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**Sussex County**

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

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

**PLANNING & ZONING COMMISSION**

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



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JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: April 28<sup>th</sup>, 2022

Application: CZ 1933 Route 54 Limited Partnership

Applicant: Route 54 Limited Partnership (c/o Mr. Daniel Bunting)  
32996 Lighthouse Rd  
Selbyville, DE 19975

Owner: Route 54 Limited Partnership  
32996 Lighthouse Rd  
Selbyville, DE 19975

Site Location: 33006 Lighthouse Road, Selbyville. The property is lying on the south side of Lighthouse Road (Route 54), approximately 0.39 mile east of Johnson Road (S.C.R 390).

Current Zoning: AR-1 – Agricultural Residential District

Proposed Zoning: C-2 – Medium Commercial District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Roxana Volunteer Fire Company

Sewer: Septic

Water: Artesian

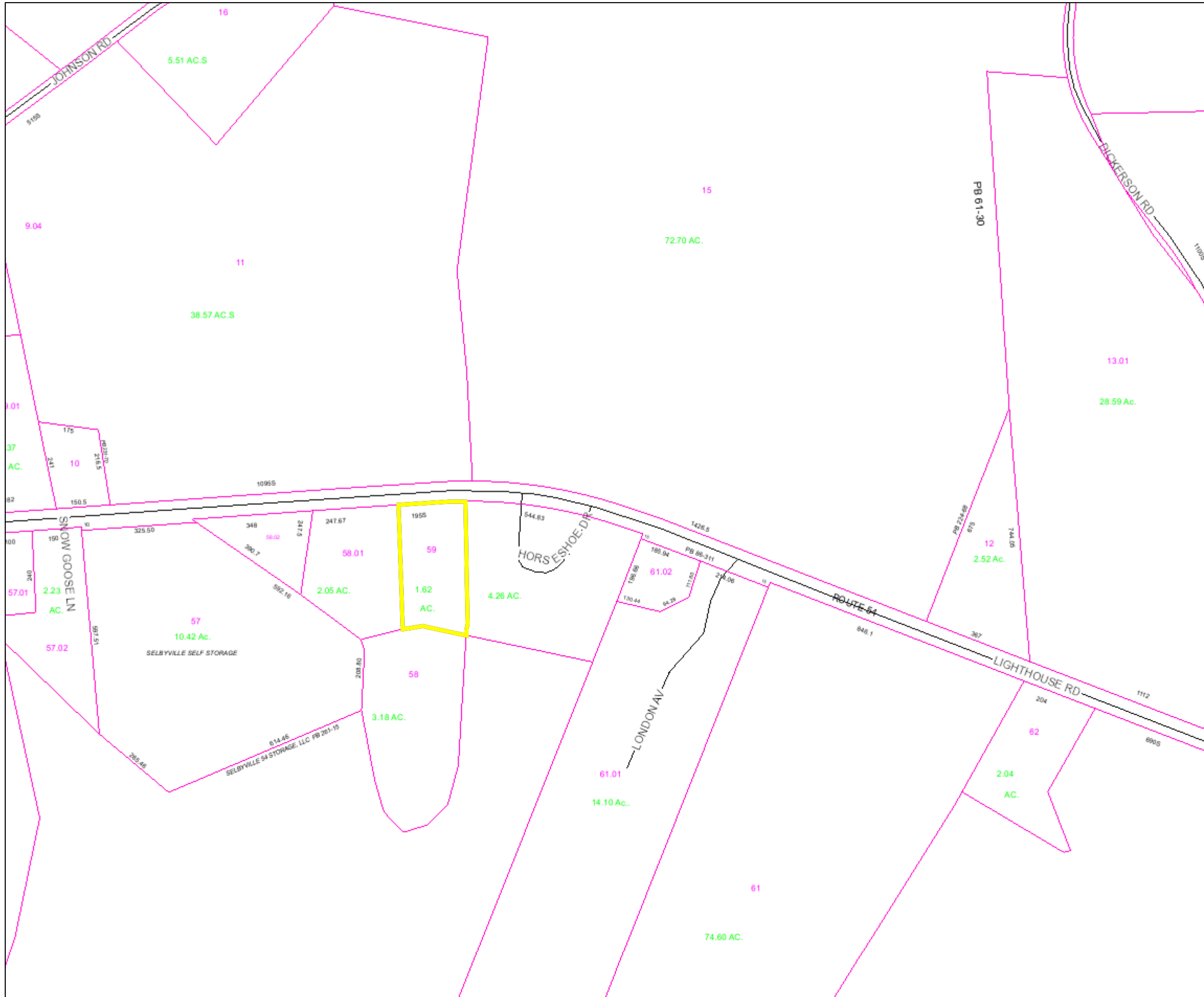
Site Area: 1.62 acres +/-

Tax Map ID.: 533-18.00-59.00





# Sussex County



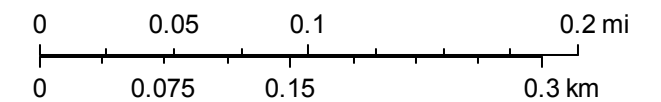
<b>PIN:</b>	533-18.00-59.00
<b>Owner Name</b>	ROUTE 54 LP
<b>Book</b>	4076
<b>Mailing Address</b>	32996 LIGHTHOUSE RD
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	SLAG RD SELBYVILLE
<b>Description 2</b>	WILLIAMSVILLE
<b>Description 3</b>	
<b>Land Code</b>	

- polygonLayer**

Override 1
- polygonLayer**

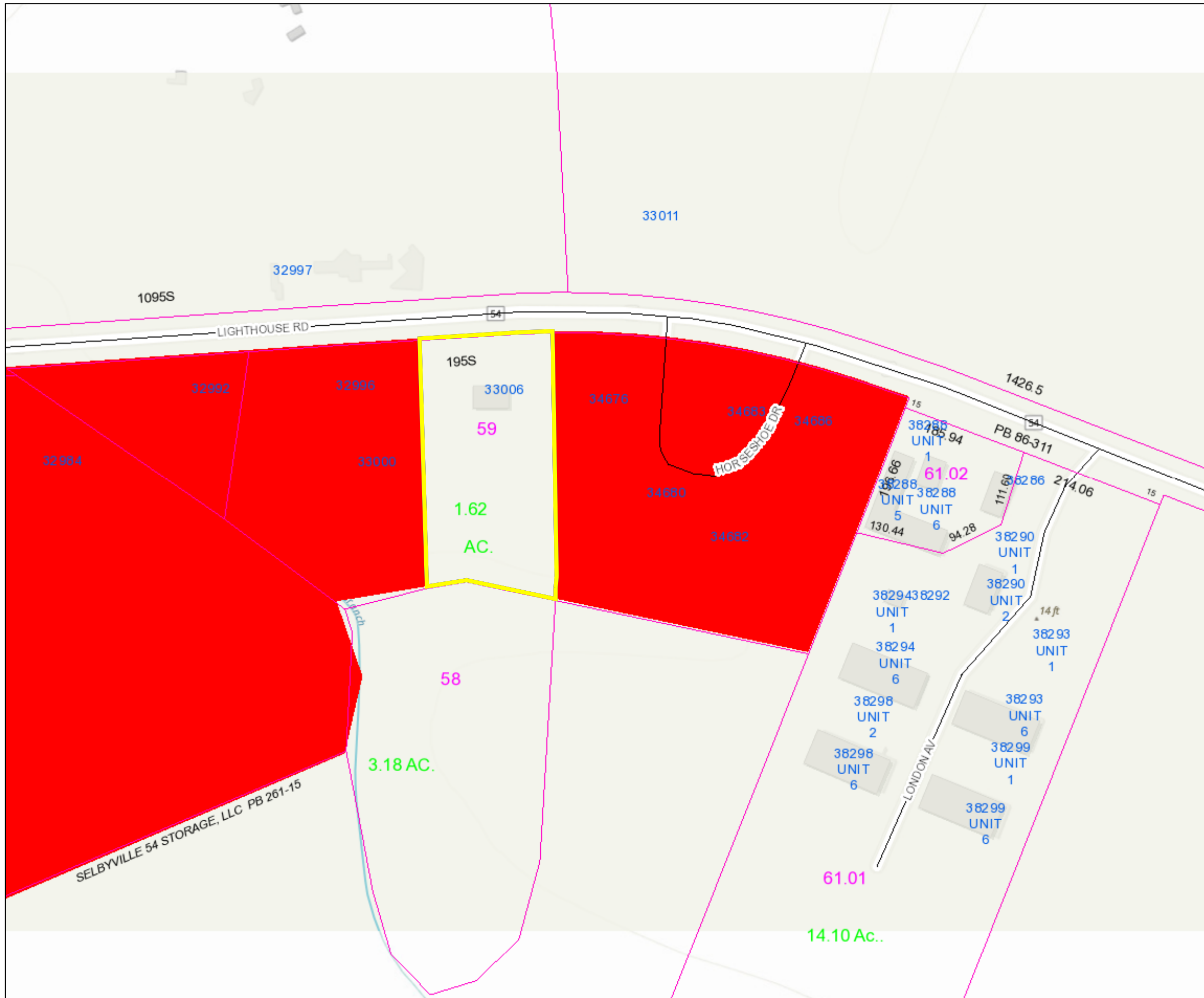
Override 1
- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries

