

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



2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DE 19947  
(302) 855-7878 T  
(302) 854-5079 F  
sussexcountyde.gov

# Sussex County Planning & Zoning Commission

## TELECONFERENCE MEETING\*\*

### AGENDA

May 28, 2020

5:30 P.M.

**PLEASE NOTE – AS PERMITTED BY GUBERNATORIAL AUTHORITY, IN ORDER TO LIMIT THE RISK OF POTENTIAL COVID-19 EXPOSURE, THE PUBLIC SHALL BE DENIED ENTRY TO THE PLANNING & ZONING COMMISSION MEETING. THE PUBLIC IS ENCOURAGED TO PARTICIPATE IN THE COMMISSION MEETING ELECTRONICALLY. FURTHER INSTRUCTIONS ARE LISTED AT THE BOTTOM OF THIS AGENDA.**

### Call to Order

### Approval of Agenda

Approval of Minutes – April 23, 2020 and May 14, 2020

### Old Business

#### C/U 2224 – Pamela Price

HW

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a real estate office to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 1.75 acres, more or less. The property is lying on the west side of Sussex Highway (Rt. 13) approximately 0.25 miles north of the intersection of Whitesville Road and Sussex Highway (Rt. 13). 911 Address: 34590 Sussex Highway, Laurel. Tax Parcel: 332-7.00-22.00

#### C/U 2198 – Jeffrey Myer

KH

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for indoor and outdoor retail sales to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 0.8474 acres, more or less. The property is lying on the northwest corner of Seashore Highway and Oak Road. 911 Address: 10595 and 10609 Seashore Highway, Bridgeville. Tax Parcel: 430-22.00-10.01

#### C/Z 1904 – Dry Acres, LLC (Jill Cicierski)

KS

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 10.88



**acres, more or less.** The property is lying on the southwest corner of the intersection of Lewes Georgetown Highway (Route 9) and Fisher Road (S.C.R. 262). 911 Address: N/A. Tax Parcel: 235-30.00-51.00

**Public Hearings**

**C/Z 1914 – Ronald E. & M. Candice Gray** HW  
**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-2 Business Community District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 10.06 acres, more or less.** The property is lying on the northwest side of Roxana Road, approximately 0.61 mile southwest of Peppers Corner Road. (Rt. 17). 911 Address: Not Available. Tax Parcel: 134-15.00-20.06

**C/U 2213 – Whitetail Lane, LLC** KH  
**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a 15-acre borrow pit to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 220.38 acres, more or less.** The property is lying on the northeast side of Cedar Lane, approximately 1.09 mile southeast of Wood Branch Road. 911 Address: 17471 Whitetail Lane, Georgetown. Tax Parcel: 135-20.00-137.00

**C/U 2221 – Dominic Lombardi** HW  
**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a small auto repair business to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 0.75 acres, more or less.** The property is lying on the northeast corner of the intersection of Sheep Pen Road and Godwin School Road. 911 Address: 24169 Godwin School Road, Millsboro. Tax Parcel: 133-16.00-73.04

**C/Z 1915 – Fisher’s Popcorn Fenwick, LLC** HW  
**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-3 Business Research District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 17.15 acres, more or less.** The property is lying on the north side of Zion Church Road (Rt. 20), approximately 318 feet southeast of Deer Run Road. 911 Address: Not Available. Tax Parcel 533-11.00-78.04 (Portion of)

**C/U 2215- BZ Land, LLC** HW  
**An Ordinance to grant a Conditional use of land in an AR-1 Agricultural Residential District for professional offices to be located on a certain parcel of land lying and being in Baltimore hundred, Sussex county, containing 1.56 acres, more or less.** The property is lying on the south side of Lighthouse Road (Rt. 54) at Bayville Road. 911 Addresses: 37116 and 37124 Lighthouse Road, Selbyville. Tax Parcel: 533-19.00-26.00

**Other Business**

**Acadia Subdivision (2018-01)** KS  
Final Subdivision Plan

**Lands of Michael W. & Mary E. Peterson (2019-26)** BM  
Final Subdivision Plan

**Wellesley Subdivision (2018-07)** BM  
Final Amenities Plan

**S-20-05 PJM Properties, LLC** HW  
Revised Final Site Plan

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on May 21, 2020 at 6:00 p.m., and at least seven (7) days in advance of the meeting.

This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

-MEETING INSTRUCTIONS-

\*\* The Sussex Planning & Zoning Commission is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292. The meeting will be conducted using teleconference technology.

To join the meeting via phone, please dial:

**Conference Number: 800-988-0494**

**Passcode: 1695792**

Members of the public joining the meeting via phone will be provided an opportunity to make comments for those items listed under public hearings on this agenda.

The County will stream this meeting using the same technology it uses for its Chamber Broadcast that can be viewed at <https://sussexcountyde.gov/council-chamber-broadcast>. This stream will broadcast the meeting materials and audio only, the public will not be able to comment or speak using this broadcast. This stream will experience a 30-second delay.

The Planning & Zoning Commission meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/>

PLEASE NOTE - Other than verbal comments, the Planning & Zoning Commission will not be able to accept the submission of any written comments, documents, materials or photographs during the teleconference meeting. These must be submitted to the office of Planning & Zoning no later than 4:30 p.m on Tuesday, May 26, 2020

###

<sup>1</sup> These restrictions are being implemented to limit the exposure and risk related to “COVID-19” for County personnel and members of the public who seek to attend the Planning & Zoning Commission Meeting. These decisions are being made under the authority issued by Governor John C. Carney

**through Proclamation No. 17-3292.**

**See: <https://governor.delaware.gov/proclamation-173292-03132020/>.**

CJ2  
File #: 1914  
201914143

### Planning & Zoning Commission Application

#### Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

RECEIVED  
DEC 09 2019  
SUSSEX COUNTY  
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use \_\_\_\_\_  
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

Horseplay Way and Roxanna Road, Frankford, DE 19945

Type of Conditional Use Requested:

Tax Map #: 1-34-15.00-20.06 Size of Parcel(s): 10.0636 acres

Current Zoning: AR-1 Proposed Zoning: B-2 Size of Building: 40 Bldgs. w/703 storage units

Land Use Classification: AGR-Agriculture

Water Provider: N/A-existing on-site well Sewer Provider: NA - existing on-site septic system

#### Applicant Information

Applicant Name: Ronald E. & M. Candice Gray  
Applicant Address: c/o John A. Sergovic, Jr., Esq, Sergovic Carmean Weidman McCartney & Owens  
City: Georgetown State: DE ZipCode: 19947  
Phone #: (302) 855-1260 E-mail: john@sussexattorney.com

#### Owner Information

Owner Name: Ronald E. & M. Candice Gray  
Owner Address: 37176 Sunset Cove  
City: Selbyville State: DE Zip Code: 19975  
Phone #: (302) 855-1260 E-mail: john@sussexattorney.com

#### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: \_\_\_\_\_  
Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, 25 Chestnut Street  
City: Georgetown State: DE Zip Code: 19947  
Phone #: 302-855-1260 E-mail: john@sussexattorney.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

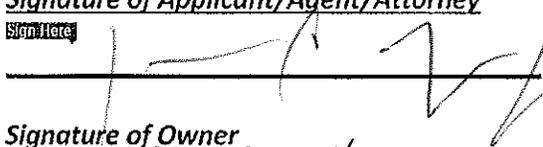
- \_\_\_ Completed Application
- \_\_\_ Provide eight (8) copies of the Site Plan or Survey of the property
  - o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - o Provide a PDF of Plans (may be e-mailed to a staff member)
  - o Deed or Legal description
- \_\_\_ Provide Fee \$500.00
- \_\_\_ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- \_\_\_ Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- \_\_\_ DeIDOT Service Level Evaluation Request Response
- \_\_\_ PLUS Response Letter (if required)

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

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

**Signature of Applicant/Agent/Attorney**

Sign Here



Date: 12-9-19

**Signature of Owner**

Sign Here

*Ronald E. Gray*  
*M. Candice Gray*

Date: 11/25/19  
11/25/19

**For office use only:**

Date Submitted: 12/9/19  
Staff accepting application: CEH  
Location of property: \_\_\_\_\_

Fee: \$500.00 Check #: 4071  
Application & Case #: 201914143

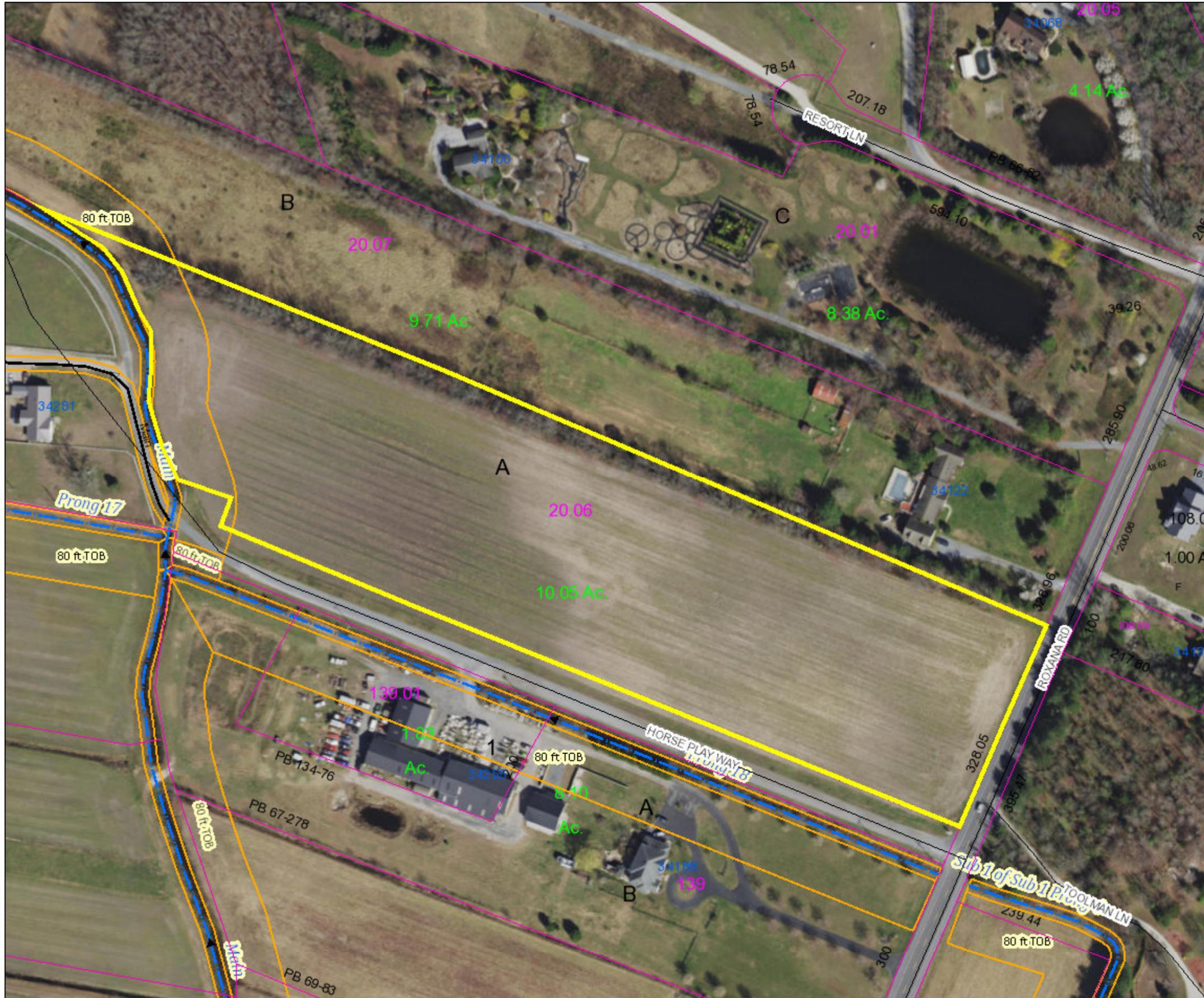
Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_







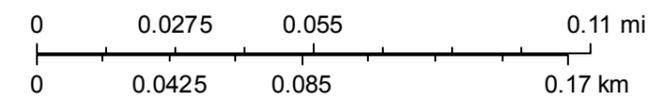
# Sussex County



<b>PIN:</b>	134-15.00-20.06
<b>Owner Name</b>	GRAY RONALD E
<b>Book</b>	4863
<b>Mailing Address</b>	37176 SUNSET CV
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	RD 17
<b>Description 2</b>	N/A
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257



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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Headley, Planner I  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: May 6, 2020  
RE: Staff Analysis for CZ 1914 Ronald E. & M. Candace Grey

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1914 to be reviewed during the May 28, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 134-15.00-20.06 from an Agricultural Residential District (AR-1) to a Business Community District (B-2). The parcel is located on the northwest side of Roxana Rd. (Rt. 17), south of Powell Farm Rd. Frankford, Delaware. The size of the property is 10.0636 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of "Coastal Area."

The areas to the north, south, east and west are also designated "Coastal Areas." "Coastal Areas" are areas that can accommodate development provided special environmental concerns are addressed. The "Coastal Area" also supports a range of housing types including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Mixed-use development should also be allowed.

The Business Community (B-2) Zoning District is listed as an applicable zoning district for the Coastal Area under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan.

The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent properties to the north, south, east and west of the application site are also zoned Agricultural Residential (AR-1). Further north on Roxana Rd. (Rt. 17), the properties are located within the town limits of Millville. The adjacent property to the south is labeled as in an Agricultural Preservation District.

Since 2011, there have been no Change of Zone applications within the vicinity of the application site:

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Business Community (B-2) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.



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

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
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HOLLY J. WINGATE



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date May 28, 2020.

Application: (CZ 1914) Ronald E. & M. Candice Grey

Applicant: Ronald E. & M. Candice Grey  
37176 Sunset Cove  
Selbyville, DE 19975

Owner: Ronald E. & M. Candice Grey  
37176 Sunset Cove  
Selbyville, DE 19975

Site Location: Located on the northwest side of Roxana Rd. (Rt. 17).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Business Community District (B-2)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 10.0636 acres +/-

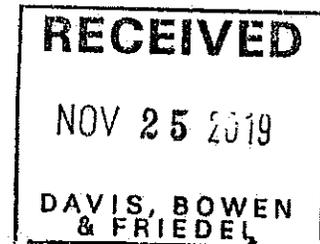
Tax Map ID.: 134-15.00-20.06





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

November 21, 2019



Mr. Timothy M. Metzner  
Davis, Bowen & Friedel, Inc.  
1 Park Ave.  
Milford, DE 19963

RE: PLUS review 2019-10-06; Roxanna Road Storage

Dear Mr. Metzner:

Thank you for meeting with State agency planners on October 23, 2019 to discuss the Roxanna Road Storage project. According to the information received you are seeking review of a rezoning of 10.06 acres from AR-1 to B-2 in anticipation of a 13,000 square foot office and 94,800 square foot storage facility along Roxanna Road in Level 4 in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

**Strategies for State Policies and Spending**

- This project represents land development that will result in 13,000 square feet of office space and 98,000 sq. feet of storage unit space in an Investment Level 4 area according to the *2015 Strategies for State Policies and Spending*. In addition, it is located adjacent to a property preserved through the State's Agricultural Lands Preservation Program. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State cannot support the proposed development.

With that said, **the comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property, construct the development you indicate, or any subdivision thereof on these lands.**

### **Code Requirements/Agency Permitting Requirements**

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

- The site access on Roxana Road (Delaware Route 17) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The PLUS application states that the site would generate 275 vehicle trip ends per day. DelDOT calculates a slightly higher value, 290 vehicle trip ends per day and a corresponding weekday evening peak hour value of 32 vehicle trip ends per hour. In any case, a TIS is not warranted.

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Even without the benefit of the TIS, DelDOT anticipates requiring the developer to improve Delaware Route 17 to meet Collector Road standards, including two 11-foot travel lanes and two 8-foot shoulders, within the limits of their frontage.

DelDOT also anticipates requiring the applicant to contribute toward the construction of a planned roundabout at the intersection of Route 17 and Peppers Corner Road/ Powell Farm Road (both Sussex Road 365).

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Delaware Route 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline along. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Delaware Route 17. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."**
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 600 feet of the entrance proposed on Delaware Route 7.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Delaware Route 17.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352**

**Water Quality**

- The project is located in the low nutrient reduction zone of the greater Inland Bays watershed. In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction targets have been developed by the State of Delaware (under the auspices of Section 303(d) of the 1972 Federal Clean Water Act) for nutrients (e.g., nitrogen, phosphorus), and bacteria. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the low reduction zone of the Inland Bays watershed calls for 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions. Please view the following web link for further information on the regulatory requirements and technical analysis involved in the development of the specific TMDLs: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>

The Inland Bays Pollution Control Strategy (PCS) and the accompanying regulations were finalized by order of the DNREC Secretary on October 2008. The PCS regulations can be reviewed here: <http://regulations.delaware.gov/documents/November2008c.pdf>. Background information about the PCS with guidance documents and mapping tools can be retrieved here:

[http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib\\_pcs.htm](http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm)

- Based on the NRCS soil survey mapping update, wetland-associated hydric soils (e.g., Mullica & Hurlock) are mapped over the entirety of the project area. These soils have severe limitations for development (considered unsuitable) and are functionally important source of water storage as a natural sponge. The loss of water storage through excavation, filling, or grading of intact native hydric soils increases the vulnerability for more frequent and destructive flooding events. The increased probability for flooding from stormwater runoff is further aggravated by increases in the proportion of impervious surfaces in the landscape as building density increases over time.

**Sediment and Erosion Control/Stormwater Management**

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District.

Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

### **Groundwater Discharges**

- There is currently no record of existing permit or site evaluation, associated with the tax parcel (1-34-15.00-20.06), in the DNREC Groundwater Discharges Section Small System database. The applicant will need to follow the permitting process of the Groundwater Discharges Section Small System to obtain an individual on-site system for wastewater disposal.

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

- The Delaware SHPO does not support or recommend development in a Level 4 area. There are no known archaeological sites or known National Register listed or eligible properties on the parcel.
- The soils are poorly drained in their natural state, and the parcel borders a natural stream to the west. It is very unlikely that there is an early historic period site present based on the soils and its distance from navigable streams.
- There is low potential for archaeological data to be present on the parcel.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

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

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

#### **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for Storage sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

**Fire Protection Features:**

- All structures over 10,000 sq. ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- All mini-storage buildings greater than 2500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

*Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased for the purposes of storing personal or business items where all of the following apply:*

*(1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*

*(2) the owner of the facility does not have unrestricted access to the storage units, and*

*(3) the items being stored are concealed from view from outside the storage unit.*

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

**Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

**Gas Piping and System Information:**

- Provide type of fuel proposed and show locations of bulk containers on plan.

**Required Notes:**

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

**Department of Agriculture – Contact: Scott Blaier 698-4532**

- The proposed project is adjacent to a property preserved through the State’s Agricultural Lands Preservation Program (Hudson Heritage Expansion of the Hickman Farms District, S-17-03-085B), (Sussex County Parcel Number 134-15.00-15.00). Therefore, the following regulations may apply.
- If any wells are to be installed, **Section 5.1.1.3 of the DNREC’s 7301 Regulations Governing the Construction and Use of Wells** may apply. This regulation states:
- 50 feet from any boundary of an Agricultural Lands Preservation District (as defined in 3 Del.C. Chapter 9) for any parcel, lot, or subdivision. Wells on parcels, lots, or subdivisions created or recorded prior to April 6, 1997 are exempt. The Department requires that all wells be placed the maximum distance possible from lands where federally regulated chemicals have been applied. Pesticides that have been applied in accordance with their respective pesticide product label and are not associated with any known contamination are exempt.

**Sussex County – Contact Rob Davis 302-855-7820**

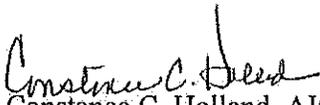
- The project is within a Tier 3 area for wastewater planning. Sussex County does not expect to provide sanitary sewer service within the area proposed for industrial operations and uses. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility as proposed.

PLUS review 2019-10-06  
Page 8 of 8

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

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

Sincerely,

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

CC: Sussex County Planning

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/21/2020**

APPLICATION: **CZ 1914 – Ronald E. & M. Candice Grey**

APPLICANT: **Ronald E. & M. Candice Grey**

FILE NO: **ROX: 1.01**

TAX MAP &  
PARCEL(S): **134-15.00-20.06**

LOCATION: **Located on the northwest side of Roxana Road (Rt. 17)**

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

GROSS  
ACREAGE: **10.0636**

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

**SEWER:**

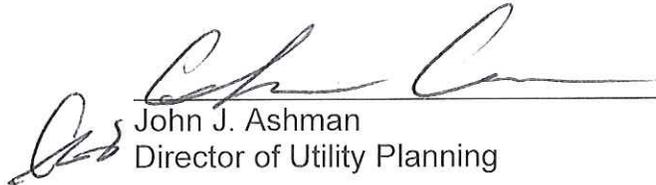
- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).
- b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 4**
- (3). Is wastewater capacity available for the project? **No** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **N/A** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer

district? **N/A**

Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed CZ is in a Tier 4 area for wastewater service. The Sussex County Engineering does not have a schedule to provide sanitary sewer service to this parcel.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:

  
John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
No Permit Tech Assigned

**INDEX**

**RONALD E. GRAY and M. CANDICE GRAY**

**APPLICATION FOR CHANGE OF ZONE NO. 1914**

- A. Conceptual Site Plan Rendering**
- B. Compliance with Land Use Plan prepared by Sergovic Carmean Weidman  
McCartney & Owens, P.A.**
- C. Water Service Areas with nearest tie-in**
- D. Sussex County Sewer District with nearest tie-in**
- E. Deed whereby the Applicants acquired the property**
- F. Proposed Findings**
- G. Sketch Drawing of Compatible Uses, Exhibit "A" to Compliance**
  - 1. Hocker's Super Center**
  - 2. Creative Concepts**
  - 3. Bob's Marine Services, Inc.**
  - 4. Beach Storage**
  - 5. The Fireplace Store**
  - 6. Rob Ward's Commercial Storage**
  - 7. Millville by The Sea Lifestyle Center**
  - 8. Garth Enterprises**
  - 9. Mercantile Processing, Inc.**
  - 10. Beebe Hospital**
  - 11. Subject Property**
  - 12. One Coastal Farm**
  - 13. Blackwater Fellowship Church**
  - 14. Our Lady Guadalupe Church.**
- H. PLUS Report and response of Davis, Bowen & Friedel, Inc.**

**F RECEIVED**

**MAY 19 2020**

**SUSSEX COUNTY  
PLANNING & ZONING**

# ROXANA ROAD STORAGE

SUSSEX COUNTY, DELAWARE



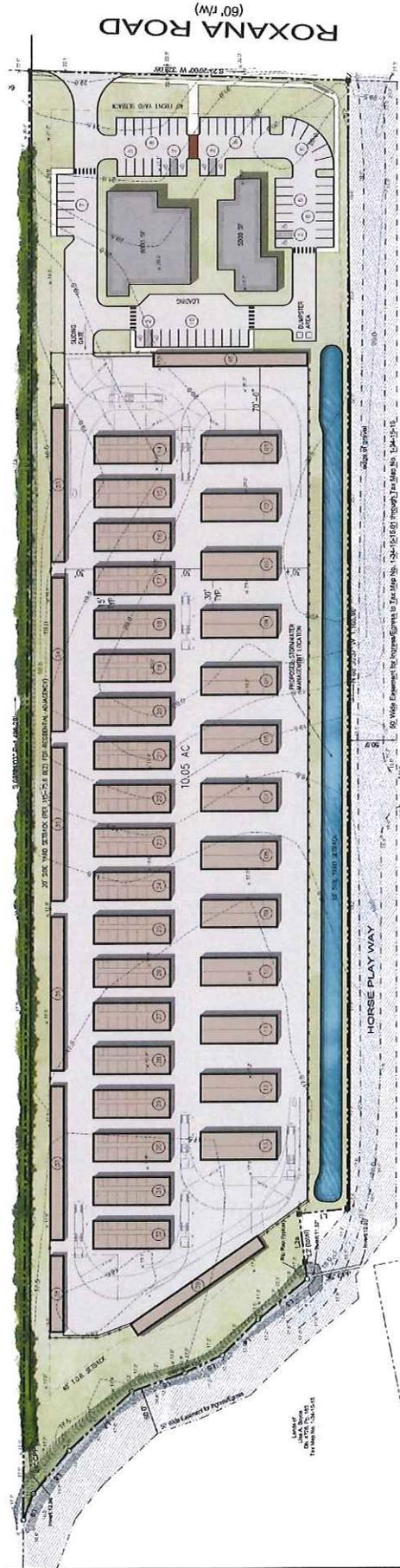
NOTE: Documentation has been taken from survey worksheets drawn by Simpson Surveying & Associates, Inc. dated 03-27-18.

## CONCEPTUAL SITE PLAN - PROPOSED B-2 ZONING

1" = 50'  
 July 12, 2019  
 DBF# 1111B001.A01



- OFFICES 65 PARKING SPACES 40 STORAGE BUILDINGS
- (1) 8000 S.F. (57) STANDARD (19) 30X80 CLIMATE-CONTROLLED (1) 15X80 EXTERIOR ACCESS
- (1) 5000 S.F. (8) ACCESSIBLE (13) 30X80 EXTERIOR ACCESS (7) 15X160 EXTERIOR ACCESS



**COMPLIANCE WITH SUSSEX COUNTY COMPREHENSIVE PLAN  
DATED MARCH 2019**

The applicants, Ronald E. and M. Candice Gray (hereinafter “the Grays”), have proposed an Ordinance to Amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District (“AR-1”) to B-2 Business Community District (“B-2”) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville consisting of 10.0636 acres, more or less, designated by Sussex County Tax Mapping as 1-34, Map 15.00, Parcel 20.06 (“Subject Property”). The Grays seek to utilize the Subject Property for purposes of operating 13,000 square feet of office buildings, and 94,800 square feet of enclosed storage space, located in forty (40) buildings, containing seven-hundred-three (703) storage units therein.

The lands are located within an area identified in the Sussex County Comprehensive Plan dated March 2019 as Coastal Area. Coastal Areas are designated based on two characteristics: (1) “this region is among the most desirable locations in Sussex County for new housing ... [and] [(2)] this region contains ecologically important and sensitive characteristics as well as other coastal lands which help to absorb floodwaters and provide extensive habitat for native flora and fauna.”<sup>1</sup> Permitted uses within the Coastal Area include “retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be

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<sup>1</sup> Sussex County Comprehensive Plan dated March 2019, at pages 4-15 – 4-16.

appropriate to provide for convenient services and to allow people to work close to home.”<sup>2</sup>

A rezoning of this land from AR-1 to B-2 is appropriate and compatible with the goals and directions of the Coastal Area of the Sussex County Comprehensive Plan dated March 2019. The rezoning of these lands is compatible with uses along Roxana Road, Route 17, between Routes 26 and Daisey Road, which include a wide range of land uses. See attached sketch drawing, Exhibit “A” to Compliance, identifying multiple different uses along Roxanna Road (Hocker’s Super Center, Creative Concepts, Bob’s Marine Services, Inc., Beach Storage, The Fireplace Store, Rob Ward’s Commercial Storage, Millville By The Sea Lifestyle Center, Garth Enterprises, Mercantile Processing, Inc., Beebe Hospital, Subject Property, One Coastal Farm, Blackwater Fellowship Church, and Our Lady Guadalupe Church). Thus, the amendment to the Comprehensive Zoning Map will have no adverse or detrimental impact on neighboring areas or uses.

In summary, the rezoning of the subject property from an AR-1 to B-2 is appropriate legislative action. **DeIDOT did not require a traffic impact study when it reviewed the proposed use.** As determined by DeIDOT, there will be minimal, if any, impact on traffic as the proposed use would not generate more than four hundred (400) trips per day or fifty (50) trips during any peak hour. The rezoning of the Subject Property will also provide a mixture of light commercial uses which are appropriate in Coastal Areas under the update to our Comprehensive Plan to provide for convenient services by having enclosed water tight storage for residents living in relative close proximity to the Subject Property in communities off of Routes 17, 54 and 26 to meet

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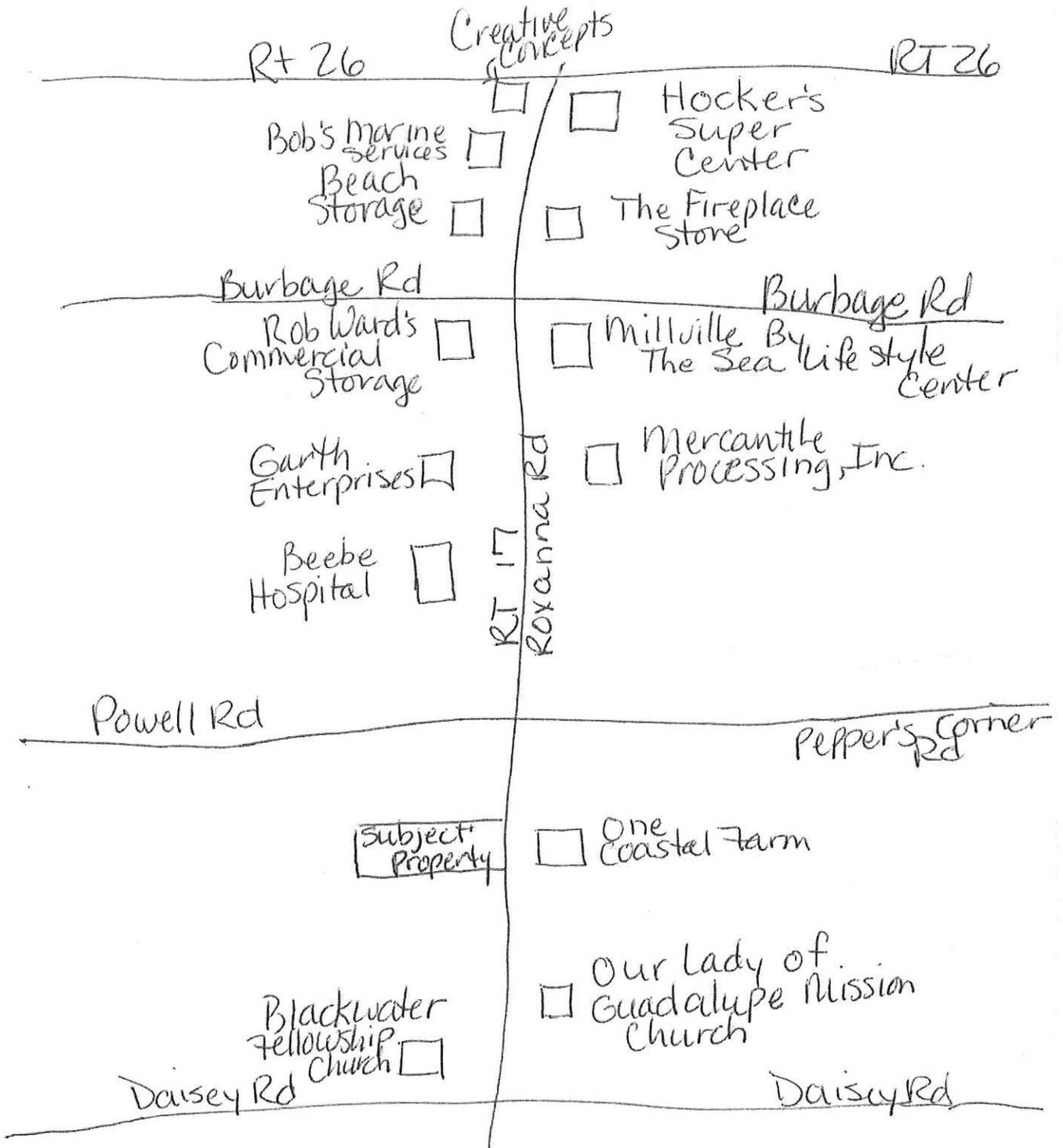
<sup>2</sup> Sussex County Comprehensive Plan dated March 2019, at pages 4-15 – 4-16.

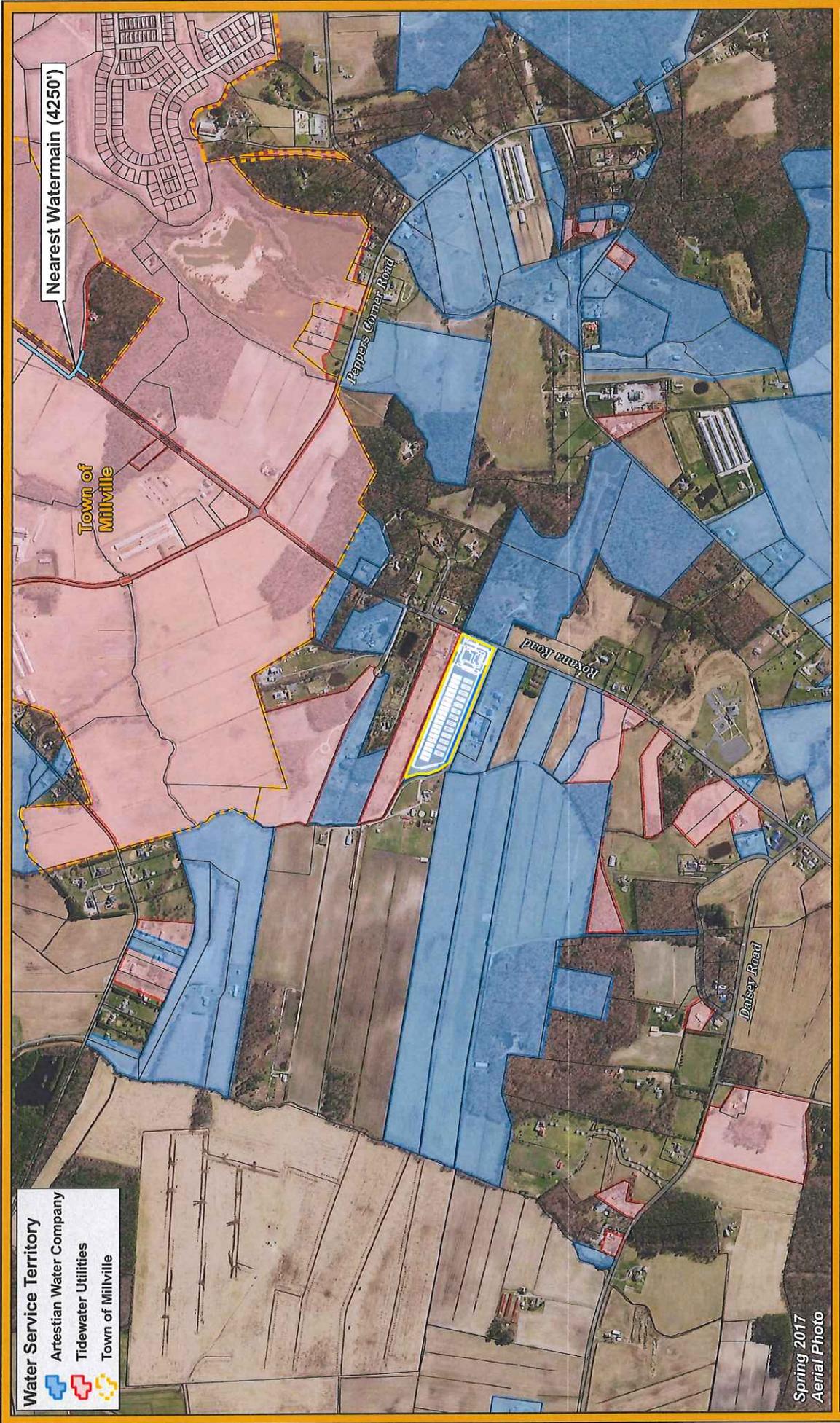
their storage needs. The depicted office structure is not intended to be erected until central sewer is available but will allow employment opportunities close to residential communities along Routes 17, 26 and 54.

# EXHIBIT "A"

TO COMPLIANCE WITH SUSSEX COUNTY COMPREHENSIVE PLAN

DATED MARCH 2019





**Water Service Territory**  
 Artesian Water Company  
 Tidewater Utilities  
 Town of Millville

Nearest Watermain (4250')

Town of Millville

Peppers Corner Road

Roxana Road

Daisy Road



May 2020



**Water Service Territories**  
 Ronald E. & M. Candice Gray  
 Sussex County, Delaware



Spring 2017  
 Aerial Photo

Sources:  
 Tax Parcels per Sussex County  
 Aerial Photograph Courtesy of DEMAC



Town of Milville

Nearest Sewer (4250')

Ex 18+S

Milville Sanitary Sewer District

Beaver Dam Sanitary Sewer District

Pappas Corner Road

Roxana Road

Daisey Road

Town of Milville

Sussex County Government



May 2020

**Sussex County Sewer Districts**  
 Ronald E. & M. Candice Gray  
 Sussex County, Delaware



Sources:  
 Tax Parcels per Sussex County  
 Aerial Photograph Courtesy of DEMAC

Spring 2017  
 Aerial Photo

11203

BK: 4863 FG: 221

Tax Map and Parcel #: 1-34-15.00-20.06

PREPARED BY:  
TOMASETTI LAW LLC  
1100 Coastal Hwy., Unit 3  
Fenwick Island, DE 19944  
File No. 518-89/KR

RETURN TO:  
RONALD E. GRAY  
M. CANDICE L. GRAY  
37176 Sunset Cove  
Selbyville, DE 19975

Consideration: 265,000.00

-----	
County	3,975.00
State	6,625.00
Town	Total 10,600.00
Received: Maria T Apr 02, 2018	

**THIS DEED**, made this 28th day of March, 2018,

- BETWEEN -

ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, of 33099 Omar Road, Frankford, DE 19945, parties of the first part,

- AND -

RONALD E. GRAY and M. CANDICE L. GRAY, husband and wife, of 37176 Sunset Cove, Selbyville, DE 19975, parties of the second part.

**WITNESSETH:** That the said parties of the first part, for and in consideration of the sum of **Two Hundred Sixty-Five Thousand and 00/100 Dollars (\$265,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware, as **TENANTS BY THE ENTIRETY** :

**ALL** that certain lot, piece or parcel of land situate, lying and being on the Northwesternly side of Route 17, Baltimore Hundred, Sussex County, Delaware, more particularly described as follows: Being: PARCEL "A", on a plot entitled "SUBDIVISION OF LANDS OF BONARD B. TIMMONS, JR.", dated April 23, 1987, prepared by McCann,

BK: 4863 PG: 222

Inc., a copy of said plot is of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 37, Page 19. Said parcel containing 10.05 acres of land, more or less.

BEING the same lands as conveyed unto Alexander Pszczola, III and Shelly Hocker Pszczola, husband and wife, by Deed of Gerald Hocker and Emily Hocker, husband and wife, dated December 18, 2013 and filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 4210, Page 302.

**Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated January 4, 2007 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 1, Page 196.**

**Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated March 12, 2009 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 6, Page 97.**

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

BK: 4863 PG: 223

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of:

*[Handwritten signature]*  
\_\_\_\_\_  
AS

*Alexander Pszczola III* (SEAL)  
\_\_\_\_\_  
ALEXANDER PSZCZOLA, III

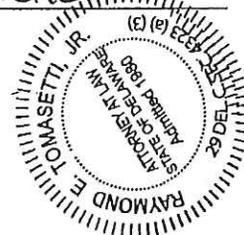
*Shelly Hocker Pszczola* (SEAL)  
\_\_\_\_\_  
SHELLY HOCKER PSZCZOLA

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on March 28, 2018, personally came before me, the subscriber, ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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

*[Handwritten signature]*  
\_\_\_\_\_  
Notary Public  
My Commission Expires: none



RECEIVED  
APR 02, 2018  
ASSESSMENT DIVISION  
OF SUSSEX COUNTY

Recorder of Deeds  
Scott Dailey  
Apr 02, 2018 12:14P  
Sussex County  
Doc. Surcharge Paid

## **PROPOSED FINDINGS OF FACT**

The record presented in C/Z No. 1914, the application of Ronald E. and M. Candice Gray (hereinafter “the Grays”), supports an Ordinance to amend the Comprehensive Zoning Map of Sussex County from an Agricultural Residential District (“AR-1”) to a Business Community District (“B-2”) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville, on 10.0636 acres, more or less, consisting of District 1-34, Map 15.00, Parcel 20.06 (“Subject Property”). In support of its recommendation for approval the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions, based upon the record:

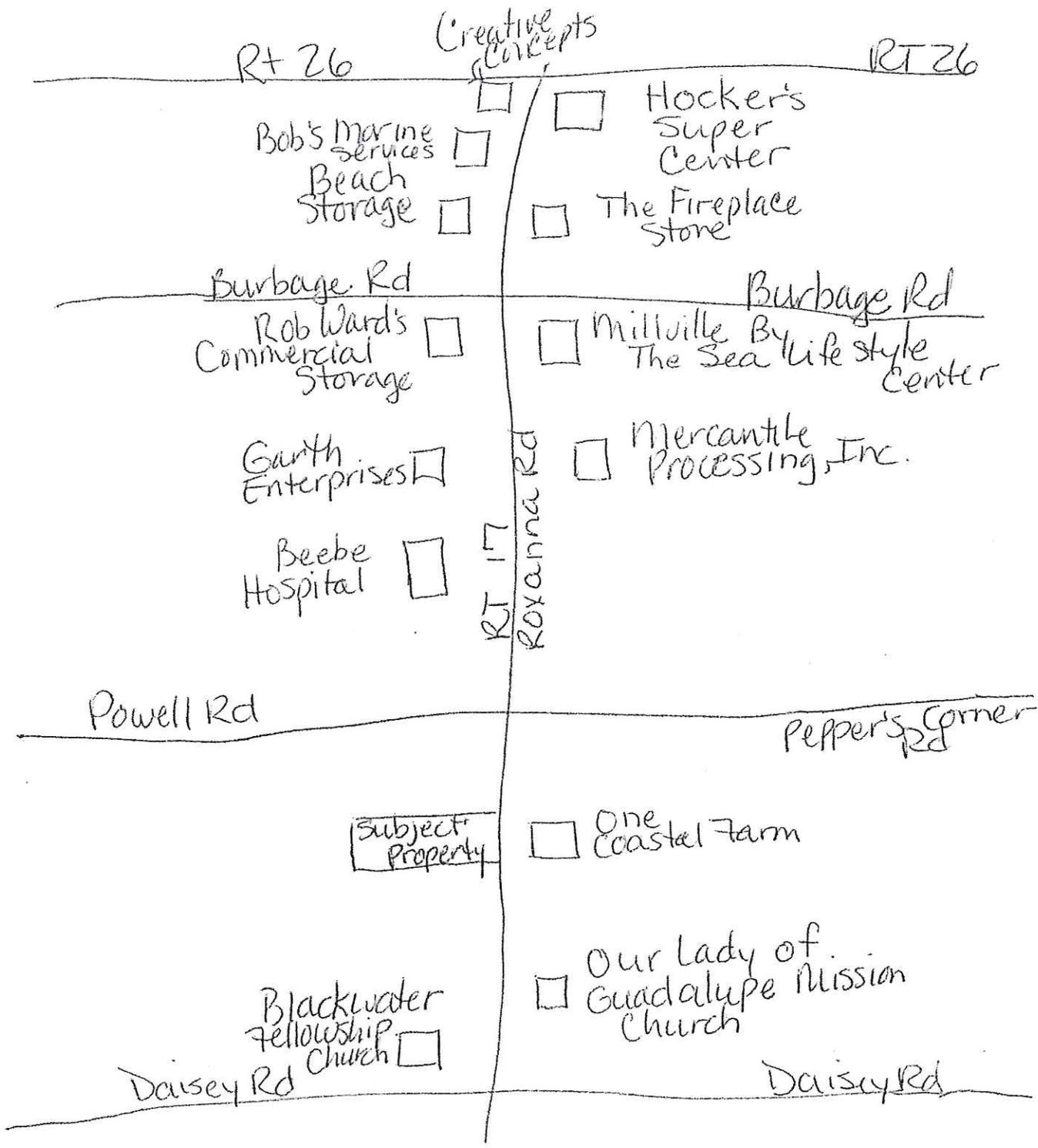
1. The application of the Grays seeks to amend the Comprehensive Zoning Map by proposing an Ordinance to amend the Comprehensive Zoning Map of Sussex County from an Agricultural Residential District (AR-1) to a Business Community District (B-2) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville for the purposes of operating a 13,000 square foot office building after central sewer is available, and 94,800 square feet of water tight enclosed self-storage space located in forty (40) buildings and containing seven-hundred-three (703) storage units therein.
2. The property consists of approximately 10.0636 acres.
3. The proposed use of the property is compatible and consistent with neighboring uses along Roxana Road. Hocker’s Super Center, Creative Concepts, Bob’s Marine Services, Inc., Beach Storage, The Fireplace

Store, Rob Ward's Commercial Storage, Millville by The Sea Lifestyle Center, Garth Enterprises, Mercantile Processing, Inc., Beebe Hospital, Subject Property, One Coastal Farm, Blackwater Fellowship Church, and Our Lady Guadalupe Church.

4. The amendment to the Comprehensive Zoning Map will have no adverse or detrimental impact on neighboring areas or uses.
5. The proposed use will have no significant impact upon traffic in the area. DelDOT required no traffic impact study.
6. The applicant, Ron Gray, has surveyed owners along Roxanna Road with no one voicing objections to the proposed rezoning.
7. The property is located in a Coastal Area as established by the Sussex County Comprehensive Plan, dated March 2019. Thus, the proposed use meets the purpose of the Sussex County Comprehensive Plan, dated March 2019 in that it follows recommended allowed uses in the Coastal Area.
8. Historically, before and after adoption of the Sussex County Zoning Ordinance, the Subject Property has been vacant land.
9. The proposed uses are permissible under Section 115-75(2) of the Sussex County Code governing permitted uses in the B-2 Zone. Offices are permissible under (4). Self-storage use is permissible under (9).

Based upon the record and the above findings, Planning and Zoning Commission recommends approval of the applied for Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a

B-2 Business Community District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, land lying north Roxana Road at Selbyville located on 10.0636 acres, more or less, consisting of District 1-34, Map 15.00, Parcel 20.06 to allow for the operation and maintenance of a 13,000 square foot office, and 94,800 square feet, consisting of forty (40) buildings, containing seven-hundred-three (703) storage units, to the County Council finding that the proposed Ordinance is for the purpose of promoting the health, safety, moral, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County, including amongst other things, the lessening of congestion in the streets or roads, securing safety from fire, flood and other dangers, providing adequate light and air; preventing on the one hand, excessive concentration of population and on the other hand, excessive and wasteful scattering of population or settlement and promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements.



December 20, 2019

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

Office of State Planning Coordination  
122 Martin Luther King Jr. Blvd., Third Floor  
Dover, DE 19901

Attn: Ms. Constance C. Holland, AICP  
Director

RE: **PLUS review 2019-10-06; Roxanna Road Storage**  
Tax Parcel No: 1-34-15.00-20.06  
DBF # 0003H001

Dear Ms. Holland,

We are pleased to submit the following responses to the Office of State Planning Coordination's review letter dated November 21, 2019.

### **Strategies for State Policies and Spending**

- This project represents land development that will result in 13,000 square feet of office space and 98,000 sq. feet of storage unit space in an Investment Level 4 area according to the *2015 Strategies for State Policies and Spending*. In addition, it is located adjacent to a property preserved through the State's Agricultural Lands Preservation Program. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State cannot support the proposed development.

*Understood*

### **Code Requirements/Agency Permitting Requirements**

#### **Department of Transportation**

- The site access on Roxana Road (Delaware Route 17) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.

*We will design the site access in accordance with DelDOT's Development Coordination Manual.*

- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Reguest\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Reguest_Form.pdf?08022017).

*A Pre-Submittal Meeting will be requested in the near future.*

- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

*We will submit the Initial Stage Fee with the record plan, and the Construction Stage Fee with the construction plans when they are submitted.*

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The PLUS application states that the site would generate 275 vehicle trip ends per day. DelDOT calculates a slightly higher value, 290 vehicle trip ends per day and a corresponding weekday evening peak hour value of 32 vehicle trip ends per hour. In any case, a TIS is not warranted.

*We concur that a Traffic Impact Study is not warranted.*

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Even without the benefit of the TIS, DelDOT anticipates requiring the developer to improve Delaware Route 17 to meet Collector Road standards, including two 11-foot travel lanes and two 8-foot shoulders, within the limits of their frontage.

*We acknowledge the improvement requirements for DE Rt 17 within the frontage limits.*

DelDOT also anticipates requiring the applicant to contribute toward the construction of a planned roundabout at the intersection of Route 17 and Peppers Comer Road/ Powell Farm Road (both Sussex Road 365).

*We acknowledge there may be contribution requirements for a planned roundabout at the intersection of DE Route 17 and Peppers Corner Road/Powell Farm Road.*

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Delaware Route 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline along. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**

*We acknowledge the ROW required along the frontage of DE Route 17.*

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the

establishment of a 15-foot wide permanent easement across the property frontage on Delaware Route 17. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"

*We acknowledge a 15' easement is required along the frontage on DE Route 17.*

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - o A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.  
*We acknowledge a Traffic Generation Diagram is required.*
  - o Depiction of all existing entrances within 600 feet of the entrance proposed on Delaware Route 7.  
*All existing entrances within 600 feet of our proposed entrance will be shown on the plan.*
  - o Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.  
*We acknowledge notes of any off-site improvements, agreements, and contributions will be required.*
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Delaware Route 17.  
*We acknowledge the setback requirement of stormwater treatment methods.*
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.del.dot.gov/Business/subdivisions/index.shtml>.  
*We will provide an auxiliary Lane Worksheet.*
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.  
*We will show all existing utilities on the plan.*

### **Department of Natural Resources and Environmental Control**

#### **Water Quality**

- The project is located in the low nutrient reduction zone of the greater Inland Bays watershed. In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction targets have been developed by the State of Delaware (under the auspices of Section 303(d) of the 1972 Federal Clean Water Act) for nutrients (e.g., nitrogen, phosphorus),

and bacteria. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited waterbody" can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the low reduction zone of the Inland Bays watershed calls for 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions. Please view the following web link for further information on the regulatory requirements and technical analysis involved in the development of the specific TMDLs: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>  
*We acknowledge the TMDL's requirement for 40% reduction in nitrogen, phosphorus and bacteria.*

- The Inland Bays Pollution Control Strategy (PCS) and the accompanying regulations were finalized by order of the DNREC Secretary on October 2008. The PCS regulations can be reviewed here: <http://regulations.delaware.gov/documents/November2008c.pdf>. Background information about the PCS with guidance documents and mapping tools can be retrieved here: [http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib\\_pcs.htm](http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm)  
*Understood*
- Based on the NRCS soil survey mapping update, wetland-associated hydric soils (e.g., Mullica & Hurlock) are mapped over the entirety of the project area. These soils have severe limitations for development (considered unsuitable) and are functionally important source of water storage as a natural sponge. The loss of water storage through excavation, filling, or grading of intact native hydric soils increases the vulnerability for more frequent and destructive flooding events. The increased probability for flooding from stormwater runoff is further aggravated by increases in the proportion of impervious surfaces in the landscape as building density increases over time.  
*We acknowledge the NRCS soil survey delineation of wetland-associated hydric soils on this site. Further geotechnical soils investigations will be performed.*

#### **Sediment and Erosion Control/Stormwater Management**

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District.

Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

*Understood. Sussex Conservation District will be contacted prior to a pre-application meeting.*

### **Groundwater Discharges**

- There is currently no record of existing permit or site evaluation, associated with the tax parcel (1-34-15.00-20.06), in the DNREC Groundwater Discharges Section Small System database. The applicant will need to follow the permitting process of the Groundwater Discharges Section Small System to obtain an individual on-site system for wastewater disposal.

*We acknowledge the permitting process to obtain an individual on-site system for wastewater disposal.*

### **State Historic Preservation Office**

- The Delaware SHPO does not support or recommend development in a Level 4 area. There are no known archaeological sites or known National Register listed or eligible properties on the parcel.

*Understood. We also acknowledge that there are no known archaeological sites or known National Register listed or eligible properties on the parcel.*

- The soils are poorly drained in their natural state, and the parcel borders a natural stream to the west. It is very unlikely that there is an early historic period site present based on the soils and its distance from navigable streams.

*Understood*

- There is low potential for archaeological data to be present on the parcel.

*We acknowledge that there is low potential for archaeological data on the parcel.*

- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

*We acknowledge the Unmarked Human Burials and Human Skeletal Remains Law.*

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

*We acknowledge the National Historic Preservation Act.*

### **Delaware State Fire Marshall's Office**

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

### **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

*We acknowledge the requirements of a water distribution system. As proposed the storage*

*units are below 2,500 square feet, and the office buildings are below 10,000 square feet. The nearest water connection is greater than 1,000 from this site. Due to the buildings being below the square footage requirements, we are not proposing a water distribution system for the site.*

- Where a water distribution system is proposed for Storage sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

*We are not proposing a water distribution system for the storage units.*

**Fire Protection Features:**

- All structures over 10,000 sq. ft. aggregate will require automatic sprinkler protection installed.

*We acknowledge the requirements for automatic sprinkler protection.*

- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

*We acknowledge the requirements for fire lane markings.*

- All mini-storage buildings greater than 2500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

*We acknowledge the automatic sprinkler system requirements.*

*Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased for the purposes of storing personal or business items where all of the following apply:*

*(1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*

*Understood*

*(2) the owner of the facility does not have unrestricted access to the storage units, and*

*Understood*

*(3) the items being stored are concealed from view from outside the storage unit.*

*Understood*

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.

*We acknowledge the requirements that the Fire Department Connection location must be within 300 feet of a fire hydrant as shown in the DSFPR.*

- Show Fire Lanes and Sign Detail as shown in DSFPR.  
*Fire lanes and Sign Detail will be shown on the plans as shown in the DSFPR.*

#### **Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.  
*We acknowledge the need of accessibility to fire apparatus.*
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.  
*We acknowledge that if traffic speed reduction measures are used, they must be in accordance with DOT requirements.*
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.  
*We acknowledge the local Fire Chief shall approve the use of gates into and out of the site.*

#### **Gas Piping and System Information:**

- Provide type of fuel proposed and show locations of bulk containers on plan.  
*We acknowledge that if gas piping is proposed we will show it and the locations of any bulk containers on the plan.*

#### **Required Notes:**

- Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads  
*The above referenced notes will be provided on the plans.*

#### **Department of Agriculture**

- The proposed project is adjacent to a property preserved through the State's Agricultural Lands Preservation Program (Hudson Heritage Expansion of the Hickman Farms District, S-17-03-085B), (Sussex County Parcel Number 134-15.00-15.00). Therefore, the following regulations may apply.

- If any wells are to be installed, **Section 5.1.1.3 of the DNREC's 7301 Regulations Governing the Construction and Use of Wells** may apply. This regulation states:

50 feet from any boundary of an Agricultural Lands Preservation District (as defined in 3 Del.C. Chapter 9) for any parcel, lot, or subdivision. Wells on parcels, lots, or subdivisions created or recorded prior to April 6, 1997 are exempt. The Department requires that all wells be placed the maximum distance possible from lands where federally regulated chemicals have been applied. Pesticides that have been applied in accordance with their respective pesticide product label and are not associated with any known contamination are exempt.

*We acknowledge the setback requirements that must be met for wells installed near a property in an Agricultural Lands Preservation District.*

#### Sussex County

- The project is within a Tier 3 area for wastewater planning. Sussex County does not expect to provide sanitary sewer service within the area proposed for industrial operations and uses. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility as proposed.

*We acknowledge this site is within a Tier 3 area for wastewater planning.*

Should you have any questions or need additional information, please call.

Sincerely,  
*Davis, Bowen & Friedel, Inc.*



Timothy M. Metzner, RLA, LEED AP ND  
Associate

P:\1111\1111B001\submit\PLUS\2019-12-20 Comment Response\2019-12-20 PLUS Comment Response.docx

CC: Sussex County Planning & Zoning



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

JENNIFER COHAN  
SECRETARY

September 25, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Ronald E. Gray and M. Candice Gray** rezoning application, which we received on August 28, 2019. This application is for an approximately 10.05-acre parcel (Tax Parcel: 134-15.00-20.06). The subject land is located on the west side of Roxana Road (Sussex Road 52), approximately 2,200 feet southwest of the intersection of Roxana Road and Peppers Corner Road (Sussex Road 365), east of the Town of Frankford. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 (Neighborhood Business) to develop 40 buildings consisting of 380 regular storage units, 323 climate control storage units, and 13,000 square feet of office space.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Roxana Road where the subject land is located, which is from Daisey Road (Sussex Road 370) to Delaware Route 26, are 4,621 and 5,947 vehicles per day, respectively.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DeIDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

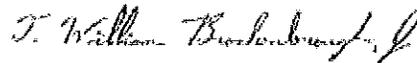


Ms. Janelle M. Cornwell  
Page 2 of 2  
September 25, 2019

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

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

Sincerely,



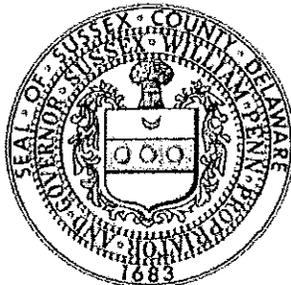
T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Ronald E. Gray and M. Candice Gray, Applicants  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andreascavage, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

**PLANNING & ZONING COMMISSION**

MARTIN L. ROSS, CHAIRMAN  
KIM HOEY STEVENSON, VICE CHAIRMAN  
R. KELLER HOPKINS  
DOUGLAS B. HUDSON  
ROBERT C. WHEATLEY



# Sussex County

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JANELLE M. CORNWELL, AICP  
DIRECTOR

## SERVICE LEVEL

## EVALUATION REQUEST

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

Date: 8/28/19

### Site Information:

Site Address / Location: Horseplay Way and Roxana Road, Frankford, DE

Tax Parcel Number: 1-34-15.00-20.06

Current Zoning: AR-1

Proposed Zoning: B-2

Land Use Classification: B-2

Proposed Use(s): 40 Buildings consisting of 380 Regular Storage Units and 323 Climate Control Storage Units

Square Footage of any proposed buildings or number of units: 703 total storage units and 13,000 square feet of office space

### Application Information:

Applicant's Name: Ronald E. Gray and M. Candice Gray

Applicant's Address: c/o John A. Sergovic, Jr., Sergovic Carmean Weidman McCartney & Owens, P.A., 25 Chestnut Street, P.O. Box 751

City: Georgetown State: DE Zip: 19947

Applicant's Phone Number: 302-855-1260

Applicant's Email: john@sussexattorney.com

SENT BY MAIL 00  
9/25/2019 2:20 pm

File #: C/U # 2213  
2019 13754

## Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

RECEIVED  
NOV 27 2019  
SUSSEX COUNTY  
PLANNING & ZONING

**Type of Application: (please check applicable)**

Conditional Use   
Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

17471 Whitetail Lane, Georgetown, DE 19947

**Type of Conditional Use Requested:**

Conditional use for 15-acre borrow pit

**Tax Map #:** 135-20.00-137.00 **Size of Parcel(s):** 220.38 acres

**Current Zoning:** AR-1 **Proposed Zoning:** AR-1 **Size of Building:** N/A

**Land Use Classification:** 2019 Future Land Use: Developing Area

**Water Provider:** On-Site Well **Sewer Provider:** On-Site Septic

**Applicant Information**

Applicant Name: Timothy R. Conaway  
Applicant Address: 23620 Parker Road  
City: Georgetown State: DE Zip Code: 19947  
Phone #: (302) 542-7115 E-mail: TRConaway@verizon.net

**Owner Information**

Owner Name: Whitetail Lane, LLC  
Owner Address: 23620 Parker Road  
City: Georgetown State: DE Zip Code: 19947  
Phone #: (302) 542-7115 E-mail: TRConaway@verizon.net

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: David C. Hutt, Esq. (Morris James, LLP)  
Agent/Attorney/Engineer Address: 107 W. Market Street, PO Box 690  
City: Georgetown State: DE Zip Code: 19947  
Phone #: (302) 856-0015 E-mail: DHutt@MorrisJames.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application
- Provide eight (8) copies of the Site Plan or Survey of the property
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00
- Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- DelDOT Service Level Evaluation Request Response
- PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_

Date: 11/26/19

Signature of Owner

  
\_\_\_\_\_

Date: 11/26/19

For office use only:

Date Submitted: 11/27/19

Staff accepting application: CEL

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

Fee: \$500.00 Check #: 106014

Application & Case #: 201913764

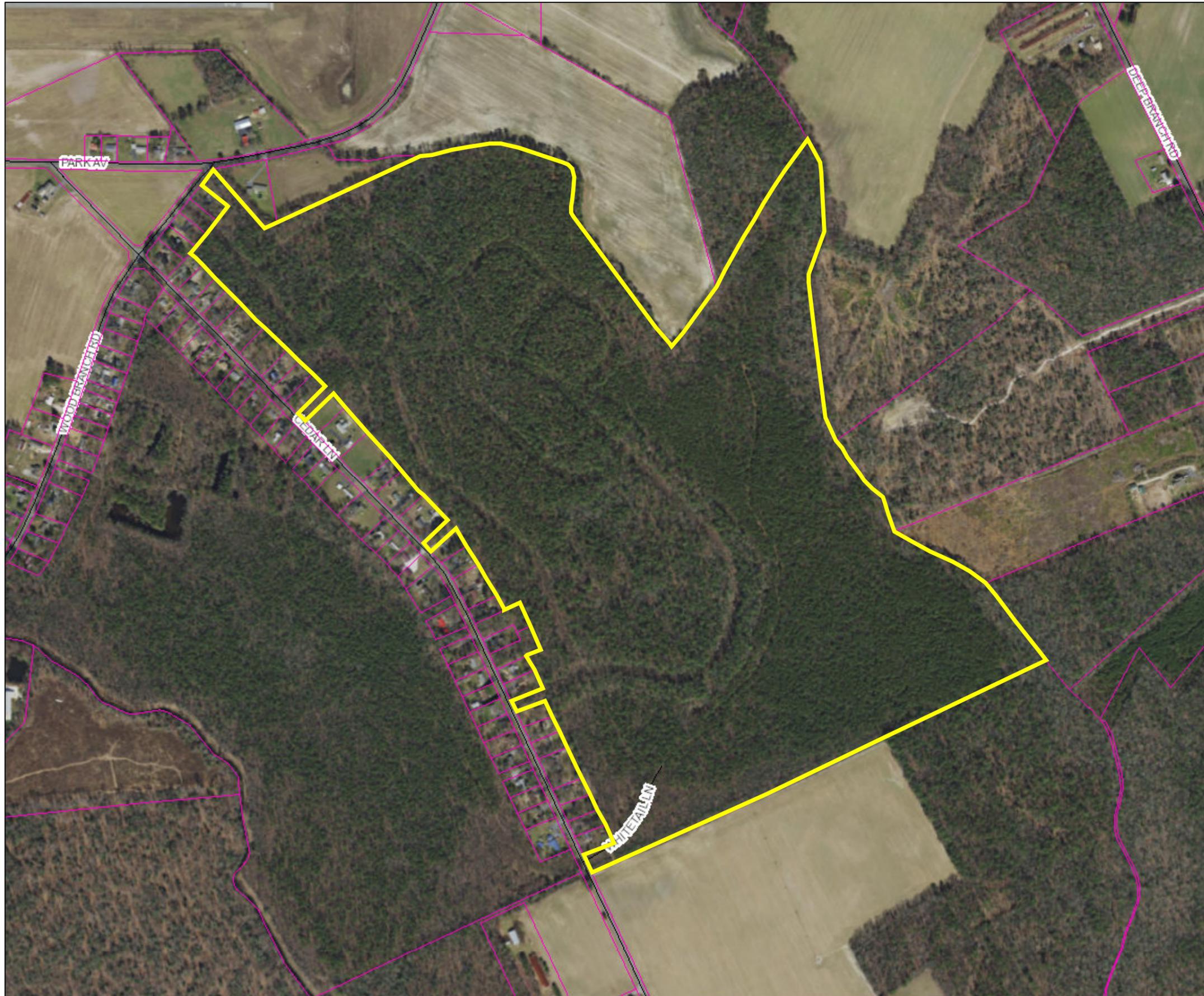
Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_

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



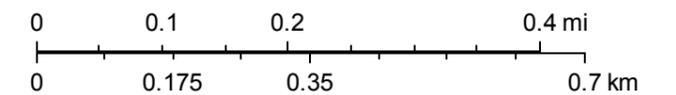
# Sussex County



<b>PIN:</b>	135-20.00-137.00
<b>Owner Name</b>	WHITETAIL LANE LLC
<b>Book</b>	5143
<b>Mailing Address</b>	122 W MARKET ST
<b>City</b>	GEORGETOWN
<b>State</b>	DE
<b>Description</b>	NE SD/ CEDAR LN
<b>Description 2</b>	SW/ WOOD BRANCH RD
<b>Description 3</b>	PARCELS A & B
<b>Land Code</b>	

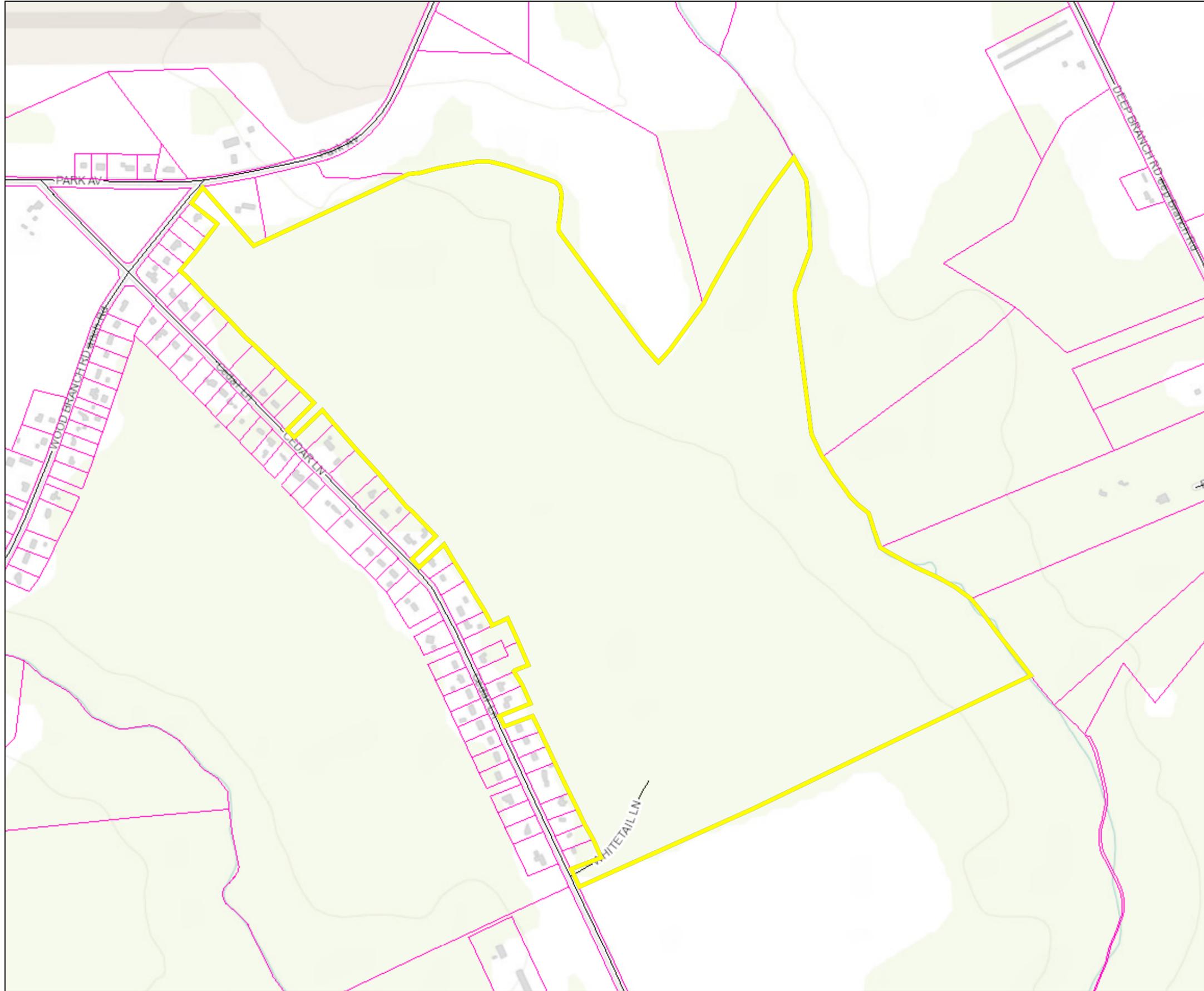
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- Override 1
- polygonLayer**
- Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:9,028





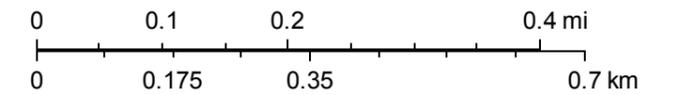
# Sussex County



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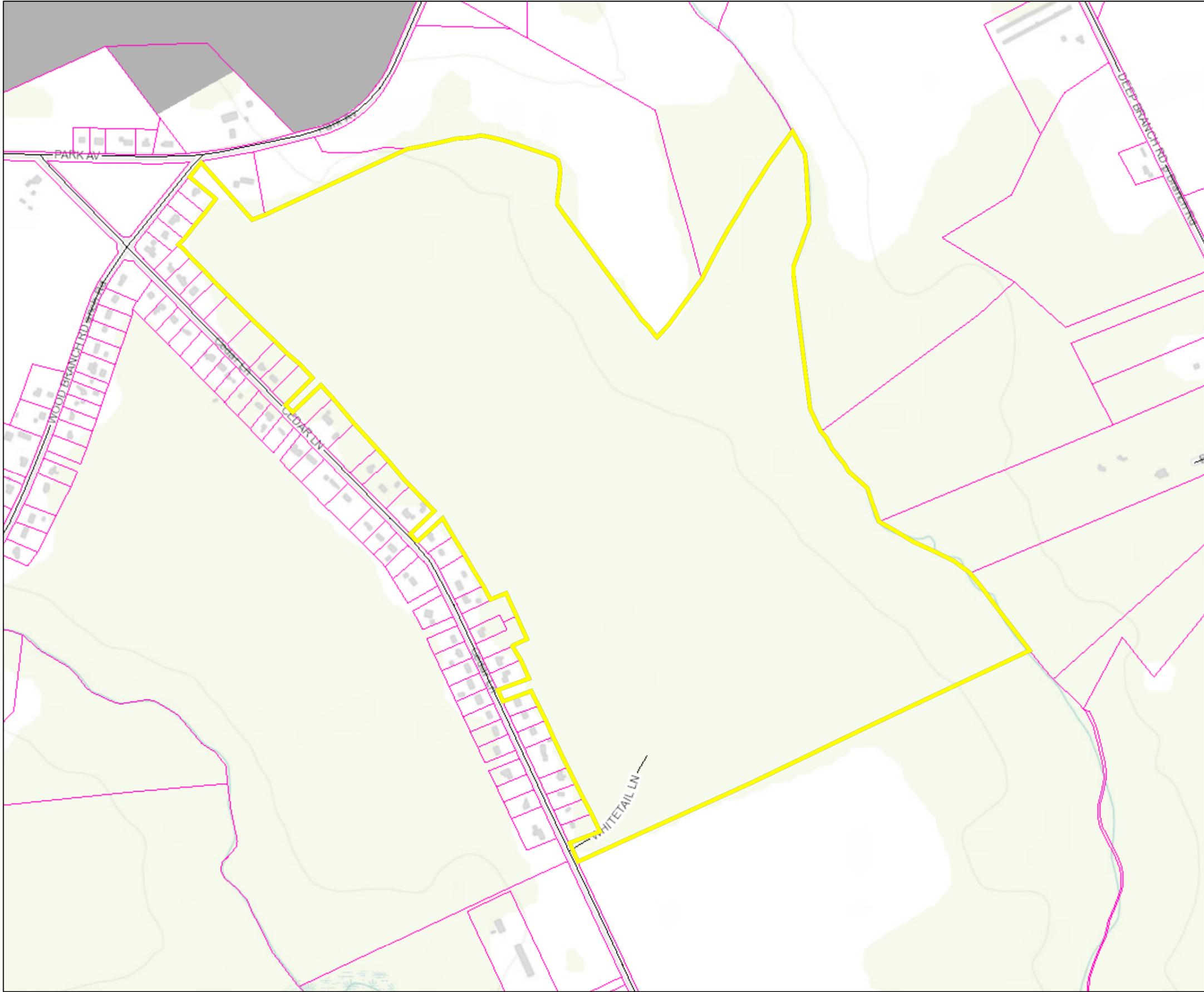
- polygonLayer**
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- Streets
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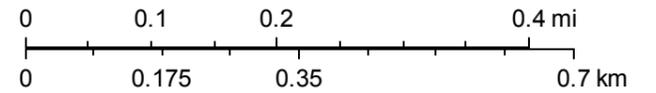
# Sussex County

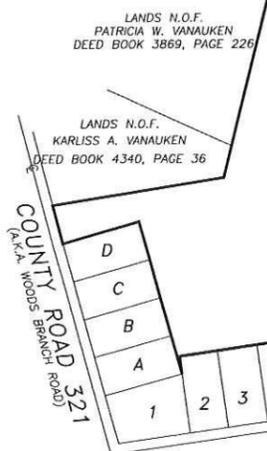
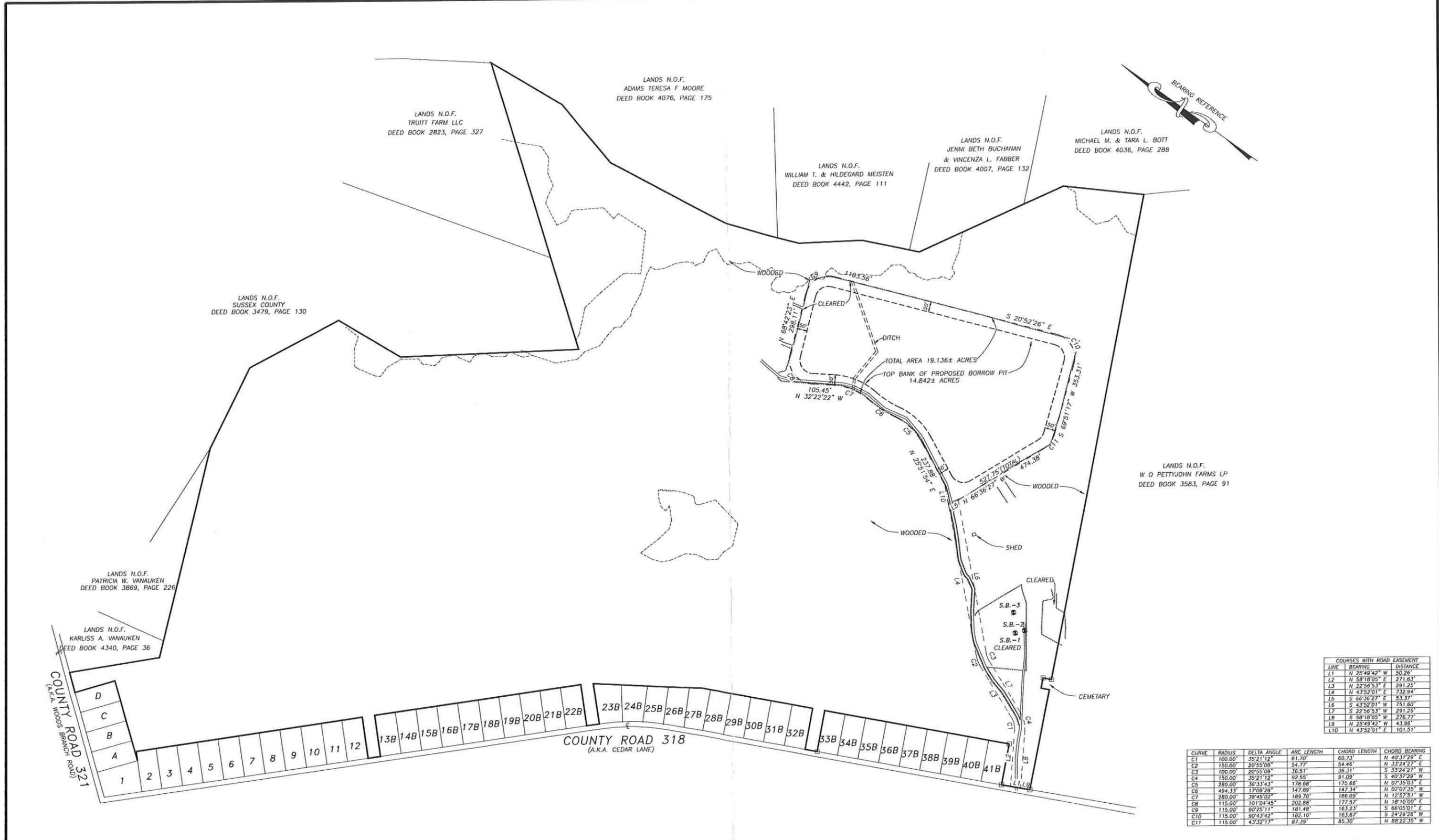


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<b>Land Code</b>	

- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets

1:9,028





LANDS N.O.F.  
SUSSEX COUNTY  
DEED BOOK 3479, PAGE 130

LANDS N.O.F.  
TRUITT FARM LLC  
DEED BOOK 2823, PAGE 327

LANDS N.O.F.  
ADAMS TERESA F MOORE  
DEED BOOK 4076, PAGE 175

LANDS N.O.F.  
WILLIAM T. & HILDEGARD MEISTEN  
DEED BOOK 4442, PAGE 111

LANDS N.O.F.  
JENNI BETH BUCHANAN  
& VINCENZA L. FABBER  
DEED BOOK 4007, PAGE 132

LANDS N.O.F.  
MICHAEL M. & TARA L. BOTT  
DEED BOOK 4036, PAGE 288

LANDS N.O.F.  
W O PETTYJOHN FARMS LP  
DEED BOOK 3583, PAGE 91

LANDS N.O.F.  
PATRICIA W. VANAUKEN  
DEED BOOK 3869, PAGE 226

LANDS N.O.F.  
KARLISS A. VANAUKEN  
DEED BOOK 4340, PAGE 36

COUNTY ROAD 318  
(A.K.A. CEDAR LANE)

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00'	35°21'12"	61.70'	60.73'	N 40°37'29" E
C2	150.00'	20°55'08"	54.77'	54.46'	N 33°24'27" E
C3	100.00'	20°55'08"	36.51'	36.31'	S 33°24'27" W
C4	150.00'	35°21'12"	92.55'	91.09'	S 40°37'29" W
C5	280.00'	36°33'43"	178.68'	175.66'	N 07°35'03" E
C6	494.33'	17°08'29"	147.89'	147.34'	N 02°07'35" W
C7	280.00'	38°49'32"	189.70'	186.09'	N 12°57'51" W
C8	115.00'	101°04'45"	202.88'	177.57'	N 18°10'00" E
C9	115.00'	90°25'11"	181.46'	163.23'	S 66°05'01" E
C10	115.00'	90°43'42"	182.10'	163.67'	S 24°29'26" W
C11	115.00'	43°32'17"	87.39'	85.30'	N 88°22'35" W

**NOTES:**  
 1) SOURCE OF TITLE: DEED BOOK 4963, PAGE 196  
 2) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

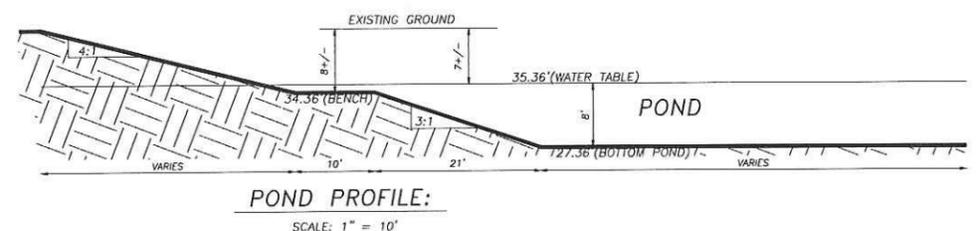
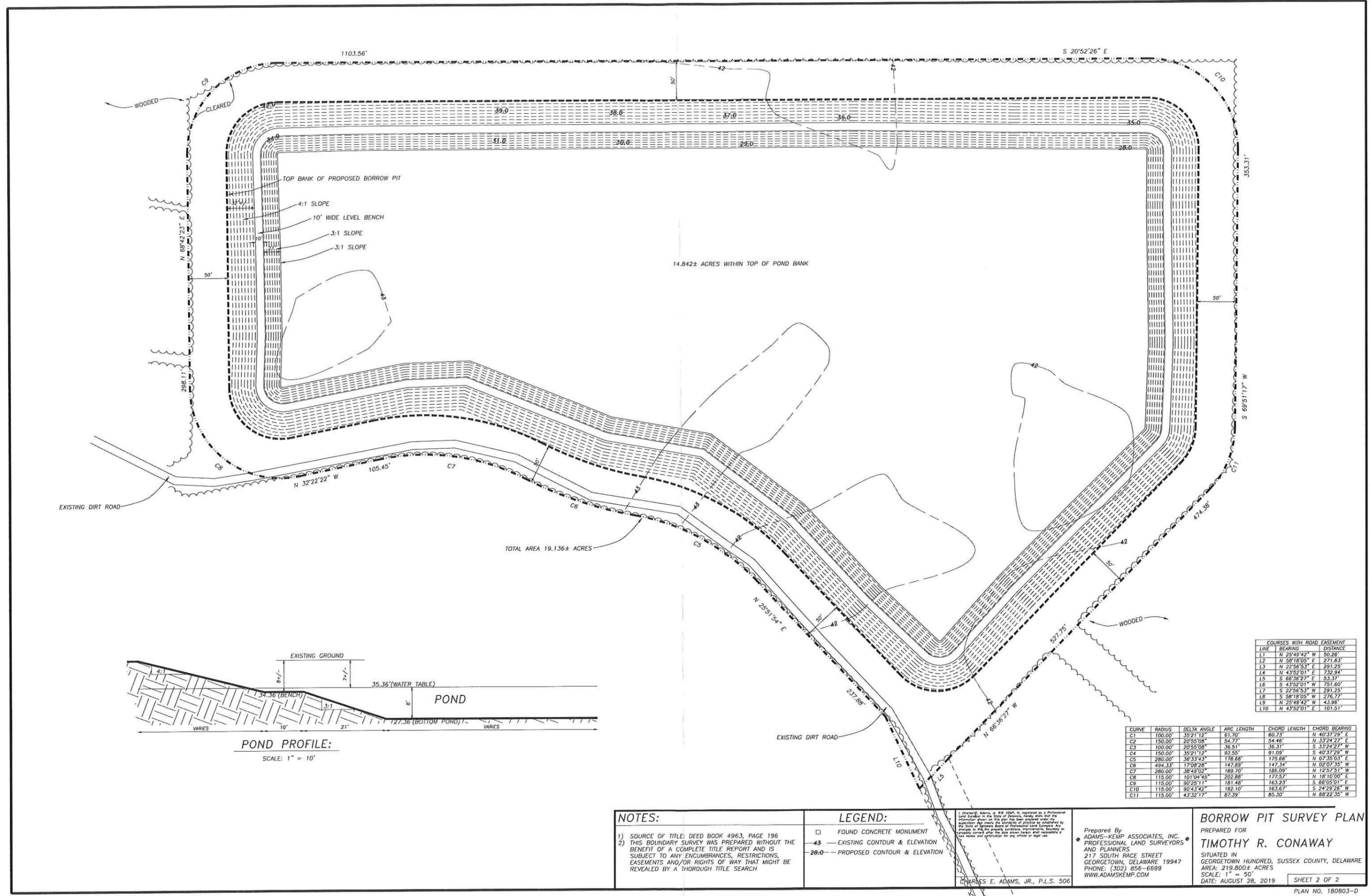
**LEGEND:**  
 □ FOUND CONCRETE MONUMENT

CHARLES E. ADAMS, JR., P.L.S. 506

Prepared By  
 ADAMS-KEMP ASSOCIATES, INC.  
 PROFESSIONAL LAND SURVEYORS  
 AND PLANNERS  
 217 SOUTH RACE STREET  
 GEORGETOWN, DELAWARE 19947  
 PHONE: (302) 856-6699  
 WWW.ADAMSKEMP.COM

**BORROW PIT SURVEY PLAN**  
 PREPARED FOR  
**TIMOTHY R. CONAWAY**  
 SITUATED IN  
 GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE  
 AREA: 219.800± ACRES  
 SCALE: 1" = 200'  
 DATE: AUGUST 26, 2019

SHEET 1 OF 2  
 PLAN NO. 180803-D



LINE	BEARING	DISTANCE
L1	N 25°49'42" W	50.28'
L2	N 58°18'05" E	271.63'
L3	N 22°56'53" E	291.25'
L4	N 43°52'01" E	232.94'
L5	S 68°36'27" E	43.37'
L6	S 43°52'01" W	751.60'
L7	S 22°56'53" W	291.25'
L8	S 58°18'05" W	276.77'
L9	N 25°49'42" W	43.96'
L10	N 43°52'01" E	101.51'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00'	33°21'12"	61.70'	60.73'	N 40°37'29" E
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**LEGEND:**  
 □ FOUND CONCRETE MONUMENT  
 -43- EXISTING CONTOUR & ELEVATION  
 -28.0- PROPOSED CONTOUR & ELEVATION

I, Charles E. Adams, Jr., P.L.S., registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under the supervision of the Surveyor in Charge as authorized by the State of Delaware Board of Professional Land Surveyors. Any changes to this plan shall be made only by a written agreement in proper form after the date shown herein, and shall be subject to a new survey and certification for any other or larger use.  
 CHARLES E. ADAMS, JR., P.L.S. 506

Prepared By  
**ADAMS-KEMP ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 AND PLANNERS  
 217 SOUTH RACE STREET  
 GEORGETOWN, DELAWARE 19947  
 PHONE: (302) 856-6699  
 WWW.ADAMSKEMP.COM

**BORROW PIT SURVEY PLAN**  
 PREPARED FOR  
**TIMOTHY R. CONAWAY**  
 SITUATED IN  
 GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE  
 AREA: 219.800± ACRES  
 SCALE: 1" = 50'  
 DATE: AUGUST 28, 2019

**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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date May 28<sup>th</sup>,2020.

Application: (CU 2213) Whitetail Lane, LLC

Applicant: Timothy R. Conaway  
23620 Parker Road  
Georgetown, DE 19947

Owner: Whitetail Lane, LLC  
23620 Parker Road  
Georgetown, DE 19947

Site Location: Located on the east side of Cedar Lane (Route 318) at 17471 Whitetail Lane in Georgetown, Delaware.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Borrow Pit

Comprehensive Land Use Plan Reference: Developing Area

Councilmatic District: Mr. Wilson

School District: Indian River School District

Fire District: Georgetown Fire District

Sewer:Private, On-Site

Water: Private, On-Site

Site Area: 220.38 +/-

Tax Map ID.: 135-20.00-137.00



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: May 13, 2020  
RE: Staff Analysis for CU 2213 Whitetail Lane, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2213 Whitetail Lane, LLC to be reviewed during the May 28, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for tax parcel 135-20.00-137.00 to allow for a proposed borrow pit. The parcel is located on the east side of Cedar Lane (Route 318). The size of the property is 220.38 acres +/-

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of “Developing Area.”

The parcel directly to the north is designated as a “Developing Area.” Additionally, the parcel to the west located on the opposite side of Cedar Lane (Route 318), is also designated as a “Developing Area.” Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. The parcels to the east are designated “Low Density” areas.

Furthermore, the property is zoned Agricultural Residential (AR-1) Zoning District. The properties located to the north, south, east, and west of the subject site are zoned Agricultural Residential (AR-1) Zoning District. There is a single parcel to the north on the opposite side of Park Avenue (S.C.R. 318) that is zoned Light Industrial (LI-2) Zoning District.

Since 2011, there has been one Conditional Use application within a 1-mile radius of the application site. This application is Conditional Use (CU 2182), which was a proposal to allow for a small automotive repair and dealer to be located within an Agricultural Residential (AR-1) Zoning District, which was approved by County Council on September 17<sup>th</sup>, 2019 and adopted through Ordinance No. 2679.



Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for the abovementioned use, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



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

JENNIFER COHAN  
SECRETARY

October 10, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Timothy R. Conaway** conditional use application, which we received on September 13, 2019. This application is for a 15.00-acre portion of an approximately 224.92-acre parcel (Tax Parcel: 135-20.00-137.00). The subject land is located on the southeast corner of the intersection of Park Avenue / Wood Branch Road (Sussex Road 321) and Cedar Lane (Sussex Road 318), southeast of the Town of Georgetown. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize a 15.00 acre portion of the land for a borrow pit.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Park Avenue where the subject land is located, which is from Cedar Lane to Springfield Road (Sussex Road 47), are 1,289 and 1,659 vehicles per day, respectively. As the subject land also has frontage along Cedar Lane, the annual average and summer average daily traffic volumes along that road segment, which is from Zoar Road (Sussex Road 48) to Wood Branch Road, are 2,861 and 3,682 vehicles per day, respectively.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Ms. Janelle M. Cornwell  
Page 2 of 2  
October 10, 2019

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

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Timothy R. Conaway, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

# Morris James LLP

David C. Hutt  
302.856.0018  
dhutt@morrisjames.com

May 18, 2020

## BY HAND DELIVERY

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

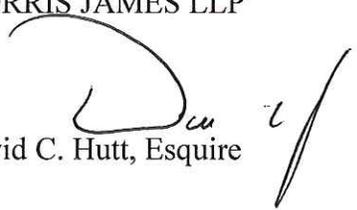
**RE: Conditional Use No. 2213  
Whitetail Lane, LLC  
SCTP No. 135-20.00-137.00**

Dear Mr. Whitehouse:

Kindly find the enclosed seven (7) copies of Applicant Whitetail Lane, LLC's Exhibit Notebook for Conditional Use No. 2213. The exhibit notebook will be used at the public hearings before the Planning and Zoning Commission on May 28, 2020 and County Council on June 30, 2020. I will also be emailing an electronic copy of the exhibit notebook to you. Please let me know if you need any additional information prior to the public hearing.

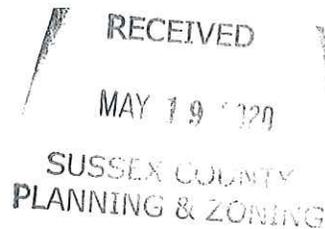
Very Truly Yours,

MORRIS JAMES LLP

  
David C. Hutt, Esquire

Enclosures

Cc: Whitetail Lane, LLC



# Whitetail Lane, LLC

Conditional Use No. 2213

Whitetail Lane, LLC  
17471 Whitetail Lane  
Georgetown, DE  
SCTP No. 135-20.00-137.00

David C. Hutt, Esquire  
Morris James LLP

Public Hearings:

Planning Commission	05/28/2020
County Council	06/30/2020

## Table of Contents

1. Planning & Zoning Commission Application, Conditional Use No. 2213
2. Title to Property: Deed: Dated October 28, 2019, Deed Book 5143, Page 322
3. DE Agricultural Lands Preservation Foundation
  - a. Forestland Preservation Agreement (Deed Book 4963, Page 188)
  - b. DE Ag Lands Acknowledgment (Deed Book 4963, Page 196)
4. DelDOT Response to Service Level Evaluation Request (October 10, 2019)
5. Sussex County Tax Maps:
  - a. Tax Parcels
  - b. Zoning
  - c. Comprehensive Plan
  - d. Ag Preservation Districts
  - e. Aerial Imagery
6. Other Aerial Imagery:
  - a. 1954 Delaware Orthophotography
  - b. 1992 Google Earth
  - c. 2018 Google Earth
7. 2015 Delaware State Strategies Map
8. 2019 Minerals Education Coalition Information
9. Borrow Pit Survey Plan, Adams-Kemp Associates, Inc. (August 28, 2019)
10. Proposed Findings of Fact and Conditions of Approval

TAB “1”

# Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

**Type of Application: (please check applicable)**

Conditional Use   
Zoning Map Amendment

RECEIVED

NOV 27 2019

SUSSEX COUNTY  
PLANNING & ZONING

**Site Address of Conditional Use/Zoning Map Amendment**

17471 Whitetail Lane, Georgetown, DE 19947

**Type of Conditional Use Requested:**

Conditional use for 15-acre borrow pit

**Tax Map #:** 135-20.00-137.00 **Size of Parcel(s):** 220.38 acres

**Current Zoning:** AR-1 **Proposed Zoning:** AR-1 **Size of Building:** N/A

**Land Use Classification:** 2019 Future Land Use: Developing Area

**Water Provider:** On-Site Well **Sewer Provider:** On-Site Septic

**Applicant Information**

**Applicant Name:** Timothy R. Conaway  
**Applicant Address:** 23620 Parker Road  
**City:** Georgetown **State:** DE **Zip Code:** 19947  
**Phone #:** (302) 542-7115 **E-mail:** TRConaway@verizon.net

**Owner Information**

**Owner Name:** Whitetail Lane, LLC  
**Owner Address:** 23620 Parker Road  
**City:** Georgetown **State:** DE **Zip Code:** 19947  
**Phone #:** (302) 542-7115 **E-mail:** TRConaway@verizon.net

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** David C. Hutt, Esq. (Morris James, LLP)  
**Agent/Attorney/Engineer Address:** 107 W. Market Street, PO Box 690  
**City:** Georgetown **State:** DE **Zip Code:** 19947  
**Phone #:** (302) 856-0015 **E-mail:** DHutt@MorrisJames.com



# Check List for Sussex County Planning & Zoning Applications

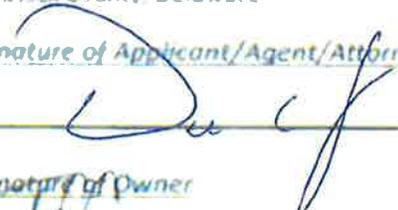
The following shall be submitted with the application

- Completed Application
- Provide eight (8) copies of the Site Plan or Survey of the property
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00
- Optional - Additional information for the Commission/Council to consider (ex architectural elevations, photos, exhibit books, etc ) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- DelDOT Service Level Evaluation Request Response
- PLUS Response Letter (if required)

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

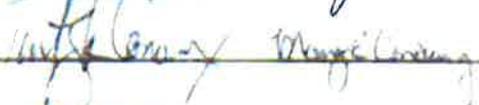
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_

Date: 11/26/19

Signature of Owner

  
\_\_\_\_\_

Date: 11/26/19

For office use only:

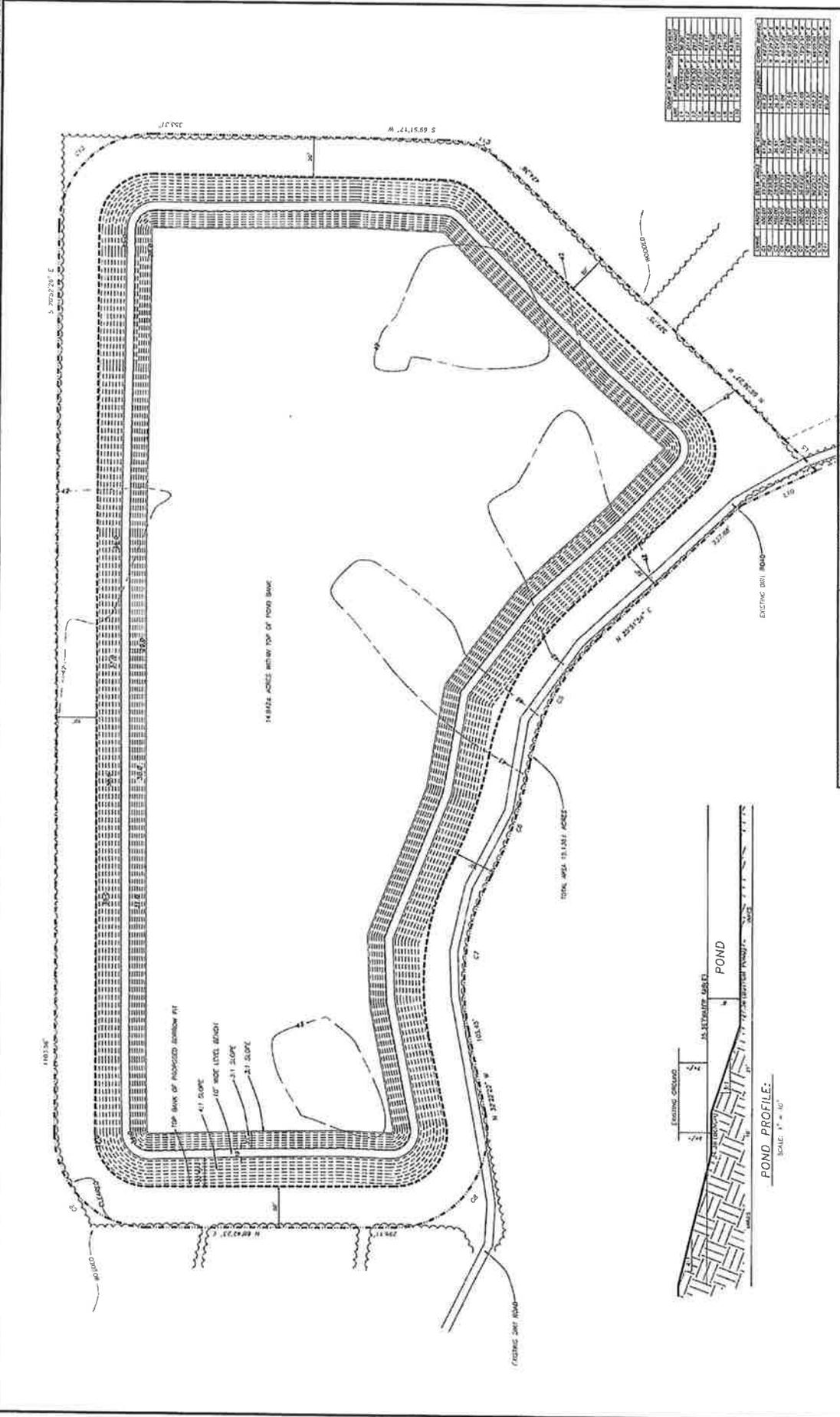
Date Submitted: \_\_\_\_\_  
Staff accepting application \_\_\_\_\_  
Location of property \_\_\_\_\_

Fee, \$500.00 Check # \_\_\_\_\_  
Application & Case # \_\_\_\_\_

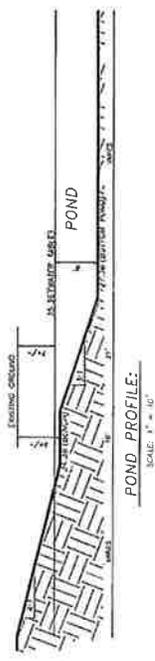
Subdivision \_\_\_\_\_  
Date of PC Hearing \_\_\_\_\_  
Date of CC Hearing \_\_\_\_\_

Recommendation of PC Commission \_\_\_\_\_  
Decision of CC \_\_\_\_\_





NO.	DESCRIPTION	AMOUNT	UNIT
1	GRAVEL	11191.1	ACRES
2	CLAY	11191.1	ACRES
3	SAND	11191.1	ACRES
4	SILT	11191.1	ACRES
5	LOESS	11191.1	ACRES
6	SHALE	11191.1	ACRES
7	SANDSTONE	11191.1	ACRES
8	CONCRETE	11191.1	ACRES
9	ASPHALT	11191.1	ACRES
10	BRICK	11191.1	ACRES
11	GLASS	11191.1	ACRES
12	METAL	11191.1	ACRES
13	PLASTIC	11191.1	ACRES
14	TEXTILE	11191.1	ACRES
15	WOOD	11191.1	ACRES
16	STONE	11191.1	ACRES
17	CEMENT	11191.1	ACRES
18	ROCK	11191.1	ACRES
19	SOIL	11191.1	ACRES
20	WATER	11191.1	ACRES
21	AIR	11191.1	ACRES
22	FIRE	11191.1	ACRES
23	ICE	11191.1	ACRES
24	SNOW	11191.1	ACRES
25	RAINFALL	11191.1	ACRES
26	WIND	11191.1	ACRES
27	SUN	11191.1	ACRES
28	MOON	11191.1	ACRES
29	STARS	11191.1	ACRES
30	PLANETS	11191.1	ACRES



**NOTES:**

- 1) SOURCE OF TITLE: DEED BOOK 4863, PAGE 199
- 2) SOURCE OF SURVEY: CONDUCTED BY THE SURVEYOR AND HIS ASSISTANTS AND SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, ETC., WHICH MAY BE REVEALED BY A THOROUGH TITLE SEARCH

**LEGEND:**

- - FILLING CONCRETE MASONRY
- - EXISTING CONCRETE & ELEVATION
- - PROPOSED CONCRETE & ELEVATION

APPROVED BY: ASSOCIATES, INC.  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 215 SOUTH WAG. ST. #101  
 FORT WORTH, TEXAS 76104  
 PHONE: (817) 852-8899  
 WWW.ASSOCIATESINC.COM

