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Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



Memorandum

To: Sussex County Planning Commission Members

From: Jamie Whitehouse, AICP, Director, Department of Planning & Zoning; Jenny Norwood, Planning and Zoning Manager; Lauren DeVore, AICP, Planner III; Michael Lowrey, Planner III; Chase Phillips, Planner II; Christin Scott, Planner II; Elliott Young, Planner I & Jesse Lindenberg, Planner I

CC: Vince Robertson, Assistant County Attorney

Date: October 25th, 2022

RE: Other Business for the November 3rd, 2022, Planning Commission Meeting

This memo provides background for the Planning Commission to consider as a part of the Other Business to be reviewed during the November 3rd, 2022, Meeting of the Planning & Zoning Commission.

Captain's Way Residential Planned Community (RPC) (C/Z 1721 & 1878)

KS

Revised Final Site Plan

This is a Revised Final Site Plan for the Captain's Way Residential Planned Community (RPC), a development comprised of 301 lots to include single-wide manufactured homes, double-wide manufactured homes and stick built homes and associated amenities to include a clubhouse, pool, pickleball court, tot lot, community garden, greenhouse, dog park and potting shed. The site was approved for a Change of Zone (Change of Zone No. 1721) from an Agricultural Residential (AR-1) Zoning District to a General Residential, Residential Planned Community (GR-RPC) known as Captain's Way by the Sussex County Council at their meeting of Tuesday, March 19th, 2013, through Ordinance No. 2295. This Change of Zone Application was subsequently amended to permit Garage Studio Apartments (GSAs) on no more than 15 percent of the lots through Change of Zone No. 1878. The proposal was approved by the Sussex County Council at their meeting of Tuesday, October 1st, 2019, and the change was adopted through Ordinance No. 2681. Revisions to the original plans include the relocation of Lots 139, 140, 146, 248 and 249 to the east side of Dockside Drive and on the west side of the proposed clubhouse amenity, the relocation of Lot 244 to the south side of Brigandine Gardens and the relocation of Lot 245 to the east side of Boatswain Avenue. Further changes include revisions to Open Space and pavements totals within the development. The plans also update Conditions "F" and "P" of the Conditions of Approval for the use to state their amended language. The Revised Final Site Plan complies with the provisions of the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Tax Parcel: 235-13.00-2.00. Zoning: General Residential, Residential Planned Community (GR-RPC). Staff are in receipt of all agency approvals.

Lands of Jessey Roger Shupe & Terri Ann Shupe

KH

Minor Subdivision off a 25-ft Easement

This is a Minor Subdivision Plan for the subdivision of an 8.78-acre parcel into two (2) lots and residual lands with access of a proposed 25-ft wide ingress/egress access easement. The proposed Lot 1 will consist of 1.00 acre +/-, proposed Lot 2 will consist of 1.00 acre +/-, and the residual lands will contain 6.78 acres +/- . The parcel is located on east side of Sussex Highway (Rt. 13) at the end of Kent Avenue. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision



Codes. Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 530-14.00-6.00. Staff are in receipt of all agency approvals.

2020-11 Cardinal Grove Amenities

KH

Preliminary Amenities Plan

This is a Preliminary Amenities Plan for the Cardinals Grove (2020-11) subdivision for the construction of a 1-story 455 square pool building, 1,650 square foot in-ground pool, playground area, Cornhole and Horseshoe tossing areas, mailboxes, and other site improvements to be located on the north side of Safflower Way a private street within the Cardinals Grove subdivision. Staff would like to note that the Subdivision received final approval at the Sussex County Planning and Zoning Commission meeting on December 8, 2021. The Preliminary Amenities Plan complies with the Sussex County Zoning Code. Tax Parcel: 234-2.00-1.13. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals but would like to request final by staff upon the receipt of agency approvals.

Nine-Foot Road Warehousing

Preliminary Site Plan

This is a Preliminary Site Plan for Nine-Foot Road Warehousing for the construction of proposed 9,800 square foot warehousing structure and other site improvements to be located on the northwest side of Nine Foot Road (Rt. 26). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 233-10.00-50.00. Zoning: C-1 (General Commercial District) and CR-1 (Commercial Residential District). Staff are not in receipt of agency approvals but would like to ask for Final by Staff upon the receipt of approvals.

Lands of Fernando Vasquez

KH

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the Lands of Fernando Vasquez for the subdivision of a 2.689-acre parcel into three (3) lots including residual. Proposed Lots 1 & 2 both would consist of 0.826-acres +/- and the residual lands would consist of 1.037 acres +/-=. The following parcels would access off an ingress/egress access easement located on north side of Johnson Road (S.C.R. 207). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Zoning: AR-1 (Agricultural Residential District) Tax Parcel: 330-15.13-13.00. Staff are not in receipt of agency approvals but would request Final by staff based on the receipt of said approvals.

2022-11 Hunter's Creek Subdivision

HW

Request to Revise Conditions of Approval

On October 14, 2022, the Planning & Zoning Department received a request to amend Condition G of the September 8th Planning & Zoning Commission Approval of a 95-lot single family cluster subdivision. Condition G requires “*There shall be vehicular entrances to this development via both Omar Road and Hickory Manor Road. This development shall comply with all DelDOT entrance and roadway improvement requirements associated with the Omar Road and Hickory Manor Road entrances*”. The applicant has requested that the condition be modified to state: “*There shall be one vehicular entrance to this development from Omar Road. This development shall comply with all DelDOT entrance and roadway improvement requirements associated with the Omar Road entrance*”. The property is located on the north side of Oar Road (SCR. 54), approximately 0.27 mile west of Powell Farm Road (SCR 365). The property is located within the MR Medium Density Residential Zoning District and the parcel size is 28.78 acres +/- Tax Parcels 134-11.00-102.00 & 103.00.

2006-73 The Vines of Sandhill

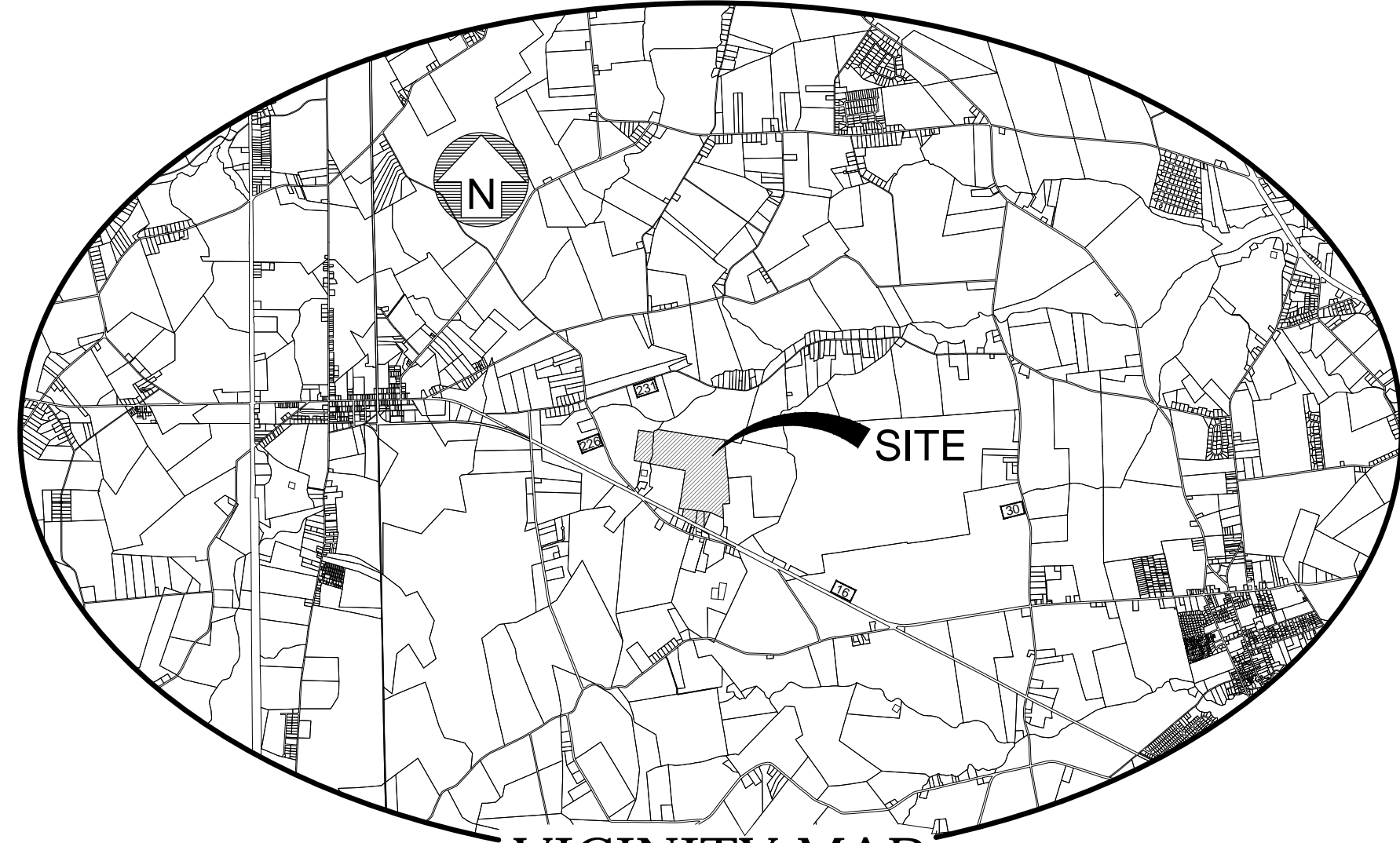
KH

Request to Revise Conditions of Approval Relating to Recreational Amenities

The Sussex County Planning and Zoning Department has received a request for a time extension for the construction of the clubhouse within The Vines at Sand Hill residential community. Specifically, the applicant has requested “an extension for the completion of The Vines at Sand Hill clubhouse until the 1st quarter of 2023.” Two letters regarding the details supporting the request have been included in the published packet. Staff note an extension for the construction of the clubhouse was previously reviewed and approved by the Planning and Zoning Commission on May 13th, 2021. The minutes and Notice of Decision from this meeting are also in the published packet. The Planning and Zoning Commission last reviewed this request at their meeting of Thursday, October 27th, 2022, where it was requested that further information regarding the total number of building permits and Certificates of Occupancy that have been issued to date. The requested information has also been provided within the Commission’s published packet this evening. Tax Parcel: 135-10.00-63.00. Zoning: AR-1 (Agricultural Residential Zoning District).

LEGEND

-R-	= R.L.
---BRL---	= B.R.L.
-C-	= 40' WETLANDS LINE
---	= EX. SAN. SEWER MAIN
---	= PR. SAN. SEWER MAIN
---	= EX. STORM SEWER
---	= PROPOSED STORM SEWER
---	= EXISTING WATER MAIN
---	= PROPOSED WATER MAIN
---	= EXISTING WOODS LINE
---	= PROPOSED WOODS LINE
---	= EXISTING CONTOUR LINE
---	= PROPOSED CONTOUR
---	= EXISTING SPOT ELEVATION
---	= PROPOSED SPOT ELEVATION
---	= PROPOSED DRAINAGE FLOW
---	= EXISTING FENCE
---	= PROPOSED FENCE
-SF- -SF-	= SILT FENCE
-RSF- -RSF-	= REINFORCED SILT FENCE
---	= LIMITS OF DISTURBANCE
(ROP)	= ROCK OUTLET PROTECTION
(SCE)	= STABILIZED CONSTRUCTION ENTRANCE
---	= SOILS BOUNDARY
---	= DRAINAGE DIVIDE
-Tc- -Tc- -Tc-	= TIME OF CONCENTRATION
---	= UTILITY POLE W/ GUY WIRE
---	= LIGHT POLE
(S)	= PARKING SPACE COUNT
---	= PROPOSED STREET LIGHT
---	= PERMANENT EASEMENT
---	= WETLANDS
---	= WETLANDS SETBACK
---	= PROPOSED CONCRETE WALKWAY
---	= DRAINAGE EASEMENT



ABBREVIATIONS

AADT	= ANNUAL AVERAGE DAILY TRAFFIC
ADT	= AVERAGE DAILY TRAFFIC
ACRES	= ACRES
B.R.L.	= BUILDING RESTRICTION LINE
CB	= CATCH BASIN
CL	= CENTER LINE
CN	= CURVE NUMBER
C.F.	= CUBIC FEET
C.M.F.	= CONCRETE MONUMENT FOUND
C.M.S.	= CORRUGATED METAL PIPE
CO	= CONCRETE MONUMENT SET
DE RTE.	= DELAWARE ROUTE
DET.	= DETAIL
ESMT.	= EASEMENT
EX.	= EXISTING
F.F.	= FIRST FLOOR ELEVATION
HC	= HANDICAP (RAMPS OR PARKING SPACES)
HYD	= FIRE HYDRANT
II.	= INVERT IN
IO	= INVERT OUT
IPF	= IRON PIPE FOUND
IP	= IRON PIPE SET
IPS	= SANITARY SEWER LATERAL CONNECTION
LAT.	= LATITUDE
MAX.	= MAXIMUM
MIN.	= MINIMUM
N-12 ADS	= ADVANCED DRAINAGE SYSTEMS N-12 PLASTIC PIPE
NF	= NOW OR FORMERLY (REFERRING TO OWNERSHIP)
NTS	= NOT TO SCALE
P.E.	= PROFESSIONAL ENGINEER
P.L.S.	= PROFESSIONAL LAND SURVEYOR
P	= PROPERTY LINE
PROP.	= PORTION OF (PARCEL)
R	= PROPOSED
PROP.	= POLY-VINYL CHLORIDE
PVC	= PAVEMENT
P.V.M.T.	= REINFORCED CONCRETE PIPE
RC.P.	= RIGHT OF WAY
R.O.W.	= SANITARY SEWER
SAN. SEW.	= SUSSEX COUNTY ROUTE
S.C.R.	= SQUARE FEET
S.F.	= STRUCTURAL NUMBER (PAVING)
S.N.	= STATION
STA	= STORM SEWER
STM. SEW.	= TYPICAL
TYP.	= TYPICAL
WAT.	= WATER
W.M.	= WATER METER
W.V.	= WATER VALVE
N.R.	= NON RADIAL

CAPTAIN'S WAY SUBDIVISION

301 LOT GENERAL RESIDENTIAL/ RESIDENTIAL PLANNED COMMUNITY FINAL SITE PLANS BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

SHEET NO.:	TITLE
S1	COVER SHEET
S2	RPC OWNERSHIP PLAT - § 115-122
S3	KEY PLAN
S4-S11	FINAL SITE PLANS
S-12	FINAL SITE PLAN / DELDOT RECORD PLAN

GROUNDWATER RECHARGE AREA CALCULATIONS:

GROUNDWATER RECHARGE AREA WITHIN CAPTAINS WAY SITE = 5,256,252 SF / 120.67 AC

IMPERVIOUS ROADS, WALKS, PADS, BUILDINGS = 458,623 SF / 10.53 AC (ACTUAL)

SWM WET PONDS @ PERM. POOL EL. (PONDS 2, 3, 12, 13, AND 15) = 205,500 SF / 4.72 AC (ACTUAL)

LOT AREA = 1,823,933 SF / 41.87 AC (ACTUAL)

@ 65% ASSUMED IMPERVIOUS COVERAGE (PER SWM REPORT) = 1,185,556 SF / 27.22 AC (ASSUMED)

@ 50% ASSUMED IMPERVIOUS COVERAGE (LIKELY COVERAGE) = 911,967 SF / 20.94 AC (ASSUMED)

TOTAL IMPERVIOUS (ACTUAL + LOTS @ 65% ASSUMED) = 1,849,679 SF / 42.46 AC = 35% OF RECHARGE AREA ON SITE (ACTUAL + LOTS @ 50% ASSUMED) = 1,576,090 SF / 36.18 AC = 30% OF RECHARGE AREA ON SITE

THE PURPOSE STATEMENT: THE PURPOSE OF THIS REVISION IS TO SHOW LOTS 137, 138, 139, 140, 141, 145, 146, 244, 245, 248, 249, 250, AND 251 BEING RELOCATED AWAY FROM THE ONSITE WASTEWATER TREATMENT PLANT. THE RELOCATED LOTS ARE IN PHASE 4 THROUGH 8. THERE WAS NO CHANGE IN THE OPEN SPACE AREA.

THIS PLAT SUPERSEDES PLOT BOOK 220 - PAGE 6,
AND PLOT BOOK 240 - PAGE 15,
AND PLOT BOOK 292 - PAGE 1
AND PLOT BOOK 311 - PAGE 18-29

NOTES:

- ALL PROPOSED ROADS SHOWN ARE PRIVATE STREETS AND TO BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE. THE STATE AND COUNTY ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- STORMWATER SHALL BE HANDLED THROUGH THE DESIGN OF INFILTRATION, DRY, AND WET PONDS THAT WILL BE LOCATED ON SITE. THE MAINTENANCE OF ALL STORMWATER MANAGEMENT FACILITIES CONSTRUCTED WITHIN THIS SITE SHALL BE THE RESPONSIBILITY OF THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNER ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
- BOUNDARY SURVEY DATED OCTOBER 2004 PROVIDED BY DESIGN CONSULTANTS GROUP, MILTON, DE. 19968. TOPOGRAPHICAL SURVEY BY DESIGN CONSULTANTS GROUP, MILTON, DE. 19968. VERTICAL DATUM NAVD 83.
- SANITARY SEWER FOR THIS SITE WILL BE HANDLED BY CAPTAINS WAY DEVELOPMENT, LLC.
- WATER FOR THIS SITE WILL BE PROVIDED BY CAPTAINS WAY DEVELOPMENT, LLC.
- THIS SITE CONTAINS REGULATED WETLANDS. ACTIVITIES WITHIN THESE WETLANDS MAY REQUIRE A PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS AND/OR THE STATE OF DELAWARE. NO WETLANDS SHALL BE INCLUDED WITHIN ANY LOTS AND SHALL REMAIN WOODED UNLESS OTHERWISE PERMITTED.
- BASED ON THE FEMA FLOOD INSURANCE RATE MAPS NUMBERED 10005C 0142 J & 10005C 0161 J EFFECTIVE DATE JANUARY 6, 2005, THE SITE IS LOCATED IN ZONE 'X' WHICH IS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN AND ZONE 'A' WHICH IS DETERMINED TO BE WITHIN THE 100 YEAR FLOOD PLAIN.
- ALL INTERIOR LOT LINES ARE RESERVED FOR THE CENTERLINE OF A TEN (10) FOOT DRAINAGE AND/OR UTILITY EASEMENT.
- ALL PERIMETER LOT LINES AND ALL STREET LINES SHALL HAVE A 10' EASEMENT ALONG THE INTERIOR SIDE OF THE LOT LINE OR STREET LINE. (INCLUDING OPEN AREAS)
- ALL DISTURBED AREAS WITHIN THE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED AND SEEDED.
- THE PROPOSED ENTRANCES/EXITS ARE PROPOSED ONLY, AND ARE SUBJECT TO REVIEW AND APPROVAL BY THE DELAWARE DEPARTMENT OF TRANSPORTATION BEFORE A CONSTRUCTION PERMIT IS ISSUED.
- A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ENTRANCE CONSTRUCTION.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION.
- ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTORS RESPONSIBILITY, AND SHALL FOLLOW THE GUIDELINES SHOWN IN LATEST EDITION OF "DELAWARE TRAFFIC CONTROLS FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY, AND EMERGENCY OPERATIONS."
- DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL DEVICES.
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES UPON 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 DUST, NOISE, MANURE AND OTHER OODORS. THE USE OF AGRICULTURAL CHEMICALS, AND NIGHTTIME FARMING OPERATIONS, THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE ON ANY ANNOUNCE OR INCONVENIENCE WHICH MAY RESULT FROM ANY SUCH AGRICULTURAL USES AND ACTIVITIES.
- NO BUILDING PERMIT SHALL BE ISSUED UNTIL EITHER ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, CONSTRUCTED, OR PLACED FOR THE LOT FOR WHICH THE PERMIT WILL BE ISSUED IN A MANNER ACCEPTABLE BY THE COUNTY AND STATE, OR UNTIL THE DEVELOPER FILES A PERFORMANCE BOND OR OTHER GUARANTEE WITH THE COUNTY FOR ANY UNCOMPLETED PUBLIC OR PRIVATE STREET OR OTHER REQUIRED IMPROVEMENT.
- ALL PROPOSED FOREST BUFFERS ARE TO BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
- ALL LOTS TO HAVE ACCESS FROM INTERNAL SUBDIVISION STREETS AND THAT NO DIRECT ACCESS FROM DELAWARE STATE ROUTE 16.
- ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- ALL SINGLE FAMILY HOMES TO BE WOOD FRAME CONSTRUCTION WITH A MAXIMUM BUILDING HEIGHT OF THREE STORIES, NOT TO EXCEED 42'.
- THE SITE BENCHMARK IS AN CONCRETE MONUMENT AT ELEVATION 41.90' FOUND ALONG THE NORTH SIDE OF DELAWARE ROUTE 16 APPROXIMATELY 0.5 MILES EAST OF ROAD 226 AS SHOWN ON THE KEY PLAN. DATUM IS NAVD 88.
- THIS PROPERTY IS ZONED GR-RPC BY ORDINANCE # 2295 FOR CHANGE OF ZONE APPLICATION CZ # 1721, EFFECTIVE MARCH 13, 2013.
- TOTAL AREA OF THIS SUBDIVISION IS 154.90 ACRES ±.
- SHEET E11, ENTRANCE PLAN - PHASE 1 IS FOR CONSTRUCTION IMPROVEMENTS ASSOCIATED FOR PHASE 1 ON 30 LOTS. PRIOR TO THE ISSUANCE OF THE 36TH BUILDING PERMIT, CAPTAINS WAY SUBDIVISION WILL NEED TO MAKE THE NECESSARY CONSTRUCTION IMPROVEMENTS AS SHOWN ON THE REMAINING APPROVED ENTRANCE PLANS SHOWN WITHIN.
- A NOTICE TO PROCEED WITH CONSTRUCTION WILL NOT BE ISSUED FOR THIS PROJECT UNTIL THE WASTEWATER TREATMENT FACILITY HAS BEEN APPROVED BY DNREC TO SERVICE THIS PROJECT IS SUBSTANTIALLY UNDER CONSTRUCTION.
- A NOTICE TO PROCEED WITH CONSTRUCTION WILL NOT BE ISSUED FOR ANY PHASE OF THIS PROJECT CONTAINING EITHER A BRIDGE OR A LOT SERVED BY A BRIDGE OR BRIDGES, UNTIL THE DESIGN PLANS AND CONSTRUCTION SPECIFICATIONS FOR SAID BRIDGE OR BRIDGES HAVE BEEN SUBMITTED TO AND APPROVED BY THE COUNTY ENGINEER.
- ALL AMENITIES SHOWN ON THIS PLAN WITHIN THE CURRENT PHASE OF CONSTRUCTION SHALL BE OPEN AND AVAILABLE TO USE BY RESIDENTS PRIOR TO THE CONSTRUCTION OF THE NEXT PHASE OF DEVELOPMENT.
- THE PROPOSED USES FOR THE COMMERCIAL AREAS ASSOCIATED WITH THIS RPC APPROVAL SHALL BE LIMITED TO THE PERMITTED USES IDENTIFIED FOR B-1 ZONING DISTRICTS AND FOR THE DISPLAY AND SALE OF MANUFACTURED HOMES.
- DART BUS STOP AND SCHOOL BUS SHELTER / PARKING SPACES SHALL BE CONSTRUCTED AT THE TIME THE DELDOT ENTRANCE IS CONSTRUCTED.
- RESTRICTIVE COVENANTS AND LOT LEASES FOR EACH LOT MUST CONTAIN A NOTICE DESCRIBING THE BUFFERS ON THE PLAN AND PROHIBITING ANY DISTURBANCE OF THEM.
- TYPES OF DWELLINGS:
 - SINGLE AND DOUBLE WIDE HOMES
 - MODULAR HOMES
 - STICK BUILT HOMES
- LOTS UNDER THE RPC WILL BE GROUND LEASED LOTS OR PURCHASED FEE SIMPLE LOTS OR A COMBINATION OF BOTH.
- THE LANDSCAPE PLAN THAT WAS PREVIOUSLY APPROVED ON DECEMBER 28, 2016 SHALL REMAIN IN EFFECT.

REVISIONS

REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING 2019-01-11
REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING 2019-07-15
REVISIONS PER CLIENT 2019-08-14
REVISIONS PER CLIENT 2021-03-15
REVISIONS PER P&Z COMMENTS 2022-09-06
REVISIONS PER P&Z COMMENTS 2022-10-24

COVER SHEET

CAPTAIN'S WAY

BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

Pennoni ASSOCIATES, INC.
 18072 Davidson Dr. (302) 684-8030 Fax: (302) 684-8054
 Milton, DE 19968 www.pennoni.com
 CONSULTING ENGINEERS

DEVELOPER:
CAPTAINS WAY DEVELOPMENT, LLC
P.O. BOX 212
LEWES, DE 19958
(302) 644-1400

ENGINEER/SITE DESIGNER:
PENNONI ASSOCIATES, INC.
18072 DAVIDSON DRIVE
MILTON, DE 19968
(302) 684-8030

SURVEYOR:
PENNONI ASSOCIATES, INC.
TRAFFIC ENGINEER:
TRAFFIC GROUP

WASTEWATER ENGINEER:
PENNONI ASSOCIATES, INC.
WETLANDS DELINEATION
ED LAUNAY
ENVIRONMENTAL RESOURCES INC.
38173 DUPONT BLVD.
P.O. BOX 169
SELBYVILLE, DE 19975

SCHOOL DISTRICT
CAPE HENLOPEN

FIRE DISTRICT
ELLENDALE

WATER OPERATOR
WHITE MARSH ENVIRONMENTAL SYSTEMS, INC.
FOR CAPTAINS WAY LLC

SEWER OPERATOR
WHITE MARSH ENVIRONMENTAL SYSTEMS, INC.
FOR CAPTAINS WAY LLC

ELECTRIC
DE ELECTRIC CO-OP

TELECOMMUNICATION
VERIZON

CATV
COMCAST

POSTAL DISTRICT
ELLENDALE

APPROVED BY: _____
 CHAIRMAN OR SECRETARY OF PLANNING AND ZONING COMMISSION
 DATE _____

 PRESIDENT OF SUSSEX COUNTY COUNCIL
 DATE _____

 CAPTAIN'S WAY DEVELOPMENT, LLC. DATE _____
 TIMBER CREEK WEST, LLC.
 TIMBER CREEK EAST, LLC
 P.O. BOX 212
 LEWES, DE 19958
 PHONE: (302) 644-1400

WETLANDS DELINEATION CERTIFICATION STATEMENT
I, EDWARD LAUNAY, CERTIFY THAT THIS PROPERTY HAS BEEN EXAMINED FOR WETLANDS IN ACCORDANCE WITH CRITERIA FOUND IN THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL AND ASSOCIATED REGULATORY DOCUMENTS. THE DELINEATION HERE SHOWN, IN MY BEST PROFESSIONAL JUDGEMENT, ACCURATELY REPRESENTS THE WETLAND BOUNDARIES PRESENT WITHIN THE PROJECT AREA.

ENVIRONMENTAL RESOURCES INC.
38173 DUPONT BLVD.
P.O. BOX 169
SELBYVILLE, DE 19975

OWNER CERTIFICATION:
I HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED 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.

ENGINEER CERTIFICATION:
IT IS HEREBY CERTIFIED 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 COMPLIES WITH APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES. THE DESIGN REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DESIGNED BY: PENNONI ASSOC.
 SURVEYED BY: PENNONI ASSOC.
 DRAWN BY: A.M.D./T.M.H.
 CHECKED BY: R.A.F./M.H.D.
 JOB #: CADE1101
 SCALE: N/A
 PLOTTED BY: PENNONI ASSOCIATES, INC.
 TAX MAP: 235-13.00-2.00, 2.06, 2.07 & 2.08
 DATE: 10/20/2018

Pennoni ASSOCIATES, INC.
 18072 Davidson Dr. (302) 684-8030 Fax: (302) 684-8054
 Milton, DE 19968 www.pennoni.com
 CONSULTING ENGINEERS

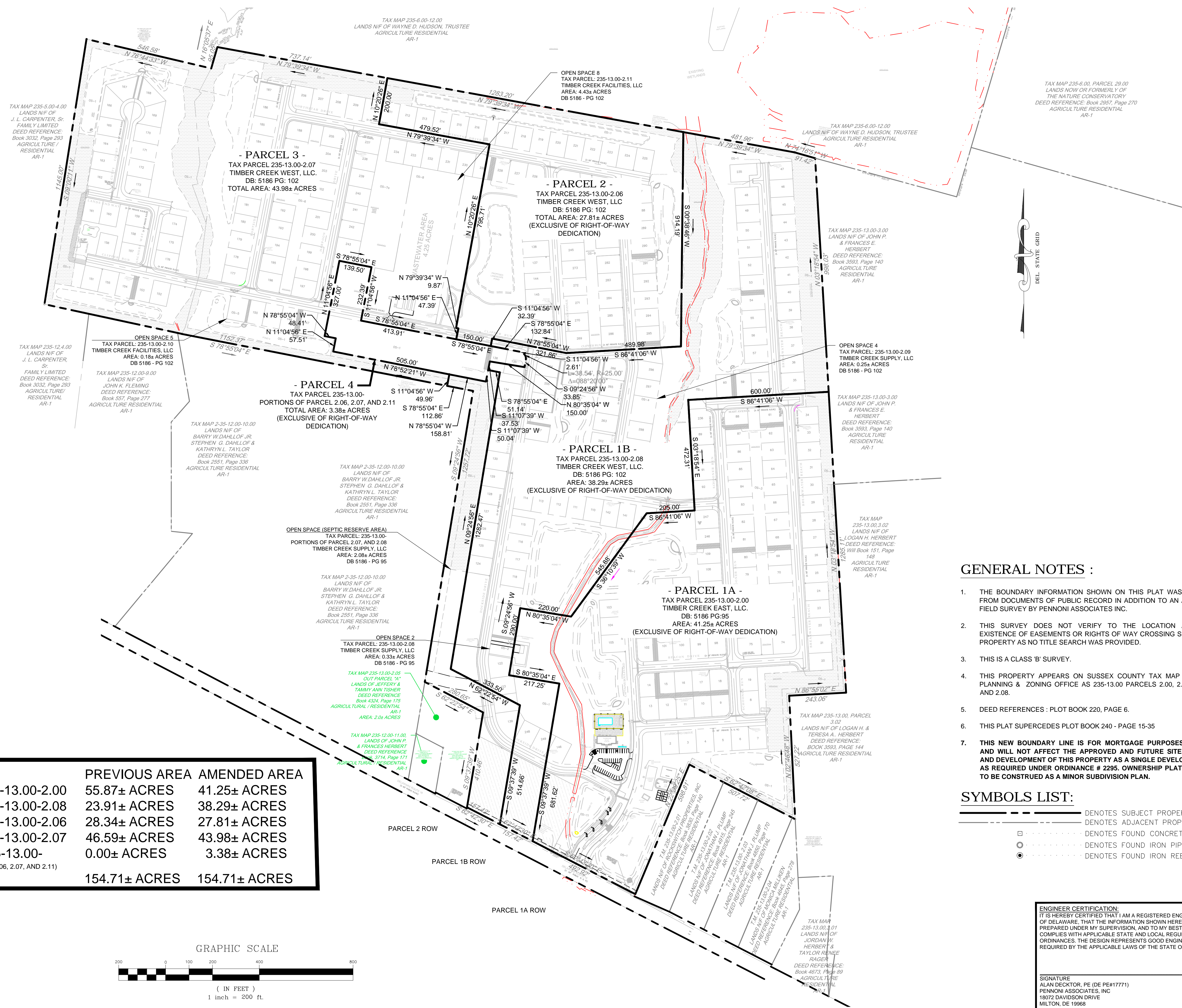
SHEET NO: S1

REVISIONS

REVISION PER SUSSEX COUNTY PLANNING AND ZONING	2019-01-11
REVISION PER OWNERS COMMENTS	2019-08-06
REVISION PER P&Z COMMENTS	2022-09-06
REVISION PER P&Z COMMENTS	2022-10-24

RPC OWNERSHIP PLAT
CAPTAINS WAY DEVELOPMENT, LLC
 BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

Pennoni ASSOCIATES, INC.
 18072 Davidson Dr. (302) 684-8030 Fax: (302) 684-8054
 Milton, DE 19968
 CONSULTING ENGINEERS



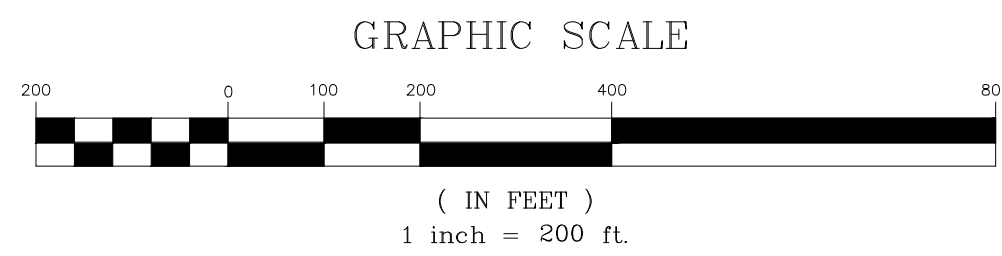
GENERAL NOTES :

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD IN ADDITION TO AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC.
2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
3. THIS IS A CLASS 'B' SURVEY.
4. THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP IN THE PLANNING & ZONING OFFICE AS 235-13.00 PARCELS 2.00, 2.06, 2.07 AND 2.08.
5. DEED REFERENCES : PLOT BOOK 220, PAGE 6.
6. THIS PLAT SUPERCEDES PLOT BOOK 240 - PAGE 15-35
7. THIS NEW BOUNDARY LINE IS FOR MORTGAGE PURPOSES ONLY, AND WILL NOT AFFECT THE APPROVED AND FUTURE SITE PLANS AND DEVELOPMENT OF THIS PROPERTY AS A SINGLE DEVELOPMENT AS REQUIRED UNDER ORDINANCE # 2295. OWNERSHIP PLAT IS NOT TO BE CONSTRUED AS A MINOR SUBDIVISION PLAN.

