

**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: July 22, 2021

Application: CU 2253 Chester V. Townsend IV & Shirley D. Townsend

Applicant: Chester V. Townsend IV & Shirley D. Townsend  
32523 Falling Point Road  
Dagsboro, DE 19939

Owner: Chester V. Townsend IV & Shirley D. Townsend  
32523 Falling Point Road  
Dagsboro, DE 19939

Site Location: 32859 & 32805 Vines Creek Road, Dagsboro

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Events Venue

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Department

Sewer: Private, on-site septic

Water: Private, on-site well

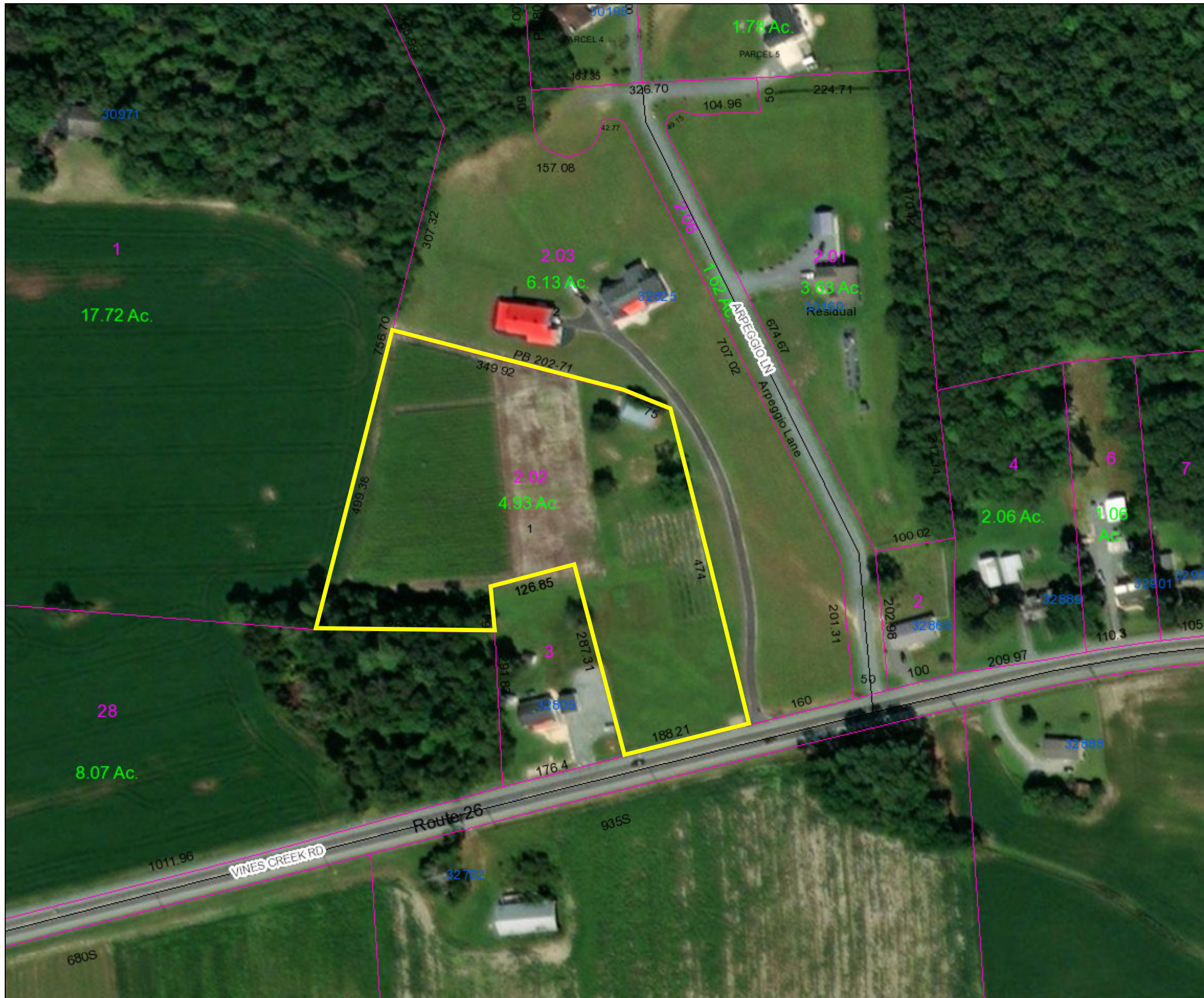
Site Area: 6.0 ac. +/-

Tax Map ID.: 134-11.00-2.02 & 3.00





