

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
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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



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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: July 14th, 2022

Application: CU 2303 Antonia Lopez

Applicant: Antonia Lopez
34911 S Branchwood Pl
Frankford, DE 19945

Owner: Antonia Lopez
34911 S Branchwood Pl
Frankford, DE 19945

Site Location: Lying on the northwest side of Jersey Road (S.C.R. 305), approximately 500-feet southwest of the three-way intersection of John J. Williams Highway (Rt. 24), Hollyville Road (S.C.R. 305) and Jersey Road (S.C.R. 305).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Food Truck Business

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Mr. Rieley

School District: Sussex Central School District

Fire District: Millsboro Fire Co.

Sewer: Central Sewer System

Water: Central Water System

Site Area: 0.237 acres +/-

Tax Map IDs.: 234-32.00-55.00





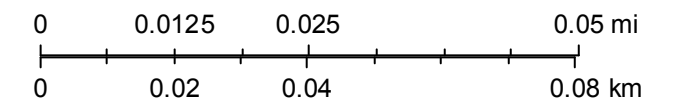
Sussex County



PIN:	234-32.00-55.00	
Owner Name	VICENTE GARCIA	MARIO GARCIA
Book	4706	
Mailing Address	34911 S BRANCHWOOD PL	
City	FRANKFORD	
State	DE	
Description	N/MILLSBOROOAK	
Description 2	ORCHARD	
Description 3	LOT 3	
Land Code		

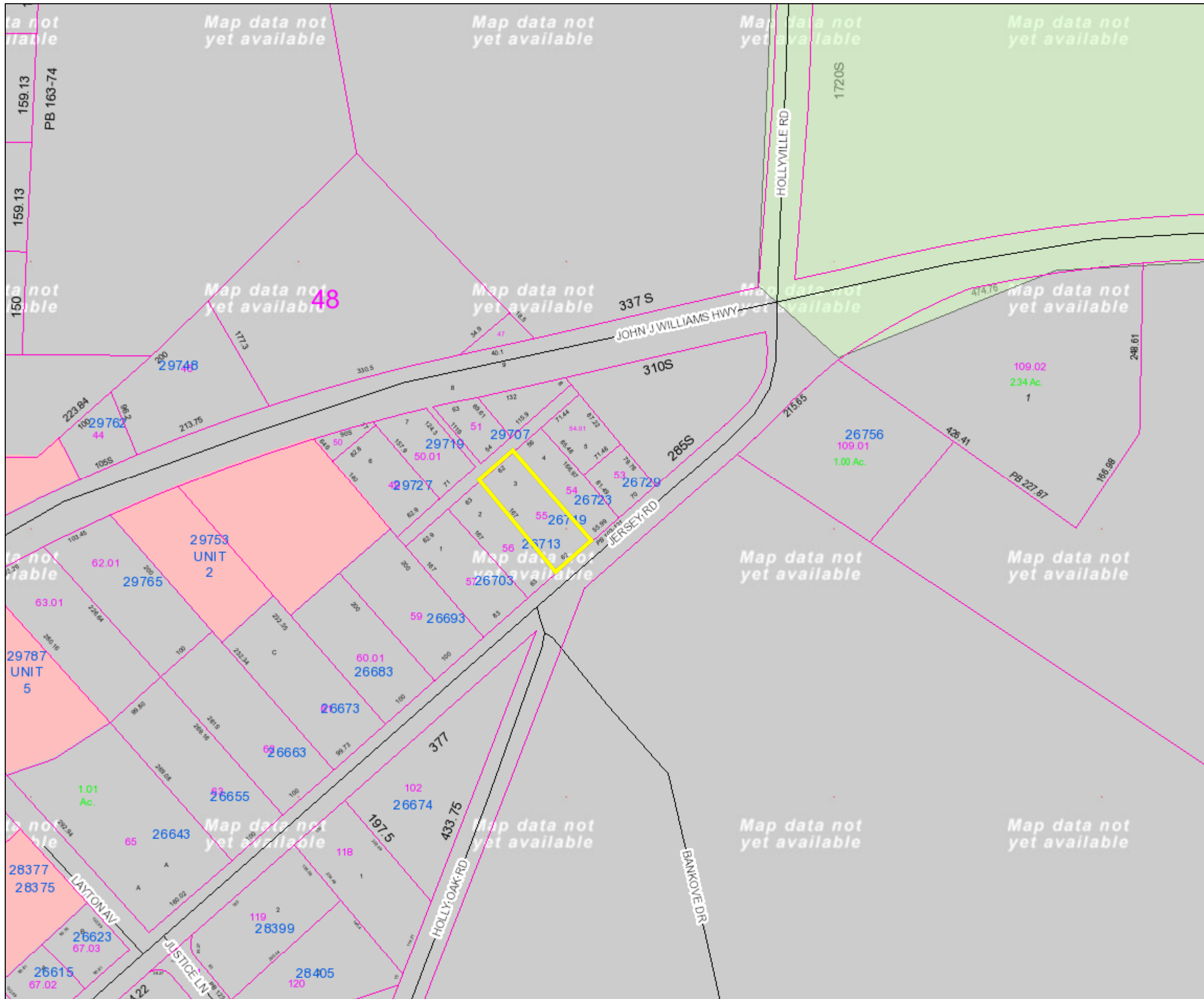
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- Override 1
- polygonLayer**
- Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Sewer Tiers**
- Tier 1 - Sussex County Unified Sanitary Sewer District
 - Tier 2 - Sussex County Planning Area
 - Tier 3 - Coordinated CPCN Areas
 - Tier 4 - System Optional Areas
 - Tier 5 - Regulated On-site Area