SYMBOLS LIST:

- DENOTES SUBJECT PROPERTY LINE
- - - - - DENOTES ADJACENT PROPERTY LINE
- DENOTES FOUND CONCRETE MONUMENT
- DENOTES FOUND IRON PIPE
- DENOTES FOUND IRON REBAR

PARCEL	TAX MAP	PREVIOUS AREA	AMENDED AREA
PARCEL 1A	TAX MAP 235-13.00-2.00	55.87± ACRES	41.25± ACRES
PARCEL 1B	TAX MAP 235-13.00-2.08	28.91± ACRES	38.29± ACRES
PARCEL 2	TAX MAP 235-13.00-2.06	23.34± ACRES	27.81± ACRES
PARCEL 3	TAX MAP 235-13.00-2.07	46.59± ACRES	47.98± ACRES
PARCEL 4	TAX MAP 235-13.00-	0.00± ACRES	3.38± ACRES
	(PORTIONS OF PARCEL 2.06, 2.07, AND 2.11)		
TOTAL		154.71± ACRES	154.71± ACRES

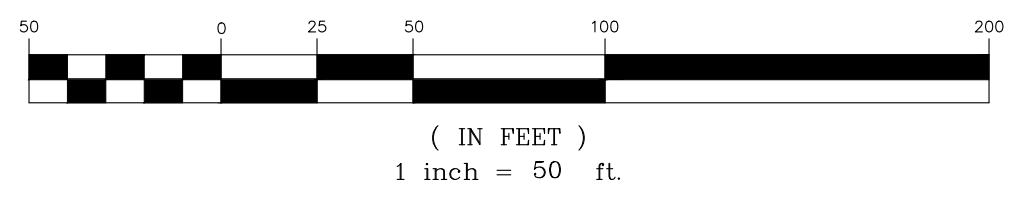


ENGINEER CERTIFICATION:
 IT IS HEREBY CERTIFIED THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE COMPLIES WITH APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES. THE DESIGN REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DESIGNED BY: PENNONI ASSOC.
 SURVEYED BY: PENNONI ASSOC.
 DRAWN BY: MHD/PM
 CHECKED BY: AMD/MHD
 JOB #: CADE1101
 SCALE: 1" = 200'
 TAX MAP: 235-13.00-2.00, 2.06, 2.07 & 2.08
 DATE: 10/20/18
 SIGNATURE: ALAN DECKTOR, PE (DE PE#17771)
 PENNONI ASSOCIATES, INC.
 18072 DAVIDSON DRIVE
 MILTON, DE 19968
 OFFICE (302) 684-8030 - FAX (302) 684-8054

SHEET NO: S 2

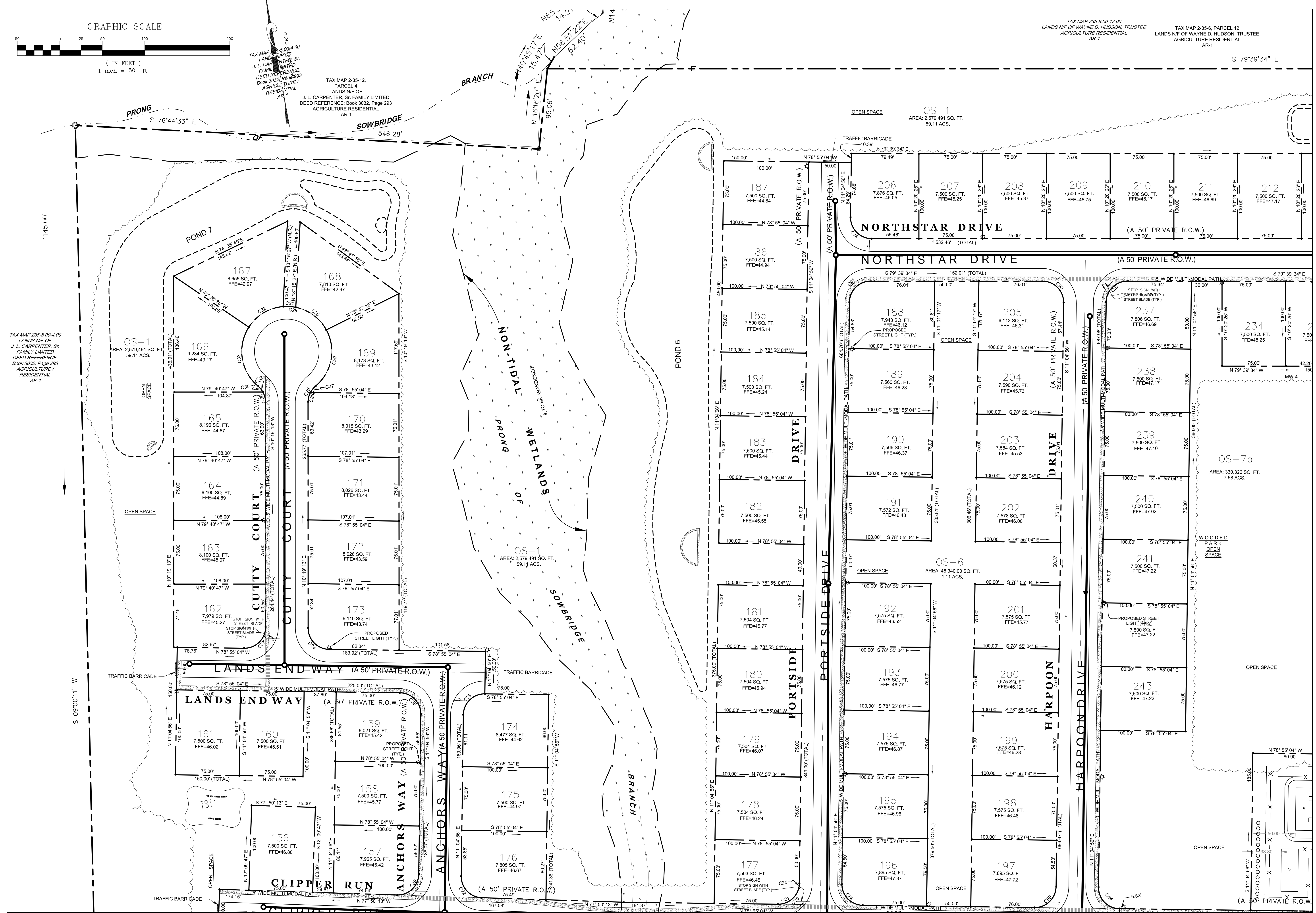
GRAPHIC SCALE



TAX MAP 235-6-00-12.00
LANDS N/F OF WAYNE D. HUDSON, TRUSTEE
AGRICULTURE RESIDENTIAL
AR-1

TAX MAP 2-35-6, PARCEL 12
LANDS N/F OF WAYNE D. HUDSON, TRUSTEE
AGRICULTURE RESIDENTIAL
AR-1

TAX MAP 235-6-00-12.00
LANDS N/F OF
J. L. CARPENTER, Sr.
FAMILY LIMITED
DEED REFERENCE:
Book 3032, Page 293
AGRICULTURE /
RESIDENTIAL
AR-1



REVISIONS

REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING 2019-01-11
REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING 2019-07-15
REVISIONS PER CLIENT 2019-08-14
REVISIONS PER CLIENT 2021-03-15
REVISIONS PER PAZ COMMENTS 2022-09-06
REVISIONS PER PAZ COMMENTS 2022-10-24

TITLE: **FINAL SITE PLAN**

PROJECT: **CAPTAIN'S WAY**

BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

Pennoni

PENNONI ASSOCIATES, INC.
18072 Davidson Dr. (302) 684-8030 Fax: (302) 684-8054
Milton, DE 19968 www.pennoni.com

CONSULTING ENGINEERS

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DRAWN BY: AMD / JPM
CHECKED BY: RAF / MHD
JOB #: CADE1101
SCALE: AS SHOWN
TAX MAP: 235-13-00-2.06, 2.07 & 2.08
DATE: 10/29/18

FOR CONTINUATION SEE SHEET 57

FOR CONTINUATION SEE SHEET S5

12
V. TRUSTEE
7/14

S 79°39'34" E

2502.31'

SITE BENCH MARK
CONCRETE MONUMENT
ELEV. = 37.30
NGVD88 DATUM
N: 292577.04
E: 666314.54

EXISTING PIPE
(TYP.)



FOR CONTINUATION SEE SHEET S4

7a

1,326 SQ. FT.
1 ACS.

DEL. STATE GRID

OPEN SPACE

PROPOSED RIBS

WATER TREATMENT PLANT

STOP SIGN WITH STREET LIGHT (TYP.)

STOP SIGN WITH STREET LIGHT (TYP.)

STOP SIGN WITH STREET LIGHT (TYP.)

STOP SIGN WITH STREET LIGHT (TYP.)

STOP SIGN WITH STREET LIGHT (TYP.)

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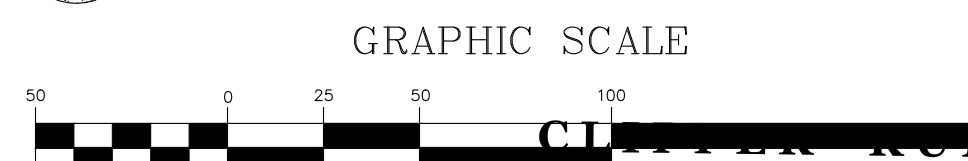
STOP SIGN WITH STREET LIGHT (TYP.)

STOP SIGN WITH STREET LIGHT (TYP.)

STOP SIGN WITH STREET LIGHT (TYP.)

STOP SIGN WITH STREET LIGHT (TYP.)

STOP SIGN WITH STREET LIGHT (TYP.)



FOR CONTINUATION SEE SHEET S8

FOR CONTINUATION SEE SHEET S6

REVISIONS	
REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING	2019-07-15
REVISIONS PER CLIENT	2019-08-14
REVISIONS PER CLIENT	2021-03-15
REVISIONS PER P&Z COMMENTS	2022-09-06
REVISIONS PER P&Z COMMENTS	2022-10-24

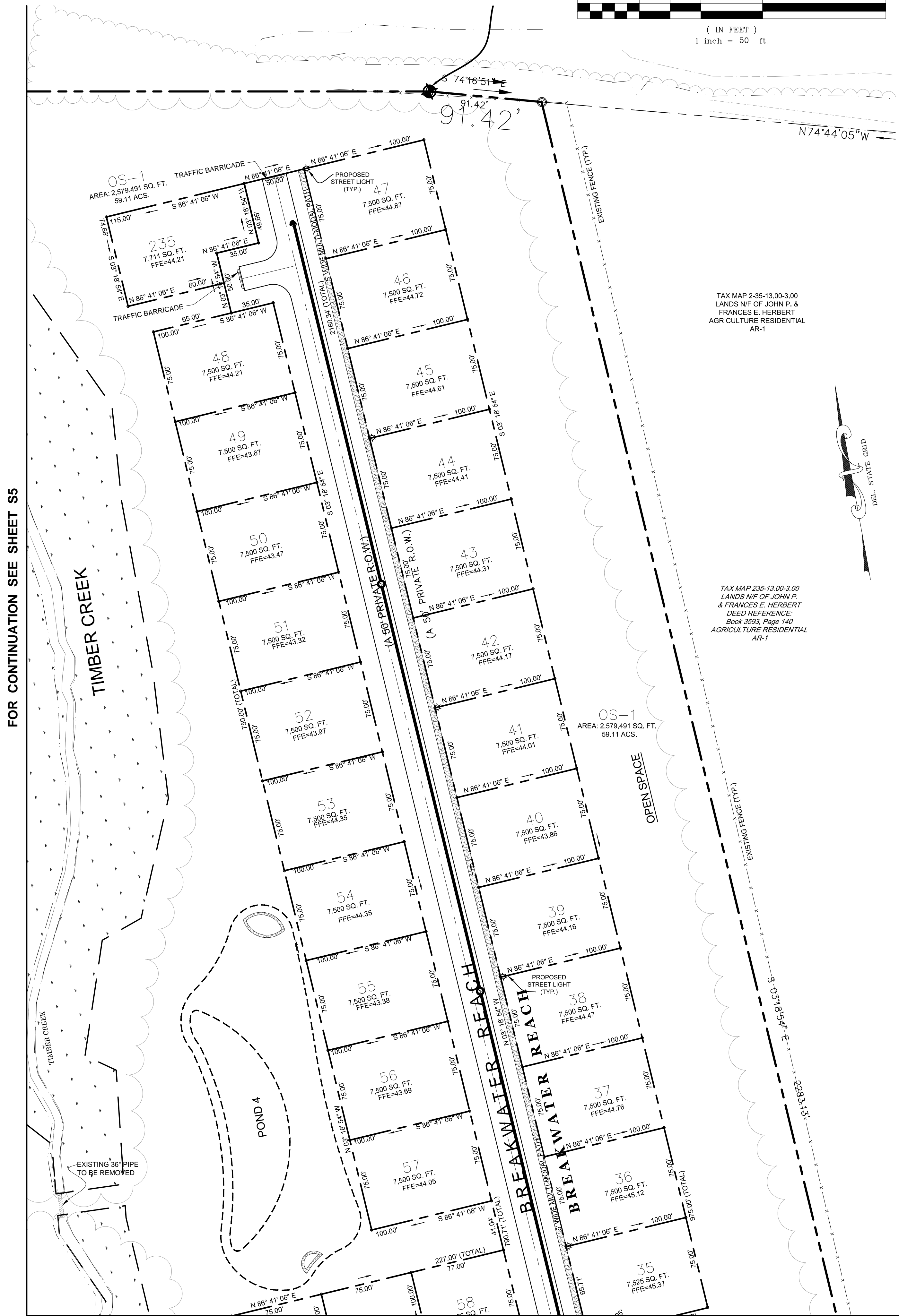
FINAL SITE PLAN

BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

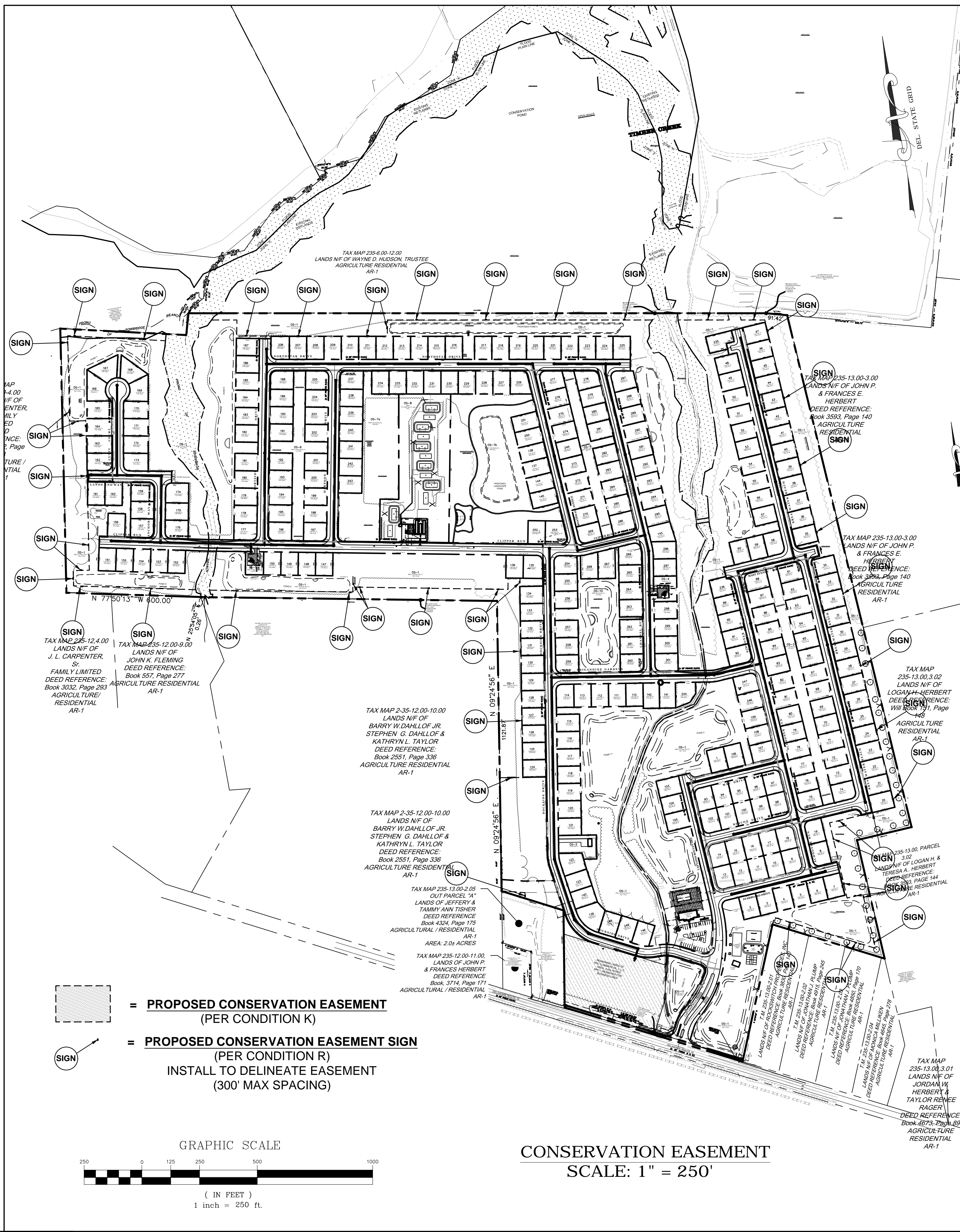
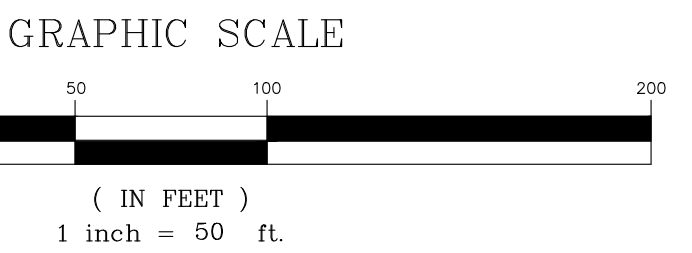
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 CONSULTING ENGINEERS

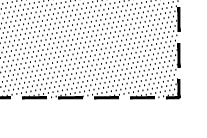
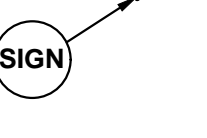
DESIGNED BY:	PENNONI ASSOC.
SURVEYED BY:	PENNONI ASSOC.
DRAWN BY:	AMD / JTM
CHECKED BY:	RAF / MHD
JOB #:	CADE1101
SCALE:	AS SHOWN
TAX MAP:	235-13.00-2.00, 2.06, 2.07 & 2.08
DATE:	10/2/2019
SHEET NO: S 5	

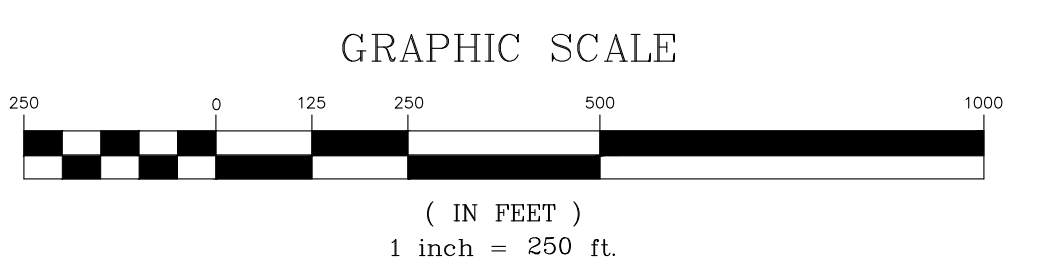
FOR CONTINUATION SEE SHEET S5



FOR CONTINUATION SEE SHEET S9



-  = PROPOSED CONSERVATION EASEMENT (PER CONDITION K)
-  = PROPOSED CONSERVATION EASEMENT SIGN (PER CONDITION R) INSTALL TO DELINEATE EASEMENT (300' MAX SPACING)



CONSERVATION EASEMENT SCALE: 1" = 250'

REVISIONS

REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING	2019-01-11
REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING	2019-07-15
REVISIONS PER CLIENT	2019-08-14
REVISIONS PER CLIENT	2021-03-15
REVISIONS PER PAZ COMMENTS	2022-09-06
REVISIONS PER PAZ COMMENTS	2022-10-24

FINAL SITE PLAN

CAPTAIN'S WAY

BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

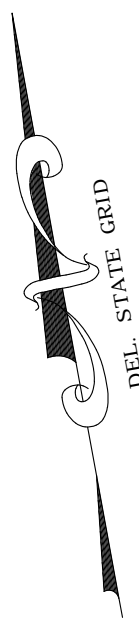
TITLE: _____ PROJECT: _____

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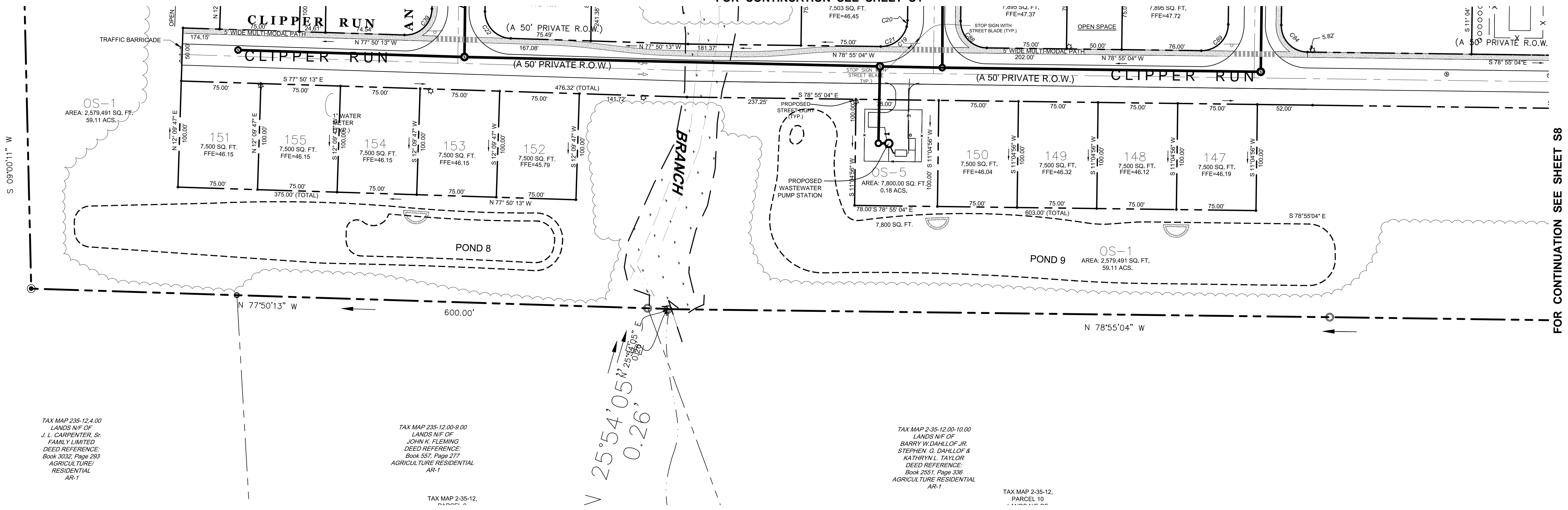
DESIGNED BY: PENNONI ASSOC.
 SURVEYED BY: PENNONI ASSOC.
 DRAWN BY: AMJ/TMH
 CHECKED BY: RAF/MHD
 JOB #: CADE1101
 SCALE: AS SHOWN
 TAX MAP: 235-13.00-2.06, 2.06, 2.07 & 2.08
 DATE: 10-2-2019

SHEET NO: S 6

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FOR CONTINUATION SEE SHEET S4



S 09'00"11" W

FOR CONTINUATION SEE SHEET S8

TAX MAP 235-12-4-00
LANDS NIP OF
J. L. CARPENTER, Sr.
FAMILY LIMITED
DEED REFERENCE:
Book 3032, Page 293
AGRICULTURE/
RESIDENTIAL
AR-1

TAX MAP 235-12-00-8-00
LANDS NIP OF
JOHN K. FLEMING
DEED REFERENCE:
Book 557, Page 377
AGRICULTURE RESIDENTIAL
AR-1

TAX MAP 2-35-12

TAX MAP 2-35-12-00-10-00
LANDS NIP OF
BARRY W. DAHLLOF, JR.
STEPHEN G. DAHLLOF &
KATHRYN L. TAYLOR
DEED REFERENCE:
Book 2551, Page 336
AGRICULTURE RESIDENTIAL
AR-1

TAX MAP 2-35-12, PARCEL 10

REVISIONS

REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING 2019-07-15
REVISIONS PER CLIENT 2019-08-14
REVISIONS PER CLIENT 2021-03-15
REVISIONS PER P&Z COMMENTS 2022-09-06
REVISIONS PER P&Z COMMENTS 2022-10-24

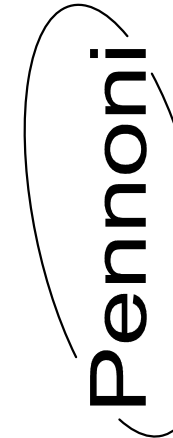
FINAL SITE PLAN

CAPTAIN'S WAY

BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

TITLE:

PROJECT:



PENNONI ASSOCIATES, INC.
18072 Davidson Dr. (302) 684-8030 Fax: (302) 684-8054
Milton, DE 19968 www.pennoni.com
CONSULTING ENGINEERS

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

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SURVEYED BY: PENNONI ASSOC.
DRAWN BY: AMT/PM
CHECKED BY: RAF/MHD
JOB #: CADE1101
SCALE: AS SHOWN
TAX MAP: 235-12-00-2, 06, 2, 07 & 2, 08
DATE: 10/5/2019

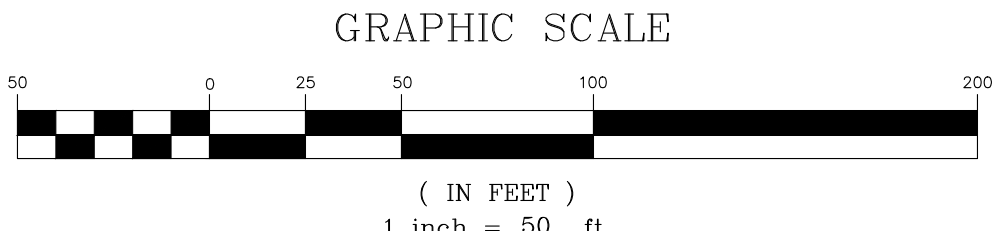
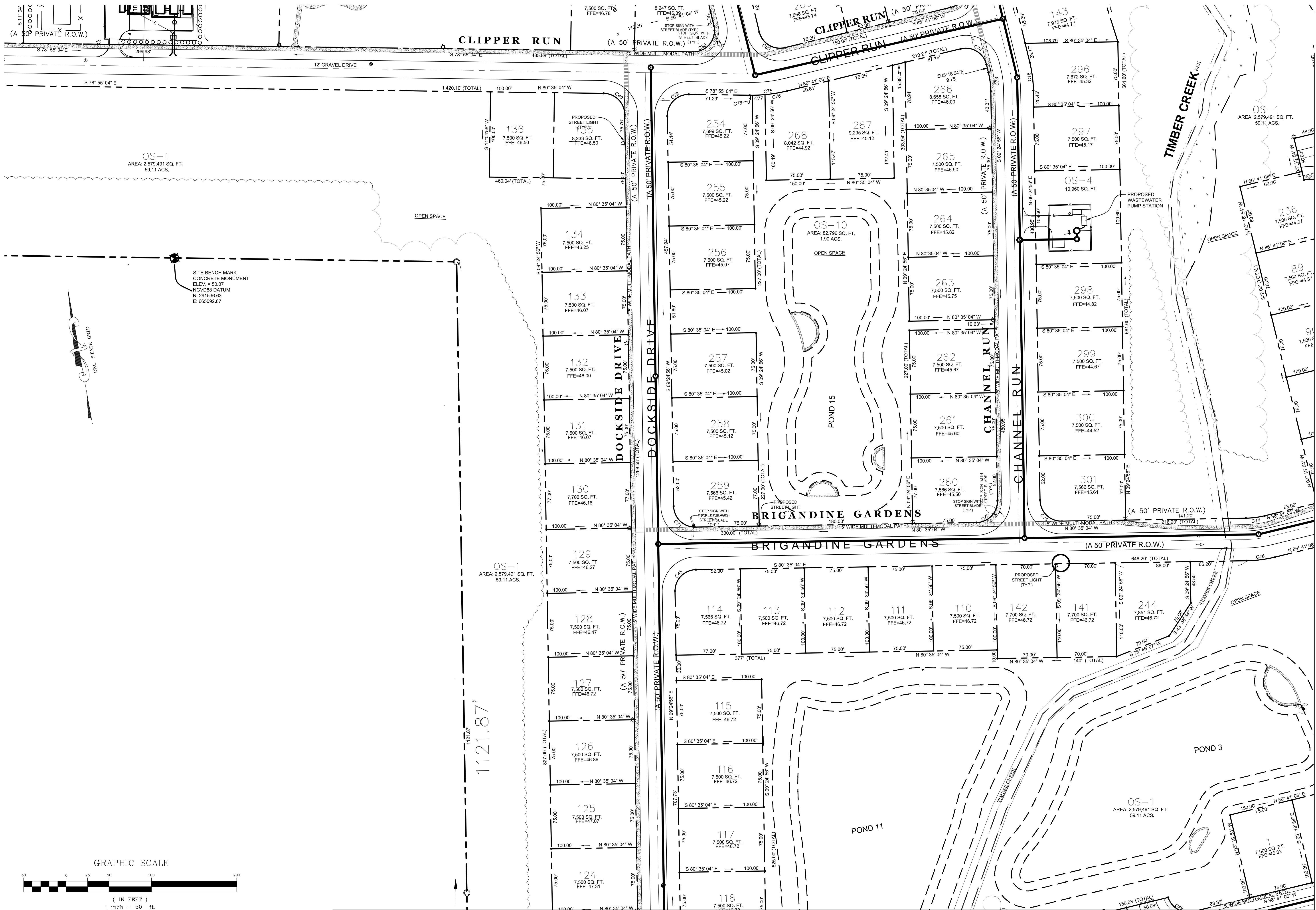
SHEET NO: S 7

FOR CONTINUATION SEE SHEET S7

FOR CONTINUATION SEE SHEET S5

FOR CONTINUATION SEE SHEET S9

FOR CONTINUATION SEE SHEET S10



REVISIONS	
REVISED PLAN SET	DATED 12/22/15
REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING	2019-07-15
REVISIONS PER CLIENT	2019-08-14
REVISIONS PER CLIENT	2021-03-15
REVISIONS PER PAZ COMMENTS	2022-09-06
REVISIONS PER PAZ COMMENTS	2022-10-24

TITLE: **FINAL SITE PLAN**

PROJECT: **CAPTAIN'S WAY**

BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

Pennoni

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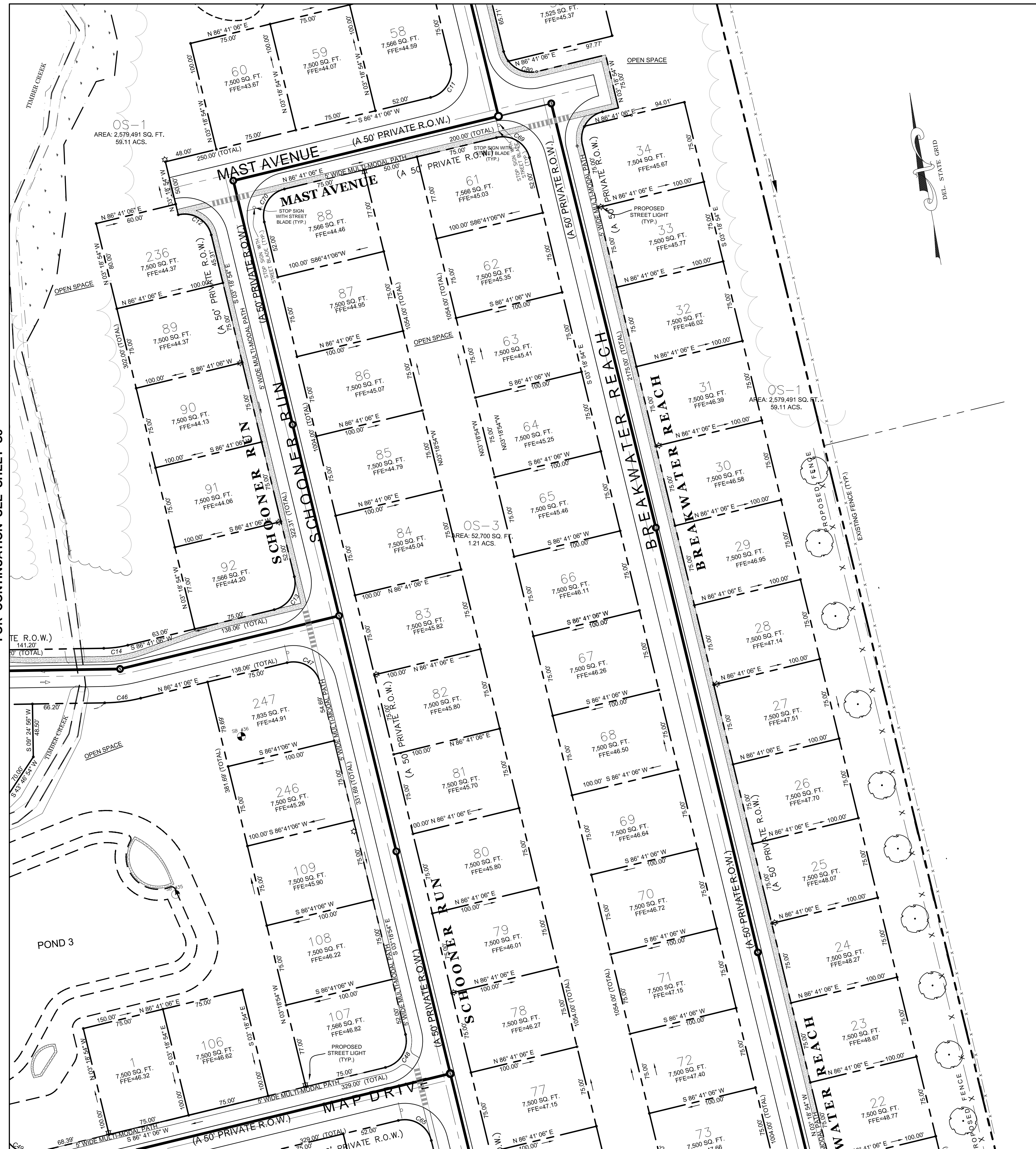
DESIGNED BY: PENNONI ASSOC.
 SURVEYED BY: PENNONI ASSOC.
 DRAWN BY: AMO/PM
 CHECKED BY: RAF/MHD
 JOB #: CADE1101
 SCALE: AS SHOWN
 TAX MAP: 235-13.00-2.00, 2.06, 2.07 & 2.08
 DATE: 10/2/2015

SHEET NO: **S 8**

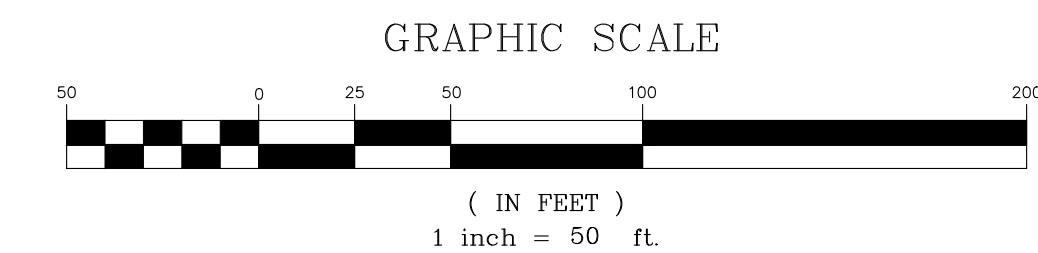
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FOR CONTINUATION SEE SHEET S6

FOR CONTINUATION SEE SHEET S8



FOR CONTINUATION SEE SHEET S11



REVISIONS

REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING	2019-07-15
REVISIONS PER CLIENT	2019-08-14
REVISIONS PER CLIENT	2021-03-15
REVISIONS PER PAZ COMMENTS	2022-09-06
REVISIONS PER PAZ COMMENTS	2022-10-24

FINAL SITE PLAN

CAPTAIN'S WAY

BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

Pennoni
PENNONI ASSOCIATES, INC.
 18072 Davidson Dr. (302) 684-8030 Fax: (302) 684-8054
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 CHECKED BY: RAF/MHD
 JOB #: CADE1101
 SCALE: AS SHOWN
 TAX MAP: 236-13.00-2.00, 2.06, 2.07 & 2.08
 DATE: 10/2/2019

SHEET NO: S 9

FOR CONTINUATION SEE SHEET S8

REVISIONS

REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING 2019-07-15
REVISIONS PER CLIENT 2019-08-14
REVISIONS PER CLIENT 2021-03-15
REVISIONS PER P&Z COMMENTS 2022-09-06
REVISIONS PER P&Z COMMENTS 2022-10-24

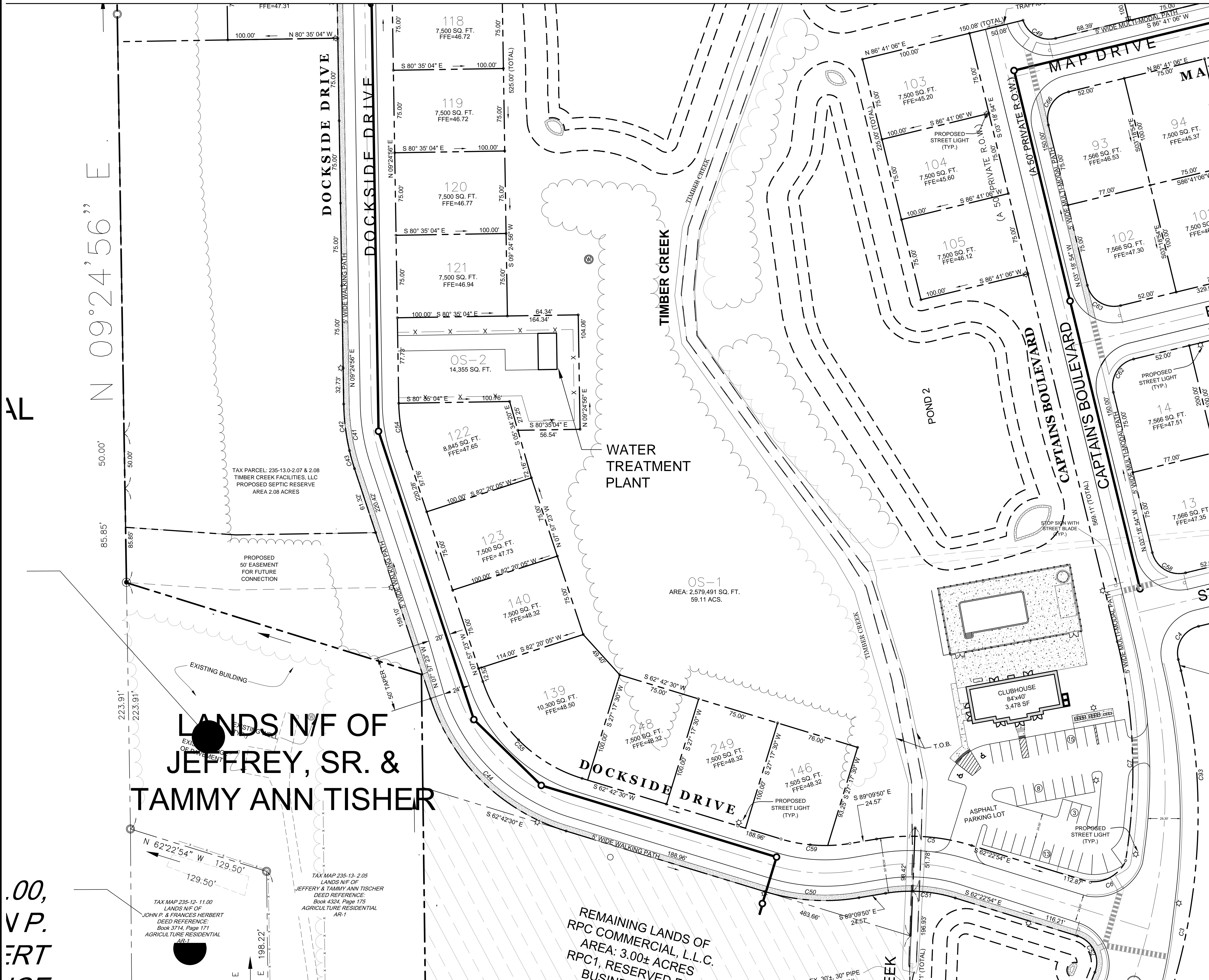
FINAL SITE PLAN

CAPTAIN'S WAY

BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

Pennoni
PENNONI ASSOCIATES, INC.
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 DRAWN BY: AMD/TJM
 CHECKED BY: RAF/MHD
 JOB #: CADE1101
 SCALE: AS SHOWN
 TAX MAP: 235-13.0-2.07 & 2.08
 DATE: 10-20-24
SHEET NO: S 10