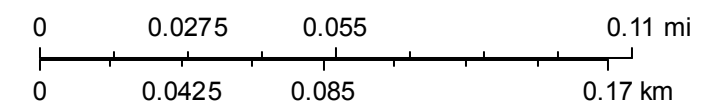
# Sussex County

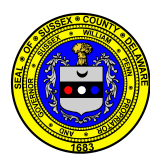


<b>PIN:</b>	134-11.00-2.02
<b>Owner Name</b>	TOWNSEND CHESTER V IV
<b>Book</b>	4327
<b>Mailing Address</b>	32523 FALLING POINT RD
<b>City</b>	DAGSBORO
<b>State</b>	DE
<b>Description</b>	N/RT 26
<b>Description 2</b>	LOT 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- 911 Address
- Streets

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# Sussex County



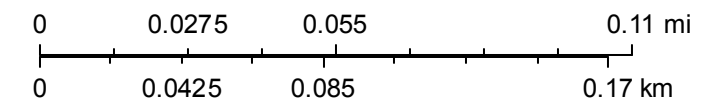
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  - Override 1
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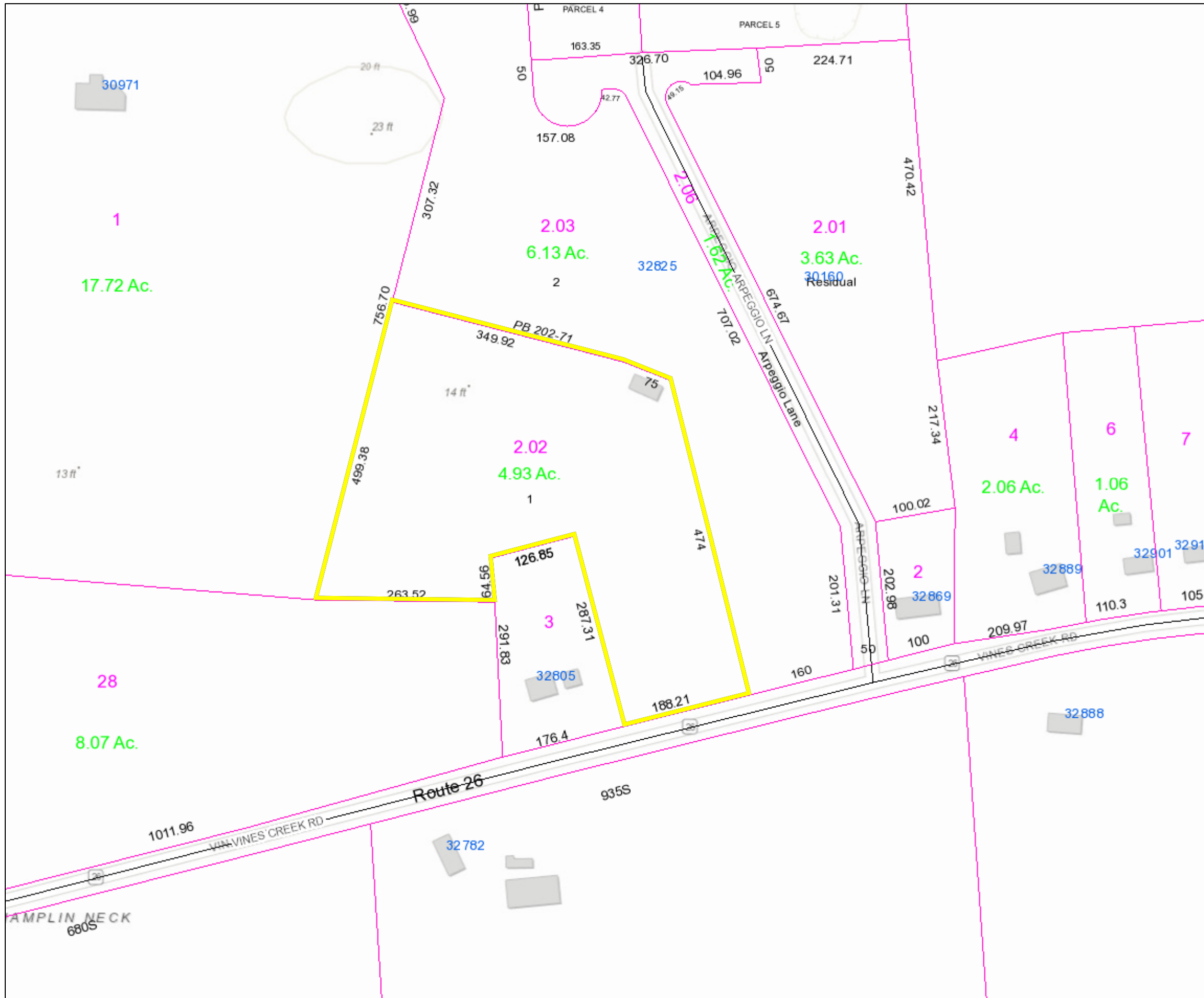
  - Override 1
  - Tax Parcels
  - 911 Address
  - Streets

