Sussex County
Planning & Zoning Commission

AGENDA

August 22, 2019

6:00 P.M

Call to Order

Approval of Agenda

Approval of Minutes - July 25, 2019

Old Business

2019-5 Chase Oaks
A cluster/Coastal Area subdivision to divide 145.3 acres +/- into 253 single-family lots to be located on certain parcels of land lying and being in Indian River Hundred, Sussex County. The property is located on the north and south sides of Robinsonville Rd., approximately 320 ft. northeast of the intersection of Robinsonville Rd. and Webb Landing Rd. Tax Parcels: 234-6.00-96.00, 97.00, and 98.00. Zoning District. AR-1 (Agricultural Residential District).

2019-14 – Steven Eugene Allen
A standard subdivision to divide 4.0269 acres +/- into 1 single-family lot to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County. The property is located on the north side of Matts Rd. (SCR. 77), approximately 577 ft. east of Bowman Rd. Tax Parcel: 531-17.00-2.09. Zoning District. AR-1 (Agricultural Residential District).

C/U 2176 - KH Sussex, LLC
An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a convenience store with fueling station to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 3.51 acres, more or less. the property is lying on the south side of John J. Williams Hwy. (Rt. 24), approximately 954 ft. west of Angola Rd., and also being at the southwest corner of John J. Williams Hwy. (Rt. 24) and Angola Rd., and being on the west side of Angola Rd., approximately 250 ft. south of John J. Williams Hwy. (Rt. 24). 911 Address: N/A. Tax Parcel: 234-11.00-56.02 (portion of) 56.03, 56.06, and 56.09.

C/U 2182 - Samuel G. Thomas
An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a small automotive repair and dealer to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 2.87 acres, more or less. The property is lying on the north side of Springfield Rd., approximately 336 ft. east of
Park Ave. 911 Address: 23371 Springfield Rd., Georgetown. Tax Parcel: 135-20.00-159.01.

C/Z 1889 - Air Fish Automotive  
An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District) for a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 5.771 acres, more or less. The property is lying on the southwest corner of Trussum Pond Rd. and Sussex Hwy. (Rt. 13). 911 Address: 11125 National Blvd., Laurel. Tax Parcel: 332-1.00-72.00 (portion of).

Public Hearings

C/U 2183 - Brent & Lisa Hershey  
An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a storage facility with outdoor storage to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 9.167 acres, more or less. The property is lying on the south side of Broadkill Rd. (Rt. 16), approximately 0.33 mile west of Reynolds Rd. 911 Address: 14374 Clyde’s Dr., Milton. Tax Parcel: 235-15.00-26.07.

C/U 2184 Linda Ann Yupco-Connors  
An Ordinance to grant a Conditional Use of land in a GR General Residential District for equipment storage to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.91 acre, more or less. The property is lying on the west side of Jimtown Rd., approximately 0.32 mile south of Beaver Dam Rd. 911 Address: 32260 Jimtown Rd., Lewes. Tax Parcel: 334-11.00-15.00.

C/U 2185 Vincent Kinack  
An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for multi-family (2 units) to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 3.4516 acres, more or less. The property is lying on the northeast corner of Short Rd. and Anderson Corner Rd. 911 Address: 21167 Short Rd., Harbeson. Tax Parcel: 234-4.00-42.00.

C/U 2187 Daniel Ostinvil  
An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for motor vehicle sales to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 0.1657 acre, more or less. The property is lying on the southwest corner of North Poplar St. and Old Sailor Rd. 911 Address: 31016 North Poplar St., Laurel. Tax Parcel: 232-12.18-51.00.

Other Business

2018-11 Hawthorne Subdivision Phase 6  
Final Subdivision Plan

S-19-32 Ray Richardson  
Preliminary Site Plan
Milo’s Haven (FKA Lakelynns) RPC (C/Z 1881)  
Preliminary Site Plan  

S-18-50 Hyatt Hotel (FKA Lewes Hotel)  
Revised Site Plan  

2018-31 Stagg Run Subdivision  
Request for Clarification of Conditions of Approval  

Planning and Zoning Commission meetings can be monitored on the internet at www.sussexcountyde.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on August 15, 2019, at 3:00 p.m., and at least seven (7) days in advance of the meeting.

This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

####
Application: CU 2183 Brent & Lisa Hershey

Applicant/Owner: Brent & Lisa Hershey
824 Mugger Rd.
Mount Joy, PA 17552

Site Location: 14374 Clyde’s Drive, Milton. South side of Broadkill Road, approximately 0.33 mile west of Reynolds Road.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Storage Facility with Outdoor Storage

Comprehensive Land Use Plan Reference: Low Density Area

Councilmatic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Milton Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 9.167 ac. +/-

Tax Map ID.: 235-15.00-26.07
Sussex County

PIN: 235-15.00-26.07
Owner Name: HERSEY BRENT L

| Book | 4551 |
| Mailing Address | 824 MUSHER RD |
| City | MOUNT JOY |
| State | PA |
| Description | S/RT 16 |
| Description 2 | W/RT 233 |
| Description 3 | LOT 1 |

July 29, 2019
Memorandum
To: Sussex County Planning Commission Members
From: Jennifer Norwood
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 8, 2019
RE: Staff Analysis for CU 2183 Brent and Lisa Hershey

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2183 Brent and Lisa Hershey to be reviewed during the August 22, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be permitted during the public hearing.

The request is for a Conditional Use for parcel 235-15.00-26.07 to grant a Conditional Use of land in a AR-1 Agricultural Residential Zoning District for a storage facility with outdoor storage on the south side of Broadkill Road, approximately 0.33 mile west of Reynolds Road. The size of the property is 9.167 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 Areas.

The primary uses envisioned in Low-Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agri-business uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be 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 be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining properties are all zoned AR-1 (Agricultural Residential Zoning District). There are four parcels approximately 0.47 miles to the east that are zoned C-1 (General Commercial Zoning District) and CR-1 (Commercial Residential Zoning District).
There has been one Conditional Use application within a 1-mile radius of the site. This is CU 2163 for an event venue on Tax Parcel: 235-15.00-4.01. The Conditional Use was denied on April 30, 2019.

Based on the analysis of the land use, surrounding zoning and uses, the proposed Conditional Use for a storage facility with outdoor storage, to serve nearby residents, could be considered consistent with the land use, area zoning and adjoining uses.
Ms. Janelle M. Cornwell
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the Brent & Lisa Hershey conditional use application, which we received on June 20, 2018. This application is for a 9.17-acre parcel (Tax Parcel 235-15.00-26.07). The subject land is located on the south side of Delaware Route 16, approximately 2,000 feet west of Reynolds Road (Sussex Road 233). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize an 8,200 square-foot portion of the existing facility for storage – adaptive re-use of existing farm buildings.

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 16 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 6,488 and 8,537 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT’s minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development’s traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT’s description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.
Ms. Janelle M. Cornwell
Page 2 of 2
July 19, 2018

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: cj
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
    Brent & Lisa Hershey, Applicant
    J. Marc Coté, Assistant Director, Development Coordination
    Genez Norwood, South District Public Works Manager, Maintenance and Operations
    Steven Sisson, Sussex County Subdivision Coordinator, Development Coordination
    Derek Sapp, Subdivision Manager, Development Coordination
    Brian Yates, Subdivision Manager, Development Coordination
    Susanne Laws, Subdivision Manager, Development Coordination
    Troy Brestel, Project Engineer, Development Coordination
    Claudy Joinville, Project Engineer, Development Coordination
Service Level Evaluation Request Form

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

Date: June 19, 2018

Site Information:

Site Address/Location: 14374 Clyde’s drive, Milton, DE 19968

Tax Parcel Number: 2-35-15.00-26.07

Current Zoning: Ag

Proposed Zoning: Ag

Land Use Classification:

Proposed Use(s): storage- adaptive re-use of existing farm buildings

Square footage of any proposed buildings or number of units: existing buildings 8200 sq ft

Applicant Information:

Applicant’s Name: Brent & Lisa Hershey

Applicant’s Address: 824 Musser road

City: Mount Joy  State: Pa  Zip Code: 17552

Applicant’s Phone Number: 717-575-0076

Applicant’s e-mail address: brent@hersheyag.com

Last updated 1-11-18
Ms. Janelle M. Cornwell  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947  

Dear Ms. Cornwell:  

The Department has completed its review of a Service Level Evaluation Request for the Brent & Lisa Hershey conditional use application, which we received on June 20, 2018. This application is for a 9.17-acre parcel (Tax Parcel 235-15.00-26.07). The subject land is located on the south side of Delaware Route 16, approximately 2,000 feet west of Reynolds Road (Sussex Road 233). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize an 8,200 square-foot portion of the existing facility for storage – adaptive re-use of existing farm buildings.  