**LANDS N/F OF
 JEFFREY, SR. &
 TAMMY ANN TISHER**

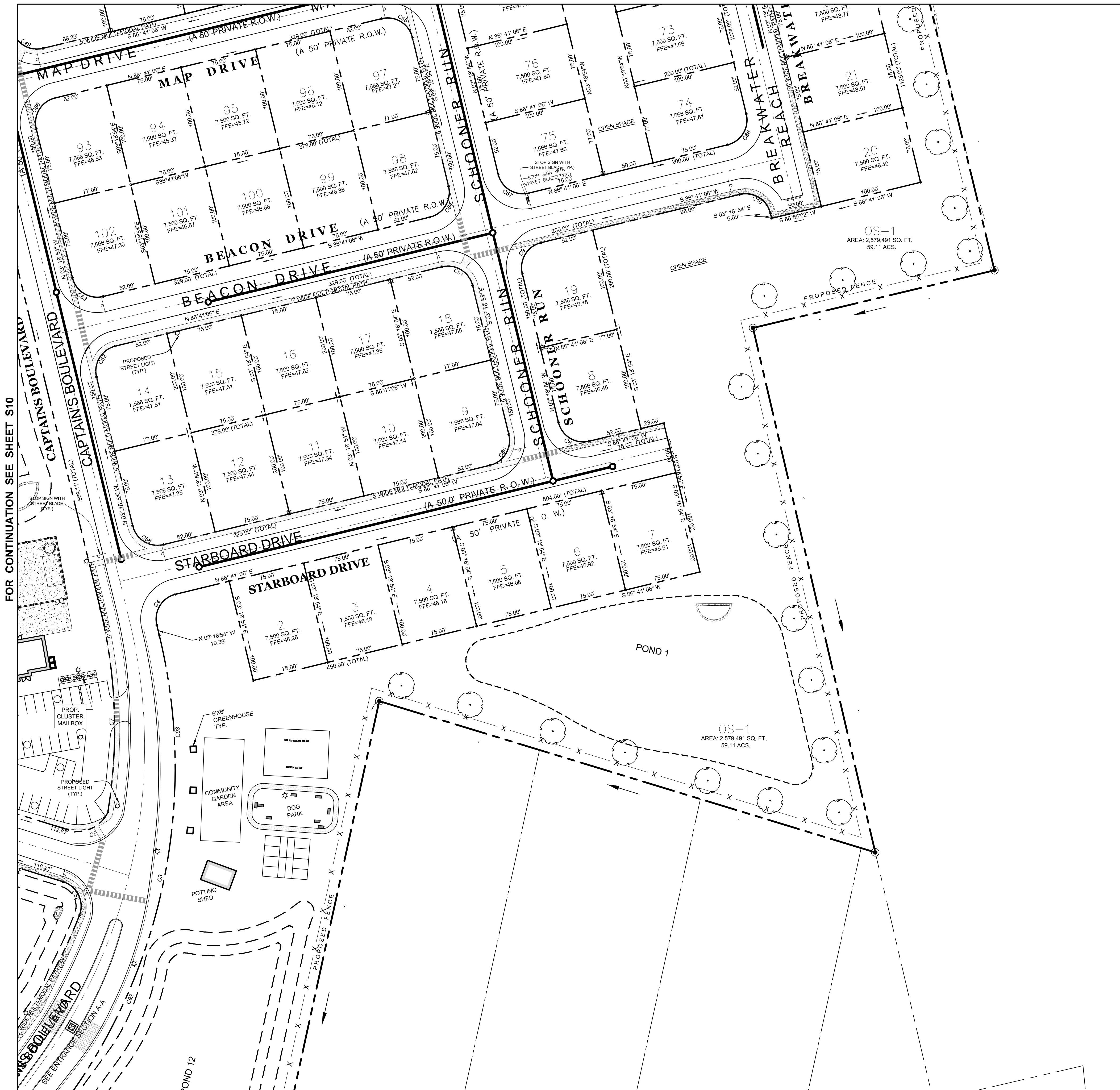
**REMAINING LANDS OF
 RPC COMMERCIAL, L.L.C.
 AREA: 3.00± ACRES
 RPC1, RESERVED FOR
 BUSINESS USE**

FOR CONTINUATION SEE SHEET S12

FOR CONTINUATION SEE SHEET S11

0.00, V.P. ERT

FOR CONTINUATION SEE SHEET S9



FOR CONTINUATION SEE SHEET S10

FOR CONTINUATION SEE SHEET S12

REVISIONS

REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING 2019-01-11
REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING 2019-07-15
REVISIONS PER CLIENT 2019-08-14
REVISIONS PER CLIENT 2021-03-15
REVISIONS PER PAZ COMMENTS 2022-09-06
REVISIONS PER PAZ COMMENTS 2022-10-24

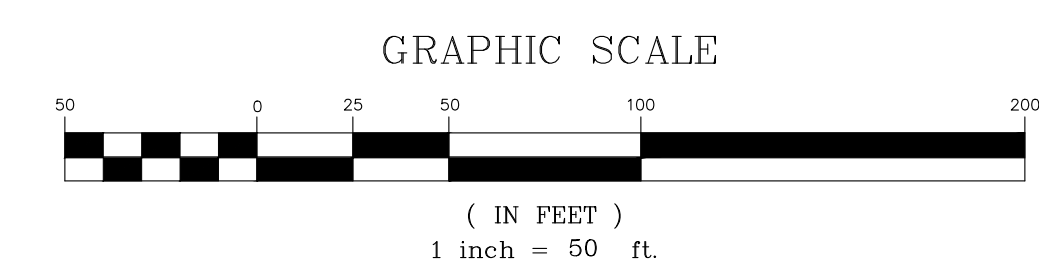
TITLE: **FINAL SITE PLAN**

PROJECT: **CAPTAIN'S WAY**

BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

Pennoni

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 18072 Davidson Dr. (302) 684-8030 Fax: (302) 684-8054
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 DRAWN BY: AMD / TFM
 CHECKED BY: RAF / MHD
 JOB #: CADE1101
 SCALE: AS SHOWN
 TAX MAP: 236-13.00-2.00, 2.06, 2.07 & 2.08
 DATE: 10/5/2015

SHEET NO: S 11

REVISIONS

REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING	2019-01-11
REVISIONS PER SUSSEX COUNTY PLANNING AND ZONING	2019-07-15
REVISIONS PER CLIENT	2019-08-14
REVISIONS PER CLIENT	2021-03-15
REVISIONS PER PAZ COMMENTS	2022-09-06
REVISIONS PER PAZ COMMENTS	2022-10-24

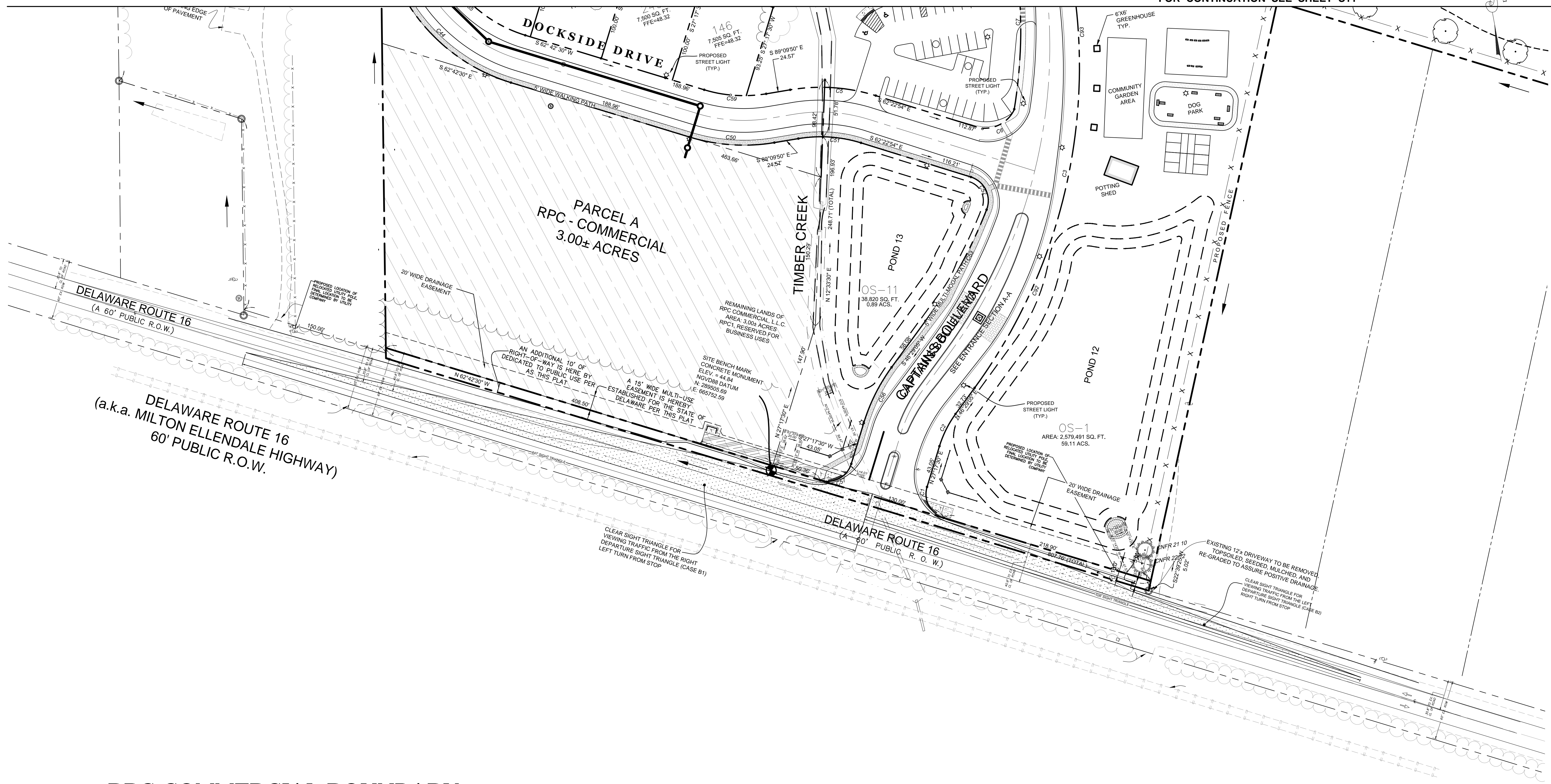
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PROJECT: **CAPTAIN'S WAY**

BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

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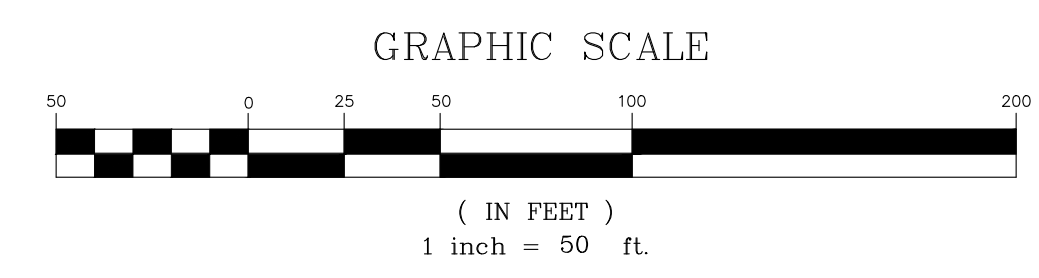
FOR CONTINUATION SEE SHEET S10

FOR CONTINUATION SEE SHEET S11



RPC COMMERCIAL BOUNDARY

SCALE : 1" = 50'



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SURVEYED BY: **PENNONI ASSOC.**
DRAWN BY: **AMD / TFM**
CHECKED BY: **RAF / MHD**
JOB #: **CADE1101**
SCALE: **AS SHOWN**
TAX MAP: **236-13.00-2.00, 2.06, 2.07 & 2.08**
DATE: **10/5/2019**

SHEET NO: S 12



18072 Davidson Drive
Milton, DE 19968
T: 302-684-8030
F: 302-684-8054

www.pennoni.com

October 24, 2022
CADE1101

Ms. Lauren DeVore
Sussex County Planning and Zoning
2 The Circle
Georgetown, DE 19947

**RE: Revised Final Site Plan Submission
Captains Way Subdivision
Broadkill Hundred**

Dear Ms. Devore,

On behalf of the owners of the Captains Way Development., Pennoni Associates Inc. (Pennoni) is pleased to submit the revised Final Site Plan for your consideration of review and approval. We have addressed the following comments per your letter received on October 13, 2022

We have enclosed one (1) copy of the following documents for review and approval of the project.

<u>Item</u>	<u>Description</u>	<u>Last Revised</u>
Drawings Prepared by Pennoni Associates Inc.		
	Revised Final Site Plan & Details	10/24/2022

Revised Final Site Plan

- Please add a Purpose Statement to the Cover Sheet of the Revised Final Site Plan which clearly states the proposed changes to the plans in detail. It is understood that Lots 139, 140, 146, 244, 245, 248 and 249 are being relocated as part of this proposed plan.*

Pennoni Response (October 24, 2022): We have added a purpose statement to the cover sheet referencing all 13 lots that were relocated due to the proximity to the wastewater treatment plant.

- Please add data to the Site Data Column in red in a separate Site Data Column adjacent to the previous acreage totals, the proposed acreage, sizes, and total changes for Open Space, impervious surface cover and all other aspects of the plans. It is preferred that the Open Space data be broken down by Open Space Area to provide further clarity with regard to any proposed changes (ie: Open Space "A," "B," "C," "D," etc.)*

Pennoni Response (October 24, 2022): We have updated the open space area breakdown, there is a separate table on Sheet 3 displaying the different open space areas and how they changed from the previous approved plans. There was a very minor change due to the lots being relocated.

- It is noted that proposed and relocated Lot 146 does not achieve the minimum square footage requirement for detached single-family dwellings in the Residential Planned Community District and appears to consist of 7,410 square feet. All lots must achieve an area of at least 7,500 square feet (§115-127).*

Pennoni Response (October 24, 2022): Lot 146 has been revised to meet the minimum area requirements.

4. *Please bold General Note No. 7 on Sheet 2 which indicates that the boundary lines reflected are for mortgage purposes only and will not affect the approved and future Site Plan. Please add a line which further clarifies that the Ownership Plat is not to be construed as a Minor Subdivision Plan.*

Pennoni Response (October 24, 2022): Note 7 has been bolded along with additional reference added.

5. *Please include the amended acreage totals for all Parcels on Sheet No. 2 of the Site Plan as this information appears to be missing from the plans.*

Pennoni Response (October 24, 2022): We have revised the table to show the change in area.

6. *There appears to be an issue with overlapping or duplicative text on the plans. Please amend the plans to resolve this.*

Pennoni Response (October 24, 2022): We have revised the drawings for clarity and cleaned up overlapping text.

7. *Please include on the plans that the parcels have a Future Land Use Map designation of "Existing Development Area" per Sussex County's 2019 Comprehensive Plan update.*

Pennoni Response (October 24, 2022): This has been added to the site data table, refer to Note # 14.

8. *The plans in the Site Data Column appear to indicate that approximately 3 acres of commercial B-1 zoning will be retained. Please clearly delineate and show this area on the plans.*

Pennoni Response (October 24, 2022): It is labeled on the plans. It is shown between Rt. 16 and Dockside Drive at the front of the subdivision.

9. *Please include a General Note on the plans or in a separate line item in the Site Data Column that the project is not located within the Henlopen Transportation Improvement District (TID).*

Pennoni Response (October 24, 2022): This has been added to the site data table, refer to Note # 13.

10. *Please note in the Conditions of Approval Column on the Cover Sheet that C/Z 1721 is also Ordinance No. 2295 and that the Conditions of Approval also include C/Z 1878 (Ordinance No. 2686) which amended Condition "A" to allow no more than 15 percent of the lots to have Garage Studio Apartments (GSAs).*

Pennoni Response (October 24, 2022): This header for Conditional Approval has been revised to indicate both approvals.

11. *Please include on the plans within the Site Data Column that the project is not located within a Wellhead Protection Area to comply with the provisions of Chapter 89 "Source Water Protection" of the Sussex County Code (§89-6).*

Pennoni Response (October 24, 2022): This has been added to the site data table, refer to Note # 12.

12. *Please include on the plans within the Site Data Column that the project is located within an area of "Excellent" and "Good" Groundwater Recharge Potential to comply with the provisions of Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7).*

Pennoni Response (October 24, 2022): This has been added to the site data table, refer to Note # 12.

13. *Please include on the plans within the Site Data Column, the Net Development Area for the*

proposal. As a general reminder, the Net Development Area shall refer to the total area of land available for development and shall not include Open Space, drainage lands, regional roads and land used for other public facilities (§115-221(B)(3)).

Pennoni Response (October 24, 2022): This has been added to the site data table, refer to Note # 16.

14. *Please include on the plans within the Site Data Column, the estimated number of dwelling units to be included as part of this proposal in each type of housing: (ie: single-family (stick built), single-wide manufactured homes and double-wide manufactured homes (§115-221(B)(4)).*

Pennoni Response (October 24, 2022): This has been added to the site data table, refer to Note # 6. We have listed 301 dwelling units. Due to the RPC approval, the community can have different types of homes but is determined by the homebuilder.

15. *Please include within the Site Data Column, the total acreage of wetlands on the property by type and agency of jurisdiction (§115-221(B)(14)).*

Pennoni Response (October 24, 2022): This has been added to the site data table, refer to Note # 15.

16. *Please include the amount of impervious cover area proposed as a percentage (§115-221(B)(15)).*

Pennoni Response (October 24, 2022): This has been added to the site data table, refer to Note # 6. We have added a percentage to the total impervious area.

17. *Prior to approval of any Final Amenities Plan, approval letters or 'no-objection' letters from the following agencies shall be submitted to the Sussex County Planning and Zoning Department (All items in **bold** still require submittal to the Department and all items in which a check mark appear have been submitted and received by the Department):*

- a. **Sussex Conservation District (for disturbances of 5,000 square feet or more)**
- b. **Sussex County Engineering Department (in reference to any proposed Phasing changes – please note that any Phasing changes will require the submittal of an updated Phasing Plan for the development.)**

Pennoni Response (October 24, 2022): Understood.

If you have any comments or need additional information, please call us at (302) 684-8030.

Sincerely,

PENNONI ASSOCIATES INC.



Alan Decktor, PE, ENV SP
Senior Engineer

CC.

S:\Projects\CADE\CADE1101-Captains Way\SUBMISSIONS\SUBMISSIONS\P & Z\2022-10-24 Revised Subdivision Plans\2022-10-24 Response Letter.docx



professional seal

Project:
Minor Subdivision Plan
Lands of Jesse Rogers Shupe and Terri Ann Shupe
Nottingham Road (Private Road)
Tax Map Parcel 530-14-00- 6.00
Northwest Fork Hundred, Sussex County, Delaware



Vicinity Map
1" = 1320'

DelDOT Notes

Owner/Applicant:
Terri A. Shupe
14013 Sussex Hwy.
Greenwood, DE 19950
Ph. (302) 864-7170

All entrances shall conform to DelDOT's Development Coordination Manual (DCM) and shall be subject to its approval.

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 adjacent property owner's land, a sight easement should be established and recorded with all affected property owners to maintain the required sight distances.

If the Residual Lands are ever developed into a major subdivision, then access to the parcels created by this minor subdivision plan may be required to be from an internal subdivision street.

- DATA**
- The purpose of this plan is to create two lots for their children.
 - Deed Ref: Book 1905 Page 250 et seq.
 - Number of existing Lots = 1
 - Number of proposed Lots = 3
 - Gross acreage = 8.78 Acres±
 - Present and Proposed Zoning is AR-1
 - Present Use: Residential
 - Proposed Use: Residential
 - Posted speed limits DE 13 (Sussex Hwy) = 55 mph
 - On-site Water & Sewer to be utilized.
 - Tax Map Parcel 530-14-00- 6.00
 - These parcels are not located in a Transportation Improvement District (TID).

LEGEND

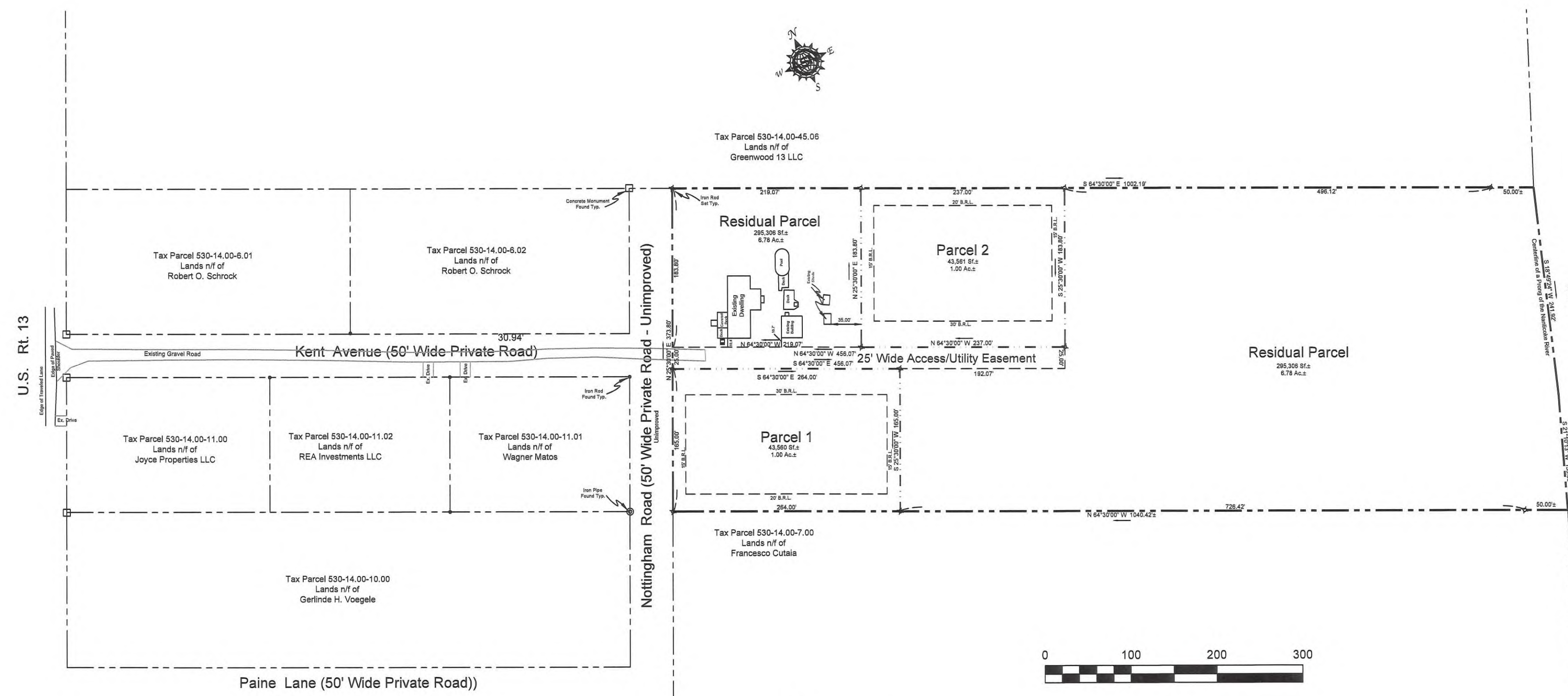
- — — — — Denotes Current Boundary Line
- - - - - Denotes New Line of Division
- ⊗ Denotes Iron Rod Set
- Denotes Concrete Monument Found
- Denotes Iron Pipe Found
- Denotes Iron Rod Found Typ.

OWNER'S CERTIFICATION

We, the undersigned, hereby certify to the ownership of the property described and shown on this plan, that the plan was made at our direction, and that we acknowledge the same to be our act and that we desire the plan to be recorded according to law.

We certify that Title 17, Section 530 is applicable to the property described and shown on this plan by virtue of the subdivided parcel or parcels will be transferred to a family member or members for purposes of use as a family member or members principal residence or farmland.

Jesse Rogers Shupe 8/19/2022
Date
Terri Ann Shupe 8/19/2022
Date



Overview



SURVEYOR'S CERTIFICATION

I, Vernon M. Welch, Registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

Vernon M. Welch 8/19/2022
Date
Vernon M. Welch

Project:

Revisions

Surveyed By: B. Pepper
Prepared By: H. Johnson
Checked By: M. Jones/V. Welch
Job #: 220509

Date: July 2022

Scale: As Shown



U.S. Rt. 13

Edge of Traveled Lane
Edge of Paved Shoulder

Ex. Drive



Tax Parcel 530-14.00-6.01
Lands n/f of
Robert O. Schrock

Tax Parcel 530-14.00-6.02
Lands n/f of
Robert O. Schrock

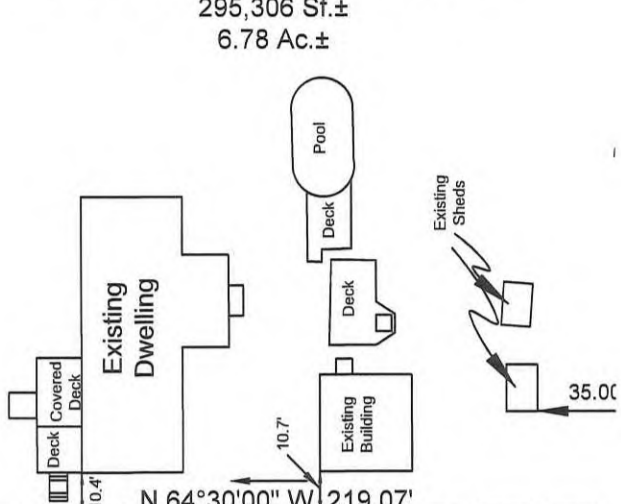
Tax Parcel 530-14.00-11.00
Lands n/f of
Joyce Properties LLC

Tax Parcel 530-14.00-11.02
Lands n/f of
REA Investments LLC

Tax Parcel 530-14.00-11.01
Lands n/f of
Wagner Matos

Tax Parcel 530-14.00-45.06
Lands n/f of
Greenwood 13 LLC

Residual Parcel
295,306 Sf.±
6.78 Ac.±

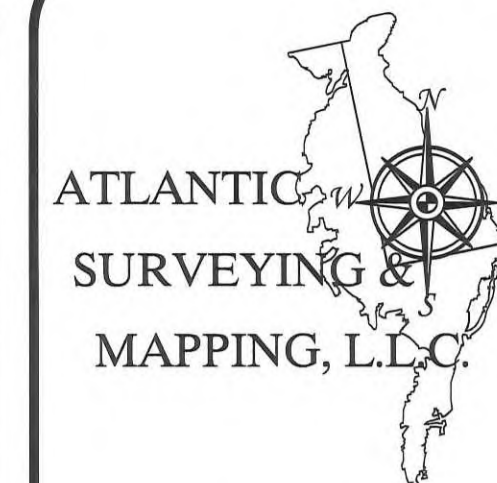
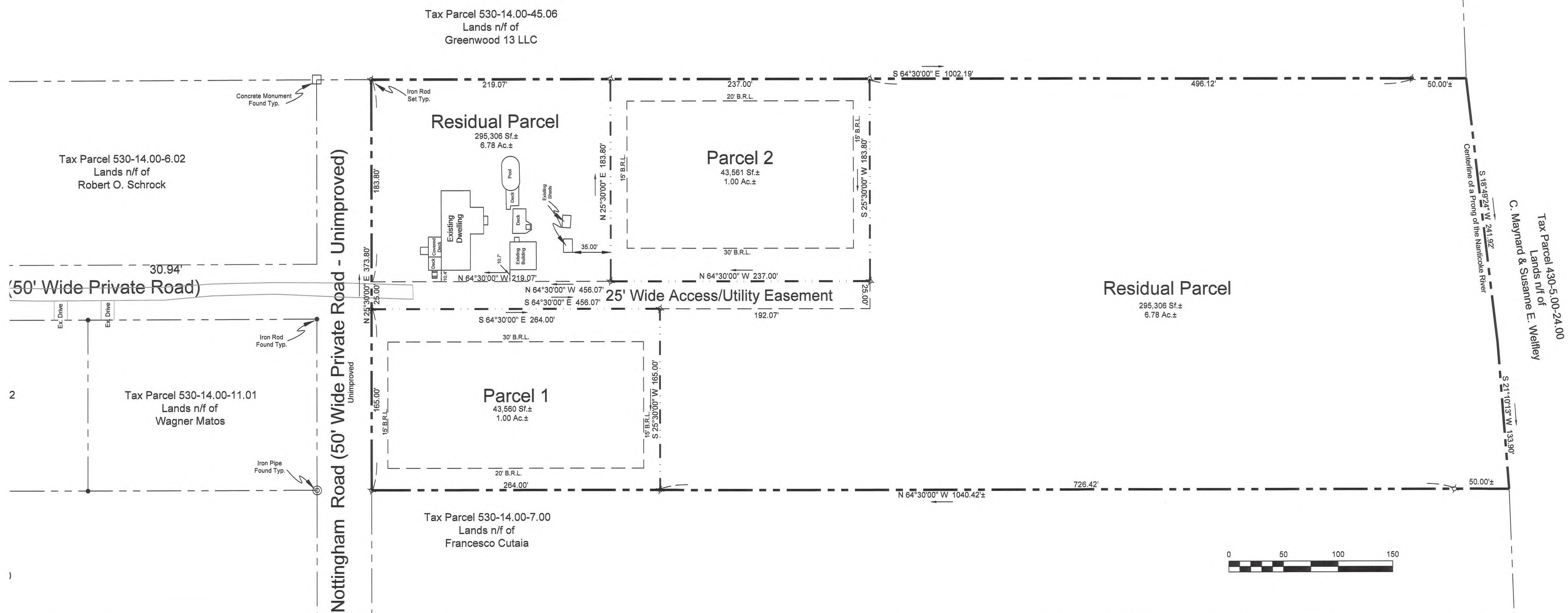


Parcel 1
43,560 Sf.±
1.00 Ac.±

Tax Parcel 530-14.00-7.00
Lands n/f of
Francesco Cutaia

Kent Avenue (50' Wide Private Road)

gham Road (50' Wide Private Road - Unimproved)



P.O. BOX 247
HARBESON, DE 19951
PH. 302-684-2924



professional seal

Minor Subdivision Plan
Lands of Jesse Rogers Shupe and Terri Ann Shupe
Nottingham Road (Private Road)
Tax Map Parcel 530-14.00- 6.00
Northwest Fork Hundred, Sussex County, Delaware

Project:

Revisions

Surveyed By: B. Pepper
Prepared By: H. Johnson
Checked By: M. Jones/V. Walsh
Job #: 220509

Date: July 2022

Scale: As Shown



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

NICOLE MAJESKI
SECRETARY

August 25, 2022

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

SUBJECT: Minor Subdivision - Letter of No Objection to Recordation
Minor Subdivision Plan of Jessi Rogers Shupe and Terri Ann Shupe
Tax Parcel # 530-14.00-6.00
SCR00004-SUSSEX HIGHWAY
Northwest Fork Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated July 2022 (signed and sealed on August 19, 2022), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

Entrances(s) must be installed prior to the sale of the lot(s). All entrances shall conform to DelDOT's [Development Coordination Manual](#) and shall be subject to its approval. **This letter does not authorize the commencement of entrance construction.**

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized.

Minor Subdivision Plan of Jessi Rogers Shupe and Terri Ann Shupe

Mr. Jamie Whitehouse

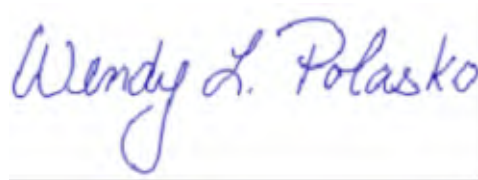
Page 2

August 25, 2022

There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DeIDOT has established that these enumerated transportation improvements are acceptable.

The owner shall be responsible to submit a copy of the **recorded Minor Subdivision Plan** showing all appropriate signatures, seals, plot book and page number to the South District Public Works office (302) 853-1341 in order to obtain the entrance permit(s) for the proposed minor subdivision.

Sincerely,

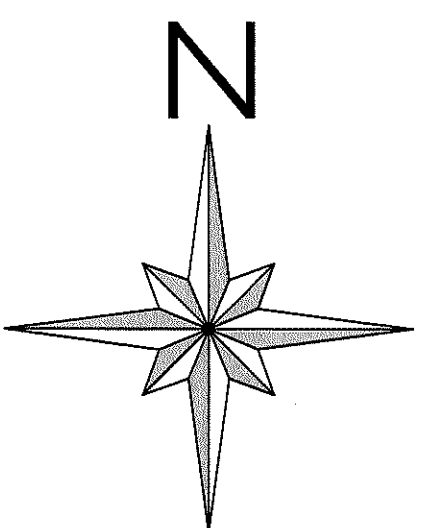


Wendy L. Polasko, P.E.
Subdivision Engineer
Development Coordination

cc: Vernon Walch, Atlantic Surveying & Mapping, LLC
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
James Argo, South District Project Reviewer
James Smith, South District Entrance Permit Supervisor
Shannon Anderson, South District Public Work Admin Specialist
Kevin Hickman, Sussex County Review Coordinator
Derek Sapp, Subdivision Manager, Development Coordination

AMENITY SITE PLAN FOR CARDINAL GROVE

INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE



LEGEND

EXISTING	PROPOSED
PROPERTY LINE	N/A
EASEMENT/BUFFER LINE	N/A
R.O.W. LINE	N/A
SPOT ELEV. LABEL	+ 19.25
MAJOR CONTOUR	-30-
MINOR CONTOUR	-27-
ROAD CENTERLINE	N/A
EDGE OF CONCRETE	
EDGE OF PAVEMENT	
PAVEMENT HATCH	N/A
BUILDING	N/A
CURB AND GUTTER	N/A
SIDWALK	N/A
SIDWALK HATCH	
EDGE OF POND	N/A
STORM MANHOLE	
CURB INLET	
STORM PIPE	
SANITARY MANHOLE	N/A
SANITARY PIPE	
SANITARY CLEANOUT	
WATER PIPE	
FENCE	N/A
SIGN	N/A
FIRE HYDRANT	
LIGHTING	

NOTES:

- THE FENCE AROUND THE POOL SHALL BE A MINIMUM OF HEIGHT OF FOUR (4) FEET AND CONSTRUCTED OF APPROVED MATERIALS.
- LIGHTING FOR THE RECREATIONAL FACILITIES AND PARKING SHALL BE COORDINATED BETWEEN DE COOP AND THE DEVELOPER.
- THE SITE AMENITIES SHALL BE FOR RESIDENTS/MEMBERS OF THE HOMEOWNERS ASSOCIATION AND AUTHORIZED GUESTS ONLY.
- FINAL/DETAILED DRAINAGE OF THE POOL DECK IS TO BE DONE BY OTHERS.
- FINAL LANDSCAPING AND AESTHETIC HARDSCAPING IMPROVEMENTS SHALL BE DONE BY OTHERS.
- ANY PROPOSED SIGNAGE SHALL REQUIRE A SEPARATE PERMIT FROM THE COUNTY.
- ALL LIGHTING IS TO BE DOWNWARD SCREENED TO MINIMIZE GLARE ON ADJACENT PROPERTIES WITHIN A RESIDENTIAL AREA.
- WATER METERS AND CLEANOUTS SHALL BE INSTALLED WITH PHASE 1 IMPROVEMENTS.

P&Z CONDITIONS OF APPROVAL:

(CONDITION K) - THE DEVELOPMENT SHALL BE SERVED BY ITS OWN ON-SITE AMENITIES INCLUDING A POOL AND A POOL HOUSE.

(CONDITION L) - ALL AMENITIES SHALL BE COMPLETED AND OPEN FOR USE PRIOR TO THE ISSUANCE OF THE 45TH RESIDENTIAL BUILDING PERMIT.

IMPERVIOUS COVER CHART FOR PARCEL 234-2.00-1.13

PARCEL AREA: 189,502± SQ.FT.
AMENITY IMPERVIOUS AREA: 8,970± SQ.FT.
WET POND AREA: 34,489± SQ.FT.

