

PLANNING & ZONING COMMISSION

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KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
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HOLLY J. WINGATE



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date August 12, 2021.

Application: CU 2257 (Indian River Volunteer Fire Company, Inc.)

Applicant: Indian River Volunteer Fire Company, Inc.
32628 Oak Orchard Road
Millsboro, DE 19966

Owner: Indian River Volunteer Fire Company, Inc.
32628 Oak Orchard Road
Millsboro, DE 19966

Site Location: Northeast corner of Oak Orchard Road and Spruce Street, Oak Orchard,
Millsboro

Current Zoning: General Residential (GR), also split with General Commercial (C-1)

Proposed Use: Boat storage

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire District

Sewer: Sussex County Sewer District

Water: Private Provider

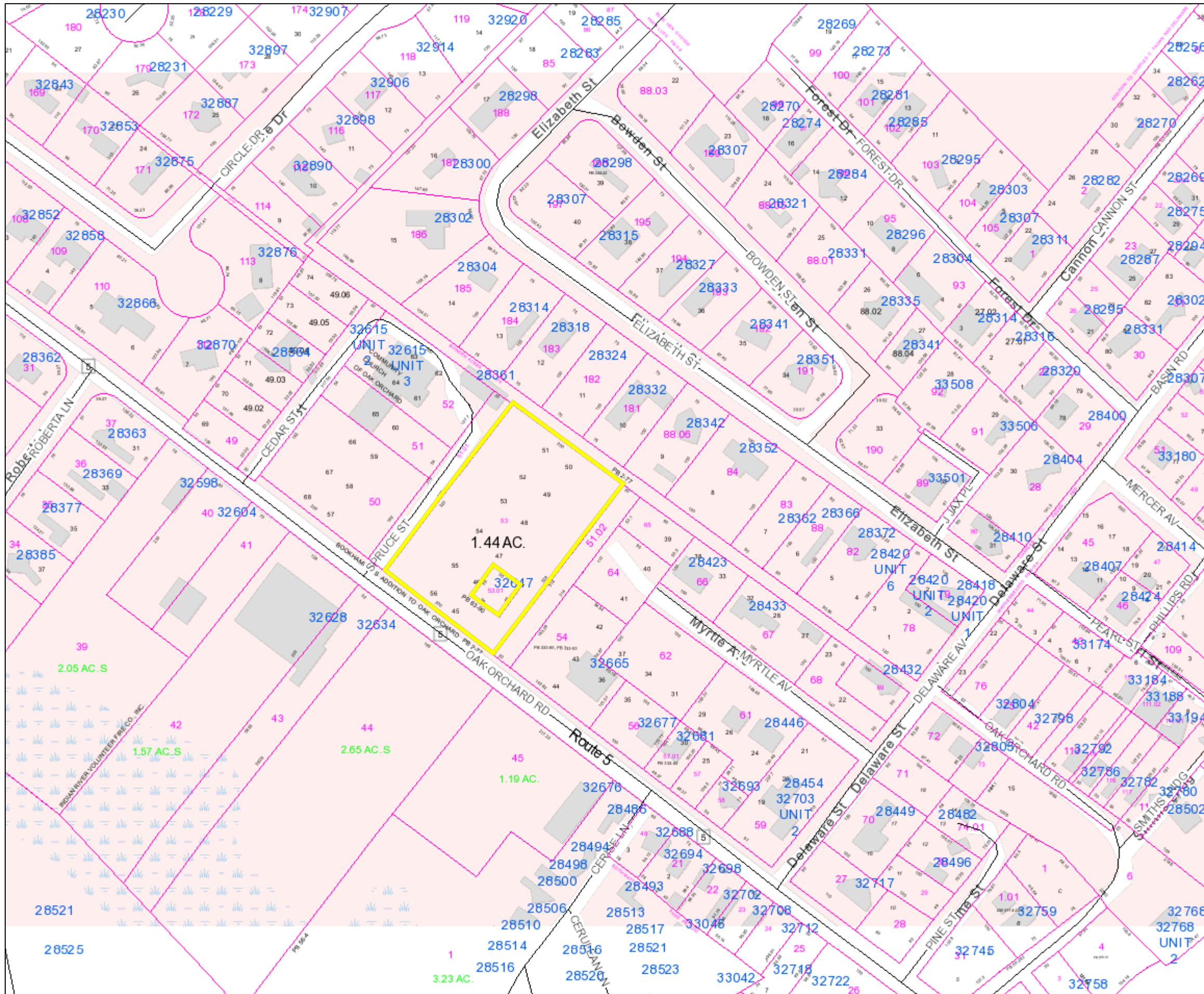
Site Area: 1.006 acres +/- (area for boat storage)

