

### Preliminary Land Use Service (PLUS)

Delaware State Planning Coordination

122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

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

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

PLUS Number (to be completed by OSPC): \_\_\_\_\_  
 Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): \_\_\_\_\_

1. Project Title/Name: Delaware Botanical Gardens at Pepper Creek
2. Location ( please be specific): Piney Neck Road
3. Parcel Identification #: 233-6.00-116.10
4. County or Local Jurisdiction Name: where project is located: Sussex County
5. If contiguous to a municipality, are you seeking annexation: NO
6. Owner's Name: Sussex County Land Foundation, Inc.  
 Address: P.O. Box 763  
 City: Rehoboth Beach State: DE Zip: 19971  
 Phone: 302-227-0287 Fax: 302-227-2326 Email: wobaker@sclandtrust.org
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting): Southern Delaware Botanic Garden, Inc.  
 Address: P.O. Box 459  
 City: Nassau State: DE Zip: 19969  
 Phone: 302-645-8541 Fax: N/A Email: mjzajic@comcast.net
8. Project Designer/Engineer: Pennoni Associates Inc.  
 Address: 18072 Davidson Drive  
 City: Milton State: DE Zip: 19968  
 Phone: 302-684-8030 Fax: 302-684-8054 Email: mdavidson@pennoni.com
9. Please Designate a Contact Person, including phone number, for this Project: Mark Davidson  
 302-684-8030

**Information Regarding Site:**

10. Type of Review:  Rezoning, if not in compliance with certified comprehensive plan  Site Plan Review  
 Subdivision

11. Brief Explanation of Project being reviewed: *Botanic Gardens including visitor center, conservancy nature center, etc.*  
 If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications. *n/a*

12. Area of Project (Acres +/-): *36.99* Number of Residential Units: *0* Commercial square footage: *132,260*

13. Present Zoning: *AR-1* 14. Proposed Zoning: *AR-1/CU*  
 15. Present Use: *Agriculture* 16. Proposed Use: *Botanic gardens*

17. Water:  Central (Community system)  Individual On-Site  Public (Utility)  
 Service Provider Name: *Tidewater utilities, Inc.*

Will a new public well be located on the site? Yes  No  (*private irrigation well*)

18. Wastewater:  Central (Community system)  Individual On-Site  Public (Utility)  
 Service Provider Name: *Sussex County*

Will a new community wastewater system be located on this site?  Yes  No

19. If residential, describe style and market segment you plan to target (Example- Age restricted): *n/a*

20. Environmental impacts:

How many forested acres are presently on-site? *13.9* How many forested acres will be removed? *5.0 +/-*

To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site?  Yes  No

Are the wetlands:  Tidal Acres: *2.1*  
 Non-tidal Acres:

If "Yes", have the wetlands been delineated?  Yes  No

Has the Army Corps of Engineers signed off on the delineation?  Yes  No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits?  Yes  No If "Yes", describe the impacts: *Boat ramp, walking trails, piers*

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? *disturbance expected*

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)?  Yes  No

22. List the proposed method(s) of stormwater management for the site: *proposed canal & existing wetlands/Pepper creek*  
 23. Is open space proposed?  Yes  No If "Yes," how much? Acres: *20.0 +/-*

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? *wildlife habitat, Botanic gardens*

24. Are you considering dedicating any land for community use (e.g., police, fire, school)?  Yes  No

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 239

What percentage of those trips will be trucks, excluding vans and pick-up trucks? 0

26. Will the project connect to state maintained roads?  Yes  No

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections. N/A

28. Are there existing sidewalks?  Yes  No; bike paths  Yes  No  
Are there proposed sidewalks?  Yes  No; bike paths  Yes  No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network?  Yes  No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites?  Yes  No

Has this site been evaluated for historic and/or cultural resources?  Yes  No

Would you be open to a site evaluation by the State Historic Preservation Office?  Yes  No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit?  Yes  No  
Person to contact to arrange visit: Michael Zajic phone number: 302-645-8541

31. Are any federal permits, licensing, or funding anticipated?  Yes  No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

Signature of property owner

06-28-13  
Date

Signature of Person completing form  
(If different than property owner)

06-28-13  
Date

Signed application must be received before application is scheduled for PLUS review.

