

**PLANNING & ZONING COMMISSION**

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**Sussex County**

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302-855-7878 T  
302-854-5079 F  
JANELLE CORNWELL, AICP  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date September 26, 2019

Application: CU 2188 Donovan’s Painting and Drywall, LLC.

Applicant: Donovan’s Painting and Drywall, LLC.  
P.O. Box 255  
Rehoboth Beach, DE 19971

Owner: Jose Sandoval  
P.O. Box 255  
Rehoboth Beach, DE 19971

Site Location: 32454 Lewes Georgetown Hwy. South side of Lewes Georgetown Hwy,  
approximately 187 feet west of Church St.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Contractor’s Office and Storage

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County

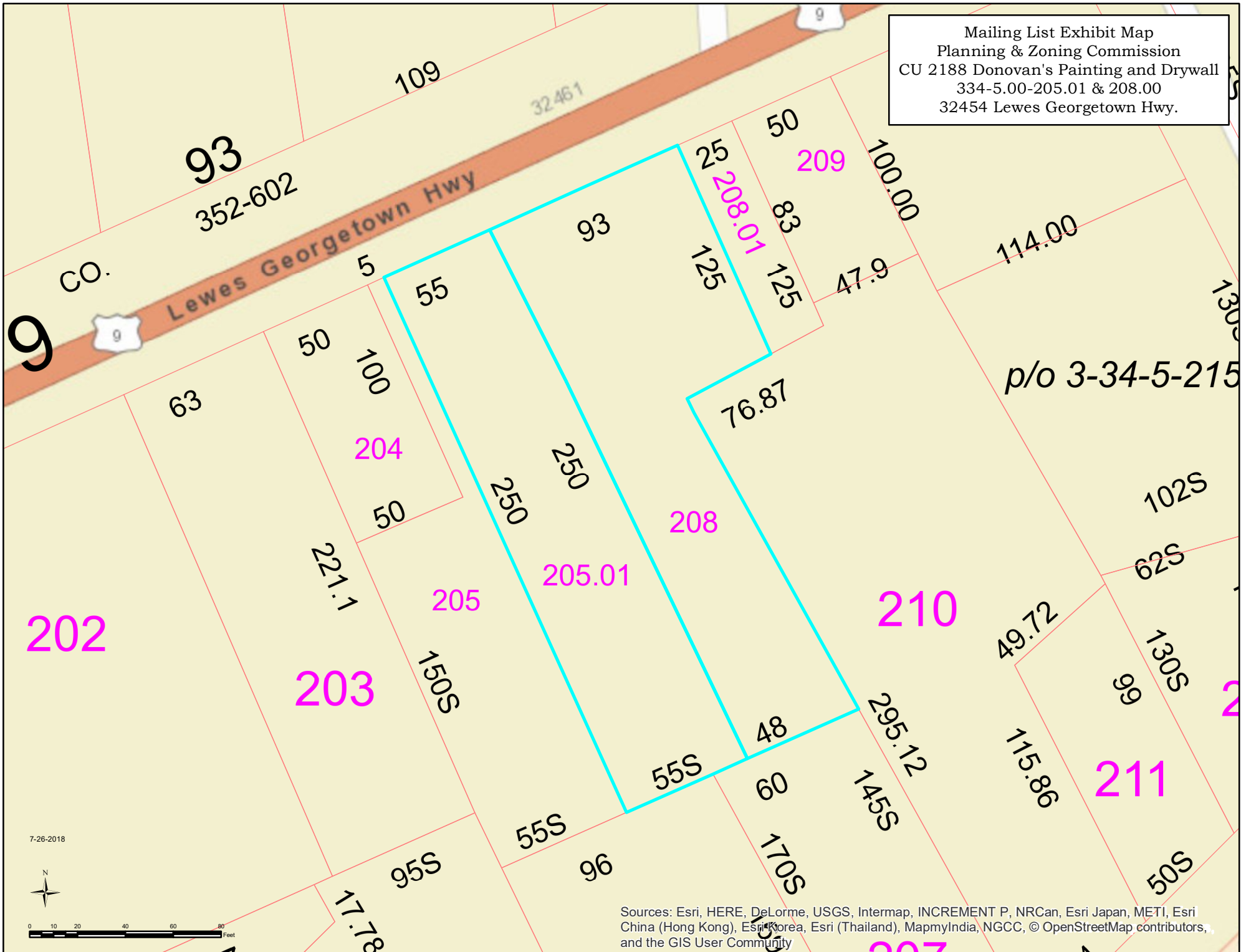
Water: Private, On-Site

Site Area: 0.69 ac. +/-

Tax Map ID.: 334-5.00-205.01 & 208.00

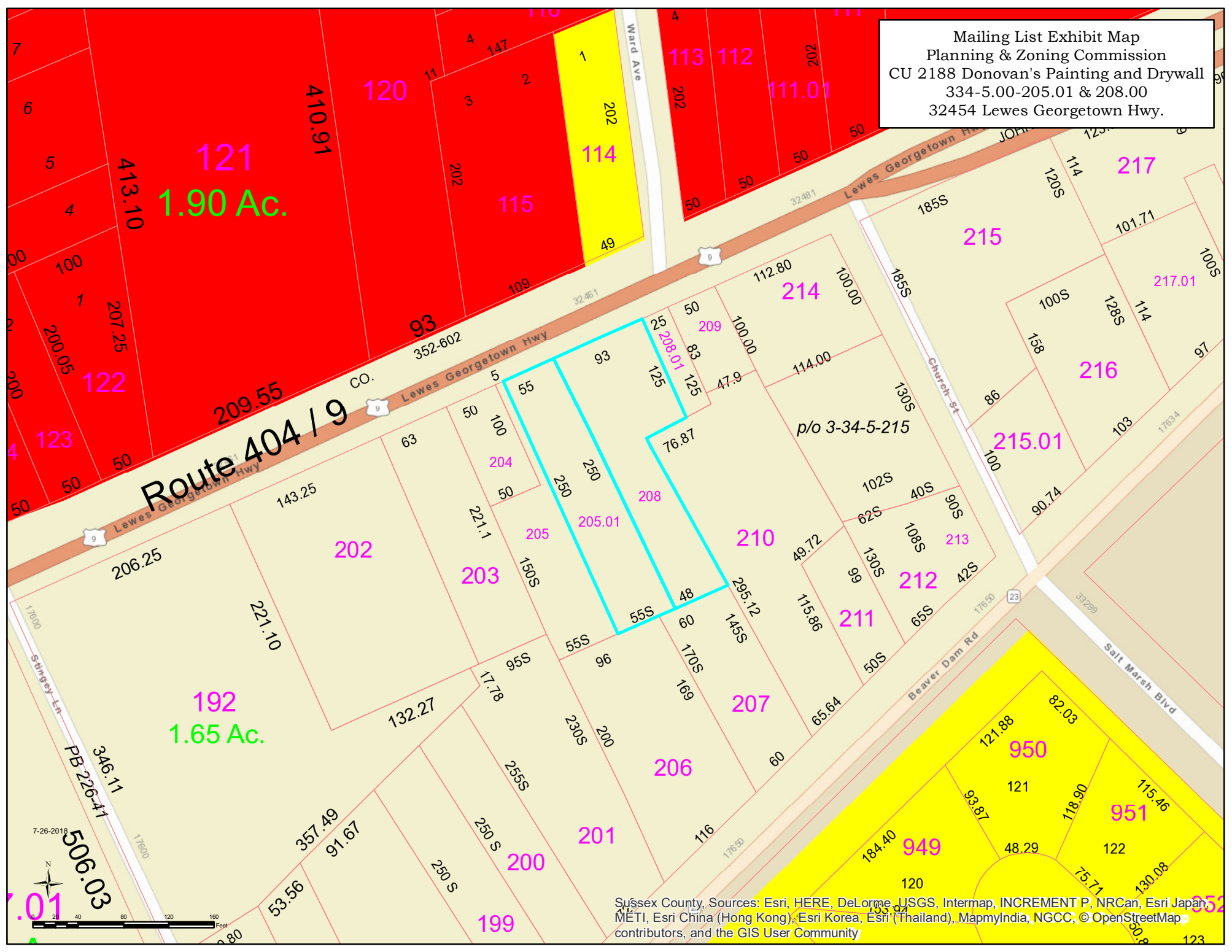


Mailing List Exhibit Map  
Planning & Zoning Commission  
CU 2188 Donovan's Painting and Drywall  
334-5.00-205.01 & 208.00  
32454 Lewes Georgetown Hwy.



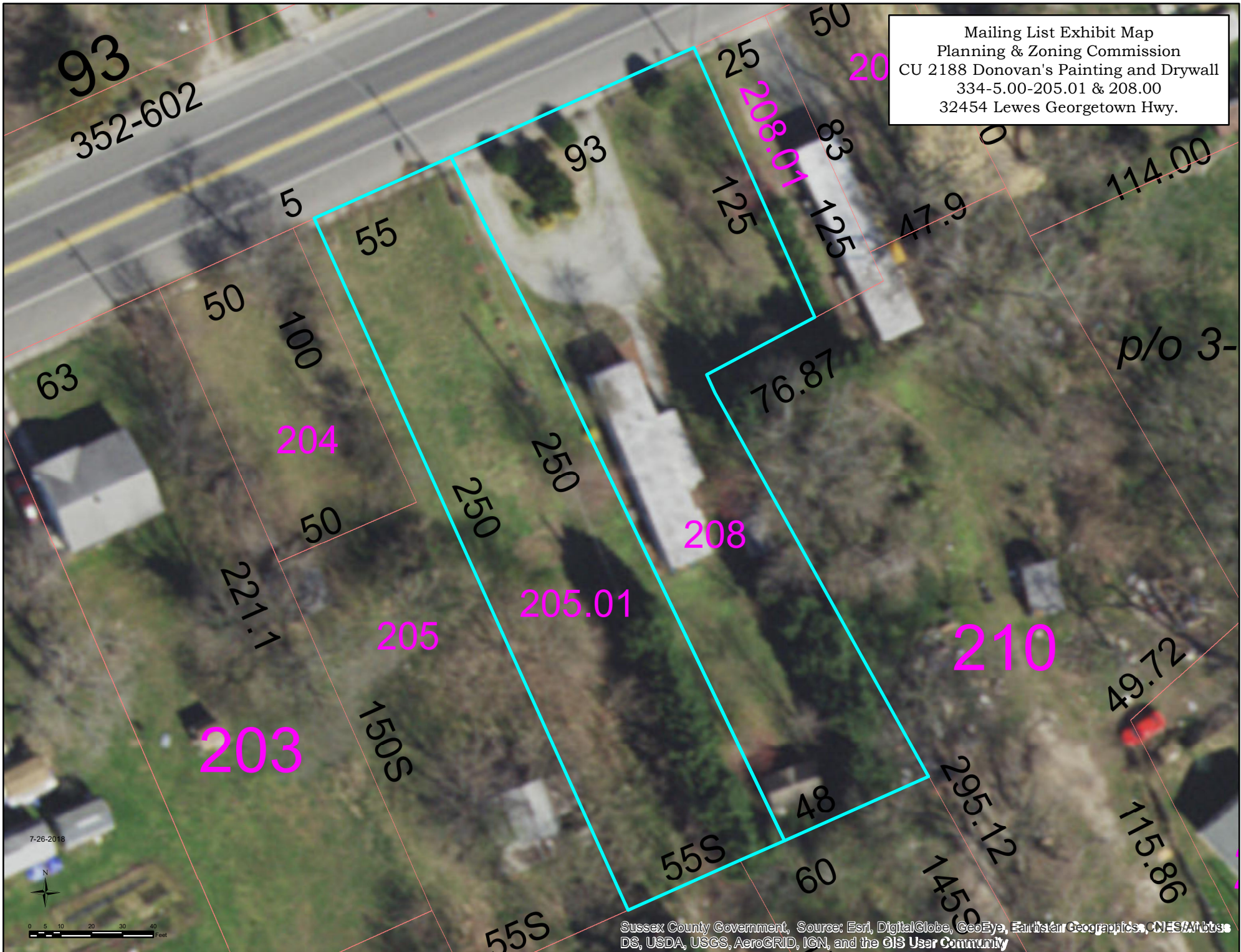
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

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## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-5079 F



# Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Samantha Bulkilvish, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 17, 2019  
RE: Staff Analysis for CU 2188 Donovan's Painting and Drywall

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2188 Donovan's Painting and Drywall to be reviewed during the September 26, 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 parcels 334-5.00-205.01 & 208.00 to allow for a contractor's office and storage to be located on the south side of Lewes - Georgetown Highway, approximately 187 feet west of Church Street. The size of the property is 0.69 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update "the 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 has the land use designation of "Coastal Area".

The entire tract of land between Lewes - Georgetown Highway to the north, and Beaver Dam Road to the south is designated as Coastal Area. The Coastal Areas 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 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.*"

The property is zoned AR-1 (Agricultural Residential Zoning District). All of the adjoining properties are zoned AR-1. Most of the adjoining parcels contain single-family dwellings. Parcels located directly across Lewes-Georgetown Highway are zoned C-1 (General Commercial District) some of which contain storage buildings while others appear to be single family dwellings. The County's online zoning map shows that there are several Conditional Uses approved within a 1-mile radius of the application site within the past decade including a Commercial Landscaping Material Sales and Storage Facility (CU 2067), Equipment Storage and Home Office for a Landscaping Business (CU 1928), a Distillery with Tours/Tasting/Retail (CU 2002), 52 Multifamily Units (CU 2106) and 134 Multifamily Units (CU 2012/2149).

Based on the analysis of the land use, surrounding zoning and uses, the proposed Conditional Use for a contractor's office and storage, could be considered as consistent with the land use, area zoning and uses.



File #: CU2188  
201905889  
201905892

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

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

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

Conditional Use   
Zoning Map Amendment

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

32454 Lewes Georgetown Highway, Lewes, DE 19958

**Type of Conditional Use Requested:**

2,600 sq. ft. contractor office and 1,800 sq. ft storage building

**Tax Map #:** 334-5.00-205.01 &208 **Size of Parcel(s):** 0.69 Ac.

**Current Zoning:** AR-1 **Proposed Zoning:** CU **Size of Building:** See CU request above

**Land Use Classification:** Coastal Areas

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

**Applicant Information**

**Applicant Name:** Donovan's Painting and Drywall, LLC - C/O Jose Sandoval  
**Applicant Address:** P.O. Box 255  
**City:** Rehoboth Beach **State:** DE **Zip Code:** 19971  
**Phone #:** (302) 745-6306 **E-mail:** donovanpainting@hotmail.com

**Owner Information**

**Owner Name:** Jose Sandoval  
**Owner Address:** P.O. Box 255  
**City:** Rehoboth Beach **State:** DE **Zip Code:** 19971  
**Phone #:** (302) 745-6306 **E-mail:** donovanpainting@hotmail.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Axiom Engineering, LLC - C/O Kenneth R. Christenbury, P.E.  
**Agent/Attorney/Engineer Address:** 18 Chestnut Street  
**City:** Georgetown **State:** DE **Zip Code:** 19947  
**Phone #:** (302) 855-0810 **E-mail:** ken@axeng.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

**Completed Application**

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

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

**Provide Fee \$500.00**

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

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

**DelDOT Service Level Evaluation Request Response**

**PLUS Response Letter** (if required)

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

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

**Signature of Applicant/Agent/Attorney**

  
\_\_\_\_\_

Date: 5/8/2019

**Signature of Owner**

  
\_\_\_\_\_

Date: 5/8/2019

**For office use only:**

Date Submitted: 5/16/19

Fee: \$500.00 Check #: 7932

Staff accepting application: COH

Application & Case #: \_\_\_\_\_

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

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

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

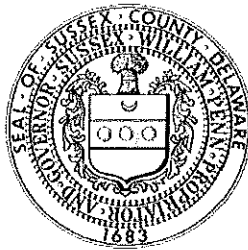
Recommendation of PC Commission: \_\_\_\_\_

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

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

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
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DOUGLAS B. HUDSON  
MICHAEL B. JOHNSON  
MARTIN L. ROSS



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302-845-5079 F  
LAWRENCE B. LANK  
DIRECTOR

**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: 5/7/19

**Site Information:**

Site Address/Location: 32454 Lewes Georgetown Highway, Lewes, DE 19958

Tax Parcel Number: 334-5.00-205.01 &208

Current Zoning: AR-1

Proposed Zoning: CU

Land Use Classification: Coastal Area

Proposed Use(s): 2,600 sq. ft. specialty trade contractor  
1,800 sq. ft storage building

Square footage of any proposed buildings or number of units: See above

**Applicant Information:**

Applicant's Name: Jose Sandoval

Applicant's Address: P.O. Box 255

City: Rehoboth Beach State: DE Zip Code: 19971

Applicant's Phone Number: (302) 745-6306

Applicant's e-mail address: donovanpainting@hotmail.com



**Ken Christenbury**

---

**From:** Ken Christenbury <ken@axeng.com>  
**Sent:** Friday, May 10, 2019 3:33 PM  
**To:** Rusty Warrington; Christin Headley; Bill Brockenbrough; Troy Brestel  
**Cc:** Jose Sandoval; Shannon Carmean Burton; Axiom  
**Subject:** 0483-1901 Donovan's Painting & Drywall, LLC  
**Attachments:** 0483-1901 ServiceLevelEvaluationRequestForm-plotted.pdf; 0483-1901-CU-1 CONDITIONAL USE SITE PLAN CU-1 20-SCALE (1).pdf; 0483-1901-CU-1 CONDITIONAL USE SITE PLAN CU-2 10-SCALE (1).pdf

Rusty,

Attached is an SLER for a small conditional use. The site generates less than 50 trips per day. I have copied this request and the conditional use site plan to DELDOT (see above).

Let me know if you need anything further to process the SLER.

Thank you,

Ken

Kenneth R. Christenbury, P.E.  
President, Axiom Engineering, LLC  
18 Chestnut Street  
Georgetown, DE 19947  
(302) 855-0810  
Fax 855-0812

[ken@axeng.com](mailto:ken@axeng.com)  
[www.axeng.com](http://www.axeng.com)

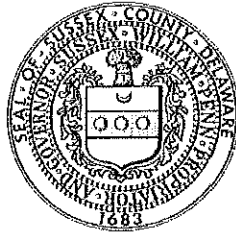


18 Chestnut Street  
Georgetown, DE 19947  
Phone: 302.855.0810  
Fax: 302.855.0812  
E-mail: [ken@axeng.com](mailto:ken@axeng.com)  
[www.axeng.com](http://www.axeng.com)

**Kenneth R.  
Christenbury, P.E.**  
President

**PLANNING & ZONING COMMISSION**

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LAWRENCE B. LANK  
DIRECTOR

**Service Level Evaluation Request Form**

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

Date: 5/7/19

**Site Information:**

Site Address/Location: 32454 Lewes Georgetown Highway, Lewes, DE 19958

Tax Parcel Number: 334-5.00-205.01 & 208

Current Zoning: AR-1

Proposed Zoning: CU

Land Use Classification: Coastal Area

Proposed Use(s): 2,600 sq. ft. specialty trade contractor  
1,800 sq. ft storage building

Square footage of any proposed buildings or number of units: See above

**Applicant Information:**

Applicant's Name: Jose Sandoval

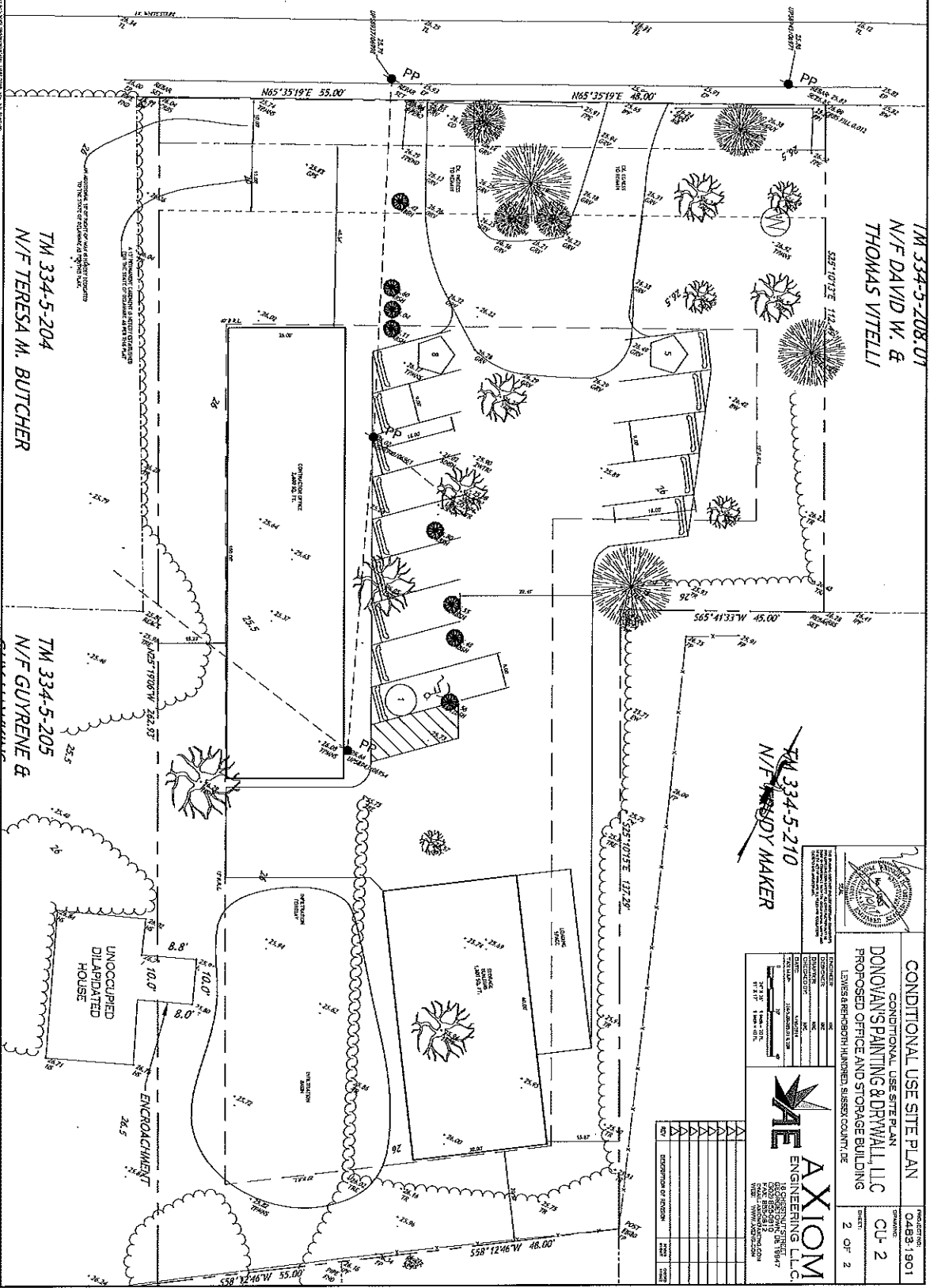
Applicant's Address: P.O. Box 255  
City: Rehoboth Beach State: DE Zip Code: 19971

Applicant's Phone Number: (302) 745-6306

Applicant's e-mail address: donovanpainting@hotmail.com



RT 9 LEWES-GEORGETOWN HWY  
60' ROW



TM 334-5-208-01  
N/F DAVID W. &  
THOMAS VITELLI

TM 334-5-204  
N/F TERESA M. BUTCHER

TM 334-5-205  
N/F GUYRENE &

TM 334-5-210  
N/F BODDY MAKER



CONDITIONAL USE SITE PLAN  
DONOVAN'S PAINTING & DRYWALL, LLC  
PROPOSED OFFICE AND STORAGE BUILDING  
LEWES & REHOBOTH HARBOR, SUSSEX COUNTY, DE

DATE	DESCRIPTION OF REVISION

**AXIOM**  
ENGINEERING LLC  
1800 SOUTHWEST CORNER  
DOWNSIDE DRIVE  
REHOBOTH BEACH, FLORIDA 33431  
TEL: 561-882-8819  
WWW.AXIOMENGINEERING.COM

PROJECT NO: 0483-1901  
DRAWING: CU-2  
SHEET: 2 OF 2



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

JENNIFER COHAN  
SECRETARY

June 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 **Jose Sandoval** conditional use application, which we received on May 10, 2019. This application is for a 0.73-acre assemblage of parcels (Tax Parcels: 334-5.00-205.01 & 208.00). The subject land is located on the southeast side of US Route 9, approximately 200 feet southeast of the intersection of US Route 9 and Church Street (Sussex Road 285B). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to develop a 2,600 square-foot specialty trade contractor facility and a 1,800 square-foot storage building.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 14,132 and 18,188 vehicles per day, respectively.

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 DeIDOT'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. DeIDOT'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.

