

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: April 28th, 2022

Application: CZ 1934 Bunting Holdings LLC

Applicant: Bunting Holdings LLC (c/o Mr. Daniel Bunting)
7000 NE 8th Dr
Boca Raton, FL 33487

Owner: Bunting Holdings LLC
7000 NE 8th Dr
Boca Raton, FL 33487

Site Location: The property is a landlocked parcel of land 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: N/A

Water: Artesian

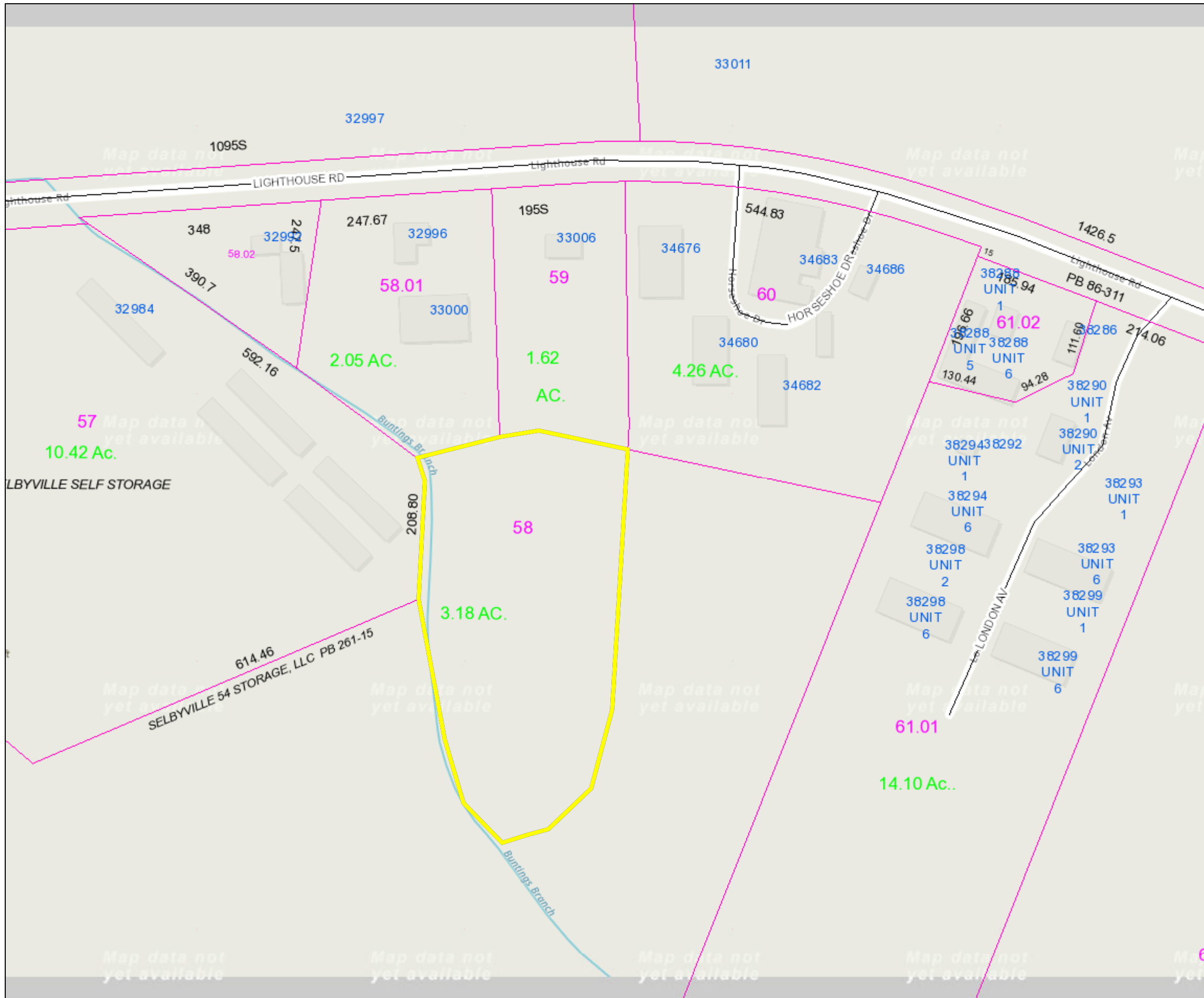
Site Area: 3.18 acres +/-

Tax Map ID.: 533-18.00-58.00





Sussex County



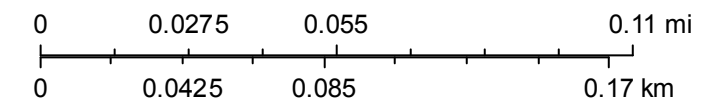
PIN:	533-18.00-58.00
Owner Name	BUNTING HOLDINGS LLC
Book	4714
Mailing Address	7000 NE 8TH DR
City	BOCA RATON
State	FL
Description	N/RT 54
Description 2	S/RT 390
Description 3	
Land Code	

