

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
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302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date April 8th, 2021.

Application: CU 2235 Brian P. Lessard

Applicant: Mr. Brian P. Lessard
Lessard Builders, Inc.
257 E. Camden-Wyoming Avenue
Camden, DE 19932

Owner: Mr. John P. Laursen and Ms. June J. Laursen
715 Halstead Road
Wilmington, DE 19803

Site Location: Lying on the southeast corner of Argos Corner Road (S.C.R. 14E) and Coastal Highway (Route 1).

Current Zoning: General Residential (GR) w/a portion of the parcel being zoned Agricultural Residential (AR-1) Zoning District

Proposed Use: Storage Units – Amending Condition “K” of Conditional Use No. 2129

Comprehensive Land Use Plan Reference: Existing Development Area & Developing Area

Councilmatic District: Mr. Schaffer

School District: Milford School District

Fire District: Memorial Fire District

Sewer: Private – On site

Water: Private – On site

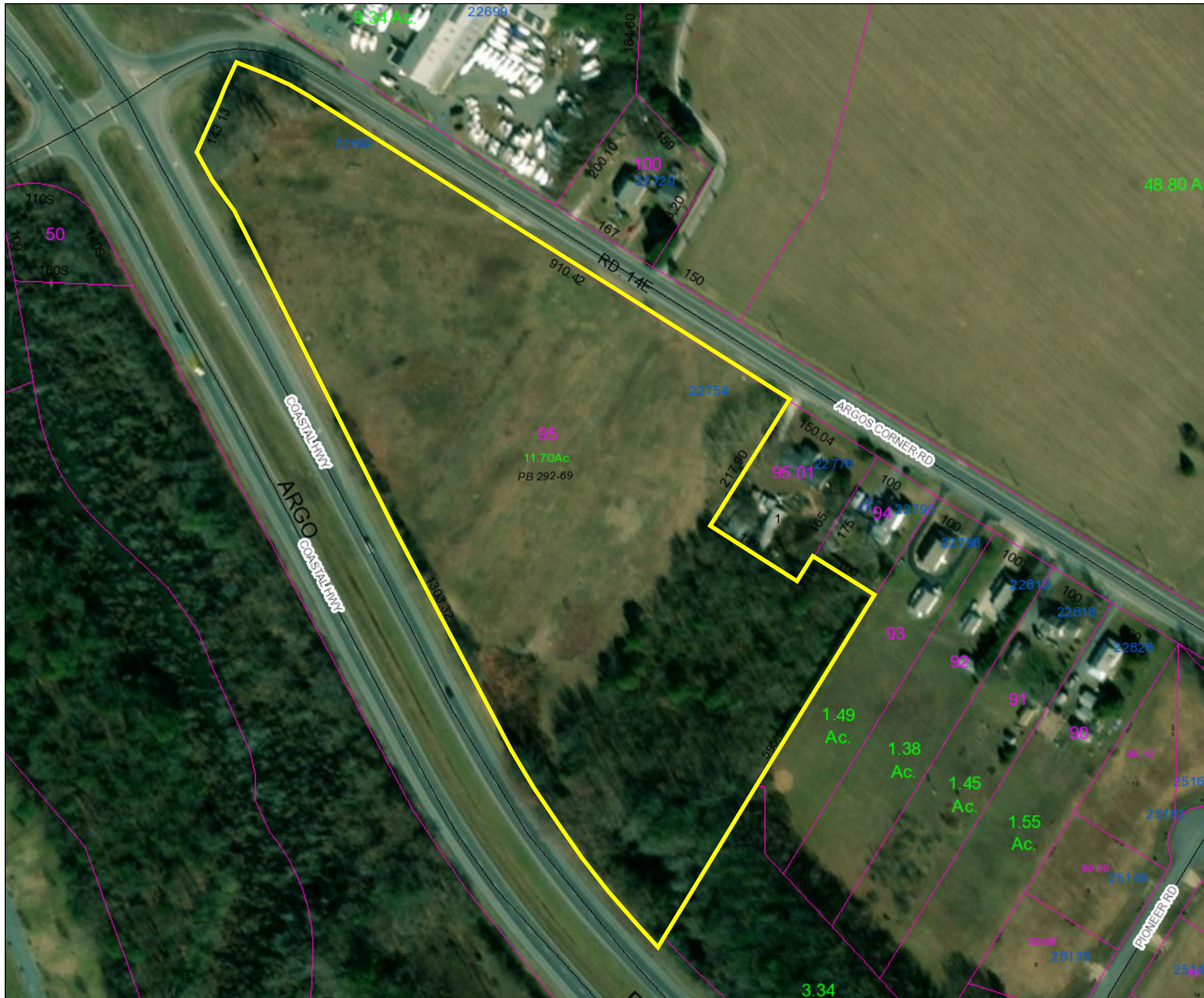
Site Area: 10.75 acres +/-

Tax Map ID: 230-7.00-95.00





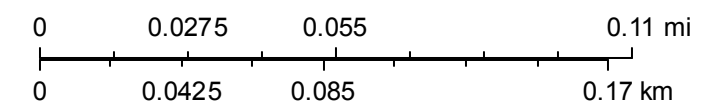
Sussex County



PIN:	230-7.00-95.00
Owner Name	ARGOS CORNER LLC
Book	5221
Mailing Address	261 E CAMDEN-WYOMING
City	CAMDEN
State	DE
Description	SW/ ARGOS CORNER RD
Description 2	NW/ RT 1
Description 3	N/A
Land Code	