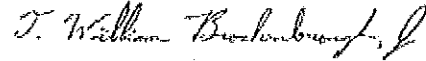
If the County approves this application, the applicant should be reminded that DeIDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell  
Page 2 of 2  
June 6, 2019

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

Sincerely,



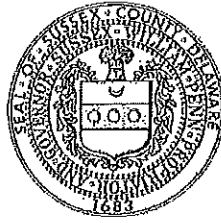
T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Jose Sandoval, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & 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

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**Applicant Information:**

Applicant's Name: Jose Sandoval

Applicant's Address: P.O. Box 255  
City: Rehoboth Beach State: DE Zip Code: 19971

Applicant's Phone Number: (302) 745-6306

Applicant's e-mail address: donovanpainting@hotmail.com

LEFT MESSAGE  
6/6/2019  
2:20 PM

**LEGEND**

	PROPOSED ROAD
	UTILITY LINE
	EXISTING ROAD
	EASEMENT
	STRUCTURE
	TREE
	FENCE
	WATER FEATURE
	SPOT ELEVATION
	PROPOSED BUILDING
	EXISTING BUILDING
	PARKING AREA
	DRIVEWAY
	DRIVEWAY APRON
	DRIVEWAY CURB
	DRIVEWAY GUTTER
	DRIVEWAY BASE
	DRIVEWAY PAVING
	DRIVEWAY FINISH
	DRIVEWAY DRAINAGE
	DRIVEWAY SLOPE
	DRIVEWAY WIDTH
	DRIVEWAY HEIGHT
	DRIVEWAY DEPTH
	DRIVEWAY LENGTH
	DRIVEWAY AREA
	DRIVEWAY VOLUME
	DRIVEWAY WEIGHT
	DRIVEWAY STRESS
	DRIVEWAY STRAIN
	DRIVEWAY DISPLACEMENT
	DRIVEWAY SETTLEMENT
	DRIVEWAY EROSION
	DRIVEWAY SCOUR
	DRIVEWAY SEDIMENTATION
	DRIVEWAY SILTATION
	DRIVEWAY TURBIDITY
	DRIVEWAY WATER QUALITY
	DRIVEWAY WATER QUANTITY
	DRIVEWAY WATER TEMPERATURE
	DRIVEWAY WATER PH
	DRIVEWAY WATER HARDNESS
	DRIVEWAY WATER ALKALINITY
	DRIVEWAY WATER CONDUCTIVITY
	DRIVEWAY WATER TOTAL DISSOLVED SOLIDS
	DRIVEWAY WATER TOTAL SUSPENDED SOLIDS
	DRIVEWAY WATER TOTAL PHOSPHORUS
	DRIVEWAY WATER TOTAL NITROGEN
	DRIVEWAY WATER AMMONIA NITROGEN
	DRIVEWAY WATER NITRITE NITROGEN
	DRIVEWAY WATER NITRATE NITROGEN
	DRIVEWAY WATER ORTHOPHOSPHATE PHOSPHORUS
	DRIVEWAY WATER TOTAL PHOSPHORUS
	DRIVEWAY WATER TOTAL NITROGEN
	DRIVEWAY WATER TOTAL ORGANIC CARBON
	DRIVEWAY WATER TOTAL ORGANIC NITROGEN
	DRIVEWAY WATER TOTAL ORGANIC PHOSPHORUS
	DRIVEWAY WATER CHEMICAL OXYGEN DEMAND
	DRIVEWAY WATER BIOLOGICAL OXYGEN DEMAND
	DRIVEWAY WATER ULTIMATE CARBONACEOUS BIOLOGICAL OXYGEN DEMAND
	DRIVEWAY WATER ULTIMATE NITROGENOUS BIOLOGICAL OXYGEN DEMAND
	DRIVEWAY WATER ULTIMATE PHOSPHOROUS BIOLOGICAL OXYGEN DEMAND
	DRIVEWAY WATER ULTIMATE BIOLOGICAL OXYGEN DEMAND
	DRIVEWAY WATER ULTIMATE CARBONACEOUS BIOLOGICAL OXYGEN DEMAND (5-DAY)
	DRIVEWAY WATER ULTIMATE NITROGENOUS BIOLOGICAL OXYGEN DEMAND (5-DAY)
	DRIVEWAY WATER ULTIMATE PHOSPHOROUS BIOLOGICAL OXYGEN DEMAND (5-DAY)
	DRIVEWAY WATER ULTIMATE BIOLOGICAL OXYGEN DEMAND (5-DAY)
	DRIVEWAY WATER ULTIMATE CARBONACEOUS BIOLOGICAL OXYGEN DEMAND (ULTIMATE)
	DRIVEWAY WATER ULTIMATE NITROGENOUS BIOLOGICAL OXYGEN DEMAND (ULTIMATE)
	DRIVEWAY WATER ULTIMATE PHOSPHOROUS BIOLOGICAL OXYGEN DEMAND (ULTIMATE)
	DRIVEWAY WATER ULTIMATE BIOLOGICAL OXYGEN DEMAND (ULTIMATE)
	DRIVEWAY WATER ULTIMATE CARBONACEOUS BIOLOGICAL OXYGEN DEMAND (ULTIMATE, 5-DAY)
	DRIVEWAY WATER ULTIMATE NITROGENOUS BIOLOGICAL OXYGEN DEMAND (ULTIMATE, 5-DAY)
	DRIVEWAY WATER ULTIMATE PHOSPHOROUS BIOLOGICAL OXYGEN DEMAND (ULTIMATE, 5-DAY)
	DRIVEWAY WATER ULTIMATE BIOLOGICAL OXYGEN DEMAND (ULTIMATE, 5-DAY)
	DRIVEWAY WATER ULTIMATE CARBONACEOUS BIOLOGICAL OXYGEN DEMAND (ULTIMATE, 5-DAY, 20°C)
	DRIVEWAY WATER ULTIMATE NITROGENOUS BIOLOGICAL OXYGEN DEMAND (ULTIMATE, 5-DAY, 20°C)
	DRIVEWAY WATER ULTIMATE PHOSPHOROUS BIOLOGICAL OXYGEN DEMAND (ULTIMATE, 5-DAY, 20°C)
	DRIVEWAY WATER ULTIMATE BIOLOGICAL OXYGEN DEMAND (ULTIMATE, 5-DAY, 20°C)



**NOTES:**

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.
2. THE SITE IS LOCATED WITHIN A ZONING DISTRICT THAT PERMITS THE PROPOSED USE.
3. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE LOCAL PLANNING COMMISSION AND THE CITY BOARD OF ZONING ADJUSTMENTS.
4. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF ENVIRONMENTAL AND NATURAL RESOURCES.
5. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF TRANSPORTATION.
6. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF CONSUMER AFFAIRS.
7. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF REVENUE.
8. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF LABOR.
9. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF HEALTH.
10. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF AGRICULTURE.
11. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF EDUCATION.
12. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF SOCIAL SERVICES.
13. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF PROFESSIONAL REGULATION.
14. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF PUBLIC SAFETY.
15. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF CORRECTIONS.
16. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF JUDICIAL ADMINISTRATION.
17. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF TREASURY.
18. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF GENERAL SERVICES.
19. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF INFORMATION TECHNOLOGY.
20. THE PROPOSED USE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.

CONDONAL USE SITE PLAN		04891501
DONOVAN'S PAINTING & DRYPALL LLC		CU-1
PROPOSED OFFICE AND STORAGE BUILDING		1 OF 2
<p><b>AXIOM ENGINEERING, LLC</b></p> <p>1000 W. BROADWAY, SUITE 1000          ANNE ARBOR, MI 48106          PH: (734) 977-1000          WWW.AXIOMENGINEERING.COM</p>		
DATE:	04/11/2013	
DRAWN BY:	JM	
CHECKED BY:	JM	
SCALE:	AS SHOWN	
PROJECT:	PROPOSED OFFICE AND STORAGE BUILDING	
SHEET:	1 OF 2	

**SITE DATA:**

OWNER: DONOVAN'S PAINTING & DRYPALL LLC

PROJECT NO: 04891501

DATE: 04/11/2013

SCALE: AS SHOWN

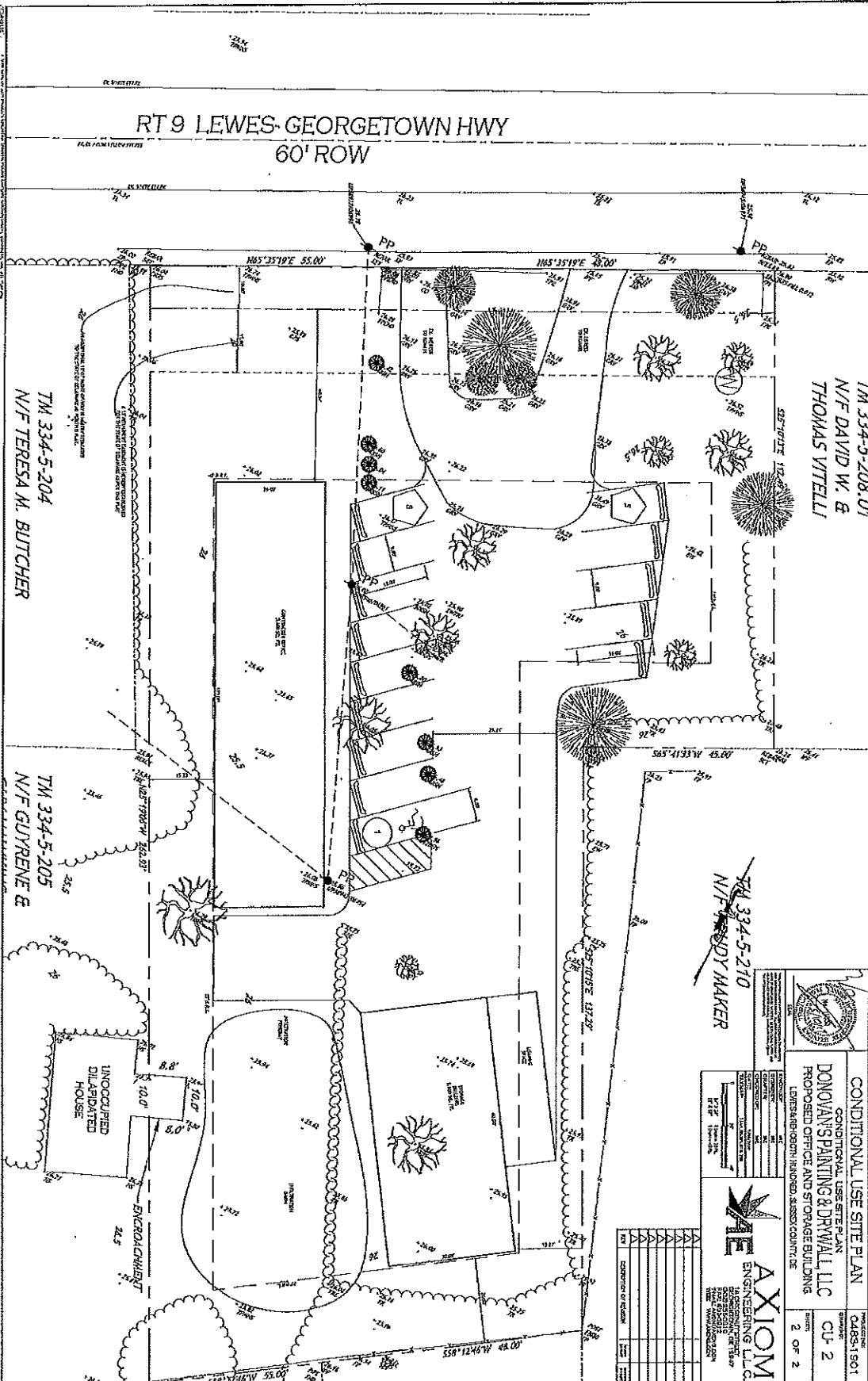
PROJECT: PROPOSED OFFICE AND STORAGE BUILDING

SHEET: 1 OF 2

**REVISIONS:**

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	04/11/2013





TM 334-5-208-01  
N/F DAVID W. &  
THOMAS VITELLI

TM 334-5-204  
N/F TERESA M. BUTCHER

TM 334-5-205  
N/F GUYRENE B

TM 334-5-210  
N/F BODDY MAKER



**CONDITIONAL USE SITE PLAN**  
CONVENTIONAL USE SITE PLAN  
**DONOVAN'S PAINTING & DRYPALL LLC**  
PROPOSED OFFICE AND STORAGE BUILDING  
LEWES, DELEWARE, SASSY COUNTY, DE

CASE NO. 1901  
CL-2  
2 OF 2

**AXIOM ENGINEERING L.L.C.**  
1727 HAVANUE  
LEWES, DE 19558

NO.	DESCRIPTION OF CHANGES	DATE	BY

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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **9/6/2019**

APPLICATION: **CU 2188 Donovan's Painting and Drywall LLC**

APPLICANT: **Donovan's Painting and Drywall LLC**

FILE NO: **OM-9.04**

TAX MAP &  
PARCEL(S): **334-5.00-205.01 & 208.00**

LOCATION: **32454 Lewes Georgetown Highway. South side of Lewes  
Georgetown Highway, approximately 187 feet west of Chruch  
Street**

NO. OF UNITS: **Contractor's office and storage**

GROSS  
ACREAGE: **0.69**

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

RECEIVED

SEP 12 2019

SUSSEX COUNTY  
PLANNING & ZONING

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes, As Proposed** 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? **Click or tap here to enter text.** 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? **N/A**

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

(7). Is project adjacent to the Unified Sewer District? **N/A**

(8). Comments: **There is currently a structure connected on parcel 208.00. If that structure is disconnected from the sanitary sewer there would be an EDU credit of 1.0**

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

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

UTILITY PLANNING APPROVAL:



---

John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
Christine Fletcher

September 25, 2019

Sussex County Planning and Zoning  
2 The Circle  
Georgetown DE 19947

**Ref: Donovan's Painting and Drywall LLC C/O Jose Sandoval**

**Ref: Steven and Helen Falcone**

Dear Planning and Zoning Commission:

Let me start by saying that I am never against new businesses. But what I am against is the congestion and hazard that Church Road and Beaver Dam Road face. This little intersection is so overwhelmed that it's unbelievable. Every day the amount of traffic that you have to deal with getting in and out of your property is a bit much. I feel that for some of the same reasons that the "Beer Brewery" and "Shelter" applications were not approved is also the reason that these two businesses should be denied.

At what point does the County realize that we have met or exceeded the limit? When do we first start addressing the traffic volume and safety issues that exist and have existed for some time? We are already concerned about the amount of accidents that occur at this stretch of road. Based on that alone, don't you think that adding businesses to an already busy residential area is going to the extremes? The keyword, of course, is "residential area".

It is already very unpleasant to attempt to relax outside of my home having to view and listen to the extreme volume of traffic. I do not want to have to add to that agony by having to look at industrial buildings. Furthermore, until the County can make some much needed improvements to our community, new commercial business should not be approved.

Thank you for your time and consideration.

  
LaToya Weatherly

RECEIVED  
SEP 25 2019  
SUSSEX COUNTY  
PLANNING & ZONING

RECEIVED  
SEP 26 2019  
SUSSEX COUNTY  
PLANNING & ZONING

APPLICANT:  
**DONOVAN'S PAINTING  
& DRYWALL, LLC**  
CONDITIONAL USE #2188  
**OFFICE & STORAGE BUILDING**  
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DE



PLANNING & ZONING COMMISSION  
SEPTEMBER 26, 2019

SUSSEX COUNTY COUNCIL  
OCTOBER 29, 2019



SERGOVIC CARMEAN WEIDMAN  
MCCARTNEY & OWENS, P.A.  
Attorneys At Law



**AXIOM**  
ENGINEERING L.L.C.  
18 CHESTNUT STREET  
GEORGETOWN, DE 19947  
(302) 855-0810  
FAX: 855-0812  
E-MAIL: AXIOM@AXENG.COM  
WEB: WWW.AXENG.COM

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**2018 AERIAL PHOTO OVERLAY  
& EXECUTIVE SUMMARY**

DONOVAN'S PAINTING & DRYWALL, LLC

OFFICE AND STORAGE FACILITIES

CONDITIONAL USE #2188

EXECUTIVE SUMMARY

This application by Donovan's Painting & Drywall, LLC is made pursuant to Article IV, § 115-22 of the Sussex County Zoning Code, for a permit for a conditional use to construct a 2,600 sq. ft. contractor's office and 1,800 sq. ft. storage building for an existing painting and drywall business.

The subject property consists of approximately 0.7 Ac. of land and is located on the south side of Route 9, approximately 1/3 mile west of the Route 9 intersection with Route 1 at Five Points. The property is served by Sussex County sanitary sewer, and the Delaware Department of Transportation has determined that the proposed use will not require a Traffic Impact Study.

The property is located in a Level 1 Investment Area, and is shown on the 2019 Comprehensive Plan Update Future Land Use Map in "Coastal Areas", which allow for commercial uses. The property is located across Route 9 from land zoned C-1, General Commercial, and the area is trending towards a more intense land use. In 2017, Sussex County approved a Conditional Use for landscape material sales and storage (CU #2067 – Stockley Materials) and a Special Use Exception for a homeless shelter (BOA Case #11961 – Faith United Methodist Church) on properties located within 300' of the subject property in the same zoning district.

The Conditional Use as proposed is in compliance with the 2019 Comprehensive Plan and is consistent with the trend of development in the area.

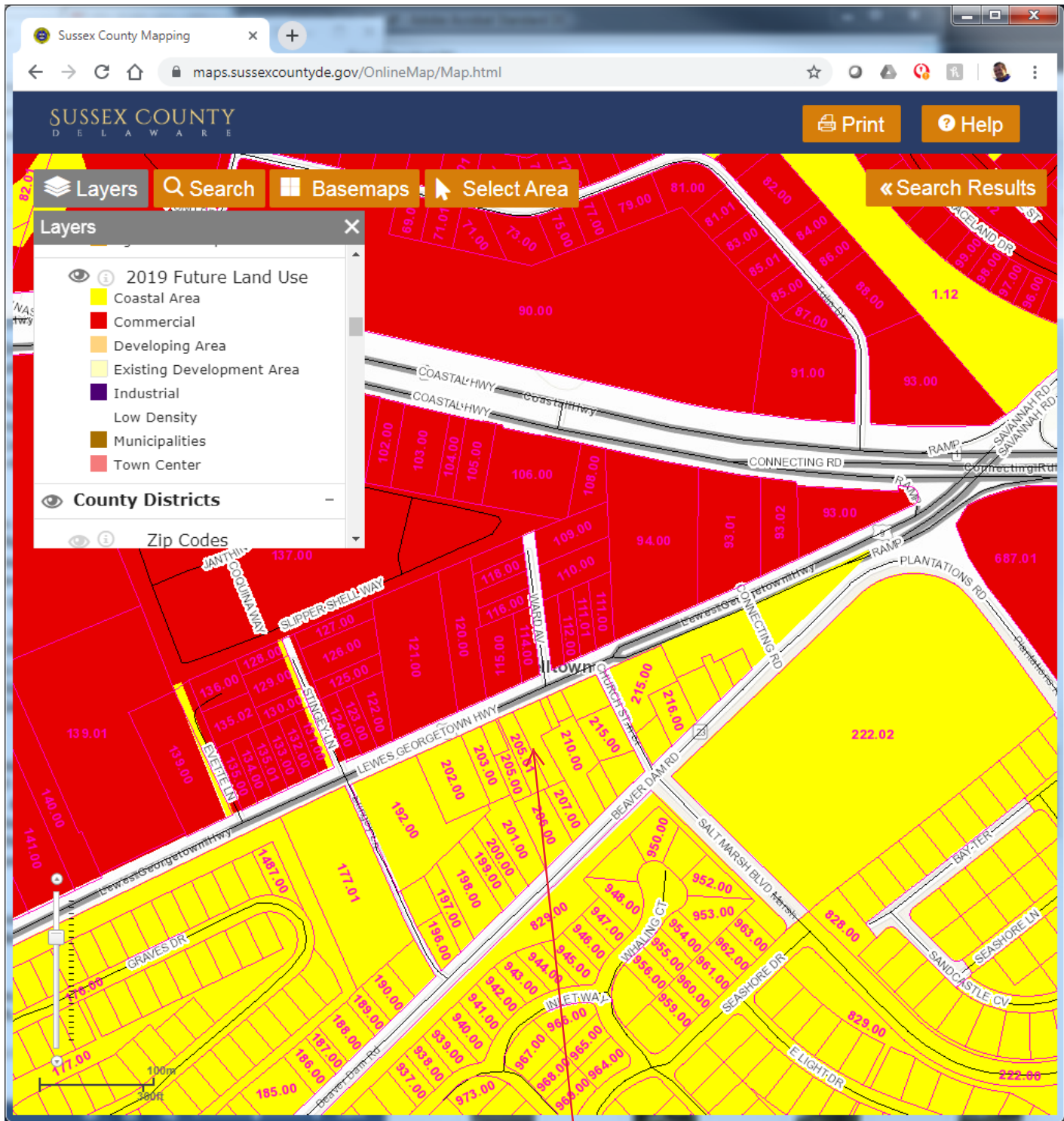




# STATE STRATEGIES MAP

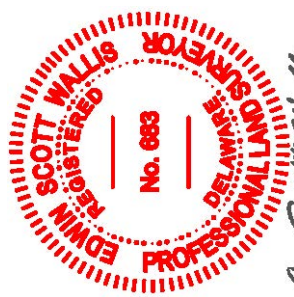
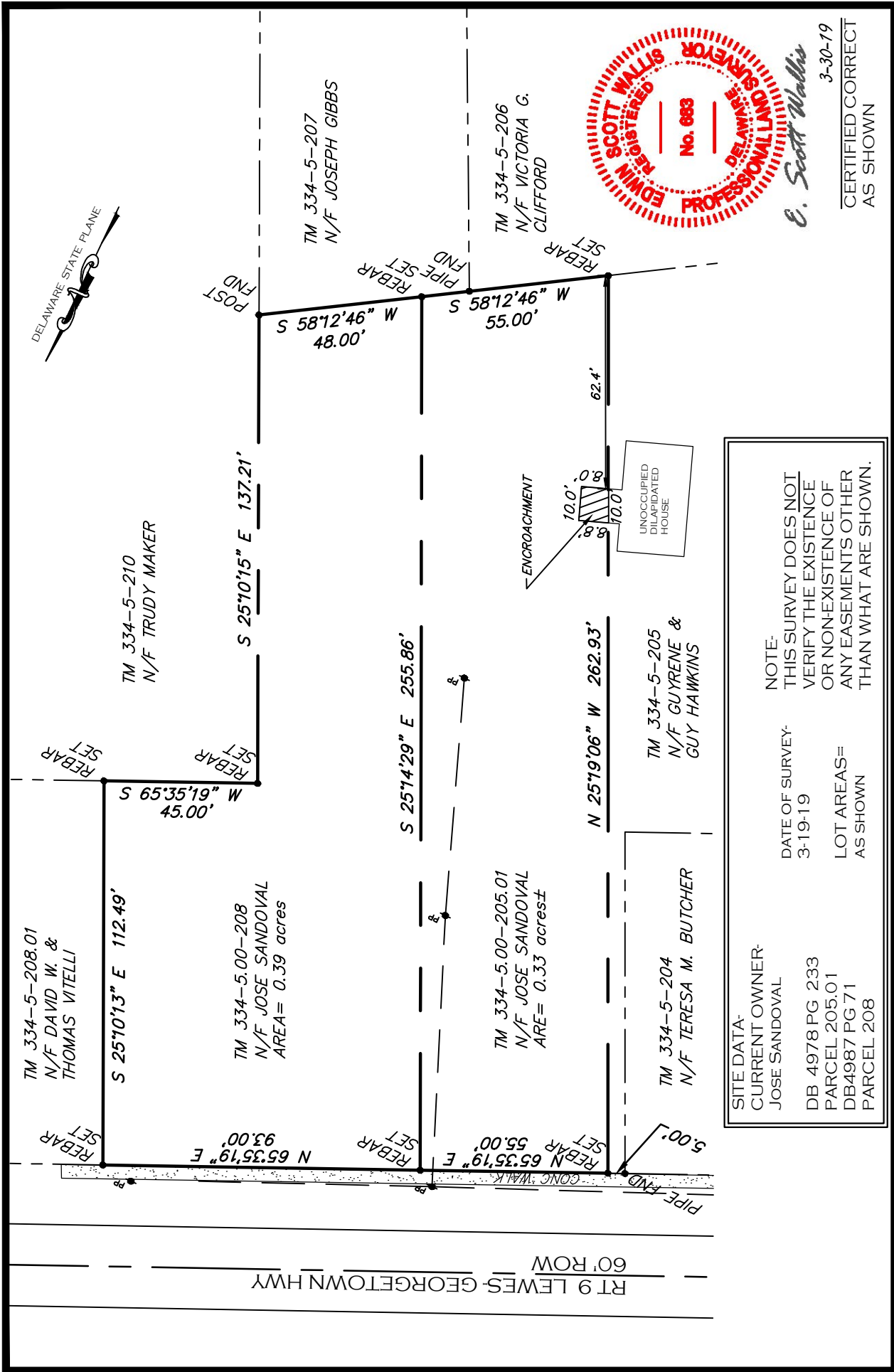


**2019 COMPREHENSIVE PLAN  
FUTURE LAND USE MAP  
AND  
ZONING MAP**





**BOUNDARY SURVEY  
DEEDS OF RECORD**



*E. Scott Wallis*

3-30-19  
CERTIFIED CORRECT  
AS SHOWN

**SITE DATA-**  
 CURRENT OWNER- JOSE SANDOVAL  
 DB 4978 PG 233  
 PARCEL 205.01  
 DB4987 PG 71  
 PARCEL 208

**DATE OF SURVEY-**  
 3-19-19

**LOT AREAS=**  
 AS SHOWN

**NOTE-**  
 THIS SURVEY DOES NOT VERIFY THE EXISTENCE OR NONEXISTENCE OF ANY EASEMENTS OTHER THAN WHAT ARE SHOWN.

SCALE	1" = 40'	0483-1901
DESIGNED	ESW	EXHIBIT
DRAWN	ESW	
CHECKED		
DATE	3-21-19	
T.M.	334-5-205.01 & 208	

**BOUNDARY SURVEY**  
 RT 9 LEWES-GEORGETOWN HWY  
 LEWES-REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

**AXIOM ENGINEERING L.L.C.**  
 18 CHESTNUT STREET  
 GEORGETOWN, DE 19947  
 (302) 855-0810  
 FAX: 855-0812  
 E-MAIL: WWW.AXENG.COM  
 WEB: WWW.AXENG.COM



3-34 5.00 205.01  
PREPARED BY & RETURN TO:  
Sergovic Carmean Weidman  
McCartney & Owens, P.A.  
406 S. Bedford St, Suite 1  
P.O. Box 751  
Georgetown, DE 19947-0751  
File No. RE-9001

**THIS DEED**, made this 15<sup>th</sup> day of November, 2018,

- BETWEEN -

**LAYTON C. HARGUST** of 5209 LeParc Drive Apt #5, Wilmington, DE 19809, **CHARLOTTE ANN DYE** of 5209 Capital View Drive, Philadelphia, PA 19129, **LUIS C. MERCER** of 5209 N. 5<sup>th</sup> Street, Philadelphia, PA 19120, **JUANA K. MERCER** of 1506 Foulkroad Street, Basement Apt., Philadelphia, PA 19124, **CONSUELA HARGUST** of 1612 Ellsworth Street, Philadelphia, PA 19146, **TONIA MICHELE HARGUST** OF 942 e. Sedgwick Street, Philadelphia, PA 19150 and **RODNEY J. HARGUST** of 7958 Rugby Street, Philadelphia, PA 19150, parties of the first part,

- AND -

**JOSE SANDOVAL**, of P.O. Box 255, Rehoboth Beach, DE 19971, as sole owner, party of the second part.

**WITNESSETH:** That the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and his heirs and assigns:

ALL that certain, tract, lot, piece and parcel of land situate, lying and being in Five Points, Lewes and Rehoboth Hundred, Sussex County, Delaware, described more particularly as follows, to wit:

BEGINNING at a point at the southern edge of the sidewalk along the south side of State Highway from Lewes to Georgetown, at a corner for these lands and lands now or formerly of William Emmert, Sr., et al.; thence from said point of beginning and running in a Southerly direction 250 feet, or such distance as will reach a point in line of lands now or formerly of Joseph Gibbs; thence turning and running in an Easterly direction with the line of lands of Gibbs and then with lands of now or formerly of Victoria & Clifford Gibbs 55 feet or such a distance as will reach a point in line of lands now or formerly of Layton & Tonia Hargust; thence turning and running with the line of lands now or formerly of Hargust, in a Northerly direction 250 feet


or such a distance as will reach the southern edge of the sidewalk along the south side of State Highway from Lewes to Georgetown; thence turning and running with the line of said State Highway, 55 feet or such a distance as will reach the point of beginning, be the contents what they may and being identified on the Sussex County Tax Maps as parcel 205.01 in District 3-34 on Map 5.00.

BEING the same lands of which Mary E. Hargust died seized and possessed. Mary E. Hargust departed this life October 29, 1959 and pursuant to Item Third of her Last Will and Testament filed for record in the Office of the Register of Wills, in and for Sussex County, Delaware, she devised the property unto James L. Hargust a/k/a Layton Hargust. James L. Hargust a/k/a Layton Hargust departed this life intestate January 27, 1969 leaving to survive him as his only heirs at law, a wife, Patricia Hargust and five (5) children, namely: Layton C. Hargust, Deloris Lynch, Jaroy Hargust, Consuela Hargust and Brenda Hargust. Patricia Hargust departed this life April 10, 1986, thereby terminating her life estate. Deloris Lynch a/k/a Delores P. Warfield-Lynch departed this life intestate October 16, 2009 leaving to survive her a husband, James E. Lynch, Jr. to whom her interest in the lands did descend. James E. Lynch, Jr. a/k/a James Edward Lynch departed this life intestate July 21, 2013 leaving to survive him as his only heirs at law, three (3) siblings, namely: Charlotte Ann Dye, Luis C. Mercer and Juana K. Mercer to whom his interest in the lands did descend. Jaroy Hargust departed this life intestate January 20, 2014 leaving to survive him as his only heirs at law, Layton Hargust and Consuela Hargust and Tonia Michele Hargust and Rodney J. Hargust, the surviving children of his sister, Brenda Hargust, to whom his interest in the lands did descend. Brenda Hargust departed this life intestate July 5, 2010 leaving to survive her as her only heirs at law two (2) children, namely: Tonia Michele Hargust and Rodney J. Hargust to whom her interest in the lands did descend.