1:4,514





# Sussex County



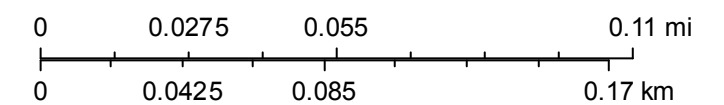
<b>PIN:</b>	533-18.00-59.00
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<b>State</b>	DE
<b>Description</b>	SLAG RD SELBYVILLE
<b>Description 2</b>	WILLIAMSVILLE
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

Override 1
- polygonLayer**

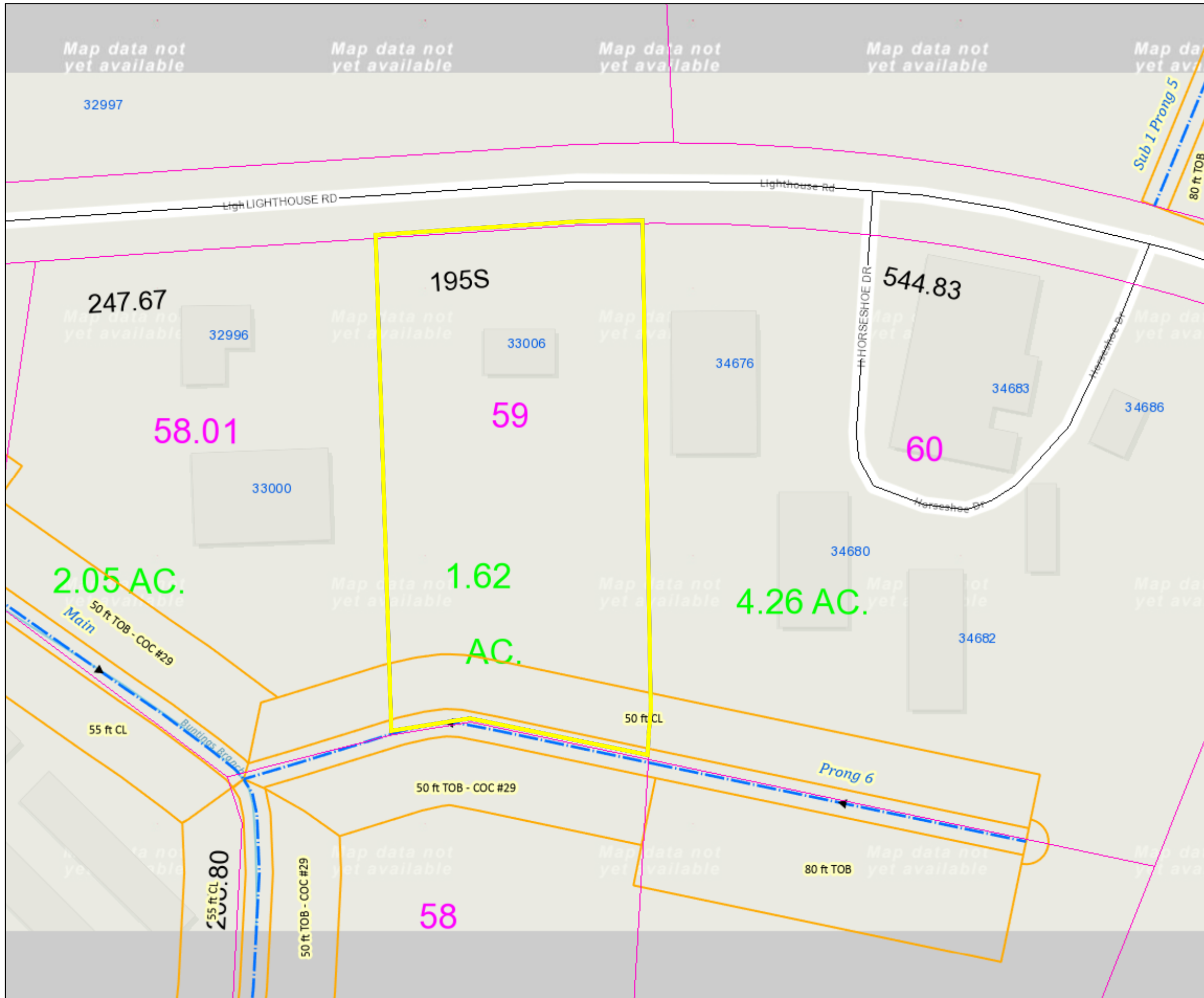
Override 1
- ⋮ Tax Parcels
- 911 Address
- Streets

1:2,257





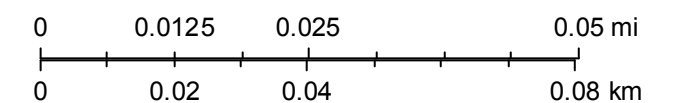
# Sussex County



<b>PIN:</b>	533-18.00-59.00
<b>Owner Name</b>	ROUTE 54 LP
<b>Book</b>	4076
<b>Mailing Address</b>	32996 LIGHTHOUSE RD
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<b>State</b>	DE
<b>Description</b>	SLAG RD SELBYVILLE
<b>Description 2</b>	WILLIAMSVILLE
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**
  - Override 1
- polygonLayer**
  - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
  - Tax Ditch Channel
  - Pond Feature
  - Special Access ROW
  - Extent of Right-of-Way

1:1,128



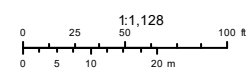


# Delaware Flood Planning Tool

Location is **NOT WITHIN** the FEMA 100-year floodplain.



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FEMA



March 29, 2022

### Effective Flood Hazard Areas

- A
- AE
- AE, FLOODWAY
- AO
- VE
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- Base Flood Elevation
- LiMWA
- Cross Sections
- Transect

