

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



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



Sussex County

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302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: November 18th, 2021

Application: CU 2274 R&J Farms Limited Partnership

Applicant: Jed James & R&J Farms Limited Partnership
18066 Asketum Branch Road
Georgetown, DE 19947

Owner: Jed James & R&J Farms Limited Partnership
18066 Asketum Branch Road
Georgetown, DE 19947

Site Location: 28274 E Trap Pond Road (S.C.R. 62)

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

Proposed Use: Diesel Repair Shop

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Vincent

School District: Laurel School District

Fire District: Laurel Fire Department

Sewer: Septic (Private, On-Site)

Water: Well (Private, On-Site)

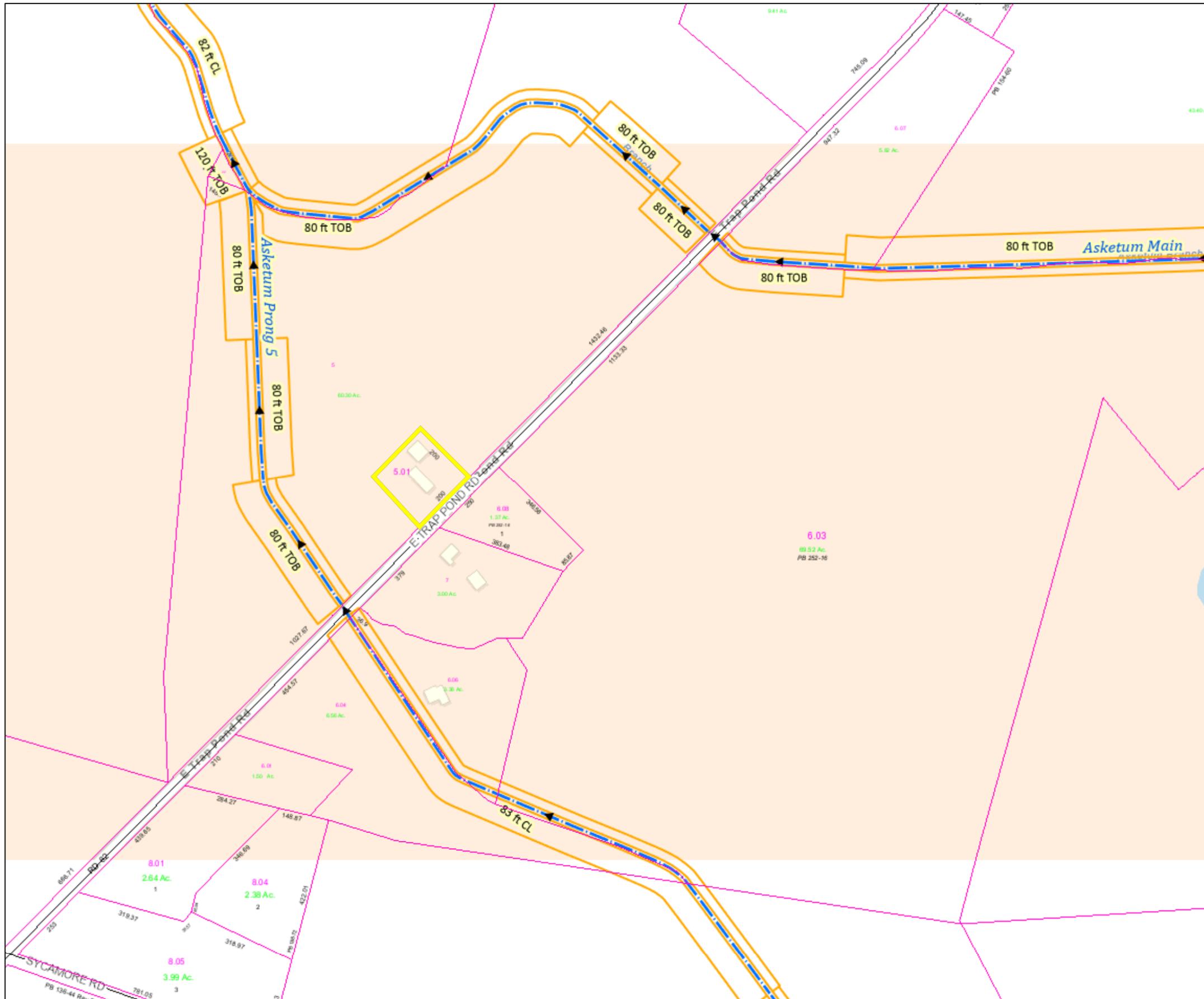
Site Area: 0.92 acres +/-

Tax Map ID.: 232-9.00-5.01





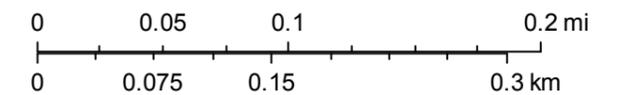
Sussex County



PIN:	232-9.00-5.01
Owner Name	R&J JAMES FARMS LIMITED PARTNERSHIP
Book	4978
Mailing Address	18066 ASKETUM BRANCH
City	GEORGETOWN
State	DE
Description	NW/RT 62
Description 2	1730'NE/RT 476
Description 3	N/A
Land Code	

- polygonLayer**
 - 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

1:4,514





Sussex County



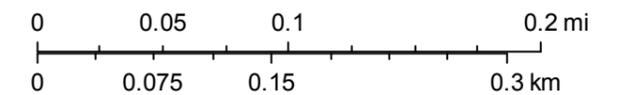
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- ⋯ Tax Parcels
- Streets

1:4,514





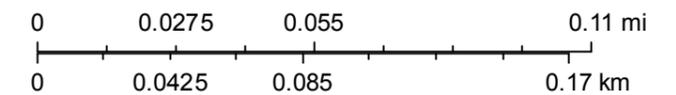
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 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels**
- 911 Address**
- Streets**

1:2,257



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Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: November 10, 2021
RE: Staff Analysis for CU 2274 Jed James R&J Farms Limited Partnership

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2274 Jed James R&J Farms Limited Partnership to be reviewed during the November 18, 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: 232-9.00-5.01 to allow for a diesel repair shop. The parcel is lying on south side of E. Trap Pond Road (S.C.R. 62), approximately 0.35 miles north of Sycamore Road (S.C.R. 476). The parcel consists of 0.92 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 north, south, east, and west also contain the "Low Density" Future Land Use Map designation.

