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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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PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: October 28th, 2021

Application: CU 2271 Chris Brasure

Applicant: Chris Brasure
P.O. Box 1100
Selbyville, DE 19975

Owner: Collins 54 LLC
P.O. Box 1100
Selbyville, DE 19975

Site Location: 33095 Lighthouse Road, Selbyville

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

Proposed Use: Office Use

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire Department

Sewer: Septic

Water: Well

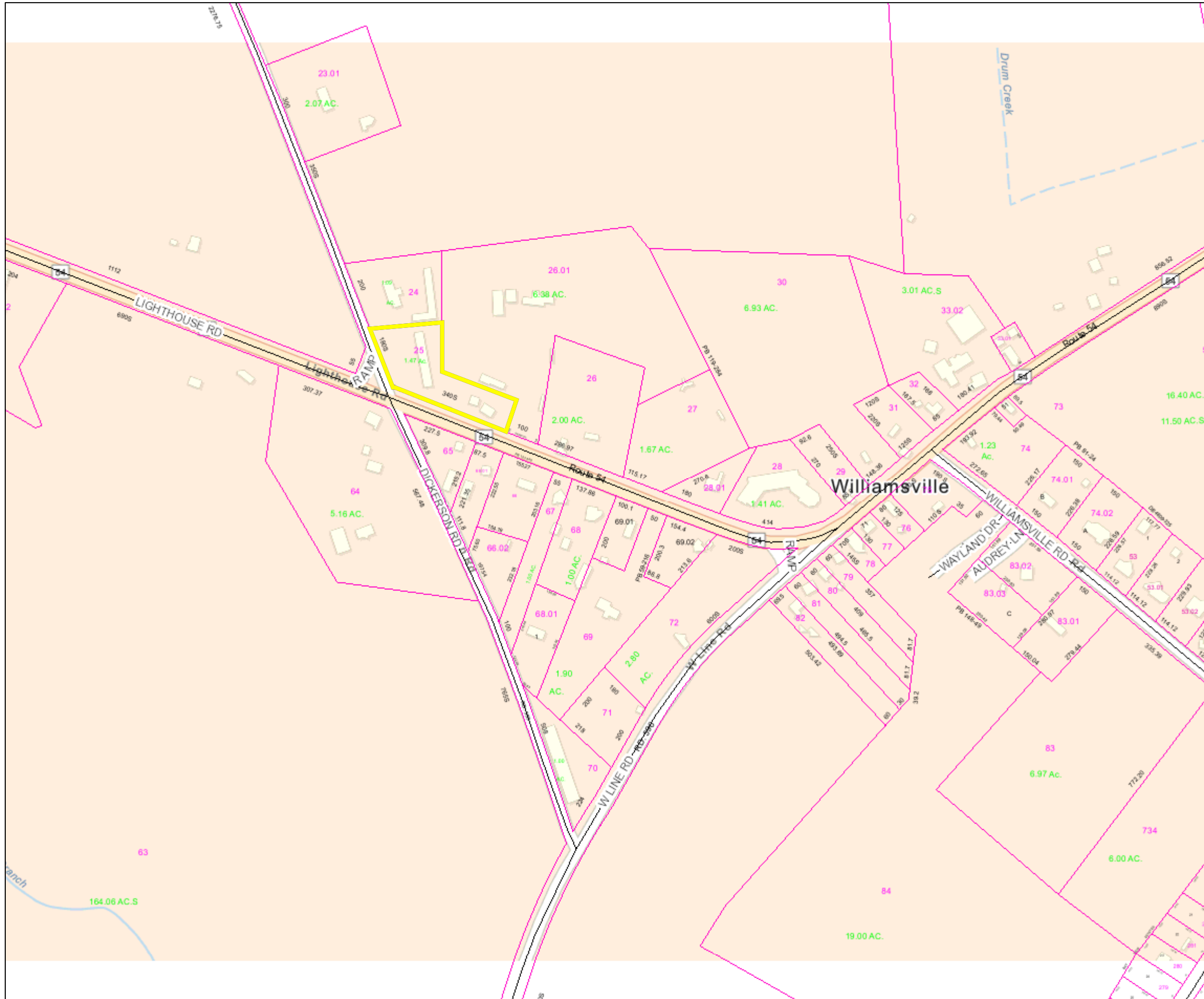
Site Area: 1.47 acres +/-

Tax Map ID.: 533-18.00-25.00





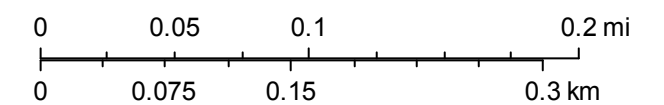
Sussex County



PIN:	533-18.00-25.00
Owner Name	COLLINS 54 LLC
Book	3878
Mailing Address	PO BOX 204
City	SELBYVILLE
State	DE
Description	RD SELBYVILLE TO
Description 2	WILLIAMSVILLE
Description 3	N/A
Land Code	

