

JAMIE WHITEHOUSE, AICP
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Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 28th, 2021

Application: CU 2264 Laudan Investments, LLC

Applicant: Laudan Investments, LLC
1302 Savannah Road
Lewes, DE 19958

Owner: Laudan Investments, LLC
1302 Savannah Road
Lewes, DE 19958

Site Location: 1302 and 1304 Savannah Road

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

Proposed Use: General Office Use

Comprehensive Land Use Plan Reference: Commercial

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Septic

Water: Well

Site Area: .68 acres +/-

Tax Map ID.: 335-8.18-15.00 & 16.00





Sussex County



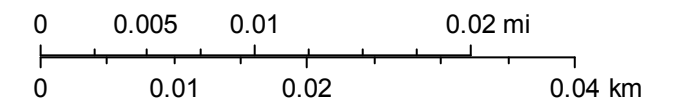
PIN:	335-8.18-15.00
Owner Name	LAUDAN INVESTMENTS LLC
Book	3007
Mailing Address	1302 SAVANNAH RD
City	LEWES
State	DE
Description	S/E HWY LEWES
Description 2	TO WESCOATS COR
Description 3	DOVER ST L9
Land Code	

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 - Override 1
- polygonLayer**

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

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Sussex County



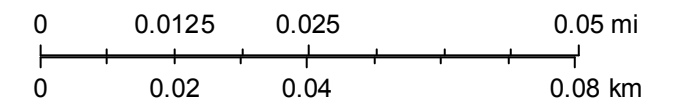
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- 911 Address
- Streets

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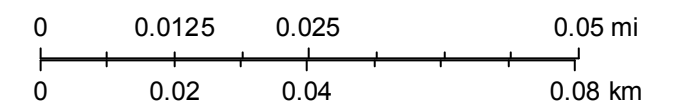
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- Override 1
- polygonLayer**
- Override 1
- ⋮ Tax Parcels
- 911 Address
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- ⋮ County Boundaries

1:1,128



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Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: September 16, 2021
RE: Staff Analysis for CU 2264 Laudan Investments, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2264 Laudan Investments, LLC to be reviewed during the October 28, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcels: 335-8.18-15.00 & 16.00 to allow for the conversion and use of two existing, one-story office buildings, containing 1,540 square feet and 1,600 square feet, respectively, as a professional office. The parcels are lying on the southeastern side of Savannah Road (Route 9B/ S.C.R. 443A) approximately 0.77-mile northeast of Wescoats Road (Route 12) and share an entrance. The parcels consist of 0.68 acres +/-.

It should be noted that both parcels have previously approved Conditional Use Applications on them. Parcel 15.00 was previously subject to a Conditional Use Application (Conditional Use No. 1549) to allow for the existing structure to be used as a medical office. The Conditional Use was approved by the Sussex County Council at their meeting of Tuesday, October 26, 2004 and the change was adopted through Ordinance No. 1723. Additionally, Parcel 16.00 was also previously subject to a Conditional Use Application (Conditional Use No. 1744) to allow for the existing structure to be used as a professional office. The Conditional Use was approved by the Sussex County Council at their meeting of Tuesday, September 30, 2008 and the change was adopted through Ordinance No. 1996.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcels have a designation of "Commercial Area." The surrounding and adjacent to the east and west as well as the south also contain the "Commercial Area" Future Land Use Map designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Commercial Areas are areas that include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along



main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas.

The subject properties are zoned Agricultural Residential (AR-1). The adjacent properties to the north of the subject sites are also zoned Agricultural Residential (AR-1). There are two properties to the northwest of the subject properties which are zoned Neighborhood Business (B-1). The properties on the northern side of Vikings Way are located within the incorporated town limits of the City of Lewes.

Since 2011, there have been five (5) Conditional Use applications within a 2-mile radius of the application site. The first application was for Conditional Use No. 2133 Dr. Liama Anthaney and Dr. Michael Cahoom to allow for professional offices to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on July 31, 2018. This change was adopted through Ordinance No. 2591.

The second application was for Conditional Use No. 2109 Quakertown Wellness Center for a holistic treatment center including massage, acupuncture and chiropractor to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on January 9, 2018 and was adopted through Ordinance No. 2541.

The third application was for Conditional Use No. 2136 Christine A. Degnon for a medical office to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on October 23, 2018 and was adopted through Ordinance No. 2608.

The final and fourth application was for Conditional Use No. 2116 William and Stacey Smith for professional offices to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on March 20, 2018 and was adopted through Ordinance No. 2569.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for the use of two existing, one-story office buildings, containing 1,540 square feet and 1,600 square feet as a professional office, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: CU 2264
202101460
202101461

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

1302 and 1304 Savannah Road Lewes DE 19958

Type of Conditional Use Requested:

Office Use- See attached

Tax Map #: 335-8.18-15.00,16.00 **Size of Parcel(s):** .68 acres

Current Zoning: AR -CU **Proposed Zoning:** AR-CU **Size of Building:** 1540 and 1600 sq ft

Land Use Classification: Coastal

Water Provider: Well **Sewer Provider:** Septic

Applicant Information

Applicant Name: Laudan Investments, LLC

Applicant Address: 1302 Savannah Road

City: Lewes State: DE Zip Code: 19958

Phone #: (302) 236-9585 E-mail: lapontemra@yahoo.com

Owner Information

Owner Name: Same

Owner Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Tim Willard

Agent/Attorney/Engineer Address: 26 The Circle

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-7777 E-mail: tim@fwsslaw.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: 1-29-21

Signature of Owner

Date: _____

For office use only:

Date Submitted: 1/29/2021
Staff accepting application: ces
Location of property: _____

Fee: \$500.00 Check #: 24029
Application & Case #: 202101460 & 202101461

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

Service Level Evaluation

335-8.15- parcel 15.00 and 16.00

Laudan Investments, LLC

Proposed Use

Each Parcel, 1302 and 1304, parcel 15.00 and 16,00, are in the AR-1 Coastal District just outside of the Lewes City line on Savannah Road. Each has a building on it that use to be residential but has been converted to an office. The office use has been permitted by Conditional Use Permits (2004 Ordinance 1723 for a medical office on parcel 15.00, and 2007 Ordinance 1996 for an architectural office on parcel 16.00, attached). The parcels share a common entrance and parking (2005 approved site plan book 98 page 193, attached).

Purpose of Application

The applicant is the original owner of parcel 15.00, the medical office, and recently purchase parcel 16.00, the architectural office which was in disrepair. The applicant is improving parcel 16.00 and would like a general conditional use for office use to allow for flexibility in renting and for future buyers. At the same time, the applicant, whose medical practice is housed in parcel 15.00 is requesting the same flexibility, general office use for her property.

Therefore the proposed use is essentially the same, office use, just less specific. In addition, a recent survey is attached.



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

January 7, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Laudan Investments, LLC c/o Tim Willard, Esq.**, conditional use application, which we received on December 9, 2020. This application is for a 0.70-acre assemblage of parcels (Tax Parcels: 335-8.18-15.00 and 16.00). The subject land is located on the southeast side of Savannah Road (Sussex Road 18), approximately 850 feet southwest of Donovans Road (Sussex Road 263), south of the City of Lewes. The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the existing facilities as offices.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Savannah Road where the subject land is located, which is from Wescoats Road to Donovans Road (Sussex Road 263), are 10,940 and 14,078 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.



