

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



# Sussex County

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



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

**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: October 28<sup>th</sup>, 2021

Application: CU 2264 Laudan Investments, LLC

Applicant: Laudan Investments, LLC  
1302 Savannah Road  
Lewes, DE 19958

Owner: Laudan Investments, LLC  
1302 Savannah Road  
Lewes, DE 19958

Site Location: 1302 and 1304 Savannah Road

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: General Office Use

Comprehensive Land  
Use Plan Reference: Commercial

Councilmanic  
District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Septic

Water: Well

Site Area: .68 acres +/-

Tax Map ID.: 335-8.18-15.00 & 16.00





# Sussex County



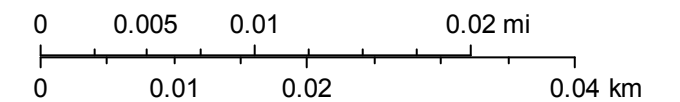
<b>PIN:</b>	335-8.18-15.00
<b>Owner Name</b>	LAUDAN INVESTMENTS LLC
<b>Book</b>	3007
<b>Mailing Address</b>	1302 SAVANNAH RD
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	S/E HWY LEWES
<b>Description 2</b>	TO WESCOATS COR
<b>Description 3</b>	DOVER ST L9
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

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

1:564





# Sussex County



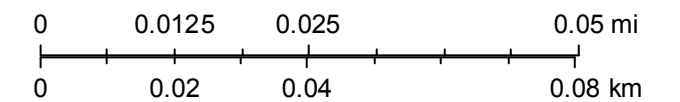
<b>PIN:</b>	335-8.18-15.00
<b>Owner Name</b>	LAUDAN INVESTMENTS LLC
<b>Book</b>	3007
<b>Mailing Address</b>	1302 SAVANNAH RD
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	S/E HWY LEWES
<b>Description 2</b>	TO WESCOATS COR
<b>Description 3</b>	DOVER ST L9
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
- Tax Parcels
- 911 Address
- Streets

1:1,128







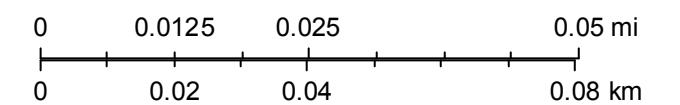
# Sussex County



<b>PIN:</b>	335-8.18-15.00
<b>Owner Name</b>	LAUDAN INVESTMENTS LLC
<b>Book</b>	3007
<b>Mailing Address</b>	1302 SAVANNAH RD
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	S/E HWY LEWES
<b>Description 2</b>	TO WESCOATS COR
<b>Description 3</b>	DOVER ST L9
<b>Land Code</b>	

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

1:1,128





JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR  
(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: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: September 16, 2021  
RE: Staff Analysis for CU 2264 Laudan Investments, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2264 Laudan Investments, LLC to be reviewed during the October 28, 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: 335-8.18-15.00 & 16.00 to allow for the conversion and use of two existing, one-story office buildings, containing 1,540 square feet and 1,600 square feet, respectively, as a professional office. The parcels are lying on the southeastern side of Savannah Road (Route 9B/ S.C.R. 443A) approximately 0.77-mile northeast of Wescoats Road (Route 12) and share an entrance. The parcels consist of 0.68 acres +/-.

It should be noted that both parcels have previously approved Conditional Use Applications on them. Parcel 15.00 was previously subject to a Conditional Use Application (Conditional Use No. 1549) to allow for the existing structure to be used as a medical office. The Conditional Use was approved by the Sussex County Council at their meeting of Tuesday, October 26, 2004 and the change was adopted through Ordinance No. 1723. Additionally, Parcel 16.00 was also previously subject to a Conditional Use Application (Conditional Use No. 1744) to allow for the existing structure to be used as a professional office. The Conditional Use was approved by the Sussex County Council at their meeting of Tuesday, September 30, 2008 and the change was adopted through Ordinance No. 1996.

The 2018 Sussex County Comprehensive Plan Update (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 how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcels have a designation of "Commercial Area." The surrounding and adjacent to the east and west as well as the south also contain the "Commercial Area" Future Land Use Map designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Commercial Areas are areas that include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along



main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas.

The subject properties are zoned Agricultural Residential (AR-1). The adjacent properties to the north of the subject sites are also zoned Agricultural Residential (AR-1). There are two properties to the northwest of the subject properties which are zoned Neighborhood Business (B-1). The properties on the northern side of Vikings Way are located within the incorporated town limits of the City of Lewes.

