

PLANNING & ZONING COMMISSION

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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 14th, 2021

Application: CU 2265 Pro Carpet, LLC

Applicant: Pro Carpet, LLC
26315 Miller Street
Millsboro, DE 19966

Owner: Pro Carpet, LLC
26315 Miller Street
Millsboro, DE 19966

Site Location: southeast side of Miller St. approximately 0.16-mile northeast of Mount Joy Road (S.C.R. 297)

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

Proposed Use: Carpet Business

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Schaeffer

School District: Indian River School District

Fire District: Millsboro Fire Department

Sewer: Septic

Water: Well

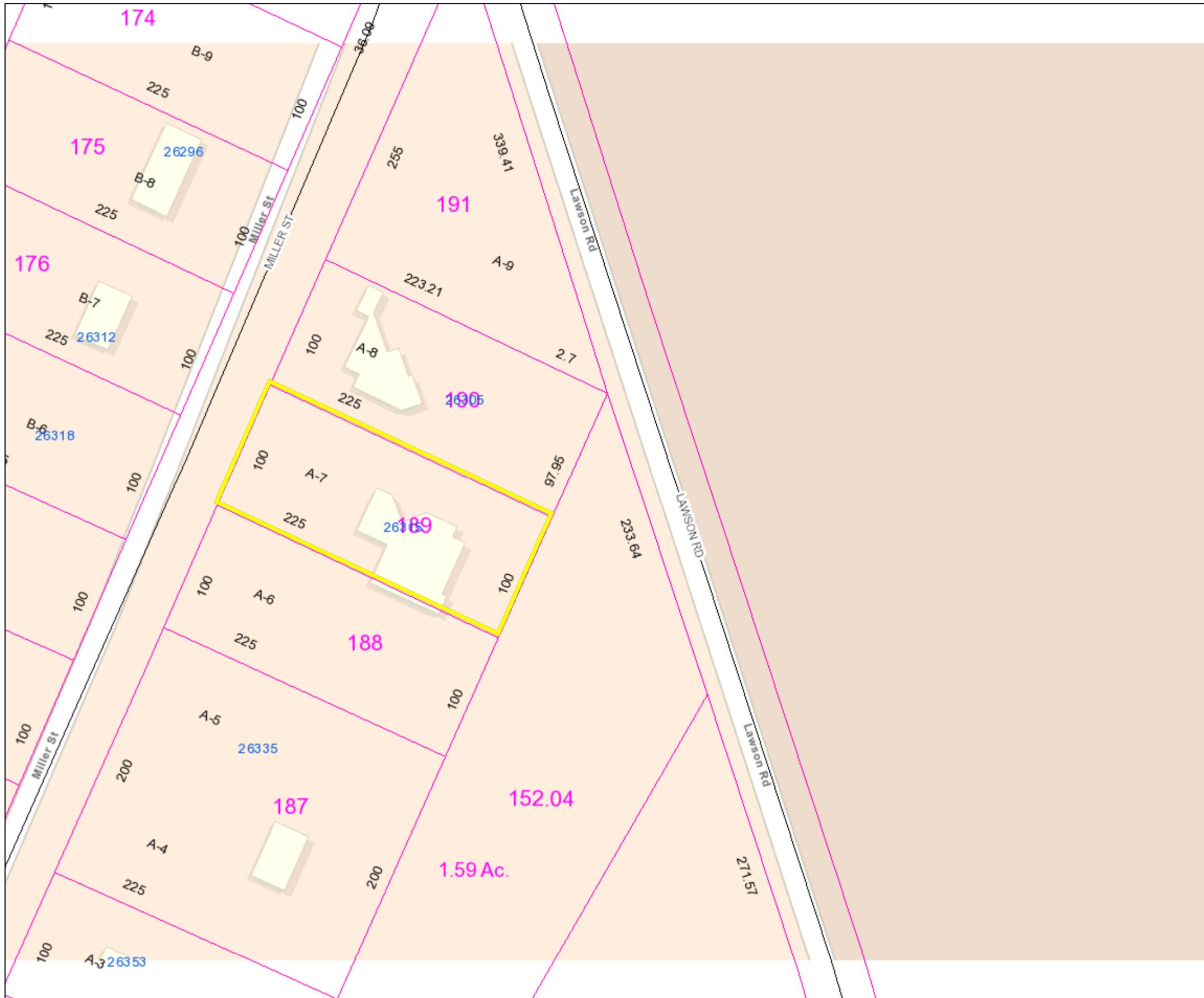
Site Area: 0.52 acres +/-

Tax Map ID.: 234-21.00-189.00





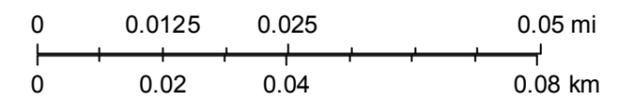
Sussex County



PIN:	234-21.00-189.00
Owner Name	PRO CARPET LLC
Book	4692
Mailing Address	26315 MILLER ST
City	MILLSBORO
State	DE
Description	CORDREY
Description 2	LOT A7
Description 3	CT#47704
Land Code	

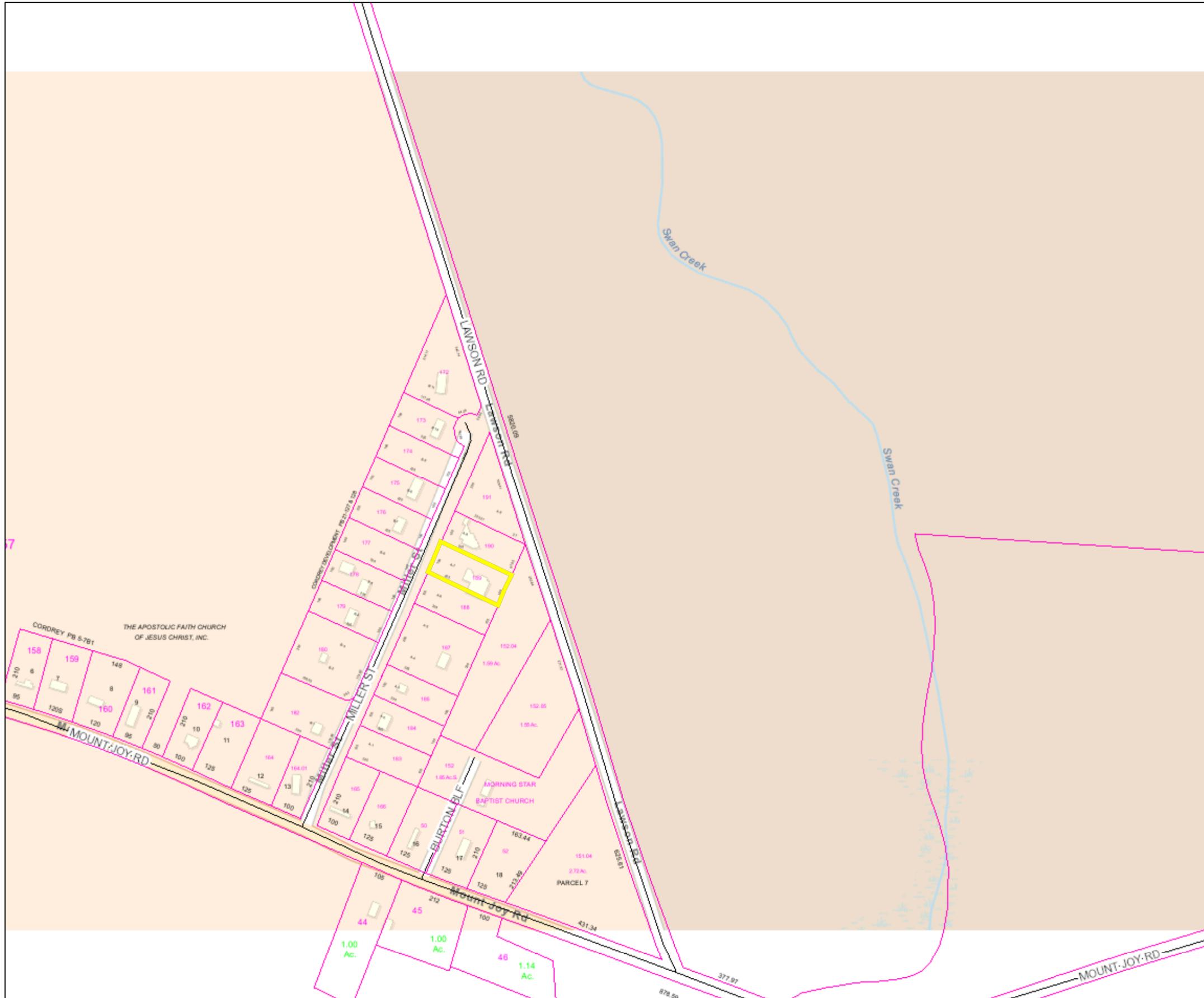
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 - Override 1
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 - Override 1
- Tax Parcels**
 - 911 Address
- Streets**
- County Boundaries**
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Municipal Boundaries
 - TID