Mr. Jamie Whitehouse
Page 2 of 2
January 7, 2021

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: Laudan Investments, LLC c/o Tim Willard, Esq., Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **9/3/2021**

APPLICATION: **CU 2264 Laudan Investments, LLC**

APPLICANT: **Laudan Investments, LLC**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **335-8.18-15.00, 16.00**

LOCATION: **1302 and 1304 Savannah Road**

NO. OF UNITS: **General Office Use**

GROSS
ACREAGE: **.68**

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

SEWER:

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The proposed Conditional Use is in the Growth and Annexation Area of the City of Lewes.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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

clu 2264

Applicant
Exhibit

Proposed Findings and Conditions

Conditional Use #2264

Laudan Investments LLC

Tax Maps # 335-18.00-15.00 and 16.00

FILE COPY

Received 10.28.2021
@ Public Hearing

Findings

After a hearing the Planning Commission determined, based on the findings of facts, that:

1. Both parcels already have existing Conditional Uses 1549 (Ordinance 1723) for medical office and 1744 (Ordinance 1996) for and architectural office.
2. The applicant, owner of parcel 15.00, recently purchased parcel 16.00.
3. The parcels are served by a common entrance as approved by DelDot.
4. The applicant occupies parcel 15.00 as a doctor's office and may expend her practice into parcel 16.00 or lease it to another professional office use.
5. The applicant is renovating the building on parcel 16.00.
6. The applicant is requesting both conditional uses be for General Business use to allow some flexibility in leasing or selling the properties.
7. General Office uses in residential looking homes are common on Savannah Road.
8. The proposed conditional use is in accordance with the Comprehensive Development Plan in a Commercial Area.

Conditions

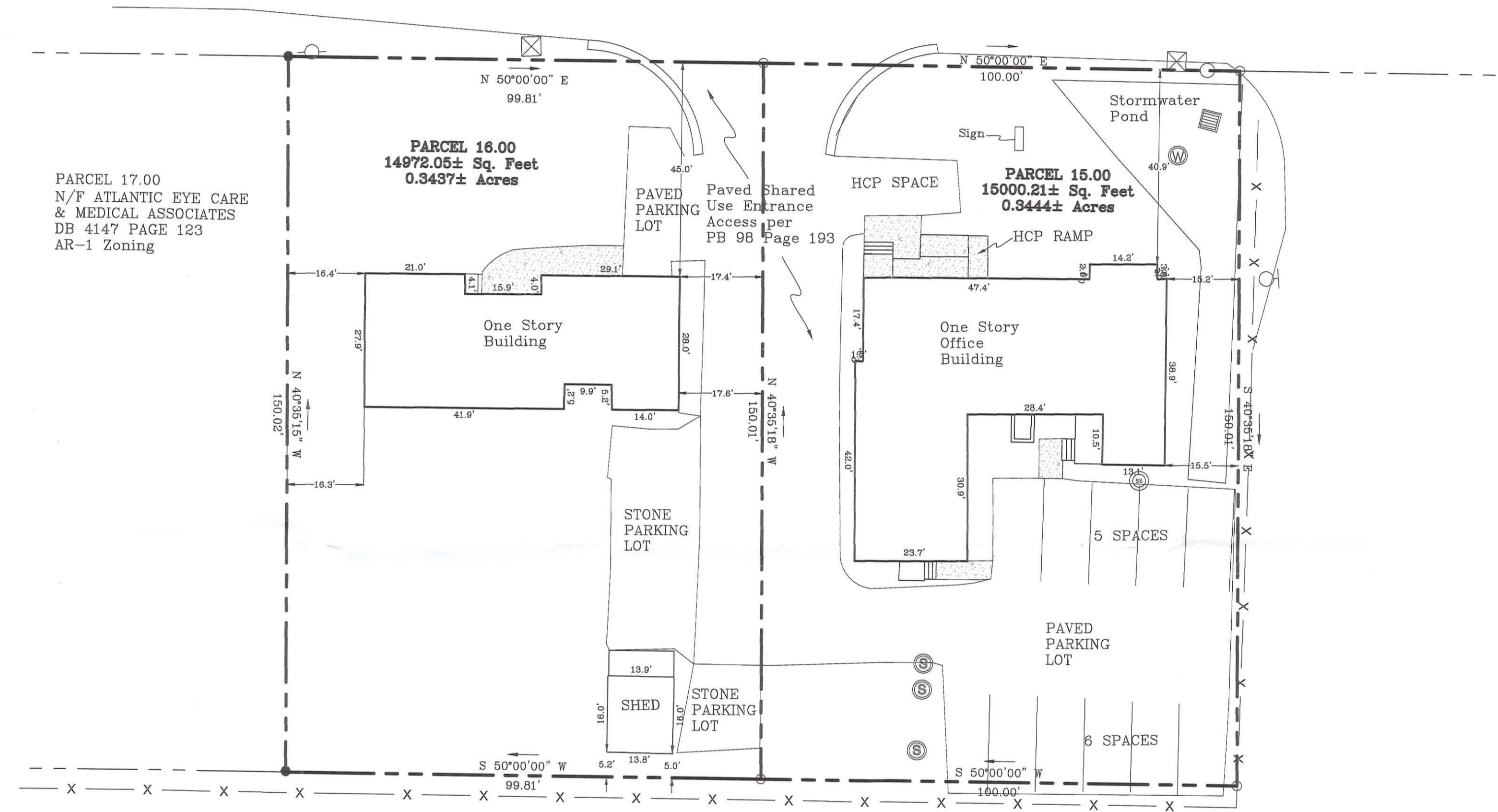
Therefore, approval is recommended with the following conditions:

1. The buildings shall be used for office use only.
2. There will only be one unlighted sign on the premises for each building that shall not exceed 32 square feet on each side.
3. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on the neighboring properties or toward Savannah Road.
4. The hours of operation for the businesses on this site shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday. Emergency services can be provided at any time.
5. The offices shall share an entrance as approved by DELDOT.
6. All parking shall be located in the rear, except for handicapped parking.
7. The residential appearance of the existing structure shall be maintained during the renovation process.
8. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.

