

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 2269 Dennis Nelson Jr.

Applicant: Dennis Nelson Jr.
26171 Craigs Mill Road
Seaford, DE 19973

Owner: Dennis Nelson Jr.
26171 Craigs Mill Road
Seaford, DE 19973

Site Location: The property is lying on the northeast side of Craigs Mill Road (S.C.R. 556), approximately 0.42 mile north of Woodland Road (S.C.R. 536).

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

Proposed Use: Tractor Trailer Parking

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Mr. Vincent

School District: Seaford School District

Fire District: Seaford Fire Department

Sewer: Private, On-site (septic)

Water: Private, On-site (well)

Site Area: 2.17 acres +/-

Tax Map ID.: 531-12.00-129.00





Sussex County



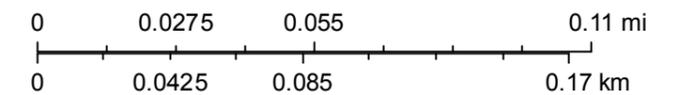
| | |
|------------------------|----------------------|
| PIN: | 531-12.00-129.00 |
| Owner Name | NELSON DENNIS H |
| Book | 4517 |
| Mailing Address | 26171 CRAIGS MILL RD |
| City | SEAFORD |
| State | DE |
| Description | N/CRAIGS MILL RD |
| Description 2 | 227'NE/FIGGS RD |
| Description 3 | LOT 1 |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

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

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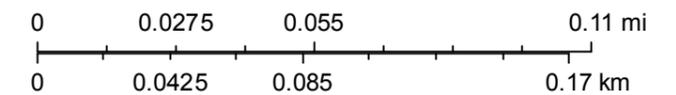
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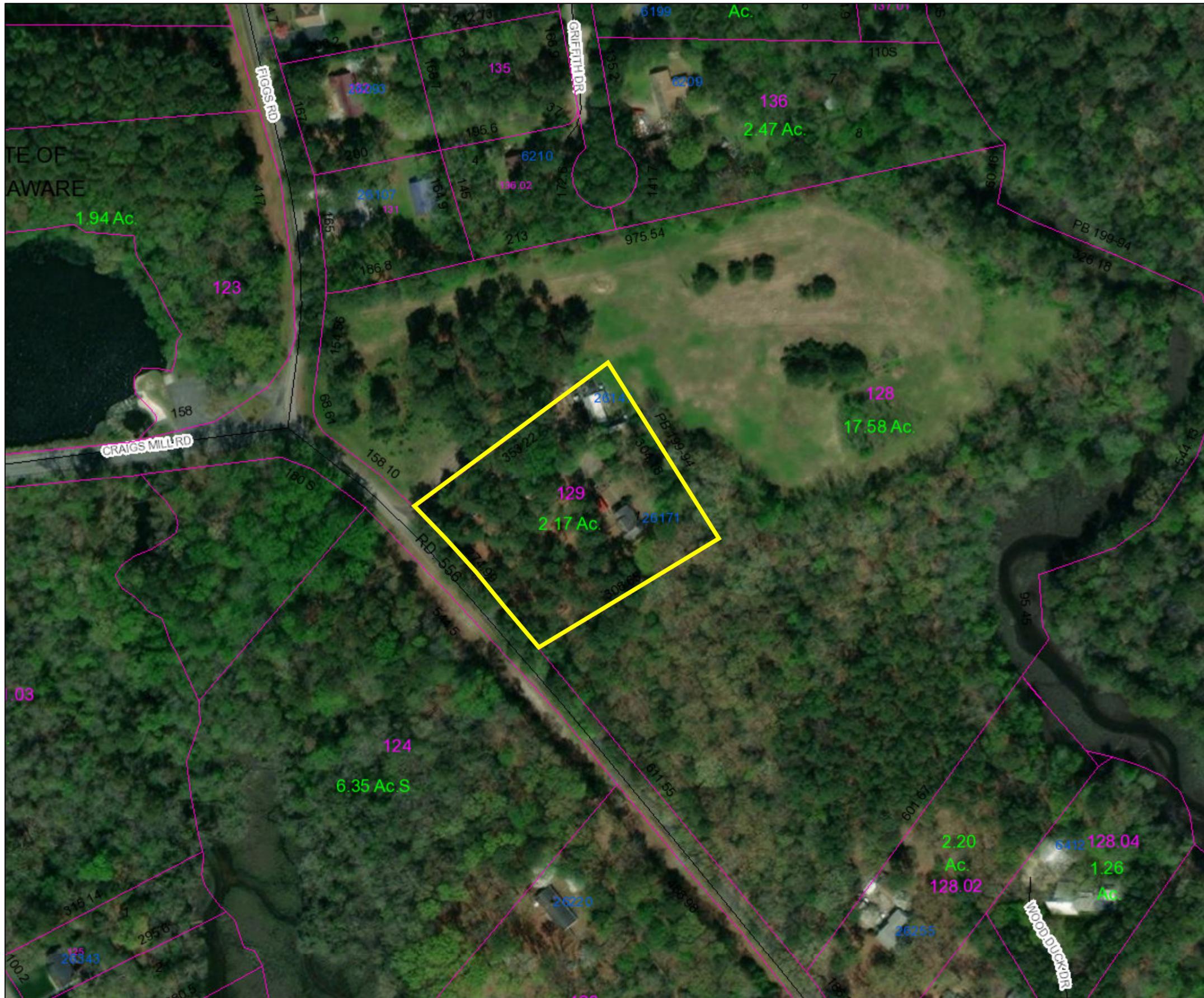
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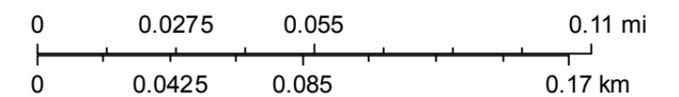
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1:2,257



