

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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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



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 17th, 2022

Application: CU 2287 Danielle Roach

Applicant: Danielle Roach
22928 Pine Road
Lewes, DE 19958

Owner: Danielle Roach
22928 Pine Road
Lewes, DE 19958

Site Location: Lying on the southeast side of Pine Road approximately 0.21 miles northwest of Camp Arrowhead Road (S.C.R. 279).

Current Zoning: General Residential (GR) Zoning District

Proposed Zoning: General Residential (GR) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Department

Sewer: Sussex County

Water: Well

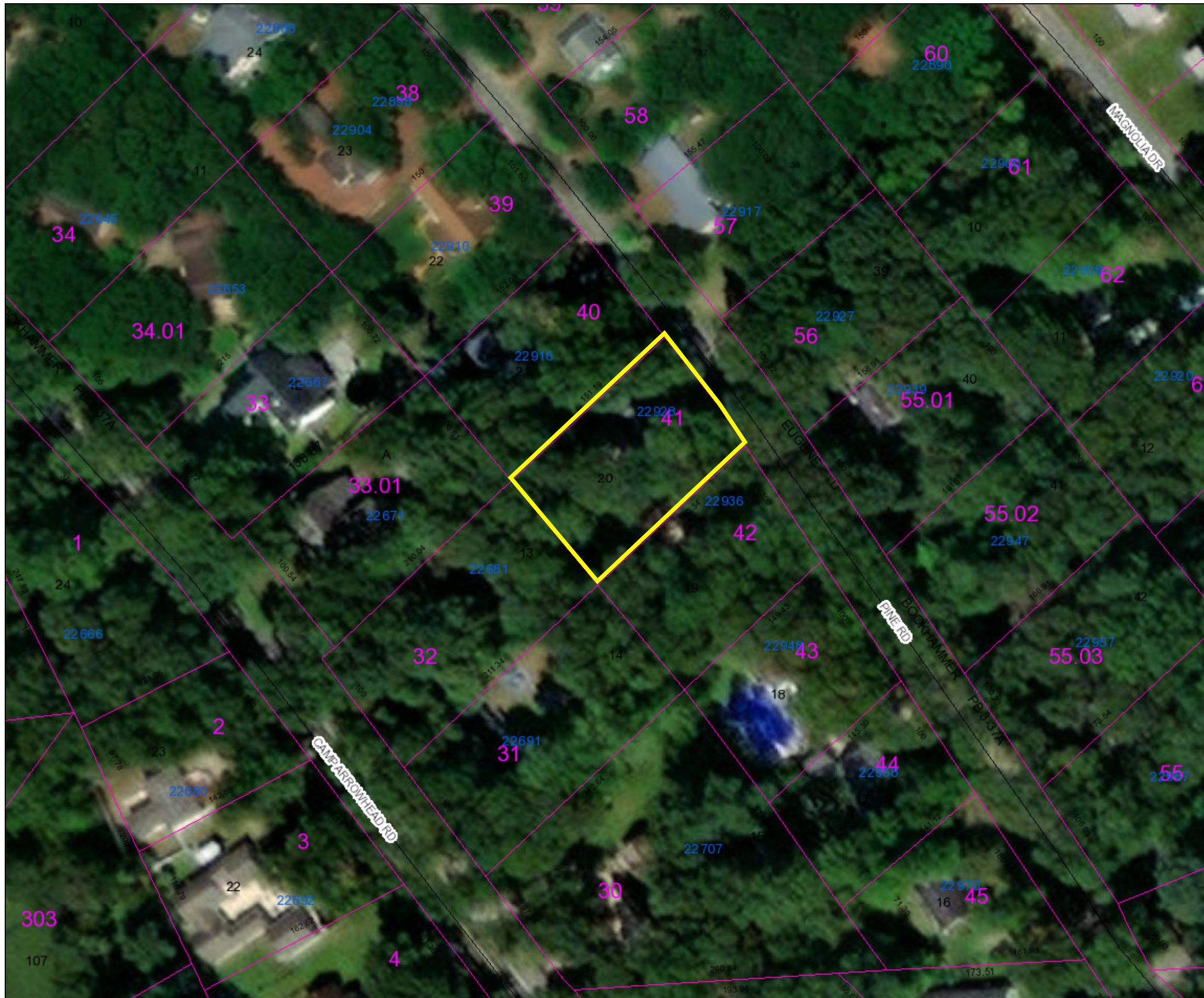
Site Area: 0.338 acres +/-

Tax Map ID.: 234-12.18-41.00





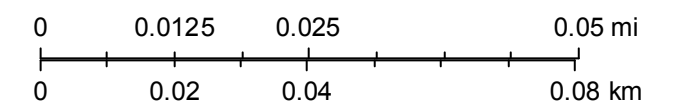
Sussex County



| | |
|------------------------|------------------|
| PIN: | 234-12.18-41.00 |
| Owner Name | ROACH DANIELLE |
| Book | 5582 |
| Mailing Address | 22928 PINE RD |
| City | LEWES |
| State | DE |
| Description | ANGOLA NECK PARK |
| Description 2 | LOT 20 |
| Description 3 | N/A |
| Land Code | |

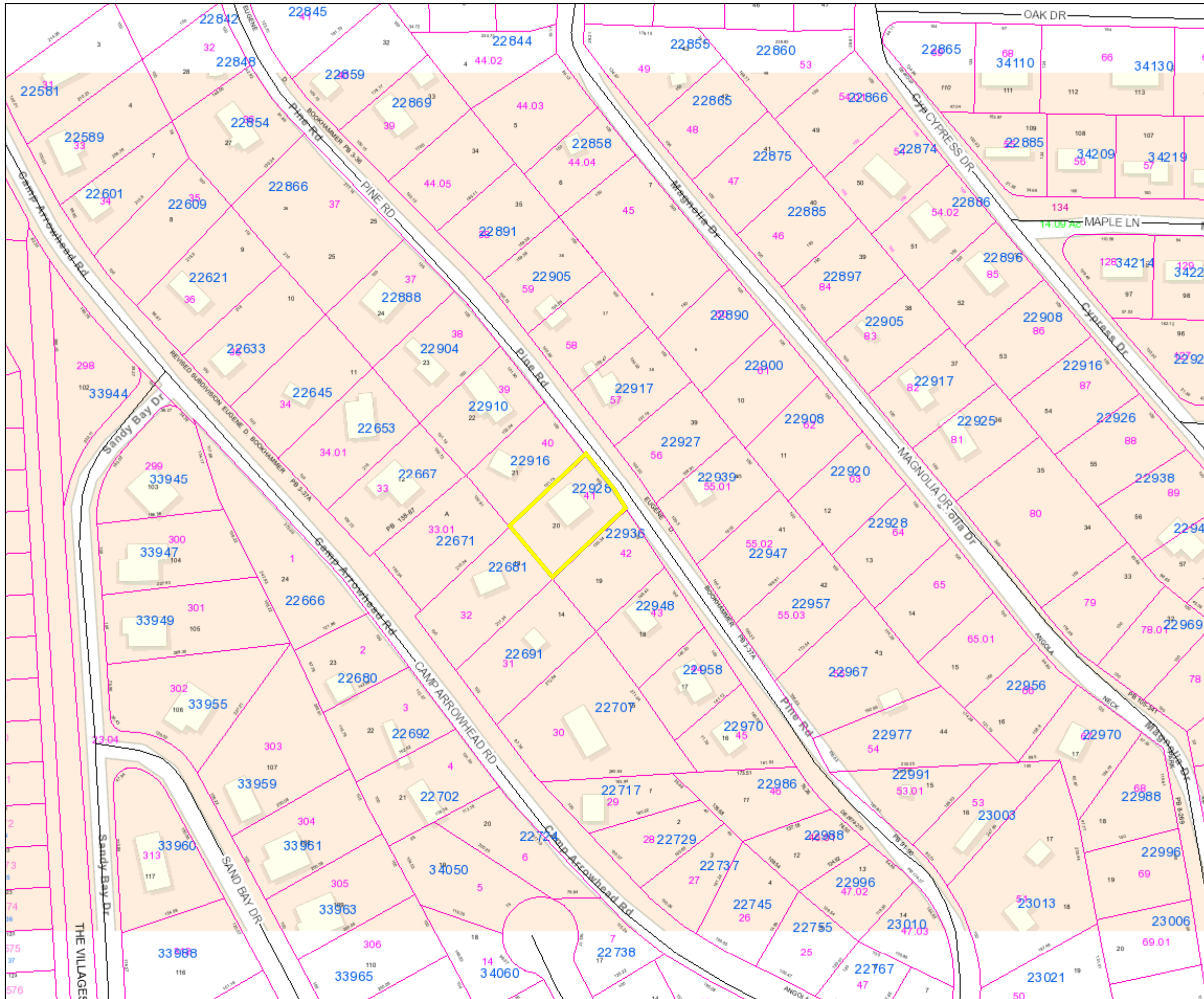
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:1,128





Sussex County



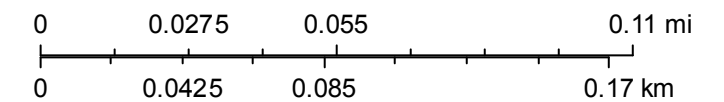
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- polygonLayer**

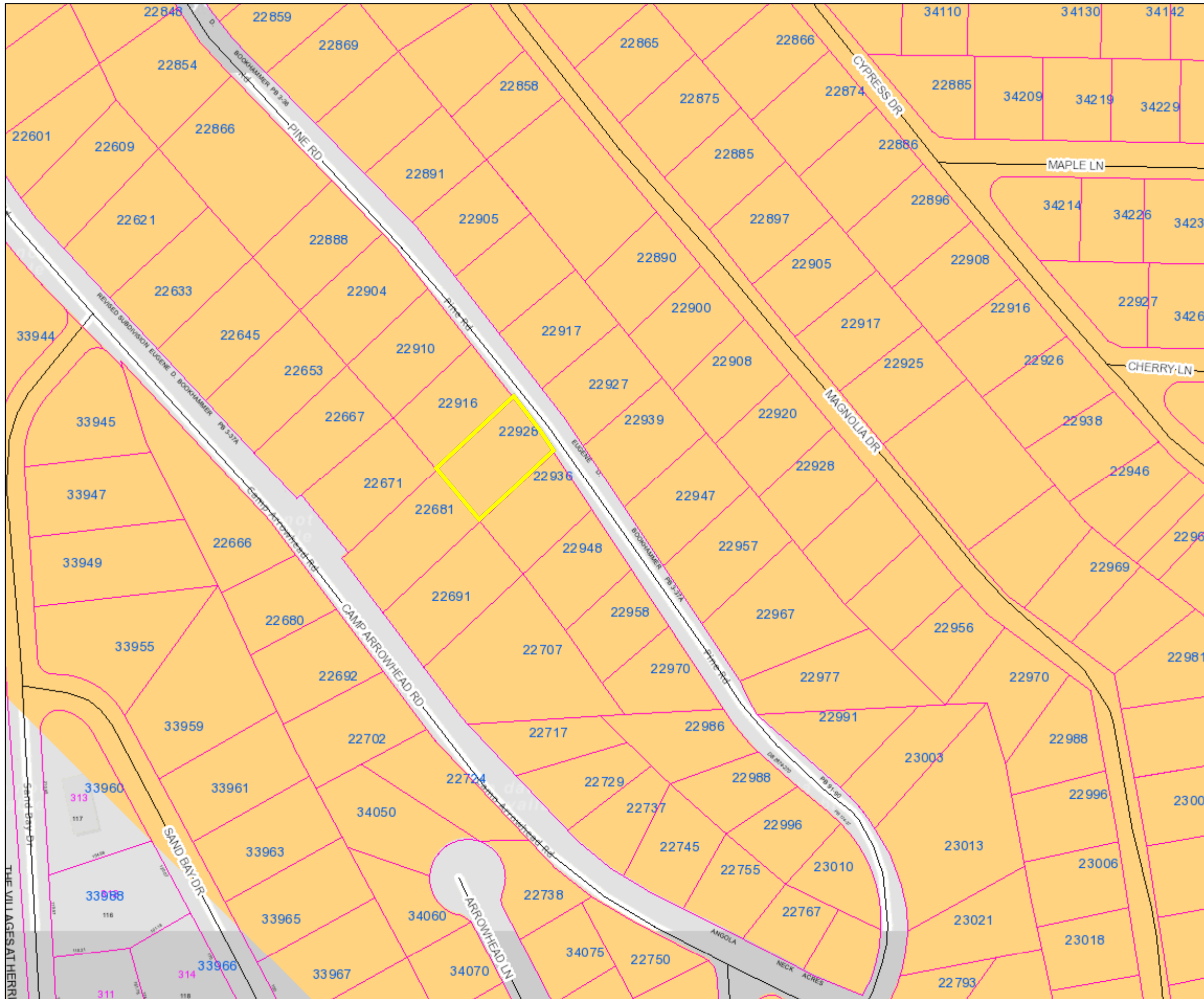
 - Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets
- ⋯ County Boundaries

1:2,257





Sussex County



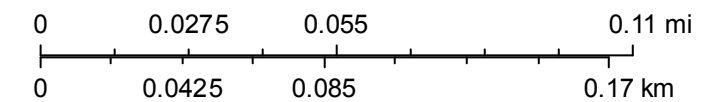
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- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets

1:2,257





Mailing List Map
CU 2287 Danielle Roach
234-12.18-41.00



File #: CU:22871
202108240

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 4 ✓
Zoning Map Amendment _____

Site Address of Conditional Use/Zoning Map Amendment

22928 Pine Road Lewes, DE 19958

Type of Conditional Use Requested:

Storage of materials (barrels) in driveway

Tax Map #: 2-34-12.18 ~11100 **Size of Parcel(s):** 14,757 square feet

Current Zoning: GR **Proposed Zoning:** _____ **Size of Building:** _____

Land Use Classification: Residential

Water Provider: Well **Sewer Provider:** Sussex County

Applicant Information

Applicant Name: Danielle Roach
Applicant Address: 22928 Pine Road
City: Lewes State: DE Zip Code: 19958
Phone #: (302) 841-5742 E-mail: drenken4@gmail.com

Owner Information

Owner Name: Danielle Roach
Owner Address: 22928 Pine Road
City: Lewes State: DE Zip Code: 19958
Phone #: (302) 841-5742 E-mail: drenken4@gmail.com

Agent/Attorney/Engineer Information

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



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

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

Provide Fee \$500.00

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

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

DeIDOT Service Level Evaluation Request Response

PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Daniell Roach

Date: 5-20-21

Signature of Owner

Daniell Roach

Date: 5-20-21

For office use only:

Date Submitted: 6/1/21

Fee: \$500.00 Check #: _____

Staff accepting application: NT

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: February 9, 2022
RE: Staff Analysis for CU 2287 Danielle Roach

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2287 Danielle Roach to be reviewed during the February 17, 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: 234-12.18-41.00 for a craft business with outdoor storage. The parcel is lying on the southwest side of Pine Road, approximately .20-miles northwest of Camp Arrowhead Road (S.C.R. 279). 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 9 Conditional Use applications within a half-mile radius of the application site. Of the 9 Conditional Use applications within a half-mile radius, 7 have been approved, 1 has been denied, and 1 was withdrawn.

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



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **2/1/2022**

APPLICATION: **CU 2287 Danielle Roach**

APPLICANT: **Danielle Roach**

FILE NO: **ANG-4.06**

TAX MAP &
PARCEL(S): **234-12.18-41.00**

LOCATION: **Lying on the southeast side of Pine Drive, approximately 0.21 miles northwest of Camp Arrowhead Road (SCR 279)**

NO. OF UNITS: **CU for a craft business with outdoor storage**

GROSS
ACREAGE: **0.338**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Nicole Messeck** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The change to commercial use may require an upgrade in the size (dia.) of the sewer lateral. This may also result in an increase in the EDU's charged to the parcel.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Nicole Messeck

TAX MAP AND PARCEL
#: 2-34 12.18 41.00
PREPARED BY & RETURN TO:
Berl & Feinberg, LLP
34382 Carpenter's Way, Suite 3
Dartmouth Business Center
Lewes, DE 19958
File No. 2-2822/LE

THIS DEED, made this 21st day of February, 2017,

- BETWEEN -

SHANNON THOMPSON, of 1749 S. Highland Ave. A12, Clearwater, FL 33756, party of the first part,

- AND -

DANIELLE RENKEN, of 22928 Pine Road, Lewes, DE 19958, as sole owner, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and her heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot, piece and parcel of land known as Lot No. 20 in Revised Subdivision of lands of Eugene D. Bookhammer, as shown on the Plot of said lands which is recorded in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book No. 3, Page 37, and said lot is located northwesterly from County Road No. 279, leading to Angola Neck in Indian River Hundred, Sussex County, Delaware, and being more particularly describe on a plot of survey prepared by Charles L. Coffinan, II dated July 26, 2004, as follows, to-wit:

BEGINNING at a found concrete monument set in the Southeasterly right of way line for Pine Road which is a corner for this Lot and Lot 21; thence along and with the aforesaid right of way line South 29 degrees 58 minutes 00 seconds 100.00 feet to a found concrete monument, which is a corner for this Lot and Lot 19; thence along and with the Southwesterly line of Lot 19, South 54 degrees 15 minutes 30 seconds West 148.56 feet to a found concrete monument, which is a corner for this Lot and Lots 19, 14 and 13; thence along and with the Northeasterly line of

Lot 13, North 29 degrees 35 minutes 00 seconds West 99.77 feet to a found concrete monument which is a corner for this Lot and Lots 13, 12 and 21; thence along and with the Southeasterly line of Lot 21, North 54 degrees 09 minutes 30 seconds East 147.92 feet back to the point and place of beginning, containing 14,570 square feet of land, be the same more or less, together with any and all improvements located thereon.

BEING the same land conveyed to Joel Thompson and Shannon Thompson by a Deed of Robert J. Dedrick dated February 13, 2009 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Georgetown, Delaware in Deed Book 3659, page 191.

Subsequently thereto, the said Joel Thompson departed this life intestate on or about April 27, 2010, leaving his wife, Shannon Thompson, to survive him.

SUBJECT to any and all restrictions as they may appear of record.

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

Signed, Sealed and Delivered
in the presence of:

Barbara Gorman

Shannon Thompson (SEAL)
Shannon Thompson

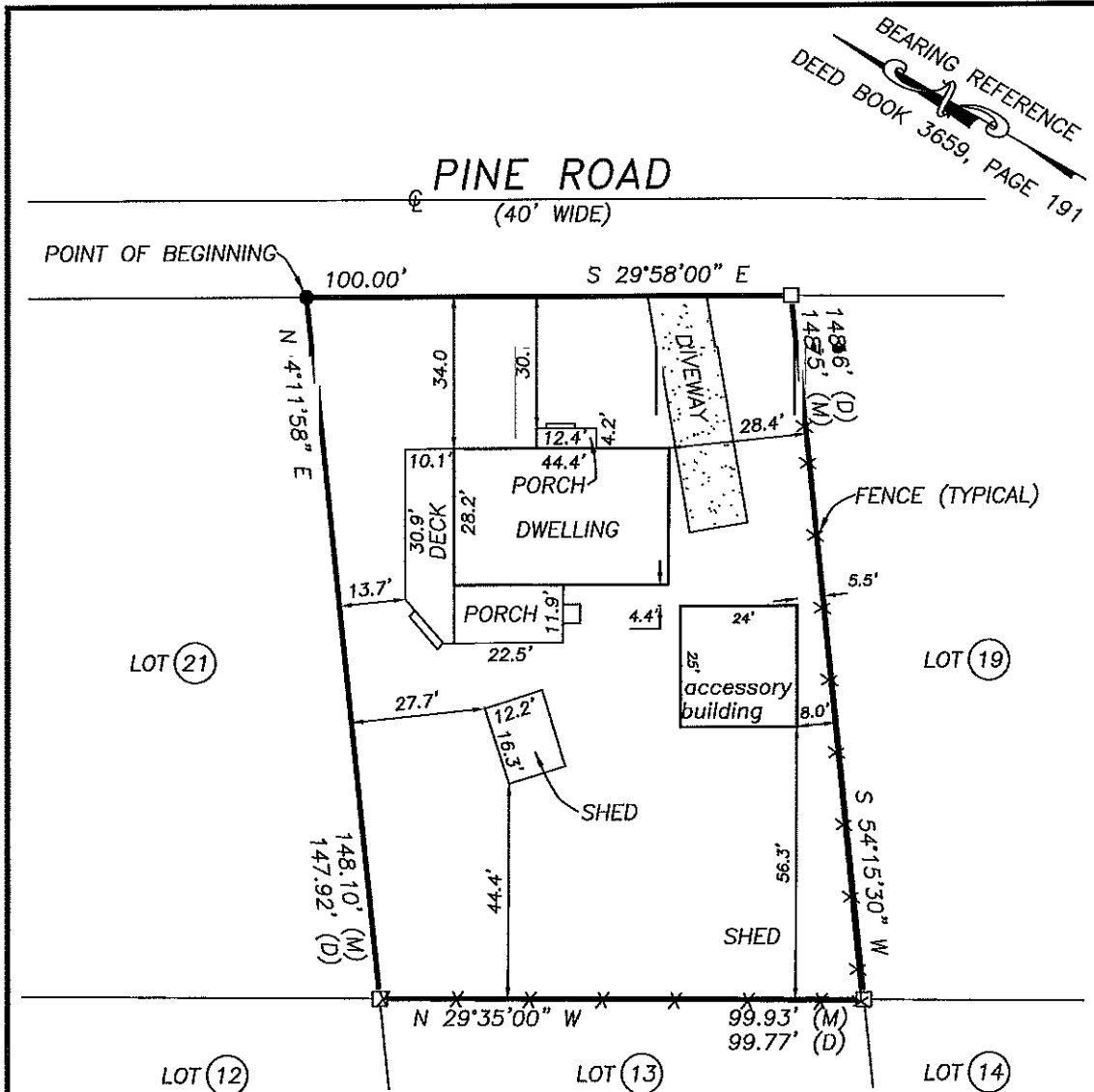
STATE OF FLORIDA, COUNTY OF Pinellas: to-wit

BE IT REMEMBERED, that on February 21, 2017, personally came before me, the subscriber, Shannon Thompson, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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



C. F. Quever
Notary Public
Printed Name: C. F. QUEVER
My Commission Expires: 06/30/19



NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 3659, PAGE 191
- 3) A TITLE SEARCH WAS NEITHER REQUESTED, PROVIDED OR UTILIZED FOR THIS SURVEY
- 4) ZONED GR

BOUNDARY SURVEY PLAN

PREPARED FOR

DANIELLE RENKEN

FOR PROPERTY KNOWN AS
 LOT 20, "REVISED SUBDIVISION OF A PART OF THE LANDS OF
 EUGENE D. BOOKHAMMER"

PLOT BOOK 3, PAGE 37
 (A.K.A. 22928 PINE ROAD)

SITUATED IN
 INDIAN RIVER HUNDRED, SUSSEX COUNTY
 STATE OF DELAWARE

AREA: 14,757± SQ. FT.