SCR 9

SAVANNAH ROAD

DB 4147 Page 128

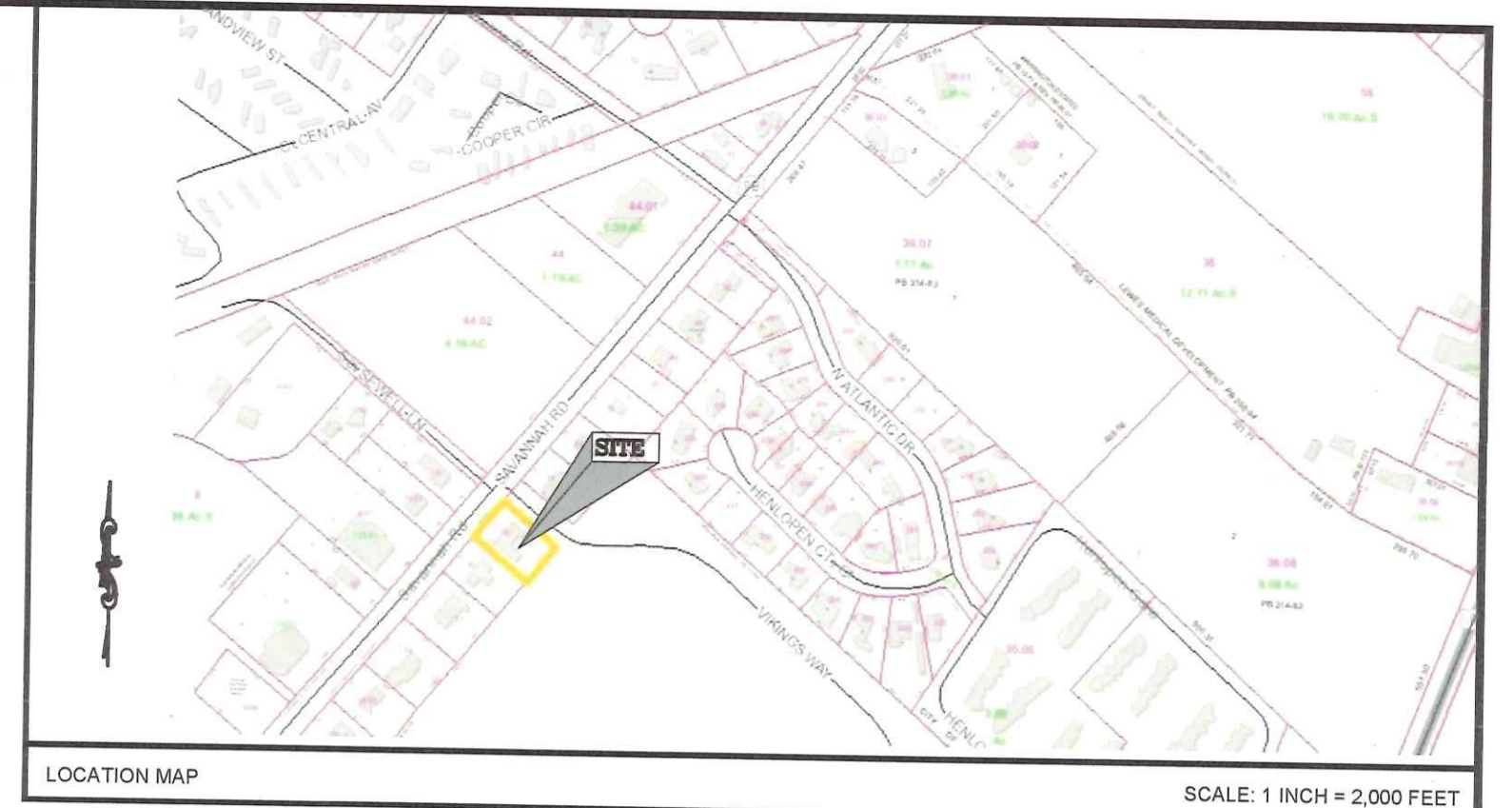


PARCEL 17.00
N/F ATLANTIC EYE CARE
& MEDICAL ASSOCIATES
DB 4147 PAGE 123
AR-1 Zoning

PARCEL 34.00
N/F CAPE HENLOPEN SCHOOL DISTRICT
DB 695 PAGE 594
AR-1 Zoning

LEGEND

- PROPERTY LINE
- X — FENCE
- IRON PIPE FOUND
- LIGHT POLE
- POWER POLE
- ⊗ DELDOT CONTROL BOX
- WELL
- SEWER CLEANOUT
- SEWER MANHOLE



PLAN DATA:

- PARCEL I.D. No * 335-8.18 PARCELS 15.00 AND 16.00
- PLAT REFERENCE * D.B. 3007, PAGE 183 AND 5286, PAGE 48
- ZONING DISTRICT * AR-01 (ZONING CLASSIFICATION)
- ROADWAY CLASSIFICATION * SCR 9 (MAJOR COLLECTOR)
- SEWAGE DISPOSAL * INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS (PRIVATE)
SEWERAGE IS SUBJECT TO APPROVAL OF THE THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
- WATER SUPPLY * INDIVIDUAL ON-SITE WELLS (PRIVATE)
WATER IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DIVISION OF PUBLIC HEALTH.
- OWNER * LAUDAN INVESTMENTS, LLC
1302 SAVANNAH ROAD
LEWES, DE 19958
- LOT AREA RATIONALE * PARCEL 15.00 = 0.3444 ACRES
PARCEL 16.00 = 0.3437 ACRES
- TOTAL No. OF LOTS * 2 SINGLE FAMILY DWELLING UNITS
- (TID) PROXIMITY * 1 MILE TO HENLOPEN TID

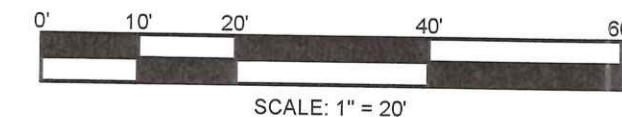
NOTES

1. THIS SURVEY IS CLASSIFIED AS A "SUBURBAN" SURVEY.
2. UNLESS THIS PLAT HAS A SEAL WITH AN ORIGINAL SIGNATURE OF ENGINEER, IN RED INK, THIS IS NOT AN AUTHORIZED COPY.
3. THE SURVEY DOES NOT VERIFY THE EXISTENCE OF OR NONEXISTENCE OF ANY EASEMENTS OR RIGHT OF WAYS.



LOCATION SURVEY PLAN

FOR PROPERTY KNOWN AS:
LANDS OF "LAUDAN INVESTMENTS LLC"
ALSO KNOWN AS:
"1302 AND 1304 SAVANNAH ROAD, LEWES, DE"
SITUATE IN:
LEWES AND REHOBOTH HUNDRED * SUSSEX COUNTY
STATE OF DELAWARE
TAX MAP#: 335-8.15 PARCELS 15.00 AND 16.00



	22184 MELSON ROAD GEORGETOWN, DELAWARE 19347 PHONE NO. 302-856-1565	
	Drawn By: JBR	Date: 11-30-2020
Scale: 1"=20'		Sheet 1/1

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DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 28th, 2021