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 to the north, south, east and west of the subject sites are also zoned Agricultural Residential (AR-1).

Since 2011, there have been zero (0) Conditional Use applications within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for a diesel repair shop 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

28214 East Trap Pond Road LAUREL DE 19956

Type of Conditional Use Requested:

Diesel Repair Shop

Tax Map #: 232-9.00-5.01 Size of Parcel(s): 1 Acre

Current Zoning: AR1 Proposed Zoning: _____ Size of Building: 40x45

Land Use Classification: Residential / Agricultural

Water Provider: Well Sewer Provider: SE Septic

Applicant Information

Applicant Name: JOE JAMES / R&J FARMS limited Partnership
Applicant Address: 18066 ASKETUM Branch Road
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 462-0101 E-mail: JAMESFARMLLC@gmail.com

Owner Information

Owner Name: SAME AS ABOVE
Owner Address: _____ State: _____ Zip Code: _____
City: _____ E-mail: _____
Phone #: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: N/A
Agent/Attorney/Engineer Address: _____ State: _____ Zip Code: _____
City: _____ E-mail: _____
Phone #: _____



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.

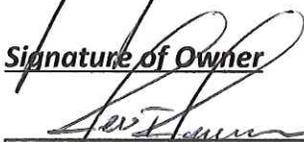
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 3/2/2021

Signature of Owner



Date: 3/2/2021

For office use only:

Date Submitted: 03/10/2021 Fee: \$500.00 Check #: 203
Staff accepting application: Chase P Application & Case #: 202103557 c/u 2274
Location of property: 28274 East Trap Pond Road
Laurel, DE 19956

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

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 **Jed James** proposed land use application, which we received on January 26, 2021. This application is for an approximately 0.9183-acre parcel (Tax Parcel: 232-9.00-5.01). The subject land is located on the west side of East Trap Pond Road, south of the intersection with Hardscrabble Road. The subject land is currently zoned AR-1 (Agricultural Residential) and the applicant seeks a conditional use for a Diesel Repair Shop.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of East Trap Pond Road where the subject land is located, which is from Hardscrabble Road to Samuel Hill Road, is 1,183 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 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: Jed James, 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



