

PLANNING & ZONING COMMISSION

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Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: October 22, 2020.

Application: (CZ 1928) Plantation Partners, LLC

Applicant: Plantation Partners, LLC
246 Rehoboth Avenue
Rehoboth Beach, DE 19947

Owner: J.G. Townsend Jr., & Co.
P.O. Box 430
Georgetown, DE 19947

Site Location: 1500' southeast of the corner of Plantations Road (Rt. 1D) and Cedar Grove Road (S.C.R. 283)

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Commercial (C-2) for 11.570 acres+/- of the total 113.999+/-

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County Central Sewer System (SCED)

Water: Private, On-Site

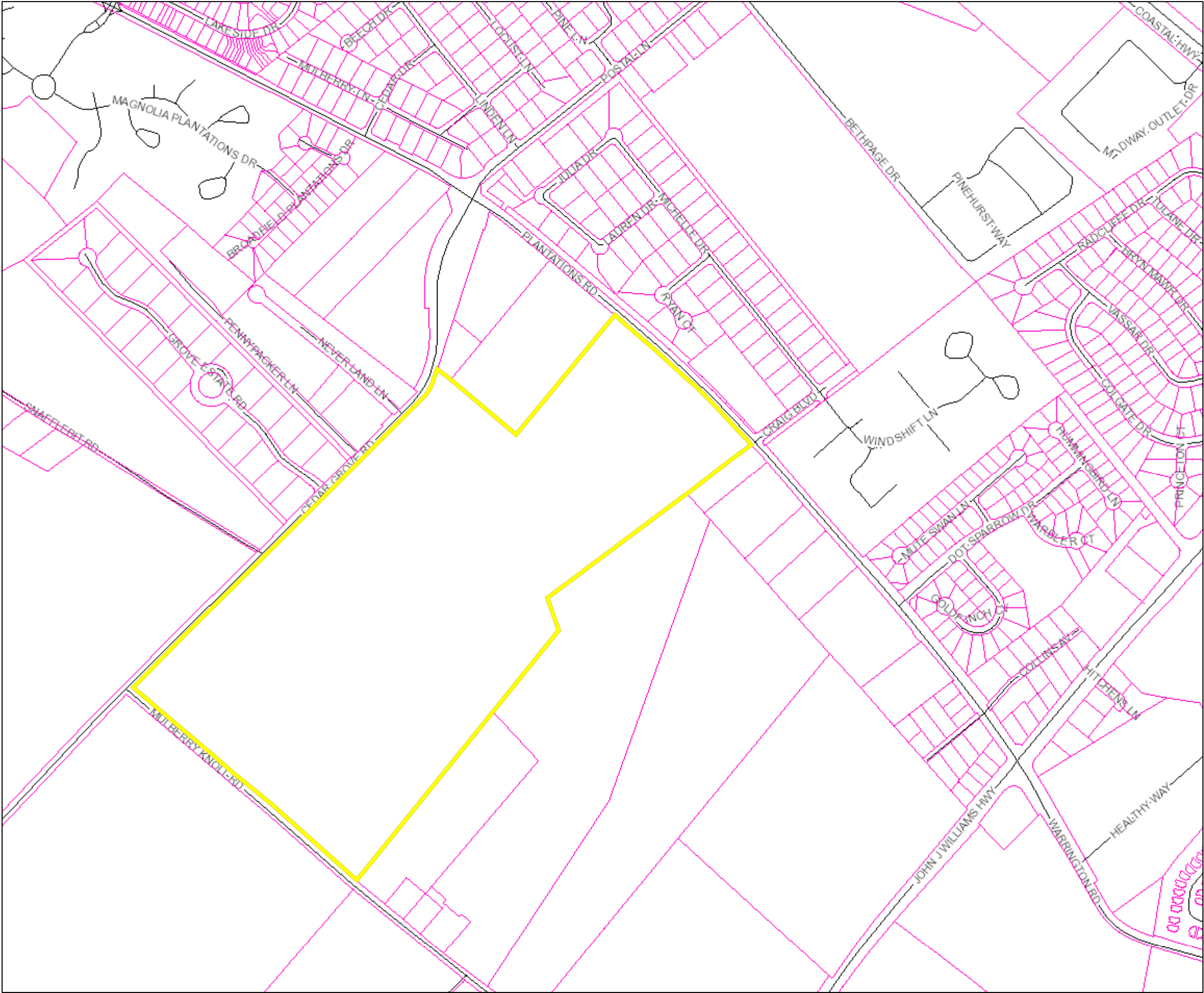
Site Area: 11.570 acres +/- of the total 113.999+/-

Tax Map ID.: 334-12.00-52.00 (p/o)





Sussex County

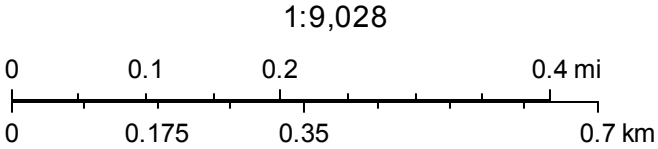


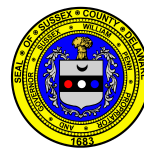
PIN:	334-12.00-52.00
Owner Name	TOWNSEND J G JR CO
Book	0
Mailing Address	PO BOX 430
City	GEORGETOWN
State	DE
Description	SW/ PLANTATION RD
Description 2	SE/ CEDAR GROVE RD
Description 3	113.82 FX
Land Code	

- polygonLayer

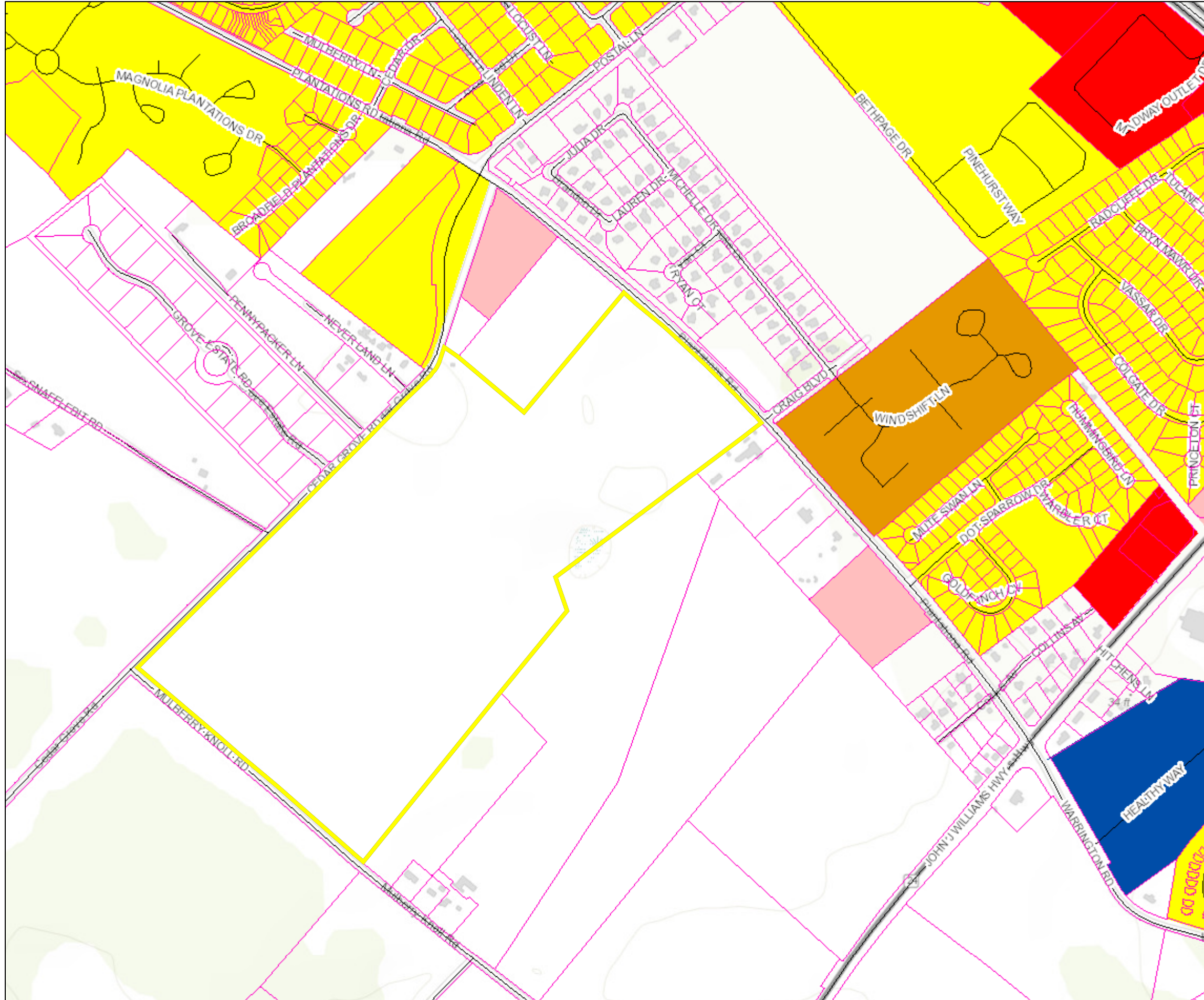
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- polygonLayer

Override 1
- Tax Parcels
- Streets
- County Boundaries





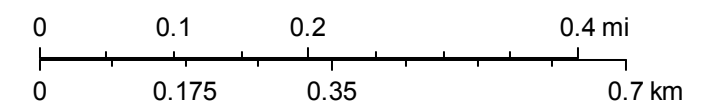
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1:9,028





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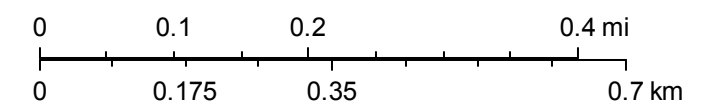
Override 1

polygonLayer

Override 1

-  Tax Parcels
-  Streets
-  County Boundaries

1:9,028





Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 15th, 2020
RE: Staff Analysis for CZ 1928 Plantation Partners, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1928 Plantation Partners, LLC to be reviewed during the October 22nd, 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 Parcel 334-12.00-52.00 (portion of) to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) District. The property is lying on the southwest side of Plantations Rd. (S.C.R. 275) and the southeast side of Cedar Grove Rd. (S.C.R. 283) approximately 0.63 mile northwest of John J. Williams Hwy. (Rt. 24). The size of the property is approximately 11.570 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 subject property has the land use designation of "Coastal Area." Each property to the north, south, east, and west also has the "Coastal Area" designation. The Coastal Area is designated to encourage growth and development provided that environmental concerns are addressed. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex County's base density of two (2) units per acre is standard. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

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 "Coastal Area."

Additionally, the subject property is currently within an Agricultural Residential (AR-1) Zoning District. Each parcel to the north, south, east, and west is also within the Agricultural Residential Zoning District. In the near vicinity there are multiple other zoning districts such as Medium Density Residential (MR) District, Neighborhood Business (B-1) District, High Density Residential (HR-1) District and General Commercial (C-1) District.

Since 2011, there have been three Change of Zone applications within a one-mile radius of the subject property. Change of Zone No. 1845, which proposed a change from Agricultural Residential (AR-1) District to Neighborhood Business (B-1) District, was approved by County Council on March 13th, 2018. It was adopted through Ordinance No. 2556. Change of Zone No.



1835, which also proposed a change from Agricultural Residential (AR-1) District to Neighborhood Business (B-1) District, was approved by the Sussex County Council on January 9th, 2018. It was adopted through Ordinance No. 2546. Change of Zone 1907, which proposed a change from Agricultural Residential (AR-1) District to Medium Density Residential (MR) District, was denied by County Council on July 28th, 2020.

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 1928
202009998

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

Intersection of Plantation and Cedar Grove Roads, 1,500' south of Southern Corner

Type of Conditional Use Requested:

Rezone approximately 11.57 acres of land from AR-1 to C-2

Tax Map #: 334-12.00-52.00 p/o **Size of Parcel(s):** 11.570+/- of 113.999+/-

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

Land Use Classification: Agriculture

Water Provider: Tidewater **Sewer Provider:** Sussex County

Applicant Information

Applicant Name: Plantation Partners, LLC

Applicant Address: 246 Rehoboth Ave

City: Rehoboth Beach **State:** DE **Zip Code:** 19947

Phone #: (302) 226-6645 **E-mail:** dmotley@jacklingo.com

Owner Information

Owner Name: J.G. Townsend, Jr., & Co.

Owner Address: P.O. Box 430

City: Georgetown **State:** DE **Zip Code:** 19947

Phone #: (302) 856-2525 **E-mail:** ptownsend.townsend@comcast.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc. - Ring W. Lardner, P.E.

Agent/Attorney/Engineer Address: 1 Park Ave.

City: Milford **State:** DE **Zip Code:** 19963

Phone #: (302) 424-1441 **E-mail:** rw1@dbfinc.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ **Completed Application**

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

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

☒ **Provide Fee \$500.00**

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

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

☒ **DelDOT Service Level Evaluation Request Response**

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

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

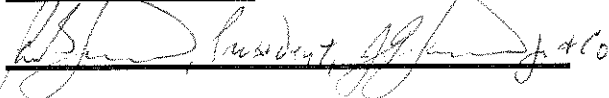
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 8/21/2020

Signature of Owner



Date: 8/21/2020

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

August 11, 2020

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

Dear Mr. Whitehouse:

This letter is to revise and replace my letter of February 20, 2020 regarding the **Jack Lingo Asset Management, LLC** rezoning application, which we received on August 7, 2020. We are revising our response to modify the proposed zoning per the applicant's request. In our previous letter, the applicant had requested to rezone the subject land from AR-1 (Agricultural Residential) to B-2 (Neighborhood Business). The applicant has now requested that we modify the proposed zoning to C-2 (Medium Commercial). The letter is being revised to modify the proposed zoning to C-2. A copy of our letter of February 20, 2020 is attached.

This revised application is for a portion of an approximately 113.82-acre parcel (Tax Parcel: 334-12.00-52.00). The subject land is located on the south side of Cedar Grove Road (Sussex Road 283), east of Mulberry Knoll Road (Sussex Road 284), and west of Plantation Road (Sussex Road 275). The subject land is currently zoned AR-1 and the applicant is seeking to rezone the land to C-2 to develop a commercial / office use.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Cedar Grove Road where the subject land is located are 3,713 and 4,779 vehicles per day, respectively. As mentioned above, the subject land also has frontage along Plantation Road and Mulberry Knoll Road. The annual average and summer average daily traffic volumes along the segment of Mulberry Knoll Road where subject land is located, which is from Delaware Route 24 to Cedar Grove Road, are 874 and 1,135 vehicles per day, respectively. The annual average and summer average daily traffic volumes along the segment of Plantation Road where the subject land is located, which is from Cedar Grove Road / Postal Lane (Sussex Road 283) to Old Landing Road (Sussex Road 274), are 11,519 and 14,825 vehicles per day, respectively.



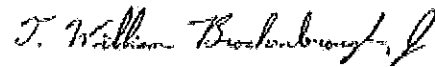
Mr. Jamie Whitehouse
Page 2 of 2
August 11, 2020

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.