- polygonLayer

 - Override 1
- polygonLayer

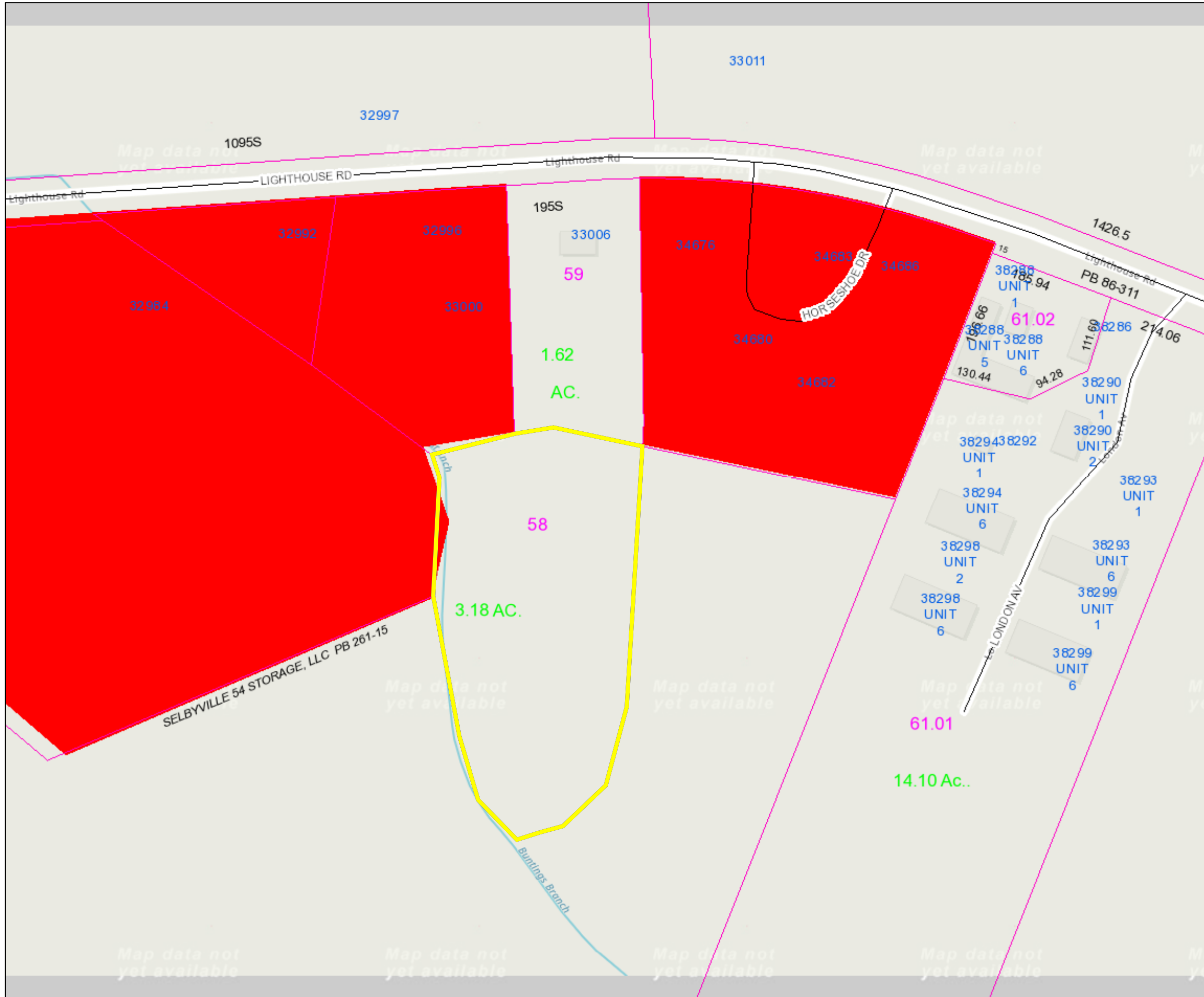
 - Override 1
- ⋮ Tax Parcels
- 911 Address
- Streets
- ⋮ County Boundaries

1:2,257





Sussex County



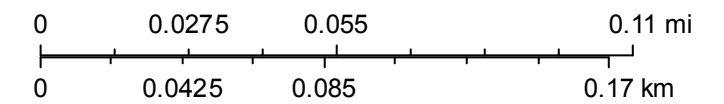
PIN:	533-18.00-58.00
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City	BOCA RATON
State	FL
Description	N/RT 54
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Description 3	
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257