DEVELOPER'S CERTIFICATION

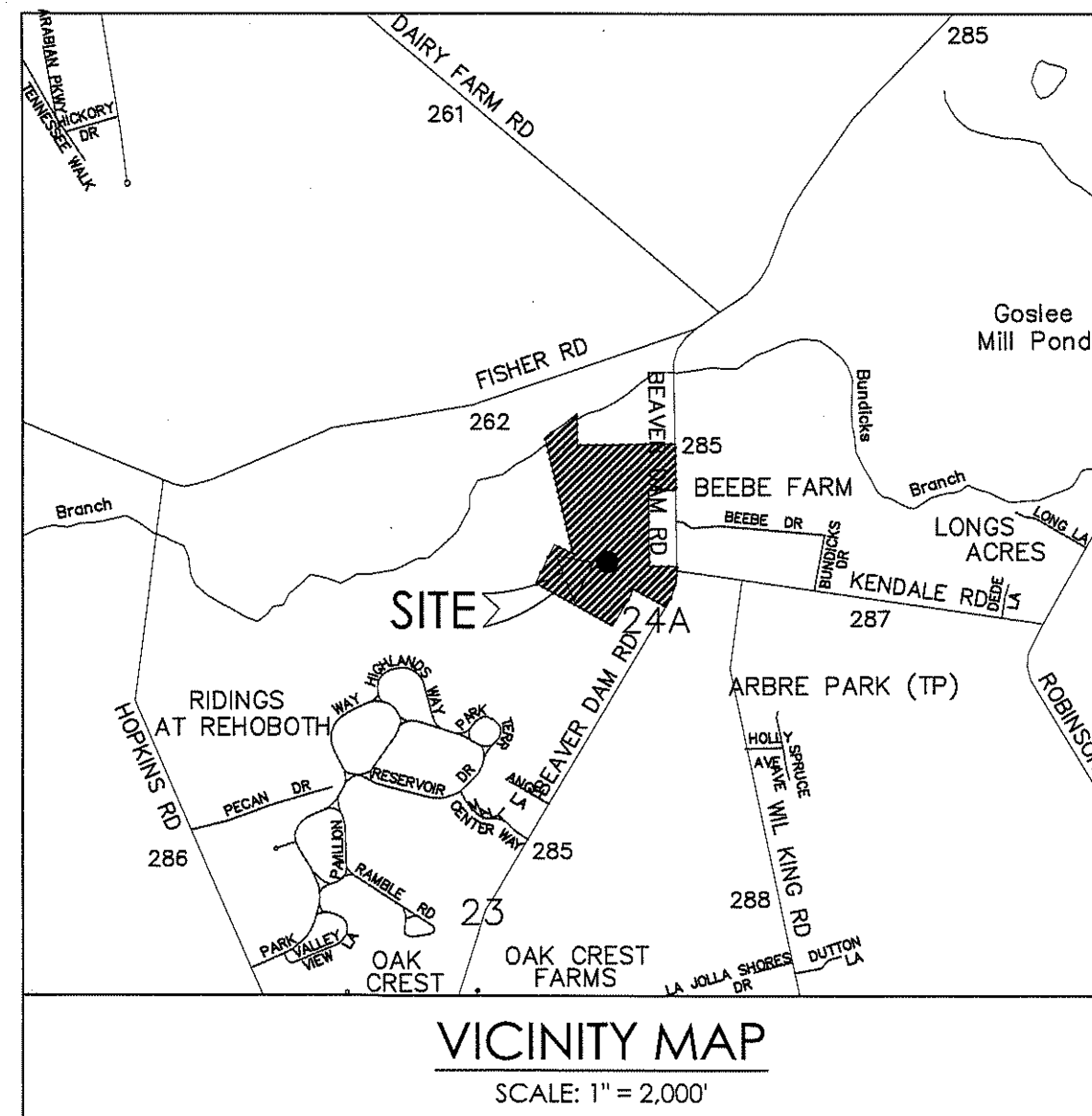
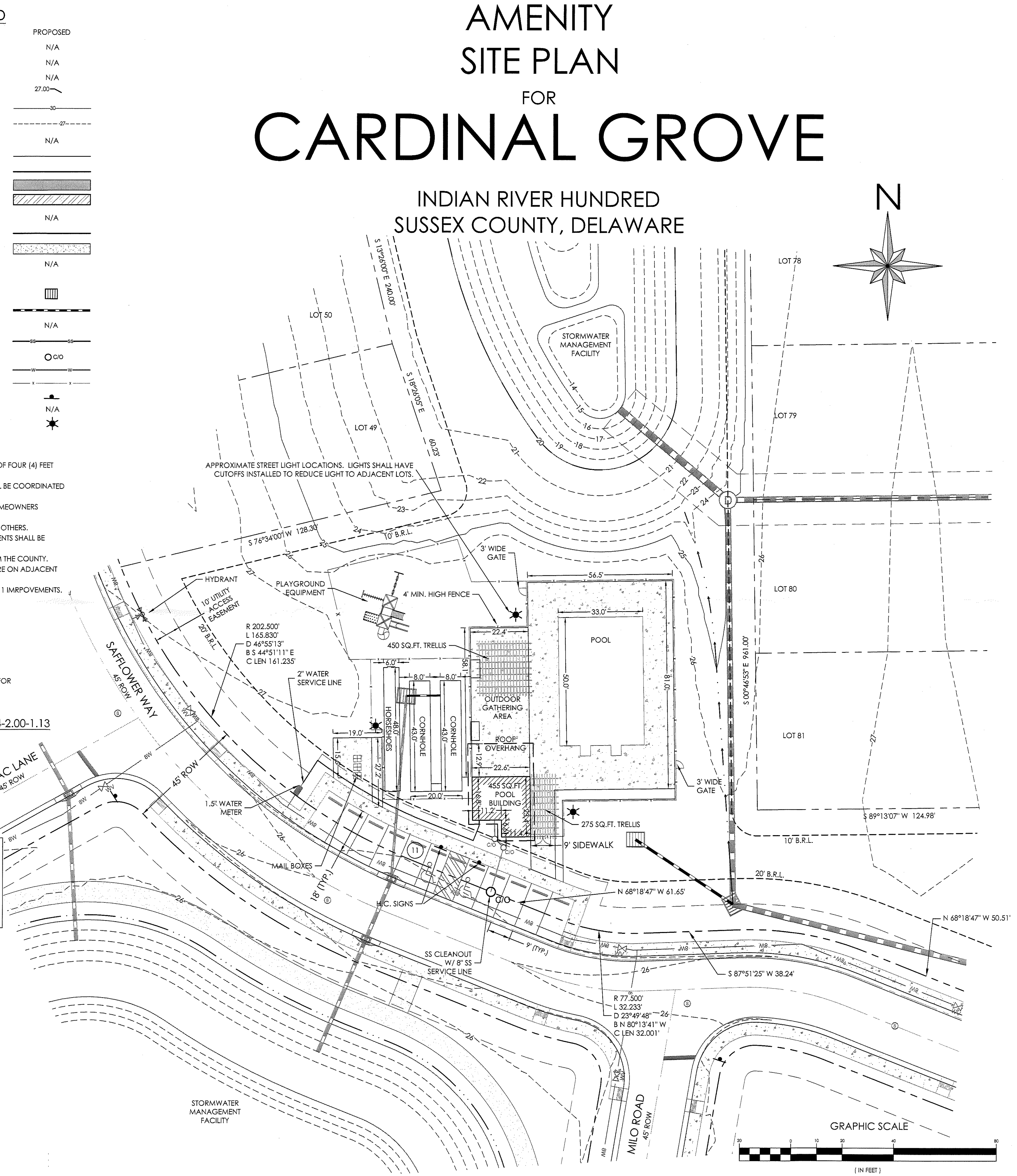
THE DEVELOPER, 18898 BEAVER DAM ROAD, LLC., HEREBY CERTIFIES THAT THESE DRAWINGS HAVE BEEN APPROVED.

TIM GREEN _____ DATE _____

WETLAND STATEMENT

I, Edward M. Launay, PWS, STATES THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, ATLANTIC GULF COAST REGIONAL SUPPLEMENT, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 320.3(a)(8)), Waters of the U.S. Definition/CECW-OR, 10-7-1991, Questions and Answers on the 1987 COE Manual/CECW-OR, 9-26-1990, RGL 90-7/CECW-OR, 3-6-1992, Clarification and Interpretation of the 1987 Manual). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

EDWARD M. LAUNAY, PWS No. 875 _____ Date _____
SOCIETY OF WETLANDS SCIENTISTS
CORPS OF ENGINEERS
CERTIFIED WETLAND DELINEATOR WDCP93MD05100368



SITE DATA:

OWNER/ DEVELOPER: 18898 BEAVER DAM ROAD, LLC
20184 PHILLIPS STREET
REHOBOTH BEACH, DE
TIM GREEN
PHONE: (302)226-1994

ENGINEER/ LAND PLANNER: SOLUTIONS IPEM, LLC
303 NORTH BEDFORD STREET
GEORGETOWN, DE 19947
PHONE: 302.297.9215
CONTACT: JIM ERIKSEN, PE

- TAX MAP 234-2.00-1.13
AREA = 4.350 ACRES
PARCEL DESIGNATED LOW-DENSITY WITHIN THE 2018 SUSSEX COUNTY COMPREHENSIVE PLAN.
- EXISTING ZONING: AR-1
- COUNTY PROJECT #2020-11
- PROPOSED USE: AMENITY BUILDING, POOL AND PARKING
BUILDING HEIGHT 15'± (SINGLE STORY)
MAXIMUM BUILDING HEIGHT: 42'
- BUILDING SETBACKS:
20' FRONT
10' SIDES & REAR
- BOUNDARY AND TOPOGRAPHY AS SHOWN HEREON ARE AS PROVIDED BY SOLUTIONS IPEM LLC
- FLOOD ZONE:
PROPERTY IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND ZONE AE 4, PER FIRM MAP NUMBER 1000SC0330J, MAP REVISED JANUARY 6, 2005
- WATER SUPPLY:
TIDEWATER UTILITIES, INC.
- SANITARY SEWER:
SUSSEX COUNTY
- PROJECT DATUM:
HORIZONTAL: DELAWARE STATE PLANE NAD 83
VERTICAL: NAVD 88
- AUTOMATIC SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.
- TYPE OF CONSTRUCTION: NFPA TYPE V (000)
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS AND AS SHOWN ON THESE PLANS.
- A LOCK BOX CONTAINING KEYS FOR FIRE DEPARTMENT ACCESS TO THE BUILDINGS ARE REQUIRED. CONTACT THE LOCAL FIRE CHIEF FOR ORDERING INFORMATION AND LOCATION OF THE BOX ON THE BUILDING.
- COUNTY PROJECT #2020-11
- WETLAND AREA: 0.00 ACRES
- NET DEVELOPMENT AREA: 189,502± SQ.FT.
- IMPERVIOUS AREA: 8,970± SQ.FT.
- PROPOSED BUILDINGS:
POOL BUILDING - 455± SQ.FT.
POOL DECK AREA - 2,633± SQ.FT.
POOL AREA - 1,680± SQ.FT.
SPORTS AREA - 973± SQ.FT.
GATHERING AREA - 1,307 SQ.FT.
- PARKING REQUIRED: N/A
PARKING PROVIDED: 11 TOTAL (2 ADA ACCESSIBLE SPACES)
PARKING CALCULATION:
11 SPOTS / 455 SQ.FT. = 1 SPOT PER 41.4 SQ.FT. BUILDING
- THE AMENITY AREA AND FACILITIES ARE FOR THE RESIDENCES OF CARDINAL GROVE AND SUBJECT TO HOA DOCUMENTS.
- PARCEL AREA: 189,502 SQ.FT. (4.35 Acres)
BUILDING AREA: 455 SQ.FT.
POOL & POOL DECK AREA: 5,856 SQ.FT.
SIDEWALK AND PARKING AREA: 558 SQ.FT.
SPORTS AREA: 990 SQ.FT.
REMAINING OPEN SPACE AREA: 181,634 SQ.FT. (4.17 Acres)

solutions
Integrated Planning
Engineering & Management, LLC

303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9215

3003 Merritt Mill Road
Salisbury, MD 21804
T. 410.572.8853

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NO.	DATE	REVISIONS	DESCRIPTION

AMENITY SITE PLAN for **CARDINAL GROVE**
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

Date: 5/21/2021
Job Number: G19076
Scale: 1"=20'
Drawn By: JPR
Designed By: JPR
Approved By: JRE

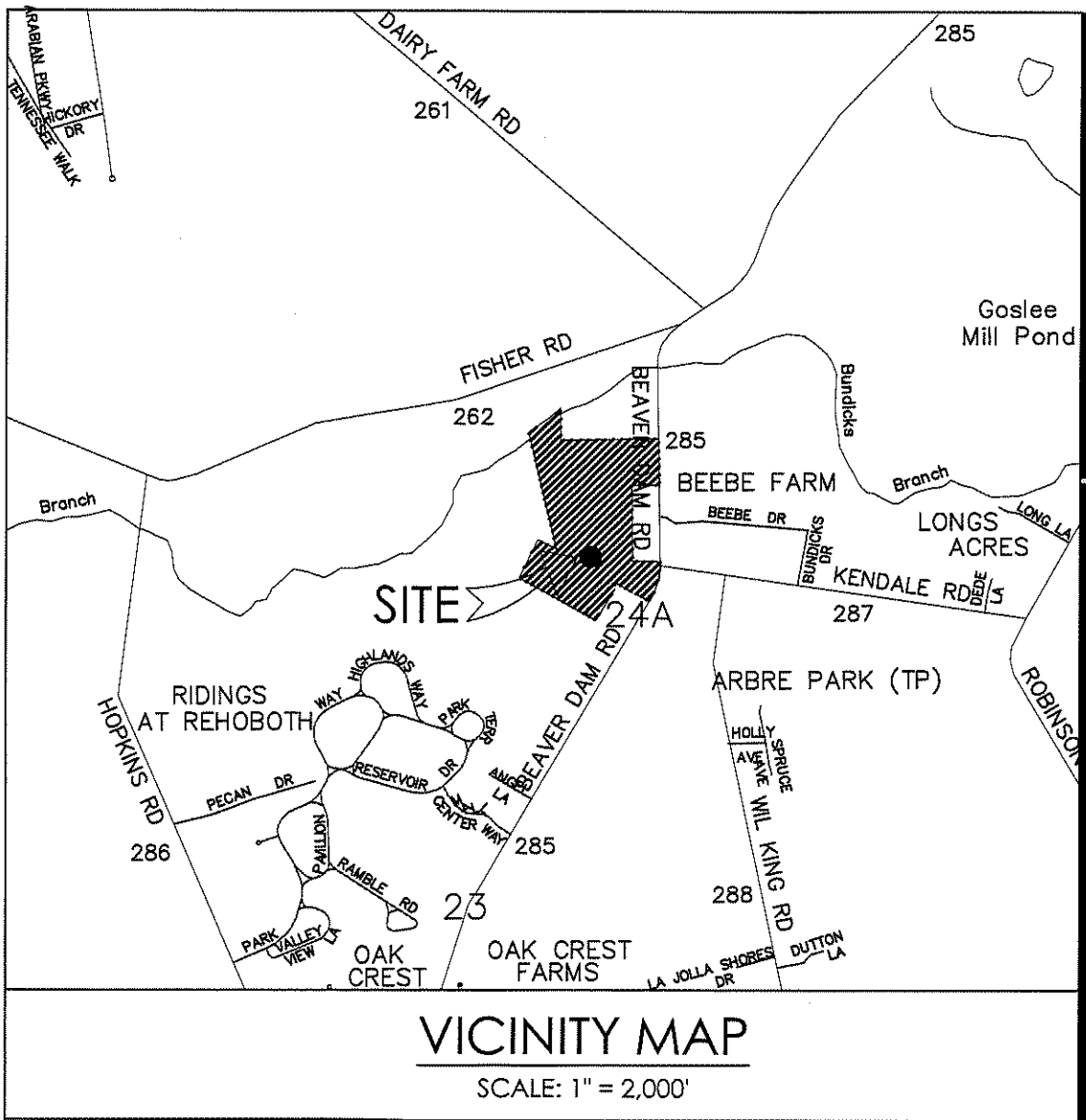
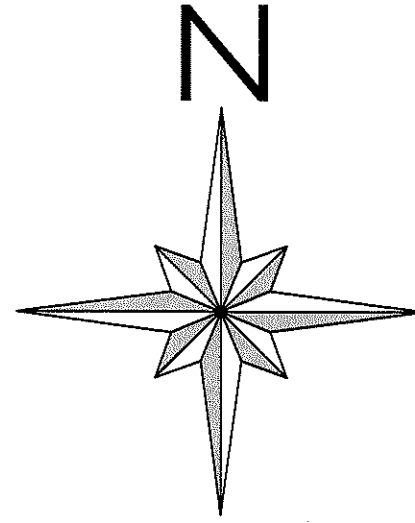
Sheet No.: 1

File Name: G19067-AmenitySitePlan

Revised Plan

AMENITY SITE PLAN FOR CARDINAL GROVE

INDIAN RIVER HUNDRED SUSSEX COUNTY, DELAWARE



solutions
Integrated Planning
Engineering & Management, LLC

303 North Bedford Street
Georgetown, DE 19947
T: 302.297.9215

3003 Merritt Mill Road
Salisbury, MD 21804
T: 410.572.8893

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TIM GREEN
PHONE: (302)226-1994

ENGINEER/ LAND PLANNER: SOLUTIONS IPEM, LLC
303 NORTH BEDFORD STREET
GEORGETOWN, DE 19947
PHONE: 302.297.9215
CONTACT: JIM ERIKSEN, PE

- TAX MAP 234-2.00-1.13
AREA = 4.350 ACRES
PARCEL DESIGNATED LOW-DENSITY WITHIN THE 2018 SUSSEX COUNTY COMPREHENSIVE PLAN.
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- PROPOSED USE: AMENITY BUILDING, POOL AND PARKING
BUILDING HEIGHT 15± (SINGLE STORY)
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- BOUNDARY AND TOPOGRAPHY AS SHOWN HEREON ARE AS PROVIDED BY SOLUTIONS IPEM LLC
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PROPERTY IS LOCATED IN ZONE X (AREAS DETERMINED TO OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND ZONE AE EL 4, PER FIRM MAP NUMBER 1000SC0330J, MAP REVISED JANUARY 6, 2005
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TIDEWATER UTILITIES, INC.
- SANITARY SEWER:
SUSSEX COUNTY
- PROJECT DATUM:
HORIZONTAL: DELAWARE STATE PLANE NAD 83
VERTICAL: NAVD 88
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- COUNTY PROJECT #2020-11
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LEGEND	
EXISTING	PROPOSED
PROPERTY LINE	N/A
EASEMENT/BUFFER LINE	N/A
R.O.W. LINE	N/A
SPOT ELEV. LABEL	27.00
MAJOR CONTOUR	-30-
MINOR CONTOUR	-27-
ROAD CENTERLINE	N/A
EDGE OF CONCRETE	
EDGE OF PAVEMENT	
PAVEMENT HATCH	
BUILDING	
CURB AND GUTTER	N/A
SIDEWALK	
SIDEWALK HATCH	
EDGE OF POND	N/A
STORM MANHOLE	
CURB INLET	
STORM PIPE	
SANITARY MANHOLE	N/A
SANITARY PIPE	
SANITARY CLEANOUT	
WATER PIPE	
FENCE	N/A
SIGN	N/A
FIRE HYDRANT	
LIGHTING	

NOTES:

- THE FENCE AROUND THE POOL SHALL BE A MINIMUM OF HEIGHT OF FOUR (4) FEET AND CONSTRUCTED OF APPROVED MATERIALS.
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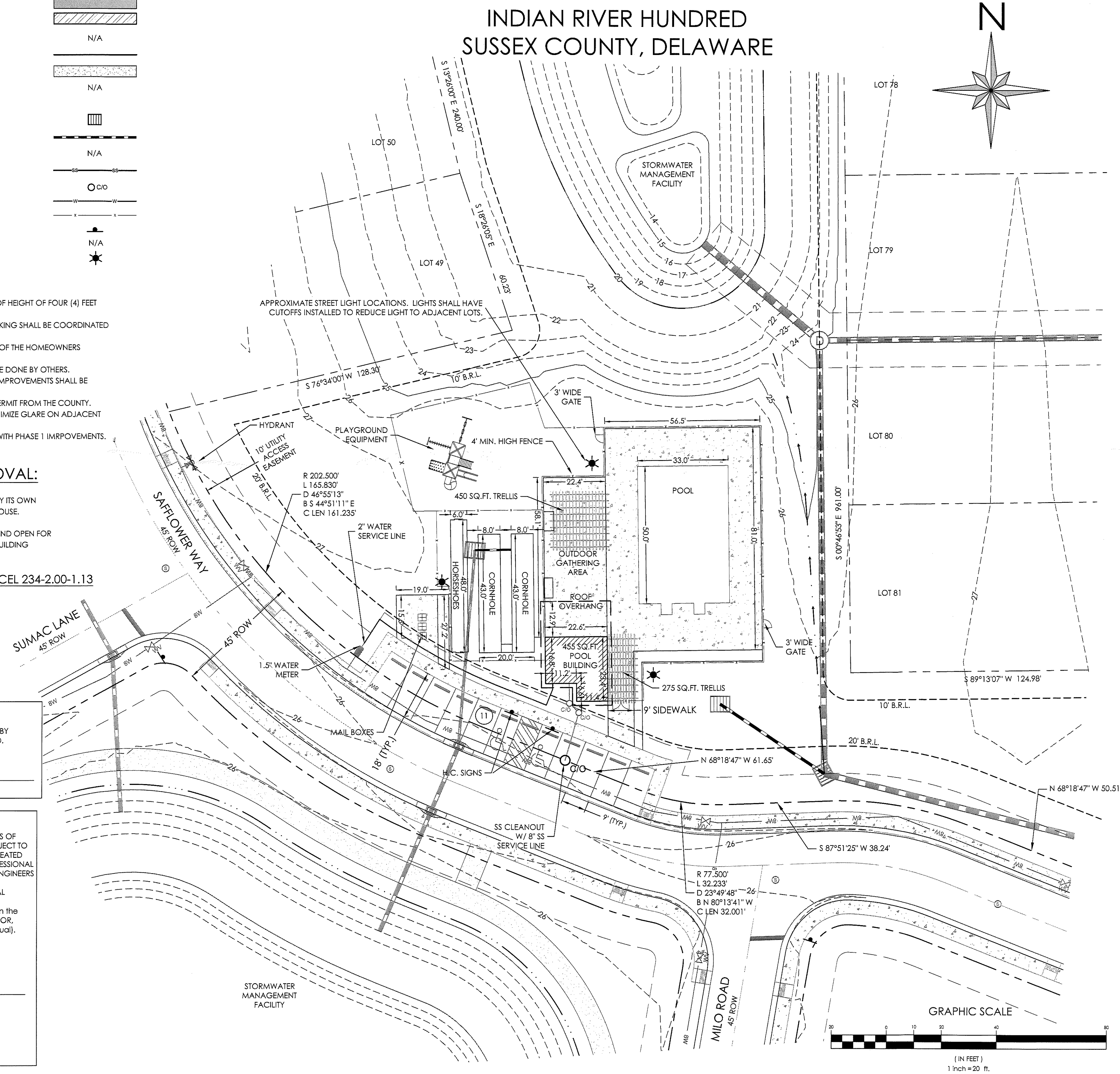
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IMPERVIOUS COVER CHART FOR PARCEL 234-2.00-1.13

PARCEL AREA: 189,502± SQ.FT.
AMENITY IMPERVIOUS AREA: 8,970± SQ.FT.
WET POND AREA: 34,489± SQ.FT.



DEVELOPER'S CERTIFICATION

THE DEVELOPER, 18898 BEAVER DAM ROAD, LLC., HEREBY CERTIFIES THAT THESE DRAWINGS HAVE BEEN APPROVED.

TIM GREEN _____ DATE _____

WETLAND STATEMENT

I, Edward M. Launay, PWS, STATES THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, ATLANTIC GULF COAST REGIONAL SUPPLEMENT, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 528.3(a)(8), Waters of the U.S., Definition/CECW-OR, 10-7-1991, Questions and Answers on the 1987 COE Manual/CECW-OR, 9-26-1990, RGL 90-7/CECW-OR, 3-6-1992, Clarification and Interpretation of the 1987 Manual). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

EDWARD M. LAUNAY, PWS No. 875 Date _____
SOCIETY OF WETLANDS SCIENTISTS
CORPS OF ENGINEERS
CERTIFIED WETLAND DELINEATOR WDCP93MD05100368

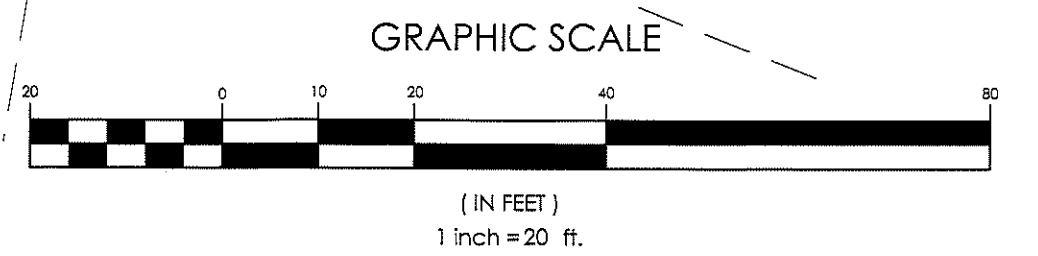
NO.	DATE	REVISIONS	DESCRIPTION

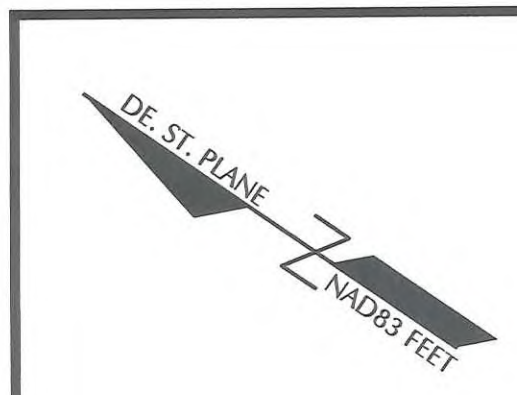
AMENITY SITE PLAN
for
CARDINAL GROVE
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	5/21/2021
Job Number:	G19076
Scale:	1"=20'
Drawn By:	JPR
Designed By:	JPR
Approved By:	JRE

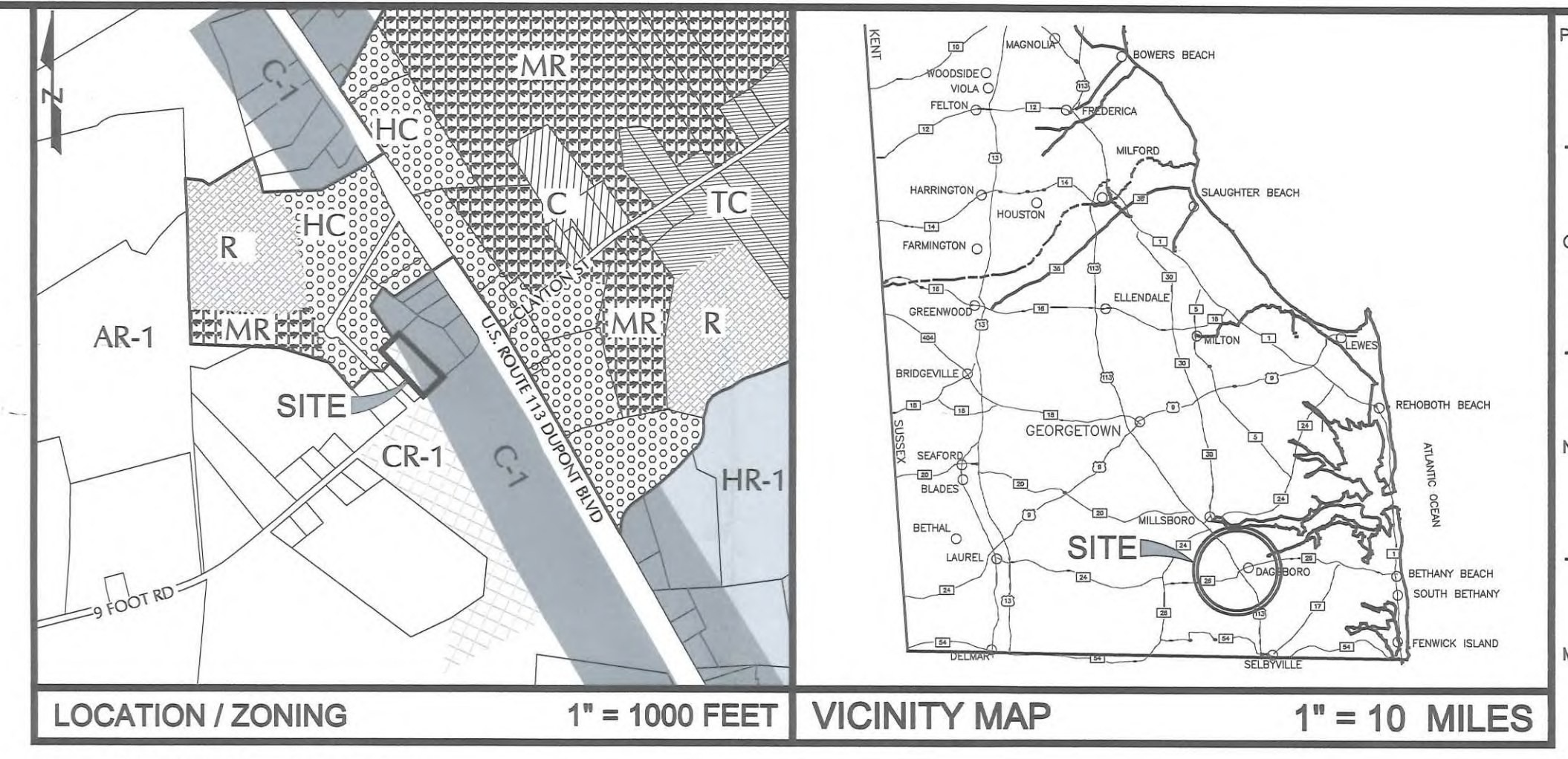
Sheet No.: **1**

File Name: G19067-AmenitySitePlan





EXISTING	LEGEND	PROPOSED
---	PROPERTY LINE	---
---	RIGHT OF WAY	---
---	EASEMENT	---
---	YARD SETBACKS	---
---	TREELINE	---
---	CONTOURS	---
---	DITCH / SWALE	---
---	OVER-HEAD UTILITY	---
---	GAS LINE	---
---	WATER LINE	---
---	ELECTRIC LINE	---
---	SEWER LINE	---
---	FENCE LINE	---
---	STORM PIPE	---
[Symbol]	BUILDING	[Symbol]
[Symbol]	PAVING	[Symbol]
[Symbol]	CONCRETE	[Symbol]
[Symbol]	SEWER MANHOLE	[Symbol]
[Symbol]	CLEANOUT	[Symbol]



DRAWING INDEX:

DWG NO.	TITLE
SP1.1	PRELIMINARY SITE PLAN
EX1.1	EXISTING CONDITIONS/DEMOLITION PLAN
GP1.1	GRADING PLAN
CD1.1	CONSTRUCTION DETAILS

NOTE: THIS PLAN SUPERSEDES THE PREVIOUSLY RECORDED SITE PLAN FOUND IN PLOT BOOK 148 PAGE 36.

SITE DATA

OWNER:
 144 DIXON ROAD, LLC
 DALE SHIELDS
 3408 VICEROY CT
 EDGEWATER, MARYLAND 21037
 PHONE: 443-623-5464
 DALESHIELDS@ICLOUD.COM

DEVELOPER:
 SHIELDS PROPERTIES, LLC
 DALE SHIELDS
 130 ADMIRAL COCHRANE DR.
 ANNAPOLIS, MARYLAND 21401
 PHONE: 443-623-5464
 DALESHIELDS@ICLOUD.COM

CONSULTANT:
 BEACON ENGINEERING, LLC
 ROBERT J. PALMER, P.E.
 23318 CEDAR LANE
 GEORGETOWN, DELAWARE 19947
 PHONE: 302-864-8825
 RPALMER@BEACONENGINEERINGLLC.COM

PROPERTY AND ZONING DATA:
 TAX MAP ID: 233-10.00-55.00
 TOTAL SITE AREA: 1.95 AC.
 TOTAL PROPOSED SITE AREA: 1.95 AC.
 TOTAL LOD AREA: 0.966 AC.
 PAVING AND PARKING: 0.649 AC.
 OPEN SPACE AND LANDSCAPING: 0.891 AC.
 LATITUDE AND LONGITUDE: LAT : 38.54191117' LON: - 75.25978830'
 28163 NINE FOOT RD
 DAGSBORO, DELAWARE 19939
 DAGSBORO/FRANKFORD SSD
 PRIVATE
 THIS SITE CONTAINS NO WETLANDS WITHIN THE LOD.
 THIS SITE IS LOCATED WITHIN A "FAIR" GROUNDWATER RECHARGE AREA.
 THIS SITE IS NOT WITHIN A WELLDHEAD PROTECTION AREA.
 THIS PROJECT WILL BE CONSTRUCTED IN 1 PHASE.
 THIS SITE IS NOT WITHIN THE 100YR FLOOD PLAIN PER FEMA MAP NUMBERED 10005C0458K DATED MARCH 16, 2015.

AREA AND BULK REQUIREMENTS:

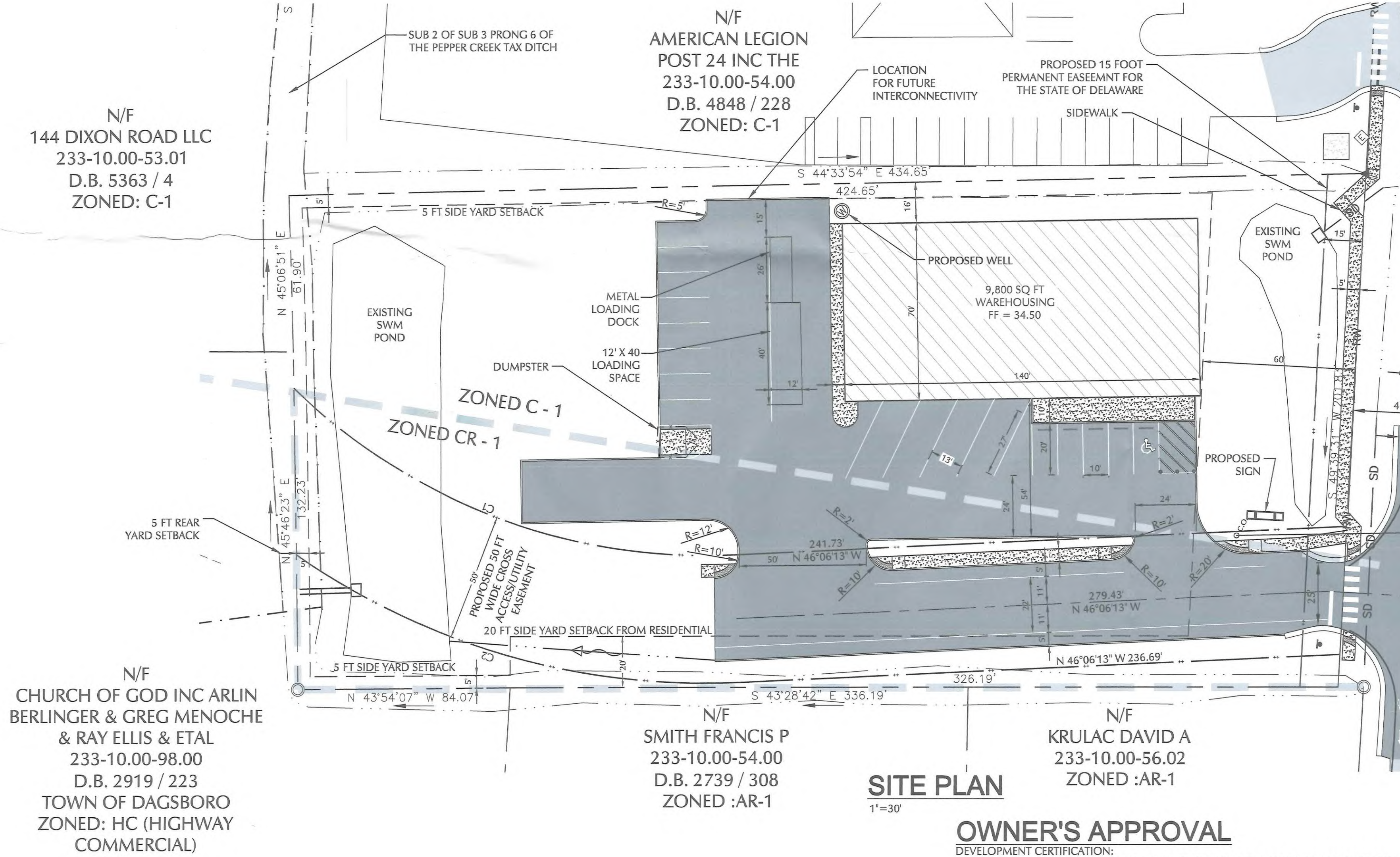
	C-1(58.5%)	CR-1(41.5%)
FRONT YARD:	60'	60'
SIDE YARD:	5'	5' (20' FROM RESIDENTIAL)
REAR YARD:	5'	5'
HEIGHT MAX.:	42'	42'

PROPOSED BUILDING HEIGHT: 34'
SITE ACCESS: PRIVATE
VERTICAL DATUM: NAVD88
HORIZONTAL DATUM: NAD83 (DELAWARE STATE PLANE)
DEED REFERENCE: DB: 5296 PAGE: 73, PB: 148 PAGE 36
PROXIMITY TO TRANSPORTATION IMPROVEMENT DISTRICT: 10 MILES FROM HENLOPEN TID
STATE STRATEGIES INVESTMENT LEVEL: 2
POSTED SPEED LIMIT: 40 MPH NINE FOOT ROAD.
NEAREST TOWN: TOWN OF DAGSBORO
SURVEYOR: BEACON ENGINEERING, LLC
DATE OF SURVEY: SEPTEMBER 21, 2020

LAND USE:
 EXISTING TOTAL NUMBER OF LOTS: 1
 PROPOSED TOTAL NUMBER OF LOTS: 1
 CURRENT USE: VACANT
 PROPOSED USE: WAREHOUSING
 ZONING: C-1 and CR-1

PARKING REQUIREMENTS:	UNIT REQUIREMENT	PARKING REQUIRED	PARKING PROVIDED
WHOLESALE OR MANUFACTURING	1 FOR EVERY 2 EMPLOYEES ON THE MAJOR SHIFT	10	13

LOADING SPACES REQUIRED: 1



N/F
 144 DIXON ROAD LLC
 233-10.00-53.01
 D.B. 5363 / 4
 ZONED: C-1

N/F
 AMERICAN LEGION
 POST 24 INC THE
 233-10.00-54.00
 D.B. 4848 / 228
 ZONED: C-1

N/F
 CHURCH OF GOD INC ARLIN
 BERLINGER & GREG MENOCHÉ
 & RAY ELLIS & ETAL
 233-10.00-98.00
 D.B. 2919 / 223
 TOWN OF DAGSBORO
 ZONED: HC (HIGHWAY
 COMMERCIAL)

N/F
 SMITH FRANCIS P
 233-10.00-54.00
 D.B. 2739 / 308
 ZONED :AR-1

N/F
 KRULAC DAVID A
 233-10.00-56.02
 ZONED :AR-1

SITE PLAN
 1"=30'

OWNER'S APPROVAL

DEVELOPMENT CERTIFICATION:
 IT IS HEREBY CERTIFIED THAT I AM THE OWNER /DEVELOPER OF THE PROPERTY DESCRIBED AS PARCEL #233-10.00-55.00 AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION, AND I ACKNOWLEDGE THE SAME TO BE MY ACT. IT IS MY DESIRE TO HAVE THE PLAN CONSTRUCTED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.
 RESPONSIBLE PERSONNEL CERTIFICATION:
 I, THE UNDERSIGNED, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHOULD BE DONE PURSUANT TO THE APPROVED PLAN AND THAT RESPONSIBLE PERSONNEL (I.E., BLUE CARD HOLDER) INVOLVED IN THE LAND DISTURBANCE WILL HAVE A CERTIFICATION OF TRAINING PRIOR TO INITIATION OF THE PROJECT, AT A DNREC SPONSORED OR APPROVED TRAINING COURSE FOR THE CONTROL OF EROSION AND SEDIMENT DURING CONSTRUCTION. IN ADDITION, I GRANT THE DNREC SEDIMENT AND STORMWATER PROGRAM AND/OR THE RELEVANT DELEGATED AGENCY THE RIGHT TO CONDUCT ON-SITE REVIEWS, AND I UNDERSTAND MY RESPONSIBILITIES UNDER THE NPDES CONSTRUCTION GENERAL PERMIT, AS REFERENCED IN THESE PLANS.

