

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 27, 2020

Application: CU 2229 D.R.'s Lawn Maintenance, LLC

Applicant/Owner: Devin S. Rice
25479 Hollis Road
Harbeson, DE 19951

Site Location: 25479 Hollis Rd. On the north side of Hollis Rd. (S.C.R. 295),
approximately 0.38 miles east of Gravel Hill Rd. (Rt. 30)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Landscaping and Lawn Maintenance Business

Comprehensive Land
Use Plan Reference: Low Density

Councilmatic
District: Mr. Burton

School District: Indian River School District

Fire District: Georgetown Volunteer Fire Company

Sewer: Septic

Water: Private

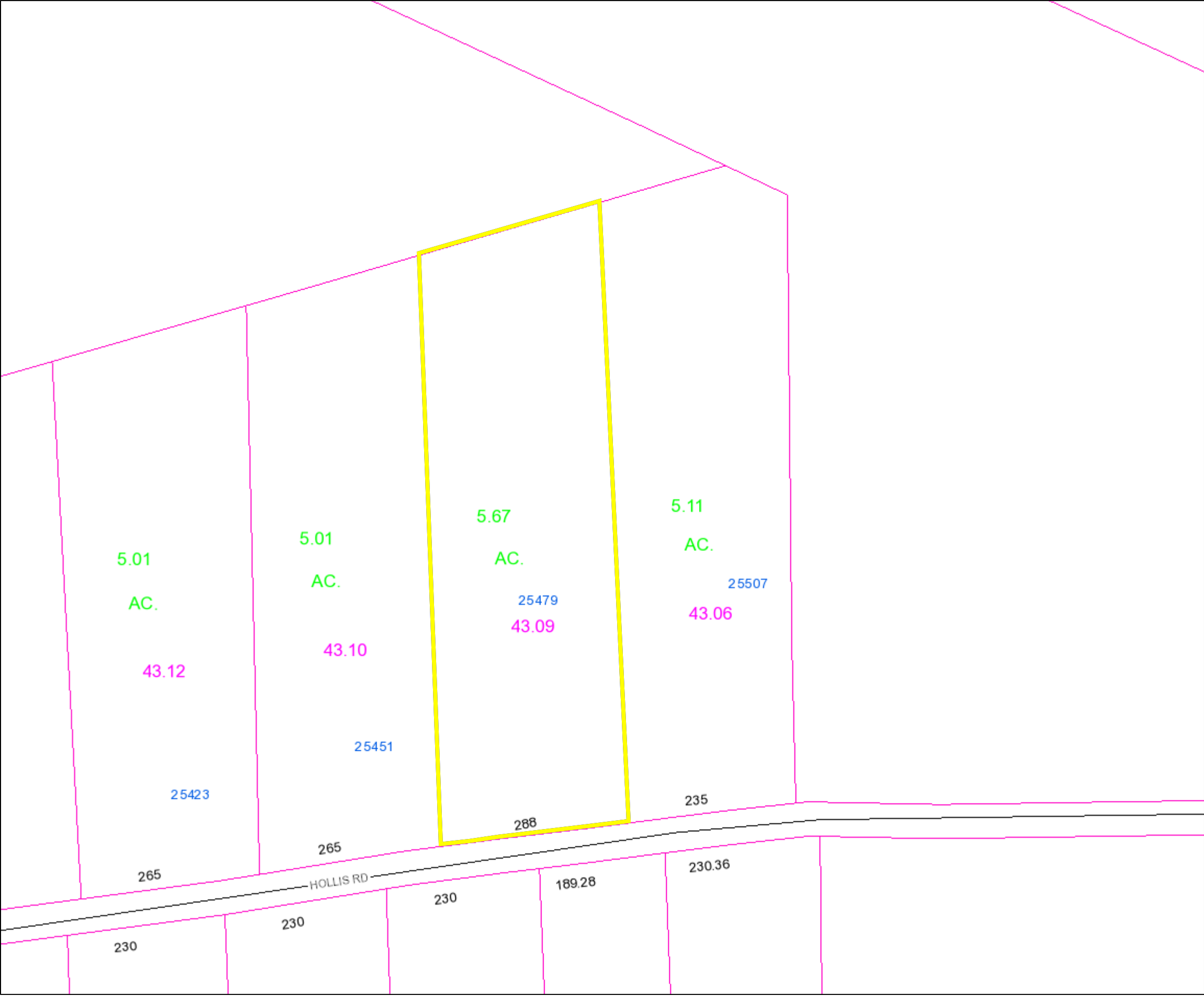
Site Area: 5.678 Acres +/-

Tax Map ID.: 135-16.00-43.09





Sussex County

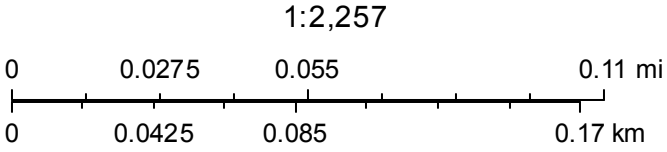


PIN:	135-16.00-43.09
Owner Name	RICE DEVIN SHEA
Book	5145
Mailing Address	17834 BEAVER DAM RD
City	LEWES
State	DE
Description	N/RT 295
Description 2	1580' E/RT 30
Description 3	24078
Land Code	

- polygonLayer

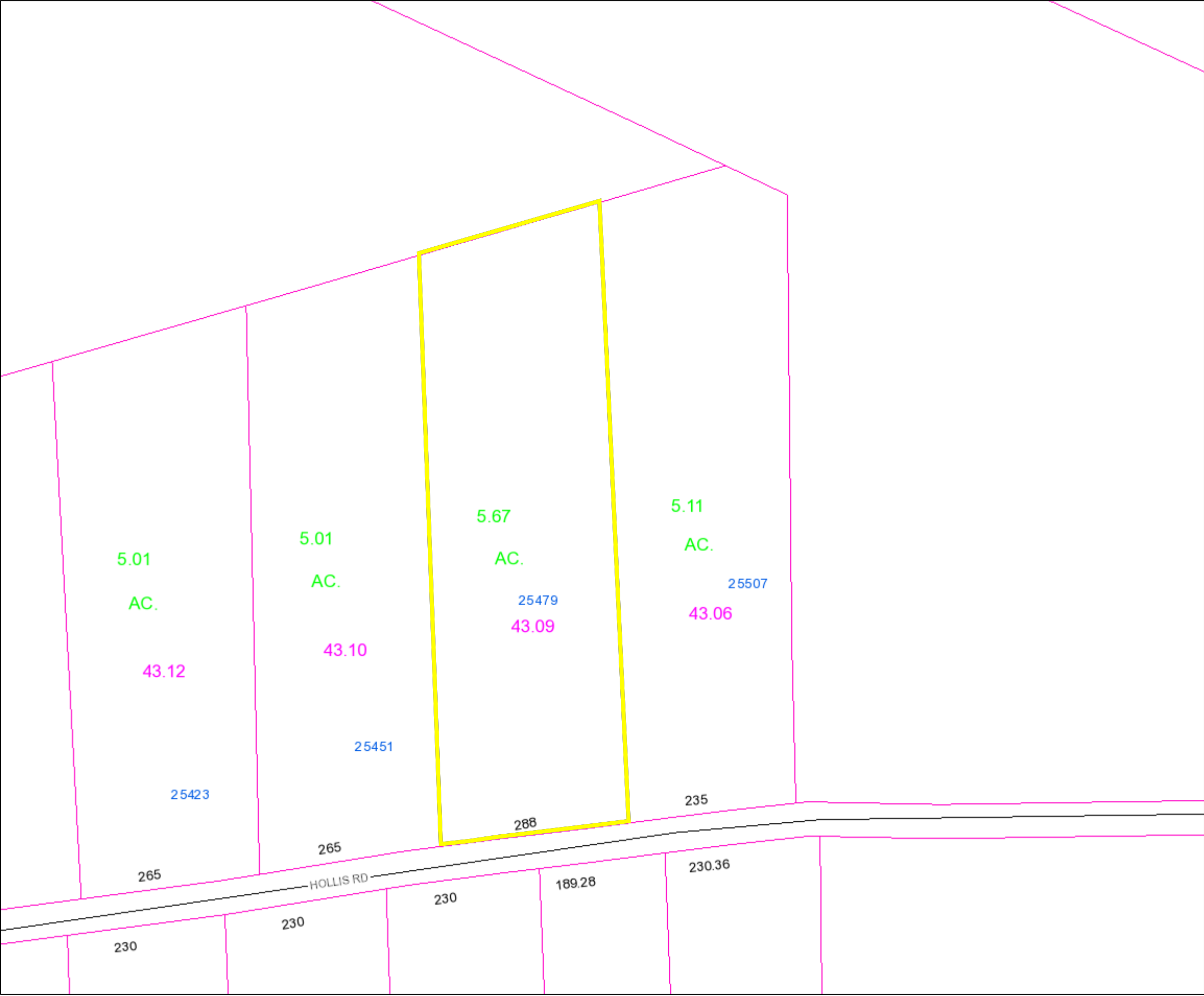
Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets





Sussex County

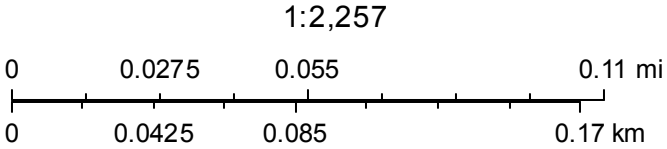


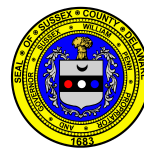
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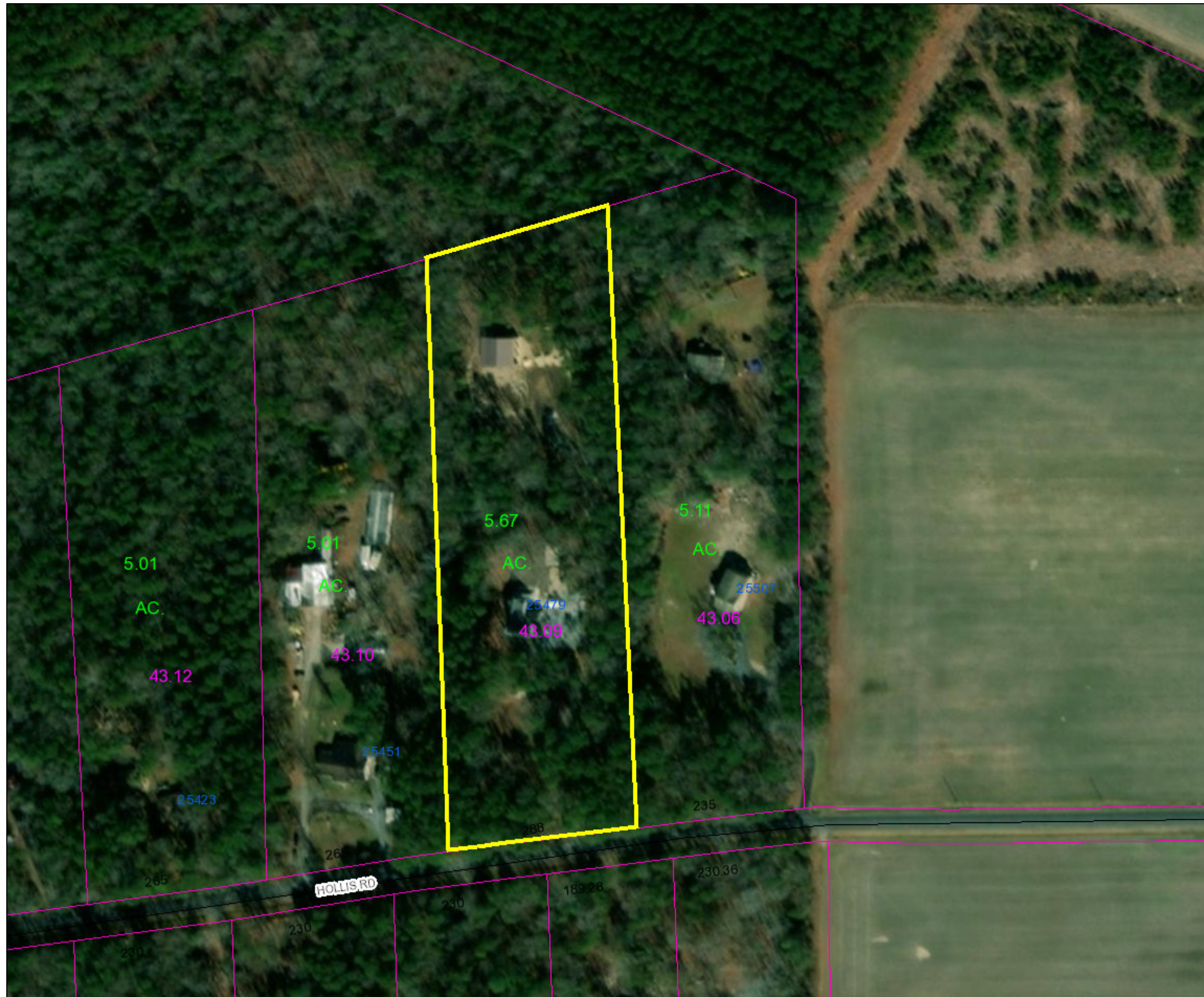
Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets





Sussex County






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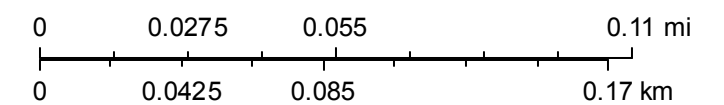
Override 1

polygonLayer

Override 1

-  Tax Parcels
-  911 Address
-  Streets

1:2,257





Memorandum

To: Sussex County Planning Commission Members
From: Christin Headley, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 20th, 2020
RE: Staff Analysis for CU 2239 D.R.'s Lawn Maintenance, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2229 D.R.'s Lawn Maintenance, LLC to be reviewed during the August 27th, 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 135-16.00-43.09 to allow for a Landscaping & Lawn Maintenance business. The size of the property is 5.678 acre +/- . The property is zoned AR-1 (Agricultural Residential Zoning District) and located at 25479 Hollis Rd. on the north side of Hollis Rd. (S.C.R. 295) approximately 0.38 miles east of Gravel Hill Rd. (Rt. 30).

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 southwest, west, and northwest are all designated on the Future Land Use Map as "Low Density". 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 be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties located within the county jurisdiction to the southwest, west, and northwest are all zoned AR-1 (Agricultural Residential Zoning District).

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.



File #: 202004827
CV2229

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

MAY 07 2020

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

SUSSEX COUNTY
PLANNING & ZONING

Site Address of Conditional Use/Zoning Map Amendment

25479 Hollis Road, Harbeson, DE 19951

Type of Conditional Use Requested:

Conditional use requested for operation of landscaping and lawn maintenance business on approximately .62 acres, consisting of a pole barn, truck/trailer parking, employee parking, and material storage (mulch, stone, topsoil, etc.); Section 115-22.

Tax Map #: 135-16.00-43.09

Size of Parcel(s): 5.678 Acres +/-

Current Zoning: AR-1

Proposed Zoning: N/A

Size of Building: N/A

Land Use Classification: Agricultural/Residential

Water Provider: Private

Sewer Provider: Private

Applicant Information

Applicant Name: D.R.'s Lawn Maintenance, LLC

Applicant Address: 25479 Hollis Road

City: Harbeson

State: DE

Zip Code: 19951

Phone #: (302) 245-9938

E-mail: devin.rice@drslawnmaintenance.com

Owner Information

Owner Name: Devin S. Rice

Owner Address: 25479 Hollis Road

City: Harbeson

State: DE

Zip Code: 19951

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Mackenzie M. Peet, Esq.

Agent/Attorney/Engineer Address: 323E Rehoboth Avenue

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 227-1314

E-mail: mackenzie@tunnellraysor.com



RECEIVED
MAR 12 2020
SUSSEX COUNTY
PLANNING & ZONING



Check List for Sussex County Planning & Zoning Applications

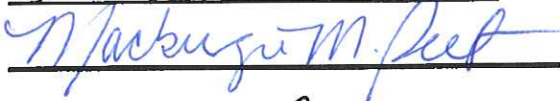
The following shall be submitted with the application

- ☒ **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: 3-12-2020

Signature of Owner



Date: 3-12-2020

For office use only:

Date Submitted: 5/7/2020

Fee: \$500.00 Check #: 4534

Staff accepting application: PKW

Application & Case #: 202004827

Location of property: 25479 HOLLIS RD

GEORGETOWN, DE 19947

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 2, 2020

Mr. Jamie Whitehouse, Acting 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 **D.R.'s Lawn Maintenance, LLC** conditional use application, which we received on March 10, 2020. This application is for an approximately 5.67-acre parcel (Tax Parcel: 135-16.00-43.09). The subject land is located on the north side of Hollis Road (Sussex Road 295), approximately 1,600 feet northeast of the intersection of Delaware Route 30 and Hollis Road. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval for the operation of a lawn maintenance company.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Hollis Road where the subject land is located is 212 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.