Tax Map ID.: 234-34.08-53.00





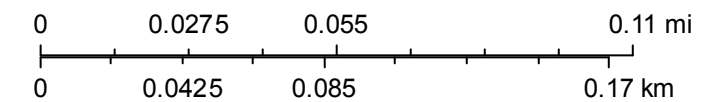
Sussex County



PIN:	234-34.08-53.00	
Owner Name	INDIAN RIVER	VOLUNTEER FIRE CO
Book	799	
Mailing Address	RR 4 BOX 175	
City	MILLSBORO	
State	DE	
Description	OAK ORCHARD	
Description 2	NE/RT 5	
Description 3	7100	
Land Code		

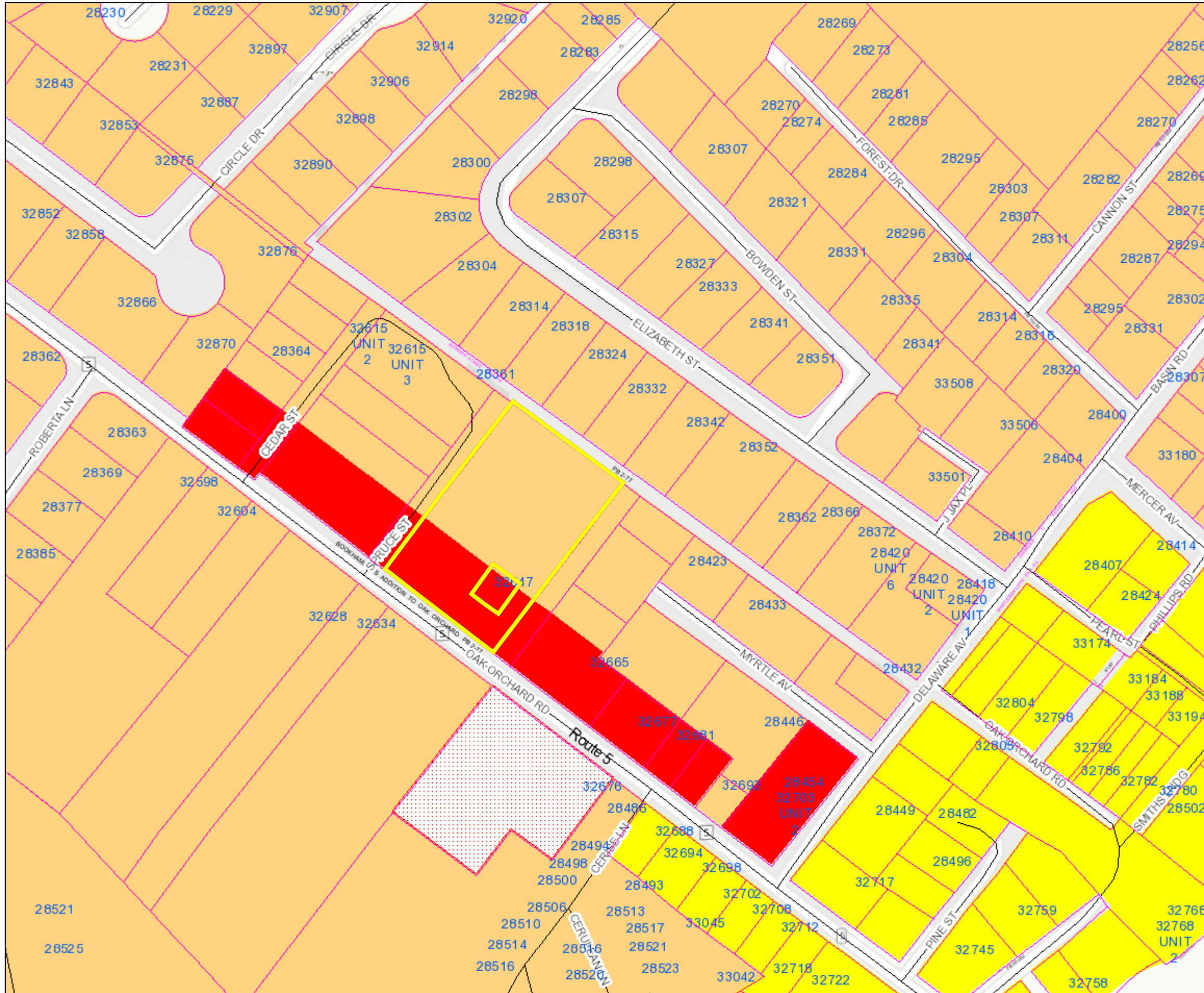
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