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

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

  
\_\_\_\_\_

Layton C. Hargust (SEAL)  
**Layton C. Hargust**

STATE OF DE, COUNTY OF Sussex: to-wit

BE IT REMEMBERED, that on November 15, 2018, personally came before me, the subscriber, **Layton C. Hargust**, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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

  
\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**Shannon Carmean Burton**  
**Attorney**

Admitted to the Delaware Bar 12-15-03

Bar ID #004386

Uniform Law on Notarial Acts

Pursuant to 29 Del C Sec. 4323(a)(3)

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

Anthony M Lynch

Ms Charlotte Ann Dye (SEAL)  
Charlotte Ann Dye

STATE OF Pennsylvania COUNTY OF Philadelphia: to-wit

BE IT REMEMBERED, that on Oct, 30, 2018, personally came before me, the subscriber, **Charlotte Ann Dye**, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

Becky L Dubose

Notary Public

Printed Name: Becky L Dubose

My Commission Expires: Nov. 13, 2019

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
BECKY L. DuBOSE, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires November 13, 2019



IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

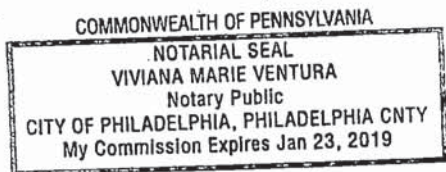
[Signature]

Luis C Mercer (SEAL)  
Luis C. Mercer

STATE OF Phila, COUNTY OF Pa : to-wit

BE IT REMEMBERED, that on 17th November, 2018, personally came before me, the subscriber, **Luis C. Mercer** party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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



[Signature]  
Notary Public  
Printed Name: Viviana Ventura  
My Commission Expires: 1-23-19

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

Ms Charlotte A Dye

Juana K Mercer (SEAL)  
Juana K. Mercer

STATE OF Pennsylvania, COUNTY OF Philadelphia : to-wit

BE IT REMEMBERED, that on November 8, 2018, personally came before me, the subscriber, Juana K. Mercer, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

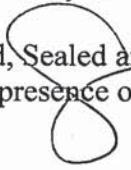
[Signature]  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
ANDRES CHABUR, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires March 19, 2019



IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

  
\_\_\_\_\_

Consuela Hargust (SEAL)  
**Consuela Hargust**

STATE OF DE, COUNTY OF Sussex : to-wit

BE IT REMEMBERED, that on November 15, 2018, personally came before me, the subscriber, **Consuela Hargust**, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

  
\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**Shannon Carmean Burton**  
**Attorney**  
Admitted to the Delaware Bar 12-15-03  
Bar ID #004386  
Uniform Law on Notarial Acts  
Pursuant to 29 Del C Sec. 4323(a)(3)

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

[Signature]

[Signature]  
Tonia Michele Hargust

(SEAL)

STATE OF Delaware, COUNTY OF New Castle to-wit

BE IT REMEMBERED, that on Nov. 13<sup>th</sup>, 2018, personally came before me, the subscriber, **Tonia Michele Hargust**, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

[Signature]

Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_





IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

*[Handwritten Signature]*

*[Handwritten Signature]* (SEAL)  
Rodney J. Hargust

STATE OF Delaware, COUNTY OF New Castle to-wit

BE IT REMEMBERED, that on Nov. 15<sup>th</sup>, 2018, personally came before me, the subscriber, **Rodney J. Hargust**, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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

*[Handwritten Signature]*  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



# PROPERTY PHOTOGRAPHS



NOTE: SCALE INDICATED IS APPROXIMATE. NO FIELD SURVEY WAS PERFORMED OR IS IMPLIED BY THIS DRAWING. TAX PARCEL GEOMETRY DATA SHOWN WAS PRODUCED FROM AN ESRI SHAPE FILE RECEIVED FROM SUSSEX COUNTY MAPPING IN 2018, AND MAY NOT REFLECT SUBDIVISIONS THAT OCCURRED AFTER THE DATA WAS COMPILED. IMAGE OBTAINED FROM GOOGLE EARTH PRO

PROJECT NO: 0483-1901  
DRAWING: CR-4  
SHEET: 4 OF 6

TAXMAP & AERIAL PHOTO  
PUBLIC DATA REFERENCED TO THE LANDS OF  
DONOVAN'S PAINTING & DRYWALL, LLC  
PROPOSED OFFICE AND STORAGE BUILDING  
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

**AXIOM**  
ENGINEERING L.L.C.  
18 CHESTNUT STREET  
GEORGETOWN, DE 19947  
(302) 855-0810  
FAX: 855-0812  
E-MAIL: AXIOM@AXIOM.COM  
WEB: WWW.AXIOM.COM

ENGINEER:	KRC
DESIGNER:	KRC
DRAFTER:	KRC
CHECKED BY:	KRC
DATE:	9/9/2019



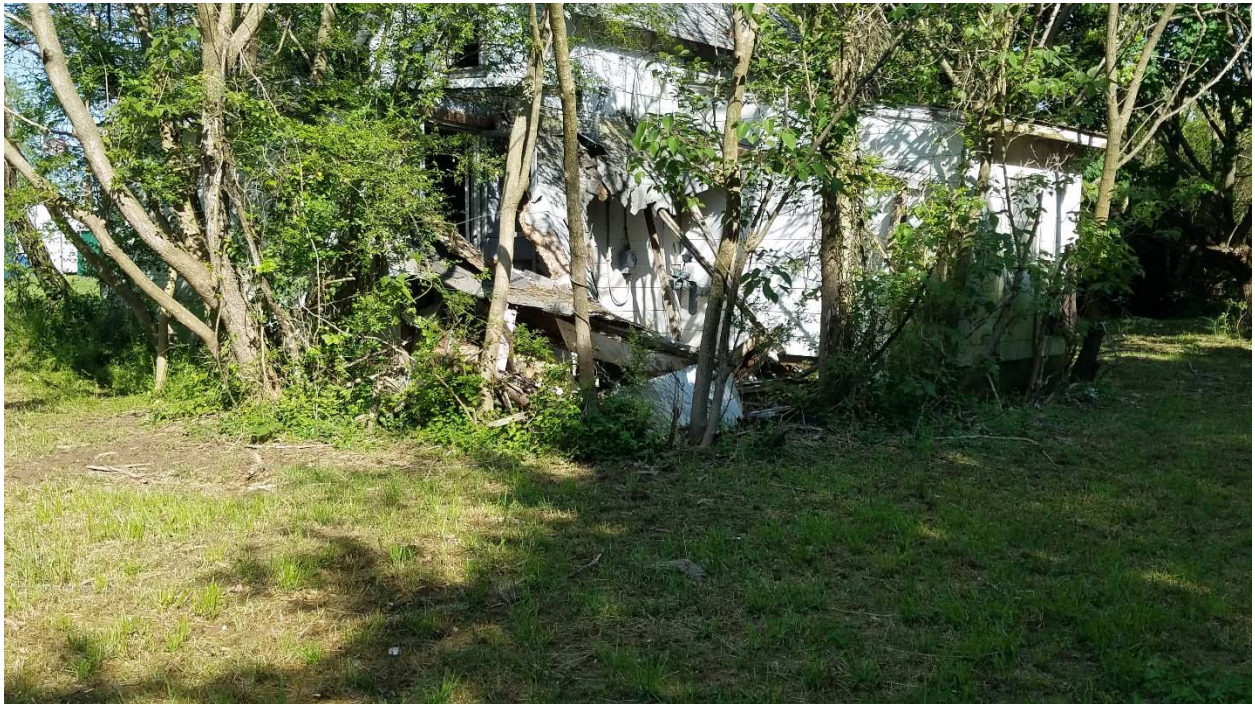
REV	DESCRIPTION OF REVISION	REVISION BY/DATE	CHECKED BY/DATE

TAXMAP-334-5.00-205.01 & 208.00

SEAL



TM 334-5.00-206.00 (Neighboring property to the south)



TM 334-5.00-205.00 (Neighboring property to the west)



TM 334-5.00-208.01 (from Donovan's Painting)



TM 334-5.00-208.01 (From the east, Donovan's Painting in rear)



TM 334-5.00-93.01



TM 334-5.00-94.00



TM 334-5.00-111.00



TM 334-5.00-112.00 (LEFT) & 111.01 (RIGHT)



TM 334-5.00-114.00 (LEFT) & 113.00 (RIGHT)



TM 334-5.00-115.00 (LEFT) & 114.00 (RIGHT)





TM 334-5.00-120.00



TM 334-5.00-121.00



TM 334-5.00-123.00 (LEFT) & 122.00 (RIGHT)



TM 334-5.00-131.00 (LEFT) & 124.00 (RIGHT)



TM 334-5.00-131.00



TM 334-5.00-133.00 (LEFT) 132.00 (CENTER) & 131.00 (RIGHT)



TM 334-5.00-177.01



TM 334-5.00-192.00



TM 334-5.00-202.00



TM 334-5.00-203.00



TM 334-5.00-204.00



TM 334-5.00-208.01 (LEFT) ANSD SUBJECT PROPERTY (RIGHT)



TM 334-5.00-215.00 (LEFT) & 214.00 (RIGHT)



TM 334-5.00-215.00



TM 334-5.00-215.01



TM 334-5.00-211.00 (LEFT) & 212.00 (RIGHT)





TM 334-5.00-210.00 (LEFT) & 211.00 (RIGHT)



TM 334-5.00-206.00

**ZONING APPLICATION  
SITE DATA TABLE  
C/U SITE PLAN**

# Planning & Zoning Commission Application

## Sussex County, Delaware

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

**Type of Application: (please check applicable)**Conditional Use Zoning Map Amendment **Site Address of Conditional Use/Zoning Map Amendment**

32454 Lewes Georgetown Highway, Lewes, DE 19958

**Type of Conditional Use Requested:**

2,600 sq. ft. contractor office and 1,800 sq. ft storage building

**Tax Map #:** 334-5.00-205.01 & 208**Size of Parcel(s):** 0.69 Ac.**Current Zoning:** AR-1**Proposed Zoning:** CU**Size of Building:** See CU request above**Land Use Classification:** Coastal Areas**Water Provider:** Private Well**Sewer Provider:** Sussex County**Applicant Information****Applicant Name:** Donovan's Painting and Drywall, LLC - C/O Jose Sandoval**Applicant Address:** P.O. Box 255**City:** Rehoboth Beach**State:** DE**Zip Code:** 19971**Phone #:** (302) 745-6306**E-mail:** donovanpainting@hotmail.com**Owner Information****Owner Name:** Jose Sandoval**Owner Address:** P.O. Box 255**City:** Rehoboth Beach**State:** DE**Zip Code:** 19971**Phone #:** (302) 745-6306**E-mail:** donovanpainting@hotmail.com**Agent/Attorney/Engineer Information****Agent/Attorney/Engineer Name:** Axiom Engineering, LLC - C/O Kenneth R. Christenbury, P.E.**Agent/Attorney/Engineer Address:** 18 Chestnut Street**City:** Georgetown**State:** DE**Zip Code:** 19947**Phone #:** (302) 855-0810**E-mail:** ken@axeng.com

# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

**Completed Application**

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

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

**Provide Fee \$500.00**

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

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

**DeIDOT Service Level Evaluation Request Response**

**PLUS Response Letter** (if required)

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

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

**Signature of Applicant/Agent/Attorney**

  
\_\_\_\_\_

Date: 5/8/2019

**Signature of Owner**

  
\_\_\_\_\_

Date: 5/8/2019

**For office use only:**

Date Submitted: \_\_\_\_\_

Fee: \$500.00 Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

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

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

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

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

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

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

# SITE DATA:

PROPERTY OWNER	JOSE SANDOVAL PO BOX 255 REHOBOTH BEACH, DE 19971 302-745-6306 donovanpainting@hotmail.com
TAX MAP REFERENCE	334-5.00-205.01 & 208
DEED REFERENCE	DB 4978 - PG 233
STATE STRATEGIES INVESTMENT LEVEL	I
CURRENT ZONING	AR-1
EXISTING USE	RESIDENTIAL/VACANT
PROPOSED ZONING	AR-1/CU
PROPOSED CONDITIONAL USE	STORAGE AND OFFICE
PROPOSED CONSTRUCTION TYPE	WOOD FRAME WITH STEEL SIDING
BUILDING SETBACKS	
• FRONT	40'
• SIDE	15'
• REAR	20'
MAXIMUM BUILDING HEIGHT	42'
PROPOSED BUILDING HEIGHT	25'

AREA-PARCEL 334-5.00-205.01	14,220 SQ. FT.
AREA-PARCEL 334-5.00-208.00	17,153 SQ. FT.
DEDICATION TO STATE OF DELAWARE	1,480 SQ. FT.
REMAINING LANDS	29,893 SQ. FT. (0.69± AC.)

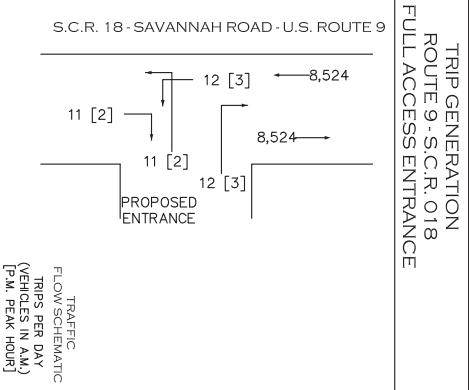
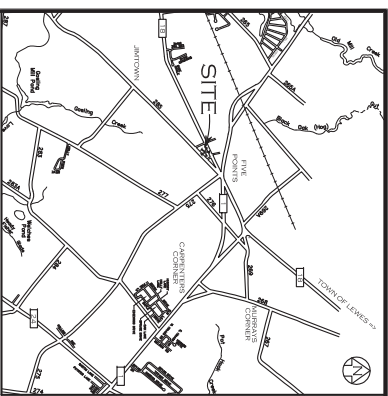
<u>BUILDING USE</u>	<u>GROSS FLOOR AREA (SQ. FT.)</u>	<u>PARKING REQUIRED</u>
CONTRACTOR OFFICE:	2,600	13 (1 PER 200 SQ. FT.)
STORAGE BUILDING:	1,800	0
TOTAL PARKING SPACES REQUIRED		13

PARKING SPACES PROVIDED	
HANDICAP	1
DIAGONAL (9'x18')	13
PERPENDICULAR (10' X 20')	0
COMPACT	0
TOTAL PARKING SPACES PROVIDED	14

LOADING SPACES REQUIRED	1
LOADING SPACES PROVIDED	1

CENTRAL WATER PROVIDER	PRIVATE WELL
AUTOMATIC SPRINKLERS PROVIDED	NONE

CENTRAL SEWER PROVIDER	WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT
------------------------	--



ROUTE 9 TRAFFIC DATA:  
 HIGHWAY FUNCTIONAL CLASSIFICATION = MAJOR COLLECTOR  
 POSTED SPEED LIMIT = 40 MPH (DESIGN SPEED = 45 MPH)  
 AADT = 14,696 (FROM 2017 DAILY TRAFFIC SUMMARY)  
 10-YEAR PROJECTED AADT = 1,16 X AADT TRIPS = 17,047  
 10-YEAR PROJECTED AADT + SITE ADT = 17,092

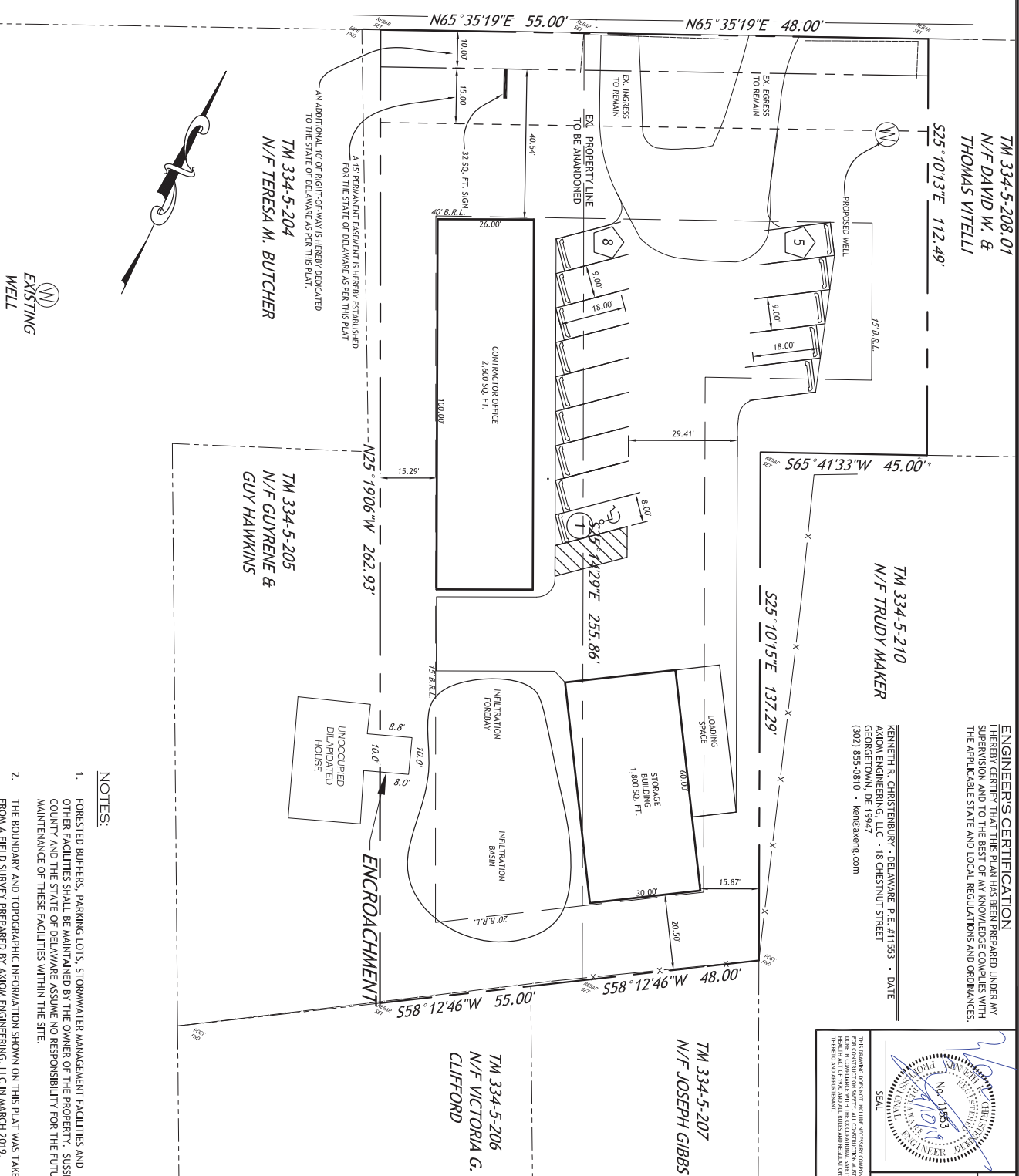
SITE TRIPS GENERATED:  
 SOURCE: ITE TRIP GENERATION MANUAL, 10TH EDITION  
 ITE CODE 180 - SPECIALTY TRADE CONTRACTOR - 4,400 SQ.FT.  
 ADT = 45 (WEEKDAY) PEAK HOUR ADT = 10  
 ROUTE 9 ENTRANCE - FULL ACCESS

<0% TRUCKS AND BUSES X 45 TRIPS = 0 TRIPS  
 18. ENTERING TRIPS, DIRECTIONAL DISTRIBUTION:  
 50% RIGHT IN FROM ROUTE 9  
 50% LEFT IN FROM ROUTE 9

**LEGEND**

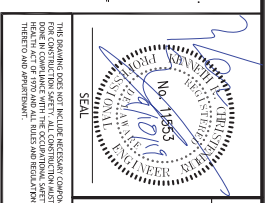
- EX. PROPERTY LINE
- PROPOSED SUBDIVISION LINE
- EX. ADJACENT PROPERTY LINES
- EX. 404 WETLANDS
- EX. MINOR CONTOUR
- EX. MAJOR CONTOUR
- EX. BUILDING RESTRICTION LINES
- EX. ROAD CENTERLINE
- EX. EASEMENT
- EX. BUILDING
- EX. SWALE
- EX. SIDEWALK
- EX. STORM SEWER
- EX. SANITARY SEWER
- EX. WOODS LINE
- EX. WATER LINE
- EX. WELL
- TRAFFIC SIGN
- EX. ZONING BOUNDARY
- EX. ELECTRIC LINES UTILITIES
- EX. UTILITY POLES/LIGHT POLES
- EX. FENCE
- EX. SPOT ELEVATION
- PR. DETIOLT ENTRANCE PAVING
- PR. ROTALL 1 1/4" & OVERLAY
- SOIL BORING
- TEST PIT
- EX. STREAM
- DRAINAGE DIVIDES
- TIME OF CONCENTRATION

RT 9 LEWES-GEORGETOWN HWY  
 60' ROW  
 EX. CL 7 DUAL YELLOW STRIPES  
 EX. WHITE STRIPE



**ENGINEER'S CERTIFICATION**  
 I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.

KENNETH R. CHRISTENBURY · DELAWARE P.E. #15153 · DATE  
 AXIOM ENGINEERING, LLC · 18 CHESTNUT STREET  
 GEORGETOWN, DE 19947  
 (800) 855-0810 · ken@axiomeng.com



**CONDITIONAL USE SITE PLAN**  
 CONDITIONAL USE NO. 2188  
**DONOVAN'S PAINTING & DRYWALL, LLC**  
 PROPOSED OFFICE AND STORAGE BUILDING  
 LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DE

**AXIOM ENGINEERING L.L.C.**  
 18 CHESTNUT STREET  
 GEORGETOWN, DE 19947  
 (800) 855-0810  
 E-MAIL: AXIOM@AXIOMENG.COM  
 WEB: WWW.AXIOMENG.COM

ENGINEER:	KRC
DESIGNER:	KRC
DRAWER:	KRC
CHECKED BY:	KRC
DATE:	5/10/2019
TAX MAP:	334-5-00-205, 01 & 208

PROJECT NO:	0483-1901
DRAWING:	CU-1
SHEET:	1 OF 2

- NOTES:**
- FORESTED BUFFERS, PARKING LOTS, STORMWATER MANAGEMENT FACILITIES AND OTHER FACILITIES SHALL BE MAINTAINED BY THE OWNER OF THE PROPERTY, SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE FACILITIES WITHIN THE SITE.
  - THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN MARCH 2019.
  - THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
  - THERE ARE NO WETLANDS LOCATED ON SITE.
  - BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C0331 K, DATED MARCH 16, 2015, THE ENTIRE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS ZONE "X" (UNSHADED), WHICH IS AN AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
  - MAINTENANCE OF THE PAVED AREAS WITHIN THE SITE WILL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE PROPERTY OWNERS WITHIN THIS SITE. THE STATE AND COUNTY ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE PAVED AREAS WITHIN THE SITE.
  - ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
  - STORMWATER SHALL BE MANAGED THROUGH BEST MANAGEMENT PRACTICES REVIEWED AND APPROVED BY THE SUSSEX CONSERVATION DISTRICT. THE MAINTENANCE OF ANY STORMWATER MANAGEMENT FACILITIES CONSTRUCTED WITHIN THIS SITE SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY.
  - ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
  - WATER FOR THIS SITE WILL BE PROVIDED BY A PRIVATE WELL. THE PROPOSED BUILDINGS SHALL NOT BE PROTECTED BY AN AUTOMATIC SPRINKLER SYSTEM.
  - SANITARY SEWER SHALL BE PROVIDED BY SUSSEX COUNTY.

**SITE DATA:**  
 PROPERTY OWNER: JOSE SANDOVAL  
 PO BOX 235  
 REHOBOTH BEACH, DE 19971  
 302-745-6306  
 donovanpainting@hotmail.com

TAX MAP REFERENCE  
 DEED REFERENCE: 334-5-00-205, 01 & 208  
 STATE STRATEGIC INVESTMENT LEVEL: D# 4978 - P# 133

CURRENT ZONING: AR-1  
 PROPOSED ZONING: RESIDENTIAL/VACANT  
 PROPOSED CONDITIONAL USE: AR-1/CU  
 BUILDING SETBACKS: WOOD FRAME WITH STEEL SIDING  
 ● FRONT 40'  
 ● SIDE 15'  
 ● REAR 20'

MAXIMUM BUILDING HEIGHT: 42'  
 PROPOSED BUILDING HEIGHT: 25'

AREA-PARCEL 334-5-00-205, 01: 14,220 SQ. FT.  
 AREA-PARCEL 334-5-00-208, 00: 17,153 SQ. FT.  
 DEDICATION TO STATE OF DELAWARE: 1,480 SQ. FT.  
 REMAINING LANDS: 29,953 SQ. FT. (0.69± AC.)

BUILDING USE: GROSS FLOOR AREA (SQ. FT.)  
 CONTRACTOR OFFICE: 2,600  
 STORAGE BUILDING: 1,800

PARKING SPACES PROVIDED: 13 (1 PER 200 SQ. FT.)  
 STORAGE SPACES PROVIDED: 0

TOTAL PARKING SPACES PROVIDED: 13

PARKING SPACES PROVIDED: HANDICAP 1, PERPENDICULAR 13, DIAGONAL (9'x18') 0, PERPENDICULAR (10' X 20') 14, COMPACT 0

LOADING SPACES REQUIRED: 1  
 CENTRAL WATER PROVIDER: PRIVATE WELL  
 AUTOMATIC SPRINKLERS PROVIDED: NONE  
 CENTRAL SEWER PROVIDER: WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT

**OWNERS CERTIFICATION:**  
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

TM 334-5-204  
 N/F TERESA M. BUTCHER

TM 334-5-205  
 N/F GUYRENE & GUY HAWKINS

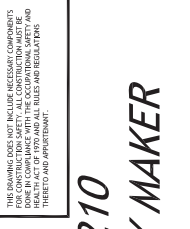
TM 334-5-206  
 N/F VICTORIA G. CLIFFORD

**WETLANDS CERTIFICATION:**  
 THIS PROPERTY HAS BEEN EXAMINED BY COASTAL SOIL, INC. FOR THE PRESENCE OF WATERS OF THE UNITED STATES INCLUDING WETLANDS (SECTION 404 AND SECTION 10), STATE SUBAQUOUS LANDS AND STATE TIDAL WETLANDS BASED ON THE CRITERIA SET FORTH BY THE REVENING AGENCIES IN THE FORM OF MANUALS, POLICIES AND PROCEDURES IN PLACE AT THE TIME THAT THE INVESTIGATION WAS CONDUCTED. IN ACCORDANCE WITH OUR FIELD INVESTIGATIONS AND DETAILED IN BORING LOGS PREPARED BY COASTAL SOIL, INC USING BEST PROFESSIONAL JUDGEMENT, THERE ARE NO REGULATED WETLANDS OR WATERS OF THE U.S. LOCATED ON THE SUBJECT PROPERTY SHOWN ON THIS PLAN.

