

PLANNING & ZONING COMMISSION

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R. KELLER HOPKINS
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HOLLY J. WINGATE



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date October 8, 2020.

Application: (CU 2241) Jonathan J. Bowman

Applicant: Jonathan J. Bowman
34647 Millsboro Highway
Millsboro, DE 19966

Owner: Jonathan J. Bowman
34647 Millsboro Highway
Millsboro, DE 19966

Site Location: 34647 Millsboro Highway
Millsboro, DE 19966

Current Zoning: Agricultural Residential (AR-1)

Type of Conditional
Use Requested: Truck and Trailer Repair Business

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Riley

School District: Indian River School District

Fire District: Gumboro Fire District

Sewer: Septic

Water: Well

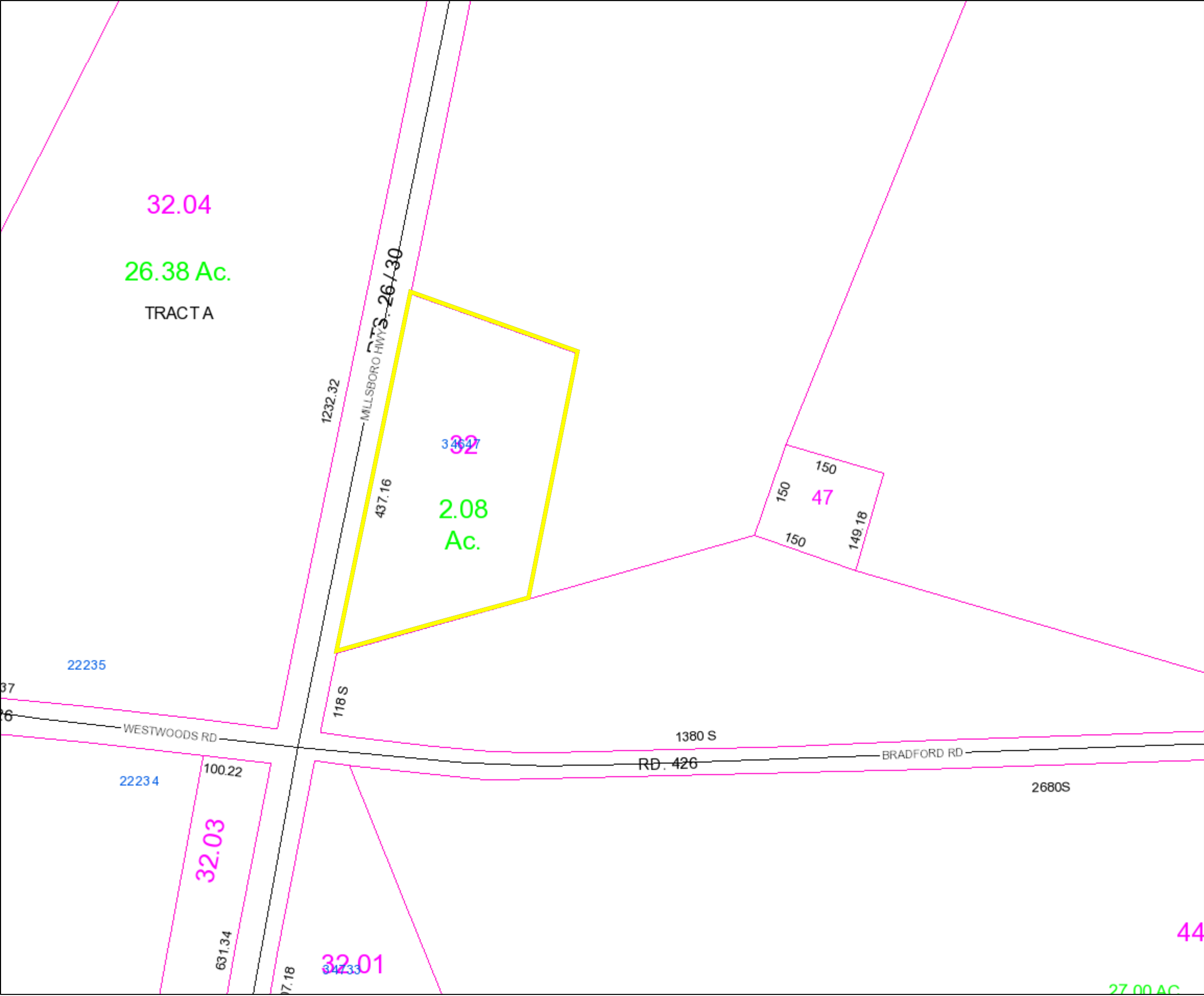
Site Area: 2.69 acres +/-

Tax Map ID.: 333-7.00-32.00





Sussex County

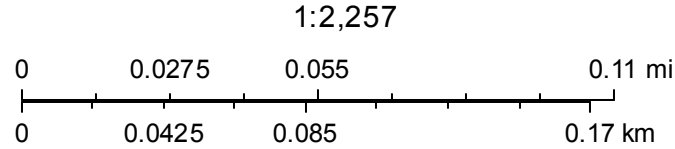


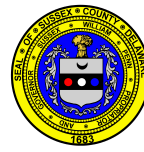
PIN:	333-7.00-32.00
Owner Name	BOWMAN JONATHAN J
Book	4500
Mailing Address	34647 MILLSBORO HIGHWAY
City	MILLSBORO
State	DE
Description	E/RT 26 110'
Description 2	N/RT 426
Description 3	N/A
Land Code	

