


## TOWN OF OCEAN VIEW

201 CENTRAL AVENUE  
OCEAN VIEW, DE 19970

### MEMORANDUM

**TO:** Mayor and Town Council Members

**FROM:** Ocean View Planning and Zoning Commission

**VIA:** Kenneth L. Cimino, Planning Director 

**Date:** June 14, 2022

**SUBJECT:** Annexation Report CTM#134-12.00-470.00  
The Villas at Ocean View

**Background:** Pursuant to the Town Charter, Section 4.102(C), Annexation of Property More Than Five (5) Acres, attached is the Ocean View Planning and Zoning Commission report regarding the annexation of the above noted parcel.

**P&Z Commission Recommendation:** It is recommended that Mayor and Council proceed with the proposed annexation of CTM#134-1200.00-470.00 (The Villas at Ocean View).

# The Villas at Ocean View

f.k.a. Browning Farm



The Lands of DRB Group of the Eastern Shore, LLC  
27.85 acres, more or less  
Sussex County Tax Map # 134-12.00-470.00

**Town of Ocean View  
Planning & Zoning Report for Town Council  
Application P-340: Annexation & Rezoning Request**

SINCE 1889



TOWN OF OCEAN VIEW, DELAWARE  
TOWN COUNCIL  
APPLICATION FOR ANNEXATION

Land Use • Permitting • Licensing • Code Enforcement • Public Works  
302-539-1208

[kcimino@oceanviewde.gov](mailto:kcimino@oceanviewde.gov) / [www.oceanviewde.gov](http://www.oceanviewde.gov)

SINCE 1889



P- 340

I (We) hereby apply for approval of an annexation and certify that all information and documents provided for this application are correct.

Applicant(s) (Print): DRB Group Eastern Shore, LLC Date: 3/11/22

Address: 2099 Gaither Road Rockville MD 20850

Signature(s): John Ciavarra Digitally signed by John Ciavarra Date: 2022.05.16 14:31:09 -04'00' Date: 5/16/22  
*Applicant(s)*

Owner(s) of Record (Print): DRB Group Eastern Shore, LLC Phone #: (302) 485-0550

Address: 2099 Gaither Road Rockville MD 20850

Signature(s): John Ciavarra Digitally signed by John Ciavarra Date: 2022.05.16 14:32:22 -04'00' Date: 5/16/22  
*(Property Owner(s))*

**TOWN USE ONLY:**

**Administrative Official Signature:**

Location: 142 Woodland Avenue PIDN: 034 000

CTM#: 134-12.00-470.00 Current Zoning: AR-1 Proposed Zoning: R-3

Proposed Use: R-3 / Fee simple townhouses w/ amenities Number of Lots Included in Request: 1

Total Area: ±/27.85 SF/Acre(s) Total Street Frontage: 369 LF/Miles

**TOWN COUNCIL AND PLANNING AND ZONING COMMISSION REVIEWS AND ACTIONS**

INTRODUCTION OF ORDINANCE # \_\_\_\_\_ ON: 4/12/22 BY: Thomas Maly

PLANNING AND ZONING COMMISSION REVIEW: 5/19/22 RECOMMENDATION: Yes to Annexation 4-0  
*Walter Curran absent*

PLANNING AND ZONING CHAIR: Kent Liddle DATE: \_\_\_\_\_

FIRST READING OF ORDINANCE # \_\_\_\_\_ ON: \_\_\_\_\_ ADVERTISED: 5/27/22

SECOND READING OF ORDINANCE # \_\_\_\_\_ ON: \_\_\_\_\_ ADVERTISED: 5/27/22

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ DATE: \_\_\_\_\_

MAYOR



John Ciavarra  
DRB Group Eastern Shore, LLC  
18054 Emerson Way  
Georgetown, DE 19947

March 11th, 2022

Town of Ocean View  
Town Council  
Re: Browning Farm: Tax ID # 134-12.00-470.00  
Annexation Request

To whom it may concern,

DRB Group Eastern Shore, LLC would like to petition for annexation of the above described as Tax ID # 134-12.00-470.00 or 142 Woodland Avenue Ocean View, DE 19970 for residential construction.

The request is for a 29.75-acre contiguous parcel per the attached survey. This annexation request is in conjunction with a request for a rezone from AR1 to R3.

DRB Group Eastern Shore, LLC would like to be a part of the town of Ocean View due to its tremendous reputation for safety, cleanliness and beauty. DRB believes this residential community will have tremendous marketability being tied to the town of Ocean View and believes the town will support its efforts to complete a successful neighborhood for residents for years to come.

We ask for consideration on these requests and look forward to the next steps in the process.

Sincerely,

John Ciavarra  
Division President  
jciavarra@drbgroup.com

Cc: Steve Marsh-GMB Engineering

Enclosure: Boundary Survey

240-420-6050 | 18054 Emerson Way, Georgetown, DE 19947 | [drbgroup.com](http://drbgroup.com)









**CIVIL ENGINEERING ASSOCIATES**  
• ENGINEERS • SURVEYORS • CONSTRUCTION SERVICES

55 West Main Street  
Middletown, DE 19709

Web: [www.cea-de.com](http://www.cea-de.com)

Phone: 302-376-8833  
Fax: 302-376-8834

**Legal Description**

Lands of Theodore F. Browning & Jeannette N. West  
T.P.# 134-12.00-470.00

All that certain parcel of land with improvements erected thereon being Tax Parcel 134-12.00-470.00, situate in Baltimore Hundred, Sussex County, Delaware, according to deed book number 5528, page number 202, and plat book number 7, page number 43, recorded in the office of the Recorder of Deeds in and for Sussex County, and more recently described by a Boundary Survey Plan prepared by Civil Engineering Associates LLC, dated January 27, 2022, as follows to wit:

BEGINNING at a point located along the southwesterly side of Woodland Avenue (50.00 feet Right-Of-Way), said point being a common corner of the herein described parcel and lands now or formerly of Anita I. Smawley, said point being further located northwesterly 508.70 feet from the northerly end of a 25.00 foot radius junction curve joining the said southwesterly side of Woodland Avenue with the northwest side of Balsa Street (50.00 feet Right-Of-Way), said point being the first mentioned POINT AND PLACE OF BEGINNING, THENCE,

Leaving said southwest side of Woodland Avenue and along the division line of the herein described parcel and said lands of Smawley, the following two (2) described courses and distances:

1. S 35°20'59" W a distance of 201.16 feet to a point, THENCE,
2. S 50°13'11" E a distance of 28.99 feet to a point, being a common corner of the herein described parcel, said lands of Smawley, and lands now or formerly of Jeannette West, THENCE,

along the division line of the herein described parcel and said lands of West the following two (2) described courses and distances:

1. S 53°54'48" W a distance of 186.89 feet to a point, THENCE,
2. S 34°23'54" E a distance of 238.53 feet to a point, being a common corner of the herein described parcel and lot 3 Quint Acres subdivision (P.B. 11, P. 90), THENCE,

Along the division line of the herein described parcel and lots 3 through 16 of Quint Acres, S 55°30'10" W a distance of 1427.99 feet to a point, being a common corner of the herein described parcel, lot 16 Quint Acres, and SWM/ Open Space The Reserves Phase 2A (P.B. 70, P. 210), THENCE, along the division line of the herein described parcel and said lands of The Reserves the following five (5) described courses and distances:

1. N 06°58'12" W a distance of 283.93 feet to a point, THENCE,

2. N 07°02'13" W a distance of 343.61 feet to a point, THENCE,
3. N 06°11'08" E a distance of 387.42 feet to a point, THENCE,
4. N 18°57'44" E a distance of 449.75 feet to a point, THENCE,
5. N 37°33'44" E a distance of 188.96 feet to a point, being a common corner of the herein described parcel, said lands of The Reserves, and a common corner of lot 9 The Reserves Phase 2A, said point being located along a ditch, THENCE,

With said ditch and along the division line of the herein described parcel, said lands of lot 9 The Reserves, et al. the following two (2) described courses and distances:

1. S 55°30'57" E a distance of 214.00 feet to a point, THENCE,
2. S 39°17'57" E a distance of 306.00 feet to a point, being a common corner of the herein described parcel and lands now or formerly of Mark J. Bennett, Trustee, said point being located along Prong 3A Banks Bennett Tax Ditch, THENCE,

With said Prong 3A and along the division line of the herein described parcel and said lands of Bennett the following three (3) described courses and distances:

1. N 63°05'03" E a distance of 53.00 feet to a point, THENCE,
2. N 47°47'03" E a distance of 196.00 feet to a point, THENCE,
3. N 59°11'03" E a distance of 218.97 feet to a point, located along said southwest side of Woodland Avenue, THENCE,

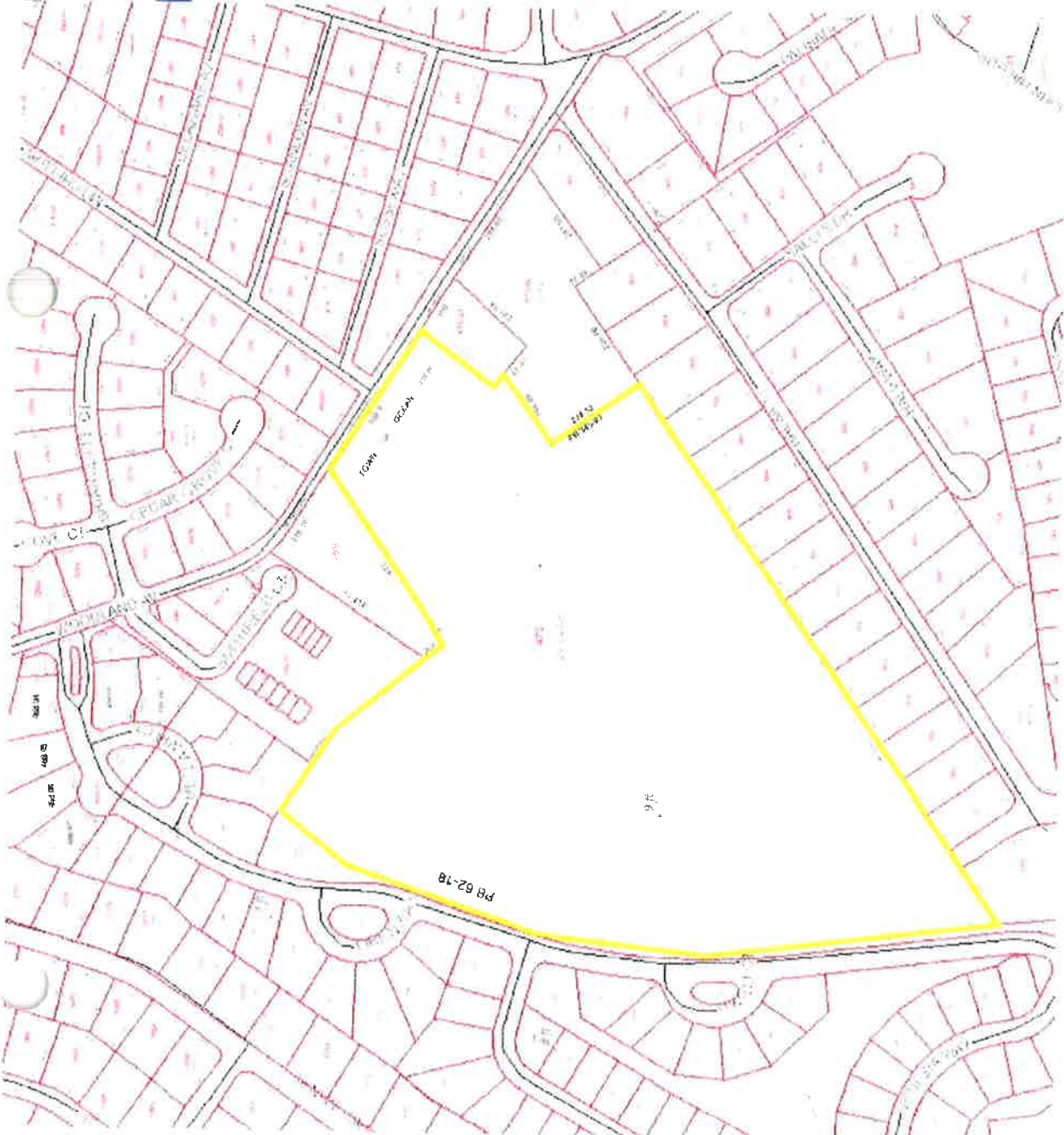
With same, S 57°51'38" E a distance of 366.14 feet to a point, said point being the first mentioned POINT AND PLACE OF BEGINNING.

Containing within the said described metes and bounds 1,213,223.4 square feet (27.852 acres) of land be the same more or less. Subject to all restrictions and easements as noted, according to deed book number 5528, page number 202, and plat book number 7, page number 43, recorded in the office of the Recorder of Deeds in and for Sussex County, and more recently described by a Boundary Survey Plan prepared by Civil Engineering Associates LLC, dated January 27, 2022.