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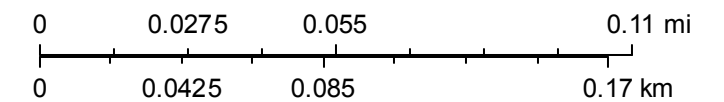
# Sussex County



<b>PIN:</b>	134-11.00-2.02
<b>Owner Name</b>	TOWNSEND CHESTER V IV
<b>Book</b>	4327
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# Sussex County

DELAWARE  
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## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: July 13, 2021  
RE: Staff Analysis for CU 2253 (Chester V. Townsend IV & Shirley D. Townsend)

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2253 (Chester V. Townsend IV & Shirley D. Townsend) to be reviewed during the July 22, 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 134-11.00-2.02 & 3.00 to allow for an events venue. The size of the property is approximately 6.0 acres +/- . The property is zoned AR-1 (Agricultural Residential Zoning District) and is located at on the north side of Vines Creek Road (Rt. 26), approximately 0.20 mile east of Sandy Landing Road (S.C.R. 342).

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 Coastal Area. The primary land uses envisioned in the Coastal Area could include various types of residential uses, retail and office uses, and mixed-use development in select locations. The Coastal Area is designated as a Sussex County Growth Area, and growth is encouraged given that special environmental concerns are addressed. Each parcel to the north, south, east, and west area all within the Coastal Area.

The property is within an Agricultural Residential (AR-1) Zoning District. All adjacent parcels to the north, south, east, and west are also within an AR-1 Zoning District.

Since 2011, there have been two (2) Conditional Use approvals within a one-mile radius of the application site. One of the approvals was for the subject site. Conditional Use No. 1936, which permitted a food vendor, was approved by the Sussex County Council on September 11, 2012 and adopted through Ordinance 2275. Not related to the subject site was Conditional Use No. 1953. This Conditional Use granted approval for a two-unit multi-family structure and was approved on February 5, 2013 and adopted through Ordinance 2292.

Based on the analysis provided, the Conditional Use for an events venue, subject to considerations of scale and impact, could be considered as being consistent with the surrounding land uses, zoning, and environment.



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE

File #: 202015064  
CU 2253

## 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**

32859 & 32805 Vines Creek Road, Dagsboro, DE 19939

**Type of Conditional Use Requested:**

Special event venue. Customers to provide any services needed. 32805 Vines Creek Road was approved for CU#1936 on 9/13/12, final approvals, including a DelDOT entrance on 4/9/13. Same entrance to be used, additional parking on grass as needed.

