

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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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



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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 14th, 2022

Application: CZ 1962 Jeff-Kat, LLC

Applicant: Jeff-Kat, LLC
1007 Kings Highway
Lewes, De 19958

Owner: Jeff-Kat, LLC
1007 Kings Highway
Lewes, De 19958

Site Location: 1005 Kings Highway, Lewes. Lying on the east side of Kings Highway (Rt. 9), approximately 0.36-mile northeast of the intersection of Kings Highway (Rt. 9) and Gills Neck Road (S.C.R. 267)

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

Proposed Zoning: Heavy Commercial (C-3) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

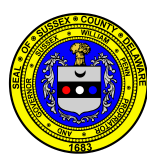
Sewer: Sussex County

Water: Tidewater

Site Area: 1.23 acres +/-

Tax Map ID.: 335-8.00-39.00 (portion of)



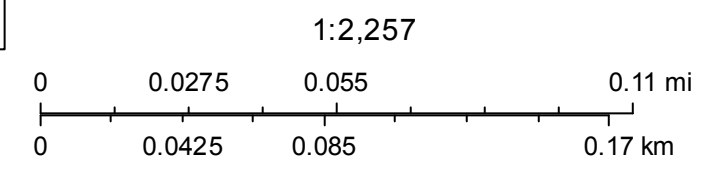


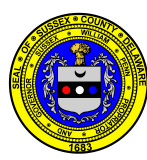
Sussex County



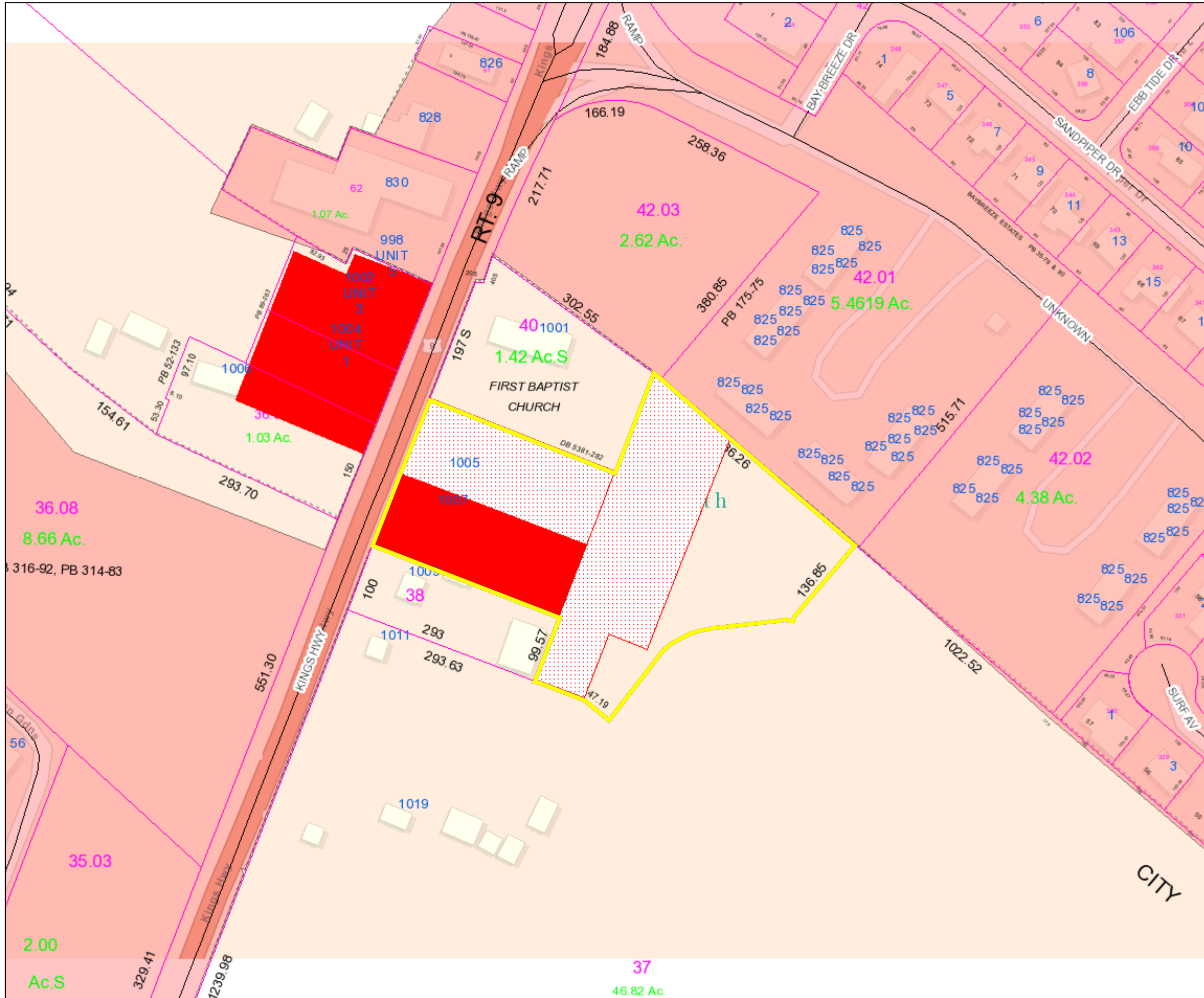
PIN:	335-8.00-39.00
Owner Name	JEFF-KAT LLC
Book	5613
Mailing Address	1007 KINGS HWY
City	LEWES
State	DE
Description	SE/KINGS HWY
Description 2	
Description 3	
Land Code	

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





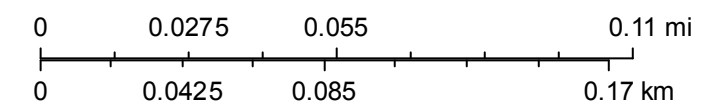
Sussex County



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- | | |
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| polygonLayer | Override 1 |
| polygonLayer | Override 1 |
| : : : | Tax Parcels |
| 911 | 911 Address |
| — | Streets |

1:2,257





Sussex County



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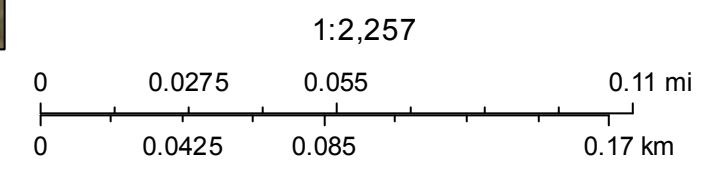
 - Override 1

- polygonLayer**

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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: April 7, 2022
RE: Staff Analysis for CZ 1962 Jeff-Kat, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1962 Jeff-Kat, LLC to be reviewed during the March 10, 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 a portion of Tax Parcel 335-8.00-39.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Heavy Commercial (C-3) Zoning District. The property is lying on the east side of Kings Highway (Rt. 9), approximately 0.36 miles northeast of the intersection of Kings Highway (Rt. 9) and Gills Neck Road (S.C.R. 267). The portion of the parcel to be rezoned consists of 1.19 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area." The properties to the south, east, and west of the subject property also contain the Future Land Use Designation of "Coastal Area." Properties to the north and across Kings Highway to the west are located within the municipality of Lewes.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided 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 also 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.

The property is split zoned General Commercial (C-1) Zoning District, Heavy Commercial (C-3) Zoning District and Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the south and east are also zoned Agricultural Residential (AR-1) Zoning District. The properties to the west on the opposite side Kings Highway (Rt. 9) are zone General Commercial (C-1), Agricultural Residential (AR-1) and located in the town limits of Lewes. The adjacent properties to the north are located within the town limits of Lewes.



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 Heavy Commercial (C-3) Zoning District is listed as an applicable zoning district in the Coastal Area.

Since 2011, there have been seven (7) Change of Zone applications within a 1-mile radius of the application site. The Change of Zone applications approved include Medium Residential (MR), Commercial Residential (CR-1), Neighborhood Business (B-1), and Heavy Commercial (C-3) Zoning Districts.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential Zoning District (AR-1) to a Heavy Commercial Zoning District (C-3) could be considered as being consistent with the land use, based on the size, scale, zoning and surrounding uses.

202116548

File #: C21962

Application: 202116548

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

1005 Kings Highway, Lewes, Delaware

Type of Conditional Use Requested:

N/A (rezoning)

Tax Map #: P/O 335 8.00 ~~37.00~~ 39.00 **Size of Parcel(s):** 1.23 acres +/-

Current Zoning: AR-1 **Proposed Zoning:** C-3 **Size of Building:** _____

Land Use Classification: Coastal Area - 2045 FLUM

Water Provider: Lewes BPW / Tidewater **Sewer Provider:** Lewes BPW / Sussex County

Applicant Information

Applicant Name: Jeff-Kat, LLC

Applicant Address: 113 Draper Drive

City: Rehoboth Beach **State:** DE **Zip Code:** 19971

Phone #: (302) 745-0875 **E-mail:** jeffatfins@comcast.net

Owner Information

Owner Name: Mitchell Family, LLC

Owner Address: 1019 Kings Highway

City: Lewes **State:** DE **Zip Code:** 19958

Phone #: _____ **E-mail:** _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: N/A

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

N/A **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.

N/A **DelDOT Service Level Evaluation Request Response**

N/A **PLUS Response Letter (if required)**

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

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

Signature of Applicant/Agent/Attorney

Date: _____

Signature of Owner

Date: 9/27/21

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: _____

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

N/A 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.

N/A DeIDOT Service Level Evaluation Request Response

N/A 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: 9/27/21

Signature of Owner



Date: 9-16-21

Managing Partner Mitchell Family LLC

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: _____

SUMMARY OF REZONING REQUEST

The Applicant is Jeff-Kat, LLC, an LLC owned by Jeff and Kim Hamer. Jeff-Kat is the owner of the Big Oyster Brewpub immediately next door to this property. Jeff and Kim Hamer also own the Fins Restaurants in Rehoboth Beach, and Bethany Beach, along with CLAWS Restaurant in Rehoboth Beach.

This application seeks to rezone this 1.23 acre of land that is part of the Mitchell Farm (Zwaanendael Farm) from its current AR-1 Zoning to C-3 Zoning so that it can be utilized as an improvement and expansion of the brewpub property.

We realize that this is the most recent of several small rezoning applications to add to our property, but this was not by design. For instance, the prior application for lands formerly owned by the First Baptist Church of Lewes resulted from mutual discussions between us and the Church about a sale to fund their construction of a new building elsewhere on their property. Here the expansion area is the result of discussions with the Mitchell Family, LLC about the design of the remainder of their property and how this parcel was a natural addition to our brewpub operations.

The purchase and use of this property is beneficial to Jeff-Kat and the Big Oyster Brewpub because it will allow a better overall configuration and use of the property, including vehicular and pedestrian movement on the site. Right now, vehicular access to the rear of the current brewpub is difficult, at best. By adding this property, it will significantly improve vehicular movement and parking within the entire site. It will also allow for the future expansion of our brewpub operations and uses that support the business.

If this rezoning is approved, it will not adversely affect the neighbors or the neighborhood, and it is very important to continue to be good neighbors with all of them. There will also not be any noise or odors generated by the expansion of operations onto the rezoned property. Traffic patterns and parking within the site will be improved, and this will benefit traffic on Kings Highway by creating more space within the site and eliminate cars waiting to pull in (as sometimes currently occurs).

C-3 Zoning is appropriate for this site for several reasons. C-3 Zoning is consistent with the County's recent approval of C-3 Zoning for the land behind both the Big Oyster Brewery and the portion of the Church property recently acquired by us and rezoned by Sussex County. This rezoning application is an appropriate expansion of the existing C-3 Zoning. The existing brewpub site is zoned C-1. C-1

Zoning is no longer available in Sussex County, and C-3 Zoning is the most compatible for the expansion of the brewpub site. The site is also in the Coastal Area according to the Sussex County Comprehensive Plan. The Plan indicates that C-3 zoning is appropriate in the Coastal Area.

As the owners of The Big Oyster Brewery, we hope that you will look favorably upon this rezoning request.



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

NICOLE MAJESKI
SECRETARY

November 10, 2021

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 **Jeff-Kat, LLC** proposed land use application, which we received on September 27, 2021. This application is for an approximately 48.01-acre parcel (Tax Parcel: 335-8.00-37.00). The subject land is located on the east side of Kings Highway (US Route 9) about 450 ft north of the intersection with Gills Neck Road (Sussex Road 267) and the north side of Gills Neck Road about 800 ft east of the intersection with Kings Highway. The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of C-3 (Heavy Commercial) to build an additional parking lot for a restaurant on Tax Parcel 335-8.00-39.00.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along Kings Highway from Gills Neck Road to Freeman Highway (Sussex Road 23), is 12,019 vehicles per day. The annual average daily traffic volumes along Gills Neck Road from Kings Highway to Red Tail Road, is 4,186 vehicles per day.

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 DeIDOT 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
November 10, 2021

Please contact Ms. Annamaria Furrato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Jeff-Kat, LLC, Applicant
Sussex County Planning & Zoning
David Edgell, State Planning Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, 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
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furrato, 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: **3/23/2022**

APPLICATION: **CZ 1962 Jeff-Kat, LLC**

APPLICANT: **Jeff-Kat, LLC**

FILE NO: **OM-9.04**

TAX MAP &
PARCEL(S): **335-8.00-37.00 (p/o)**

LOCATION: **Lying on the southeast side of Kings Highway (Rt. 9) and on
the north side of Gills Neck Road (SCR 267).**

NO. OF UNITS: **Change of Zone from AR-1 to C-3**

GROSS
ACREAGE: **1.23**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

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 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** 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? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- 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? **N/A**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (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
Christine Fletcher



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

January 13, 2022

Mr. Cliff Mumford
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2021-12-04; Jeff Kalt/Big Oyster

Dear Mr. Clark,

Thank you for meeting with State agency planners on December 15, 2021 to discuss the Jeff Kalt/Big Oyster project. According to the information received, you are seeking review of a proposed rezoning of 1.23 acres from AR-1 to C-3 along Kings Highway in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County has 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 project is located in Investment Level 1 according to the *Strategies for State Policies and Spending*. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.
- It is noted that this parcel is within the Coastal area according to the Sussex County Comp plan and C-3 is allowable within the Coastal area. The PLUS application was for the rezoning only. If this parcel is rezoned, any development that meets the PLUS criteria must be submitted to PLUS for review

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DeIDOT has no comments on the subject rezoning but offers the following comments as information about what DeIDOT will require if the County grants the rezoning and a developer subsequently submits a plan.
 - Because the parcel to which the subject land is being added fronts on a road that is part of the Federal Aid Primary Road System, that is Kings Highway (US Route 9), it is subject to outdoor advertising regulations found in CFR 23 §131 and 17 Del. C. §1101-1120. Accordingly, the applicant should expect the following requirements:
 - No new billboards, variable message boards, or electronic changing message sign(s) anywhere on or off Kings Highway. Any such structure or fixture shall be 660 feet away, i.e., any closest byway right-of-way edge.
 - No off-premises advertising on the property for others within 660 feet of Kings Highway, e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.
 - Along Kings Highway, the applicant would not be permitted to advertise or direct information about themselves on other private property.
 - The site access on Kings Highway must be designed in accordance with DeIDOT'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. DeIDOT 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. DeIDOT will assess the need for a TIS when a plan is presented for development of the subject land.

