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



PLANNING & ZONING COMMISSION

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



Sussex County

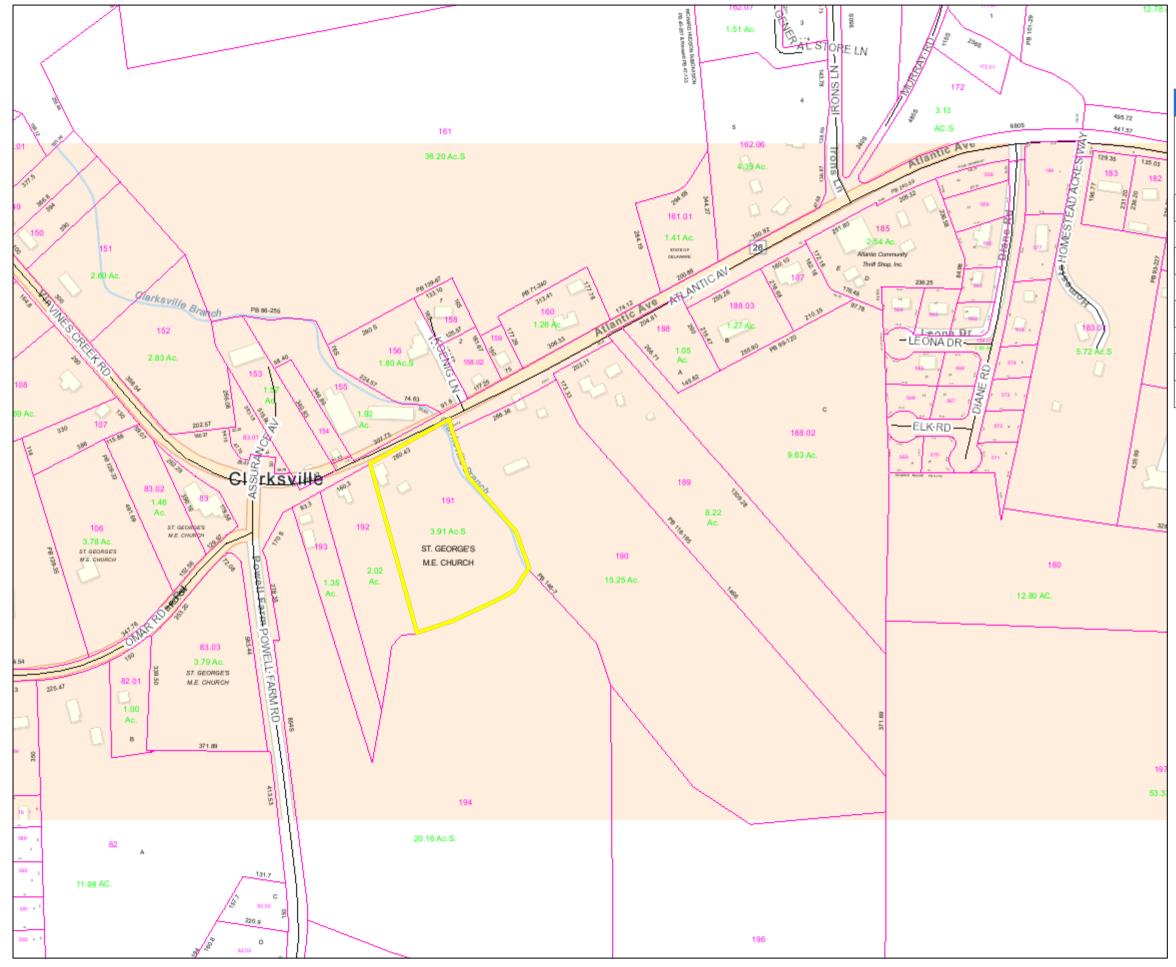
DELAWARE sussexcountyde.gov 302-855-7878 T 302-854-5079 F JAMIE WHITEHOUSE, MRTPI, AICP DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date: April 28th, 2022

Application:	CZ 1980 Mars-Re, LLC
Applicant:	MARS-RE, LLC C/O Roger Schwandtner 35637 Central Park Circle Dagsboro, DE 19939
Owner:	MARS-RE, LLC C/O Roger Schwandtner 35637 Central Park Circle Dagsboro, DE 19939
Site Location:	Lying on southwest side of Atlantic Ave. (Rt. 26) approximately 350' east of the 4-way intersection of Powell Farm Road (S.C.R. 365), Omar Road (Rt. 54), Vines Creek Road (Rt. 26) and Atlantic Avenue.
Current Zoning:	Agricultural Residential (AR-1) Zoning District
Proposed Zoning:	Heavy Commercial (C-3) Zoning District
Comprehensive Land Use Plan Reference:	
Use Plan Reference: Councilmanic	Coastal Area
Use Plan Reference: Councilmanic District:	Coastal Area Mr. Hudson
Use Plan Reference: Councilmanic District: School District:	Coastal Area Mr. Hudson Indian River School District
Use Plan Reference: Councilmanic District: School District: Fire District:	Coastal Area Mr. Hudson Indian River School District Millville Fire Department
Use Plan Reference: Councilmanic District: School District: Fire District: Sewer:	Coastal Area Mr. Hudson Indian River School District Millville Fire Department Sussex County



Sussex County



PIN:	134-11.00-191.00
Owner Name	MARS-RE LLC
Book	5146
Mailing Address	35637 CENTRAL PARK CIR
City	DAGSBORO
State	DE
Description	SE/RT 26
Description 2	330' NE/RD 365
Description 3	12950
Land Code	