### Preliminary Flood Hazard

- A
- AE
- AE, FLOODWAY
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

- ### Contours
- INDEX
  - DEPRESSION
  - HIDDEN
  - INTERVAL

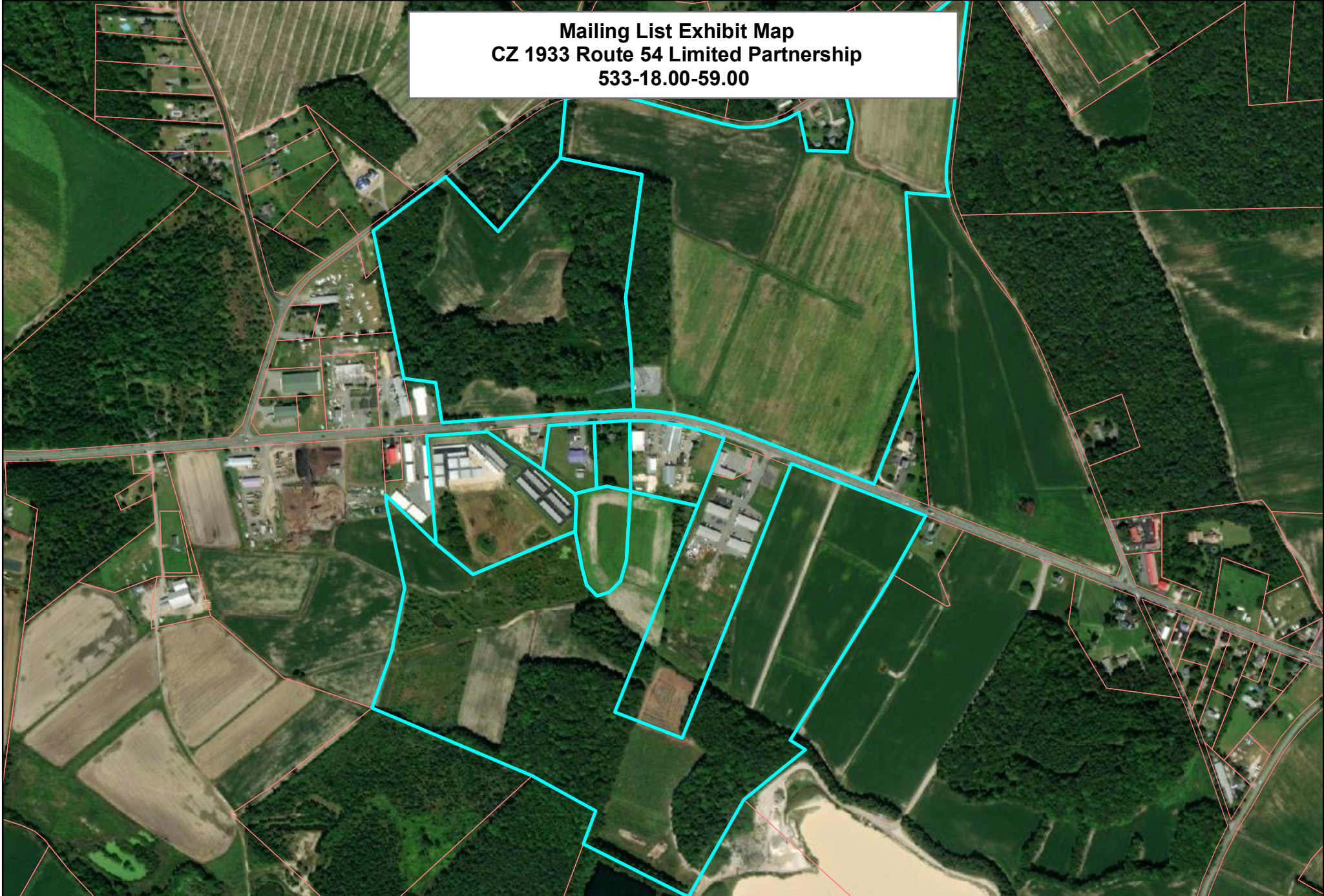
Flood Zone (at Point):  X  
 FEMA Issued Flood Map:  10005C0635K  
 Map Date:  3/16/2015  
 Watershed (HUC10):  Inland Bays (0204030303)  
 Subwatershed (HUC12):  Assawoman Bay (020403030303)  
 Tax Parcel:  533-18.00-59.00  
 Tax Parcel Acres:  1.64  
 Ground Elevation Height at Parcel (ft):  8 - 13  
 Address (estimated):  33006 LIGHTHOUSE RD SELBYVILLE, DE 19945

FULLNAME	Second_Owner_Name	MAILINGADD	CITY	STATE	ZIPCODE
BUNTING CONSTRUCTION CORP		32996 LIGHTHOUSE RD	SELBYVILLE	DE	19975
BUNTING HOLDINGS LLC		7000 NE 8TH DR	BOCA RATON	FL	33487
CENTER ON 54 LLC		12945 VANDERBILD DR.	NAPLES	FL	34110
ROUTE 54 LP		32996 LIGHTHOUSE RD	SELBYVILLE	DE	19975
SELBYVILLE 54 STORAGE LLC		1024 SCARBOROUGH AVE EXT	REHOBOTH BEACH	DE	19971
SUSSEX COUNTY	ENG DEPT-LOUANN ROGERS	PO BOX 589	GEORGETOWN	DE	19947



# Sussex County

**Mailing List Exhibit Map**  
**CZ 1933 Route 54 Limited Partnership**  
**533-18.00-59.00**





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PLANNING & ZONING DIRECTOR  
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## Memorandum

To: Sussex County Planning Commission Members  
From: Ms. Lauren DeVore, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and applicant  
Date: March 28<sup>th</sup>, 2022  
RE: Staff Analysis for CZ 1933 Route 54 Limited Partnership

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1933 Route 54 Limited Partnership to be reviewed during the April 28, 2022, 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 533-18.00-59.00 to allow for a change of zone from an Agricultural Residential (AR-1) District to a Medium Commercial (C-2) District. The parcel is lying on the south side of Lighthouse Road (Route 54) approximately 0.39 mile east of Johnson Road (S.C.R 390) at 33006 Lighthouse Road in Selbyville, Delaware. The parcel to be rezoned contains 1.62 acres +/-.

### Further Site Considerations

It should be noted that there is a Tax Ditch (and associated Tax Ditch ROW,) which runs along the southern portion of the property. The Tax Ditch ROW is measured 50-ft from the centerline of the ditch. No improvements may be located within these areas.

### Comprehensive Plan Analysis

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 a land use designation of "Coastal Area." The properties to the east, south, and northeast across Lighthouse Road (Route 54) also have the land use designation of "Coastal Area." The properties to the west and northwest have a land use designation of "Developing Area"

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).



Conversely, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home (Sussex County Comprehensive Plan, 4-14).

### Zoning Information

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 within the “Coastal Area” (Sussex County Comprehensive Plan, 4-25).

The property is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the east and west of the subject property are zoned General Commercial (C-1) District. The properties located to the south and north across Lighthouse Road are zoned Agricultural Residential (AR-1).

It should be noted that the property directly to the south is also seeking a rezoning from Agricultural Residential (AR-1) District to a Medium Commercial (C-2) District under Change of Zone 1934 Bunting Holdings, LLC

### Existing Changes of Zone within the Vicinity of the Subject Site

Since 2011, there have been three (3) Change of Zone applications within a 1-mile radius of the application site. The first application is for Change of Zone No. 1711 James Moses for a change of zone from an Agricultural Residential (AR-1) Zoning District and General Commercial (C-1) Zoning District to a Commercial Residential (CR-1) Zoning District. The application was approved by the Sussex County Council on February 14<sup>th</sup>, 2012 and the change was adopted through Ordinance No. 2241. The second application is for Change of Zone No. 1896 Fenwick Commons, LLC for a change of zone from an Agricultural Residential (AR-1) Zoning District to Medium Density Residential (MR) Zoning District. The application was approved by the Sussex County Council on January 14, 2020 and adopted through Ordinance No. 2700. The last application is for Change of Zone No. 1917 Iacchetta Development Corporation for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The application was approved by the Sussex County Council on August 11, 2020 and adopted through Ordinance No. 2731.

