

PLANNING & ZONING COMMISSION

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HOLLY J. WINGATE



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: June 9th, 2022

Application: CU 2295 Bones & Sons Heating & Air

Applicant: Bones & Sons Heating & Air
22135 Conrail Rd
Seaford, Delaware 19973

Owner: Carl & Tiffany Bone
22135 Conrail Rd
Seaford, Delaware 19973

Site Location: The site is on the east side of Conrail Road (S.C.R. 546), south of the intersection of Hearn's Pond Rd (S.C.R. 544).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Agricultural Residential (AR-1)

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: District 1 - Vincent

School District: Seaford School District

Fire District: Seaford Fire Company

Sewer: On-site septic systems

Water: On-site well

TID: Not Applicable

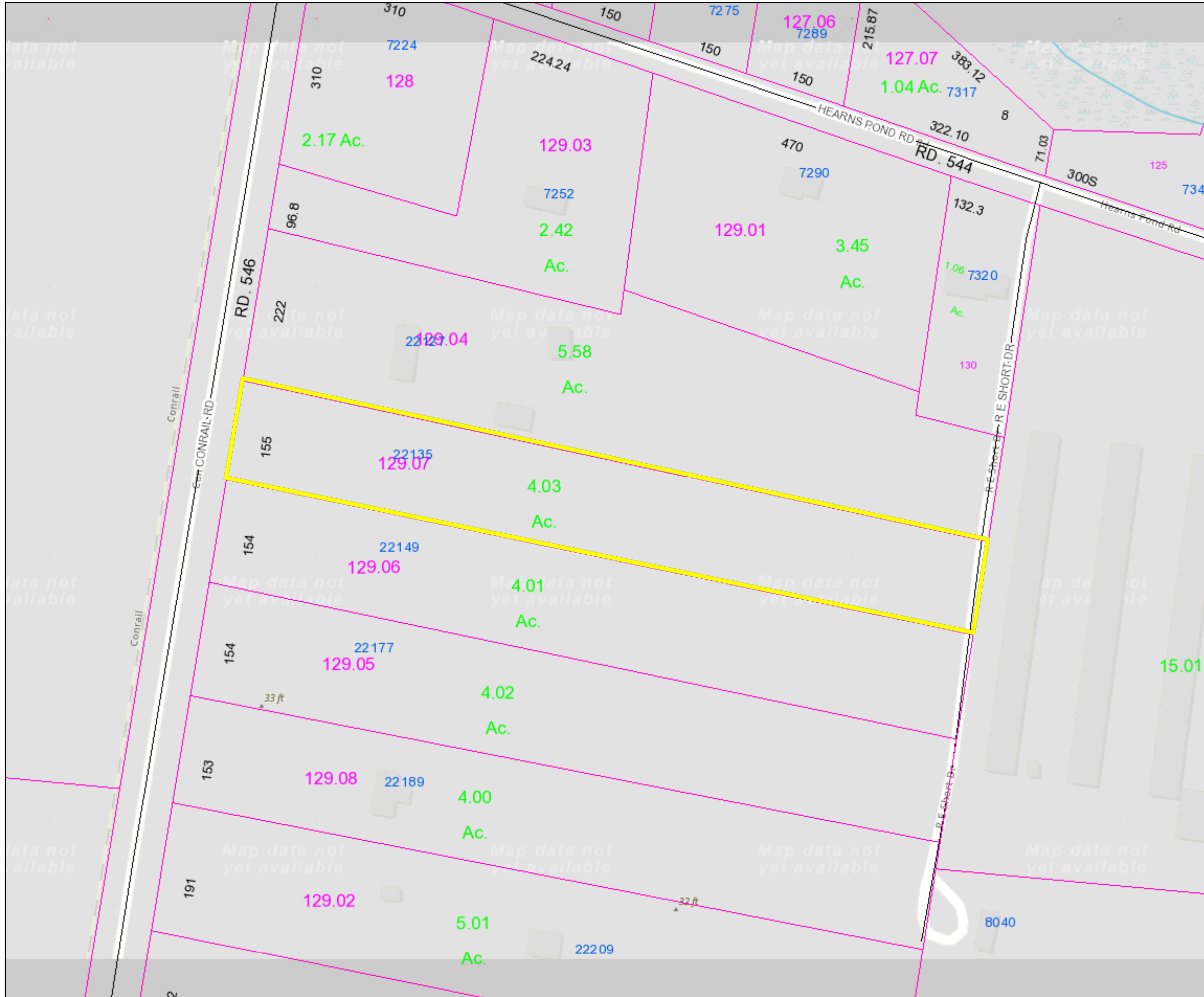
Site Area: 4.03 acres +/-

Tax Map ID: 331-3.00-129.07





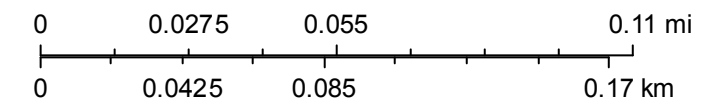
Sussex County



PIN:	331-3.00-129.07
Owner Name	BONE CARL V
Book	5379
Mailing Address	22135 CONRAIL RD
City	SEAFORD
State	DE
Description	E/RT 546
Description 2	606' S/RT 544
Description 3	N/A
Land Code	

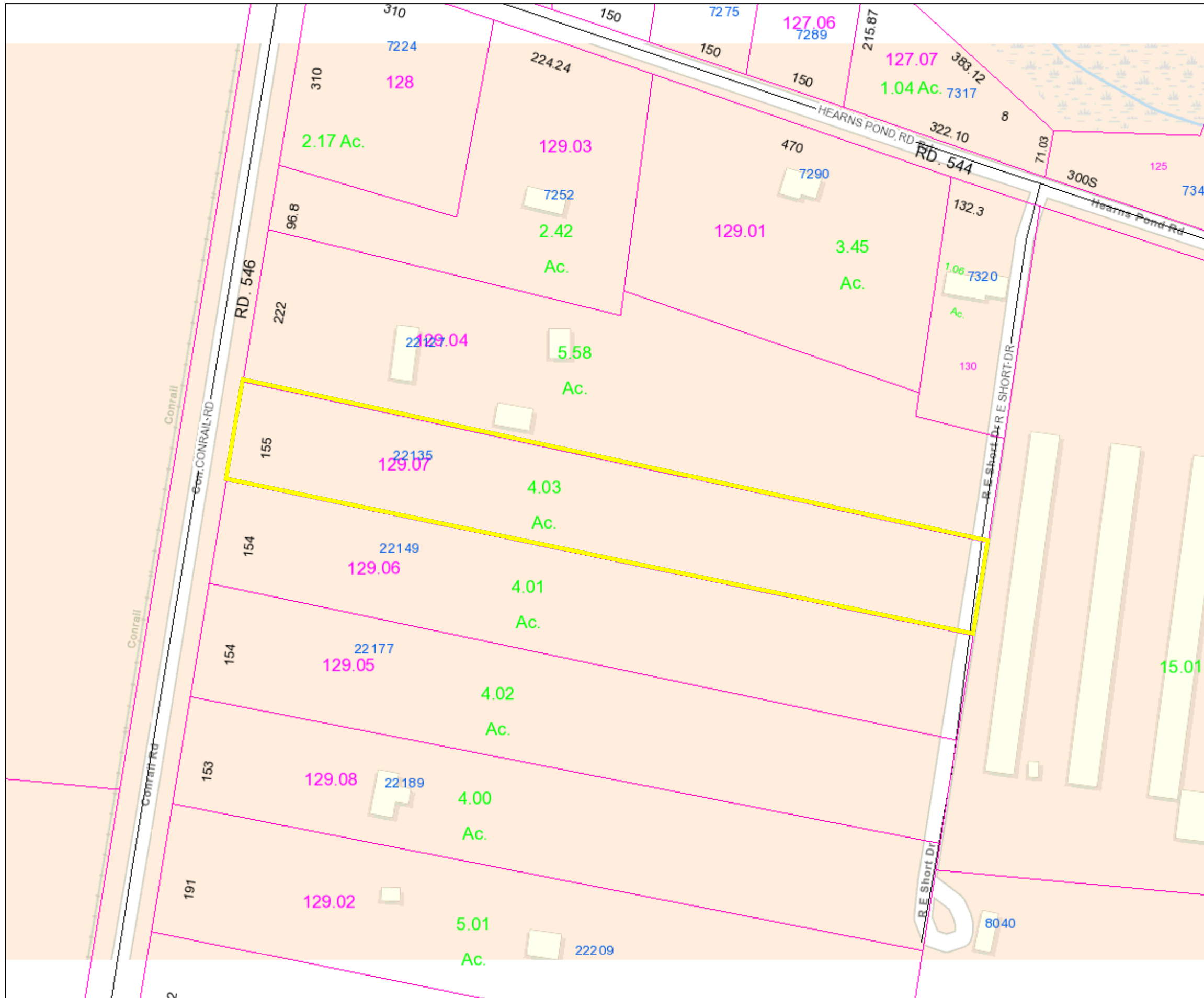
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 Override 1
- polygonLayer
 Override 1
- Tax Parcels
- 911 Address
- Streets

