

**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 August 12, 2021.

Application: CU 2257 (Indian River Volunteer Fire Company, Inc.)

Applicant: Indian River Volunteer Fire Company, Inc.  
32628 Oak Orchard Road  
Millsboro, DE 19966

Owner: Indian River Volunteer Fire Company, Inc.  
32628 Oak Orchard Road  
Millsboro, DE 19966

Site Location: Northeast corner of Oak Orchard Road and Spruce Street, Oak Orchard,  
Millsboro

Current Zoning: General Residential (GR), also split with General Commercial (C-1)

Proposed Use: Boat storage

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire District

Sewer: Sussex County Sewer District

Water: Private Provider

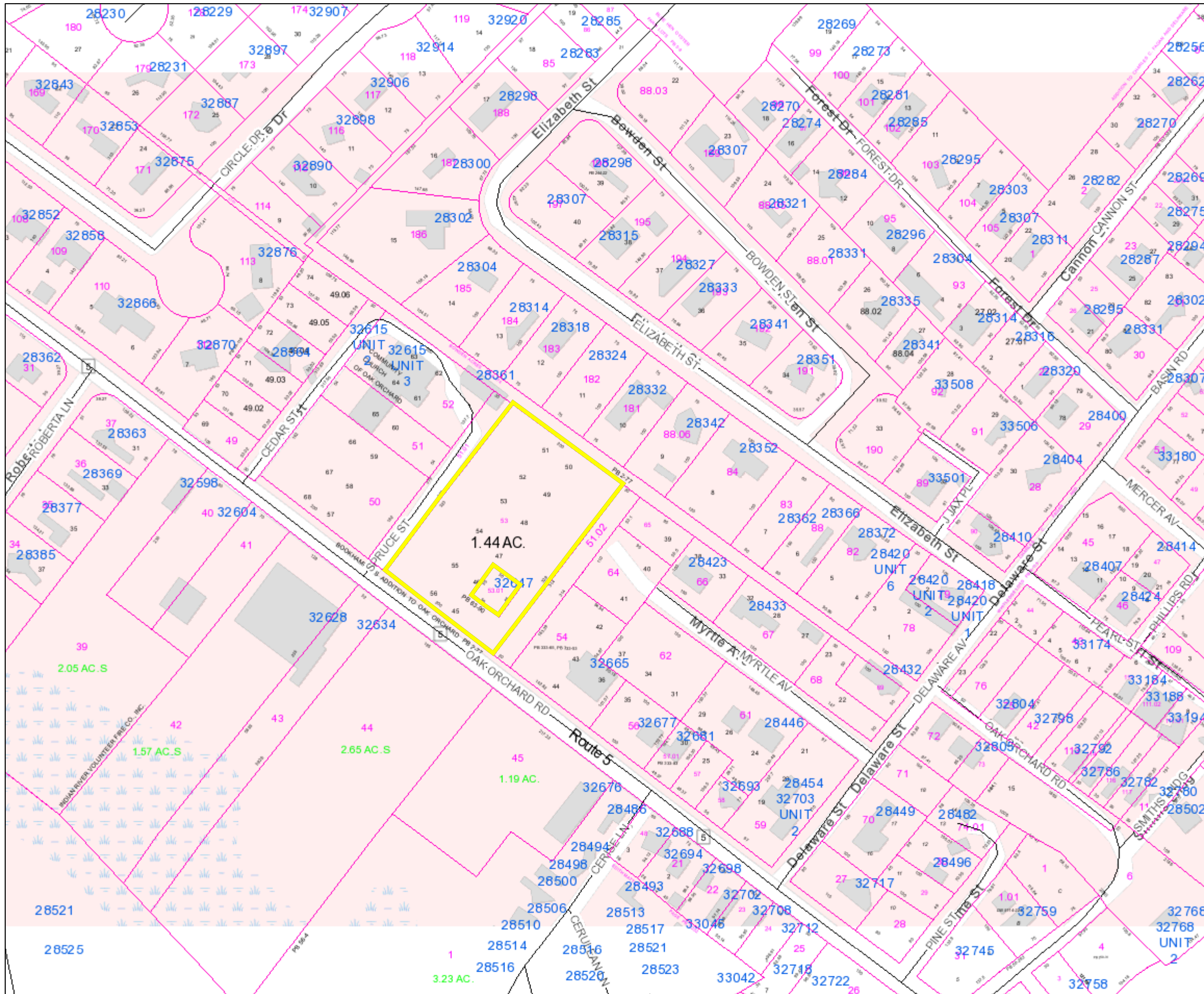
Site Area: 1.006 acres +/- (area for boat storage)

