### **PLANNING & ZONING COMMISSION**

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





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: May 27<sup>th</sup>, 2021

Application: CU 2252 Delaware Electric Co-Op

Applicant: Delaware Electric Co-Op, Troy Dickerson

4198 Sussex Hwy. Greenwood, DE 19950

Owner: Delaware Electric Co-Op, Troy Dickerson

4198 Sussex Hwy. Greenwood, DE 19950

Site Location: 34139 Cedar Grove Rd.

Lewes, DE 19958

Current Zoning: Medium Residential (MR) Zoning District

Proposed Use: Electrical Substation

Comprehensive Land

Use Plan Reference: Coastal Area

Councilmanic

District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Sussex County

Site Area: 9.1 acres +/-

Tax Map ID.: 334-12.00-2.00



# Sussex County



PIN:	334-12.00-2.00
Owner Name	SAYERS EDWARD G TRUSTEE
Book	0
Mailing Address	28 GLOVER CIRCLE
City	WILMINGTON
State	DE
Description	RD.GEORGETOWN TO
Description 2	REHO. 12.46 AC.S.
Description 3	WITH IMP.
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

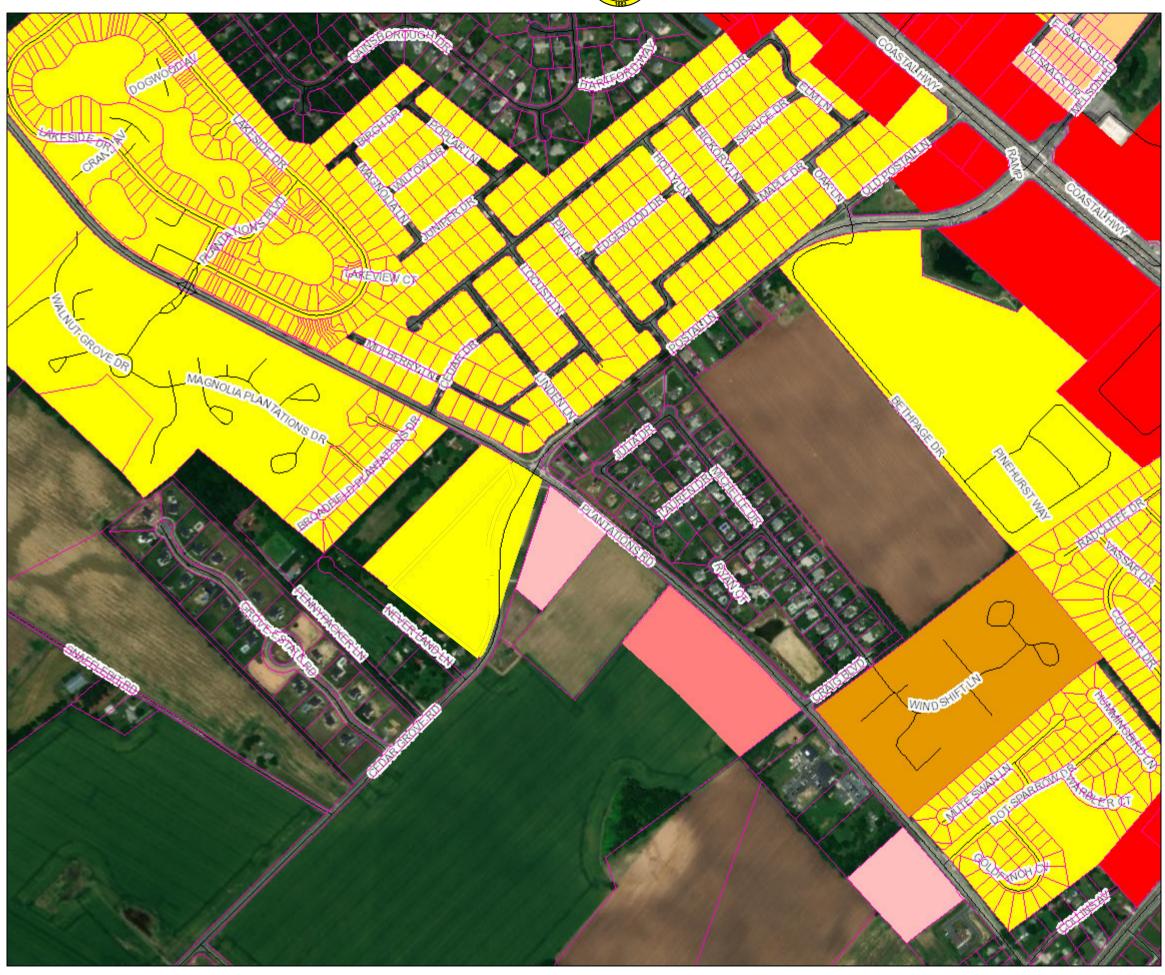
County Boundaries

Extent of Right-of-Way

Municipal Boundaries

maniolpai Boarraano

1:2,257 0 0.0275 0.055 0.11 mi 0 0.0425 0.085 0.17 km



PIN:	334-12.00-2.00
Owner Name	SAYERS EDWARD G TRUSTEE
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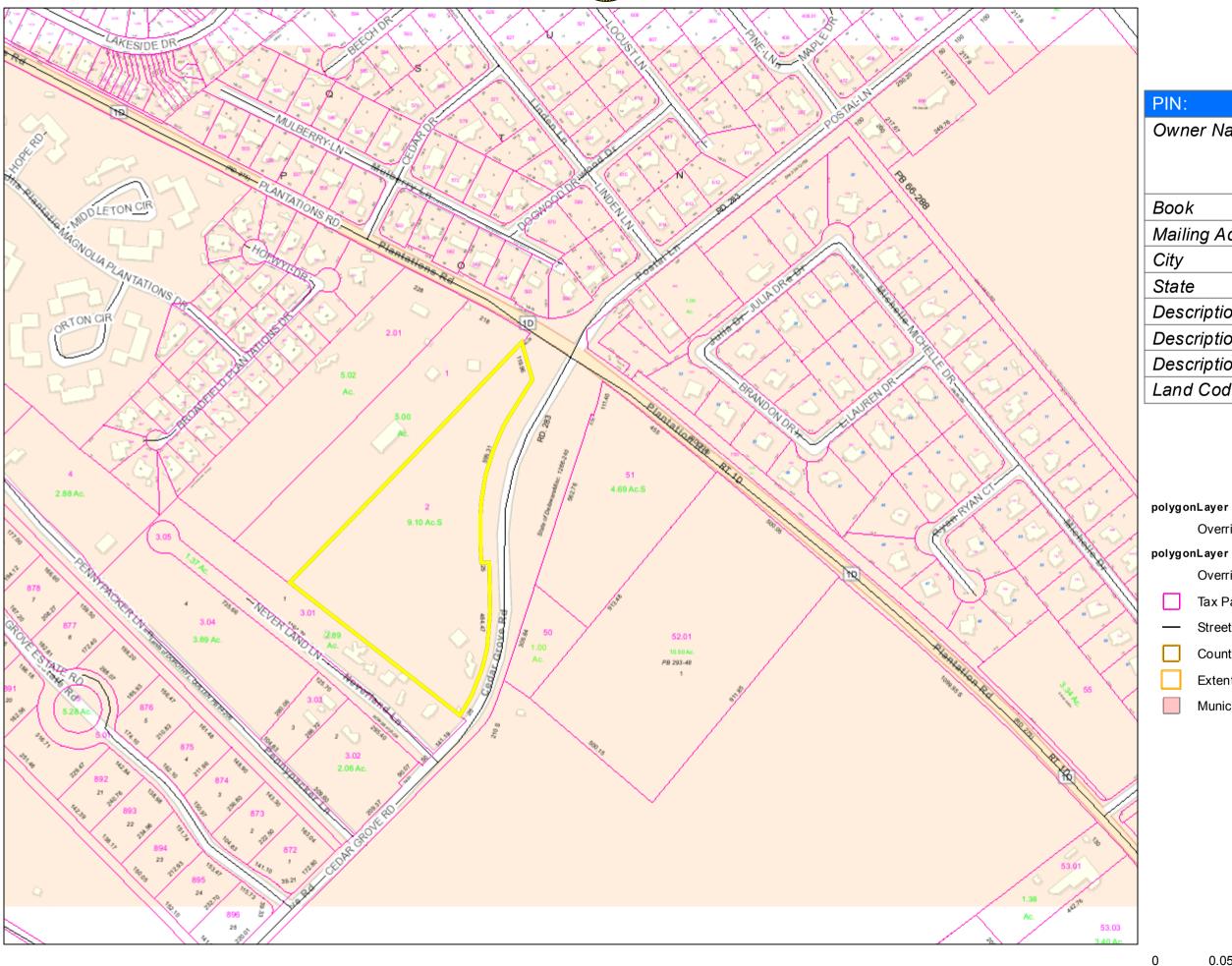
Override 1

