

PLANNING & ZONING COMMISSION

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



Sussex County

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

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

Application: CU 2244 Ramon A. Mendez & Alma Mendez

Applicant: Ramon A. Mendez & Alma Mendez
8354 Hickman Rd
Greenwood, DE 19950

Owner: Ramon A. Mendez & Alma Mendez
8354 Hickman Rd
Greenwood, DE 19950

Site Location: 8354 Hickman Road. Lying on the south side of Hickman Rd. (Rt. 16), approximately 1,600 ft. east of Scotts Store Rd. (Rt. 36), Greenwood

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Grocery Store

Comprehensive Land Use Plan Reference: Developing Area

Councilmatic District: Ms. Green

School District: Woodbridge School District

Fire District: Greenwood Fire District

Sewer: Septic

Water: Well

Site Area: 1.39 acres +/-

Tax Map ID.: 530-9.00-53.01



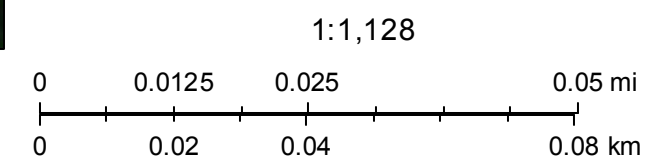


Sussex County



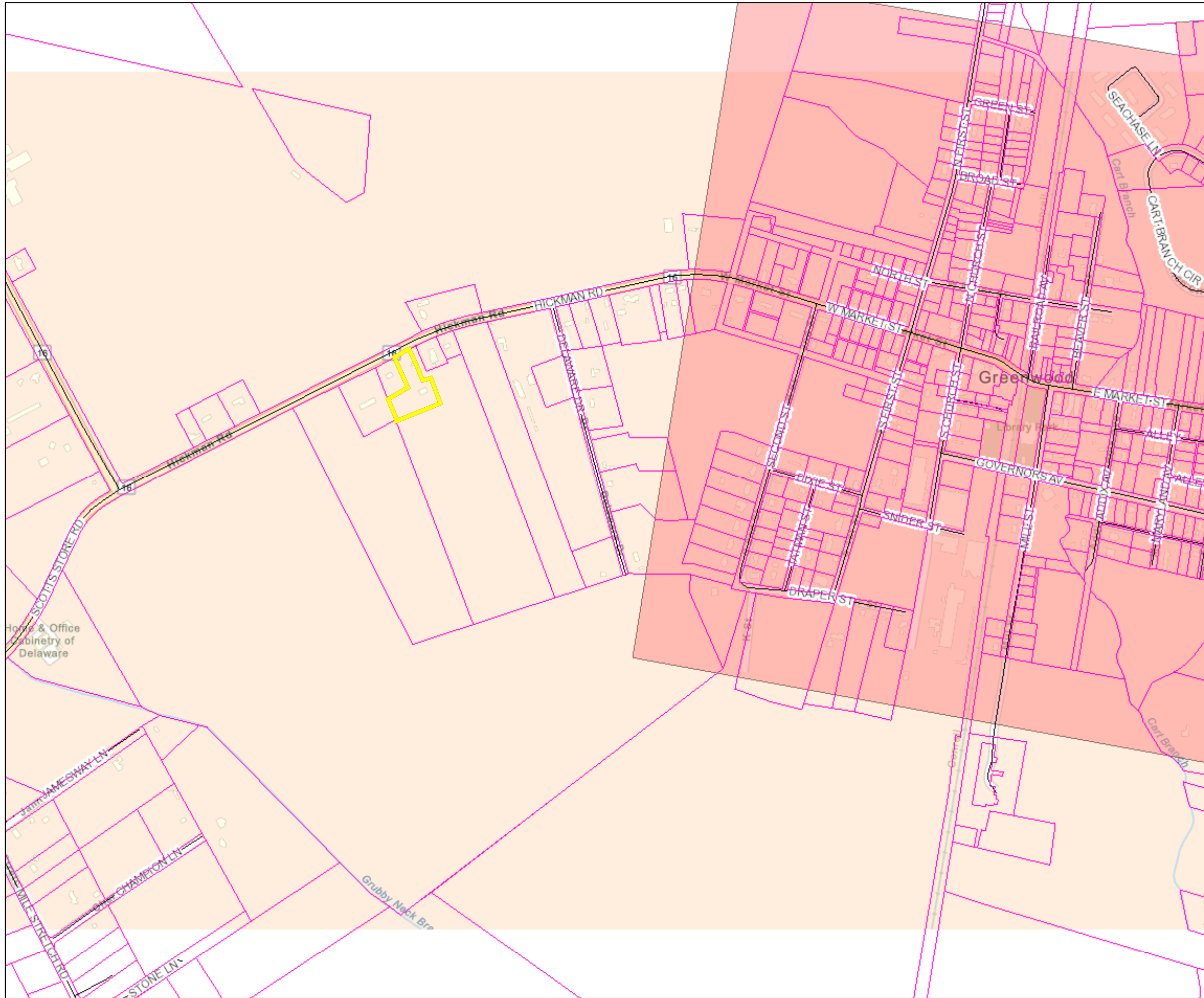
PIN:	530-9.00-53.01	
Owner Name	MENDEZ	RAMON
	ALBERTO	
Book	4790	
Mailing Address	8354 HICKMAN RD	
City	GREENWOOD	
State	DE	
Description	163' S OF RT 16	
Description 2	1850' E OF RD 32	
Description 3	N/A	
Land Code		