**BORROW PIT SURVEY PLAN**  
 PREPARED FOR:  
**TIMOTHY R. CONAWAY**  
 11111 W. 111TH ST.  
 SUITE 201  
 OVERLAND PARK, MO 66213

## Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

### Application Information:

Site Address: 17471 Whitetail Lane  
Georgetown, DE 19947

Parcel #: 135-20.00-137.00

Site Address: \_\_\_\_\_

Parcel #: \_\_\_\_\_

Applicant Name: Timothy R. Conaway

Owner Name: Whitetail Lane, LLC

### Type of Application:

Conditional Use:   
Change of Zone:   
Subdivision:   
Board of Adjustment:

Date Submitted: 11/27/19

### For office use only:

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

Letters sent by: \_\_\_\_\_

Sussex County, DE  
Treasury  
P.O. Box 601  
Georgetown, DE 19947  
Welcome

33016139-0024 Megan D. 11/27/2019 11:14AM

PERMITS / INSPECTIONS

CONDITIONAL USE - FEE

2019 Item: 201913754|2010 500.00

-----  
500.00

Subtotal 500.00

Total 500.00

CHECK 500.00

Check Number 00000106014

-----  
Change due 0.00

Paid by: MORRIS JAMES LLP



Thank you for your payment

Sussex County, DE COPY  
DUPLICATE RECEIPT

TAB “2”

**NO TITLE OR LIEN SEARCH PERFORMED OR REQUESTED**

TAX MAP #s: See each Tract for Tax Map & Parcel #

Prepared by: Moore & Rutt, P.A.  
P.O. Box 554  
Georgetown, DE 19947

Return to: Moore & Rutt, P.A.  
P.O. Box 554  
Georgetown, DE 19947

THIS DEED, made this 28<sup>th</sup> day of October, in the year of our LORD Two Thousand Nineteen (2019),

Between **TIMOTHY R. CONAWAY and MARY E. CONAWAY**, of 23260 Parker Road, Georgetown, Delaware 19947, parties of the first part,

**AND**

**WHITETAIL LANE, LLC**, a Delaware limited liability company, parties of the second part, 122 W. Market Street, Georgetown, DE 19947

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) lawful money and other valuable consideration of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, **the following property:**

**Tax Map # 1-35-20.00-137.00 p/o:**

**PARCEL A & PARCEL B:**

All that certain lot, piece or parcel of land, with the improvements thereon erected, situate in Georgetown Hundred, Sussex County, State of Delaware, being lands of Cabbage Corner, LLC – Parcel “A” (120.17 acres) and Parcel “B” (100.2178 +/- acres) as shown on the Boundary Plan for “Properties of Lenore T. Tunnell”, prepared by Woodin & Associates, L.L.C., dated December 8, 2006, and being more particularly bounded and described as follows, to wit:

Beginning at a point on the northeasterly side of Cedar Lane – Road 318 (50’ wide R/W), said point being a corner in common for herein described lands with lands now or formerly of Warren O. Pettyjohn; thence from said point of beginning, along said northeasterly side of Cedar Lane – Road 318, North 25 degrees 49 minutes 42 seconds West 138.19 feet to a corner in common with Lot 41B of “Cabbage Corner”; thence leaving said southeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 41B, North 64 degrees 47 minutes 29 seconds East 200.00 feet to another corner in common with said Lot 41B; thence on a line in common with said Lot 41B through Lot 33B of “Cabbage Corner”, in descending numerical order, North 25 degrees 12 minutes 31 seconds West 900.00 feet to another corner in common with said Lot 33B; thence on a line in common with said Lot 33B, South 64 degrees 47 minutes 29 seconds West 200.00 feet

to the aforesaid northeasterly side of Cedar Lane – Road 318; thence, thereby, North 25 degrees 12 minutes 31 seconds West 59.90 feet to a corner in common with Lot 32B of “Cabbage Corner”; thence leaving said northeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 32B, North 64 degrees 47 minutes 29 seconds East 200.00 feet to another corner in common with said Lot 32B; thence on a line in common with said Lot 32B through 27B of “Cabbage Corner”, in descending numerical order, North 25 degrees 12 minutes 31 seconds West 538.70 feet to another corner in common with said Lot 27B; thence on a line in common with said Lot 27B through Lot 23B of “Cabbage Corner”, in descending numerical order, North 32 degrees 56 minutes 31 seconds West 523.60 feet to another corner in common with Lot 23B; thence on a line in common with said Lot 23B, South 45 degrees 39 minutes 32 seconds West 196.20 feet to the northeasterly side of said Cedar Lane – Road 318; thence, thereby, North 43 degrees 24 minutes 42 seconds West 60.19 feet to a corner in common with Lot 22B of “Cabbage Corner”; thence leaving said northeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 22B, North 45 degrees 57 minutes 15 seconds East 200.00 feet to another corner in common with said Lot 22B; thence on a line in common with said Lot 22B through Lot 13B of “Cabbage Corner”, in descending numerical order, North 44 degrees 02 minutes 45 seconds West 1,000.00 feet to another corner in common with Lot 13B; thence on a line in common with said Lot 13B, South 45 degrees 57 minutes 15 seconds West 200.00 feet to the aforesaid northeasterly side of Cedar Lane – Road 318; thence, thereby, North 44 degrees 02 minutes 45 seconds West 60.00 feet to a corner in common with Lot 12 of “Cabbage Corner”; thence leaving said northeasterly side of Cedar Lane – Road – 318, on a line in common with said Lot 12, North 45 degrees 57 minutes 15 seconds East 200.00 feet to another corner in common with Lot 12; thence on a line in common with said Lot 12 through Lot 2 of “Cabbage Corner”, in descending numerical order, North 44 degrees 17 minutes 25 seconds West 1,096.44 feet to another corner in common with Lot 2; thence on a line in common with said Lot 2, South 46 degrees 06 minutes 59 seconds West 44.86 feet to a corner in common with Lot A of “Cabbage Corner”; thence on a line in common with said Lot A, in part, and Lot B, in part, North 37 degrees 57 minutes 00 seconds East 200.00 feet to another corner in common with said Lot B; thence on line in common with said Lot B, North 52 degrees 03 minutes 00 seconds West 200.00 feet to the southeasterly side of Woods Branch Road – Road 321 (50' wide R/W); thence, thereby, North 38 degrees 29 minutes 21 seconds East 99.86 feet to a point on the said southeasterly side of Woods Branch Road – Road 321; thence leaving said southeasterly side of Woods Branch Road – Road 321, the following three (3) described courses and distances: (1) South 52 degrees 03 minutes 00 seconds East 200.00 feet to a point; (2) North 37 degrees 57 minutes 00 seconds East 100.00 feet to a point; and (3) North 52 degrees 03 minutes 00 seconds West 200.00 feet to the aforesaid southeasterly side of Woods Branch Road – Road 321; thence, thereby, North 39 degrees 08 minutes 16 seconds East 100.02 feet to a corner in common with lands now or formerly of Wayne V. & Patricia W. VanAuken Trustees; thence leaving said southeasterly side of Woods Branch Road – Road 321, on lines in common with said lands now or formerly of Wayne V. & Patricia W. VanAuken Trustees, the following three (3) described courses and distances: (1) South 45 degrees 04 minutes 11 seconds East 438.05 feet to a point; (2) North 67 degrees 37 minutes 00 seconds East 960.08 feet to a point; and (3) North 67 degrees 37 minutes 00 seconds East 75.00 feet to the centerline of a ditch, at a corner in common

with lands now or formerly of Wayne V. & Patricia W. VanAuken Trustees; thence along said lands now or formerly of Wayne V. & Patricia W. VanAuken Trustees, in part, and lands now or formerly of Betty Jane Truitt, in part, the following five (5) described courses and distances along said centerline of a ditch: (1) North 80 degrees 14 minutes 49 seconds East 428.89 feet to a point; (2) South 63 degrees 47 minutes 01 seconds East 483.38 feet to a point; (3) South 05 degrees 10 minutes 24 seconds East 347.58 feet to a point; (4) South 37 degrees 59 minutes 33 seconds East 858.01 feet to a point; and (5) North 37 degrees 05 minutes 10 seconds East 1,442.85 feet to the centerline of Peterkins Branch, a corner in common with lands now or formerly of Dorothy M. Moore; thence along said lands now or formerly of Dorothy M. Moore, in part, lands now or formerly of Thomas S. Macielag, in part, and lands now or formerly of John C. Johnson, Jr., in part, the following eight (8) described courses and distances along said centerline of Peterkins Branch: (1) South 05 degrees 21 minutes 24 seconds East 398.39 feet to a point; (2) South 14 degrees 34 minutes 08 seconds West 364.92 feet to a point; (3) South 07 degrees 43 minutes 55 seconds East 625.39 feet to a point; (4) South 20 degrees 12 minutes 48 seconds East 364.72 feet to a point; (5) South 38 degrees 11 minutes 50 seconds East 308.93 feet to a point; (6) South 23 degrees 48 minutes 15 seconds East 278.74 feet to a point; (7) South 60 degrees 01 minutes 51 seconds East 759.56 feet to a point; and (8) South 29 degrees 32 minutes 25 seconds East 391.15 feet to a corner in common with aforesaid lands now or formerly of Warren O. Pettyjohn; thence on lines in common with said lands now or formerly of Warren O. Pettyjohn, the following five (5) described courses and distances: (1) South 65 degrees 06 minutes 50 seconds West 2,371.35 feet to a point; (2) North 24 degrees 53 minutes 10 seconds West 40.00 feet to a point; (3) South 65 degrees 06 minutes 50 seconds West 50.00 feet to a point; (4) South 24 degrees 53 minutes 10 seconds East 40.00 feet to a point; and (5) South 65 degrees 06 minutes 50 seconds West 488.90 feet to the point and place of beginning.

**LOT 28B:**

All that certain lot, piece or parcel of land, with the improvements thereon erected, situate in Georgetown Hundred, Sussex County, State of Delaware, being Lot 28B – 0.4591+/- acres, as shown on the Boundary Plan for “Properties of Lenore T. Tunnell”, prepared by Woodin & Associates, L.L.C., dated December 8, 2006, and being more particularly bounded and described as follows, to wit:

Beginning at a point on the northeasterly side of Cedar Lane – Road 318 (50' wide R/W), said point being a corner in common for herein described Lot with Lot 29B; thence from said point of beginning, along said northeasterly side of Cedar Lane – Road 318, North 25 degrees 12 minutes 31 seconds West 100.00 feet to a corner in common with Lot 27B; thence leaving said northeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 27B, North 64 degrees 47 minutes 29 seconds East 200.00 feet to a line in common with land designated “Lands of Cabbage Corner, L.L.C. – Parcel A”; thence, thereby, South 25 degrees 12 minutes 31 seconds East 100.00 feet to a corner in common with aforesaid Lot 29B; thence on a line in common with Lot 29B, South 64 degrees 47 minutes 29 seconds West 200.00 feet to the point and place of beginning.

**LOT 30B:**

All that certain lot, piece or parcel of land, with the improvements thereon erected, situate in Georgetown Hundred, Sussex County, State of Delaware, being Lot 30B – 0.4591+/- acres, as shown on the Boundary Plan for “Properties of Lenore T. Tunnell”, prepared by Woodin & Associates, L.L.C., dated December 8, 2006, and being more particularly bounded and described as follows, to wit:

Beginning at a point on the northeasterly side of Cedar Lane – Road 318 (50' wide R/W), said point being a corner in common for herein described Lot with Lot 31B; thence from said point of beginning along said northeasterly side of Cedar Lane – Road 318, North 25 degrees 12 minutes 31 seconds West 100.00 feet to a corner in common with Lot 29B; thence leaving said northeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 29B, North 64 degrees 47 minutes 29 seconds East 200.00 feet to a line in common with lands designated “Lands of Cabbage Corner, L.L.C. – Parcel A”; thence, thereby, South 25 degrees 12 minutes 31 seconds East 100.00 feet to a corner in common with aforesaid Lot 31B; thence on line in common with said Lot 31B, South 64 degrees 47 minutes 29 seconds West 200.00 feet to the point and place of beginning.

BEING the same lands conveyed unto TIMOTHY R. CONAWAY and MARY E. CONAWAY, husband and wife by Deed of TUNNELL FARM, LLC dated October 10, 2018, and now of record in the Office of the Recorder of Deeds in and for Sussex County, at Georgetown, Delaware, in Deed Book 4963, Page 199.

**(THE REMAINDER OF THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK)**



TAB “3”

Tax Map No. Part of 135-20.00-137.00  
Prepared By: Delaware Agricultural  
Lands Preservation Foundation (F-S-18-09-268Y1)  
2320 S. DuPont Highway, Dover, DE 19901  
Return To: Parkowski, Guerke & Swayze, PA  
116 W. Water Street, Dover, DE 19904

DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION  
FORESTLAND PRESERVATION AREA AGREEMENT

This Forestland Preservation Area Agreement, in the nature of a declaration of a Restriction on the Use of Land for the purpose of preserving productive Forestlands, is made by and between TUNNELL FARM, LLC, its successors and assigns, (hereafter individually and collectively referred to as "GRANTOR"), of the County of Sussex, Delaware, and the DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION, its successors, nominees or assigns, a body politic and corporate constituting a public instrumentality of the State, created and organized under the laws of the State of Delaware, with its offices at 2320 S. DuPont Highway, Dover, Delaware 19901 (hereinafter "GRANTEE").

**RECITALS:**

A. GRANTOR is the owner in fee of lands consisting of Forestlands (as that term is defined in 3 Del. Code Section 902(6) and as shown on Exhibit "A" (hereinafter referred to as the "Property"), which Grantor desires to be included in a Forestland Preservation Area. The Property is located in Sussex County, Delaware, and is more fully described in part in a Deed recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 4049, Page 235, and being a part of County Parcel No. 1-35-20.00-137.00. The Property consists of 177.22 acres which are classified as Forestlands.

B. The public and the economy benefits from the protection and conservation of Forestlands, including the protection of scenic areas for public visual enjoyment from the public right-of-way. The conservation and protection of Forestlands as a valued natural and ecological resource

provides needed space for clean air as well as for aesthetic purposes, and the public will benefit from the conservation, protection, development and improvement of Forestlands for the production of timber.

C. GRANTEE has declared that the preservation of prime Forestlands is vital to the public interest of the State, the region, and the nation through its economic, environmental, and productive benefits.

D. GRANTOR desires and intends that the Forestlands of the Property be preserved, protected, and maintained, and in consideration of those benefits conferred under 3 Del. Code Section 935, the Grantor is willing to enter into this Agreement.

E. GRANTEE is entitled to enforce this Forestland Preservation Area Agreement and to preserve and protect for ten years from the effective date of this Agreement, or any extension period, the Property subject to the restrictions imposed under this Agreement.

**RESTRICTIONS:**

NOW THEREFORE, in consideration of the foregoing and as required by 3 Del.C. §934, the undersigned GRANTOR agrees to the following restrictions which shall apply to the Property:

1. No rezoning or major subdivision of the Property, or any portion thereof, shall be allowed.
2. Activities conducted on the Property shall be limited to forestry production, forestry operations, forestry management and control, wildlife habitat management, and related activities, as defined in 3 Del. Code Section 934. Grantor shall manage the Parcel in accordance with a forest management plan prepared by a professional forester that addresses the Grantor's forest management goals for the Parcel. The plan shall contain, at a minimum, aerial and soil maps of the Property, a description and analysis of the forest by management unit, and silvicultural prescriptions for each management unit. The

plan shall be made available for inspection by the State Forester's office and the plan shall be revised and updated at a minimum every five years.

3. If the Property contains at least thirty (30) acres, one (1) location containing no more than one (1) acre of land may be designated for seasonal recreational dwelling usage provided the use of the designated area does not adversely affect the forestland use of the Property. Residential use of the Property shall be limited to usage of no more than one (1) acre of land for each twenty (20) acres of usable land on the Property, with a maximum of ten (10) acres of land being used for dwelling housing on the Property. The establishment or existence of any seasonal housing will be counted against the total allowable permanent housing acreage. The Property consists of 177.22 acres which are usable for forestry and related uses and only eight (8) acres shall be allowed for dwelling housing. With respect to the acreage allowed for dwelling housing, there shall be a limit of three (3) dwelling houses for residential use placed on the allowable acreage at three (3) locations to be designated by the Grantor on Exhibit A to be attached hereto, unless there exists three (3) or more dwelling houses on the Parcel as of the date hereof, in which case the allowable acreage shall be allocated to the existing dwelling houses and no additional dwelling houses shall be allowed. There are currently zero (0) dwelling houses located on the Property, and only three (3) additional dwelling houses shall be allowed; provided however that any use of the Property shall be in conformance with applicable planning and zoning requirements.
4. No conversion of the Forestlands to cropland, pasture land, open space or other types of land uses shall be allowed.
5. No permanent commercial or industrial structures shall be located on the Property.
6. No mining, commercial or extractive uses shall be conducted on the Property.
7. No disposal, burial, storage, or stock piling of junk, vehicles, equipment, liquid waste, solid waste or other liquid or solid materials, except that wastewater spray irrigation shall

be allowed utilizing best available treatment technology with storage and treatment facilities located on lands other than Forestland preservation areas.

8. The allowability of a general use, conditional use, special use or other use under any zoning law or ordinance shall not have any effect on the restrictions imposed on the Property under this Agreement.
9. This Agreement shall become effective as of the date the necessary approvals have been rendered and the Secretary of Agriculture has either failed to exercise or waived the right of rejection allowed within the thirty (30) day period following Foundation action on the Forestland Area Application. At the time of recording of the Agreement the Foundation shall certify the date of creation of the Forestland Area or extension thereto, and such date shall serve as the effective date of this Agreement.
10. This Agreement shall remain in effect for a minimum period of ten (10) years from the effective date. **Unless GRANTOR provides written notification to the Foundation of intent to withdraw the Property from the Forestland Area at least six (6) months prior to expiration date of this Agreement or any extension thereto, this Agreement shall continue for additional five (5) year periods.**
11. This Agreement shall be considered a covenant which runs with and binds the Property and the terms and conditions shall be subject to specific performance, and other action allowed under 3 Del.C. §939. GRANTOR agrees to abide by the provisions of 3 Del.C. Chapter 9 and the duly adopted regulations thereunder as such provisions relate to the Property.
12. By executing this Agreement the GRANTOR verifies that individually or collectively GRANTOR holds a fee simple interest in the Property and is entitled to enter into this Agreement. GRANTOR further verifies that the information contained in the Forestland Area Application is true and correct.

13. The Agreement shall be binding on the heirs, successors and assigns of GRANTOR. Prior to any transfer of any interest in the Property during the term of this Agreement, GRANTOR shall provide advance written notification of this Agreement and the restrictions contained herein to the party acquiring such interest and a copy of such written notification shall be provided to the Foundation.

**SIGNATURES APPEAR ON FOLLOWING PAGES**

IN WITNESS WHEREOF, the GRANTORS have set their hands and seals this 16 day of October A.D. 2018.

TUNNELL FARM, LLC,  
a Delaware Limited Liability Company  
By: SD Investment Properties, LLC, its sole member  
By: Lamboll Street, LLC, its sole member

[Signature]  
Witness

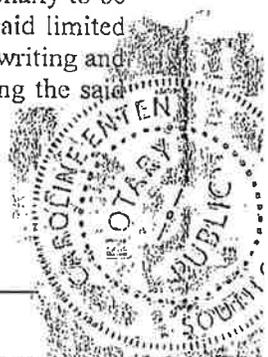
By: [Signature] (SEAL)  
Todd Kuhl, Authorized Director

STATE OF South Carolina COUNTY OF Charleston : to-wit

BE IT REMEMBERED, that on this 16<sup>th</sup> day of October, 2018, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Todd Kuhl, Authorized Director of Lamboll Street, LLC, sole member of SD Investments, LLC, sole member of of Tunnell Farm, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company; that the signature of the Authorized Director is in his/her own proper handwriting and by his/her authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

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

[Signature]  
Notary Public



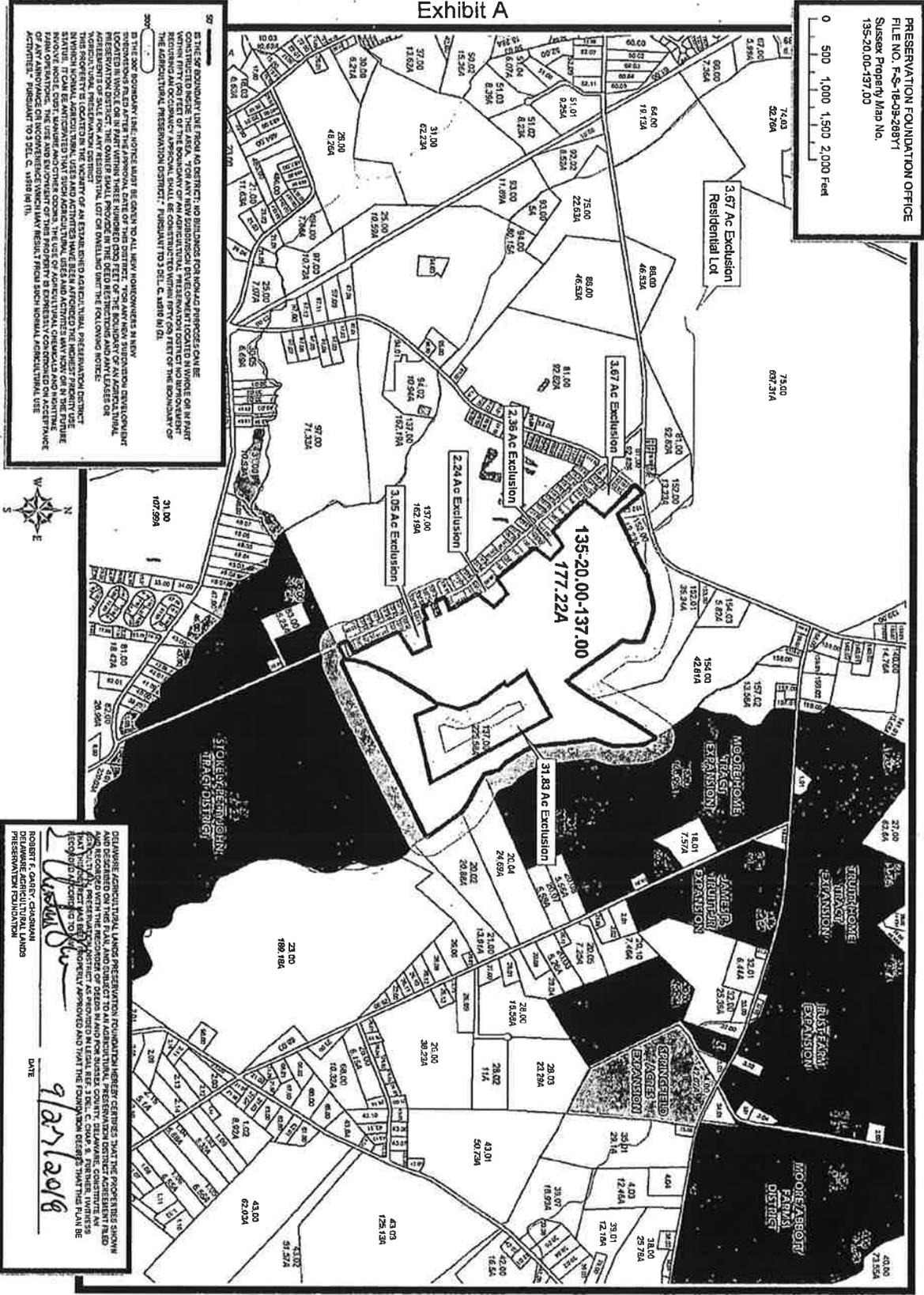
My Commission Expires **CAROLINE ENTEN**  
Notary Public, State of South Carolina  
My Commission Expires 8/14/2020



Exhibit A

PRESERVATION FOUNDATION OFFICE  
 FILE NO. P-18-05-28911  
 Sussex Property Map No.  
 135-20.00-137.00

0 500 1,000 1,500 2,000 Feet



IS THE BOUNDARY LINE FROM AD DISTRICT, NO BUILDINGS FOR NON-AD PURPOSES CAN BE CONSTRUCTED WITHIN THE AREA. FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED WHOLLY OR IN PART WITHIN THE AREA, THE OWNER SHALL BE RESPONSIBLE FOR PROVIDING A 100 FOOT BUFFER OF THE AGRICULTURAL PRESERVATION DISTRICT. PURSUANT TO D.C. 1809 (M.D.).

IS THE BOUNDARY LINE, NOTICES MUST BE GIVEN TO ALL NEW HOMEOWNERS IN NEW DEVELOPMENT WITHIN THE AGRICULTURAL PRESERVATION DISTRICT. FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED WHOLLY OR IN PART WITHIN THE AGRICULTURAL PRESERVATION DISTRICT, THE OWNER SHALL PROVIDE IN THE DEEDS, RECORDING AND ANY LEASES OR AGREEMENTS OF SALE FOR ANY RESIDENTIAL LOT OR DWELLING UNIT THE FOLLOWING NOTICE:

THIS PROPERTY IS LOCATED IN THE BOUNDARY OF AN ESTABLISHED AGRICULTURAL PRESERVATION DISTRICT IN WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE. FROM BEYOND THE BOUNDARY OF THE AGRICULTURAL PRESERVATION DISTRICT, THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONFINED TO ACCEPTANCE OF ANY AMENDMENT OR MODIFICATION WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USE AGREEMENT. PURSUANT TO D.C. 1809 (M.D.).

DELWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION HEREBY CERTIFIES THAT THE PROPERTIES SHOWN AND DESCRIBED ON THIS PLAN ARE SUBJECT TO AND ARE BOUND BY THE DELAWARE AGRICULTURAL LANDS PRESERVATION DISTRICT AS PROVIDED IN LEGAL REF. 3 DELE. C. CHAP. 5. FURTHER, WRITERS HEREBY CERTIFY THAT THE PROPERTIES SHOWN AND DESCRIBED ON THIS PLAN ARE SUBJECT TO AND ARE BOUND BY THE DELAWARE AGRICULTURAL LANDS PRESERVATION DISTRICT AS PROVIDED IN LEGAL REF. 3 DELE. C. CHAP. 5. FURTHER, WRITERS HEREBY CERTIFY THAT THE PROPERTIES SHOWN AND DESCRIBED ON THIS PLAN ARE SUBJECT TO AND ARE BOUND BY THE DELAWARE AGRICULTURAL LANDS PRESERVATION DISTRICT AS PROVIDED IN LEGAL REF. 3 DELE. C. CHAP. 5. FURTHER, WRITERS HEREBY CERTIFY THAT THE PROPERTIES SHOWN AND DESCRIBED ON THIS PLAN ARE SUBJECT TO AND ARE BOUND BY THE DELAWARE AGRICULTURAL LANDS PRESERVATION DISTRICT AS PROVIDED IN LEGAL REF. 3 DELE. C. CHAP. 5.

ROBERT F. GARDY, CHAIRMAN  
 DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

DATE: 9/27/2018

2

TAX MAP NO.: Part of 135-20.00-137.00  
DALPF Project I.D. #: F-S-18-09-268Y1  
Prepared By & Return To:  
Parkowski, Guerke & Swayze, P.A.  
P.O. Box 598  
Dover, Delaware 19903

**DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION  
ACKNOWLEDGMENT PURSUANT TO 3 Del. C. § 934 (c)**

**WHEREAS**, TUNNELL FARM, LLC, PREVIOUSLY INCORRECTLY REFERRED TO AS TUNNELL FARMS, LLC, a Delaware Limited Liability Company, (“Transferor”) is the owner of forestlands comprised of approximately 177.22 acres located at Georgetown Hundred, said lands lying in Sussex County, State of Delaware, and described in and subject to an Agricultural Preservation Forestland Area Agreement, dated 10/12/18, of record in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware in Deed Book 4963 Page 188 ; and

**WHEREAS**, Transferor is about to transfer all of the subject lands to TIMOTHY R. CONAWAY and MARY E. CONAWAY, (“Transferees”), said lands being Part of tax parcel 135-20.00-137.00.

**NOW, THEREFORE**, in accordance with the requirements of 3 Del. C. § 934 (c) [71 Del. Laws, C. 257], Transferor and Transferee acknowledge their understanding of the acreage allowed for dwelling housing, and the restrictions which apply to the real property about to be conveyed, and that said lands are subject to the referenced Forestland Area Agreement, the provisions of 3 Del. C. ch. 9 and the regulations adopted pursuant thereto. Transferor and Transferee agree to be bound by same. Transferee shall be allowed eight (8) acres for dwelling housing and only three (3) residential dwellings shall be allowed on said eight (8) acres.

IN WITNESS WHEREOF, the Transferor and Transferee have executed this Acknowledgment this 10<sup>th</sup> day of October, 2018.

Transferor:  
TUNNELL FARM, LLC,  
a Delaware Limited Liability Company  
By: SD Investment Properties, LLC, its sole member  
By: Lamboll Street, LLC, its sole member

[Signature]  
Witness

By: [Signature] (SEAL)  
Todd Kuhl, Authorized Director

STATE OF South Carolina COUNTY OF Charleston : to-wit

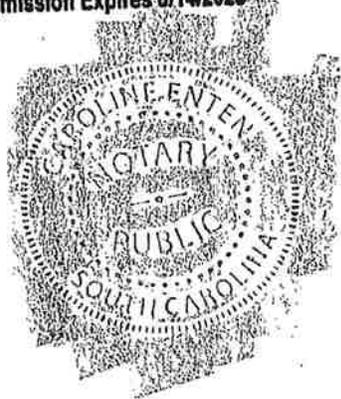
BE IT REMEMBERED, that on this 10<sup>th</sup> day of October, 2018, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Todd Kuhl, Authorized Director of Lamboll Street, LLC, sole member of SD Investments, LLC, sole member of of Tunnell Farm, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company; that the signature of the Authorized Director is in his/her own proper handwriting and by his/her authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

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

[Signature]  
Notary Public

My Commission Expires: \_\_\_\_\_

**CAROLINE ENTEN**  
Notary Public, State of South Carolina  
My Commission Expires 8/14/2028



  
 \_\_\_\_\_  
 Witness  
  
 \_\_\_\_\_  
 Witness

Transferee:

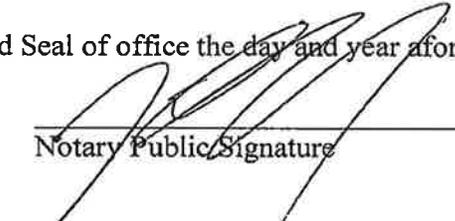
  
 \_\_\_\_\_ (SEAL)  
 TIMOTHY R. CONAWAY

  
 \_\_\_\_\_ (SEAL)  
 MARY E. CONAWAY

STATE OF DELAWARE :  
 : SS.:  
 COUNTY OF Sussex :

BE IT REMEMBERED that on this 12 day of October, A.D. 2018 personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, TIMOTHY R. CONAWAY and MARY E. CONAWAY, parties to this Indenture, known to me personally to be such, and they acknowledged this Indenture to be their act and deed.

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

  
 \_\_\_\_\_  
 Notary Public Signature

J. Everett Moore, JR., Esq.  
 Attorney-Notary Public  
 Unif. Notarial Act 29 Del. C. §4323(a) (3)  
 Non Expiring Commission

\_\_\_\_\_  
 Notary Name – Printed or Typed  
 My Commission Expires: \_\_\_\_\_

TAB “4”



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

JENNIFER COHAN  
SECRETARY

October 10, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Timothy R. Conaway** conditional use application, which we received on September 13, 2019. This application is for a 15.00-acre portion of an approximately 224.92-acre parcel (Tax Parcel: 135-20.00-137.00). The subject land is located on the southeast corner of the intersection of Park Avenue / Wood Branch Road (Sussex Road 321) and Cedar Lane (Sussex Road 318), southeast of the Town of Georgetown. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize a 15.00 acre portion of the land for a borrow pit.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Park Avenue where the subject land is located, which is from Cedar Lane to Springfield Road (Sussex Road 47), are 1,289 and 1,659 vehicles per day, respectively. As the subject land also has frontage along Cedar Lane, the annual average and summer average daily traffic volumes along that road segment, which is from Zoar Road (Sussex Road 48) to Wood Branch Road, are 2,861 and 3,682 vehicles per day, respectively.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Ms. Janelle M. Cornwell  
Page 2 of 2  
October 10, 2019

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

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Timothy R. Conaway, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

**PLANNING & ZONING**

JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-5079 F



**Sussex County**

DELAWARE  
sussexcountyde.gov

**Service Level Evaluation Request Form**

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

Date:

**Site Information:**

Site Address/Location: 135-20.00-137.00

Tax Parcel Number: 135-20.00-137.00

Current Zoning: AR-1

Proposed Zoning: AR-1 w/ Conditional Use

Land Use Classification: AGR

Proposed Use(s): 15-acre Borrow Pit

Square footage of any proposed buildings or number of units: N/A

RECEIVED

SEP 13 2019

SUSSEX COUNTY  
PLANNING & ZONING

**Applicant Information:**

Applicant's Name: Timothy R. Conaway

Applicant's Address: 23620 Parker Road

City: Georgetown State: DE Zip Code: 19947

Applicant's Phone Number: (302) 542-7115

Applicant's e-mail address: TRConaway@verizon.net

Please send a copy to:  
Morris James LLP  
Attn: David C. Hutt, Esq.  
107 W. Market Street, PO Box 690  
Georgetown, DE 19947  
DHutt@MorrisJames.com

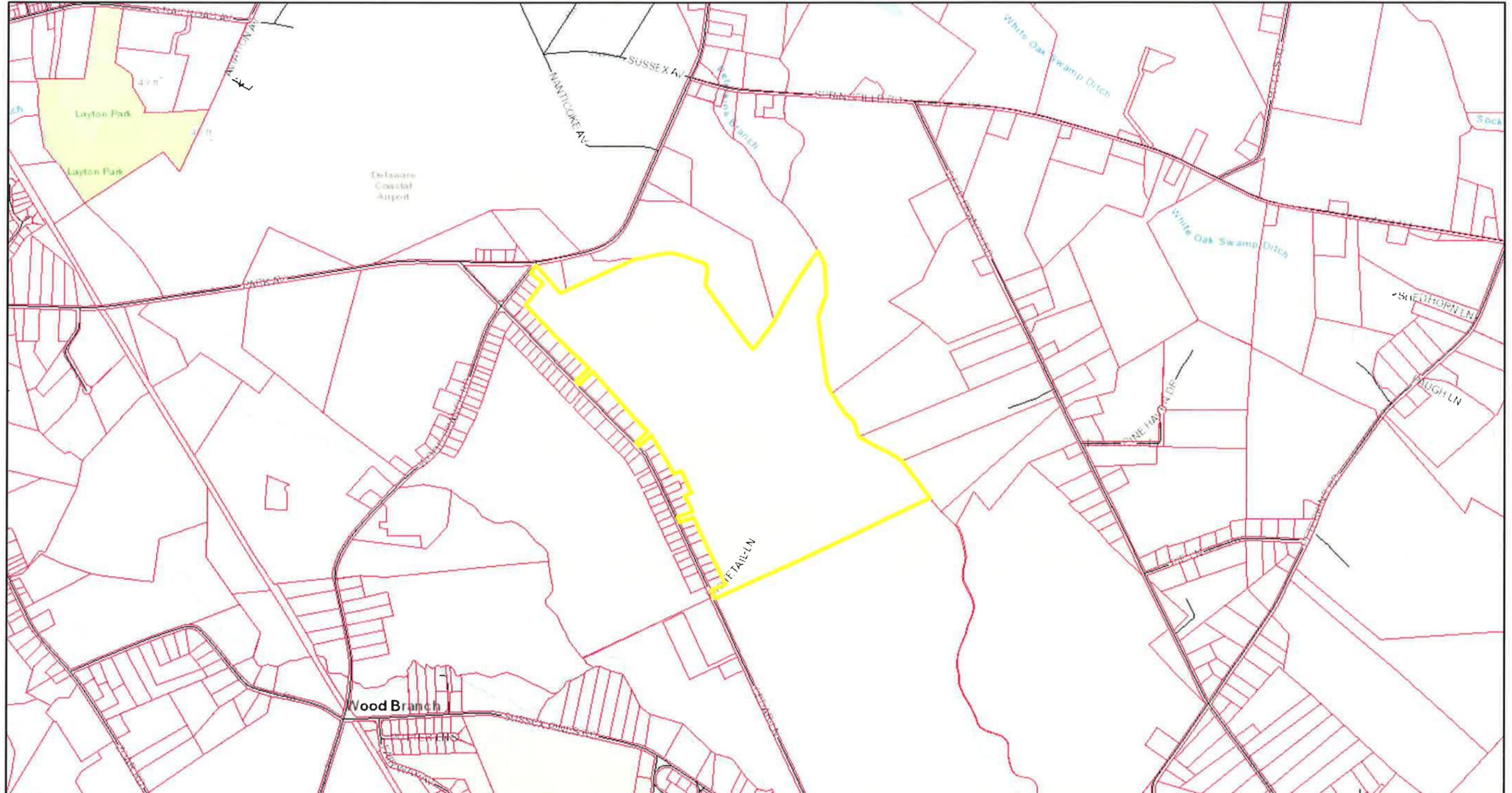


COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE 19947

Last updated 7-27-18

TAB "5"

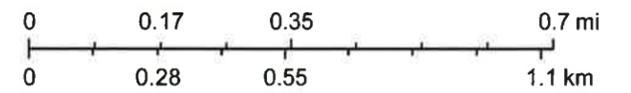
# Sussex County



May 15, 2020

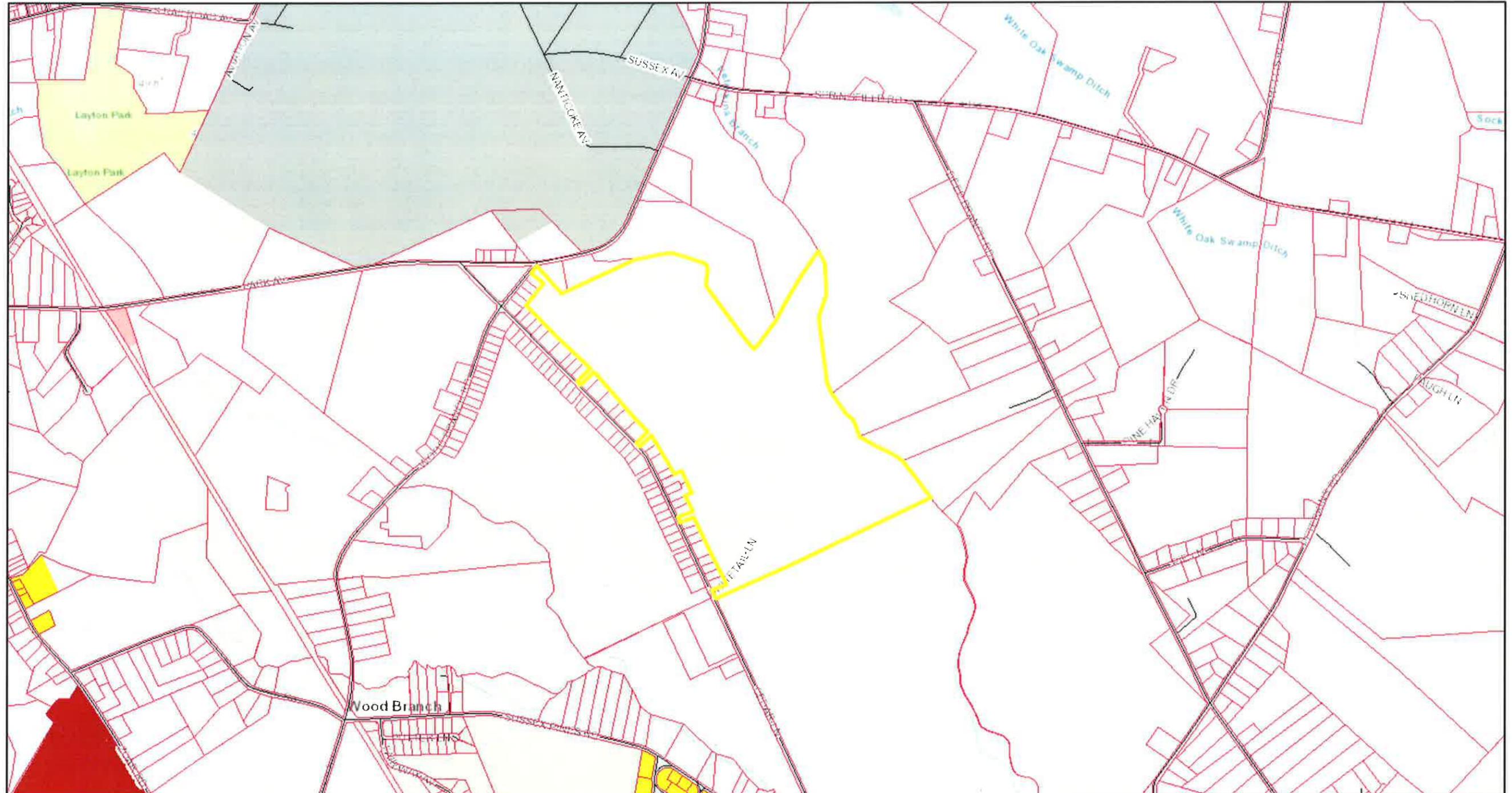
-  Override 1
-  Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:18,056



DALPF, Delaware Department of Education, Delaware Geological Survey, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI,

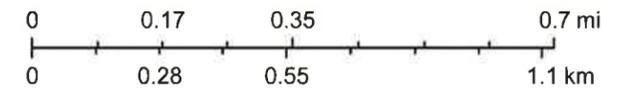
# Sussex County



May 15, 2020



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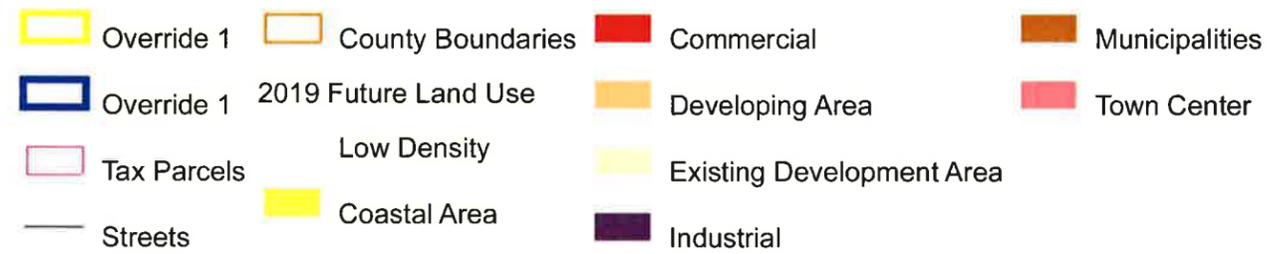


DALPF, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government

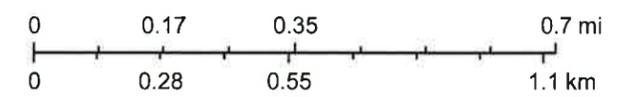
# Sussex County



May 15, 2020

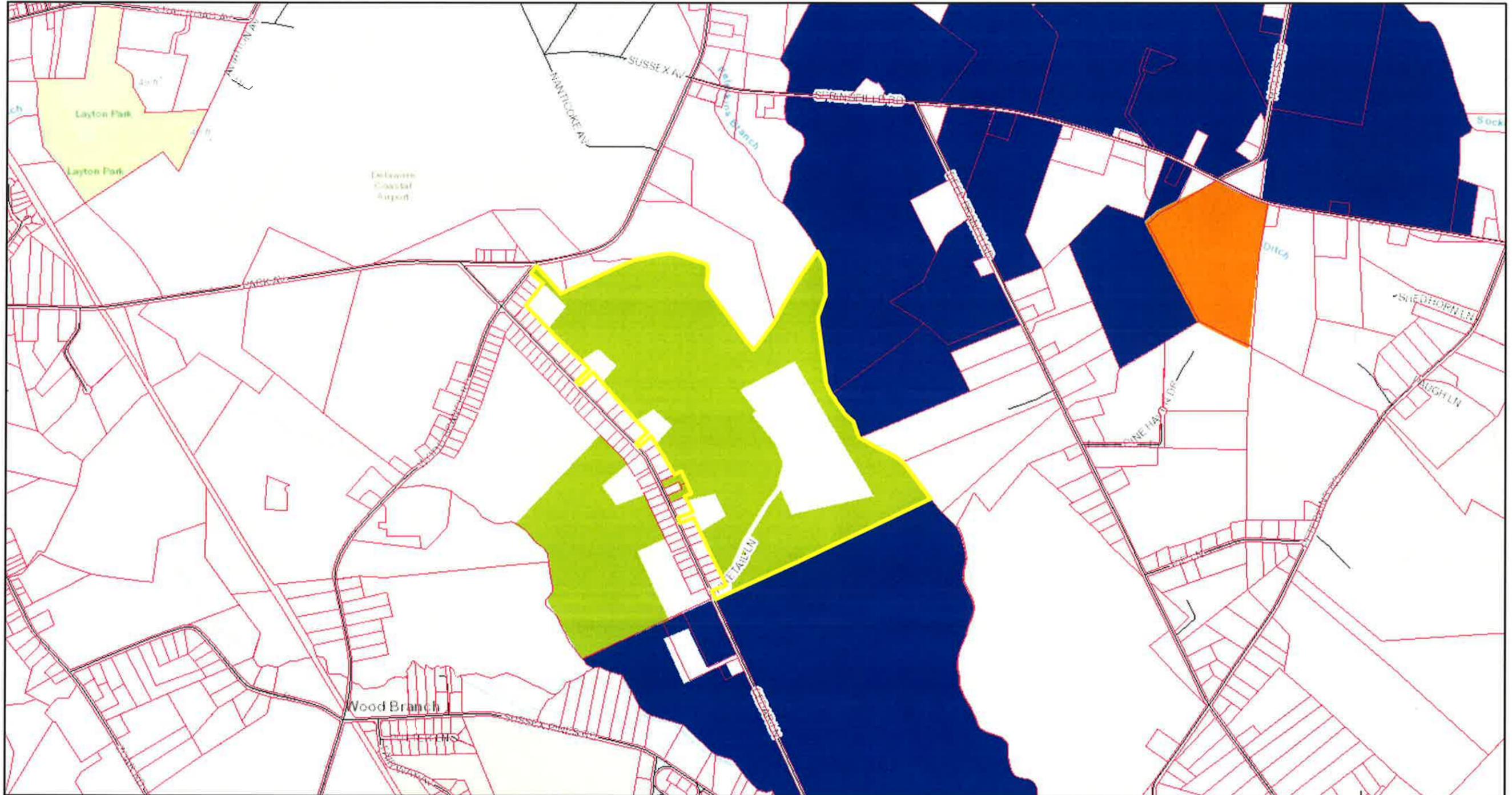


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Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government

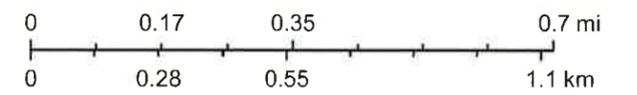
# Sussex County



May 15, 2020

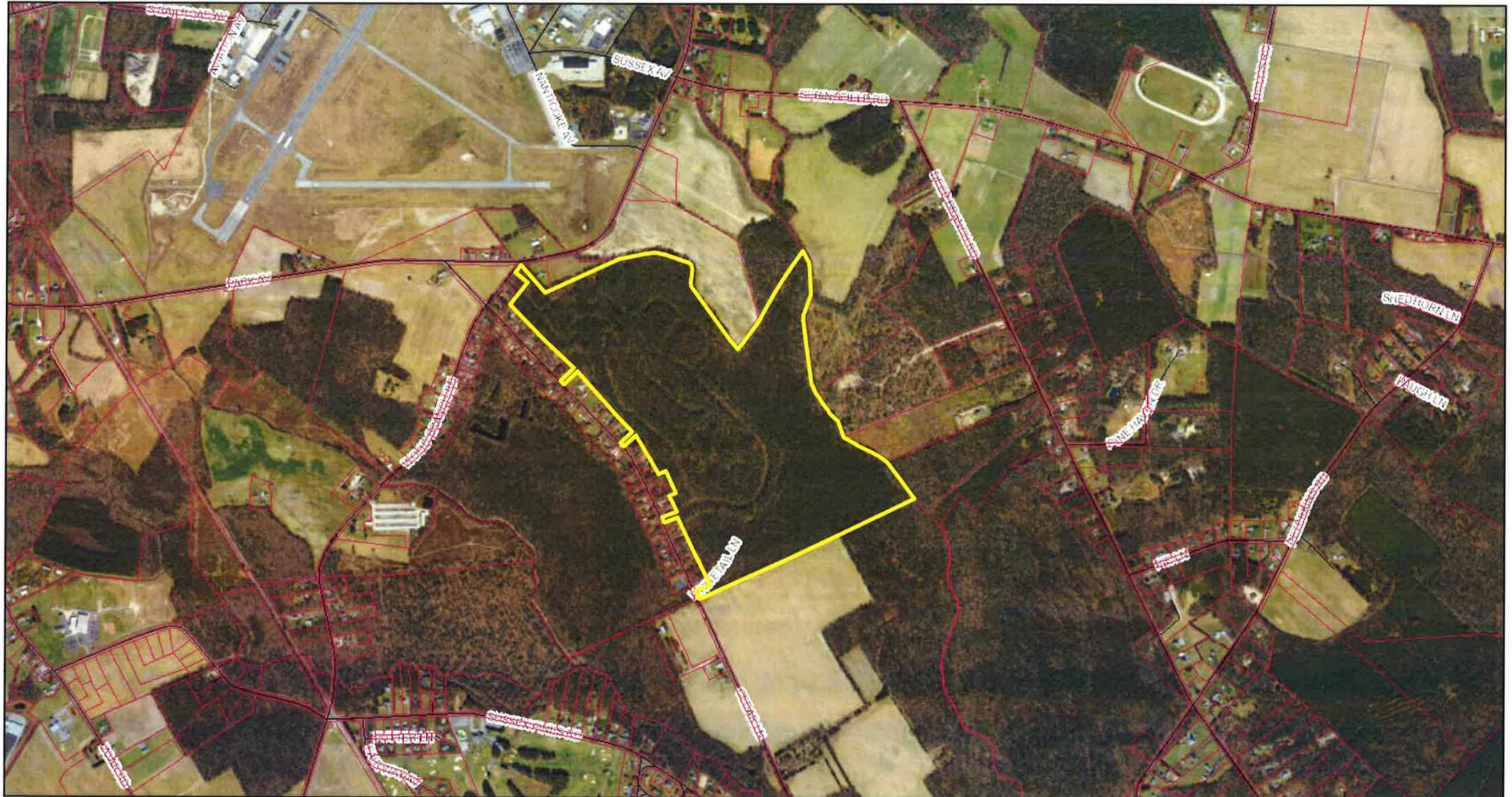
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|---|---|--|
|  Override 1  |  County Boundaries         |  Agricultural Expansion           |
|  Override 1  |  Ag Preservation Districts |  Forest Land Preservation         |
|  Tax Parcels |  Agricultural Easement     |  Forestland Preservation Area     |
|  Streets     |  Agricultural District     |  Forestland Preservation Easement |