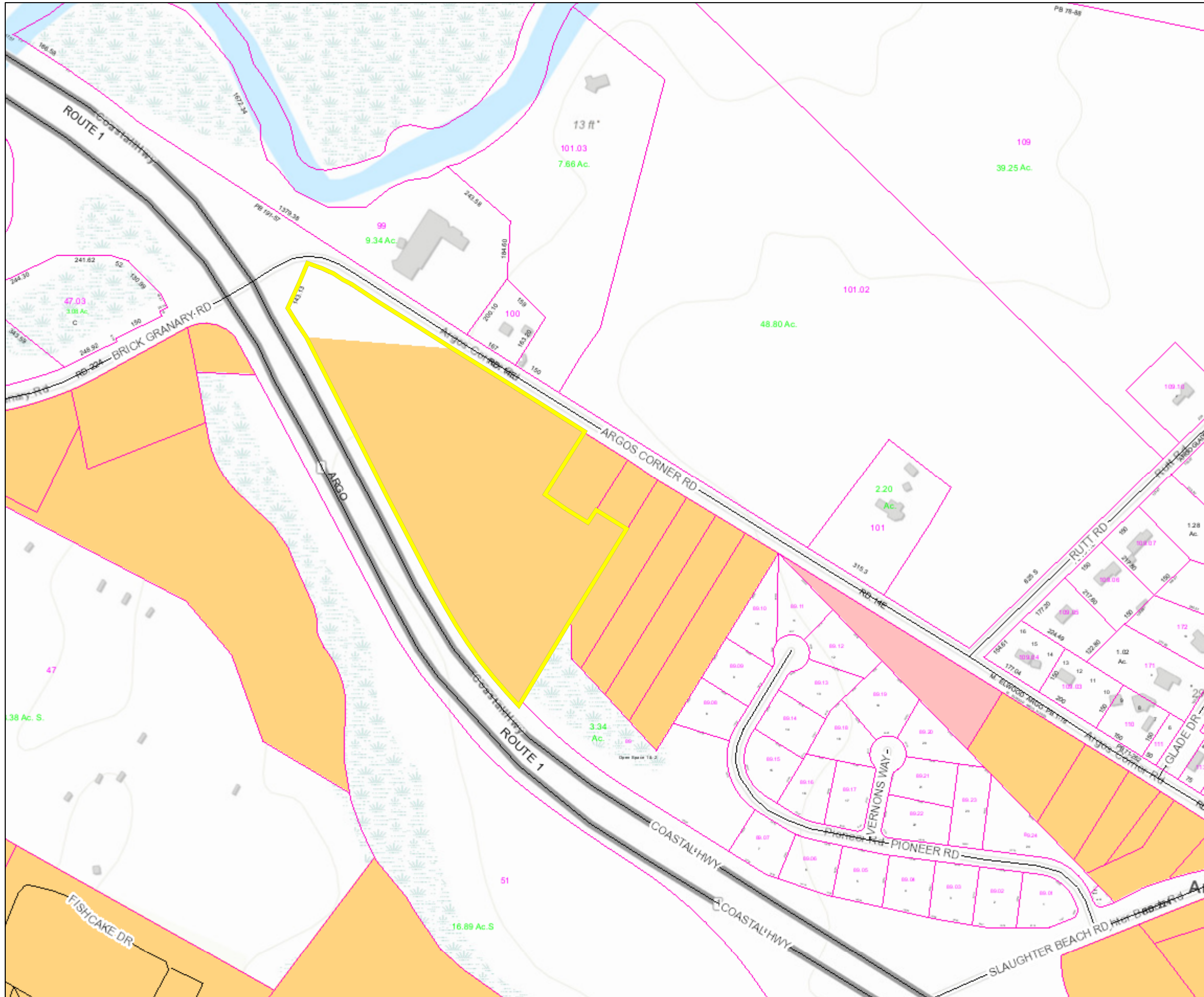
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- Override 1
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- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

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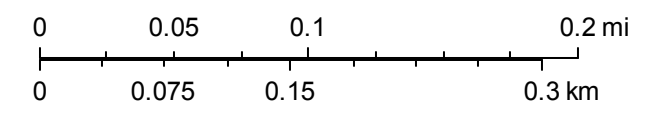
Sussex County



