

**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, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: November 12<sup>th</sup>, 2020

Application: CU 2247 Hillary Brock

Applicant: Hillary Brock  
19950 Beaver Dam Road  
Lewes, DE 19958

Owner: Hillary Brock  
19950 Beaver Dam Road  
Lewes, DE 19958

Site Location: 19950 Beaver Dam Road. The property is lying on the west side of Beaver Dam Rd. (Rt. 23) approximately 0.41 mile south of Hopkins Rd. (S.C.R. 286)

Current Zoning: AR-1 Agricultural Residential Zoning District

Proposed Use: Operate a Mini Spa

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

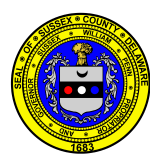
Sewer: Septic

Water: Well

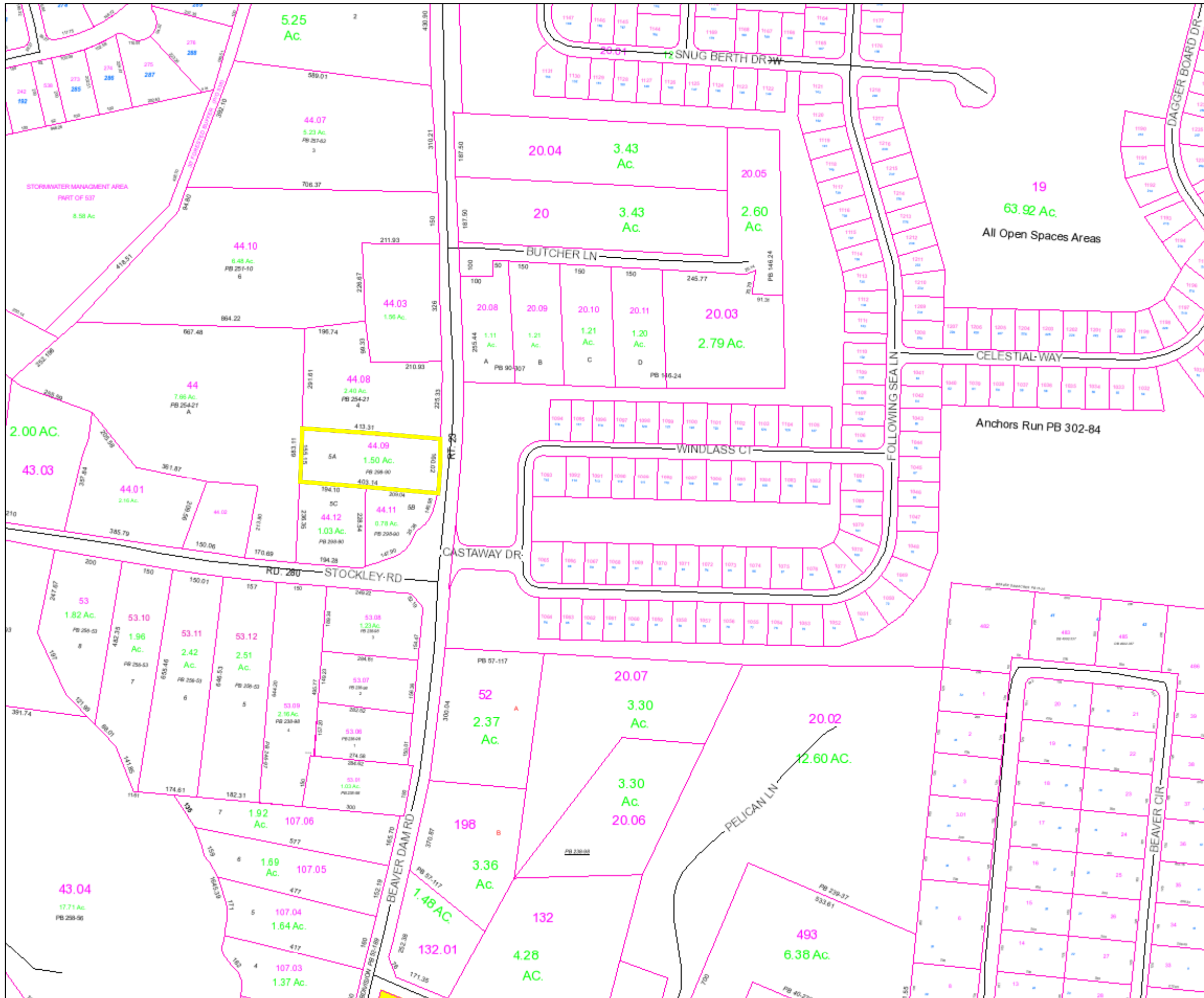
Site Area: 1.5 acres +/-

Tax Map ID.: 234-5.00-44.09





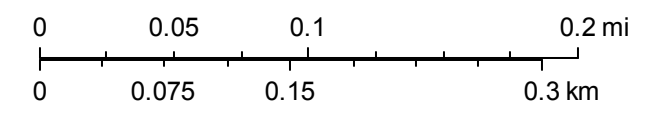
# Sussex County

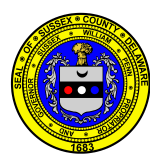


<b>PIN:</b>	234-5.00-44.09	
<b>Owner Name</b>	BROCK TODD	MATTHEW TODD
<b>Book</b>	5197	
<b>Mailing Address</b>	35609 PEREGRINE RD	
<b>City</b>	LEWES	
<b>State</b>	DE	
<b>Description</b>	CRN / BEAVER DAM RD	
<b>Description 2</b>	& STOCKLEY RD	
<b>Description 3</b>	LOT 5A LANDS OF MATTHEW TODD	
<b>Land Code</b>		