1:18,056



DALPF. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government

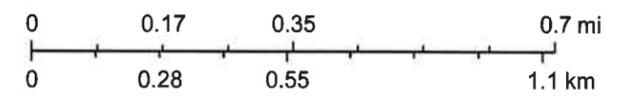
# Sussex County



May 15, 2020

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

1:18,056



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County, Sussex County Government

TAB “6”

**Delaware 1954 Orthophotography**



Delaware 1954 Orthophotography

0.2mi

Esri, NASA, NGA, USGS, FEMA | Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



N

Springfield Rd

Deep Branch Rd

Sussex Ave

Nanticoke Ave

Park Ave

West Branch Rd

Cedar Ln

Image U.S. Geological Survey

Google Earth

Imagery Date: 3/23/1992 38°40'39.50" N 75°20'48.25" W elev 45 ft eye alt 9277 ft

1992



6/2018

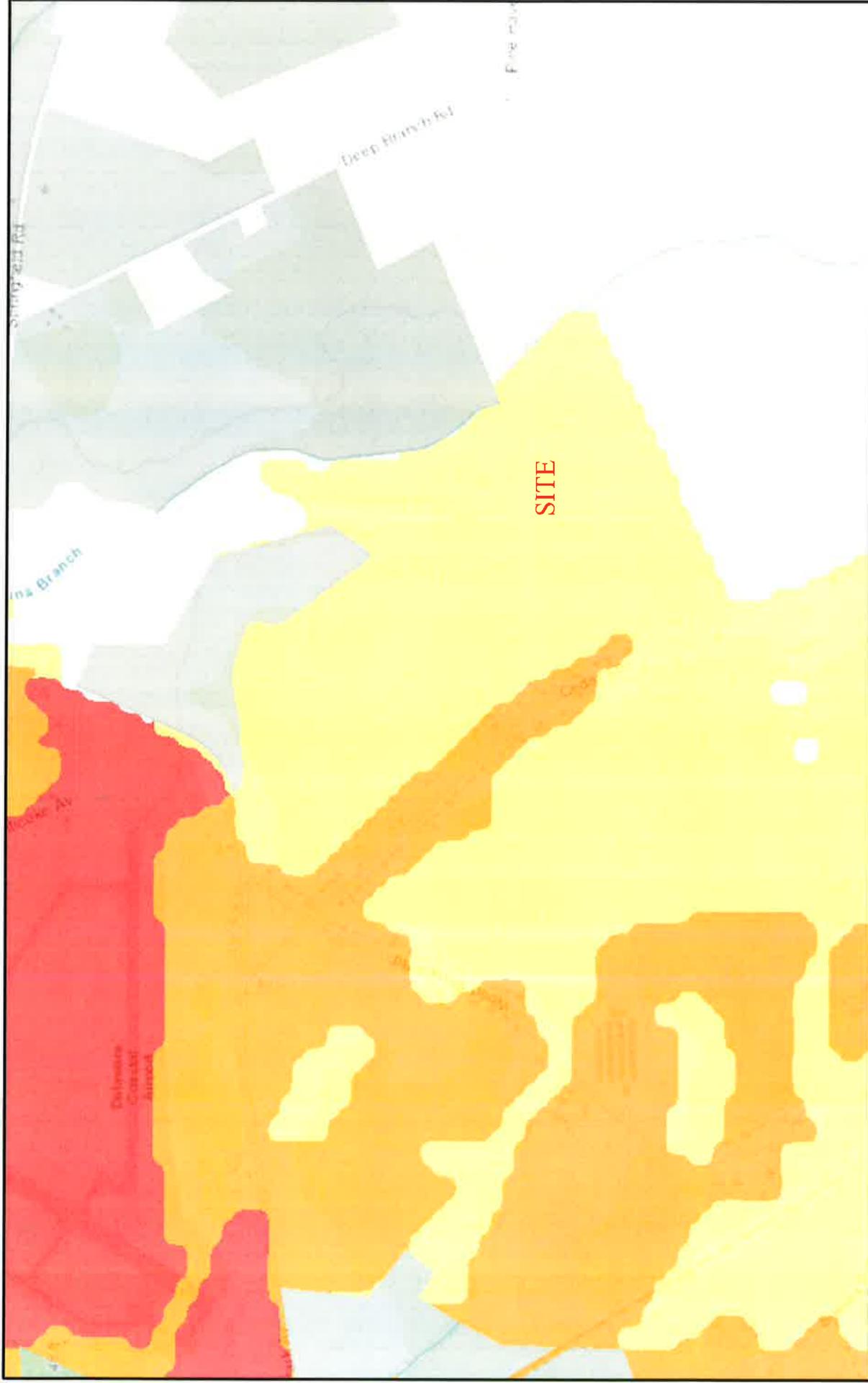
Google E

Imagery Date: 6/13/2018 38°40'39.50" N 75°20'48.25" W elev 45 ft eye alt 0

TAB “7”



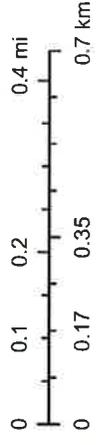
# Delaware State Strategies 2015



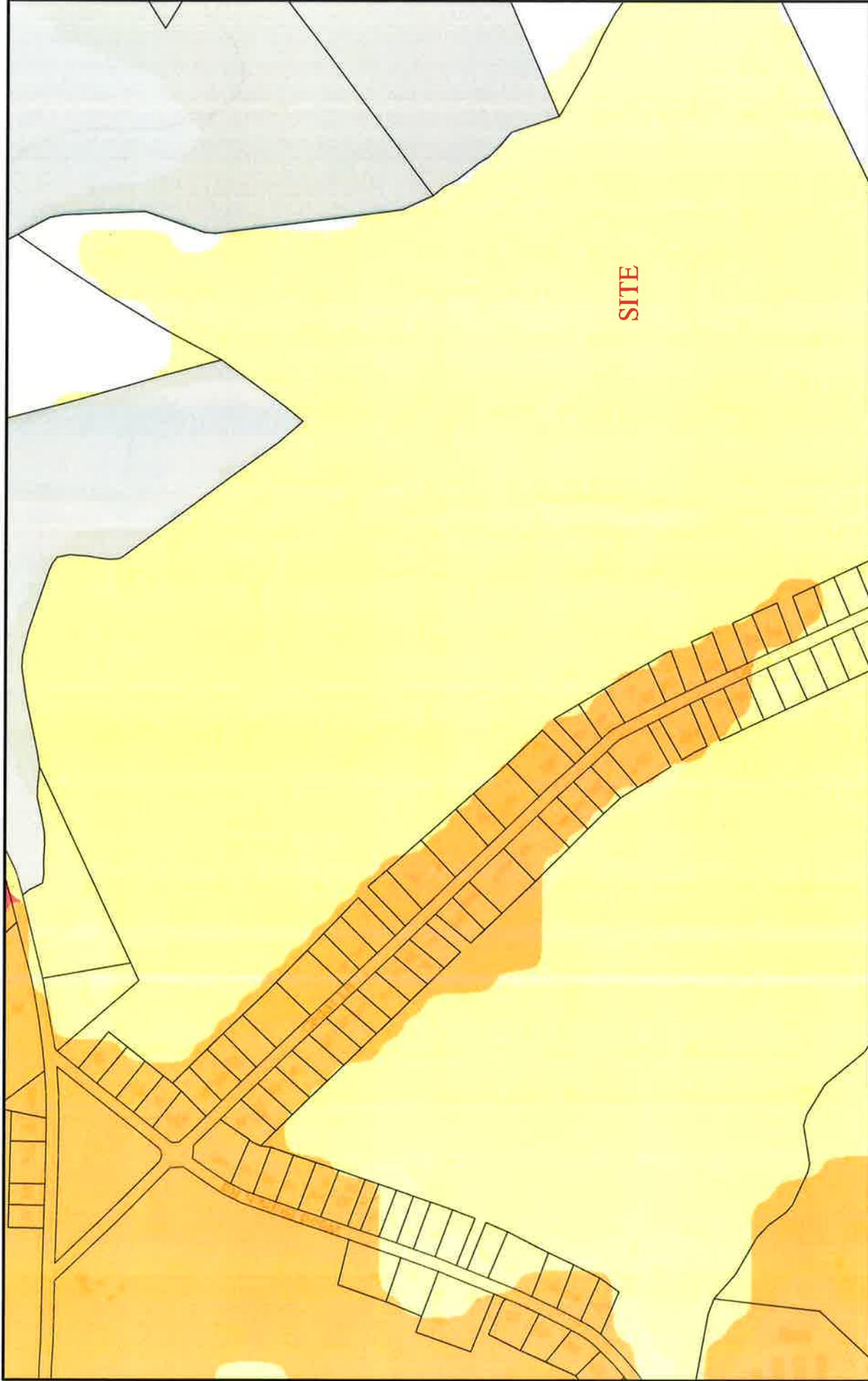
State Strategies 2015

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

1:18,056



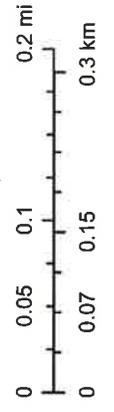
# Delaware State Strategies 2015



State Strategies 2015

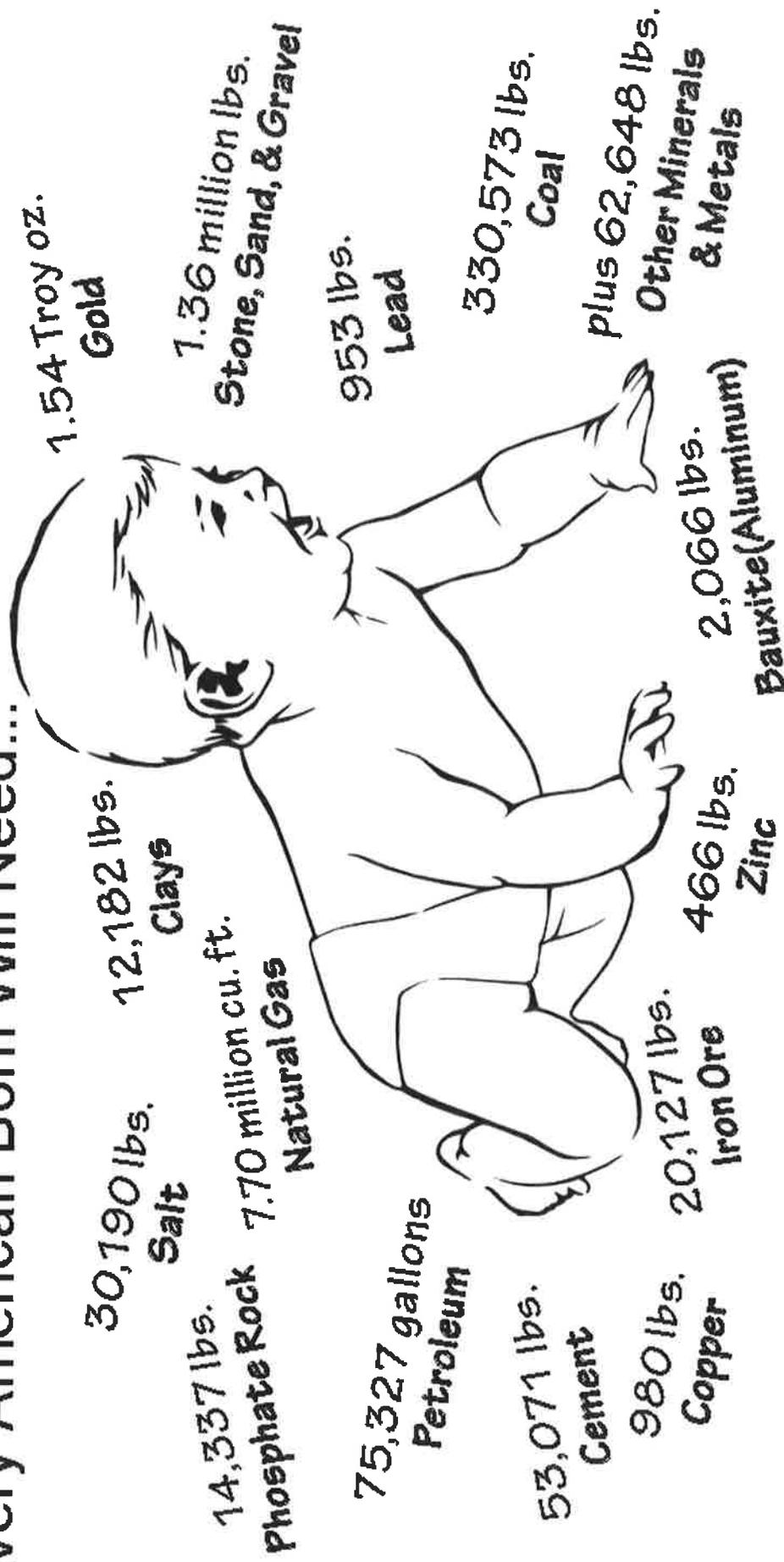
- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

1:9,028



TAB “8”

# Every American Born Will Need...



3.19 million pounds of minerals, metals, and fuels in their lifetime

# EVERY YEAR

# 40,633 pounds of new minerals must be provided for every person in the United States to make the things we use daily

**9,924 lbs.**

**Stone** used to make roads, buildings, bridges, landscaping, numerous chemical and construction uses

**12 lbs.**

**Copper** used in buildings, electrical & electronic parts, plumbing, transportation

**7,345 lbs.**

**Sand & Gravel** used to make concrete, asphalt, roads, blocks & bricks

**12 lbs.**

**Lead** 75% used for transportation—batteries, electrical, communications

**675 lbs.**

**Cement** used to make roads, sidewalks, bridges, buildings, schools, houses

**6 lbs.**

**Zinc** used to make metals rust resistant, various metals & alloys, paint, rubber, skin creams, health care, and nutrition

**256 lbs.**

**Iron Ore** used to make steel—buildings, cars, trucks, planes, trains, other construction, containers

**34 lbs.**

**Soda Ash** used to make all kinds of glass, in powdered detergents, medicines, as a food additive, photography, water treatment

**384 lbs.**

**Salt** used in various chemicals, highway deicing, food & agriculture

**6 lbs.**

**Manganese** used to make almost all steel for construction, machinery, transportation

**182 lbs.**

**Phosphate Rock** used to make fertilizers to grow food, animal feed supplements

**6 lbs.**

**Manganese** used to make almost all steel for construction, machinery, transportation

**155 lbs.**

**Clays** used to make floor & wall tile, dinnerware, kitty litter, bricks & cement, paper

**624 lbs.**

**Other Nonmetals** used in glass, chemicals, soaps, paper, computers, cell phones, etc.

**26 lbs.**

**Aluminum (Bauxite)** used to make buildings, beverage containers, autos, airplanes

**23 lbs.**

**Other Metals** used in electronics, TV & video equipment, recreation equipment, etc.

## Including These Energy Fuels

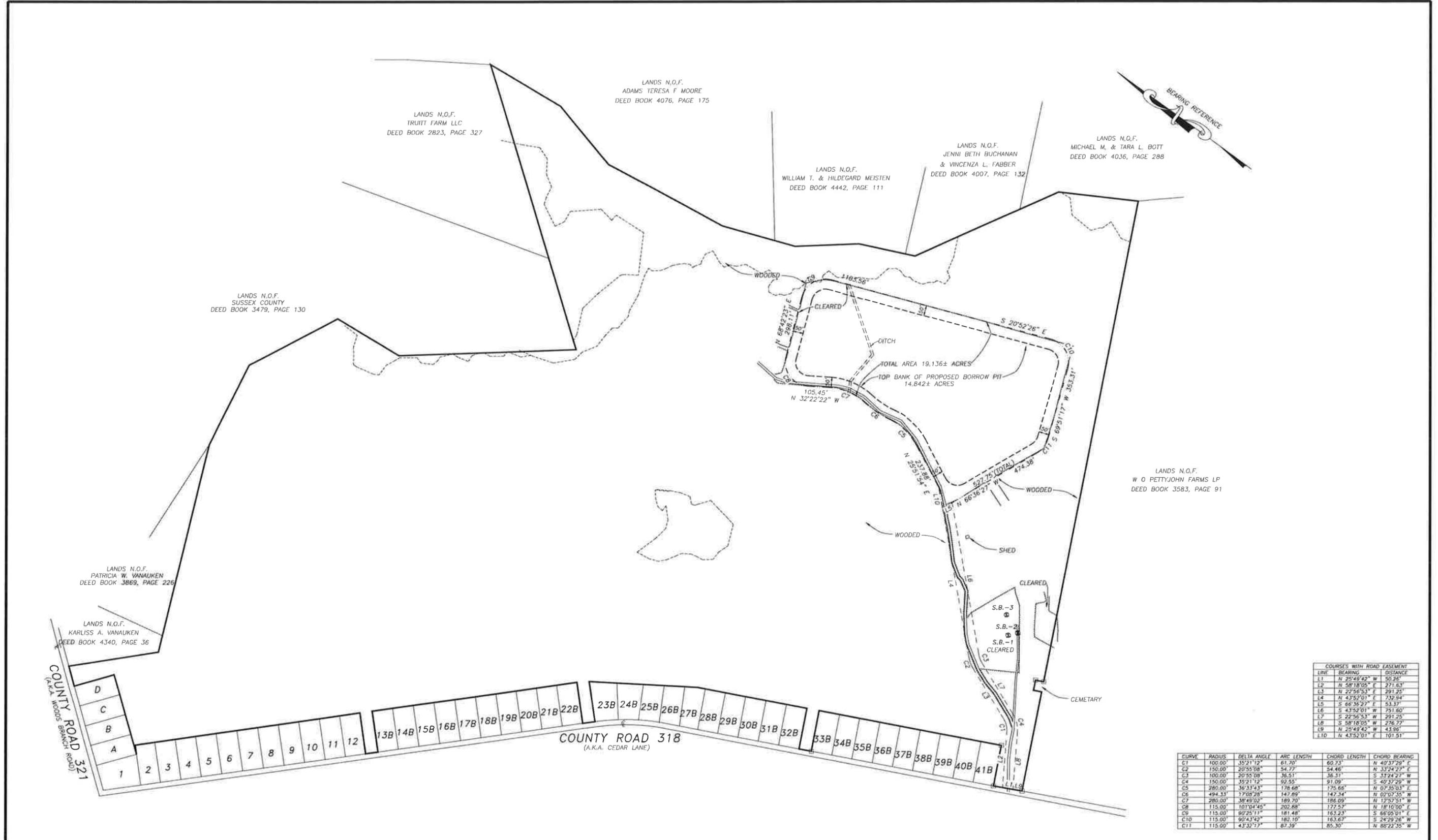
- 958 gallons of Petroleum
- 4,206 lbs. of Coal
- 97,988 cu. ft. of Natural Gas
- 0.13 lb. of Uranium

To generate the energy each person uses in one year—

# MEC

Minerals Education Coalition

TAB “9”



COURSES WITH ROAD EASEMENT		
LINE	BEARING	DISTANCE
L1	N 25°49'42" W	50.26'
L2	N 58°18'05" E	271.63'
L3	N 22°56'53" E	291.25'
L4	N 43°52'01" E	732.94'
L5	S 68°36'27" E	53.37'
L6	S 43°52'01" W	751.60'
L7	S 22°56'53" W	291.25'
L8	S 58°18'05" W	276.77'
L9	N 25°49'42" W	43.96'
L10	N 43°52'01" E	101.91'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00'	35°21'12"	61.70'	60.73'	N 40°37'29" E
C2	150.00'	20°55'08"	54.77'	54.46'	N 33°24'22" E
C3	100.00'	20°55'08"	36.51'	36.31'	S 33°24'22" W
C4	150.00'	35°21'12"	92.55'	91.09'	S 40°37'29" W
C5	280.00'	36°33'43"	178.68'	175.66'	N 07°35'03" E
C6	494.33'	17°08'28"	147.89'	147.34'	N 07°07'55" W
C7	280.00'	36°33'43"	189.29'	186.09'	N 12°52'51" W
C8	115.00'	101°04'45"	202.88'	172.52'	N 18°10'00" E
C9	115.00'	90°25'11"	181.48'	163.23'	S 68°05'01" E
C10	115.00'	90°43'42"	182.10'	163.67'	S 24°29'26" W
C11	115.00'	43°32'17"	87.39'	85.30'	N 88°22'55" W

**NOTES:**

- SOURCE OF TITLE: DEED BOOK 4963, PAGE 196
- THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

**LEGEND:**

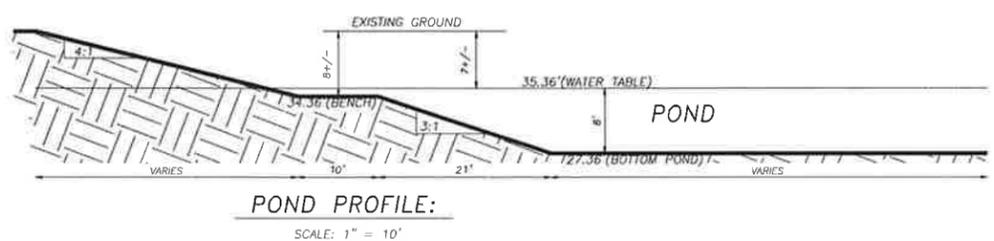
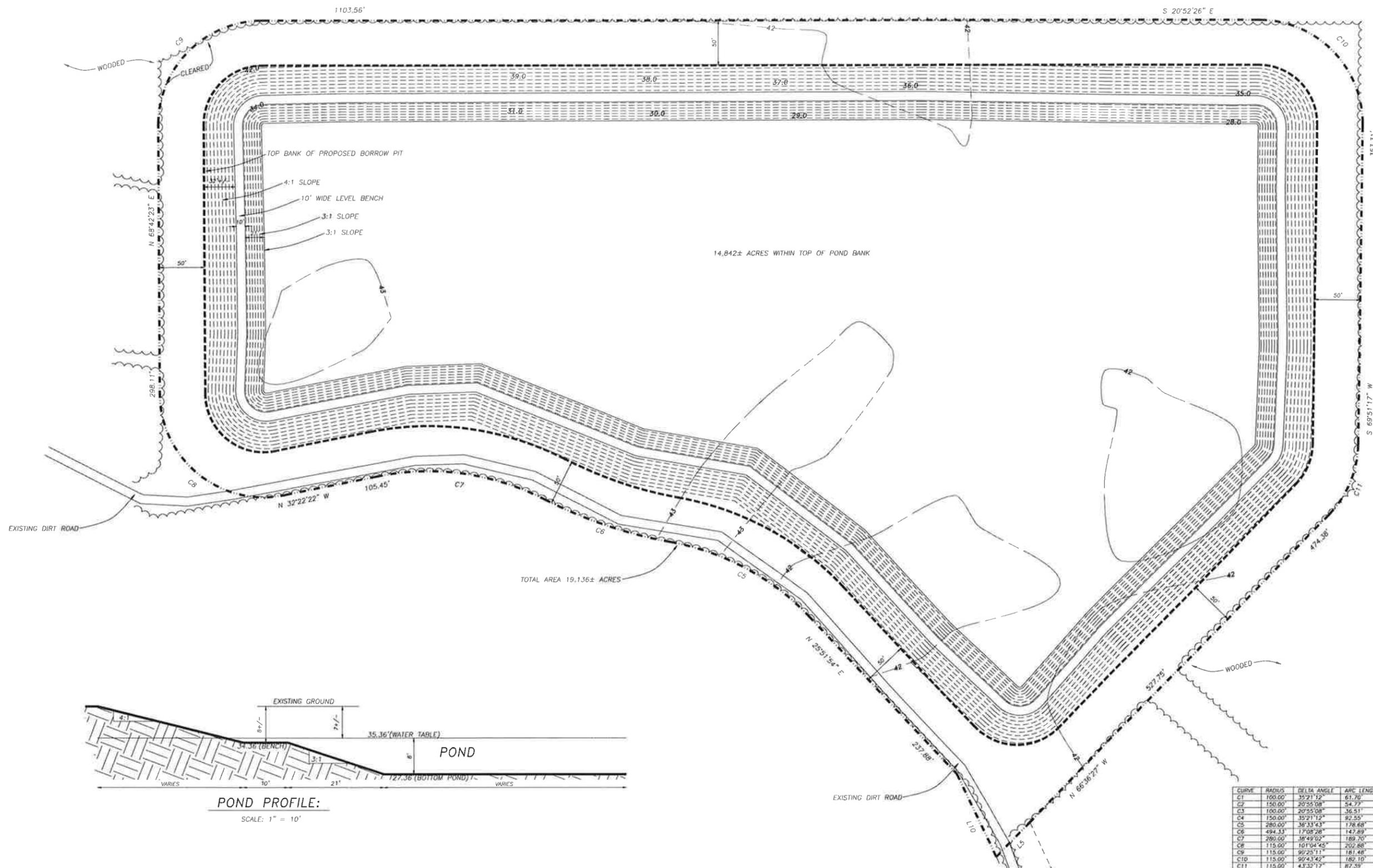
□ FOUND CONCRETE MONUMENT

I, Charles E. Adams, Jr., P.L.S., registered as a Professional Land Surveyor in the State of Delaware, hereby certify that the information shown on this plan has been prepared under the supervision and under the personal direction and control of me, or under the direct supervision of one or more persons duly licensed as professional land surveyors in the State of Delaware, and that I am a duly licensed professional land surveyor in the State of Delaware.

CHARLES E. ADAMS, JR., P.L.S. 506

Prepared By  
**ADAMS-KEMP ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 AND PLANNERS  
 217 SOUTH RACE STREET  
 GEORGETOWN, DELAWARE 19947  
 PHONE: (302) 856-6699  
 WWW.ADAMSKEMP.COM

**BORROW PIT SURVEY PLAN**  
 PREPARED FOR  
**TIMOTHY R. CONAWAY**  
 SITUATED IN  
 GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE  
 AREA: 219.800± ACRES  
 SCALE: 1" = 200'  
 DATE: AUGUST 28, 2019



LINE	BEARING	DISTANCE
L1	N 25°49'42" W	50.26'
L2	N 58°18'05" E	271.63'
L3	N 27°56'53" E	291.25'
L4	N 43°52'01" E	232.94'
L5	S 62°35'22" E	43.32'
L6	S 43°52'01" W	751.60'
L7	S 22°58'53" W	291.25'
L8	S 58°18'05" W	276.72'
L9	N 25°49'42" W	43.96'
L10	N 43°52'01" E	101.51'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00	35°21'12"	61.70'	60.23'	N 49°37'29" E
C2	150.00	20°55'08"	54.77'	54.46'	N 33°24'23" E
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C10	115.00	92°43'42"	182.70'	163.67'	S 24°29'26" W
C11	115.00	43°32'12"	87.59'	85.30'	N 88°22'35" W

**NOTES:**

- SOURCE OF TITLE: DEED BOOK 4963, PAGE 196
- THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

**LEGEND:**

- FOUND CONCRETE MONUMENT
- 43 — EXISTING CONTOUR & ELEVATION
- 28.0 — PROPOSED CONTOUR & ELEVATION

1. Charles E. Adams, Jr., P.L.S., is registered as a Professional Land Surveyor in the State of Delaware. He has read and approved the information shown on this plan. He has prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. My consent is given only for the plan shown here and restricted to the uses and application for which it was prepared.

CHARLES E. ADAMS, JR., P.L.S. 506

Prepared By  
**ADAMS-KEMP ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 AND PLANNERS  
 217 SOUTH RACE STREET  
 GEORGETOWN, DELAWARE 19947  
 PHONE: (302) 856-6699  
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**BORROW PIT SURVEY PLAN**  
 PREPARED FOR  
**TIMOTHY R. CONAWAY**  
 SITUATED IN  
 GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE  
 AREA: 219.800± ACRES  
 SCALE: 1" = 50'  
 DATE: AUGUST 28, 2019

TAB “10”

**WHITETAIL LANE, LLC**

**PROPOSED FINDINGS OF FACTS & CONDITIONS OF APPROVAL  
C.U. No. 2213**

***Findings of Fact***

1. This is an application for a Conditional Use in an AR-1 Agricultural Residential District for excavation of a 15± acre borrow pit, extraction, processing and removal of sand, gravel or stone, said property being located in Georgetown Hundred, Sussex County, Delaware and situated on the east side of Cedar Lane (S.C.R. 318), being a part of Sussex County Tax District 135, Map 20.00, Parcel 137.00.

2. The subject property is owned by the applicant, Whitetail Lane, LLC.

3. The proposed site is a portion of larger tract consisting of approximately 219.8± acres.

4. The proposed site is presently wooded and is an upland portion of the property.

5. The larger 219.8± acres parcel is subject to a forestland preservation easement. The Preservation Easement specifically excludes 31.83± acres from the preservation easement, which is the location of the proposed borrow pit.

6. The conditional use is for excavation of a 15-20± acre borrow pit, extraction, processing and removal of sand, gravel or stone at the “rear” of the property treating Cedar Lane as the “front” of the property.

7. The immediate area surrounding this property is a combination of residential homes, agricultural lands and woodlands. More specifically, the property is bordered on:

- a. the north by one residence and other large parcels used agriculturally with some woodlands;
- b. the east by large (25+ acres) parcels including lands subject to Agricultural Preservation Easements;
- c. the south by woodlands and agricultural lands subject to Agricultural Preservation Easements; and
- d. the west by approximately ½ acres lots used residentially along Cedar Lane.

8. In the 2018 Sussex County Comprehensive Plan update, the area for the proposed rezoning is identified for purposes of future land use as being in a Developing Area, one of the Comprehensive Plan’s Growth Areas. The property likely has this designation due to its close proximity to the Delaware Coastal Airport.

9. The 2015 Delaware Strategies for State Policies and Spending identify the property as Investment Level 3.

10. The proposed conditional use will not increase the congestion of roads or streets as confirmed by DelDOT, which did not require a Traffic Impact Study or Traffic Operations Analysis and determined that the borrow pit's impact would be negligible on the adjacent roads. More specifically, DelDOT reviewed the applicant's planned project and issued a letter stating that the proposed land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day, which is below the warrants when a Traffic Impact Study is required. In addition, DelDOT's review stated that it considered the proposed development's traffic impact to be "negligible" in the context of DelDOT's agreement with Sussex County regarding land development coordination. Further, any site plan will require DelDOT review and approval to provide for safe vehicular and pedestrian movement within the site and entrance approval for access onto Cedar Lane.

11. This conditional use application is for approximately 15-20 acres of the total site acreage of 219.80± acres, and is subject to the provisions of Articles IV through XX, § 115-22 and § 115-172 of the Zoning Code.

12. The purpose of a Conditional Use is to provide for certain uses which cannot otherwise be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations.

13. A borrow pit use is generally of a public or semipublic character and is essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance of its relationship to the Comprehensive Plan and possible impact on neighboring properties, requires the exercise of planning judgment on location and site plan.

14. The granting of this application will provide a borrow pit for the processing and removal of sand, gravel, and stone, to be used in the construction of private and public works projects in the immediate area and throughout Sussex County.

15. The proposed use complies with Sussex County Code ARTICLE XXIV, Section 115-172 B. which contains Sussex County's "Special Requirements" relating to excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations, provided that:

a. *No material may be brought from off the site for processing, mixing or similar purposes.*

The applicant will comply with this requirement and no offsite materials will be brought to the site for processing, etc.

b. *The excavating, extraction or filling operation shall be controlled to offer reasonable protection to surrounding properties and the neighborhood, particularly as regards to odors, dust, air or water pollution and uses of roads or streets providing access to the site.*

The applicant has designed the project so that any entrance, intersection and roadway improvements shall be completed in accordance with all DelDOT requirements.

The proposed access road will be located on Cedar Lane Road at the southern end of the property. The access road is approximately 1,000' from the beginning of the borrow pit and is surrounded by lands in woodland preservation. This natural barrier will help to prevent the pit from becoming an attractive nuisance as it will not be visible from local roads.

- c. *The location of the excavation, extraction or filling with respect to property lines, the depth of excavation or filling and relation to the water table or flood criteria and the slope of the sides of the excavation shall be controlled to prevent a continuing unsightly, hazardous or wasteful condition of the land.*

The proposed pit is not in any flood plain area.

The proposed pit is greater than 50-feet from all property lines.

The proposed pit is surrounded by woodlands subject to a preservation easement.

The proposed pit will have 4:1 side slope down to a 10-foot level bench that will be approximately near or 1-foot below the static water surface.

The water table is approximately 14 feet below the existing grade.

The depth of the proposed borrow pit will not exceed 65-feet.

Only the trees within the area of the proposed pit will be disturbed. All other existing trees will remain as they are subject to a preservation easement.

Wetlands onsite will not be disturbed and will be buffered during pit excavation.

There are no known endangered species located onsite.

- d. *The Borrow Pit shall be surrounded by a landscaped unexcavated buffer strip of open space a minimum distance of 100 feet from any street lines and a minimum distance of 50 feet from all other property lines. The buffer strip shall remain free of any buildings or streets.*

The plans submitted with the application show a minimum 50-foot landscaped buffer around the entire proposed Borrow Pit. The Borrow Pit is greater than 50-feet from property lines. Further, the Borrow Pit is surrounded by lands subject to a preservation easement.

The proposed borrow pit will be located approximately 1,000-feet from Cedar Lane (the nearest public road) which exceeds the 100-foot minimum requirement.

- e. *The Borrow Pit shall be at least 200 feet from any dwelling on property of other ownership.*

All excavation of the proposed pit will occur more than 200' from any adjacent dwellings.

- f. *Prior to issuance of a notice to proceed with development of the Borrow Pit, a site plan shall be submitted to the Commission for review. The site plan shall be prepared in compliance with this subsection, Article XXVIII of this chapter and the following:*

- i. *Site plans shall designate existing site conditions, proposed excavation area and proposed reclamation plans.*

The preliminary site plan submitted shows these features and the applicant intends to comply with this requirement during the approval process.

- ii. *Approvals shall be required to be submitted from the appropriate governmental agency for ingress/egress and erosion/sediment control.*

Any entrance, intersection and roadway improvements shall be completed by the applicant in accordance with all DelDOT requirements.

The stormwater management control system shall meet or exceed the requirements of Sussex Conservation District and DNREC through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT).

16. Potable drinking water will be provided for on-site.

17. Sanitary Sewer will be provided through the use of a Delaware State Licensed Port-O-Potty company. No onsite wastewater disposal system will be needed for the proposed pit.

18. The applicant intends to construct a residence on the property in the future. Once the residence is constructed, sanitary sewer may be provided through the system installed for the residence.

19. The proposed conditional use meets the general purpose of the Zoning Ordinance and the Comprehensive Plan as it is being located in an appropriate location providing sufficient area for a use of this nature which in other locations may not be able to be as well adjusted to its environment.

20. Through the placement of appropriate conditions of approval, the impact of the borrow pit on neighboring properties will be significantly reduced.

21. The proposed project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth, convenience, order, prosperity and welfare of the County.

22. The conditional use requested will promote the health and safety of the inhabitants of Sussex County and is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County, particularly for any projects that have been or may be approved for development.

**Conditional Use 2213 - Conditions of Approval**

Approval is subject to the following conditions:

A. No material may be brought from off the site for processing, mixing or similar purposes.

B. The excavated area shall not exceed 15 acres.

C. The entrance to the pit shall be a gravel or paved road from S.C.R. 318 (Cedar Lane). Until a residence is built on the site, the entrance shall be fenced or gated to prevent access. Until a residence is built on the site, the entrance shall be secured when the pit is not in operation.

D. Any roadway and entrance improvements required by DelDOT shall be completed by the Applicant as required and in accordance with all DelDOT requirements.

E. The Applicant shall comply with all State and County erosion and sediment control regulations. The project will meet or exceed stormwater management system regulations set forth by the Sussex Conservation District and DNREC through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT). The final site plan shall contain the approval of Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.

F. The hours of operation shall be between 6 a.m. and 6 p.m. Monday thru Friday and between 6 a.m. and 2 p.m. on Saturdays. No Sunday hours shall be permitted.

G. No materials will be stored on any access roads or within any buffers.

H. The proposed pit will have a 4:1 side slope down to a 10 foot level bench that will be approximately near or 1 foot below the static water surface. Below the water level the borrow pit shall have 3:1 slopes. The depth of the proposed borrow pit will not exceed 65 feet.

I. A final site plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and

planting schedules designed to create a pleasing appearance and protect existing and future developments.

J. Permanent concrete markers and signs shall be placed at appropriate locations to designate the boundaries of the subject property and pit areas. The boundary markers shall be raised and marked so that they are clearly visible to anyone nearing the site.

K. The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation.

L. No wetlands shall be disturbed.

M. This approval shall terminate upon the expiration of fifty (50) years from the date of enactment.

N. Any safety lights shall be screened downward, so they do not shine on neighboring properties or roadways.

O. The final site plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

File #: CU # 2221  
202000914

## Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

**Type of Application:** (please check applicable)

Conditional Use

Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

24169 Godwin School Rd millsboro DE 19955

**Type of Conditional Use Requested:**

Small auto Repair

Tax Map #: 133-16.00-73.04

Size of Parcel(s): 32,669

Current Zoning: AR-1

Proposed Zoning: CU

Size of Building: 30x40

Land Use Classification: Residential

Water Provider: well

Sewer Provider: Septic

**Applicant Information**

Applicant Name: Dominic Lombardi

Applicant Address: 24169 Godwin School Rd

City: millsboro

State: DE

Zip Code: 19966

Phone #: (302) 344-0000

E-mail: dombomb21@gmail.com

**Owner Information**

Owner Name: Dominic Lombardi

Owner Address: 24169 Godwin School Rd

City: millsboro

State: DE

Zip Code: 19966

Phone #: 302 344 0000

E-mail: dombomb21@gmail.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: \_\_\_\_\_

Agent/Attorney/Engineer Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_

E-mail: \_\_\_\_\_



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

\_\_\_ Completed Application

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

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

\_\_\_ Provide Fee \$500.00

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

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

\_\_\_ DelDOT Service Level Evaluation Request Response

\_\_\_ PLUS Response Letter (if required)

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

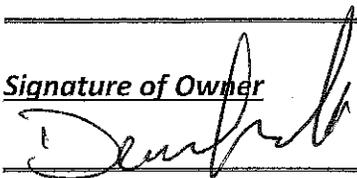
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

## Signature of Applicant/Agent/Attorney

\_\_\_\_\_

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

## Signature of Owner

  
\_\_\_\_\_

Date: 1/27/2020

### For office use only:

Date Submitted: 1/27/2020

Fee: \$500.00 Check #: CC

Staff accepting application: CEH

Application & Case #: 202000914

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

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

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

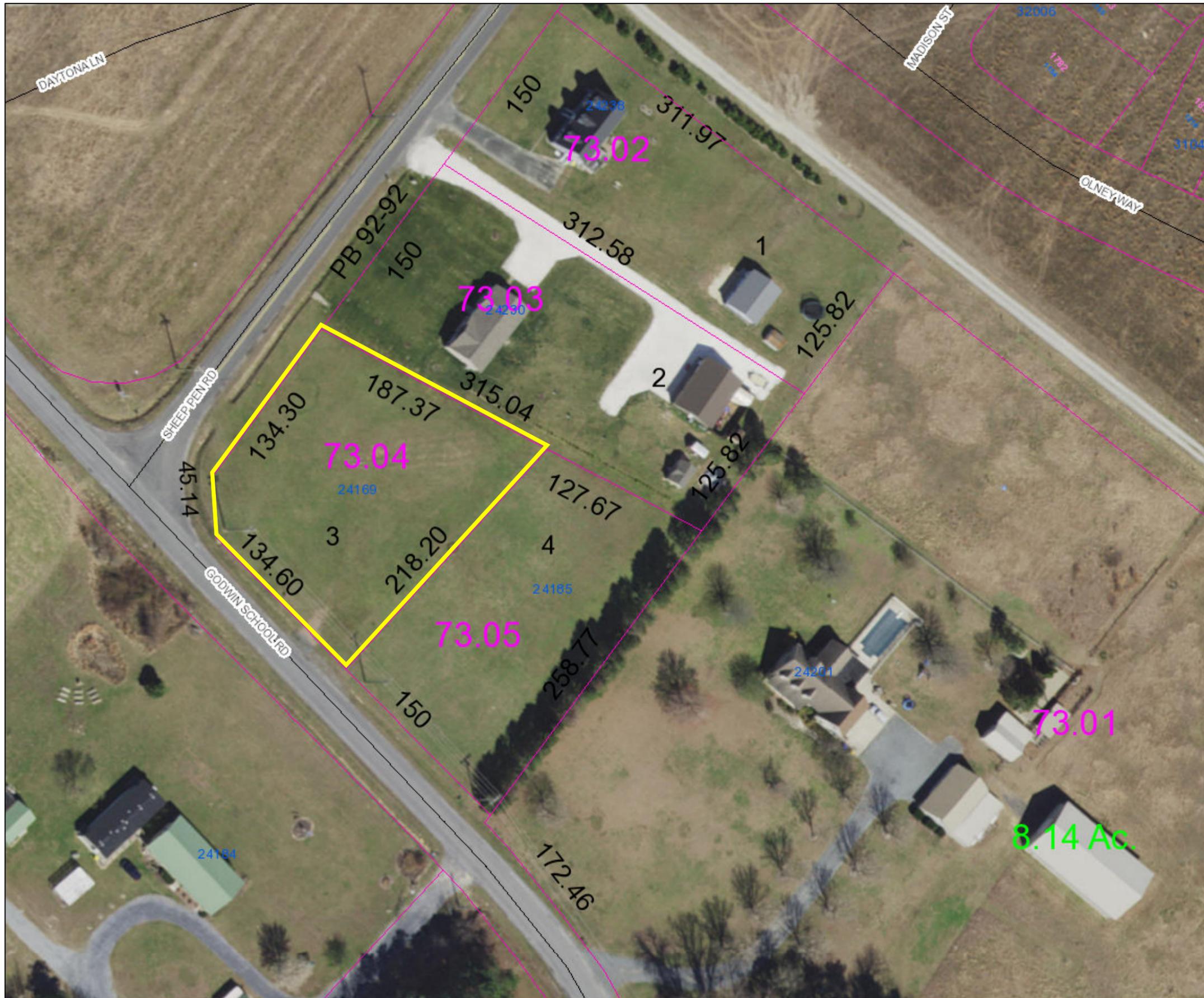
Recommendation of PC Commission: \_\_\_\_\_

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

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



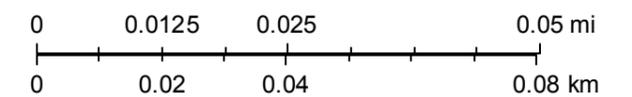
# Sussex County



<b>PIN:</b>	133-16.00-73.04
<b>Owner Name</b>	LOMBARDI DOMINIC A
<b>Book</b>	5217
<b>Mailing Address</b>	24169 GODWIN SCHOOL R
<b>City</b>	MILLSBORO
<b>State</b>	DE
<b>Description</b>	NE/RD 410
<b>Description 2</b>	LOT 3
<b>Description 3</b>	N/A
<b>Land Code</b>	

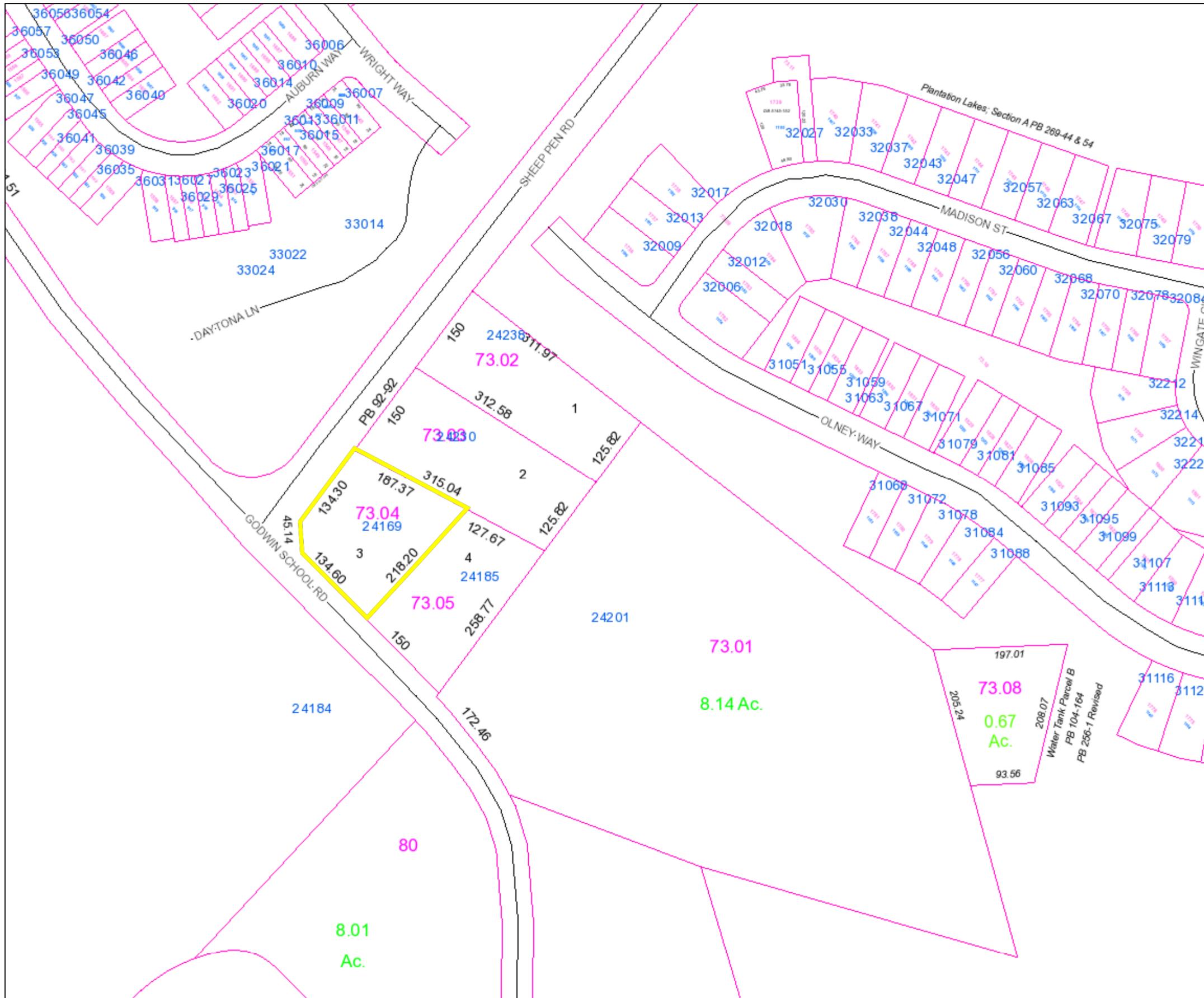
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  - Override 1
- polygonLayer**
  - Override 1
- Tax Parcels
- 911 Address
- Streets

1:1,128





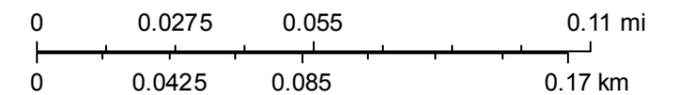
# Sussex County



<b>PIN:</b>	133-16.00-73.04
<b>Owner Name</b>	LOMBARDI DOMINIC A
<b>Book</b>	5217
<b>Mailing Address</b>	24169 GODWIN SCHOOL R
<b>City</b>	MILLSBORO
<b>State</b>	DE
<b>Description</b>	NE/RD 410
<b>Description 2</b>	LOT 3
<b>Description 3</b>	N/A
<b>Land Code</b>	

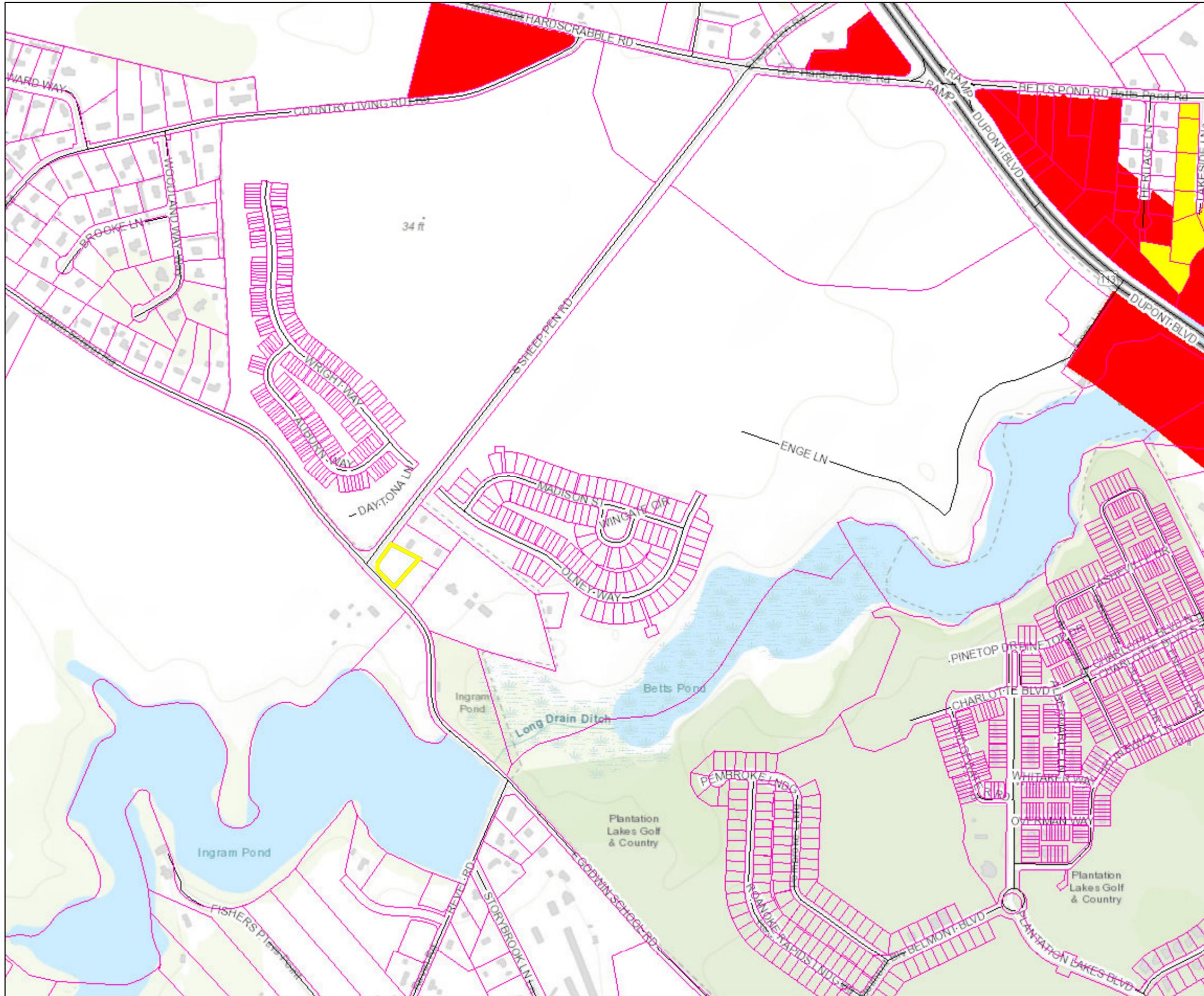
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 Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257





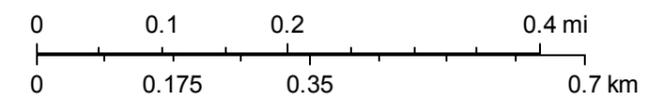
# Sussex County



<b>PIN:</b>	133-16.00-73.04
<b>Owner Name</b>	LOMBARDI DOMINIC A
<b>Book</b>	5217
<b>Mailing Address</b>	24169 GODWIN SCHOOL R
<b>City</b>	MILLSBORO
<b>State</b>	DE
<b>Description</b>	NE/RD 410
<b>Description 2</b>	LOT 3
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets

1:9,028



LOT #2

187.31'

15' WIDE STRIP DEDICATED TO PUBLIC USE  
PER P.B. 67-339

S 52°21'33" E

20.0'

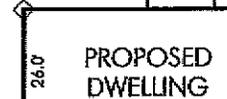
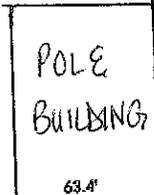
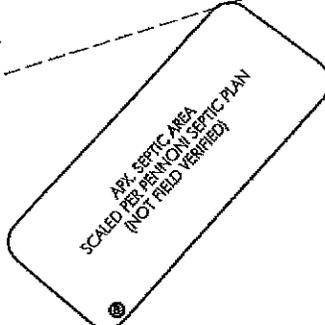
15.0'

218.19'

P.B. 67-339

LOT #4

SEPTIC LID (FYP.)



