

**PLANNING & ZONING COMMISSION**

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**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 August 12, 2021.

Application: CU 2255 John Sommers

Applicant: John Sommers  
101-3 Coastal Highway  
Fenwick Island, DE 19944

Owner: John Sommers  
101-3 Coastal Highway  
Fenwick Island, DE 19944

Site Location: Northwest side of Roxana Road (Rt. 17), approximately 0.55 of a mile southwest of Burbage Road (S.C.R. 353)

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Bicycle shop – sales, renting, repair, and storage

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Millville Fire District

Sewer: On-site septic system

Water: On-site well

Site Area: 2.9 acres +/-

Tax Map ID.: 134-15.00-95.03





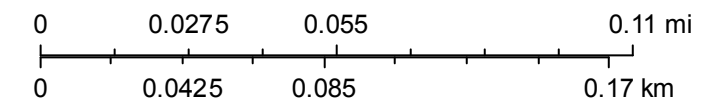
# Sussex County



<b>PIN:</b>	134-15.00-95.03
<b>Owner Name</b>	SOMMERS JOHN J
<b>Book</b>	4648
<b>Mailing Address</b>	101-3 COASTAL HIGHWAY
<b>City</b>	FENWICK ISLAND
<b>State</b>	DE
<b>Description</b>	NW/RT 17
<b>Description 2</b>	LOT B
<b>Description 3</b>	N/A
<b>Land Code</b>	

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

1:2,257





# Sussex County



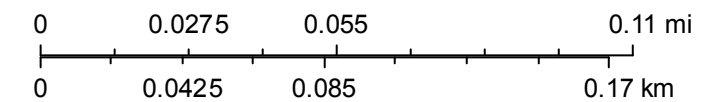
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- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
  - Tax Parcels
  - 911 Address
  - Streets

1:2,257





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**Sussex County**

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sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 2<sup>nd</sup>, 2021  
RE: Staff Analysis for CU 2255 John Sommers

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This memo provides a background and an analysis for the Planning Commission to consider as a part of the Conditional Use Application for John Sommers (CU 2255) to be reviewed during the August 3<sup>rd</sup>, 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 (C/U 2255) to allow for a bicycle repair shop to be located on the northwest side of Roxana Road (Rt. 17), approximately 0.55 mile southwest of Burbage Road (S.C.R. 353). The subject property is Tax Parcel 134-15.00-95.03, and the total area of the site is 2.9 acres +/-.

The 2018 Sussex County 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 help determine the ways in which land uses should change over time. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area." The properties to the north, south and west of the subject property also have the land use designation of "Coastal Area." The parcels on the opposite side of Roxana Road (Rt. 17) are within the jurisdiction of the Town of Millville.

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are expected to accommodate residential and economic growth and protect and preserve environmentally sensitive areas. Specifically, the Comprehensive Plan states that a range of housing types, including townhomes and multi-family units, be permitted. Housing is permitted at a density of 2 units to the acre and medium densities (4-12 units per acre) may be appropriate in certain areas. It is envisioned that Coastal Areas encourage retail and offices uses; however, larger shopping centers and office parks could be confined to select locations. Lastly, the Coastal Area designation encourages the expansion of central water and sewer facilities as it is feasible.

The subject property is within an Agricultural Residential (AR-1) Zoning District. The properties to the north, south, east, and west are all within the AR-1 Zoning District. As mentioned above, the parcels on the opposite side of Roxana Road are within the Town of Millville; therefore, there is no zoning designation.

Since 1971, there have been 17 Conditional Use applications filed with the Planning and Zoning Department (i.e. excluding the subject application). 13 applications were approved, one was denied,



