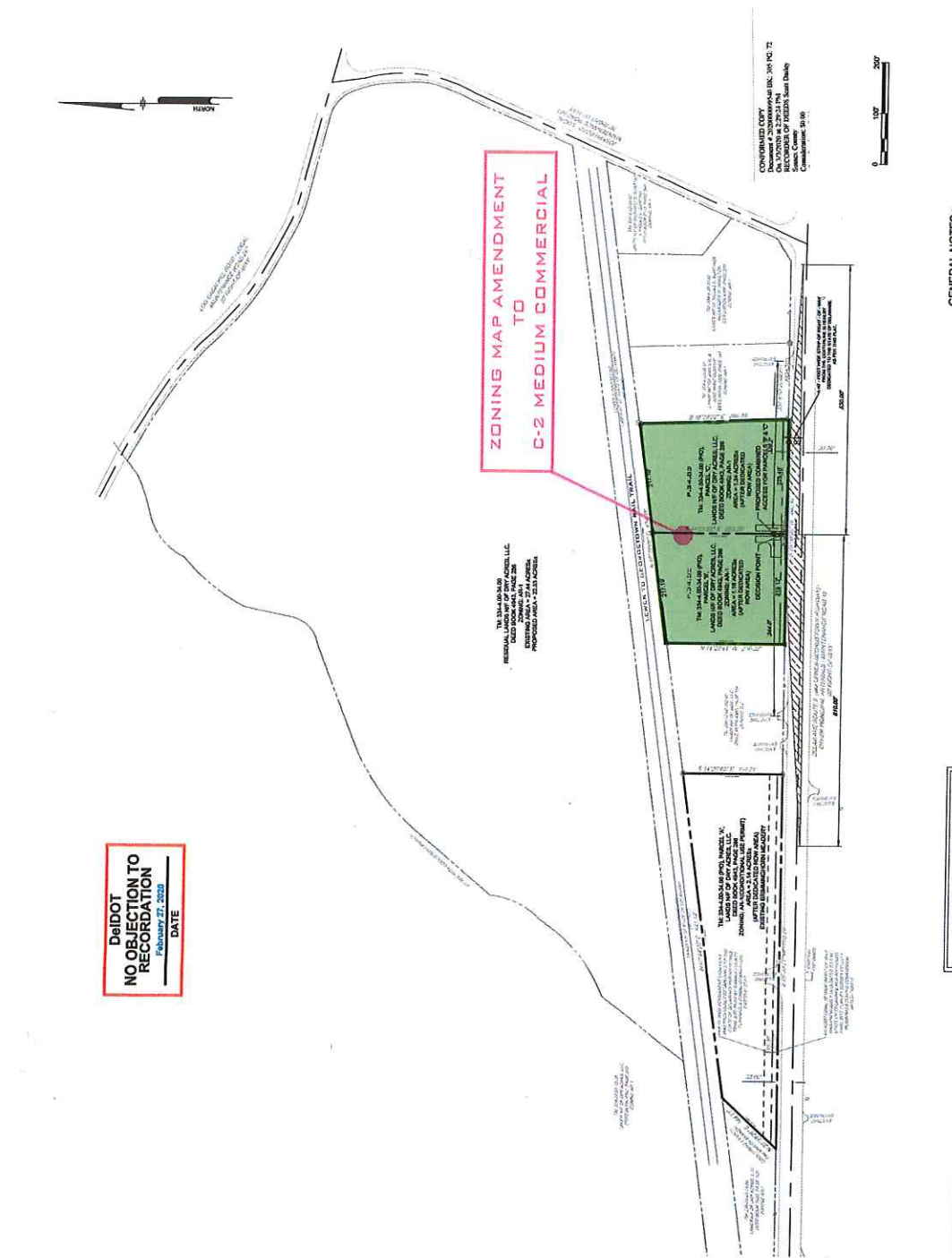
VICINITY MAP
SCALE: 1" = 200'

SITE DATA:
TAX MAP NUMBERS:
1. OWNER INFO:
2. SITE ADDRESS:
3. EXISTING TOTAL ACREAGE:
4. PROPOSED ACREAGE:
5. TOTAL ACREAGE:
6. PARCELS TO BE SET:
7. PARCELS TO BE SET:
8. ROW EASEMENT:
9. RESIDUAL LAND:
10. ZONING:
11. PRESENT USE:
12. PROPOSED USE:
13. EXISTING PROPOSED:
14. WATER PROVISION:
15. DISTANCE TO NEAREST INTERSECTION:
16. PROXIMITY TO ETD:
17. POSTED SPEED LIMIT:
18. BEARING RESTRICTION LINE:
19. BEARING RESTRICTION LINE:
20. BEARING RESTRICTION LINE:

334-4-00-31-00
DRY ACRES, LLC
1815 BLANK FARM LANE
MILFORD, DE 19038
UNITED STATES OF AMERICA
LEWIS & CLARK HIGHWAY
LEWIS & CLARK HIGHWAY
27.44 ACRES (TOTAL)
2.14 ACRES
1.18 ACRES
1.34 ACRES
6.37 ACRES
23.53 ACRES
27.44 ACRES
1 EXISTING
4 PROPOSED
5 TOTAL
6 PARCELS TO BE SET:
7 PARCELS TO BE SET:
8 ROW EASEMENT
9 RESIDUAL LAND:
10 ZONING:
11 PRESENT USE:
12 PROPOSED USE:
13 EXISTING PROPOSED:
14 WATER PROVISION:
15 DISTANCE TO NEAREST INTERSECTION:
16 PROXIMITY TO ETD:
17 POSTED SPEED LIMIT:
18 BEARING RESTRICTION LINE:
19 BEARING RESTRICTION LINE:
20 BEARING RESTRICTION LINE:

APPROVED
Wayne Hawkins
2/20/20
149

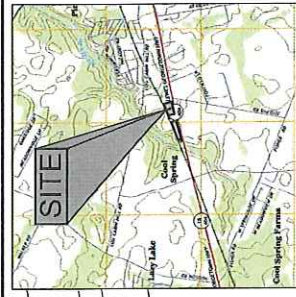
GENERAL NOTES:
1. THE SUBMITTER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
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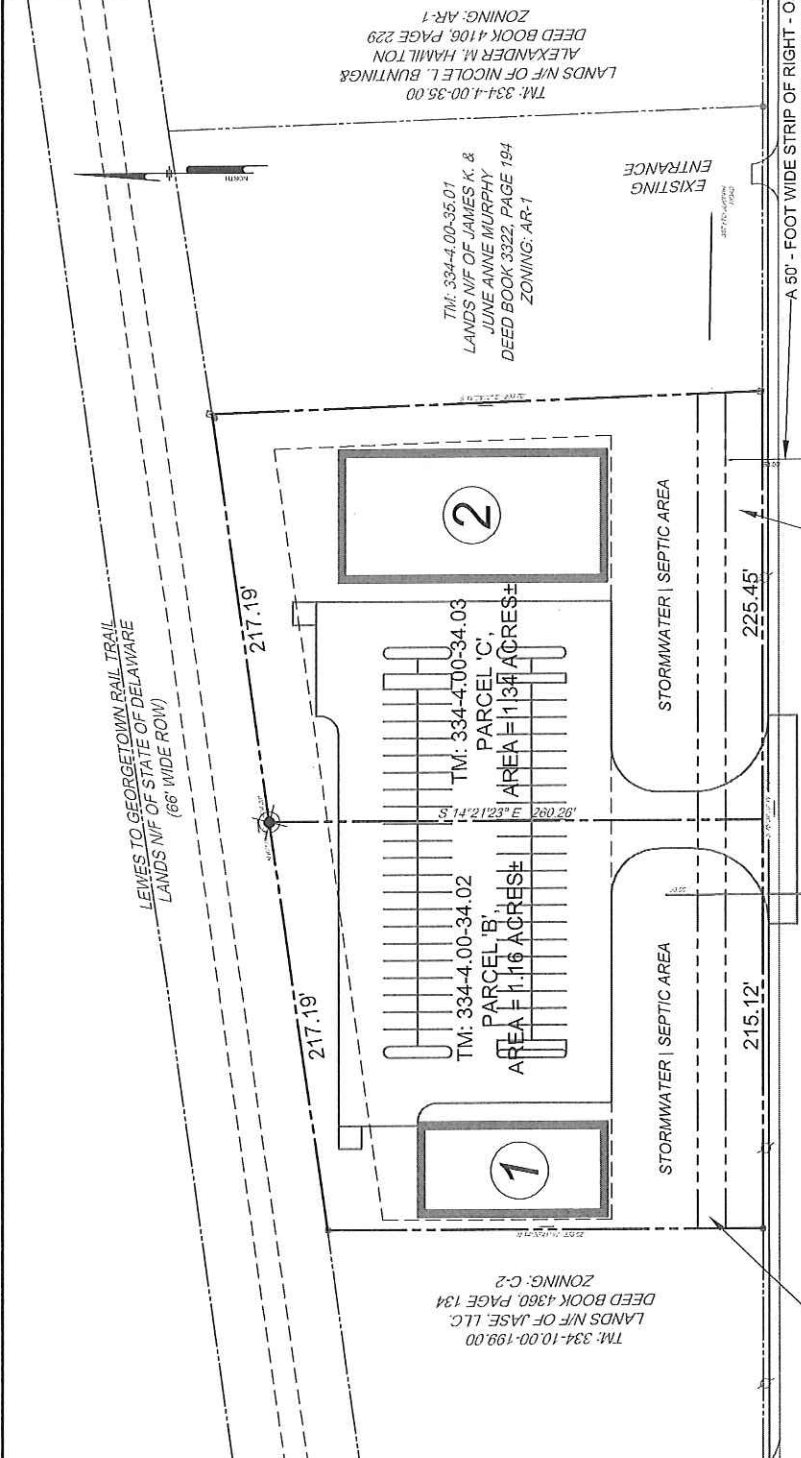
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LEGEND
PROPOSED PROPERTY LINE
EXISTING PROPERTY LINE
ADJOINING PROPERTY LINE
CENTERLINE OF ROAD
BURY DISTANCE TRAILER
IRON PIPE FOUND
CONCRETE FOUNDATION FOUND
IRON PIPE TO BE SET
EXISTING UTILITY POLE

NO OBJECTION TO
RECORDATION
February 27, 2020
DATE



VICINITY MAP
SCALE: 1" = 200'



U.S. ROUTE 9 LEWES - GEORGETOWN HIGHWAY

A 15' - FOOT PERMANENT EASEMENT
IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE
AS PER THIS PLAT.

A 60' - FOOT RIGHT-OF-WAY / PRINCIPAL ARTERIAL / 100' FUTURE RIGHT-OF-WAY / 13,160 AADT
IS HEREBY DEDICATED TO THE STATE OF DELAWARE
AS PER THIS PLAT.

A 20' - FOOT WIDE STRIP OF RIGHT - OF - WAY
IS HEREBY DEDICATED TO THE STATE OF DELAWARE
AS PER THIS PLAT.

A 50' - FOOT WIDE STRIP OF RIGHT - OF - WAY
FROM THE CENTERLINE IS HEREBY
DEDICATED TO THE STATE OF DELAWARE
AS PER THIS PLAT.

1. 50' x 100' = 5,000 SF
PARKING REQUIRED = 25 SPACES
LOADING REQUIRED = 1
2. 70' x 142' = 9,940 SF
PARKING REQUIRED = 50 SPACES
LOADING REQUIRED = 1

GENERAL NOTES:

1. THE PROPERTY APPLICANT HAS BEEN ADVISED THAT THE PROPERTY IS NOT ELIGIBLE FOR A 15' - FOOT PERMANENT EASEMENT FOR THE STATE OF DELAWARE.
2. THE PROPERTY APPLICANT HAS BEEN ADVISED THAT THE PROPERTY IS NOT ELIGIBLE FOR A 60' - FOOT RIGHT-OF-WAY / PRINCIPAL ARTERIAL / 100' FUTURE RIGHT-OF-WAY / 13,160 AADT.
3. THE PROPERTY APPLICANT HAS BEEN ADVISED THAT THE PROPERTY IS NOT ELIGIBLE FOR A 20' - FOOT WIDE STRIP OF RIGHT - OF - WAY.
4. THE PROPERTY APPLICANT HAS BEEN ADVISED THAT THE PROPERTY IS NOT ELIGIBLE FOR A 50' - FOOT WIDE STRIP OF RIGHT - OF - WAY.

ARTICLE XIX [C-2 MEDIUM COMMERCIAL DISTRICT]

§ 115-83.10 PURPOSE.
THIS DISTRICT SUPPORTS USES THAT INCLUDE RETAIL SALES AND PERFORMANCE OF
CONSUMER SERVICES. IT PERMITS A VARIETY OF RETAIL, PROFESSIONAL AND SERVICES
BUSINESSES. THE DISTRICT SHALL BE PRIMARILY LOCATED NEAR ARTERIAL AND
COLLECTOR STREETS. IT ACCOMMODATES COMMUNITY COMMERCIAL USES THAT DO
NOT HAVE OUTSIDE STORAGE OR SALES.

