

File #: CU 2227
2020 0228

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

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FEB 24 2020

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

24294 Asbury Road, Georgetown, DE 19947

Type of Conditional Use Requested:

Conditional use for 19-acre borrow pit

Tax Map #: 231-15.00-8.00 **Size of Parcel(s):** 150.00 acres

Current Zoning: AR-1 **Proposed Zoning:** AR-1 **Size of Building:** N/A

Land Use Classification: Low Density

Water Provider: N/A **Sewer Provider:** N/A

Applicant Information

Applicant Name: Mark J. Davis
Applicant Address: 17741 Davis Road
City: Georgetown **State:** DE **Zip Code:** 19947
Phone #: (302) 745-7745 **E-mail:** mldavisfarms@aol.com

Owner Information

Owner Name: Mark J. Davis & Leona E. Davis
Owner Address: 17741 Davis Road
City: Georgetown **State:** DE **Zip Code:** 19947
Phone #: (302) 745-7745 **E-mail:** mldavisfarms@aol.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esq. (Morris James LLP)
Agent/Attorney/Engineer Address: 107 West Market Street, P.O. Box 690
City: Georgetown **State:** DE **Zip Code:** 19947
Phone #: (302) 856-0015 **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.

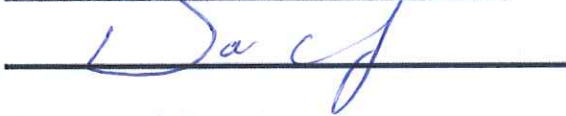
DelDOT Service Level Evaluation Request Response

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 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: 2/24/2020

Signature of Owner



Date: 2/21/2020

For office use only:

Date Submitted: 2/5/2020 2/24/2020 Fee: \$500.00 Check #: _____
Staff accepting application: cen Application & Case #: 202002128
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
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: August 13th, 2020

Application: CU 2227 Mark J. & Leona E. Davis

Applicant/Owner: Mark J. Davis
17741 Davis Rd
Georgetown, DE 19947

Site Location: 17741 Davis Rd. On the north side of Asbury Rd. (S.C.R 446)
approximately 0.19 mile southwest of Davis Rd. (S.C.R. 523)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Borrow Pit (19.342 Acres)

Comprehensive Land
Use Plan Reference: Low Density

Councilmatic
District: Mr. Wilson

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: N/A

Water: N/A

Site Area: 150 Acres +/-

Tax Map ID.: 231-15.00-8.00



JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(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: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 6, 2020
RE: Staff Analysis for CU 2227 Mark & Leona Davis

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2227 Mark & Leona Davis to be reviewed during the August 13, 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 231-15.00-8.00 to allow for a borrow pit. The size of the property is 150 acres +/- . The property is zoned AR-1 (Agricultural Residential Zoning District) and located at 17741 Davis Rd on the north side of Asbury Rd. (S.C.R 446) approximately 0.19 mile southwest of Davis Rd. (S.C.R. 523).

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, west, and south are all designated on the Future Land Use Map as "Low Density Area". The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should generally 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 also zoned AR-1.

Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for the abovementioned use, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



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



NOTES:
 1) CLASS "B", SUBURBAN SURVEY
 2) SOURCE OF TITLE: DEED BOOK X, PAGE X
 3) 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