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
Enclosure

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Jack Lingo Asset Management, LLC, 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

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

February 28, 2020
Revised: August 21, 2020

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

Attn: Mr. Jamie Whitehouse, Acting Planning Director

Re: Plantation Commercial 2
PLUS 2020-01-06
Tax Parcel No.: 334-12.00-52.00 p/o
DBF #2261M002

Dear Mr. Whitehouse:

On February 28, 2020, we submitted a rezoning application to Sussex County to rezone the land as B-2. Since that submission, the Developer has revised their request to rezone the portion of land to C-2. In consultation with Office of State Planning, the change in zoning request does not require a new PLUS review and thus our original response remains the same. Below is the original response to the PLUS comments.

We have read and reviewed the comments provided during the PLUS Review of the Project on January 22, 2020, and received from the Office of State Planning dated February 19, 2020. We offer the following item-by-item response narrative for your review:

Strategies for State Policies and Spending

This project is located in Investment Level 2 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the proposed rezoning and development of this project in accordance with the County codes and ordinances. We acknowledge the project is located in Investment Level 2 where growth is anticipated.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

DelDOT has no regulations or code requirements pertaining to rezonings. DelDOT offers the following comments in anticipation of a site plan that could follow if the rezoning were approved.

- *The subject lands are located within the contemplated Henlopen Transportation Improvement District. In anticipation of the District being established, DelDOT has developed concept plans and funding estimates for a set of transportation improvements needed to support a land use forecast provided by Sussex County. Among those improvements is a local road that would connect from Plantation Road (Sussex Road 275) opposite Craig Boulevard to Mulberry Knoll Road (Sussex Road 284).*

The “future right-of-way” shown on the plan accompanying the PLUS application is located in a manner consistent with the concept plan for road just mentioned. As initial comments, the “future right-of-way” should be dedicated to public use and when a full-width dedicated right-of-way is available, DelDOT may require the applicant to build part of the road and use it for access. Having said that, DelDOT finds several challenges inherent in building the road exactly as shown on the concept plan. DelDOT will need to refine the concept for that improvement further and may require a wider or differently shaped dedication.

- *The site access on Plantation Road must be designed in accordance with DelDOT’s Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.*
- *Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.*
- *Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.*
- *Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day.*

Section 2.2.2.2 of the Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS.

Section 2.4 of the Manual addresses Transportation Improvement Districts

(TIDs), such as the contemplated Henlopen TID. In a TID, developments consistent with the planning for the TID are required to pay a fee in lieu of doing a TIS or making road improvements. The cost of any road improvements that they are required to make beyond their entrance is deducted from that fee.

DelDOT will determine whether a TIS is required when the developer submits a site plan of sufficient detail to estimate trip generation.

- *As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Plantation Road. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."** The plan accompanying the PLUS application appears sufficient in this regard.*
- *In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Plantation Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."** The plan accompanying the PLUS application appears sufficient in this regard.*
- *Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:*
 - *A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.*
 - *Depiction of all existing entrances within 450 feet of the entrance on Plantation Road.*
 - *Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.*
- *Section 3.5.4.2 of the Manual addresses requirements for Shared Use Path and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build a Shared Use Path along their frontage. The plan accompanying the PLUS application appears to be sufficient in this regard.*

- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Plantation Road.*
- *In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.delDOT.gov/Business/subdivisions/index.shtml>.*
- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*

We have read all of the above comments from DelDOT and are familiar with their regulations and requirements. The Developer at time of the applications with comply with the above requirements.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- *There is a known cemetery on the northwestern (S11548) part of the project area and a cemetery (S13126) on the eastern part of the project area known as Bailey Cemetery. It appears that the present proposal just misses the Bailey Cemetery.*
- *The Delaware SHPO is recommending an archaeological survey of the northwestern part of the parcel for a site related to the John Marsh property seen on the Beers Atlas Map of 1868.*
- *If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).*
- *If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.*

We have read SHPO's comments and are familiar with the Unmarked Human Burials and Human Skeletal Remains Law. The Developer thanks SHPO for the information regarding the cemeteries and will review should development occur on residual lands.

Department of Agriculture – Contact: Milton Melendez 698-4534

- *The proposed project is adjacent to a property permanently protected through the State's Agricultural Lands Preservation Program (John W. And Helen D. Morris Expansion of the Hopkins Covered Bridge Farm District S-98-02-042D). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300-foot notification requirement affects all new deeds in a subdivision located in whole or part within*

300 feet of an Agricultural District. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- *In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:*

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

We have read the Department's comments and will include the appropriate notes on site plans when developed. Wells are not expected to be used on the project but will comply should they be installed.

Recommendations/Additional Information

*This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.*

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Plantation Road.*
- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*
- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>*

We have read the above comments and will comply at time of site plan preparation and submission.

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

Total Maximum Daily Load (TMDL) and excess nutrients

- *Total Maximum Daily Loads (TMDLs) exist for most of the State's water bodies. A TMDL is the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards. To support the State's water quality efforts, DNREC reviewers encourage applicants to reduce the amount of pollutants that enter local waterways by limiting the disturbance of natural habitat and increasing the use of green infrastructure. The TMDL for the low reduction zone of the Inland Bays watershed calls for 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions.*

Stormwater has not been evaluated but similar to the adjacent project we anticipate infiltration to be used which exceeds the TMDL removal requirements.

Department of Agriculture – Contact: Milton Melendez 698-4534

- *The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested buffer between the proposed residential development and neighboring farm operations. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between this new development and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program. This farm generates dust, noise and odors that new residents may not be familiar with.*

The project will use native species and plant the Right Tree for the Right Place.

Delaware Emergency Management Agency (DEMA) – Contact Erin Norris 659-2204

- *This area is located within an evacuation area and therefore hurricane preparedness and coordination with emergency officials should be considered. More specific information on evacuation areas can be found on Sussex County's Hurricane Information webpage: <https://sussexcountyde.gov/hurricane-information>.*

We thank DEMA for the information.

Sussex County – Contact Lauren DeVore 855-7878

- *The proposed use is commercial. Please note that the Site Data Column indicates that the proposed zoning for the project is B-1 instead of B-2. Please amend this for clarity.*
- *Upon submittal of a proposed site plan for this parcel, the applicant is encouraged to participate in a pre-application meeting with Planning & Zoning*

staff concerning the project.

- *Following submission to the County, staff would undertake review of the Preliminary Site Plan, where more detailed comments would be provided to the*

We have read the County's comments and will revise the zoning designation at time of filing. Furthermore, a pre-application meeting will be held prior to submitting a site plan.

On behalf of the Developer we thank the State for providing us with these comments. Please contact me at (302) 424-1441 if you have any questions or need additional information.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Ring W. Lardner, P.E.
Principal

P:\JG Townsend\Plantation Road - Parcel 48\Documents\P&Z\2020-08-21 Rezoning Application to P&Z\PLUS Response.docx

CC: Constance C. Holland, AICP
Nick Hammonds, Plantation Partners, LLC



Plantation Partners

Sussex County, Delaware

**Re-Zoning
Application
C/Z #1928**

Plantation Partners, LLC

October 9, 2020

Exhibits

1. Project Information
2. Maps
 - a. Surrounding Communities
 - b. Firmette from FEMA
 - c. Beers Atlas Map
 - d. Environmental Map
 - e. Sourcewater Protection Map
 - f. NRCS Soil Survey Map
 - g. 2020 State Strategies Map
 - h. Future Land Use Map
 - i. Sussex County Zoning Map
 - j. 1992 Aerial Map
 - k. 2017 Aerial Map
3. PLUS Response revised 8/21/2020
4. Environmental Assessment and Public Facility Report
5. Tidewater Utilities Willing & Able Letter
6. DelDOT Support Facilities Report
7. Deed
8. Legal Description
9. Rezoning Application
10. Rezoning Plan
11. Proposed Finding of Fact

Exhibit 1

A. Land Use & Zoning

1. The project name is Plantation Partners.
2. The property is located on the southwest side of Plantation Road (SCR 275), approximately 600' south of the intersection with Cedar Grove Road (SCR 283) & Postal Lane
3. The Owner of the property is J.G. Townsend, Jr. & Co.
4. The property is currently zoned AR-1 (Agricultural / Residential).
5. The property is located less than a quarter mile from two parcels of land zoned Neighborhood Business (B-1), one to the north at the intersection of Postal Lane and Plantation Road, and the other to the south across from Summer Crest.
6. The property is in a Level 2 Investment Area on the 2020 State Strategies Map.
7. The property is located within the Coastal Zone formerly known as the Environmentally Sensitive Developing District Overlay Zone (ESDDOZ).

B. Land Utilization

1. The total land area to be rezoned is 11.570 acres of land.
2. The applicant wishes to rezone the property to enable creation of commercial uses such as office, retail or flex space.

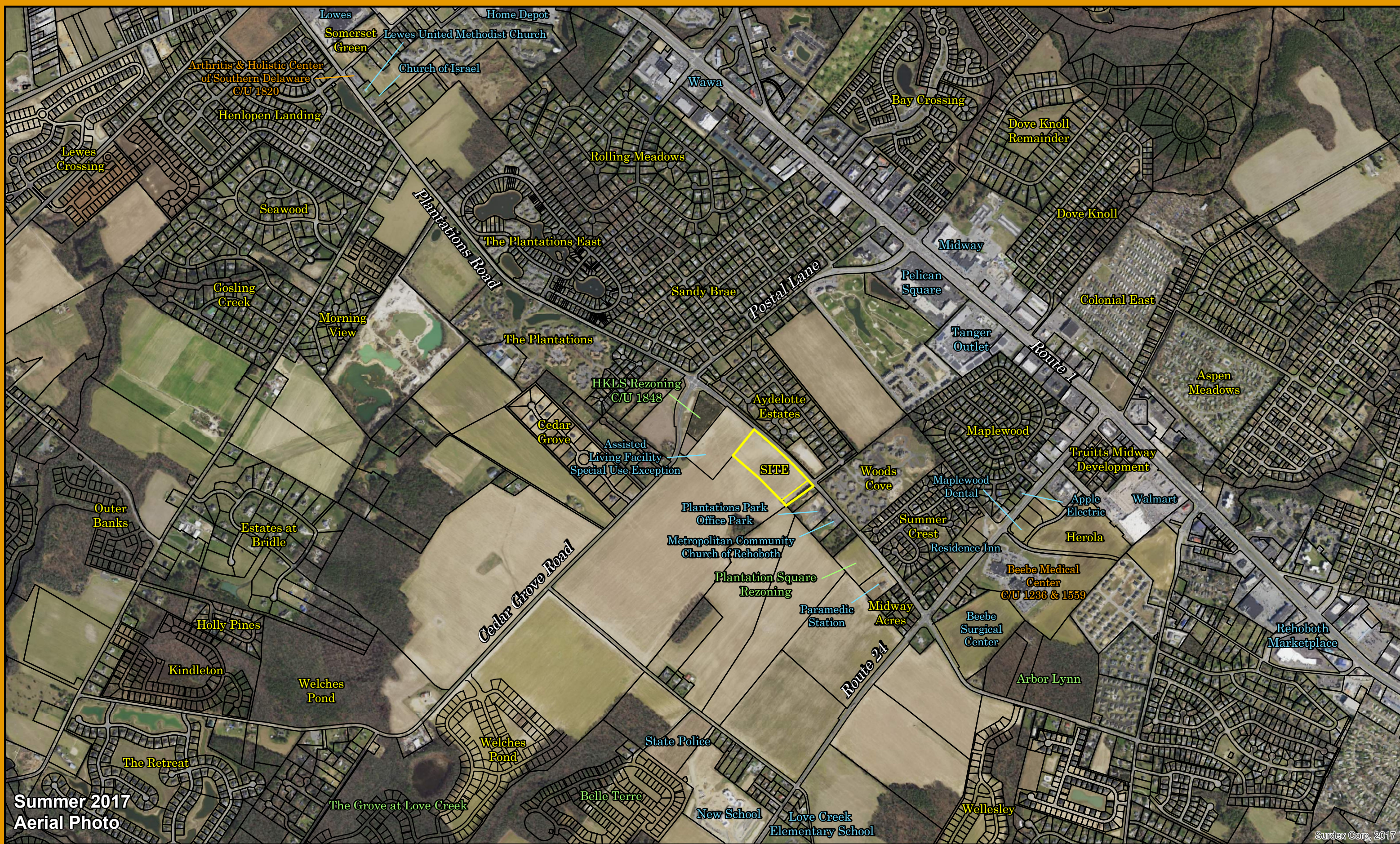
C. Environmental

1. The property does not contain federal wetlands, as indicated on the National Wetland Inventory Map.
2. The project is not located in a floodplain.
3. There are no known archaeological sites or National Historic Register-listed properties on the site.

D. Traffic

1. A Support Facilities Report was completed for this project.
2. A Traffic Impact Study is not required for the rezoning, according to DelDOT.