SCALE: 1" = 30'

DATE: JANUARY 31, 2017

REVISED: FEBRUARY 6, 2017 R.B. KEMP, III, P.L.S. 541

LEGEND:

- FOUND CONCRETE MONUMENT
- SET IRON BAR
- (M) MEASURED DISTANCE
- (D) DEED DISTANCE

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

PLAN NO. 170113-A

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 17th, 2022

Application: CZ 1950 Roxana Volunteer Fire Company

Applicant: Roxana Volunteer Fire Company
35943 Zion Church Road
Frankford, DE 19945

Owner: Roxana Volunteer Fire Company
35943 Zion Church Road
Frankford, DE 19945

Site Location: 36843, 36855, & 36873 Lighthouse Road, Selbyville. Lying on the northeast side of Lighthouse Road (Rt. 54) approximately 0.53-mile northwest of Bayville Road (S.C.R. 58B)

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

Proposed Zoning: Institutional (I-1) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire Department

Sewer: Sussex County

Water: Artesian

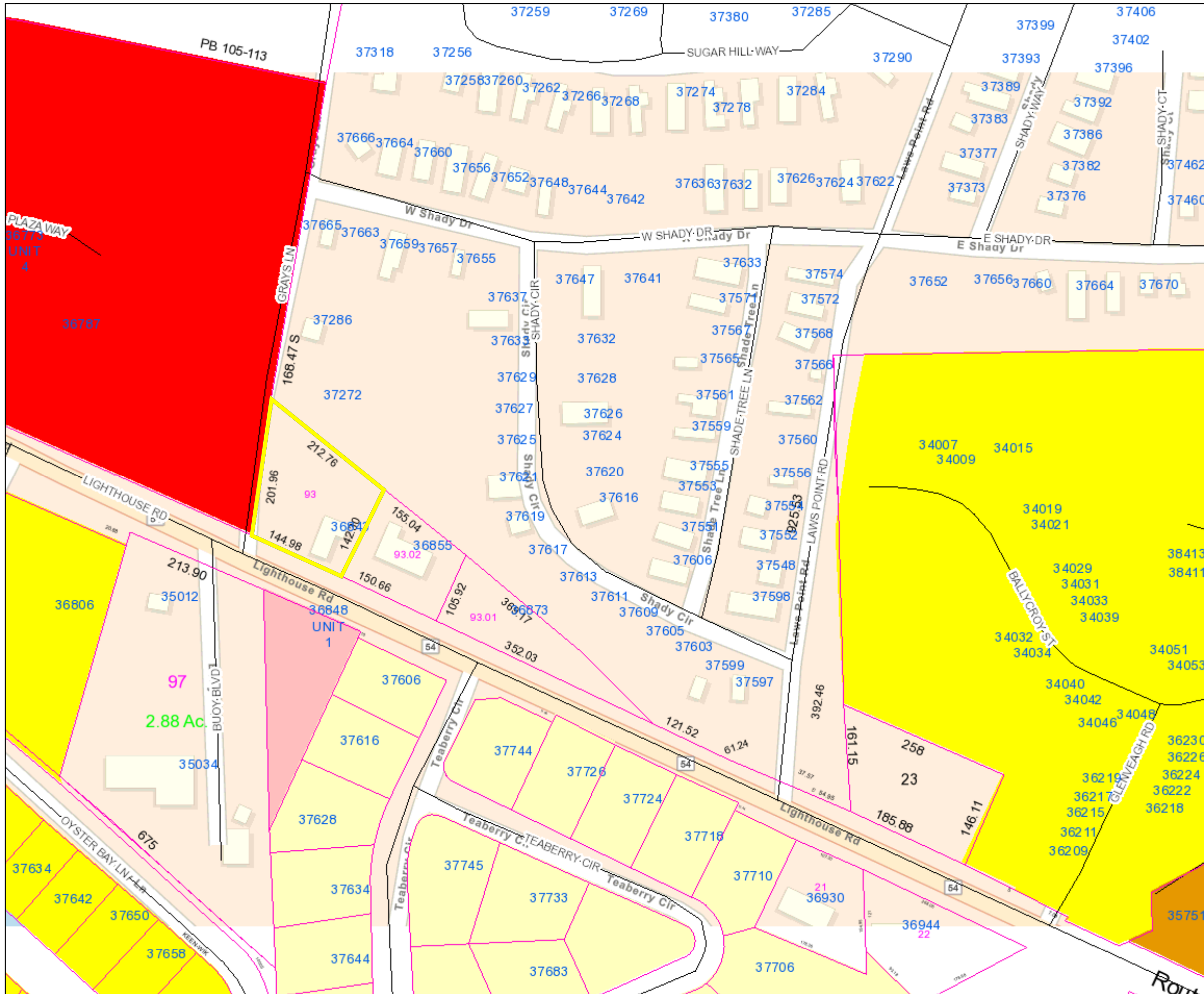
Site Area: 1.50 acres +/-

Tax Map IDs.: 533-12.00-93.00, 93.01, & 93.02





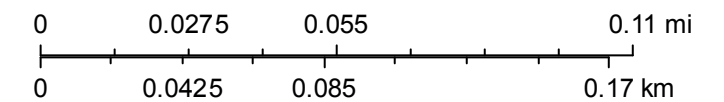
Sussex County



| | |
|------------------------|--------------------------|
| PIN: | 533-12.00-93.00 |
| Owner Name | ROXANA VOLUNTEER FIRE CO |
| Book | 2516 |
| Mailing Address | 35943 ZION CHURCH RD |
| City | FRANKFORD |
| State | DE |
| Description | NE/RT 54 |
| Description 2 | 716'NW/ENTR SWANN |
| Description 3 | KEYS |
| Land Code | |

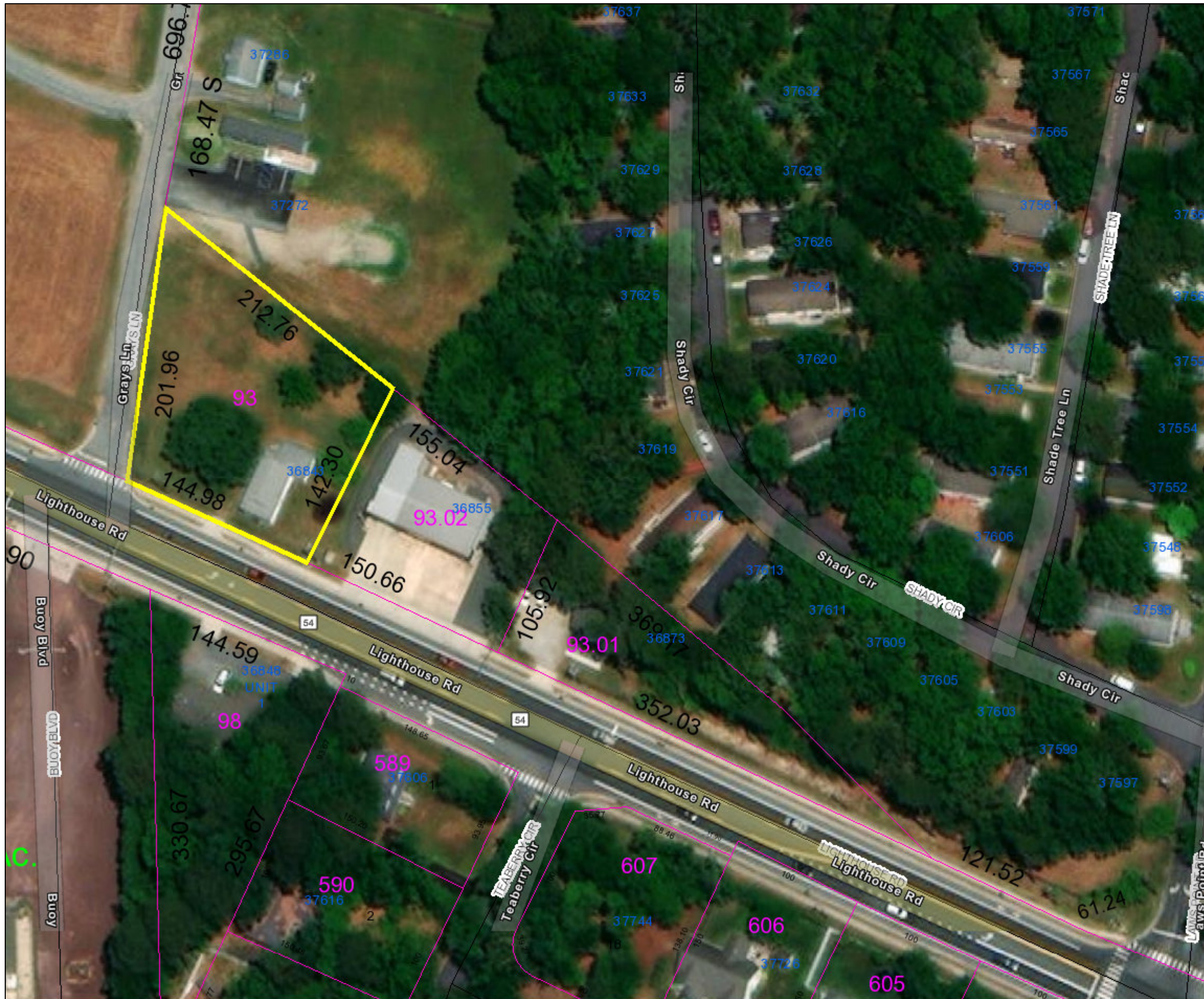
- polygonLayer
 Override 1
- polygonLayer
 Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257





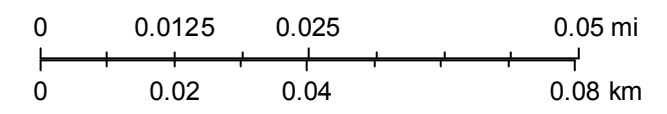
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- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Municipal Boundaries
-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

1:1,128



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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: February 9, 2022
RE: Staff Analysis for CZ 1950 Roxana Fire Company

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1950 Roxana Fire Company to be reviewed during the February 17, 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 Parcels 533-12.00-93.00, 93.01, & 93.02 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to an Institutional (I-1) Zoning District. The properties are lying on the northeast side of Lighthouse Road (Route 54), approximately 0.53-mile northwest of Bayville Road (S.C.R. 58B). The parcels to be rezoned consist of 1.5 acres +/-.

Staff notes, a response from the Office of State Planning was obtained confirming the request is not required to go through the PLUS process.

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, 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 Lighthouse Road (Route 54) are zone Neighborhood Business (B-1), Agricultural Residential (AR-1 & AR-2) and Medium Residential (MR) and the adjacent properties to the west are zoned General Commercial (C-1) District. The property to the east is zoned Agricultural Residential (AR-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 Institutional (I-1) Zoning District is listed as an applicable zoning district in the Coastal Area.

Since 2011, there have been sixteen (16) Change of Zone applications within a 1-mile radius of the application site. The Change of Zone applications approved include Medium Residential (MR), High Density Residential (HR-1), Commercial Residential (CR-1), Neighborhood Business (B-1), and Medium Commercial (C-2) Zoning Districts.

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

File #: CZ 1950

202112328
202112329
202112330

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

36843, 36855 + 36873 Lighthouse Rd. Selbyville DE

Type of Conditional Use Requested:

Change of Zoning

Tax Map #: 533-12.00-93.00, 93.01 + 93.02 Size of Parcel(s): 1.50 acres ±

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

Land Use Classification: _____

Water Provider: Artesian Sewer Provider: Sussex County

Applicant Information

Applicant Name: Roxana Volunteer Fire Company
Applicant Address: 35943 Zion Church Rd
City: Frankford State: DE Zip Code: 19945
Phone #: 302-436-2300 E-mail: R.Hopper@Roxana90.com
Guy@Roxana90.com
Colleen@Roxana90.com

Owner Information

Owner Name: _____
Owner Address: Same
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

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



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ **Completed Application**

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

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

___ **Provide Fee \$500.00**

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

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

___ **DelDOT Service Level Evaluation Request Response**

___ **PLUS Response Letter** (if required)

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

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

Signature of Applicant/Agent/Attorney



Date: 8/16/21

Signature of Owner



Date: 8/16/21

For office use only:

Date Submitted: 8/18/21

Fee: \$500.00 Check #: 18072

Staff accepting application: NJ

Application & Case #: CZ1950

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 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

August 13, 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 **Roxana Fire Department** proposed land use application, which we received on August 12, 2021. This application is for an approximately 1.55-acre assemblage of parcels (Tax Parcels: 533-12.00-93.00, 93.01 and 93.02). The subject parcels are located on the north side of Fenwick Road a.k.a Lighthouse Road (State Route 54). Tax parcel 533-12.00-93.00 also has frontage on the east side of Grays Lane. The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of I-1 (Institutional) to renovate or build a new firehouse.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along State Route 54 from Dukes Avenue (Sussex Road 58D) to Zion Church Road (State Route 20), are 7,769 and 9,990 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 DeIDOT 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
August 13, 2021

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Roxana Fire Department, Applicant
Elliott Young, 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 Furmato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **2/1/2022**

APPLICATION: **CZ 1950 Roxana Volunteer Fire Company**

APPLICANT: **Roxana Volunteer Fire Company**

FILE NO: **OM-4.05**

TAX MAP &
PARCEL(S): **533-12.00-93.00, 93.01, & 93.02**

LOCATION: **Lying on the northeast side of Lighthouse Road,
approximately 0.53 mile northwest of Bayville Road (SCR 58B)**

NO. OF UNITS: **upzone from AR-1 to I-1**

GROSS
ACREAGE: **1.50**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Noell Warren** at **302-855-7719** for additional information on charges.

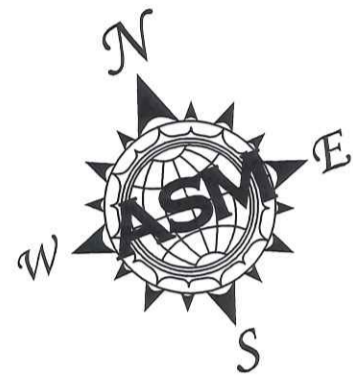
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **Currently all three parcels are connected to the sewer system. The change to Institutional zoning may require and upgrade in the size (dia.) of the sewer lateral. This may also result in an increase in the EDU's charged to the parcels depending on any new construction.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Noell Warren



Notes

Current Zoning - Agricultural Residential AR-1

Proposed Zoning - Institutional I-1

Plat References:

Revised Subdivision of Lands of Charles M. Walton & Betty T.
Walton - Plat Book 26 Pg 120
Revised and Reassembled Property Lines Between Ronald E. Gray,
Et al and Charles M. Walton, Et ux - Deed Book 2035 Pg 352

Deed References:

- Parcel 1 - Bk 5469 Pg 293
Bk 3684 Pg 86
- Parcel 2A - Bk 1542 Pg 235
Bk 3680 Pg 120
- Parcel 2B - Bk 2516 Pg 179
Bk 3680 Pg 110

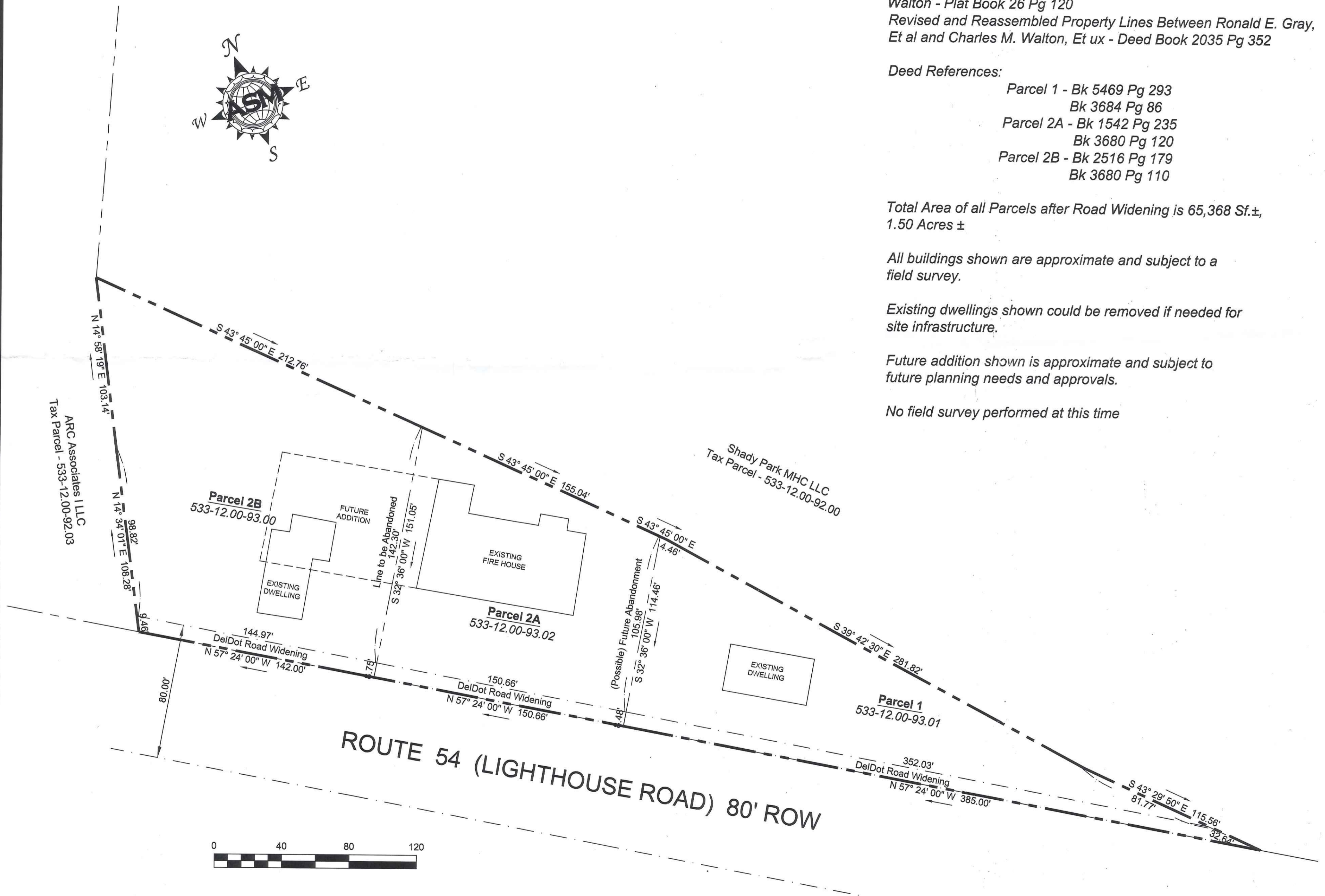
Total Area of all Parcels after Road Widening is 65,368 Sf.±,
1.50 Acres ±

All buildings shown are approximate and subject to a
field survey.

Existing dwellings shown could be removed if needed for
site infrastructure.

Future addition shown is approximate and subject to
future planning needs and approvals.