LEGEND:
 -XXXXXXX
 -XXXXXXX
 -XXXXXXX
 -XXXXXXX

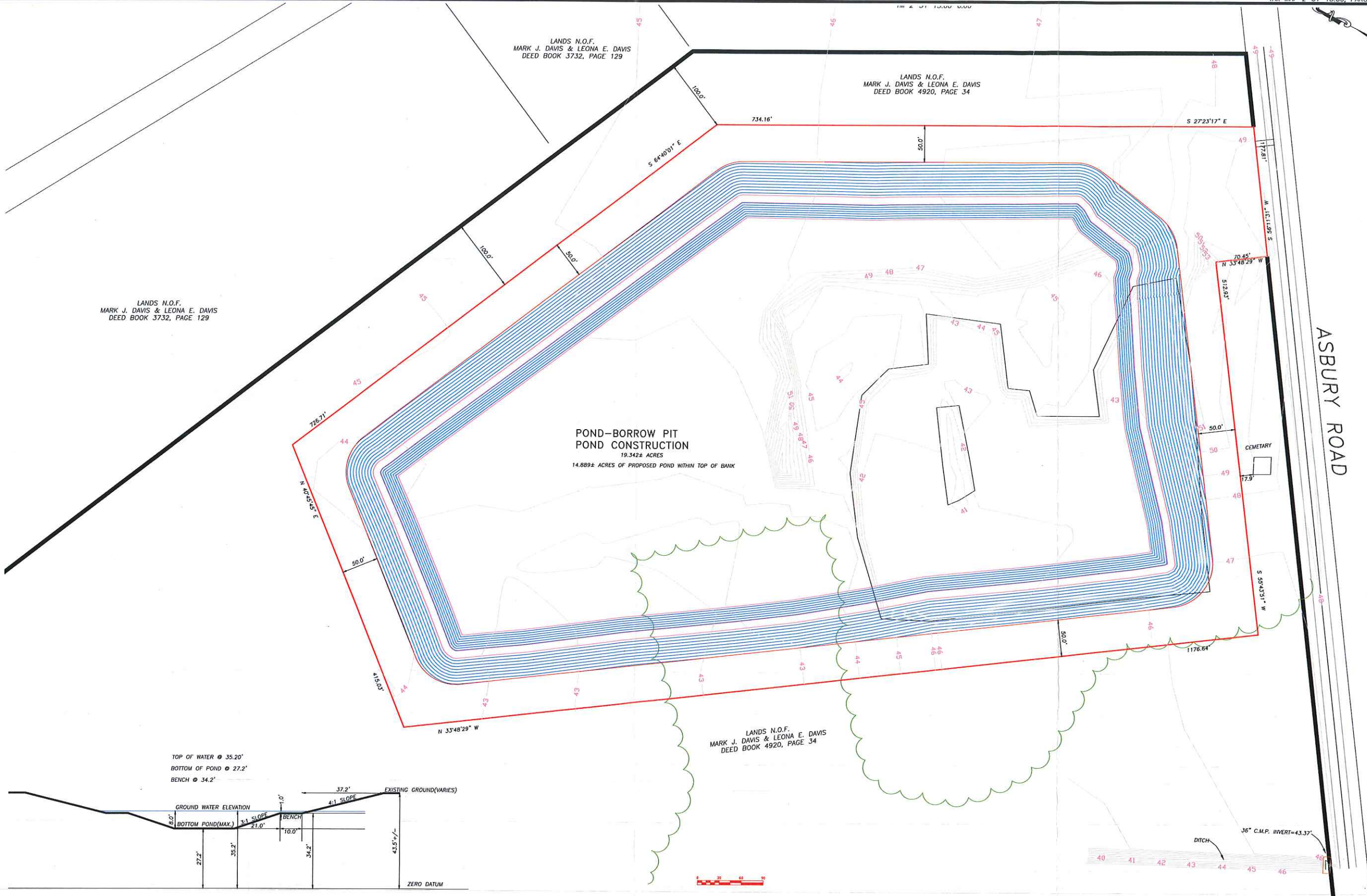
CHARLES E. ADAMS, JR., P.L.S. 506

I, Charles E. Adams, Jr., registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this map has been prepared under my supervision and meets the standards of practice as mandated 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 herein shall constitute a new survey and certification for any official or legal use.

Prepared By
 ADAMS-KEMP ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 AND PLANNERS
 217 SOUTH RACE STREET
 GEORGETOWN, DELAWARE 19947
 PHONE: (302) 856-6699
 WWW.ADAMSKEMP.COM

POND-BORROW PIT
 TAX MAP 2-31-15.00, PARCEL 8.00
 CONDITIONAL USE APPLICATION
MARK J. DAVIS & LEONA E. DAVIS
 SITUATED IN
 NANTICOKE HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
 AREA: 19.342± ACRES
 SCALE: 1" = 60'
 DATE: JANUARY 16, 2020

SHEET 1 OF 2
 PLAN NO. 190418-D



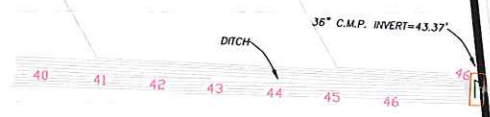
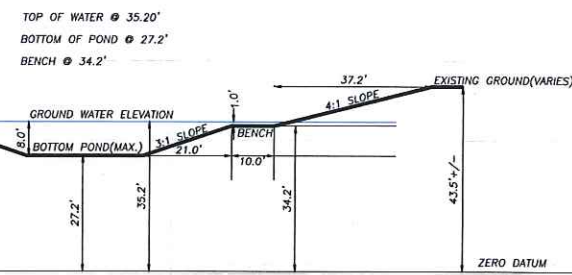
LANDS N.O.F.
MARK J. DAVIS & LEONA E. DAVIS
DEED BOOK 3732, PAGE 129

