

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



# Sussex County

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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302-854-5079 F  
JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: January 27<sup>th</sup>, 2022

Application: CU 2317 William E. Martin, II

Applicant: William E. Martin  
P.O. Box 1431  
Rehoboth Beach, DE 19971

Owner: William E. Martin  
18673 Munch Branch Road  
Rehoboth Beach, DE 19971

Site Location: Lying on the northwest side of Wolfe Neck Road (S.C.R. 270), west of the intersection of Wolfe Neck Road and Munchy Branch Road (S.C.R. 270A)

Current Zoning: General Residential (GR) Zoning District

Proposed Use: Sign and Vehicle Graphics Business

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Private

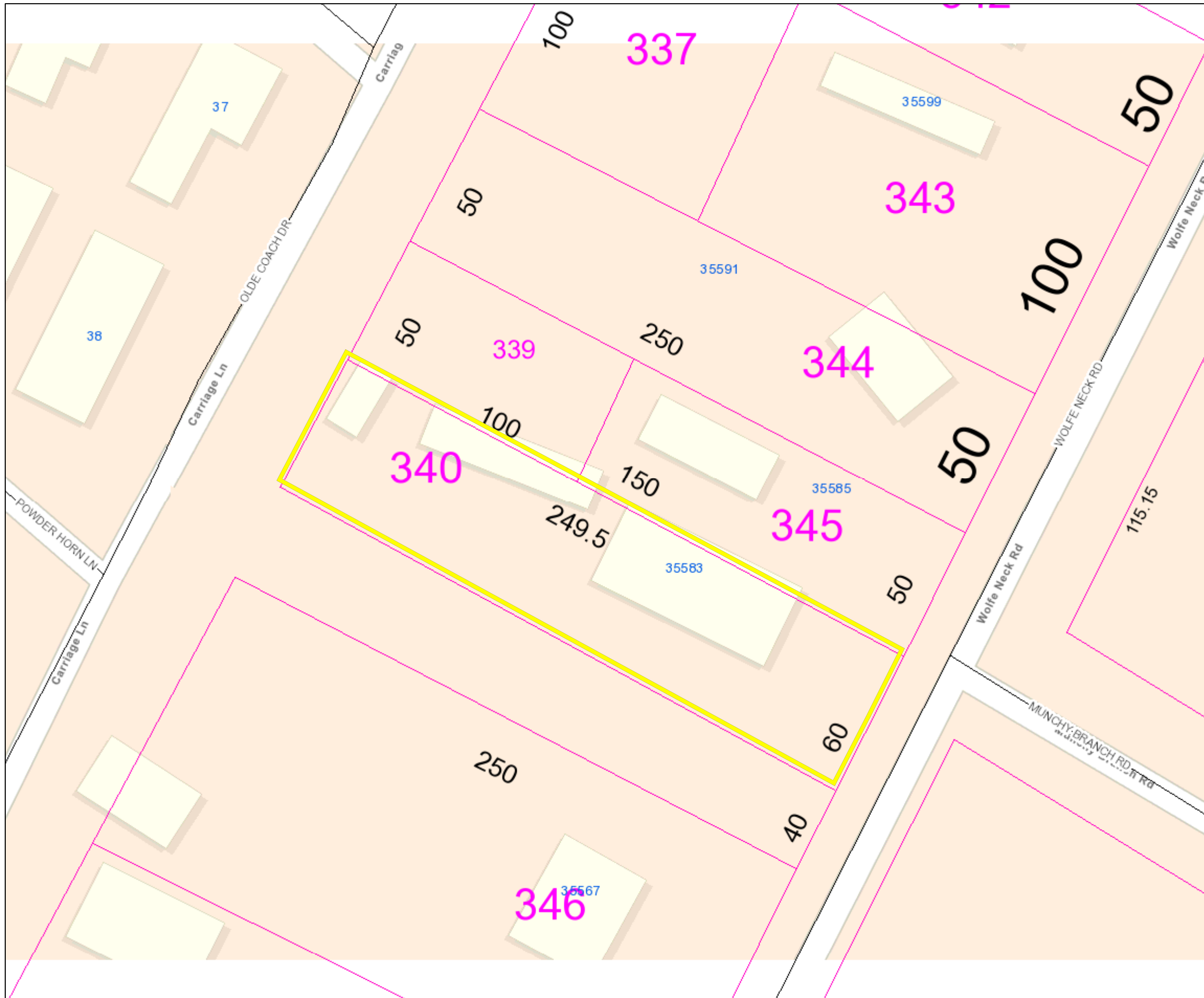
Site Area: 0.34 acres +/-

Tax Map ID.: 334-6.00-340.00





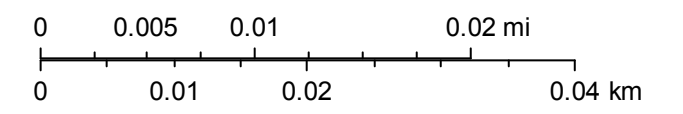
# Sussex County



<b>PIN:</b>	334-6.00-340.00
<b>Owner Name</b>	MARTIN WILLIAM E
<b>Book</b>	5477
<b>Mailing Address</b>	18673 MUNCHY BRANCH RD
<b>City</b>	REHOBOTH BEACH
<b>State</b>	DE
<b>Description</b>	NW/RD 270
<b>Description 2</b>	CT
<b>Description 3</b>	N/A
<b>Land Code</b>	

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- polygonLayer**
  - Override 1
  - Tax Parcels
  - 911 Address
  - Streets
  - County Boundaries
- Tax Ditch Segments**
  - Tax Ditch Channel
  - Pond Feature
  - Special Access ROW
  - Extent of Right-of-Way
  - Municipal Boundaries
  - TID