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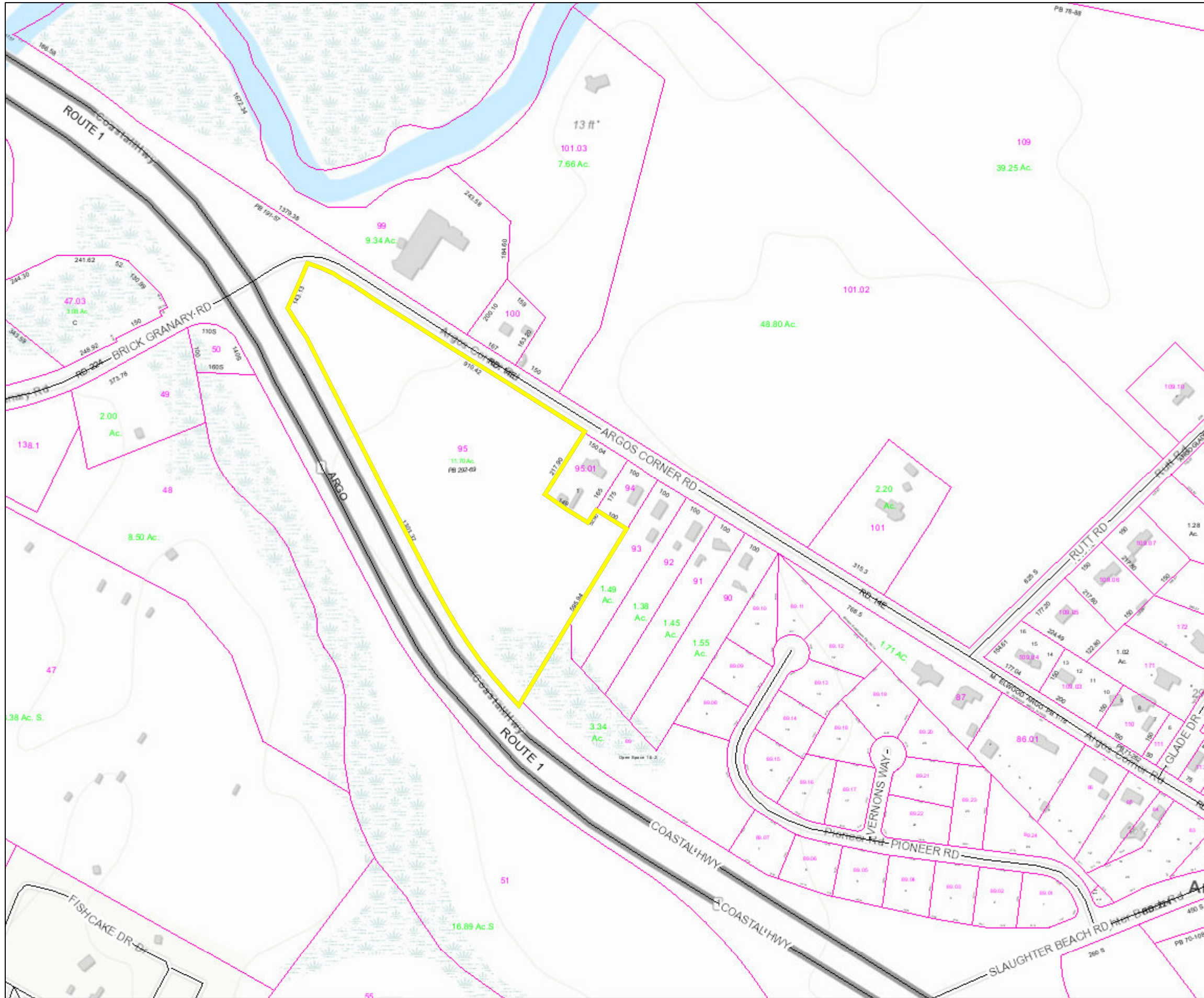
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- Override 1
- Tax Parcels
- Streets

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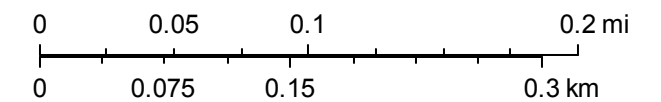
Sussex County



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Book	5221
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City	CAMDEN
State	DE
Description	SW/ ARGOS CORNER RD
Description 2	NW/ RT 1
Description 3	N/A
Land Code	

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

1:4,514



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Lauren Devore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: April 1st, 2021
RE: Staff Analysis for CU 2235 Brian P. Lessard

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2235 Brian P. Lessard to be reviewed during the April 8, 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.

The request is for an Amendment to the Conditions of Approval for the existing Conditional Use (C/U 2129) for Brian P. Lessard, Lessard Builders, Inc. to allow for mini-storage buildings on Tax Parcel 230-7.00-95.00. Specifically, the applicant is requesting an amendment to Condition "K" which requires the provision of "One lighted sign with a maximum area of 32 square feet per side [to be] permitted" on the site. The applicant has suggested that this language be amended to read, "K. Two lighted on permises signs, one sign with a maximum area of 32 square feet per side and one sign with a maximum area of 82.75 square feet per side shall be permitted." The previous Conditional Use application was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, June 14, 2018. Additionally the previous Conditional Use application was approved by the Sussex County Council at their meeting of Tuesday, October 2, 2018 and the use was adopted through Ordinance No. 2603. Copies of the Meeting Minutes from both of these meetings have been attached to this memo for circulation to members of the Commission and Council.

The parcel is lying on the southeast corner of Argos Corner Road (S.C.R. 14E) and Coastal Highway (Route 1). The property consists of 10.76 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designations of "Developing Area" (which consists of a small segment of the northernmost portion of the parcel) and "Existing Development Area" (which comprises the larger remnant of the southern portion of property.) The properties to the north have the land use designation of "Low Density Area." The properties to the southeast have the land use designations of "Existing Development Area" and "Developing Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. A range of housing types are



appropriate in Developing Areas including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed.

Futhermore, Existing Development Areas are consists of primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are surrounded by Low Density Areas, and this particular classification is simply being used to identify these existing scattered zoning areas that have no direct relation to their surrounding zoning and/or the Future Land Use Map. The full range of housing types allowed in the existing underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units. Non-residential development consists of uses found in the neighborhood business districts and commercial districts.

The property is split-zoned Agricultural Residential (AR-1) (which consists of a small segment of the northernmost portion of the parcel,) and General Residential (GR) (which comprises the larger remnant of the southern portion of the property.)

Since 2011, there has been one (1) Conditional Use application within a 2-mile radius of the application site. The application was for Conditional Use No. 2022 for to allow for a nonprofit boarding home for female veterans. The application was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, December 19, 2019. The application was approved by the Sussex County Council at their meeting of Tuesday, February 4, 2020 and the use was adopted through Ordinance No. 2705.

Based on the analysis of the land use, surrounding zoning, and uses, an Amendment to Condition "K" of the previously approved Conditional Use (C/U 2129) could be considered as being consistent with the land use, area zoning, and surrounding uses.

- dumpster locations shall be shown on the Final Site Plan.
- D. Except for the property owner's personal vehicles located on site, no more than 10 vehicles shall be parked on the site.
 - E. No sales of automobiles shall be permitted.
 - F. All repairs shall be performed inside the existing pole building located on the property. No other buildings on the property shall be used for the auto repair shop. No automobile parts or equipment shall be stored outside.
 - G. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
 - H. The site shall be subject to all DelDOT entrance and roadway requirements.
 - I. Handling and disposal of all hazardous waste from the auto repair shop shall comply with all local, state, and federal laws, rules, and regulations.
 - J. The automotive repair hours shall only be from 7:00 a.m. through 6:00 p.m., Monday through Saturday. There shall not be any Sunday hours.
 - K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the areas set aside for parking.