Tax Parcels

Streets

1:9,028 0 0.1 0.2 0.4 mi 0 0.175 0.35 0.7 km

# **Sussex County**



PIN:	334-12.00-2.00
Owner Name	SAYERS EDWARD G TRUSTEE
Book	0
Mailing Address	28 GLOVER CIRCLE
City	WILMINGTON
State	DE
Description	RD.GEORGETOWN TO
Description 2	REHO. 12.46 AC.S.
Description 3	WITH IMP.
Land Code	

polygonLayer

Override 1

Override 1

Tax Parcels

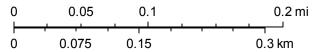
Streets

County Boundaries

Extent of Right-of-Way

Municipal Boundaries

1:4,514



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: Nicholas Torrance, Planner I

CC: Vince Robertson, Assistant County Attorney and applicant

Date: May 5th, 2021

RE: Staff Analysis for CU 2252 Delaware Electric Co-Op

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2252 Delaware Electric Co-Op to be reviewed during the May 27, 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 Parcels 334-12.00-2.00 to allow for a Conditional Use of land in a Medium Density Residential (MR) Zoning District for an electrical substation. The parcel is located on the southeast corner of Cedar Grove Rd and Plantations Road in Lewes, Delaware. The area of the site is approximately 9.1 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 the "Coastal Area." All neighboring properties are also designated as "Coastal Area."

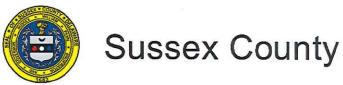
The Coastal Area land use designation recognizes that a range of housing types should be permitted in Coastal Area, including single-family homes, townhouses, and multifamily units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. It also recognizes a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home.

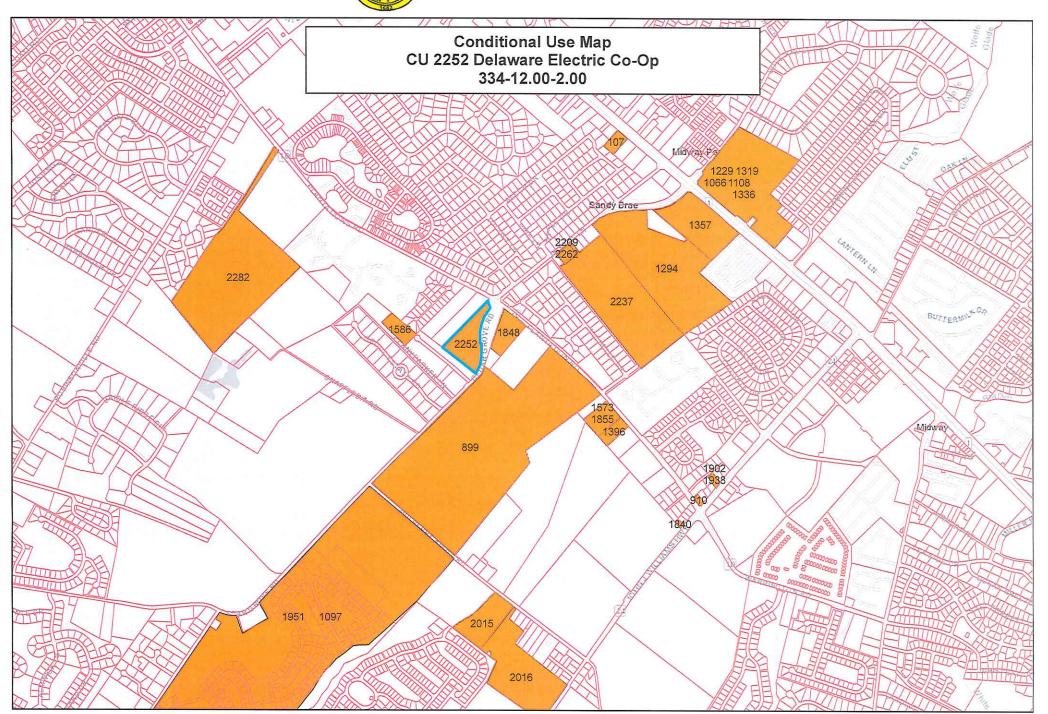
The property is within a Medium Density Residential (MR) Zoning District. The parcel to the west and the northeast across Plantations Rd are also within an MR Zoning District. The parcels to the south and northeast across Plantations Rd are zone Agricultural Residential District AR-1. The parcel to the east across Cedar Grove Road is zoned Neighborhood Business B-1.