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Sussex County



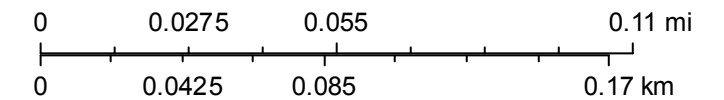
PIN:	234-34.08-53.00
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Land Code	

- polygonLayer**

Override 1
- polygonLayer**

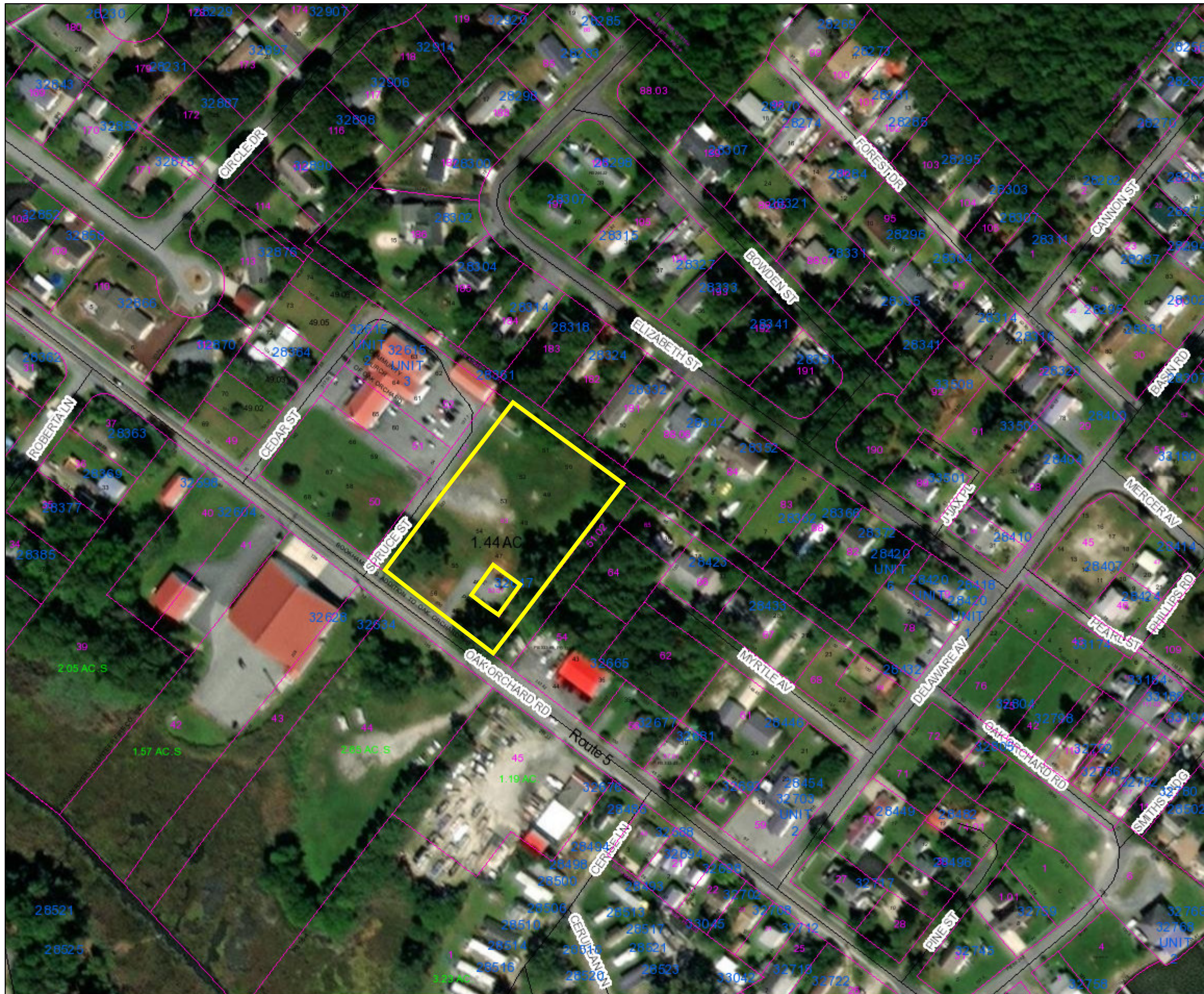
Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets

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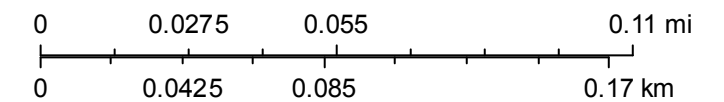
Sussex County



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

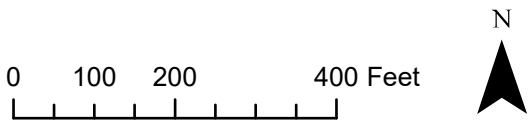
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**Mailing List Exhibit for CU 2257
(Indian River Volunteer Fire Company)**



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 2nd, 2021
RE: Staff Analysis for CU 2257 (Indian River Volunteer Fire Company)

This memo provides a background and an analysis for the Planning Commission to consider as a part of the Conditional Use application for the Indian River Volunteer Fire Company (CU 2257) to be reviewed during the August 12th, 2021, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

This Conditional Use application requests an outdoor boat storage yard to be located on the northeast corner of Oak Orchard Road and Spruce Street in Oak Orchard, Millsboro. The property consists of Tax Parcel 234-34.08-53.00 which contains 1.425 acres +/- 1.006 acres (+/-) is proposed to be utilized for the boat storage itself. The remaining portion of Tax Parcel 234-34.08-53.00 is not included in this request.

The 2018 Sussex County 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 the ways in which land uses should change over time. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area." The properties to the north, south and west of the subject property also have the land use designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are expected to accommodate residential and economic growth and protect and preserve environmentally sensitive areas. Specifically, the Comprehensive Plan states that a range of housing types, including townhomes and multi-family units, be permitted. Housing is permitted at a density of 2 units to the acre and medium densities (4-12 units per acre) may be appropriate in certain areas. It is envisioned that Coastal Areas encourage retail and offices uses; however, larger shopping centers and office parks could be confined to select locations. Lastly, the Coastal Area designation encourages the expansion of central water and sewer facilities as it is feasible.

The total parcel (TMP: 234-34.08-53.00) is split between the General Commercial (C-1) and General Residential (GR) Zoning District. The site intended for the outdoor boat storage is only located within the GR Zoning District. The properties to the northwest and south east are also split between the C-1 and GR Zoning Districts. The parcels to the north and south (i.e. across the roadway) are with the GR Zoning District. The parcels to the rear of the subject site are technically a part of the Oak Orchard (Orchard Manor subdivision).



Since 1971, there have been 13 Conditional Use applications within a one-mile radius of CU 2257. 9 applications have been approved. 2 applications have been denied. 2 applications have been withdrawn. Attached is a table that summarizes all of these historic applications.

Based on the analysis provided, Conditional Use No. 2257 (Indian River Volunteer Fire Company), subject to considerations of scale and impact, could be considered as consistent with the surrounding land uses, zoning, and environment.