No field survey performed at this time



Project:
**Proposed Change of Zoning
Lands of Roxana Volunteer Fire Company
Baltimore Hundred, Sussex County, Delaware**
Tax Parcels - 533-12.00-93.00, 93.01 & 93.02

Prepared By: H.J.

Date: June 2021

Scale: As Shown

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

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 17th, 2022

Application: CZ 1951 Shiloh Investments

Applicant: Shiloh Investments, LLC
33712 Wescoats road, suite 5
Lewes, DE 19958

Owner: Shiloh Investments, LLC
33712 Wescoats road, suite 5
Lewes, DE 19958

Site Location: Lying on the south side of Lewes Georgetown Highway (Rt. 9) approximately 0.15-miles northeast of the intersection of Hudson Road (S.C.R. 258) and Fisher Road (S.C.R. 262).

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

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

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Milton Fire Department

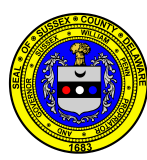
Sewer: Septic

Water: Well

Site Area: 4.17 acres +/-

Tax Map IDs.: 235-30.00-50.01





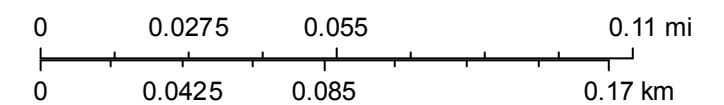
Sussex County



| | |
|------------------------|------------------------|
| PIN: | 235-30.00-50.01 |
| Owner Name | SHILOH INVESTMENTS LLC |
| Book | 5511 |
| Mailing Address | 33712 WESCOATS RD STE |
| City | LEWES |
| State | DE |
| Description | SE OF RT 404/9 APPR |
| Description 2 | 361 NE OF RD 262 |
| Description 3 | TRACT 2 |
| Land Code | |

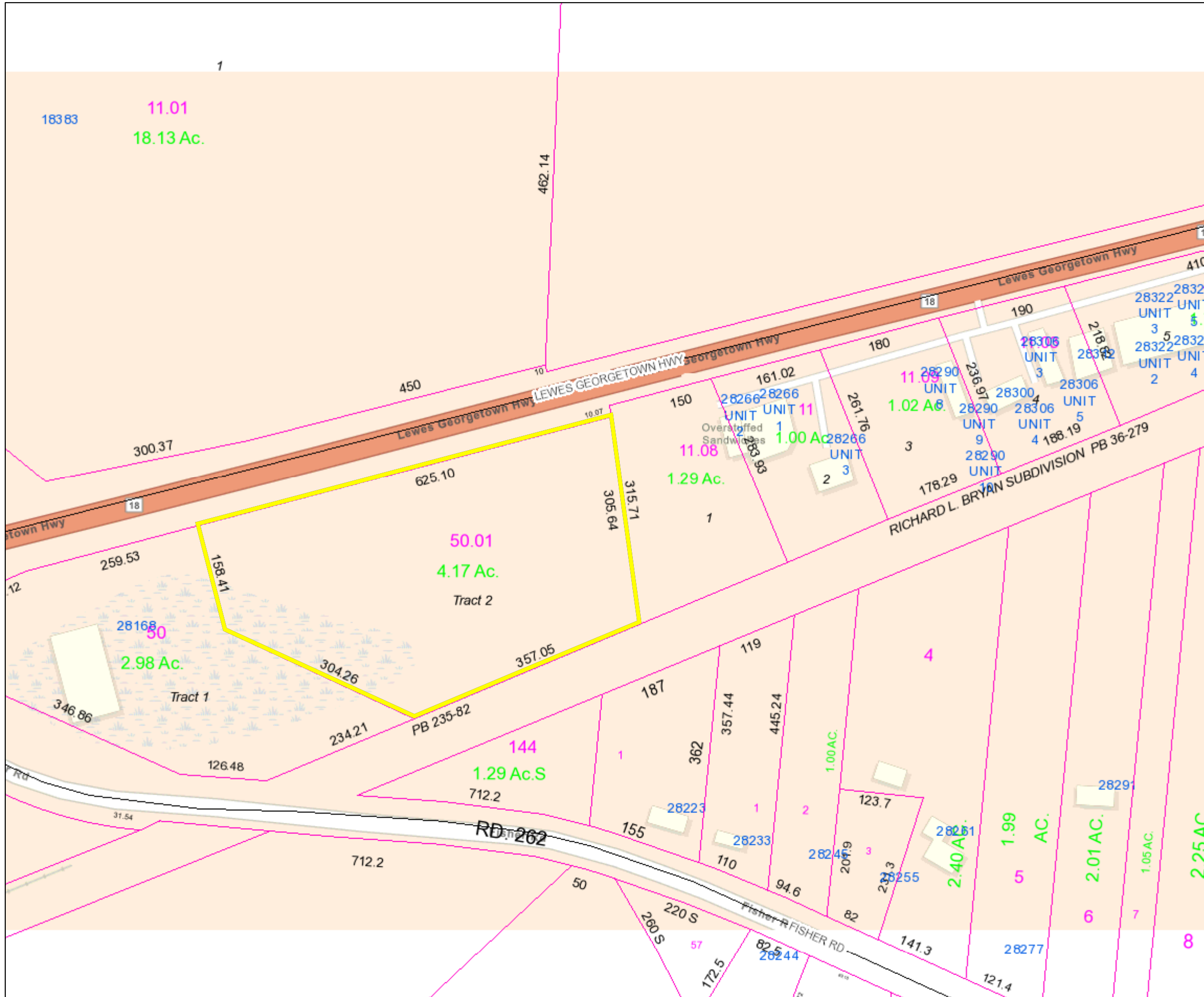
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 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:2,257



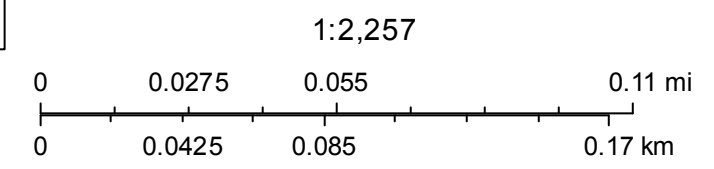


Sussex County



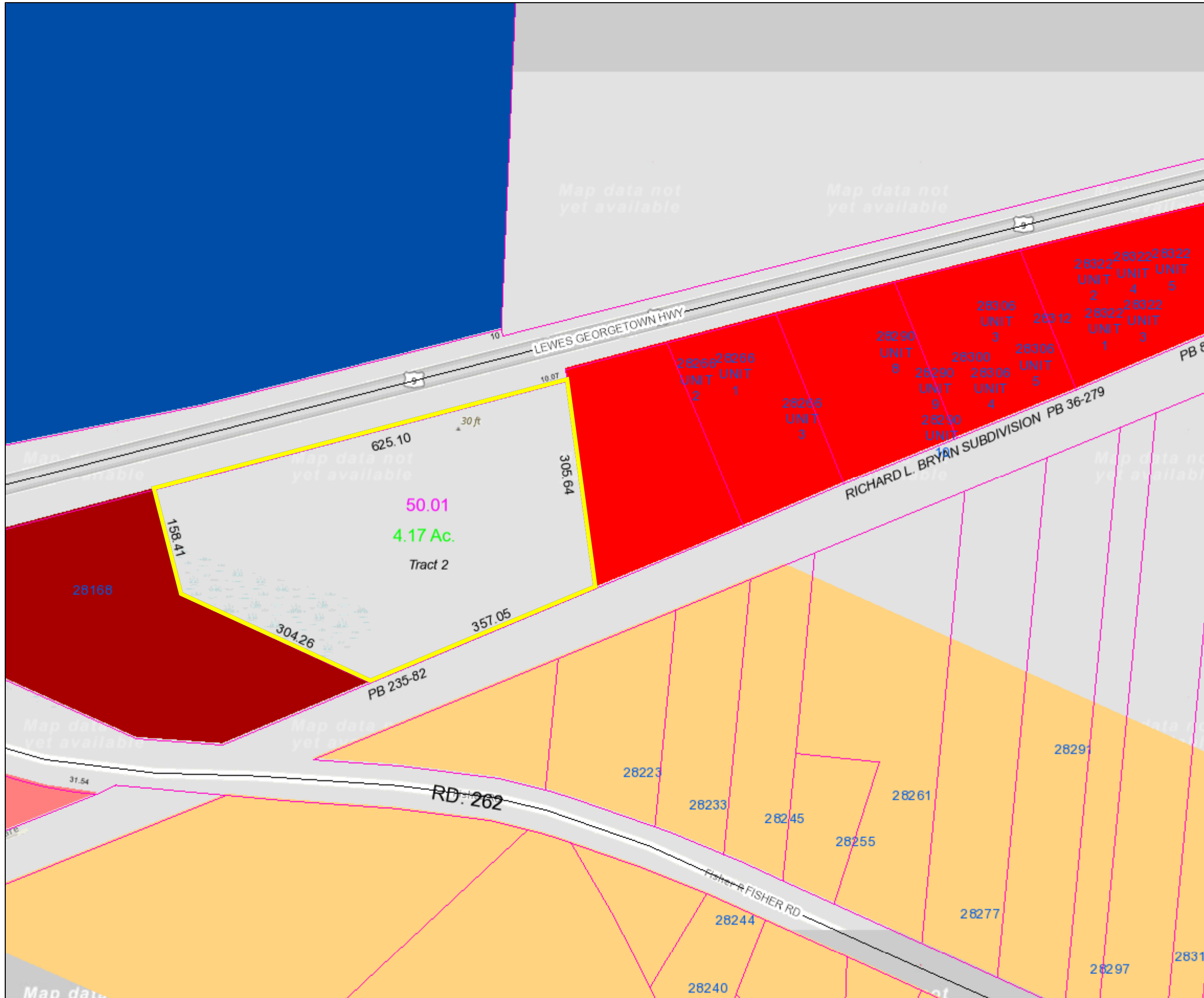
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- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries





Sussex County

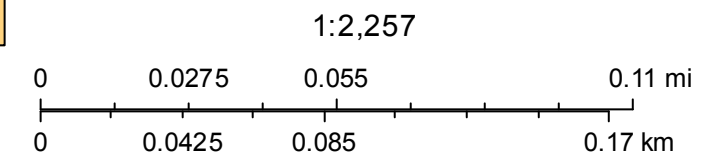


| | |
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| Description 3 | TRACT 2 |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- ⋯ Tax Parcels
- - - 911 Address
- Streets





Mailing List Map
CZ 1951 Shiloh Investments, LLC
235-30.00-50.01



Cool Spring Farms

Martin Branch

VIA FM HERE GAINING PC INKAR

0 0.13 0.25 0.5 0.75 1

File #: CU: 22871
202108240

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 4 ✓
Zoning Map Amendment _____

Site Address of Conditional Use/Zoning Map Amendment

22928 Pine Road Lewes, DE 19958

Type of Conditional Use Requested:

Storage of materials (barrels) in driveway

Tax Map #: 2-34-12.18 -11100 **Size of Parcel(s):** 14,757 square feet

Current Zoning: GR **Proposed Zoning:** _____ **Size of Building:** _____

Land Use Classification: Residential

Water Provider: Well **Sewer Provider:** Sussex County

Applicant Information

Applicant Name: Danielle Roach
Applicant Address: 22928 Pine Road
City: Lewes State: DE Zip Code: 19958
Phone #: (302) 841-5742 E-mail: drenken4@gmail.com

Owner Information

Owner Name: Danielle Roach
Owner Address: 22928 Pine Road
City: Lewes State: DE Zip Code: 19958
Phone #: (302) 841-5742 E-mail: drenken4@gmail.com

Agent/Attorney/Engineer Information

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



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

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

Provide Fee \$500.00

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

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

DeIDOT Service Level Evaluation Request Response

PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Daniell Roach

Date: 5-20-21

Signature of Owner

Daniell Roach

Date: 5-20-21

For office use only:

Date Submitted: 6/1/21

Fee: \$500.00 Check #: _____

Staff accepting application: NT

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: February 9, 2022
RE: Staff Analysis for CZ 1951 Shiloh Investments, LLC

This memo provides background and an analysis for the Planning Commission to consider as part of application CZ 1951 to be reviewed during the February 17, 2022 Planning Commission Meeting. This analysis should be included in the record for this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 235-30.00-50.01 from an Agricultural Residential District (AR-1) to a Medium Commercial District (C-2). The parcel is located on the south side of Lewes Georgetown Highway (Route 9), approximately 0.15-miles northeast of the intersection of Hudson Road (S.C.R. 258) and Fisher Road (S.C.R. 262). The size of the property is 4.17 acres +/-.

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

The adjacent parcels to the south, east and west are designated "Existing Development Area". The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined those that address the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be for providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should generally be avoided in these areas.

As outlined in the 2018 Sussex County Comprehensive Plan, Existing Development Areas primarily consist of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are found throughout the County. The full range of housing types allowed in the existing underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units.

The Medium Commercial (C-2) Zoning District is listed as an applicable zoning district for the Low Density Area under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan.



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

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



Sussex County

DELAWARE
sussexcountyde.gov

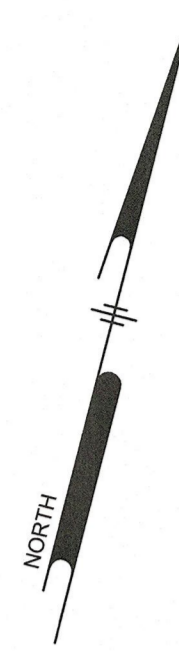
The property is currently within an Agricultural Residential (AR-1) Zoning District. The adjacent properties that lie on the east and west sides of the subject site are zoned CR-1 and C-1. The parcel to the north across Lewes Georgetown Highway is zoned Agricultural Residential (AR-1). Parcels to the south which exist on north side of Fisher Road, are zoned General Residential (GR).

Since 2011, there has been one Change of Zone application within a one-mile radius of the subject site, CZ 1866 was approved by the County Council on February 5, 2019.

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



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



DELAWARE ROUTE 9
(aka LEWES - GEORGETOWN HIGHWAY)
80' RIGHT-OF-WAY

N 75°38'44" E 625.10'

N 14°21'16" W 158.41'

TM: 235-30.00-50.00
TRACT 1
LANDS N/F OF VONDOS
DEVELOPMENT COMPANY, LLC.
DEED BOOK 4995, PAGE 210
ZONING: CR-1

TM: 235-30.00-50.01
TRACT 2
LANDS N/F OF DRY ACRES, LLC.
DEED BOOK 3803, PAGE 102
AREA = 4.17 ACRES±
ZONING: AR-1

TM: 235-31.00-11.08
LANDS N/F OF CLAUDIO T. &
LOUISE P. SMARRELLI
DEED BOOK 2825, PAGE 115
ZONING: C-1

N 64°46'25" W 304.29'

S 07°25'10" E 305.64'

S 67°46'41" W 357.05'
LANDS N/F OF STATE OF DELAWARE

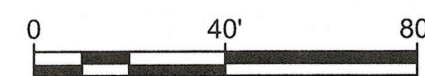
SUSSEX COUNTY ROUTE 262
(aka FISHER ROAD)
RIGHT-OF-WAY VARIES

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- IRON PIPE FOUND
- DISC FOUND

GENERAL NOTES:

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DEEDS ON PUBLIC RECORD AND IS ALSO THE RESULT OF A FIELD SURVEY BY PENNONI ASSOCIATES INC. DATE OF SURVEY: NOVEMBER 22, 2019.
2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
3. THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP 235-30.00 AS PARCEL 50.01.
4. CLASS OF SURVEY: RURAL

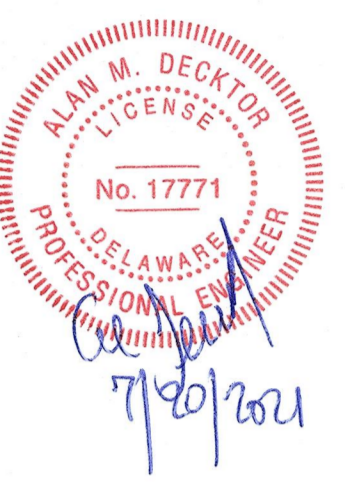


U:\account\TACHN19002 - DRY ACRES, LLC\DESIGN\TACHN19002-V47.dwg PLOTTED: 7/20/21 11:08 AM BY: Keith Davidson PLOT STYLE: Pennoni NS.sbt PROJECT STATUS:



PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK



LANDS N/F OF DRY ACRES, LLC.
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

TM: 235-30.00-50.01

BOUNDARY SURVEY

WAYNE HAWKINS
16815 ISLAND FARM ROAD
MILTON, DELAWARE 19968

| NO. | DATE | NO. | DATE | BY |
|-----|------|-----|------|----|
| | | | | |
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ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

| | |
|---------------|------------|
| PROJECT | TACHN19002 |
| DATE | 2021-07-20 |
| DRAWING SCALE | 1" = 40' |
| DRAWN BY | KMD |
| APPROVED BY | AMD |

VR-0201
SHEET 1 OF 1

SHILOH INVESTMENTS, LLC

CASE NO. CZ1951

ZONING MAP AMENDMENT FROM AR-1 TO C-2

OWNER/DEVELOPER:

SHILOH INVESTMENTS, LLC
33712 WESCOATS ROAD, SUITE 5
LEWES, DELAWARE 19958

SHILOH INVESTMENTS, LLC
33712 WESCOATS ROAD, SUITE 5
LEWES, DELAWARE 19958

PLANNER/ENGINEER/SURVEYOR:

PENNONI
18072 DAVIDSON DRIVE
MILTON, DE 19968
MARK H. DAVIDSON, PRINCIPAL LAND PLANNER
ALAN DECKTOR, PE., ENV SP
ERIC WAHL, RLA
JOHN W. HAUPT, PLS

ENVIRONMENTAL:

PENNONI & ACCENT ENVIRONMENTAL
WILLIAM J. GANGLOFF, PhD. PROFESSIONAL SOIL
SCIENTIST

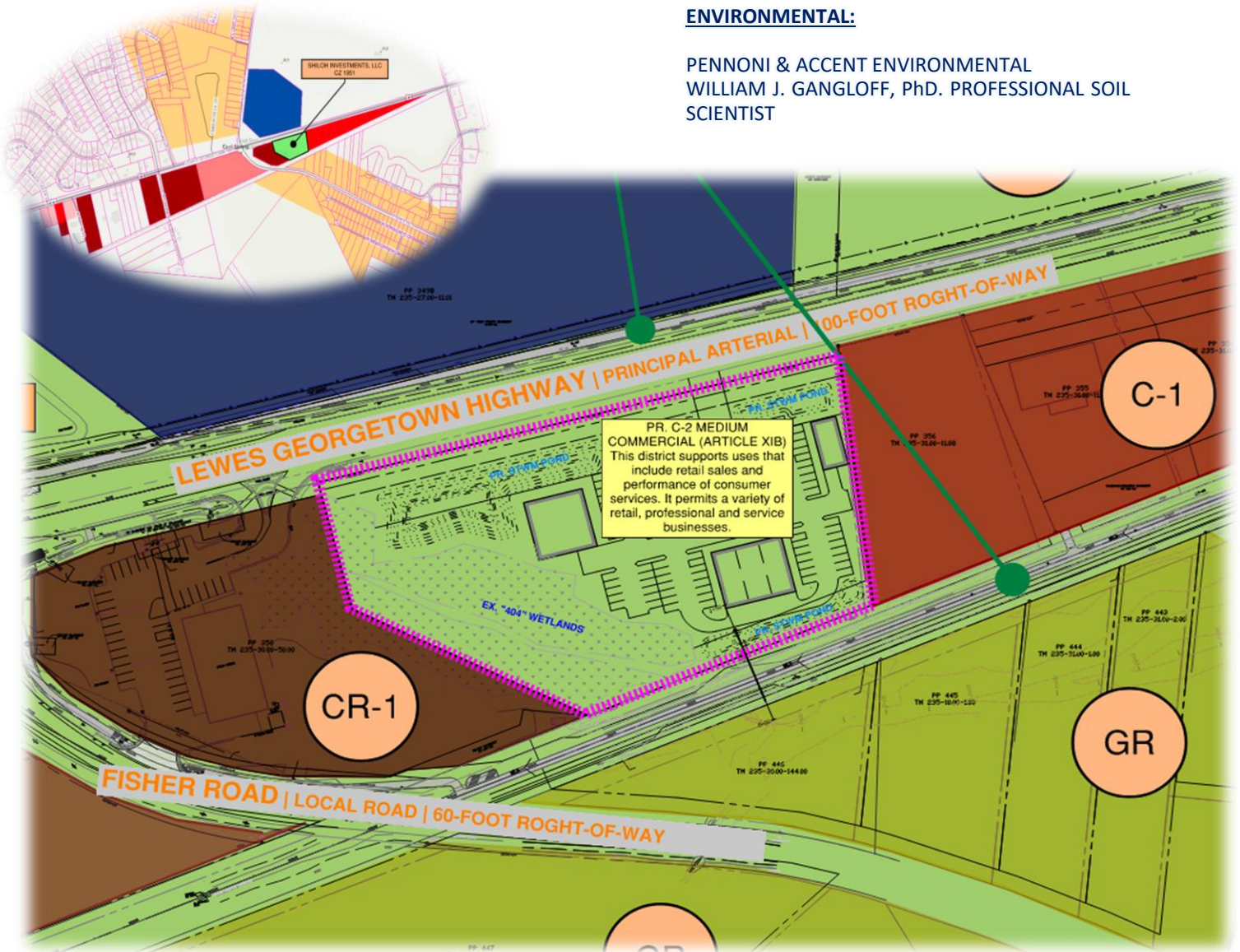


TABLE OF CONTENTS

TAB 1 APPLICATION

- a. CZ APPLICATION
- b. BOUNDARY PLAT
- c. DB5511 PG118 235-30.00-50.01
- d. METES AND BOUNDS DESCRIPTION

TAB 2 EXHIBITS

- a. REZONING ILLUSTRATIVE CONCEPT
- b. REZONING PLAN – ILLUSTRATIVE CONCEPT
- c. SUSSEX COUNTY ZONING MAP
- d. SUSSEX COUNTY CONDITIONAL USE MAP
- e. SUSSEX COUNTY 2019 FUTURE LAND USE MAP
- f. ARTESIAN WASTEWATER CPCN
- g. ARTESIAN – TIDEWATER WATER CPCN
- h. SFR RESPONSE
- i. DeIDOT DRAINAGE REQUEST APPROVAL
- j. SCD APPROVAL FOR PIPE CROSSING
- k. DeIDOT BIKE TRAIL DRAWING
- l. SUSSEX COUNTY TAX MAP