Tax Map ID.: 234-34.08-53.00





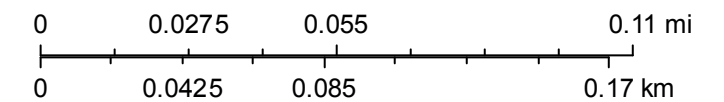
# Sussex County



<b>PIN:</b>	234-34.08-53.00	
<b>Owner Name</b>	INDIAN RIVER	VOLUNTEER FIRE CO
<b>Book</b>	799	
<b>Mailing Address</b>	RR 4 BOX 175	
<b>City</b>	MILLSBORO	
<b>State</b>	DE	
<b>Description</b>	OAK ORCHARD	
<b>Description 2</b>	NE/RT 5	
<b>Description 3</b>	7100	
<b>Land Code</b>		

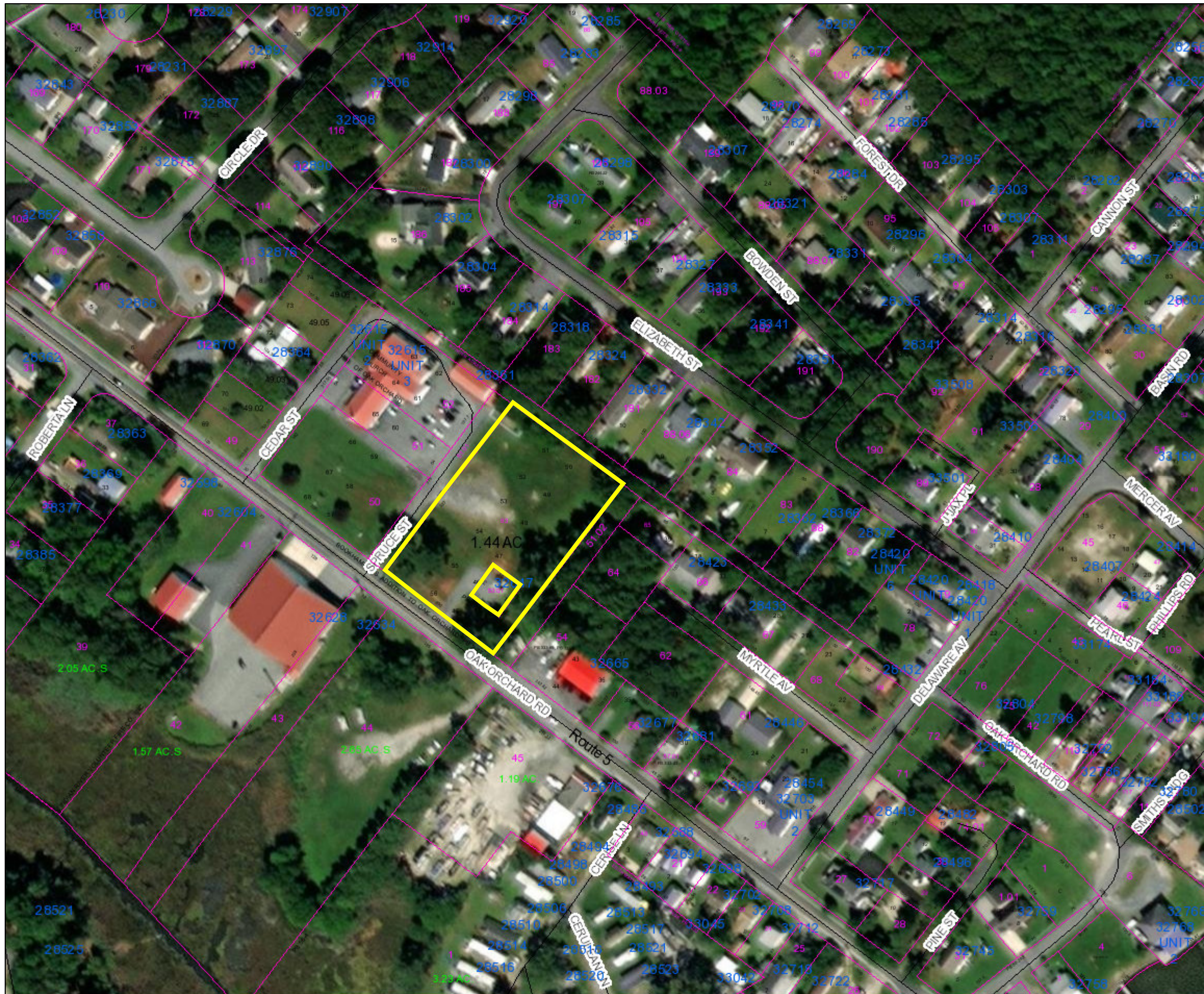
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