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
April 2, 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: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Jerry Meiklejohn, Applicant
J. Marc Coté, Director, Planning
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 DIVISION
C/U & C/Z COMMENTS

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/17/2020**

APPLICATION: **CU 2229 D.R.'s Lawn Maintenance, LLC**

APPLICANT: **Devin S. Rice**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **135-16.00-43.09**

LOCATION: **On the north side of Hollis Road (SCR 295), approximately
0.38 miles east of Gravel Hill Road (St. 30).**

NO. OF UNITS: **Landscaping and Lawn Maintenance Business**

GROSS
ACREAGE: **5.678**

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 **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 Conditional Use is located in a Tier 3 area for sanitary sewer service. The Sussex County Engineering Department does not currently have a schedule to provide sanitary sewer service to this parcel.**

(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

EXHIBIT A

DEED

LAW OFFICES

TTUNNELL
&**R**AYSOR, P.A.

Document# 2019000041261 BK: 5145 PG: 233

Recorder of Deeds, Scott Dailey On 10/31/2019 at 2:42:27 PM Sussex County, DE

Consideration: \$328,000.00 County/Town: \$4,920.00 State: \$8,200.00 Total: \$13,120.00

Doc Surcharge Paid Town: SUSSEX COUNTY

TM #: 1-35-16.00-43.09

PREPARED BY & RETURN TO:

The Smith Firm, LLC

8866 Riverside Dr.

Seaford, DE 19973

File No. S19-325/

This Deed, made this 10th day of October, 2019,

- BETWEEN -

CHARLES M. DONAWAY, JR. and FRANCES J. DONAWAY, of 3101 Reaves St.
SW, Supply, NC 28462, parties of the first part,

- AND -

DEVIN SHEA RICE, of 17834 Beaver Dam Rd., Lewes, DE 19958, as sole owner,
party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **Three Hundred Twenty-Eight Thousand and 00/100 Dollars (\$328,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and his heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain tract, piece or parcel of land, situate, lying and being on the North side of Sussex County Road #295, Georgetown Hundred, Sussex County, Delaware, more particularly described as follows:

BEGINNING at a point, a concrete monument on the North side of Sussex County Road #295, a corner for these lands and lands now or formerly of David and Beth Yingling; thence along the right of way of Sussex County Road #295, on a curve bearing to the left, having a delta angle of 0 degrees 49 minutes 14 seconds and a radius of 2924.53 feet; thence by and with said curve and said Sussex County Road #295 on a chord bearing of South 83 degrees 02 minutes 46 seconds West a distance of 41.89 feet to a point and ending of curve; thence continuing along the said Sussex County Road #295, South 82 degrees 38 minutes 09 seconds West 246.11 feet to a concrete monument set, said concrete monument being 1812 feet, more or less, from Delaware Rd. #30; thence, North 02 degrees 03 minutes 01 seconds West 850.68 feet to a pipe; thence, North 75 degrees 43

Document# 2019000041261 BK: 5145 PG: 234

Recorder of Deeds, Scott Dailey On 10/31/2019 at 2:42:27 PM Sussex County, DE

Doc Surcharge Paid

minutes 54 seconds East 289.52 feet to a pipe found; thence, South 02 degrees 17 minutes 51 seconds East 885.59 feet to the place of beginning, containing 5.678 acres, more or less, as surveyed by Donald K. Miller, dated September 5, 1984.

BEING the same lands conveyed to Charles N. Donaway, Jr. and Frances J. Donaway from Ronald W. Moore and Howard R. Layton t/a Moore-Layton Farms, by Deed dated January 31, 1985, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on February 1, 1985, in Deed Book 1318, Page 261.

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# 2019000041261 BK: 5145 PG: 235

Recorder of Deeds, Scott Dailey On 10/31/2019 at 2:42:27 PM Sussex County, DE

Doc Surcharge Paid

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

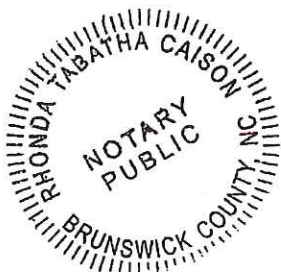
Charles M. Donaway, Jr. (SEAL)
Charles M. Donaway, Jr.