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# Sussex County

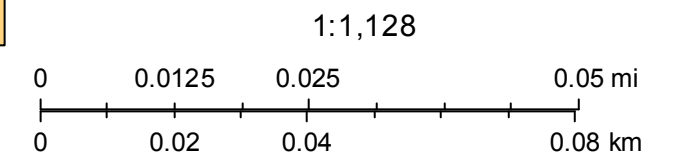


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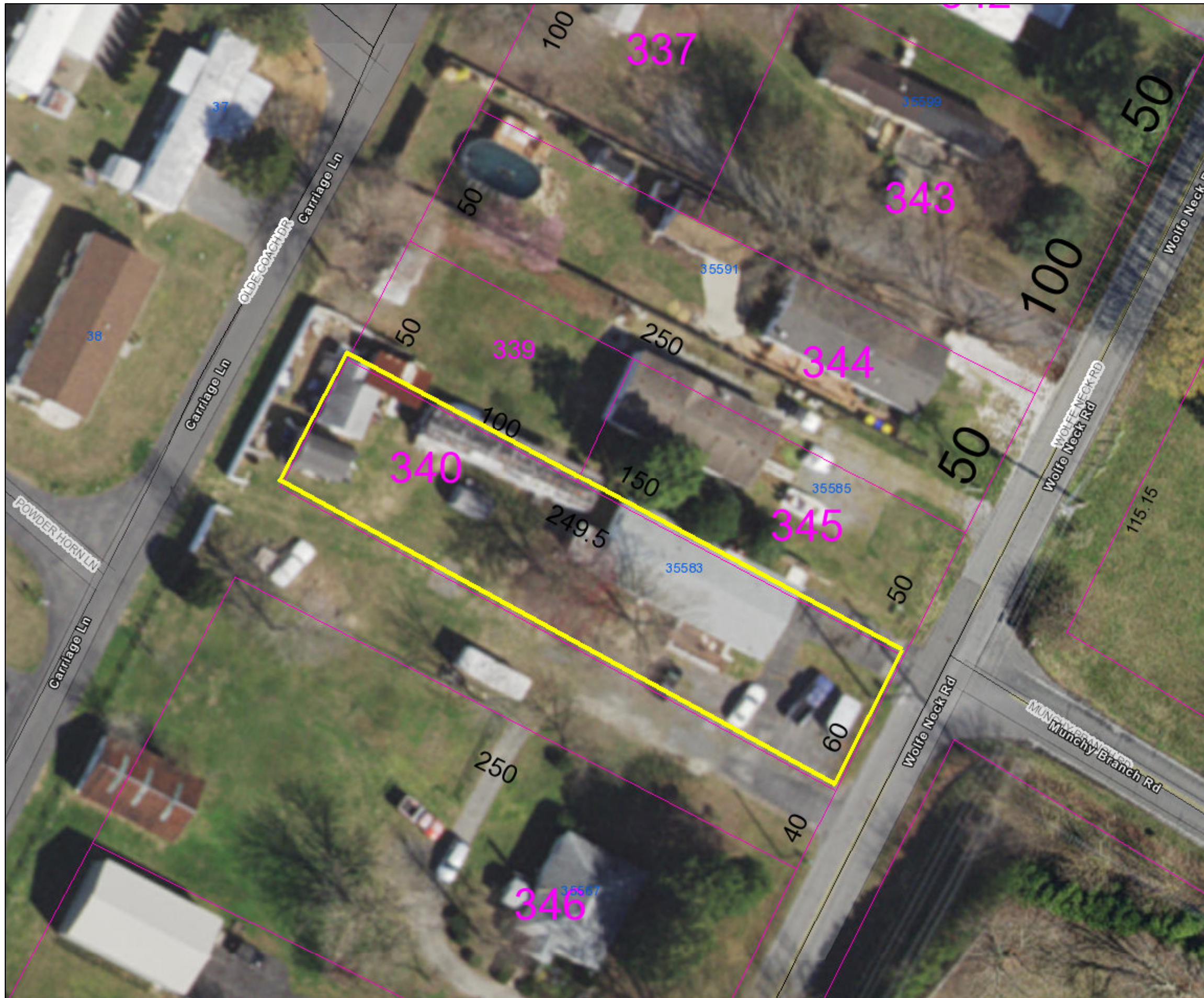
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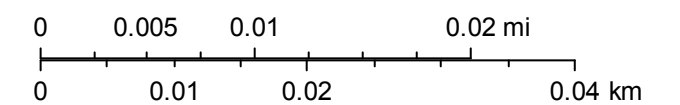
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**Sussex County**

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## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Scott, Planner I  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: January 20, 2022  
RE: Staff Analysis for CU 2317 William E. Martin, II

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2317 William E. Martin, II to be reviewed during the January 27, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 334-6.00-340.00 for a sign and vehicle graphics business. The parcel is lying on the northwest side of Wolfe Neck Road (S.C.R. 270), west of the intersection of Wolfe Neck Road (S.C.R. 270) and Munchy Branch Road (S.C.R. 270A). The parcel consists of 0.34 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Coastal Area." The surrounding and adjacent properties located to the north, south, east and west of the subject property also lie within the "Coastal Area" Future Land Use Map designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

The subject property is zoned General Residential (GR). The adjacent properties to the north, south, east, and west of the subject sites are also zoned General Residential (GR).

Since 1971, there have been 57 Conditional Use applications within a one-mile radius of the application site. Of the 57 Conditional Use applications within a one-mile radius, 44 have been approved, 6 have been denied, 5 have been withdrawn and 2 are still pending a decision.

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



CU#  
File #: 2317  
202114652

### Planning & Zoning Commission Application Sussex County, Delaware

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

RECEIVED  
OCT 04 2021  
SUSSEX COUNTY  
PLANNING & ZONING

Type of Application: (please check applicable)  
Conditional Use   
Zoning Map Amendment

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

35583 Wolfe Neck Rd., Rehoboth Beach, DE 19971

**Type of Conditional Use Requested:**

Sign and Vehicle Graphics

Tax Map #: 234-6.00-340.00 Size of Parcel(s): 15,000 sq. ft.

Current Zoning: GR Proposed Zoning: N/A Size of Building: Approx. 1900 sq. ft.

Land Use Classification: Coastal Area

Water Provider: Private Well Sewer Provider: Sussex County

**Applicant Information**

Applicant Name: William E. Martin II  
Applicant Address: P.O. Box 1431  
City: Rehoboth Beach State: DE Zip Code: 19971  
Phone #: 302-542-6151 E-mail: ed@arena-signs.com

**Owner Information**

Owner Name: William E. Martin  
Owner Address: 18673 Munchy Branch Road  
City: Rehoboth Beach State: DE Zip Code: 19971  
Phone #: 302-645-2576 E-mail: csmwem@verizon.net

**Agent/Attorney/Engineer Information** N/A

Agent/Attorney/Engineer Name: \_\_\_\_\_  
Agent/Attorney/Engineer Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_



## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

### Signature of Applicant/Agent/Attorney

Ann Martin

Date: 10/3/21

### Signature of Owner

William Martin

Date: 10/3/21

### For office use only:

Date Submitted: 10/3/21

Fee: \$500.00 Check #: 6183

Staff accepting application: cer

Application & Case #: 202114652

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

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

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

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

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

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





STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION  
800 BAY ROAD  
P.O. BOX 770  
DOVER, DELAWARE 19903

NICOLE MAJESKI  
SECRETARY

July 19, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **William Martin** proposed land use application, which we received on July 12, 2021. This application is for an approximately 0.34-acre parcel (Tax Parcel: 334-6.00-340.00). The subject land is located on the northwest side of Wolfe Neck Road (Sussex Road 270) across from the intersection with Munchy Branch Road (Sussex Road 270A). The subject land is currently zoned GR (General Residential) and the applicant seeks a conditional use approval operate a sign business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Wolfe Neck Road from Rusty Anchor Drive to State Route 1 is 11,206 vehicles per day.

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

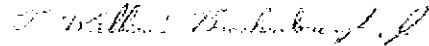
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
July 19, 2021

Please contact Ms. Annamaria Fumato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:afm

cc: William Martin, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Fumato, Project Engineer, Development Coordination



January 12, 2021

Christin Scott  
2 The Circle  
P.O. Box 417  
Georgetown, DE 19947

Dear Christin,

In preparation for the upcoming Planning and Zoning Commission Meeting Thursday, January 27, 2022, I'd like to share some background information about myself and my business, Arena Signs, LLC., as we seek Conditional Use approval for our property at 35583 Wolfe Neck Road, Rehoboth, DE 19971.