Since 2011, there have been five (5) Conditional Use applications within a 2-mile radius of the application site. The first application was for Conditional Use No. 2133 Dr. Liama Anthaney and Dr. Michael Cahoom to allow for professional offices to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on July 31, 2018. This change was adopted through Ordinance No. 2591.

The second application was for Conditional Use No. 2109 Quakertown Wellness Center for a holistic treatment center including massage, acupuncture and chiropractor to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on January 9, 2018 and was adopted through Ordinance No. 2541.

The third application was for Conditional Use No. 2136 Christine A. Degnon for a medical office to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on October 23, 2018 and was adopted through Ordinance No. 2608.

The final and fourth application was for Conditional Use No. 2116 William and Stacey Smith for professional offices to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on March 20, 2018 and was adopted through Ordinance No. 2569.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for the use of two existing, one-story office buildings, containing 1,540 square feet and 1,600 square feet as a professional office, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: CU 2264  
202101460  
202101461

**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**

1302 and 1304 Savannah Road Lewes DE 19958

**Type of Conditional Use Requested:**

Office Use- See attached

**Tax Map #:** 335-8.18-15.00,16.00 **Size of Parcel(s):** .68 acres

**Current Zoning:** AR -CU **Proposed Zoning:** AR-CU **Size of Building:** 1540 and 1600 sq ft

**Land Use Classification:** Coastal

**Water Provider:** Well **Sewer Provider:** Septic

**Applicant Information**

Applicant Name: Laudan Investments, LLC

Applicant Address: 1302 Savannah Road

City: Lewes State: DE Zip Code: 19958

Phone #: (302) 236-9585 E-mail: lapontemra@yahoo.com

**Owner Information**

Owner Name: Same

Owner Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Tim Willard

Agent/Attorney/Engineer Address: 26 The Circle

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-7777 E-mail: tim@fwsslaw.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: 1-29-21

**Signature of Owner**

\_\_\_\_\_

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

**For office use only:**

Date Submitted: 1/29/2021  
Staff accepting application: cer  
Location of property: \_\_\_\_\_

Fee: \$500.00 Check #: 24029  
Application & Case #: 202101460 & 202101461

Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_

## Service Level Evaluation

335-8.15- parcel 15.00 and 16.00

Laudan Investments, LLC

### Proposed Use

Each Parcel, 1302 and 1304, parcel 15.00 and 16,00, are in the AR-1 Coastal District just outside of the Lewes City line on Savannah Road. Each has a building on it that use to be residential but has been converted to an office. The office use has been permitted by Conditional Use Permits (2004 Ordinance 1723 for a medical office on parcel 15.00, and 2007 Ordinance 1996 for an architectural office on parcel 16.00, attached). The parcels share a common entrance and parking (2005 approved site plan book 98 page 193, attached).

### Purpose of Application

The applicant is the original owner of parcel 15.00, the medical office, and recently purchase parcel 16.00, the architectural office which was in disrepair. The applicant is improving parcel 16.00 and would like a general conditional use for office use to allow for flexibility in renting and for future buyers. At the same time, the applicant, whose medical practice is housed in parcel 15.00 is requesting the same flexibility, general office use for her property.

Therefore the proposed use is essentially the same, office use, just less specific. In addition, a recent survey is attached.



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

January 7, 2021

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 **Laudan Investments, LLC c/o Tim Willard, Esq.**, conditional use application, which we received on December 9, 2020. This application is for a 0.70-acre assemblage of parcels (Tax Parcels: 335-8.18-15.00 and 16.00). The subject land is located on the southeast side of Savannah Road (Sussex Road 18), approximately 850 feet southwest of Donovans Road (Sussex Road 263), south of the City of Lewes. The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the existing facilities as offices.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Savannah Road where the subject land is located, which is from Wescoats Road to Donovans Road (Sussex Road 263), are 10,940 and 14,078 vehicles per day, respectively.