CU Number	Tax Parcel #	APPLICANT	Zoning	Proposed Use	P&Z Decision	CC Decision Date	CC Decision	Ordinance
2257	234-34.08-53.00	Indian River Volunteer Fire Co. Inc.	GR	Boat Storage and Overflow Parking	<Null>	<Null>	<Null>	<Null>
677	234-29.00-222.00	Lawrence Mergenthaler	GR	manufactured home park	Recommended Denial	<Null>	Approved	<Null>
615	234-29.00-222.03	Lawrence E. Mergenthaler	GR	Manufactured Home Park	<Null>	<Null>	Denied	<Null>
1863	234-35.09-6.00	Andrew & Carol Walton	MR	marina/restaurant/etc	Recommended Approval	6/8/2010	Approved	2124
2005	234-34.08-43.00	Indian River Vol. Fire Co., Inc.	GR	BOAT STORAGE FACILITY	Recommended Approval	3/10/2015	Approved	2387
1458	234-34.08-41.00	Indian River Vol. Fire Co., Inc.	GR	expand fire station	Recommended Approval	7/16/2002	Approved	1551
395	234-34.08-45.00	John Satterfield	GR	boat display, sales & services	N/A	<Null>	Approved	<Null>
284	234-34.08-38.02	John Satterfield	GR	water system	N/A	<Null>	Approved	<Null>
864	234-35.05-123.00	Jere M. & Janet M. Coxon	MR	multi-family	Recommended Approval	5/12/1987	Approved	417
260	234-35.05-121.00	Willard Ulrich & Ruth	MR	beauty shop	N/A	<Null>	Denied	<Null>
1188	234-34.12-67.00	Indian River Marina Pier	MR	multi-family	Recommended Approval	7/29/1997	Approved	1160
1088	234-35.09-6.00	Clyde Hull	MR	Marina & Related Uses	Recommended Approval	9/13/1994	Approved	985
275	234-34.08-38.02	John Satterfield	GR	Water System	N/A	<Null>	Withdrawn	<Null>
1816	234-35.09-6.00	Andrew & Carol Walton	MR	Retail/Multi-Family	Withdrawn	3/16/2010	Withdrawn	<Null>

File #: CU 2257
202016123

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

Oak Orchard Road - Tax Parcel #234-34.08-53.00 - 800 feet north of intersection of Oak Orchard Road & Delaware Av

Type of Conditional Use Requested:

Conditional use approval to utilize the facility as a boat storage yard with fencing and lighting. As well as continuation of overflow parking for the Community Church of Oak Orchard with a portion of the area not being fenced in

Tax Map #: 234-34.08-53.00 Size of Parcel(s): 1.44 acres

Current Zoning: GR Proposed Zoning: _____ Size of Building: N/A

Land Use Classification: _____

Water Provider: Tidewater Utilities Sewer Provider: Sussex County

Applicant Information

Applicant Name: Indian River Volunteer Fire Co., Inc.
Applicant Address: 32628 Oak Orchard Road
City: Millsboro State: DE Zip Code: 19966
Phone #: (302) 945-2800 E-mail: patrick.miller@irvfc.com

Owner Information

Owner Name: Indian River Volunteer Fire Co., Inc.
Owner Address: 32628 Oak Orchard Road
City: Millsboro State: DE Zip Code: 19966
Phone #: (302) 945-2800 E-mail: patrick.miller@irvfc.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Patrick C. Miller
Agent/Attorney/Engineer Address: 32717 Oak Orchard Road
City: Millsboro State: DE Zip Code: 19966
Phone #: (302) 236-0416 E-mail: patrick.miller@irvfc.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney

Date: 12/19/20

Signature of Owner

Date: 12/19/20

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Recommendation of PC Commission: _____

Date of PC Hearing: _____

Decision of CC: _____

Date of CC Hearing: _____



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

JENNIFER COHAN
SECRETARY

October 8, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Indian River Volunteer Fire Company, Inc.** conditional use application, which we received on September 15, 2020. This application is for a 1.44-acre parcel (Tax Parcel: 234-34.08-53.00). The subject land is located on the northeast side of Oak Orchard Road (Sussex Road 297), approximately 800 feet north of the intersection of Oak Orchard Road and Delaware Avenue (Sussex Road 297A). The subject land is currently zoned GR (General Residential), and the applicant is seeking a conditional use approval to utilize the facility as a boat storage yard with fencing and lighting.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Oak Orchard Road where the subject land is located are 3,035 and 3,906 vehicles per day, respectively.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be diminutive 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 diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

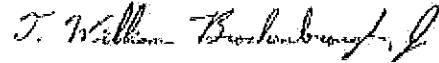
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse
Page 2 of 2
October 8, 2020

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/5/2021**

APPLICATION: **CU 2257 Indian River Volunteer Fire Company Inc**

APPLICANT: **Indian River Volunteer Fire Company Inc**

FILE NO: **OM-19.04**

TAX MAP &
PARCEL(S): **234-34.08-53.00**

LOCATION: **Northeast corner of Oak Orchard Road and Spruce Street, Oak Orchard**