I grew up on Sussex County Rd 270A, now known as Munchy Branch Road, which intersects with Coastal Highway and Wolfe Neck Road. My family had a small Plumbing Company, Martin Plumbing, Inc., located on this road from 1981-2020. Our next-door neighbors ran Blue Hen Towing Company out of their property. Across the street, George Howard and Sons ran a stone and fill yard and operated heavy equipment for road maintenance and excavation. There are still currently various other family-run businesses scattered along Munchy Branch and Wolfe Neck Road corridors.

After I finished college and settled in the area, my wife and I were fortunate enough to purchase a home in 2004 in Breakwater Estates, a development off of Munchy Branch and Wolfe Neck Roads. Two years later, we acquired Arena Signs, LLC., located in the Rehoboth Marketplace at the intersection of Coastal Highway and Munchy Branch Rd. When rent in that location increased, we determined we did not have the daily foot traffic needed for a retail location on Coastal Highway and relocated Arena Signs to a smaller workshop space on Jiffy Way off of Route 1 in Lewes. This fall, my landlord sold the Jiffy Way property that currently houses our operations and the new owners will be assuming the use of the space when our lease ends on January 31, 2022.

I am seeking approval for Conditional Use on a parcel that my family owns on Wolfe Neck Road to relocate my existing business. This location meets several requirements for our business model and has many advantages for our daily operations as a sign and vehicle graphics shop. Our target clients are in the Rehoboth, Dewey, and Lewes communities. We produce and install small signs throughout the beach resort area that require us to travel in and out of town from our location. Recently, we have ventured into laser engraving. The majority of our business is conducted off-site, delivering or installing signs, so it is imperative for us to be within a quick trip into the downtown beach community locations. Our normal day starts around 9 a.m. and ends at 5 p.m. Monday through Friday. We usually receive a few deliveries via UPS or FedEx per week, and receive materials from a local supplier once a week or twice in the spring/summer season. On-site, we employ one full-time graphic designer. We have one full-time production assistant, who runs the



printer and laser engraving equipment and assists me with vinyl installations on vehicles and signs. I also try to support a local Sussex Tech Senior Intern for graphic design and/or production work each year. Most of our signs are ordered via phone and/or email. At most, we may get 2-3 customers per day that stop in to go over projects or pick materials. We often have days with no customer foot traffic activity.

Moving Arena Signs to our Wolfe Neck Road property will allow me to smoothly transition my day-to-day operations while remaining in the beach communities we serve, and will also be within walking distance to my own home. Arena Signs will be respectful and cooperative with our neighboring businesses and homeowners and will maintain a neat and appealing curb appeal on the property.

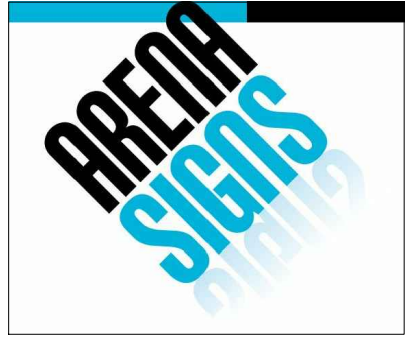
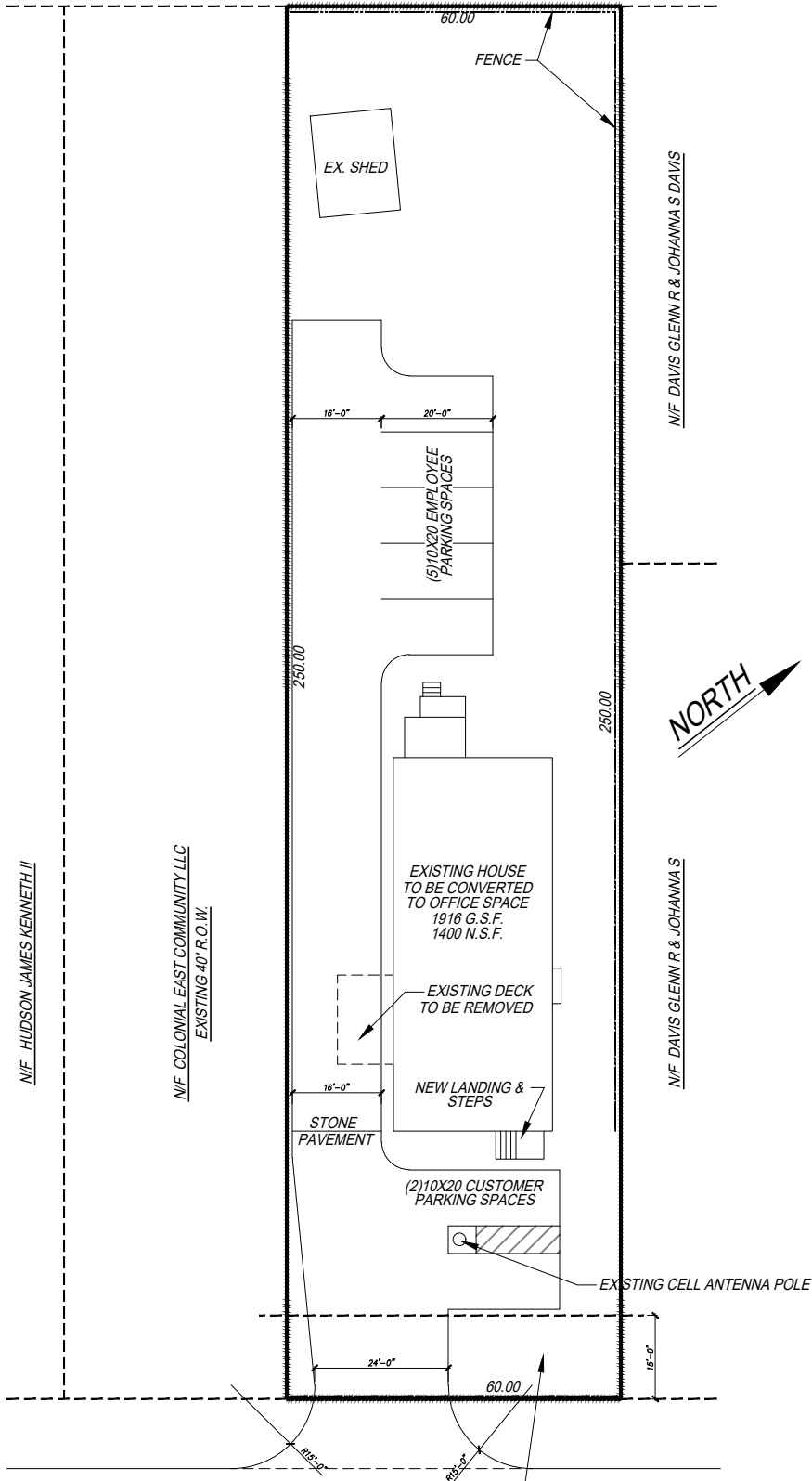
We appreciate the time and consideration the Planning and Zoning Committee will give to our application and review. Thank you for the opportunity to share this information about our family and our business in support of our application.

Sincerely,

A handwritten signature in black ink that reads "William Edward 'Ed' Martin II". The signature is written in a cursive style with a long, sweeping underline.

