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



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

Sussex County Planning & Zoning Commission

TELECONFERENCE MEETING**

AGENDA

June 11, 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 – N/A

Old Business

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

KΗ

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)

<u>C/U 2215 - BZ Land, LLC</u>

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

Public Hearings

C/U 2189 - Grace Malone

HW

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an events venue to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 4.59 acres, more or less. The property being a landlocked parcel of land lying on the south side of Laurel Road, approximately 0.38 mile east of Sussex Highway (Rt. 13). 911 Address: N/A. Tax Parcel: 332-2.00-75.00.

C/U 2219 - 32630 Dupont Boulevard, LLC (Stonegate Granite, LLC)

HW

An Ordinance to grant a Conditional Use of land in a C-1 (General Commercial District) for stone & granite retail, fabrication, cutting, displaying & selling of granite, stone & quartz to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 11.80 acres more or less. The property is lying on the west side of DuPont Boulevard (Route 113) approximately 0.51 miles south of Nine Foot Road. 911 Address: 32630 S. DuPont Highway, Dagsboro. Tax Parcel: 233-16.00-27.00 (portion of)

C/U 2223 - A&W Burbage, LLC

BM

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for boat & RV storage to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.93 acres, more or less. The property is lying on the northeast corner of Jones Road (SCR. 369) and Burbage Road (SCR. 353), approximately 0.72 mile east of Omar Road. 911 Address: 32855 Jones Road, Frankford. Tax Parcel: 134-14.00-36.00 (Part of)

C/Z 1908 – W & B Hudson Family, Ltd.

KS

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District and MR Medium Density Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 37.08 acres, more or less. The property is lying on

the south side of Lewes-Georgetown Highway (Route 9) approximately 340 feet east of Harbeson Road (Route 5), and on the east side of Harbeson Road (Route 5) approximately 456 feet south of Lewes-Georgetown Highway (Route 9). 911 Address: N/A. Tax Parcel: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, and 72.00

C/Z 1912 - Beach and Bay, LLC

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 Lewes and Rehoboth Hundred, Sussex County, containing 0.92 acres, more or less. The property is lying on the south west corner of Savannah East Drive and Kings Highway (Route 9). 911 Addresses: 16816 and 16820 Kings Highway, Lewes. Tax Parcel: 334-6.00-58.00.

Other Business

Osprey Point MR-RPC (CZ 1759) Revised Final Site Plan	KS
	HW
S-20-18 Destiny Apartments Preliminary Site Plan	ВМ
S-20-13 Tanger Microtel Preliminary Site Plan	ВМ

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on June 4, 2020 at 5:40 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.

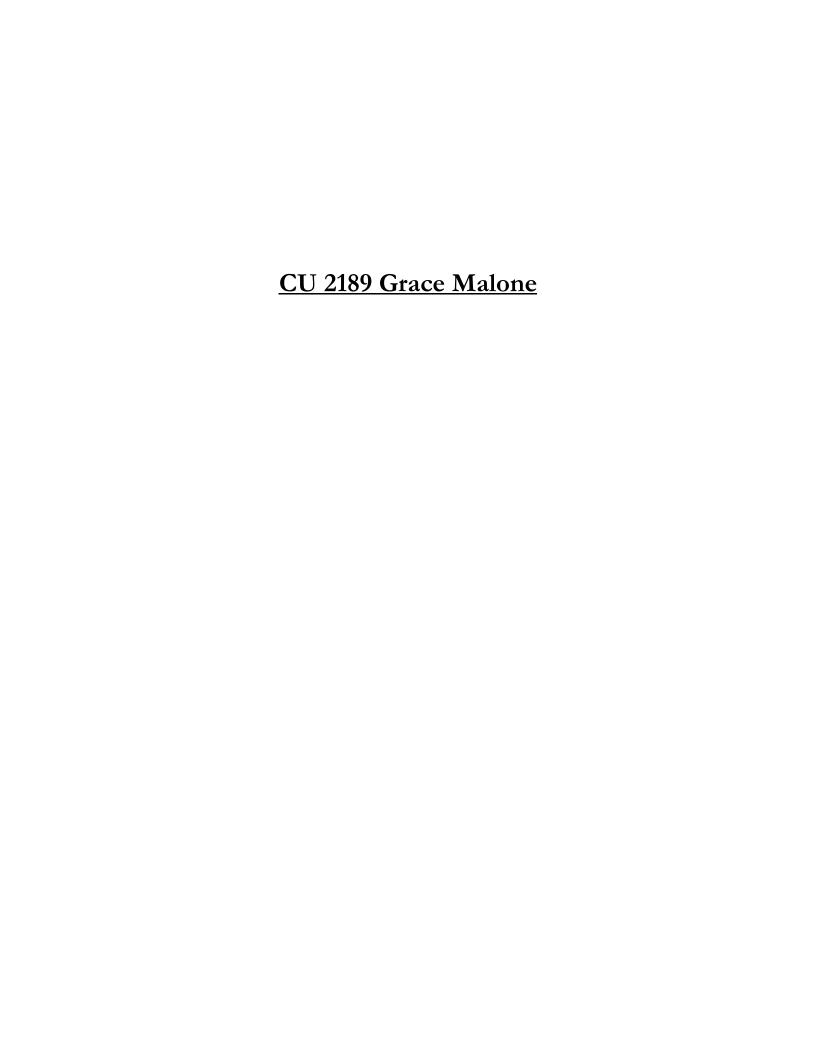
The Planning & Zoning Commission meeting materials, including the "packet", are electronically accessible on the County's website at: https://sussexcountyde.gov/

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, June 9, 2020

####

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

¹ 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.



File #: <u>CU 2189</u> 26 19060 27

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 app Conditional Use Zoning Map Amendment	olicable)	
Site Address of Conditional Use/Zonin	g Map Amendment	
Laurel Road LA	url DE	
Type of Conditional Use Requested:		
Event Venue		·
Tax Map #: 332 - 2.00 - 7	5.00S	ize of Parcel(s): <u>5 acres</u>
Tax Map #: 332 - 2.00 - 7 Current Zoning: AR - Proposed	Zoning: CCC_s	ize of Building: <u>48×60</u>
Land Use Classification:		,
Water Provider:	Sewer P	rovider: Septic
Applicant Information		
Applicant Name: <u>Grace Malon</u>	10	
Applicant Address: 3/275 E. L City: <u>Delmar</u> Phone #: 4/0-603-5367	ine Rd	
City: <u>Delmar</u>	State: Md	ZipCode: <u>21875</u>
Phone #: <u>4/0-603-5367</u>	E-mail:	
Owner Information		
Owner Name: <u>SAME as Abo</u>	VS	
Owner Address:		
City:		Zip Code:
Phone #:		
Agent/Attorney/Engineer Information		
Agent/Attorney/Engineer Name:		
Agent/Attorney/Engineer Address:		
City:	State:	Zip Code:
No. 20 2 44.	F-mail:	



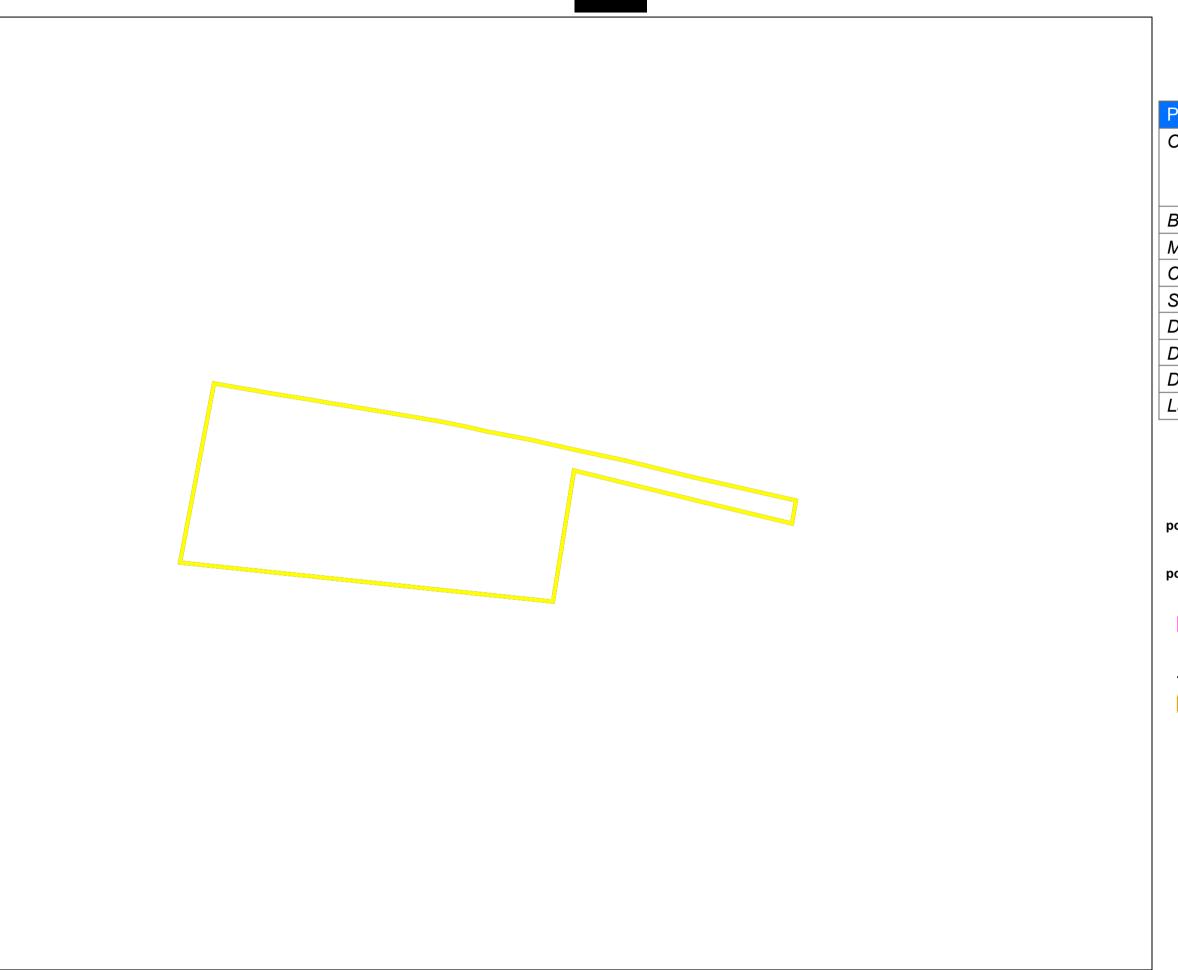


Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application	
o Survey shall show the parking area, propose	e Site Plan or Survey of the property location of existing or proposed building(s), building setbacks d entrance location, etc. s (may be e-mailed to a staff member) tion
Provide Fee \$500.00	
architectural elevations, photo	tion for the Commission/Council to consider (ex. os, exhibit books, etc.) If provided submit 8 copies and they of ten (10) days prior to the Planning Commission meeting.
subject site and County staff v	otice will be sent to property owners within 200 feet of the vill come out to the subject site, take photos and place a sign d time of the Public Hearings for the application.
DelDOT Service Level Evaluation	on Request Response
PLUS Response Letter (if requi	red)
The undersigned hereby certifies that the for plans submitted as a part of this application	orms, exhibits, and statements contained in any papers or are true and correct.
Zoning Commission and the Sussex County and that I will answer any questions to the I	shall attend all public hearing before the Planning and Council and any other hearing necessary for this application best of my ability to respond to the present and future nce, order, prosperity, and general welfare of the inhabitants
Signature of Applicant/Agent/Attorney	<u>!</u>
Male E. Malone	Date: 5 23 / 19
Signature of Owner Lace Malone	Date: 5/23/19
For office use only: Date Submitted: 5 23 19 Staff accepting application: (U) Location of property:	Fee: \$500.00 Check #: 3897 Application & Case #: 2019 070027
Subdivision:	
Date of CC Hearing:	Recommendation of PC Commission:





PIN:	332-2.00-75.00
Owner Name	MALONE GRACE E
Book	4473
Mailing Address	31275 E LINE RD
City	DELMAR
State	MD
Description	S/RT 24
Description 2	950' EAST OF RT 13
Description 3	N/A
Land Code	

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polygonLayer

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Tax Parcels

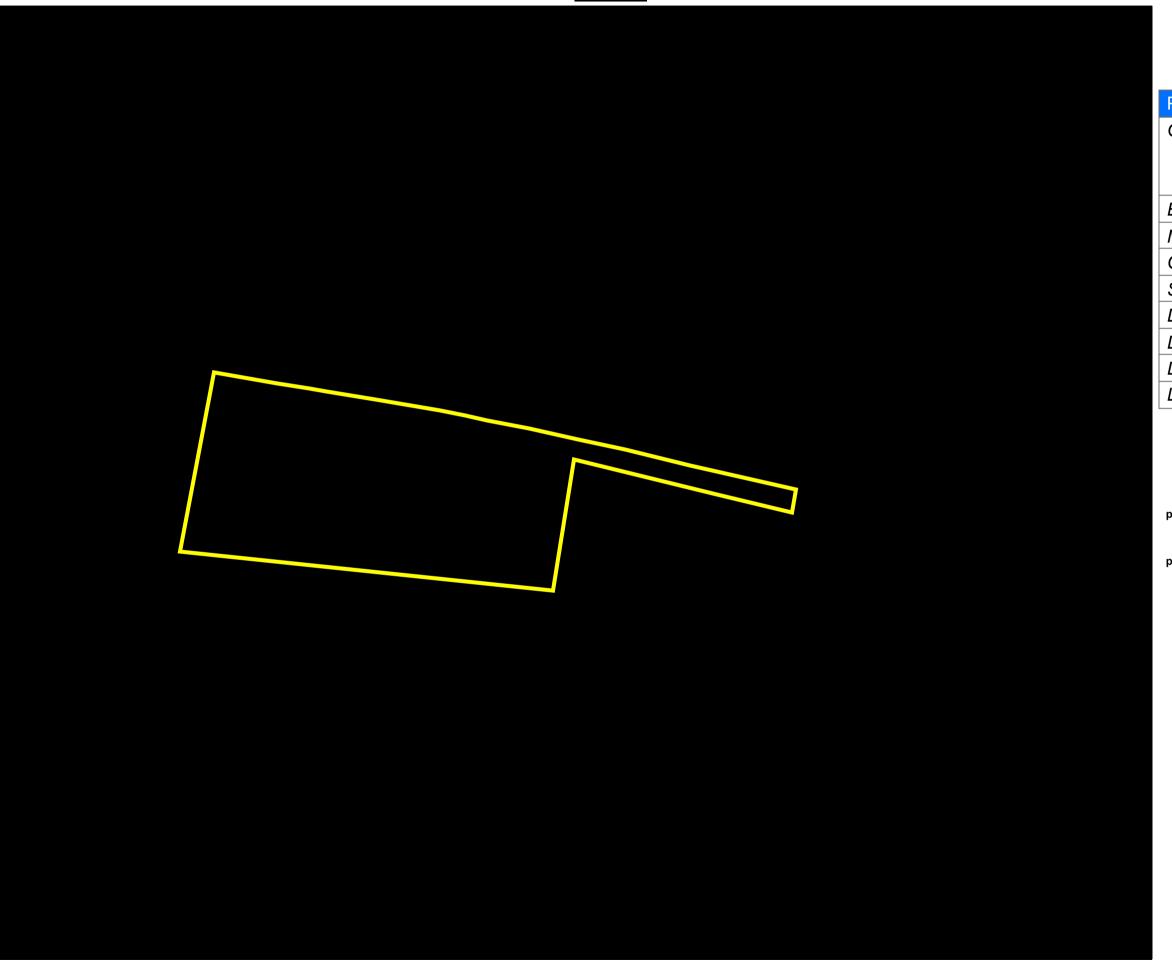
911 Address

Streets

County Boundaries

1:2,257

Sussex County



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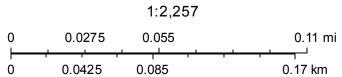
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Tax Parcels

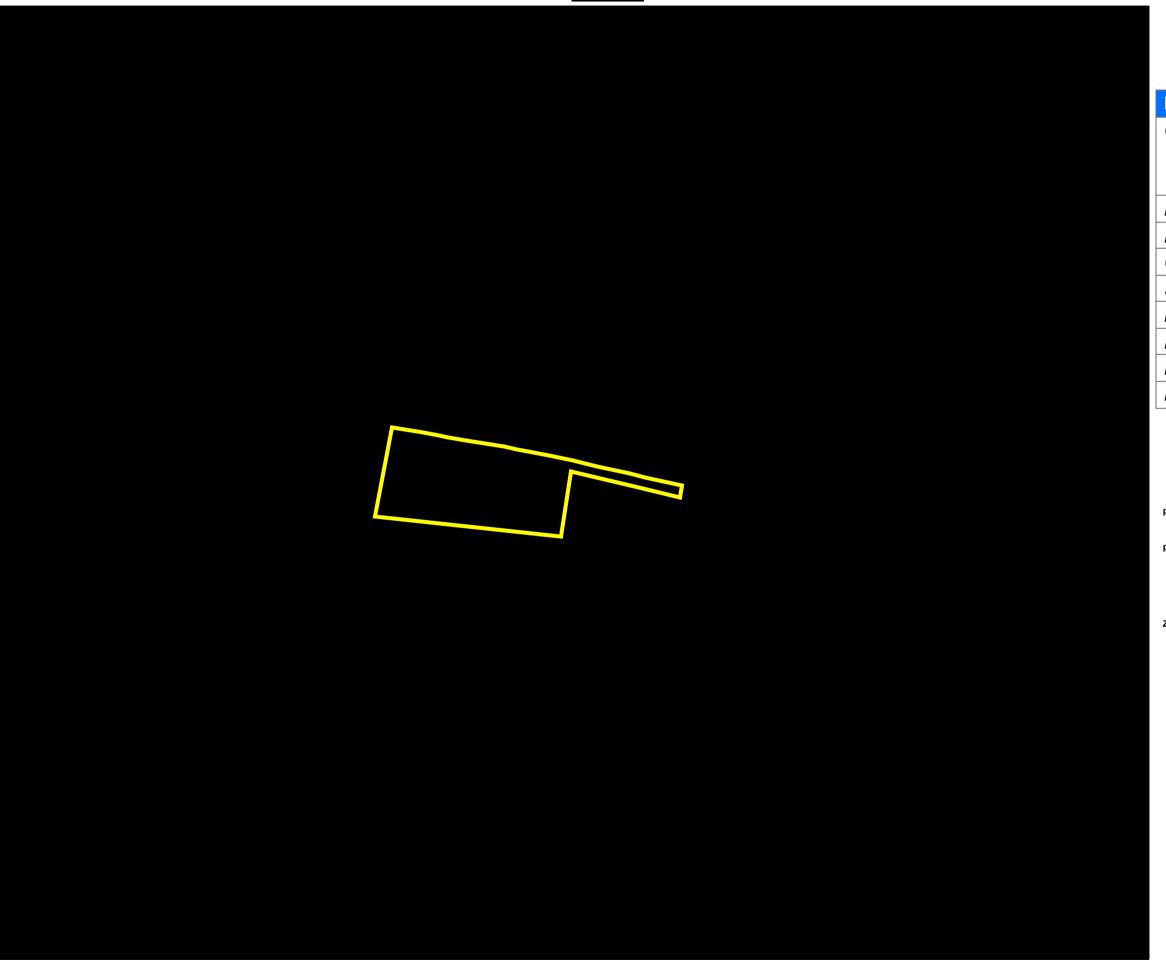
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Streets

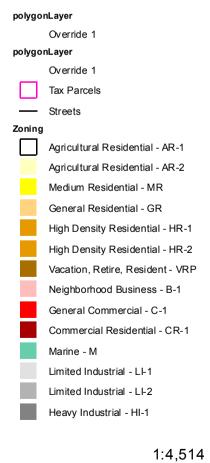
County Boundaries

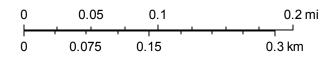


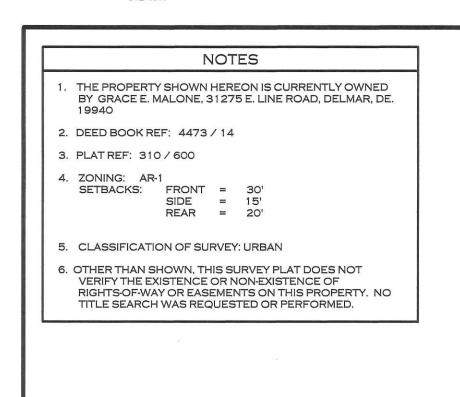
Sussex County

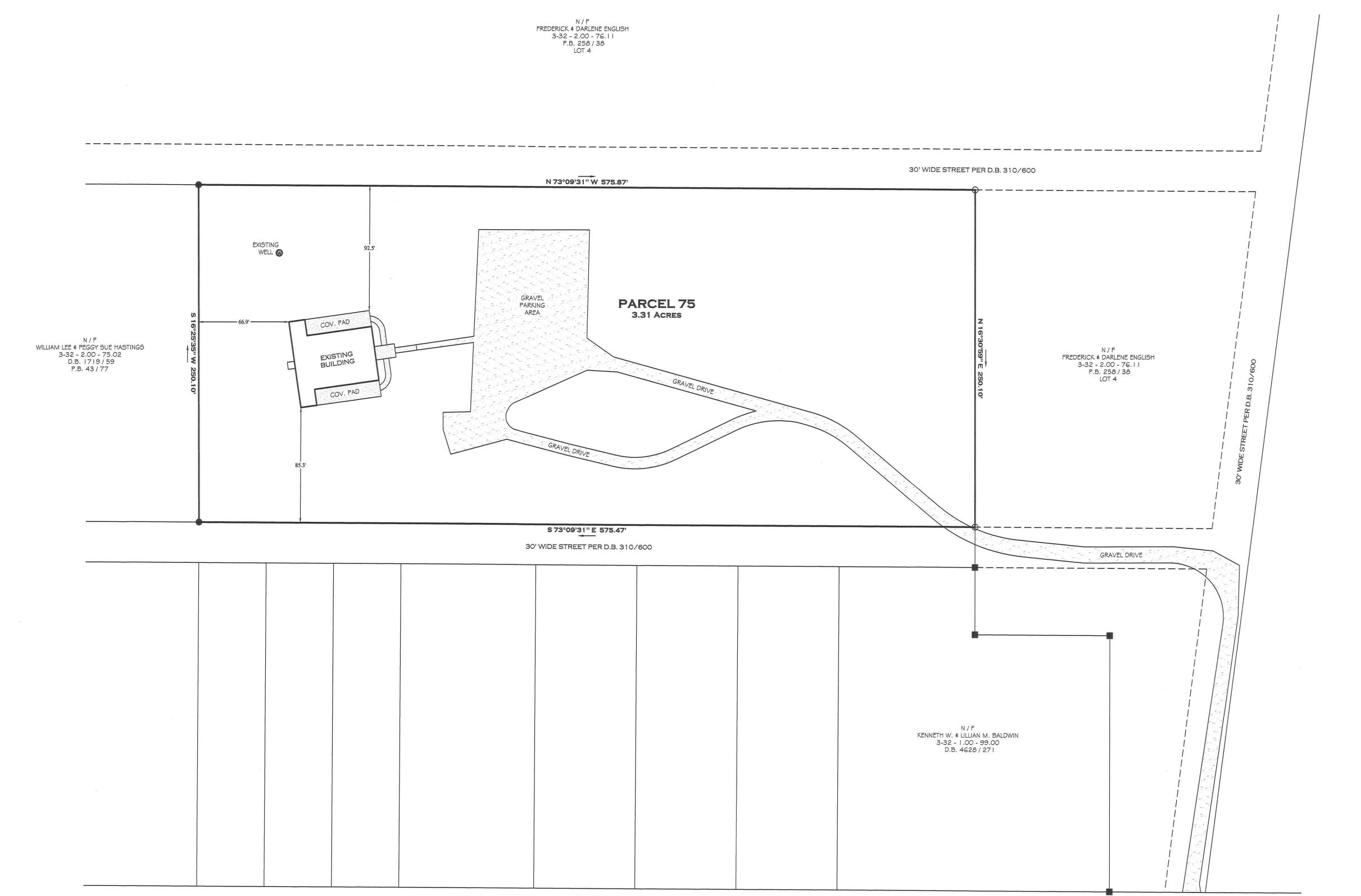


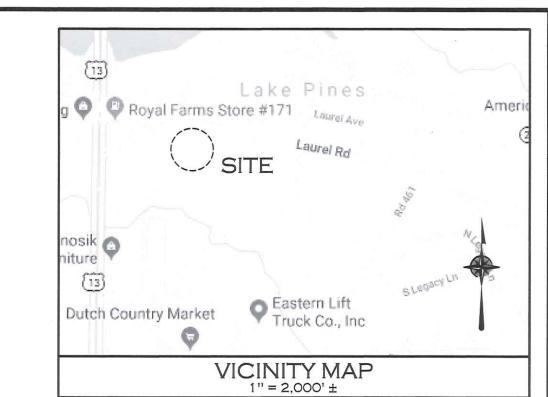
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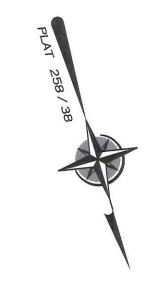














LAUREL ROAD 70' R/W

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TAX MAP #	3-32 - 2.00 - 75.00		TRIK NORTH	
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COUNTY	SUSSEX	SITE PLAN		
HUNDRED	LITTLE CREEK			
TOWN	(E) E (E			
AREA	a la la	LANDS OF		
DEED REF.	4921 / 290	Billiotopological Benefit (State Conference)		
PLAT REF.	310/600, 258/38		l V	
DRAWN BY	CJP		V	
DATE	05/30/19	GRACE E. MALONE	LAND SURVEYING	
REVISED			1 18 ATLANTIC AVENUE, SUITE 202	
SCALE	I" = 40'		OCEAN VIEW, DE 19970 DE: 302 - 539 - 2488 MD: 410 - 430 - 2092 WEB: TRUENORTHLS.COM	
SURVEY#	DE - 04939	LAUREL ROAD, LAUREL DE. 19956		

PLANNING & ZONING COMMISSION

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





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 June 11, 2020

Application: CU 2189 Grace Malone

Applicant/Owner: Grace Malone

31275 E. Line Rd. Delmar, MD 21875

Site Location: A landlocked parcel lying on the south side of Laurel Rd., approximately 0.38

mile east of Sussex Hwy.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Event Venue

Comprehensive Land

Use Plan Reference: Developing Area

Councilmatic

District: Mr. Rieley

School District: Laurel School District

Fire District: Laurel Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 4.59 ac. +/-

Tax Map ID.: 332-2.00-75.00



JAMIE WHITEHOUSE, AICP MRTPI

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





DELAWARE sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Nick Torrance, Planner I

CC: Vince Robertson, Assistant County Attorney and applicant

Date: June 6th, 2020

RE: Staff Analysis for CU 2189 Grace Malone

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2189 Grace Malone to be reviewed during the June 11th, 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 332-2.00-75.00 to allow for an event venue to be located on a land locked parcel lying on the south side of Laurel Rd, approximately 0.38 mile east of Sussex Highway. The size of the property is 4.59 ac. +/-.

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 indicates that the property has the land use designation of "Developing Area".

The entire tract of land between Sussex Highway to the west, and Old Stage Rd to the east is designated as Developing Area. The Developing Areas land use designation recognizes that "a range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home."

The property is zoned AR-1 (Agricultural Residential Zoning District). All of the adjoining properties are zoned AR-1. Most of the adjoining parcels contain single-family dwelling houses. The County's online zoning map shows no Conditional Use approvals within a 1-mile radius of the application site within the past decade.

Based on the analysis of the land use, surrounding zoning and uses, the proposed Conditional Use for an events venue, subject to consideration of scale, impact and intensity, could be considered as consistent with the land use, area zoning and uses.

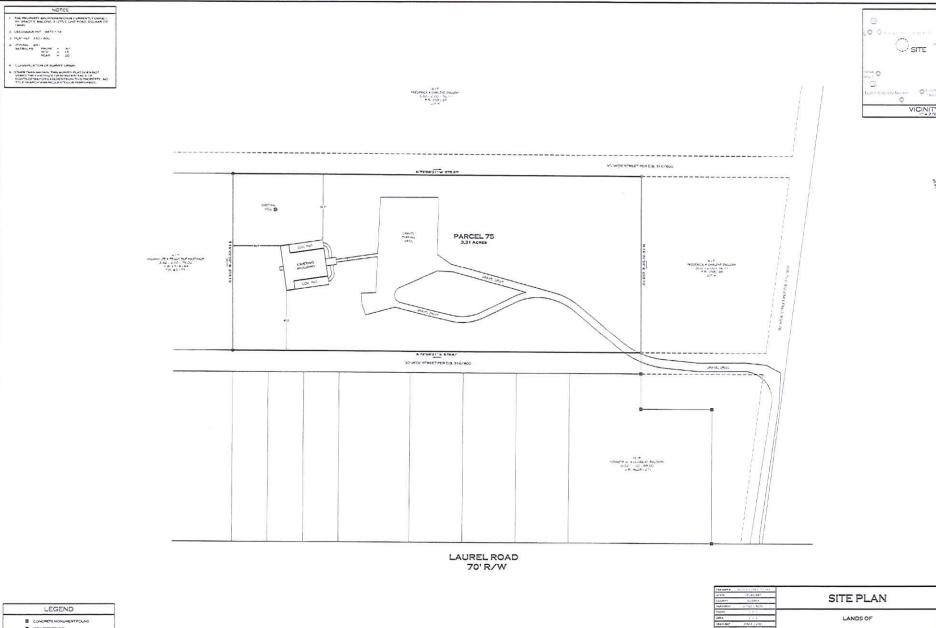


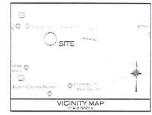
GRACE E. MALONE C/U 2189

TABLE OF CONTENTS

Exhibits:

Site Plan	A
Area Zoning Map	В
Proposed Findings of Fact	С
Proposed Conditions	D







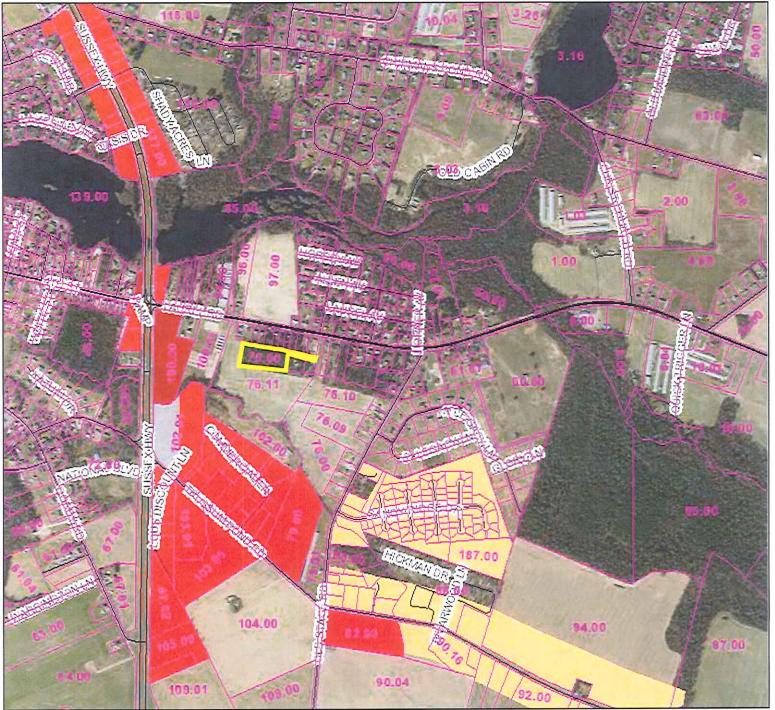


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n_			
	11 - 47	LAUREL ROAD, LAUREL DE, 19956	
	DE - D49/19	promise morne, anomice one institute	-





Susse County



PIN:	332-2.00-75.00
Owner Name	MALONE GRACE E
Book	4473
Mailing Address	31275 E LINE RD
City	DELMAR
State	MD
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Description 2	950' EAST OF RT 13
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Land Code	

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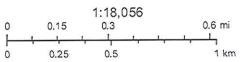
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Override 1

Tax Parcels

— Streets

CR-1 Dork Red C-1 Light Red



PROPOSED FINDINGS OF FACT GRACE MALONE C/U #2189

- 1. The property is a 4.59 +/- acre parcel owned by the applicant. The property is zoned AR-1 and is located less than one-half mile from the intersection of Rt. 24 and the Rt. 13 Highway.
- 2. The property is presently improved with a 40x60 pole building with a lean-to on each side.
- 3. The applicant intends to hold events at the subject property, including, by way of example, weddings, birthday parties, funeral gatherings, and similar events.
- 4. The subject property is served with on-site water and sewer.
- 5. The proposed use will not generate any significant adverse effect on traffic, or adversely affect area roadways.
- 6. The use will not adversely affect the neighboring or adjacent properties.
- 7. The presence of an event venue at the subject property provides a useful service to local residents.
- 8. The proposed use is consistent with the Comprehensive Plan.
- 9. The subject property is located in close proximity to a major highway, and in an area where development is presently occurring.

PROPOSED CONDITIONS GRACE MALONE C/U #2189

- 1. This approval is for an event venue, permitting events including, by way of example and not limitation, weddings, birthday parties, and funeral gatherings.
- 2. One lighted sign, not to exceed thirty-two (32) square feet shall be permitted on the subject property.
- 3. No events on the subject property shall begin prior to 8:00 a.m. or end later than 11:00 p.m. Music shall end not later than 10:00 p.m.
- 4. Events shall be restricted to Friday, Saturday and Sunday, with the ability of small groups (not exceeding 20 people) to be present at the venue Monday through Thursday for event planning purposes.
- 5. Parking shall be on the subject property, and not on area roadways.
- 6. Parking areas for vehicles shall be clearly shown on the Final Site Plan, and parking barriers shall be placed on the site itself.
- 7. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways.
- 8. Any pole mounted or other security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- 9. The Final Site Plan showing this use shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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: 4/17/19/
Site Information:
Site Address/Location:
Tax Parcel Number: 332 - 2.00 - 75.00 Current Zoning: AR-1 Proposed Zoning: CUL Land Use Classification:
Proposed Use(s):
Event Venul
Square footage of any proposed buildings or number of units:
Applicant Information:
Applicant's Name: Grace E Malone
Applicant's Address: 3/275 E Line Rd City: De Imac State: MD Zip Code: 2 18 75
Applicant's Phone Number: 4/06035367 Applicant's e-mail address: 400 Ky 5 9 9 4 9 9 6 9 0 1. Com



LEFT MESSUCE 1:42 pm 5/17/2019

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



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD P.O. BOX 778 DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

May 16, 2018

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 **Grace E. Malone** conditional use application, which we received on April 17, 2019. This application is for a 4.59-acre parcel (Tax Parcel: 332-2.00-75.00). The subject land is located on the south side of Delaware Route 24, approximately 1,400 feet southeast of the intersection of Delaware Route 24 and US Route 13. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the existing facility as an event venue.

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from US Route 13 to Shiloh Church Road (Sussex Road 74), are 7,371 and 9,486 vehicles per day, respectively.

Regarding DelDOT's warrants for requiring a TIS, special events that would generate more than 50 vehicle trips in any hour and more than 500 vehicle trips per day would meet these warrants. Special events generating more than 200 vehicle trips in any hour and / or more than 2,000 vehicle trips per day would be considered to have a Major impact to local area roadways. Because we expect the typical event to generate no more than 50 vehicle trips in any hour and no more than 500 vehicle trips per day, we recommend that this conditional use application be considered without a TIS.

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 16, 2019

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

Sincerely,

J. William Broslowbrungto, J

T. William Brockenbrough, Jr. County Coordinator Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues Grace E. Malone, Applicant

Grace E. Malone, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance and 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



RECEIVED

SEP 1 0 2019

SUSSEX COUNTY PLANNING & ZONING

MEMORANDUM

TO:

Janelle M. Cornwell

FROM:

Debbie Absher, Director of Ag Programs

SUBJECT: LUPA

DATE:

September 10, 2019

Attached you will find the comments for the following proposed zoning changes:

- 2019-1 Log Cabin Hill Farm
- CU 2189 Grace Malone
- CZ 1890 W & B Hudson Family LTD
- CZ 1899 Harbeson Farm Revex, LLC

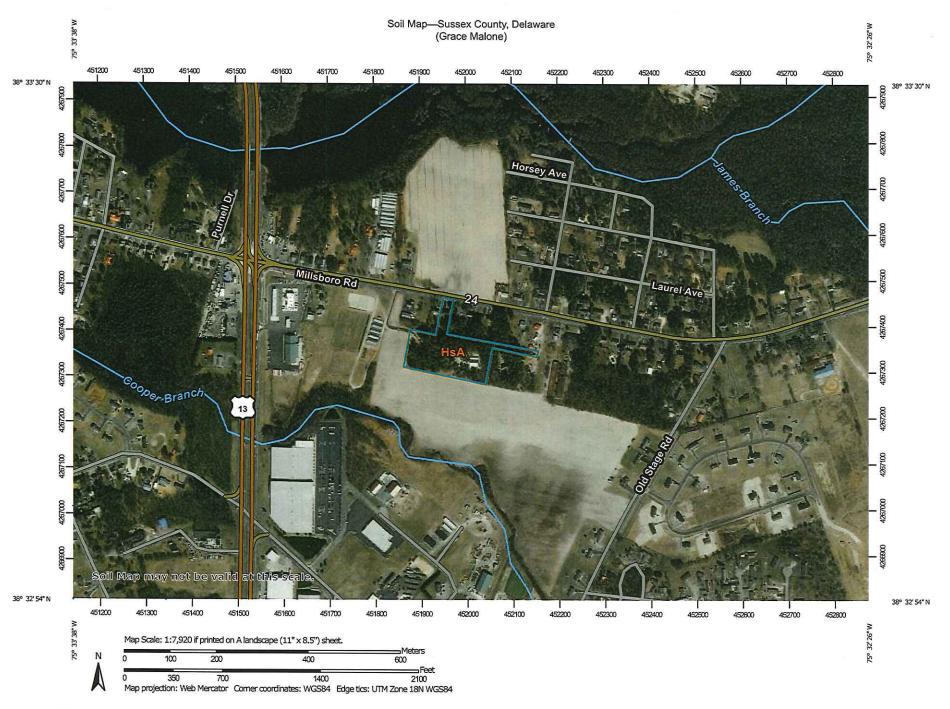
If you have any questions, I can be reached at 856-3990, ext. 3.

BJH

Enclosures



CU 2189 TM #332-2.00-75.00 Grace Malone



MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

S

Soil Map Unit Polygons



Soil Map Unit Lines
Soil Map Unit Points

Special Point Features

Blowout

Borrow Pit

Closed Depression

Gravel Pit

... Gravelly Spot

Landfill

▲ Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial WaterRock Outcrop

. Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

EGEND

Spoil Area

Stony Spot

Very Stony Spot

Wet Spot

↑ Other

Special Line Features

Water Features

Streams and Canals

Transportation

H Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

The same

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware Survey Area Data: Version 19, Sep 14, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HsA	Henlopen-Rosedale-Urban land complex, 0 to 2 percent slopes	4.8	100.0%
Totals for Area of Interest		4.8	100.0%

			d .

Selected Soil Interpretations

This report allows the customer to produce a report showing the results of the soil interpretation(s) of his or her choice. It is useful when a standard report that displays the results of the selected interpretation(s) is not available.

When customers select this report, they are presented with a list of interpretations with results for the selected map units. The customer may select up to three interpretations to be presented in table format.

For a description of the particular interpretations and their criteria, use the "Selected Survey Area Interpretation Descriptions" report.

Report—Selected Soil Interpretations

	Mary and the second						
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
HsA—Henlopen- Rosedale-Urban land complex, 0 to 2 percent slopes						*	
Henlopen	40	Not limited		Not limited		Not limited	
Rosedale	30	Not limited		Somewhat limited	dax.	Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
			E bid	PAGE NO THE BOOK THE		Restricted permeability	1.00
Urban land	20	Not rated		Not rated		Not rated	

Data Source Information

Soil Survey Area: Sussex County, Delaware Survey Area Data: Version 19, Sep 14, 2018

Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

Prime farmland is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria, It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be farmland of statewide importance for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be farmland of local importance for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Report—Prime and other Important Farmlands

Prime and other Important Farmlands–Sussex County, Delaware					
Map Symbol	Map Unit Name	Farmland Classification			
HsA	Henlopen-Rosedale-Urban land complex, 0 to 2 percent slopes	Not prime farmland			

Data Source Information

Soil Survey Area: Sussex County, Delaware Survey Area Data: Version 19, Sep 14, 2018

SOILS

ADD ANY ADDITIONAL INFORMATION THAT MAY BE CONSIDERED PERTINENT:

SOILS:

HsA Henlopen-Rosedale-Urban land complex, 0 to 2 percent slopes

- A. SUITABILITY OF SOILS INTENDED USE: See attached table for suitability.
- B. EVALUATE THE SOILS INCLUDED IN THIS PROJECT WITH RESPECT TO EROSION AND SEDIMENTATION CONTROL:
 - 1. DURING CONSTRUCTION:

Follow recommended erosion and sediment control practices.

2. AFTER CONSTRUCTION:

Maintain vegetation.

- C. FARMLAND RATING (PRIME, UNIQUE, STATEWIDE IMPORTANCE, ETC.):See attached table(s) for ratings.
- D. ADDITIONAL COMMENTS (IF APPLICABLE):

DRAINAGE AND FLOODING

Add any additional information that may be considered pertinent:

DRAINAGE:

- A. Any Storm flood hazard area affected? ☐ Yes ☐ No
- B. Would the proposed project necessitate any off-site drainage improvements?

NOT likely

C. Would the proposed project necessitate any on-site drainage improvements?

Possibly

D. Any Tax Ditch affected? ☐ Yes ☐ No

Additional Comments (if applicable)

All landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right-of-ways along tax ditches. These documents are located in the Prothonotary's Office and/or with the Recorder of Deeds. If a stormwater management facility is proposed along a stream or ditch, the Sussex Conservation District will require verification of any easements. Before you start any project design, please look into this matter by calling the Division of Soil and Water Conservation-Drainage Program at (302) 855-1930 or the Sussex Conservation District Sediment and Stormwater Program at (302) 856-7219 for more information.

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

TO:		Jamie Whitehouse				
REVI	EWER:	Chris Calio				
DATE:		5/29/2020				
APPL	ICATION:	CU 2189 – Grace Malone				
APPLICANT:		Grace Malone				
FILE NO:		WSPA-5.02				
	MAP & CEL(S):	332-2.00-75.00				
LOCATION:		A landlocked parcel lying on the south side of Laurel Rd. (Rt. 24), approximately 0.38 mile east of Sussex Hwy (Rt. 13)				
NO. OF UNITS:		Event Venue				
GROSS ACREAGE:		4.59 +/-				
SYST	TEM DESIGN	ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 2				
SEW	ER:					
(1).	Is the project in a County operated and maintained sanitary sewer and/or water district? Yes □ No ⊠					
	C C C C C C C C C C C C C C C C C C C	e question (2). e question (7).				
(2).	Which County Tier Area is project in? Municipal Growth & annexation Area					
(3).	Is wastewater capacity available for the project? N/A If not, what capacity is available? N/A .					

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **No** 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.

(4).

(302) 855-7717.

Is a Construction Agreement required? No If yes, contact Utility Engineering at

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
 - Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? No
- (8). Comments: The proposed CU is located in the Growth & Annexation area of the Town of Laurel. The Sussex County Engineering Department does not have a plan nor schedule to provide sanitary sewer service.
- (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



October 4, 2019

Ms. Grace Malone 31275 E. Line Road Delmar, MD 21875

RE: Notice of Violation – Grace Malone TMP# 332-2.00-75.00

Dear Ms. Malone,

The Delaware Sediment and Stormwater Law and Regulations require that land disturbances of 5,000 square feet or more obtain an approved sediment and stormwater plan. The District was made aware that a 40 x 60 pole building and associated parking were placed on this parcel, totally around 25,000 square feet, without a sediment and stormwater plan. The site is in violation of <u>7 Del. C.</u>, Chapter 60 and the Federal National Pollutant Discharge Elimination System (NPDES) requirements, as well as 7 Del. C. Chapter 40, Delaware's Sediment and Stormwater Regulations.

The following items must be addressed in order to bring the above referenced site into compliance with the Delaware Sediment and Stormwater Law and Regulations and addressed according to the timeline set forth by this letter.

- Hire a qualified stormwater professional to design a sediment and stormwater plan for the above referenced parcel. Contact the Sussex Conservation District by October 30, 2019 as to who will be designing the sediment and stormwater plan.
- Submit to the Sussex Conservation District by **December 2, 2019** a sediment and stormwater pan for the proposed construction activity.

Failing to address any of the conditions contained within this letter may result in further enforcement action and referral to the Department of Natural Resources and Environmental Control (DNREC). If there are any questions or concerns pertaining to this correspondence and/or the deadlines above, please contact me at 302-856-2105.

23818 SHORTLY ROAD, GEORGETOWN, DE office: 302-856-2105 fax: 302-856-0951 WWW.SUSSEXCONSERVATION.ORG

Sincerely,

Jossica L. Watson

Jessica L. Watson Program Manager

CC: Ms. Jamie Rutherford, DNREC Sediment and Stormwater Program

Ms. Janelle Cornwell, Planning and Zoning

Mr. Jamie Whitehouse, Planning and Zoning

Mr. David Baird, District Coordinator

CU 2189 Grace Malone

Opposition Comments and Exhibits

NOTICE: PLANNING & ZONING COMMISSION PUBLIC HEARING

	Sussex	County-
٠	Z HUDDILA	COUNTRY -

This card is to notify all property owners within 200 feet of the subject site of upcoming public hearing befor Planning and Zoning Commission for the following application:

C/U 2189 GRACE MALONE - AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS. The property being a landlocked parcel of land lying on the south side of Laurel Rd., approximately 0.38 mile east of Sussex Hwy. (Rt. 13). 911 Address: N/A. Tax Parcel: 332-2.00-75.00.

All persons interested shall have a reasonable opportunity to be heard. If unable to attend the public he written comments will be accepted however they shall be received prior to the public hearing.

The above application is available for review in the Planning and Zoning Department, County Administrative Building, 2 The Circle Georgetown, DE 19947. RECEIVED



SEP 1 0 2019

SUSSEX COUNTY

Planning Director: Janelle M. Cornwell, AICP | Phone: (302) 855-7878 | Fax: (302) 854-507

AGAINST PROPOSAL C/U 2189 FOR CONDITIONAL USE OF LAND IN AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE. REASONS BEING: NOISE, TRAFFIC PROPERTY, VALUE, TRASH ETC. (CAR LIGHTS)
(TRESPASSING) (ACCOHOL CONSUMPTION) William and Peggy Sue Histings.

RECEIVED

SEP 1 0 2019

SUSSEX COUNTY PLANNING & ZONING

Genald + Janet Devine Jenifer + Clayton Caudill 31902 Ald Stage Rd Laurel DE 19956 11242 Laurel Rd 307-265-8062 Laurel, De Paula Buttingham 31918 Old Stage Rd. Varuel, DE 19956 302-265-8441 James C. Windsor 31494 Greenhouse Franc Sancel, De J. Cti Jundows Gregory Cannon 11273 Laurel Rd Tall M. Rice Laurel Do 19950 11201 Laurel Re manel De Julible Pay Vincent PUREL RD. Kenneth W. Balduin Laure Del 1995 11208 Laurel Rd. Lavel, DE David M Sales 11252 Lowrel Rd Laural DE

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	Sussex	County
-	SINDARY	0000000

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SEP 1 0 2019

SUSSEX COUNTY
Planning Director: Janelle M. Cornwell, AICP | Phone: (302) 200 100 200 100 854-507

AGAINST PROPOSAL C/U 2189 FOR CONDITIONAL USE OF
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PROPERTY VALUE, TRASH ETC. (CAR LIGHTS)

Tiny fatheth (TRESPASSING)
(ALCOHOL CONSUMPTION)

1302 LAURE I Rd

Robut CINCIDE
1318 Laurel Rd

Laurel DE:

Course Shockly 11290 haurel Rd Caurel De

Mary L. Slockly 11336 LAUREL Rd Laurel. DE

Dayl Study LAUREL ROAD LAUREL DE

Laurel Study 11297 Laurel Rd

Stephen Ames

(1313

Lound R)

Frederick B + Darlower . English 5408 NEALS SCHOOL RD SEAFORD, DE 19973 302-629-2218

PROPERTY OWNERS ON THE SOUTH & WEST SIDE OF PROPOSED PARCEL.

PROPOSED FINDINGS OF FACT FOR DENIAL OF CONDITIONAL USE #2189 APPLICATION OF GRACE MALONE SUSSEX COUNTY TAX PARCEL NO. 332-2.00-75.00 SUBMITTED BY ROBERT V. WITSIL, JR., ESQ. ON BEHALF OF FREDERICK B. ENGLISH AND DARLENE M. ENGLISH JUNE 11, 2020

The Planning and Zoning Commission determines that the application for a Conditional Use for an Events Venue in an AR-1 Agricultural Residential District for the 4.59 acre parcel located on the south side of Laurel Road, Route 24, in Little Creek Hundred, Sussex County, DE, should be denied based upon the following findings of fact and reasons:

I. THE PROPOSED USE IS NOT COMPATABLE WITH THE SURROUNDING RESIDENTIAL PROPERTIES AND AGRICULTURAL USES OF THE ADJACENT FARMLAND.

The Conditional Use provisions of Section 115-171 of the Sussex County Code require the Commission to consider the possible impact of a proposed use upon neighboring property owners and to exercise of planning judgment on the location and site plan for the use. The proposed use of a pole barn as an event venue is clearly a commercial operation. (photo, Exhibit 1) Sussex County Tax Parcel Maps and exhibits submitted by the Applicant and opponents depict the residential nature of the surrounding AR-1 parcels and the 4 agricultural parcels lying to the south of the Malone property, totaling 37.4 acres, owned by Frederick and Darlene English (Tax Parcels 322-2.00 76.00; 76.09;76.10;76.11). (Exhibit 2) The Malone parcel is immediately adjacent to approximately 12 residential properties on the north and east side of the site, all of which front on Route 24.

(Exhibits 3 - 8) There are other working farms in the area in addition to a nursery operation across Route 24 from the site.

Ed Higgins, Realtor, of Griffin/Higgins Team ReMax, stated that: use of the surrounding residential parcels would be detrimentally affected by the proposed use; that the proposed use would detrimentally affect surrounding residential property values; that the market value and marketability of the four farm parcels owned by Frederick English would be detrimentally affected by the proposed Conditional Use and that the proposed commercial event venue is not compatible with the general residential and agricultural nature of the vicinity.

The neighboring residential parcels are described, together with Grace Malone's lots on a 177 parcel subdivision entitled "Plot of Mrs. Katie H. Walson," recorded in Deed Book 310, Page 600, on or about May 20, 1946. (Exhibits 9A and 9B) That Plot clearly depicted residential lots, most of which were 50 x 125 feet in size. The Plot describes 30 foot wide streets which have never been developed.

The deed to Grace Malone dated November 16, 2015 (Deed Book 4473 page 14) contains the following restrictions which are indicative of residential development. (Exhibit 10)

"This conveyance is subject to Restrictions as follows:

- 1. Only one (1) detached dwelling may be placed or erected on any lot. A mobile home dwelling may not be placed on the subject property.
- 2. Any dwelling unit of conventional construction shall have a minimum of 1,200 square feet of living area.

- 3. No commercial chicken house shall be permitted on the property.
- 4. The property shall be maintained in an attractive condition and no trash, garbage or refuse shall be permitted on any portion of the property.
- 5. No unregistered vehicles or wholly or partially dismantled vehicles shall be permitted on the property unless housed in a garage or similar structure."

At least 21 property owners have executed petitions in opposition to Conditional Use #2189, citing "noise, traffic, property values, trash, car lights, trespassing and alcohol consumption" as reasons for their opposition. (Exhibit 11) By all reasonable estimates, an event venue for weddings and parties is a celebratory and noisy activity. Amplified music can be anticipated. Outdoor activities can be expected. Service of alcoholic beverages, and possibly BYOB, whether licensed or not, is likely. Weekend, holiday and evening hours are peak operating time for such venues, but that is also the time when neighboring property owners expect to enjoy their residential lifestyle and outdoor activities. (Exhibit 15 and 16 – "Southern Charm" promotional materials) The "Proposed Conditions" submitted by the applicant states that events shall be on Fridays, Saturdays and Sundays, and that groups not exceeding 20 persons will be present Monday through Thursday for planning purposes. There is an inescapable conclusion that the proposed use of the Malone property is incompatible with the surrounding residential uses.

The proposed Conditional Use will not be compatible with the adjacent and neighboring agricultural farming operations on the Englishs' parcels. It is

reasonable to assume that, if approved, there would be complaints from the owners and/or guests of the event venue concerning noise, dust, odors, use of agricultural chemicals, farming operations in general and possible night time farming operations on the English parcels. It is also reasonable to anticipate that the annoyance or inconvenience experienced by event venue owners and/or guests from adjacent farming operations on the Englishs' properties will lead to complaints to County officials about farming operations to attempt to curtail Mr. English's permitted farming use in the AR-1 District. The Englishs have acquired preliminary approval for a 4 parcel residential subdivision of their 37.435 acre from the Planning and Zoning Commission in December 2017 (2017-12). (Exhibit 17) Accordingly, they also have the same concerns as the surrounding residential property owners have about the detrimental impacts of the proposed Conditional Use on residential properties, in addition to the impact that the proposed conditional Use will have on the future sale of those lots.

II. THE PROPOSED USE IS NOT APPROPRIATE IN THE DEVELOPING DISTRICT.

Planning Director Cornwell's September 5, 2019 Memorandum states the Malone parcel is located in the Developing Area as indicted on the Future Land Use Map of the 2018 Sussex County Comprehensive Plan Update, that all adjoining parcels to the Malone lots are zoned AR-1, that most adjoining parcels are single family dwellings, and that there is no other Conditional Use within a mile radius of the site. (Exhibit 14) Opponents contended that the proposed

Conditional Use is not in compliance with the "Developing Areas" guidelines of the 2018 Sussex County Comprehensive Development Plan which states at Page 4-14:

A range of housing types are appropriate in the Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed.

The proposed site is not located at an "appropriate intersection." The described access to the Malone property from Route 24, is across the lands of Mr. English via a "30 foot wide unimproved street" indicated on the 1946 plat of Mrs. Katie H. Walson. An approximately 10 foot wide gravel and partial asphalt drive has been laid in anticipation of the proposed use without notice to or permission of the Englishs. (Exhibits 4,5) The driveway is not sufficient for oncoming vehicles to pass. The drive is not illuminated and is not located on land owned by Grace Malone. No sign may be located at the entrance drive at Route 24 as Mr. English owns the land adjacent to Route 24. Access to the drive through the Englishs' parcel from Route 24 is narrow and dangerous. At the end of any event, many vehicles will be departing at approximately the same time, causing a dangerous traffic situation.

The proposed site is not an appropriate "selected area." It is surrounded by both residential properties and on-going agricultural farming uses. The type of use - parties and events during the evenings, weekends and holidays - is difficult to regulate and police. It is likely that both indoor and outside activities will occur,

subjecting neighbors to noise and late hour activity. The event venue will create unreasonable noise and potentially dangerous traffic conditions caused by party and event attendees who may have been consuming alcoholic beverages on the premises.

III. THE PROPOSED CONDITIONAL USE IS NOT IN COMPLIANCE WITH THE OBJECTIVES AND GOALS OF THE 2018 SUSSEX COUNTY COMPREHENSIVE PLAN.

The 2018 Sussex County Comprehensive Plan, certified by Governor Carney on March 19, 2019 states, at Section 4.4, that the Plan's primary goal is to ... "Conserve the County's agricultural economy by promoting farming and preserving agricultural land values and agribusiness." The proposed use threatens the farming and agricultural uses on the adjoining lands of Frederick English.

The 2018 Comprehensive Plan, at Page 4-15, states the guideline that for Developing Areas, "central water and sewer facilities are strongly recommended." The plan submitted for Conditional Use #2189 indicates that water is provided by a well. No central sewer service is available. A Septic Plot Plan prepared for the Malone parcel indicates a septic tank and "pressure dosed stone trenches" in the northeast corner of the parcel with the following notes:

100 persons max per event; 2 events per week; (minimal kitchen use); 1,500 gal/day discharged; equalized over 7 days with 450 gal/day sent to drain field.

The list of proposed conditions submitted by the applicant does not state a limitation on the number of attendees, however it clearly indicates that there will be more than two events per week, as there will be events on Fridays, Saturdays

and Sundays and that groups not exceeding 20 persons will be present Monday through Thursday for planning purposes. Those numbers of events and planning sessions exceed the stated capacity of the drainfield. The drain field is located at the minimum allowable 100 foot distance from the well on lands of William Lee and Peggy Sue Hastings. The Hastings are very concerned about the proximity of the proposed septic system to their drinking water well.

The 2018 Comprehensive Plan states in Section 4.7 (page 57) the Future Land Use Goals, Objectives and Strategies, and specifically:

- Goal 4.4 Minimize the adverse impacts of future development on existing development.
- Objective 4.4.1 Ensure that new development compliments the character of surrounding communities.
- Objective 4.5.2 Reduce the challenge placed on farmers by new development.

The proposed Conditional Use does not meet these goals and objectives.

IV. THE PROPOSED CONDITIONAL USE IS NOT IN COMPLIANCE WITH SECTION 115-19 OF THE SUSSEX COUNTY CODE ADDRESSING THE PURPOSE OF THE AGRICULTURAL-RESIDENTIAL DISTRICT TO PROTECT AGRICULTURAL OPERATIONS AND ACTIVITIES FROM OBJECTIONABLE USES OR WITH THE CONDITIONAL USE PROVISIONS OF SECTION 115-71 and 173.

§ 115-19 **PURPOSE.**

The purpose of these districts is to provide for a full range of agricultural activities and to protect agricultural lands, as one of the county's most valuable natural resources, from the depreciating effect of objectionable, hazardous and unsightly uses. They should also protect established agricultural operations and activities. These districts are also intended for protection of watersheds, water resources, forest areas and scenic values and, at the same time, to

provide for low-density single-family residential development, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The AR regulations seek to prevent untimely scattering of more-dense urban uses, which should be confined to areas planned for efficient extension of public services.

The proposed Conditional Use does not protect or promote the established agricultural operations and activities of Frederick English. The proposal is not compatible with the adjacent residential development.

The proposed use also does not meet the criteria of Section 115-71, which defines the purpose of Conditional Uses:

§ 115-71 **PURPOSE**

The purpose of this article is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance of the relationship to the Comprehensive Plan and possible impact not only on neighboring properties but on a large section of the county, require the exercise of planning judgment on location and site plan.

The proposed Conditional Use is not a public or semi-public use, but is a commercial use operated by private individuals. No evidence was presented that it would be an "essential" use. The applicant has not provided a Preliminary Site Plan with the application as required by Section 115 - 173 which contains all of the site and development information required by Article XXVII, Section 115-220.

§ 115-173 PRELIMINARY SITE PLAN

A preliminary site plan complying with the requirements of Article XXVIII shall accompany an application for approval of a conditional use under this Article, together with such information as may be required for a determination of the nature of the proposed use and its effect on the Comprehensive Plan, the

neighborhood and surrounding properties. Procedures for approval of a conditional use and approval and amendment of site plans are contained in Article XXVIII.

V. LEGAL ACCESS TO THE MALONE PROPERTY IS UNCLEAR

It is an applicant's burden of proof to show proper entrance rights to the property. Mr. English has testified that there has never been a lane or entrance across his property into the property presently owned by the applicant for over 40 years during his and his family's ownership. Mr. English has not granted permission to cross his land to the applicant nor anyone else for over twenty years of time. The applicant proposes to gain access through an area of Mr. English's land that has been previously designated on the Plot of Mrs. Katie H. Walson as a "paper street" – a street which has never been used or developed since 1946. Most of the lots designated on the Walson plot have been merged into two or more lots. Many, if not all, of the lots have been developed with houses, and structures (including chicken houses) extending through and across the previously platted private streets. (see aerial parcel map, Exhibit 2)

The area of the entrance drive to the Malone venue site was clearly originally intended for access to the residential lots indicated on the plot and not as a commercial entrance. In the event that the unimproved streets as indicated on the 1946 Walson plot have been abandoned by the lack of use and development in the roadway, the Malone property may have only an easement by necessity or prescription for the purpose of gaining entrance for only residential purposes, as there has never been any prior use of the access area for commercial purposes. In

either event, there exists no clear right of access to the Malone property for commercial event venue purposes.

As a condition of approval, the application requests a condition that:

"2. One lighted sign, not to exceed thirty-two (32) square feet shall be permitted on the subject property."

It is unclear whether the intended area of the sign is on the Malone property or within the entrance area claimed by the applicant through the English's property. If it is the intention to have a sign at the corner of the claimed access lane and Route 24, there is no legal right for the applicant to have a sign within the entrance area that extends through the English's property.

VI. A DOUBT EXISTS AS TO WHETHER THE APPLICANT HAS COMPLIED WITH ISSUED BUILDING PERMITS OR WHETHER NECESSARY AGENCY REVIEW OF PLANS HAS OCCURRED.

Building Permit #201808188 was issued by Sussex County on August 2, 2018 for a "40 x 60 Farm Pole Building; 12 x 60 Lean To" for a project description as a "Farm Bldg." (Exhibit 14) The "event venue" building has apparently been transformed from the farm pole building without the issuance of further permits. There appears to be a violation because building permits are required for interior work, electrical installation, plumbing for toilets and sinks and for the "Bathroom Addition" to the "farm building." (Compare Exhibit 13 showing a bathroom addition to Exhibit 14 – the building permit) As of the time of the last scheduled public hearing on October 2, 2019, Sussex Conservation District had not received plans or permit applications for disturbance of soils in

excess of 5,000 sq. ft. for driveway, construction, septic and parking areas, as is required by its regulations. Opponents submitted e-mail transmissions from Jessica Watson, Program Manager at SCD, indicating that the owner of the Malone property was issued a violation letter in October 2019, which was re-sent in December 2019 and with a notation that if the property is to be used as a commercial operation, a detailed sediment and stormwater plan was required. Despite the fact that the Malone application was pending at that time in 2019 and that the building had been constructed, no plans were submitted and no plans have been submitted as of the present date. (Exhibit 18)

Mr. English reports that significant burning of trees and shrubs cut from the site occurred during the burning ban period of the summer of 2019. Mr. English expressed his doubts concerning the event venue owner's and operator's future compliance with any conditions placed upon the operation of the facility due to the presently apparent non-compliance of the owner with existing permitting requirements. There are additional concerns about the alleged violations relating to building permits, Soil Conservation District issues and burning ban violations. The Soil Conservation District has indicated that its agents informed Mr. Malone that submission of plans to that agency was necessary for use of the property for an event venue. That agency has not yet received plans and a request for review from the applicant. These issues raise doubt about the applicant's compliance with required permit processing and concern about the applicant's future compliance with any conditions of approval

(such as hours of operations, minimization of noise, limitation of activities and maximum occupancy). Sussex County has limited staff and equipment to regulate such conditions.

VII. THE COMMISSION HAS PREVIOUSLY RECOMMENDED APPROVAL OF EVENT VENUE CONDITIONAL USES ONLY WHERE ADJACENT LANDS HAVE BEEN OWNED AND OPERATED BY THE APPLICANT AND WHEN NO OPPOSITION HAS BEEN EXPRESSED TO THE PROPOSAL.

Conditional Use applications for event venues have been previously approved for Vanderwende Acres (C/U 2165) and Ingrid Hopkins (C/U 2177). applications concerned venues that were surrounded by many acres of farmland owned by the applicants. Neither application was opposed. The Commission recommended denial of C/U 2163 (William McQueen) for reasons that parking was split across Route 16 and created a "dangerous situation." The application of Madeline Troescher (C/U 2174) was withdrawn after significant opposition was raised at the Commission's hearing addressing the residential nature of the surrounding development, the unlighted, unsafe nature of the tar and chip entrance lane and neighbors' concerns about noise, traffic and the difficulty of policing of operating hours and the proposed conditions by a limited County staff. (A subsequently submitted application by Madeline Troescher for a Special Exception for a Bed & Breakfast at the same location was recently denied by the Board of Adjustment on June 1, 2020)

The County Council followed the Commission's recommendations in each case, approving C/U 2165 and C/U 2177 and denying C/U 2163 by 5-0 votes in each application.

In light of the previous decisions of the Commission and Council, it is appropriate to deny the application for all of the above mentioned reasons and for the following summarized rationale:

The proposed commercial event venue is not compatible with the general residential and agricultural nature of the vicinity. Maps and exhibits submitted into the record depict the residential zoning of the surrounding AR-1 parcels and the 4 agricultural and residential nature of Frederick and Darlene English's parcels lying to the south of the Malone property, totaling 37.4 acres. (Tax Parcels 322-2.00 76.00; 76.09; 76.10; 76.11). The Malone parcel is immediately adjacent to approximately 12 residential properties on the north and east side of the site, all of which front on Route 24. Significant evidence was submitted by opponent that use of the surrounding residential parcels would be detrimentally affected by the proposed use. The proposed use would detrimentally affect surrounding residential property values; the market value and marketability of the four farm parcels owned by Frederick English would be detrimentally affected by the proposed Conditional Use. Twenty-one property owners executed petitions in opposition to Conditional Use #2189, citing "noise, traffic, property values, trash, car lights, trespassing and alcohol consumption" as reasons for their opposition. (Exhibit 10) An event venue for weddings and parties is, by its very nature a celebratory and noisy activity. Amplified music can be anticipated. Outdoor activities can be expected. Service of alcoholic beverages, and possibly BYOB, whether licensed or not, is likely. Weekend, holiday and evening hours are peak operating time for such venues, but that is also the time when neighboring property owners expect to enjoy their residential lifestyle and outdoor activities. Restrictions in the 2015 deed to Grace Malone clearly indicated that the property is to be used for residential purposes. There is an inescapable conclusion that the proposed use of the Malone property is incompatible with the surrounding residential uses and contradictory to the intent of the 1946 plat that includes the Malone property. Additionally, the proposed Conditional Use will not be compatible with the adjacent and neighboring agricultural farming operations on the Englishs' parcels which include equipment noise, dust, odors, use of agricultural chemicals, farming operations in general and possible night time farming operations. It is also reasonable to anticipate that the annoyance or inconvenience experienced by event venue owners and/or guests from adjacent farming operations on the Englishs' properties will lead to unwarranted complaints to County officials about legitimate farming operations. The Englishs have acquired preliminary approval for a 4 parcel residential subdivision of their 37.435 acre from the Planning and Zoning Commission in December 2017 (2017-12). (Exhibit 17) Accordingly, they would also be detrimentally impacted by the proposed Conditional Use on their residential properties and on the future sale of those lots.

2. The proposed Conditional Use is not in compliance with the the 2018 Sussex County Comprehensive Development Plan. The "Developing Areas" guidelines of the Plan, at Page 4-14, state:

"A range of housing types are appropriate in the Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed."

The proposed site is not located at an "appropriate intersection." The described access to the Malone property from Route 24, is through the r. English's via a "30 foot wide unimproved street" indicated on the 1946 plat of Mrs. Katie H. Walson, which describes a residential subdivision. No sign may be located at the entrance drive at Route 24 as Mr. English owns the land adjacent to Route 24. Access to the narrow drive from Route 24 is confusing and dangerous. At the end of any event, many vehicles will be departing at approximately the same time, causing a dangerous traffic situation. The proposed site is not an appropriate "selected area." It is surrounded by both residential properties and on-going agricultural farming uses. The type of use - parties and events during the evenings, weekends and holidays - is difficult to regulate and police.

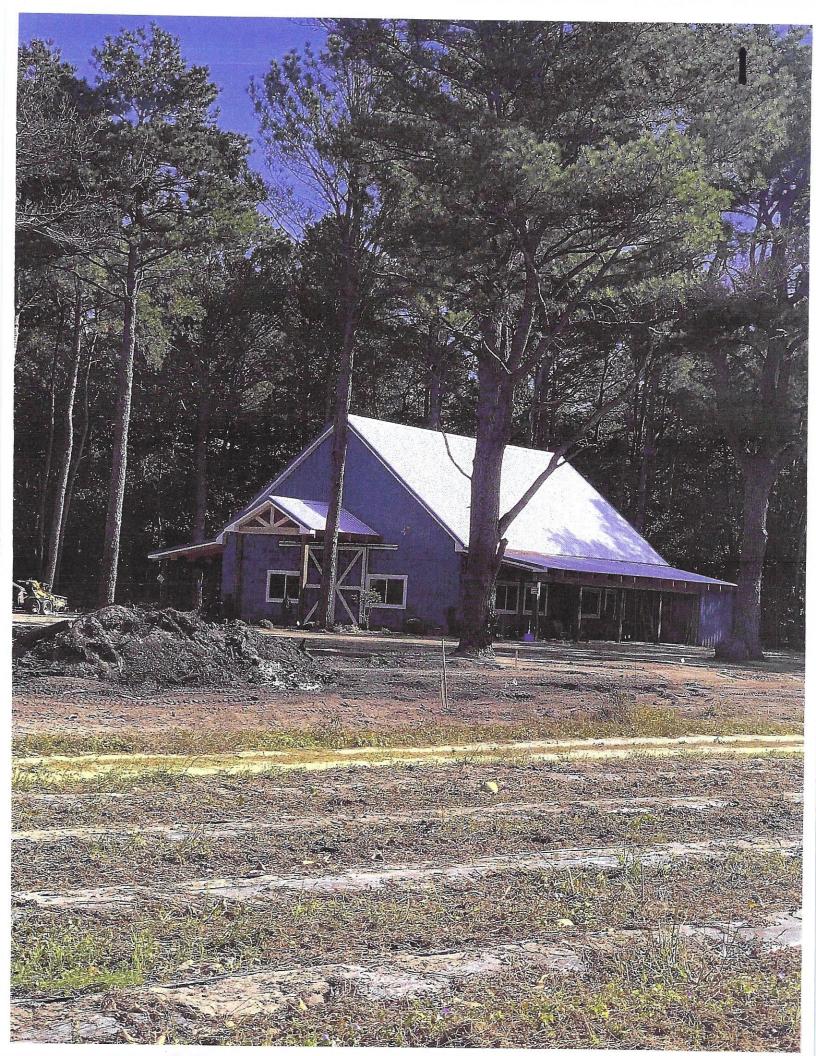
3. The proposed Conditional Use does not meet the goals and objectives of the 2018 Sussex County Comprehensive Plan, Section 4.4, to "Conserve the County's agricultural economy by promoting farming and preserving agricultural land values and agribusiness." The proposed use threatens the farming and agricultural uses on the adjoining lands of Frederick English. The proposed use does not comply with the guidelines of the 2018 Comprehensive Plan, at Page 4-15, that for Developing Areas, "central water and sewer facilities are strongly recommended." The Site Plan submitted for Conditional Use #2189 indicates that water is provided by a well. No central sewer service is available. The proposed Conditional Use does not comply with the Plan's Goal at Section 4.4 to "Minimize the adverse impacts of future development on existing development" and the Objectives to:

Ensure that new development compliments the character of surrounding communities (Objective 4.4.1); and

Reduce the challenge placed on farmers by new development (Objective 4.5.2).

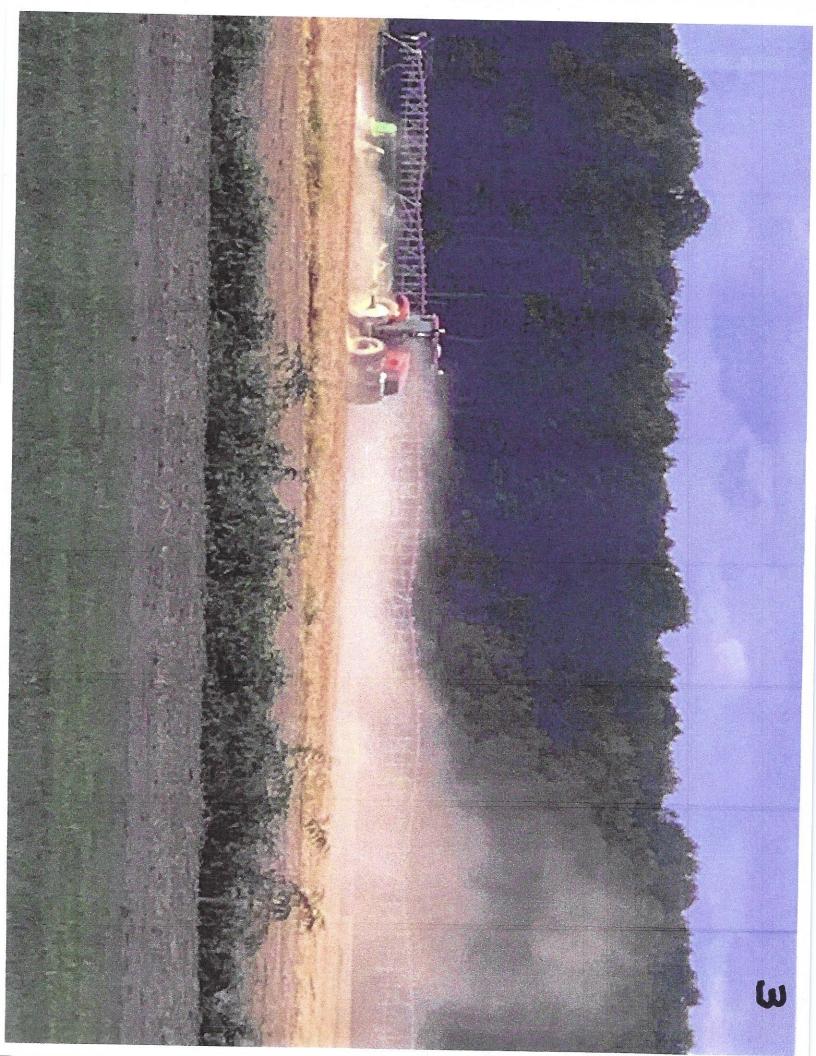
- 4. The proposed Conditional Use is not in compliance with section 115-19 of the Sussex County Code addressing the purpose of the Agricultural-Residential district to protect agricultural operations and activities from objectionable uses. The proposed Conditional Use does not protect or promote the established agricultural operations and activities of Frederick English. The proposal is not compatible with the adjacent residential development. The proposed use is not in compliance with the provisions of Conditional Use Section 115-71, as it is not a public or semi-public use, but is a commercial use operated by private individuals. No evidence was presented that it would be an "essential" use. The applicant has not provided a Preliminary Site Plan with the application as required by Section 115 173 and Section 115-220.
- 5. There exists no clear right of access to the Malone property for commercial event venue purposes. No permission was granted from Frederick English to Grace Malone to use the area for an access drive. The area of the entrance drive to the Malone venue site was clearly originally intended for access to the residential lots indicated on the 1946 Walson plat and not as a commercial entrance. In the event that the unimproved streets as indicated on the 1946 Walson plat have been abandoned by the lack of use and development in the roadway, the Malone property may have only an easement by necessity or prescription for the purpose of gaining entrance for residential purposes. There has never been any prior use of the access area for commercial purposes. In either event, it is the Applicant's burden to prove proper entrance rights to the property and the Commission finds that access rights are unclear at this time.
- 6. Mr. English reports that significant burning of trees and shrubs cut from the site occurred during the burning ban period of the summer of 2019. Although the Planning and Zoning Commission does not enforce alleged burning ban violations, it can be concerned about the applicant's apparent non-compliance with building permits and Soil Conservation District regulations. Such non-compliance gives the Commission doubts as to the applicant's intent to comply with any conditions approval such as limitation on hours of operations, minimization of noise, limitation of activities and maximum occupancy limits.
- 7. The Commission has recommended denial of similar event venues where the neighboring residential property owners have objected to potential noise, traffic hazards and the commercial nature of the proposed use. The propose use is

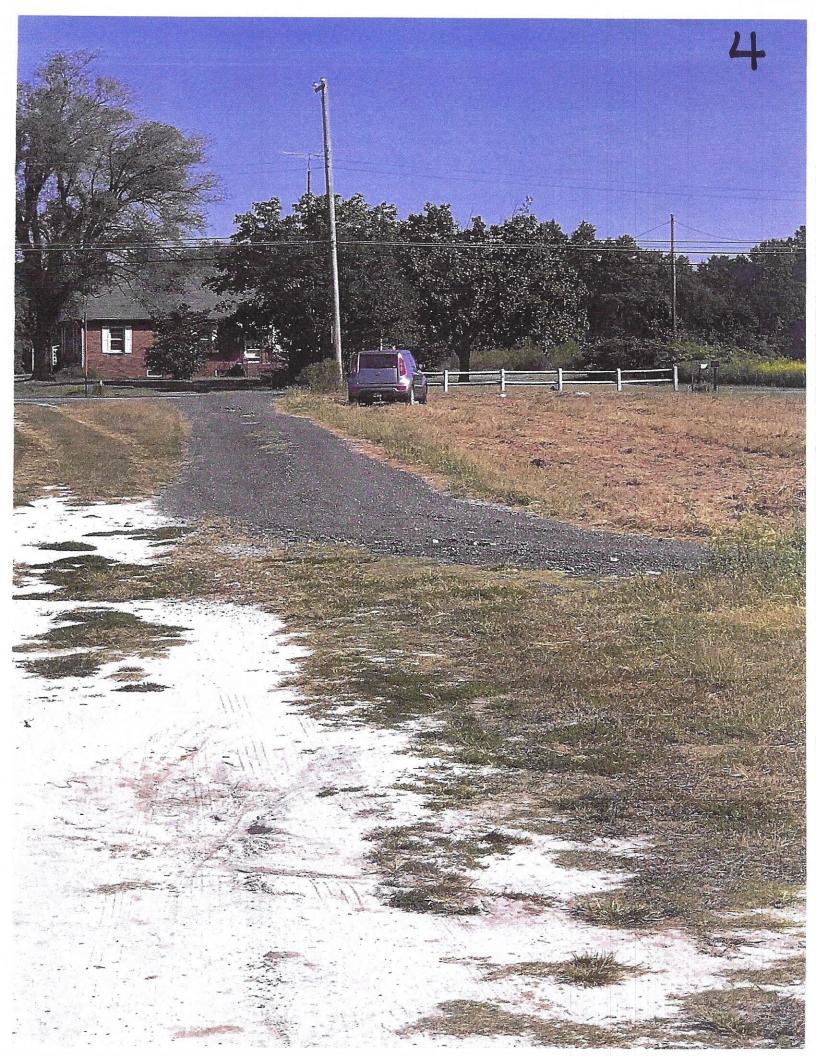
significantly different from the two applications approved by the Council where significant areas of surrounding lands were owned exclusively by the applicants.