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Sussex County



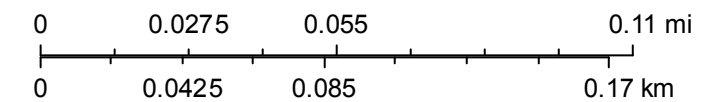
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- 911 Address
- Streets
- County Boundaries

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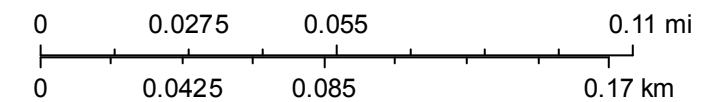
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- County Boundaries

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mx. Jesse Lindenberg, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: May 9th, 2022
RE: Staff Analysis for CU 2295 Bones & Sons Heating & Air

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2295 Bones & Sons Heating & Air to be reviewed during the May 12th, 2022, Planning and Zoning 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: 331-3.00-129.07, to allow for indoor and outdoor storage of heating and cooling equipment, to be located at 22135 Conrail Road Seaford, Delaware. The property is lying on the east side of Conrail Road (S.C.R. 546), approximately 606 feet south of the intersection of Hearn Pond Road (S.C.R. 544). The parcel consists of 4.03 acres +/-.

Comprehensive Plan Analysis

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 parcels to the north, south, and east also have a Future Land Use Map designation of “Developing Area.” The parcels to the west, across Conrail Road (S.C.R. 546) have a Future Land Use Map designation of “Low Density.”

As outlined within the 2018 Sussex County Comprehensive Plan, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. 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.

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the north, south, and east of the subject property are zoned Agricultural Residential (AR-1) District.



The parcel west of the subject property, on the opposite side of Conrail Road (S.C.R. 546), is also zoned Agricultural Residential (AR-1) District.

Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there have been two (2) Conditional Use applications within a one (1) mile radius of the application site. The first application was Conditional Use No. 1516 for Michael & Heather Kirby to allow for an auto detailing business to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was denied by the Sussex County Council on Tuesday, December 18th, 2008. The second application was Conditional Use No. 1783 for Allen's Hatchery, Inc. to allow for a railroad loop within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, April 24th, 2008; and this change was adopted through Ordinance No. 1969.

