

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
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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 2267 Cynthia B. Gibbs

Applicant: Cynthia B. Gibbs
11420 Hollytree Road
Lincoln, DE 19960

Owner: Cynthia B. Gibbs
11420 Hollytree Road
Lincoln, DE 19960

Site Location: southeast side of Hollytree Rd. (S.C.R. 226) approx. 0.28 mile
southeast of Fleatown Rd. (S.C.R. 224)

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

Proposed Use: Catering Business

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Schaeffer

School District: Milford School District

Fire District: Ellendale Fire Department

Sewer: Septic

Water: Well

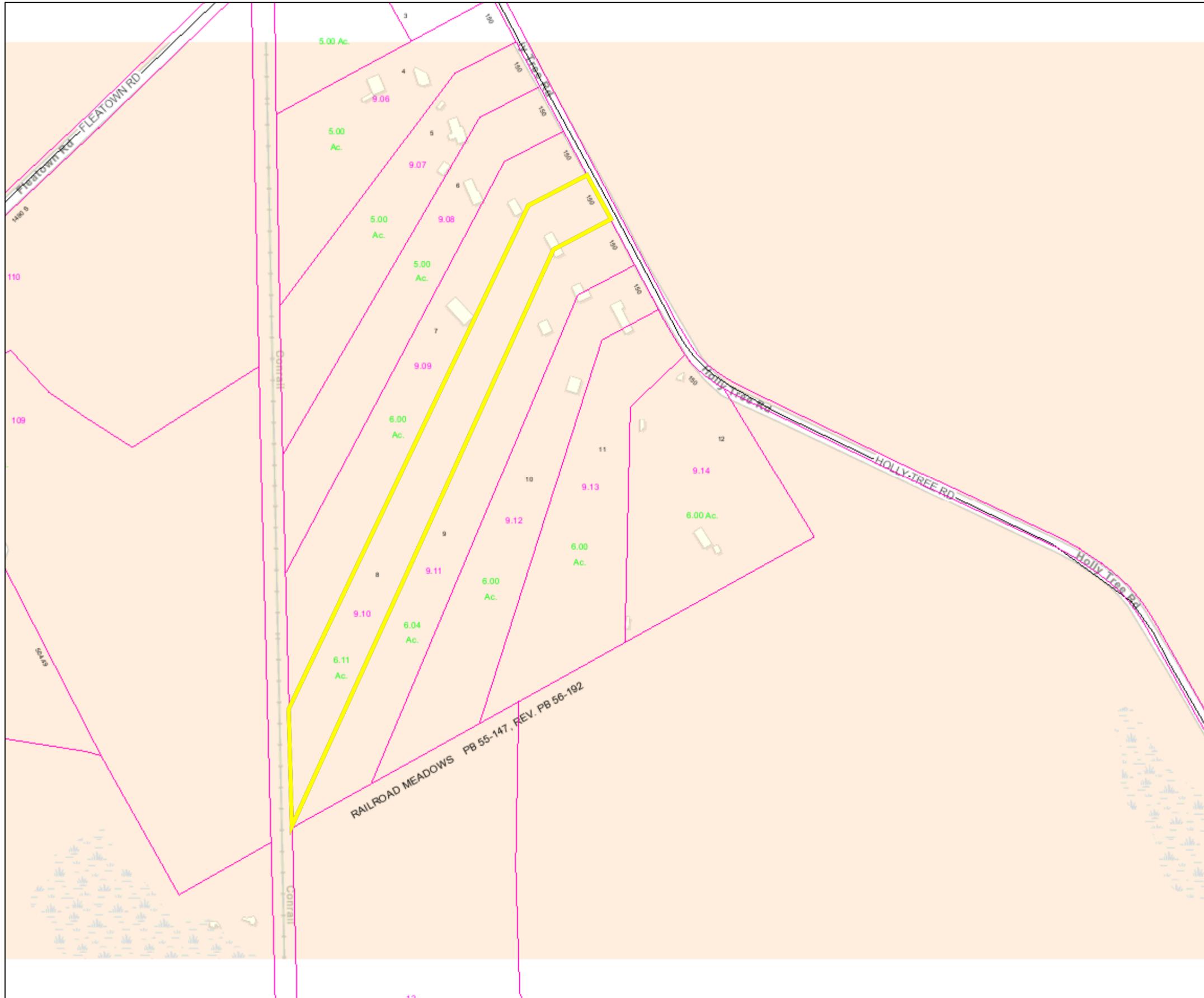
Site Area: 6.12 acres +/-

Tax Map ID.: 230-20.00-9.10





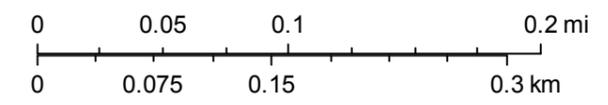
Sussex County



PIN:	230-20.00-9.10
Owner Name	BROWN CYNTHIA L
Book	2403
Mailing Address	11420 HOLLY TREE RD
City	LINCOLN
State	DE
Description	RAILROAD MEADOWS
Description 2	LOT 8
Description 3	CT#47622
Land Code	