DATE:	3/24/2021
BY:	MILLBROOK TOWN CENTER III, LLC
FOR:	PROFESSIONAL AND SERVICE BUSINESSES
USE:	CHURCH STREET (1/4 MILE N.E. 1/4)
EXISTING TOTAL ACRES:	2.3
FUTURE LAND USE ACRES:	2.3
PROPOSED ZONING:	C-2 MEDIUM COMMERCIAL DISTRICT
PROPOSED USE:	PROFESSIONAL AND SERVICE BUSINESSES
SEWER PROVISIONS:	ON-SET PRIVATE WELLS
WATER PROVISIONS:	ON-SET PRIVATE WELLS
POSTED SPEED LIMIT:	35 MPH
BUILDING RESTRICTIONS:	NO MORE THAN 30 FEET (10 MILES N.E. 1/4)

MILLSBORO TOWNE CENTER III, LLC

CASE NO. CZ 1927

ZONING MAP AMENDMENT FROM AR-1 TO C-2

OWNER:

PRESTON LYNCH DYER AND MASON DYER
PO BOX 212
LEWES, DE 19958

PLANNER/ENGINEER/SURVEYOR:

PENNONI
18072 DAVIDSON DRIVE
MILTON, DE 19968

TABLE OF CONTENTS

TAB 1 APPLICATION

- a. APPLICATION
- b. DEED 334-4.00-34.02 AND 34.03
- c. SFR RESPONSE
- d. C-2 DRAWING PB305 PG72
- e. CS-ZONING PLAT

TAB 3 MAPS/PLANS

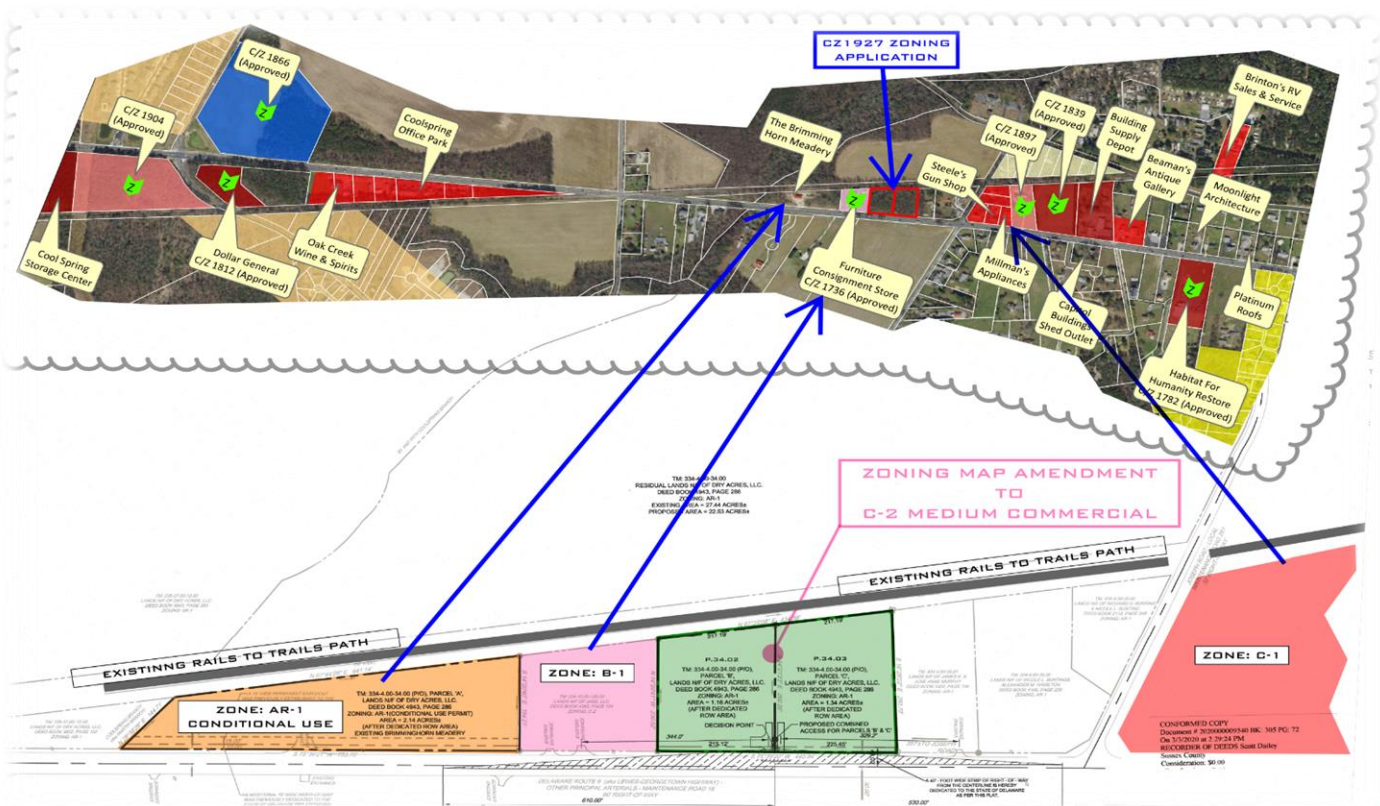
- a. 2019, 2017, 2012, 2007, 2002, 1997, 1992, 1968, 1961, 1954, AND 1937 ORTHO – 2015 STATE STRATEGIES, COUNTY ZONING, 2012 LAND USE, NRCS SOILS, STATE WETLANDS, FEMA FLOOD PLAIN, GROUNDWATER RECHARGE, USGS TOPOGRAPHIC AND AREA LAND USE AND COMMERCIAL USES MAP

TAB 2 EXHIBITS

- a. PB305 PG72 C-2 DRAWING
- b. CS ZONING PLAT
- c. 2019 SUSSEX COUNTY
COMPREHENSIVE
PLAN
- d. SC TAX MAP

TAB 4 FINDINGS

- ## a. FINDINGS OF FACT



Mark H. Davidson / Vice President

Principal Land Planner/Office Director

EDUCATION

University of Delaware; Civil Engineering,
(1986-1990)

Land Surveying, Delaware Technical &
Community College (1984-1986) and
Wastewater Microbiology Diploma
(1997)

Land Planning, Institute for Public
Administration (2006)

CERTIFICATIONS

DNREC Class A Percolation Tester & Class
B Septic Designer, (DE #2418)

Sediment & Stormwater Management,
Responsible Personnel, DE (#8760) and
MD (#4914)

DNREC Certified Construction Reviewer:
DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal
Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware
(2002)

Land Conservation and Historic
Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni
(2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling
Association

Delaware Onsite Wastewater Recycling
Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

Association of Professionals
Philanthropy, Brandywine Chapter
Fundraising Nominee (2014)

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

Mark H. Davidson serves as Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 35-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

Mark is a past director of the Delaware Onsite Wastewater Recycling Association as well as a member of the American Planning Association, American Institute of Certified Planners and has served in the past as a committee member of Delaware Low Impact Development Roundtable Committee, Delaware Pollution Control Strategy Committee, Delaware Sediment & Stormwater Regulatory Advisory Committee, and the Delaware Technical & Community College A/E Curriculum Committee. He was also nominated for the Brandywine Chapter Association of Fundraising Professionals Philanthropy Award and has won the BNI Notable Networker Award.

Along with all the experience and education stated and with many years of combined experience in Surveying, Engineering, Consulting and Land Planning, he has been responsible for providing consulting, layout and design in surveying, engineering and land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware, Maryland, Virginia and West Virginia. He has project managed, studied, planned, surveyed, designed and engineered sustainable, master-planned communities, commercial and urban redevelopment projects, and the public infrastructure that supports them.

Mark has provided nationwide land planning consulting services to a variety of clientele to help coordinate project startups as well as final construction consulting services when it came to commercial, residential, industrial, municipal, educational and community land planning. Provided additional consulting in civil/site engineering, stormwater management, erosion and sediment control, wastewater collection and disposal, transportation, and environmental. Market areas practiced; Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, North Dakota, Puerto Rico, Canada and Panama.

Additional Project experience includes cutting edge design and technology as well as value engineering to help clients through the ever-changing market including but not limited to solar voltaic and wind generation projects.

He is currently appointed by the Secretary of DNREC to serve 3-years on the On Site Septic Advisory Board for the State of Delaware.



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

Type of Conditional Use Requested:

Tax Map #: 334-4.00-34.02 AND 334-4.00-34.03

Size of Parcel(s):

Current Zoning:

Proposed Zoning:

Size of Building:

Land Use Classification:

Water Provider:

Sewer Provider:

Applicant Information

Applicant Name:

Applicant Address:

City:

Phone #:

State:

Zip Code:

E-mail: pdyer@landventures.com | pdyer@ipmequities.com |
mdyer@ipmequities.com

Owner Information

Owner Name:

Owner Address:

City:

Phone #:

State:

Zip Code:

E-mail: pdyer@landventures.com | pdyer@ipmequities.com |
mdyer@ipmequities.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name:

Agent/Attorney/Engineer Address:

City:

Phone #:

State:

Zip Code:

E-mail:



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. **RECORDED PLAT PB305 PG72**
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - **Deed** or Legal description
- ✓ **Provide Fee \$500.00**
- ✓ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ✓ **DelDOT Service Level Evaluation Request Response**
- ___ **PLUS Response Letter** (if required)

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

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

Signature of Applicant/Agent/Attorney

Date:

8/18/2020

Signature of Owner

Date:

8/14/20

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: _____

TAX PARCEL NOS.: 3-34-4.00-34.02
3-34-4.00-34.03

PREPARED BY & RETURN TO:
Parkowski, Guerke & Swayze, P.A.
19354C Miller Road
Rehoboth Beach, DE 19971
File No. 081-20/VGR

THIS DEED, made this 15th day of June, 2020,

- BETWEEN -

DRY ACRES, LLC, a Delaware limited liability company, of 16793 Island Farm Lane, Milton, DE 19968, party of the first part,

- AND -

MILLSBORO TOWNE CENTER III, LLC., a Delaware limited liability company, of P.O. Box 212, Lewes, DE 19958, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars and 00/100 (\$10.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

TRACT 1 (PARCEL B)

ALL that certain lot, piece and parcel of land, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, State of Delaware, fronting on the northern side of the highway leading from Lewes to Georgetown (Delaware Route 9), being "**Parcel B**" on a "Minor Subdivision Plan" for Wayne Hawkins recorded in the office of the Recorder of Deeds, in and for Sussex County, Delaware at **Book 305, Page 72**, further described as follows:

BEGINNING at an iron pipe set in the northern side of aforesaid Delaware Route 9, said point being the common corner for this Parcel B and lands now or formerly of JASE, LLC; thence, by and with said lands of JASE, LLC, North 14 degrees 20 minutes 41 seconds West,

230.02 feet to an iron pipe set along the southern boundary of lands identified on the aforesaid "Minor Subdivision Plan" as "Lewes Running Line Lands N/F of State of Delaware"; thence, by and with said lands of the State of Delaware, North 67 degrees 39 minutes 08 seconds East, 217.19 feet to an iron pipe set, said point being the common corner of these lands and Parcel C on the aforesaid "Minor Subdivision Plan"; thence, by and with Parcel C, South 14 degrees 21 minutes 23 seconds East, 260.26 feet to a point in the northern right-of-way of Delaware Route 9; thence, by and with said right-of-way, South 75 degrees 39 minutes 20 seconds West, 215.12 feet to the point and place of beginning, said to contain 1.16 acres, more or less.

TRACT 2 (PARCEL C)

ALL that certain lot, piece and parcel of land, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, State of Delaware, fronting on the northern side of the highway leading from Lewes to Georgetown (Delaware Route 9), being "Parcel C" on a "Minor Subdivision Plan" for Wayne Hawkins recorded in the office of the Recorder of Deeds, in and for Sussex County, Delaware at Book 305, Page 72, further described as follows:

BEGINNING at a point in the northern side of the aforesaid Delaware Route 9, said point being the common corner of this Parcel C and Parcel B on the aforesaid "Minor Subdivision Plan"; thence by and with said Parcel B, North 14 degrees 21 minutes 23 seconds West, 260.26 feet to an iron pipe set along the lands identified on the aforesaid "Minor Subdivision Plan" as "Lewes Running Line Lands N/F of State of Delaware"; thence, by and with said lands of the State of Delaware, North 67 degrees 39 minutes 08 seconds East, 217.19 feet to a point, said point being the common corner of these lands and lands now or formerly of James K. and June Anne Murphy; thence, by and with said lands of Murphy, South 16 degrees 28 minutes 22 seconds East, 290.70 feet to a point along the aforesaid northern right-of-way of Delaware Route 9; thence, by and with said right-of-way, South 75 degrees 39 minutes 20 seconds West, 225.45 feet to the point and place of beginning, said to contain 1.34 acres, more or less.

BEING PART OF the same lands and premises which were conveyed unto Dry Acres, LLC, by deed of Triple B Farm, LLC dated July 31, 2018, and recorded September 5, 2018, in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 4943, Page 286.