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 16 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 6,488 and 8,537 vehicles per day, respectively.  

Based on our review, we estimate that the proposed land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT’s minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development’s traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT’s description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.
Ms. Janelle M. Cornwell  
July 19, 2018  

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: cj
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Brent & Lisa Hershey, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance and Operations  
Steven Sisson, Sussex County Subdivision Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
Susanne Laws, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination
June 15, 2018

Re: Hershey - Conditional Use request for Clyde’s Drive, Milton DE

Sussex County Zoning Board, Georgetown, De,

This is a narrative of the proposed conditional use. I have attached a survey view of the farm property at clyde’s drive, Milton DE

. First, there is an existing older hog barn that was built in the 70 t's that is referenced, (barn #4).
I am proposing to remove the roof of this barn and the 4 ft side walls down to the 4 ft high block walls that are the the perimeter foundation of this barn. This foundation is in very good shape.
I then plan to re-build new 12 ft wood frame walls on top of the existing block and put a new roof on this structure. This is rebuilding existing barn on current foundation, with no increase in footprint or square footage
Specific plan is to install (3) 14 x 14 doors on the west side and (1) 14 x 20 door on the end wall facing north the entrance driveway. Then rebuild current partitions to divide building into (3) three area’s... (2) two area’s (42 x 28) with one 14 x 14 door and (1) personal access door each, then 1 area 84 x 28 with a Gable end door 14 x 20 and a sidewall door 14 x 14, plus 1 personal access door. A copy of this plan for Barn 4 is part of the application.

Second, there is a old dairy barn that was built in the 30’s or 40’s, this barn has collapsed, referenced barn # 5
I propose to rebuild it on the same existing perimeter foundation which is 51 x 62 ft.
Plan is to erect 16 ft sidewalls with new roof and cupolas that will resemble the old barn that collapsed. I would then install 3 or 4 doors on the south side. 12 x 14. A copy of this plan for barn 5 is part of application.

I plan to use one (1) of the area’s for my storage needs. I propose to rent other area’s for use for "passive" business storage to store equipment, tools etc, such as a lawn mowing service, landscape business, building contractor or a agricultural service business. Could also be a personal hobby shop.or could also be used to store boats, RV's

There would be rules associated with hrs to access bays, storage of fuels in bays, no outside storage, etc
There would be no customers allowed to come to storage bays. No offices allowed,
There would be a 4 - 6 cubic yd dumpster on site and a outdoor porti-potty would be provided.

This is not a public storage similar to storage units commonly found. For personal items furniture etc...really focused to the business community, and passive storage

Thank you for consideration of this request

Brent & Lisa Hershey
138 Airport rd
Marietta, Pa 17547
DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION
ACKNOWLEDGMENT PURSUANT TO 3 Del. C. § 909(a)(2)

WHEREAS, RAMAKRISHNA TATINENI and RAMA TATINENI ("Transferors") were the owners of agricultural lands comprised of approximately 9.167 acres located at Broadkill Hundred, said lands lying in Sussex County, State of Delaware, and described in and subject to an Agricultural Preservation Easement, dated April 10, 2001, of record in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware in Deed Book 2581, Page 45, and as amended by Amendment to Agricultural Lands Preservation Easement recorded September 9, 2014 in the aforementioned Office of the Recorder of Deeds in Deed Book 4305, Page 19; and

WHEREAS, Transferors transferred all of the subject lands to BRENT L. HERSHEY and LISA HERSHEY, as tenants by the entirety unto the survivor of them, ("Transferees"), said lands being tax parcel 2-35-15.00-26.07, being of record in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware in Deed Book 4551, Page 131.

NOW, THEREFORE, in accordance with the requirements of 3 Del. C. § 909(a)(2)(c) [71 Del. Laws, C. 257], Transferees acknowledge their understanding of the acreage allowed for dwelling housing, and the restrictions which apply to the real property about to be conveyed, and that said lands are subject to the referenced Preservation Easement, as amended, the provisions of 3 Del. C. ch. 9 and the regulations adopted pursuant thereto. Transferors and Transferees agree to be bound by same. Transferees shall be allowed one (1) acre for dwelling housing and only one (1) residential dwelling shall be allowed on said one (1) acre.
IN WITNESS WHEREOF, the Transferees have executed this Acknowledgment this 30 day of October, 2016.

Transferees:

[Signatures]

Witness

[Signatures]

Witness

STATE OF Pennsylvania:

SS:

COUNTY OF Lancaster:

BE IT REMEMBERED that on this 30 day of October, A.D. 2016 personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Brent L. Hershey and Lisa Hershey, parties to this Indenture, known to me personally to be such, and they acknowledged this Indenture to be their act and deed.

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

[Signature]

Notary Public Signature

Deborah K. Culley

Notary Name – Printed or Typed
My Commission Expires: 12/8/16

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Deborah K. Culley, Notary Public
East Donegal Twp., Lancaster County
My Commission Expires Dec. 8, 2016
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES
TO: Janelle Cornwell

REVIEWER: Chris Calio

DATE: 7/31/2019

APPLICATION: CU 2183 Brent & Lisa Hershey

APPLICANT: Brent & Lisa Hershey

FILE NO: NCPA-5.03

TAX MAP & PARCEL(S): 235-15.00-26.07

LOCATION: 14374 Clyde’s Drive, Milton. South side of Broadkill Road, approximately 0.33 mile west of Reynolds Road

NO. OF UNITS: Storage facility with outdoor storage

GROSS ACREAGE: 9.167

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? 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 **Click or tap to enter a fee** per EDU. Please contact N/A at 302-855-7719 for additional information on charges.
(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed CU is not in an area where the Sussex County Engineering Department has a plan/schedule to provide sanitary sewer service. The proposed CU is within the Growth and Annexation area of the Town of Milton.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:

[Signature]

John J. Ashman
Director of Utility Planning

Xc: Hans M. Meclarz, P.E.
Jayne Dickerson
No Permit Tech Assigned
PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date August 22, 2019

Application: CU 2184 Linda Ann Yupco-Connors

Applicant/Owner: Linda Ann Yupco-Connors
32312 Jimtown Rd.
Lewes, DE 19958

Site Location: 32260 Jimtown Road, Lewes. West side of Jimtown Road, approximately 0.32 mile south of Beaver Dam Road.

Current Zoning: GR (General Residential District)

Proposed Use: Equipment Storage

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 0.91 ac. +/-

Tax Map ID.: 334-11.00-15.00
Owner Name: YUPCO-CONNORS
LINDA ANN

Book: 3629
Mailing Address: 6 CRIPPLE CREEK RUN
City: MILTON
State: DE
Description: SW/RD 285A
Description 2: N/A
Description 3: N/A

Land Code: N/A

PIN: 334-11.00-15.00

1.85 Ac.

1.89 Ac.

1.57 Ac.S

July 29, 2019
Owner Name: YUPCO-CONNORS LINDA ANN

Book: 3629
Mailing Address: 6 CRIPPLE CREEK RUN
City: MILTON
State: DE
Description: SW/RD 285A
Description 2: N/A
Description 3: N/A
Land Code: N/A

PIN: 334-11.00-15.00

1:1,128

July 29, 2019
Memorandum
To: Sussex County Planning Commission Members
From: Samantha Bulkilvish, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 15, 2019
RE: Staff Analysis for CU 2184 Linda Ann Yupco-Connors

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2184 Linda Ann Yupco-Connors to be reviewed during the August 22, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 334-11.00-15.00 to allow for Equipment Storage to be located at 32260 Jimtown Rd. The size of the property is 0.91 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Coastal Area.

The surrounding land use to the north, south, east and west, are Coastal Area. The Coastal Area land use designation recognizes that “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 GR (General Residential District). The properties to the north, south, and east are zoned GR (General Residential District). The property to the west is zoned MR (Medium Residential District). There are no known active Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for equipment storage could be considered consistent with the land use and area zoning however it may not be consistent with the surrounding uses.
April 24, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the Linda Ann Yupco-Connors conditional use application, which we received on March 28, 2019. This application is for a 0.92-acre parcel (Tax Parcel: 334-11.00-15.00). The subject land is located on the southwest side of Jimtown Road (Sussex Road 285A), approximately 1/3 mile southeast of the intersection Beaver Dam Road (Sussex Road 285) and Jimtown Road. The subject land is currently zoned GR (General Residential), and the applicant is seeking a conditional use approval to utilize the site for office space and/or storage.