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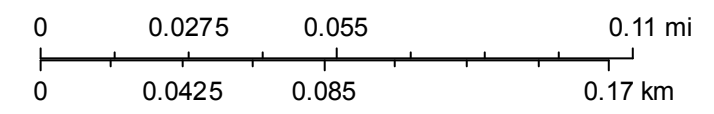
# Sussex County



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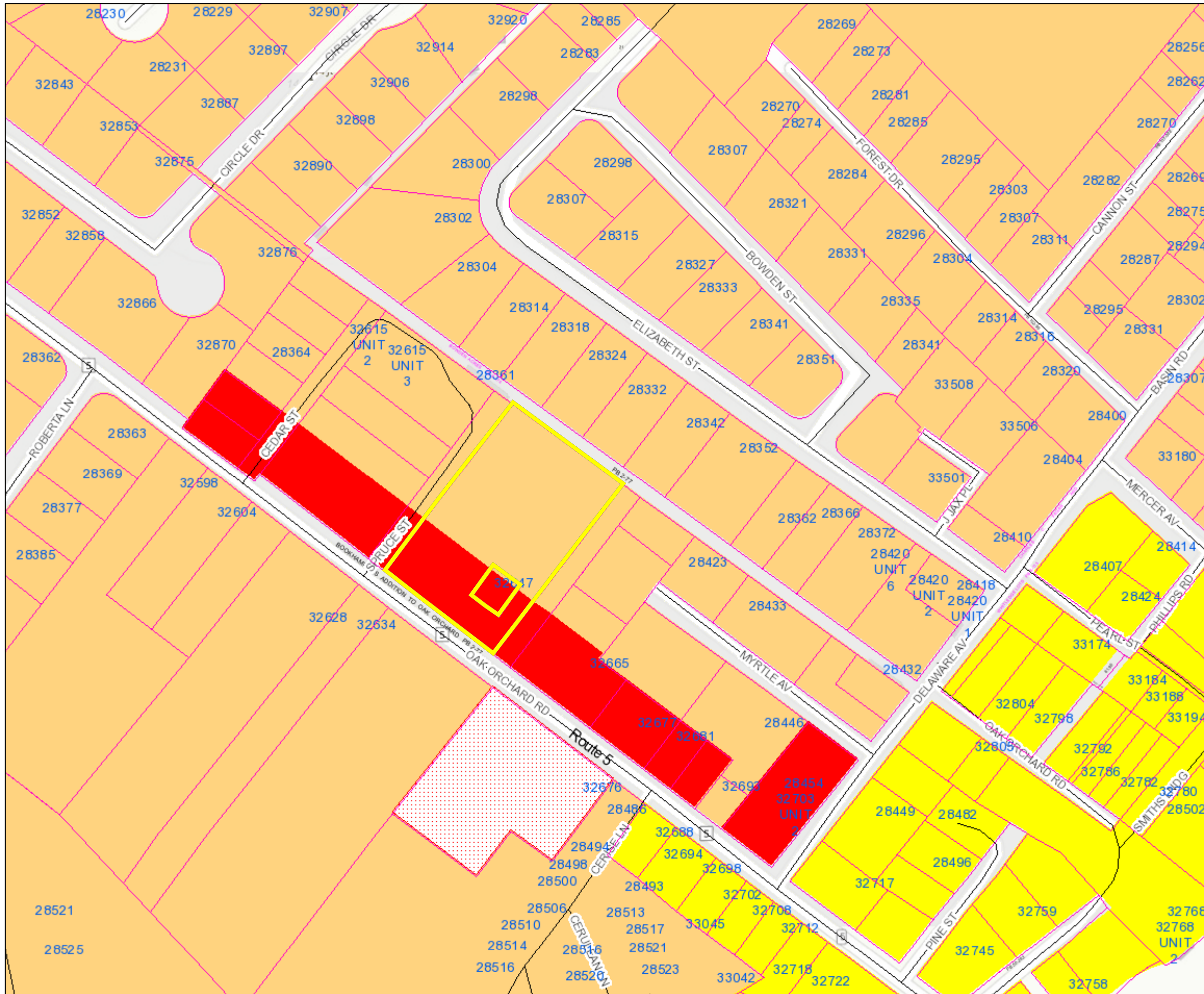
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# Sussex County



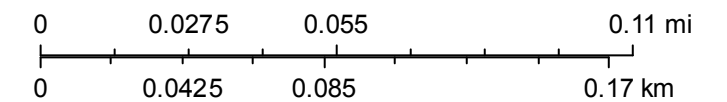
<b>PIN:</b>	234-34.08-53.00
<b>Owner Name</b>	INDIAN RIVER VOLUNTEER FIRE CO
<b>Book</b>	799
<b>Mailing Address</b>	RR 4 BOX 175
<b>City</b>	MILLSBORO
<b>State</b>	DE
<b>Description</b>	OAK ORCHARD
<b>Description 2</b>	NE/RT 5
<b>Description 3</b>	7100
<b>Land Code</b>	

- polygonLayer**

Override 1
- polygonLayer**

Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets

1:2,257



JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR  
(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: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 2<sup>nd</sup>, 2021  
RE: Staff Analysis for CU 2257 (Indian River Volunteer Fire Company)

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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 the Indian River Volunteer Fire Company (CU 2257) to be reviewed during the August 12<sup>th</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.

This Conditional Use application requests an outdoor boat storage yard to be located on the northeast corner of Oak Orchard Road and Spruce Street in Oak Orchard, Millsboro. The property consists of Tax Parcel 234-34.08-53.00 which contains 1.425 acres +/- 1.006 acres (+/-) is proposed to be utilized for the boat storage itself. The remaining portion of Tax Parcel 234-34.08-53.00 is not included in this request.

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."

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 total parcel (TMP: 234-34.08-53.00) is split between the General Commercial (C-1) and General Residential (GR) Zoning District. The site intended for the outdoor boat storage is only located within the GR Zoning District. The properties to the northwest and south east are also split between the C-1 and GR Zoning Districts. The parcels to the north and south (i.e. across the roadway) are with the GR Zoning District. The parcels to the rear of the subject site are technically a part of the Oak Orchard (Orchard Manor subdivision).



