

PLANNING & ZONING COMMISSION

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Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date August 12, 2021.

Application: CU 2278 (Branson James)

Applicant: Branson James
17638 Dusty Road
Georgetown, DE 19947

Owner: Branson James
17638 Dusty Road
Georgetown, DE 19947

Site Location: South side of Dusty Road (S.C.R. 443A), northwest of East Trap Pond Road (S.C.R. 62)

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Events Venue

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Vincent

School District: Indian River School District

Fire District: Georgetown Fire District

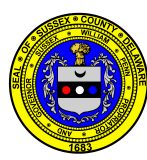
Sewer: On-site septic system

Water: On-site well

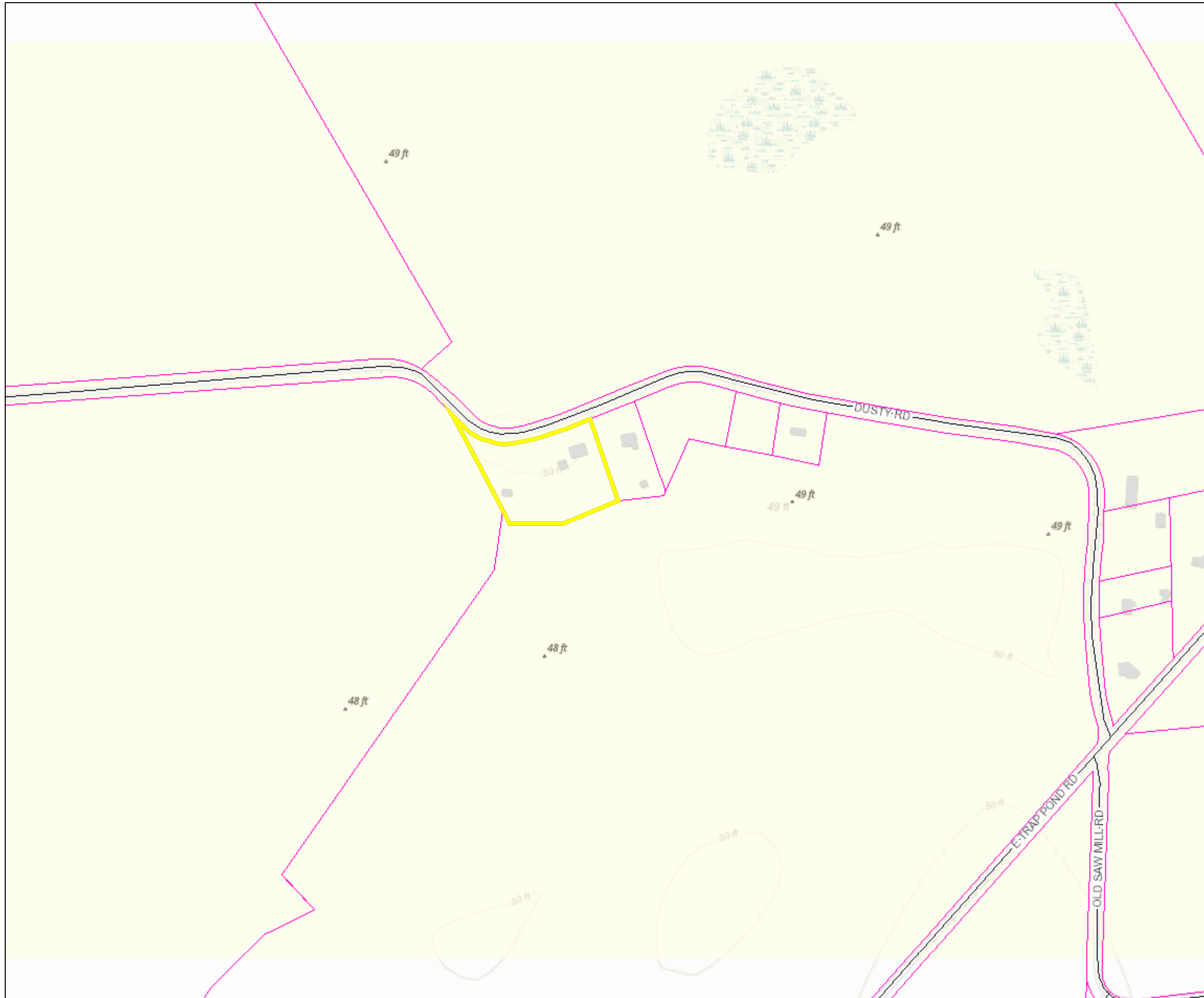
Site Area: 1.9 acres +/-

Tax Map ID.: 231-22.00-16.00





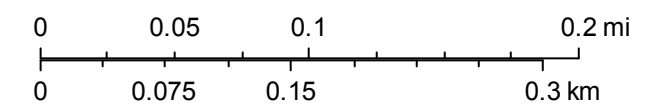
Sussex County

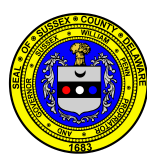


PIN:	231-22.00-16.00
Owner Name	JAMES BRANSON CHRISTOPHER
Book	4903
Mailing Address	17638 DUSTY RD
City	GEORGETOWN
State	DE
Description	S/DUSTY RD
Description 2	2286' NW/E TRAP POND
Description 3	RD
Land Code	

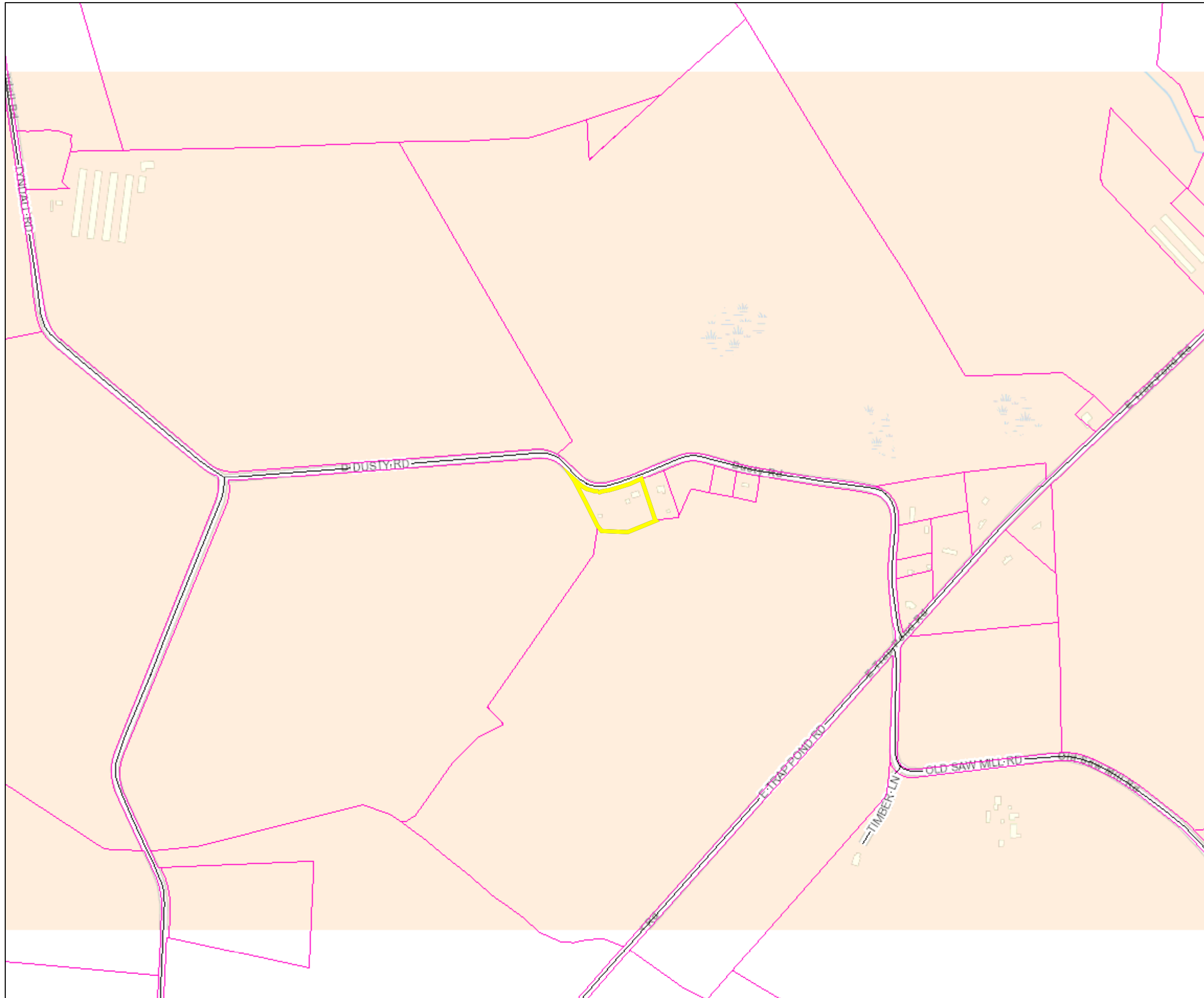
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Override 1
- polygonLayer**
Override 1
- Tax Parcels
- Streets