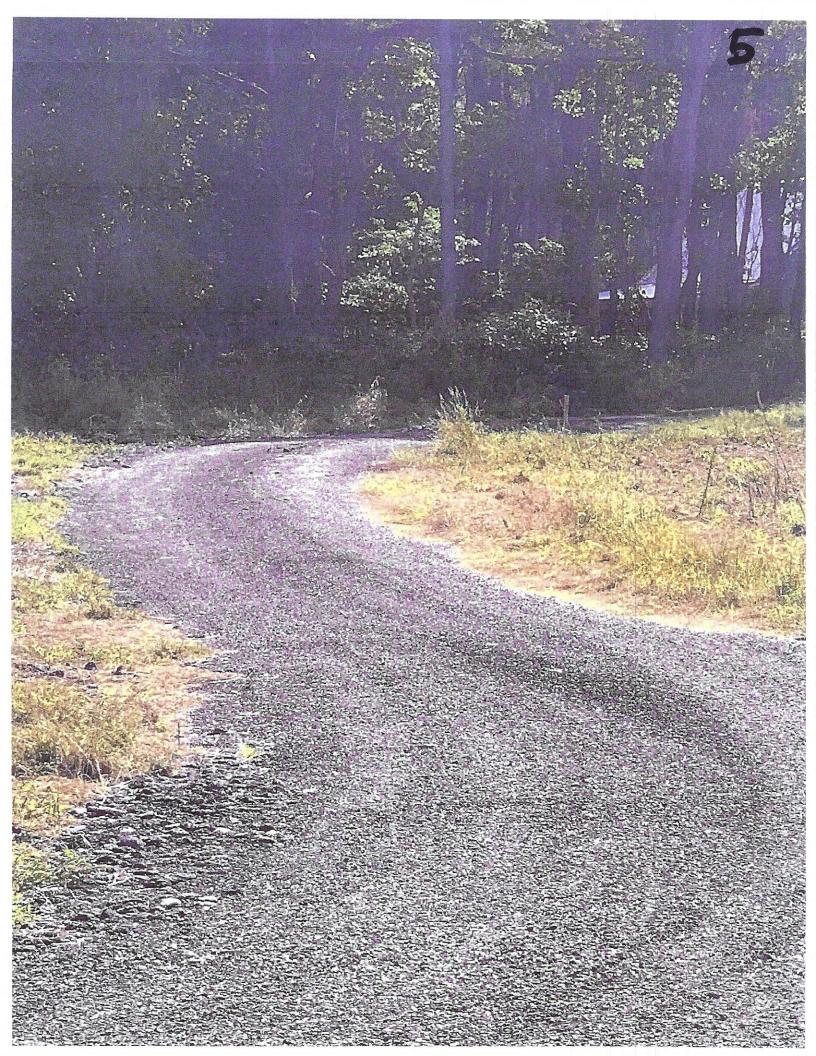


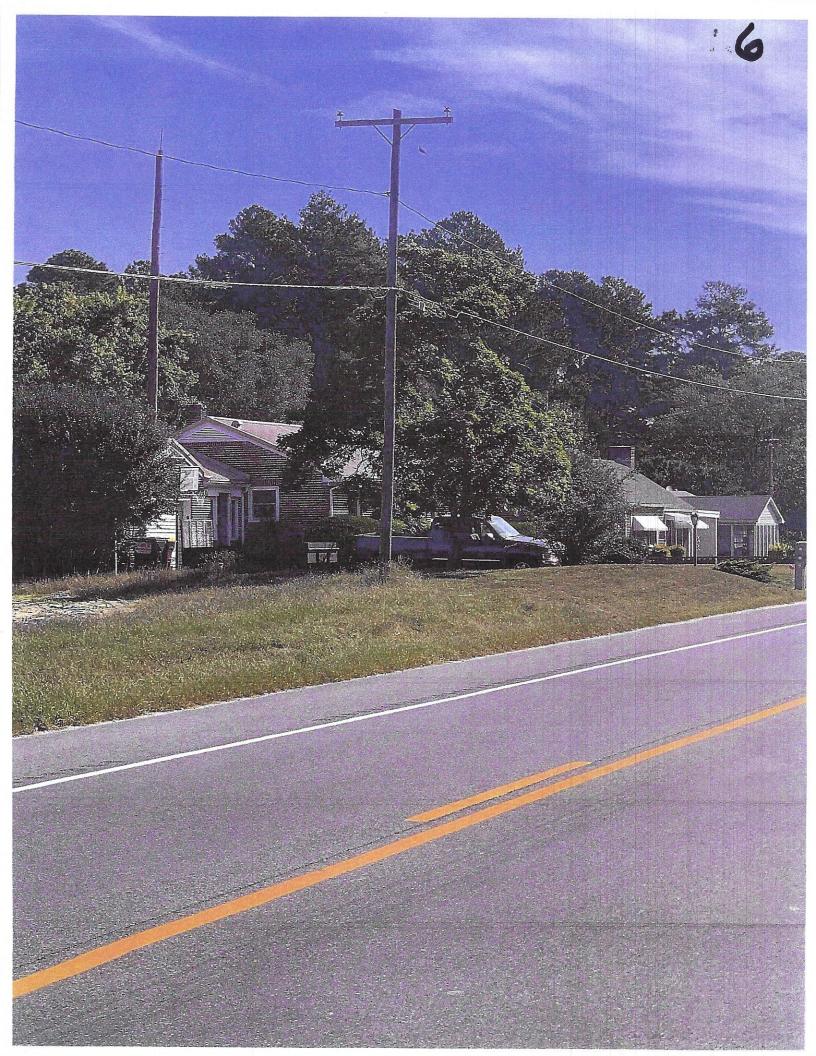


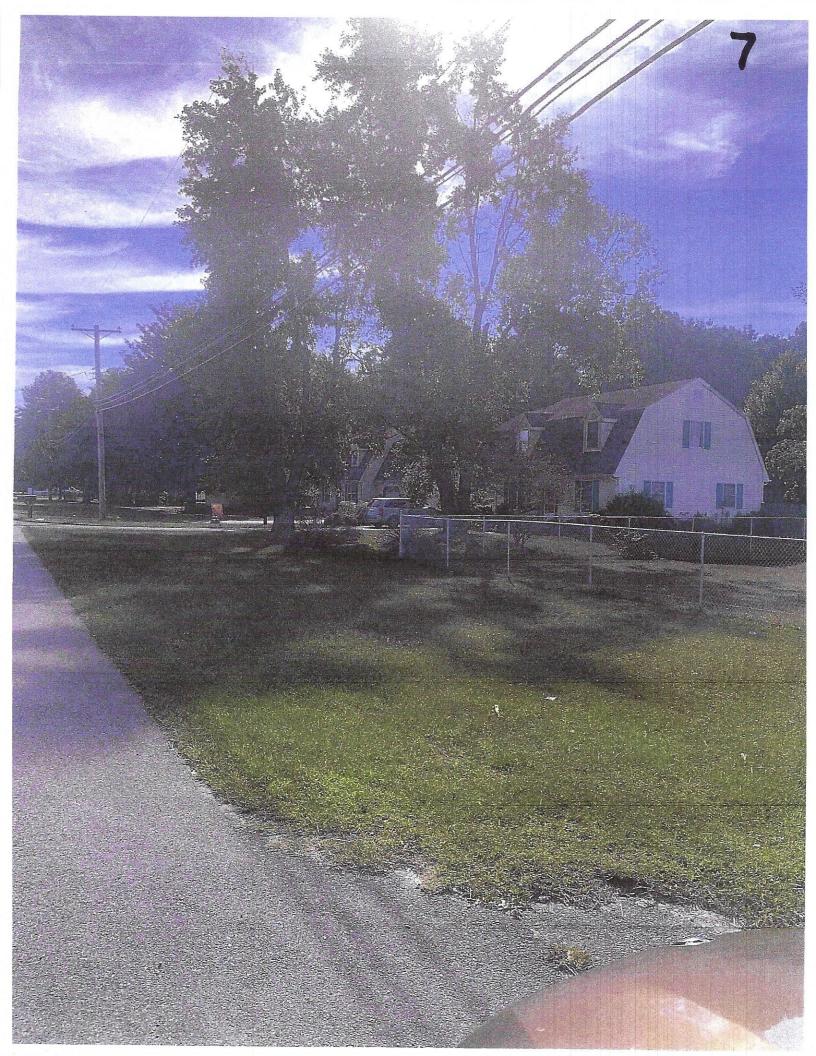
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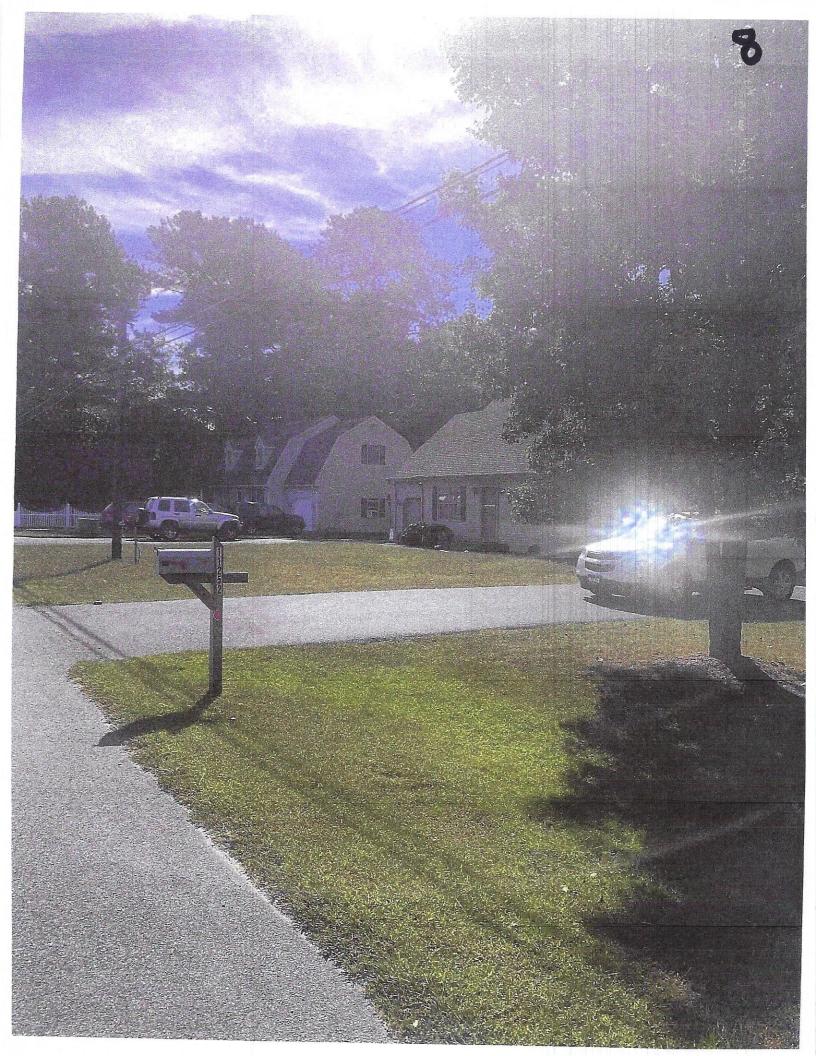












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BK. 310 pg.60



TM #: 3-32-2.00-75.00 PREPARED BY & RETURN TO: The Smith Firm, LLC 8866 Riverside Drive Seaford, DE 19973 File No. S15-214/

This Teed, made this 16th day of November, 2015,

- BETWEEN -

GINGER P. WILLIAMS f/k/a GINGER P. NICHOLS, of 30685 Hawks Way, Delmar, MD 21875, party of the first part.

- AND -

GRACE E. MALONE, of 31343 Shavox Rd., Salisbury, MD 21804, as sole owner, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Thirteen Thousand Seven Hundred Seventy and 00/100 Dollars (\$13,770.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and her heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot, piece and parcel of land, situate, lying and being in Little Creek Hundred, Sussex County, State of Delaware, being known and designated as LOT NO. 6, LOT NO. 82, LOT NOS. 93-103 AND THE WESTERLY HALF OF LOT 104, THE WESTERLY HALF OF LOT NO. 162, LOT NOS. 163, LOT 164-173, being more particularly referenced upon a plot of lots surveyed by Monroe T. Gunn, Surveyor,

BEING a portion of the same lands conveyed to Ginger P. Nichols from Gary L. Nichols, by Deed dated February 7, 1992, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on February 10, 1992, in Deed Book 1829, Page 149.

This conveyance is subject to Restrictions as follows:

- 1. Only one (1) detached dwelling may be placed or erected on any lot. A mobile home dwelling may not be placed on the subject property.
- 2. Any dwelling unit of conventional construction shall have a minimum of 1,200 square feet of living area.
- 3. No commercial chicken houses shall be permitted on the property.
- 4. The property shall be maintained in an attractive condition and no trash, garbage or refuse shall be permitted on any portion of the property.
- 5. No unregistered vehicles or wholly or partially dismantled vehicles shall be permitted on the property unless housed in a garage or similar structure.

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



IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of:		
	Ginger B. Williams	(SEAL)
750	Chiger P. Nichols	(SEAL)

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on November 16, 2015, personally came before me, the subscriber, Ginger P. Williams, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

BLAKE WILLIS CAREY ATTORNEY AT LAW WITH POWER TO ACT AS NOTARY PUBLIC PER 29 DEL. C SEC 4323 (A)3

Notary Public

My Commission Expires:



NOTICE: PLANNING & ZONING COMMISSION PUBLIC HEARING

Sussex County—

This card is to notify all property owners within 200 feet of the subject site of upcoming public hearing befor Planning and Zoning Commission for the following application:

C/U 2189 GRACE MALONE - AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS. The property being a landlocked parcel of land lying on the south side of Laurel Rd., approximately 0.38 mile east of Sussex Hwy. (Rt. 13). 911 Address: N/A. Tax Parcel: 332-2.00-75.00.

All persons interested shall have a reasonable opportunity to be heard. If unable to attend the public he written comments will be accepted however they shall be received prior to the public hearing.

The above application is available for review in the Planning and Zoning Department, County Administrative Building, 2 The Circle Georgetown, DE 19947.



Planning Director: Janelle M. Cornwell, AICP | Phone: (302) 855-7878 | Fax: (302) 854-507

I GAINST PROPOSAL C/U 2189 FOR CONDITIONAL USE OF
AND IN AGRICULTURAL RESIDENTIAL DISTRICT FOR
an evente wende kensons demos
PROPERTY VALUE TRACH FITE (CAR LIGHTS)
TOFER Y VALUE, TRISING LINE
PROPERTY VALUE, TRASH ETC. (CAR LIGHTS) Trespassing) (ALCOHOL CONSUMPTION)
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1/318 Laurel, R.J.
Robert Collection 11318 Laurel, Rd. Laurel, Dt.
Course Shortly 11293 haunel Rd Cauxel Del
Mary J. Slookley 11336 LAUREL Rd Laurel, DE
Danis Strakle LAUREL ROAD LAUREL NE
San Johnson 11285 Lowel Rd Lavel De 18 Red Vewolk OVER
OVER

Stophen Ames

Frederick B + Darlemen. English 5408 NEALS SCHOOL RD SEAFORD, DE 19973 302-629-2218

PROPERTY OWNERS ON THE SOUTH & WEST SIDE OF PROPOSED PARCEL.

Gerald & Janet Devine Jenifer + Clayton Caudill 31902 Ald Stage Rd Laurel DE 19956 11242 Laurel Rd Laurel De 302-765-8062 Paula Buttingham 31918 Old Stage Rd. Varnel, DE 19956 302-265-8441 James C. Windson 3/494 Greenhouse Frank Sancel, De J. Windows Gregory Cannon 11273 Laurel Rd Tall M. Rice Laurel DE 1995C 11201 Laurel Rd Laurel, De Juli III Pay Vincent MINUT 11235 LAUREL RD. Kenneth W. Balduin Laure 120 1995 11208 Laurel Rd. Lavel, DE David M Sales 11252 Lourel Rd Laurd, DE

_ANNING & ZONING

JANELLE M. CORNWELL, AICP DIRECTOR

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



12 Sussex County

DELAWARE sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Jamie Whitehouse, AICP, Planning & Zoning Manager CC: Vince Robertson, Assistant County Attorney and applicant

Date: September 5, 2019

RE: Staff Analysis for CU 2189 Grace Malone

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2189 Grace Malone to be reviewed during the September 12, 2019 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 332-2.00-75.00 to allow for an event venue to be located on a land locked parcel lying on the south side of Laurel Rd, approximately 0.38 mile east of Sussex Highway. The size of the property is 4.59 ac. +/-.

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 indicates that the property has the land use designation of "Developing Area".

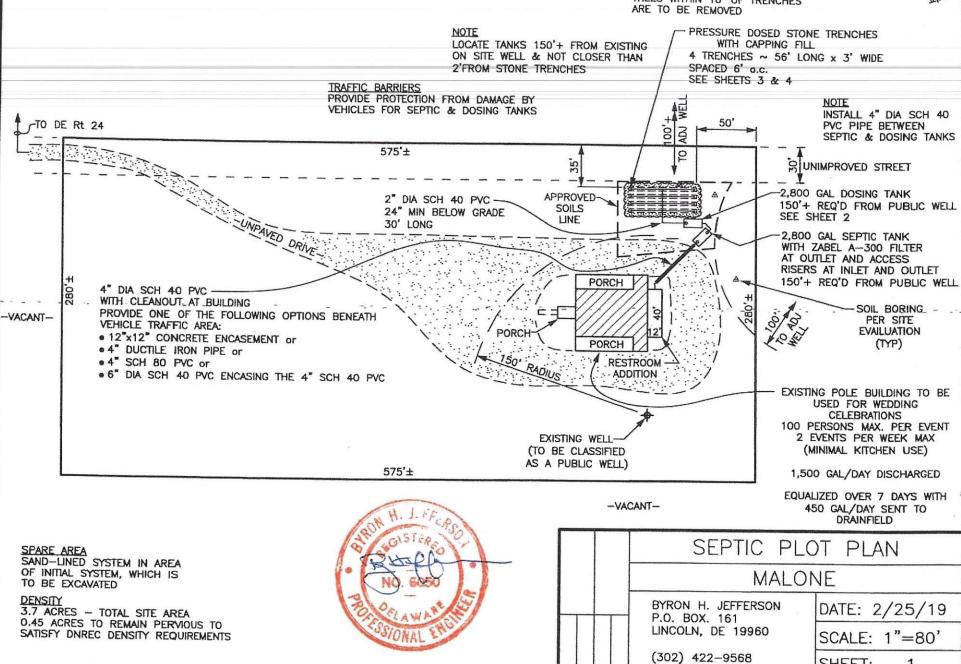
The entire tract of land between Sussex Highway to the west, and Old Stage Rd to the east is designated as Developing Area. The Developing Areas land use designation recognizes that "a range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home."

The property is zoned AR-1 (Agricultural Residential Zoning District). All of the adjoining properties are zoned AR-1. Most of the adjoining parcels contain single-family dwelling houses. The County's online zoning map shows no Conditional Use approvals within a 1-mile radius of the application site within the past decade.

Based on the analysis of the land use, surrounding zoning and uses, the proposed Conditional Use for an events venue, subject to consideration of scale, impact and intensity, could be considered as consistent with the land use, area zoning and uses.



WOODED AREA TREES WITHIN 10' OF TRENCHES



SHEET:

1



Sussex County **Building Permit**

P.O. Box 589 Georgetown, DE 19947 302-855-7720



201808188

Issue Date: 08/02/2018 Expire Date: 08/02/2019

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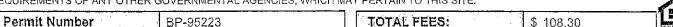
ACCESSORY STRUCTURE OUT OFTOWN

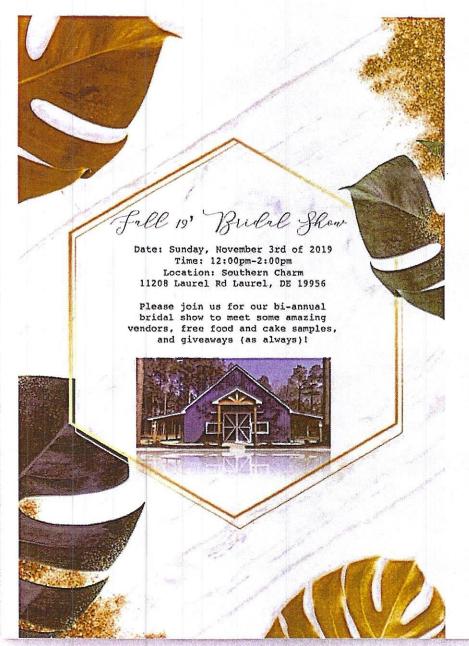
Parcel ID	Address	Zone Code
332-2.00-75.00	99999 UNKNOWN, UNKNOWN	AR-1
Owner Information	Applicant Information	
Name: MALONE GRACE E Phone:	Name: MALONE GRACE E Phone:	
Contractor Information		
Name: MALONE GRACE E	License Number:	
CID: 62054 Phone:	License Exp. Date: Insurance Exp. Date:	
Bullding Information		
Proposed Use: POLE BARNS Construction Type: Estimated Cost of Construction: \$ 18,720 Cannot Occupy More than of Total	I Lot Area	
Distance from any Dwelling of other Owner	rship: 100'	
Distance from any other Mobile Home or A Property Information		
 		
Measurements taken from Property Line Front Setback: 50,00 / Side Setback: 50,00 /	Rear Setback: 50.00 / Corner Setback: /	
Maximum Building Height:	Location Description:	
FLOOD ZONE Flood Zone: XP416L If Initialed, See Attached Flood Plar	S/RT 24 950' EAST OF RT 13 Construction Review Coastal and Flood-Prone Area Buildin	g Requirements.
Project Description: FARM BLDG Scope of Work: 40X60 FARM POLE BUILDING 12X60 LEA	N TO	
Permit Details:		
Signalure of Approving Official	Stanature of Owner/Contractor	
Building Permit Application:	I fully understand the Zoning Requiremen	nts of this permit.
ZONING AND BUILDING PERMIT WILL EXPIR	e one (1) year from the date of issue. Permit may be renewed if construction	n has begun and

continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as "actual construction". Permit must be renewed prior to expiration date.

ASSESSORS AND INSPECTORS HAVE A RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to the Board of Assessment, Planning and Zoning and Building Code Officials to enter upon said premises during the construction of which this PERMIT is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property, said consent being given on the signing of this permit.

THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN ALL INCLUSIVE APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.







The Southern Venues

· 4 hrs ·

Please like and share!

Brides-to-be can pre-register at www.thesouthernvenues.com!

For info on how to become a vendor at our show, e-mail us at thesouthernvenues@gmail.com!

#EasternShoreBridalShow #MarylandBridalShow
#DelawareBridalShow #BlAnnual #BridalShow
#FreeEntry #WeddingVenue #WeddingBarn
#DelmarVenue #MarylandVenue #SBEvents
#SBWeddings #SouthernVenues #SouthernCharm
#SouthernChapel #SVWeddings #SVEvents
#SouthernBelle #DreamWedding
#FairytaleWedding #SouthernBelleBride
#MarylandPride #Love #Romance #Elegance
#Happiness #EndlessPossibilities #ThreeLocations

4

3 Shares

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Comment

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Write a comment...



2020 AVAILABLE SATURDAY'S at Southern Charm

JANUARY 4, 11, 18, 25

FEBRUARY 1, 8, 15, 22, 29

MARCH 7, 14, 28

APRIL 4, 11, 18, 25

MAY 9, 16, 23, 30

JUNE 6, 13, 27

JULY 4, 11, 18, 25

AUGUST 1, 8, 15, 22, 29

SEPTEMBER 5, 12, 19, 26

OCTOBER 3, 10, 17, 24, 31

NOVEMBER 7, 14, 21, 28

ECEMBER 5, 12, 19, 26

The Southern Venu

Like

Comment



Write a comment...



Sussex County

December 28, 2017

Frederick B. & Darlene M. English 5408 Neals School Rd Seaford, DE 19973

RE: Notice of Decision 2017-12 – Preliminary Approval – Subdivision of 37.435 acres of land into four (4) single family lots on the west side of Old Stage Rd. (Rd. 461) and south of Laurel Rd. (Rt. 24). Tax Parcel: 332-2.00-76.00

Dear Mr. & Mrs. English,

At their meeting on December 14, 2017 the Planning Commission granted **preliminary approval** to the subdivision of 37.435 acres into four (4) single family lots, each with road frontage (2017-12). A variance from the required 150 ft. road frontage was previously granted on October 2, 2017 for Lot 4 by the Sussex County Board of Adjustment.

The Final Subdivision Plan must comply and/or respond to comments from Staff's Review Letter dated October 20, 2017 including the submission of a soil feasibility study to the Planning and Zoning Office.

Please feel free to contact me with any questions during business hours 8:30am - 4:30pm Monday through Friday at 302-855-7878.

Sincerely,

Samantha Bulkilvish

Samantha Bulkilvish

Planner I

CC: Miller-Lewis, Inc.





Re: Grace Malone

From: Jessica Watson <jessica.watson@sussexconservation.org>

To: Rob Witsil <rob@witsillaw.com>

Date: 6/4/2020 7:20 AM

Hello Rob,

I made a mistake in my summary. I only issued the violation letter in October and resent again in December asking for an update.

Just wanted to clarify.

Thank you,

Jessica

Jessica Watson

Program Manager

Sussex

Conservation

District

<u>jessica.watson@sussexconservation.org</u>

20728 N. Dupont Blvd, Unit 317

Georgetown, DE 19947

302-856-2105 ext. 107 (office)

302-381-6136 (cell)

sussexconservation.org

On Wed, Jun 3, 2020 at 9:49 PM Rob Witsil < rob@witsillaw.com > wrote:

Thank you for your information. I will present it in a professional manner.

Sent from my iPhone

On Jun 3, 2020, at 3:51 PM, "jessica.watson@sussexconservation.org" <jessica.watson@sussexconservation.org> wrote:

Hello Rob,

Per our conservation this afternoon – the following is a summary of our communication with the property owner for the Grace Malone project.

- 1. SCD issued violation letters on 10/4/19 and 12/12/19.
- 2. We met with the property owner and the design engineer onsite to review and discuss permitting options on 2/6/2020.
 - a. **Options 1:** The property owner could use the property for Residential purposes only and build his home. This means that he would not file the conditional use permit and the property would not be used as a business. If he wanted to pursue this option then he would need to obtain a Residential Standard Plan.
 - b. Option 2: If the property owner wishes to operate a business then a sediment & stormwater plan would need to be submitted to SCD. The property owner would then pursue the conditional use permit. This option would require a detailed sediment and stormwater plan.
- 3. 4/1/20 –I contacted the design engineer for an update and was notified that the property owner was undecided on which option to pursue.

Please let me know if you have any other questions.

Sincerely,

Jessica

Jessica Watson

Program Manager

jessica.watson@sussexconservation.org

<image003.png>

20728 S. Dupont Blvd. Unit 317

Georgetown, DE 19947

302-856-2105 ext. 107 (office)

302-381-6136 (cell)

sussexconservation.org

CU 2219 – 32630 Dupont Boulevard, LLC (Stonegate Granite, LLC)

File #: 0 4 # 22 19 201914779

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 chec	:k applicable)	
Conditional Use 🗸		
Zoning Map Amendment		
Site Address of Conditional Use/	Zoning Map Amendment	ì
32630 DuPont Boulevard, Dagsboro, Di	∃ 19939	
Type of Conditional Use Requesto	eq.	
Stone and granite retail. Fabrication, cut		tone, quartz.
Tax Map #: 233-16.00-27.00	Si	ze of Parcel(s): 22.38+/- acres.
Cond	litional use in the	commercial zoning ordinance
Current Zoning: C-1 Prop	oosed Zoning: Si	ze of Building:
Land Use Classification: Stone & Gr	ranite Retail Febrication cutting	stone and AMALLO
Land Use Classification; Bothe & Gr	and Relati. I abitempii, cutting	sione and or aute
Water Provider: NONE	Sewer Pro	ovider: NONE
	NAMES HALL AND ADDRESS OF A SALE OF THE ACT OF THE SALE OF THE SAL	
Applicant Information		
Applicant Name: Stonegate Granite, I	J.C	
Applicant Address: 25029 DuPont Bo		
######################################		ZipCode: 19947
City; <u>Georgetown</u> Phone #: <u>(302) 437-9317</u>	E-mail: enescelik 17	@yahoo.com
O		
Owner Information		
Owner Name: 32630 Dupont Boulevan	rd, LLC	
Owner Address: 315 N. Heron Gull Co		
City: Ocean City	Č4_4 X #75	Zip Code: 21842
Phone #:		
Agent/Attorney/Engineer Informa	<u>ıtlon</u>	
Agent/Attorney/Engineer Name:	Victoria Hudgins, R&R Comme	rcial Realty
Agent/Attorney/Engineer Address:	46 South State Street	
City: Dover	State: DE	Zip Code: <u>19901</u>
Phone # (302) 359-2911	C mail. DelaworeRI	





Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application	Completed Application					
 Survey shall show the loca parking area, proposed en 	parking area, proposed entrance location, etc. o Provide a PDF of Plans (may be e-mailed to a staff member)					
Provide Fee \$500.00						
architectural elevations, photos, e	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.					
subject site and County staff will o	e will be sent to property owners within 200 feet of the come out to the subject site, take photos and place a sign me of the Public Hearings for the application.					
DelDOT Service Level Evaluation F	Request Response					
PLUS Response Letter (if required)						
The undersigned hereby certifies that the form plans submitted as a part of this application are	ns, exhibits, and statements contained in any papers or e true and correct.					
Zoning Commission and the Sussex County Cou and that I will answer any questions to the bes	all attend all public hearing before the Planning and uncil and any other hearing necessary for this application t of my ability to respond to the present and future, order, prosperity, and general welfare of the inhabitants					
Signature of Applicant/Agent/Attorney/	_					
12.2.2.a.le	Date: 12/30/19					
Signature of Owner	1					
dotloop verified 32630 Disposet Bouliward LLC by Richard Smith 2NSX-AJVT-MQG8-Q07T	Date:					
For office use only: Date Submitted: 12 36 19 Staff accepting application: Ann Lepoye Location of property:	Fee: \$500.00 Check #: 1451 Application & Case #: 2019 14779					
Subdivision:						
Date of PC Hearing:	Recommendation of PC Commission: Decision of CC:					

JAMIE WHITEHOUSE, AICP MRTPI

PLANNING & ZONING DIRECTOR (302) 855-7878 T (302) 854-5079 F

(302) 854-5079 F jamie.whitehouse@sussexcountyde.gov





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 19, 2020

RE: Staff Analysis for CU 2219 32630 DuPont Boulevard, LLC (Stonegate Granite, LLC)

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2219 32630 DuPont Boulevard, LLC (Stonegate Granite, LLC) to be reviewed during the June 11, 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 a portion of Tax Parcel 233-16.00-27.00 to allow for stone and granite retail, fabrication, cutting, displaying and selling of granite, stone, and quartz. The parcel is located on the west side of S. DuPont Boulevard (Route 113) in Dagsboro, Delaware. The size of the property is approximately 11.80 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 "Commercial Area" with the southwestern portion of the parcel and areas to the south and west of the parcel being designated as a "Developing Area."

The areas to the to the north, east (on the opposite side of S. DuPont Highway (Route 113) and south of the subject parcel are also designated as "Commercial Area." "Commercial Areas" include concentrations of retail and service uses that are mainly located along arterials, and highways. Specifically, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. "Developing Areas" are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers.

The property is split-zoned, and is zoned General Commercial (C-1) Zoning District towards the front of the parcel and Agricultural Residential (AR-1) Zoning District to the rear of the parcel. The adjacent parcels to the north and south are also split zoned General Commercial (C-1) and Agricultural Residential. The remaining properties to the east on the opposite side of Route 113 are all zoned General Commercial (C-1). Additionally, the parcel to the west of the subject property is zoned General Residential (GR).

Since 2011, there have been no Conditional Use applications proposed within a one-mile radius of the application site.



Staff Analysis CU 2219 32620 DuPont Boulevard, LLC (Stonegate Granite, LLC) Planning and Zoning Commission for June 11, 2020

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.

PLANNING & ZONING COMMISSION

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





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 June 11, 2020.

Application: (CU 2219) 32630 DuPont Boulevard (Stonegate Granite, LLC)

Applicant: Stonegate Granite, LLC

25029 DuPont Boulevard Georgetown, DE 19947

Owner: 32630 DuPont Boulevard, LLC

315 N. Heron Gull Court Ocean City, MD 21842

Site Location: Located on the west side of S. DuPont Boulevard (Route 113)

approximately 0.51 miles south of Nine Foot Road in Dagsboro,

Delaware.

Current Zoning: General Commercial (C-1) (with the rear portion of the parcel zoned

Agricultural Residential (AR-1)).

Proposed Use: Stone and granite retail, fabrication, cutting, displaying and selling

granite, stone, and quartz.

Comprehensive Land

Use Plan Reference: Commercial Area

Councilmatic

District: Mr. Rieley

School District: Indian River School District

Fire District: Dagsboro Fire District

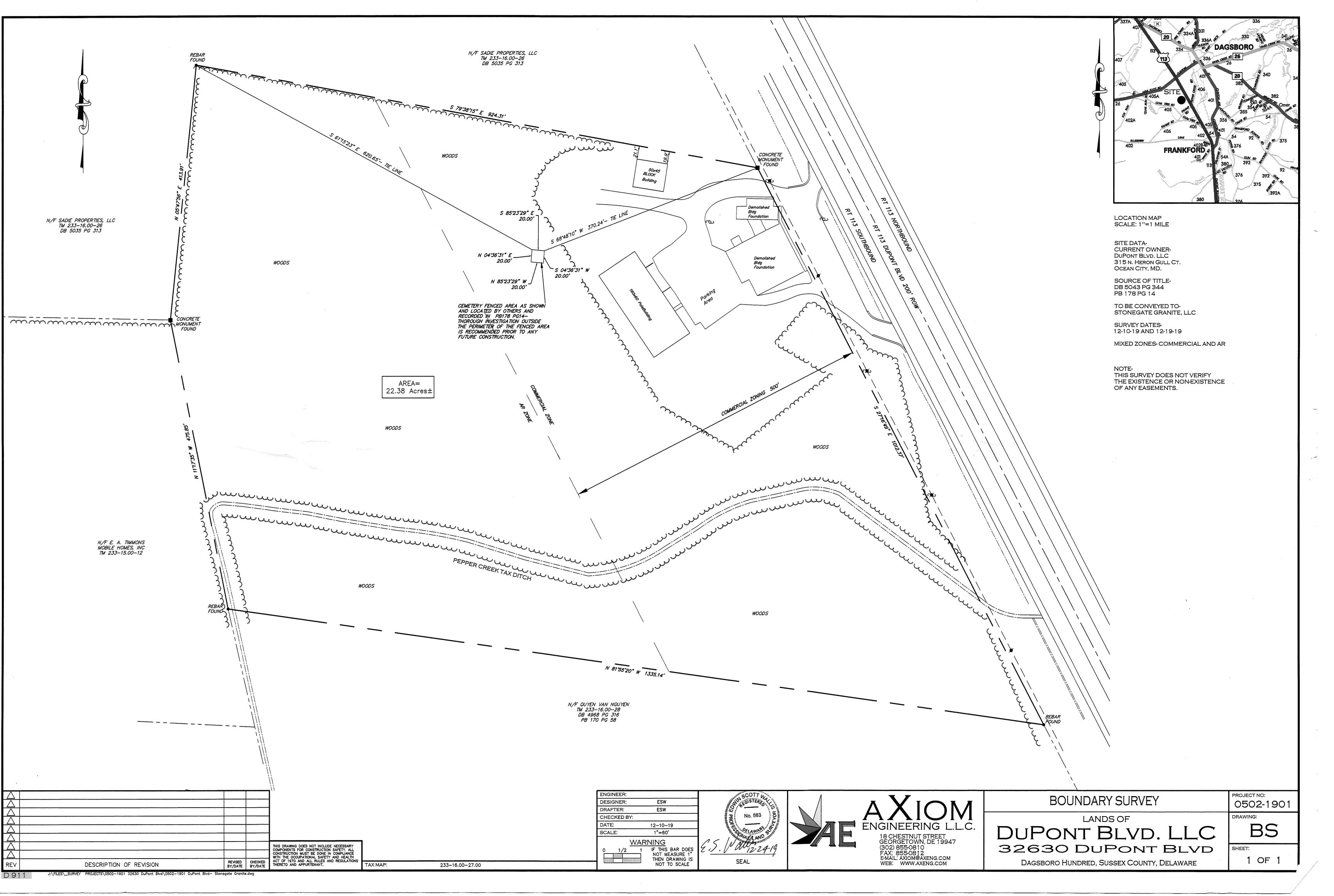
Sewer: Private, On-Site

Water: Private, On-Site

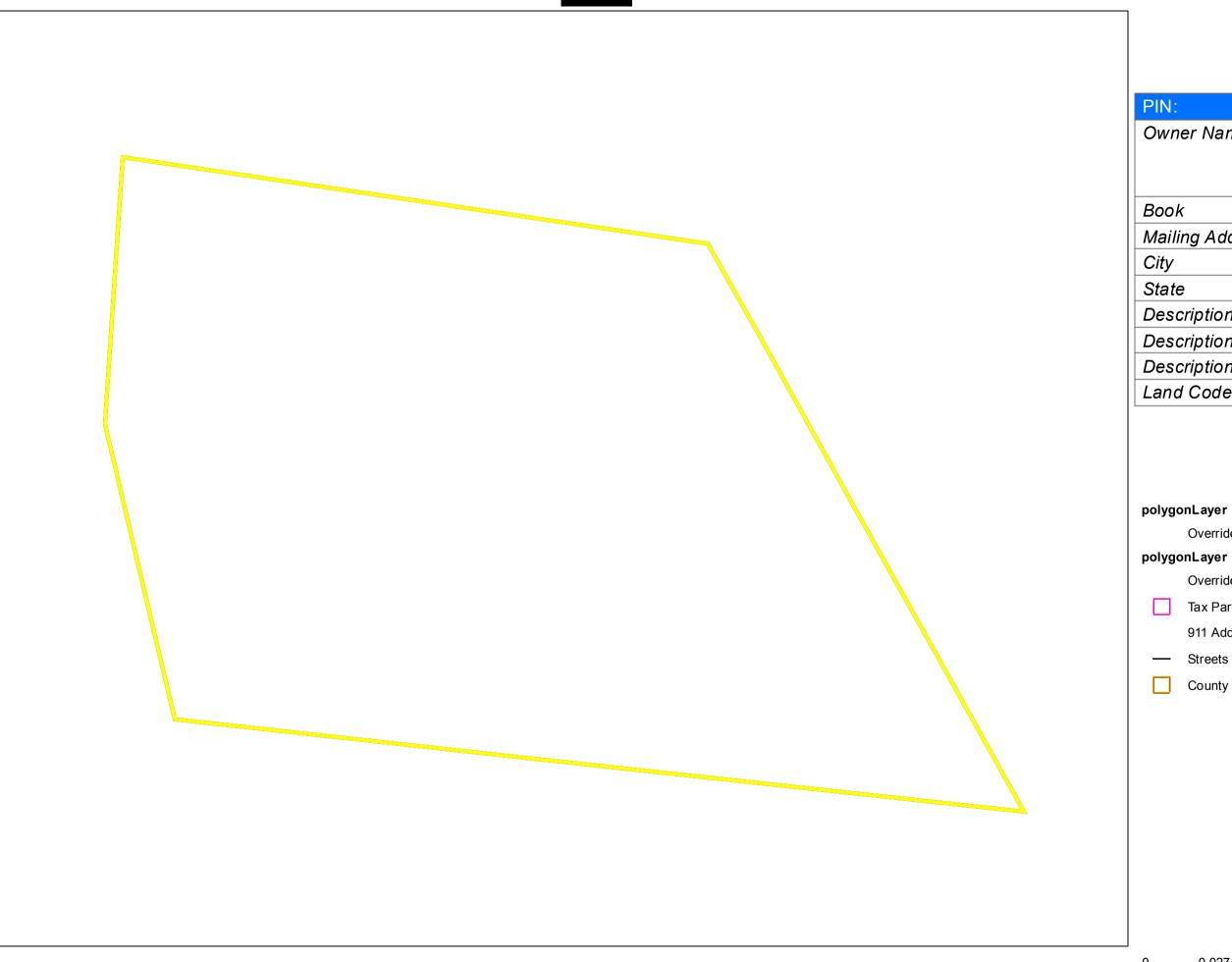
Site Area: 11.80 +/-

Tax Map ID.: 233-16.00-27.00









PIN:	233-16.00-27.00
Owner Name	DUPONT BOULEVARD LLC
Book	5043
Mailing Address	315 N HERON GULL CT
City	OCEAN CITY
State	MD
Description	SW/RT 113
Description 2	1/4 MILE NW/RD 406
Description 3	N/A
Land Code	

Override 1

Override 1

Tax Parcels

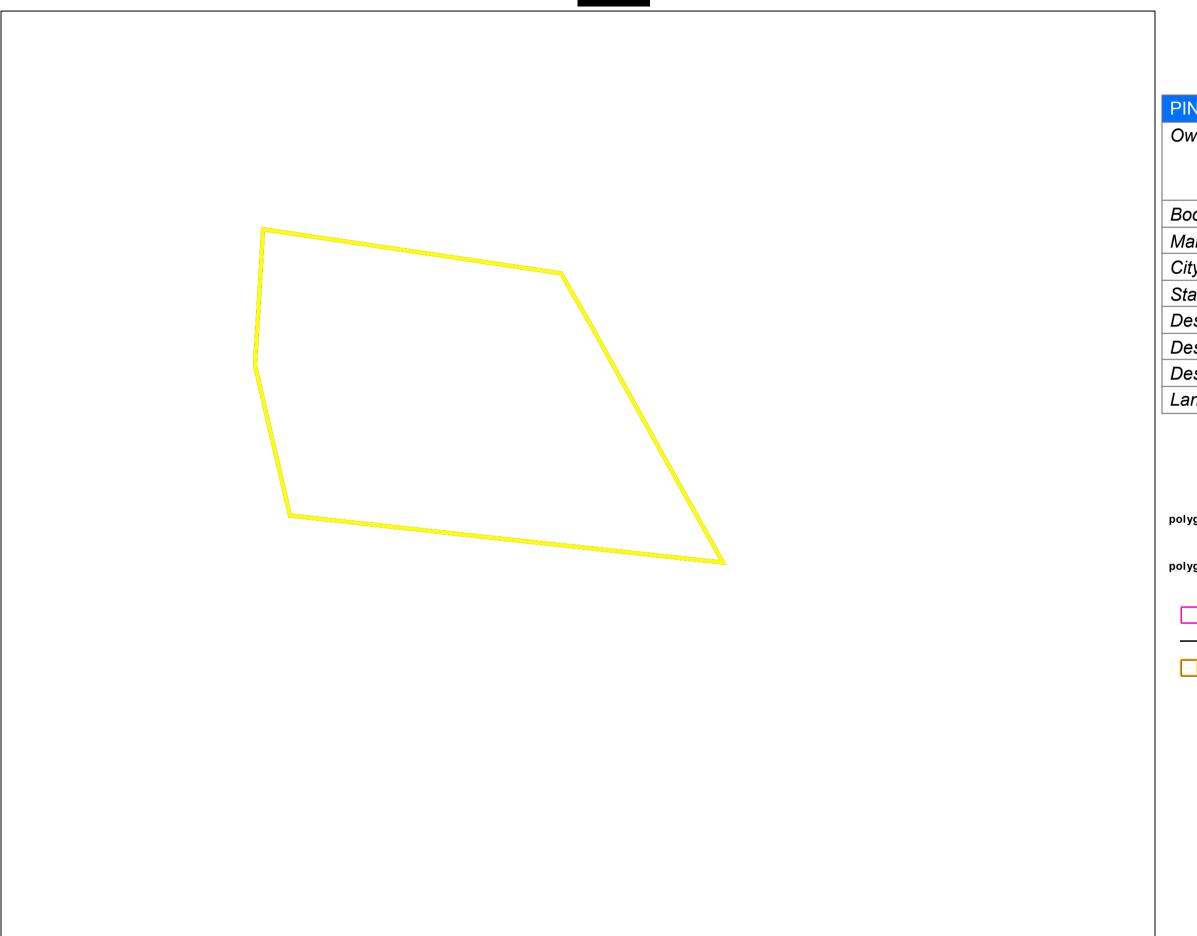
911 Address

Streets

County Boundaries

1:2,257 0.11 mi 0.0275 0.055 0.085 0.17 km 0.0425





PIN:	233-16.00-27.00
Owner Name	DUPONT BOULEVARD LLC
Book	5043
Mailing Address	315 N HERON GULL CT
City	OCEAN CITY
State	MD
Description	SW/RT 113
Description 2	1/4 MILE NW/RD 406
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

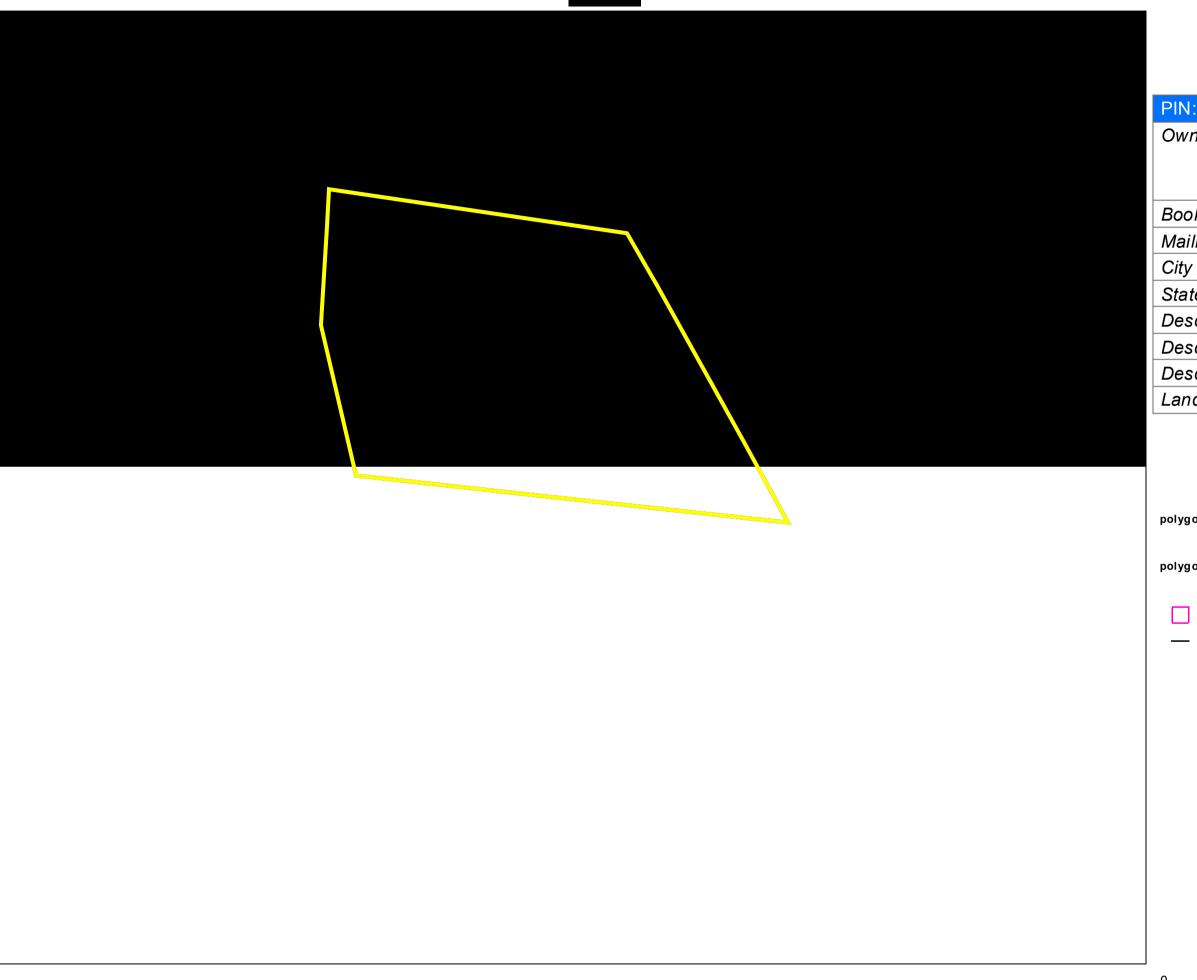
Tax Parcels

Streets

County Boundaries

1:4,514

Sussex County



PIN:	233-16.00-27.00
Owner Name	DUPONT BOULEVARD LLC
Book	5043
Mailing Address	315 N HERON GULL CT
City	OCEAN CITY
State	MD
Description	SW/RT 113
Description 2	1/4 MILE NW/RD 406
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

— Streets

0 0.05 0.1 0.2 mi 0 0.075 0.15 0.3 km

1:4,514

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

		C/U & C/Z COMMENTS		
TO:		Jamie Whitehouse		
REVIEWER: Chr		Chris Calio		
DATE	Ξ:	5/29/2020		
APPL	ICATION:	CU 2219 – 32630 DuPont Boulevard, LLC		
APPL	ICANT:	Stonegate Granite, LLC		
FILE	NO:	DFPA-6.03		
	MAP & CEL(S):	233-16.00-27.00		
LOCATION:		Located on the west side of S. DuPont Blvd. (Rt. 113), approximately 0.51 miles south of Nine Foot Rd. (Rt. 26), Dagsboro, Delaware		
NO. C	OF UNITS:	Stone, granite & quartz retail, fabrication, cutting, displaying		
GROSS ACREAGE:		11.80 +/-		
SYST	EM DESIGN	ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 2		
SEWI	ER:			
(1).	100	in a County operated and maintained sanitary sewer and/or water		
	district? Yes [□ No ⊠		
	a. If yes, see question (2).b. If no, see question (7).			
(2).	Which County Tier Area is project in? Tier 2			
(3).	Is wastewater capacity available for the project? N/A If not, what capacity is available? N/A .			
(4).	Is a Construction Agreement required? No If yes, contact Utility Engineering at (302) 855-7717.			
(5).	Are there any System Connection Charge (SCC) credits for the project? No If yes, how many? N/A . Is it likely that additional SCCs will be required? No 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? **No**
 - ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? No
- (8). Comments: The proposed CU is in a Tier 2 area for sanitary sewer service but is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.
- (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



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

BOO BAY ROAD P.O. BOX 778 DOVER, DELAWARE 18903

JENNIFER COHAN SECRETARY

November 26, 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 Stonegate Granite, LLC conditional use application, which we received on October 30, 2019. This application is for an approximately 22.38-acre parcel (Tax Parcel: 233-16.00-27.00). The subject land is located on the west side of US Route 113, approximately 1,500 feet northwest of the intersection of US Route 113 and Pepper Creek Road / Swamp Road (SR 406), southwest of Dagsboro. The subject land is currently splitzoned as C-1 (General Commercial) and AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the existing facility as a stone and granite retail, and for the fabrication and cutting of stone, granite, and quartz.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 113 where the subject land is located, which is from Blueberry Lane (Sussex Road 402) / Daisey Street (Sussex Road 54) to the south Dagsboro limits, are 30,815 and 39,659 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.

The subject property is adjacent to US Route 113, thereby is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number



Ms. Janelle M. Cornwell Page 2 of 2 November 26, 2019

of direct driveway access points along the arterial highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. According to the Office of State Planning, Strategies for State Policies and Spending document, the property is located within a Level 3 Investment Area. In a Level 3 Investment Area, State policies will promote efficient and orderly development. Given the site has an existing entrance on US Route 113 and only has frontage on the corridor, the property owner can retain the existing access for a similar use (comparable traffic generation), driveway improvements may be required by DelDOT's district office. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov. The manual is located under the publication link.

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 or Mr. Thomas Felice, at (302) 760-2338, if you have questions concerning the Corridor Capacity Preservation Program.

Sincerely,

T. William Brockenbrough, Jr.

J. William Broslandrungt , f

County Coordinator

Development Coordination

TWB:cim

Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues Stonegate Granite, LLC, Applicant

J. Marc Coté, Assistant Director, Development Coordination

Thomas Felice, Corridor Capacity Preservation Program Manager, Development Coordination

Gemez Norwood, South District Public Works Manager, Maintenance & Operations Susanne K. Laws, Sussex County Review Coordinator, Development Coordination Derek Sapp, Subdivision Manager, Development Coordination Brian Yates, Subdivision Manager, Development Coordination John Andrescavage, Subdivision Manager, Development Coordination Kevin Hickman, Subdivision Manager, Development Coordination

Troy Brestel, Project Engineer, Development Coordination

Claudy Joinville, Project Engineer, Development Coordination

CU 2223 A&W Burbage, LLC

File #: CU # 2223

202001322

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

Conditional Use	(licable)	
Zoning Map Amendment		
Zoning Wap / internation		
Site Address of Conditional Use/Zoning	g Map Amendme	ent
32883 Jones Road, Frankford, DE 19945		
Type of Conditional Use Requested:		, , , , , , , , , , , , , , , , , , , ,
Boat & RV Storage 1 Tax Map #: 1-34-14.00-36.00	Facility	
Tax Map #: 1-34-14.00-36.00		Size of Parcel(s): 3.93 Acres +-
Current Zoning: AR-1 Proposed	Zoning:	
Land Use Classification: Boat & RV Storag	e Lot	
Water Provider: N/A	Sew	er Provider: N/A
Applicant Information		
Applicant Name: Gerald A Burbage & Carol	B Evans	
Applicant Address: 32 Hidden Meadows Ter		
City: Milford		ZipCode: <u>19963</u>
Phone #:(302) 393-3350	E-mail: gburb	page0913@gmail.com
Owner Information		
Owner Name: A&W Burbage LLC		
Owner Address: 32 Hidden Meadows Terrace	e	
City: Milford		Zip Code: <u>19963</u>
Phone #: (302) 393-3350	E-mail: <u>gburl</u>	page0913@gmail.com
Agent/Attorney/Engineer Information		
Agent/Attorney/Engineer Name:		
Agent/Attorney/Engineer Address:		
City:	State:	Zip Code:
Phone #:		





Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Comp	Completed Application				
Provi	Survey shall show the loca parking area, proposed en Provide a PDF of Plans (ma	e Plan or Survey of the property tion of existing or proposed building(s), building setbacks, trance location, etc. by be e-mailed to a staff member)			
Provi	de Fee \$500.00				
archit	ectural elevations, photos, e	for the Commission/Council to consider (ex. whibit books, etc.) If provided submit 8 copies and they en (10) days prior to the Planning Commission meeting.			
subje	ct site and County staff will o	e will be sent to property owners within 200 feet of the come out to the subject site, take photos and place a sign me of the Public Hearings for the application.			
DelDO	OT Service Level Evaluation R	Request Response			
PLUS	Response Letter (if required)				
	nereby certifies that the form s a part of this application are	is, exhibits, and statements contained in any papers or e true and correct.			
Zoning Commission and that I will answer	on and the Sussex County Cou wer any questions to the bes safety, morals, convenience,	Ill attend all public hearing before the Planning and Incil and any other hearing necessary for this application t of my ability to respond to the present and future, order, prosperity, and general welfare of the inhabitants			
Signature of App	olicant/Agent/Attorney				
		Date:			
Signature of Ow	ner Durley	Date: <u>2/5/202</u> 0			
For office use only: Date Submitted: Staff accepting appl Location of property		Fee: \$500.00 Check #: 1055 Application & Case #: 2020 61322			
Subdivision: Date of PC Hearing: Date of CC Hearing:	9/10/2028	Recommendation of PC Commission:			

File	#∙		
1110	π.		

Planning & Zoning Project Contact List

Applicant Information			
Applicant Name: A&W Burbage LLC			
Applicant Address: 32 Hidden Meado	ws Terrace		
City: Milford		State: DE	Zip: 19963
Phone #:(302) 393-3350	E-mail:gbt	urbage0913@gmail.com	
Owner Information			
Owner Name: Gerald Burbage & Card	ol Evans		
Owner Address: 32 Hidden Meadows			
City: Milford		State: DE	7in: 19963
Phone #:	E-mail:		
Engineer/Surveyor Information			
Engineer/Surveyor_Name: Delaware	Surveying Servi	ice	
Engineer/Surveyor_Address: P O Box			<u>'</u>
City: Bethany Beach		State: DE	_ Zip: <u>19930</u>
Phone #:(302) 537-7094	E-mail:		
Agent/Attorney Information			
Agent/Attorney/Name:			
Agent/Attorney/Address:			
City:		State:	_ Zip:
Phone #:	E-mail:		
Other			
Name:			
Address:			
City:		State:	Zip:
	E-mail:		





PLANNING & ZONING COMMISSION

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





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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date June 11, 2020.

Application: (CU 2223) A&W Burbage, LLC

Applicant: Gerald A. Burbage and Carol B. Evans

32 Hidden Meadow Terrace

Milford, DE 19963

Owner: A&W Burbage, LLC

32 Hidden Meadow Terrace

Milford, DE 19963

Site Location: 32855 Jones Road

Frankford, DE 19945

Current Zoning: Agricultural Residential (AR-1)

Type of Conditional

Use Requested: Boat and RV Storage Lot

Comprehensive Land

Use Plan Reference: Coastal Area

Councilmanic

District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire District

Sewer: Tier 4- System Optional Area

Water: Private

Site Area: 3.93 acres +/-

Tax Map ID.: 134-14.00-36.00



JAMIE WHITEHOUSE, AICP MRTPI

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





Memorandum

To: Sussex County Planning Commission Members

From: Chase Phillips, Planner I

CC: Vince Robertson, Assistant County Attorney and Applicant

Date: May 28, 2020

RE: Staff Analysis for CU 2223 A&W Burbage, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2223 to be reviewed during the June 11, 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 134-14.00-36.00. The current zoning is AR-1 Agricultural Residential, and the request is for a Boat and RV Storage Lot. The parcel is located on the northeast corner of the intersection of Jones Road (S.C.R. 369) and Burbage Road (S.C.R. 353). The size of the property is 3.93 acres +/-.

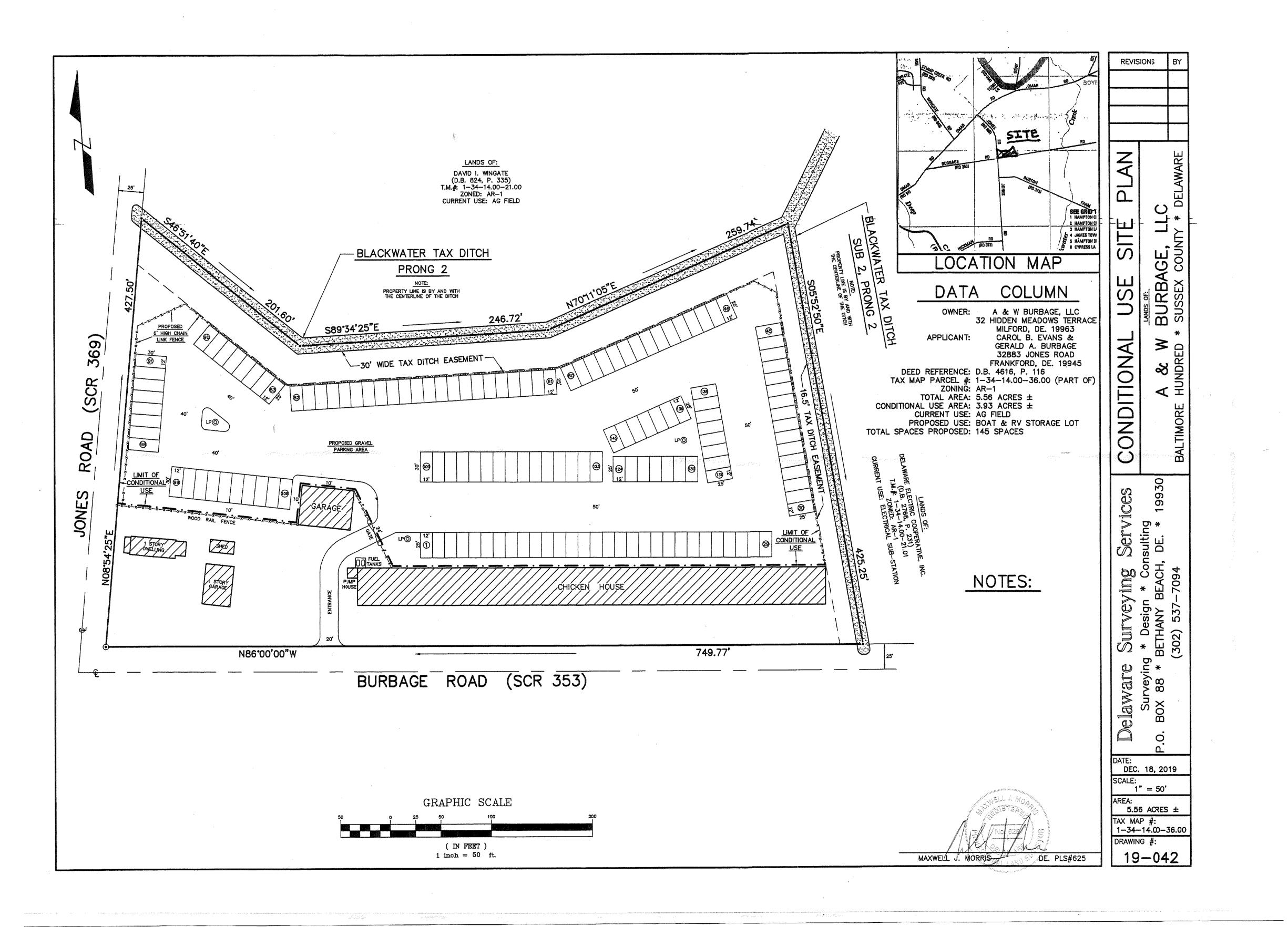
The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan 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 with 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 bordered by a light commercial use to the east (Delaware Electric Cooperative, Inc.), agricultural uses to the north and west, and low density residential/agricultural uses to the south.

Since 2011, there have been no other Conditional Uses within one mile of the subject site.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use to allow for Boat and RV Storage Lot within an AR-1 Zone could be considered as consistent with the surrounding area, zoning, and uses.





Sussex County



PIN:	134-14.00-36.00
Owner Name	A W BURBAGE LLC
Book	4616
Mailing Address	32 HIDDEN MEADOWS TER
City	MILFORD
State	DE
Description	E W/S RD 369 N
Description 2	S/S RD 373 353
Description 3	FX
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

Ó

0.0425

County Boundaries

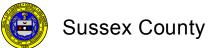
1:2,257 0.0275 0.055

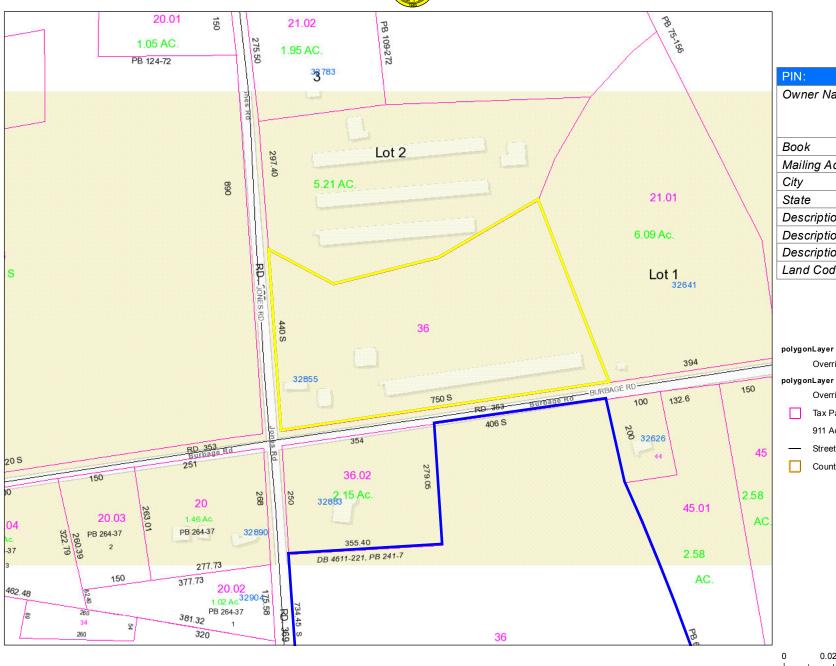
0.085

0.11 mi

0.17 km

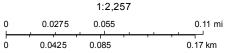
May 19, 2020

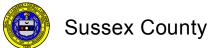


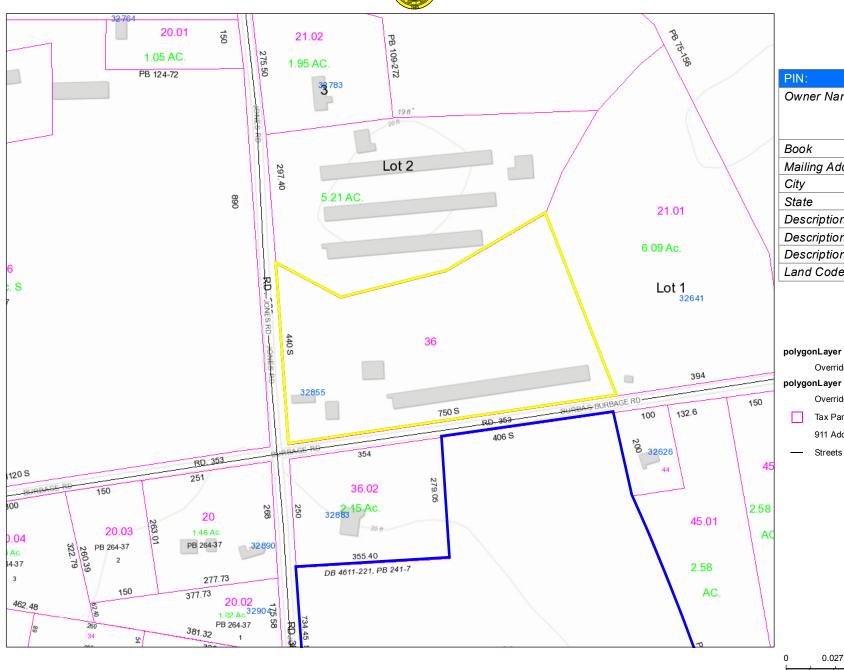


PIN:	134-14.00-36.00
Owner Name	A W BURBAGE LLC
Book	4616
Mailing Address	32 HIDDEN MEADOWS TEI
City	MILFORD
State	DE
Description	E W/S RD 369 N
Description 2	S/S RD 373 353
Description 3	FX
Land Code	



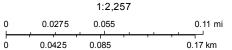






PIN:	134-14.00-36.00
Owner Name	A W BURBAGE LLC
Book	4616
Mailing Address	32 HIDDEN MEADOWS TEI
City	MILFORD
State	DE
Description	E W/S RD 369 N
Description 2	S/S RD 373 353
Description 3	FX
Land Code	





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

		O/O & O/Z COMMITTION	
TO:		Jamie Whitehouse	
REVII	EWER:	Chris Calio	
DATE	<u>:</u> :	5/27/2020	
APPL	ICATION:	CU 2223 – A&W Burbage, LLC	
APPL	ICANT:	Gerald A Burbage and Carol B. Evans	
FILE NO:		ROX-1.01	
TAX MAP & PARCEL(S): 134-		134-14.00-36.00	
LOCATION:		32855 Jones Road	
NO. OF UNITS:		Boat and RV Storage Lot	
	GROSS ACREAGE: 3.93+/-		
SYST	EM DESIGN	ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 2	
SEWI	ER:		
(1).	Is the project in a County operated and maintained sanitary sewer and/or water district?		
	Yes	□ No ⊠	
		e question (2). question (7).	
(2).	Which County Tier Area is project in? Tier 4		
(3).	Is wastewater capacity available for the project? N/A If not, what capacity is available? N/A .		
(4).	Is a Construction Agreement required? No If yes, contact Utility Engineering at (302) 855-7717.		
(5).	Are there any System Connection Charge (SCC) credits for the project? No If yes, how many? N/A . Is it likely that additional SCCs will be required? N/A If yes, the current System Connection Charge Rate is Unified \$6,360.00 per EDU. Please contact N/A at 302-855-7719 for additional information on charges.		

Is the project capable of being annexed into a Sussex County sanitary sewer

(6).

district? No

- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? No
- (8). Comments: The proposed CU is in a Tier 4 area for sanitary sewer service. Therefore, the Sussex County Engineering Department does not have a schedule to provide sanitary sewer service.
- (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



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD P.O. BOX 778 DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

December 16, 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 AW Burbage, LLC conditional use application, which we received on November 19, 2019. This application is for an approximately 120.87-acre parcel (Tax Parcel: 134-14.00-36.00). The subject land is located on both sides of Jones Road (Sussex Road 369), both sides of Burton Farm Road (Sussex Road 373); and both sides of Burbage Road (Sussex Road 353), east of Jones Road. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize part of the parcel for boat and RV storage.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Jones Road where the subject land is located, which is from Daisey Road (Sussex Road 370) to Omar Road (Sussex Road 54), are 553 and 712 vehicles per day, respectively. As mentioned above, the subject land also has frontage along Burton Farm Road and Burbage Road. The annual average and summer average daily traffic volumes along Burton Farm Road are 484 and 623 vehicles per day, respectively. The annual average and summer average daily traffic volumes along Burbage Road, from Omar Road to Delaware Route 17, are 1,473 and 1,896 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the <u>Development Coordination Manual</u>, 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 conditional use application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.



Ms. Janelle M. Cornwell Page 2 of 2 December 16, 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.

J. William Broshonbrungt, J

County Coordinator

Development Coordination

TWB:cim

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues AW Burbage, LLC, 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

CZ 1908 W & B Hudson Family, Ltd

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

File #: <u>02 1908</u>
2019 13077/
201913081
201913082
2019 13083
201913084/
20191308CV

Type of Application: (please chec	ck applicable)	-1 11308G V
Conditional Use		
Zoning Map Amendment 🗹		
Site Address of Conditional Use/	Zoning Map Amendme	nt
26504 LEWES GEORGETOWN HIG	GHWAY, HARBESON DE	
Type of Conditional Use Request	ed:	
	1///	
Tax Map #: 235-30.00-62.00, 64.00, 6	6.00, 67.00, 70. & 72.00	Size of Parcel(s): 35.65 +/- AC
Current Zoning: AR-1 & MR Pro	posed Zoning: C-2	_ Size of Building: TBD
Land Use Classification: LOW DEN	SITY (2045 FLUM) LEVEL	3 ADJACENT TO COMMERCIAL INDUSTRIAL USES
Water Provider: ARTESIAN	Sewe	r Provider: ARTESIAN
Applicant Information		
Applicant Name: WAYNE HUDSON	N	
Applicant Address: 24075 MILTON	ELLENDALE HIGHWAY	
City: MILTON	State: <u>DE</u>	ZipCode: <u>19968</u>
Phone #: <u>(302) 745-0231</u>	E-mail: <u>PENII</u>	NSULA@HUGHES.NET
Owner Information		
Owner Name: W & B HUDSON FAI	MILY LTD	
Owner Address: 24075 MILTON EL	LENDALE HIGHWAY	
City: <u>MILTON</u>	State: <u>DE</u>	Zip Code: <u>19968</u>
Phone #: <u>(302)</u> 745-0231	E-mail: PENI	NSULA@HUGHES.NET
Agent/Attorney/Engineer Inform	ation	
Agent/Attorney/Engineer Name:	MARK H DAVIDSON P	ENNONI
Agent/Attorney/Engineer Address	s: 18072 DAVIDSON DRIV	/E
City: MILTON	State: <u>DE</u>	Zip Code: <u>19968</u>
Phone #: (302) 684-6207	F-mail: MDA	/IDSON@PENNONI COM





Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

<u> </u>	, _ Completed Application				
	Provide eight (8) copies of the Site Plan or Survey	or proposed building(s), building setbacks, etc.			
<u> </u>	Provide Fee \$500.00				
_	Optional - Additional information for the Commis architectural elevations, photos, exhibit books, etc shall be submitted a minimum of ten (10) days price	.) If provided submit 8 copies and they			
<u> </u>	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.				
<u> </u>	_ DelDOT Service Level Evaluation Request Respon	se			
_	_ PLUS Response Letter (if required)				
	rsigned hereby certifies that the forms, exhibits, and mitted as a part of this application are true and corre	, , ,			
Zoning Com and that I w needs, the h	fy that I or an agent on by behalf shall attend all pub mmission and the Sussex County Council and any oth will answer any questions to the best of my ability to health, safety, morals, convenience, order, prosperi County, Delaware.	er hearing necessary for this application respond to the present and future			
<u>Signature (</u>	of Applicant/Agent/Attorney				
	Date:				
Signature of	of Owner Date:				
	tted: 1 9 L Fee: \$500.00 C	heck #: 300323 ase #: 2019 13077			
	:				
		on of PC Commission:			

PLANNING & ZONING COMMISSION

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





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 June 11, 2020.