134.30'

N 46°20'37" E

28.3'

26.0'

52.0'

24.0'

24.0'

63.4'

P.O.B.

N 05°38'43" E

45.7'

LOT #3

32,669 SQ. FT.

D.B. 4104-278

5' WIDE STRIP DEDICATED TO PUBLIC USE  
PER P.B. 67-339

S 52°18'48" W

APPROVED ACCESS

EXISTING 50' CORNERCUT  
PER P.B. 92-92

EDGE OF PAVING

GODWIN SCHOOL ROAD (50' R/W)

LEGEND:

- ◇ WOODEN STAKE (SET)
- ▲ IRON ROD (FOUND)
- ▲ DISTURBED IRON ROD (FOUND)

# DWELLING STAKEOUT PLAN FOR THE LOMBARDI RESIDENCE

REFERENCE: PLAT BOOK 92 PAGE 92

LOT #3 OF "DIVISION SURVEY PLAN FOR KARL. R. & LINDA C. SMITH"

DAGSBORO HUNDRED SUSSEX COUNTY

STATE OF DELAWARE

JUNE 13, 2018 SCALE: 1" = 40'

NOTES:

ALL SETBACKS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CALL SUSSEX CO. (302-855-7878)

THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.

NO TITLE SEARCH PROVIDED OR STIPULATED.

SURVEY CLASS: SUBURBAN

Prepared by:

**FORESIGHT** Services

Surveying & Precision Measurement

302 226 2229 phone

302 226 2239 fax

2103A Coastal Highway

Dewey Beach, DE 19971

**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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date May 28<sup>th</sup>,2020.

Application: (CU 2221) Dominic Lombardi

Applicant: Dominic Lombardi  
24169 Godwin School Rd  
Millsboro, DE 19955

Owner: Dominic Lombardi  
24169 Godwin School Rd  
Millsboro, DE 19955

Site Location: Located on the north side of Zion Church Rd (Route 20), approximately  
318 feet southeast of Deer Run Rd.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Small Auto-Repair Shop

Comprehensive Land  
Use Plan Reference: Developing Area

Councilmatic  
District: Mr. Riley

School District: Indian River School District

Fire District: Millsboro Fire Company

Sewer: Septic

Water: Private

Site Area: .75 acres +/-

Tax Map ID.: 133-16.00-73.04





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

JENNIFER COHAN  
SECRETARY

January 2, 2020

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Dominic Lombardi** conditional use application, which we received on December 5, 2019. This application is for an approximately 0.76-acre parcel (Tax Parcel: 133-16.00-73.04). The subject land is located on southeast corner of the intersection of Sheep Pen Road (Sussex Road 328) and Godwin School Road (Sussex Road 410), northwest of the Town of Millsboro. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize the existing 1,200 square-foot facility to operate a small repair shop.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Sheep Pen Road where the subject land is located, which is from Godwin School Road to US Route 113, is 817 vehicles per day. As the subject land also has frontage along Godwin School Road, the annual average daily traffic volume along that road segment, which is from Mission Road (Sussex Road 431A) to Sheep Pen Road, is 524 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

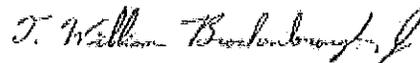


Ms. Janelle M. Cornwell  
Page 2 of 2  
January 2, 2020

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

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

Sincerely,

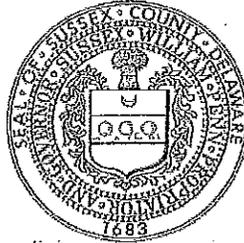


T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Jamie Whitehouse, Planning & Zoning Manager, Sussex County Planning & Zoning  
Dominic Lombardi, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

**PLANNING & ZONING**  
JANELLE M. CORNWELL, AICP  
DIRECTOR  
(302) 865-7878 T  
(302) 864-5079 F



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Service Level Evaluation Request Form

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

Date: 12/5/19

### Site Information:

Site Address/Location: 24169 Godwin School Rd millsboro DE 19966

Tax Parcel Number: 133-16.00-73.04

Current Zoning: AR-1

Proposed Zoning: CU

Land Use Classification: Single family residential

Proposed Use(s): w/ Commercial

Small Repair shop

Square footage of any proposed buildings or number of units: 30x40 building already on site.

### Applicant Information:

Applicant's Name: Dominic Lombardi

Applicant's Address: 24169 Godwin School Rd

City: millsboro State: DE Zip Code: 19966

Applicant's Phone Number: (302) 344-0000

Applicant's e-mail address: domlomb21@gmail.com



File #: 0121915  
201914514

# Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

**Type of Application: (please check applicable)**

Conditional Use   
Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

Zion Church Road

**Type of Conditional Use Requested:**

FROM AR-1 TO B-3

**Tax Map #:** 533-11.00-78.04 - ZION CHURCH RD. (SCR 300) **Size of Parcel(s):** 17.15 ac.

**Current Zoning:** AR-1 **Proposed Zoning:** B-3 **Size of Building:** 8000 sq.ft.

**Land Use Classification:** Undeveloped

**Water Provider:** \_\_\_\_\_ **Sewer Provider:** \_\_\_\_\_

**Applicant Information**

**Applicant Name:** Fisher's Popcorn Fenwick, LLC  
**Applicant Address:** 37243 Sand Dollar Lane  
**City:** Selbyville **State:** DE **Zip Code:** 19975  
**Phone #:** \_\_\_\_\_ **E-mail:** bill@fishers-popcorn.com

**Owner Information**

**Owner Name:** Fisher's Popcorn Fenwick, LLC  
**Owner Address:** 37243 Sand Dollar Lane  
**City:** Selbyville **State:** DE **Zip Code:** 19975  
**Phone #:** \_\_\_\_\_ **E-mail:** bill@fishers-popcorn.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** LandDesign, Inc. (contact: Thomas J. Ford)  
**Agent/Attorney/Engineer Address:** Oak Square, Suite 3, 53 Atlantic Avenue  
**City:** Ocean View **State:** DE **Zip Code:** 19970  
**Phone #:** (302) 537-1919 **E-mail:** tjford51@aol.com

RECEIVED

DEC 19 2019

SUSSEX COUNTY  
PLANNING & ZONING



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

\_\_\_ **Completed Application**

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

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

\_\_\_ **Provide Fee \$500.00**

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

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

\_\_\_ **De/IDOT Service Level Evaluation Request Response**

\_\_\_ **PLUS Response Letter** (if required)

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

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

**Signature of Applicant/Agent/Attorney**

\_\_\_\_\_

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

**Signature of Owner**

*Walter B. Hall III*

Date: 12/17/2015

**For office use only:**

Date Submitted: 12/19/19

Fee: \$500.00 Check #: 1196

Staff accepting application: Ceh

Application & Case #: 201914514

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

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

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

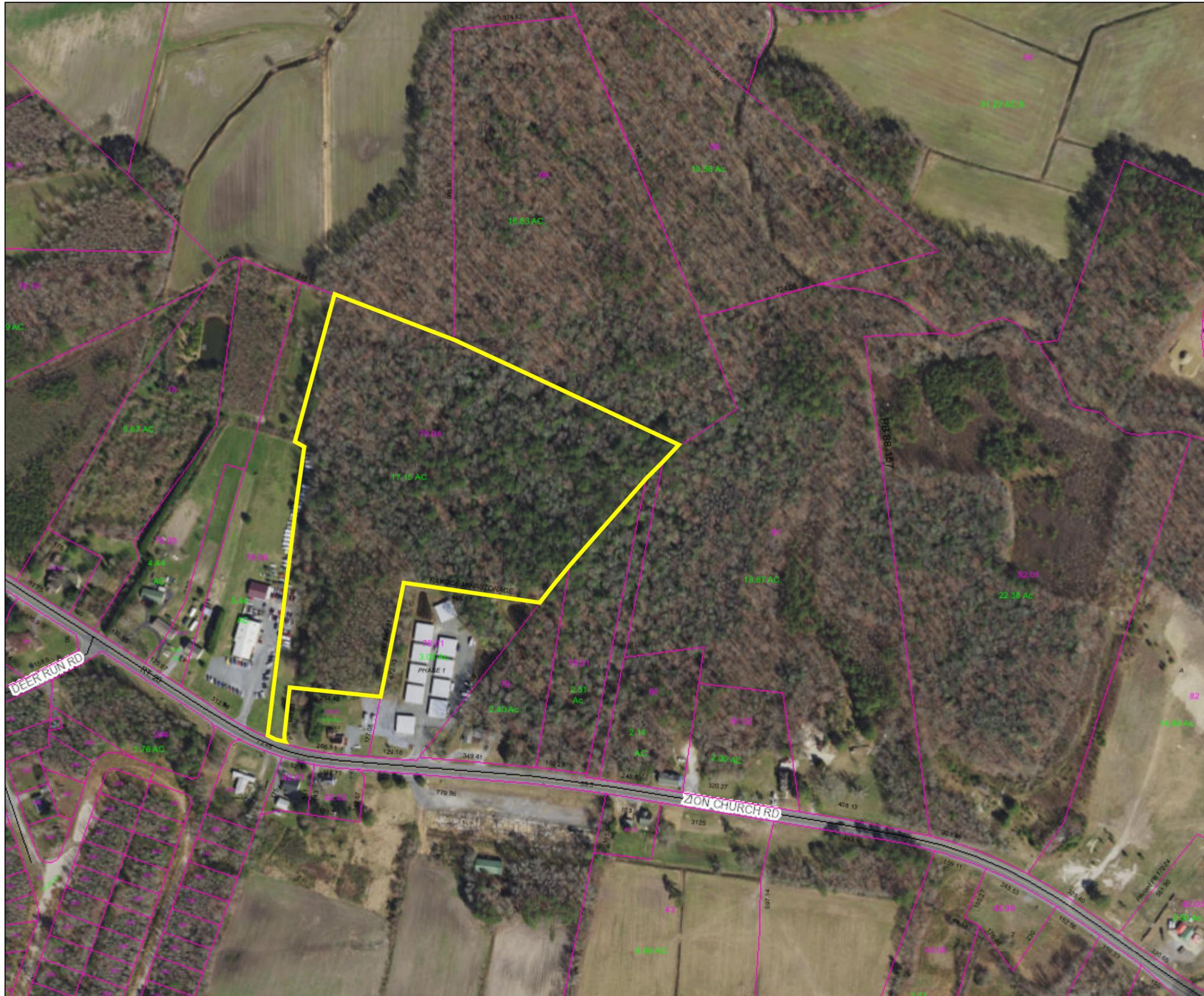
Recommendation of PC Commission: \_\_\_\_\_

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

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



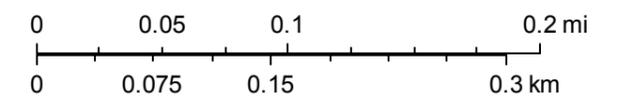
# Sussex County



<b>PIN:</b>	533-11.00-78.04
<b>Owner Name</b>	FISHERS POPCORN FENWICK LLC
<b>Book</b>	5167
<b>Mailing Address</b>	37081 COASTAL HWY
<b>City</b>	FENWICK ISLAND
<b>State</b>	DE
<b>Description</b>	N/RT 382
<b>Description 2</b>	600' E/RT 388
<b>Description 3</b>	N/A
<b>Land Code</b>	

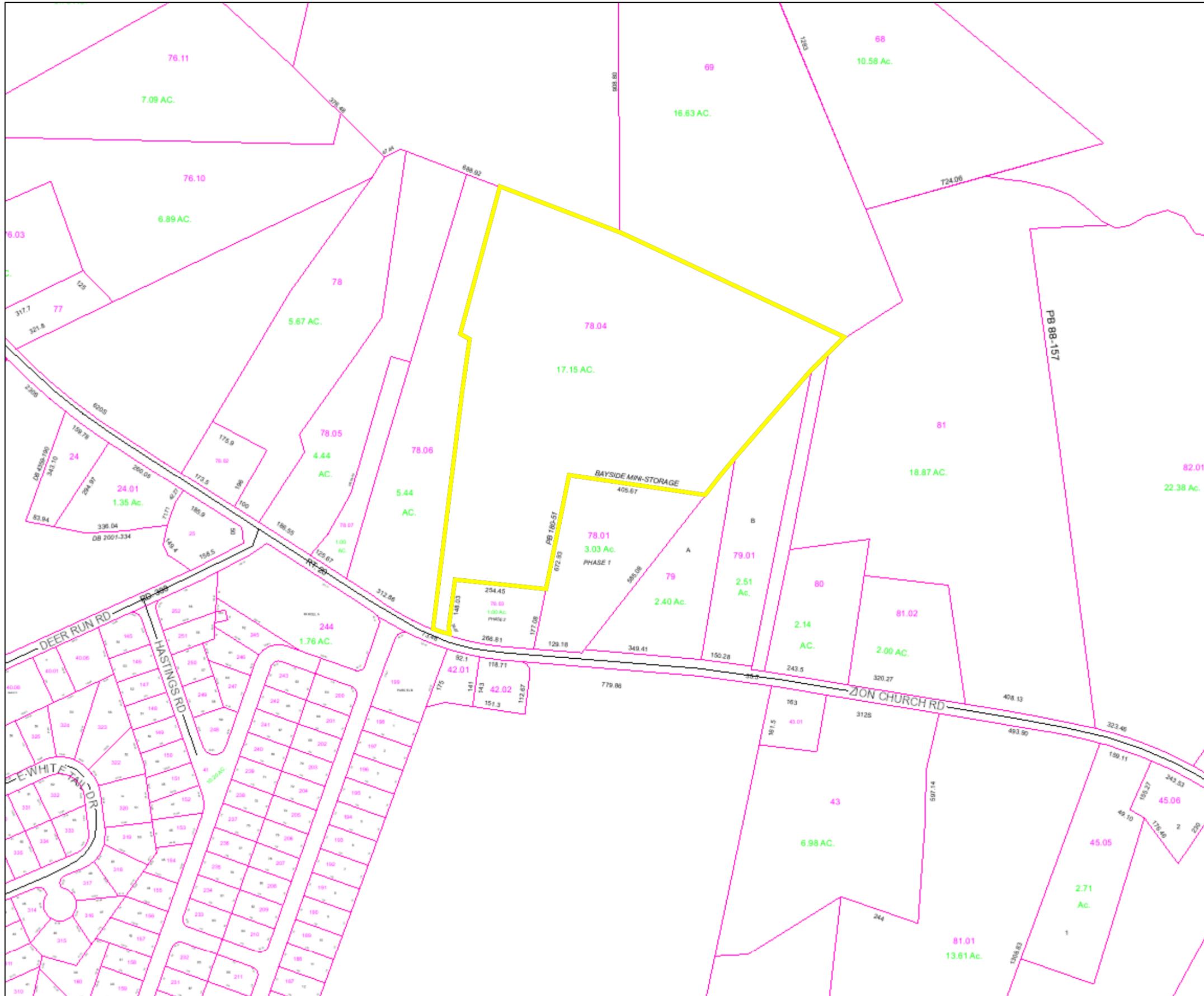
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Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514





# Sussex County



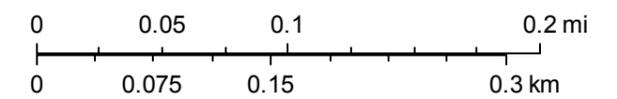
<b>PIN:</b>	533-11.00-78.04
<b>Owner Name</b>	FISHERS POPCORN FENWICK LLC
<b>Book</b>	5167
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<b>Description</b>	N/RT 382
<b>Description 2</b>	600' E/RT 388
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

Override 1
- polygonLayer**

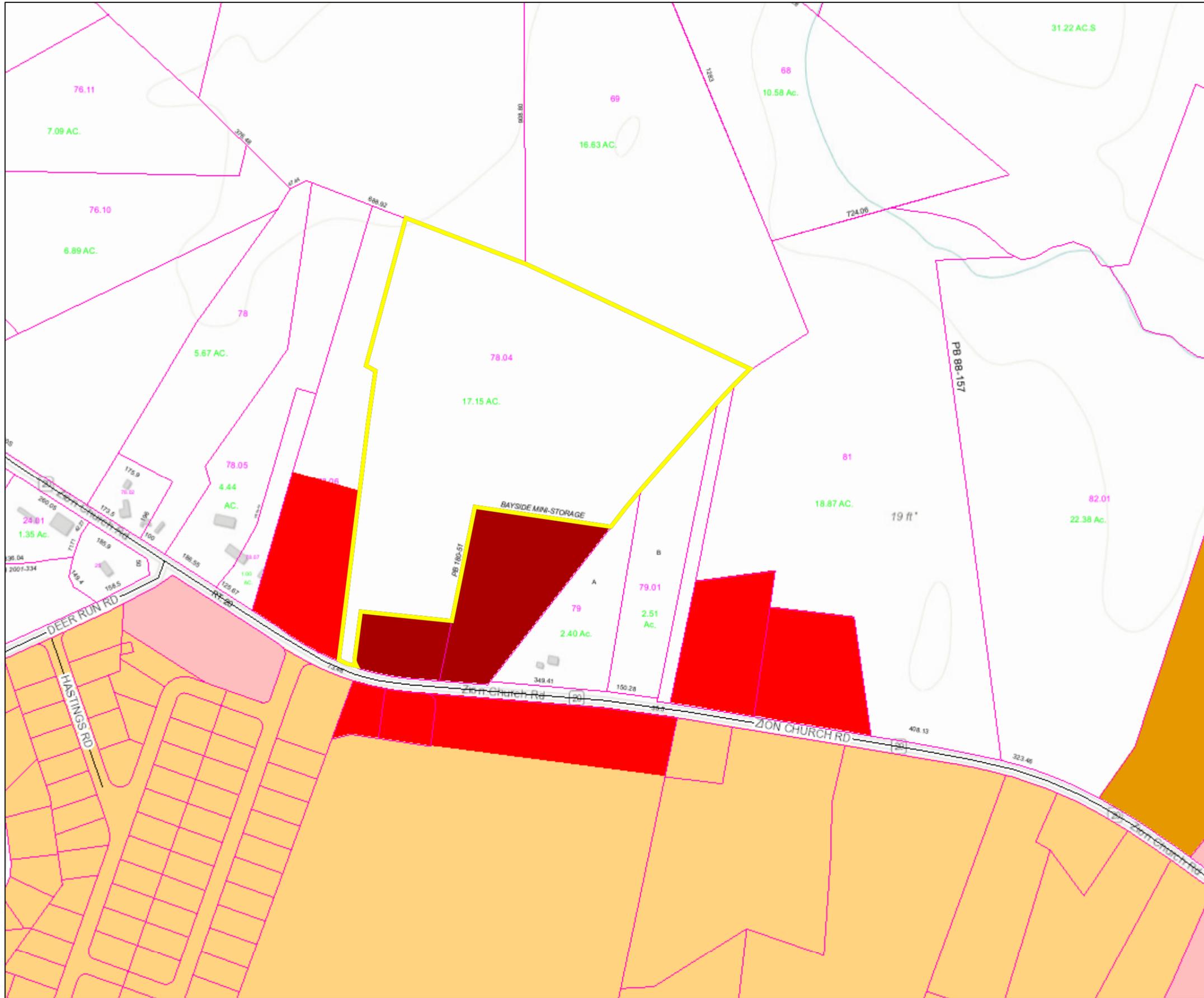
Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514





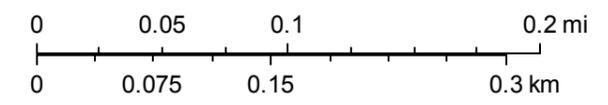
# Sussex County



<b>PIN:</b>	533-11.00-78.04
<b>Owner Name</b>	FISHERS POPCORN FENWICK LLC
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<b>Description 2</b>	600' E/RT 388
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**
  - Override 1
- polygonLayer**
  - Override 1
- Tax Parcels
- Streets

1:4,514



**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date May 28<sup>th</sup>,2020.

Application: (CZ 1915) Fisher’s Popcorn Fenwick, LLC

Applicant: Fisher’s Popcorn Fenwick, LLC  
37243 Sand Dollar Lane  
Selbyville, DE 19975

Owner: Fisher’s Popcorn Fenwick, LLC  
37243 Sand Dollar Lane  
Selbyville, DE 19975

Site Location: Located on the north side of Zion Church Rd (Route 20), approximately  
318 feet southeast of Deer Run Rd.

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Business Research (B-3)

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmatic  
District: Mr. Riley

School District: Indian River School District

Fire District: Roxana Volunteer Fire District

Sewer: Sussex County

Water: Private

Site Area: 17.15 acres +/-

Tax Map ID.: 533-11.00-78.04



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



**Sussex County**  
DELAWARE  
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## Memorandum

To: Sussex County Planning Commission Members  
From: Nick Torrance, Planner I  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: May 12, 2020  
RE: Staff Analysis for CZ 1915 Fisher's Popcorn Fenwick, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1915 to be reviewed during the May 28, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 533-11.00-78.04 from an Agricultural Residential District (AR-1) to a Business Research District (B-3). The parcel is located on the north side of Zion Church Rd. (Rt. 20), approximately 318 feet east of Deer Run Road in Frankford, Delaware. The size of the property is 17.15 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of "Coastal Area."

The areas to the north, south, east and west are also designated "Coastal Areas." "Coastal Areas" are areas that can accommodate development provided special environmental concerns are addressed. The "Coastal Area" also supports a range of housing types including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Mixed-use development should also be allowed.

The Business Research (B-3) Zoning District is listed as an applicable zoning district for the Coastal Area under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan.

The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent properties to the north of the application site are also zoned Agricultural Residential (AR-1) while the adjacent property to the west is zoned General Commercial (C-1), the property to the east is zoned Commercial Residential (CR) and on the south side of Zion Church Rd. (Route 20) a combination of Neighborhood Business (B-1), General Residential (GR) and General Commercial (C-1).

In 2012, there was a Change of Zone application approved on the parcel adjacent to the east of this application, changing its zone from Agricultural Residential (AR-1) to Commercial Residential (CR)



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



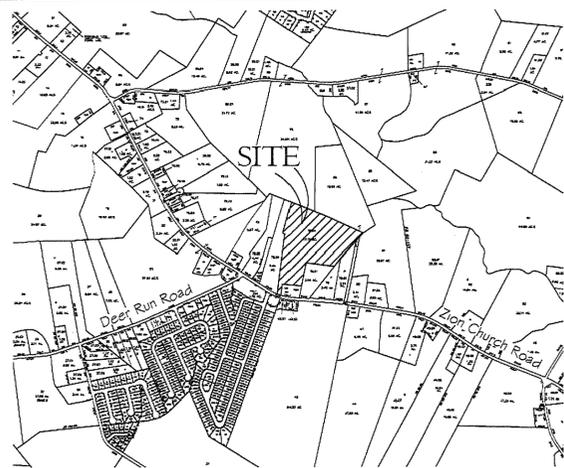
# Sussex County

DELAWARE  
sussexcountyde.gov

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Business Research (B-3) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.



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



VICINITY MAP  
NOT TO SCALE



ADJACENT ZONING  
NOT TO SCALE

- Zoning**
- Agricultural Residential - AR-1
  - Agricultural Residential - AR-2
  - Commercial Residential - CR-1
  - General Commercial - C-1
  - General Residential - GR
  - Heavy Industrial - HI-1
  - High Density Residential - HR-1
  - High Density Residential - HR-2
  - Limited Industrial - LI-1
  - Limited Industrial - LI-2
  - Marine - M
  - Medium Residential - MR
  - Neighborhood Business - B-1
  - Vacation, Retire, Resident - VRP

**PARCEL ZONING DATA:**

1. TAX PARCEL: 533-11.00-78.04  
 PARCEL AREA: ±17.15 AC. (±747,105 SQ.FT.)  
 LOCATION: DE ROUTE 20 (ZION CHURCH ROAD)  
 NEAR DEER RUN ROAD (SCR 388)
2. OWNER/ DEVELOPER: FISHER'S POPCORN FENWICK, LLC  
 37243 SAND DOLLAR LANE  
 SELBYVILLE, DE. 19975
3. PRESENT ZONING: AR-1  
 PRESENT LAND USE: UNDEVELOPED
4. PROPOSED ZONING: B-3, PORTION / AR-1, PORTION  
 PROPOSED AREA TO BE REZONED: ±3.25 AC.  
 PROPOSED LAND USE: MANUFACTURING/ DISTRIBUTION
5. SEWER PROVIDER: SUSSEX COUNTY  
 WATER PROVIDER: PRIVATE WELL

**SITE PLAN DATA:**

1. B-3 SETBACKS:  
 FRONT YARD: 40'  
 SIDE YARD: 10', 20' ADJACENT TO RESIDENTIAL  
 REAR YARD: 10', 30' ADJACENT TO RESIDENTIAL
- PROPOSED BUILDING: ±8000 SQ.FT. MANUFACTURING/ WAREHOUSE  
 (6 EMPLOYEES ON LARGEST SHIFT)
- PARKING: 1 SPACE / 2 EMPLOYEES ON LARGEST SHIFT  
 3 SPACES REQUIRED  
 14 SPACES PROPOSED

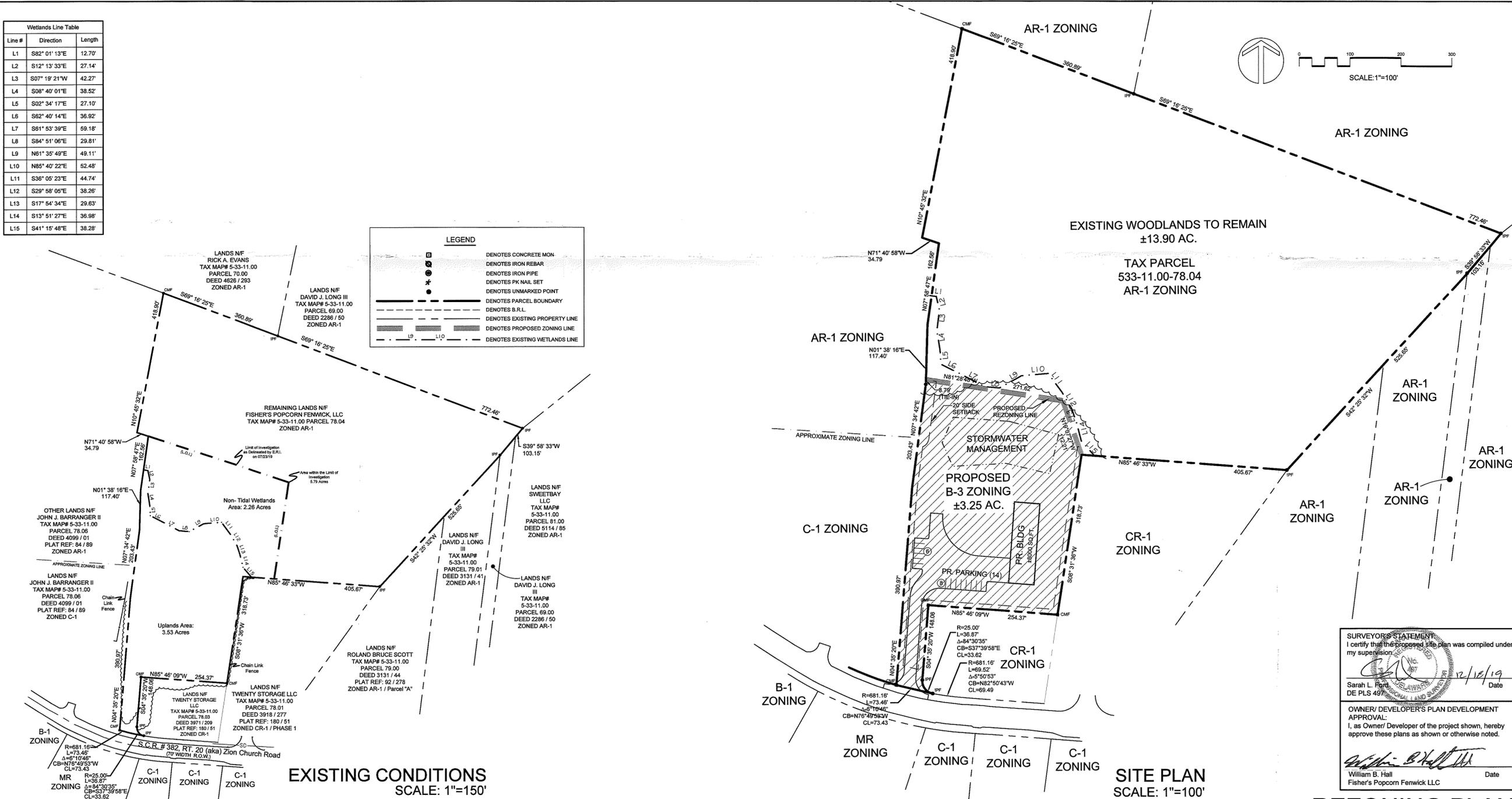
**NOTES:**

1. SURVEY SOURCE: VISTA DESIGN, INC. FROM A SURVEY TITLED "LANDS N/F CHARLES & JEFFREY T. TOWNSEND", DATED NOVEMBER 4, 2019. HORIZONTAL DATUM NAD '83, VERTICAL DATUM NAVD '88.
2. THERE ARE FEDERAL 404 LANDS ON SITE AS SHOWN. THERE ARE NO STATE TIDAL WETLANDS ON SITE.
3. SITE IS IN FLOOD ZONE X (UNSHADED) AS SHOWN PER FEMA FLOOD MAP 10005C0635K DATED MARCH 16, 2015.

Line #	Direction	Length
L1	S82° 01' 13"E	12.70'
L2	S12° 13' 33"E	27.14'
L3	S07° 19' 21"W	42.27'
L4	S08° 40' 01"E	38.52'
L5	S02° 34' 17"E	27.10'
L6	S62° 40' 14"E	36.92'
L7	S61° 53' 38"E	59.18'
L8	S84° 51' 06"E	29.81'
L9	N61° 35' 49"E	49.11'
L10	N85° 40' 22"E	52.48'
L11	S38° 05' 23"E	44.74'
L12	S29° 58' 05"E	38.26'
L13	S17° 54' 34"E	29.63'
L14	S13° 51' 27"E	36.98'
L15	S41° 15' 48"E	38.28'

**LEGEND**

- DENOTES CONCRETE MON
- DENOTES IRON REBAR
- DENOTES IRON PIPE
- DENOTES PK NAIL SET
- DENOTES UNMARKED POINT
- DENOTES PARCEL BOUNDARY
- DENOTES B.R.L.
- DENOTES EXISTING PROPERTY LINE
- DENOTES PROPOSED ZONING LINE
- DENOTES EXISTING WETLANDS LINE



**SURVEYOR'S STATEMENT**  
 I certify that the proposed site plan was compiled under my supervision.

Sarah L. Ford  
 DE PLS 497

12/18/19 Date

**OWNER/ DEVELOPER'S PLAN DEVELOPMENT APPROVAL:**  
 I, as Owner/ Developer of the project shown, hereby approve these plans as shown or otherwise noted.

William B. Hall  
 Fisher's Popcorn Fenwick LLC

Date

REVISIONS

**LAND DESIGN INK.**  
 Surveying / Landscape Architecture  
 63 Atlantic Ave., 19970  
 Ocean View, DE

Planning and Development Consultants  
 landez@landez.com

REZONING PLAN  
**FISHERS POPCORN**  
 ZION CHURCH ROAD  
 BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

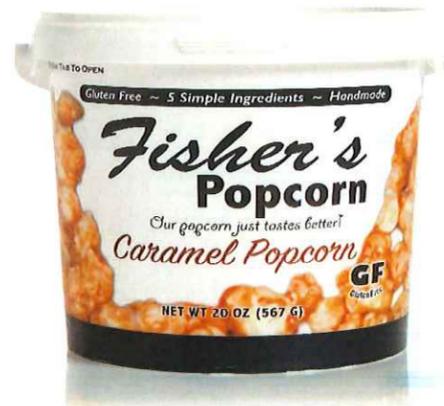
SITE PLAN: TJF	DATE
DRAWING: RWB	12/17/19
REVIEW: SLF	
SHEET	1
	OF 1 SHEETS

REZONING PLAN

PLANNING & ZONING APPLICATION  
Case No. 1915

# Fisher's Popcorn Fenwick, LLC

Property: 3.25 +/- acres; Zion Church Road



RECEIVED  
MAY 19 2020  
SUSSEX COUNTY  
PLANNING & ZONING

David C. Hutt, Esquire  
Morris James LLP

Public Hearings:  
Planning Commission  
May 28, 2020  
County Council  
June 30, 2020

FILE COPY

**Table of Contents**

1. Planning & Zoning Commission Application, Change of Zone No. 1915
2. Title to Property: Deed: Dated December 10, 2019, Deed Book 5167, Page 150
3. DelDOT Response to Service Level Evaluation Request (May 22, 2019)
4. Sussex County Tax Maps
  - a. Tax Parcels
  - b. Zoning
  - c. Comprehensive Plan
  - d. Aerial Imagery
5. 2015 Delaware State Strategies Map
6. Rezoning Plan, Land Design, Inc. (December 17, 2019)
7. Proposed Findings of Fact

File #: \_\_\_\_\_

## Planning & Zoning Commission Application

### Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

**Type of Application: (please check applicable)**

Conditional Use

Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

Zion Church Road

**Type of Conditional Use Requested:**

Tax Map #: 533-11.00-78.04-ZION CHURCH RD. (4.6K 3882) Size of Parcel(s): 17.15 ac.

Current Zoning: AR-1 Proposed Zoning: B-3 Size of Building: 8000 sq.ft.

Land Use Classification: Undeveloped

Water Provider: \_\_\_\_\_ Sewer Provider: \_\_\_\_\_

**Applicant Information**

Applicant Name: Fisher's Popcorn Fenwick, LLC

Applicant Address: 37243 Sand Dollar Lane

City: Selbyville State: DE Zip Code: 19975

Phone #: \_\_\_\_\_ E-mail: bill@fishers-popcorn.com

**Owner Information**

Owner Name: Fisher's Popcorn Fenwick, LLC

Owner Address: 37243 Sand Dollar Lane

City: Selbyville State: DE Zip Code: 19975

Phone #: \_\_\_\_\_ E-mail: bill@fishers-popcorn.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: LandDesign, Inc. (contact: Thomas J. Ford)

Agent/Attorney/Engineer Address: Oak Square, Suite 3, 53 Atlantic Avenue

City: Ocean View State: DE Zip Code: 19970

Phone #: (302) 537-1919 E-mail: tjford51@aol.com



## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- \_\_\_ Completed Application
- \_\_\_ Provide eight (8) copies of the Site Plan or Survey of the property
  - o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - o Provide a PDF of Plans (may be e-mailed to a staff member)
  - o Deed or Legal description
- \_\_\_ Provide Fee \$500.00
- \_\_\_ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- \_\_\_ Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- \_\_\_ DeIDOT Service Level Evaluation Request Response
- \_\_\_ PLUS Response Letter (if required)

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

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

### Signature of Applicant/Agent/Attorney

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

### Signature of Owner

William B. Hall III Date: 12/17/2015

### For office use only:

Date Submitted: \_\_\_\_\_ Fee: \$500.00 Check #: \_\_\_\_\_  
Staff accepting application: \_\_\_\_\_ Application & Case #: \_\_\_\_\_  
Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_

Part of Tax Map 533-11.00-78.04

The following is a description of a portion of Lands of Fisher's Popcorn Fenwick, LLC, located on the northside of Sussex County Road 382, also known as Route 20, also known as Zion Church Road, located in Baltimore Hundred, Sussex County, Delaware.

Beginning for the purposes of this description at an Concrete Monument located on the northerly right of way line of Zion Church Road, this corner being the common corner for this property and Lands now or formerly of John J. Barranger II; Thence leaving Zion Church Road and proceeding by and with Lands of John J Barranger II the following three courses and distances:

North 04 degrees 35 minutes 20 seconds East 390.97 feet to a point,

North 07 degrees 34 minutes 42 seconds East 203.43 feet to a point,

North 01 degree 38 minutes 16 seconds East 8.79 feet to a point,

Thence leaving Lands of John J. Barranger and proceeding thru this parcel on the proposed zoning line the following two courses and distances:

South 81 degrees 28 minutes 48 seconds East 271.62 feet to a point,

South 19 degrees 07 minutes 27 seconds East 112.21 feet to a point being a common corner for these Lands and Lands Now or Formerly of Twenty Storage LLC;

Thence proceeding by and with Lands Now or Formerly of Twenty Storage LLC, the following three courses and distances:

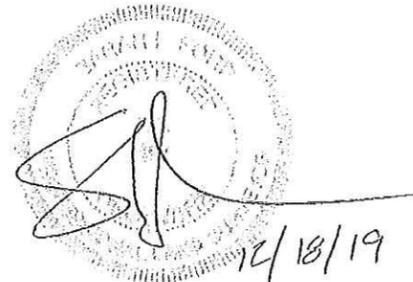
South 08 degrees 31 minutes 36 seconds West 318.73 feet to a Concrete Monument,

North 85 degrees 46 minutes 09 seconds West 254.37 feet to a Concrete Monument,

South 04 degrees 35 minutes 20 seconds West 148.06 feet to an iron pipe;

Thence continuing with Lands Now or Formerly of Twenty Storage LLC along a curve to the left with a radius of 25.00 feet an arc length of 36.87 feet with a chord bearing of South 37 degrees 39 minutes 58 seconds East and length of 33.62 feet to an Iron Pipe and the northerly right of way line of Zion Church Road;

Thence proceeding by and with the northerly right of way line of Zion Church Road along a curve to the right with radius of 681.16 feet, an arc length of 73.46 feet with a chord bearing of North 76 degrees 49 minutes 53 seconds West and length of 73.43 feet to the place of beginning and containing 3.25 acres.



12/18/19

Sussex County, DE  
Treasury  
P.O. Box 601  
Georgetown, DE 19947  
Welcome

33016302-0001 Dina M. 12/19/2019 08:33AM

PERMITS / INSPECTIONS  
CHANGE OF ZONE - FEE  
2019 Item: 201914514|2015 500.00

500.00

Subtotal 500.00  
Total 500.00

CHECK 500.00  
Check Number 001196

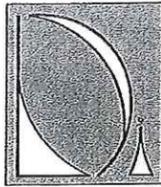
Change due 0.00

Paid by: FISHERS POPCORN FENWICK LLC



Thank you for your payment

Sussex County, DE COPY  
DUPLICATE RECEIPT



**LANDDESIGN**  
*Surveying / Landscape Architecture* INC.

Planning and  
 Development Consultants

53 Allanto Ave.  
 Oak Square, Suite #3  
 Ocean View, DE 18270  
 302/537-1919; 302/519-0328FAX  
 landn@aol.com

**MEMO FOR RECORD**

**LAND + DESIGN = (VALUE)<sup>2</sup>**

DATE & TIME: 12/18/19

ATTENTION: Janelle Cornwall

PROJECT: Fisher Popcorn Fenwick, LLC

Sussex County Planning & Zoning

SUBJECT: 533-11.00-78.04

C/Z - Zion Church Rd. (SCR 388)

TELEPHONE

Janelle,  
 Please find attached:

1. Application for a change of Zone from AR-1 to B-3
2. Application Fee of \$500.00; ck.# 1196
3. four (4) copies of a Re-zoning Plan dated 12/17/19
4. A Description for the portion of this property that shall be part of this application

Should you have any questions and/or comments please feel free to contact me.

By: Tom Ford

Cc: FILE/ client

P:\\_Pro19\Hall-Fisher Popcorn\Correspondence\191218PZ.doc

RECEIVED

DEC 19 2019

SUSSEX COUNTY  
 PLANNING & ZONING

**LANDDESIGN, Inc.**  
 (Enhancing **LAND** Values since 1982)  
 12/18/19

TAX MAP # 533-11.00-78.04

PREPARED BY & RETURN TO:  
Parsons & Robinson, P.A.  
P.O. Box 480  
118 Atlantic Ave, Ste 401  
Ocean View, DE 19970  
File No. 35882/SHS

THIS DEED, made this 10<sup>th</sup> day of December, 2019,

- BETWEEN -

CHARLES JEFFREY TOWNSEND and THOMAS G. TOWNSEND, of 208 Rachel Court, Newark, DE 19702, parties of the first part,

- AND -

FISHER'S POPCORN FENWICK, LLC, of 37081 Coastal Highway, Fenwick Island, DE 19944, party of the second part.

**WITNESSETH:** That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR and 00/100 (\$1.00) and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part:

ALL that certain tract, piece and parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, and being all of Parcel E as shown on recorded plot of the subdivision of lands of the Estate of Hallie M. Gray, as said plot was recorded on February 9, 1988, in the Office of the Recorder of Deeds, in Plot Book 38, page 349, said parcel being more particularly described as follows:

BEGINNING at a concrete monument situate along the northeasterly 70 foot right of way of County Route 382, said monument marking a common boundary between the herein described parcel and the adjoining Parcel D; thence from said monument the following six (6) courses and distances by and with Parcel D; (1) North 05 degrees 18 minutes 20 seconds East 390.97 feet; (2) North 08 degrees 17 minutes 42 seconds East 203.43 feet; (3) North 02 degrees 21 minutes 16 seconds East 117.40 feet; (4) North 08 degrees 41 minutes 47 seconds East 162.56 feet; (5) North 70 degrees 57 minutes 58 seconds West 34.79 feet, and (6) North 11 degrees 28 minutes 32 seconds East 419.90 feet to a concrete monument; thence South 68 degrees 33 minutes 25 seconds East 1133.35 feet by and with lands now or formerly of Asher B. and James Carey to an iron pipe; thence by and with lands now or formerly of Webster Berry, South 40 degrees 41 minutes 33 seconds West 103.15 feet to an iron pipe; thence by and with lands now or formerly of Walton Long, South 43 degrees 08 minutes 32 seconds West 525.65 feet to an iron pipe; thence by and with lands of Michael W. Townsend, North 85 degrees 03 minutes 33 seconds West 405.67 feet to a two foot diameter poplar tree; thence continuing with Michael Townsend lands South 09 degrees 14 minutes 36 seconds West 318.73 feet to an iron pipe; thence North 85 degrees 03 minutes 09 seconds West 254.37 feet to an iron pipe; thence South 05 degrees 18 minutes 20 seconds West to a point of curvature; thence with a 25 foot radius curve having an delta of 84 degrees 30 minutes 35 seconds and an arc length of 36.87 feet and a chord of 33.62 feet home to the point and place of Beginning, along Route 382, containing 17.15 acres, as surveyed by McCann, Inc. and as shown on the aforementioned subdivision plot.

BEING the same land and premises that Mary Jane Wharton and Patricia T. Magee, Executors of the Estate of Hallie M. Gray, deceased by deed dated 03/22/1988 and recorded in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware in Deed Book 1555, page 45, did grant and convey unto Charles Jeffery Townsend and Thomas G. Townsend, in fee.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

\_\_\_\_\_  
Thomas G. Townsend (SEAL)  
Thomas G. Townsend

STATE OF CO, COUNTY OF Adair : to-wit

BE IT REMEMBERED, that on this 15 day of <sup>Nov</sup>~~December~~, 2019, personally came before me, the subscriber, Thomas G. Townsend, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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

JOSHUA THOMAS CRAGG  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20184006040  
MY COMMISSION EXPIRES FEBRUARY 5, 2022

Joshua Cragg  
Notary Public  
Printed Name: Joshua Cragg  
My Commission Expires: 2/5/22

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

Notary

Charles Jeffrey Townsend (SEAL)  
Charles Jeffrey Townsend



STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 21<sup>st</sup> day of November, 2019, personally came before me, the subscriber, Charles Jeffrey Townsend, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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

Judy K. Schippacase  
Notary Public  
Printed Name: Judy K. Schippacase  
My Commission Expires: 7/1/21



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

JENNIFER COHAN  
SECRETARY

May 22, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Fisher's Popcorn Fenwick, LLC (William B. Hall III)** rezoning application, which we received on April 26, 2019. This application is for a 17.15-acre parcel (Tax Parcel: 533-11.00-78.04). The subject land is located on the north side of Zion Church Road (Sussex Road 382), approximately 570 feet east of the intersection of Zion Church Road and Deer Run Road (Sussex Road 388). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 / B-3 (Neighborhood Business) / (Business Research) to develop a 2,000 square-foot manufacturing facility and a 6,000 square-foot warehouse storage.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Zion Church Road where the subject land is located, which is from Bayard Road (Sussex Road 384) / Johnson Road (Sussex Road 384A) to Frankford School Road (Sussex Road 92), is 5,305 and 6,828 vehicles per day, respectively.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DeIDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Ms. Janelle M. Cornwell  
Page 2 of 2  
May 22, 2019

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

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Fisher's Popcorn Fenwick, LLC (William B. Hall III), Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

**PLANNING & ZONING**

JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-5079 F



**Sussex County**

DELAWARE  
sussexcountyde.gov

**Service Level Evaluation Request Form**

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

Date: 4/25/19

**Site Information:**

Site Address/Location: 36089 Zion Church Road

Tax Parcel Number: 533-11.00-78.04

Current Zoning: AR-1

Proposed Zoning: B2/3

Land Use Classification: Undeveloped

Proposed Use(s): +/-2000 sq.ft. Manufacturing and +/-  
6000 sq.ft. warehouse storage

Square footage of any proposed buildings or number of units: 8000 sq.ft.

