

**PLANNING & ZONING COMMISSION**

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J. BRUCE MEARS  
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 29, 2020.

Application: (CU 2243) Keith Twardowski

Applicant: Keith Twardowski  
33602 Samantha Drive  
Millsboro, DE 19966

Owner: Walter Twardowski and Keith Twardowski  
196 Kirk Road  
Garnet Valley, PA 19060

Site Location: 33602 Samantha Drive  
Millsboro, DE 19966

Current Zoning: Agricultural Residential (AR-1) and General Residential (GR)  
[see zoning map]

Type of Conditional Use Requested: Landscaping Business

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire District

Sewer: Private, on-site septic

Water: Private, on-site well

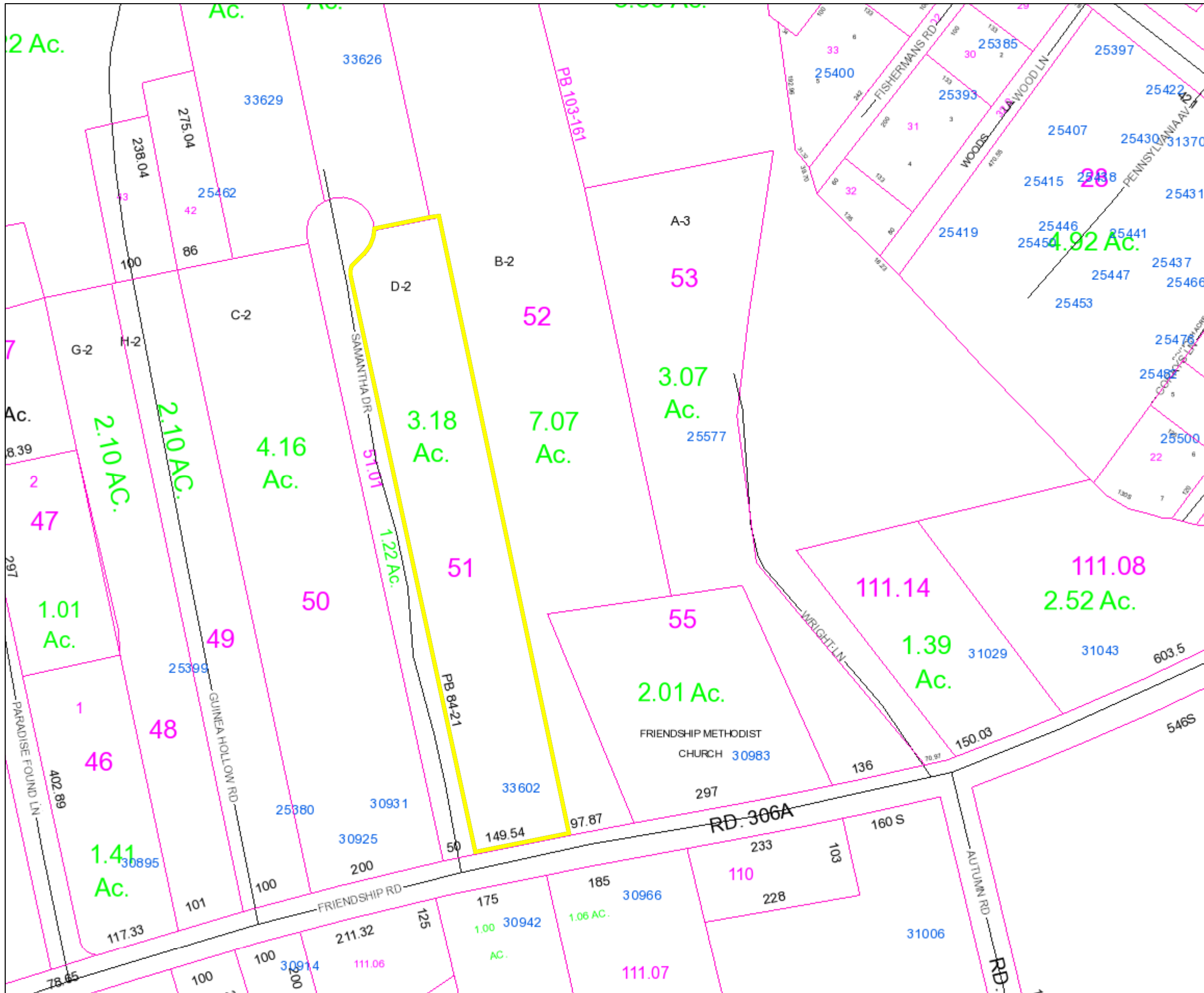
Site Area: 3.18 acres +/-

Tax Map ID.: 234-23.00-51.00





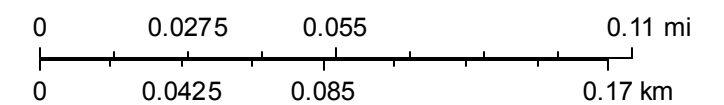
# Sussex County



<b>PIN:</b>	234-23.00-51.00
<b>Owner Name</b>	TWARDOWSKI WALTER
<b>Book</b>	5115
<b>Mailing Address</b>	196 KIRK RD
<b>City</b>	GARNET VALLEY
<b>State</b>	PA
<b>Description</b>	HARMON LANDS
<b>Description 2</b>	LOT D-2
<b>Description 3</b>	N/RT 306A CT
<b>Land Code</b>	

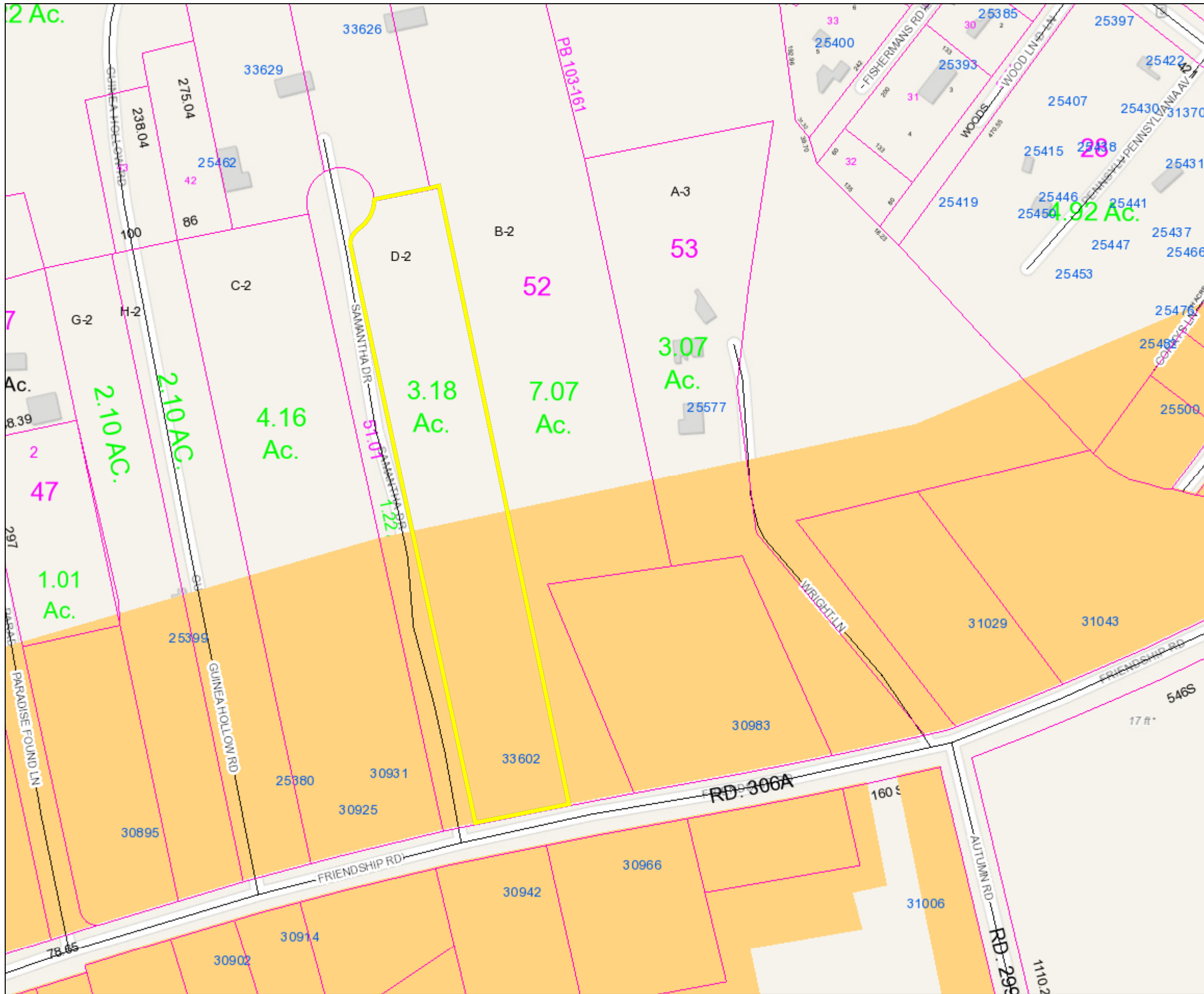
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Override 1
- polygonLayer  
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:2,257



