

PLANNING & ZONING COMMISSION

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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 May 14, 2020.

Application: (CU 2224) Pamela Price

Applicant: Pamela Price
38613 Benro Drive, Unit 5
Delmar, DE 19940

Owner: Pamela Price/Taylor Carney LLC
38613 Benro Drive, Unit 5
Delmar, DE 19940

Site Location: Located on the east side of Sussex Highway (Route 13) at 34590
Sussex Highway, Laurel, DE 19956.

Current Use: Residential

Proposed Use: Real Estate Office

Comprehensive Land
Use Plan Reference: Low Density Areas

Councilmatic
District: Mr. Rieley

School District: Delmar School District

Fire District: Delmar Fire District

Sewer: Sussex County

Water: Private, On-site

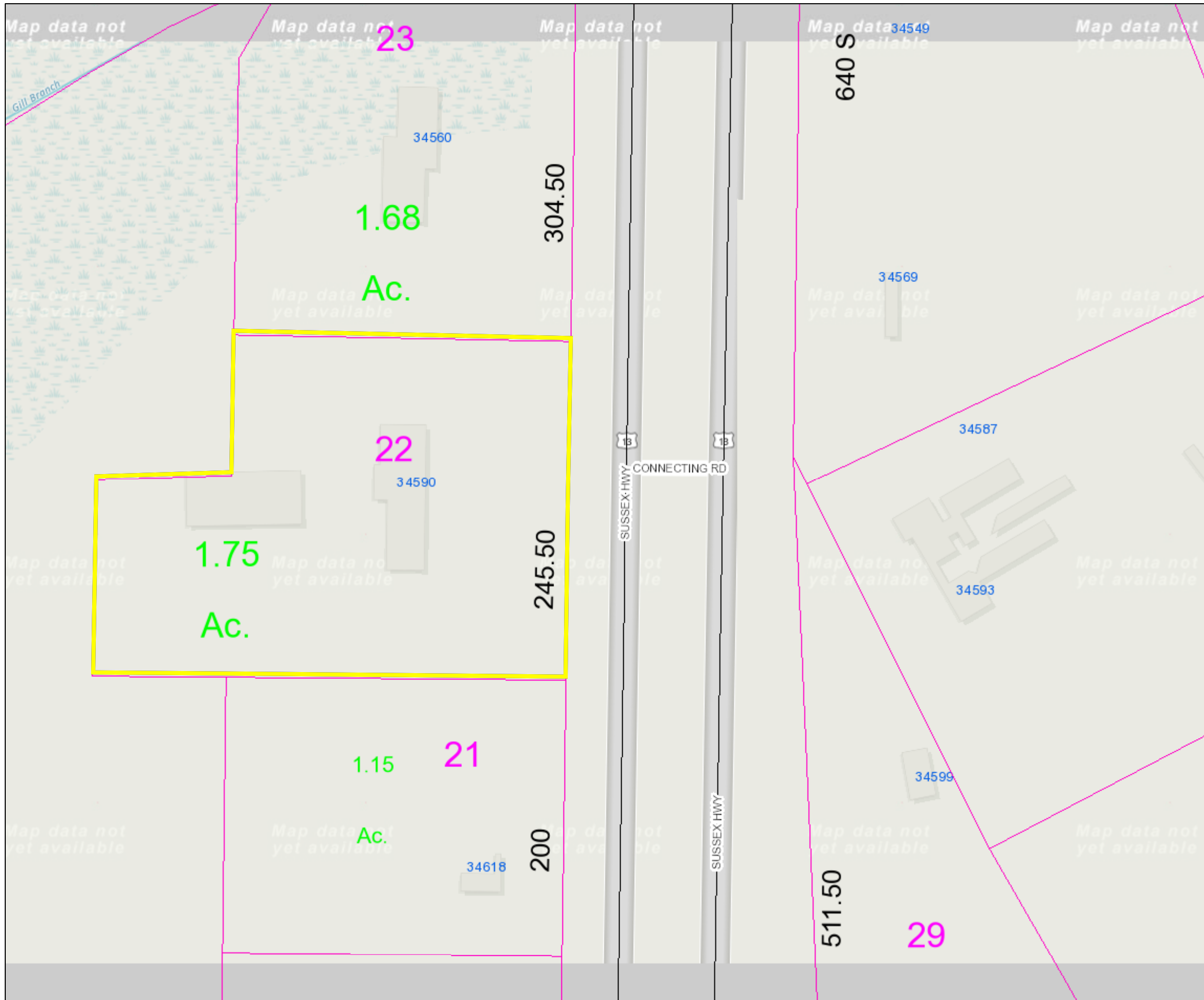
Site Area: 1.75 acres +/-

Tax Map ID.: 332-7.00-22.00





Sussex County

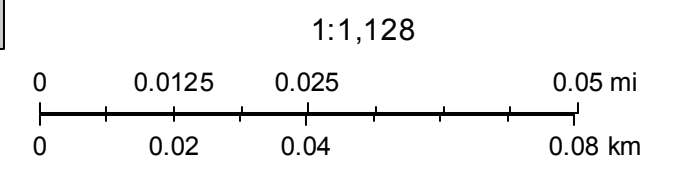


PIN:	332-7.00-22.00
Owner Name	TAYLOR CARNEY LLC
Book	5190
Mailing Address	38613 BENRO DR UNIT 5
City	DELMAR
State	DE
Description	W/RT 13
Description 2	N/A
Description 3	N/A
Land Code	

- polygonLayer

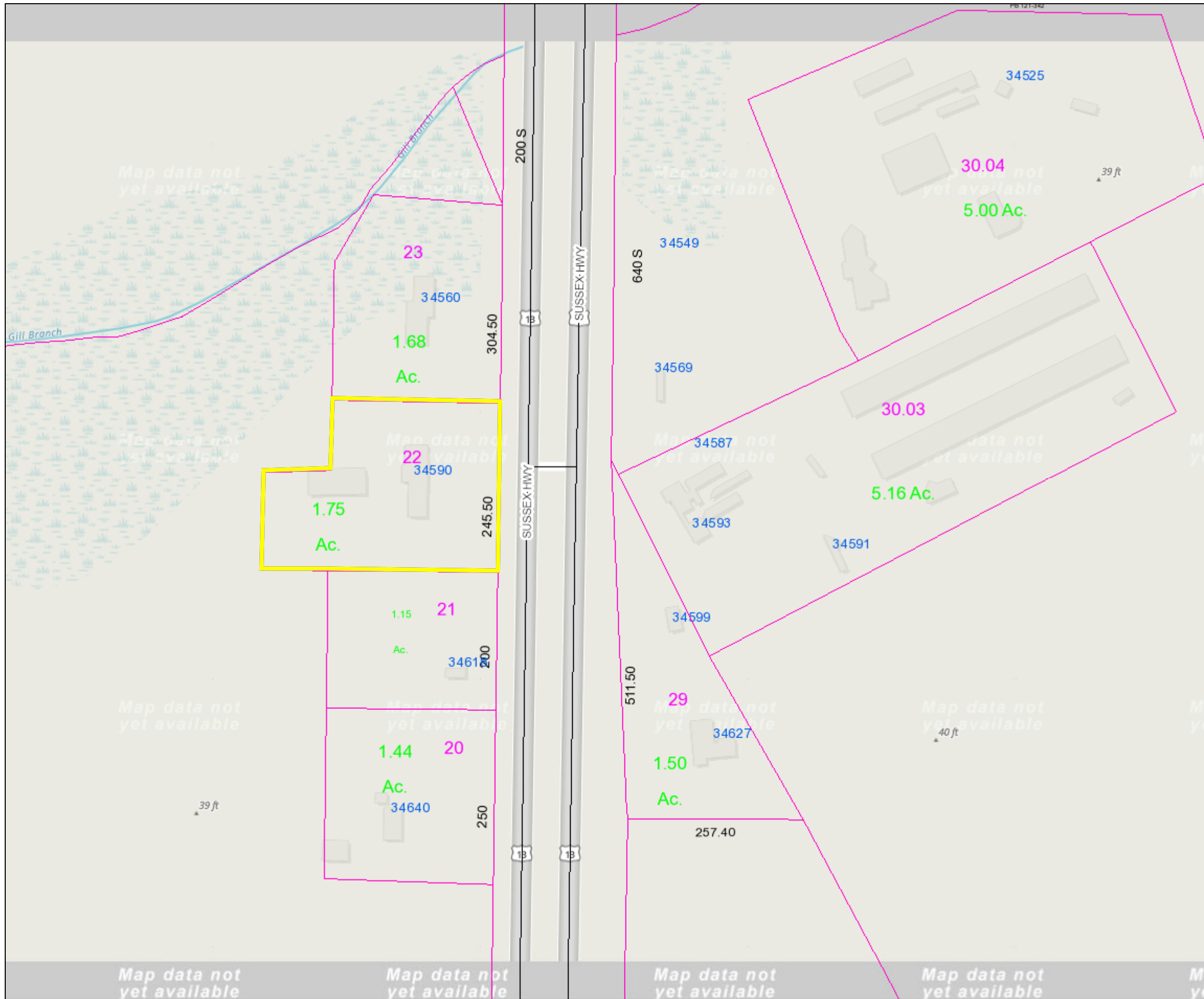
Override 1
- polygonLayer

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





Sussex County

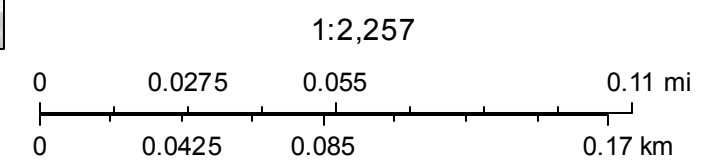


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- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets



Mailing List Exhibit Map
Planning and Zoning Commission
CU 2224 Pamela Price
332-7.00-22.00
Pamela Price/Taylor Carney LLC
38613 Benro Drive, Unit 5
Delmar, DE 19940

On the east side of Sussex Highway (Route 13) at 34590 Sussex Highway, Laurel, DE 19956.



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government, DelDOT Planning, Surdex Corp, 2017

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, AICP, MRTPI Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 8, 2020
RE: Staff Analysis for CU 2224 Pamela Price

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2224 Pamela Price to be reviewed during the May 14, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 332-7.00-22.00 to allow for a real estate office to be located at 34590 Sussex Hwy. The size of the property is 1.75 ac. +/-.

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

The surrounding parcels to the north, east, south, and west are all designated on the Future Land Use Map as "Low Density Area". The properties to the south have the land use designation of "Commercial Area" and "Existing Development Area". The Low-Density Area land use designation recognizes agricultural activities and homes. Business development should be largely confined to business addressing the needs of these two uses. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties to the north, south, east and west are all zoned AR-1 (Agricultural Residential Zoning District). Since 2011, there have been no applications for Conditional Uses in the area.

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



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

File #: CU # 2224
202001333

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

34590 Sussex Hwy Laurel, DE 19956

Type of Conditional Use Requested:

Professional Office / Small Real Estate Office

Tax Map #: 322-07.00-22.00 Size of Parcel(s): 1.75

Current Zoning: AR-1 Proposed Zoning: AR-1 Size of Building: 2800 sqft

Land Use Classification: RS

Water Provider: Well Sewer Provider: Septic

Applicant Information

Applicant Name: Pamela Price
Applicant Address: 38613 Benro Dr. Unit 5
City: Delmar State: De Zip Code: 19940
Phone #: 302-249-2546 E-mail: pamprice@remax.net

Owner Information

Owner Name: Pamela Price / Taylor Carney LLC
Owner Address: 38613 Benro Dr Unit 5
City: Delmar State: De Zip Code: 19940
Phone #: 3022492546 E-mail: pamprice@remax.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Haller and Hudson
Agent/Attorney/Engineer Address: 101 S. Bedford St.
City: Georgetown State: De Zip Code: 19947
Phone #: 3028564525 E-mail: Stephanie@hallerandhudson.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

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

Signature of Owner

Janella Spruce

Date: 2/4/2020

For office use only:

Date Submitted: 2/5/2020
Staff accepting application: LD
Location of property: _____

Fee: \$500.00 Check #: PC
Application & Case #: 202001333

Subdivision: _____
Date of PC Hearing: 3/26/2020 Recommendation of PC Commission: _____
Date of CC Hearing: 5/12/2020 Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

February 11, 2020

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

Dear Mr. Jamie:

The Department has completed its review of a Service Level Evaluation Request for the **Pamela Price** conditional use application, which we received on January 13, 2020. This application is for an approximately 1.75-acre parcel (Tax Parcel: 332-7.00-22.00). The subject land is located on the west side of US Route 13, approximately 1,250 feet northwest of the intersection of US Route 13 and Whitesville Road / Dorothy Road (Sussex Road 64), southeast of Laurel. The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the existing residential facility as five-employee real estate office.

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 Whitesville Road / Dorothy Road to Delaware Route 24, is 22,602 vehicles per day.

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

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



Mr. Jamie Whitehouse
Page 2 of 2
February 11, 2020

direct access to the corridor will be permitted in a Level 4 Investment Area. Therefore, the property owner can retain direct access to the corridor for a development that produces a similar vehicular trip generation as compared to the site's current use; under 100 vehicle trips per day according to the 10th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The U-shape driveway will be subject to review by the Subdivision and District Offices and may require some modification. 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 DeIDOT 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
Pamela Price, 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
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

December 18, 2019

To whom it may concern:

In regards to the property we currently own located at 34590 Sussex Highway, Laurel, DE 19956, the new buyers for the property are applying for Conditional Use to be able to occupy the property as a professional building/real estate office. We welcome this use of the property and are willing to provide any necessary documentation you may need.

