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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



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 28th, 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



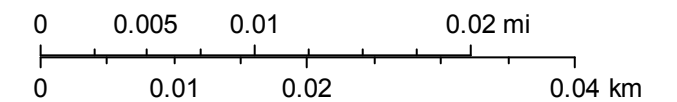
PIN:	335-8.18-15.00
Owner Name	LAUDAN INVESTMENTS LLC
Book	3007
Mailing Address	1302 SAVANNAH RD
City	LEWES
State	DE
Description	S/E HWY LEWES
Description 2	TO WESCOATS COR
Description 3	DOVER ST L9
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

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

1:564





Sussex County



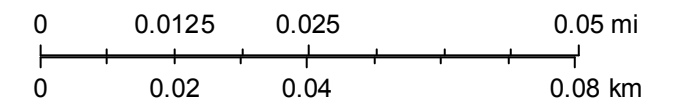
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- 911 Address
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1:1,128





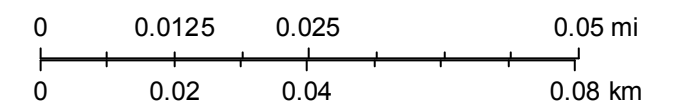
Sussex County



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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: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

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:



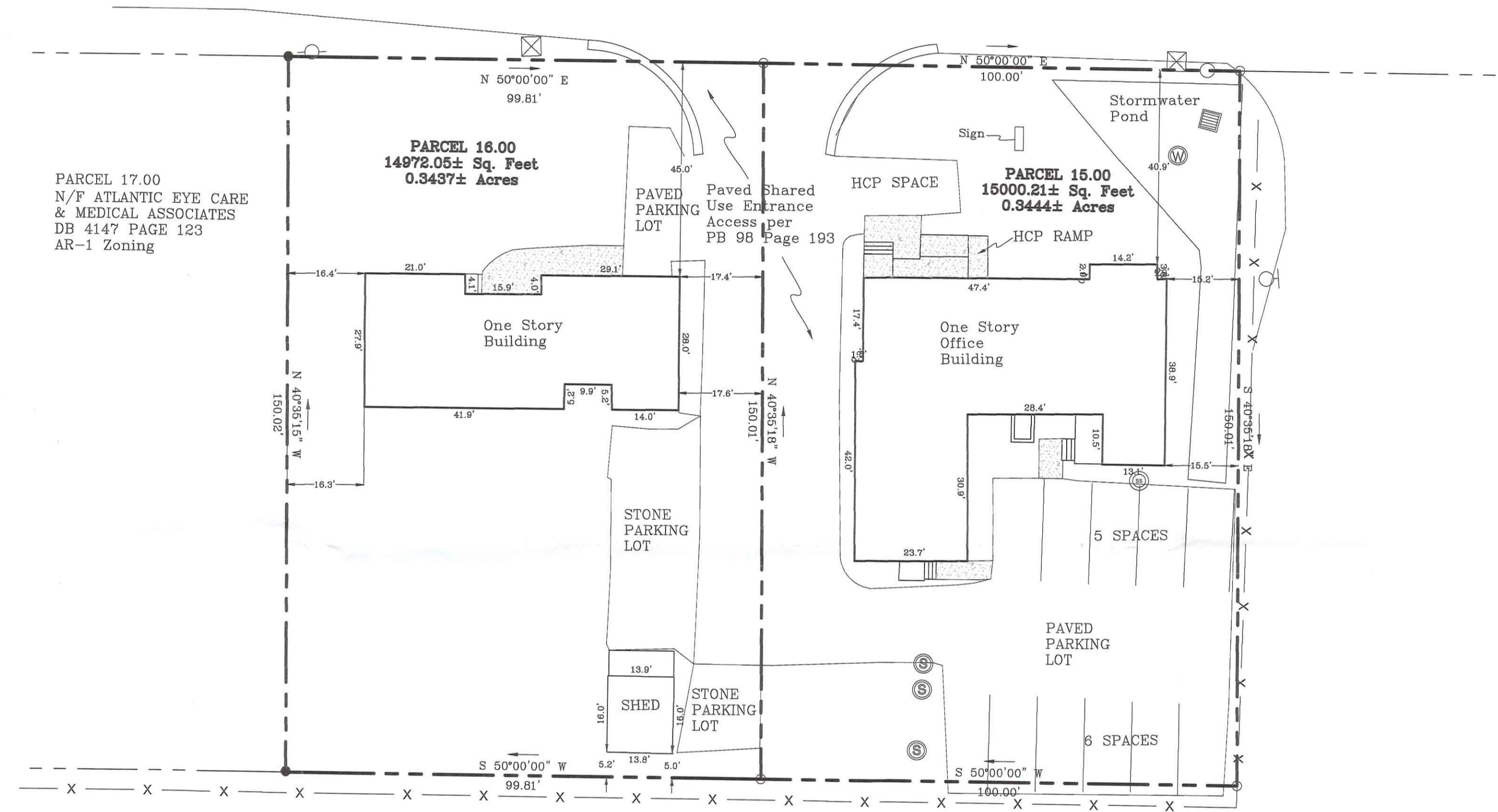
John J. Ashman
Sr. Manager of Utility Planning & Design Review