Based on our review, we estimate that the above land use 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  
January 7, 2021

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: Laudan Investments, LLC c/o Tim Willard, Esq., 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  
Steve McCabe, 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: **9/3/2021**

APPLICATION: **CU 2264 Laudan Investments, LLC**

APPLICANT: **Laudan Investments, LLC**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **335-8.18-15.00, 16.00**

LOCATION: **1302 and 1304 Savannah Road**

NO. OF UNITS: **General Office Use**

GROSS  
ACREAGE: **.68**

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? **Municipal Growth & annexation Area**
- (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? **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: **The proposed Conditional Use is in the Growth and Annexation Area of the City of Lewes.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (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



clu 2264

Applicant  
Exhibit

## Proposed Findings and Conditions

Conditional Use #2264

Laudan Investments LLC

Tax Maps # 335-18.00-15.00 and 16.00

**FILE COPY**

Received 10.28.2021  
@ Public Hearing

### Findings

After a hearing the Planning Commission determined, based on the findings of facts, that:

1. Both parcels already have existing Conditional Uses 1549 (Ordinance 1723) for medical office and 1744 (Ordinance 1996) for and architectural office.
2. The applicant, owner of parcel 15.00, recently purchased parcel 16.00.
3. The parcels are served by a common entrance as approved by DelDot.
4. The applicant occupies parcel 15.00 as a doctor's office and may expend her practice into parcel 16.00 or lease it to another professional office use.
5. The applicant is renovating the building on parcel 16.00.
6. The applicant is requesting both conditional uses be for General Business use to allow some flexibility in leasing or selling the properties.
7. General Office uses in residential looking homes are common on Savannah Road.
8. The proposed conditional use is in accordance with the Comprehensive Development Plan in a Commercial Area.

### Conditions

Therefore, approval is recommended with the following conditions:

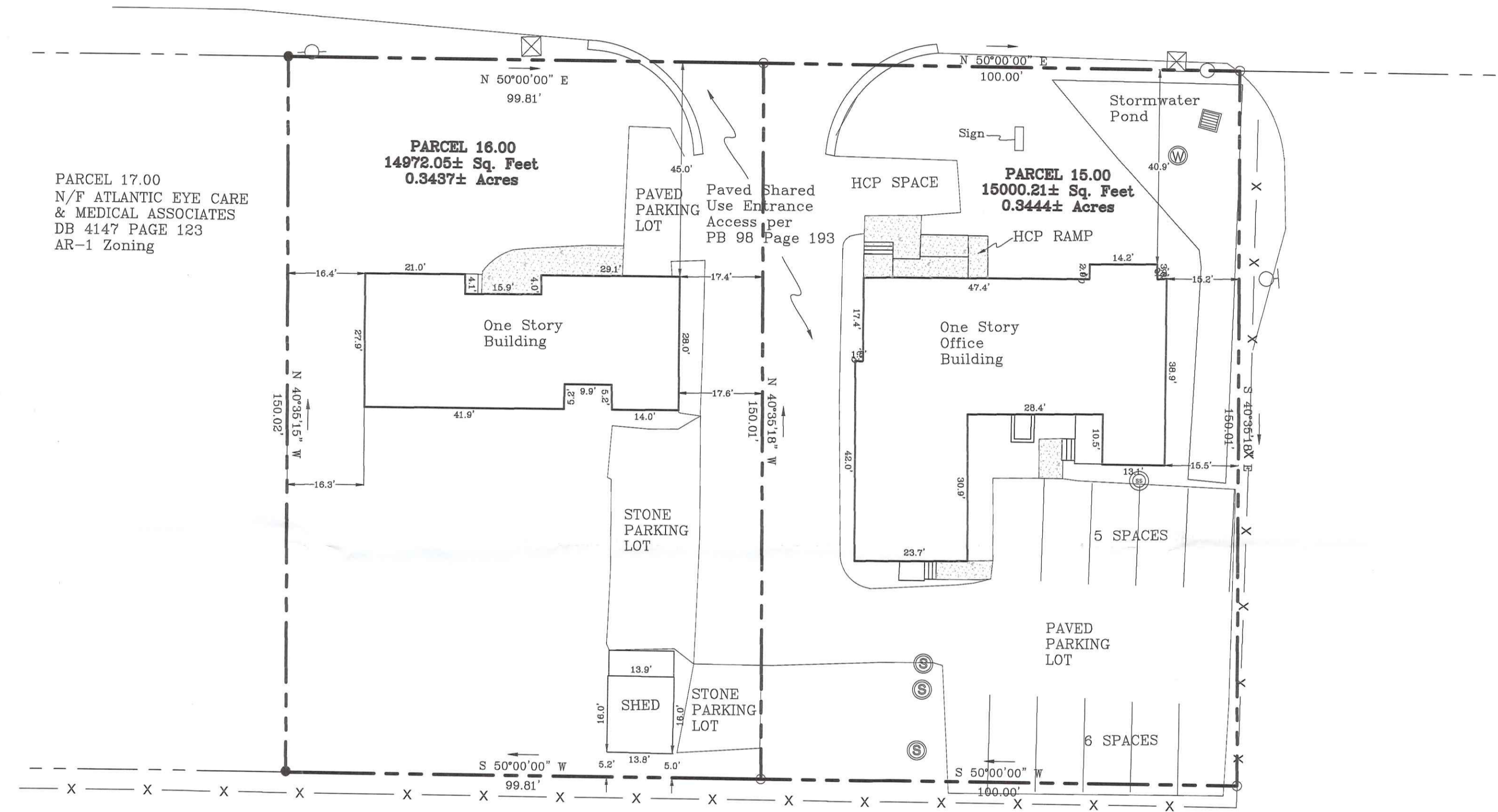
1. The buildings shall be used for office use only.
2. There will only be one unlighted sign on the premises for each building that shall not exceed 32 square feet on each side.
3. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on the neighboring properties or toward Savannah Road.
4. The hours of operation for the businesses on this site shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday. Emergency services can be provided at any time.
5. The offices shall share an entrance as approved by DELDOT.
6. All parking shall be located in the rear, except for handicapped parking.
7. The residential appearance of the existing structure shall be maintained during the renovation process.
8. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.