1:1,128





Sussex County



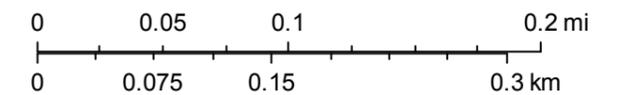
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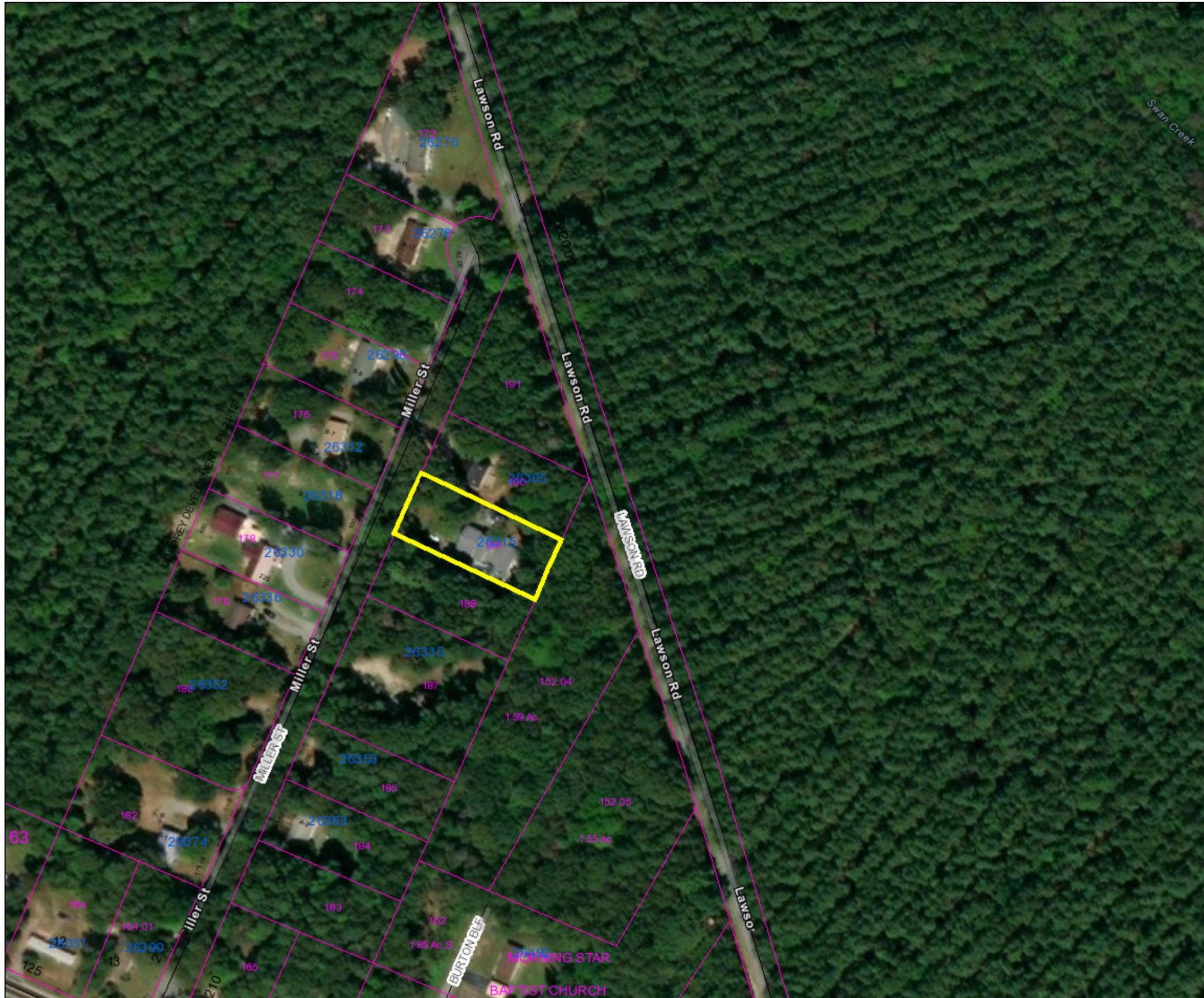
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 - Tax Parcels
 - Streets