LANDS N.O.F.
MARK J. DAVIS & LEONA E. DAVIS
DEED BOOK 3732, PAGE 129

LANDS N.O.F.
MARK J. DAVIS & LEONA E. DAVIS
DEED BOOK 4920, PAGE 34

POND-BORROW PIT
POND CONSTRUCTION
19.342± ACRES
14.889± ACRES OF PROPOSED POND WITHIN TOP OF BANK

LANDS N.O.F.
MARK J. DAVIS & LEONA E. DAVIS
DEED BOOK 4920, PAGE 34



<p>NOTES:</p> <ol style="list-style-type: none"> 1) CLASS "B", SUBURBAN SURVEY 2) SOURCE OF TITLE: DEED BOOK X, PAGE X 3) 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 	<p>LEGEND:</p>	<p>Prepared By ADAMS-KEMP ASSOCIATES, INC. PROFESSIONAL LAND SURVEYORS AND PLANNERS 217 SOUTH RACE STREET GEORGETOWN, DELAWARE 19947 PHONE: (302) 856-6699 WWW.ADAMSKEMP.COM</p>	<p>POND-BORROW PIT CONDITIONAL USE APPLICATION MARK J. DAVIS & LEONA E. DAVIS SITUATED IN NANTICOKE HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE AREA: 19.342± ACRES SCALE: 1" = 30' DATE: JANUARY 16, 2020</p>
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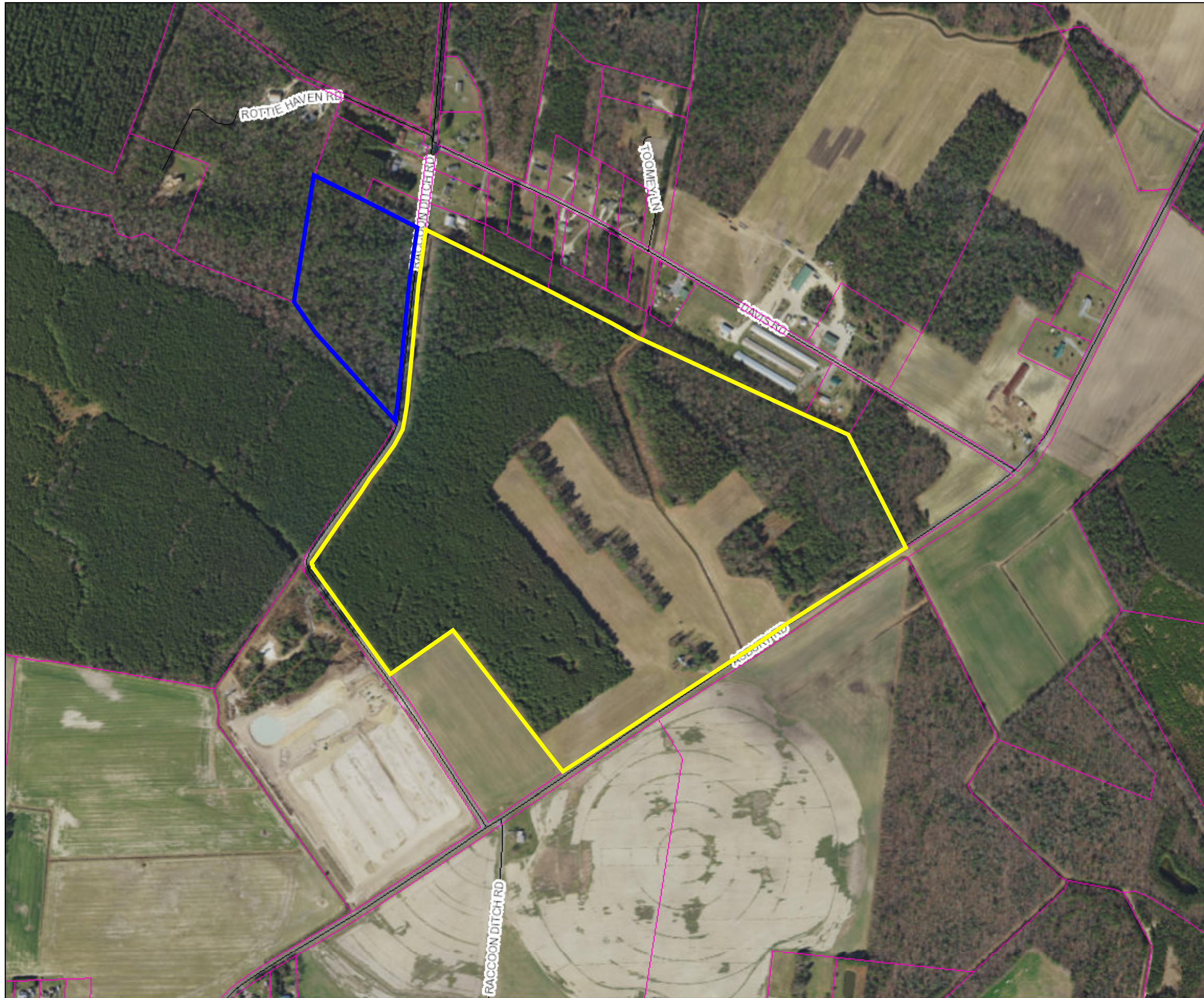
I, Charles E. Adams, Jr., registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the plan, including, but not limited to, corrections, additions or deletions, shall be made only by the same person whose name is on this plan and who is a duly licensed Professional Land Surveyor in the State of Delaware.