SCR 9

SAVANNAH ROAD

DB 4147 Page 128

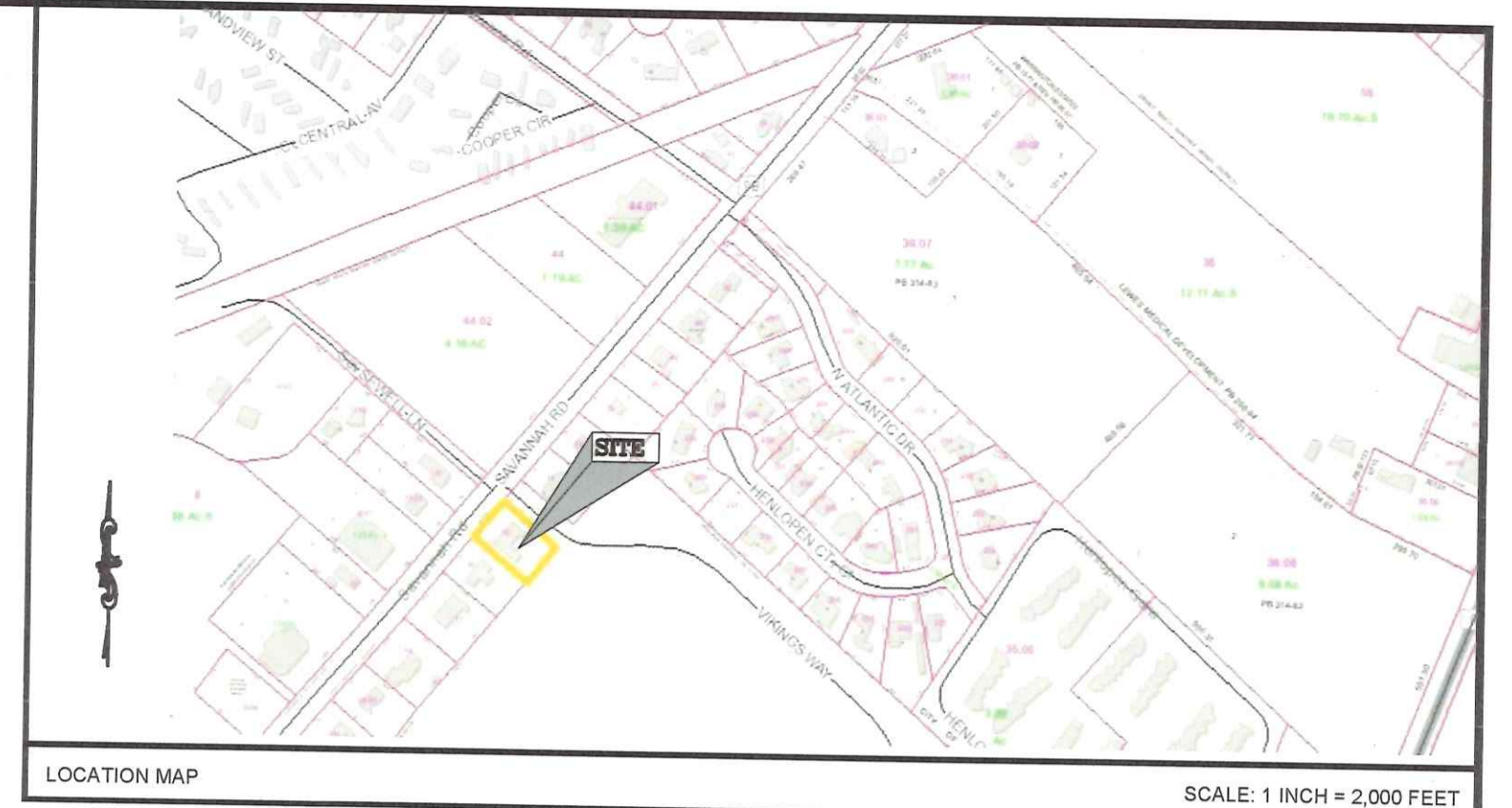


PARCEL 17.00  
N/F ATLANTIC EYE CARE  
& MEDICAL ASSOCIATES  
DB 4147 PAGE 123  
AR-1 Zoning

PARCEL 34.00  
N/F CAPE HENLOPEN SCHOOL DISTRICT  
DB 695 PAGE 594  
AR-1 Zoning

LEGEND

- PROPERTY LINE
- X — FENCE
- IRON PIPE FOUND
- LIGHT POLE
- POWER POLE
- ⊗ DELDOT CONTROL BOX
- WELL
- ⊙ SEWER CLEANOUT
- ⊙ SEWER MANHOLE



PLAN DATA:

- PARCEL I.D. No \* 335-8.18 PARCELS 15.00 AND 16.00
- PLAT REFERENCE \* D.B. 3007, PAGE 183 AND 5286, PAGE 48
- ZONING DISTRICT \* AR-01 (ZONING CLASSIFICATION)
- ROADWAY CLASSIFICATION \* SCR 9 (MAJOR COLLECTOR)
- SEWAGE DISPOSAL \* INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS (PRIVATE)
- SEWERAGE IS SUBJECT TO APPROVAL OF THE THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
- WATER SUPPLY \* INDIVIDUAL ON-SITE WELLS (PRIVATE)
- WATER IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DIVISION OF PUBLIC HEALTH.
