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

### Property Details

- **Address:** 34647 MILLSBORO HIGHWAY
- **Book:** 4500
- **City:** MILLSBORO
- **State:** DE
- **Description:** E/RT 26 110'
- **Description 2:** N/RT 426
- **Description 3:** N/A

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**Legend:**
- **Tax Parcels**
- **911 Address**
- **Streets**
- **County Boundaries**
- **Municipal Boundaries**
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 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.
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. 302-854-5078 fax

Type of Application: (please check applicable)
Conditional Use ✓
Zoning Map Amendment __

Site Address of Conditional Use/Zoning Map Amendment
34647 Millboro 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 #: 333-7.00-52.00 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 Millboro Highway
City: Millsboro State: DE Zip Code: 19966
Phone #: (302) 841-7350 E-mail: mackenzie@tunnelraysor.com

Owner Information

Owner Name: Jonathan J. & Veronica L. Bowman
Owner Address: 34647 Millboro Highway
City: Millsboro State: DE Zip Code: 19966
Phone #: (302) 841-7350 E-mail: wobowman78@sbcglobal.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Mackenzie Peet, Esq
Agent/Attorney/Engineer Address: 323B Rehoboth Avenue
City: Rehoboth Beach State: DE Zip Code: 19971
Phone #: (302) 227-1314 E-mail: mackenzie@tunnelraysor.com
Check List for Sussex County Planning & Zoning Applications
The following shall be submitted with the application

✓ Completed Application

✓ Provide eight (8) copies of the Site Plan or Survey of the property
  o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  o Provide a PDF of Plans (may be e-mailed to a staff member)
  o Deed or Legal description

✓ Provide Fee $500.00

✓ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

✓ Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.

✓ 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

[Signature]

Date: 07/27/2020

Signature of Owner

[Signature]

Date: 8/20/2020

For office use only:

Date Submitted: __________________________ Fee: $500.00 Check #: __________________________ Application & Case #: __________________________

Staff accepting application: __________________________ Location of property: __________________________

Subdivision: __________________________

Date of PC Hearing: __________________________ Decision of CC: __________________________

Date of CC Hearing: __________________________

Sussex County P & Z Commission application

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last updated 3-17-16
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:
Mr. Jamie Whithouse, 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.
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: cj
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Jonathan J. Bowman, Applicant
Todd Samaons, 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 Andrecavage, Subdivision Manager, Development Coordination
James Arge, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
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:**

[Signature]

John J. Ashman
Director of Utility Planning

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