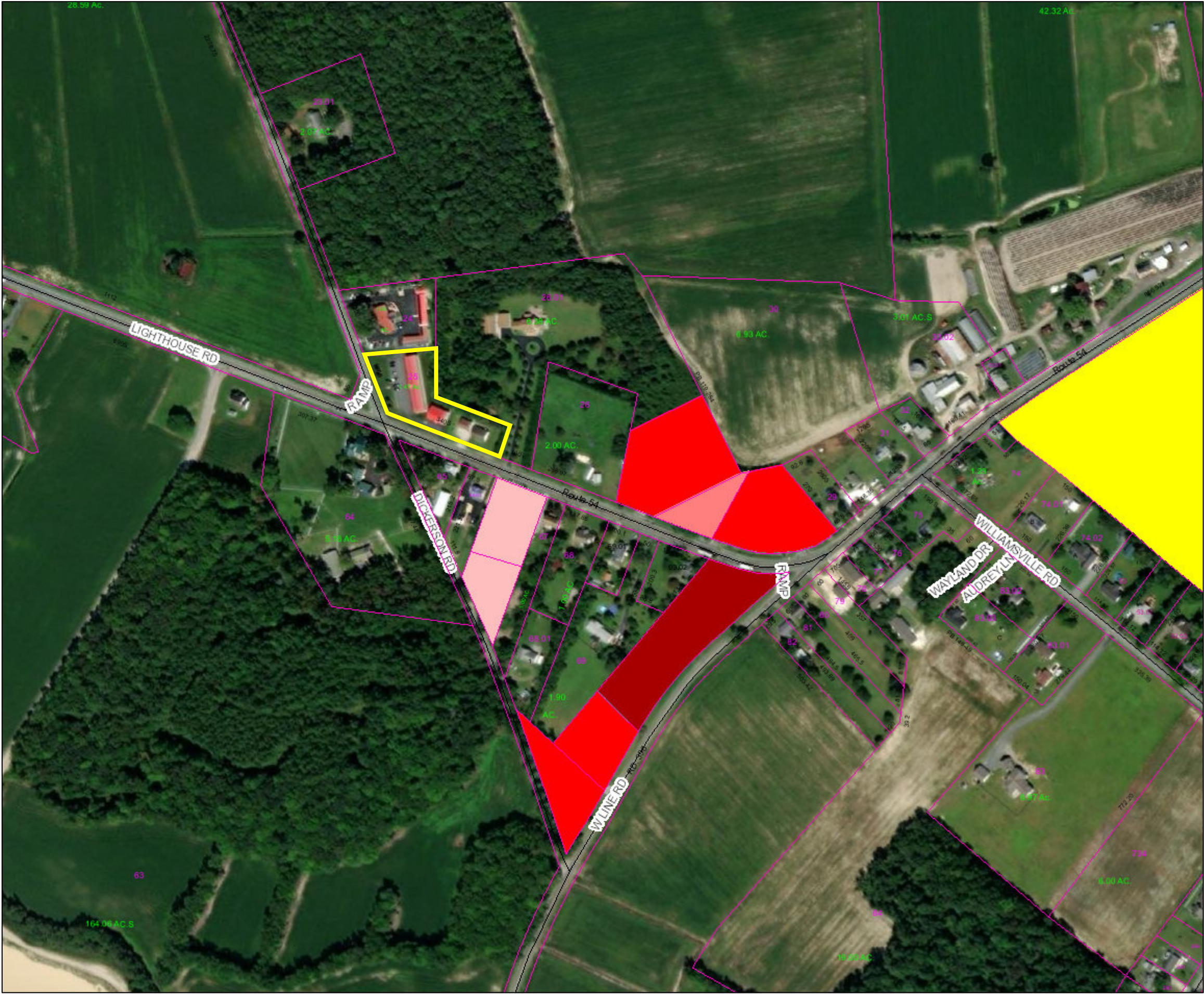
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- Tax Parcels
 - Streets
 - County Boundaries
 - Municipal Boundaries

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Sussex County

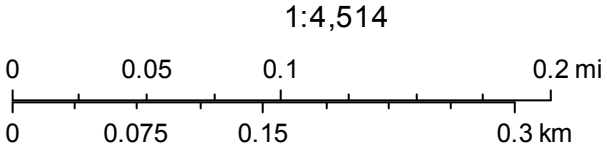


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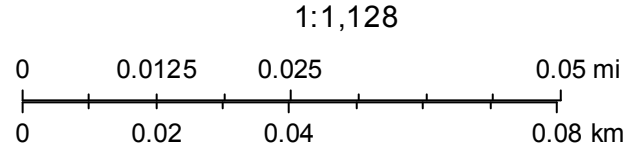


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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: October 21, 2021
RE: Staff Analysis for CU 2271 Chris Brasure

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2271 Chris Brasure 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 Parcel: 533-18.00-25.00 to amend Conditional Use No. 1920 (Ordinance No. 2240) to allow for office space. The parcel is lying on the northeast corner of the intersection of Lighthouse Road (Rt. 54) and Dickerson Road (S.C.R. 389). The parcel consists of 1.35 acres +/-.