Please do not hesitate to contact us with any questions or concerns at 443-359-0100.

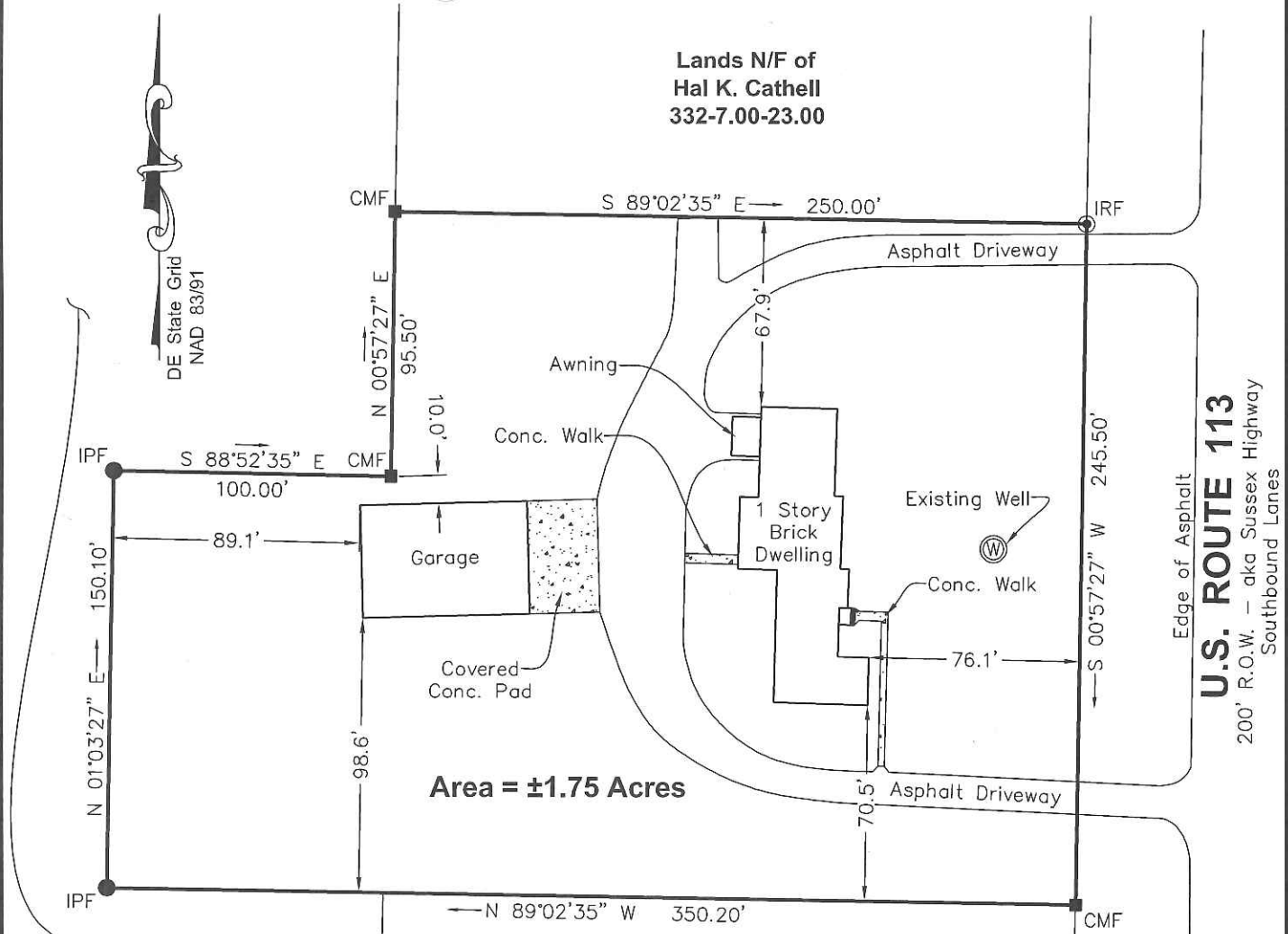
Sincerely,

Hal & Lisa Cathell

A handwritten signature in black ink, appearing to read "Hal Cathell", with a large, sweeping flourish extending to the right.

Lands N/F of
Hal K. Cathell
332-7.00-23.00

DE State Grid
NAD 83/91



Area = ±1.75 Acres

Lands N/F of
Levin N. Dickerson, Trustee
Deed Ref.: 3594/80
332-7.00-19.00

Lands N/F of
House of Solid Rock Tabernacle
332-7.00-21.00

U.S. ROUTE 113
200' R.O.W. — aka Sussex Highway
Southbound Lanes



OTHER THAN SHOWN, THIS PLAT
DOES NOT VERIFY THE EXISTENCE OR
NON-EXISTENCE OF RIGHTS OF WAY
OR EASEMENTS ON THIS PROPERTY.

