

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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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: June 9th, 2022

Application: CU 2296 Michael Milligan

Applicant: Michael Milligan
31531 Jestice Farm Road
Laurel, DE 19956

Owner: Michael Milligan
31531 Jestice Farm Road
Laurel, DE 19956

Site Location: 31531 Jestice Farm Road, Laurel, DE 19956

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

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

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Vincent

School District: Laurel School District

Fire District: Laurel Fire Department

Sewer: Septic

Water: Well

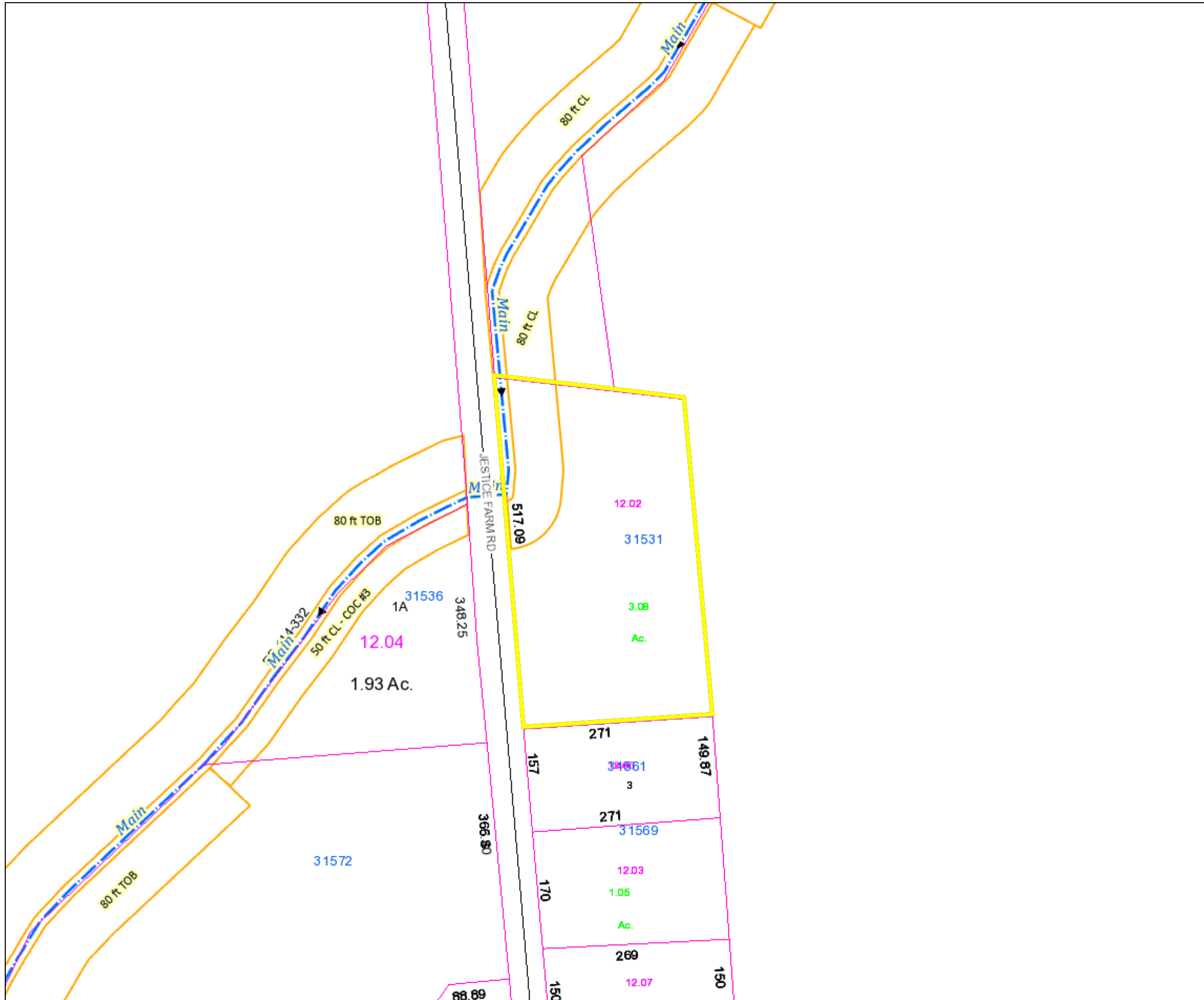