The parcel has a previously approved Conditional Use Application. The parcel is subject to a Conditional Use Application (Conditional Use No. 1920) to allow for a storage garage for trucks and equipment and a parking area. The Conditional Use was approved by the Sussex County Council at their meeting of Tuesday, February 7, 2012 and the change was adopted through Ordinance No. 2240.

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 properties located to the north, south, east and west of the subject property also lie within the "Coastal Area" Future Land Use Map designation.

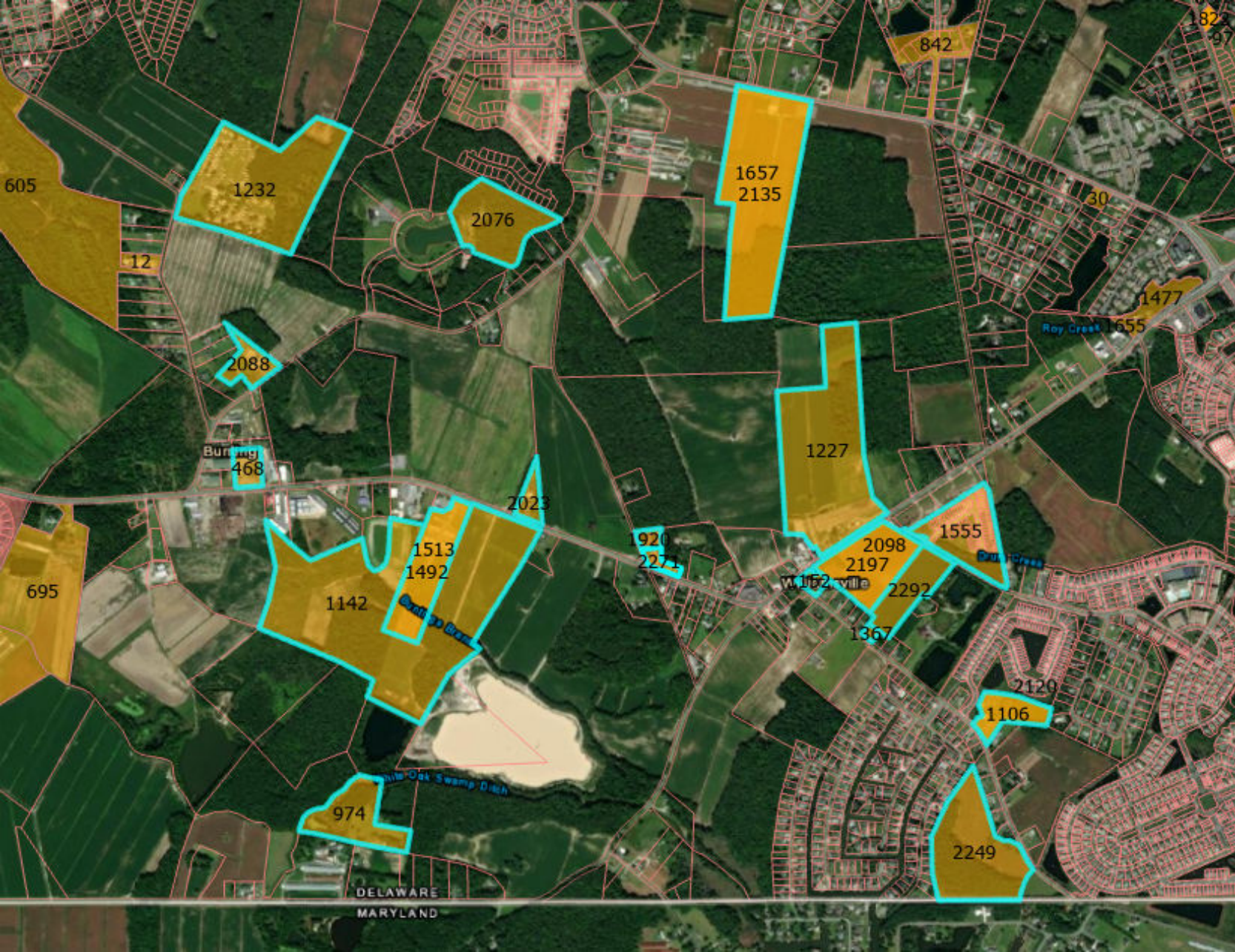
As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family 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 to the north, south, east and west of the subject sites are also zoned Agricultural Residential (AR-1). There are two properties to the southeast of the subject properties which are zoned Neighborhood Business (B-1). Properties further to the east are zoned General Commercial (C-1) and Commercial Residential (CR-1).



