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

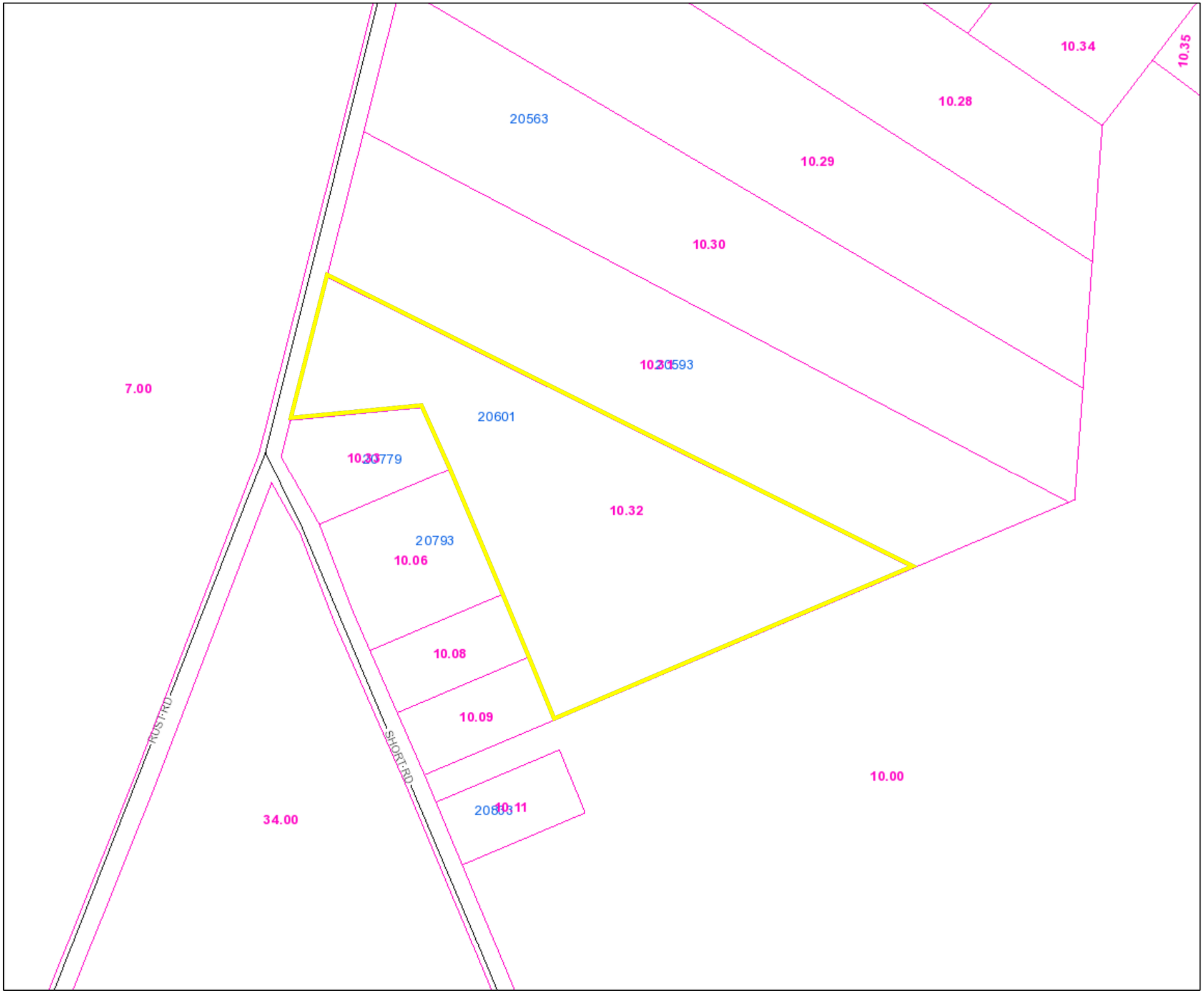
Sussex County
DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JANELLE CORNWELL, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date October 17, 2019

Application:	CU 2194 Imagination-Renovation, LLC
Applicant:	Imagination-Renovation, LLC 20601 Rust Road Harbeson, DE 19966
Owner:	Marsell R. Smith & Phillip G. Bortz 20601 Rust Road Harbeson, DE 19966
Site Location:	20601 Rust Road. East side of Rust Rd., approximately 0.25 mile south of Harbeson Road.
Current Zoning:	AR-1 (Agricultural Residential District)
Proposed Use:	Furniture Making and Repair Business
Comprehensive Land Use Plan Reference:	Low Density Area
Councilmatic District:	Mr. Burton
School District:	Indian River School District
Fire District:	Milton Fire District
Sewer:	Private, On Site
Water:	Private, On Site
Site Area:	5.00 ac. +/-
Tax Map ID.:	234-4.00-10.32

EQUAL HOUSING OPPORTUNITY

Sussex County



PIN:	234-4.00-10.32
Owner Name	SMITH MARSELL RENEE
Book	5019
Mailing Address	20601 RUST RD
City	HARBESON
State	DE
Description	N S/RT 5
Description 2	E/RT 296A
Description 3	LOT 8
Land Code	

polygonLayer
Override 1

polygonLayer
Override 1
Tax Parcels
911 Address
Streets
County Boundaries

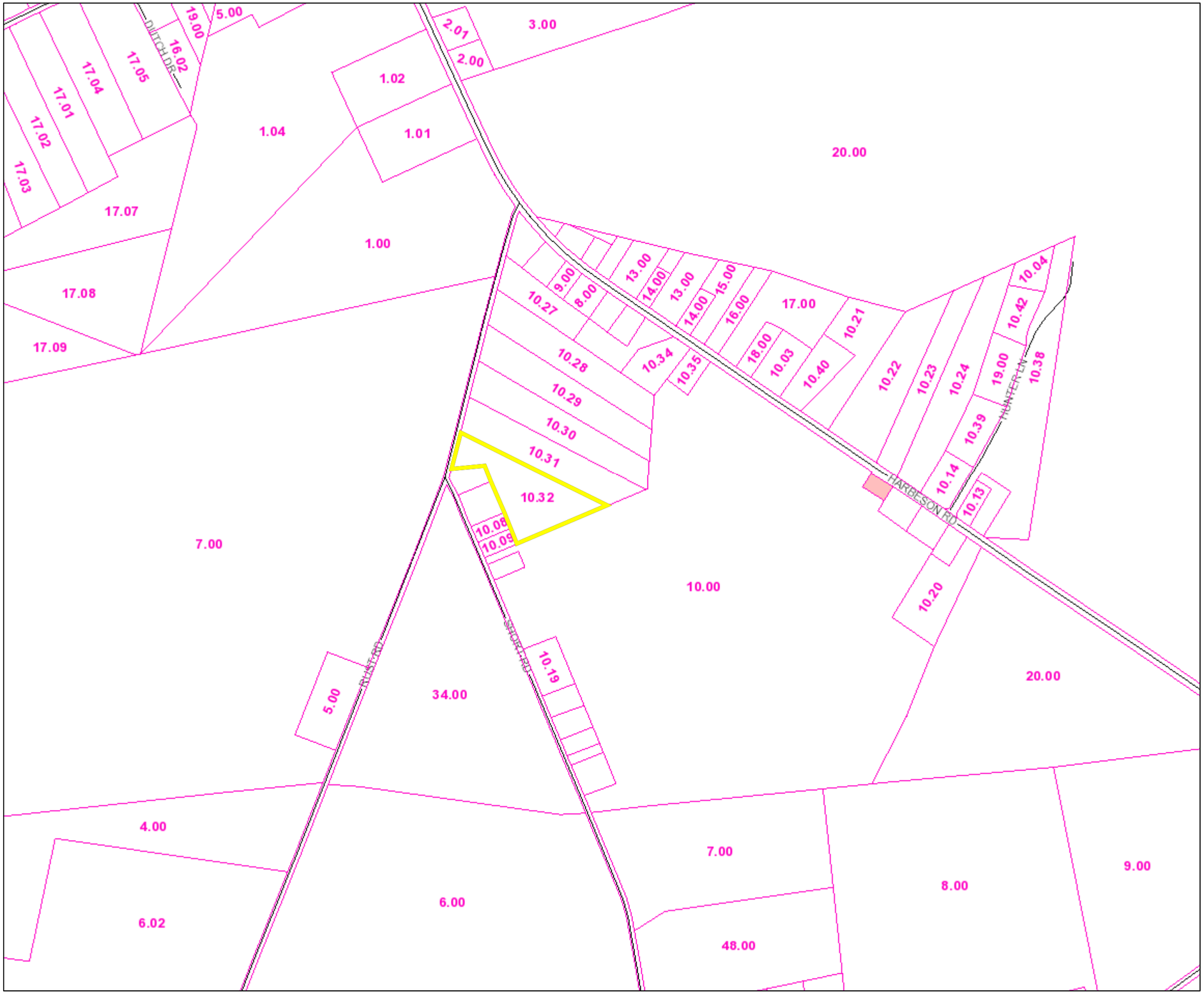
1:2,257

0 0.0275 0.055 0.11 mi

0 0.0425 0.085 0.17 km

September 24, 2019

Sussex County



PIN:	234-4.00-10.32
Owner Name	SMITH MARSELL RENEE
Book	5019
Mailing Address	20601 RUST RD
City	HARBESON
State	DE
Description	N S/RT 5
Description 2	E/RT 296A
Description 3	LOT 8
Land Code	

polygonLayer
Override 1

polygonLayer
Override 1
Tax Parcels
Streets

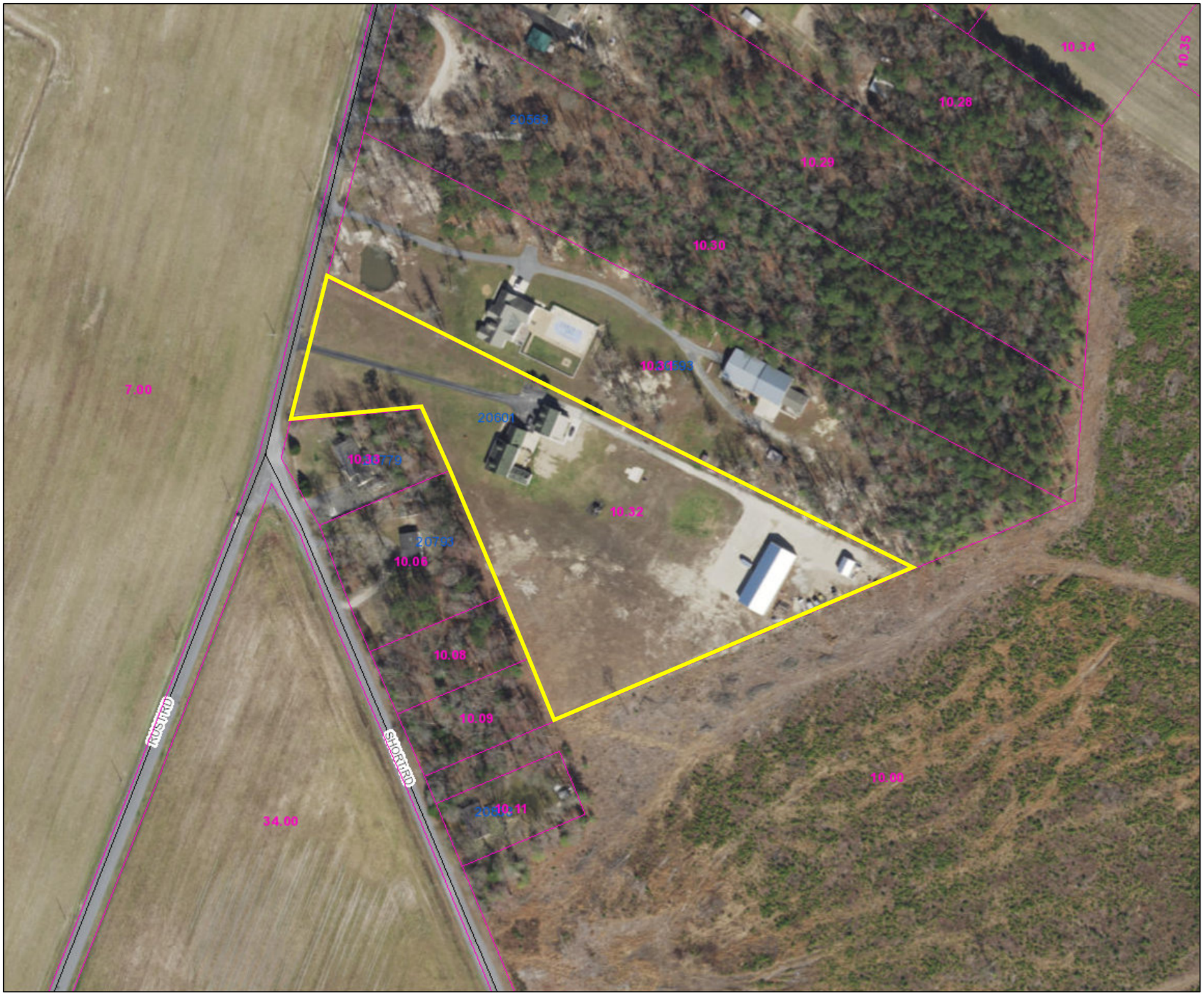
1:9,028

0 0.1 0.2 0.4 mi

0 0.175 0.35 0.7 km

September 24, 2019

Sussex County



PIN:	234-4.00-10.32
Owner Name	SMITH MARSELL RENEE
Book	5019
Mailing Address	20601 RUST RD
City	HARBESON
State	DE
Description	N S/RT 5
Description 2	E/RT 296A
Description 3	LOT 8
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

1:2,257

0 0.0275 0.055 0.11 mi

0 0.0425 0.085 0.17 km

September 24, 2019

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: October 9, 2019
RE: Staff Analysis for CU 2194 Imagination-Renovation, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2194 Imagination-Renovation, LLC. to be reviewed during the October 17, 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 234-4.00-10.32 to allow for a furniture making and repair business to be located at 20601 Rust Road in Harbeson, Delaware. The size of the property is 5.0 acres +/-.

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

The surrounding land use to the north, south, east and west are designated on the Future Land Use Map as "Low Density Areas" (with the exception of a single, small parcel to the east which is designated "Commercial Area." Low Density Areas primarily recognize businesses that support agricultural activities and the development of single-family homes. The focus of retail and office uses in Low Density Areas should be for providing convenience goods and services to nearby residents.

The property is zoned AR-1 (Agricultural Residential District.) The adjoining and surrounding parcels to the north, south, east and west (on the opposite side of Rust Road) are all zoned Agricultural Residential (AR-1) (except for a single parcel to the east, zoned Neighborhood Business (B-1).

Since 2011, there have been four (4) Conditional Use applications submitted in the area of the application site. CU 1980 to the east, for a used car sales facility on a parcel zoned (B-1) Neighborhood Business District which was approved, CU 2185 for multi-family (2-units) which is currently pending, CU 1915 to the north, for a manufacture home installation business and related equipment storage which was approved, and CU 2105 to the north, for a commercial landscaping business with outdoor parking, storage of vehicles, equipment and other ancillary storage related to the business which was also approved.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for a furniture making and repair business could be considered consistent with the land use, area zoning and surrounding uses.

File #: CU 2194

20190721 7

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

20601 Rust Road, Harbeson, DE 19966

Type of Conditional Use Requested:

Conditional Use for a Furniture Making and Repair Business

Tax Map #: 234-4.00-10.32 **Size of Parcel(s):** 5 acres

Current Zoning: AR-1 **Proposed Zoning:** CU **Size of Building:** 4500s.f.

Land Use Classification: Low Density Area

Water Provider: _____ **Sewer Provider:** _____

Applicant Information

Applicant Name: Imagination-Renovation, LLC
Applicant Address: 20601 Rust Road
City: Harbeson State: DE ZipCode: 19966
Phone #: (302) 934-9547 E-mail: renees@prestonmotors.com

Owner Information

Owner Name: Marsell R. Smith & Phillip G. Bortz
Owner Address: 20601 Rust Road
City: Harbeson State: DE Zip Code: 19966
Phone #: (302) 934-9547 E-mail: renees@prestonmotors.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esq.
Agent/Attorney/Engineer Address: 107 W. Market Street
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 856-0018 E-mail: dhutt@morrisjames.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 by 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: 6/21/2019

Signature of Owner

_____ Date: 6-13-19

For office use only:

Date Submitted: 6-21-19 per

Staff accepting application: BR

Fee: $500.00 Check #: 105898

Application & Case #: 2019 0721 7

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Date of CC Hearing: _____ Decision of CC: _____

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

JENNIFER COHAN
SECRETARY

April 5, 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 **Imagination – Renovation, LLC** conditional use application, which we received on March 8, 2019. This application is for a 5.00-acre parcel (Tax Parcel: 234-4.00-10.32). The subject land is located on the east side of Rust Road (Sussex Road 292A), approximately 80 feet northeast of the intersection of Rust Road and Short Road (Sussex Road 296A). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to operate approximately 4,500 feet of pole building space.