OWNER: 144 DIXON ROAD, LLC.
 DALE SHIELDS
 3408 VICEROY CT
 EDGEWATER, MARYLAND 21037

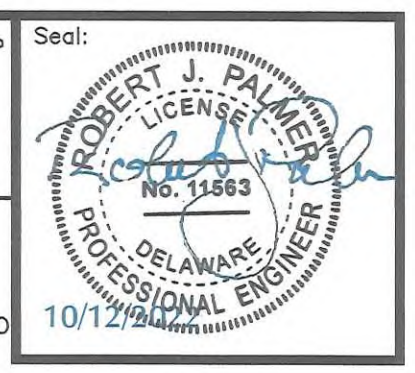
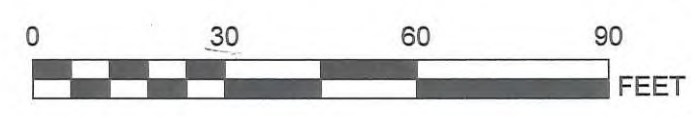
DATE

ENGINEER'S CERTIFICATION

I, ROBERT J. PALMER, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THIS PLAN WAS EITHER PREPARED BY ME OR UNDER MY DIRECTION. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAN COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES. MY LICENSE NUMBER IS 11563, AND EXPIRES ON JUNE 30, 2024.

Robert J. Palmer
 ENGINEER: ROBERT J. PALMER, P.E.
 BEACON ENGINEERING, LLC
 23318 CEDAR LANE
 GEORGETOWN, DELAWARE 19947

DATE
 10/12/2022



Date:	7/18/2022
By:	BAS
Revision:	PS&Z COMMENTS

NINE FOOT ROAD - WAREHOUSING
 144 DIXON ROAD, LLC.
 VINES PEPPER CREEK WATERSHED, DAGSBORO HUNDRED,
 SUSSEX COUNTY, DELAWARE
 TAX MAP # 233-10.00-55
PRELIMINARY SITE PLAN

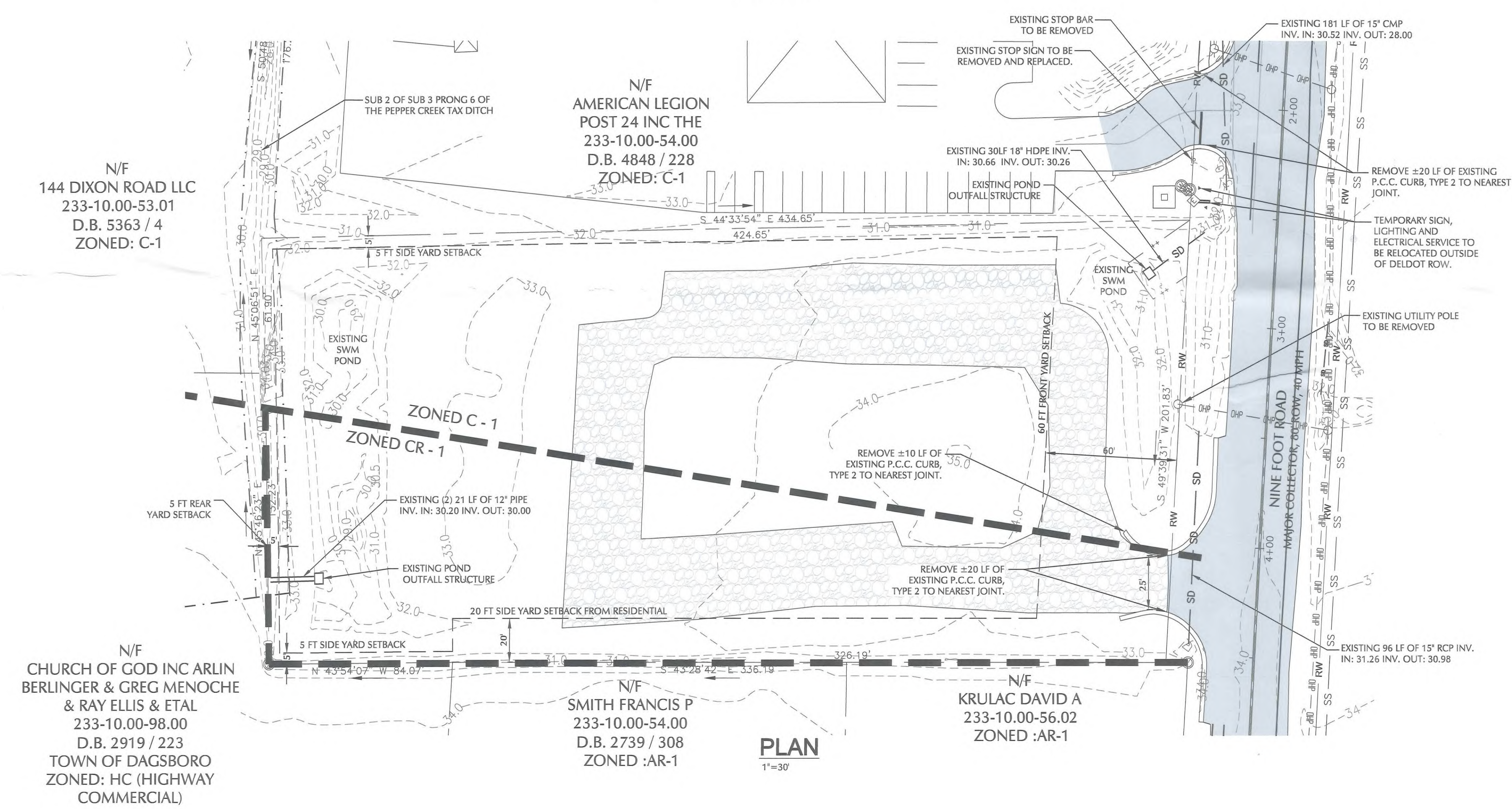
Date: JULY 6, 2022
 Scale: 1" = 30'
 Dwn.By: BAS
 Proj.No.: SH101-03

Dwg. No.:
SP1.1

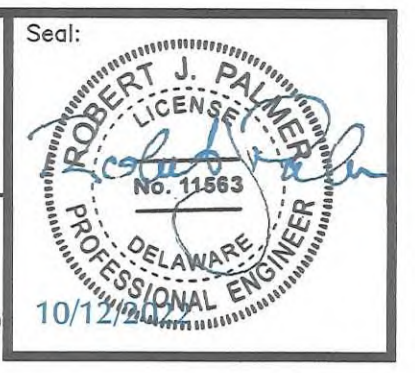
Revised Plan

THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED HEREIN ARE COPYRIGHTED TO BEACON ENGINEERING, LLC, AND SHALL NOT BE MODIFIED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2022

EXISTING		LEGEND	
---	PROPERTY LINE	---	PROPERTY LINE
---	RIGHT OF WAY	---	RIGHT OF WAY
---	EASEMENT	---	EASEMENT
---	YARD SETBACKS	---	YARD SETBACKS
---	TREELINE	---	TREELINE
---	CONTOURS	---	CONTOURS
---	DITCH / SWALE	---	DITCH / SWALE
---	OVERHEAD UTILITY	---	OVERHEAD UTILITY
---	GAS LINE	---	GAS LINE
---	WATER LINE	---	WATER LINE
---	ELECTRIC LINE	---	ELECTRIC LINE
---	SEWER LINE	---	SEWER LINE
---	FENCE LINE	---	FENCE LINE
---	STORM PIPE	---	STORM PIPE
---	BUILDING	---	BUILDING
---	PAVING	---	PAVING
---	CONCRETE	---	CONCRETE
---	SEWER MANHOLE	---	SEWER MANHOLE



PLAN
1" = 30'



BEACON ENGINEERING LLC
 23318 Cedar Lane | Georgetown | Delaware | 19947
 302.864.8825 | info@beaconengineeringllc.com

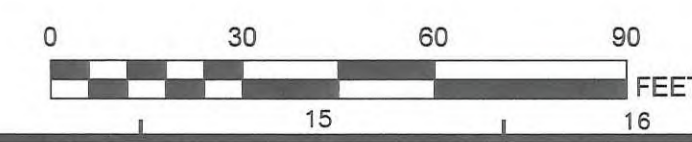
Date:	
By:	
Revision:	

NINE FOOT ROAD - WAREHOUSING
 144 DIXON ROAD, LLC.
 VINES PEPPER CREEK WATERSHED, DAGSBORO HUNDRED,
 SUSSEX COUNTY, DELAWARE
 TAX MAP # 233-10.00-55
EXISTING CONDITIONS / DEMOLITION PLAN

Date:	OCT. 7, 2022
Scale:	1" = 30'
Dwn. By:	BAS
Proj. No.:	SH101-03

Dwg. No.: DELDOT SHEET 6

EX1.1



THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED HEREIN ARE COPYRIGHTED TO BEACON ENGINEERING LLC, AND SHALL NOT BE MODIFIED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2022

EXISTING	LEGEND	PROPOSED
---	PROPERTY LINE	---
---	RIGHT OF WAY	---
---	EASEMENT	---
---	YARD SETBACKS	---
---	TREELINE	---
---	CONTOURS	---
---	DITCH / SWALE	---
---	OVERHEAD UTILITY	---
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---	WATER LINE	---
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---	SEWER LINE	---
---	FENCE LINE	---
---	STORM PIPE	---
---	BUILDING	---
---	PAVING	---
---	CONCRETE	---
---	SEWER MANHOLE	---
---	CLEANOUT	---

Seal: ROBERT J. PALMER
 DELAWARE PROFESSIONAL ENGINEER
 No. 51863
 10/17/2022

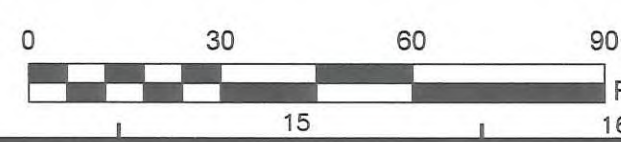
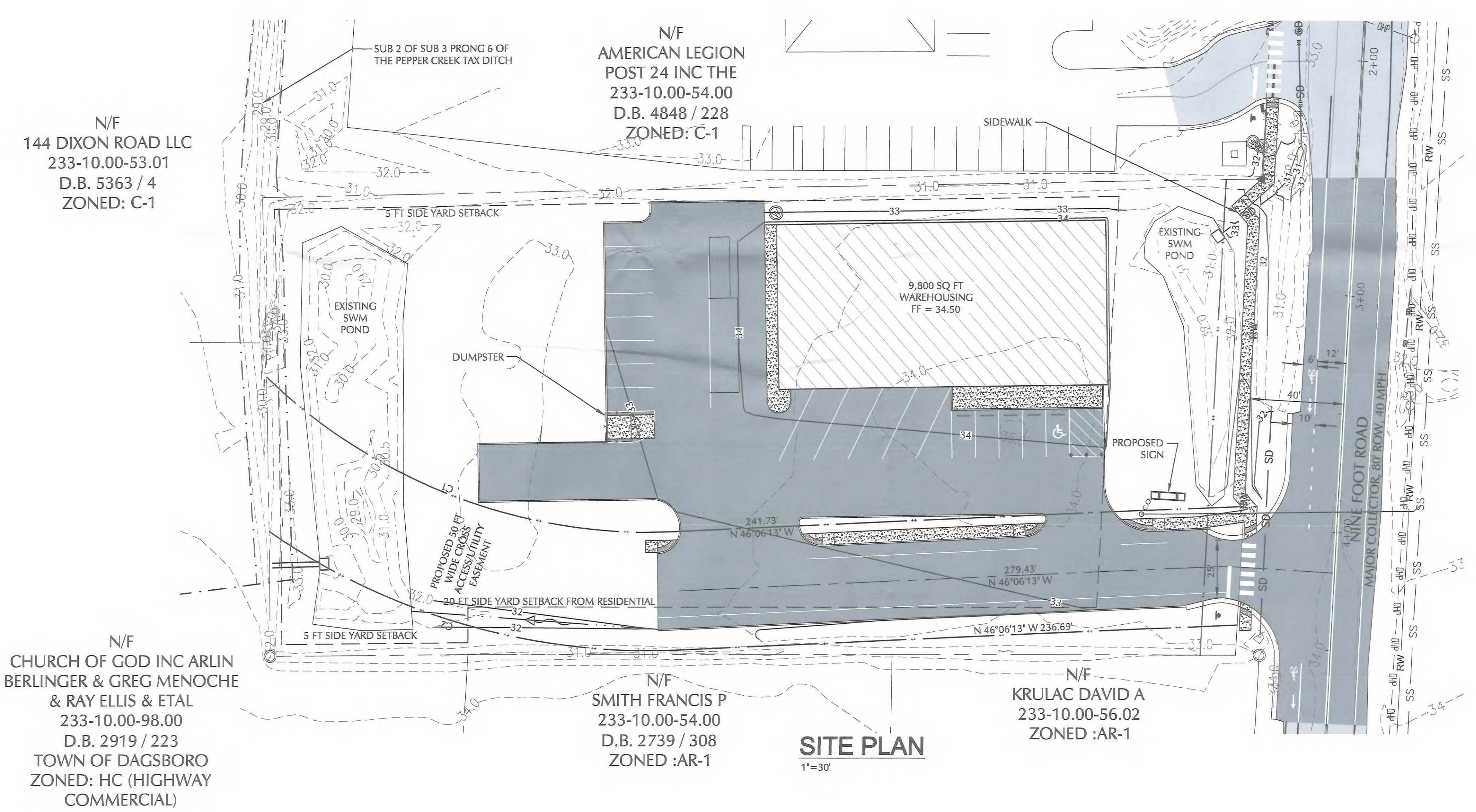
BEACON
 ENGINEERING LLC
 23318 Cedar Lane | Georgetown | Delaware | 19947
 302.864.8825 | info@beaconengineeringllc.com

Revision:	By:	Date:

NINE FOOT ROAD - WAREHOUSING
 144 DIXON ROAD, LLC.
 VINES, PEPPER CREEK WATERSHED, DAGSBORO HUNDRED,
 SUSSEX COUNTY, DELAWARE
 TAX MAP # 233-10.00-55
 SCR. 26 - NINE FOOT ROAD.
GRADING PLAN

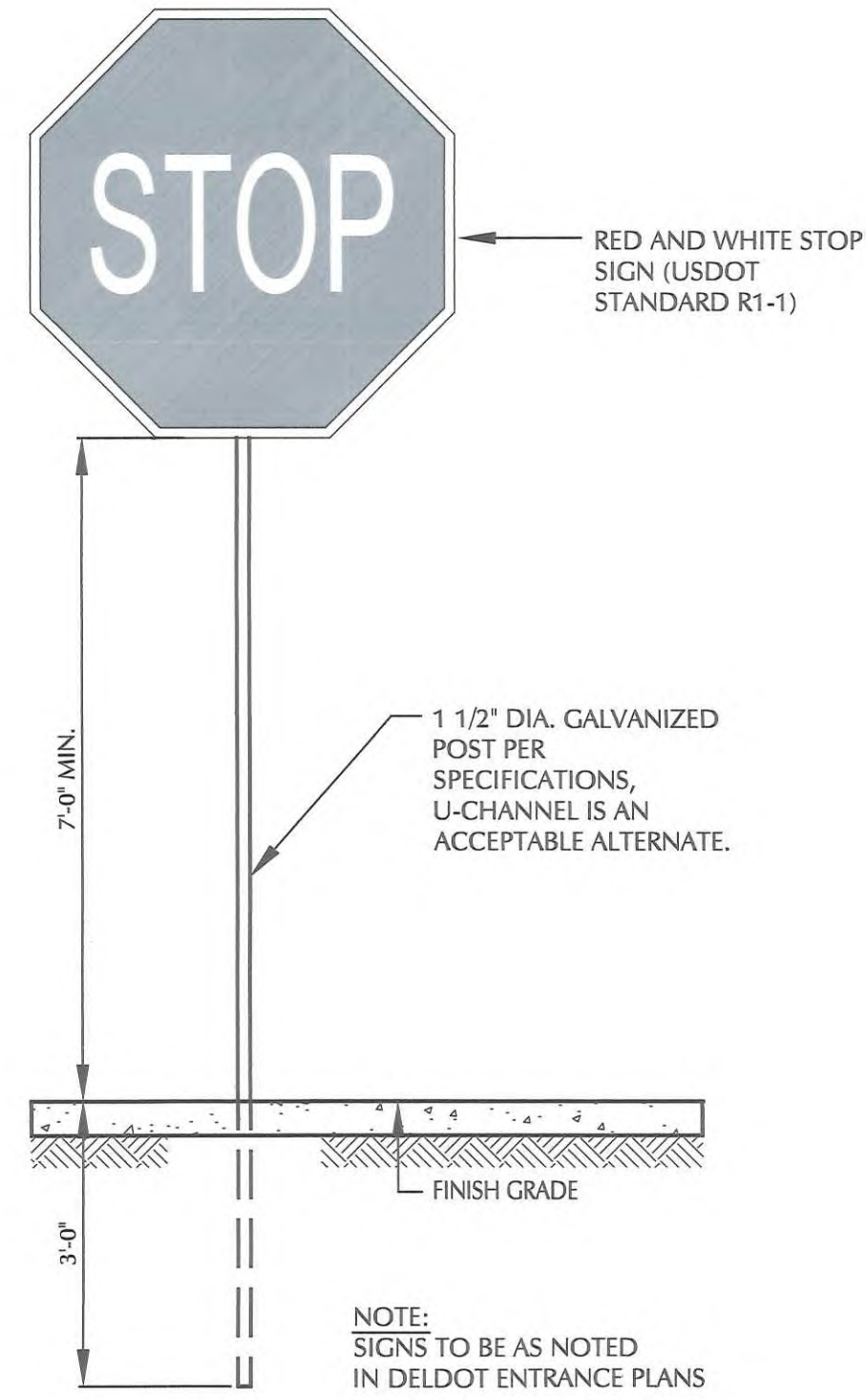
Date: OCT. 7, 2022
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 Dwn. By: BAS
 Proj. No.: SHI01-03

Dwg. No.: DELDOT SHEET 6
GP1.1

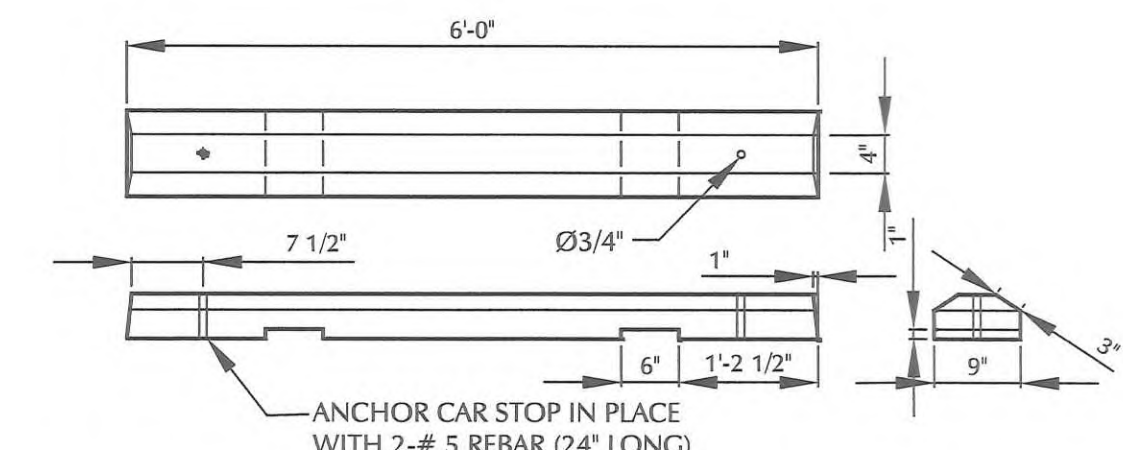




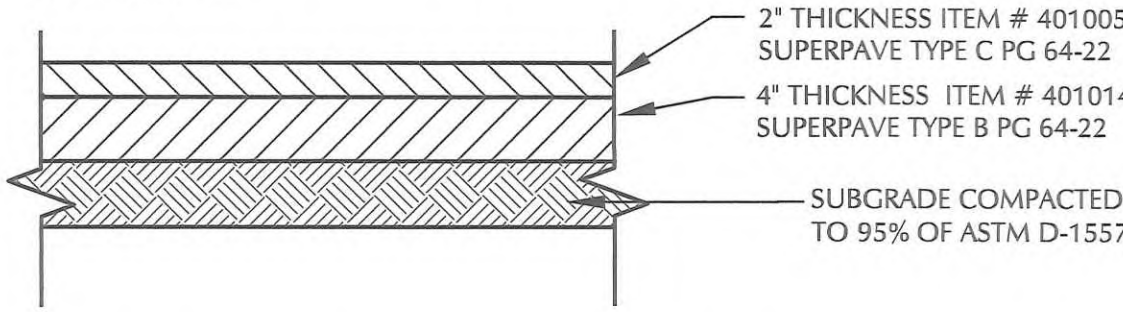
NOT TO SCALE
SIGN DETAIL



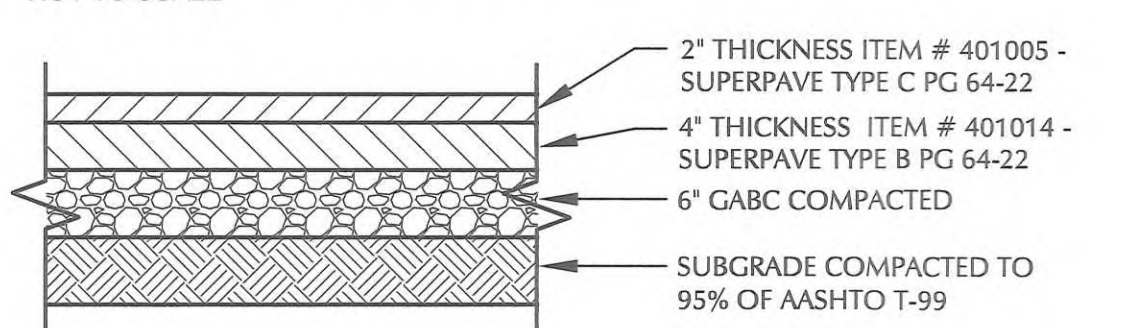
NOT TO SCALE
STREET SIGN DETAIL



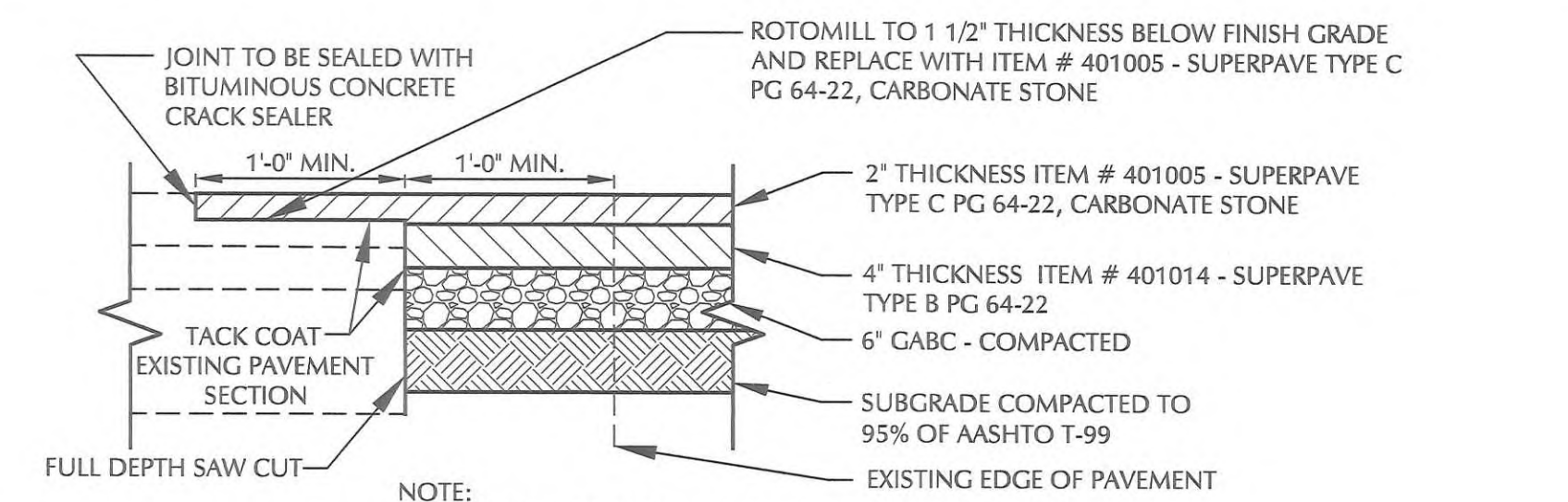
CONCRETE WHEEL STOP DETAIL
NOT TO SCALE



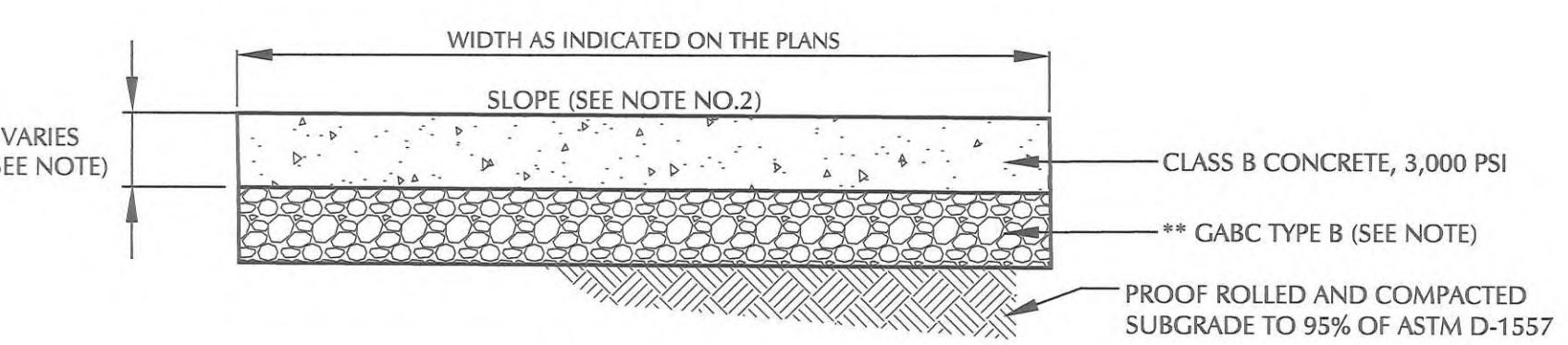
LIGHT DUTY PAVEMENT SECTION (PARKING AREAS)
NOT TO SCALE



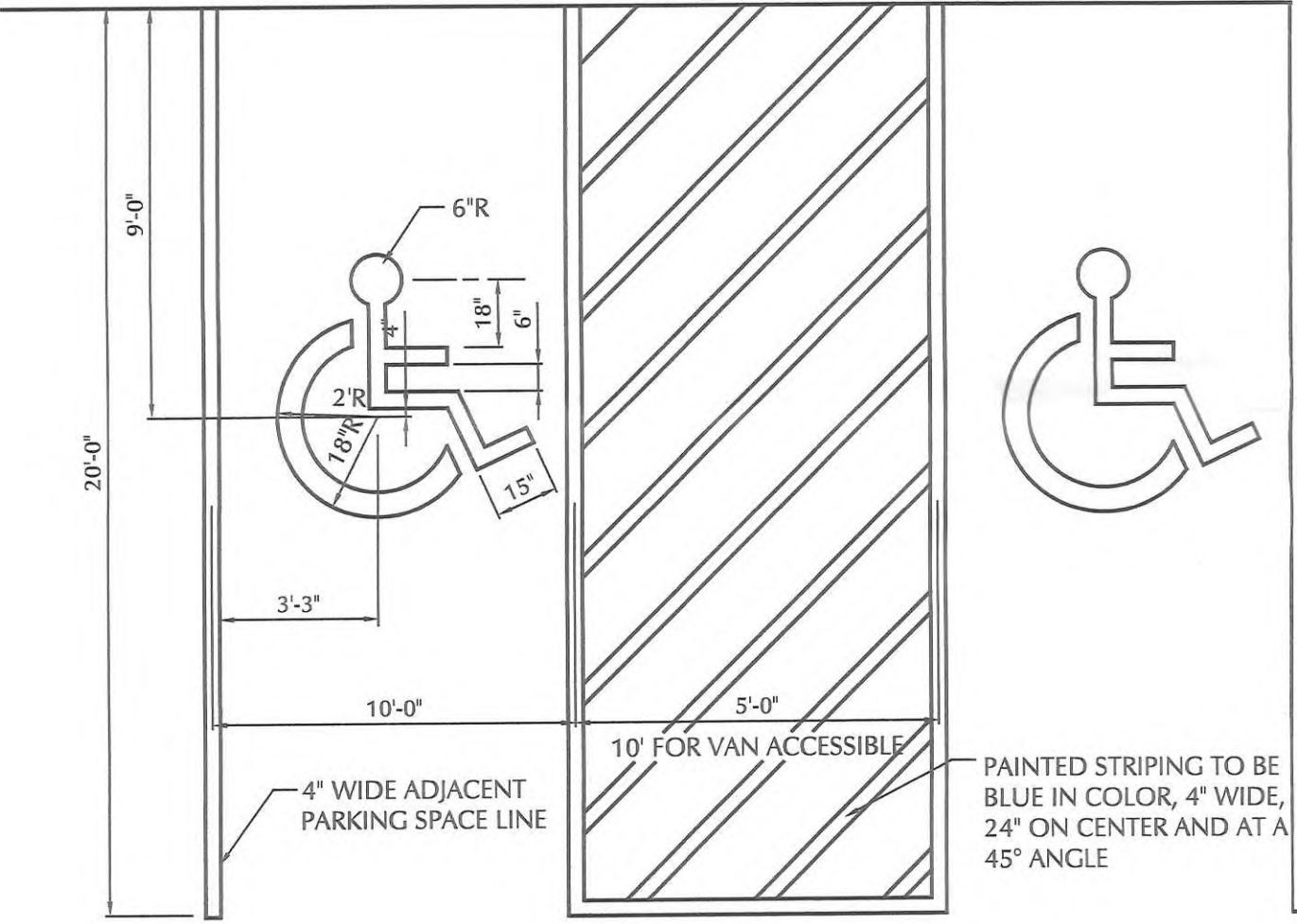
NOTE: PROVIDE WARM MIX PG 64-22 160CYR
STRUCTURAL NUMBER = 2(0.4)+4(0.4)+6(0.14)=3.24
HEAVY PAVING SECTION (ON SITE ROAD)
NOT TO SCALE



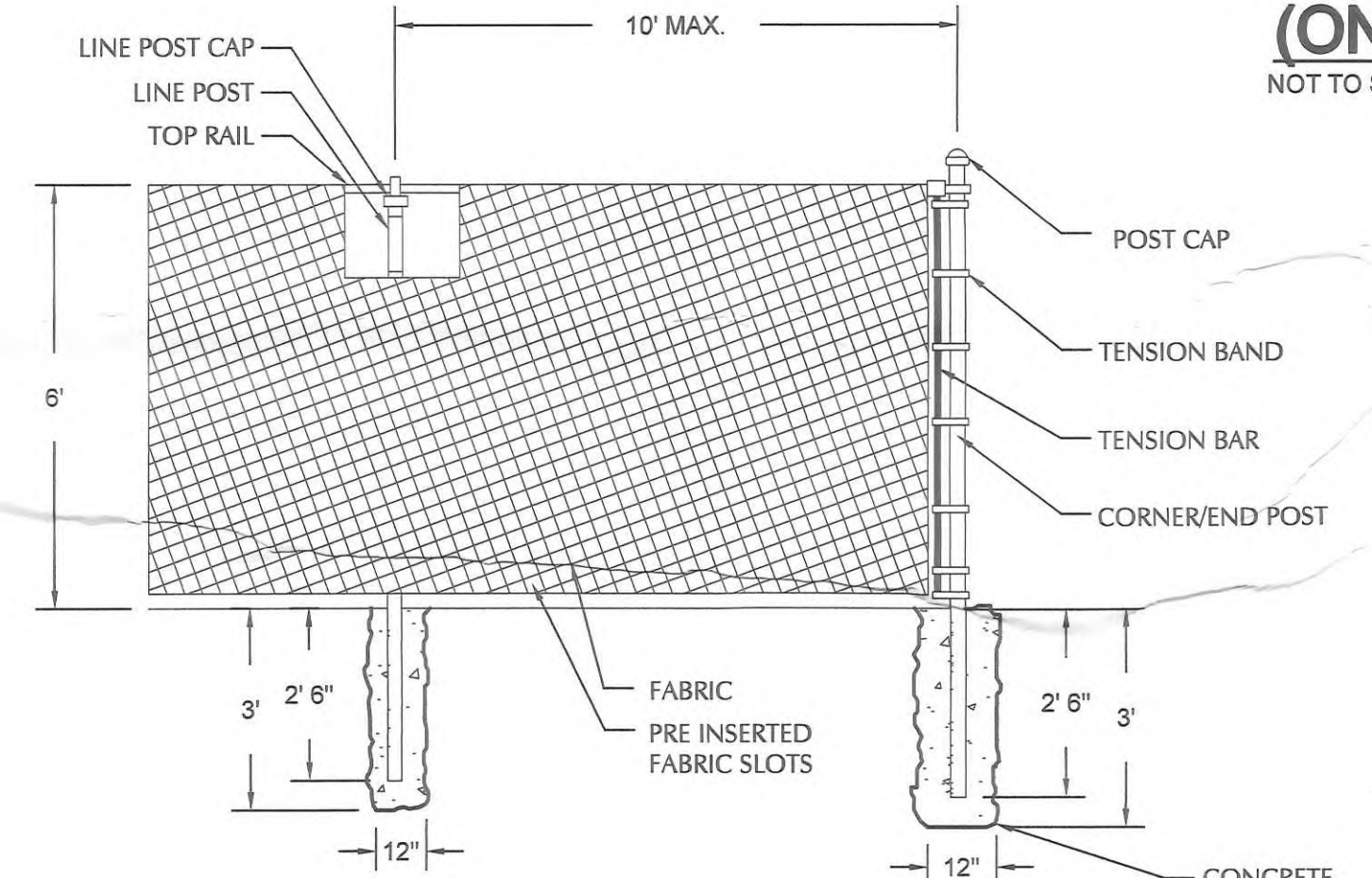
NOTE: STRUCTURAL NUMBER = 2(0.4)+4(0.4)+6(0.14)=3.24
CLASS II PAVEMENT SECTION AND TIE-IN DETAIL (ENTRANCE)
NOT TO SCALE



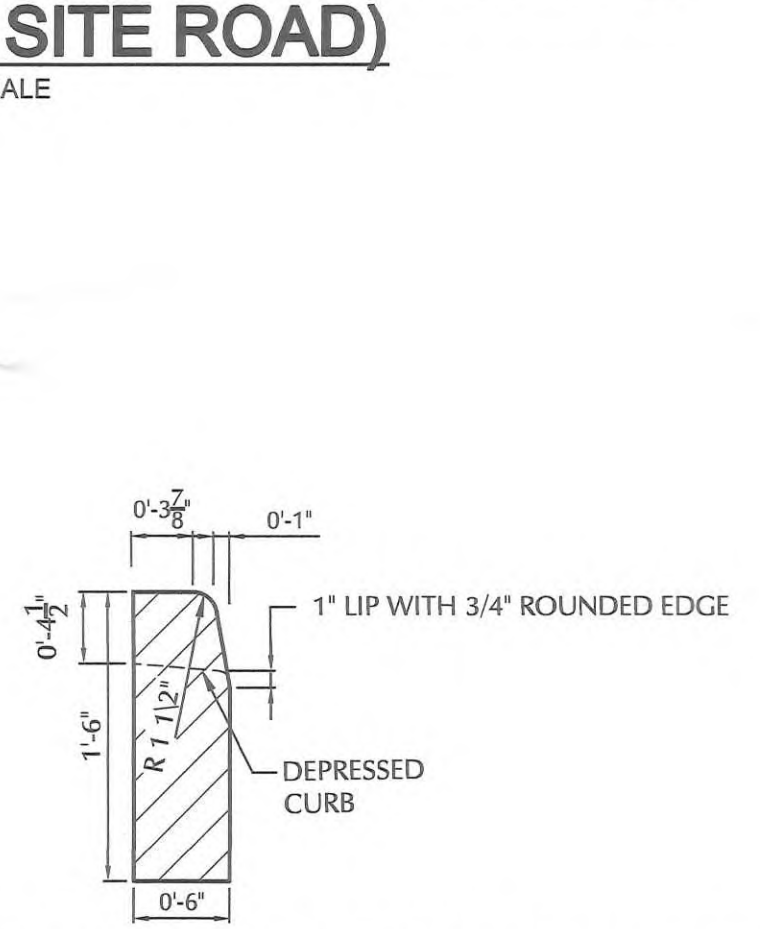
*STANDARD SIDEWALK SHALL BE 5' THICK. FOR DEPRESSED AND TRANSITION AREA, THE SIDEWALK SHALL BE 6' THICK.
**STANDARD SIDEWALK OF 5' THICKNESS SHALL BE PLACED OVER 4" GABC-TYPE B. SIDEWALK FOR DEPRESSED AND TRANSITION AREAS OF 6' THICKNESS SHALL BE PLACED OVER 6" GABC-TYPE B.
NOTES:
1. MARK IN 5' SQUARES, USE CORK EXPANSION JOINTS AT INTERVALS NOT GREATER THAN 20'.
2. SIDEWALK TO BE CONSTRUCTED AT GRADE. SLOPE OF SIDEWALK SHALL PROVIDE POSITIVE DRAINAGE WITH A 2% MAX/1% MIN. CROSS SLOPE.
SIDEWALK DETAIL
NOT TO SCALE



HANDICAP PARKING DETAIL
NOT TO SCALE



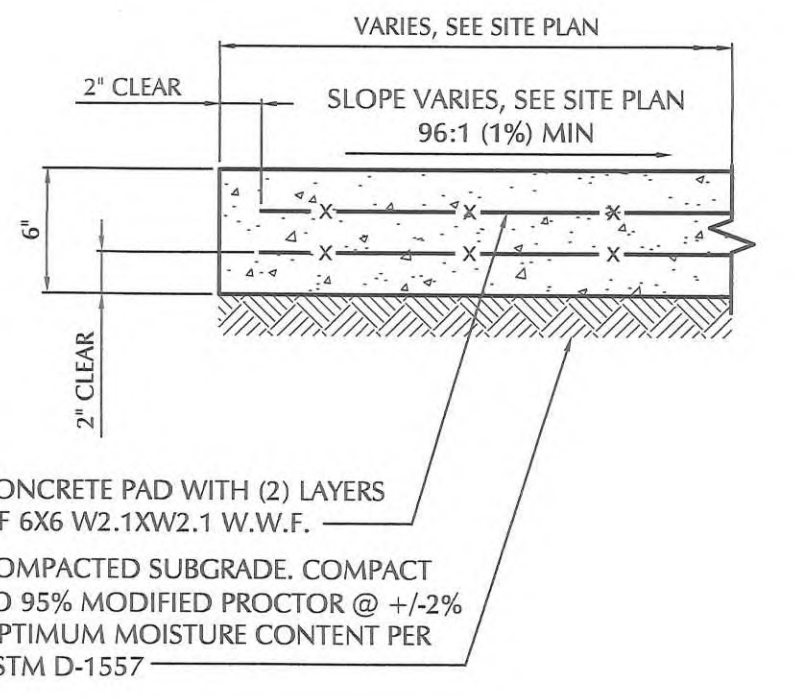
DUMPSTER SCREENING
NOT TO SCALE



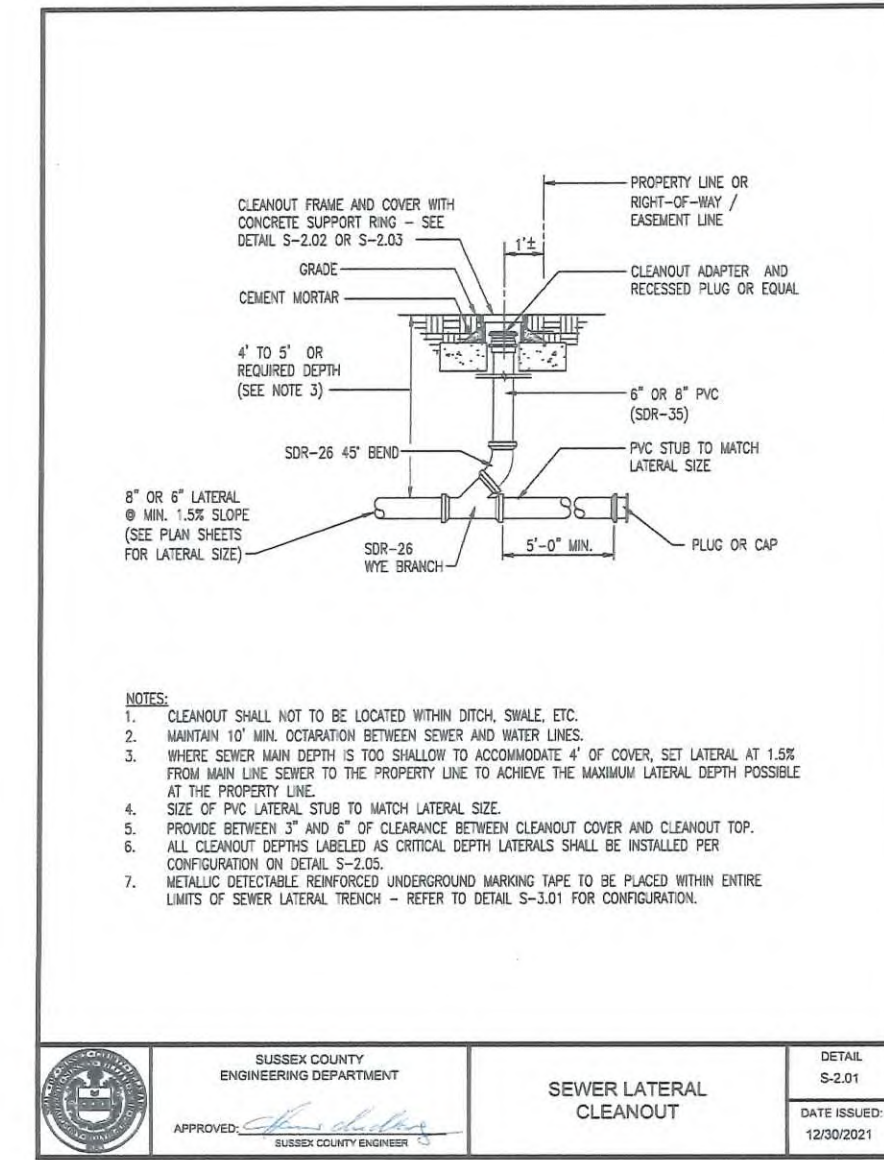
P.C.C. 6" VERTICAL CURB
NOT TO SCALE

- NOTES:
1. ALL CONCRETE USED FOR DUMPSTER PADS SHALL BE 4,000PSI PORTLAND CEMENT CONCRETE.
2. TOOLED CONTRACTION JOINTS ARE TO BE PLACED 10.0' MAX BOTH DIRECTIONS, OR AS DIRECTED.
3. CONSTRUCTION JOINTS ARE TO BE PLACED 20.0' MAX BOTH DIRECTIONS, OR AS DIRECTED.
4. WHEN PLACED ADJACENT TO EXISTING CONCRETE PAVEMENT, NEW OR EXISTING FOUNDATION WALL, CONCRETE CURB, CONCRETE CURB & GUTTER OR OTHER STRUCTURE, INSTALL APPROVED EXPANSION JOINT. ADDITIONAL EXPANSION JOINTS ARE TO BE PLACED AS DIRECTED.