- Section 3.5 of the Manual provides DeIDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DeIDOT maintained public road for subdivisions. If possible, an interconnection should be negotiated with Henlopen Properties, LLC (Tax Parcel 335-8.00-37.00) from whom the subject land is being acquired and, again if possible, with the First Baptist Church (Tax Parcel 335-8.00-40.00) and Lane Builders (Tax Parcel 335-8.00-38.00). Doing so would have the benefits of better managing left turns along Kings Highway and affording those parcels access to Gills Neck Road.

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

- The project proposes to rezone a 1.2-acre parcel from AR-1 to C-3. DNREC reviewers have no concerns or comments at this time regarding the proposed rezoning.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites or National Register listed properties on the parcel.
- There is low archaeological potential for this parcel. There is no freshwater source a favorable distance of the parcel, and therefore there is unlikely to be prehistoric archaeological sites within the project area. There are two known historic structures that were once on the parcel (S01048, S01049). However, both are no longer extant. Despite known historic occupation of the parcel, historic aerials and topographic maps show a lot of development of the parcel. There are not likely to be intact archaeological deposits because of this past disturbance, and therefore there is low potential for historic archaeological sites on the parcel.

Recommendations/Additional Information

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

The parcel to which the subject land is being added fronts on part of the Historic Lewes Byway. Therefore, the applicant should expect the following requirements:

- Byways signs may be required along both roads as part of the plan review process.

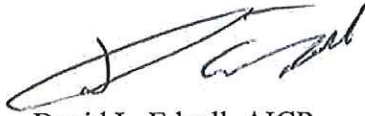
- There is an adopted Kings Highway and Gills Neck Road Master Plan for future roadway and right-of-way improvements. This plan can be viewed at https://www.delDOT.gov/Programs/byways/pdfs/lewes_cmp/KHGN_MasterPlan_092616finalrx.pdf. The Master Plan was undertaken in consideration of implementation with DelDOT, the Historic Lewes Byway Committee, City of Lewes, Sussex County, and other key stakeholders.
- Improvements to Kings Highway, from Dartmouth Drive to Freeman Highway, to be designed and built consistent with that Master Plan, are funded in DelDOT's Capital Transportation Program for Fiscal Years 2021 through 2026 for Preliminary Engineering in Fiscal Years 2022 and 2023, Right-of-Way Acquisition in Fiscal Years 2024 and 2025 and Construction beginning in Fiscal Year 2026.
- A typical cross section for future roadway and right-of-way improvements in consideration of context sensitive design solutions for Byway Transportation Corridors has been conceptually recommended for future implementation.
- Landscaping or landscaping buffers and/or vegetation screening is strongly encouraged with the project along both Kings Highway and Gills Neck Road. DelDOT has a suggested list of native and low maintenance vegetation plantings and will require its use for plantings in the right-of-way. Landscaping efforts undertaken or partially undertaken in State right of way will require written agreements with DelDOT regarding maintenance responsibility.
- The applicant may be asked to work with or provide updates to the Lewes Byway Committee and per implementation of the Master Plan and byways coordination. The applicant may contact the Byways Chair, Ms. Mary Roth at mroth@delawaregreenways.org or (302) 302-655-7275.
- The proposed outparcel has a slightly different acreage from that shown on the plan presented by Henlopen Properties, LLC. DelDOT understands that this difference has since been resolved.

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.

PLUS review 2021-12-04
Page 5 of 5

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 "David L. Edgell", written over a horizontal line.

David L. Edgell, AICP
Director, Office of State Planning Coordination

CC: Sussex County
City of Lewes

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

February 23, 2022

David L. Edgell,
State of Delaware
Office of State Planning Coordination
122 Martin Luther King Jr. Blvd. South
Haslet Armory – Third Floor
Dover, DE 19901

Attn: David L. Edgell, AICP
Director, Office of State Planning Coordination

RE: PLUS review 2021-12-04; Jeff Kat/Big Oyster
Comment Response Letter
Tax Parcel No.: 3-35-8.00-39.00
DBF #3007A002.B01

Dear Mr. Edgell,

I appreciated the opportunity to meet with representatives of the various agencies at the PLUS meeting held on December 15, 2021. This letter is in response to comments received from State Planning Coordination dated. We offer the following in response to those comments:

Strategies for State Policies and Spending

- *This project is located in Investment Level 1 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.*

We recognize that the project is in an Investment Level 1 area, which is designated for growth.

- *It is noted that this parcel is within the Coastal area according to the Sussex County Comp plan and C-3 is allowable within the Coastal area. The PLUS application was for the rezoning only. If this parcel is rezoned, any development that meets the PLUS criteria must be submitted to PLUS for review*

Acknowledged.

Code Requirements/Agency Permitting Requirements

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.*
 - *Because the parcel to which the subject land is being added fronts on a road that is part of the Federal Aid Primary Road System, that is Kings Highway (US Route 9), it is subject to outdoor advertising regulations found in CFR 23 §131 and 17 Del. C. §1101-1120. Accordingly, the applicant should expect the following requirements:*
 - *No new billboards, variable message boards, or electronic changing message sign(s) anywhere on or off Kings Highway. Any such structure or fixture shall be 660 feet away, i.e., any closest byway right-of-way edge.*
 - *No off-premises advertising on the property for others within 660 feet of Kings Highway, e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.*
 - *Along Kings Highway, the applicant would not be permitted to advertise or direct information about themselves on other private property.*

No billboards or signs are proposed.

- *The site access on Kings Highway 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.*

We are aware of DelDOT's design and submittal requirements and will follow DelDOT procedures when a site plan is needed.

- *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.*
- *Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. If possible, an interconnection should be negotiated with Henlopen Properties, LLC (Tax Parcel 335-8.00-37.00) from whom the subject land is being acquired and, again if possible, with the First Baptist Church (Tax Parcel 335-8.00-40.00) and Lane Builders (Tax Parcel 335-8.00-38.00). Doing so would have the benefits of better managing left turns along Kings Highway and affording those parcels access to Gills Neck Road.*

The church did not want interconnection to this site. Interconnection to Henlopen Properties is provided through an easement that was recently recorded as part of the Big Oyster Expansion. Coordination of future interconnection has been made with Henlopen Properties. An interconnection to Lane Builders is difficult due to the layout of buildings and parking on that site.

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

- *The project proposes to rezone a 1.2-acre parcel from AR-1 to C-3. DNREC reviewers have no concerns or comments at this time regarding the proposed rezoning.*

Acknowledged.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- *There are no known archaeological sites or National Register listed properties on the parcel.*

Acknowledged.

- *There is low archaeological potential for this parcel. There is no freshwater source a favorable distance of the parcel, and therefore there is unlikely to be prehistoric archaeological sites within the project area. There are two known historic structures that were once on the parcel (S01048, S01049). However, both are no longer extant. Despite known historic occupation of the parcel, historic aerials and topographic maps show a lot of development of the parcel. There are not likely to be intact archaeological deposits because of this past disturbance, and therefore there is low potential for historic archaeological sites on the parcel.*

Acknowledged.

Recommendations/Additional Information

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

The parcel to which the subject land is being added fronts on part of the Historic Lewes Byway. Therefore, the applicant should expect the following requirements:

- *Byways signs may be required along both roads as part of the plan review process.*
- *There is an adopted Kings Highway and Gills Neck Road Master Plan for future roadway and right-of-way improvements. This plan can be viewed at https://www.deldot.gov/Programs/byways/pdfs/lewes_cmp/KHGN_MasterPlan_092616finalrx.pdf. The Master Plan was undertaken in consideration of implementation with DelDOT, the Historic Lewes Byway Committee, the City of Lewes, Sussex County, and other key stakeholders.*
- *Improvements to Kings Highway, from Dartmouth Drive to Freeman Highway, to be designed and built consistent with that Master Plan, are funded in DelDOT's Capital Transportation Program for Fiscal Years 2021 through 2026 for Preliminary Engineering in Fiscal Years 2022 and 2023, Right-of-Way Acquisition in Fiscal Years 2024 and 2025 and Construction beginning in the Fiscal Year 2026.*
- *A typical cross-section for future roadway and right-of-way improvements in consideration of context-sensitive design solutions for Byway Transportation Corridors has been conceptually recommended for future implementation.*
- *Landscaping or landscaping buffers and/or vegetation screening is strongly encouraged with the project along both Kings Highway and Gills Neck Road. DelDOT has a suggested list of native and low maintenance vegetation plantings and will require its use for plantings in the right-of-way. Landscaping efforts undertaken or partially undertaken in State right of way will require written agreements with DelDOT regarding maintenance responsibility.*
- *The applicant may be asked to work with or provide updates to the Lewes Byway Committee and per implementation of the Master Plan and byways coordination. The applicant may contact the Byways Chair, Ms. Mary Roth at mroth@delawaregreenways.org or (302) 302-655-7275.*

This rezoning is for a portion of land that does not front on Kings Highway. We are aware of the future DelDOT project to widen Kings Highway and the Byways program. In the future if landscaping is considered the owner will consult with the Lewes Byways Committee.

- *The proposed out parcel has a slightly different acreage from that shown on the plan presented by Henlopen Properties, LLC. DelDOT understands that this difference has since been resolved.*

Correct.

If you have any questions or need additional information, please contact me at (302) 424-1441 or via email at cdm@dbfinc.com.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.
Associate

CC: Jeff Hamer, Jeff-Kat, LLC

Jeff-Kat, LLC. Rezoning

RE-ZONING APPLICATION

Sussex County, Delaware

3007A002.A01

FEBRUARY 2022



Jeff-Kat, LLC. Rezoning
Table of Contents

Exhibits

1. Project Information
2. Data Column
3. Rezoning Submission
 - a. Application
 - b. Rezoning Plan
4. Maps
 - a. Surrounding Communities Map
 - b. Firmette from FEMA
 - c. 2020 State Strategies Map
 - d. Sussex County 2045 Future Land Use Map
 - e. Sussex County Zoning Map
 - f. 1992 Aerial Map
 - g. Current Aerial Map
5. Deed of Record, DB 5613 PG 209
6. Recorded Lot-Line Adjustment Plan PB 358 PG 18
7. Rezoning Area Legal Description
8. DelDOT Support Facilities Report
9. PLUS Response Letter

Jeff-Kat, LLC. Rezoning
Project Information

A. Land Use & Zoning

1. The Owner's name is Jeff-Kat, LLC.
2. The Applicant is Jeff-Kat, LLC.
3. The property is located at 1007 Kings Highway in Lewes, Delaware.
4. The property is currently zoned AR (Agricultural / Residential).
5. The property is located in the Level 1 Area of the 2015 State Strategies Map.
6. The property is located within the Coastal Area per the Comprehensive Plan.

B. Land Utilization

1. The total acreage of land to be rezoned is approximately 1.19 +/- acres of land.
2. The land to be rezoned was used for agricultural purposes.

C. Environmental

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

D. Traffic

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

Jeff-Kat, LLC. Rezoning
Data Sheet

Owner / Developer: Jeff-Kat, LLC
Applicant: Jeff-Kat, LLC
Engineer: Davis, Bowen & Friedel, Inc.

Project Description

Physical Location: 1007 Kings Highway, Lewes, Delaware
Tax Parcel #: 3-35-8.00-39.00 (part of)
Acreage: 1.19 +/- Acres
Current Zoning: AR-1
Proposed Zoning: C-3
Land Use: Big Oyster Brewery Operations

Minimum Zoning Requirements

	<u>AR-1</u>	<u>C-3</u>
Front Yard Setback:	30'	60'
Side Yard Setback:	15'	5'
Rear Yard Setback:	20'	5'

Application:

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

1005 Kings Highway, Lewes, Delaware

Type of Conditional Use Requested:

N/A (rezoning)

Tax Map #: P/O 335 8.00 37.00 **Size of Parcel(s):** 1.23 acres +/-

Current Zoning: AR-1 **Proposed Zoning:** C-3 **Size of Building:** _____

Land Use Classification: Coastal Area - 2045 FLUM

Water Provider: Lewes BPW / Tidewater **Sewer Provider:** Lewes BPW / Sussex County