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

IN WITNESS WHEREOF, the said Dry Acres, LLC, a Delaware limited liability company, has caused its name to be hereunto set under seal by Shauna B. Thompson, as Manager, the day and year first above written.

DRY ACRES, LLC, a Delaware limited liability company

Cortney Moore
Witness

By: Shauna B. Thompson (SEAL)
Shauna B. Thompson, Manager

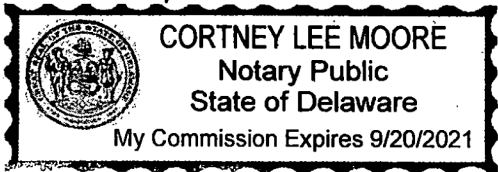
STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 15th day of June, 2020, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Shauna B. Thompson, as Manager of Dry Acres, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed and the act and deed of said limited liability company.

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

Cortney Moore
Notary Public

My Commission Expires: 9/20/21





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

JENNIFER COHAN
SECRETARY

July 22, 2020

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Preston L. Dyer & Mason Dyer - 1** rezoning application, which we received on June 25, 2020. This application is for an approximately 2.5-acre assemblage of parcels (Tax Parcels: 334-4.00-34.02 & 34.03). The subject land is located on the north side of US Route 9, approximately 380 feet northwest of the intersection of US Route 9 and Josephs Road (Sussex Road 281). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to develop an unspecified number of square feet of professional / medical office space.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 13,160 and 16,937 vehicles per day, respectively.

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

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



Mr. Jamie Whitehouse
Page 2 of 2
July 22, 2020

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
Preston L. Dyer & Mason Dyer – 1, Applicant
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

- U.S. ROAD
U.T. 60' RIGHT
A 15' - FOOT PERMANENT
IS HEREBY ESTABLISHED FOR
AS PER THIS

IS HERE

ROUTE 9

U.S. ROUTE 9 / L E W E
U.T. 60' RIGHT-OF-WAY / PRINCIP

217.19'

A map of the study area showing the location of the study site (indicated by a black dot) relative to the North direction (indicated by an arrow pointing upwards). The map shows a coastline with a bay and a river. The study site is located in the bay area.

357th St

JOSEPH ROAD

EXISTING ENTRANCE

PROPOSED ENTRANCE

PROPOSED DRIVEWAY

LANDS N/F ALEX DEED

[illegible]

A 20' - FOOT

50' X 100' = 5,000 SF
PARKING REQUIRED = 25 SPACES
LOADING REQUIRED = 1

70' X 142' = 9,940 SF
PARKING REQUIRED = 50 SPACES
LOADING REQUIRED = 1

IS HEREBY DEDICATED
A 20'-FOOT WIDE
RIGHT-OF-WAY / 13,160 A

50' X 100' = 5,000 SF
PARKING REQUIRED = 25 SPACES
LOADING REQUIRED = 1

70' X 142' = 9,940 SF
PARKING REQUIRED = 50 SPACES
LOADING REQUIRED = 1

IS HEREBY DEDICATED
A 20'-FOOT WIDE
RIGHT-OF-WAY / 13,160 A

①
 50' x 100' = 5,000 SF
 PARKING REQUIRED = 25 SPACES
 LOADING REQUIRED = 1

②
 70' x 142' = 9,940 SF
 PARKING REQUIRED = 50 SPACES
 LOADING REQUIRED = 1

TOTAL BUILDING = 14,940 (CONCEPTUAL)
 PARKING PROPOSED = 88 SPACES
 LOADING PROPOSED = 2

A 20' - FOOT WIDE STRIP
 IS HEREBY DEDICATED TO THE
 AS PER THE

GEORGETOWN HIGHWAY
 FUTURE RIGHT-OF-WAY / 13,160 AADT

ARTICLE XIB | C-2 MEDIUM

LOADING PROP
TOTAL BUILDING
PARKING PROP
LOADING REQU
PARKING REQU
70' x 142' = 9,940
LOADING REQU
PARKING REQU
50' x 100' = 5,000

②

①

SI

60'

FUTURE RIGHT-OF-WAY

GEORGE

DESIGNED FOR THE STATE OF DE

GE TOWN HIGHWAY

FUTURE RIGHT-OF-WAY / 13,160 AADT

A 20' - FOOT WIDE STRIP OF RIGHT - OF - WAY

IS HEREBY DEDICATED TO THE STATE OF DELAWARE

AS PER THIS PLAT.

50' x 100' = 5,000 SF

1

LOADING REQUIRED = 25 SPACES

PARKING REQUIRED = 1

70' x 142' = 9,940 SF

2

LOADING REQUIRED = 50 SPACES

PARKING REQUIRED = 1

TOTAL BUILDING = 14,940 (CONCEPTUAL)

PARKING PROPOSED = 88 SPACES

LOADING PROPOSED = 2

ARTICLE XIB | C-2 MEDIUM COMMERCIAL DISTRICT

\$ 115-83.10 PURPOSE.

THE STATE OF DELAWARE
COUNTY OF NEW CASTLE



AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

Pennoni

PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

MEDIUM COMMERCIAL BUSINESS
SUSSEX COUNTY TWM# 534-4-00-34,02 and
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DE.

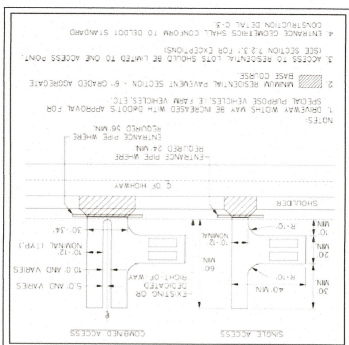
ZONING PLAT

MILLSBORO TOWNE CENTER III,
PO BOX 212
LEWES, DELAWARE 19958

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

Pennoni

PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

[illegible]

APPROVED
Minor Subdivision
5/3/2000
SUSSEX COUNTY
PLANNING & ZONING COMMISSION
MAY

SCALE: 1" = 2000'

VICINITY MAP

The map shows the project location near Cool Spring, TN. Key roads include FM 2000, FM 2000, and FM 2000. Landmarks include Cool Spring and Lake. A large 'SITE' label is placed on the map.

[illegible]

PARCELS A, B & C, LANDS N/F OF DRY ACRES, LLC
SUSSEX COUNTY TM# 334-4.00-34.00
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

PARCELS A, B & C, LANDS N/OF OF DRY ACRES, LLC.
SUSSEX COUNTY T/M# 334-4-00-34-00
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

MINOR SUBDIVISION PLAN

WAYNE HAWKINS
16815 ISLAND FARM LANE
MILFORD, DELAWARE 19958

**ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK**

PENNONI ASSOCIATES INC
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

Pennoni

- [illegible]

GENERAL NOTES:

SITE DATA:
TAX MAP NUMBERS :
OWNER INFO:
SITE ADDRESS :

MILESBORO TOWNE CENTER III LLC
 PRESTON L DYER AND MASON DYER
 PO BOX 212 TILMES, DE 19686
 JOSEPH R. GEORGETOWN HWY, WEST OF
 HUNDRED | SUSSEX COUNTY
 2.5 ACRES (TOTAL)
 LOW DENSITY
 2019 SUSSEX COUNTY COMPREHENSIVE
 PLAN
 AR-1
 C-MEDIUM COMMERCIAL (ARTICLE XII)
 VACANT
 PROFESSIONAL AND SERVICE
 BUSINESSES
 ON-SITE PRIVATE SEPTIC
 ON-SITE PRIVATE WELL
 50 MPH
 FRONT - 60 FEET
 SIDE - 50 FEET
 REAR - 30 FEET (15-83.15 B. (1)
 (15-83.15 B. (2))

ARTICLE XIB | C-2 MEDIUM COMMERCIAL DISTRICT

§ 115-83.10 PURPOSE.

THIS DISTRICT SUPPORTS USES THAT INCLUDE RETAIL SALES AND PERFORMANCE OF CONSUMER SERVICES. IT PERMITS A VARIETY OF RETAIL, PROFESSIONAL AND SERVICES BUSINESSES. THE DISTRICT SHALL BE PRIMARILY LOCATED NEAR ARTERIAL AND COLLECTOR STREETS. IT ACCOMMODATES COMMUNITY COMMERCIAL USES THAT DO NOT HAVE OUTSIDE STORAGE OR SALES.

50' x 100' = 5,000 SF
LOADING REQUIRED = 25 SPACES
70' x 142' = 9,940 SF
PARKING REQUIRED = 50 SPACES
LOADING REQUIRED = 1
TOTAL BUILDING = 14,940 (CONCEPTUAL)
PARKING PROPOSED = 88 SPACES
LOADING PROPOSED = 2

—A 20'-FOOT WIDE STRIP OF RIGHT-OF-WAY
IS HEREBY DEDICATED TO THE STATE OF DELAWARE
AS PER THIS PLAT.

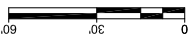
DEDICATED TO THE STATE OF
AS PER THIS PLAT.

-A 50' - FOOT WIDE STRIP OF RIGHT - OF - WAY

U.S. ROUTE 9 / LEWES - GEORGETOWN HIGHWAY

A 15' - FOOT PERMANENT EASEMENT
IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE

AS PER THIS PLAT.



TM: 334-10.00-199.00
LANDS N/F OF JASE, LLC.
DEED BOOK 4360, PAGE 134
ZONING: C-2

TM: 334-4.00-34.02
PARCEL 'B',
AREA = 1.16 ACRES±

TM: 334-4.00-34.03
PARCEL 'C',
AREA = 1.34 ACRES ±

TM: 334-4-00-35.01
LANDS N/F OF JAMES K. &
JUNE ANNE MURPHY
DEED BOOK 3322, PAGE 194
ZONING: AR-1

TM: 334-4-00-35.00
LANDS N/F OF NICOLE L. BUNTING&
ALEXANDER M. HAMILTON
DEED BOOK 4106, PAGE 229
ZONING: AR-1

EXISTING
ENTRANCE

STORMWATER | SEPTIC AREA

STORMWATER | SEPTIC AREA

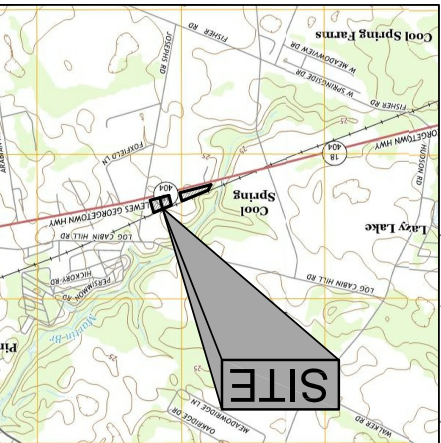
MEDIUM COMMERCIAL BUSINESS CENTER
SUSSEX COUNTY TM# 334-4.00-34.02 and 34.03
SUSSEX COUNTY, DELAWARE
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

ZONING PLAT

PO BOX 212
LEWES, DELAWARE 19958

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

VICINITY MAP
SCALE: 1" = 2000'



Pennoni

PENNONI ASSOCIATES INC.