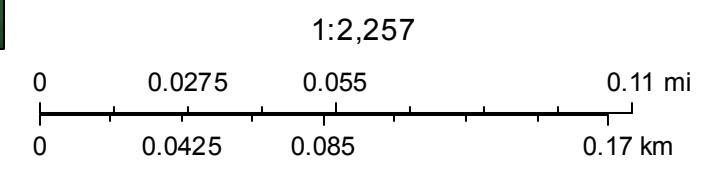


Sussex County



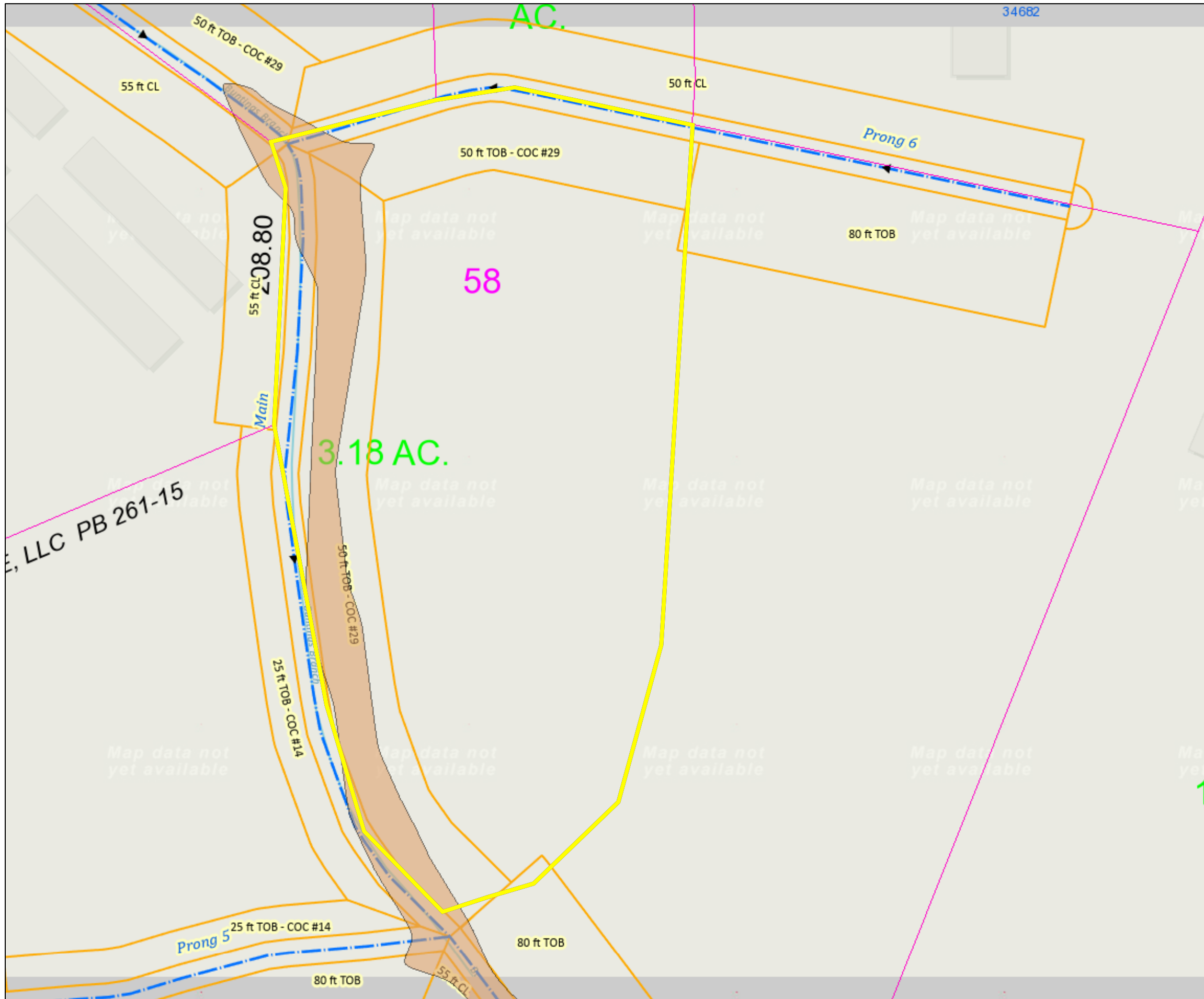
PIN:	533-18.00-58.00
Owner Name	BUNTING HOLDINGS LLC
Book	4714
Mailing Address	7000 NE 8TH DR
City	BOCA RATON
State	FL
Description	N/RT 54
Description 2	S/RT 390
Description 3	
Land Code	

- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries





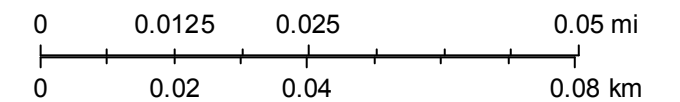
Sussex County



PIN:	533-18.00-58.00
Owner Name	BUNTING HOLDINGS LLC
Book	4714
Mailing Address	7000 NE 8TH DR
City	BOCA RATON
State	FL
Description	N/RT 54
Description 2	S/RT 390
Description 3	
Land Code	

- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018**
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A
 - AE
 - AO
 - OPEN WATER
 - VE
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way

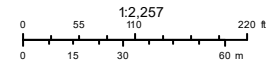
1:1,128





Delaware Flood Planning Tool

Location is **Within** from the FEMA 100-year floodplain in the Effective Map.



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): AE
 Base Flood Elevation (ft): 5
 FEMA Issued Flood Map: 10005C0635K
 Map Date: 3/16/2015
 Subwatershed (HUC12): Assawoman Bay
 Tax Parcel: 533-18.00-58.00
 Flood zones on Parcel: X
 AE

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 1934 Bunting Holdings LLC
533-18.00-58.00



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DELAWARE
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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 28th, 2022
RE: Staff Analysis for CZ 1934 Bunting Holdings LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1934 Bunting Holdings LLC 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 533-18.00-58.00 to allow for a change of zone from an Agricultural Residential (AR-1) District to a Medium Commercial (C-2) District. The parcel is a landlocked parcel of land lying on the south side of Lighthouse Road (Route 54) approximately 0.39 mile east of Johnson Road (S.C.R 390). The parcel to be rezoned contains 3.18 acres +/-.

Further Site Considerations

Although formerly thought to be landlocked, it should be noted that the property has the slightest semblance of an access point by way of a dirt road (likely an agricultural access) along the eastern portion of the subject property.