Applicant Information

Applicant Name: Jeff-Kat, LLC

Applicant Address: 113 Draper Drive

City: Rehoboth Beach **State:** DE **Zip Code:** 19971

Phone #: (302) 745-0875 **E-mail:** jeffatfins@comcast.net

Owner Information

Owner Name: Mitchell Family, LLC

Owner Address: 1019 Kings Highway

City: Lewes **State:** DE **Zip Code:** 19958

Phone #: _____ **E-mail:** _____

Agent/Attorney/Engineer Information

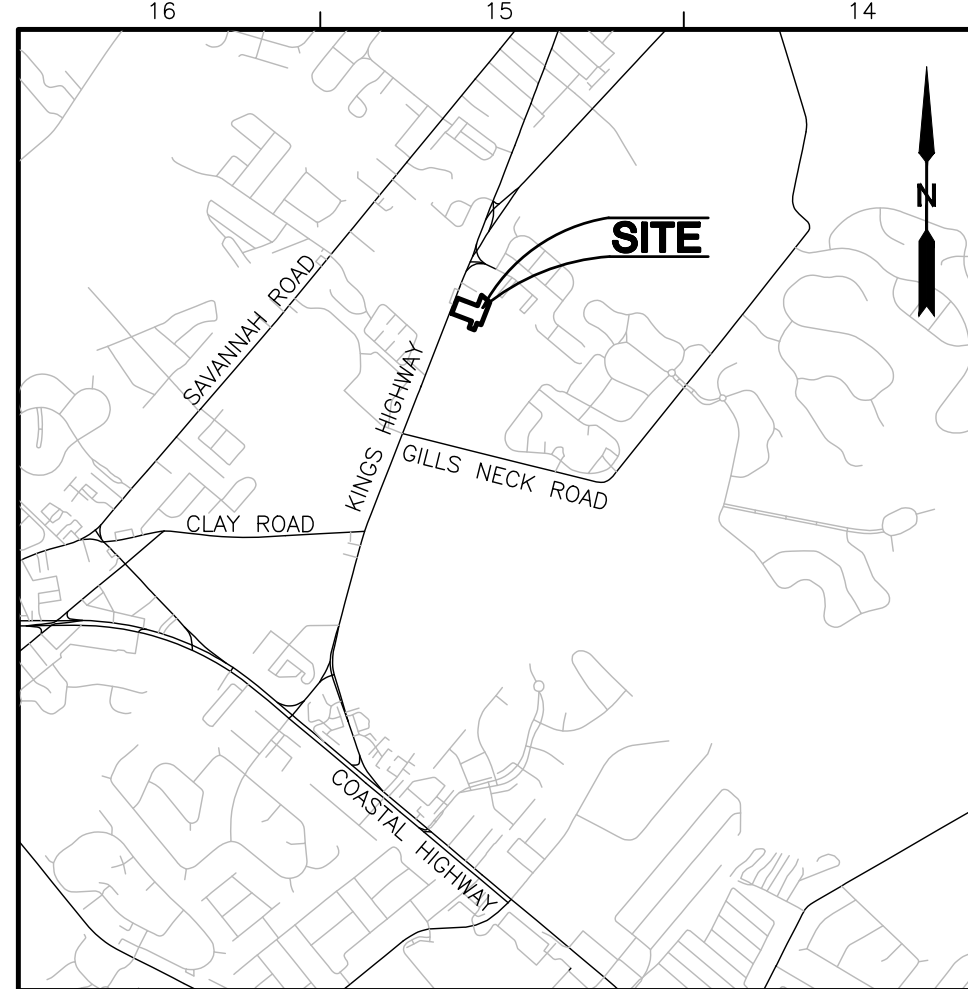
Agent/Attorney/Engineer Name: N/A

Agent/Attorney/Engineer Address: _____

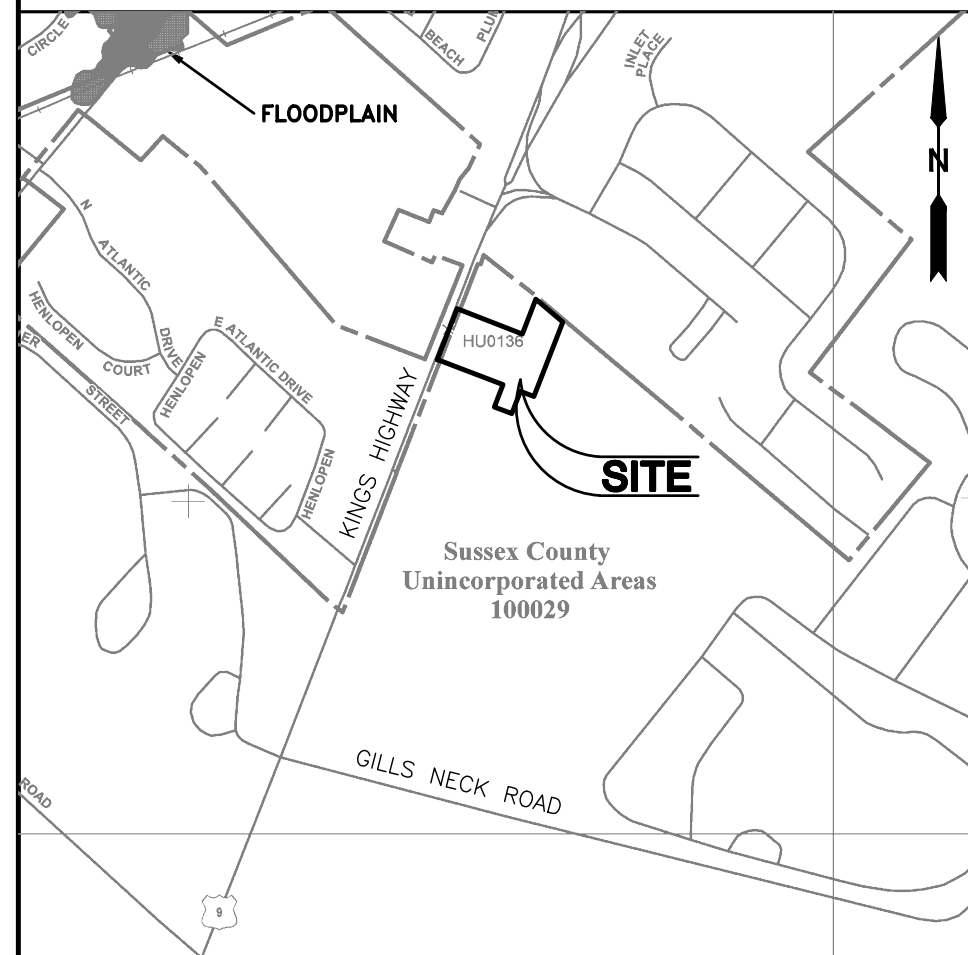
City: _____ **State:** _____ **Zip Code:** _____

Phone #: _____ **E-mail:** _____

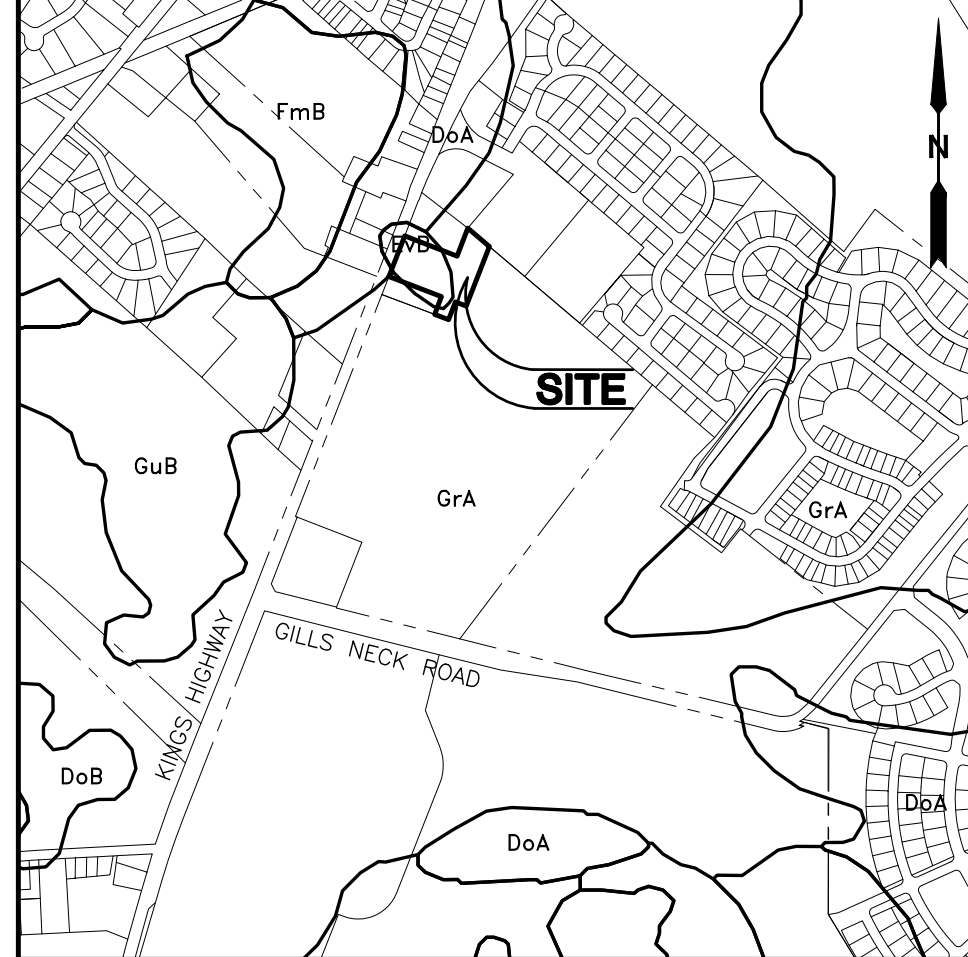




LOCATION MAP SCALE: 1" = 1/2-MILE



FLOODPLAIN MAP SCALE: 1" = 800' DATED: MARCH 16, 2015



SOILS MAP SCALE: 1" = 1000'

DoA: DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES (B)
 EVB: EVESBORO LOAMY SAND, 0 TO 5 PERCENT SLOPES (A)
 GRA: GREENWICH LOAM, 0 TO 2 PERCENT SLOPES (B)

DATA COLUMN

TAX MAP ID: 335-8.00-37.00
 335-8.00-39.00

DATUM: NAVD 88
 VERTICAL: NAD 83 (DE STATE PLANE)
 HORIZONTAL:

ZONING: AR-1 (AGRICULTURE RESIDENTIAL DISTRICT)
 PARCEL 37.00: AR-1
 PARCEL 39.00: C-1/C-3 (GENERAL COMMERCIAL/HEAVY COMMERCIAL DISTRICT)

MINIMUM REQUIREMENTS:

	AR-1	C-1	C-3
FRONT SETBACK:	30 FT.	60 FT.	30 FT.
SIDE SETBACK:	15 FT.	5 FT.	20 FT. MIN WITH COMBINED MIN AGG. OF 50 FT
REAR SETBACK:	20 FT.	5 FT.	50 FT.

ENGINEER: DAVIS, BOWEN, & FRIEDEL, INC.
 1 PARK AVE.
 MILFORD, DE 19963
 PHONE: 302-424-1441
 FAX: 302-424-0430

NOTE: THIS SURVEY DOES NOT CERTIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS AND RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PERFORMED.

CURVE TABLE

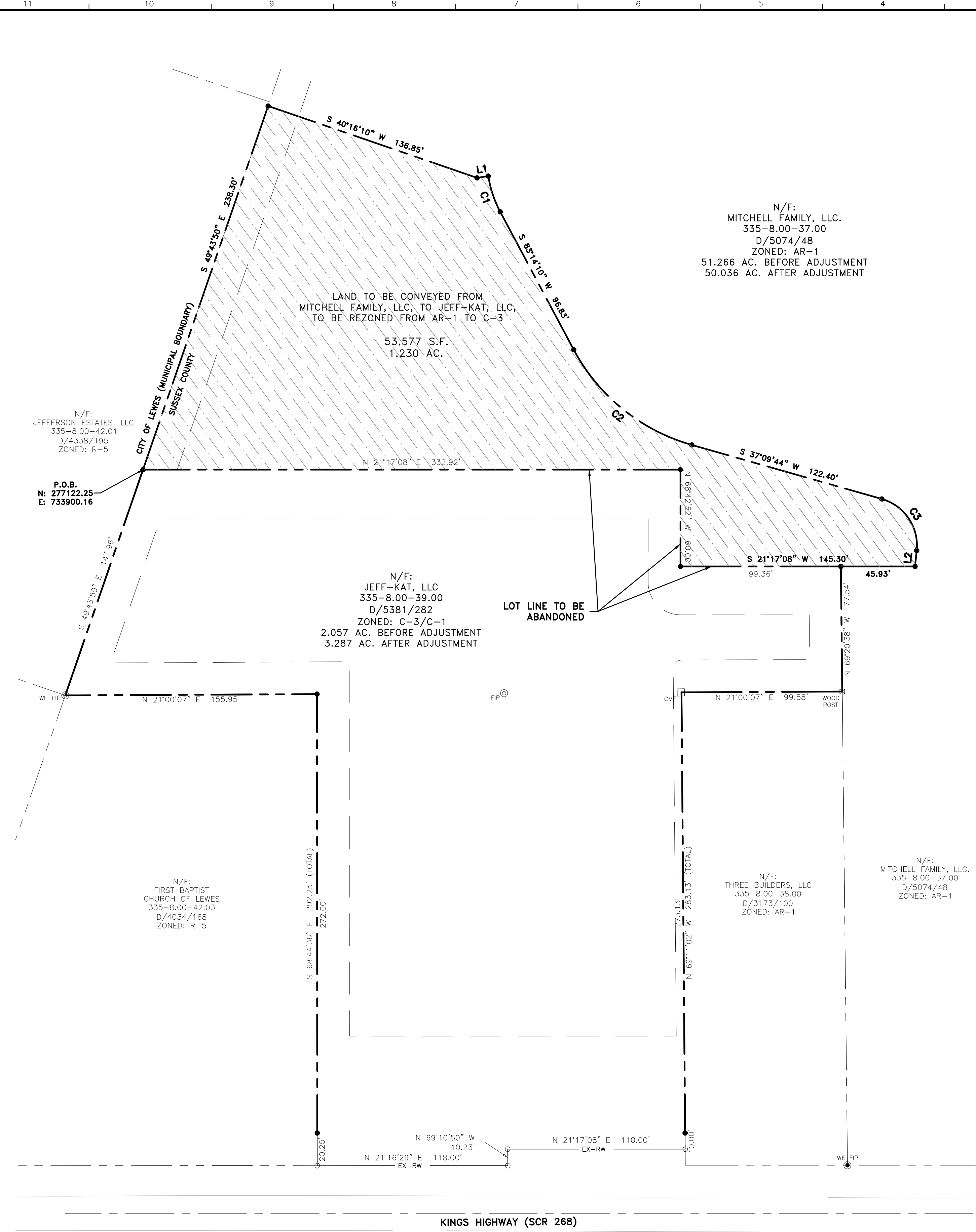
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	70.00'	23.47'	23.36'	N 87°09'28" W	19°12'44"
C2	120.00'	96.50'	93.92'	S 60°11'57" W	46°04'26"
C3	30.00'	41.97'	38.63'	S 77°14'16" W	80°09'02"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 12°26'54" W	7.06'
L2	N 62°41'13" W	9.87'

LEGEND

- BOUNDARY SETBACK
- - - - - PROPERTY LINE TO BE ABANDONED
- - - - - EXISTING RIGHT-OF-WAY
- FOUND IRON PIN
- CONCRETE MONUMENT FOUND
- BOUNDARY POINT



OWNERS CERTIFICATION
 I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT OUR DIRECTION, WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

MITCHELL FAMILY, LLC. DATE
 1019 KINGS HWY.
 LEWES, DE 19958

OWNERS CERTIFICATION
 I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT OUR DIRECTION, WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

JEFF-KATT, LLC. DATE
 55 BAY REACH
 REHOBOTH BEACH, DE 19971

ENGINEERS STATEMENT
 I, CLIFTON D. MUMFORD, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVIS, BOWEN & FRIEDEL, INC. DATE
 by CLIFTON D. MUMFORD, P.E.