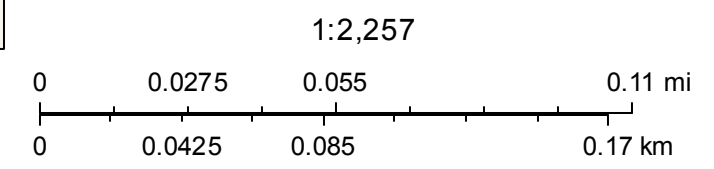


# Sussex County



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- polygonLayer**
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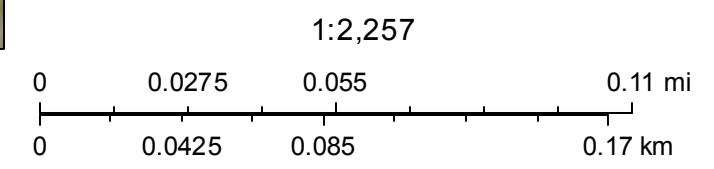


# Sussex County



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- polygonLayer**
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- 911 Address
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- County Boundaries



JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: October 29, 2020  
RE: Staff Analysis for CU 2243 – Keith Twardowski

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This memo is to provide background and an analysis for the Planning Commission to consider as a part of application CU 2243 – Keith Twardowski to be reviewed during the November 19, 2020 Planning and Zoning 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 234-23.00-51.00 to allow for a landscaping business to be located on the north side of Friendship Road (S.C.R. 306A), approximately 0.36 mile southwest of Indian Mission Road (Route 5). The address is 33602 Samantha Drive in Millsboro, Delaware, and the property is 3.18 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 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 “Coastal Area.”

The adjacent parcels to the north, south, east and west are also designated as a Coastal Area. A range of residential development, retail and office uses, light commercial, and institutional uses have each been deemed permitted uses on page 4-15 of The Comprehensive Plan. Mixed use development and higher density residential uses (4-12 units per acre) may be appropriate in select locations. The focus of the Coastal Area is to encourage the responsible growth and development of the population and economy while also considering the unique and important environmental and ecological characteristics inherent to the area.

A zoning analysis has been completed for this property. The property is split between two zoning districts. As an approximate reference, the southern half of the property is within the General Residential (GR) Zoning District. The northern portion of the property is within the Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the west and east are also split between GR and AR-1 Zoning Districts in a similar manner. The parcels to the north are completely within the AR-1 Zoning District while the parcels to the south (across Friendship Road) are within the GR Zoning District.

Since 2011, there have been three Conditional Use applications within one-mile radius of the subject property. In 2014, Conditional Use No. 1984 to allow for a landscaping business in an AR-1 Zoning District was withdrawn, and no action by the Sussex County Council was taken. In



2016, Conditional Use No. 2021 to allow for multi-family residential development was withdrawn, and no action was taken by the Sussex County Council. In 2019, Conditional Use No. 2167 to allow for an outdoor yard sale(s) was denied by the Sussex County Council on May 14, 2019.