*William Edward "Ed" Martin II, Owner*  
Arena Signs, LLC.  
P.O. Box 1431  
Rehoboth Beach, DE 19971  
ed@arena-signs.com  
302-542-6151

N/F COLONIAL EAST COMMUNITY LLC



**SITE PLAN FOR ARENA SIGNS**

35583 Wolfe Neck Rd, Rehoboth Beach, DE 19971  
 3-34-6.00-340.00  
 SCALE: 1/32=1'

To Board of Planning & Zoning

Jan 21, 2022

To whom it may concern:

We are the owners of Big Oaks family  
campground on Wolfe Neck Road, Rehoboth  
Beach, Delaware

We have no objections to the change  
of zoning for the property in question  
at 35583 Wolfe Neck road to conditional  
use for the purpose of conducting  
business as a Sign Shop.

The property belongs to Edward Martin.

Sincerely

Barbara, George & Jeff Plummer

302-381-2605 or 302-381-0785

302-381-0784

RECEIVED

JAN 24 2022

SUSSEX COUNTY  
PLANNING & ZONING

**Sussex County Planning & Zoning  
The Circle  
Georgetown, DE 9947**

Dear Bob & Commission Members:

I am writing this letter in support of a conditional use application filed by Ed Martin, owner of **Arena Signs Company**, currently based in the commercial zone on Rt 1 where Jiffy Lube is operating.

Recently the commercial operations at this site were purchased by a new owner and Ed Martin and his sign shop business are seeking another location near Rt. 1 and the *Kids Cottage* location on Wolf Neck Road.

The parcel owned by William Martin is zoned GR-1 and needs a conditional use change to operate as a sign and graphics business.

I am a loyal customer of Ed Martin and have used his sign service for the past five years. His operation is neat, clean and very efficient in an area of high commercial volume. His work area is entirely inside the confines of his buildings and I have never seen any unsightly material outside the building.

I support Ed's request for a conditional use variance to operate in his new location. He will be an asset to his neighbors.

RECEIVED

JAN 24 2022

SUSSEX COUNTY  
PLANNING & ZONING

**Dave Kenton- Broker  
Silver Lake Realty  
Milford, DE 19963**

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
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DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: January 27<sup>th</sup>, 2022

Application: CZ 1943 Shirley & Gordon Price, Jr.

Applicant: Shirley & Gordon Price, Jr.  
34861 Atlantic Avenue  
Ocean View, DE 19970

Owner: Shirley & Gordon Price, Jr.  
34861 Atlantic Avenue  
Ocean View, DE 19970

Site Location: 34861 Atlantic Avenue, Ocean View, DE 19970. The property is lying on the north side of Atlantic Avenue (Route 26), approximately 0.13 mile northwest of Roxanna Road (Route 17).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Medium Commercial (C-2) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Department

Sewer: Private (On-Site Septic)

Water: Sewer (Sussex County Unified Sanitary Sewer District)

Site Area: 0.91 acres +/-

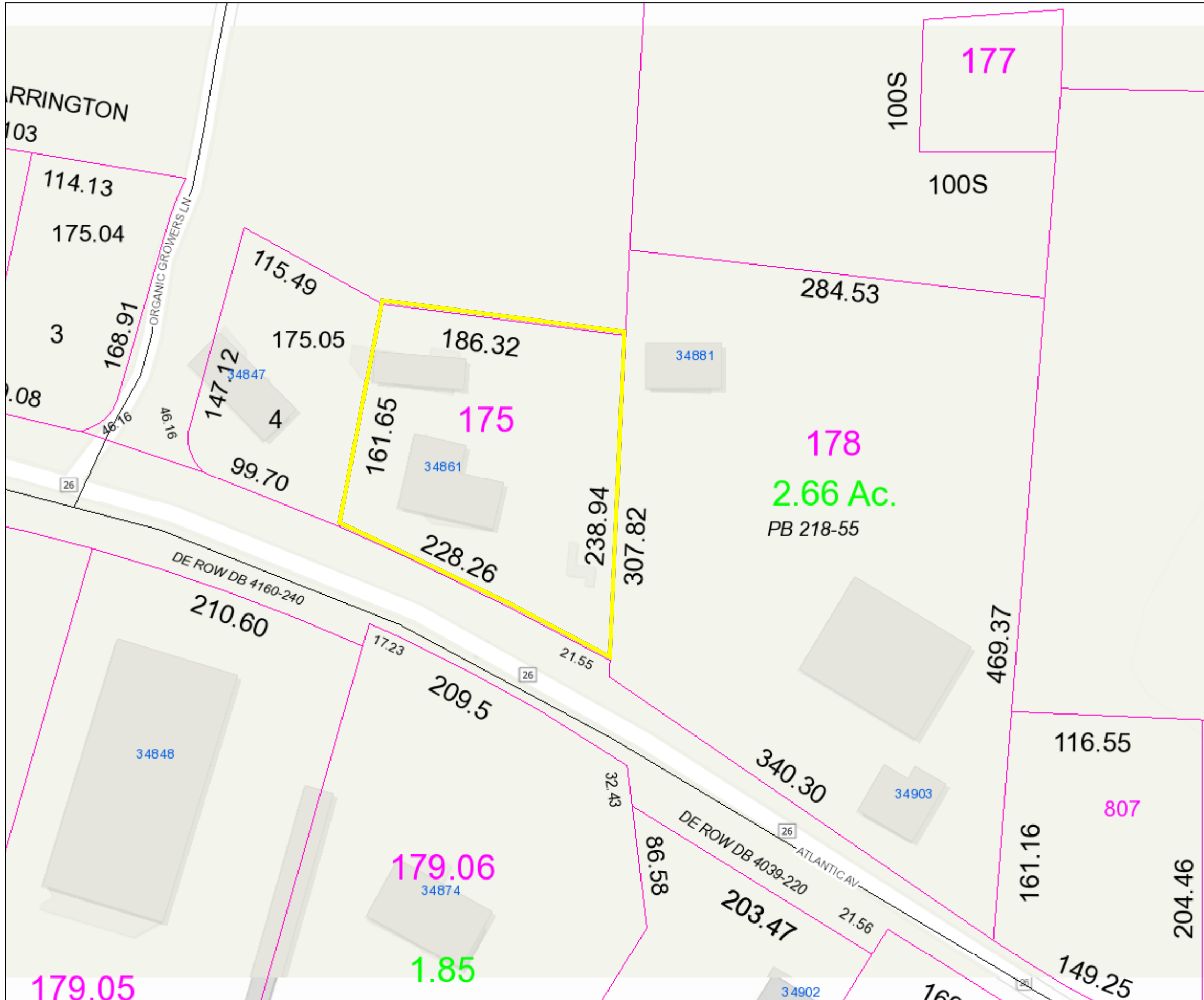
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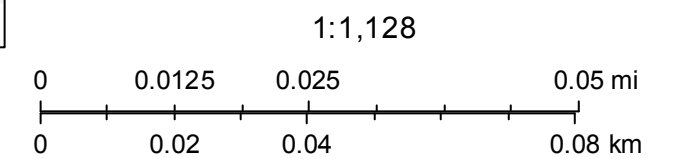