Application: (CZ 1908) W&B Hudson Family LTD

Applicant: Wayne Hudson

24075 Milton Ellendale Highway

Milton, DE 19968

Owner: W&B Hudson Family LTD

24075 Milton Ellendale Highway

Milton, DE 19968

Site Location: Located on the south side of Lewes Georgetown Highway (Route 9),

east of Harbeson Road (Route 22).

Current Zoning: Parcels: 62.00, 64.00, 66.00 67.00 70.00 - Agricultural Residential

(AR-1)

Parcel: 72.00 - Medium Density Residential (MR)

Proposed Zoning: Medium Commercial District (C-2)

Comprehensive Land

Use Plan Reference: Low Density & Developing Area

Councilmatic

District: Mr. Burton

School District: Indian River School District

Fire District: Milton Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 37.08 acres +/-

Tax Map ID.: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00



JAMIE WHITEHOUSE, AICP, MRTPI DIRECTOR OF PLANNING & ZONING (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: Jennifer Norwood, AICP, Planning & Zoning Manager CC: Vince Robertson, Assistant County Attorney and Applicant

Date: June 5, 2020

RE: Staff Analysis for CZ 1908 W&B Hudson Family LTD

This memo is to provide background and analysis for the Planning Commission to consider as part of application CZ 1908 W&B Hudson Family LTD to be reviewed during the June 11, 2020 Planning & Zoning 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 parcels 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 and 72.00 to allow for a change from AR-1 (Agricultural Residential District) and MR (Medium-Density Residential Zoning District) to C-2 (Medium Commercial Zoning District) to be located at 26504 Lewes Georgetown Highway. The total size of the parcels to be rezoned is 35.65 ac. +/-.

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 indicates that the application property has the land use designation of "Low Density" and "Existing Development Area".

The adjoining parcels to the northwest and southwest are designated on the Future Land Use Map as "Existing Development Area" and "Low Density". The parcels to the east and south are designated as "Low Density". The parcels on the north side of Lewes Georgetown Highway are designated as "Commercial". The Existing Development Area recognizes that a range of housing types and uses in the neighborhood business and commercial districts are permitted. The Low Density area recognizes agricultural activities and homes with convenience goods and services provided to nearby residents. It also recognizes that commercial uses should be limited in location, size, and hours of operation and that intense uses should be avoided.

Table 4.5-2 within the Comprehensive Plan states that, within the Existing Development Area and the Low Density Area, C-2 (Medium Commercial Zoning District) may be appropriate.

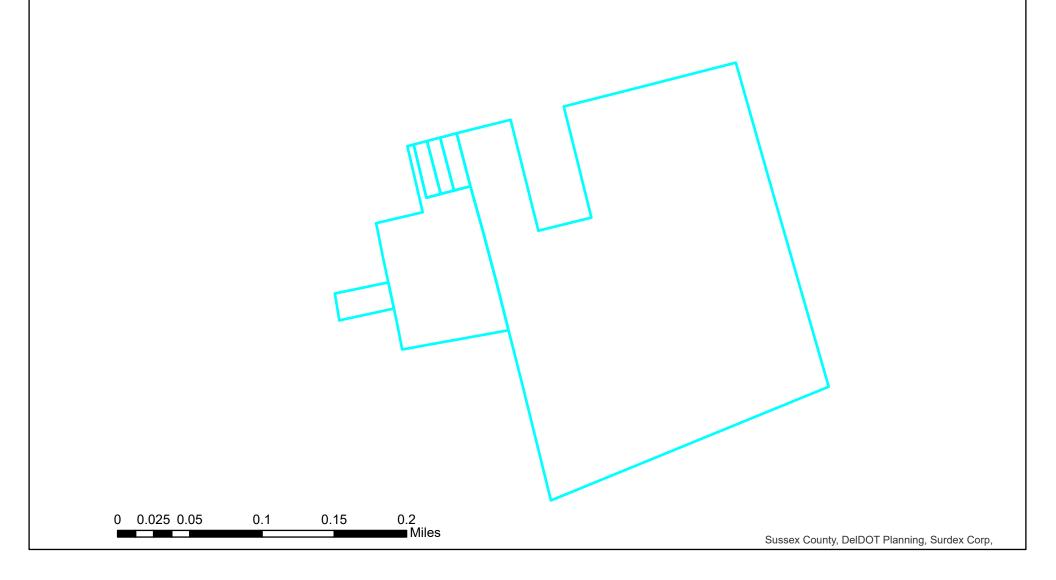
The property is zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District). The adjoining parcels to the south and east are zoned AR-1 (Agricultural Residential District). To the southwest, along Harbeson Road, the adjoining parcels are zoned MR (Medium-Density Residential District). To the north and north-west, along Lewes Georgetown Highway, there are commercially zoned properties within the C-1 (General Commercial) and CR-1 (Commercial Residential) Zoning Districts.

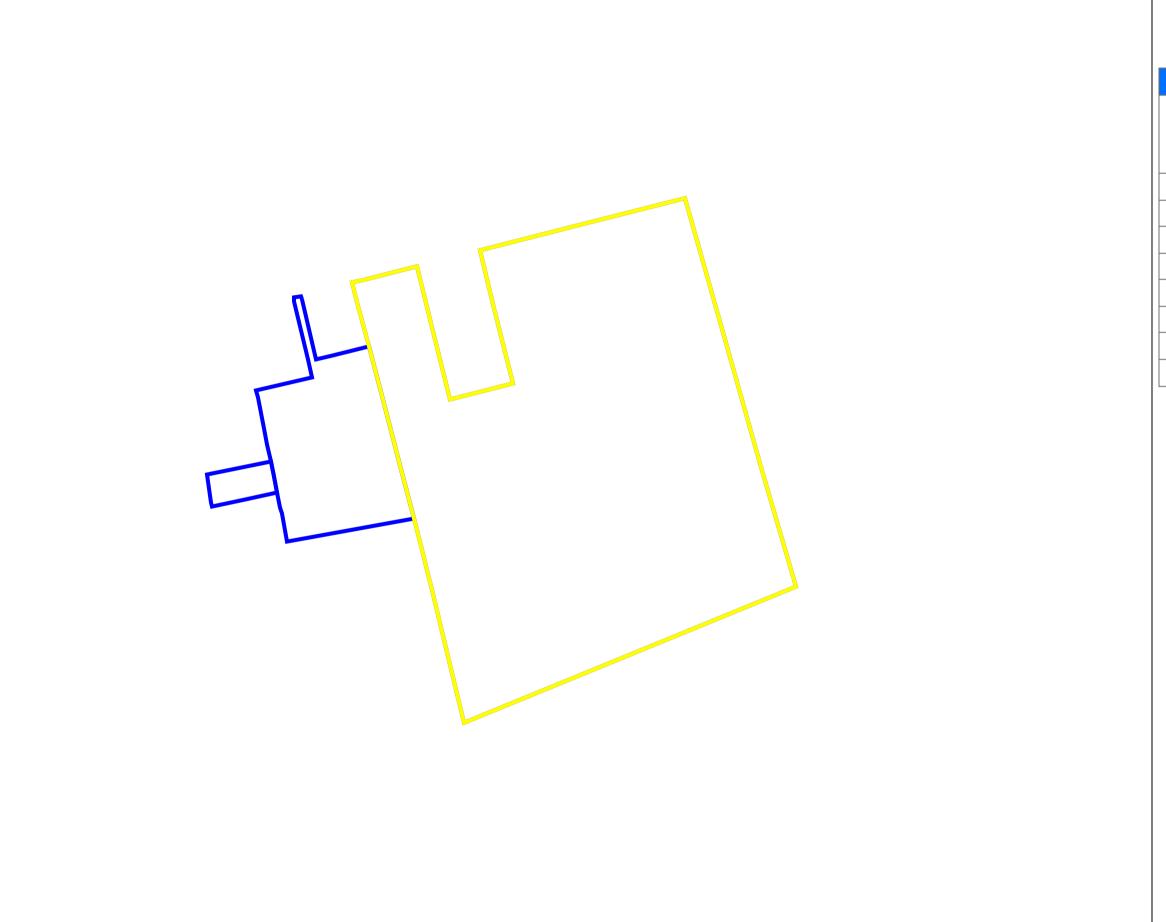


Mailing List Exhibit Map
Planning Commission
CZ 1908 W&B Hudson Family
235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, & 72.00
W&B Hudson Family LTD

24075 Milton Ellendale Highway Milton, DE 19968

Located on the south side of Lewes Georgetown Highway (Route 9), east of Harbeson Road (Route 22).





PIN:	235-30.00-62.00
Owner Name	HUDSON WAYNE D JACQUELINE H
Book	3636
Mailing Address	200 ESHAM AVE
City	BERLIN
State	MD
Description	HWY GEO TO LEWES
Description 2	
Description 3	SPEC COMM LIEN
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

-- Streets

County Boundaries

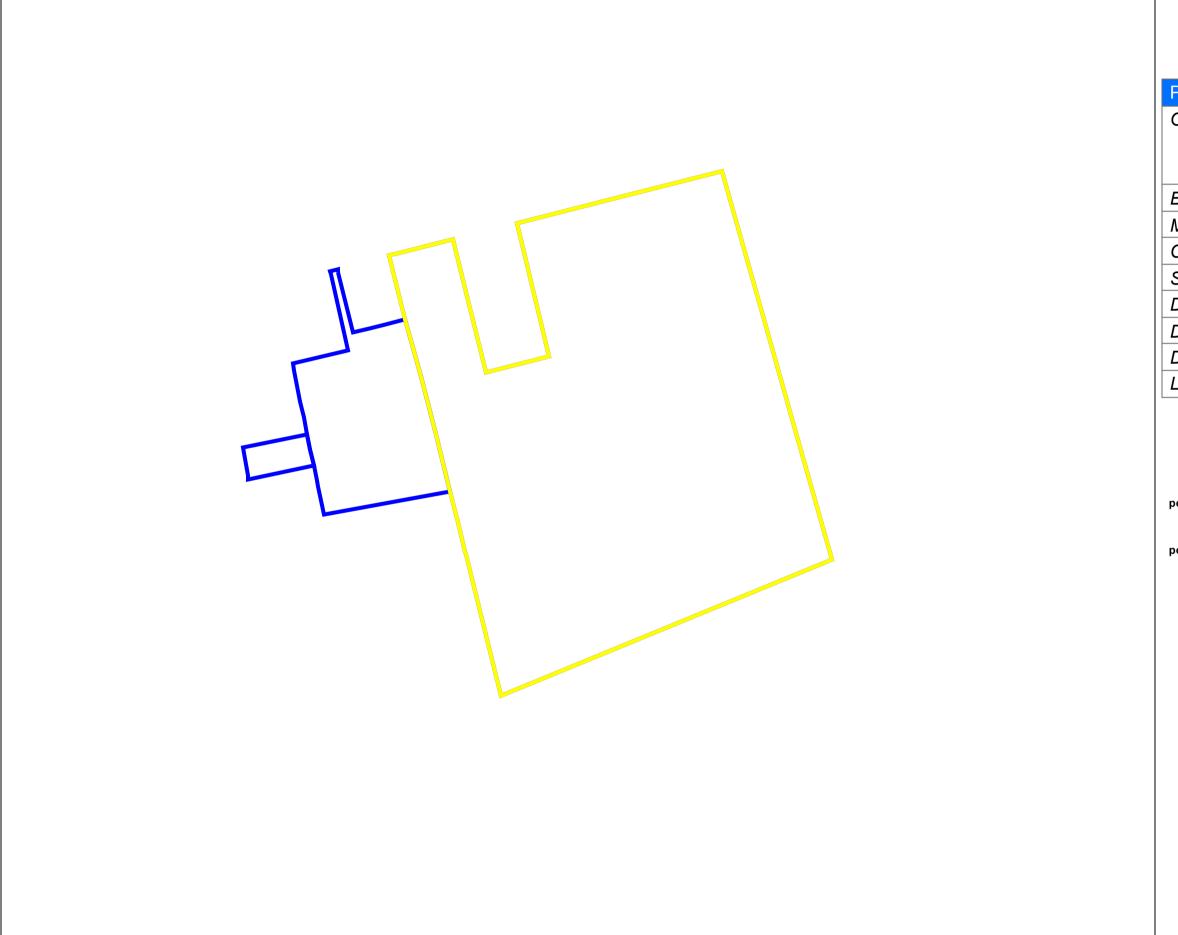
Major Rivers

Streams

Streams

0 0.05 0.1 0.2 mi 0 0.075 0.15 0.3 km

1:4,514



PIN:	235-30.00-62.00	
Owner Name	HUDSON WAYNE D JACQUELINE H	
Book	3636	
Mailing Address	200 ESHAM AVE	
City	BERLIN	
State	MD	
Description	HWY GEO TO LEWES	
Description 2		
Description 3	SPEC COMM LIEN	
Land Code		

polygonLayer

Override 1

polygonLayer

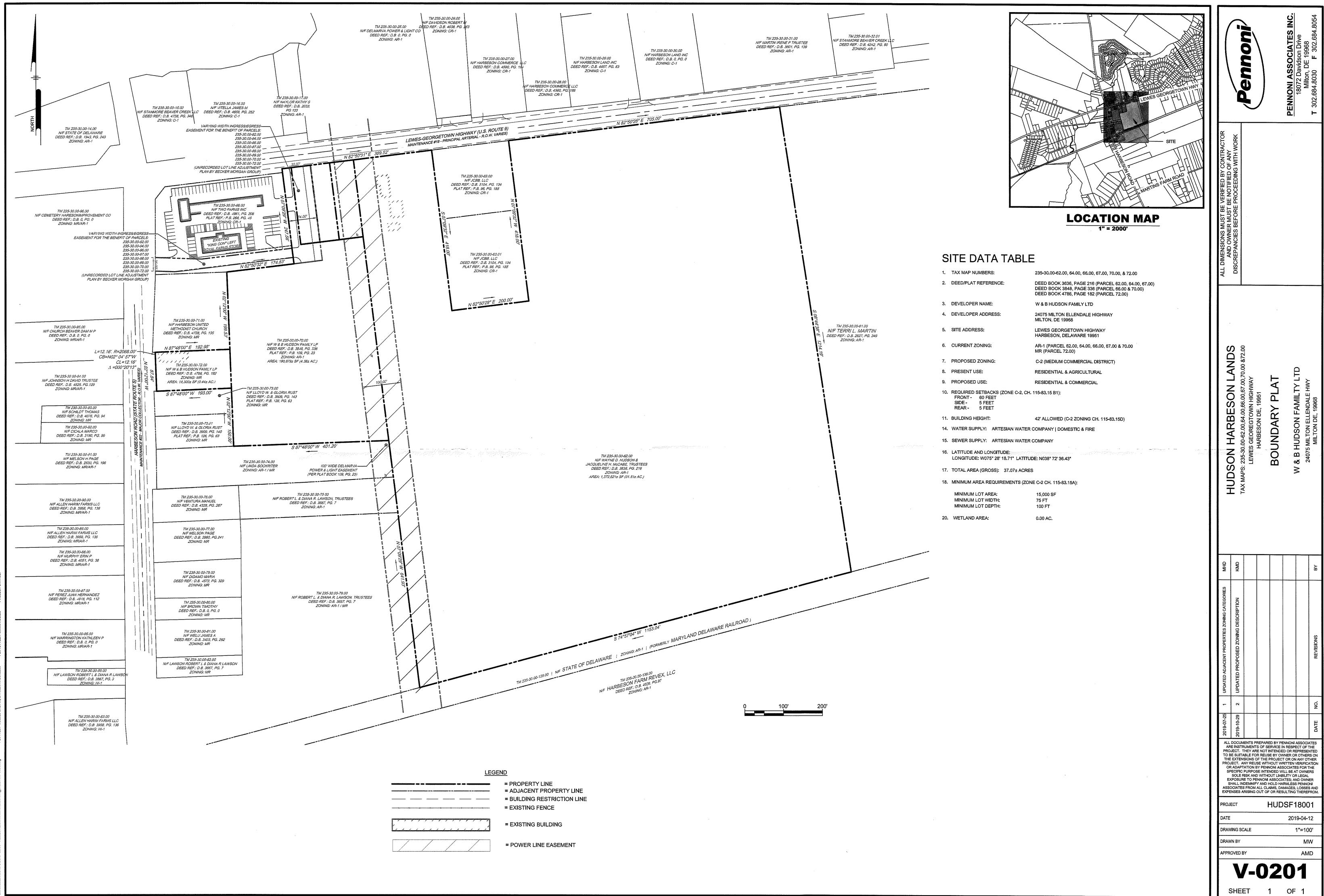
Override 1

Tax Parcels

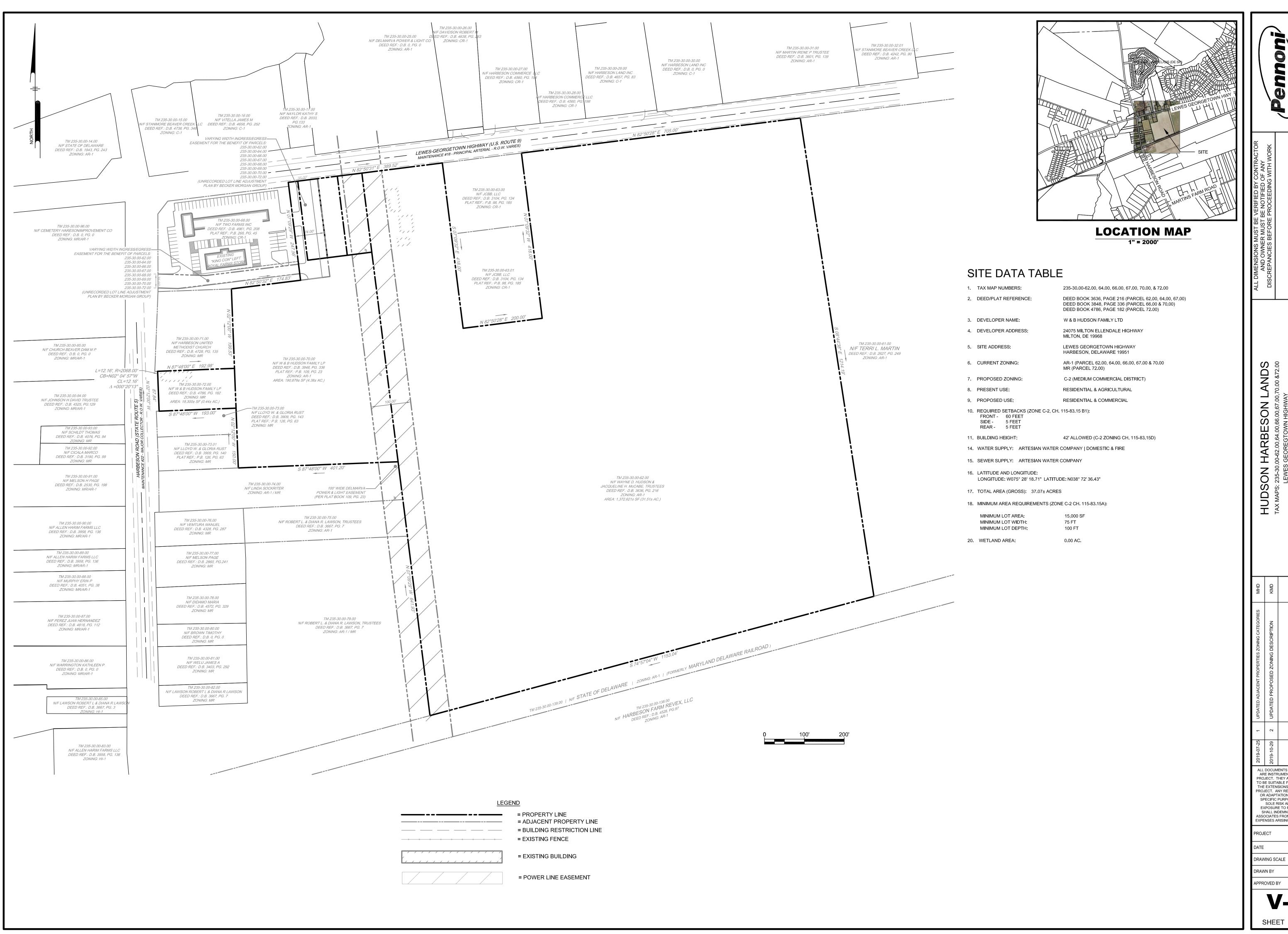
— Streets

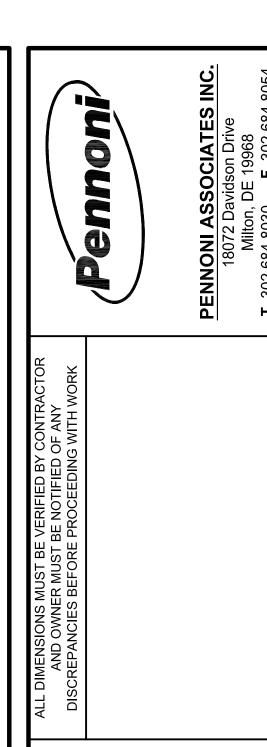
0 0.05 0.1 0.2 mi 0 0.075 0.15 0.3 km

1:4,514



PROJECT	HUDSF18001
DATE	2019-04-12
DRAWING SCALE	1"=100'
DRAWN BY	MW





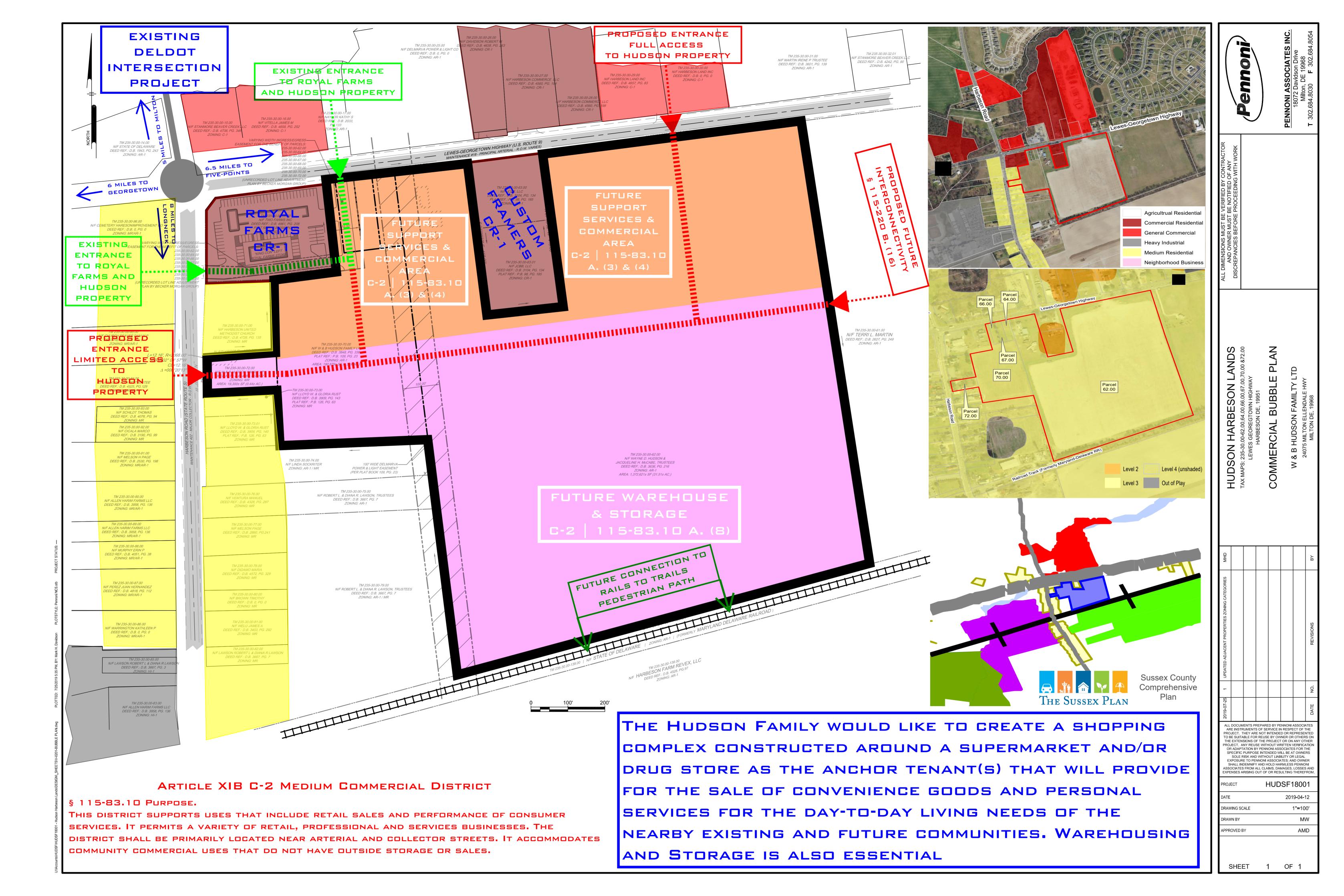
DARY PLAT
SON FAMILTY LTD

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES
ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE
PROJECT. THEY ARE NOT INTENDED OR REPRESENTED
TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON
THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER
PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION
OR ADAPTATION BY PENNONI ASSOCIATES FOR THE
SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS
SOLE RISK AND WITHOUT LIABILITY OR LEGAL
EXPOSURE TO PENNONI ASSOCIATES; AND OWNER
SHALL INDEMNIFY AND HOLD HARMLESS PENNONI
ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND
EXPENSES ARISING OUT OF OR RESULTING THEREFROM

HUDSF18001 2019-04-12 SCALE 1"=100'

AWN BY

V-0201







www.pennoni.com

W&B HUDSON FAMILY LTD PARTNERSHIP

WAYNE D. HUDSON & JACQUELINE MCCABE TRUSTEES

CASE NO. CZ 1908

ZONING MAP AMENDMENT FROM AR-1& MR TO C-2

OWNER:

W&B HUDSON LTD PARTNERSHIP 24075 MILTON ELLENDALE HIGHWAY MILTON DELAWARE 19968

WAYNE D HUDSON & JAQUELINE H. MCCABE TRUSTEES 200 ESHAM AVENUE BERLIN, MD

PLANNER/ENGINEER/SURVEYOR:

PENNONI

18072 DAVIDSON DRIVE

MILTON, DE 19968

TABLE OF CONTENTS:

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- a. APPLICATION
- b. BOUNDARY PLAT
- c. LEGAL DESCRIPTION
- d. PLUS APPLICATION
- e. V-0201- COMMERCIAL BUBBLE PLAN
- f. SERVICE LEVEL EVALUATION FORM
- g. SLER RESPONSE

TAB 2 EXHIBITS

- a. ZONING MAP
- b. 2019 COMPREHENSIVE PLAN
- c. 2007 FUTURE LAND USE PLAN
- d. SC TAX MAP
- e. ARTESIAN WATER DISTRICT
- f. LOT LINE ADJUSTMENT

TAB 3 MAPS/PLANS

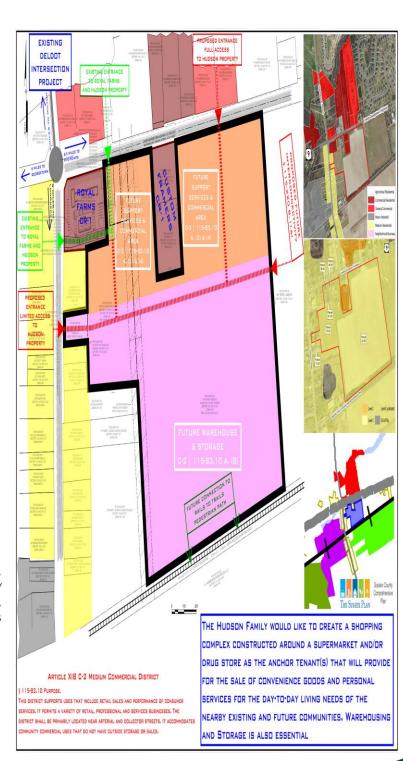
a. 2017, 2012, 2007, 2002, 1997, 1992, 1968, 1961, 1954,
 AND 1937 ORTHO - 2015 STATE SRATEGIES, COUNTY
 ZONING, 2012 LAND USE, NRCS SOILS, STATE WETLANDS,
 FEMA FLOOD PLAIN, GROUNDWATER RECHARGE, USGS
 TOPOGRAPHIC AND AREA COMMERCIAL USES MAP

TAB 4 FINDINGS

a. FINDINGS OF FACT

TAB 5 STATE PLANNING OMB

- a. PLUS Review Letter and Response Letter Combined
- b. Hudson PLUS Application



Mark H. Davidson / Vice President

Principal Land Planner/Office Director

EDUCATION

University of Delaware; Civil Engineering, (1986-1990)

Land Surveying, Delaware Technical & Community College (1984-1986) and Wastewater Microbiology Diploma (1997)

Land Planning, Institute for Public Administration (2006)

CERTIFICATIONS

DNREC Class A Percolation Tester & Class B Septic Designer, (DE #2418)

Sediment & Stormwater Management, Responsible Personnel, DE (#8760) and MD (#4914)

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

Association of Professionals Philanthropy, Brandywine Chapter Fundraising Nominee (2014)

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

Mark H. Davidson serves as Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 35-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

Mark is a past director of the Delaware Onsite Wastewater Recycling Association as well as a member of the American Planning Association, American Institute of Certified Planners and has served in the past as a committee member of Delaware Low Impact Development Roundtable Committee, Delaware Pollution Control Strategy Committee, Delaware Sediment & Stormwater Regulatory Advisory Committee, and the Delaware Technical & Community College A/E Curriculum Committee. He was also nominated for the Brandywine Chapter Association of Fundraising Professionals Philanthropy Award and has won the BNI Notable Networker Award.

Along with all the experience and education stated and with many years of combined experience in Surveying, Engineering, Consulting and Land Planning, he has been responsible for providing consulting, layout and design in surveying, engineering and land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware, Maryland, Virginia and West Virginia. He has project managed, studied, planned, surveyed, designed and engineered sustainable, masterplanned communities, commercial and urban redevelopment projects, and the public infrastructure that supports them.

Mark has provided nationwide land planning consulting services to a variety of clientele to help coordinate project startups as well as final construction consulting services when it came to commercial, residential, industrial, municipal, educational and community land planning. Provided additional consulting in civil/site engineering, stormwater management, erosion and sediment control, wastewater collection and disposal, transportation, and environmental. Market areas practiced; Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, North Dakota, Puerto Rico, Canada and Panama.

Additional Project experience includes cutting edge design and technology as well as value engineering to help clients through the ever-changing market including but not limited to solar voltaic and wind generation projects.

He is currently appointed by the Secretary of DNREC to serve 3-years on the On Site Septic Advisory Board for the State of Delaware.



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 <u><!--</u--></u>				
Zoning Map Amendment <u> </u>				
Site Address of Conditional Use/Z	oning Map Amendme	nt		
26504 LEWES GEORGETOWN HIGH	HWAY, HARBESON DE			
Type of Conditional Use Requeste	d:	·		
Tax Map #: 235-30.00-62.00, 64.00, 66	.00, 67.00, 70. & 72.00	Size of Parcel(s): 35.65 +/- AC		
Current Zoning: AR-1 & MR Prop	osed Zoning: C-2	Size of Building: TBD		
Land Use Classification: LOW DENS	SITY (2045 FLUM) LEVEL	3 ADJACENT TO COMMERCIAL INDUSTRIAL USES		
Water Provider: ARTESIAN	Sewo	er Provider: ARTESIAN		
Applicant Information				
Applicant Name: WAYNE HUDSON				
Applicant Address: 24075 MILTON E				
City: MILTON	State: DE	ZipCode: 19968		
Phone #: (302) 745-0231		NSULA@HUGHES.NET		
Owner Information				
Owner Name: W & B HUDSON FAM	IILY LTD			
Owner Address: 24075 MILTON ELL	ENDALE HIGHWAY			
City: MILTON	State: <u>DE</u>	Zip Code: <u>19968</u>		
Phone #: (302) 745-0231	E-mail: PEN	NSULA@HUGHES.NET		
Agent/Attorney/Engineer Informa	ation			
Agent/Attorney/Engineer Name:	MARK H DAVIDSON F	PENNONI		
Agent/Attorney/Engineer Address	: 18072 DAVIDSON DRI	VE		
City: MILTON	State: <u>DE</u>	Zip Code: <u>19968</u>		
Phone #: (302) 684-6207	E-mail: <u>MDA</u>	VIDSON@PENNONI.COM		

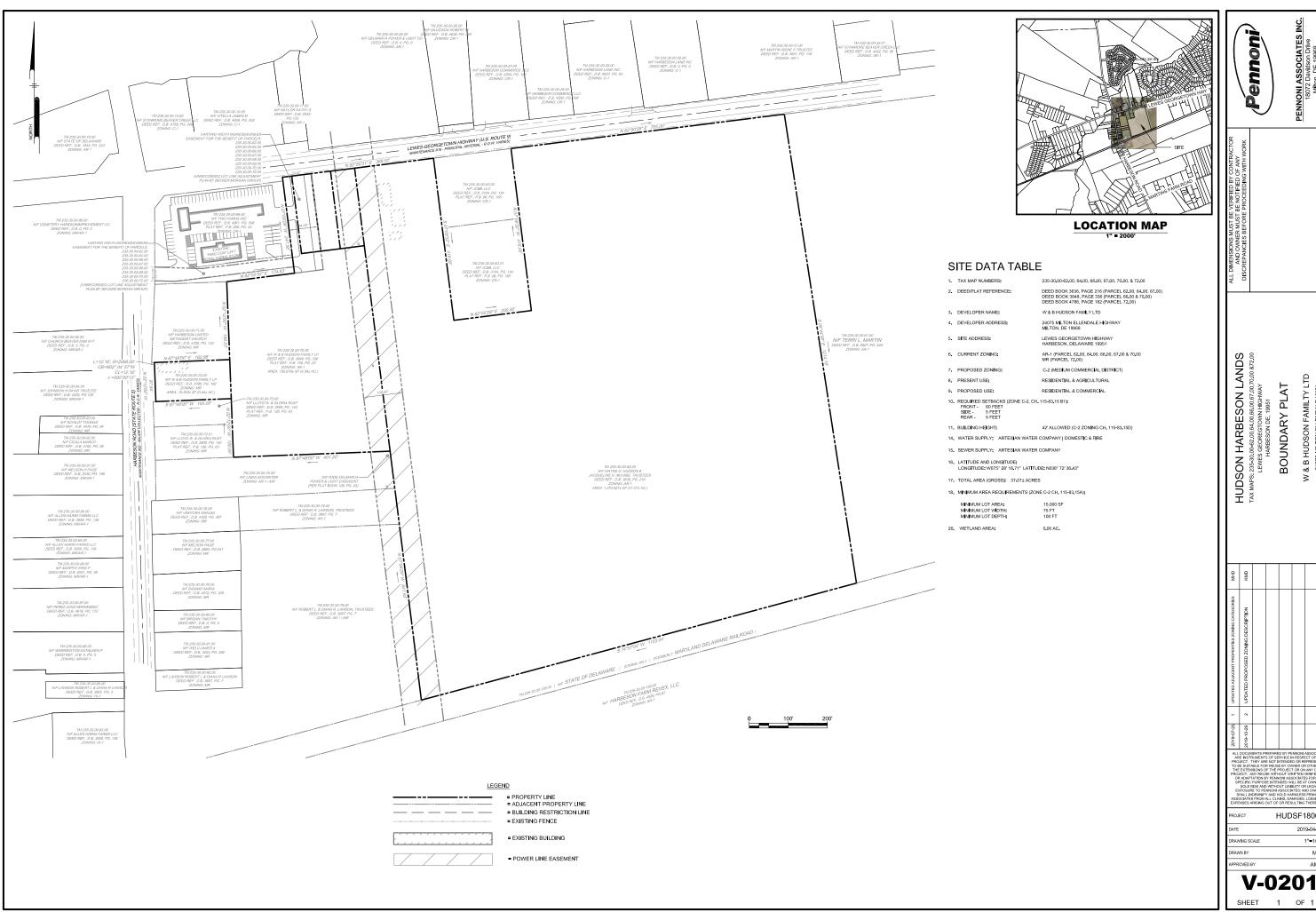




Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

<u> </u>	Completed Application
<u> </u>	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
<u> </u>	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.
<u> </u>	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.
<u> </u>	DelDOT Service Level Evaluation Request Response
_	PLUS Response Letter (if required)
	gned hereby certifies that the forms, exhibits, and statements contained in any papers or itted as a part of this application are true and correct.
Zoning Com and that I w needs, the I	that I or an agent on by behalf shall attend all public hearing before the Planning and imission and the Sussex County Council and any other hearing necessary for this application will answer any questions to the best of my ability to respond to the present and future nealth, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants punty, Delaware.
Signature	of Applicant/Agent/Attorney
1	Date:
Signature	Date:
Staff accepting	roperty: Sed: Fee: \$500.00 Check #: Application & Case #: roperty:
Date of PC He	earing: Recommendation of PC Commission: earing: Decision of CC:











PARTICULAR DESCRIPTION

LANDS NOW OR FORMERLY OF
W & B HUDSON FAMILY LP
AND
LANDS NOW OR FORMERLY OF WAYNE D.
AND
JACQUELINE H. MCCABE, TRUSTEES

TAX MAP 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, AND 72.00

All that certain piece, parcel and tract lying and being situate in the Broadkill Hundred of Sussex County, Delaware and being more particularly described as follows:

BEGINNING at a point, said point lying on the southerly right-of-way of Lewes-Georgetown Highway (U.S. Route 9); thence by and with said right-of-way, **North 82 degrees**, **50 minutes**, **31 seconds East**, **389.52 feet** to a point, said point being a corner for this Parcel and Lands now or formerly of JCBB, LLC; thence by and with this Parcel and Lands now or formerly of JCBB, LLC the following (3) courses and distances:

- 1) South 07 degrees, 09 minutes, 32 seconds East, 418.00 feet to a point,
- 2) North 82 degrees, 50 minutes, 28 seconds East, 200 feet to a point,
- 3) North 07 degrees, 09 minutes, 32 seconds West, 418.00 feet to a point,

said point lying on the southerly right-of-way of Lewes-Georgetown Highway and this Parcel; thence by and with said right-of-way North 82 degrees, 50 minutes, 28 seconds East, 705.00 feet to a point, said point being a corner for this Parcel and Lands now or formerly of Terri L. Martin; thence by and with this Parcel and Lands now or formerly of Terri L. Martin, South 08 degrees, 44 minutes, 38 seconds, East, 1214.19 feet to a point, said point being a corner for this Parcel and Lands now or formerly of State of Delaware; thence by and with this Parcel and Lands now or formerly the State of Delaware, South 74 degrees, 57 minutes, 04 seconds West, 1153.04 feet to a point, said point being a corner for this Parcel and Lands now or formerly of Robert L. and Diana R. Lawson, Trustees; thence by and with this Parcel and Lands now or formerly of Robert L. and Diana R. Lawson, Trustees, North 07 degrees, 09 minutes, 29 seconds West, 641.93 feet to a point, said point being a corner for this Parcel and Lands now or formerly of Linda Sockriter; thence by and with this Parcel and Lands now or formerly of Linda Sockriter, South 87 degrees, 48 minutes, 00 seconds West, 401.20 feet to a point, said point being a corner for this Parcel and Lands now or formerly of Linda Sockriter, South 87 degrees, 48 minutes, 00 seconds West, 401.20 feet to a point, said point being a corner for this Parcel and Lands now or formerly of Lloyd W. and Gloria Rust;

W&B Hudson Family LP | TM235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, and 72.00 Particular Description

thence by and with this Parcel and Lands now or formerly of Lloyd W. and Gloria Rust the following (2) courses and distances:

- 1) North 02 degrees, 12 minutes, 00 seconds West, 150.00 feet to a point,
- 2) South 87 degrees, 48 minutes, 00 seconds West, 193.00 feet to a point,

Said point lying on the easterly right-of-way of Harbeson Road (State Route 5); thence by and with said right-of-way, **North 02 degrees, 12 minutes, 00 seconds West, 87.84 feet** to a point, said point being a corner for this Parcel and Lands now or formerly of Harbeson United Methodist Church; thence by and with this Parcel and Lands now or formerly of Harbeson United Methodist Church the following (2) courses and distances:

- 1) North 87 degrees, 48 minutes, 00 seconds East, 192.98 feet to a point,
- 2) North02 degrees, 12 minutes, 00 seconds West, 199.53 feet to a point,

Said point being a corner for this Parcel and Lands now or formerly of Two Farms Inc.; thence by and with this Parcel and Lands now or formerly of Two Farms, Inc. the following (2) courses and distances:

- 1) North 82 degrees, 50 minutes, 32 seconds East, 174.83 feet to a point,
- 2) North 07 degrees, 09 minutes, 29 seconds West, 247.56 feet to a point,

Said point being the **Point of Beginning** for this description.

These Parcels contain 1,615,200 square feet, or 37.08 acres of land, more or less.

Preliminary Land Use Service (PLUS)

Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.

Please complete this PLUS application in its entirety. **All questions <u>must</u> be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project <u>before</u> the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

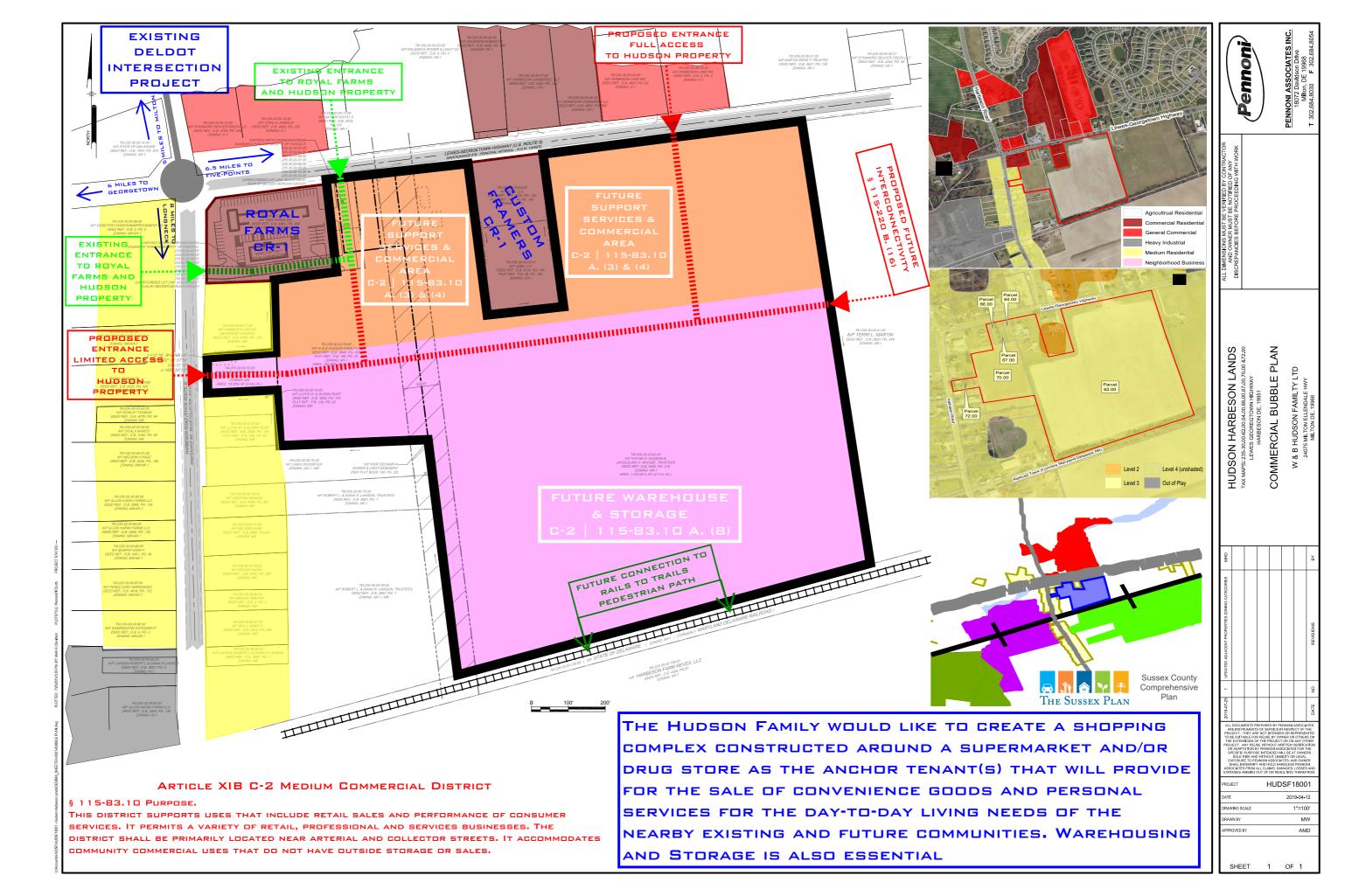
PLUS Number (to be completed by OSPC): Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC):			
1.	Project Title/Name: Hudson Harbeson	n Lands	
2.	Location (please be specific): 26504 L	ewes Georgetown Highway, Harbes	son DE
3.	Parcel Identification #:235-30.00-62.00, 6-70.00, 72.00	4.00, 66.00, 67.00, 4. County or Local located: Sus	Jurisdiction Name: where project is sex County
5.	If contiguous to a municipality, are you se	eking annexation: N/A	
6.	Owner's Name: W & B Hudson Fami	ly LTD	
	Address: 24075 Milton Ellendale H	lighway	
	City: Milton	State: Delaware	Zip: 19968
	Phone: 302 745-0231	Fax:	Email: peninsula@hughes.net
7.	Equitable Owner/Developer (This Persor	n is required to attend the PLUS meeting): Wayne Hudson
	Address: 24075 Milton Ellendale Hi	ghway	
	City: Milton	State: Delaware	Zip: 19968
	Phone: 302 745-0231	Fax:	Email: peninsula@hughes.net
8.	8. Project Designer/Engineer: Mark H. Davidson Pennoni		
	Address: 18072 Davidson Drive		
	City: Milton	State: Delaware	Zip: 19968
	Phone: 302 684-8030	Fax:	Email: mdavidson@pennoni.com
		2011	
9.	Please Designate a Contact Person, in	cluding phone number, for this Project:	Mark H. Davidson 302-684-6207

The Hudson Family would like to create a shopping complex constructed around a supermarket and/or drug store as the anchor tenant(s) that will provide for the sale of convenience goods and personal services for the day-to-day living needs of the nearby existing and future communities. Warehousing and Storage is also essential

Preliminary Land Use Service Application • Page 2 of 3

Information Regarding Site:		
10. Type of Review: Rezoning, if not in compliance with Subdivision	certified comprehensive plan	
11. Brief Explanation of Project being reviewed:		
If this property has been the subject of a previous LUPA or PLU those applications. N_0	S review, please provide the name(s) and date(s) of	
12. Area of Project (Acres +/-): Number of Residential N/A	Units: Commercial square footage: TBD	
13. Present Zoning: AR-1 (PARCEL 62.00, 64.00, 66.00, 67.00 & 70.00) MR (PARCEL 72.00)	14. Proposed Zoning: C-3 (HEAVY COMMERCIAL DISTRICT)	
15. Present Use: RESIDENTIAL & AGRICULTURAL CDI Spray Field AG Crops	16. Proposed Use: Retail Warehouse	
17. Water:	Tank may be warranted for fire	
18. Wastewater: Central (Community system) Individual		
Service Provider Name: Artesian Water Company		
Will a new community wastewater system be located on this sit		
19. If residential, describe style and market segment you plan to targ	get (Example- Age restricted):	
20. Environmental impacts:		
How many forested acres are presently on-site? How man	ny forested acres will be removed?	
To your knowledge, are there any wetlands, as defined by the U.S. A Environmental Control, on the site? Tyes No	Army Corps of Engineers or the Department of Natural Resources and	
Are the wetlands:		
If "Yes", have the wetlands been delineated? Yes No		
Has the Army Corps of Engineers signed off on the delineation?	Yes No	
Will the wetlands be directly impacted and/or do you anticipate the n describe the impacts:	eed for wetland permits?	
How close do you anticipate ground disturbance to wetlands, stream	s, wells, or waterbodies?	
21. Does this activity encroach on or impact any tax ditch, public dite	ch, or private ditch (ditch that directs water off-site)? Yes No	
22. List the proposed method(s) of stormwater management for the Infiltration and Rechar	site: rge back into the ground	
23. Is open space proposed? Yes No If "Yes," how muc	ch? Acres: TBD	
What is the intended use of the open space (for example, active recr wildlife habitat, historical or archeological protection)?	eation, passive recreation, stormwater management,	
24. Are you considering dedicating any land for community use (e.	g., police, fire, school)?	

25. Please estimate How many vehicle trips will this project generate on an average w	eekday? A trip is a vehicle entering or exiting. If			
traffic is seasonal, assume peak season:	Ex. Entrance with Royal Farms to US9			
Mile to a vector and the contribution will be two also evaluating years and misk we two also	and DE5; New Full access Entrance RT9			
What percentage of those trips will be trucks, excluding vans and pick-up trucks?	and possible alternate Entrance DE5.			
26. Will the project connect to state maintained roads? ■ Yes □ No				
 Please list any locations where this project physically could be connected to exist indicate your willingness to discuss making these connections. 	ing or future development on adjacent lands and			
28. Are there existing sidewalks? Yes No; bike paths Yes No No; bike paths Yes No; bike paths Yes No;				
Is there an opportunity to connect to a larger bike, pedestrian, or transit network?	Yes No			
29. To your knowledge, is this site in the vicinity of any known historic/cultural resource	es or sites? Yes No			
Has this site been evaluated for historic and/or cultural resources?	No			
Would you be open to a site evaluation by the State Historic Preservation Office? Yes No				
30. To promote an accurate review of your parcel's features, would you permit a State Person to contact to arrange visit: phone number:				
31. Are any federal permits, licensing, or funding anticipated? Yes No				
I hereby certify that the information on this application is complete, true and correct, to the	he best of my knowledge.			
The self the land				
Signature of property owner, Date	/			
2/2	11/244			
Signature of Person completing form	9/2019			
(If different than property owner)				
Signed application must be received before application is scheduled for PLUS re	view.			
This form should be returned to the Office of State Planning electronica	Illy at plus@state.de.us along with an			
electronic copy of any site plans and development plans for this sit	te. Site Plans, drawings, and location maps			
should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files	s. GIS data sets and CAD drawings may			
also be submitted. If electronic copy of the plan is not available, contact	t The Office of State Planning Coordination			
at (302) 739-3090 for further instructions. A signed copy should be forward	arded to the Office of State Planning, 122			
William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly.				
Please be sure to note the contact person so we may schedule your request in a timely manner.				



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 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: 3/13/19	
Site Information:	
Site Address/Location: Lewes Georgetown Hwy Broadkill Hu	undred, Sussex County, Delaware
Tax Parcel Number: <u>235-30.00 PP 62.00</u> , 64.00, 66.00, 67 <u>.00</u> , and 7	<u>70.00, 72</u> .00
Current Zoning: AR-1 (35.19+/- ACS) MR (0.46+/- ACS)	
Proposed Zoning: C-4 35.65+/- ACRES	
Land Use Classification: DEVELOPING AREA LEVEL 3	
\mathbf{D}_{out} and \mathbf{D}_{out}	O ONCE THE C-4 ORDINANCE IS UPDATED TO E MIX WILL BE 60% COMMERCIAL OF A MIXED OUSE/STORAGE) AND 40% TOWNHOUSE
Square footage of any proposed buildings or number of units:	A DEVELOPMENT PLAN IS BEING PLANNED AT THIS TIME AND NO SPECIFIC SIZES OR USES HAVE BEEN
Applicant Information:	GENERATED.
Applicant's Name: W & B Hudson Family LTD	_
Applicant's Address: 24075 Milton Ellendale Hwy P.O. Box 187	
City: Milton State: DE	Zip Code: 19968
Applicant's Phone Number: (302) 745-0231 Applicant's e-mail address: penninsula@huges.net	
	PLEASE COPY RESPONSE TO:

PLEASE COPY RESPONSE TO: MARK H. DAVIDSON | PENNONI 18072 DAVIDSON DRIVE MILTON, DELAWARE 19968 302-684-6207 MDAVIDSON@PENNONI.COM



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

April 5, 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 **W & B Hudson Family LTD** rezoning application, which we received on March 14, 2019. This application is for a 35.65-acre assemblage of parcels (Tax Parcels: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00). The subject land is located on the south side of US Route 9 and east side of Delaware Route 5. The subject land is currently split-zoned as AR-1 (Agricultural Residential, 35.19 acres) and MR (Medium-Density Residential, 0.46 acre), and the applicant is seeking to rezone the entire land to C-4 (Planned Commercial) to build a mixed-use development consisting of 60% commercial (retail / warehouse / storage) and 40% residential (townhouses).

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 14,696 and 18,914vehicles per day, respectively. As the subject land also has frontage along Delaware Route 5, the annual average and summer average daily traffic volumes along that road segment, which is from Hollyville Road (Sussex Road 48) to US Route 9, are 4,372 and 5,627 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the <u>Development Coordination Manual</u>, 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.



Ms. Janelle M. Cornwell Page 2 of 2 April 5, 2019

A review of TIS and Traffic Operational Analysis (TOA) completed in the last three years found that the Royal Farms No. 296 TOA included the intersection of US Route 9 and Delaware Route 5, which is located approximately 400 feet west of the proposed development. We are providing a copy of the TOA review letter; please find it enclosed with this letter.

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 Enclosure

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues W & B Hudson Family LTD, Applicant

J. Marc Coté, Assistant Director, Development Coordination

Gemez Norwood, South District Public Works Manager, Maintenance and Operations

Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination

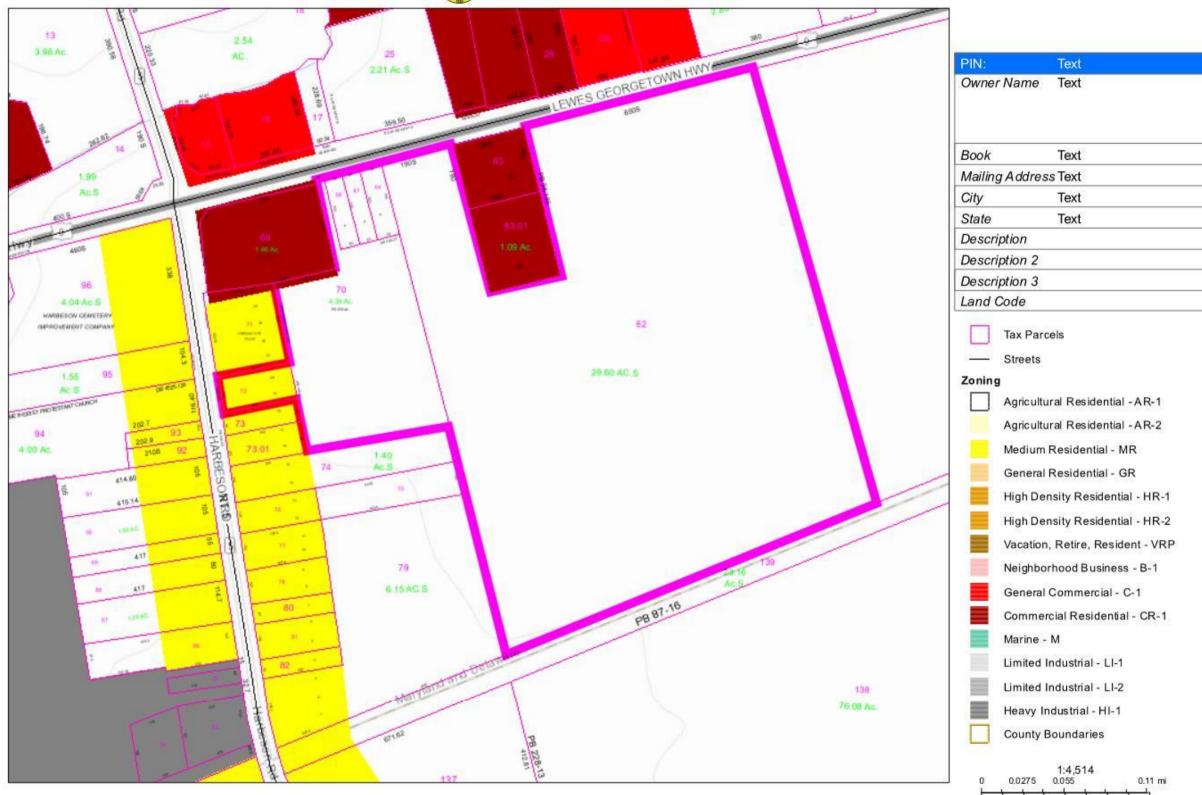
Derek Sapp, Subdivision Manager, Development Coordination

Brian Yates, Subdivision Manager, Development Coordination

John Andrescavage, Subdivision Manager, Development Coordination

Troy Brestel, Project Engineer, Development Coordination

Claudy Joinville, Project Engineer, Development Coordination

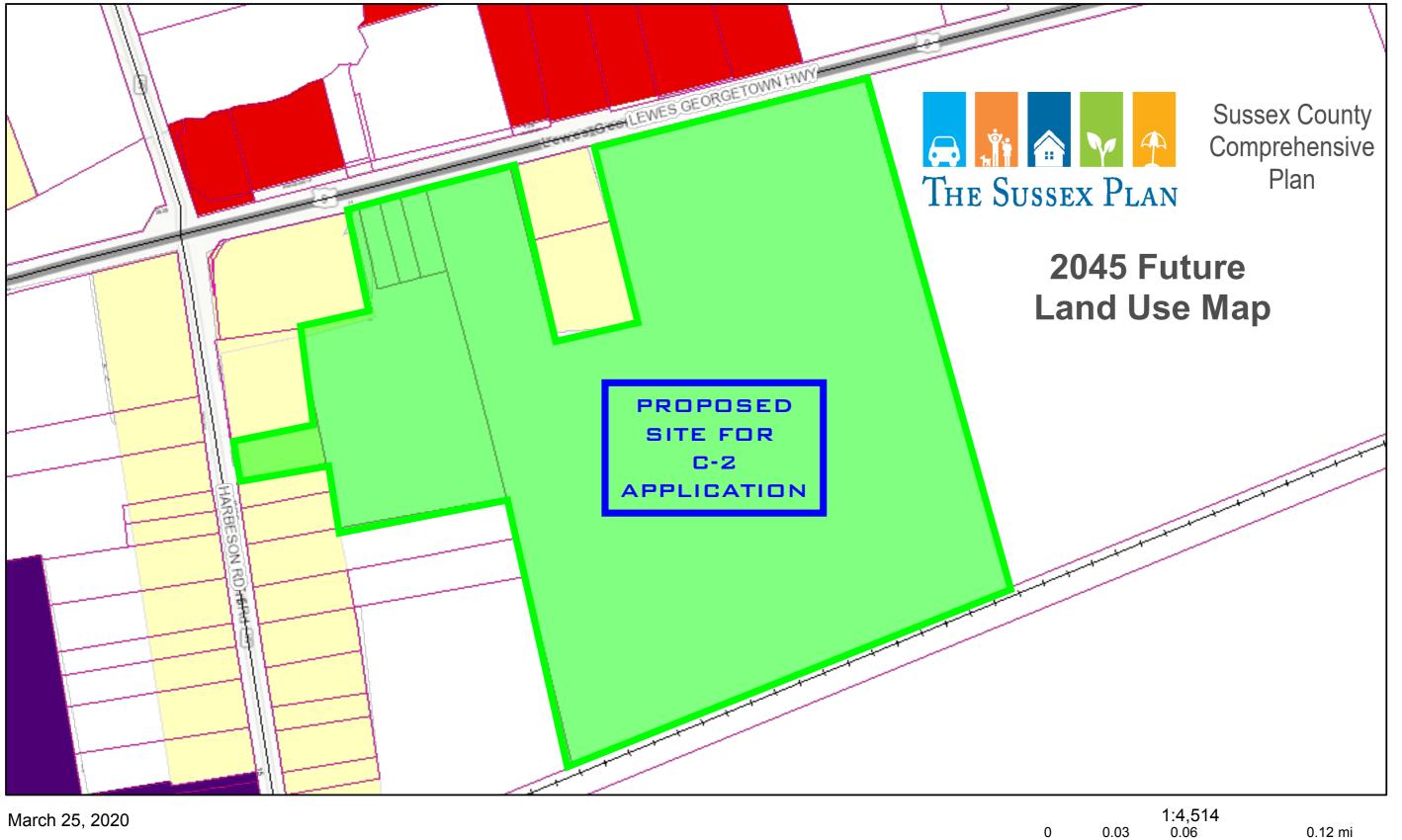


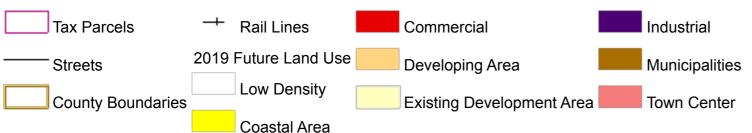
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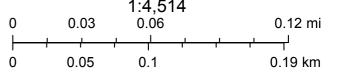
0.045

0.09

0.18 km



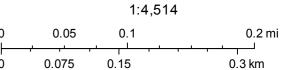




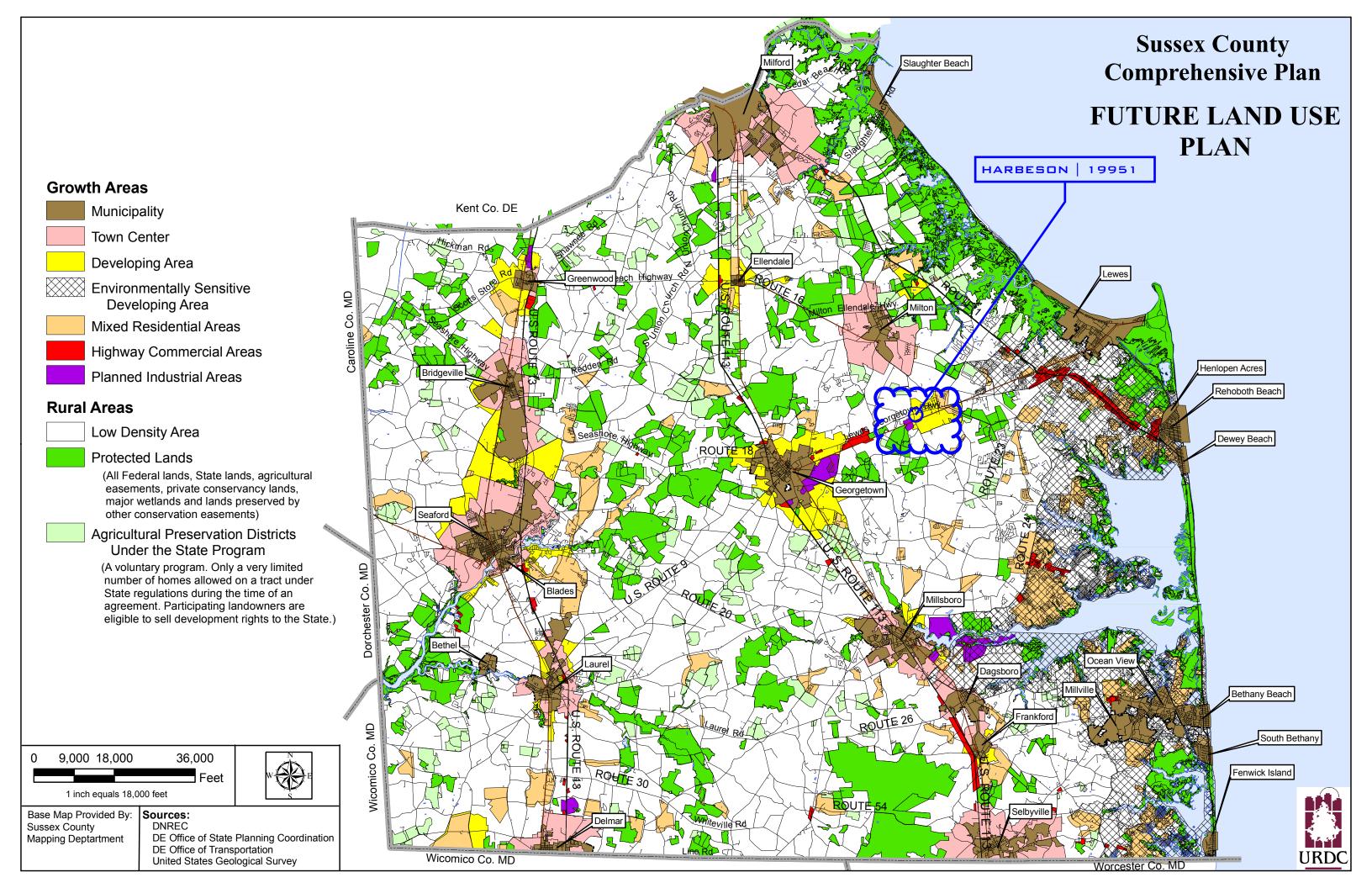
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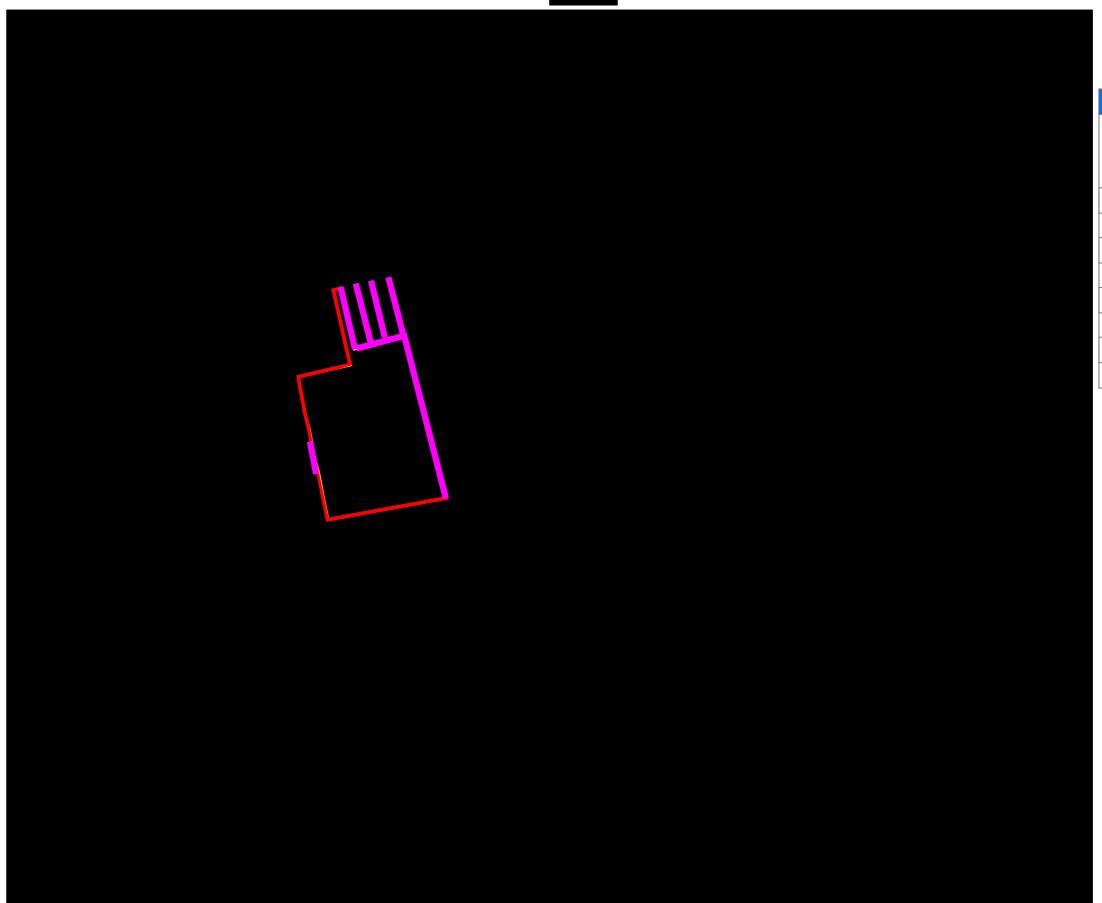






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PIN:	235-30.00-70.00
Owner Name	W & B HUDSON FAMILY LTD PTNR
Book	3848
Mailing Address	24075 MILTON ELLENDALE
City	MILTON
State	DE
Description	S/RT 9
Description 2	354'E/RT 5
Description 3	
Land Code	

polygonLayer

Override 1

polygonLayer

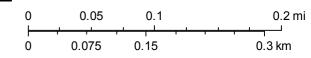
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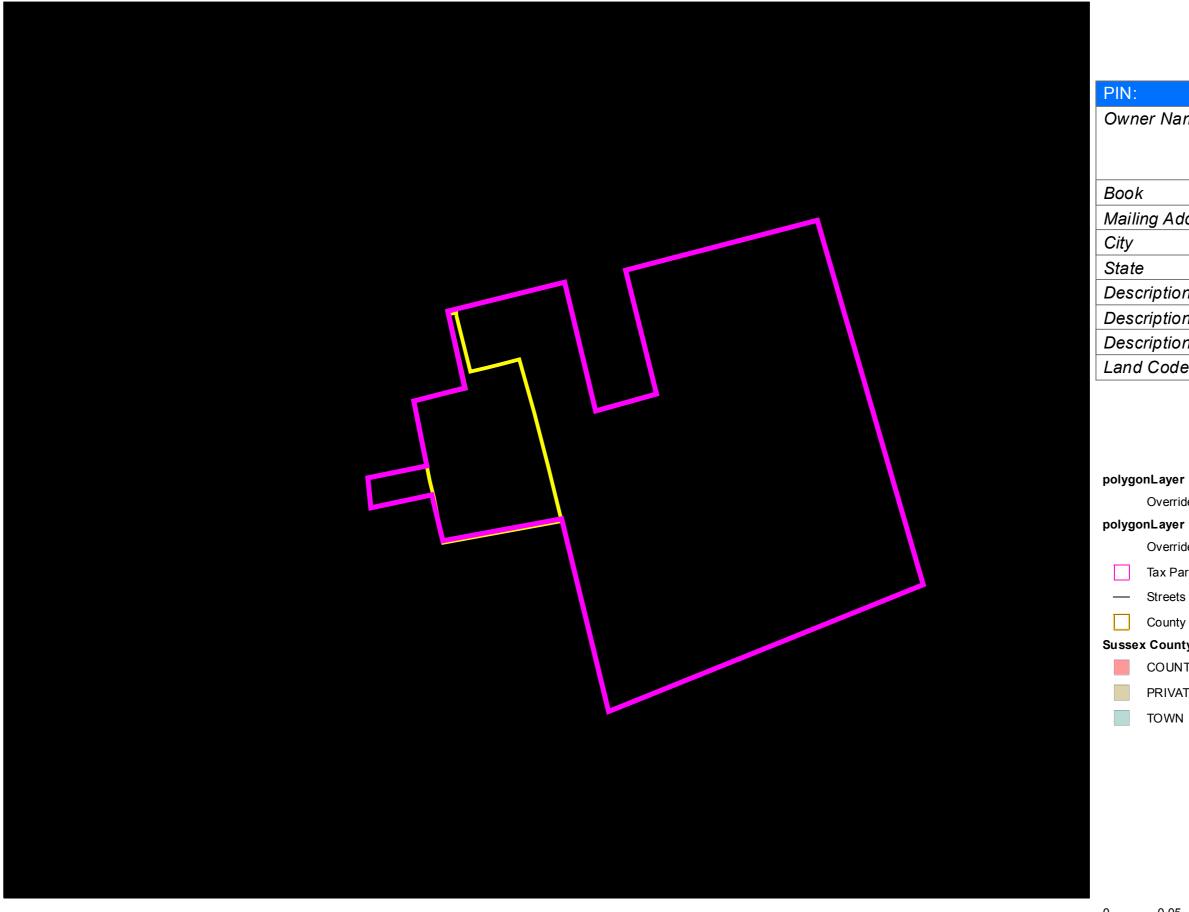
Tax Parcels