Per the 2017 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Rust Road where the subject land is located, which is from Anderson Corner Road (Sussex Road 292) to Delaware Route 5, is 400 vehicles per day.

Based on our review, we estimate that the above land uses 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.

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

Sincerely,

for

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Imagination – Renovation, LLC, 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

PLANNING & ZONING
JANELLE M. CORNWELL, AICP
DIRECTOR
(302) 855-7878 T
(302) 854-5079 F

Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

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

Date: 3/8/19

Site Information:

Site Address/Location: 20601 Rust Road, Harbeson, DE

Tax Parcel Number: 234-4.00-10.32
Current Zoning: AR-1
Proposed Zoning: CU
Land Use Classification: Low Density Area

Proposed Use(s): Conditional Use for a Furniture Making & Repair Business

Square footage of any proposed buildings or number of units: Pole buildings total approx. 4500 s.f.; Lot is 5 acres. See attached survey.

Applicant Information:

Applicant's Name: Imagination-Renovation, LLC

Applicant's Address: 20601 Rust Road
City: Harbeson State: DE Zip Code: 19966

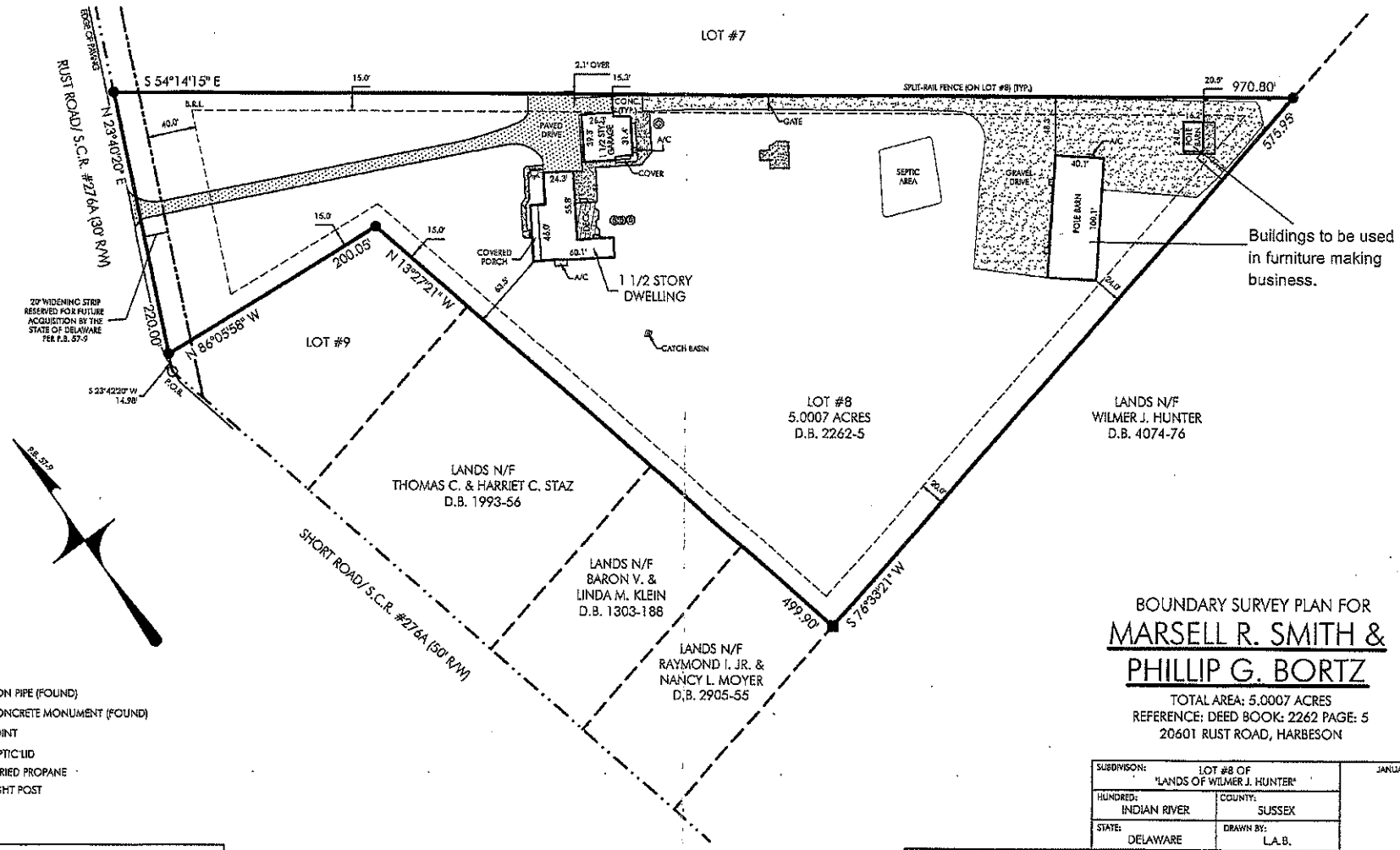
Applicant's Phone Number: (302) 934-9547
Applicant's e-mail address: renees@prestonmotors.com

Please Copy Response To:
David C. Hutt, Esq.
Morris James, LLP
107 West Market Street
Georgetown, DE 19947
dhutt@morrisjames.com
(302) 856-0018

RECEIVED
MAR 0 8 2019
SUSSEX COUNTY
PLANNING & ZONING

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

T.M. #2-34-4.00-10.32



LEGEND:

- IRON PIPE (FOUND)
- CONCRETE MONUMENT (FOUND)
- POINT
- SEPTIC LID
- BURIED PROPANE
- LIGHT POST

NOTES:
ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER AND/OR GENERAL CONTRACTOR. PLEASE CONTACT SUSSEX COUNTY (302-855-7720).
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

SCALE: 1" = 80'
0 80 160 240

BOUNDARY SURVEY PLAN FOR
MARSELL R. SMITH & PHILLIP G. BORTZ
TOTAL AREA: 5.0007 ACRES
REFERENCE: DEED BOOK: 2262 PAGE: 5
20601 RUST ROAD, HARBESON

SUBDIVISION: LOT #8 OF "LANDS OF WILMER J. HUNTER"			JANUARY 29, 2019
HUNDRED: INDIAN RIVER	COUNTY: SUSSEX		
STATE: DELAWARE	DRAWN BY: L.A.B.		
REF.: D.B. 2262-5	DWG. NO.: 234-4-10.32		SURVEY CLASS: SUBURBAN

DATE	REVISION

Prepared by:
FORESIGHT Services
Surveying & Precision Measurement
302 226 2229 phone 302 226 2239 fax 21403A Coastal Highway Dewey Beach, DE 19971

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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **10/4/2019**

APPLICATION: **CU 2194 Imagination-Renovations, LLC**

APPLICANT: **Imagination-Renovations, LLC**

FILE NO: **NCPA-5.03**

TAX MAP & PARCEL(S): **234-4.00-10.32**

LOCATION: **20601 Rust Road. East side of Rust Road, approximately 0.25 mile south of Harbeson Road.**

NO. OF UNITS: **Furniture making and repair business**

GROSS ACREAGE: **5.00 acres +/-**

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

SEWER:

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐ No ☐

a. If yes, see question (2).
b. If no, see question (7).

(2). Which County Tier Area is project in? **Tier 3**

(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Click or tap to enter a fee** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

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

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

(8). Comments: **The proposed Conditional Use is in an area where the Sussex County Engineering Department does not currently 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

Sussex conservation district
PREPARE. PROTECT. PRESERVE.

RECEIVED
OCT 15 2019
SUSSEX COUNTY
PLANNING & ZONING

MEMORANDUM

TO: Janelle M. Cornwell

FROM: Debbie Absher, Director of Ag Programs

SUBJECT: LUPA

DATE: October 15, 2019

Attached you will find the comments for the following proposed zoning changes:

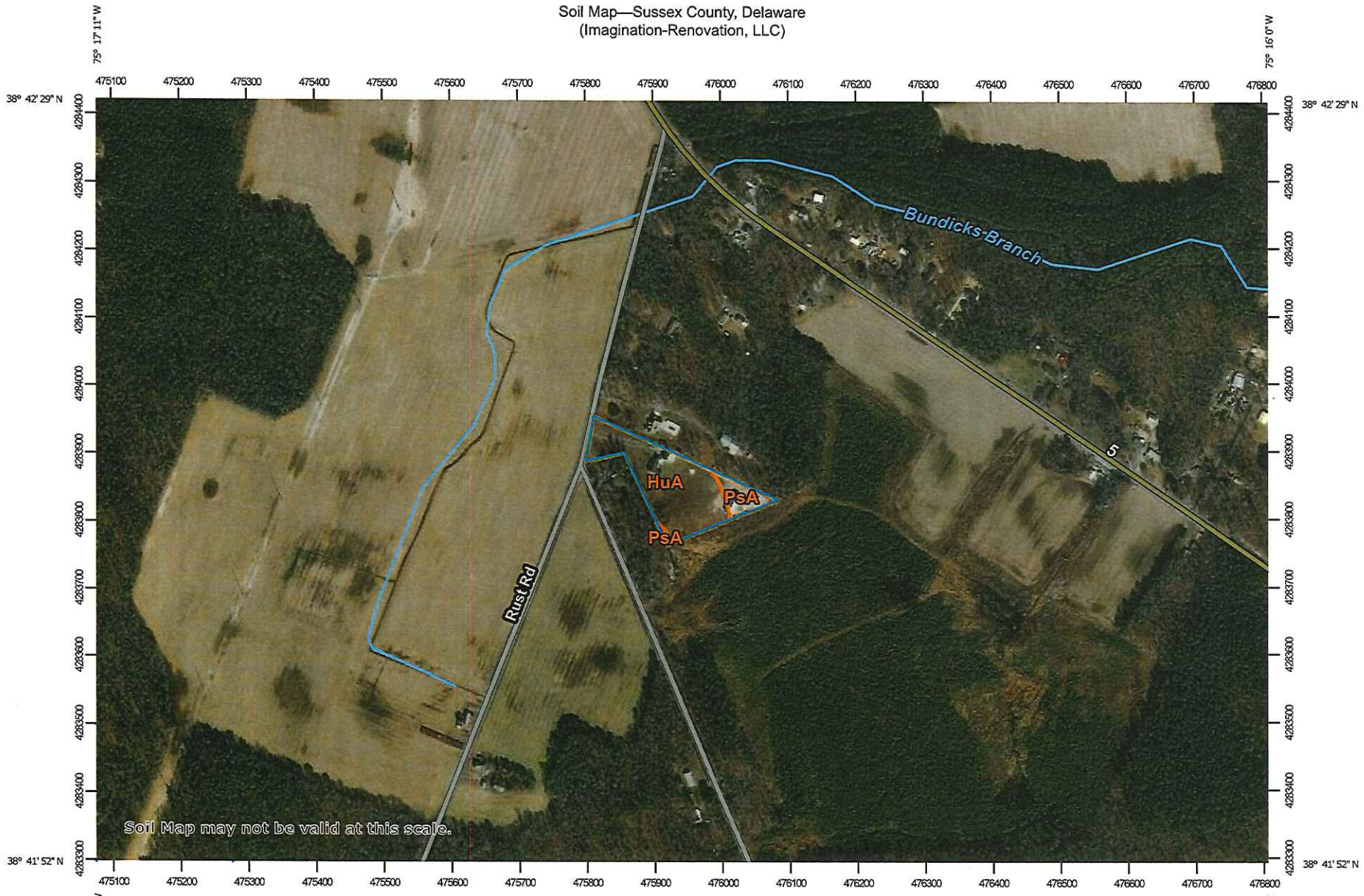
- 2019-18 – Lands of Merrill J. & Betty L. Parker
- 2019-17 – Iris Cove
- CU 2194 – Imagination-Renovation, LLC
- CZ 1893 – Lisa Horsey
- CZ 1894 – Howard Pepper, Jr.

If you have any questions, I can be reached at 856-3990, ext. 3.

BJH
Enclosures

CU 2194
TM #234-4.00-10.32
Imagination-Renovation, LLC

Soil Map—Sussex County, Delaware
(Imagination-Renovation, LLC)



Map Scale: 1:7,920 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 100 200 400 600

Feet: 0 350 700 1400 2100

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 Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

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 20, Sep 13, 2019

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

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

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.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HuA	Hurlock loamy sand, 0 to 2 percent slopes	4.1	85.0%
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	0.7	15.0%
Totals for Area of Interest		**4.8**	**100.0%**

Selected Soil Interpretations

This report allows the customer to produce a report showing the results of the soil interpretation(s) of his or her choice. It is useful when a standard report that displays the results of the selected interpretation(s) is not available.

When customers select this report, they are presented with a list of interpretations with results for the selected map units. The customer may select up to three interpretations to be presented in table format.

For a description of the particular interpretations and their criteria, use the "Selected Survey Area Interpretation Descriptions" report.

Report—Selected Soil Interpretations

Selected Soil Interpretations–Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
HuA—Hurlock loamy sand, 0 to 2 percent slopes							
Hurlock, undrained	40	Very limited		Very limited		Very limited	
		Ponding	1.00	Ponding	1.00	Depth to saturated zone	1.00
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Ponding	1.00
						Restricted permeability	1.00
Hurlock, drained	40	Very limited		Very limited		Very limited	
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Depth to saturated zone	1.00
						Restricted permeability	1.00
PsA—Pepperbox-Rosedale complex, 0 to 2 percent slopes							
Pepperbox	45	Somewhat limited		Very limited		Very limited	
		Depth to saturated zone	0.39	Depth to saturated zone	1.00	Depth to saturated zone	1.00
Rosedale	45	Not limited		Somewhat limited		Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
						Restricted permeability	1.00

Data Source Information

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 20, Sep 13, 2019

Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

Prime farmland is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Report—Prime and other Important Farmlands

Prime and other Important Farmlands–Sussex County, Delaware		
Map Symbol	**Map Unit Name**	**Farmland Classification**
HuA	Hurlock loamy sand, 0 to 2 percent slopes	Farmland of statewide importance
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	Prime farmland if irrigated

Data Source Information

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 20, Sep 13, 2019

SOILS

ADD ANY ADDITIONAL INFORMATION THAT MAY BE CONSIDERED PERTINENT:

SOILS:

HuA Hurlock loamy sand, 0 to 2 percent slopes
PsA Pepperbox-Rosedale complex, 0 to 2 percent slopes

A. SUITABILITY OF SOILS INTENDED USE:
See attached table for suitability.

B. EVALUATE THE SOILS INCLUDED IN THIS PROJECT WITH RESPECT TO EROSION AND SEDIMENTATION CONTROL:

1. DURING CONSTRUCTION:

Follow recommended erosion and sediment control practices.

2. AFTER CONSTRUCTION:

Maintain vegetation.

C. FARMLAND RATING (PRIME, UNIQUE, STATEWIDE IMPORTANCE, ETC.):
See attached table(s) for ratings.

D. ADDITIONAL COMMENTS (IF APPLICABLE):

DRAINAGE AND FLOODING

Add any additional information that may be considered pertinent:

DRAINAGE:

A. Any Storm flood hazard area affected? ☐ Yes ☑ No

B. Would the proposed project necessitate any off-site drainage improvements?

No

C. Would the proposed project necessitate any on-site drainage improvements?

No

D. Any Tax Ditch affected? ☐ Yes ☑ No

Additional Comments (if applicable)

All landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right-of-ways along tax ditches. These documents are located in the Prothonotary's Office and/or with the Recorder of Deeds. If a stormwater management facility is proposed along a stream or ditch, the Sussex Conservation District will require verification of any easements. Before you start any project design, please look into this matter by calling the Division of Soil and Water Conservation-Drainage Program at (302) 855-1930 or the Sussex Conservation District Sediment and Stormwater Program at (302) 856-7219 for more information.