**Tax Map #:** 134-11.00-2.02& 3.00      **Size of Parcel(s):** approx. 6 acres

**Current Zoning:** AR-1      **Proposed Zoning:** CU      **Size of Building:** n/a

**Land Use Classification:** \_\_\_\_\_

**Water Provider:** n/a      **Sewer Provider:** n/a

**Applicant Information**

**Applicant Name:** Chester V Townsend IV & Shirley D Townsend  
**Applicant Address:** 32523 Falling Point Road  
**City:** Dagsboro      **State:** DE      **Zip Code:** 19939  
**Phone #:** (302) 462-0017      **E-mail:** shirley.townsend61@gmail.com

**Owner Information**

**Owner Name:** same  
**Owner Address:** \_\_\_\_\_  
**City:** \_\_\_\_\_      **State:** \_\_\_\_\_      **Zip Code:** \_\_\_\_\_  
**Phone #:** \_\_\_\_\_      **E-mail:** \_\_\_\_\_

**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.**
- 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

Shirley Townsend

Digitally signed by Shirley Townsend  
DN: cn=Shirley Townsend, o, ou=FN Andrew G., INC,  
email=shirley.townsend61@gmail.com, c=US  
Date: 2020.11.25 15:42:40 -0500

Date: 11/25/20

### Signature of Owner

Shirley Townsend

Digitally signed by Shirley Townsend  
DN: cn=Shirley Townsend, o, ou=FN Andrew G., INC,  
email=shirley.townsend61@gmail.com, c=US  
Date: 2020.11.25 15:43:35 -0500

Date: 11/25/20

### For office use only:

Date Submitted: 11/30/2020

Staff accepting application: RKW

Location of property: VINES CREEK ROAD

Fee: \$500.00 Check #: 7445

Application & Case #: 202015064 CU 2243

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Decision of CC: \_\_\_\_\_



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

October 21, 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 **Chester V. Townsend IV & Shirley D. Townsend** conditional use application, which we received on September 28, 2020. This application is for an approximately 5.97-acre assemblage of parcels (Tax Parcels: 134-11.00-2.02 and 3.00). The subject land is located on the north side of Delaware Route 26, approximately 1,100 feet east of the intersection of Delaware Route 26 and Sandy Landing Road / Gray Road (Sussex Road 342), east of Dagsboro. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize the property as a special event venue with costumers required to provide any / all services needed for their own events.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 26 where the subject land is located, which is from Falling Point Road (Sussex Road 341) to Stephen Drive, are 9,280 and 11,943 vehicles per day, respectively.

The traffic impact of event venues necessarily varies with the frequency and size of the events. Generally, DeIDOT bases its decision to require a Traffic Impact Study (TIS) on traffic volumes that recur on a daily or weekly basis. Large enough events may require coordination with our Transportation Management Center but they cannot be properly addressed by the TIS process.

Regarding DeIDOT's warrants for requiring a TIS, events that would generate more than 50 vehicle trips in any hour and more than 500 vehicle trips per day would meet these warrants. Events generating more than 200 vehicle trips in any hour and / or more than 2,000 vehicle trips per day would be considered to have a Major impact to local area roadways. Because we expect the typical event to generate no more than 50 vehicle trips in any hour and no more than 500 vehicle trips per day, we recommend that this conditional use application be considered without a TIS.



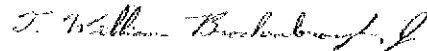


Mr. Jamie Whitehouse  
Page 2 of 2  
October 21, 2020

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

cc: Chester V. Townsend IV & Shirley D. Townsend, 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**

REVIEWER: **Chris Calio**

DATE: **7/9/2021**

APPLICATION: **CU 2253 Chester V. Townsend IV & Shirley D. Townsend**

APPLICANT: **Chester V. Townsend IV & Shirley D. Townsend**

FILE NO: **SPS-5.04**

TAX MAP &  
PARCEL(S): **134-11.00-2.02 & 3.00**

LOCATION: **32859 & 32805 Vines Creek Road**

NO. OF UNITS: **Proposed Event Venue**

GROSS  
ACREAGE: **6.0**

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 \$6,600.00** 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? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