Based on this analysis, a Conditional Use for a landscaping business in an Agricultural Residential (AR-1) Zoning District could be considered as consistent with the surrounding land uses and zoning.

File #: CU 2243  
202010637

## 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

33602 SAMANTHA DRIVE, MILLSBORO, DE 19966

Type of Conditional Use Requested:

LANDSCAPING BUSINESS

Tax Map #: 2-34-23.00-51.00. Size of Parcel(s): 3.18 ACERS

Current Zoning: GR AND AR-1 Proposed Zoning: \_\_\_\_\_ Size of Building: \_\_\_\_\_  
SPLIT

Land Use Classification: RESIDENTIAL AND COMMERCIAL

Water Provider: ONSITE WELL Sewer Provider: SEPTIC

### Applicant Information

Applicant Name: KEITH TWARDOWSKI

Applicant Address: 33602 SAMANTHA DRIVE

City: MILLSBORO State: DE Zip Code: 19966

Phone #: (302) 498-5828 E-mail: \_\_\_\_\_

### Owner Information

Owner Name: WALTER TWARDOWSKI AND KEITH TWARDOWSKI

Owner Address: 196 KIRK RD

City: GARRET JAILLY State: PA Zip Code: 19060

Phone #: 610-636-0269 E-mail: WTWARDOWSKI@HOTMAIL.COM

### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: LARRY W. FIFER, ESQ.

Agent/Attorney/Engineer Address: 1201-B SAMANNAH ROAD

City: LEWES State: DE Zip Code: 19758

Phone #: (302) 644-3668 E-mail: LARRY@FIFERLAW.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.

\_\_\_ 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: 8.27.20

Signature of Owner



Date: 6/22/20

For office use only:

Date Submitted: \_\_\_\_\_

Fee: \$500.00 Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

Location of property: \_\_\_\_\_

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

July 23, 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 **Keith Twardowski** conditional use application, which we received on June 30, 2020. This application is for an approximately 3.18-acre parcel (Tax Parcel: 234-23.00-51.00). The subject land is located on the north side of Friendship Road (Sussex Road 306A), approximately 1/3 of a mile southwest of the intersection of Delaware Route 5 and Friendship Road. The subject land is currently split-zoned as AR-1 (Agricultural Residential) and GR (General Residential), and the applicant is seeking a conditional use approval to utilize the existing facility to operate a landscaping business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Friendship Road where the subject land is located is 712 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.

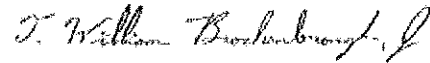
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
July 23, 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  
Keith Twardowski, 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