T 302.684.8030 **F** 302.684.8054

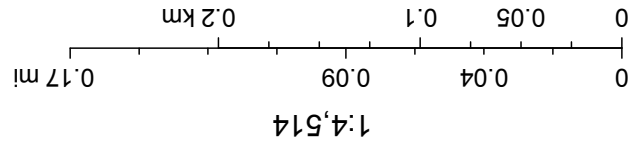
Sussex County



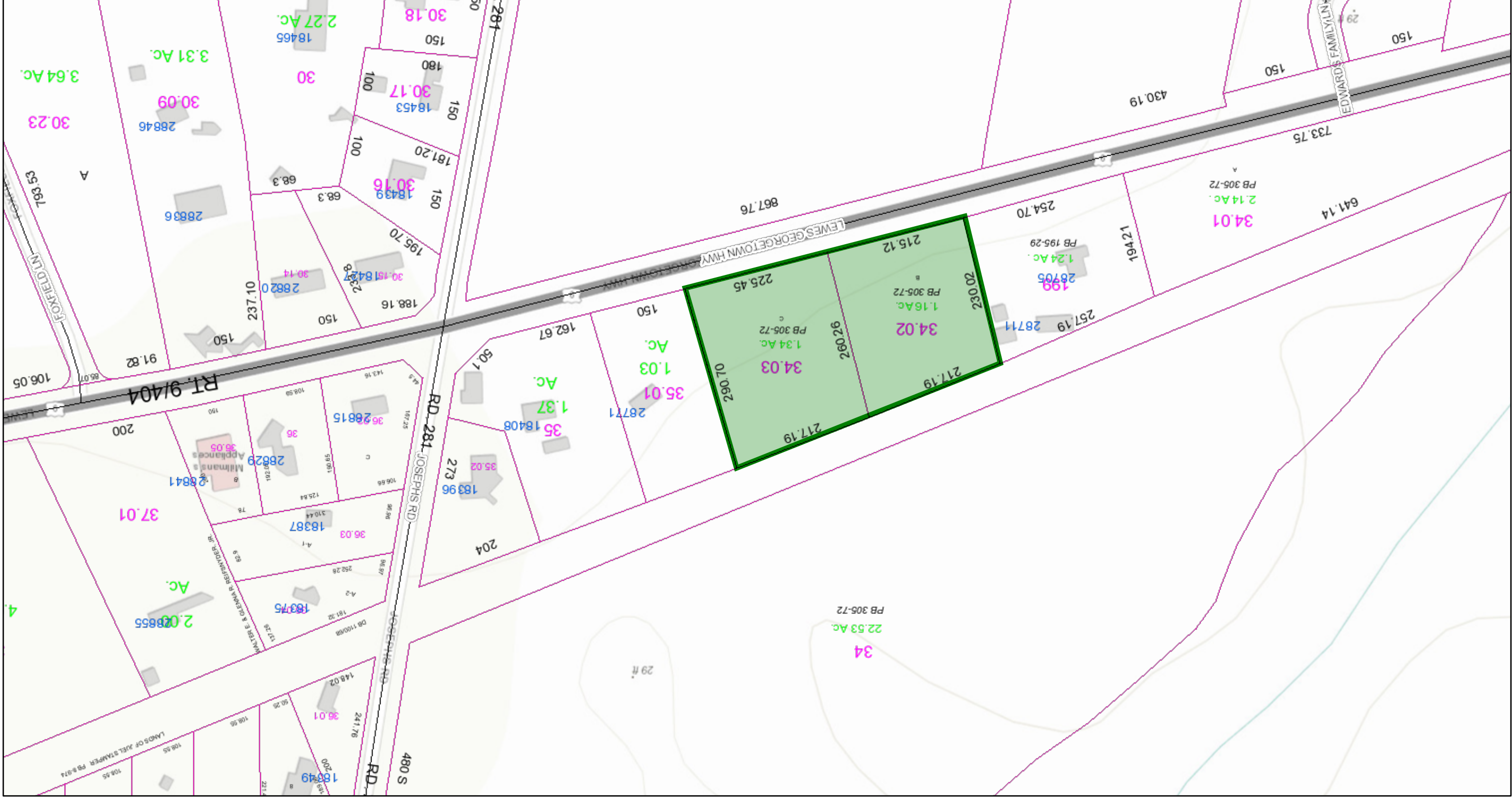
October 20, 2020

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

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



October 20, 2020

☐ Tax Parcels

911 Address

Streets _____

County Boundaries

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



Figure 1 of 20. 1	2019 Aerial Image		<div><div></div> Subject Parcels</div> <div><div></div> Other Tax Parcels</div>
	Medium Commercial Business Center		
	PDYER20001		



Figure 2 of 20.

2

2017 Orthophoto

Medium Commercial Business Center

PDYER20001





	Subject Parcels
	Other Tax Parcels



Figure 3 of 20.

3

2012 Orthophoto

Medium Commercial Business Center

PDYER20001

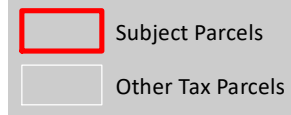




Figure 4 of 20.

4

2007 Orthophoto

Medium Commercial Business Center

PDYER20001

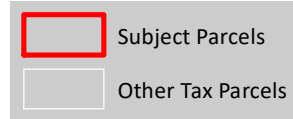




Figure 5 of 20.



5

2002 Orthophoto

Medium Commercial Business Center

PDYER20001



	Subject Parcels
	Other Tax Parcels



State of Delaware Department of Transportation and Earth Data

Figure 6 of 20. 6	<div>1997 Orthophoto</div> <div>Medium Commercial Business Center</div> <div>PDYER20001</div>		<div>  Subject Parcels </div> <div>  Other Tax Parcels </div>
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Figure 7 of 20.

7

1992 Orthophoto

Medium Commercial Business Center

PDYER20001





	Subject Parcels
	Other Tax Parcels



Figure 8 of 20.

8

1968 Orthophoto

Medium Commercial Business Center

PDYER20001

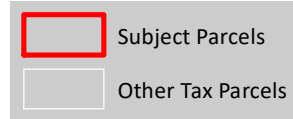




Figure 9 of 20.

9

1961 Orthophoto

Medium Commercial Business Center

PDYER20001

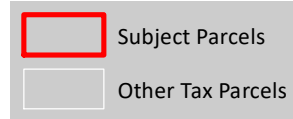




Figure 10 of 20.
10

1954 Orthophoto
Medium Commercial Business Center
PDYER20001



Subject Parcels

Other Tax Parcels



Figure 11 of 20.

11

1937 Orthophoto

Medium Commercial Business Center

PDYER20001

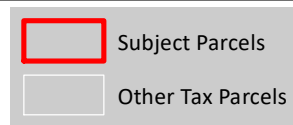




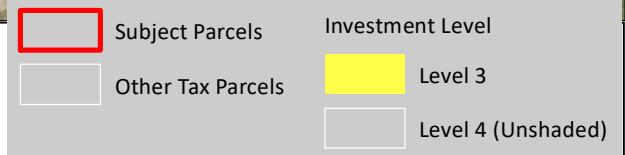
Figure 12 of 20.