Application: CU 2271 Chris Brasure

Applicant: Chris Brasure
P.O. Box 1100
Selbyville, DE 19975

Owner: Collins 54 LLC
P.O. Box 1100
Selbyville, DE 19975

Site Location: 33095 Lighthouse Road, Selbyville

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

Proposed Use: Office Use

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire Department

Sewer: Septic

Water: Well

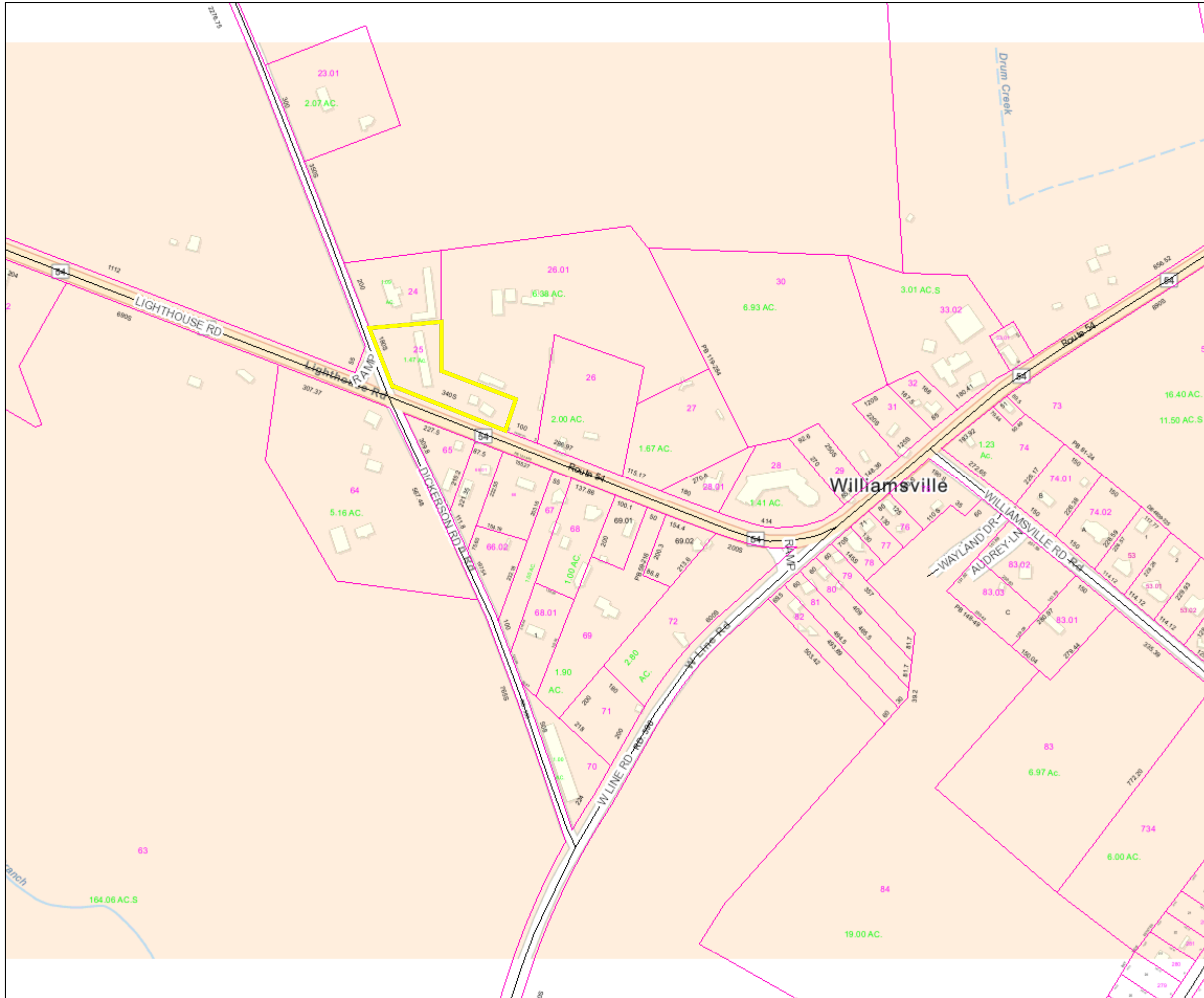
Site Area: 1.47 acres +/-

Tax Map ID.: 533-18.00-25.00





Sussex County



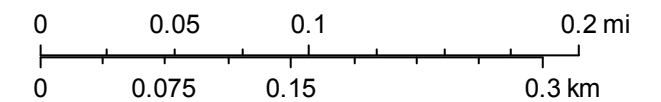
PIN:	533-18.00-25.00
Owner Name	COLLINS 54 LLC
Book	3878
Mailing Address	PO BOX 204
City	SELBYVILLE
State	DE
Description	RD SELBYVILLE TO
Description 2	WILLIAMSVILLE
Description 3	N/A
Land Code	

- polygonLayer**

Override 1
- polygonLayer**

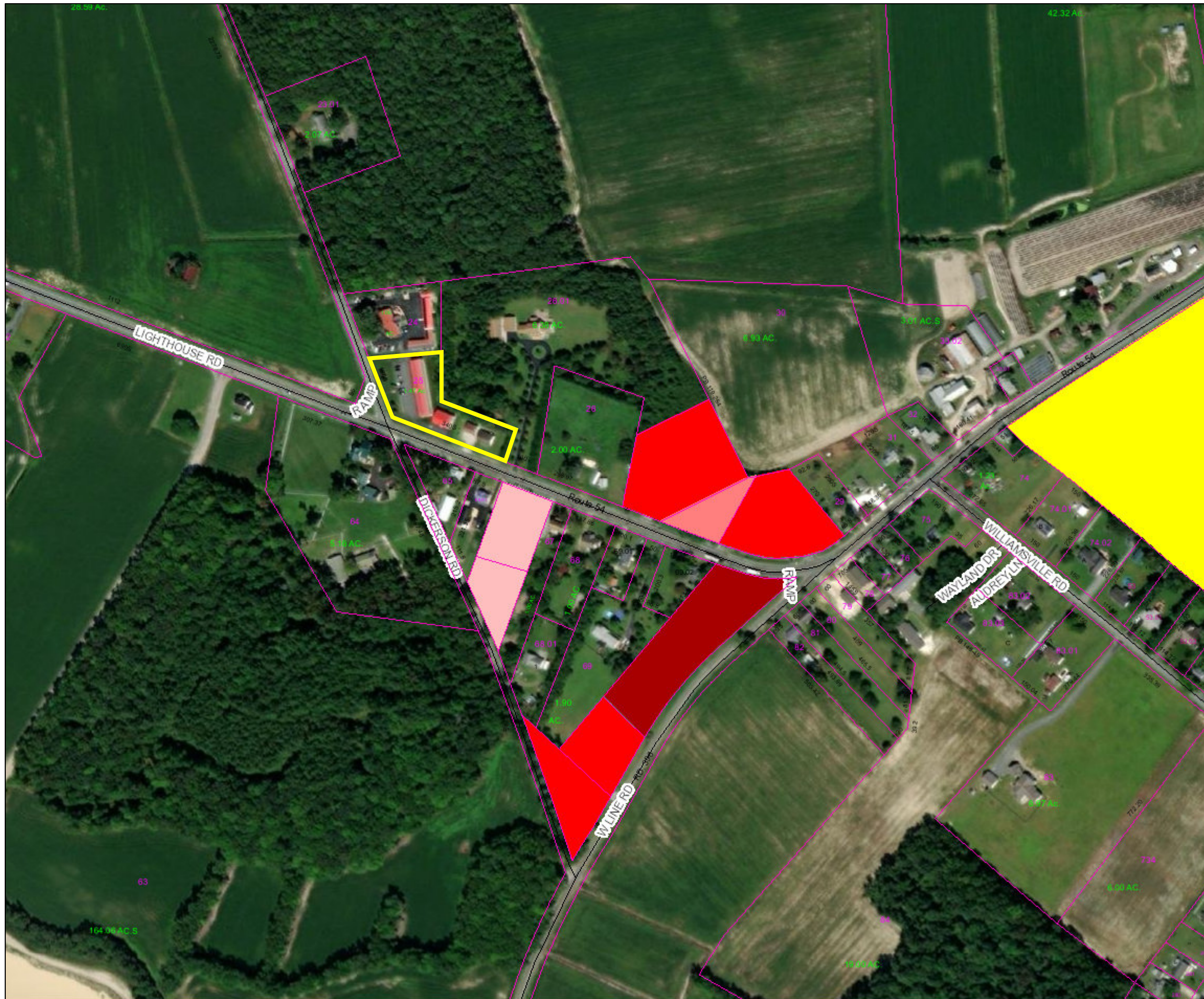
Override 1
- ⋯ Tax Parcels
- Streets
- ⋯ County Boundaries
- ⋯ Municipal Boundaries

1:4,514





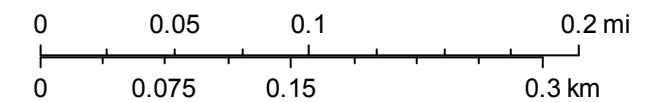
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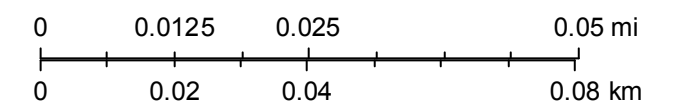
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Description 3	N/A
Land Code	

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

1:1,128



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: October 21, 2021
RE: Staff Analysis for CU 2271 Chris Brasure

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2271 Chris Brasure to be reviewed during the October 28, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 533-18.00-25.00 to amend Conditional Use No. 1920 (Ordinance No. 2240) to allow for office space. The parcel is lying on the northeast corner of the intersection of Lighthouse Road (Rt. 54) and Dickerson Road (S.C.R. 389). The parcel consists of 1.35 acres +/-.

The parcel has a previously approved Conditional Use Application. The parcel is subject to a Conditional Use Application (Conditional Use No. 1920) to allow for a storage garage for trucks and equipment and a parking area. The Conditional Use was approved by the Sussex County Council at their meeting of Tuesday, February 7, 2012 and the change was adopted through Ordinance No. 2240.