Exhibit 2



Surdex Corp, 2017

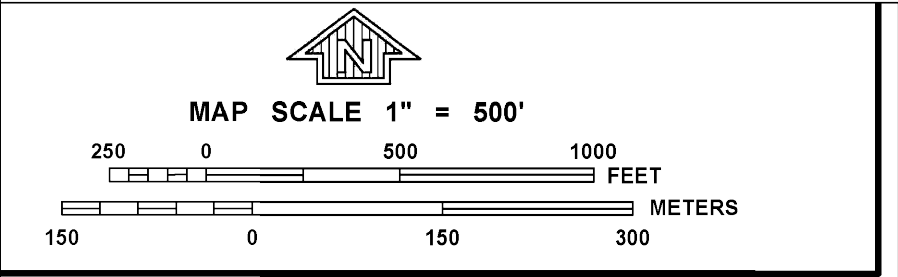
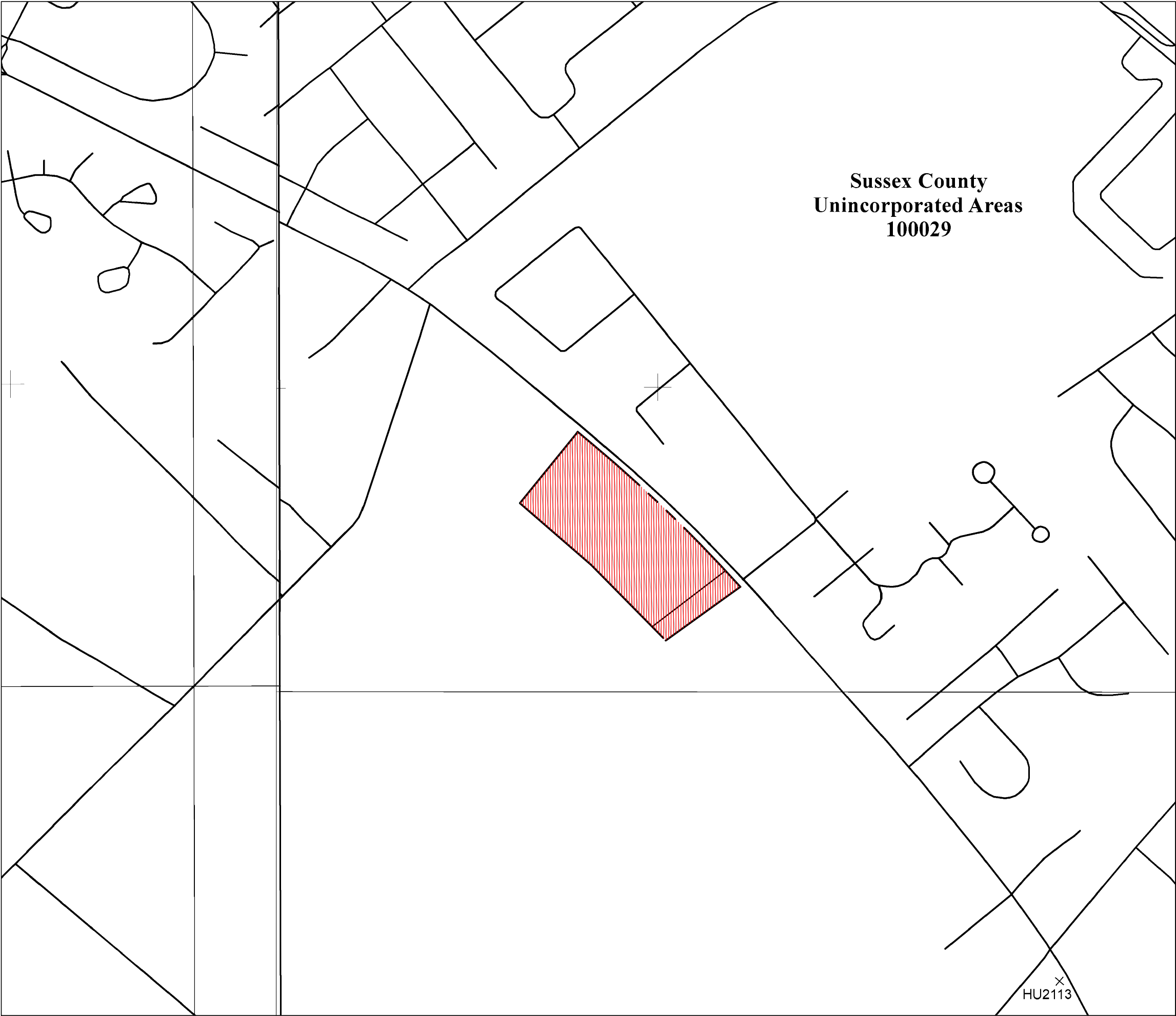
Sources:
Tax Parcels per Sussex County



October 2020

0 1,200 2,400 Feet





NFIP
NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0332K

FIRM

FLOOD INSURANCE RATE MAP

SUSSEX COUNTY,
DELAWARE
AND INCORPORATED AREAS

PANEL 332 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SUSSEX COUNTY	100029	0332	K

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



MAP NUMBER
10005C0332K

MAP REVISED
MARCH 16, 2015

Federal Emergency Management Agency

Lewes Business Directory.

Hotel.

D. D. Murray...Proprietor of Atlantic Hotel.

Merchants.

Wm. P. Orr...Dealer in General Merchandise.
Thos. E. Ricards...
Dodd, Lingo & Burton...
Hitchens & Marshall...Dealers in Grain, Lumber, Lime, Fer-
tilizers and Coal.

Physicians.

David Hall...Physician and Surgeon.
Jos. Lyons...

Residents.

L. L. Lyons...
Jno. P. Marshall...
H. Wolfe...

Farmers.

Harbison Hickman...
N. W. Hickman...
Jno. F. Woods...

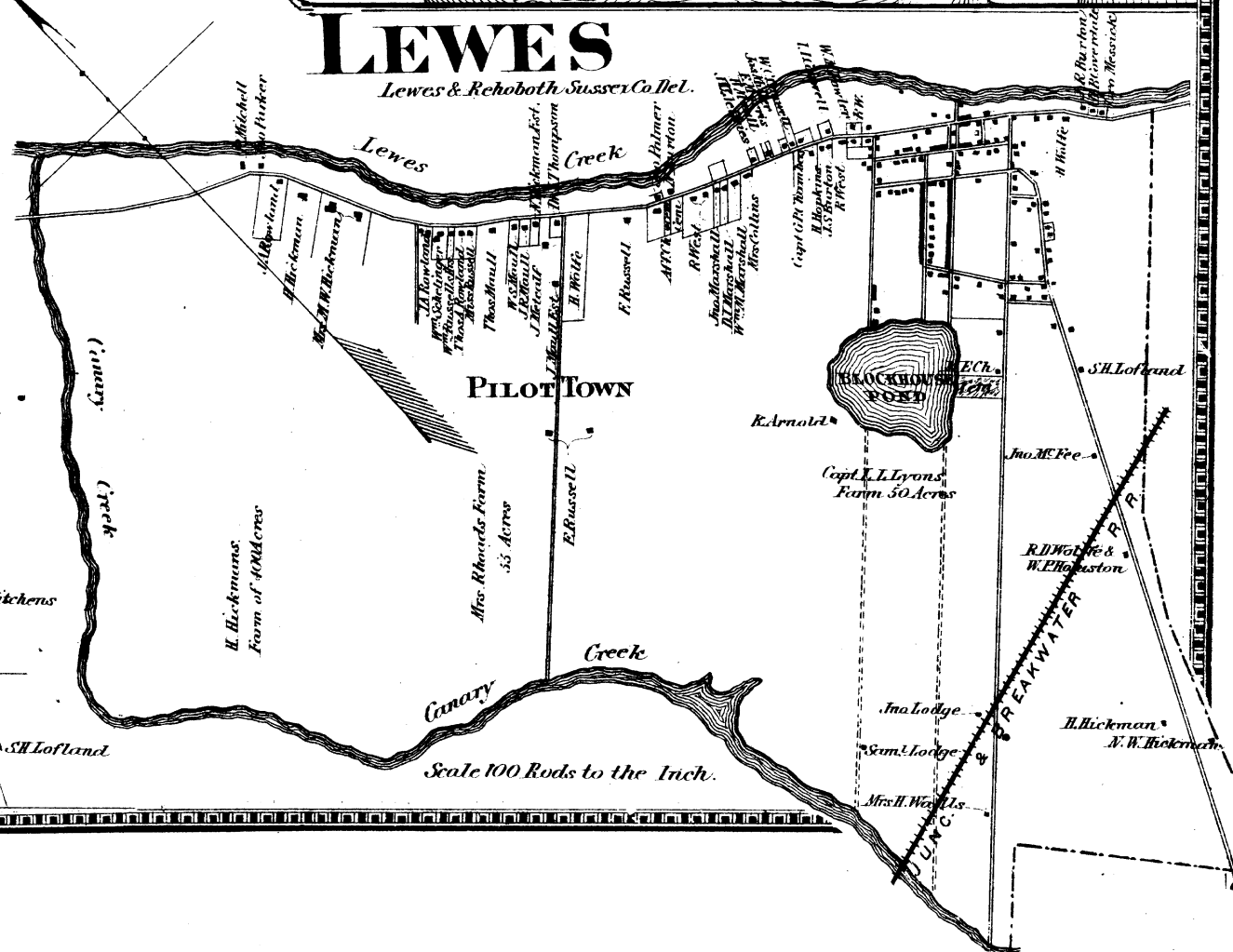
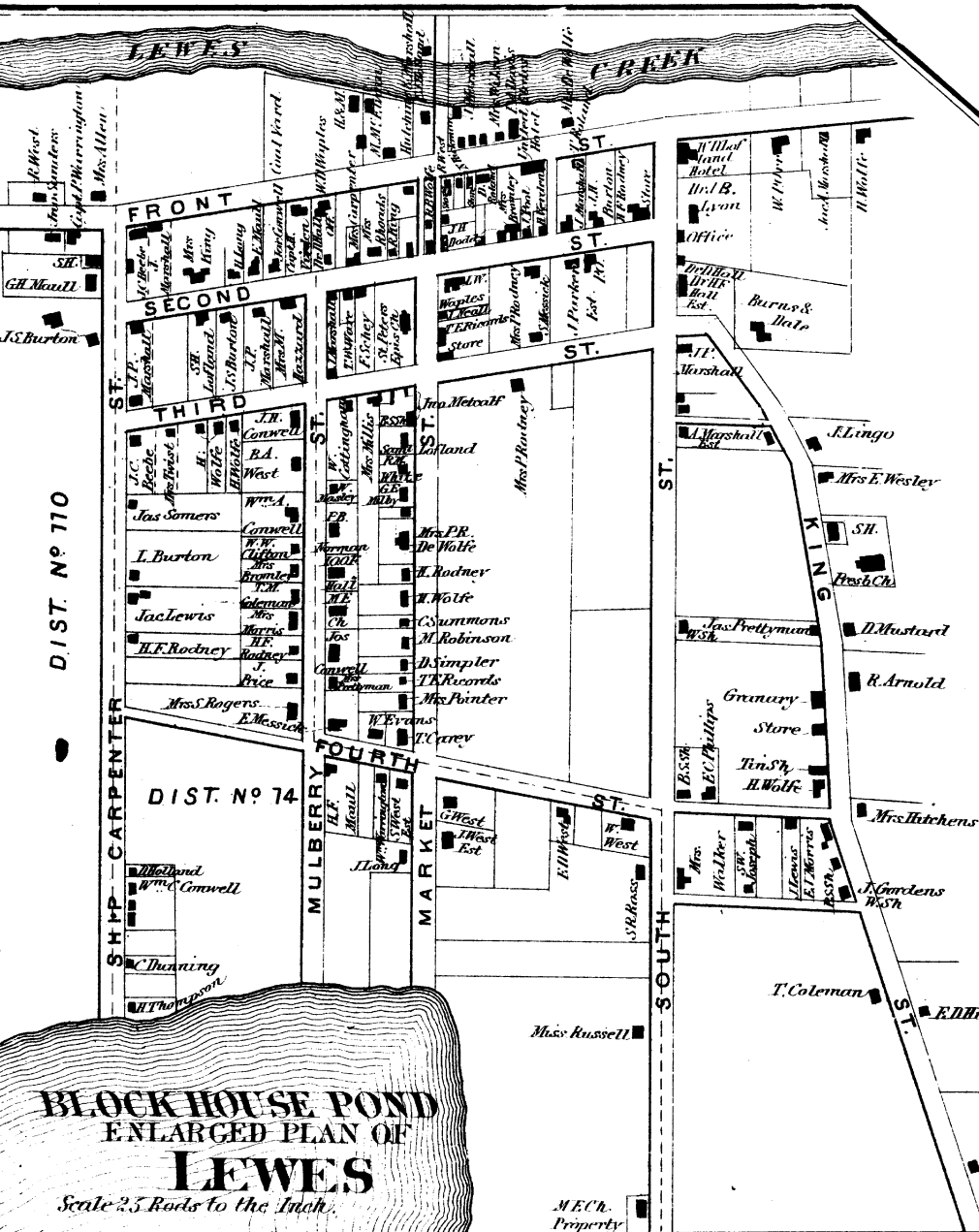
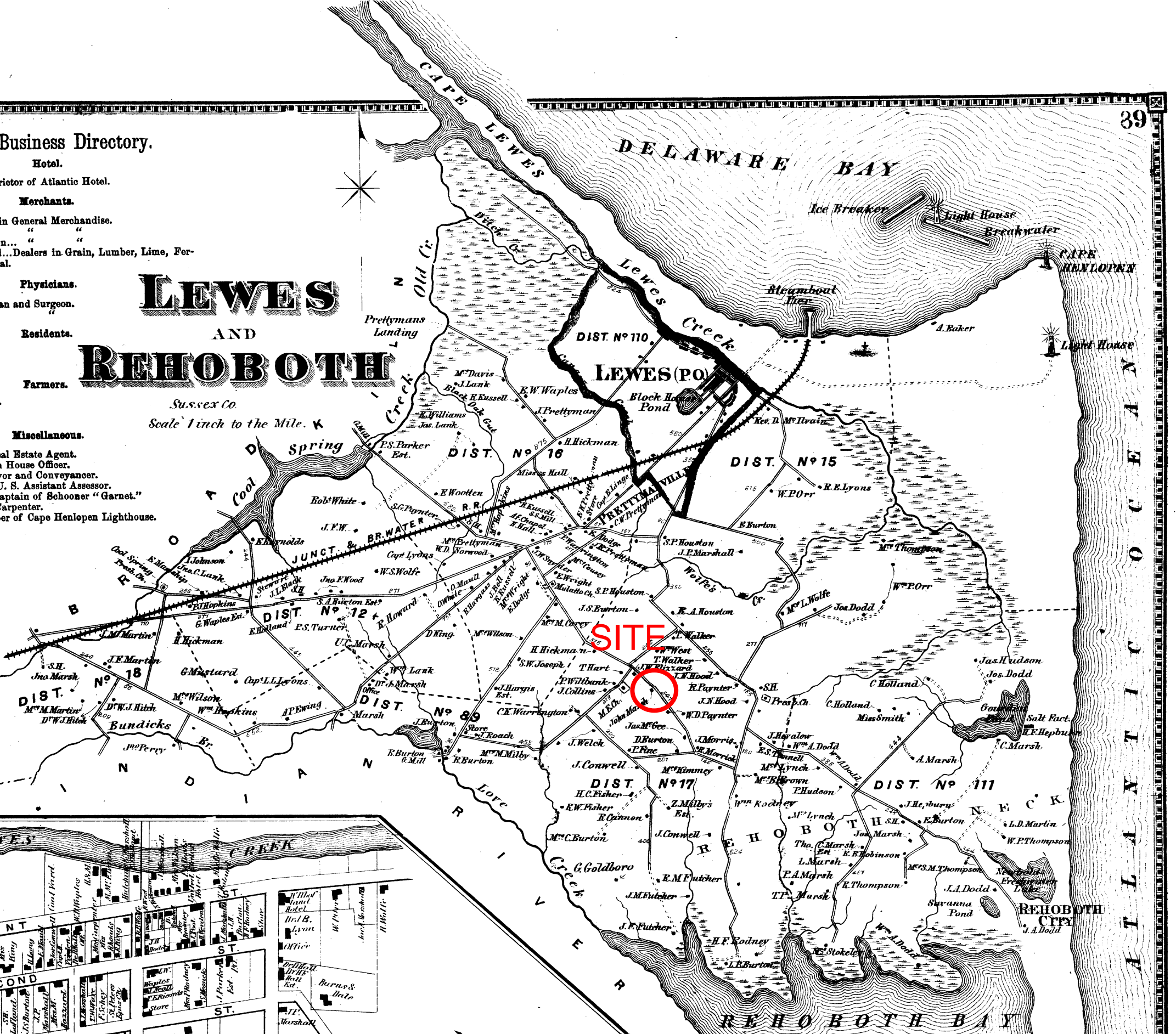
Miscellaneous.