12

2015 State Strategies & Investment Levels

Medium Commercial Business Center

PDYER20001



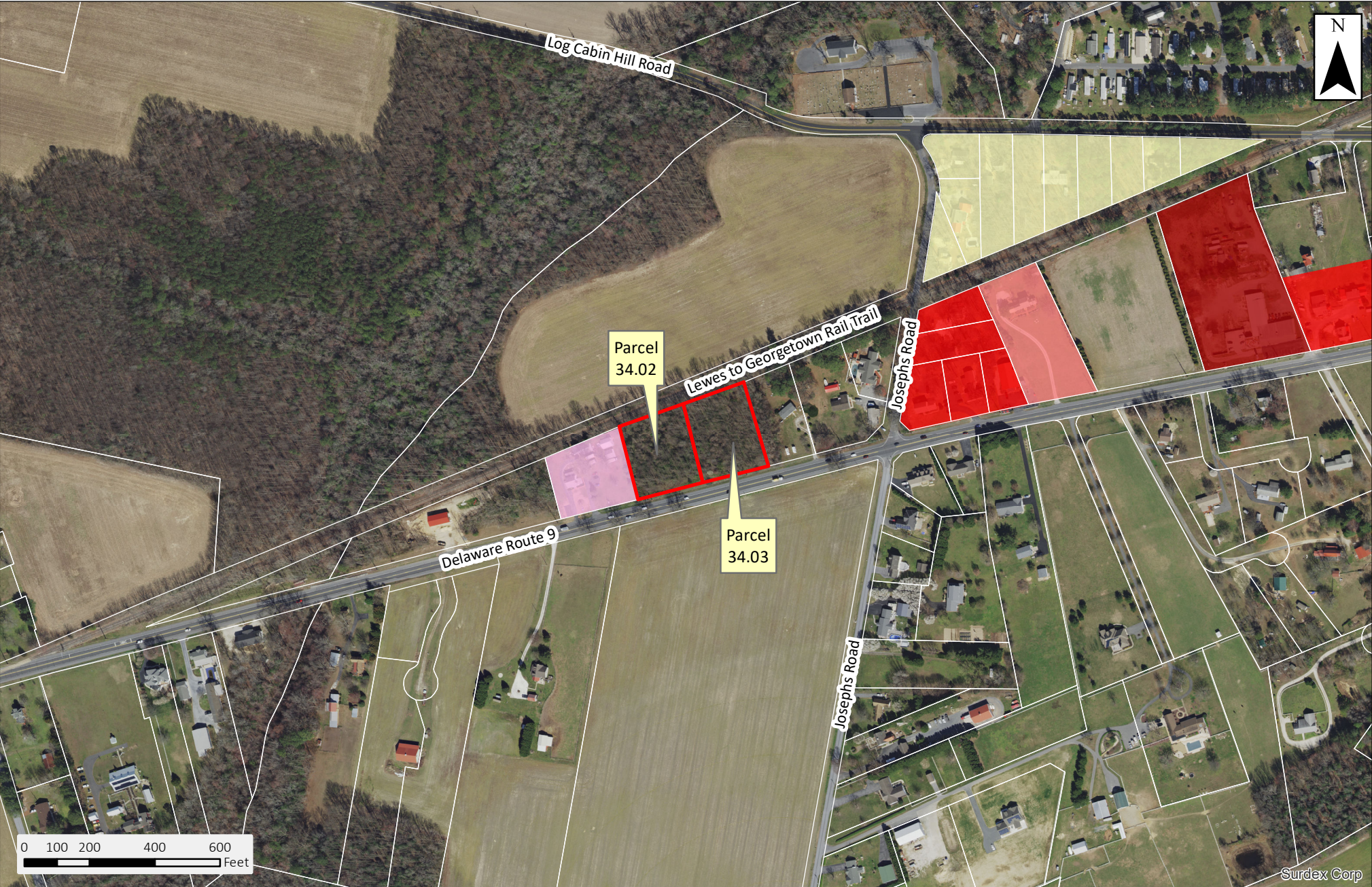






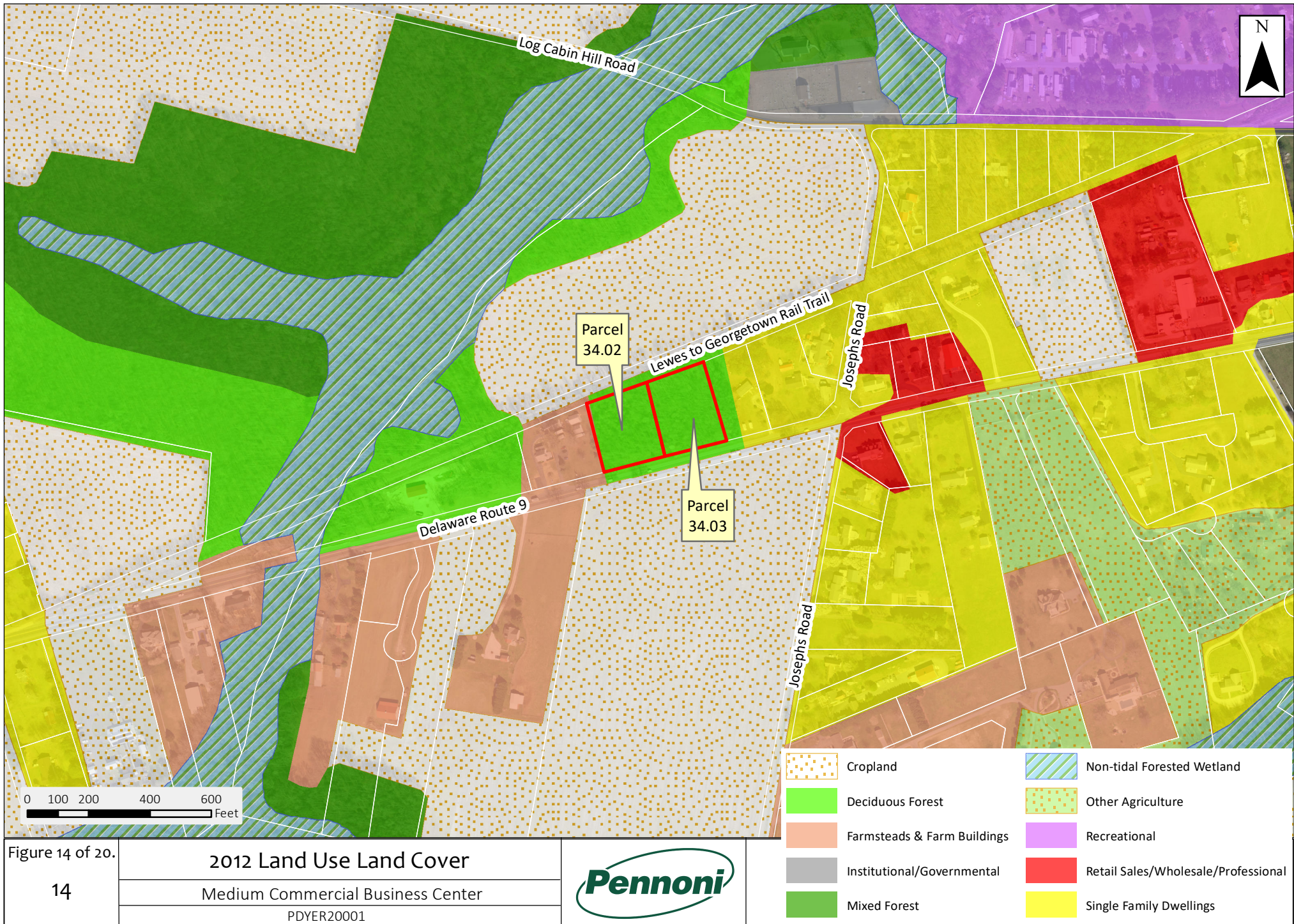


Figure 13 of 20.
13

County Zoning Map
Medium Commercial Business Center
PDYER20001



	AR-1 (Unshaded)		CR-1		C-2
	AR-2		C-1		B-1



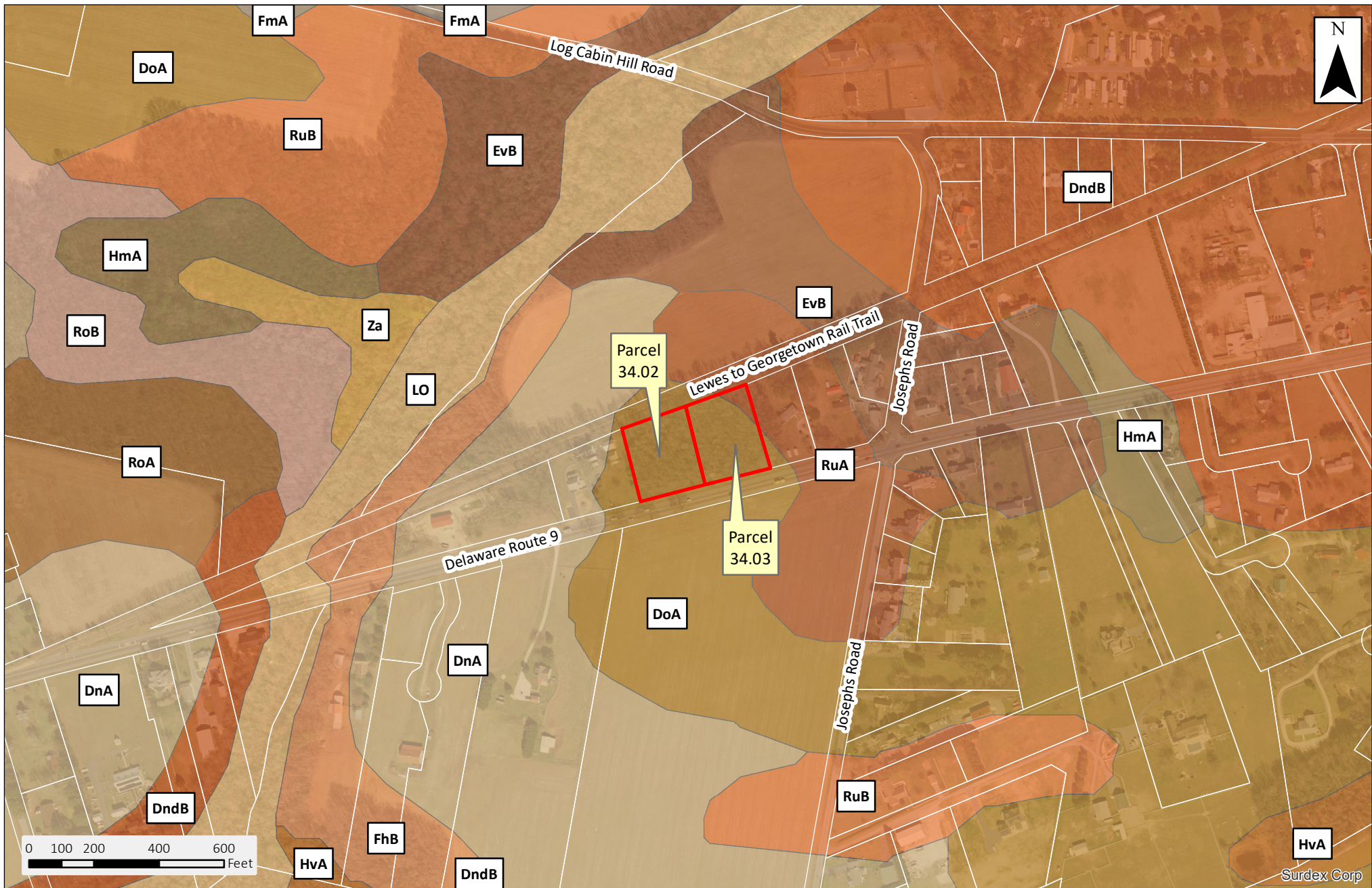


Figure 15 of 20.

15

NRCS Soils Mapping

Medium Commercial Business Center

PDYER20001



Site Soil Types:

DoA - Downer sandy loam, 0-2% slopes, Group A

RuA - Runclint loamy sand, 0-2% slopes, Group A

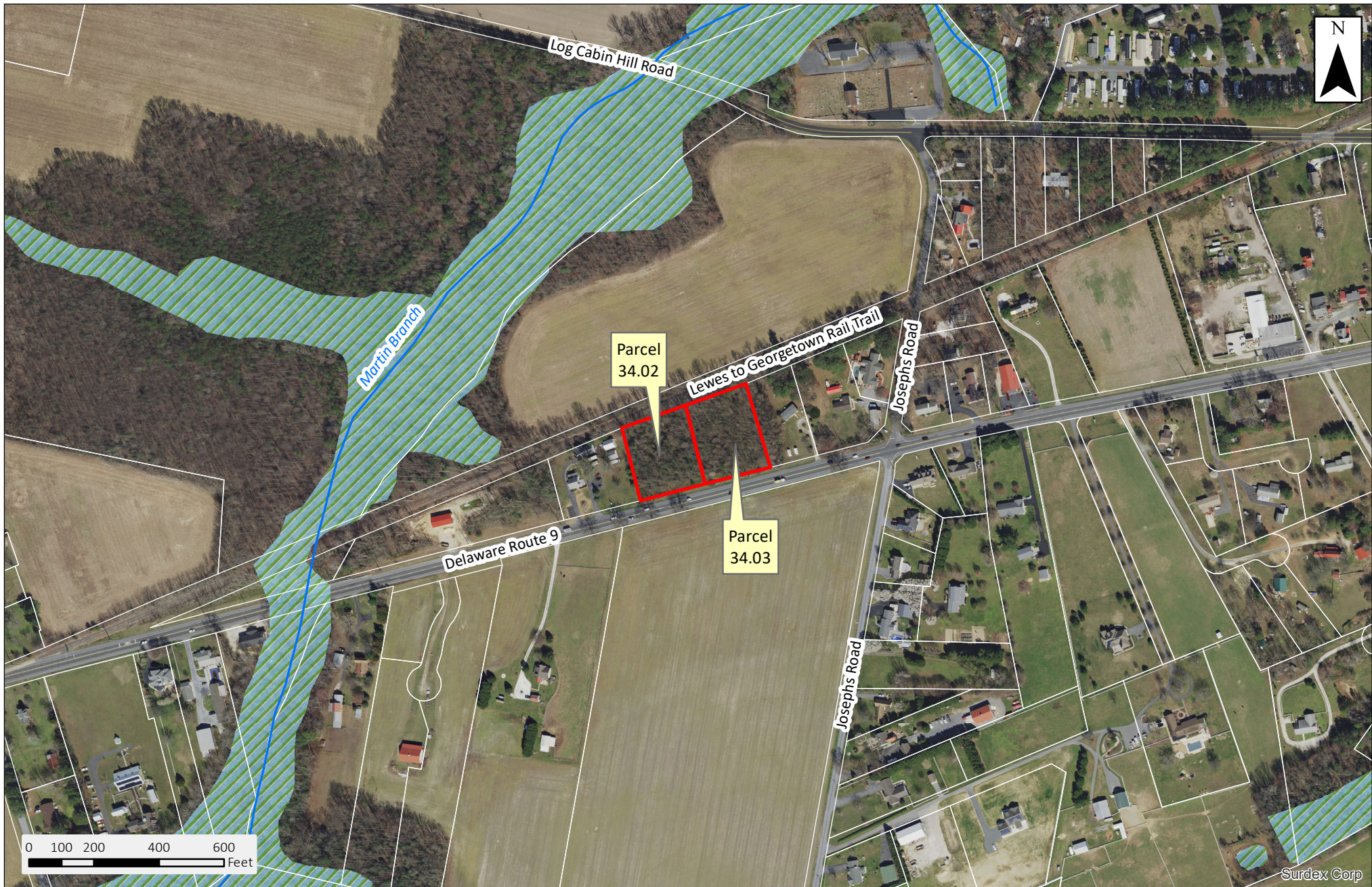


Figure 16 of 20.
16

State Wetlands Mapping
Medium Commercial Business Center
PDYER20001



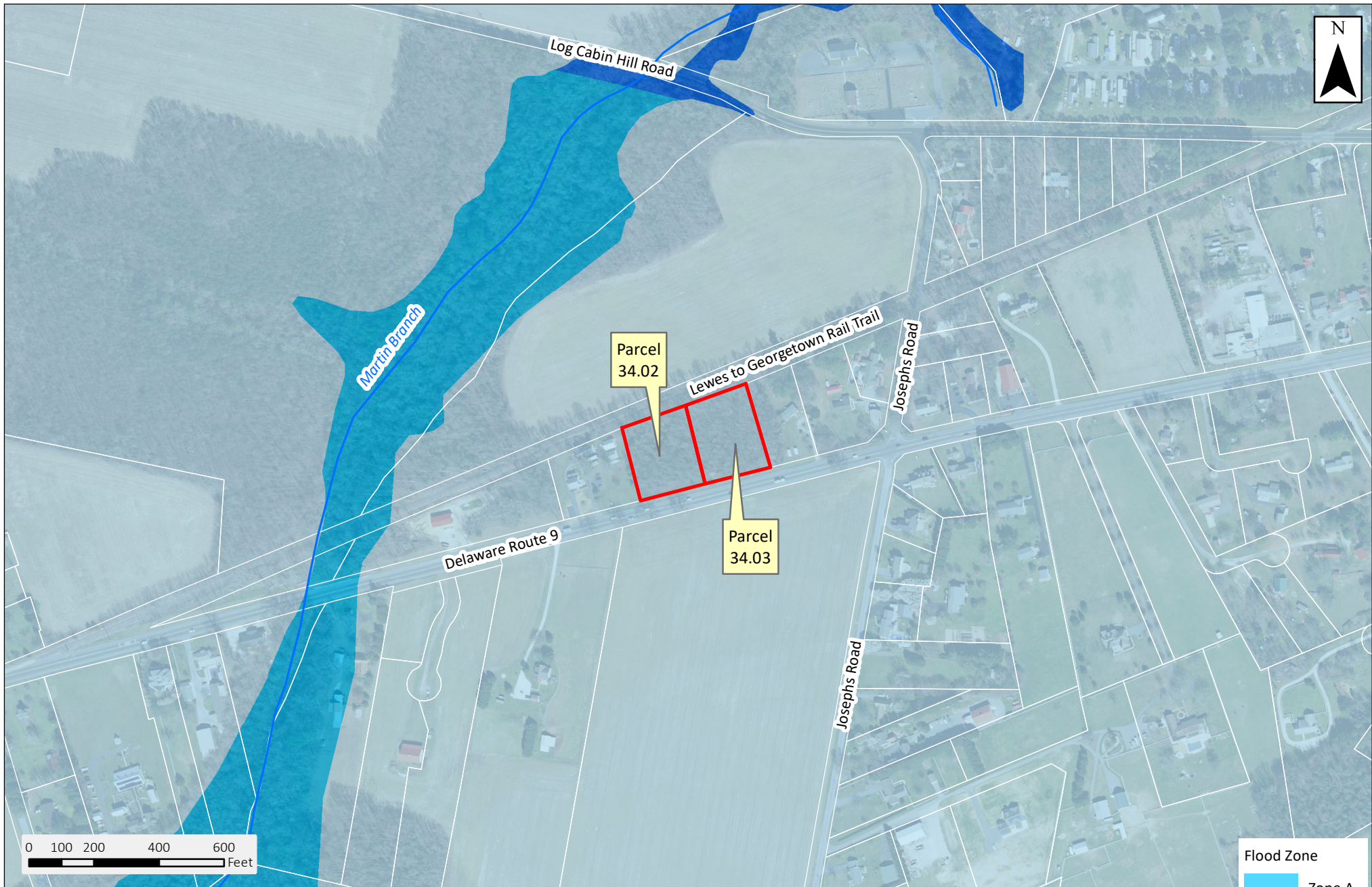


Figure 17 of 20.