Per the 2017 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Jimtown Road where the subject land is located is 601 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT’s minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development’s traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT’s description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.
Ms. Janelle M. Cornwell
Page 2 of 2
April 24, 2019

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

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

Sincerely,

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB: cjn
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
   Linda Ann Yupco-Connors, Applicant
   J. Marc Coté, Assistant Director, Development Coordination
   Genez Norwood, South District Public Works Manager, Maintenance and Operations
   Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
   Derek Sapp, Subdivision Manager, Development Coordination
   Kevin Hickman, Subdivision Manager, Development Coordination
   Brian Yates, Subdivision Manager, Development Coordination
   John Andreascavage, Subdivision Manager, Development Coordination
   Troy Brestel, Project Engineer, Development Coordination
   Claudy Joinville, Project Engineer, Development Coordination
April 24, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the Linda Ann Yupco-Connors conditional use application, which we received on March 28, 2019. This application is for a 0.92-acre parcel (Tax Parcel: 334-11.00-15.00). The subject land is located on the southwest side of Jintown Road (Sussex Road 285A), approximately 1/3 mile southeast of the intersection Beaver Dam Road (Sussex Road 285) and Jintown Road. The subject land is currently zoned GR (General Residential), and the applicant is seeking a conditional use approval to utilize the site for office space and/or storage.

Per the 2017 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Jintown Road where the subject land is located is 601 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT’s minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development’s traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT’s description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.
Ms. Janelle M. Cornwell  
Page 2 of 2  
April 24, 2019  

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

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

Sincerely,

T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:ejm  
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Linda Ann Yupco-Connors, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance and Operations  
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination
Service Level Evaluation Request Form

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

Date: 3/28/19

Site Information:

Site Address/Location: 32260 Jimtown Road, Lewes, DE 19958

Tax Parcel Number: 334-11.00-15.00
Current Zoning: GR
Proposed Zoning: GR CU
Land Use Classification: Single Family

Proposed Use(s): Office/Storage

Square footage of any proposed buildings or number of units: N/A

Applicant Information:

Applicant's Name: Linda Ann Yupco-Connors
Applicant's Address: 32312 Jimtown Road
City: Lewes State: DE Zip Code: 19958

Applicant's Phone Number: (302) 249-0578
Applicant's e-mail address: kts@kerchergroup.com (Kevin Smith)
SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING DIVISION
C/U & C/Z COMMENTS

TO: Janelle Cornwell

REVIEWER: Chris Calio

DATE: 7/31/2019

APPLICATION: CU 2184 Linda Ann Yupco-Connors

APPLICANT: Linda Ann Yupco-Connors

FILE NO: NCPA-5.03

TAX MAP & PARCEL(S): 334-11.00-15.00

LOCATION: 32260 Jimtown Road, Lewes. West side of Jimtown Road, approximately 0.32 mile south of Beaver Dam Road.

NO. OF UNITS: Equipment Storage

GROSS ACREAGE: 0.91

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 2

(3). Is wastewater capacity available for the project? Yes, As Proposed 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 $6,360.00 per EDU. Please contact Christine Fletcher at 302-855-7719 for additional information on charges.
(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**

☒ 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? **Yes**

(8). Comments: **The parcel has a sewer connection available, but not yet accepted by the Sussex County Engineering Department.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

---

**UTILITY PLANNING APPROVAL:**

[Signature]

John J. Ashman  
Director of Utility Planning

---

Xc: Hans M. Meclarz, P.E.  
Jayne Dickerson  
Christine Fletcher
PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date August 22, 2019

Application: CU 2185 Vincent Kinack

Applicant/Owner: Vincent Kinack
21167 Short Rd.
Harbeson, DE 19951

Site Location: 21167 Short Rd., Harbeson. Northeast corner of Short Rd. and Anderson Corner Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Multi-Family (2 Units)

Comprehensive Land Use Plan Reference: Low Density Area

Councilmatic District: Mr. Burton

School District: Indian River School District

Fire District: Milton Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 3.4516 ac. +/-

Tax Map ID.: 234-4.00-42.00
PIN: 234-4.00-42.00
Owner Name KINACK VINCENT S KATHLEEN

Mailing Address 21167 SHORT RD
City HARBESON
State DE
Description N/RT 292
Description 2 LOT 8
Description 3 N/A
Land Code

July 29, 2019
Memorandum
To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 15, 2019
RE: Staff Analysis for CU 2185 Vincent Kinack

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2185 Vincent Kinack to be reviewed during the August 22, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 234-4.00-42.00 to allow for multi-family (2 units) to be located at 21167 Short Road in Harbeson. The size of the property is 3.4516 ac. +/-.

The 2018/2019 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. Also included as part of the Comprehensive Plan is the Future Land Use Map to help determine how land should be zoned and to ensure responsible future development. The Future Land Use Map indicates that the subject parcel is located in a Low-Density Area.

All surrounding land uses to the north, south, east and west are designated Low Density Areas. The Low-Density Area land use designation recognizes that the primary uses are agricultural and residential uses. Business uses should address the needs of the agricultural and residential uses. Commercial uses should be limited in their size and scope.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south east and west are zoned AR-1 (Agricultural Residential District). There is a small portion of land to the east zoned GR (General Residential District). There are two Conditional Uses near the project location: CU 2173 for a catering business to the east and CU 1980 for a used car sales facility to the north.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for multi-family (2 units) may not be considered consistent with the land use, area zoning and uses.
Service Level Evaluation Request Form

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

Date: 4/11/19

Site Information:

Site Address/Location: 2167 Short Rd Harbeson 19951

Tax Parcel Number: 034-4.00-42.00
Current Zoning: AR-1
Proposed Zoning: AR-1
Land Use Classification: Single Dwelling - Home

Proposed Use(s):
2 multi-family units

Square footage of any proposed buildings or number of units: 3500 sq ft

Applicant Information:

Applicant’s Name: Vincent Kinack (KINACK)
Applicant’s Address: 2167 Short Rd
City: Harbeson State: DE Zip Code: 19951

Applicant’s Phone Number: 302 359-2626
Applicant’s e-mail address: NA

Made Contact 3.31.19

3.31.19
May 6, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the Vincent Kinack conditional use application, which we received on April 11, 2019. This application is for a 3.45-acre parcel (Tax Parcel: 234-4.00-42.00). The subject land is located on the northeast corner of the intersection of Short Road (Sussex Road 296A) and Anderson Corner Road (Sussex Road 292). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to develop two multi-family houses.

Per the 2017 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Short Road where the subject land is located, which is from Johnson Road (Sussex Road 47) to Rust Road (Sussex Road 292A), is 181 vehicles per day. As the subject land also has frontage along Anderson Corner Road, the average annual daily traffic volume along that road segment, which is from Johnson Road to Delaware Route 5, is 1,062 vehicles per day.

Based on our review, we estimate that the proposed land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT’s minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development’s traffic impact to be negligible and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT’s description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.
Ms. Janelle M. Cornwell  
Page 2 of 2  
May 6, 2019

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

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Vincent Kinack, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance and Operations  
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andresavage, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination
TO: Janelle Cornwell

REVIEWER: Chris Calio

DATE: 7/31/2019

APPLICATION: CU 2185 Vincent Kinack

APPLICANT: Vincent Kinack

FILE NO: NCPA-5.03

TAX MAP & PARCEL(S): 234-4.00-42.00

LOCATION: 21167 Short Road, Harbeson. Northeast corner of Short Road and Anderson Corner Road

NO. OF UNITS: Multi-family (2 units)

GROSS ACREAGE: 3.4516

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 Click or tap to enter a fee 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? **No**

(8). Comments: The proposed CU is not in an area where the Sussex County Engineering Department has a plan/schedule to provide sanitary sewer service.