Wm. E. Spencer...Real Estate Agent.
Jos. Lafetra...Custom House Officer.
J. S. Burton...Surveyor and Conveyancer.
Wm. M. Hickman...U. S. Assistant Assessor.
Jno. Marshall, Jr...Captain of Schooner "Garnet."
E. D. West...House Carpenter.
Jos. T. Burres...Keeper of Cape Henlopen Lighthouse.


LEWES AND REHOBOTH


Sussex Co.

Scale 1 inch to the Mile.






100-YR Flood Plain

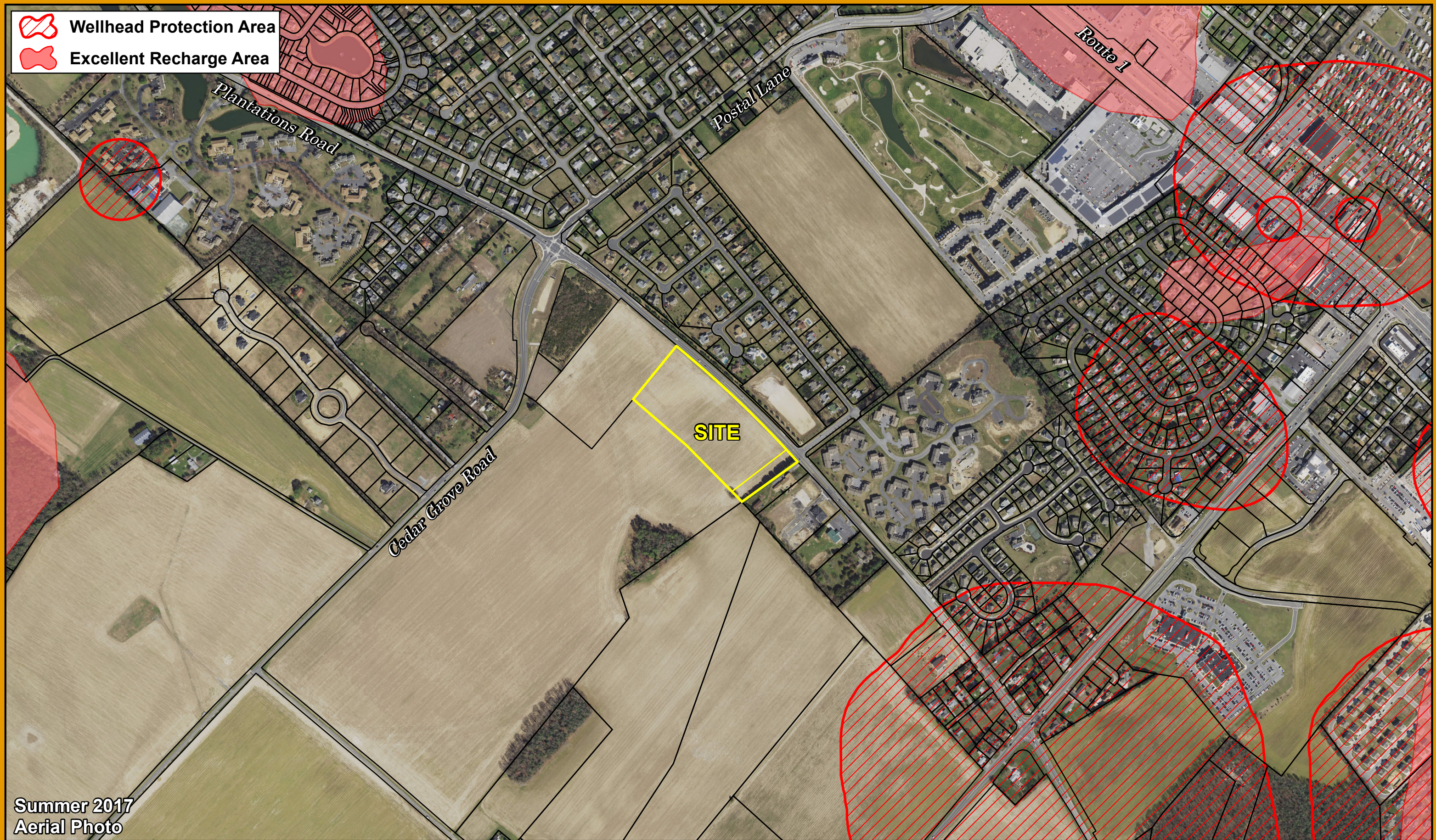

NWI Wetlands


State 2' Contours



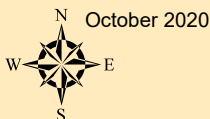
Summer 2017
Aerial Photo

-  Wellhead Protection Area
-  Excellent Recharge Area



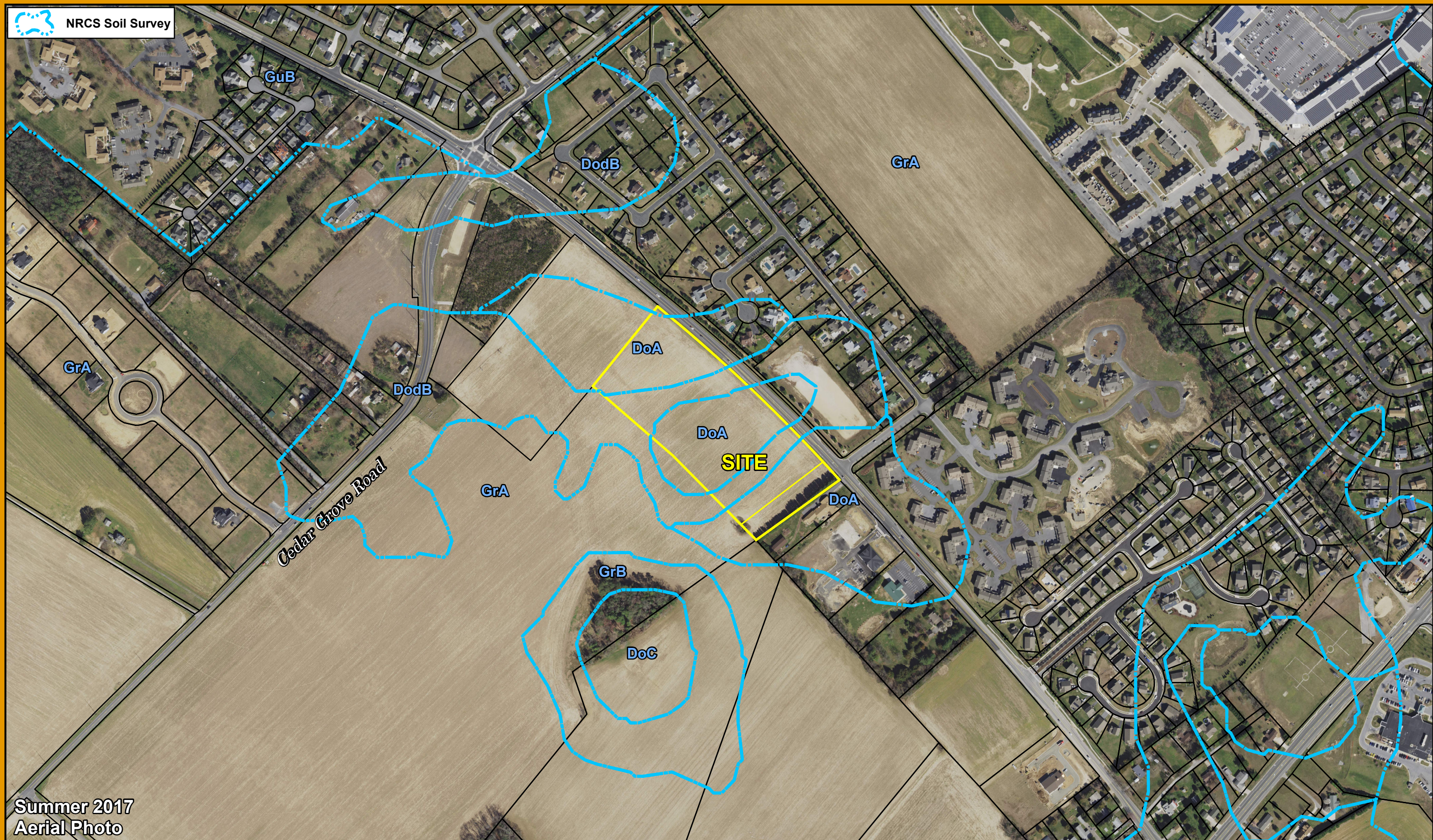
Summer 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



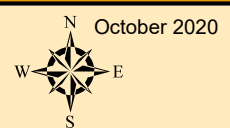
Source Water Protection Areas
Plantation Partners
Sussex County, Delaware



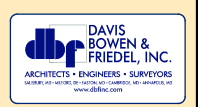
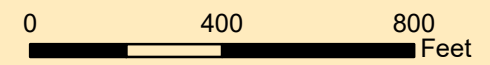


Summer 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County

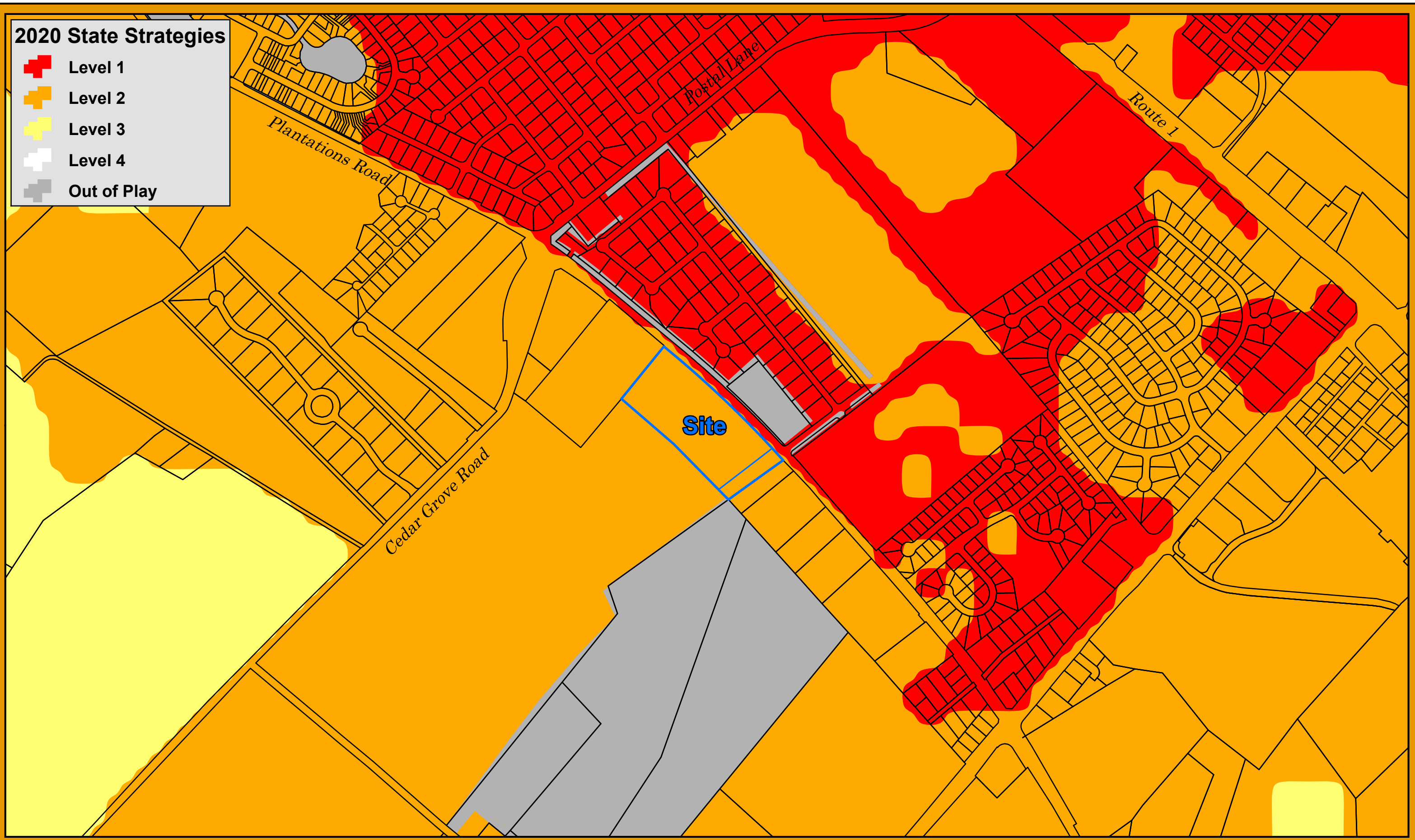


NCRS Soil Survey
Plantation Partners
Sussex County, Delaware



2020 State Strategies

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

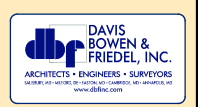


Sources:
Tax Parcels per Sussex County



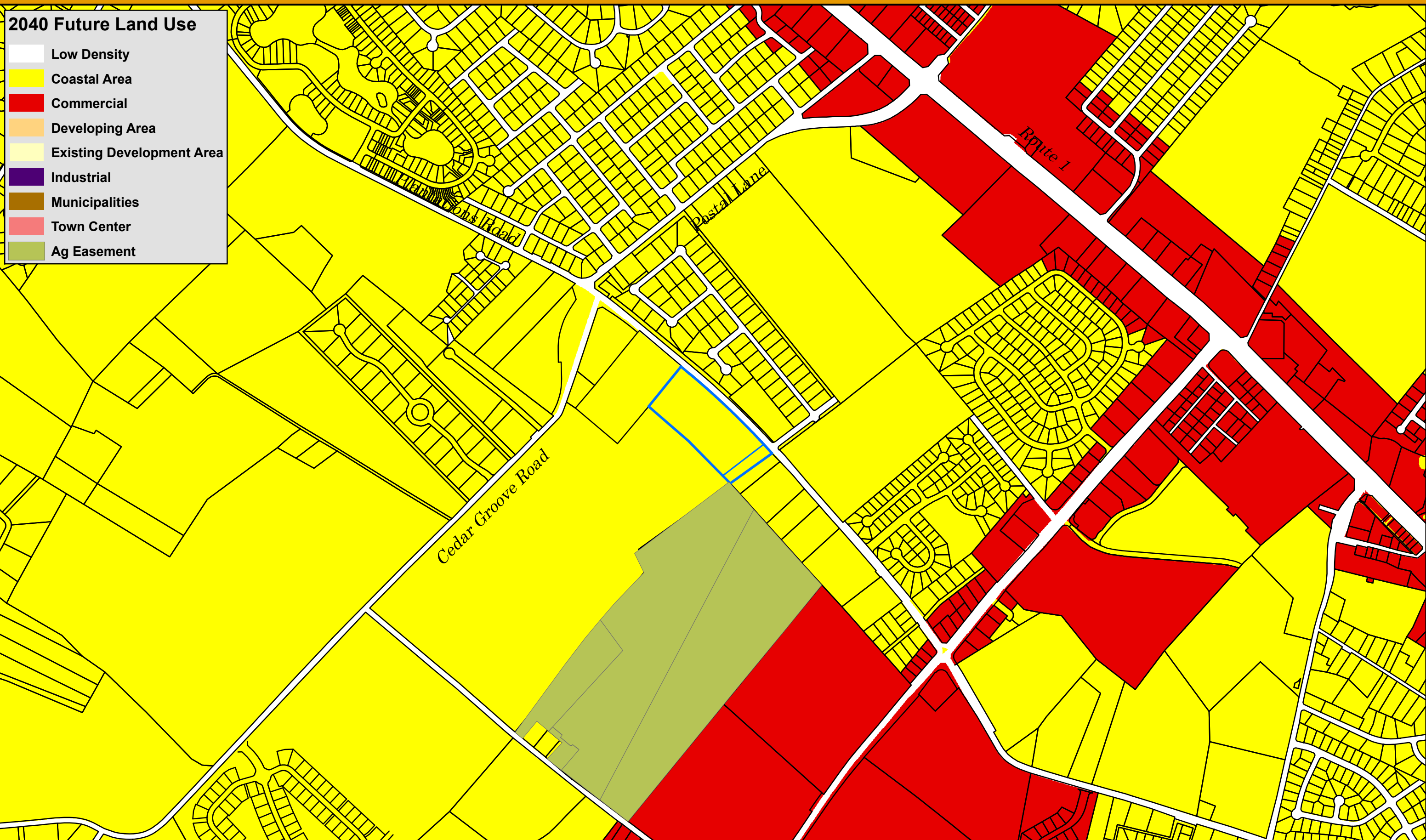
2020 State Strategies
Plantation Partners
Sussex County, Delaware