Site Area: 3.078 acres +/-

Tax Map ID.: 232-19.00-12.02





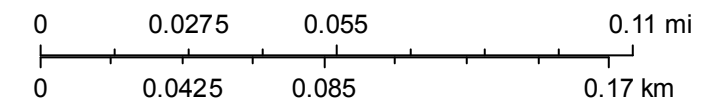
Sussex County



PIN:	232-19.00-12.02
Owner Name	MILLIGAN MICHAEL R
Book	3331
Mailing Address	31531 JESTICE FARM RD
City	LAUREL
State	DE
Description	E/S RD 449
Description 2	1050' S RD 447
Description 3	N/A
Land Code	

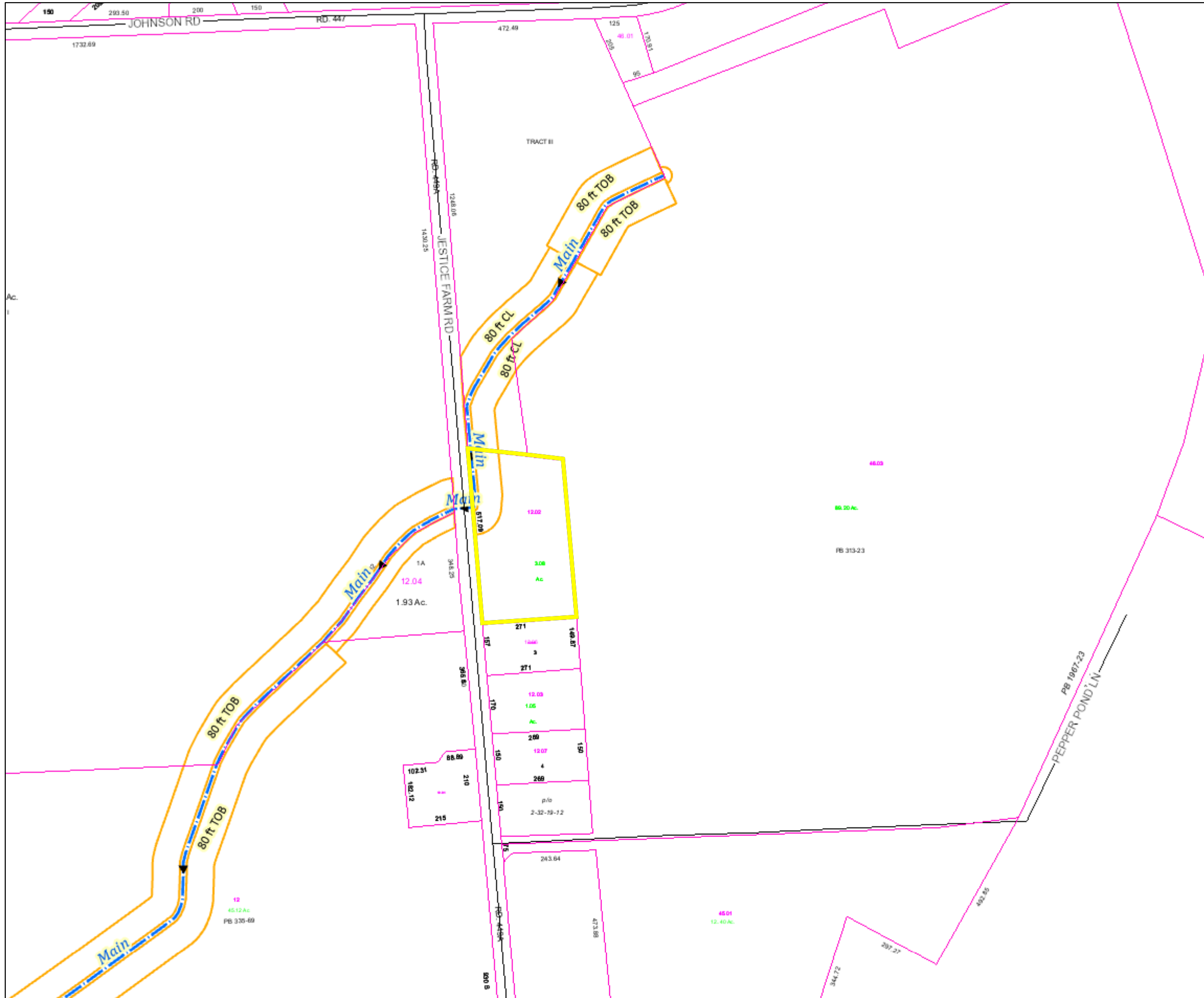
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 - Override 1 ⋯ Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- polygonLayer**
 - Override 1 ⋯ Extent of Right-of-Way
 - Municipal Boundaries
 - TID
- Tax Ditch Segments**
 - Tax Ditch Channel
 - DeIDOT Maintained
 - HOA Maintained
 - Pipe - DeIDOT
 - Pipe - Tax Ditch
 - Pipe - Private
 - - - Pond Feature
- + Special Access ROW