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:

[Signature]

John J. Ashman
Director of Utility Planning

Xc: Hans M. Meclarz, P.E.
Jayne Dickerson
No Permit Tech Assigned
PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date August 22, 2019

Application: CU 2187 Daniel Ostinvil

Applicant/Owner: Daniel Ostinvil
528 Cooper St.
Laurel, DE 19956

Site Location: 31016 N Poplar St., Laurel. Southwest corner of North Poplar St. and Old Sailor Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Motor Vehicle Sales

Comprehensive Land
Use Plan Reference: Developing Area

Councilmatic
District: Mr. Vincent

School District: Laurel School District

Fire District: Laurel Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 0.1657 ac. +/-

Tax Map ID.: 232-12.18-51.00
PIN: 232-12.18-51.00
Owner Name: OSTDVIL DANIEL

Book: 4971
Mailing Address: 528 COOPER ST
City: LAUREL
State: DE
Description: W/POPLAR ST
Description 2: LOT 4
Description 3: N/A
Land Code: N/A
PIN: 232-12.18-51.00
Owner Name: OSTINVIL DANIEL

Book: 4971
Mailing Address: 528 COOPER ST
City: LAUREL
State: DE
Description: W/POPLAR ST
Description 2: LOT 4
Description 3: N/A

Land Code: N/A
Memorandum

To: Sussex County Planning Commission Members
From: Christin Headley, Planning Technician
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 15, 2019
RE: Staff Analysis for CU 2187 Daniel Ostinvil

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2187 Daniel Ostinvil to be reviewed during the August 22, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 232-12.18-51.00 to allow for car sales to be located at 31016 N. Poplar St. The size of the property is 0.1657 ac. +/-.

The 2018/2019 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map indicates that the property had the land use designation Developing Area.

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

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned C-1 (General Commercial District) and AR-1 (Agricultural Residential District). The properties to the east are within the town limits of Laurel. The properties to the south and west are zoned AR-1 (Agricultural Residential District). There are no known Conditional Use in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for car sales could be considered consistent with the land use, area zoning and uses.
Service Level Evaluation Request Form

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

Date: 04/03/19

Site Information:

Site Address/Location: 31016 N Poole St, Laurel, DE 19956

Tax Parcel Number: 232-12-18-57-00
Current Zoning: AR1
Proposed Zoning: CU
Land Use Classification: ______________________

Proposed Use(s):

Can Sale

Square footage of any proposed buildings or number of units: N/A

Applicant Information:

Applicant's Name: Daniel Ostine

Applicant's Address: 528 Cooper St
City: Laurel State: DE Zip Code: 19956

Applicant's Phone Number: 302-670-5498
Applicant's e-mail address: daniel@com
May 2, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the Daniel Ostinvi conditional use application, which we received on April 3, 2019. This application is for a 0.18-acre of parcel (Tax Parcel: 232-12.18-51.00). The subject land is located on the northwest corner of the intersection of East Poplar Street (Sussex Road 28A) and Old Sailor Road (Sussex Road 78A). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to operate a car sales business.

Per the 2017 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of East Poplar Street where the subject land is located, which is from Laurel limits to Seaford Road (Sussex Road 17), is 3,178 vehicles per day. As the subject land also has frontage along Old Sailor Road, the annual average daily traffic volume along that road segment is 157 vehicles per day.

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

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.
Ms. Janelle M. Cornwell
Page 2 of 2
May 2, 2019

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:ejm
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
    Daniel Ostinvil, Applicant
    J. Marc Coté, Assistant Director, Development Coordination
    Genez Norwood, South District Public Works Manager, Maintenance and Operations
    Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
    Derek Sapp, Subdivision Manager, Development Coordination
    Kevin Hickman, Subdivision Manager, Development Coordination
    Brian Yates, Subdivision Manager, Development Coordination
    John Andrescovage, Subdivision Manager, Development Coordination
    Troy Brestel, Project Engineer, Development Coordination
    Claudy Joinville, Project Engineer, Development Coordination
TO: Janelle Cornwell

REVIEWER: Chris Calio

DATE: 7/31/2019

APPLICATION: CU 2187 Daniel Ostinvil

APPLICANT: Daniel Ostinvil

FILE NO: SPS-5.04

TAX MAP & PARCEL(S): 232-12.18-51.00

LOCATION: 31016 N. Poplar Street, Laurel. Southwest corner of North Poplar Street and Old Sailor Road

NO. OF UNITS: Motor Vehicle Sales

GROSS ACREAGE: 0.1657

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? Municipal Growth & annexation Area

(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 Click or tap to enter a fee per EDU. Please contact N/A at 302-855-7719 for additional information on charges.
(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed CU is not in an area where the Sussex County Engineering Department has a plan/schedule to provide sanitary sewer service. The proposed CU is in the Growth & Annexation of the Town of Laurel.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:

[Signature]

John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
No Permit Tech Assigned
Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, Planning and Zoning Manager; Lauren DeVore, Planner III; Samantha Bulkilvish, Planner I and Jenny Norwood, Planner I
CC: Vince Robertson, Assistant County Attorney
Date: August 15, 2019
RE: Other Business for August 22, 2019 Planning Commission Meeting

This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the August 22, 2019 Planning Commission meeting.

**2018-11 Hawthorne Subdivision Phase 6**

Final Subdivision Plan

This is a Final Subdivision Plan for a major cluster subdivision and other site improvements on a 28.05-acre parcel of land and accessed from Lewes-Georgetown Highway (Route 9). This is Phase 6, for an additional 41 single-family lots to the existing and approved 213 lots (2005-73). The Final Subdivision Plan also includes changes to Open Space Parcels “I” and “J” and revisions to the open space provided as part of Open Space “C.” The Preliminary Subdivision Plan for Hawthorne Phase 6 was approved at the September 13, 2018 meeting of the Planning and Zoning Commission. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code, and the conditions of approval. Tax Parcel: Portion of 135-11.00-66.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

**S-19-32 Ray Richardson**

Preliminary Site Plan

This is a Preliminary Site Plan for the construction of a 480-sf building for a catering business and other site improvements located off 21170 Doddtown Rd., Harbeson. Conditional Use CU 2173 was approved on by County Council on June 25, 2019. The Preliminary Site Plan complies with the Sussex County Zoning Code and the Conditions of Approval. Tax Parcel: 234-9.00-6.02. Zoning: AR-1 (Agricultural Residential Zoning District). Staff is in receipt of all agency approvals, and the Preliminary Site Plan is therefore eligible for consideration for Preliminary and Final approval.

**Milo's Haven (F.K.A. “Lakelynns”) RPC (C/Z 1881)**

Preliminary Site Plan

This is a Preliminary Site Plan for the creation of 179 dwelling units located on the northeast side of the intersection of Peppers Corner Road (SCR. 365) and Lizzard Hill Road (SCR 367A) in Frankford, Delaware. Change of Zone #1881 to rezone a parcel of land from General Residential (GR) to allow for a General Residential, Residential Planned Community (GR-RPC) was approved by the Planning and Zoning Commission at their meeting of May 9, 2019 and by County Council at their meeting on June 4, 2019 under Ordinance #2657. The Preliminary Site Plan complies with the Sussex County Zoning and Subdivision Code and Conditions of Approval for the RPC. Tax Parcels: 134-19.00-13.03 & 134-18.00-38.00. Zoning: GR-RPC (General Residential- Residential Planned Community). Staff are awaiting agency approvals.
S-18-50 Hyatt Hotel (F.K.A. Lewes Hotel, LLC)  
Revised Site Plan  
This is a Revised Site Plan, showing revisions to a previously approved 96-bedroom room hotel with 106 parking spaces. The Planning and Zoning Commission has approved a revised parking requirement for the hotel at its meeting of June 28, 2018, reducing the number of required spaces from 154 total spaces to 106 spaces for 96 bedrooms. The Sussex County Code requirement for a hotel currently requires “1.5 spaces per each room as well as one spot per every three employees.” The revised Site Plan shows an increase of 9 additional hotel rooms for a total of 105 hotel rooms. A total of 117 parking spaces (an increase of 11 spaces) is shown on the Revised Site Plan. Tax Parcels: 334-6.00-26.03, 26.04 & 26.05. Zoning: C-1 (General Commercial Zoning District). Staff are awaiting agency approvals for the revised plan.