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

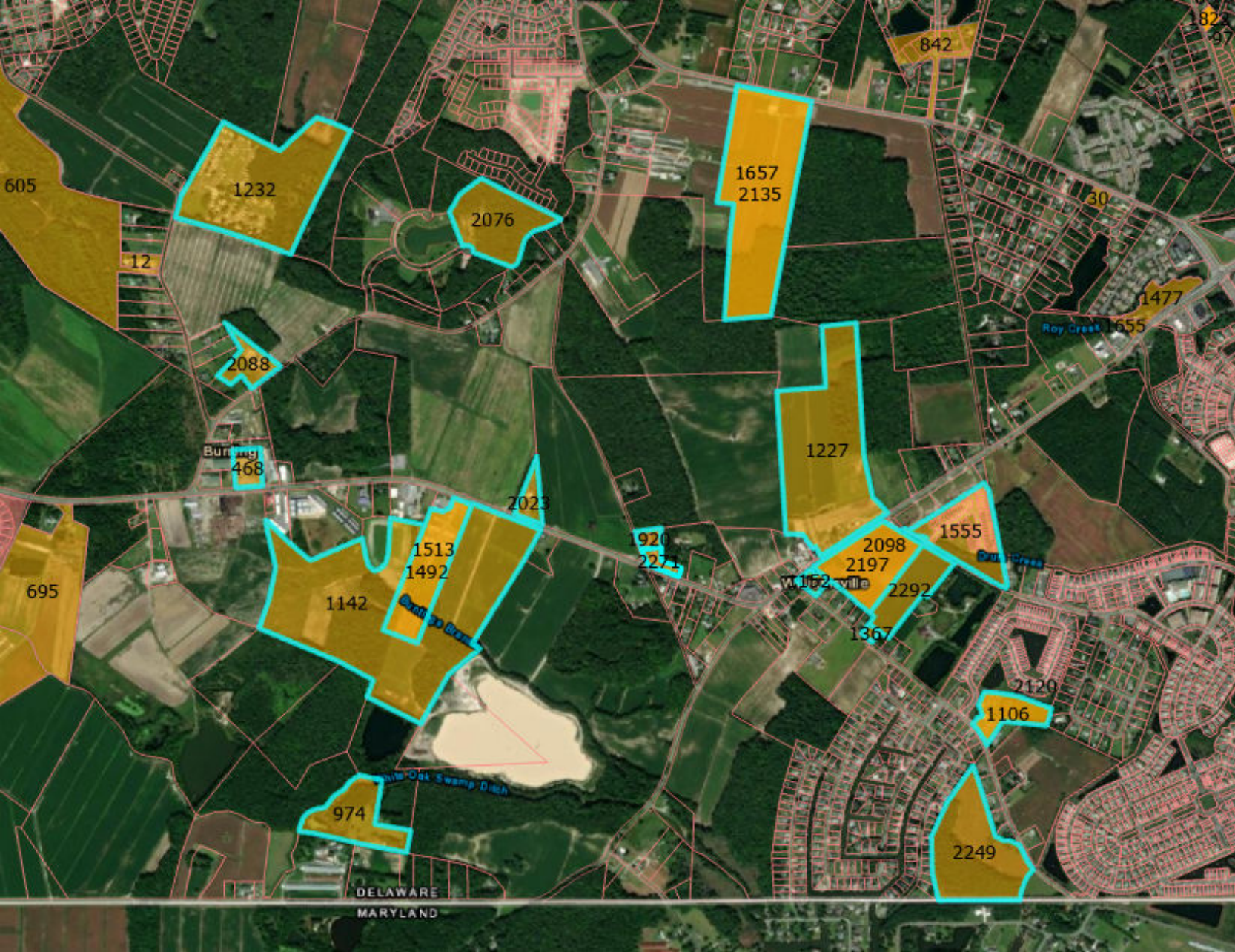
As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family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

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to the north, south, east and west of the subject sites are also zoned Agricultural Residential (AR-1). There are two properties to the southeast of the subject properties which are zoned Neighborhood Business (B-1). Properties further to the east are zoned General Commercial (C-1) and Commercial Residential (CR-1).



Since 2011, there have been eight (8) Conditional Use applications within a 1-mile radius of the application site. Please refer to the attached spreadsheet and map for a list of the Conditional Use applications.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to amend Conditional Use No. 1920 (Ordinance No. 2240) to allow for office space, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



File #: C/U 2271
202102801

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

33095 Lighthouse Road, Selbyville, DE 19975

Type of Conditional Use Requested:

Office Use. The applicant owns the adjacent parcel 24.00 which is used for its Business, Brasure Pest Control, Inc. The applicant proposes to modify a large garage on parcel 25.00 into offices for the business. See attached for details.

Tax Map #: 533-18.00-25.00

Size of Parcel(s): _____

Current Zoning: AR-1

Proposed Zoning: C/U

Size of Building: 4920 square feet

Land Use Classification: Coastal

Water Provider: Well

Sewer Provider: On Site

Applicant Information

Applicant Name: Chris Brasure

Applicant Address: P.O. Box 1100

City: Selbyville

State: DE

Zip Code: 19975

Phone #: (302) 436-8140

E-mail: Chris@brasures.com

Owner Information

Owner Name: Collins 54 LLC

Owner Address: c/o Chris Brasure P.O. Box 1100

City: Selbyville

State: DE

Zip Code: 19975

Phone #: (303) 436-8140

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Tim Willard

Agent/Attorney/Engineer Address: 26 The Circle

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 856-7777

E-mail: tim@fwsslaw.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

Chris Brennan / Tim Willard Date: 2/23/21

Signature of Owner

Collins 54 LLC c/o Chris Brennan Date: 2/23/21

For office use only:

Date Submitted: 02/25/2021 Fee: \$500.00 Check #: 24158
Staff accepting application: ChasCP Application & Case #:
Location of property: 33405 33095 Lighthouse Rd. Sebyville
533-18.00-25.00
Subdivision: None
Date of PC Hearing: _____ Recommendation of PC Commission: _____
Date of CC Hearing: _____ Decision of CC: _____

Brasure Pest Control, Inc

Conditional Use

533-18.00-25.00

Brasure Pest Control, Inc. occupies parcel 25.00 and adjacent parcel 24.00. Parcel 24.00 has been use for many for the pest control business where the a residence has been used for an office. Parcel 25.00 was granted a Conditional Use in 2011 (C/U 1920 attached) for a storage garage for trucks and equipment and a parking area.

The applicant now wants to convert the storage on parcel 25.00 into an office for the pest control business. See attached vertical rendition. The Parcel would include employee parking. The entrance to Parcel 25.00 is through Parcel 24. See attached survey.

Brasure Pest Control, Inc. has been a successful Sussex County business for decades. They provide a semi-public use and continue to grow with the County.

ORDINANCE NO. 2240

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE GARAGE FOR TRUCKS AND EQUIPMENT AND A PARKING AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS

WHEREAS, on the 14th day of November 2011, a conditional use application, denominated Conditional Use No. 1920 was filed on behalf of Collins 54, LLC; and

WHEREAS, on the 12th day of January 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 26th day of January 2012, said Planning and Zoning Commission recommended that Conditional Use No. 1920 be approved with conditions; and

WHEREAS, on the 7th day of February 2012, 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. 1920 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 Baltimore Hundred, Sussex County, Delaware, and lying at the northeast corner of the intersection of Route 54 and Road 389 and being more particularly described as:

BEGINNING at the northeast corner of the intersection of Route 54 and Road 389; thence north $10^{\circ}10'02''$ west 198.18 feet along the easterly right-of-way of Road 389 to a concrete marker; thence south $85^{\circ}39'05''$ east 212.65 feet to a point; thence south $01^{\circ}29'54''$ west 45.49 feet to a point; thence south $18^{\circ}49'05''$ west 104.77 feet to a concrete marker; thence south $57^{\circ}45'36''$ east 224.69 feet to a fence post; thence south $28^{\circ}17'48''$ west 98.75


feet to the northerly right-of-way of Route 54; thence north 58°50'26" west 333.41 feet along the northerly right-of-way of Route 54 to the point and place of beginning and containing 1.35 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:

1. The use shall be for vehicle and equipment storage inside the storage building and outside parking of employee vehicles. No other outside storage shall be permitted.
2. Any security lights shall be screened so that they do not shine on neighboring properties.
3. No chemicals or other hazardous materials shall be stored on the premises, except those chemicals normally found on the vehicles.
4. One lighted sign, not to exceed 32 square feet in size per side, shall be permitted.
5. The Final Site Plan shall indicate all parking spaces and driveway areas.
6. As stated by the Applicant, access shall be via the existing entrance to Brasure's Pest Control from Road 389 with an internal driveway to the site.
7. Any dumpsters or trash receptacles utilized on the site shall be screened from neighboring properties or roadways.
8. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2240 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF FEBRUARY 2012.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

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

1. This is an application to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a storage garage for trucks and equipment and a parking area to be located on a certain parcel of land, lying in Baltimore Hundred, Sussex County, containing 1.35 acres, more or less, lying on the northeast corner of the intersection of Route 54 and Road 389.

2. DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service "C" of Route 54 and the current Level of Service "A" of Bunting Road will not change as a result of this application.
3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the West Fenwick Planning Area; that the use of an on-site septic system is proposed; that conformity to the South Coastal Area Planning Study 2005 Update will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; that when the County does provide sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a Concept Plan is not required.
4. The Sussex Conservation District submitted comments that the Applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation; that there are no storm flood hazard areas affected; that it will not be necessary for any off-site drainage improvements; that it may be possible that on-site drainage improvements will be required; and that they will comply with all Sussex Conservation District requirements.
5. The proposed use is an appropriate extension of the Applicant's business operations that have existed on its adjacent property for many years. The Applicant has stated that access to this property will also be through the existing business.
6. Business hours are typically from 6:00 a.m. to 7:00 p.m.; there is adequate space for employee parking; the site is located in the Environmentally Sensitive Developing District according to the Comprehensive Plan Update and is an appropriate use according to the Plan since it serves the residents and the agricultural needs of the County; that the existing entrance to the business site will be utilized; and a new entrance will not be required.
7. The use is not out of character since it is adjacent to a business and since other non-residential uses (service and retail) already exist in the area.
8. The proposed building will be similar in appearance to the existing buildings on the adjacent site.

9. **The site has an approved Conditional Use and will not have an adverse impact on the neighboring roadways, properties or community and the operation will not generate a significant increase in traffic or noise.**
10. **The use is of a public or semi-public character.**
11. **Based on the record and recommendations of the Planning and Zoning Commission and the record created before Council, the Conditional Use is approved subject to eight (8) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**



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

December 23, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Chris Brasure** conditional use application, which we received on November 24, 2020. This application is for an approximately 1.47-acre parcel (Tax Parcel: 533-18.00-25.00). The subject land is located at the northeast corner of the intersection of Lighthouse Road (Sussex Road 58) and Dickerson Road (Sussex Road 389), east of Selbyville. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to convert a large garage into a 4,920 square-foot commercial office for Brasure's Pest Control, Inc.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Lighthouse Road where the subject land is located, which is from Johnson Road (Sussex Road 390) to Williamsville Road (Sussex Road 395), are 5,657 and 7,281 vehicles per day, respectively. As the subject land also has frontage along Dickerson Road, the annual average and summer average daily traffic volumes along that road segment are 812 and 1,045 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.



Mr. Jamie Whitehouse
Page 2 of 2
December 23, 2020

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **10/7/2021**

APPLICATION: **CU 2271 Chris Brasure**

APPLICANT: **Chris Breasure**

FILE NO: **OM-4.05**

TAX MAP &
PARCEL(S): **533-18.00-25.00**

LOCATION: **33095 Lighthouse Road, Selbyville**

NO. OF UNITS: **Office Use**

GROSS
ACREAGE: **1.47**

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

SEWER:

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **None of the buildings on the property are currently connected to the sanitary sewer.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: November 4th, 2021

Application: CU 2271 Chris Brasure
Applicant: Chris Brasure
P.O. Box 1100
Selbyville, DE 19975
Owner: Collins 54 LLC
P.O. Box 1100
Selbyville, DE 19975
Site Location: 33095 Lighthouse Road, Selbyville
Current Zoning: Agricultural Residential (AR-1) Zoning District
Proposed Use: Office Use
Comprehensive Land Use Plan Reference: Coastal Area
Councilmanic District: Mr. Rieley
School District: Indian River School District
Fire District: Roxana Fire Department
Sewer: Septic
Water: Well
Site Area: 1.47 acres +/-
Tax Map ID.: 533-18.00-25.00

FI
DM-4.05
TIER 1



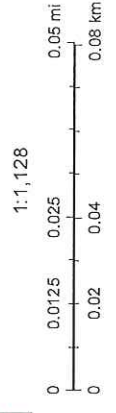


Sussex County



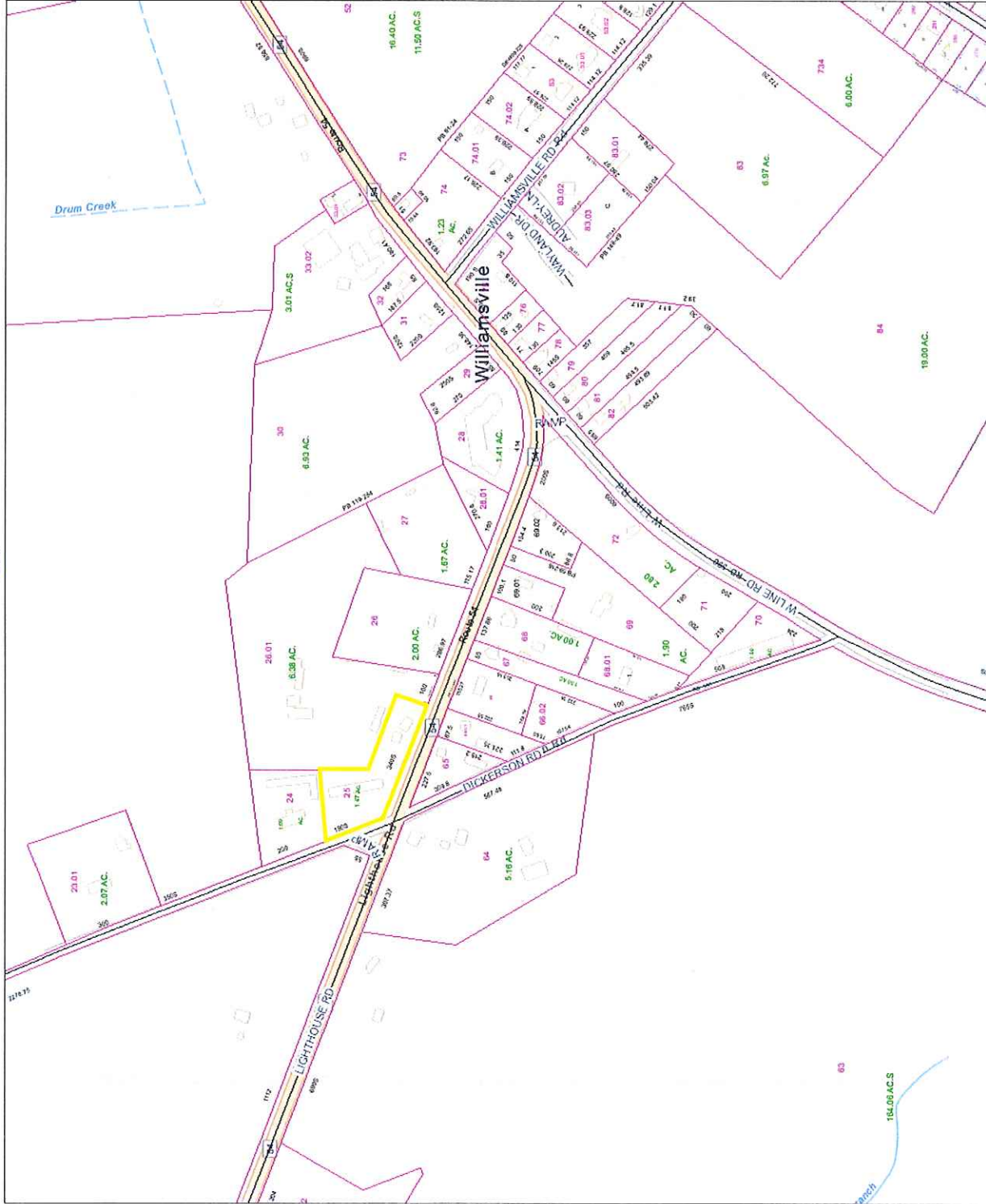
PIN:	533-18.00-25.00
Owner Name	COLLINS 54 LLC
Book	3878
Mailing Address	PO BOX 204
City	SELBYVILLE
State	DE
Description	RD SELBYVILLE TO
Description 2	WILLIAMSVILLE
Description 3	N/A
Land Code	