This form should be returned to the Office of State Planning **electronically** at [Dorothy.morris@state.de.us](mailto:Dorothy.morris@state.de.us) along with an **electronic copy of any site plans and development plans for this site**. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. **If electronic copy of the plan is not available, contact Dorothy at (302) 739-3090 for further instructions.** A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. **Please be sure to note the contact person** so we may schedule your request in a timely manner.

## MEMORANDUM OF UNDERSTANDING (MOU)

between

Sussex County Land Foundation dba Sussex County Land Trust, Party A

and

Southern Delaware Botanic Gardens, Inc, a 501(c)(3) non-profit organization, Party B

This is an agreement between "Party A", hereinafter called Land Trust and "Party B", hereinafter called SDBG .

### I. PURPOSE & SCOPE

The purpose of this MOU is to identify the roles and responsibilities of each party as they relate to the establishment of a 99 year renewable lease for the Cannon Tract property, tax parcel, owned by the Land Trust to the SDBG for the establishment of an educational public Botanic Garden for the benefit and enjoyment of all, on the leased land and to enhance the open space preservation goals of the Land Trust.

### II. BACKGROUND

The Sussex County Land Trust is a nonprofit conservation organization, dedicated to protecting natural, cultural, agricultural and recreational resources through land preservation, stewardship and education for today and tomorrow.

The Southern Delaware Botanic Garden is a non-profit organization dedicated to creating a world- class, inspirational, educational, and sustainable public botanic garden in southern Delaware for the benefit and enjoyment of the public.. SDBG's values include support for inspirational gardens; environmental stewardship; financial responsibility; community focus; education and research; organizational transparency; and civility and respect for all.

### III. Land Trust RESPONSIBILITIES UNDER THIS MOU

The Land Trust shall undertake the following activities:

Work with the SDBG in good faith to establish a 99 year lease with SDBG for the operation of a public Botanic Garden on the Cannon tract.

#### IV. SDBG RESPONSIBILITIES UNDER THIS MOU

SDBG shall undertake the following activities upon entering into a 99 year renewable lease:

- Develop a design for the Botanic Garden on the site to satisfy the characteristics of a Botanic Garden described below.
- Raise funds to finance the development of the Botanic Garden in stages
- During the term of the lease SDGB will maintain the property site in accordance with the goals of the Land Trust specified on their web site.

A Botanic Garden is a garden that lends itself to educational and informational opportunities as well as beauty and tranquility. All species of plants in the garden are identified by their horticultural and common names, and sometimes additional information on the plants' culture or characteristics may be given as well. The garden will include a number of facilities such as a visitor center with library and classrooms, gift shop, conservatory, amphitheater, labyrinth walking path, greenhouses, ticket booths, storage building, maintenance shed, offices, employee building, a café, docks, canals, ponds, fountains, fencing, accessible pathways and walks, possibly a recreated Indian village and garden, possibly a model colonial farm, parking lot, entry drive, arbors, gazebos, and other buildings where instructional classes and lectures can be provided to the public. All features shall be designed to be harmonious and unobtrusive in the landscape.

This will be Delaware's first full scale, or flagship, Botanic Garden, unique in the State. It will have a variety of gardens and teaching displays.. The latter is the vision of the SDBG. We envision a children's garden, a native plants garden, a rose garden, a palm garden, woodland gardens, walking gardens with flowering annual plants, perennial plants, trees, shrubs and ground covers, an herb garden, therapeutic gardens, and park-like open spaces, such as bird and wildflower meadow, even a tropical garden in our conservatory open year-round. The gardens shall be planted for year round enjoyment and to attract year round tourism for the benefit of the Schools, the public and the local economy.

The gardens will be started with some enhanced temporary structures and temporary planted areas for flowers and public enjoyment during the period of raising funds and developing the garden's building and permanent features.