2018-31 Stagg Run Subdivision  
Request for Clarification of Condition “Q” of Conditions of Approval  
This is a request for clarification in relation to Condition “Q” which states, “The area between Antler Way and Savannah Road shall be improved so that it can be used for emergency access to and from the development. This emergency access shall be shown on the Final Site Plan and it shall be noted on the site itself.” The applicant is requesting that the specific requirements of this condition be clarified to assist with discussions with the County Engineering Department in relation to what improvements are required to facilitate the emergency access. In support of the Applicant’s request, a letter has been submitted, providing detail as to the nature of the Applicant’s discussions with the County Engineering Department and the Office of the State Fire Marshall. Tax Parcel: 135-10.00-5.00. Zoning: AR-1 (Agricultural Residential Zoning District).
July 24, 2019

Sussex County
Planning & Zoning Commission
2 The Circle | PO Box 417
Georgetown, Delaware 19947

RE: SUBDIVISION 2018-31 | STAGG RUN
CONDITION Q CLARIFICATION
PROPOSED 26-LOT SINGLE-FAMILY DETACHED LOT SUBDIVISION
TAX MAP 135-10.00-5.00
GEORGETOWN HUNDRED | SUSSEX COUNTY | DELAWARE

Dear Commissioners:

On behalf of J&J Rocketship, LLC, LLC, Pennoni is requesting that the Commission provide clarification to Condition Q:

“The area between Antler Way and Savanah Road shall be improved so that it can be used for emergency access to and from the development. This emergency access shall be shown on the Final Site Plan and it shall be noted on the site itself.”

The applicant respectfully requests that this condition be clarified due to the Sussex County Engineering Department requiring an actual access road to be built with a connection to Savannah Road. At the public hearing on March 14, 2019, it was stated that clear access was to be established between the stub of Antlered Way and Savannah Road and to not require the forested buffer to be planted at this location per Condition F. It was discussed that a constructed access to Savannah Road was not expected due to DelDOT’s reluctance to have access to their public road from this part of the subdivision. Based on the record of the Public Hearing it was agreed that no plantings or obstructions would be required within this portion of the subdivision in order to provide for access by emergency vehicles to Antlered Way in case the entrance to the subdivision was blocked. We assumed that the emergency access would be over the existing conditions and be improved to provide the best grade towards the existing DelDOT ROW but to not alter the DelDOT ROW.

This additional construction practice on this subdivision located in an “Opportunity Zone” provides a further burden on this project to bring market lot prices at a more moderate price in this part of Sussex Country. We agree with the Commission that this area should remain open and will be delineated as such on the Final Subdivision Plat, to have a future emergency access to the site.

We also reached out to the State Fire Marshal about their requirements for an emergency access and have attached an email describing their requirements which include no improvements.

For these reasons, we ask that the Planning & Zoning Commission look favorably in clarifying our assumption that no actual access road is required to be built.

Respectfully Submitted,

PENNONI

Mark H. Davidson, Vice President
Principal Land Planner
Alan M. Decktor

From: Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>
Sent: Thursday, July 18, 2019 9:06 AM
To: Mark H. Davidson
Cc: Alan M. Decktor
Subject: RE: Alternative Emergency Access to a site

You are referencing a forestry lane that was used as a secondary fire lane access. When the fire lane and fire department access was updated (changed) the forestry lane was removed. It was eliminated because it really didn’t work. Shrubs marking the lane were not maintained, snow was never removed and no fire departments were using them because they didn’t know exactly where they were.

Since a second entrance is not required by the DE State Fire Prevention Regulations I would think you could design anything that will get site plan approval by the County.

Duane

From: Mark H. Davidson [mailto:MDavidson@Pennoni.com]
Sent: Thursday, July 18, 2019 8:58 AM
To: Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>
Cc: Alan M. Decktor <ADEcktor@Pennoni.com>
Subject: Alternative Emergency Access to a site

Good Morning Duane – we are continuing to see conditions placed on projects by the Planning Commission that they would like to have a second emergency access to the property other than the DelDOT entrance required for the project. I recall at one time the Fire Prevention Regulations (705) had a detail/cross-section for using a path that would allow emergency services to access the area in which the emergency is occurring if a paved road was not provided. I can not find this detail. Does it still exist? Is there a minimum cross-section that can be used for a path that can also be used for emergency service? Any help on this would be greatly appreciated.

Thank you

Mark
Lewes Hotel, LLC  
405 East March Lane, Suite One  
Newport, Delaware, 19804

July 10, 2019

Sussex County Planning and Zoning Commission  
Janelle Cornwell, ACIP, Director  
1 The Circle  
Georgetown, Delaware 19947

Dear Ms. Cornell:

Previously, on behalf of Lewes Hotel, LLC, we submitted to you a request for site plan approval for a 96 room hotel with 106 parking spaces (S-18-50). Your office approved this site plan on June 28, 2018.

As noted in the staff review, the code requires 154 spaces. Chapter 115, Section 162 of the Sussex County Code states that the requirements for parking for a hotel are 1.5 spaces per each room as well as one spot per every three employees.

The code also contains a provision for the Planning and Zoning Commission to modify parking requirements:

Chapter 115, Section 164
Where, in the judgment of the Planning and Zoning Commission, the parking requirements listed in §115-162 are clearly excessive and unreasonable, the Commission may modify the requirements.

The Applicant would like to respectfully request that the Planning and Zoning Commission approve an amendment to the approved site plan to accommodate an increase of 9 additional hotel rooms for a total of 105 hotel rooms. In keeping with the same parking rationale as was previously approved on June 28, 2019, a total of 115 parking would be required for a 105 room hotel room. We are hereby providing 117 parking spaces, a ratio in excess of what was previously approved.

Thereby, we are requesting that you approve attached amended site plan.

Thank you for your consideration,

Truly,

Michael Kinnard
Secretary
June 15, 2018

Sussex County Planning and Zoning Commission
Janelle Cornwell, ACIP, Director
1 The Circle
Georgetown, Delaware 19947

Dear Ms. Cornwell:

As noted in the staff review of our application, Lewes Hotel LLC ("Applicant") is requesting preliminary approval for a hotel site plan with 106 total parking spaces.

As noted in the staff review, the code requires 154 spaces. Chapter 115, Section 162 of the Sussex County Code states that the requirements for parking for a hotel are 1.5 spaces per each room as well as one spot per every three employees.

The code also contains a provision for the Planning and Zoning Commission to modify parking requirements.

Chapter 115, Section 164
Where, in the judgment of the Planning and Zoning Commission, the parking requirements listed in §115-162 are clearly excessive and unreasonable, the Commission may modify the requirements.

The Applicant would like to respectfully request that the Planning and Zoning Commission find that the parking requirements for a hotel meet the standard of "excessive and unreasonable" and modify the requirements so that the site plan presented tonight would be approved as submitted.

The Applicant uses the following arguments as a basis for the parking requirement modifications:

**Local Jurisdictions:**

Sussex County’s parking requirements for hotels requires far more spaces than many surrounding jurisdictions. Many of these local jurisdictions have significant hotel properties with market characteristics similar to that of the application submitted.

**City of Lewes:**
The applicant’s site plan is located very close to the limits of the City of Lewes. The City of Lewes requires one space per room and one space for every three employees. See Attached Exhibit A.

**City of Rehoboth Beach:**
Rehoboth Beach is another community that has a large number of hotels within its jurisdiction. The City of Rehoboth requires one space per room for all hotels (and two additional spaces if the operator of the hotel maintains an apartment residence on-site). See attached Exhibit B.
**Ocean City, Maryland:**
Ocean City contains the largest concentration of hotels in the region, and the density of development in Ocean City far exceeds that of Sussex County. Ocean City. See attached Exhibit C.

**City of Milford:**
Milford, Delaware, where a hotel is a conditional use in certain zoning districts, requires one space per guest room and one space for every three employees. See attached Exhibit D.

**Kent County, Delaware:**
Kent County requires one space per room (with a minimum of five spaces), as well as two loading spaces. See Attached Exhibit E.

**Town of Millsboro, Delaware:**
The Town of Millsboro requires one space per guest room. See Attached Exhibit F.

**Bethany Beach, Delaware:**
Bethany Beach requires one space per guest room. See attached Exhibit G.

**Site Specific Parking:**

**Extended Stay/Limited Service Hotel:**
This is an extended stay hotel. There are currently no extended stay hotels in the Lewes/Rehoboth market. Bethany Beach does have a nationally flagged, extended stay property in operation in its municipal limits. Bethany Beach’s code requires a minimum of one space per room with no requirement for employee parking (ibid).

The Applicant intends to build a Hyatt House on the site, which will experience a high volume of group business, both leisure (i.e. outlets and resort areas) and corporate (ie Beebe, Bayhealth, sports tournaments).

Dallas, Texas is one of many municipalities that has special parking requirements for extended stay hotels. Under Dallas’ code, an extended stay hotel is allowed less than one parking space per room (for hotels of a certain size). This requirement is lower than one is required for other types of limited-service hotels. See attached Exhibit G.