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Sussex County



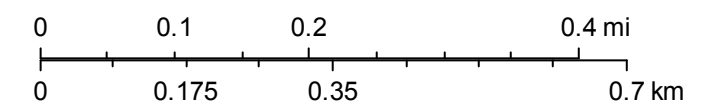
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- polygonLayer**

 - Override 1
- polylineLayer**

 - Override 1
- Tax Parcels
- Streets
- County Boundaries

1:9,028





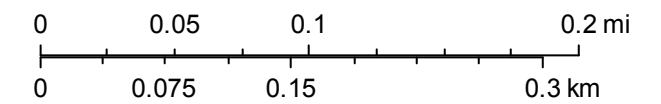
Sussex County



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Description 3	RD
Land Code	

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

1:4,514



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



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sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 2nd, 2021
RE: Staff Analysis for CU 2278 Branson James

This memo provides a background and an analysis for the Planning Commission to consider as a part of the Conditional Use Application for Branson James (CU 2278) to be reviewed during the August 3rd, 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 (C/U 2278) to allow for an events venue to be located on the south side of Dusty Road (S.C.R. 443A), approximately 0.48 mile northwest of East Trap Pond Road (S.C.R. 62). The subject property is Tax Parcel 231-22.00-16.00, and the total area of the site is 2.00 acres +/-.

The 2018 Sussex County 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 the ways in which land uses should change over time. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Low Density." The properties to the north, south, east, and west of the subject property also have the land use designation of "Low Density."

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 within an Agricultural Residential (AR-1) Zoning District. The properties to the north, south, east, and west are all within the AR-1 Zoning District. Staff note the parcels to the west, northwest, and north (3) are within an agricultural easement with the State of Delaware. This easement is titled "Jerry C. Dukes Farm District." No subdivisions exist in relative proximity to the site.