# Sussex County



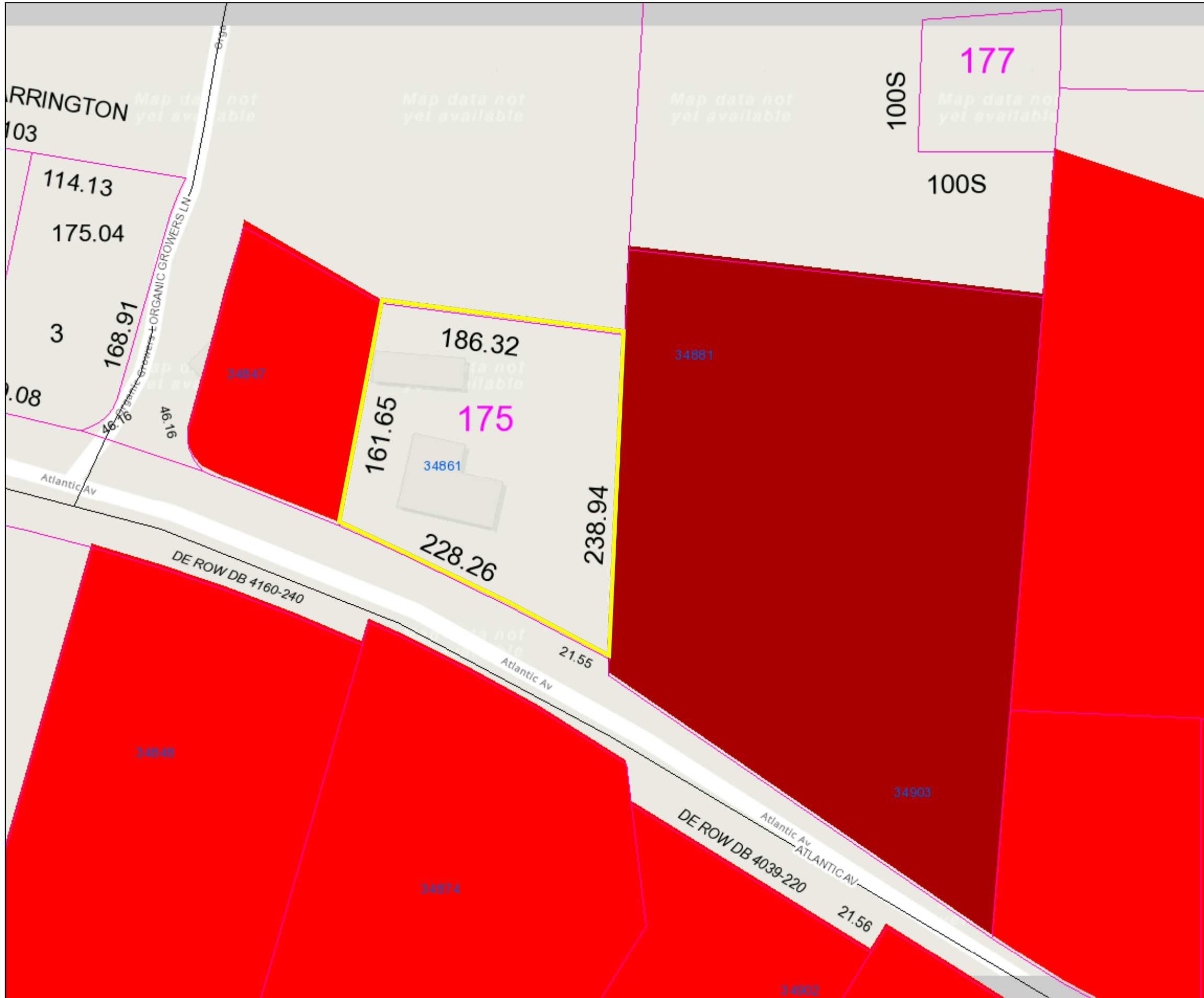
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<b>Owner Name</b>	PRICE	GORDON BENT JR TRUSTEE
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<b>Mailing Address</b>	34861 ATLANTIC AVE	
<b>City</b>	OCEAN VIEW	
<b>State</b>	DE	
<b>Description</b>	NE/RT 26	
<b>Description 2</b>	500' NW/RT 17	
<b>Description 3</b>	N/A	
<b>Land Code</b>		

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





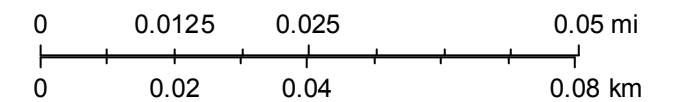
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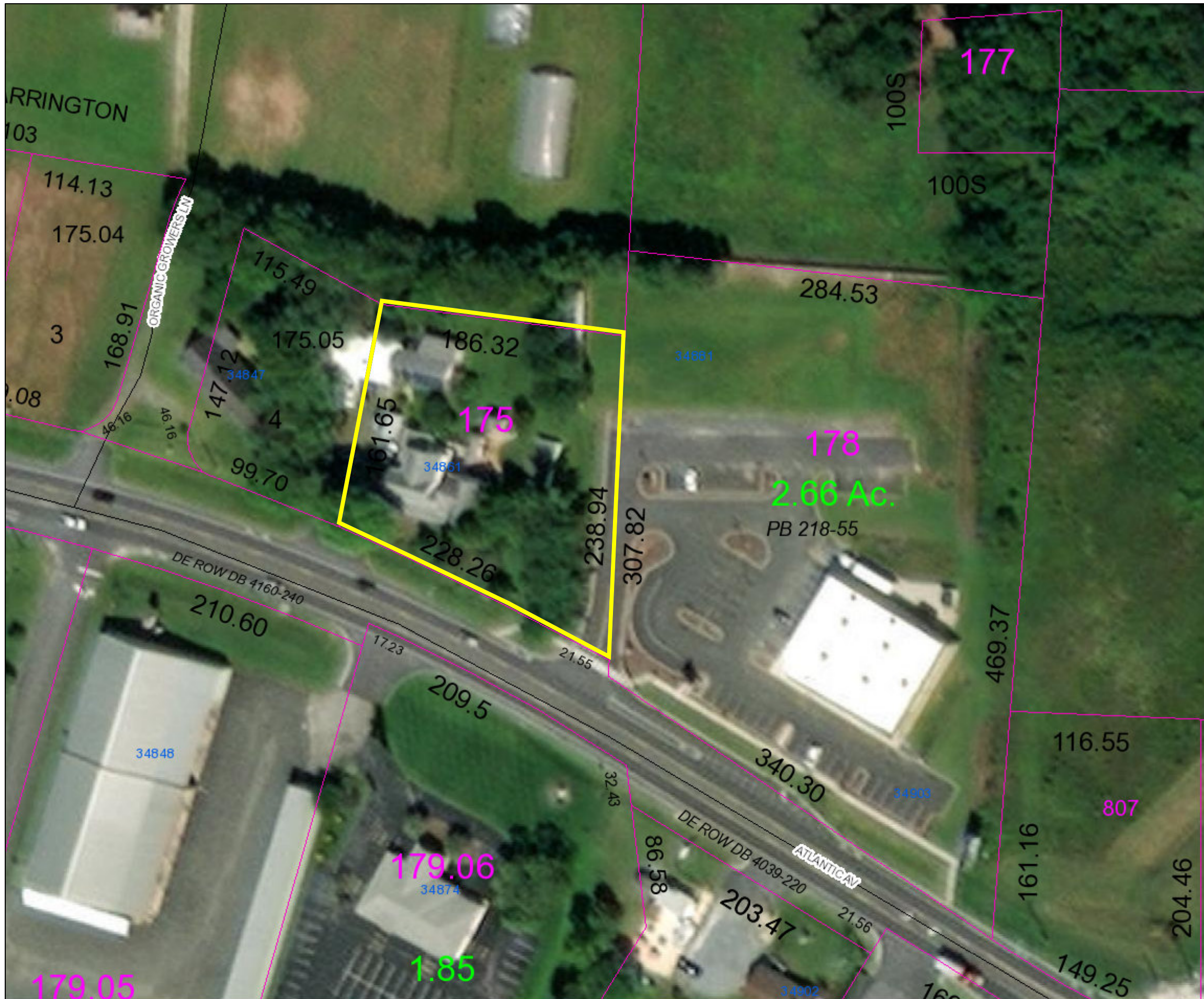
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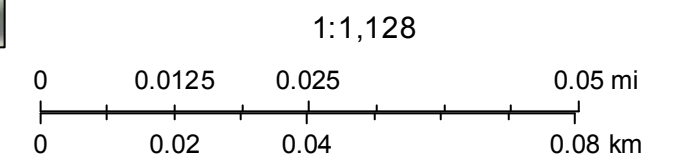