This hotel has no public food service, so there is no additional parking requirements for dining facilities.

**Changing Transportation Requirements:**
The arrival and departure habits of today’s modern hotel guests have created a land use dilemma in many jurisdictions across America. Land Use’s requirements have not kept up with select service hotel trends and that of their guests.

Specifically, parking is one of those regulated areas within land use that requires an updated review of how those standards are being applied to today’s new hotels.

Twenty years ago, hotel guests almost exclusively arrived by car. Hotel shuttles were typical with full service hotels only. There was no Uber. Multimodal transportation was not nearly what it has become today.
Today, we see the following transportation trends on the part of select service hotel guests:
- 20% of guests arrive by taxi, Uber, public transportation or Shuttle.
- 30% of guests arrive in groups by bus / van.
- Many hotels maintain a professional shuttle on site as a "brand requirement".
- More and more hotels are requiring that hotel staff carpool and/or park offsite.
- The subject hotel is located almost directly across the street from the new DELDOT regional transit bus hub.

New select service hotels have no public restaurants and they maintain limited banquet space, which reduces the need for parking as full service hotels required in the past.

Bus service from Philadelphia, Baltimore, Washington DC and Wilmington, Delaware is available to the Lewes/Rehoboth Beach area.

**Occupancy Business Plan:**

The business plan, as conceptualized by the Applicant, anticipates an overall average occupancy rate of less than 75%. This is typical for hotels in the area. Based upon this average rate of occupancy, the proposed parking is more than adequate to meet the needs of the guests of the hotel and the employees.

**Environmental Argument:**

The site can clearly accommodate additional parking. The Five Points Plaza complex is currently served by the existing stormwater facility that is being incorporated into our site plan. We are not currently proposing any substantial modifications to this facility. Increased and unnecessary parking on the site will simply create additional runoff from the parking lot. This is not a situation where the site cannot move forward if the parking waiver is not granted, but this is a situation where best practices can allow for a lower environmental impact on the area.

Increasing the impervious area on this project will not enhance the use but only require additional stormwater runoff.

For the reasons stated above, the Applicant respectfully requests that the Commission exercise its authority under Chapter 115 Section 164 of the Sussex County code and grant relief from the excessive and unreasonable parking requirements by approving the preliminary site plan with the parking as submitted.

Respectfully,

Scott Dailey
Member, Lewes Hotel, LLC
Exhibit A

City of Lewes

Minimum required spaces.

**Use**

- Single and multifamily dwellings, apartments and garden apartments
- Rooming houses, boardinghouses or tourist houses
- Hotels, motels and lodging inns

**Required Number of Off-Street Parking Spaces**

- 2 per dwelling unit
- 1 per rental room, plus 1 for the resident owner or manager
- 1 per rental room or suite, plus 1 per 3 employees. If a restaurant, open to the public, is operated in connection with such use, additional off-street parking space meeting the minimum requirements for a restaurant must be provided.
Exhibit B

City of Rehoboth Beach

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) All residential units including accessory structures used as</td>
<td>2 per dwelling or dwelling unit</td>
</tr>
<tr>
<td>dwellings or dwelling units</td>
<td></td>
</tr>
<tr>
<td>(2) Tourist, rooming house or boardinghouse</td>
<td>1 for each rental room, plus 2 for the resident family</td>
</tr>
<tr>
<td>(3) Hotel, motel or inn</td>
<td>1 for each rental room, plus 2 for the resident family</td>
</tr>
<tr>
<td>(4) Office, office building or bank, and public buildings, private</td>
<td>1 for each 400 square feet of gross floor area, exclusive of</td>
</tr>
<tr>
<td>clubs and institutions</td>
<td>basement if not used for office purposes</td>
</tr>
<tr>
<td>(5) Medical, dental and legal offices:</td>
<td>No spaces required</td>
</tr>
<tr>
<td>Less than 10,000 square feet in size</td>
<td>Same as (4) above</td>
</tr>
<tr>
<td>Over 10,000 square feet in size</td>
<td></td>
</tr>
<tr>
<td>(6) Each food establishment, restaurant or catering, with or</td>
<td>No spaces required</td>
</tr>
<tr>
<td>without entertainment:</td>
<td></td>
</tr>
<tr>
<td>Less than 10,000 square feet of gross floor area</td>
<td>1 for each 400 square feet of gross floor area</td>
</tr>
<tr>
<td>10,000 or more square feet of gross floor area</td>
<td></td>
</tr>
<tr>
<td>(7) Each retail store or service shop over 15,000 square feet of</td>
<td>1 for each 200 square feet of floor area devoted to sales or</td>
</tr>
<tr>
<td>gross floor area</td>
<td>service</td>
</tr>
<tr>
<td>(8) All other commercial uses</td>
<td>Same as (7) above</td>
</tr>
<tr>
<td>(9) Retail stores, service shops, cafes or restaurants fronting</td>
<td>No spaces required</td>
</tr>
<tr>
<td>only on the Boardwalk</td>
<td></td>
</tr>
<tr>
<td>(10) Elementary school</td>
<td>2 for every teacher, administrator and employee</td>
</tr>
<tr>
<td>(11) Secondary school</td>
<td>1 for every 10 students, plus 1 for every teacher, administrator</td>
</tr>
<tr>
<td>(12) Higher education centers</td>
<td>1 for every 2 students, plus 1 for every teacher, administrator</td>
</tr>
<tr>
<td>(13) Education-related services</td>
<td>1 for every 2 students, plus 1 for every teacher, administrator</td>
</tr>
</tbody>
</table>
Exhibit C

Code of Ocean City, Maryland:

Sec. 110-932. - Minimum number of spaces.

(a) In every district, space for off-street parking of vehicles on the premises shall be provided in accordance with the requirements of this division except as otherwise modified.

(b) The spaces required per basic measuring unit for each use or use category shall be as indicated below, with such additional requirements as may be noted:

1. Single-family detached dwellings, mobile homes and two-family duplex dwellings: Two spaces per each unit: with three bedrooms or less, plus one space for each additional bedroom over three in the unit.

2. Multiple family dwelling and townhouse: One per each efficiency unit, one and one-half per each one-bedroom unit, two per each two-bedroom unit, two and one-half per each three-bedroom unit, plus one-half space per each additional bedroom over three bedrooms.

3. Hotel and motel efficiency unit: One space per hotel guest room.

4. Hotel and motel guest suite: One and one-half spaces for the first 50 units, thereafter one space per unit.

5. Roominghouse, boardinghouse or lodginghouse: One space per guest room.

6. Church, synagogue or temple: One space per five seats or bench seating capacity (for seats in the main auditorium only).

7. College or high school: One space per five seats in the main auditorium or eight spaces per classroom, whichever is greater.

8. Elementary, junior high or nursery school: One space per ten seats in the main assembly room or one space per classroom, whichever is greater.

9. Public library, museum, art gallery or community center: One space per 300 square feet of gross floor area; minimum of 5 spaces.

10. Day care facility: One space per five persons rated capacity.

11. Radio or television broadcasting station: One space per 400 square feet gross floor area. An auditorium for a broadcasting station shall require one space per five persons rated capacity.

12. Exposition centers or fairgrounds: One space per five persons estimated attendance.


14. Automobile filling station: One space per two employees on the maximum working shift.

15. Automobile service stations: Three spaces per bay.

16. Private club: One per five persons rated capacity.

17. Sanitarium, convalescent home, home for the aged or similar institution: One space per five patient beds.

18. Hospital: One space per two patient beds.
(19) Business and professional offices, banks: One space per 300 square feet of gross floor area, five spaces minimum.

(20) Restaurants, fast food restaurant, cocktail lounge, tavern or nightclub or other establishments for the consumption of food or beverages on or off the premises: One space per 100 square feet of enclosed gross floor area, minimum of five spaces; with the following modifications:
   a. The area of outdoor dining (unenclosed) is exempt from parking requirements up to an area equal to the enclosed gross floor area and thereafter is required one space per 200 square feet of unenclosed outdoor dining area in excess of the enclosed gross floor area.
   b. The exemption applies only if a rooted over area remains at least 51 percent open on all sides with no enclosure of any kind. A railing system no higher than 42 inches with open pickets shall not be considered an enclosure.
   c. Establishments with nonconforming parking status may only exempt parking for outdoor dining areas equal to the number of parking spaces provided on-site at the rate of one space per 100 square feet of outdoor dining areas.