Since 2011, there have been eight (8) Conditional Use applications within a 1-mile radius of the application site. Please refer to the attached spreadsheet and map for a list of the Conditional Use applications.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to amend Conditional Use No. 1920 (Ordinance No. 2240) to allow for office space, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



File #: C/U 2271
202102801

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

33095 Lighthouse Road, Selbyville, DE 19975

Type of Conditional Use Requested:

Office Use. The applicant owns the adjacent parcel 24.00 which is used for its Business, Brasure Pest Control, Inc. The applicant proposes to modify a large garage on parcel 25.00 into offices for the business. See attached for details.

Tax Map #: 533-18.00-25.00

Size of Parcel(s): _____

Current Zoning: AR-1

Proposed Zoning: C/U

Size of Building: 4920 square feet

Land Use Classification: Coastal

Water Provider: Well

Sewer Provider: On Site

Applicant Information

Applicant Name: Chris Brasure

Applicant Address: P.O. Box 1100

City: Selbyville

State: DE

Zip Code: 19975

Phone #: (302) 436-8140

E-mail: Chris@brasures.com

Owner Information

Owner Name: Collins 54 LLC

Owner Address: c/o Chris Brasure P.O. Box 1100

City: Selbyville

State: DE

Zip Code: 19975

Phone #: (302) 436-8140

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.
- ☒ DelDOT 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

Chris Brown / Tim Wilford Date: 2/23/21

Signature of Owner

Collins 54 LLC c/o Chris Brown Date: 2/23/21

For office use only:

Date Submitted: 02/25/2021

Fee: \$500.00 Check #: 24158

Staff accepting application: Chase CP

Application & Case #:

Location of property: 33405 33095 Lighthouse Rd. Seelyville

533-18.00-25.00

Subdivision: None

Date of PC Hearing:

Recommendation of PC Commission:

Date of CC Hearing:

Decision of CC:

Brasure Pest Control, Inc

Conditional Use

533-18.00-25.00

Brasure Pest Control, Inc. occupies parcel 25.00 and adjacent parcel 24.00. Parcel 24.00 has been use for many for the pest control business where the a residence has been used for an office. Parcel 25.00 was granted a Conditional Use in 2011 (C/U 1920 attached) for a storage garage for trucks and equipment and a parking area.

The applicant now wants to convert the storage on parcel 25.00 into an office for the pest control business. See attached vertical rendition. The Parcel would include employee parking. The entrance to Parcel 25.00 is through Parcel 24. See attached survey.

Brasure Pest Control, Inc. has been a successful Sussex County business for decades. They provide a semi-public use and continue to grow with the County.

ORDINANCE NO. 2240

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE GARAGE FOR TRUCKS AND EQUIPMENT AND A PARKING AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS

WHEREAS, on the 14th day of November 2011, a conditional use application, denominated Conditional Use No. 1920 was filed on behalf of Collins 54, LLC; and

WHEREAS, on the 12th day of January 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 26th day of January 2012, said Planning and Zoning Commission recommended that Conditional Use No. 1920 be approved with conditions; and

WHEREAS, on the 7th day of February 2012, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1920 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying at the northeast corner of the intersection of Route 54 and Road 389 and being more particularly described as:

BEGINNING at the northeast corner of the intersection of Route 54 and Road 389; thence north 10°10'02" west 198.18 feet along the easterly right-of-way of Road 389 to a concrete marker; thence south 85°39'05" east 212.65 feet to a point; thence south 01°29'54" west 45.49 feet to a point; thence south 18°49'05" west 104.77 feet to a concrete marker; thence south 57°45'36" east 224.69 feet to a fence post; thence south 28°17'48" west 98.75


feet to the northerly right-of-way of Route 54; thence north 58°50'26" west 333.41 feet along the northerly right-of-way of Route 54 to the point and place of beginning and containing 1.35 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

1. The use shall be for vehicle and equipment storage inside the storage building and outside parking of employee vehicles. No other outside storage shall be permitted.
2. Any security lights shall be screened so that they do not shine on neighboring properties.
3. No chemicals or other hazardous materials shall be stored on the premises, except those chemicals normally found on the vehicles.
4. One lighted sign, not to exceed 32 square feet in size per side, shall be permitted.
5. The Final Site Plan shall indicate all parking spaces and driveway areas.
6. As stated by the Applicant, access shall be via the existing entrance to Brasure's Pest Control from Road 389 with an internal driveway to the site.
7. Any dumpsters or trash receptacles utilized on the site shall be screened from neighboring properties or roadways.
8. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2240 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF FEBRUARY 2012.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Conditional Use was appropriate legislative action based on the following Finding of Facts:

1. This is an application to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a storage garage for trucks and equipment and a parking area to be located on a certain parcel of land, lying in Baltimore Hundred, Sussex County, containing 1.35 acres, more or less, lying on the northeast corner of the intersection of Route 54 and Road 389.

2. DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service "C" of Route 54 and the current Level of Service "A" of Bunting Road will not change as a result of this application.
3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the West Fenwick Planning Area; that the use of an on-site septic system is proposed; that conformity to the South Coastal Area Planning Study 2005 Update will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; that when the County does provide sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a Concept Plan is not required.
4. The Sussex Conservation District submitted comments that the Applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation; that there are no storm flood hazard areas affected; that it will not be necessary for any off-site drainage improvements; that it may be possible that on-site drainage improvements will be required; and that they will comply with all Sussex Conservation District requirements.
5. The proposed use is an appropriate extension of the Applicant's business operations that have existed on its adjacent property for many years. The Applicant has stated that access to this property will also be through the existing business.
6. Business hours are typically from 6:00 a.m. to 7:00 p.m.; there is adequate space for employee parking; the site is located in the Environmentally Sensitive Developing District according to the Comprehensive Plan Update and is an appropriate use according to the Plan since it serves the residents and the agricultural needs of the County; that the existing entrance to the business site will be utilized; and a new entrance will not be required.
7. The use is not out of character since it is adjacent to a business and since other non-residential uses (service and retail) already exist in the area.
8. The proposed building will be similar in appearance to the existing buildings on the adjacent site.

9. The site has an approved Conditional Use and will not have an adverse impact on the neighboring roadways, properties or community and the operation will not generate a significant increase in traffic or noise.
10. The use is of a public or semi-public character.
11. Based on the record and recommendations of the Planning and Zoning Commission and the record created before Council, the Conditional Use is approved subject to eight (8) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.



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 **Chris Brasure** conditional use application, which we received on November 24, 2020. This application is for an approximately 1.47-acre parcel (Tax Parcel: 533-18.00-25.00). The subject land is located at the northeast corner of the intersection of Lighthouse Road (Sussex Road 58) and Dickerson Road (Sussex Road 389), east of Selbyville. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to convert a large garage into a 4,920 square-foot commercial office for Brasure's Pest Control, Inc.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Lighthouse Road where the subject land is located, which is from Johnson Road (Sussex Road 390) to Williamsville Road (Sussex Road 395), are 5,657 and 7,281 vehicles per day, respectively. As the subject land also has frontage along Dickerson Road, the annual average and summer average daily traffic volumes along that road segment are 812 and 1,045 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
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: Chris Brasure, 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: **10/7/2021**

APPLICATION: **CU 2271 Chris Brasure**

APPLICANT: **Chris Breasure**

FILE NO: **OM-4.05**

TAX MAP &
PARCEL(S): **533-18.00-25.00**

LOCATION: **33095 Lighthouse Road, Selbyville**

NO. OF UNITS: **Office Use**

GROSS
ACREAGE: **1.47**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

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 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** 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? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Noell Warren** 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: **None of the buildings on the property are currently connected to the sanitary sewer.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (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
Noell Warren

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
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PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: November 4th, 2021