17

FEMA Floodplain Mapping

Medium Commercial Business Center

PDYER20001



Flood Map #10005C0326J (1/6/2005)

Flood Zone

- Zone A
- Zone AE
- Zone X

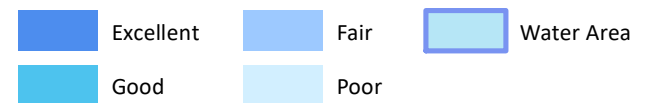


Figure 18 of 20.
18

Groundwater Recharge Potential

Medium Commercial Business Center

PDYER20001



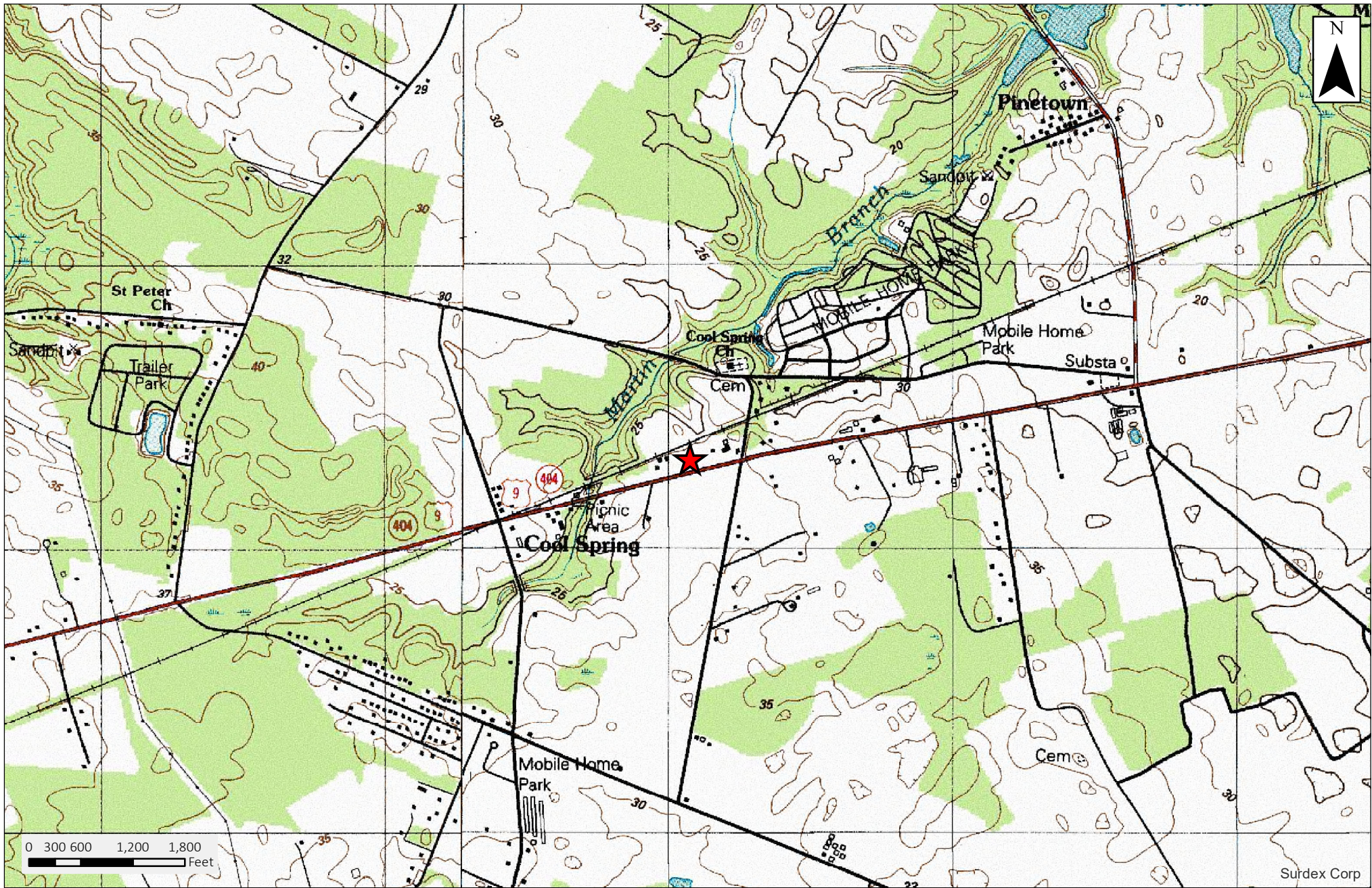


Figure 19 of 20.

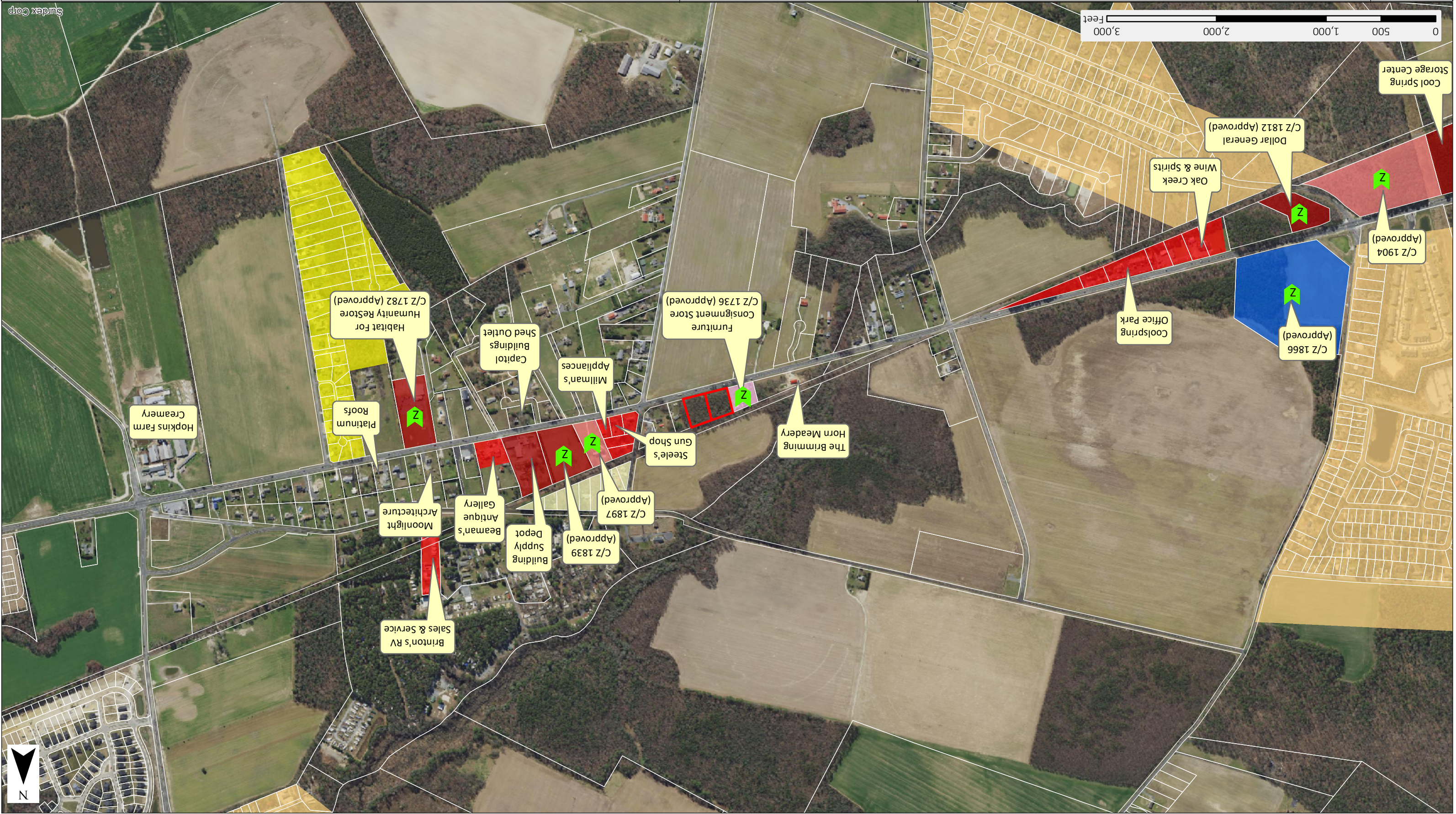
19

USGS Topographic Map

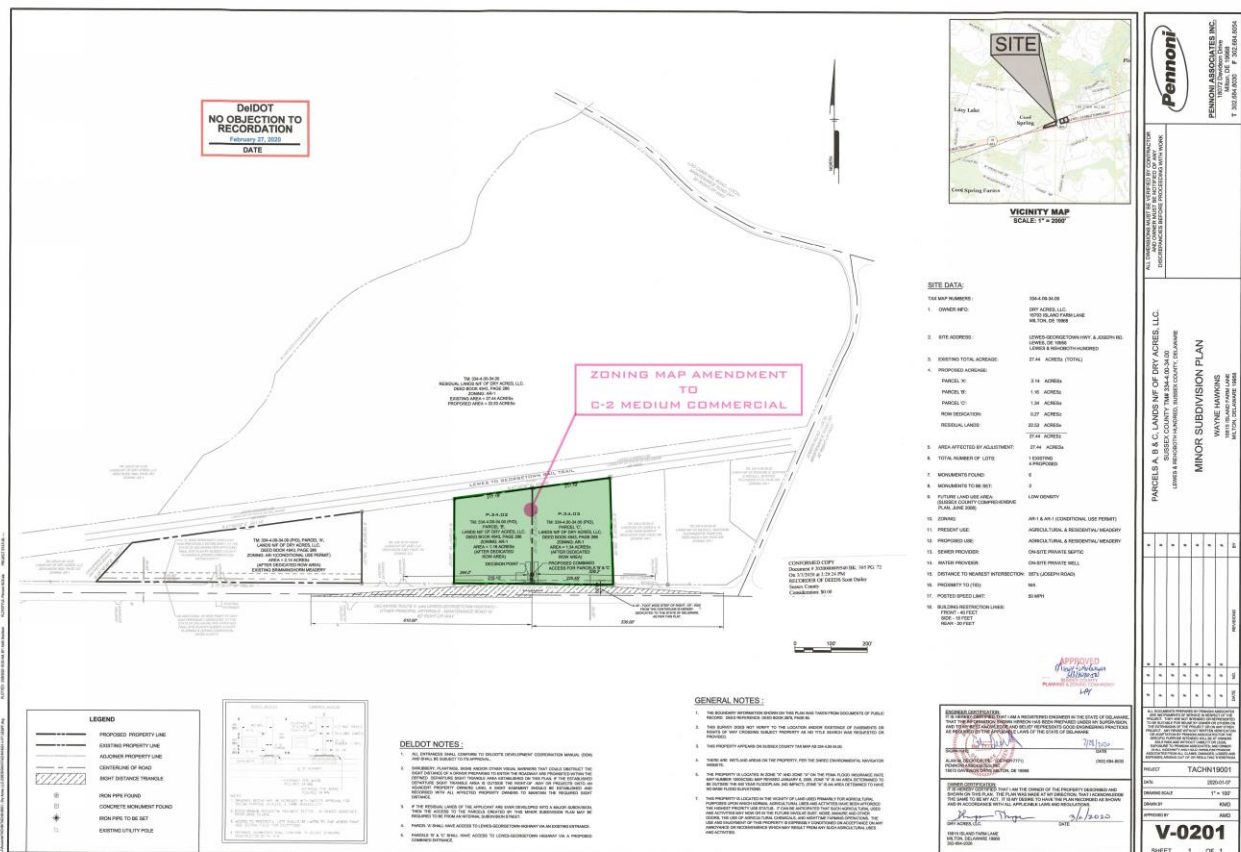
Medium Commercial Business Center

PDYER20001



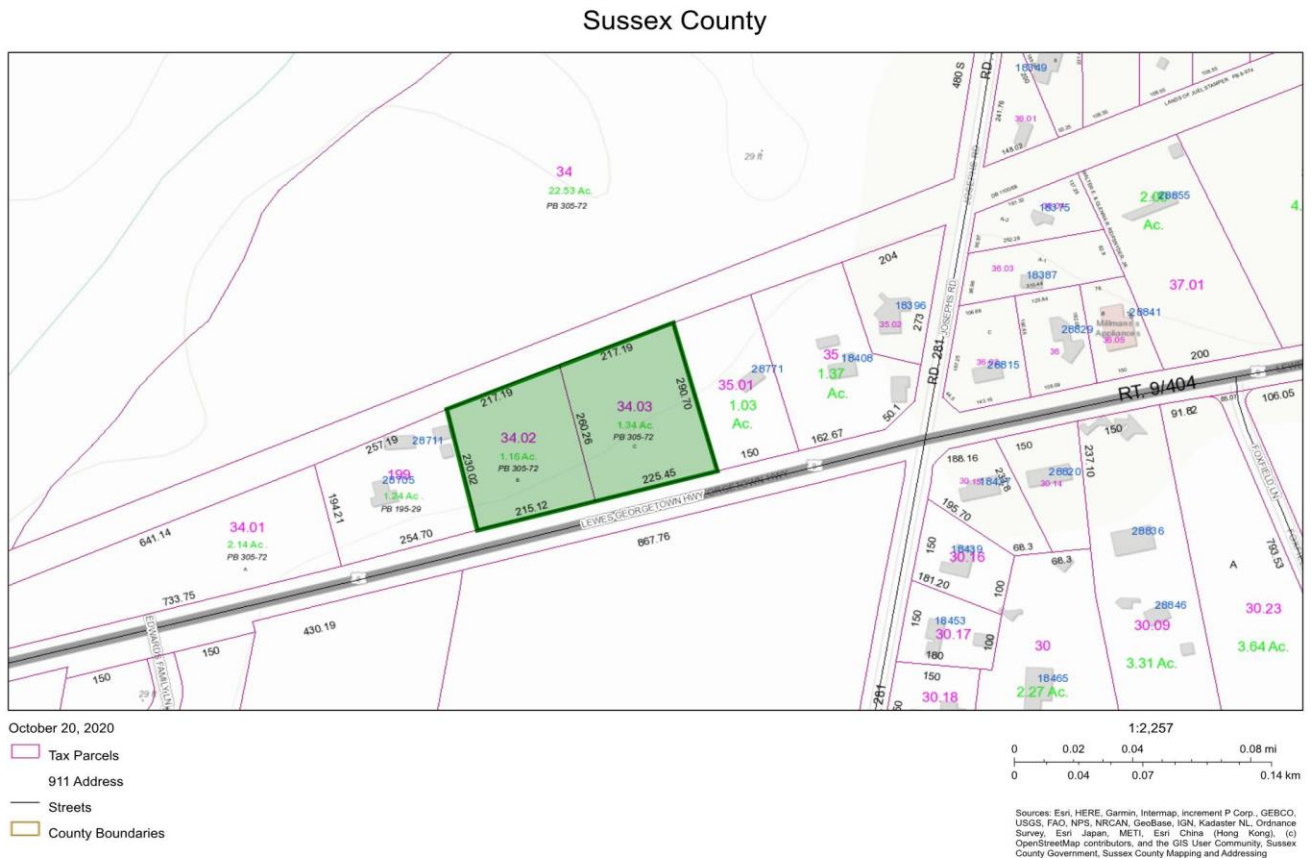


1. This is an application to grant a rezoning of a portion of lands in a AR-1 Agricultural Residential District located on 2.50 acres, more or less in the Lewes and Rehoboth Hundred located on the north side of Lewes Georgetown Highway | U.S. Route 9 and 357-feet more or less west of Joseph Road | Sussex County Route 281 to C-2, Medium Commercial District.