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

<b>Change of Zone Applications (w/in a 1 mile radius of the subject site)*</b>								
<b>Application Number</b>	<b>Application Name</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>P&amp;Z Decision</b>	<b>P&amp;Z Decision Date</b>	<b>CC Decision</b>	<b>CC Decision Date</b>	<b>Ordinance Number</b>
CZ 1711	James Moses	AR-1 & C-1	CR-1	Recommended Approval	1/26/2012	Approved	2/14/2012	2241
CZ 1896	Fenwick Commons, LLC	AR-1	MR	Recommended Approval	12/12/2019	Approved	1/14/2020	2700
CZ 1917	Iachetta Development Corporation	AR-1	C-2	Recommended Approval	7/23/2020	Approved	8/11/2020	2731

# 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**

33006 Lighthouse Road Selbyville DE 19975

**Type of Conditional Use Requested:**

Change of Zoning from A-R to C-2

Tax Map #: 533-18.00-59.00 Size of Parcel(s): 1.6 acres

Current Zoning: A-R-1 Proposed Zoning: C-2 Size of Building: 2500 SF

Land Use Classification: \_\_\_\_\_

Water Provider: Artesian Sewer Provider: Septic

**Applicant Information**

Applicant Name: Route 54 Limited Partnership  
Applicant Address: 32996 Lighthouse Road  
City: Selbyville State: DE Zip Code: 19975  
Phone #: (443) 880-3883 E-mail: daniel@buntingconstruction.com

**Owner Information**

Owner Name: Route 54 Limited Partnership  
Owner Address: 32996 Lighthouse Road  
City: Selbyville State: DE Zip Code: 19975  
Phone #: (443) 880-3883 E-mail: Daniel@buntingconstruction.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Daniel Bunting  
Agent/Attorney/Engineer Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

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

Provide Fee \$500.00

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

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

DeIDOT Service Level Evaluation Request Response

PLUS Response Letter (if required)

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

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

## Signature of Applicant/Agent/Attorney

D. Butz

Date: 7/20/2020

## Signature of Owner

C. Cole Butz

Date: 7/20/20

### For office use only:

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

Fee: \$500.00 Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

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

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

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

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

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

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

47027

BK: 4076 PG: 273

Tax Map Parcel Nos.: 5-33 18.00 59.00  
5-33 18.00 47.01  
5-33 20.00 4.00, Unit 348

Prepared by and return to:  
George B. Smith, Esquire  
Smith Feinberg McCartney & Berl, LLP  
406 South Bedford Street, P.O. Box 588  
Georgetown, Delaware 19947-0588.

NO TITLE SEARCH, LIEN SEARCH OR SURVEY REQUESTED OR PERFORMED

**THIS DEED**, made this 20 day of December, in the year of our LORD two thousand twelve (2012),

**BETWEEN, C. COLEMAN BUNTING, JR.**, of 32996 Lighthouse Road, Selbyville, DE 19975, party of the first part,

- AND -

**ROUTE 54 LIMITED PARTNERSHIP**, a Delaware limited partnership, of 32996 Lighthouse Road, Selbyville, Delaware 19975, 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)** lawful money of the United States of America and other valuable considerations, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors and assigns,

**Parcel Number One (TMP 5-33 18.00 59.00)**

**ALL** that certain lot, piece of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and being more fully described according to a survey prepared by Land Tech, Inc., dated December 21, 1992 as follows, to wit:

**BEGINNING** at a concrete marker situate on the Southerly right-of-way of State RT. 54 and being 1,920 feet ± Easterly of the centerline of RT 390, said concrete marker being a corner of these lands and lands now or formerly of Bunting Construction Corp.; thence by and with said Southerly right-of-way of State RT 54, South 84 degrees 10 minutes 53 seconds East 197.50 feet to an iron pipe situate on the said Southerly right-of-way of State RT. 54 and being a corner of these lands and lands now or formerly of Stephan P. Galvagna; thence by and with said lands now or formerly of Stephan Galvagna and the centerline of a 20 foot easement, South 06 degrees 31 minutes 55 seconds West 382.48 feet to a rebar being a corner of these lands, lands now or formerly of Stephan P. Galvagna and lands now or formerly of Ideal Farm Stores, Inc.; thence by and with said lands now or formerly of Ideal Farm Stores, Inc. and the centerline of a ditch, the following three (3) courses and distances, North 70 degrees 59 minutes 23 seconds West 136.89 feet to a point; thence North 79 degrees 21 minutes 20 seconds West 19.98 feet to a point; thence South 83 degrees 35 minutes 05

seconds West 40.13 feet to a point situate in the centerline of a ditch being a corner of these lands, lands now or formerly of Ideal Farm Stores, Inc., and lands now or formerly of Bunting Construction Corp.; thence by and with said lands now or formerly of Bunting Construction Corp, and a ditch, North 05 degrees 36 minutes 178 seconds East 358.12 feet to the point and place of beginning, containing 1.62 acres of land, be the same more or less.

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

**BEING** the same lands and premises granted and conveyed unto C. Coleman Bunting, Jr., by deed of Barbara Wyatt Hughes, Trustee, dated August 2, 2004, of record in the Office of the Recorder of Deeds, Georgetown, Delaware, in Deed Book 3015, at Page 115.

**Parcel Number Two (TMP 5-33 18.00 47.01)**

**ALL** that certain tract, piece or parcel of land situate and lying in Baltimore Hundred, Sussex County, State of Delaware, more particularly described in a plot prepared by C. Kenneth Carter & Associates in June of 1982, which plot is of record in the Office of the Recorder of Deeds, in and for Sussex County, State of Delaware, in Plot Book 26, at Page 138, containing 32.25 acres of land, more or less.

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

**BEING** the same lands and premises granted and conveyed unto C. Coleman Bunting, Jr., by deed of C. Coleman Bunting, Jr., and Laurel J. Bunting, dated June 3, 2010, of record in the Office of the Recorder of Deeds, Georgetown, Delaware, in Deed Book 3792, at Page 164.

**Parcel Number Three (TMP 5-33 20.00 4.00, Unit 348)**

**ALL** that certain Unit known as **UNIT NO. 348, PHASE TWO, STAGE XVI, BUILDING 35** in the Condominium known as **MALLARD LAKES CONDOMINIUM** situate, lying and being in Baltimore Hundred, Sussex County, Delaware, being more particularly bounded and described in the Declaration of Gray Farm Farmers, a Delaware partnership, dated December 8, 1987, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Georgetown, Delaware, in Deed Book 1535, Page 135, (the "Declaration"); and the **First** Amendment to Declaration, dated January 22, 1998; and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1544, Page 10; and the **Second** Amendment to Declaration dated February 5, 1988, and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1547, Page 63; and the **Third** Amendment to Declaration dated February 24, 1988, and filed for record in the Office of the recorder of Deeds, aforesaid, in Deed Book 1550, Page 17; and the **Fourth** Amendment to Declaration dated March 30, 1988, and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1556, Page 254; and the **Fifth** Amendment to Declaration dated May 23, 1988, and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1568,

Page 65; and the **Sixth** Amendment to Declaration dated June 15, 1988, and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1573, Page 176; and the **Seventh** Amendment to Declaration dated July 11, 1988 and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1579, Page 24; and the **Eight** Amendment to Declaration dated August 1, 1988 and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1583, Page 40; and the **Ninth** Amendment to Declaration dated October 3, 1988 and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1600, Page 224; and the **Tenth** Amendment to Declaration dated November 9, 1988 and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1609, Page 307; and the **Eleventh** Amendment to Declaration dated December 27, 1988 and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1619, Page 337, and the **Twelfth** Amendment to Declaration dated February 2, 1989 and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1628, Page 88; and the **Thirteenth** Amendment to Declaration dated March 7, 1989 and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1633, Page 89; and the **Fourteenth** Amendment to Declaration dated June 1, 1989, and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1650, Page 147; and the **Fifteenth** Amendment to Declaration dated July 7, 1989 and filed for record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1659, Page 21; and in the Declaration Plan of Mallard Lakes Condominium-Phase Two, prepared by C. Kenneth Carter, Registered Surveyor dated December, 1987, and filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 38, Page 212, (the "Declaration Plan"); and the Declaration Plan amended to incorporate Phase two, Stage II, Building 29, filed for record in the Office aforesaid, in Plot Book 38, Page 309; and the Declaration Plan amended to incorporate Phase Two, Stage III, Building 30, filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 38, Page 343; and the Declaration Plan amended to incorporate Phase Two, Stage IV, Building 31 filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 39, Page 23; and the Declaration Plan Amended to incorporate Phase Two, Stage V, Building 32 filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 39, Page 106; and the Declaration Plan amended to incorporate Phase Two, Stage VI, Building 20 filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 39, Page 273; and the Declaration Plan Amended to incorporate Phase Two, Stage VII, Building 25 filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 39, Page 326; and the Declaration Plan amended to incorporate Phase Two, Stage VIII, Building 24 filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 40, Page 27; and the Declaration Plan amended to incorporate Phase Two, Stage IX, Building 26 filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 40, Page 88; and the Declaration Plan amended to incorporate Phase Two, Stage X, Building 27, filed for record in the Office aforesaid, in Plot Book 40, Page 209; and the Declaration Plan amended to incorporate Phase Two, Stage XI, Building 22 filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 40, Page 289; and the Declaration Plan amended to incorporate Phase Two, Stage XII, Building 33, filed for record in the Office of the Recorder of Deeds aforesaid in Plot Book 41, Page 58; and the Declaration Plan amended to incorporate Phase Two, Stage XII, Building 34, filed for record in the Office of the Recorder of Deeds, aforesaid in Plot Book 41, Page 184; and the Declaration Plan amended to incorporate Phase Two, Stage IIX, Building 23, filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 41, Page 241; and the Declaration Plan amended to incorporate Phase Two, Stage XV, Building 21, filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 42, Page 64; and the Declaration Plan amended to



incorporate Phase Two, Stage XVI, Building 35, filed for record in the Office of the Recorder of Deeds, aforesaid, in Plot Book 42, Page 156; all pursuant to the provisions of the Unit Property Act of the State of Delaware, Title 25, Section 2201, et seq. of the Delaware Code, said property being subject to a Code of Regulations of record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1535, Page 182, (the "Code of Regulations").