# Search results

Clear Select

Selected Features

Parcels (1)

1) 134-12.00-470.00

Zoom

|                  |                                      |
|------------------|--------------------------------------|
| Book             | 5660                                 |
| Page             | 22                                   |
| Owner Name       | DRB GROUP EASTERN<br>SHORE LLC       |
| Mailing Address  | 2099 GAITHER RD STE<br>600           |
| City             | ROCKVILLE                            |
| State            | MD                                   |
| Sewer Account    | 19-01-470                            |
| Description      | SW/ WOODLAND AVE<br>SE/BELLA VIA WAY |
| Description 2    | RESIDUAL LANDS                       |
| Land Code        | FG0                                  |
| Town Code        | 00                                   |
| CAP              | 0                                    |
| BLDG Improvement | 0                                    |
| PIN with Unit    | 134-12.00-470.00                     |
| PIN              | 134-12.00-470.00                     |
| Zipcode          | 20850                                |
| Frontage         | 0                                    |
| Depth            | 0                                    |
| Fire District    | 84                                   |



**Property Information**

Property Location: 142 WOODLAND AV  
Unit:  
City: OCEAN VIEW  
Zip: 19970  
State: DE  
  
Class: AGR-Agriculture  
Use Code (LUC): FG0-AG IN FAA A-I  
Town: 00-None  
Tax District: 134 - BALTIMORE  
School District: 1 - INDIAN RIVER  
Council District: 4-Hudson  
Fire District: 84-Millville  
Deeded Acres: 29.0900  
Frontage: 0  
Depth: .000  
Irr Lot:  
Plot Book Page: 345-93/PB

100% Land Value: \$0  
100% Improvement Value \$0  
100% Total Value \$0

**Legal**

Legal Description SW/ WOODLAND AVE SE/BELLA VIA WAY  
RESIDUAL LANDS

**Owners**

| Owner                       | Co-owner | Address                 | City      | State | Zip   |
|-----------------------------|----------|-------------------------|-----------|-------|-------|
| DRB GROUP EASTERN SHORE LLC |          | 2099 GAITHER RD STE 600 | ROCKVILLE | MD    | 20850 |

PARID: 134-12.00-470.00  
DRB GROUP EASTERN SHORE LLC

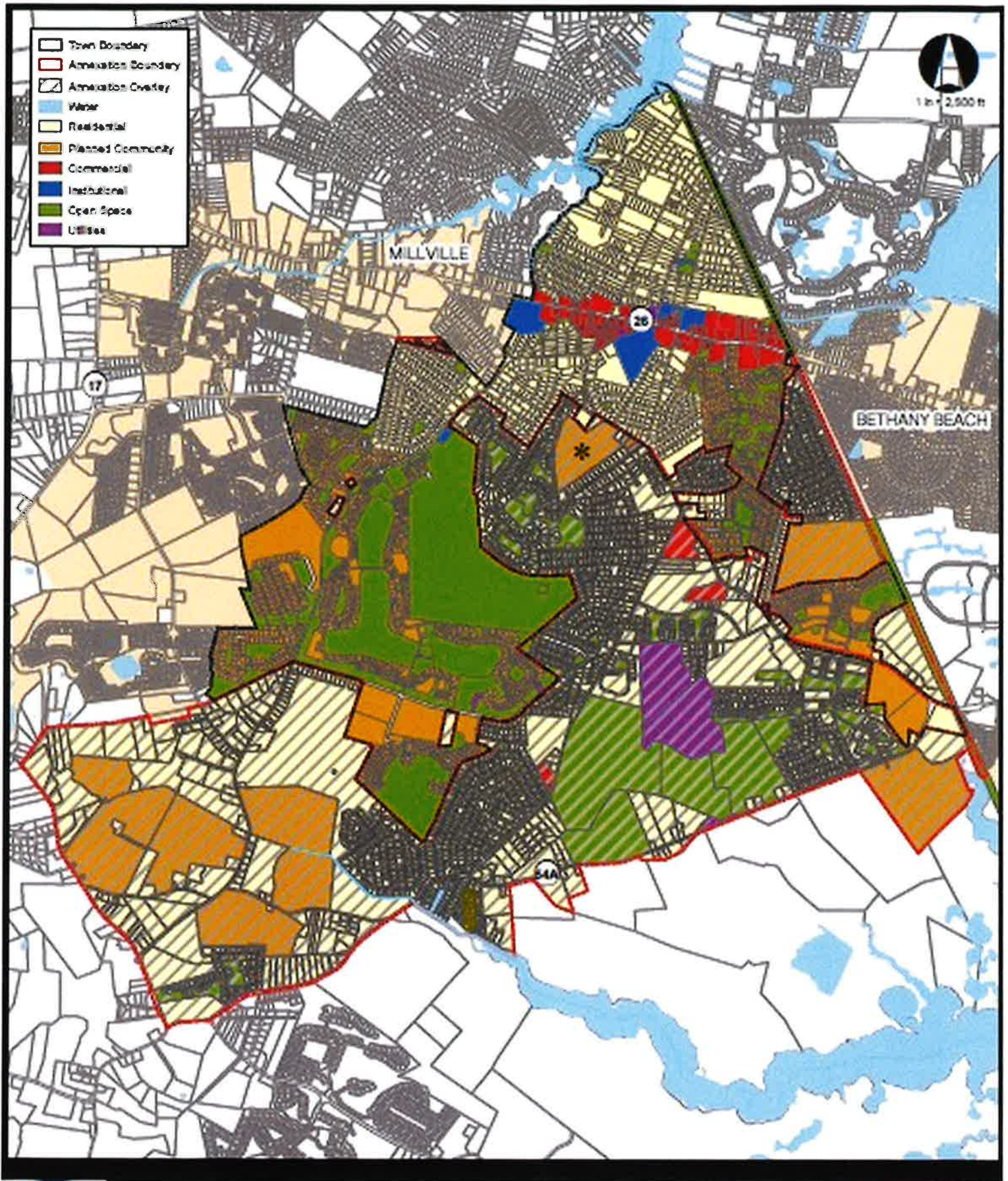
ROLL: RP  
142 WOODLAND AV

**Sales**

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| Sale Date  | Book/Page | Sale Price     | Stamp Value | Parcels Sold | Grantee/Buyer               |
|------------|-----------|----------------|-------------|--------------|-----------------------------|
| 03/11/2022 | 5660/22   | \$7,000,000.00 |             |              | DRB GROUP EASTERN SHORE LLC |
| 08/11/2021 | 5528/202  |                |             |              | BROWNING THEODORE F         |





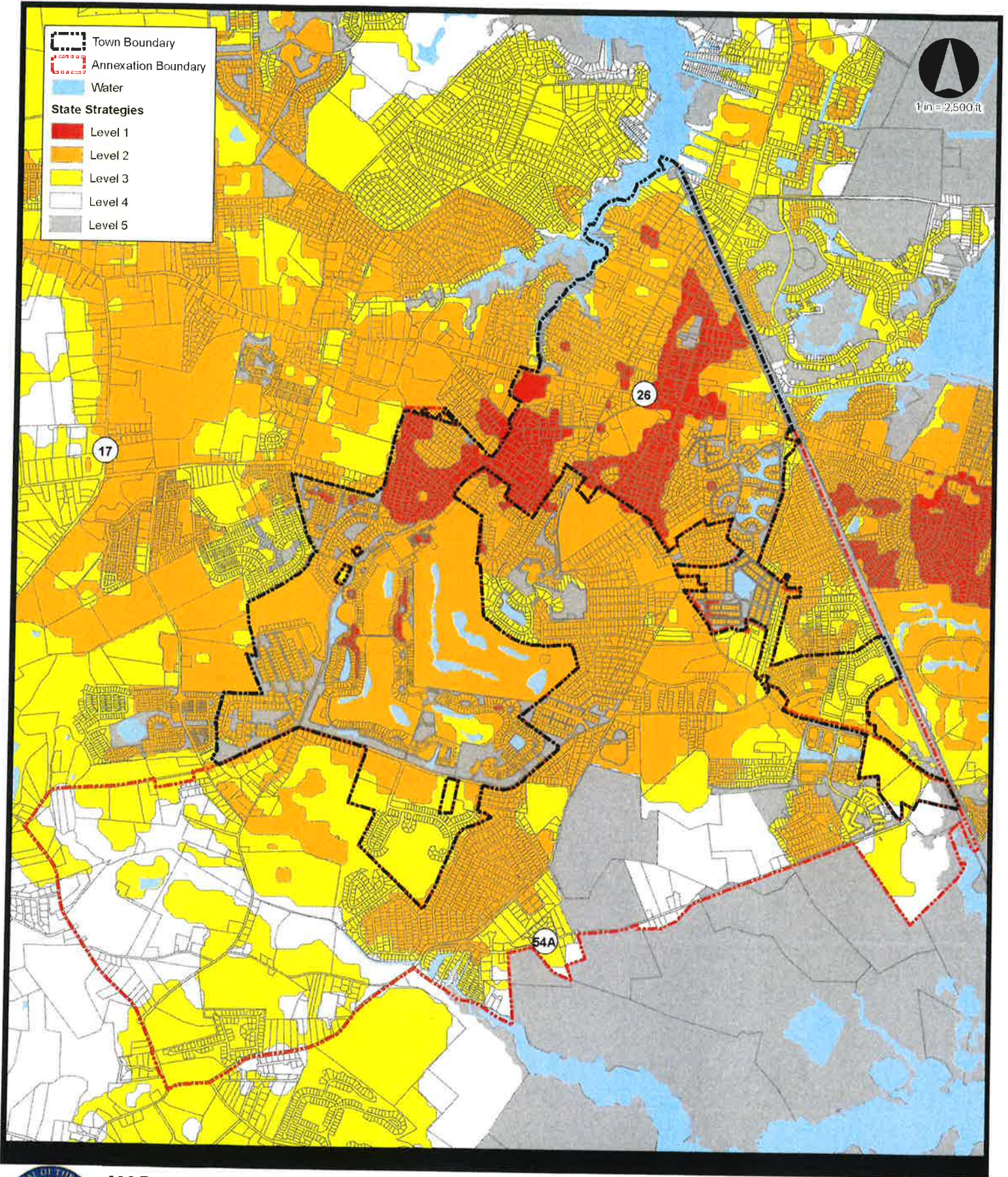
**MAP 6. FUTURE LAND USE**  
 COMPREHENSIVE PLAN UPDATE 2019  
 Town of Ocean View