- polygonLayer

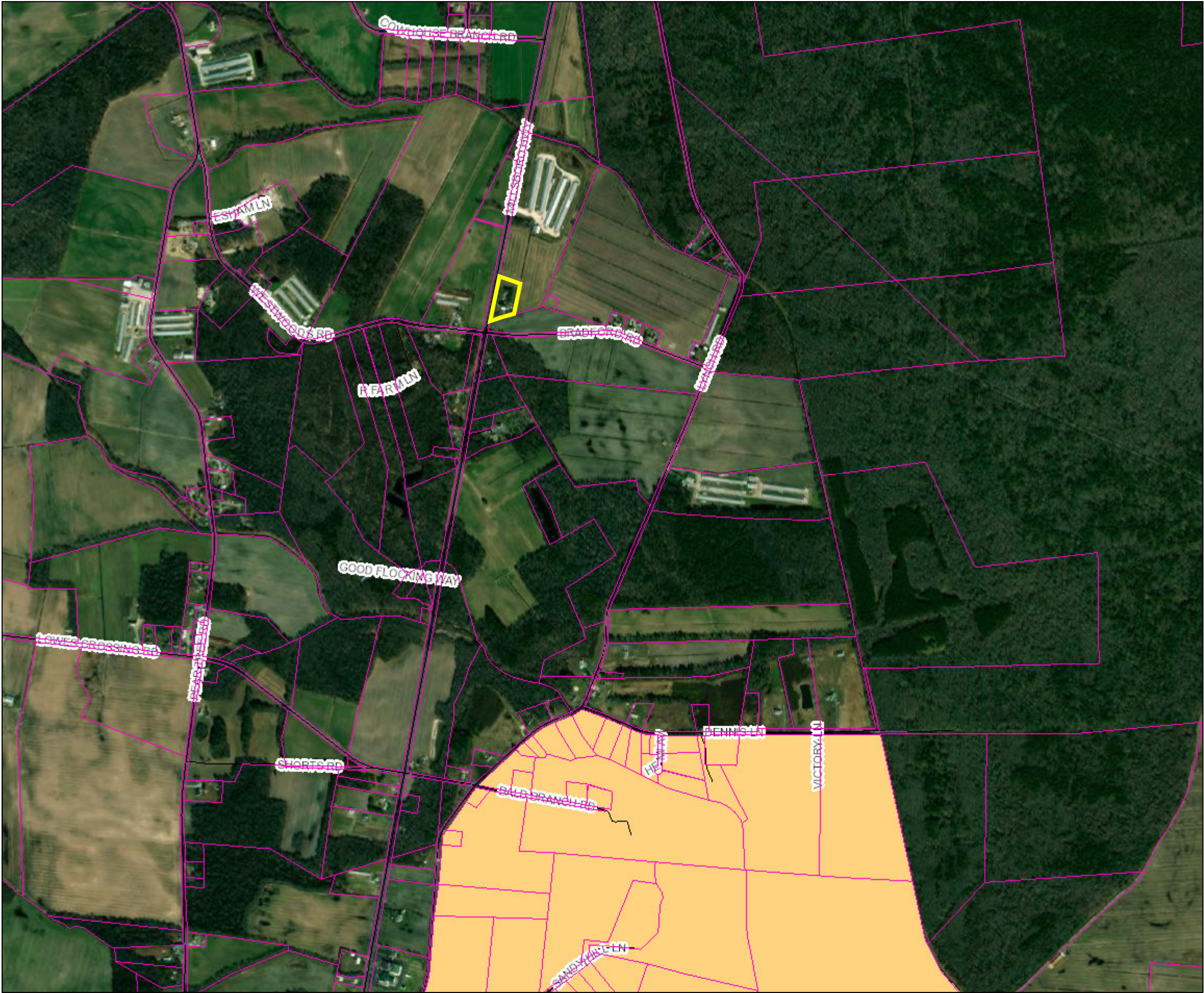
Override 1
- polygonLayer

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





Sussex County





PIN:	333-7.00-32.00
Owner Name	BOWMAN JONATHAN J
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polygonLayer

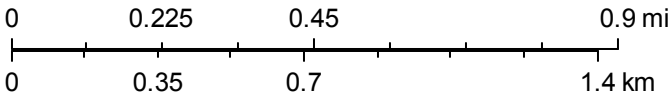
Override 1

polygonLayer

Override 1

-  Tax Parcels
-  Streets

1:18,056






PIN:	333-7.00-32.00
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Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer


Override 1

 Tax Parcels

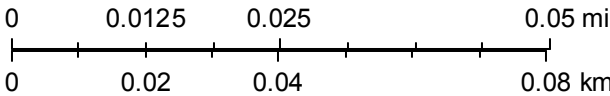
911 Address

 Streets

 County Boundaries

 Municipal Boundaries

1:1,128



JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING
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(302) 854-5079 F
jamie.whitehouse@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 1, 2020
RE: Staff Analysis for CU 2241 Jonathan J. Bowman

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2241 Jonathan J. Bowman to be reviewed during the October 8, 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 Tax Parcel 333-7.00-32.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a truck and trailer repair business. The parcel is located on the east side of Millsboro Hwy. (Rts. 26/30) in Millsboro, Delaware. The size of the property is approximately 2.69 acres +/-.

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 north, south and west 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 site.

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



File #: CU 2241
20201011

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

34647 Millsboro Highway, Millsboro, DE 19966

Type of Conditional Use Requested:

Conditional use requested for the operation of a truck and trailer repair business on approximately 2.69 acres, consisting of a dwelling, paved driveway, pole building, and gravel driveway. Approval requested in accordance with Section 115-22.