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Extent of Right-of-Way
- Municipal Boundaries





Sussex County



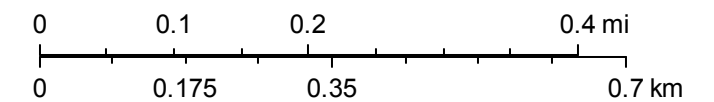
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1:9,028





Sussex County



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polygonLayer

Override 1

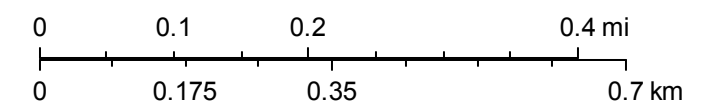
polygonLayer

Override 1

Tax Parcels

Streets

1:9,028



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



Sussex County

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sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: March 31st, 2021
RE: Staff Analysis for CU 2244 Ramon A. Mendez & Alma Mendez

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2244 Ramon A. Mendez & Alma Mendez to be reviewed during the April 8th, 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 a Conditional Use for Tax Parcel 530-9.00-53.01 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a grocery store. The parcel is located on the south side of Hickman Road. (Route 16) at 8354 Hickman Road in Greenwood, Delaware. The size of the property is approximately 1.39 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 Developing Area.

The surrounding parcels to the southwest, west, and northwest are all designated on the Future Land Use Map as "Developing Area". The uses that the Developing Area land use designation recognizes are 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. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

The property is zoned AR-1 (Agricultural Residential Zoning District). All adjoining and surrounding properties also zoned AR-1 (Agricultural Residential Zoning District).

Since 1970, there have been four Conditional Use approvals within a 1-mile radius of the application site. Conditional Use No. 217 was to allow an extension to the current plant and was approved by County Council on July 2nd, 1974. Conditional Use No. 232 was to add an addition to an existing butcher shop and was approved by the County Council on August 27th, 1974. Conditional Use No. 660 was to add another addition to the same butcher shop approved in Conditional Use No. 232 and was approved by the County Council on December 29th, 1981. Conditional Use No. 1427 was for a showroom countertop shop and was approved by the County