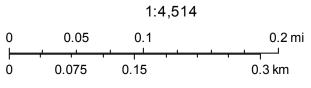
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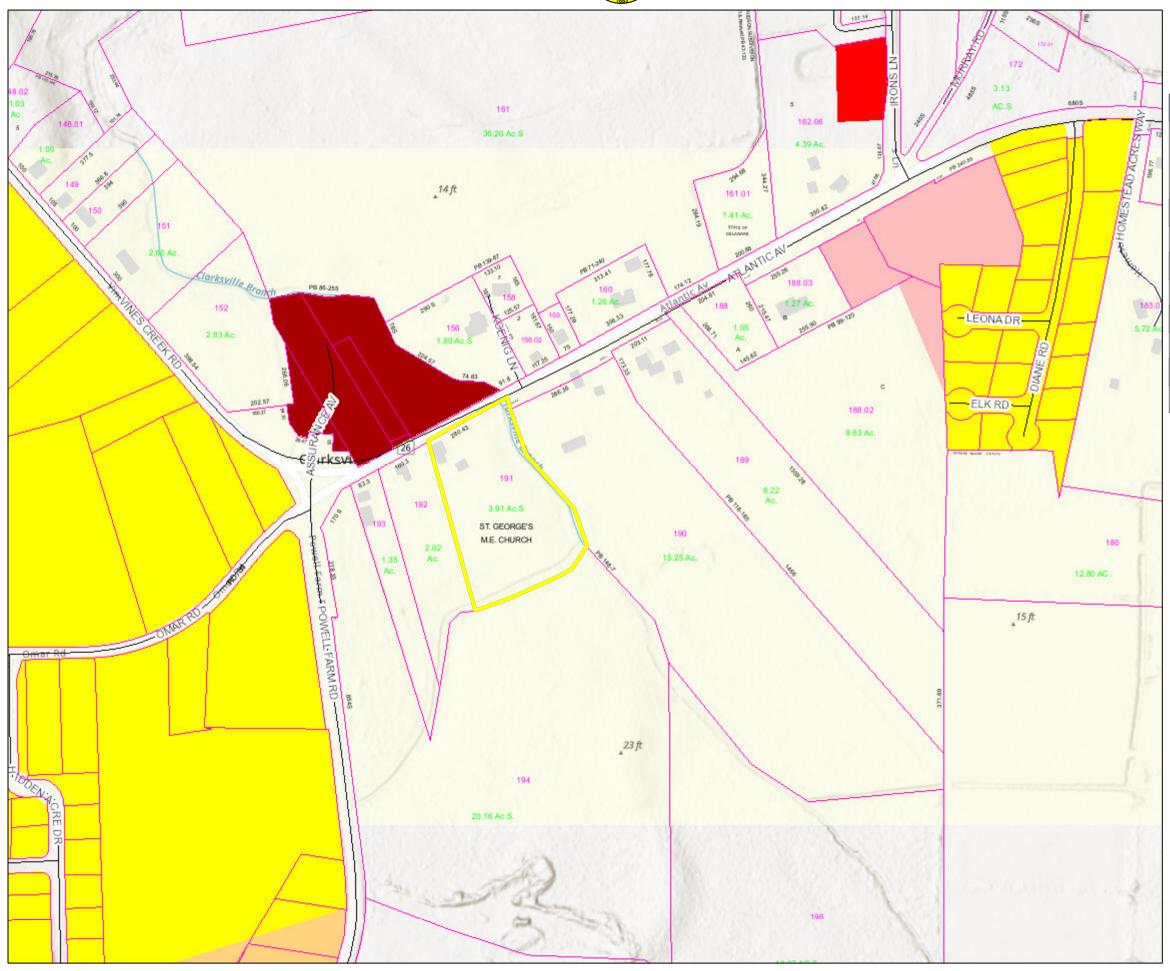
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Override 1

- Tax Parcels
- Streets
- County Boundaries



Sussex County



DINI	124 11 00 101 00
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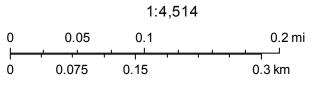
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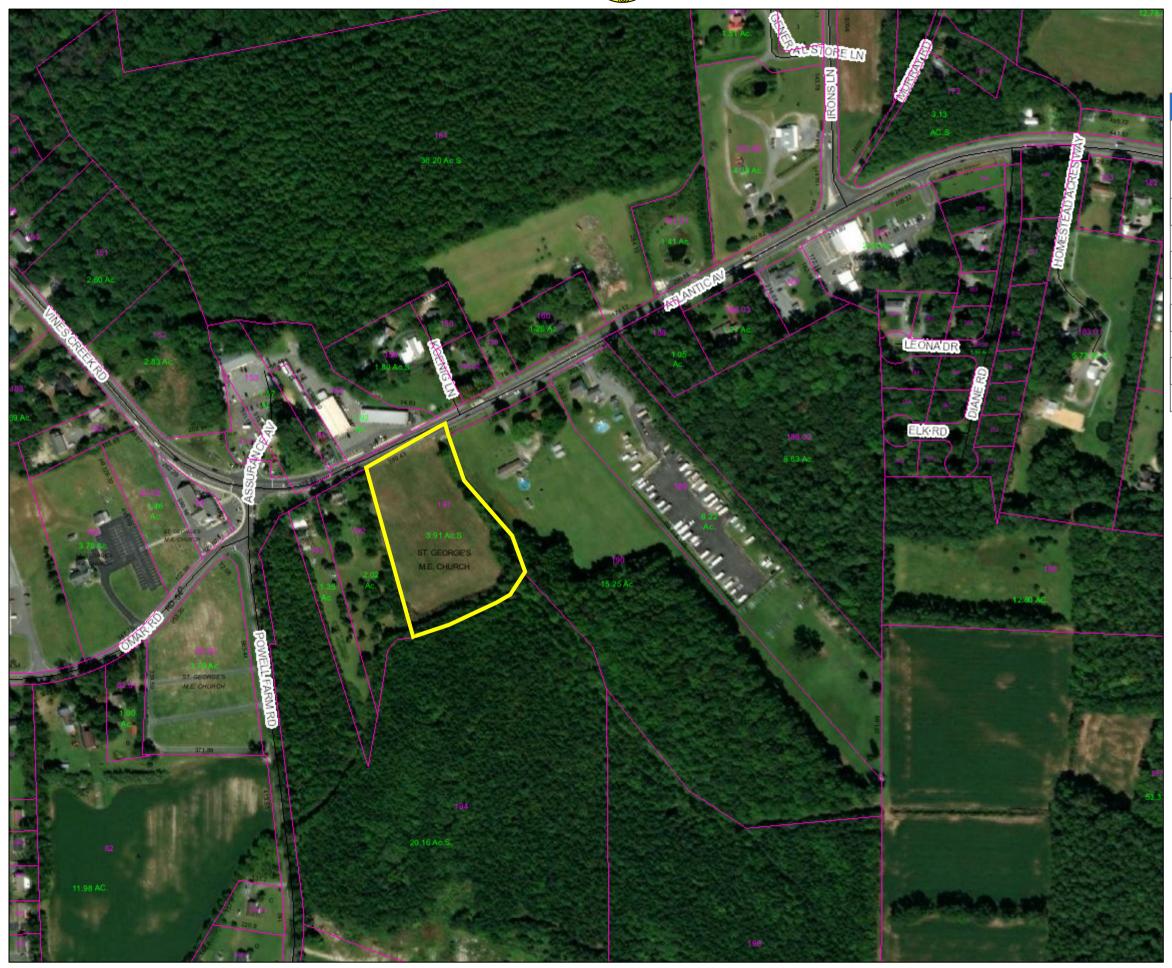
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Tax Parcels