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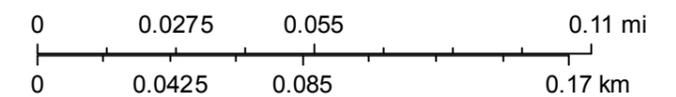
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- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ⋮ Tax Parcels
- 911 Address
- Streets

1:2,257



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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: October 7, 2021
RE: Staff Analysis for CU 2265 Pro Carpet, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2265 Pro Carpet, LLC to be reviewed during the October 14, 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 Parcel: 234-24.00-189.00 to allow for a carpet business. The parcel lying on the east side of Miller Street, approximately 0.16 mile north of Mount Joy Road (S.C.R. 297). The parcels consist of 0.52 acres +/-.

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 parcel has a designation of "Low Density". The surrounding and adjacent parcels to the east and west as well as the north and south also contain the "Low Density" Future Land Use Map designation. Parcels further to the east have a designation of "Coastal Area".

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties surrounding the subject site are also zoned Agricultural Residential (AR-1). There are multiple properties further west and east that are zoned General Residential (GR).

Since 2011, there has been one (1) Conditional Use application within a 1-mile radius of the application site. The application was for Conditional Use No. 2186 Mountaire Farms of Delaware, Inc. to allow sludge and wastewater spray irrigation to be located within an Agricultural Residential (AR-1) and General Residential (GR) Zoning District. This application was approved by the Sussex County Council on February 18, 2020. This change was adopted through Ordinance No. 2706.



Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for a carpet business, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: CW 2265
202101483

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

Type of Conditional Use Requested:

for employ's parking at the house and use of the house
Tax Map #: 234-21.00-189.00 Size of Parcel(s): _____

Current Zoning: AR-1 Proposed Zoning: _____ Size of Building: _____

Land Use Classification: parking for employ's and use of the house

Water Provider: well Sewer Provider: septic

Applicant Information

Applicant Name: JUAN FRANCISCO IZARA
Applicant Address: 96296 Miller St
City: Millsboro State: DE Zip Code: 19966
Phone #: 443-757-7320 E-mail: frankizara@hotmail.com

Owner Information

Owner Name: PRO CARPET LLC
Owner Address: 26315 Miller St
City: Millsboro State: DE Zip Code: 19966
Phone #: 443 757 7320 E-mail: procarpetllc@aol.com

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

- o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- o Provide a PDF of Plans (may be e-mailed to a staff member)
- o 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: 11-23-2020

Signature of Owner



Date: 11-23-2020

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

December 23, 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 **Juan Fizara / Pro Carpet, LLC** conditional use application, which we received on November 24, 2020. This application is for an approximately 0.51-acre parcel (Tax Parcel: 234-21.00-189.00). The subject land is located on the east side of Miller Street, approximately 800 feet north of Mount Joy Road (Sussex Road 297), northeast of the Town of Millsboro. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to allow employees to park their vehicles and utilize the residential property.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Mount Joy Road where the subject land is located, which is from Hollyville Road (Sussex Road 305) to Cannon Road (Sussex Road 307), is 3,359 vehicles per day.

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 DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DeIDOT'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. DeIDOT'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 DeIDOT 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
December 23, 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: Juan Fizara / Pro Carpet, LLC, 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: **9/23/2021**

APPLICATION: **CU 2265 Pro Carpet LLC**

APPLICANT: **Pro Carpet LLC**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **234-21.00-189.00**

LOCATION: **Southeast side of Miller Street, approximately 0.16 mile
northeast of Mount Joy Road (SCR 297)**

NO. OF UNITS: **Carpet Business**

GROSS
ACREAGE: **0.52**

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 3**
- (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.