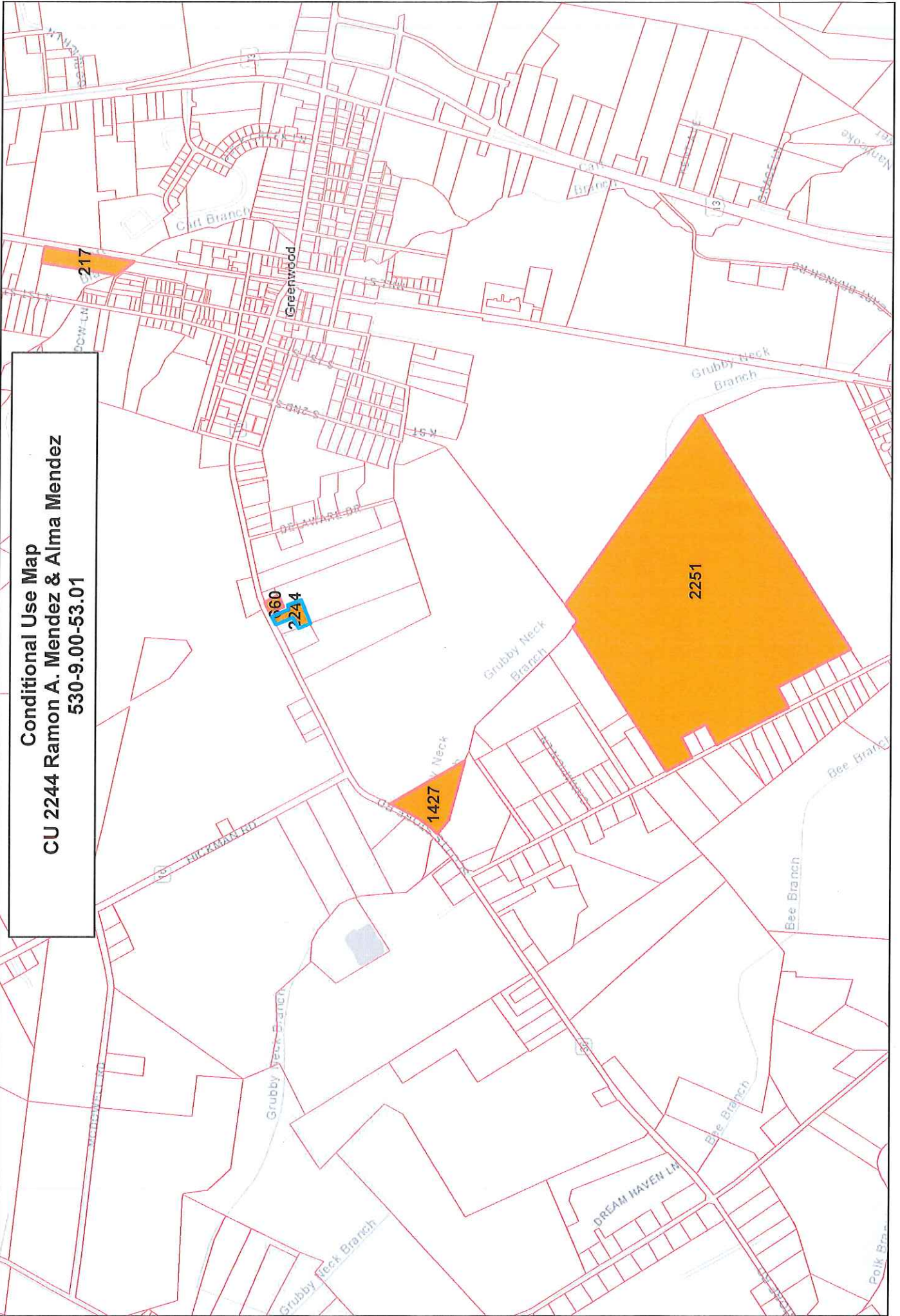
Council on November 27th, 2001 and was adopted through Ordinance No. 1510. There is one pending Conditional Use application within a 1-mile radius. Conditional Use No. 2251 for a solar farm was recommended for approval by the Planning and Zoning Commission at their meeting of March 25th, 2021.

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



Sussex County

Conditional Use Map
CU 2244 Ramon A. Mendez & Alma Mendez
530-9.00-53.01



CU #	Tax Parcel #	APPLICANT	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision Date	CC Decision	Ordinance #
217	530-10.00-32.00	New Process Fiber Co	AR-1	addition to existing plant	N/A	<Null>	<Null>	Approved	1510
1427	530-9.00-42.01	Michael Biggs	AR-1	showroom countertop shop	Recommended Approval	11/8/2001	11/27/2001	Approved	
2244	530-9.00-53.01	Ramon A. Mendez & Alma Mendez	AR-1	Grocery Store	Recommended Approval	<Null>	<Null>	Approved	
660	530-9.00-54.00	Charles & Beverly Ferrar	AR-1	addition to retail (meat market)	Recommended Approval	<Null>	<Null>	Approved	
2251	530-13.00-10.00	Heimlich Solar Partners, LLC	GR	35.4 Acre Solar Field	N/A	<Null>	<Null>	Approved	
232	530-9.00-54.00	Thomas Tennesfoss Jr & Cora & James Tennesfoss	AR-1	Addition to Existing Butcher Shop	N/A	<Null>	8/27/1974	Approved	

File #: 2244
202010641

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

8354 HICKMAN RD GREENWOOD, DE 19950-4822

Type of Conditional Use Requested:

FOR BUSINESS. "GROCERY STORE".