1:2,257





Sussex County

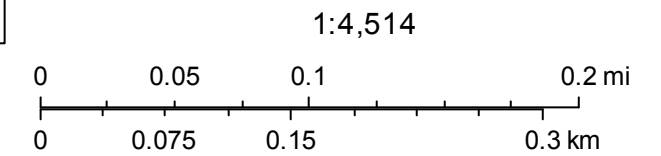


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 - Override 1
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 - Override 1
- ⋯ Tax Parcels
- Streets





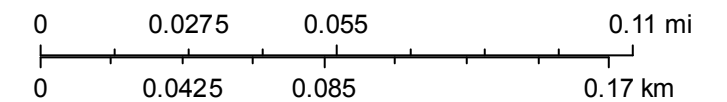
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Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mrs. Christin Scott, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: June 6th, 2022
RE: Staff Analysis for CU 2296 Michael Milligan

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 2296 Michael Milligan to be reviewed during the June 9th, 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: 232-19.00-12.02, to allow for a towing business, to be located at 31531 Jestice Farm Road, Laurel, Delaware. The property is lying on the east side of Jestice Farm Road (S.C.R. 449A), approximately 0.31 mile south of Johnson Road (S.C.R. 447). The parcel consists of 3.078 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 "Low Density." The parcels to the north, south, east, and west also have a Future Land Use Map designation of "Low Density."

As outlined within the 2018 Sussex County Comprehensive Plan, the primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size, and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses. (Sussex County Comprehensive Plan, 4-19).

Zoning Information

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



Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there has been one (1) Conditional Use application within a one (1) mile radius of the application site. Conditional Use No. 2178 for Steven & Carrie Coleman to allow for a welding and fabricating business to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, July 19, 2019, through Ordinance No. 2667.

Based on the analysis provided, the Conditional use to allow for a towing business 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

31531 Jestice Farm Rd Laurel DE 19956

Type of Conditional Use Requested:

Towing
Tax Map #: 232-19.00-12.02 Size of Parcel(s): _____

Current Zoning: Res. Proposed Zoning: Bus/Comm Size of Building: _____

Land Use Classification: _____

Water Provider: well Sewer Provider: septic

Applicant Information

Applicant Name: Michael Mulligan
Applicant Address: 31531 Jestice Farm Rd
City: Laurel State: DE Zip Code: 19956
Phone #: 302-381-2135 E-mail: starr.trans@yahoo.com

Owner Information

Owner Name: "
Owner Address: "
City: " State: " Zip Code: "
Phone #: " E-mail: "

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.