Gardens are about the magic of beauty upon our spirits, a place for meditation, healing, and healthy exercise; a place to walk, photograph, watch birds, butterflies, dragonflies, and wild animals; a place to enjoy the multitude of beautiful flowering plants and trees with their leaves unfolding through their seasonal changes, from the earliest crocus to the last falling red maple leaf. In the cold of winter, how nice it will be to visit the

Conservatory, with its tropical gardens feeling like a vacation in paradise, or take a walk through the gardens in their winter beauty and look for winter flowering plants, beautiful tree bark, and sparkling evergreen foliage.

The Gardens will have lots of interesting and inter-active elements: programs for all. Some will include things like art in the landscape, special events and weddings in the gardens, boat trips and ecology tours, a winter light show, a live butterfly show and educational classes. Special garden displays will include sample and educational vegetable gardens, a historic colonial kitchen garden to show what and how our ancestors sustained themselves, and a Native American village garden. There will be many water features with fountains, ponds, and native wetland gardens with educational walking tours.

V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

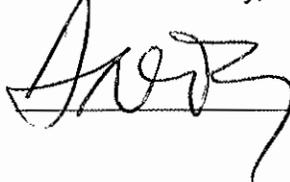
1. This MOU can only be modified by the mutual agreement of the Land Trust and the SDBG.
2. This MOU will be terminated when a lease is signed between the Land Trust and the SDGB for the transfer of the land to the SDGB under the lease agreement.

VI. EFFECTIVE DATE AND SIGNATURE

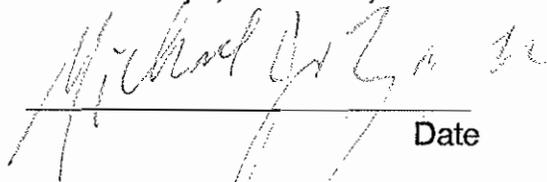
This MOU shall be effective upon the signature of Parties A and B authorized officials. It shall be in force from October 1, 2012 to ~~March 31, 2013~~ *September 30, 2013*. This MOU will be replaced with a formal lease agreement at or before the transfer of the property to the SDBG. Parties A and B indicate agreement with this MOU by their signatures.