Since 1971, there have been 27 Conditional Use applications within a one-mile radius of the application site. Of the 27 Conditional Use applications within a one-mile radius, 18 have been approved, 4 have been denied, 3 were withdrawn, and 3 are currently pending applications.

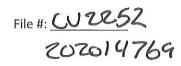
Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for an electrical substation, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.







CU#	Tax Parcel	APPLICANT	Zoning	Proposed Use	PZ Decision	PZ Decision Date	CC Decision Date	CC Decision
1357	334-6.00-355.04	Super Fresh Food Market	C-1	sales of soft/hard goods off carts	Recommended Denial	9/14/2000	5/1/2001	Approved
107	334-6.00-481.00	Robert W. Palmer	MR	upholstery shop	N/A	<null></null>	<null></null>	Approved
1938	334-12.00-85.00	Karen L. Barwick	AR-1	Therapist Office and Residence	Recommended Approval	9/6/2012	1/22/2013	Approved
1586	334-12.00-4.00	Far East Capital, Inc.	AR-1	small engine repair	Recommended Approval	2/17/2005	3/1/2005	Approved
1396	334-12.00-53.02	Jerome E. Groll MD	AR-1	Medical Office Building	Withdrawn	2/23/2001	<null></null>	Withdrawn
1855	334-12.00-53.03	Double R. Holdings, LLC	AR-1	Offices	Recommended Approval	10/14/2010	12/7/2010	Approved
1294	334-6.00-355.00	Don Derrickson	AR-1	apartment over golf pro shop	Recommended Approval	7/8/1999	7/27/1999	Approved
1840	334-12.00-58.00	Juliane Olber & William N. Hein	AR-1	printing	Recommended Denial	8/12/2010	9/28/2010	Approved
2237	334-12.00-55.01	Sam Warrington II	AR-1	Outside Boat & RV Storage	Recommended Approval	10/22/2020	12/1/2020	Approved
1336	334-6.00-138.00	Tidewater Utilites	C-1	elevated water storage facility	Recommended Approval	6/22/2000	12/19/2000	Denied
2073	334-6.00-496.00	Delmarva Power & Light Co.	C-1	Expansion to an existing electrical station	Recommended Approval	2/23/2017	3/7/2017	Approved
2016	334-12.00-45.01	Cape Henlopen School District	AR-1	Elementary School	Recommended Approval	5/7/2015	6/16/2015	Approved
2015	334-12.00-16.06	Delaware Division of Facilities Management	AR-1	Public Service Facility (State Police)	Recommended Approval	5/7/2015	6/16/2015	Approved
1951	334-12.00-16.00	Jack Lingo Asset Management	AR-1	RV resort and campground	Recommended Approval	8/22/2013	12/9/2014	Denied
899	334-12.00-52.00	Lewes Fire Department, Inc.	AR-1	substation for fire department	Withdrawn	<null></null>	<null></null>	Withdrawn
2252	334-12.00-2.00	Delaware Electric Co-Op	MR	Substation		<null></null>	<null></null>	
1848	334-12.00-51.00	Todd Bariglio	B-1	business/office complex	Recommended Approval	10/4/2009	3/16/2010	Approved
910	334-12.00-81.00	Theodore D. Shaffer	AR-1	hair salon	Recommended Approval	7/20/1989	10/3/1989	Denied
2262	334-6.00-686.00	Matthew Hete	AR-1	multi-family (4-units)		<null></null>	<null></null>	
1066	334-6.00-138.00	FunSport, Inc.	C-1	Go-Cart Track	Recommended Approval	3/10/1994	3/29/1994	Approved
1097	334-12.00-16.00	Charles P. Moore	AR-1	auto repair & towing service	Recommended Approval	12/22/1994	1/10/1995	Approved
1108	334-6.00-138.00	FunSport, Inc.	C-1	Go Cart Track Expansion/ Amusement Place	Recommended Approval	3/9/1995	3/28/1995	Approved
1229	334-6.00-138.00	FunSport, Inc.	C-1	Expansion of Existing Go Cart Track and Wading Pool (CU 1066 & CU 1108)	Recommended Approval	3/26/1998	4/28/1998	Approved
1319	334-6.00-138.00	FunSport, Inc.	C-1	expand waterpark & miniature golf	Recommended Approval	1/13/2000	2/1/2000	Approved
1573	334-12.00-53.03	Robert Burton, Double R Holdings	AR-1	Medical Offices	Recommended Approval	11/18/2004	11/30/2004	Approved
1902	334-12.00-85.00	Dorothy Garvey	AR-1	Medical Office	Recommended Denial	7/28/2011	6/5/2012	Withdrawn
2209	334-6.00-686.00	Matthew C. Hete	MR	Multi-Family (14 Units)	Recommended Denial	7/9/2020	7/28/2020	Denied
2282	334-12.00-7.00	Susan Riter	AR-1	Borrow Pit		<null></null>	<null></null>	