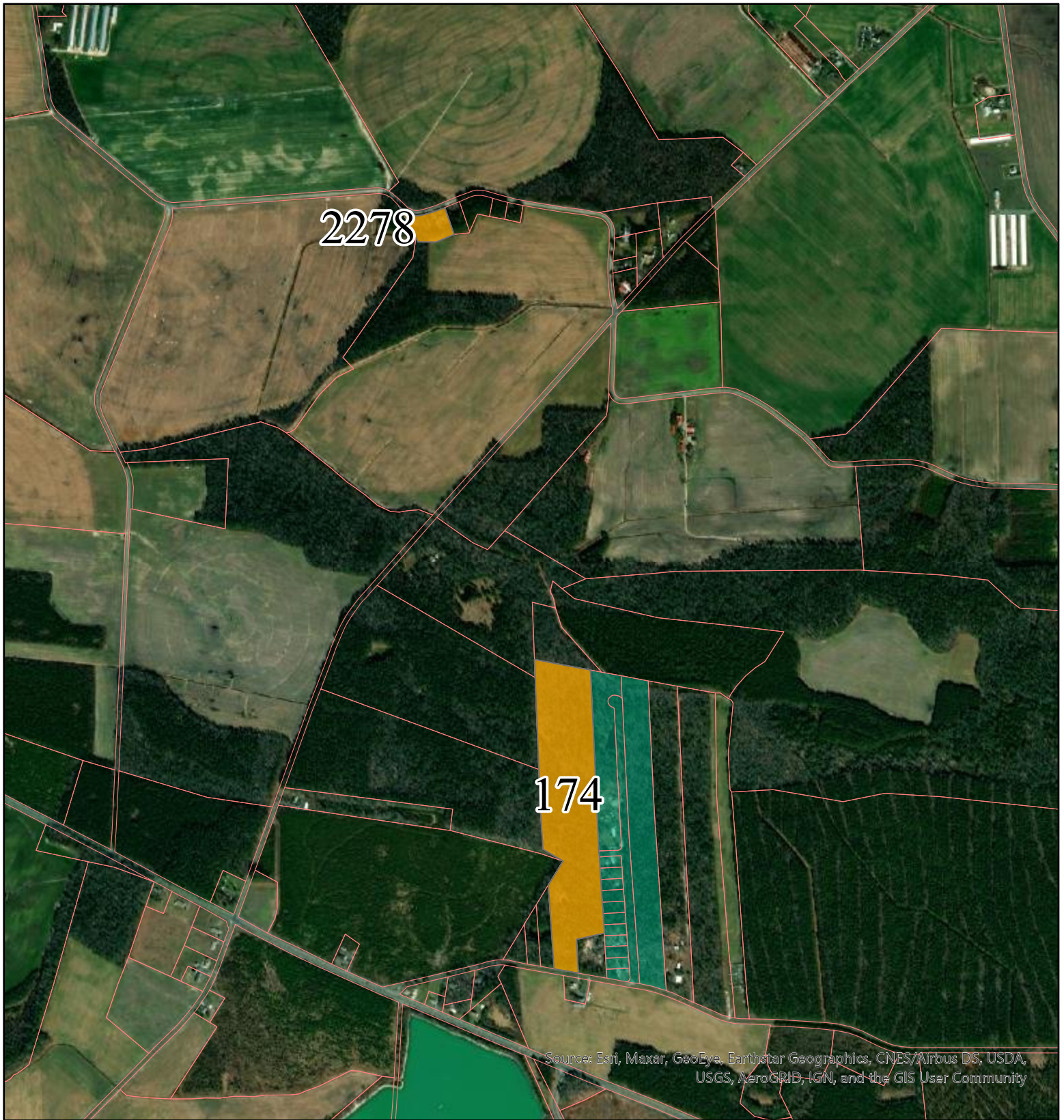
Since 1971, there has been one (1) Conditional Use application filed with the Planning and Zoning Department within a one-mile radius from the subject site. Conditional Use No. 174, to allow for a wood working shop, was initially heard by the Sussex County Council on December 11th, 1973,



and approved. The Ordinance number is currently unknown. Attached is a map that represents both the subject application and C/U 174.

Based on the analysis provided, this Conditional Use request for an events venue, subject to considerations of scale and impact, could be determined to be consistent with the surrounding land uses, zoning, and environment.

All Conditional Uses within One Mile of CU 2278



0 0.13 0.25 0.5 Miles



Orange polygons represent Conditional Use Applications.
Green polygons represent subdivisions.

This map may not contain all necessary elements and principles and should be used for general reference only.

Chase Phillips, Planner I

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

17638 Dusty Road Georgetown, DE 19947

Type of Conditional Use Requested:

Music/Wedding Venue

Tax Map #: 231-22.00-16.00

Size of Parcel(s): 2 acres

Current Zoning: AR-1

Proposed Zoning: n/a

Size of Building: n/a

Land Use Classification: Low Density

Water Provider: well

Sewer Provider: n/a

Applicant Information

Applicant Name: Branson James

Applicant Address: 17638 Dusty Road

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 604-1186

E-mail: bcjames4@gmail.com

Owner Information

Owner Name: Same as under "Applicant Information"

Owner Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: n/a

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

Date: 04/06/2021

Signature of Owner

Date: 04/06/2021

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: _____



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

December 21, 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 **Branson James** conditional use application, which we received on November 19, 2020. This application is for an approximately 2.00-acre parcel (Tax Parcel: 231-22.00-16.00). The subject land is located on the south side of Dusty Road (Sussex Road 443A), approximately 2,100 feet east of the Tyndall Road (Sussex Road 444), southwest of the Town of Georgetown. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize the property as a music / wedding venue.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along the segment of Dusty Road where the subject land is located is 149 vehicles per day.