**TOGETHER** with a proportionate undivided interest totaling .0792%, subject to decrease to a lesser percentage calculated by the formula set forth in Schedule C of the Declaration, in all of the Common Elements of the said Mallard Lakes Condominium as said Common Elements are more particularly bounded and described in the aforesaid Declaration and Declaration Plan.

**EXCEPTING AND RESERVING** unto the Grantor the right and privilege, to effectuate, execute and deliver amendments to the Declaration, Declaration Plan and Code of Regulations, for the purpose of adding additional condominium units and common elements, reallocating the percentage interest and voting rights appurtenant to each of the condominium units, as set forth in Sections 5, 6, 7, 8 and 9 of the Declaration and Irrevocable Power of Attorney given by the Grantee to the Grantor immediately subsequent hereto.

**AND TOGETHER** with all other rights, title, interest and privileges provided for or created by the said Unit Property Act (25 Del. C. Section 2201 et seq.) for an in the owners of property made subject to the provisions of the said Act.

**AND TOGETHER WITH** the license, right and privilege in common with all other present and future owners of all units in the Mallard Lakes Condominium-Phase Two to use the roadways of right of way delineated on the Declaration Plan of Mallard Lakes Condominium-Phase Two as well as all future roadways or rights of way submitted by an supplement, amendment, modification or revision to the Declaration and Declaration Plan or as such be amended.

**AND TOGETHER WITH** the easements, licenses, rights and privileges, which shall be perpetual and run with the unit described above, subject to the rights of others in and to the use thereof: (1) easements in common with the owners of all of the other units in the condominium as set forth and granted in the Declaration, specifically including, but not limited to those easements specified in Sections 15, 17, 18 19 and 20 thereof; (ii) as set forth in the Declaration and Code of Regulations hereinabove mentioned; and (iii) subject to the reservations of the Grantor under Section s 5 and 6 of the Declaration appearing in Deed Book 1535, Page 135.

**SUBJECT TO AND TOGETHER WITH**, the following restrictions, covenants or conditions:

(1) The Grantee, for and on behalf of the Grantee and the Grantee's heirs, personal representatives, successors and assigns, by the acceptance of this Deed, covenant and agree to pay such charges for the maintenance of, repairs to, replacement of and expenses in connection with the common elements as may be assessed from time to time by the Council in accordance with the Unit Property Act of Delaware (Chapter 22 of Title 25 of the Delaware Code) and further covenant and agree that the unit conveyed by this Deed shall be subject to a charge for all amounts so assessed;

and that, except insofar as Sections 2236 and 2237 of Title 25 of the Delaware Code may relieve a subsequent unit owner of liability for prior unpaid assessments this covenant shall run with and bind the land or unit hereby conveyed and all subsequent owners thereof.

(2) All the rules, regulations, restrictions, covenants duly imposed upon the property by the Declaration recorded in Deed Book 1535, Page 135, the Code of Regulations recorded in Deed Book 1535, Page 182, and the Declaration of Covenants, Conditions and Restrictions of Mallard Lakes recorded in Deed Book 1434, Page 204, as the same may be from time to time amended.

(3) The Grantee, for an on behalf of the Grantee and the Grantee's heirs, personal representatives, successors and assigns, by acceptance of this Deed, covenants and agrees to pay such charges as may be assessed to Grantee's Unit or Grantee's by the Condominium Council of Mallard Lakes Condominium-phase Two.

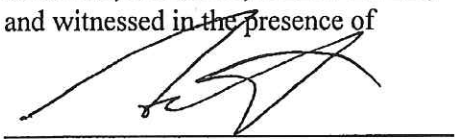
Unless the context shall indicate otherwise or unless defined, the terms used herein shall have the meanings ascribed to them in the Declaration, the Code of Regulations or this Indenture. However, if such definition should be in conflict with the definition of such terms in the Unit Property Act, then the definition contained in the Unit Property Act shall control.

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

**BEING** the same lands and premises granted and conveyed unto C. Coleman Bunting, Jr., by deed of Laurel J. Bunting, dated June 3, 2010, of record in the Office of the Recorder of Deeds, Georgetown, Delaware, in Deed Book 3793, at Page 23.

**IN WITNESS WHEREOF**, the said party of the first part has hereunto set his hand and seal the day and year aforesaid.

**SIGNED, SEALED, DELIVERED,**  
and witnessed in the presence of

  
\_\_\_\_\_

 (SEAL)  
C. COLEMAN BUNTING, JR.





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

JENNIFER COHAN  
SECRETARY

May 21, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Bunting Holdings, LLC** rezoning application, which we received on May 7, 2020. This application is for an approximately 3.18-acre parcel (Tax Parcel: 533-18.00-58.00). The subject land is located on the south side of Lighthouse Road (Sussex Road 58), approximately 1,900 feet east of the intersection of Lighthouse Road and Bunting Road (Sussex Road 390). The subject land is currently zoned MR (Medium-Density Residential), and the applicant is seeking to rezone the land to C-1 (General Commercial) for an unspecified future commercial development.

The subject parcel is landlocked and would have access on Lighthouse Road via an interconnection with the existing Bunting Construction Corp. development (Tax Parcel: 533-18.00-58.01) to the north.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Lighthouse Road where the subject land is located, which is from Bunting Road to Williamsville Road (Sussex Road 268), are 5,657 and 7,281 vehicles per day, respectively.

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

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



Mr. Jamie Whitehouse  
Page 2 of 2  
May 21, 2020

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Bunting Holdings, 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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **4/4/2022**

APPLICATION: **CZ 1933 Route 54 Limited Partnership**

APPLICANT: **Route 54 Limited Partnership (c/o Mr. Daniel Bunting)**

FILE NO: **SPS-5.04**

TAX MAP &  
PARCEL(S): **533-18.00-59.00**

LOCATION: **Lying on the south side of Lighthouse Road (Rt. 54),  
approximately 0.39 mile east of Johnson Road (SCR 390)**

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

GROSS  
ACREAGE: **1.60**

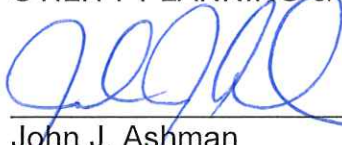
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