ARCHITECTS ENGINEERS SURVEYORS
DAVIS, BOWEN & FRIEDEL, INC.
 1000 MARKET STREET
 MILFORD, DELAWARE 19963
 (302) 424-1441
 (410) 770-4714

**LANDS OF MITCHELL FAMILY, LLC
 LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE**

Revisions:

Date: JUNE, 2021
 Scale: 1" = 40'
 Dwn.By: TCB
 Proj.No.: 3007A002
 Dwg.No.: LLA-RZ

P:\Jeff Kat 2\Kings Highway Site Expansion\Design (Re-Design)\E\chibi\Record Plan Aug 20, 2021 - 6:50pm.mxd



eSummer 2017
Aerial Photo

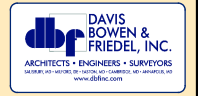
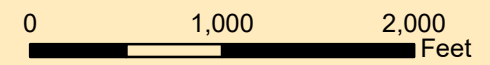
Sources:
Tax Parcels per Sussex County

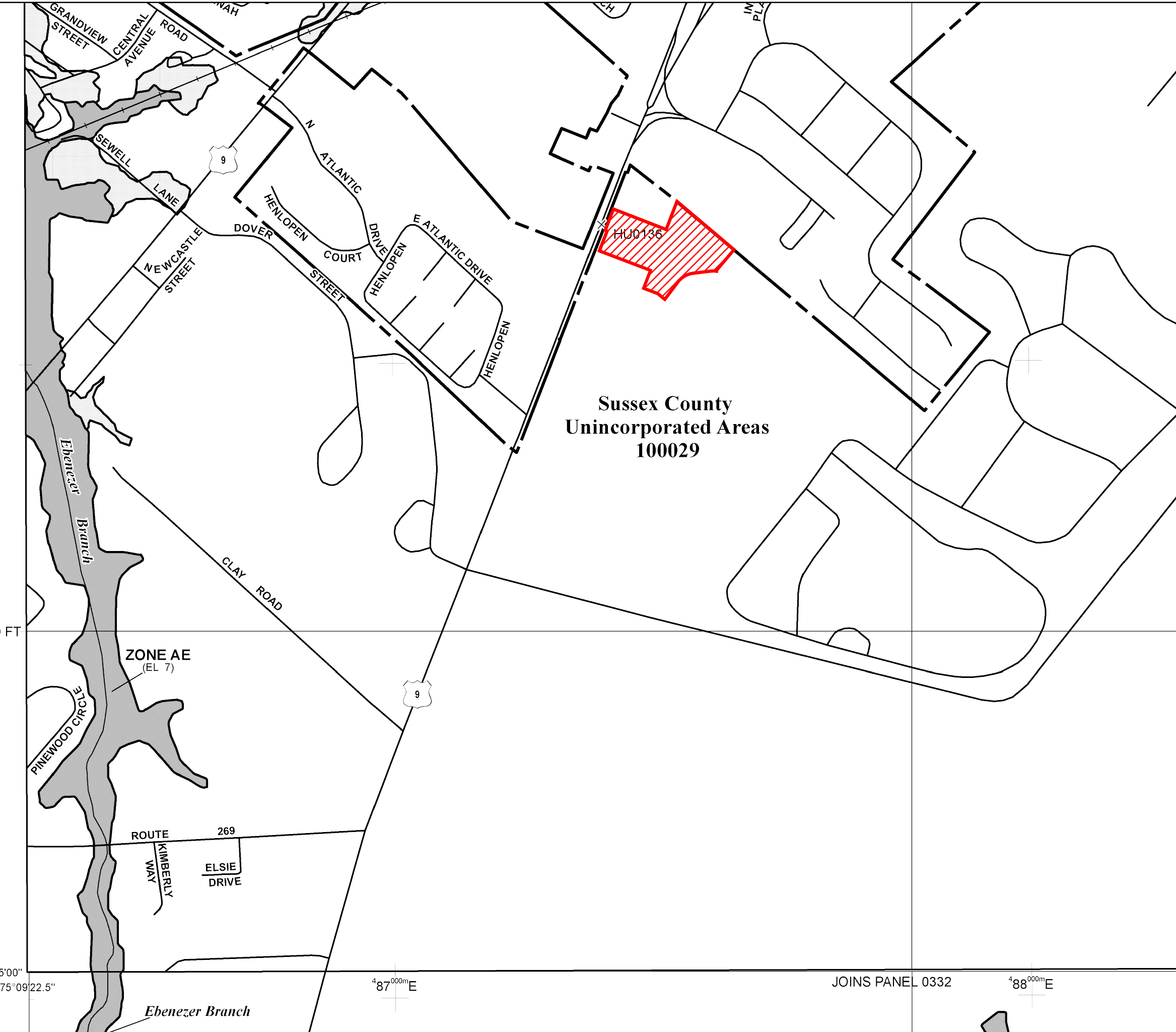


February 2022

Surrounding Communities Map

Jeff-Kat, LLC. Rezoning
Sussex County, Delaware





NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0194K

FIRM
FLOOD INSURANCE RATE MAP

**SUSSEX COUNTY,
 DELAWARE
 AND INCORPORATED AREAS**

PANEL 194 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LEWES, CITY OF	100041	0194	K
SUSSEX COUNTY	100029	0194	K

- NOTE -
 THIS MAP INCLUDES BOUNDARIES OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT ENABLING LEGISLATION.

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



**MAP NUMBER
 10005C0194K**

**MAP REVISED
 MARCH 16, 2015**

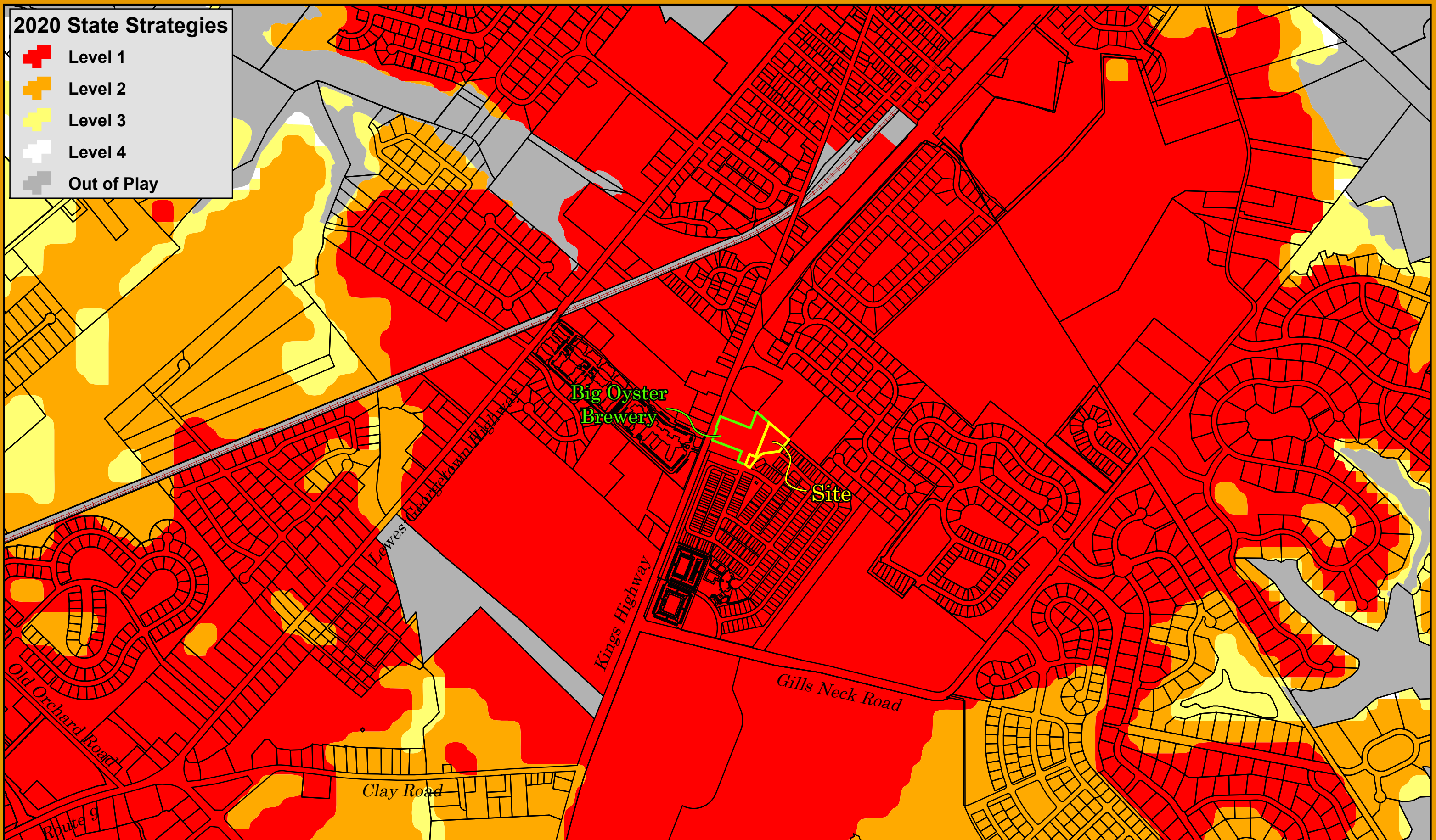
Federal Emergency Management Agency

5'00" 75°09'22.5" 4'87"000m E JOINS PANEL 0332 4'88"000m E

Ebenezzer Branch

2020 State Strategies

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



Sources:
Tax Parcels per Sussex County



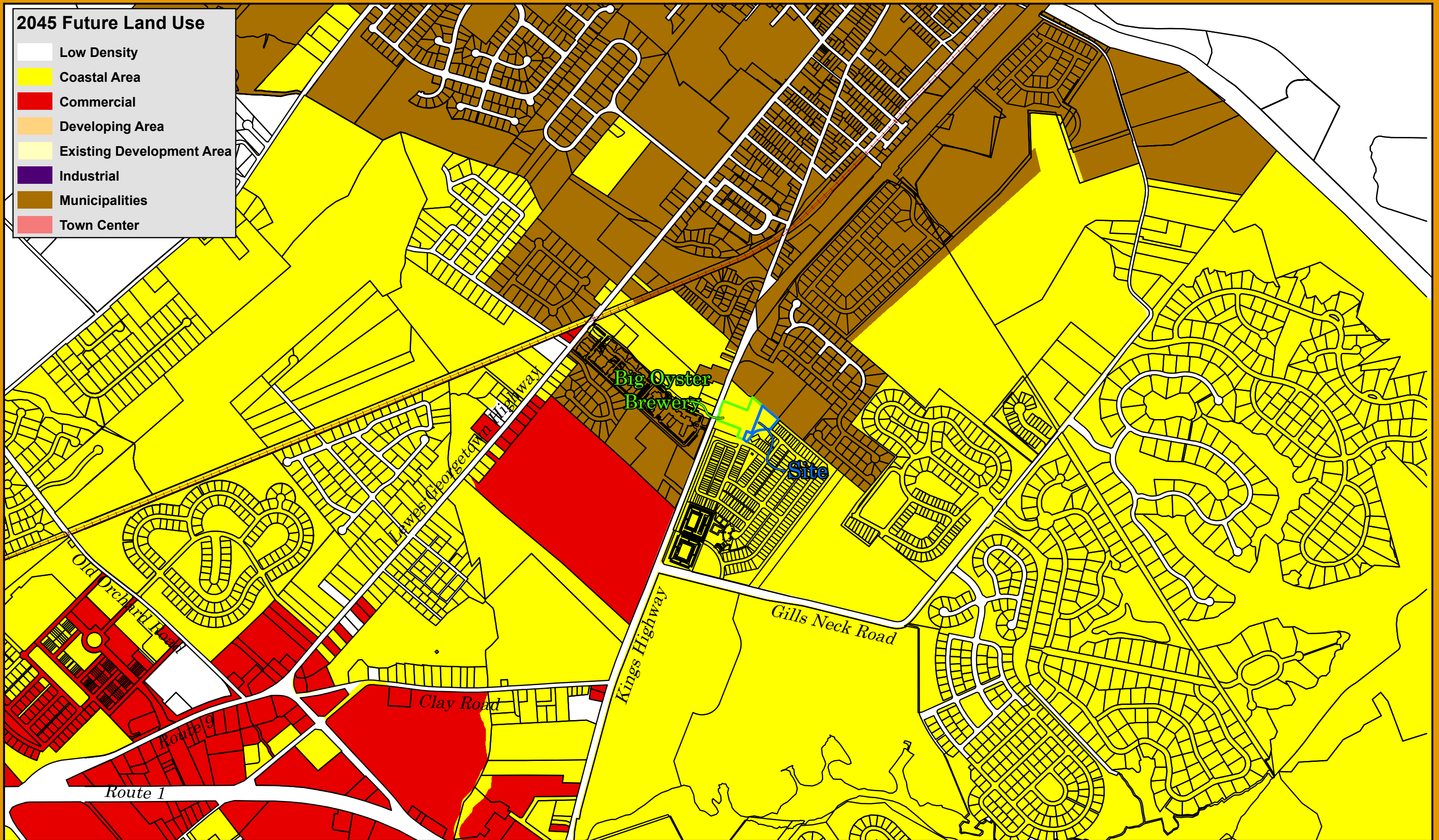
2020 State Strategies

Jeff-Kat, LLC. Rezoning
Sussex County, Delaware

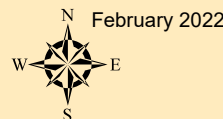


2045 Future Land Use

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

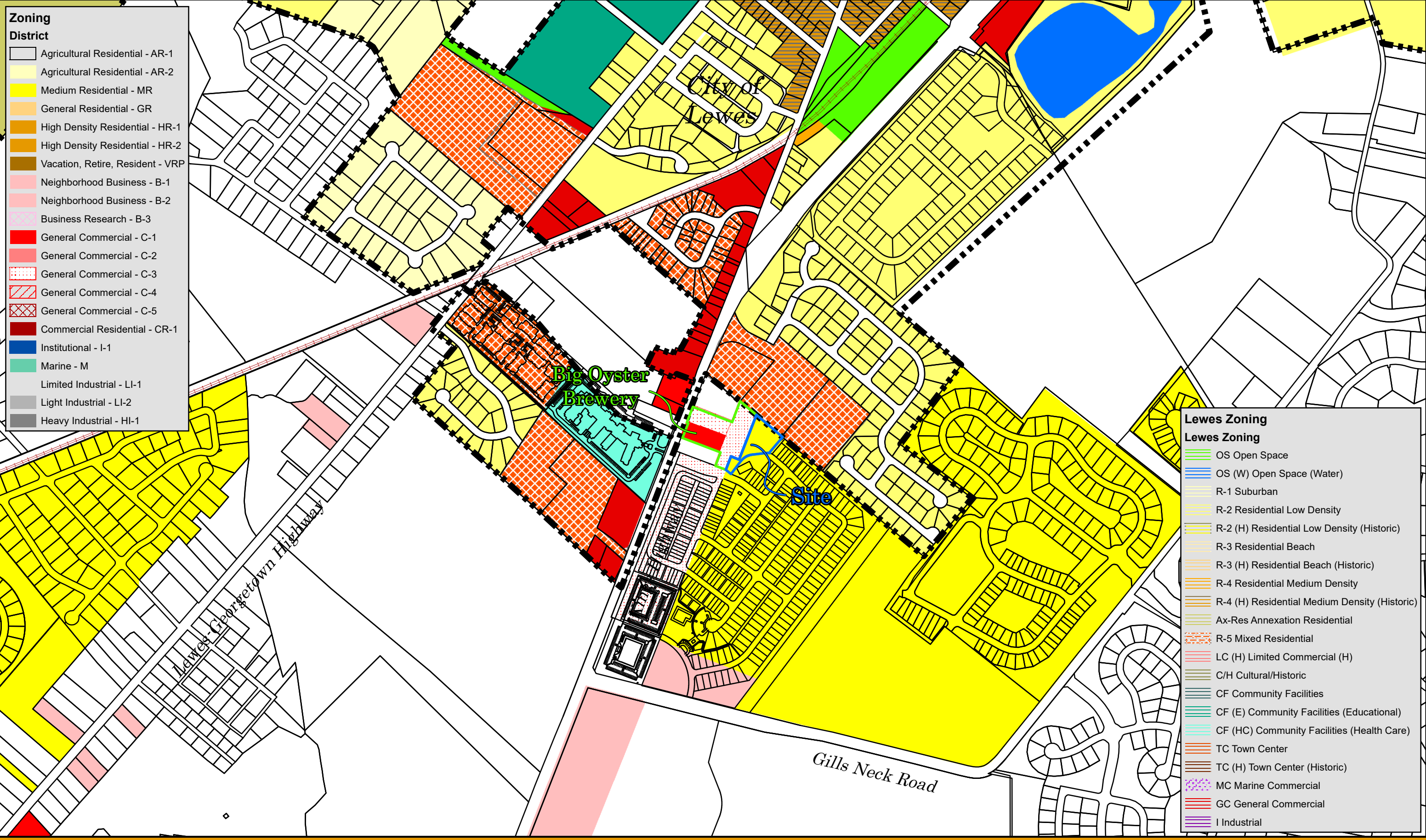


Land Use per 2018 Sussex County Comprehensive Plan
 Entire Site is within the
 Environmental Sensitive Developing Area