Frances J. Donaway (SEAL)
Frances J. Donaway

STATE OF North Carolina, COUNTY OF Brunswick : to-wit

BE IT REMEMBERED, that on October 10th, 2019, personally came before me, the subscriber, Charles M. Donaway, Jr. and Frances J. Donaway, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.



Rhonda Tabatha Caison
Notary Public

My Commission Expires: 2/16/2020

EXHIBIT B

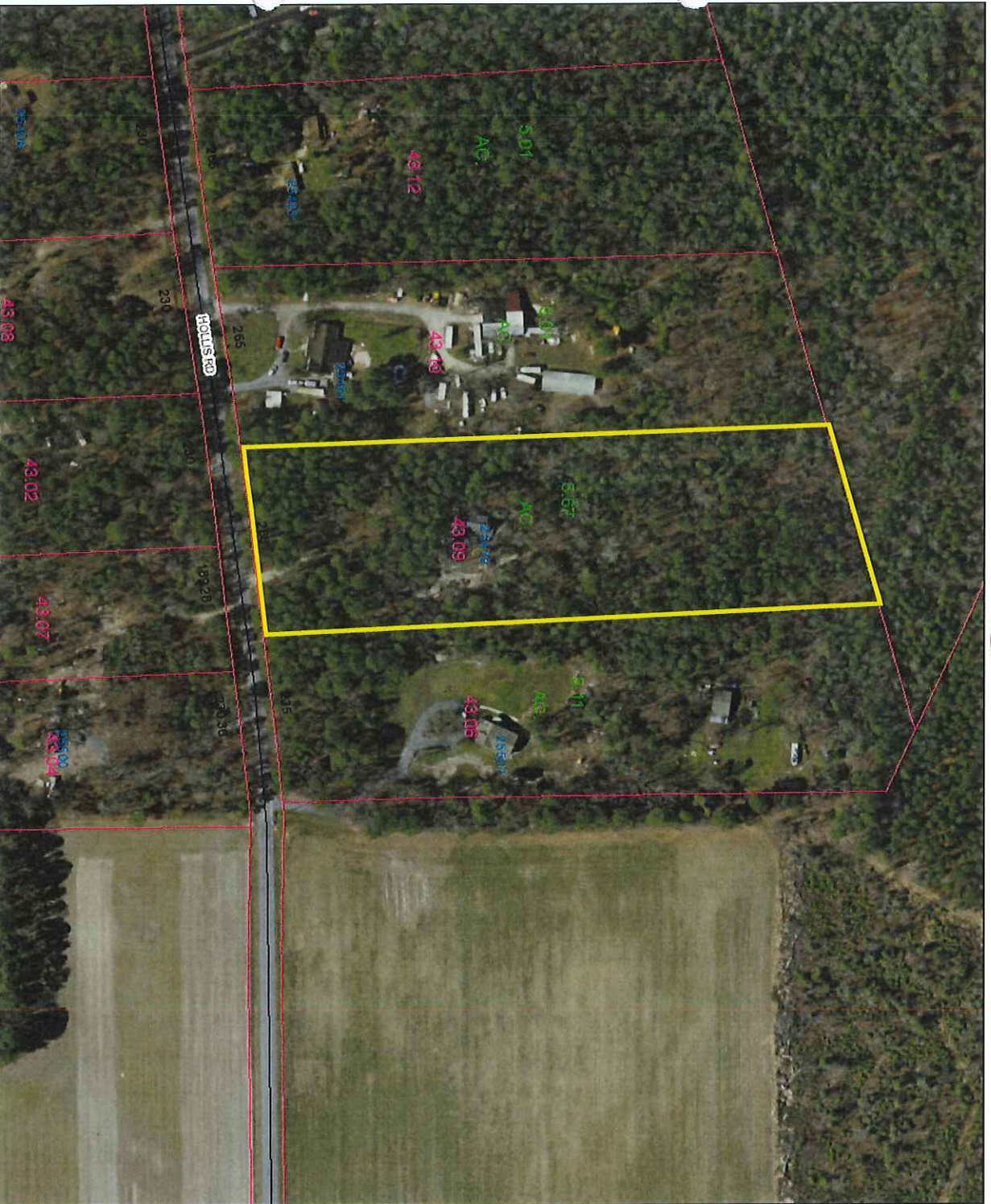
AERIAL MAP

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.