- Streets



Sussex County



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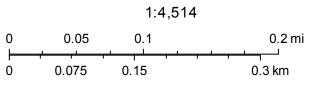
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Override 1

polygonLayer

Override 1

- Tax Parcels
- Streets
- County Boundaries



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





Memorandum

To: Sussex County Planning Commission Members From: Christin Scott, Planner I CC: Vince Robertson, Assistant County Attorney Date: April 20th, 2022 RE: Staff Analysis for CZ 1980 Mars-Re, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1980 Mars-Re, LLC to be reviewed during the April 28th, 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 134-11.00-191.00 to allow for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Heavy commercial District (C-3). The property is lying on the south side of Atlantic Avenue (Rt. 26), approximately 475 feet east of Powell Farm Road (S.C.R. 365). The parcel to be rezoned contains 3.826 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 north, south, east, and west also have the land use designation of "Coastal Area".

As outlined in the 2018 Sussex County Comprehensive Plan, the 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

The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the east, south and west are all zoned Agricultural Residential (AR-1) Zoning District. Across Atlantic Avenue (Rt. 26) the property is zoned Commercial Residential (CR-1) Zoning District. Properties further east and west are zoned Medium Density Residential (MR) Zoning District, Neighborhood Business (B-1) Zoning District and General Commercial (C-1) Zoning District.

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



Since 2011, there have been six (6) Change of Zone applications within a 1-mile radius of the application site. Change of Zone 1735 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, September 24, 2013 through Ordinance No. 2321. Change of Zone 1738 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Neighborhood Business Zoning District (B-1) was approved by the Sussex County Council on Tuesday, December 3, 2013 through Ordinance No. 2331. Change of Zone 1789 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, April 5, 2016 through Ordinance No. 2439. Change of Zone 1798 for a change of zone from an Agricultural Residential Zoning District (AR-1) and General Commercial Zoning District to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, June 21, 2016, through Ordinance No. 2457. Change of Zone 1825 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, September 19, 2017, through Ordinance No. 2518. Change of Zone 1840 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, January 30, 2018 through Ordinance No. 2544.

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 size and scale, with area zoning and surrounding uses.

(_		
		File #: <u>LZ 198</u>
Planning & Zoi	ning Commission Ap	plication
Susse	x County, Delaware	
Sussex Cour 2 The Circle (F	nty Planning & Zoning Departmo P.O. Box 417) Georgetown, DE 1 55-7878 ph. 302-854-5079 fax	ent
Type of Application: (please check app Conditional Use	plicable)	FEB 2 2 2022
Zoning Map Amendment 🗹		SUSSEX COUNTY PLANNING & ZONING
Site Address of Conditional Use/Zonin	ng Map Amendment	[* [/*i v v + · ·
34464 Atlantic Avenue, Ocean View, DE 1992	70	
Type of Conditional Use Requested: Seeking change of zone from agricultural resided development (45 condominiums & 5,741 s.f. F	Retail/Restaurant)	
Tax Map #: <u>134-11.00-191.00</u> Current Zoning: <u>AR-1</u> Proposed		
	d Zoning: <u>C3</u> Size of	
Current Zoning: <u>AR-1</u> Proposed	d Zoning: <u>C3</u> Size of	Building: 20,131 s.f. footprint
Current Zoning: <u>AR-1</u> Proposed Land Use Classification: <u>Mixed Residentia</u> Water Provider: <u>Tidewater Utilities</u> Applicant Information	d Zoning: <u>C3</u> Size of alSewer Provide	Building: 20,131 s.f. footprint
Current Zoning: <u>AR-1</u> Proposed Land Use Classification: <u>Mixed Residentia</u> Water Provider: <u>Tidewater Utilities</u> <u>Applicant Information</u> Applicant Name: <u>MARS-RE, LLC C/O Rog</u>	d Zoning: <u>C3</u> Size of al Sewer Provid ger Schwandtner	Building: 20,131 s.f. footprint
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Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

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

👱 Provide Fee \$500.00

- Optional Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- DelDOT Service Level Evaluation Request Response

_____ PLUS Response Letter (if required)

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

I also certify that I or an agent on by 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: 2/22-/2022

Signature of Owner

Date:

For office use only: Date Submitted: ______ Staff accepting application: ______ Location of property: _____

Fee: \$500.00 Check #: ______ Application & Case #:_____

Subdivision:		~
Date of PC Hearing:	Recommendation of PC Commission:	
Date of CC Hearing:	Decision of CC:	



DEPARTMENT OF TRANSPORTATION 800 Bay Road P.O. Box 778 Dover, Delaware 19903

STATE OF DELAWARE

NICOLE MAJESKI SECRETARY

February 4, 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 **Mars-RE, LLC C/O Roger Schwandtner** proposed land use application, which we received on February 3, 2021. This application is for an approximately 3.8-acre parcel (Tax Parcel: 134-11.00-191.00). The subject land is located on the south side of Atlantic Avenue, east of the intersection with Omar Road. The subject land is currently zoned AR-1 (Agricultural Residential) with a proposed zoning of HR-1 (High-Density Residential District) and a conditional use approval requested to permit 45 condo units and 5741 square feet of Retail/Restaurant uses.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Atlantic Avenue where the subject land is located, which is from Stephen Drive to Roxana Road (SR 17), is 11,632 vehicles per day.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a **Minor** impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our <u>Development Coordination Manual</u> provides that where a TIS is required only because the volume warrants are met, and the projected trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.