Sussex County 2045 Future Land Use
 Jeff-Kat, LLC. Rezoning
 Sussex County, Delaware



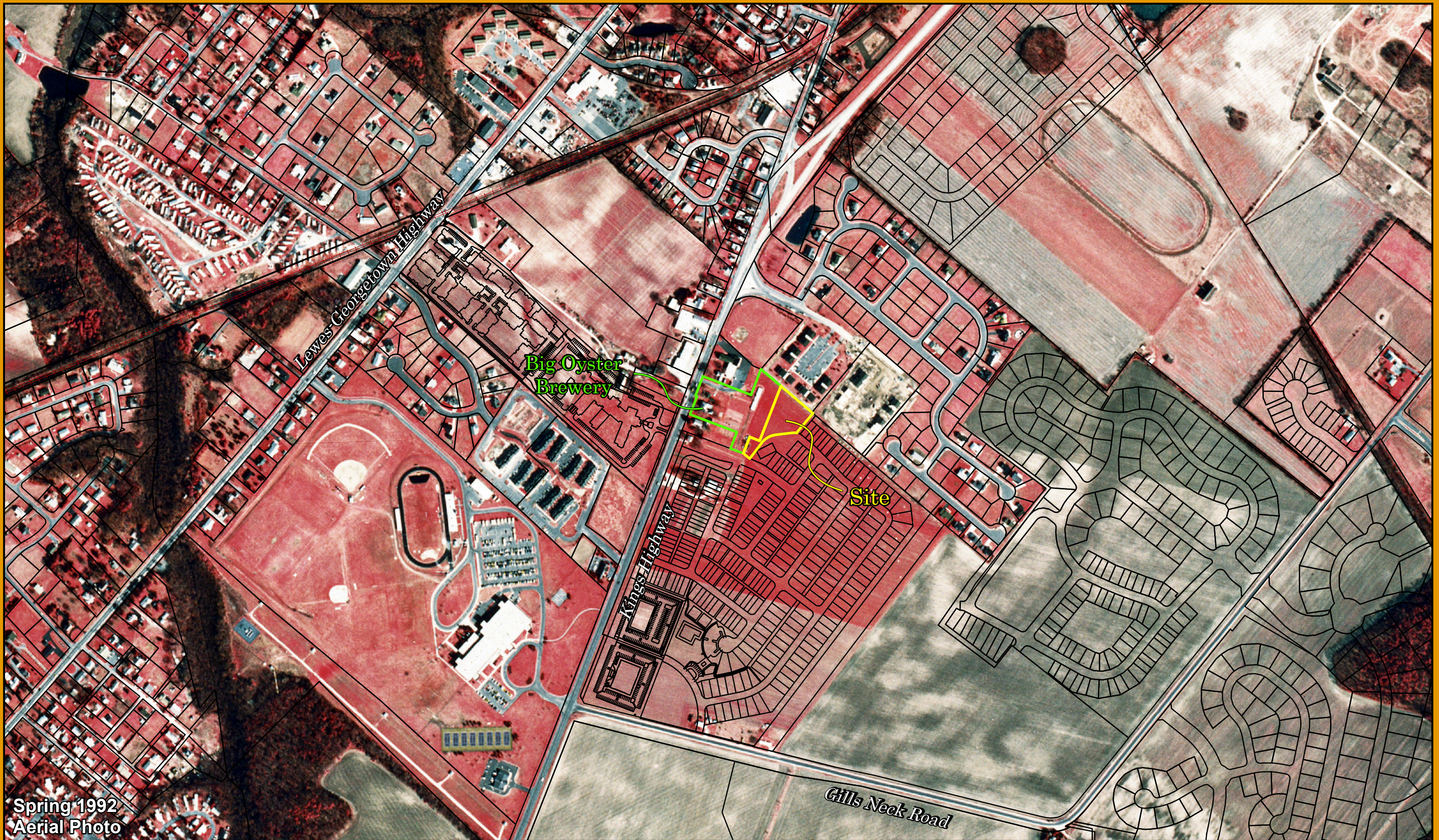


Zoning District

[White]	Agricultural Residential - AR-1
[Light Yellow]	Agricultural Residential - AR-2
[Yellow]	Medium Residential - MR
[Light Orange]	General Residential - GR
[Orange]	High Density Residential - HR-1
[Dark Orange]	High Density Residential - HR-2
[Brown]	Vacation, Retire, Resident - VRP
[Light Pink]	Neighborhood Business - B-1
[Pink]	Neighborhood Business - B-2
[Light Purple]	Business Research - B-3
[Red]	General Commercial - C-1
[Light Red]	General Commercial - C-2
[Red with dots]	General Commercial - C-3
[Red with diagonal lines]	General Commercial - C-4
[Red with cross-hatch]	General Commercial - C-5
[Dark Red]	Commercial Residential - CR-1
[Blue]	Institutional - I-1
[Light Green]	Marine - M
[Light Gray]	Limited Industrial - LI-1
[Medium Gray]	Light Industrial - LI-2
[Dark Gray]	Heavy Industrial - HI-1

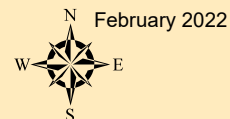
Lewes Zoning

[Green]	OS Open Space
[Blue]	OS (W) Open Space (Water)
[Light Yellow]	R-1 Suburban
[Yellow]	R-2 Residential Low Density
[Light Orange]	R-2 (H) Residential Low Density (Historic)
[Orange]	R-3 Residential Beach
[Dark Orange]	R-3 (H) Residential Beach (Historic)
[Brown]	R-4 Residential Medium Density
[Dark Brown]	R-4 (H) Residential Medium Density (Historic)
[Light Green]	Ax-Res Annexation Residential
[Red with dots]	R-5 Mixed Residential
[Light Red]	LC (H) Limited Commercial (H)
[Light Green]	C/H Cultural/Historic
[Blue]	CF Community Facilities
[Light Blue]	CF (E) Community Facilities (Educational)
[Light Cyan]	CF (HC) Community Facilities (Health Care)
[Orange]	TC Town Center
[Dark Orange]	TC (H) Town Center (Historic)
[Red with dots]	MC Marine Commercial
[Red]	GC General Commercial
[Blue]	I Industrial



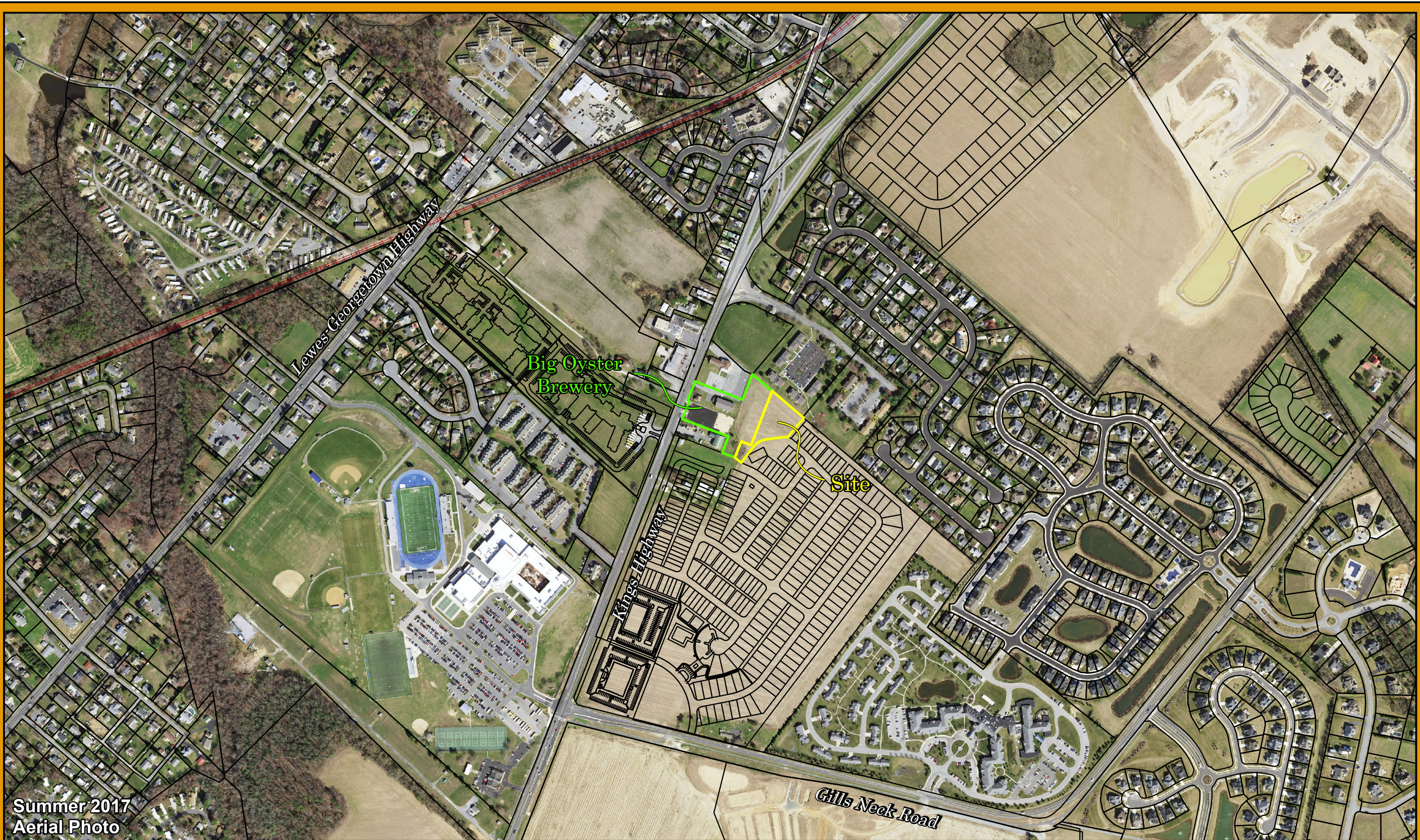
Spring 1992
Aerial Photo

Sources:
Tax Parcels per Sussex County



1992 Aerial Photo
Jeff-Kat, LLC. Rezoning
Sussex County, Delaware





Summer 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



2017 Aerial Photo
Jeff-Kat, LLC. Rezoning
Sussex County, Delaware



Document # 2021000077094 BK: 5613 PG: 209
On 12/16/2021 at 11:03:27 AM
RECORDER OF DEEDS Scott Dailey
Sussex County, DE
Consideration: \$1,100,000.00 County/Town: \$16,500.00
State: \$27,500.00 Total: \$44,000.00 Doc Surcharge Paid

TAX PARCEL NO.: P/O 3-35-8.00-37.00
as extension of 3-35-8.00-39.00

PREPARED BY & RETURN TO:
Parkowski, Guerke & Swayze, P.A.
19354C Miller Road
Rehoboth Beach, DE 19971
File No. 228-21/VGR

THIS DEED, made this 15th day of December, 2021,

- BETWEEN -

MITCHELL FAMILY, LLC, a Delaware limited liability company, of 20773 Atlanta Road, Seaford, DE 19973, party of the first part,

- AND -

JEFF-KAT, LLC, a Delaware limited liability company, of 1007 Kings Highway, Lewes, DE 19958, party of the second part.

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

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the southeasterly side of Lands now or formerly of Jeff-Kat, LLC, and being located in Lewes & Rehoboth Hundred, Sussex County, Delaware, being part of the northerly corner of Parcel 37.00, as shown on a plat entitled "Lot Line Adjustment and Rezoning Plan", completed by Davis Bowen & Friedel, Inc., dated June 2021, recorded in Plot Book 358, Page 18, and being particularly described as follows:

BEGINNING at point formed by northerly corner of lands now or formerly of Mitchell Family LLC., and said point is the easterly corner of lands now or formerly of Jeff-Kat LLC., as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware; said beginning point being coordinated on the Delaware State Grid System as North: 277,122.25 feet, East: 733,900.16 feet; thence; (1) leaving said lands of Jeff-Kat LLC., and running by and with lands now or formerly of Jefferson Estates LLC., South 49 degrees 43 minutes 50 seconds East 238.30 feet to a point, thence running; (2) through subject property the following 8 courses, South 40 degrees 16 minutes 10 seconds West 136.85 feet to a point, thence running; (3) South 12 degrees 26 minutes 54 seconds West 7.06 feet to a point, thence running;

(4) by and with a curve to the left having a radius of 70.00 feet, and arc length of 23.47 feet, a chord bearing of North 87 degrees 09 minutes 28 seconds West, and a chord length of 23.36 feet to a point, thence running; (5) South 83 degrees 14 minutes 10 seconds West 96.83 feet to a point, thence running; (6) by and with a curve to the left having a radius of 120.00 feet, and arc length of 96.50 feet, a chord bearing of South 60 degrees 11 minutes 57 seconds West, and a chord length of 93.92 feet to a point, thence running; (7) South 37 degrees 09 minutes 44 seconds West 111.21 feet to a point, thence running; (8) North 50 degrees 42 minutes 39 seconds West 47.19 feet to a point at lands now or formerly of Jeff-Kat LLC., thence running; (9) by and with said lands of Jeff-Kat LLC. the following 3 courses, North 21 degrees 17 minutes 08 seconds East 99.36 feet to a point, thence running; (10) South 68 degrees 42 minutes 52 seconds East 60.00 feet to a point, thence running; (11) North 21 degrees 17 minutes 08 seconds East 332.92 feet to the point and place of beginning; CONTAINING 1.195 acres of land, more or less.

Said lands to be combined with and become part of existing lands of Jeff-Kat, LLC, known as Sussex County Tax Parcel No. 3-35-8.00-39.00.

