

PLANNING & ZONING COMMISSION

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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 28th, 2021

Application: CU 2268 Staci and Winfield Walls

Applicant: Staci and Winfield Walls
30600 Gull Point Road
Millsboro, DE 19966

Owner: Staci and Winfield Walls
30600 Gull Point Road
Millsboro, DE 19966

Site Location: 30600 Gull Point Road in Millsboro

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

Proposed Use: Boat Shrink Wrapping Business

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Department

Sewer: Septic

Water: Well

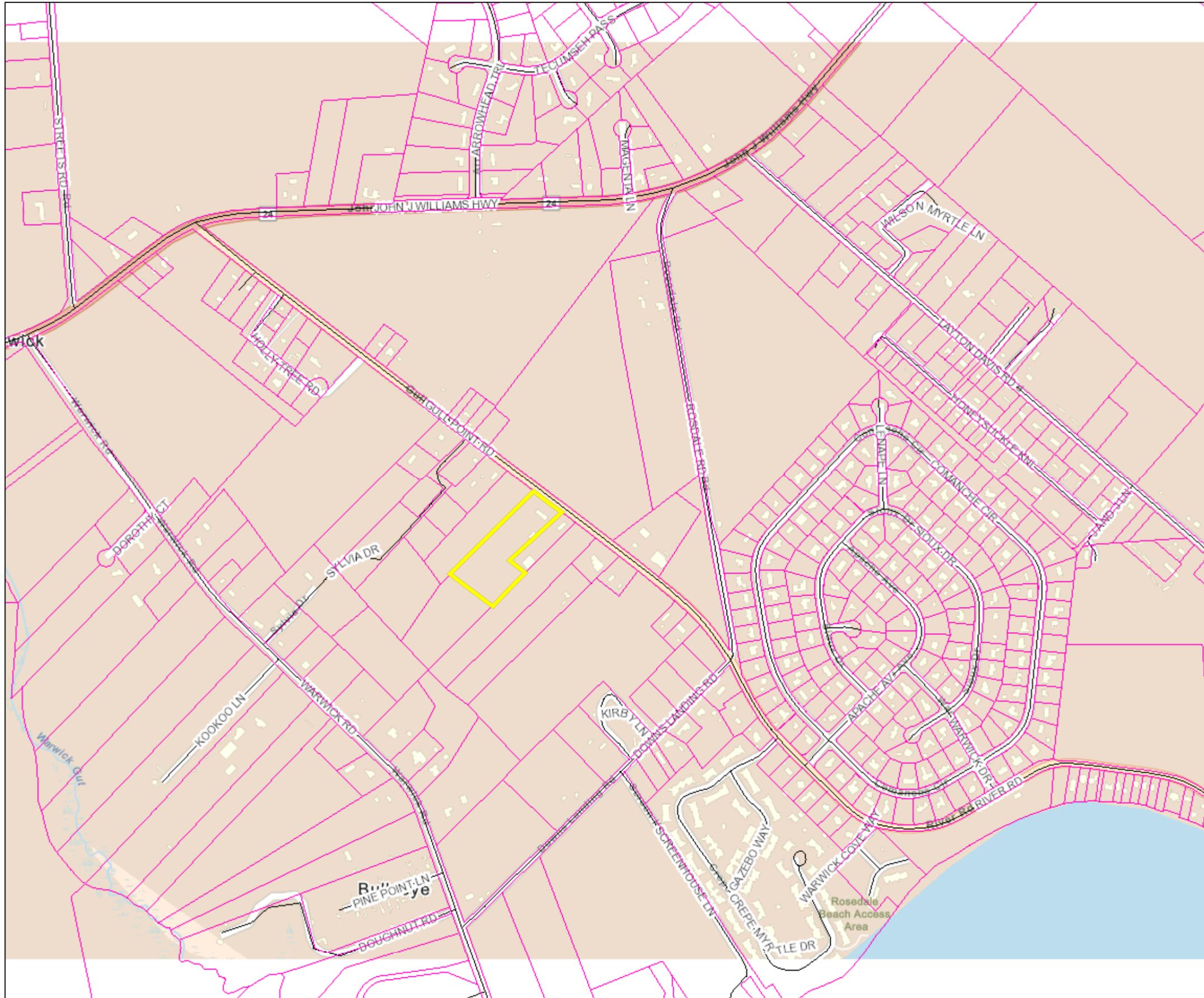
Site Area: 3.97 acres +/-

Tax Map ID.: 234-33.00-44.00





Sussex County



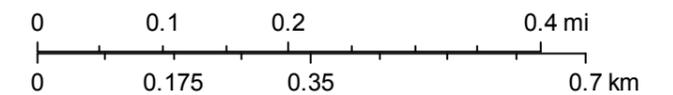
PIN:	234-33.00-44.00
Owner Name	WALLS WINFIELD S JR & STACI C
Book	2106
Mailing Address	30600 GULL POINT RD
City	MILLSBORO
State	DE
Description	SW/RT 313
Description 2	2750'SE/RT 24
Description 3	
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

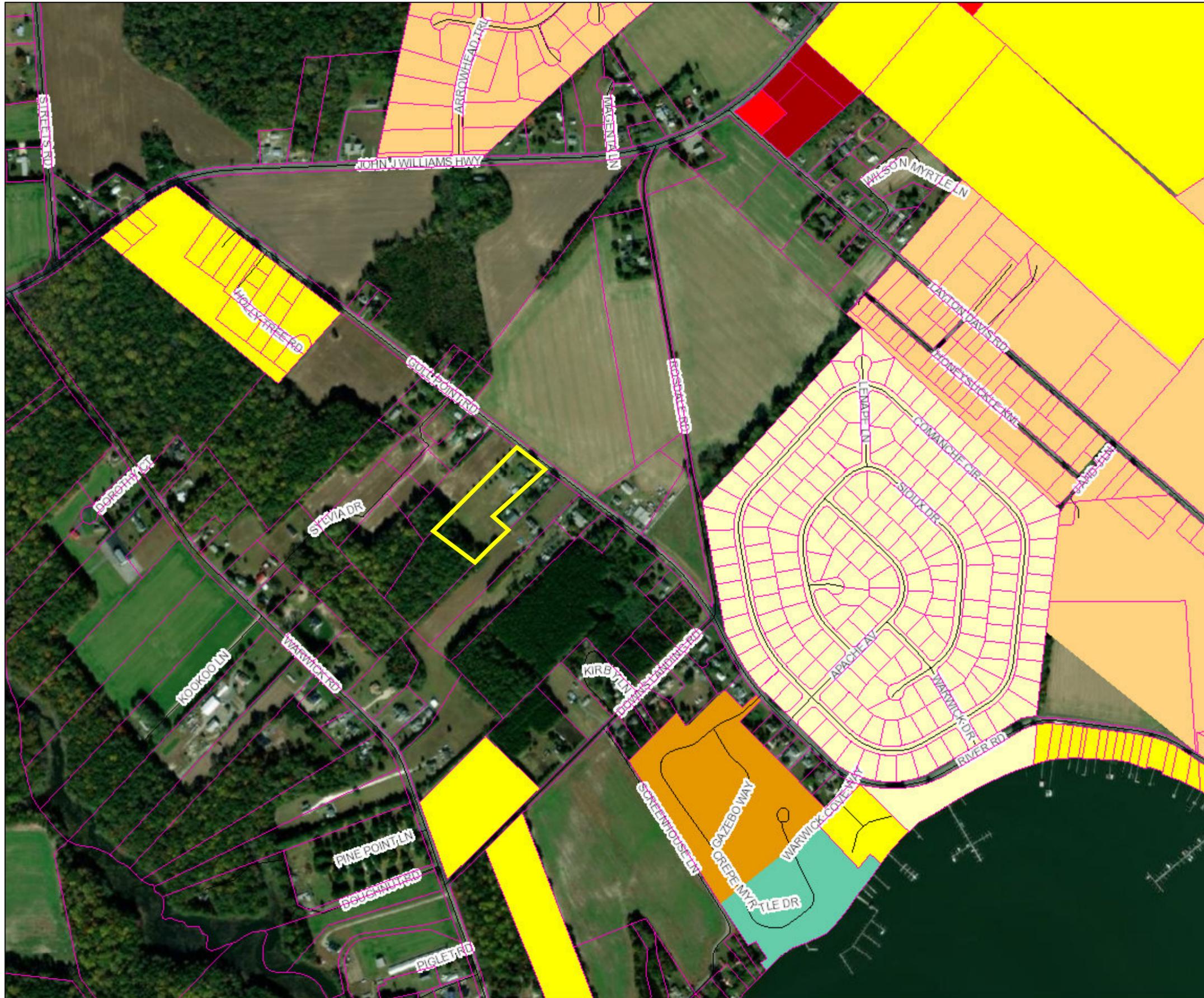
 - Override 1
- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries

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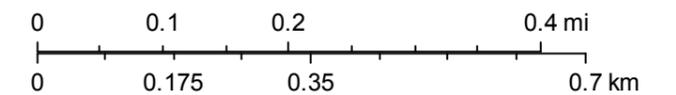
Sussex County



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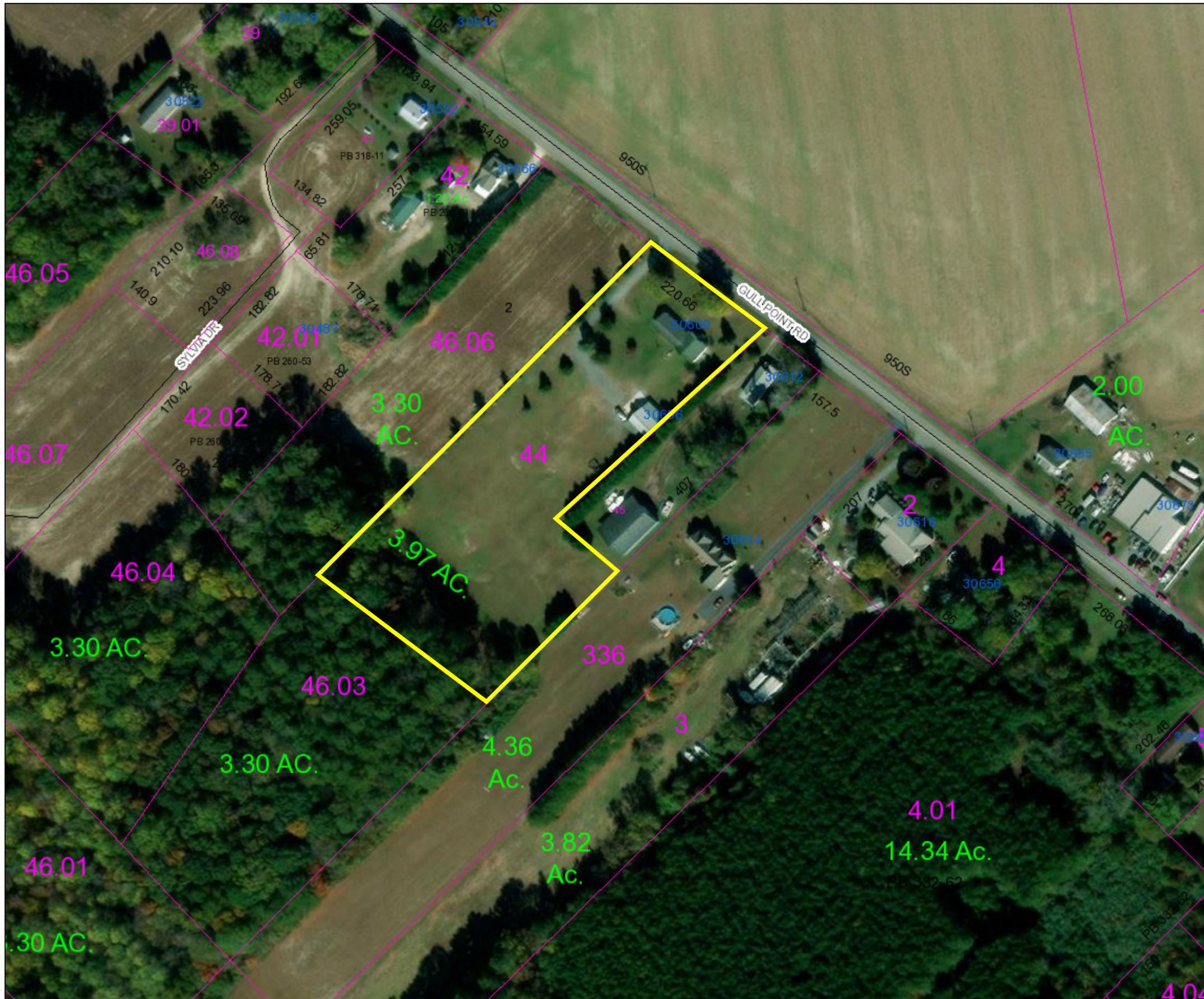
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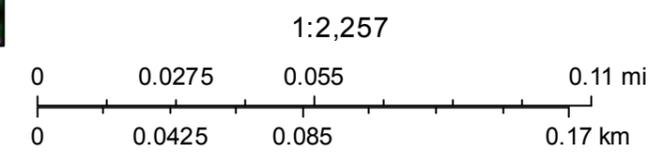