Mr. Jamie Whitehouse Page 2 of 2 February 4, 2021

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

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

Sincerely,

J. William Brochenbrough &

T. William Brockenbrough, Jr. County Coordinator Development Coordination

TWB:aff

cc: Roger Schwandtner, Applicant

Russell Warrington, Sussex County Planning & Zoning Constance C. Holland, 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 Troy Brestel, Project Engineer, Development Coordination Claudy Joinville, Project Engineer, Development Coordination Annamaria Furmato, Project Engineer, Development Coordination PLANNING & ZONING Jamie Whitehouse, AICP ,MRTPI Director (302) 855-7878 T (302) 854-5079 F





Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 2/2/21

Site Information:

Site Address/Location: 34464 Atlantic Avenue, Ocean View, DE 19970

Tax Parcel Number: <u>134-11.00-191.00</u>

Current Zoning: AR-1

Proposed Zoning: HR-2

Land Use Classification: Mixed Residential

Proposed Use(s): 45 Condo Units & 5,741 s.f. Retail/Restaurant

Square footage of any proposed buildings or number of units: 20,131 s.f. footprint (71,129 s.f. total)

Applicant Information:

Applicant's Name: MARS-RE, LLC C/O Roger Schwandtner

Applicant's Address: 35637 Central Park Circle

City: Dagsboro

State: DE

Zip Code: 19939

 Applicant's Phone Number:
 (302) 604-1333

 Applicant's e-mail address:
 Roger@ardllc.net



COUNTY ADMINISTRATIVE OFFICES 2 THE CIRCLE I PO BOX 417 GEORGETOWN, DELAWARE 19947



STATE OF DELAWARE EXECUTIVE DEPARTMENT OFFICE OF STATE PLANNING COORDINATION

April 22, 2021

Kevin Smith The Kercher Group, Inc. 37385 Rehoboth Ave Ext, Unit #11 Rehoboth Beach, DE 19971

RE: PLUS review 2021-03-03; 34464 Atlantic Avenue

Dear Mr. Smith:

Thank you for meeting with State agency planners on March 24, 2021 to discuss the proposed plans for the 34464 Atlantic Avenue project. According to the information received you are seeking review of a proposed rezoning of 3.826 acres from AR-1 to HR-2 in anticipation of a site plan for 45 residential units and 5,741 square feet of commercial space along Atlantic Ave 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. The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the 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 project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. 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 may have other priorities for the near future.

Our office has no objections to the proposed rezoning and development of this project provided it is in compliance with Sussex County Comprehensive plan and all applicable codes and ordinances.

We do ask that you work to preserve the environmental features on the site if the plan moves forward.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901 Phone (302)739-3090 · Fax (302) 739-5661 · www. stateplanning.delaware.gov

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Atlantic Avenue (Delaware Route 26) must be designed in accordance with DelDOT's <u>Development Coordination Manual</u>, which is available at <u>http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes</u>.
- Pursuant to Section 1.3 of the <u>Manual</u>, 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 <u>https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?080220</u><u>17</u>.
- Section 1.6.1 of the <u>Manual</u> addresses the location of proposed entrances. Preliminarily, DelDOT anticipates requiring that the entrance be aligned directly opposite the entrance from which it is presently proposed to be slightly offset.
- Section 1.7 of the <u>Manual</u> 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 <u>Manual</u>, 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. From the PLUS application, the total daily trips are estimated at 486 vehicle trip ends per day. DelDOT confirms this number as being correctly calculated for the Saturday Average Daily Traffic if the first-floor commercial uses are treated as a Shopping Center. However, DelDOT finds that it may be more appropriate to break out the proposed restaurant use and treat it separately. Using the 10th edition of the Institute of Transportation Engineers' <u>Trip Generation Manual</u> and floor areas from the parking space calculation shown on the site plan, as shown in the table below, DelDOT calculates 1,041 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 30 and 99, respectively. Therefore, a TIS would normally be required.

	Land	Floor Average		AM Peak		PM Peak	
	Use	Area (sf) /	Daily	Hour		Hour	
	Code	Dwellings	Traffic	In	Out	In	Out
Retail	820	3,860	146	2	2	7	8
Restaurant	931	1,881	158	1	0	10	5
Multifamily	221	45	244	4	12	13	8
Housing (Mid-Rise)							
Total			548	7	14	30	21

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$5,480. AWS Fees are used to fund traffic studies, not to build improvements.

The purpose of a TIS is to determine what off-site improvements are needed to support a proposed development. DelDOT has not identified any capital projects in which they would require the developer to participate but reserves the right to do so. DelDOT does anticipate requiring the developer to improve Route 26, within the limits of their projected frontage, to meet DelDOT's Minor Arterial Road standards, which include 12-foot lanes and 8-foot shoulders.

Questions regarding the site's trip generation should be directed to the County Coordinator, Mr. T. William Brockenbrough. Mr. Brockenbrough may be reached at <u>Thomas.Brockenbrough@delaware.gov</u> or (302) 760-2109. Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. R. Stephen McCabe. Mr. McCabe may be reached at <u>Richard.mccabe@delaware.gov</u> or (302) 760-2276.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the <u>Manual</u>, DelDOT will require dedication of right-of-way along the site's frontage on Route 26. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."
- In accordance with Section 3.2.5.1.2 of the <u>Manual</u>, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."

- Referring to Section 3.4.2.1 of the <u>Manual</u>, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 450 feet of the entrance on Route 26.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5 of the <u>Manual</u> 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 streets for subdivisions. In response to the discussion at the PLUS meeting, DelDOT recommends that the plan be modified to provide for a future interconnection with the parcel to the west (Tax Parcel No. 134-11.00-192.00) if it is proposed for redevelopment with a compatible use.
- Section 3.5.4.2 of the <u>Manual</u> addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Route 26.
- Section 3.5.4.3 of the <u>Manual</u> addresses requirements for walkways. A walkway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring a walkway to connect the interior of the site to Route 26.
- In accordance with Section 3.8 of the <u>Manual</u>, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 26.
- In accordance with Section 5.2.9 of the <u>Manual</u>, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <u>http://www.deldot.gov/Business/subdivisions/index.shtml</u>. DelDOT anticipates requiring a right turn lane with a five-foot bicycle lane into the site from Route 26. The volumes shown on the Traffic Generation Diagram on the site plan may not warrant a right turn lane but, as mentioned above, DelDOT questions the proposed trip generation. DelDOT also questions the proposed trip distribution. A relatively small change in either regard would cause a right turn lane to be warranted. Trip generation and distribution will need to be agreed upon before the Pre-Submittal Meeting and the need for a right turn lane should be discussed at the meeting.