\* indicates 134-12.00-470.00

**AECOM**

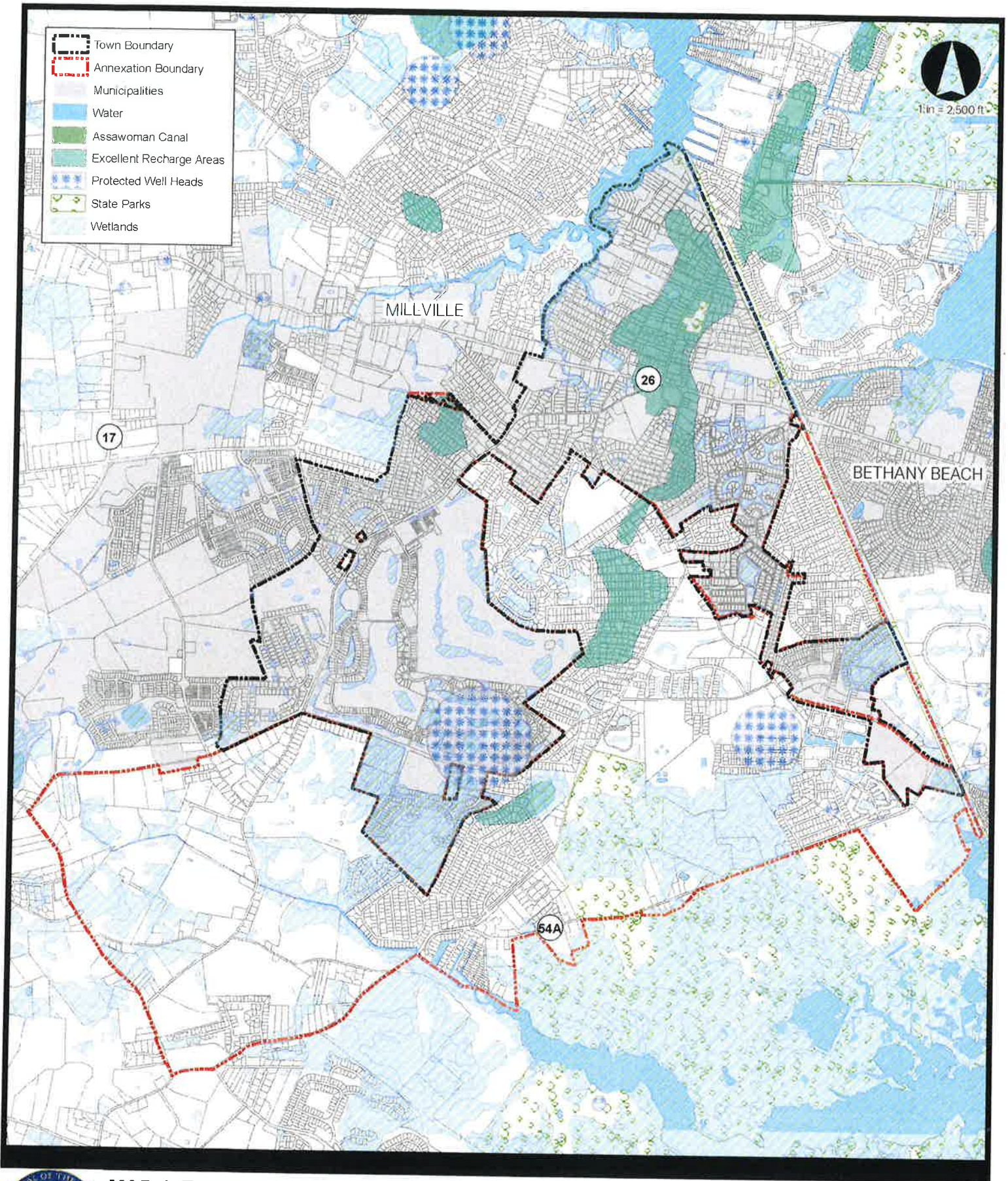
November 2019





**MAP 3. STATE STRATEGIES**  
 COMPREHENSIVE PLAN UPDATE 2019  
 Town of Ocean View





## MAP 4. ENVIRONMENTAL FEATURES

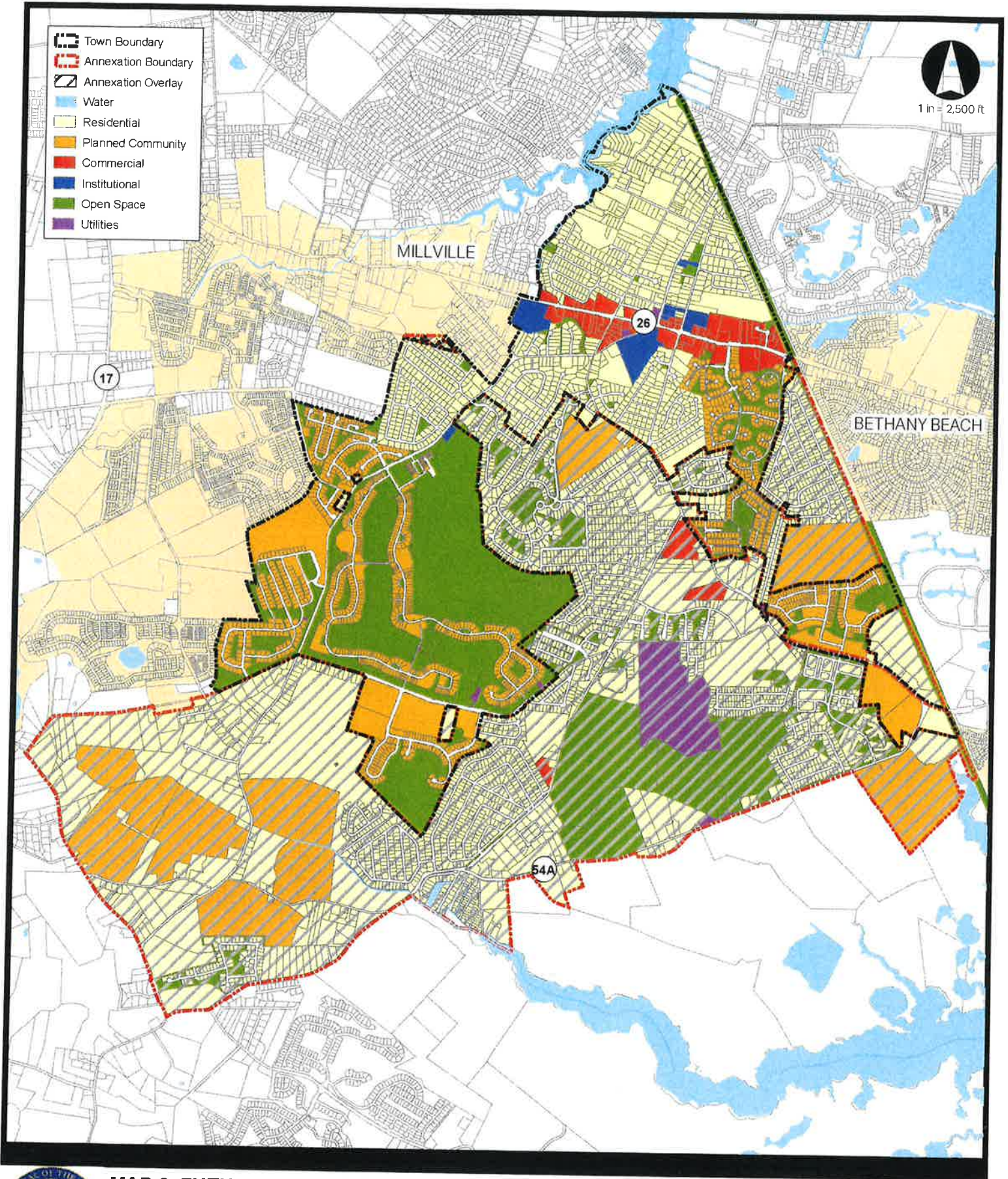
COMPREHENSIVE PLAN UPDATE 2019

Town of Ocean View

**AECOM**

November 2019





**MAP 6. FUTURE LAND USE**  
 COMPREHENSIVE PLAN UPDATE 2019  
 Town of Ocean View



November 2019



**PLANNING & ZONING**  
Jamie Whitehouse, AICP, MRTPI  
Director

(302) 855-7678 T  
(302) 854-5079 F



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Sussex County Zoning Verification

This form is to provide the current zoning for the following parcel of land located within Sussex County. This form does not grant approval for any current or future use of the property.

Tax Parcel Number: 134-12.00-470.00

Location: Woodlands Avenue, Ocean View

Current Zoning: AR-1 (Agricultural Residential)

Owner: (from assessment records):

DRB Group Eastern Shore, LLC

Owner Mailing Address (from assessment records):

2099 Gaither Road

Suite 600

Rockville, MD 20850

The zoning for this property has been confirmed from the Official Sussex County Zoning Map by:

Ashley Pugh  
Sussex County Planning & Zoning Staff Member

5-3-2022  
Date





A Middlesex Water Company Affiliate

December 2, 2021

Cathy Lyons  
GMB  
206 West Main Street  
Salisbury, MD 21801

**RE: Willing & Able Letter- Tax Parcel No 134-12.00-470.00-Browning Farm**

Dear Ms. Lyons:

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, including fire protection, to the following parcel(s) identified as Tax Map Parcel No. 134-12.00-470.00. Water service is contingent on the terms and conditions of a Water Service Agreement by and between Tidewater and the Project Owner. This parcel is located within Tidewater's existing water Certificate of Public Convenience and Necessity franchise area.

Please send a site plan and construction schedule to Tidewater. Please feel free to contact me at 302-747-1304 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,

A handwritten signature in cursive script that reads "Kelly R. Bailey".

Kelly R. Bailey  
Manager of Contract Administration



**ENGINEERING DEPARTMENT**

JOHN J. ASHMAN  
SR. MANAGER OF UTILITY PLANNING  
& DESIGN REVIEW

(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov  
HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

**SEWER SERVICE CONCEPT EVALUATION (SSCE)**  
**UTILITY PLANNING & DESIGN REVIEW**

Applicant: **GMB – Stephen L. Marsh, P.E.**

Date: 3/29/2022

Reviewed by: **Chris Calio**

Agreement #: **1193**

Project Name: **Browning Farm**

Tax Map & Parcel(s): **134-12.00-470.00**

Sewer Tier: Tier 1 - Sussex County Unified Sanitary Sewer District

Proposed EDUs: **109**

Pump Station(s) Impacted: PS 99,

Facility treating and disposing of the wastewater: South Coastal Regional Wastewater Facility

List of parcels to be served, created from the base parcel: **N/A**

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure): **N/A**

Connection Point(s): **An 8-inch lateral is provided from MH: OV 23**

Use of Existing Infrastructure Agreement required? Yes  or No

Annexation Required? Yes  or No

Easements Required? Yes  or No

Fee for annexation (based on acreage): **N/A**

Current Zoning: **AR-1** Zoning Proposed: **AR-1 Cluster**



Acreage: **27.85 +/-**

Additional Information: **Click or tap here to enter text.**

\* No capacity is guaranteed until System Connection Fees are paid

**All gravity sewers with three (3) or more minor branches shall be designed at minimum slope and maximum depth.**

**Sussex County will be assessing bonding and inspection on projects on a unit cost approach per phase.**

**Recordation of Phasing Plans will now be required, each phase must be recorded prior to issuance of the Notice to Proceed. Any revisions to the phase will require the plan be re-recorded.**

**Once Construction Drawings are completed with all of the above information satisfied, please submit to:**

Sussex County Utility Planning & Design Review  
2 The Circle  
P.O. Box 589  
Georgetown DE 19947

CC: John Ashman  
Jordan Dickerson  
Denise Burns





A PHI Company

---

Millsboro District Office

Telephone: (302) 934-3357

Fax: (302) 934-3306

700 E. Dupont Hwy.  
Millsboro, De 19966

May 11, 2022

GMB Attn: Cathy Lyons  
206 W. Main Street  
Salisbury, MD 21801

Re: Browning Farm, Tax Map 134-12.00-470.00

Dear Cathy:

This is to confirm that Delmarva Power is the electric service provider and has electric service in the vicinity of the above mentioned parcel in Ocean View, De.

Depending upon the nature of electric service requested, facilities may have to be extended or increased from our present facilities into the parcel. This increase could be at customer expense.

Once an "Application for Electrical Service" has been received, along with load information, engineering can commence and exact details of how the load will be supplied can be developed.

Please contact me at 302-934-3357 if I can be of any further assistance.

Sincerely,

*Brett Jones*

Brett Jones  
Engineering Fieldman  
Millsboro District

# MILLVILLE VOLUNTEER FIRE COMPANY INC.

---



DEDICATED VOLUNTEERS PROUDLY PROTECTING THEIR COMMUNITY  
[WWW.MILLVILLE84.COM](http://WWW.MILLVILLE84.COM)

35554 ATLANTIC AVENUE  
MILLVILLE, DE 19967

TEL: (302) 539-9535  
FAX: (302) 539-7319

May 11, 2022

George Miles & Buhr LLC  
Attn: Victoria Erickson  
206 West Main Street  
Salisbury MD 21801

RE: CTM#134-12.00-470.00  
The Villas at Ocean View

Dear Ms. Erickson,

The proposed development is in Millville Volunteer Fire Company Incorporated's fire district and service area. Millville Volunteer Fire Company's position is to not support or oppose any development. We will make every effort to protect and service our fire district to the best of our ability. As development continues it further strains our ability to provide fire suppression and emergency medical services to the increased population. However, the Town of Ocean View and it's property owners provide annual grant support and participate in funding our ambulance operations.

If you require additional information, please contact me at (410) 726-4539.

Sincerely,

*Guy Rickards*

Guy Rickards  
Fire Chief  
Millville Volunteer Fire Company Incorporated





*Leading Providers of Infrastructure  
Asset Management and  
Engineering Services since 1994*

May 16, 2022

Kenneth L. Cimino  
Town of Ocean View  
201 Central Avenue  
Ocean View, DE 19970

**RE: Rezoning & Annexation Request  
Villas at Ocean View – f.k.a. Browning Farm  
Tax Map ID: 134-12.00-470.00 – 142 Woodland Avenue**

Dear Mr. Cimino:

We have reviewed the Town of Ocean View Planning & Zoning Commission Application P-340 associated with the rezoning and annexation request for the above referenced property. The application package includes:

- Petition for Annexation dated March 11, 2022,
- Supporting documentation for the Municipal Annexation Plan of Services, and,
- Development Plan (titled Concept Plan)

Based upon our review, we have the following comments.

**General**

1. The applicant, DRB Group of the Eastern Shore, LLC is requesting to annex tax parcel 134-12.00-470.00 and is requesting R-3 Townhouse and Multifamily District zoning. The parcel is currently zoned AR-1 Agricultural Residential.
2. The parcel is located on the southwest side of Woodland Ave. at the intersection of Mitchell Ave. and Woodland Ave., approximately 538 ft. northwest of the intersection of Balsa St. and Woodland Ave. and approximately 540 ft. southeast of the intersection of Smithfield Ct., Briarcliffe Ct. and Woodland Ave.

**THE KERCHER GROUP, INC. – A Mott MacDonald Company**

**www.kerchergroup.com | 254 Chapman Rd., Suite 202, Newark, DE 19702 | 302-894-1098**

- 3: The parcel consists of 27.85 acres of land, more or less, and currently contains farm fields, wooded areas and wetlands.
4. The development plan proposes 104 fee simple townhouse lots as well as passive open space and active open space amenities areas including a clubhouse, pool, and pickleball courts.
5. The development would be served by the following utilities and public services:
  - a. Sussex County - Sanitary Sewer,
  - b. Tidewater Utilities – Domestic Water, (Outside the limits of the Town system)
  - c. Delmarva Power – Electric,
  - d. Millville Volunteer Fire Co. – EMS / Fire Protection, and,
  - e. Town of Ocean View Police Department – Public Safety

### **Procedural / Administrative**

1. The annexation and rezoning request was reviewed for compliance with the following items as they pertain to R-3 Townhouse and Multi-Family District zoning.
  - a. The Town of Ocean View Comprehensive Land Use Plan update adopted March 2020,
  - b. Chapter 140 Article III §140-20 of the Town Code: Residential Districts, and,
  - c. Chapter 140 Article V §140-29 of the Town Code: R-3 Zone
2. The Town shall administer the annexation process per the Town Charter Section 4.102, Annexation of Property More Than Five (5) Acres.
3. A Municipal Plan of Services Pursuant to Title 22, Delaware Code, Section 101 will need to be submitted to the Office of State Planning Coordination. A number of “willing and able” letters have been obtained from various utilities and service providers and are inclusive with this report.

### **Comprehensive Plan Compliance**

1. The site is contiguous to the existing Town Boundary.
2. The site lies within the Town’s annexation area overlay as depicted on the Future Land Use map.
3. The site is noted as Planned Community on the Future Land Use map. The proposed zoning of R-3 Townhouse and Multifamily District is consistent with uses contemplated in planned communities. Residential Planned Communities may include R-1, R-2 and/or R-3 types of uses and have no minimum area requirement for commercial uses. Dimensional standards not specified by the ordinance associated with the creation of a planned community default to R-3 requirements.



### Zoning Compliance

1. Chapter 140 Article III §140-20 of the Town Code: Residential Districts notes that one of the purposes of R-3 Townhouse and Multifamily District zoning is for "...single unit dwellings, attached units situated side-by-side or on top of the other, townhouses, and multifamily units."
2. Chapter 140 Article V §140-29 of the Town Code: R-3 Zone lists the dimensional regulations associated with townhouse development in R-3 Townhouse and Multifamily Districts. The following specific items are included.
  - a. The minimum tract area is 1.0 acre. The site is 27.85 acres.
  - b. The maximum dwelling units per acre is 6. At 6 dwelling units per acre, the site could theoretically support 167 units. The development plan proposes 104 units.
  - c. The minimum distance between townhouse rows is 25 ft. The development plan shows a minimum of 30 ft.
  - d. The maximum number of townhouses in a single attached row is 6. The development plan shows a mix of attached rows of 4, 5 and 6.
  - e. The minimum tract frontage is 50 ft. The site frontage along Woodland Ave. is approximately 369 ft.
  - f. The setbacks from the tract boundary are 30 ft. along the front line, 25 ft. along the side lines and 30 ft. along the rear line. The development plan shows approximately 33 ft. along the front, and a minimum of 30 ft. along the sides and rear.
  - g. The minimum tract green area is 50%. The development plan shows 63%.
  - h. The minimum lot area for interior lots is 2,000 sq.ft. and for end lots is 3,000 sq.ft. The development plan shows a minimum interior lot of 4,480 sq.ft. and a minimum end lot of 6,235 sq.ft.
  - i. The minimum lot width for interior lots is 20 ft. and for end lots is 30 ft. The development plan shows 28 ft. wide interior lots and a minimum 43 ft. wide end lot.
  - j. The minimum lot depth is 100 ft. The development plan shows a minimum lot depth of 160 ft. for interior lots and 145 ft. for end lots.
  - k. The setbacks for each lot are 25 ft. from the front line, 0 ft. from the side line for interior units and 15 ft. from the side line for end units, and 30 ft. from the rear line. The development plan matches these minimum requirements.
  - l. The maximum height for townhouses is 42 ft. and 3 stories. The townhouses will need to comply with this requirement.
  - m. The maximum lot coverage including all buildings and structures is 55%. The development plan shows a maximum of 55%.
  - n. The minimum livable floor area per townhouse is 1,250 sq. ft. The development plan shows a minimum of 1,904 sq. ft.
3. No portion of the site lies within a FEMA mapped Special Flood Hazard Area. Chapter 116 Article I Flood Damage Reduction will not apply to this development.