COASTAL SOIL CONSULTANTS, INC. · JAY DUKE, CLASS D SOIL SCIENTIST  
 25992 OAK ROAD · SEAFORD, DE 19773  
 302-629-2989 · jayduke@comcast.net

PROJECT NO: 0483-1901  
 DRAWING: CU-2  
 SHEET: 2 OF 2

**CONDITIONAL USE SITE PLAN**  
 CONDITIONAL USE NO. 2188  
**DONOVAN'S PAINTING & DRYWALL, LLC**  
 PROPOSED OFFICE AND STORAGE BUILDING  
 LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DE



**AE ENGINEERING L.L.C.**  
 18 CHESTNUT STREET  
 GEORGETOWN, DE 19947  
 302.855.0810  
 FAX: 302.855.0811  
 E-MAIL: ANCOR@AENGE.COM  
 WEB: WWW.AENGE.COM

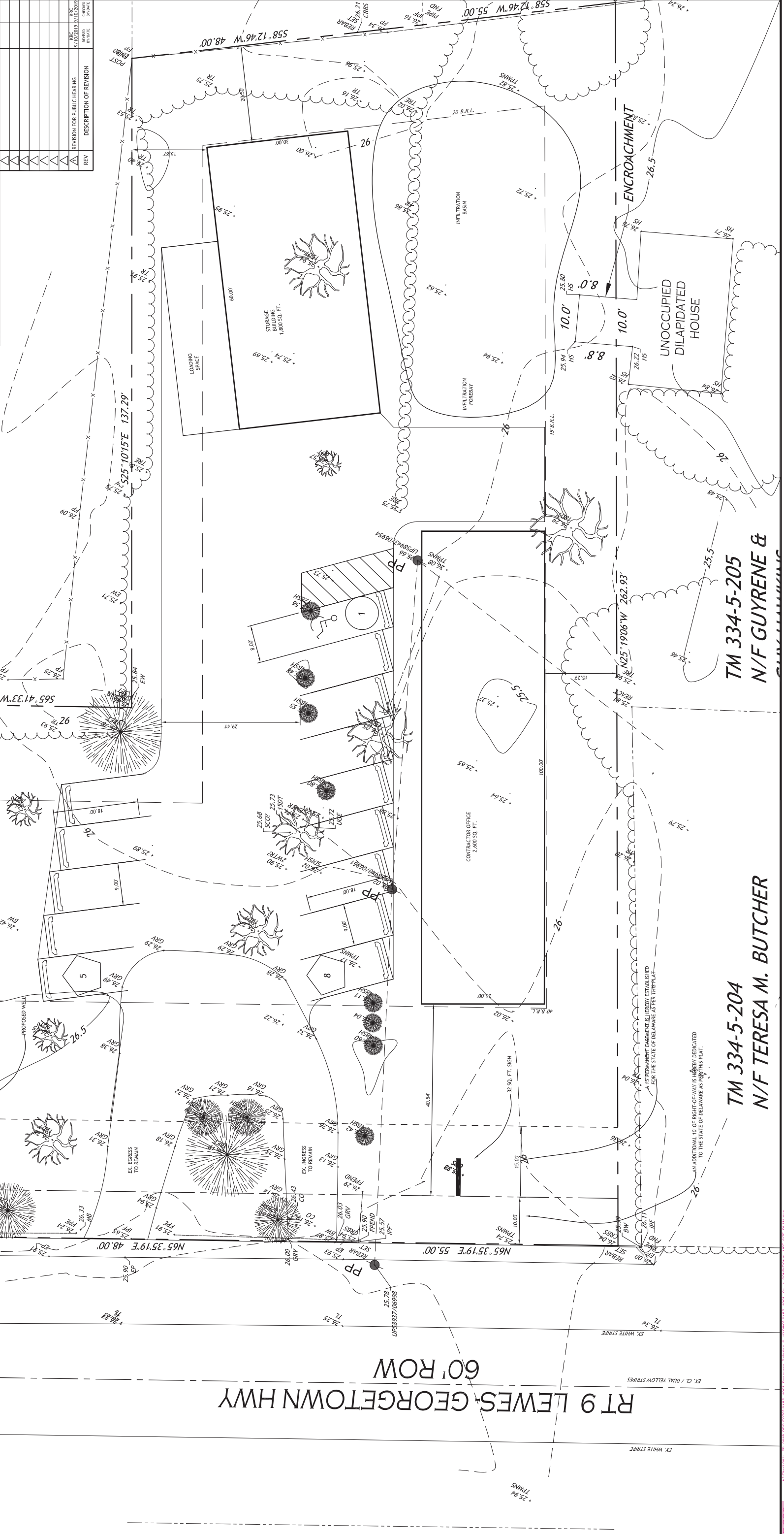
ENGINEER: KRC  
 DESIGNER: KRC  
 DRAFTER: KRC  
 CHECKED BY: KRC  
 DATE: 5/10/2019  
 TAX MAP: 334-5-205.01 & 208  
 SCALE: 24" X 36" 1 inch = 10 ft.  
 11" X 17" 1 inch = 20 ft.

REV	DESCRIPTION OF REVISION	DATE	BY

**TM 334-5-210**  
**N/F TRUDY MAKER**

**TM 334-5-205**  
**N/F GUYRENE &**

**TM 334-5-204**  
**N/F TERESA M. BUTCHER**



**TM 334-5-208.01**  
**N/F DAVID W. &**  
**THOMAS VITELLI**

**RT 9 LEWES GEORGETOWN HWY**  
**60' ROW**

**EX. WHITE STRIPE**  
**EX. CL / DUAL YELLOW STRIPES**

AN ADDITIONAL 10' OF RIGHT-OF-WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE AS PER THIS PLAN.

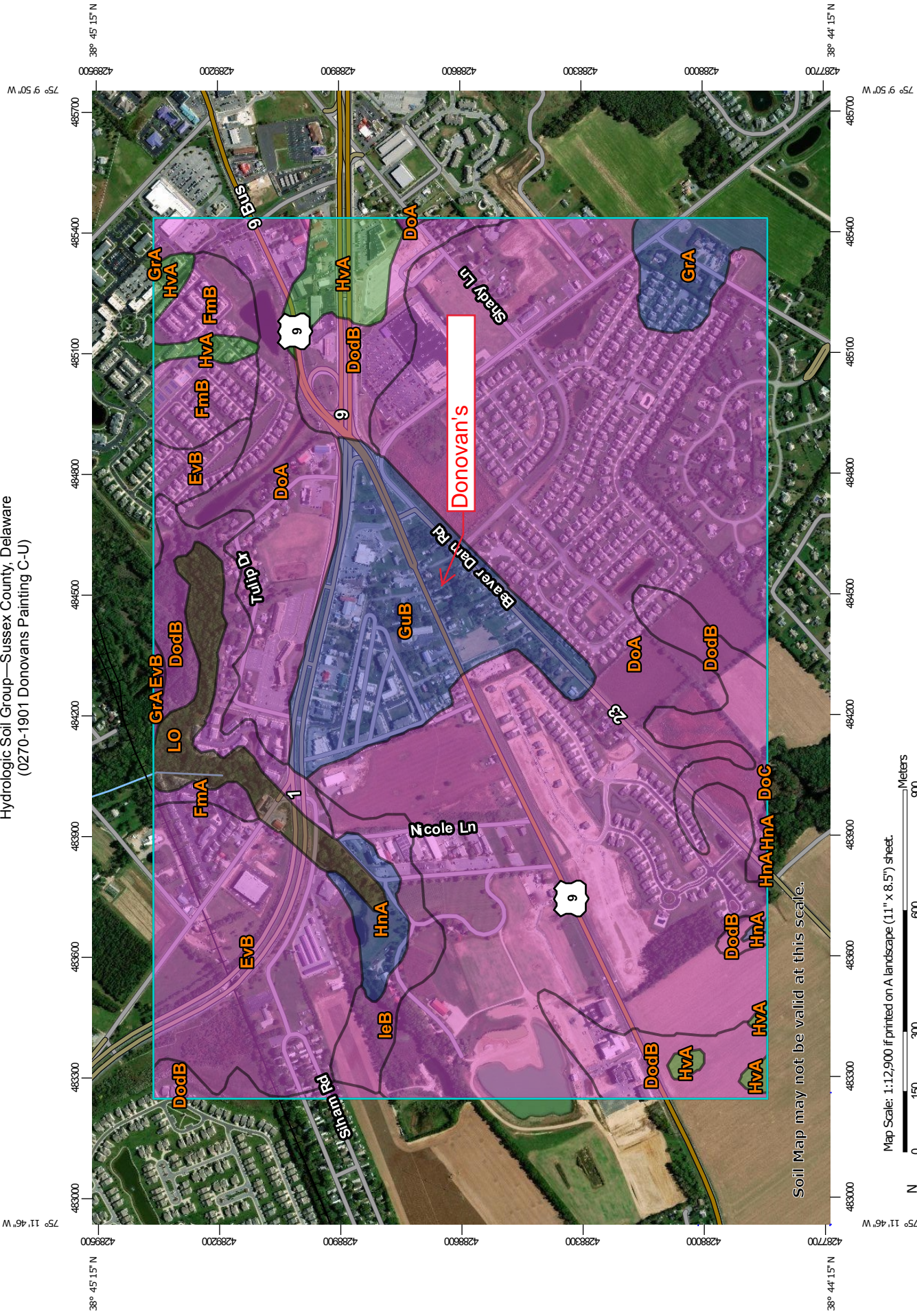
# STATE OF DELAWARE REGIONAL TOPOGRAPHY MAP





**NRCS SOIL MAP OVERLAID ONTO PROJECT  
SITE, NRCS SOIL MAP & REPORT**

Hydrologic Soil Group—Sussex County, Delaware  
(0270-1901 Donovan's Painting C-U)



Soil Map may not be valid at this scale.

Map Scale: 1:12,900 if printed on A landscape (11" x 8.5") sheet.











Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

## MAP LEGEND









**Area of Interest (AOI)**  
 Area of Interest (AOI)

### Soils





#### Soil Rating Polygons





A  A/D  B  B/D  C  C/D  D  Not rated or not available 


#### Soil Rating Lines






A  A/D  B  B/D  C  C/D  D  Not rated or not available 


#### Soil Rating Points

A  A/D  B  B/D 

C  C/D  D  Not rated or not available 

**Water Features**  
 Streams and Canals

**Transportation**  
 Rails  
 Interstate Highways  
 US Routes  
 Major Roads  
 Local Roads

**Background**  
 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware  
 Survey Area Data: Version 19, Sep 14, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Jun 27, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
DoA	Downer sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	A	457.9	55.4%
DoC	Downer sandy loam, 5 to 10 percent slopes	A	0.0	0.0%
DodB	Downer sandy loam, 2 to 5 percent slopes, Northern Tidewater Area	A	96.2	11.7%
EvB	Evesboro loamy sand, 0 to 5 percent slopes	A	83.6	10.1%
FmA	Fort Mott loamy sand, 0 to 2 percent slopes	A	3.1	0.4%
FmB	Fort Mott loamy sand, 2 to 5 percent slopes	A	22.1	2.7%
GrA	Greenwich loam, 0 to 2 percent slopes	B	16.4	2.0%
GuB	Greenwich-Urban land complex, 0 to 5 percent slopes	B	72.2	8.7%
HnA	Hammonton sandy loam, 0 to 2 percent slopes	B	9.5	1.2%
HvA	Hurlock sandy loam, 0 to 2 percent slopes	A/D	23.8	2.9%
IeB	Ingleside loamy sand, 2 to 5 percent slopes	A	17.7	2.1%
LO	Longmarsh and Indiantown soils, frequently flooded	B/D	23.1	2.8%
<b>Totals for Area of Interest</b>			<b>825.8</b>	<b>100.0%</b>

## Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher



**WETLAND LETTER  
COASTAL SOIL CONSULTANTS**





25092 Oak Road  
Seaford, DE 19973

Phone & Text (302) 629-2989  
Email: jayduke@comcast.net

---

May 27, 2019

Donavan's Painting and Drywall  
Jose Sandoval  
PO Box 255  
Rehoboth Beach, DE 19971

**Re: Tax Map #3-34-5-205.01 & 208**

Dear Jose:

This letter is in reference to the soil reconnaissance survey that I conducted on the above referenced parcels. This soil reconnaissance survey was conducted to assess the soil's suitability for stormwater management. The above referenced parcels are located on the south side of Lewes-Georgetown Hwy. (Rt. 9).

The evaluated portion of this parcel consists of a broad interstream divide. At the time of this survey this parcel was part of a residential lot. Random soil borings were conducted in the project area. The evaluated soils are well drained (>80" to the seasonal high water table) and moderately rapidly permeable (~10 mpi) from 40" to 80".

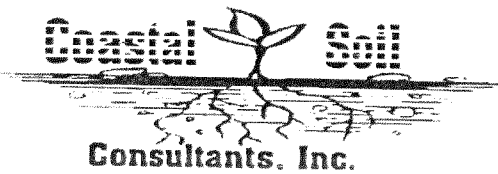
No federally regulated wetlands were encountered on these parcels.

If you have any further questions, don't hesitate to call.

Sincerely,  
Coastal Soil Consultants, Inc.

  
Joseph C. Duke Jr., CPSS  
Class D lic. #4048

Enclosures  
JCD/bad



25092 Oak Road  
Seaford, DE 19973

Phone & Text: (302) 629-2989  
Email: [jayduke@comcast.net](mailto:jayduke@comcast.net)

Soil Profile Note Page

Property Owner: Donaugh Date: 5/23 2019  
Property Location: Rt. 9 Lot #: \_\_\_\_\_

Soil Boring#: 1 Slope: 0-1 % Relief: nearly level  
 Estimated Permeability: below 40" = 10 MPI Limiting Zone: >80 "  
 Taxonomic Classification: Typic Haplud-H Free Water: >80 "  
 GPS: N 38° \_\_\_\_\_ ' \_\_\_\_\_ " W 75° \_\_\_\_\_ ' \_\_\_\_\_ "

Horizon	Depth below soil surface	Matrix Color	Mottles	Ab. S. Con.	Texture	Structure	Const.
<u>A<sub>p</sub></u>	<u>0 - 10</u>	<u>10YR 4/2</u>	<u>/</u>	<u>/</u>	<u>s</u>	<u>2mg</u>	<u>f</u>
<u>B<sub>t</sub></u>	<u>10 - 24</u>	<u>10YR 5/6</u>	<u>/</u>	<u>/</u>	<u>scl</u>	<u>2msbk</u>	<u>f</u>
<u>BC</u>	<u>24 - 46</u>	<u>7.5YR 4/6</u>	<u>/</u>	<u>/</u>	<u>vscl</u>	<u>m</u>	<u>f</u>
<u>C<sup>1</sup></u>	<u>46 - 70</u>	<u>10YR 4/4</u>	<u>/</u>	<u>/</u>	<u>ls</u>	<u>m</u>	<u>vf</u>
<u>C<sup>2</sup></u>	<u>70 - 80</u>	<u>2.5Y 7/4</u>	<u>/</u>	<u>/</u>	<u>ls</u>	<u>m</u>	<u>vf</u>
	<u>-</u>						

Described By: \_\_\_\_\_

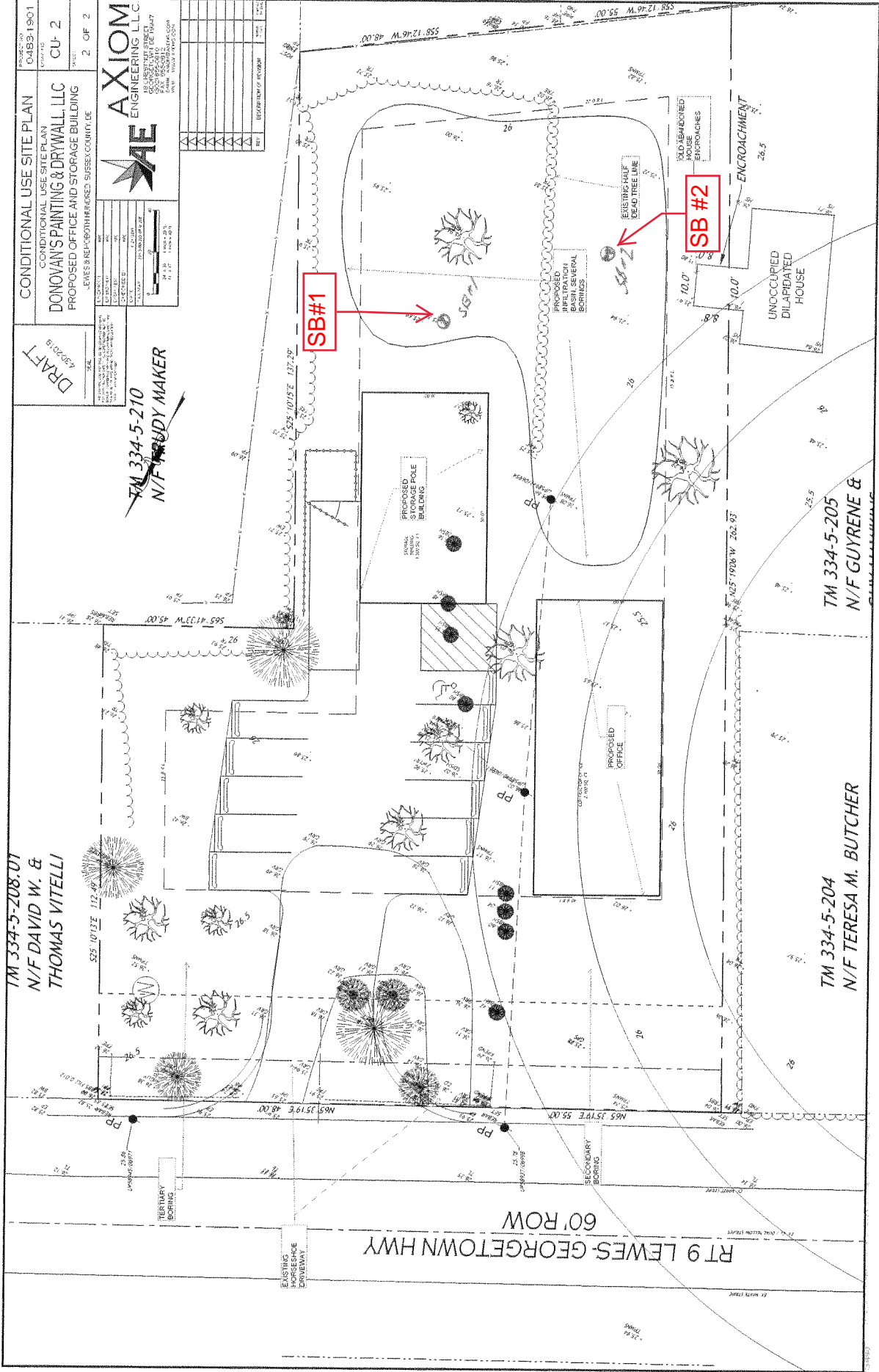
Soil Boring#: 2 Slope: 0-1 % Relief: nearly level  
 Estimated Permeability: below 24" = 10 MPI Limiting Zone: >80 "  
 Taxonomic Classification: \_\_\_\_\_ Free Water: >80 "  
 GPS: N 38° \_\_\_\_\_ ' \_\_\_\_\_ " W 75° \_\_\_\_\_ ' \_\_\_\_\_ "

Horizon	Depth below soil surface	Matrix Color	Mottles	Ab. S. Con	Texture	Structure	Const.
<u>A</u>	<u>0 - 10</u>	<u>10YR 4/3</u>	<u>/</u>	<u>/</u>	<u>s</u>	<u>2mg</u>	<u>f</u>
<u>B<sub>t</sub></u>	<u>10 - 24</u>	<u>7.5YR 4/6</u>	<u>/</u>	<u>/</u>	<u>vscl</u>	<u>2msbk</u>	<u>f</u>
<u>C<sup>1</sup></u>	<u>24 - 50</u>	<u>10YR 5/6</u>	<u>/</u>	<u>/</u>	<u>lvcs</u>	<u>m</u>	<u>vf</u>
<u>C<sup>2</sup></u>	<u>50 - 66</u>	<u>10YR 4/4</u>	<u>/</u>	<u>/</u>	<u>ls</u>	<u>m</u>	<u>f</u>
<u>C<sup>3</sup></u>	<u>66 - 80</u>	<u>2.5Y 7/4</u>	<u>/</u>	<u>/</u>	<u>ls</u>	<u>m</u>	<u>f</u>
	<u>-</u>						

Described By: \_\_\_\_\_

J.C. Duke, Jr.  
Joseph C. Duke, Jr. CPSS, Class D License #: 4048

SB# \_\_\_\_\_ " to redox \_\_\_\_\_ mpi. FW= \_\_\_\_\_ "  
 SB# \_\_\_\_\_ " to redox \_\_\_\_\_ mpi. FW= \_\_\_\_\_ "



DRAFT  
 4/20/18  
 CONDITIONAL USE SITE PLAN  
 DONOVAN'S PAINTING & DRYWALL LLC  
 PROPOSED OFFICE AND STORAGE BUILDING  
 LEWES & NEIGHBORHOODS SUSSEX COUNTY, DE

PROJECT NO: 04B3-1901  
 COUNTY: CU-2  
 SHEET: 2 OF 2

**AXIOM ENGINEERING LLC**  
 1200 N. MARKET ST. SUITE 200  
 LEWES, DE 19658  
 PHONE: 302.441.1200  
 FAX: 302.441.1201  
 WWW.AXIOMENGINEERING.COM

TM 334-5-210  
 N/F MARY MAKER

NO.	REVISIONS	DATE	BY	REASON FOR REVISION	SCALE

PROPOSED TREE BASIN SEVERAL BORINGS  
 PROPOSED TREE LINE  
 EXISTING UTILITY DEAD TREE LINE  
 UNOCCUPIED DILAPIDATED HOUSE  
 ENCROACHMENT

PROPOSED OFFICE  
 PROPOSED PALE BUILDING  
 PROPOSED STORAGE BUILDING

TM 334-5-208-01  
 N/F DAVID W. & THOMAS VITELLI

TM 334-5-204  
 N/F TERESA M. BUTCHER

RT 9 LEWES-GEORGETOWN HWY  
 60' ROW

ELEC. HORSESHOE DRIVEWAY

UNOCCUPIED DILAPIDATED HOUSE  
 ENCROACHMENT

TM 334-5-210  
 N/F MARY MAKER

**SUSSEX COUNTY ENGINEERING DEPARTMENT  
SEWER AVAILABILITY**

**From:** [Chris Calio](#)  
**To:** [ken@axeng.com](mailto:ken@axeng.com)  
**Subject:** RE: Sussex County Mapping - Donovan's Painting.pdf  
**Date:** Wednesday, February 13, 2019 1:07:34 PM

---

Ken,

Yes, both parcels are served.

Thank you,

Chris

---

**From:** Ken Christenbury <[ken@axeng.com](mailto:ken@axeng.com)>  
**Sent:** Wednesday, February 13, 2019 12:51 PM  
**To:** Chris Calio <[ccalio@sussexcountyde.gov](mailto:ccalio@sussexcountyde.gov)>  
**Subject:** Sussex County Mapping - Donovan's Painting.pdf

Chris,

Can you verify a connection is available for these 2 parcels?

Thank you,

Ken

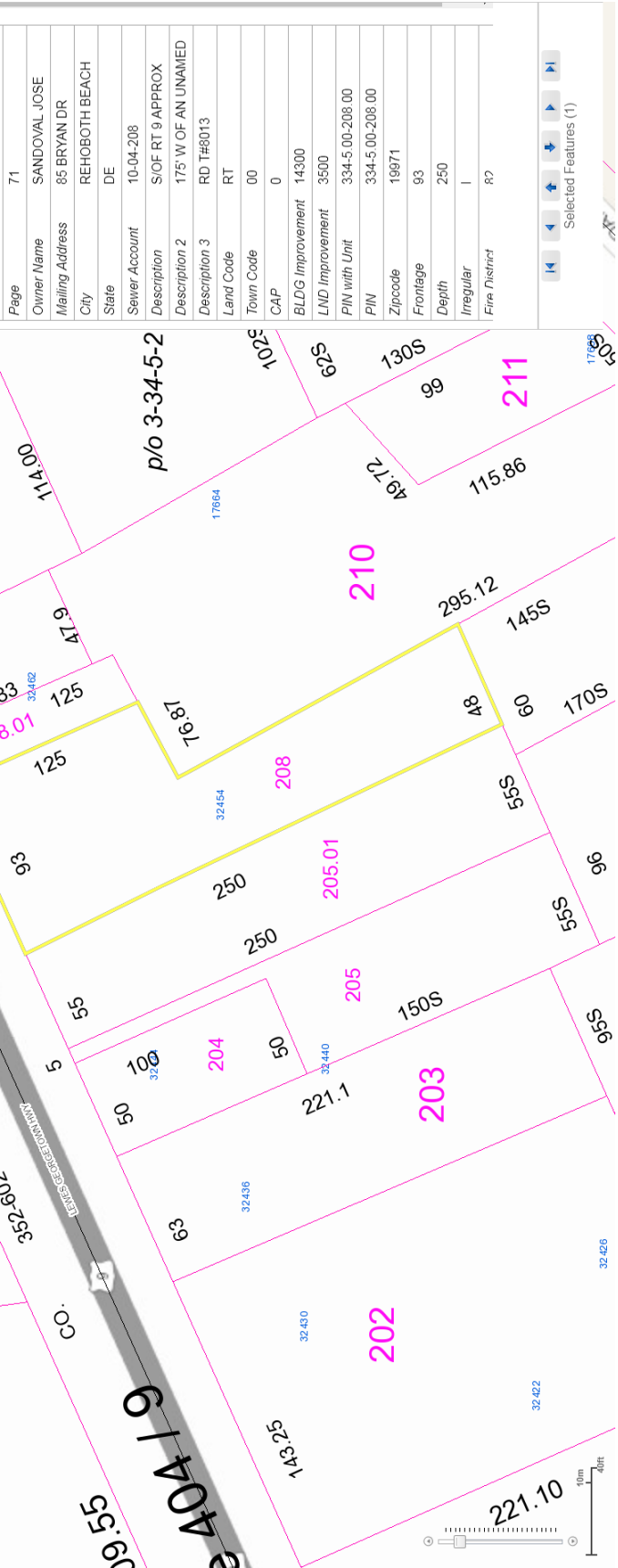
Kenneth R. Christenbury, P.E.  
President, Axiom Engineering, LLC  
18 Chestnut Street  
Georgetown, DE 19947  
(302) 855-0810  
Fax 855-0812

[ken@axeng.com](mailto:ken@axeng.com)  
[www.axeng.com](http://www.axeng.com)



Selected Features: **Parcels (1)**

Book	Page	Owner Name	Mailing Address	City	State	Sewer Account	Description	Description 2	Description 3	Land Code	Town Code	CAP	BLDG Improvement	LND Improvement	PIN with Unit	PIN	Zipcode	Frontage	Depth	Irregular	Fire District
4987	71	SANDOVAL JOSE	85 BRYAN DR	REHOBOTH BEACH	DE	10-04-208	S/OF RT 9 APPROX	175' W OF AN UNNAMED	RD T#8013	RT	00	0	14300	3500	334-5.00-208.00	334-5.00-208.00	19971	93	250	I	82

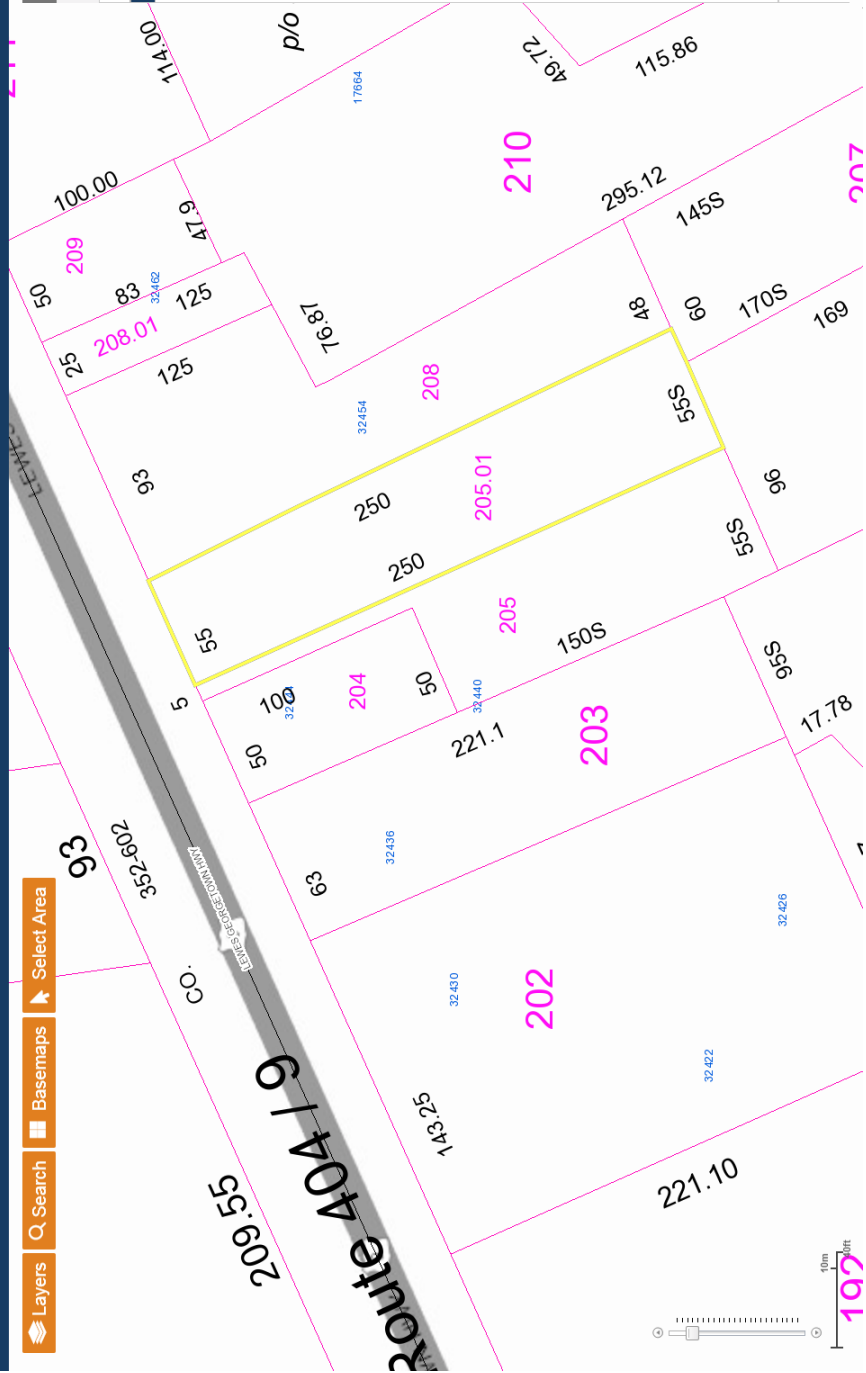


Selected Features (1)