- In accordance with Section 5.4 of the <u>Manual</u>, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <u>http://www.deldot.gov/Business/subdivisions/index.shtml</u>.
- In accordance with Section 5.14 of the <u>Manual</u>, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

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

Concerns Identified Within the Development Footprint

Stormwater Management

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<u>https://apps.dnrec.state.de.us/eNOI/default.aspx</u>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <u>https://www.sussexconservation.org/</u>

 General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: <u>DNREC.Stormwater@delaware.gov.</u> Website: <u>https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/</u>

Water Quality (Pollution Control Strategies)

Pollution Control Strategies have been developed for the following watersheds in Delaware: Christina, Appoquinimink, Broadkill, Mispillion and Cedar Creek, Murderkill, Saint Jones, Inland Bays (Rehoboth Bay, Indian River Bay, and Little Assawoman Bay), Nanticoke, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- This site lies within the Indian River Bay Watershed. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
- Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: https://www.sussexconservation.org/

Tax Ditches

The parcel (134-11.00-191.00) of the proposed project is located within the St. Georges Tax Ditch Watershed. The Main Prong and Prong 3 of the St. Georges Tax Ditch are located within or along the parcel boundary. Tax Ditch channels have associated Tax Ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during tax ditch maintenance. Permanent obstructions are not permitted in the ROW. Tax Ditch ROWs vary by channel size and location. For this particular site, both channels have an existing ROW of 80' from centerline.

- The preliminary plans show a proposed ROW of 30' from top of bank. To reduce Tax Ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map.
- If the site and/or stormwater management features are designed to discharge into the Main Prong or Prong 3, comparison of existing conditions versus the proposed design specifications for each should be considered. Please consult with the DNREC Drainage Program for As-Built design information if necessary.
- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the Tax Ditch ROW.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.

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> Contact: DNREC Drainage Program at (302) 855-1930.
> Website: <u>https://dnrec.alpha.delaware.gov/drainage-stormwater/</u> Tax Ditch Mapper: <u>de.gov/taxditchmap</u>

Wetlands

Maps from the Statewide Wetlands Mapping Project indicate the presence of riverine wetlands on the site. According to the project application, the wetland delineation has been completed, with 0.45 acres of non-tidal wetlands present.

- If the project proposes to disturb (dredge or fill) jurisdictional wetlands under the U.S. Army Corps of Engineers, a delineation of waterways and wetlands is required. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process.
- Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.

Vegetated Buffer Zones

Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

• The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.

Wastewater Permitting – Large Systems

Sussex County holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch.

- It is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch if the capacity of the rate of wastewater disposal is to be updated.
- Contact: DNREC Large Systems Branch at (302) 739-9948.
 Website: <u>https://dnrec.alpha.delaware.gov/water/groundwater/</u>

State Historic Preservation Office - Contact Carlton Hall 736-7400

- Prehistoric archaeological potential is low on the eastern side, and moderate on the western side. Western portion has well-drained soils and it is within favorable distance to Clarksville Branch. Eastern portion is poorly drained soils. Deforestation that occurred in 2002 and subsequent tilling may have disturbed the integrity of any sites.
- Historic potential is low to moderate. Two (?) houses along the northern edge of the parcel are shown in early 20th century topos, but they may not have significant archaeological value. The rest of the parcel is low.
- 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 or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: www.achp.gov

Recommendations/Additional Information

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

Department of Transportation - Contact Bill Brockenbrough 760-2109

- The site plan presented shows a group of nine head-in parking spaces on the east side of the building, accessed by a drive aisle that will be relatively busy. DelDOT suggests that the developer consider placing parallel parking spaces there and designating them as handicap spaces, or possibly as pick-up spaces for the proposed restaurant.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 26.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of

March 21, 2019 and March 25, 2019. The notes can be found at <u>https://www.deldot.gov/Business/subdivisions/</u>.

<u>Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480</u> Concerns Identified Within the Development Footprint

Stormwater Management

• Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

Drainage

 Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

Wetlands

• Recommendations for buffers are prescribed below under the heading, Vegetated Buffer Zones.

Vegetated Buffer Zones

- A 25-foot vegetated buffer has been included in the preliminary plans. Incorporate a 100foot vegetated buffer zone from the edge of tax ditches and wetlands to protect water quality and to provide an additional margin of safety from flooding.
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Vegetated buffer zones should be deeded as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is

shrinking due to development and climate change.

- In general, grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <u>https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/</u>

Additional Sustainable Practices

- Install electric vehicle charging stations for residents and visitors. Electric vehicles are
 rapidly becoming commonplace. Installing the infrastructure to serve electric vehicles
 during initial construction will prevent costly upgrades later and provide a marketing tool
 for your project. Funding for charging stations and technical assistance are available from
 the DNREC Division of Climate, Coastal and Energy at:
 https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/evcharging-equipment-rebates/.
- Consider using renewable energy infrastructure such as solar to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives may be available through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities. Grants may be available for qualifying renewable energy systems installed in Delaware by applicants whose electricity provider collects funds for the program and offers a grant program for renewable energy projects. Additional information can be found at: https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/.
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.
- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.

Sussex County Planning & Zoning - Contact Lauren DeVore 855-7878

• Sussex County encourages the applicant to participate in a pre-application meeting with Planning and Zoning staff. Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID). Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.

For the Change of Zone, a Service Level Evaluation Request form must be completed and submitted to the Office of Planning and Zoning. Once the Office receives the completed Service Level Evaluation Response from DelDOT, the applicant may submit all documentation and materials pertaining to their Conditional Use application. Please note on the plans that the parcels are not located within a Wellhead Protection Area in order to comply with Chapter 89 "Source Water Protection" of the Sussex County Code (§ 89-6). Please note on the plans that the parcels are located within an area of "fair/good" groundwater recharge potential in order to comply with Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7). Staff note that there is only oneway-in, one-way-out access to the property. The Planning and Zoning Commission desire more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel. The proposed parking appears to meet Code requirements as well as ADA requirements regarding the provision of handicap spaces per total number of parking spaces (§115-162). Additionally, the proposal will have to comply with the site plan requirements of §115-220 and the multifamily requirements of §115-188 of the Sussex County Code.

Sussex County Housing - Contact: Brandy Nauman 855-7779

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fairhousing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.
- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

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 pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

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

Sincerely,

Constince C. Halled

Constance C. Holland, AICP Director, Office of State Planning Coordination

CC: Sussex County Planning Department

Attachments

Land Development Project Review Request Form

Project Name: _____

Attach Site Plan of proposed request(s), include all structures, easements, setbacks, etc. that make your proposal as requested necessary. Include existing tax ditch channel and rights-of-way for comparison. Check out <u>https://de.gov/taxditchmap</u> for planning and illustrating purposes.