- OWNER \* LAUDAN INVESTMENTS, LLC  
1302 SAVANNAH ROAD  
LEWES, DE 19958
- LOT AREA RATIONALE \* PARCEL 15.00 = 0.3444 ACRES  
PARCEL 16.00 = 0.3437 ACRES
- TOTAL No. OF LOTS \* 2 SINGLE FAMILY DWELLING UNITS
- (TID) PROXIMITY \* 1 MILE TO HENLOPEN TID

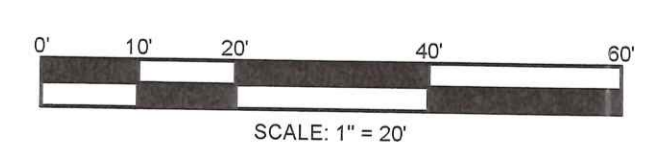
NOTES

1. THIS SURVEY IS CLASSIFIED AS A "SUBURBAN" SURVEY.
2. UNLESS THIS PLAT HAS A SEAL WITH AN ORIGINAL SIGNATURE OF ENGINEER, IN RED INK, THIS IS NOT AN AUTHORIZED COPY.
3. THE SURVEY DOES NOT VERIFY THE EXISTENCE OF OR NONEXISTENCE OF ANY EASEMENTS OR RIGHT OF WAYS.



LOCATION SURVEY PLAN

FOR PROPERTY KNOWN AS:  
**LANDS OF "LAUDAN INVESTMENTS LLC"**  
ALSO KNOWN AS:  
"1302 AND 1304 SAVANNAH ROAD, LEWES, DE"  
SITUATE IN:  
LEWES AND REHOBOTH HUNDRED \* SUSSEX COUNTY  
STATE OF DELAWARE  
TAX MAP#: 335-8.15 PARCELS 15.00 AND 16.00



	22184 MELSON ROAD GEORGETOWN, DELAWARE 19347 PHONE NO. 302-856-1565	
	Drawn By: JBR	Date: 11-30-2020
Scale: 1"=20'		Sheet 1/1