4. Chapter 116 Article II: Wetlands addresses the requirements for delineation of wetlands as well as the protections for any wetlands identified. The development plan shows approximately 2.87 acres of non-tidal wetlands. The plan shows appropriate buffering for the wetlands depicted. A report documenting the wetlands delineated will be required as part of the Development Plan Approval process. The boundary of the wetlands will be verified at that time and final buffers determined.
5. No portion of the site lies within a Water Resource Protection Area as defined by Chapter 116 Article III Water Resource Protection Areas. That portion of the code will not apply to this development.
6. Chapter 140 Article XI §140-71 of the Town Code: Recreation and Open Space Required notes that 300 sq. ft. per unit or ½ acre of land, whichever is greater, is required to be dedicated for park and recreation purposes. For this development 31,200 sq. ft. of open space is required. The development plan shows 6.74 acres of open space.
7. Chapter 187 Article I §187-2 of the Town Code: Street Standards notes dimensional requirements for rights-of-way and roadway widths. The following specific items are appropriate to note at this stage of review.
  - a. The minimum width for rights-of-way for minor collector streets is 60 ft. and for minor streets is 50 ft. The development plan shows a 60 ft. wide right-of-way for the entrance road that will see traffic from all of the units within the development. The right-of-way narrows to 50 ft. for the loop around the remainder of the development that will only see a portion of the traffic once trips are divided at the first intersection
  - b. The minimum roadway width for minor collectors is 36 ft. and for minor streets is 30 ft. The development plan shows 36 ft. for the entrance road within the 60 ft. wide right-of-way and 30 ft. for the streets throughout the rest of the development as described above.
  - c. The proposed streets will be dedicated to public use and turned over to the Town.
8. Chapter 187 Article II §187-9: Sidewalks and Paths requires sidewalks 5 ft. in width and at least 2 ft. from the back of the curb. The development plan shows sidewalks 5 ft. in width at least 3 ft. from the back of the curb.
9. Chapter 140 Article IX §140-59 Off-Street Parking requires 2 parking spaces per dwelling unit in addition to garage space. For the 104 units shown on the development plan, 208 off-street parking spaces would be required. This section also requires overflow parking for residential developments over 10 acres at the rate of an additional 10% of the required spaces. This would be an additional 21 off-street parking spaces required for a total of 229. The development plan shows 2 off-street parking spaces provided in driveways outside of garages for each unit and two bays of off-street parking near the amenities area including an additional 28 spaces. This results in a total of 236 off-street parking spaces provided.
10. Although there is no code requirement for a perimeter buffer between the proposed townhouse use within an R-3 Townhouse and Multifamily District and adjacent properties,

the development plan shows a 30 ft. wide wooded buffer around the perimeter of the site. In some instances, this buffer is in open space. In some instances, it is on lots.

11. Although there is no specific code requirement limiting tree clearing, the development plan shows 8.53 acres of existing wooded area with 4.59 acres to remain. It is noted that the final area to remain could change based on final engineering design.

### **State Strategies**

The site is located within an Investment Level 2 – Developing Area by the 2015 Delaware Strategies for State Policies and Spending. These strategies were identified by the Delaware Office of State Planning to coordinate land use decision making with infrastructure and services in order to make the best use of Delaware’s natural and fiscal resources. Level 2 areas are considered to be “less developed, but rapidly growing, suburban and urban areas where infrastructure is in place or planned for the near future”.

### **Development Plan Approval**

1. Should the annexation and rezoning request be found acceptable, and the site successfully annexed into Town, approval of the development plan will be governed by Chapter 140 Article XVI of the Town Code: Development Plan Approval. This will include concept, preliminary and final plan stage submissions as well as Planning and Zoning review and vote as necessary throughout.
2. All applicable outside agency approvals will also be required through the development plan approval process including:
  - a. Office of State Planning,
  - b. Delaware State Fire Marshal,
  - c. Sussex Conservation District,
  - d. Sussex County Engineering, and,
  - e. Tidewater Utilities.

If you have any questions, please feel free to give me a call. I welcome the opportunity to discuss the plan with you.

Regards,  
THE KERCHER GROUP, INC. – A Mott MacDonald Company

  
James H. Lober, P.E.  
Territory Manager - Engineering



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CTM # 134-12.00 - 470.00  
**TOWN OF OCEAN VIEW**

201 Central Avenue – 2<sup>nd</sup> Floor  
Ocean View, DE 19970  
302 539-9797 (office) • 302 537-5306 (fax)  
[www.oceanviewde.com](http://www.oceanviewde.com)

May 12, 2022

TO: Town of Ocean View Planning Commission Members  
FROM: Carol S. Houck, Town Manager   
SUBJECT: Annexation Prospect – *Villas at Ocean View* – 142 Woodland Avenue

BACKGROUND

The subject property located at 142 Woodland Avenue is currently governed by Sussex County, Delaware. The proposed development of the property regardless of governing body, will front towards Woodland Avenue, a Town owned and maintained street. The only entrance and exit for the planned development will be on Woodland in the Town of Ocean View.

I have had limited engagement with the developers' representatives with the exception of meeting with them to highlight the recent efforts and accomplishments of the Town of Ocean View. At that time, strong interest to annex into the Town of Ocean View was expressed in association with the added value of having an Ocean View address as well as access to the provision of Town services.

ADMINISTRATIVE SUPPORT FOR THIS ANNEXATION

The proposed annexation of property to be known as the *Villas at Ocean View* is fully supported by the Town of Ocean View Administrative Division for the following reasons:

- Contiguous Property – the subject property is contiguous to property currently in the Town limits as required but further, this annexation will allow for an improved Town border along a Town roadway with similar residential developments.
- Sense of Community – the annexation of the subject property for the development of the *Villas at Ocean View* as proposed, will increase the sense of community in a section of Town that borders both earlier and more near term residential development. The property location is such that it will easily integrate into the Town, boosting key attributes of a community/neighborhood such as walkability, recreational amenities, open space etc.
- Provision of Services – the provision of Town supported services would be supported by property owners of the proposed development if annexed into Town through tax revenue. This is a prime consideration/goal given the location and benefits to be derived by its inhabitants. Failure to annex would result in the receipt of general benefits without financial support. A separate Financial Analysis based on the proposed development has also been prepared.

- Town Staffing – it is not anticipated that this annexation alone will trigger a need for increased staffing however, other initiatives (additional parks, housing developments, etc.) not currently known could require additional support. Any such requirement would be documented and recommended through staffing studies or when additional projects, services or amenities are being considered.
- Alignment with the Towns Comprehensive Plan – The annexation of this property for the purpose of developing the Villas at Ocean View aligns fully with the interests of the Town through our Comprehensive plan including the following:
  - It offers a residential development that compliments the surrounding area.
  - It provides a logical improvement to the Town border.
  - The development will provide long term financial contribution towards Town delivered services in and around its location.
  - The concept plan provides open space and beautification and manages its stormwater needs.
  - The development will be readily accessible to the Towns infrastructure of streets, storm drainage, sidewalks, bike lanes, park(s), the County sanitary sewer system and private water, and electric utilities.
  - The development is located such that it does not represent a hardship in regard to the provision of Public Safety services.


## RECOMMENDATION

It is therefore recommended that the Planning Commission of the Town of Ocean View support the annexation request of the developers for the *Villas at Ocean View* as the concept plan conforms to the Towns Comprehensive Planning document and the surrounding residential areas. In doing so the property will then be within the corporate limits of the Town and as such provide its fair share of financial support for services, while adding to the sense of community in the area.

Ocean View Police Department  
201 Central Ave  
Ocean View, DE 19970  
302.539.1111  
Fax: 302.537.3787



Kenneth M. McLaughlin  
Chief of Police

**TO:** Ocean View Planning and Zoning Commission  
**FROM:** Chief Kenneth McLaughlin   
**DATE:** May 09, 2022  
**SUBJECT:** Town of Ocean View Annexation -- The Villas at Ocean View (Browning Farm)

The Ocean View Police Department reviewed the application and discussed the developer's plans with Planning and Zoning Director Ken Cimino. Subsequently, I am confident that the Ocean View Police Department will be able to provide police services to The Villas at Ocean View sub-division if and when annexed into the Town of Ocean View.



TOWN OF OCEAN VIEW  
DELAWARE

May 17, 2022

TO: Planning and Zoning Commission  
FROM: Dawn Mitchell Parks, Finance Director  
VIA: Carol S. Houck, Town Manager  
SUBJECT: The Villas at Ocean View, f.k.a. Browning Farm / CTM# 134-12.00-470.00  
142 Woodland Avenue - Annexation Review of 27.85 acres – Financial Analysis

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Attached is the financial analysis of the proposed annexation of 27.85 acres located at 142 Woodland Avenue.

The “Estimated Revenues” section provides that certain, specific revenues should be estimated. Those revenues are as follows:

- Real estate property taxes
- Real estate transfer taxes
- Permit fees
- Impact fees
- Rental License and Gross Rental Receipt Tax
- Emergence Services Enhancement Trust Fund (“ESEF”)

The “Estimated Expenditures” section provides that following expenses should be estimated. Those expenses are as follows:

- Cost of police services
- Cost of DPW services
- Cost of administrative services
- Cost of assessment records’ fees
- Cost of road maintenance
- Cost of streetlights
- Possible need of additional Town staff
- Expansion of the municipal water distribution system

**Assumptions:**

The estimated revenues and expenditures are based on the following:

- 100 Townhomes in pods of four (4), five (5) or six (6) units with an anticipated average sale price of \$525,000.
  - 2600 sq ft; 4 bedroom / 3.5 bathroom
  - 2300 sq ft; 3 bedroom / 2.5 bathroom
  - Lot size - 4,500 approximate sq footage
  - 3,260 Linear Feet of roadway
  - Average / estimated construction cost of \$200,000 (+/-) per unit
- Construction will commence in fiscal year 2024 with minimal revenue to the Town in fiscal year 2023.

- Build out of project will occur over a period of 3.5 years (30 units per year after development work is completed)

### **Revenue Projections:**

With anticipated construction commencing in the spring of 2023, we anticipate minimal revenue to the Town in fiscal year 2023.

For the purposes of this financial analysis, revenues have been conservatively estimated in the 5-year totals.

As shown on the recap, the Town anticipates revenue collected during the permitting and sales process to be estimated at \$1.3 Million with an estimated amount of \$455,300 to be transferred to the Town's trust funds (ESEF, CRTF and SRRTF) leaving \$942,00 for Ocean View operations from the constructions phase. Projected property tax, gross rental receipt tax and rental licenses over the 5-year period are estimated at \$510,380 giving the Town \$1.4 Million in revenue available for operations over the next five (5) fiscal years.

### **Expenditure Projections:**

We are estimating annual expenses after full build out to be \$3,500 per year with minimal impact on police service, DPW service, road maintenance or the need for additional employees. At this time, the Town assumes no responsibility for streetlight costs and the expansion of the municipal water distribution system is not applicable to this annexation.

Construction will commence at the beginning of **FY24** - minimal revenue to Town in **FY23**.

Build out of the project will occur ratably over a period of **3.5** years - as follows:

|  | FY24  | FY25  | FY26  | FY27  | FY28 |
|--|-------|-------|-------|-------|------|
|  | 10.0% | 30.0% | 30.0% | 30.0% | 0.0% |

crossfoot  
100%

The "Estimated Revenue" section of the "Financial Analysis of Proposed Annexation" provides that certain, specific revenues should be estimated. Those revenues are as follows:

- (A) Real estate property taxes
- (B) Real estate transfer taxes
- (C) Permit fees
- (D) Impact fees
- (E) Rental license fees and Gross Rental Receipt Tax (GRRT)
- (F) Emergency Services Enhancement Trust Fund ("ESEF")

Calculations are shown below.

| Parcels       | Sussex County<br>CTM # 134-12.00 | Proposed construction            |         |                        |                      | (C) Permit fees             |                       |                              | (D) Impact fees & (F) ESEF fees |       |                   |          |                  |  |                   |
|---------------|----------------------------------|----------------------------------|---------|------------------------|----------------------|-----------------------------|-----------------------|------------------------------|---------------------------------|-------|-------------------|----------|------------------|--|-------------------|
|               |                                  | Type                             | # units | Est. sale price / unit | Total Sales          | Construction permit revenue |                       | Impact Fees @ \$1,436 / unit | ESEF when permits issued        |       |                   |          |                  |  |                   |
|               |                                  |                                  |         |                        |                      | Unit size in sq ft          | Cost / sq ft = \$1.25 |                              | Per unit                        | Total | ESEF \$500        | Per unit | Total            |  |                   |
|               |                                  | Townhomes - 4 bedroom / 3.5 Bath | 50      | 550,000                | 27,500,000           | 2,600                       | 3,250                 | 162,500                      |                                 |       |                   |          |                  |  |                   |
|               |                                  | Townhomes - 3 Bedroom / 2.5 Bath | 50      | 500,000                | 25,000,000           | 2,300                       | 2,875                 | 143,750                      |                                 |       |                   |          |                  |  |                   |
| <b>Totals</b> |                                  |                                  |         |                        | <b>\$ 52,500,000</b> |                             |                       | <b>\$ 306,250</b>            |                                 |       | <b>\$ 143,600</b> |          | <b>\$ 50,000</b> |  | <b>\$ 100,000</b> |

(A) Real Estate Property Taxes - estimated Assessed Value is based on Selling Price of units

| Type          | # units | Est. sale price / unit | Total Sales / Assessed Value | Projected property tax billings - rate increase = |                   | each year \$ Billed |
|---------------|---------|------------------------|------------------------------|---|-------------------|---------------------|
|               |         |                        |                              | Rate-FY25   | Rate-FY27         |                     |
| Townhomes     | 50      | 550,000                | 27,500,000                   | \$ Billed 65,395                                  | \$ Billed 68,145  | \$ Billed 68,145    |
| Townhomes     | 50      | 500,000                | 25,000,000                   | \$ Billed 59,450                                  | \$ Billed 61,950  | \$ Billed 61,950    |
| <b>Totals</b> |         |                        |                              | <b>\$ 124,845</b>                                 | <b>\$ 130,095</b> | <b>\$ 130,095</b>   |