# 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 X				
Zoning Map Amendment				
Site Address of Conditional Use/Zo	oning Map Amendment			
34139 Cedar Grove Road, Le	ewes, Delaware 19958			
Type of Conditional Use Requested	d:			
Delaware Electric Coop; Electr	ical Substation			
Тах Мар #: 334-12.00-2.00	Size of Parcel(s): 9.1 AC			
Current Zoning: MR Propo	osed Zoning: MR Size of Building: Less than 500 SF			
Land Use Classification:				
Water Provider: County Sewer Provider: Sussex County				
Applicant Information				
Applicant Name: Delaware Elec	tric Co-Op; Troy Dickerson			
Applicant Address: 4198 Sussex	Highway			
City: Greenwood	State: <u>DE</u> ZipCode: <u>19950</u> E-mail: tdickerson@delaware.coop			
Phone #:(302) 349-3125	E-mail: tdlckerson@delaware.coop			
Owner Information				
Owner Name: Same as applicar	nt			
Owner Address:				
City:	State: Zip Code:			
Phone #:	E-mail:			
Agent/Attorney/Engineer Informa	<u>tion</u>			
Agent/Attorney/Engineer Name: Century Engineering				
Agent/Attorney/Engineer Address:	550 Bay Road			
City: Dover	State: DE Zip Code: 19901			
Dhana #. 302-734-9188	E mail. JSclesky@Centurveng.com			