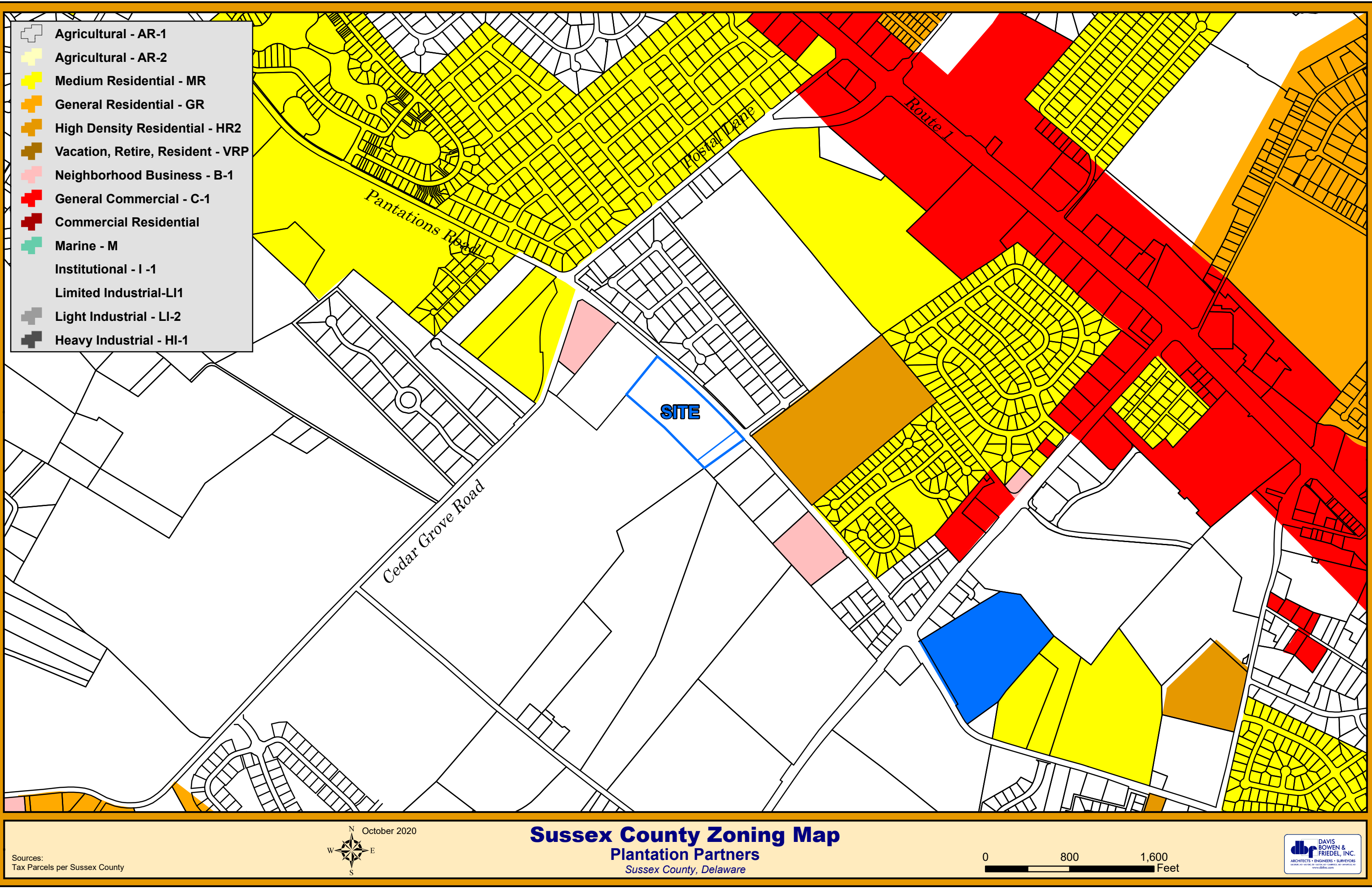
0 600 1,200
Feet

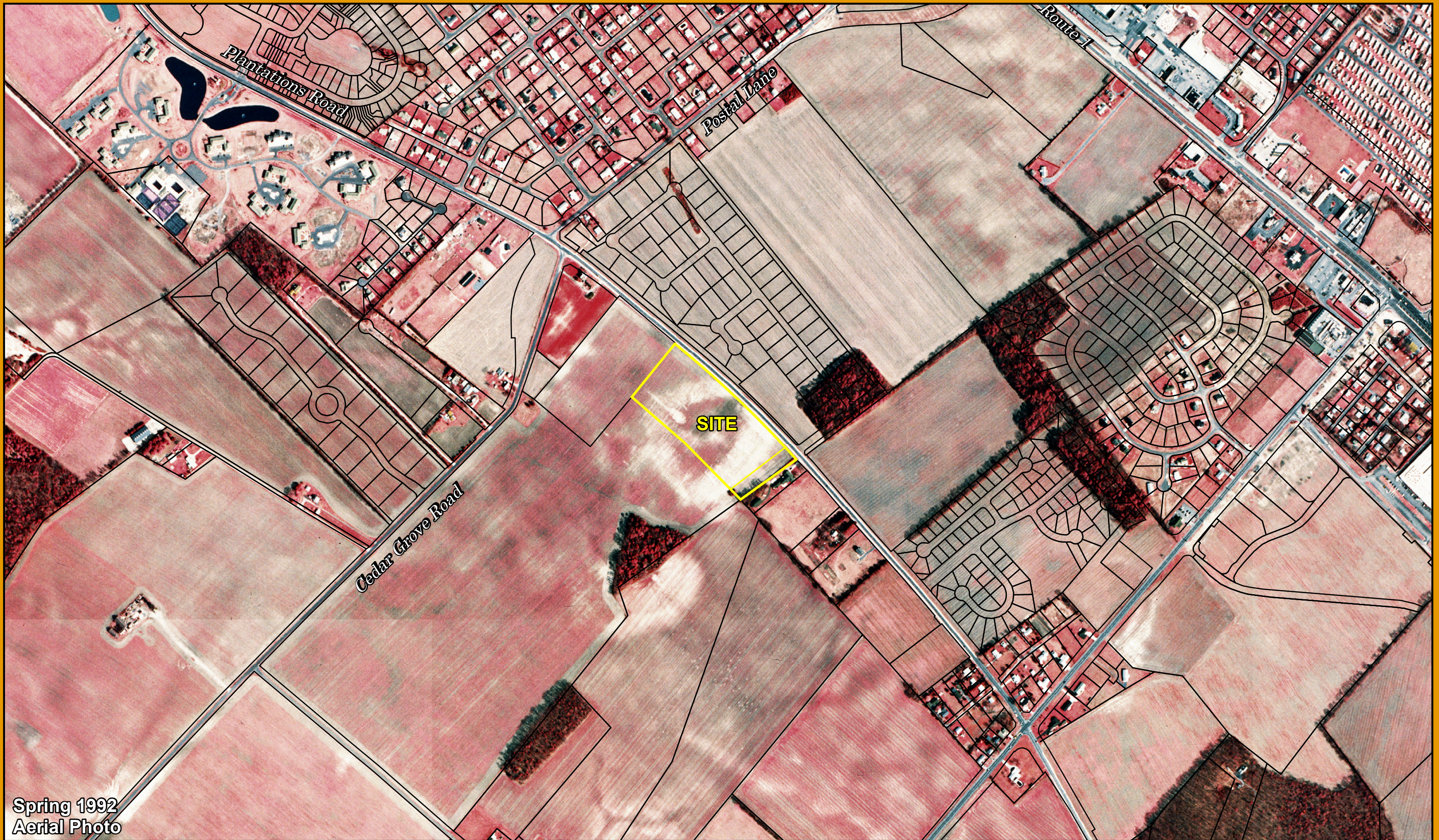


2040 Future Land Use

- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center
- Ag Easement







Spring 1992
Aerial Photo



Sources:
Tax Parcels per Sussex County

1992 Aerial Photo

Plantation Partners

Sussex County, Delaware

0 600 1,200
Feet





Spring 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



2017 Aerial Photo
Plantation Partners
Sussex County, Delaware

0 600 1,200
Feet



Exhibit 3

Michael P. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Whitedelan, AIA
Jason P. Lour, P.E.
Ring W. Lordner, P.E.
Jamie L. Seichter, P.E.

February 28, 2020
Revised: August 21, 2020

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

Attn: Mr. Jamie Whitehouse, Acting Planning Director

Re: Plantation Commercial 2
PLUS 2020-01-06
Tax Parcel No.: 334-12.00-52.00 p/o
DBF #2261M002

Dear Mr. Whitehouse:

On February 28, 2020, we submitted a rezoning application to Sussex County to rezone the land as B-2. Since that submission, the Developer has revised their request to rezone the portion of land to C-2. In consultation with Office of State Planning, the change in zoning request does not require a new PLUS review and thus our original response remains the same. Below is the original response to the PLUS comments.

We have read and reviewed the comments provided during the PLUS Review of the Project on January 22, 2020, and received from the Office of State Planning dated February 19, 2020. We offer the following item-by-item response narrative for your review:

Strategies for State Policies and Spending

This project is located in Investment Level 2 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the proposed rezoning and development of this project in accordance with the County codes and ordinances. We acknowledge the project is located in Investment Level 2 where growth is anticipated.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

DelDOT has no regulations or code requirements pertaining to rezonings. DelDOT offers the following comments in anticipation of a site plan that could follow if the rezoning were approved.

- *The subject lands are located with the contemplated Henlopen Transportation Improvement District. In anticipation of the District being established, DelDOT has developed concept plans and funding estimates for a set of transportation improvements needed to support a land use forecast provided by Sussex County. Among those improvements is a local road that would connect from Plantation Road (Sussex Road 275) opposite Craig Boulevard to Mulberry Knoll Road (Sussex Road 284).*

The “future right-of-way” shown on the plan accompanying the PLUS application is located in a manner consistent with the concept plan for road just mentioned. As initial comments, the “future right-of-way” should be dedicated to public use and when a full-width dedicated right-of-way is available, DelDOT may require the applicant to build part of the road and use it for access. Having said that, DelDOT finds several challenges inherent in building the road exactly as shown on the concept plan. DelDOT will need to refine the concept for that improvement further and may require a wider or differently shaped dedication.

- *The site access on Plantation Road must be designed in accordance with DelDOT’s Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.*
- *Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.*
- *Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.*
- *Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day.*

Section 2.2.2.2 of the Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS.

Section 2.4 of the Manual addresses Transportation Improvement Districts

(TIDs), such as the contemplated Henlopen TID. In a TID, developments consistent with the planning for the TID are required to pay a fee in lieu of doing a TIS or making road improvements. The cost of any road improvements that they are required to make beyond their entrance is deducted from that fee.

DelDOT will determine whether a TIS is required when the developer submits a site plan of sufficient detail to estimate trip generation.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Plantation Road. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."** The plan accompanying the PLUS application appears sufficient in this regard.
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Plantation Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."** The plan accompanying the PLUS application appears sufficient in this regard.
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 450 feet of the entrance on Plantation Road.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Path and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build a Shared Use Path along their frontage. The plan accompanying the PLUS application appears to be sufficient in this regard.

- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Plantation Road.*
- *In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.*
- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*

We have read all of the above comments from DelDOT and are familiar with their regulations and requirements. The Developer at time of the applications with comply with the above requirements.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- *There is a known cemetery on the northwestern (S11548) part of the project area and a cemetery (S13126) on the eastern part of the project area known as Bailey Cemetery. It appears that the present proposal just misses the Bailey Cemetery.*
- *The Delaware SHPO is recommending an archaeological survey of the northwestern part of the parcel for a site related to the John Marsh property seen on the Beers Atlas Map of 1868.*
- *If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).*
- *If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.*

We have read SHPO's comments and are familiar with the Unmarked Human Burials and Human Skeletal Remains Law. The Developer thanks SHPO for the information regarding the cemeteries and will review should development occur on residual lands.

Department of Agriculture – Contact: Milton Melendez 698-4534

- *The proposed project is adjacent to a property permanently protected through the State's Agricultural Lands Preservation Program (John W. And Helen D. Morris Expansion of the Hopkins Covered Bridge Farm District S-98-02-042D). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300-foot notification requirement affects all new deeds in a subdivision located in whole or part within*

300 feet of an Agricultural District. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- *In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:*

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

We have read the Department's comments and will include the appropriate notes on site plans when developed. Wells are not expected to be used on the project but will comply should they be installed.

Recommendations/Additional Information

*This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.*

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Plantation Road.*
- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*
- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>*

We have read the above comments and will comply at time of site plan preparation and submission.

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

Total Maximum Daily Load (TMDL) and excess nutrients

- *Total Maximum Daily Loads (TMDLs) exist for most of the State's water bodies. A TMDL is the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards. To support the State's water quality efforts, DNREC reviewers encourage applicants to reduce the amount of pollutants that enter local waterways by limiting the disturbance of natural habitat and increasing the use of green infrastructure. The TMDL for the low reduction zone of the Inland Bays watershed calls for 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions.*

Stormwater has not been evaluated but similar to the adjacent project we anticipate infiltration to be used which exceeds the TMDL removal requirements.

Department of Agriculture – Contact: Milton Melendez 698-4534

- *The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested buffer between the proposed residential development and neighboring farm operations. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between this new development and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program. This farm generates dust, noise and odors that new residents may not be familiar with.*

The project will use native species and plant the Right Tree for the Right Place.

Delaware Emergency Management Agency (DEMA) – Contact Erin Norris 659-2204

- *This area is located within an evacuation area and therefore hurricane preparedness and coordination with emergency officials should be considered. More specific information on evacuation areas can be found on Sussex County's Hurricane Information webpage: <https://sussexcountype.gov/hurricane-information>.*

We thank DEMA for the information.