**(B) Real Estate Transfer Taxes - based on Selling Price of units and current transfer tax rate allocated to OV**

| Type          | # units | Est. sale price / unit | Total Sales / Assessed Value | Trf Tax Revenue   |
|---------------|---------|------------------------|------------------------------|-------------------|
| Townhomes     | 50      | 550,000                | 27,500,000                   | 412,500           |
| Townhomes     | 50      | 500,000                | 25,000,000                   | 375,000           |
| <b>Totals</b> |         |                        | <b>\$52,500,000</b>          | <b>\$ 787,500</b> |

1.50%

**(E) Rental License fees generated from rental units**

Some of the residential units will be rented:

Rental license fees generated

Annual rental license cost = \$ 150

total # residential units from above = 100

estimated % of units that will be rented = 20%

20.0 = estimated number of residential units to be rented  
Annual rental license fees = \$ 3,000 at current annual license fee

**(+) Gross Rental Receipts Tax (GRRT) Revenue - Primarily from Commercial units**

Current GRRT rate = 5%

Some of the residential units will be rented:

20.0 = avg number of residential units rented from above (annual & seasonal)

\$ 2,200 = avg monthly rental for a year round rental

Annual rentals from residential units = \$ 528,000

\$ 26,400 = Residential GRRT generated annually at current tax rate

100%

crossfoot

|  | 5-Yr Totals                     | FY24              | FY25              | FY26              | FY27              | FY28              |
|--|---------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| <b>(B)</b> Transfer tax based on selling price                       | \$ 787,500                      | \$ 78,750         | \$ 236,250        | \$ 236,250        | \$ 236,250        | \$ -              |
| <b>(C)</b> Building permit revenue                                   | 306,250                         | 30,625            | 91,875            | 91,875            | 91,875            | -                 |
| Impact fees @ \$1,936 per residential unit                           |                                 |                   |                   |                   |                   |                   |
| <b>(D)</b> Impact fee component                                      | \$ 143,600                      |                   |                   |                   |                   |                   |
| <b>(F)</b> ESEF fee component  | 50,000                          | 19,360            | 58,080            | 58,080            | 58,080            | -                 |
| <b>(F)</b> ESEF collected when permit issued (based on permit value) | 100,000                         | 10,000            | 30,000            | 30,000            | 30,000            | -                 |
| <b>Total collected during permitting process</b>                     | <b>1,387,350</b>                | <b>138,735</b>    | <b>416,205</b>    | <b>416,205</b>    | <b>416,205</b>    | <b>-</b>          |
| Deduct collected funds <u>not</u> available for operations:          |                                 |                   |                   |                   |                   |                   |
| ESEF collections that must be "granted out"                          | (150,000)                       | (15,000)          | (45,000)          | (45,000)          | (45,000)          | -                 |
| Eligible transfer taxes used to "fund" trust funds:                  |                                 |                   |                   |                   |                   |                   |
| CRTF @ 12.5%   | (98,438)                        | (9,844)           | (29,531)          | (29,531)          | (29,531)          | -                 |
| SRRTF @ 25.0%  | (196,875)                       | (19,688)          | (59,063)          | (59,063)          | (59,063)          | -                 |
| <b>Total not available for operations</b>                            | <b>(445,313)</b>                | <b>(44,531)</b>   | <b>(133,594)</b>  | <b>(133,594)</b>  | <b>(133,594)</b>  | <b>-</b>          |
| <b>Available for OV operations from construction phase</b>           | <b>\$ 942,038</b>               | <b>\$ 94,204</b>  | <b>\$ 282,611</b> | <b>\$ 282,611</b> | <b>\$ 282,611</b> | <b>\$ -</b>       |
| <b>Add:</b> Recurring Revenue - builds ratably over 5 years          | <b>5<sup>th</sup> Yr Totals</b> |                   |                   |                   |                   |                   |
| Projected property tax - based on FY28 projected rate                | \$ 130,095                      | 13,010            | 52,038            | 91,067            | 130,095           | 130,095           |
| Projected GRRT tax   | 26,400                          | 2,640             | 10,560            | 18,480            | 26,400            | 26,400            |
| Projected rental licenses  | 3,000                           | 300               | 1,200             | 2,100             | 3,000             | 3,000             |
| <b>Total recurring revenue</b>                                       | <b>\$ 159,495</b>               | <b>\$ 15,950</b>  | <b>\$ 63,798</b>  | <b>\$ 111,647</b> | <b>\$ 159,495</b> | <b>\$ 159,495</b> |
| <b>Total revenue available for OV operations</b>                     | <b>\$ 1,452,422</b>             | <b>\$ 110,153</b> | <b>\$ 346,409</b> | <b>\$ 394,258</b> | <b>\$ 442,106</b> | <b>\$ 159,495</b> |

**Notes**

**This analysis does not consider certain incidental revenue items such as:**

- 10% administrative fee that will be charged on engineering reviews of site and lot development during the construction phase.
- Additional business licenses that may be issued to construction trades people that are working on this project.
- Planning & Zoning and Board of Adjustment fees that may be charged during the construction process.
- Additional transfer taxes generated from property resales.
- Additional permit, impact fee, and ESEF collections from property improvements after initial construction.

**Assumptions & Revenue Projections - Villas at Ocean View**  
**Application P-340**

The "Estimated Expenses" section of the "Financial Analysis of Proposed Annexation" checklist provides that the following expenses should be estimated:

Annual/recurring costs projected after buildout

**(A) Cost of police service**

Minimal impact.  
 Property is along Woodland Avenue in an area currently patrolled by the OVPD.

\$ -

**(B) Cost of DPW service**

Minimal impact.  
 DPW daily street patrol time would be minimal.

**(C) Cost of administrative service**

Mailing and processing tax accounts and bills to include materials & postage plus personnel time to bill & collect at \$ 19.99 "labor" estimate per tax account

| <u>Acctg time + Mailing</u> |                   | <u>Total</u> |              |
|-----------------------------|-------------------|--------------|--------------|
| <u>\$ per unit</u>          | <u># of units</u> |              |              |
| \$ 21.73                    | 100               | \$ 2,173     | <b>2,173</b> |

**(D) Cost of assessment records' fees**

Costs for specific assessment tasks based on the Pearson's Appraisals, Inc. current contract are as follows:

|   | <u>\$ per unit</u> | <u># of units</u> | <u>Total</u> |              |
|---|--------------------|-------------------|--------------|--------------|
| <u>One time cost as construction is completed</u>                                     |                    |                   |              |              |
| Set up new annexation/subdivision - 1x  | \$ 30.00           | 100               | \$ 3,000     |              |
| Initial assessment for each new structure - 1x  | \$ 75.00           | 100               | 7,500        |              |
| <u>Annual costs</u>   |                    |                   |              |              |
| Data base maintenance   | \$ 8.00            | 100               | \$ 800       |              |
| Additions - assume that 19% of the parcels have improvements/additions made each year | \$ 30.00           | 19                | 570          | <b>1,370</b> |

**(E) Cost of road maintenance**

No anticipated budget impact through FY28.

**(F) Cost of street lights if Town assumes this cost**

Monthly cost is estimated based on current street light bills from Delmarva Power = \$ -  
 Need more input as to extent of street lighting & reason this would be an OV expense.

**(G) Possible need for additional employees**

Minimal impact.

**(H) Expansion of municipal water distribution system**

Not applicable - CPCNs for these properties are not held by OV.

**Estimated annual expenses after full build out - in FY27 Dollars**

\$ 3,543



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(302) 539-1208, Ext. 113  
FAX (302) 537-5306  
admintov@oceanviewde.com  
www.oceanviewde.com

## TOWN OF OCEAN VIEW

201 CENTRAL AVENUE  
OCEAN VIEW, DE 19970

VIA EMAIL AND USPS

May 16, 2022

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

RE: CTM ID 134-12:00-470.00  
142 Woodland Avenue

Dear Mr. Whitehouse:

This letter is sent to notify you that DRB Group of the Eastern Shore, LLC (DRB) has requested annexation of 27.85 acres of land, more or less, into the Town of Ocean View and is requesting R-3 Townhouse and Multifamily district zoning.

This property is located on the south side of Woodland Avenue at the intersection of Mitchell Avenue and Woodland Avenue, approximately 538 ft. Northwest of the intersection of Balsa St. and Woodland Avenue and is currently zoned AR-1 Agricultural Residential.

The Ocean View Planning and Zoning Commission has scheduled a public hearing at 6 p.m. on May 19, 2022, in the Town Hall to review this annexation petition and would welcome your comments on this annexation request. If you prefer to send written comments, you may email them to me at [kcimino@oceanviewde.gov](mailto:kcimino@oceanviewde.gov).

Very truly yours,



Kenneth L. Cimino  
Director of Planning and Development

KLC:klc

Cc: Dennis L. Schrader, Town Solicitor – Morris James LLP  
Jill Oliver, Planner

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(302) 539-1208, Ext. 113  
FAX (302) 537-5306  
admintov@oceanviewde.com  
www.oceanviewde.com

## TOWN OF OCEAN VIEW

201 CENTRAL AVENUE  
OCEAN VIEW, DE 19970

VIA EMAIL AND USPS

June 2, 2022

Colonel Melissa Zebley  
Delaware State Police Headquarters  
1441 N. Dupont Highway  
Dover, DE 19901

RE: CTM ID 134-12:00-470.00  
142 Woodland Avenue

Dear Colonel Zebley:

This letter is sent to notify you that DRB Group of the Eastern Shore, LLC (DRB) has requested annexation of 27.85 acres of land, more or less, into the Town of Ocean View and is requesting R-3 Townhouse and Multifamily district zoning.

This property is located on the south side of Woodland Avenue at the intersection of Mitchell Avenue and Woodland Avenue, approximately 538 ft. Northwest of the intersection of Balsa St. and Woodland Avenue and is currently zoned AR-1 Agricultural Residential.

The Ocean View Town Council has scheduled a public hearing for the first reading of an annexation ordinance at 7 p.m. on June 14, 2022, in the Town Hall. We would welcome your comments on this annexation request. If you prefer to send written comments, you may email them to me at [kcimino@oceanviewde.gov](mailto:kcimino@oceanviewde.gov).

A copy of Chief Kenneth McLaughlin's memorandum to our Planning & Zoning Commission is attached here for your reference.

Very truly yours,



Kenneth L. Cimino  
Director of Planning and Development

KLC:klc

Cc: Chief Kenneth McLaughlin, Ocean View Police Department  
Jill Oliver, Planner

Enclosure

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# TOWN OF OCEAN VIEW

201 Central Avenue – 2<sup>nd</sup> Floor  
Ocean View, DE 19970

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302 539-1208 (office) • 302 537-5306 (fax)

kcimino@oceanviewde.gov / www.oceanviewde.gov

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May 2, 2022

Pauksts Trust c/o Anita Smawley  
134 Woodland Ave.  
Ocean View, DE 19970

134-12.00-470.00

## TOWN OF OCEAN VIEW PUBLIC NOTICE PLANNING AND ZONING COMMISSION

### **Annexation Request, Application P-340**

**142 Woodland Avenue (27.852 acres, more or less)**

**(PIDN: 034.000 / CTM# 134-12.00-470.00 / SW Woodland Ave. SE/Bella Via Way)**

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission of the Town of Ocean View will review an annexation petition for 142 Woodland Avenue, submitted by the property owners, DRB Group of the Eastern Shore, LLC, for the annexation of 27.852 acres of land (more or less) into the Town limits of Ocean View and establishing the zoning designation as R-3 Townhouse and Multifamily District. (PIDN: 034.000 / CTM# 134-12.00-470.00).

The Town will hold this review on **Thursday, May 19, 2022 at 6:00pm** or as soon as possible thereafter in the Ocean View Community Center (Town Hall) located at 32 West Avenue. All interested parties are welcome to attend. The meeting will be available online via livestream on the Town's YouTube channel and the viewing public will have the opportunity to comment or ask questions during the hearings by sending an email to [comment@oceanviewde.gov](mailto:comment@oceanviewde.gov). The link to the livestream and the email address will appear on the posted agenda for the meeting and in the calendar portion of the Town's website [www.oceanviewde.gov](http://www.oceanviewde.gov). Written comments will also be accepted prior to the meeting. Please note that the meeting agenda is subject to change.

The material may be examined by interested parties on the second floor of the Wallace A. Melson Municipal Building located at 201 Central Avenue between 8:30 a.m. and 12:00 p.m. and 1:00 p.m. through 4:00 p.m., Monday through Friday. For additional information, please contact Kenneth L. Cimino, Director of Planning, Zoning & Development, at (302) 539-1208 or via email at [kcimino@oceanviewde.gov](mailto:kcimino@oceanviewde.gov).



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# TOWN OF OCEAN VIEW

201 Central Avenue – 2<sup>nd</sup> Floor  
Ocean View, DE 19970

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302 539-1208 (office) • 302 537-5306 (fax)

[kcimino@oceanviewde.gov](mailto:kcimino@oceanviewde.gov) / [www.oceanviewde.gov](http://www.oceanviewde.gov)

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May 25, 2022

Pauksts Trust c/o Anita Smawley  
134 Woodland Ave.  
Ocean View, DE 19970

134-12.00-470.00

## TOWN OF OCEAN VIEW PUBLIC NOTICE TOWN COUNCIL FIRST AND SECOND READINGS

The Town Council of Ocean View will hold a public hearing for a first reading of the following ordinance on Tuesday, June 14, 2022 and a public hearing for a second reading of the following ordinance on Tuesday, July 12, 2022:

**An Ordinance Annexing into the Town Limits of the Town of Ocean View of 27.852 acres, more or less, being the Lands of DRB Group Eastern Shore, LLC (142 Woodland Avenue / CTM# 134-12.00-470.00, Current Zoning: Sussex County AR-1 Agricultural-Residential, Requested Zoning: R-3 Townhouse & Multifamily District)**

All public hearings will be held at 7:00 pm or as soon as possible thereafter prior to the Town Council Meetings in the Ocean View Community Center/Town Hall located at 32 West Avenue. The ordinance may be examined online or on the second floor of the Wallace A. Melson Municipal Building located at 201 Central Avenue between 8:30 am and 4:00 pm, Monday through Friday by appointment only.