# **Check List for Sussex County Planning & Zoning Applications**

The following shall be submitted with the application

				300
-	Completed Application			
	Provide eight (8) copies of the Site F  o Survey shall show the location parking area, proposed entra o Provide a PDF of Plans (may o Deed or Legal description	on of existing of ance location, e	r proposed building(s), b etc.	uilding setbacks,
	Provide Fee \$500.00			
_	Optional - Additional information for architectural elevations, photos, exh shall be submitted a minimum of ten	ibit books, etc.	) If provided submit 8 co	pies and they
_	Please be aware that Public Notice of subject site and County staff will control the site stating the date and time	me out to the s	ubject site, take photos	and place a sign
-	DelDOT Service Level Evaluation Rec	quest Response	3	
	PLUS Response Letter (if required)			
	igned hereby certifies that the forms, itted as a part of this application are t			any papers or
Zoning Com and that I w needs, the I	y that I or an agent on by behalf shall nmission and the Sussex County Counc vill answer any questions to the best of health, safety, morals, convenience, o ounty, Delaware.	cil and any othe of my ability to	er hearing necessary for the respond to the present a	this application and future
Signature	of Applicant/Agent/Attorney			
The way	<b>2</b>	_ Date:	05/06/2021	o.
Signature (	of Owner			
- F	<b>2</b>	_ Date: _	05/06/2021	to
	ted:	Fee: \$500.00 Ch Application & Cas	eck #: se #:	
		Recommendation	n of PC Commission:	



### STATE OF DELAWARE

### DEPARTMENT OF TRANSPORTATION

800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

November 17, 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 Delaware Electric Co-Op / Troy Dickerson conditional use application, which we received on October 16, 2020. This application is for a 9.10-acre parcel (Tax Parcel: 334-12.00-2.00). The subject land is located on the southwest corner of the intersection of Plantations Road (Sussex Road 275) and Cedar Grove Road / Postal Lane (Sussex Road 283). The subject land is currently zoned MR (Medium-Density Residential), and the applicant is seeking a conditional use approval to operate an approximately 500 square-foot electrical substation.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Plantations Road where the subject land is located, which is from Beaver Dam Road (Sussex Road 285) to Postal Lane / Cedar Grove Road, are 10,907 and 14,037 vehicles per day, respectively. As the subject land also has frontage along Cedar Grove Road, the annual average and summer average daily traffic volumes along that road segment are 3,713 and 4,779 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.



Mr. Jamie Whitehouse Page 2 of 2 November 17, 2020

A review of TIS completed in the last three years found that a TIS was completed for the Ocean Park development. That TIS included the intersection of Plantations Road and Cedar Grove Road / Postal Lane. We are providing a copy of that TIS review letter; please find it enclosed with this 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,

J. William Brookenbrough Is

T. William Brockenbrough, Jr. County Coordinator Development Coordination

TWB:cjm Enclosure

cc: Delaware Electric Co-Op / Troy Dickerson, 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 & DESIGN REVIEW DIVISION C/U & C/Z COMMENTS

TO:	Jamie Whitehouse	RECEIVED			
REVIEWER:	Chris Calio	MAY 1 2 2021			
DATE:	5/10/2021	SUSSEX COUNTY PLANNING & ZONING			
APPLICATION:	CU 2252 Delaware Electric Co-Op	8			
APPLICANT:	Delaware Electric Co-Op, Troy Dickerson				
FILE NO:	OM-9.04				
TAX MAP & PARCEL(S):	334-12.00-2.00				
LOCATION: 34139 Cedar Grove Road, Lewes, DE 19958					
NO. OF UNITS: Electrical Substation					
GROSS ACREAGE: 9.1 +/-					
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 4					
SEWER:					
(1). Is the project in a County operated and maintained sanitary sewer and/or water district?  Yes ⊠ No □					
	<ul><li>a. If yes, see question (2).</li><li>b. If no, see question (7).</li></ul>				
(2). Which Coul	Which County Tier Area is project in? Tier 1				
	<ol> <li>Is wastewater capacity available for the project? Yes If not, what capacity is available? N/A.</li> </ol>				
(4). Is a Constru	Is a Construction Agreement required? <b>No</b> If ves. contact Utility Engineering at				

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.

Are there any System Connection Charge (SCC) credits for the project? N/A If

(6). Is the project capable of being annexed into a Sussex County sanitary sewer

(302) 855-7717.

(5).