1:1,128





Sussex County



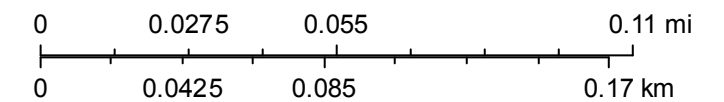
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 - Override 1
- polygonLayer**

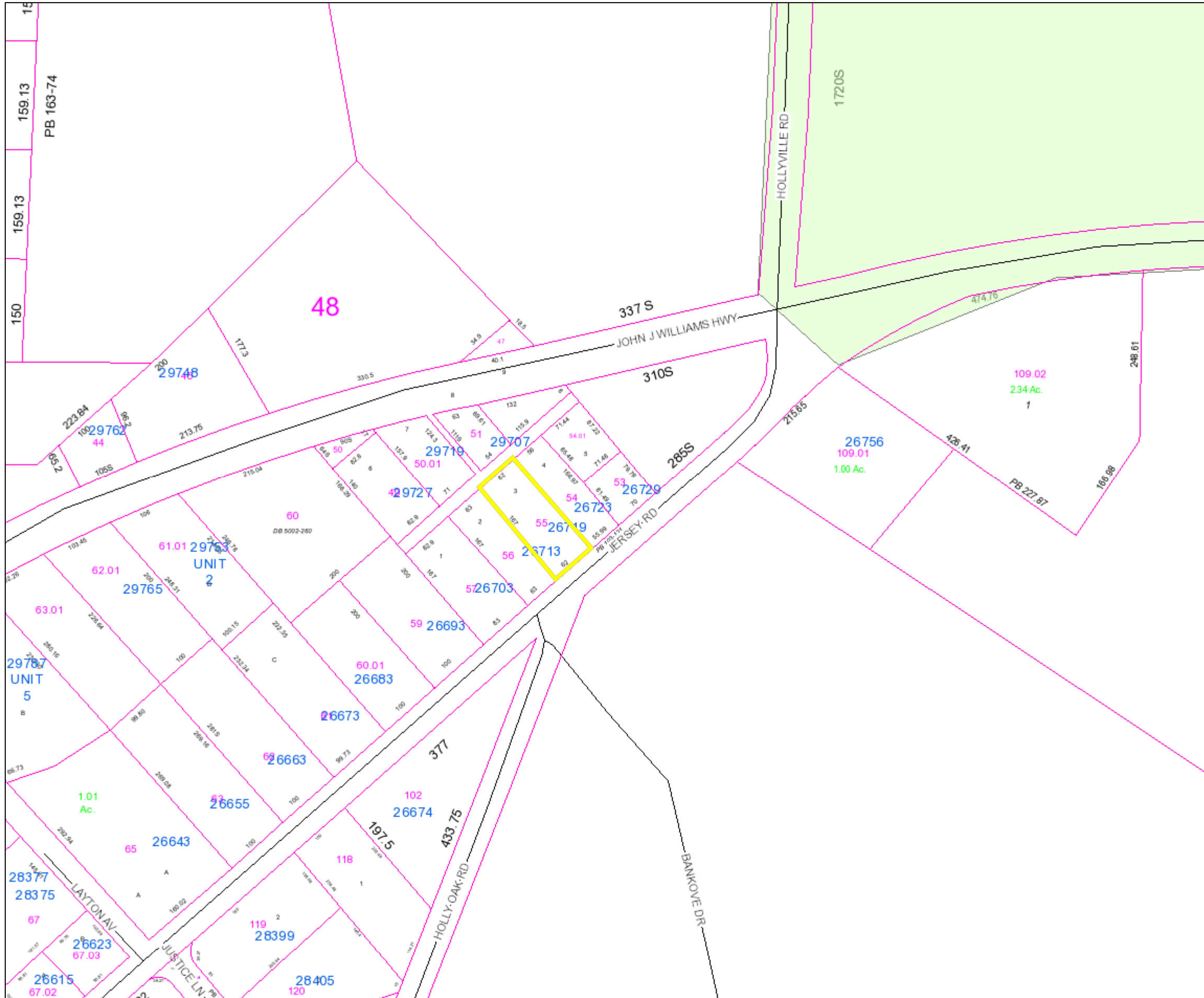
 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets

1:2,257





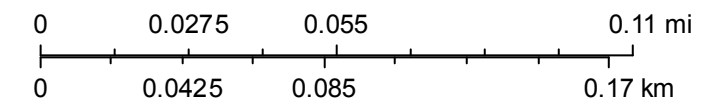
Sussex County



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- polygonLayer**
- Override 1
- polygonLayer**
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- Tax Parcels
- 911 Address
- Streets
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- Sewer Tiers**
- Tier 1 - Sussex County Unified Sanitary Sewer District
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1:2,257



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Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mr. Elliott Young, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: July 5th, 2022
RE: Staff Analysis for CU 2303 Antonia Lopez Lopez

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 2303 Antonia Lopez Lopez to be reviewed during the July 14th, 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: 234-32.00-55.00, to allow for a food truck business, to be located at 26719 Jersey Road Millsboro, Delaware. The property is lying on the northwest side of Jersey Road (S.C.R. 305), approximately 500 feet southwest of the intersection of John J Williams Highway (Rt. 24), Hollyville Road (S.C.R. 305) and Jersey Road (S.C.R. 305). The parcel consists of 0.24 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 adjoining parcels to the north, west, and east also have a Future Land Use Map designation of “Developing Area.” The parcels to the south, across Jersey Road (S.C.R. 305) also have a Future Land Use Map designation of “Developing Area.”

As outlined within the 2018 Sussex County Comprehensive Plan, The Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental trends. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. – 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. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home (Sussex County Comprehensive Plan, 4-14).

Zoning Information



The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the north, west, and east of the subject property are zoned Agricultural Residential (AR-1) District. The parcels to the south of the subject property, on the opposite side of Jersey Road (S.C.R. 305), 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. This application was Conditional Use No. 1977 for Matthew Favinger to allow for a doctor's office to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, January 7th, 2014; and this change was adopted through Ordinance No. 2333.