Application: CU 2271 Chris Brasure

Applicant: Chris Brasure
P.O. Box 1100
Selbyville, DE 19975

Owner: Collins 54 LLC
P.O. Box 1100
Selbyville, DE 19975

Site Location: 33095 Lighthouse Road, Selbyville

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

Proposed Use: Office Use

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire Department

Sewer: Septic

Water: Well

Site Area: 1.47 acres +/-

Tax Map ID.: 533-18.00-25.00

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DM-4.05
TIER 1



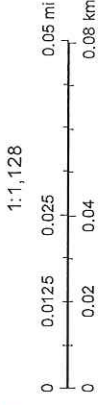


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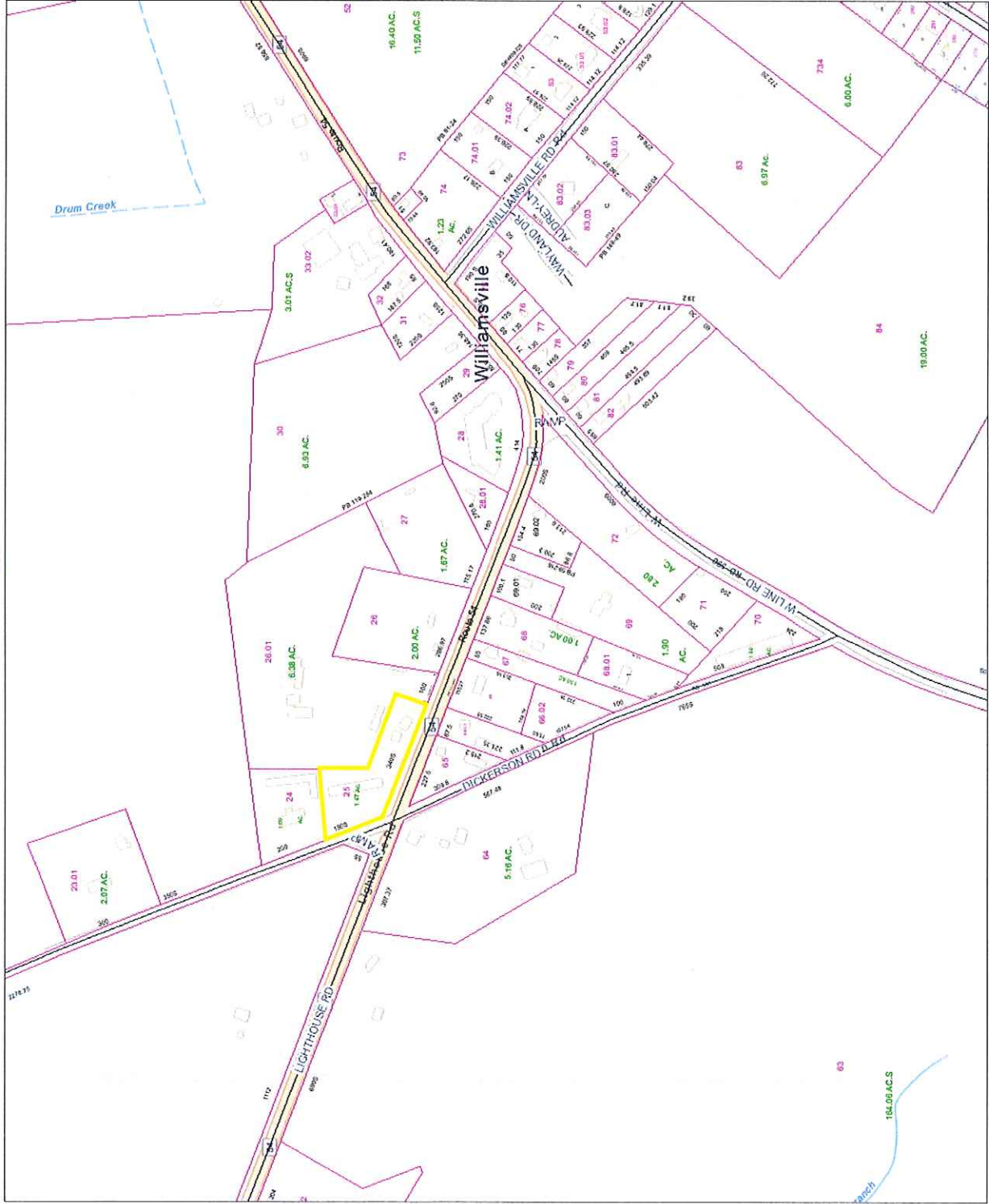
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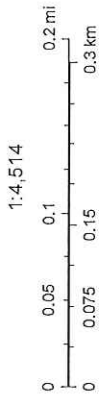