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

SCR 9

SAVANNAH ROAD

DB 4147 Page 128

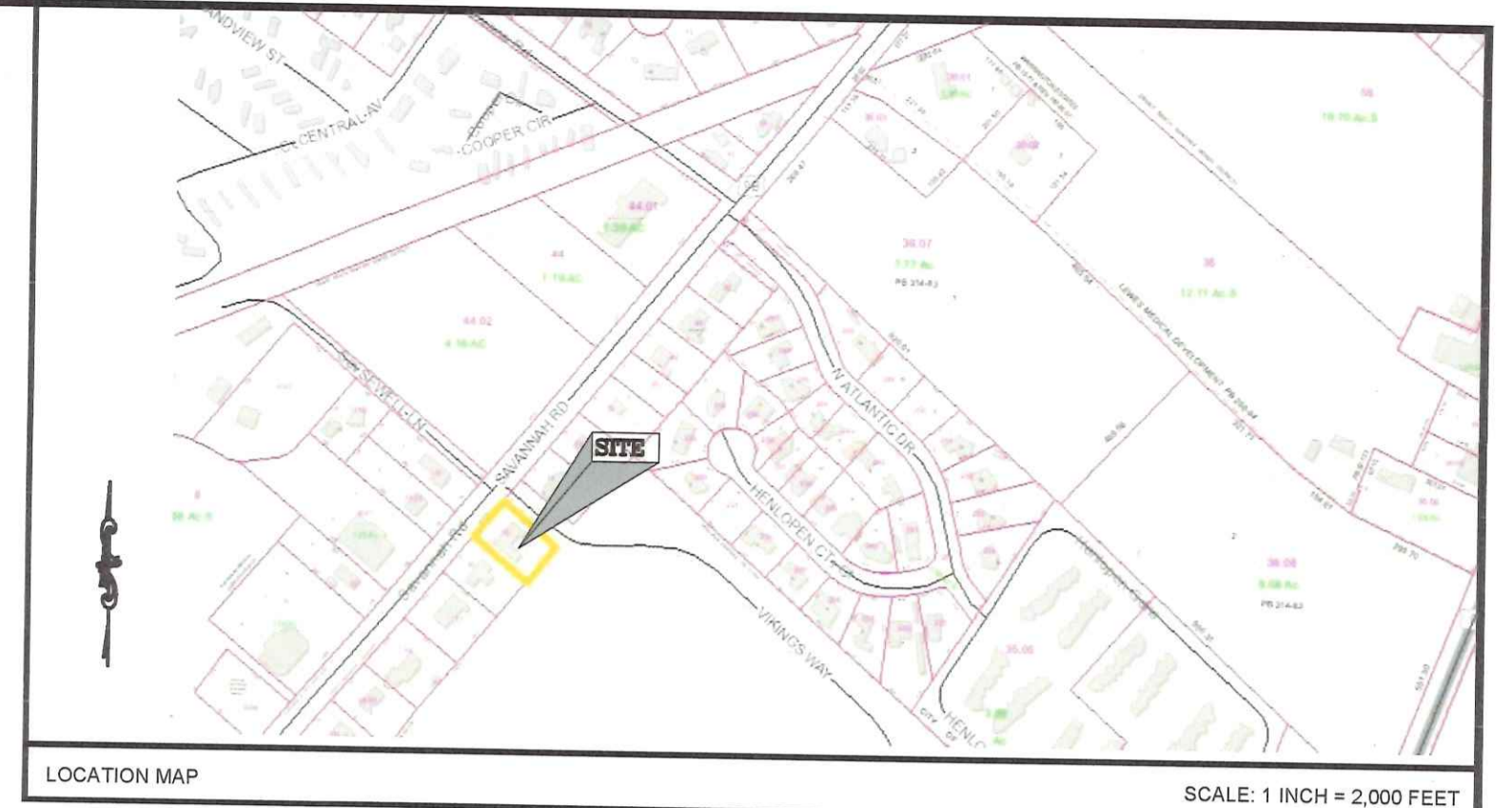


PARCEL 17.00
N/F ATLANTIC EYE CARE
& MEDICAL ASSOCIATES
DB 4147 PAGE 123
AR-1 Zoning

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 CONTROLL 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

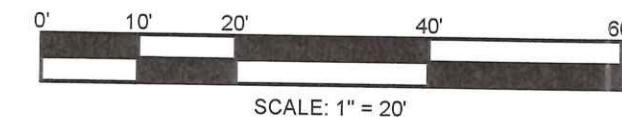
NOTES

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 19847 PHONE NO. 302-856-1565	
	Drawn By: JBR	Date: 11-30-2020
Scale: 1"=20'		Sheet 1/1