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 a part of the same lands conveyed unto Mitchell Family, LLC, a Delaware limited liability company, by deed from L.W. & J.T. Mitchell Family Limited Partnership, dated June 11, 2019, and recorded June 12, 2019, in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 5074, Page 48.

IN WITNESS WHEREOF, the said Mitchell Family, LLC, a Delaware limited liability company, has caused its name to be hereunto set under seal by Robert P. Mitchell, Manager of Mitchell Family, LLC, the day and year first above written.



Witness

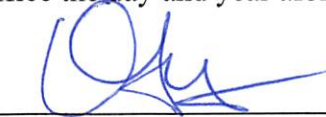
MITCHELL FAMILY, LLC
By:  (SEAL)
Robert P. Mitchell, Manager

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

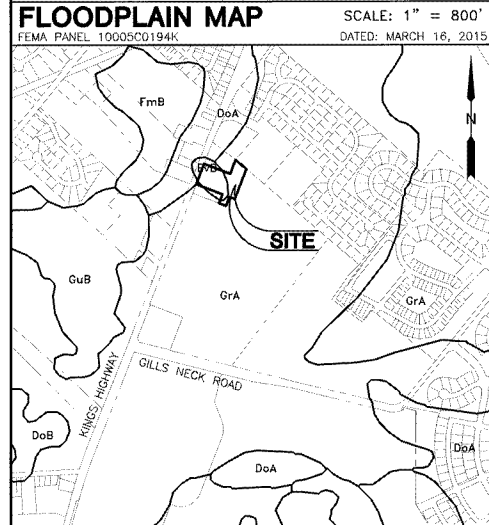
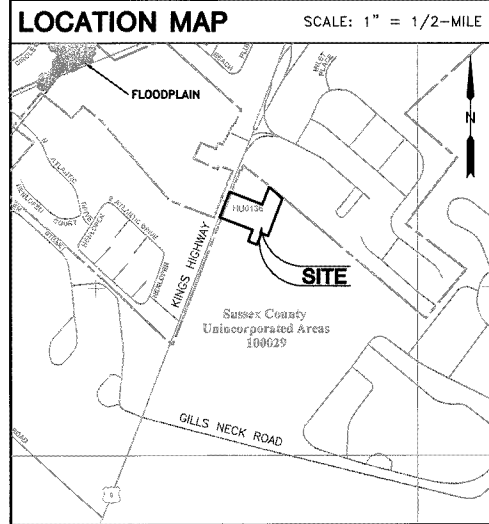
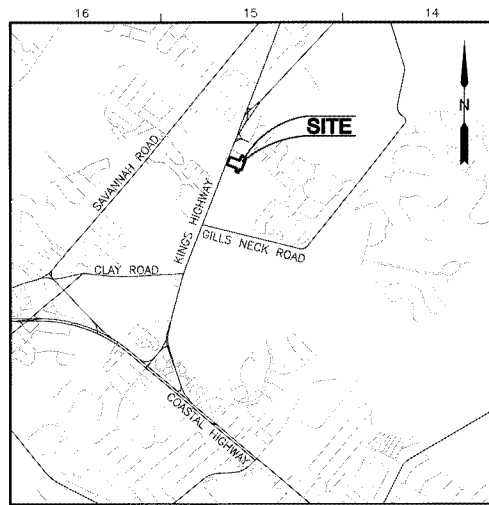
BE IT REMEMBERED, that on this 15th day of December, 2021, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Robert P. Mitchell, Manager of Mitchell Family, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company.

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

ADMITTED TO DELAWARE BAR 12/15/94
ATTORNEY
VINCENT G. ROBERTSON
NOTARY
UNIFORM LAW ON NOTARIAL ACTS
PURSUANT TO 29 DEL C. SEC 4323 (3)



Notary Public
My Commission Expires: N/A



SOILS MAP
 DoA: DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES (B)
 DoB: EVESBORO LOAMY SAND, 0 TO 5 PERCENT SLOPES (A)
 DoC: GREENWICH LOAM, 0 TO 2 PERCENT SLOPES (B)
 GrA: GREENWICH LOAM, 0 TO 2 PERCENT SLOPES (B)
 GrB: GREENWICH LOAM, 0 TO 2 PERCENT SLOPES (B)
 GuB: GREENWICH LOAM, 0 TO 2 PERCENT SLOPES (B)
 FmB: FINE MEDIUM SAND, 0 TO 2 PERCENT SLOPES (B)

DATA COLUMN

TAX MAP ID:	335-8.00-37.00
	335-8.00-39.00
DATUM HORIZONTAL:	NAD 83 (DE STATE PLANE)
ZONING PARCEL 37.00:	AR-1 (AGRICULTURE RESIDENTIAL DISTRICT)
PARCEL 39.00:	C-1/C-3 (GENERAL COMMERCIAL/HEAVY COMMERCIAL DISTRICT)
MINIMUM REQUIREMENTS	AR-1 C-1 C-3
FRONT SETBACK:	30 FT. 60 FT. 30 FT.
SIDE SETBACK:	15 FT. 5 FT. 20 FT. MIN WITH COMBINED MIN AGG. OF 50 FT
REAR SETBACK:	20 FT. 5 FT. 20 FT.
ENGINEER:	DAVIS, BOWEN & FRIEDEL, INC. 1 PARK AVE. MILFORD, DE 19963 PHONE: 302-424-1441 FAX: 302-424-0430

NOTE: THIS SURVEY DOES NOT CERTIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS AND RIGHTS-OF-WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PERFORMED.

CURVE TABLE

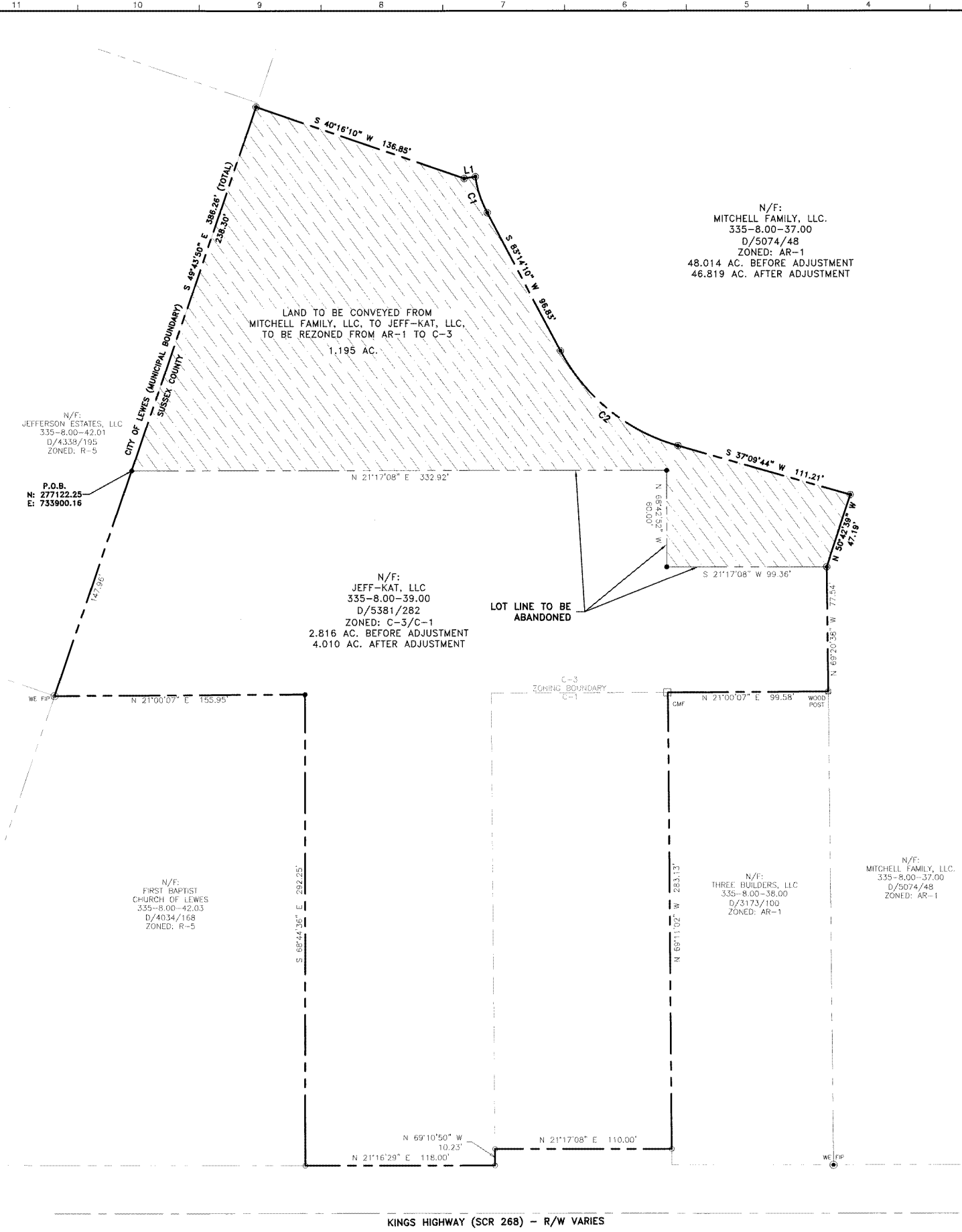
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	70.00'	23.47'	23.36'	N 87°09'28" W	19°12'44"
C2	120.00'	96.50'	93.92'	S 60°11'57" W	46°04'26"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 12°26'54" W	7.06'

LEGEND

- BOUNDARY PROPERTY LINE TO BE ABANDONED
- - - ADJACENT PROPERTY LINE
- FOUND IRON PIN
- CONCRETE MONUMENT FOUND
- BOUNDARY POINT
- IRON ROD WITH CAP SET

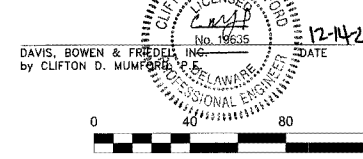


APPROVED
 SUSSEX COUNTY PLANNING & ZONING COMMISSION
 DATE: 12/15/21

OWNER'S CERTIFICATION
 I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT OUR DIRECTION, WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.
 Mitchell Family, LLC. DATE: 12/15/21
 1019 KINGS HWY., LEWES, DE 19958

OWNER'S CERTIFICATION
 I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT OUR DIRECTION, WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.
 Jeff-Kat, LLC. DATE: 12/15/21
 55 BAY BEACH, REHOBOTH BEACH, DE 19971

ENGINEER'S STATEMENT
 I, CLIFTON D. MUMFORD, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.
 Clifton D. Mumford, P.E. DATE: 12-14-21
 155 BAY BEACH, REHOBOTH BEACH, DE 19971



DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS ENGINEERS SURVEYORS
 1000 MARKET STREET, SUITE 200
 MILFORD, DELAWARE 19963
 (302) 424-1441
 (302) 424-1441
 (410) 770-4744

**LANDS OF MITCHELL FAMILY, LLC
 LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE**

Revisions:

Date: JUNE, 2021
 Scale: 1" = 40'
 Dwn. By: TCB
 Proj. No.: 3007A002
 Dwg. No.: LLA-RZ

LEGAL DESCRIPTION

LANDS OF

JEFF-KAT, LLC.

PART OF TAX PARCEL 335-8.00-39.00

February 28, 2022

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the southeasterly side of Lands now or formerly of Jeff-Kat LLC., and being located in Lewes & Rehoboth Hundred, Sussex County, Delaware, being part of the easterly portion of Parcel 39.00, as shown on a plat entitled "Lands of Mitchell Family, LLC." completed by Davis Bowen & Friedel, Inc., dated June 2021 and recorded in plat book 358 page 18 as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware; said piece or parcel being more particularly described as follows:

BEGINNING at point on the northerly line of lands now or formerly of Jeff-Kat LLC. and the southerly line of lands now or formerly of Jefferson Estates, LLC., said beginning point being coordinated on the Delaware State Grid System as North: 277,122.25 feet, East: 733,900.16 feet; thence,

1) running with said lands of Jeff-Kat LLC. and running by and with lands now or formerly of Jefferson Estates LLC., South 49 degrees 43 minutes 50 seconds East 238.30 feet to a point, thence leaving said lands of Jefferson Estates, LLC. and running,

2) by and with lands of Mitchell Family, LLC. the following 7 courses, South 40 degrees 16 minutes 10 seconds West 136.85 feet to a point, thence running,

3) South 12 degrees 26 minutes 54 seconds West 7.06 feet to a point, thence running,

4) by and with a curve to the left having a radius of 70.00 feet, and arc length of 23.47 feet, a chord bearing of North 87 degrees 09 minutes 28 seconds West, and a chord length of 23.36 feet to a point, thence running,

5) South 83 degrees 14 minutes 10 seconds West 96.83 feet to a point, thence running,

6) by and with a curve to the left having a radius of 120.00 feet, and arc length of 96.50 feet, a chord bearing of South 60 degrees 11 minutes 57 seconds West, and a chord length of 93.92 feet to a point, thence running,

7) South 37 degrees 09 minutes 44 seconds West 111.21 feet to a point, thence running,

8) North 50 degrees 42 minutes 39 seconds West 47.19 feet to a point at lands now or formerly of Jeff-Kat LLC., thence running,

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

NICOLE MAJESKI
SECRETARY

November 10, 2021

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

Dear Mr. Whitehouse:

This letter is to revise and replace our letter of earlier today, which incorrectly described the location of the subject land.

The Department has completed its review of a Service Level Evaluation Request for the **Jeff-Kat, LLC** proposed land use application, which we received on September 27, 2021. This application is for an approximately 1.23 portion of a 48.01- acre parcel (Tax Parcel: 335-8.00-37.00). The subject land is landlocked but would have access through Tax Parcel 335-8.00-39.00 on the east side of Kings Highway (US Route 9) about 2,000 ft north of the intersection with Gills Neck Road (Sussex Road 267). The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of C-3 (Heavy Commercial).

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along Kings Highway from Gills Neck Road to Freeman Highway (Sussex Road 23), is 12,019 vehicles per day.

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

November 10, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

Enclosure:

cc: Jeff-Kat, LLC, Applicant
Elliot Young, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, 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
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

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

February 23, 2022

David L. Edgell,
State of Delaware
Office of State Planning Coordination
122 Martin Luther King Jr. Blvd. South
Haslet Armory – Third Floor
Dover, DE 19901

Attn: David L. Edgell, AICP
Director, Office of State Planning Coordination

RE: PLUS review 2021-12-04; Jeff Kat/Big Oyster
Comment Response Letter
Tax Parcel No.: 3-35-8.00-39.00
DBF #3007A002.B01

Dear Mr. Edgell,

I appreciated the opportunity to meet with representatives of the various agencies at the PLUS meeting held on December 15, 2021. This letter is in response to comments received from State Planning Coordination dated. We offer the following in response to those comments:

Strategies for State Policies and Spending

- *This project is located in Investment Level 1 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.*

We recognize that the project is in an Investment Level 1 area, which is designated for growth.