TAB 3 MAPS

- a. 2019 AERIAL, 2017, 2012, 2007, 2002, 1997, 1992, 1968, 1961, 1954, 1937 ORTHO– 2020 STATE STRATEGIES, COUNTY ZONING, LAND USE/LAND COVER, NRCS SOILS, STATE WETLANDS, FEMA FLOODPLAIN, GROUNDWATER RECHARGE POTENTIAL, USGS TOPOGRAPHIC AND AREA COMMERCIAL USES AND REZONING APPLICATIONS MAP(S)

TAB 4 FINDINGS

- a. FINDINGS OF FACT

Mark H. Davidson / Vice President

Principal Land Planner/Office Director

EDUCATION

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

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

Land Planning, Institute for Public Administration (2006)

CERTIFICATIONS

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

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

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

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

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

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

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

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

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

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



TAB 1

APPLICATION

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

S. Side of US RT 9 360'+/- E of Fisher Road, Broadkill Hundred | Tract 2

Type of Conditional Use Requested:

N/A

Tax Map #: 235-30.00-50.01 **Size of Parcel(s):** 4.17 +/- AC

Current Zoning: AR-1 **Proposed Zoning:** C2 **Size of Building:** TBD

Land Use Classification: Low Density | Level 3 Between Existing Developing Areas and C-1 and CR-1 properties

Water Provider: PRIVATE **Sewer Provider:** PRIVATE

Applicant Information

Applicant Name: SHILOH INVESTMENTS, LLC
Applicant Address: 33712 WESCOATS ROAD, SUITE 5
City: LEWES **State:** DE **Zip Code:** 19958
Phone #: (302) 644-1400 **E-mail:** PDYER@LANDVENTURES.COM and MDYER@IPMEQUITIES.COM

Owner Information

Owner Name: SHILOH INVESTMENTS, LLC
Owner Address: 33712 WESCOATS ROAD, SUITE 5
City: LEWES **State:** DE **Zip Code:** 19958
Phone #: (302) 644-1400 **E-mail:** PDYER@LANDVENTURES.COM and MDYER@IPMEQUITIES.COM

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: PENNONI | MR. MARK H DAVIDSON
Agent/Attorney/Engineer Address: 18072 DAVIDSON DRIVE
City: MILTON **State:** DE **Zip Code:** 19960
Phone #: (302) 684-8030 **E-mail:** MDAVIDSON@PENNONI.COM



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney



Date: 8-20-21

Signature of Owner



Date: 8-20-21

For office use only:

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

Subdivision: _____
Date of PC Hearing: _____ Recommendation of PC Commission: _____
Date of CC Hearing: _____ Decision of CC: _____

TAX MAP AND PARCEL #:
2-35 30.00 50.01
PREPARED BY & RETURN TO:
Baird Mandalas Brockstedt LLC
1413 Savannah Road
Lewes, DE 19958
File No. RE21-0953/HG

THIS DEED, made this 20th day of July, 2021,

- BETWEEN -

DRY ACRES, LLC, A DELAWARE LIMITED LIABILITY COMPANY, of 16793
Island Farm lane, Milton, DE 19968, party of the first part,

- AND -

**SHILOH INVESTMENTS, LLC, A DELAWARE LIMITED LIABILITY
COMPANY**, of 33712 Wescoats Road, Suite 5, Lewes, DE 19958, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **Two Hundred Twenty-Five Thousand and 00/100 Dollars (\$225,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot or parcel of land situate, lying and being in Broadkilm Hundred, Sussex County and State of Delaware, and being more particularly described as follows:

BEGINNING at a rebar set along the southern 80 foot right-of-way line of US Route 9 (SCR 018) at the corner of lands n/f Vondos Development Co. LLC; thence along said southern right-of-way line, North 75 degrees 38 minutes 44 seconds East for a distance of 625.10 feet to a Deldot disk found at a point on the property line of lands n/f Claudio T. & Louise P. Smarrelli; thence along said lands of Smarrelli, South 07 degrees 25 minutes 10 seconds East for a distance of 305.64 feet to an iron pipe found along the northern property line of lands n/f Penn Railroad (DM&V Branch); thence along said lands, South 67 degrees 46 minutes 41 seconds West for a distance of 357.05 feet to a point in United States regulated non-tidal wetlands; thence passing through said wetlands, North 64 degrees 46 minutes 25 seconds West for a distance of 304.26 feet to a point; thence continuing through said wetlands, North 14 degrees 21 minutes 16 seconds West for a distance of 158.41 feet to the place of beginning.

CONTAINING 4.17 acres± and being all of tract 2, including 1.02 acres± of Non-Tidal U.S. Wetlands along the western portion of said property and delineated as Area B as shown on a plat prepared by Axiom Engineering, LLC and recorded in the Sussex County Recorder of Deeds office on September 13, 2016 in **Plot Book 235 page 82.**

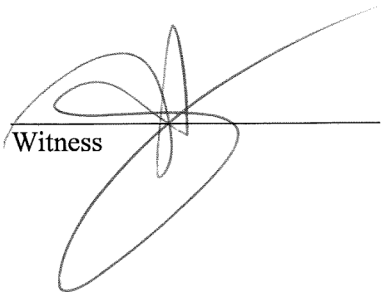
BEING part of the same lands conveyed to Dry Acres, LLC, a Delaware limited liability company from The Island Farm, Inc, a Delaware Corporation, by Deed dated June 30, 2010, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on July 2, 2010, in **Deed Book 3802, Page 102.**

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

THIS PROPERTY is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

IN WITNESS WHEREOF, the said Dry Acres, LLC, a Delaware Limited Liability Company has caused its name to be hereunto set, and its common and corporate seal to be hereunto affixed, duly attested, the day and year first above written.

DRY ACRES, LLC, A DELAWARE LIMITED LIABILITY COMPANY

Witness 

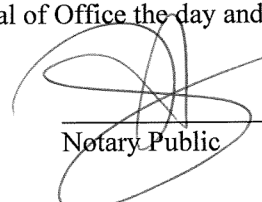

By: 
Shauna L. Thompson, President

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 20th day of July, A.D. 2021, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Shauna L. Thompson, President of Dry Acres, LLC, a Delaware Limited Liability Company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed and the act and deed of said corporation; that the signature of the President is in her own proper handwriting and the seal affixed is the common and corporate seal of said corporation; and that her act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of the Board of Directors of said corporation.

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

HEIDI J. A. GILMORE
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A)3


Notary Public
My Commission Expires: 

METES AND BOUNDS DESCRIPTION

TRACT 2

LANDS NOW OR FORMERLY OF DRY ACRES, L.L.C.

TAX MAP 235-30.00-50.01

All that certain piece, parcel and tract lying and being situate on the south side of Lewes Georgetown Highway (U.S. Route 9), Broadkill Hundred, Sussex County, Delaware and being more particularly described as follows:

BEGINNING at a disk found on the southerly right-of-way of U.S. Route 9 (a.k.a. Lewes Georgetown Highway), said road having a width of 80 feet, said disk being a common corner for this tract and the Lands now or formerly of Claudio T. & Louise P. Smarrelli, Trustees; thence from the point of beginning, by and with the common line between this tract and Smarrelli, **South 07 degrees, 25 minutes, 10 seconds East, 305.64 feet** to an iron pipe found on the northerly line of Lands Now or Formerly of The State Of Delaware (formerly once the Delaware Central Railroad); thence by and with the line of The State of Delaware **South 67 degrees, 46 minutes, 41 seconds West, 357.05 feet** to an iron pipe found, said iron pipe being a common corner for this tract and the Lands of Now or Formerly of Vondos Development Company, LLC (Tract 1); thence by and with the common line for this tract and the said Tract 1 the following two (2) courses and distances;

1. **North 64 degrees, 46 minutes, 25 seconds West, 304.26 feet** to an iron pipe found;
2. **North 14 degrees, 21 minutes, 16 seconds West, 158.41 feet** to an iron pipe found;

Said iron pipe located on the southerly right-of-way of U.S. Route 9; thence by and with said right-of-way, **North 75 degrees, 38 minutes, 44 seconds East, 625.10 feet to the Point of Beginning** for this description.

This tract is encumbered by a stormwater management easement running adjacent to, and parallel with TM: 235-30.00-50.00, per executed agreement of Memorandum of Understanding for stormwater management design associated with the proposed Harbeson Dollar General and its potential impacts to the existing onsite wetlands.

This tract contains 4.17 acres of land, more or less, as shown on a plat prepared by Axiom Engineering Survey, titled Minor Subdivision Plan and is Dated 03 August 2016 and recorded among the land records of Sussex County in **Plat Book 235, Page 82** et. seq.

TAB 2
EXHIBITS

I-1

PP 349B
TM 235-27.00-11.01

LEWES GEORGETOWN HIGHWAY | PRINCIPAL ARTERIAL | 100-FOOT ROIGHT-OF-WAY

PR. C-2 MEDIUM
COMMERCIAL (ARTICLE XIB)
This district supports uses that
include retail sales and
performance of consumer
services. It permits a variety of
retail, professional and service
businesses.

C-1

PP 354
TM 235-31.00-

PP 355
TM 235-31.00-11

PP 356
TM 235-31.00-11.08

EX. "404" WETLANDS

CR-1

PP 358
TM 235-30.00-50.00

FISHER ROAD | LOCAL ROAD | 60-FOOT ROIGHT-OF-WAY

GR

PP 443
TM 235-31.00-2.00

PP 444
TM 235-31.00-1.00

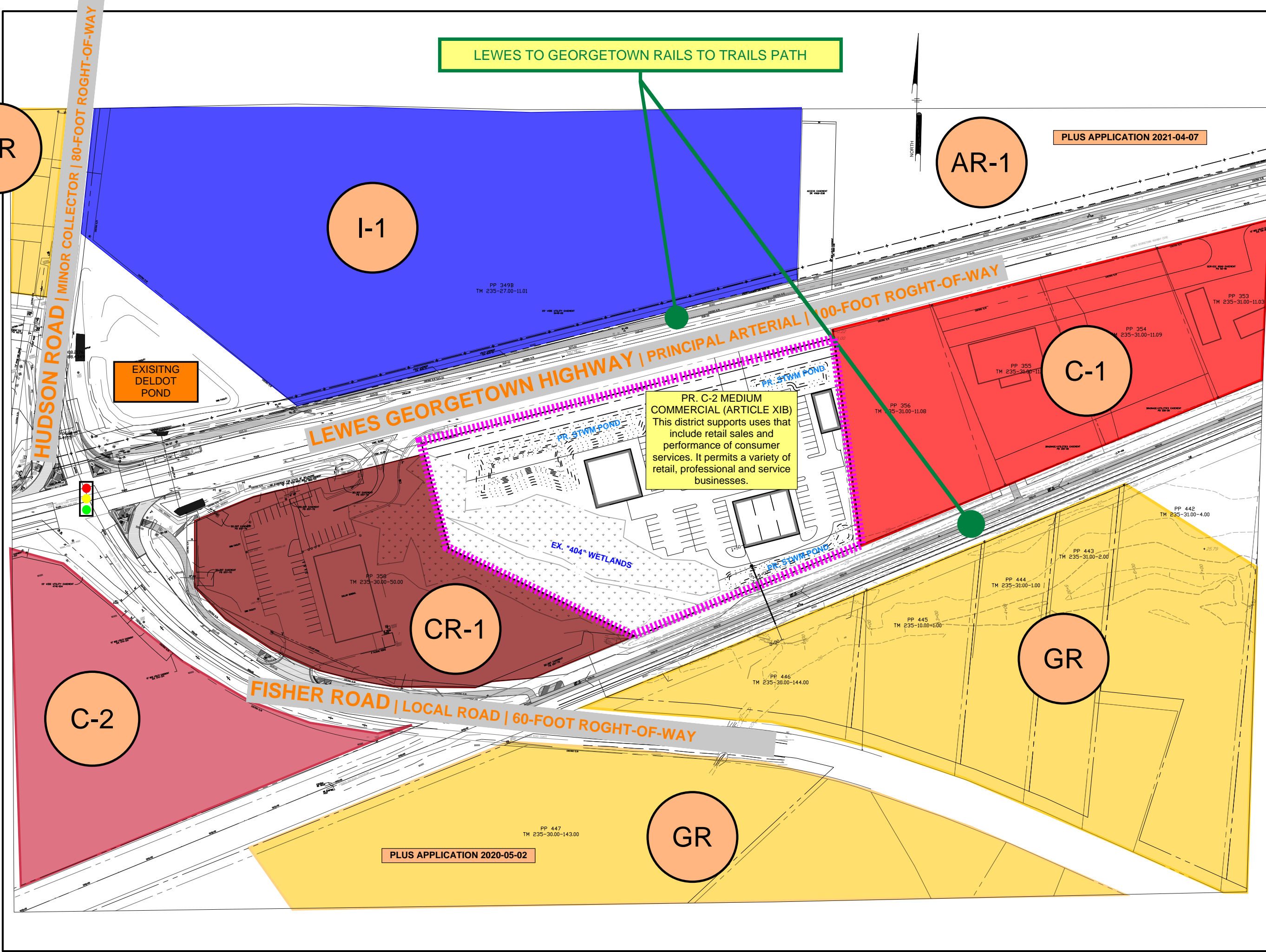
PP 445
TM 235-10.00-1.00

PP 446
TM 235-30.00-144.00

GR

PP 447
TM 235-30.00-143.00





ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTICED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

place double seal here
 place single seal here
 place double seal here

TRACT 2 - TAX MAP 235-30.00-50.01
 LEWES GEORGETOWN HIGHWAY
 MILTON, DE 19668

REZONING PLAN - ILLUSTRATIVE CONCEPT

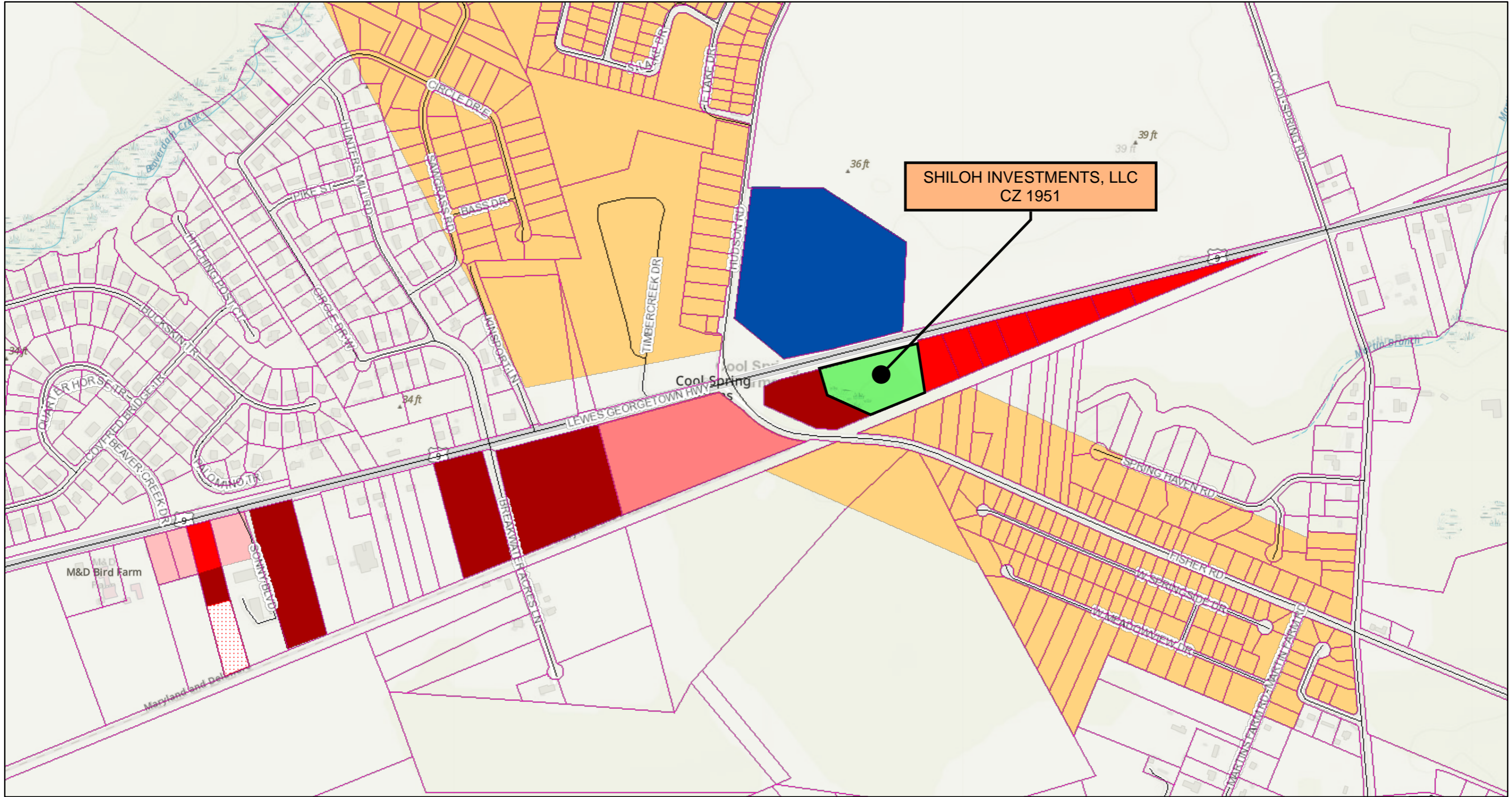
SHILOH ACRES, LLC
 33712 WESCOATS ROAD, SUITE 5
 LEWES, DE 19668

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

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

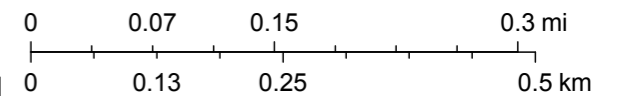
PROJECT PDYER20000
DATE 2022-02-04
DRAWING SCALE 1"=60'
DRAWN BY MHD
APPROVED BY MHD