**Applicant Information:**

Applicant's Name: Fisher's Popcorn Fenwick, LLC (contact: William B. Hall III)

Applicant's Address: P.O. Box 3130

City: Ocean City State: MD Zip Code: 21843

Applicant's Phone Number: (302) 539-8833

Applicant's e-mail address: bill@fishers-popcorn.com

*Landzn@aol.com*

*Contract MADE  
2:07 pm  
5/23/2019*



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

Last updated 7-27-18



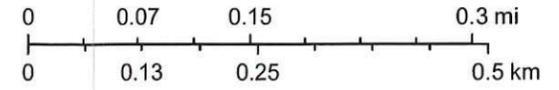
# Sussex County



May 14, 2020

- |                                 |                                 |                                  |                               |                           |
|---------------------------------|---------------------------------|----------------------------------|-------------------------------|---------------------------|
| Override 1                      | Agricultural Residential - AR-2 | Vacation, Retire, Resident - VRP | General Commercial - C-3      | Marine - M                |
| Override 1                      | Medium Residential - MR         | Neighborhood Business - B-1      | General Commercial - C-4      | Limited Industrial - LI-1 |
| Tax Parcels                     | General Residential - GR        | Neighborhood Business - B-2      | General Commercial - C-5      | Limited Industrial - LI-2 |
| Streets                         | High Density Residential - HR-1 | General Commercial - C-1         | Commercial Residential - CR-1 | Heavy Industrial - HI-1   |
| <b>Zoning</b>                   | High Density Residential - HR-2 | General Commercial - C-2         | Institutional - I-1           | County Boundaries         |
| Agricultural Residential - AR-1 |                                 |                                  |                               |                           |

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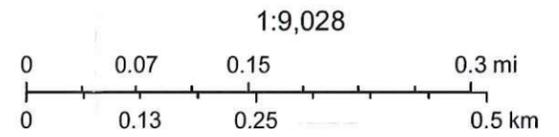
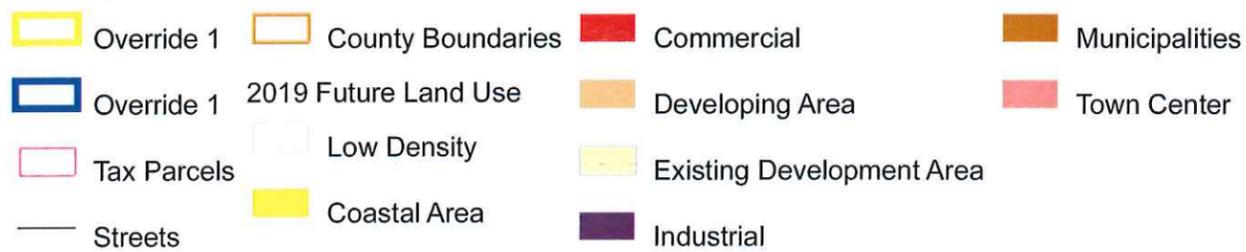


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government

# Sussex County



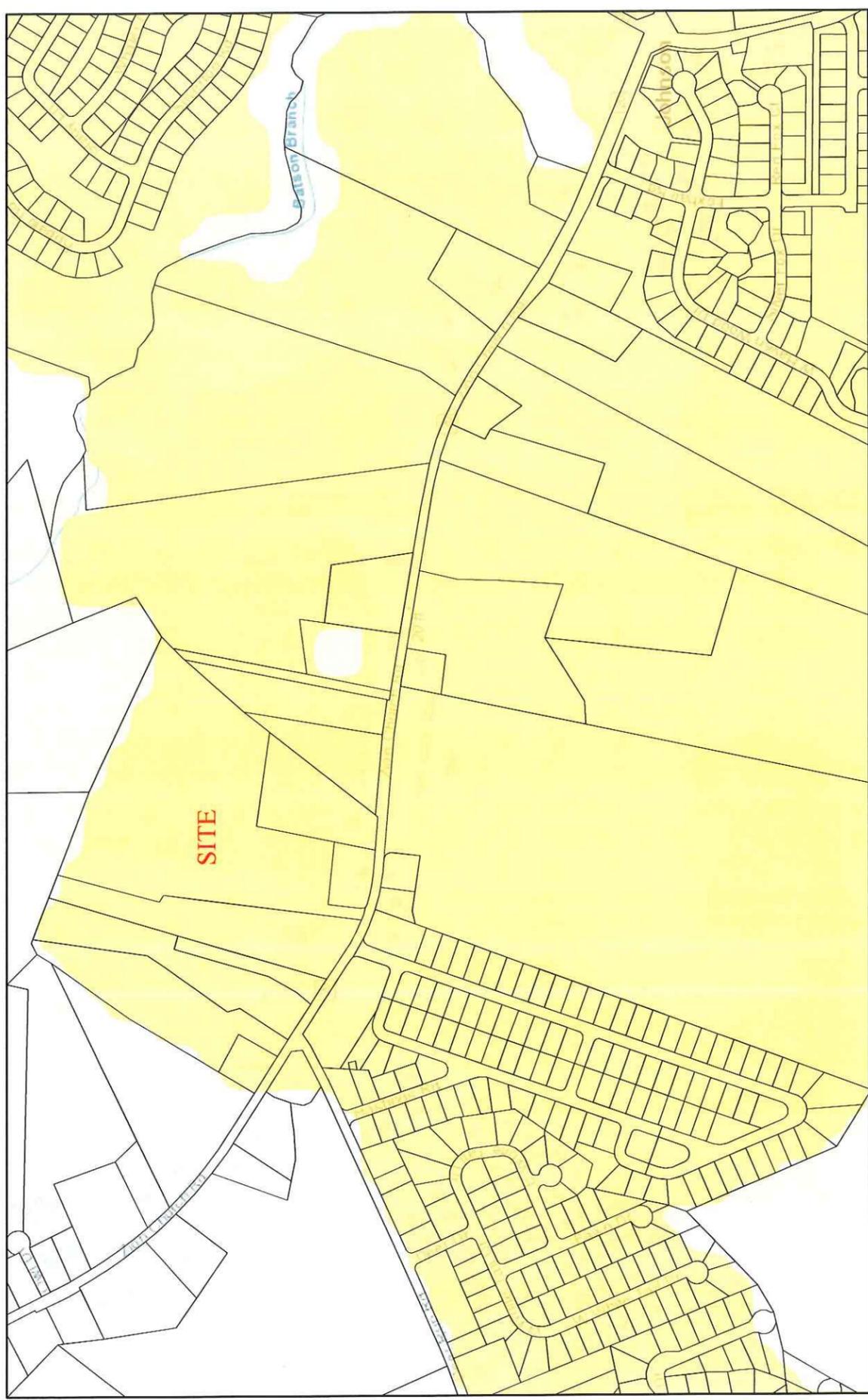
May 14, 2020



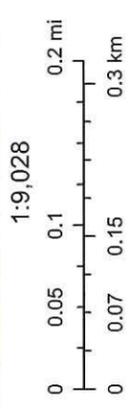
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government



# Delaware State Strategies 2015



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



1:9,028

Delaware Office of State Planning Coordination, Sources: Esri, HERE,



**PROPOSED FINDINGS OF FACTS**

**C/Z 1915**

1. This is an application to amend the comprehensive zoning map from AR-1 (Agricultural Residential District) to B-3 (Business Research District) for 3.25± acres located in Baltimore Hundred, Sussex County, being situated along S.C.R. #382, Delaware Route 20 (Zion Church Road) approximately 600± feet east of its intersection with S.C.R. #388 (Deer Run Road), being a part of Sussex County Tax District 533, Map 11.00, Parcel 78.04.
2. The subject property is owned by the applicant, Fisher's Popcorn Fenwick, LLC.
3. The proposed site is a portion of larger tract consisting of approximately 17.15± acres.
4. The proposed site is presently undeveloped and is an upland portion of the property.
5. The intended use of the site will be for an approximately 8,000± square foot building with approximately 2,000± for manufacturing and 6,000± for warehousing/storage.
6. In the 2018 Sussex County Comprehensive Plan update, the area for the proposed rezoning is identified for purposes of future land use as being in the Coastal Area. The Coastal Area is a Growth Area and the table of Applicable Zoning Districts identifies B-3 zoning as being appropriate in a Coastal Area.
7. The 2015 Delaware Strategies for State Policies and Spending identify the property as Investment Level 3.
8. The purpose of the B-3 District is to provide for a range of business research and business park uses, including office and administrative uses, designed to be conducted wholly within enclosed buildings. Two of the permitted uses in the B-3 District are "Manufacturing" and "Storage" provided these occur indoors. The intended use of the property is consistent with these permitted uses as the manufacturing and storage would all occur indoors.
9. The area west of Fenwick Island where the site is located is a mixture of agricultural, residential and commercial areas.
10. The immediate area surrounding the proposed area for rezoning is primarily zoned for commercial or business uses, *i.e.*, to the east the properties are zoned CR-1 (Commercial Residential District), to the west the property is zoned C-1 (General Commercial District) and across the street the properties are zoned GR (General Residential District), C-1 (General Commercial District) and B-1 (Neighborhood Business District).

11. DeIDOT reviewed the applicant's planned project and has issued a letter stating that the proposed project will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day therefore no Traffic Impact Study is required. In addition, DeIDOT's review indicated that it considered the proposed development's traffic impact to be negligible in the context of DeIDOT's agreement with Sussex County regarding land development coordination. The nature of the area, the size and nature of the intended use and the requested B-3 zoning all point to a low volume of traffic. Further, any site plan will require DeIDOT review and approval to provide for safe vehicular and pedestrian movement within the site and entrance approval for access onto Zion Church Road.

12. Potable drinking water will be provided for on-site.

13. Sanitary Sewer is available from Sussex County.

14. As a part of site plan approval for any future use, stormwater management design and permitting will be required; thus assuring neighboring lands will be protected from any activity on site.

15. The proposed B-3 zoning classification is in character with the nature of the area, will not adversely affect the neighboring and adjacent properties, and is consistent with the purpose of the B-3 zoning district.

16. The proposed project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth, convenience, order, prosperity and welfare of the County.

17. All factors have been considered and the proposed B-3 classification meets the purposes and goals of the County's Comprehensive Plan and its Zoning Code. The addition of the business park-style uses permitted in a B-3 zoning district is appropriate for and consistent with this area along Zion Church Road. As a result, the proposed B-3 classification is consistent with the Sussex County Comprehensive Land Use Plan.



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

JENNIFER COHAN  
SECRETARY

May 22, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Fisher's Popcorn Fenwick, LLC (William B. Hall III)** rezoning application, which we received on April 26, 2019. This application is for a 17.15-acre parcel (Tax Parcel: 533-11.00-78.04). The subject land is located on the north side of Zion Church Road (Sussex Road 382), approximately 570 feet east of the intersection of Zion Church Road and Deer Run Road (Sussex Road 388). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 / B-3 (Neighborhood Business) / (Business Research) to develop a 2,000 square-foot manufacturing facility and a 6,000 square-foot warehouse storage.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Zion Church Road where the subject land is located, which is from Bayard Road (Sussex Road 384) / Johnson Road (Sussex Road 384A) to Frankford School Road (Sussex Road 92), is 5,305 and 6,828 vehicles per day, respectively.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DeIDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

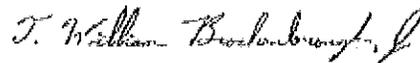


Ms. Janelle M. Cornwell  
Page 2 of 2  
May 22, 2019

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

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

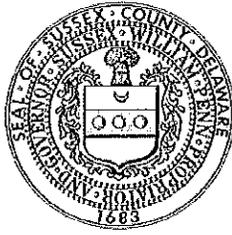
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Fisher's Popcorn Fenwick, LLC (William B. Hall III), Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

**PLANNING & ZONING**

JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-5079 F



**Sussex County**

DELAWARE  
sussexcountyde.gov

**Service Level Evaluation Request Form**

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

Date: 4/25/19

**Site Information:**

Site Address/Location: 36089 Zion Church Road

Tax Parcel Number: 533-11.00-78.04

Current Zoning: AR-1

Proposed Zoning: B2/3

Land Use Classification: Undeveloped

Proposed Use(s): +/-2000 sq.ft. Manufacturing and +/-  
6000 sq.ft. warehouse storage

Square footage of any proposed buildings or number of units: 8000 sq.ft.

**Applicant Information:**

Applicant's Name: Fisher's Popcorn Fenwick, LLC (contact: William B. Hall III)

Applicant's Address: P.O. Box 3130

City: Ocean City

State: MD

Zip Code: 21843

Applicant's Phone Number: (302) 539-8833

Applicant's e-mail address: bill@fishers-popcorn.com

*Landzn@aol.com*

*CONTACT MADE 2:07 pm  
5/23/2019*



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

Last updated 7-27-18

# Morris James LLP

David C. Hutt  
302.856.0018  
dhutt@morrisjames.com

May 18, 2020

## BY HAND DELIVERY

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

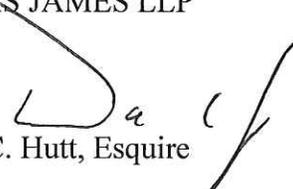
**RE: Change of Zone No. 1915  
Fisher's Popcorn Fenwick, LLC  
SCTP No. 533-11.00-78.04**

Dear Mr. Whitehouse:

Kindly find the enclosed seven (7) copies of Applicant Fisher's Popcorn Fenwick, LLC's Exhibit Notebook for Change of Zone No. 1915. The exhibit notebook will be used at the public hearings before the Planning and Zoning Commission on May 28, 2020 and before County Council on June 30, 2020. I will also be emailing an electronic copy of the exhibit notebook to you. Please let me know if you need any additional information prior to the public hearing.

Very Truly Yours,

MORRIS JAMES LLP

  
David C. Hutt, Esquire

Enclosures

Cc: Fisher's Popcorn Fenwick, LLC

RECEIVED  
MAY 19 2020  
SUSSEX COUNTY  
PLANNING & ZONING

**TWENTY STORAGE, LLC d/b/a  
BAYSIDE MINI STORAGE  
36097 Zion Church Road  
Frankford, Delaware 19945**

May 12, 2020

Jamie Whitehouse, Planning Director  
Sussex County Planning and Zoning Commission  
P. O. Box 589  
Georgetown, Delaware 19947

Re: C/Z 1915-Fisher's Popcorn Fenwick, LLC  
Change of Zoning  
Tax Parcel 533-11.00-78.04 (portion of)  
Containing 17.15 acres ± Zion Church Road (Rt. 20), Frankford, DE

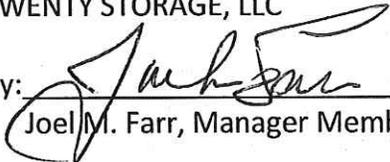
Dear Mr. Whitehouse:

We are writing to express our support of the above-referenced application. However, we feel it is the appropriate time to address the cleanout and repair of the tax ditch, which runs between our property and the Fisher Popcorn property. The ditch currently doesn't drain properly and is in great need of repairs. We believe that repairs to the tax ditch should be a part of the approval process. Our property is directly adjacent to the subject property.

Thank you for your attention in this regard. We trust we will be hearing from you shortly.

Very truly yours,

TWENTY STORAGE, LLC

By: 

Joel M. Farr, Manager Member

JMF:jkf

e-mail copies also sent to: jamie.whitehouse@sussexcountyde.gov  
bob@rcwheatley.com

RECEIVED

MAY 18 2020

SUSSEX COUNTY  
PLANNING & ZONING

**TWENTY STORAGE, LLC d/b/a  
BAYSIDE MINI STORAGE  
36097 Zion Church Road  
Frankford, Delaware 19945**

May 12, 2020

RECEIVED

MAY 14 2020

SUSSEX COUNTY  
PLANNING & ZONING

Jamie Whitehouse, Planning Director  
Sussex County Planning and Zoning Commission  
P. O. Box 589  
Georgetown, Delaware 19947

Re: C/Z 1915-Fisher's Popcorn Fenwick, LLC  
Change of Zoning  
Tax Parcel 533-11.00-78.04 (portion of)  
Containing 17.15 acres + Zion Church Road (Rt. 20), Frankford, DE

Dear Mr. Whitehouse:

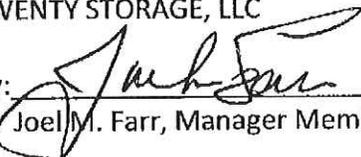
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Thank you for your attention in this regard. We trust we will be hearing from you shortly.

Very truly yours,

TWENTY STORAGE, LLC

By:

  
Joel M. Farr, Manager Member

JMF:jkf

e-mail copies also sent to: jamie.whitehouse@sussexcountyde.gov  
bob@rcwheatley.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

**Completed Application**

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

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

**Provide Fee \$500.00**

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

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

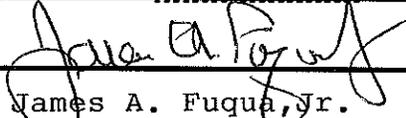
**DeIDOT Service Level Evaluation Request Response**

**PLUS Response Letter** (if required)

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

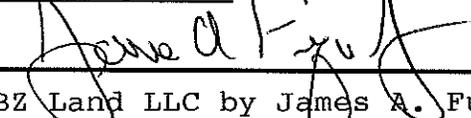
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_

Date: December 18, 2019

Signature of Owner

  
\_\_\_\_\_

Date: December 18, 2019

BZ Land LLC by James A. Fuqua, Jr., Esquire

For office use only:

Date Submitted: 12/18/19

Fee: \$500.00 Check #: 22374

Staff accepting application: ceb

Application & Case #: 201914512

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

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

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

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

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

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

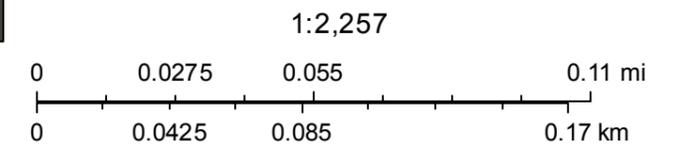


# Sussex County



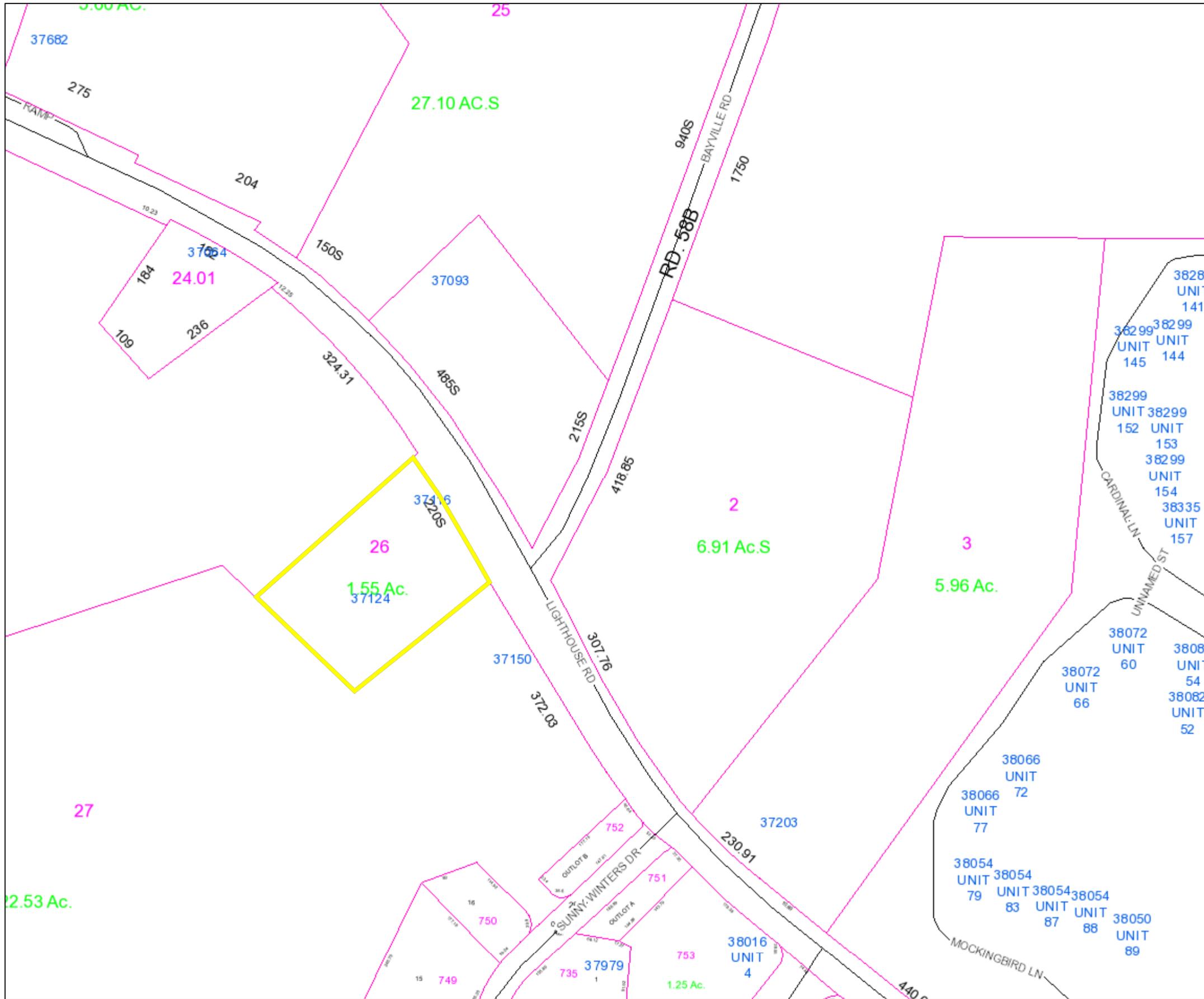
<b>PIN:</b>	533-19.00-26.00
<b>Owner Name</b>	BZ LAND LLC
<b>Book</b>	3556
<b>Mailing Address</b>	37116 LIGHTHOUSE RD
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	S/RT 54
<b>Description 2</b>	50' FR COR RT 58B
<b>Description 3</b>	
<b>Land Code</b>	

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





# Sussex County



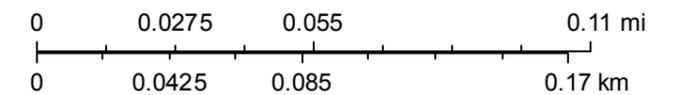
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- polygonLayer**

  - Override 1
- polygonLayer**

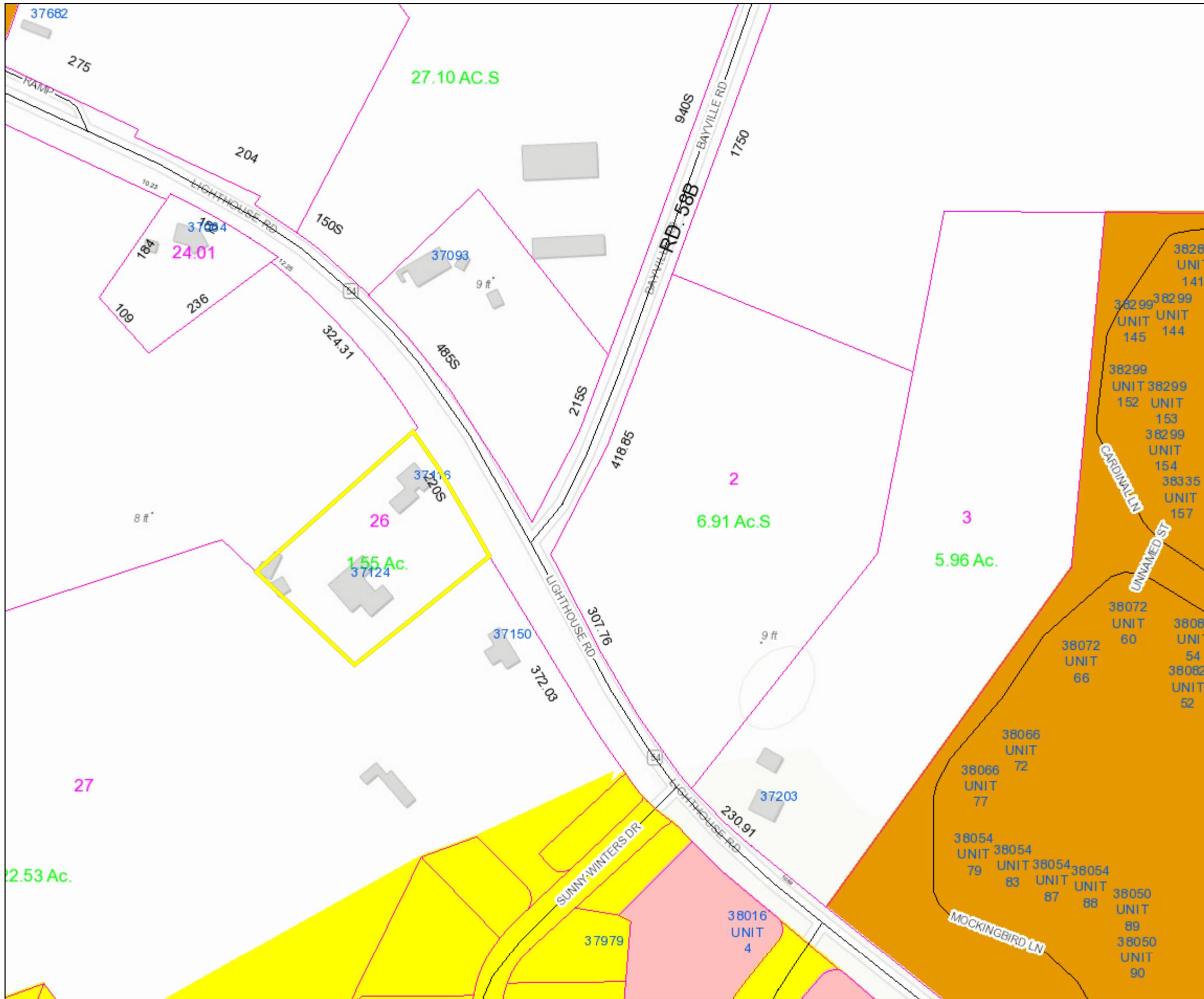
  - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:2,257





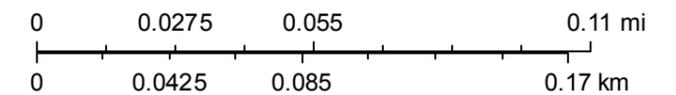
# Sussex County



<b>PIN:</b>	533-19.00-26.00
<b>Owner Name</b>	BZ LAND LLC
<b>Book</b>	3556
<b>Mailing Address</b>	37116 LIGHTHOUSE RD
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	S/RT 54
<b>Description 2</b>	50' FR COR RT 58B
<b>Description 3</b>	
<b>Land Code</b>	

- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257



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



**Sussex County**  
DELAWARE  
sussexcountype.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: May 13, 2020  
RE: Staff Analysis for CU 2215 BZ Land, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2215 to be reviewed during the May 28, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 533-19.00-26.00. The current zoning is AR-1 Agricultural Residential, and the request is for professional offices. The parcel is located on the south side of the intersection of Lighthouse Road (Route 54) and Bayville Road (Road 58B). The size of the property is 1.550 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of "Coastal Area." The Coastal Area is designated to encourage growth and development without diminishing ecological and environmental characteristics. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex's County base density of two (2) units per acre is appropriate. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

The parcel is located within an Agricultural Residential (AR-1) Zoning District. In addition, each of the parcels that directly border the property are also zoned AR-1. The subject parcel is in proximity to four major subdivisions that are located along Lighthouse Road. Bayview Landing and Mallard Lakes are within a High Residential Zone. The Fenwick Farms and Kennewick subdivisions are within a Medium Residential Zone.

Per *Sussex County Code* (§) 115-22, Conditional Uses are listed for parcels within an AR-1 zone. Dependent upon scale and use, staff notes that professional offices could be considered as a potential Conditional Use.

Since 2011, there has been one Conditional Use application in proximity of the application site. Conditional Use (2065), to allow for the establishment of a craft distillery, was approved on March 14, 2017 and was adopted by County Council through Ordinance No. 2487.



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

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



# Sussex County

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Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use to allow for professional offices within an AR-1 Zone could be considered as consistent with the surrounding area, zoning, and uses.



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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date May 28<sup>th</sup>, 2020.

Application: (CU 2215) BZ Land, LLC

Applicant: BZ Land, LLC  
37116 & 37124 Lighthouse Road  
Selbyville, DE 19975

Owner: BZ Land, LLC  
37116 Lighthouse Road  
Selbyville, DE 19975

Site Location: Located on the south side of the intersection of Lighthouse Road (Route 54) and Bayville Road (58B)

Current Zoning: Agricultural Residential (AR-1)

Type of Conditional Use Requested: Professional Offices

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Riley

School District: Indian River School District

Fire District: Roxana Volunteer Fire District

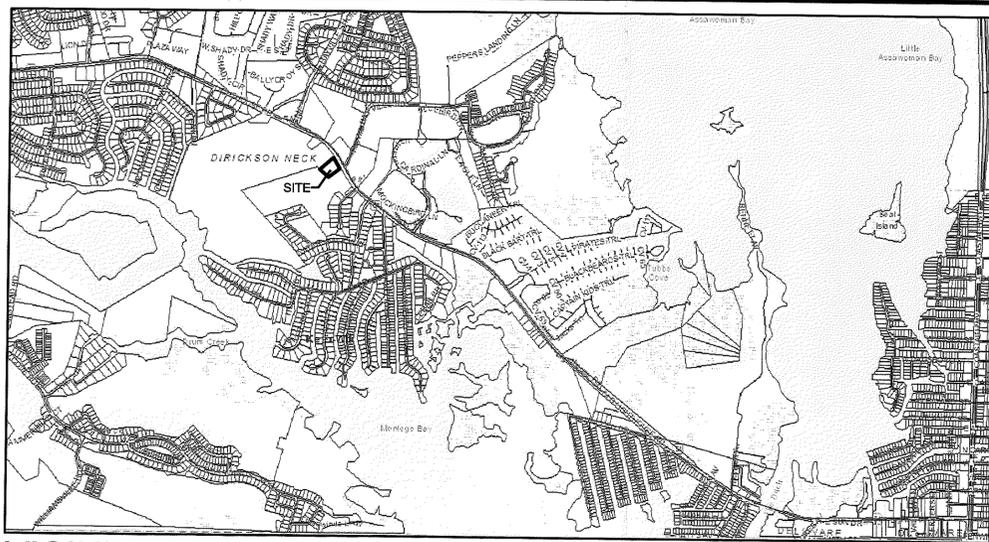
Sewer: Tier 1- Sussex County Unified Sanitary System

Water: Private

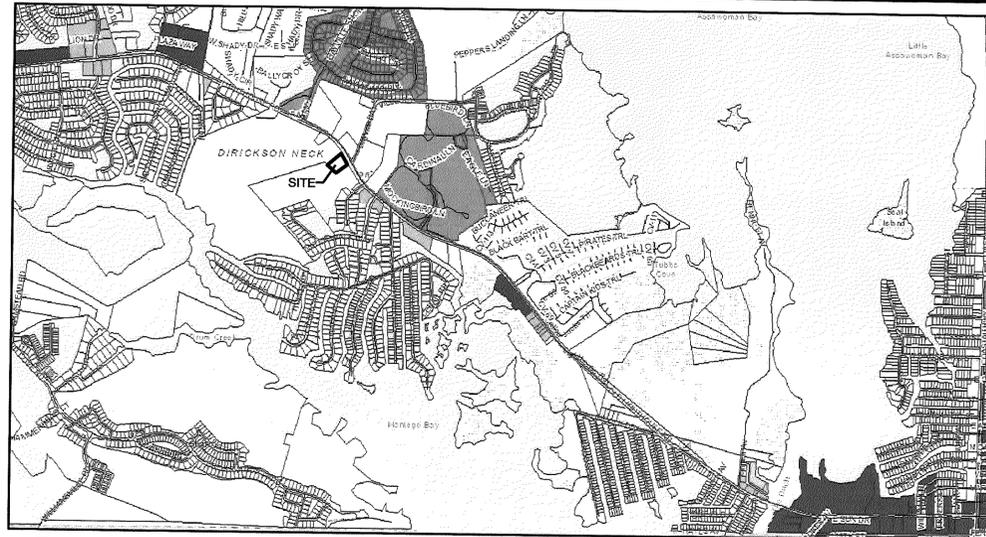
Site Area: 1.5500 acres +/-

Tax Map ID.: 533-19.00-26.00



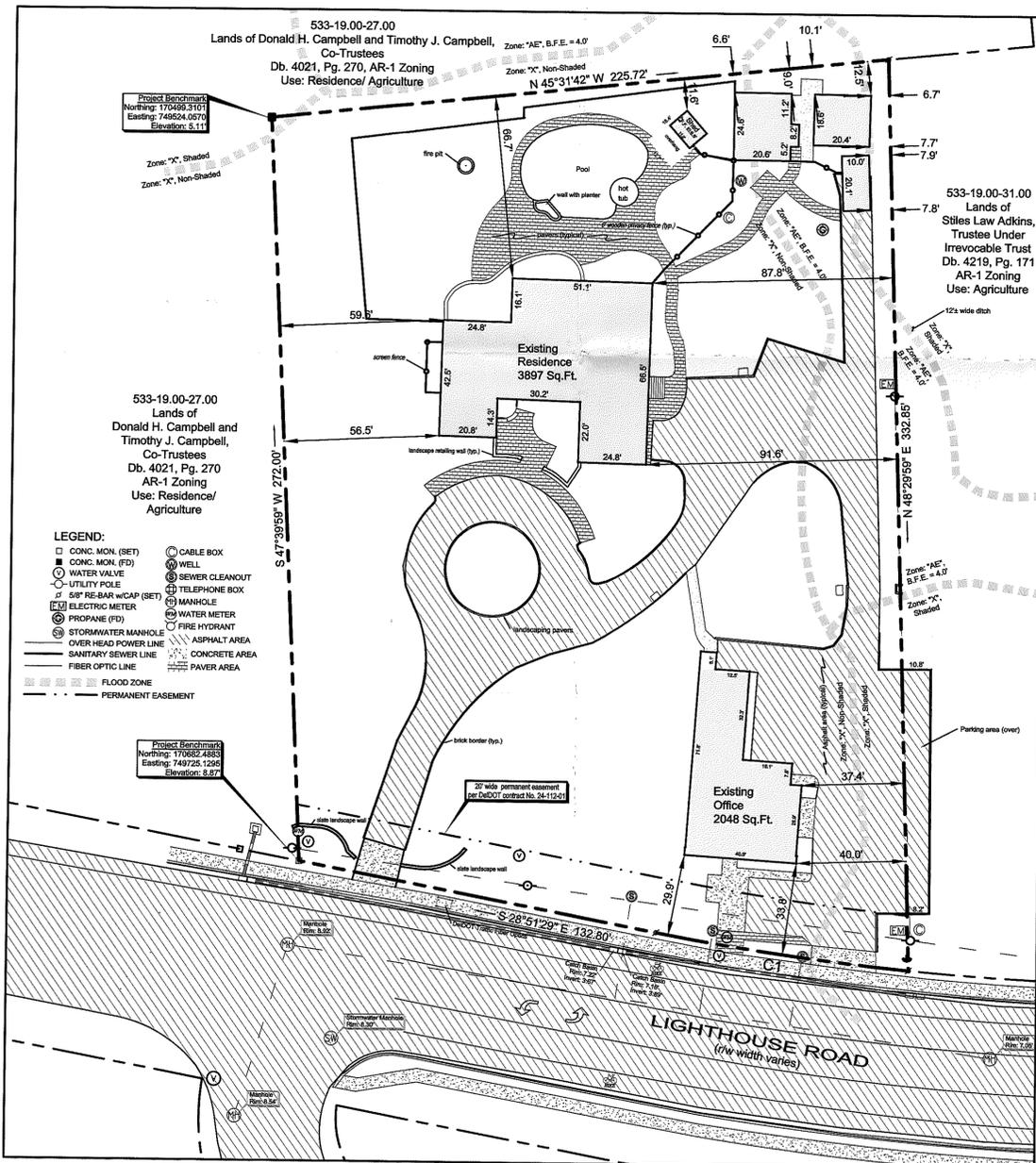


**VICINITY MAP**  
NOT TO SCALE

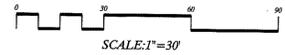


**ADJACENT ZONING**  
NOT TO SCALE

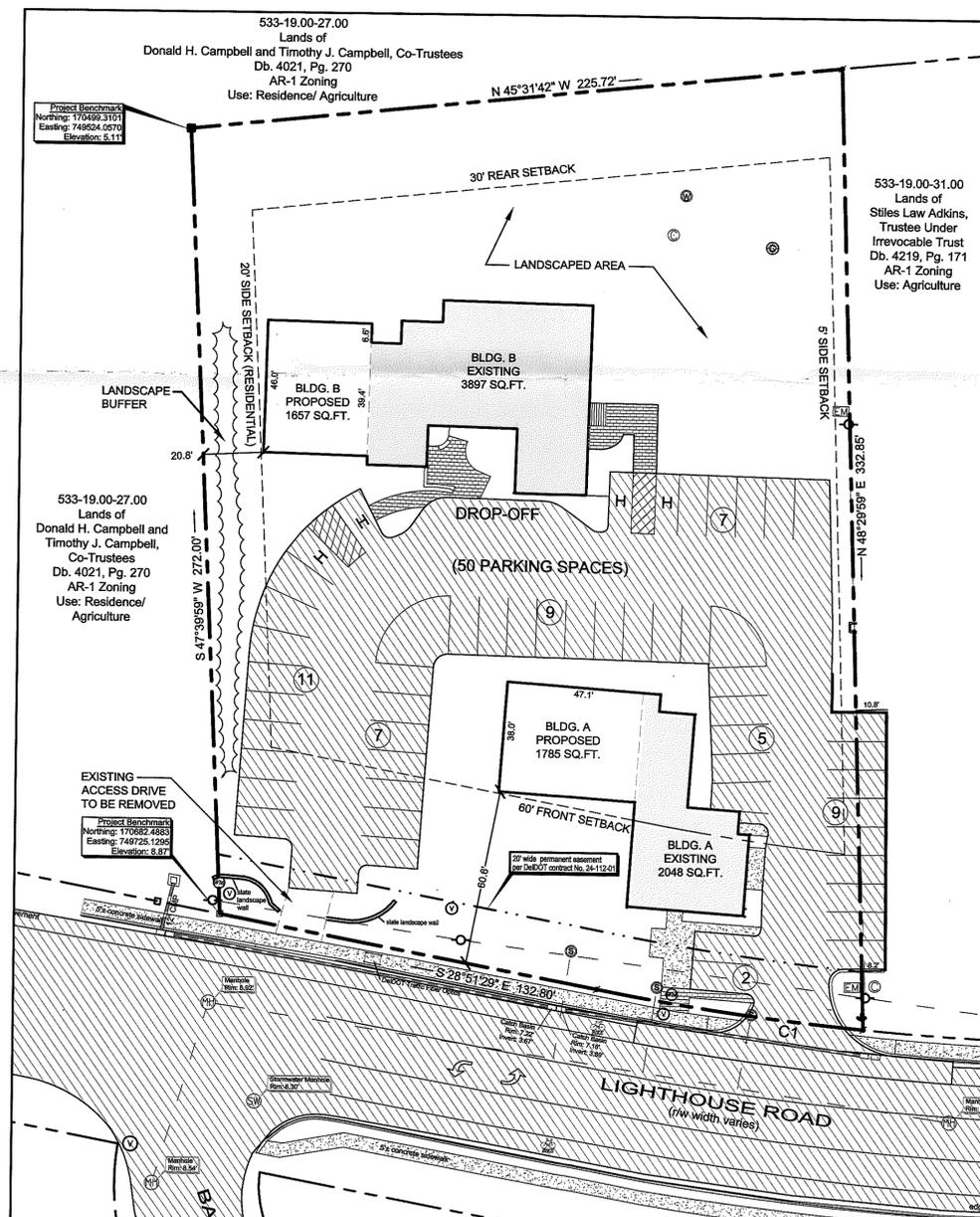
- Zoning**
- Agricultural Residential - AR-1
  - Agricultural Residential - AR-2
  - Commercial Residential - CR-1
  - General Commercial - C-1
  - General Residential - GR
  - Heavy Industrial - HI-1
  - High Density Residential - HR-1
  - High Density Residential - HR-2
  - Limited Industrial - LI-1
  - Limited Industrial - LI-2
  - Marine - M
  - Medium Residential - MR
  - Neighborhood Business - B-1
  - Vacation, Retire, Resident - VRP



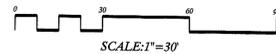
**EXISTING CONDITIONS**



SURVEY SOURCE: SIMPLER SURVEYING AND ASSOCIATE DRAWING ENTITLED "LANDS OF BZ LAND, LLC", DATED 11/21/18 AND REVISED 12/5/18.



**PROPOSED SITE PLAN**



**PARCEL ZONING DATA:**

- TAX PARCEL:** 533-19.00-26.00  
**OWNER:** BZ LAND, LLC.  
37116 LIGHTHOUSE ROAD  
SELBYVILLE, DE 19975  
**LOCATION:** DE ROUTE 54 (LIGHTHOUSE ROAD)  
AT BAYVILLE ROAD (SCR 58B)
  - DEVELOPER:** BZ LAND, LLC.  
37116 LIGHTHOUSE ROAD  
SELBYVILLE, DE 19975
  - PRESENT ZONING:** AR-1  
**PRESENT LAND USE:** RESIDENCE/OFFICE
  - PROPOSED ZONING:** AR-1 CONDITIONAL USE  
**PROPOSED LAND USE:** PROFESSIONAL OFFICE
  - PARCEL 533-19.00-26.00:** 1.56 AC. (67832 SQ.FT.)  
**MIN. LOT FRONTAGE:** 150'  
**EXISTING LOT FRONTAGE:** ±228'
- |                   | REQ.          | EXISTING      |
|-------------------|---------------|---------------|
| <b>LOT WIDTH:</b> | 150'          | ±223'         |
| <b>LOT DEPTH:</b> | 100'          | ±272'         |
| <b>LOT AREA:</b>  | 10,000 SQ.FT. | 67,832 SQ.FT. |
- SETBACKS:**  
FRONT YARD: 60'  
SIDE YARD: 5', 20' ADJACENT TO RESIDENTIAL  
REAR YARD: 5', 30' ADJACENT TO RESIDENTIAL
- | BUILDINGS:       | BLDG. A     | BLDG. B     | TOTAL       |
|------------------|-------------|-------------|-------------|
| <b>EXISTING:</b> | 2048 sq.ft. | 3897 sq.ft. | 5945 sq.ft. |
| <b>PROPOSED:</b> | 1785 sq.ft. | 1657 sq.ft. | 3442 sq.ft. |
| <b>TOTAL:</b>    | 3833 sq.ft. | 5554 sq.ft. | 9387 sq.ft. |
- PARKING:** 1 SPACE / 200 SQ.FT.  
9387 SQ.FT. / 200 SQ.FT. = 47 SPACES REQUIRED  
50 SPACES PROPOSED
- NOTES:**  
1. SURVEY SOURCE: SIMPLER SURVEYING & ASSOCIATE, INC. FROM A SURVEY TITLED "LANDS OF BZ LAND, INC.", DATED NOVEMBER 21, 2018 AND REVISED DECEMBER 5, 2018. HORIZONTAL DATUM: NAD '83, VERTICAL DATUM NAVD '83  
2. THERE ARE NO FEDERAL 404 LANDS ON SITE. THERE ARE NO STATE TIDAL WETLANDS ON SITE.  
3. SITE IS IN FLOOD ZONE AE-4 AND ZONE X (SHADED/ UNSHADED) AS SHOWN PER FEMA FLOOD MAP 10005C0654K DATED MARCH 16, 2015.  
4. SITE PLAN SUBJECT TO REGULATORY AGENCY COMMENTS.

**SURVEYOR'S STATEMENT**  
I certify that the proposed site plan was compiled under my supervision.

Sarah L. Ford  
DE PLS 497

12/11/19  
Date

**OWNER'S PLAN DEVELOPMENT APPROVAL:**  
I, as owner of the project shown, hereby approve these plans for recordation as shown or otherwise noted.

Charles Zonko 8-13-19  
Date

**CONDITIONAL USE PLAN**

**REVISIONS**

**LAND DESIGN INC.**  
Surveying / Landscape Architecture  
Oak Square, Suite #3  
53 Atlantic Ave.  
Selbyville, DE 19975  
302.533.1111  
landdesign@gmail.com

Planning and Development Consultants

CONDITIONAL USE PLAN  
**BZ LAND, LLC.**  
PROJECT ADDRESS  
HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN: TJF	DATE
DRAWING: RWB	12/10/19
REVIEW: SLF	
SHEET	1
	OF 1 SHEETS



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

JENNIFER COHAN  
SECRETARY

May 22, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **BZ Land, LLC (Charles Zonko)** rezoning application, which we received on April 26, 2019. This application is for a 1.55-acre parcel (Tax Parcel: 533-19.00-26.00). The subject land is located on the southwest side of Lighthouse Road (Sussex Road 58), just northwest of the intersection of Lighthouse Road and Bayville Road (Sussex Road 58B). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 / B-3 (Neighborhood Business) / (Business Research) to utilize the two existing buildings for office / medical office / retail use.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Lighthouse Road where the subject land is located, which is from West Line Road (Sussex Road 396) to Delaware Route 1, is 7,167 and 9,224 vehicles per day, respectively.

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

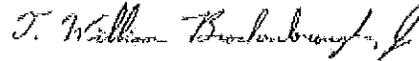
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell  
Page 2 of 2  
May 22, 2019

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

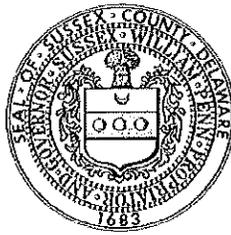
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
BZ Land, LLC (Charles Zonko), Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination  
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Claudy Joinville, Project Engineer, Development Coordination

**PLANNING & ZONING**

JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-5079 F



**Sussex County**

DELAWARE  
sussexcountyde.gov

**Service Level Evaluation Request Form**

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

Date: 4/25/19

**Site Information:**

Site Address/Location: 37124 Lighthouse Road

Tax Parcel Number: 533-19.00-26.00

Current Zoning: AR-1

Proposed Zoning: B2/3

Land Use Classification: Office/ Residential

Proposed Use(s): Office/ Medical Office/ Retail

Square footage of any proposed buildings or number of units: 11,644 sq.ft. (2 buildings)

**Applicant Information:**

Applicant's Name: BZ Land LLC (contact: Charles Zonko)

Applicant's Address: 37116 Lighthouse Road

City: Selbyville State: DE Zip Code: 19975

Applicant's Phone Number: (302) 528-5681

Applicant's e-mail address: zonkobuilders@gmail.com

MADE CONTACT  
5/23/2019  
2:16 pm



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

Last updated 7-27-18

## **PROPOSED FINDINGS AND CONDITIONS**

### **C.U. # 2215-BZ LAND, LLC**

1. The property has a history of residential and office use with a residence and separate office building located on the parcel.
2. The Applicant has operated his construction company from the office since 1983.
3. Under the current Sussex County Comprehensive Plan the property is in the Coastal Area , one of the plan's designated "Growth Areas".
4. The Comprehensive Plan states that in the "Coastal Area", a wide range of housing types should be permitted and that office uses are appropriate.
5. Conditional uses are deemed to be essential and desirable for the general convenience and welfare but require the exercise of planning judgment as to location and site plan.
6. The nature of the area surrounding the property has experienced significant residential growth over the past 20 years.
7. With the conditions stated, the Conditional Use for professional offices will not adversely affect uses or property values in the area and will provide convenient access to professional offices to serve the residents of the area.
8. The recommendations of approval is subject to the following conditions:
  - A. The total area of professional office space including the existing buildings and proposed additions shall not exceed 9,387 square feet.

- B. The existing residence and office building shall substantially maintain their existing residential architecture and appearance. The proposed additions shall maintain a similar architecture and appearance.
- C. The maximum hours of operation open to the public shall be between 8:00 a.m. and 7:00 p.m., Monday through Friday, 8:00 a.m. to 4:00 p.m. on Saturday. This shall not prohibit professionals utilizing the offices from working at other hours or on weekends.
- D. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself. Any lighting shall be minimal and non-intrusive.
- E. Any dumpsters shall be screened from view of neighboring properties or roadways.
- F. One lighted sign, not to exceed 32 square feet per side, shall be permitted. The lighting shall be on a timer shutting off no later than 10:00 p.m.
- G. The Applicant shall comply with all DelDot requirements concerning entrance, traffic and roadway improvements.
- H. The site shall be served by central water and sewer.
- I. A landscaping plan shall be submitted as part of the Final Site Plan review.
- J. The Applicant shall obtain a formal easement from the owner of the property adjoining on the west, permitting the parking of vehicles. If the easement is not finalized, the required parking shall be relocated onto the Applicant's parcel.
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.



## Memorandum

To: Sussex County Planning Commission Members  
From: Jamie Whitehouse, Director, Department of Planning & Zoning; Lauren DeVore, Planner III; Jenny Norwood, Planner I, Christin Headley, Planner I, Nicholas Torrance, Planner I and Chase Philips, Planner I  
CC: Vince Robertson, Assistant County Attorney  
Date: May 21, 2020  
RE: Other Business for May 28, 2020 Planning Commission Meeting

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This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the May 28, 2020 Planning Commission meeting.

### **Acadia Subdivision (2018-01)**

KS

Final Subdivision Plan

This is a Final Subdivision Plan for a major subdivision to consist of 234 single-family dwellings, site improvements and open space, using the cluster development option. The site is a 117.21-acre parcel of land that is accessed from Dorman Road (S.C.R. 288A) and Robinsonville Road (S.C.R. 277). The Preliminary Subdivision Plan was approved by the Planning and Zoning Commission at its meeting of Thursday, May 24, 2018. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcels: 234-11.00-60.00, 62.03 and 64.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

### **Lands of Michael W. & Mary E. Peterson (2019-26)**

BM

Final Subdivision Plan

This is a Final Subdivision Plan for a for a major subdivision within the existing Layton Subdivision to consist of 6 lots on 2.0124 acres with Lots 6-8 having access off Jerry Drive and Lots 6a-8a having access off Railway Road (S.C.R. 350). The parcels are located on the north side of Railway Road (S.C.R. 350) and on the south side of Jerry Drive. The Preliminary Subdivision Plan was approved by the Planning and Zoning Commission at its meeting of Thursday, January 23, 2020. The Commission approved the Preliminary Subdivision subject to the receipt of a shared use maintenance agreement for Jerry Drive. A General Note has been added to the plans explaining this to address the Commission's earlier request. Tax Parcels: 134-8.00-29.00, 30.00 & 30.01. Zoning: GR (General Residential Zoning District.) Staff are in receipt of all agency approvals.