(21) Retail store, convenience food store, or personal service establishment; 5,000 square feet or less of gross floor area: One space per 200 square feet of floor area, five spaces minimum.

(22) Shopping centers, shopping plazas, retail stores, personal service establishments and convenience food stores greater than 5,000 square feet of gross floor area:
   a. One space per 225 square feet gross floor area, except for movie theaters, which shall comply with the parking requirements as set forth in subsection (24), hereof.
   b. When restaurants, fast food establishments, cocktail lounges, taverns, nightclubs, or other establishments for the consumption of food or beverage on or off the premises are located in a shopping center:
      1. If these establishments, individually or in total, comprise 25 percent or less of the gross floor area of the shopping center, the parking requirement shall be that for shopping centers;
      2. If these eating and drinking establishments, individually or in total, comprise more than 25 percent of the gross floor area of the shopping center, parking shall be provided for the floor area in excess of the 25 percent as set forth in subsection (20) hereof. The parking calculation shall be computed for the retail and eating and drinking establishments separately and then combined.

(23) Furniture or appliance store; machinery, equipment and automobile and boat sales and service: One space per 300 square feet of floor area, five spaces minimum.

(24) Auditorium, theater, gymnasium, stadium, arena, convention center, ballroom, etc.: One space per five persons rated capacity.

(25) Bowling alley: Six spaces per lane.

(26) Food storage locker: One space per 200 square feet of floor area.

(27) Game room, dancehall, skating rink, swimming pool, auditorium or exhibition center (without fixed seats): One space per five persons rated capacity (does not apply to accessory uses).

(28) Indoor and outdoor amusement place and amusement park: One space per five persons rated capacity.
(29) Miniature golf course: One space per hole.

(30) Water related recreational activities:
   a. Parasail: Three spaces per boat.
   b. Jet ski: One space per two jet ski devices.
   c. Sailboat and sailboard: One space per two boats or devices.
   d. Paddleboats: One space per two boats or devices.

(31) General service or repair establishment; printing, publishing, plumbing or heating business: One space per 400 square feet gross floor area.

(32) Manufacturing or wholesale establishment, warehouse or similar establishment: One space per 400 square feet gross floor area.

(33) Marinas: One space per each slip or mooring, plus ten spaces for each boat ramp, with each space required by virtue of the boat ramp being ten feet in width by 50 feet in depth.

(34) Employee housing: Two spaces per three sleeping rooms or suites, or one space per five persons rated capacity, whichever is greater.

Exhibit D

City Of Milford, Delaware Code

§ 230-20. - General provisions.

A. Establishment of off-street parking area. The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Official and further subject to the following requirements. It shall:

(1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.

(2) Be attractively landscaped and screened from neighboring residential lots.

(3) Not extend into any required front yard areas, except for the driveways.

(4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.

B. Parking space size. Parking space sizes shall be in accordance with § 230-21.

C. Parking spaces in driveways. Driveways shall be considered as constituting off-street parking space for one-family detached, semidetached or townhouse dwellings in residential districts, provided that sufficient space is available in such driveways to meet the requirements of this section.

D. Location of parking spaces. All parking spaces shall be set back 15 feet from any street line. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.

E. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.

F. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking areas for downtown shoppers. The location of the municipal parking lots are:

(1) North Walnut Street and Northeast Front Street.

(2) Park Avenue and Northeast Front Street and Denney Row.

(3) Park Avenue and North Washington Street.

(4) Southeast Front Street between South Walnut Street and Church Street.

(5) Southeast Front Street and South Washington Street.

G. Parking lot and garage maintenance. Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.

H. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.

I. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if
It does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.

J. Points of ingress and egress. When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress. Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than 25 feet and not more than 32 feet in width. No two accessways on the same lot shall be placed within 75 feet of each other.

Use standards. All uses permitted in this chapter shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

<table>
<thead>
<tr>
<th>Types and Uses</th>
<th>Required Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail stores and shops, all types, supermarkets, retail food stores and undertakers</td>
<td>1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees</td>
</tr>
<tr>
<td>New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions</td>
<td>4 per salesperson, plus 1 per 2 employees during the period of greatest employment</td>
</tr>
<tr>
<td>Personal service establishments, laundromats and dry cleaning</td>
<td>1 per 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Banks and other financial institutions</td>
<td>1 per 200 square feet of gross floor area, plus 1 for each employee</td>
</tr>
<tr>
<td>Business, governmental and professional offices</td>
<td>1 per 100 square feet of gross floor area</td>
</tr>
<tr>
<td>Medical and dental offices or clinics [Amended 7-14-1997]</td>
<td>From 1 per 100 square feet gross floor space for medical and dental offices or clinics to 1 per 150 square feet of gross floor area for medical and dental offices or clinics</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment</td>
</tr>
<tr>
<td>Sanatorium or nursing home</td>
<td>1 for every 4 beds</td>
</tr>
<tr>
<td>Churches and other places of worship</td>
<td>1 per 5 seats</td>
</tr>
<tr>
<td>Indoor and commercial outdoor recreation</td>
<td>1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility</td>
</tr>
<tr>
<td>Restaurants, taverns and similar uses</td>
<td>1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment</td>
</tr>
<tr>
<td>Dwelling, one-family detached, semidetached or mobile home</td>
<td>2 1/2 per dwelling unit</td>
</tr>
<tr>
<td>Activity</td>
<td>Requirement</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Dwelling, townhouse, garden apartment or multifamily dwelling</td>
<td>2 1/2 per dwelling unit</td>
</tr>
<tr>
<td>Rooming and boarding house or converted unit</td>
<td>1 per rented unit</td>
</tr>
<tr>
<td>Museum, art gallery and similar use</td>
<td>1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area</td>
</tr>
<tr>
<td></td>
<td>for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of</td>
</tr>
<tr>
<td></td>
<td>greatest employment</td>
</tr>
<tr>
<td>Public library</td>
<td>1 per 400 square feet of gross floor area for public use, plus 1 per 2 employees on the</td>
</tr>
<tr>
<td></td>
<td>shift of greatest employment</td>
</tr>
<tr>
<td>Fire station</td>
<td>25</td>
</tr>
<tr>
<td>Auditorium, stadium, assembly hall, gymnasion, theater (excluding</td>
<td>1 per 4 fixed seats in the largest assembly room area or each 40 square feet of floor</td>
</tr>
<tr>
<td>drive-in) and community or recreation center</td>
<td>area available for the accommodation of movable seats in the largest assembly room, or 1</td>
</tr>
<tr>
<td></td>
<td>per 150 square feet of gross floor area, whichever is applicable to the facility</td>
</tr>
<tr>
<td>Social club and fraternal, social service, union and civic organization</td>
<td>1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses</td>
</tr>
<tr>
<td>building</td>
<td></td>
</tr>
<tr>
<td>Public or private school</td>
<td>3 per room used for administrative offices, plus 1 per room used for class instruction,</td>
</tr>
<tr>
<td></td>
<td>plus 1 for each 5 seats in the auditorium and other places of assembly or facility available</td>
</tr>
<tr>
<td></td>
<td>to the public</td>
</tr>
<tr>
<td>Industrial, manufacturing or wholesaling establishment</td>
<td>1 per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of</td>
</tr>
<tr>
<td></td>
<td>floor area devoted to sales</td>
</tr>
<tr>
<td>Hotel and motel</td>
<td>1 for each guest room plus 1 for each 3 employees</td>
</tr>
</tbody>
</table>

§ 205-226 Schedule of parking and loading requirements.
The requirements set forth below are minimums; they may be increased based on site plan review or conditional or special use approval. The parking and loading requirements for uses specifically listed shall be the same as the requirements for the most similar specified use.