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PLANNING & ZONING DIRECTOR  
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jamie.whitehouse@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney, and applicant  
Date: January 20, 2022  
RE: Staff Analysis for CZ 1943 Shirley and Gordon Price, Jr.

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1943 Shirley and Gordon Price, Jr. to be reviewed during the January 27, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 134-11.00-175.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The property is lying on the north side of Atlantic Avenue (Route 26), approximately 0.13 mile northwest of Roxana Road (Route 17). The parcel to be rezoned consists of 0.91 acres +/-.

Staff note that a PLUS waiver letter was obtained from the Office of State Planning to waive PLUS review requirements which applied due to the fact that the proposal is an upzoning within the Coastal Area. The letter was received electronically by the Department of Planning and Zoning on Wednesday, January 19, 2022, and notes that the following conditions have been met: “1.) The rezoning is of a unique circumstance and would not set precedence for other lands in the vicinity of the rezoning, 2.) The relative size of the rezoning or the variation from the land use recommended by the Comprehensive Plan is so minor that it would have no impact on the goals and objectives of the Comprehensive Plan, 3.) The proposed zoning is adjacent to or in the immediate vicinity of other similarly zoned lands and would not alter the pattern of development in the area.”

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of “Coastal Area.” The properties to the north, south (on the opposite side of Atlantic Avenue), east and west of the subject property also contain the Future Land Use Designation of “Coastal Area.”

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light



commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.

The property is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north are also zoned Agricultural Residential (AR-1) Zoning District. The properties to the south on the opposite side of Atlantic Avenue (Route 26) and the adjacent property to the west are zoned General Commercial (C-1) District. The property to the east is zoned Commercial Residential (CR-1) Zoning District.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Medium Commercial (C-2) Zoning District is listed as an applicable zoning district in the Coastal Area.

Since 2011, there have been four (4) Change of Zone applications within a 0.5 mile radius of the application site. The first application is Change of Zone 1738 Atlantic Community Thrift Shop, Inc. for a change of zone from a Medium Density Residential Zoning District (MR) to a Neighborhood Business District (B-1) which was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, November 14, 2013. The application was also approved by the Sussex County Council at their meeting of Tuesday, December 3, 2013 and adopted through Ordinance No. 2331. The second application is Change of Zone 1789 Good Earth Market, LLC for a change of zone from an Agricultural Residential District (AR-1) to a Commercial Residential Zoning District (CR-1) which was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, December 10, 2015. The application was also approved by the Sussex County Council on Tuesday, April 5, 2016 and adopted through Ordinance No. 2439. The third application is Change of Zone 1840 Preston and Brenda Brasure for a change of zone from an Agricultural Residential District (AR-1) to a Commercial Residential District (CR-1) which was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, January 11, 2018. The application was also approved by the Sussex County Council on Tuesday, January 30, 2018 and adopted through Ordinance No. 2544. The fourth application is Change of Zone 1863 Triumph I, LLC for a change of zone from an Agricultural Residential District (AR-1) to a Commercial Residential District (CR-1) which was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, November 29, 2018. The application was also approved by the Sussex County Council on Tuesday, January 8, 2019 and adopted through Ordinance No. 2624.

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



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

JENNIFER COHAN  
SECRETARY

November 13, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Shirley and Gordon Price** rezoning application, which we received on October 14, 2020. This application is for an approximately 1.9-acre parcel (Tax Parcel: 134-11.00-175.00). The subject land is located on the north side of Atlantic Avenue, approximately 600 feet west of Roxana Road (Sussex Road 52). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to utilize the parcel as business office.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Atlantic Avenue (Sussex Road 26) where the subject land is located, which is from Stephen Drive to Roxana Road (Sussex Road 52), are 9,280 and 11,943 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

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



Mr. Jamie Whitehouse  
Page 2 of 2  
November 13, 2020

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Shirley and Gordon Price, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

**PLANNING & ZONING**  
Jamie Whitehouse, AICP, MRTPI  
Director  
(302) 855-7878 T  
(302) 854-5079 F



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Service Level Evaluation Request Form