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- polygonLayer**
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- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
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 2268 Winfield & Staci Walls

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2268 Winfield & Staci Walls 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: 234-33.00-44.00 to allow for a boat shrink wrapping business. The parcel is lying on the southwest side of Gull Point Road (S.C.R. 313, approximately 0.52 mile southeast of John J. Williams Highway (Rt. 24)). The parcel consists of 3.97 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 "Coastal Area". The surrounding and adjacent parcels to the east and west as well as the north and south also contain the "Coastal Area" Future Land Use Map designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

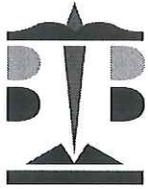
The subject property is zoned Agricultural Residential (AR-1). The adjacent properties surrounding the subject site to the north, south, west, and east are also zoned Agricultural Residential (AR-1). Parcels further to the north and south are zoned Medium Residential (MR), High Density Residential (HR-2) and Marine (M) Zoning Districts.

Since 2011, there has been two (2) Conditional Use applications within a 1-mile radius of the application site. The first application was for Conditional Use No. 2019 JB Builders, LLC, to allow for a construction company office, storage of materials, retail sales, and equipment storage and rental to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on August 4, 2015. This change was adopted through Ordinance No. 2409.



The second application was for Conditional Use No. 2115 Nanticoke Indian Association Inc. to amend a condition of approval to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on March 13, 2018. This change was adopted through Ordinance No. 2554.

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



BAIRD
MANDALAS
BROCKSTEDT LLC

Mackenzie M. Peet
mackenzie@bmbde.com
(302)645-2262

February 2, 2021

Planning & Zoning Department
Attn: Chase Phillips, Planner I
2 The Circle
Georgetown, DE 19947

Dear Mr. Phillips:

Please find a copy of the enclosed Conditional Use Application for Mr. and Mrs. Winfield Walls of 30600 Gull Point Road, Millsboro, DE 19966 (TMP 234-33.00-44.00) (the "Property").

The Applicants are seeking a Conditional Use to operate a boat shrink wrapping business from their existing pole barn on the Property. Enclosed please find a copy of the Conditional Use Application, Mailing List Application Form, Project Contact List Form, Service Level Evaluation Request Form and Response, Property Information Card, Property Deed of record, aerial images, site plan, and the \$500 application fee.

Sincerely,

Mackenzie Peet, Esq.
/mmp

File #: CU 2268
2021 01732

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

30600 Gull Point Road, Millsboro, DE 19966

Type of Conditional Use Requested:

Applicant seeks a Conditional Use pursuant to Municipal Code Section 115-22 for operation of a boat shrink wrapping business.

Tax Map #: 234-33.00-44.00

Size of Parcel(s): 3.97

Current Zoning: AR-1

Proposed Zoning: CU in AR-1 Size of Building: +/- 1,000 S.F.

Land Use Classification: _____

Water Provider: _____

Sewer Provider: _____

Applicant Information

Applicant Name: Staci C. and Winfield S. Walls, Jr.

Applicant Address: 30600 Gull Point Road

City: Millsboro

State: DE

Zip Code: 19966

Phone #: (302) 448-1179

E-mail: sssrwalls@aol.com

Owner Information

Owner Name: Staci C. and Winfield S. Walls, Jr.