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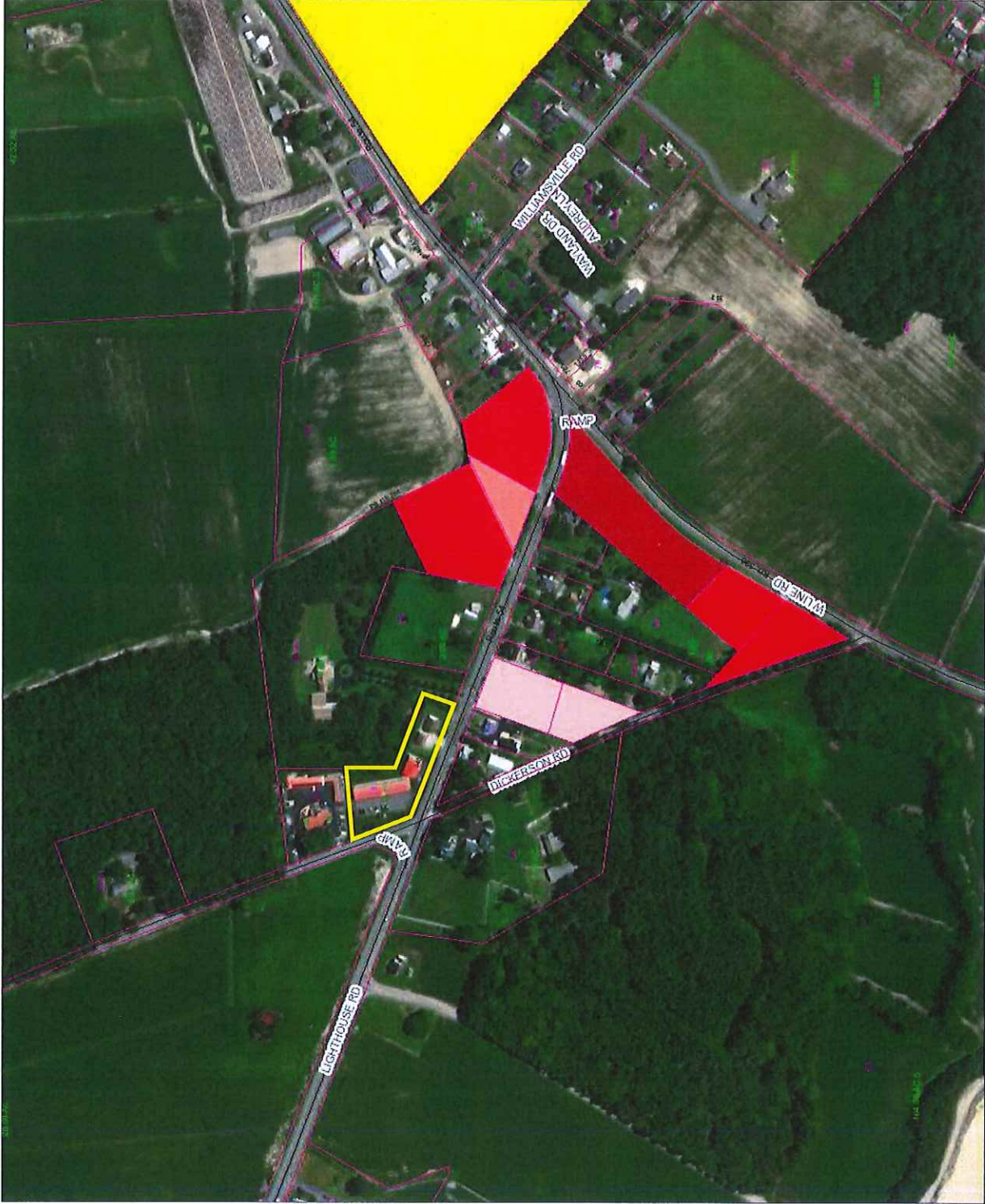
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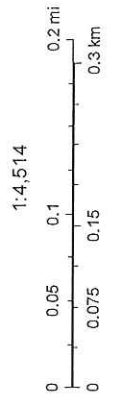


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FILE COPY

CU 2271

Applicant
Exhibit

Received 10.28.2021

@ Public Hearing

Proposed Findings and Conditions

C/U 2271 Amending C/U 1920

Chris Brasure – Collins 54, LLC

Tax Map # - 533-15.00-25.00

Findings

The Planning Commission found that the Conditional Use was appropriate legislative action based on the following Finding of Facts:

1. This is an application to consider the Conditional Use of Land in an AR-1 Agricultural Residential District for an office and a parking area to be located on a certain parcel of land, lying in Baltimore Hundred, Sussex County, containing 1.35 acres, more, or less lying on the northeast corner of the intersection of Route 54 and Road 389.
2. DelDot commented that a Traffic Impact Study was not recommended.
3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located, in the West Fenwick Planning Area; that the use of an on-site septic system is proposed.
4. The Sussex Conservation District submitted comments that the Applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation; that there are no storm flood hazard areas affected; that it will not be necessary for any off-site drainage improvements, that it may be possible that on-site drainage improvements will be required; and that they will comply with all Sussex Conservation District requirements.
5. The proposed use is an appropriate extension of the Applicant's business operations that have existed on its adjacent property for many years. The Applicant has stated that access to this property will also be through the existing business.
6. Business hours are typically from 6:00 a.m. to 7:00 p.m. Adequate space for employee parking exists. The site is located in the Coastal District

according to the Comprehensive Plan and is an appropriate use according to the Plan since it serves the residents of the County. The entrance to the business site will be utilized. A new entrance will not be required.

7. The use is not out of character since it is adjacent to a business and since non-residential uses (service and retail) already exist in the area.