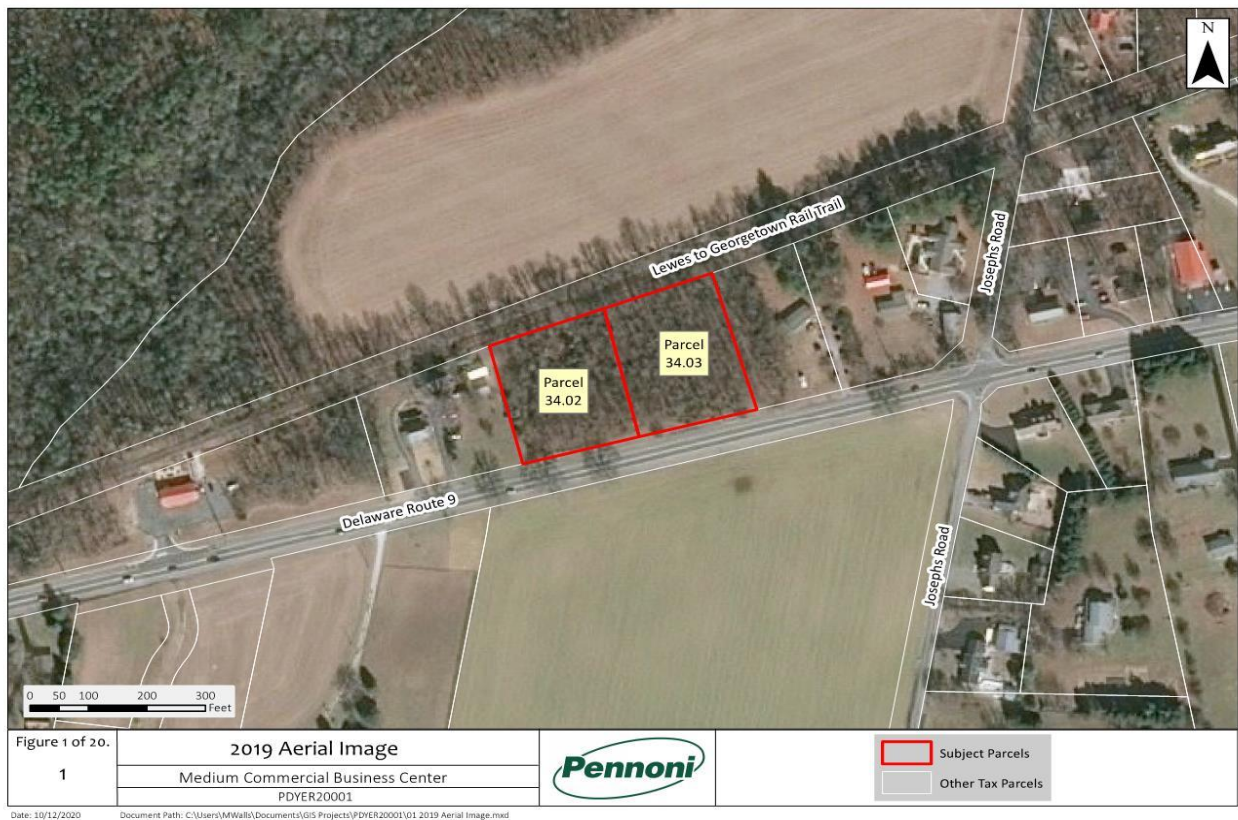


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- 1 |** Page

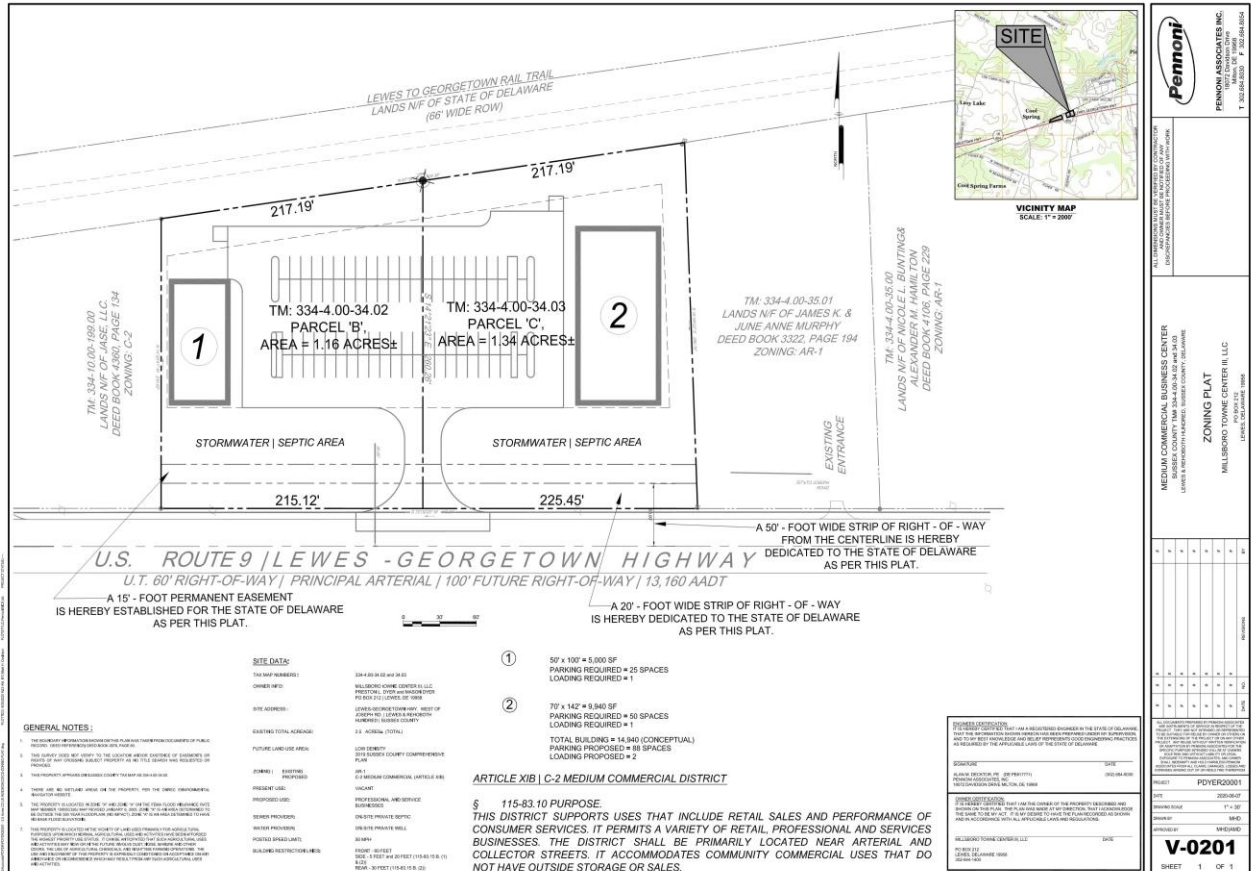
3. The property is identified on the tax maps of the Sussex County Department of Finance as Tax Map No. 334-4.00 Parcel 34.02 & 34.03.



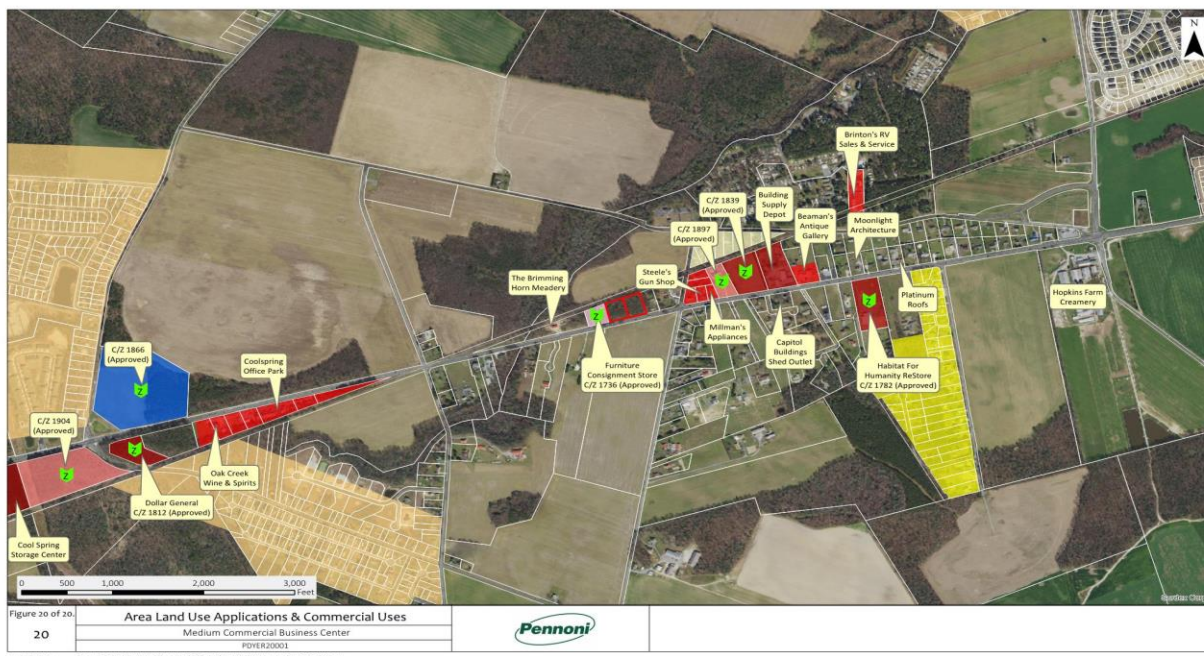
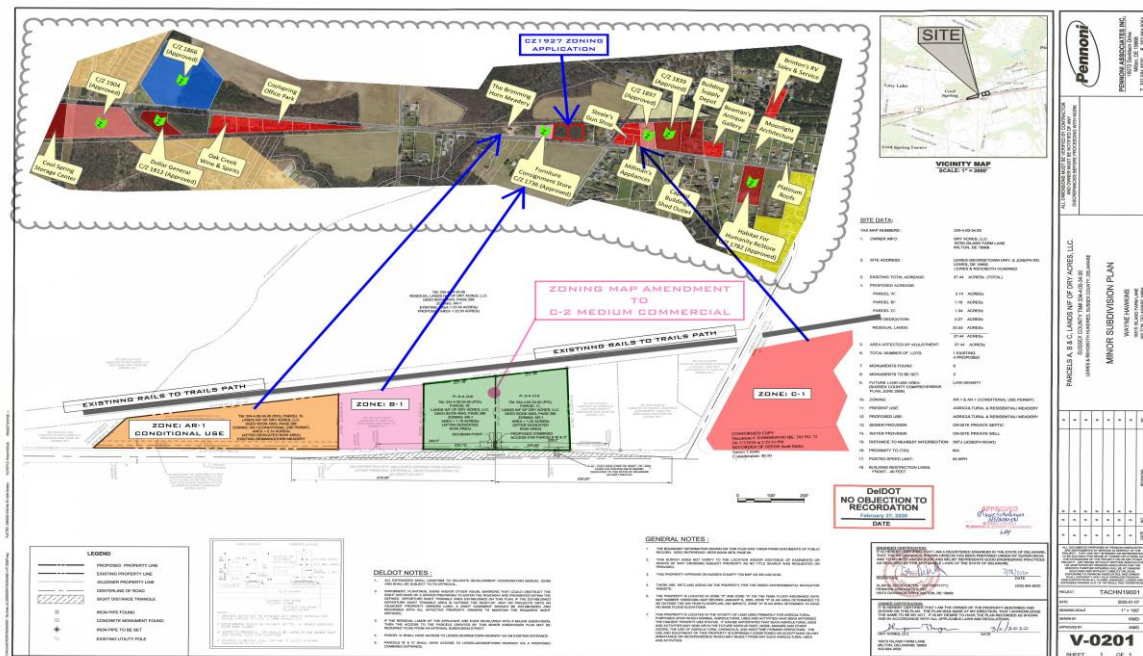
4. The properties are bordered on:
- South US Route 9 a Principal Arterial;
 - North by Delaware Rails to Trails Path and lands owned by Dry Acres, LLC – Zoned AR-1;
 - West with existing commercial uses such as Furniture Consignment Store zoned B-1;
 - East with existing residential uses Zoned AR-1.