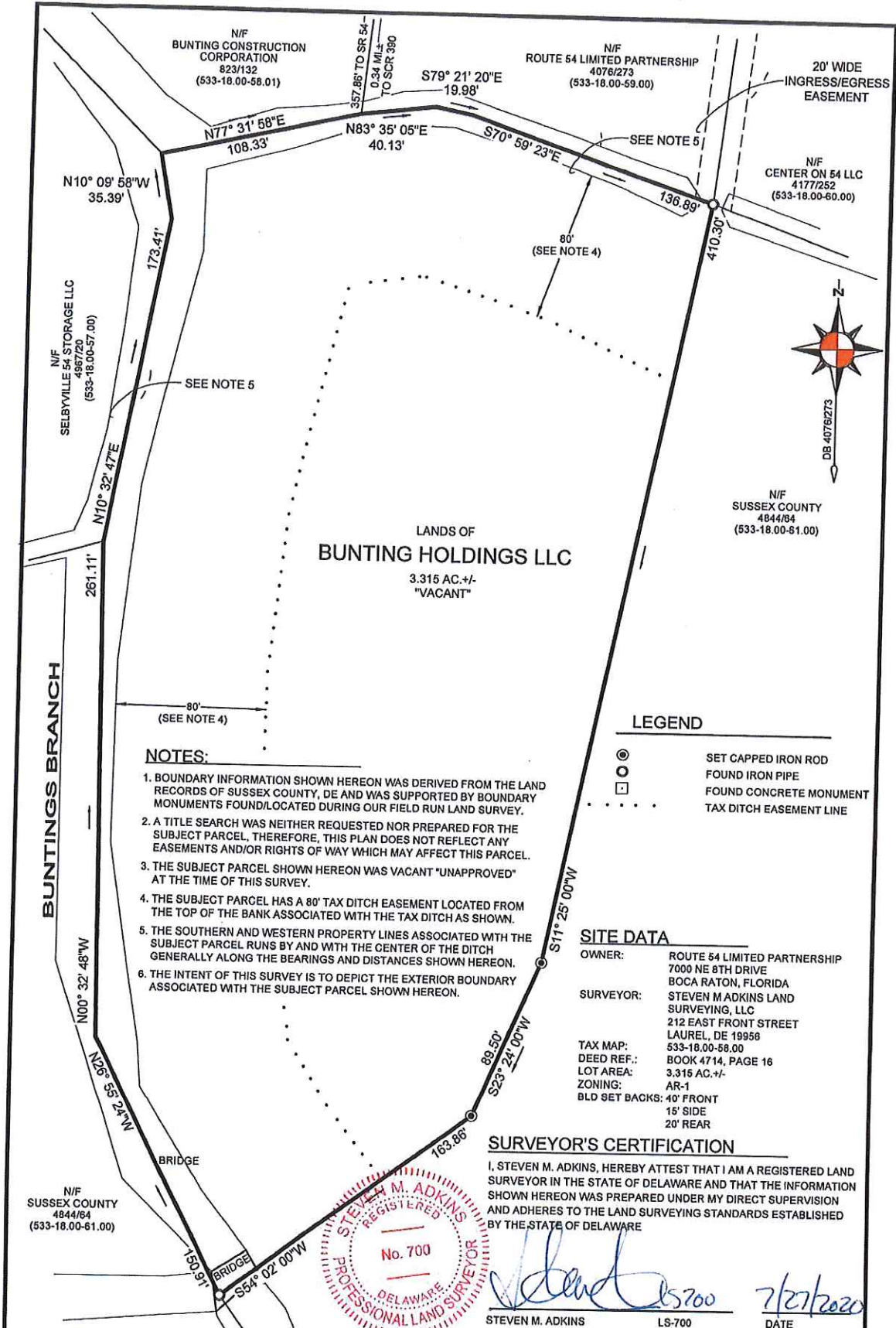
UTILITY PLANNING & DESIGN REVIEW APPROVAL:



---

John J. Ashman  
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
No Permit Tech Assigned



**NOTES:**

- BOUNDARY INFORMATION SHOWN HEREON WAS DERIVED FROM THE LAND RECORDS OF SUSSEX COUNTY, DE AND WAS SUPPORTED BY BOUNDARY MONUMENTS FOUND/LOCATED DURING OUR FIELD RUN LAND SURVEY.
- A TITLE SEARCH WAS NEITHER REQUESTED NOR PREPARED FOR THE SUBJECT PARCEL, THEREFORE, THIS PLAN DOES NOT REFLECT ANY EASEMENTS AND/OR RIGHTS OF WAY WHICH MAY AFFECT THIS PARCEL.
- THE SUBJECT PARCEL SHOWN HEREON WAS VACANT "UNAPPROVED" AT THE TIME OF THIS SURVEY.
- THE SUBJECT PARCEL HAS A 80' TAX DITCH EASEMENT LOCATED FROM THE TOP OF THE BANK ASSOCIATED WITH THE TAX DITCH AS SHOWN.
- THE SOUTHERN AND WESTERN PROPERTY LINES ASSOCIATED WITH THE SUBJECT PARCEL RUNS BY AND WITH THE CENTER OF THE DITCH GENERALLY ALONG THE BEARINGS AND DISTANCES SHOWN HEREON.
- THE INTENT OF THIS SURVEY IS TO DEPICT THE EXTERIOR BOUNDARY ASSOCIATED WITH THE SUBJECT PARCEL SHOWN HEREON.

**LEGEND**

- ⊙ SET CAPPED IRON ROD
- FOUND IRON PIPE
- FOUND CONCRETE MONUMENT
- TAX DITCH EASEMENT LINE

**SITE DATA**

OWNER: ROUTE 54 LIMITED PARTNERSHIP  
 7000 NE 8TH DRIVE  
 BOCA RATON, FLORIDA

SURVEYOR: STEVEN M ADKINS LAND SURVEYING, LLC  
 212 EAST FRONT STREET  
 LAUREL, DE 19956  
 533-18.00-58.00

TAX MAP: 533-18.00-58.00  
 DEED REF.: BOOK 4714, PAGE 16  
 LOT AREA: 3.315 AC +/-  
 ZONING: AR-1  
 BLD SET BACKS: 40' FRONT  
 15' SIDE  
 20' REAR

**SURVEYOR'S CERTIFICATION**

I, STEVEN M. ADKINS, HEREBY ATTEST THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF DELAWARE AND THAT THE INFORMATION SHOWN HEREON WAS PREPARED UNDER MY DIRECT SUPERVISION AND ADHERES TO THE LAND SURVEYING STANDARDS ESTABLISHED BY THE STATE OF DELAWARE



*[Signature]*  
 STEVEN M. ADKINS LS-700 DATE 7/27/2020

**STEVEN M. ADKINS**  
 Land Surveying, LLC  
 212 East Front Street  
 Laurel, DE 19956  
 (302) 875-3555 - Office

A LOCATION SURVEY FOR THE  
 LANDS OF  
**BUNTING HOLDINGS LLC**  
 ADJ. TO LIGHTHOUSE ROAD  
 BALTIMORE HUNDRED  
 SUSSEX COUNTY, DELAWARE

PROJECT #: 2020049.01	DATE: 07/27/2020
SCALE: 1" = 60'	DRAWN BY: S.M.A.
BOUNDARY SURVEY DRAWING NUMBER	
<b>58</b>	



## Preliminary Land Use Service (PLUS)

Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**Purpose of PLUS** - The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

2021-12-09

PLUS Number (to be completed by OSPC): \_\_\_\_\_  
 Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): 3

1. Project Title/Name: <u>Route 54 LP Rezone</u>			
2. Location ( please be specific): <u>Route 54 - East of the town of Selbyville</u>			
3. Parcel Identification #: <u>533-18.00-59.00</u>		4. County or Local Jurisdiction Name: where project is located: <u>Sussex County</u>	
5. If contiguous to a municipality, are you seeking annexation: <u>No</u>			
6. Owner's Name: <u>Route 54 LP</u>			
Address: <u>32996 Lighthouse Rd</u>			
City: <u>Selbyville</u>	State: <u>DE</u>	Zip: <u>19975</u>	
Phone: <u>443-880-3883</u>	Fax:	Email: <u>Daniel@buntingconstruction.com</u>	
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting):			
Address: <u>32996 Lighthouse Rd</u>			
City: <u>Selbyville</u>	State: <u>DE</u>	Zip: <u>19975</u>	
Phone: <u>443-880-3883</u>	Fax:	Email: <u>Daniel@Buntingconstruction.com</u>	
8. Project Designer/Engineer: <u>N/A</u>			
Address:			
City:	State:	Zip:	
Phone:	Fax:	Email:	
9. Please Designate a Contact Person, including phone number, for this Project: <u>Daniel Bunting 443-880-3883</u>			