Motion by Mr. Wheatley, seconded by Ms. Stevenson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 5-0.

C/U #2129 Brian P. Lessard, Lessard Builders, Inc.

An Ordinance to grant a Conditional Use of land in a GR General Residential District for Mini-Storage Buildings to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 11.70 acres, more or less. The property is lying at the southeast corner of Argos Corner Rd. and Coastal Hwy. (Rt. 1). 911 Address: 22754 Argos Corner Rd. Tax Parcels: 230-7.00-95.00, 96.00 & 97.00

The Planning Commission discussed the application which has been deferred since May 24, 2018.

Ms. Stevenson moved that the Commission recommend approval of C/U 2129 for Brian Lessard – Lessard Builders, Inc., for mini storage buildings based upon the record made during the public hearing and for the following reasons:

1. The use as a mini- storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of area residents.
2. Entrance and roadway improvements will be constructed in accordance with DelDOT requirements. The proposed use as a storage facility generates less traffic than other retail, commercial, or residential uses. As a result, the use will not adversely affect traffic or adjacent roadways.
3. The site is located just south of Milford and the hospital currently under construction. The facility is needed and will serve the anticipated increasing population and business needs in the area.
4. Because this application is a conditional use, the underlying zoning will not be changed and the use will be limited to that of a storage facility with site design reviewed and approved by the Commission.

5. The site has no environmental restraints associated with the property and the small area of on-site wetlands will be protected by a 25 foot buffer.
6. The site is located adjacent to Route 1, a major arterial road which is appropriate for the proposed use. The site is also located along Argo's Corner Road directly across from an established boat dealership which has substantial outdoor display and storage of boats. The proposed use is consistent with the character of the area.
7. The site's location between Route 1 and the boat dealership would not be appropriate or desirable for residential development under its current zoning.
8. With conditions and stipulations placed upon it, the conditional use will not have an adverse impact on nearby properties or uses.
9. This recommendation for approval is subject to the following conditions and stipulations.
 - A. No outside storage, except for boats, trailers, campers, recreational vehicles (RV's), and vehicles, shall be allowed on the premises. The number of boats, trailers, campers, recreational vehicles (RV's), and vehicles stored on the site shall not exceed 80.
 - B. All buildings shall be one story tall and shall not exceed 15 feet in height except that the water tank shall not exceed 18 feet tall.
 - C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - D. Entrance and roadway improvements required by DelDOT shall be constructed in accordance with DelDOT regulations and the site design shall be in compliance with DelDOT's Corridor Capacity Preservation Program.
 - E. The area used for the storage buildings and the storage of boats, trailers, campers, recreational vehicles (RV's), and vehicles shall be fenced and gated. The type of fencing shall be shown on the Final Site Plan.
 - F. There shall not be any building contractor's or subcontractor's offices or workshops within the project.
 - G. Stormwater Management design shall meet or exceed DNREC requirements and shall be approved the Sussex Conservation District.
 - H. One office for management and security of the facility shall be permitted.
 - I. A landscape buffer shall be established along the Route 1 right-of-way in compliance with the Combined Highway Corridor Overlay Zone Section of the Zoning Ordinance. A landscape plan for the site shall be included with the Final Site Plan.
 - J. There shall be a maintained, forested buffer of 50 feet from neighboring properties to the north and east of the site identified as Tax Map Numbers 230-7.00-95.01, 230-7.00-94.00, 230-7.00-93.00, and 230-7.00-89.00.
 - K. One lighted sign with a maximum area of 32 square feet per side shall be permitted.
 - L. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - M. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
 - N. The hours of operation shall only be from 6:00 a.m. through 10:00 p.m. daily.
 - O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the size and location of buildings related to the facility.

Motion by Ms. Stevenson, seconded by Mr. Wheatley and carried unanimously to forward this

application to Sussex County Council with a recommendation that the application be approved. Motion carried 5-0.

C/Z #1850 Swann Cove West, LLC.

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR-RPC Medium Residential District-Residential Planned Community (Extension of Change of Zone No. 1471) for a certain parcel of land laying and being in Baltimore Hundred, Sussex County, containing 7.236 acres, more or less. The property is lying on the northeast and southeast corners of Herring Way and Old Mill Bridge Rd. 911 Address: N/A. Tax Parcel: 533-12.00-73.02

The Planning Commission discussed the application which has been deferred since May 24, 2018.

Mr. Wheatley moved that the Commission recommend approval CZ 1850 for Swann Cove West, LLC, for a change of zone from AR-1 to MR-RPC based upon the record made during the public hearing and for the following reasons:

1. This application is for an extension of the Swann Cove West MR-RPC (CZ #1471), which includes 372 units on 109 acres. The expansion area consists of 20 single family lots on 6.913 acres. This expansion area is identified as “Phase 9” of the Swann Cove MR/RPC.
2. This expansion area will use the existing Swann Cove entrances on Route 54 and Old Mill Bridge Road.
3. The residents of this expansion shall become part of the existing Swann Cove HOA, and shall be entitled to use all of the existing Swann Cove amenities.
4. This new MR/RPC area will include 1.5 acres of open space, or approximately 21% of the site.
5. The site is located in the Environmentally Sensitive Development Area which is designated as “Growth” area under the Comprehensive Plan.
6. The density of this application is approximately 2.89 units per acre, which is less than the 3.4 units per acre in the existing MR/RPC.
7. The site is located within the Sussex County Sewer District and the water service area of Artesian Water Company.
8. This expansion of the existing Swann Cove MR/RPC will not adversely affect neighboring roadways, traffic or the community.
9. The Findings of Fact supporting approval of CZ #1471 are incorporated by reference herein.
10. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The maximum number of lots permitted in Phase 9 of Swann Cove West shall not exceed 20.
 - B. Phase 9 of Swann Cove West shall be an extension of the Swann Cove West MR-RPC (CZ #1471) and is subject to the conditions imposed on CZ #1471, approved on July 23, 2002, as amended and subject to any revisions caused by these conditions.
 - C. As proposed by the Applicant, Phase 9 of Swann Cove West shall be subject to the existing Swann Cove West Homeowners Association covenants and deed restrictions. The residents of Phase 9 of Swann Cove West shall become members of the Swann Cove Homeowners Association and shall have access to the amenities within Swann

**M 545 18
Approve
Use of
Existing
Infra-
structure
Agreement/
Silverwoods**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Silverstock WP, LLC for capacity allocation and regional transmission system, as presented.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2129**

Mr. Moore read the rules for public hearings.

Mr. Moore referenced the Public Hearing to be held on Conditional Use No. 2129, noting that it is a unique situation. On September 11, 2018, the Council approved reopening the public record and requested that the application be re-advertised for public hearing for the very limited purpose of considering a substitute Condition J (amendment to the conditions recommended by the Planning and Zoning Commission) which describes setbacks between the Applicant and surrounding property owners. It was noted that the Public Hearing on this date is for that very limited purpose.

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MINI-STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS” (Conditional Use No. 2129) filed on behalf of Brian P. Lessard, Lessard Builders, Inc. (Tax I.D. No. 230-7.00-95.00, 96.00, and 97.00) (911 Address: 22754 Argos Corner Road, Lincoln).

The Planning and Zoning Commission held a Public Hearing on this application on May 24, 2018 at which time action was deferred. During the public hearing, a neighboring property owner expressed concern that an existing tree line be maintained as a buffer. The Commission suggested that the Applicant and neighbor talk after the public hearing to address the issue.

On June 14, 2018, the Commission recommended that the application be approved with the following conditions:

- A. No outside storage, except for boats, trailers, campers, recreational vehicles (RVs), and vehicles shall be allowed on the premises. The number of boats, trailers, campers, recreational vehicles (RVs), and vehicles stored on the site shall not exceed 80.**
- B. All buildings shall be one story tall and shall not exceed 15 feet in height except that the water tank shall not exceed 18 feet tall.**
- C. Security lighting shall be downward screened and shall be directed**

**Public
Hearing/
CU 2129
(continued)**

- away from neighboring properties and roadways.
- D. Entrance and roadway improvements required by DelDOT shall be constructed in accordance with DelDOT regulations and the site design shall be in compliance with DelDOT's Corridor Capacity Preservation Program.**
 - E. The area used for the storage buildings and the storage of boats, trailers, campers, recreational vehicles (RVs), and vehicles shall be fenced and gated. The type of fencing shall be shown on the Final Site Plan.**
 - F. There shall not be any building contractor's or subcontractor's offices or workshops within the project.**
 - G. Stormwater management design shall meet or exceed DNREC requirements and shall be approved by the Sussex Conservation District.**
 - H. One office for management and security of the facility shall be permitted.**
 - I. A landscape buffer shall be established along the Route 1 right-of-way in compliance with the Combined Highway Corridor Overlay Zone section of the Zoning Ordinance. A landscape plan for the site shall be included with the Final Site Plan.**
 - J. There shall be a maintained, forested buffer of 50 feet from neighboring properties to the south and east of the site identified as Tax Map Numbers 230-7.00-95.01, 230-7.00-94.00, 230-7.00-93.00 and 230-7.00-89.00.**
 - K. One lighted sign with a maximum area of 32 square feet per side shall be permitted.**
 - L. Any dumpster shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
 - M. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
 - N. The hours of operation shall only be from 6:00 a.m. through 10:00 p.m. daily.**
 - O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the size and location of buildings related to the facility.**

(See the minutes of the Planning and Zoning Commission dated May 24 and June 14, 2018.)

Janelle Cornwell, Planning and Zoning Director, presented the application and reported that, on June 14, 2018, the Commission recommended approval with conditions. Thereafter, when the record was closed, the Applicant met with the adjacent property owner for the purpose of addressing his concerns. Since that time, the site plan has been revised.

The Council found that Jim Fuqua, Attorney, was present on behalf of the Applicant. Mr. Fuqua submitted into the record a letter addressed to County Attorney Everett Moore, dated August 21, 2018, which was a request to reopen the record for the sole purpose of including the letter as

**Public
Hearing/
CU 2129
(continued)**

part of the record. In his letter Mr. Fuqua referenced the Planning and Zoning Commission's public hearing and recommendation of approval, the Council's public hearing, Councilman Burton's recommendation that the Applicant also meet with the other neighbors, the Applicant's meeting and agreement with the neighbors which occurred after the record was closed, the submittal of a revised site plan and a substitute Condition J, as follows:

- J. For the benefit of Tax Map Parcels 2-30-7.00-95.01, 94.00 and 93.00, the Applicant shall revise the site plan to provide the following:**
- 1. Building #1 shall have a setback of 20 feet from parcel 95.01 and 25 feet from parcel 93.00.**
 - 2. A 6 foot high chain link fence shall be erected along the boundary of parcel 95.01, starting at the gate and running along the west, south and east boundary of parcel 95.01 and the south boundary of parcel 94.00. The fence shall continue along the west boundary of parcel 93.00 starting at a point adjacent to parcel 94.00 and 25 feet west of the boundary of parcel 93.00 extending to the northeast corner of Building #1.**
 - 3. A continuous row of giant arborvitae for buffering shall be planted along the boundaries of the site with parcels 95.01, 94.00 and 93.00.**
 - 4. Parking along the westerly boundary of parcel 95.01 shall be eliminated and relocated to the northern boundary of the site.**
 - 5. The 80 parking spaces for storage of vehicles (boats, campers, RVs) shall be marked and numbered on the site plan.**
 - 6. A 6 foot high shadowbox privacy fence shall be erected along the south boundary of parcel 94.00 and the west boundary of parcel 93.00, extending from a point being the corner of parcels 94.00, 93.00 and the site to a point parallel to the northeast corner of Building #1 and extending from the southeast corner of Building #1 to the southwest corner of the water tank site.**

These conditions shall be incorporated into the Preliminary and Final Site Plans.