CHARLES E. ADAMS, JR., P.L.S. 506

SHEET 2 OF 2
PLAN NO. 190418-D



Sussex County



PIN:	231-15.00-8.00
Owner Name	DAVIS MARK J
Book	4920
Mailing Address	17741 DAVIS RD
City	GEORGETOWN
State	DE
Description	NW/RT 446 800'S/RT
Description 2	523E W/RT 522A
Description 3	FX 43AC FOREST EX
Land Code	

polygonLayer

Override 1

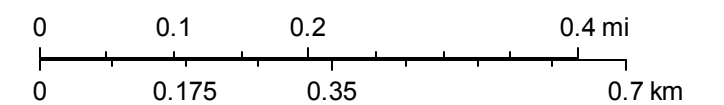
polygonLayer

Override 1

Tax Parcels

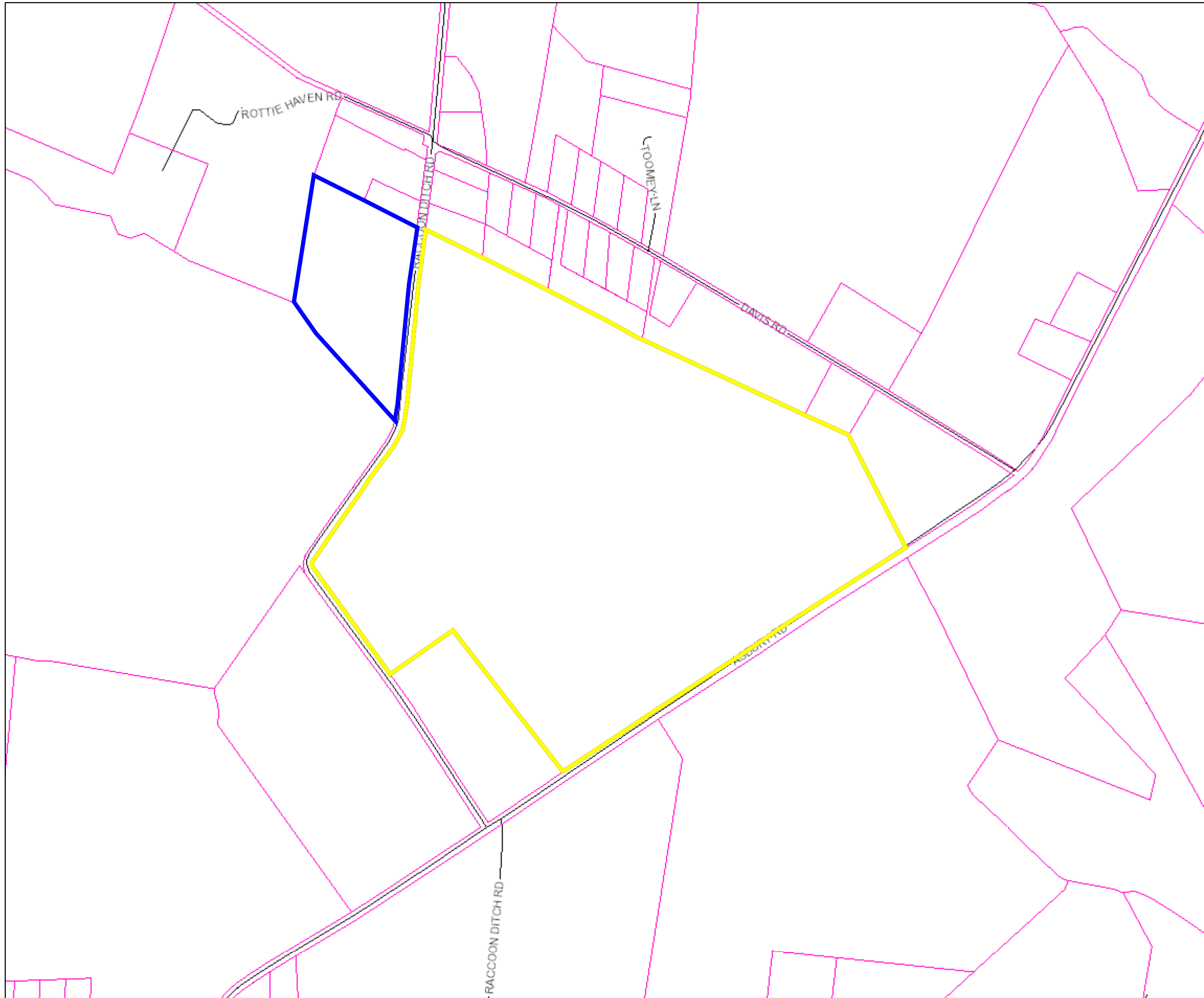
Streets

1:9,028





Sussex County



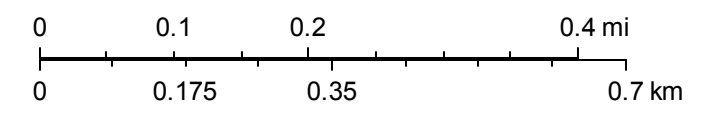
PIN:	231-15.00-8.00
Owner Name	DAVIS MARK J
Book	4920
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Description 2	523E W/RT 522A
Description 3	FX 43AC FOREST EX
Land Code	