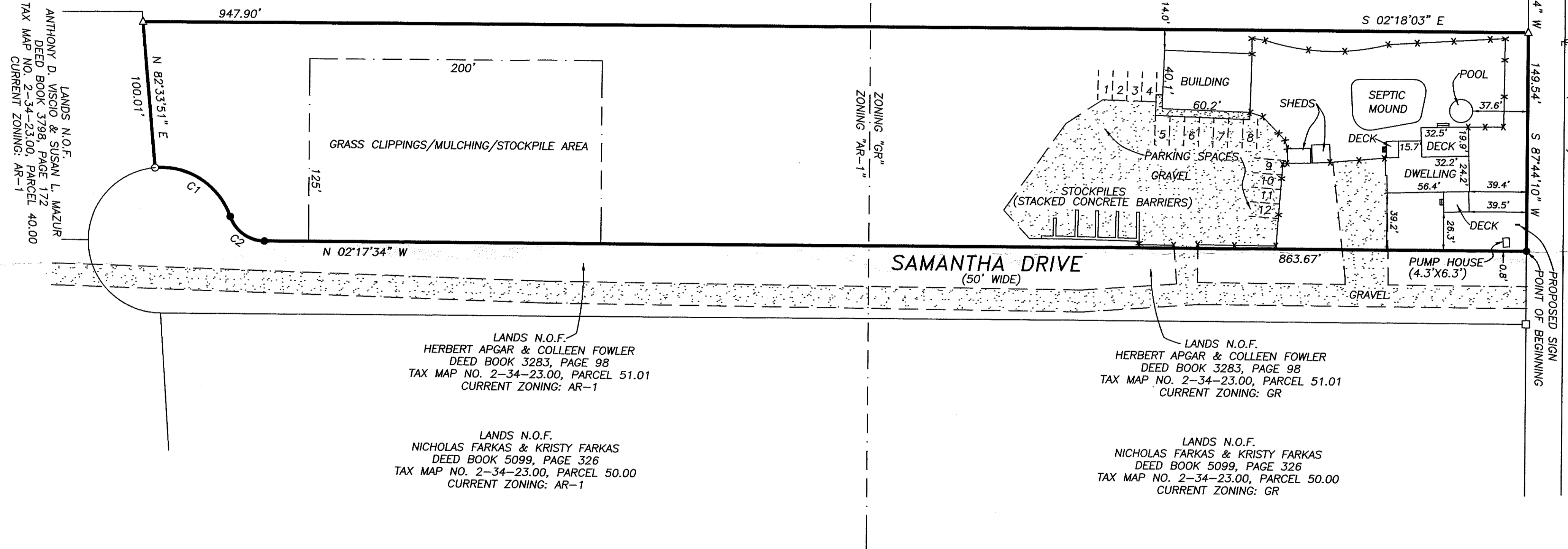
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	50.00'	75°40'19"	66.04'	61.34'	N 30°24'00" E
C2	25.00'	70°31'44"	30.77'	28.87'	N 32°58'18" E

BEARING REFERENCE  
PLOT BOOK 84, PAGE 21

LANDS N.O.F.  
FRIENDSHIP UNITED METHODIST CHURCH  
DEED BOOK 2737, PAGE 222  
TAX MAP NO. 2-34-23.00, PARCEL 52.00  
CURRENT ZONING: AR-1

LANDS N.O.F.  
FRIENDSHIP UNITED METHODIST CHURCH  
DEED BOOK 2737, PAGE 222  
TAX MAP NO. 2-34-23.00, PARCEL 52.00  
CURRENT ZONING: GR

LANDS N.O.F.  
ANTHONY D. VISCIO & SUSAN L. MAZUR  
DEED BOOK 3798, PAGE 172  
TAX MAP NO. 2-34-23.00, PARCEL 40.00  
CURRENT ZONING: AR-1



**PARKING REQUIREMENTS:**  
1) 1 SPACE/2 EMPLOYEES X 3 EMPLOYEES = 2 SPACES REQUIRED  
2) 2 SPACES REQUIRED; 12 SPACES PROVIDED

**NOTES:**  
1) CLASS "B", SUBURBAN SURVEY  
2) SOURCE OF TITLE: DEED BOOK 5115, PAGE 64  
3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

**LEGEND:**  
○ FOUND IRON PIPE  
△ FOUND "T" BAR  
□ FOUND CONCRETE MONUMENT  
● SET IRON BAR  
X-X-X EXISTING FENCE

I, R.B. KEMP, III, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

*R.B. Kemp, III*  
R.B. KEMP, III, P.L.S. 541

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

**CONDITIONAL USE SITE PLAN  
"K. TWARDOWSKI LANDSCAPING"**

**BOUNDARY SURVEY & SITE PLAN**  
PREPARED FOR  
**WALTER TWARDOWSKI & KEITH TWARDOWSKI**  
FOR PROPERTY KNOWN AS  
LOT D-2, SUBDIVISION OF LANDS OF:  
HERBERT APGAR & COLLEEN FOWLER, PLOT BOOK 84, PAGE 21  
(A.K.A. 33602 SAMANTHA DRIVE)  
SITUATED IN  
INDIAN RIVER HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE  
AREA: 3.180± ACRES  
SCALE: 1" = 50'  
DATE: AUGUST 7, 2020