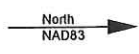
  
\_\_\_\_\_  
John J. Ashman  
Sr. Manager of Utility Planning & Design Review

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

Townsend Event Venue  
 TMP 134-11.00-2.02

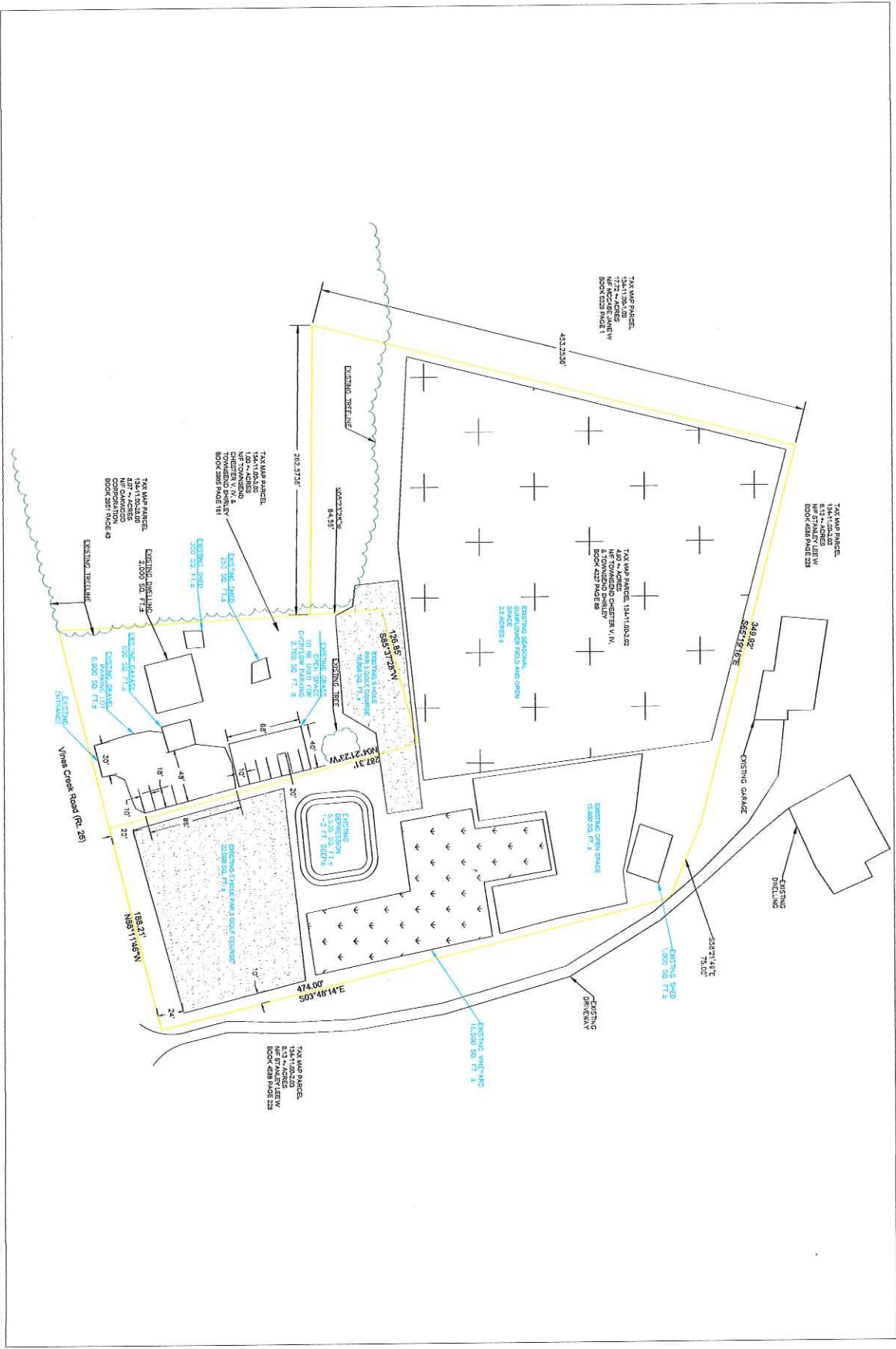


Boundary lines are approximated

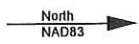


32805 Vines Creek Road  
 Dagsboro, DE 19939

Townsend Event Venue  
 TMP 134-1.00-2.02



Boundary lines are approximated



32805 Vines Creek Road  
 Dagsboro, DE 19939

**ORDINANCE NO. 2275**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FOOD VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS (Tax Map I.D. # 1-34-11.00-3.00)**