Since 1971, there have been 13 Conditional Use applications within a one-mile radius of CU 2257. 9 applications have been approved. 2 applications have been denied. 2 applications have been withdrawn. Attached is a table that summarizes all of these historic applications.

Based on the analysis provided, Conditional Use No. 2257 (Indian River Volunteer Fire Company), subject to considerations of scale and impact, could be considered as consistent with the surrounding land uses, zoning, and environment.

CU Number	Tax Parcel #	APPLICANT	Zoning	Proposed Use	P&Z Decision	CC Decision Date	CC Decision	Ordinance
2257	234-34.08-53.00	Indian River Volunteer Fire Co. Inc.	GR	Boat Storage and Overflow Parking	<Null>	<Null>	<Null>	<Null>
677	234-29.00-222.00	Lawrence Mergenthaler	GR	manufactured home park	Recommended Denial	<Null>	Approved	<Null>
615	234-29.00-222.03	Lawrence E. Mergenthaler	GR	Manufactured Home Park	<Null>	<Null>	Denied	<Null>
1863	234-35.09-6.00	Andrew & Carol Walton	MR	marina/restaurant/etc	Recommended Approval	6/8/2010	Approved	2124
2005	234-34.08-43.00	Indian River Vol. Fire Co., Inc.	GR	BOAT STORAGE FACILITY	Recommended Approval	3/10/2015	Approved	2387
1458	234-34.08-41.00	Indian River Vol. Fire Co., Inc.	GR	expand fire station	Recommended Approval	7/16/2002	Approved	1551
395	234-34.08-45.00	John Satterfield	GR	boat display, sales & services	N/A	<Null>	Approved	<Null>
284	234-34.08-38.02	John Satterfield	GR	water system	N/A	<Null>	Approved	<Null>
864	234-35.05-123.00	Jere M. & Janet M. Coxon	MR	multi-family	Recommended Approval	5/12/1987	Approved	417
260	234-35.05-121.00	Willard Ulrich & Ruth	MR	beauty shop	N/A	<Null>	Denied	<Null>
1188	234-34.12-67.00	Indian River Marina Pier	MR	multi-family	Recommended Approval	7/29/1997	Approved	1160
1088	234-35.09-6.00	Clyde Hull	MR	Marina & Related Uses	Recommended Approval	9/13/1994	Approved	985
275	234-34.08-38.02	John Satterfield	GR	Water System	N/A	<Null>	Withdrawn	<Null>
1816	234-35.09-6.00	Andrew & Carol Walton	MR	Retail/Multi-Family	Withdrawn	3/16/2010	Withdrawn	<Null>

File #: CU 2257  
202016123

## 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

Oak Orchard Road - Tax Parcel #234-34.08-53.00 - 800 feet north of intersection of Oak Orchard Road & Delaware Av

### Type of Conditional Use Requested:

Conditional use approval to utilize the facility as a boat storage yard with fencing and lighting. As well as continuation of overflow parking for the Community Church of Oak Orchard with a portion of the area not being fenced in

Tax Map #: 234-34.08-53.00 Size of Parcel(s): 1.44 acres

Current Zoning: GR Proposed Zoning: \_\_\_\_\_ Size of Building: N/A

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

Water Provider: Tidewater Utilities Sewer Provider: Sussex County

### Applicant Information

Applicant Name: Indian River Volunteer Fire Co., Inc.  
Applicant Address: 32628 Oak Orchard Road  
City: Millsboro State: DE Zip Code: 19966  
Phone #: (302) 945-2800 E-mail: patrick.miller@irvfc.com

### Owner Information

Owner Name: Indian River Volunteer Fire Co., Inc.  
Owner Address: 32628 Oak Orchard Road  
City: Millsboro State: DE Zip Code: 19966  
Phone #: (302) 945-2800 E-mail: patrick.miller@irvfc.com

### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Patrick C. Miller  
Agent/Attorney/Engineer Address: 32717 Oak Orchard Road  
City: Millsboro State: DE Zip Code: 19966  
Phone #: (302) 236-0416 E-mail: patrick.miller@irvfc.com





# 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: 12/19/20

**Signature of Owner**

\_\_\_\_\_

Date: 12/19/20

**For office use only:**

Date Submitted: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Location of property: \_\_\_\_\_

Fee: \$500.00 Check #: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

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 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 **Indian River Volunteer Fire Company, Inc.** conditional use application, which we received on September 15, 2020. This application is for a 1.44-acre parcel (Tax Parcel: 234-34.08-53.00). The subject land is located on the northeast side of Oak Orchard Road (Sussex Road 297), approximately 800 feet north of the intersection of Oak Orchard Road and Delaware Avenue (Sussex Road 297A). The subject land is currently zoned GR (General Residential), and the applicant is seeking a conditional use approval to utilize the facility as a boat storage yard with fencing and lighting.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Oak Orchard Road where the subject land is located are 3,035 and 3,906 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.

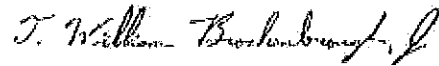
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
October 8, 2020

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

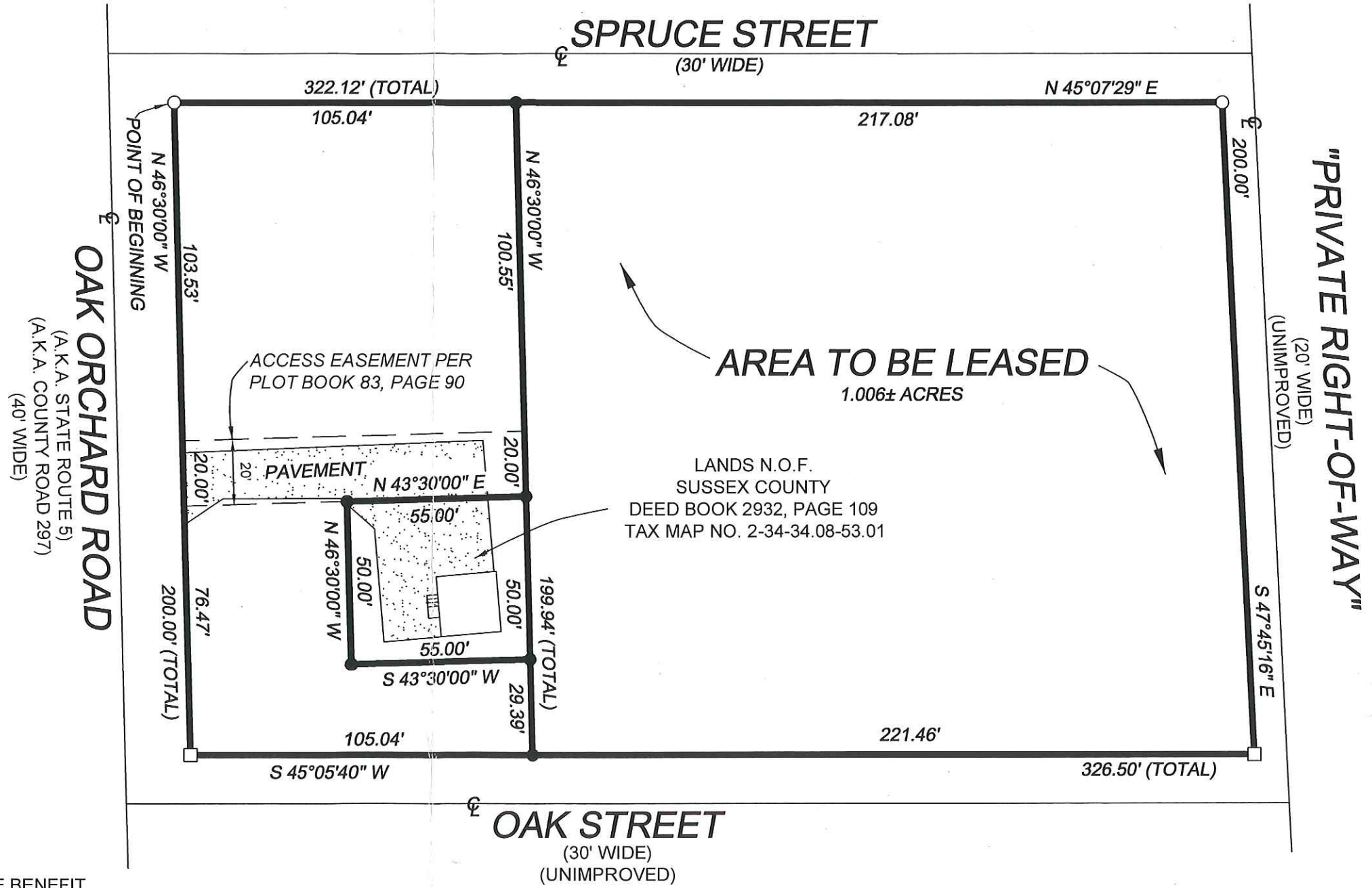
Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Indian River Volunteer Fire Company, Inc., 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