Owner Address: 30600 Gull Point Road

City: Millsboro

State: DE

Zip Code: 19966

Phone #: (302) 448-1179

E-mail: sssrwalls@aol.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Miller Lewis, Inc.

Agent/Attorney/Engineer Address: 1560 Middleford Road

City: Seaford

State: DE

Zip Code: 19973

Phone #: (302) 629-9895

E-mail: N/A



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.

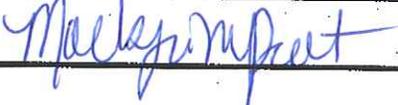
DeIDOT Service Level Evaluation Request Response

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: 01/22/2021

Signature of Owner



Date: 01/22/2021

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: 30600 Gull Point Road, Millsboro, DE 19966

Parcel #: 234-33.00-44.00

Site Address: _____

Parcel #: _____

Applicant Name: Staci C. and Winfield S. Walls, Jr.

Owner Name: Staci C. and Winfield S. Walls, Jr.

Type of Application:

Conditional Use:
Change of Zone:
Subdivision:
Board of Adjustment:

Date Submitted: _____

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

List created by: _____

Date letters mailed: _____

Letters sent by: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Staci C. and Winfield S. Walls, Jr.
Applicant Address: 30600 Gull Point Road
City: Millsboro State: DE Zip: 19966
Phone #: (302) 448-1179 E-mail: sssrwalls@aol.com

Owner Information

Owner Name: Staci C. and Winfield S. Walls, Jr.
Owner Address: 30600 Gull Point Road
City: Millsboro State: DE Zip: 19966
Phone #: (302) 448-1179 E-mail: sssrwalls@aol.com

Engineer/Surveyor Information

Engineer/Surveyor Name: Miller Lewis, Inc.
Engineer/Surveyor Address: 1560 Middleford Road
City: Seaford State: DE Zip: 19973
Phone #: (302) 629-9895 E-mail: _____

Agent/Attorney Information

Agent/Attorney/Name: Baird Mandalas Brockstedt LLC c/o Mackenzie M. Peet, Esq.
Agent/Attorney/Address: 1413 Savannah Road, Suite 1
City: Lewes State: DE Zip: 19958
Phone #: (302) 644-2262 E-mail: mackenzie@bmbde.com

Other

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____





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

NICOLE MAJESKI
SECRETARY

January 29, 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 **Winfield S. Walls, jr. and Staci C. Walls** proposed land use application, which we received on January 22, 2021. This application is for an approximately 3.97-acre parcel (Tax Parcel: 234-33.00-44.00). The subject land is located on the southwest side of Gull Point Way south of the intersection with State Route 24 in Millsboro. The subject land is currently zoned AR-1 (Agricultural Residential) with a proposed conditional use to permit a boat shrink wrapping business (1,000 square feet).

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Gull Point Way where the subject land is located, which is from Route 24 to Rosedale Road, is 1,228 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 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 29, 2021

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

Enclosure

cc: Winfield S. Walls, jr. and Staci C. Walls, 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 Furrato, Project Engineer, Development Coordination

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



Sussex County
DELAWARE
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 DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 1/22/20

Site Information:

Site Address/Location: 30600 Gull Point Road, Millsboro, DE 19966

Tax Parcel Number: 234-33.00-44.00

Current Zoning: AR-1

Proposed Zoning: CU

Land Use Classification: _____

Proposed Use(s): Boat Shrink Wrapping Business

Square footage of any proposed buildings or number of units: +/- 1,000 S.F.

Applicant Information:

Applicant's Name: Winfield S. Walls, Jr. and Staci C. Walls

Applicant's Address: 30600 Gull Point Road

City: Millsboro

State: DE

Zip Code: 19966

Applicant's Phone Number: (302) 645-2262

Applicant's e-mail address: mackenzie@bmbde.com



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

Last updated 3-12-20

**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 2268 Staci and Winfield Walls**

APPLICANT: **Staci and Winfield Walls**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **234-33.00-44.00**

LOCATION: **30600 Gull Point Road, Millsboro**

NO. OF UNITS: **Boat Shrink Wrapping Business**

GROSS
ACREAGE: **3.97**

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 2**
- (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