### **Wellesley Subdivision (2018-7)**

BM

Final Amenities Plan

This is a Final Amenities Plan for the construction of a proposed two-story, 2,016 square foot clubhouse, pool and pool deck, 14 parking spaces and other site improvements located off of Clearview Drive in the existing Wellesley subdivision. The Final Subdivision Plan was approved by the Planning and Zoning Commission at its meeting of Thursday, June 27, 2019. The Final Amenities Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcels: 334-12.00-46.01 (a portion of) 113.00 (a portion of) 116.00. Zoning: AR-1



(Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

**S-20-05 PJM Properties, LLC**

HW

Revised Final Site Plan

This is a Revised Final Site Plan for the construction of a 4,675 square foot storage building to be located at 35613 Williamsville Rd. The site is an existing boat repair and storage yard that possesses a Conditional Use No. 1106, which was approved by County Council on May 23, 1995. No new parking is proposed. The Revised Final Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 533-19.00-287.02. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

**SHEET INDEX**

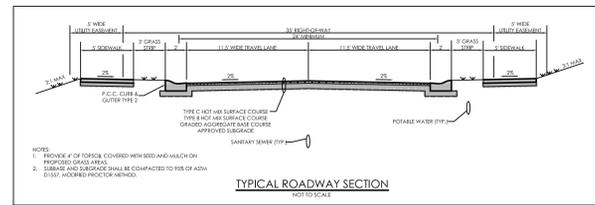
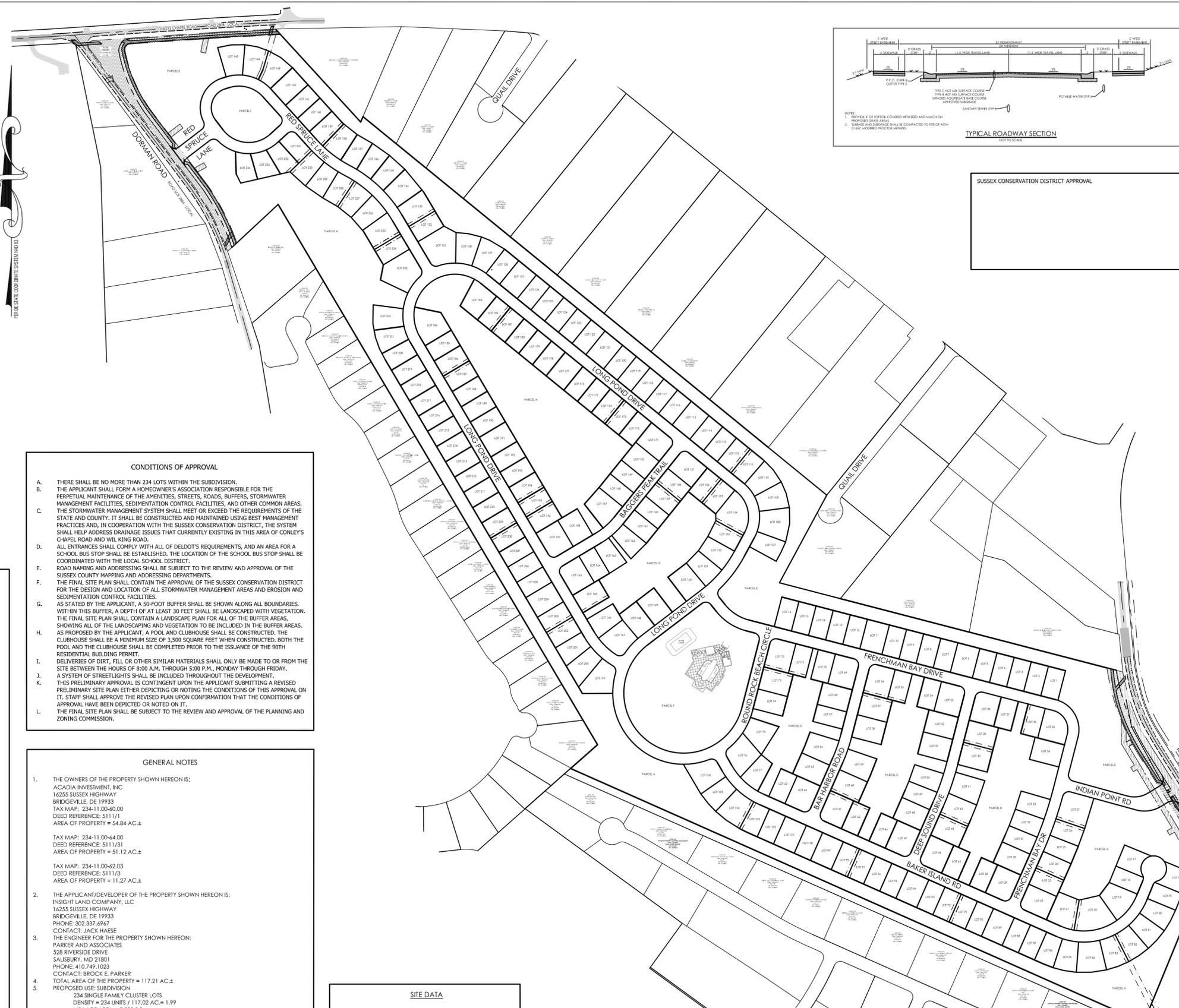
- 1 TITLE SHEET
- 2 FINAL PLAT
- 3 FINAL PLAT
- 4 FINAL PLAT
- 5 FINAL PLAT
- 6 FINAL PLAT
- 7 FINAL PLAT
- 8 FINAL PLAT
- 9 FINAL PLAT

**LEGEND**

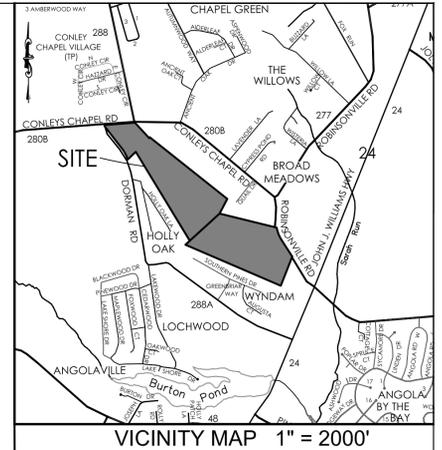
PROPERTY LINE	---
UTILITY EASEMENT	- - - - -
SETBACK LINE	---
ROAD CENTERLINE	---
EDGE OF CONCRETE	---
PROPOSED EDGE OF PAVEMENT	---
PROPOSED CURB	---
SIDEWALK	---
SIDEWALK HATCH	---
EDGE OF POND	---
TREE LINE	---
FORESTRY EASEMENT (SEE NOTE # 21)	---
LANDSCAPE EASEMENT	---
CONCRETE MONUMENT FOUND	□
IRON ROD FOUND	●
STORM DRAIN EASEMENT	---
ARTESIAN WATER EASEMENT	---
TIDEWATER UTILITY EASEMENT	---
10' TEMPORARY CONSTRUCTION EASEMENT	---
PC	POINT OF CURVE
PT	POINT OF TANGENT
PRC	POINT OF REVERSE CURVE
PCC	POINT OF CONTINUOUS CURVE

**NOTES:**

1. ALL ON-SITE STREETS ARE PRIVATE AND SHALL BE MAINTAINED BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE STREETS SHALL BE BY THE RESPECTIVE ORGANIZATION.
2. STORMWATER MANAGEMENT AND STORM DRAINAGE SHALL BE IN ACCORDANCE WITH THE SUSSEX COUNTY CONSERVATION DISTRICT AND SUSSEX COUNTY ENGINEERING REQUIREMENTS. THE SITE IS TO BE TREATED BY MULTIPLE WET POND. MAINTENANCE OF THE ON-SITE STORMWATER MANAGEMENT FACILITIES AND STORM DRAINAGE SYSTEM SHALL BE BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE ABOVE PROACTIVE SHALL BE BY THE RESPECTIVE ORGANIZATION.
3. ALL OPEN SPACE SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
4. FOR ANY NEW DEVELOPMENT LOCATED IN WHOLE OR IN PART WITH 50 FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES, NO IMPROVEMENT REQUIRING AN AGENCY APPROVAL OR A RESIDENTIAL TYPE USE SHALL BE CONSTRUCTED WITHIN 50 FEET OF THE BOUNDARY OF THE LANDS USED PRIMARILY FOR AGRICULTURAL PURPOSES.
5. CONSTRUCTION TO COMMENCE IMMEDIATELY UPON APPROVAL. STORM DRAIN AND WATER LINES WILL BE PLACED FIRST, FOLLOWED BY UTILITIES AND STREETS.
6. A 15 FOOT WIDE PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE, AS PER THIS PLAT.
7. THE HOMEOWNERS ASSOCIATION WILL BE REQUIRED TO MAINTAIN THE FORESTED/PLANTING BUFFER AND OPEN SPACE AND THE SPECIFICS WILL BE SPELLED OUT IN THE HOMEOWNERS ASSOCIATION DOCUMENTS.
8. NO WETLANDS WERE FOUND ON SITE.
9. NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL (DCM).
10. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
11. SHRUBBERY, PLANTINGS, SIGNS AND/OR 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 DISTANCE.
12. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S "SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY".
13. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THESE PLANS AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
14. THE SIDEWALK AND SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
15. ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
16. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
17. LOTS WILL BE PERMITTED TO HAVE ACCESS POINTS THAT COMPLY WITH THE DEVELOPMENT COORDINATION MANUAL (DCM) SPACING REQUIREMENTS OF CHAPTER 1 AND LIMITATIONS ON NUMBER OF ACCESS POINTS ESTABLISHED IN DCM CHAPTER 7. HORSESHOE DRIVEWAYS AND SECONDARY ENTRANCES REQUIRE ADDITIONAL DELDOT REVIEW AND SEPARATE PERMITTING RESTRICTIONS AS DESCRIBED IN THE DCM CHAPTER 7 MAY PROHIBIT SOME SECONDARY ENTRANCE REQUESTS FROM BEING GRANTED.
18. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
19. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
20. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS ON THE DEDICATED SUBDIVISION STREET RIGHT-OF-WAY IN ACCORDANCE WITH SECTION 2.4.1 OF THE DEVELOPMENT COORDINATION MANUAL, AND THE REQUIREMENTS OF THE LAND USE AGENCY. RIGHT-OF-WAY MONUMENTS SHALL BE PLACED ALONG THE RIGHT-OF-WAY LINES, AT A MINIMUM ON ONE SIDE OF THE STREET AT EVERY CHANGE IN HORIZONTAL ALIGNMENT TO PROVIDE A PERMANENT REFERENCE FOR THE RE-ESTABLISHING THE CENTERLINE AND RIGHT-OF-WAY LINE.



SUSSEX CONSERVATION DISTRICT APPROVAL



**APPROVAL**

CHAIRMAN SUSSEX COUNTY PLANNING & ZONING COMMISSION \_\_\_\_\_ DATE \_\_\_\_\_

PRESIDENT OF SUSSEX COUNTY COUNCIL \_\_\_\_\_ DATE \_\_\_\_\_

I, ACADIA INVESTMENTS, INC HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTIES 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 RECORDED ACCORDING TO LAW

ACADIA INVESTMENTS, INC OWNER \_\_\_\_\_ DATE \_\_\_\_\_

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF DELAWARE LICENSE NUMBER #56-0000767, EXPIRATION DATE JUNE 30 2021

BROCK E. PARKER LIC. #56-0000767 EXP DATE JUNE 30 2021 DATE \_\_\_\_\_

**CONDITIONS OF APPROVAL**

- A. THERE SHALL BE NO MORE THAN 234 LOTS WITHIN THE SUBDIVISION.
- B. THE APPLICANT SHALL FORM A HOMEOWNERS ASSOCIATION RESPONSIBLE FOR THE PERPETUAL MAINTENANCE OF THE AMENITIES, STREETS, ROADS, BUFFERS, STORMWATER MANAGEMENT FACILITIES, SEDIMENTATION CONTROL FACILITIES, AND OTHER COMMON AREAS.
- C. THE STORMWATER MANAGEMENT SYSTEM SHALL MEET OR EXCEED THE REQUIREMENTS OF THE STATE AND COUNTY. IT SHALL BE CONSTRUCTED AND MAINTAINED USING BEST MANAGEMENT PRACTICES AND, IN COOPERATION WITH THE SUSSEX CONSERVATION DISTRICT, THE SYSTEM SHALL HELP ADDRESS DRAINAGE ISSUES THAT CURRENTLY EXISTING IN THIS AREA OF CONLEY'S CHAPEL ROAD AND WILKING ROAD.
- D. ALL ENTRANCES SHALL COMPLY WITH ALL OF DELDOT'S REQUIREMENTS, AND AN AREA FOR A SCHOOL BUS STOP SHALL BE ESTABLISHED. THE LOCATION OF THE SCHOOL BUS STOP SHALL BE COORDINATED WITH THE LOCAL SCHOOL DISTRICT.
- E. ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY MAPPING AND ADDRESSING DEPARTMENTS.
- F. 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.
- G. AS STATED BY THE APPLICANT, A 30-FOOT BUFFER SHALL BE SHOWN ALONG ALL BOUNDARIES. WITHIN THIS BUFFER, A DEPTH OF AT LEAST 30 FEET SHALL BE LANDSCAPED WITH VEGETATION. THE FINAL SITE PLAN SHALL CONTAIN A LANDSCAPE PLAN FOR ALL OF THE BUFFER AREAS, SHOWING ALL OF THE LANDSCAPING AND VEGETATION TO BE INCLUDED IN THE BUFFER AREAS.
- H. AS PROPOSED BY THE APPLICANT, A POOL AND CLUBHOUSE SHALL BE CONSTRUCTED. THE CLUBHOUSE SHALL BE A MINIMUM SIZE OF 3,500 SQUARE FEET WHEN CONSTRUCTED. BOTH THE POOL AND THE CLUBHOUSE SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE 90TH RESIDENTIAL BUILDING PERMIT.
- I. DELIVERIES OF DIRT, FILL OR OTHER SIMILAR MATERIALS SHALL ONLY BE MADE TO OR FROM THE SITE BETWEEN THE HOURS OF 8:00 A.M. THROUGH 5:00 P.M., MONDAY THROUGH FRIDAY.
- J. A SYSTEM OF STREETLIGHTS SHALL BE INCLUDED THROUGHOUT THE DEVELOPMENT.
- K. THIS PRELIMINARY APPROVAL IS CONTINGENT UPON THE APPLICANT SUBMITTING A REVISED PRELIMINARY SITE PLAN EITHER DEPICTING OR NOTING THE CONDITIONS OF THIS APPROVAL ON IT. STAFF SHALL APPROVE THE REVISED PLAN UPON CONFIRMATION THAT THE CONDITIONS OF APPROVAL HAVE BEEN DEPICTED OR NOTED ON IT.
- L. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.

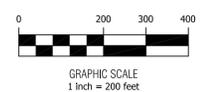
**GENERAL NOTES**

1. THE OWNERS OF THE PROPERTY SHOWN HEREON IS:  
ACADIA INVESTMENT, INC  
16255 SUSSEX HIGHWAY  
BRIDGEVILLE, DE 19933  
PHONE: 302.333.6967  
TAX MAP: 234-11.00-00.00  
DEED REFERENCE: S111/3  
AREA OF PROPERTY = 54.84 AC.±  
  
TAX MAP: 234-11.00-40.00  
DEED REFERENCE: S111/31  
AREA OF PROPERTY = 51.12 AC.±  
  
TAX MAP: 234-11.00-02.03  
DEED REFERENCE: S111/3  
AREA OF PROPERTY = 11.27 AC.±
2. THE APPLICANT/DEVELOPER OF THE PROPERTY SHOWN HEREON IS:  
INSIGHT LAND COMPANY, LLC  
16255 SUSSEX HIGHWAY  
BRIDGEVILLE, DE 19933  
PHONE: 302.333.6967  
CONTACT: JACK HAESE
3. THE ENGINEER FOR THE PROPERTY SHOWN HEREON:  
PARKER AND ASSOCIATES  
628 REVERDE DRIVE  
SALISBURY, MD 21801  
PHONE: 410.749.1023  
REAR: 10'
4. TOTAL AREA OF THE PROPERTY = 117.21 AC.±
5. PROPOSED USE: SUBDIVISION  
234 SINGLE FAMILY CLUSTER LOTS  
DENSITY = 234 UNITS / 117.02 AC. = 1.99  
MIN. LOT AREA = 7,500 S.F.  
MIN. LOT WIDTH = 60'  
MAXIMUM BUILDING HEIGHT = 42'  
SINGLE FAMILY LOT AREA = 51.75 AC.±  
OPEN SPACE AREA = 47.32 AC.± = 40%  
RIGHT OF WAY AREA = 11.72 AC.±  
DELDOT DEDICATION = 0.29 AC.±
6. THE EXISTING ZONING OF THE PROPERTY IS: AR-1 RESIDENTIAL
7. THE BUILDING SETBACKS FOR THE PROPERTY ARE:  
FRONT: 25' (15' CORNER)  
SIDE: 10'  
REAR: 10'
8. THE PROPERTY IS LOCATED IN FLOOD ZONE X (UNSHADED) - AREAS DETERMINED TO OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP NUMBER 1005C0340K, MAP REVISED MARCH 16, 2015 AND 1005C0341K, MAP REVISED MARCH 16, 2015.
9. THE WATER SUPPLY WILL BE PROVIDED BY: TIDEWATER UTILITIES, INC.
10. THE SANITARY SEWER WILL BE PROVIDED BY: SUSSEX COUNTY
11. THE TOPOGRAPHY SHOWN HEREON IS BASED ON COUNTY UTMAR.
12. THE TOTAL AREA OF WOODLANDS ON THE PROPERTY: 0.00± ACRES

**SITE DATA**

TOTAL AREA OF SUBDIVISION = 117.02 ACRES  
 TOTAL AREA OF STREETS = 14.67± ACRES  
 TOTAL AREA OF LOTS = 51.75± ACRES  
 TOTAL AREA OF PARCELS/OPEN SPACE = 49.60± ACRES  
 PARCEL A = 16.26± ACRES  
 PARCEL B = 2.47± ACRES  
 PARCEL C = 2.07± ACRES  
 PARCEL D = 1.49± ACRES  
 PARCEL E = 13.33± ACRES  
 PARCEL F = 5.04± ACRES  
 PARCEL G = 2.28± ACRES  
 PARCEL H = 5.64± ACRES  
 PARCEL I = 1.02± ACRES

TOTAL AREA OF DEDICATION = 0.78± ACRES  
 PERCENTAGE OF OPEN SPACE = 40%  
 PERCENTAGE OF IMPERVIOUS COVER = 42.52± ACRES



**SHEET 1 OF 10**

DATE	BY
12/18/19	EDR
05/15/2020	EDR

**FINAL SUBDIVISION PLAN FOR ACADIA**

COUNTY PROJECT REFERENCE NUMBER 2018-01

LOCATION: INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

SCALE: 1" = 200' DATE: 11/29/18 TAX MAP: 234-11.00

DWC: S2236\_FINAL TITLE JOB NO.: S2236\_FINAL DRAWN BY: EDR PARCEL: 60.00, 62.03, 64.00

SURVEYING FORESTRY

**PARKER & ASSOCIATES**

ESTABLISHED 1977 SALISBURY, MD 21801 410.749.1023

CIVIL ENGINEERING INC. SITE PLANNING



SEE SHEET 4

SEE SHEET 3

LANDS N/F  
BARRY D. & PATRICIA A.  
NICHOLS  
234-11.00-519.00  
"LOT 14"  
DB 2255/240  
AR-1 ZONING

LANDS N/F  
MARY ELLEN PAYLOR  
234-11.00-520.00  
"LOT 15"  
DB 3437/290  
AR-1 ZONING

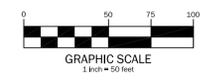
LANDS N/F  
BRYAN TYLER DONICA & LAVERE  
RUST  
234-11.00-521.00  
"LOT 16"  
DB 3764/8  
AR-1 ZONING

LANDS N/F  
WYNDAM PROPERTY OWNERS ASSOCIATION  
234-11.00-590.00  
"AREA FOREST BUFFER"  
DB 4144/49  
AR-1 ZONING

LANDS N/F  
JACQUELYN RAMS & WILLIAM A.  
MARTIN  
234-11.00-522.00  
"LOT 17"  
DB 3413/147  
AR-1 ZONING

LANDS N/F  
DONALD E. SR. & SUSAN E. MAY  
234-11.00-523.00  
"LOT 18"  
DB 4447/44  
AR-1 ZONING

LANDS N/F  
CARLTON O. DORMAN  
234-11.00-60.01  
DB 2580/113  
AR-1 ZONING



REVISIONS	
DATE	BY
12/18/19	EDR
03/15/2020	EDR

<b>FINAL SUBDIVISION PLAN FOR ACADIA</b>			
LOCATION INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE			
SCALE 1" = 50'	DATE 11/29/18	TAX MAP 234-11.00	
DWGL S2236_FINAL	JOB NO. S2236	DRAWN BY EDR	PARCEL 60.00, 62.03, 64.00

SURVEYING FORESTRY

CIVIL ENGINEERING INC. SITE PLANNING



LANDS N/F  
MICHAEL I. WILLIAMS & MARCIA C. SABO  
234-11.00-42.01  
DB 3734/226  
AR-1 ZONING

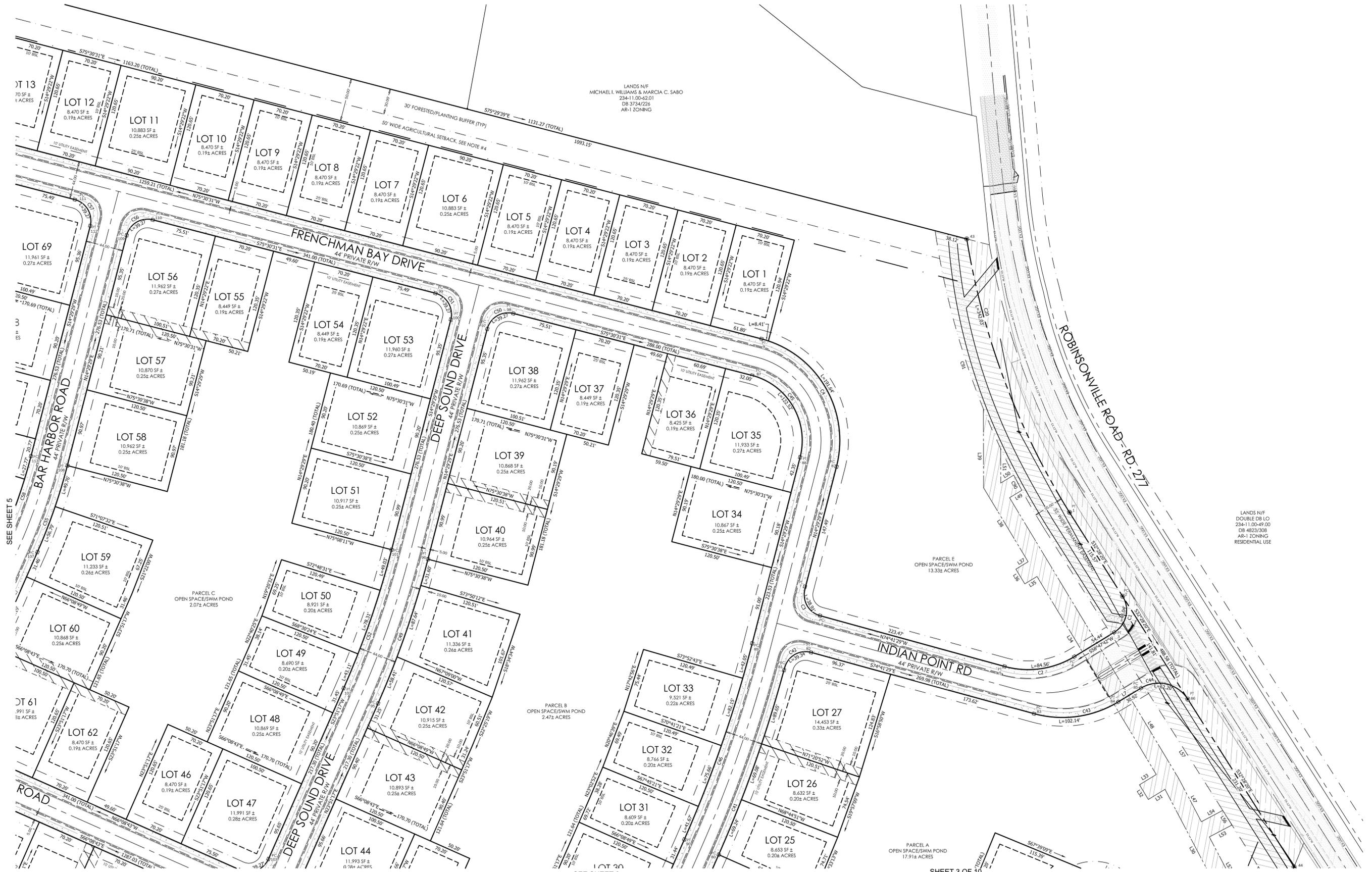
LANDS N/F  
DOUBLE DB LO  
234-11.00-49.00  
DB 4823/308  
AR-1 ZONING  
RESIDENTIAL USE

PARCEL E  
OPEN SPACE/SWM POND  
13.33± ACRES

PARCEL B  
OPEN SPACE/SWM POND  
2.47± ACRES

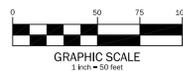
PARCEL A  
OPEN SPACE/SWM POND  
17.91± ACRES

PARCEL C  
OPEN SPACE/SWM POND  
2.07± ACRES



SEE SHEET 5

SEE SHEET 2



SHEET 3 OF 10

REVISIONS	
DATE	BY
12/18/19	EDR
03/15/2020	EDR

<b>FINAL SUBDIVISION PLAN FOR ACADIA</b>			
LOCATION INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE			
SCALE 1" = 50'	DATE 11/29/18	TAX MAP 234-11.00	
DRAWN BY S2236_FINAL	JOB NO. S2236	DRAWN BY EDR	PARCEL 60.00, 62.03, 64.00

SURVEYING FORESTRY

CIVIL ENGINEERING INC. SITE PLANNING



SEE SHEET 6

SEE SHEET 2

LANDS N/F  
34 BUILDERS, INC.  
234-11.00-512.00  
"LOT 7"  
DB 4767/287  
AR-1 ZONING

LANDS N/F  
GARY F. & LINDA M. DICKINSON  
234-11.00-513.00  
"LOT 8"  
DB 4551/337  
AR-1 ZONING

LANDS N/F  
WYNDAM PROPERTY OWNERS ASSOCIATION  
234-11.00-5900  
"AREA FOREST BUFFER"  
DB 4144/49  
AR-1 ZONING

LANDS N/F  
DOUGLAS R. & PAMELA H. WAUN  
234-11.00-514.00  
"LOT 9"  
DB 3735/232  
AR-1 ZONING

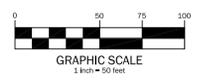
LANDS N/F  
VIBERT H. & CATHERINE M. DAVIS  
234-11.00-515.00  
"LOT 10"  
DB 3463/132  
AR-1 ZONING

LANDS N/F  
STEPHEN & PATRICIA A. PALMER  
234-11.00-516.00  
"LOT 11"  
DB 4285/21  
AR-1 ZONING

LANDS N/F  
WILLIAM J. & JUDITH G. FAGAN  
234-11.00-517.00  
"LOT 12"  
DB 3737/779  
AR-1 ZONING

LANDS N/F  
MICHAEL CRIWELL  
234-11.00-518.00  
"LOT 13"  
DB 4492/67  
AR-1 ZONING

LANDS N/F  
BARRY D. & PATRICIA A.  
NICHOLS  
234-11.00-519.00  
"LOT 14"  
DB 3225/240  
AR-1 ZONING



SHEET 4 OF 10

REVISIONS	
DATE	BY
12/18/19	EDR
03/15/2020	EDR

**FINAL SUBDIVISION PLAN  
FOR  
ACADIA**

LOCATION  
INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

SCALE 1" = 50'	DATE 11/29/18	TAX MAP 234-11.00
DRAWN BY EDR	JOB NO. S2236	PARCEL 60.00, 62.03, 64.00

SURVEYING FORESTRY

**PARKER  
& ASSOCIATES**

ESTABLISHED 1977

SALISBURY, MARYLAND  
4107 40th STREET

CIVIL ENGINEERING INC. SITE PLANNING

SUAN E. GOODELL  
00-451.00  
CT12  
4414/253  
ZONING

LANDS N/F  
DANIEL C. & ROBERT J. SLAGLE  
234-11.00-450.00  
LOT 14  
DB 3212/186  
AR-1 ZONING

LANDS N/F  
SUSAN MORRISSETTE  
234-11.00-449.00  
LOT 15  
DB 3191/173  
AR-1 ZONING

LANDS N/F  
ALEXANDER IDELMA KULISCHENKO  
234-11.00-448.00  
LOT 16  
DB 3530/74  
AR-1 ZONING

LANDS N/F  
CATHERINE A. HENRY  
234-11.00-447.00  
LOT 17  
DB 2324/53  
AR-1 ZONING

LANDS N/F  
DEBORAH A. TOTH  
234-11.00-446.00  
LOT 18  
DB 3298/235  
AR-1 ZONING

LANDS N/F  
CAROLYN R. & TIMOTHY E. HALL  
234-11.00-445.00  
LOT 19  
DB 4452/303  
AR-1 ZONING

LANDS N/F  
JOHN T. & LINDA E. PETRIE  
234-11.00-443.00  
LOT 20  
DB 3593/54  
AR-1 ZONING

LANDS N/F  
KENNETH W. ENGAN & JEAN M. STUART  
234-11.00-443.00  
LOT 21  
DB 4721/56  
AR-1 ZONING

LANDS N/F  
34 BUILDERS, INC.  
234-11.00-512.00  
LOT 7  
DB 4767/287  
AR-1 ZONING

SEE SHEET 7

PARCEL G  
OPEN SPACE/SWM POND  
2.28± ACRES

PARCEL E  
OPEN SPACE  
13.33± ACRES

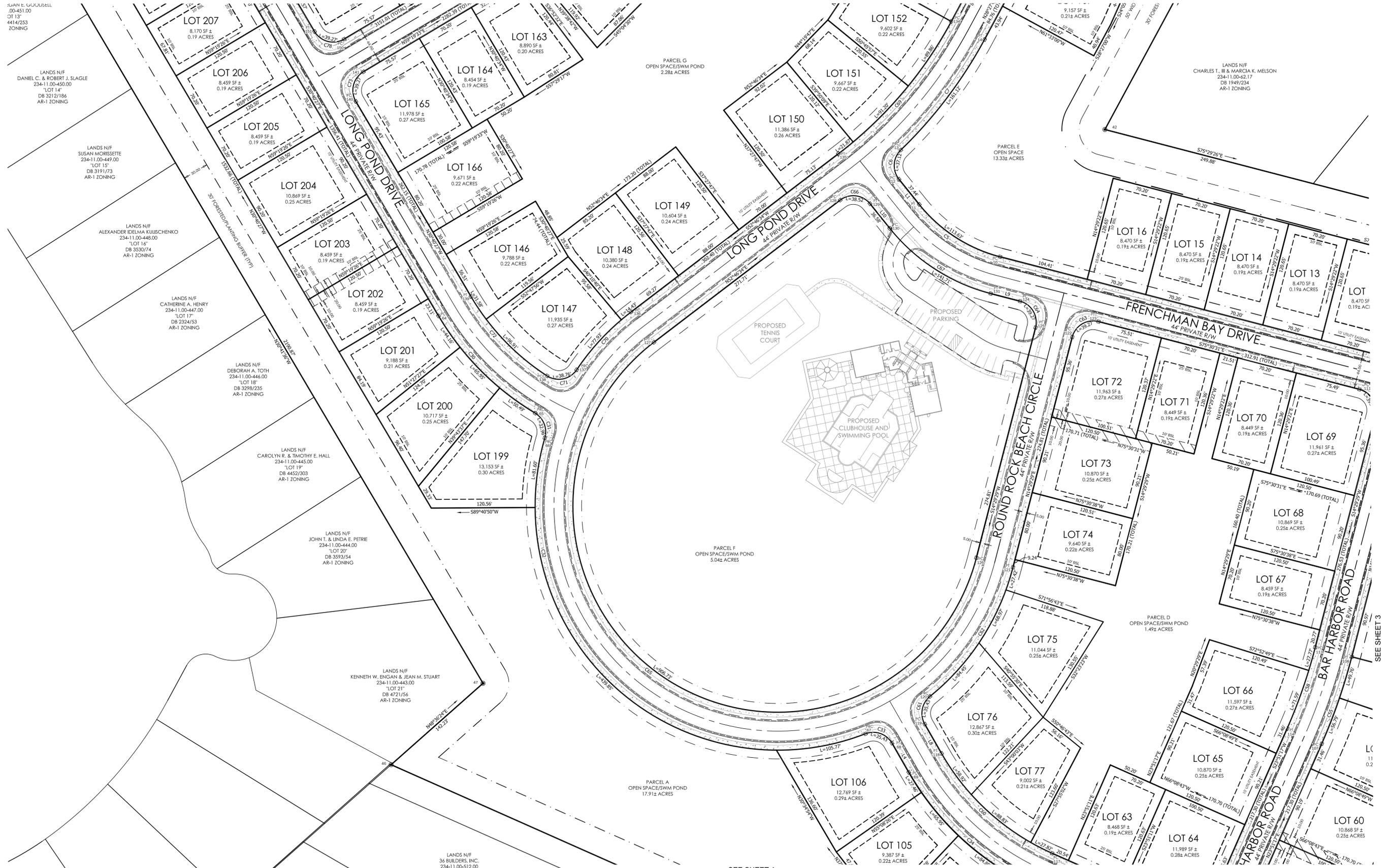
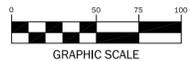
LANDS N/F  
CHARLES T. III & MARCIA K. MELSON  
234-11.00-42.17  
DB 1949/254  
AR-1 ZONING

PARCEL F  
OPEN SPACE/SWM POND  
5.04± ACRES

PARCEL D  
OPEN SPACE/SWM POND  
1.49± ACRES

PARCEL A  
OPEN SPACE/SWM POND  
17.91± ACRES

SEE SHEET 4



SHEET 5 OF 10

REVISIONS	
DATE	BY
12/18/19	EDR

**FINAL SUBDIVISION PLAN  
FOR  
ACADIA**

LOCATION: INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

SCALE: 1" = 50'	DATE: 11/29/18	TAX MAP: 234-11.00
DRAWN BY: EDW	PARCEL: 60.00, 62.03, 64.00	

SURVEYING FORESTRY

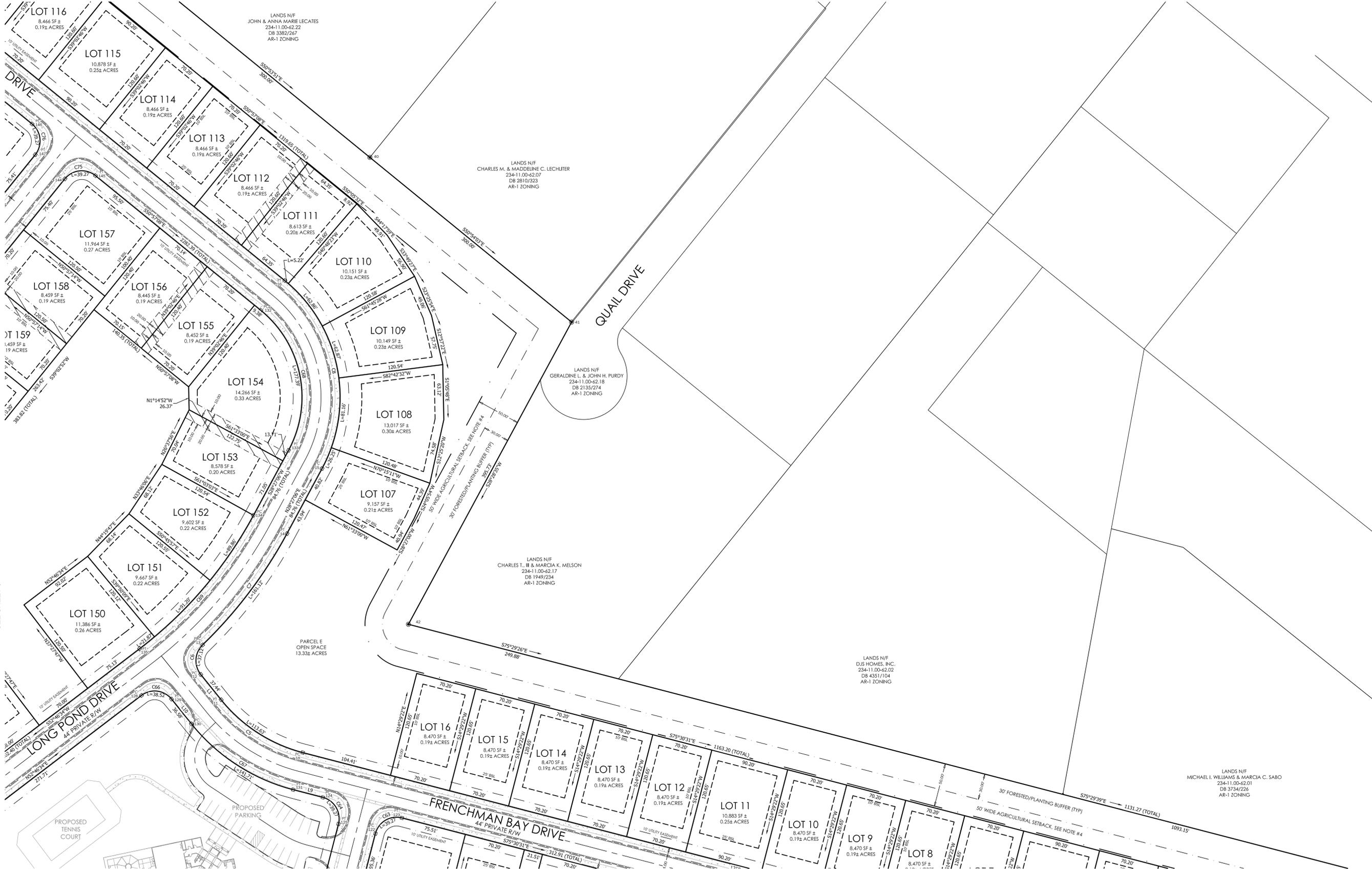
**PARKER & ASSOCIATES**

ESTABLISHED 1977

SALISBURY, MAINE AND  
4307 40th AVE  
SOUTH BEND, INDIANA

CIVIL ENGINEERING INC. SITE PLANNING

SEE SHEET 7



SEE SHEET 5

SEE SHEET 3



SHEET 6 OF 10

REVISIONS	
DATE	BY
12/18/19	EDR
03/15/2020	EDR

<b>FINAL SUBDIVISION PLAN FOR ACADIA</b>			
LOCATION INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE			
SCALE 1" = 50'	DATE 11/29/18	TAX MAP 234-11.00	PARCEL 60.00, 62.03, 64.00
DRAWN BY S2236_FINAL	JOB NO. S2236	DRAWN BY EDR	PARCEL 60.00, 62.03, 64.00

SURVEYING FORESTRY

CIVIL ENGINEERING INC. SITE PLANNING



SEE SHEET 8

SEE SHEET 8

SEE SHEET 5

SEE SHEET 6



LANDS N/F  
JAMES P. & DEANA MAYFIELD  
234-11.00-457.01  
LOTS 6 & 7  
DB 3157/5  
AR-1 ZONING

LANDS N/F  
JOHN G. WARREN  
234-11.00-456.00  
LOT 8  
DB 3301/286  
AR-1 ZONING

LANDS N/F  
DONALD J. JR. & VIRGINIA A. SPER  
234-11.00-455.00  
LOT 9  
DB 4343/181  
AR-1 ZONING

LANDS N/F  
JOHN LEON HURD  
234-11.00-454.00  
LOT 10  
DB  
AR-1 ZONING

LANDS N/F  
CHRISTINE D. FISHER & DEBORAH L. O'KEEFE  
234-11.00-453.00  
LOT 11  
DB 4479/286  
AR-1 ZONING

LANDS N/F  
JOSEPH G. & RHONDA F. SHEPARD  
234-11.00-452.00  
LOT 12  
DB 3233/181  
AR-1 ZONING

LANDS N/F  
JASON C. & MEGAN E. GOODSSELL  
234-11.00-451.00  
LOT 13  
DB 3441/253  
AR-1 ZONING

LANDS N/F  
DANIEL C. & ROBERT J. SLAGLE  
234-11.00-450.00  
LOT 15  
DB 3212/186  
AR-1 ZONING

LANDS N/F  
SUSAN MORRISSETTE  
234-11.00-449.00  
LOT 15  
DB 3191/73  
AR-1 ZONING

PARCEL H  
OPEN SPACE/SWM POND  
5.64± ACRES

PARCEL G  
OPEN SPACE/SWM POND  
2.28± ACRES

LANDS N/F  
MELISSA ANN BROJEFSKY  
234-11.00-42.04  
DB 3038/346  
AR-1 ZONING

LANDS N/F  
JOHN & ANNA MARIE LECAT  
234-11.00-42.22  
DB 3382/267  
AR-1 ZONING



SHEET 7 OF 10

REVISIONS	
DATE	BY
12/18/19	EDR
03/15/2020	EDR

### FINAL SUBDIVISION PLAN FOR ACADIA

LOCATION INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

SCALE 1" = 50' DATE 11/29/18 TAX MAP 234-11.00

DRAWN BY S2236\_FINAL

JOB NO. S2236

DRAWN BY EDR

PARCEL 60.00, 62.03, 64.00

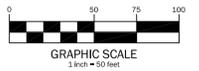
SURVEYING FORESTRY

CIVIL ENGINEERING INC. SITE PLANNING



SEE SHEET 9

SEE SHEET 7



SHEET 8 OF 10

REVISIONS	
DATE	BY
12/18/19	EDR

**FINAL SUBDIVISION PLAN  
FOR  
ACADIA**

LOCATION: INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

SCALE: 1" = 50'	DATE: 11/29/18	TAX MAP: 234-11.00
DRAWN BY: EDR	PARCEL: 60.00, 62.03, 64.00	

SURVEYING FORESTRY

**PARKER & ASSOCIATES**

CIVIL ENGINEERING INC. SITE PLANNING

LOT 232  
8,530 SF ±  
0.20 ACRES

LOT 230  
8,983 SF ±  
0.21 ACRES

LOT 229  
8,983 SF ±  
0.21 ACRES

LOT 228  
8,707 SF ±  
0.20 ACRES

LOT 227  
9,623 SF ±  
0.22 ACRES

LOT 226  
9,706 SF ±  
0.22 ACRES

LOT 225  
11,349 SF ±  
0.26 ACRES

LOT 224  
8,459 SF ±  
0.19 ACRES

LOT 223  
17,058 SF ±  
0.39 ACRES

LOT 222  
10,174 SF ±  
0.23 ACRES

LOT 221  
9,135 SF ±  
0.21 ACRES

LOT 220  
8,783 SF ±  
0.20 ACRES

LOT 219  
8,459 SF ±  
0.19 ACRES

LOT 218  
8,459 SF ±  
0.19 ACRES

LOT 217  
8,459 SF ±  
0.19 ACRES

LOT 215  
8,459 SF ±  
0.19 ACRES

LOT 214  
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LOT 213  
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LOT 187  
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LOT 186  
8,459 SF ±  
0.19 ACRES

LOT 185  
8,459 SF ±  
0.19 ACRES

LOT 184  
14,098 SF ±  
0.32 ACRES

LOT 183  
12,015 SF ±  
0.28 ACRES

LOT 182  
8,459 SF ±  
0.19 ACRES

LOT 181  
8,459 SF ±  
0.19 ACRES

LOT 180  
8,459 SF ±  
0.19 ACRES

LOT 179  
8,459 SF ±  
0.19 ACRES

LOT 178  
8,459 SF ±  
0.19 ACRES

LOT 177  
10,869 SF ±  
0.25± ACRES

LOT 176  
8,459 SF ±  
0.19 ACRES

LOT 175  
8,459 SF ±  
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LOT 174  
8,459 SF ±  
0.19 ACRES

LOT 173  
8,466 SF ±  
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LOT 138  
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LOT 137  
8,466 SF ±  
0.19± ACRES

LOT 136  
8,959 SF ±  
0.21± ACRES

LOT 135  
8,904 SF ±  
0.20± ACRES

LOT 134  
11,472 SF ±  
0.26± ACRES

LOT 133  
11,205 SF ±  
0.26± ACRES

LOT 132  
8,456 SF ±  
0.19± ACRES

LOT 131  
16,661 SF ±  
0.38± ACRES

LOT 130  
10,054 SF ±  
0.23± ACRES

LOT 129  
10,034 SF ±  
0.23± ACRES

LOT 128  
8,500 SF ±  
0.20± ACRES

LOT 127  
10,878 SF ±  
0.25± ACRES

LOT 126  
8,466 SF ±  
0.19± ACRES

LOT 125  
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LOT 124  
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LOT 122  
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0.19± ACRES

LOT 121  
10,878 SF ±  
0.25± ACRES

LOT 120  
8,466 SF ±  
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LOT 119  
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LOT 31  
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0.19± ACRES

LOT 30  
8,466 SF ±  
0.19± ACRES





Line Table			Line Table			Line Table		
Line #	Direction	Length	Line #	Direction	Length	Line #	Direction	Length
L1	N38°56'02"W	37.44	L20	N37°18'06"W	101.11	L39	N0°07'07"W	91.50
L2	S72°51'55"W	17.85	L21	S52°21'56"W	58.78	L40	S86°07'26"W	20.73
L3	N47°44'35"E	52.42	L22	N37°38'04"W	20.00	L41	N37°17'34"W	20.00
L4	S29°57'39"E	39.00	L23	S52°21'56"W	58.90	L42	N37°13'40"W	20.20
L5	N22°20'57"E	63.20	L24	N37°13'40"W	153.22	L43	S69°06'09"E	14.76
L6	S22°20'57"W	63.20	L25	S60°49'38"W	42.76	L44	N17°26'18"E	30.56
L7	N58°47'42"E	30.92	L26	N29°10'22"W	20.00	L45	N17°26'18"E	46.19
L8	N29°57'39"W	39.00	L27	S60°49'38"W	39.93	L46	S69°06'09"E	2.67
L9	S75°30'31"E	35.30	L28	N37°13'40"W	23.73	L47	S27°46'16"E	57.06
L10	S38°56'02"E	36.58	L29	S69°06'09"E	44.48	L48	N31°11'01"W	381.26
L11	S47°44'35"W	62.42	L30	S27°46'16"E	168.27	L49	N58°44'47"E	16.73
L12	N37°20'46"W	50.16	L31	N58°41'10"E	22.79	L50	N58°44'47"E	17.80
L13	N72°51'55"E	17.85	L32	S31°18'50"E	20.00	L51	N0°07'07"W	40.09
L14	N86°54'07"E	249.26	L33	N58°41'10"E	23.04	L52	S27°46'16"E	87.61
L15	N86°07'26"E	37.04	L34	N31°11'01"W	269.13	L53	N62°15'07"E	29.85
L16	N11°22'10"E	58.13	L35	N58°47'42"E	16.66	L54	N62°15'07"E	28.21
L17	N78°37'50"W	20.00	L36	N31°12'18"W	20.00	L55	N32°28'20"W	26.14
L18	N11°22'10"E	52.68	L37	N58°47'42"E	16.66	L56	N32°28'20"W	20.07
L19	N86°07'26"E	291.42	L38	N31°11'01"W	100.43	L57	S32°28'20"E	513.20

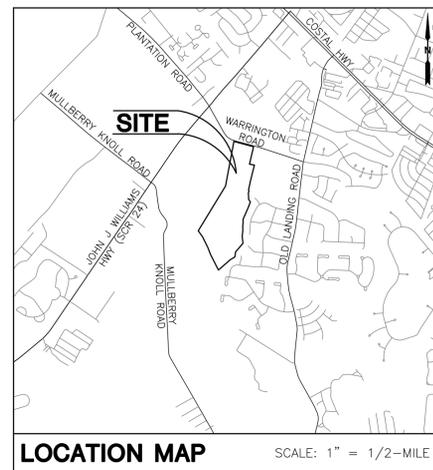
Curve Table						Curve Table						Curve Table					
CURVE	LENGTH	RADIUS	CHORD	TANGENT	DELTA	CURVE	LENGTH	RADIUS	CHORD	TANGENT	DELTA	CURVE	LENGTH	RADIUS	CHORD	TANGENT	DELTA
C1	48.04	30.16	43.12	30.83	91°16'00"	C22	39.21	25.00	35.32	24.94	89°52'20"	C42	39.34	25.00	35.40	25.07	90°09'10"
C2	84.56	104.16	82.26	44.77	46°30'50"	C23	35.84	25.00	32.85	21.79	82°08'50"	C43	102.14	125.82	99.36	54.07	46°30'50"
C3	38.91	25.00	35.10	24.65	89°11'00"	C24	261.34	172.00	236.92	163.38	87°03'30"	C44	62.20	40.16	56.16	39.28	88°44'00"
C4	190.32	121.16	171.35	121.16	90°00'00"	C25	39.27	25.00	35.36	25.00	90°00'00"	C45	122.52	78.00	110.31	78.00	90°00'00"
C5	114.16	178.84	112.23	59.10	36°34'30"	C26	182.85	522.00	181.91	92.37	20°04'10"	C46	241.54	1478.00	241.27	121.04	9°21'50"
C6	37.12	25.00	33.80	22.94	85°04'20"	C27	262.94	478.00	259.64	134.89	31°31'00"	C47	39.27	25.00	35.36	25.00	90°00'00"
C7	161.12	522.00	160.48	81.21	17°41'10"	C28	34.23	25.00	31.62	20.40	78°26'30"	C48	39.27	25.00	35.36	25.00	90°00'00"
C8	238.37	172.00	219.75	142.81	79°24'10"	C29	282.91	207.00	261.40	168.55	78°18'20"	C49	177.64	1087.00	177.44	89.02	9°21'50"
C9	216.36	206.16	206.56	119.34	60°07'50"	C30	160.59	322.00	158.93	82.00	28°34'30"	C50	39.27	25.00	35.36	25.00	90°00'00"
C10	34.11	25.00	31.53	20.31	78°10'50"	C31	32.96	25.00	30.62	19.37	75°31'50"	C51	39.27	25.00	35.36	25.00	90°00'00"
C11	287.14	522.00	283.53	147.30	31°31'00"	C32	627.22	282.00	505.70	571.03	127°26'10"	C52	170.45	1043.00	170.26	85.42	9°21'50"
C12	167.43	478.00	166.58	84.58	20°04'10"	C33	35.43	25.00	32.54	21.43	81°11'40"	C53	39.27	25.00	35.36	25.00	90°00'00"
C13	194.76	172.00	184.52	109.32	64°52'40"	C34	203.35	322.00	199.99	105.20	36°11'00"	C54	39.27	25.00	35.36	25.00	90°00'00"
C14	212.21	122.00	186.45	144.52	99°39'30"	C35	434.40	272.00	389.69	279.24	91°30'20"	C55	106.55	652.00	106.43	53.39	9°21'50"
C15	34.67	25.00	31.95	20.77	79°26'50"	C36	22.51	25.00	21.76	12.08	51°35'30"	C56	39.27	25.00	35.36	25.00	90°00'00"
C16	39.33	25.00	35.40	25.06	90°08'30"	C37	250.35	50.65	62.94	40.16	283°11'00"	C57	39.27	25.00	35.36	25.00	90°00'00"
C17	280.28	613.00	277.84	142.63	26°11'50"	C38	22.51	25.00	21.76	12.08	51°35'30"	C58	99.36	608.00	99.25	49.79	9°21'50"
C18	76.36	45.00	67.52	51.07	97°13'40"	C39	364.13	228.00	326.65	234.07	91°30'20"	C59	39.27	25.00	35.36	25.00	90°00'00"
C20	342.03	862.99	339.80	173.29	22°42'30"	C40	39.27	25.00	35.36	25.00	90°00'00"	C60	175.57	278.00	172.66	90.82	36°11'00"
C21	253.41	909.86	252.60	127.53	15°57'30"	C41	231.05	1522.00	230.83	115.75	8°41'50"	C61	35.43	25.00	32.54	21.43	81°11'40"

Curve Table					Curve Table						
CURVE	LENGTH	RADIUS	CHORD	TANGENT	DELTA	CURVE	LENGTH	RADIUS	CHORD	TANGENT	DELTA
C62	180.84	282.00	177.75	93.65	36°44'30"	C82	150.04	78.00	127.95	111.83	110°12'40"
C63	39.27	25.00	35.36	25.00	90°00'00"	C83	144.94	128.00	137.32	81.35	64°52'40"
C64	39.27	25.00	35.36	25.00	90°00'00"	C85	37.23	22.00	32.94	24.84	96°56'50"
C65	906.73	238.00	449.68	685.66	218°17'00"	C86	271.72	588.00	269.31	138.33	26°28'40"
C66	38.52	25.00	34.82	24.26	88°17'20"	C87	249.53	934.86	248.79	125.51	15°17'30"
C67	141.71	222.00	139.32	73.37	36°34'30"	C90	20.03	897.99	20.03	10.02	1°16'40"
C68	177.39	128.00	163.53	106.28	79°24'10"	C91	371.30	897.99	368.66	188.34	23°41'30"
C69	202.93	478.00	201.41	103.02	24°19'30"						
C70	92.36	282.00	91.95	46.60	18°45'50"						
C71	38.76	25.00	34.99	24.50	88°50'00"						
C72	128.49	278.00	127.35	65.41	26°28'50"						
C73	39.27	25.00	35.36	25.00	90°00'00"						
C74	113.96	322.00	113.37	57.58	20°16'40"						
C75	39.27	25.00	35.36	25.00	90°00'00"						
C76	39.27	25.00	35.36	25.00	90°00'00"						
C77	98.39	278.00	97.88	49.71	20°16'40"						
C78	39.27	25.00	35.36	25.00	90°00'00"						
C79	454.39	163.00	320.91	911.48	159°43'20"						
C80	39.27	25.00	35.36	25.00	90°00'00"						
C81	212.03	128.00	188.61	139.47	94°54'40"						

Point Table			Point Table			Point Table		
Point #	Northing	Easting	Point #	Northing	Easting	Point #	Northing	Easting
9	248056.1740	721839.0538	21	250169.6147	719029.0568	42	248520.6849	720733.5318
65	248192.8017	720071.8576	22	250271.5010	718897.2704	43	248174.7206	722070.6481
1	247856.8047	722190.6134	23	250471.9490	718715.1515	44	247444.6170	722452.9242
2	247759.3072	722252.6595	24	250520.6520	718537.1737	45	246780.8977	722179.3267
3	247717.3182	722242.8410	25	250515.3918	718520.1118	46	247786.5334	719904.6160
4	247689.1143	722196.2801	26	250344.5195	718446.7992	47	247880.5799	720011.3159
5	247677.7402	722114.8142	27	250312.5847	718439.9775	48	250016.4891	718743.4428
6	247736.7399	721899.2766	28	250243.1096	718348.8510	49	249846.1001	718559.4680
7	247767.1087	721881.6724	29	250247.8597	718313.7793	50	250072.3603	718447.1697
8	247909.9109	721918.5806	30	250363.6349	718225.6337	51	250165.0634	718376.7143
10	248373.6536	720611.8442	31	250617.0546	718111.7261	52	250200.0626	718381.4545
11	248434.1311	720517.9248	32	250670.6187	718152.8415	53	250269.3833	718472.2346
12	248463.2535	720494.3975	33	250694.3420	718102.9724	54	250266.7916	718595.4641
13	248496.9890	720496.5208	34	250706.9275	718135.5022	55	250261.9572	718741.8967
14	248624.6594	720593.7597	35	250342.0934	719071.0802	56	250297.2043	718780.6913
15	248699.1788	720634.1392	36	250363.5445	719080.2531	57	250295.5124	718816.0061
16	248914.7014	720591.2682	37	249737.0618	719851.0737	58	250241.9129	718864.7044
17	249738.2446	719576.0117	38	249434.3218	720223.5633	59	250130.6479	719008.6218
18	249773.2174	719378.2470	39	249245.1228	720456.3803	60	249952.1502	719197.1663
19	249784.0521	719348.6307	40	249055.8934	720689.1724	61	249761.6996	719310.7397
20	249974.6862	719234.9569	41	248867.1310	720921.4522	62	249730.4240	719306.1148

Point Table			Point Table			Point Table		
Point #	Northing	Easting	Point #	Northing	Easting	Point #	Northing	Easting
63	249471.8820	719267.5711	85	247652.4539	722274.1096	106	247611.9220	720897.4865
64	248305.2583	719959.5511	86	247637.6999	722323.7887	107	247810.6620	720985.3683
66	248164.3079	720083.0724	87	248015.9572	721819.9800	108	247911.1912	721020.3233
67	247822.2529	720455.5330	88	247920.9205	721875.9802	109	248178.9274	721089.5215
68	247811.4228	720486.2143	89	247704.4981	721820.0445	110	248196.8762	721119.9819
69	247777.6353	720505.6907	90	247476.6112	721740.8060	111	248220.3982	721028.9725
70	247643.9520	720654.4377	91	247277.8712	721652.9241	112	248189.9377	721046.9213
71	247123.4519	721831.5202	92	247265.1174	721619.9493	113	247922.2015	720977.7231
72	247268.7878	722193.0908	93	247403.0246	721308.0798	114	247828.4565	720945.12





# WELLESLEY

## LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

### DBF # 2261J008

### AMENITY CONSTRUCTION DOCUMENTS

SUSSEX COUNTY REFERENCE #: 2018-7  
APRIL, 2020

SHEET INDEX	
AMENITY PLAN	
AMENITY - TITLE SHEET	C-600
AMENITY - SITE PLAN	C-601
AMENITY - GRADING PLAN	C-602
AMENITY - SSM DETAILS	C-603
AMENITY - DETAILS/PROFILES	C-604

### DATA COLUMN

**TAX MAP ID:** 3-34-12.00-116.01

**DATUM:**  
**VERTICAL:** NAVD 88  
**HORIZONTAL:** NAD 83 (DE STATE PLANE)  
**COORDINATES:** (38.7153, -75.1404)

**LAND USE:**  
**EXISTING:** AGRICULTURAL  
**PROPOSED:** RESIDENTIAL

**ZONING:** AR-1 (AGRICULTURAL/RESIDENTIAL)

**PROPOSED DEVELOPMENT:** 1 AMENITY CENTER WITH CLUBHOUSE AND POOL

**PARKING:** 14 SPACES (INCLUDING 4 HANDICAP SPACES)

**CLUSTER MINIMUM REQUIREMENTS**  
**LOT AREA:** 7,500 S.F. (0.17 AC)  
**LOT WIDTH:** 60 FT.  
**FRONT SETBACK:** 25 FT.  
**FRONT CORNER SETBACK:** 15 FT.  
**SIDE SETBACK:** 10 FT.  
**REAR SETBACK:** 10 FT.  
**OPEN SPACE:** 30%

**MAXIMUM REQUIREMENTS**  
**BUILDING HEIGHT:** 42 FT.

**UTILITIES**  
**SEWER PROVIDER:** PUBLIC (SUSSEX COUNTY)  
**WATER PROVIDER:** PUBLIC (TIDEWATER UTILITIES, INC.)

**WETLANDS** - THIS PROPERTY IS IMPACTED BY WETLANDS. THIS PROJECT IS LOCATED INSIDE OF THE ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT ZONE.