Sussex County



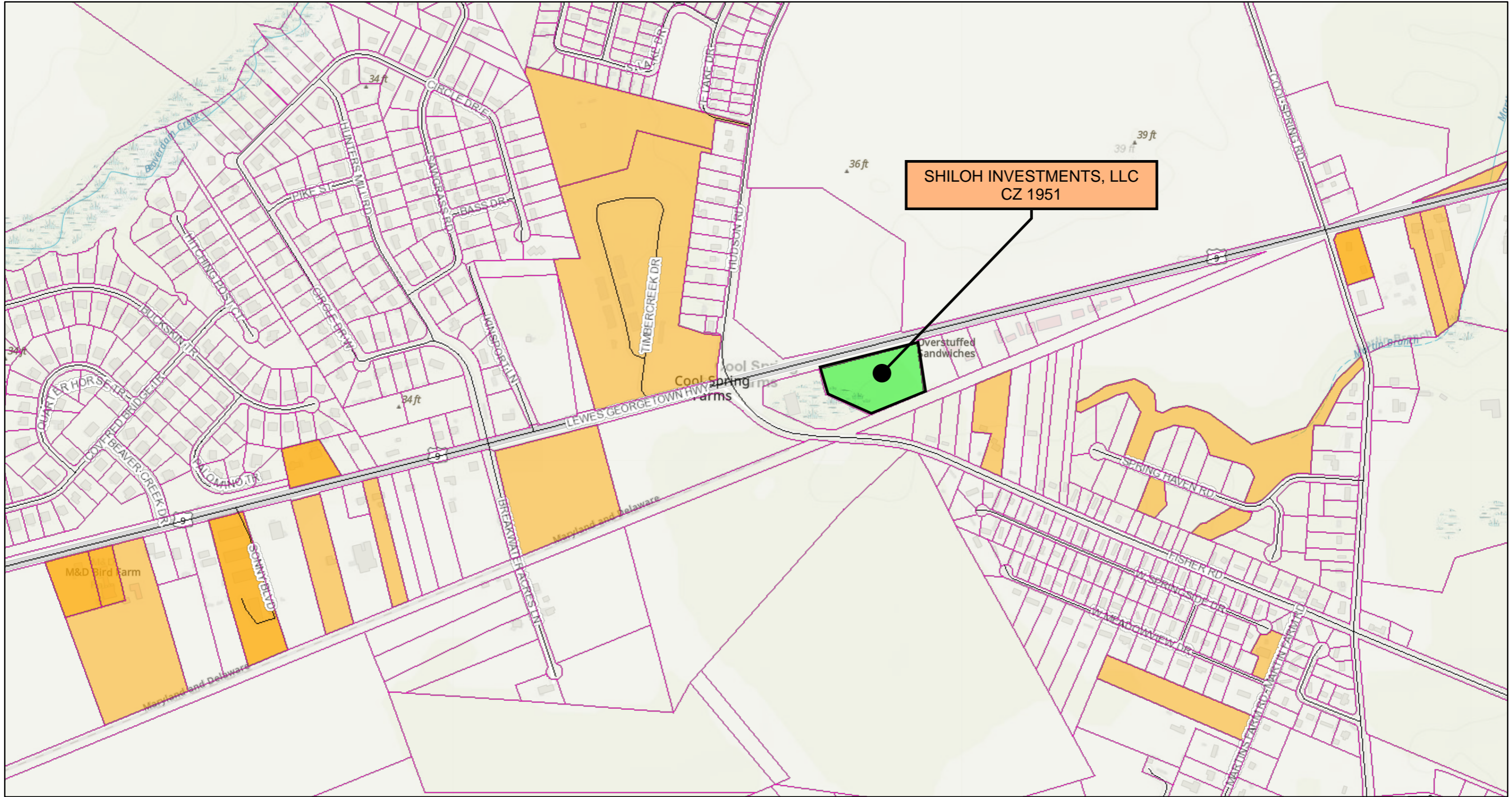
February 4, 2022

1:9,028







Sussex County, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware FirstMap, VITA,

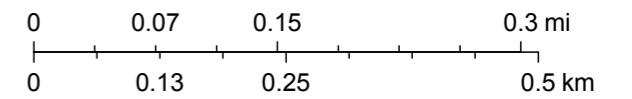
Sussex County



February 4, 2022

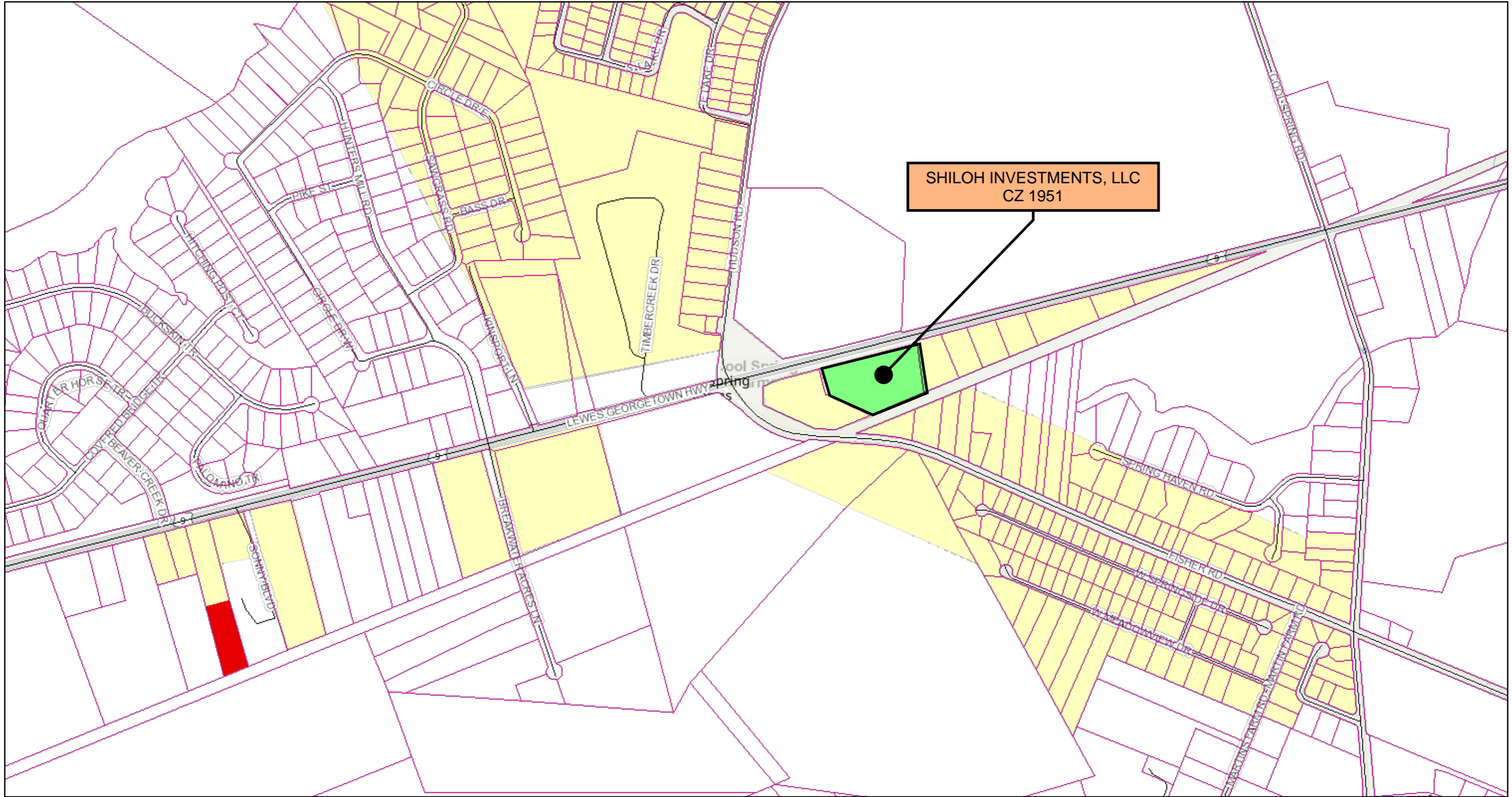
-  Tax Parcels
-  Streets
-  County Boundaries
-  Conditional Use

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Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin,

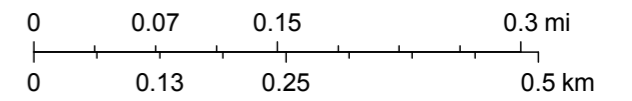
Sussex County



February 4, 2022

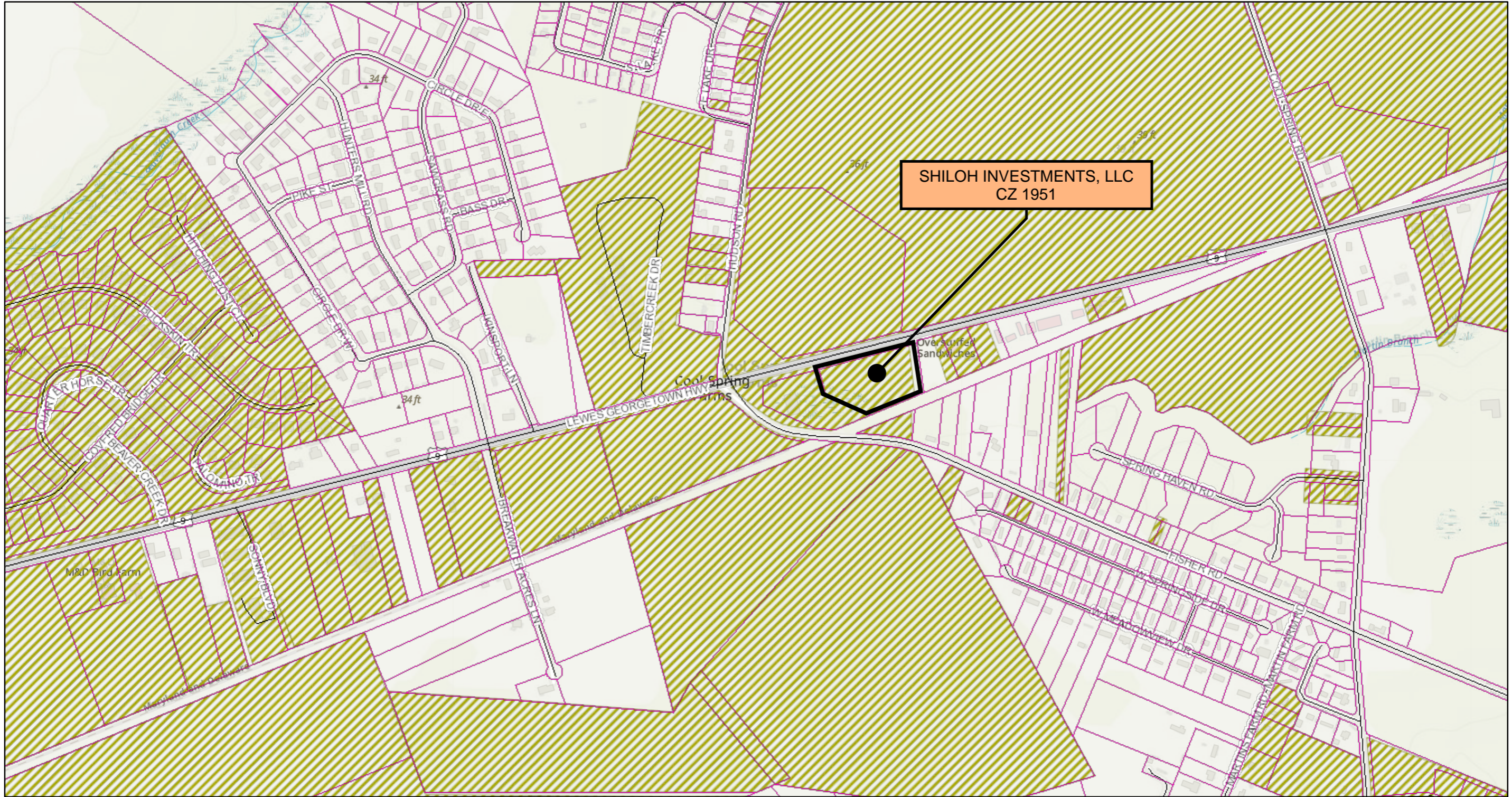
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- | | | | |
|-------------------|----------------------|---------------------------|----------------|
| Tax Parcels | 2019 Future Land Use | Commercial | Industrial |
| Streets | Low Density | Developing Area | Municipalities |
| County Boundaries | Coastal Area | Existing Development Area | Town Center |




Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin,

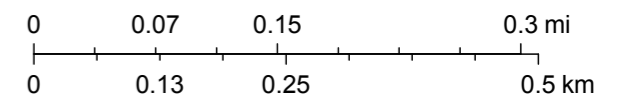
Sussex County



February 4, 2022

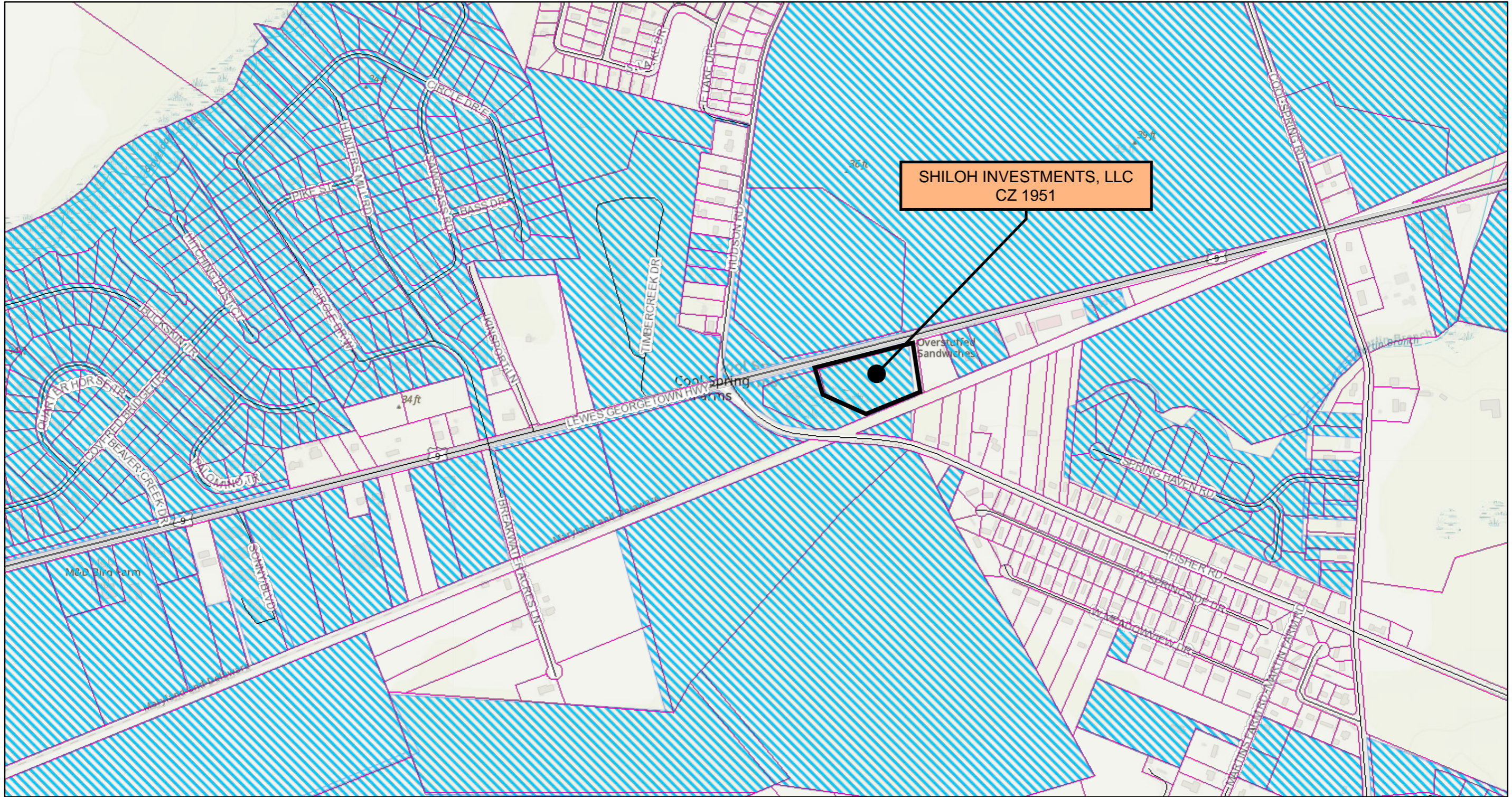
-  Tax Parcels
-  Streets
-  County Boundaries
-  Wastewater CPCN

1:9,028



Delaware Public Service Commission, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware

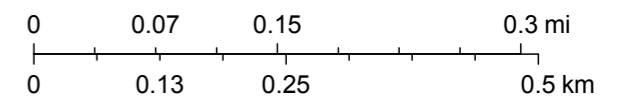
Sussex County



February 4, 2022

-  Tax Parcels
-  Streets
-  County Boundaries
-  Water CPCN

1:9,028



Delaware Public Service Commission, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware



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

JENNIFER COHAN
SECRETARY

July 22, 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 **Preston L. Dyer & Mason Dyer - 2** rezoning application, which we received on June 25, 2020. This application is for an approximately 4.17-acre parcel (Tax Parcel: 235-30.00-50.01). The subject land is located on the south side of US Route 9, approximately 650 feet southeast of the intersection of US Route 9 and Hudson Road (Sussex Road 258) / Fisher Road (Sussex Road 262). 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 develop an unspecified number of square feet of professional / medical office space.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 13,160 and 16,937 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
July 22, 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
Preston L. Dyer & Mason Dyer - 2, Applicant
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 Andreescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



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

NICOLE MAJESKI
SECRETARY

7 July 2021

Alan M. Decktor
Pennoni
18072 Davidson Drive
Milton, DE 19968

RE: Dry Acres LLC, TM 235-30.00-50.01, Deed Book 3803, Page 102
US Route 9, East of Fisher Road
Site Drainage Improvement on State Railroad Property

Mr. Decktor:

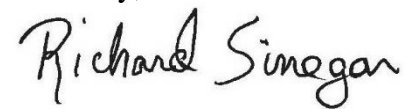
This letter is in reference to the request to add an outfall pipe from the proposed stormwater facility to a location on the southern side of the proposed Georgetown to Lewes Trail, between the proposed trail and the existing property line of the State owned parcel. The Railroad Section has evaluated this request and does not have any objection to the request provided the following conditions are met.

1. The site must still obtain all required permits and approval, including that of DelDOT's Subdivision and Sussex Conservation District (SCD). This no objection does not relieve the owner of any of those obligations and those, and other organizations, may have additional comments related to this drainage.
2. This approval is contingent upon approval from SCD and that the post-developed water surface elevation in the downstream receiving channel (south of the railroad) does not increase by more than 0.05' for 10 and 100-year storm events. DelDOT's Railroad Section would require a copy of all drainage calculations regarding the pre/post development.
3. The owner will be responsible for all cost associated with the installation of the pipe within DelDOT's property. Any pipe on DelDOT property will need to be RCP Class IV.
4. DelDOT's installation of the trail, in this location, is planned for the fall of 2021/spring of 2022. To avoid disruptions to the trail it would be recommended to have this pipe installed in conjunction with the construction of the trail. Conversations between the property owner and DelDOT will continue to determine the timing of the installation.
5. An agreement will be required between the property owner and DelDOT that states the owner will be responsible for the cost of future maintenance of the pipe, including that of maintaining pedestrian and bicycle traffic along the trail during repairs, if required. This could be accomplished through DelDOT's Record Plan process.

Please contact me if you need additional information at 302-760-4882.



Sincerely,

A handwritten signature in black ink that reads "Richard Sinegar". The signature is written in a cursive style with a large, prominent "R" and "S".

Richard Sinegar
Railroad Coordinator

cc: Sonya LaGrand, DelDOT
Bill Conway, Century Engineering, Inc.
Jon Hermes, Century Engineering, Inc.

Mark H. Davidson

From: jessica.watson@sussexconservation.org
Sent: Thursday, July 22, 2021 1:41 PM
To: Alan M. Decktor
Subject: RE: Rt 9 Site with Pipe Crossing
Attachments: EX-0001-EX-0001(2021-07-19).pdf

Alan,

The plan has been approved.

Jessica

From: Alan M. Decktor <ADecktor@Pennoni.com>
Sent: Monday, July 19, 2021 1:31 PM
To: jessica.watson@sussexconservation.org
Subject: RE: Rt 9 Site with Pipe Crossing

Jessica,
See attached for added note.

Thanks

Alan M. Decktor, PE, ENV SP

Pennoni

18072 Davidson Drive | Milton, DE 19968
Direct: +1 (215) 254-7853
www.pennoni.com | ADecktor@Pennoni.com

From: jessica.watson@sussexconservation.org <jessica.watson@sussexconservation.org>
Sent: Monday, July 19, 2021 9:51 AM
To: Alan M. Decktor <ADecktor@Pennoni.com>
Subject: RE: Rt 9 Site with Pipe Crossing

Yes – please add the note. We have no objection – as long as you get all other agency approvals...which I assume is just DelDOT? Do you have approval from DelDOT?

Jessica

From: Alan M. Decktor <ADecktor@Pennoni.com>
Sent: Friday, July 16, 2021 2:33 PM
To: jessica.watson@sussexconservation.org
Subject: Rt 9 Site with Pipe Crossing

Jessica,

I have heard from Wayne Hawkins, you will sign off on a plan for the pipe crossing under the tracks which the pipe will be plugged. What do you need for this approval, attached is what I sent previously. Do I just need to add a label stating it to be plugged at this time.

Thanks.