Information Regarding Site:	
10. Type of Review:	<input checked="" type="checkbox"/> Rezoning, if not in compliance with certified comprehensive plan <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Subdivision
11. Brief Explanation of Project being reviewed:	<p style="text-align: center; color: blue; font-weight: bold;">Rezoning to C-2</p> <p>If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.</p>
12. Area of Project (Acres +/-):	6.62                      Number of Residential Units: N/A                      Commercial square footage: N/A
13. Present Zoning:	14. Proposed Zoning:
AR-1	C-2
15. Present Use:	16. Proposed Use:
Residential Dwelling	Future Commercial
17. Water: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility) Service Provider Name: Artesiam	
Will a new public well be located on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
18. Wastewater: <input type="checkbox"/> Central (Community system) <input checked="" type="checkbox"/> Individual On-Site <input type="checkbox"/> Public (Utility) Service Provider Name:	
Will a new community wastewater system be located on this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
19. If residential, describe style and market segment you plan to target (Example- Age restricted): <p style="text-align: center; color: blue;">N/A</p>	
20. Environmental impacts:	
How many forested acres are presently on-site? 0                      How many forested acres will be removed? 0	
To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Are the wetlands: <input type="checkbox"/> Tidal                      Acres: <input type="checkbox"/> Non-tidal                      Acres: N/A	
If "Yes", have the wetlands been delineated? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A	
Has the Army Corps of Engineers signed off on the delineation? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A	
Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If "Yes", describe the impacts:	
How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? N/A	
21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
22. List the proposed method(s) of stormwater management for the site:	
Tax Ditches	
23. Is open space proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No    If "Yes," how much? MA                      Acres:	
What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? MA	
24. Are you considering dedicating any land for community use (e.g., police, fire, school)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season:

N/A

What percentage of those trips will be trucks, excluding vans and pick-up trucks?

26. Will the project connect to state maintained roads?  Yes  No

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.

N/A

28. Are there existing sidewalks?  Yes  No; bike paths  Yes  No  
 Are there proposed sidewalks?  Yes  No; bike paths  Yes  No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network?  Yes  No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites?  Yes  No

Has this site been evaluated for historic and/or cultural resources?  Yes  No

Would you be open to a site evaluation by the State Historic Preservation Office?  Yes  No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit?  Yes  No

Person to contact to arrange visit: Daniel Bunting phone number: 443-580-3583

31. Are any federal permits, licensing, or funding anticipated?  Yes  No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

Daniel Bunting  
 Signature of property owner

11/22/21  
 Date

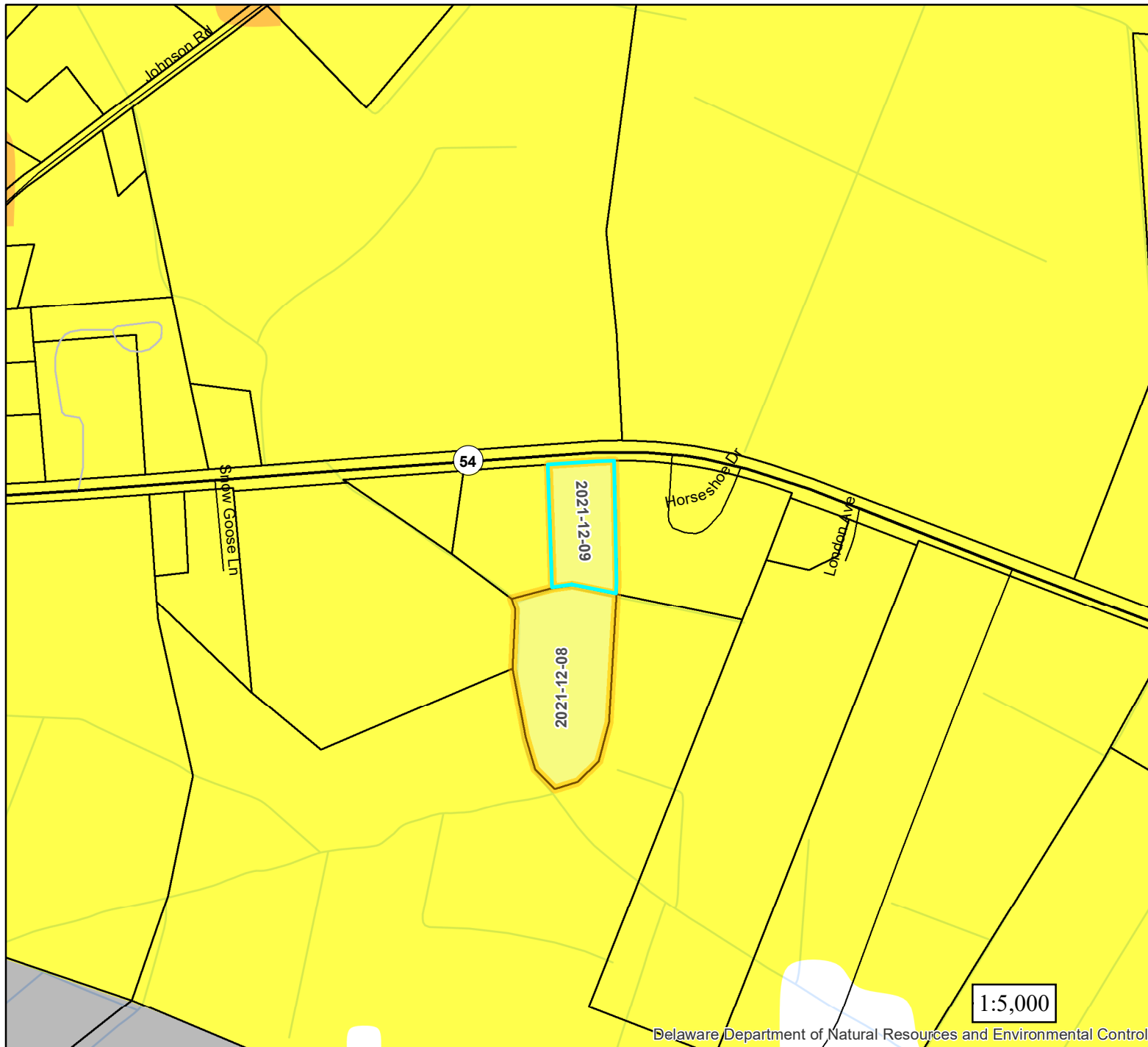
Daniel Bunting  
 Signature of Person completing form  
 (If different than property owner)

11/22/21  
 Date

**Signed application must be received before application is scheduled for PLUS review.**

This form should be returned to the Office of State Planning **electronically** at [plus@state.de.us](mailto:plus@state.de.us) **along with an electronic copy of any site plans and development plans for this site.** Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. **Please be sure to note the contact person** so we may schedule your request in a timely manner.