**FLOODPLAIN** - THE PROPERTY IS IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANELS 10005C0332K & 10005C0334K DATED MARCH 16, 2015.

**PROPERTY OWNER:**  
 WELLESLEY REHOBOTH, LP  
 245 REHOBOTH AVE.  
 REHOBOTH BEACH, DE 19971  
 PHONE: 302-226-6631  
 CONTACT: NICK HAMMONDS

**PROPERTY DEVELOPER:**  
 WELLESLEY PARTNERS, LLC.  
 245 REHOBOTH AVE.  
 REHOBOTH BEACH, DE 19971  
 PHONE: 302-226-6631  
 CONTACT: NICK HAMMONDS

**ENGINEER:**  
 DAVIS, BOWEN, & FRIEDEL, INC.  
 RING LARDNER, P.E.  
 1 PARK AVENUE  
 MILFORD, DE 19963  
 PHONE: 302-424-1441  
 FAX: 302-424-0430

### GENERAL NOTES

- THE DESIGNATED HOMEOWNERS ASSOCIATION ASSUMES RESPONSIBILITY FOR THE AMENITIES AT WELLESLEY.
- REFER TO WELLESLEY CONSTRUCTION PLANS, SHEET C-002 FOR POTABLE WATER DISTRIBUTION GENERAL NOTES AND LEGEND.

### FIRE PROTECTION NOTES

- ALL FIRE LANES, HYDRANTS, EXITS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS (DSFPR, 705, CHAPTER 5).
- WATER PROVIDER: TIDEWATER UTILITIES
- PROPOSED BUILDING CONSTRUCTION: WOOD/CONCRETE BLOCK, TYPE V
- INTENDED USE: CLUBHOUSE, POOL, AND POOL DECK
- MAXIMUM HEIGHT OF BUILDING: 2 STORIES; 36 FEET
- SITE MAY BE SERVED BY AN UNDERGROUND CLOSED PIPE NATURAL GAS OR PROPANE SYSTEM.
- AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.

### OWNER'S CERTIFICATION

I, THE UNDERSIGNED, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION, AND DEVELOPMENT SHALL BE DONE PURSUANT TO THE APPROVED PLAN AND THAT RESPONSIBLE PERSONNEL INVOLVED IN THE LAND DISTURBANCE WILL HAVE A CERTIFICATION OF TRAINING AT A DEPARTMENTAL SPONSORED OR APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT CONTROL BEFORE INITIATION OF THE PROJECT. I ACKNOWLEDGE THAT THE DEPARTMENT OR DELEGATED AGENCY HAS THE RIGHT TO CONDUCT ON-SITE INSPECTIONS.

WELLESLEY REHOBOTH, LP  
 245 REHOBOTH AVE.  
 REHOBOTH BEACH, DE 19971  
 PHONE: 302-226-6631

DATE



DAVIS, BOWEN & FRIEDEL, INC.  
 ARCHITECTS, ENGINEERS & SURVEYORS

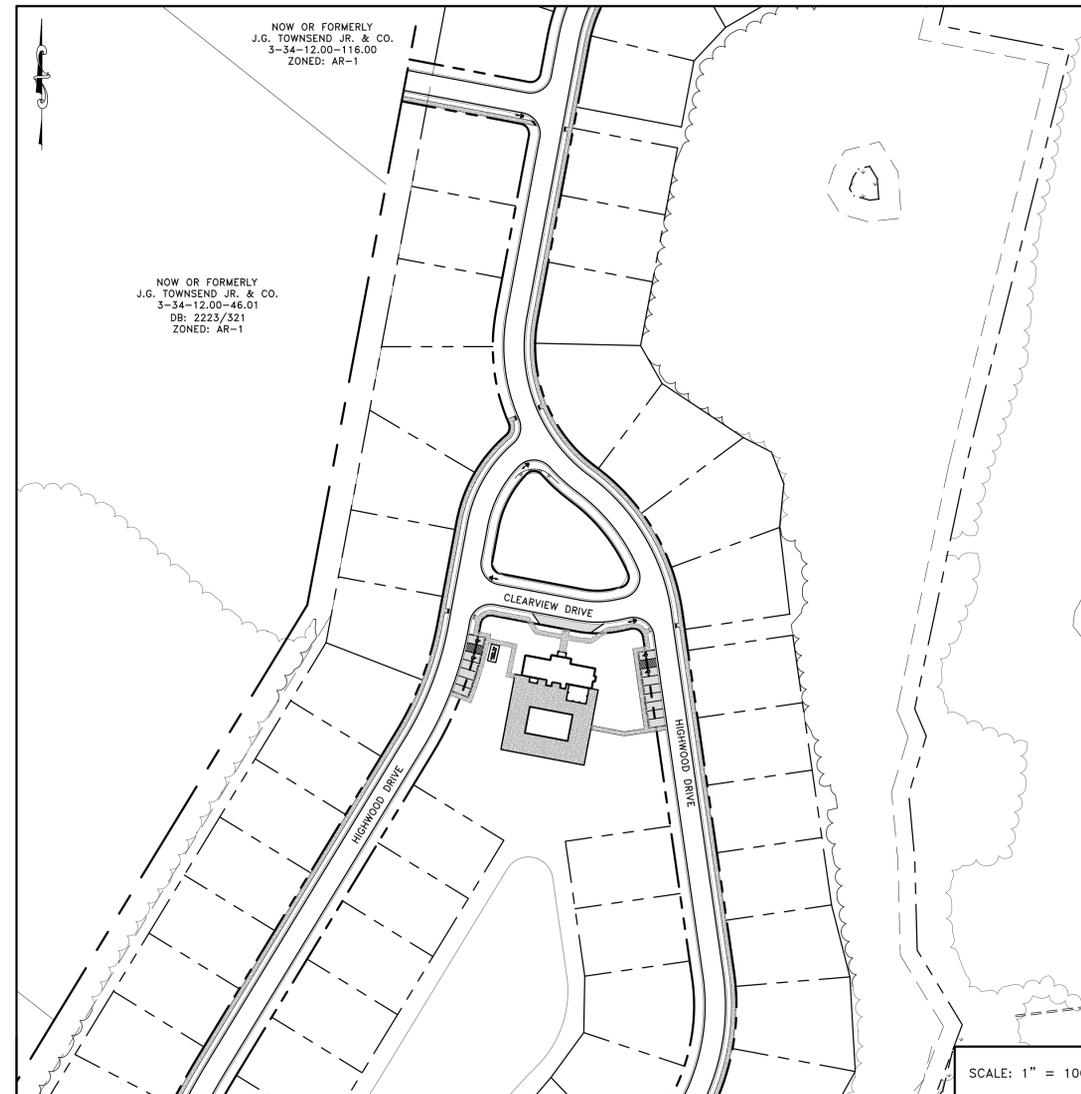
SALISBURY, MARYLAND (410) 543-9091  
 MILFORD, DELAWARE (302) 424-1441  
 EASTON, MARYLAND (410) 770-4744

### ENGINEER'S STATEMENT

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

DAVIS, BOWEN & FRIEDEL, INC.  
 RING W. LARDNER, P.E.

DATE



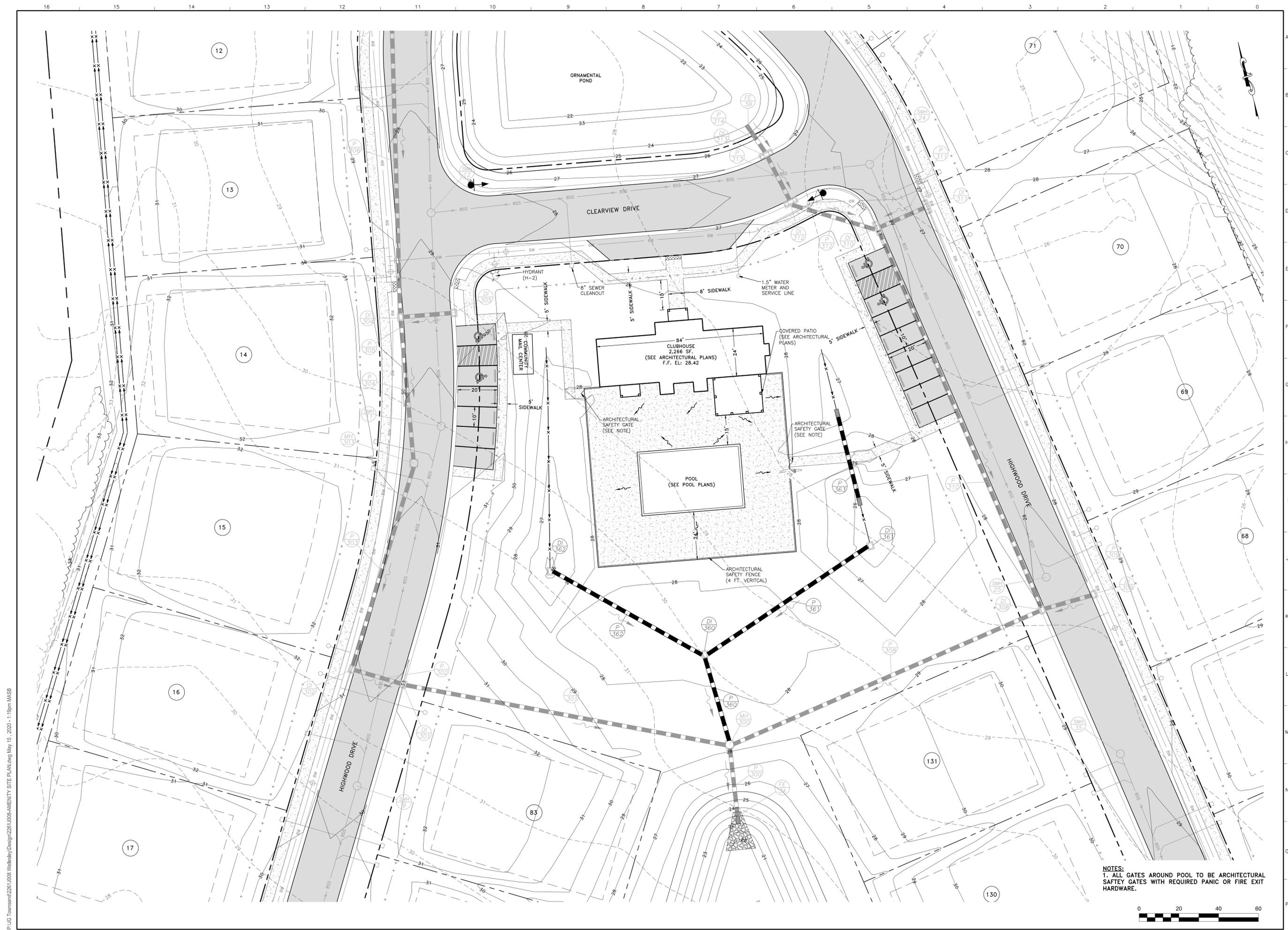
SCALE: 1" = 100'

### LEGEND

PROPERTY LINE	
EASEMENT	
EXISTING CONTOUR ELEVATION AND LABEL	
PROPOSED CONTOUR ELEVATION AND LABEL	
CATCH BASIN, STORM PIPE, STORM MANHOLE, LABELS	
SANITARY SEWER IDENTIFICATION, MANHOLE, PIPE, FLOW ARROW, PIPE SIZE	
SANITARY SEWER LATERAL	
WATER MAIN, TEE W/ VALVES, PIPE SIZE	
FIRE HYDRANT ASSEMBLY	
WATER LATERAL	
SIGN	
FENCE	
SWALE	
PAVEMENT / FULL DEPTH TYPE I	
SIDEWALK	

REVISIONS:  
 2020-05-15 P&Z

C-600



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**NOTES:**  
 1. ALL GATES AROUND POOL TO BE ARCHITECTURAL SAFETY GATES WITH REQUIRED PANIC OR FIRE EXIT HARDWARE.



ARCHITECTS ENGINEERS SURVEYORS  
 DAVIS, BOWEN & FRIEDEL, INC.  
 1000 MARKET STREET  
 WILMINGTON, DELAWARE 19801  
 EASTON, MARYLAND 21829  
 (302) 424-4441  
 (410) 770-4744

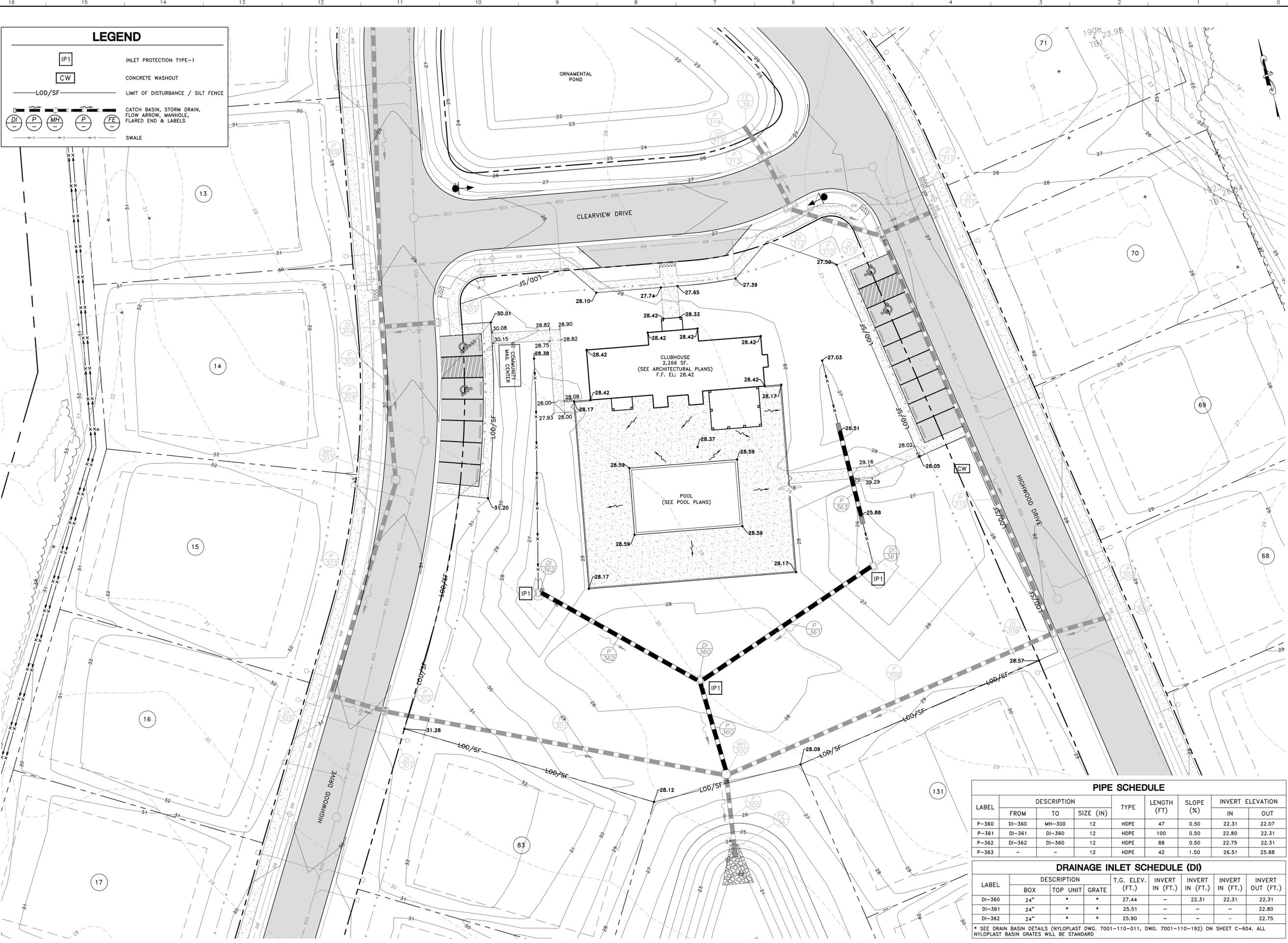
**AMENITY - SITE PLAN**

**WELLESLEY  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE**

REVISIONS:  
 2020-05-15 P&Z

Date: APRIL, 2020  
 Scale: 1" = 20'  
 Dwn. By: BJM  
 Proj. No.: 2261J008  
 Dwg. No.:

**C-601**



**LEGEND**

IP1	INLET PROTECTION TYPE-1
CW	CONCRETE WASHOUT
LOD/SF	LIMIT OF DISTURBANCE / SILT FENCE
DI	CATCH BASIN, STORM DRAIN, FLOW ARROW, MANHOLE, FLARED END & LABELS
P	
MH	
FE	
(Symbol)	SWALE

**PIPE SCHEDULE**

LABEL	DESCRIPTION			TYPE	LENGTH (FT)	SLOPE (%)	INVERT ELEVATION	
	FROM	TO	SIZE (IN)				IN	OUT
P-360	DI-360	MH-300	12	HDPE	47	0.50	22.31	22.07
P-361	DI-361	DI-360	12	HDPE	100	0.50	22.80	22.31
P-362	DI-362	DI-360	12	HDPE	88	0.50	22.75	22.31
P-363	-	-	12	HDPE	42	1.50	26.51	25.88

**DRAINAGE INLET SCHEDULE (DI)**

LABEL	DESCRIPTION			T.G. ELEV. (FT.)	INVERT IN (FT.)	INVERT IN (FT.)	INVERT IN (FT.)	INVERT OUT (FT.)
	BOX	TOP UNIT	GRATE					
DI-360	24"	*	*	27.44	-	22.31	22.31	22.31
DI-361	24"	*	*	25.51	-	-	-	22.80
DI-362	24"	*	*	25.90	-	-	-	22.75

\* SEE DRAIN BASIN DETAILS (NYLOPLAST DWG. 7001-110-011, DWG. 7001-110-192) ON SHEET C-604. ALL NYLOPLAST BASIN GRATES WILL BE STANDARD



**DAVIS, BOWEN & FRIEDEL, INC.**  
 ARCHITECTS ENGINEERS SURVEYORS  
 1000 WILMINGTON ROAD  
 WILMINGTON, DELAWARE 19812  
 EASTON, MARYLAND 21829  
 (302) 432-8800  
 (302) 432-1441  
 (410) 770-4744

**WELLESLEY  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE**

REVISIONS:  
 2020-05-15 P&Z

Date: **APRIL, 2020**  
 Scale: **1" = 20'**  
 Dwn. By: **BJM**  
 Proj. No.: **2261J008**  
 Dwg. No.:

**C-602**

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### Standard Detail & Specifications Silt Fence

**Construction Notes:**

- Geosynthetic fabric to be fastened securely to fence posts with wire ties or staples.
- When two sections of filter cloth adjoin each other they shall be overlapped by six inches and folded.
- Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.

**Materials:**

- Stakes: Steel (either T or U) or 2" x 2" wood
- Geosynthetic Fabric: Type GD-I
- Reinforcing strip: Wooden lath or plastic strip

Source: Adopted from MD Sds. & Specs. for ESC. Symbol: **SF**. Detail No. **DE-ESC-3.1.2.1** Sheet 1 of 2 Effective FEB 2019

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Source: Adopted from MD Sds. & Specs. for ESC. Symbol: **SF**. Detail No. **DE-ESC-3.1.2.1** Sheet 2 of 2 Effective FEB 2019

### Standard Detail & Specifications Topsoiling

**Construction Notes:**

- Site Preparation** (Where Topsoil is to be added)
 

**Note:** When topsoiling, maintain needed erosion and sediment control practices such as diversions, grade stabilization structures, berms, dikes, waterways and sediment basins.

a. Grading - Grades on the areas to be topsoiled which have been previously established shall be maintained.

b. Liming - Where the topsoil is either highly acid or composed of heavy clays, ground limestone shall be spread at the rate of 4-8 tons/acre (200-400 pounds per 1,000 square feet). Lime shall be distributed uniformly over designated areas and worked into the soil in conjunction with tillage operations as described in the following procedures.

c. Tilling - After the areas to be topsoiled have been brought to grade, and immediately prior to dumping and spreading the topsoil, the subgrade shall be loosened by discing or by scarifying to a depth of at least 3 inches to permit bonding of the topsoil to the subsoil. Pack by passing a bulldozer up and down over the entire surface area of the slope to create horizontal erosion check slots to prevent topsoil from sliding down the slope.
- Topsoil Material and Application**

**Note:** Topsoil salvaged from the existing site may often be used but it should meet the same standards as set forth in these specifications. The depth of topsoil to be salvaged shall be no more than the depth described as a representative profile for that particular soil type as described in the soil survey published by USDA-SCS in cooperation with Delaware Agricultural Experimental Station.

**Note:** Topsoil substitutes or amendments approved by a qualified agronomist or soil scientist, may be used in lieu of natural topsoil. Compost material used to improve the percentage of organic matter shall be provided by a certified supplier.

Compost amendments that are intended to meet specific post-construction stormwater management goals shall further meet the requirements of **Appendix 3.06.2 Post Construction Stormwater Management BMP Standards and Specifications, Section 14.0 Soil Amendments.**

a. Grading - The topsoil shall be uniformly distributed and compacted to a minimum of four (4) inches. Spreading shall be performed in such a manner that sodding or seeding can proceed with a minimum of additional soil preparation and tillage. Any irregularities in the surface resulting from topsoiling or other operations shall be corrected in order to prevent the formation of depressions or water pockets. Topsoil shall not be placed while in a frozen or muddy condition, when the subgrade is excessively wet, or in a condition that may otherwise be detrimental to proper grading and seedbed preparation.

Source: USDA - NRCS. Symbol: **DE-ESC-3.4.1** Sheet 1 of 2 Effective FEB 2019

### Standard Detail & Specifications Topsoiling

**Construction Notes (cont.)**

- Materials - Topsoil shall be a loam, sandy loam, clay loam, silt loam, sandy clay loam, loamy sand or other soil as approved by an agronomist or soil scientist. It shall not have a mixture of contrasting textured subsoil and contain no more than 5 percent by volume of cinders, stones, slag, coarse fragment, gravel, sticks, roots, trash or other extraneous materials larger than 1-1/2 inches in diameter. Topsoil must be free of plants or plant parts of bermudagrass, quackgrass, Johnsongrass, nutsedge, poison ivy, thistles, or others as specified. All topsoil shall be tested by a reputable laboratory for organic matter content, pH and soluble salts. A pH of 6.0 to 7.5 and an organic content of not less than 1.5 percent by weight is required. If pH value is less than 6.0 lime shall be applied and incorporated with the topsoil to adjust the pH to be 6.5 or higher. Topsoil containing soluble salts greater than 500 parts per million shall not be used.

**Note:** Topsoil substitutes or amendments approved by a qualified agronomist or soil scientist, may be used in lieu of natural topsoil. Compost material used to improve the percentage of organic matter shall be provided by a certified supplier.

Compost amendments that are intended to meet specific post-construction stormwater management goals shall further meet the requirements of **Appendix 3.06.2 Post Construction Stormwater Management BMP Standards and Specifications, Section 14.0 Soil Amendments.**

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**Note:** Topsoil substitutes or amendments approved by a qualified agronomist or soil scientist, may be used in lieu of natural topsoil. Compost material used to improve the percentage of organic matter shall be provided by a certified supplier.

Compost amendments that are intended to meet specific post-construction stormwater management goals shall further meet the requirements of **Appendix 3.06.2 Post Construction Stormwater Management BMP Standards and Specifications, Section 14.0 Soil Amendments.**

Source: USDA - NRCS. Symbol: **DE-ESC-3.4.1** Sheet 2 of 2 Effective FEB 2019

### Standard Detail & Specifications Concrete Washout

**Construction Notes:**

- Locate washout area a minimum of 50 feet from open channels, stormdrain inlets, wetlands or waterbodies.
- Locate washout area so that it is accessible to concrete equipment service with a minimum 10 foot wide gravel accessway, but so it is not in a highly active construction area causing accidental damage.
- Minimum dimensions for prefabricated units are four feet by four feet by 1 foot deep with a minimum 4mil polyethylene plastic liner. Minimum dimensions for constructed concrete washout areas are 6 feet by 6 feet by 3 feet deep, with a minimum 10mil polyethylene liner, 2:1 side slopes, and a 1 foot high by 1 foot wide compacted fill berm.
- The liner must be free of tears or holes and placed over smooth surfaces to prevent puncturing. For excavated washouts, anchor the liner underneath the berm or overlap with sandbags or concrete blocks to hold in place.
- Provide a sign designating the washout area, and for large construction sites, provide signs throughout directing traffic to its location.
- Allow washed out concrete mixture to harden through evaporation of the wastewater. Once the facility has reached 75 percent of its capacity, remove the hardened concrete by using the broken aggregate onsite, recycling, or disposing of offsite. The hardened material can be buried on site with minimum of 1 foot of clean, compacted fill.
- Apply a new liner before reusing the station for additional washouts after maintenance has occurred.

Source: Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3. Symbol: **CW**. Detail No. **DE-ESC-3.6.2** Sheet 1 of 2 Effective FEB 2019

### Standard Detail & Specifications Concrete Washout

**Construction Notes:**

- Locate washout area a minimum of 50 feet from open channels, stormdrain inlets, wetlands or waterbodies.
- Locate washout area so that it is accessible to concrete equipment service with a minimum 10 foot wide gravel accessway, but so it is not in a highly active construction area causing accidental damage.
- Minimum dimensions for prefabricated units are four feet by four feet by 1 foot deep with a minimum 4mil polyethylene plastic liner. Minimum dimensions for constructed concrete washout areas are 6 feet by 6 feet by 3 feet deep, with a minimum 10mil polyethylene liner, 2:1 side slopes, and a 1 foot high by 1 foot wide compacted fill berm.
- The liner must be free of tears or holes and placed over smooth surfaces to prevent puncturing. For excavated washouts, anchor the liner underneath the berm or overlap with sandbags or concrete blocks to hold in place.
- Provide a sign designating the washout area, and for large construction sites, provide signs throughout directing traffic to its location.
- Allow washed out concrete mixture to harden through evaporation of the wastewater. Once the facility has reached 75 percent of its capacity, remove the hardened concrete by using the broken aggregate onsite, recycling, or disposing of offsite. The hardened material can be buried on site with minimum of 1 foot of clean, compacted fill.
- Apply a new liner before reusing the station for additional washouts after maintenance has occurred.

Source: Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3. Symbol: **CW**. Detail No. **DE-ESC-3.6.2** Sheet 2 of 2 Effective FEB 2019

### Standard Detail & Specifications Stabilization Matting - Slope

**Construction Notes:**

- Prepare soil before installing matting, including application of lime, fertilizer, and seed.
- Begin at the top of the slope by anchoring the mat in a 6" deep X 6" wide trench. Backfill and compact trench after stapling.
- Roll the mats (A) down or (B) horizontally across the slope.
- The edges of parallel mats must be stapled with approx. 2" overlap.
- When mats must be applied down the slope, place mats end over end and (hinge style) with approx. 4" overlap. Staple through overlapped area, approx. 12" apart.

Source: Adopted from North American Green, Inc. Symbol: **SM-S**. Detail No. **DE-ESC-3.4.6.1** Sheet 1 of 2 Effective FEB 2019

### Standard Detail & Specifications Stabilization Matting - Slope

**Construction Notes:**

- Prepare soil before installing matting, including application of lime, fertilizer, and seed.
- Begin at the top of the slope by anchoring the mat in a 6" deep X 6" wide trench. Backfill and compact trench after stapling.
- Roll the mats (A) down or (B) horizontally across the slope.
- The edges of parallel mats must be stapled with approx. 2" overlap.
- When mats must be applied down the slope, place mats end over end and (hinge style) with approx. 4" overlap. Staple through overlapped area, approx. 12" apart.

Source: Adopted from North American Green, Inc. Symbol: **SM-S**. Detail No. **DE-ESC-3.4.6.1** Sheet 2 of 2 Effective FEB 2019

### Standard Detail & Specifications Vegetative Stabilization

Mix #	Species <sup>a</sup>	Seeding Rate <sup>b</sup>	Optimum Seeding Dates <sup>c</sup>		Planting Depth <sup>d</sup>					
			Coastal Plain	Piedmont		Alt				
1	Barley	125	4	O	A	O	A	O	A	1-2 inches
2	Oats	125	4	O	A	O	A	O	A	1-2 inches
3	Rye	125	4	O	A	O	A	O	A	1-2 inches
4	Perennial Ryegrass	125	4	O	A	O	A	O	A	2-3" sandy soils
5	Annual Ryegrass	125	4	O	A	O	A	O	A	1-2" sandy soils
6	Winter Wheat	125	4	O	A	O	A	O	A	1-2" sandy soils
7	Hard Fescue	30 PLS	0.7	O						2-3" sandy soils
8	Hard Fescue	30 PLS	0.5	O						1-2" sandy soils

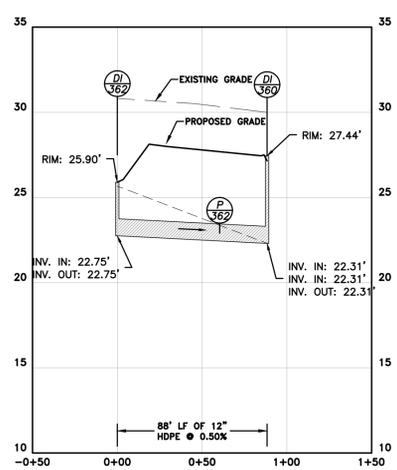
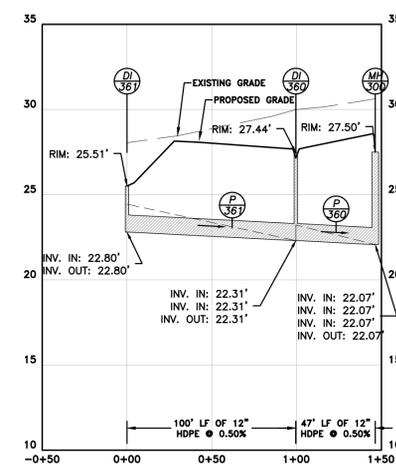
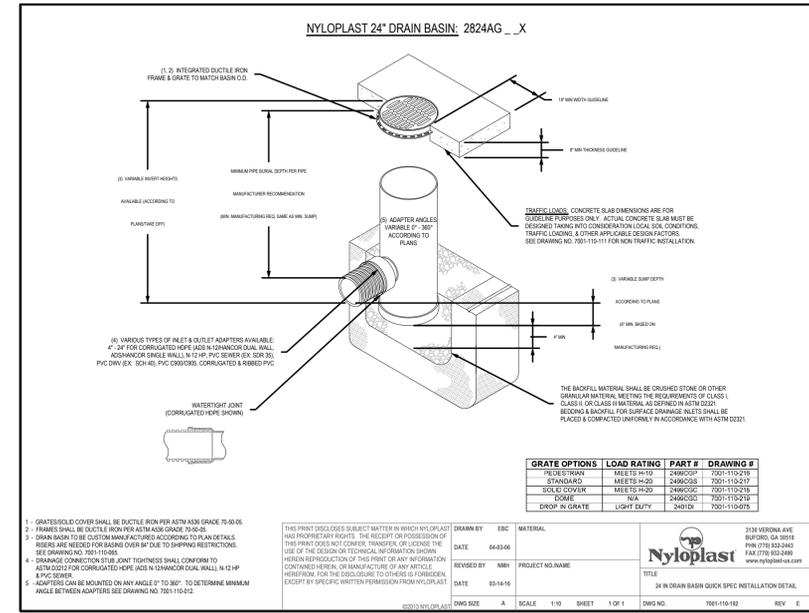
**Construction Notes:**

- Winter seeding requires 3 tons per acre of straw mulch for proper stabilization.
- May be planted throughout summer if soil moisture is adequate or seeded area can be irrigated.
- Applicable on slopes 3:1 or less.
- If by pounds per acre of Annual Ryegrass may be added to 1:2 the seeding rate of any of the above species.
- Use varieties currently recommended for Delaware. Contact a County Extension Office for information.
- Warm season grasses such as Millet or Weeping Lovegrass may be used between 9/1 and 9/1 if desired. Seed at 3-5 lbs. per acre. Good on low fertility and acid soils. Seed after frost through summer at a depth of 0.5".

Source: Delaware ESC Handbook. Symbol: **DE-ESC-3.4.3** Sheet 1 of 4 Effective FEB 2019

### Standard Detail & Specifications Vegetative Stabilization

Mix No.	Certified Seed <sup>a</sup>	Seeding Rate <sup>b</sup>	Optimum Seeding Dates <sup>c</sup>		Planting Depth <sup>d</sup>					
			Coastal Plain	Piedmont		Alt				
1	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
2	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
3	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
4	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
5	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
6	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
7	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
8	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
9	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
10	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
11	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
12	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
13	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
14	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
15	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
16	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
17	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
18	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
19	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
20	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
21	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
22	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
23	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
24	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
25	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
26	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
27	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
28	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
29	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
30	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
31	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
32	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
33	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
34	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
35	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
36	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
37	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
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41	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
42	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
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44	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
45	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
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52	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
53	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
54	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
55	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
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75	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
76	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
77	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
78	Wet Drained Soils	140	17.7	A	O	A	O	A	O	1-2 inches
79	Wet Drained Soils	140	17.7	A	O	A	O	A		



ARCHITECTS ENGINEERS SURVEYORS  
 DAVIS, BOWEN & FRIEDEL, INC.  
 1000 MARKET STREET  
 BALTIMORE, MARYLAND 21201  
 (410) 770-7744

WELLESLEY  
 LEWES AND REHOBOTH HUNDRED  
 SUSSEX COUNTY, DELAWARE

REVISIONS:  
 2020-05-15 P&Z

Date: APRIL, 2020  
 Scale: AS NOTED  
 Dwn. By: BJM  
 Proj. No.: 2261J008  
 Dwg. No.: C-604

**ORDINANCE NO. 2575 CONDITIONS**

1. Conditional Use No. 1106 was approved by Ordinance No. 1028 on May 23, 1995 to permit a boat storage yard, marine engine repair and boat painting.
2. Although the entire property consisted of 5.706 acres, the prior approval limited the site to only 108 boat storage sites.
3. Since 1995, the area has continued to develop with more recreational boaters in the area than ever before. This includes the nearby Americana Bayside, a restricted residential development that limits on-site boat storage. As a result, the business has continued to grow, and more boat storage sites are needed.
4. The ongoing use has not adversely impacted nearby residents or roadways, and no parties appeared in opposition to this request to expand the prior Conditional Use.
5. Based on these reasons, it is appropriate to amend Condition #5 of Conditional Use No. 1106 and Ordinance No. 1028 to allow an additional 5,000 square foot boat repair building that may exceed one story or thirty feet in height, up to the height limit permitted in the AR-1 zone.
6. It is also appropriate to amend Condition No. 8 of Conditional Use No. 1106 and Ordinance No. 1028 to allow no more than 300 boat storage sites and expanding the area of these sites onto the additional areas of the 5.7 acre site that are not currently being used.
7. The other conditions of Conditional Use No. 1106 and Ordinance No. 1028 shall remain in effect.
8. A revised Final Site Plan shall be submitted in accordance with these amendments for review and approval by the Sussex County Planning and Zoning Commission.



**FIRE PLAN NOTES:**

- 1) PROPOSED BUILDING CONSTRUCTION IS TYPE V PER NFPA 220.
- 2) ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.

**GENERAL NOTE:**

CONDITIONAL USE #2120, ORDINANCE NO. 2575, DATED MAY 15, 2018, AND CONDITIONAL USE #1108, ORDINANCE NO. 1028. THIS SITE PLAN HAS AN APPROVED CONDITIONAL USE ASSOCIATED WITH IT.

**GENERAL NOTES:**

The DNREC Sediment and Stormwater Program (or Delegated Agency) shall be notified in writing 5 days prior to commencing with construction. Failure to do so constitutes a violation of the approved sediment and Stormwater Management Plan.

Review and/or approval of the Sediment and Stormwater Management Plan shall not relieve the contractor from his or her responsibilities for compliance with the requirements of the Delaware Sediment and Stormwater Regulations, nor shall it relieve the contractor from errors or omissions in the approved plan.

If the approved plan needs to be modified, additional sediment and stormwater control measures may be required as deemed necessary by DNREC or the Delegated Agency.

Following soil disturbance or redistribution, permanent or temporary stabilization shall be completed for all perimeter sediment controls, soil stockpiles, and all other disturbed or graded areas on the project site within 14 calendar days unless more restrictive Federal requirements apply.

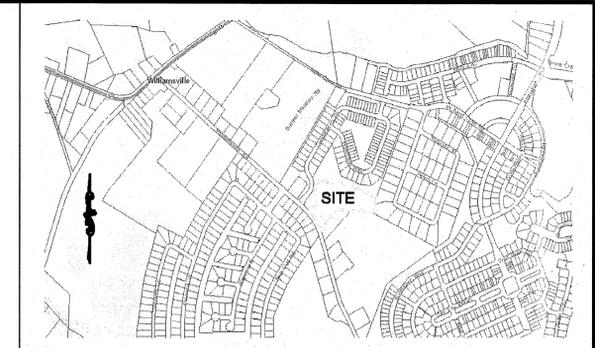
All erosion and sediment control practices shall comply with the Delaware Erosion and Sediment Control Handbook, latest edition.

At any time a dewatering operation is used, it shall be previously approved by the Agency Construction Site Reviewer for a non-erosive point of discharge, and a dewatering permit should be approved by the DNREC Well Permitting Branch.

Approval of a Sediment and Stormwater Management Plan does not grant or imply a right to discharge stormwater runoff. The owner/developer is responsible for acquiring any and all agreements, easements, etc., necessary to comply with State drainage and other applicable laws.

The contractor shall at all times protect against sediment or debris laden runoff or wind from leaving the site. Perimeter controls shall be checked daily and adjusted or repaired to fully contain and control sediment from leaving the site. Accumulated sediment shall be removed when it has reached half of the effective capacity of the control. In addition, the contractor may need to adjust or alter measures in times of adverse weather conditions, or as directed by the Agency Construction Site.

Best available technology (BAT) shall be employed to manage turbid discharges in accordance with requirements of 7. Del C. Ch 60, Regulations Governing the Control of Water Pollution, Section 9.1.02, known as Special Conditions for Stormwater Discharges Associated with Construction Activities, and DNREC policies, procedures, and guidance.



VICINITY MAP  
N.T.S.

**SITE DATA:**

**OWNER / APPLICANT / DEVELOPER**  
MIKE FERRARI  
PJM PROPERTIES, LLC  
39084 HARPOON RD.  
FENWICK ISLAND, DE 19944  
PHONE: (410) 707-0693

**ZONING:**  
EXISTING: AR-1 (AGRICULTURAL)  
EXISTING USE: COMMERCIAL C-1  
PROPOSED USE: COMMERCIAL

**SETBACKS:**  
FRONT YARD: 40 FEET  
REAR YARD: 20 FEET  
SIDE YARD: 15 FEET

**SITE PLAN DESIGN:**

**J. W. SALM ENGINEERING, INC.**  
9842 MAIN STREET, SUITE 3,  
P.O. BOX 397  
BERLIN, MD 21811  
PHONE: 410-641-0126

**PARCEL DESCRIPTION:**

TAX MAP 533-19.00-287.02  
SUSSEX COUNTY, DELAWARE  
PROJECT AREA: 5.71 ACRES±  
LAT./LONG.: 38DEG 27' 23.27" / -75DEG 07' 30.90"

**BUILDING HEIGHT:**

HEIGHT PERMITTED (MAX): 30 FT  
HEIGHT PROPOSED: LESS THAN 30 FT

**BUILDING AREA:**  
TOTAL GROSS FLOOR AREA: 4,675 SQ.FT.

**NET DEVELOPMENT AREA:**  
5.7+/- ACRES

**LOADING:**  
NONE REQUIRED.

**PARKING:**

REQUIRED BY SECTION 115-162 FOR WHOLESALE OR MANUFACTURING  
1 STALL FOR EVERY 2 EMPLOYEES ON MAJOR SHIFT.  
2 EMPLOYEES = 1 STALL REQUIRED.  
PROVIDED: 2 EXISTING SPACES, TO REMAIN.

**SURVEY REFERENCE:**

THIS SITE PLAN IS BASED ON THE EXISTING CONDITIONS SURVEY, PREPARED BY RUSSELL T. HAMMOND, SURVEYING, LLC, DATED 06/30/2017

**SITE PLAN NOTES:**

- 1) THE PURPOSE OF THIS SITE PLAN IS TO SHOW THE PROPOSED 4,675 SQ.FT. BUILDING AND CANOPY ONLY.
- 2) THE SITE PLAN SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING AND ZONING COMMISSION. ALL APPROPRIATE AGENCY APPROVALS AND/OR PERMITS SHALL BE REQUIRED PRIOR TO FINAL APPROVAL.
- 3) SECURITY LIGHTING SHALL BE LOCATED SO THAT NO DIRECT LIGHTING IMPACT RESIDENCES ON ADJOINING LANDS OR MOTORISTS TRAVELING ALONG ROAD 395.
- 4) ONE MONUMENT STYLE GROUND SIGN IS PROPOSED.
- 5) THE PROPOSED NEW REPAIR BUILDING SHALL NOT EXCEED ONE STORY OR THIRTY FEET IN HEIGHT.
- 6) THIS PROJECT WILL BE SERVICED BY AN EXISTING PRIVATE WATER WELL AND PUBLIC SEWER. EXISTING ONSITE SYSTEM AND DRAINFIELD TO BE ABANDONED.
- 7) THE PROPOSED USE OF THE STORAGE BUILDING IS FOR WAREHOUSING WITHIN A COMPLETELY ENCLOSED BUILDING, PROVIDED THAT SUCH USE IS NOT OBJECTIONABLE BY REASON OF ODOR, DUST, NOISE OR OTHER SIMILAR FACTORS.
- 8) NO STATE AND/OR FEDERAL WETLANDS ARE LOCATED IN THE DEVELOPMENT PORTION OF THIS SITE BASED UPON A REVIEW OF NATIONAL WETLANDS INVENTORY MAPPING RESOURCES.
- 9) OWNER SHALL RELOCATE EXISTING UNDERGROUND ELECTRIC & TELEPHONE TO AVOID CONFLICTS.
- 10) THERE IS NO EXISTING OR PROPOSED LIGHTING ON THIS SITE.
- 11) WASTE REMOVAL WILL BE HANDLED BY WHEELED RECEPTACLES. THERE IS NO DUMSTER ON THIS SITE.

**LEGEND:  
EXISTING FEATURES**

- ELECTRIC LINE, POLE
- UNDER GROUND ELECTRIC LINE
- PARCEL LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- VEGETATION LINE
- EDGE OF PAVEMENT
- FENCE
- BUILDING / STRUCTURE

**LEGEND:  
PROPOSED FEATURES**

- BUILDING SETBACK
- PROPOSED BUILDING / STRUCTURE
- TO REMAIN (T.R.)
- TO BE REMOVED (T.B.R.)

**FLOW DIRECTION ARROWS**

- PIPE FLOW
- SWALE/DITCH FLOW
- ROOF FLOW
- PAVEMENT SLOPE
- SHEET FLOW
- RAIN/DOWNSPOUT/LEADER/DRAIN

I, the undersigned, certify that all land clearing, construction and development shall be done pursuant to the approved standard 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.

SIGNATURE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_ DATE \_\_\_\_\_



DESIGNED BY: JWS3  
DRAWN BY: JRB  
CHECKED BY: JWS3

DESIGNED BY: JWS3		DRAWN BY: JRB		CHECKED BY: JWS3		<b>FINAL SITE PLAN</b>		
JOHN W. SALM, III		REVISIONS		BALTIMORE HUNDRED			<b>PJM PROPERTIES, LLC</b>	
No. 8971		2/26/20		SUSSEX COUNTY			<b>TAX MAP 533-19.00-287.02</b>	
DELAWARE PROFESSIONAL ENGINEER LICENSE No. 8971		03/18/20		DELAWARE			<b>J. W. SALM ENGINEERING, INC.</b>	
		05/12/20		P.O. BOX 379, 9842 MAIN STREET, SUITE 3			BERLIN, MD 21811	
SCALE: 1" = 40'		DATE: DEC. 2019		DRAWING No.: 355-02-001		SHEET No.: 1 OF 1		