Alan M. Decktor, PE, ENV SP

Pennoni

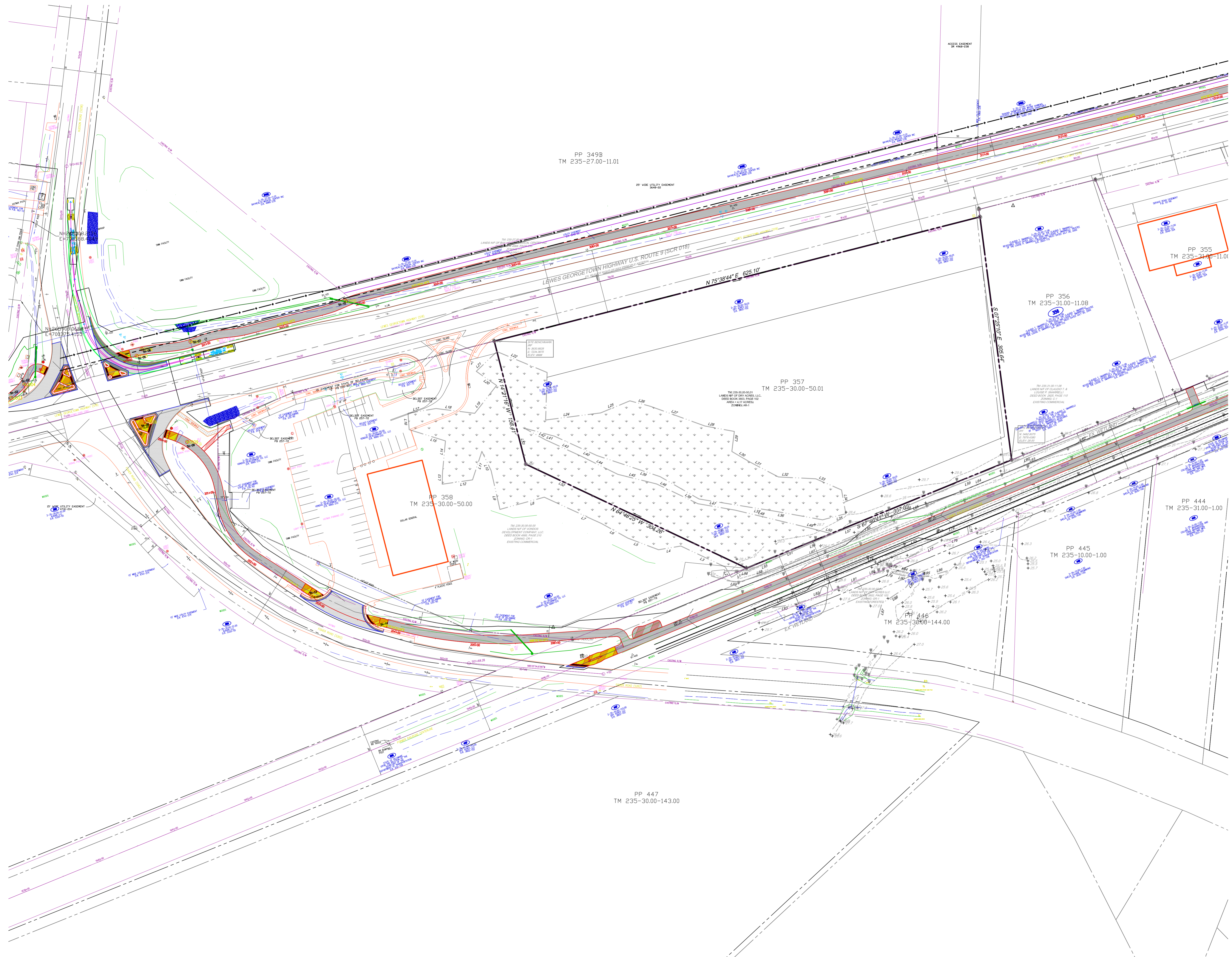
18072 Davidson Drive | Milton, DE 19968

Direct: +1 (215) 254-7853

www.pennoni.com | ADecktor@Pennoni.com



[Watch Now: High Wind Design!](#)



PP 349B
TM 235-27.00-11.01

PP 355
TM 235-31.00-11.01

PP 356
TM 235-31.00-11.08

PP 357
TM 235-30.00-50.01

PP 358
TM 235-30.00-50.00

PP 444
TM 235-31.00-1.00

PP 445
TM 235-10.00-1.00

PP 446
TM 235-30.00-144.00

PP 447
TM 235-30.00-143.00

LEWES GEORGETOWN HIGHWAY U.S. ROUTE 9 (SCR 018)

THE PROPOSED LAYOUT OF DRY ARMS, LLC. DRY ARMS, LLC. AREA - BY ACCESS ZONING-401

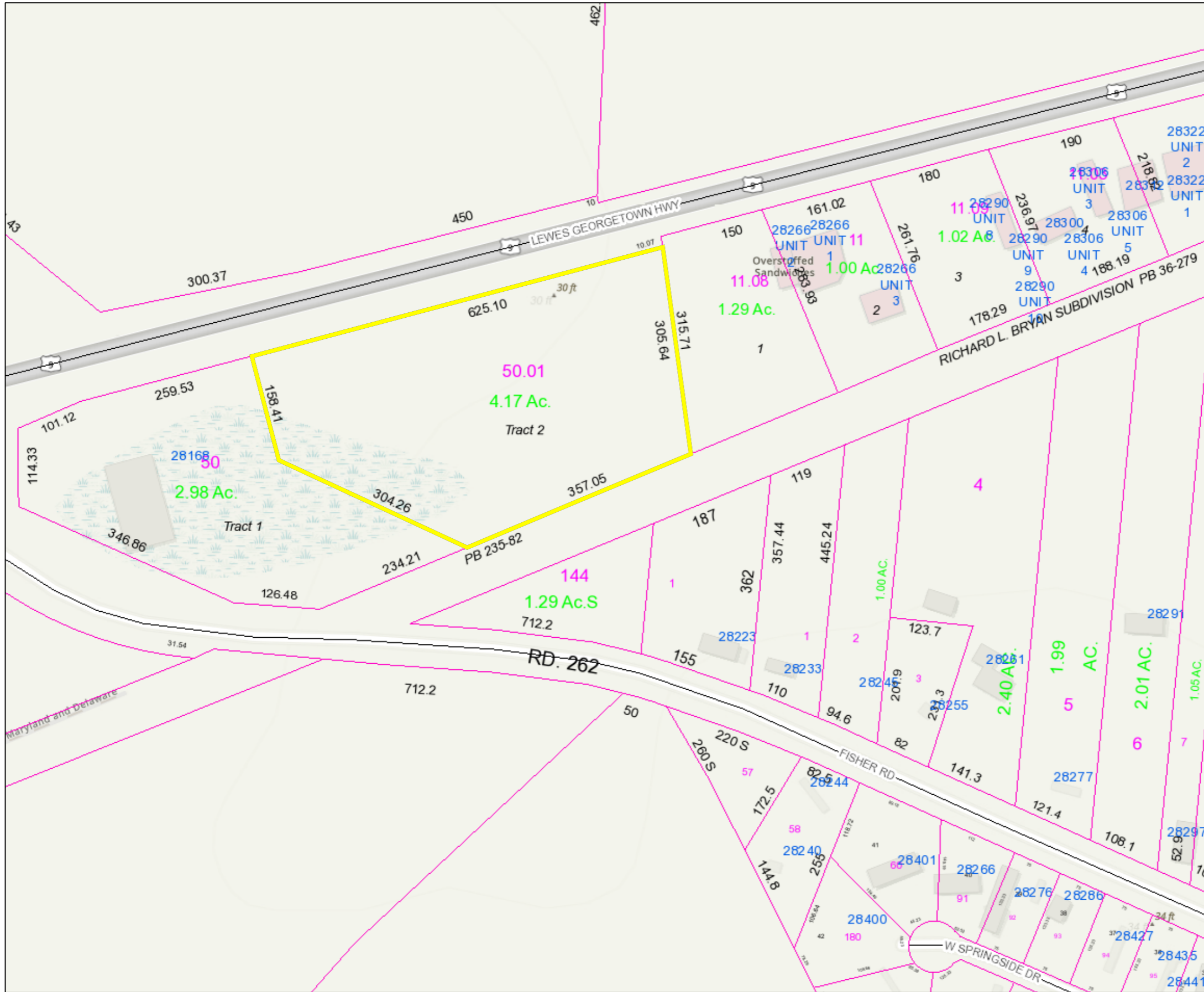
TM 235-31.00-11.08 LANDS OF GEORGETOWN COUNTY, VA. EXISTING COMMERCIAL

TM 235-30.00-50.00 LANDS OF VANDER DEVELOPMENT COMPANY, LLC. DRY ARMS, LLC. AREA - BY ACCESS ZONING-401

EX. WETLAND



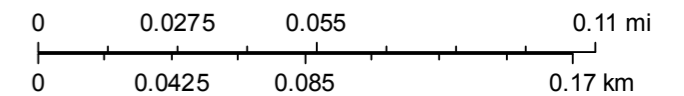
Sussex County



| | |
|------------------------|------------------------|
| PIN: | 235-30.00-50.01 |
| Owner Name | SHILOH INVESTMENTS LLC |
| Book | 5511 |
| Mailing Address | 33712 WESCOATS RD STE |
| City | LEWES |
| State | DE |
| Description | SE OF RT 404/9 APPR |
| Description 2 | 361 NE OF RD 262 |
| Description 3 | TRACT 2 |
| Land Code | |

- polygonLayer
 - Override 1
- polygonLayer
 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Flood Zones 2018
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A
 - AE
 - AO
 - OPEN WATER
 - VE

1:2,257



TAB 3

MAPS



Figure 1 of 20.

1

2019 Aerial Image

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 2 of 20.

2

2017 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 3 of 20.

3

2012 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 4 of 20.

4

2007 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 5 of 20.

5

2002 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 6 of 20.

6

1997 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 7 of 20.

7

1992 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 8 of 20.

8

1968 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000



| | |
|--|-------------------|
| | Subject Parcel |
| | Other Tax Parcels |



Figure 9 of 20.

9

1961 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 10 of 20.

10

1954 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000





| | |
|---|-------------------|
|  | Subject Parcel |
|  | Other Tax Parcels |



Figure 11 of 20.

11

1937 Orthophoto

Lands N/F Shiloh Investments LLC

PDYER20000



| | |
|--|-------------------|
| | Subject Parcel |
| | Other Tax Parcels |



Figure 12 of 20.
12

2020 State Strategies & Investment Levels
Lands N/F Shiloh Investments LLC
PDYER20000



Investment Level

- Level 3
- Level 4 (Unshaded)
- Out Of Play

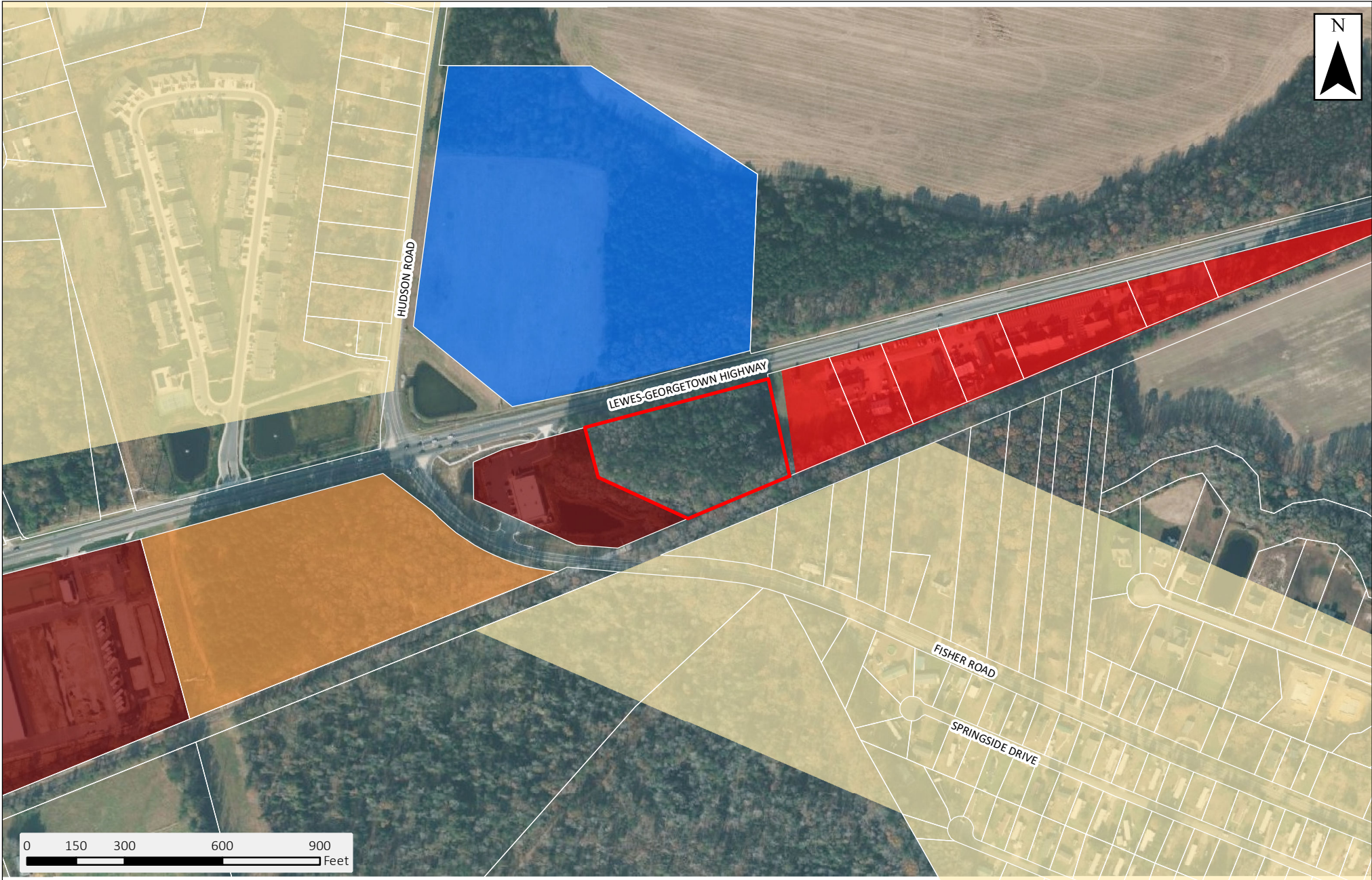


Figure 13 of 20.







13

County Zoning Map

Lands N/F Shiloh Investments LLC

PDYER20000



| | | | | | |
|---|-----------------|---|-----|---|-----|
|  | AR-1 (Unshaded) |  | C-1 |  | GR |
|  | CR-1 |  | C-2 |  | I-1 |

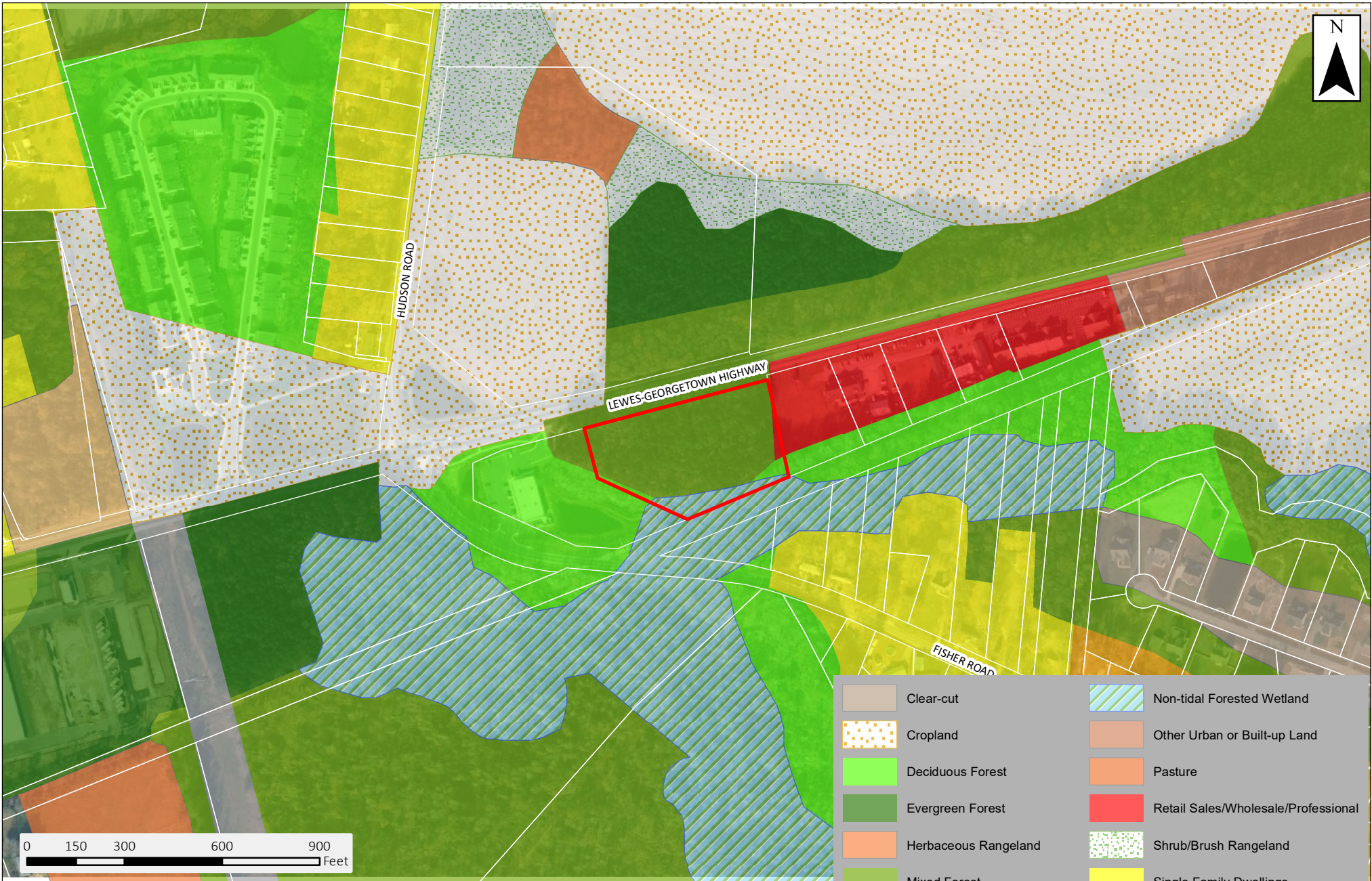


Figure 14 of 20.

14

Land Use/Land Cover

Lands N/F Shiloh Investments LLC

PDYER20000





Figure 15 of 20.
15

NRCS Soils Mapping
Lands N/F Shiloh Investments LLC
PDYER20000



Soil Types:
DoA - Downer sandy loam, Group A
HuA - Hurlock loamy sand, Group A/D
PsA - Pepperbox-Rosedale complex, Group A



Figure 16 of 20.

State Wetlands Mapping

Lands N/F Shiloh Investments LLC

PDYER20000





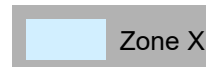
Figure 17 of 20.

17

FEMA Floodplain Mapping

Lands N/F Shiloh Investments LLC

PDYER20000



Zone X

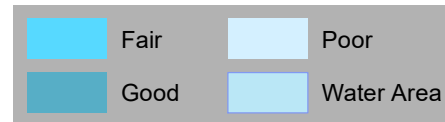
Flood Map reference: 10005C0310L



Figure 18 of 20.
18

Groundwater Recharge Potential

Lands N/F Shiloh Investments LLC
PDYER20000



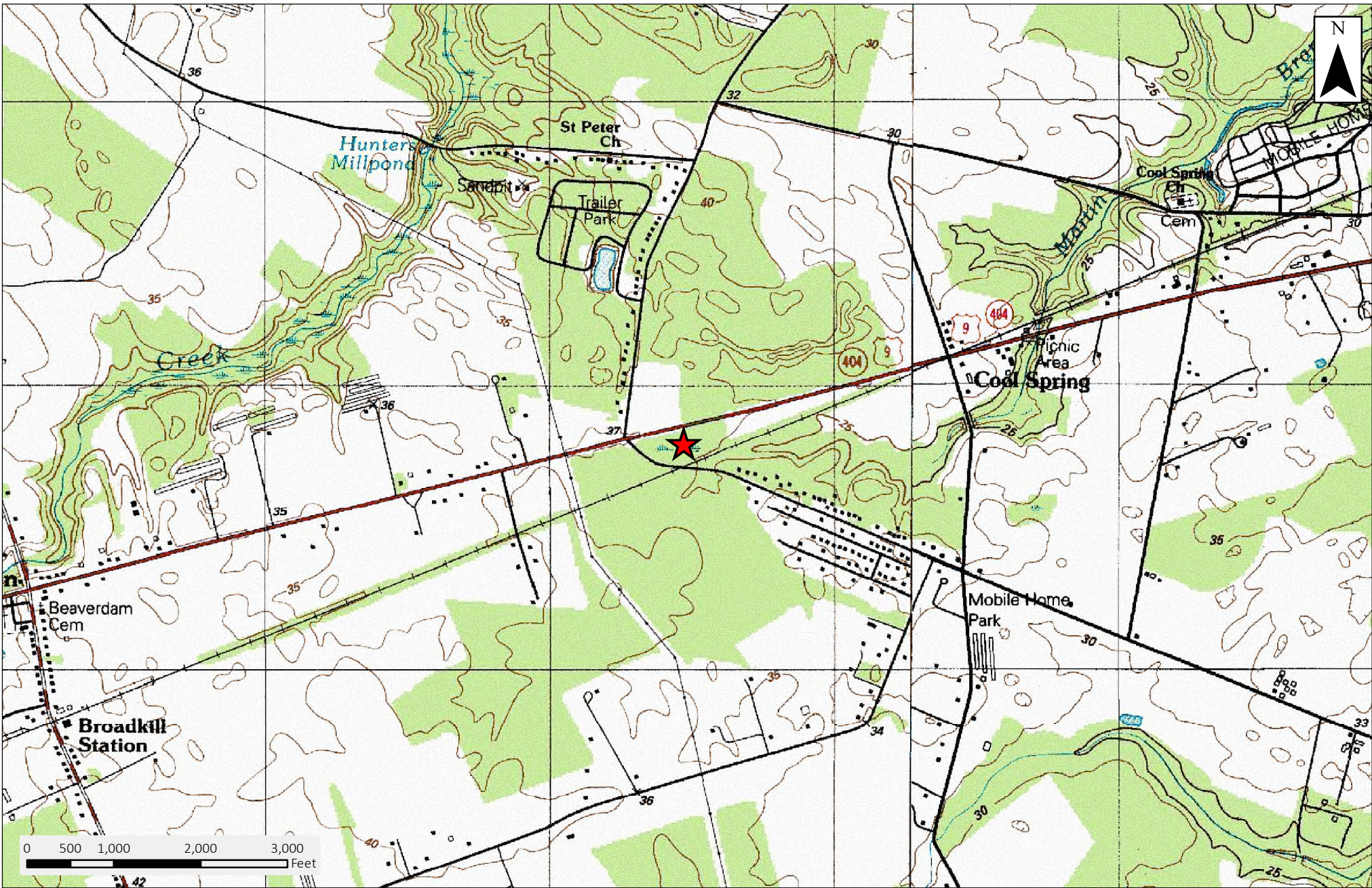


Figure 19 of 20.