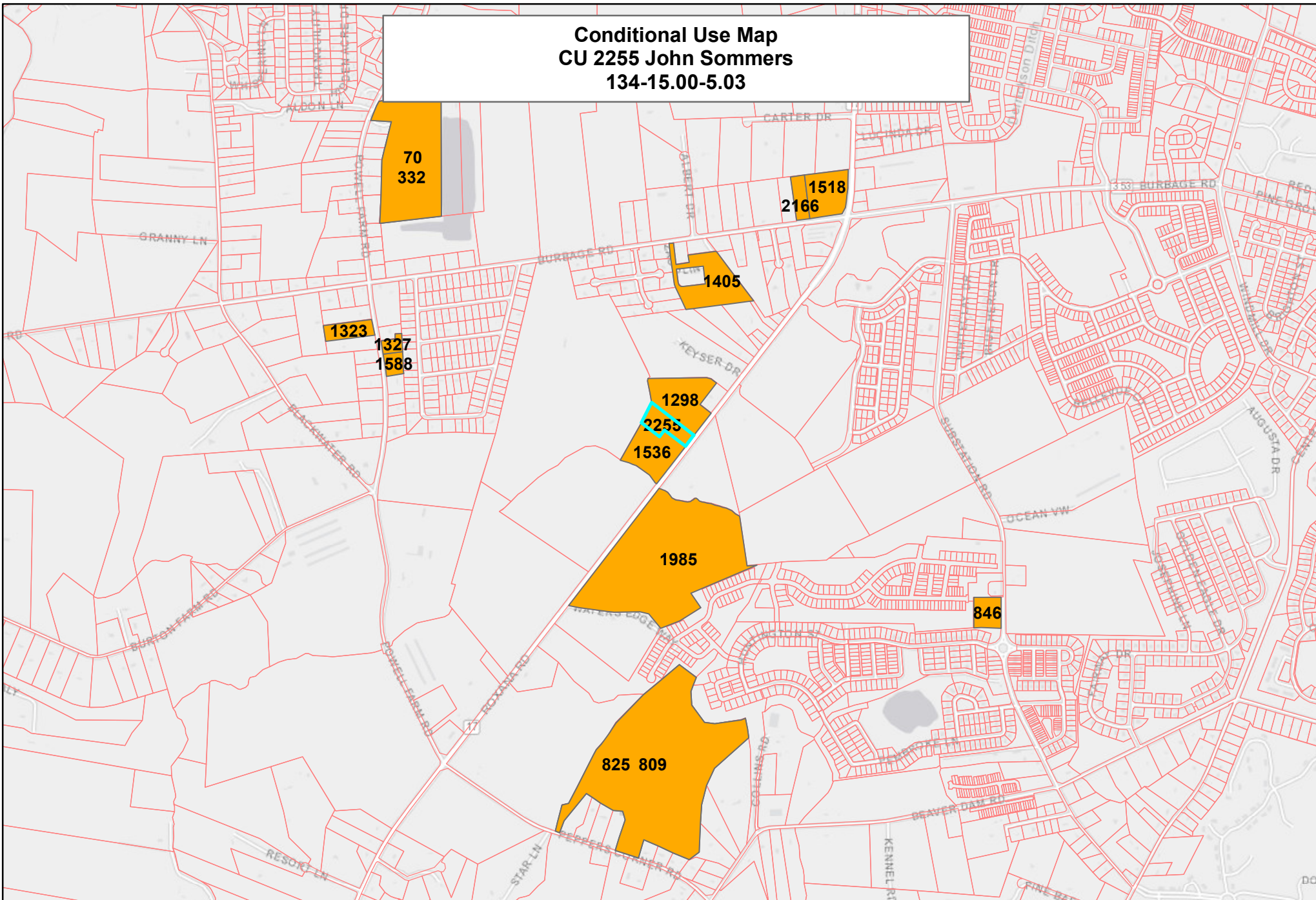
and two were withdrawn. The attached table summarizes the location, use, and decision of each application. Furthermore, attached is a map that represents the locations of each of these uses.