MARSELL R. SMITH & PHILLIP G. BORTZ
Imagination Renovation
Conditional Use Application No. 2194

PROPOSED FINDINGS OF FACTS & CONDITIONS OF APPROVAL

1. This is an application to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a furniture making and repair business on approximately five (5) acres, more or less, in Indian River Hundred, Sussex County, being known as 20601 Rust Road, Harbeson, Delaware, also being known as Tax Parcel 234-4.00-10.32.

2. The applicants are Marsell R. Smith and Phillip G. Bortz who own and reside at the property (20601 Rust Road, Harbeson, Delaware 19966).

3. The property is located on the north side of Rust Road, fronting on Rust Road leading from State Route 5 to Anderson Corner Road.

4. The property is surrounded by agricultural and residential properties many of which are similarly sized or larger than the subject property.

4. The property is zoned AR-1.

5. The applicant proposes to use two existing buildings on the property for its furniture making and repair business known as Imagination Renovation. The two buildings are identified on the boundary survey plan as buildings of approximately 4,100 square feet and 400 square feet and designated on the Boundary Survey Plan as "Buildings to be used in furniture making business."

6. The intended use of the property will be of a public or semi-public character and provide a place for furniture making and repair.

7. The buildings exist on the property and are served by on-site septic and well water.

8. The conditional use requested will not increase the congestion of roads or streets as confirmed by DelDOT, which did not request a traffic impact study or a traffic operations analysis and determined that the proposed furniture making and repairing business' impact would be negligible on the adjacent roads.

9. The proposed conditional use meets the general purpose of the Zoning Ordinance as a public or semipublic use, essential and desirable for the general convenience and welfare, orderly growth, convenience, order, prosperity and welfare of the County.

This recommendation of approval is subject to the following proposed conditions:

A. The use shall be limited to a cabinet/furniture making and repair business.

Applicant Exhibit

FILE COPY
CU2194

B. The use shall be limited to the two buildings of approximately 4,100 square feet and 400 square feet and designated on the Boundary Survey Plan as "Buildings to be used in furniture making business."

C. One unlit sign along Rust Road shall be permitted. It shall be not be greater than 32 SF per side and its location shall be shown on the Final Site Plan.

D. There shall be no outside storage of materials or supplies.

E. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.

F. The hours of operation shall be from 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 2:00 p.m. on Saturday.

G. The applicant shall comply with all DelDOT requirements concerning entrance and roadway improvements.

H. The applicant shall comply with all other statutes, laws, ordinances, rules and/or regulations of any federal, state, county or other governmental entity having subject matter jurisdiction over the proposed use.

I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

J. The Final Site Plan shall include all conditions of approval.

CONDITIONAL USE APPLICATION
Case No. 2194

Imagination-Renovation, LLC

You Imagine –
We Create!
Unique Furniture &
Built-ins found only in
your house Imagined by
you and created
by us

David C. Hutt, Esquire
Morris James LLP

Public Hearings:
Planning Commission
October 17, 2019
County Council
November 19, 2019

Table of Contents

1. Application for Conditional Use
2. Title to Property:

   Deed: February 22, 2019, Deed Book 5019, Page 235
3. Sussex County Tax Maps (Parcels, Zoning and Aerial Overlay)
4. Imagination Renovation – Summary/Photos
5. Boundary Survey Plan
6. DelDOT Service Level Evaluation Letter

TAB "1"

File #: _____

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

20601 Rust Road, Harbeson, DE 19966

Type of Conditional Use Requested:

Conditional Use for a Furniture Making and Repair Business

Tax Map #: 234-4.00-10.32 **Size of Parcel(s):** 5 acres

Current Zoning: AR-1 **Proposed Zoning:** CU **Size of Building:** 4500s.f.

Land Use Classification: Low Density Area

Water Provider: _____ **Sewer Provider:** _____

Applicant Information

Applicant Name: Imagination-Renovation, LLC
Applicant Address: 20601 Rust Road
City: Harbeson State: DE ZipCode: 19966
Phone #: (302) 934-9547 E-mail: renees@prestonmotors.com

Owner Information

Owner Name: Marsell R. Smith & Phillip G. Bortz
Owner Address: 20601 Rust Road
City: Harbeson State: DE Zip Code: 19966
Phone #: (302) 934-9547 E-mail: renees@prestonmotors.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esq.
Agent/Attorney/Engineer Address: 107 W. Market Street
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 856-0018 E-mail: dhutt@morrisjames.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 by 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: 6/21/2019

Signature of Owner

_____ Date: 6-13-19

For office use only:

Date Submitted: _____ Fee: $500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

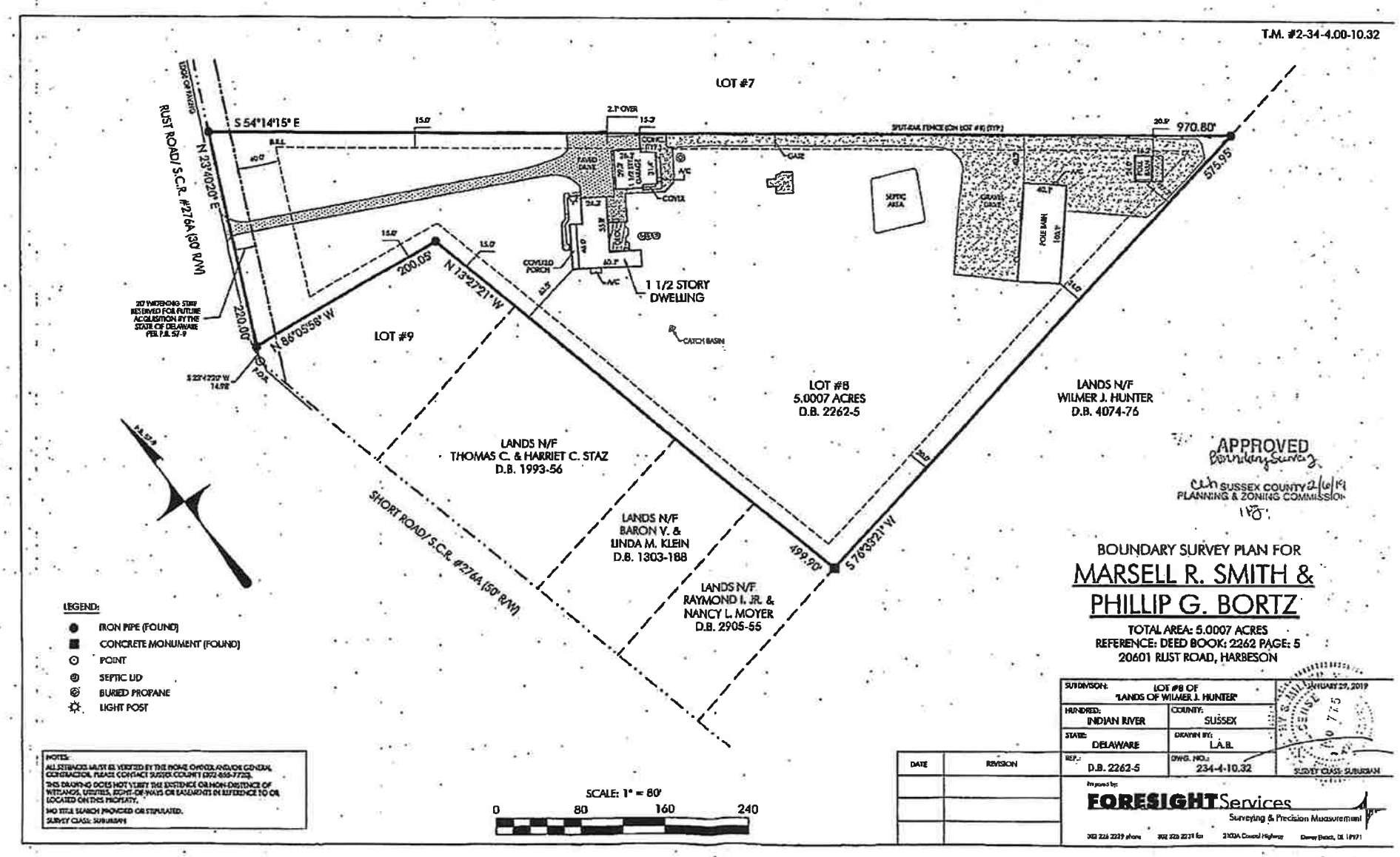
_____

Subdivision: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Date of CC Hearing: _____ Decision of CC: _____

Document# 2019000006239 BK: 5019 PG: 237
Recorder of Deeds, Scott Dailey On 2/25/2019 at 2:01:09 PM Sussex County, DE
Doc Surcharge Paid



TAB "2"

Document# 2019000006239 BK: 5019 PG: 235
Recorder of Deeds, Scott Dailey On 2/25/2019 at 2:01:09 PM Sussex County, DE
Consideration: $550,000.00 County/Town: $8,250.00 State: $13,750.00 Total: $22,000.00
Doc Surcharge Paid Town: SUSSEX COUNTY

TAX MAP #: 2-34 4.00 10.32
PREPARED BY:
Hudson Jones Jaywork & Fisher
309 Rehoboth Avenue
Rehoboth Beach, DE 19971
File No. SMITH-P-19/CCM

RETURN TO:
Marsell Renee Smith
Phillip Bortz
20601 Rust Road
Harbeson, DE 19951

THIS DEED, made this 22nd day of February, 2019,

- BETWEEN -

BRYAN A. WARE, of 20601 Rust Road, Harbeson, DE 19951, party of the first part,

- AND -

MARSELL RENEE SMITH and **PHILLIP BORTZ**, of 20601 Rust Road, Harbeson, DE 19951, as tenants by the entirety, parties of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **TEN DOLLARS ($10.00)**, lawful money of the United States of America and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot, piece and parcel of land lying and being on the Easterly side of #212A, in Indian River Hundred, Sussex County, Delaware, State of Delaware, and being all of Lot 8 identified on plot of lands of Wilmer J. Hunter, prepared by Miller Lewes, Inc, dated December 21, 1995, said plot being of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Plot Book 57, Page 9.

BEING the same property conveyed to Bryan A. Ware from Wilmer J. Hunter and Lucy M. Hunter, by Deed dated January 20, 1998, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on January 23, 1998, in Deed Book 2262, Page 5.

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.

Document# 2019000006239 BK: 5019 PG: 236
Recorder of Deeds, Scott Dailey On 2/25/2019 at 2:01:09 PM Sussex County, DE
Doc Surcharge Paid

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

Signed, Sealed and Delivered
in the presence of:

Bryan A. Ware (SEAL)

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on February 22, 2019, personally came before me, the subscriber, Bryan A. Ware, 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.

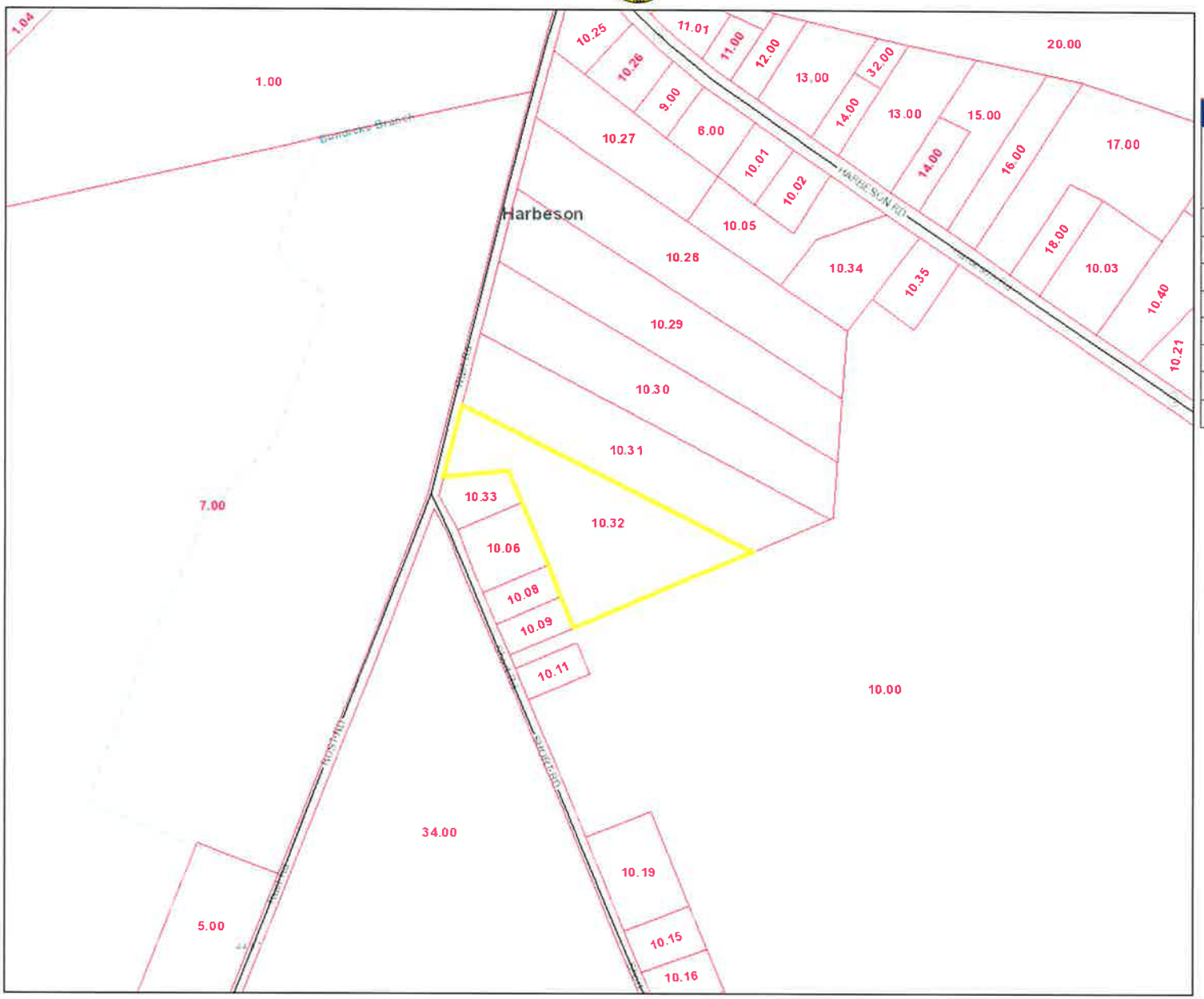
ADMITTED TO THE DELAWARE BAR 12.11.13
ATTORNEY
CHAD C. MEREDITH
BAR #5933
NOTARY
UNIFORMS LAW ON NOTARIAL ACTS
PURSUANT TO 29 DEL C. SEC 4323 (a)

Notary Public

My Commission Expires: N/A

TAB "3"

Sussex County



PIN:	234-4.00-10.32
Owner Name	SMITH MARSELL RENEE
Book	5019
Mailing Address	20601 RUST RD
City	HARBESON
State	DE
Description	N S/RT 5
Description 2	E/RT 296A
Description 3	LOT 8
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