NO. OF UNITS: **Boat Storage**

GROSS
ACREAGE: **1.44 acres**

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

SEWER:

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

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

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

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

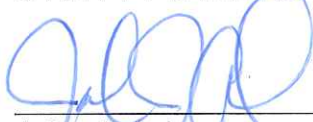
(8). Comments: **Click or tap here to enter text.**

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

(10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**

(11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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

INDIAN RIVER VOLUNTEER FIRE COMPANY, INCORPORATED
 LOTS 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 & 56
 BOOKHAMMERS ADDITION TO OAK ORCHARD
 TAX PARCEL NO. 2-34-34.08, PARCEL 53.00
 SURVEY CLASSIFICATION: SUBURBAN
 AREA: 1.425± ACRES (TOTAL)
 SITUATE IN: INDIAN RIVER HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE

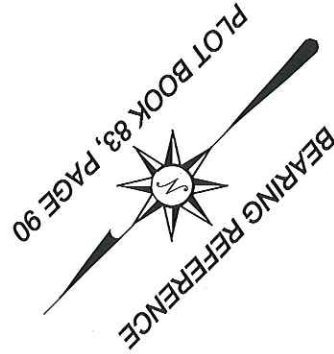
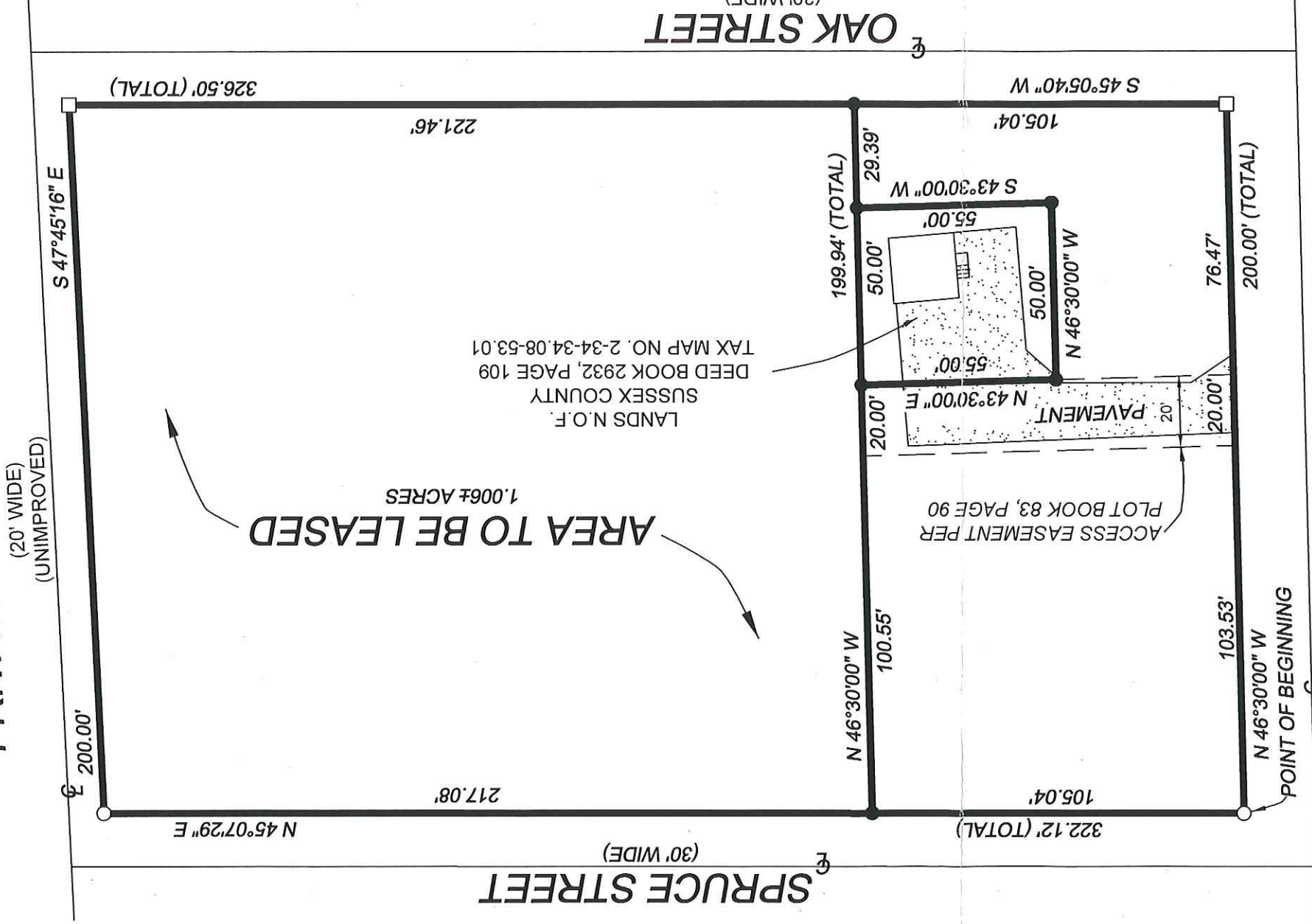
I, R.B. KEMP, III, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES 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.