All interested parties are welcome to attend the public hearings and present their views. If unable to attend the public hearings, written comments will be accepted but must be received prior to the meeting.

The public hearings will be available online via livestream on the Town's YouTube channel and the viewing public will have the opportunity to comment or ask questions during the hearings by sending an email to [comment@oceanviewde.gov](mailto:comment@oceanviewde.gov). The link to the livestream and the email address will appear on the posted agenda for the meeting and in the calendar portion of the Town's website [www.oceanviewde.gov](http://www.oceanviewde.gov). Please note that the meeting agenda is subject to change.

For additional information, please contact Kenneth L. Cimino, Director of Planning, Zoning & Development, at (302) 539-1208 or via email at [kcimino@oceanviewde.gov](mailto:kcimino@oceanviewde.gov).

| PIDN    | TM#               | PL#   | Property Location<br>Street | Owner   | OMA # | OMA Street         | OMA City         | OMA State | OMA Zip |
|---------|-------------------|-------|-----------------------------|---|-------|--------------------|------------------|-----------|---------|
| 034.010 | 134-12.00-470.00  | 134   | Woodland Ave.               | Pauksts Trust of Anita Smawley                | 134   | Woodland Ave.      | Ocean View       | DE        | 19970   |
| 034.020 | 134-12.00-470.02  | 138   | Woodland Ave.               | West, Jeannette N.                            |       | P.O. Box 1061      | Ocean View       | DE        | 19970   |
| n/a     | 134-16.00-842.00  | 148   | Woodland Ave.               | McCarra, Derek & Nicole                       | 148   | Woodland Ave.      | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2295.00 | 32623 | Bella Via Ct.               | Bongiorni, Janine                             | 15    | Spalding Dr.       | Holmdel          | NJ        | 07733   |
| n/a     | 134-12.00-2296.00 | 32625 | Bella Via Ct.               | Avato, Steven & April                         | 46889 | Ducksprings Way    | Sterling         | VA        | 20164   |
| n/a     | 134-12.00-2297.00 | 32627 | Bella Via Ct.               | White, Robin & White, Gale                    | 32627 | Bella Via Ct.      | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2298.00 | 37409 | Bella Via Ct.               | Young, Thomas & Suzanne                       | 12606 | Groveswood Ct.     | Clarksville      | MD        | 21029   |
| n/a     | 134-12.00-2302.00 | 37410 | o/s Reserves                |   |       |                    |                  |           |         |
| n/a     | 134-12.00-2303.00 | 37412 | Bella Via Way               | Shull, A. Lee, Jr.                            | 273   | Baywood Ave.       | Pittsburgh       | PA        | 15228   |
| n/a     | 134-12.00-2304.00 | 37414 | Bella Via Way               | Laporte, Bruce P. Trustee                     | 203   | Pinhurst Rd        | Wilmington       | DE        | 19803   |
| n/a     | 134-12.00-2305.00 | 32712 | Firenzia Ct.                | Rixmann, Randall A.                           | 37414 | Bella Via Way      | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2306.00 | 32714 | Firenzia Ct.                | Gossart, John & Heather                       | 32712 | Firenzia Ct.       | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2307.00 | 32716 | Firenzia Ct.                | Monos, Mary Ellen Monos                       | 32714 | Firenzia Ct.       | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2308.00 | 32718 | Firenzia Ct.                | DiCarlo, Steven P. & Donna L.                 | 32716 | Firenzia Ct.       | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2309.00 | 32720 | Firenzia Ct.                | Palmer, Francis P.                            | 32718 | Firenzia Ct.       | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2310.00 | 37428 | Bella Via Way               | Martin, Charles & Ellen                       | 32720 | Firenzia Ct.       | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2311.00 | 37559 | Bella Via Way               | Davis, Victor Carroll, Sr. & Marlene Mary     | 37428 | Bella Via Way      | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2312.00 | 37557 | Bella Via Way               | Cohen, Allan & Barbara                        | 37559 | Bella Via Way      | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2389.00 | 37554 | Bella Via Way               | Wanalista, David M. & Sandra P.               | 37557 | Bella Via Way      | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2390.00 | 37552 | Bella Via Way               | Milmoe, Brian J. Jr                           | 37554 | Bella Via Way      | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2391.00 | 37550 | Bella Via Way               | Miskowich, Marilyn Anne                       | 37552 | Bella Via Way      | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2467.00 | 37432 | Bella Via Way               | Scherer, Jo Anna                              | 37550 | Bella Via Way      | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2466.00 | 32874 | Tivoli Ct.                  | Short, Tony & Lorri                           | 720   | Great Heron Dr.    | Edgewater        | MD        | 21037   |
| n/a     | 134-12.00-2465.00 | 32876 | Tivoli Ct.                  | Ollman, Richard B.                            | 32874 | Tivoli Ct.         | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2464.00 | 32878 | Tovoli Ct.                  | Holmberg, Timothy & Kathleen                  | 32876 | Tivoli Ct.         | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2463.00 | 32880 | Tivoli Ct.                  | Starr, Mark & Ellen                           | 32878 | Tivoli Ct.         | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2462.00 | 32882 | Tivoli Ct.                  | Schlafman, Tevia & Wolowitz, Linda            | 32880 | Tivoli Ct.         | Ocean View       | DE        | 19970   |
| n/a     | 134-12.00-2461.00 | 32884 | Tivoli Ct.                  | Katz, Jay & Jacqueline Trustees               | 32882 | Tivoli Ct.         | Ocean View       | DE        | 19970   |
| n/a     | 134-16.00-842.00  | 148   | Woodland Ave.               | Casey, Cathleen                               |       | P.O. Box 169       | Bethany Beach    | DE        | 19930   |
| n/a     | 134-16.00-804.00  | 37684 | Balsa St.                   | McCarra, Derek & Nicole                       | 148   | Woodland Ave.      | Ocean View       | DE        | 19970   |
| n/a     | 134-16.00-805.00  | 37706 | Balsa St.                   | Romine, Jeanne S. & Wojciechowski             | 37696 | P.O. Box 169       | Ocean View       | DE        | 19970   |
| n/a     | 134-16.00-806.00  | n/a   | Balsa St.                   | Haley, Winward                                | 37706 | Balsta St.         | Ocean View       | DE        | 19970   |
| n/a     | 134-16.00-807.00  | 37712 | Balsa St.                   | Wong, Walter & Fisher, Valerie                | 226   | Balsta St.         | Ocean View       | DE        | 19970   |
| n/a     | 134-16.00-808.00  | 37714 | Balsa St.                   | Caulder, Alexander & Patricia                 | 3663  | Cornwell Dr.       | Bear             | DE        | 19701   |
| n/a     | 134-16.00-809.00  | 37718 | Balsa St.                   | Cooper, Robert & Leah, Investment TTEE IRR TR | 37714 | Lake Mountain Dr.  | Saratoga Springs | UT        | 84045   |
| n/a     | 134-16.00-810.00  | 37722 | Balsa St.                   | Holson, James                                 | 37718 | Balsta St.         | Ocean View       | DE        | 19970   |
| n/a     | 134-16.00-811.00  | 37724 | Balsa St.                   | Street, Robert & Cynthia                      | 416   | Balsta St.         | Ocean View       | DE        | 19970   |
| n/a     | 134-16.00-812.00  | 37726 | Balsa St.                   | Gerrity, Douglas & Muller, Marie              | 27    | Pleasant Ridge Rd. | Poughquag        | NY        | 12570   |
| n/a     | 134-16.00-813.00  | 37728 | Balsa St.                   | Rommel, Jeffrey & Janet                       |       | W. Obrecht Rd.     | Sykesville       | MD        | 21784   |
| n/a     |                   |       |                             | Martin, Brian & Jesika                        |       | P.O. Box 808       | Bethany Beach    | DE        | 19930   |
| n/a     |                   |       |                             | Oswald, Monica & Benedetto, Robert            | 508   | Carousel Cr.       | Norristown       | PA        | 19403   |

|         |                   |       |                  |  |       |                             |               |    |       |
|---------|-------------------|-------|------------------|--|-------|-----------------------------|---------------|----|-------|
| n/a     | 134-16.00-814.00  | 37732 | Balsa St.        | Emrick, Michael & Joan                   | 3445  | Hyacinth Pt. Unit B         | Waldorf       | MD | 20602 |
| n/a     | 134-16.00-815.00  | 37734 | Balsa St.        | Kitchin & Cheryl                         | 12908 | Wheatland Way               | Brandywine    | MD | 613   |
| n/a     | 134-16.00-816.00  | 37738 | Balsa St.        | Brice, Shane & Kimberly                  | 37738 | Balsa St.                   | Ocean View    | DE | 19970 |
| n/a     | 134-16.00-817.00  | 37740 | Balsa St.        | Austin, Cavelli                          | 1750  | S. El Camino Real Unit 103  | Encinitas     | CA | 92024 |
| n/a     | 134-16.00-818.00  | 37744 | Balsa St.        | Wharton, Kevin & Nancy                   | 37744 | Balsa St.                   | Ocean View    | DE | 19970 |
| n/a     | 134-12.00-2404.00 | 33002 | Venezia Way      | Trout, Edwin & Ann                       | 33002 | Venezia Way                 | Ocean View    | DE | 19970 |
| n/a     | 134-12.00-2405.00 | 33000 | Venezia Way      | Jankowski, Kathleen                      | 33000 | Venezia Way                 | Ocean View    | DE | 19970 |
| n/a     | 134-12.00-2406.00 | 32998 | Venezia Way      | Falik, Joel & Anne TTY REV TR            | 32998 | Venezia Way                 | Ocean View    | DE | 19970 |
| n/a     | 134-12.00-2407.00 | 32996 | Venezia Way      | Delricco, Geroge & Annmarie              | 32996 | Venezia Way                 | Ocean View    | DE | 19970 |
| n/a     | 134-12.00-2708.00 | 32992 | Venezia Way      | Greenblath, Jason & Sherry               | 2413  | April Dr.                   | Jamison       | PA | 21797 |
| n/a     | 134-12.00-2409.00 | 32990 | Venezia Way      | Mazzuca, Matthew & Linda                 | 9742  | Wyndham Dr.                 | Frederick     | MD | 21704 |
| n/a     | 134-12.00-2468.00 | n/a   | The Reserves O/S | TAC Beacon II, LLC                       | 301   | N. Ashview Ln.              | Wilmington    | DE | 19807 |
| 321.010 | 134-12.00-509.15  | 29    | Kent Ave.        | Budd, Kenneth & Carolyn                  | 112   | Oakdale Rd                  | Chester       | NJ | 07930 |
| 321.020 | 134-12.00-1743.00 | 27    | Kent Ave.        | Nascak, Patrick & Monica                 | 30    | Fogland Ln.                 | Ocean View    | DE | 19970 |
| 321.280 | 134-12.00-1761.00 | 30    | Kent Ave.        | Ricker Jr., Mark & Lynne                 | 30    | Kent Ave.                   | Ocean View    | DE | 19970 |
| 321.290 | 134-12.00-509.11  | 117   | West Ave.        | Kues, Marcey                             | 117   | West Ave.                   | Ocean View    | DE | 19970 |
| 036.070 | 134-12.00-1392.00 | 151   | Woodland Ave.    | Sebastianelli, Elda                      | 500   | Wheeler Ave.                | Scranton      | PA | 18510 |
| 036.020 | 134-12.00-473.00  | 112   | West Ave.        | Breasure, Wayne & Elaine                 | 112   | West Ave.                   | Ocean View    | DE | 19970 |
| 036.080 | 134-12.00-472.00  | 149   | Woodland Ave.    | Beck, Michael & Emma                     | 12100 | Old Bridge Rd.              | Rockville     | MD | 20852 |
| 036.090 | 134-12.00-1391.00 | 6     | Sussex Ave.      | Breasure, Wayne & Elaine                 | 112   | West Ave.                   | Ocean View    | DE | 19970 |
| 036.050 | 134-12.00-474.00  | 110   | West Ave.        | Flynn, Daniel & Beverly                  | 118   | Worths Bridge Rd.           | Oxford        | PA | 19363 |
| 036.100 | 134-12.00-475.00  | 5     | Sussex Ave.      | Finnegan, James & Linda                  | 5     | Sussex Ave.                 | Ocean View    | DE | 19970 |
| 035.020 | 134-16.00-843.00  | 150   | Woodland Ave.    | Winghaven Properties, LLC                | 9590  | Nanticoke Business Park Dr. | Seaford       | DE | 19973 |
| 036.200 | 134-12.00-1390.00 | 147   | Woodland Ave.    | Ayres, Dennis & Patricia                 | 147   | Woodland Ave.               | Ocean View    | DE | 19970 |
| 036.210 | 134-12.00-471.00  | 143   | Woodland Ave.    | Salvatore, Michael                       | 5580  | Warren Dr.                  | Huntingtown   | MD | 20639 |
| 036.190 | 134-12.00-476.00  | 7     | Sussex Ave.      | Farley, James & Diane                    | 5     | Old Baltimore Ct.           | Olney         | MD | 20832 |
| 036.220 | 134-12.00-477.00  | 9     | Sussex Ave.      | Mercandante, William & Kimberly          | 1265  | West Bridge St.             | Spring City   | PA | 19475 |
| 036.310 | 134-12.00-478.00  | 11    | Sussex Ave.      | Stadnik, Beat & Kemp, John               | 3601  | N. Kenilworth St.           | Arlington     | VA | 22207 |
| 036.210 | 134-12.00-1389.00 | 139   | Woodland Ave.    | Young, George                            | 139   | Woodland Ave.               | Ocean View    | DE | 19970 |
| 036.340 | 134-12.00-479.00  | 13    | Sussex Ave.      | Cripps, Randolph & Patricia              | 134   | Duck Farm Rd.               | Oxford        | PA | 19363 |
| 034.010 | 134-12.00-470.01  | 134   | Woodland Ave.    | Paukst Trust, Renate C/O Smaawley, Anita | 134   | Woodland Ave.               | Ocean View    | DE | 19970 |
| 034.020 | 134-12.00-470.02  | 138   | Woodland Ave.    | West, Jeanette                           |       | P.O. Box 1061               | Ocean View    | DE | 19970 |
| 036.360 | 134-12.00-489.01  | 28    | Mitchell Ave.    | Wetzstein, Elizabeth                     |       | P.O. Box 986                | Ocean View    | DE | 19970 |
| 036.370 | 134-12.00-489.00  | 26    | Mitchell Ave.    | Bausman, Joann                           |       | P.O. Box 1518               | Ocean View    | DE | 19970 |
| 036.380 | 134-12.00-1380.00 | 24    | Mitchell Ave.    | Evans, Dianna                            | 24    | Mitchell Ave.               | Ocean View    | DE | 19970 |
| 033.000 | 134-12.00-469.00  | 116   | Woodland Ave.    | Bennett, Mark & Adrienne                 | 116   | Woodland Ave.               | Ocean View    | DE | 19970 |
| 037.220 | 134-12.00-497.00  | n/a   | Briarcliffe Pool | Briarcliffe HOA                          | 33370 | Atlantic Ave.               | Millville     | DE | 19967 |
| 037.060 | 134-12.00-2278.00 | 12    | Cedar Grove Ct.  | Jackson, Glenda                          | 12    | Cedar Grove Ct.             | Ocean View    | DE | 19970 |
| 037.050 | 134-12.00-2277.00 | 10    | Cedar Grove Ct.  | Lydic, Garrett & Lydia                   | 10    | Cedar Grove Ct.             | Ocean View    | DE | 19970 |
| 037.040 | 134-12.00-2276.00 | 8     | Cedar Grove Ct.  | Lowenbach, Fred & Cheryl                 | 16613 | Cypress Bay Ln.             | Silver Spring | MD | 20905 |
| 037.030 | 134-12.00-2275.00 | 6     | Cedar Grove Ct.  | Yergery, Patricia & Alfred               | 6     | Cedar Grove Ct.             | Ocean View    | DE | 19970 |
| 037.020 | 134-12.00-2274.00 | 4     | Cedar Grove Ct.  | Taylor, Carol                            | 4     | Cedar Grove Ct.             | Ocean View    | DE | 19970 |
| 037.010 | 134-12.00-2273.00 | 2     | Cedar Grove Ct.  | Dolezal, Barbara                         | 2     | Cedar Grove Ct.             | Ocean View    | DE | 19970 |
| 032.090 | 134-12.00-468.10  | 0     | Bella Via Way    | TAC Beacon II, LLC                       | 301   | N. Ashview Ln.              | Wilmington    | DE | 19807 |