Sussex County – Contact Lauren DeVore 855-7878

- *The proposed use is commercial. Please note that the Site Data Column indicates that the proposed zoning for the project is B-1 instead of B-2. Please amend this for clarity.*
- *Upon submittal of a proposed site plan for this parcel, the applicant is encouraged to participate in a pre-application meeting with Planning & Zoning*

staff concerning the project.

- *Following submission to the County, staff would undertake review of the Preliminary Site Plan, where more detailed comments would be provided to the*

We have read the County's comments and will revise the zoning designation at time of filing. Furthermore, a pre-application meeting will be held prior to submitting a site plan.

On behalf of the Developer we thank the State for providing us with these comments. Please contact me at (302) 424-1441 if you have any questions or need additional information.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Ring W. Lardner, P.E.
Principal

P:\JG Townsend\Plantation Road - Parcel 48\Documents\P&Z\2020-08-21 Rezoning Application to P&Z\PLUS Response.docx

CC: Constance C. Holland, AICP
Nick Hammonds, Plantation Partners, LLC

Exhibit 4

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

October 9, 2020

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
Georgetown, Delaware 19947

Attn: Mr. Jamie Whitehouse, AICP, MRTPI
Planning and Zoning Director

Re: Plantation Road Property
CZ #1920 – C-2 Rezoning
Environmental Assessment and Public Facility Evaluation Report
Tax Parcel No: 3-34-12.00-52.00 p/o
DBF# 2640A002

Dear Mr. Whitehouse,

On behalf of our client, Plantation Partners, LLC, we are submitting an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3 Coastal Zone, Subparagraph B (2). We offer the following information that comprises our report:

- (a) *Proposed Drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals. The proposed improvements will meet or exceed the state regulations for quality and quantity control. The proposed site using Green Technology and other Best Management Practices and Best Available Technologies will reduce the nitrogen and phosphorus loading by 40%. Minimizing impervious area and planting trees will further reduce nitrogen and phosphorous loadings. The project will not develop or produce other pollutants such as petroleum hydrocarbons or metals.*
- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands. The proposed project is in Tidewater Utility, Inc.'s franchise area and they hold the Certificate of Public Necessity (CPCN). Tidewater has provided a letter confirming its willingness and ability to provide public water for this project. Impacts to the groundwater and other systems have been evaluated as part of Tidewater's CPCN. At full build-out, the average water use will be 18,750 gallons per day based on 75,000 SF of office space, 1.0 EDU per 1,000 SF, and 1 EDU = 250 GPD. The peak use would then be 56,250*


gallons per day based on a peaking factor of 3.

- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.* The site is in the Sussex County Unified Sanitary Sewer District. Sussex County has a gravity sewer main along the frontage of the property that can be used for wastewater disposal.
- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.* As per DelDOT's Service Level Evaluation Request response received by the county on August 11, 2020, the need for a Traffic Impact Study (TIS) should be evaluated when a site plan is submitted. Similarly, the required road improvements will be determined by DelDOT during the Entrance plan review stage.
- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.* There are no records of federally listed endangered or threatened species or their critical habitats listed on this site.
- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site.* There are no wetlands on this site.
- (g) *Provisions for open space as defined in §115-4.* The proposed project will incorporate open space as required by code.
- (h) *A description of provisions for public and private infrastructure.* The Developer will improve Plantation Road in accordance with the DelDOT's rules and regulations. The Developer will also construct the water mains internally in the project that will be owned and maintained by Tidewater Utilities, Inc. Besides the water system, all other internal utilities and roadways will be constructed by the Developer and privately maintained.
- (i) *Economic, recreational, or other benefits.* The proposed project will create a considerable amount of jobs during construction and after completion.
- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.* The site does not contain any historic or cultural resources that are listed on the National Register of Historic Places.
- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.* The proposed application and mitigation measures comply with the current Sussex County Comprehensive Plan.
- (l) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan.* All mitigation measures, where required,

have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan.

If you have any questions or need additional information, please call me at (302) 424-1441.

Sincerely,
Davis, Bowen & Friedel, Inc.

A handwritten signature in black ink, appearing to read "Ring W. Lardner".

Ring W. Lardner, P.E.
Principal

RL/cm

Exhibit 5



October 12, 2020

Mr. Cliff D. Mumford, P.E.
Davis, Bowen, and Friedel, Inc.
1 Park Avenue
Milford, DE 19963

RE: Willing & Able Letter – Tax Parcel #334-12.00-52.00 Lands of J.G. Townsend, Jr. & Co.

Dear Mr. Mumford:

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, *including fire protection*, to the following parcel(s) identified as Tax Map & Parcel 334-12.00-52.00. Water service is contingent on the terms and conditions of a Water Service Agreement by and between Tidewater and the Project Owner. This parcel is located within Tidewater's existing water Certificate of Public Convenience and Necessity franchise area.

Please send a site plan and construction schedule to Tidewater. Please feel free to contact me at 302-747-1325 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,

Kirsten E. Higgins

Kirsten Higgins
Vice President, Development & Contract
Administration

cc: Brian Carbaugh, P.E., Tidewater Utilities, Inc.

Exhibit 6



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

JENNIFER COHAN
SECRETARY

August 11, 2020

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

Dear Mr. Whitehouse:

This letter is to revise and replace my letter of February 20, 2020 regarding the **Jack Lingo Asset Management, LLC** rezoning application, which we received on August 7, 2020. We are revising our response to modify the propose zoning per the applicant's request. In our previous letter, the applicant had requested to rezone the subject land from AR-1 (Agricultural Residential) to B-2 (Neighborhood Business). The applicant has now requested that we modify the proposed zoning to C-2 (Medium Commercial). The letter is being revised to modify the proposed zoning to C-2. A copy of our letter of February 20, 2020 is attached.

This revised application is for a portion of an approximately 113.82-acre parcel (Tax Parcel: 334-12.00-52.00). The subject land is located on the south side of Cedar Grove Road (Sussex Road 283), east of Mulberry Knoll Road (Sussex Road 284), and west of Plantation Road (Sussex Road 275). The subject land is currently zoned AR-1 and the applicant is seeking to rezone the land to C-2 to develop a commercial / office use.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Cedar Grove Road where the subject land is located are 3,713 and 4,779 vehicles per day, respectively. As mentioned above, the subject land also has frontage along Plantation Road and Mulberry Knoll Road. The annual average and summer average daily traffic volumes along the segment of Mulberry Knoll Road where subject land is located, which is from Delaware Route 24 to Cedar Grove Road, are 874 and 1,135 vehicles per day, respectively. The annual average and summer average daily traffic volumes along the segment of Plantation Road where the subject land is located, which is from Cedar Grove Road / Postal Lane (Sussex Road 283) to Old Landing Road (Sussex Road 274), are 11,519 and 14,825 vehicles per day, respectively.



Mr. Jamie Whitehouse

Page 2 of 2

August 11, 2020

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.

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

Enclosure

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Jack Lingo Asset Management, LLC, 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



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

JENNIFER COHAN
SECRETARY

February 20, 2020

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

Dear Mr. Jamie:

The Department has completed its review of a Service Level Evaluation Request for the **Jack Lingo Asset Management, LLC** rezoning application, which we received on January 23, 2020. This application is for a portion of an approximately 113.82-acre parcel (Tax Parcel: 334-12.00-52.00). The subject land is located on the south side of Cedar Grove Road (Sussex Road 283), west of Plantation Road (Sussex Road 275), and east of Mulberry Knoll Road (Sussex Road 284). The subject land is currently zoned AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to B-2 (Neighborhood Business) to develop a commercial / office use.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Cedar Grove Road where the subject land is located are 3,583 and 4,611 vehicles per day, respectively. As mentioned above, the subject land also has frontage along Plantation Road and Mulberry Knoll Road. The annual average and summer average daily traffic volumes along the segment of Mulberry Knoll Road where subject land is located, which is from Delaware Route 24 to Cedar Grove Road, are 844 and 1,086 vehicles per day, respectively. The annual average and summer average daily traffic volumes along the segment of Plantation Road where the subject land is located, which is from Cedar Grove Road / Postal Lane (Sussex Road 283) to Old Landing Road (Sussex Road 274), are 10,993 and 14,148 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.



Mr. Jamie Whitehouse

Page 2 of 2

February 20, 2020

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
Jack Lingo Asset Management, LLC, Applicant
J. Marc Coté, 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

Exhibit 7

322

together with the buildings and improvements thereon,
in fee simple, as tenants in common. In Witness
whereof, the said party of the first part has here-
unto set his hand and seal, the day and year aforesaid.
Sealed and Delivered Caleb L. McCabe Sr (Seal.)
in the presence of
J. Clifton Hastings
Buke E. McCabe

U.S. J. R. C. M.
1945-1946

State of Delaware } ss.

Sussex County } Be it Remembered, That on this
Fifth day of October in the year of our Lord
J. Clifton Hastings one thousand nine hundred and forty five
Notary Public personally came before me Clifton J. Hastings,
Selbyville, Notary Public, in and for Sussex County, State
Del. of Delaware, Caleb L. McCabe, Sr. Party to this
Indenture, known to me personally to be such,
and has acknowledged this Indenture to be his deed.
Given under my hand and seal of Office, the day and year aforesaid.
Received for Record J. Clifton Hastings
Oct. 11th A.D. 1945 Notary Public

Charles W. Hurley, Recorder
Purchasers Report Made This 11th Day of Oct. 1945
Board of Assessment of Sussex County, John C. Laak, Clerk.

Mailed To:
Emory & McCabe, Sr.
Selbyville, Del.
10/29/45

Deed: Eugene H. Blizzard ^{Ex 3} to J. G. Townsend, Jr. & Co.

This Deed, Made the 10th day of October, in the
year of our Lord one thousand nine hundred and
forty five; Between, Eugene H. Blizzard and Angeline
E. Blizzard, his wife, of Rehoboth Beach, County of
Sussex and State of Delaware, parties of the first
part, and J. G. Townsend, Jr. & Co., a Corporation of the
State of Delaware, party of the second part, Witnesseth,
That the said parties of the first part, for and in
consideration of the sum of One Dollar (\$1.00), and
other good and valuable considerations, lawful money
of the United States of America, the receipt whereof is
hereby acknowledged, hereby grant and convey unto the
said party of the second part, its successors and
assigns. All that certain tract, piece or parcel of
land, situate, lying and being in Leves and Rehoboth
Hundred, Sussex County, Delaware, more particularly
described as follows, to wit: Beginning at a point on
the southerly side of the public road leading from
Five Points to Midway and Corner for lands of Daniel
Drain; thence in a southeasterly direction along said
road until you come to the corner of lands owned
by Joseph J. Collins; thence running southwesterly
binding said Collins' land and lands of Margaret

Delivered To:
Caleb M. Wright
Georgetown, Del.
10/29/45

H. Carpenter until you come to lands of S. William Donovan; thence running Northwesterly, binding said Donovan's land until you come to the corner of Ebenezer Church yard, binding same and lands of Daniel Drain; thence along and with the said Drain land Northeasterly, home to the place of beginning, containing thirty eight (38) acres of land more or less; and being a part of the lands conveyed to these grantors by deed of Edith J. Jones dated the 20th day of September, 1944, and now of record in the Office of the Recorder of Deeds at Georgetown, Delaware, in Deed Record F.L.O. Vol. 349, page 332. In Witness Whereof, the said parties of the first part have hereunto set their hands and seals, the day and year aforesaid.
Signed, Sealed & Delivered in the presence of
Hazel Downs
C. E. Morris

Eugene H. Blizzard (Seal)
Angeline E. Blizzard (Seal)

U.S.I.R.-F.H.B.
10/29/45 \$3.30

State of Delaware } ss.
County of Sussex }
Be it remembered, that on this 10th day of October, in the year of our Lord Clifton E. Morris one thousand nine hundred and forty, Notary Public five, personally came before me, the Sub-
Leeds, scribe, a Notary Public for the State and Delaware County aforesaid, Eugene H. Blizzard and Angeline E. Blizzard, his wife, parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their deed. And the said Angeline Blizzard being at the same time, privately examined by me, apart from her husband, acknowledged that she executed the said Indenture, willingly without compulsion or threats or fear of her husband's displeasure.

Given under my hand and seal of office, the day and year aforesaid.
Received for record

Act. 11th A.D. 1945. ✓ Clifton E. Morris
Notary Public

Charles W. Hurley, Recorder.

Purchasers Report Made This 11th Day of Oct. 1945.
Board of Assessment of Sussex County, Pa. John C. Lusk, Clerk.

Agreement; Elizabeth Stevenson Collins To Henry E. Koster.
This Agreement Made and entered into this Tenth day of October A.D. 1945, Between Elizabeth Stevenson Colling (Widow), of the Town of Laurel, Broad Creek Hundred, Sussex County, and State of Delaware, party of the first part And Henry E. Koster, of Laurel, Broad Creek Hundred, Sussex County, Delaware, party of the second part. Witnesseth; The said party of the first part for and in consideration of the sum of

Delivered To:
Calvin M. Wright
Georgetown, Del.
10/29/45

Emory & McCaskey, Sec.
Self & wife, Del.
10/29/45

This Deed, Made this 28th day of June in the year of
our LORD one thousand nine hundred and forty-eight,

BETWEEN, Elizabeth H. Donovan, widow, of the City of Philadelphia, State of Pennsylvania, party of the first part,

— AND —

J. G. Townsend, Jr. & Co., a Corporation of the State of Delaware, party of the second part,

Witnesseth, That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration,

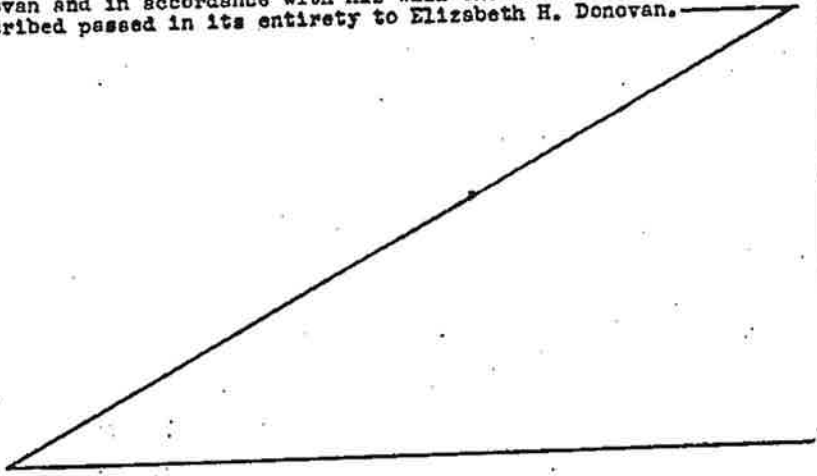
lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part,

AND

those certain tracts, pieces or parcels of upland and marsh, situate, lying and being in Lewes and Rehoboth and Indian River Hundreds, County of Sussex and State of Delaware, bounded and described as follows, to-wit:

TRACT NO. 1. Lying on the Public Road leading from Angola to Lewes, adjoining lands of William Blizzard, Raymond Carpenter, Estate of Sallie J. Tunnell and others, containing fifty-six (56) acres, more or less, and known as the "Levin A. Donovan Home Farm". Reference is also directed to Deed Record No. 139, page 417 and No. 139, page 421.