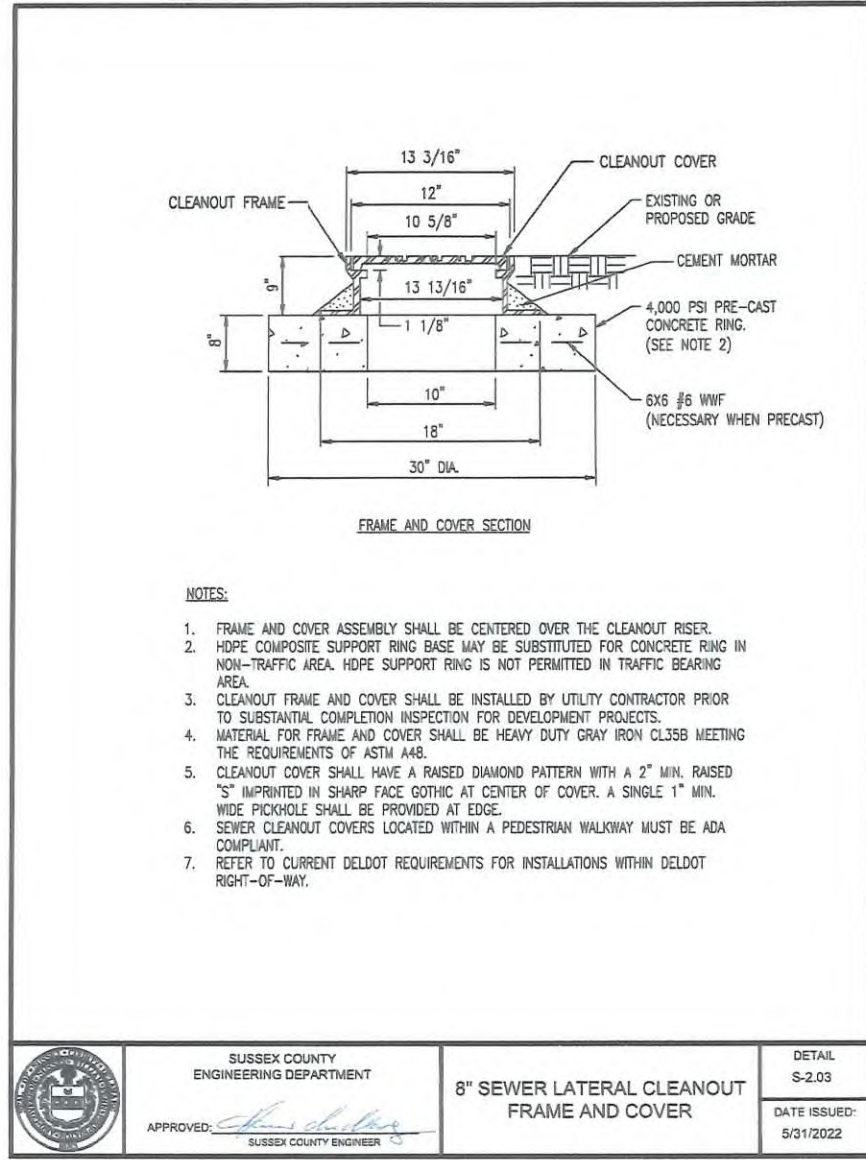
CONCRETE DUMPSTER PAD
NOT TO SCALE



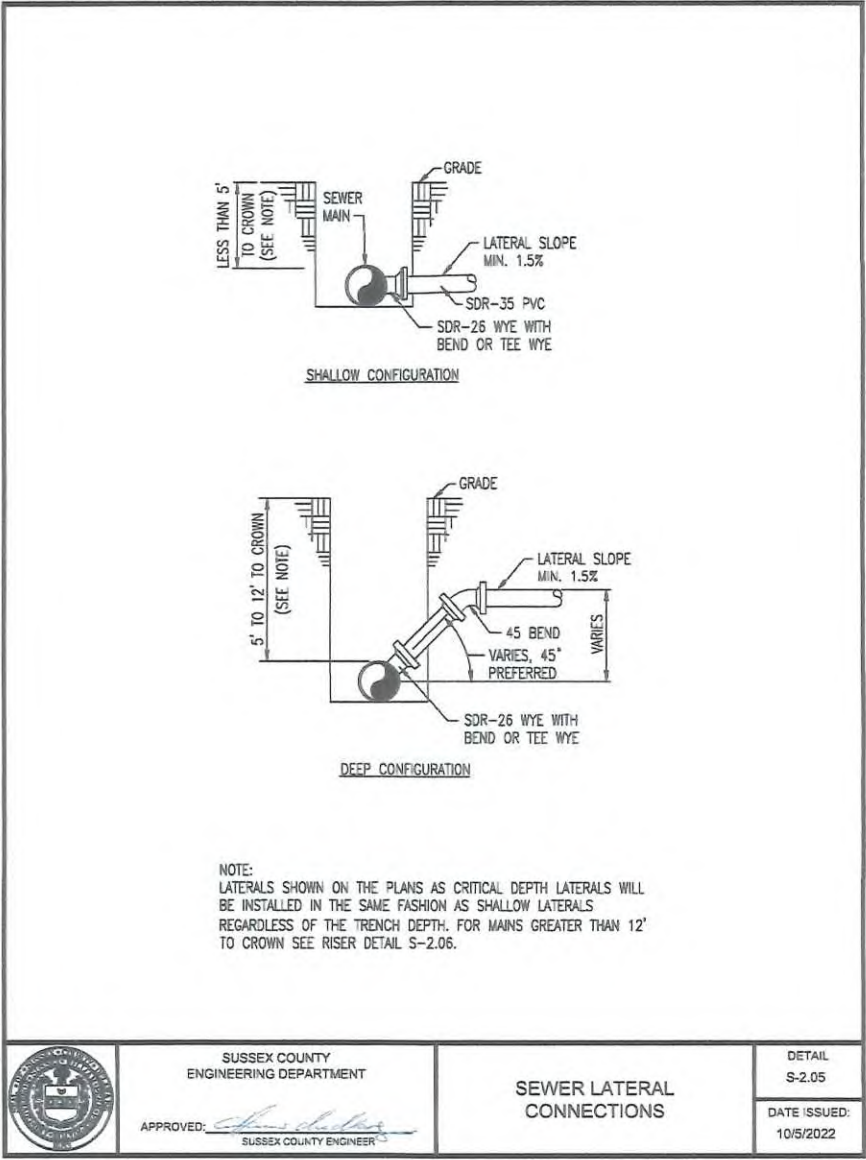
CONCRETE PAD WITH (2) LAYERS OF 6'X6' WZ.1XWZ.1 W.W.F. COMPACTED SUBGRADE. COMPACT TO 95% MODIFIED PROCTOR @ +/-2% OPTIMUM MOISTURE CONTENT PER ASTM D-1557



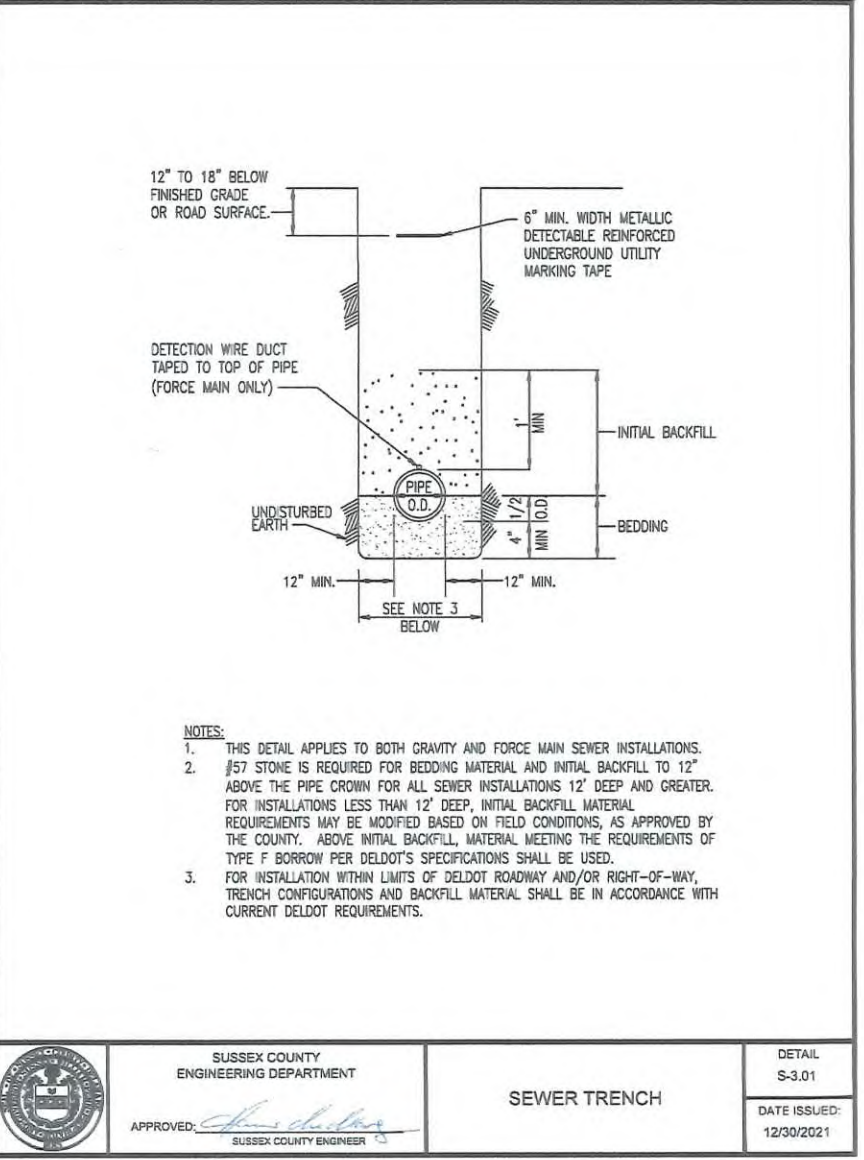
SEWER LATERAL CLEANOUT
DETAIL S-2.01
DATE ISSUED: 12/09/2021



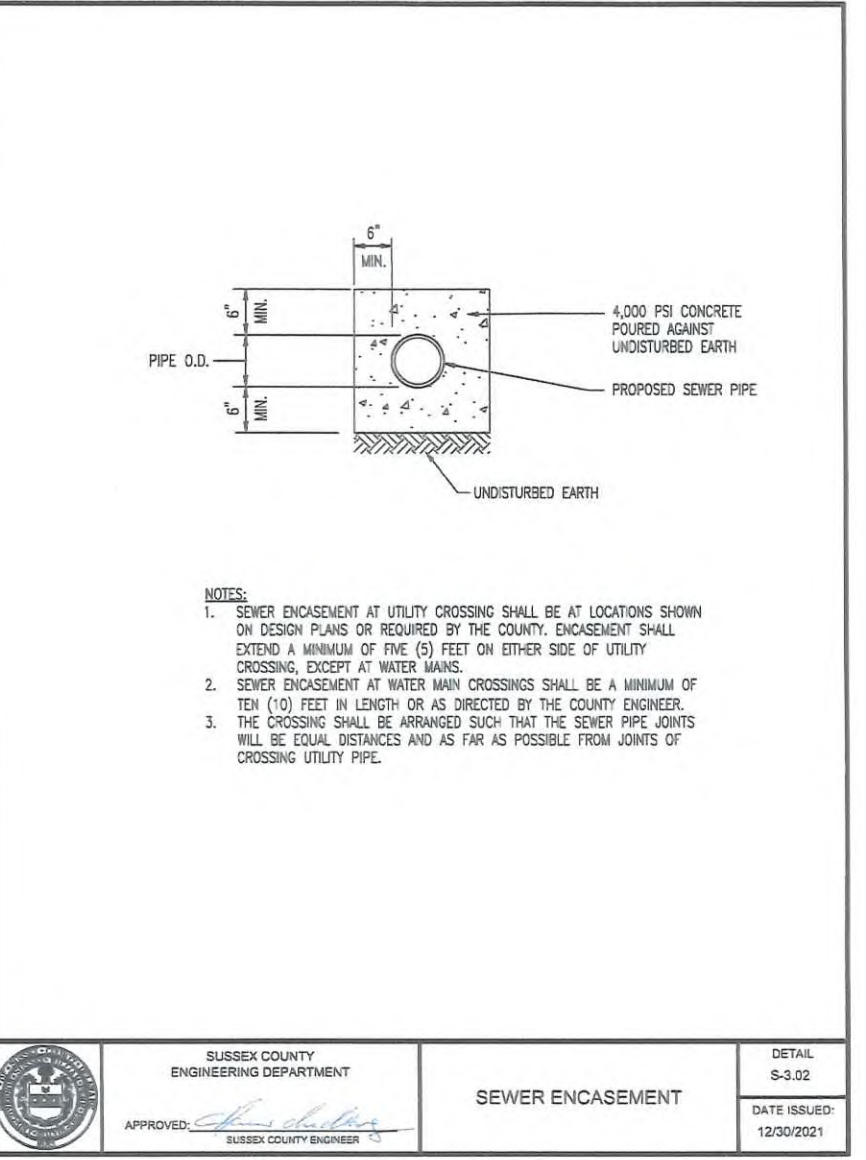
6" SEWER LATERAL CLEANOUT FRAME AND COVER
DETAIL S-2.03
DATE ISSUED: 5/17/2022



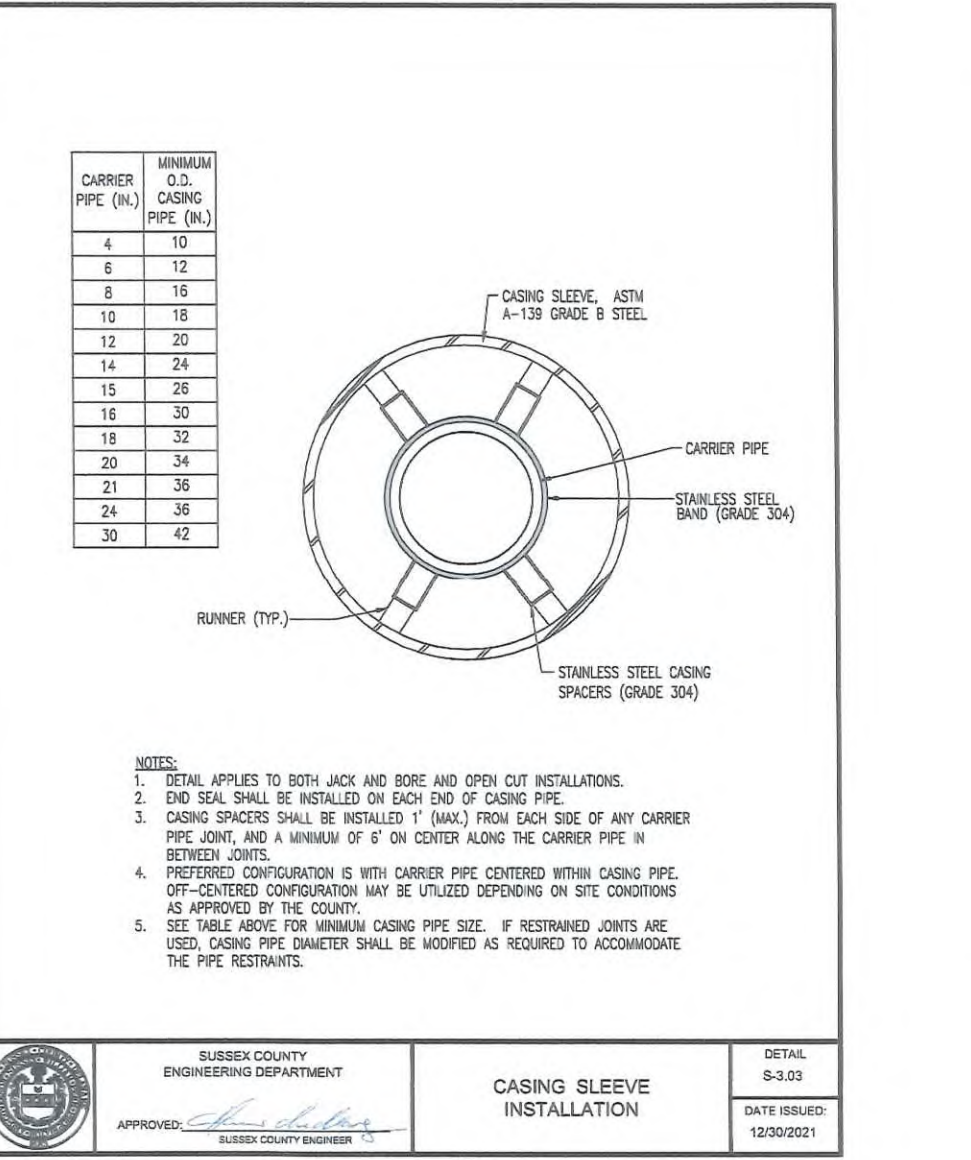
SEWER LATERAL CONNECTIONS
DETAIL S-2.05
DATE ISSUED: 10/20/2021



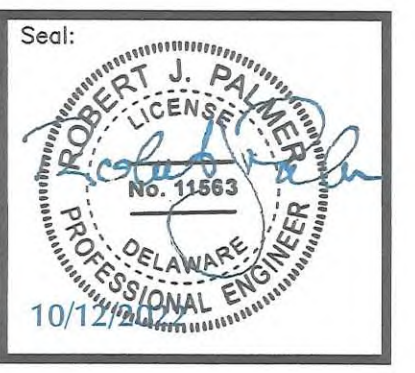
SEWER TRENCH
DETAIL S-3.01
DATE ISSUED: 12/09/2021



SEWER ENCASEMENT
DETAIL S-3.02
DATE ISSUED: 12/09/2021



CASING SLEEVE INSTALLATION
DETAIL S-3.03
DATE ISSUED: 12/09/2021



BEACON ENGINEERING LLC
23318 Cedar Lane | Georgetown | Delaware | 19947
302.864.8825 | info@beaconengineeringllc.com

Date:	
By:	
Revision:	

NINE FOOT ROAD - WAREHOUSING
144 DIXON ROAD, LLC.
VINES PEPPER CREEK WATERSHED, DAGSBORO HUNDRED,
SUSSEX COUNTY, DELAWARE
SCR. 26 - NINE FOOT ROAD.
TAX MAP # 233-10-00-55
CONSTRUCTION DETAILS

Date: JULY 6, 2022
Scale: NO SCALE
Dwn.By: BAS
Proj.No.: SH101-03

Dwg. No.: **CD1.1**



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

NICOLE MAJESKI
SECRETARY

September 29, 2022

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

SUBJECT: Letter of No Objection to Recordation

Timmons Property

Tax Parcel # 233-10.00-48.00,

233-10.00-49.00,

233-10.00-50.01,

233-10.00-53.01,

233-10.00-55.00,

233-10.00-50.02

Nine Foot Road (SCR 026)

Dagsboro, Dagsboro Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Site Plan, dated April 22, 2022 (last revised September 23, 2022), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawings. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Site Plan is not recorded prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

This letter does not authorize the commencement of entrance construction. Entrance plans shall be developed in accordance with DelDOT's Development Coordination Manual and submitted to the Development Coordination Section for review and approval.

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required

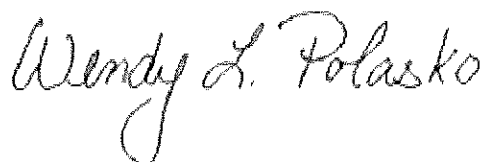


Timmons Property
Mr. Jamie Whitehouse
Page 2
September 29, 2022

by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DelDOT has established that these enumerated transportation improvements are acceptable.

If I can be of any further assistance, please call me at (302) 760-2266.

Very truly yours,



Wendy L. Polasko, P.E.
Subdivision Engineer
Development Coordination

cc: Dale Shields, Shields Properties, LLC
Robert Palmer, Beacon Engineering, LLC
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
James Argo, South District Project Reviewer
James Smith, South District Entrance Permit Supervisor
Jennifer Pinkerton, Chief Materials & Research Engineer
Linda Osiecki, Pedestrian Coordinator
John Fiori, Bicycle Coordinator
Mark Galipo, Traffic Development Coordination Engineer
Tim Phillips, Maintenance Support Manager
Dan Thompson, Safety Officer North District
Jared Kauffman, DTC Planner
James Kelley, JMT
Kevin Hickman, Sussex County Review Coordinator
Joshua Johnson, Sussex County Reviewer

AGRICULTURAL NOTE:

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 THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.

DATA COLUMN:

- OWNER: FERNANDO VASQUEZ
18489 JOHNSON ROAD
LINCOLN, DE 19960
302-393-3189
fn-concrete@outlook.com
- TAX MAP NO. 3-30-15.13-13.00
- SET BACKS: FRONT - 40'
SIDE - 15'
REAR - 20'
- TOTAL NUMBER OF LOTS - 2 + RESIDUAL
LOT 1 - 0.826 ACRES
LOT 2 - 0.826 ACRES
RESIDUAL - 1.037 ACRES
- RESIDUAL FRONTAGE - 0
- GROSS ACREAGE - 2.689 ACRES+/-
- RESIDUAL AREA - 1.037 ACRES+/-
- ZONING - AR-1
- PRESENT USE - RESIDENTIAL
- PROPOSED USE - RESIDENTIAL
- WATER - ON SITE
- SEPTIC - ON SITE
- THIS PROPERTY FALLS WITHIN THE LIMITS OF ZONE X,
FEMA PANEL NO. 10005C0131J - EFFECTIVE DATE 01/06/2005.
PROPERTY FALLS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- THERE ARE NO WETLANDS ON THIS ENTIRE SITE.

OWNER'S CERTIFICATION:

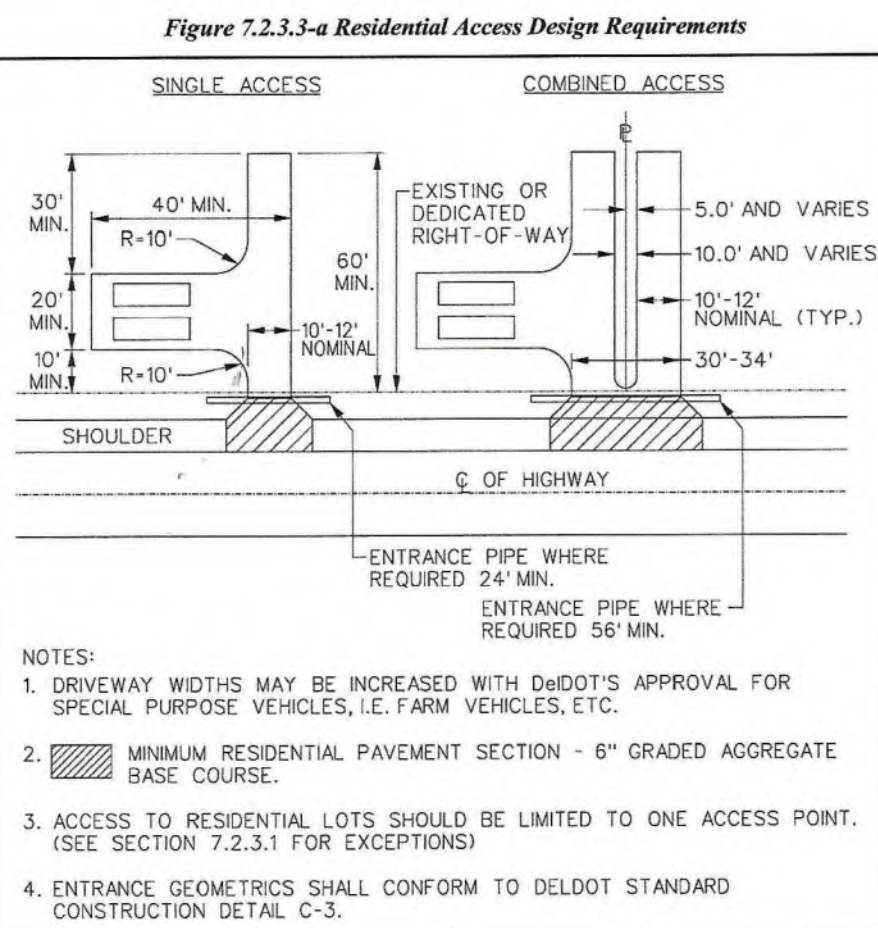
I, FERNANDO VASQUEZ, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND THAT I DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

FERNANDO VASQUEZ DATE

SURVEYOR'S CERTIFICATION:

I, DOUGLAS J. ANNAND, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

DOUGLAS J. ANNAND, DE PLS 622 DATE

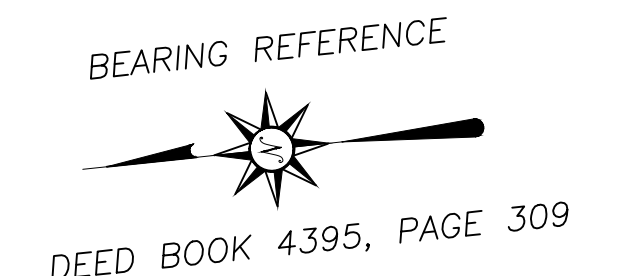
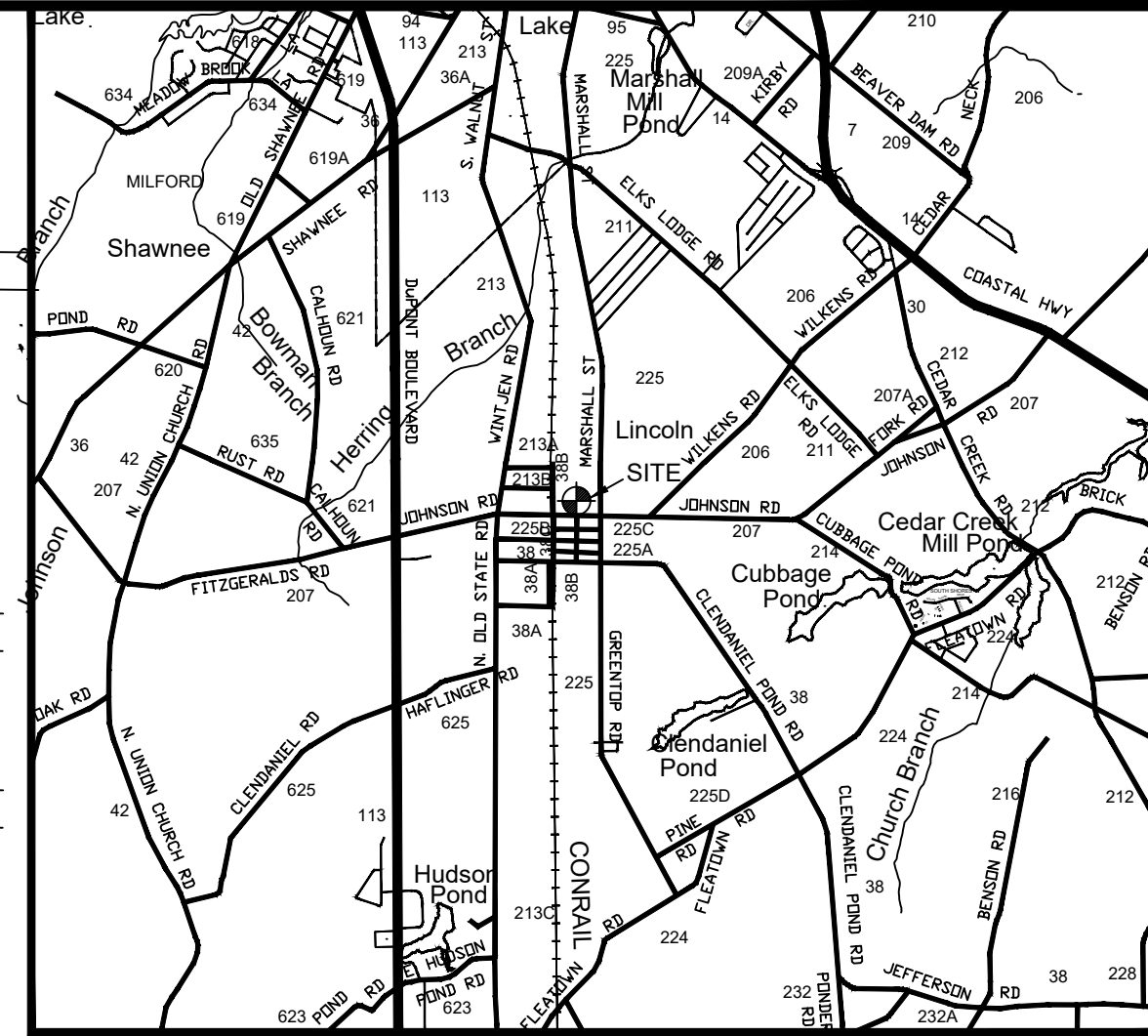
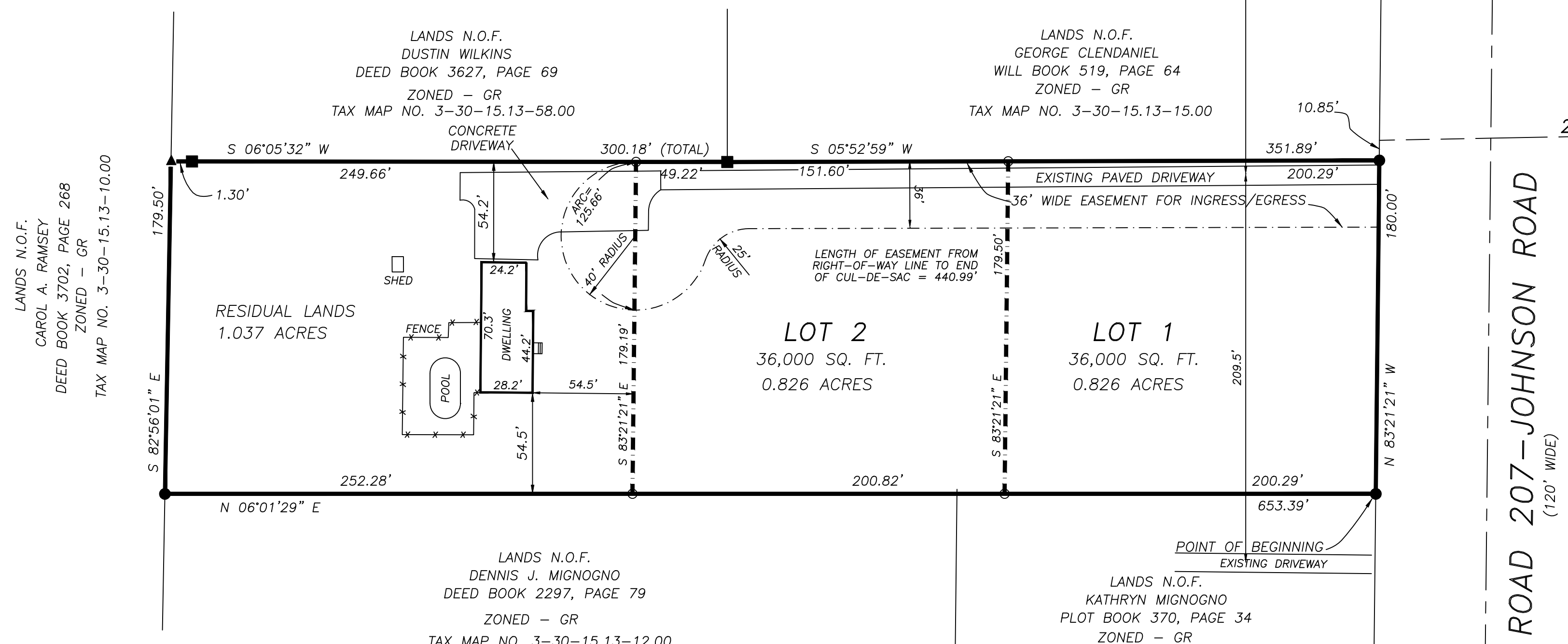


DELDOT NOTES:

- ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- 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 SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- LOTS 1 & 2 SHALL HAVE ACCESS TO & FROM SCR 207, VIA THE EXISTING ENTRANCE THAT RUNS INSIDE OF A PROPOSED 36' WIDE EASEMENT, AS SHOWN HEREON.
- OTHER THAN SHOWN, THIS SURVEY PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS ON THIS PROPERTY. NO TITLE SEARCH WAS REQUESTED OR PERFORMED.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS ALONG THE FRONTAGE OF ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL, AND THE REQUIREMENTS OF THE LAND USE AGENCY.
- ALL ENTRANCES SHALL CONFORM TO CHAPTER 7 AND FIGURE 7.2.3.3-a OF THE DELDOT DEVELOPMENT COORDINATION MANUAL.
- THERE IS A TRANSPORTATION IMPROVEMENT DISTRICT 0.52 MILES TO THE NORTH.
- POSTED SPEED LIMIT - 25 MILES AN HOUR.

PRIVATE ROAD MAINTENANCE AGREEMENT

IT IS THE RESPONSIBILITY OF FERNANDO VASQUEZ, AS LONG AS HE OWNS THIS PROPERTY, & FUTURE OWNERS OF LOT 1, LOT 2 & THE RESIDUAL LANDS TO MAINTAIN THE PAVED ROAD THAT RUNS INSIDE THIS EASEMENT THAT PROVIDES INGRESS & EGRESS TO THESE LOTS SO THAT IT REMAINS PASSABLE.