Streets

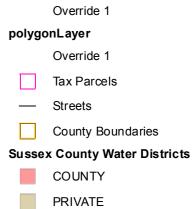
County Boundaries

1:4,514



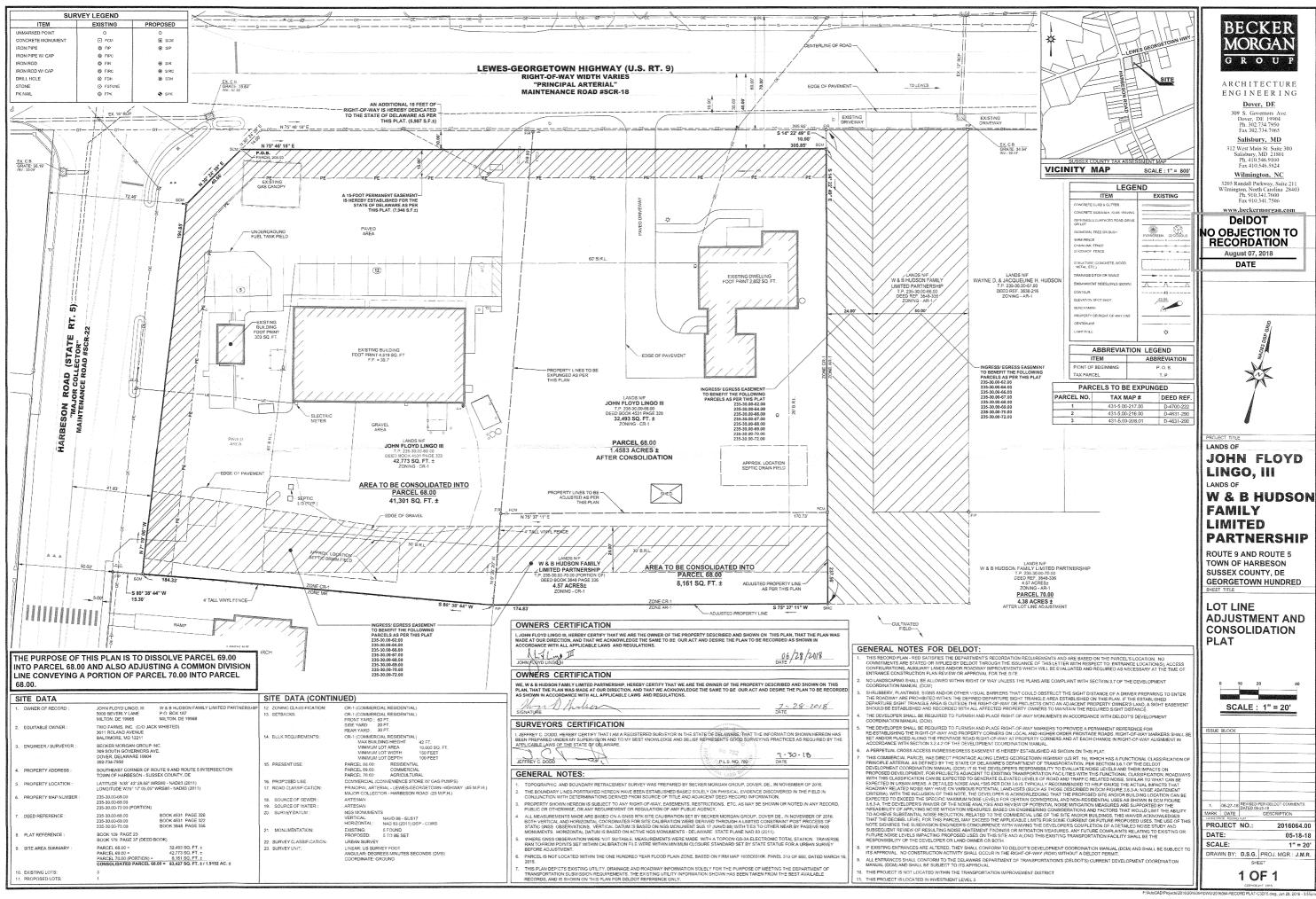


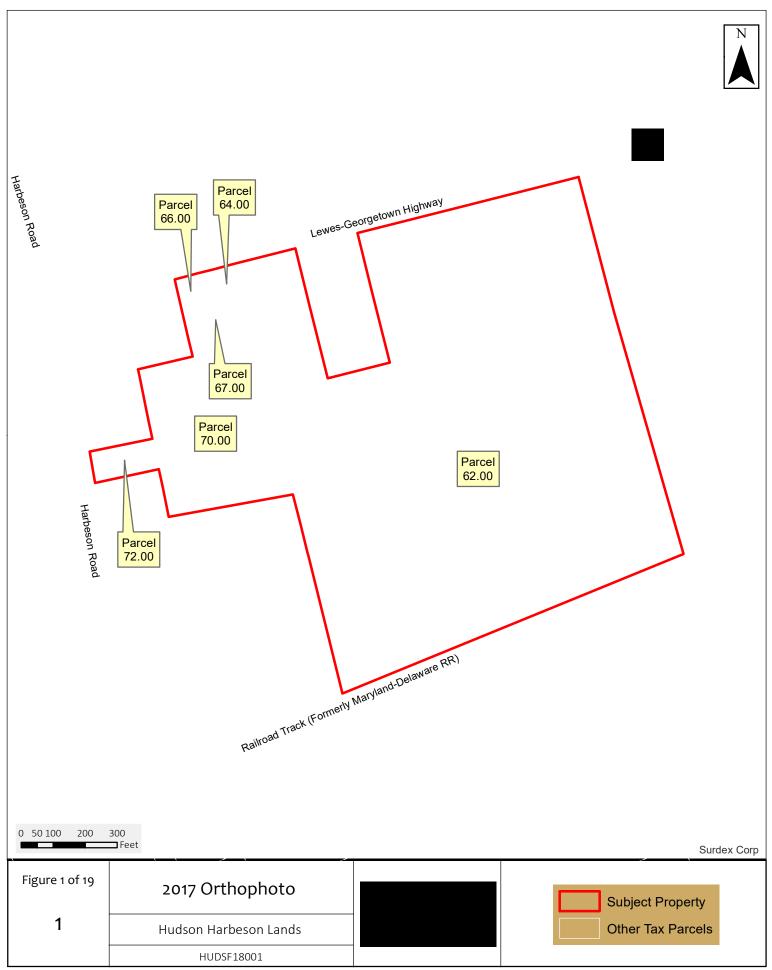
PIN:	235-30.00-70.00
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Description 3	
Land Code	

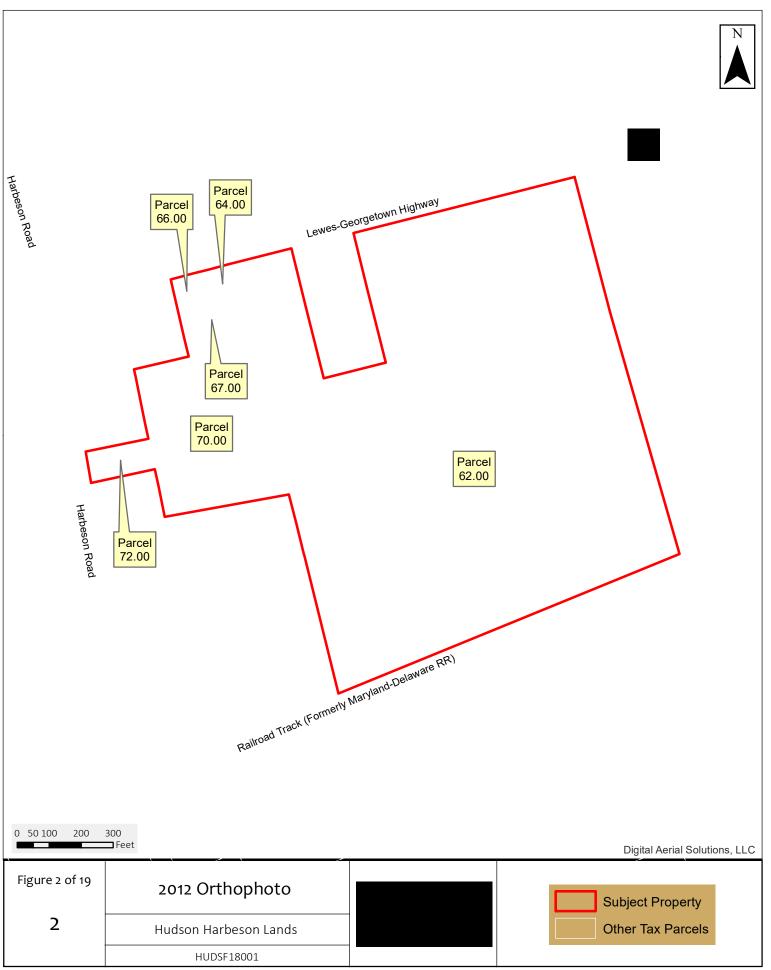


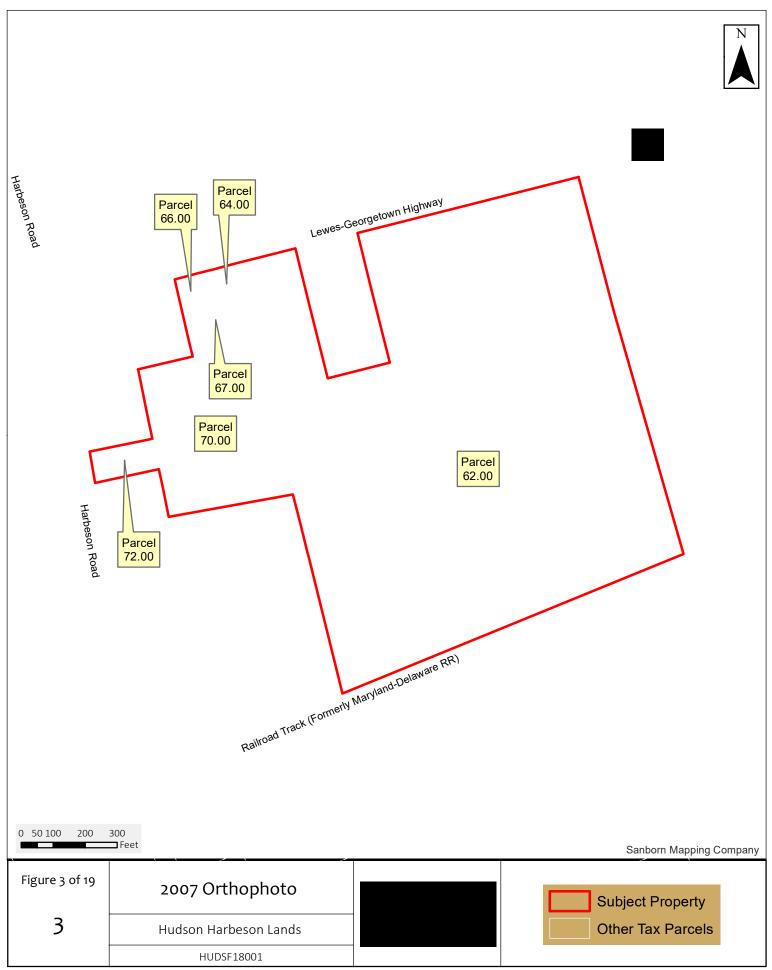
TOWN

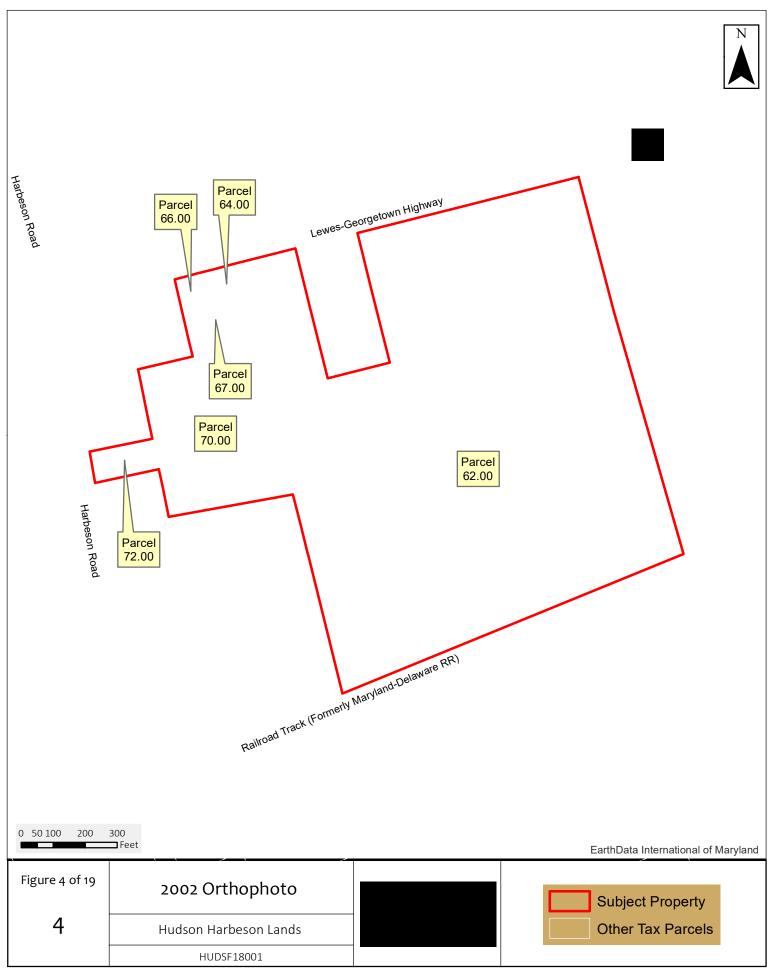
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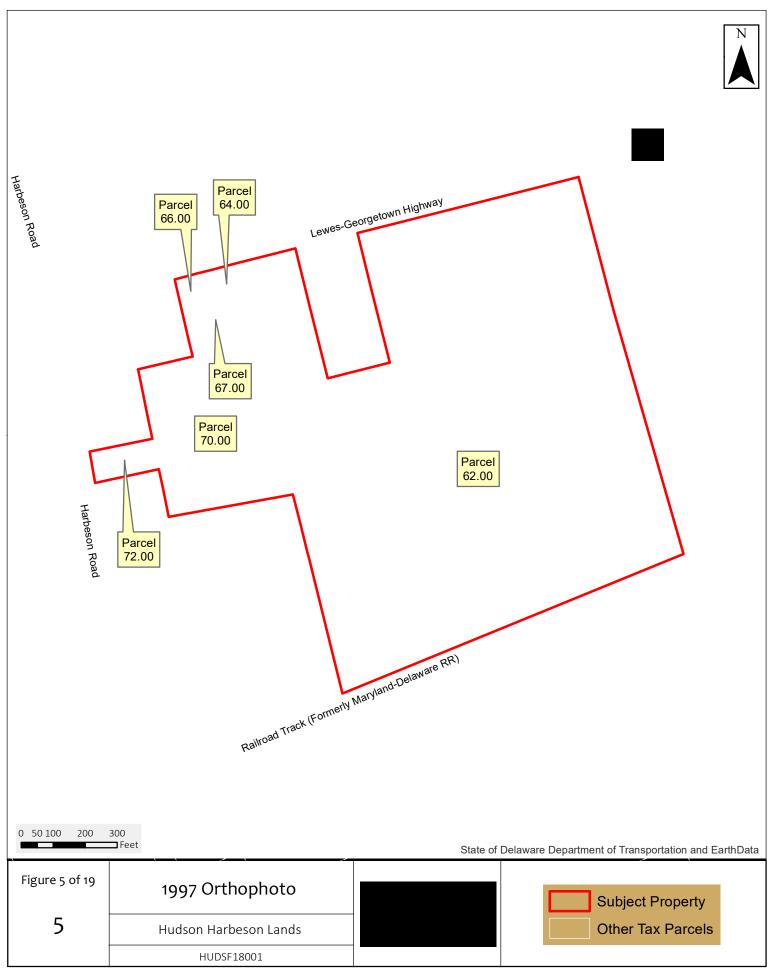


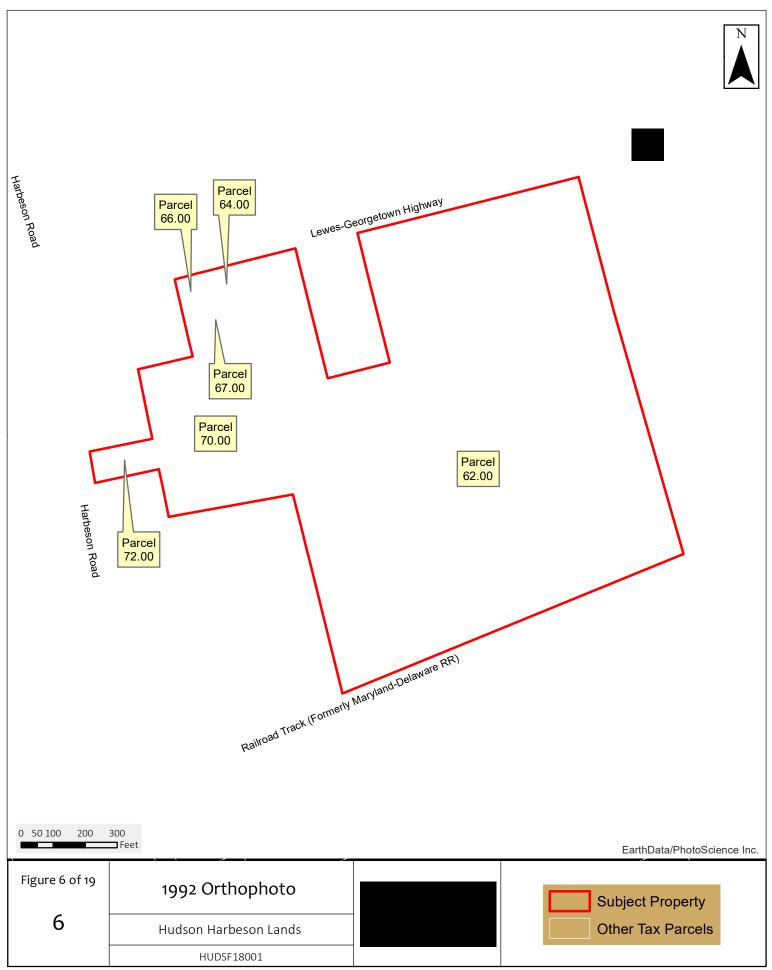


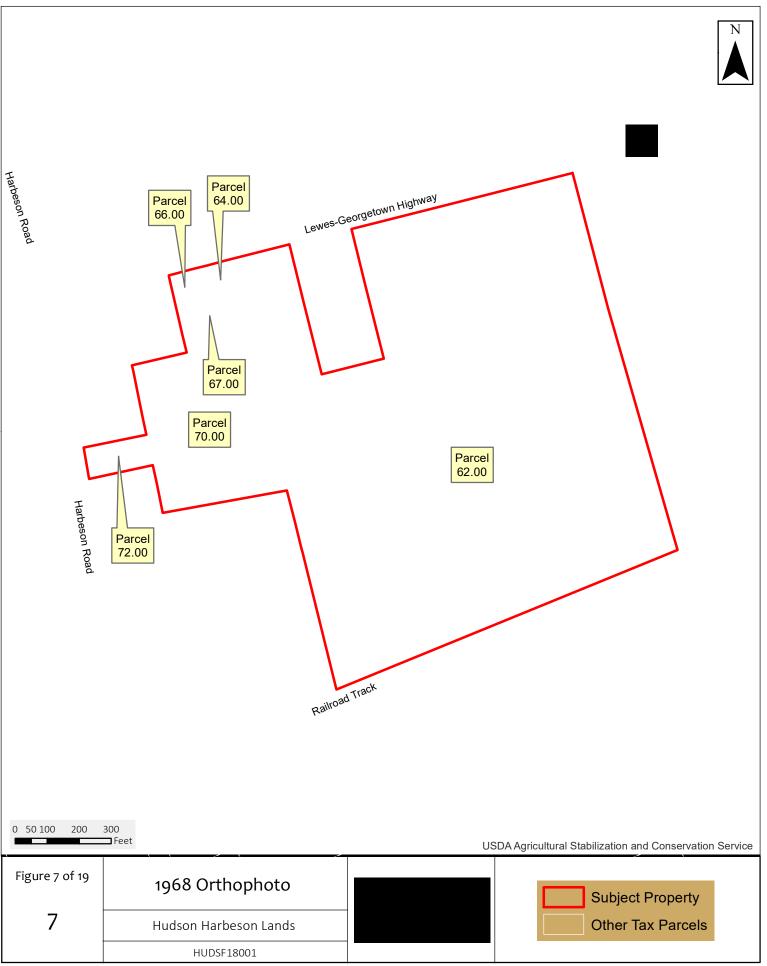


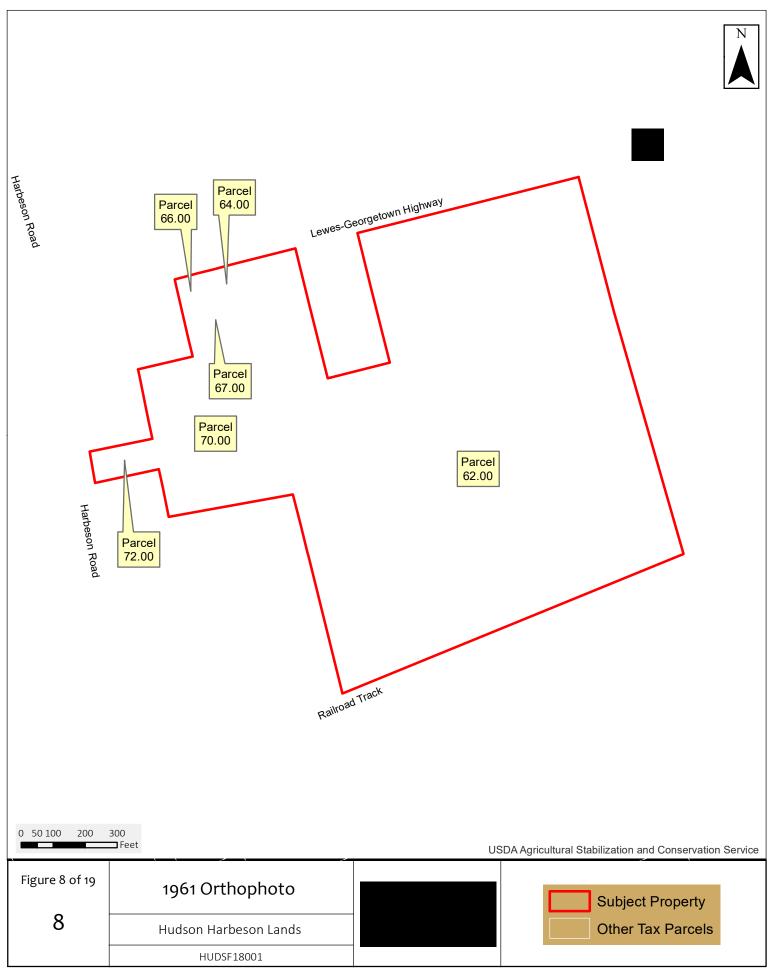


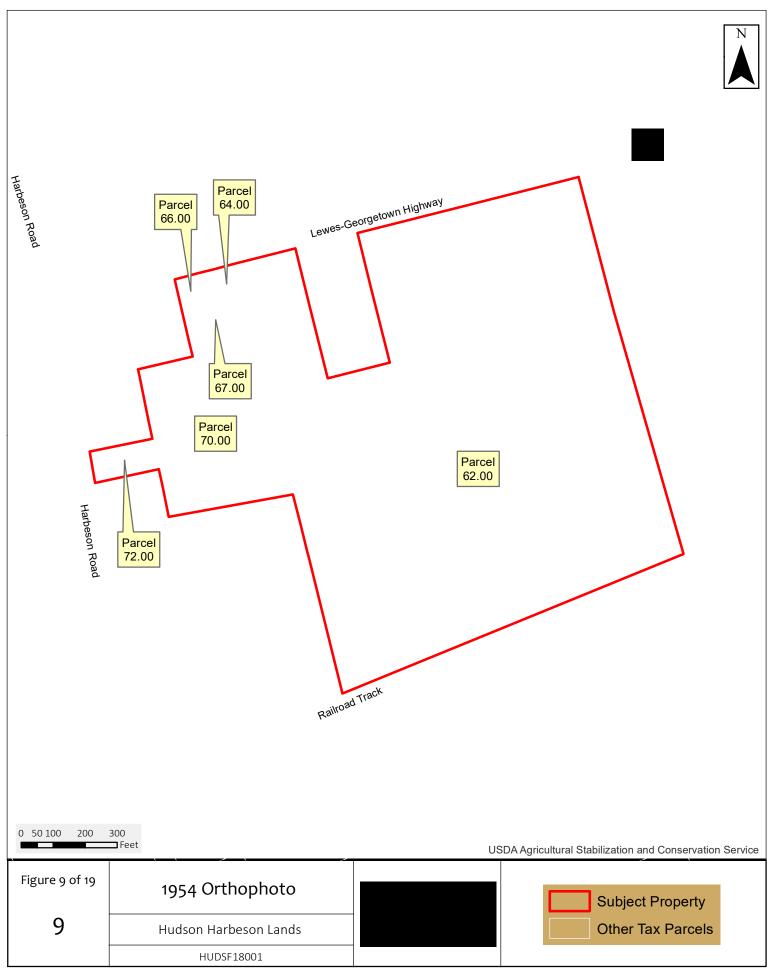


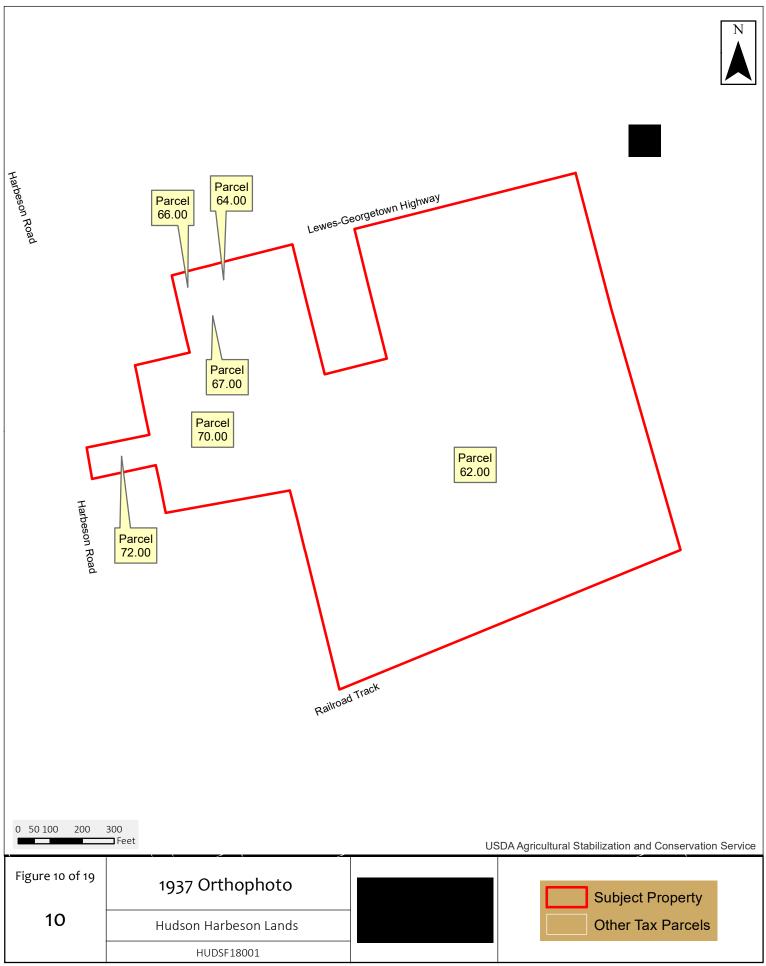


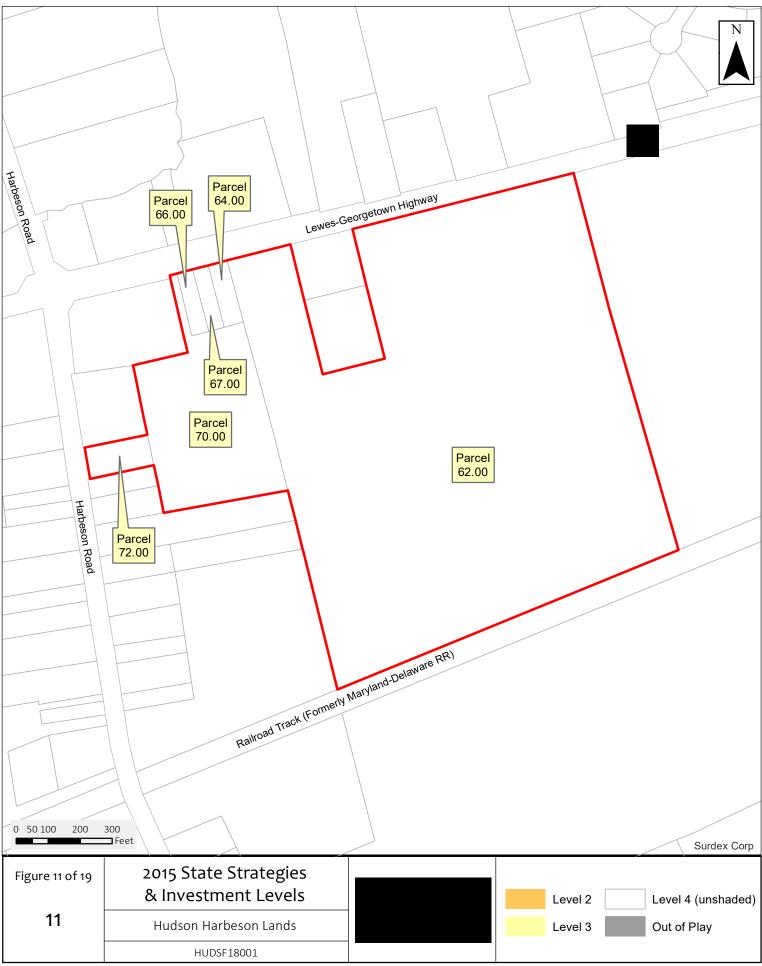


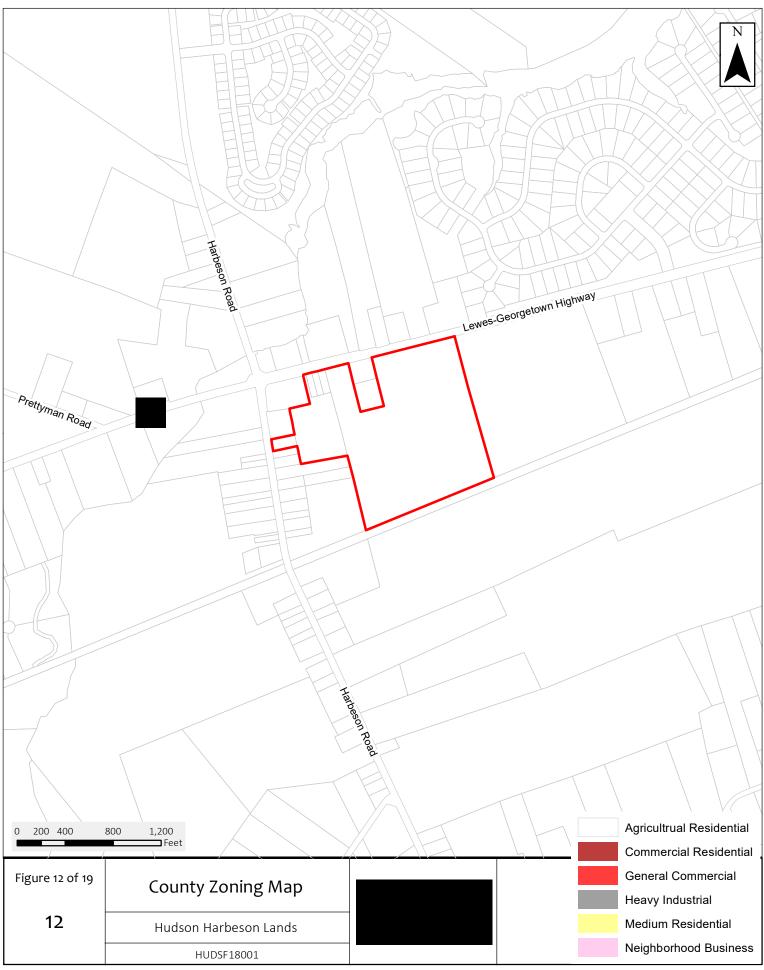


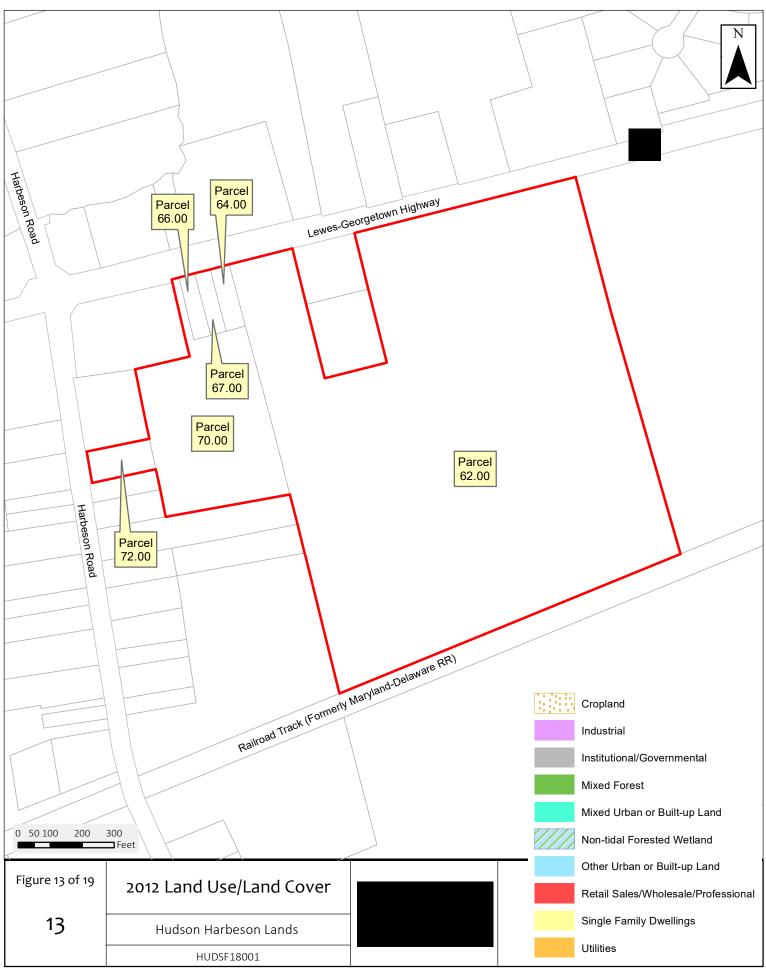


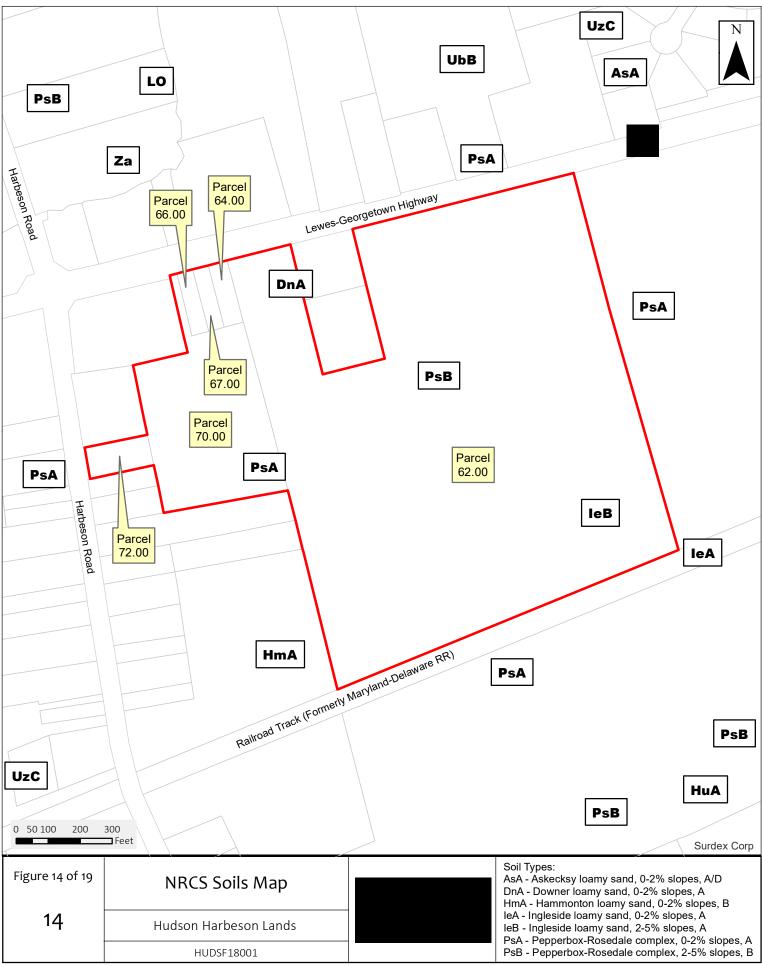


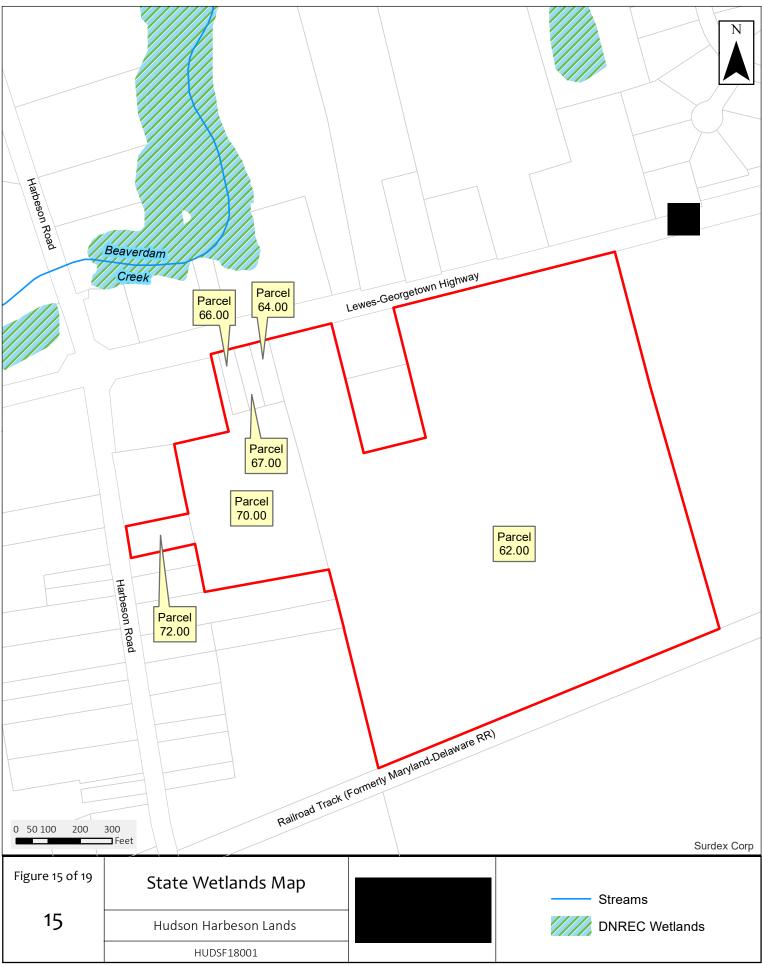


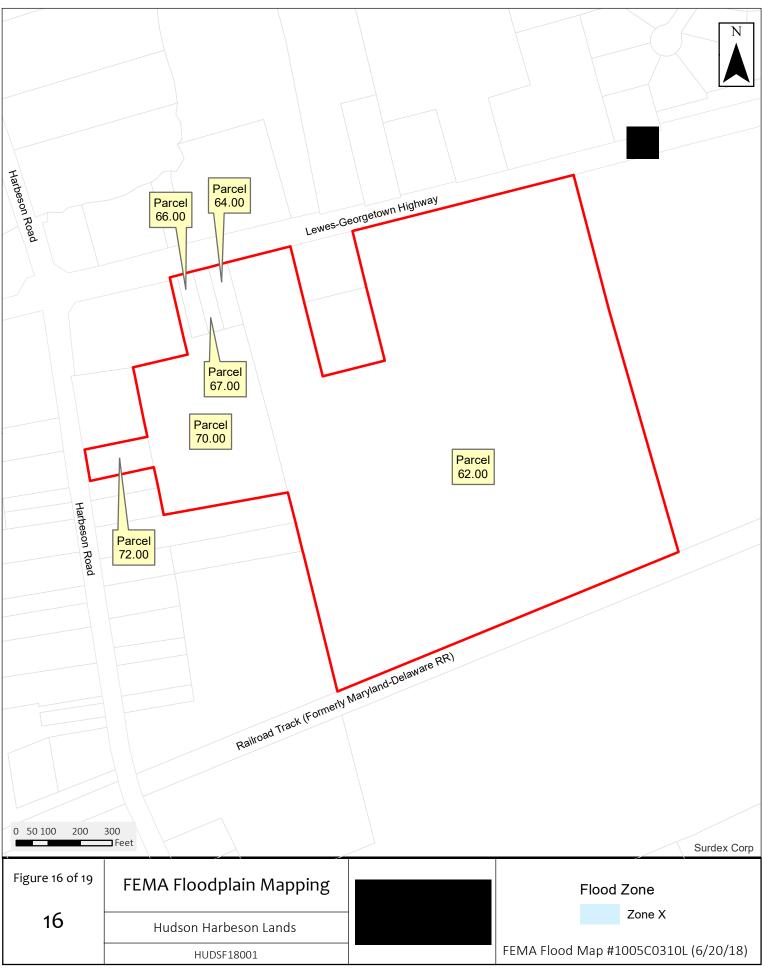


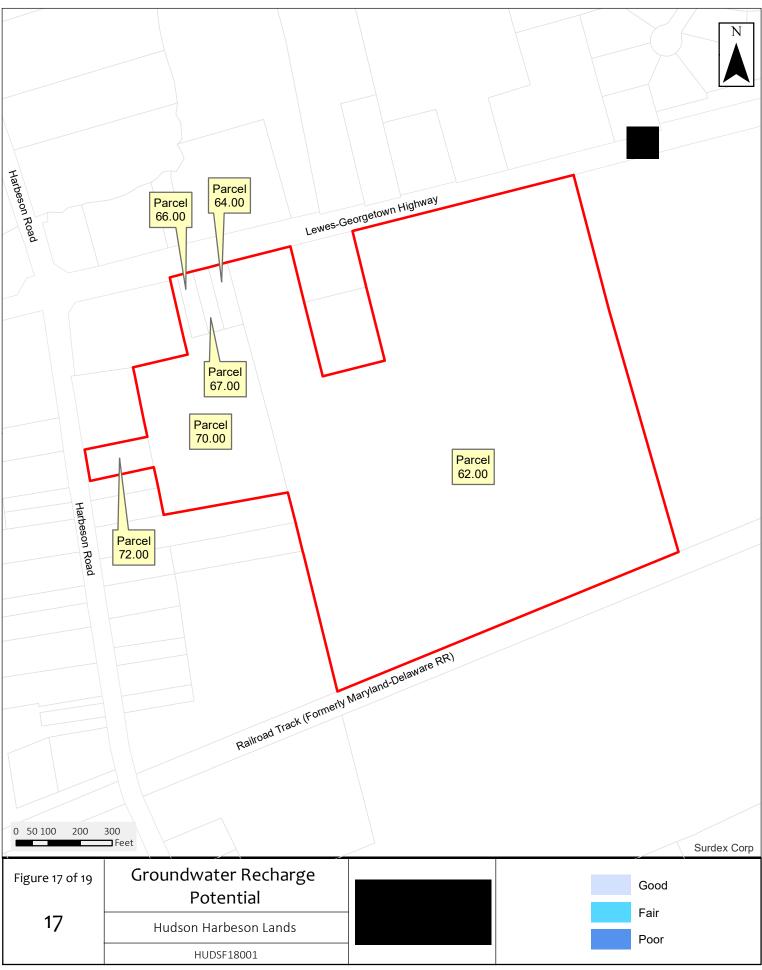


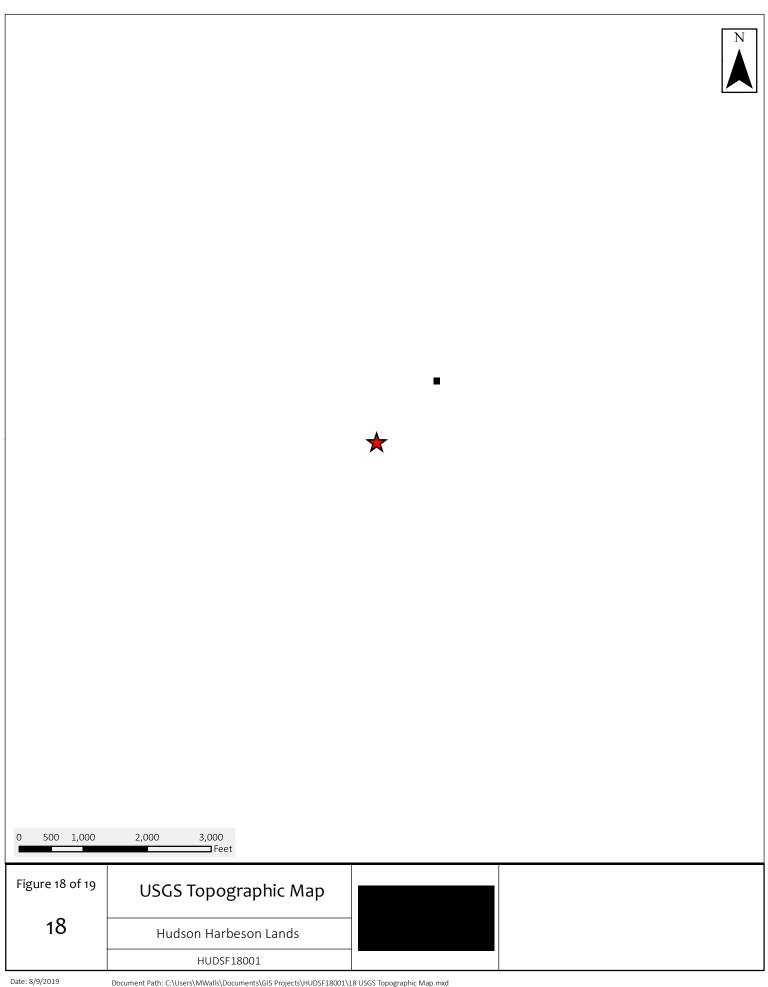


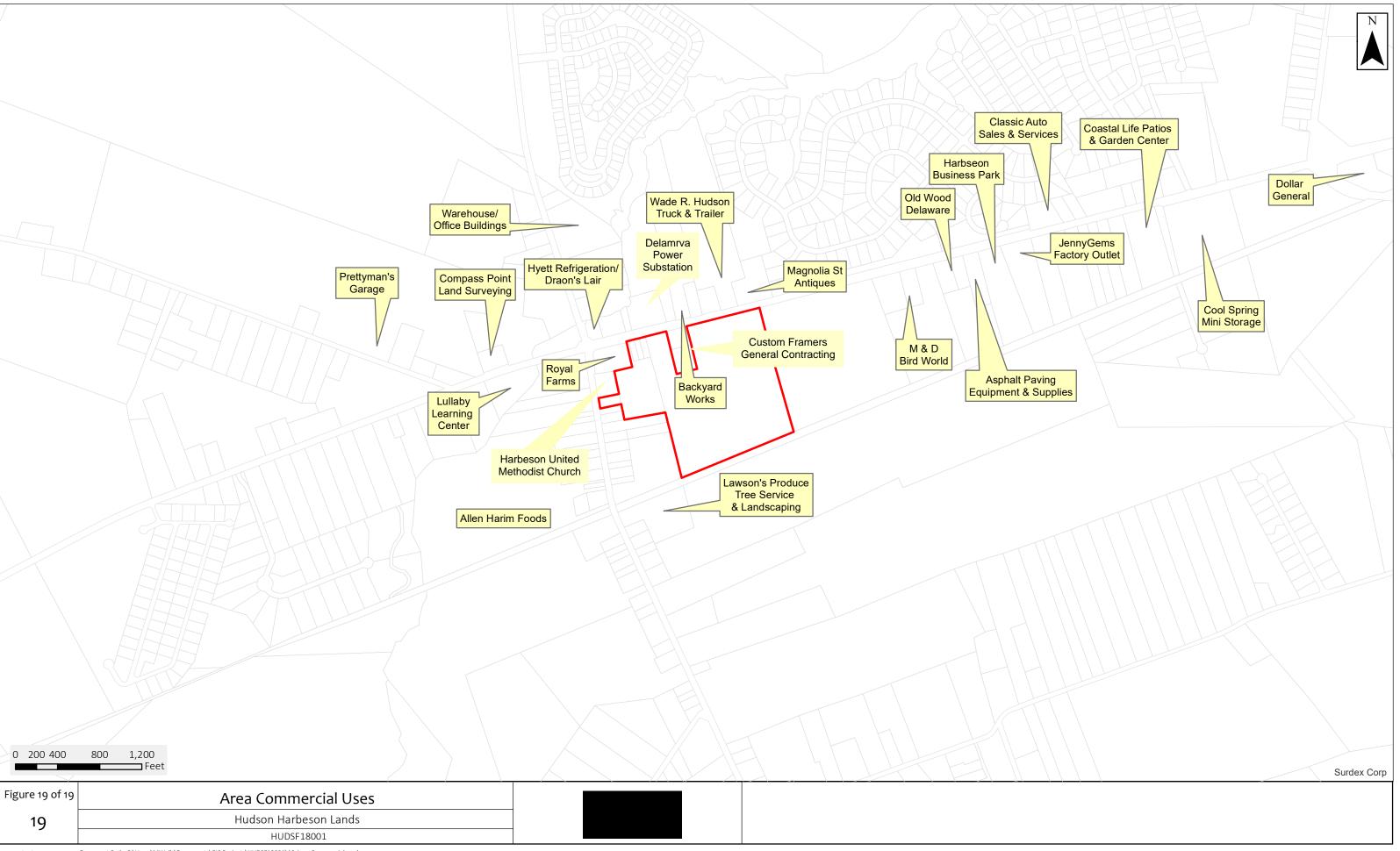






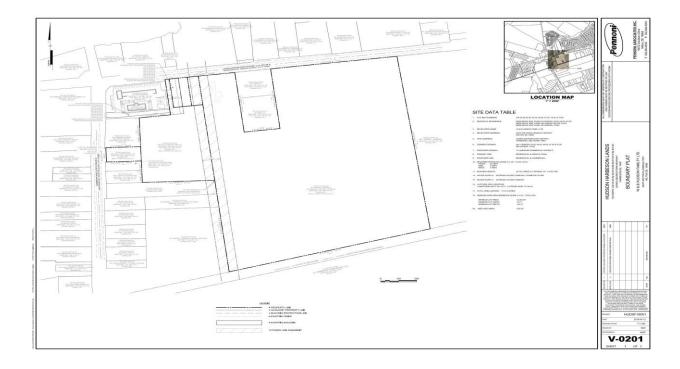






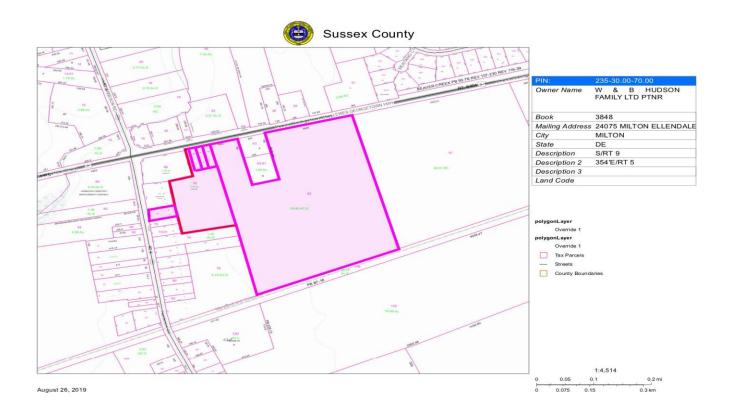
W & B HUDSON FAMILY LTD CHANGE OF ZONE #1908 PROPOSED FINDINGS OF FACT

1. This is an application to grant a rezoning of a portion of lands in a AR-1 Agricultural Residential District located on 37.07 acres, more or less in the Broadkill Hundred located on the south side of Lewes Georgetown Highway | U.S. Route 9 and east side of Harbeson Road | Delaware Route 5 to C-2, Medium Commercial District.

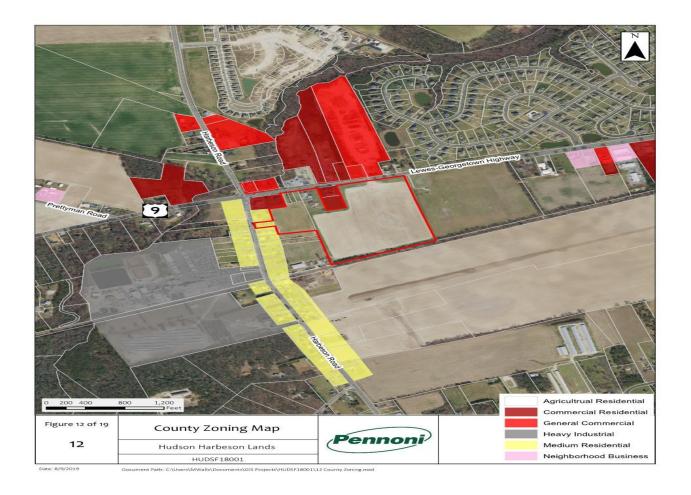


2. The applicant is W & B Hudson Family LTD with Mr. Wayne Hudson representing the family properties. The subject properties have been in the Hudson family for several generations as well as other adjacent lands in the community.

3. The properties are identified on the tax maps of the Sussex County Department of Finance as Tax Map No. 235-30.00 Parcels 62.00, 64.00, 66.00, 67.00, 70.00 and 72.00.

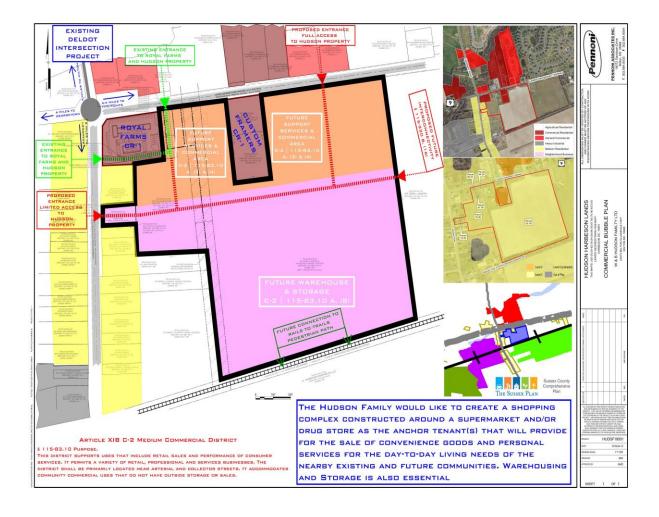


- 4. The properties are bordered on:
 - a. North with existing commercial property (Royal Farms and Custom Framers General contracting) and US Route 9.
 - b. South by Delmarva Central Railroad (Future State of Delaware Rails to Trails Path)
 - c. West with existing commercial uses, church and MR zoned properties
 - d. East with Agricultural Residential Lands

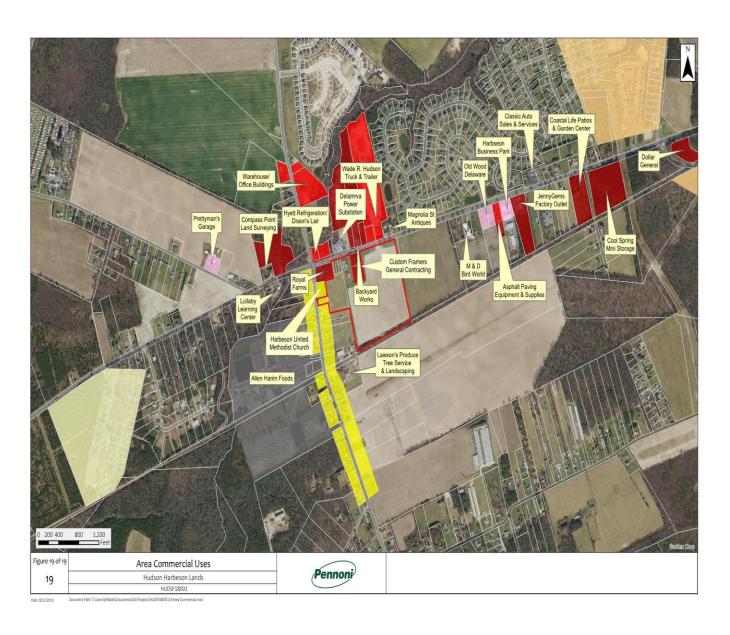


5. The purpose of the C-2 Medium Commercial District is to support uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and service businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.

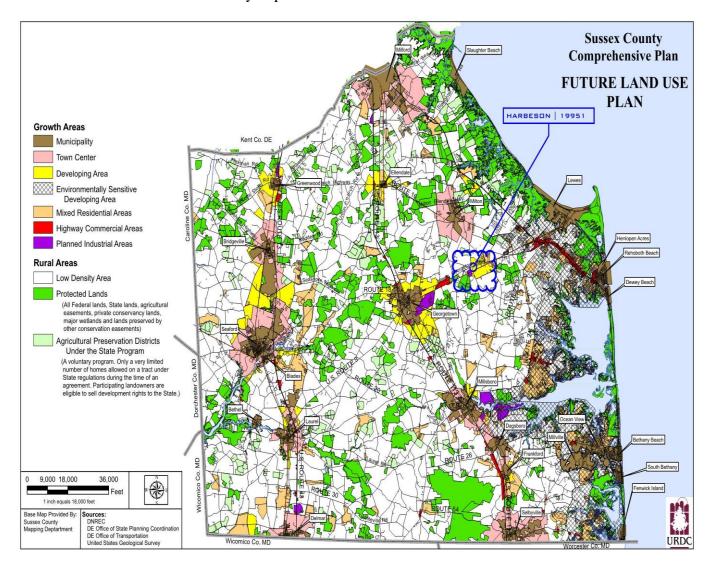
6. The granting of this application for the commercial rezoning will allow the Hudson Family to create a shopping complex constructed around a community supermarket and/or drug store as the anchors that will provide for the sale of convenience goods and personal services for the day-to-day living needs of nearby existing and future communities. Warehouse and storage in the back of the property is all essential to how the Hudson's want to develop the property.

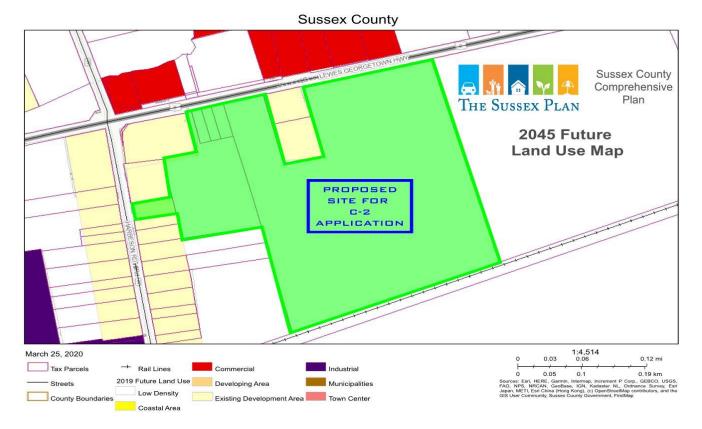


7. The proposed rezoning to C-2 for W & B Hudson Family LTD is in the vicinity of other commercial zoned property and uses and will not diminish or impair property values within the neighborhood; will not create a public nuisance; or result in an increase in public expenditures



8. The subject properties were once part of the Developing Area of Harbeson under the 2007 Comprehensive Plan which is a community that can support local community commercial given its character and size as well as the existing infrastructure currently in place.





- 9. In the 2019 Sussex County Comprehensive Plan the area for the proposed rezoning for W & B Hudson Family LTD commercial property is identified to be in a Low-Density and partly in an Existing Developing Area but as previously stated was once in a Developing Area and is currently adjacent to Developing Areas. The Sussex Plan suggests that each application should be reviewed on its own merit and does not have a negative impact on the surrounding area or the county in general. Some of the stated goals within the plan for new commercial zoning is to:
 - a. Promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth -[Artesian has both water and sewer in front of the property that serves adjacent commercial properties as well extends to area residential communities];

- b. Promote commercial development in designated commercial, office, and industrial areas in a scale/intensity/distance appropriate to adjacent residential neighborhoods [Previously stated, the Hudson Family wants to provide a commercial development that is part of the community and provides for goods and services that are part of the community in scale. Additionally, the nearest residential development (Beaver Creek) which is approximately 600'+ to the east will benefit in that the subject property is not adjacent to their development but close enough to serve the residences with future services without them having to travel farther distances];
 - c. Engage in planning that considers the efficient location of public services and infrastructure while establishing future public sewer service areas that will help preserve open space by promoting orderly growth rather than unplanned sprawl [this property is located in the heart of Harbeson with access to both Artesian water and sanitary sewer as well as access to two (2) major roadway systems that's north and south to Milton and Long Neck and east and west to Lewes and Georgetown. These properties in this location with a commercial zoning, will prohibit any unplanned sprawl that the Comprehensive Plan is discouraging];
 - d. Coordinate with DelDOT on road improvements and other transportation projects [The Hudson Family worked with both DelDOT and the adjacent Royal Farms Developers to allow for a shared cross access easement within the Hudson properties. Additional coordination with DelDOT occurred during the expansion and upgrades to the intersection of US RT 9 and DE RT 5. Although a TIS was not required as a part of this application, the Hudson will have to provide future Transportation Improvements to the adjacent roadways during the future planning of the commercial development. In addition, future connection to the rails to trails pedestrian path along the existing railroad

tracks along the rear of the Hudson properties will be coordinated with DelDOT. Since US 9 is a principal arterial and an important freight corridor. Setbacks will be increased to allow for future capacity in the form of additional right-of-way dedication, permanent easements and additional stormwater management setbacks. Intersections and commercial entrances will be consolidated to reduce access points. Service roads through the properties will link local residents to commercial parking lots at the rear of the buildings. This would increase the aesthetic benefits to the community].

Since the comprehensive plan is a guide for the future use of land, the County's official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
RURAL AREAS	
	Agricultural Residential District (AR-1)
	Business Community District (B-2)
Low Dansity	Medium Commercial District (C-2)
Low Density	Marine District (M)
	Institutional District (I-1)
	New Zoning Districts

The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents which is what is being proposed for these properties. Commercial uses may be appropriate depending on surrounding uses. The surrounding uses are primarily commercial and industrial with some residential homes adjacent.

The retail industry has undergone a significant transformation over the past decade, and it continues to evolve quickly. The trend in community design for commercial complexes are no longer following the larger "Big Box" retail and going more towards the 10,000 square foot to 40,000 square foot building sizes. Community commercial developments are starting to become the norm in providing goods and services to the community.

Consistent with the Comprehensive Plan's Future Land Use Chapter the County has considered the development along US 9 as a business corridor with a mix of residential and commercial uses that provide local residents with access to services they need. Local services would reduce travel to SR 1 for basic needs. Furthermore, the Sussex Plan promotes the US 9 vision to be tied to efforts to make the corridor multi-modal. Currently, the Georgetown to Lewes Rail Trail is being constructed by DelDOT in phases. Once completed, the trail will provide a pedestrian and bicycle path that is separated from car traffic. The trail will serve as both a recreational asset and a transportation option for commuters. Neighborhoods and businesses along the trail could see economic benefits from connecting to it. The plan presented provides for multi-modal access to RT 9 and RT 5 as well as the existing railway at the rear of the property where the rail trail is being proposed.

- 10. The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 3. This area is intermingled within a fast-growing area within the county and is adjacent to Level 2 areas. The priorities in the Level 3 Areas are for DelDOT to focus on regional movements between towns and other population centers. Developers and property owners will make local roadway improvements as development occurs. All infrastructure needs will be funded by the applicant. Additional public infrastructure that will benefit the community, such as, road improvements and access improvements that will be paid for by the applicant. When discussing the application with the Office of State Planning Coordination (OSPC) – The OSPC works to improve the coordination and effectiveness of land-use decisions made by state, county, and municipal governments. Though state policies can support growth in these areas, the state views these areas more in a long-term basis. It is here that the State will encourage the likes of master planning for the purpose of anticipating growth. The resources needed for applications such as this for rezoning to commercial are in place and available to the project.
- 11. There are no wetlands on the property; the property is located in a Flood Zone X Unshaded; there are no historical or natural features on the property; stormwater will be onsite and use infiltration as its primary BMP for handling stormwater runoff; the properties are not in any Groundwater Protection Zones; a very small portion of the property along DE RT 5 is located within a Wellhead Protection Area and there are no existing wooded areas on site that will need to be disturbed.

Private utility companies are considered a viable option for water and wastewater treatment in areas where County or municipal services are non-existent or unplanned. Artesian Wastewater Management, Inc. mainly provide water and sewer services for developments that are along Route 9 east of Georgetown and along the Routes 5 corridor. CPCN's are being applied for both water and sewer for the property.

Delmarva Power & Light Company has a major sub-station directly across from these properties as well as easements through the properties for electric mains that serve the area and beyond.

These properties are fortunate to have a natural gas transmission pipeline located along the property. It is owned and operated by Eastern Shore Natural Gas Company, a subsidiary of Chesapeake Utilities (Chesapeake).

Verizon and Comcast are the main telecommunication providers operating in this service area.

All of these utilities ensure quality growth of development by the planning and developing of infrastructure and services in the County to complement State and local planning efforts with adequate water, sewer, electricity, natural gas, and fiber optic infrastructure to the property.

12. The proposed rezoning meets the general purpose of the Zoning Ordinance being located in an appropriate location meeting the purpose of this district and the future land use plans, strategies and objectives of the comprehensive plan that promotes growth and development through community design, mobility, utilities, transportation and economic development in an area where a general mixture of commercial and service activity now exists, which is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.

Mark H. Davidson

From: Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>

Sent: Thursday, September 26, 2019 2:40 PM

To: Mark H. Davidson

Subject: RE: Hudson Harbeson Lands Rezoning | W & B Hudson Family LTD

Attachments: 2019-08-03_State Comments.pdf

Hi Mark,

I have a PDF copy of the State Comments letter for the Hudson Harbeson Lands PLUS application attached to this email. A paper copy is also in the mail.

Please let me know if you have any questions.

Thanks much, -Steve Bayer

Steve Bayer
Planner
Delaware Office of State Planning Coordination
Haslet Armory
122 Martin Luther King Jr. Boulevard, South
Dover, DE 19901
(302) 739-3090
(302) 739-5661 fax
http://stateplanning.delaware.gov/

From: Mark H. Davidson < MDavidson@Pennoni.com>

Sent: Monday, July 29, 2019 8:27 AM

To: Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>

Subject: Re: Hudson Harbeson Lands Rezoning | W & B Hudson Family LTD

Thank you Stephen.

Mark

Mark H. Davidson

Associate Vice President, Office Director

Pennoni

18072 Davidson Drive | Milton, DE 19968

Direct: +1 (302) 684-6207 | **Mobile:** +1 (302) 236-6400 www.pennoni.com | MDavidson@Pennoni.com

From: Bayer, Stephen G (OMB) < stephen.bayer@delaware.gov >

Sent: Monday, July 29, 2019 8:08:28 AM

To: Mark H. Davidson < MDavidson@Pennoni.com >

Subject: RE: Hudson Harbeson Lands Rezoning | W & B Hudson Family LTD

Hi Mark,

Confirm receipt. This application will be scheduled for the August PLUS meeting. That meeting will be on Wednesday the 28th. I will call in early August to set a time on the agenda.

Thanks much, -Steve Bayer

Steve Bayer
Planner
Delaware Office of State Planning Coordination
Haslet Armory
122 Martin Luther King Jr. Boulevard, South
Dover, DE 19901
(302) 739-3090
(302) 739-5661 fax
http://stateplanning.delaware.gov/

From: Mark H. Davidson < MDavidson@Pennoni.com>

Sent: Thursday, July 25, 2019 6:29 PM **To:** PLUS < PLUS@delaware.gov>

Cc: Katherine E. Davidson < KEDavidson@Pennoni.com >; Alan M. Decktor < ADecktor@Pennoni.com >

Subject: Hudson Harbeson Lands Rezoning | W & B Hudson Family LTD

Please find attached the PLUS application and bubble sketch of the property for the Hudson Family Farm property located in Harbeson Delaware. Please let me know the date and time of the meeting.

Thank you

Mark

Mark H. Davidson

Associate Vice President, Office Director

Pennoni

18072 Davidson Drive | Milton, DE 19968

Direct: +1 (302) 684-6207 | Mobile: +1 (302) 236-6400

www.pennoni.com | MDavidson@Pennoni.com





STATE OF DELAWARE EXECUTIVE DEPARTMENT OFFICE OF STATE PLANNING COORDINATION

September 26, 2019 September 30, 2019

Ms. Constance C. Holland, AICP Director, Office of State Planning Coordination 122 Martin Luther King, Jr. Blvd. South – Haslet Armory Dover, Delaware 19901

Mr. Mark H. Davidson Pennoni 18072 Davidson Drive Milton, DE 19968

RE: PLUS review 2019-08-03; Hudson Harbeson Lands

PLUS REVIEW RESPONSE FOR HUDSON HARBESON LANDS

Dear Mr. Davidson: Dear Ms. Holland:

Thank you for meeting with State agency planners on August 28, 2019 to discuss the proposed plans for the Hudson Harbeson Lands project. According to the information received you are seeking review of a rezoning of 37.07 acres from AR-1 and MR to C-3 in anticipation of a site plan for a retail and warehouse facility.

I am in receipt of your September 26, 2019 letter outlining the PLUS meeting that took place on August 28, 2019 with your office and several of the state agencies. We appreciate you accepting our project into the PLUS process and understood from the meeting that the majority of your comments will come once a more formal site plan and uses are submitted for the property. As explained by your colleague, your comments were to be in the form of advisory for the purpose of our application for rezoning to C-3 Heavy Commercial located in the middle of Harbeson Delaware and the properties described. As described in my presentation the Hudson Family would like to create a shopping complex constructed around a community supermarket and/or drug store as the anchors that will provide for the sale of convenience goods and personal services for the day-to-day living needs of nearby existing and future communities. Warehouse and storage in the back of the property is also essential to how the Hudson's want to develop the property.

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.

Understood.

Strategies for State Policies and Spending

• This project is located in Investment Levels 2 and 3 according to the *Strategies for State Policies and Spending*. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but may have priorities for the near future. Level 3 area may also mean there may be environmental concerns on or near the parcel and we would encourage you to design the site with respect for the environmental features which may be present.

We concur with the States assessment of the property located within Investment Levels 2 and 3. The site has been carefully reviewed for any environmental concerns related to the property and have found nothing of concern and therefore we would iterate that Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future and that Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future but that the longer term future has never been defined. It continues to stay the same in the comprehensive Plan with no updates to the State Strategies Map. Furthermore, this property is intermingled within a fastgrowing area within the county and is adjacent to larger Level 2 areas. Our understanding from this is that the priorities in the Level 3 Areas are for DelDOT to focus on regional movements between towns and other population centers which this area certainly quaslifies. Developers and property owners will make local roadway improvements as development occurs. All infrastructure needs will be funded by the property owners of the development. Additional public infrastructure that will benefit the community, such as, road improvements, utility extensions and access improvements will all be paid for by the property owners of the development. Consistent with the 2019 Comprehensive Plan's Future Land Use Chapter the County has considered the development along US 9 as a business corridor with a mix of residential and commercial uses that provide local residents with access to services they need. Local services would reduce travel to SR 1 for basic needs. The rezoning request is between US RT 9 and the Existing Railroad Tracks and on the Eastern side of DE RT 5. Access to the Rail and to the Future Rails to Trails will benefit the future site planning and uses for the property.

• The rezoning of the property is at the discretion of the county; however rezoning this property to C-3 appears to be against the Future Land Use in their current comprehensive plan, which shows these parcels as remaining in Low Density. If the County intends to approve this rezoning, they will need to amend their Future Land Use map first.

As explained in the PLUS meeting, the property was once part of a larger Developing Area under the previous Comprehensive Plan. A portion of the property being rezoned is still in a Developing Area. Adjacent properties to this property are in a Developing Area. The Sussex Plan suggests that each application should be reviewed on its own merit and does not have a negative impact on the surrounding area or the county in general. The area in question is in the Developing Area; designated as Level 2; zoned Commercial and Heavy Industrial with other AR-1 properties being used for Commercial Uses. The property is between 2 Major Arterial Roads and an active Railroad Track. One of the primary goals of the Future Land Use Plan is to promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth. In addition, the other elements that make up the Sussex Plan support this property as C-3 Commercial as it pertains to Recreation & Open space; Utilities; Economic Development; Intergovernmental Coordination; Community Design and Mobility.

The agency comments below are specific to any proposed building on the property. Once a site plan has been completed, the owner will need to resubmit to PLUS for specific comments on the site.

Code Requirements/Agency Permitting Requirements

<u>Department of Transportation – Contact Bill Brockenbrough 760-2109</u>

- The proposed project is located or is adjacent to US Route 9/Lewes Georgetown Highway. This transportation corridor is part of the Federal Aid Primary Road System and is nominated as part of the Delaware Bayshore Byway Program. Accordingly, parts of the subject development are subject to outdoor advertising regulations found in CFR 23 §131 and 17 Del. C. §1101-1120. Accordingly, the applicant should expect the following requirements or needs:
 - o No new billboards, variable message boards, or electronic changing message sign(s) anywhere within 660 feet of the closest right-of-way edge of Route 9.
 - No off-premises advertising on the property for others within 660 feet of Route 9
 e.g., displaying on-site the bank/financial institution funding the project or the
 contractor building the project.
 - O A standard Delaware Bayshore byway sign may be needed in public right ways as part of the entrance/development coordination review. Further needs would be determined during entrance plan submission and/or other applicable TIS studies.

For more information on the Byways program, please see http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=03d5049bc4904 http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=03d5049bc4904 http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=03d5049bc4904 http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=03d5049bc4904 http://deldot.maps.arcgis.com/apps/webappviewer/index.html?http://deldot.maps.arcgis.com/apps/webappviewer/index.html?http://deldot.maps.arcgis.com/apps/webappviewer/index.html?http://deldot.maps.arcgis.com/apps/webappviewer/index.html?http://deldot.maps.arcgis.com/apps/webappviewer/index.html?http://deldot.maps.arcgis.com/apps/webappviewer/index.html?http://deldot.maps.arcgis.com/apps/webappviewer/index.html?http://deldot.maps.arcgis.com/apps/webappviewer/index.html?http://deldot.maps.arcgis.com/apps/webappviewer/index.html?

The Property owner will work with DelDOT and the Bayshore Byway Program Committee in the development of the property.

• The site access on Lewes Georgetown Highway (US Route 9) and Harbeson Road (Delaware Route 5) must be designed in accordance with DelDOT's <u>Development Coordination Manual</u>, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.

Understood

Pursuant to Section P.3 of the <u>Manual</u>, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?080220
 17.

Understood

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

Understood

• 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. While the site's trip generation is unknown given that specific uses are unknown, DelDOT anticipates that, when development is proposed, a TIS will be needed. Because these studies typically take several months to complete, DelDOT recommends that the developer have their engineer contact DelDOT to schedule a scoping meeting as soon as the proposed uses are known.

Understood

• 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 Lewes Georgetown Highway and Harbeson Road. By this regulation, this dedication is to provide a minimum of 50 feet of right-of-way from the physical centerline along Lewes Georgetown Highway and 40 feet of right-of-way from the physical centerline along Harbeson Road. 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."

Will comply

• In accordance with Section 3.2.5.1.2 of the <u>Manual</u>, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on both roads. 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."

Will comply

- Referring to Section 3.4.2.1 of the <u>Manual</u>, 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.
 - O Depiction of all existing entrances within 450 feet of the entrance on Lewes Georgetown Highway and within 450 feet of the entrance on Harbeson Road.
 - o Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

Understood

Section 3.5 of the <u>Manual provides DelDOT</u>'s requirements with regard to connectivity.
The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public streets for subdivisions.

Understood

Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is at the discretion of DelDOT's subdivision Engineer. DelDOT anticipates requiring the developer to build a Shared Use Path along their frontage on Lewes Georgetown Highway and maintain the existing sidewalk on Harbeson Road.

Understood

 Referring to Section 3.5.5 of the <u>Manual</u>, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan. DelDOT anticipates requiring bus stops at the site entrance on Lewes Georgetown Highway in both directions.