<table>
<thead>
<tr>
<th>Use</th>
<th>Loading</th>
<th>Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, single-family</td>
<td>2 spaces per dwelling unit</td>
<td>Same</td>
</tr>
<tr>
<td>Detached, semi-detached</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>Duplex, townhouse, quadplex</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>Mobile home</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multifamily dwelling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>1.5 spaces per dwelling unit</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>One-bedroom</td>
<td>1.75 spaces per dwelling unit</td>
<td>3 spaces per dwelling unit</td>
</tr>
<tr>
<td>Two-bedroom</td>
<td>2 spaces per dwelling unit</td>
<td>3 spaces plus 1/2 space for each additional bedroom over three</td>
</tr>
<tr>
<td>Three-bedroom</td>
<td>3 spaces per dwelling unit</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>Four-bedroom</td>
<td>3 spaces per dwelling unit</td>
<td>3 spaces per building</td>
</tr>
<tr>
<td>Housing for the elderly</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Multifamily structures (in addition to spaces required for each unit) Commercial uses</td>
<td>1</td>
<td>3 spaces per building</td>
</tr>
<tr>
<td>Airport/airfield</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal hospital</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single purpose amusement area</td>
<td>0.5 spaces for each acre of land, minimum 20 spaces and 2 spaces for each planned tie-down</td>
<td></td>
</tr>
<tr>
<td>apparatus (miniature golf, driving range, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement park</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Arena, exposition hall, stadium, racetrack, fairgrounds, etc.</td>
<td>1 space for each 400 square feet of floor area</td>
<td>10 spaces for each ride or activity area</td>
</tr>
<tr>
<td>Automobile salesroom and repair shop</td>
<td>5</td>
<td>1 space for each designated standing area of 10 people</td>
</tr>
<tr>
<td>Automobile service station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beaches</td>
<td></td>
<td>1 space for each 500 feet of floor area, minimum 10 spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 space for each 100 feet of floor area, minimum 10 spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 space for each 200 square feet of beach</td>
</tr>
<tr>
<td>Use</td>
<td>Loading</td>
<td>Parking</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>---------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>1</td>
<td>5 spaces per lane</td>
</tr>
<tr>
<td>Food storage locker</td>
<td>1</td>
<td>1 space per 200 square feet of customer service area, minimum of 5 spaces</td>
</tr>
<tr>
<td>Funeral establishments Heliport and helistop</td>
<td>2</td>
<td>10 spaces per public room, minimum 10 spaces 15 spaces plus 1 space for each tie-down unit</td>
</tr>
<tr>
<td>Hotel and motel</td>
<td>2</td>
<td>1 space for each room or unit; 5 spaces per use</td>
</tr>
</tbody>
</table>
Exhibit F

Town of Millsboro, Delaware

§ 210-38 Motels.

A. Any motel that may be constructed on a lot or parcel of land must contain a minimum of at least 20 units of accommodation, exclusive of a permanent, on site superintendant's living quarters. There shall be no separate single units of accommodation built. The minimum number of units of accommodation in any single building shall be 10.

B. Parking space or one space for each unit of accommodation where the motel is located shall be provided.

C. Separate buildings, or the use of a portion of the main building thereof, shall be permitted for accessory uses to any motel. Such separate buildings or parts of the main building shall be restricted to accessory uses customarily incident to the operation of a motel, such as rest rooms, offices, swimming pools, cabanas, meeting rooms, lounges, etc., and restaurants shall be permitted in such accessory building or portion of the main building thereof. These buildings shall have permanent walls and windows as may be necessary for ventilation. The complete sales transaction and delivery of merchandise shall be conducted inside the walls of the building.

D. All buildings shall conform to a single architectural style.

E. All open areas other than those areas used for parking purposes shall be landscaped and maintained by the owner of the motel.

F. All Town ordinances and departmental regulations concerning the construction of foundations and buildings and the installation of utility lines shall be applicable to the construction of all buildings to be used in connection with the operation of motels.
Exhibit G

Bethany Beach, Delaware

§ 425-87 Requirements.

No new construction or enlargement in dimensions or use of any existing building or structure shall be permitted unless the following off-street parking and loading requirements have been met:

A.

"Off-street parking" shall mean a designated area used solely for parking of motor vehicles, that shall not include the use of public or approved private streets and areas that are required for driveways, vehicle maneuvering, ramps, support columns, walks, or similar purposes.

[Amended 11-15-2013 by Ord. No. 500; 5-23-2014 by Ord. No. 504]

(1)

Residential parking requirements. Every dwelling unit in a residential structure, whether a detached single-family dwelling unit or one of several dwelling units in a multifamily residential or mixed-use structure, in each zoning district shall require a minimum of off-street parking spaces based on the following requirements:

(a)

Two off-street parking spaces for up to three bedrooms.

(b)

Four off-street parking spaces for up to five bedrooms.

(c)

Six off-street parking spaces for up to seven bedrooms.

(d)

Seven off-street parking spaces for up to eight bedrooms.

(e)

Eight off-street parking spaces for nine or more bedrooms.

(2)

One-bedroom apartments: one space per rental unit, plus normal residential requirements.

(3)

Offices, banks, retail and service stores and restaurants, including grills, cafes, lunch counters, diners and all similar establishments, except when located within the C-1 Zone: one parking space for every 250 square feet of gross floor area.

(4)

Home occupations in residential areas: two parking spaces, plus residential requirements.

(5)

Commercial lodging rooms: minimum of one space per standard guest room.

[Amended 12-19-2014 by Ord. No. 508]
All other standard dwelling units (DUS): two spaces per unit.
Exhibit H

City of Dallas, Texas

SEC. 51-4.216.1. LODGING USES.

(1) Extended stay hotel or motel.

(A) Definition: A lodging facility containing six or more guest rooms, in which:

(i) 25 percent or more of the guest rooms have a kitchen that includes a sink, a full-size stove, and a full-size refrigerator (a cooking area limited to a microwave, mini-refrigerator, or cook-top does not constitute a "kitchen" for purposes of this definition); and

(ii) 10 percent or more of the guest rooms contain a sleeping area that is separated from a sitting area by a wall or partition.

(B) Districts permitted: By SUP in MO, GO, CS, LC, HC, industrial, and central area districts.

(C) Required off-street parking: One space for each unit for units 1 to 250; \( \frac{3}{4} \) space for each unit for units 251 to 500; \( \frac{1}{2} \) space for all units over 500; plus one space per 200 square feet of floor area other than guest rooms.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10,000</td>
<td>NONE</td>
</tr>
<tr>
<td>10,000 to 50,000</td>
<td>1</td>
</tr>
<tr>
<td>50,000 to 100,000</td>
<td>2</td>
</tr>
<tr>
<td>Each additional 100,000</td>
<td>Every 100,000 1 additional</td>
</tr>
<tr>
<td>or fraction thereof</td>
<td></td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) Amenities such as maids, laundry, concierge, meeting rooms, exercise rooms, pool, and business services (fax, internet, voice mail, courier, etc.) may only be provided to guests.
CHANGE OF ZONE NO. 1881 CONDITIONS:

A. The maximum number of dwelling units shall not exceed 179, of which 41 shall be single-family lots and 138 shall be townhomes. Townhome numbers 1 through 6 shall be relocated away from Lizard Hill Road.

B. A homeowner's association shall be formed to provide for the perpetual maintenance, repair, and replacement of buffers, stormwater management facilities, streets, amenities and other common areas.

C. All entrances, intersections, interconnections, roadways and multimodal improvements required by DELDOT shall be completed in accordance with DELDOT’s requirements or in accordance with any further modifications required by DELDOT based on its review of the traffic impact study.

D. The RPC shall be served by Sussex County Sewer. The developer shall comply with all requirements and specifications of the County Engineering Department.

E. The RPC shall be served by Central Water for drinking water and fire protection, as required by applicable regulations.

F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable state and county requirements. These facilities shall be operated in a manner that is consistent with best management practices.

G. Interior street design shall meet or exceed Sussex County’s street design requirements. There shall also be street lighting and sidewalks on at least one side of the streets within the RPC.

H. No wetlands shall be included within any individual lots. Any wetland buffers required by Section 115-93(B) shall be shown on the final site plan. Non-tidal wetlands shall be maintained as non-disturbance areas with a minimum 25-foot buffer.

I. All amenities shall be completed and open to use by the residents of the development prior to the issuance of the 75th building permit.

J. A 20-foot wide vegetated buffer shall be established along the perimeter of the site. This may include the existing trees.

K. If requested by the local school district, a school bus stop shall be provided by the entrance to the development, with the location and any related parking to be approved by the school district’s transportation supervisor. The location of the bus stop area shall be shown on the final site plan.

L. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.

M. The final site plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.

N. The final site plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas; in addition, the developer shall preserve as many trees as possible with all preserved tree area shown on the final site plan.

O. The preliminary site plan and final site plan shall be subject to the review and approval of the Planning and Zoning Commission.

P. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill to and from the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.

Q. Deep Pond Lane shall be constructed to the eastern property line of the project to promote interconnectivity with other lands.

R. Deed restrictions and/or covenants and condominium documents shall reference that agricultural activities exists nearby, and the agricultural protection notice shall be included in the restrictions, covenants, and other documents.