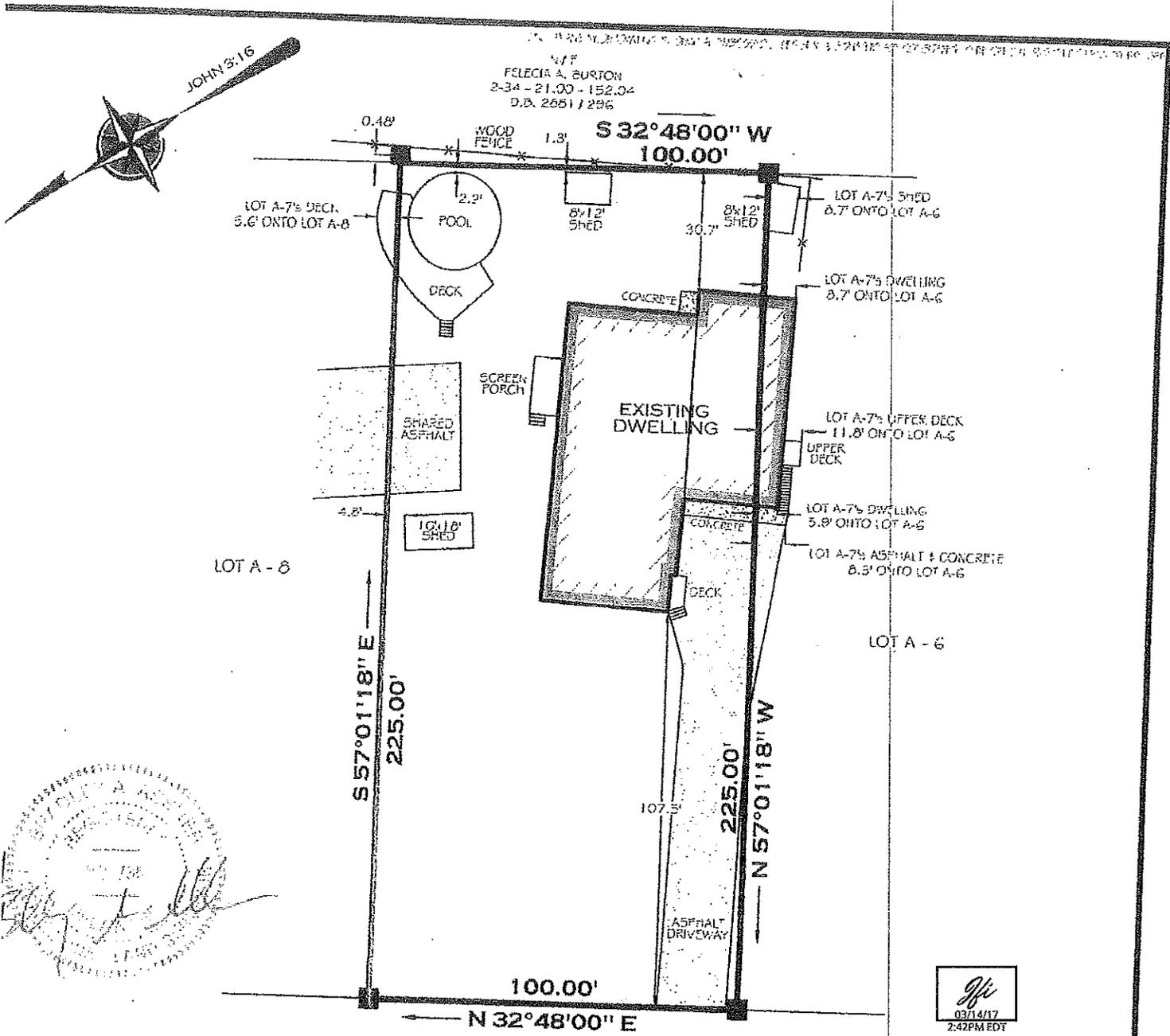
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The proposed CU 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? **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



Jf
 03/14/17
 2:42PM EDT

CLASSIFICATION OF SURVEY: SUBURBAN

NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A ROUGH TITLE SEARCH.

ALL SIDE AND REAR LOT LINES RESERVED FOR CENTERLINE OF A TEN (10) FOOT DRAINAGE AND/OR UTILITY EASEMENT. (PER PLAT 10 / 66)

AP	2-34 - 21.00 - 169.00
STATE	DELAWARE
COUNTY	SUSSEX
CITY	INDIAN RIVER
AREA	22,500 ± SQ. FT.
REF.	4293 / 253
REF.	10 / 66

BOUNDARY SURVEY PLAN
LOT A-7
 "LANDS OF LAWRENCE S. CORDELL"

LEGEND
 ■ CONCRETE MONUMENT FOUND
TRUE NORTH