Understood

• In accordance with Section 3.8 of the <u>Manual</u>, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Lewes Georgetown Highway and Harbeson Road.

Will comply

• 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.

Understood

• In accordance with Section 5.14 of the <u>Manual</u>, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Understood

<u>Department of Natural Resources and Environmental Control – Michael Tholstrup 735-3352</u>

• A large portion of the entrance way off of Route 5 is located in the Wellhead Protection Area for Allen-Harim Foods. The applicant will have to follow the requirements for impervious cover related to wellhead protection areas for well pumping greater than 50,000 gallons//day in the Sussex County Source Water Protection Ordinance.



It should be noted that only the front half of the entrance and access off of DE RT 5 to the properties is located in the Wellhead Protection Area for Allen-Harim Foods. The applicant understands they will have to follow the requirements for impervious cover related to wellhead protection areas.

Wastewater Disposal

• Ground Water Discharges Large Systems Section will need to be notified, if the wastewater is going to a site that is currently operating under a permit with the Large Systems. Please call (302) 739-9948 to discuss potential changes to the permit.

the subject properties are within the service area of Artesian, a public utility, and will connect to the existing sewer line located along the frontage of the properties.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites, or known National Register listed or eligible properties on the parcel. There was no historic use of the property besides agriculture. The soils are well drained and the potential for Native American archaeological data is moderate, as recorded archaeological sites along Beaverdam Creek seem to be immediately adjacent. Therefore, SHPO is recommending an archaeological survey prior to ground disturbance. If there are any questions, inquiries or concerns, feel free to contact us for assistance at 302-736-7400.
- 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

Understood.

Recommendations/Additional Information

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

Understood.

<u>Department of Transportation – Contact Bill Brockenbrough 760-2109</u>

• Chapter 1 of DelDOT's <u>Development Coordination Manual</u> provides general guidance on where to locate development access. When read as a whole, the chapter directs that where a development has frontage on two roads of different functional classes the access should be on the road with the lower classification, in this instance Harbeson Road.

However, this site has limited frontage on Harbeson Road, such that a left turn lane entering the site probably could not be built. DelDOT recommends that the applicant plan for one full-movement access on Lewes Georgetown Highway and an access on Harbeson Road limited to right turns in and right and left turns out.

As presented, the subject properties already have a Commercial limited access and drive aisle from US RT 9 (Lewes Georgetown Highway) located on the property that was part of the Royal Farms development. This property also was granted an access easement from Royal Farms to interconnect to the access from DE RT 5 (Harbeson Road). However, we do concur with DelDOT's highlighted assessment above when it comes to future access to the commercial properties.

• DelDOT is in the process of converting the Georgetown to Lewes rail line to a bicycle and pedestrian trail. Construction is complete from Lewes to Log Cabin Hill Road. A future phase of construction would route the trail along the south edge of the subject development. If the developer would like to have direct access to the trail, DelDOT is willing to include it in their construction plans and build the access at State expense as part of the trail construction. If trail access would be of interest, DelDOT asks that the developer work with DelDOT's Bicycle and Pedestrian Coordinator, Mr. Anthony Aglio, to determine a mutually agreeable location. Mr. Aglio can be reached at (302) 760-2509 or Anthony.Aglio@Delaware.gov.

The applicant is interested in access to the Georgetown to Lewes rail trail and will coordinate connections with DelDOT during the planning process of the project.

• The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Lewes Georgetown Highway or Harbeson Road.

Understood

• The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.

Will comply

 Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at https://www.deldot.gov/Business/subdivisions/.
 Understood • While DART doesn't have a comment on land use decisions, it is recommended to consult with DART, especially DART Planning on bus stop placement and pedestrian pathways during design.

Understood and Will comply as this would be a benefit to the project as well as to the community.

<u>Department of Natural Resources and Environmental Control – Michael Tholstrup 735-</u> 3352

Rare and Unique Natural Communities

• Although no rare, threatened, or endangered species or vegetation communities are in the immediate vicinity of the proposed project, there are sensitive habitats both upstream and downstream from the project site.

Just upstream from the site is a documented Atlantic white cedar forest. Atlantic white cedar (*Chamaecyparis thyoides*) communities typically grow under unique conditions which also provide refuge for rare species. This state-rare wetland type is sensitive to sedimentation and changes in water quality, especially ph. The hydrological regime is a major determinant of the resulting biota in this system and DNREC is concerned how this project could affect the hydrology of this community.

DNREC requests a more detailed site plan in regards to stormwater, and is requesting to view the stormwater assessment study so that DNREC may provide comments on the most appropriate stormwater management measures. Approximately 200 meters to the northwest is Beaverdam Creek, a tributary that drains into the Broadkill River/Broadkill River Natural Area. State Natural Areas are composed of sections of land and/or water, whether in public or private ownership, which have retained or reestablished their natural character (although it need not be undisturbed), have unusual flora or fauna, or have biotic, geological, scenic, or archaeological features of scientific or educational value. Impacts from upstream development should be considered during site design.

The Broadkill River supports many species of recreationally and commercially important fishes, including Striped Bass, American Eel, and Largemouth Bass. Additionally, the Division has also documented occurrences of swamp pink (*Helonias bulatta*) approximately two miles downstream from the project site. Swamp pink is a federally listed plant species that typically occurs in Atlantic white cedar and maple/gum swamps in the coastal plain, and is known to be hypersensitive to sedimentation and changes in hydrology. It is of upmost importance to DNREC's Division of Fish and Wildlife to protect these natural resources within the state. Appropriate stormwater BMPs such as a permeable pavement system should be installed to prevent contaminants from flowing over land into the nearby tributaries.

The primary Best Management Practice for stormwater for this property is onsite through infiltration practices. As previously described above, the soils are well drained, and the

best was to handle storm runoff from the developed property is to clean it and recharge back into the ground. Other Green Technology practices will be observed during the development of this property. the applicant will submit site plans to the state for their review and comment during the planning of the property.

Source Water Protection

• This proposed facility is on the location of the Clean Delaware Groundwater management Zone (Zone A) where biosolids were formerly deposited. Brian Churchill in the Surface Water Discharges Section would be the principal contact for any questions regarding that program.

If approved to Commercial, the biosolids discharge permit will be abandoned by Clean Delaware, Inc.

Sustainable Development Recommendations

• The applicant should consider the use of recycled, energy efficient materials, and renewable energy infrastructure.

Noted.

• The Division of Climate, Coastal, & Energy offers incentives for clean transportation (Workplace EV Charging) and energy efficiency. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (www.de.gov/greenenergy, www.de.gov/cleantransportation, www.de.gov/eeif).

Noted.

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, PENNONI

Constance C. Holland, AICP

Mark H. Davidson, VP

Director, Office of State Planning Coordination

Mark H. Davidson, VP

Principal Land Planner

CC: Sussex County Planning

Sussex County P&Z

Commission & Council

Preliminary Land Use Service (PLUS)

Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.

Please complete this PLUS application in its entirety. **All questions <u>must</u> be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project <u>before</u> the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC):				
1.	Project Title/Name: Hudson Harbeson	n Lands		
2.	Location (please be specific): 26504 L	ewes Georgetown Highway, Harbes	son DE	
3.	Parcel Identification #:235-30.00-62.00, 6-70.00, 72.00	4.00, 66.00, 67.00, 4. County or Local located: Sus	Jurisdiction Name: where project is sex County	
5.	If contiguous to a municipality, are you se	eking annexation: N/A		
6.	Owner's Name: W & B Hudson Fami	ly LTD		
	Address: 24075 Milton Ellendale H	lighway		
	City: Milton	State: Delaware	Zip: 19968	
	Phone: 302 745-0231	Fax:	Email: peninsula@hughes.net	
7.	Equitable Owner/Developer (This Persor	n is required to attend the PLUS meeting): Wayne Hudson	
	Address: 24075 Milton Ellendale Highway			
	City: Milton	State: Delaware	Zip: 19968	
	Phone: 302 745-0231	Fax:	Email: peninsula@hughes.net	
8.	8. Project Designer/Engineer: Mark H. Davidson Pennoni			
	Address: 18072 Davidson Drive			
	City: Milton	State: Delaware	Zip: 19968	
	Phone: 302 684-8030	Fax:	Email: mdavidson@pennoni.com	
		2011		
9.	Please Designate a Contact Person, in	cluding phone number, for this Project:	Mark H. Davidson 302-684-6207	

The Hudson Family would like to create a shopping complex constructed around a supermarket and/or drug store as the anchor tenant(s) that will provide for the sale of convenience goods and personal services for the day-to-day living needs of the nearby existing and future communities. Warehousing and Storage is also essential

Preliminary Land Use Service Application • Page 2 of 3

Information Regarding Site:			
10. Type of Review: Rezoning, if not in compliance with Subdivision	certified comprehensive plan		
11. Brief Explanation of Project being reviewed:			
If this property has been the subject of a previous LUPA or PLU those applications. $N_{ m O}$	S review, please provide the name(s) and date(s) of		
12. Area of Project (Acres +/-): Number of Residential N/A	Units: Commercial square footage: TBD		
13. Present Zoning: AR-1 (PARCEL 62.00, 64.00, 66.00, 67.00 & 70.00) MR (PARCEL 72.00)	14. Proposed Zoning: C-3 (HEAVY COMMERCIAL DISTRICT)		
15. Present Use: RESIDENTIAL & AGRICULTURAL CDI Spray Field AG Crops	16. Proposed Use: Retail Warehouse		
17. Water: Central (Community system) Individual On-Site Public (Utility) Service Provider Name: Artesian Water Company Domestic & Fire Will a new public well be located on the site? Yes No Public (Utility) An addition of a well and Storage Tank may be warranted for fire protection and possibly domestic			
18. Wastewater: Central (Community system) Individual			
Service Provider Name: Artesian Water Company			
Will a new community wastewater system be located on this sit			
19. If residential, describe style and market segment you plan to targ	get (Example- Age restricted):		
20. Environmental impacts:			
How many forested acres are presently on-site? How man	ny forested acres will be removed?		
To your knowledge, are there any wetlands, as defined by the U.S. A Environmental Control, on the site? Tyes No	Army Corps of Engineers or the Department of Natural Resources and		
Are the wetlands:			
If "Yes", have the wetlands been delineated? Yes No			
Has the Army Corps of Engineers signed off on the delineation?	Yes No		
Will the wetlands be directly impacted and/or do you anticipate the n describe the impacts:	eed for wetland permits?		
How close do you anticipate ground disturbance to wetlands, stream	s, wells, or waterbodies?		
21. Does this activity encroach on or impact any tax ditch, public dite	ch, or private ditch (ditch that directs water off-site)? Yes No		
22. List the proposed method(s) of stormwater management for the Infiltration and Rechar	site: rge back into the ground		
23. Is open space proposed? Yes No If "Yes," how muc	ch? Acres: TBD		
What is the intended use of the open space (for example, active recr wildlife habitat, historical or archeological protection)?	eation, passive recreation, stormwater management,		
24. Are you considering dedicating any land for community use (e.	g., police, fire, school)?		

25.	Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If				
	traffic is seasonal, assume peak season: TBD Ex. Entrance with Royal Farms to US9				
	What percentage of those trips will be trucks, excluding vans and pick-up trucks? and DE5; New Full access Entrance RT9				
	and possible alternate Entrance DE5.				
26.	Will the project connect to state maintained roads? ■ Yes □ No				
27.	Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.				
28.	Are there existing sidewalks? Yes No; bike paths X Yes No Are there proposed sidewalks? Yes No; bike paths Yes				
	Is there an opportunity to connect to a larger bike, pedestrian, or transit network? Yes No				
29.	To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites? Yes No				
	Has this site been evaluated for historic and/or cultural resources? ■ Yes □ No				
	Would you be open to a site evaluation by the State Historic Preservation Office? Yes No				
30.	To promote an accurate review of your parcel's features, would you permit a State agency site visit? Yes No Person to contact to arrange visit: phone number:				
31.	Are any federal permits, licensing, or funding anticipated? Yes No				
I her	eby certify that the information on this application is complete, true and correct, to the best of my knowledge.				
1/2	mad helses				
Sign	attere of property owner, Date				
/	My /// _ I/211/2019				
Sign	Signature of Person completing form				
(If different than property owner)					
Signed application must be received before application is scheduled for PLUS review.					
	s form should be returned to the Office of State Planning electronically at plus@state.de.us along with an				
	ctronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps				
	uld be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may				
also be submitted. If electronic copy of the plan is not available, contact The Office of State Planning Coordination					
	at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122				
William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly.					
Ple	Please be sure to note the contact person so we may schedule your request in a timely manner.				

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

TO:		Jamie Whitehouse	
REVIEWER:		Chris Calio	
DATE:		5/29/2020	
APPL	LICATION:	CZ 1908 W&B Hudson Family LTD	
APPL	LICANT:	Wayne Hudson	
FILE	NO:	NCPA-5.03	
	MAP & CEL(S):	235-30.00-62.00,64.00, 66.00, 67.00, 70.00 & 72.00	
LOCA	ATION:	Located on the south side of Lewes Georgetown Hwy (Rt 9), east of Harbeson Rd. (Rt. 22).	
NO. (OF UNITS:	Up-zoning from AR-1 & MR to C-2	
GRO ACRE	SS EAGE:	37.08 +/-	
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 2			
SEWER:			
(1).			
	district? Yes □ No ⊠		
	a. If yes, see question (2).b. If no, see question (7).		
(2).	. Which County Tier Area is project in? Tier 3		
(3).	(3). Is wastewater capacity available for the project? N/A If not, what capacity is available? N/A .		
(4).	(4). Is a Construction Agreement required? No If yes, contact Utility Engineering at (302) 855-7717.		
(5).	(5). Are there any System Connection Charge (SCC) credits for the project? No If yes, how many? N/A. Is it likely that additional SCCs will be required? No 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? **No**
 - Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? No
- (8). Comments: The proposed CZ is located in a Tier 3 area for sanitary sewer service. Therefore, the Sussex County Engineering Department does not have a schedule to provide sanitary sewer service.
- (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



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD P.O. BOX 778 DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

April 5, 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 **W & B Hudson Family LTD** rezoning application, which we received on March 14, 2019. This application is for a 35.65-acre assemblage of parcels (Tax Parcels: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00). The subject land is located on the south side of US Route 9 and east side of Delaware Route 5. The subject land is currently splitzoned as AR-1 (Agricultural Residential, 35.19 acres) and MR (Medium-Density Residential, 0.46 acre), and the applicant is seeking to rezone the entire land to C-4 (Planned Commercial) to build a mixed-use development consisting of 60% commercial (retail / warehouse / storage) and 40% residential (townhouses).

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 14,696 and 18,914vehicles per day, respectively. As the subject land also has frontage along Delaware Route 5, the annual average and summer average daily traffic volumes along that road segment, which is from Hollyville Road (Sussex Road 48) to US Route 9, are 4,372 and 5,627 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the <u>Development Coordination Manual</u>, 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.



Ms. Janelle M. Cornwell Page 2 of 2 April 5, 2019

A review of TIS and Traffic Operational Analysis (TOA) completed in the last three years found that the Royal Farms No. 296 TOA included the intersection of US Route 9 and Delaware Route 5, which is located approximately 400 feet west of the proposed development. We are providing a copy of the TOA review letter; please find it enclosed with this letter.

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 Enclosure

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues W & B Hudson Family LTD, Applicant

J. Marc Coté, Assistant Director, Development Coordination

Gemcz Norwood, South District Public Works Manager, Maintenance and Operations

Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination

Derek Sapp, 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

CZ 1912 Beach and Bay, LLC

File#: <u>C|2# 1912</u> 201913755

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

Type of Application: (please check applicational Use	NOV 27 2019 SUSSEX COUNTY PLANNING & ZONING			
Zoning Map Amendment <u>✓</u>				
Site Address of Conditional Use/Zoning	g Map Amendment	:		
16816 and 16820 Kings Highway, Lewes, DE	19958			
Type of Conditional Use Requested: Not applicable.		, , , , , , , , , , , , , , , , , , , ,		
Tax Map #: 334-6.00-58.00		Size of Parcel(s):	0.92 acres	
Current Zoning: AR-1 Proposed	Zoning: C-2	Size of Building:	To be determind	
Land Use Classification: 2019 Future Land	Use Map: Coastal Are	a	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Water Provider: Tidewater Sewer Provider: Sussex County				
Applicant Information				
Applicant Name: Beach and Bay, LLC				
Applicant Address: 16820 Kings Highway				
City: Lewes	State: <u>DE</u>	ZipCode:	19958	
Phone #: <u>(302) 670-6756</u>	E-mail: knorwoo	od8132@yahoo.com		
Owner Information				
Owner Name: Kyle Norwood and Katie Davi	son			
Owner Address: 16820 Kings Highway				
City: <u>Lewes</u>	State: <u>DE</u>	Zip Code:	19958	
Phone #: (302) 670-6756 E-mail: knorwood8132@yahoo.com				
Agent/Attorney/Engineer Information				
Agent/Attorney/Engineer Name: David	C. Hutt, Esquire (Mor	ris James LLP)	••••	
Agent/Attorney/Engineer Address: 107 \	West Market Street			
City: Georgetown	State: <u>DE</u>	Zip Code	: 19947	
Phone #; (302) 856-0015	E-mail: dhutt@n	norrisjames.com		





Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

<u>✓</u>	. Completed Application			
✓	parking area, proposed entra	n of existing or proposed building(s), building setbacks,		
✓	Provide Fee \$500.00			
	architectural elevations, photos, exhi	r the Commission/Council to consider (ex. bit books, etc.) If provided submit 8 copies and they (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 Req	juest Response		
_	PLUS Response Letter (if required)			
	igned hereby certifies that the forms, itted as a part of this application are to	exhibits, and statements contained in any papers or rue and correct.		
Zoning Com and that I w needs, the I	nmission and the Sussex County Counc vill answer any questions to the best o	attend all public hearing before the Planning and il and any other hearing necessary for this application f my ability to respond to the present and future rder, prosperity, and general welfare of the inhabitants		
Signature (of Applicant/Agent/Attorney			
,		Date: 11/26/19		
Signature of Signa	of Owner DDS DDS	Date: 11/26/19		
For office use Date Submitt Staff acceptir Location of p	ted: <u> 27 19 </u>	ee: \$500.00 Check #: 106013 pplication & Case #: 201913755		
Subdivision: _ Date of PC He	earing: R	ecommendation of PC Commission:ecision of CC:		



PIN:	334-6.00-58.00	
Owner Name	NORWOOD BRANDON	KYLE
Book	5118	
Mailing Address	16820 KINGS HV	VY
City	LEWES	
State	DE	
Description	KINGS HWY.	
Description 2	2 LOTS W/IMP.	
Description 3		
Land Code		

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

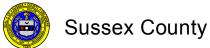
911 Address

- Streets

County Boundaries

1:2,257

0 0.0275 0.055 0.11 mi 0 0.0425 0.085 0.17 km





PIN:	334-6.00-58.00
Owner Name	NORWOOD KYLE BRANDON
Book	5118
Mailing Address	16820 KINGS HWY
City	LEWES
State	DE
Description	KINGS HWY.
Description 2	2 LOTS W/IMP.
Description 3	
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

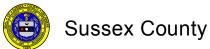
Tax Parcels

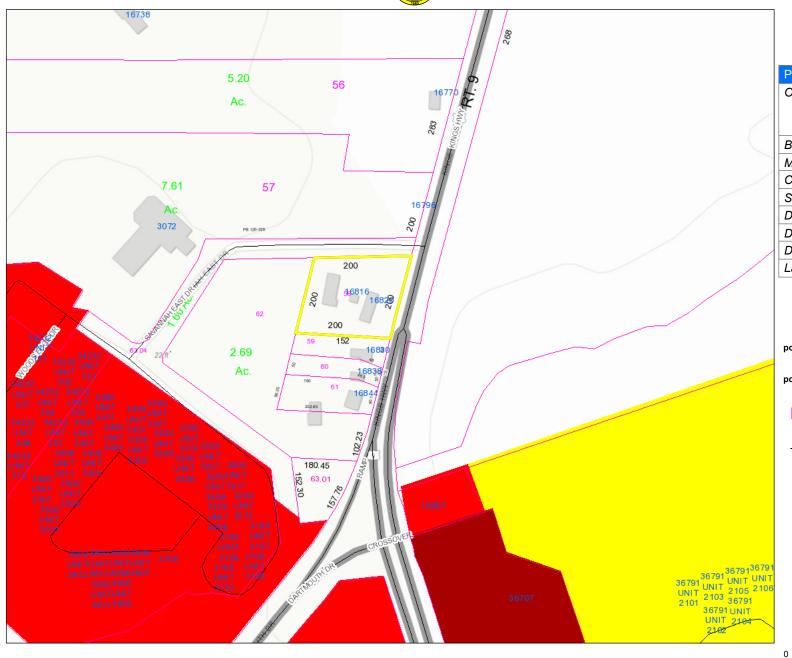
911 Address

Streets

County Boundaries

1:2,257 0 0.0275 0.055 0.11 mi 0 0.0425 0.085 0.17 km





PIN:	334-6.00-58.00
Owner Name	NORWOOD KYLE BRANDON
Book	5118
Mailing Address	16820 KINGS HWY
City	LEWES
State	DE
Description	KINGS HWY.
Description 2	2 LOTS W/IMP.
Description 3	
Land Code	



Override 1

polygonLayer

Override 1

- Tax Parcels
 - 911 Address
- Streets

1:2,257 0 0.0275 0.055 0.11 mi 0 0.0425 0.085 0.17 km

JAMIE WHITEHOUSE, AICP MRTPI

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





Memorandum

To: Sussex County Planning Commission Members

From: Chase Phillips, Planner I

CC: Vince Robertson, Assistant County Attorney and Applicant

Date: May 28, 2020

RE: Staff Analysis for CZ 1912 Beach and Bay, LLC (Kyle Norwood and Katie Davison)

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1912 to be reviewed during the June 11, 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 334-6.00-58.00. The current zoning is AR-1 Agricultural Residential, and the request is for a proposed C-2 Medium Commercial Zone. The parcel is located on the southwest corner of the intersection of Kings Highway (Route 9) and Savannah East Drive. The size of the property is 0.92 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 currently located with 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 bordered by 65 acres of farmland to the east (across King's Highway). This parcel received an approved Change of Zone in 2016. Its current use is agriculture, but various neighborhood business uses have been approved, and are now permitted. The parcel to the north is an institutional use (New Covenant Presbyterian Church). Residential uses border the subject site to the west and south. The site is located approximately 1,215 feet north of Coastal Highway (Route 1).

Since 2011, there have been five major Change of Zones within a one-mile radius of the subject site. CZ 1753, to allow for a Change of Zone from Agricultural Residential (AR-1) to Medium Residential-Residential Planned Community (MR-RPC) was approved on August 4, 2014 by Sussex County Council through Ordinance No. 2361. CZ 1753 was approved for a parcel that lies approximately 0.40 miles east of the intersection of Kings Highway and Gills Neck Road. It has since been subdivided and is known as Cadbury at Lewes. CZ 1802, to allow for a Change of Zone from Agricultural Residential (AR-1) to Neighborhood Business (B-1) was approved on August 23, 2016 and adopted by Sussex County Council through Ordinance No. 2480. This parcel is approximately 65 acres and



JAMIE WHITEHOUSE, AICP MRTPI

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



Sussex County

sussexcountyde.gov

lies directly east of the subject site. CZ 1818, to allow for a Change of Zone from Agricultural Residential (AR-1) to Commercial Residential (CR-1) was approved on May 23, 2017 and adopted by Sussex County Council through Ordinance No. 2497. In 2020, Mitchell Family, LLC applied for two Change of Zones (CZ 1886 and 1887) for a parcel of land that lies approximately 3,255 feet (0.62 miles) north of the subject along Kings Highway. It is currently zoned Agricultural Residential (AR-1), and a Medium Residential- Residential Planned Community (MR-RPC) Zoning District is proposed. This application is in progress.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from Agricultural Residential (AR-1) to a Medium Commercial (C-2) Zoning District be considered as consistent with the surrounding area, zoning, and uses.



PLANNING & ZONING COMMISSION

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





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 June 11,2020.

Application: (CZ 1912) Beach and Bay, LLC

Applicant: Beach and Bay, LLC

16820 Kings Highway Lewes, DE 19958

Owner: Kyle Norwood and Katie Davison

16820 Kings Highway Lewes, DE 19958

Site Location: Located on the southwest corner of Savannah East Drive and Kings

Highway (Route 9)

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Commercial (C-2)

Comprehensive Land

Use Plan Reference: Coastal Area

Councilmanic

District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Company District

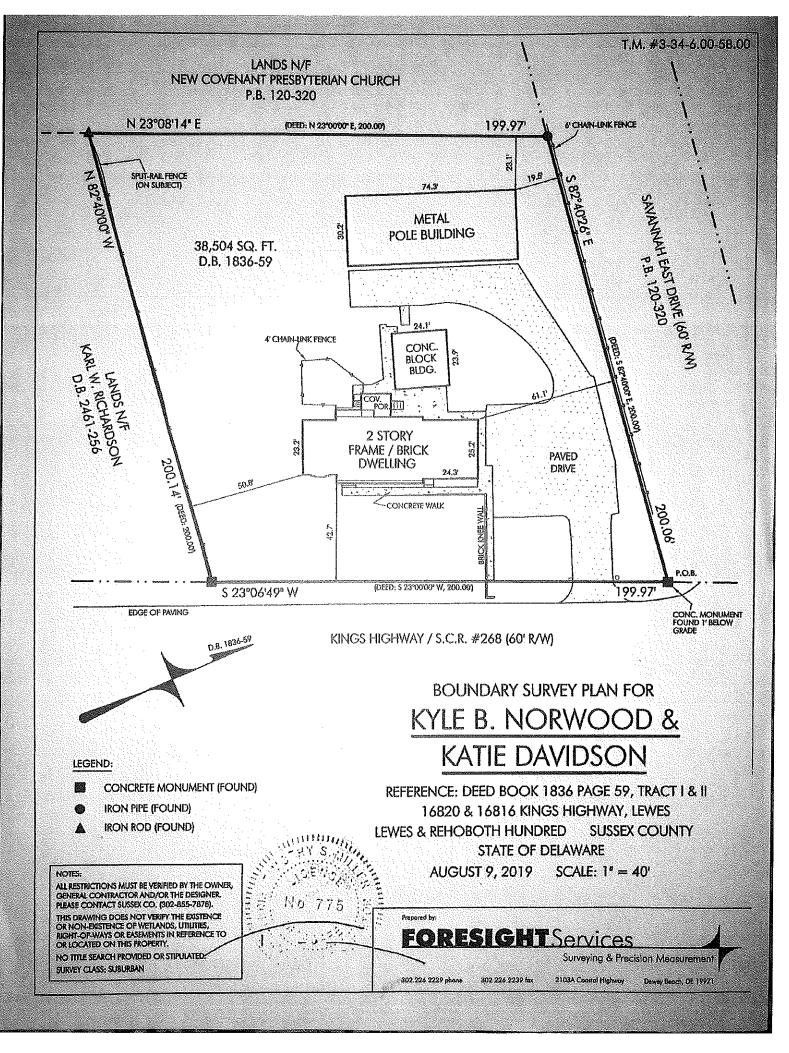
Sewer: Tier 1- Sussex County Unified Sanitary System

Water: Private

Site Area: 0.92 acres +/-

Tax Map ID.: 334-6.00-58.00







STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

November 13, 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 (SLER) for the **Beach and Bay, LLC** rezoning application, which we received on October 16, 2019. This application is for an approximately 0.92-acre parcel (Tax Parcel: 334-6.00-58.00). The subject land is located on the west side of Kings Highway (Sussex Road 268), approximately 300 feet northwest of the intersection of Kings Highway and Dartmouth Drive (Sussex Road 268A). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to C-2 (Medium Commercial) for professional office(s) with accessory residential use.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Kings Highway where the subject land is located, which is from Dartmouth Drive to Clay Road (Sussex Road 269), are 18,846 and 24,255 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the <u>Development Coordination Manual</u>, 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 November 13, 2019

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

Sincerely,

T. William Brockenbrough, Jr.

J. William Brosbonbrungt , J

County Coordinator

Development Coordination

TWB:cim

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues Beach and Bay, LLC, 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

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

Jamie Whitehouse

TO:

REVIEWER:		Chris Calio	
DATE:		5/29/2020	
APPL	ICATION:	CZ 1912 – Bay and Beach, LLC	
APPL	ICANT:	Bay and Beach, LLC	
FILE I	NO:	OM-9.04	
	MAP & EEL(S):	334-6.00-58.00	
LOCA	TION:	Located on the southwestern corner of Savannah East Drive and Kings Highway (Rt. 9)	
NO. C	F UNITS:	Up-zone from AR-1 to C-2	
GROS ACRE	SS :AGE:	0.92 +/-	
SYSTEM DESIGN		ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 4	
SEWE	ER:		
(1). Is the project in a County operated and maintained sanitary sewer and/or wat		in a County operated and maintained sanitary sewer and/or water	
district? Yes ⊠ No □		No □	
		e question (2). question (7).	
(2).	Which County Tier Area is project in? Tier 1		
(3).	Is wastewater capacity available for the project? Yes If not, what capacity is available? N/A.		
(4).	Is a Construct (302) 855-77	ction Agreement required? Yes If yes, contact Utility Engineering at 17.	
(5).	Are there any System Connection Charge (SCC) credits for the project? No If		

yes, how many? Unknown at this time. Is it likely that additional SCCs will be

If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional

required? Yes

information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
 - ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? N/A
- (8). Comments: The proposed CZ is located in a Tier 1 area for sanitary sewer service. Therefore, the parcel is currently served but the service may need to be increased to serve the parcel if the change of zone is approved. There are currently 2 edu's connected to the sanitary sewer system and if disconnected would result in a credit of 2.0 edu's.
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning** at 302-855-1299 to apply
- (10). Is a Use of Existing Infrastructure Agreement Required? Yes

UTILITY PLANNING APPROVAL:

John J. Ashman

Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
Christine Fletcher



David C. Hutt 302.856.0018 dhutt@morrisjames.com

June 1, 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. 1912

Beach and Bay, LLC SCTP No. 334-6.00-58.00

Dear Mr. Whitehouse:

Kindly find the enclosed seven (7) copies of Applicant Beach and Bay, LLC's Exhibit Notebook for Change of Zone No. 1912. The exhibit notebook will be used at the public hearings before the Planning and Zoning Commission on June 11, 2020 and before County Council on July 14, 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

11684698/1

Cc: Beach and Bay, LLC

Beach and Bay, LLC

Change of Zone No. 1912

Beach and Bay, LLC 16820 Kings Highway Lewes, DE 19958

SCTP No: 334-6.00-58.00 16816 & 16820 Kings Highway Lewes, DE 19958

David C. Hutt, Esquire Morris James LLP Public Hearings:

> Planning Commision 06/11/2020 County Council 07/14/2020

Table of Contents

- 1. Planning & Zoning Commission Application, Change of Zone No. 1912
- 2. Foresight Services Survey Dated August 9, 2019
- 3. Title to Property: Deed: Dated August 13, 2019, Deed Book 5118, Page 37
- 4. DelDOT Response to Service Level Evaluation Request (October 16, 2019)
- 5. Sussex County Tax Maps
 - a. Tax Parcels
 - b. Zoning
 - c. Comprehensive Plan
 - d. Aerial Imagery
 - e. Sewer Tier
- 6. 2015 Delaware State Strategies Map
- 7. National Flood Hazard Map & Sussex County Flood Map
- 8. Dental Demographics for Sussex County
- 9. Proposed Findings of Fact

TAB "1"

File	H+:			
THE	# .			

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 applicab	RECEIVED
Conditional Use Zoning Map Amendment <u>✓</u>	NOV 2 7 2019
Site Address of Conditional Use/Zoning Ma	p Amendment SUSSEX COUNTY
16816 and 16820 Kings Highway, Lewes, DE 19958	PLANNING & ZONING
Type of Conditional Use Requested: Not applicable.	
Tax Map #: 334-6.00-58.00	Size of Parcel(s): 0.92 acres
Current Zoning: AR-1 Proposed Zoni	ng: C-2 Size of Building: To be determind
Land Use Classification: 2019 Future Land Use M	Aap: Coastal Area
Water Provider: Tidewater	Sewer Provider: Sussex County
Applicant Information	
Applicant Name: Beach and Bay, LLC	
Applicant Address: 16820 Kings Highway	
City: Lewes	State: <u>DE</u>
Phone #: (302) 670-6756	E-mail: knorwood8132@yahoo.com
Owner Information	
Owner Name: Kyle Norwood and Katie Davison	
Owner Address: 16820 Kings Highway	
City: Lewes	State: DE Zip Code: 19958
Phone #: (302) 670-6756	E-mail: knorwood8132@yahoo.com
Agent/Attorney/Engineer Information	
Agent/Attorney/Engineer Name: David C. Hu	att, Esquire (Morris James LLP)
Agent/Attorney/Engineer Address: 107 West N	Market Street
	State: <u>DE Zip Code: 19947</u>
	maile dhutt@marrisiames.com





Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

✓ Completed Application			
parking area, proposed ent	tion of existing or proposed building(s), building setbacks,		
✓ Provide Fee \$500.00			
architectural elevations, photos, ex	for the Commission/Council to consider (ex. chibit books, etc.) If provided submit 8 copies and they en (10) days prior to the Planning Commission meeting.		
subject site and County staff will o	e will be sent to property owners within 200 feet of the come out to the subject site, take photos and place a sign ne 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 plans submitted as a part of this application are	s, exhibits, and statements contained in any papers or true and correct.		
Zoning Commission and the Sussex County Cou and that I will answer any questions to the best	Il attend all public hearing before the Planning and notil and any other hearing necessary for this application of my ability to respond to the present and future order, prosperity, and general welfare of the inhabitants		
Signature of Applicant/Agent/Attorney			
	Date: 11/26/19		
Signature of Owner DDS Called	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:		

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 In	nformation:	
Site Address: 168	820 Kings Hwy	
Le	wes DF 19958	
Parcel #:	334-6.00-58.00	
Site Address:		· ·
Parcel #:		
Applicant Name:	Beach and Bay, LLC	
Owner Name:	Kyle Norwood & Katie Davison	
Type of Applic Conditions Change of Subdivision Board of A	al Use: Zone: X	
Date Submitted:	11/27/19	
For office use only Date of Public Heat File #:	aring:	
Date letters mailed	I etters cent by	

Sussex County, DE Treasury P.O. Box 601 Georgetown, DE 19947 We1come

33016139-0023 Megan D. 11/27/2019 11:13AM

PERMITS / INSPECTIONS

CHANGE OF ZONE - FEE

2019 Item: 201913755|Z015 500.00

500.00

Subtota1 500.00

Total 500,00

CHECK 500.00 Check Number00000106013

Change due 0.00

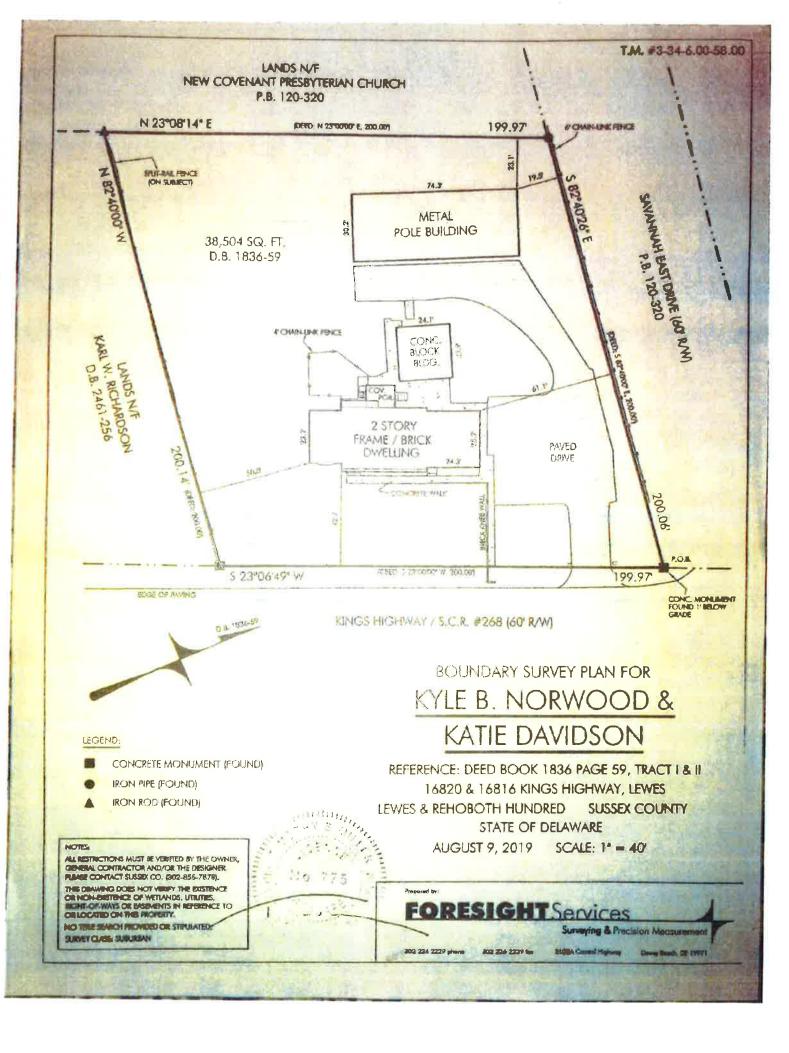
Paid by: MORRIS JAMES LLP



Thank you for your payment

Sussex County, DE COPY DUPLICATE RECEIPT

TAB "2"



TAB "3"

Document# 2019000033002 BK: 5118 PG: 37
Recorder of Deeds, Scott Dailey On 9/9/2019 at 12:28:57 PM Sussex County, DE Consideration: \$517,500.00 County/Town: \$3,881.25 State: \$10,937.50 Total: \$14,818.75 Doc Surcharge Paid Town: SUSSEX COUNTY

TAX MAP AND PARCEL #: 3-34 6.00 58.00 PREPARED BY & RETURN TO: Hudson, Jones, Jaywork & Fisher 309 Rehoboth Avenue Rehoboth Beach, DE 19971 File No. NORWOOD,K-P-19/DPM

THIS DEED, made this 13th day of August, 2019,

- BETWEEN -

DONALD A. WAGNER, JR. of 16820 Kings Highway, Lewes, DE 19958 and **CARL LOUIS WAGNER**, of 16063 New Road, Lewes, DE 19958, parties of the first part,

- AND -

KYLE BRANDON NORWOOD and **KATIE ANNE DAVISON**, of 16820 Kings Hwy, Lewes, DE 19958, as joint tenants with right of survivorship and not tenants in common, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America and other good and valuable consideration, 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:

TRACT I: ALL THAT CERTAIN LOT, Piece and parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County and State of Delaware, adjoining lands of Elizabeth Murray and other lands of Charles H. Rickards, fronting on King's Highway and being more particularly described as follows, to wit:

BEGINNING at an iron pipe in the edge of the above-described highway, corner for these lands and lands of Elizabeth Murray; thence along and with one line of said Murray North 82° 40' West 200 feet to an iron pipe; thence leaving lands of said Murray with other lands of Charles H. Rickards South 23° West 100 feet to an iron pipe; thence South 82° 40' East 200 feet to a pipe in line of the above-described highway; thence along with one line of the highway

North 23° East 100 feet, home to the place of BEGINNING, containing about 20,000 square feet of land, more or less.

TRACT II: ALL THAT CERTAIN LOT, Piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, adjoining lands of Charles H. Rickards and lands granted and conveyed to Oliver C. Short and Katherine A. Short, his wife, more particularly described as follows, to wit:

BEGINNING at a pipe in the edge of the slag road leading from Lewes to Carpenter's Corner, a corner for this lot and other lands of Charles H. Rickards; thence along with said lot North 82° 40' West 200 feet to an iron pipe in line of lands of Charles H. Rickards; thence with said lands South 23° West 100 feet to an iron pipe, a corner for this land and lands conveyed to Oliver C. Short and Katherine A. Short, his wife; thence along and with said lands South 82° 40' East 200 feet to a pipe in the edge of the above-described road; thence along and with said road North 23° East 100 feet, home to the place of BEGINNING, containing 20,000 square feet of land, be the same more or less.

BEING the same property conveyed to Christine Wagner and Donald A. Wagner from H. Edward Maull, Jr., by Deed dated March 17, 1992, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on March 19, 1992, in Deed Book 1836, Page 59.

SUBSEQUENTLY the said Christine Wagner departed this life, on or about March 20, 1995, said property passed by operation of law unto her husband, Donald A. Wagner, sole surviving tenant by the entirety.

SUBSEQUENTLY the said Donald A. Wagner departed this life, on or about October 31, 2016, pursuant to the terms set forth in the Last Will and Testament of Donald A. Wagner, Sr. dated June 16, 2006, Article II, devised said property unto his sons, Donald A. Wagner, Jr. and Carl Louis Wagner.

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

IN WITNESS WHEREOF, the 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:

(SEAL)

(SEAL)

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on August 13, 2019, personally came before me, the subscriber, Donald A. Wagner, Jr. and Carl Louis Wagner, 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.

DANIEL P. MYERS, II NOTARIAL OFFICER PURSUANT TO Notary Public

29 DEL. CODE SECT. 4323 (3)

ATTORNEY AT LAW/DELAWARE My Commission Expires: N ID# 2685

TAB "4"



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD P.O. BOX 778 DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

November 13, 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 (SLER) for the Beach and Bay, LLC rezoning application, which we received on October 16, 2019. This application is for an approximately 0.92-acre parcel (Tax Parcel: 334-6.00-58.00). The subject land is located on the west side of Kings Highway (Sussex Road 268), approximately 300 feet northwest of the intersection of Kings Highway and Dartmouth Drive (Sussex Road 268A). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to C-2 (Medium Commercial) for professional office(s) with accessory residential use.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Kings Highway where the subject land is located, which is from Dartmouth Drive to Clay Road (Sussex Road 269), are 18,846 and 24,255 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the <u>Development Coordination Manual</u>, 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 November 13, 2019

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

Sincerely,

T. William Brockenbrough, Jr.

I Willia Buladowy &

County Coordinator

Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues Beach and Bay, LLC, 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





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.

	RECEIVED
Date: 10/16/19	OCT 1 6 2019
Site Information:	
Site Address/Location: 16820 Kings Highway, Lewes, DE 19958	SUSSEX COUNTY PLANNING & ZONING
Tax Parcel Number: 334-6.00-58.00	
Current Zoning: AR-1 Proposed Zoning: C-2	
Land Use Classification: Residential	
Proposed Use(s): Professional Office(s) with Accessory Residential Use	
Square footage of any proposed buildings or number of units: N/A	
Applicant Information:	
Applicant's Name: Beach and Bay LLC	
Applicant's Address: 16820 Kings Highway	
	Zip Code: 19958
Applicant's Phone Number: (302) 856-0015 Applicant's e-mail address: dhutt@morrisjames.com	David C. Hutt, Esq. Morris James, LLP 107 W. Market Street PO Box 690 Georgetown, DE 19947
	(302) 856-0015



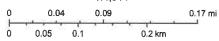
COUNTY ADMINISTRATIVE OFFICES 2 THE CIRCLE | PO BOX 417 GEORGETOWN, DELAWARE 19947

Last updated 7-27-18

TAB "5"



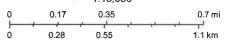




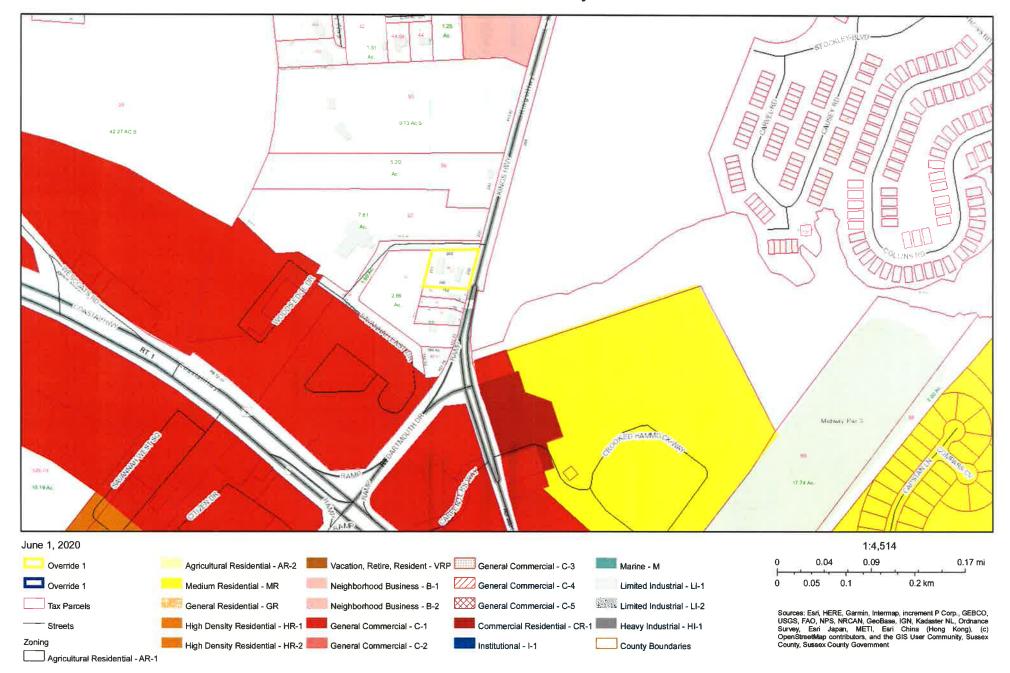
Delaware Department of Education, Delaware Geological Survey, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state de.us, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBsel IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri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

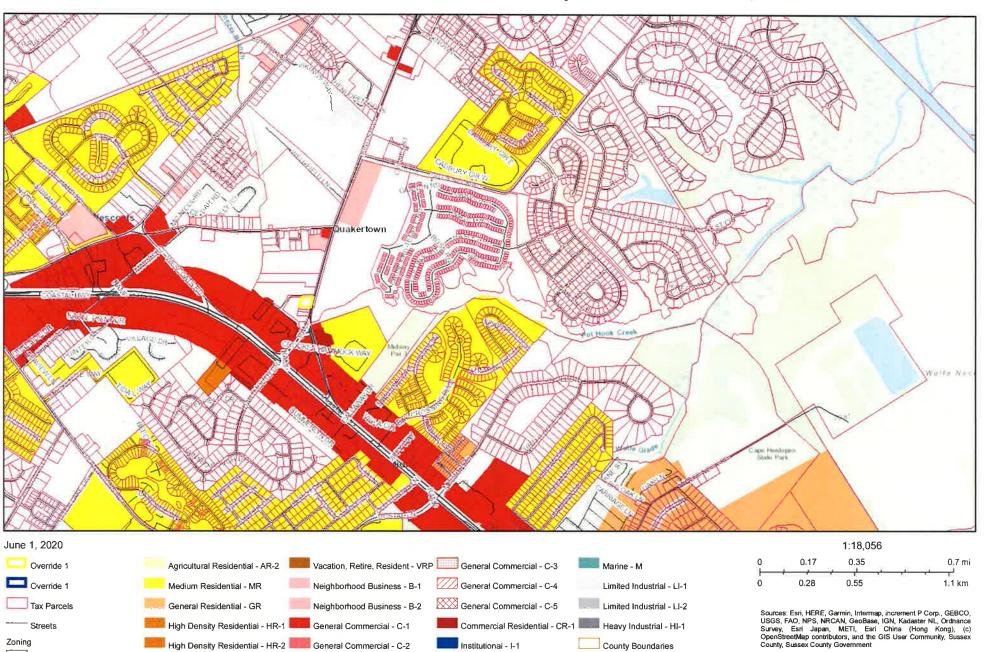




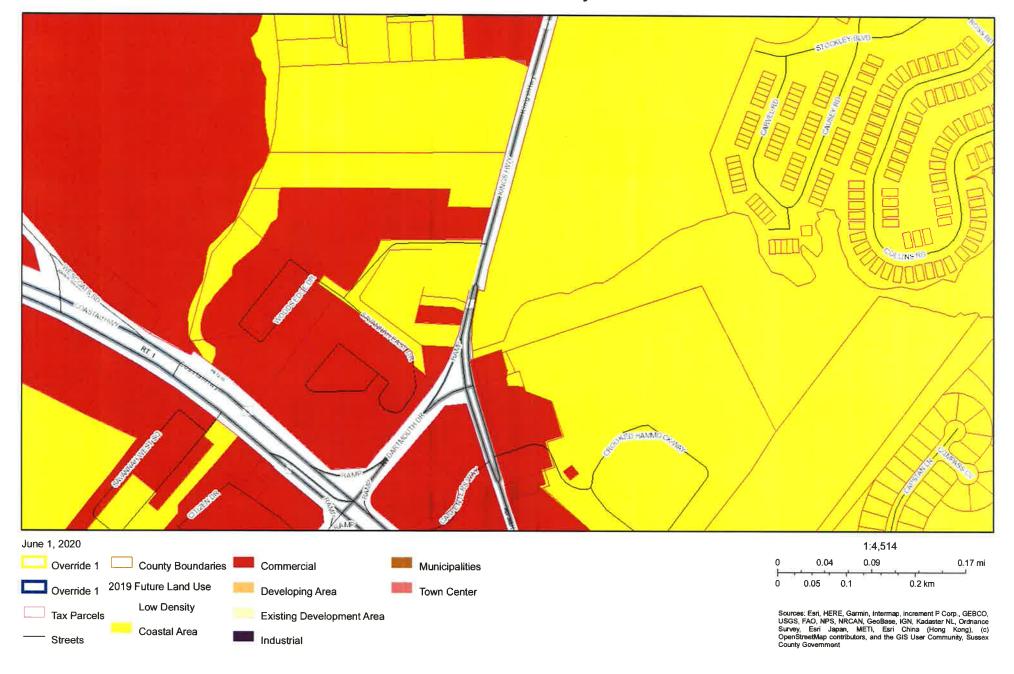


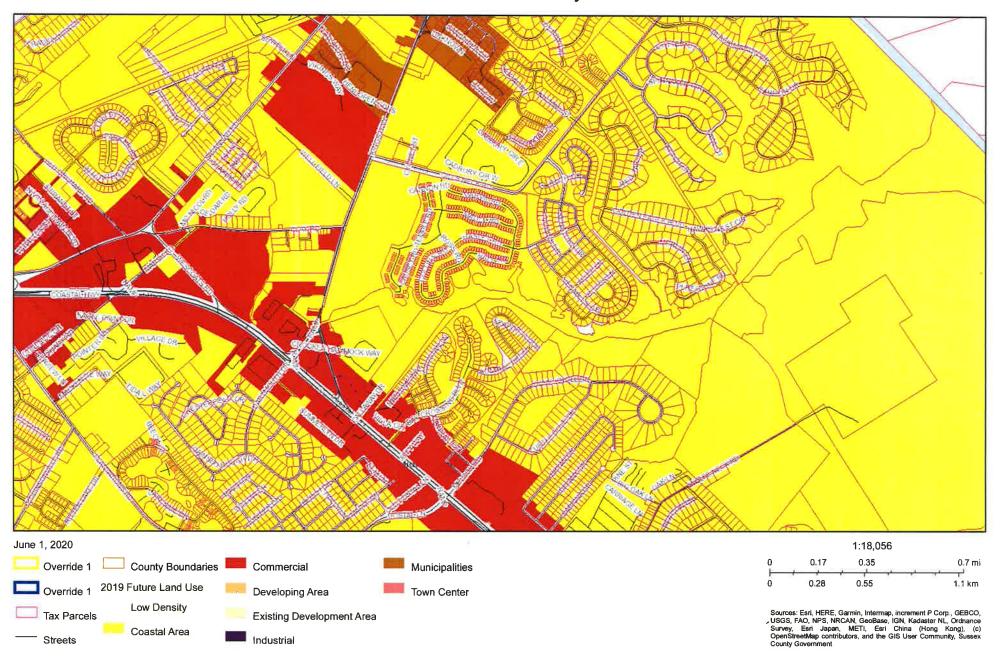
Delaware Department of Education, Delaware Geological Survey, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sources: Earl, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri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





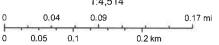
Agricultural Residential - AR-1







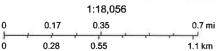




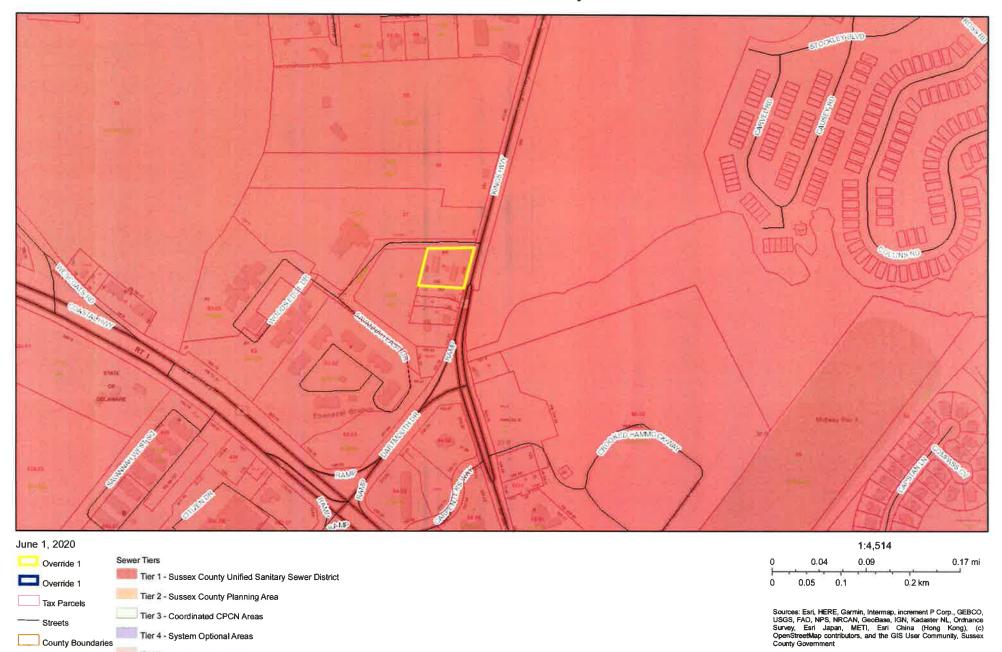
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/ Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County Government







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



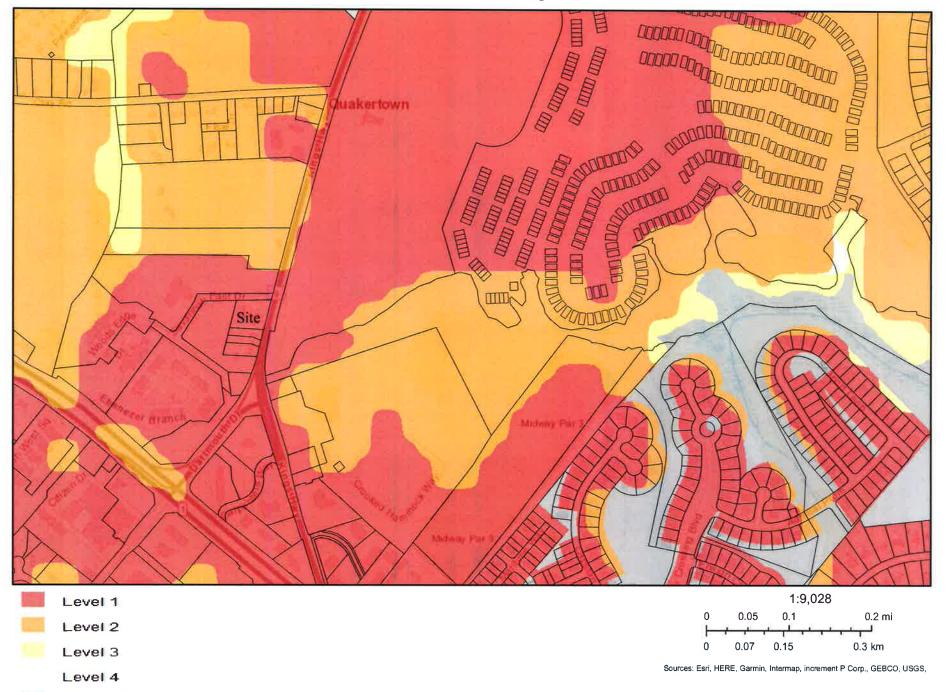
Tier 4 - System Optional Areas

Tier 5 - Regulated On-site Area

County Boundaries

TAB "66"

Delaware State Strategies 2015



Out of Play

TAB 667"

National Flood Hazard Layer FIRMette

250

500

1,000

1,500

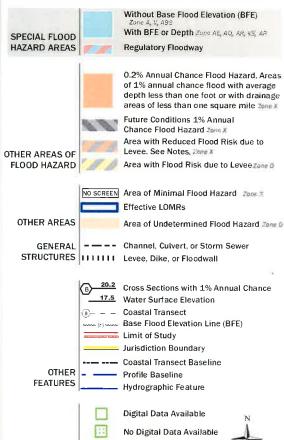




2,000

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT





MAP PANELS

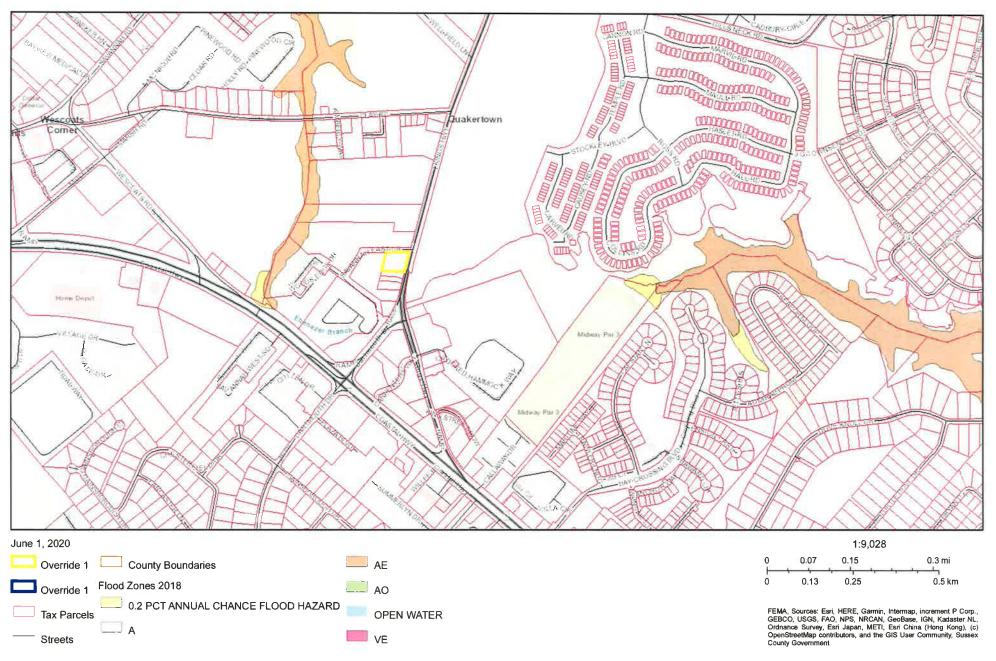
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

Unmapped

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/1/2020 at 9:33:37 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date, Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



TAB "8"

BEACH AND BAY LLC REZONING HEARING 16820 KINGS HIGHWAY LEWES, DE

To Sussex County Planning & Zoning Commission/Sussex County Council:

We are greatly appreciative for the opportunity to present you our property for rezoning today. We wanted to attach a cover sheet to provide some clarifications for the documents we have provided.

We are seeking commercial zoning to one day form a dental practice on the property. We have provided some information on the research we have done to show that a dental practice would be a much-needed addition to our community in Sussex County.

According to the Health Resources and Services Administration, Sussex County is an underserved community in terms of its' dental health resources. When the documents reference "HPSA" this is an acronym for "health professional shortage area". Some of the maps provided shade Sussex County as not only an area that has a health professional shortage but specifically a Dental HPSA. We have also found this supporting information on Delaware.Gov.

This information is even further supported by a professional study we had done to show the need in the area. According to the American Dental Association (ADA), the national average is 1 dentist for every 1,639 people. At this specific location on Kings Highway, the ratio is much different. Within a 25-minute driving radius from this location, there is 1 dental office per 9,699 patients – a dramatic difference. Residents of Sussex County would greatly benefit from an additional dentist in the area.

As our community continues to grow and thrive, the disparity between dentists and patients will continue. We are hopeful for the opportunity to contribute to Kings Highway and our Sussex County community in positive way.

Thank you so much for your consideration,

Beach And Bay



SATELLITE VIEW

10, 25, 40 MINUTE DRIVE TIMES

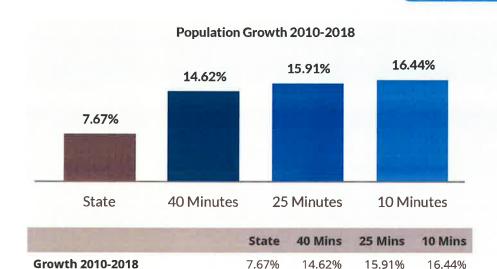
Below is a satellite view of your location, with the selected drive times overlaid. Pay particular attention to land-use (residential, commercial, industrial) and the density found in close proximity to your site.





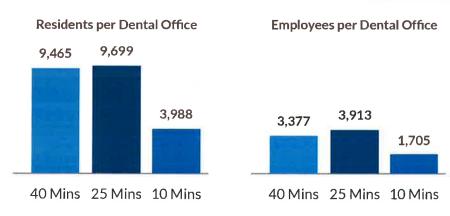
DATA SUMMARY

Population Growth



Growth: As a measure of the relative, current growth rate. Measured from the most recent Census to this year, this percentage indicates the growth of an area's population.

Population Per Dental Office

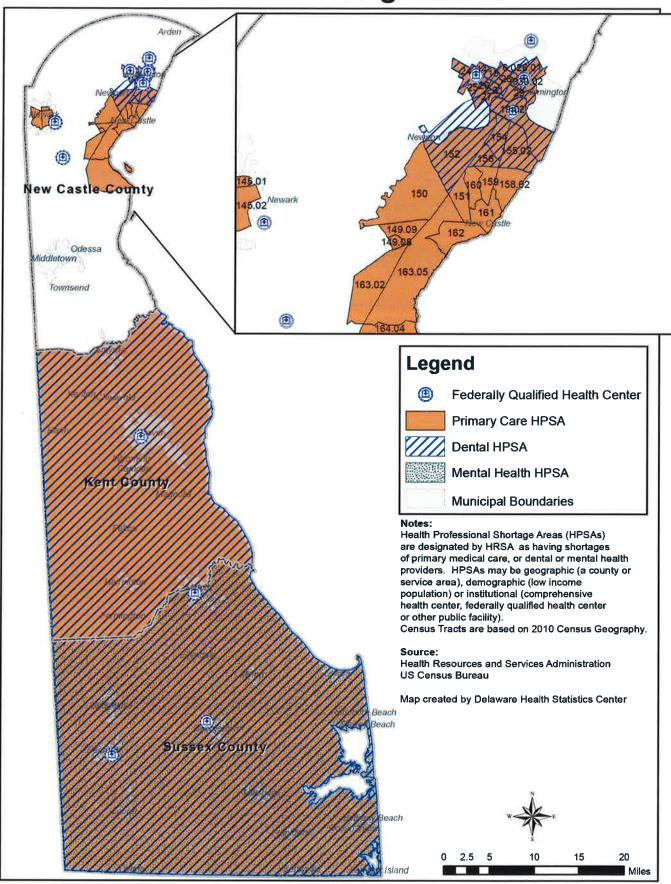


	State	40 Mins	25 Mins	10 Mins
Residents per Dental Office	3,930	9,465	9,699	3,988
Employees per Dental Office	1,658	3,377	3,913	1,705
Residents	966,809	208,233	87,292	23,928
Employees	407,946	74,294	35,218	10,231
Dental Offices	246	22	9	6

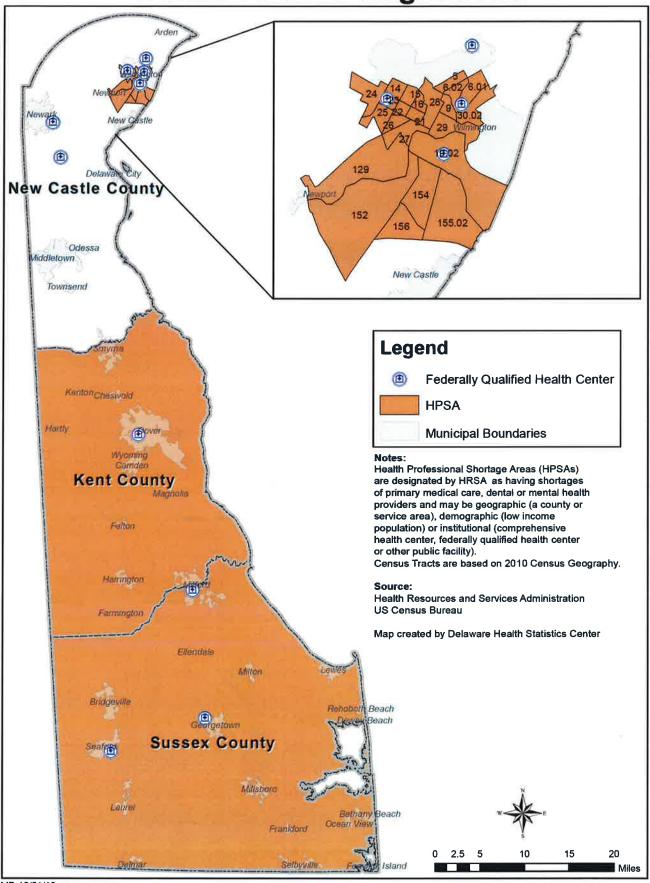
Residents/Dental Office: As a measure of relative saturation within an area. Each office is called to confirm the location, as a measure of accuracy. The higher the ratio, the better.

Employees/Dental Office: As a measure of relative employee saturation within an area. In metropolitan and in high-traffic areas, this ratio becomes more important. Data is trending such that single, young adults are finding it increasingly important that their healthcare is accessible from work.

All HPSA Designations



Dental HPSA Designations



Address

16820 kings hwy, Lewes, DE, 19958

Standardized address

16820 Kings Hwy, Lewes, Delaware, 19958

[+] More about this address

In a Dental Health HPSA: ✓ Yes

HPSA Name:Low Income-Sussex County

ID:6103438265

Designation Type: HPSA Population

Status: Designated

Score:16

Designation Date:12/29/2016 **Last Update Date:**12/29/2016

In a Mental Health HPSA: ✓ Yes

HPSA Name:Low Income-Sussex County

ID:7103506247

Designation Type: HPSA Population

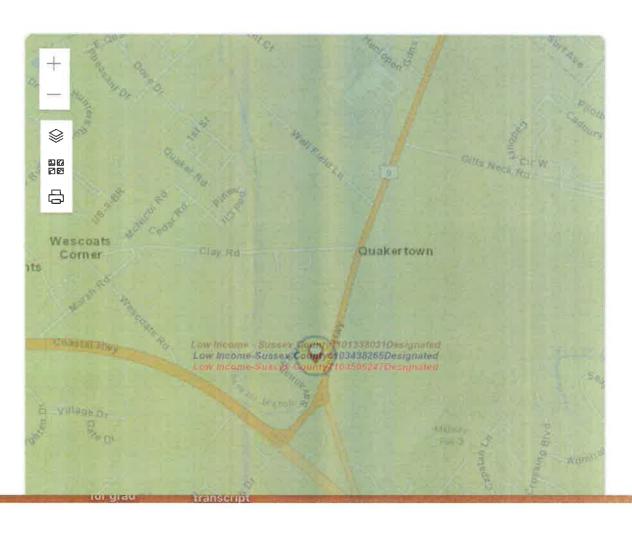
Status: Designated

Score:17

Designation Date:11/02/2012 **Last Update Date:**10/28/2017



HPSA Data as of 10/20/2019 MUA Data as of 10/20/2019





Home (/) → Tools → Find Shortage Areas (/tools/shortage-area) → Find Shortage Areas by Address



Find Shortage Areas by Address

Enter an address to determine whether it is located in a shortage area: HPSA Geographic, HPSA Geographic High Needs, or Population Group HPSA or an MUA/P.

Note: This search will not identify facility HPSAs. To find these HPSAs, use the <u>HPSA Find (/tools/shortage-area/hpsa-find)</u> tool.

Start Over

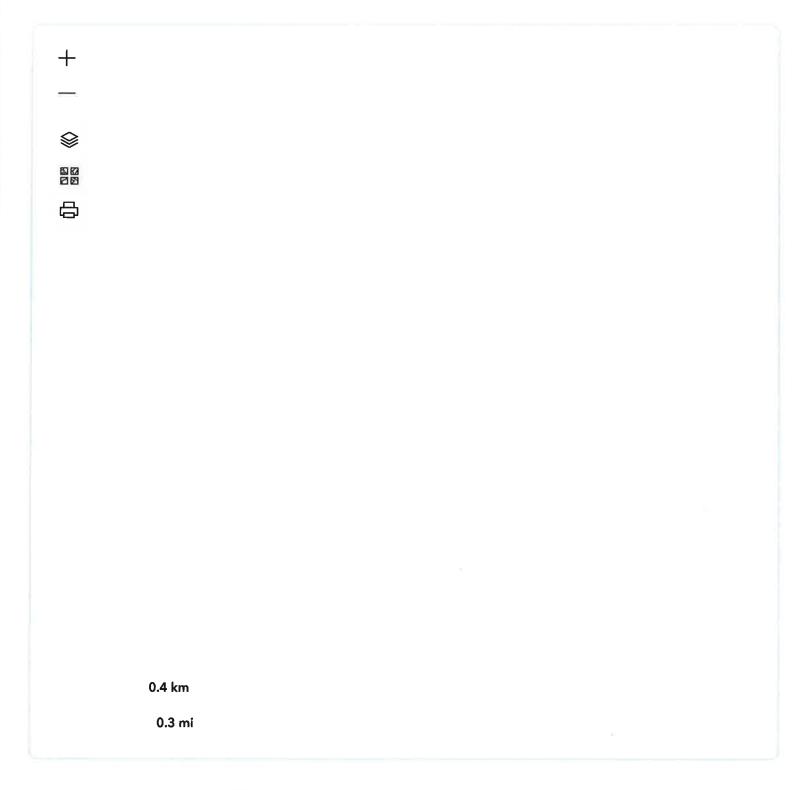
HPSA Data as of 10/20/2019 MUA Data as of 10/20/2019

Address

16820 kings hwy, Lewes, DE, 19958

Standardized address

16820 Kings Hwy, Lewes, Delaware, 19958



Note: The address you entered is geocoded and then compared against the HPSA and MUA/P data in data.HRSA.gov. Due to geoprocessing limitations, the designation cannot be guaranteed to be 100% accurate and does not constitute an official determination.

[+] More about this address

In a Dental Health HPSA: ✔ Yes

HPSA Name:Low Income-Sussex County

ID:6103438265

Designation Type:HPSA Population

Status: Designated

Score:16

Designation Date:12/29/2016 **Last Update Date:**12/29/2016

In a Mental Health HPSA: ✓ Yes

HPSA Name:Low Income-Sussex County

ID:7103506247

Designation Type:HPSA Population

Status: Designated

Score:17

Designation Date:11/02/2012 **Last Update Date:**10/28/2017

In a Primary Care HPSA: ✓ Yes

HPSA Name:Low Income - Sussex County

ID:1101338031

Designation Type:HPSA Population

Status: Designated

Score:16

Designation Date:11/06/2012 **Last Update Date:**10/28/2017

In a MUA/P: ✓ Yes

Service Area Name: Sussex County

ID:00493

Designation Type:Medically Underserved Area

Designation Date:11/01/1978 **Last Update Date:**11/01/1978

About HRSA

HRSA programs provide health care to people who are geographically isolated, economically or medically vulnerable. This includes people living with HIV/AIDS, pregnant women, mothers and their families, and those otherwise unable to access high quality health care. HRSA also supports access to health care in rural areas, the training of health professionals, the distribution of providers to areas where they are needed most, and improvements in health care delivery. Learn more about HRSA \gg (https://www.hrsa.gov)

About Us (https://data.hrsa.gov/about)

About the Data (https://data.hrsa.gov/data/about)

A to Z Index (https://data.hrsa.gov/a-to-z)

Site Map (https://data.hrsa.gov/site-map)

What's New (https://data.hrsa.gov/whats-new)



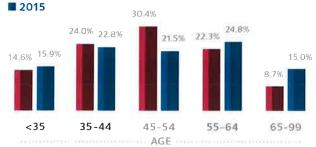


The Dentist Workforce – Key Facts

THE DENTIST WORKFORCE HAS AGED

The average age of dentists increased from 48.5 in 2005 to 50 in 2015.

2005



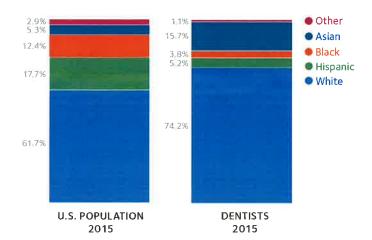
2005 2015 68.8

DENTISTS ARE WAITING LONGER TO RETIRE

While dentists' average age at retirement in 2005 was 66.1, it increased to 68.8 in 2015.

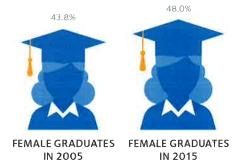
ETHNIC AND RACIAL DIVERSITY AMONG DENTISTS DOES NOT MIRROR THAT OF THE U.S. POPULATION

In terms of race and ethnicity, white and Asian dentists are proportionally more represented in the profession when compared to the U.S. population. Hispanic and black dentists, as well as dentists who identify themselves as another race or ethnicity, are proportionally less represented in the profession when compared to the U.S. population.



A HIGHER SHARE OF DENTISTS IS FEMALE

Between 2005 and 2015, the percentage of female dentists in the workforce increased from 20 percent to 29 percent. This increase is expected to continue for several more years, as is evident in the growth of the proportion of female dental school graduates.



FEMALE DENTISTS

20.0%



FEMALE DENTISTS IN 2005 IN 2015

2005 2014



ALL DENTISTS



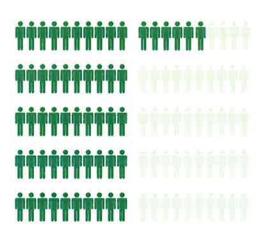
MALE DENTISTS



FEMALE DENTISTS

FEMALE DENTISTS WORK SLIGHTLY FEWER HOURS PER WEEK

The average number of hours a dentist works per week has remained stable since 2005. However, female dentists work slightly fewer hours than their male peers.