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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: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: October 7, 2021
RE: Staff Analysis for CU 2269 Dennis Nelson Jr.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2269 Dennis Nelson Jr. 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: 531-12.00-129.00 to allow tractor trailer parking on the property. The parcel is lying on the northeast side of Craigs Mill Road (S.C.R. 556), approximately 0.42 mile north of Woodland Road (S.C.R. 536). The parcel is located at 26171 Craigs Mill Road in Seaford, Delaware and consists of 2.17 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 “Developing Area.” The surrounding and adjacent to the north, south, east, and west (on the opposite side of Craigs Mill Road) also contain the “Developing Area” land use designation. The properties on the opposite side of Chapel Branch contain the “Industrial” land use designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. – A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to the north, south and west of the project site are also zoned Agricultural Residential (AR-1). The adjacent property (Parcel 128.00) to the proposed tractor trailer parking is part of a Conservation Easement for Moore Farm. The properties on the opposite side of Chapel Branch, which flanks this property are all zoned Heavy Industrial (HI-1) Zoning District.



Since 1977, there have been two (2) Conditional Use applications within a 2-mile radius of the application site. The first application was for Conditional Use No. 1456 Boyd Taylor to allow for the repair of boats, motors, trailers and the like within the Agricultural Residential (AR-1) Zoning District. The Conditional Use was approved by the Sussex County Council at their meeting of August 3, 2002 and the change was adopted through Ordinance No. 1557-A.

The second application was for Conditional Use No. 415 John Herbert Litchford Jr. to allow for a retail store for the sale of seafood. This application was approved by the Sussex County Council on May 17, 1977.

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

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

26171 Craigs Mill Rd Seaford, DE 19973

Type of Conditional Use Requested:

Tractor Trailer Parking

Tax Map #: 531-12.00-129.00 Size of Parcel(s): 2.17 acre

Current Zoning: AR-1 Proposed Zoning: CU Size of Building: N/A

Land Use Classification: _____

Water Provider: Private Well Sewer Provider: Private Septic

Applicant Information

Applicant Name: Dennis Nelson Jr.
Applicant Address: 26171 Craigs Mill Rd
City: Seaford State: DE Zip Code: 19973
Phone #: 302-727-6350 E-mail: dnmuskra91@gmail.com

Owner Information

Owner Name: Dennis Nelson Jr.
Owner Address: 26171 Craigs Mill Rd
City: Seaford State: DE Zip Code: 19973
Phone #: 302-727-6350 E-mail: dnmuskra91@gmail.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

Dennis Adams Jr.

Date: 2-11-2021

Signature of Owner

Dennis Adams Jr.