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



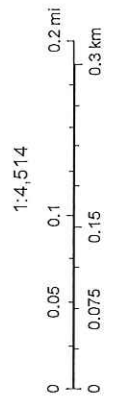


Sussex County



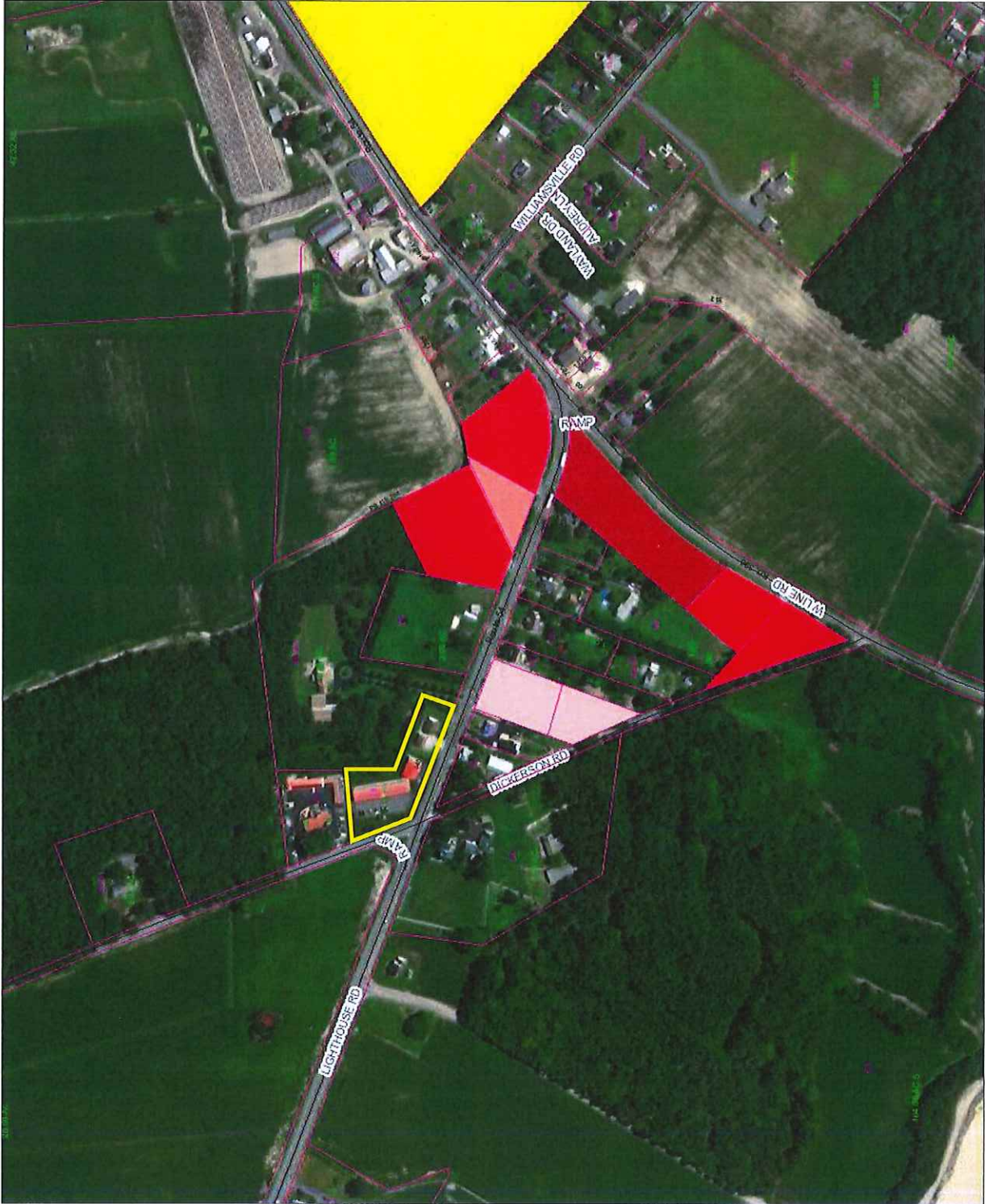
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Override 1
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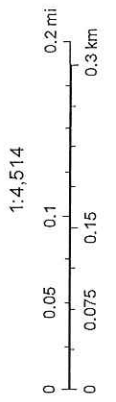


Sussex County



PIN:	533-18-00-25.00
Owner Name	COLLINS 54 LLC
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Description	RD SELBYVILLE TO
Description 2	WILLIAMSVILLE
Description 3	N/A
Land Code	

- polygonLayer
Override 1
- polygonLayer
Override 1
- Tax Parcels
- Streets



FILE COPY

CU 2271

**Applicant
Exhibit**

Received 10.28.2021

@ Public Hearing

Proposed Findings and Conditions

C/U 2271 Amending C/U 1920

Chris Brasure – Collins 54, LLC

Tax Map # - 533-15.00-25.00

Findings

The Planning Commission found that the Conditional Use was appropriate legislative action based on the following Finding of Facts:

1. This is an application to consider the Conditional Use of Land in an AR-1 Agricultural Residential District for an office and a parking area to be located on a certain parcel of land, lying in Baltimore Hundred, Sussex County, containing 1.35 acres, more, or less lying on the northeast corner of the intersection of Route 54 and Road 389.

2. DelDot commented that a Traffic Impact Study was not recommended.

3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located, in the West Fenwick Planning Area; that the use of an on-site septic system is proposed.

4. The Sussex Conservation District submitted comments that the Applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation; that there are no storm flood hazard areas affected; that it will not be necessary for any off-site drainage improvements, that it may be possible that on-site drainage improvements will be required; and that they will comply with all Sussex Conservation District requirements.

5. The proposed use is an appropriate extension of the Applicant's business operations that have existed on its adjacent property for many years. The Applicant has stated that access to this property will also be through the existing business.

6. Business hours are typically from 6:00 a.m. to 7:00 p.m. Adequate space for employee parking exists. The site is located in the Coastal District

according to the Comprehensive Plan and is an appropriate use according to the Plan since it serves the residents of the County. The entrance to the business site will be utilized. A new entrance will not be required.

7. The use is not out of character since it is adjacent to a business and since non-residential uses (service and retail) already exist in the area.

8. The proposed building will be improved for company office space.

9. The site will not have an adverse impact on the neighboring roadways, properties or community and the operation will not generate a significant increase in traffic or noise.