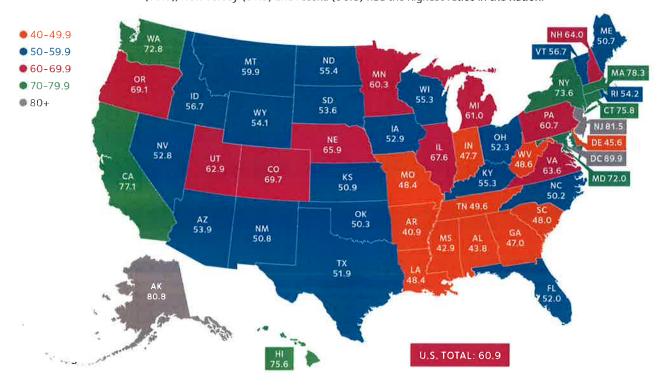


MOST DENTISTS WORK SOLO

"Solo" denotes a dentist who is the sole dentist in a dental office. They made up 56 percent of dentists in 2014.

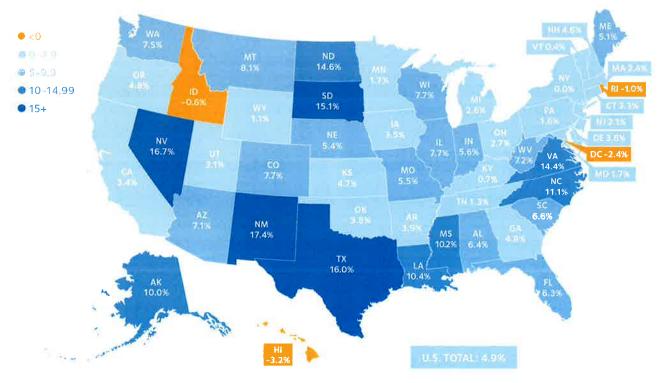
DENTIST-TO-POPULATION RATIOS VARY ACROSS STATES

The number of dentists per 100,000 population in the United States was 60.9 in 2015 and varied across states. The District of Columbia (89.9), New Jersey (81.5) and Alaska (80.8) had the highest ratios in the nation.



DENTIST-TO-POPULATION RATIOS INCREASED FOR MOST STATES IN THE PAST DECADE

The states where the dentists per 100,000 population increased the most between 2005 and 2015 were New Mexico (17.4 percent), Nevada (16.7 percent) and Texas (16 percent). Only four states experienced decreases, ranging from -0.6 percent (Idaho) to -3.2 percent (Hawaii).



TAB "9"

PROPOSED FINDINGS OF FACTS C/Z 1912

- 1. This is an application to amend the comprehensive zoning map from AR-1 (Agricultural Residential District) to C-2 (Medium Commercial District) for $0.92\pm$ acres located in Lewes and Rehoboth Hundred, Sussex County, being situated along U.S. Route 9 (Kings Highway) at its intersection with Savannah East Drive, being also known and designated as Sussex County Tax District 334, Map 6.00, Parcel 88.00.
- 2. The applicant is Beach and Bay, LLC, a Delaware limited liability company, whose members are Kyle Norwood and Katie Davison, the owners of the property.
 - 3. The property is improved with a home and two outbuildings.
- 4. The intended use of the site will be for professional offices with a possible accessory residential use, either using some of the existing structures or demolishing what is there and constructing a new structure.
- 5. In the 2018 Sussex County Comprehensive Plan update, the property is identified for purposes of future land use as being in the Coastal Area. The property has areas designared as Commercial Area immediately adjacent to it. The Coastal Area is a Growth Area and the table of Applicable Zoning Districts identifies C-2 zoning as being appropriate in a Coastal Area. According to the Comprehensive Plan, "retail and office uses are appropriate" in the Coastal Area and "larger shopping centers and office parks should be confined to selected locations with access along arterial roads." While the property is not large enough for a large scale center or park, it is located on U.S. Route 9 (Kings Highway) a major arterial.
- 6. The 2015 Delaware Strategies for State Policies and Spending identify the property as Investment Level 1, where "state investments and policies should support and encourage a wide range of uses."
- 7. The purpose of the C-2 Medium Commercial District is to "support uses that include retails sales and performance of consumer services. It permits a variety of retail, professional and services businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales." One of the expressly permitted uses in the C-2 District is "office, clerical, research, personal service and similar enterprises not primarily related to goods." Further, a permitted accessory use is "residential within structure commercial or business uses." The intended use of the property is consistent with these permitted uses.
- 8. The property is located on U.S. Route 9 (Kings Highway), a major arterial, a place where the Zoning Code and Comprehensive Plan encourage growth and commercial uses.

- 9. This area just east of U.S. Route 1 (Coastal Highway) is just off of one of Sussex County's busiest commercial corridors and is in close proximity to residential development in the City of Lewes and greater Lewes area.
- 10. The greater Lewes area around Sussex County is in need of doctors and specialists in numerous practices areas.
- 11. The property is approximately a third of a mile from Kings Highway's intersection with Route 1 (Coastal Highway). In that third of a mile, there exist numerous professional offices, multiple banks, a restaurant and other commercial uses. The property is approximately one half mile from Gill's Neck Road. In that one half mile, there exist a church, offices, and other commercial uses.
- 12. DelDOT reviewed the applicant's planned project and has issued a letter recommending that no Traffic Impact Study be required unless a subdivision or land development plan is proposed warranting a study.
 - 13. Potable drinking water will be provided by Tidewater.
 - 14. Sanitary sewer will be provided by Sussex County.
- 15. 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 land disturbance activity on site.
- 16. The proposed C-2 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 C-2 zoning district and the character and trend of development along Kings Highway.
- 17. 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.
- 18. All factors have been considered and the proposed C-2 classification meets the purposes and goals of the County's Comprehensive Plan and its Zoning Code. The addition of professional offices permitted in a C-2 zoning district is appropriate for and consistent with this area along Kings Highway. As a result, the proposed C-2 classification is consistent with the Sussex County Comprehensive Land Use Plan.

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





DELAWARE sussexcountyde.gov

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: June 4th, 2020

RE: Other Business for June 11th, 2020 Planning Commission Meeting

This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the June 11th, 2020 Planning Commission meeting.

Osprey Point MR-RPC (CZ 1759)

ВМ

Revised Final Site Plan

This is a Revised Final Site Plan for the creation of 217 single-family lots to be located off Old Landing Road (Route 274). The site was approved by County Council for a change of zone from Agricultural Residential (AR-1) to Medium Density Residential District, Residential Planned Community (MR-RPC) on November 15, 2016 through Ordinance No. 2475. The Planning and Zoning Commission approved the Revised Preliminary Site Plan at its meeting of Thursday, February 14, 2019. Revisions to the original plans include changes to the lot layout, stormwater management ponds, and removing a portion of Providence Drive and Richard Henry Lee Drive. The applicant has provided an illustrative copy of the plans showing the new plan changes with the original plans ghost-lined underneath. The Revised Final Site Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcel: 334-18.00-83.00. Zoning: MR (Medium Density Residential Zoning, Residential Planned Community District.) Staff are in receipt of all agency approvals.

<u>Sweetbay (2018-26)</u>

Final Subdivision Plan

This is a Final Subdivision Plan for the provision of 65 (sixty-five) single-family lots using the cluster development option on a 41.55-acre parcel of land and accessed off Zion Church Road (S.C.R. 382). The Planning and Zoning Commission approved the Preliminary Subdivision Plan at its meeting of Thursday, February 28, 2019. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcels: 533-11.00-81.00 & 82.01. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

S-20-18 Destiny Apartments

BM

Preliminary Site Plan

This is a Preliminary Site Plan for a proposed 15-unit, 3-story apartment building with a 924 square foot building containing storage lockers and associated parking located on the north side of Delaware Route 1 and Parsonage Road in Rehoboth Beach, Delaware. Approximately 11 parking spaces are proposed within the front yard setback. The applicant has submitted a letter providing justification for this which further describes the existing site constraints. The project also lies within



Planning & Zoning Commission Other Business Memo for 06.11.2020 P a g e | 2

the Combined Highway Corridor Overlay Zone (CHCOZ). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 334-13.00-5.00. Zoning: C-1 (General Commercial Zoning District) and GR (General Residential Zoning District). Staff are awaiting agency approvals.

S-20-13 Tanger Microtel

ВМ

Preliminary Site Plan

This is a Preliminary Site Plan for a 77-bedroom hotel with 119 total parking spaces with 98 to be located within "proposed Lot 1" of a proposed major subdivision, Lands of Coroc/Rehoboth III LLC (2019-32) and 21 parking spaces to be shared with the neighboring proposed Tanger Fitness Center. All lot lines for this site are proposed and are dependent upon the approval of a separate application for consideration of a major subdivision by the Commission. The Applicant is requesting preliminary approval of the site plan prior to the Commission considering the Subdivision Plan later this year. The Applicant is requesting to allow 15 parking spaces to be located within the front yard setback, as well as a dumpster located within the side and rear setback. The site plan complies with the Sussex County Zoning Code. Tax Parcel: 334-13.00-325.36. Zoning: C-3 (Heavy Commercial Zoning District) Staff are awaiting agency approvals.

Permit Approval Booklet

Osprey Point

MR-RPC Subdivision

Old Landing Road. (SCR 274)

Lewes & Rehoboth River Hundred Sussex County Delaware

Tax I.D. 334-18.00-83.00

Contents:

- 1. US Army Corps of Engineers Jurisdictional Determination
- 2. Sussex County P&Z Preliminary Approval
- 3. Stormwater Management Approval (EXP.7/27/21) & Revisions Approval
- 4. DelDOT Letter Of No Objection (EXP 7/13/22) and Entrance Approval (EXP 7/13/20)
- 5. Sussex County Engineering Sewer Concept Approval
- 6. Sussex County Public Works Approval (EXP. 5/12/23)
- 7. Sussex County Sewer Approval (EXP 5/12/23)
- 7. DNREC Sewer Permit (EXP. 10/21/21)
- 8. Fire Marshal Site Plan Approval
- Sussex County Addressing Subdivision Name Approval and Street Name Approval

Updated: May 21, 2020

LANDDESIGN, Inc.

Attn. Thomas J. Ford III Oak Square, Suite 3 53 Atlantic Avenue Ocean View, De. 19970 302/537-1919; 302/539-0328Fax



DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS WANAMAKER BUILDING, 100 PENN SQUARE EAST PHILADELPHIA PENNSYLVANIA 19107-3390

DEC 23 2014

Regulatory Branch Application Section I

SUBJECT:

CENAP-OP-R 2014-1201-23 (Preliminary JD)

Project Name: Osprey Point SX

Location:

38.6974 and -75.1336

Thomas D. Nobile Environmental Resources, Incorporated 38173 DuPont Boulevard Post Office Box 169 Selbyville, Delaware 19975

Dear Mr. Nobile:

The plans identified on the following page depict all delineated waterways and wetlands on the subject site that may be jurisdictional under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbor Act.

Pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, a Department of the Army permit is required for work or structures in navigable waters of the United States and the discharge of dredged or fill material into waters of the United States including adjacent and isolated wetlands. Any proposal to perform the above activities within any waters of the United States requires the prior approval of this office.

This preliminary determination has been conducted to identify the location(s) of wetlands and waters that may be waters of the United States for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participating in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

This preliminary jurisdictional determination is non-binding and indicates that there may be waters of the United States, including wetlands on the parcel. Pursuant to Federal Regulations at 33 C.F.R. 331.2, preliminary JDs are advisory in nature and may not be appealed (see attached Notification of Appeal Form - Enclosure 1). However, the applicant retains the right to request an approved jurisdictional determination, which may be appealed. Also enclosed (Enclosure 2) is a copy of the Preliminary Jurisdictional Determination Form signed by the applicant or his agent agreeing to accept a preliminary jurisdictional determination. Please be aware that for purposes of computation of impacts, compensatory mitigation requirements, and

other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity as if they are jurisdictional waters of the U.S.

This letter is valid for a period of five (5) years. However, this preliminary jurisdictional determination is issued in accordance with current Federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify the preliminary jurisdictional determination at any time should the existing site conditions or Federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

If you should have any questions regarding this matter, please contact me at 302-736-9763 between the hours of 1:00 and 3:30 p.m. or write to the above address.

Sincerely,

Enclosure

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

- A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): DEC 23 2014
- B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD: Osprey Point D, LLC, c/o Robert Marshall, 40 Clubhouse Dr., Rehoboth Beach, DE 19971; (302) 245-3735
- C. DISTRICT OFFICE, FILE NAME, AND NUMBER:
 Osprey Point Subdivision
 Tax Parcel 3-34-18.00-83.00

 CENAR-OP-R 2014 1201
- D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: (USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: Delaware County/parish/borough: Sussex City: NA Center coordinates of site (lat/long in degree decimal format): Lat. 38.6974° N Long. 75.1336° W Universal Transverse Mercator: 18 0488385 E 4283009 N

Name of nearest waterbody: Arnell Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: width (ft) and/or 0.89 acres.

Cowardin Class: E1UBL; PUBHh

Stream Flow: Wetlands: 20.71

Cowardin Class: E2EM1N; PFO4A

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: Arnell Creek Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: DEC 23 2014

X Field Determination. Date(s): Summer 2013 by ERI

- 1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.
- 2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information: SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply checked items should be included in case file and, where checked and requested, appropriately reference sources below): X Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Delineation Plan. X Data sheets prepared/submitted by or on behalf of the applicant/consultant. ☐ Office concurs with data sheets/delineation report. ☐ Office does not concur with data sheets/delineation report. ☐ Data sheets prepared by the Corps: Corps navigable waters' study: ☐ U.S. Geological Survey Hydrologic Atlas: ☐ USGS NHD data. ☐ USGS 8 and 12 digit HUC maps. X U.S. Geological Survey map(s). Cite scale & quad name: Fairmount DE X USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Soil Survey. X National wetlands inventory map(s). Cite name: NWI Mapping. ☐ State/Local wetland inventory map(s): ☐ FEMA/FIRM maps: □ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929) X Photographs: ☐ Aerial (Name & Date): or X Other (Name & Date): Site Photos 2013. ☐ Previous determination(s). File no. and date of response letter: ☐ Other information (please specify): IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations. Signature and date of Signature and date of Regulatory Project Manager person requesting preliminary JD (REQUIRED) (REQUIRED, unless obtaining DEC 23 2014

the signature is impracticable)

Osprey Point, Sussex Co., Delaware (c/o Robt. Marshall)

Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
1	38 41 42	75 08 08	E2EM1N	18.9 ac.	Tidal wetlands
2	38 41 42	75 08 05	PFO4A	1.8 ac.	Non tidal wetlands
3	38 41 35	75 08 05	E1UBL	0.34 ac.	Tidal waters
4	38 42 04	75 08 06	PUBHh	0.55 ac.	Non tidal waters

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE sussexcountyde.gov 302-855-7878 T 302-845-5079 F JANELLE CORNWELL, AICP DIRECTOR

February 20, 2019

Mr. Tom Ford LandDesign, Inc. Oak Square, Suite #3 53 Atlantic Avenue, Ocean View, DE 19970 By email to: <u>landzn@aol.com</u>

RE: Notice of Decision for the Revised Preliminary Site Plan for the Osprey Point (CZ 1759) Residential Planned Community (RPC) for the construction of 217 single-family lots to be located off Old Landing Road (Route 274)

Tax Parcel: 334-18.00-83.00

Dear Mr. Ford,

At their meeting of February 14, 2019, the Planning and Zoning Commission **approved** the submitted Revised Preliminary Site Plan for the Osprey Point (CZ 1759) Residential Planned Community (RPC) for the construction of 217 single-family lots to be located off Old Landing Road (Route 274).

Please submit a minimum of three (3) full-sized signed and sealed paper copies of the Final Site Plan to the Planning Office for review and approval. Once approved, two (2) copies shall be retained for the file and any additional copies will be stamped as approved and returned to you. The plan shall then be recorded in the Sussex County Recorder of Deeds Office once approved by the Planning Office.

Please note that the Final Site Plan shall be valid for a period of five years from the date of recordation. Any such Final Site Plan shall be rendered null and void if substantial construction is not actively and continuously underway on the use within five years of the date of approval by the County.

The term "substantial construction" shall mean that the roadways or parking areas have been cleared and rough-graded, the drainage system and/or stormwater management facilities have been rough graded and erosion and sedimentation control measures are in place and being actively maintained and construction of the use is actively proceeding to completion.

Sincerely,

Ms. Lauren DeVore

Planner III

CC. Andy Wright, Building Code, Chief of Building Code – Building Code Mike Brady, Director of Public Works – Engineering John Ashman, Director of Utility Planning - Engineering





January 3, 2017

Mr. Robert Marshall c/o Davis, Bowen, & Friedel, Inc. 23 North Walnut Street Milford, DE 19963

RE: Osprey Point Subdivision Revision

Dear Mr. Marshall:

A Sediment and Stormwater Management Plan has been reviewed for compliance with the Sediment and Stormwater Regulations and is approved with conditions (see attached). Enclosed herein please find a revision to the approved plans dated July 27, 2016. Your plans will expire on July 27, 2021. Please retain a copy for your use, and provide the contractor with a copy to be retained onsite at all times. Failure to keep an approved plan onsite is a violation of the approved plan.

Approval of a Sediment and Stormwater 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.

This plan approval pertains to compliance with the *Delaware Sediment and Stormwater Regulations*. Please understand that the approval of this plan does not relieve you from complying with any and all federal, state, county, or municipal laws and regulations.

As of January 1, 2014, the Sussex Conservation District began collecting financial guarantees to ensure the construction of stormwater management practices is accomplished in accordance with the approved sediment and stormwater plan. Please refer to the SCD Policy on Bonds located on our website at *Sussexconservation.org*. If you have any questions concerning the aforementioned, please do not hesitate to call 302 856-7219.

Sincerely,

Gessica Walson Jong

Jessica Watson Program Manager

JW/jmg

cc: Janelle Cornwell

CONDITIONS OF APPROVAL

NOTIFICATION

- 1. This approved plan will remain valid for 5 years from the date of this approval. If construction does not begin within five years, the approved plan will be considered to have expired, and must be resubmitted to the District for a new review. In addition, if work is not completed within the five-year timeframe, the District must be contacted and a request for an extension submitted. Depending on regulation changes, a new plan may need to be submitted to ensure that all stormwater management facilities are constructed to the most recent standards.
- 2. Submittal of the Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activities together with this approval of the detailed Sediment and Stormwater Plan provide this project with Federal permit coverage to be authorized to discharge storm water associated with construction activities. It is the owner's responsibility to ensure that permit coverage remains valid throughout construction by submitting the NOI fee annually as requested. The developer is responsible for weekly self-inspection reporting to be retained onsite.
- Notify the Sussex Conservation District Sediment and Stormwater Management Section of your intent to begin construction in writing five (5) days prior to commencing. Failure to do so constitutes a violation of the approved plan.

CHANGES

- 4. This project is to be undertaken in accordance with the plans submitted and as approved. If changes are necessary at any time during the completion of the project, submit revised plans, prior to further construction, to the Sussex Conservation District Sediment and Stormwater Program for review and approval of the revision.
- 5. Should ownership change during the construction period, a revised plan must be submitted for approval showing the new owner's signature on the owner's certification. In addition, a Transfer of Authorization form must be submitted to DNREC to transfer Federal permit coverage to the new owner.

CONSTRUCTION AND CLOSEOUT

- 6. A pre-construction meeting must take place before any land disturbing activity begins. The meeting may take place on site and be attended by the owner, contractor, design consultant, Certified Construction Reviewer and Sussex Conservation District Sediment and Stormwater Program Construction Reviewer. The owner or the owner's designee shall contact the Sussex Conservation Construction Reviewer to schedule the pre-construction meeting.
- Keep available onsite, during all phases of construction, a copy of the approved Sediment and Stormwater Management Plan.
- Keep available onsite, during all phases of construction, copies of the Developer's weekly self-inspection reports and/or the CCR Reports.
- Any sediment transported off-site to roads or road rights-of-way including ditches shall be removed. Any damage to ditches shall be repaired and stabilized to original condition.
- 10. Grading shall not impair surface drainage, create an erosion hazard, or create a source of sediment to any adjacent watercourse or property owner.
- 11. Failure to implement the permanent stormwater management practices as mentioned herein constitutes a violation of the conditions of this plan approval; it may result in the suspension or revocation of building permits or grading permits issued by the local jurisdiction; and it may result in legal action by the DNREC to bring the site into compliance with the approved Sediment and Stormwater Management Plan and the Delaware Sediment and Stormwater Regulations.
- 12. The permanent stormwater management facility or facilities must be constructed and accepted by the Sussex Conservation District Sediment and Stormwater Program prior to final closeout of the project site. Post construction verification documentation of the stormwater management facility or facilities must be completed as soon as construction of the facility or facilities is complete so that any necessary modifications may be made during the construction period.



May 11, 2020

Ms. Kathleen Horsey c/o Land Design, Inc. Oak Square, Suite 3 Ocean View, DE 19970

RE: Osprey Point Revision

Dear Ms. Horsey:

A Sediment and Stormwater Management Plan has been reviewed for compliance with the Sediment and Stormwater Regulations and is approved with conditions (see attached). Enclosed herein please find a revision to the approved plans. Please retain a copy for your use, and provide the contractor with a copy to be retained onsite at all times. Failure to keep an approved plan onsite is a violation of the approved plan.

Approval of a Sediment and Stormwater 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.

This plan approval pertains to compliance with the *Delaware Sediment and Stormwater Regulations*. Please understand that the approval of this plan does not relieve you from complying with any and all federal, state, county, or municipal laws and regulations.

As of January 1, 2014, the Sussex Conservation District began collecting financial guarantees to ensure the construction of stormwater management practices is accomplished in accordance with the approved sediment and stormwater plan. Please refer to the SCD Policy on Bonds located on our website at *Sussexconservation.org*. If you have any questions concerning the aforementioned, please do not hesitate to call 302 856-7219.

Sincerely,

Jessica Watson

Jessica Watson Program Manager

JW/jmg

cc: Janelle Cornwell

23818 SHORTLY ROAD, GEORGETOWN, DE office: 302-856-2105 fax: 302-856-0951 <u>WWW.SUSSEXCONSERVATION.ORG</u>

CONDITIONS OF APPROVAL

NOTIFICATION

- This revised plan does not extend or change the original sediment and stormwater plan approval date, which is valid for 5 years. If construction does not begin within five years of the original approval date, the approved plan will be considered to have expired, and must be resubmitted to the District for a new review. In addition, if work is not completed within the five-year timeframe, the District must be contacted and a request for an extension submitted. Depending on regulation changes, a new plan may need to be submitted to ensure that all stormwater management facilities are constructed to the most recent standards.
- 2. Submittal of the Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activities together with this approval of the detailed Sediment and Stormwater Plan provide this project with Federal permit coverage to be authorized to discharge storm water associated with construction activities. It is the owner's responsibility to ensure that permit coverage remains valid throughout construction by submitting the NOI fee annually as requested. The developer is responsible for weekly self-inspection reporting to be retained onsite.
- 3. Notify the Sussex Conservation District Sediment and Stormwater Management Section of your intent to begin construction in writing five (5) days prior to commencing. Failure to do so constitutes a violation of the approved plan.

CHANGES

- 4. This project is to be undertaken in accordance with the plans submitted and as approved. If changes are necessary at any time during the completion of the project, submit revised plans, prior to further construction, to the Sussex Conservation District Sediment and Stormwater Program for review and approval of the revision.
- 5. Should ownership change during the construction period, a revised plan must be submitted for approval showing the new owner's signature on the owner's certification. In addition, a Transfer of Authorization form must be submitted to DNREC to transfer Federal permit coverage to the new owner.

CONSTRUCTION AND CLOSEOUT

- 6. A pre-construction meeting must take place before any land disturbing activity begins. The meeting may take place on site and be attended by the owner, contractor, design consultant, Certified Construction Reviewer and Sussex Conservation District Sediment and Stormwater Program Construction Reviewer. The owner or the owner's designee shall contact the Sussex Conservation Construction Reviewer to schedule the pre-construction meeting.
- 7. Keep available onsite, during all phases of construction, a copy of the approved Sediment and Stormwater Management Plan.
- 8. Keep available onsite, during all phases of constriction, copies of the Developers weekly self-inspection reports and/or the CCR Reports.
- 9. Any sediment transported off-site to roads or road rights-of-way including ditches shall be removed. Any damage to ditches shall be repaired and stabilized to original condition.
- 10. Grading shall not impair surface drainage, create an erosion hazard, or create a source of sediment to any adjacent watercourse or property owner.
- 11. Failure to implement the permanent stormwater management practices as mentioned herein constitutes a violation of the conditions of this plan approval; it may result in the suspension or revocation of building permits or grading permits issued by the local jurisdiction; and it may result in legal action by the DNREC to bring the site into compliance with the approved Sediment and Stormwater Management Plan and the *Delaware Sediment and Stormwater Regulations*.
- 12. The permanent stormwater management facility or facilities must be constructed and accepted by the Sussex Conservation District Sediment and Stormwater Program prior to final closeout of the project site. Post construction verification documentation of the stormwater management facility or facilities must be completed as soon as construction of the facility or facilities is complete so that any necessary modifications may be made during the construction period.



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

900 BAY ROAD P.O. BOX 778 DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

July 14, 2017

Ms. Janelle Cornwell, Director Sussex County Planning & Zoning Commission Sussex County Administration Building P.O. Box 417 Georgetown, Delaware 19947

SUBJECT: Letter of No Objection to Recordation

Osprey Point

Tax Parcel # 334-18.00-83.00 SCR 274 – Old Landing Road Lewes & Rehoboth Hundred, Sussex County

Dear Ms. Cornwell:

The Department of Transportation has reviewed the Site Plan, dated November, 2016 (last revised June 19, 2017), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawings. This "No Objection to Recordation" approval shall be valid for a period of <u>five (5) years</u>. If the Site Plan is not recorded prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

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

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



Osprey Point Ms. Janelle Cornwell Page 2 July 14, 2017

that jurisdiction to modify or reject this proposed plan even though DelDOT has established that these enumerated transportation improvements are acceptable.

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

Very truly yours,

Steve Sisson

Sussex County Subdivision Engineer

Development Coordination

Robert Marshall, Osprey Point D, LLC cc: Jamie Sechler, Davis, Bowen & Friedel, Inc. William Kirsch, South District Entrance Permit Supervisor Jessica L. Watson, Sussex Conservation District Gemez W. Norwood, South District Public Work Manager Jennifer Pinkerton, Chief Materials & Research Engineer Peter Haag, Traffic Studies Manager Linda Osiecki, Consistency Control Engineer John Fiori, Bicycle Coordinator Maria Andaya, Pedestrian Coordinator Mark Galipo, Traffic Development Coordination Engineer Evan Lallier, Maintenance Support Manager Dan Thompson, Safety Officer North District Joseph Ellis, Contech Manager David Dooley, DTC Planner James Kelley, JMT Todd Sammons, Subdivision Engineer Scott Johnson, Sussex County Reviewer



STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION

800 BAY ROAD P.O. BOX 778 DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

July 14, 2017

Mr. Jamie Sechler Davis, Bowen & Friedel, Inc. 23 North Walnut Street Milford, Delaware 19963

SUBJECT: Entrance Approval Letter

Osprey Point

Tax Parcel #334-18.00-83.00 SCR 274 – Old Landing Road

Lewes & Rehoboth Hundred, Sussex County

Dear Mr. Sechler:

The Department of Transportation has reviewed the Commercial Entrance Plans dated September, 2016 (last revised June 19, 2017) for the referenced project and determined that they are in general conformance with the Department's current regulations, specifications and standard details. By signing and sealing the plan set, the developer's engineer is responsible for accuracy of content. Any errors, omissions or required field changes will be the responsibility of the developer. This plan approval shall be valid a period of three (3) years. If an entrance permit has not been obtained within three years, then the plans must be updated to meet current requirements and resubmitted for review and approval.

The following items will be required prior to the Notice to Proceed (NTP):

- 1. An executed letter agreement for the improvements required at the intersection of Old Landing Road, Warrington Road, and Strawberry Way
- 2. Approved shop drawings for the permeable pavement section.

This letter does not authorize the commencement of entrance construction. The following items will be <u>required</u> prior to the permit being issued. A pre-construction meeting may be required as determined by the South District Public Works office.

- 1. A copy of the <u>recorded Site Plan</u> which is consistent with the DelDOT "No Objection to Recordation" stamped plan and all appropriate signatures, seals, plot book and page number.
- 2. Three (3) copies of the approved entrance plans.



Osprey Point Mr. Sechler Page 2 July 14, 2017

- 3. Completed permit application.
- 4. Executed agreements (i.e. construction, signal, letter).
- 5. An itemized construction cost estimate.
- 6. A 150% security based upon an approved itemized construction cost estimate and W-9 form (if providing escrow).
- 7. A letter of source of materials, work schedule, list of subcontractors, emergency telephone numbers and names of contact persons.

Please contact the South District Public Works office (302) 853-1340 concerning any questions you may have relative to the aforementioned required items.

Sincerely,

Steve Sisson

Sussex County Subdivision Engineer Development Coordination

cc: Robert Marshall, Osprey Point D, LLC
Jessica L. Watson, Sussex Conservation District

Gemez Norwood, South District Public Work Manager

James Argo, South District Subdivision Manager

Jerry Nagyiski, Safety Officer Supervisor

Peter Haag, Traffic Studies Manager

Jennifer Pinkerton, Chief Materials & Research Engineer

Linda Osiecki, Consistency Control Engineer

John Fiori, Bicycle Coordinator

Maria Andaya, Pedestrian Coordinator

Mark Galipo, Traffic Development Coordination Engineer

Evan Lallier, Maintenance Support Manager

Dan Thompson, Safety Officer North District

Joseph Ellis, Contech Manager

David Dooley, DTC Planner

James Kelley, JMT

Todd Sammons, Subdivision Engineer

Scott Johnson, Sussex County Reviewer

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718 AIRPORT & INDUSTRIAL PARK (302) 855-7774 ENVIRONMENTAL SERVICES (302) 855-7730 **PUBLIC WORKS** (302) 855-7703 RECORDS MANAGEMENT (302) 854-5033 UTILITY ENGINEERING (302) 855-7717 UTILITY PERMITS (302) 855-7719 UTILITY PLANNING (302) 855-1299 FAX (302) 855-7799



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

JOHN J. ASHMAN DIRECTOR OF UTILITY PLANNING

October 17, 2017

Mr. Jamie Sechler Davis, Bowen, & Friedel, Inc. 1 Park Avenue Milford, DE 19963



REF:

OSPREY POINT

CONCEPT PLAN APPROVAL

SUBDIVISION NO.

TAX MAP AND PARCEL NUMBER

334-18.00-83.00 CLASS-1

AGREEMENT NO. 1023

FILE: OM-9.04-61

Dear Mr. Sechler:

Attached please find six (6) copies of the approved concept plan that you submitted for the above-referenced project. Please note that these drawings are not to be used for construction.

Please submit a copy of this concept plan *within* each set of your detailed design drawing submissions, which will be submitted to Mr. Michael Brady, Director of Public Works.

The purpose of the concept plan is to establish preliminary pipeline alignments, sizes and minimize changes during the construction drawing approval process. It is not meant to preempt the construction drawing review process and comments and changes can be expected.

If you should have any questions, please do not hesitate to contact me at (302) 855-1299.

Sincerely,

SUSSEX COUNTY ENGINEERING DEPARTMENT

Mr. Rob Davis Planning Technician

Attachments

EC:

Xc: Mr. John J. Ashman, w/o attachment

Mrs. Jayne Dickerson, w/o attachment Mr. Michael Brady, w/attachment

Permit Technician, w/attachment Mr. Michael Brady, w/attachment

99110 database, w/attachment



ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718 AIRPORT & INDUSTRIAL PARK (302) 855-7774 ENVIRONMENTAL SERVICES (302) 855-7730 **PUBLIC WORKS** (302) 855-7703 RECORDS MANAGEMENT (302) 854-5033 UTILITY ENGINEERING (302) 855-7717 UTILITY PERMITS (302) 855-7719 UTILITY PLANNING (302) 855-1299 (302) 855-7799 FAX



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

MICHAEL E. BRADY DIRECTOR OF PUBLIC WORKS

May 13, 2020

Mrs. Sally Ford, PLS Land Design, Inc. Oak Square, Suite 3 Central Avenue Ocean View, DE 19970

REF: OSPREY POINT - ROAD REVIEW

SUSSEX COUNTY TAX MAP NUMBER 334-18.00-PARCEL 83.00 - CLASS-1 & 5

AGREEMENT NO. 1023 - 2

Dear Mrs. Ford:

The above referenced project was approved on May 13, 2020 and one (1) set of the approved plan is enclosed. This approval is valid for three (3) years, unless prior to expiration of that three (3) year period, a time extension is requested and approved by the Department. Plans granted an extension beyond the three (3) period will be required to meet updated standards and specifications.

Also, it is your responsibility to secure approvals and/or permits that may be required by other regulatory agencies.

Please contact Mr. Gary Fleetwood of this Division to initiate pre-construction procedures for private roads.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

SUSSEX COUNTY ENGINEERING DEPARTMENT

Jordan T. Dickerson

Public Works Technician IV

cc: Public Works Field File, w/enclosure



ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718 AIRPORT & INDUSTRIAL PARK (302) 855-7774 ENVIRONMENTAL SERVICES (302) 855-7730 **PUBLIC WORKS** (302) 855-7703 RECORDS MANAGEMENT (302) 854-5033 UTILITY ENGINEERING (302) 855-7717 UTILITY PERMITS (302) 855-7719 **UTILITY PLANNING** (302) 855-1299 (302) 855-7799 FAX



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

MICHAEL E. BRADY DIRECTOR OF PUBLIC WORKS

May 13, 2020

Mrs. Judy Schwartz George, Miles & Buhr, L.L.C. 400 High Street Seaford, DE 19973

REF: OSPREY POINT - SEWER ONLY

SUBDIVISION NO.

SUSSEX COUNTY TAX MAP NUMBER

334-18.00-PARCEL 83.00

CLASS-1

AGREEMENT NO. 1023 - 1

Dear Mrs. Schwartz:

The above referenced project was approved on May 13, 2020 and one (1) set of the approved plan is enclosed. This approval is valid for three (3) years, unless prior to expiration of that three (3) year period, a time extension is requested and approved by the Department. Plans granted an extension beyond the three (3) period will be required to meet updated standards and specifications.

Also, it is your responsibility to secure approvals and/or permits that may be required by other regulatory agencies.

Please contact Mr. Keith Bryan in Utility Engineering to initiate pre-construction procedures.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

SUSSEX COUNTY ENGINEERING DEPARTMENT

Jordan Dickerson

Public Works Technician IV

cc: Mr. Keith Bryan, w/ 2 Enclosures

outer Dickerson





STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL DIVISION OF WATER 89 KINGS HIGHWAY DOVER, DELAWARE 19901

Surface Water Discharges Section Construction Permits Branch

October 22, 2018

Telephone: (302) 739-9946 Facsimile: (302) 739-8369

Mr. Robert A. Marshall Osprey Point D, LLC 40 Clubhouse Drive Rehoboth Beach, DE 19971

Ref: Osprey Point Subdivision

State Wastewater Construction Permit No. WPCC 3049/17

Dear Mr. Marshall:

Please find enclosed a copy of the construction permit that was issued for the referenced project.

We expect the permitted construction to be completed within the permit term. If the construction cannot be completed by the permit expiration date, a one-time, no-cost two-year permit extension is available, as long as the request is received in writing prior to the expiration date and as long as the scope of the project has not changed significantly, as determined by the Department.

Per Part II.A.2.a of the enclosed permit, notify the Department of any changes to the construction authorized therein. Per Part II.B.1, submit a set of "as-built" plans of the constructed wastewater facilities within ninety (90) days of construction completion. The as-built plans must be signed and sealed by a Professional Engineer licensed in Delaware.

If you have any questions, please contact me at (302) 739-9941 or via email at Greg.Pope@state.de.us.

Greg Pope, P.E.

Environmental Finance

Enclosure

Email: 1. Jamie Sechler, Davis, Bowen & Friedel, Inc. (JLS@dbfinc.com)

2. Michael Brady, Sussex County Public Works (MBrady@sussexcountyde.gov)

3. Janelle Cornwell, Sussex County Planning (Janelle.Cornwell@sussexcountyde.gov)

Delaware's good nature depends on you!

Project: Osprey Point Subdivision State Permit Number: WPCC 3049/17 Effective Date: October 22, 2018 Expiration Date: October 21, 2021

Page 1 of 7 Pages

AUTHORIZATION TO CONSTRUCT UNDER THE

LAWS OF THE STATE OF DELAWARE

PART I

1. In compliance with the provisions of 7 Del. C., §6003,

Sussex County Council P.O. Box 589 Georgetown, DE 19947

and

Osprey Point D, LLC 40 Clubhouse Drive Rehoboth Beach, DE 19971

are authorized, jointly and individually, to construct facilities consisting of the following:

Approximately fourteen thousand seven hundred and eight linear feet (14,708 LF) of eight (8) inch diameter gravity sewer main, seventy-four (74) gravity manholes, cleanouts and related appurtenances to serve two hundred and seventeen (217) single family homes and a clubhouse located south and west of the intersection of Fairway Drive and Old Landing Road in Sussex County, Delaware. The proposed sanitary sewer will interconnect to an existing pump station along Old Landing Road.

The subject project will be constructed in accordance with plans and specifications as described below and limitations, requirements and other conditions set forth in Parts I, II and III hereof.

2. The plans, specifications, municipality standards and other documents submitted with the construction permit application consist of the following, which are incorporated by reference and made part of this authorization:

Fifteen (15) drawings** dated December 2016 and signed and sealed by Sussex County Engineering on August 11, 2017, prepared by Davis, Bowen & Friedel, Inc. titled "Osprey Point Subdivision" and the current Sussex County Standard Specifications for Design and Construction of Ordinance 38 Projects.

** The drawings include:

Greg Pope, Engineer V

By Agreement with Surface Water Discharges Section

Division of Water

State of Delaware Department of Natural Resources

and Environmental Control

Date Signed

Sheet 1 – Title Sheet Sheets UT1-UT7 – Utility Plans Sheet UT8 – Sanitary Sewer Details Sheets UT10-UT14 – Sanitary Sewer Profiles Sheet UT15 – Water Crossings

3. The liquid waste will be discharged through an existing wastewater collection and transmission system to the Sussex County Wolfe Neck Wastewater Treatment Facility, which discharges treated wastewater via spray irrigation in accordance with DNREC Groundwater Discharges Section Permit No. LTS 5005-95-12.

A. Effluent Limitations on Pollutants Attributable to Industrial Users

The use of the constructed facility is conditioned on meeting all applicable pretreatment standards under 40 CFR, Part 403, or toxic pollutant discharge limitation under Section 307(a) of the Clean Water Act of 1977, PL 95-217.

B. Flow and Usage Limitations

This permit authorizes a daily average discharge of N/A gallons*. The flow in the system shall be measured at least every N/A.

The estimated average daily discharge from the subject project is 56,750 GPD, which is based on 217 single family homes + 10 clubhouse EDUs at 250 GPD/EDU.

* This permit authorizes only the construction of the wastewater collection and conveyance facilities referenced herein.

C. <u>Monitoring and Reporting</u> (When Required)

Representative sampling of the volume and nature of the monitored discharge shall be conducted at the request of the Division of Water.

Reporting

Monitoring results shall be reported to the:
Delaware Department of Natural Resources and Environmental Control
Division of Water, Surface Water Discharges Section
89 Kings Highway
Dover, DE 19901
302-739-9946

3. <u>Definitions</u>

- a. "Daily average flow" means the total flow during a calendar month divided by the number of days in the month that the facility was operating.
- b. "Daily maximum flow" means the highest total flow during any calendar day.
- c. "Daily Peak Flow" means the flow which can be safely transported within the sewage system without causing an overflow or a backup into the building(s) or residence(s).
- d. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.

- e. "Measured flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
- f. "Estimate" means a value to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.

4. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The date, exact place and time of sampling or measurement;
- b. The person(s) who performed the sampling and/or measurement;
- The date(s) and time(s) analysis was performed;
- d. The individual(s) who performed each analysis;
- e. The analytical technique(s) or method(s) used;
- f. The results of each analysis; and
- g. Appropriate quality assurance information.

Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, all records of instrument calibration and maintenance and all charts from continuous monitoring instruments, shall be retained for three (3) years. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Department.

6. Test Procedures

Test procedures for the analysis of pollutants shall conform to the applicable test procedures identified in 40 CFR, Part 136, unless otherwise specified in this permit.

END OF PART I

PART II

A. <u>Management Requirements</u>

1. Duty to Comply

The permittee must comply with the terms and conditions of this permit. Failure to do so constitutes a violation of this permit, which is grounds for enforcement and the imposition of penalties as provided in 7 <u>Del.C.</u>, Chapter 60, grounds for permit termination or loss of authorization to discharge or operate pursuant to this permit, grounds for permit revocation and reissuance or permit modification, or denial of a permit renewal application.

2. Notification

a. Changes in Authorized Activities

The permittee shall notify the Department of any proposed change in the activity authorized herein, of any proposed substantive change in the operation of the facility or facilities authorized herein, or of any anticipated facility expansions, production increases, or process modifications. Notification is required only when such alteration, addition or change may justify the inclusion of conditions that are absent or different from those specified in this permit. This includes, for example, the construction of additional wastewater collection, transmission or treatment facilities and changes which will result in new, different, or increased discharges of pollutants. Following such notice, the Department may require the submission of a new permit application and this permit may be reopened and modified to address the proposed changes.

b. Noncompliance

If, for any reason, the permittee does not comply with or will be unable to comply with any limitation specified in this permit, the permittee shall provide the Department with the following information, in writing, within five (5) days of becoming aware of such condition:

- 1.) A description of the discharge and cause of noncompliance; and
- 2.) The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

Facilities Operation

The permittee shall, at all times, maintain in good working order and operate as efficiently as possible all collection and treatment facilities and systems (and related appurtenances) installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective management, adequate operator staffing and training and adequate laboratory process controls, including appropriate quality assurance procedures.

Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and extent of the noncomplying discharge.

Bypassing

Any bypass or intentional diversion of waste streams from the facilities authorized by this permit, or any portion thereof, is prohibited, except (i) where unavoidable to prevent loss of human life, personal injury or severe property damage, or (ii) where excessive storm drainage or run-off would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit. The permittee shall promptly notify the Department, in writing, of each such diversion or bypass.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the surface water or groundwater.

B. Responsibilities

1. Within 90 days following the completion of construction, the permittee shall submit to the Department an "as-built" set of plans of the facility or facilities constructed, bearing the seal and signature of a licensed Professional Engineer registered in the State of Delaware.

Right of Entry

The permittee shall allow the Secretary of the Department of Natural Resources and Environmental Control, or his authorized representative(s), upon the presentation of credentials:

- a. To enter upon the permittee's premises for inspection of any records, flow measurements, construction or other activity authorized by this permit or any condition required under the terms of this permit; and
- b. At reasonable times, to have access to and to copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and
- c. To sample any discharge.

Transferability

This permit is transferable with the Department's consent, provided that an intention to transfer accompanied by a copy of the permit is provided to the Department, signed by both the transferor and the transfere at least ten (10) days prior to the actual transfer.

Availability of Reports

All reports submitted with the application and those reports required under the terms of this permit shall be available for public inspection at the offices of the Department of Natural Resources and Environmental Control. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in 7 Del. C.,

§6013. Any person who causes or contributes to the discharge of a pollutant into State waters either in excess of any conditions specified in this permit or in absence of a specific permit condition shall report such an incident to the Department, as required under 7 <u>Del. C.</u> §6028.

5. Permit Modification

This permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any term or condition of this permit;
- b. Obtaining this permit by misrepresentation or failure to fully disclose all relevant facts:
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized activity; or
- d. Information that the permitted activity poses a threat to human health or welfare, or to the environment.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under 7 <u>Del. C.</u>, Chapter 60.

7. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation.

Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

9. Severability

The provisions of this permit are severable. If any provision of this permit is held invalid, or if the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

END OF PART II

PART III

A. Special Conditions

- 1. This permit authorizes only the construction of the wastewater facilities and related work referenced herein.
- 2. If well pointing is required during construction, the wells must be installed by a licensed well driller, and a permit to construct such wells must first be obtained from the Well Permits Branch of the Water Supply Section.
- 3. All construction shall be in agreement with plans and specifications submitted under this project and approved by the Department of Natural Resources and Environmental Control.
- 4. All construction shall be in accordance with Ten States Standards and other applicable local utility construction specifications and standards.
- 5. Connections or additions to the proposed system, other than those proposed on the plans, will not be allowed without prior approval from the Department.

END OF PART III

AND COLLANATE

OFFICE OF STATE FIRE MARSHAL

Technical Services

2307 MacArthur Road New Castle, DE 19720-2426 Phone: 302-323-5365

Fax: 302-323-5366

1537 Chestnut Grove Road Dover, DE 19904-9610 Phone: 302-739-4394

Fax: 302-739-3696

22705 Park Avenue Georgetown, DE 19947 Phone: 302-856-5298

Fax: 302-856-5800



FIRE PROTECTION PLAN REVIEW REPORT

Plan Review Number 2016-04-1154-MJS-02 Tax Parcel Number 3-34-18.00-83.00 Review Status APPROVED AS SUBMITTED Review Date 03/07/2017					
PROJECT					
	OSPREY POINT				
	Phase# 1 OLD LANDING ROAD REHOBOTH BEACH, DE 1	Building #	Unit #		
		SCOPE O	F PROJECT		
Pro	oject Type MJS Major Site				
Squar	of Stories <u>2</u> re Footage tion Class		Occupancy Code 9601		
	APPLICANT		OWNER		
DAVIS BOWE	EN & FRIEDEL		OSPREY POINT D LLC ROBERT A MARSHALL		
23 N WALNUT ST			40 CLUBHOUSE DR		
PO BOX 809 MILFORD, DE 19963		REHOBOTH, DE 19971			
This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.					
A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.					
Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction installation and/or completion of the project as reviewed by this Agency.					
This Plan Review Project was prepared by:					
		JOSERH MC	PRAN, FIRE PROTECTION SPECIALIST		

FIRE PROTECTION PLAN REVIEW COMMENTS

 Project Name
 OSPREY POINT

 Plan Review Number
 2016-04-1154-MJS-02
 Tax Parcel Number
 3-34-18.00-83.00

 Review Status
 APPROVED AS SUBMITTED
 Review Date
 03/07/2017

PROJECT COMMENTS

	1 KOSEG1 GOWINELTTS
1002	This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) Effective March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
1030	This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 500 gpm @ 20 psi residual for 1 hour duration. Hydrant Spacing: 1,000' on center. (DSFPR Regulation 702, Chapter 6, Section 3)
1180	This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
1190	Separate plan submittal is required for the building(s) proposed for this project.
2710	The following items will be field verified by this Agency at the time of final inspection:
1130	Provide a water flow test on the subdivision hydrant(s) once they have been installed, and before they are placed into service. Results are to be forwarded to this Agency for review.
1132	Fire hydrants shall be color coded in accordance with the DSFPR Regulation 703, Chapter 3, Section 4. This includes both color coding the bonnet and 2" reflective tape around the barrel under the top flange.
1232	All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located. (DSFPR Regulation 703, Chapter 1, Section 1.5)

Proj	ject Name OSPREY POINT	
Plan Reviev	w Number <u>2016-04-1154-MJS-02</u>	Tax Parcel Number 3-34-18.00-83.00
Revi	ew Status APPROVED AS SUBMITTED	Review Date <u>03/07/2017</u>
	PROJECT	COMMENTS
1432	The steamer connection of all fire hy lane. (DSFPR Regulation 705, Chap	vdrants shall be so positioned so as to be facing the street or fire oter 5, Section 10)
	The center of all hose outlet(s) on fir (NFPA 24, Section 7.3.3)	re hydrants shall be not less than 18 inches above final grade
1501	Protection Specialist who reviewed t	above referenced comments please feel free to contact the Fire this project. Please have the plan review number available when an changes or revisions to the plans occur, plans are required to

Sussex County 911 Addressing and GIS Services

Sussex County West Complex Administrative Offices 22215 DuPont Blvd 3rd Floor P.O. Box 589 Georgetown, DE 19947

Phone: (302) 855-1176 Fax: (302) 853-5889



October 11, 2018

Davis, Bowen & Friedel, Inc. Attn: W. Zachary Crouch, P.E. 23 North Walnut St. Milford, DE 19963

RE: Proposed Subdivision Name

I have reviewed the names submitted for your proposed subdivision, which is located in Rehoboth Beach. In reviewing the proposed name(s) the following have been approved for this subdivision:

Osprey Point

Should you have any questions please contact the Sussex County Addressing Department at 302-853-5888 or 302-855-1176.

Sincerely,

Lindsey D. Stubbs Addressing Department

CC: Shane Abbott

MAPPING & ADDRESSING

MEGAN NEHRBAS MANAGER OF GEOGRAPHIC INFORMATION SYSTEMS (GIS) (302) 855-1176 T

(302) 853-5889 F





3/13/2017

Davis, Bowen, & Friedel, Inc. Attn: Jamie Sechler 23 N. Walnut St. Milford, DE 19963

RE: Osprey Point

I have received proposed street names for the new subdivision, Osprey Point, located in Rehoboth Beach. In reviewing the proposed street name(s) the following have been approved:

FRANCIS SCOTT KEY DRIVE	JP MUHLENBERG DRIVE	NATHAN HALE DRIVE
PAUL REVERE DRIVE	ETHAN ALLEN DRIVE	CALEB STRONG DRIVE
JEDIDIAH MORSE DRIVE	PROVIDENCE DRIVE	CICERO DRIVE
PATRICK HENRY DRIVE	RICHARD HENRY LEE DRIVE	BENJAMIN RUSH DRIVE
ELIAS BOUDINOT DRIVE	STEPHAN DECATUR DRIVE	Mordecai Dr
Fredrick Douglas Dr	Haym Soloman Dr	

Use only approved road names that you have written confirmation for or you will be required to rerecord.

Upon final approval of DRC Properties, LLC, please forward a copy of the recorded site plan to my attention. Our office would appreciate a digital copy if at all possible for the purpose of addressing. Should you have any questions, please contact the Sussex County Addressing Department at 302-855-1176.

Sincerely,

of Stubboo

Lindsey D. Stubbs Addressing Department



AUTHORIZED TO COMMENCE, AS DOCUMENTED BY A NOTICE TO PROCEED LETTER FROM THE PLANNING & ZONING

15. ALL SUBDIVISION LOTS SHALL HAVE FIVE—FOOT—WIDE EASEMENTS ALONG ALL LOT LINES FOR A TOTAL EASEMENT

16. ORIGINAL BOUNDARY AND TOPOGRAPHIC SURVEY WAS PERFORMED BY DAVIS, BOWEN & FRIEDEL, INC. DECEMBER

17. WATER SHALL BE PROVIDED BY TIDEWATER UTILITES, INC. SEWER SHALL BE PROVIDED BY SUSSEX COUNTY (WEST

EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT). STREETS AND DRAINAGE SHALL BE INSTALLED IN

18. A TOA WAS REQUESTED BY DELDOT AND THE FINAL REQUIREMENTS HAVE BEEN LISTED ON PLOT BOOK 251, PG. 71.

WIDTH OF AT LEAST TEN (10) FEET ALONG A LOT LINE COMMON TO TWO LOTS. EASEMENTS ALONG PERIMETER

ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS

BOUNDARIES OF THE SUBDIVISION SHALL BE TEN (10) FEET IN WIDTH ON THE INTERIOR SIDE OF THE BOUNDARY. NO

COMMISSION OFFICE. ALL FORESTED BUFFERS SHALL BE MAINTAINED BY THE COMMUNITY'S HOMEOWNER

BUILDING, STRUCTURE OR OTHER PERMANENT OBSTRUCTION SHALL BE PLACED ON ANY EASEMENT.

PRIOR TO HOUSE CONSTRUCTION IN THAT PHASE.

(##) - PM PEAK [##] - SAT PEAK DISTRIBUTION TRAFFIC GENERATION DIAGRAM PM PEAK SAT PEAK TRIP DISTRIBUTION 14. THE FORESTED AND/OR LANDSCAPE BUFFER SHALL BE INSTALLED WITHIN 18 MONTHS FROM THE DATE SITE WORK IS

TRAFFIC GENERATION DIAGRAM
NO SCALE

Conditions of Approval, Change of Zone (CZ) 1759: providing adequate drinking water and fire protection as required by applicable regulations. A. The maximum number of residential units shall not exceed 217

single family lots. No townhouses shall be permitted in the project. G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with B. Site Plan review shall be required for each phase of applicable State and County requirements. These facilities shall development. be operated in a manner that is consistent with Best Management C. All entrance, intersection, interconnection, roadway and Practices (BMPs). The Final Site Plan shall contain the approval multi-modal improvements required by DelDOT shall be of the Sussex Conservation District. completed by the applicant in accordance with DelDOT's

1. THESE PLANS ARE A REVISION OF THE APPROVED SUBDIVISION AND SITE PLAN FOR

OSPREY POINT, AND SUPERCEDE THE RECORDED PLANS BY DAVIS, BOWEN & FRIEDEL,

PB 251 PG 65-76, DATED 6/19/17. THE REVISIONS ARE FOR LOT LAYOUT, STORMWATER

AND ORIGINAL PERIMETER BOUNDARY PRIOR TO DELDOT RIGHT-OF-WAY DEDICATION

AND OUTPARCEL REMOVAL. REFER TO ATTACHED BOUNDARY PLAT BY DAVIS, BOWEN

2. THIS RESIDENTIAL PLANNED COMMUNITY WAS FACILITATED THROUGH CHANGE OF

ZONE (CZ) 1759 WHICH WAS APPROVED BY SUSSEX COUNTY COUNCIL ON NOVEMBER

CONTRACTOR TO CONFIRM BOUNDARY AND BENCHMARKS PRIOR TO CONSTRUCTION

4. CONTROL MARKERS TO BE SET IN EACH PHASE PRIOR TO HOME CONSTRUCTION IN

5. ALL LOTS TO HAVE PERMANENT MARKERS SET AT PROPERTY CORNERS ONCE

6. ALL SIDE LOT LINES HAVE A 5' WIDE DRAINAGE/UTILITY EASEMENT ALONG THE

INTERIOR OF THESE LOT LINES UNLESS OTHERWISE NOTED. ALL REAR LOT LINES

LINES UNLESS OTHERWISE NOTED. ALL LOTS ADJACENT TO PRIVATE OR COUNTY ROADS HAVE A 10' WIDE DRAINAGE/UTILITY EASEMENT ALONG FRONTAGES.

7. SEE DAVIS, BOWEN & FRIEDEL RECORD PLAN, PB 251 PG 65, DATED 6/19/17 FOR

TRIP GENERATION IS BASED ON ITE TRIP GENERATION MANUAL 9TH

SITE ACCESS TO ALIGN WITH TWO (2) OF THREE (3) ACCESSES TO

HAVE A 10' WIDE DRAINAGE/UTILITY EASEMENT ALONG THE INTERIOR OF THESE LOT

3. GPS SURVEYING CONTROL BY MCCRONE ENGINEERING, 1/23/19. OWNER/

MANAGEMENT PONDS, AND REMOVING A STREET. REFER TO RECORDED PLANS BY DAVIS, BOWEN & FRIEDEL, PB 251 PG 65-76, DATED 6/19/17, FOR WETLAND DELINEATION

H. The interior street design shall be in accordance with or exceed requirements, or in accordance with any further modifications Sussex County street design requirements and/or specifications. required by DelDOT. The developer shall also contribute to the As proffered by the applicant, street design shall include Old Landing Road/ Warrington Road/ Strawberry Way intersection sidewalks on both sides of the streets and street lighting. and signalization improvements. I. The applicant shall submit as part of the site plan review a D. As proffered by the applicant, the central recreational facilities landscape plan showing the proposed tree and shrub landscape and amenities shall be constructed and open to use by residents

of the development no later than the issuance of the 100th building permit. These recreational facilities shall include a J. Construction, site work, grading, and deliveries of construction clubhouse, pool, tennis and basketball courts, and a tot lot and materials, landscaping materials and fill on, off or to the property E. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.

F. The MR-RPC shall be served by a public central water system

& FRIEDEL DATED 3/10/20 FOR CURRENT BOUNDARY.

AND ASSUME ALL ASSOCIATED LIABILITY.

DELDOT RECORD PLAN NOTES.

SINGLE-FAMILY

15, 2016 AND ADOPTED THROUGH ORDINANCE NO. 2475.

BUILDING CONSTRUCTION ON THAT LOT IS COMPLETE

ADDITIONAL EASEMENTS ARE SHOWN AS NEEDED.

SITE TRIPS GENERATED - PROPOSED

<u>SITE TRIPS GENERATED - EXISTING</u>

SAWGRASS - SOUTH DEVELOPMENT. SAW-GRASS SOUTH TRIPS GENERATED

INCREASED OFF-SITE TRIPS

DESIGN VEHICLE: SU-30.

TYPE OF DEVELOPMENT

SUBDIVISION NOTES:

= 1.132

= 1,132

= 2,091

= 1,712

= 1.296

= 3,386

= 141RD

= 1,722

shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m. K. The applicant shall cause to be formed a homeowner's association to be responsible for the maintenance of the streets,

L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The wetland areas shall be clearly marked on the

M. As proffered by the applicant, there shall be a 25-foot non-disturbance buffer from all Federal non-tidal wetlands. There shall also be a 50-foot non-disturbance buffer from all State tidal wetlands as required by County Code.

N. A revised Preliminary Site Plan depicting these conditions and the applicant's proposed changes shall be submitted to the Department for the review and approval by the Planning and O. The Final Site Plan shall be subject to the review and approval

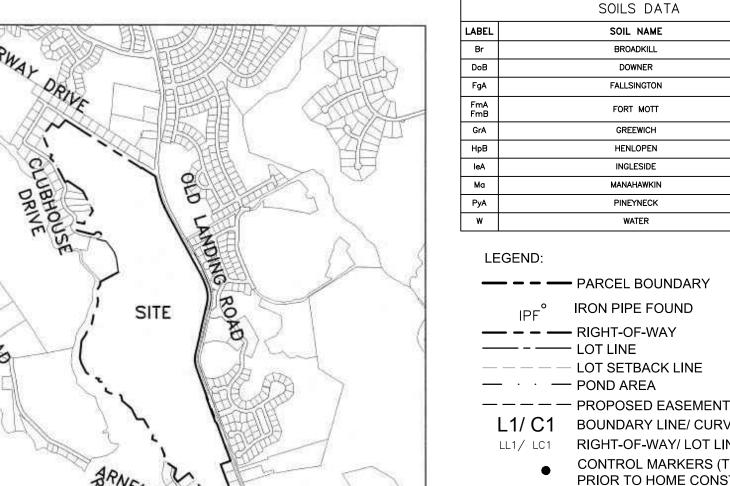
of the Sussex County Planning and Zoning Commission P. Pursuant to Section 115-125(B) of the Zoning Ordinance, prior to approval of the RPC Record Plan or Final Site Plan, the Planning and Zoning Commission shall confirm that the Applicant has recorded a deed restriction, limiting the design of the development to a maximum residential density of 217 single family lots and that said restriction cannot be modified or roads, buffers, open spaces, stormwater management facilities amended without the approval of the Sussex County Council

REVISED SITE PLAN

OSPREY POINT

RESIDENTIAL PLANNED COMMUNITY LEWES AND REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

SINGLE FAMILY L	OT SIZE CHAR
LOT SIZE ZONE	LOTS WITHIN ZONE
7,500 SF	0
7,501 SF - 8,499 SF	68
8,500 SF - 9,499 SF	33
9,500 SF - 10,000 SF	12
OVER 10,000 SF	104
TOTAL LOTS	217



INDEX OF SHEETS			
SD-1	TITLE		
1	DBF BOUNDARY PLAT SHOWING PART OF THE LANDS OF ROBERT A MARSHALL		
SD 2&3	SUBDIVISION PLAN ENLARGEMENTS		

LOCATION MAP

DATA COLUMN	
TAX MAP ID:	3-34-18.00-83.00
EXISTING ZONING:	AR-1 AGRICULTURAL RESIDENTIAL DISTRICT - (5.43 AC.) MR-RPC DISTRICT - (126.88 AC.)
PROPOSED ZONING:	MR/RPC
FLOOD HAZARD MAP:	THE PROPERTY IS IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA MAP 10005C0334K (DATED MARCH 16, 2015).
WETLANDS:	THE PROPERTY IS IMPACTED BY BOTH STATE (TIDAL) AND "404" FEDERAL (NON-TIDAL) WETLANDS.
ORIGINAL EXISTING SITE AREA:	132.31 ACRES
EXISTING MR/RPC ZONING AREA:	126.31 ACRES
DELDOT RIGHT-OF-WAY DEDICATION:	0.57 ACRES
PROPOSED LAND USE AREAS	
SINGLE FAMILY LOTS:	45.51 ACRES
RIGHT-OF-WAY:	15.00 ACRES
OPEN SPACE:	64.69 ACRES
MARINA OPEN SPACE:	<u>1.11 ACRES</u>
TOTAL MR/RPC SITE AREA:	126.31 ACRES

	of EN STAGE:	UT.UU MONES
	MARINA OPEN SPACE:	1.11 ACRES
	TOTAL MR/RPC SITE AREA:	126.31 ACRES
	OPEN SPACE IMPERVIOUS SURFACE AREAS: OPEN SPACE TOTAL AREA IMPERVIOUS AR OPEN SPACE A 50.64 AC. ±0.4 AC. OPEN SPACE B 14.05 AC. ±2.0 AC. MARINA 01.11 AC. ±0.2 AC. TOTAL 65.80 AC. ±2.6 AC.	#EA
	LANDS NOT REZONED TO MR/RPC	
	(TRANSFERRED PER ORIGINAL RPC PLAN):	
	LANDS DEDICATED TO ROBERT A. MARSHALL (PARCEL P): 0.39 ACRES
	RIGHT-OF-WAY DEDICATION:	0.57 ACRES
	OUTPARCEL:	5.05 ACRES
	TOTAL:	6.01 ACRES
	"404" FEDERAL NON—TIDAL WETLANDS AREA: STATE TIDAL WETLANDS AREA:	4.59 ACRES 17.25 ACRES
	VOLUNTARY NON-TIDAL WETLANDS BUFFER:	25' SETBACK
	STATE TIDAL WETLANDS BUFFER:	50' SETBACK
	MR/RPC MINIMUM LOT AREA (SINGLE FAMILY):	0.17 ACRES (7,500 SF.)
	AVG. LOT AREA (SINGLE FAMILY):	0.21 ACRES (9,135 SF)
}	RPC NUMBER OF DWELLING UNITS PERMITTED CALCULAT TOTAL PROPOSED MR/RPC SITE AREA: 126.31 AC. STATE TIDAL WETLANDS AREA: - 17.25 AC. 109.06 AC. RIGHT-OF-WAY AREA: - 15.00 AC. TOTAL GROSS AREA: 94.06 AC.	
	TOTAL GROSS AREA: 94.06 AC. PERMITTED UNITS CALCULATION TOTAL GROSS AREA × 43560 / 10000 94.06 × 43560 / 10000:	419.73 UNITS

60 FT. @ BUILDING SETBACK LINE

SUSSEX COUNTY UNIFIED SEWER DISTRICT

42 FT. (2-1/2 STORIES)

TIDEWATER UTILITIES, INC.

LAND PLANNING: LANDDESIGN, INC.

(302) 537-1919

OAK SQUARE, SUITE 3

OCEAN VIEW DE, 19970

SINGLE FAMILY LOTS PROPOSED:

CORNER SIDE YARD:

SANITARY SEWER:

WATER SUPPLY:

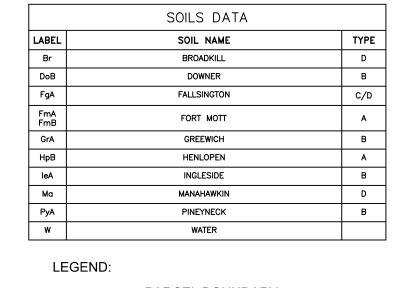
MR/RPC MINIMUM ZONING REQUIREMENTS

PROPOSED MAXIMUM BUILDING HEIGHT:

OWNER/DEVELOPER:
OSPREY POINT PRESERVE LLC

2979 BARLEY MILL ROAD

YORKLYN, DE 19736



	PARCEL BOUNDARY
IPF°	IRON PIPE FOUND
	RIGHT-OF-WAY
	- LOT LINE
	- LOT SETBACK LINE
	- POND AREA
	- PROPOSED EASEMENT
L1/ C1	BOUNDARY LINE/ CURVE TABLE
LL1/ LC1	RIGHT-OF-WAY/ LOT LINE/ CUR\

RVE TABLE CONTROL MARKERS (TO BE SET PRIOR TO HOME CONSTRUCTION)

404 FEDERAL WETL	ANDS
STATE WETLANDS	

WIKE.	- 	ATE WETEANDO			
ADJACENT PROPERTY OWNER'S INFO					
LABEL	PARCEL NO.	OWNER'S NAME	DEED INFO	ZONE	
1	334-18.00-83.00	ROBERT A. MARSHALL	D/3570/90 D/3393/003	AR-1/MR	
2	334-18.00-79.00	MARY E. O'BRIEN & TIMOTHY M. WRIGHT	D/3945/40	MR	
3	334-18.00-83.13	HYLTON H & KATHLEEN PHILLIPS-PAGE	D/4414/68	MR	
4	334-18.00-168.00	RICHARD & MIRIAM C SUSSMAN	D/4350/31	MR	
5	334-18.00-169.00	ROBERT T. JR., & KIMBERLY A. DIXON	D/2991/153	MR	
6	334-18.00-170.00	BRUCE B & RITA CONNOLLY	D/4994/1	MR	
7	334-18.00-171.00	MYRA R. KRAMER & JOHN J. HAMMETT, TRUSTEES	D/4147/161	MR	
8	334-18.00-80.00	SUSAN K. BALL & SUSAN M. DELANEY	D/3823/243	MR	
9	334-18.00-81.00	NANCY S DICKEN		MR	
10	334-18.00-172.00	ELIZABETH M & RICHARD R COOCH & SHAWN R MCDONNELL	D/4500/189	MR	
11	334-18.00-173.00	MARK R. HUBBARD & JUDITH L. HUBBARD	D/3645/42	MR	
12	334-18.00-179.00	JOHN L STEINMANN & PAMELA CEBULSKI	D/4578/272	MR	
13	334-18.00-178.00	FAYETTE M. & CORNELIUS W. BLAKE	D/2289/156	MR	
14	334-18.00-180.00	DONALD R. & KARLA L. ENGLE	D/3570/92	MR	
15	334-18.00-183.00	SANDRA L. ROBERTS	D/3028/170	MR	
16	334-18.00-185.00	DONNA M. DAVIS & GAIL M. JACKSON	D/2399/205	MR	
17	334-18.00-184.00	RICHARD L. & PHYLLIS G. VENTRESCA	D/2597/286	MR	
18	334-18.00-83.08	SUSSEX COUNTY	D/2229/298		
19	334-18.00-189.00	KATHLEEN C. KRAJEWSKI	D/3189/181	MR	
20	334-18.00-190.00	TOWAR R. HUDSON & DAISEY S. HUDSON	D/3985/142	MR	
21	334-18.00-191.00	LYNDA ROMEL	D/3187/134	MR	
22	334-18.00-192.00	MARK A MOLINE & NICOLE T DESAULNIERS	D/4633/29	MR	
23	334-18.00-83.03	KAREN A. OATES, TRUSTEE	D/2640/207	MR	
24	334-18.00-83.04	RICHARD J. MORGANTE & EDWARD F. MCHALE	D/3386/7	MR	

	ADJACEN	NT PROPERTY OWNER	'S INFO	
LABEL	PARCEL NO.	OWNER'S NAME	DEED INFO	ZONE
26	334-18.00-83.06	VINCENT M POMPO & ROBERT J YUNGMAN	D/4738/132	MR
27	334-18.00-83.07	VELINA D. BRITTON	D/2640/207	MR
28	334-18.00-197.00	JOHN C. HAWKINS		MR
29	334-18.00-198.00	ROBERT J. NADIG, TRUSTEE & PAULA R. NADIG, TRUSTEE	D/4026/149	MR
30	334-18.00-83.15	ROBERT A. MARSHALL	D/1788/142 PLOT 9/204	
31	334-22.00-01.01	STEVEN DAVID & LIA INGRID KOYNER	D/5113/226	AR-1
32	334-22.00-39.00	DANA ZIMMERMAN & DIANE ZIMMERMAN	D/3674/20	AR-1
33	334-22.00-40.00	ANNA T. CALLAHAN TRUSTEE REVOCABLE TRUST	D/4393/280	AR-1
34	334-22.00-41.00	MICHAEL J. & SUSAN C. DAVIS	D/3479/313	AR-1
35	334-22.00-42.00	MICHAEL J. & SUSAN C. DAVIS	D/3479/313	AR-1
36	334-22.00-43.00	STEVEN A & ABBE L BARBATO	D/4470/74	AR-1
37	334-22.00-45.00	RUSSELL B. DAY & VICKI L. DAY	D/2754/157	AR-1
38	334-22.00-46.00	WILLIAM E & PATRICIA H THATCHER	D/4891/336	AR-1
39	334-22.00-47.00	ISABELLE M. WILSON	D/2718/307	AR-1
40	334-22.00-49.00	MICHAEL LOUIS & ANNETTE LOUISE PETRIELLO	D/5079/24	AR-1
41	334-22.00-50.00	JANET TAULANE	D/2798/243	AR-1
42	334-22.00-56.00	SUSSEX COUNTY	D/2762/290	
43	334-22.00-55.00	EDGAR A. POLITE	D/4342/39	AR-1
44	334-22.00-54.00	GREGORY A. BROWN & WILLIAM G. MARLOW	D/4240/14	AR-1
45	334-22.00-53.00	MICHAEL D. & ANNA J. COLLINS	D/2158/122	AR-1
46	334-22.00-52.00	DENNIS S. MYERS & JUDITH L. MYERS	D/3337/130	AR-1
47	334-18.00-51.00	STATE OF DELAWARE		STATE LANDS
48	334-18.00-43.00	THOS BEST & SONS, INC.	D/2275/39	AR-1
49	334-19.00-01.01	HOMETOWN REHOBOTH, LLC		MR
50	334-19.00-01.05	SAWGRASS SOUTH, LLC		MR

FEMA FLOOD MAP MAP# 10005C0334K ADJACENT PROPERTY OWNER'S MAP

SOILS MAP

WETLAND STATEMENT

I, EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3(a)(8), WATERS OF THE U.S. DEFINITION/CECW-OR, 10-7-1991, QUESTIONS AND ANSWERS ON THE 1987 COE MANUAL/CECW-OR, 9-26-1990, RGL 90-7/CECW-OR, 3-6-1992 CLARIFICATION AND INTERPRETATION OF THE 1987 MANUAL). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR

YORKLYN, DE 19736

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

KATHLEEN HAWES HORSEY OSPREY POINT PRESERVE LLC 2979 BARLEY MILL ROAD

PLANNING & ZONING COMMISSION CHAIRMAN OR SECRETARY

SUSSEX CONSERVATION DISTRICT APPROVAL

PRESIDENT, SUSSEX COUNTY COUNCIL SURVEYOR'S CERTIFICATION

I, the undersigned, hereby certify that I am a registered Professional Land Surveyor in the State of Delaware and that the attached LANDDESIGN drawings were prepared under my supervision.

Sarah Ford Date

SUBDIVISION PLAN

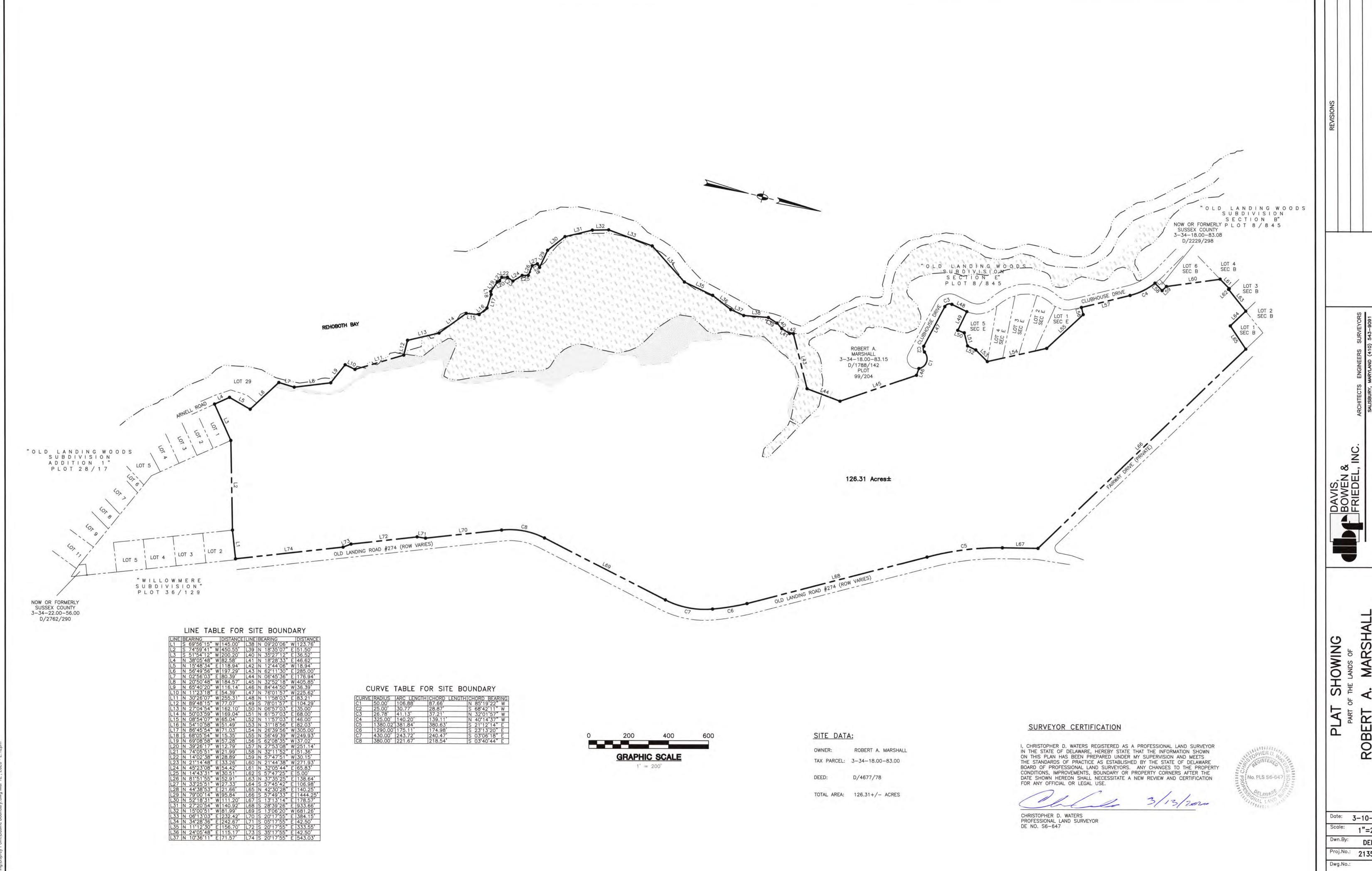
REVISIONS

RAWING: RW

REVIEW:

SLF

OF 4 SHEET



THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC., AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION.