FIRE MARSHAL NOTE:

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

<p>NOTES:</p> <ol style="list-style-type: none"> CLASS "B", SUBURBAN SURVEY SOURCE OF TITLE: DEED BOOK 4395, PAGE 309 A TITLE SEARCH WAS NEITHER REQUESTED, PROVIDED OR UTILIZED FOR THIS SURVEY 	<p>LEGEND:</p> <ul style="list-style-type: none"> ● FOUND IRON PIPE ■ FOUND IRON BAR ▲ FOUND CONCRETE MONUMENT ○ SET IRON PIPE ⊗ UTILITY POLE — EXISTING PROPERTY LINE - - - PROPOSED PROPERTY LINE 	<p>DOUGLAS J. ANNAND, PLS 622</p>	<p>Prepared By DOUGLAS J. ANNAND PROFESSIONAL LAND SURVEYOR 10027 NORTH OLD STATE ROAD LINCOLN, DELAWARE 19960 PHONE: (302) 448-0320 douglassannand7@gmail.com</p>	<p>MINOR SUBDIVISION SURVEY PLAN</p> <p>PREPARED FOR FERNANDO VASQUEZ PROPERTY KNOWN AS 18489 JOHNSON ROAD CEDAR CREEK HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE TOTAL AREA: 2.689 ACRES+/- SCALE: 1" = 50' DATE: AUGUST 29, 2022 REVISED: SEPTEMBER 28, 2022</p>
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Douglas J. Annand
Professional Land Surveyor
10027 N. Old State Road
Lincoln, DE 19960
302-448-0320
douglasannand7@gmail.com

September 28, 2022

Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

I am requesting a waiver from the requirement of a grading plan for the 2 lot minor subdivision survey for Fernando Vasquez, tax map 3-30-15.13-13.00.

Thanks, Douglas Annand, PLS



BAIRD
MANDALAS
BROCKSTEDT
FEDERICO & CARDEA^{PC}

Mackenzie M. Peet, Esquire
(302) 645-2262
mackenzie@bmbde.com

October 14, 2022

VIA EMAIL ONLY

Sussex County Planning and Zoning Office
Attn: Director Whitehouse
2 The Circle
P.O. Box 417
Georgetown, DE 19947
Email: pandz@sussexcountyde.gov

RE: Hunter's Creek (2022-11) – Request to Amend Condition of Approval "G"

Dear Director Whitehouse:

We represent Salt Air Properties LLC, the Developer of Hunter's Creek (2022-11), a Major Subdivision, proposing 95 single-family detached homes on individual lots utilizing the Coastal Area's cluster subdivision lot size. Please accept this letter as a request to amend Condition of Approval "G," as provided in the Notice of Decision issued by the Planning and Zoning Office on September 14, 2022 and attached as Exhibit A.

At its meeting of September 8, 2022, the Sussex County Planning and Zoning Commission (the "Commission") approved Hunter's Creek subject to eighteen (18) conditions. Condition of Approval "G" states as follows:

There shall be vehicular entrances to this development via both Omar Road and Hickory Manor Road. This development shall comply with all DelDOT entrance and roadway improvement requirements associated with the Omar Road and Hickory Manor Road entrances.

As you may recall, Commission's counsel, Vince Robertson, read the proposed motion to approve Hunter's Creek. As part of that motion, and in the context of supporting Condition G, Mr. Robertson referenced two Sections of 99-9 C, 99-9C(11) and (15). Section 99-9(11) states, "Provision for safe vehicular and pedestrian movement within the site and to adjacent ways." Section 99-9(15) requires the Commission to consider "Effect on area roadways and public transportation."

There was no evidence put on the record during the Hunter's Creek Public Hearing about requiring a second entrance on Hickory Manor Road. This issue was raised for the first time during 'Additional Business' and after the Hunter's Creek record was closed. Critically, therefore,

Condition of Approval "G" is not supported by any evidence on the record – let alone "substantial evidence," as required by law.¹

Between the close of the Public Hearing and the Commission's decision, the Developer contacted DelDOT to confirm that no second entrance was required on Hickory Manor. Then, DelDOT provided a letter to the Sussex County Planning and Zoning Office to address this issue.

In that letter, DelDOT acknowledged that the County received "differing guidance from DelDOT regarding the number of vehicular access points and access location for the proposed development." Ultimately, DelDOT confirmed that no vehicular access was proposed or required on Hickory Manor Road.

Section 99-39(H) of the Code provides that, "An applicant may request in writing that the Commission reconsider a condition imposed by the Commission but there shall be no appeal from the decision of the Commission on such request." By that authority, the Developer requests amendment of Condition "G" to state as follows:

There shall be one vehicular entrance to this development from Omar Road. This development shall comply with all DelDOT entrance and roadway improvement requirements associated with the Omar Road entrance.

In support of its request, please find the letter (with exhibits) prepared by Troy Brestel, P.E. with Traffic Planning and Design, Inc. attached as Exhibit B. In conflict with Code Sections, 99-9 C (11) and (15), Mr. Brestel concludes that requiring a second entrance on Hickory Manor will not provide for safe vehicular movement to adjacent ways and will negatively impact area roadways. Therefore, the Developer requests the Commission's reconsideration of the Hickory Manor second entrance requirement.

Please contact me by phone at 302-645-2262 or by email at mackenzie@bmbde.com should you have any questions or need any additional information. I ask that you notify me directly to confirm when this request will be considered by the Commission, so that representatives of our project team may attend the meeting for purpose of answering any questions the Commissioners may have.

Sincerely,



Mackenzie M. Peet, Esquire

cc: Robert Sipple, Jr., Salt Air Properties, L.L.C.
Troy Brestel, P.E. and Alex Meitzler, P.E., Traffic Planning and Design, Inc.
Vince Robertson, Esquire, Parkowski, Guerke & Swayze, P.A.

¹ "Therefore, the standard of review on appeal is . . . whether there is substantial evidence to support the Planning Commission's findings of fact and whether the Planning Commission exceeded its power as a matter of law." *East Lake Partners v. City of Dover*, Del. Super., 655 A.2d 821, 825 (1994).

EXHIBIT A
Notice of Decision

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, AICP, MRTPI
DIRECTOR

September 14th, 2022

Ms. Mackenzie Peet, Esq.
Baird, Mandalas, Brockstedt, Frederico & Cardea, LLC
1413 Savannah Road
Lewes, Delaware 19958

Electronically delivered to: mackenzie@bmbde.com

Subject: Notice of Decision – Preliminary Major Subdivision Plan for Hunter’s Creek (2022-11)
Tax Parcels: 134-11.00-102.00 & 103.00

Dear Ms. Peet,

At their meeting of September 8th, 2022, the Sussex County Planning and Zoning Commission **approved** the Preliminary Major Subdivision Plan for Hunter’s Creek (2022-11). The preliminary approval is subject to eighteen (18) conditions. This plan proposes 95 single family lots as a cluster subdivision. The plan also includes the establishment of private roadways, stormwater management features, a forested buffer, and other site improvements. The property is located on the north side of Omar Road (S.C.R. 54), approximately 0.27 of a mile west of Powell Farm Road (S.C.R. 365). The property is within the Medium Density Residential (MR) Zoning District and is approximately 28.78 acres +/-.

This preliminary approval is valid for a period of three (3) years. A final approval shall be granted within this time frame, or a subsequent preliminary approval may be required.

As stated above, the Commission granted a preliminary approval that is subject to eighteen (18) conditions. They are as follows:

- a. There shall be no more than 95 lots within the subdivision.
- b. The Final Site Plan shall confirm that approximately 24% of the site shall be preserved as open space.
- c. The developer shall establish a homeowner’s association responsible for the maintenance of streets, roads, buffers, stormwater management facilities, and other common areas.
- d. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.



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

- e. There shall be a vegetated or forested buffer that is at least 20 feet wide installed along the perimeter of this subdivision. This buffer shall utilize existing forest or similar vegetation that exists within the buffer area. Where trees currently exist within the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development), and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area.
- f. The proposed lots with frontage upon Omar Road are set very close to Omar Road and are within just a few feet of a Delaware Power & Light easement. There is no real separation from the easement, the multi-modal path, or the road right of way. There is not sufficient area outside of the easement to allow for drainage swales, other utilities, or access needs. Lots 1 through 6 shall be set back at least 30 feet from the edge of the Delaware Power & Light easement line to allow for greater separation between the lots and the easement to create more separate from the Omar Road right of way.
- g. There shall be vehicular entrances to this development via both Omar Road and Hickory Manor Road. This development shall comply with all DelDOT entrance and roadway improvement requirements associated with the Omar Road and Hickory Manor Road entrances.
- h. Sidewalks and walkways shall be installed as shown on the Preliminary Site Plan with a connection to the DelDOT multi-modal path. A street lighting system that provides lighting in a downward direction with minimal up-lighting shall be provided.
- i. Amenities including a pool and pickleball courts shall be constructed and open to use by residents of this development on or before the issuance of the 57th residential building permit. The Final Site Plan shall contain details as to the size and location of these amenities.
- j. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
- k. Street design shall meet or exceed Sussex County standards.
- l. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- m. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00a.m. through 5:00p.m., Monday through Friday, and 7:00a.m. through 2:00p.m. on Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- n. The Applicant shall coordinate with the local school district regarding the location of a school bus stop within the subdivision. If required by the school district, the location of the bus stop area shall be shown on the Final Site Plan.

- o. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided or preserved in all of the buffer areas. The Landscape plan shall also clearly show all forested areas that will be preserved. The Landscape Plan shall also identify all "Limits of Disturbance" within the site.
- p. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for the individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
- q. A Revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- r. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

The Final Subdivision Plan shall comply with the County's Zoning and Subdivision Codes which includes the submission of approvals from all applicable agencies.

Once all agency approvals have been acquired, please submit a minimum of one (1) full-size (24" X 36") Final Subdivision Plan. A final staff review will be completed. It will then be scheduled for the next available Planning and Zoning Commission meeting.

Should there be any further questions, I can be contacted at chase.phillips@sussexcountynj.gov or at 302-855-7878. Thank you.

Sincerely,



Chase Phillips
Planner II

CC: Mr. Ray Blakeney, Plitko – Land Design
Ms. Jennifer Norwood, Manager – Planning and Zoning

EXHIBIT B
TPD Letter (with Exhibits)



TRAFFIC PLANNING AND DESIGN, INC.

WWW.TRAFFICPD.COM

October 13, 2022

Mr. Jamie Whitehouse
Director
Sussex County Planning and Zoning Office
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Hunter's Creek – Access to Hickory Manor Road

Omar Road, Sussex County, Delaware

Dear Mr. Whitehouse:

We are writing regarding the Notice of Decision issued by the Sussex County Planning and Zoning Commission (Commission) on September 14, 2022 for the Hunter's Creek Preliminary Major Zoning Plan. The Commission approved the plan, subject to 18 specific conditions. One of those conditions is that vehicular entrances be established on both Omar Road and Hickory Manor Road (Item g in the 9/14/22 letter).

Based on our review of the site plan and surrounding roadway network, it is our professional opinion that the traffic generated by proposed development can be adequately served by a single vehicular access to Omar Road, and find that a secondary vehicular access to Hickory Manor Road is unnecessary for a number of engineering and policy reasons. They are as follows:

- 1) DelDOT has utilized its Travel Demand Model to determine how the site traffic from the proposed development will be distributed on the roadway network (a copy of the results from the model run is attached). The model run shows that most (65%) of the site traffic would utilize the main vehicular access on Omar Road, while a lower amount (35%) of the site traffic would utilize a secondary vehicular access on Hickory Manor Road. Of the traffic that does use the secondary access, the majority will travel to the east towards Delaware Route 26 (SR 26) to then travel north.
- 2) At its intersection with Hickory Run Road, SR 26 is considered the major road, and the through movements on SR 26 do not stop. Hickory Manor Road is considered the minor road, and all movements must stop to wait for a gap in traffic to maneuver into the intersection.

The DelDOT 2021 Vehicle Volume Summary Traffic Count data shows there are an average of 483 vehicles per day along the section of Hickory Manor Road where the proposed development has frontage. Traveling to the east where Hickory Manor Road intersects SR 26, there are an average of 9,024 vehicles per day on that section of SR 26.

PM peak hour traffic volumes are typically 10% of the average vehicles per day. For the purpose of this letter, we have assumed that there are approximately 50 and 900 PM peak hour trips on Hickory Manor Road and SR 26 respectively.

We performed a cursory capacity analysis for the intersection of SR 26 and Hickory Manor Road using the above assumptions and utilizing the procedures in the Highway Capacity Manual, 6th Edition and associated Highway Capacity Software (HCS). The HCS analysis shows that the Hickory Manor approach will operate at an acceptable Level of Service (LOS) C. The left turn movements from SR 26 will operate at LOS A. No queues longer than one vehicle are anticipated.

With low traffic volumes, the minor street queue will usually be small in length; however, adding even a small addition of vehicles to the Hickory Manor Road approach can increase the queue length by a significant distance, and can increase the delay experienced by drivers to an unacceptable level.

While a traffic signal could assist in allowing vehicles waiting on Hickory Manor Road to safely maneuver into the intersection and decrease the delay experienced by those drivers, the vehicles traveling along SR 26 would then have to stop. Because of the large disparity in traffic volume between the two roads, more vehicles would then experience higher levels of delay along SR 26, effectively worsening traffic operations at the intersection, and adding delay to more users, along with additional air and noise pollution.

The DelDOT Travel Demand Model shows a lower amount of traffic utilizing a secondary access to Hickory Manor Road to then travel to SR 26. Adding any amount of traffic to the Hickory Manor Road approach will unnecessarily degrade traffic conditions at the intersection. By only allowing access to Omar Road, this operational issue is avoided.

- 3) Based on the American Association of State Highway and Transportation Officials' *A Policy on Geometric Design of Highways and Streets*, 8th edition, the intersection sight distance required for a vehicle exiting from an access on Hickory Manor Road would be 430 feet looking to the left and 500 feet looking to the right while exiting the development. Considering the geometric curvature and the available property frontage along Hickory Manor Road, there is no location for which the access could be constructed along the frontage that would achieve the required intersection sight distance. Any access constructed therefore could potentially create a safety hazard.
- 4) In a letter dated September 2, 2022 (copy attached), DelDOT confirmed that the proposed development is required to have only one vehicular access to Omar Road, with a pedestrian connection required from the north end of the proposed development to either Hickory Manor Road or SR 26.

For matters of determining access and transportation requirements for access to the State roadway network, it has been Sussex County's long-standing practice to defer to DelDOT recommendations on these matters. It is highly irregular for the County to not adhere to DelDOT's recommendations.

For this proposed development, there is not a transportation need or requirement to warrant the installation of a second access to Hickory Manor Road. Based on our evaluation of the potential traffic generated, existing trip patterns, and geometric constraints, we concur with DelDOT's opinion that a second access to Hickory Manor is not warranted.

Please contact me if you have any questions regarding the contents of this letter.

Sincerely,

TRAFFIC PLANNING AND DESIGN, INC.



Troy Brestel, P.E.

Project Manager

Enclosures: -Travel Demand Model
 -September 2, 2022 Letter from DelDOT

cc: Robert Sipple, Jr., Salt Air Properties, L.L.C.
 Mackenzie Peet, Esq., Baird, Mandalas, Brockstedt, Federico & Cardea, L.L.C.
 Alex Meitzler, P.E., PTOE Traffic Planning and Design, Inc.

PM Peak Distribution / Assignment

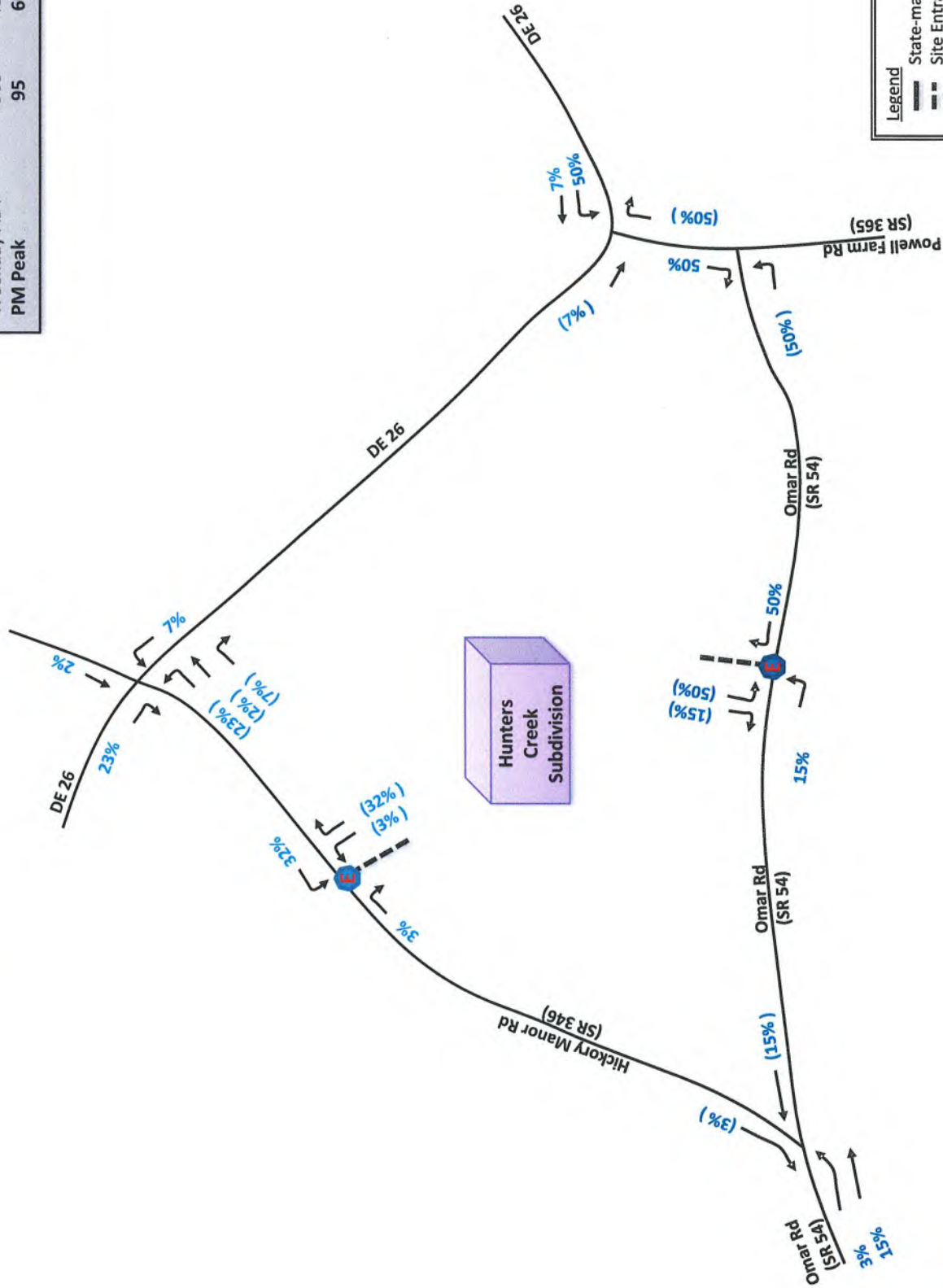
October 12, 2022

Hunters Creek Subdivision

Trip Generation

95 Single Family Detached Houses (ITE 11th Ed. LUC 210)

	Total	IN	OUT
Weekday ADT	963	481	482
PM Peak	95	60	35



- Legend**
- State-maintained road
 - Site Entrance
 - Traffic lost / gained before intersections
 - State-maintained Intersections
 - XX Inbound Trips
 - (XX) Outbound Trips

Note: Figure Not Drawn to Scale



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

NICOLE MAJESKI
SECRETARY

September 2, 2022

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

Dear Mr. Whitehouse:

This letter is to address a request from the Consultant for the proposed **Hunters Creek Subdivision** (Protocol Tax Parcel # 134-11.00-102.00) regarding vehicle access to serve the development. Briefly, the proposed development would consist of 95 single-family detached houses and would be located on the north side of Omar Road (Sussex Road 54) and southeast of Hickory Manor Road (Sussex Road 346). One full access is proposed on Omar Road, in Sussex County.

On August 31, 2022, DelDOT received an email from Traffic Planning and Design, Inc. (TPD), the developer's Consultant, indicating that the County has received differing guidance from DelDOT regarding the number of vehicular access points and access location for the proposed development. As such, TPD has requested that we contact you to address the proposed access for the development and clarify any confusion. We are writing in that regard.

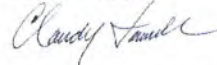
DelDOT met with the developer's team on May 23, 2022, for a Pre-submittal meeting to discuss the proposed development's site plan. As is customary, the proposed site access and related requirements, including frontage improvements, were discussed. In the Pre-submittal meeting, DelDOT was amenable to the proposed development having only one vehicular access to the site on Omar Road. In addition to the proposed access on Omar Road, DelDOT required that the developer provide a pedestrian path from the north end of the proposed development to connect to either Hickory Manor Road or Delaware Route 26, as indicated in the Area Wide Study Fee memorandum dated June 6, 2022, enclosed with this letter. No vehicular access was proposed or required on Hickory Manor Road.



Mr. Jamie Whitehouse
September 2, 2022
Page 2 of 2

You may contact me at Claudy.Joinville@delaware.gov or (302) 760-2124 if you have any questions concerning this correspondence.

Sincerely,



Claudy Joinville
Project Engineer

CJ:km

Enclosure

cc: Robert Sipple, Salt Air Properties, LLC
Troy Brestel, Traffic Planning and Design, Inc.
Alex Meitzler, Traffic Planning and Design, Inc.
Todd J. Sammons, Assistant Director, Development Coordination
Wendy Polasko, Subdivision Engineer, Development Coordination
Mark Galipo, Traffic Engineer, DelDOT Traffic, DOTS
Kevin Hickman, Sussex County Review Coordinator, Development Coordination
Sireen Muhtaseb, TIS Group Manager, Development Coordination
Annamaria Fumato, Project Engineer, Development Coordination



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

NICOLE MAJESKI
SECRETARY

MEMORANDUM

TO: Steve McCabe, Sussex County Review Coordinator

FROM: Claudy Joinville, Project Engineer *C.J.*

DATE: June 6, 2022

SUBJECT: **Hunters Creek Subdivision
(Protocol Tax Parcel #134-11.00-102.00)
Area Wide Study Fee (AWSF) and Off-site Improvements**

The subject development meets DelDOT's volume warrants to pay the Area Wide Study Fee in lieu of doing a Traffic Impact Study (TIS). This memorandum is to address the amount of that fee and the off-site improvements that should be required of the developer in the absence of a TIS. The fee and improvements presented below are an alternative to the developer doing a TIS and the improvements identified through DelDOT's review of that study.

1. The proposed development consists of 95 single-family detached houses. Per the 11th edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual, the proposed development would generate 897 average daily trips and 94 vehicle trips during the p.m. peak hour. The fee is calculated at ten dollars per daily trip. For the proposed development, the fee would be \$8,970.00.
2. The developer shall improve the State-maintained road(s) on which they front, within the limits of their frontage, to meet DelDOT's standards for their Functional Classification as found in Section 1.1 of the Development Coordination Manual and elsewhere therein. The improvements shall include both directions of travel, regardless of whether the developer's lands are on one or both sides of the road. Frontage is defined in Section 1 of the Development Coordination Manual, which states "This length includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway." Questions on or appeals of this requirement should be directed to the DelDOT Subdivision Review Coordinator in whose area the development is located.

Mr. Steve McCabe

June 6, 2022

Page 2 of 2

3. The developer shall enter into a traffic signal agreement for the intersection of Omar Road (Sussex Road 54) and Hickory Manor Road (Sussex Road 346). The agreement should include pedestrian signals, crosswalks, interconnection, and ITS equipment such as CCTV cameras at DelDOT's discretion. The developer should coordinate with DelDOT's Traffic section on the details of this agreement.
4. The developer should provide a pedestrian path from the north end of the proposed development to connect to either Hickory Manor Road or Delaware Route 26. The developer should coordinate with DelDOT's Development Coordination Section on the final location and design of the path.

If you have any additional questions or comments, please let me know.

CJ:km

cc: Robert Sipple, Salt Air Properties, LLC
Ray Blakeney, Land Design, Inc.
Michael Simmons, Chief of Project Development South, DOTS
Todd Sammons, Assistant Director, Development Coordination
Wendy Polasko, Subdivision Engineer, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Wendy Carpenter, Traffic Calming & Subdivision Relations Manager, DelDOT Traffic
Mark Galipo, Traffic Engineer, DelDOT Traffic, DOTS
James Argo, Sussex County Plan Reviewer, South District
Kevin Hickman, Subdivision Manager, Development Coordination
Annamaria Fumato, Project Engineer, Development Coordination



16181 Hudson Road
Milton, Delaware 19968

October 7, 2022

To Whom It May Concern,

I am asking for an extension for the completion of The Vines of Sandhill clubhouse until the 1st quarter of 2023. Please see attached letter from our contractor, Brendon T. Warfel Construction explaining the result of the supply chain crisis as it relates to this project.

Thank you for your understanding and if you have any further questions, please do not hesitate to contact me.

David Anthony Sposato
Developer
The Vines of Sandhill
Huff Road
Milton, Delaware



940 N.E. Front Street
Milford, DE 19963
Ph.: (302) 422-7814
FAX: (302) 422-8590

October 5, 2022

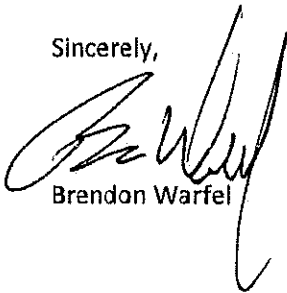
To: Mr. Sposato

Re: The Lodge Clubhouse, Schedule
Vines of Sandhill
24038 Harvest Circle
Milton, DE 19968

Due to supply chain issues and the environment of today's industry the original completion date of December 2022 will not be possible. For example, the custom Andersen windows are taking 8 months now to deliver. The delivery date for these windows and other items keep changing after they are ordered which delays the schedule. Construction is still progressing, however it is slower because of some of the delays.

I would estimate by January the building will be at least 80% complete with the goal for completion in February 2023.

Sincerely,



Brendon Warfel

"Quality & Comfort you can Come Home to."

THE MINUTES OF THE REGULAR MEETING OF MAY 13, 2021

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday afternoon, May 13, 2021, in Room 540, Carter Partnership Center, Delaware Technical Community College, 21179 College Drive, Georgetown, Delaware. Members of the public also attended this meeting by teleconference. The teleconference system was tested during the meeting by staff to confirm connectivity.

The meeting was called to order at 4:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Kim Hoey-Stevenson, Mr. Keller Hopkins, Ms. Holly Wingate, Mr. J. Bruce Mears, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Jamie Whitehouse – Planning & Zoning Director, Mr. Chase Phillips – Planner I, Mr. Elliott Young – Planner I, and Mr. Nick Torrance – Planner I.

Mr. Robertson explained how the meeting would be conducted at this location.

Mr. Whitehouse noted that there were no changes to the Agenda. Motion by Ms. Wingate seconded by Mr. Mears and carried unanimously to approve the Agenda. Motion carried 5-0.

Motion by Ms. Stevenson, seconded by Ms. Wingate to approve the Minutes of the April 8, 2021 Planning and Zoning Commission meeting as revised. Motion carried 5-0

OTHER BUSINESS

Citation Meadows (2018-22)

Final Subdivision Plan

This is a Final Subdivision Plan that proposes the creation of forty-nine (49) single-family lots as a cluster subdivision over 54.40 acres +/- . The property is located on the northern side of Phillips Hill Road (S.C.R. 472), approximately 0.42 of a mile west of Lakeview Road. The Planning and Zoning Commission approved the Preliminary Subdivision Plan for the subdivision at their meeting of Thursday, December 20, 2018. This plan includes 5.9 acres of land to be utilized as a wet pond, 6.1 acres to be used as open space for residents, and other amenities. The plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Tax Parcel: 133-19.00-30.00. Zoning District: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

The Commission discussed the Final Subdivision Plan.

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to approve the Final Subdivision Plan. Motion carried 5-0.

The Estuary Phase 5 (2019-06) (F.K.A. Zinszer Property)

Final Subdivision Plan

This is a Final Subdivision Plan for the subdivision of a 26.96 acre +/- parcel of land into thirty-four (34) single-family lots as part of a proposed cluster subdivision to be located on the northeast corner of the Estuary Subdivision, Phase 1D. The Planning and Zoning Commission approved the Preliminary Subdivision Plan for the development at their meeting of Thursday, April 11, 2019. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Tax Parcel: 134-19.00-105.05. Zoning District: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Ms. Stevenson and carried to approve the Final Subdivision Plan. Motion carried 4-0 with Ms. Wingate abstaining.

Harvard Business Services

Preliminary Site Plan

This is a Preliminary Site Plan for a 19,635 square foot, 3-story, office building with 155 parking spaces and other site improvements to be located on the west side of Coastal Highway (Route 1). The applicant has requested relief from interconnectivity requirement and the documentation provided has been included in the Commission's paperless packet. The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 235-23.00-54.06 Zoning: C-1 (General Commercial District). Staff are awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to approve the Preliminary Site Plan with the addition of a fifth handicapped parking space and the addition of interconnectivity with adjacent commercial property. Motion carried 5-0.

The Vines of Sand Hill (2006-73)

Request to Amend Conditions of Approval

This is a request to amend the Conditions of Approval for the previously approved The Vines of Sand Hill Subdivision. At their meeting of Thursday, August 20, 2008, the Planning and Zoning Commission approved the major subdivision subject to 15 conditions. Specifically, the request is to amend "Condition M" which states, "Within 2 years of the issuance of the first residential building permit, the developer shall construct all of the recreational amenities." The applicant is requesting a change to match the Phasing Plan, which was approved by the Planning and Zoning Commission at their meeting of Thursday December 14, 2017. General Note Number 3 on the Phasing Plan states, "Clubhouse construction is to be completed prior to the issuance of the 136th home certificate of occupancy or earlier. The tennis courts and athletic fields are to be completed prior to the issuance of the 136th home certificate of occupancy or earlier." The applicant has stated that currently, construction of the amenities is proposed to begin the Fall of 2021 and be completed prior to the issuance of the 136th Certificate of Occupancy. Tax Parcel: 135-10.00-63.00. Zoning District: AR-1 (Agricultural Residential Zoning District).

The Commission discussed this request to amend conditions.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried to approve the Request to Amend Conditions of Approval, that the commencement of the amenities should begin within 6 months and completion within 18 months or the issuance of the 136th Building Permit, whichever is the earlier. Motion carried 4-1 with Mr. Mears dissenting.

Lewes Crossing – Phase 8 (2016-4)

Revised Landscape Plan

This is a Revised Landscape plan that proposes modifications to the forested buffer that comprises Perimeter 2 of Phase 8 of the Lewes Crossing Subdivision. The Planning and Zoning Commission approved the Final Subdivision Plan at their meeting of Thursday, September 28, 2018. Specifically, the revised plan proposes 50 trees be planted rather than the 212 that were originally proposed. The reduction of 162 trees is proposed behind Lots 215 through 227 along Perimeter 2 which is 1,408 linear feet. Included in the published packet are two letters that summarize specific environmental reasons for the request. Furthermore, the proposal has received approval from 60% of the residents within Lewes Crossing. The 60% approval equates to 140 of the total 233 homeowners among all phases with 147 homeowners voting in total. No other changes were proposed to the Revised Landscape Plan. Tax Parcel:

334-5.00-222.01. Zoning District: AR-1.

The Commission discussed the revised landscape plan.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer for further consideration the Revised Landscape Plan. Motion carried 5-0.

Lewes Crest Amenities Plan

Amenities Plan

This is a Preliminary Amenities Plan for Lewes Crest which is a multi-family residential development that consists of 31 townhouses. Specifically, this plan proposes a pool, a 160 square foot pool house, landscaping, and interconnectivity to the Lewes-Georgetown Trail. The property is located on the southern side of Nassau Road (S.C.R. 266D) adjacent to Coastal Highway (Rt. 1). The Planning and Zoning Commission approved the Final Site Plan for Lewes Crest at their meeting of Thursday, February 14, 2019. The plan complies with the Sussex County Zoning Code and the requirements of the Combined Highway Corridor Overlay Zone (CHCOZ). Tax Parcel: 334-5.00-87.00. Zoning District: C-1 (General Commercial District). Staff are awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried to approve the Preliminary Amenities Plan with final approval by staff upon receipt of all agency approvals. Motion carried 4-0. Ms. Wingate abstained.

Lands of Vincent Paul Griscavage & Martha E. Rothenberg

Minor Subdivision off a 24-ft Easement

This is a Minor Subdivision Plan for the subdivision of a 1.25-acre +/- parcel of land for the creation of one (1) lot plus residual lands with Lot 2 having access off a proposed 24-ft ingress/egress access easement. Lot 1 will consist of 20,000 square feet +/- and Lot 2 will consist of 35,412 square feet +/- . The parcel is located on the south side of Clay Road (S.C.R 269). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 334-6.00-46.00. Zoning District: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to approve the Minor Subdivision off a 24' easement. Motion carried 5-0.

Lands of Matthew S. Marvil

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the subdivision of a 20.739-acre +/- parcel of land for the creation of two (2) lots plus residual lands with Lots 2B & 3 having access off a two proposed 50-ft ingress/egress access easement. Lot 2B will consist of 7.180 acres +/- and Lot 3 will consist of 6.00 acres +/- . The parcel is located on the southeast side of Camp Road (S.C.R 470). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcels: 232-6.00-42.02 & 42.03. Zoning District: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to approve the Minor Subdivision off a 50' easement. Motion carried 5-0.

Lands of Janet V. Nichols

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the subdivision of a 19.88-acre +/- parcel of land for the creation of one (1) lot plus residual lands with Lot 2 having access off an existing 50-ft ingress/egress access easement. Lot 2 will consist of 4.00 acres +/- . The parcel is located on the south side of Hunters Cove Road (S.C.R 602). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 430-9.00-25.00. Zoning District: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to approve the Minor Subdivision off a 50' easement. Motion carried 5-0.

OLD BUSINESS

2020-15 – The Estuary at Oyster Rock

A standard subdivision to divide 28.80 acres +/- into 21 single-family lots to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County. The property is lying on the north side of Sandbar Court, which is within the existing Oyster Rock subdivision, and accessed from the northwest side of Oyster Rocks Road approximately 0.61-mile northeast of Coastal Highway (Rt. 1). Tax Parcel: 235-16.00-45.01. Zoning District: AR-1 (Agricultural Residential District).

The Commission discussed this application which has been deferred since April 22, 2021.

Ms. Stevenson moved that the Commission recommend approval for Subdivision **2020-15** for **THE ESTUARY AT OYSTER ROCK** based upon the record made during the public hearing and for the following reasons:

1. This is a property that is adjacent to the existing Oyster Rock Subdivision. It will be integrated into that subdivision.
2. This expansion of the Oyster Rock Subdivision will consist of 21 new lots, this results in a density that is significantly less than what is permitted under the AR-1 Zoning District.
3. This expansion area will be interconnected with the interior roads of the Oyster Rock Subdivision.
4. This expansion area will be served by central water and individual on-site septic systems.
5. The stormwater management of this expansion area will be integrated into the existing system within Oyster Rock. It will be designed by engineers and approved by the Sussex Conservation District. It will then be constructed with oversight by the Conservation District. This will improve the drainage and flow of water not only within this property but also in how it impacts adjacent properties.
6. This expansion of the Oyster Rock Subdivision will not adversely affect area roadways, traffic, or nearby property values.
7. The proposed subdivision meets the purpose and standards of the Subdivision Code and the Applicant has addressed the requirements of Section 99.9.C of the Code.
8. The Development complies with the Sussex County Comprehensive Plan as a Low-Density single-family dwelling subdivision.
9. This recommendation is subject to the following conditions:
 - a. There shall be no more than 21 lots within the subdivision.
 - b. This subdivision shall be integrated into the existing Homeowners Association within Oyster Rock. The Association shall be responsible for the maintenance of streets, roads, buffers, stormwater management facilities and, other common areas within Oyster Rock and this new subdivision.

- c. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sediment control facilities.
- d. There shall be forested or landscaped buffer of at least 20 feet in depth along the perimeter of the project. The Final Site Plan shall contain a landscape plan for all of these areas. This buffer area shall utilize the existing vegetation along the southern and eastern boundaries of the site. All silt fencing shall be located along the interior limit of the buffer area, the edge of the buffer nearest the interior development. The Final Site Plan shall identify the limit of disturbance to prevent disturbance of the buffer area.
- e. There shall be a buffer that is at least 50 feet wide from all tidal waters, tidal tributaries streams, tidal wetlands, perennial rivers and non-tidal streams. As proffered by the Applicant there shall also be a buffer that is at least 25 feet wide from all federal wetlands. There shall not be any disturbance, clear-cutting or stump removal of trees or other vegetation within these buffer areas. No construction activities that disturb the existing grade shall be permitted in the buffer area and the required silt fencing shall be upland of these buffer areas to avoid disturbance.
- f. The development shall comply with all DelDOT entrance and roadway improvement requirements.
- g. The subdivision shall be served by a publicly regulated water system.
- h. Street design shall meet or exceed Sussex County standards.
- i. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- j. Construction, site work and deliveries shall only occur on the site between the hours of 7:30 a.m. through 7:30 p.m., Monday through Friday. No weekend construction activities or deliveries shall occur. A 24-inch X 36-inch notice sign confirming these hours shall be prominently displayed at all entrances to the site during construction.
- k. A revised preliminary site plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- l. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to approve Subdivision 2020-15 for The Estuary at Oyster Rock, for the reasons and conditions stated in the motion. Motion carried 5 – 0.

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-30.00-58.02 (PORTION OF)

The Commission discussed this ordinance which has been deferred since April 22, 2021.

Ms. Stevenson moved that the Commission recommend approval of the Ordinance to amend the Future Land Use Map in the current Sussex County Comprehensive Plan for Parcel 235-30.00-58.02 from a Low Density Area to a Commercial Area based on the record made during the public hearing and for the following reasons:

1. The parcel currently has two Area designations. The frontage of the parcel is designated as the Existing Development Area while the rear portion of the property is designated as Low-Density Area according to the Future Land Use Map in the Sussex County Comprehensive Plan. This

application seeks to convert the rear portion of the property from Low-Density to Commercial Area.