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

Date: 10/4/20

### Site Information:

Site Address/Location: 34861 ATLANTIC AVE, OCEAN VIEW, DE 19970

Tax Parcel Number: 134-11.00-175.00

Current Zoning: AR-1

Proposed Zoning: C-2

Land Use Classification: \_\_\_\_\_

Proposed Use(s): BUSINESS OFFICE

Square footage of any proposed buildings or number of units: NO NEW BUILDINGS

### Applicant Information:

Applicant's Name: SHIRLEY & GORDON PRICE

Applicant's Address: 34861 ATLANTIC AVE

City: OCEAN VIEW State: DE Zip Code: 19970

Applicant's Phone Number: (302) 236-7046

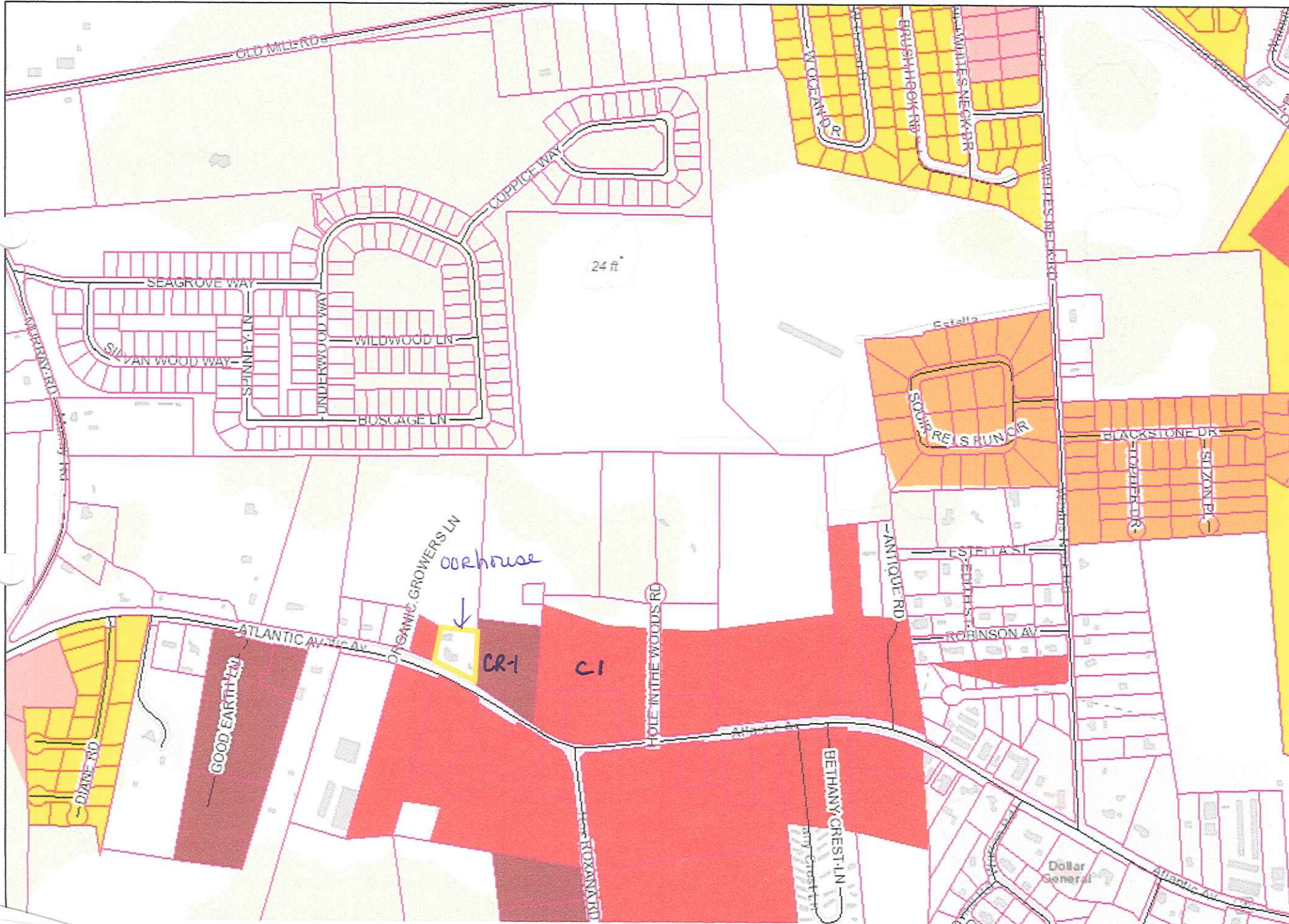
Applicant's e-mail address: ShirleyPrice@mchsi.com







# Sussex County



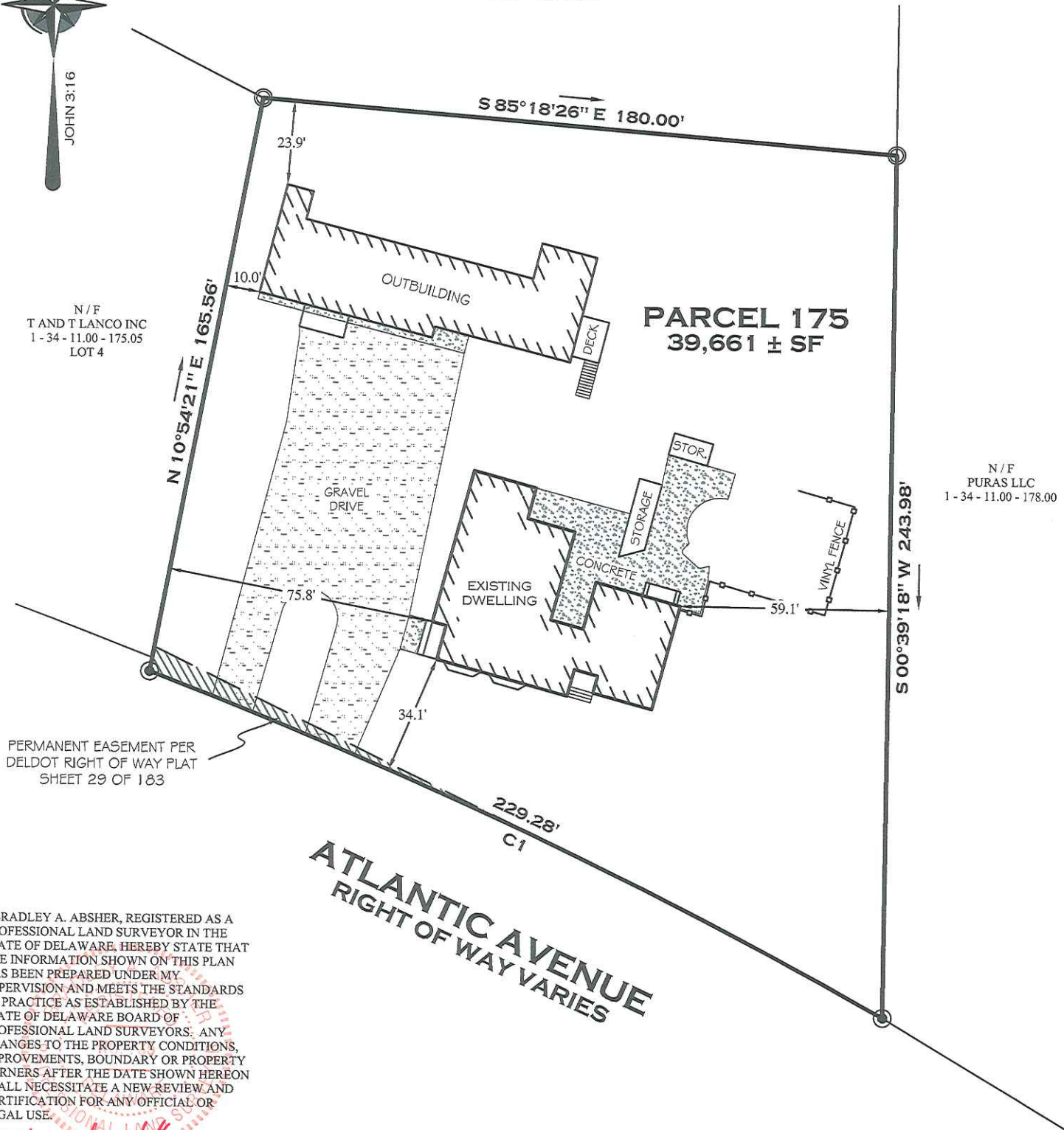


N / F  
J&J ORCHARDS LLC  
1 - 34 - 11.00 - 175.01

N / F  
T AND T LANCO INC  
1 - 34 - 11.00 - 175.05  
LOT 4

**PARCEL 175**  
39,661 ± SF

N / F  
PURAS LLC  
1 - 34 - 11.00 - 178.00



PERMANENT EASEMENT PER  
DELDOT RIGHT OF WAY PLAT  
SHEET 29 OF 183

**ATLANTIC AVENUE**  
RIGHT OF WAY VARIES

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

*Bradley A. Absher*  
BRADLEY A. ABSHER, DE PLS # 735  
DATE 2.5.21

**NOTES**

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	1545.00'	229.28'	N 65° 11' 25" W	229.07'