The western side of the property lies within the 100-Year Floodplain (Flood Zone AE). Any improvements within this location shall require an Elevation Certificate to be issued by FEMA with the lowest floor construction to be elevated to or above Base Flood Elevation (BFE) for the site.

Buntings Branch also runs through the western side of the property. With regard to any future improvements on the site, a fifty-foot (50-ft) buffer zone is required landward from the mean high water line of tidal waters, tidal tributary streams, and tidal wetlands and from the ordinary high water line of perennial nontidal rivers and nontidal streams in Sussex County (§115-193(B)).

There is a Tax Ditch (and associated Tax Ditch ROW,) which runs along the eastern and northern portion of the property. Both Tax Ditch ROWs are measured 50-ft from the top of bank (TOB) of the ditch and were reduced to this width through Court Order Change #29). 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 northeast 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 north is also seeking a rezoning from Agricultural Residential (AR-1) District to a Medium Commercial (C-2) District under Change of Zone 1933 Route 54 Limited Partnership.

Existing Conditional Uses 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 14th, 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.

Change of Zone Applications (w/in a 1 mile radius of the subject site)*								
Application Number	Application Name	Current Zoning	Proposed Zoning	P&Z Decision	P&Z Decision Date	CC Decision	CC Decision Date	Ordinance Number
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	Iacchetta Development Corporation	AR-1	C-2	Recommended Approval	7/23/2020	Approved	8/11/2020	2731

File #: C/21434
202011634

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

533-18.00-58.00

Type of Conditional Use Requested:

Zoning Change AR - C-2

Tax Map #: 533-18.00-58.00

Size of Parcel(s): 3.18 Acres

Current Zoning: AR-1

Proposed Zoning: C-2

Size of Building: N/A

Land Use Classification: _____

Water Provider: Artesian

Sewer Provider: N/A

Applicant Information

Applicant Name: Bunting Holdings LLC

Applicant Address: 7000 NE 8th Drive

City: Boca Raton

State: FL

Zip Code: 33487

Phone #: (443) 880-3883

E-mail: Daniel@buntingconstruction.com

Owner Information

Owner Name: Bunting Holdings LLC

Owner Address: 7000 NE 8th Drive

City: Boca Raton

State: FL

Zip Code: 33487

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

- 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.

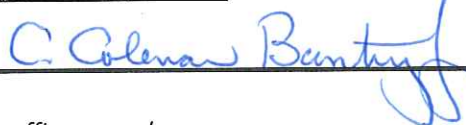
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 7/20/20

Signature of Owner



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: _____

19904

BK: 4714 PG: 16

5-33 18.00 11.00 & 5-33 18.00 58.00
PREPARED BY & RETURN TO:
Sergovic Carmean Weidman
McCartney & Owens, P.A.
406 S. Bedford St, Suite 1
P.O. Box 751
Georgetown, DE 19947-0751
File No. RE-8631

THIS DEED, made this 24th day of May, 2017,

- BETWEEN -

IDEAL FARM STORES, INC., a Delaware corporation, and C. COLEMAN BUNTING, SR., of 3 Dorchester Street, Ocean City, MD 21842, parties of the first part,

- AND -

BUNTING HOLDINGS, LLC, a Florida limited liability company, of 7000 N.E. 8th Drive, Boca Raton, FL 33487, 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), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and its heirs and assigns:

ALL those lots, pieces and parcels of land situate, lying and being located in Baltimore Hundred, Sussex County and State of Delaware, and being more particularly described as follows, to wit:

TRACT NUMBER ONE: Three and Eighteen/One-Hundredths acres (3.18 Acs.), more or less, located south of Delaware Route No. 54, approximately 4-1/2 miles east of Selbyville, Delaware, as shown on Sussex County Tax Map #5-33-18.00, Parcel #58, with all improvements thereon.

TOGETHER with a right of ingress and egress over a 20 foot easement to the said State Route No. 54.

TRACT NUMBER TWO: Thirty-eight and Fifty-Seven/One-Hundredths acres (38.57 Acs.), more or less, having approximately 1,00 feet of frontage on the north side of Delaware State Route No. 54 and approximately 40 feet of frontage on the south side of State Route No. 390, adjoining on the east lands of Bunting Nurseries, Inc., located approximately 4 1/2 miles east

CW

CW

of Selbyville, Delaware, as shown on Sussex County Tax Map #5-33-18.00, Parcel #11.00, with all improvements thereon.

BEING the same lands of which Marion E. Bunting died seized on December 27, 1984 and by her Last Will and Testament, filed for record in the Office of the Register of Wills, in and for Sussex County, Delaware, in Will Book 138, page 67, she devised her estate in equal shares to C. Coleman Bunting Sr., Alma B. Hall and Pauline B. Carey. The said Alma B. Hall was deceased at the time of death of the said Marion E. Bunting and pursuant to the aforesaid Will, the share of Alma B. Hall was devised to her child, Lyn B. Hall. By a Deed dated August 4, 1989 and filed for record in Deed Book 1668, page 127, Lyn B. Hall conveyed her interest in the property unto Ideal Farm Stores, Inc. By a Deed dated November 24, 1998 and filed for record in Deed Book 2717, page 64, Pauline B. Carey conveyed her interest in the property unto Ideal Farm Store, Inc.

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

IN WITNESS WHEREOF, the said Ideal Farm Stores, Inc. has caused its name to be hereunto set, and its common and corporate seal to be hereunto affixed, duly attested, and the party of the first part has hereunto set his hand and seal, the day and year first above written.