|         |                           |       |                        |                                    |         |                     |                |    |       |
|---------|---------------------------|-------|------------------------|------------------------------------|---------|---------------------|----------------|----|-------|
| 032.070 | 134-12.00-468.08          | 32619 | Bella Via Way          | Korrick, Saleena                   | 32619   | Bella Via Way       | Ocean View     | DE | 19970 |
| 032.080 | 134-12.00-468.09          | 32621 | Bella Via Way          | Henry                              | 32621   | Bella Via Way       | Ocean View     | DE | 1970  |
| 032.110 | 134-12.00-468.11          | 0     | Bella Via Way          | TAC Beacon II, LLC                 | 301     | N. Ashview Ln.      | Wilmington     | DE | 19807 |
| 033.101 | 134-12.00-468.15-UNIT#101 | 2     | Smithfield Ct. - # 101 | Marianelli, Angelo R. & Erica D.   | 636     | E. Cypress St.      | Kennett Square | PA | 19348 |
| 033.102 | 134-12.00-468.15-UNIT#102 | 2     | Smithfield Ct. - # 102 | Woodruff, Deborah C & Kenneth D.   | 12016   | Suffolk Terr.       | Gaithersburg   | MD | 20878 |
| 033.103 | 134-12.00-468.15-UNIT#103 | 2     | Smithfield Ct. - # 103 | Garraty, Sarah J.                  | 2       | Smithfield Ct. #103 | Ocean View     | DE | 19970 |
| 033.104 | 134-12.00-468.15-UNIT#104 | 2     | Smithfield Ct. - # 104 | Cangialosi, Vito & Sharon          | 9544 E. | Kramer Circle       | Mesa           | AZ | 85207 |
| 033.105 | 134-12.00-468.15-UNIT#105 | 2     | Smithfield Ct. - # 105 | Miteva, Eliana & Ganev, Veselin    | 2       | Smithfield Ct. #105 | Ocean View     | DE | 19970 |
| 033.106 | 134-12.00-468.15-UNIT#106 | 2     | Smithfield Ct. - # 106 | Graff, Ronald A. & Vicki L.        | 25      | Riva Ridge Ln.      | Bear           | DE | 19701 |
| 033.107 | 134-12.00-468.15-UNIT#107 | 2     | Smithfield Ct. - # 107 | Reynolds-Wieland, Linda S.         | 2       | Smithfield Ct. #107 | Ocean View     | DE | 19970 |
| 033.108 | 134-12.00-468.15-UNIT#108 | 2     | Smithfield Ct. - # 108 | Palmieri, Ronald A & Cathy L.      | 2       | Smithfield Ct. #108 | Ocean View     | DE | 19970 |
| 033.109 | 134-12.00-468.15-UNIT#109 | 2     | Smithfield Ct. - # 109 | Cassidy, Kathleen & Kerby, Michael | 2906    | Gretna Pl.          | Vienna         | VA | 22181 |
| 033.110 | 134-12.00-468.15-UNIT#110 | 2     | Smithfield Ct. - # 110 | Walsh, Barbara A.                  | 1248    | South Red Maple Way | Downingtown    | PA | 19335 |
| 033.111 | 134-12.00-468.15-UNIT#111 | 2     | Smithfield Ct. - # 111 | Scott, Kevin                       | 9       | Marielle Dr.        | Royersford     | PA | 19468 |
| 033.200 | 134-12.00-468.00          | 1     | Smithfield Ct.         | Vogel, Anne M.                     | 143     | Willow Oak Ave.     | Ocean View     | DE | 19970 |

## The Charter. Charter of Ocean View

### Article IV. Annexation

#### Section 4.102. Annexation of Property More Than Five (5) Acres.

The Town Council shall have the authority to annex any territory containing more than five (5) acres contiguous to the Town by complying with the procedure set forth in this Section in addition to the requirements for annexation in Title 22 of the Delaware Code

- A. Any property owner(s) holding record fee title to undeveloped or primarily developed real property in territory containing more than five (5) acres contiguous to the then existing corporate limits of the Town may petition the Town Council to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner; shall describe with reasonable certainty the territory proposed for annexation; indicate the property owned by each petitioner therein; and state the reasons for the requested annexation. The Town Council may, within one hundred eighty (180) days following the filing of such petition in the Town Office, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said one hundred eighty (180) days shall be null and void. The description for the territory proposed for annexation shall include any street, road or way previously conveyed, transferred or delivered to the Public or to the State, County, or other Local Governmental authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way corridor that is contiguous with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or other waterways to the centerline thereof that are contiguous with or adjacent to the territory proposed for annexation; provided however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be annexed into the limits and the bounds of the Town of Ocean View.
- B. The Town Council shall introduce an ordinance proposing the annexation of such territory of more than five (5) acres contiguous to the Town. Such ordinance shall describe, with reasonable certainty, the territory proposed to be annexed, state the reasons for the proposed annexation, shall rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan, and shall contain such other provisions as shall be required by law.
- C. The Town Council prior to adopting an annexation ordinance shall require the Planning and Zoning Commission (the Commission) to prepare a report to the Town Council as soon as practicable but no later than two (2) months from the initial request. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the Town of Ocean View and to the territory proposed to be annexed, and shall contain the recommendation of the Commission whether or not to proceed with the proposed annexation and the reasons therefore.
- D. In the event that the Commission concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council of Ocean View may then pass the ordinance annexing such territory to the Town of Ocean View. Such ordinance shall be adopted by the affirmative vote of all members elected to the Town Council.
- E. The annexation ordinance shall not become effective until thirty-one (31) days after adoption. After the thirty-one (31) day waiting period and, if not contested, a copy of the annexation ordinance signed by the Mayor and certified by the Town Clerk, with the Town Seal affixed, together with a

plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware. The Failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

- F. If the ordinance shall fail to receive the affirmative vote of a majority of all members elected the Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of one (1) year from the date that the ordinance failed to receive the required affirmative vote.
- G. If not less than thirty-three percent (33%) of the qualified voters of the Town of Ocean View disagree with the decision of the Town Council, they may sign a petition calling for an Annexation Referendum (Special Election). The Annexation Referendum Petition shall be filed with the Town Clerk not later than thirty (30) days following the adoption of the annexation ordinance by the Town Council. Within twenty (20) days the Commissioners shall fix the date of the Annexation Referendum (Special Election) which shall be not less than thirty (30) nor more than ninety (90) days thereafter.
- H. At the Annexation Referendum, every qualified voter shall have one (1) vote. Immediately upon the closing of the polling place, the Election Board shall count the ballots for and against the proposed annexation and shall announce the results thereof and shall certify the votes cast for and against the proposed annexation and the number of void votes, and shall deliver the same to the Town Council. Said Certificate shall be filed with the papers of the Town Council.
- I. If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters voted against the annexation, no part of the territory proposed to be annexed shall again be considered for annexation for a period of at least one (1) year from the date of the Annexation Referendum (Special Election).
- J. If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters voted for the annexation, annexation as provided therein shall become effective immediately after the certification to the Commissioners. Therefore, a copy of the annexation ordinance signed by the Mayor and certified by the Town Clerk, with the Town Seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware. The failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ANNEXING INTO THE TOWN LIMITS OF THE  
TOWN OF OCEAN VIEW OF 27.852 ACRES, MORE OR LESS,  
BEING THE LANDS OF DRB GROUP EASTERN SHORE, LLC**

**BE IT ORDAINED** and enacted by the Town Council of the Town of Ocean View:

**WHEREAS**, Article IV, Section 4.101, *et. seq.* of “AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE” provides that the Town Council shall have the authority to annex any territory contiguous to this Town;

**WHEREAS**, the Town Council deemed it appropriate to consider the annexation of a tract of land containing 27.852 acres, more or less, situate in Sussex County, Delaware; and

**WHEREAS**, the Town Council referred the proposed annexation to Planning & Zoning Commission to investigate the advisability of such annexation of a tract of land containing 27.852 acres, more or less, situate in Sussex County, Delaware, being the lands of DRB GROUP EASTERN SHORE, LLC and said Committee have made their report to the Town Council within two (2) months from the date of referral and recommending such annexation.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF OCEAN VIEW**, as follows:

Section 1. The territory containing 27.852 acres, more or less, as hereinafter described is annexed into the Town Limits of the Town of Ocean View. Said property is more particularly described in Exhibit “A”, attached hereto and made a part hereof as if more particularly set out herein.

Together with any street, road or way previously conveyed, transferred, or delivered to the Public or to the State, County, or other Local Governmental authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way corridor that is contiguous with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or other waterways to the centerline thereof that are contiguous with or adjacent to the territory proposed for annexation; provided however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be annexed into the limits and the bounds of the Town of Ocean View.

Section 2. The territory annexed into the Town of Ocean View shall be rezoned and designated as an R-3 Townhouse and Multifamily District.

Section 3. The Petitioners request annexation to obtain full and better town services, to obtain local political guidelines and to include the properties into the organized town.

Section 4. This Ordinance shall be effective upon the occurrence of the following:

- (a) Its adoption by a majority of all members elected to the Council; and
- (b) More than thirty-one days shall have elapsed from date of its final passage without the filing of a petition calling for an annexation referendum.

Section 5. A copy of this Ordinance signed by the Mayor and certified by the Town Clerk, with the Town Seal affixed, together with a plot of the annexed area, shall be forthwith filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

**TOWN OF OCEAN VIEW**

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Town Clerk

Introduced:

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:

Adopted:

Effective:

**EXHIBIT "A"**

Perimeter Legal Description of Proposed Annexation Area

**DRB GROUP EASTERN SHORE, LLC**

T.M. No.134-12.00-470.00

All that certain tract, piece and parcel of land lying and being situate and being situate in Baltimore Hundred, Sussex County, Delaware, more particularly described as follows, to wit:

BEGINNING at a point located along the southwesterly side of Woodland Avenue (50.00 feet Right-Of-Way), said point being a common corner of the herein described parcel and lands now or formerly of Anita I. Smawley, said point being further located northwesterly 508.70 feet from the northerly end of a 25.00 foot radius junction curve joining the said southwesterly side of Woodland Avenue with the northwest side of Balsa Street (50.00 feet Right-Of-Way), said point being the first mentioned POINT AND PLACE OF BEGINNING, THENCE,

Leaving said southwest side of Woodland Avenue and along the division line of the herein described parcel and said lands of Smawley, the following two (2) described courses and distances:

1. S 35°20'59" W a distance of 201.16 feet to a point, THENCE,
2. S 50°13'11" E a distance of 28.99 feet to a point, being a common corner of the herein described parcel, said lands of Smawley, and lands now or formerly of Jeannette West, THENCE,

along the division line of the herein described parcel and said lands of West the following two (2) described courses and distances:

1. S 53°54'48" W a distance of 186.89 feet to a point, THENCE,
2. S 34°23'54" E a distance of 238.53 feet to a point, being a common corner of the herein described parcel and lot 3 Quaint Acres subdivision (P.B. 11, P. 90), THENCE,

Along the division line of the herein described parcel and lots 3 through 16 of Quaint Acres, S 55°30'10" W a distance of 1427.99 feet to a point, being a common corner of the herein described parcel, lot 16 Quaint Acres, and SWM/ Open Space The Reserves Phase 2A (P.B. 70, P. 210), THENCE, along the division line of the herein described parcel and said lands of The Reserves the following five (5) described courses and distances:

1. N 06°58'12" W a distance of 283.93 feet to a point, THENCE,
2. N 07°02'13" W a distance of 343.61 feet to a point, THENCE,
3. N 06°11'08" E a distance of 387.42 feet to a point, THENCE,
4. N 18°57'44" E a distance of 449.75 feet to a point, THENCE,

5. N 37°33'44" E a distance of 188.96 feet to a point, being a common corner of the herein described parcel, said lands of The Reserves, and a common corner of lot 9 The Reserves Phase 2A, said point being located along a ditch, THENCE,

With said ditch and along the division line of the herein described parcel, said lands of lot 9 The Reserves, et al. the following two (2) described courses and distances:

1. S 55°30'57" E a distance of 214.00 feet to a point, THENCE,
2. S 39°17'57" E a distance of 306.00 feet to a point, being a common corner of the herein described parcel and lands now or formerly of Mark J. Bennett, Trustee, said point being located along Prong 3A Banks Bennett Tax Ditch, THENCE,

With said Prong 3A and along the division line of the herein described parcel and said lands of Bennett the following three (3) described courses and distances:

1. N 63°05'03" E a distance of 53.00 feet to a point, THENCE,
2. N 47°47'03" E a distance of 196.00 feet to a point, THENCE,
3. N 59°11'03" E a distance of 218.97 feet to a point, located along said southwest side of Woodland Avenue, THENCE,

With same, S 57°51'38" E a distance of 366.14 feet to a point, said point being the first mentioned POINT AND PLACE OF BEGINNING.