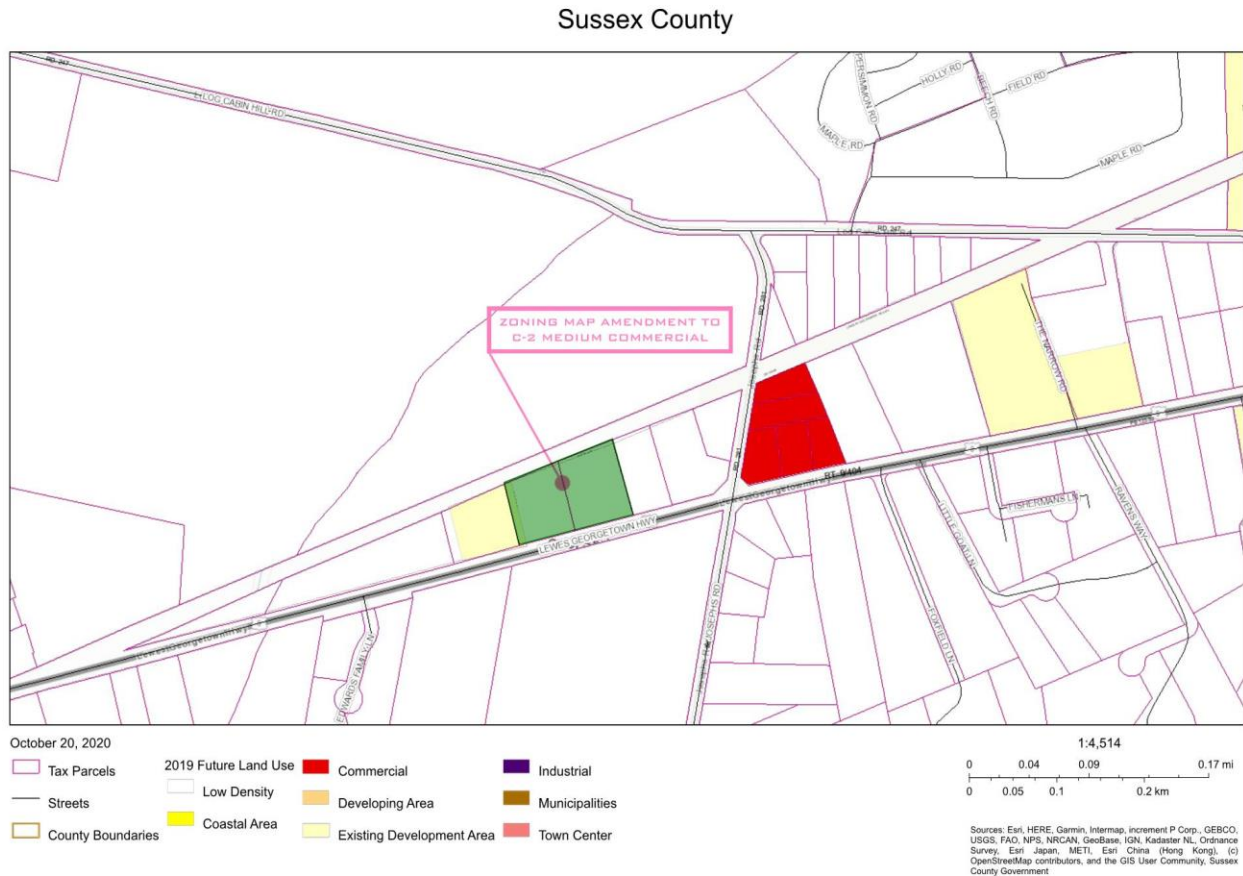
5. In Ordinance 2550, Sussex County Council desired to create a more specific C-2 Medium Commercial zoning district with smaller, more related uses within the District to promote better planning and predictability within Sussex County.
6. The purpose of the C-2 Medium Commercial District is to support uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and service businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.



8. The proposed rezoning to C-2 for this property is in the vicinity of other commercial zoned property and uses and will not diminish or impair property values within the neighborhood; will not create a public nuisance; or result in an increase in public expenditures.



9. In the 2019 Sussex County Comprehensive Plan – the area for the proposed rezoning for this property is identified to be in a Low-Density and is currently surrounded by Existing Developing Areas.



The Sussex Plan suggests that each application should be reviewed on its own merit and does not have a negative impact on the surrounding area or the county in general. Some of the stated goals within the plan for new commercial zoning is to:

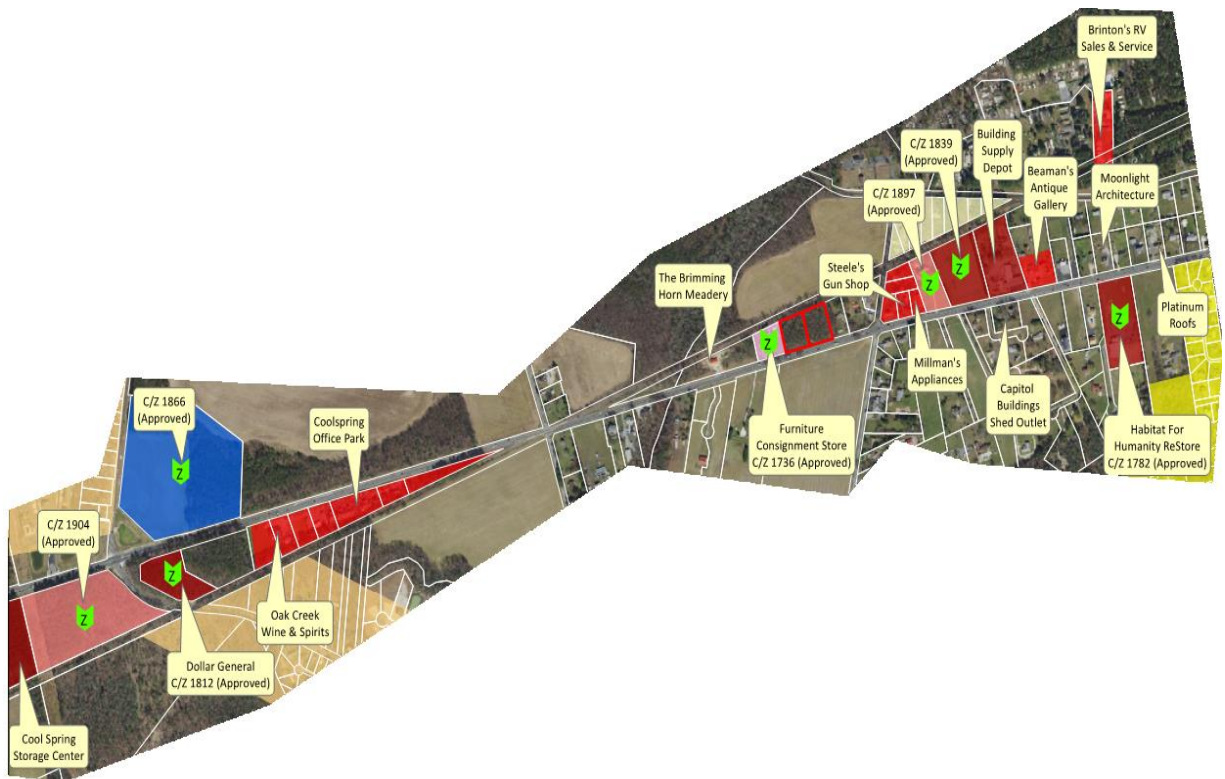
- a. Promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth - [Artesian has both water and sewer either in the vicinity of the property or planned to be installed along the frontage that will serve adjacent commercial properties, this property as well as extend to area residential communities.

Certificates of Public Convenience and Necessity (CPCN) for both properties have been secured through Artesian];

- b. Promote commercial development in designated commercial, office, and industrial areas in a scale/intensity/distance appropriate to adjacent residential neighborhoods – [Previously stated, the Dyer’s want to provide a commercial development that is part of the community and provides for goods and services that are part of the community in scale. Additionally, nearby residential developments will benefit in that the subject property is not adjacent to their development but close enough to serve the residences with future services without them having to travel farther distances];
- c. Engage in planning that considers the efficient location of public services and infrastructure while establishing future public sewer service areas that will help preserve open space by promoting orderly growth rather than unplanned sprawl – [this property is located along US Route 9 with access to a major roadway systems that travels east and west to Lewes and Georgetown. Future water and sewer will be adjacent to the properties. This property in this location with medium commercial zoning, will prohibit any unplanned sprawl that the Comprehensive Plan is discouraging];
- d. Coordinate with DelDOT on road improvements and other transportation projects – [the property owners will work with DelDOT in the dedication of additional right-of-way along US RT 9 that was part of the minor subdivision approval for these lands. The proposed land use for the properties is expected to increase the trip generation of the subject land by fewer than 50 vehicle trips in any hour and fewer than 500 vehicles trips per day in which DelDOT determines the traffic to be “Negligible” in the context of the 2020 Sussex County/DelDOT Memorandum of Understanding for Land Development Coordination. Although a TIS was not required as a part of this application, the Developers will have to provide future Transportation Improvements to the adjacent roadways during the future planning of the commercial development. In addition, future connection to the rails to trails pedestrian

path along the existing rails-to-trails path along the rear of the property will be coordinated with DelDOT. Since US 9 is a principal arterial and an important freight corridor, setbacks will be increased to allow for future capacity in the form of additional right-of-way dedication, permanent easements and additional stormwater management setbacks. Intersections and commercial entrances will be consolidated to reduce access points. This would increase the aesthetic benefits to the community].

The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents which is what is being proposed for these properties. Commercial uses may be appropriate depending on surrounding uses. The surrounding uses that are adjacent to the rails to trails path, which was once an active railroad are primarily commercial on the north and south side of US Route 9 with residential homes on the opposite side.



Consistent with the Comprehensive Plan’s Future Land Use Chapter the County has considered the development along US 9 as a business corridor with a mix of residential and commercial uses that provide local residents with access to services they need. Local services would reduce travel to SR 1 for basic needs. Furthermore, the Sussex Plan promotes the US 9 vision to be tied to efforts to make the corridor multi-modal. Currently, the Georgetown to Lewes Rail Trail has been constructed by DelDOT adjacent to this property and is being designed and constructed to connect to Georgetown in phases. Once completed, the trail will provide a pedestrian and bicycle path that is separated from car traffic. The trail will serve as both a recreational asset and a transportation option for commuters. Neighborhoods and businesses along the trail could see economic benefits from connecting to it.

Since the comprehensive plan is a guide for the future use of land, the County’s official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
RURAL AREAS	
Low Density	Agricultural Residential District (AR-1) Business Community District (B-2) Medium Commercial District (C-2) Marine District (M) Institutional District (I-1) New Zoning Districts

10. The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 4. Although in a Level 4 area there is no plans for public expenditures for the property. All infrastructure needs will be funded by the

applicant. Additional public infrastructure that will benefit the community, such as, road improvements and access improvements that will be paid for by the applicant. The property is not a stand-alone commercial property as it is adjacent and in the area of many other businesses.

11. There are no wetlands on the subject properties; the properties are located in a Flood Zone X Unshaded; there are no historical or natural features on the property; stormwater will be onsite and use Best Management Practices for handling stormwater runoff; the properties are not in any Groundwater Protection Zones;

Private utility companies are considered a viable option for water and wastewater treatment in areas where County or municipal services are non-existent or unplanned. Artesian Wastewater Management, Inc. mainly provide water and sewer services for developments that are along Route 9 east of Georgetown and has the CPCN's for both water and sewer for the property.

Delmarva Power & Light Company will provide sufficient energy to this property.

These properties are fortunate to have a natural gas transmission pipeline located along the property. It is owned and operated by Eastern Shore Natural Gas Company, a subsidiary of Chesapeake Utilities (Chesapeake).

Verizon and Comcast are the main telecommunication providers operating in this service area.

All of these utilities ensure quality growth of development by the planning and developing of infrastructure and services in the County to complement State and

local planning efforts with adequate water, sewer, electricity, natural gas, and fiber optic infrastructure to the property.

12. The proposed rezoning meets the general purpose of the Zoning Ordinance being located in an appropriate location meeting the purpose of this district and the future land use plans, strategies and objectives of the comprehensive plan that promotes growth and development through community design, mobility, utilities, transportation and economic development in an area where a general mixture of commercial and service activity now exists, which is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.