[Signature]
Witness

IDEAL FARM STORES, INC.

By: [Signature] (SEAL)
President

Attest: _____ (SEAL)



[Signature]
Witness

[Corporate Seal]

By: [Signature] (SEAL)
C. Coleman Bunting, Sr.

Consideration: 246,000.00

County	3,690.00
State	3,690.00
Town	Total 7,380.00
Received: Mary W May 26, 2017	

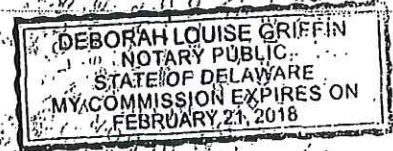
RECEIVED
May 26, 2017
ASSESSMENT DIVISION
OF SUSSEX COUNTY

STATE OF Delaware, COUNTY OF Sussex: to-wit

BE IT REMEMBERED, that on this 24th day of May, A.D. 2017, personally appeared before me, the Subscriber, a Notary Public for the State and County, C. Coleman Bunting, Sr., President of Ideal Farm Stores, Inc., party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said corporation; that the signature of the President is in his/her own proper handwriting and the seal affixed is the common and corporate seal of said corporation; and that his/her act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of the Board of Directors of said corporation.

Given under my Hand and Seal of office the day and year aforesaid.

Deborah Louise Griffin
Notary Public
Printed Name: Deborah Louise Griffin
My Commission Expires: 2-21-18

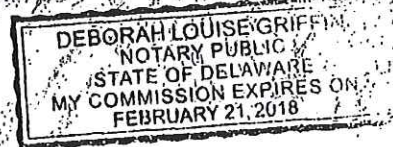


STATE OF Delaware:
COUNTY OF Sussex: :SS.

BE IT REMEMBERED, that on this 24th day of May, A.D. 2017, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, C. Coleman Bunting, Sr., party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his deed.

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

Deborah Louise Griffin
NOTARY PUBLIC
Type or Print Name: Deborah Louise Griffin
2-21-18
Comm. Exp:



Recorder of Deeds
Scott Dailey
May 26, 2017 11:48A
Sussex County
Doc. Surcharge Paid



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 **Route 54 LP** rezoning application, which we received on May 7, 2020. This application is for an approximately 1.62-acre parcel (Tax Parcel: 533-18.00-59.00). The subject land is located on the south side of Lighthouse Road (Sussex Road 58), approximately 2,000 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.

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
Route 54 LP, 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 1934 Bunting Holdings, LLC**

APPLICANT: **Bunting Holdings, LLC**

FILE NO: **SPS-5.04**

TAX MAP &
PARCEL(S): **533-18.00-58.00**

LOCATION: **Land Locked parcel 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: **3.18**

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 **Choose an item.** 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.**

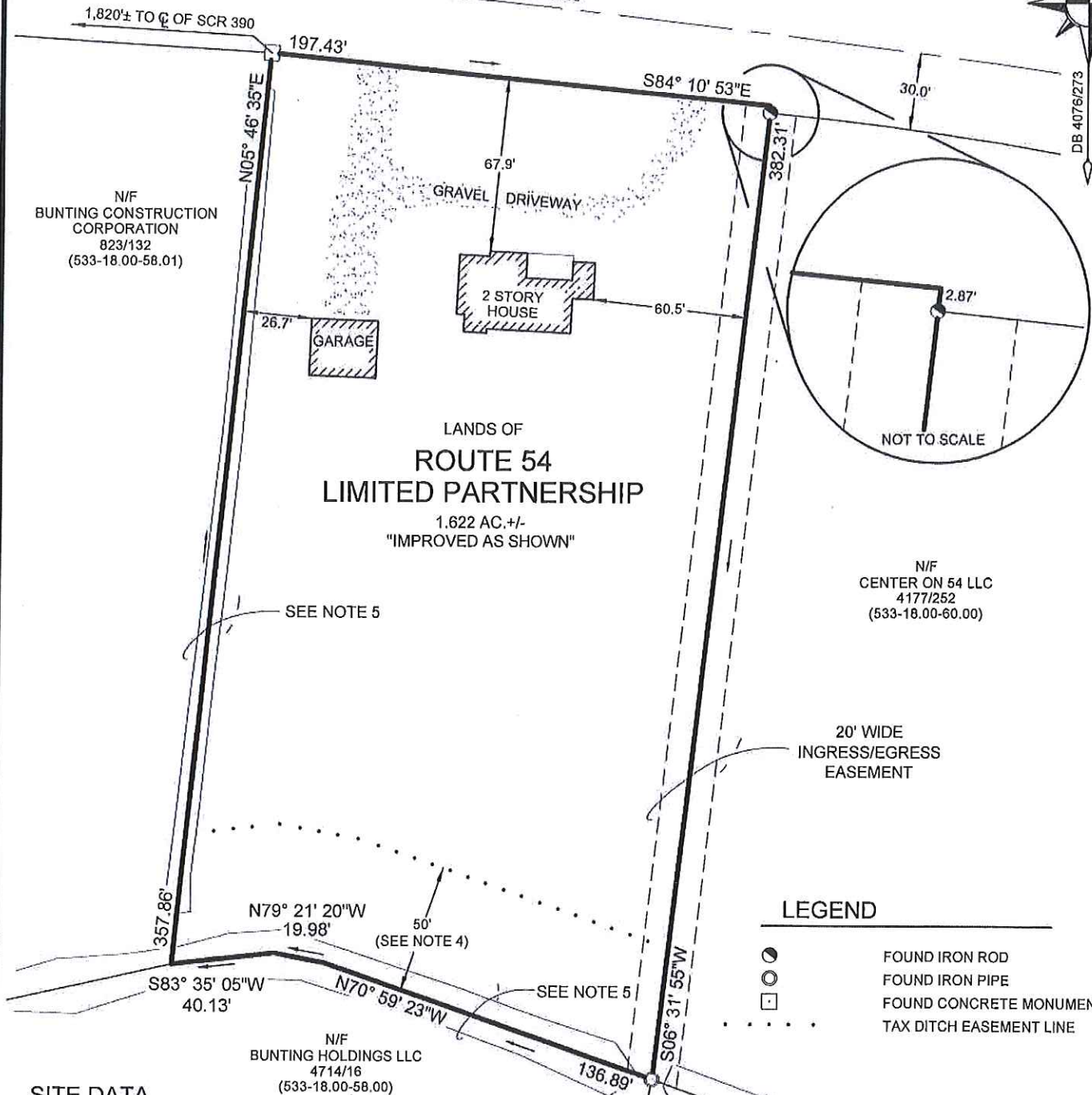
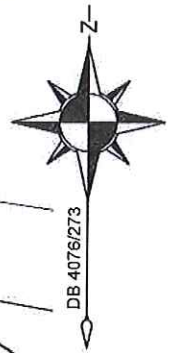
UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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