Containing within the said described metes and bounds 1,213,223.4 square feet (27.852 acres) of land be the same more or less and as more particularly shown on a Boundary Survey Plan prepared for Lands of Theodore F. Browning and Jeanette N. West, by Civil Engineering Associates, LLC, dated January 27, 2022.

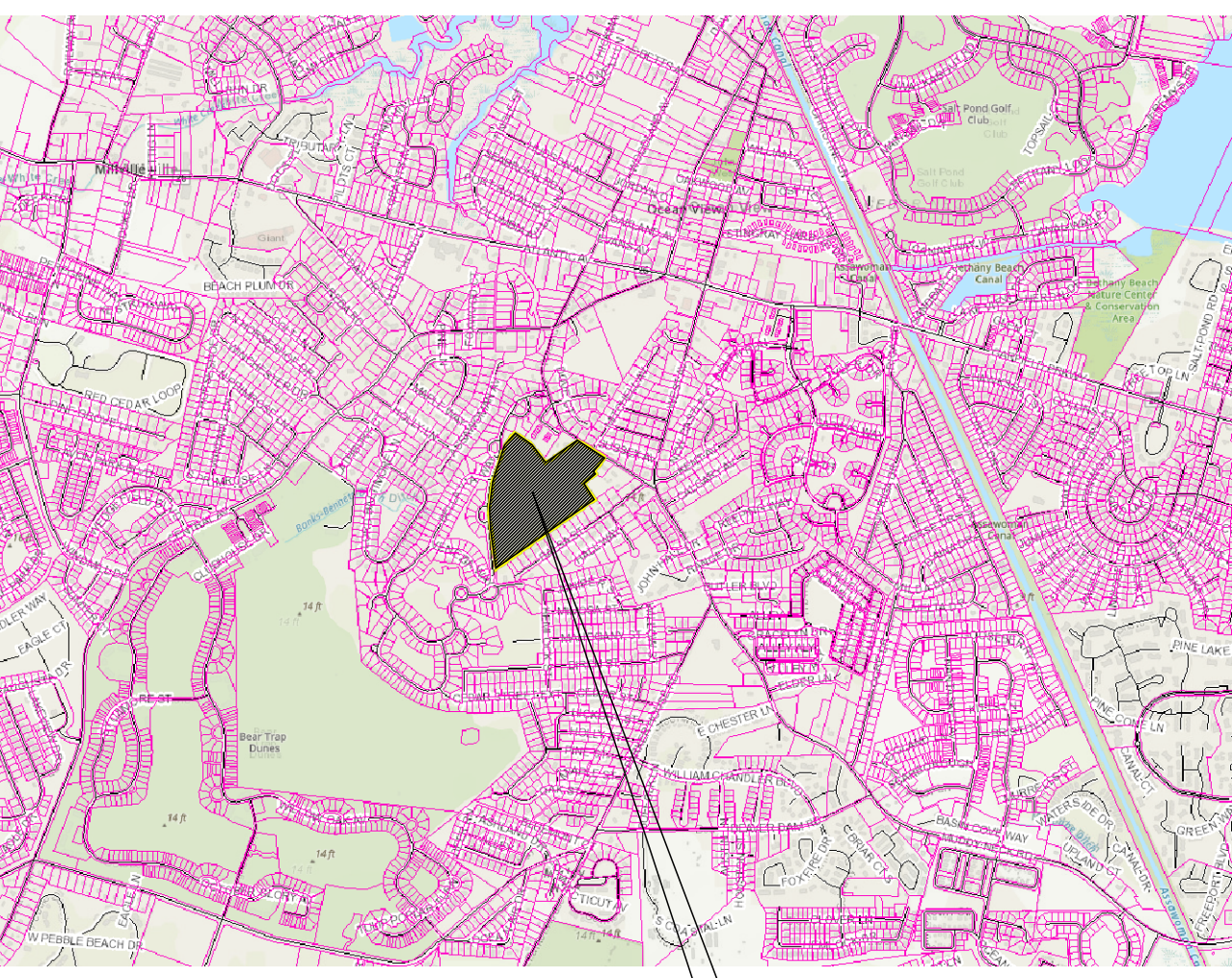
Being the same lands conveyed unto DRB Group Eastern Shore, LLC, by deed of Theodore F. Browning and Jeannette West, a/k/a Jeanette N. West, dated March 10, 2022, and of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, at Deed Book 5660, at page 22, *et seq.*



G:\Projects\2021\0281 Browning Farm Dev Design\Drawings\Concepts\REWORKED (see simple.dwg, 11/17/2019, Katie Keimani)

|            |                    |
|------------|--------------------|
| PEN/RED    | 3/8" INCHES (10mm) |
| PEN/YELLOW | 3/8" INCHES (10mm) |
| PEN/GREEN  | 3/8" INCHES (10mm) |
| PEN/BLUE   | 3/8" INCHES (10mm) |
| PEN/WHITE  | 3/8" INCHES (10mm) |
| PEN/BLACK  | 3/8" INCHES (10mm) |

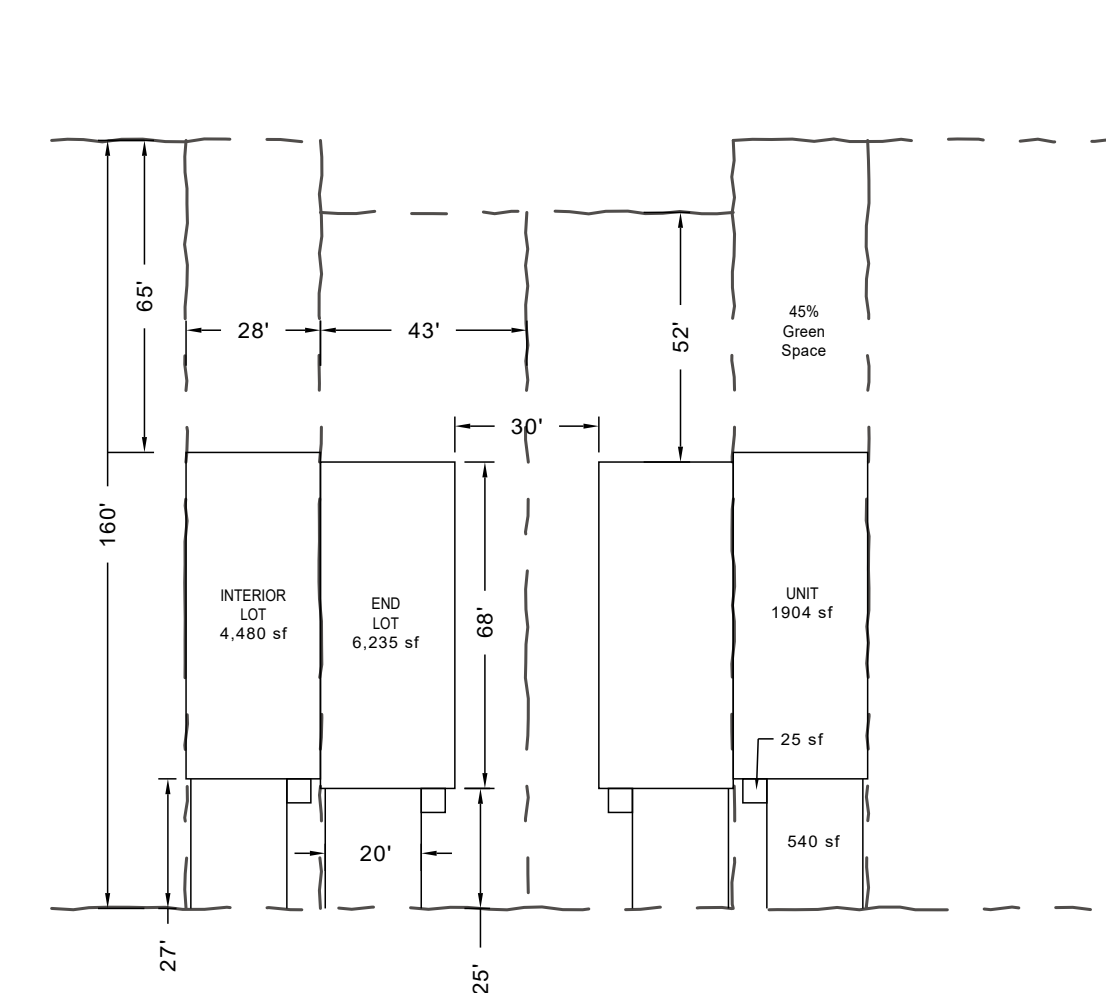
|           |                    |
|-----------|--------------------|
| PLOT CODE | 3/8" INCHES (10mm) |
| PERMANENT | 3/8" INCHES (10mm) |
| PERMANENT | 3/8" INCHES (10mm) |
| PERMANENT | 3/8" INCHES (10mm) |
| PERMANENT | 3/8" INCHES (10mm) |



VICINITY MAP  
SITE

**SITE DATA:**

|  |   |
|--|---|
| OWNER/APPLICANT:                       | DRB GROUP<br>18054 EMERSON WAY<br>GEORGETOWN, DE 19947<br>PHONE: 302-485-0550 X 3001<br>CONTACT: JOHN CIARRA, DIVISION MANAGER  |
| CIVIL ENGINEER:                        | GEORGE, MILES & BUHR, LLC<br>206 WEST MAIN ST<br>SALISBURY, MD 21801<br>PHONE: 410-742-3115<br>CONTACT: STEPHEN L. MARSH, P.E.  |
| TAX MAP:                               | 134-12.00-470.00  |
| DEED REFERENCE:                        | 5528/202  |
| PLOT BOOK:                             | 07/43   |
| EXISTING ZONING:                       | SUSSEX COUNTY AR-1 - AGRICULTURAL RESIDENTIAL   |
| PROPOSED ZONING:                       | TOWN OF OCEAN VIEW R-3<br>FEE SIMPLE LOTS   |
| TOTAL SITE AREA:                       | ±27.85 ACRES  |
| DNREC WETLANDS:                        | N/A   |
| FEDERAL WETLANDS:                      | ±2.87 ACRES   |
| BUFFER AREA:                           | ±0.8 ACRES  |
| R.O.W. AREA:                           | ±3.94 ACRES   |
| TOTAL AREA IN LOTS:                    | ±13.50 ACRES  |
| TOTAL OPEN SPACE:                      | ±6.74 ACRES   |
| GROSS DEVELOPED AREA:                  | ±11.63 ACRES  |
| UNITS ALLOWED:                         | 167 UNITS (6/ACRE)  |
| UNITS PROPOSED:                        | 104 UNITS (3.7/ACRE)  |
| MIN. GREEN SPACE REQUIRED ON EACH LOT: | 45%   |
| GREEN SPACE PROVIDED ON EACH LOT:      | MINIMUM OF 45%  |
| EXISTING WOODED AREA:                  | ±8.53 ACRES (30%)   |
| WOODED AREA TO REMAIN:                 | ±4.59 ACRES (16%)<br>NOTE: THIS ACREAGE MAY VARY AFTER FINAL SITE ENGINEERING   |
| UNIT COUNT                             | 104   |
| DWELLING UNITS                         | 208 + 21 = 229  |
| REQUIRED PARKING: (2/UNIT)+10% GUEST   | 236 (INCLUDES 28 OFF-STREET PARKING SPACES)   |
| PROVIDED PARKING:                      |   |
| <b>BUILDING SETBACKS:</b>              |   |
| FRONT:                                 | 25'   |
| SIDE:                                  | 15'   |
| REAR:                                  | 30'   |
| BUILDING SEPARATION:                   | 30'   |
| MAX BUILDING HEIGHT:                   | 42'   |
| MIN. LIVABLE FLOOR AREA/D.U.:          | 1,500 SF.   |
| <b>AMENITIES:</b>                      | POOL, BATHHOUSE, PICKLEBALL COURTS, GAMES LAWNS FOR ACTIVE AND PASSIVE RECREATION   |
| <b>FLOOD ZONE:</b>                     | FLOOD INFORMATION: SPECIAL FLOOD HAZARD AREA ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FEMA MAP 10005C0511K DATED MARCH 16, 2015. |
| <b>SOURCE WATER PROTECTION:</b>        | THIS PARCEL IS NOT LOCATED IN A WELLHEAD PROTECTION AREA. THIS PARCEL IS LOCATED IN AN AREA OF "FAIR" GROUNDWATER RECHARGE POTENTIAL.                                 |
| <b>UTILITIES:</b>                      |   |
| CENTRAL WATER:                         | TOWN OF OCEAN VIEW  |
| PUBLIC SEWER:                          | SUSSEX COUNTY   |



TYPICAL ON-LOT GREEN SPACE ILLUSTRATIVE

PRINTS ISSUED FOR: DRAWINGS STAGE

| NO. | REVISIONS | DATE |
|-----|-----------|------|
|     |           |      |
|     |           |      |
|     |           |      |
|     |           |      |

**GMB**  
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ARCHITECTS & ENGINEERS  
SALISBURY - BALTIMORE - SEAFORD  
206 WEST MAIN STREET  
SALISBURY, MARYLAND 21801  
410-742-3115, FAX 410-648-9790  
www.gmbnet.com

THE VILLAS AT OCEAN VIEW  
(FKA BROWNING FARM)  
OCEAN VIEW, DELAWARE

CONCEPT PLAN

|            |           |           |
|------------|-----------|-----------|
| SCALE      | 1" = 60'  | SHEET NO. |
| DESIGN BY  | RLM / VEE | 1.0       |
| DRAWN BY   | RLM       |           |
| CHECKED BY | KK        |           |
| GMB FILE   | 210281    |           |
| DATE       | APR 2022  |           |