Signatures and dates

Dennis N. Forney, Chair, Land Trust

  
Date *11/9/2012*

Michael Zajic, President, SDBG

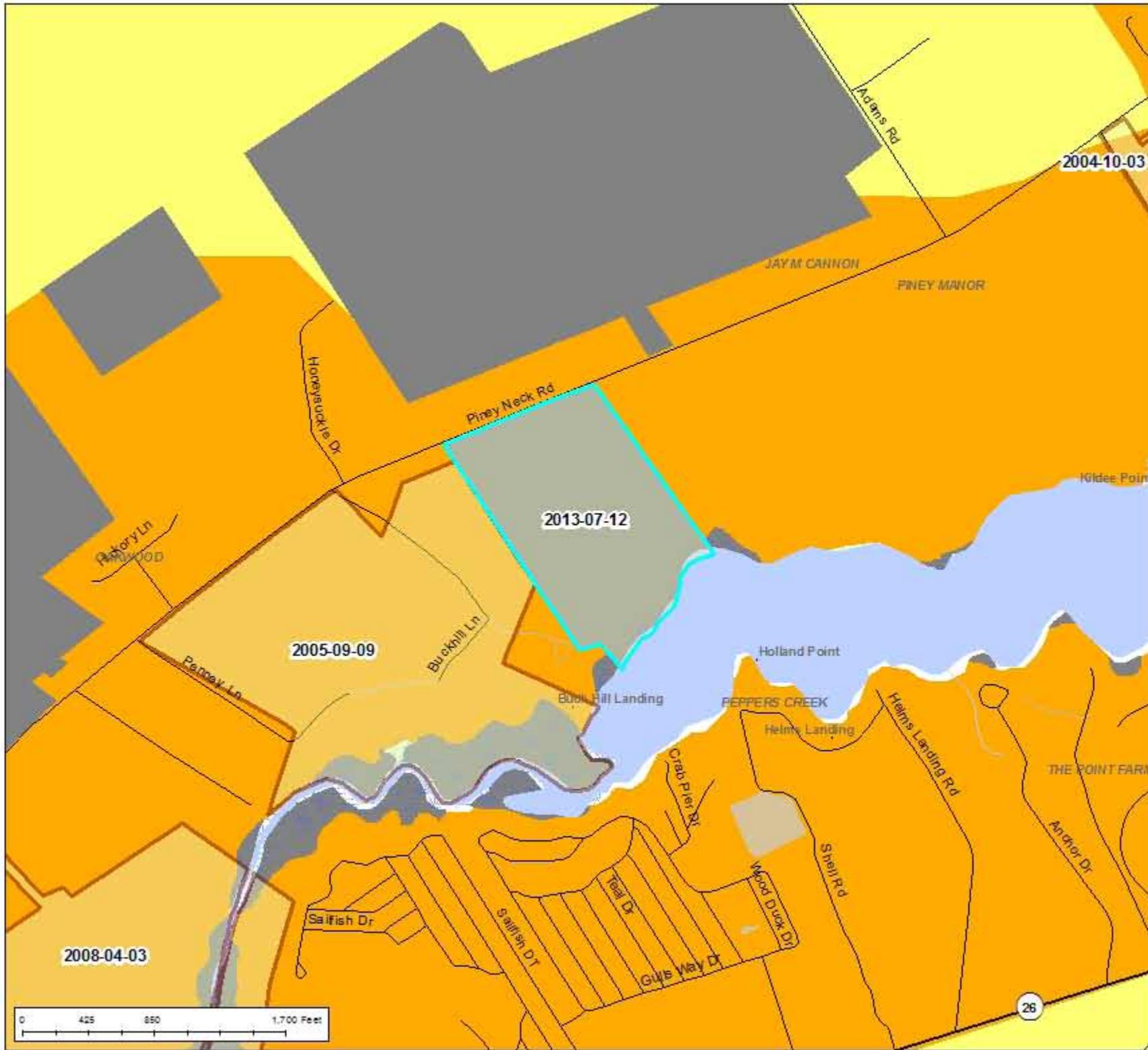
  
Date *9-29-2012*

  
*3-22-13 MZ*



# Preliminary Land Use Service (PLUS)

Delaware Botanical Gardens  
At Pepper Creek  
2013-07-12

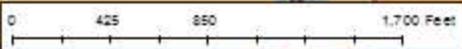


- Kent
- PLUS Project Areas
- Municipalities
- State Parks
- Forestry Easements
- Purchased Dev. Rights
- Ag District
- 2010 State Strategies**
  - Level 1
  - Level 2
  - Level 3
  - Level 4
  - Out of Play
  - Nat. Res. & Rec. Priorities
  - Working Forests
  - Highest Value Agriculture