LIGHTHOUSE ROAD (SR54)
RIGHT OF WAY WIDTH VARIES



N/F
BUNTING CONSTRUCTION CORPORATION
823/132
(533-18.00-58.01)

LANDS OF
**ROUTE 54
LIMITED PARTNERSHIP**
1.622 AC +/-
"IMPROVED AS SHOWN"

N/F
CENTER ON 54 LLC
4177/252
(533-18.00-60.00)

SEE NOTE 5

20' WIDE
INGRESS/EGRESS
EASEMENT

LEGEND

- FOUND IRON ROD
- FOUND IRON PIPE
- FOUND CONCRETE MONUMENT
- TAX DITCH EASEMENT LINE

N/F
BUNTING HOLDINGS LLC
4714/16
(533-18.00-58.00)

N/F
SUSSEX COUNTY
4844/64
(533-18.00-61.00)



SITE DATA

OWNER: ROUTE 54 LIMITED PARTNERSHIP
32996 LIGHTHOUSE ROAD
SELBYVILLE, DELAWARE 19975

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

TAX MAP: 533-18.00-59.00

DEED REF.: BOOK 4076, PAGE 273

LOT AREA: 1.622 AC +/-

ZONING: AR-1

BLD SET BACKS: 40' FRONT
15' SIDE
20' REAR

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.

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

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.

PLUS Number (to be completed by OSPC): 2021-12-08 3
 Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): _____

1. Project Title/Name: <u>Bunting Holdings LLC Rezone</u>			
2. Location (please be specific): <u>Route 54 -East of Selbyville Town Limits</u>			
3. Parcel Identification #: <u>533-18.00-58.00</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>Bunting Holdings LLC</u>			
Address: <u>7000 NE 8th Drive</u>			
City: <u>Boca Raton</u>	State: <u>FL</u>	Zip: <u>33487</u>	
Phone: <u>302-436-5724</u>	Fax: _____	Email: <u>Coleman@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: <i>Rezoning to C2</i> 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.		
12. Area of Project (Acres +/-): <i>3.18</i>	Number of Residential Units: <i>N/A</i>	Commercial square footage: <i>N/A</i>
13. Present Zoning: <i>AR1</i>	14. Proposed Zoning: <i>C2</i>	
15. Present Use: <i>Ag Land</i>	16. Proposed Use: <i>Future commercial</i>	
17. Water: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility) Service Provider Name: <i>Artesian</i> 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 type="checkbox"/> Individual On-Site <input type="checkbox"/> Public (Utility) Service Provider Name: <i>N/A</i> 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): <i>N/A</i>		
20. Environmental impacts: How many forested acres are presently on-site? <i>0</i> How many forested acres will be removed? <i>0</i> 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: <i>N/A</i> <input type="checkbox"/> Non-tidal Acres: <i>N/A</i> If "Yes", have the wetlands been delineated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Has the Army Corps of Engineers signed off on the delineation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 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? <i>N/A</i>		
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: <i>N/A</i>		
23. Is open space proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," how much? <i>N/A</i> Acres: What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? <i>N/A</i>		
24. Are you considering dedicating any land for community use (e.g., police, fire, school)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>N/A</i>		

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?
N/A

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: 443-580-3883

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.