The traffic impact of wedding venues necessarily varies with the frequency and size of the events. Generally, DelDOT bases its decision to require a Traffic Impact Study (TIS) on traffic volumes that recur on a daily or weekly basis. Large enough events may require coordination with our Transportation Management Center but they cannot be properly addressed by the TIS process.

Regarding DelDOT's warrants for requiring a TIS, events that would generate more than 50 vehicle trips in any hour and more than 500 vehicle trips per day would meet these warrants. Events generating more than 200 vehicle trips in any hour and / or more than 2,000 vehicle trips per day would be considered to have a Major impact to local area roadways. Because we expect the typical event to generate no more than 50 vehicle trips in any hour and no more than 500 vehicle trips per day, we recommend that this conditional use application be considered without a TIS.

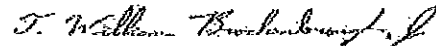
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse
Page 2 of 2
December 21, 2020

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



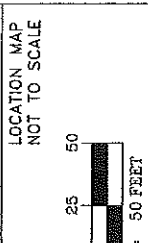
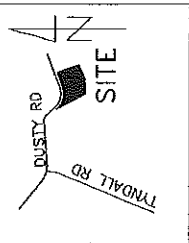
T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Branson James, 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 Andreescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PLAN DATA:

- TITLE REFERENCED TO:
 TM# 231-22.00-16.00 DB 4903, PG 71
 17658 DUSTY ROAD, GEORGETOWN, DE 19947
 NANTICORE HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
- NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAN.
- THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS.
- ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING THE ZONING IS AR-1 AND THE SETBACKS ARE: FRONT-30, SIDE-15, AND REAR --20.



- LEGEND:
- CONCRETE MONUMENT FOUND
 - CORNER NOT MARKED
 - UTILITY POLE
 - TOP OF BANK
 - EASEMENT
 - PROPERTY LINE
 - ADJOINING PROPERTY LINE
 - BUILDING RESTRICTION LINE
 - OVERHEAD POWER LINE