Streets

County Boundaries

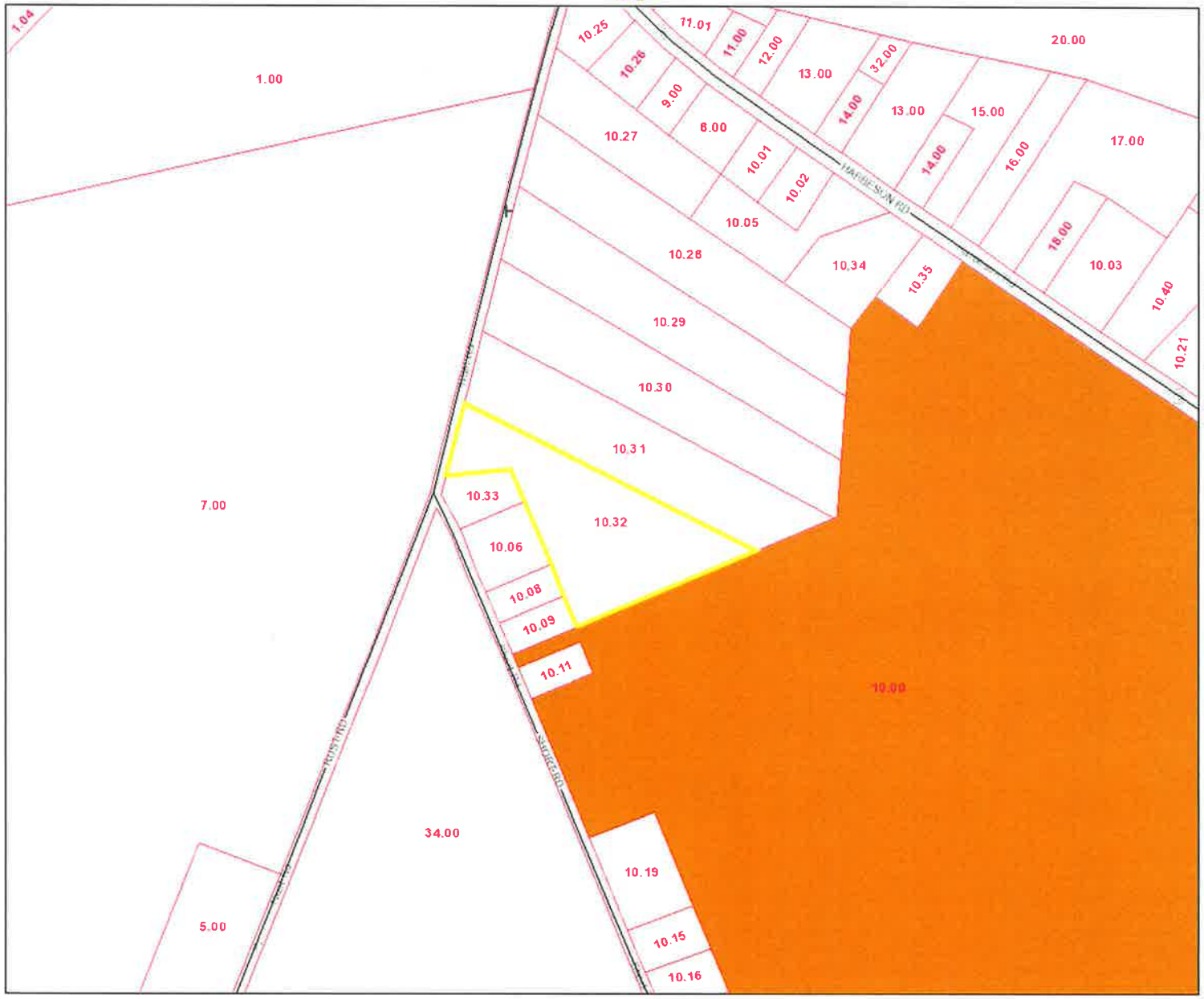
1:4,514

0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

September 16, 2019

Sussex County



PIN:	234-4.00-10.32
Owner Name	SMITH MARSELL RENEE
Book	5019
Mailing Address	20601 RUST RD
City	HARBESON
State	DE
Description	N S/RT 5
Description 2	E/RT 296A
Description 3	LOT 8
Land Code	

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

1:4,514

0 0.05 0.1 0.2 mi
0 0.075 0.15 0.3 km

September 16, 2019

Sussex County

PIN:	234-4.00-10.32
Owner Name	SMITH MARSELL RENEE
Book	5019
Mailing Address	20601 RUST RD
City	HARBESON
State	DE
Description	N S/RT 5
Description 2	E/RT 296A
Description 3	LOT 8
Land Code	

polygonLayer
Override 1
polygonLayer
Override 1
Tax Parcels
Subdivisions

1:4,514

0 0.05 0.1 0.2 mi
0 0.075 0.15 0.3 km

September 16, 2019

TAB "4"

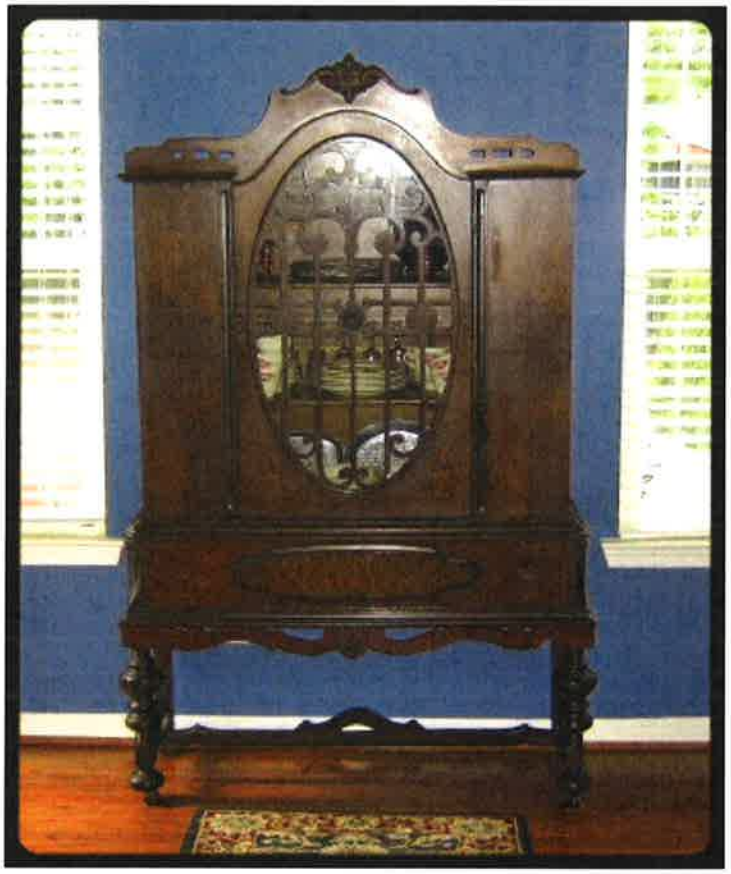
About Imagination-Renovation, LLC

Imagination Renovation began as a dream 20 years ago in a one car garage in Oceanport, NJ. The dream took form in 2002 when then known as Imagination Furniture moved from NJ, to Dagsboro, DE in 2004. It all began with an 800 sq. ft. shop. In 2013 "IF" moved to a 1250 sq.ft shop at 30980 Country Gardens, Unit Q1, Dagsboro. In less than 6 months so many others dreams and imaginative ideas caused a crisis we ran out of room. Imagination Furniture moved next door to unit Q2 September 2014 where it currently operates. Its new location has almost 3000 sq. ft of usable space, a state of the art spray booth for finishing and a 1500 sq.ft. production area. "IF" continued to grow. We continued to grow mid- 2018 with the addition of Phillip Bortz and his expertise "IF" became Imagination Renovation the name has changed, The company has changed but the dedication to meet the need that mass produced cannot deliver. Each and every project is created one at a time.

As stated the movie "Field of Dreams" if you build it they will come. Imagination Furniture's fame for building Unique, superior products has led to phenomenal growth. If you have been looking for a truly "custom," and "One of a kind," piece you will eventually come to Imagination Furniture. You will not see a Catalog or a Showroom you will simply get exactly what you want that is not available anywhere else.

"Made at the Shore - Not Offshore!"

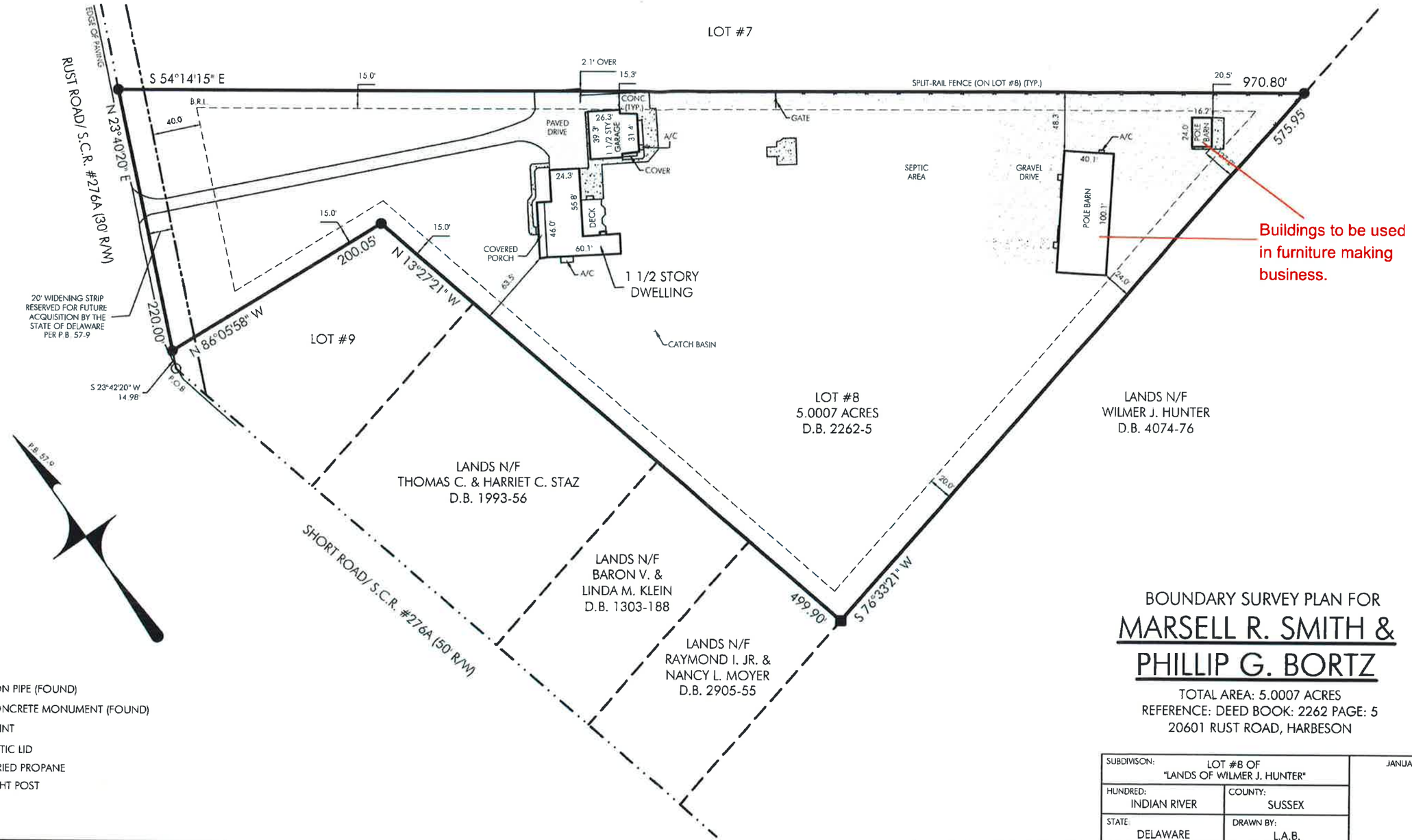
www.imagination-renovation.com



02/11/2015

TAB "5"

T.M. #2-34-4.00-10.32



LEGEND:

- IRON PIPE (FOUND)
- CONCRETE MONUMENT (FOUND)
- POINT
- SEPTIC LID
- BURIED PROPANE
- LIGHT POST

NOTES:
ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER AND/OR GENERAL CONTRACTOR. PLEASE CONTACT SUSSEX COUNTY (302-855-7720)
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

SCALE: 1" = 80'
0 80 160 240

BOUNDARY SURVEY PLAN FOR
MARSELL R. SMITH & PHILLIP G. BORTZ

TOTAL AREA: 5.0007 ACRES
REFERENCE: DEED BOOK: 2262 PAGE: 5
20601 RUST ROAD, HARBESON

DATE	REVISION

SUBDIVISON: LOT #8 OF "LANDS OF WILMER J. HUNTER"		JANUARY 29, 2019
HUNDRED: INDIAN RIVER	COUNTY: SUSSEX	
STATE: DELAWARE	DRAWN BY: L.A.B.	
REF.: D.B. 2262-5	DWG. NO.: 234-4-10.32	SURVEY CLASS: SUBURBAN

Prepared by
FORESIGHT Services
Surveying & Precision Measurement
302 226 2229 phone 302 226 2239 fax 21036 Coastal Highway Dewey Beach, DE 19971

TAB "6"

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

JENNIFER COHAN
SECRETARY

April 5, 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 **Imagination – Renovation, LLC** conditional use application, which we received on March 8, 2019. This application is for a 5.00-acre parcel (Tax Parcel: 234-4.00-10.32). The subject land is located on the east side of Rust Road (Sussex Road 292A), approximately 80 feet northeast of the intersection of Rust Road and Short Road (Sussex Road 296A). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to operate approximately 4,500 feet of pole building space.

Per the 2017 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Rust Road where the subject land is located, which is from Anderson Corner Road (Sussex Road 292) to Delaware Route 5, is 400 vehicles per day.

Based on our review, we estimate that the above land uses 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.

DelDOT

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
Imagination – Renovation, LLC, 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

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

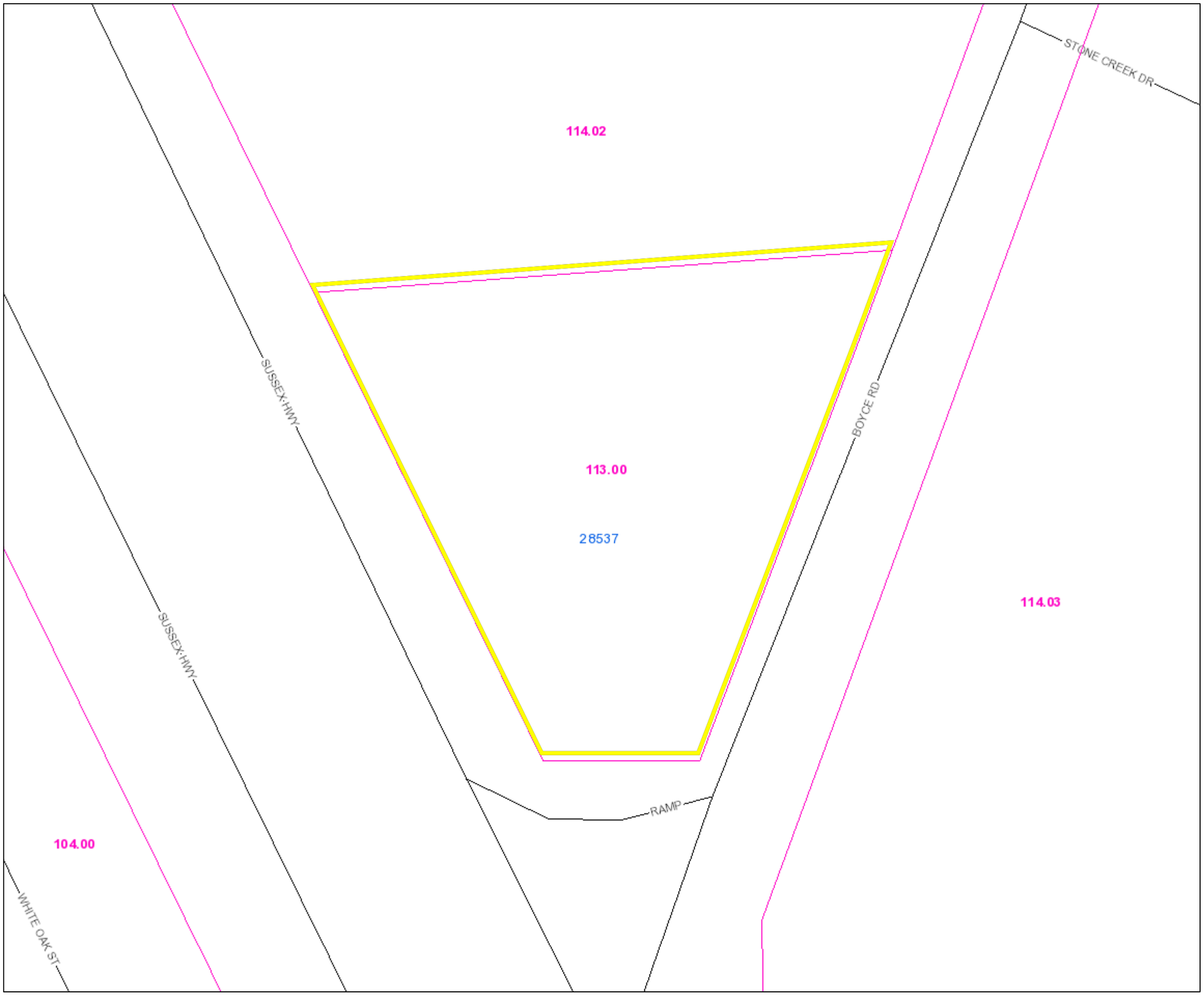
PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: October 17, 2019