10. The use is of a public or semi-public character.

Conditions

This recommendation was approved subject to the following conditions:

1. The use shall be for a building for office use and outside parking of employee vehicles.

2. Any security lights shall be screened so that they do not shine on neighboring properties.

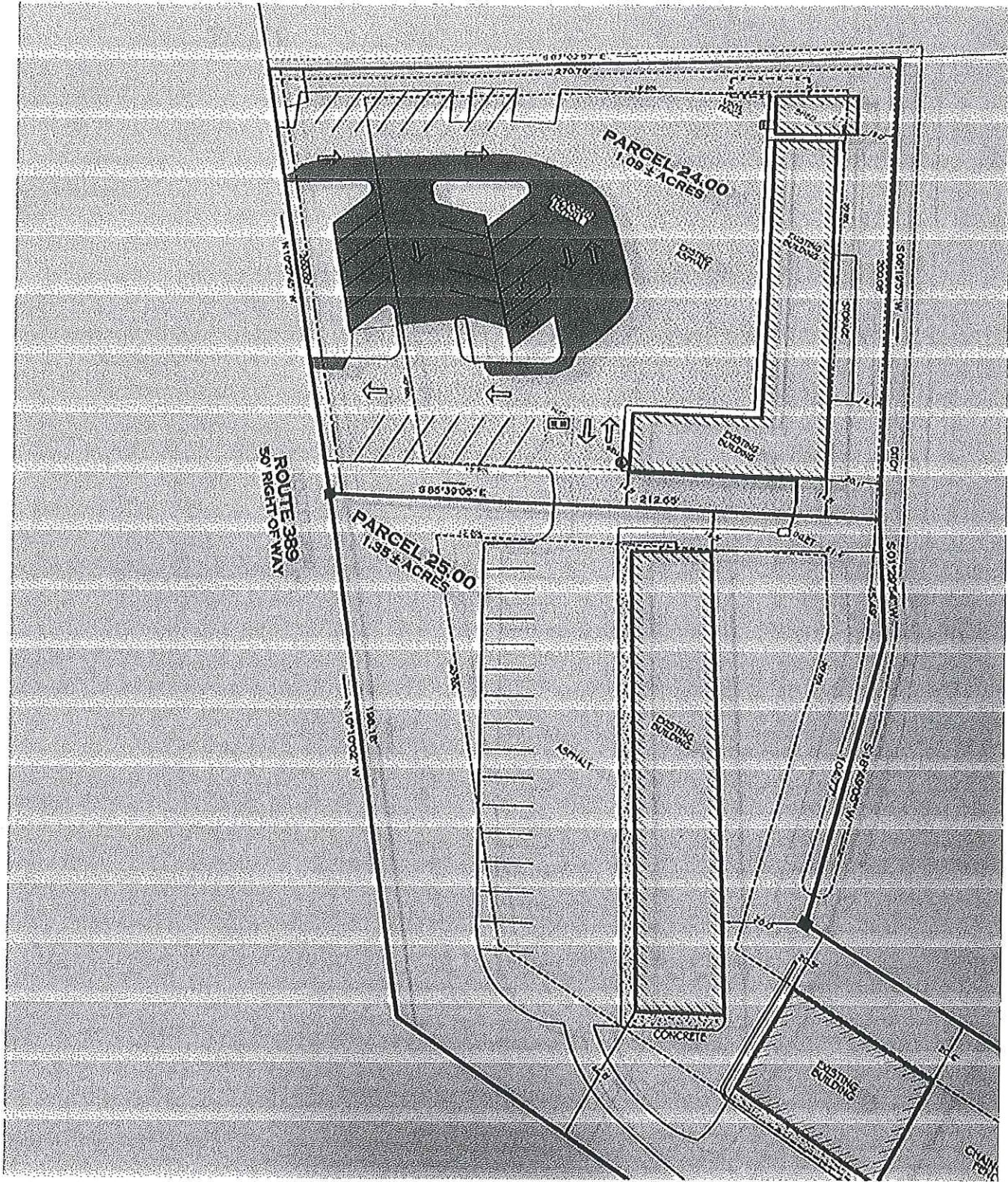
3. One lighted sign, not exceed 32 square feet in size per side, shall be permitted.

4. The Final Site Plan shall indicate all parking spaces and driveway areas.

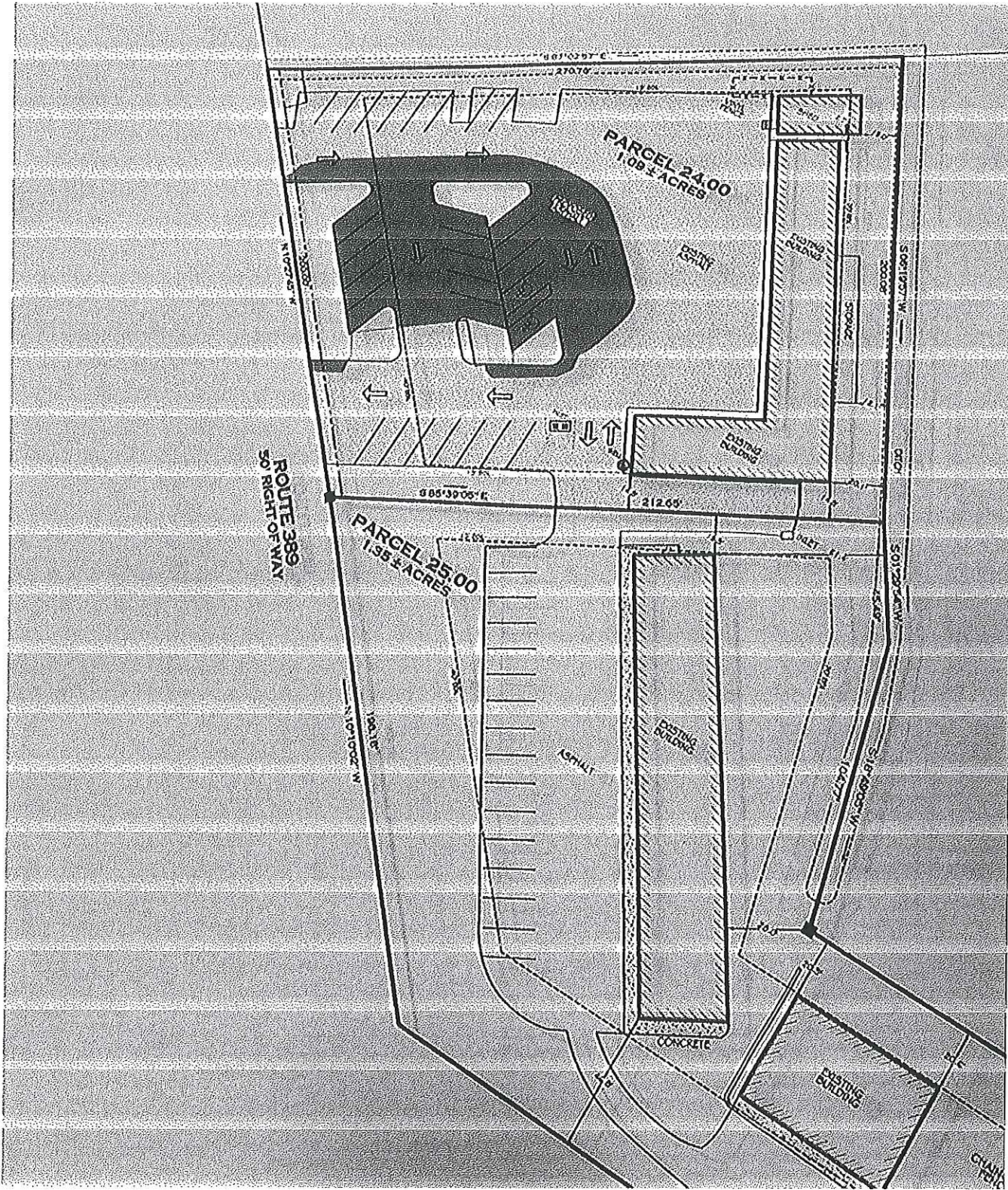
5. As stated by the Applicant, access shall be via the existing entrance to Brasure's Pest Control from Road 389 with an internal driveway to the site.

6. Any dumpsters or trash receptacles utilized on the site shall be screened from neighboring properties or roadways.

7. The site plan shall be subject to the review and approval of the Planning and Zoning Commissions.



C/U 2274



c/u 2274