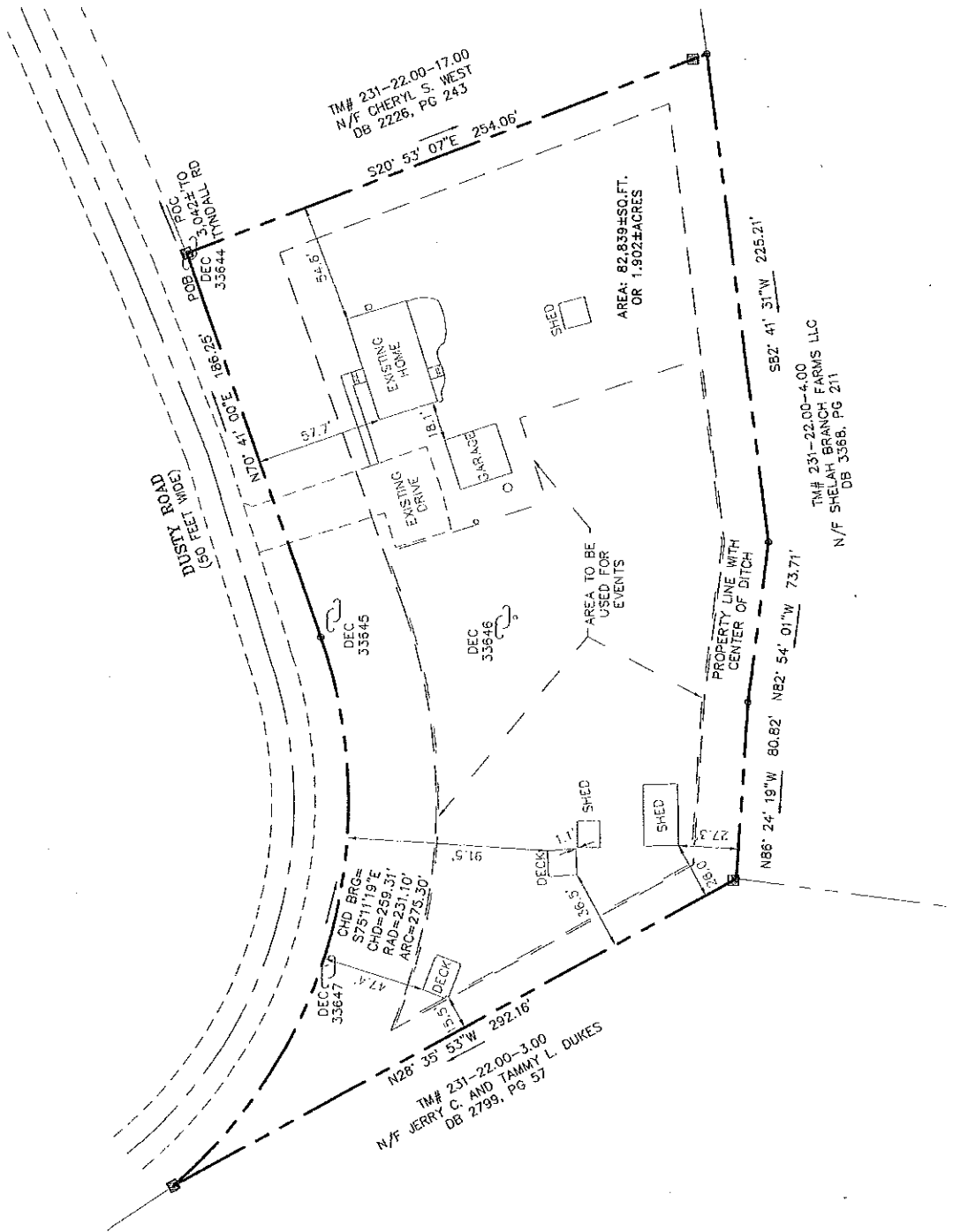
I, ALAN O'DALE KENT, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.



ALAN O'DALE KENT, PLS#738, DATE

REV 1, 24 MAR 2021
NEW DECK LOCATION

JOB # 2021047 THIS IS A SUBURBAN SURVEY	
DATE OF PLAN	22 MAR 2021
DATE OF LAST FIELD WORK	22 MAR 2021
BOUNDARY SURVEY PLAN BRANSON CHRISTOPHER JAMES AND HOPE C. JAMES	
PREPARED BY ALAN O'DALE KENT SURVEYING, LLC SEAFORD, DE 19973 (302) 745-7220	



Sussex County Planning & Zoning Office
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RECEIVED

AUG 05 2021

SUSSEX COUNTY
PLANNING & ZONING

August 5, 2021

Dear Members of the Commission,

This letter expresses our opposition to a Conditional Use application (CU 2278) submitted by Branson James for a music venue (aka The Rabbit Hole) located at 17638 Dusty Road, Georgetown, DE 19947.

There are multiple reasons we believe this application should be denied including: the small size of the property, limited parking and extremely loud music played late into the evening.

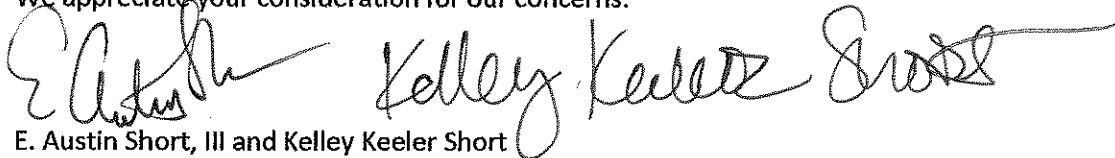
Our property is located approximately one (1) mile from 17638 Dusty Road and we hear the music inside our home with the windows closed. The thumping music is disruptive to our family, including making it difficult for our two young children to sleep at night. We were so inconvenienced by the noise played late into the evenings – in one case as late as 5 a.m. – that we called the state police on three occasions in 2020 (Aug. 29, 2020; October 3, 2020; and October 31, 2020) and two occasions in 2021 (May 8, 2021 and June 5, 2021).