Based on the analysis provided, the Conditional use to allow for indoor and outdoor storage of heating and cooling equipment in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

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

22135 Conrail Rd Seaford, DE 19973

Type of Conditional Use Requested:

On site storage of heating and cooling equipment for our HVAC company

Tax Map #: 331-3.00-129.07 **Size of Parcel(s):** 4.03 acres

Current Zoning: AR-1 **Proposed Zoning:** AR-1 **Size of Building:** 50 x 30 foot

Land Use Classification: Residential

Water Provider: private on site "well" **Sewer Provider:** private on site "septic"

Applicant Information

Applicant Name: Bones & Sons Heating & Air/ Tiffany Bone

Applicant Address: 22135 Conrail Rd

City: Seaford **State:** DE **Zip Code:** 19973

Phone #: (302) 387-5991 **E-mail:** bonesandsons@yahoo.com

Owner Information

Owner Name: Carl & Tiffany Bone

Owner Address: 22135 Conrail Rd

City: Seaford **State:** DE **Zip Code:** 19973

Phone #: (302) 362-3238 **E-mail:** t.kennedy77@yahoo.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



Date: 5-29-21

Signature of Owner

Date: _____

For office use only:

Date Submitted: 05/28/2021

Fee: \$500.00 Check #: 2555

Staff accepting application: _____

Application & Case #: CU 2225 / 202109753

Location of property: Conrail Road (22135), Seaford E/

TMP: 331-3.00-129.07

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

May 9, 2022

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 **Bones and Sons Heating and Air** proposed land use application, which we received on April 12, 2022. This application is for an approximately 4.03-acre parcel (Tax Parcel: 331-3.00-129.07). The subject land is located on the east side of Conrail Road (Sussex Road 546) approximately 630 feet south of the intersection with Hearn's Pond Road (Sussex Road 544). The subject land is currently zoned AR-1 (Agriculture Residential), and the applicant seeks a conditional use approval to use indoor and outdoor storage of equipment for a heating and cooling business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Conrail Road from Cannon Road (Delaware Route 18) to Ross Station Road (Sussex Road 543), is 712 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 DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DeIDOT'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. DeIDOT's description of this application as diminutive with regard 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.

Mr. Jamie Whitehouse

Page 2 of 2

May 9, 2022

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

Please contact Ms. Annamaria Furmato, at Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



Claudy Joinville
Project Engineer
Development Coordination

CJ:afm

cc: Bones and Sons Heating and Air, Applicant
Jesse Lindenberg, Sussex County Planning & Zoning
David Edgell, State Planning Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, County Coordinator, Development Coordination
Matthew Schlitter, South District Public Works Engineer, 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
Annamaria Furmato, 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: **5/13/2022**

APPLICATION: **CU 2295 Bones & Sons Heating & Air**

APPLICANT: **Bones & Sons Heating & Air**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **331-3.00-129.07**

LOCATION: **Lying on the east side of Conrail Road (SCR 546), south of the
intersection of Hearn's Pond Road (SCR 544)**

NO. OF UNITS: **Indoor and outdoor storage of heating and cooling equipment.**

GROSS
ACREAGE: **4.03 +/-**

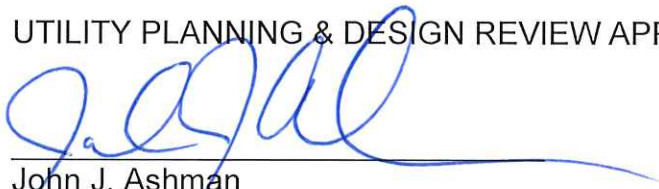
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

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? **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? **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 Conditional Use is within the boundary of the Growth and Annexation area of the City of Seaford. Contact the City in referenced to the availability of sanitay sewer and/or water 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.**