Public comments were heard.

Paul Reiger questioned if the neighbors get equal setbacks. Mr. Reiger commented on the advertisement for the Public Hearing and specifically, the zoning districts of the application site.

There were no additional public comments.

The Public Hearing and public record were closed.

In response to questions, Mr. Moore stated that in regard to the advertisement, the tax map and parcel numbers were correct and the title indicates what the use is going to be. Additionally, the application site was posted.

(continued) The Public Hearing and public record were closed.

M 546 18 A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to accept the
Accept amended Condition J, as read into the record by Mr. Fuqua.
Amended

Condition Motion Adopted: 4 Yeas, 1 Absent.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

M 547 18 A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt
Adopt Ordinance No. 2603 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL
No. 2603/ DISTRICT FOR MINI-STORAGE BUILDINGS TO BE LOCATED ON A
CU 2129 CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK
HUNDRED, SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE
OR LESS" (Conditional Use No. 2129) filed on behalf of Brian P. Lessard,
Lessard Builders, Inc., with the following conditions as amended:

- A. No outside storage, except for boats, trailers, campers, recreational vehicles (RVs), and vehicles shall be allowed on the premises. The number of boats, trailers, campers, recreational vehicles (RVs) and vehicles stored on the site shall not exceed 80.
- B. All buildings shall be one story tall and shall not exceed 15 feet in height except that the water tank shall not exceed 18 feet tall.
- C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
- D. Entrance and roadway improvements required by DelDOT shall be constructed in accordance with DelDOT regulations and the site design shall be in compliance with DelDOT's Corridor Capacity Preservation Program.
- E. The area used for the storage buildings and the storage of boats, trailers, campers, recreational vehicles (RVs), and vehicles shall be fenced and gated. The type of fencing shall be shown on the Final Site Plan.
- F. There shall not be any building contractor's or subcontractor's offices or workshops within the project.
- G. Stormwater management design shall meet or exceed DNREC requirements and shall be approved by the Sussex Conservation District.
- H. One office for management and security of the facility shall be permitted.
- I. A landscape buffer shall be established along the Route 1 right-of-way in compliance with the Combined Highway Corridor Overlay Zone section of the Zoning Ordinance. A landscape plan for the site shall be included with the Final Site Plan.
- J. For the benefit of Tax Map Parcels 2-30-7.00-95.01, 94.00 and 93.00, the Applicant shall revise the site plan to provide the following:

**M 547 18
Adopt
Ordinance
No. 2603/
CU 2129
(continued)**

1. **Building #1 shall have a setback of 20 feet from parcel 95.01 and 25 feet from parcel 93.00.**
2. **A 6 foot high chain link fence shall be erected along the boundary of parcel 95.01, starting at the gate and running along the west, south and east boundary of parcel 95.01 and the south boundary of parcel 94.00. The fence shall continue along the west boundary of parcel 93.00 starting at a point adjacent to parcel 94.00 and 25 feet west of the boundary of parcel 93.00 extending to the northeast corner of Building #1.**
3. **A continuous row of giant arborvitae for buffering shall be planted along the boundaries of the site with parcels 95.01, 94.00 and 93.00.**
4. **Parking along the westerly boundary of parcel 95.01 shall be eliminated and relocated to the northern boundary of the site.**
5. **The 80 parking spaces for storage of vehicles (boats, campers, RVs) shall be marked and numbered on the site plan.**
6. **A 6 foot high shadowbox privacy fence shall be erected along the south boundary of parcel 94.00 and the west boundary of parcel 93.00, extending from a point being the corner of parcels 94.00, 93.00 and the site to a point parallel to the northeast corner of Building #1 and extending from the southeast corner of Building #1 to the southwest corner of the water tank site.**

These conditions shall be incorporated into the Preliminary and Final Site Plans.

- K. One lighted sign with a maximum area of 32 square feet per side shall be permitted.**
- L. Any dumpster shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- M. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- N. The hours of operation shall only be from 6:00 a.m. through 10:00 p.m. daily.**
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the size and location of buildings related to the facility.**

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Grant
Requests**

Mrs. Jennings presented grant requests for the Council's consideration.

**M 548 18
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$5,000.00 from Mr. Vincent's Councilmanic Grant Account to the Chesapeake Conservancy for the Oyster House Project.

Motion Adopted: 4 Yeas, 1 Absent.

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

22754 Argo's Corner Rd. Lincoln, DE 19960

Type of Conditional Use Requested:

Amend Condition "K" of C.U. No. 2129 (See Exhibit "A")

Tax Map #: 230-07.00-95.00

Size of Parcel(s): 10.75+/- Acres

Current Zoning: GR

Proposed Zoning: N/A

Size of Building: 109,300

Land Use Classification: Vacant Site

Water Provider: Private, on site

Sewer Provider: Private, on-site

Applicant Information

Applicant Name: Brian P. Lessard, Lessard Builders, Inc.