2. The parcel has frontage on Route 9 and the rear of the Parcel is bounded by a railroad. This is an appropriate location for a Map Amendment designating the parcel as Commercial Area.
3. This revision to the Future Land Use Map will not adversely affect neighboring properties, area roadways or future land-use planning in the area.
4. With the adjacent railroad service, this Map amendment promotes the transportation goals in the Sussex County Comprehensive Plan, which states that one way of reducing truck impacts on area roadways is to shift more freight to rail. This site presents an opportunity to achieve this goal. This is also supported in the Comprehensive Plan by Goal 13.5, Objective 13.5.1 and the Strategies attached to them.
5. No parties appeared at the public hearing to object to this Map Amendment.
6. This revision of the Future Land Use Map is appropriate given the particular circumstances involved at this location. When several factors like these exist, the consideration and approval of an amendment to the Future Land Use Map is appropriate.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to recommend approval of the Ordinance to the Future Land Use Map of the Comprehensive Plan in relation to Parcel 235-30.00-58.02 (portion of) for the reasons and conditions stated in the motion. Motion carried 5 – 0.

C/Z 1929 – Ryan Lehmann (Manntino Realty Holdings, LLC)

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 1.4653 acres, more or less. The property is lying on the south side of Lewes Georgetown Hwy (Rt. 9) approximately 0.7 mile east of the intersection of Harbeson Rd (Rt. 5) and Lewes Georgetown Hwy (Rt. 9). 911 Address: 26822 Lewes Georgetown Hwy. Tax Parcel: 235-30.00-58.02 (Portion of)

The Commission discussed this application which has been deferred since April 22, 2021.

Ms. Stevenson moved that the Commission recommend approval of CZ#1929 regarding Ryan Lehmann (Manntino Realty Holdings, LLC) for a change in zone from AR-1 to a C-3 based upon the record made during the public hearing and for the following reasons:

1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices and vehicle service stations.
2. The area of this rezoning is part of a larger parcel that already has commercially-zoned frontage. This rezoning will give the entire property a commercial zoning designation. It will also permit the property owner to use the entire property for outdoor storage of materials associated with his existing business on the front section of the property.
3. The entire parcel is adjacent to Route 9 and the rear of the parcel has access to an active railroad. This is an appropriate location for commercial zoning.
4. The parcel is in a section of Route 9 where there are commercial districts and business and commercial uses that have developed. This location is appropriate for an extension of this type of zoning.

5. Upon the approval of the Future Land Use Map Amendment, this site will be in the Commercial Area according to the current Sussex County Land Use Plan. This proposed commercial zoning is appropriate in this Area according to the Plan.
6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
7. No parties appeared in opposition to this rezoning application.
8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval of C/Z 1929 Ryan Lehmann (Manntino Realty Holdings, LLC) for the reasons and conditions stated in the motion. Motion carried 5 – 0.

C/U 2245 – Jonathan Plump

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for outdoor boat and RV storage to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 4.5 acres, more or less. The property is lying on the northeast side of Milton Ellendale Highway (Rt. 16) approximately 0.55 mile southeast of Holly Tree Road (S.C.R. 226). 911 Address: 20723 and 20715 Milton Ellendale Highway, Ellendale. Tax Parcels: 235-13.00-2.02 & 235-13.00-2.03

The Commission discussed this application which has been deferred since April 22, 2021.

Ms. Stevenson moved that the Commission recommend approval of Conditional Use #2245 for Jonathan Plum for outdoor RV and boat storage based on the record made during the public hearing and for the following reasons:

1. The Applicant seeks approval for an RV and boat storage facility on approximately 4.5 acres.
2. The proposed Conditional Use is located along Route 16, which is an appropriate location for this type of use.
3. There is a need for the use proposed by the Applicant in this area of Sussex County.
4. This use is limited in nature and will not involve any new buildings.
5. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact upon the neighboring properties or community.
6. The use as a boat and RV storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of residents in this area of Sussex County.
7. No parties appeared in opposition to this Application.
8. This recommendation for approval is subject to the following conditions:
 - a. The use shall be limited to the storage of boats and RVs. No other storage of vehicles or equipment shall occur on the site.
 - b. The facility shall only be accessible from 5:00 am until dusk and the access gate shall be locked to prevent after-hours access to the site.
 - c. The perimeter of the site shall be fenced with a 6-foot-high fence that screens the property from neighboring and adjacent properties and roadways.
 - d. There shall be a landscaping buffer between the outside of the fence and the adjacent residential properties to screen the use and the fence from those adjacent homes. The Final Site Plan for this use shall include a landscaping plan for this buffer area.

- e. No sales or maintenance of boats or RVs shall occur on the site.
- f. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- g. No more than 90 boats and RVs shall be permitted on the site.
- h. The storage area shall be covered with a pervious stabilizing material. The location and type of this material shall be shown on the final site plan.
- i. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site.
- j. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of boats and RVs located on the site.
- k. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.
- l. No junked or unregistered boats, boat trailers or RVs shall be stored on the site.
- m. The final site plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval of C/U 2245 Jonathan Plump for the reasons and conditions stated in the motion. Motion carried 5 – 0.

C/Z 1926 – CP Townhomes, LLC (Canal Point RPC)

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a MR-RPC Medium-Density Residential District-Residential Planned Community to a MR-RPC Medium-Density Residential District - Residential Planned Community to amend conditions of approval of CZ 1538 (Ordinance 1700) in relation to piers, docks, boat ramps and other water related recreational facilities for a certain parcel of land lying and being in Lewes & Rehoboth Hundred, Sussex County, containing 180.60 acres, more or less. The property is lying on the east side of Hebron Road approximately 0.19 miles south of the intersection of Hebron Road and Holland Glade Road (S.C. R. 271). 911 Address: N/A Tax Parcels: 334-13.00-334.00, 1448.00 through 1750.00

The Commission discussed this application which has been deferred since April 22, 2021.

Mr. Mears moved that the Commission recommend approval of an amendment to Condition #15 of Change of Zone # 1926 and Ordinance #1700 regarding docks within the Canal Pointe RPC based upon the record made during the public hearing and for the following reasons:

1. Condition #15 of CZ # 1926 and Ordinance #1700 currently states that “No piers, docks, boat ramps or other water-related facilities shall be permitted” within the Canal Pointe RPC.
2. The Canal Pointe RPC is adjacent to the Lewes-Rehoboth Canal, which is a source of water-related activities for many Sussex County residents and visitors.
3. It was shown during the public hearing that this area of the Lewes-Rehoboth Canal has developed with many personal docks attached to individual lots as well as a large marina associated with the Town of Henlopen Acres.
4. The revised condition #15, which will be limited to non-motorized boats, will have less of an impact on the waterway and the environment than many of these existing docks and the motorized boats that they serve.
5. With one point of access to the Lewes-Rehoboth Canal, there will be a well-designed and permitted dock available to the residents of Canal Pointe instead of multiple undefined points of access that could cause more damage to the Canal and the environment.

6. Condition #15 of CZ # 1926 and Ordinance # 1700 should be amended to state as follows:
“15. Subject to the receipt of all applicable permits from the U.S Army Corps of Engineers, DNREC and any other agencies having jurisdiction, this RPC shall be permitted to have only one dock for the use of residents. This dock shall only be utilized for kayaks and paddleboards. No motorized boats shall be launched or docked at this location. No storage of kayaks, paddleboards, boats or other marine equipment shall be permitted along the dock or landward of it within the RPC. There shall be an amendment to the Canal Pointe Master Plan and a subsequent final site plan showing the dock and its point of access from the RPC. No other piers, docks, boat ramps or other water-related facilities shall be permitted.”

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 1926 for CP Townhomes, LLC (Canal Point RPC) for the reasons and conditions stated in the motion. Motion carried 5 – 0.

PUBLIC HEARINGS

Mr. Robertson described the procedures for public hearings before the Planning and Zoning Commission.

2020-20 – Johnsonville (2006-39)

A revision to an existing and previously approved standard subdivision to divide 42.11 +/- acres into 32 single-family lots lying and being in Indian River Hundred, Sussex County. The proposal is to reduce the existing Forest Conservation Easement from 100-ft in-depth to 50-ft in-depth to the rear of Lots 2-16 for the future accommodation of patios, decks, sheds or, swimming pools. The property is lying on the northeast and southwest sides of Lawson Road (S.C.R. 296). Tax Parcel: 234-21.00-141.00, 234-21.00-394.00 through 234-21.00-425.00. Zoning District: AR-1 (Agricultural Residential District).

Mr. Whitehouse advised the Commission that submitted into the record is a copy Applicant’s Revised Subdivision Plan, a copy of the previous Notice of Decision for the previous subdivision, a copy of TAC comments including DNREC Division of Fish and Wildlife, a copy of the Delaware Hunting Regulations, a copy of comments from the Sussex County Engineering Department Utility Planning Division, and two letters of support.

The Commission found that Mr. Kenneth Christenbury, P.E. was present on behalf of the Applicant, Johnsonville; that this is a 2006 subdivision that is under construction; that the subject of the amendment is that the original developer proffered 100-ft Forest Conservation Easement and the current developer would like to reduce the Forest Conservation Easement to 50-ft; that would allow homeowners to build patios, decks, sheds or swimming pools; that this matter came before the Commission last year and the Commission requested that it have a public hearing; that a question arose about the protection of hunting rights; that the request is only for lots 2 – 4 and 8 – 16 so, there would be no impact on hunting rights of adjoining property owners; and that lots 5 – 7 would retain the 100-ft Forest Conservation Easement.

Ms. Stevenson and Mr. Hopkins both expressed concerns that the hunting rights of adjoining property owners are not adversely affected.

Mr. Christenbury referred to an aerial map and explained that eliminating lost 5 – 7 from the request, will not affect the hunting rights of adjacent property owners.

The Commission found that Jordan Ashburn spoke in support of the request to revise the previously approved subdivision; that the lots tend to be narrow and deep; that it is difficult for placement of the house on the lot due to the septic systems being placed towards the front of the lots; that many of the clients have interest in having the forested buffer reduced; that this would be of benefit to the residents of the neighborhood; and that the 100-ft buffer will remain on lots 5, 6, and 7 so that it will not affect the hunting rights of adjacent property owners.

The Commission found that John Davidson had questions regarding the request to revise the previously approved subdivision; that he is not necessarily in opposition to the request but would like to know if any buffers on the west side of Lawson Road are being affected by this request.

Chairman Wheatley stated that Mr. Christenbury indicated that the request will not affect any buffers on the west side of Lawson Road.

The Commission found that Jessica Romante was present by teleconference; that she and her husband have purchased lot 7; that she is now concerned to learn that lot 7 is not included in the request; that lot 7 will have a tight backyard; that there are 140 ft of trees behind her lot, does that mean she can remove 40 ft of trees.

Mr. Christenbury explained that the lot line between lots 6 and 7 is 163 ft deep; that after the 30 ft. front yard setback, it would mean there is approximately 133 ft of buildable space and offered to email a copy of the site plan.

The Commission found that Jeff DeLeo was present by teleconference; that the buffer behind his lot is 140 ft and should only be 100 ft.

Chairman Wheatley stated that lots 5, 6 and, 7 are not part of this request and there will be no changes to these lots.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

Prior to the recess, the Commission discussed Application 2020-20 Johnsonville (2006-39) Motion by Ms. Stevenson to defer action for further consideration, seconded by Mr. Hopkins and carried unanimously. Motion carried 5-0.

2021-17 – Toback Subdivision

A standard subdivision to divide 10.15 acres +/- into 5 single-family lots to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County. The property is lying on the northwest corner of the intersection of Prettyman Rd. (S.C.R. 254) and Lewes-Georgetown Hwy. (Rt. 9). Tax Parcel: 235-30.00-6.21. Zoning District: AR-1 (Agricultural Residential District).

Mr. Whitehouse advised the Commission that submitted into the record is a copy Applicant's Subdivision Plan, a copy of a letter that has been received from Artesian Resources, a copy of the Applicant's Chapter 99.9.C response, a copy of comments from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse noted that the Application also requires a waiver from the forested buffer requirements.

The Commission found that Mr. Carlton Savage, P.E. was present on behalf of the Applicant, Toback Subdivision, that also present is Mr. Matt Toback; that the request is for a standard subdivision of 4 lots and a residual lot; that the property is located on the corner of Prettyman Road and Route 9, just west of the Royal Farms; that this was originally submitted as a minor subdivision; that the parent parcel had other minor subdivisions in the past so this was this process was required; that the lots will be served by public water and sewer; that each lot will be 0.76 acre in keeping with the area around it; that the total acreage of the parcel is 10.15 acres; that the residual will be 7.12 acres; that there will be a fence on the rear of the property and the section closest to the intersection; that some waivers are requested since this is essentially a minor subdivision in nature; that new roads are not proposed; that a waiver from Article 3 regarding street requirements is requested; that no storm drainage is being proposed because these lots will front on Prettyman Road; that each lot will comply with Sussex Conservation District; that no open space or amenities are being proposed; that a waiver from the landscaped buffer is being requested; that a waiver from Article 4 regarding detailed construction plans is being requested; and that a waiver from master plan grading is requested as they are large lots and the dwellings will be placed in the center of each lot.

Ms. Stevenson asked about the proposed fencing.

Mr. Savage stated that the type of fencing has not been decided but that it would meet all the County standards.

Chairman Wheatley asked if this subdivision would have a Homeowners Association.

Mr. Savage stated there will not be a Homeowners Association.

Chairman Wheatley asked who will maintain the fencing.

Mr. Savage stated that the fencing will be on the residual land at the edge of the four lots and will be maintained by the Developer.

Mr. Robinson asked Staff if all agency comments have been received.

Mr. Whitehouse stated that Staff has received all agency comments.

The Commission found that Mr. Matt Toback was present in support of his Application; that the fencing will be white vinyl privacy fencing which will be on the residual lands close to the proposed lots.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support or in opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

Prior to the recess, the Commission discussed Application 2021- 17 Toback Subdivision. Ms. Stevenson moved to grant preliminary and final site plan approval for the subdivision **2021-17 for Toback Subdivision** based upon the record made during the public hearing and for the following reasons:

1. This is a small standard subdivision seeking approval of 4 lots, each lot will comply with the requirements of the AR-1 Zoning District.
2. Each lot will have frontage on Prettyman Road and no internal streets will be required.
3. The lots will be served by central water and sewer.
4. The Applicant has addressed the requirements of Section 99-9.C of the Subdivision Code.
5. Given the small size of the subdivision and because it is a strip lot subdivision, a waiver from the buffer and street requirements of the code is appropriate.
6. The subdivision will not adversely affect neighboring properties or roadways.
7. No parties appeared in opposition to the Application.

Motion by Ms. Stevenson to approve Subdivision 2021-17 for Toback Subdivision, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

C/Z 1942 – Bay Developers, LLC (Twin Cedars, LLC)

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a C-1 General Commercial District, CR-1 Commercial Residential District and GR General Residential District to a GR-RPC General Residential District - Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 64.32 acres, more or less. The property is lying on the south side of Zion Church Road (Rt. 20), approximately 0.55-mile northwest of Bayard Road. 911 Address: N/A. Tax Parcel: 533-11.00-42.00.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Staff Analysis, a copy of the Applicant's exhibit booklet, a copy of comments received from PLUS review, a copy of the TIS review letter from DelDOT, a copy of the Applicant's TIS, a copy of the DelDOT Service Level Evaluation response, a copy of comments from the Sussex County Engineering Department Utility Planning Division, and one written response which was included in the packet.

The Commission found that Mr. David Hutt, Esq. was present on behalf of the Applicant, Bay Developers, LLC; that also present are Mr. Henry Mast, Principal of Bay Developers, LLC, Mr. Chris Flathers, P.E. – Morris & Ritchie Associates, Inc., Mr. Greg Sauter, P. E. - Geo-Technology Associates, and Mr. Joe Caloggero, P.E. – The Traffic Group, Inc.; that this property was the subject of prior approvals of the Commission and County Council; that this Application is a redesign of a previously approved RPC and commercial project; that in 2010 County Council approved a Change of Zone Applications 1668 and 1669 for this property; that C/Z 1669 was an application seeking to change an area consisting of 5.79 acres of land from General Commercial (C-1) and General Residential (GR) to Commercial Residential (CR-1); that this application was approved; that C/Z 1668 was an application for an Resident Planned Community (RPC) overlay for the balance of the property and was also approved; that the application known as Twin Cedars for 199 residential units consisting of 120 apartments or condos, 45 townhomes and 34 duplexes; that the project was not built and the RPC lapsed; that a new application was filed under C/Z 1909 and was scheduled for a public hearing approximately two months ago; that because the CR-1 portion of the property was not shown on the Zoning Map, the application was terminated which allowed the County to update the Zoning Map and allowed the Applicant to submit a new application listing all the zoning classifications; that the current application is exactly the same as the terminated application C/Z 1909 except that the new application references the 5.79 acres of CR-1 zoning on the property; that the property consists of 64.32 acres situated along Zion Church Road east of the intersection of Zion Church Road and Deer Run Road; that the property is presently unimproved; that there were previously three apartment buildings on this property; that there

are similar residential communities in the area such as Hampton Park, Sweet Bay, Ashton Oaks, Fox Haven and many others; that the property is currently zone C-1, GR and CR-1, that the majority of zoning on Zion Church Road is GR and Medium Residential (MR) with some C-1; that this application seeks to rezone the entire property to GR with an RPC overlay; that the Applicant proposes to leave most of the forested area undisturbed and designate it as open space; that the RPC tool was chosen to maximize the preservation of woods; that the redesign allowed for all the residential areas to be clustered so that each lot would back up to open space or amenities; that this will be a walkable community with centrally located amenities with all homes being within 700 ft. of the amenities; that the entrance to this community would be off Zion Church Road; that 254 units are being proposed comprising of 168 apartments within 7 buildings, 44 townhomes across 11 buildings and 42 single-family lots; that the apartments would be toward the front of the property and the single-family lots toward the rear with the townhomes between both; that the gross density would be 3.95 units per acre and the net density would be 4.31 units per acre; that this density is consistent with the GR district; that the Future Land Use Map shows that this property is located in the Coastal Area which is a growth area; that this property is in the Level 3 area on the State Strategies Map; that the proposed design complements the existing character of the site by keeping the open space and clustering it at the rear of the property; that 28.5 acres will remain forested and undisturbed; that where an existing buffer does not exist, the Developer will install a landscaped buffer to conform with County Code; that sidewalks will be installed on both sides of the street; that amenities proposed include a pool, patio area, a clubhouse, a tot lot area and a walking trail; that the County Code requires 508 parking spaces; that the Applicant is proposing 563 parking spaces; that the Developer will work with the Indian River School District regarding the location of a bus stop; that public utilities are available for the site; that the property is not within a Wellhead Protection Area or within a Groundwater Recharge Area; that there are no known historical sites located on the property; that there are no threatened or endangered species on the property; that the property is not within a flood plain or flood zone; that there will be a Property Owners Association created to manage and govern the common areas within the Community; that DelDOT required a Traffic Impact Study (TIS); that the TIS review letter required that an entrance access from Zion Church Road align with the Bayside Storage entrance across the road; that the entrance be designed and constructed with current DelDOT standards; that the Developer contribute towards a traffic signal at the intersection of Zion Church Road and Bayard Road and Johnson Road; that the Developer include bicycle and pedestrian improvements along the property frontage on Zion Church Road; that a neighboring resident raised concerns that notice be given to future residents regarding the RV park to the rear of this site and that there are hunting and shooting activities in the area; that the same concern was raised in 2010 and the RPC approval contained a requirement that notice be given to all future residents similar to the Agricultural Protection notice; that the Developer has proffered this as part of the proposed conditions and findings; that the purpose of the RPC tool is to encourage large-scale developments as a means of creating a superior living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan; that the RPC overlay is appropriate for this project but is also superior to the design that was approved in 2010; that this design meets the requirements of the Comprehensive Plan in the Zoning Code; that for all these reasons the Applicant requests recommendation of approval for this Change of Zone application to County Council.

Ms. Wingate asked if the hunting is taking place on the Lost Lands RV Park property.

Mr. Hutt stated that he assumes the hunting takes place during the season when the RV's are not occupied; that the current design retaining the forested area allows for a much greater distance from the RV park to the proposed dwellings on the subject property; and that all future residents will be given notice of hunting activities on adjoining property.

Ms. Wingate asked for clarification regarding the numbers on the TIS.

Mr. Joe Caloggero stated that the TIS was prepared for 44 single-family homes, 44 townhomes and, 168 apartments and that's what the numbers are based on.

Ms. Wingate commented that she will expect to see the landscape buffer/berm along Route 20 when the site plan is submitted.

Ms. Stevenson asked for confirmation that the berm is being proposed.

Mr. Hutt stated that Mr. Flathers will address the berm but noted that the nearest residence is a good distance from Route 20 because of the stormwater management systems to the front of the property.

Mr. Chris Flathers stated that the intent is to utilize berms when possible for screening, but it is not always possible with drainage issues and that on the west side of the property the nearest residence is 44 ft. from the property line.

Ms. Stevenson asked the Applicant to address the soils on the property especially, subaqueous soils.

Mr. Greg Sauter stated that the soils at this site are suitable for the proposed development; that hydric soils would not prevent building; that the existence of hydric soils would not prevent the building of an environmentally sensitive development; that the stormwater management facilities proposed for this site will improve the overall stormwater run-off in the area; that subaqueous soils are related to the wetland aspect and that this property has been farmed for many years, therefore, those soils would not be subaqueous; and that there are no wetlands on this site.

Ms. Stevenson commented that the road within the community should have a sign stating that it is for connectivity to future developments.

Mr. Hutt stated that a sign could be placed without the expense of extending a road for something that may never happen.

Ms. Stevenson asked for an explanation of the full-movement access traffic entrance.

Mr. Caloggero stated that it is a full movement of left, right and, straight through so the access to this site will be designed to cross the street from Bayside Storage.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support or in opposition to the Application.

Mr. Whitehouse confirmed that the County Council hearing date for this Application will be June 29, 2021, at 1:30 pm in County Council Chambers and not at Del Tech.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

Prior to the recess, the Commission discussed Application C/Z 1942 – Bay Developers, LLC (Twin Cedars, LLC). Motion by Ms. Wingate to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 5-0.

Recess 6:55 P.M. – 7:20 P.M.

C/Z 1922 – Baywood, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a B-1 (Neighborhood Business District), C-1 (General Commercial District) and, CR-1 (Commercial Residential District) to a HR-RPC High-Density Residential District - Residential Planned Community for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 54.38 acres, more or less. The property is lying on the north side and south side of Long Neck Road, approximately 0.47 miles east of the intersection of Long Neck Road and John J. Williams Highway (Route 24). 911 Address: 32147 Long Neck Road, Millsboro. Tax Parcels: 234-23.00-270.00, 273.01, 273.02, 273.03, & 273.05.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Staff Analysis, a copy of the Applicant's exhibit booklet, a copy of the Applicant's conceptual site plan, a copy of comments received from PLUS comments and, a copy of the Applicant's response to the PLUS comments, a copy of a letter received from the Indian River Volunteer Fire Company, two copies of TIS submissions in relation to the Application sites, a copy of comments from the Sussex County Engineering Department Utility Planning Division, and nine comments which have been distributed to members of the Commission.

The Commission found that Mr. James Fuqua, Esq. was present on behalf of the Applicant, Baywood, LLC; that also present are Robert Tunnell, Jr. and Robert Tunnell, III on behalf of the Applicant, Jason Palkewicz - Solutions IPER, and Betty Tustin – The Traffic Group; that this is an application to rezone a 54.38 acre parcel of land on both the north and south sides of Long Neck Road to High Density Residential District (HR) with a Residential Planned Community (RPC) overlay; that the proposed use is a 514 unit multi-family rental community; that the parcel on the north side of Long Neck Road contains 38.17 acres and is approximately 1,000 ft. east of the Route 24 intersection; that along Long Neck Road between Route 24 and the north parcel, the uses are a gas station, food mart, funeral home and a church; that the north parcel also borders the Greens at Long Neck and the Baywood Greens and Golf Course; that the parcel on the south side of Long Neck Road contains 16.21 acres and is approximately 2,000 ft. east of Route 24; that along Long Neck Road between Route 24 and the south parcel, the uses are a bank, a medical office building, a Beebe health care facility and Bayshore which is a 146 unit multi-family community located on 17 acres of land; that the south parcel borders School Lane to the east and the rear borders the Long Neck Elementary School; that the proposed development is to be called Baywood Gardens; that 354 units would be on the north side in nine multi-family buildings and 160 units would be on the south side in four buildings; that the HR zoning would permit a maximum density of 12 units per acre and the 514 units proposed would be a density of 9.45 units per acre; that no

commercial uses or buildings are being proposed; that the Applicant, Baywood, LLC is owned by the Tunnel family; that the Tunnel family has a history of over 60 years in the Long Neck area including the Baywood development adjacent to the north and the various Pot Nets communities; that tonight's application addresses a much needed housing type and that is the multi-family rental housing.; that the north parcel is currently zoned Neighborhood Business (B-1) and General Commercial (C-1); that there was a prior approved development plan for the northern portion of the subject property which consisted of a Conditional Use for the B-1 land and uses permitted by right for the C-1 land; that in 2010 the County Council approved C/U 1797 for 143 multi-family units on B-1 portion of the site and on the C-1 portion which already permits multi-family, the mixed use proposal was for a total of 354 multi-family units and commercial space of 48,000 sf.; that planned development did not move forward; that this Application is for the same number of multi-family units but eliminates the commercial space; that the south portion of the property is zoned CR-1; that the woods on the property were removed by the previous owner as part of the contract of sale; that the property is located in Investment Levels 1 and 2 according to the Strategies for State Policies and Spending; that the State Strategies is not a land use document but is a guide to where the State plans to direct investments; that Investment Levels 1 and 2 reflect areas that are already developed; that the Comprehensive Plan projects that by the year 2035 there will be an additional 60,000 permanent and seasonal residents in Sussex County; that this growth will correlate into a need for various types of housing; that this project will find a more affordable alternative to home ownership as compared to single-family ownership; that a rental development will have lower costs to the renter, shorter time commitments, no large down-payment, no annual tax bills and no maintenance and landscaping required; that Baywood Gardens will provide more affordable housing to workers in eastern Sussex County; that according to the Comprehensive Plan, Baywood Gardens is located in the Commercial Area and the Coastal Area which are both considered growth areas; that the Applicant has requested that the Future Land Use Map be amended to designate all of the Applicant's land to the Coastal area rather than in two growth areas; that the Comprehensive Plan states that medium and higher density (4-12 units per acre) can be appropriate in certain locations: that Medium and higher density could be supported in areas: where there is central water and sewer; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is along a main road or at/or near a major intersection; where there is adequate Level of Service; or where other considerations exist that are relevant to the requested project and density; that this project is appropriate as it is served by central water and sewer, it is near commercial uses and employment centers, it is in keeping with the character of the area, it is along a main road, and there is adequate level of service and the Applicant will be making improvements to the roadways; that the purpose of the HR-1 district is to permit variety in housing types and provide for residential densities appropriate for areas which are or will be served by public sanitary sewer and water systems and which are well-located with respect to major thoroughfares, shopping facilities and centers of employment; that this describes this site; that the purpose of the RPC overlay is to encourage large-scale developments as a means of creating a superior living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan; that Baywood Gardens is the type of development envisioned in the purpose clause for the HR-RPC; that the proposed development is in accordance with State Investment Level designations, the Sussex County Comprehensive Plan and the purpose of the HR-RPC under the Zoning Ordinance; that the stormwater management facilities will be designed and constructed in accordance with DNREC's sediment and stormwater regulations; that there are no State regulated or tidal wetlands on the property; that the property is designated as being in flood zone X and outside of the 100 year flood plain; that the

State Historic Preservation Office advised that there are no known archeological or national registered listed or registered features on the site; that the site is located in the Indian River School District and the Indian River Volunteer Fire Company; that DelDOT did require a Traffic Impact Study (TIS) for the proposed development; that there were two TIS completed, one for the north parcel and one for the south parcel and that the property is not in the Henlopen Transportation Improvement District (TID); that the Applicant will be required to provide a 40 ft. right-of-way from center line on both sides of Long Neck Road along the site frontage and a 30-ft right-of-way from center line on School Lane along the site frontage; that the Applicant will also dedicate a permanent 15 ft. easement along the site frontage for a shared path which will be constructed by the developer; that the Applicant will also be responsible for certain roadway improvements and traffic signal improvements in the area; that the entrance to the northern portion of this site shall be on Long Neck Road directly across from Bayshore Drive; that there will be a secondary entrance from Greens Way; that the entrance to the southern portion of the site shall be on Long Neck Road directly across from Greens Way; that there will be a secondary entrance from School Lane; that the traffic improvements will include bus stops on Long Neck Road; that the north parcel will contain 354 units located in nine four-story buildings, eight buildings would contain 40 units each and the ninth would have 34 units; that parking would be adjacent to the buildings and a large parking area next to the recreational complex; that the recreational facilities will be on the north parcel and will include a clubhouse, outdoor pavilion, indoor and outdoor pools, playground, pickleball courts, Bocce courts, a practice putting green, a community garden and passive open space; that a central mailbox facility will be located near the recreational facility; that 602 parking spaces are required per County Code and 791 spaces are being provided for the north parcel; that there will be an interior sidewalk system connecting to the shared use path on both the northern and southern portions of the development; that there will be non-intrusive lighting throughout the north and south portions of the development; that the location of the school bus stop will be coordinated with the school district for both sections of the development; that there will be buffers and privacy fencing between the adjacent development; that the south parcel will contain 160 units located in four four-story buildings containing 40 units each; that there will be a 20-ft landscape buffer between this development and adjacent properties; that 287 parking spaces are required per County Code and 320 parking spaces are being provided; that the south parcel will have two open space gathering areas with two tot-lot playgrounds; that there is a signalized crosswalk on Long Neck Road at the intersection with Banks Road and School Lane to allow for pedestrians to cross safely between the north and south side of the property; that there will be 210 two-bedroom units and 304 three-bedroom units; that the Baywood Garden Community would be operated by the Tunnell Companies; that the gross density would be 9.45 units per acre and the net RPC density would be 9.94 units per acre with approximately 27.5 acres of open space which is 51% of the development; that the Applicant has submitted proposed findings and conditions; that the Applicant proposes that the recreational complex be completed prior to the issuance of a Certificate of Occupancy for the 161st unit; that the Applicant proposes that if the RPC is voided for any reason that the zoning revert back to the zoning classification on the date of approval; that this condition is offered by the Applicant with full knowledge of its intent and purpose with the understanding that the Applicant voluntarily offers this condition with the knowledge that they will be bound to it; and that the Applicant respectfully requests recommendation of approval subject to conditions.

Mr. Mears expressed concerns about the safety of pedestrians, especially children crossing Long Neck Road even with the signalized crossing.

Ms. Wingate asked if a property manager will be on site.

Mr. Fuqua stated that there will be a management office on-site and there will be a telephone number for 24-hour access for emergencies.

Ms. Stevenson asked about the height of the four-story buildings.

Mr. Fuqua stated that the buildings will be 52 ft. tall.

Ms. Stevenson asked if there are other buildings of similar height in the area.

Mr. Robert Tunnell, III stated that the Baywood Clubhouse is 65.5 ft.; that the water tower on Route 24 is approximately 60 ft. and the Baywood sales center is 54 ft. and there were 3 height variances for these buildings.

Mr. Robertson commented that the County cannot unilaterally revert something to a different zoning category because of the Code and due process of public hearings but that it could be stated as if the RPC is voided, the County will schedule a public hearing to consider the rezoning of the property.

The Commission found that Terry Phelan spoke in support of the Application; that there seasonal rentals but few permanent rental units available; that it would be good for local workers and young families; that she also has concerns about the crossing issue between the parcels and that golf carts should not be allowed.

The Commission found that Jim Carlson spoke in opposition of the Application; that the infrastructure cannot accommodate all the development in this area and that the roads are not adequate for the traffic in the area.

The Commission found that Jane Rakowski spoke in opposition of the Application; that the traffic is already an issue and adding more units will exacerbate the problem.

The Commission found that Rick Mortimer stated that he had questions for the Applicant; that he asked if the existing Baywood residents would bear any expense to enjoy the proposed amenities.

Mr. Tunnel stated that the existing residents would be able to use the proposed Community Center and that the cost would be spread across all the lots and that there would not be a membership fee.

The Commission found that Eul Lee spoke by teleconference and stated that she had questions regarding the Application; was there a PLUS review for this Application; are four-story apartment buildings considered low-rise; and what are the rental rates. Ms. Lee also expressed concerns about the crosswalk to get to the amenities on the northern portion of the property.

Chairman Wheatley stated that the PLUS review was part of the packet posted on the website.

Mr. Robertson stated that low-rise is not defined in the County Code.

Chairman Wheatley added that there are height limitations and that is what governs the height of any building in a zoning district.

Chairman Wheatley stated that the question about rental rates is beyond the scope of the Commission; that the Commission is about Land Use.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

At the conclusion of the Public Hearing, the Commission discussed the Application.

In relation to Application C/Z 1922 – Baywood, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

Mr. Whitehouse confirmed that the County Council hearing date for this Application will be June 29, 2021, at 1:30 pm in County Council Chambers and not at Del Tech.

ADDITIONAL BUSINESS

Commission discussion on potential site visits

Mr. Whitehouse stated that this item was placed on the agenda to garner if the Commission members would have an interest in visiting sites both developed and undeveloped.

Chairman Wheatley stated that this was done in the past.

Commission members discussed this, and all members agreed that it would be a good idea to put site visits on the calendar for the fall.

Commission discussion on paperless packets

Mr. Whitehouse stated that there are different ways to access the paperless packet on the County Website and demonstrated how to get to the packet through the meeting date on the Website.

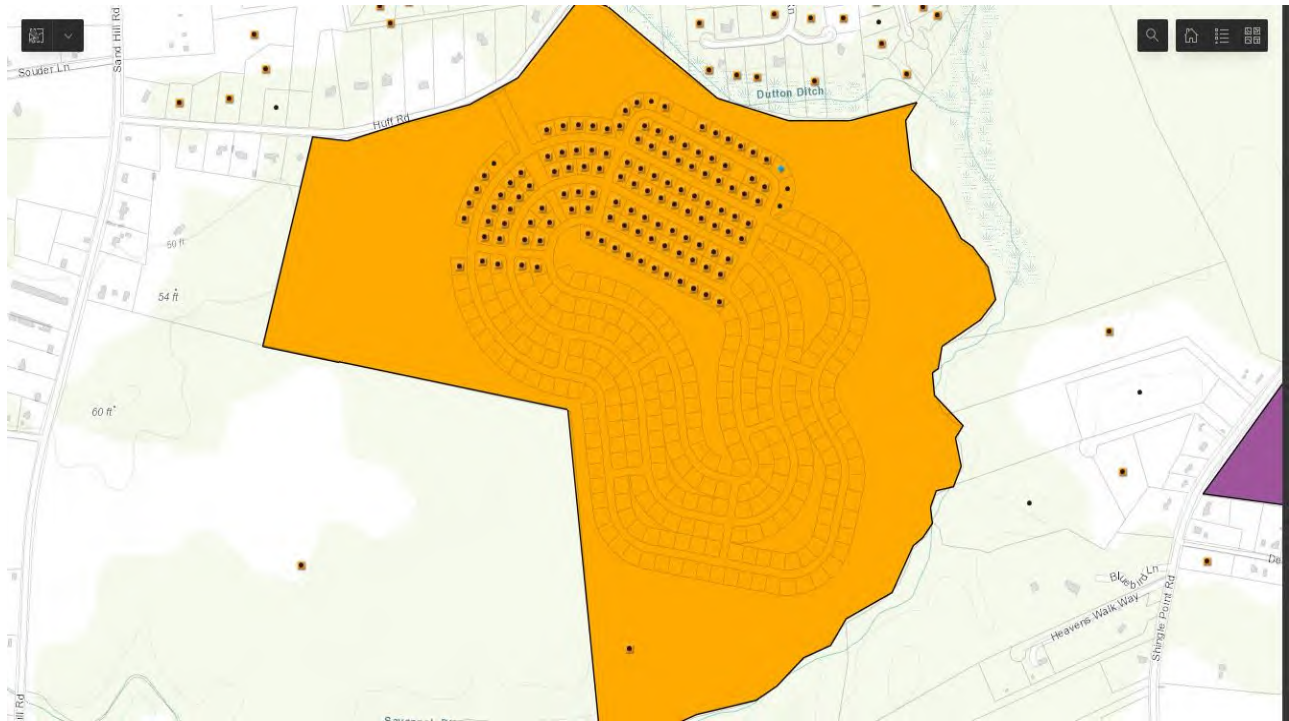
Mr. Robertson thanked the staff from Del Tech and Sussex County for accommodating the meetings over the past months. The Commission members also gave their thanks.

Meeting adjourned at 8:40 p.m.

**Planning and Zoning Commission meetings can be monitored on the internet at
www.sussexcountyde.gov.**

Vines of Sandhill

Permit Status: Active
Development Type: Subdivision



Zoom to Pan Select

Developer Agreements

**Building Permits 87.92%
Allocated**

Building Permits Issued (BP): **131**
Permits w/Units: **N/A**
Permits w/o Units: **131**
Units (U): **N/A**
Net BP: **131**

Net BP = U + Permits w/o Units
DelDOT BP Threshold: **149**
Pending Applications: **1**

CO's 82.55% Allocated

CO's Issued: **123**
DelDOT CO Threshold: **149**

DelDOT Comments: *Phase 1: Must be accepted prior to the 1st CO. Phase 2: Prior to the issuance of the 150th BP the phase 2 improvements must be constructed, inspected, and accepted by DelDOT. Phase 3: Prior to the issuance of the 175th BP the phase 3 improvements shall begin. Prior to the issuance of the 225th BP the phase 3 improvements shall be constructed, inspected, and accepted by DelDOT. For phase 2 and 3 a construction agreement between the developer and the department shall be executed.*

Agreement area edited on 10/28/2022, 2:00 PM by:
DELDOT_OWNER
Created on: 2/9/2022, 1:50 PM