Being a part of the same land that was conveyed to Greensbury W. Donovan and Elizabeth H. Donovan, his wife, by deed of Theodore Cullen Donovan and Sadie T. Donovan, his wife, dated August 23, 1932 and now of record in the Office of the Recorder of Deeds at Georgetown in Deed Book No. 289, page 170, this deed being for an undivided one-half interest. The said Greensbury W. Donovan departed this life Testate on or about December 22, 1938, and an exemplified copy of his Last Will and Testament is filed of record in the Office of the Register of Wills in and for Sussex County at Georgetown in Will Book No. 41, page 59. At the death of the said Greensbury W. Donovan and in accordance with his Will the land herein-before described passed in its entirety to Elizabeth H. Donovan.



In Witness Whereof, the said party of the first part has hereunto set her hand and seal the day and year aforesaid.

Signed and Delivered in the Presence of

J. P. Kelly

Elizabeth H. Donovan



State of ~~DELAWARE~~ Pennsylvania

Plunk

County of *Del.*

28th day of *June*
hundred and fifty-eight,
widow,

Do hereby certify, That on this
in the year of our LORD one thousand nine
personally came before me, Elizabeth H. Donovan,

party to this Indenture, known to me personally to be such, and she
acknowledged this Indenture to be her Deed.

PURCHASERS REPORT MADE

This *3rd* day of *July* 1958
Board of Assessment of Sussex County
By *H. Ernest Cornwell clerk*

GIVEN under my Hand and Seal of office, the day and year aforesaid

RECEIVED FOR RECORD

July 3 A.D. 1958
CHARLES L. GALLAGHER Recorder

Joseph P. Kelly
Notary Public

Notary Public, Philadelphia, Pennsylvania
My Commission Expires February 6, 1960



Exhibit 8

LEGAL DESCRIPTION

PLANTATION PARTNERS

J. G. TOWNSEND, JR. & CO.

PORTION OF TAX PARCEL #3-34-12.00-52.00

August 12, 2020

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the southwesterly side of Plantations Road (Route 1D) and being located in Lewes and Rehoboth Hundred, Sussex County, Delaware; said piece or parcel of land being more particularly described as follows:

BEGINNING at a point on the southwesterly right-of-way line of Plantations Road (Route 1D); said beginning point being formed by the intersection of the northwesterly line of the lands of, now or formerly, Michael W. Burkhart and Kathryn T. Burkhart, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 2840, Page 311 with the said southwesterly right-of-way line of Plantations Road; said beginning point being coordinated on the Delaware State Grid as North 265,522.856, East 732,787.417, thence,

1) leaving said Plantations Road and running by and with said Burkhart lands, South 54 degrees 16 minutes 10 seconds West 465.91 feet to a point, thence;

2) leaving said Burkhart lands and running through the lands of J. G. Townsend, Jr. & Co. lands, the following two courses and distances, North 44 degrees 36 minutes 23 seconds West 539.69 feet to a point, thence running,

3) North 49 degrees 03 minutes 28 seconds West 478.19 feet to a point on the southeasterly line of the lands of, now or formerly, Plantation Partners, LLC, as recorded in said Office of the Recorder of Deeds in Deed Book 4988, Page 27, thence,

4) running by and with said Plantation Partners lands, North 39 degrees 01 minutes 40 seconds East 465.79 feet to a point on said southwesterly line Plantations Road, thence,

5) leaving said Plantation Partners lands and running by and with said Plantations Road, the following two courses and distances, South 50 degrees 07 minutes 07 seconds East 101.47 feet to a point, thence running,

6) by and with the arc of a curve deflecting to the right having an arc length of 1,040.14 feet, a radius of 7,308.29 feet and a chord bearing and distance of South 45 degrees 58 minutes 23 seconds East 1,039.27 feet to the point and place of beginning;
CONTAINING 11.570 acres of land, more or less.

\\Sbydfs\salsurvey\2261\2261J-Plantation 2\Legal\Plant 2-Zoning-Legal.doc

Exhibit 9

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**

Intersection of Plantation and Cedar Grove Roads, 1,500' south of Southern Corner

Type of Conditional Use Requested:

Rezone approximately 11.57 acres of land from AR-1 to C-2

Tax Map #: 334-12.00-52.00 p/o **Size of Parcel(s):** 11.570+/- of 113.999+/-**Current Zoning:** AR-1 **Proposed Zoning:** C-2 **Size of Building:** _____**Land Use Classification:** Agriculture**Water Provider:** Tidewater **Sewer Provider:** Sussex County**Applicant Information****Applicant Name:** Plantation Partners, LLC**Applicant Address:** 246 Rehoboth Ave**City:** Rehoboth Beach **State:** DE **Zip Code:** 19947**Phone #:** (302) 226-6645 **E-mail:** dmotley@jacklingo.com**Owner Information****Owner Name:** J.G. Townsend, Jr., & Co.**Owner Address:** P.O. Box 430**City:** Georgetown **State:** DE **Zip Code:** 19947**Phone #:** (302) 856-2525 **E-mail:** ptownsend.townsend@comcast.net**Agent/Attorney/Engineer Information****Agent/Attorney/Engineer Name:** Davis, Bowen & Friedel, Inc. - Ring W. Lardner, P.E.**Agent/Attorney/Engineer Address:** 1 Park Ave.**City:** Milford **State:** DE **Zip Code:** 19963**Phone #:** (302) 424-1441 **E-mail:** rwl@dbfinc.com

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ☒ **Completed Application**
- ☒ **Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- ☒ **Provide Fee \$500.00**
- ☐ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ☒ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ☒ **DeIDOT Service Level Evaluation Request Response**
- ☒ **PLUS Response Letter** (if required)

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

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

Signature of Applicant/Agent/Attorney



Date: 8/21/2020

Signature of Owner



Date: 8/21/2020

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

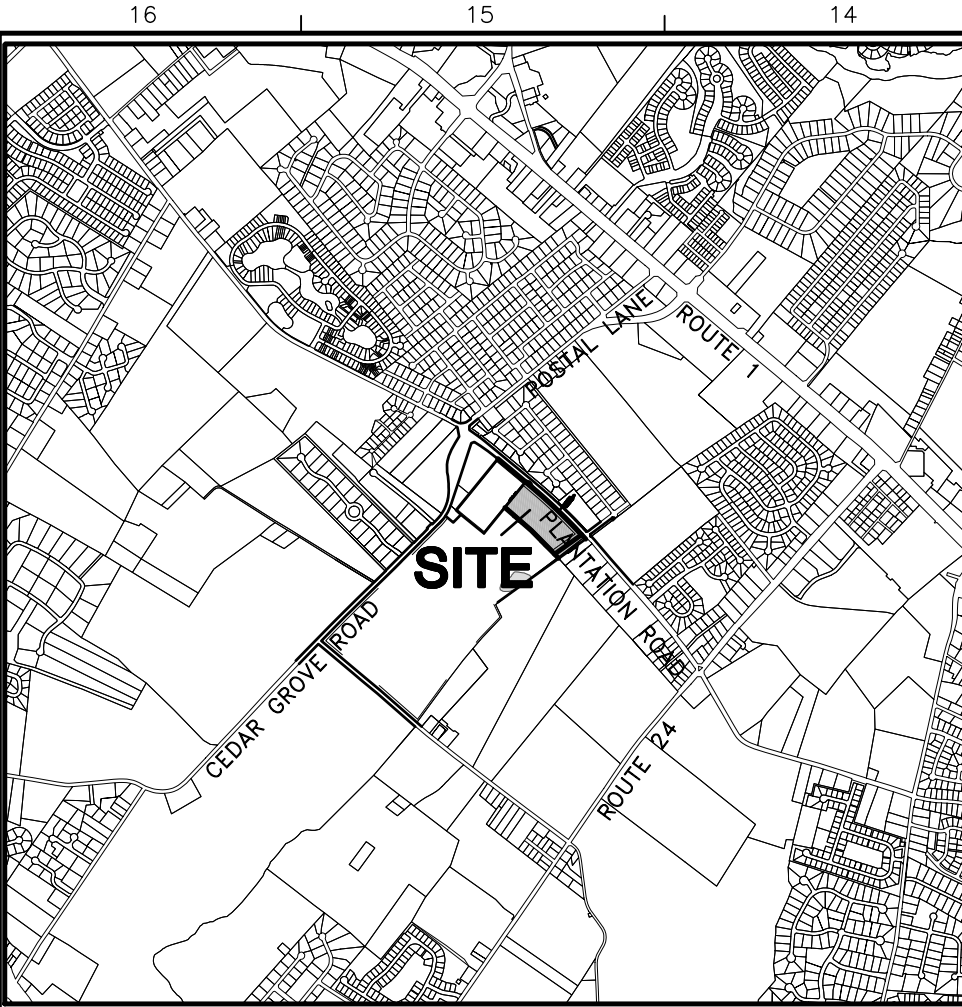
Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