Application:	CZ 1893 Lisa Horsey
Applicant:	Lisa Horsey 14819 Sycamore Rd. Laurel, DE 19956
Owner:	LBG Homes, LLC 14819 Sycamore Rd. Laurel, DE 19956
Site Location:	28537 Sussex Hwy. Northeast corner of Sussex Hwy. and Boyce Rd.
Current Zoning:	AR-1 (Agricultural Residential District)
Proposed Zoning:	C-2 (Medium Commercial District)
Comprehensive Land Use Plan Reference:	Commercial Area
Councilmatic District:	Mr. Vincent
School District:	Laurel School District
Fire District:	Laurel Fire District
Sewer:	Private, On-Site
Water:	Private, On-Site
Site Area:	0.474 acres +/-
Tax Map ID.:	132-12.00-113.00

EQUAL HOUSING OPPORTUNITY

Sussex County



PIN:	132-12.00-113.00
Owner Name	LBG HOMES LLC
Book	5047
Mailing Address	14819 SYCAMORE RD
City	LAUREL
State	DE
Description	E/S RT 13
Description 2	W/S RD 482
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

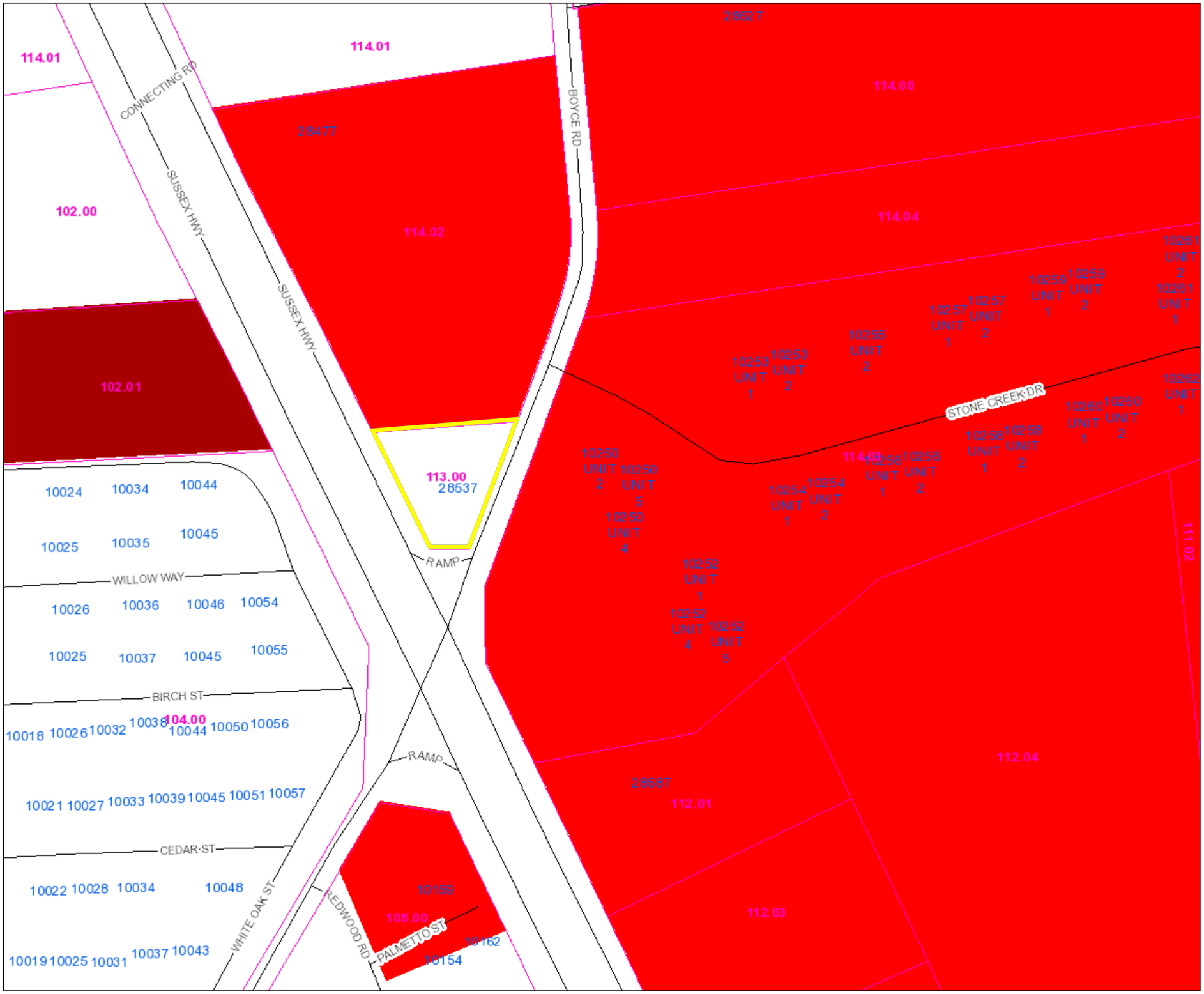
1:564

0 0.005 0.01 0.02 mi

0 0.01 0.02 0.04 km

September 24, 2019

Sussex County



PIN:	132-12.00-113.00
Owner Name	LBG HOMES LLC
Book	5047
Mailing Address	14819 SYCAMORE RD
City	LAUREL
State	DE
Description	E/S RT 13
Description 2	W/S RD 482
Description 3	N/A
Land Code	

polygonLayer
Override 1

polygonLayer
Override 1
Tax Parcels
911 Address
Streets

1:2,257

0 0.0275 0.055 0.11 mi

0 0.0425 0.085 0.17 km

September 24, 2019

Sussex County

PIN:	132-12.00-113.00
Owner Name	LBG HOMES LLC
Book	5047
Mailing Address	14819 SYCAMORE RD
City	LAUREL
State	DE
Description	E/S RT 13
Description 2	W/S RD 482
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

1:564

0 0.005 0.01 0.02 mi

0 0.01 0.02 0.04 km

September 24, 2019

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 CZ 1893 Lisa Horsey

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1893 Lisa Horsey to be reviewed during the October 17, 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 Change of Zone for parcel 132-12.00-113.00 to facilitate a change from the Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) District to be located at 28537 Sussex Highway in Laurel, Delaware. The size of the property is 0.474 acres +/-.

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

The surrounding land uses to the north and east (across from Boyce Road) are designated on the Future Land Use Map as "Commercial Areas." The adjacent parcels to the west and south of the subject parcel are designated "Commercial Areas" and "Low Density Areas." Low Density Areas primarily recognize businesses that support agricultural activities and the development of single-family homes. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents.

Commercial Areas include concentrations of retail and service uses, commercial corridors, shopping centers, hotels, motels, car washes and auto dealers. This includes other medium and larger scale commercial uses as well as mixed-use buildings.

Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan states that the Medium Commercial District (C-2) may be appropriate in "Low Density" Areas. Additionally, the Medium Commercial District (C-2) Zoning is appropriate in Commercial Areas.

The property is zoned AR-1 (Agricultural Residential District.) The property directly to the north of the subject parcel is zoned General Commercial (C-1). Properties to the east along Boyce Road are also zoned General Commercial (C-1). The properties across Route 13 (Sussex Highway) to the west are largely zoned Agricultural Residential (AR-1) with one parcel being zoned Commercial Residential (CR-1).

There are two Change of Zone applications in the vicinity. To the west, C/Z 1847 which was approved for a change from Agricultural Residential (AR-1) Zoning to Commercial Residential (CR-1) Zoning

on April 17, 2018, and to the south, C/Z 1772 to was approved for a change from Agricultural Residential (AR-1) Zoning to Commercial Residential (CR-1) Zoning on June 30, 2015.

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

File #: 2019072 47
C/1893

Planning & Zoning Commission Application
Sussex County, Delaware

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

RECEIVED
JUN 21 2019
SUSSEX COUNTY
PLANNING & ZONING

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

Site Address of Conditional Use/Zoning Map Amendment
28537 SUSSEX HWY, LAUREL, DE 19956

Type of Conditional Use Requested:

Tax Map #: 132-12.00-113.00 **Size of Parcel(s):** 0.474 ACRE

Current Zoning: AR **Proposed Zoning:** C-1 (C-2) **Size of Building:** 3,200 SQ. FT.

Land Use Classification: PREVIOUSLY COMMERCIAL USE

Water Provider: ON SITE **Sewer Provider:** ON SITE

Applicant Information

Applicant Name: LISA HORSEY
Applicant Address: 14819 SYCAMORE RD
City: LAUREL State: DE ZipCode: 19956
Phone #: ___ E-mail: ___

Owner Information

Owner Name: LBG HOMES LLC
Owner Address: 14819 SYCAMORE RD
City: LAUREL State: DE Zip Code: 19956
Phone #: 302.841.9765 E-mail: Lbghomes@yahoo.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: DON MILLER (MILLER-LEWIS)
Agent/Attorney/Engineer Address: 1560 MIDDLEFORD RD
City: SEAFORD State: DE Zip Code: 19973
Phone #: 629-9895 E-mail: donmiller@millerlewisinc.com

EQUAL HOUSING OPPORTUNITY

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 by 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: 6/12/2019

Signature of Owner

Date: 6/12/2019

For office use only:

Date Submitted: 6/21/19

Staff accepting application: JO

Fee: $500.00 Check #: 1993

Application & Case #: 201907219

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

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

JENNIFER COHAN
SECRETARY

May 22, 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 **LBG Homes, LLC** rezoning application, which we received on April 25, 2019. This application is for a 0.55-acre parcel (Tax Parcel: 132-12.00-113.00). The subject land is located on the northeast corner of the intersection of US Route 13 and Boyce Road (Sussex Road 482), northeast of the Town of Laurel. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to continue operating the existing facility.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of US Route 13 where the subject land is located, which is from US Route 9 to Delaware Route 20, is 23,871 vehicles per day. As the subject land also has frontage along Boyce Road, the annual average daily traffic volume along that road segment, which is from Camp Road (Sussex Road 470) to US Route 13, is 1,368 vehicles per day.

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

The subject property is adjacent to US Route 13, 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 the number of direct driveway access points on 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 4 Investment Area. In this Investment Area, State policies encourage the preservation of a rural lifestyle and discourage new development. According to Program policy, no new or expanded direct access to the corridor will be permitted in a Level 4 Investment Area. Therefore, the property owner can retain access for a development that produces a similar vehicular trip generation as compared to the site's current use. If the property owner exceeds the site's existing vehicular trip generation, then all site access will be routed to the secondary road and direct access to the corridor will not be permitted. Additionally, a roadway interconnection with the adjacent parcel would be desirable for the site's traffic circulation. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov.

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

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

Sincerely,

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
LBG Homes, 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

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

JENNIFER COHAN
SECRETARY

May 22, 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 **LBG Homes, LLC** rezoning application, which we received on April 25, 2019. This application is for a 0.55-acre parcel (Tax Parcel: 132-12.00-113.00). The subject land is located on the northeast corner of the intersection of US Route 13 and Boyce Road (Sussex Road 482), northeast of the Town of Laurel. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to continue operating the existing facility.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of US Route 13 where the subject land is located, which is from US Route 9 to Delaware Route 20, is 23,871 vehicles per day. As the subject land also has frontage along Boyce Road, the annual average daily traffic volume along that road segment, which is from Camp Road (Sussex Road 470) to US Route 13, is 1,368 vehicles per day.

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

The subject property is adjacent to US Route 13, 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 the number of direct driveway access points on 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 4 Investment Area. In this Investment Area, State policies encourage the preservation of a rural lifestyle and discourage new development. According to Program policy, no new or expanded direct access to the corridor will be permitted in a Level 4 Investment Area. Therefore, the property owner can retain access for a development that produces a similar vehicular trip generation as compared to the site's current use. If the property owner exceeds the site's existing vehicular trip generation, then all site access will be routed to the secondary road and direct access to the corridor will not be permitted. Additionally, a roadway interconnection with the adjacent parcel would be desirable for the site's traffic circulation. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov.

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

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

Sincerely,

T. William Brockenbrough, Jr.

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
LBG Homes, 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

PLANNING & ZONING
JANELLE M. CORNWELL, AICP
DIRECTOR
(302) 855-7878 T
(302) 854-5079 F

Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

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

Date: 4/11/19

Site Information:

Site Address/Location: 28537 Sussex Hwy, Laurel, DE 19956

Tax Parcel Number: 132-12.00-113.00
Current Zoning: AR-1
Proposed Zoning: C-2
Land Use Classification: Highway Commercial

Proposed Use(s): Commercial

Square footage of any proposed buildings or number of units: Existing

Applicant Information:

Applicant's Name: LBG Homes, LLC

Applicant's Address: 26750 John J. Williams Hwy
City: Millsboro State: DE Zip Code: 19966

Applicant's Phone Number: (302) 841-9765
Applicant's e-mail address: delawaredemolition@gmail.com

LEFT MESSAGE
2:09 pm
5/23/2019

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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **10/4/2019**

APPLICATION: **CZ 1893 Lisa Horsey**

APPLICANT: **Lisa Horsey**

FILE NO: **WSPA-5.02**

TAX MAP & PARCEL(S): **132-12.00-113.00**

LOCATION: **28537 Sussex Hw. (US 13). Northwest corner of Sussex Hwy. and Boyce Road.**

NO. OF UNITS: **Upzone from AR-1 to C-2**

GROSS ACREAGE: **0.474 acres.**

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

SEWER:

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐ No ☒

a. If yes, see question (2).
b. If no, see question (7).

(2). Which County Tier Area is project in? **Tier 3**

(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **No** If yes, the current System Connection Charge Rate is **Click or tap to enter a fee** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

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

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

(8). Comments: **The proposed Change of Zone is in an area where the Sussex County Engineering Department does not currently 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

Sussex conservation district
PREPARE. PROTECT. PRESERVE.

RECEIVED
OCT 15 2019
SUSSEX COUNTY
PLANNING & ZONING

MEMORANDUM

TO: Janelle M. Cornwell

FROM: Debbie Absher, Director of Ag Programs

SUBJECT: LUPA

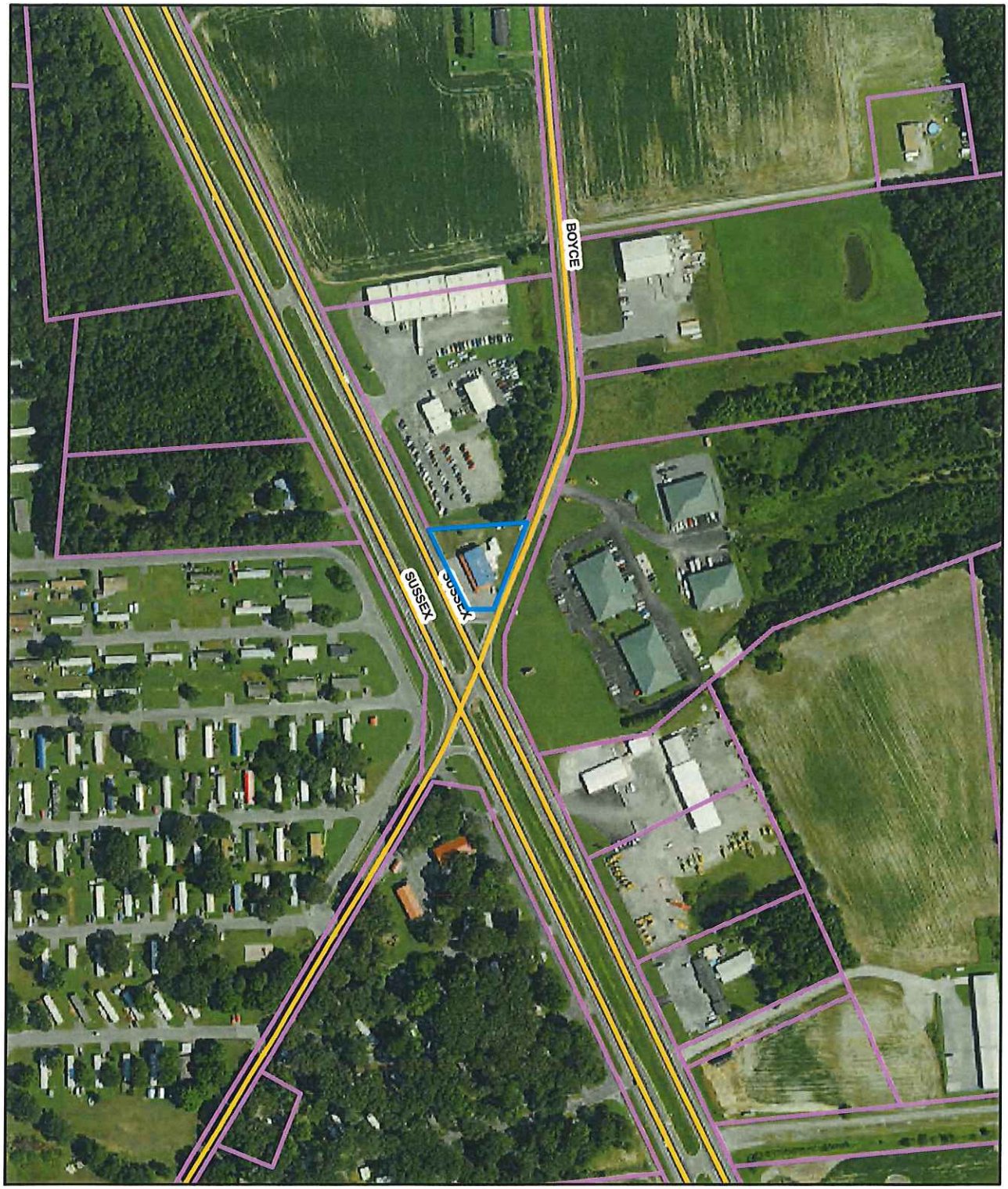
DATE: October 15, 2019

Attached you will find the comments for the following proposed zoning changes:

- 2019-18 – Lands of Merrill J. & Betty L. Parker
- 2019-17 – Iris Cove
- CU 2194 – Imagination-Renovation, LLC
- CZ 1893 – Lisa Horsey
- CZ 1894 – Howard Pepper, Jr.