Applicant Address: 257 E. Camden-Wyoming Avenue

City: Camden

State: DE

Zip Code: 19932

Phone #: (302) 270-3095

E-mail: bpl@lessardbuilders.com

Owner Information

Owner Name: John P. Laursen and June J. Laursen

Owner Address: 715 Halstead Road

City: Wilmington

State: DE

Zip Code: 19803

Phone #: (302) 656-1177

E-mail: laursen7@comcast.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: James Fuqua

Agent/Attorney/Engineer Address: 20245 Bay Vista Road & Route 1 Bay Vista Business Center, Suite 203

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 227-7727

E-mail: jimf@fywlaw.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

James A. Fuqua, Jr.


Date: July 9, 2020

Signature of Owner Attorney

James A. Fuqua, Jr.


Date: July 9, 2020

For office use only:

Date Submitted: 7/9/20

Staff accepting application: JBD

Location of property: _____

Fee: \$500.00 Check #: 23094
Application & Case #: 202007760, CU 2235

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

August 21, 2017

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Lessard Builders, Inc.** conditional use application, which we received on August 2, 2017. This application is for an approximately 11.40-acre assemblage of parcels (Tax Parcels 230-7.00-95.00 and 96.00). The subject land is located on the southeast corner of the intersection of Delaware Route 1 and Argos Corner Road (Sussex Road 14E) / Brick Granary Road (Sussex Road 217). The subject land is currently split-zoned AR-1 (Agricultural Residential) and GR (General Residential), and the applicant is seeking a conditional use approval to develop a 201,200 square-foot mini-storage facility.

Per the 2016 Delaware Vehicle Volume Summary, the annual average daily traffic volumes on an average day and on an average summer day along the segment of Delaware Route 1 where the subject land is located, which is from Slaughter Beach Road / Pine Haven Road (Sussex Road 224) to Milford Bypass Road (Sussex Road 8A), are 24,306 and 31,842 vehicles per day, respectively. As the subject land also has frontage on its north side along Argos Corner Road, the annual average daily traffic volume on that road segment, which is from Slaughter Beach Road to Delaware Route 1, is 782 vehicles per day.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per a weekly peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be less than 200 vehicle trips per a weekly peak hour and less than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County is agreeable, we would permit the developer to pay an Area-wide Study Fee.



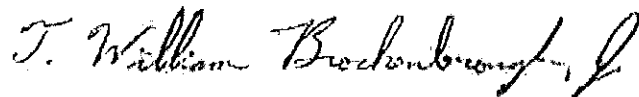
Ms. Janelle M. Cornwell
Page 2 of 2
August 21, 2017

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a 201,200 square-foot mini-storage facility would generate 503 vehicle trips per day, 28 vehicle trips during the morning peak hour, and 52 vehicle trips during the afternoon peak hour. As stated above, because this development would generate fewer than 200 vehicle trips during a weekly peak hour and fewer than 2,000 vehicle trips per day, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be \$5,030.00. Payment of the Area-Wide Study Fee does not relieve a developer from having to make or participate in off-site improvements.

The subject property is adjacent to Delaware Route 1, and therefore is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the amount of direct driveway access points along the arterial road. Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has frontage along a secondary road, therefore the property owner can develop a full access along Argos Corner Road. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov. The manual is located under the publication link.

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance and Operations
Steven Sisson, Sussex County Subdivision Coordinator, Development Coordination
Tom Felice, Corridor Capacity Preservation Program Manager, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Scott Johnson, Subdivision Manager, Development Coordination
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: **3/25/2021**

APPLICATION: **CU 2235 Brian P. Lessard**

APPLICANT: **Mr. Brian P. Lessard**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **230-7.00-95.00**

LOCATION: **Lying on the southeast corner of Argos Corner Road (SCR 14E) and Coastal Highway (Route 1).**

NO. OF UNITS: **Storage Units**

GROSS
ACREAGE: **10.75**

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? **N/A** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **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? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is not in an area where the Sussex County Engineering Department has 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.
Lisa Walls
No Permit Tech Assigned

C.U. NO. 2235

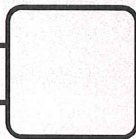
BRIAN P. LESSARD, LESSARD BUILDERS, INC.

REQUEST TO AMEND CONDITION "K" OF

C.U. NO. 2129 TO PERMIT ADDITIONAL SIGN

EXHIBITS

- A) Argo's Corner Self Storage site plan
- B) Proposed Sign
 - Option 1 – 78.6 square feet
 - Option 2 – 82.75 square feet
- C) Sign Permit Application and photo of existing sign at Taylor Marine, Argo's Corner
- D) Proposed Amended Condition "K" for C.U. No. 2129



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Rogers Sign Co., Inc.
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110 Lavinia St., Milton, De 19968
 www.rogerssign.com
 302-684-8338 302-684-0700 Fax