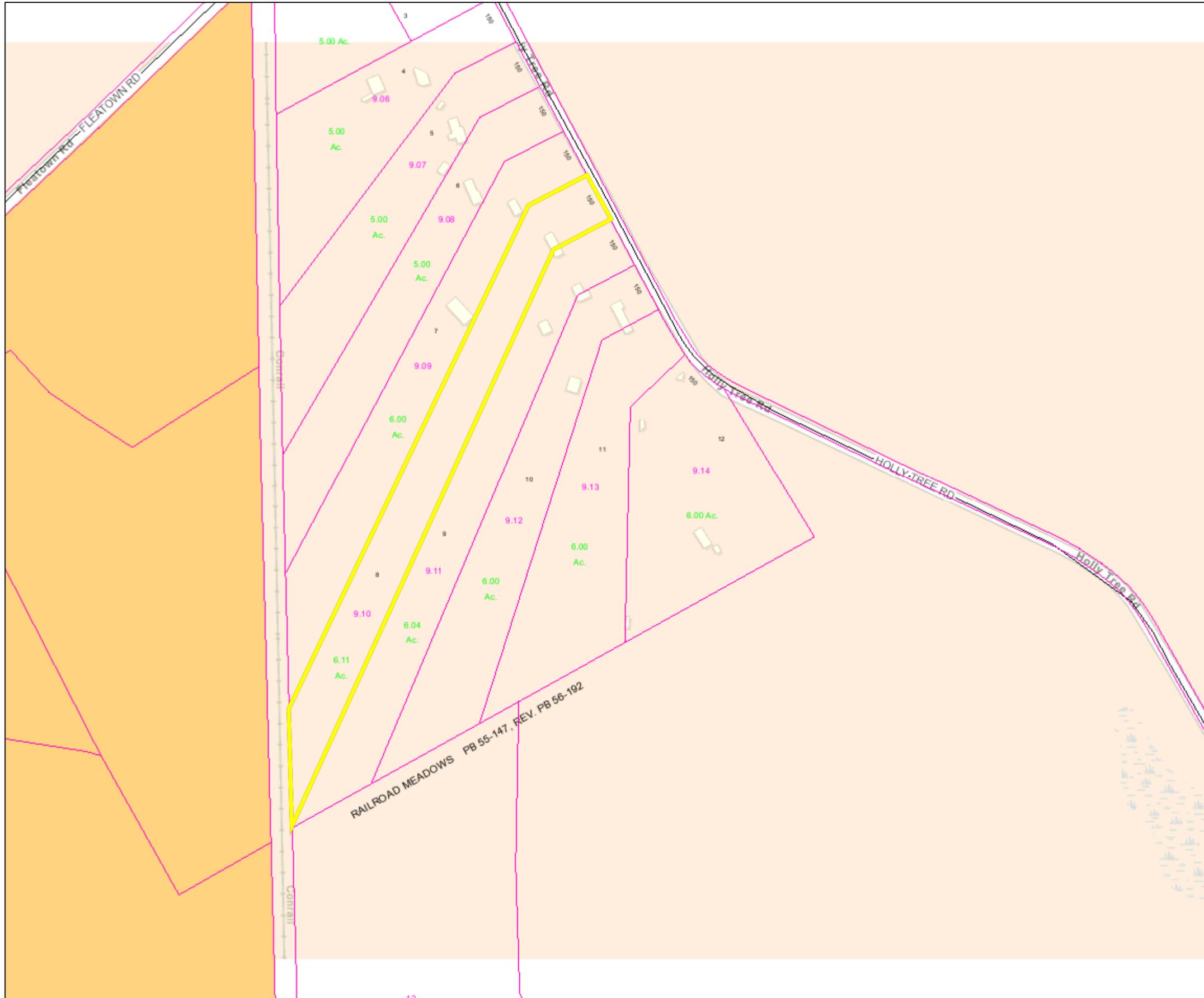
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Municipal Boundaries
- TID

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Sussex County



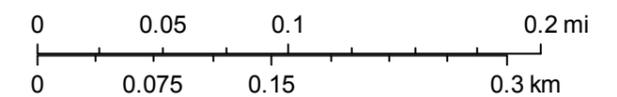
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- Streets