USGS Topographic Map

Lands N/F Shiloh Investments LLC

PDYER20000



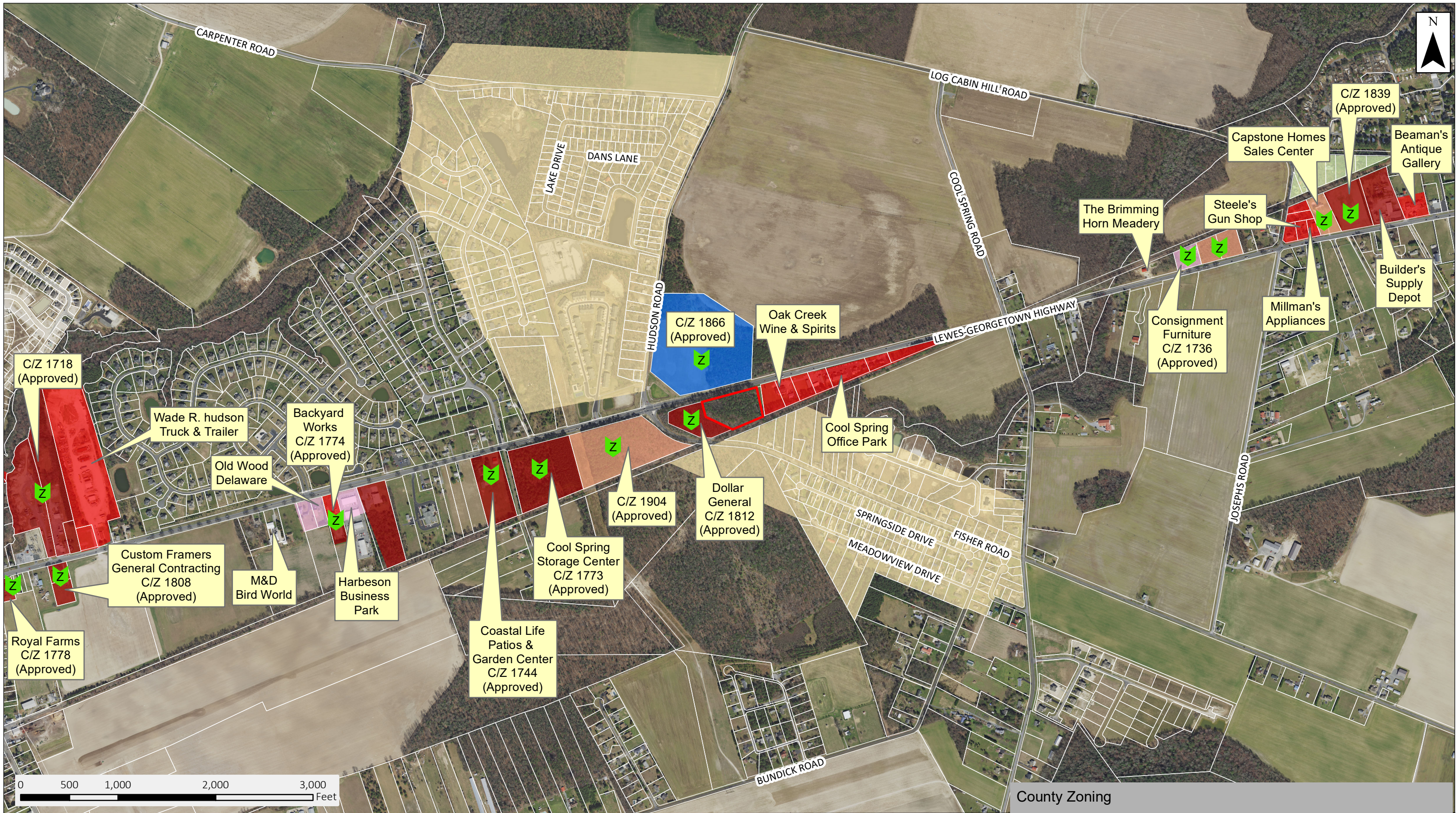


Figure 20 of 20.
20
Area Commercial Uses & Rezoning Applications
 Lands N/F of Shiloh Investments, LLC
 PDYER20000

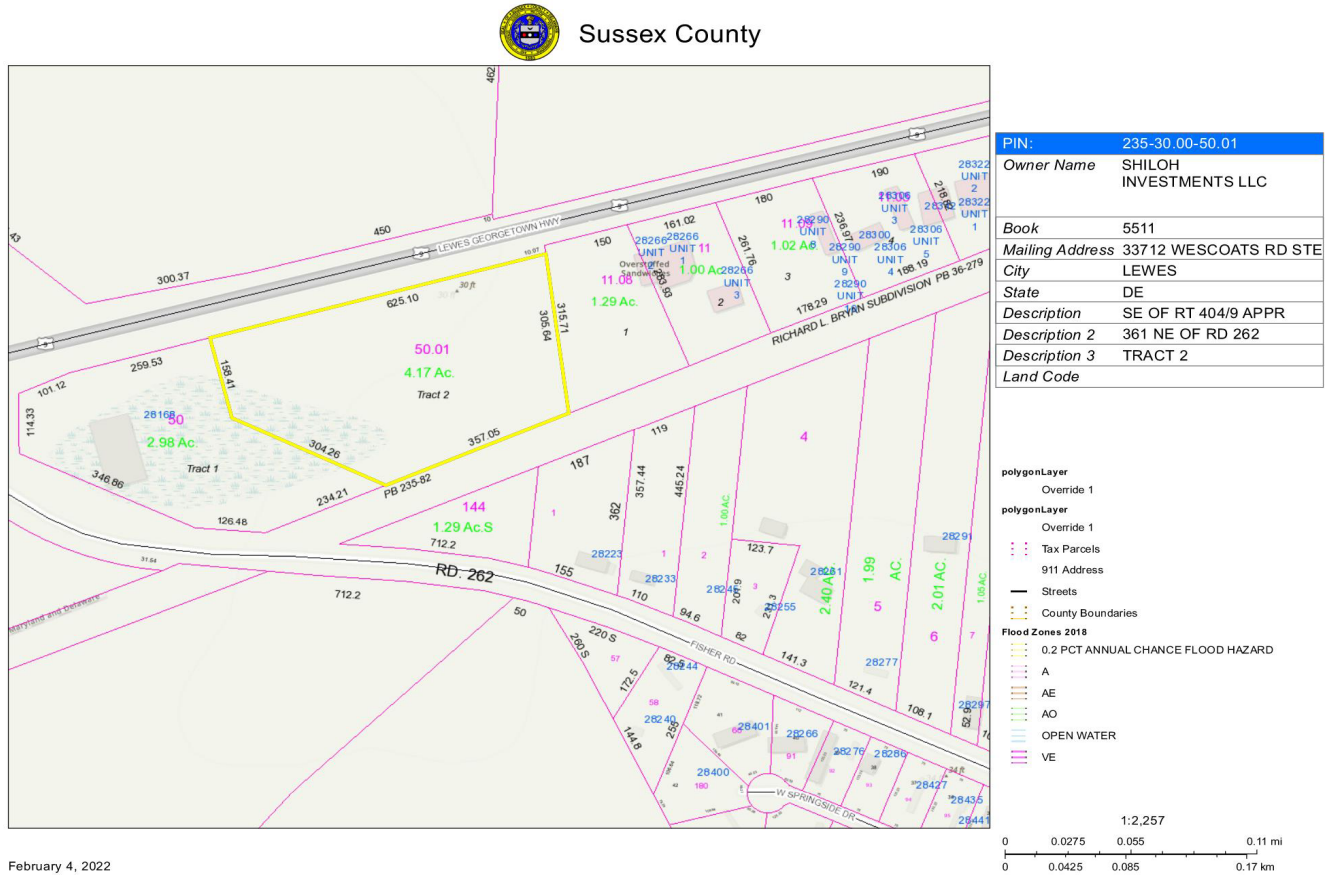


| County Zoning | | | |
|---------------|-----------------|--|------|
| | AR-1 (Unshaded) | | B-1 |
| | C-1 | | GR |
| | AR-2 | | CR-1 |
| | | | C-2 |
| | | | I-1 |

TAB 4

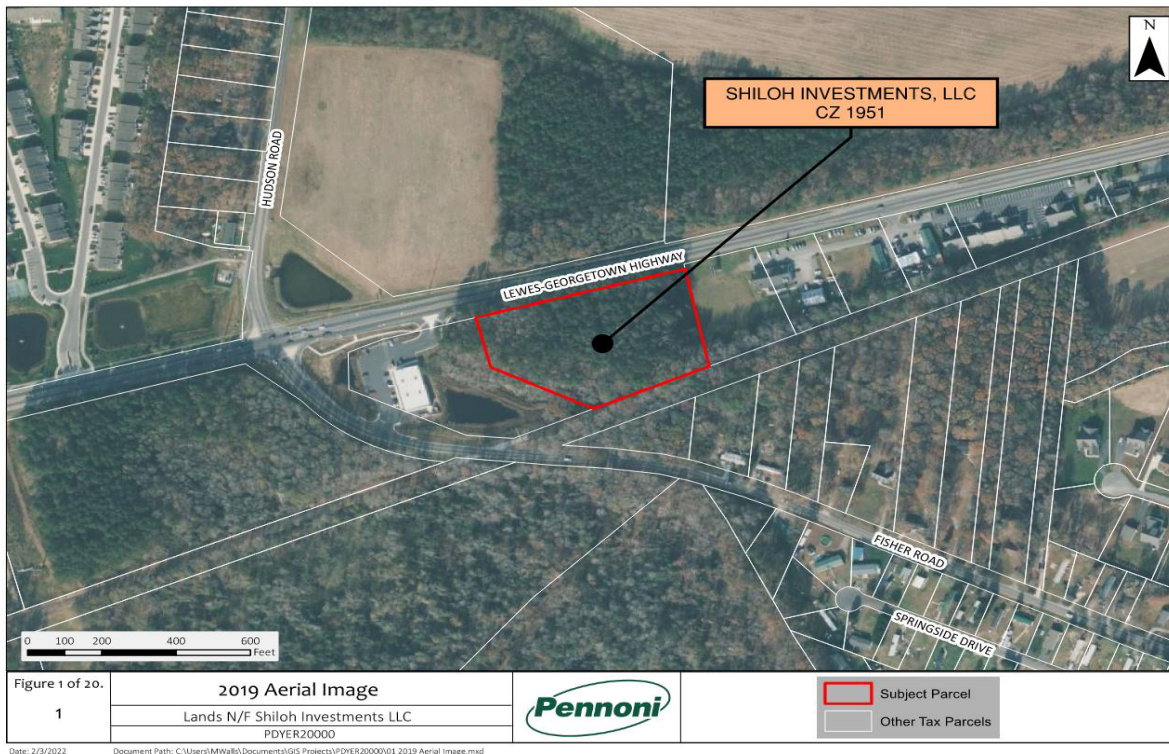
FINDINGS

3. The property is identified on the tax maps of the Sussex County Department of Finance as Tax Map No. 334-4.00 Parcel 34.02 & 34.03.



February 4, 2022

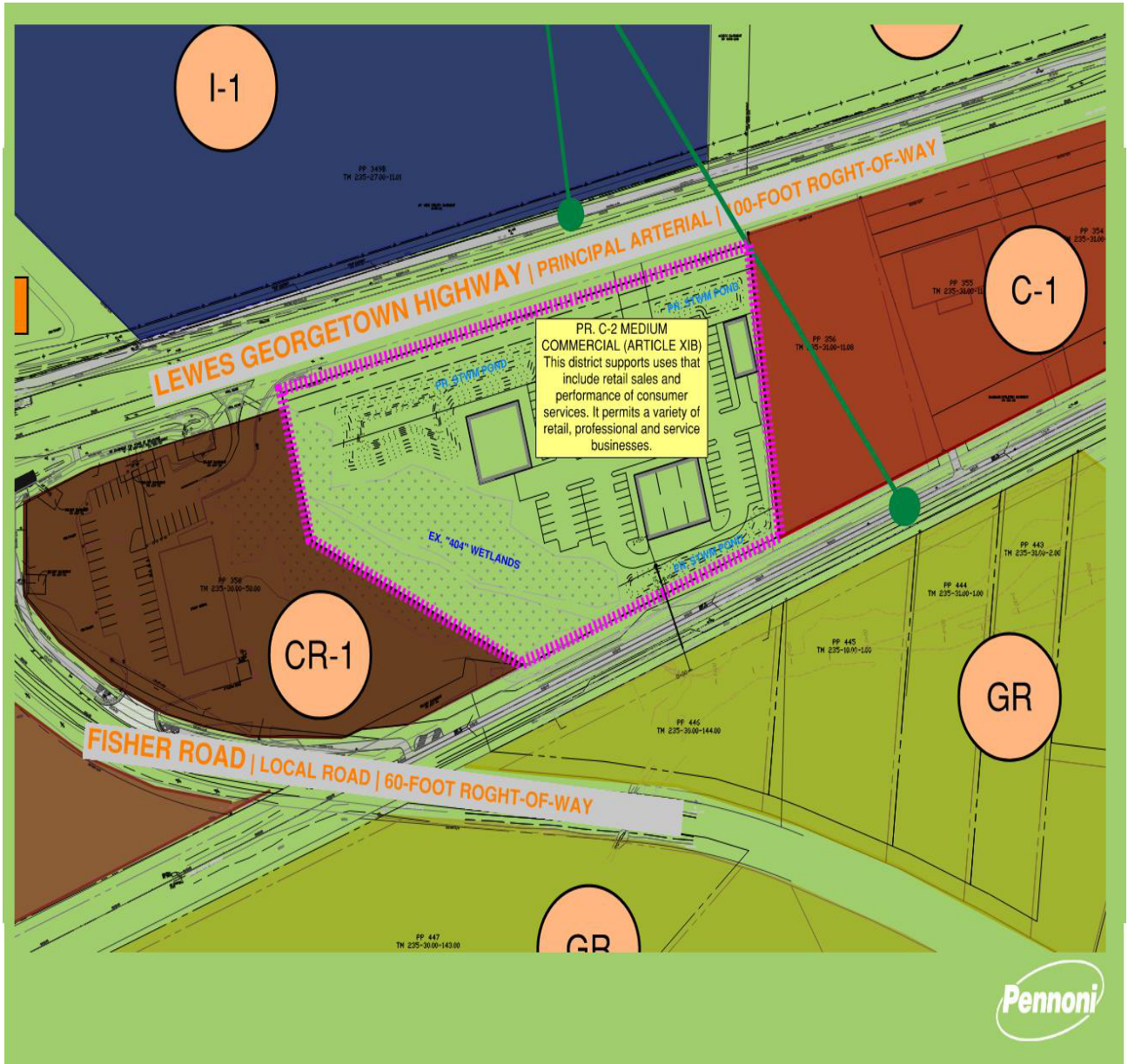
4. The properties are bordered on:
 - a. North by US Route 9 (Lewes Georgetown Highway) a Principal Arterial.
 - b. South by Delaware Rails to Trails Path and lands owned by State of Delaware.
 - c. West with existing commercial land of Dollar General - zoned CR-1.
 - d. East with existing commercial lands and uses zoned C-1.



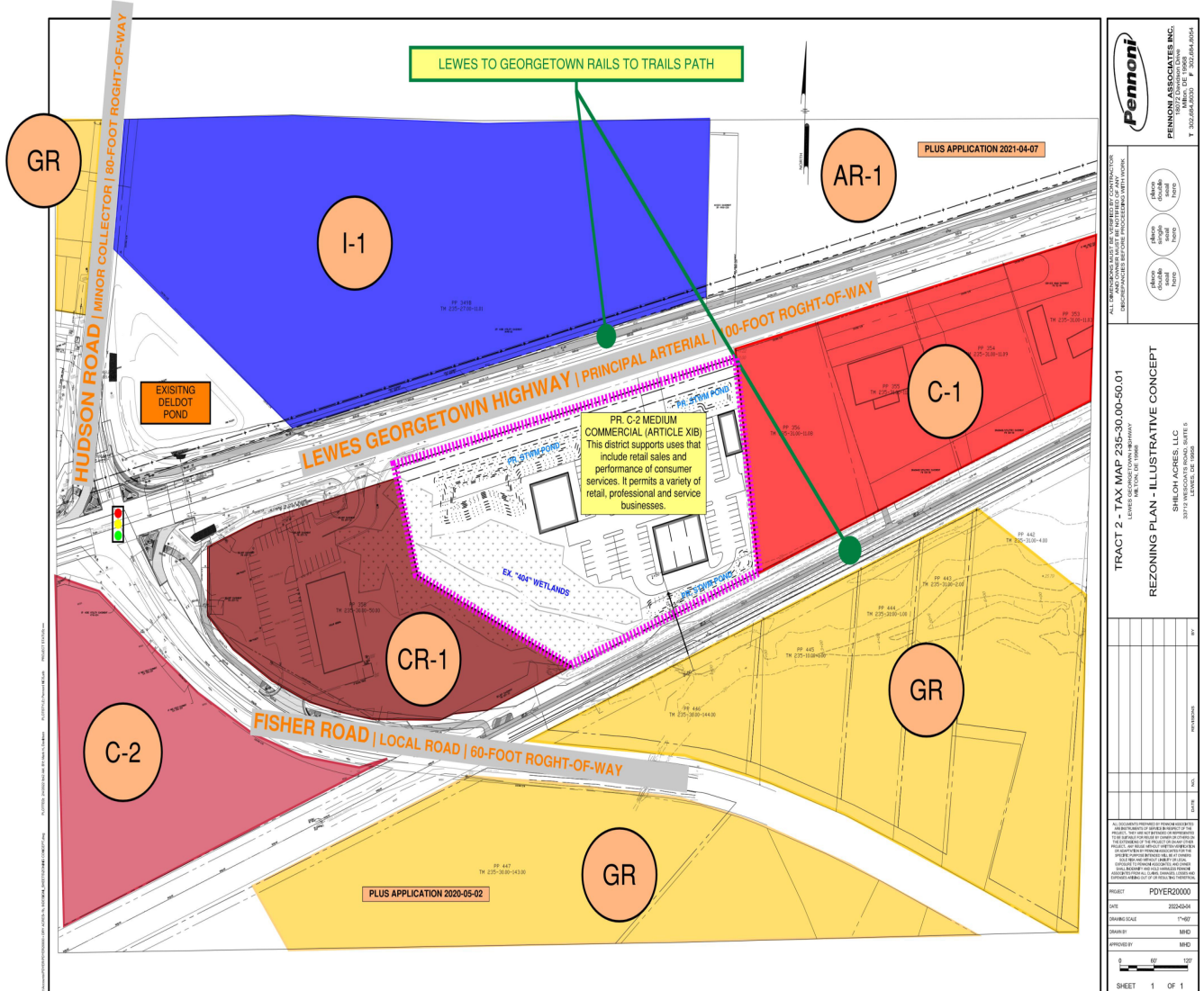
5. In Ordinance 2550, Sussex County Council desired to create a more specific C-2 Medium Commercial zoning district with smaller, more related uses within the District to promote better planning and predictability within Sussex County.

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

- The granting of this application for the C-2 commercial rezoning will allow the Shiloh Investments to continue their business plan to create quality medium commercial flex space that will focus on architectural building design, floor space, adequate parking for customers, and an overall image that draws in customers from the nearby existing and future communities.