If you have any questions, I can be reached at 856-3990, ext. 3.

BJH
Enclosures



CZ 1893
TM #132-12.00-13.00
Lisa Horsey

Soil Map—Sussex County, Delaware
(Lisa Horsey)

Map Scale: 1:7,920 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 100 200 400 600

Feet
0 350 700 1400 2100

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 Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

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 20, Sep 13, 2019

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

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

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.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HsA	Henlopen-Rosedale-Urban land complex, 0 to 2 percent slopes	0.3	46.1%
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	0.3	53.9%
Totals for Area of Interest		**0.6**	**100.0%**

Selected Soil Interpretations

This report allows the customer to produce a report showing the results of the soil interpretation(s) of his or her choice. It is useful when a standard report that displays the results of the selected interpretation(s) is not available.

When customers select this report, they are presented with a list of interpretations with results for the selected map units. The customer may select up to three interpretations to be presented in table format.

For a description of the particular interpretations and their criteria, use the "Selected Survey Area Interpretation Descriptions" report.

Report—Selected Soil Interpretations

Selected Soil Interpretations–Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
HsA—Henlopen-Rosedale-Urban land complex, 0 to 2 percent slopes							
Henlopen	40	Not limited		Not limited		Not limited	
Rosedale	30	Not limited		Somewhat limited		Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
						Restricted permeability	1.00
Urban land	20	Not rated		Not rated		Not rated	
PsA—Pepperbox-Rosedale complex, 0 to 2 percent slopes							
Pepperbox	45	Somewhat limited		Very limited		Very limited	
		Depth to saturated zone	0.39	Depth to saturated zone	1.00	Depth to saturated zone	1.00
Rosedale	45	Not limited		Somewhat limited		Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
						Restricted permeability	1.00

Data Source Information

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 20, Sep 13, 2019

Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

Prime farmland is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Report—Prime and other Important Farmlands

Prime and other Important Farmlands–Sussex County, Delaware		
Map Symbol	**Map Unit Name**	**Farmland Classification**
HsA	Henlopen-Rosedale-Urban land complex, 0 to 2 percent slopes	Not prime farmland
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	Prime farmland if irrigated

Data Source Information

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 20, Sep 13, 2019

SOILS

ADD ANY ADDITIONAL INFORMATION THAT MAY BE CONSIDERED PERTINENT:

SOILS:

HsA Henlopen-Rosedale-Urban land complex, 0 to 2 percent slopes
PsA Pepperbox-Rosedale complex, 0 to 2 percent slopes

A. SUITABILITY OF SOILS INTENDED USE:
See attached table for suitability.

B. EVALUATE THE SOILS INCLUDED IN THIS PROJECT WITH RESPECT TO EROSION AND SEDIMENTATION CONTROL:

1. DURING CONSTRUCTION:

Follow recommended erosion and sediment control practices.

2. AFTER CONSTRUCTION:

Maintain vegetation.

C. FARMLAND RATING (PRIME, UNIQUE, STATEWIDE IMPORTANCE, ETC.):
See attached table(s) for ratings.

D. ADDITIONAL COMMENTS (IF APPLICABLE):

CZ 1893 – Lisa Horsey

DRAINAGE AND FLOODING

Add any additional information that may be considered pertinent:

DRAINAGE:

A. Any Storm flood hazard area affected? ☐ Yes ☑ No

B. Would the proposed project necessitate any off-site drainage improvements?

N/A - ZONING CHANGE

C. Would the proposed project necessitate any on-site drainage improvements?

N/A

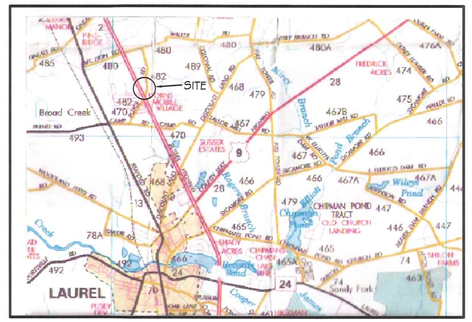
D. Any Tax Ditch affected? ☐ Yes ☑ No

Additional Comments (if applicable)

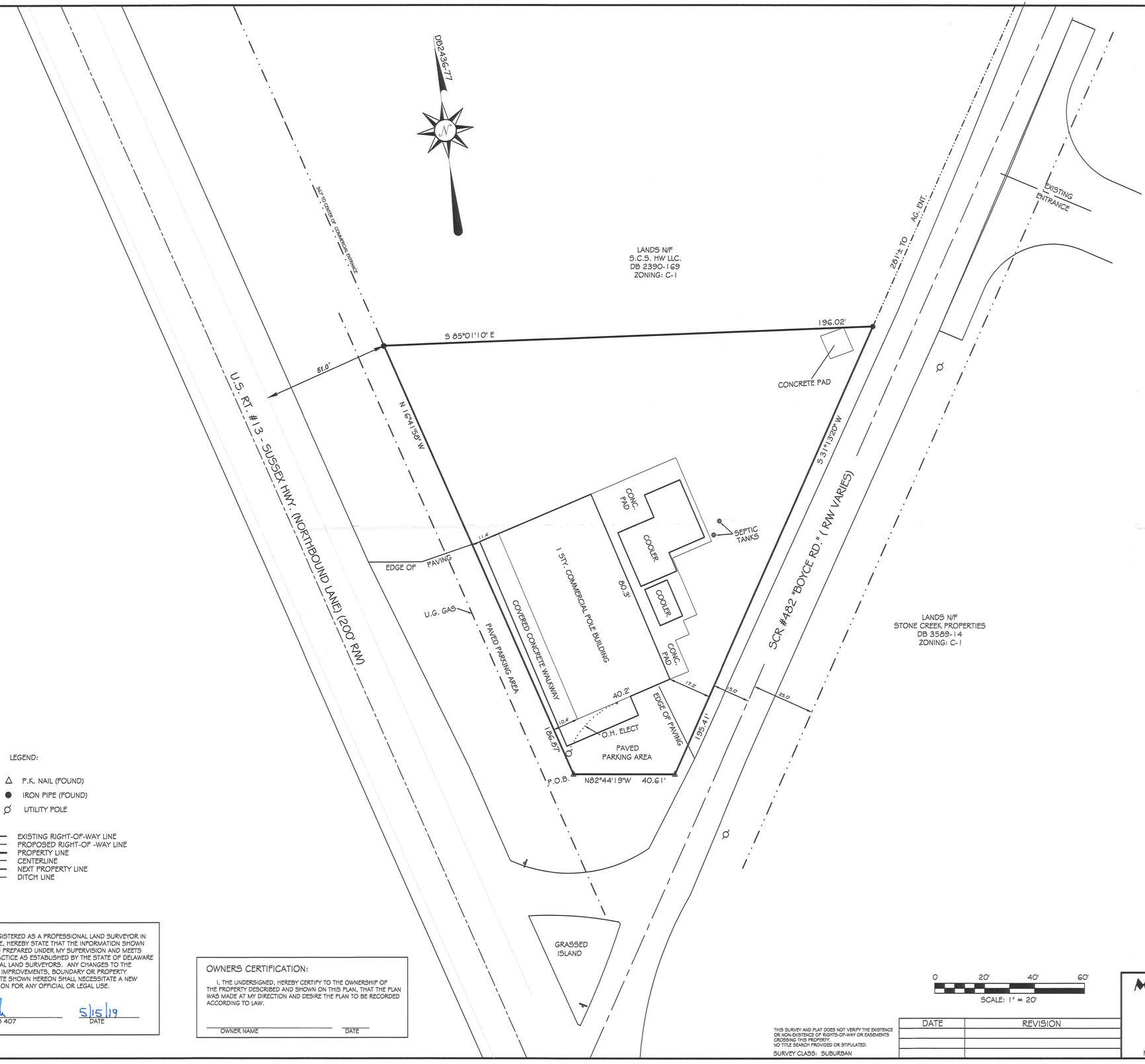
All landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right-of-ways along tax ditches. These documents are located in the Prothonotary's Office and/or with the Recorder of Deeds. If a stormwater management facility is proposed along a stream or ditch, the Sussex Conservation District will require verification of any easements. Before you start any project design, please look into this matter by calling the Division of Soil and Water Conservation-Drainage Program at (302) 855-1930 or the Sussex Conservation District Sediment and Stormwater Program at (302) 856-7219 for more information.

CZ 1893 – Lisa Horsey

T. M. #132-12.00-113.00



VICINITY MAP
SCALE 1"= 1 MILE



LEGEND:

- P.K. NAIL (FOUND)
- IRON PIPE (FOUND)
- UTILITY POLE
- EXISTING RIGHT-OF-WAY LINE
- PROPOSED RIGHT-OF -WAY LINE
- PROPERTY LINE
- CENTERLINE
- NEXT PROPERTY LINE
- DITCH LINE

DATA COLUMN:

T.M.#132-12.00-113.00
ZONING: AR-1
TRACT AREA: 0.474 ACRE
PRESENT USE: RETAIL SEAFOOD STORE
PROPOSED USE: RETAIL BUSINESS
ACCESS: S.C.R. 402 (BOYCE ROAD)
U.S. 13 (SUSSEX HIGHWAY)
ROADWAY CLASSIFICATION: 402 - LOCAL ROADWAY
13 - PRINCIPLE ARTERIAL
WATER AND SEWER: INDIVIDUAL ON-SITE
100 YEAR FLOODPLAIN: SITE IS NOT IMPACTED
AS PER FIRM #10005C0404L DATED 6/20/18
THIS PROJECT IS NOT IN THE PROXIMITY OF A TID
SPEED LIMIT: U.S. 13 - 55 MPH, 402 - 50 MPH

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

DONALD K. MILLER, PLS 407 — DATE 5/15/19

OWNERS CERTIFICATION:

I, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.

OWNER NAME — DATE

CHANGE OF ZONING REQUEST FOR

LBG HOMES LLC

28537 SUSSEX HWY., LAUREL, DE 19956

0 20' 40' 60'
SCALE: 1" = 20'

THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY. NO TITLE SEARCH PROVIDED OR STIPULATED.

SURVEY CLASS: SUBURBAN

DATE	REVISION

MILLER LEWIS, INC.
LAND SURVEYING
1560 MIDDLEFORD RD.
SEAFORD, DELAWARE 19973
PH: 302-629-9895 FAX: 302-629-2391

DONALD K. MILLER REGISTERED No. 407 PROFESSIONAL LAND SURVEYOR DELAWARE

MAY 14, 2019

HUNDRED	COUNTY
BROAD CREEK	SUSSEX
STATE	DRAWN BY
DELAWARE	D.K. MILLER
REF.	FILE
D.B. 5047-193	BAYSIDE 1-32-12-113

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

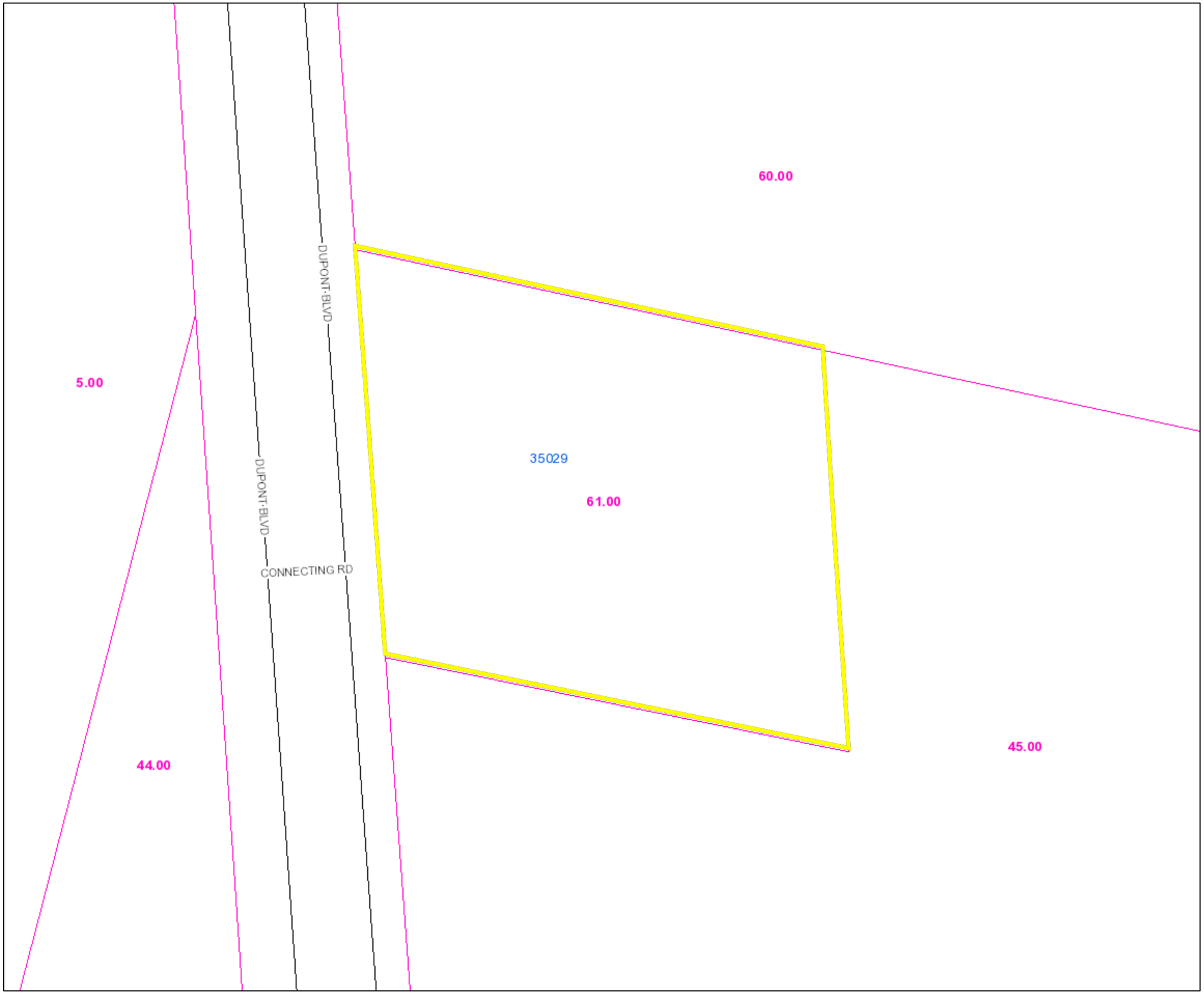
PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: October 17, 2019