8. The proposed building will be improved for company office space.

9. The site will not have an adverse impact on the neighboring roadways, properties or community and the operation will not generate a significant increase in traffic or noise.

10. The use is of a public or semi-public character.

Conditions

This recommendation was approved subject to the following conditions:

1. The use shall be for a building for office use and outside parking of employee vehicles.

2. Any security lights shall be screened so that they do not shine on neighboring properties.

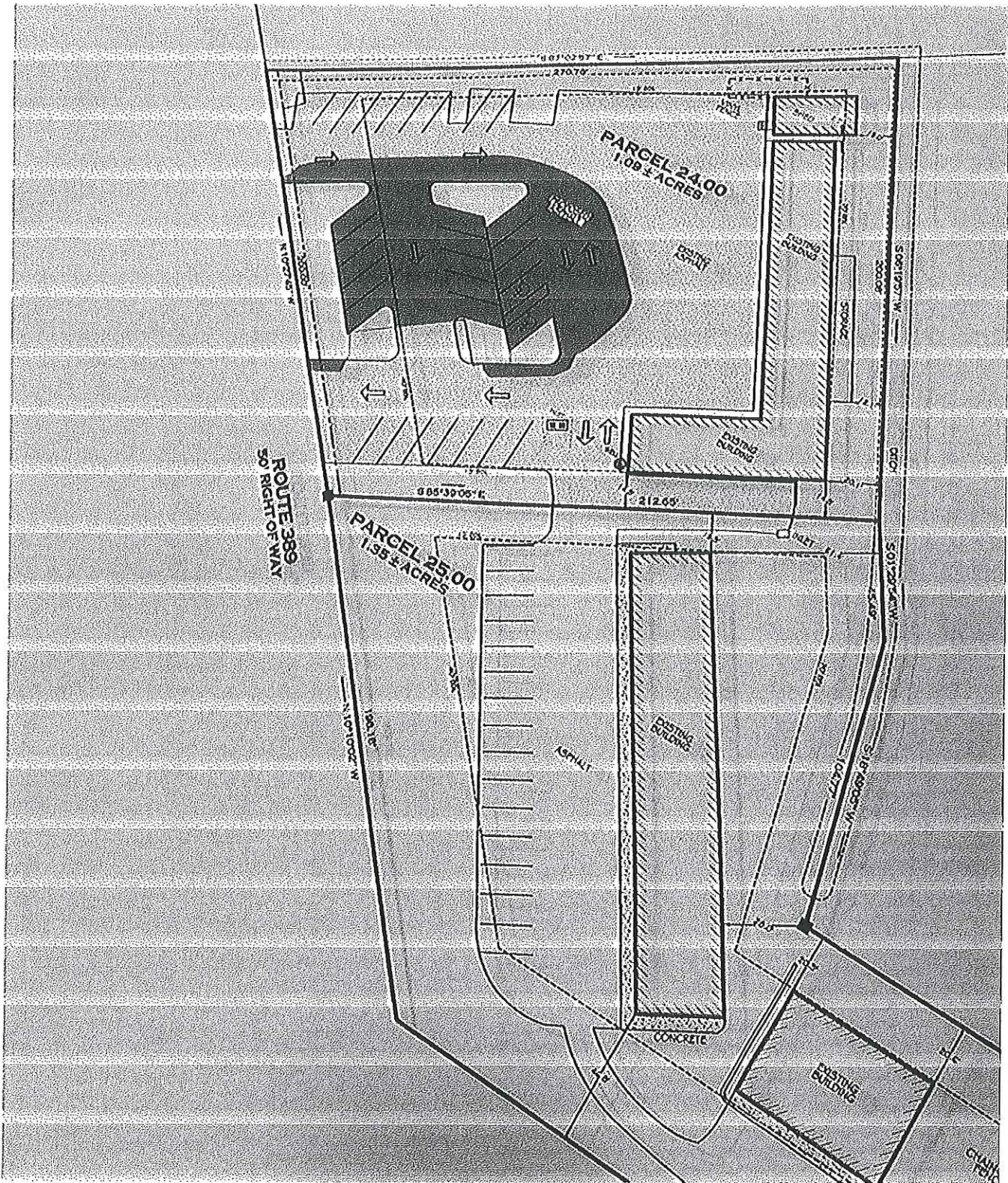
3. One lighted sign, not exceed 32 square feet in size per side, shall be permitted.

4. The Final Site Plan shall indicate all parking spaces and driveway areas.

5. As stated by the Applicant, access shall be via the existing entrance to Brasure's Pest Control from Road 389 with an internal driveway to the site.

6. Any dumpsters or trash receptacles utilized on the site shall be screened from neighboring properties or roadways.

7. The site plan shall be subject to the review and approval of the Planning and Zoning Commissions.



c/u 2274