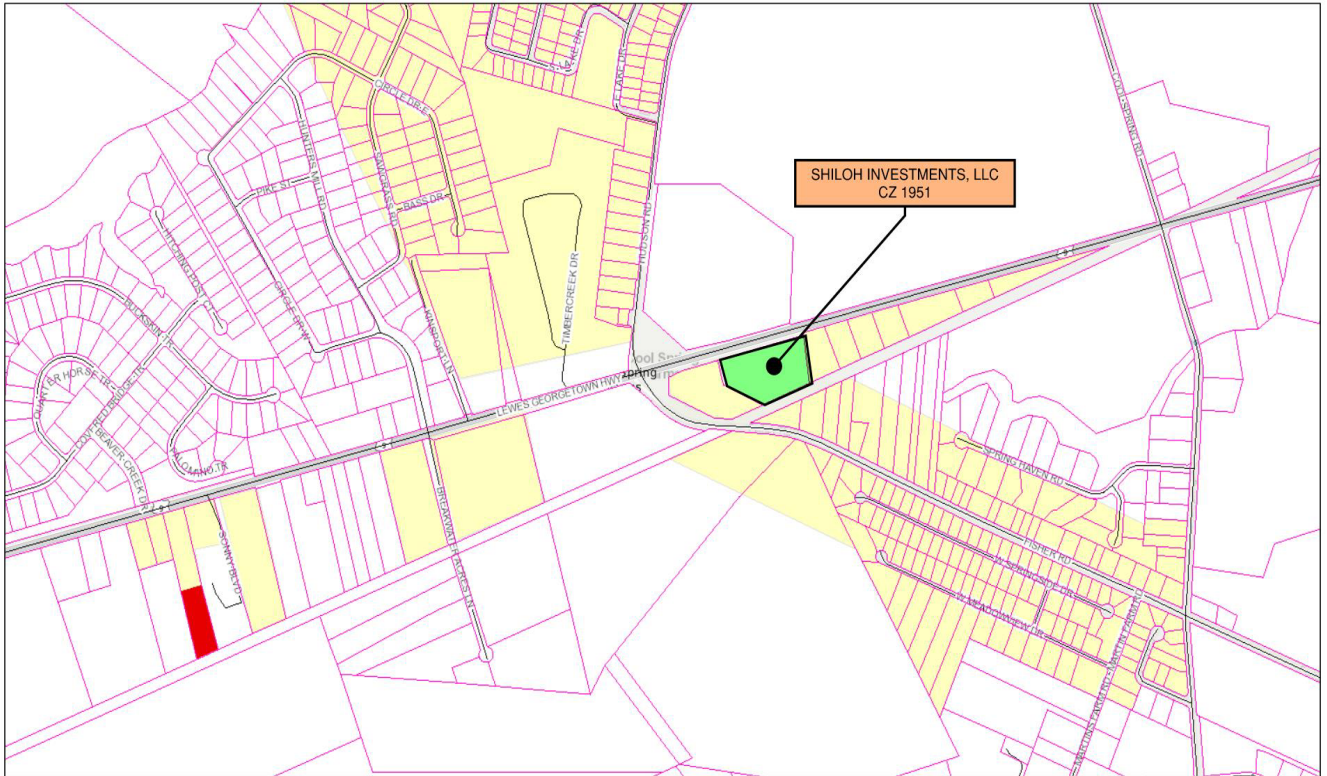


8. The proposed rezoning to C-2 for this property is in the vicinity of other commercial zoned property and uses and will not diminish or impair property values within the neighborhood; will not create a public nuisance; or result in an increase in public expenditures.



9. In the 2019 Sussex County Comprehensive Plan – the area for the proposed rezoning for this property is identified to be in a Low-Density and is currently surrounded by Existing Developing Areas.

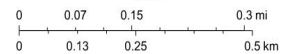
Sussex County



February 4, 2022



1:9,028



Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METINASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin,

The Sussex Plan suggests that each application should be reviewed on its own merit and does not have a negative impact on the surrounding area or the county in general. Some of the stated goals within the plan for new commercial zoning is to:

- a. Promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth - [Artesian has both water and sewer either in the vicinity of the property or

planned to be installed along the frontage that will serve adjacent commercial properties, this property as well as extend to area residential communities. Certificates of Public Convenience and Necessity (CPCN) for both properties have been secured through Artesian];

- b. Promote commercial development in designated commercial, office, and industrial areas in a scale/intensity/distance appropriate to adjacent residential neighborhoods – [Previously stated, Shiloh Investments want to provide a commercial development that is part of the community and provides for goods and services that are part of the community in scale. Additionally, nearby residential developments will benefit in that the subject property is not adjacent to their development but close enough to serve the residences with future services without them having to travel farther distances];
- c. Engage in planning that considers the efficient location of public services and infrastructure while establishing future public sewer service areas that will help preserve open space by promoting orderly growth rather than unplanned sprawl – [this property is located along US Route 9 with access to a major roadway system that travels east and west to Lewes and Georgetown. Future water and sewer will be and are adjacent to the properties. This property in this location with medium commercial zoning, will prohibit any unplanned sprawl that the Comprehensive Plan is discouraging];
- d. Coordinate with DelDOT on road improvements and other transportation projects – [the property owners will work with DelDOT in the dedication of additional right-of-way along US RT 9. The proposed land use for the properties is expected to increase the trip generation of the subject land by fewer than 50 vehicle trips in any hour and fewer than 500 vehicles trips per day in which DelDOT determines the traffic to be “Negligible” in the context of the 2020 Sussex County/DelDOT Memorandum of Understanding for Land Development Coordination. Although a TIS was not required as a part of this application, the Developers will have to provide future Transportation Improvements to the adjacent roadways during the future planning of the

commercial development. In addition, future connection to the rails to trails pedestrian path along the existing rails-to-trails path along the rear of the property will be coordinated with DelDOT. Since US 9 is a principal arterial and an important freight corridor, setbacks will be increased to allow for future capacity in the form of additional right-of-way dedication, permanent easements and additional stormwater management setbacks. Intersections and commercial entrances will be consolidated to reduce access points. This would increase the aesthetic benefits to the community].

The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents which is what is being proposed for these properties. Commercial uses may be appropriate depending on surrounding uses. The surrounding uses that are adjacent to the rails to trails path, which was once an active railroad are primarily commercial on the north and south side of US Route 9 and in most cases with residential homes on the opposite side.

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

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

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

10. The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 4. Although in a Level 4 area there is no plans for public expenditures for the property. All infrastructure needs will be funded by the applicant. Additional public infrastructure that will benefit the community, such as, road improvements and access improvements that will be paid for by the applicant. The property is not a stand-alone commercial property as it is adjacent and in the area of many other businesses.

11. There are 404 non-tidal wetlands on the subject properties; the wetlands serve as a stormwater management system for the Dollar General Parcel; the properties are located in a Flood Zone X Unshaded; there are no historical or natural features on the property; stormwater will be onsite and use Best Management Practices for handling stormwater runoff with an approved outfall by Sussex Conservation District and DelDOT; the properties are not in any Groundwater Protection Zones;

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

Delmarva Power & Light Company will provide sufficient energy to this property.

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

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

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

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

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



Sussex County

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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

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 17th, 2022

Application: CZ 1952 Samantha Broadhurst

Applicant: Samantha Broadhurst
8 Meadowridge Ln.
Milton, DE 19968

Owner: Samantha Broadhurst
8 Meadowridge Ln.
Milton, DE 19968

Site Location: Lying on the west side of Dupont Boulevard (Rt. 113), approximately 0.33 miles north of Wilson Hill Rd. (S.C.R. 244).

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

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

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Ms. Green

School District: Sussex Central School District

Fire District: Georgetown Fire Department

Sewer: N/A

Water: N/A

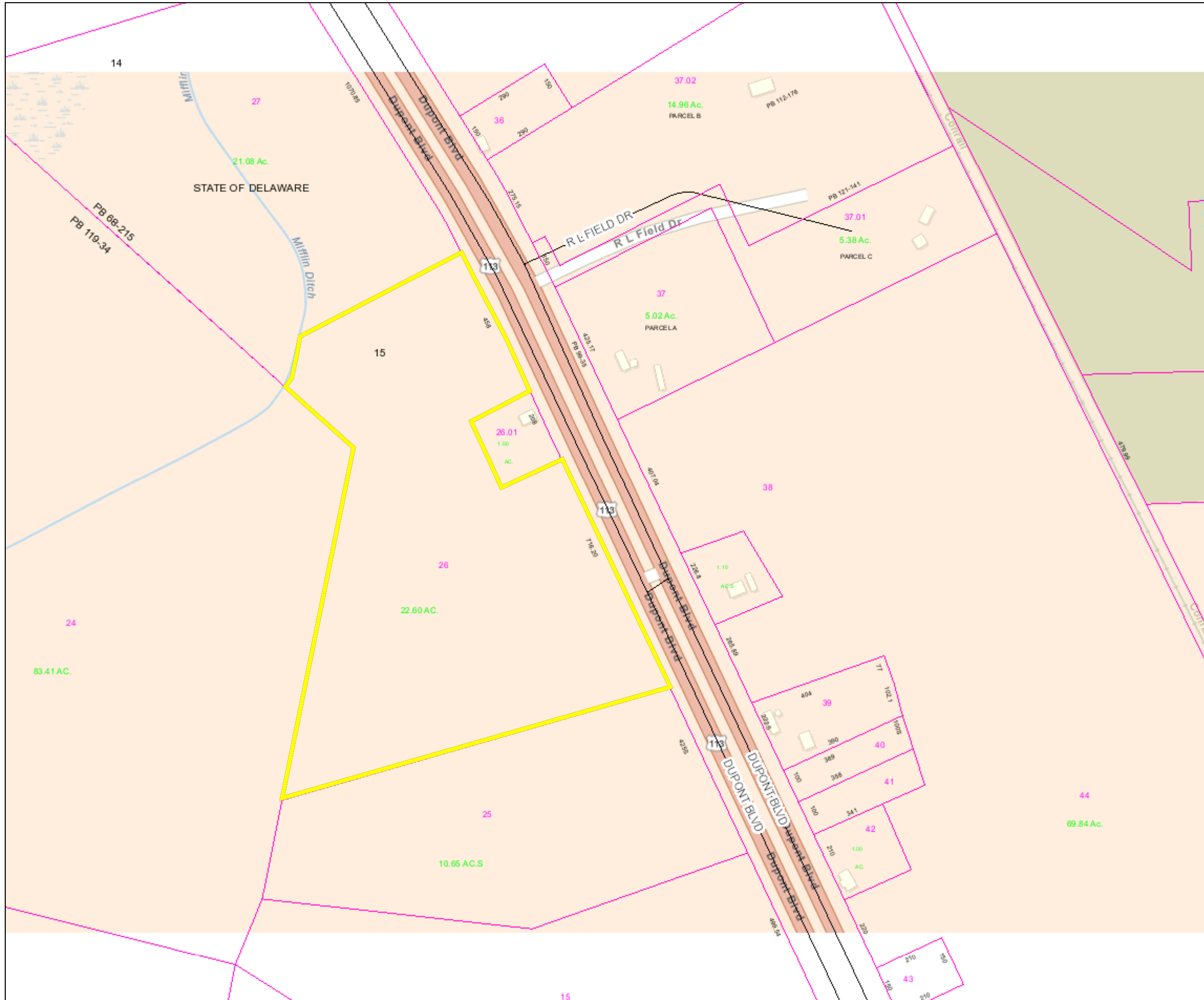
Site Area: 22.3 acres +/-

Tax Map IDs.: 135-9.00-26.00





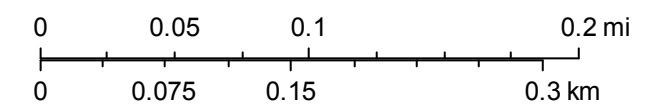
Sussex County



| | |
|------------------------|------------------|
| PIN: | 135-9.00-26.00 |
| Owner Name | MALAKIS NORENE |
| Book | 5341 |
| Mailing Address | 8 MEADOWRIDGE LN |
| City | MILTON |
| State | DE |
| Description | W/RT 113 |
| Description 2 | 2300' N/RT 244 |
| Description 3 | N/A |
| Land Code | |

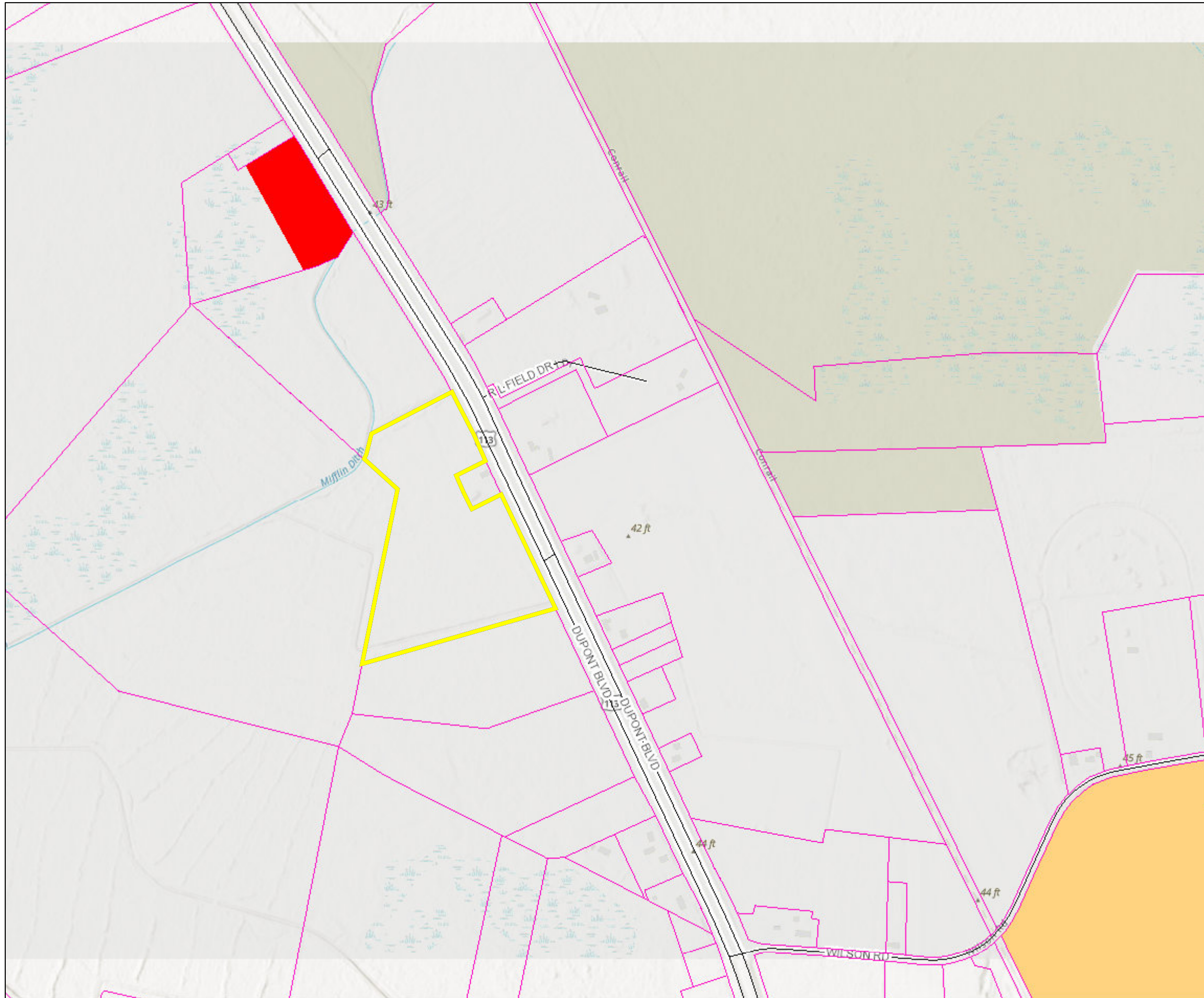
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— Override 1
- polygonLayer
— Override 1
- ⋯ Tax Parcels
- Streets
- ⋯ County Boundaries

1:4,514





Sussex County



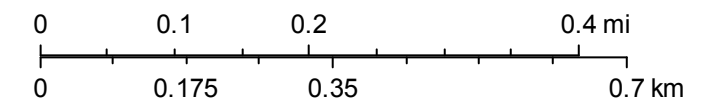
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|------------------------|------------------|
| PIN: | 135-9.00-26.00 |
| Owner Name | MALAKIS NORENE |
| Book | 5341 |
| Mailing Address | 8 MEADOWRIDGE LN |
| City | MILTON |
| State | DE |
| Description | W/RT 113 |
| Description 2 | 2300' N/RT 244 |
| Description 3 | N/A |
| Land Code | |

- polygonLayer

 - Override 1
- polygonLayer

 - Override 1
- ⋯ Tax Parcels
- Streets

1:9,028



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Jesse Lindenberg, Planner I
CC: Vince Robertson, Assistant County Attorney
Date: February 9, 2022
RE: Staff Analysis for CZ 1952 Samantha Broadhurst

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1952 Samantha Broadhurst to be reviewed during the February 17, 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 135-9.00-26.00 to allow for a change of zone from an Agricultural Residential Zoning (AR-1) District to a General Commercial (C-2) Zoning District. The property is lying on the west side of Dupont Boulevard (Rt. 113), 0.58 miles north of Wilson Road (S.C.R. 244). The parcel to be rezoned contains 22.60 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 subject property has a land use designation of "Low Density". The properties to the north, south, east, and west also have the land use designation of "Low Density".

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the north, west and south are all zoned Agricultural Residential (AR-1) Zoning District. Across Dupont Boulevard (Rt. 13) the property is zoned Agricultural Residential (AR-1) Zoning District. Properties further north are zoned General Commercial (C-1) Zoning District and 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 General Commercial (C-2) Zoning District is listed as an applicable zoning district in the "Low Density" areas.



Since 2011, there have been two (2) Change of Zone applications within a 1-mile radius of the application site. Change of Zone 1848 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, May 15, 2018 through Ordinance No. 2576. Change of Zone 1879 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Neighborhood Business Zoning District (B-1) was approved by the Sussex County Council on Tuesday, June 25, 2019 through Ordinance No. 2666.

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

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

Tax Map # 135-09.00-26.00

Type of Conditional Use Requested:

C2 rezoning for Billboard Use upon Approval / Conditional Use Approval
Tax Map #: 135-09.00-26.00 Size of Parcel(s): 22.3 acres

Current Zoning: ARI Proposed Zoning: C2 Size of Building: _____

Land Use Classification: _____

Water Provider: None Sewer Provider: None

Applicant Information

Applicant Name: Jamanta Broadhurst
Applicant Address: 8 meadowridge ln
City: Milton State: De Zip Code: 19968
Phone #: 302-519-8088 E-mail: jam@jacklingo.com

Owner Information

Owner Name: Jamanta Broadhurst
Owner Address: 8 meadowridge ln Milton
City: Milton State: De Zip Code: 19968
Phone #: 302-519-8088 E-mail: jam@jacklingo.com

Agent/Attorney/Engineer Information

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



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

- 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 - will Deliver

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

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

DeIDOT Service Level Evaluation Request Response

PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney



Date: 6-17-2021

Signature of Owner



Date: 6-17-2021

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

December 8, 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 **Samantha Broadhurst & Norene Malakis** conditional use application, which we received on November 6, 2020. This application is for an approximately 22.60-acre parcel (Tax Parcel: 135-9.00-26.00). The subject land is located on the west side of US Route 113, approximately 2,400 feet north of Wilson Road (Sussex Road 244), north of the Town of Georgetown. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-2 (Medium-Density Commercial) to develop a commercial use.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 113 where the subject land is located, which is from Wilson Road to Deer Forest Road (Sussex Road 565), are 20,168 and 25,956 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.

The subject property is adjacent to US Route 113, thereby is subject to the Department's Corridor Capacity Preservation Program. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number of high density, direct access points on the arterial highway. According to the Office of State Planning Coordination's Strategies for State Policies and Spending document, the property is located within a Level 4 Investment Area. In this area, State policies will encourage the preservation of a rural environment. The property owner



Mr. Jamie Whitehouse

Page 2 of 2

December 8, 2020

can develop an access to US Route 113 for a site generating an average of 100 vehicle trips per day or less, as determined by the latest edition of the Institute of Transportation Engineer's Trip Generation Manual. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov. The manual is located under the publication link.

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

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence or Mr. Thomas Felice, at (302) 760-2338, if you have questions concerning the Corridor Capacity Preservation Program.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Samantha Broadhurst & Norene Malakis, Applicants
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Thomas Felice, Corridor Capacity Preservation Program Manager, 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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **2/1/2022**

APPLICATION: **CZ 1952 Samantha Broadhurst**

APPLICANT: **Samantha Broadhurst**

FILE NO: **WS-4.06**

TAX MAP &
PARCEL(S): **135-9.00-26.00**

LOCATION: **Lying on the west side of DuPont Blvd. (Rt 113),
approximately 0.33 miles north of Wilson Hill Road (SCR 244)**

NO. OF UNITS: **Upzone from AR-1 to C-2 (medium commercial)**

GROSS
ACREAGE: **22.3 +/-**

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

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 3**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **N/A** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The proposed Change of Zone is not located in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service. The Engineering Department recommends that water and sanitary sewer service be provided by a municipality or private provider.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
No Permit Tech Assigned