Sussex County



PIN:	135-16.00-43.09
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Book	5145
Mailing Address	17834 BEAVER DAM RD
City	LEWES
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Description	N/RT 295
Description 2	1580' E/RT 30
Description 3	24078
Land Code	

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



EXHIBIT C

SURVEY

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.

T.M. #135-16.00-43.09



LANDS N/F
MICHAEL BRUCE KNEE
DB 2724-223

LANDS N/F
GUY E. & NANCY S. PHILLIPS
DB 1711-205

850.68'

N 02°03'01" W

P.O.B.

1812'± TO Q. RT. 30

246.11' S 82°38'09" W
HOLLIS ROAD (50' RW) SCR #295

5.678 ACRES
DB 1318-261

R=2924.53'
Δ=0°49'14"
A=41.88'
C=41.88'
B=S 83°02'46" W

289.52'

S 02°17'51" E

885.59'

LANDS N/F
JESSE S. ATKINSON
DB 1861-198

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



BOUNDARY SURVEY FOR
DEVIN RICE

- CONCRETE MONUMENT (FOUND)
- IRON PIPE (FOUND)
- POINT

25479 HOLLIS ROAD, GEORGETOWN, DE 19947
GEORGETOWN HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
SCALE 1" = 100' NOVEMBER 4, 2019

PREPARED BY:

PH: 302-629-9895
FAX: 302-629-2391

MILLER LAND SURVEYING
LEWIS, INC.

1560 MIDDLEFORD RD. SEAFORD, DE. 19973

EXHIBIT D

CODE

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.

Sussex County, DE
Tuesday, June 11, 2019

Chapter 115. Zoning

Article IV. AR-1 and AR-2 Agricultural Residential Districts

§ 115-22. Conditional uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article **XXIV** of this chapter:

Agricultural related industry, provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment

[Added 1-27-2004 by Ord. No. 1658]

Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration

Aquariums, commercial

Beaches, commercial

Biotech campus

[Added 1-27-2004 by Ord. No. 1659]

Biotech industry not located within a biotech campus provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment.

[Added 1-27-2004 by Ord. No. 1659]

Cemeteries, including a crematorium if located at least 200 feet from the boundaries of the cemetery

Excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision or planned residential development. (See § **115-172B**.)

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums, but not animal hospitals

Institutions, educational or philanthropic, including museums, art galleries and libraries

Land application of sludge, treated sludge or any product containing these materials. For purposes of this section, "sludge" means the accumulated semiliquid suspension, settled solids or dried residue of these solids that is deposited from liquid waste in a wastewater treatment plant or surface or ground waters treated in a water treatment plant, whether or not these solids have undergone treatment. "Septage" is included herein as sludge. "Land application" means the placement of sludge, treated sludge or any other product containing these materials within two feet below the surface of land used to support vegetative growth.

[Added 5-8-1990 by Ord. No. 681]

Livestock auction markets in an AR District

Marinas or yacht clubs

Multifamily dwelling structures and/or townhouses and/or town homes, subject to the provisions of

this chapter when:

[Added 7-31-2007 by Ord. No. 1920]