### 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? N/A
- (8). Comments: Click or tap here to enter text.
- (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

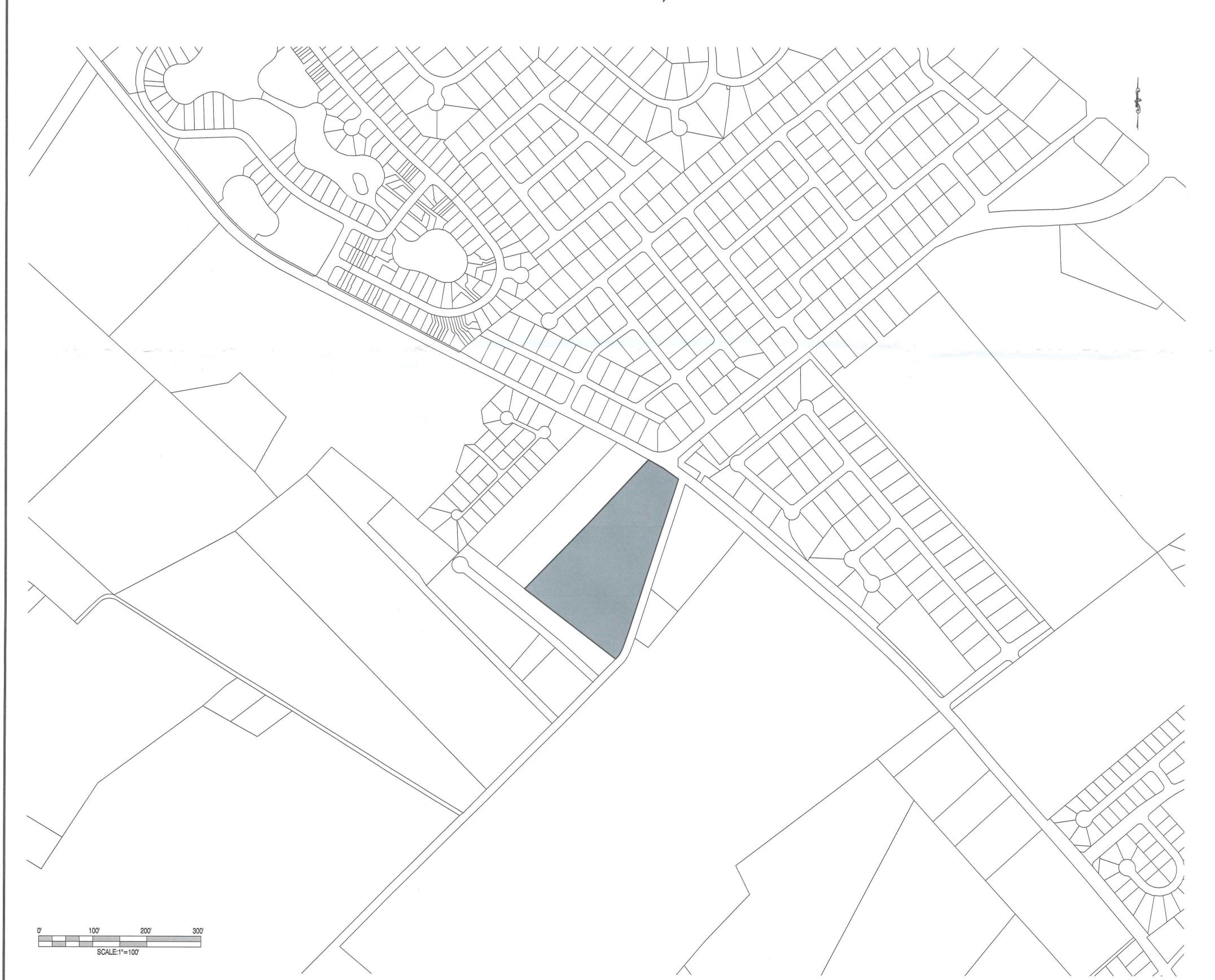
Xc: Hans M. Medlarz, P.E.