**WHEREAS, on the 11th day of May 2012, a conditional use application, denominated Conditional Use No. 1936 was filed on behalf of Chester Townsend, IV; and**

**WHEREAS, on the 26th day of July 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 23rd day of August 2012, said Planning and Zoning Commission recommended that Conditional Use No. 1936 be approved with conditions; and**

**WHEREAS, on the 21st day of August 2012, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1936 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying north of Route 26, 0.2 mile northeast of Road 342 (Sandy Landing Road) and being more particularly described in Deed Book 3995, Page 181 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.0 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**

**This Ordinance was adopted subject to the following conditions:**

- 1. The use shall be limited to a take-out style seafood vendor. Other than the few picnic tables that currently exist on the site, no additional seating shall be installed for food service. The existing picnic tables shall be shown on the Final Site Plan.**
- 2. The use shall be seasonal, operating from April 1 through November 1, with hours of operation as stated by the Applicant of Thursday, Friday and Saturday from 11:00 a.m. to 8:00 p.m.**
- 3. There shall only be one lighted sign on the site not to exceed 32 square feet in size. This limitation on the number of signs includes a prohibition against sign cut-outs, pictures, or replicas of various types of seafood, including lobsters, crabs, shrimp, etc. No feather flags or free standing signs of any shape or size shall be permitted. The location of the 32 square foot sign shall be shown on the Final Site Plan for the property.**
- 4. The entrance shall be approved by DelDOT and noted and depicted on the Final Site Plan.**
- 5. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- 6. No parking in the front yard setback shall be allowed. The designated parking area shall be shown on the Final Site Plan and clearly marked on the site itself.**
- 7. This approval is contingent upon the Sussex County Board of Adjustment approving the mobile home type structure for a business. The application to the Board of Adjustment shall be filed within 30 days of this approval.**
- 8. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2275 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF SEPTEMBER 2012.**

  
**ROBIN A. GRIFFITH**  
**CLERK OF THE COUNCIL**

**The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Facts:**

- 1. This is an application to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a food vendor to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.0 acre, more or less, lying north of Route 26, 0.2 mile northeast of Road 342 (Sandy Lane Road).**
- 2. DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service "D" of Vines Creek Road (Route 26) will not change as a result of this application.**
- 3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Vines Creek Planning Area; that the use of an on-site septic system is proposed; that when the County provides sewer service, connection to the system is mandatory; that the County does not have a firm schedule to provide sewer service at this time; and that a Concept Plan is not required.**
- 4. Shirley Townsend was present on behalf of the application and stated that this was the fourth summer season the business has conducted business in the area; that they recently purchased the current site; that the business sells lobsters, soft crab, chicken and fish products; that the business is seasonal, is only open Thursday, Friday and Saturday from 11:00 a.m. – 8:00 p.m. and is primarily carry-out; that there are a few picnic tables outside and restrooms are available; that no one occupies the dwelling on the site which is used for storage purposes only and not as a restaurant; and that there are other business uses in the area.**
- 5. The project is located on Route 26, which is appropriate for a small take-out vendor of the type proposed by the Applicant; that it is in the vicinity of other business uses in the area including landscaping, restaurant equipment sales, daycares and similar businesses; that the use will be limited to take-out seafood; that the Applicant is a local commercial fisherman and this proposed use is an extension of his commercial fishing operation; that this is the fourth summer season that the Applicant has conducted business in the area; that they originally set up a commercial site near the Vines Creek Bridge and desire to relocate their business onto the property owned by them that is the subject of this application.**



- 6. The use of the mobile home type trailer for business purposes is subject to the approval of the Board of Adjustment.**
- 7. This approval will allow the Applicant to continue his local business with conditions and stipulations regulating the use so that it does not have an adverse impact upon neighboring properties, the community, or area roadways.**
- 8. The use is of a public or semi-public use of the property.**
- 9. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Conditional Use was approved subject to eight (8) conditions, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**