Owner(s) Contact Information:

Name:	
Phone Number:	
Email:	

Authorized Signer(s) Contact Information:

Name and Title:	
Phone Number:	
Email:	

Project Representative/Consultant Information:

Name and Title:	
Phone Number:	
Email:	

Tax Ditch Organization(s) Affected: ______

Tax Parcel(s) Affected: ______

Request of Tax Ditch Organization (Check all that apply):

 Outfall/Discharge Into Tax Ditch Channel(s)	
Relocate/Eliminate Tax Ditch Channel(s)	
Reduce/Increase Tax Ditch Rights-of-Way	
Change Tax Ditch Watershed Boundary	

Please specify Tax Ditch Channel(s) affected, existing and requested tax ditch rights-of-way extents whenever applicable please use space below and attach additional pages as appropriate.

For Internal Use Only:

COC Required	COC Receipt from Prothonotary	LONO Required S&S Plans Received Date:	
COC Drafted	COC Instructions for Filing to Owner		
COC Reviewed		Plans Reviewed by PM	
COC Out of Signature		Plans Reviewed by Engineer	
COC Signed. Date		Plans Approved by TD Officer	
		LONO Issued Date:	

Tax Ditch Web Map



Special Access ROW

Extent of Right-of-Way

Local

Communities

State and County Boundaries

Delaware Office of State Planning Coordination, GeoEye, Maxar, Microsoft,

DNREC, Division of Watershed Stewardship, Drainage Program

0.09 km

These maps do not replace the official documents on file in the Prothonotary's Office, and are not to be used for engineering purposes.

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 1980 Mars-Re, LLC
APPLICANT:	MARS-RE, LLC (c/o Roger Schwandtner)
FILE NO:	NM-1.03
TAX MAP & PARCEL(S):	134-11.00-191.00
LOCATION:	Lying on the southwest side of Atlantic Ave. (Rt. 26), approximately 350' east of Powell Farm Road (SCR 365)
NO. OF UNITS:	Upzone from AR-1 to C-3
GROSS ACREAGE:	3.826

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 Denise Burns 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.

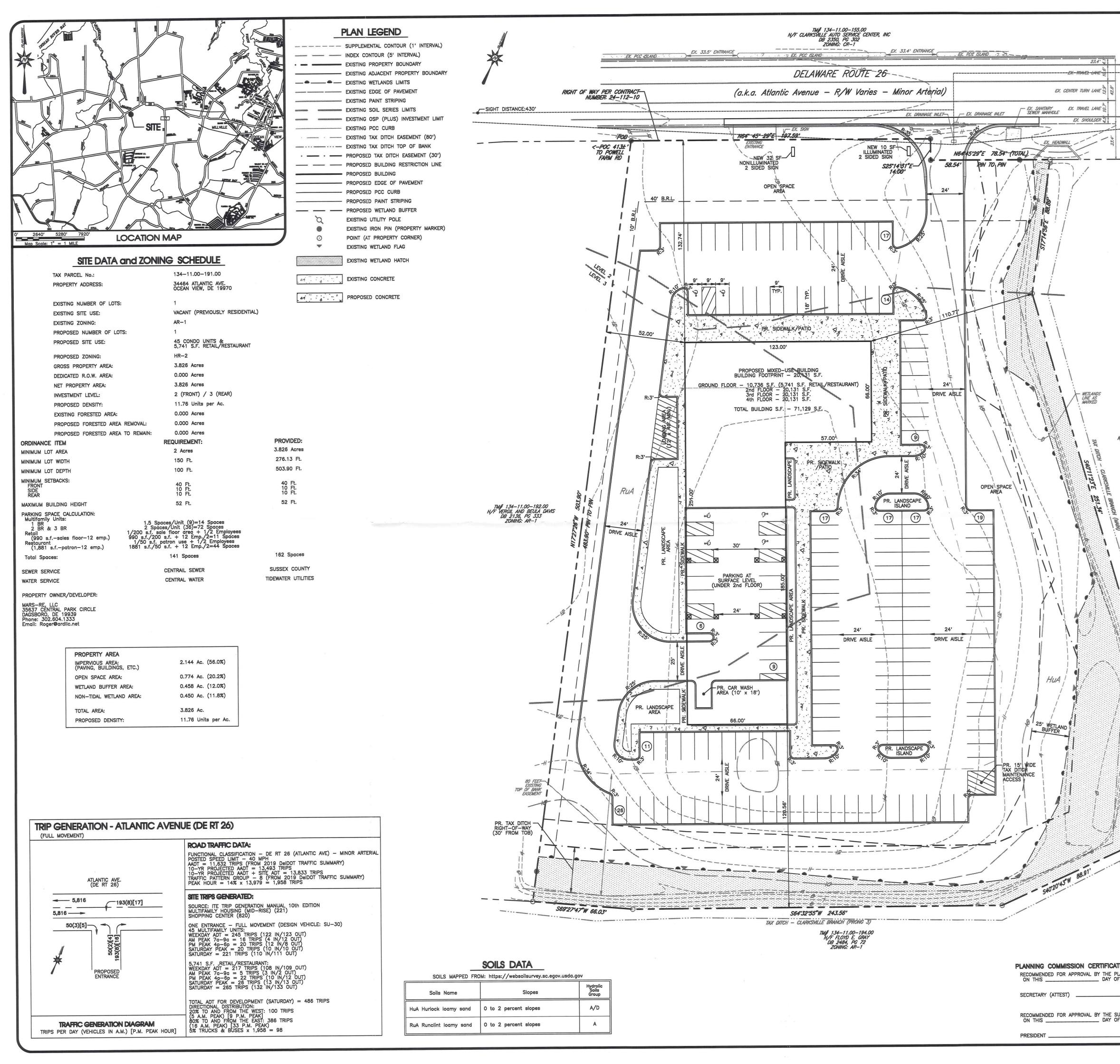
- (7). Is project adjacent to the Unified Sewer District? N/A
- (8). Comments: Click or tap here to enter text.
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning** at 302-855-7370 to apply
- (10). Is a Use of Existing Infrastructure Agreement Required? Yes
- (11). <u>All residential roads must meet or exceed Sussex County minimum design</u> <u>standards.</u>