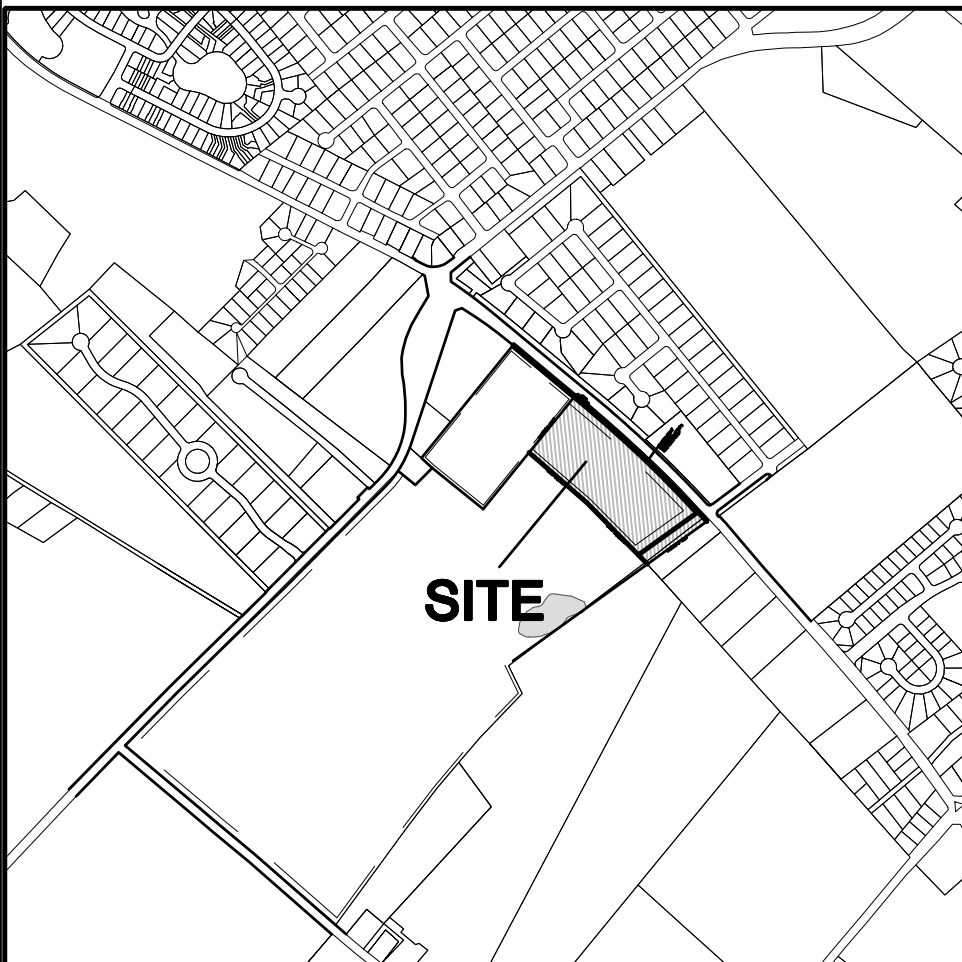
Decision of CC: _____

Exhibit 10



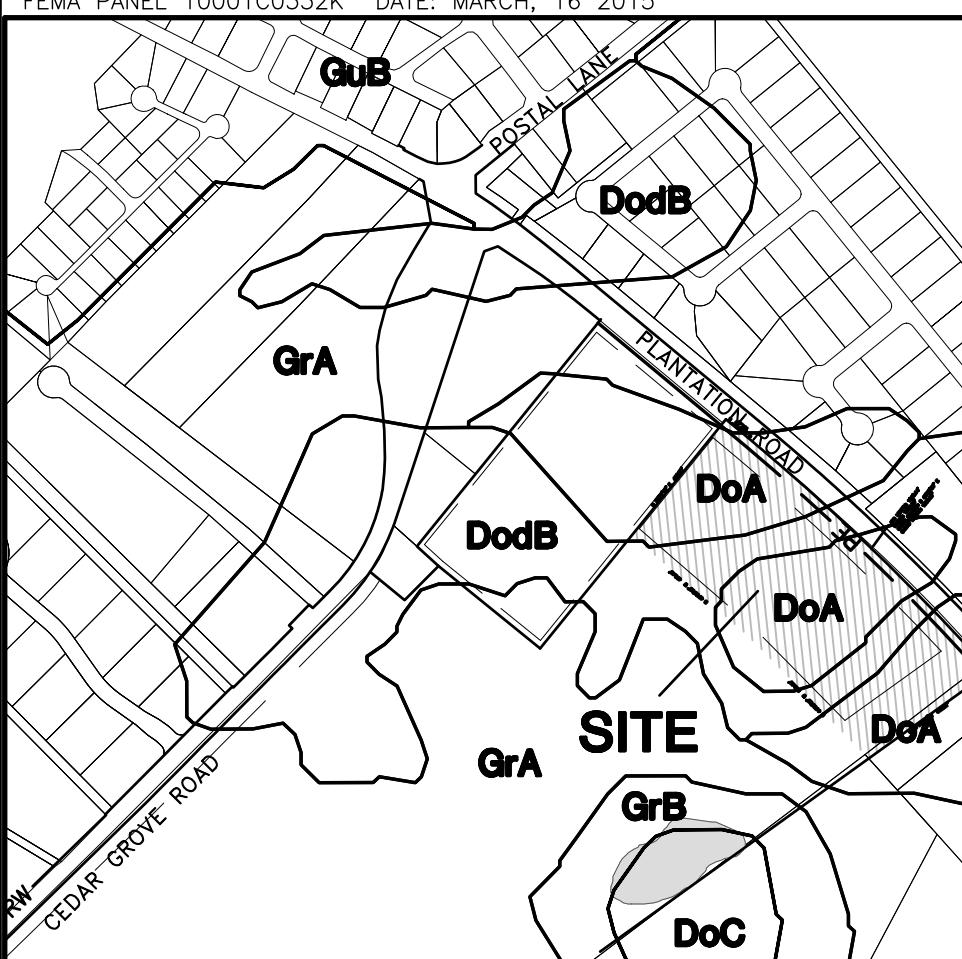
LOCATION MAP

SCALE: 1" = 1/2 MILE



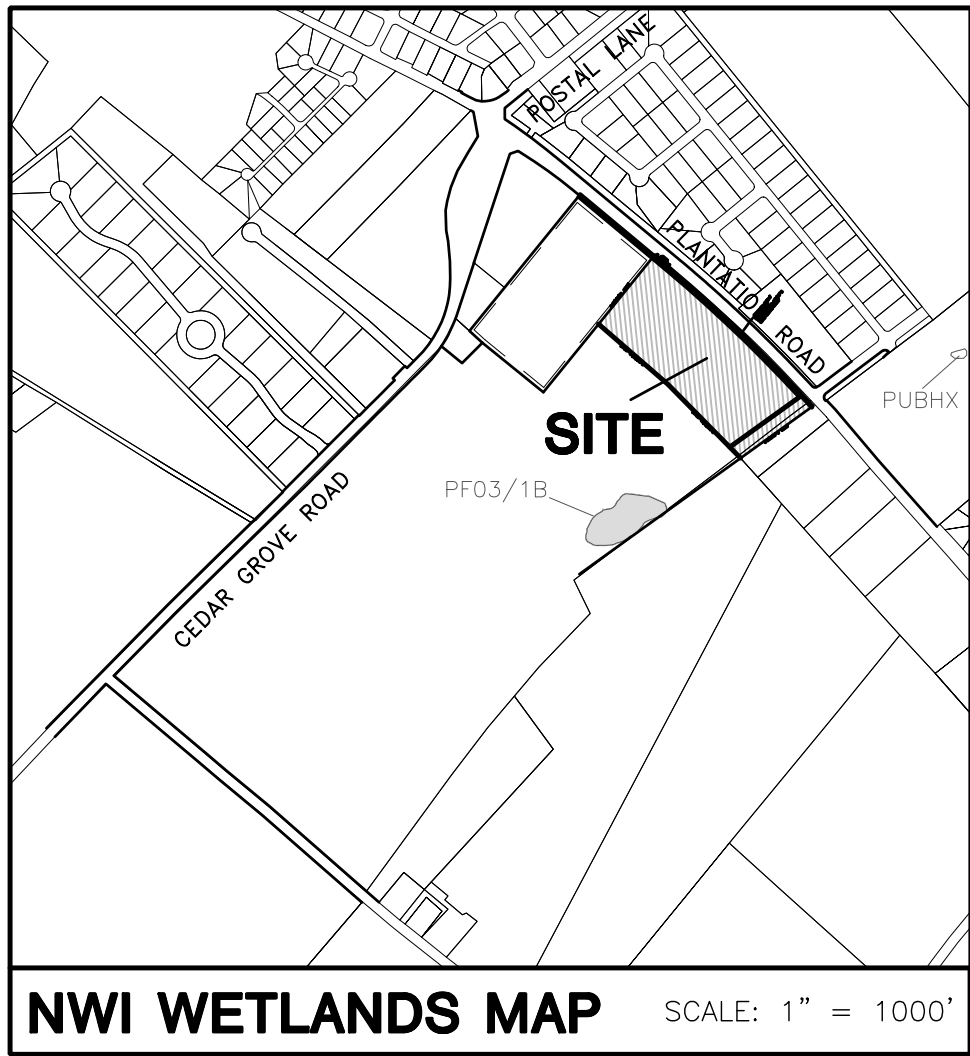
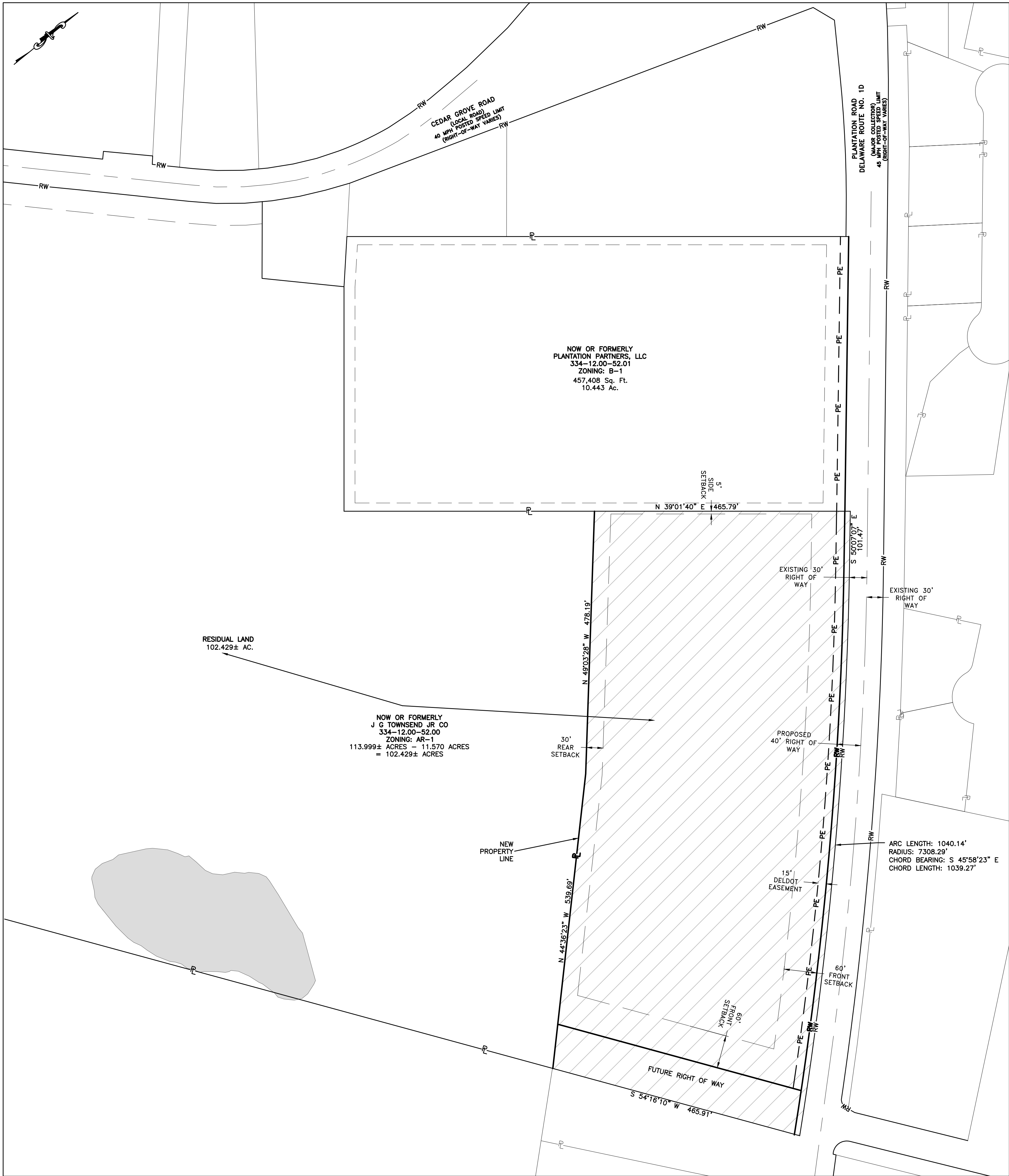
FLOODPLAIN MAP

SCALE: 1" = 1200'



SOILS MAP

DoA: DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES (B)
DodB: DOWNER SANDY LOAM, 2 TO 5 PERCENT SLOPES (B)
GrA: GREENWICH LOAM, 2 TO 5 PERCENT SLOPES (B)



NWI WETLANDS MAP

SCALE: 1" = 1000'

DATA COLUMN

TAX MAP NUMBER: 3-34-12.00-52.00 (PART OF)
EXISTING ZONING: AGRICULTURAL RESIDENTIAL DISTRICT (AR-1)
PROPOSED ZONING: MEDIUM COMMERCIAL DISTRICT (C-2)
LOCAL LAND USE AGENCY: SUSSEX COUNTY
EXISTING USE: FARMLAND
PROPOSED USE: COMMERCIAL
C-2 MINIMUM REQUIREMENTS:
FRONT YARD SETBACK: 60 FEET
SIDE YARD SETBACK: 5 FEET
SIDE YARD SETBACK: 20 FEET (ADJACENT TO RESIDENTIAL)
REAR YARD SETBACK: 5 FEET
REAR YARD SETBACK: 30 FEET (ADJACENT TO RESIDENTIAL)
MAXIMUM BUILDING HEIGHT: 42 FEET
MINIMUM LOT AREA: 15,000 SF
MINIMUM LOT WIDTH: 75 FEET
MINIMUM LOT DEPTH: 100 FEET
TOTAL SITE AREA: 113.999±
AREA OF LOT 2: 11.570 ACRES
NUMBER OF LOTS CREATED: 1
LOT 2 PLANTATION ROAD FRONTAGE: 1,062.52'
UTILITIES:
SEWER PROVIDER: SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
WATER PROVIDER: TIDEWATER UTILITIES
OWNER:
JG TOWNSEND JR & CO
POC: PAUL TOWNSEND
PO BOX 430
GEORGETOWN, DE 19947
302-856-2525
PREPARED BY:
DAVIS, BOWEN, AND FRIEDEL, INC.
RING W. LARDNER, P.E.
1 PARK AVENUE
MILFORD, DE 19963
302-424-1441

LEGEND

- PL PROPERTY BOUNDARY LINE
- PL PROPOSED PROPERTY LINE
- RW PROPERTY RIGHT-OF-WAY LINE
- PL EXISTING ADJOINING PROPERTY LINE
- RW EXISTING RIGHT-OF-WAY LINE
- PROPOSED BUILDING SETBACK LINE
- RIGHT-OF-WAY CENTERLINE



LANDS OF JG TOWNSEND JR & CO
PLANTATION ROAD
SUSSEX COUNTY, DELAWARE

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SUSSEX COUNTY, DELAWARE
MILFORD, DELAWARE
EASTON, MARYLAND
(302) 424-1441
(302) 424-1441
(410) 770-7744

REZONING PLAN

Date: AUGUST, 2020
Scale: 1" = 100'
Dwn.By: BJM / RWL
Proj.No.: 2261M002
Dwg.No.:

Z-01

Exhibit 11

PROPOSED FINDINGS OF FACTS
C/Z No. 1928

1. This is an application to amend the comprehensive zoning map from AR-1 (Agricultural Residential District) to C-2 (Medium Commercial District) for 11.570± acres located in Lewes and Rehoboth Hundred, Sussex County, being situated along the southwest side of Plantation Road (SCR 275), approximately 600 feet south of its intersection with Cedar Grove Road (SCR 283) and Postal Lane (SCR 283), also being known and designated as part of Sussex County Tax District 334, Map 12.00, Parcel 52.00.

2. The applicant is Plantation Partners, LLC, a Delaware limited liability company.

3. The owner of the property is J.G. Townsend, Jr. & Co., a Delaware corporation.

4. The property is unimproved and is currently used for agricultural purposes (farming).

5. The intended use of the site will be to enable the creation of commercial uses such as office, retail or flex space.

6. In the 2019 Sussex County Comprehensive Plan update, the property is identified for purposes of future land use as being in the Coastal Area. The property is surrounded by areas designated on the Future Land Use Map as being within the Coastal Area. The Coastal Area is a Growth Area and Table 4.5-2 titled “Zoning Districts Applicable to Future Land Use Categories” identifies C-2 (Medium Commercial District) as an applicable zoning district for the Coastal Area.

7. The guidelines for future growth in the Coastal Area states within the permitted uses for this Area that “[r]etail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads.” The guidelines further encourage the use of central water and sewer facilities.

8. This property has good road access being located along Plantation Road (SCR 275) a Major Collector and is a short distance from a recently upgraded and signalized intersection to the north at Plantation Road, Postal Lane and Cedar Grove Road. In addition, DelDOT is currently expanding John J. Williams Highway (Route 24), another Major Collector and the nearest intersection to the south. This means that access to this section of Plantation Road will occur between upgraded, signalized intersections.

9. The 2020 Delaware Strategies for State Policies and Spending identify the property as Investment Level 2, which are areas that “have been shown to be the most active portion of Delaware’s developed landscape” where “state investments and policies should support and encourage a wide range of uses” and “is the priority for job creation and retention.”

10. 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.” The intended use of the property are consistent with these permitted uses. It is anticipated with the assisted living facility approved for the adjacent property and the Beebe Specialty Surgical Hospital Campus approximately a half mile away that some or all of the use will be for medical and medical support purposes.

11. The Site is not within a floodplain based upon FEMA Map Number 10005C0332K, dated March 16, 2015, the entire property is located in an area designated as Zone "X" (unshaded), which is an area determined to be outside the 500-year floodplain.

12. There are no wetlands located on the property.

13. In the immediate area between Cedar Grove Road/Postal Lane and Route 24, there exist other commercial uses, existing and approved which are similar to the proposed use(s) for this property, including, but not limited to an assisted living facility approved for up to 160,000 square feet (Board of Adjustment Case No. 12066), Plantation Road Park (an office/business park), Metropolitan Community Church of Rehoboth Beach, and the Sussex County EMS Station. Consistent with the trend of use and development of this area along Plantation Road, on January 9, 2018, Sussex County Council adopted Ordinance No. 2546 changing the zoning classification for 4.5+/- acres known as Sussex County Tax Parcel 334-12.00-51.00 from AR-1 (Agricultural Residential District) to B-1 (Neighborhood District)(CZ 1835), and on March 13, 2018, Sussex County Council adopted Ordinance No. 2556 changing the zoning classification for 6.0+/- acres known as Sussex County Tax Parcel 334-12.00-57.01 from AR-1 (Agricultural Residential District) to B-1 (Neighborhood District)(CZ No. 1845).

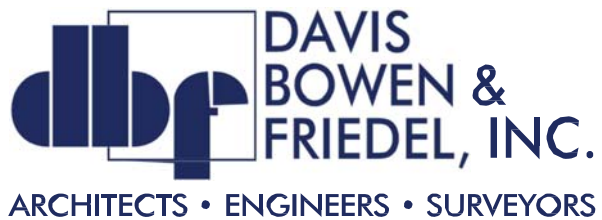
14. DelDOT responded to the Service Level Evaluation Request and stated that while the criteria for a Traffic Impact Study (TIS) could be met, not enough information is known to be able to predict the property’s trip generation and recommended that rezoning be considered without a TIS as the need for a TIS will be reevaluated when a subdivision plan or land development plan is proposed.

15. DelDOT plans to make improvements to Plantation Road, notably widening it to “reduce congestion, improve safety, and accommodate anticipated growth in local and seasonal traffic.” Planning is underway for Phase 1 of this project (Project No. T202011201), which is the area from Rt. 9 to Robinsonville Road. Further, this area is within the area for the contemplated Henlopen Transportation Improvement District.

16. Water for domestic use and fire protection is available from Tidewater Utilities.

17. Sanitary sewer is available from Sussex County.

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



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