Tax Map #: 530.9.53.01 Size of Parcel(s): 1.39

Current Zoning: RESIDE ^{Actual} Proposed Zoning: COMMER Size of Building: 40 X30

Land Use Classification: _____

Water Provider: WELL Sewer Provider: _____

Applicant Information

Applicant Name: RAMON A. MENDEZ AND ALMA MENDEZ.
Applicant Address: 8354 HICKMAN RD
City: GREENWOOD State: DE Zip Code: 19950-4822
Phone #: (302) 727-1182 E-mail: ramonmendez7175@gmail.com

Owner Information

Owner Name: RAMON A. MENDEZ & ALMA MENDEZ.
Owner Address: 8354 HICKMAN RD
City: GREENWOOD State: DE Zip Code: 19950-4822
Phone #: (302) 727-1182 E-mail: ramonmendez7175@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____
Agent/Attorney/Engineer Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____



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.

DeDOT 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:

Signature of Owner

[Handwritten Signature]

Date:

For office use only:

Date Submitted: 9/3/2020

Fee: \$500.00 Check #: Card

Staff accepting application: [Signature]

Application & Case #: 202010641

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

August 20, 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 **Ramon A. Mendez & Alma Mendez** rezoning application, which we received on July 31, 2020. This application is for an approximately 1.39-acre parcel (Tax Parcel: 530-9.00-53.01). The subject land is located on the south side of Hickman Road (Sussex Road 16), approximately 350 feet southwest of the intersection of Hickman Road and Delaware Drive (Sussex Road 16C), west of Greenwood. The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-1 (General Commercial) to utilize the facility to operate a grocery store.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Hickman Road where the subject land is located, which is from Scotts Store Road (Sussex Road 32) to S. 2nd Street, are 3,964 and 5,102 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or site plan is proposed.

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.



**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 2244 Ramon A. Mendez & Alma Mendez**

APPLICANT: **Ramon A. Mendez & Alma Mendez**

FILE NO: **WS-4.06**

TAX MAP &
PARCEL(S): **530-9.00-53.01**

LOCATION: **8354 Hickman Road. Lying on the south side of Hickman Road (Route 16), approximately 1,600 feet east of Scotts Store Road (Rt. 36).**

NO. OF UNITS: **Grocery Store**

GROSS
ACREAGE: **1.39**

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 2**
- (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? **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.

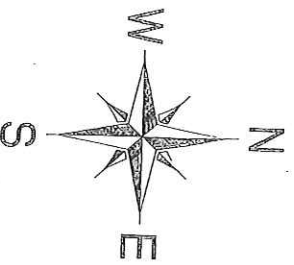
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is in a Tier 2 area for sewer service and is in the Growth and Annexation Area of the Town of Greenwood. Contact the Town concerning the availability of 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:



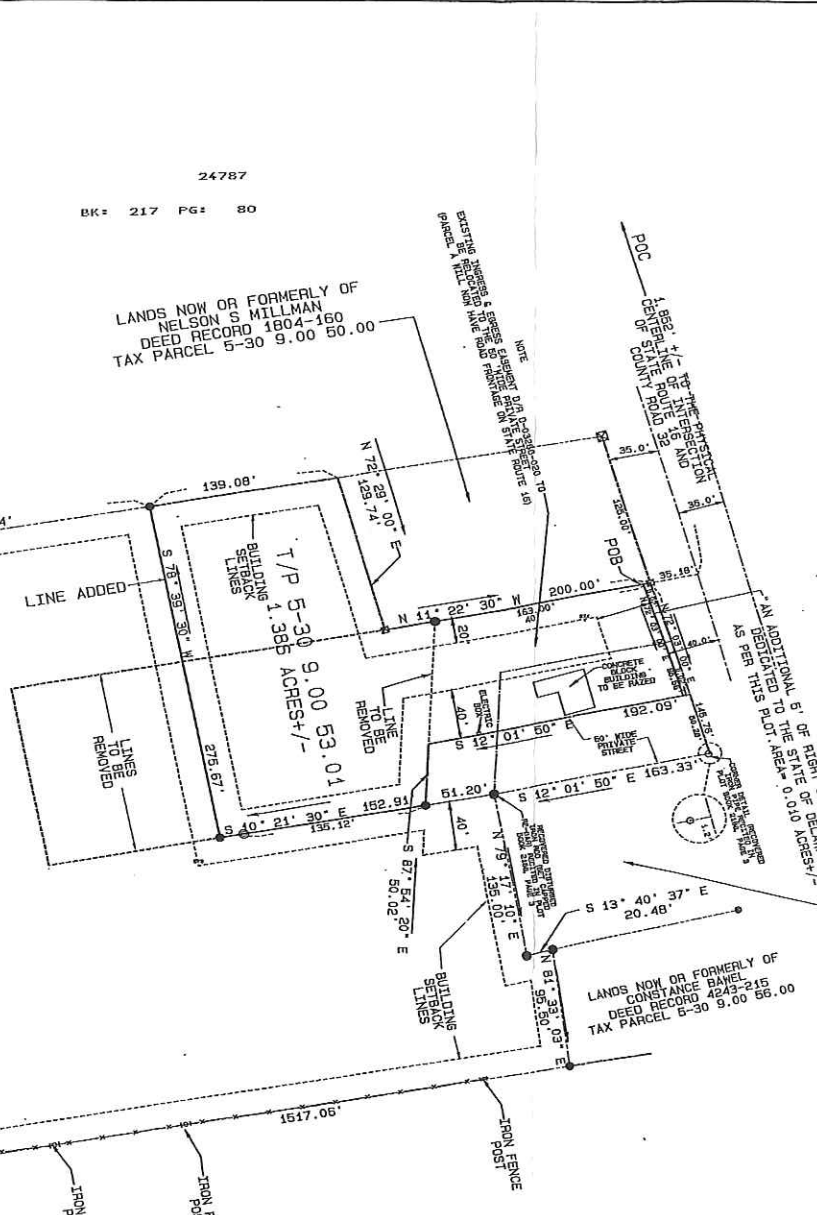
John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Lisa Walls
No Permit Tech Assigned



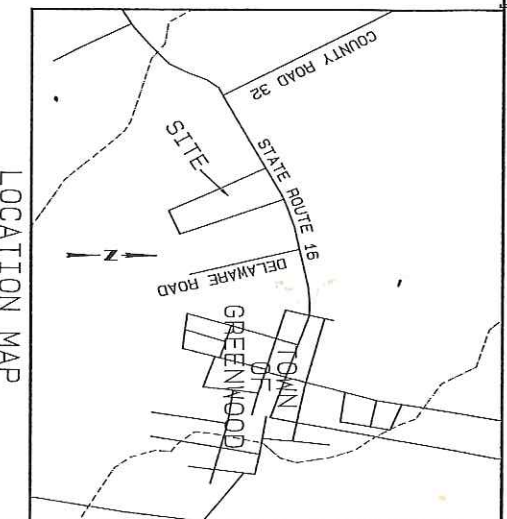
STATE ROUTE 16
(SCOTT'S STORE ROAD)
(COUNTY ROAD 36)

Recorder of Deeds
Scott Dallen
Jul 31 2015 09:16p
Sussex County
Doc. Surcharge Paid



DATA COLUMN

TAX PARCEL 5-30 9.00 53.01	BEFORE ADJUSTMENT = 1.901 ACRES+/-
AFTER ADJUSTMENT = 1.986 ACRES+/-	
TAX PARCEL 5-30 9.00 53.00	BEFORE ADJUSTMENT = 15.452 ACRES+/-
AFTER ADJUSTMENT = 15.821 ACRES+/-	
ROAD DEDICATION = 0.011 ACRES+/-	
PRIVATE ROAD = 0.235 ACRES+/-	
ZONING A/R	
SETBACKS	
REAR YARD 20'	
FRONT YARD 40'	
SURVEY CLASSIFICATION SUBURBAN	
TAX PARCEL 5-30 9.00 53.00	SOURCE OF TITLE DEED RECORD M-26-304
REMAINING ROAD FRONTAGE 90.47'	
RESIDUE ACREAGE 15.815 ACRES	
ROAD CLASSIFICATION MAJOR COLLECTOR	
THE SUBDIVISION SHOWN DOES NOT	
LIE WITHIN A FLOOD ZONE PER	
FEMA MAP 1000500125J	
BEARING REFERENCE DEED BOOK 1585-519	
PARCEL A	
PURPOSE	
FUTURE USE RESIDENTIAL	
SEPTIC PRIVATE ON SITE	
WATER PRIVATE ON SITE	
RESIDUE PRESENT USE AGRICULTURE	
FUTURE USE AGRICULTURE	
PROPERTY CORNERS SET (6) SIX	
EXISTING INGRESS & EGRESS	
EASEMENT D/R D-03268-020	