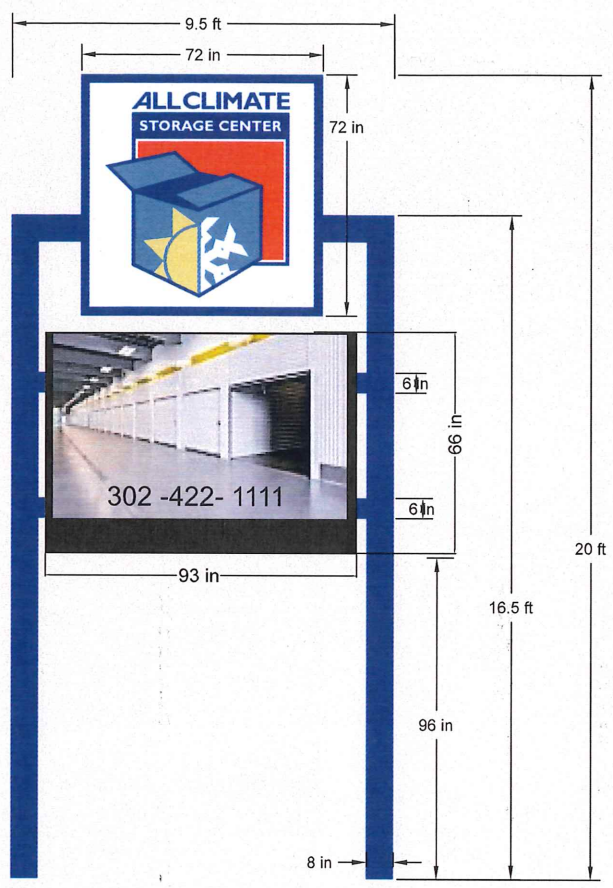
Job Name ALL CLIMATE STORAGE
MILFORD, DE
 Project Location _____
 Client Contact LESSARD BUILDERS
 order # 58526 Date 03/10/21 Artist Name DEB BRENEMAN

After deposit all projects include 3 free proof revisions, thereafter billed at our hourly design rate

Proof # 1/3

OPTION 1

A SERIES, 16MM, RGB
 LED MESSAGE CENTER
 5' 6" X 7'9" CASE
 96 ROWS, 144 COLUMNS
 LED 42.6 SQ. FT.
 ELECTRICAL CABINET - 36 SQ. FT.
 TOTAL SQ. FT. 78.6 SQ. FT.



PRODUCT DETAIL:

FONTS:

PLEASE REVIEW CAREFULLY! Check all spelling, phone numbers, websites, addresses, dates, etc. Also check for any omissions. Rogers Sign Co., Inc., will not be held responsible for any errors once this design has been approved.

All Drawings, Renderings, and/or Details are sole property of Rogers Sign Co., Inc. and are not to be duplicated or to be shown to anyone unauthorized by Rogers Sign Co., Inc.

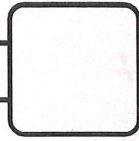
AUTHORIZED SIGNATURE
 X

MATERIALS USED:

VINYL MATERIAL:

- Approved
- Approved Pending Revisions
- Revise and Resubmit

DATE
 / /



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110 Lavinia St., Milton, De 19968
www.rogerssign.com
302-684-8338 302-684-0700 Fax

Job Name ALL CLIMATE STORAGE MILFORD, DE

Project Location _____

Client Contact LESSARD BUILDERS

order # 58526 Date 03/10/21 Artist Name DEB BRENEMAN

After deposit all projects include 3 free proof revisions, thereafter billed at our hourly design rate

Proof # 1/3

OPTION 2

A SERIES, 16MM, RGB
LED MESSAGE CENTER
5'6" X 8'7" CASE
96 ROWS, 160 COLUMNS
LED 46.75 SQ. FT.
ELECTRICAL CABINET - 36 SQ. FT.
TOTAL SQ. FT. - 82.75 SQ. FT.



PRODUCT DETAIL:

MATERIALS USED:

FONTS:

VINYL MATERIAL:

PLEASE REVIEW CAREFULLY! Check all spelling, phone numbers, websites, addresses, dates, etc. Also check for any omissions. Rogers Sign Co., Inc., will not be held responsible for any errors once this design has been approved.

All Drawings, Renderings, and/or Details are sole property of Rogers Sign Co., Inc. and are not to be duplicated or to be shown to anyone unauthorized by Rogers Sign Co., Inc.

- Approved
- Approved Pending Revisions
- Revise and Resubmit

AUTHORIZED SIGNATURE

DATE

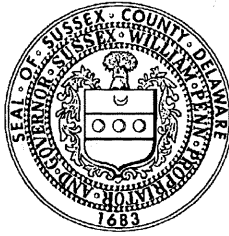
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/ /

B 2

**Sussex County
Planning & Zoning Commission
Sign Permit Application**

P.O. Box 417
Georgetown, DE 19947
302-855-7878
302-854-5079 (Fax)



RENEWAL
Fee: \$ _____
Date: <u>05/02/2015</u>

Application
Number: <u>201403937</u>
Fee: \$ <u>89.00</u>
Issue Date: <u>05/02/2014</u>

Applicant Information	
Name: <u>TAYLOR MARINE, CENTER INC</u>	Phone#: _____
Address: <u>22699 ARGOS CORNER ROAD</u>	_____
Description: <u>E/RT 14 200'SE/RT 1</u>	Contractor: <u>TAYLOR MARINE, CENTER INC</u>
Parcel ID: <u>230-7.00-99.00</u>	_____

Signage Information	
Zoning District: <u>AR-1</u>	On-Premise: _____ Off-Premise: _____
Sign Type: <u>GROUND</u>	_____
Dimensions: <u>9.10 X 19.50</u>	Square Footage <u>177</u>
Height: _____ Not to Exceed 25 feet	Number of Signs Facing _____
Sign Wording: <u>TAYLOR MARINE</u>	Illuminated: <u>Y</u>

Setback Information			
Setbacks: Front: _____	Setbacks from nearest:	Church: _____	_____
Sides: _____		School: _____	_____
Corner: _____		Dwelling: _____	_____
		Public Lands: _____	_____
		Other Lands: _____	_____

An application for any sign exceeding thirty-two (32) square feet in any district must also be made to the State of Delaware of Transportation (DeDOT). DeDOT requires permits for all off-premise signs. The County requires permits for all signs based on Sussex County code Chapter 115.

Applicant Signature: _____ Date: _____ Approved By: _____





D-1



C-2

AMENDED CONDITION "K" FOR

C.U. NO. 2129

"K. Two lighted on premises signs, one sign with a maximum area of 32 square feet per side and one sign with a maximum area of 82.75 square feet per side shall be permitted."