NO TITLE SEARCH WAS REQUESTED
OR PERFORMED.

LEGEND

- CMF Concrete Monument Found
- IPF Iron Pipe Found
- ⊙ IRF Iron Rod Found

**BOUNDARY SURVEY PLAN
WITH IMPROVEMENTS LOCATION**

34590 SUSSEX HIGHWAY
TOWN OF LAUREL

SUSSEX COUNTY, DELAWARE

Douglas P. Williams, Professional Land Surveyor

Land Surveying • Land Planning • GPS/GIS

9072 Canter Lane
Hebron, MD 21830
410-726-1831



SCALE	DATE	TAX MAP
1" = 60'	01/09/2020	332-7.00
JOB NO.	DRAWN BY	PARCEL
20001	MPB	22.00

NOTES
1. Deed Ref.: 4018/198
2. Plat Ref.: N/A
3. Owner of Record: Cathell Family, LLC 3510 Yacht Club Rd. Eden, MD 21822

March 15, 2020

Received 3/17/20

Michael H. Vincent, Council President
Samuel R. Wilson Jr.
Irwin G. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, DE 19947

RECEIVED

MAR 18 2020

SUSSEX COUNTY
PLANNING & ZONING

Dear Council Members:

We are the partners of HKLS, LLC, located on the Southwest corner of Plantations Rd and Cedar Grove/Postal Lane intersection. We are writing in support of the Change of Zone Density application number C/Z 1907 & C/U 2209, made by Matthew C. Here for parcel #334-6.00-686.00, because we believe the zoning change would allow for needed affordable housing to be built and benefit local residents.

We respectfully submit our support for approval of this rezoning application.

Sincerely,



Kenneth K. Martin
On behalf of HKLS partners, LLC



Sherri S. Martin

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on both US Route 9 and Fisher Road. By this regulation, the dedication is to provide a minimum of 50 feet from the physical centerline of US Route 9 and 30 feet of right-of-way from the physical centerline of Fisher Road. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**

Additional right-of-way along both roadways was dedicated to DelDOT back in 2012. An additional dedication along US Route 9 is anticipated as part of the planning of the property.

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on both roads. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."**

Understood

- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, DelDOT may require developments in Level 3 and 4 Areas to install a sidewalk or Shared Use Path along their frontage. DelDOT anticipates requiring a Shared Use Path along US Route 9 and Fisher Road.

Understood

- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.

Understood

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether turning lanes are warranted at the site entrance, if a new entrance is proposed and how long the lanes should be at the existing entrances. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. Because of the proximity of the Route 9 entrance to the Fisher Road intersection and the limited space available to accommodate westbound left turns into the site, DelDOT anticipates requiring that that movement be served by the Fisher Road entrance.

Will Comply

and services that are part of the community in scale. Additionally, the nearest residential development (Shoreview Woods Development) which is across the road as well as the Coolspring Developments further east on Fisher Road will benefit in that the subject property is not adjacent to their development but close enough to serve the residences with future services without them having to travel farther distances];

- c. Engage in planning that considers the efficient location of public services and infrastructure while establishing future public sewer service areas that will help preserve open space by promoting orderly growth rather than unplanned sprawl – [this property is located along US Route 9 with access to both Artesian water and sanitary sewer as well as access to a major roadway systems that’s east and west to Lewes and Georgetown. This property in this location with a commercial zoning, will prohibit any unplanned sprawl that the Comprehensive Plan is discouraging];
- d. Coordinate with DelDOT on road improvements and other transportation projects – [the property owners have already worked with DelDOT in the dedication of additional right-of-way along US RT 9 and Fisher Road that was part of the intersection improvements that was constructed back in 2018. The Developers will work with DelDOT to allow for a shared cross access easement within the property that will promote interconnection to adjacent properties. Although a TIS was not required as a part of this application, the Developers will have to provide future Transportation Improvements to the adjacent roadways during the future planning of the commercial development. In addition, future connection to the rails to trails pedestrian path along the existing railroad tracks along the rear of the property will be coordinated with DelDOT. DART Bus Shelter will be required for this project. Since US 9 is a principal arterial and an important freight corridor, setbacks will be increased to allow for future capacity in the form of additional right-of-way dedication; permanent easements and additional stormwater management setbacks. Intersections and commercial entrances will be consolidated to reduce access