**LEGEND:**

- FOUND IRON PIPE
- SET IRON BAR
- FOUND CONCRETE MONUMENT

**NOTES:**

- 1) SOURCE OF TITLE: DEED BOOK 799, PAGE 356
- 2) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- 3) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY
- 4) AREA: 1.425± ACRES (TOTAL)



**Karins and Associates**

ENGINEERS • PLANNERS • SURVEYORS  
NEWARK, DE • GEORGETOWN, DE  
www.karinsengineering.com

17 POLLY DRUMMOND CENTER \* SUITE 201  
NEWARK, DELAWARE 19711  
PHONE: (302) 369-2900

128 WEST MARKET STREET  
GEORGETOWN, DELAWARE 19947  
PHONE: (302) 856-6699

I, R.B. KEMP, III, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

*R.B. Kemp, III*

R.B. KEMP, III, P.L.S. 541

BOUNDARY SURVEY PLAN  
PREPARED FOR  
INDIAN RIVER VOLUNTEER FIRE COMPANY, INCORPORATED  
LOTS 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 & 56  
BOOKHAMMERS ADDITION TO OAK ORCHARD  
TAX PARCEL No. 2-34-34.08, PARCEL 53.00  
SURVEY CLASSIFICATION: SUBURBAN  
AREA: 1.425± ACRES (TOTAL)  
SITUATE IN: INDIAN RIVER HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE

DATE: 12-15-2020

SCALE: 1" = 40'

DRAWN: MBK

CHECKED: RBK

PLAN NO. G1105-B

**Stephen J. Miller**  
28449 Delaware Avenue  
Millsboro, DE 19966  
(302) 542-4177

RECEIVED  
AUG 03 2021  
SUSSEX COUNTY  
PLANNING & ZONING

July 26, 2021

Sussex County  
Planning & Zoning Commission  
County Administrative Offices  
2 The Circle, PO Box 417  
Georgetown, DE 19947

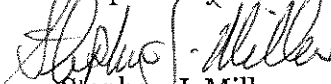
RE: Conditional Use Application #2257 – Indian River Volunteer Fire Co., Inc.

Dear Sussex County Planning & Zoning Commission Members –

I am in favor for the conditional use application in and for the Indian River Volunteer Fire Company and will not be able to attend the public hearing to illustrate my support. Any favorable consideration to be offered towards this conditional use application would be greatly appreciated.

Thank you for any consideration that you could offer.

Respectfully submitted,

  
Stephen J. Miller