Tax Map #: 333-7.00-32.00

Size of Parcel(s): 2.69 +/- acres

Current Zoning: AR-1

Proposed Zoning: N/A

Size of Building: 1,350 square feet

Land Use Classification: _____

Water Provider: Well

Sewer Provider: Septic

Applicant Information

Applicant Name: Jonathan J. Bowman

Applicant Address: 34647 Millsboro Highway

City: Millsboro

State: DE

Zip Code: 19966

Phone #: (302) 841-7350

E-mail: mackenzie@tunnellraysor.com

Owner Information

Owner Name: Jonathan J. & Veronica L. Bowman

Owner Address: 34647 Millsboro Highway

City: Millsboro

State: DE

Zip Code: 19966

Phone #: (302) 841-7350

E-mail: wcubowman78@aol.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Mackenzie 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



Check List for Sussex County Planning & Zoning Applications

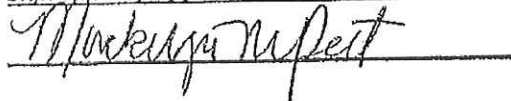
The following shall be submitted with the application

- ☒ 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.

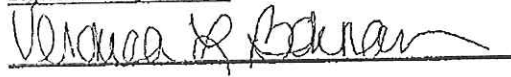
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 07/27/2020

Signature of Owner



Date: 8/20/2020

For office use only:

Date Submitted: _____

Staff accepting application: _____

Location of property: _____

Fee: \$500.00 Check #: _____

Application & Case #: _____

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____

File #: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Jonathan J. Bowman
Applicant Address: 34647 Millsboro Highway
City: Millsboro State: DE Zip: 19966
Phone #: (302) 841-7350 E-mail: mackenzie@tunnellraysor.com

Owner Information

Owner Name: Jonathan J. & Veronica L. Bowman
Owner Address: 34647 Millsboro Highway
City: Millsboro State: DE Zip: 19966
Phone #: (302) 841-7350 E-mail: wcubowman78@aol.com