- *It is noted that this parcel is within the Coastal area according to the Sussex County Comp plan and C-3 is allowable within the Coastal area. The PLUS application was for the rezoning only. If this parcel is rezoned, any development that meets the PLUS criteria must be submitted to PLUS for review*

Acknowledged.

Code Requirements/Agency Permitting Requirements

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.*
 - *Because the parcel to which the subject land is being added fronts on a road that is part of the Federal Aid Primary Road System, that is Kings Highway (US Route 9), it is subject to outdoor advertising regulations found in CFR 23 §131 and 17 Del. C. §1101-1120. Accordingly, the applicant should expect the following requirements:*
 - *No new billboards, variable message boards, or electronic changing message sign(s) anywhere on or off Kings Highway. Any such structure or fixture shall be 660 feet away, i.e., any closest byway right-of-way edge.*
 - *No off-premises advertising on the property for others within 660 feet of Kings Highway, e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.*
 - *Along Kings Highway, the applicant would not be permitted to advertise or direct information about themselves on other private property.*

No billboards or signs are proposed.

- *The site access on Kings Highway 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.*

We are aware of DelDOT's design and submittal requirements and will follow DelDOT procedures when a site plan is needed.

- *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.*
- *Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. If possible, an interconnection should be negotiated with Henlopen Properties, LLC (Tax Parcel 335-8.00-37.00) from whom the subject land is being acquired and, again if possible, with the First Baptist Church (Tax Parcel 335-8.00-40.00) and Lane Builders (Tax Parcel 335-8.00-38.00). Doing so would have the benefits of better managing left turns along Kings Highway and affording those parcels access to Gills Neck Road.*

The church did not want interconnection to this site. Interconnection to Henlopen Properties is provided through an easement that was recently recorded as part of the Big Oyster Expansion. Coordination of future interconnection has been made with Henlopen Properties. An interconnection to Lane Builders is difficult due to the layout of buildings and parking on that site.

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

- *The project proposes to rezone a 1.2-acre parcel from AR-1 to C-3. DNREC reviewers have no concerns or comments at this time regarding the proposed rezoning.*

Acknowledged.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- *There are no known archaeological sites or National Register listed properties on the parcel.*

Acknowledged.

- *There is low archaeological potential for this parcel. There is no freshwater source a favorable distance of the parcel, and therefore there is unlikely to be prehistoric archaeological sites within the project area. There are two known historic structures that were once on the parcel (S01048, S01049). However, both are no longer extant. Despite known historic occupation of the parcel, historic aerials and topographic maps show a lot of development of the parcel. There are not likely to be intact archaeological deposits because of this past disturbance, and therefore there is low potential for historic archaeological sites on the parcel.*

Acknowledged.

Recommendations/Additional Information

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

The parcel to which the subject land is being added fronts on part of the Historic Lewes Byway. Therefore, the applicant should expect the following requirements:

- *Byways signs may be required along both roads as part of the plan review process.*
- *There is an adopted Kings Highway and Gills Neck Road Master Plan for future roadway and right-of-way improvements. This plan can be viewed at https://www.deldot.gov/Programs/byways/pdfs/lewes_cmp/KHGN_MasterPlan_092616finalrx.pdf. The Master Plan was undertaken in consideration of implementation with DelDOT, the Historic Lewes Byway Committee, the City of Lewes, Sussex County, and other key stakeholders.*
- *Improvements to Kings Highway, from Dartmouth Drive to Freeman Highway, to be designed and built consistent with that Master Plan, are funded in DelDOT's Capital Transportation Program for Fiscal Years 2021 through 2026 for Preliminary Engineering in Fiscal Years 2022 and 2023, Right-of-Way Acquisition in Fiscal Years 2024 and 2025 and Construction beginning in the Fiscal Year 2026.*
- *A typical cross-section for future roadway and right-of-way improvements in consideration of context-sensitive design solutions for Byway Transportation Corridors has been conceptually recommended for future implementation.*
- *Landscaping or landscaping buffers and/or vegetation screening is strongly encouraged with the project along both Kings Highway and Gills Neck Road. DelDOT has a suggested list of native and low maintenance vegetation plantings and will require its use for plantings in the right-of-way. Landscaping efforts undertaken or partially undertaken in State right of way will require written agreements with DelDOT regarding maintenance responsibility.*
- *The applicant may be asked to work with or provide updates to the Lewes Byway Committee and per implementation of the Master Plan and byways coordination. The applicant may contact the Byways Chair, Ms. Mary Roth at mroth@delawaregreenways.org or (302) 302-655-7275.*

This rezoning is for a portion of land that does not front on Kings Highway. We are aware of the future DelDOT project to widen Kings Highway and the Byways program. In the future if landscaping is considered the owner will consult with the Lewes Byways Committee.

- *The proposed out parcel has a slightly different acreage from that shown on the plan presented by Henlopen Properties, LLC. DelDOT understands that this difference has since been resolved.*

Correct.

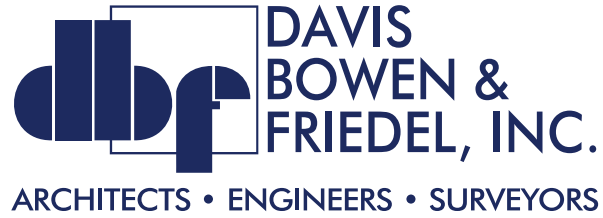
If you have any questions or need additional information, please contact me at (302) 424-1441 or via email at cdm@dbfinc.com.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.
Associate

CC: Jeff Hamer, Jeff-Kat, LLC



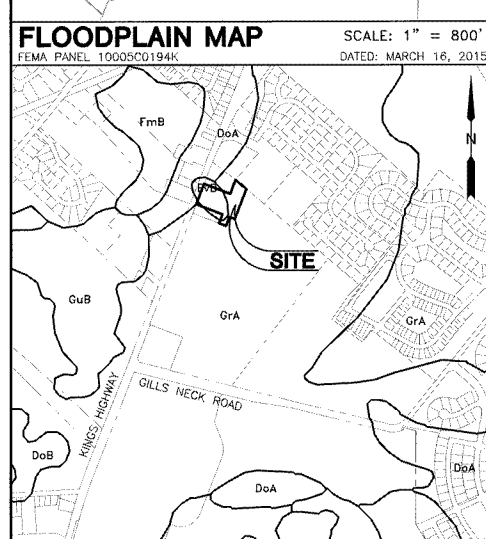
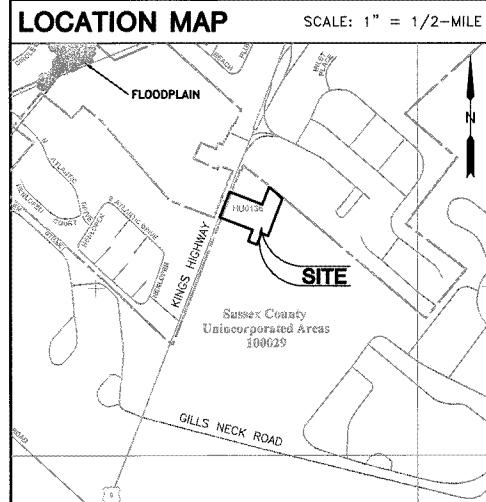
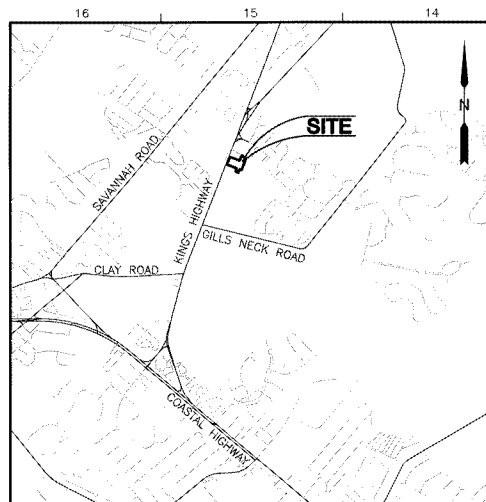
*IMPROVING OUR COMMUNITIES.
SHAPING THE WORLD AROUND US.
CREATING VALUE BY DESIGN.*

1 Park Avenue
Milford, DE 19963
(302) 424-1441

601 East Main Street, Suite 100
Salisbury, MD 21804
(410) 543-9091

106 Washington Street, Suite 103
Easton, MD 21601
(410) 770-4744

www.dbfinc.com



SOILS MAP
 DoA: DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES (B)
 DoB: Evesboro loamy sand, 0 to 5 percent slopes (A)
 DoC: GREENWICH LOAM, 0 TO 2 PERCENT SLOPES (B)
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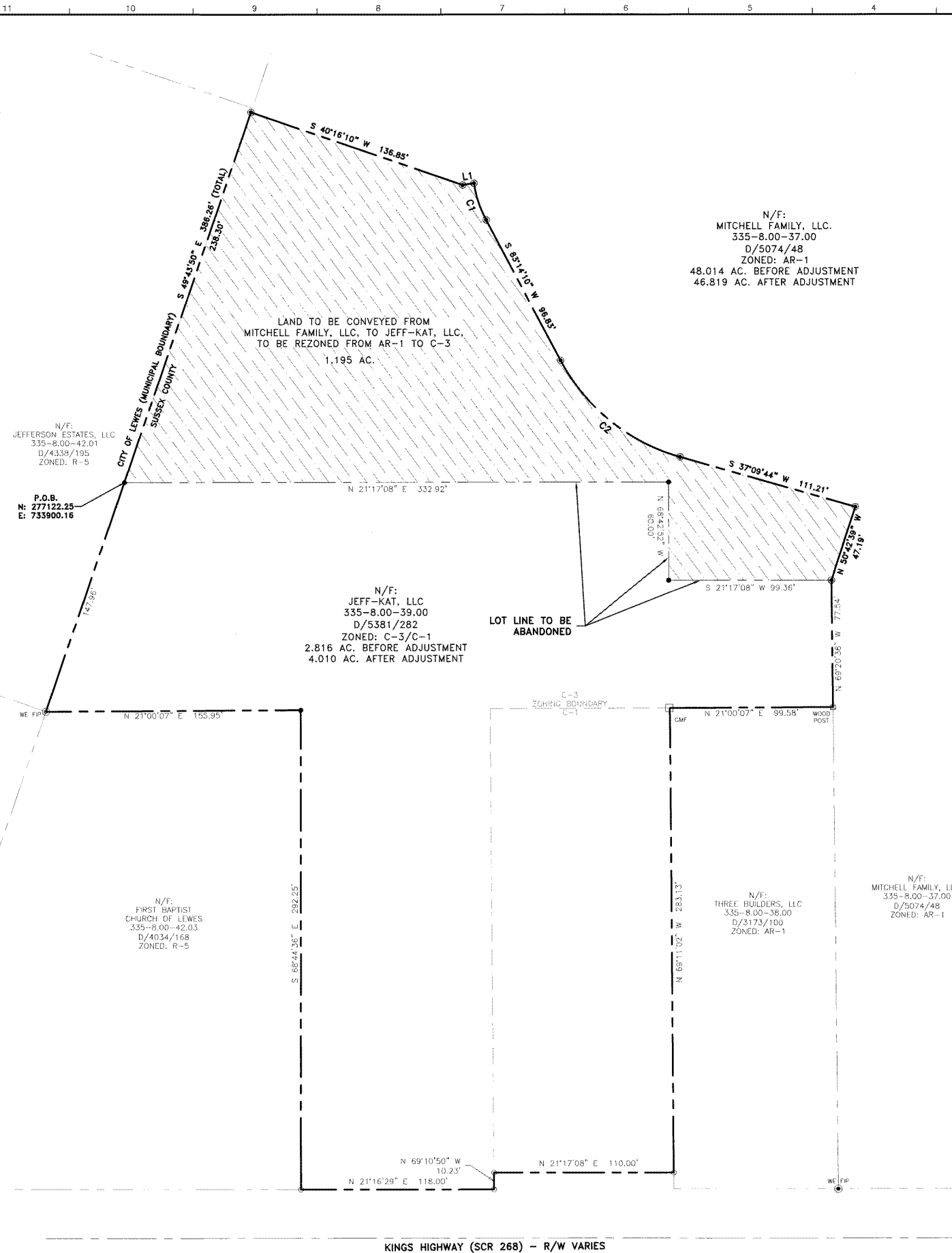
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- CONCRETE MONUMENT FOUND
- BOUNDARY POINT
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APPROVED
 SUSSEX COUNTY
 PLANNING & ZONING COMMISSION

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 Mitchell Family, LLC
 1019 KINGS HWY.
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 DATE: 12/15/21

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 55 BAY BEACH
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 DATE: 12/15/21