1 334-5.00-208.00

Book	4978
Page	233
Owner Name	SANDOVAL JOSE
Mailing Address	PO BOX 255
City	REHOBOTH BEACH
State	DE
Sewer Account	10-04-205.1
Description	S/OF RT 18 APPROX
Description 2	258' W OF AN UNNAMED
Description 3	ST
Land Code	RV
Town Code	00
CAP	0
BLDG Improvement	0
LND Improvement	1500
PIN with Unit	334-5.00-205.01
PIN	334-5.00-205.01
Zipcode	19971
Frontage	55
Depth	250
Irregular	1
Fire District	82
Council District	3

Selected Features (1)



**Search results** Hide search results > Clear Selected

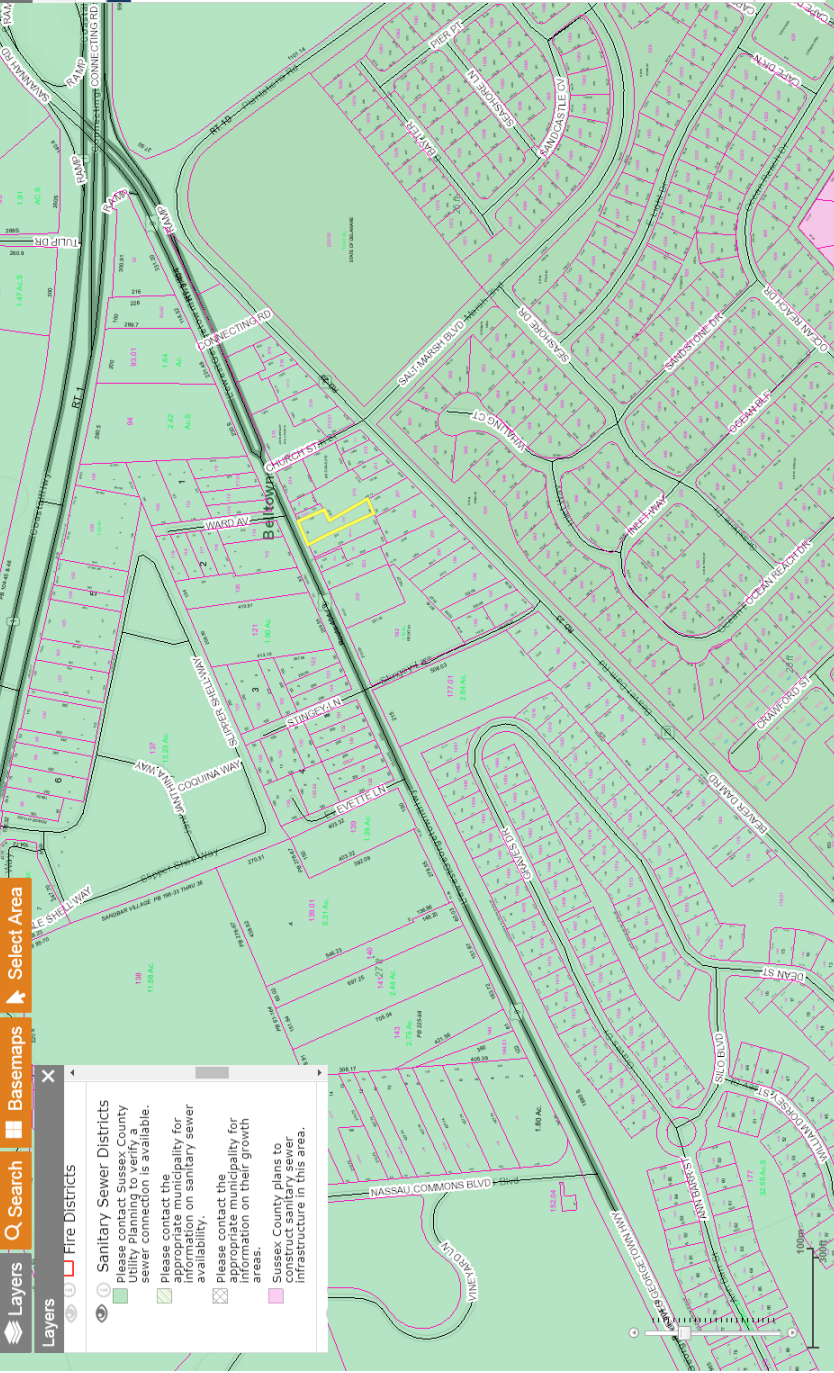
Selected Features: Parcels (1)

**Zoom**  
 > 1 334-5.00-208.00

Book	4987
Page	71
Owner Name	SANDOVAL JOSE
Mailing Address	85 BRYAN DR
City	REHOBOTH BEACH
State	DE
Sewer Account	10-04-208
Description	S/OF RT 9 APPROX
Description 2	175' W OF AN UNAMIED
Description 3	RD T#8013
Land Code	RT
Town Code	00
CAP	0
BLDG Improvement	14300
LND Improvement	3500
PIN with Unit	334-5.00-208.00
PIN	334-5.00-208.00
Zipcode	19971
Frontage	93
Depth	250
Irregular	1
Fire District	82
Council District	3

Selected Features (1)

[Navigation icons: Home, Previous, Next, Full Screen, Refresh]



**Layers**

- Sanitary Sewer Districts
- Fire Districts

please contact Sussex County Utility Planning to verify a sewer connection is available.

please contact the appropriate municipality for information on sanitary sewer availability.

please contact the appropriate municipality for information on their growth areas.

Sussex County plans to construct sanitary sewer infrastructure in this area.



**TIDEWATER UTILITIES -  
CENTRAL WATER NOT AVAILABLE LETTER**

**From:** [Joshua Turner](#)  
**To:** [ken@axeng.com](mailto:ken@axeng.com)  
**Subject:** RE: Sussex County Mapping - Donovan's Painting.pdf  
**Date:** Wednesday, February 13, 2019 2:40:18 PM

---

Ken,

Not right now. We have water main in the general area, but nothing in front of those parcels at the moment.

**Joshua T. Turner**  
Staff Engineer

[TIDEWATER UTILITIES, INC.](#)

*"Southern Delaware's Premier Water Company Since 1964"*

1100 South Little Creek Road

Dover, DE 19901

Phone: 302-747-1349

Fax: 302-734-9295



[jturner@tuiwater.com](mailto:jturner@tuiwater.com)

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**From:** Ken Christenbury [mailto:[ken@axeng.com](mailto:ken@axeng.com)]  
**Sent:** Wednesday, February 13, 2019 12:52 PM  
**To:** Joshua Turner  
**Subject:** Sussex County Mapping - Donovan's Painting.pdf

Josh,

Can you let me know if Tidewater can serve these 2 parcels as-is or if an extension will be required?

Thank you,

Ken

Kenneth R. Christenbury, P.E.  
President, Axiom Engineering, LLC  
18 Chestnut Street  
Georgetown, DE 19947  
(302) 855-0810  
Fax 855-0812

[ken@axeng.com](mailto:ken@axeng.com)  
[www.axeng.com](http://www.axeng.com)

**DELDOT SERVICE LEVEL EVALUATION  
RESPONSE LETTER**



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

JENNIFER COHAN  
SECRETARY

June 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 **Jose Sandoval** conditional use application, which we received on May 10, 2019. This application is for a 0.73-acre assemblage of parcels (Tax Parcels: 334-5.00-205.01 & 208.00). The subject land is located on the southeast side of US Route 9, approximately 200 feet southeast of the intersection of US Route 9 and Church Street (Sussex Road 285B). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to develop a 2,600 square-foot specialty trade contractor facility and a 1,800 square-foot storage building.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 14,132 and 18,188 vehicles per day, respectively.

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  
June 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

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Jose Sandoval, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & 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

# COMPLIANCE WITH COMPREHENSIVE PLAN

## **COMPLIANCE WITH THE COMPREHENSIVE PLAN AND ZONING CODE**

The applicant, Donovan's Painting & Drywall, LLC ("Donovan's"), has applied for a conditional use of land in an AR-1 Agricultural Residential District to develop a 2,600 square foot specialty trade contractor's office and a 1,800 square foot storage building on certain parcels of land lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware containing approximately .72 acres of land on Lewes-Georgetown Highway, lying on the southeast side of US Route 9, approximately 200 feet southwest of the intersection of US Route 9 and Church Street (Sussex Road 285B) (Rt. 113), and identified by Sussex County Tax Mapping as Tax Parcels 334-5.00-205.01 and 208.00 (the "Property"). This conditional use will enable the applicant to relocate and expand his existing business currently located on Coastal Highway in Rehoboth Beach, Sussex County, Delaware, and more efficiently provide painting and drywall services to meet the needs of the construction industry and the rapidly expanding population in Sussex County.

Donovan's is an established and well-respected painting and drywall contractor originally launched by owner, Jose' Sandoval, in 2007. Donovan's serves customers from Dover, Delaware to Ocean City, Maryland with all of their painting and drywall needs. Mr. Sandoval takes personal pride in all work completed under his supervision.

Donovan's proposes to construct a stick-built specialty trade contractor's office consisting of 2,600 square feet as well as a pole building consisting of 1,800 square feet to be used for storage. Donovan's currently has eighteen (18) employees, three (3) of which are onsite and manage the office operations. In addition, Dovovan's engages subcontractors, as needed, to meet the needs of the construction industry. Business hours are 7:00 a.m. until 7:00 p.m. Monday through Friday and 7:00 a.m. until 12:00 p.m. on Saturday. Materials will be stored in the proposed storage building and will be accessed via the proposed loading area. There is currently an existing natural forested buffer around most of the perimeter of the Property. Although Donovan's is willing to remove the natural buffer and install a privacy fence, Donovan's prefers to preserve the natural buffer and does not believe that its replacement for a privacy fence benefits anyone.

The purpose of this relocation and expansion is to enhance Donovan's ability to efficiently provide painting and drywall services to the construction industry and the expanding population in Sussex County. The proposed use will cause no detrimental impact on surrounding properties or neighborhoods. The property is located along US Route 9, which is classified by the Delaware Department of Transportation as a major collector road. The property is opposite an existing C-1 General Commercial District and is near a Delmarva Power



Substation. In addition, the property is between Stockley Materials, which is an approved conditional use for the commercial sale and storage of landscaping materials, and a homeless shelter, which is an approved special use. Both conditional uses were approved by the County in 2017, which points to a recent and growing trend of more intense land uses in this area. Moreover, the area in general is a mixed-use area that includes existing residential and commercial uses. The surrounding land uses to the north are Coastal Areas and Highway Commercial Areas. The surrounding land uses to the east and west are Coastal Areas and the surrounding land uses to the south are Coastal Areas and Mixed Residential Areas.

DelDOT has determined that the traffic associated with the proposed use is negligible and therefore did not recommend that a Traffic Impact Study be performed for the application. There will also be appropriate lighting on the Property for security purposes. Donovan's proposes to provide thirteen (13) parking spaces and one (1) handicap accessible parking space (14 total parking spaces) to access the office building and a loading space for access to the storage building. Sewer Services are proposed to be provided by Sussex County. Central water services are not available but a private well is proposed on the Property. In addition, there are no wetlands on the Property.

The proposed use complies with the Sussex County Zoning Code (the

“Code”). The Property is located in the AR-1 (Agricultural Residential District) under the Sussex County Zoning Code (the “Code”). The purpose of the AR-1 Zoning District is to provide for “a full range of agricultural activities and to protect agricultural lands, as one of the county’s most valuable natural resources, from the depreciating effect of objectional, hazardous and unsightly uses.” Conditional Uses allowed within the AR-1 District pursuant to Section 115-22 of the Code include, among other uses, agricultural related industries, “as well as residential, business, commercial or industrial uses when the purposes of the chapter are more fully met by issuing a conditional use permit.” Thus, the proposed office use is a permitted conditional use under the Code.

The 2019 Comprehensive Plan, Future Land Use Plan (the “Plan”) indicates that the Property has the land use designation Coastal Area, which includes areas around Rehoboth Bay, Indian River Bay and Little Assawoman Bay. The Plan provides that the Coastal Area is a growth area but “additional considerations should be taken into account in this Area that may not apply in other Growth Areas.”<sup>1</sup> The Plan concedes that the “challenge in this region is to safeguard genuine natural areas and mitigate roadway congestion without stifling the tourism and real estate markets which: a) provide many jobs; b) create business for local

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<sup>1</sup> 2019 Sussex County Comprehensive Plan at 4-15.

entrepreneurs; and c) help keep local tax rates low.”<sup>2</sup> Permitted uses in the Coastal Areas include a range of housing types, such as single-family homes, townhomes, and multi-family units. In addition to residential uses, “[r]etail 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.”<sup>3</sup> The Plan further provides that “careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home.”<sup>4</sup> The proposed office use is an appropriate use in the Coastal Areas and will improve the area.

In addition, the State’s Strategies for State Policies and Spending map classifies this property as being part of Investment Level 1. Thus, it “is the State’s intent to use its spending and management tools to maintain and enhance community character, to promote well-designed and efficient new growth, and to facilitate redevelopment in Investment Level 1 Areas.”<sup>5</sup> A single-family trailer was previously maintained on this Property. The use proposed will enhance the community character and facilitate the redevelopment of the Property in this Investment Level 1 Area, as intended by the State.

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<sup>2</sup> 2019 Sussex County Comprehensive Plan at 4-15.

<sup>3</sup> 2019 Sussex County Comprehensive Plan at 4-15.

<sup>4</sup> 2019 Sussex County Comprehensive Plan at 4-15.

<sup>5</sup> 2019 Sussex County Comprehensive Plan at 4-10.

For the reasons set forth herein, the proposed conditional use is appropriate under the Code and Plan as it promotes the health, safety, morals, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County.

**PROPOSED FINDINGS OF FACT & CONDITIONS  
OF APPROVAL**

**PROPOSED FINDINGS OF FACT AND CONDITIONS**  
**C/U NO. 2188**

Based upon the record presented in support of C/U No. 2188, the application of Donovan's Painting & Drywall, LLC for a conditional use of land in an AR-1 Agricultural Residential District for purposes of developing a 2,600 square foot specialty trade contractor's office and a 1,800 square foot storage building for an existing business known as Donovan's Painting & Drywall, LLC, the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions:

1. The application of Donovan's Painting & Drywall, LLC seeks a conditional use of land in an AR-1 Agricultural Residential District for purposes of developing a 2,600 square foot specialty trade contractor's office and a 1,800 square foot storage building for an existing business known as Donovan's Painting & Drywall, LLC.

2. The conditional use of land sought consists of two (2) parcels, approximately .72 acres of land, lying on the southeast side of US Route 9, approximately 200 feet southwest of the intersection of US Route 9 and Church Street (Sussex Road 285B) (Rt. 113), and identified by Sussex County Tax Mapping as Tax Parcels 334-5.00-205.01 and 208.00.

3. The property is located along US Route 9, which is classified by the Delaware Department of Transportation as a major collector road. The property is opposite an existing C-1 General Commercial District and is near a Delmarva Power Substation. In addition, the property is between Stockley Materials, which is an approved conditional use for the commercial sale and storage of landscaping materials, and a homeless shelter, which is an approved special use. The area in general is a mixed-use area that includes existing residential and commercial uses.

4. The Applicant proposes to relocate an existing painting and drywall business from Coastal Highway to the property.

5. The Applicant has been in business for 12 years and is currently operating on Coastal Highway in Rehoboth Beach, Sussex County, Delaware.

6. The Applicant provides a service to the construction industry in Sussex County. This use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.

7. The Applicant purchased the property to relocate the business in order to have more space as well as to more efficiently serve their customers by avoiding the heavy traffic associated with Coastal Highway.

8. Sussex County Engineering Department, Utility Division, commented that the property is located in the West Rehoboth Expansion Area and public sewer is available to the property from Sussex County.

9. The property is served by an individual onsite well.

10. Coastal Soil Consultants, Inc. conducted a soil reconnaissance survey to assess the soil's suitability for stormwater management and found that the evaluated soils are well drained and moderately rapidly permeable. In addition, no federally regulated wetlands were found on these parcels.

11. Stormwater management facilities are proposed along the rear of the property and shall be subject to the review and approval of the Sussex Conservation District. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of the stormwater management areas.

12. DeIDOT commented that a Traffic Impact Study was not recommended and that the proposed use would have a negligible impact on traffic. The Applicant shall comply with all DeIDOT requirements, including any entrance improvements.

13. A conditional use of land sought will have no adverse or detrimental impact on neighboring areas.

14. There is a natural forested buffer along most of the sides and rear of the property, which shall remain.



15. The use shall be limited to a contractor's office and storage facilities.
16. One lighted sign not to exceed 32 square feet per side shall be permitted.
17. The hours of operation of the office will be from 7:00 a.m. through 7:00 p.m. on Monday through Friday and 7:00 a.m. through 12:00 p.m. on Saturday.
17. There are currently eighteen (18) employees, three (3) of which are onsite and manage the office operations. In addition, Donovan's engages subcontractors, as needed, to meet the needs of the construction industry.
18. There shall be at least thirteen (13) parking spaces for parking, one (1) parking space for handicap parking and a loading zone for delivery of materials to the storage building, as shown on the conditional use site plan.
19. Materials will be stored in the proposed storage building and will be accessed via the proposed loading area. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
20. The proposed use of the property as a specialty trade contractor's office and storage building is of a public or semi-public character that will benefit the residents of Sussex County.
21. The property is located in the Coastal Area under the Sussex County Comprehensive Land Use Plan.

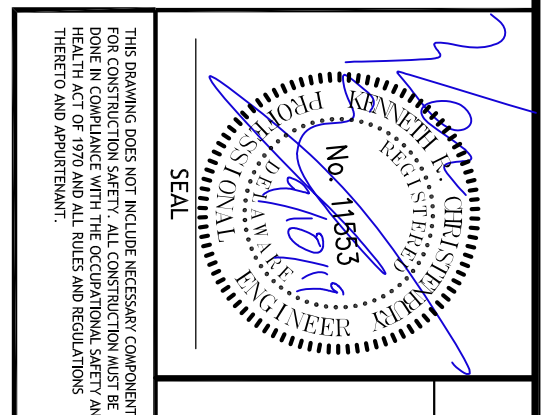
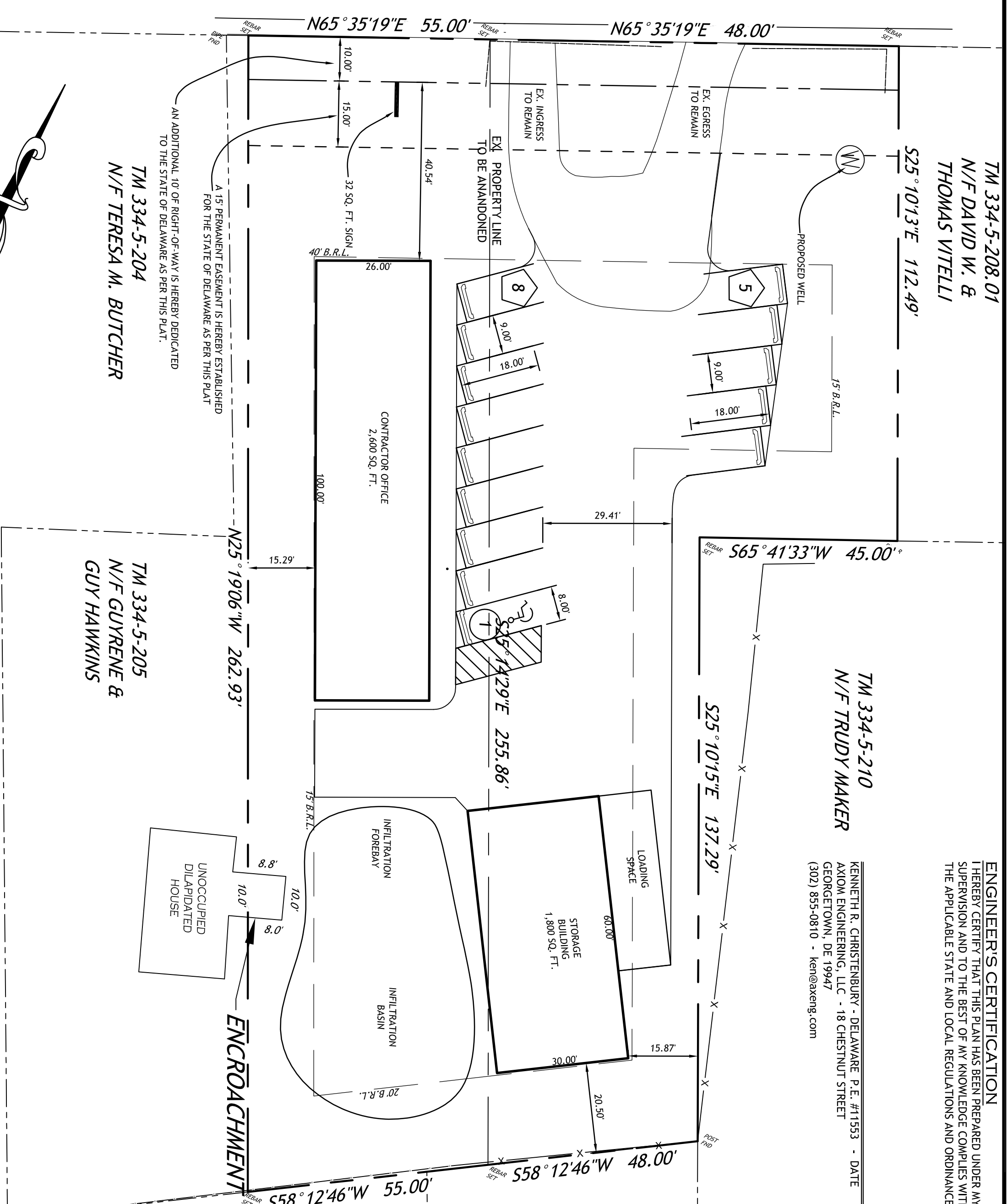
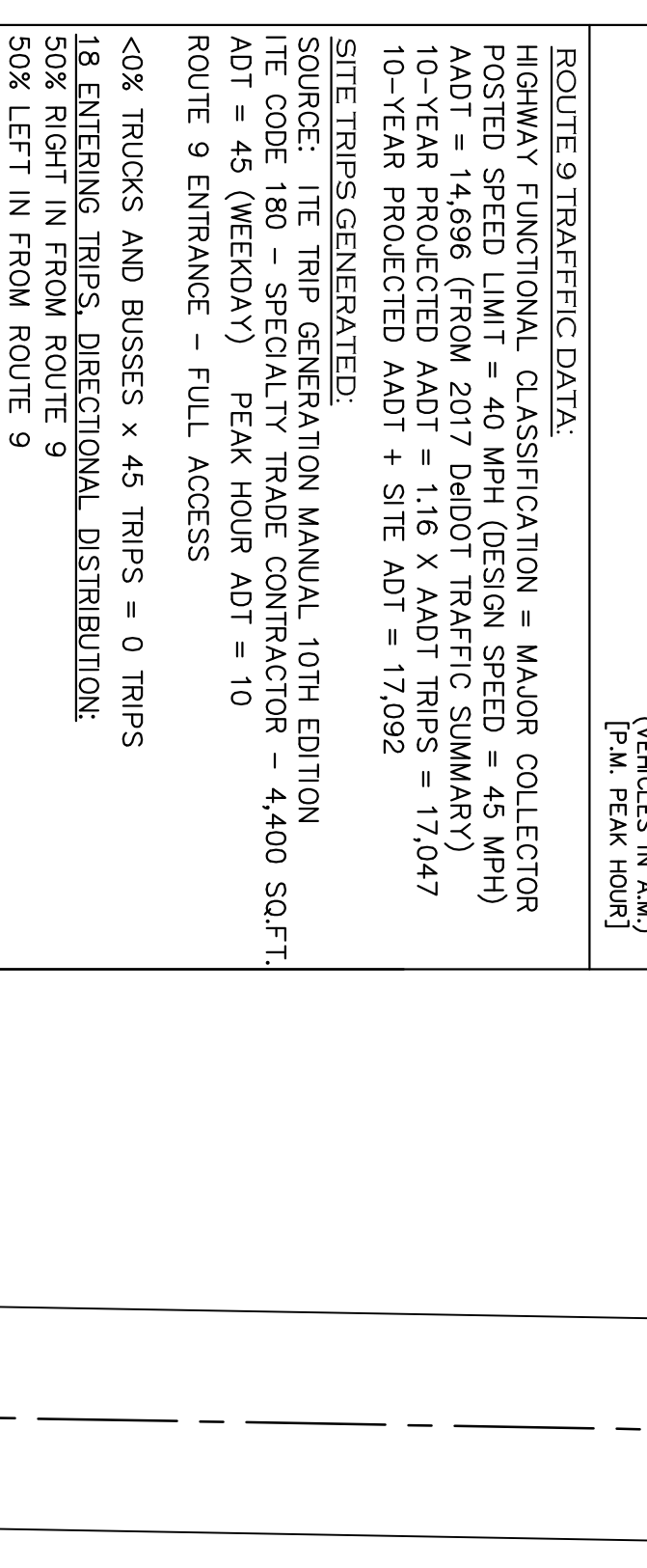
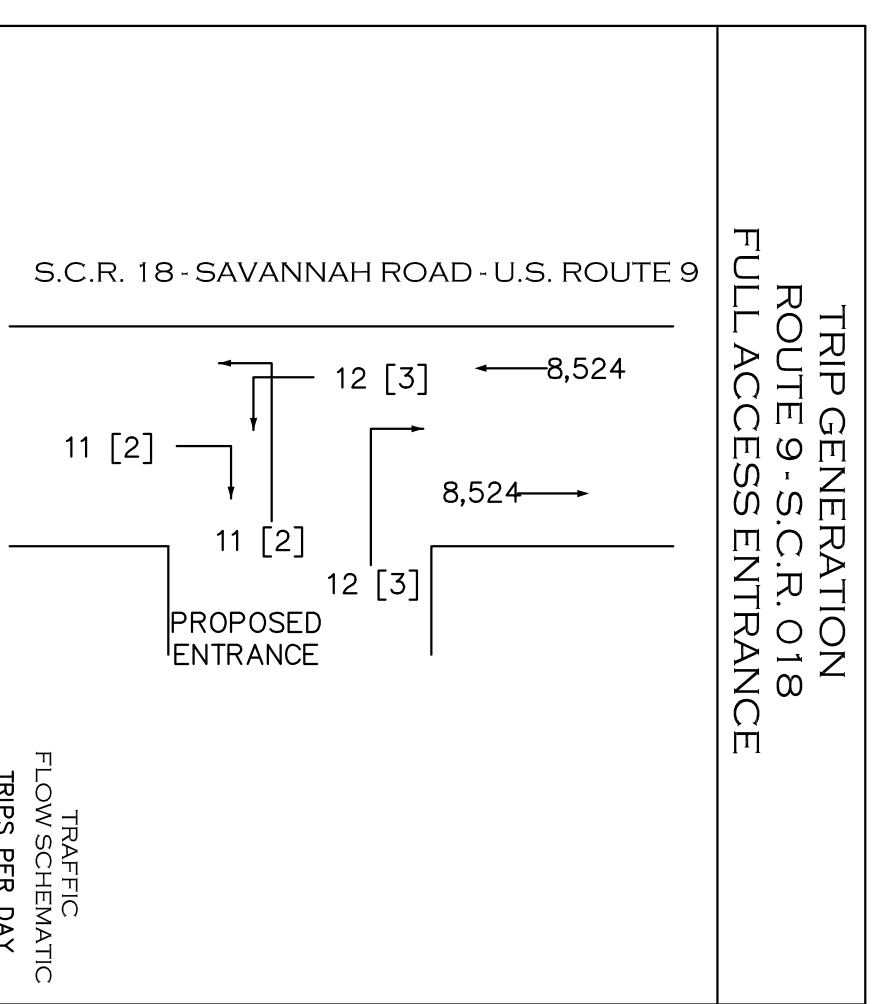
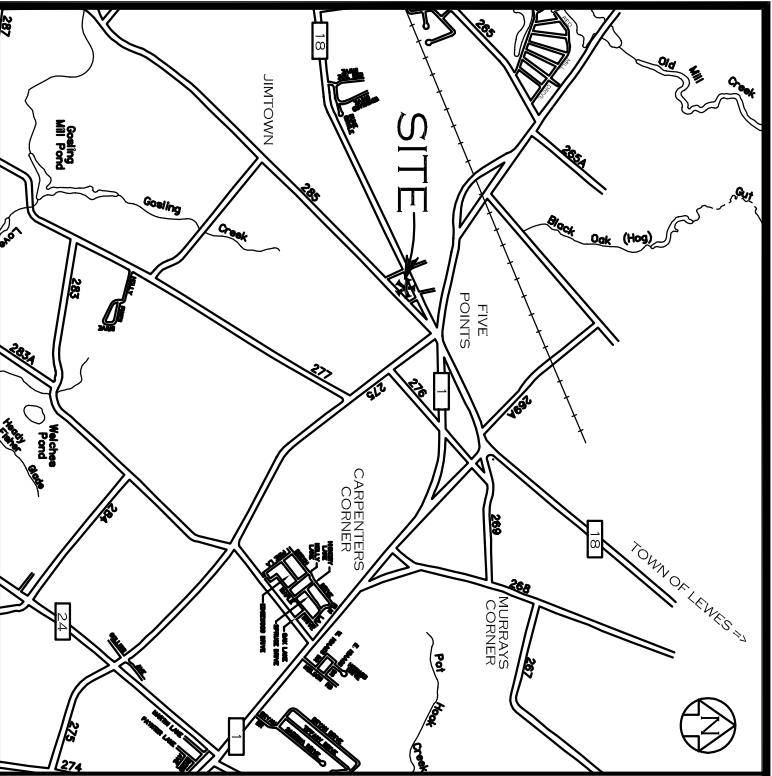
22. The proposed use of the property is consistent with the purposes and goals of the Comprehensive Land Use Plan.