- ENTRANCE NOTES
- WHERE DRIVEWAY GENES TWO ADJACENT RESIDENCES (COMBINED DRIVEWAY) THE DRIVEWAY WIDTH AT THE RIGHT OF WAY LINE WILL BE 29 FEET
 - DRIVEWAY WIDTHS MAY BE INCREASED WITH DIV. OF HWYS. APPROVAL FOR PURPOSE VEHICLES I.E. FARM VEHICLES, ETC.
 - ENTRANCE PIPE FURNISHED BY THE PROPERTY OWNER WILL BE INSTALLED BY THE DIVISION OF HIGHWAYS ON REQUEST
 - MINIMUM RESIDENTIAL PAVEMENT SECTION 91 UNPAVED SURFACE
 - TREATMENT ON S' SELECT BORROW BASE COURSE TO THE PHYLIAE ROAD

- LEGEND
- ⊙ = RECOVERED IRON PIPE
 - ⊗ = RECOVERED CONCRETE MONUMENTS
 - = SET CAPPED RE-94R
 - ⊠ = IRON FENCE POST

LANDS NOW OR FORMERLY OF FORT LEE FARMS INC DEED RECORD 4339-4-339 TAX PARCEL 5-30 9.00 52.00 ZONING A/R

RESIDUE 53.00
T/P 5-30 9.00 ACRES.
AREA=15.815

LOT LINE ADJUSTMENT
FOR LANDS TO BE CONVEYED TO
RICHTFIELD FARMS INC.
FROM PHYSICAL BOUNDARY SURVEY
NORTHWEST FORK HUNDRED
SUSSEX COUNTY
DELAWARE

NOTE: A RIGHT OF WAY HAS GRANTED TO DELAWARE POWER & LIGHT FOR CROSS THE INGRESS AND EGRESS EASEMENT DEED RECORD 963-283

IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REVISED TO BE FROM AN INTERNAL SUBDIVISION STREET.

NOTES
OTHER THAN SHOWN, THIS SURVEY PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS ON THIS PROPERTY. NO TITLE SEARCH HAS OBTAINED BY THE PREPARER

CERTIFICATION OF OWNERSHIP
WE, LESTER B. & JULIAN MARVEL, CERTIFY THAT WE ARE THE LEGAL OWNERS FOR THE PROPERTY SHOWN IN HEREBY CERTIFY THAT THE LEGAL MADE AT OUR DIRECTION, THAT WE KNOW THESE ARE THE CORRECT OUR ACT AND DESIRE, AND THE PLAN WAS MADE AT MY DIRECTION AND THE PLAN TO BE RECORDED, ACCORDING TO LAW

SIGNATURE: *Lester B. Miller* DATE: 7-21-14
SIGNATURE: *Julian Marvel* DATE: 7-21-14

LAND SURVEYORS CERTIFICATION

I, W. JULIAN MARVEL, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, AND THAT THE SURVEY SHOWN, AND DESCRIBED HEREON IS TRUE AND CORRECT REQUIRED BY THE APPLICANT. I AM NOT PROVIDING ANY SERVICES AND THAT THE MARKERS SHOWN HEREBY ARE ACTUALLY SET AND THEIR POSITIONS ARE ACCURATELY SHOWN.

SIGNATURE: *W. Julian Marvel* DATE: 12/31/2014

LESTER B. & JULIAN MARVEL OWNERS 109 BEEBE ROAD LEMS, DE 19952

LANDS NOW OR FORMERLY OF FORT LEE FARMS INC DEED RECORD 4339-4-339 TAX PARCEL 5-30 9.00 52.00 ZONING A/R
SCALE 1"=60'

DATE	REVISIONS	COMMENT

W. JULIAN MARVEL, PLS
2432 DYKE BRANCH ROAD
DOVER, DELAWARE 19901
TEL: 302-734-0438
CELL: 302-242-3080
E-MAIL: JULIAN@SUSSEXSVRZON.COM
SCALE 1" = 60' DRAWN BY: WJM
DATE 12/31/2014 CLIENT: MILLS

APPROVED
Lester B. Miller
7-21-14
PLANNING & ZONING COMMISSION