Date: 2-11-2021

For office use only:

Date Submitted: 2/12/21

Fee: \$500.00 Check #: 1257

Staff accepting application: Ces

Application & Case #: 202102138

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

NICOLE MAJESKI
SECRETARY

February 10, 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 **Dennis Nelson Jr.** proposed land use application, which we received on February 7, 2021. This application is for an approximately 2.17- acre parcel (Tax Parcel: 531-12.00-129.00). The subject land is located on the north side of Craigs Mill Road, near the intersection with Figgs Road. The subject land is currently zoned AR-1 (Agricultural Residential) with a proposed conditional use for Tractor Trailer Parking.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Craigs Mill Road where the subject land is located, which is from Figgs Road to Woodland Road, is 380 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.



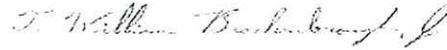
Mr. Jamie Whitehouse

Page 2 of 2

February 10, 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

cc: Dennis Nelson Jr., 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



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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: 2-7-2021

Site Information:

Site Address/Location: 26171 Craigs Mill Rd. Seaford, De. 19973

Tax Parcel Number: 5-31-12.00-129.00

Current Zoning: AR-1

Proposed Zoning: CU

Land Use Classification: _____

Proposed Use(s):

tractor trailer parking

Square footage of any proposed buildings or number of units: N/A

Applicant Information:

Applicant's Name: Dennis Nelson Jr.

Applicant's Address: 26171 Craigs Mill Rd.

City: Seaford State: De. Zip Code: 19973

Applicant's Phone Number: 302-727-6350

Applicant's e-mail address: dmmuskat91@gmail.com



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | 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 2269 Dennis Nelson, Jr.**
APPLICANT: **Dennis Nelson, Jr.**
FILE NO: **WSPA-5.02**

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SEP 24 2021
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TAX MAP &
PARCEL(S): **531-12.00-129.00**

LOCATION: **On the northeast side of Craigs Mill Pond Road (SCR 556),
approximately 0.42 mile north of Woodland Road (SCR 536).**

NO. OF UNITS: **Tractor Trailer Parking**

GROSS
ACREAGE: **2.17**

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? **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? **No**
- 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? **No**
- (8). Comments: **The proposed CU is within the Growth and Annexation Area of the City of Seaford. Contact the City concerning the availability of sanitary sewer and/or central water.**
- (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

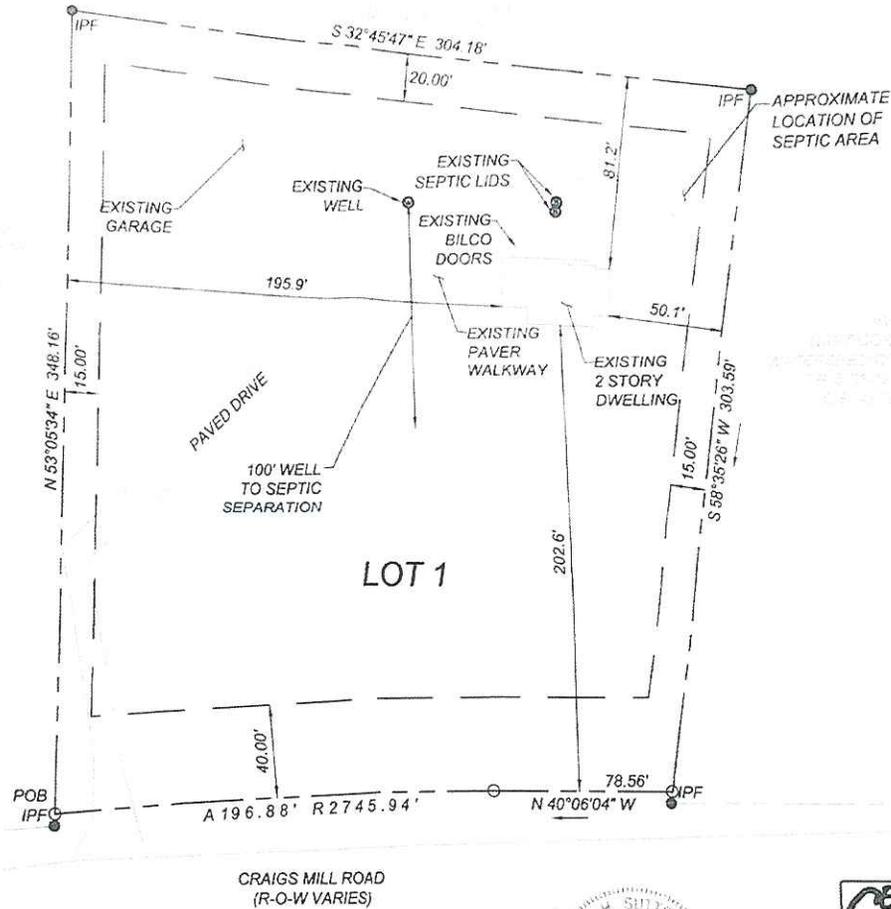
SITE DATA:

OWNER: DENNIS NELSON
 ADDRESS: 26171 CRAIGS MILL ROAD
 SEAFORD, DE 19973
 TAX PARCEL ID: 6-31-12-00-129-00
 DEED REF: D.B. 3116, P. 78
 P.B. 189, P. 94
 TOTAL AREA: 94,650.52 S.F. ± (2.17 AC ±)
 ZONING: AR-1
 BUILDING SETBACKS:
 FRONT/STREET YARD - 40 FEET
 SIDE YARD - 15 FEET
 REAR YARD - 20 FEET

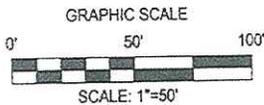
● IPF IRON PIN FOUND (4)

NOTE:

BASED ON THE FIELD SURVEY, THE SEPTIC AREA AND WELL DO NOT HAVE THE MINIMUM SEPARATION. DNREC SHOULD BE CONTACTED FOR ADDITIONAL INFORMATION & GUIDANCE.



CRAIGS MILL ROAD
 (R-O-W VARIES)



Robert H. Suttell
 CIVIL ENGINEER
 STATE OF DELAWARE
 LICENSE NO. 2316

CE CIVIL ENGINEERING ASSOCIATES, LLC
 ENGINEERING • SURVEYING • CONSTRUCTION SERVICES

BOUNDARY SURVEY PLAN FOR
 LOT 1
 MOORE FARMS
 SITUATE IN: SEAFORD HUNDRED, SUSSEX COUNTY, DE.

| PROJECT # | DATE | # | REVISION | DATE BY |
|---------------|---------------|---|----------|---------|
| P16002 | 2/5/2016 | | | |
| SCALE: 1"=50' | FILE: 16002-F | | | |
| DRN BY: FPH | CHKD BY: RHS | | | |

October 7, 2021

Public Hearing for Truck Parking in Seaford, Delaware

C/U Dennis Nelson Jr. An ordinance to grant a conditional use of land in an AR 1 Agricultural residential district for tractor trailer parking to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 2.17 acres, more or less.

We are opposed to the rezoning in our residential area.

Submitted by Karl and Donna Steinbiss, 26255 Craig's Mill Road, Seaford, DE 19973

We will be on vacation during this hearing, but we wanted to state our concerns.

We are located on the south side of the area of concern.

1. The area is residential/agricultural zoned and is surrounded on three sides by the Nature Preservation Conservancy.
2. The area is fronted by Craig's Mill Pond and the Nanticoke River has a branch behind the trucking business.
3. County roads, Craig's Mill Road and Figg's Road, are the roads in question. Both roads are narrow tar and chipped, that were a dirt road in the past. They have never been paved to manage daily tractor trailer traffic.
4. The intersection has already been repaired since the trucks have taken up residence. When it rains and the trucks have to turn into their driveway, the frontage of the other side of the road becomes gouged out and fills with rain and very muddy and dangerous on the curve.
5. The entrance to the property is at the intersection of the two roads and becomes hazardous.
6. Tractor trailer trucks back into the property because they have no room to turn around in the yard, which is hazardous as cars are backed up.
7. A year or so ago there was one tractor trailer truck and now at any given time there could be 5-6 parked. As of this moment there are two derelict dismantled cabs in the woods.
8. Fleet of trucks that are older are often seen with hoods up where they are doing maintenance. The trucks are labeled Nelson Trucking.

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OCT 07 2021

SUSSEX COUNTY
PLANNING & ZONING

9. A fuel truck has been seen pulling into the area. This is a concern because the whole area is fragile and is waterfront conservancy protected.
10. We are concerned about the environmental issues. (Gas, oil, trash)
11. From May to September the public swimming pool on Craig's Mill Pond road is open. The traffic is increased daily with attendees and swim meets.
12. The value of our property is in jeopardy with a trucking business next door.

Sincerely,

Karl and Donna Steinbiss