23. The conditional use will afford an existing specialty trade contractor business to relocate and expand their current operations to better service the needs of the construction industry for residents and businesses in the rapidly expanding district.

24. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Based upon the record and the above findings, the Planning & Zoning Commission recommends that the County Council approve the applied for conditional use of land as the proposed conditional use is for the purpose of promoting the health, safety, morals, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County, including amongst other things, the lessening of congestion in the streets or roads, securing safety from fire, flood and other dangers, providing adequate light and air; preventing on the one hand, excessive concentration of population and on the other hand, excessive and wasteful scattering of population or settlement and promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements.





**CONDITIONAL USE SITE PLAN**  
CONDITIONAL USE NO. 2188  
**DONOVAN'S PAINTING & DRYWALL, LLC**  
PROPOSED OFFICE AND STORAGE BUILDING  
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DE

PROJECT NO.: 0483-1901  
DRAWING: CU-1  
SHEET: 1 OF 2

ENGINEER: KRC  
DESIGNER: KRC  
DRAFTER: KRC  
CHECKED BY: S/07/2019  
DATE: 3/4/2019  
TAX MAP: 334-5-205-0178-308  
11' X 17'  
1/4" = 20'  
1/8" = 10'  
1/16" = 5'

**AXIOM ENGINEERING L.L.C.**  
18 CHESTNUT STREET  
GEORGETOWN, DE 19947  
TEL: 302.855.0812  
FAX: 302.855.0812  
EMAIL: AXIOM@AXIOM.COM  
WEB: WWW.AXIOM.COM

REV	DESCRIPTION OF REVISION	DATE	BY
1	REVISION FOR PUBLIC HEARING	9/10/2019	BY: KRC
2	REVISION FOR PUBLIC HEARING	10/20/2019	BY: KRC

- ENGINEER'S CERTIFICATION**  
I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.
- NOTES:**
- FORESTED BUFFERS, PARKING LOTS, STORMWATER MANAGEMENT FACILITIES AND OTHER FACILITIES SHALL BE MAINTAINED BY THE OWNER OF THE PROPERTY, SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE FACILITIES WITHIN THE SITE.
  - THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN MARCH 2019.
  - THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
  - THERE ARE NO WETLANDS LOCATED ON SITE.
  - BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C0331 K, DATED MARCH 16, 2015, THE ENTIRE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS ZONE "X" (UNSHADED), WHICH IS AN AREA DETERMINED TO BE OUTSIDE THE 300-YEAR FLOODPLAIN.
  - MAINTENANCE OF THE PAVED AREAS WITHIN THE SITE WILL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE PROPERTY OWNERS WITHIN THIS SITE. THE STATE PAVED AREAS WITHIN THE SITE.
  - ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
  - STORMWATER SHALL BE MANAGED THROUGH BEST MANAGEMENT PRACTICES REVIEWED AND APPROVED BY THE SUSSEX CONSERVATION DISTRICT. THE MAINTENANCE OF ANY STORMWATER MANAGEMENT FACILITIES CONSTRUCTED WITHIN THIS SITE SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY.
  - ALL FIRE LANS, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
  - WATER FOR THIS SITE WILL BE PROVIDED BY A PRIVATE WELL. THE PROPOSED BUILDINGS SHALL NOT BE PROTECTED BY AN AUTOMATIC SPRINKLER SYSTEM.
  - SANITARY SEWER SHALL BE PROVIDED BY SUSSEX COUNTY.

**SITE DATA:**

PROPERTY OWNER: JOSE SANDOVAL  
PO BOX 255  
REHOBOTH BEACH, DE 19971  
302-745-6306  
donovanspainting@hotmail.com

TAX MAP REFERENCE: 334-5-205-01 & 208  
DEED REFERENCE: DB-4978 - PG 233  
CURRENT ZONING: AR-1  
RESIDENTIAL/VACANT  
EXISTING USE: AR-1/1-CU  
PROPOSED ZONING: STORAGE AND OFFICE  
PROPOSED CONSTRUCTION TYPE: WOOD FRAME WITH STEEL SIDING  
BUILDING SETBACKS:  
• FRONT: 40'  
• SIDE: 15'  
• REAR: 20'

MAXIMUM BUILDING HEIGHT: 42'  
PROPOSED BUILDING HEIGHT: 25'

AREA-PARCEL	AREA (SQ. FT.)	REQUIRED PARKING
334-5-205-01	14,220 SQ. FT.	13 (1 PER 200 SQ. FT.)
334-5-205-02	17,153 SQ. FT.	13
334-5-205-03	1,880 SQ. FT.	0
REMAINING LANDS	23,893 SQ. FT. (0.69 AC.)	14
<b>TOTAL</b>	<b>GROSS FLOOR AREA (SQ. FT.)</b>	<b>TOTAL PARKING SPACES REQUIRED</b>
	2,600	13
		0
		13

PARKING SPACES PROVIDED:  
HANDICAP: 1  
DIAGONAL (9'x18'): 13  
PERPENDICULAR (10' X 20'): 0  
COMPACT: 14

LOADING SPACES REQUIRED: 1  
CENTRAL WATER PROVIDER: PRIVATE WELL  
AUTOMATIC SPRINKLERS PROVIDED: NONE  
CENTRAL SEWER PROVIDER: WEST REHOBOTH EXPANSION OF THE DEWY BEACH SANITARY SEWER DISTRICT

EX. PROPERTY LINE

PROPOSED SUBDIVISION LINE

EX. ADJACENT PROPERTY LINES

EX. 404 WETLANDS

EX. MINOR CONTOUR

EX. MAJOR CONTOUR

EX. BUILDING RESTRICTION LINES

EX. ROAD CENTERLINE

EX. EASEMENT

EX. BUILDING

EX. SHALE

EX. SIDEWALK

EX. CURB

EX. STORM SEWER

EX. SANITARY SEWER

EX. WOODS LINE

EX. WATER LINE

EX. WELL

TRAFFIC SIGN

EX. ZONING BOUNDARY

EX. ELECTRIC LINES UTILITIES

EX. DUTILITY POLES/LIGHT POLES

EX. SPOT ELEVATION

PR. DELDOT ENTRANCE PAVING

PR. ROTOMULL 1 1/4" @ OVERLAY

PR. SOIL BORING

EX. TEST PIT

EX. STREAM

DRAINAGE DIVIDES

TIME OF CONCENTRATION

**OWNER'S CERTIFICATION:**  
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

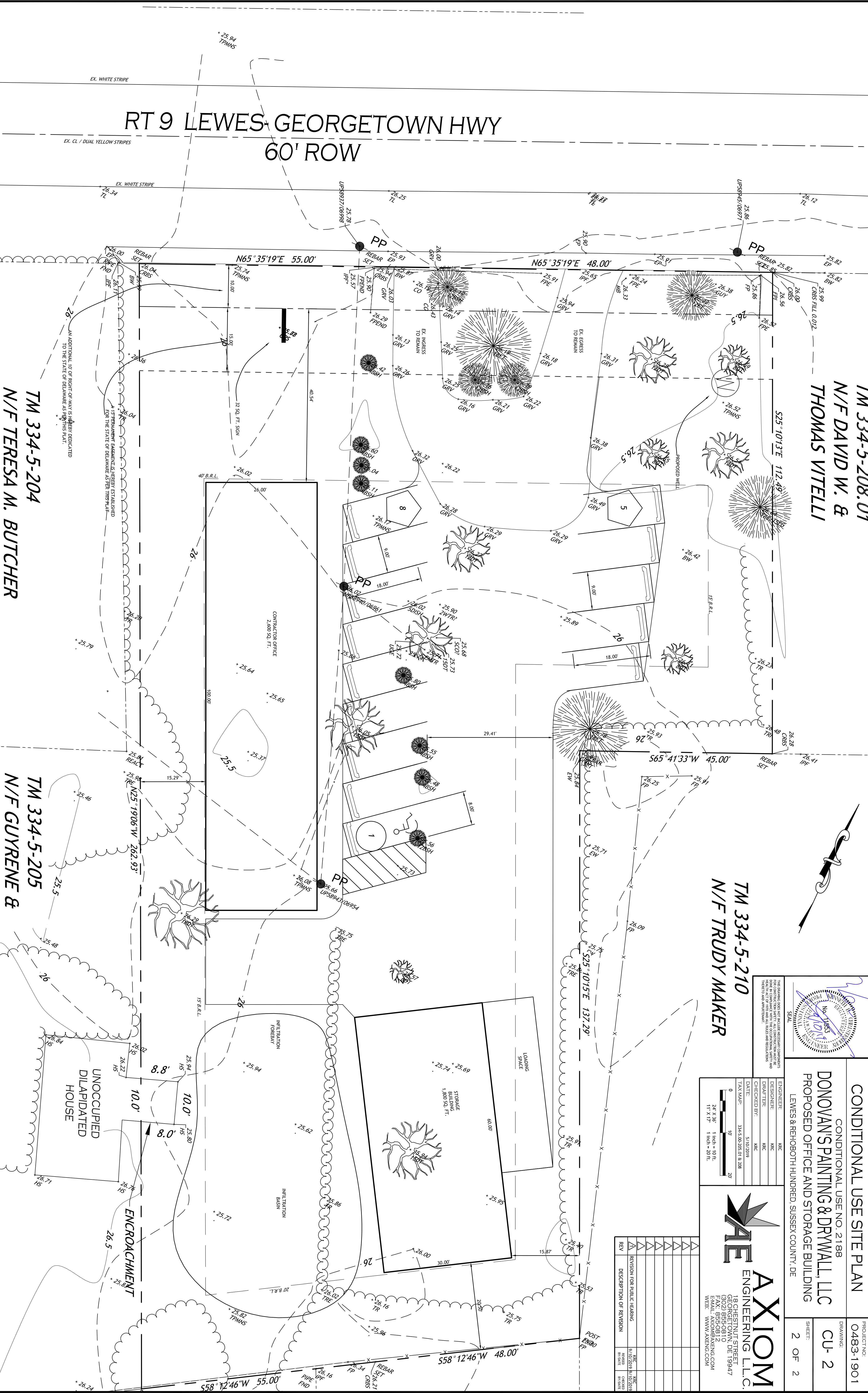
DATE: \_\_\_\_\_

JOSE SANDOVAL  
PO BOX 255  
REHOBOTH BEACH, DE 19971  
302-745-6306  
donovanspainting@hotmail.com

**WETLANDS CERTIFICATION:**  
THIS PROPERTY HAS BEEN EXAMINED BY COASTAL SOIL, INC. FOR THE PRESENCE OF WATERS OF THE UNITED STATES INCLUDING WETLANDS (SECTION 404 AND SECTION 10), STATE SUBAQUEOUS LANDS AND STATE TIDAL WETLANDS BASED ON THE CRITERIA SET FORTH BY THE REVIEWING AGENCIES IN THE FORM OF MANUALS, POLICIES AND PROCEDURES IN PLACE AT THE TIME THAT THE INVESTIGATION WAS CONDUCTED. IN ACCORDANCE WITH OUR FIELD INVESTIGATIONS AND DETAILS IN BORING LOGS PREPARED BY COASTAL SOIL, INC. USING BEST PROFESSIONAL JUDGMENT, THERE ARE NO REGULATED WETLANDS OR WATERS OF THE U.S. LOCATED ON THE SUBJECT PROPERTY SHOWN ON THIS PLAN.

DATE: \_\_\_\_\_

COASTAL SOIL CONSULTANTS, INC. - JAY DUKE, CLASS D SOIL SCIENTIST  
25092 OAK ROAD - SEAFORD, DE 19973  
302-629-2899 - jayduke@coastal.net

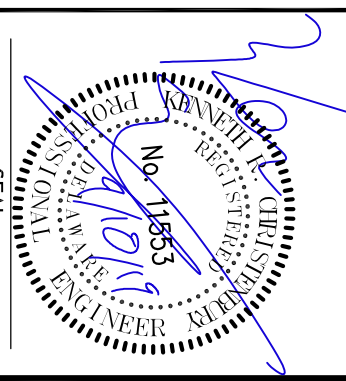


TM 334-5-204  
N/F TERESA M. BUTCHER

TM 334-5-205  
N/F GUYRENE &

TM 334-5-208.01  
N/F DAVID W. &  
THOMAS VITELLI

TM 334-5-210  
N/F TRUDY MAKER



**CONDITIONAL USE SITE PLAN**  
 CONDITIONAL USE NO. 2188  
**DONOVAN'S PAINTING & DRYWALL, LLC**  
 PROPOSED OFFICE AND STORAGE BUILDING  
 LEWES & REHOBOTH HUNDED, SUSSEX COUNTY, DE

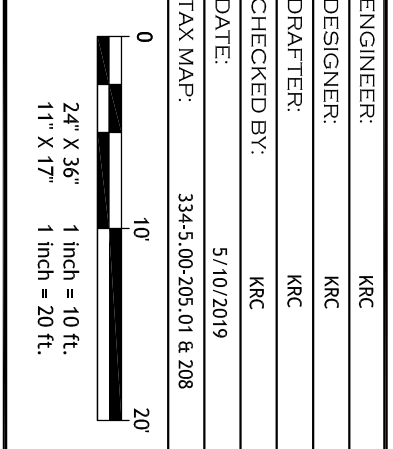
PROJECT NO.: 0483-1901

DRAWING: CU-2  
 SHEET: 2 OF 2

ENGINEER	ARC
DISPATCHER	ARC
DESIGNER	ARC
CHECKED BY	ARC
DATE	5/10/2019
TAX MAP	3344-003-011-308

**AXIOM ENGINEERING L.L.C.**  
 18 CHESTNUT STREET  
 GEORGETOWN, DE 19947  
 FAX: 850-9812  
 EMAIL: AXIOM@AXIOM.COM  
 WEB: WWW.AXIOM.COM

REV	DESCRIPTION OF REVISION	DATE	BY
1	REVISION FOR PUBLIC HEARING	9/10/2019	DLZ/218
2	REVISION FOR PUBLIC HEARING	9/10/2019	DLZ/218
3	REVISION FOR PUBLIC HEARING	9/10/2019	DLZ/218
4	REVISION FOR PUBLIC HEARING	9/10/2019	DLZ/218
5	REVISION FOR PUBLIC HEARING	9/10/2019	DLZ/218
6	REVISION FOR PUBLIC HEARING	9/10/2019	DLZ/218
7	REVISION FOR PUBLIC HEARING	9/10/2019	DLZ/218
8	REVISION FOR PUBLIC HEARING	9/10/2019	DLZ/218
9	REVISION FOR PUBLIC HEARING	9/10/2019	DLZ/218
10	REVISION FOR PUBLIC HEARING	9/10/2019	DLZ/218



**PLANNING & ZONING COMMISSION**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JANELLE CORNWELL, AICP  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date September 26, 2019

Application: CU 2190 Steven & Helene Falcone

Applicant/Owner: Steven Falcone & Helene Falcone  
17662 Beaver Dam Rd.  
Rehoboth Beach, DE 19958

Site Location: 17662 Beaver Dam Rd. Northwest corner of Beaver Dam Rd. and Church St.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Office

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

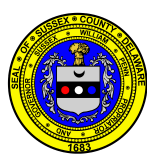
Sewer: Sussex County

Water: unknown

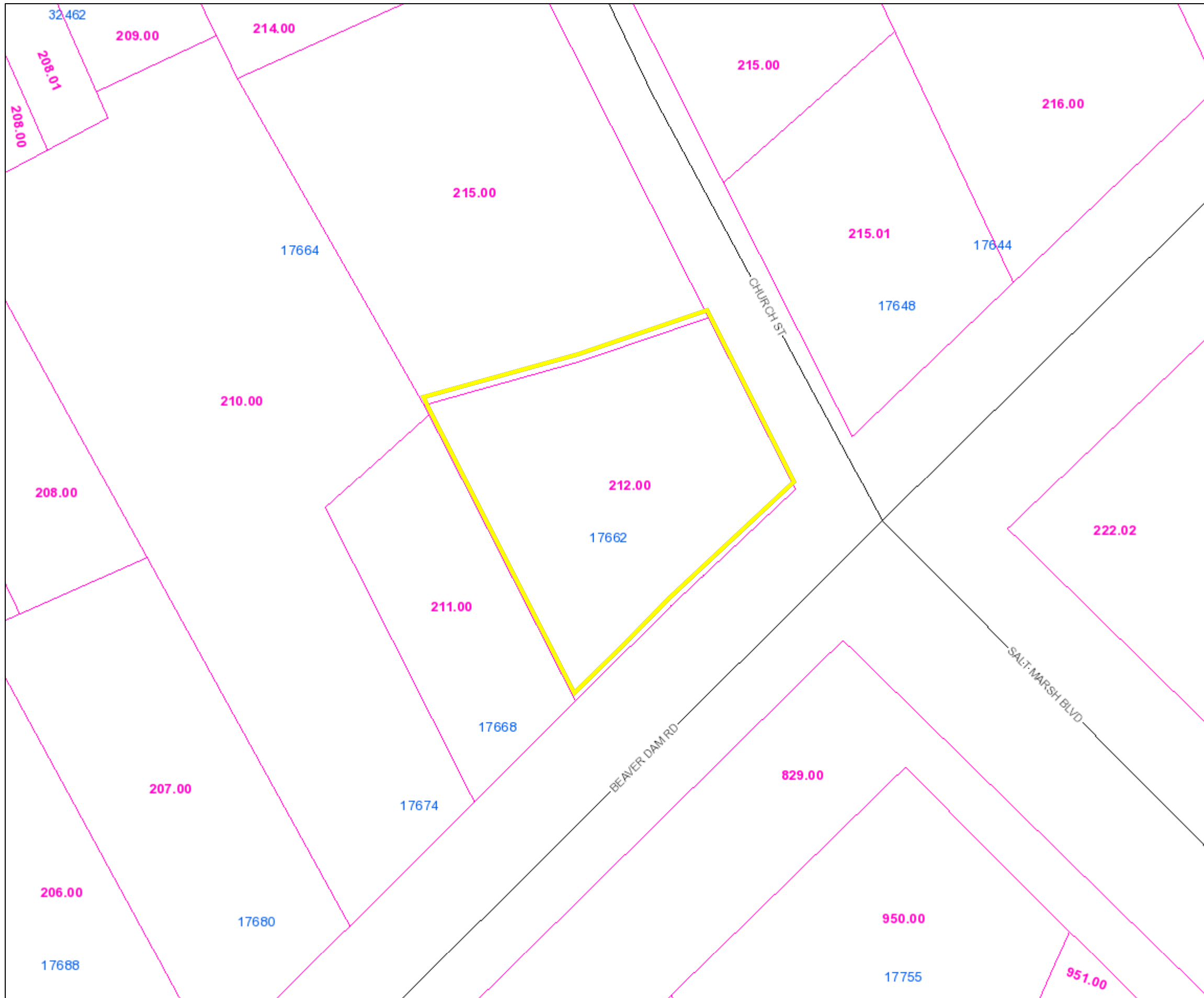
Site Area: 0.26 ac. +/-

Tax Map ID.: 334-5.00-212.00





# Sussex County

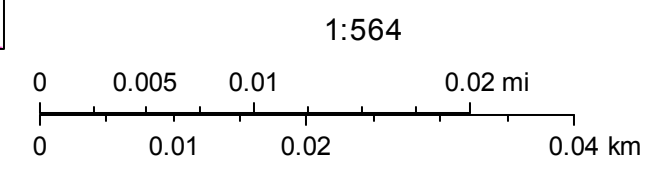


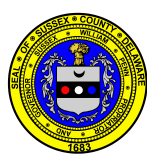
<b>PIN:</b>	334-5.00-212.00
<b>Owner Name</b>	FALCONE STEVEN
<b>Book</b>	5006
<b>Mailing Address</b>	34561 MICHELLE DR
<b>City</b>	REHOBOTH BEACH
<b>State</b>	DE
<b>Description</b>	NW/BEAVER DAM RD
<b>Description 2</b>	SW/CHURCH ST
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

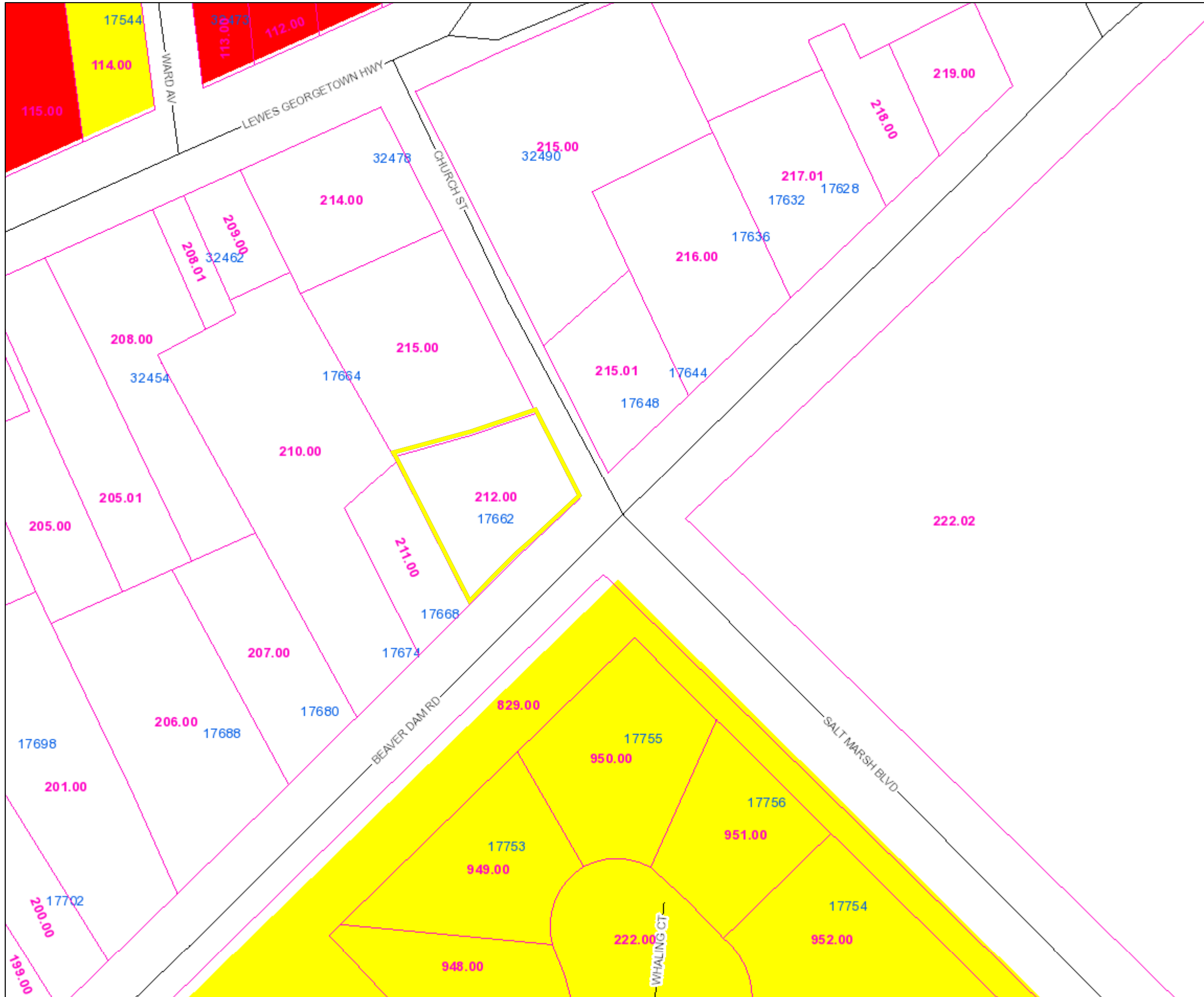
  - Override 1
- polygonLayer**

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





# Sussex County



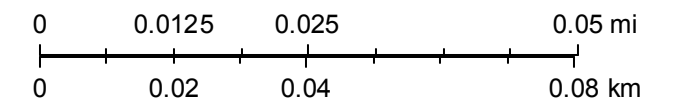
<b>PIN:</b>	334-5.00-212.00
<b>Owner Name</b>	FALCONE STEVEN
<b>Book</b>	5006
<b>Mailing Address</b>	34561 MICHELLE DR
<b>City</b>	REHOBOTH BEACH
<b>State</b>	DE
<b>Description</b>	NW/BEAVER DAM RD
<b>Description 2</b>	SW/CHURCH ST
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
- Tax Parcels
- 911 Address
- Streets

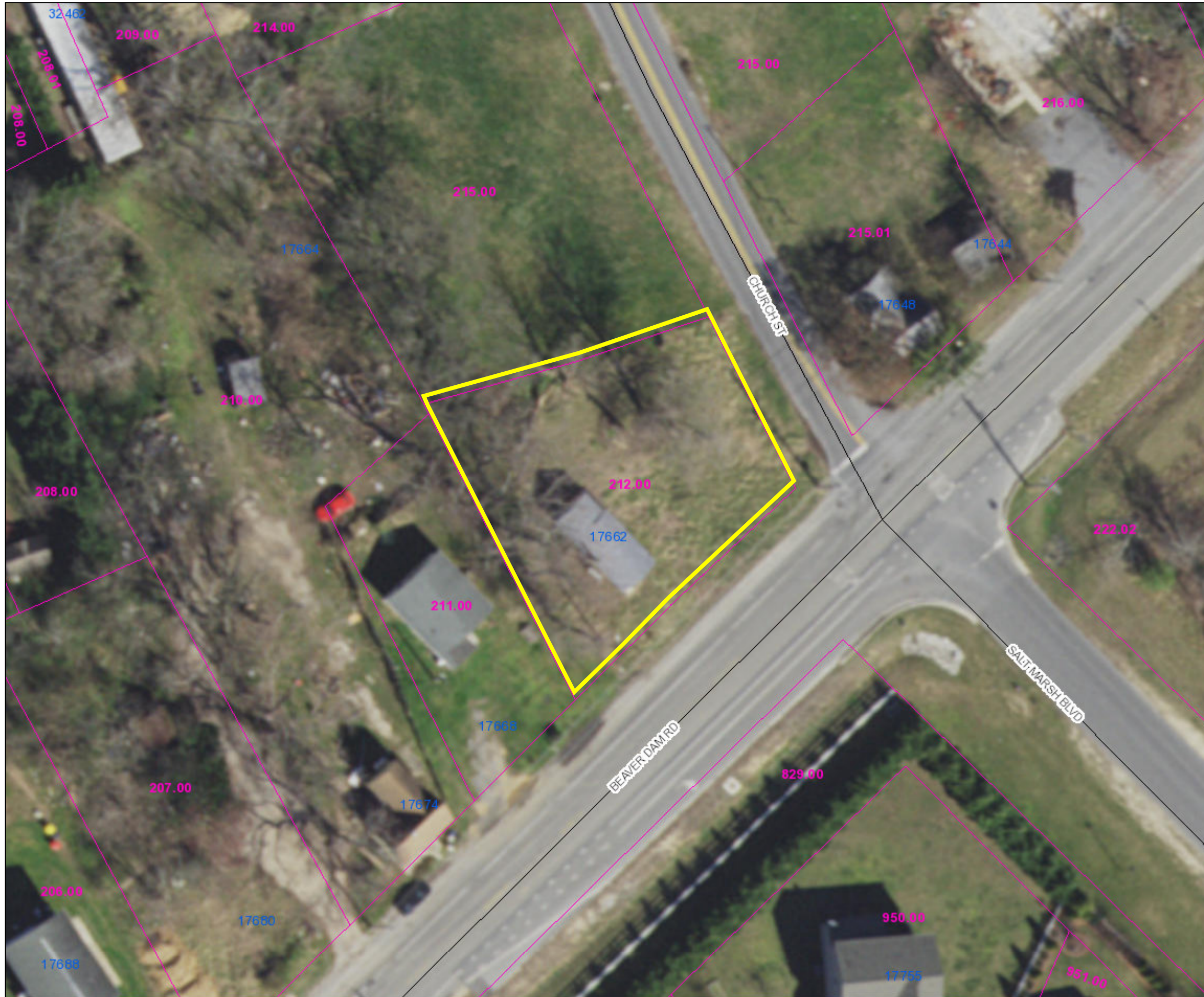
1:1,128





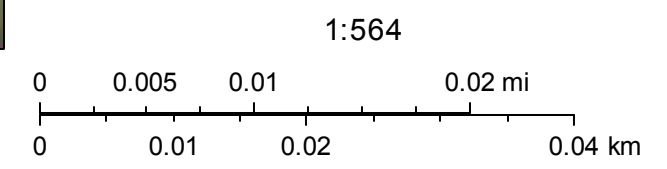


# Sussex County



<b>PIN:</b>	334-5.00-212.00
<b>Owner Name</b>	FALCONE STEVEN
<b>Book</b>	5006
<b>Mailing Address</b>	34561 MICHELLE DR
<b>City</b>	REHOBOTH BEACH
<b>State</b>	DE
<b>Description</b>	NW/BEAVER DAM RD
<b>Description 2</b>	SW/CHURCH ST
<b>Description 3</b>	N/A
<b>Land Code</b>	

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



## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-5079 F



# Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 13, 2019  
RE: Staff Analysis for CU 2190 Steven & Helene Falcone

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2190 Steven & Helene Falcone. to be reviewed during the September 26, 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 Condition Use for parcel 334-5.00-212.00 and 213.00 to allow for an office be located at 17622 Beaver Dam Road in Lewes, Delaware. The size of the property is 0.26 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (“the 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 “Coastal Area.”