1:10,000



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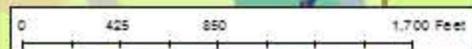
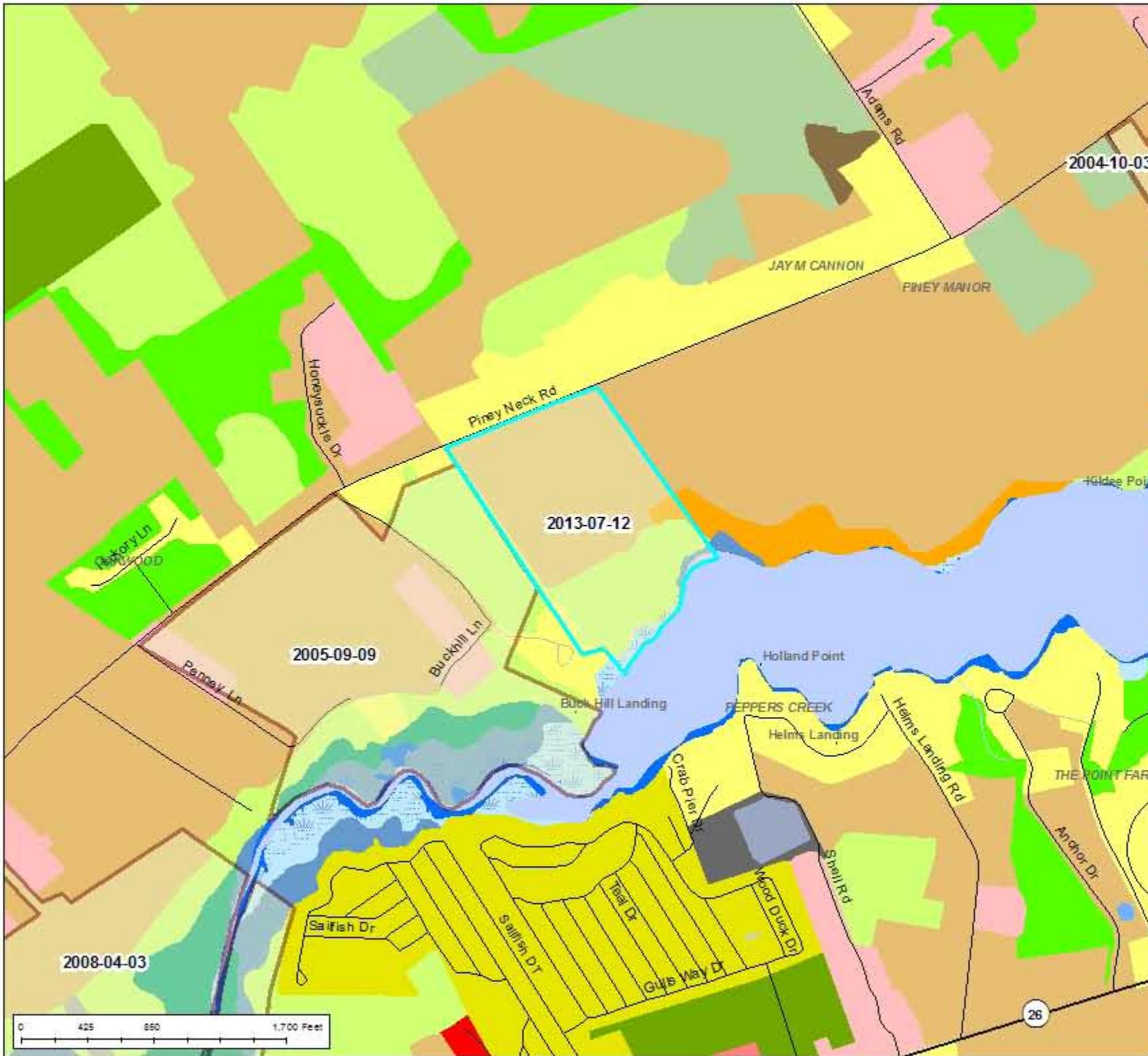
## Delaware Botanical Gardens At Pepper Creek 2013-07-12

- Project Areas
- Municipalities
- Land Use/Land Cover**
- Single Family Dwellings
- Multi-Family Dwellings
- Mobile Home Parks/Courts
- Commercial
- Industrial
- Trans./Comm./Utilities
- Mixed Urban/Built-up
- Institutional/Governmental
- Recreational
- Farms, Pasture, Cropland
- CAFO
- Rangeland
- Orchards/Nurseries
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/Brush Rangeland
- Clear-cut
- Reservoirs and Impoundments
- Marinas/Ports/Docks
- Open Water
- Emergent Wetlands
- Forested Wetlands
- Scrub/Shrub Wetlands
- Sandy Areas
- Extraction/Transition

1:10,000



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Delaware Botanical Gardens  
2013-07-12



- Kent
  - PLUS Project Areas
  - Municipalities
- Imagery\_20121SD of  
RGB
- Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

1:3,008



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