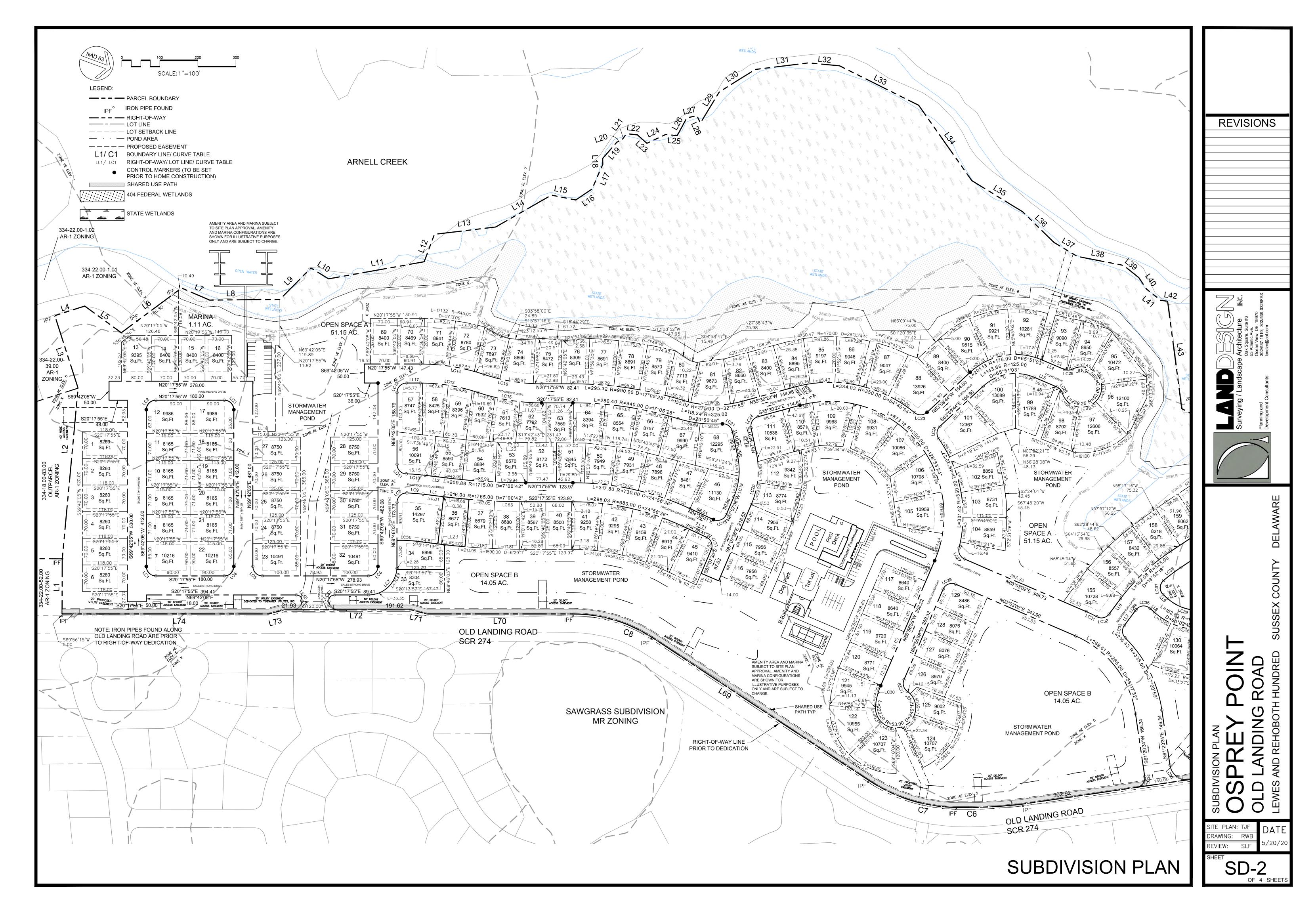
COPYRIGHT © 2013

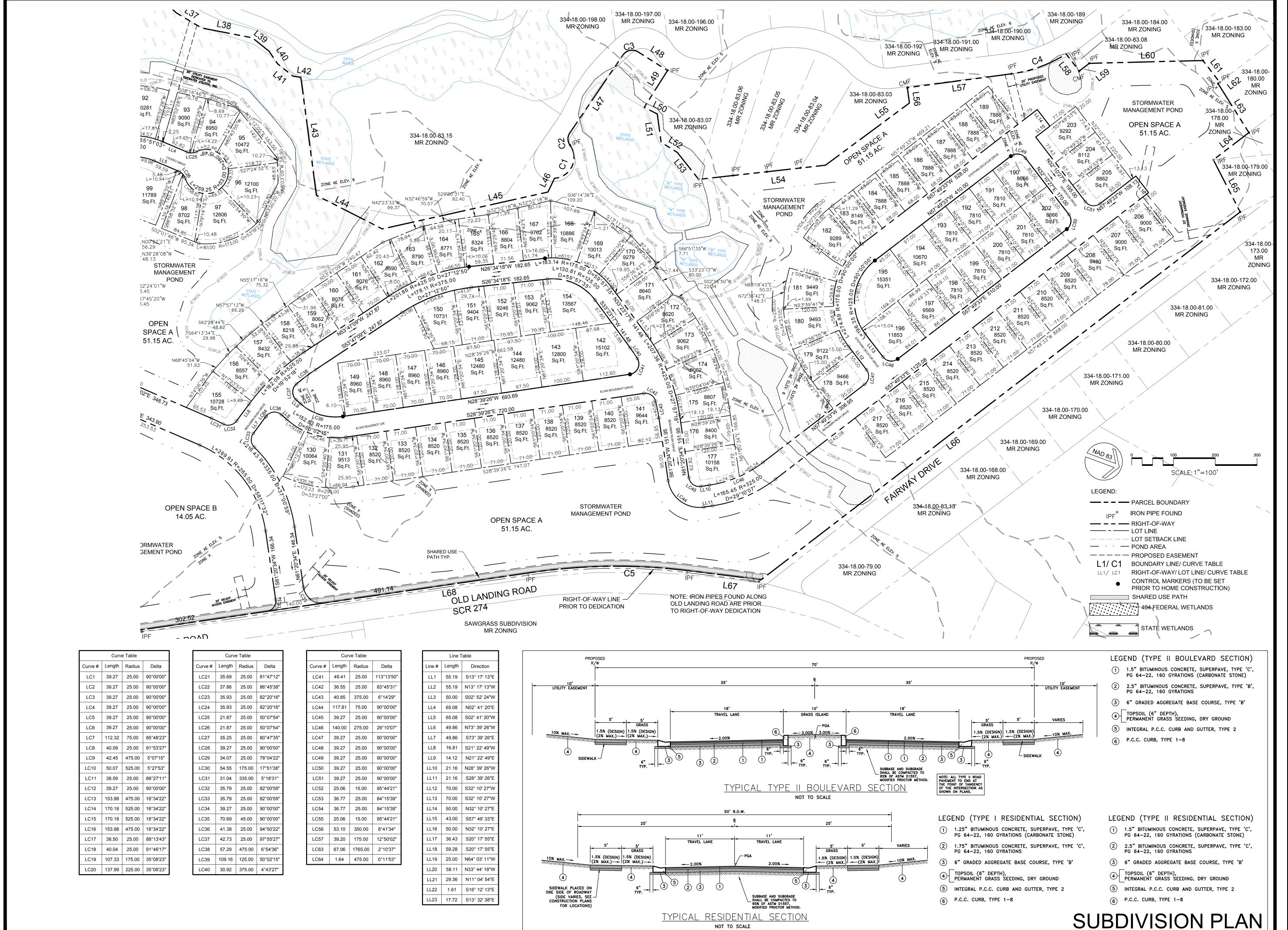
DAVIS, BOWEN FRIEDEL

SHOWING THE LANDS OF

Date: 3-10-2020 1"=200' DED Proj.No.: 2135A003

OF 1





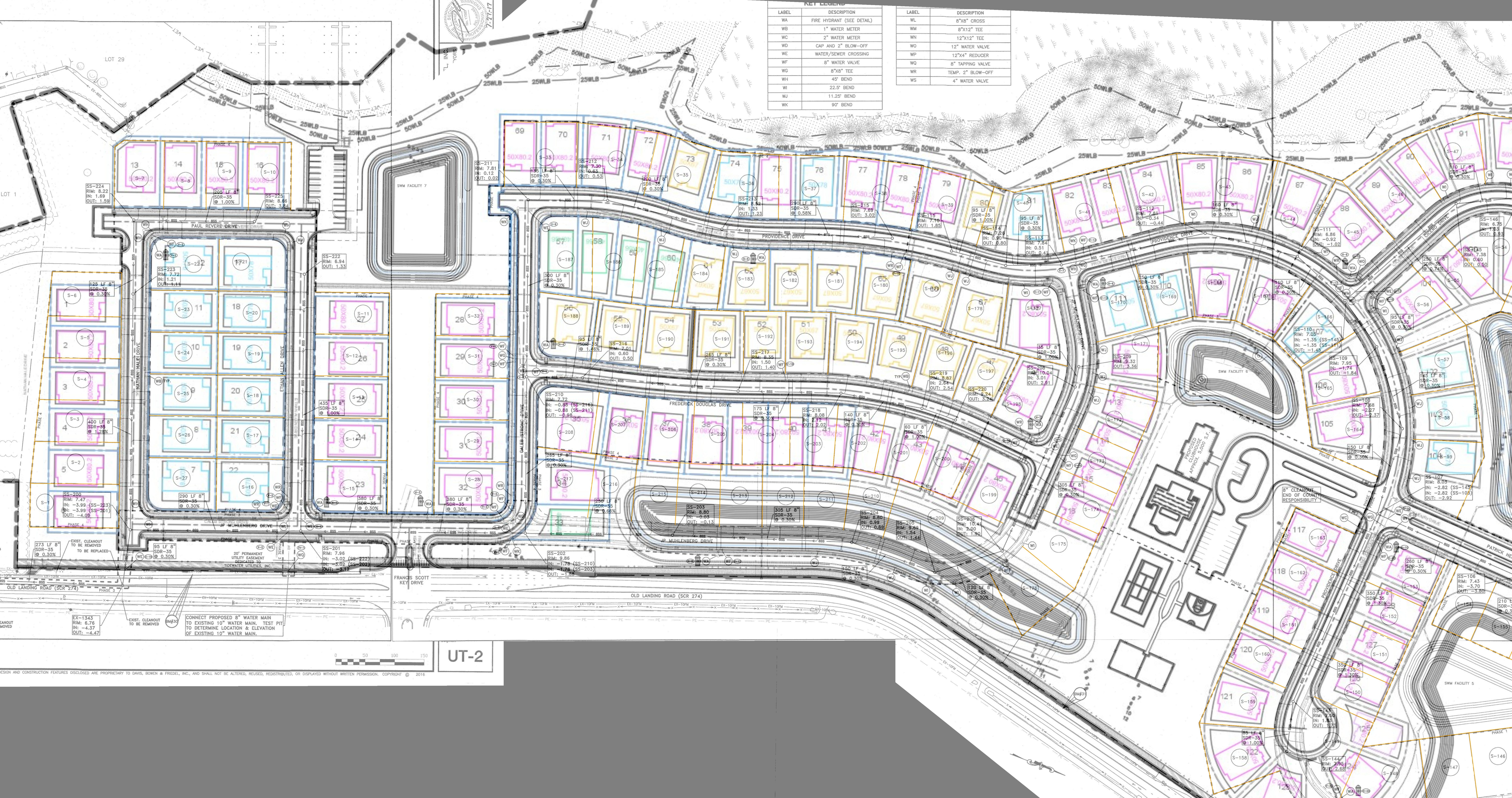
REVISIONS

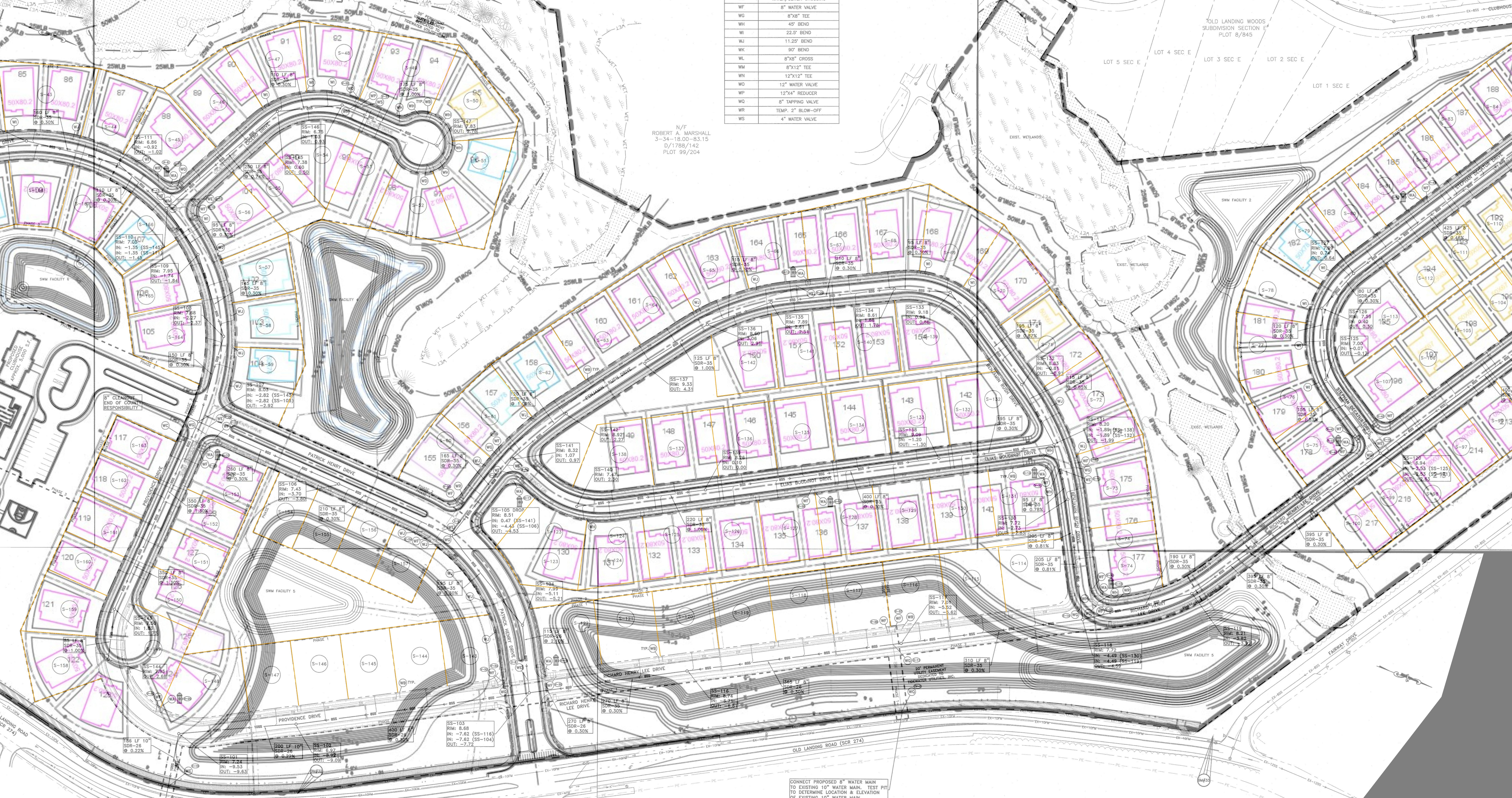
SPREY POINT D LANDING ROAD


SITE PLAN: TJF
DRAWING: RWB
REVIEW: SLF

5/20

SD-3 of 4 sheets







SITE DATA:

NATELLI COMMUNITIE DEVELOPER: 506 MAIN STREET 3RD FLOOR GAITHERSBURG, MD 20878 PHONE: 301-670-4020

CONTACT: TOM NATELL

SOLUTIONS IPEM, LLC 303 NORTH BEDFORD STREET SURVEYOR: GEORGETOWN, DE 19947 PHONE: 302-297-9215 CONTACT: JASON PALKEWICZ, PE

- GROSS ACREAGE = 41.55± ACRES
- EXISTING ZONING AR-1 (ES-1)
- SETBACKS: FRONT = 25' (CORNER = 15') REAR = 10'

SIDE = 10'MAXIMUM BUILDING HEIGHT = 42'

- PRESENT USE: WOODED LANDS
- PROPOSED USE: CLUSTER SUBDIVISION
- SEWER PROVIDER SUSSEX COUNTY
- WATER PROVIDER: ARTESIAN
- TAX PARCEL NUMBERS

533-11.00, PARCELS 81.00 & 82.01

- TOTAL NUMBER OF LOTS FXISTING = 2PROPOSED = 65
- ZION CHURCH ROAD SPEED LIMIT = 50 MPH
- INVESTMENT LEVEL AREA = 3&4

THE PROPERTY IS LOCATED WITHIN FLOOD ZONE X (UNSHADED), (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN); ZONE AE (SPECIAL FLOOD HAZARD AREA SUBJECT TO THE FLOODING BY THE 1% ANNUAL CHANCE FLOOD - BASE FLOOD ELEVATIONS DETERMINED) PER FIRM MAP NUMBER 10005C0 PANEL

RECORD PLAT SWEETBAY AREAS: $\overline{\text{GROSS AREA}} = 41.55 \pm \text{AC}.$ NET AREA = $38.86 \pm AC$.

COUNTY PROJECT REFERENCE NO. 2018-26 BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

VICINITY MAP

SCALE: 1" = 2,000'

PROPOSED

N/A

N/A

N/A

N/A

N/A

N/A

Ш

heet No.

File Name:

COVER.dwg

IRCS •

LEGEND

EXISTING

N/A

CONDITIONS OF APPROVAL

BOUNDARY OF WATERS AND WETLANDS OF THE UNITED STATES

7 ROAD SECTIONS, LANDSCAPING DETAILS, CURVE AND LINE TABLES

OWNER'S CERTIFICATION

NATELLI COMMUNITIES

CLASS SURVEY.

BARRY M. HALL,

DELAWARE NO. 618

DATE

506 MAIN STREET, #300

GAITHERSBURG, MD 20878

SOLUTIONS INTEGRATED PLANNING,

PROFESSIONAL LAND SURVEYOR

by BARRY M. HALL, AGENT

ENGINEERING & MANAGEMENT, LLC

WE HEREBY CERTIFY THAT WE ARE THE OWNER'S OF THE PROPERTY SHOWN ON THIS PLAN. THAT THE PLAN WAS MADE AT OUR DIRECTION AND WE

ACKNOWLEDGE THE SAME TO BE OUR ACT, AND DESIRE THE PLAN TO BE

RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS

DISTRICT AND/OR ITS DELEGATED INSPECTION AGENCIES TO CONDUCT

DATE

DATE

ACKNOWLEDGE THAT IT IS THE RIGHT OF THE SUSSEX CONSERVATION

THIS PLAT AND SURVEY WERE PERFORMED FOR SUSSEX REAL ESTATE

PARTNERS, LLC, UNDER MY SUPERVISION, TO THE LOCAL STANDARD OF

CARE, AND SUBSTANTIALLY MEET THE "MINIMUM STANDARDS FOR THE

PRACTICE OF LAND SURVEYING" AS PROMULGATED BY THE BOARD OF

REGISTRATION FOR PROFESSIONAL LAND SURVEYORS FOR A SUBURBAN

AND REGULATIONS. WE FURTHERMORE UNDERSTAND AND

SURVEYOR'S CERTIFICATION

SHEET INDEX

COVER SHEET

RECORD PLAT A

RECORD PLAT B

EASEMENT DETAILS

EASEMENT LINE

EASEMENT

SETBACK LINE

EDGE OF WETLAND

WETLAND HATCH

UNMARKED POINT

IRON PIPE FOUND

CONCRETE MONUMENT FOUND

CAPPED IRON PIPE FOUND

WOODLINE (APPROXLIMATE)

POND MAINTENANCE AREA

SUSSEX CONSERVATION DISTRICT APPROVAL:

APPROVED BY:

SECRETARY OF PLANNING COMMISSION

WETLANDS CERTIFICATION

PROFESSIONAL WETLAND SCIENTIST NO. 875

CERTIFIED WETLAND DELINEATOR WDCP93MD0510036B)

SOCIETY OF WETLAND SCIENTISTS

I, EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS

REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED

USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF

ENGINEERS WETLANDS DELINEATION MANUAL, ATLANTIC GULF COAST REGIONAL

SUPPLEMENT, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3 (a) (8),

Waters of the U.S. Definition/CECW-OR, 10-7-1991, Questions and Answers on the

Clarification and Interpretation of the 1987 Manual). THIS DELINEATION HAS NOT

1987 COE Manual/CECW-OR, 9-26-1990, RGL 90-7/CECW-OR, 3-6-1992,

BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

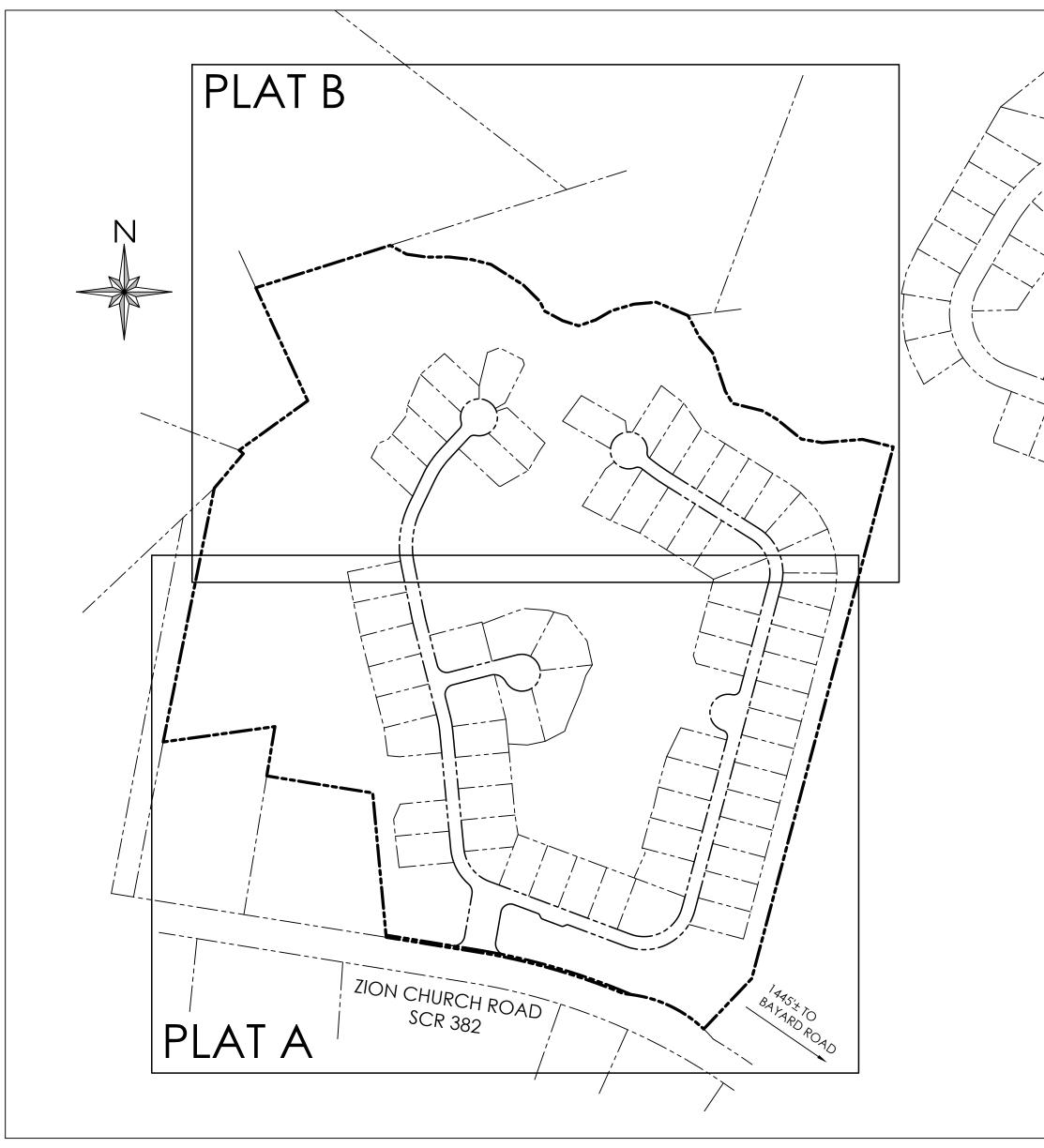
PRESIDENT OF COUNTY COUNCIL

EDWARD M. LAUNAY

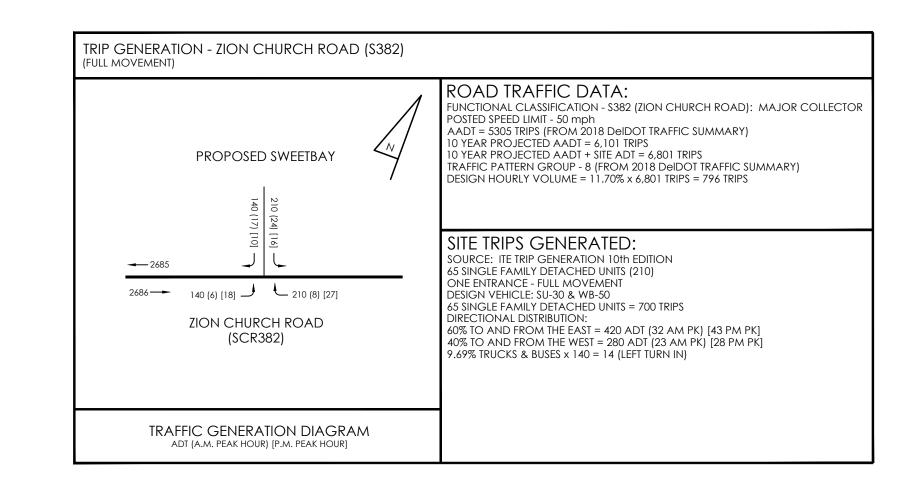
(CORPS OF ENGINEERS,

CAPPED IRON ROD SET

LANDSCAPE BUFFER



SITE MAP SCALE: 1" = 200'



GENERAL NOTES:

1. ALL ON-SITE STREETS (INCLUDING PAVEMENT, CURBING AND SIDEWALK) ARE PRIVATE AND SHALL BE MAINTAINED BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNER'S ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE STREETS SHALL BE BY THE HOMEOWNER'S ASSOCIATION.

OPEN SPACE AREA = 25.96± AC. OPEN SPACE 1 = 25.83± AC.

% OPEN SPACE AREA = 62.5%

R.O.W. AREA = $2.62 \pm AC$.

TOTAL= 11.68± AC.

WOODLANDS:

WETLANDS:

OPEN SPACE 2 = 0.13± AC.

% IMPERVIOUS COVER AREA = 6.72%

DELDOT R.O.W. AREA = 0.0635± AC

EXISTING = $39.91 \text{ AC} \pm (96.2\%)$

NON-TIDAL = $11.28 \pm AC$.

TO BE REMOVED= 20.39 (52.5%)

TO REMAIN = $19.52 \text{ AC} \pm (49.7\%)$

WATERS OF THE U.S. = 0.40± AC.

A PORTION OF THE SITE IS LOCATED IN FLOOD ZONE AE.

- 2. STORMWATER MANAGEMENT AND STORM DRAINAGE SHALL BE IN ACCORDANCE WITH THE SUSSEX COUNTY CONSERVATION DISTRICT AND SUSSEX COUNTY ENGINEERING REQUIREMENTS. MAINTENANCE OF THE ON-SITE STORMWATER MANAGEMENT FACILITIES AND STORM DRAINAGE SYSTEM SHALL BE BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNER'S ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE ABOVE PROACTIVE SHALL BE BY THE HOMEOWNER'S ASSOCIATION.
- 3. ALL OPEN SPACE SHALL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
- 4. ALL SUBDIVISION LOTS SHALL HAVE FIVE FOOT WIDE EASEMENTS ALONG ALL LOT LINES FOR A TOTAL EASEMENT WIDTH OF 10 FEET ALONG A LOT LINE COMMON TO TWO LOTS, EASEMENTS ALONG PERIMETER (RIGHT-OF-WAY AND OPEN SPACE) SHALL BE 10 FEET IN WIDTH.
- STREETLIGHTS SHALL BE PROVIDED. ALL LIGHTING SHALL BE DOWNWARD SCREENED. LIGHT LOCATIONS AND DESIGN SHALL BE COORDINATED BETWEEN OWNER AND UTILITY COMPANY.
- 6. THE SITE IS LOCATED WITHIN A WELLHEAD PROTECTION AREA. THE IMPERVIOUS AREA WITHIN THE WELLHEAD PROTECTION AREA IS 32%, WHICH IS IN COMPLIANCE WITH SUSSEX COUNTY SOURCE WATER PROTECTION
- 7. ALL AMENITIES AND LANDSCAPE/FOREST BUFFERS SHALL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION.
- 8. CLEARING OF TREES HAS BEEN MINIMIZED TO THE EXTENT NECESSARY TO CONSTRUCT ALL REQUIRED SITE IMPROVEMENTS IN ACCORDANCE WITH CONDITION OF APPROVAL O.
- 9. AN ENTRANCE/COMMUNITY SIGN WILL BE PROVIDED. ANY SIGNAGE WILL REQUIRED A SEPARATE PERMIT.

DELDOT RECORD PLAN GENERAL NOTES (REV. 3/21/19):

- 1. All entrances shall conform to the Delaware Department of Transportation's (DelDOT's) current Development Coordination Manual and shall be subject to its approval.
- 2. No landscaping shall be allowed within the right-of-way unless the plans are compliant with Section 3.7 of the Development Coordination Manual.
- 3. Shrubbery, plantings, signs and/or other visual barriers that could obstruct the sight distance of a driver preparing to enter the roadway are prohibited within the defined departure sight triangle area established on this plan. If the established departure sight triangle area is outside the right-of-way or projects onto an adjacent property owner's land, a sight easement should be established and recorded with all affected property owners to maintain the required sight distance.
- 4. Upon completion of the construction of the sidewalk or shared-use path across this project's frontage and physical connection to adjacent existing facilities, the Developer, the property owners or both associated with this project, shall be responsible to remove any 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 Development Coordination Manual.
- 5. Private streets constructed within this subdivision shall be maintained by the Developer, the property owners within this subdivision or both (Title 17 §131). DelDOT assumes no responsibilities for the future maintenance of these streets.
- 6. The shared-use path shall be the responsibility of the Developer, the property owners or both within this subdivision. The State of Delaware assumes no responsibility for the future maintenance of the shared-use
- 7. All lots shall have access from the internal subdivision street.
- 8. 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.
- 9. The Developer shall be required to furnish and place right-of-way monuments in accordance with DelDOT's Development Coordination Manual.
- 10. The Developer shall be required to furnish and place right-of-way markers to provide a permanent reference for re-establishing the right-of-way and property corners on local and higher order frontage roads. Right-of-way markers shall be set and/or placed along the frontage road right-of-way at property corners and at each change in right-of-way alignment in accordance with Section 3.2.4.2 of the Development Coordination Manual.

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

Sussex County

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

March 13, 2019

Mr. Jason Palkewicz, P.E. Solutions IPEM, LLC. 303 North Bedford Street Georgetown, DE 19947

By email to: jpalkewicsz@solutionsipem.com

RE: Notice of Decision letter for the Preliminary Subdivision Plan for Sweetbay (2018-26) for the creation of sixty-five (65) single-family lots on 43.81 acres located on the north side of Zion Church Road, west of Bayard Road and lying within the Agricultural Residential (AR-1) Zoning District and Environmentally Sensitive Development District Overlay Zone (ESDDOZ). Tax Parcels: 533-11.00-81.00 & 82.01

Dear Mr. Palkewicz,

At their meeting occurring Thursday, February 28, 2019 the Planning & Zoning Commission approved the Preliminary Subdivision Plan for Sweetbay (2018-26) to consist of sixty-five (65) single family lots on the north side of Zion Church Road, west of Bayard Road.

The Preliminary Subdivision Plan is valid for three (3) years from the date of Planning Commission decision. A Final Subdivision Plan shall be approved within three (3) years of the date of approval of the Preliminary Plan or the action of the Planning Commission shall be deemed canceled. Unless an extension is granted, approval shall be rendered null and void if substantial construction is not commenced within five (5) years of the date of recordation of the final plat.

As part of their motion, the Planning Commission acted to approve the development subject to the following conditions (which shall be clearly annotated on the Revised Preliminary and Final Subdivision Plans):

- A. There shall be no more than 65 lots within the subdivision.
- B. The developer shall establish a homeowner's association responsible for the maintenance of streets, roads, buffers, stormwater management facilities and other common areas.
- C. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- D. A forested or landscaped buffer of at least 30 feet in depth shall be installed along the entire perimeter of the project. The buffer may overlap areas that are currently wetlands or wooded areas that will be preserved. The Final Site Plan shall contain a landscaped plan for all of these areas.
- E. The subdivision shall be served by Sussex County for sewer service.

March 13, 2019 Notice of Decision Letter 2018-26 Sweetbay

- F. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
- G. Street design shall meet or exceed Sussex County standards.
- H. All entrances, intersections, roadway improvements and multimodal facilities required by DelDOT shall be completed by the applicant as required by DelDOT.
- I. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- J. Construction activities and deliveries of dirt, fill or other similar materials shall only occur on the site between the hours of 7:00 AM through 5:00 PM, Monday through Friday, and between the hours of 8:00 AM and 2:00 PM on Saturdays. There shall not be any of these activities on Sundays.
- K. The Final Site Plan shall indicate all forested areas that will be preserved.
- L. There shall not be any construction activities within 50 feet of any wetlands.
- M. The Applicant shall coordinate and cooperate with the local school district's transportation manager to establish a school bus stop and shelter.
- N. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

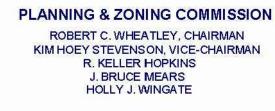
Once all agency approvals have been obtained please submit a minimum of seven (7) paper copies (11"x17"), one (1) full size copy and one (1) electronic copy of a Revised Preliminary Subdivision Plan to the Planning and Zoning Office for consideration on the next agenda for the Planning Commission. It is recommended that two (2) copies of a check print are first submitted to staff for review.

A \$10.00 per lot fee is required to be paid prior to the approval of any Final Subdivision Plan. For 65 lots, the fee is \$650.00.

Please feel free to contact me during business hours 8:30am – 4:30pm Monday through Friday at



CC. Andy Wright, Building Code, Chief of Building Code – Building Code Mike Brady, Director of Public Works - Engineering John Ashman, Director of Utility Planning - Engineering





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

March 18, 2019

Mr. Jason Palkewicz, P.E. Solutions IPEM, LLC. 303 North Bedford Street Georgetown, DE 19947

By email to: jpalkewicz@solutionsipem.com

RE: Notice of Decision for Revised Condition of Approval for Sweetbay (2018-26) for a sixtyfive (65) lot subdivision on 43.81 acres to be located on the north side of Zion Church Road, west of Bayard Road and lying within the Agricultural Residential (AR-1) Zoning District and the Environmentally Sensitive Development District Overlay Zone (ESDDOZ) (ES-1). Tax Parcel: 533-11.00-81.00 & 82.01

Dear Mr. Palkewicz,

At their meeting of March 14, 2019, the Planning & Zoning Commission approved the submitted request to revise the wording of Condition of Approval 'L' which requires a 50' buffer from Batson

The wording of this condition has now been revised to read as follows:

"a 50-foot buffer shall be provided landward from the ordinary high water line of Batson Branch, and there shall not be any construction activities within this buffer".

All other conditions of approval remain unchanged. Please ensure that all future versions of the

If you have any questions, please feel free to contact me.

Samantha Bulkilvish

Samantha Bulkilvish

Planner I

CC. Andy Wright, Building Code; Mike Brady, Director of Public Works - Engineering; John Ashman, Director of Utility Planning - Engineering



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

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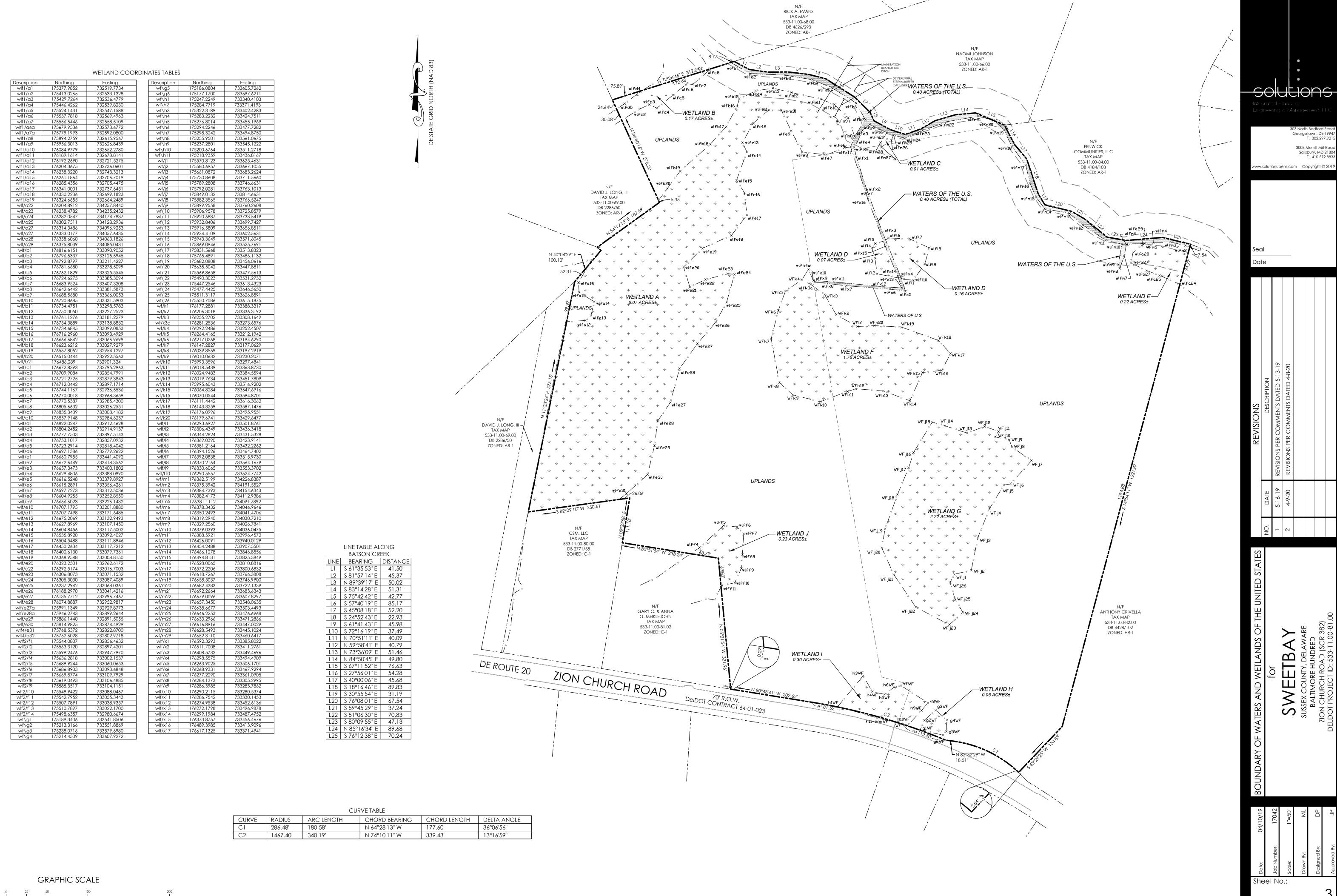
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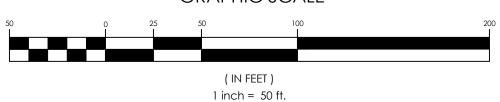
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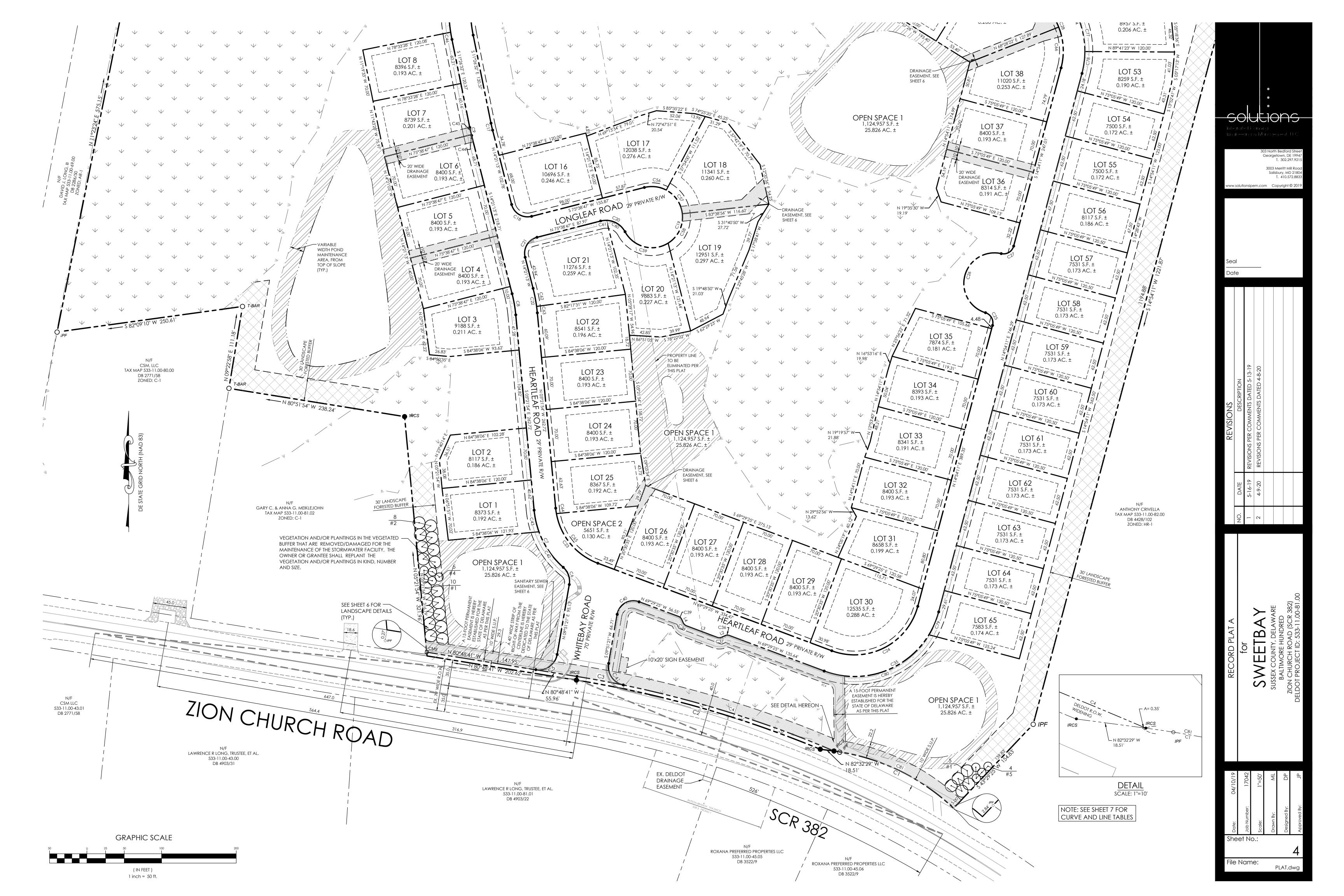
EQUAL HOUSING COPPORTUNITY

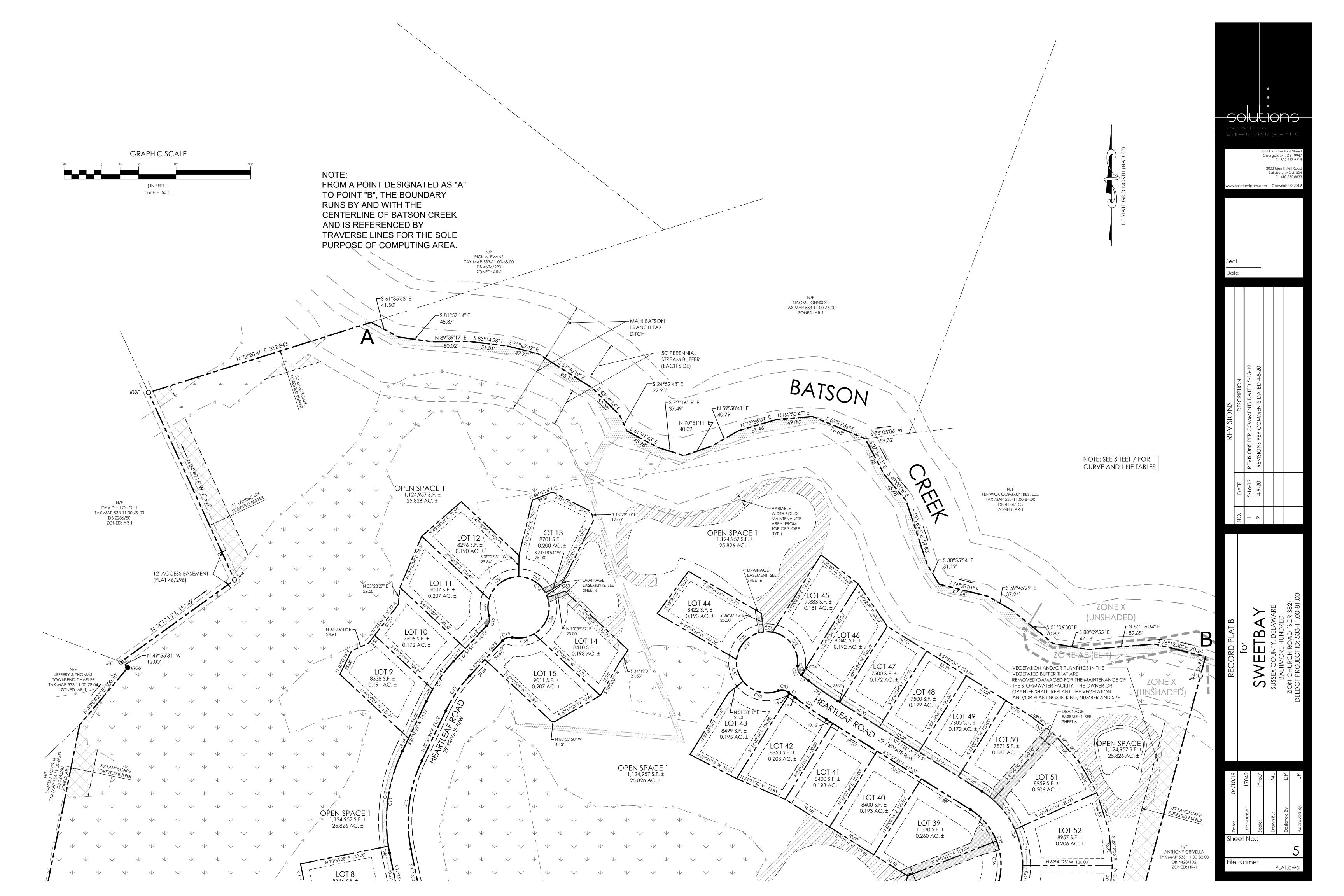
COUNTY ADMINISTRATIVE OFFICES 2 THE CIRCLE | PO BOX 417 GEORGETOWN, DELAWARE 19947

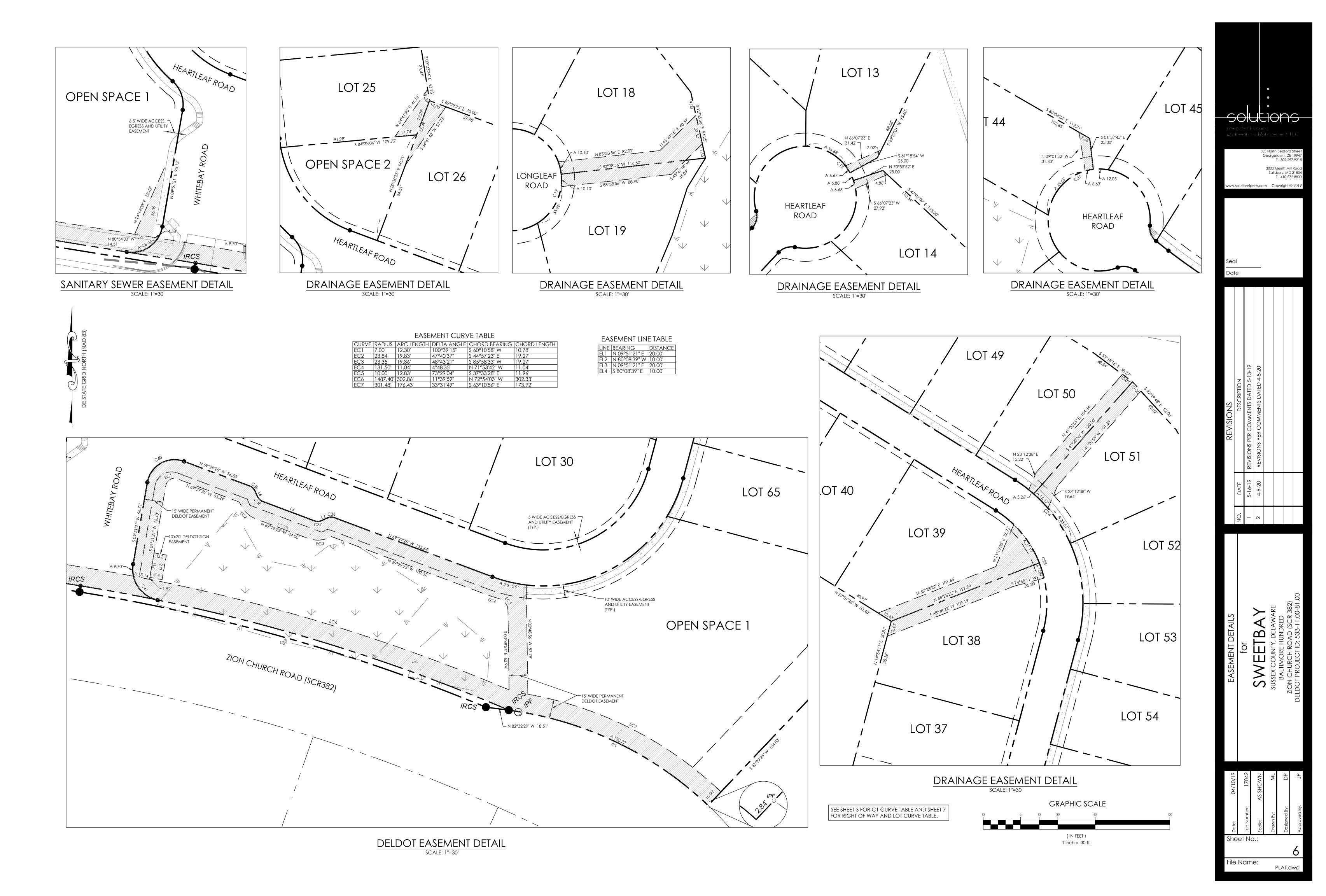




File Name:
17042-record-wetlands







CURVE TABLE

			CURVE TABL	.E	
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
21	286.48'	180.58'	36°06'56"	N 64°28'13" W	177.60'
22	1467.40'		13°16'59"	N 74°10'11" W	339.43'
C3 C4	1472.42' 1472.40'	296.60'	2°27'03" 11°32'29"	S 79°35'09" E S 72°35'23" E	62.98' 296.09'
> <u>4</u> `5	25.00'	38.98'	89°19'59"	\$ 54°31'20" W	35.15'
55	25.00'	25.52'	58°29'47"	S 19°23'33" E	24.43'
27	116.50'	87.97'	43°15'52"	S 26°59'50" E	85.89'
28	183.50'	28.79'	8°59'19"	N 09°51'33" W	28.76'
29	216.50'	11.00'	2°54'41"	N 12°53'52" W	11.00'
210	216.50'	140.09'	37°04'30"	N 07°05'43" E	137.66'
C11 C12	216.50'	65.49'	17°19'53"	S 34°17'55" W	65.24'
212	14.00' 41.00'	14.37' 212.94'	58°47'23" 297°34'10"	S 13°34'10" W S 47°02'27" E	13.74' 42.50'
214	14.00'	14.37'	58°49'07"	S 72°22'25" W	13.75'
215	187.50'	56.72'	17°19'53"	S 34°17'55" W	56.50'
216	187.50'	121.33'	37°04'30"	S 07°05'43" W	119.22'
17	187.50'	9.53'	2°54'41"	S 12°53'52" E	9.53'
218	22.00'	34.56'	90°00'00"	N 59°21'13" W	31.11'
219 220	41.00' 29.00'	183.15' 38.44'	255°56'41"	S 23°37'08" W S 66°22'52" E	64.64'
20	22.00'	34.56'	75°56'41" 90°00'00"	\$ 30°38'47" W	35.69' 31.11'
222	212.50'	33.34'	8°59'19"	S 09°51'33" E	33.30'
223	87.50'	97.93'	64°07'31"	N 37°25'39" W	92.90'
224	87.50'	146.01'	95°36'25"	S 62°42'23" W	129.65'
25	14.00'	21.49'	87°55'46"	N 29°03'42" W	19.44'
26 27	41.00'	125.81'	175°49'00"	N 14°53'59" E	81.95'
227	14.00'	21.49'	87°56'52"	N 58°52'37" E	19.44'
28 29	87.50'	111.27' 62.19'	72°51'37" 6°57'08"	N 21°31'38" W N 54°28'52" W	103.92' 62.15'
230	512.50' 14.00'	14.73'	60°15'50"	N 81°08'13" W	14.06'
231	41.00'	212.92'	297°33'11"	N 37°30'27" E	42.51'
232	14.00'	13.95'	57°06'30"	N 22°16'12" W	13.38'
233	483.50'	60.19'	7°07'58"	S 54°23'27" E	60.15'
234	116.50'	148.15'	72°51'37"	S 21°31'38" E	138.37'
35	116.50'	194.40'	95°36'25"	N 62°42'23" E	172.62'
236	7.00'	5.50'	45°00'00"	N 88°00'35" E	5.36'
C37 C38	8.00' 8.00'	6.28' 6.28'	45°00'00'' 45°00'00''	N 88°00'35" E N 46°59'25" W	6.12' 6.12'
239	7.00'	5.50'	45°00'00"	N 46°59'25" W	5.36'
240	22.00'	38.65'	100°39'15"	S 60°10'58" W	33.87'
241	25.00'	38.49'	88°12'59"	N 34°15'08" W	34.80'
242	116.50'	58.27'	28°39'35"	S 34°18'06" E	57.67'
243	116.50'	29.70'	14°36'24"	S 12°40'06" E	29.62'
244	216.50'	1.29'	0°20'27"	N 14°10'59" W	1.29'
245	216.50' 216.50'	9.71' 9.79'	2°34'13" 2°35'29"	S 12°43'39" E S 10°08'48" E	9.71' 9.79'
C46 C47	216.50	130.30'	34°29'01"	S 08°23'27" W	128.34'
248	216.50'	18.23'	4°49'26"	S 28°02'41" W	18.22'
249	216.50'	47.26'	12°30'27"	N 36°42'38" E	47.17'
250	41.00'	22.70'	31°43'36"	S 00°01'55" W	22.41'
251	41.00'	53.36'	74°34'07''	S 53°10'47" W	49.67'
252	41.00'	43.54'	60°51'03"	S 59°06'37" E	41.53'
253	41.00'	6.88'	9°36'58"	S 23°52'37" E	6.87'
54 55	41.00' 41.00'	56.26' 30.20'	78°37'29" 42°12'07"	N 20°14'37" E S 80°39'25" W	51.95' 29.52'
256 256	41.00'	30.24'	42°15'13"	N 83°13'36" W	29.56'
257	41.00'	39.89'	55°44'55"	S 34°13'32" E	38.34'
258	41.00'	46.09'	64°24'24"	N 25°51'07" E	43.70'
259	41.00'	66.94'	93°32'47"	N 75°10'17" W	59.75'
260	29.00'	30.54'	60°20'12''	\$ 58°35'31" E	29.15'
261	29.00'	7.89'	15°35'36"	N 83°26'35" E	7.87'
62 63	212.50' 212.50'	24.65'	6°38'44"	N 11°01'51" W S 06°32'11" E	24.63' 8.69'
263 264	87.50'	8.69' 7.37'	2°20'35" 4°49'44"	S 07°46'46" E	7.37'
265	87.50'	90.56'	59°17'47"	N 39°50'31" W	86.57'
266	87.50'	55.63'	36°25'48"	S 03°18'43" E	54.70'
C67	87.50'	55.63'	36°25'48"	S 39°44'32" E	54.70'
268	41.00'	52.11'	72°49'26"	N 74°51'25" W	48.67'
269	41.00'	31.41'	43°54'03''	N 16°29'41" W	30.65'
270	41.00'	55.76'	77°54'55"	S 44°24'48" W	51.56'
271	41.00'	12.05'	16°50'05"	N 88°12'42" W	12.00'
272 273	41.00' 14.00'	61.60' 13.92'	86°04'42" 56°58'13"	N 36°45'18" W S 22°00'29" E	55.96' 13.35'
273 274	14.00'	0.44'	1°49'09"	\$ 51°24'10" E	0.44'
275	116.50'	18.92'	9°18'21"	S 53°18'16" E	18.90'
276	116.50'	49.78'	24°28'51"	N 36°24'40" W	49.40'
277	116.50'	49.78'	24°28'51"	N 11°55'49" W	49.40'
278	116.50'	29.67'	14°35'34"	S 07°36'24" W	29.59'
279 280	116.50' 116.50'	33.35'	16°24'01"	\$ 23°06'11" W	33.23'
7 <u>80</u>	[116.50]	161.05'	79°12'24"	S 70°54'24" W	148.53'

RIGHT OF WAY AND I OT LINE TABLE

LOT LINE TABLE			
LINE	BEARING	DISTANC	
L1	S 52°18'45" E	12.10'	
L2	N 65°30'35" E	5.10'	
L3	S 69°29'25" E	44.00'	
L4	S 24°29'25" E	5.10'	
L5	S 52°18'45" E	9.51'	
L6	S 52°18'45" E	2.58'	
L7	N 52°18'45" W	12.10'	

LANDSCAPE BUFFER

NOTES:

1. THE LANDSCAPE AND/OR FOREST BUFFERS SHALL BE INSTALLED WITHIN 18 MONTHS FROM THE DATE SITE WORK IS AUTHORIZED TO COMMENCE, AS DOCUMENTED BY A NOTICE TO PROCEED LETTER FROM THE COMMISSION.

2. THE LAND DEVELOPER SHALL BE RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES, INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF 2 YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO A CONDOMINIUM ASSOCIATION; PROVIDED, HOWEVER THAT THE DEVELOPER SHALL REPLACE AND TREES THAT DIE DURING THE MINIMUM 2 YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO A CONDOMINIUM ASSOCIATION.

3. ADDITIONAL INFORMATION AS TO HOW THE LANDSCAPE / FORESTED BUFFERS ARE TO BE MAINTAINED IN PERPETUITY, SHALL BE INCLUDED IN THE RESTRICTIVE COVENANTS AND/OR CONDOMINIUM ASSOCIATION DOCUMENTS.

4. PURSUANT WITH SUSSEX COUNTY CODE SECTION 99-5, THE 20' WIDE LANDSCAPE BUFFER SHOWN IN THIS PLAN MUST BE PLANTED WITH A MIX OF 70% DECIDUOUS AND 30% EVERGREEN TREES, THE MAJORITY OF WHICH SHALL BE SUITABLE TREES OF COMMON LOCAL SPECIES. EVERY 100' OF BUFFER SHALL INCLUDE A MINIMUM OF 15 TREES.

5. ALL DECIDUOUS TREES THAT ARE PLANTED TO ESTABLISH THE BUFFER PLANTINGS SHALL HAVE A MINIMUM CALIPER OF 1.5 INCHES AND A MINIMUM HEIGHT OF SIX FEET ABOVE GROUND WHEN PLANTED IN ORDER TO INSURE THAT THE TREES WILL BE CAPABLE OF OBTAINING A MINIMUM HEIGHT OF 10 FEET ABOVE GROUND WITHIN FIVE YEARS OF BEING PLANTED.

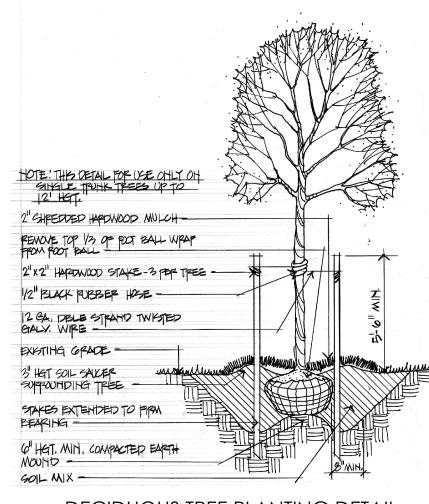
6. ALL EVERGREEN TREES THAT ARE PLANTED TO ESTABLISH THE BUFFER PLANTINGS SHALL HAVE A MINIMUM HEIGHT OF FIVE FEET ABOVE GROUND WHEN PLANTED IN ORDER TO INSURE THAT THEY ARE REASONABLY CAPABLE OF ATTAINING A MINIMUM HEIGHT OF 10 FEET ABOVE GROUND WITHIN FIVE YEARS OF BEING PLANTED.

7. THE TREES SHALL BE PLANTED IN A STAGGERED NATURAL MANNER. THE PROCEDURES AND DETAILS FOR PLANTING NEW TREES SHALL BE SPECIFIED BY THE LANDSCAPE ARCHITECT ON THE PLAN SUBMITTED TO AND APPROVED BY THE COMMISSION AND SHALL INCLUDE THE REQUIREMENT THAT THE BUFFER AREA SHALL HAVE A FINAL GRADE THAT CONTAINS A MINIMUM OF FOUR INCHES OF TOPSOIL AND A SUITABLE GRASS MIX PLANTED AS SACRIFICIAL COVER BETWEEN THE BUFFER TREES FOR SOIL STABILIZATION UNTIL THE NEWLY PLANTED TREES BECOME LARGER. THE PLAN MAY SUBSTITUTE WOODCHIPS FOR PLANTED GRASS BETWEEN THE BUFFER TREES IN RESPECT TO BOTH NEWLY PLANTED AND EXISTING TREES, AS DETERMINED BY THE LANDSCAPE ARCHITECT

LANDSCAPE SCHEDULE QUANTITY SYMBOL BOTANICAL NAME COMMON NAME SPECIFICATION Acer rubrum RED MAPLE $1\frac{1}{2}$ " CAL., 6' HGT. MIN. WILLOW OAK $1\frac{1}{2}$ " CAL., 6' HGT. MIN. Quercus phellos Quercus rubra RED OAK $1\frac{1}{2}$ " CAL., 6' HGT. MIN. AMERICAN HOLLY 5' HGT. MIN. NORWAY SPRUCE 5' HGT. MIN. Picea abies 5' HGT. MIN. VIRGINIA PINE Pinus virginiana

SUBSITUTIONS:		
BOTANICAL NAME	COMMON NAME	SPECIFICATION
Acer saccharum	SUGAR MAPLE	$1\frac{1}{2}$ " CAL., 6' HGT. MIN.
Chamaecyparis thyoides	ATLANTIC WHITECEDAR	5' HGT. MIN.
Crataegis viridis 'Winter King'	WINTER KING GREEN HAWTHORN	1 $\frac{1}{2}$ " CAL., 6' HGT. MIN.
Liriodendron tulipifera	TULIP TREE	1 $\frac{1}{2}$ " CAL., 6' HGT. MIN.
Pinus strobus	WHITE PINE	5' HGT. MIN.
Pinus taeda	LOBLOLLY PINE	5' HGT. MIN.
Quercus alba	WHITE PINE	$1\frac{1}{2}$ " CAL., 6' HGT. MIN.
Quercus coccinea	SCARLET OAK	$1\frac{1}{2}$ " CAL., 6' HGT. MIN.
Taxodium distichum	BALD CYPRESS	$1\frac{1}{2}$ " CAL., 6' HGT. MIN.
Magnolia virginiana	SWEETBAY MAGNOLIA	5' HGT. MIN.
Juniperus virginiana	EASTERN RED CEDAR	5' HGT. MIN.
Platanus acerifolia	LONDON PLANE TREE	$1\frac{1}{2}$ " CAL., 6' HGT. MIN.
Nyssa sylvatica	BLACK GUM	$1\frac{1}{2}$ " CAL., 6' HGT. MIN.
Salix babylonica	WEEPING WILLOW	$1\frac{1}{2}$ " CAL., 6' HGT. MIN.

IF SUBSTITUTIONS ARE MADE, ONLY SUBSTITUTE DECIDUOUS FOR DECIDUOUS OR EVERGREEN FOR EVERGREEN TO MAINTAIN REQUIRED MIX.



solutions

w.solutionsipem.com Copyright © 2019

WEETB,

File Name:

PLAT.dwg

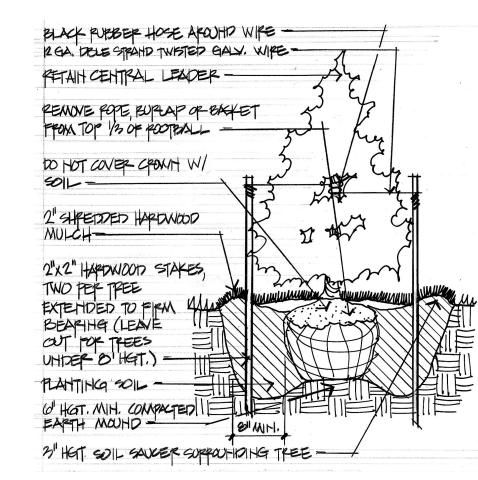
T. 302.297.92

3003 Merritt Mill Ro

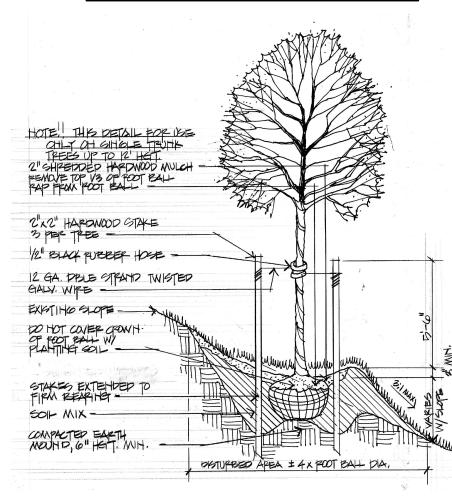
Salisbury, MD 2180

T. 410.572.883

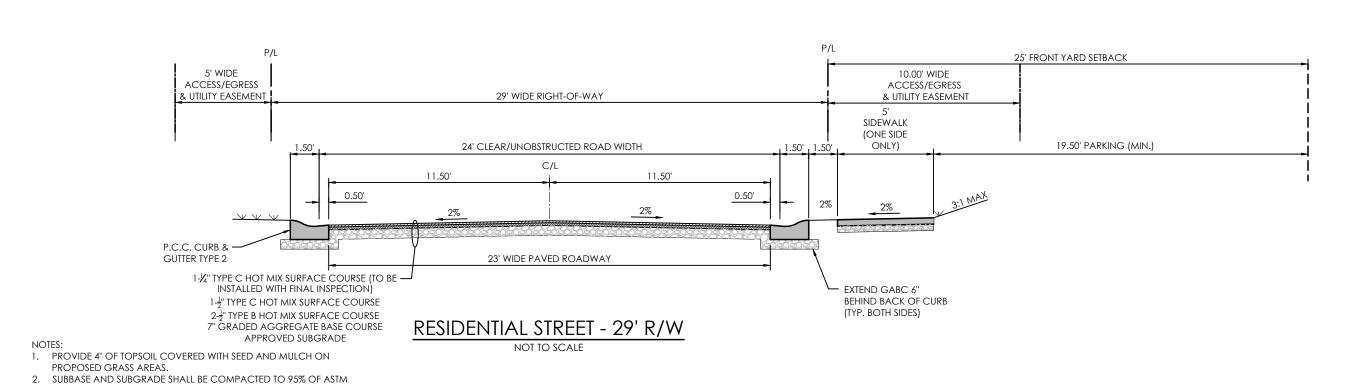
DECIDUOUS TREE PLANTING DETAIL



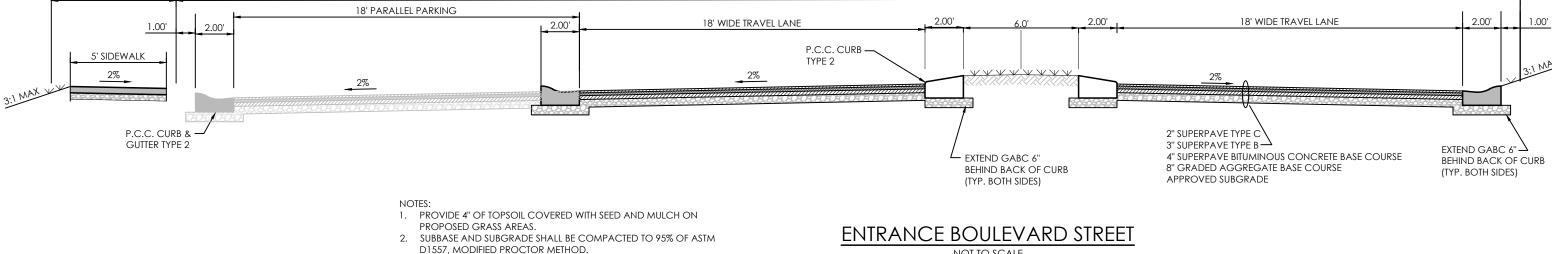
EVERGREEN TREE PLANTING DETAIL



TREE PLANTING ON SLOPE DETAIL



D1557, MODIFIED PROCTOR METHOD.