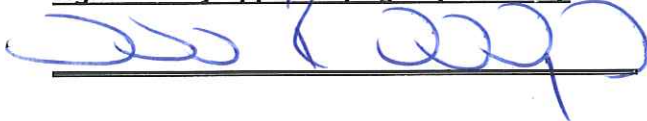
DeDOT Service Level Evaluation Request Response

- ___ 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.

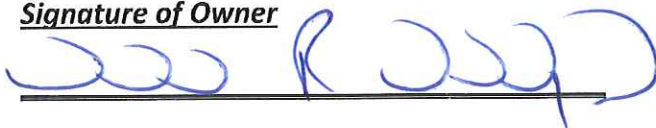
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 11/30/20

Signature of Owner



Date: 11/30/20

For office use only:

Date Submitted: 7/11/21

Fee: \$500.00 Check #: 2021

Staff accepting application: NT

Application & Case #: W 2296

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

JENNIFER COHAN
SECRETARY

November 10, 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 **Michael Milligan** conditional use application, which we received on October 12, 2020. This application is for an approximately 3.08-acre parcel (Tax Parcel: 232-19.00-12.02). The subject land is located on the east side of Jestice Farm Road (Sussex Road 449A), approximately 1,100 feet south of the intersection of Jestice Farm Road and Johnson Road (Sussex Road 447). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the property to operate a towing business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Jestice Farm Road where the subject land is located is 451 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 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.

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.



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 2296 Michael Milligan**

APPLICANT: **Michael Milligan**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **232-19.00-12.02**

LOCATION: **31531 Jestice Farm Road, Laurel, DE 19956**

NO. OF UNITS: **Towing Business**

GROSS
ACREAGE: **3.078 +/-**

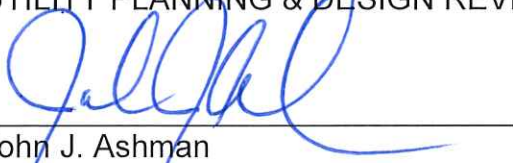
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

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? **No** 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.