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

and

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

Xc: Hans M. Medlarz, P.E. Lisa Walls Denise Burns



		GENERAL NOTES					ä
	1.	THE PROJECT SITE IS KNOWN AS 34464 ATLANTIC AVE – MIXED USE, (T.P.: 134–11.00–191.00), AND IS LOCATED AT THE SOUTH SIDE OF ATLANTIC AVENUE (DE RT 26) AND POWELL FARM ROAD (SCR365) NEAR CLARKSVILLE, DELAWARE.					
SIGHT DISTANCE:530'		THE BOUNDARY, EXISTING CONDITIONS, WETLAND DELINEATION LINE, AND TOPOGRAPHY SHOWN WERE OBTAINED FROM A SURVEY TITLED "BOUNDARY SURVEY PLAN AND TOPOGRAPHY FOR ROGER W. SCHWANDTNER AND MAXWELL G. ALLEN OF THE LANDS NOW OR FORMERLY OF					
	3.	SYLVESTER AND GAIL QUILLEN". PREPARED BY ALAN O. KENT LAND SURVEYING, LLC (SEAFORD, DE 19973), DATED AUGUST 23, 2019. THE WETLAND LINE SHOWN ON THE PLAN WAS DELINEATED BY BRUCE B. BAGLEY, MS,					
	4.	CPSSC, CPAG, CCA (LAUREL OAK LAND CONSULTING, LLC). MAINTENANCE OF THE DRIVE AISLES/PARKING AREAS WITHIN THIS DEVELOPMENT WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE UNIT LEASEES WITHIN THIS DEVELOPMENT OR BOTH.					:NOI
	5.	THE STATE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE DRIVE AISLES/PARKING AREAS. ALL PROPOSED STORMWATER MANAGEMENT FACILITIES, BUFFERS AND OPEN SPACE ARE TO BE					DESCRIPTION:
	6.	MAINTAINED BY THE DEVELOPER, THE UNIT LEASEES WITHIN THIS DEVELOPMENT OR BOTH. . ALL UNITS SHALL HAVE ACCESS FROM THE INTERNAL DRIVE AISLES AND DIRECT ACCESS TO DE RT 26 WILL NOT BE PERMITTED.					
		. THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED. . THE CONTRACTOR SHALL ENSURE THAT ALL NECESSARY PERMITS AND APPROVALS HAVE					
		BEEN OBTAINED PRIOR TO COMMENCEMENT OF ANY SITE CONSTRUCTION ACTIVITIES. ALL CONTRACTORS WORKING ON THIS PROJECT SHALL BE RESPONSIBLE FOR ENSURING THAT ALL CONSTRUCTION ACTIVITIES RELATED TO THIS PROJECT ARE PERFORMED IN ACCORDANCE WITH ALL					
	10	O.S.H.A. (OCCUPATIONAL SAFETY and HEALTH ADMINISTRATION) STANDARDS AND REQUIREMENTS. ALL CONTRACTORS WORKING ON THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.					
		. CONSTRUCTION MATERIALS AND PROCEDURES SHALL FOLLOW SUSSEX COUNTY SPECIFICATIONS AND STANDARD DRAWINGS, LATEST EDITION.					DATE:
	12	. EXISTING SUBSURFACE UTILITY INFORMATION INDICATED IS BASED UPON VISUAL FIELD INSPECTION BY ALAN O. KENT LAND SURVEYING, LLC. SUCH INFORMATION CONCERNING THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF SUBSURFACE UTILITIES IS APPROXIMATE IN NATURE AND HAS BEEN OBTAINED AS AN AID IN THE PROJECT DESIGN. THE INFORMATION PROVIDED IS REPRESENTATIVE OF SUBSURFACE CONDITIONS ONLY AT LOCATIONS AND DEPTHS WHERE SUCH INFORMATION WAS OBTAINED. THERE IS NO EXPRESSED OR IMPLIED AGREEMENT THAT UTILITY SIZE, LOCATION,		RE'	VIS		S S
		DEPTH, QUANTITY, ETC. AS SHOWN EXISTS BETWEEN EXPLORED LOCATIONS. ACCORDINGLY, UTILITY INFORMATION SHOWN SHOULD NOT BE RELIED UPON FOR CONSTRUCTION PURPOSES. IT IS INCUMBENT UPON THE CONTRACTOR TO VERIFY THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF ALL UTILITIES BEFORE EXCAVATION.	l l	HAS BEEN	N PREPA	THAT THI RED UNDI TO THE E	ER MY BEST OF
		BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 100029 0495 K, MAP NUMBER 10005C0495K, DATED MARCH 16, 2015, THIS PROPERTY IS IN A ZONE "X"-UNSHADED WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.		SUSSEY	COUNTY	COMPLIES ORDINANC AND THE OF DELAW	LAWS
		ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.					
		SECTION 4-1.1, THE DEVELOPER SHALL PROVIDE, TO THE EMERGENCY DISPATCH CENTER HAVING JURISDICTION, A PLOT PLAN OF THE DEVELOPMENT SHOWING EACH LOT LOCATION. THE DEVELOPER SHALL ALSO ASSIGN NUMBERS TO ALL PROPERTIES IN A CONSECUTIVE MANOR AND HAVE PLACED THE ASSIGNED NUMBER IN A READILY VISIBLE LOCATION ON EACH HOME TO ELIMINATE CONFUSION IN THE EVENT THAT AN EMERGENCY VEHICLE IS NEEDED.	D	DESIGN PI	ROFESSIO	DNAL	DATE
		 MIXED USE STRUCTURE TO BE OF WOOD FRAME CONSTRUCTION WITH A MAXIMUM BUILDING HEIGHT OF FOUR STORIES, NOT TO EXCEED 52'. THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE 					
		HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCOVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.					
7118 474 44 00 400	18	3. MAINTENANCE OF THE MULTI-USE PATH SHALL BE THE RESPONSIBILITY OF WITHIN THIS DEVELOPMENT WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE UNIT LEASEES WITHIN THIS DEVELOPMENT OR BOTH. THE STATE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE MULTI-USE PATH. TIDEWATER UTILITIES AND ITS SUBSIDIARIES HEREBY HAS ACCESS TO MAINTAIN FACILITIES WITHIN THE MULTI-USE PATH.					
TM# 134–11.00–190.00 I/F SYLVESTER AND GAIL QUILLEN DB 2484, PG 72 ZONING: AR-1	19	BLANKET EASEMENTS WITHIN ALL PRIVATE RIGHT-OF-WAYS TO BE DEDICATED TO TIDEWATER UTILITIES AND SUSSEX COUNTY FOR THE MAINTENANCE AND INSPECTION OF ALL INSTALLED UTILITIES.	IST:	2 00		L ARE JSER. ENT AND SION,	ERCHER