70' WIDE RIGHT-OF-WAY

SOILS MAP

	,	
SYMBOL	NAME	SOIL GROU
EvB	EVESBORO LOAMY SAND, 0 TO 5 PERCENT SLOPES	Α
GrA	GREENWICH LOAM, 0 TO 2 PERCENT SLOPES	В
GuB	GREENWICH-URBAN LAND COMPLEX, 0 TO 5 PERCENT SLOPES	В
	,	

SITE DATA:

<u> </u>	<u> </u>
1) TAX MAP NUMBER	334-13.00-5.00
2) OWNER	DESTINY LLC 1 PATRIOTS WAY REHOBOTH BEACH, DE 19971
3) DEED BOOK REF. 4) EXISTING USE 5) PROPOSED USE 6) EXISTING AREA 7) PROPOSED AREA 8) EXISTING ZONING 9) PROPOSED ZONING	DB 3896 PG 255 APARTMENTS APARTMENTS (12 TWO-BEDROOM & 3 THREE-BEDROOM UNITS) 58,150 SQ FT (1.33 ACRES) (BASED ON SURVEY) 58,150 SQ FT (1.33 ACRES) (BASED ON SURVEY) C-1 & GR WITH CHCOZ C-1 - GENERAL COMMERCIAL & GR-1 - GENERAL RESIDENTIAL WITH CHCOZ

10) NUMBER OF LOTS:	1	1
BUILDINGS EXISTING BUILDING AREA PROPOSED MULTIFAMILY BU PROPOSED STORAGE BUILD		±5,015 SQ FT (FIRST FLOOR FOOTPRINT) 21,502 SQ FT (TOTAL) 924 SQ FT

11) HEIGHT, AREA, AND BULK REQUIREMENTS (CODE SECTION 115-156B)

	REQUIRED	PROPOSED
MAXIMUM HEIGHT	42 FT	38.9 FT (3 STORIE
MINIMUM LOT AREA	54,450 SQ FT	58,150 SQ FT
MINIMUM LOT WIDTH (FEET)	75 FT	± 173 FT
MINIMUM LOT DEPTH (FEET)	100 FT	± 823 FT
MINIMUM YARD REQUIREMENTS		
CR-1:		
FRONT	40 FT	>40 FT
SIDE	10 FT	15 FT
REAR	10 FT	>10 FT
CORNER	15 FT	>15 FT
GR-1:		
FRONT	30 FT	>30 FT
SIDE	10 FT	15 FT
REAR	10 FT	>10 FT
CORNER	15 FT	>15 FT

CHCOZ: 60' SETBACK FROM ROUTE 1 RIGHT-OF-WAY WITH 20' BUFFER

12) SERVICES		
WATER SUPPLIER:		TIDEWATER UTILITIES
SANITARY SEWER SUF	PPLIER:	SUSSEX COUNTY (WEST REHOBOTH DISTRIC
13) FIRE DISTRICT	REHOBOTH	H BEACH
14) VERTICAL DATUM	NAVD 88	
15) HORIZONTAL DATUM	NAV 83	

16) POSTED SPEED LIMIT: 35 MPH (PARSONAGE ROAD) 17) PROXIMITY TO IDENTIFIED TRANSPORTATION DISTRICT: UNKNOWN 18) INVESTMENT LEVEL AREA: LEVEL 2

19) SITE ADDRESS: REHOBOTH BEACH, DE 19971 20) WETLAND AREA: 0.00 ACRES

21) PROJECT WATERSHED: LEWES-REHOBOTH CANAL 22) PROPOSED DISCHARGE LOCATIONS: DELDOT AND INFILTRATION

23) FLOOD PLAIN: THE SITE IS LOCATED WITHIN ZONE X, AN AREA DEFINED AS OUTSIDE THE 100 YEAR FLOOD PLAIN, BASED ON FEMA FLOOD PANNEL 10005C0332K 24) SOILS ON-SITE CONSIST OF EVESBORO LOAMY SAND, 0 TO 5 PERCENT SLOPES (EVB),

GREENWICH LOAM, 0 TO 2 PERCENT (GrA) AND GREENWICH-URBAN LAND COMPLEX (GuB), 0 TO 5 25) WELLHEAD PROTECTION SITE AREA: 0 ACRES PROPOSED IMPERVIOUS COVERAGE = 47%

PARKING / LOADING REQUIREMENTS:

OFF-STREET PARKING - (PER CODE SECTIONS 115-162A & 45-5)

APARTMENTS - 2 PER UNIT (15 UNITS): 30 SPACES REQUIRED HANDICAP PARKING (26-50 PARKING SPACES) 2 SPACES REQUIRED

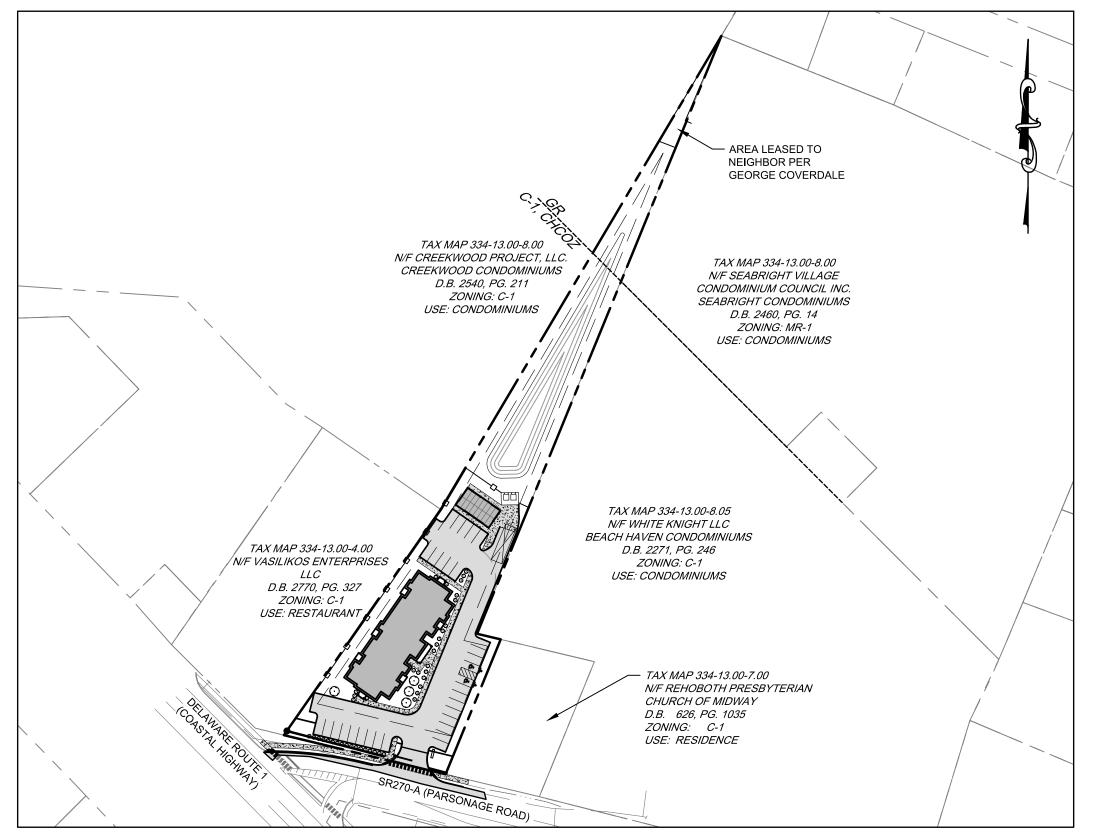
TOTAL PARKING PROVIDED 30 PARKING LOT SPACES 2 HANDICAP SPACES = 32 TOTAL PARKING SPACES PROVIDED

OFF-STREET LOADING - (PER CODE SECTIONS 115-167)

LOADING
NUMBER OF LOADING SPACES REQUIRED 1 SPACE REQUIRED NUMBER OF LOADING SPACES PROVIDED 1 SPACE (12' x 40')

DESTINY APARTMENTS

SUSSEX COUNTY, DELAWARE PRELIMINARY SITE PLAN SUSSEX COUNTY PROJECT #: S-20-18



SITE OVERVIEW & ADJACENT ZONING

DESTINY APARTMENTS - TRAFFIC GENERATION - PARSONAGE ROAD (S 270 A) (FULL MOVEMENT) ROAD TRAFFIC DATA: FUNCTIONAL CLASSIFICATION - S 270 A (PARSONAGE ROAD) - LOCAL POSTED SPEED LIMIT - 35 MPH AADT = 5,230 TRIPS (FROM 2018 DELDOT TRAFFIC SUMMARY) PROPOSED 10 YEAR PROJECTED AADT= 1.16 x 5,230 = 6,067 TRIPS ENTRANCE 10 YEAR PROJECTED AADT + SITE ADT = 6,067 + 110 = 6,177 TRIPS TRAFFIC PATTERN GROUP = 4 (FROM 2018 DELDOT TRAFFIC SUMMARY) PEAK HOUR - 15.43% x 6,177 TRIPS = 953 TRIPS DIRECTIONAL DISTRIBUTION S 270 A (PARSONAGE ROAD): 70% TO THE WEST (ROUTE 1) = 4247 30% TO THE EAST (MUNCHY BRANCH ROAD) = 1820 MUNCHY BRANCH ROAD SITE TRAFFIC DATA: [4] 27 (1) [3] SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION MULTIFAMILY (LOW-RISE) (220) - 15 UNITS = 110 TRIPS (Z) TOTAL SITE TRIPS = 110 TRIPS (55 IN / 55 OUT) ONE ENTRANCE - FULL MOVEMENT DESIGN VEHICLE - SU-30 **DIRECTIONAL DISTRIBUTION:** PARSONAGE ROAD (S 270 A) 50% FROM THE EAST = 55 * 50% = 28 50% FROM THE WEST = 55 * 50% = 27 35% TO THE EAST = 55 * 35% = 19 65% TO THE WEST = 55 * 65% = 36 TRAFFIC GENERATION DIAGRAM MORNING PEAK: 8 TRIPS (2 IN / 6 OUT) ADT (AM PEAK) [PM PEAK] EVENING PEAK: 11 TRIPS (7 IN / 4 OUT) 5% TRUCKS AND BUSES = 110 * 5% = 5

CALL Miss Utility of Delmarva BEFORE YOU DIG 800-282-8555 or 811

PROJECT TEAM

REHOBOTH BEACH, DE 19971

1 PATRIOTS WAY REHOBOTH BEACH, DE 19971

ARCHITECT BRUCE J. MONETA, A.I.A. 34673 VILLA CIRCLE, UNIT 304 LEWES, DE 19958

SITE ENGINEER SCALED ENGINEERING, INC. 20246 COASTAL HIGHWAY REHOBOTH BEACH, DE 19971

LOCATION MAP

LEGEND

LLOLIND		
	<u>EXISTING</u>	PROPOSED
PROPERTY LINE / RIGHT OF WAY		
ADJOINING PROPERTY LINE		
BUILDING RESTRICTION LINE		
EASEMENT	+++	+++
CENTER LINE OF ROAD		
EDGE OF PAVING		
CURB		
DRIVEWAY		
CONTOURS		
SWALE	—→ · · · —→ · · · —	→ · · · → · · →
WETLANDS LINE AND FLAG		
FLOODPLAIN	——— FP——— FP———	
SOILS/DESIGNATION	MmA	
SOIL BORING	•	
WOODS		
FENCE	-xxxxxxxxxx-	-00
SIDEWALK		
BUILDING		
UTILITY POLE/GUY WIRE	∀ ←	•
OVERHEAD ELECTRIC	OHE OHE	
CABLE TV, PEDESTAL	T	
TRAFFIC SIGN	- 0-	-
SINGLE & TWIN HEAD SITE LIGHT	\$	8
WATER MAIN, FIRE HYDRANT, VALVE, SERVICE ASSEMBLY, AND METER PIT	wwww	6" W Y
SEWER MAIN, MAHNOLE, & CLEANOUT	—— S —————————————————————————————————	S S C.O.
SANITARY SEWER FORCEMAIN	FMFMFMFM	
UNDERGROUND ELECTRIC	E E	E E E
TELEPHONE LINE		
STORM WATER PIPE	— D — © — D — D —	0

LIMIT OF DISTURBANCE: 1.40 ACRES

ENGINEERS CERTIFICATION		
IT IS HEREBY CERTIFIED THAT I AM A REGISTERI DELAWARE, THAT THE INFORMATION SHOWN HE AND TO MY BEST KNOWLEDGE AND BELIEF REP REQUIRED BY THE APPLICABLE LAWS OF THE ST	EREON HAS BEEN PREPARED UNDER MY SUPERVISI RESENTS GOOD ENGINEERING PRACTICES AS	
CARLTON SAVAGE, PE (LICENSE #16457) 20246 COASTAL HIGHWAY	DATE	

SUSSEX COUNTY

APPROVED BY: DATE

OWNER(S) CERTIFICATION -FROSION & SEDIMENT CONTROL

LICOION & SEDIMENT CONTICOL
II, THE UNDERSIGNED, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHALL BE DONE PURSUANT TO THE APPROVED PLAN AND THAT RESPONSIBLE PERSONNEL (I.E., BLUE CARD HOLDER) INVOLVED IN THE LAND DISTURBANCE WILL HAVE A CERTIFICATION OF TRAINING PRIOR TO INITIATION OF THE PROJECT, AT A DNREC SPONSORED OR APPROVED TRAINING COURSE FOR THE CONTROL OF EROSION AND SEDIMENT DURING CONSTRUCTION. IN ADDITION, I GRANT THE DNREC SEDIMENT AND STORMWATER PROGRAM AND/OR THE RELEVANT DELEGATED AGENCY THE RIGHT TO CONDUCT ON-SITE REVIEWS, AND I UNDERSTAND MY RESPONSIBILITIES UNDER THE NPDES CONSTRUCTION GENERAL PERMIT, AS REFERENCED ON THIS COVERSHEET.

DESTINY LLC 1 PATRIOTS WAY REHOBOTH BEACH, DE 19971

OWNER(S) CERTIFICATION

DESTINY LLC 1 PATRIOTS WAY

REHOBOTH BEACH, DE 19971

I. THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

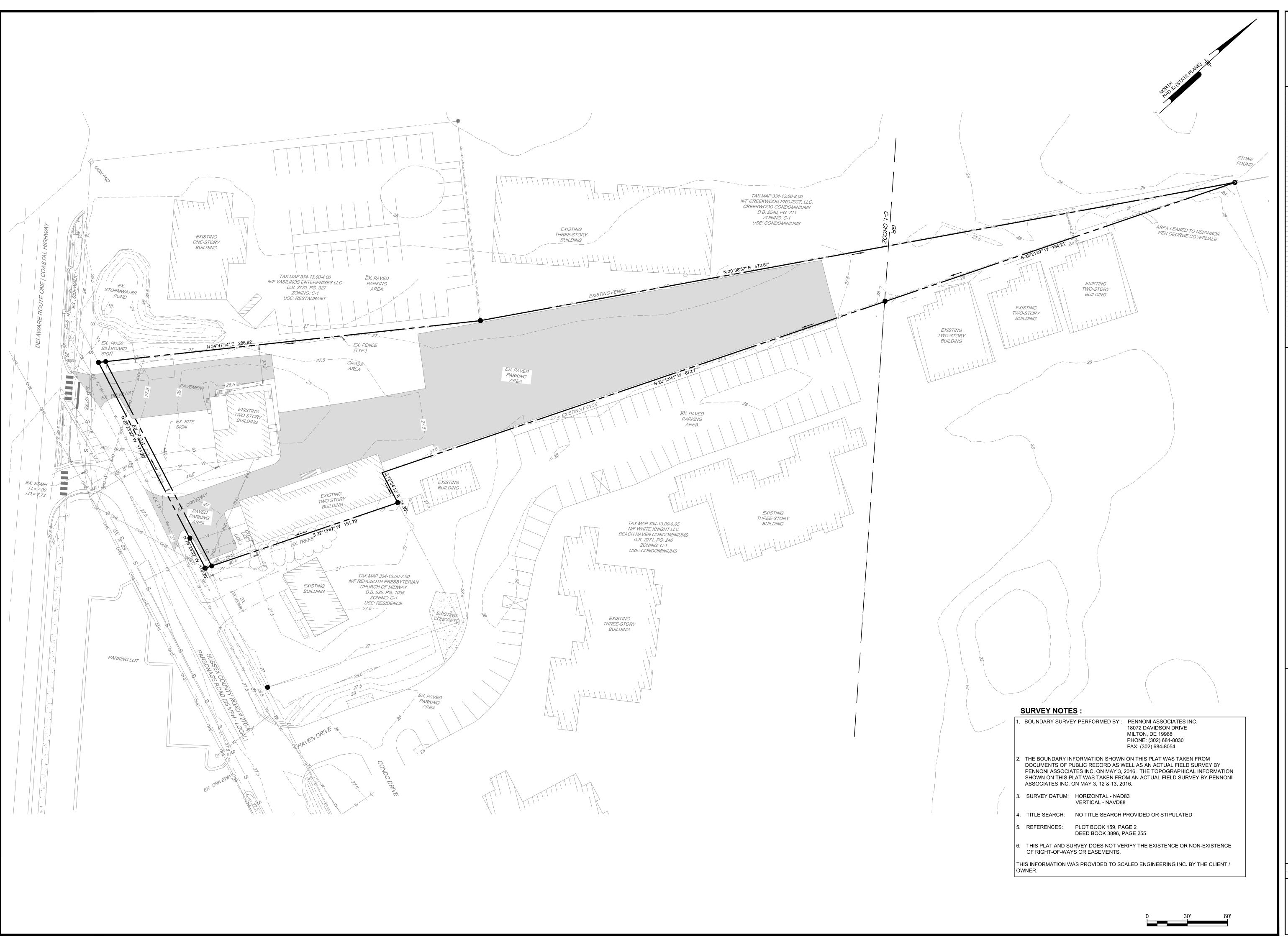
RAWING NUMBER

SCALE PROJECT # DRAWN BY

AS NOTED HKES001 GJB

ISSUE / REVISION BLOCK

5/26/2020 - SUSSEX COUNTY P & Z

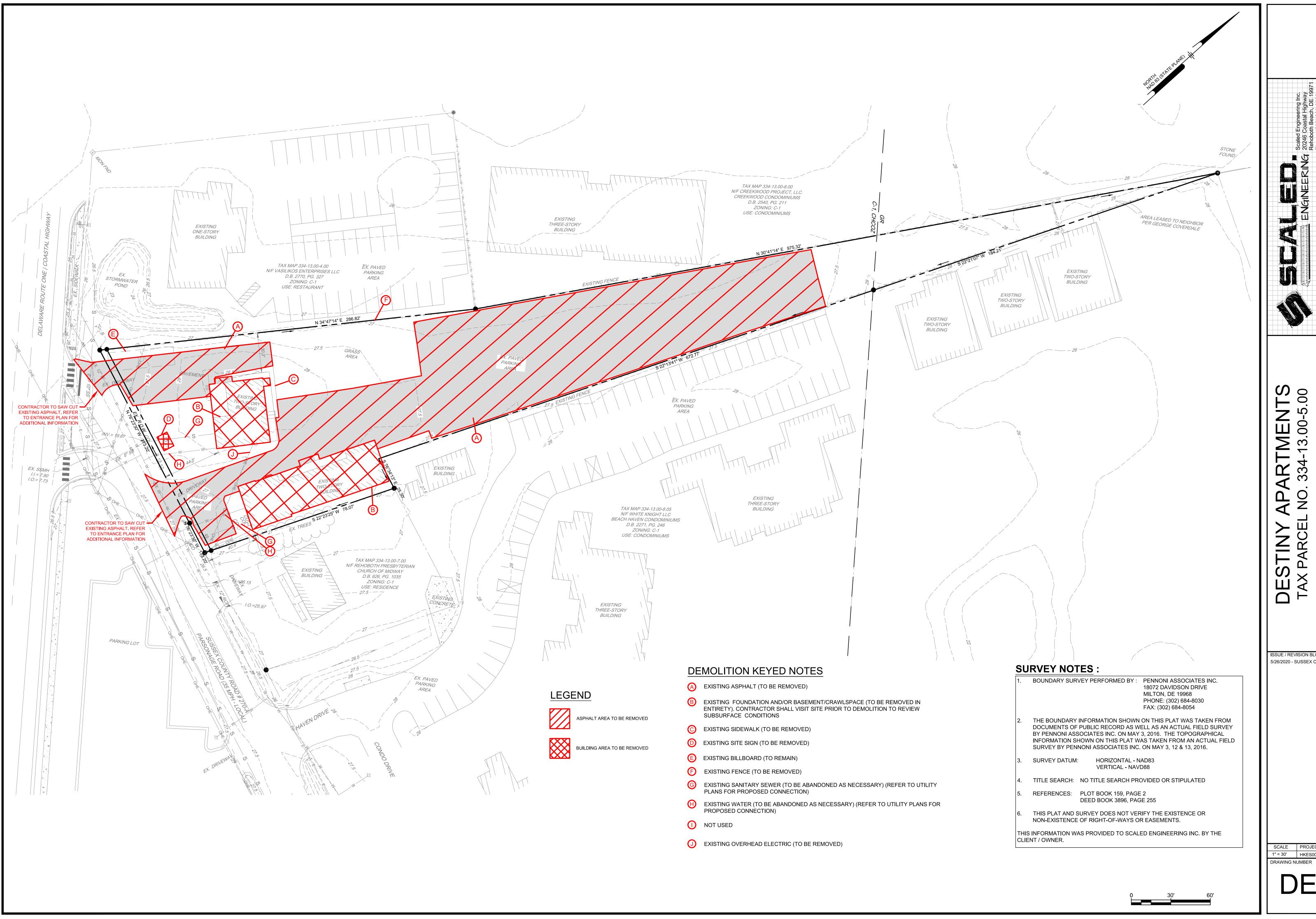


NO. 334-13.00-5.00

ISSUE / REVISION BLOCK 5/26/2020 - SUSSEX COUNTY P & Z

SCALE PROJECT# DRAWN BY
1" = 30' HKES001 GJB
DRAWING NUMBER

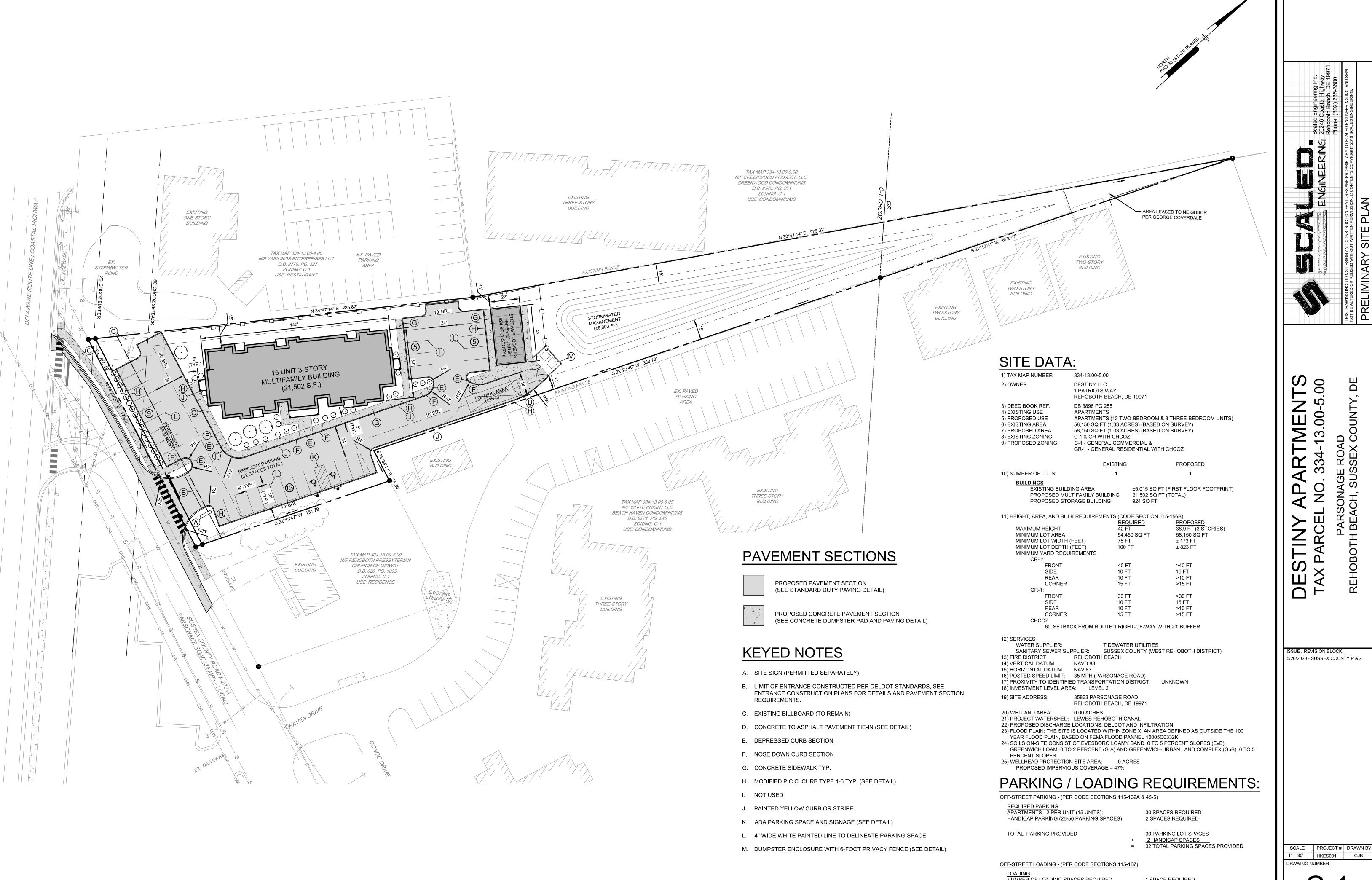
EX-1



ISSUE / REVISION BLOCK 5/26/2020 - SUSSEX COUNTY P & Z

 SCALE
 PROJECT #
 DRAWN BY

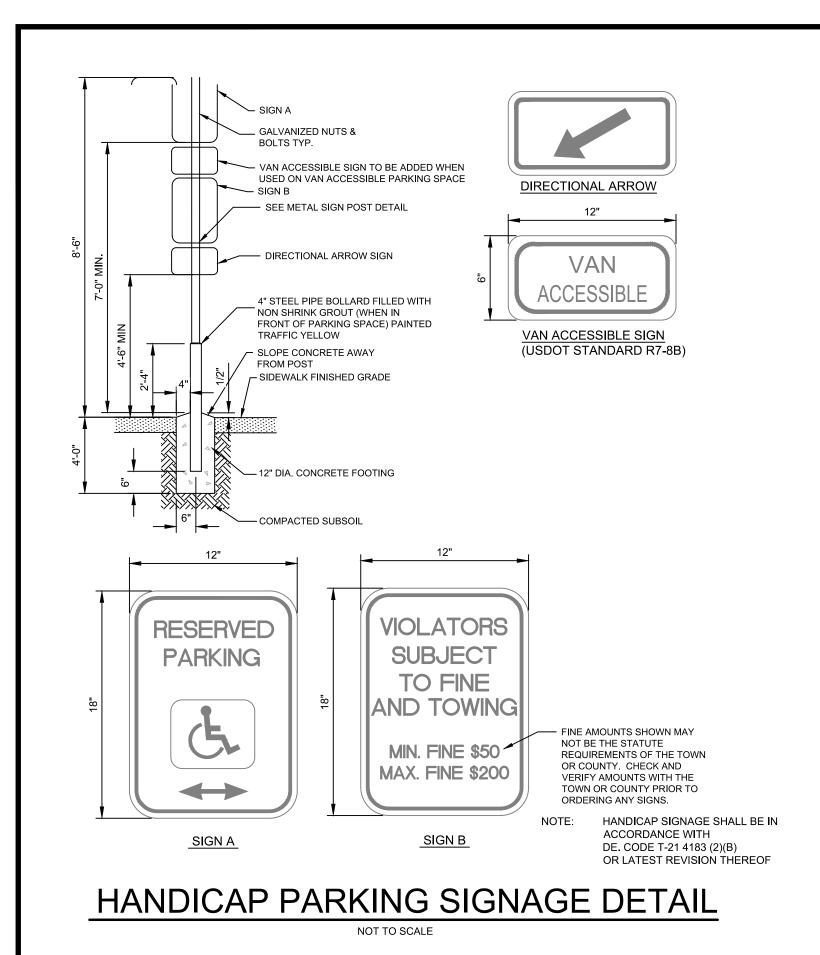
 1" = 30'
 HKES001
 GJB

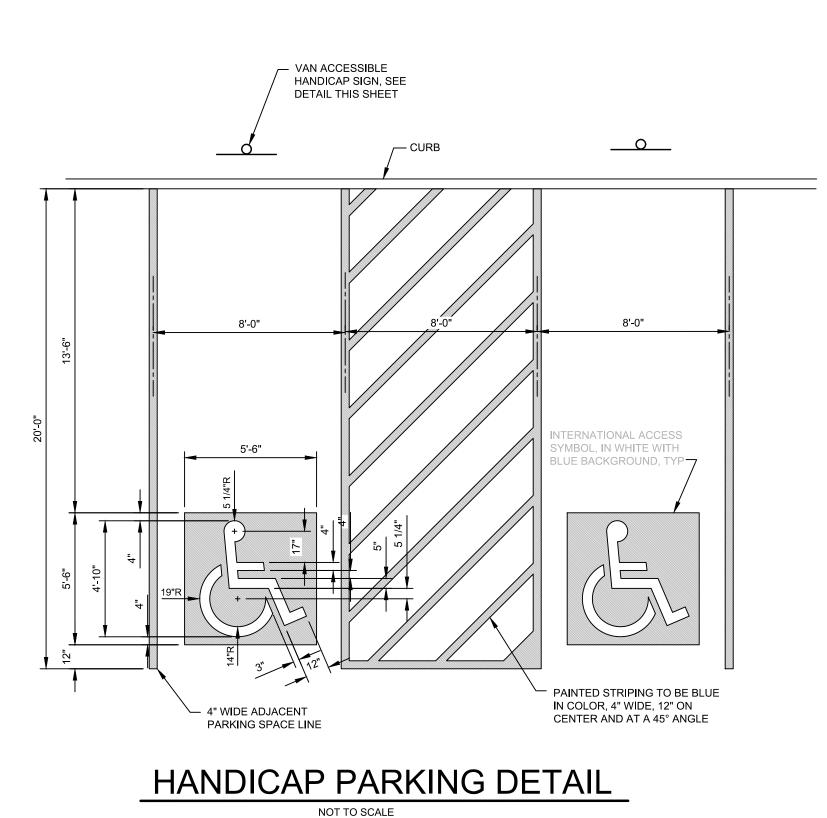


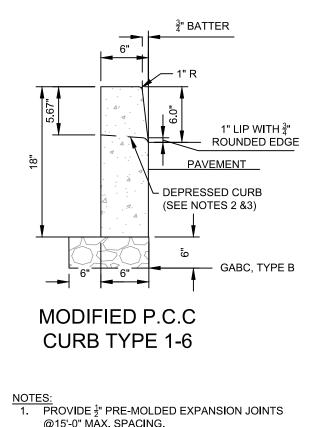
ISSUE / REVISION BLOCK 5/26/2020 - SUSSEX COUNTY P & Z

NUMBER OF LOADING SPACES REQUIRED NUMBER OF LOADING SPACES PROVIDED

1 SPACE REQUIRED 1 SPACE (12' x 40')

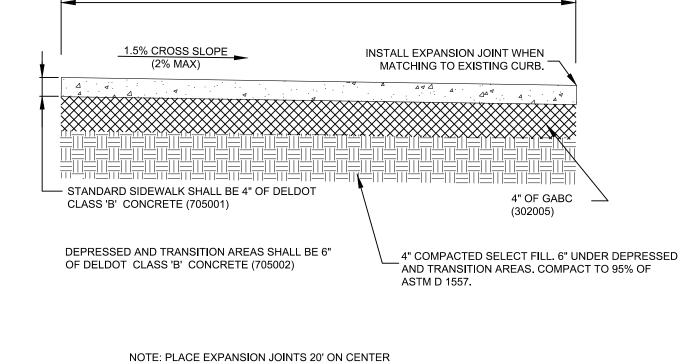






- @15'-0" MĀX. SPACING.
- TAPERED END SECTIONS TO BE USED AT ALL TERMINAL POINTS.
- 3. 3,000 PSI CONCRETE



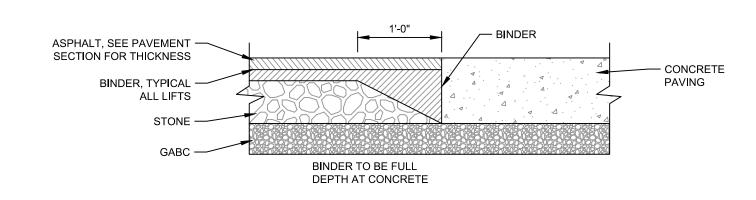


5'-0" (UNLESS SPECIFIED)

AND CONTROL JOINTS 5' ON CENTER OR MATCH EXISTING PATTERN IF CONNFLICTING TO EXISTING

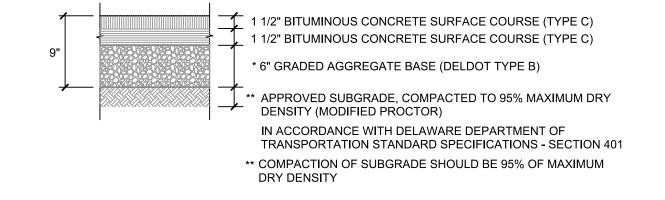
CONCRETE SIDEWALK

NOT TO SCALE

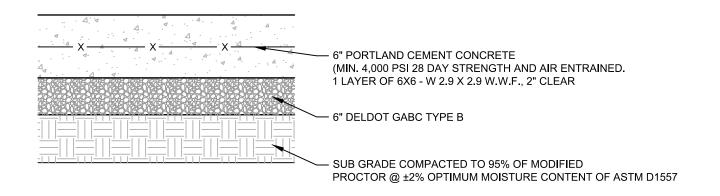


CONCRETE TO ASPHALT PAVEMENT TIE-IN DETAIL

NOT TO SCALE



STANDARD DUTY PAVING SECTION



NOTES:

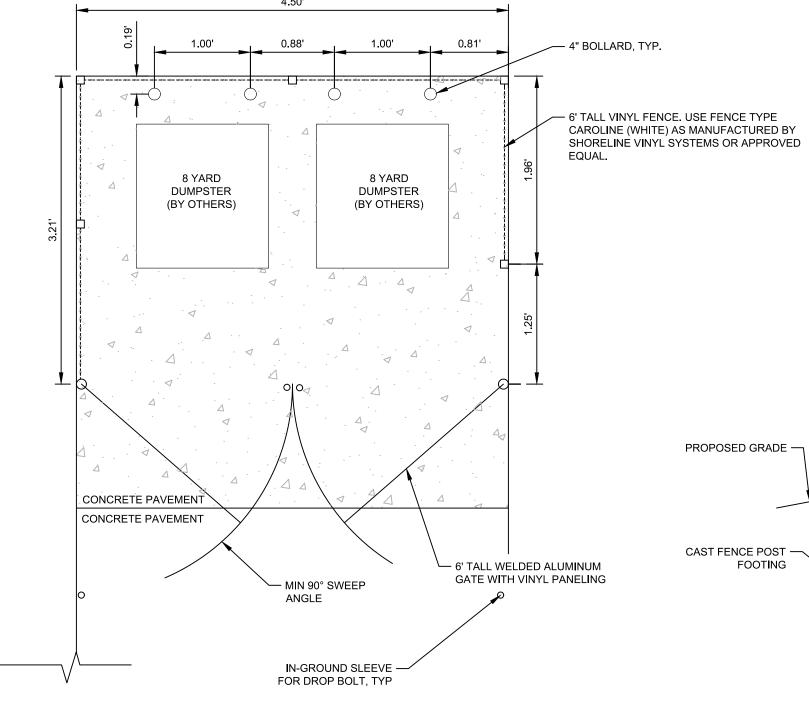
1. ALL CONCRETE USED SHALL BE PORTLAND CEMENT CONCRETE MIX NO. 7.

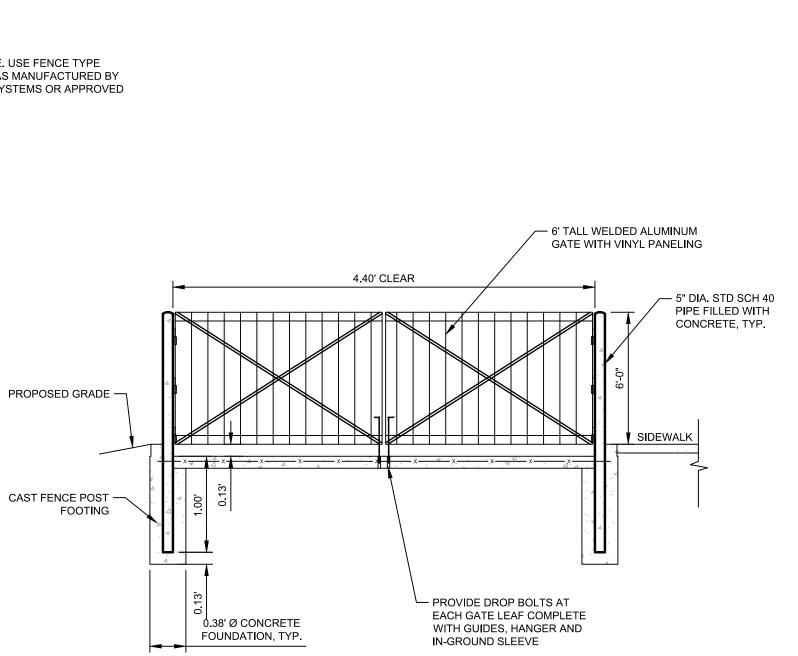
ON THE SITE PLANS OR AS DIRECTED BY THE STRUCTURAL ENGINEER.

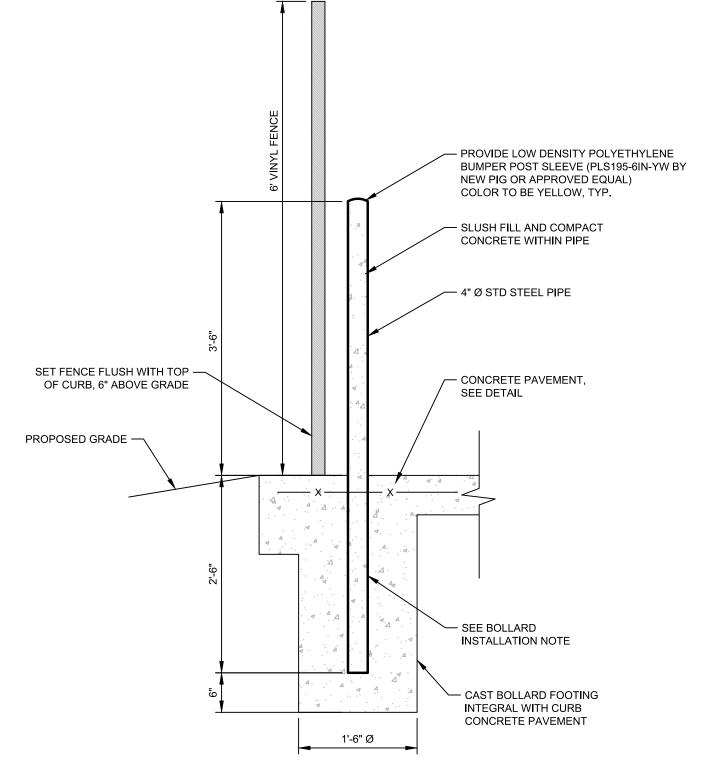
- 2. TOOLED CONTRACTION JOINTS ARE TO BE PLACED 10.0' MAX BOTH DIRECTIONS, OR AS DIRECTED ON THE SITE PLANS OR AS DIRECTED BY THE STRUCTURAL ENGINEER.
- 3. CONSTRUCTION JOINTS ARE TO BE PLACED 20.0' MAX BOTH DIRECTIONS, OR AS DIRECTED
- WHEN PLACED ADJACENT TO EXISITNG CONCRETE PAVEMENT, NEW OR EXISTING FOUNDATION WALL, CONCRETE CURB, CONCRETE CURB & GUTTER OR OTHER STRUCTURE, INSTALL APPROVED EXPANSION JOINT, ADDITIONAL EXPANSION JOINTS ARE TO BE PLACED

AS DIRECTED ON THE SITE PLANS OR AS DIRECTED BY THE STRUCTURAL ENGINEER.

CONCRETE DUMPSTER PAD & PAVING DETAIL







DUMPSTER DETAIL - BOLLARD

NOT TO SCALE

DRAWING NUMBER

SCALE PROJECT # DRAWN BY AS NOTED HKES001 GJB

ISSUE / REVISION BLOCK

5/26/2020 - SUSSEX COUNTY P & Z

TS

DE

4.50'

DUMPSTER DETAIL - GATE

DUMPSTER DETAIL - PLAN NOT TO SCALE



May 4th, 2020

Sussex County Planning & Zoning c/o Lauren DeVore 2 The Circle Georgetown, DE 19947

Subject: Destiny Apartments

RE: Parking in Front Setback

Dear Ms. DeVore,

Thank you for time reviewing the above project. Based on Sussex County Code Section § 115-166 C. Design standards:

"C. Separation from walkways and streets. Off-street parking spaces shall be separated from walkways, sidewalks, streets or alleys by a wall, fence or curbing or other approved protective device or by distance so that vehicles cannot protrude over publicly used areas. Parking within front yard setback shall be discouraged and subject to site plan review."

While we understand parking within the front yard setback is typically discouraged, existing site constraints necessitate the use of the front setback area for site circulation and parking. Due to the parcel's triangular shape, the majority of useable land for the proposed buildings and parking are along the frontage with Parsonage Road. As the parcel tapers towards the back it becomes too thin to fit parking with the proper lane widths and to provide stormwater management. The proposed use of this parcel is a 15-unit apartment building; according to County Code section §115-162A we are required to provide 2 parking spaces per unit, totaling 30 parking spaces. To the best extent practical, the required parking is being added to the right side (South-East side) and behind the proposed building, however, spaces are necessary along the frontage to provide the required parking and to reduce existing impervious surface cover. Although the parking is in the front yard, a proposed curb and sidewalk disconnects it from the roadway and provides separation between parking and street so vehicles cannot protrude over publicly used areas.

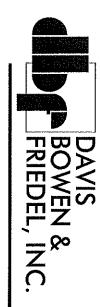
This letter shall serve as our formal request to review and allow the parking as shown on the submitted site plan. All other outside agencies including State Fire Marshal's Office, DelDOT, and Soil Conservation District will review and approve the plans per their jurisdictional requirements prior to construction and final approval by the County.

Please feel free to contact us with any questions, concerns, or for additional information at (302) 236-3600 or carlton@scaledengineering.com

Sincerely,

Carlton Savage, Jr.

Principal | Senior Engineer



Michael R. Wigley, AIA, LEED AP W. Zochary Crouch, P.E. Michael E. Whodel F. Dannel F. Loar, P.E. Jason P. Loar, P.E. Ring W. Lardner, P.E. Jamie L. Sechler, P.E.

March 12, 2020

Sussex County Planning and Zoning
7 The Circle

2 The Circle

Georgetown, DE 19947

Attn: Chairman Wheatley and Members of the Commission

RE: Tanger Microtel
Off-Street Parking Relief

PLANNING & ZONING

SUSSEX COUNTY

RECEIVED

DBF # 2953A002.A01

Dear Chairman Wheatley and Members of the Commission:

of the hotel franchise and the available overflow parking that exists in close proximity at parking from 1.5 spaces per room to 1 space per room based on the needs and requirements street parking as required per§115-162 and allowed under §115-164 to reduce the required On behalf of our client, Beacon Hospitality, we are respectfully requesting relief from off the rear of the Tanger Outlets.

contact me at (302) 424-1441, or via email at rwl@dbfinc.com. Should you have any questions or need additional information, please do not hesitate to

Respectfully Submitted,

Davis, Bowen & Friedel, INC

5

Ring W. Lardner, P.E. Principal

P:\Beacon Hospitality\Tanger Microtel\DOCS\P&Z\2020-03-12 Preliminary Plan Initial Submission\Parking Reduction Request docx



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.

April 30, 2020

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

Attn: Nick Torrance

Planner I

RE:

Tanger Microtel

Parking Reduction / Shared Parking Tax Parcel: 3-34-13.00-325.36

DBF # 2953A002.A01

Dear Mr. Torrance:

On behalf of our client, Beacon Hospitality, we are respectfully providing additional information regarding our request for a parking reduction for the proposed hotel. During the recent Planning and Zoning Commission Meeting, the Commissioners raised concerns regarding the number of spaces provided. Beacon Hospitality has developed numerous other hotels and have found the one space per room is sufficient. However, in response to the request of the Commission that have discussed this with the Owner of proposed Lots 1 and 2 and shared parking will be allowed. For preliminary purposes, we are requesting that the 21 spaces that have been requested to be reduced be permitted to park on proposed Parcel 2 (Tanger Fitness Center). At time of final site plan approval, our office will submit a shared parking study as outlined in the County Code.

We respectfully request to place the project on the May 14, 2020 agenda for consideration.

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

Sincerely,

Davis, Bowen & Friedel, Inc.

Ring W. Lardner, P.E.

Principal

\mil0\CIVIL\Beacon Hospitality\Tanger Microtel\DOCS\P&Z\2020-04-30 Parking Reduction Re-Consideration\Parking Reduction Request.docx

Cc: Beacon Hospitality



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.

April 9, 2020

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

Attn: Nick Torrance

Planner I

RE:

Tanger Microtel

Revised Preliminary Plan Tax Parcel: 3-34-13.00-325.36

DBF # 2953A002.A01

Dear Mr. Torrance:

On behalf of our client, Beacon Hospitality, we are pleased to submit revised plans for Tanger Microtel. These revisions address your comments in your letter dated March 24, 2020. We provide the following responses to those comments:

- 1. Staff notes that there are 15 proposed parking spaces within the front yard setback, The applicant will need to request approval from the Planning and Zoning Commission to allow for parking within the front yard setback. Attached to this response is a request to allow parking in the front yard setback.
- 2. Staff notes that there are currently only 2 handicap parking spaces. With 98 proposed parking spaces, a minimum of 4 handicap spaces would be required. We have increased the number of ADA compliant parking.
- 3. Please edit the Tax ID to 334-13.00-325.36 in Site Data Column The tax map number has been corrected. We note that a major subdivision that would create Lot 1 is on hold during the pandemic.
- 4. Please add labels for the zoning of the surrounding parcels. The zoning has been added to Sheet PL-02.
- 5. Please update the required parking to the required parking by the zoning code. If approved for less parking by the commission, you can add the allowed parking

allotment in the Final Site Plan We have updated the required parking in the data column.

- 6. Staff notes the dumpster on the property does not meet the setback requirements as stated in §115-170.1 (C)(2)(A). Applicant will need to request approval from the Planning and Zoning Commission to allow for this enclosure in the side and rear yard setback. Attached to this response is a request to allow parking in the side and rear yard setbacks.
- 7. Please provide screening for the dumpster. A dumpster detail is provided on Sheet PL-04.
- 8. Please add the proposed height of the building to the Site Data Column The proposed height has been added to the data column.
- 9. Please add the proposed height to the hotel on sheet PL-02 as per §115-220 (B)(8). The building height has been added as requested.
- 10. Please provide all proposed lighting to be added to parking area if any. We have included preliminary lighting on the site plan and final locations will be shown on the final site plan.
- 11. Please provide the fencing around the pool. It looks like it is shown but I am not seeing a legend item for it. Fencing is provided around the pool and we added the linework on the legend.
- 12. Prior to approval of the Final Site Plan, approval letters or letters of no objection from the following agencies shall be submitted to the Sussex County Planning and Zoning Office:
 - a. Sussex Conservation District
 - b. Office of State Fire Marshal
 - c. Delaware Department of Transportation (DelDOT)

Our office will obtain the necessary Letters of No Objection or Approval Letters prior to submitting the final site plan for approval.

Sussex County Planning and Zoning Tanger Microtel April 9, 2020 Page 3 of 3

Should you have any questions or need additional information, please do not hesitate to contact me at (302) 424-1441, or via email at rwl@dbfinc.com.

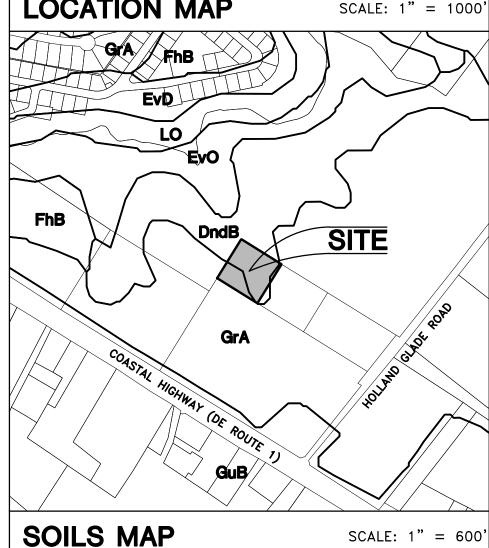
Respectfully Submitted, *Davis, Bowen & Friedel, INC.*

Ring W. Lardner, P.E.

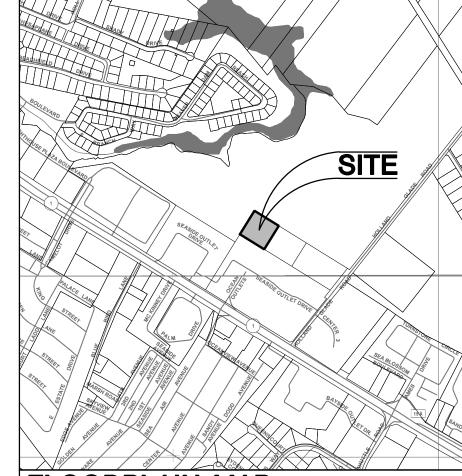
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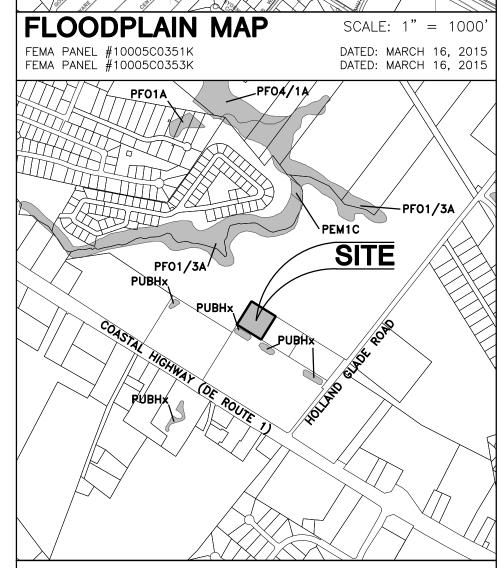
P:\Beacon Hospitality\Tanger Microtel\DOCS\P&Z\2020-04-09 Comment Response\Prel Plan Comment Response.docx

LOCATION MAP



GrA GREENWICH LOAM, 0-2% SLOPES (B) DndB DOWNER LOAMY SAND, 2-5% SLOPES, NORTHERN TIDEWATER AREA (A)





WETLANDS MAP

MICROTEL INN & SUITES/ TANGER - SEASIDE

PRELIMINARY SITE PLAN REHOBOTH BEACH, LEWES & REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

> MARCH, 2020 **DBF PROJECT #2953A002**

SHEET IN	DEX
PRELIMINARY - TITLE SHEET	PL-01
PRELIMINARY - SITE PLAN	PL-02
PRELIMINARY - DETAILS	PL-03
PRELIMINARY - DETAILS	PL-04

GENERAL NOTES:

HORIZONTAL AND VERTICAL CONTROL SURVEY BY DAVIS, BOWEN & FRIEDEL, INC. OF MILFORD, DELAWARE. VERTICAL/HORIZONTAL DATUM - N.A.V.D. 88 / NAD 83

ELECTRIC, CABLE TV, GAS, TRAFFIC, SIGNAL, WATER, SEWER, FORCE MAINS AND STORM DRAINAGE ARE BASED UPON THE BEST AVAILABLE INFORMATION AND ARE SHOWN FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. NO GUARANTEE IS MADE OR IMPLIED REGARDING THE ACCURACY OR COMPLETENESS THEREOF. CONTRACTOR IS RESPONSIBLE FOR THE VERIFICATION OF THE LOCATION, DEPTH, SIZE AND MATERIAL OF ALL UNDERGROUND UTILITIES TO HIS OWN SATISFACTION BEFORE BEGINNING ANY EXCAVATION OR PIPE LAYING. THE COUNTY, OWNER AND ENGINEER DISCLAIM ANY RESPONSIBILITY FOR TH ACCURACY OR COMPLETENESS OF SAID INFORMATION. IF THE CONTRACTOR RELIES ON SAID INFORMATION, HE DOES SO AT HIS OWN RISK. THE GIVING OF THE INFORMATION ON THE PLANS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATIONS TO SUPPORT AND PROTECT ALL SHOWN OR NOT SHOWN EXISTING UTILITIES AND APPURTENANCES. SHOULD ANY EXISTING UTILITIES BE DAMAGED BY THE CONTRACTOR, THEN THE CONTRACTOR SHALL REPAIR THE DAMAGE CAUSED TO THE TOWN'S SATISFACTION, AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL MAKE HIS OWN INVESTIGATION AND TEST PIT

CONTRACTOR SHALL NOTIFY "MISS UTILITY" (1-800-282-8555 IN DE) & (1-800-441-8355 OUTSIDE OF DE) AT LEAST 3 CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION TO HAVE EXISTING UNDERGROUND UTILITIES LOCATED AND MARKED. 4. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S

USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACK FILLING TRENCHES. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF TRAFFIC IN ALL WORK AREAS IN ACCORDANCE WITH TOWN REQUIREMENTS. ANY PAVEMENT MARKINGS OR PAINTED LINES DISTURBED OR REMOVED DURING CONSTRUCTION SHALL BE REPLACED IN KIND AFTER COMPLETION OF PAVEMENT RESTORATION. CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND

PROPERTY LINES TO HIS OWN SATISFACTION. ALL PROPOSED UTILITIES ARE TO BE CONSTRUCTED WITHIN THE STREET RIGHT-OF-WAY OR EASEMENT AREAS PROVIDED. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION. PAYMENT FOR THIS WORK SHALL BE INCLUDED IN THE COST OF ITEMS BID.

CONTRACTOR SHALL PROVIDE STAKEOUT SURVEY NECESSARY FOR THE PARKING LOT CONSTRUCTION, THE INSTALLATION OF UTILITY WORK AND APPURTENANCES, AND DETERMINATION OF RIGHT-OF-WAY.

CONTRACTOR SHALL EXERCISE CAUTION AND TAKE MEASURES NECESSARY TO PROTECT TREES DURING CONSTRUCTION ACTIVITIES. DAMAGED TREES TO BE REPLACED, IN KIND, AT 10. ALL ROADWAYS ARE TO BE SWEPT FREE OF SEDIMENT ON A DAILY BASIS.

11. THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING, AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.

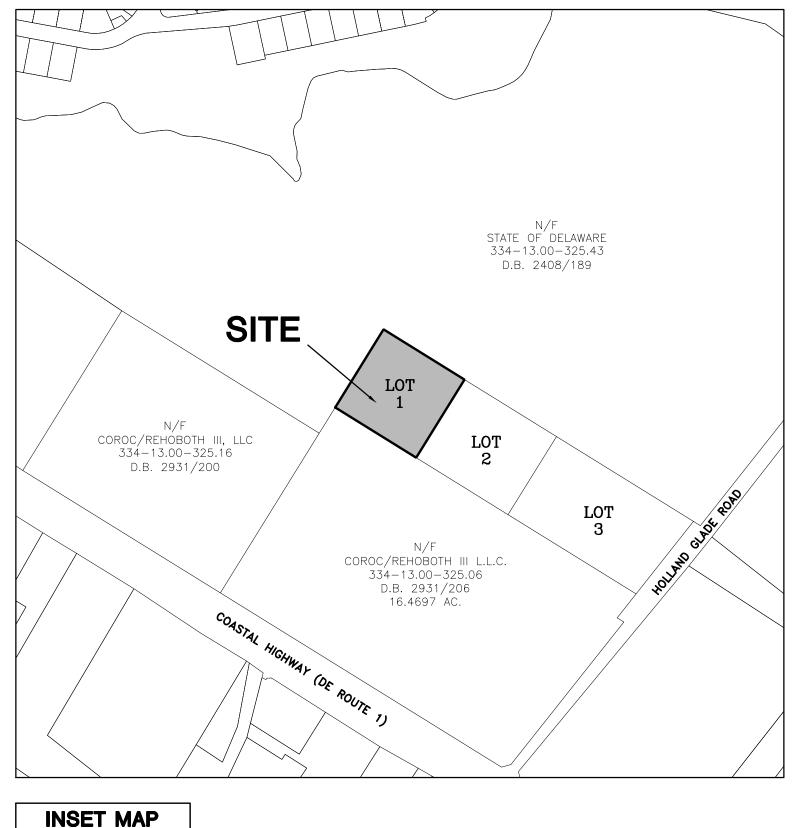
12. ALL EXISTING REGULATORY AND WARNING TYPE TRAFFIC SIGNS. AND ALL STREET NAME SIGNS OCCURRING WITHIN THE PROPOSED PROJECT LIMITS SHALL BE REMOVED AND IMMEDIATELY REPLACED AS DIRECTED BY THE TOWN.

13. CONTRACTOR SHALL GRADE, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.

14. DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT. 15. PARKING SPACES RESERVED FOR USE BY THE HANDICAPPED AND RELATED ACCESSIBLE ROUTES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE AMERICAN NATIONAL

STANDARDS INSTITUTE GUIDELINES ENTITLED "ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES" (REFERENCE: ANSI A117.1-1998). 16. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL APPRAISE AND COORDINATE DURING ALL PHASES OF

DAVIS, BOWEN & FRIEDEL, INC. - (302) 424-1441 CITY OF REHOBOTH - (302)-227-6181 SUSSEX CONSERVATION DISTRICT - (302) 856-2105



DATA COLUMN

:334-13.00-325.36 (LOT-1)

EXISTING LAND USE :VACANT LAND EXISTING ZONING TOTAL SITE AREA :2.0140 Ac.±

C-3 ZONING REQUIREMENTS: MINIMUM LOT AREA :10,000 SQFT MAXIMUM BUILDING COVERAGE PROPOSED BUILDING COVERAGE :12% MINIMUM LOT WIDTH :100' MINIMUM LOT DEPTH MAXIMUM BUILDING HEIGHT BUILDING HEIGHT PROVIDED

:100 :42'OR THREE STORIES C-3 SETBACK REQUIREMENTS:

SIDE OF THE LOT ADJOINING A RESIDENTIAL DISTRICT REAR SETBACK

SIDE SETBACK

PARKING PROVIDED

FIRE DISTRICT

PROPOSED IMPERVIOUS COVERAGE

PARKING REQUIREMENTS

1 PER 3 EMPLOYEES

77 ROOMS = 116 SPACES 9 EMPLOYEES = 3 SPACES 119 REQUIRED SPACES :98 SPACES

:REHOBOTH

:5'/ 20' IN WIDTH ON THE

SCHOOL DISTRICT :CAPE HENLOPEN LEVY COURT DISTRICT

PERMANENT MONUMENTS FOUND PERMANENT MONUMENTS TO BE PLACED:0 VERTICAL DATUM

SEWER: SUSSEX COUNTY

WATER: TIDEWATER UTILITIES, INC.

PROPOSED USE: HOTEL/MOTEL

PROPOSED BUILDINGS WILL BE PROTECTED BY AUTOMATIC SPRINKLER

TYPE OF CONSTRUCTION: CONCRETE BLOCK

ALL FIRE LANES, FIRE HYDRANTS, EXITS AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS. THE PROPERTY IS LOCATED WITHIN ZONE X - (MINIMAL FLOODING) FIRM MAP 10005C0351K (MARCH 16, 2015)

THE SITE AS SHOWN HEREON DOES NOT CONTAIN STATE OR FEDERALLY

COROC/REHOBOTH III L.L.C. 3200 NORTHLINE AVE #360 GREENSBORO, NC 27408

BEACON MANAGEMENT ASSOCIATES, L.L.C. 15 COVENTRY ROAD REHOBOTH BEACH, DE 19971 724-321-4231 CONTACT: CHAD MOORE

ENGINEER/SURVEYOR DAVIS, BOWEN & FRIEDEL, INC. 1 PARK AVENUE MILFORD, DELAWARE 19963 302-424-1441 CONTACT: RING W. LARDNER, P.E.

LEGEND EXISTING PROPOSED BOUNDARY LINE SANITARY SEWER MANHOLE, PIPE, FLOW ARROW, PIPE SIZE ADJACENT PROPERTY OWNER SANITARY SEWER EASEMENT SETBACK WATER MAIN, TEE W/ VALVES, PIPE SIZE ROAD CENTERLINE / BASELINE & STATIONING GANG METER PIT, LATERAL, PIPE SIZE CONTOUR ELEVATION AND CATCH BASIN, STORM PIPE, STORM MANHOLE SANITARY SEWER MANHOLE, —— EX−12SS → PIPE, FLOW ARROW, PIPE SIZE **ASPHALT PAVEMENT** SANITARY SEWER CLEANOUT WATER MAIN, W/ VALVES CONCRETE PAVEMENT AND SIDEWALK FIRE HYDRANT ASSEMBLY UTILITY POLE SWM POND FENCE FENCE ——X———X———X— SWALE

ENGINEER'S STATEMENT

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

DAVIS, BOWEN & FRIEDEL, INC. by RING W. LARDNER, P.E.

OWNER'S STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE CONSTRUCTED ACCORDING TO SUSSEX COUNTY CODE.

COROC/REHOBOTH III L.L.C.	DATE
PRINT NAME	TITLE

DEVELOPER'S STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE DEVELOPER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE CONSTRUCTED ACCORDING TO SUSSEX COUNTY CODE.

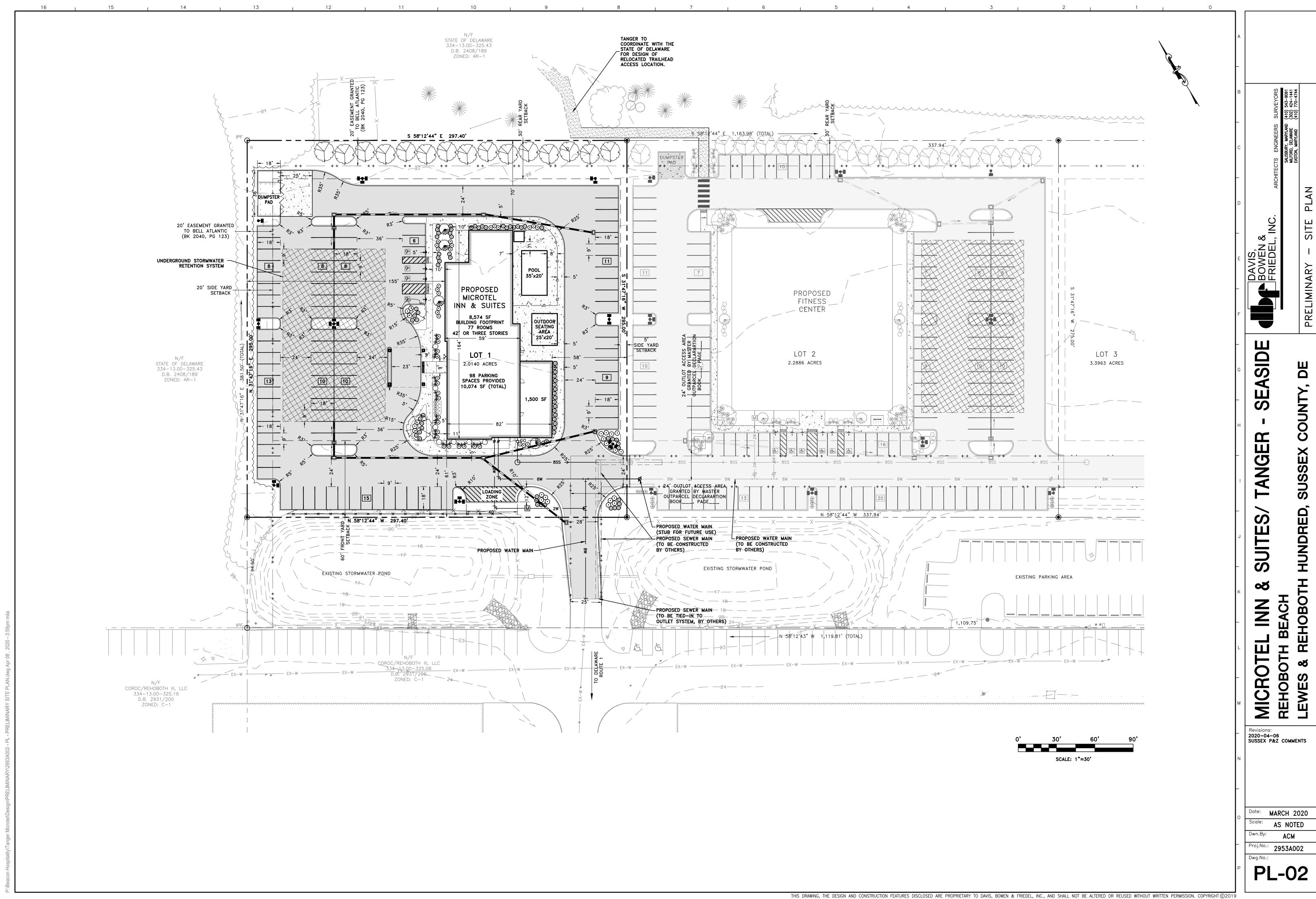
BEACON MANAGEMENT ASSOCIATES, L.L.C.	DATE	
PRINT NAME	TITLE	

PRINT NAME	TITLE

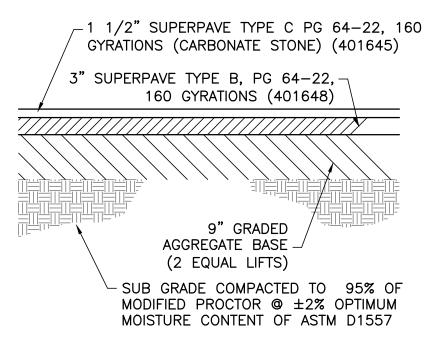
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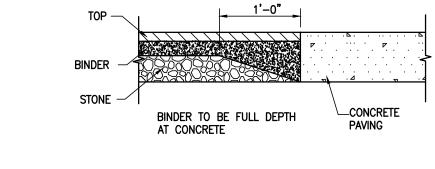
2020-04-06 SUSSEX P&Z COMMENTS

MARCH 2020 AS NOTED ACM 2953A002



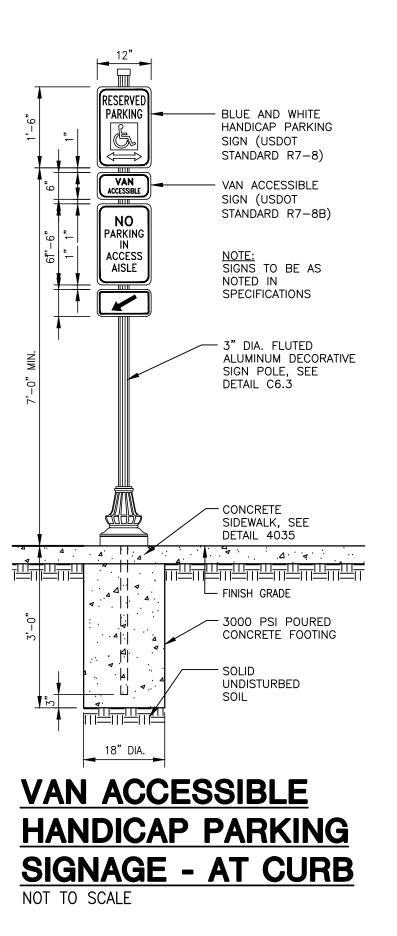
DETAIL INFORMATION TABLE												
ITEM	LOCATION OF DETAIL	YEAR	SECTION	NAME	DESCRIPTION	SHEET NUMBER(S)						
CURB				P.C.C. CURB, TYPICAL CURB SECTION	P.C.C. CURB	C-1 (2017) - 1						
CURB & GUTTER		2018	SECTION II - CURB & GUTTER	INTEGRAL P.C.C. CURB & GUTTER	INTEGRAL P.C.C. CURB AND GUTTER, TYPE 2	C-1 (2017) - 2						
CURB RAMP	DeIDOT - STANDARD CONSTRUCTION DETAILS			PEDESTRIAN CONNECTION, TYPE 1 AND SECTIONS	PEDESTRIAN CONNECTION, TYPE 1	C-2 (2018) - 1						
				PEDESTRIAN CONNECTION, TYPES 2, 3, & 4	PEDESTRIAN CONNECTION, TYPE 2	C-2 (2018) - 2						
CURB OPENING				CURB OPENING DETAILS	CURB OPENING DETAILS	C-4 (2012) -1						
DRAINAGE INLETS	DeIDOT - STANDARD CONSTRUCTION DETAILS	2018	SECTION III — DRAINAGE	INLET BOX DETAILS	INLET BOX DETAIL	D-4 (2009)						
DRAINAGE INLETS	DeIDOT — STANDARD CONSTRUCTION DETAILS		SECTION III — DRAINAGE		DRAINAGE INLET ASSEMBLY	D-5 (2010) - 1						
					DRAINAGE INLET FRAME AND GRATES	D-5 (2014) - 2						
		2018		DRAINAGE INLET DETAILS	DRAINAGE INLET TOP UNITS	D-5 (2012) - 3						
					DRAINAGE INLET COVER SLAB DETAILS	D-5 (2010) - 4						
					34" X 24" DRAINAGE INLET AND COVER SLAB DETAILS	D-5 (2012) - 6						
BOX MANHOLE	DeIDOT - STANDARD CONSTRUCTION DETAILS	2018	SECTION III — DRAINAGE	MANHOLE DETAILS	BOX MANHOLE ASSEMBLY	D-6 (2009) - 1						
				MANHOLE DETAILS	BOX MANHOLE COVER SLAB	D-6 (2007) - 4						
BREAKAWAY POST	DeIDOT - STANDARD CONSTRUCTION DETAILS	2018	SECTION VIII - TRAFFIC	BREAKAWAY SIGN POST AND PIN ASSEMBLY DETAILS	BREAKAWAY SIGN POST AND PIN ASSEMBLY DETAILS	T-15 (2013)						
SIDEWALK	DeIDOT - STANDARD CONSTRUCTION DETAILS	2018	SECTION VI - MISCELLANEOUS	SHARED-USE PATH AND SIDEWALK DETAILS	SHARED-USE PATH AND SIDEWALK DETAILS	M-3 (2018)						
CONCRETE WHEEL STOP	DeIDOT - STANDARD CONSTRUCTION DETAILS	2018	SECTION VI - MISCELLANEOUS	P.C.C. PARKING BUMPER	P.C.C. PARKING BUMPER	M-4 (2014)						
SIGN(S)	DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES — DE MUTCD	2011	PART 2, CHAPTER 2B	STOP SIGN	STOP SIGN (R1-1), 30"X30"	2B-2, 2B-9 & 2B-10						

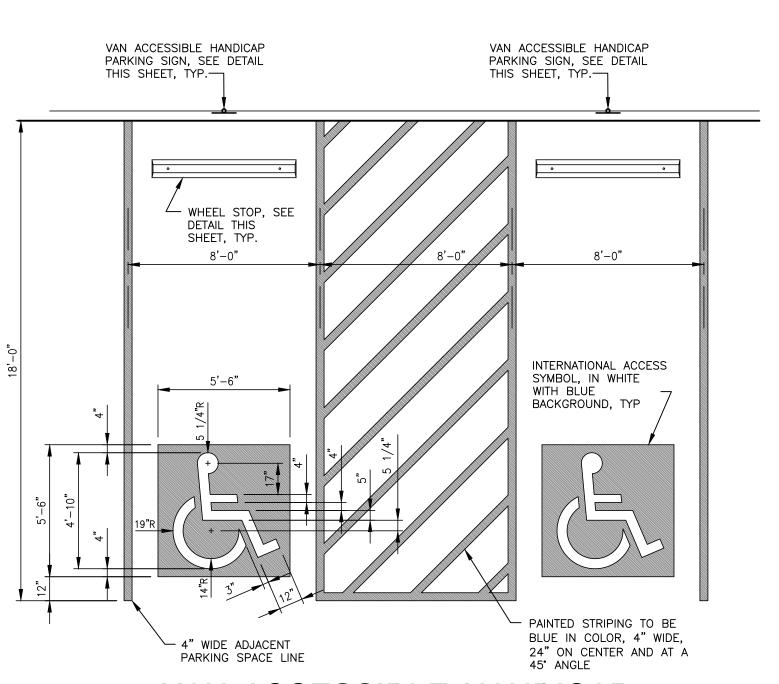




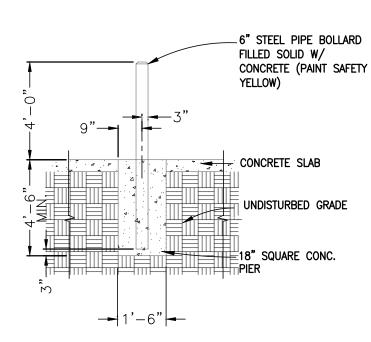
CONCRETE TO ASPHALT PAVEMENT TIE-IN DETAIL NOT TO SCALE

PAVEMENT SECTION NOT TO SCALE





VAN ACCESSIBLE HANDICAP **PARKING LAYOUT** NOT TO SCALE



BOLLARD DETAIL
NOT TO SCALE

MARCH 2020 AS NOTED Dwn.By: ACM 2953A002

REHOB(

Revisions:

DAVIS, BOWEN FRIEDEL

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SUITES,

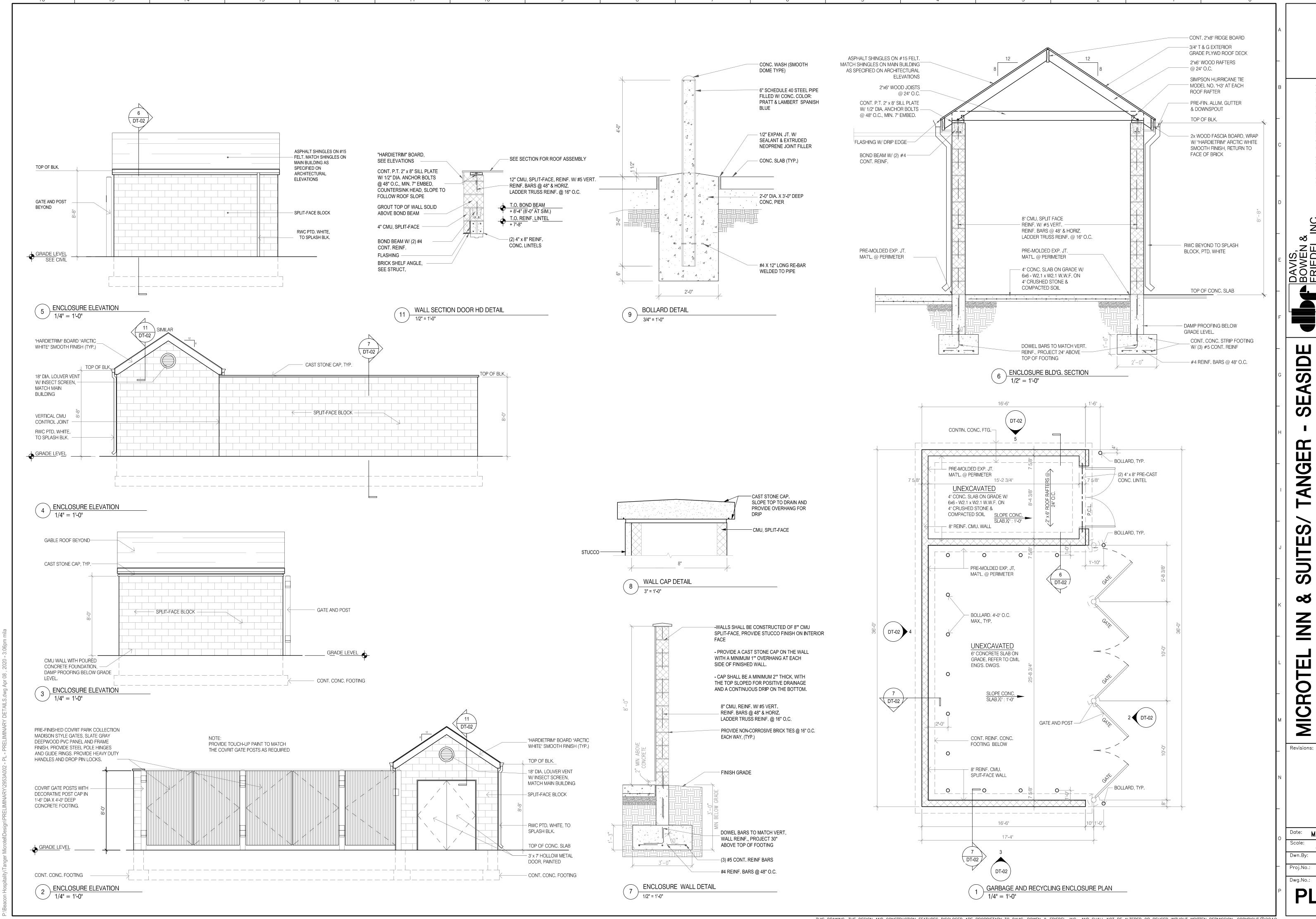
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HUNDRED,

ЕНОВОТН

PL-03



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Revisions: Date: MARCH 2020

AS NOTED Dwn.By: ACM Proj.No.: 2953A002



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.

April 9, 2020

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

Attn: Nick Torrance

Planner I

RE:

Tanger Microtel

Setback Encroachment

Tax Parcel: 3-34-13.00-325.36

DBF # 2953A002.A01

Dear Mr. Torrance:

On behalf of our client, Beacon Hospitality, we are respectfully requesting a waiver to allow parking within the front yard and side yard setback. A major subdivision to create the parcel of land has been placed on hold in response to the pandemic. The parcel of land does not have road frontage with access provided via interconnectivity to Holland Glade Road and / or SR-1. In addition, the parcel of land is surrounded by lands owned by the State of Delaware which will likely remain undeveloped. In consideration that a road does not exist adjacent to the parcel and surrounding lands will likely remain undeveloped we are requesting a waiver to allow parking in the front and side yard setbacks and for the enclosed dumpster to be located in the side and rear yard setbacks. The parcel of land will also have a screen along the side and rear yards due to the adjacent AR zoned lands.

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

Sincerely,

Davis, Bowen & Friedel, Inc.

Ring W. Lardner, P.E.

Principal

\mil0\CIVIL\Beacon Hospitality\Tanger Microtel\DOCS\P&Z\2020-04-09 Comment Response\Setback Encroachment Request.docx

Cc: Beacon Hospitality

Name	Tax ID	Zoning	Address	# of Rooms	# of Parking Spaces	# of Parking Spaces per Room
Hyatt Hotel	334-6.00-26.03	C-1		105	117	1.1
Colonial Oaks LLC Hotel	334-12.00-57.07, 57.08, 57.09, 57.10, 57.03					
		C-1		104	178	1.7
Holiday Inn at Midway	334-6.00-144.01	C-1		93	120	1.3
Rodeway Inn	334-13.00-308.01	C-1		73	78	1.1
Econo Lodge	334-13.00-307.00	C-1		73	104	1.4
Ocean Glass Inn	334-13.20-106.00	C-1		21	30	1.4
Americinn	334-13.00-178.02	C-1		48	73	1.5
Fairfield Inn & Suites	334-13.00-2.00	C-1		94	143	1.5
Hampton Inn	334-12.00-92.00	C-1		85	117	1.4
Anchorage Motel	334-12.00-98.01, 99.00	C-1			69	#DIV/0!
Sleep Inn	334-6.00-84.00	C-1		81	91	1.1
Red Mill Inn	235-23.00-52.01	C-1			53	#DIV/0!
Beach Boutique Hotel	334-13.00-325.25	C-1		81	92	1.1
Comfort Inn	334-13.00-162.00	C-1		96	114	1.2
The Heritage Inn	334-6.00-355.03	C-1		93	104	1.1
Sea Esta Motel II	234-24.00-310.00	C-1		32	47	1.5
Microtel	334-13.00-325.36	C-3		77	98	1.3