C. Cole Bunting
Signature of property owner

11/22/21
Date

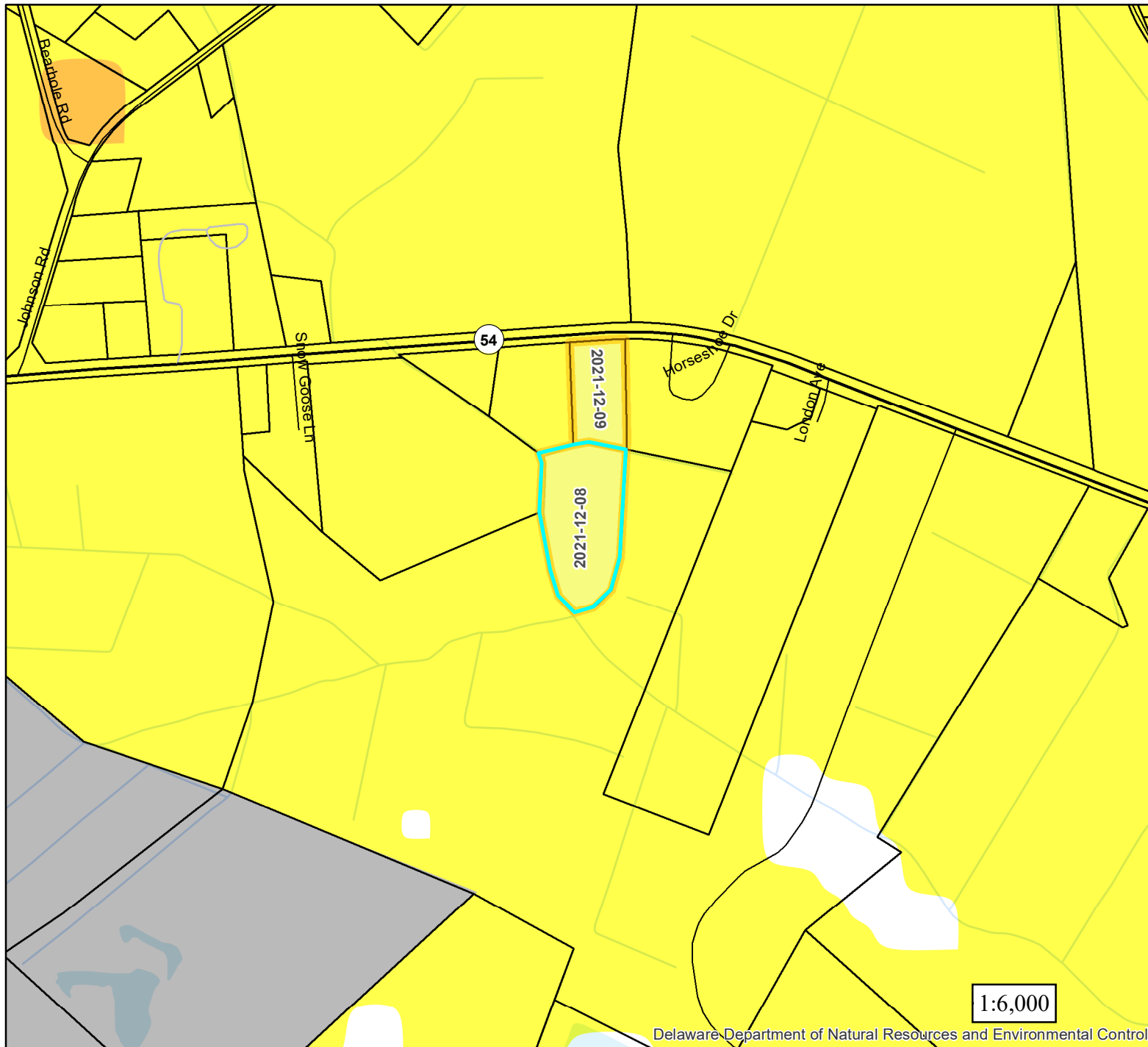
Daniel Bunting
Signature of Person completing form
(If different than property owner)

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 **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)