According to the Mike Costello, Government Affairs Manager, Sussex County, the County did not issue any permit for the Rabbit Hole's event on May 8, 2021. A state trooper investigated our complaint and informed us the property owners presented her (the trooper) with a permit from the County for the event and therefore, the police allowed the music to continue until after midnight, even though no permit had been issued.

The property owners are already promoting an upcoming event, currently scheduled for Saturday, September 18, 2021.

We live in a rural farming community, zoned for AR-1 and not conducive to the music venue requested by Branson James.

We appreciate your consideration for our concerns.



E. Austin Short, III and Kelley Keeler Short
18310 Old Saw Mill Road
Georgetown, DE 19947

Additional information on flash drive includes:

- photos of their property during the events
- a video from the front door of our home to document the noise level
- a video from the property during an event to document the noise level

Sussex County Planning & Zoning Office
 2 The Circle
 P.O. Box 417
 Georgetown, DE 19947

RECEIVED

AUG 05 2021

SUSSEX COUNTY
 PLANNING & ZONING

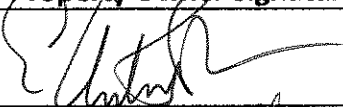

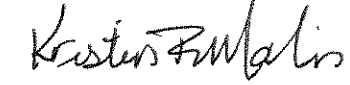
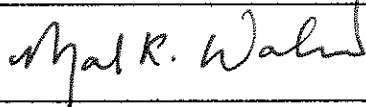





July 2021

Dear Members of the Commission,

This letter expresses our opposition to a Continuing Use application (CU 2278) submitted by Branson James for a music venue (aka The Rabbit Hole) located at 17638 Dusty Road, Georgetown, DE 19947.

There are multiple reasons we believe this application should be denied including: the small size of the property, limited parking and extremely loud music played late into the evening. Additionally, this is a rural farming community, zoned for AR-1 and not conducive to the music venue requested by Mr. James.

We appreciate your consideration for our concerns.

Property Owner Name	Property Owner Signature	Address
E. Austin Short		18310 OLD SAWMILL RD Georgetown
F. Austin Short Jr		28549 Timber Lane Georgetown DE, 19947
Kristen Malin		26342 Big Mill Rd Georgetown
Mark Workman		23307 E. TRAP Pond Rd. Georgetown, DE. 19947
Charles Workman		29086 Subst. Rd Georgetown, DE
Tom Colman		25413 E. Trap Pond Rd Georgetown DE 19947
Uma Colman		" "
Serry C Dukes		14052 Dukes Farm Rd Laurel Del 19956
Tary R Dukes		14052 Dukes Farm Rd Laurel, DE 19956

Property Owner Name	Property Owner Signature	Address
Wayne Boyce	Wayne Boyce	19177 Parsons Rd Georgetown, DE 19947
Thomas Moody	Thomas Moody	26853 E Trap Pond Rd Georgetown, DE 19947
Sampy Moody	Sampy Moody	26853 E Trap Pond Georgetown, DE 19947
Shawn E Johnson	Shawn E. Johnson	18675 Old Sawmill Rd Georgetown, DE 19947
Robin Parker	Robin Parker	18109 Dusty Rd Georgetown, DE
Michael Parker	Michael L Parker	18109 Dusty Rd Georgetown, DE
Juan Garcia	Juan Garcia	18137 Dusty Rd Georgetown, DE
William Mears	William Mears	26594 E Trap Pond Georgetown, DE 19947
Joyce Mears	Joyce Mears	18006 DUSTY RD Georgetown, DE 19947
Stephanie Sapp	Stephanie Sapp	
Ford Tyler Callaway	Tyler Callaway	26098 Tyndall Rd Georgetown, DE 19947
<u>Melissa Ritzman</u>	Melissa M Ritzman	25916 Lyndall Rd. Georgetown, DE 19947
<u>Evelyn A. Parker</u>	Evelyn A Parker	22514 Cedar Ln Georgetown, DE 19947