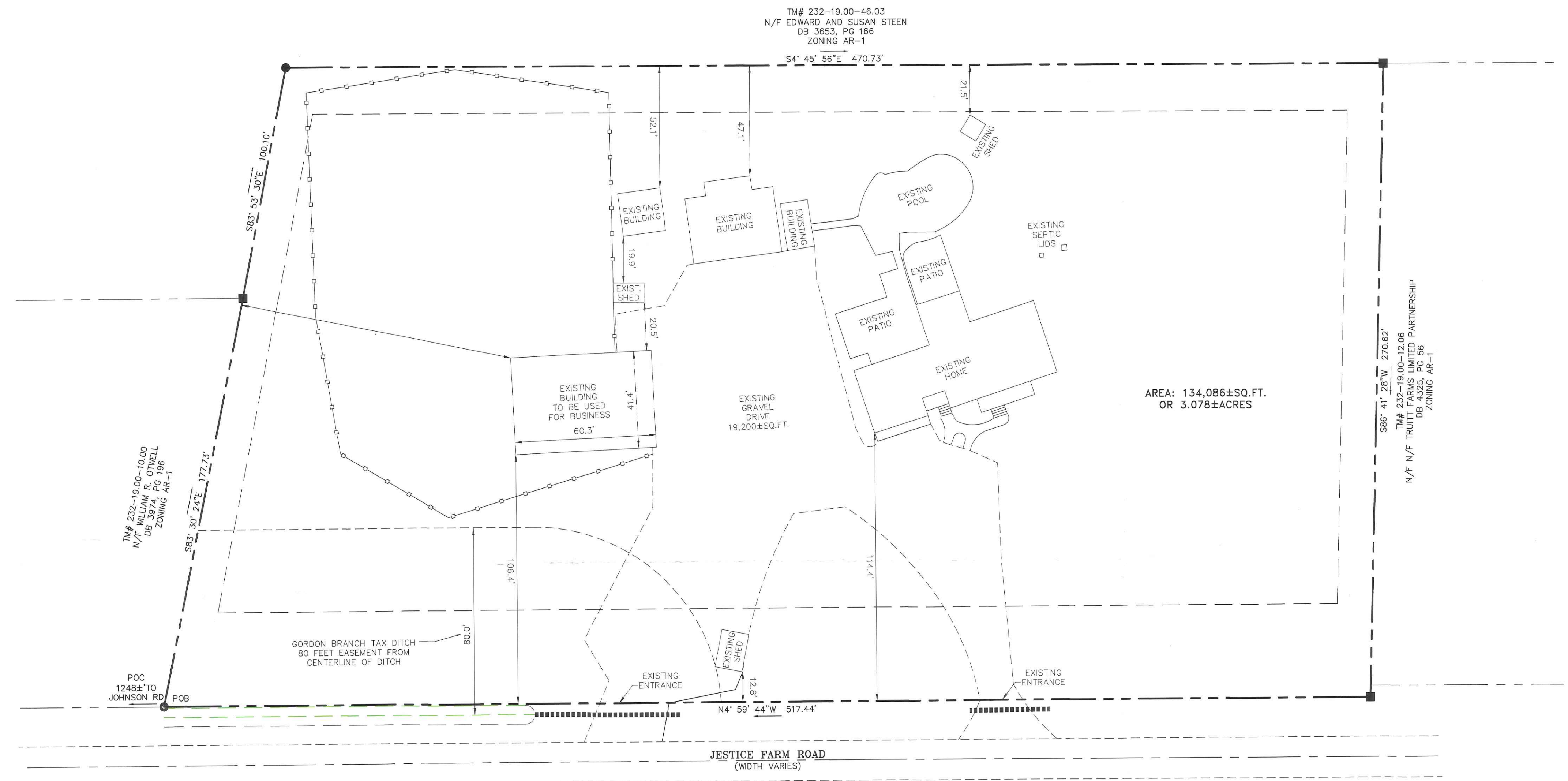
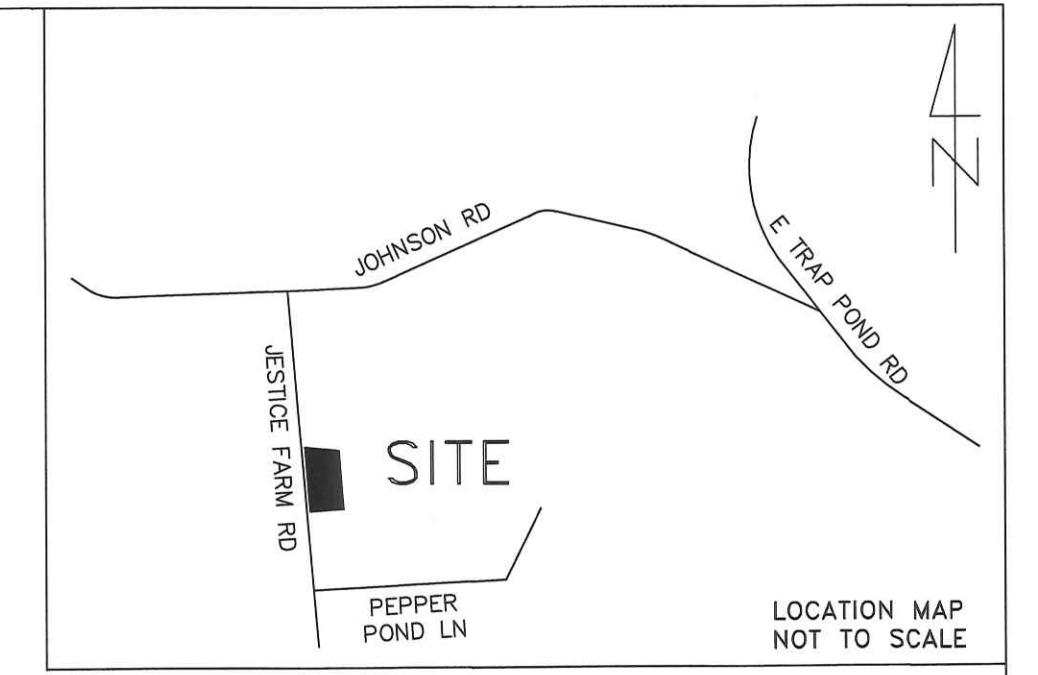
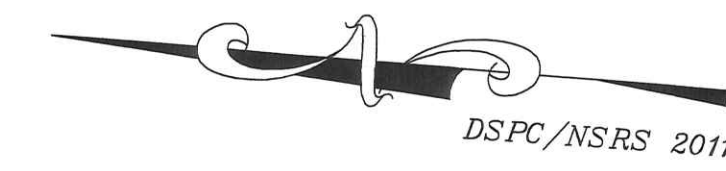
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The Sussex County Engineering Department does not currently have a schedule to provide sanitary sewer service to this parcel.**
- (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:



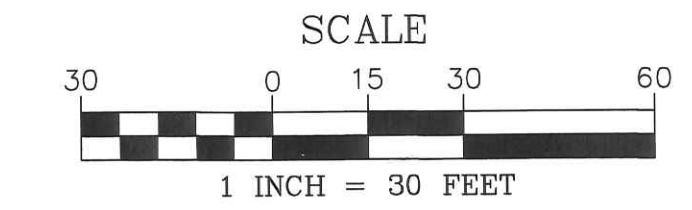
John J. Ashman
Sr. Manager of Utility Planning & Design Review

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



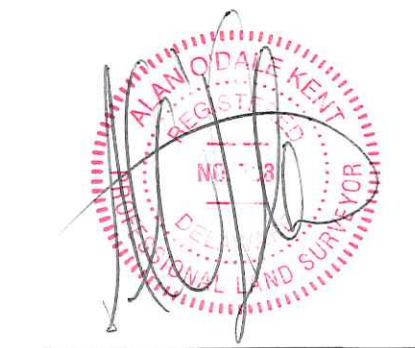
AREA: 134,086±SQ.FT.
OR 3.078±ACRES

- LEGEND:
- AXEL FOUND
 - CONCRETE MONUMENT FOUND
 - IRON PIPE FOUND
 - PROPERTY LINE
 - - - ADJOINING PROPERTY LINES
 - - - BUILDING RESTRICTION LINE
 - - - ROAD CROWN
 - - - ROAD EDGE
 - EXISTING CULVERT PIPE



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.



29 JUNE 2021

ALAN O'DALE KENT, PLS#738
ALAN O KENT LAND SURVEYING LLC
9505 SUSSEX STREET
SEAFORD, DE 19973

DATE

JOB # 2021234

THIS IS A SUBURBAN CLASS SURVEY

PLAN DATA:
 1. TITLE REFERENCED TO: TM# 232-19.00-12.02, DB 3331, PG 12
 31531 JESTICE FARM ROAD, LAUREL, DE 19956
 LANDS OF EDWARD JESTICE AND ROBIN JESTICE
 SEAFORD HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
 2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAN.
 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.

DATE OF PLAN	27 JUN 2021
DATE OF LAST FIELD WORK	25 JUN 2021

**BOUNDARY SURVEY PLAN
AND CONDITIONAL USE REQUEST
OF THE LANDS NOW OR FORMERLY OF
MICHAEL R. MILLIGAN**

PREPARED BY
 ALAN O KENT LAND SURVEYING
 9505 SUSSEX STREET
 SEAFORD, DE 19973
 (302) 745-1735