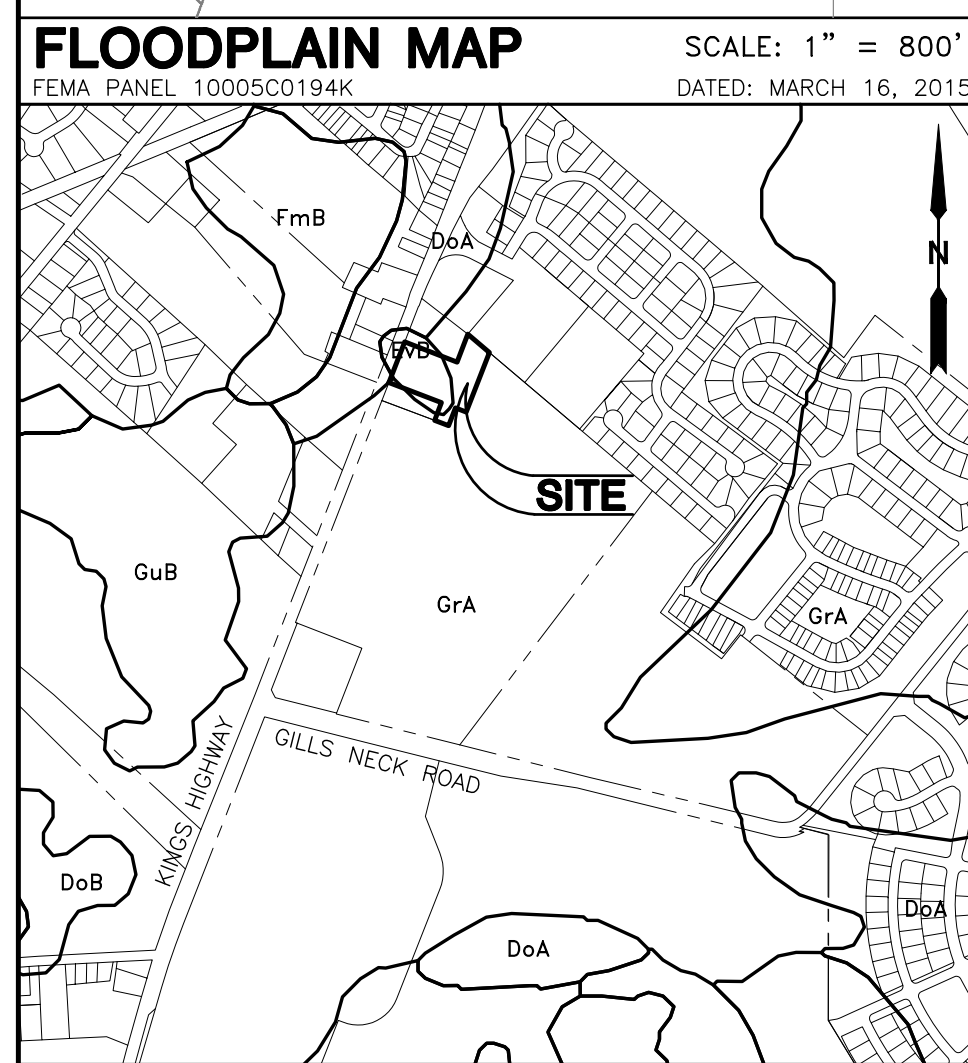
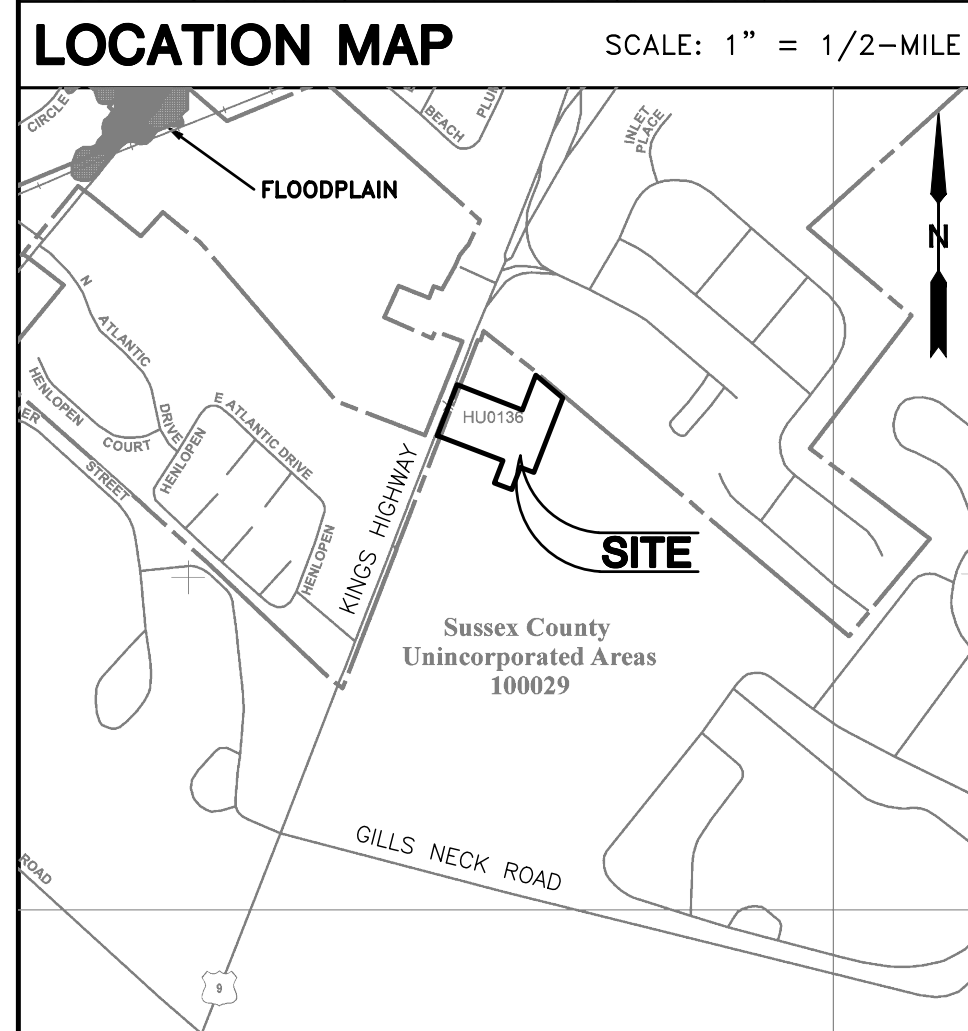
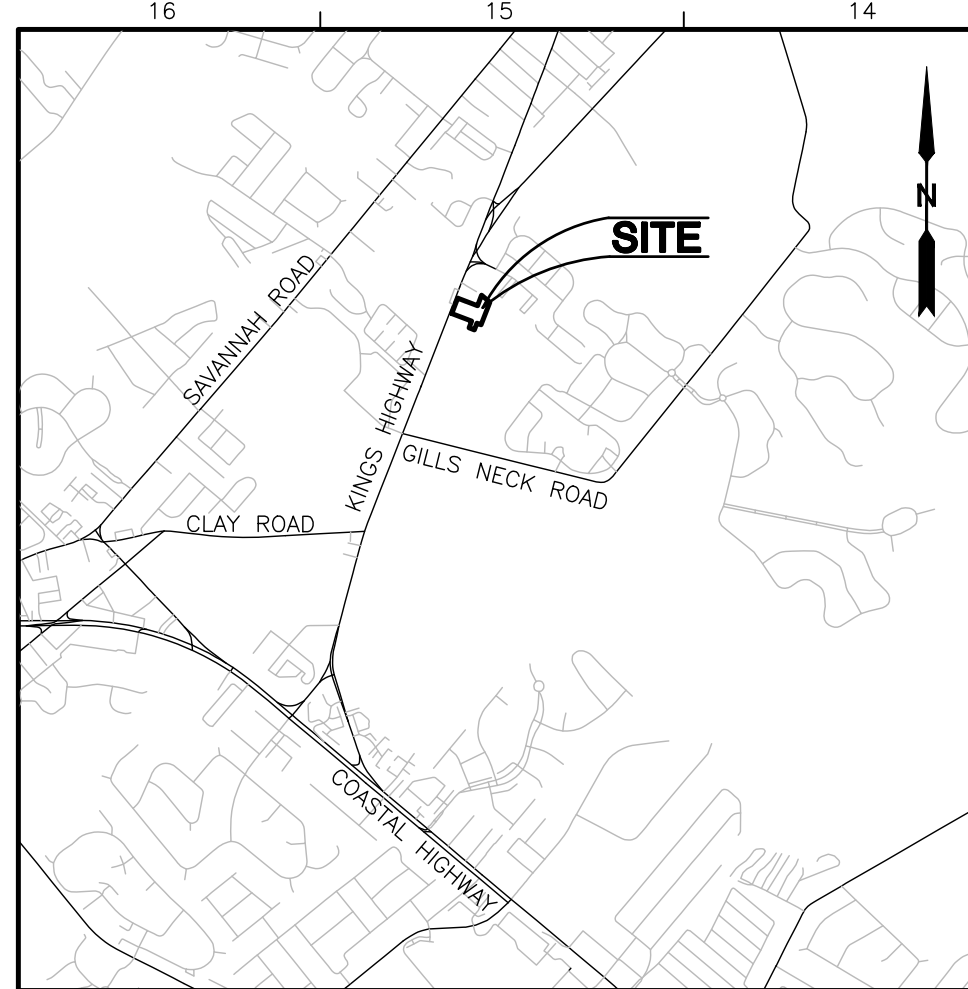
ENGINEER'S STATEMENT
 I, CLIFTON D. MUMFORD, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE. THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.
 Clifton D. Mumford, P.E.
 12-14-21

DAVIS, BOWEN & FRIEDEL, INC.
 by CLIFTON D. MUMFORD, P.E.
 PROFESSIONAL ENGINEER
 No. 198628
 DATE: 12-14-21

ARCHITECTS ENGINEERS SURVEYORS
DAVIS, BOWEN & FRIEDEL, INC.
 1019 KINGS HWY.
 LEWES, DE 19958
 (302) 424-1441
 (302) 424-0430
 (410) 770-4744

**LANDS OF MITCHELL FAMILY, LLC
 LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE**

Revisions:
 Date: JUNE, 2021
 Scale: 1" = 40'
 Dwn. By: TCB
 Proj. No.: 3007A002
 Dwg. No.: **LLA-RZ**



SOILS MAP SCALE: 1" = 1000'

DoA: DOWNER SANDY LOAM, 0 TO 2 PERCENT SLOPES (B)
 EVB: EVESBORO LOAMY SAND, 0 TO 5 PERCENT SLOPES (A)
 GRA: GREENWICH LOAM, 0 TO 2 PERCENT SLOPES (B)

DATA COLUMN

TAX MAP ID: 335-8.00-37.00
 335-8.00-39.00

DATUM: NAVD 88
 VERTICAL: NAD 83 (DE STATE PLANE)
 HORIZONTAL:

ZONING: AR-1 (AGRICULTURE RESIDENTIAL DISTRICT)
 PARCEL 37.00: AR-1
 PARCEL 39.00: C-1/C-3 (GENERAL COMMERCIAL/HEAVY COMMERCIAL DISTRICT)

MINIMUM REQUIREMENTS:

	AR-1	C-1	C-3
FRONT SETBACK:	30 FT.	60 FT.	30 FT.
SIDE SETBACK:	15 FT.	5 FT.	20 FT. MIN WITH COMBINED MIN AGG. OF 50 FT
REAR SETBACK:	20 FT.	5 FT.	50 FT.

ENGINEER: DAVIS, BOWEN, & FRIEDEL, INC.
 1 PARK AVE.
 MILFORD, DE 19963
 PHONE: 302-424-1441
 FAX: 302-424-0430

NOTE: THIS SURVEY DOES NOT CERTIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS AND RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PERFORMED.

CURVE TABLE

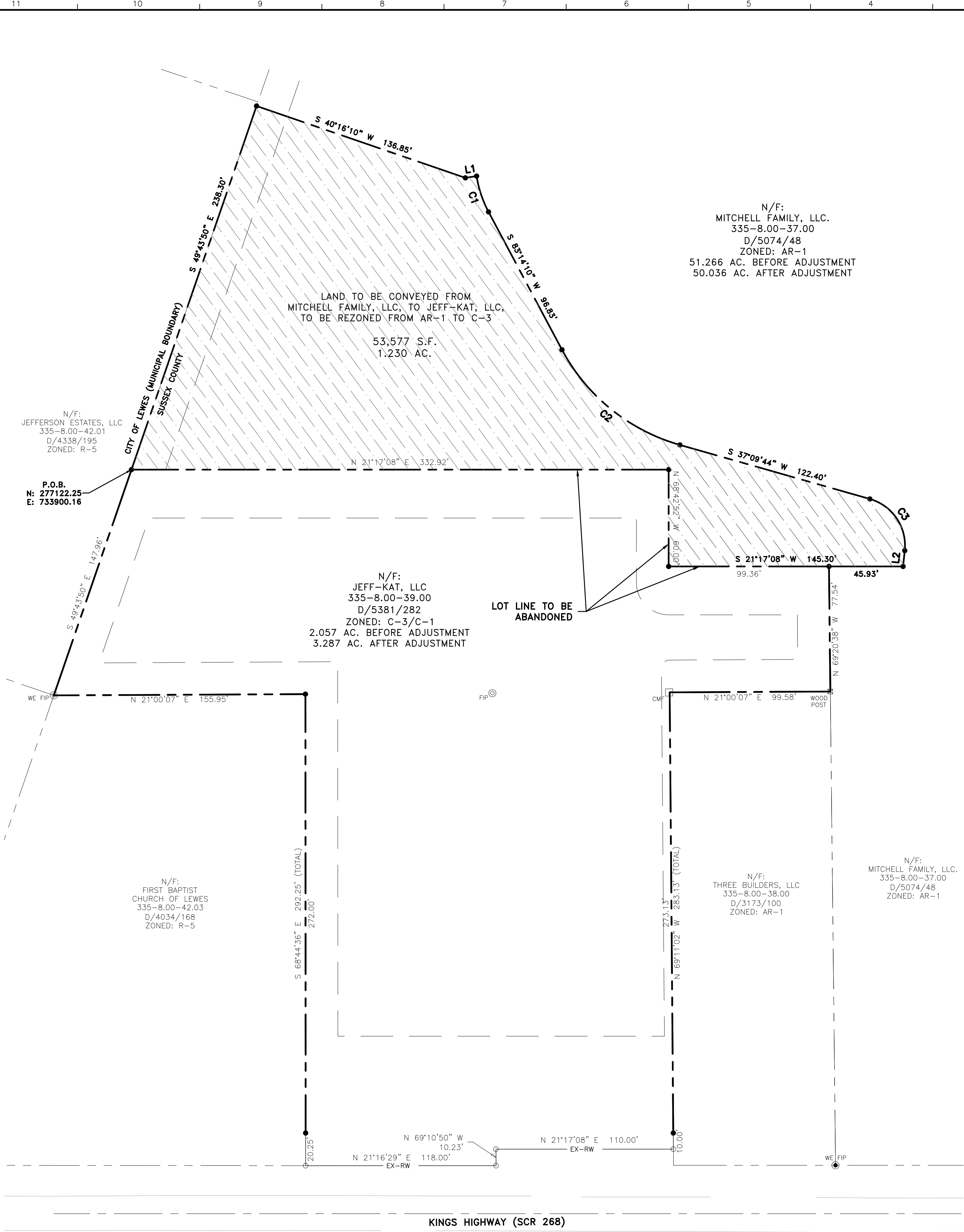
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	70.00'	23.47'	23.36'	N 87°09'28" W	19°12'44"
C2	120.00'	96.50'	93.92'	S 60°11'57" W	46°04'26"
C3	30.00'	41.97'	38.63'	S 77°14'16" W	80°09'02"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 12°26'54" W	7.06'
L2	N 62°41'13" W	9.87'

LEGEND

- BOUNDARY SETBACK
- - - - - PROPERTY LINE TO BE ABANDONED
- - - - - EXISTING RIGHT-OF-WAY
- FOUND IRON PIN
- CONCRETE MONUMENT FOUND
- BOUNDARY POINT



OWNERS CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT OUR DIRECTION, WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

MITCHELL FAMILY, LLC. DATE
 1019 KINGS HWY.
 LEWES, DE 19958

OWNERS CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT OUR DIRECTION, WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

JEFF-KATT, LLC. DATE
 55 BAY REACH
 REHOBOTH BEACH, DE 19971

ENGINEERS STATEMENT

I, CLIFTON D. MUMFORD, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVIS, BOWEN & FRIEDEL, INC. DATE
 by CLIFTON D. MUMFORD, P.E.
 08-20-2021



ARCHITECTS ENGINEERS SURVEYORS
DAVIS, BOWEN & FRIEDEL, INC.
 1000 MARKET STREET
 MILFORD, DELAWARE 19963
 (302) 424-1441
 (410) 770-4714

LANDS OF MITCHELL FAMILY, LLC
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

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P:\Jeff Kat 2\Kings Highway Site Expansion\Design (Re-Design)\E\chibi\Record Plan.dwg, Aug 20, 2021, 6:50pm, munc