TAX MAP	1-34 - 11.00 - 175.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	—
AREA	39,661 ± SQ. FT.
DEED REF.	4292 / 20
PLAT REF.	—
DRAWN BY	CJP
DATE	02 / 05 / 2021
SCALE	1" = 40'
SURVEY #	DE - 07451

**BOUNDARY SURVEY PLAN**

LANDS OF  
**GORDON BRENT PRICE, TRUSTEE**  
& **SHIRLEY ANN PRICE, TRUSTEE**

34861 ATLANTIC AVENUE, MILLVILLE, DE 19967

**LEGEND**

- IRON PIPE FOUND
- IRON ROD W/ CAP SET

**TRUE NORTH**



**LAND SURVEYING**

118 ATLANTIC AVENUE, SUITE 202  
OCEAN VIEW, DE 19970  
DE: 302-539-2488  
MD: 410-430-2092



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

January 13, 2022

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

RE: PLUS review – Shirley and Gordon Price rezoning; 34861 Atlantic Avenue  
Tax Parcel 134-11.00-75.00

Dear Ms. Devore:

Thank for your email dated January 12, 2022 regarding clarification on a PLUS review for the above referenced zoning. We reviewed the materials to determine if this rezoning and comp plan amendment for .91 acres from AR-1 to C-2 warrants a PLUS review. We reviewed this amendment using the criteria we use for “minor variations” from comprehensive plans, which is established in the PLUS MOUs of several other jurisdictions.

A rezoning is generally considered a minor variation from the comprehensive plan when one or more of the following conditions are met:

- a) The rezoning is of a unique circumstance and would not set precedence for other lands in the vicinity of the rezoning.
- b) The relative size of the rezoning or the variation from the land use recommended by the Comprehensive Plan is so minor that it would have no impact on the goals and objectives of the Comprehensive Plan.
- c) The proposed zoning is adjacent to or in the immediate vicinity of other similarly zoned lands and would not alter the pattern of development in the area.

We have determined that this rezoning does meet the definition of a minor variation; therefore, PLUS review is waived for this applicant. This does not waive the applicant or developer from contacting State agencies to determining code requirements and permitting issues. Any development on the site will still be required to follow all relevant codes and permitting procedures set forth by the State of Delaware.

The Office of State Planning is currently working with the County to update the PLUS Memorandum of Understanding. Until that document is updated, please feel free to reach out to discuss similar plan amendments so we can determine if a PLUS waiver can be granted.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell", written in a cursive style.

David L. Edgell, AICP  
Director, Office of State Planning Coordination

File #: CZ 1943  
202104389

## Planning & Zoning Commission Application Sussex County, Delaware

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

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

Conditional Use   
Zoning Map Amendment

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

34861 Atlantic Ave, Ocean View, De 19970

**Type of Conditional Use Requested:**

Tax Map #: 134-11.00-175.00 Size of Parcel(s): ~~1.9 acre~~ 0.91 acre

Current Zoning: AR-1 Proposed Zoning: C-2 Size of Building: 2700

Land Use Classification: Residential

Water Provider: well Sewer Provider: Sussex County

**Applicant Information**

Applicant Name: Shirley and Gordon Price Jr  
Applicant Address: 34861 Atlantic Ave  
City: Ocean View State: DE Zip Code: 19970  
Phone #: (302) 236-7046 E-mail: shirleyprice@mchsi.com

**Owner Information**

Owner Name: Shirley and Gordon Price Jr  
Owner Address: 34861 Atlantic Ave  
City: Ocean View State: DE Zip Code: 19970  
Phone #: (302) 236-7046 E-mail: shirleyprice@mchsi.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: N/A  
Agent/Attorney/Engineer Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_



0.13 NW Roxana Rd

**Shirley Price**

---

**From:** Shirley Price  
**Sent:** Tuesday, January 25, 2022 9:59 AM  
**To:** 'Lauren.devore@sussexcountyde.gov'  
**Subject:** FW: CZ 1943  
**Attachments:** Planning and Zoning coments 1.27.22.docx

RECEIVED  
JAN 25 2022  
SUSSEX COUNTY  
PLANNING & ZONING

---

**From:** Shirley Price  
**Sent:** Monday, January 24, 2022 9:45 PM  
**To:** 'LAUREN.DEVORE@SUSSEXCOUNTYDE.GOV' <LAUREN.DEVORE@SUSSEXCOUNTYDE.GOV>  
**Subject:** CZ 1943

Hi Lauren,

We haven't spoken for a while but it looks like I am on the agenda Thursday night @ 5 Pm. When we last spoke I think the only thing lacking was my statement to the council. I have attached it. Will I need to bring copies ?

If you need to talk to me, it is best to give me a call. I am in Baltimore for the next two days for a follow up to Gordon's kidney transplant surgery.

*Shirley*



*Check out my commercial*

! <https://www.youtube.com/watch?v=XCRUHzecOmc&feature=youtu.be>

Shirley Price

P.S. I am never too busy for your referrals!

**302-236-7046 cell/ text**

REALTOR, Associate Broker, SRES, GRI, CRS, e-PRO  
Long and Foster Real Estate, Inc.  
33298 Coastal Highway  
Bethany Beach, DE 19930

Top Producer Eastern Shore

Written submission on behalf

Of Shirley and Gordon Price.

In 1981 when we purchased our home on the Route 26 corridor it was much different than we find it today. Of course all of coastal Sussex County was different forty-one years ago. At the time of our purchase it seemed perfect, it was something we could afford and provided us a place to raise our family, work and be involved in our community. We did not give any thought to what the future might look like.

When we first bought our house the only commercial area was a small Mom and Pop liquor store next door, Holts Dispensary and everything else was fields and some houses.

Of course as the years went by things changed bit by bit. The first major, oh my gosh moment came in the form of an 84 Lumber application coming across the street. We negotiated with them and the county to make them the best neighbors we could and to minimize their impact on 26. Many others followed we now have Good Earth Market who added Dickens Theater to their footprint, my neighbor to my west a heating and air company, to my immediate east is the most recent addition, the new and more modern Holts Liquor Store with the very well-lit parking lot. Across the street and next to 84 Lumber is Parsell's Funeral Home perhaps one of the quietest of neighbors, and then several other small businesses occupy the Travalini property and the commercial goes on.

I went home one day to see a double decker billboard almost on our property line. A billboard on 26 was very out of place at that time and I could not believe that we were not given any notice that it was coming. So I picked up the phone and spoke with Lawrence Lank, it appears the state was controlling signs and it was decided that the county needed

to take some control. So a committee was put together and I was appointed to help with the process. So no more surprises for other home owners and the county has more control over signage.

As the years went by Gordon and I knew we could not stop the inevitable and in the world of land use planning Route 26 is the logical location for commercial. Our property is no longer a residential area, and it can never be that again. Its highest and best use is commercial.

I am here tonight to ask that you give our property the necessary zoning it needs to fit in, to achieve its highest and best use. We have no plans to add anything more than we have now. I know if that changes someday it would need to come back before the county and it should.

Thank you for your consideration,

Respectfully,

Shirley and Gordon Price