- A. Said multifamily dwelling structures and/or townhouses and/or town homes, the owners of which would share and own in common the surrounding grounds (which may also be referred to herein collectively as "units"), lie within a Town Center, a Developing Area, or a Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan; and
[Amended 5-21-2019 by Ord. No. 2656]
- B. The developer has proffered to Sussex County for the purpose of creating open space for preservation and/or active and/or passive recreation areas a development fee per unit, as described in Chapter 62, § 62-7, for every unit in excess of two units per gross acre that is included in the application; and
- C. The Sussex County Council prior to the signing of a contract to purchase or lease open space for preservation and/or active and/or passive recreation areas shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this amendment. All such approvals by the Council shall be by a four-fifths majority vote and shall include a determination that the land and/or conservation easement to be acquired is located in the same watershed area as the land where the bonus density will be located; and
- D. It is understood that Sussex County shall control all monies paid to it under this amendment and that the Sussex County Land Trust may act as a recommending body and/or partner at the discretion of the Sussex County Council; and
- E. The maximum number of multifamily dwelling structures and/or townhouses and/or town homes, as defined in Subsection A above, included in the application, shall not exceed four dwelling units per gross acre, including land set aside for common open space and/or recreational uses; and
- F. The minimum percentage of the total site which shall be set aside as common open space shall be 40% of the total land area included in the application; and
- G. There shall be a vegetated buffer of not less than 75 feet, subject to the following conditions:
 - (1) The vegetated buffer shall be located adjacent to a numbered road shown on the General Highway Map for Sussex County and may include the required setback area from the road and shall be kept free of vehicle parking areas, buildings and structures; and
 - (2) The vegetated buffer shall include a mix of deciduous shade trees and evergreen trees, a majority of which shall be of common local species; and
 - (3) The deciduous shade trees shall include trees reasonably capable of attaining a minimum trunk diameter of two inches measured 3.5 feet above the ground within five years of being planted; and
 - (4) The evergreen trees shall include trees reasonably capable of attaining a minimum height of 10 feet above the ground within five years of being planted; and
 - (5) The goal of the landscape plan for the buffer area shall be include trees of the type indicated herein that will be planted in a natural manner, as they might appear in nature, as opposed to being planted in row fashion which will filter views from the road in such a manner that the dwelling units appear more green and less dense than if no landscaping had been required; and
 - (6) A further goal of the landscape plan would be to avoid placing plantings in an area adjacent to the entrance to the development in such a manner as to restrict the view of motorists entering or exiting from the development or restricting sight lines for motorists in such a manner as to create a potential safety hazard; and
 - (7) The landscape plan for the buffer area shall be designed and signed by a Delaware licensed landscape architect and approved by the Planning and Zoning Commission and County Council; and
- H. Council and/or the County Administrator may consider and authorize an expedited review of a conditional use application filed under this section; and
- I. Multifamily dwelling structures and/or townhouses and/or town homes shall not be considered as

a conditional use under any other provision of this section which existed prior to the date of this amendment; and

- J. The density bonus fee for each multifamily and/or townhouse and/or town home dwelling unit in excess of two units per gross acre shall be determined by reference to and the use and application of the per-unit density bonus fees adopted as part of Ordinance 1842 and applicable to cluster developments and appearing in Chapter 62, Article III, § 62-7, as the same may hereafter be modified by Council, from time to time. Council will review the fees for a density bonus under the terms of this amendment on an annual basis and revise such fees as it deems necessary by an appropriate amendment.

Manufactured home parks

[Amended 10-12-2010 by Ord. No. 2152]

Nursing and similar care facilities

[Added 4-16-2019 by Ord. No. 2645]

Parks or campgrounds for mobile campers, tents, camp trailers, touring vans and the like

Private clubs

Public or governmental buildings and uses, including schools, parks, parkways, playgrounds and public boat landings

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations or substations, but not telephone central offices

Racetracks, any type, including horses, stock cars or drag strip

Recreation facilities, privately or commercially operated, such as a fishing or boating lake, picnic grounds or dude ranch, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment

Residential, business, commercial or industrial uses when the purposes of this chapter are more fully met by issuing a conditional use permit

[Added 4-6-2004 by Ord. No. 1677^[1]]

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as a permitted use under § 115-20 shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

[Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Sports arenas or stadiums, commercial athletic fields or baseball parks

Stores or shops for the sale of farm products, farm supplies, groceries, beverages, drugs and food and similar stores and shops

Structures for commercial poultry raising on farms of less than five acres

Swimming or tennis clubs, private, nonprofit or commercially operated

[1] *Editor's Note: This entry was previously repealed 1-27-2004 by Ord. No. 1658.*

EXHIBIT E

DelDot Service Level Evaluation Response

LAW OFFICES

TTUNNELL
&**R**AYSOR, P.A.



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

JENNIFER COHAN
SECRETARY

April 2, 2020

Mr. Jamie Whitehouse, Acting 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 **D.R.'s Lawn Maintenance, LLC** conditional use application, which we received on March 10, 2020. This application is for an approximately 5.67-acre parcel (Tax Parcel: 135-16.00-43.09). The subject land is located on the north side of Hollis Road (Sussex Road 295), approximately 1,600 feet northeast of the intersection of Delaware Route 30 and Hollis Road. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval for the operation of a lawn maintenance company.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Hollis Road where the subject land is located is 212 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.

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
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April 2, 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: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Jerry Meiklejohn, Applicant
J. Marc Coté, Director, Planning
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