- polygonLayer  
Override 1
- polygonLayer  
Override 1
- Tax Parcels
- Streets

1:4,514





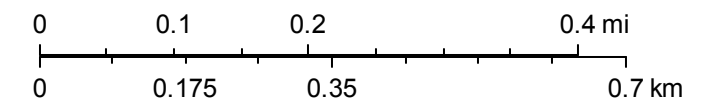
# Sussex County



<b>PIN:</b>	234-5.00-44.09	
<b>Owner Name</b>	BROCK TODD	MATTHEW
<b>Book</b>	5197	
<b>Mailing Address</b>	35609 PEREGRINE RD	
<b>City</b>	LEWES	
<b>State</b>	DE	
<b>Description</b>	CRN / BEAVER DAM RD	
<b>Description 2</b>	& STOCKLEY RD	
<b>Description 3</b>	LOT 5A LANDS OF MATTHEW	
<b>Land Code</b>		

- 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

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Scott, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: November 6, 2020  
RE: Staff Analysis for CU 2247 Hillary Brock

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2247 Hillary Brock to be reviewed during the November 12, 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 234-5.00-44.09 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District to operate a mini spa. The parcel is located on the west side of Beaver Dam Rd. (Rt. 23) in Lewes, Delaware. The size of the property is approximately 1.50 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 north, south, east and west 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, east and west are all zoned AR-1 (Agricultural Residential Zoning District).

Since 2011, there has been one (1) Conditional Use approval within a 1-mile radius of the application site. Conditional Use Number 2014 for a landscaping and site work business was approved by Sussex County Council on October 13, 2015 with Ordinance No. 2420.

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



File #: CU 2247  
2020 12683

## 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**

19950 Beaver Dam Road Lewes, DE 19958

**Type of Conditional Use Requested:**

operate a mini APA

Tax Map #: 234-5.00-44.09 Size of Parcel(s): 1.5 acres

Current Zoning: RS AR-1 Proposed Zoning: CU Size of Building: Whole Building 120' x 40' <sup>Spa space (28' x 40')</sup>

Land Use Classification: RS

Water Provider: N/A (own septic) Sewer Provider: N/A (own septic)

**Applicant Information**

Applicant Name: Hillary Brock  
Applicant Address: 19950 Beaver Dam Road Lewes, DE 19958  
City: Lewes State: DE Zip Code: 19958  
Phone #: 302-228-7208 E-mail: skinbyhillary@gmail.com

**Owner Information**

Owner Name: Hillary Brock  
Owner Address: 19950 J Beaver Dam Road  
City: Lewes State: DE Zip Code: 19958  
Phone #: 302-228-7208 E-mail: skinbyhillary@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.
- 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: \_\_\_\_\_

### Signature of Owner

 \_\_\_\_\_

Date: 10/12/2020

### 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

October 8, 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 **Hillary Brock** conditional use application, which we received on September 23, 2020. This application is for an approximately 1.50-acre parcel (Tax Parcel: 234-5.00-44.09). The subject land is located on the west side of Beaver Dam Road (Sussex Road 285), approximately 200 feet north of the intersection of Beaver Dam Road and Stockley Road (Sussex Road 280). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize part of the residential facility to operate a mini spa.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Beaver Dam Road where the subject land is located, which is from Hollymount Road (Sussex Road 48) to Dairy Farm Road (Sussex Road 261), are 5,982 and 7,699 vehicles per day, respectively.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be diminutive 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 diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

A review of TIS completed in the last three years found that a TIS was completed for the Anchors Run (f.k.a. Insight at Lewes Run) residential development. That TIS





Mr. Jamie Whitehouse

Page 2 of 2

October 8, 2020

included the intersection of Beaver Dam Road and Stockley Road located just south of the subject site's proposed access. We are enclosing a copy of the TIS review letter.