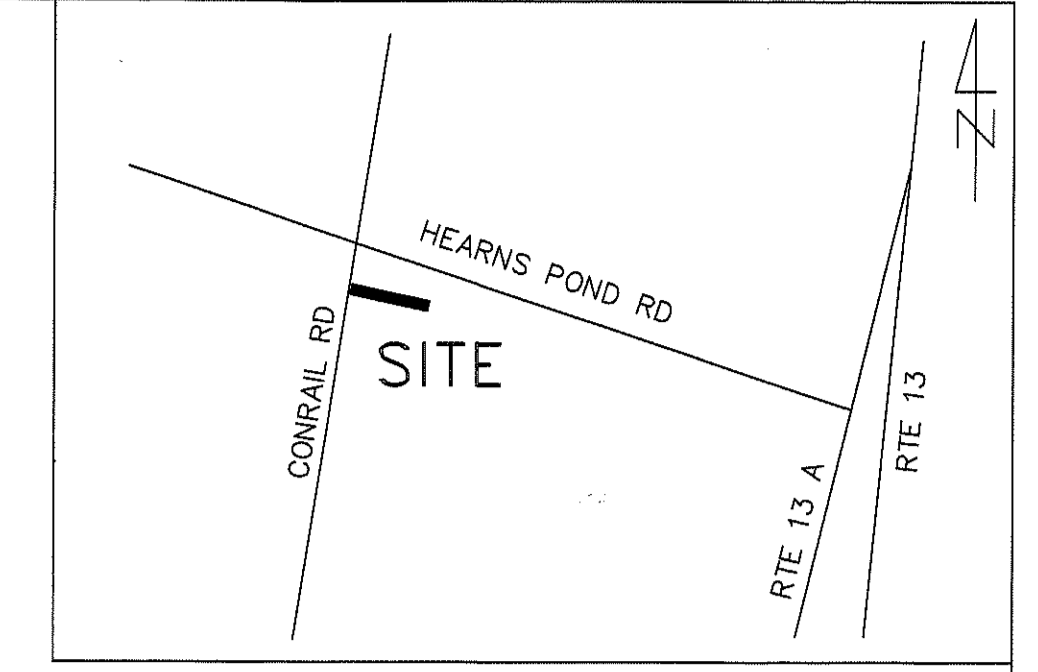
UTILITY PLANNING & DESIGN REVIEW APPROVAL:



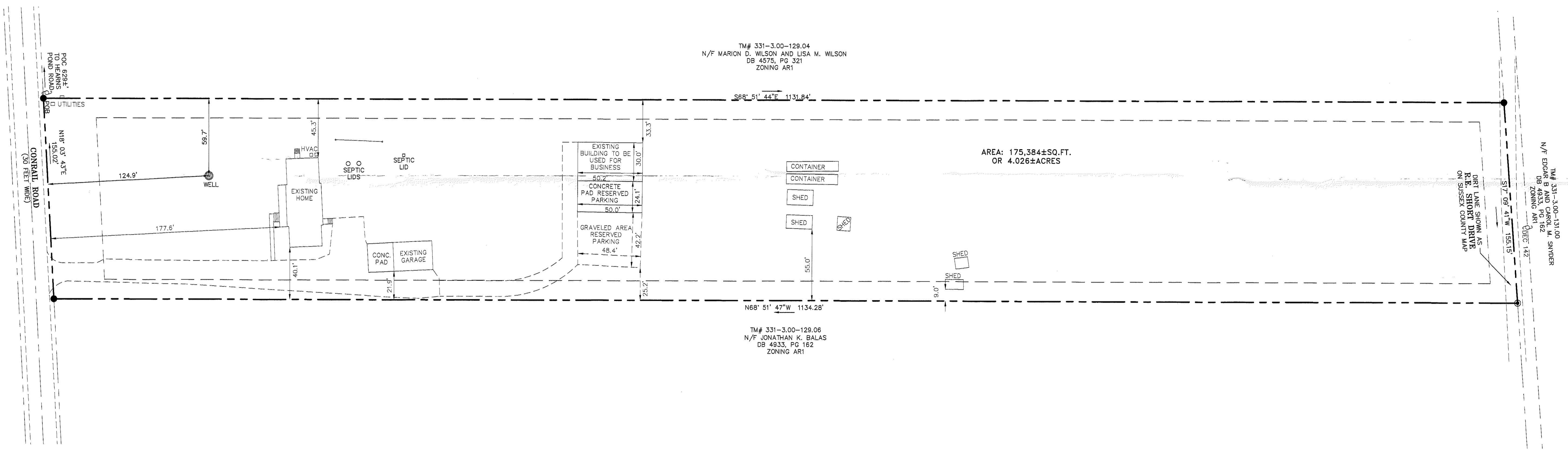
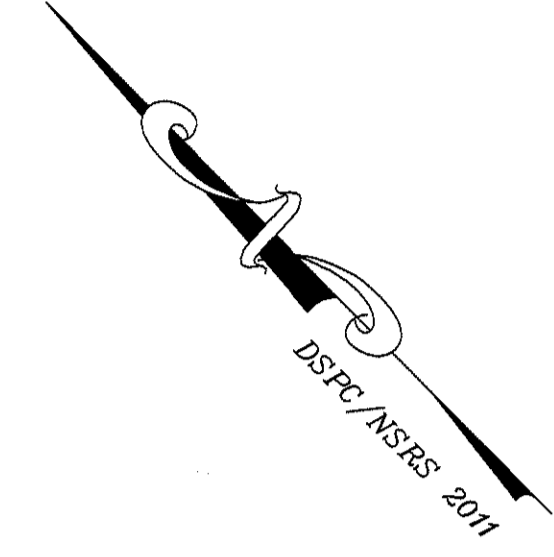
John J. Ashman
Sr. Manager of Utility Planning & Design Review