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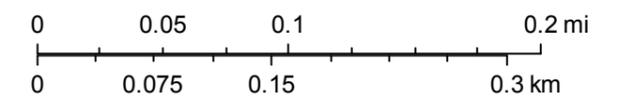




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jamie.whitehouse@sussexcountyde.gov



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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 2267 Cynthia B. Gibbs

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2267 Cynthia B. Gibbs 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: 230-20.00-9.10 to allow for a catering business. The parcel lying on the southwest side of Hollytree Road (S.C.R. 226), approximately 0.28 mile southeast of Fleatown Road (S.C.R. 224). The parcel consists of 6.12 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 also contain the "Low Density" Future Land Use Map designation. Parcels to the west and southwest have a designation of "Developing 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 to the north, south, and east are also zoned Agricultural Residential (AR-1). Parcels to the west are zoned General Residential (GR). A Property further to the west is zoned Heavy Industrial (HI-1).

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. 2220 Sussex Land Company, Inc. to allow a fence construction business and outdoor storage of construction material to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on September 29, 2020. This change was adopted through Ordinance No. 2741.



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

File #: _____
202101725

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

11420 Hollytree Rd Lincoln Del 19960

Type of Conditional Use Requested:

Cater

Tax Map #: 230.20.00-9.10

Size of Parcel(s): 6.11

Current Zoning: AR-1-CU Proposed Zoning: AR-1-CU Size of Building: 24x24

Land Use Classification: _____

Water Provider: Well

Sewer Provider: _____

Applicant Information

Applicant Name: Cynthia Brubbs

Applicant Address: 11420 Hollytree Rd

City: Lincoln

State: Del

Zip Code: 19960

Phone #: 302 249 4772

E-mail: Cynthia.Brubbs@adk.com

Owner Information

Owner Name: Cynthia Brubbs

Owner Address: 11420 Hollytree Rd

City: Lincoln

State: Del

Zip Code: 19960

Phone #: 302 249 4772

E-mail: Cynthia.Brubbs@adk.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

- 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

Cynthia B. Schobbs

Date: 2/4/21

Signature of Owner

Cynthia B. Schobbs

Date: _____

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: _____

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: 11420 hollytree Rd
Lincoln Del 19960

Parcel #: 230-20.00-9.10

Site Address: 11420 hollytree Rd
Lincoln Del 19960

Parcel #: 230-20.00-9.10

Applicant Name: Cynthia Brown Mcbbs

Owner Name: Cynthia Brown Mcbbs

Type of Application:

Conditional Use:

Change of Zone:

Subdivision:

Board of Adjustment:

Date Submitted: 2.4.21

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

List created by: _____

Date letters mailed: _____

Letters sent by: _____



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

NICOLE MAJESKI
SECRETARY

January 26, 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 **Cynthia Brown** conditional use application, which we received on January 8, 2021. This application is for an approximately 6.11-acre parcel (Tax Parcel: 230-20.00-9.10) The subject land is located on the west side of Holly Tree Road, south of the intersection of Holly Tree Road and Fleatown Road. The subject land is currently zoned AR-1 (Agricultural Residential) and the applicant seeks a conditional use approval to operate a 576 square foot catering business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Holly Tree Road where the subject land is located, which is from Fleatown Road to Ponder Road, is 685 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 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
January 26, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,

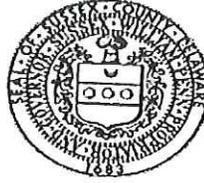


T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm
Enclosure

cc: Cynthia Brown, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, 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
Annamaria Furmato, Project Engineer, Development Coordination

PLANNING & ZONING
Jamie Whitehouse, AICP, MRTPI
Director
(302) 855-7878 T
(302) 854-5079 F



Sussex County
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sussexcountyde.gov

Service Level Evaluation Request Form

This form shall be submitted to the Planning and Zoning Office and a response shall be received back from DeIDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 1/8/21

Site Information:

Site Address/Location: 11420 Hollytree Rd Lincoln Del 19960

Tax Parcel Number: 230-20.00-9.10

Current Zoning: AP-1

Proposed Zoning: AP-1 Conditional Use

Land Use Classification: N/A

Proposed Use(s):

Catering

Square footage of any proposed buildings or number of units: 24624

Applicant Information:

Applicant's Name: Cynthia Bibbs BROWN

Applicant's Address: 11420 Hollytree Rd

City: Lincoln State: Del Zip Code: 19960

Applicant's Phone Number: 302.249.4772

Applicant's e-mail address: CynthiaBrown15@aol.com



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

**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 2267 Cynthia B. Gibbs**

APPLICANT: **Cynthia B. Gibbs**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **230-20.00-9.10**

LOCATION: **Southeast side of Hollytree Road (SCR 226), approximately
0.28 mile southeast of Fleatown Road (SCR 224).**

NO. OF UNITS: **Catering Business**

GROSS
ACREAGE: **6.12**

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? **N/A** 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.