Application:	CZ 1894 Howard Pepper Jr.
Applicant:	Howard Pepper Jr. 36337 DuPont Blvd. Selbyville, DE 19975
Owner:	Pepper Family Farm, LLC P.O. Box 102 Selbyville, DE 19975
Site Location:	35029 DuPont Blvd. East side of DuPont Blvd., approximately 0.38 mile south of Lazy Lagoon Rd.
Current Zoning:	AR-1 (Agricultural Residential District)
Proposed Zoning:	C-3 (Heavy Commercial District)
Comprehensive Land Use Plan Reference:	Commercial Area
Councilmatic District:	Mr. Rieley
School District:	Indian River School District
Fire District:	Frankford Fire District
Sewer:	Private, On-Site
Water:	Private, On-Site
Site Area:	2.368 acres +/-
Tax Map ID.:	533-4.00-61.00

EQUAL HOUSING OPPORTUNITY

Sussex County



PIN:	533-4.00-61.00
Owner Name	PEPPER FAMILY FARM LLC
Book	3993
Mailing Address	PO BOX 102
City	SELBYVILLE
State	DE
Description	E/RT 113
Description 2	W/PENN CENTRAL
Description 3	OUTLOT 1
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

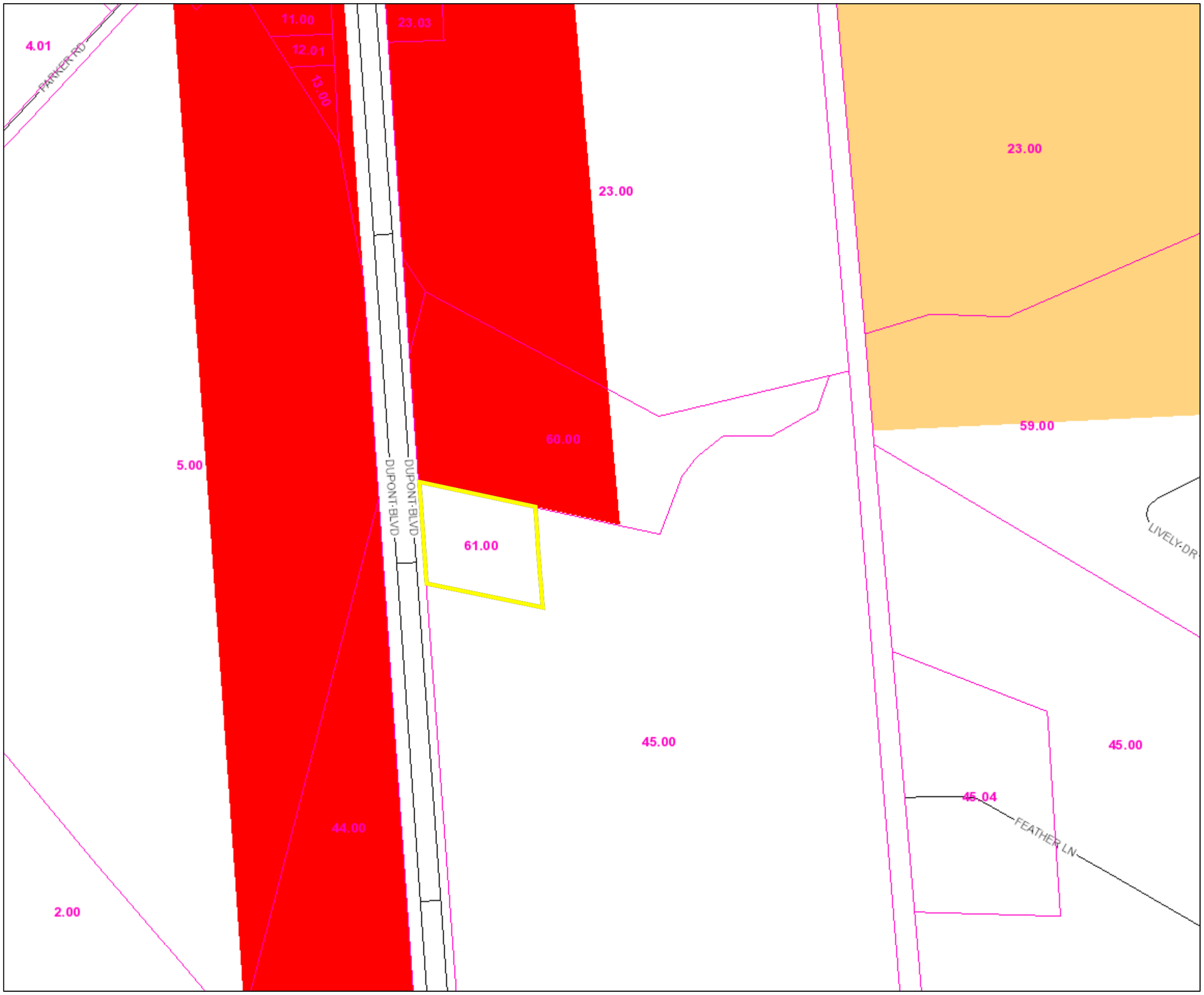
1:1,128

0 0.0125 0.025 0.05 mi

0 0.02 0.04 0.08 km

September 24, 2019

Sussex County



PIN:	533-4.00-61.00
Owner Name	PEPPER FAMILY FARM LLC
Book	3993
Mailing Address	PO BOX 102
City	SELBYVILLE
State	DE
Description	E/RT 113
Description 2	W/PENN CENTRAL
Description 3	OUTLOT 1
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

Streets

1:4,514

0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

September 24, 2019

Sussex County

PIN:	533-4.00-61.00
Owner Name	PEPPER FAMILY FARM LLC
Book	3993
Mailing Address	PO BOX 102
City	SELBYVILLE
State	DE
Description	E/RT 113
Description 2	W/PENN CENTRAL
Description 3	OUTLOT 1
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

1:1,128

0 0.0125 0.025 0.05 mi

0 0.02 0.04 0.08 km

September 24, 2019

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: October 9, 2019
RE: Staff Analysis for CZ 1894 Howard Pepper Jr.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1894 Howard Pepper Jr. to be reviewed during the October 17, 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 Change of Zone for parcel 533-4.00-61.00 to facilitate a change from the Agricultural Residential (AR-1) Zoning District to a Heavy Commercial (C-3) District to be located at 35029 DuPont Boulevard in Frankford, Delaware. The size of the property is 2.368 acres +/-.

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

The surrounding land use to the north is designated on the Future Land Use Map as "Commercial Areas." The adjacent parcels to the east and south of the subject parcel are designated "Developing Areas." The parcels to the west, on the opposite side of Route 13 (DuPont Boulevard,) are designated "Developing Areas." Developing Areas recognize a range of housing types, including single family homes, townhomes and multi-family units. A variety of office uses would also be appropriate in many areas as would mixed-use development or a careful mixture of homes with light commercial and institutional uses.

Commercial Areas include concentrations of retail and service uses, commercial corridors, shopping centers, hotels, motels, car washes and auto dealers. This includes other medium and larger scale commercial uses as well as mixed-use buildings.

Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan states that Heavy Commercial (C-3) Zoning District may be appropriate within the Developing Area land use designation. Additionally, the Heavy-Commercial (C-3) Zoning is appropriate in Commercial Areas.

The property is zoned AR-1 (Agricultural Residential District.) The property directly to the north of the subject parcel is zoned General Commercial (C-1). Properties to the east and south are zoned Agricultural Residential (AR-1) with some General Residential (GR) Zoning to the east. Existing properties across Route 13 (DuPont Boulevard) are zoned General Commercial (C-1) and Agricultural Residential (AR-1) Zoning District.

Since 2011, there have not been any other Change of Zone applications considered within a 1 mile radius of the application side.

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Heavy Commercial (C-3) in this location could be considered as being consistent with the surrounding land use, area zoning, and uses.

File #: CZ1894
20190711

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

35029 DuPont Blvd.

Type of Conditional Use Requested:

Change of zone from AR-1 to C-3 (outside storage)

Tax Map #: 533-4.00-61.00 **Size of Parcel(s):** 2.37 AC.

Current Zoning: AR-1 **Proposed Zoning:** C-3 **Size of Building:** ___

Land Use Classification: ___

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

Applicant Information

Applicant Name: Howard W Pepper Jr
Applicant Address: 36337 Dupont Blvd
City: Selbyville State: DE ZipCode: 19975
Phone #: 302-542-2470 E-mail: hpepper@selbyville88.com

Owner Information

Owner Name: Pepper Family Farm, LLC
Owner Address: PO Box 102
City: Selbyville State: DE Zip Code: 19975
Phone #: 302-436-8927 E-mail: ___

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Atlantic Group
Agent/Attorney/Engineer Address: 10044 Old Ocean City Blvd
City: Berlin State: MD Zip Code: 21811
Phone #: 410-629-1160 E-mail: www.the-atlanticgrp.com

EQUAL HOUSING OPPORTUNITY

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.
* SUE. for Sales trailer BOA Files*

___ **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 by 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: 6-26-19

Signature of Owner

Date: 6-26-19

For office use only:

Date Submitted: 6/26/19 Fee: $500.00 Check #: 9073

Staff accepting application: CAH Application & Case #: 201907411

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
MARTIN L. ROSS, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B. HUDSON
KIM HOEY STEVENSON

Sussex County
DELAWARE
sussexcountyde.gov
302-855-7878 T
302-845-5079 F
JANELLE M. CORNWELL, AICP
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: 10/4/19

Site Information:

Site Address/Location: 35029 DuPont Blvd Selbyville, DE 19975

Tax Parcel Number: 533-4.00-61.00
Current Zoning: AR-1
Proposed Zoning: CU
Land Use Classification: _____

Proposed Use(s):

Hardscaping sales/business

Square footage of any proposed buildings or number of units: _____

Applicant Information:

Applicant's Name: Ronald H. Pepper

Applicant's Address: 36334 DuPont Blvd
City: Selbyville State: DE Zip Code: 19975

Applicant's Phone Number: (302) 542-0944
Applicant's e-mail address: Ron@abovegradeinc.com

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

JENNIFER COHAN
SECRETARY

July 2, 2018

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 **Ronald H. Pepper** conditional use application, which we received on June 4, 2018. This application is for a 2.37-acre parcel (Tax Parcel: 533-4.00-61.00). The subject land is located on the east side of US Route 113, approximately 2,000 feet southeast of the intersection of US Route 113 and Parker Road / Lazy Lagoon Road (Sussex Road 380). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to operate a hardscaping sales business.

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 113 where the subject land is located, which is from Delaware Route 54 to Blueberry Lane (Sussex Road 402), are 19,711 and 25,271 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.

The subject property is adjacent to US Route113, thereby is subject to the Department's Corridor Capacity Preservation Program. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the amount of high density, direct access points on the arterial highway. According to the Office of State Planning Coordination's Strategies for State Policies and Spending document, the property is located within a Level 3 Investment Area. In this area, State policies will promote efficient, orderly development. The property owner can have access along US Route113 for a site generating an average of 100 vehicle trips per day as determined by the latest edition of the Institute of Transportation Engineer's (ITE) Trip Generation Manual. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov. The manual is located under the publication link.

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,

Tom Felice, for

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Ronald H. Pepper, 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 and Operations
Steven Sisson, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
Susanne Laws, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

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

JENNIFER COHAN
SECRETARY

December 26, 2018

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 **Ronald H. Pepper** rezoning application, which we received on November 27, 2018. This application is for a 2.37-acre parcel (Tax Parcel: 533-4.00-61.00). The subject land is located on the east side of US Route 113, approximately 2,000 feet south of the intersection of US Route 113 and Parker Road/Lazy Lagoon Road (both Sussex Road 380), south of Frankford. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-3 (Heavy Commercial) to develop a landscaping/hardscaping business.

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 Cemetery Road (Delaware Route 54) to Blueberry Lane (Sussex Road 402), is 19,711vehicles per day.

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

The subject property is adjacent to US Route 113, thereby is subject to the Department's Corridor Capacity Preservation Program. The 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, orderly development and the coordinated phasing of infrastructure investment. Per Program policy, the property owner can develop a rights-in/rights-out access to US Route 113 for a site generating an average of 200 vehicle trips per day as determined using the latest edition of the Institute of Transportation Engineers' Trip Generation Manual. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov.

Please contact me, at (302) 760-2109, 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.

incerely,

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:km
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Ronald H. Pepper, 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 and Operations
Steven Sisson, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PLANNING & ZONING
JANELLE M. CORNWELL, AICP
DIRECTOR
(302) 855-7878 T
(302) 854-5079 F

Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

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

Date: 11/27/18

Site Information:

Site Address/Location: 35029 DuPont Blvd. Selbyville, De 19975

Tax Parcel Number: 533-4.00-61.00
Current Zoning: AR-1
Proposed Zoning: C-3
Land Use Classification: _____

Proposed Use(s):

landscaping/hardscaping sales, business

Square footage of any proposed buildings or number of units: _____

Applicant Information:

Applicant's Name: Ronald H. Pepper

Applicant's Address: 36334 DuPont Blvd
City: Selbyville State: De Zip Code: 19975

Applicant's Phone Number: (302) 542-0944
Applicant's e-mail address: Ron@abovegradeinc.com

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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **10/4/2019**

APPLICATION: **CZ 1894 Howard Pepper Jr.**

APPLICANT: **Howard Pepper Jr.**

FILE NO: **SPS-5.04**

TAX MAP & PARCEL(S): **533-4.00-61.00**

LOCATION: **35029 DuPont Blvd. East side of DuPont Blvd., approximately 0.38 mile south of Lazy Lagoon Road.**

NO. OF UNITS: **Upzone from AR-1 to C-3**

GROSS ACREAGE: **2.368 ac.**

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

SEWER:

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐ No ☒

a. If yes, see question (2).
b. If no, see question (7).

(2). Which County Tier Area is project in? **Municipal Growth & annexation Area**

(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **N/A** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Click or tap to enter a fee** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**

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

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

(8). Comments: **The proposed Change of Zone is within the Growth and Annexation Area of the Town of Selbyville. Please contact the Town of Selbyville concerning the availability of sanitary sewer and water.**

(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

Sussex conservation district
PREPARE. PROTECT. PRESERVE.

RECEIVED
OCT 15 2019
SUSSEX COUNTY
PLANNING & ZONING

MEMORANDUM

TO: Janelle M. Cornwell

FROM: Debbie Absher, Director of Ag Programs

SUBJECT: LUPA

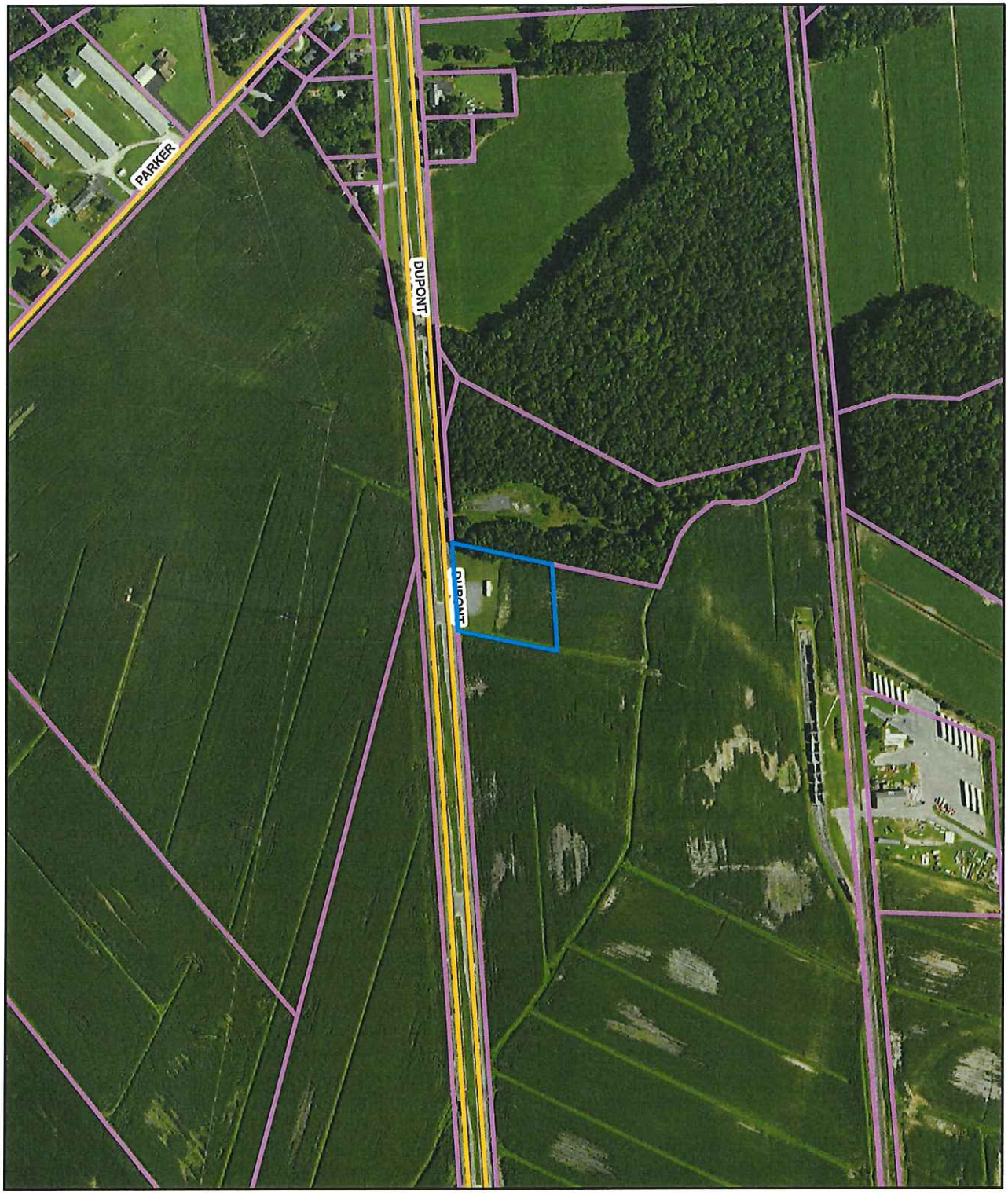
DATE: October 15, 2019

Attached you will find the comments for the following proposed zoning changes:

- 2019-18 – Lands of Merrill J. & Betty L. Parker
- 2019-17 – Iris Cove
- CU 2194 – Imagination-Renovation, LLC
- CZ 1893 – Lisa Horsey
- CZ 1894 – Howard Pepper, Jr.