		D. THE INTERIOR DRIVE AISLES/PARKING AREA DESIGN SHALL BE IN ACCORDANCE WITH OR EXCEED SUSSEX COUNTY DESIGN REQUIREMENTS. DESIGN SHALL INCLUDE CURBS, SIDEWALK (AS DEPICTED ON THE CONSTRUCTION PLANS) AND STREETLIGHTS.	LAYER LIST:	р С		DNAL SEAL BY THE U THE CLIEI ON, REVISI	<u>معر</u> .
		 STREET LIGHTS SHALL BE PROVIDED WITHIN THE DEVELOPMENT, THE EXACT LOCATIONS WILL BE DETERMINED BY THE ELECTRICAL SUPPLIER. MAINTANENCE OF ALL PROPOSED LANDSCAPE AREAS WITHIN THIS DEVELOPMENT WILL BE THE 	BY:	.0°	(1" = 3	PROFESSIC JED UPON CALLY FOR MODIFICATIO	D BY LAW BY LAW BY CROUP,
		RESPONSIBILITY OF THE DEVELOPER, THE UNIT LEASEES WITHIN THIS DEVELOPMENT OR BOTH.	DRAWN	К,	FEET	IG A RAISED PRI AL AND RELIED RED SPECIFICALL REON. ANY MOD	PROHIBITED C PROHIBITED KERCHEI RESERVE
		DELDOT RECORD PLAN - GENERAL NOTES REVISED MARCH 21, 2019 1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S	ED BY:		Ξ	OFFICIAL OFFICIAL PREPARED	INC. 2021 ERIG
		(DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL. 2. NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE	DESIGNED	¥	SCALE	S INCORPO	N OR USE V GROUP, COPYRIGHT AI
a contraction of the contraction		COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL. 3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT—OF—WAY OR PROJECTS ONTO AN AD LACENT PROPERTY OWNER'S LAND A SIGHT FASEMENT SHOULD BE FSTABLISHED AND	APPROVED BY:	J.C.M. 30'		ONLY PLANS CONSIDEREI THIS PLAN HA PROJECT [
		RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE. 4. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY FXISTING ROAD THE-IN CONNECTIONS LOCATED ALONG ADJACENT					
		PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUA				0.	Acres Acres Acres
		DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17 .131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS. 6. THE SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY		LC	19.04 333 c.net	.00-191.00	2000
Ĭ		OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SHARED-USE PATH. 7. ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.		-RE, L	0, UE 12 302.604.1 3ger@ardll	134-11	REA
		8. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS. 9. LOTS WILL BE PERMITTED TO HAVE ACCESS POINTS THAT COMPLY WITH THE DEVELOPMENT	Ш	MARS-	DAGSBORO, DE 19939 Phone: 302.604.1333 Email: Roger@ardllc.net	: TM#:	GROSS / ROW NET /
		COORDINATION MANUAL (DCM) SPACING REQUIREMENTS OF CHAPTER 1 AND LIMITATIONS ON NUMBER OF ACCESS POINTS ESTABLISHED IN DCM CHAPTER 7. HORSESHOE DRIVEWAYS AND SECONDARY ENTRANCES REQUIRE ADDITIONAL DELDOT REVIEW AND SEPARATE PERMITTING, RESTRICTIONS AS DESCRIBED IN THE DCM CHAPTER 7 MAY PROHIBIT SOME SECONDARY ENTRANCE REQUESTS FROM BEING GRANTED.	CANT		Albertine (2)	INFORMATION:	
322	. 1	0. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS	OWNER / APPI ICANT:				
3.02.02	1	AND CLEARANCE. 1. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.	I DWN			PARCEL	
128. 55	1	2. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE		1	Ë		RE 19971 argroup.com
	1	DEVELOPMENT COORDINATION MANUAL. 3. A PERPETUAL CROSS ACCESS INGRESS/EGRESS EASEMENT IS HEREBY ESTABLISHED BY THIS PLAT. THE EXACT LOCATION OF SAID EASEMENT IS TO BE DETERMINED BY DELDOT AT A			ED USI		ENGINEE CH, DELAWARE www.kerchergro
		LATER DATE.	(paper-	Kecorded)	MIXED	NO,	
	5			õ	1 5	ORO	REHOBOTH 9064 (Fax)
		OWNER CERTIFICATE	(Net To			L H H H H H H H H H H H H H H H H H H H	SYSIEMS NIT 11 - REHOBO 302.854.9064 (F
		I HEREBY CERTIFICATE AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS		SITE		E KERC	CONSULTING • 37385 REHOBOTH AVE., UNI 302.854.9062 (Voice) 3
`\ \		MARS-RE, LLC DATE DATE		2	RE HUNDRED	E	NSUL 385 REHOE 354.9062
\		DAGSBORO, DE 19939 Phone: 302.604.1333 Fax: Roger@ardllc.net		L	34464 A BALTIMORE		
Ν		WETLANDS CERTIFICATION THIS PROPERTY HAS BEEN EXAMINED BY LAUREL OAK LAND CONSULTING, LLC FOR THE PRESENCE OF WATERS OF THE UNITED STATES INCLUDING WETLANDS (SECTION 404 AND		1	ъ В		
E ANNING COMMISSION OF SUSSEX	COUNTY	THIS PROPERTY HAS BEEN EXAMINED BY LAUREL OAK LAND CONSULTING, ELE FOR THE PRESENCE OF WATERS OF THE UNITED STATES INCLUDING WETLANDS (SECTION 404 AND SECTION 10), STATE SUBAQUEOUS LANDS AND STATE TIDAL WETLANDS BASED ON THE CRITERIA SET FORTH BY THE REVIEWING ANGENCIES IN THE FORM OF MANUALS, POLICIES AND PROCEDURES IN PLACE AT THE TIME INVESTIGATION WAS CONDUCTED. ANY OF THE ABOVE RESOURCES THAT WERE FOUND ON THE PROPERTY ARE CLEARLY MAPPED ON THIS PLAN IN ACCORDANCE WITH OUR FIELD INVESTIGATIONS AND DETAILED IN REPORTS BY LAUREL OAK LAND CONSULTING, LLC USING THEIR BEST PROFESSIONAL JUDGEMENT.	5		l		
20 20		THIS PLAN IN ACCORDANCE WITH OUR FIELD INVESTIGATIONS AND DETAILED IN REPORTS BY LAUREL OAK LAND CONSULTING, LLC USING THEIR BEST PROFESSIONAL JUDGEMENT.			19-0)906ES	S
JSSEX COUNTY COUNCIL				PLAN D		9, 202	21
ISSEX COUNTY COUNCIL		BRUCE B. BAGLEY, MS, CPSSC, CPAG, CCA DATE LAUREL OAK LAND CONSULTING, LLC 420 COSDEN_ROAD		-		TNO	