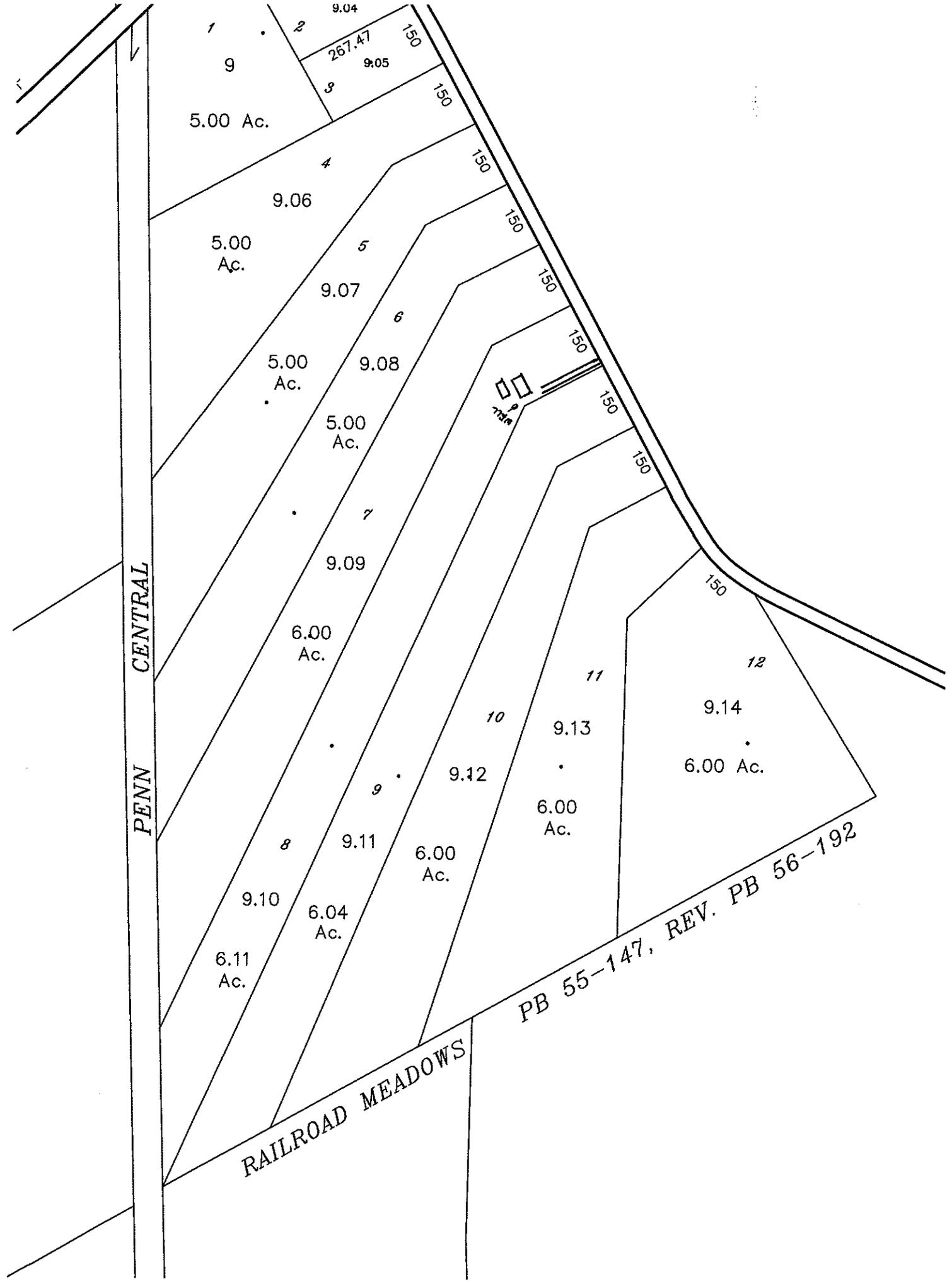
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: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



9.04
267.47
150
9.05
150
5.00 Ac.

9.06
5.00 Ac.

9.07
5.00 Ac.

9.08
5.00 Ac.

9.09
6.00 Ac.

9.10
6.11 Ac.

9.11
6.04 Ac.

9.12
6.00 Ac.

9.13
6.00 Ac.

9.14
6.00 Ac.

PENN CENTRAL

RAILROAD MEADOWS

PB 55-147, REV. PB 56-192