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



# Sussex County

Conditional Use Map  
CU 2255 John Sommers  
134-15.00-5.03



CU #	Tax Parcel ID	APPLICANT	Zoning	Proposed Use	P&Z Recommendation	P&Z Date	CC Decision	CC Decision Date
2255	134-15.00-95.03	John Sommers	AR-1	Bicycle sales, repair, storage		<Null>		<Null>
2166	134-11.00-226.01	Deborah Townsend	AR-1	Professional office and business services with residence	Recommended Approval	4/11/2019	Approved	4/30/2019
1985	134-15.00-118.00	Eugenia Athan	AR-1/MR	Storage Facility	Recommended Approval	4/10/2014	Approved	5/20/2014
1969	134-11.00-207.00	Melvin L. Joseph Construction Co.	AR-1	Borrow Pit	Recommended Approval	10/10/2013	Approved	10/15/2013
1900	134-11.00-207.00	Doris D. Turner	AR-1	Borrow Pit	Withdrawn	6/2/2011	Withdrawn	6/2/2011
1588	134-15.00-24.00	Leroy & JoAnn Marvel	AR-1	small engine repair	Recommended Approval	2/10/2005	Approved	3/15/2005
1536	134-15.00-95.02	Mr. Natural Bottled Water	AR-1	office/warehouse	Recommended Approval	4/29/2004	Approved	5/18/2004
1518	134-11.00-227.00	Atlantic Auction Co., Inc.	AR-1	self storage & professional office	Recommended Approval	1/22/2004	Approved	1/27/2004
1405	134-11.00-808.02	Michael G. McCarthy	AR-1	offices & woodshop	Recommended Denial	5/17/2001	Approved	6/19/2001
1327	134-15.00-23.00	Frank Cochran	AR-1	lawn mower repair & boat storage	Recommended Denial	2/24/2000	Approved	3/21/2000
1323	134-15.00-9.04	Theodore B. Simpler	AR-1	office for surveying firm	Recommended Approval	1/12/2000	Approved	2/1/2000
1298	134-15.00-95.00	Lawrence & Susan Kelly	AR-1	nursery/landscaping/garden center	Recommended Approval	7/22/1999	Approved	8/10/1999
846	134-16.00-1.00	Delaware Electric Cooperative	AR-1	public utility electric substation	Recommended Approval	12/26/1985	Approved	1/14/1986
825	134-15.00-122.00	Morris E. Justice	AR-1	borrow pit	Recommended Denial	5/23/1985	Approved	7/23/1985
809	134-15.00-122.00	Morris E. Justice	AR-1	Borrow Pit	Withdrawn	<Null>	Withdrawn	<Null>
332	134-11.00-216.00	Hogsten	AR-1	campground	N/A	<Null>	Denied	<Null>
70	134-11.00-216.00	James & Marie Hogsten	AR-1	Camping Area	N/A	<Null>	Approved	8/29/1972



## 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**

32050 ROYANNA ROAD FRANKFORD DE 19944

**Type of Conditional Use Requested:**

CONDITIONAL USE FOR THE SALES, RENTALS, STORAGE, REPAIRS  
OF BICYCLES AND RELATED ACCESSORIES 8AM-8PM 7 DAYS

Tax Map #: 1-34-15.00-95.03 Size of Parcel(s): 2.9 ACRES

Current Zoning: AR-1 Proposed Zoning: CU Size of Building: 30 X 30

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

Water Provider: ON SITE Sewer Provider: ON SITE

**Applicant Information**

Applicant Name: JOHN SOMMERS

Applicant Address: 101-3 COASTAL HWY

City: FENWICK ISLAND State: DE Zip Code: 19944

Phone #: 302 462 5876 E-mail: FENWICKBIKES@COMCAST.NET

**Owner Information**

Owner Name: SAME AS ABOVE.

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.**
- 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**

S —

Date: 12.15.2020

**Signature of Owner**

S —

Date: 12.15.2020

**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

August 6, 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 **John Sommers** conditional use application, which we received on July 10, 2020. This application is for an approximately 2.90-acre parcel (Tax Parcel: 134-15.00-95.03). The subject land is located on the northwest side of Roxana Road (Sussex Road 52), approximately 2,900 feet southwest of the intersection of Roxana Road and Burbage Road (Sussex Road 353), in Frankford. The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the facility to operate a bicycle sales, rental, and repair business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Roxana Road where the subject land is located, which is from Daisey Road (Sussex Road 370) to Atlantic Avenue (Sussex Road 26), are 4,780 and 6,152 vehicles per day, respectively.

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  
August 6, 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  
John Sommers, 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

**NOTES**

1. TITLE REFERENCED TO DEED BOOK 4514, P 47.
2. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE.
3. 'SUBURBAN' SURVEY.
4. BOUNDARY DESCRIPTION BASED ON MONUMENTATION FOUND IN FIELD.

**LEGEND**

-  IRON PIN FOUND
-  POINT
-  EDGE OF PAVEMENT
-  PROPERTY LINE

DE STATE PLANE COORDINATES



**BOUNDARY SURVEY PLAN**

FOR JOHN JOSEPH SOMMERS  
OF THE LANDS N/F OF  
EUGENIA ATHAN

LOT B,  
LANDS OF LARRY KELLY SUBDIVISION  
ROXANA ROAD  
FENWICK ISLAND, DE 19945  
BALTIMORE HUNDRED  
SUSSEX COUNTY, DELAWARE  
TM# 134-15.00-95.03  
AREA: 107,864±S.F. OR 2.48±AC

**COTTEN ENGINEERING LLC**

CIVIL ENGINEERS  
10087 CONCORD RD.  
SEAFORD DE 19973  
PHONE/FAX (302) 628-9164

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DESIGNED BY: CE	PREPARED BY: CE	JOB # 16-301
DRAWN BY: JCD	DATE: 1/2/2017	SHEET 1 OF 1
CHECKED BY: MSC	SCALE: 1/4" = 50 FEET	