Lisa Walls

No Permit Tech Assigned

# PRELIMINARY SITE PLAN DELAWARE ELECTRIC CO-OP CEDAR GROVE ROAD, SUBSTATION

334-12.00-2.00 SUSSEX COUNTY, DELAWARE



DATA COLUMN This drawing is the property of Century Engineering and is prepared fo the exclusive use of its clients . COUNTY TAX MAP: 334-12.00-2.00 at the location indicated. No ADDRESS OF SITE: CEDAR GROVE ROAD other use is authorized or intended. ZONING: MR-1 (MEDIUM RESIDENTIAL) 4. TOTAL NUMBER OF DWELLING UNITS: 9.10± ACRES (396,396± S.F.) LOT AREA: 6. RIGHT OF WAY DEDICATION: XXXX± ACRES (XXXX± S.F.) NET DEVELOPMENT AREA: XXXX± ACRES (XXXX± S.F.) 8. PERMANENT EASEMENT: XXXX± ACRES XXXX± S.F.) SOURCE OF TITLE: HORIZONTAL - NAD 83 (PER CONTRACT 309) 11. SETBACK FRONT: 40' SIDE: 10' ACCORDING TO FIRM NO. 10005C0332K, DATED MARCH 16, 2015, THIS SITE LIES OUTSIDE AN AREA OF 0.2% ANNUAL CHANCE OF FLOOD HAZARD. A SITE VISIT HAS NOT BEEN PERFORMED BY CENTURY ENGINEERING INC. NO SEWER OR ON-SITE SEPTIC IS PROPOSED. NO WATER CONNECTION OR ON-SITE WELL IS PROPOSED. NO RECREATIONAL AREA IS PROPOSED BY THIS PLAN. NO DESIGNATED OPEN SPACE IS PROPOSED BY THIS PLAN. PROPOSED CONSTRUCTION IS TO BE COMPLETED IN ONE (1) PHASE. 19. APPLICANT/DEVELOPER: DELAWARE ELECTRIC COOPERATIVE, INC. 14198 SUSSEX HIGHWAY **REVISIONS** GREENWOOD, DE 19950 CENTURY ENGINEERING, INC. DOVER, DE 19901 (302) 734-9188 21. A CONDITIONAL USE FOR THIS SITE WAS APPROVED BY COUNTY COUNCIL, SEE CU2057 AND ORDINANCE 2471. 22. THIS PLAN SHALL SUPERCEDE THE PREVIOUSLY APPROVED SUSSEX COUNTY CONDITIONAL USE #2057, DATED OCTOBER **GENERAL NOTES:** ADDENDUM CONDITIONS OF APPROVAL: DESCRIPTION THE PERIMETER OF THE SUBSTATION WILL BE FENCED. 2. TWO (2) SIGNS SHALL BE PLACED AROUND THE PROPERTY TO IDENTIFY THE SITE AND EMERGENCY CONTACT INFORMATION. 3. ANY SECURITY LIGHTING SHALL BE SCREENED OR DIRECTED AWAY FROM NEIGHBORING 4. LANDSCAPING SHALL BE PROVIDED TO SCREEN FACILITY FROM ADJACENT PROPERTIES AND 5. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING 6. STORAGE OF MATERIALS OR EQUIPMENT ON SITE SHALL NOT EXCEED A PERIOD OF 30 DAYS. INDEX OF SHEETS CERTIFICATION OF DEVELOPER , STEVE PERRY, HEREBY CERTIFY THAT I AM THE DEVELOPER OF THE PROPERTY SHOWN ON THIS PLAN. THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE IN MY ACT, AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS. DELAWARE ELECTRIC COOPERATIVE, INC, GREENWOOD, DE 19950 (302) 349-3131SUSSEX COUNTY CERTIFICATION OF PLAN ACCURACY **SUBMISSION** IT IS HEREBY CERTIFIED THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE. CHK'D/DESIGNER SHEET NO. ALEXANDER E. SCHMIDT, P.E., DE NO. 16139 CENTURY ENGINEERING, INC. 550 BAY ROAD PROJECT NO. DOVER, DELAWARE 19901 (302) 734-9188

G:\Projects\145015.00 (DEC )\145015.11 Cedar Grove Road Su