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

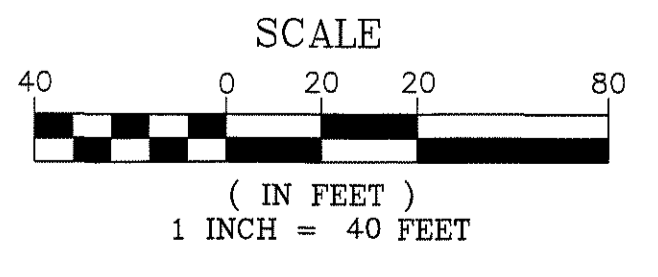
PLAN DATA:
 1. TITLE REFERENCED TO: TM# 331-3.00-129.07, DB 5379, PG 329, DB 1733 PG 70
 22135 CONRAIL RD, SEAFORD, DE 19973,
 LANDS OF ROBERT O. AND SANH T. ROOD,
 SEAFORD HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
 2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAT.
 3. THIS PLAN 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
 4. ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING, ZONING IS AR, AND SETBACKS ARE: FRONT-40, SIDE-15,
 AND REAR-20.



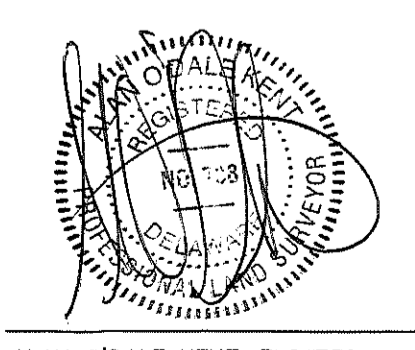
LOCATION MAP
 NOT TO SCALE



LEGEND:
 ● RAILROAD SPIKE FOUND
 ○ CAPPED IRON PIN FOUND
 ⊙ CAPPED IRON PIN SET
 — PROPERTY LINE
 - - - ADJOINING PROPERTY LINES
 - - - BUILDING RESTRICTION LINE



SURVEYOR'S CERTIFICATION
 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
 ALAN O KENT LAND SURVEYING LLC
 9505 SUSSEX STREET
 SEAFORD, DE 19973

[Signature]
 DATE

JOB # 2021136 THIS IS A SUBURBAN CLASS SURVEY

DATE OF PLAN 06 APR 2021	BOUNDARY SURVEY PLAN AND CONDITIONAL USE REQUEST OF THE LANDS NOW OR FORMERLY OF CARL V. BONE AND TIFFANY BONE PREPARED BY ALAN O KENT LAND SURVEYING 9505 SUSSEX STREET SEAFORD, DE 19973 (302) 745-1735
DATE OF LAST FIELD WORK 24 FEB 2021	