- polygonLayer**

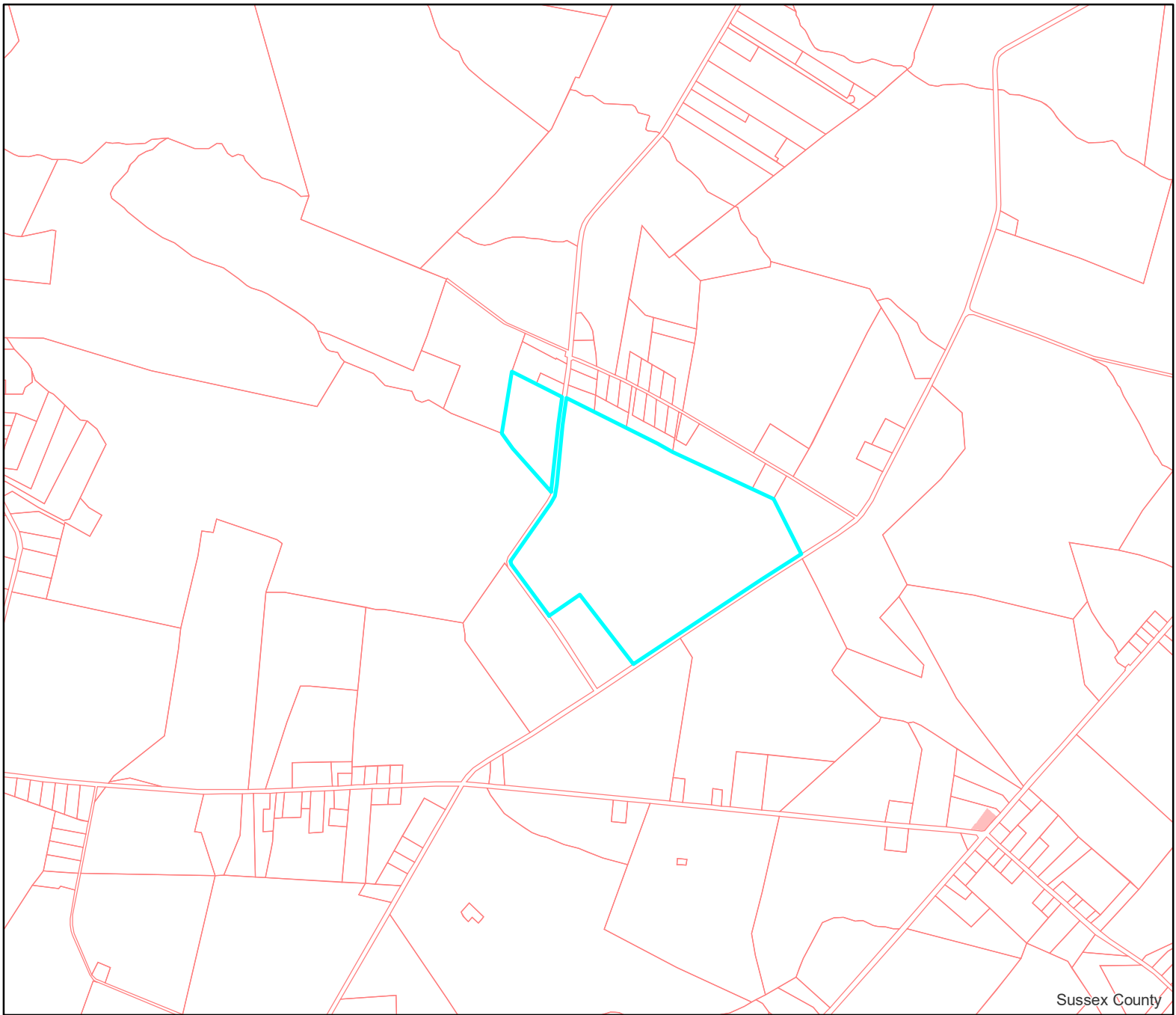
 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:9,028



CU 2227 Mark J. & Leona E. Lewis




Sussex County

Legend

Zoning

District

	Agricultural Residential - AR-1		High Density Residential - HR-2		General Commercial - C-5
	Agricultural Residential - AR-2		Vacation, Retire, Resident - VRP		Commercial Residential - CR-1
	Medium Residential - MR		Neighborhood Business - B-1		Institutional - I-1
	General Residential - GR		Neighborhood Business - B-2		Marine - M
	High Density Residential - HR-1		General Commercial - C-1		Limited Industrial - LI-1
			General Commercial - C-2		Limited Industrial - LI-2
			General Commercial - C-3		Heavy Industrial - HI-1
			General Commercial - C-4		

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **7/28/2020**

APPLICATION: **CU 2227 Mark J. & Leona E. Davis**

APPLICANT: **Mark J. Davis**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **231-15.00-8.00**

LOCATION: **On the north side of Asbury Road (SCR 446), approximately
0.19 mile southwest of Davis Road (SCR 523).**

NO. OF UNITS: **Borrow Pit**

GROSS
ACREAGE: **150 +/-**

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SUSSEX COUNTY
PLANNING & ZONING

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 4**
- (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? **Click or tap here to enter text.** Is it likely that additional SCCs will be required? **No**
If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed CU is in a Tier 4 area for sanitary sewer service. Therefore, the Sussex County Engineering Department does not have a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

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



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

JENNIFER COHAN
SECRETARY

February 20, 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 **Mark J. Davis** conditional use application, which we received on January 24, 2020. This application is for an approximately 150-acre parcel (Tax Parcel: 231-15.00-8.00). The subject land is located on the north side of Asbury Road (Sussex Road 446) and southeast of Raccoon Ditch Road (Sussex Road 522A). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the land as a borrow pit.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Asbury Road where the subject land is located is 1,081 vehicles per day. As the subject land also has frontage along Raccoon Ditch Road, the annual average daily traffic volume along that road segment is 131 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 DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DeIDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

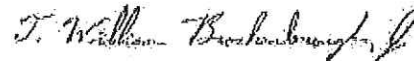


Mr. Jamie Whitehouse
Page 2 of 2
February 20, 2020

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.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Mark J. Davis, 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