TAX MAP AND PARCEL #:
2-32-9.00-5.01

PREPARED BY:
Moore & Rutt, P.A.
122 W. Market Street
P.O. Box 554
Georgetown, DE 19947
File No. 14467/JEM

RETURN TO:
R & J James Farms Limited Partnership
18066 Asketum Branch Road
Georgetown, DE 19947

THIS DEED, made this 14th day of November, 2018,

- BETWEEN -

SUE E. BONAVENTURE, of 28274 E. Trap Pond Road, Laurel, DE 19956, part of the first part,

- AND -

R & J JAMES FARMS LIMITED PARTNERSHIP, a Delaware Limited Partnership, of 18066 Asketum Branch Road, Georgetown, DE 19947, party of the second part.

WITNESSETH: That the said part of the first part, for and in consideration of the sum of ONE AND 00/100 DOLLARS (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

All that certain piece, parcel and tract of land lying and being situate in Broad Creek Hundred, Sussex County and State of Delaware, being more particularly described as follows, to wit:

Beginning at a concrete monument lying on the Northwesterly side of Sussex County Road #62, said monument situate 1730 feet, more or less, from the centerline of Road #476 and being a corner for these lands and lands now or formerly of Walter Hedges; thence along these lands and lands now or formerly of Walter Hedges the following three (3) courses distances: (1) North 35 degrees 15 minutes West 200.00 feet to a found iron pipe, said pipe being a corner for these lands; thence (2) North 54 degrees 45 minutes East 200.00 feet to the ground iron pipe, said pipe being a corner for these lands; thence (3) South 35 degrees 15 minutes East 200.00 feet to a concrete monument, said monument being the corner for these lands and lands now or formerly of Walter Hedges; thence turning and running along these lands and with the Northwesterly side of Sussex County Road #62, South 54 degrees 45 minutes West 200.00 feet home to the point and place of beginning, said to contain 40,000 square feet of land, be the same, more or less.

Pursuant to 25 Del. C. Section 135, the grantor and grantee hereunder do hereby acknowledge that the parcel or parcels conveyed hereunder, or a portion of same, may be subject to a tax ditch right-of-way and/or assessment, or a tax lagoon right-of-way and/or assessment pursuant to an Order of the Superior Court of the State of Delaware in and for Sussex County recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Book 2 Page 24 and Book 7 Page 102.

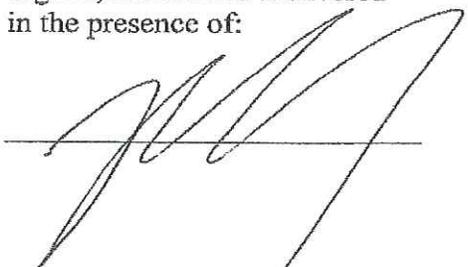
SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

BEING the same property conveyed to Sue E. Bonaventure from Daniel A. Bonaventure, by Deed dated July 27, 2018, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 4926, Page 141.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the part of the first part has hereunto set her hand and seal
the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

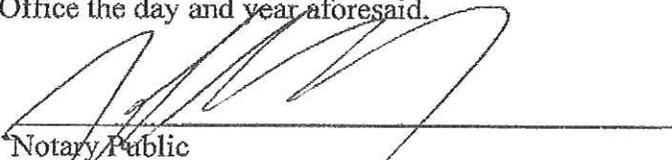


Sue E. Bonaventure (SEAL)
Sue E. Bonaventure

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on November 14, 2018, personally came before me, the
subscriber, Sue E. Bonaventure, part of the first part to this Indenture, known to me personally to
be such, and acknowledged this Indenture to be her act and deed.