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:cjm

Enclosure

cc: Hillary Brock, Applicant

Russell Warrington, Sussex County Planning & Zoning

Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues

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: **10/27/2020**

APPLICATION: **CU 2247 Hillary Brock**

APPLICANT: **Hillary Brock**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **234-5.00-44.09**

LOCATION: **19950 Beaver Dam Road. The property is lying on the west side of Beaver Dam Road (Rt. 23) approximately 0.41 mile south of Hopkins Road (SCR 286).**

NO. OF UNITS: **Operate a mini-spa**

GROSS  
ACREAGE: **1.5**

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 3**

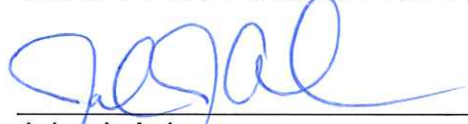
(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(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? **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 located 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:



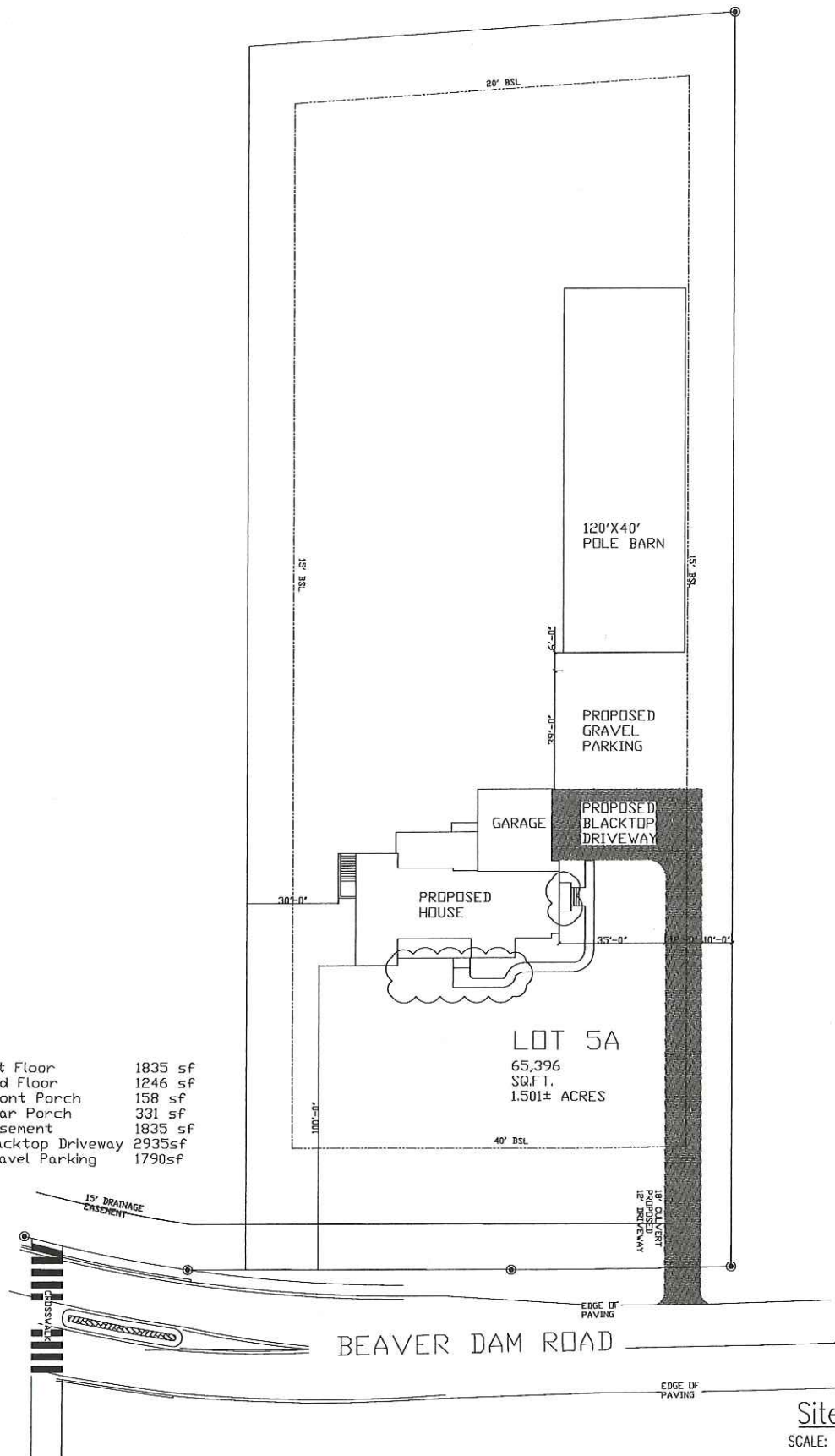
---

John J. Ashman  
Director of Utility Planning

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

1st Floor 1835 sf  
 2nd Floor 1246 sf  
 Front Porch 158 sf  
 Rear Porch 331 sf  
 Basement 1835 sf  
 Blacktop Driveway 2935sf  
 Gravel Parking 1790sf

**LOT 5A**  
 65,396  
 SQ.FT.  
 1.501± ACRES



**Site Plan**  
 SCALE: 1/8" = 1'-0"

Site

**Todd & Hillary Brock**  
 Licensed DE

(Empty box)

No.	Revision/Issue	Date
	Revised for budget w/Revision Clouds	1/5/20
	Change siding to S/S	12/4/19
	Site Review	12/4/19
	Revised Garage Foundation AZ/1	12/3/19
	Revised Basement Stair Added AS/5	11/29/19

**OAK**  
 CONSTRUCTION  
1800 W. 10th Street  
 Suite 100  
 Lincoln, NE 68502  
 402.441.1111  
 oakconstruction.com