Bunting Holdings
2021-12-08

Legend

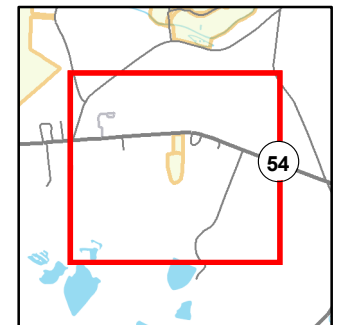
PLUS Project Areas

- Comp Plans
- All Other PLUS Reviews

2020 State Strategies

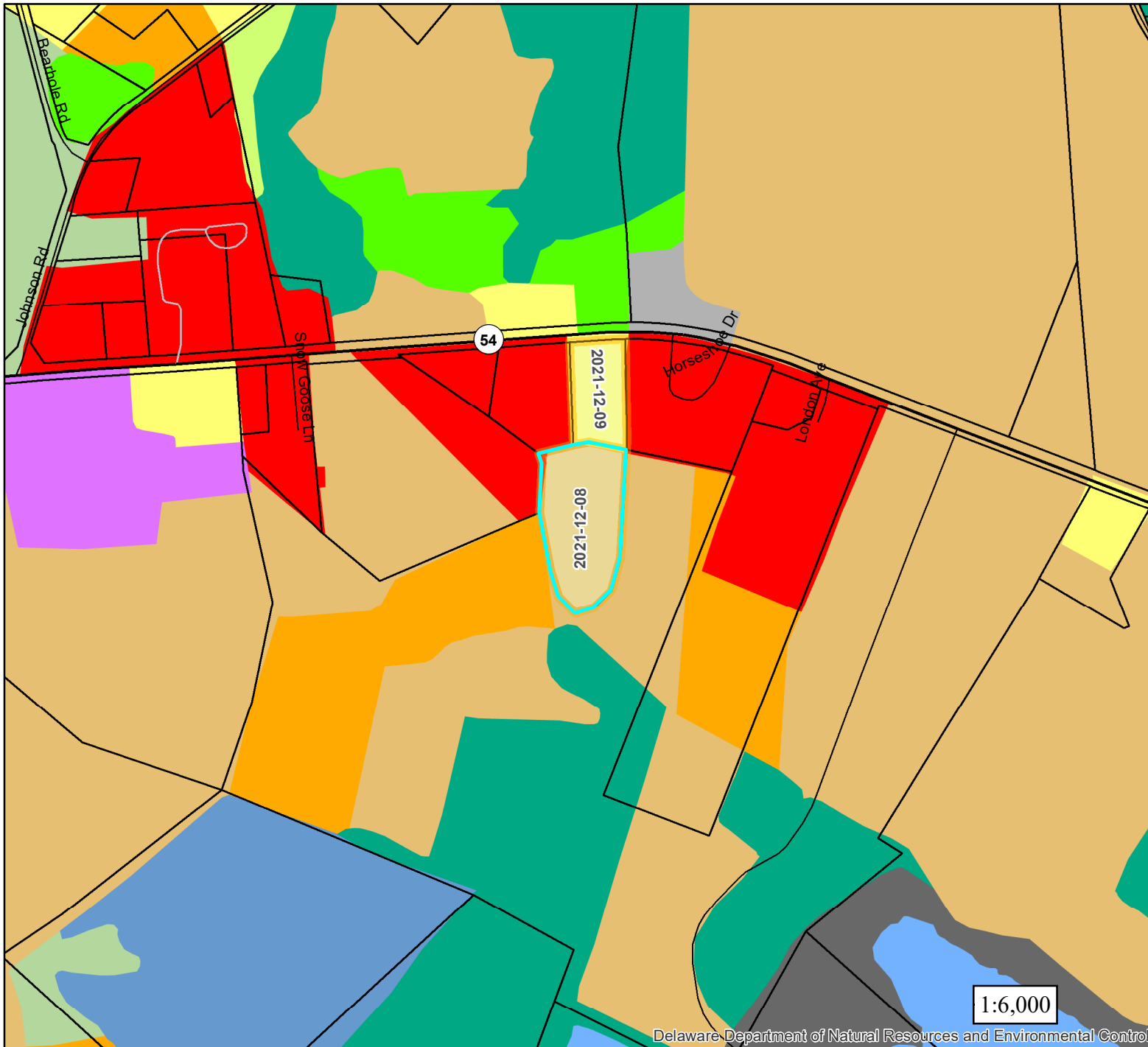
- 1
 - 2
 - 3
 - 4
- Out of Play

Location Map



Preliminary Land Use Service (PLUS)

Bunting Holdings
2021-12-08



Legend

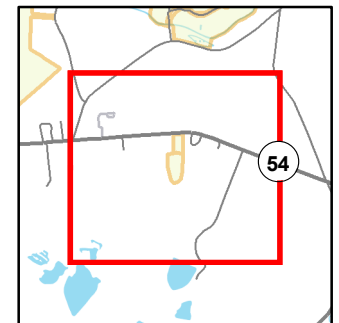
PLUS Project Areas

- 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



1:6,000

Preliminary Land Use Service (PLUS)

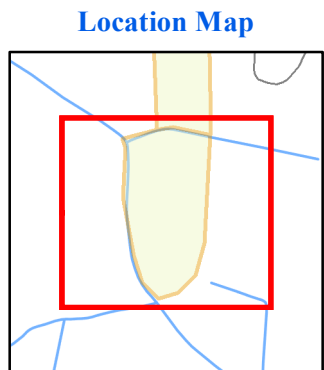


Bunting Holdings
2021-12-08

Legend

PLUS Project Areas

- Comp Plans
- All Other PLUS Reviews





STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

January 13, 2022

Mr. Daniel Bunting
32996 Lighthouse Road
Selbyville, DE 19975

RE: PLUS review 2021-12-08; Bunting Holdings, LLC

Dear Mr. Bunting:

Thank you for meeting with State agency planners on December 15, 2021, to discuss the proposed plans for the Bunting Holdings LLC land. According to the information received you are seeking review of a proposed rezoning of 3.18 acres located along Route 54 from AR-1 to C-2 for future commercial.

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.
 - 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 – Beth Krumrine 735-3480

The project application proposes to rezone a 3.18-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.

- Maps from the Statewide Wetlands Mapping Project indicate the presence of a perennial stream and its associated non-tidal wetlands on the site.
- According to the newest Flood Insurance Rate Maps (FIRM), a portion of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards.
- Prong 6 of the Bunting Tax Ditch lies on the northern 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 an 80-foot to Top of Bank (TOB) 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. The western edge of the parcel is bordered by Buntings Branch, and the eastern half of the parcel is composed of well-drained soils. In the eastern half, there is high potential for prehistoric archaeological resources due to favorable environmental conditions. The Delaware State Historic Preservation Office recommends an archaeological survey prior to any ground disturbance.
- There is low potential for historic archaeological resources on this parcel. There are no known historic structures on this parcel. Historic aerials and topographic maps show the parcel has consistently remained agricultural field since 1937. Due to the lack of known historic occupation, there is low potential for historic archaeological resources.
- 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
- 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.

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

Sincerely,



David Edgell, AICP
Director, Office of State Planning Coordination

CC: Sussex County Planning Department