R.B. KEMP, III, P.L.S. 541

Karin

BOUNDARY SURVEY PLAN
 PREPARED FOR

"PRIVATE RIGHT-OF-WAY"
 (20' WIDE)
 (UNIMPROVED)



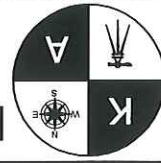
LEGEND:

- FOUND IRON PIPE
- SET IRON BAR
- FOUND CONCRETE MONUMENT

NOTES:

- 1) SOURCE OF TITLE: DEED BOOK 799, PAGE 356
- 2) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- 3) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY
- 4) AREA: 1.425± ACRES (TOTAL)

Karins and Associates
 ENGINEERS • PLANNERS • SURVEYORS
 NEWARK, DE • GEORGETOWN, DE
 www.karinsengineering.com



17 POLLY DRUMMOND CENTER • SUITE 201
 NEWARK, DELAWARE 19711
 PHONE: (302) 369-2900
 128 WEST MARKET STREET
 GEORGETOWN, DELAWARE 19947
 PHONE: (302) 856-6699

DATE: 12-15-2020 SCALE: 1" = 40' DRAWN: MBK CHECKED: RBK

Stephen J. Miller
28449 Delaware Avenue
Millsboro, DE 19966
(302) 542-4177

RECEIVED
AUG 03 2021
SUSSEX COUNTY
PLANNING & ZONING

July 26, 2021

Sussex County
Planning & Zoning Commission
County Administrative Offices
2 The Circle, PO Box 417
Georgetown, DE 19947

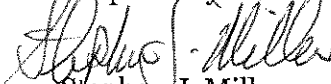
RE: Conditional Use Application #2257 – Indian River Volunteer Fire Co., Inc.

Dear Sussex County Planning & Zoning Commission Members –

I am in favor for the conditional use application in and for the Indian River Volunteer Fire Company and will not be able to attend the public hearing to illustrate my support. Any favorable consideration to be offered towards this conditional use application would be greatly appreciated.

Thank you for any consideration that you could offer.

Respectfully submitted,


Stephen J. Miller

Patrick C. Miller
32717 Oak Orchard Road
Oak Orchard
Millsboro, DE 19966
(302) 947-1577 / (302) 236-0416

July 26, 2021

SUPPORT EXHIBIT

Sussex County
Planning & Zoning Commission
County Administrative Offices
2 The Circle, PO Box 417
Georgetown, DE 19947

RE: Conditional Use Application #2257 – Indian River Volunteer Fire Co., Inc.

Dear Sussex County Planning & Zoning Commission Members –

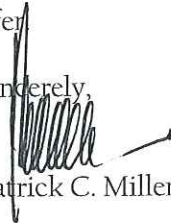
As a property owner of specific parcels of land situated in the Indian River Hundred and being in the development known as Bookhammer's Addition to Oak Orchard, I hereby submit this communication to illustrate my concurrence with the Conditional Use Application #2257 on behalf of the Indian River Volunteer Fire Co., Inc.

It is believed that this conditional use application could foster good corporate and community partners with a collaborative approach for favorable land use options that would benefit the entities involved.

I would ask that any favorable consideration be offered towards this conditional use application in and for the Indian River Volunteer Fire Co., Inc.

Thank you for any consideration that you could offer.

Sincerely,


Patrick C. Miller

RECEIVED

JUL 29 2021

SUSSEX COUNTY
PLANNING & ZONING