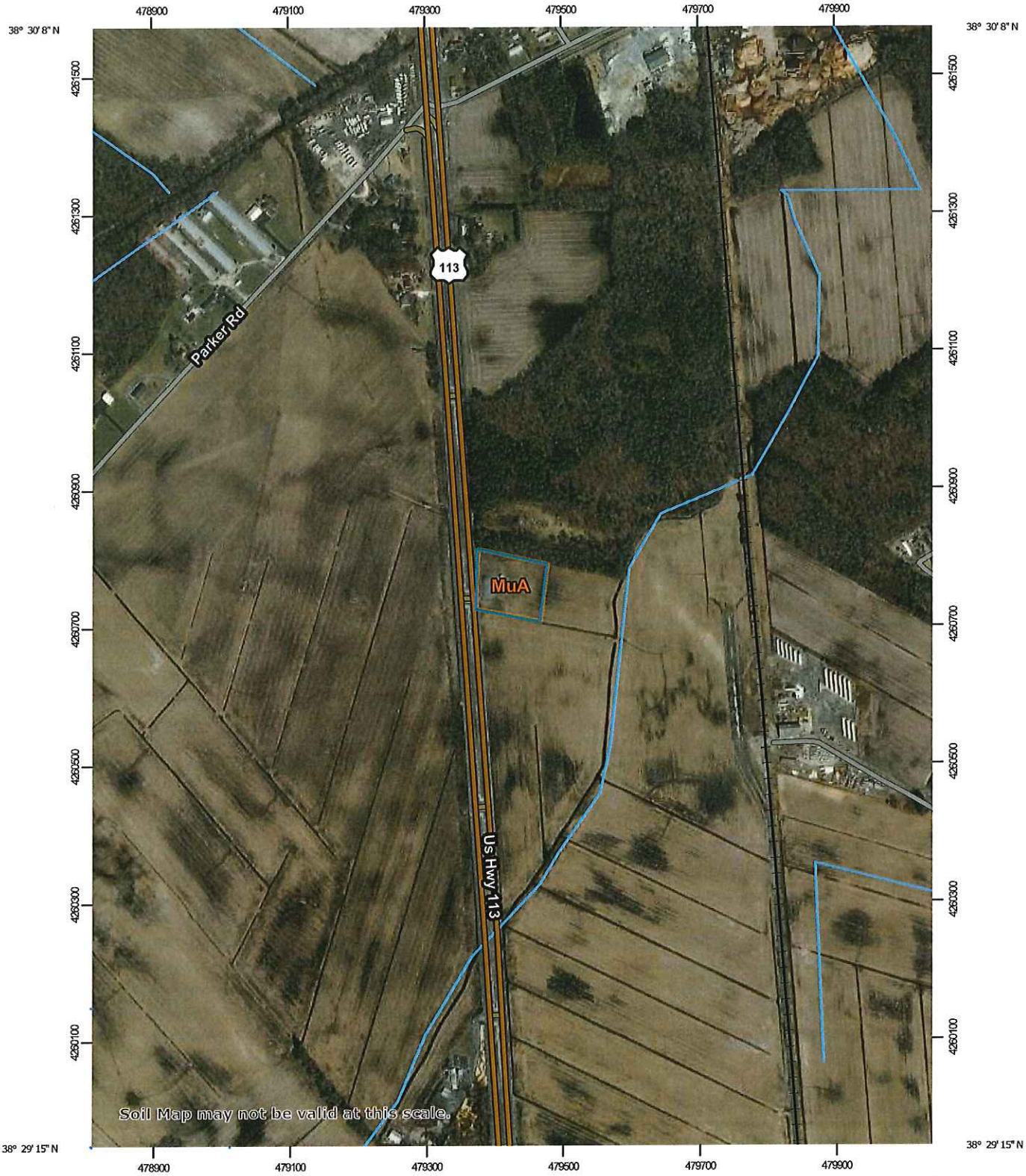
If you have any questions, I can be reached at 856-3990, ext. 3.

BJH
Enclosures



CZ 1894
TM #533-4.00-61.00
Howard Pepper, Jr.

Soil Map—Sussex County, Delaware
(Howard Pepper, Jr.)



Map Scale: 1:7,920 if printed on A portrait (8.5" x 11") sheet.

Meters: 0 100 200 400 600

Feet: 0 350 700 1400 2100

N

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 Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

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 20, Sep 13, 2019

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

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

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.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
MuA	Mullica-Berryland complex, 0 to 2 percent slopes	2.1	100.0%
Totals for Area of Interest		**2.1**	**100.0%**

Selected Soil Interpretations

This report allows the customer to produce a report showing the results of the soil interpretation(s) of his or her choice. It is useful when a standard report that displays the results of the selected interpretation(s) is not available.

When customers select this report, they are presented with a list of interpretations with results for the selected map units. The customer may select up to three interpretations to be presented in table format.

For a description of the particular interpretations and their criteria, use the "Selected Survey Area Interpretation Descriptions" report.

Report—Selected Soil Interpretations

Selected Soil Interpretations–Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
MuA—Mullica-Berryland complex, 0 to 2 percent slopes							
Berryland, drained	25	Very limited		Very limited		Very limited	
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Depth to saturated zone	1.00
Mullica, drained	25	Very limited		Very limited		Very limited	
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Depth to saturated zone	1.00
Berryland, undrained	15	Very limited		Very limited		Very limited	
		Ponding	1.00	Ponding	1.00	Depth to saturated zone	1.00
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Ponding	1.00
Mullica, undrained	15	Very limited		Very limited		Very limited	
		Ponding	1.00	Ponding	1.00	Depth to saturated zone	1.00
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Ponding	1.00

Data Source Information

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 20, Sep 13, 2019

Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

Prime farmland is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Report—Prime and other Important Farmlands

Prime and other Important Farmlands–Sussex County, Delaware		
Map Symbol	**Map Unit Name**	**Farmland Classification**
MuA	Mullica-Berryland complex, 0 to 2 percent slopes	Prime farmland if drained

Data Source Information

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 20, Sep 13, 2019

SOILS

ADD ANY ADDITIONAL INFORMATION THAT MAY BE CONSIDERED PERTINENT:

SOILS:

MuA Mullica-Berryland complex, 0 to 2 percent slopes

A. SUITABILITY OF SOILS INTENDED USE:
See attached table for suitability.

B. EVALUATE THE SOILS INCLUDED IN THIS PROJECT WITH RESPECT TO EROSION AND SEDIMENTATION CONTROL:

1. DURING CONSTRUCTION:

Follow recommended erosion and sediment control practices.

2. AFTER CONSTRUCTION:

Maintain vegetation.

C. FARMLAND RATING (PRIME, UNIQUE, STATEWIDE IMPORTANCE, ETC.):
See attached table(s) for ratings.

D. ADDITIONAL COMMENTS (IF APPLICABLE):

CZ 1894 – Howard Pepper, Jr.

DRAINAGE AND FLOODING

Add any additional information that may be considered pertinent:

DRAINAGE:

A. Any Storm flood hazard area affected? ☐ Yes ☑ No

B. Would the proposed project necessitate any off-site drainage improvements?

N/A - Zoning Change

C. Would the proposed project necessitate any on-site drainage improvements?

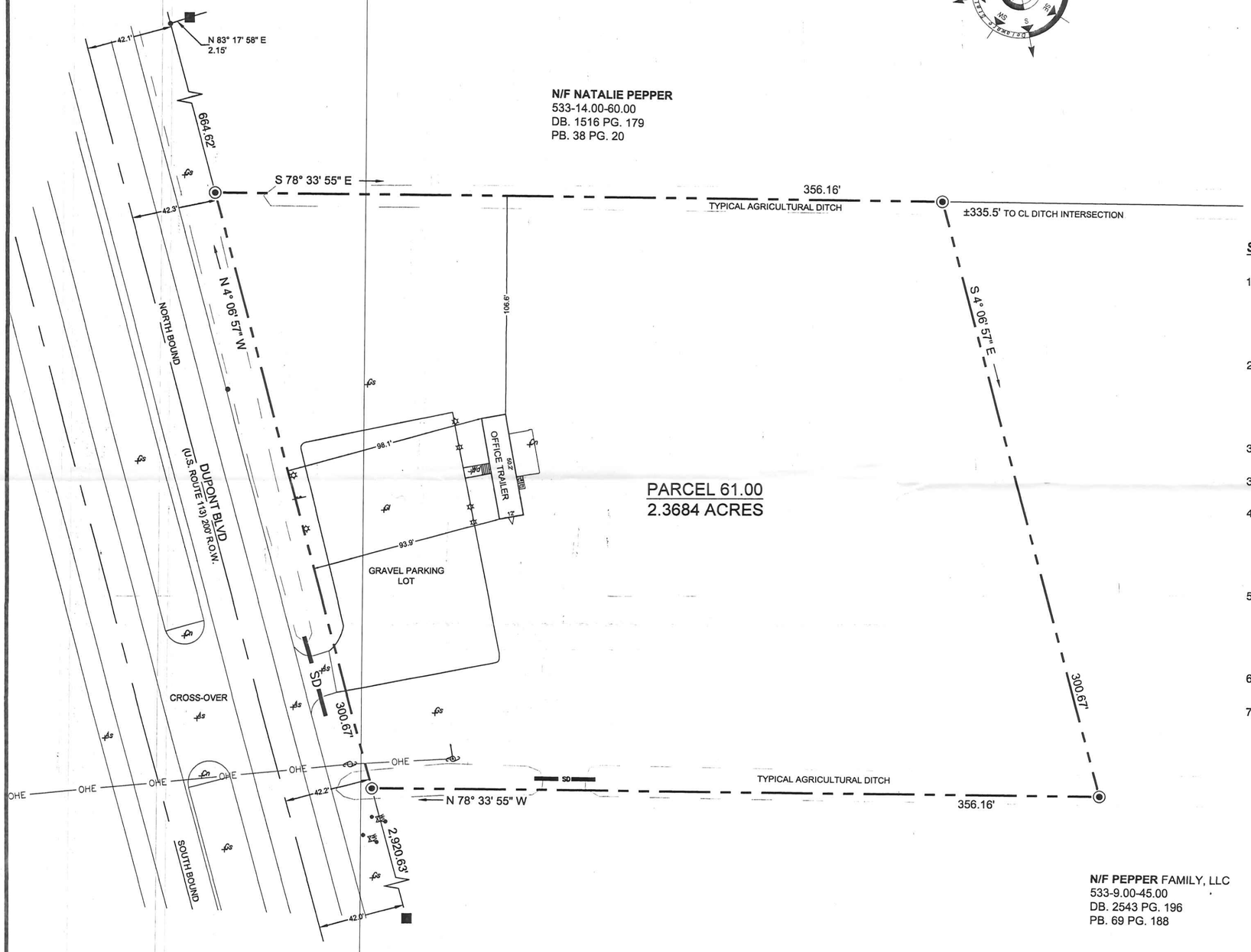
N/A

D. Any Tax Ditch affected? ☐ Yes ☑ No

Additional Comments (if applicable)

All landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right-of-ways along tax ditches. These documents are located in the Prothonotary's Office and/or with the Recorder of Deeds. If a stormwater management facility is proposed along a stream or ditch, the Sussex Conservation District will require verification of any easements. Before you start any project design, please look into this matter by calling the Division of Soil and Water Conservation-Drainage Program at (302) 855-1930 or the Sussex Conservation District Sediment and Stormwater Program at (302) 856-7219 for more information.

SURVEY LEGEND		SURVEY LEGEND	
•	UNMARKED POINT	as	SPOT ASPHALT
■	CONCRETE MONUMENT FOUND	cn	SPOT CONCRETE
◉	IRON ROD WITH CAP SET	gs	SPOT GRASS
WV	WATER VALVE	gl	SPOT GRAVEL
UP	UTILITY POLE	wd	SPOT WOOD
— — —	BOUNDARY LINE/ R.O.W.	\	COBRA LIGHT
———	ADJOINING BOUNDARY LINE	☼	YARD LAMP
—OHE—	OVERHEAD ELECTRIC	SD	CULVERT CROSSING



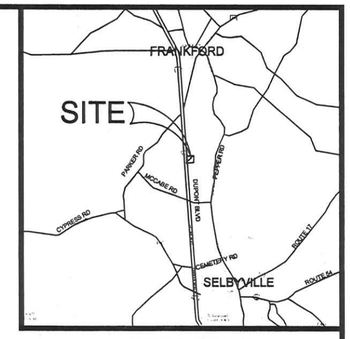
N/F NATALIE PEPPER
533-14.00-60.00
DB. 1516 PG. 179
PB. 38 PG. 20

N/F PEPPER FAMILY, LLC
533-9.00-45.00
DB. 2543 PG. 196
PB. 69 PG. 188

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.



VICINITY MAP
N.T.S.

SITE DATA:

1. SUBJECT PARCEL OWNER OF RECORD:
   PEPPER FAMILY FARM, LLC.
   MAILING ADDRESS: 36337 DUPONT HIGHWAY
   SELBYVILLE, DE 19975

2. DEED REF: DB. 3993 PG. 161
   PB. 69 PG. 188
   PB. 70 PG. 34
   R.O.W. - DELDOT CONTRACT #65-03-033

3. AREA: 2.3684 ACRES

3. TAX MAP: 533-4.00-61.00

4. THE PURPOSE OF THIS BOUNDARY SURVEY PLAN IS TO SHOW THE BOUNDARIES OF THE ABOVE PARCEL AND TO SHOW THE EXISTING ON SITE STRUCTURES FOUND AT THE TIME OF THE SURVEY.

5. OTHER THAN SHOWN, THIS SURVEY DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS OF WAY OR EASEMENTS ON THIS PROPERTY. NO TITLE SEARCH WAS PROVIDED FOR OUR USE.

6. SURVEY CLASS: SUBURBAN SURVEY.

7. FLOOD ZONE "X": FIRM MAP #10005C0630 J, EFFECTIVE 01/06/2005.

SURVEYOR'S STATEMENT:

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

DE PLS 620 5/22/2019 Date:

PLANS ISSUED FOR:
Review

REVISIONS:

No.	Revision/Issue:	Date

LANDS OF:
PEPPER FAMILY FARM, LLC

BALTIMORE HUNDRED
SUSSEX COUNTY - DELAWARE

Civil Engineers
Land Planners
Landscape Architects
Surveyors

Atlantic Group
& Associates, Inc.

10044 Old Ocean City Boulevard
Berlin, Maryland 21811
Ph: (410) 629-1160
Fax: (410) 629-1710
www.the-atlanticgrp.com

BOUNDARY SURVEY PLAN

PROJECT:	19-108	DATE:	05/03/2019
DRAWN BY:	SPT	SCALE:	Noted

V-100