The surrounding land use to the north, south, east and west are designated on the Future Land Use Map as “Coastal Areas” with some properties further to the north designated “Commercial Areas.” Coastal Areas recognize ecologically important and sensitive characteristics. Coastal Areas also support a range of housing types (ie: single-family homes, townhouses and multi-family units.) Additionally, retail and office uses are considered appropriate in this land-use designation per the Comprehensive Plan.

The property is zoned AR-1 (Agricultural Residential Zoning District.) The adjoining and surrounding parcels to the north, south, east and west are all zoned Agricultural Residential (AR-1). Further south, on the opposite side of Beaver Dam Road (Route 29), parcels are zoned Medium Density Residential (MR). To the north beyond Lewes Georgetown Highway (Route 9) parcels are all zoned General Commercial (C-1).

Since 2011, there has been one (1) Conditional Use in the vicinity of the subject parcel: CU 2067 to the west, for a commercial landscaping material sales and storage facility was approved by County Council on April 11, 2017.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for an office could be considered consistent with the adjoining land uses, area zoning and surrounding uses.



File #: CU2190  
201906444

## Planning & Zoning Commission Application Sussex County, Delaware

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

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

Conditional Use

Zoning Map Amendment

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

17662 Beaver Dam Road Lewes, DE 19958

**Type of Conditional Use Requested:**

Convert from agricultural use to office use.

**Tax Map #:** 3-34-05.00-212.00 (213.00 Combined w/ 212.00) **Size of Parcel(s):** 11,387 sq. ft.

**Current Zoning:** AR-1 **Proposed Zoning:** COM **Size of Building:** 9,933 sq. ft.

**Land Use Classification:** RS - residential single family home

**Water Provider:** Sussex County

**Sewer Provider:** Sussex County

**Applicant Information**

**Applicant Name:** Steven Falcone & Helene Falcone

**Applicant Address:** 17662 Beaver Dam Road

**City:** Lewes **State:** DE **Zip Code:** 19958

**Phone #:** (302) 644-8634 **E-mail:** steve@stevenfalconecpa.com

**Owner Information**

**Owner Name:** Steven Falcone & Helene Falcone

**Owner Address:** 34561 Michelle Drive

**City:** Rehoboth Beach **State:** DE **Zip Code:** 19971

**Phone #:** (302) 644-8634 **E-mail:** steve@stevenfalconecpa.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Colette Monaghan, Esq.

**Agent/Attorney/Engineer Address:** 122 Sandhill Drive, Suite 203

**City:** Middletown **State:** DE **Zip Code:** 19713

**Phone #:** (302) 644-1426 **E-mail:** cmonaghan@wolfe-associates.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

**Signature of Applicant/Agent/Attorney**



Date: 6-4-19

**Signature of Owner**



Date: 6-4-19

**For office use only:**

Date Submitted: 6/4/19

Staff accepting application: ceh

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

Fee: \$500.00 Check #: 1878  
Application & Case #: 201906444

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

Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_

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



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

JENNIFER COHAN  
SECRETARY

May 16, 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 **Colette Monaghan** conditional use application, which we received on April 17, 2019. This application is for a 0.20-acre of parcel (Tax Parcel: 334-5.00-212.00). The subject land is located on the northwest side of Beaver Dam Road (Sussex Road 285), approximately 70 feet southwest of the intersection of Beaver Dam Road and Church Street (Sussex Road 285B) / Salt Marsh Road. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize the existing facility as an office.

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Beaver Dam Road where the subject land is located, which is from Dairy Farm Road (Sussex Road 261) to US Route 9 Connector Road, are 4,423 and 5,692 vehicles per day, respectively.

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 DeIDOT'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. DeIDOT'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.

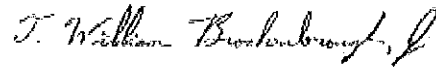
If the County approves this application, the applicant should be reminded that DeIDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell  
Page 2 of 2  
May 16, 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:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Colette Monaghan, 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

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

RECEIVED

TO: **Janelle Cornwell**  
REVIEWER: **Chris Calio**  
DATE: **9/6/2019**  
APPLICATION: **CU 2190 Steven & Helene Falcone**  
APPLICANT: **Steven & Helene Falcone**  
FILE NO: **OM-9.04**

SEP 12 2019  
SUSSEX COUNTY  
PLANNING & ZONING

TAX MAP &  
PARCEL(S): **334-5.00-212.00**

LOCATION: **17662 Beaver Dam Road. Northwest corner of Beaver Dam Road and Church Street.**

NO. OF UNITS: **Office**

GROSS  
ACREAGE: **0.26**

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

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes, As Proposed** 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? **See item 8.** 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? **N/A**

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

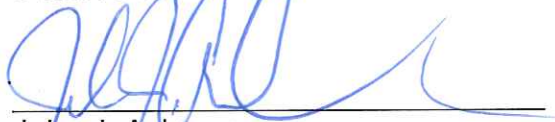
(7). Is project adjacent to the Unified Sewer District? **N/A**

(8). Comments: **There is currently a structure connected on parcel 212.00. If that structure is disconnected from the sanitary sewer there would be an EDU credit of 1.0.**

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

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

UTILITY PLANNING APPROVAL:



John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
Christine Fletcher



Kevin M. Baird  
111 S. Race Street  
Georgetown, DE 19947

August 8, 2019

Sussex County Planning and Zoning Commission  
2 The Circle  
Georgetown, DE 19947

**Re: Falcone - 17662 Beaver Dam Road Usage Variance request**

To Whom It May Concern,

I am writing to express my support for the request for a usage variance for the above referenced property. I am a local business owner in Georgetown, and I have known the petitioners for several years. I believe that their this usage variance should be approved for the following reasons:

- This business is a professional organization and will not be disruptive to the area because it is a service operation and does not cause noise or any other problems.
- The improvements being proposed will significantly improve the aesthetic of the intersection at Beaver Dam and Church Roads.
- Having another professional business in Georgetown will help support the tax base and revitalize the area.
- The Falcones are full time residents of nearby Rehoboth Beach and committed to improving the Sussex county area.
- The improved property will have a positive affect on the value of the properties in the neighborhood.

Thank you for your consideration.

Respectfully,



Kevin M. Baird, Esq.  
Baird Mandalas Brockstedt, LLC

RECEIVED

AUG 14 2019

SUSSEX COUNTY  
PLANNING & ZONING

PETER C. SCHWARTZKOPF  
Speaker of the House  
STATE REPRESENTATIVE  
14<sup>th</sup> District



HOUSE OF REPRESENTATIVES  
STATE OF DELAWARE  
411 LEGISLATIVE AVENUE  
DOVER, DELAWARE 19901

COMMITTEES  
Legislative Council, Vice-Chair  
Administration  
Ethics  
Rules

September 11, 2019

Sussex County Planning and Zoning Commission  
2 The Circle  
P.O. Box 417  
Georgetown, DE 19947

Re: *17662 Beaver Dam Road Usage Variance Request for the Falcone C.P.A.*

I offer my support for the usage variance request promulgated by Steven Falcone Certified Public Accountant.

The Falcone's reside in Rehoboth Beach along with the current location of their CPA business. Their move to 17622 Beaver Dam Road in Lewes should create only positive effects on the community.

Thank you,

Sincerely,

A handwritten signature in cursive script that reads "Peter C. Schwartzkopf".

Peter C. Schwartzkopf  
Speaker of the House

RECEIVED

SEP 17 2019

SUSSEX COUNTY  
PLANNING & ZONING

## Ann Lepore

---

**From:** Colette Monaghan <CMonaghan@wolfe-associates.com>  
**Sent:** Thursday, September 19, 2019 3:42 PM  
**To:** Ann Lepore  
**Subject:** CU 2190 Steven & Helene Falcone  
**Attachments:** Proposed Plot Plan.pdf; DelDOT Review.pdf; Conditional Use Support Letters.pdf

Good afternoon Ms. Lepore,

I am assisting Mr. and Mrs. Falcone with their conditional use application. I have attached 3 documents that may be helpful for the Planning and Zoning Board to review before the 9/26 hearing.

Best,

Colette Monaghan, Esquire  
Associate Attorney

**WOLFE & ASSOCIATES LLC**

Offices in Middletown & Rehoboth

Phone: 302-644-1426

Fax: 302-376-6048

[cmonaghan@wolfe-associates.com](mailto:cmonaghan@wolfe-associates.com)



**WE DO NOT ACCEPT OR REQUEST**  
CHANGES TO WIRING INSTRUCTIONS VIA EMAIL OR FAX.  
**Always call to verify.**

Circular 230 Notice: Pursuant to Treasury guidelines, any tax advice contained in this communication (or any attachment) does not constitute a formal opinion. Accordingly, any tax advice contained in this communication (or any attachment) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of avoiding penalties that may be asserted by the Internal Revenue Service.

ERNESTO B. LÓPEZ  
STATE SENATOR  
6<sup>th</sup> District



SENATE  
STATE OF DELAWARE  
411 LEGISLATIVE AVENUE  
DOVER, DELAWARE 19901

COMMITTEES  
Education  
Health & Social Services  
Sunset

August 5, 2019

Sussex County Planning and Zoning Commission  
2 The Circle  
Georgetown, DE 19947

Re: Falcone - 17662 Beaver Dam Road Usage Variance Request

Dear Commissioners,

I am writing you today to offer my support to Mr. Steven Falcone for his request of usage variance for the property referenced above.

By allowing this small business to open at this location it will improve the community by increasing the value of the property. There will be planned parking as well as a larger home/facility. The Falcone's live nearby in Rehoboth Beach and understand the importance of being a good neighbor.

This business will also bring more employment to the area and will not have a negative impact on the area and the roads. This is a service business and won't generate noise or bring large vehicles to the property.

Thank you for your consideration.

With warmest regards and very best wishes as always,

A handwritten signature in black ink, appearing to read "Ernesto B. Lopez".

Dr. Ernesto B Lopez  
State Senator  
6<sup>th</sup> District

EBL/kr

August 22, 2019

Sussex County Planning and Zoning Commission  
2 The Circle  
Georgetown, DE 19947

Re: Falcone - 17662 Beaver Dam Road Usage Variance Request

To Whom It May Concern:

I am writing to support the request for a usage variance for the above referenced property. I have known the Falcones for almost five years and believe that this usage variance should be approved. They are full time residents of nearby Rehoboth Beach, and are highly respected in the community.

The business will not be a problem to the neighborhood because it's a professional service operation and does not cause any other issues for the area. The improvements that will be made will significantly improve the intersection at Beaver Dam and Church Roads. The improved property will have a positive effect on the value of the properties in the neighborhood.

Thank you for your consideration.

Respectfully,



Donna F. Mulder, CPA

T.M. #3-34-5.00-212.00

LANDS N/F  
TRUDY & STEVEN MAKER  
T.M. #3-34-5.00-210.00  
D.B. 4470-93

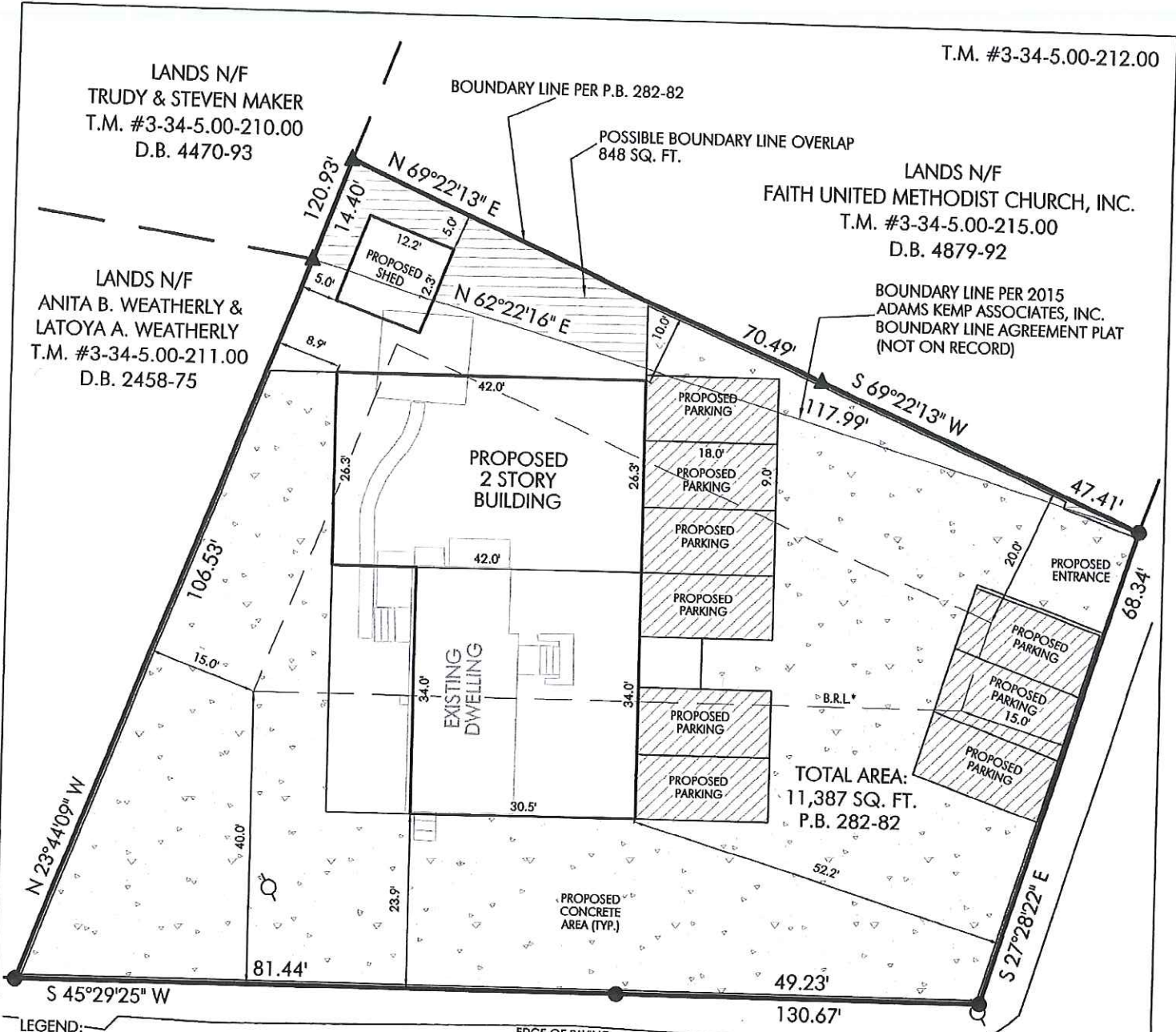
BOUNDARY LINE PER P.B. 282-82

POSSIBLE BOUNDARY LINE OVERLAP  
848 SQ. FT.

LANDS N/F  
FAITH UNITED METHODIST CHURCH, INC.  
T.M. #3-34-5.00-215.00  
D.B. 4879-92

LANDS N/F  
ANITA B. WEATHERLY &  
LATOYA A. WEATHERLY  
T.M. #3-34-5.00-211.00  
D.B. 2458-75

BOUNDARY LINE PER 2015  
ADAMS KEMP ASSOCIATES, INC.  
BOUNDARY LINE AGREEMENT PLAT  
(NOT ON RECORD)



LEGEND:

- IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)
- UTILITY POLE

BEAVER DAM ROAD (R/W VARIES)  
S.C.R. 285

EDGE OF PAVING

DE STATE PLANE

SUSSEX CONSERVATION NOTES:  
 TOTAL COVERAGE: 9,933 SQ. FT. (87.2%)  
 DWELLING, SHED, & CONCRETE AREA.  
 NATURAL AREA: 1,454 SQ. FT. (12.8%)

GENERAL NOTES:  
 \*ALL SETBACKS MUST BE VERIFIED BY THE OWNER AND/OR GENERAL CONTACTOR.  
 \*\*REVISED ON 5/30/2019 TO SHOW PROPOSED CONDITIONS.  
 THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.  
 NO TITLE SEARCH PROVIDED OR STIPULATED.  
 SURVEY CLASS: SUBURBAN



"WORKING VERSION"  
 PROPOSED CONDITIONS  
 BOUNDARY SURVEY PLAN FOR  
**STEVEN W. FALCONE &  
 HELENE FALCONE**

17662 BEAVER DAM ROAD, LEWES  
 LEWES & REHOBOTH HUNDRED SUSSEX COUNTY  
 STATE OF DELAWARE  
 MAY 13, 2019\*\* SCALE: 1" = 20'

Prepared by:

**FORESIGHT** Services

Surveying & Precision Measurement

302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JANELLE CORNWELL, AICP  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date September 26, 2019

Application: CU 2192 Munce/Hernandez

Applicant: Napoleon Hernandez  
12327 Dupont Blvd.  
Ellendale, DE 19941

Owner: Thomas and Judy Munce  
105 Quail Run  
Camden Wyoming, DE 19934

Site Location: 12327 Dupont Blvd. East side of DuPont Blvd. approximately 0.51 mile north of Beach Hwy.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Amend CU 1979 to allow for nightclub type activities and an electronic message center sign.

Comprehensive Land Use Plan Reference: Developing Area

Councilmatic District: Mr. Burton

School District: Milford School District

Fire District: Ellendale Fire District

Sewer: Private, On-Site

Water: Private, On-Site

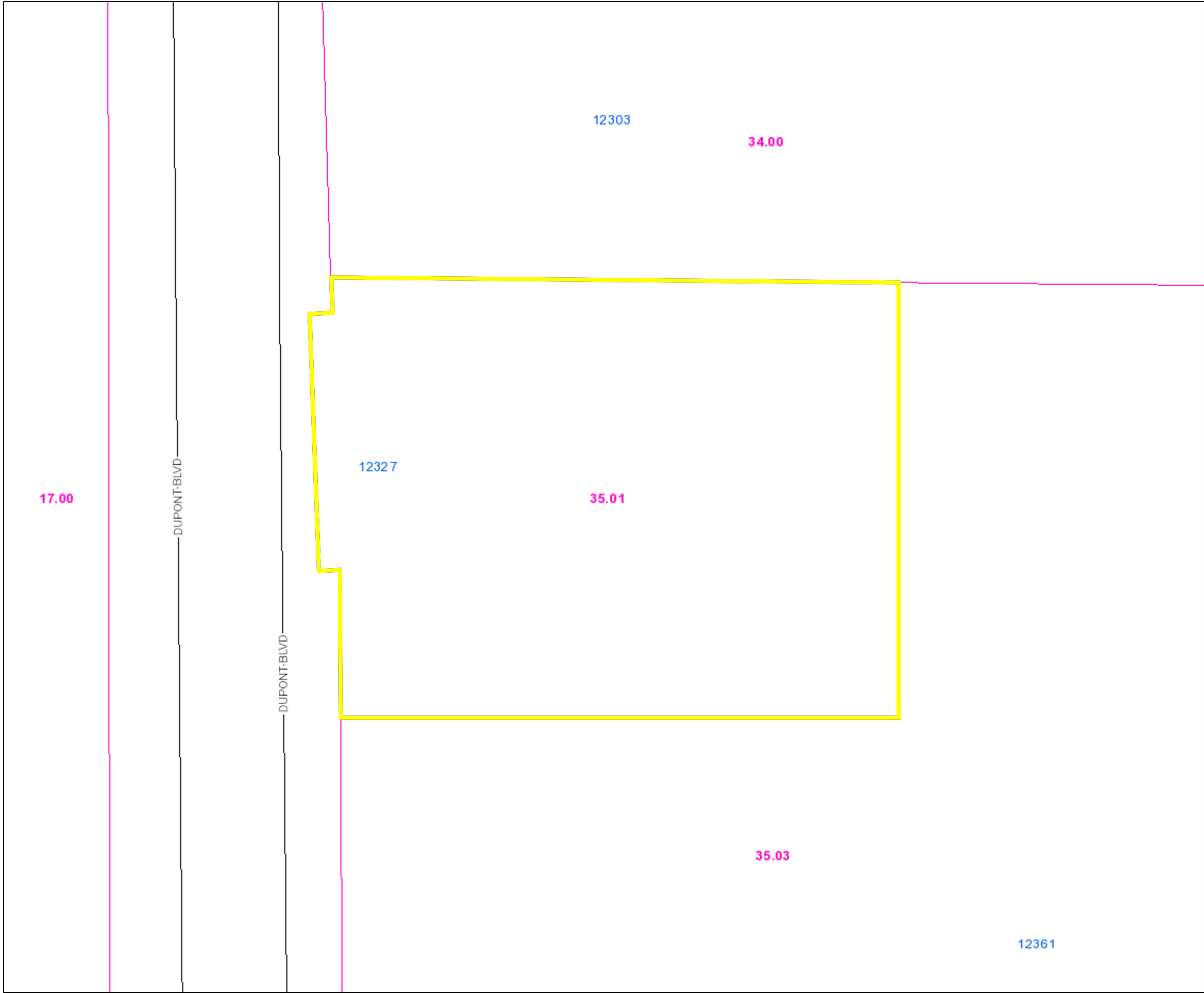
Site Area: 3.033 ac. +/-

Tax Map ID.: 230-26.00-35.01





# Sussex County

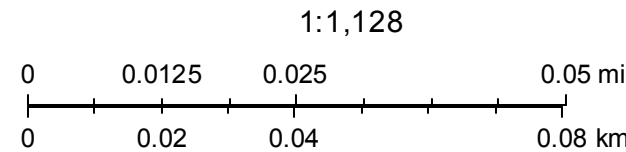


<b>PIN:</b>	230-26.00-35.01
<b>Owner Name</b>	MUNCE THOMAS K JR TRUSTEE
<b>Book</b>	4279
<b>Mailing Address</b>	105 QUAIL RUN
<b>City</b>	CAMDEN WYOMING
<b>State</b>	DE
<b>Description</b>	E/S RT 113 2728'
<b>Description 2</b>	N/RT 16
<b>Description 3</b>	PARCEL 4
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

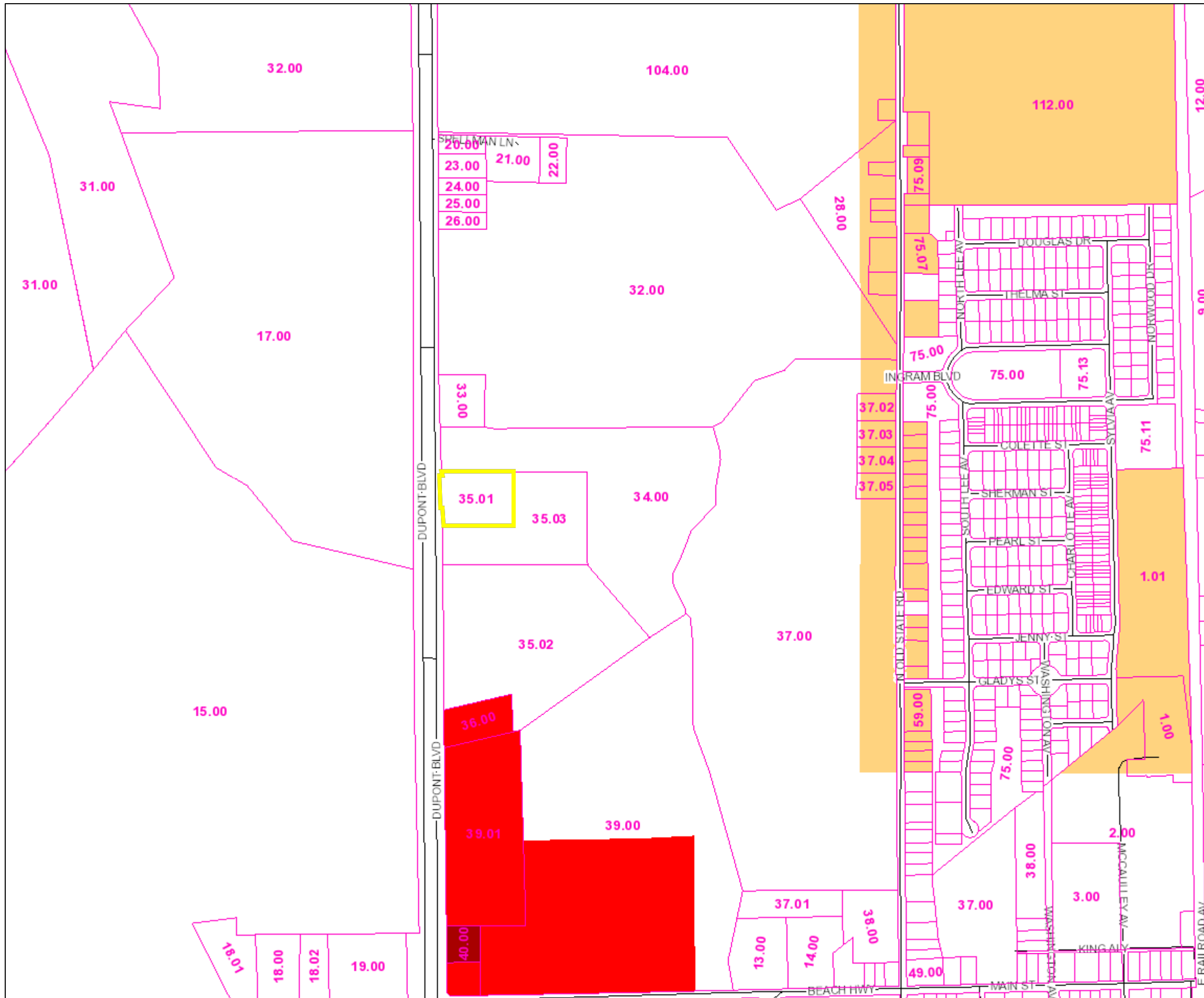
  - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries







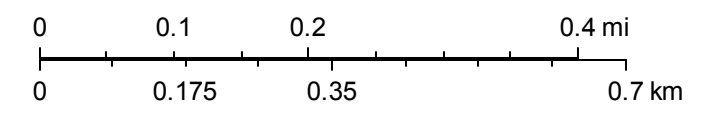
# Sussex County



<b>PIN:</b>	230-26.00-35.01
<b>Owner Name</b>	MUNCE THOMAS K JR TRUSTEE
<b>Book</b>	4279
<b>Mailing Address</b>	105 QUAIL RUN
<b>City</b>	CAMDEN WYOMING
<b>State</b>	DE
<b>Description</b>	E/S RT 113 2728'
<b>Description 2</b>	N/RT 16
<b>Description 3</b>	PARCEL 4
<b>Land Code</b>	

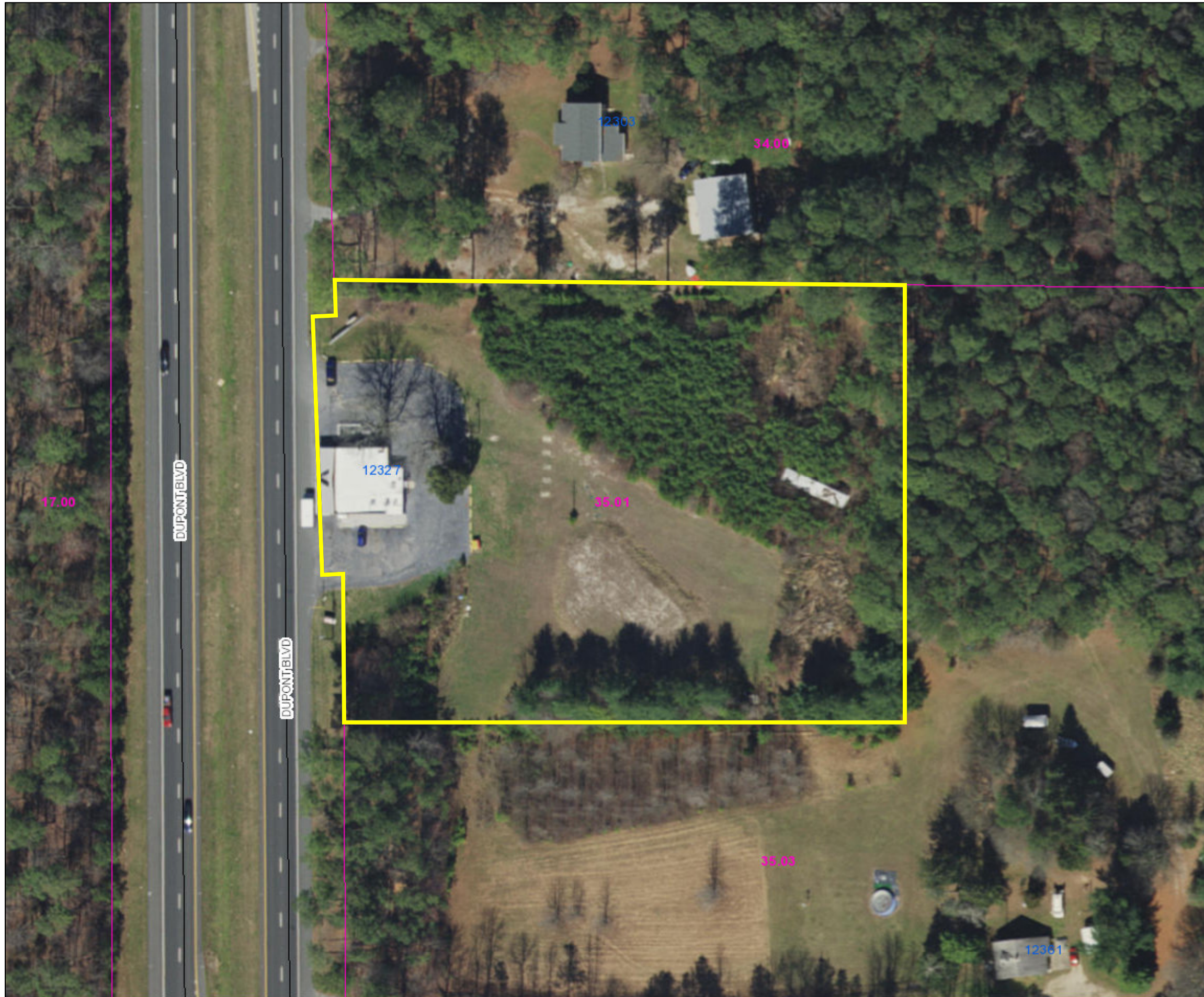
- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
  - Streets
- Zoning**
- Agricultural Residential - AR-1
  - Agricultural Residential - AR-2
  - Medium Residential - MR
  - General Residential - GR
  - High Density Residential - HR-1
  - High Density Residential - HR-2
  - Vacation, Retire, Resident - VRP
  - Neighborhood Business - B-1
  - General Commercial - C-1
  - Commercial Residential - CR-1
  - Marine - M
  - Limited Industrial - LI-1
  - Limited Industrial - LI-2
  - Heavy Industrial - HI-1

1:9,028





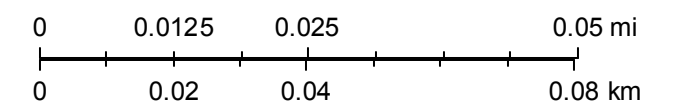
# Sussex County



<b>PIN:</b>	230-26.00-35.01
<b>Owner Name</b>	MUNCE THOMAS K JR TRUSTEE
<b>Book</b>	4279
<b>Mailing Address</b>	105 QUAIL RUN
<b>City</b>	CAMDEN WYOMING
<b>State</b>	DE
<b>Description</b>	E/S RT 113 2728'
<b>Description 2</b>	N/RT 16
<b>Description 3</b>	PARCEL 4
<b>Land Code</b>	

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

1:1,128



## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-5079 F



# Sussex County

DELAWARE  
sussexcountype.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Headley, Planning Technician  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 19, 2019  
RE: Staff Analysis for CU 2192 Thomas & Judy Munce

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2192 Thomas and Judy Munce to be reviewed during the September 26, 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 Condition Use for parcel 230-26.00-35.01 to amend CU 1979 to allow for nightclub activities and an electronic message center sign to be located at 12327 DuPont Blvd. Ellendale, Delaware. The size of the property is 3.033 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (“the 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 “Developing Area”.

The surrounding parcels to the north, south, and east are designated on the Future Land Use Map as “Developing Areas” with some parcels further to the south designated as “Commercial Areas”. The parcels to the west are designated “Low Density”. Developing Areas recognize newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Developing areas support retail and office use, business and industrial parks, and mixed-used development which are considered appropriate in this land-use designation per the Comprehensive Plan.

The property is zoned AR-1 (Agricultural Residential Zoning District.) The adjoining and surrounding parcels to the north, south, east and west are all zoned Agricultural Residential (AR-1). Further south, parcels are zoned General Commercial (C-1).

Since 2011, there have been no known Conditional Use approvals in the vicinity of the subject parcel.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for nightclub activities and an electronic message center sign could be considered as having a degree of consistency with the adjoining land uses, area zoning and surrounding uses.



File #: CU 2192  
201907104

## Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use   
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

12327 DUPONT BLVD ELLENDALE, DE 19941

Type of Conditional Use Requested: AMENDMENT TO CU 1979 TO INCLUDE THE TAVERN AND PACKAGE STORE ALONG WITH LIVE ENTERTAINMENT SUCH AS DJS, HOSTING BANDS, PAINT NIGHTS, KARAOKE, POOL TABLES AND LEAGUES, HORSESHOES AND LEAGUES, DANCING, HOSTING BIKING MADLS, CABARETS, BURLESQUE SHOW, MAGICS/HOUPS, ADD ELECTRONIC SIGN TO BUZZARDS

Tax Map #: 230-26003501 Size of Parcel(s): 3.03AE

Current Zoning: AR-1/CO Proposed Zoning: AR-1/CO Size of Building: \_\_\_\_\_

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

Water Provider: ON-SITE Sewer Provider: ON-SITE

### Applicant Information

Applicant Name: HERNANDEZ, NARLEON  
Applicant Address: 12327 DUPONT BLVD  
City: ELLENDALE State: DE Zip Code: 19941  
Phone #: 302-983-6840 E-mail: NCHERNANDEZ44@GMAIL.COM

### Owner Information

Owner Name: THOMAS & JUDY MUNCE  
Owner Address: 105 QUAIL RUN  
City: CAMDEN WYOMING State: DE Zip Code: 19934  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Agent/Attorney/Engineer Information

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



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

AS PER ORDINANCE  
NO- 2341

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

Provide Fee \$500.00

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

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

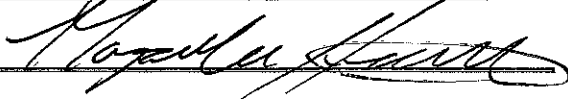
DeIDOT Service Level Evaluation Request Response

PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney



Date: 6/18/19

Signature of Owner

\_\_\_\_\_

Date: \_\_\_\_\_

For office use only:

Date Submitted: 6/18/19

Fee: \$500.00 Check #: 454

Staff accepting application: ceh

Application & Case #: 2019 07104

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

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

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

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

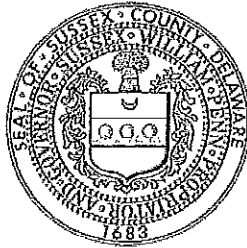
Date of CC Hearing: \_\_\_\_\_

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

**PLANNING & ZONING**

JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-6079 F



**Sussex County**

DELAWARE  
sussexcountyde.gov

**Service Level Evaluation Request Form**

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

Date: 3/12/19

**Site Information:**

Site Address/Location: 12327 Dupont Blvd. Ellendale, De 19934

Tax Parcel Number: 230-26.00-35.01

Current Zoning: AR-1/CU

Proposed Zoning: change conditionals of approval

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

Proposed Use(s):

tavern/package. proposing live entertainment & special event  
open from 12pm-1am

Square footage of any proposed buildings or number of units: using existing building  
& surrounding area

**Applicant Information:**

Applicant's Name: HERNANDEZ, NAPOLEON

Applicant's Address: 12327 DUPONT BLVD

City: ELLENDALE State: DE Zip Code: 19941

Applicant's Phone Number: 302-983-6840

Applicant's e-mail address: NCHERNANDEZ44@GMAIL.COM

LEFT MESSAGE  
10:00 AM  
4/11





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

JENNIFER COHAN  
SECRETARY

April 10, 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 **Napoleon Hernandez** conditional use application, which we received on March 12, 2019. This application is for a 3.03-acre parcel (Tax Parcel: 230-26.00-35.01). The subject land is located on the east side of US Route 113, approximately 2,800 feet northeast of the intersection of US Route 113 and Delaware Route 16, northwest of Ellendale. The subject land is currently zoned AR-1 (Agricultural Residential) with an existing conditional use approval, and the applicant is seeking to change the conditional use approval to utilize the existing facility to operate a tavern / package for live entertainment and special events.

Per the 2017 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of US Route 113 where the subject land is located, which is from Delaware Route 16 to Johnson Road / Fitzgeralds Road (Sussex Road 207), is 20,839 vehicles per day.

The traffic impact of special event venues necessarily varies with the frequency and size of the events. Generally, DelDOT bases its decision to require a Traffic Impact Study (TIS) on traffic volumes that recur on a daily or weekly basis. Special events, if large enough, may require coordination with our Transportation Management Center but cannot be properly addressed by the TIS process.

Regarding DelDOT's warrants for requiring a TIS, an event venue that would regularly generate more than 50 vehicle trips in any hour and more than 500 vehicle trips per day would meet these warrants. An event venue regularly generating more than 200 vehicle trips in any hour and / or more than 2,000 vehicle trips per day would be considered to have a Major impact to local area roadways.

Development of an event venue regularly generating more than 50 vehicle trips in any hour and more than 500 vehicle trips per day would likely require a site plan review, at



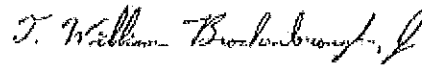
Ms. Janelle M. Cornwell  
Page 2 of 2  
April 10, 2019

which time DelDOT could require a TIS if one is needed. Because we expect the typical event to generate no more than 50 vehicle trips in any hour and no more than 500 vehicle trips per day, we recommend that this conditional use application be considered without a TIS.

The subject property is adjacent to US Route 113, thereby is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number of direct driveway access points along the arterial highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. According to the Office of State Planning, *Strategies for State Policies and Spending document*, the property is located within a Level 3 Investment Area. In a Level 3 Investment Area, State policies will promote efficient and orderly development. Given the site has an existing entrance on US Route 113 and the applicant is not proposing to increase the site's daily traffic generation, the property owner can retain the existing access. The Corridor Capacity Preservation Program policy can be viewed on Department's website at [www.deldot.gov](http://www.deldot.gov). The manual is located under the publication link.

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Hernandez Napoleon, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Thomas Felice, Corridor Capacity Preservation Program Manager, Development  
Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



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

RECEIVED

TO: **Janelle Cornwell**  
REVIEWER: **Chris Calio**  
DATE: **8/8/2018**  
APPLICATION: **CU 2192 Munce/Hernandez**  
APPLICANT: **Napoleon Hernandez**  
FILE NO: **NCPA-5.03**

SEP 12 2019  
SUSSEX COUNTY  
PLANNING & ZONING

TAX MAP &  
PARCEL(S): **230-26.00-35.01**

LOCATION: **12327 DuPont Blvd. East side of DuPont Blvd., approximately  
0.51 mile north of Beach Hwy.**

NO. OF UNITS: **Amend CU 1979 to allow for nightclub type activities and an  
electronic message center sign.**

GROSS  
ACREAGE: **3.033**

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? **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 **Choose an item.** 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.

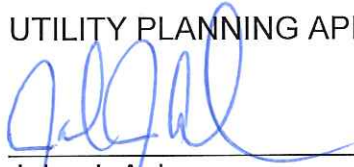
(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed CU is located in an area where the Sussex County Engineering Department does not have a 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:



---

John J. Ashman  
Director of Utility Planning

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

**Jerry Brittingham**  
**Karen Emory Brittingham**  
12159 duPont Boulevard  
Ellendale, Delaware 19941  
302.422.3683  
Email:beetlebritt@earthlink.net

RECEIVED

SEP 26 2019

SUSSEX COUNTY  
PLANNING & ZONING

September 26, 2019

Sussex County Planning Commission  
Georgetown, Delaware  
FAX Number 302.854.5079

Reference: Conditional Use Application CU2192

Dear Sir or Madam,

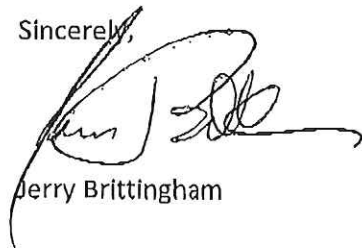
We are a close proximity property owner to the above referenced application. The property is currently identified as One13 Tavern.

As a property owner, we are opposed to any change of use at this site. We have lived near the site for over forty (40) years and in that time the property has always been used as a package store and bar. When the property changed hands several years ago, we also supported the continued use as a package store and bar. In all of those years, we never had a problem with the use, the owner, or the patrons.

However, we do not support the "Gateway Lounge" and is obvious invitation on the signage for girls. Since this recent addition of entertainment, we have had several issues with the clientele, including a recent shooting at the site. This new use supports a completely different environment and attracts a totally different type of clientele. This has caused additional concerns with the people who leave the site and travel past our property, both in vehicles and on foot.

We strongly recommend that you deny the applicant permission to amend the change in use at this site.

Sincerely,



Jerry Brittingham



Karen Emory Brittingham

Opposition  
Exhibit

12303 Dupont Blvd.  
Ellendale, DE 19941

RECEIVED

SEP 24 2019

SUSSEX COUNTY  
PLANNING & ZONING

September 24, 2019

Planning and Zoning Department  
County Administrative Office Building  
2 The Circle  
Georgetown, DE 19947

RE: **To change AR-1 Agriculture Residential District.**

To amend conditional use No. 1979. To allow for nightclub type activities and electronic message center sign. At location: 12327 Dupont Blvd. (Rt. 113) Ellendale, DE

TO WHOM IT MAY CONCERN:

I, Theodore H. Walius, residing at 12303 Dupont Blvd., Ellendale, DE 19941. (Rt. 113) My property is lying next to the property to the (Getaway Lounge). My family owned this property and operated Theodore's Tavern at this location for many years prior.

Since the owners have changed the type of business at this location, problems have occurred. It is not a neighbor friendly atmosphere any more.

There has been a shooting that has occurred, as well as stabbings. I am very concerned as I have two grandchildren and my daughter living with me at my residence.

The Getaway Lounge has been burglarized 3 or 4 times. Also, the loud and profane language outside after business hours. The motorcycles and vehicle noise leaving the Getaway Lounge before and after closing is very present.

The Getaway Lounge has a security person which carries a pistol and rifle for security.

**This is why I'm very opposed to the change of re-zoning. It's bad now.**

I want to apologize for not attending this public hearing which is very important to the neighborhood and community. But I'm traveling with a delegation from the Delaware Volunteer Firefighters Association to the State of Pennsylvania, Firemen's Conference at Bethel, PA.

Sincerely,



Theodore H. Walius

ORDINANCE NO. 2341

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL PACKAGE STORE AND TAVERN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.033 ACRES, MORE OR LESS (Tax Map I.D. 230-26.00-35.01)

WHEREAS, on the 11th day of December 2013, a conditional use application denominated Conditional Use No. 1979 was filed on behalf of Thomas and Judy Munce; and

WHEREAS, on the 27th day of February 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 13th day of March 2014, said Planning and Zoning Commission recommended that Conditional Use No. 1979 be approved with conditions; and

WHEREAS, on the 25th day of March 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1979 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying east of U.S. Route 113 and 2,800 feet north of Route 16 and being more particularly described as Parcel No. 4 on survey of "Lands of Sheila J. Stevens" as recorded in Plot Book 85, Page 50 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.033 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- A. The use shall comply with all Sussex County parking requirements.
- B. The existing signage shall be permitted.
- C. Security lighting shall be provided. It shall be downward screened to provide safety but shall not shine on neighboring properties or roadways.
- D. The structure shall exist in its current configuration. Any expansion shall require additional site plan approvals by the Sussex County Planning and Zoning Commission.
- E. Any dumpsters on the site shall be screened from view of neighboring properties and roadways.
- F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2341 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 25TH DAY OF MARCH 2014.

  
ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:

- A. This is an application to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a retail package store and tavern to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 3.033 acres, more or less, lying east of U.S. Route 113 and 2,800 feet north of Route 16.
- B. DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service B of U.S. Route 113 at this location will not change as a result of this application.
- C. The Sussex County Engineering Department, Utility Planning Division, commented that the site is not in a proposed or current County operated and maintained sanitary sewer district and/or water district; that the site is located in the Ellendale Primary Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer service at this time; and that a Concept Plan is not required.

D. The Applicants, Thomas and Judy Munce, were present and stated that they want to reopen the package store/tavern that has historically existed at this site; that they are not planning on cooking any foods on premise; that they will be offering snacks; and that they anticipate a total of 3 to 4 employees.

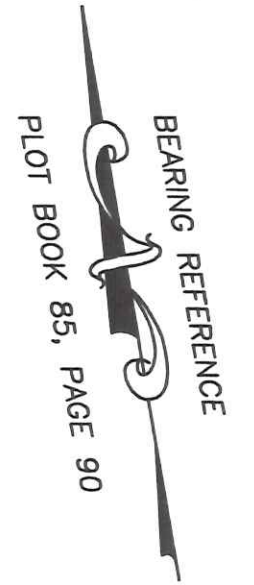
E. Based on the Findings of the Planning and Zoning Commission, the Council found that:

- a. This site has historically been used as a tavern and package store. Such a use has been located at this site on U.S. Route 113 for many years, well before zoning was put into place.
- b. The use was a legal non-conforming use (in other words, grandfathered), but has lost its status due to delays in reopening the business. Since it was closed for more than two (2) years, the legal non-conforming status expired.
- c. The Applicants intend to use the premises in its current condition, with existing signage. They have stated that they have no plans to expand the building or the use at this time.
- d. The use, which has been in existence for a very long time prior to the two (2) year interruption, will not have any adverse impact on traffic, the neighborhood or neighboring property values.
- e. No parties appeared in opposition to the Application.
- f. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Conditional Use was approved subject to six (6) conditions (A through F), which will serve to minimize any potential impacts on the surrounding and adjoining properties.

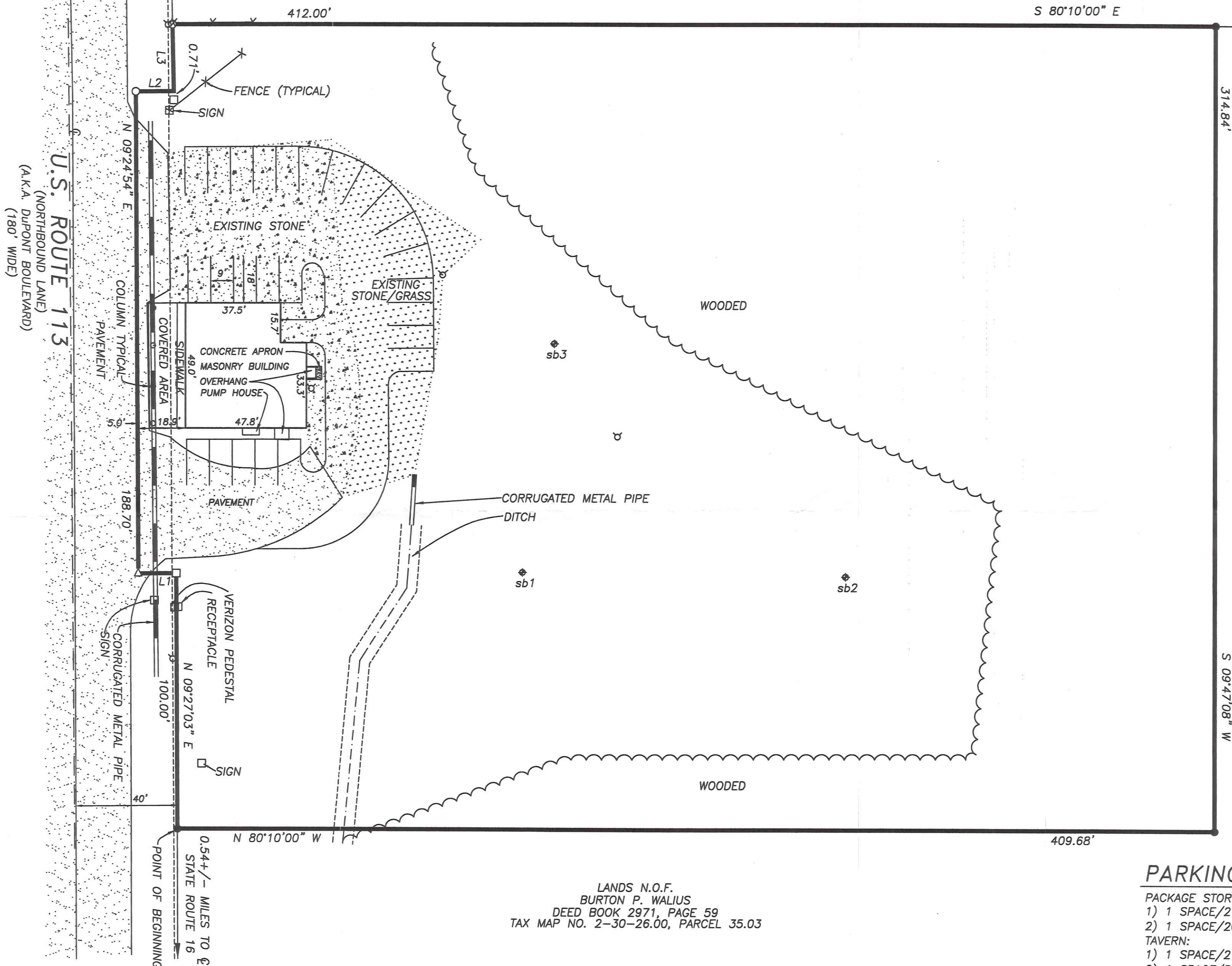
LINE	BEARING	DISTANCE
L1	N 80°35'06" W	15.00'
L2	S 80°35'06" E	15.00'
L3	N 08°39'22" E	26.15'

LANDS N.O.F.  
THEODORE H. WALIUS & VIRGINIA L. WALIUS  
DEED BOOK 2294, PAGE 188  
TAX MAP NO. 2-30-26.00, PARCEL 34.00

S 80°10'00" E



LANDS N.O.F.  
BURTON P. WALIUS  
DEED BOOK 2971, PAGE 59  
TAX MAP NO. 2-30-26.00, PARCEL 35.03



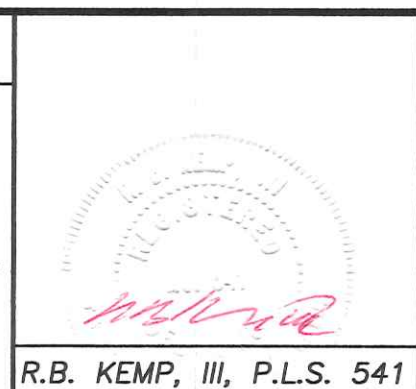
LANDS N.O.F.  
BURTON P. WALIUS  
DEED BOOK 2971, PAGE 59  
TAX MAP NO. 2-30-26.00, PARCEL 35.03

**PARKING REQUIREMENTS:**

- PACKAGE STORE:  
 1) 1 SPACE/2 EMPLOYEES X 2 EMPLOYEES = 1 SPACE REQUIRED  
 2) 1 SPACE/200 SQ. FT. OF RETAIL AREA X 358 SQ. FT. = 2 SPACES REQUIRED  
 TAVERN:  
 1) 1 SPACE/2 EMPLOYEES X 2 EMPLOYEES = 1 SPACE REQUIRED  
 2) 1 SPACE/50 SQ. FT. OF PATRON AREA X 924 SQ. FT. = 19 SPACES REQUIRED  
 3) 23 SPACES REQUIRED; 26 SPACES PROVIDED

**NOTES:**  
 1) CLASS "B", SUBURBAN SURVEY  
 2) SOURCE OF TITLE: DEED BOOK 4065, PAGE 166  
 3) A TITLE SEARCH WAS NEITHER REQUESTED, PROVIDED OR UTILIZED FOR THIS SURVEY

**LEGEND:**  
 ○ FOUND IRON PIPE  
 ● FOUND IRON BAR  
 △ SET MAG NAIL  
 sb1◆ SOIL BORING  
 □ FOUND CONCRETE MONUMENT  
 ----- OVERHEAD UTILITIES  
 ∩ UTILITY POLE



Prepared By  
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 WWW.ADAMSKEMP.COM

**BOUNDARY SURVEY & SITE PLAN**  
 PREPARED FOR  
**THOMAS K. MUNCE & JUDY L. MUNCE**  
 SITUATED IN  
 CEDAR CREEK HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE  
 AREA: 3.033± ACRES  
 SCALE: 1" = 30'  
 DATE: DECEMBER 9, 2013