Engineer/Surveyor Information

Engineer/Surveyor Name: Cotten Engineering, LLC
Engineer/Surveyor Address: 10087 Concord Road
City: Seaford State: DE Zip: 19973
Phone #: (302) 628-9164 E-mail: _____

Agent/Attorney Information

Agent/Attorney/Name: Mackenzie Peet, Esq
Agent/Attorney/Address: 323E Rehoboth Avenue
City: Rehoboth Beach State: DE Zip: 19971
Phone #: (302) 227-1314 E-mail: mackenzie@tunnellraysor.com

Other

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____



Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: 34647 Millsboro Highway
Millsboro, DE 19966
Parcel #: 333-7.00-32.00

Site Address: _____

Parcel #: _____

Applicant Name: Jonathan J. Bowman
Owner Name: Jonathan J. Bowman

Type of Application:

Conditional Use: ☒
Change of Zone: ☐
Subdivision: ☐
Board of Adjustment: ☐

Date Submitted: _____

For office use only:

Date of Public Hearing: _____
File #: _____
Date list created: _____ List created by: _____
Date letters mailed: _____ Letters sent by: _____



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

JENNIFER COHAN
SECRETARY

August 4, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Jonathan J. Bowman** conditional use application, which we received on May 19, 2020. This application is for an approximately 2.06-acre parcel (Tax Parcel: 333-7.00-32.00). The subject land is located on the east side of the Millsboro Highway (Sussex Road 26), approximately 150 northeast of the intersection of Millsboro Highway and Bradford Road / Westwoods Road (Sussex Road 426), in Millsboro. The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the facility to operate a truck and trailer repair business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Millsboro Highway where the subject land is located, which is from Cypress Road (Sussex Road 60) to Nine Foot Road (Sussex Road 26), are 4,606 and 5,928 vehicles per day, respectively.

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
August 4, 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
Jonathan J. Bowman, Applicant
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **9/21/2020**

APPLICATION: **CU 2241 Jonathan J. Bowman**

APPLICANT: **Jonathan J. Bowman**

FILE NO: **WSPA-5.01**

TAX MAP &
PARCEL(S): **333-7.00-32.00**

LOCATION: **34647 Millsboro Highway. On the east side of Millsboro Highway, 120 feet north of Bradford Road.**

NO. OF UNITS: **Truck and Trailer Repair Business**

GROSS
ACREAGE: **2.69 +/-**

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 5**
- (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 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.
Jayne Dickerson
No Permit Tech Assigned

333-7.00-32.02
N/F OF BRANDON LEROY &
HOLLY MARIE HAMMOND
DB 4464 P 234



S 71°24'37" E
PL FOLLOWS CL DITCH

S 11°36'47" W
PL FOLLOWS CL DITCH

80' SETBACK FROM TOP OF BANK

N 17°30'13" E

MILLSBORO HIGHWAY (60' WIDE)

DWELLING
WALK
PAVED DRIVE

POLE BLDG
GRAVEL DRIVE

30' SETBACK FROM TOP OF BANK
PL FOLLOWS PRONG 6, POCOMOKE TAX DITCH

333-7.00-44.03
N/F OF MARK E.
PHILLIPS FOR LIFE
DB 3043 P 91

LEGEND

POINT

PROPERTY LINE
EDGE OF PAVING
EASEMENT

R=11429.16
L=98.84
CHB=N 11°11'42" E
CHD=98.84

NOTES

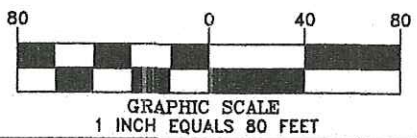
1. TITLE REFERENCED TO DEED BOOK 4500, PAGE 319.
2. "SUBURBAN" SURVEY.
3. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE. NO TITLE SEARCH PROVIDED.

BOUNDARY SURVEY
FOR JONATHAN & VERONICA BOWMAN
34647 MILLSBORO HIGHWAY
MILLSBORO, DE 19966
GUMBORO HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP #333-7.00-32.00
AREA: 116,978±SF OR 2.69±ACRES

COTTEN ENGINEERING LLC

CIVIL ENGINEERS
10087 CONCORD RD.
SEAFORD DE 19973
PHONE/FAX (302) 628-9164

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DESIGNED BY: CE	REV:	JOB # 20-290
DRAWN BY: JCD	DATE: 07/15/2020	SHEET 1 OF 1
CHECKED BY: MSC	SCALE: AS-SHOWN	