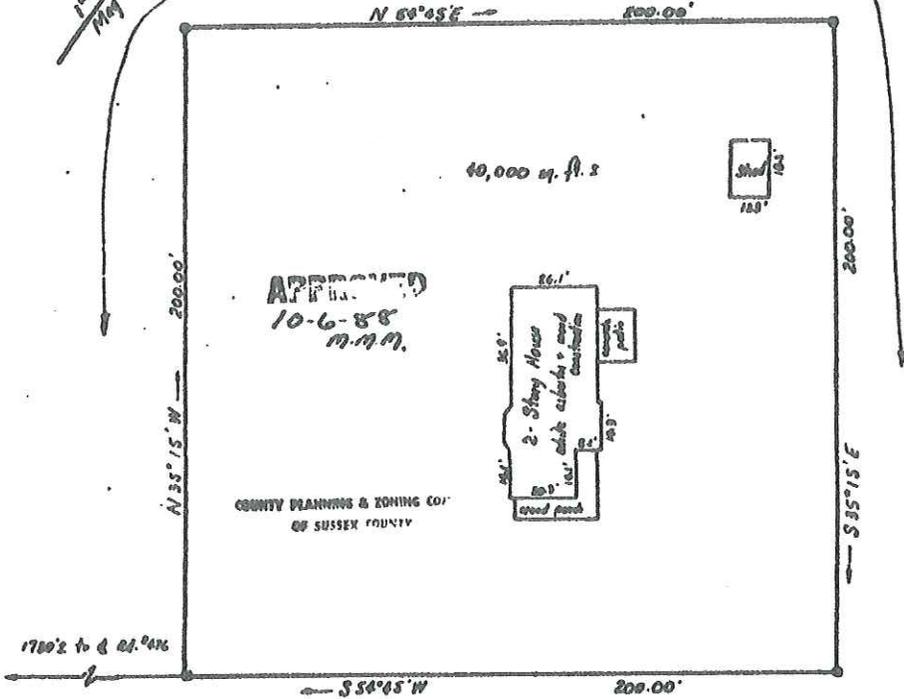
GIVEN under my Hand and Seal of Office the day and year aforesaid.


Notary Public

J. Everett Moore, JR., Esq.
Attorney-Notary Public
Del. Notarial Act 29 Del. C. §4323(a) (3)
Non Expiring Commission

My Commission Expires: _____

n/f lands of Walter Hedges



Sussex County Road # 62

LOT, HOUSE, & CHED TO BE CONVEYED FROM GEORGE JOHN & LINDA K. CHRISTOPHEL, JR. BROAD CREEK HUNDRED, SUSSEX COUNTY, DELAWARE TO DANIEL BONAVENTURE

REFERENCE: DEED BOOK 1159-PAGES 40 & 41.

- o CONCRETE MONUMENT FOUND
- o IRON PIPE FOUND

DATE: OCT. 6, 1988



SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **11/3/2021**

APPLICATION: **CU 2274 R&J Farms Limited Partnership**

APPLICANT: **Jed James & R&J Farms Limited Partnership**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **232-9.00-5.01**

LOCATION: **28274 E. Trap Pond Road (SCR 62)**

NO. OF UNITS: **Diesel Repair Shop**

GROSS
ACREAGE: **0.92**

RECEIVED

NOV 04 2021

SUSSEX COUNTY
PLANNING & ZONING

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 4**
- (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? **No**

(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:

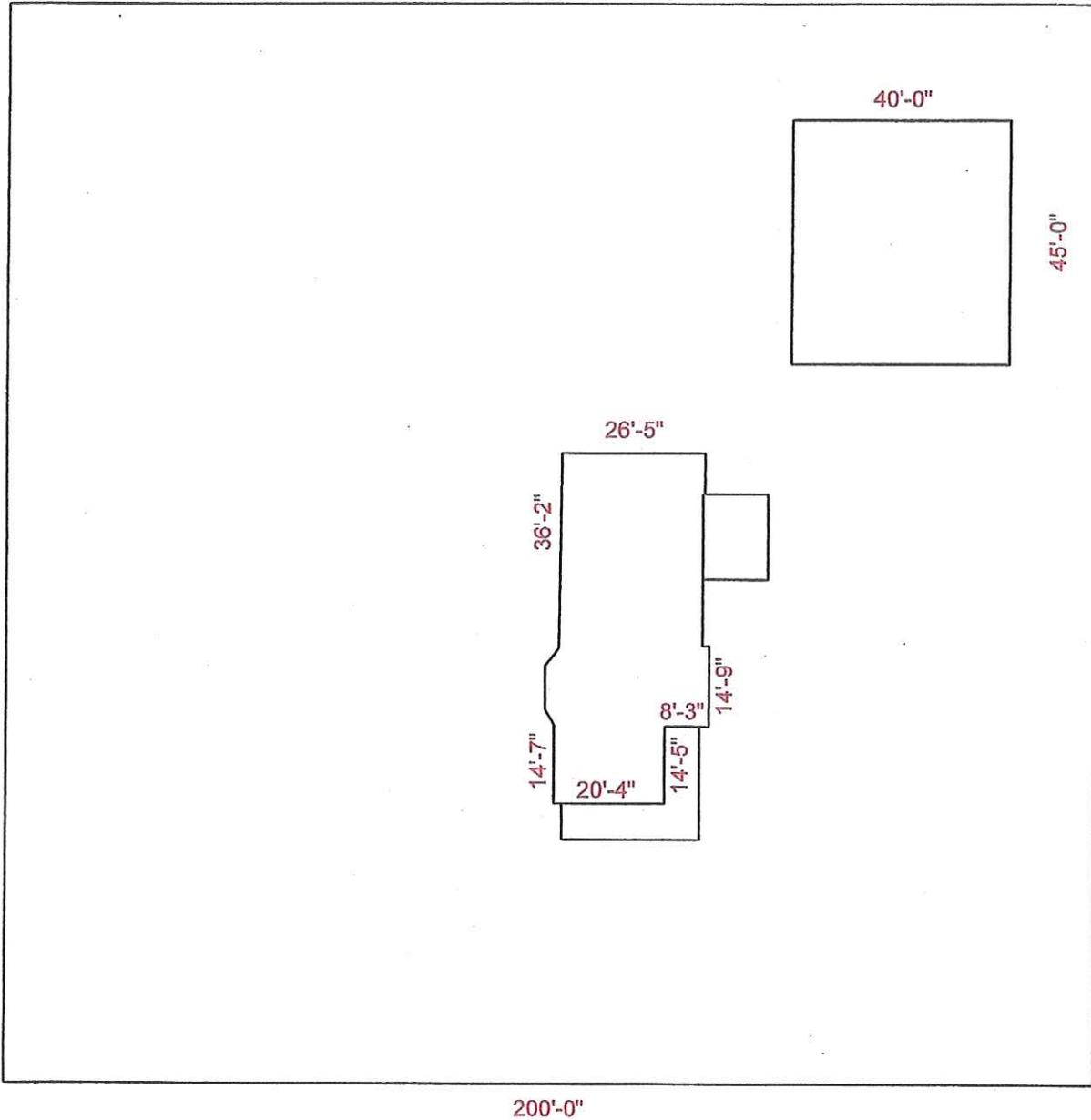


John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
No Permit Tech Assigned

R & J Farm – 1 Acre House Lot

Jed James – 302-462-0101



28214 East Trap Pond Rd, Laurel, DE 19956

Tax Map #: 232 - 9.00 - 5.01

jamesfarmllc@gmail.com

Elliott Young

From: Brett Roberto <brett.roberto76@gmail.com>
Sent: Monday, November 8, 2021 11:37 AM
To: Planning and Zoning
Subject: Conditional use #2274 /Jed James - R&J Farms Limited Partnership

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To The Planning and Zoning Commission,

I saw a sign at an address in my area and wanted to voice my opposition to this conditional use. The tax parcel I.D. for this case is 232-9.00-5.01. I will outline below my concerns for your consideration.

1. The noise that the tenant (Dave's Truck Repair operated by David W. Craft) creates during the day is a public nuisance in a residential area. There have also been customers at all times of evening and late night into early morning either picking up or dropping off vehicles and creating an unnecessary disturbance.
2. I have personally contacted the Delaware Department of Revenue to inquire about the legitimacy of Dave's Truck Repair as a licensed business in the state, as of 11/03/2021 there is not a valid business license on record for the business name or owners name.
3. The parcel on the property that has been in use as the repair shop for a little over a year does not have a bathroom in the building. I have seen the occupant of the repair shop on the side of the building in a position that would be that of him relieving himself.
4. The parcel being utilized as the repair shop appears to be about 15 feet from a residence that is occupied.
5. There is a propane tank within what looks to be about 8 feet from the proposed repair shop. I have seen the occupant of the repair shop working with diesel fuel, oil, acetylene torches/welding equipment. I fear this could create a significant danger in the area.
6. I feel very strongly that if this conditional use is granted, that the issues outlined above will not be addressed/rectified, and will only continue and grow in severity.

In conclusion, as a resident of this area I do not feel that this rural peaceful and quiet residential area is the place for this type of business. Thank you in advance for your consideration of my concerns. Should you have any questions or concerns, please feel free to reach out to me via email.

Sincerely,

Brett Roberto