# Preliminary Land Use Service (PLUS)



**Route 54**  
2021-12-09

**Legend**

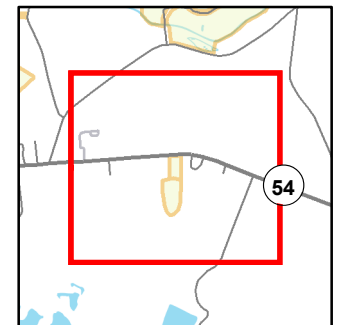
**PLUS Project Areas**

- Comp Plans
- All Other PLUS Reviews

**2020 State Strategies**

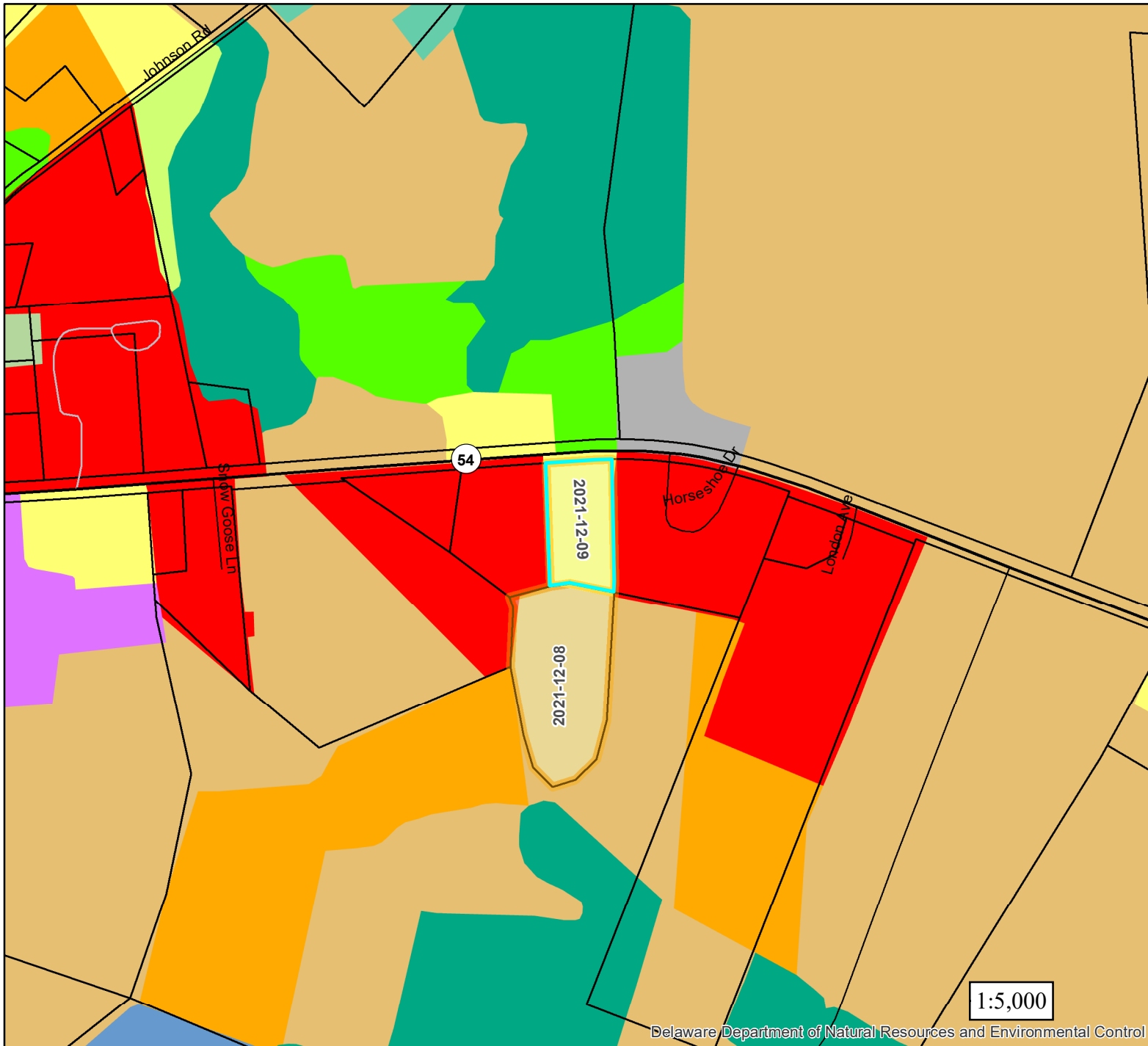
- 1
- 2
- 3
- 4
- Out of Play

**Location Map**



# Preliminary Land Use Service (PLUS)

**Route 54**  
2021-12-09



**Legend**

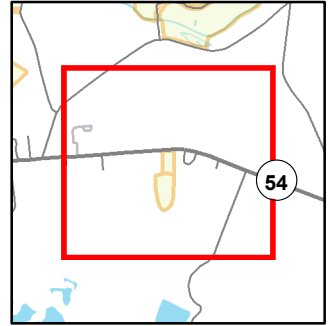
**PLUS Project Areas**

- Comp Plans
- All Other PLUS Reviews

**2017 LULC**

- Clear-cut
- Commercial
- Confined Feeding Operations/Feedlots/Holding
- Deciduous Forest
- Emergent Wetland - Tidal and Non-tidal
- Evergreen Forest
- Extraction and Transitional
- Farms, Pasture and Cropland
- Forested Wetland - Tidal and Non-tidal
- Industrial
- Institutional/Governmental
- Man-made Reservoirs and Impoundments
- Marinas/Port Facilities/Docks
- Mixed Forest
- Mixed Single and Multi-Family Residential
- Mixed Urban or Built-up Land
- Mobile home/Parks/Courts
- Multi-Family Dwellings
- Open Water
- Orchards/Nurseries/Horticulture
- Rangeland
- Recreational
- Sandy Areas and Shoreline
- Scrub/Shrub Wetland - Tidal and Non-tidal
- Shrub/Brush Rangeland
- Single Family Dwellings
- Transportation/Communication/Utilities

**Location Map**



1:5,000

# Preliminary Land Use Service (PLUS)



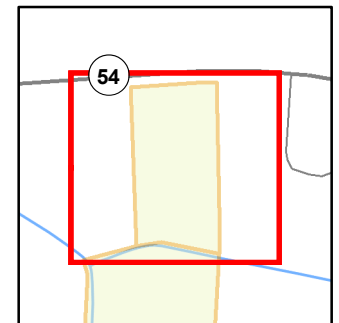
Route 54  
2021-12-09

**Legend**

**PLUS Project Areas**

- Comp Plans
- All Other PLUS Reviews

## Location Map





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

January 13, 2022

Daniel Bunting  
32996 Lighthouse Road  
Selbyville, DE 19975

RE: PLUS review 2021-12-09; Route 54, LP Rezoning

Dear Mr. Bunting:

Thank you for meeting with State agency planners on December 15, 2021, to discuss the proposed plans for the Route 54, LP rezoning project. According to the information received you are seeking review of a proposed rezoning of 1.62 acres from AR-1 to C2 along Lighthouse Road in Sussex County.

**The owners/developers will also need to comply with any Federal, State, and local regulations regarding this property. We note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

**Strategies for State Policies and Spending**

- This parcel is located in Investment Level 3 according to the Strategies for State Policies and Spending. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but please be advised that the State has other priorities for the near future. If this site is developed, we encourage you to design the site with respect for the environmental features which are present.
- No site plan was submitted for review through PLUS. The PLUS review was for the rezoning only. Therefore, any development planned for this property that meets the PLUS criteria must be submitted to PLUS for review.

**The following comments from State agencies should be considered if the site is developed. Note that this is not a complete list of requirements and recommendations. If the site is developed, the owner should contact the Office of State Planning regarding a review of the site plan.**

**Office of State Planning Coordination – Dorothy Morris 739-3090**

- The Office of State Planning Coordination has no objections to this proposed rezoning as presented. C-2 is allowable within the Coastal area; a comp plan amendment is not required for this rezoning.

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

- DelDOT has no comments on the subject rezoning but offers the following comments as information about what DelDOT will require if the County grants the rezoning and a developer subsequently submits a plan.
  - The site access on Lighthouse Road (Delaware Route 54) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
  - Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
  - Section 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. DelDOT will assess the need for a TIS when a plan is presented for development of the subject land.

**Department of Natural Resources and Environmental Control – Contact Beth Krumrine 735-3480**

The project application proposes to rezone a 1.62-acre parcel along Route 54 from AR-1 to C-2. DNREC reviewers have no concerns or comments at this time regarding the rezoning. If this site is developed in the future, plan for the following environmental features on the site, which may trigger environmental permits or regulations. Please note that this is not an exhaustive list of environmental considerations.



- Hydrologic Soil Group A/D (poorly drained) soils have been identified over most of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.
- Prong 6 of the Bunting Tax Ditch lies on the southern portion of the parcel. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax Ditch ROWs vary by channel size and location. Prong 6 of the Bunting Tax Ditch has a 50-foot to Centerline (CL) ROW extending into the project boundary.

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

- There is high potential for prehistoric archaeological resources on this parcel due to favorable environmental conditions. The parcel is near Buntings Branch and is composed of well-drained soils. The Delaware SHPO recommends an archaeological survey prior to any ground disturbance.
- There is high potential for historic archaeological resources on this parcel as well. There is a known historic structure along Lighthouse Road that was constructed between 1937 and 1954. Our Office recommends an archaeological survey prior to any ground disturbance.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)
- If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

- The Delaware State Fire Marshal's Office has the responsibility to review all commercial projects for compliance with the Delaware State Fire Prevention Regulations. This Agency's approvals are based on the Delaware State Fire Prevention Regulations only.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

David Edgell, AICP  
Director, Office of State Planning Coordination

CC: Sussex County Planning Department