Based on the analysis provided, the Conditional use to allow for a food truck 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 Food
Zoning Map Amendment _____

Site Address of Conditional Use/Zoning Map Amendment

26719 jersey Rd Millsboro PE 19966

Type of Conditional Use Requested:

Food Binder

Tax Map #: 2-34-32.00 55.00

Size of Parcel(s): 68 X 120 feet

Current Zoning: _____

Proposed Zoning: _____

Size of Building: 8 x 24

Land Use Classification: _____

Water Provider: water

Sewer Provider: _____

Applicant Information

Applicant Name: Antonia Lopez Lopez

Applicant Address: 34911 S Branchwood Pl

City: Frankford

State: DE

Zip Code: 19945

Phone #: 302 567 88 58

E-mail: MarioSGenerao@gmail.com

Owner Information

Owner Name: Antonia Lopez Lopez

Owner Address: 34911 S Branchwood Pl

City: Frankford

State: DE

Zip Code: 19945

Phone #: 302 567 88 58

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

- o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- o Provide a PDF of Plans (may be e-mailed to a staff member)
- o 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: _____

Signature of Owner

Maria Garcia Vicente Date: 07 27-21

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: _____

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: 26719 Jersey Road Millsboro DE 19966

Parcel #: _____

Site Address: _____

Parcel #: _____

Applicant Name: Marie Patricia Vicente

Owner Name: Marie Patricia Vicente

Type of Application:

Conditional Use: Food Vendor

Change of Zone: _____

Subdivision: _____

Board of Adjustment: _____

Date Submitted: 07-27-21

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

Date letters mailed: _____

List created by: _____

Letters sent by: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Marid Pariza Vicente
Applicant Address: 26719 Jersey Road off
City: Millsboro State: DE Zip: 19966
Phone #: 302-567-78-13 E-mail: Maridosgeneral@gmail.com

Owner Information

Owner Name: Marid Pariza Vicente
Owner Address: 34911 3 Branch wood PL
City: Frankford State: DE Zip: 19945
Phone #: 302 567 78-13 E-mail: Marid Pariza

Engineer/Surveyor Information

Engineer/Surveyor Name: _____
Engineer/Surveyor Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Agent/Attorney Information

Agent/Attorney Name: _____
Agent/Attorney Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Other

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____





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

NICOLE MAJESKI
SECRETARY

July 19, 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 **Mario Vicente** proposed land use application, which we received on July 14, 2021. This application is for an approximately 0.24-acre parcel (Tax Parcel: 234-32.00-55.00). The subject land is located on the north side of the intersection of Jersey Road (Sussex Road 305) and Holly Oak Road. The subject land is currently zoned AR-1 (Agriculture Residential) and the applicant seeks a conditional use approval to operate as a food vendor.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Jersey Road from John J. Williams Highway (Delaware Route 24) to Mount Joy Road (Sussex Road 297) is 3,448 vehicles per day. This road segment includes the south end of Hollyville Road and our records do not show where along traffic was counted.

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.



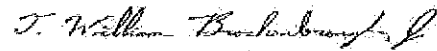
Mr. Jamie Whitehouse

Page 2 of 2

July 19, 2021

Please contact Ms. Annamaria Furrato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Mario Vicente, Applicant
Russell Warrington, Sussex County Planning & Zoning
David Edgell, 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 Furrato, 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: **6/22/2022**

APPLICATION: **CU 2303 Antonia Lopez**

APPLICANT: **Antonia Lopez**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **234-32.00-55.00**

LOCATION: **Lying on the northwest side of Jersey Road (SCR 305), approximately 500-feet southwest of the three-way intersection of John J. Williams Highway (Rt. 24), Hollyville Road (SCR 305) and Jersey Road (SCR 305).**

NO. OF UNITS: **Establish a food truck business**

GROSS
ACREAGE: **0.237**

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? **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 Conditional Use is located in the Growth and Annexation Area of the Town of Millsboro. Contact the Town concerning the availability of central sewer and 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

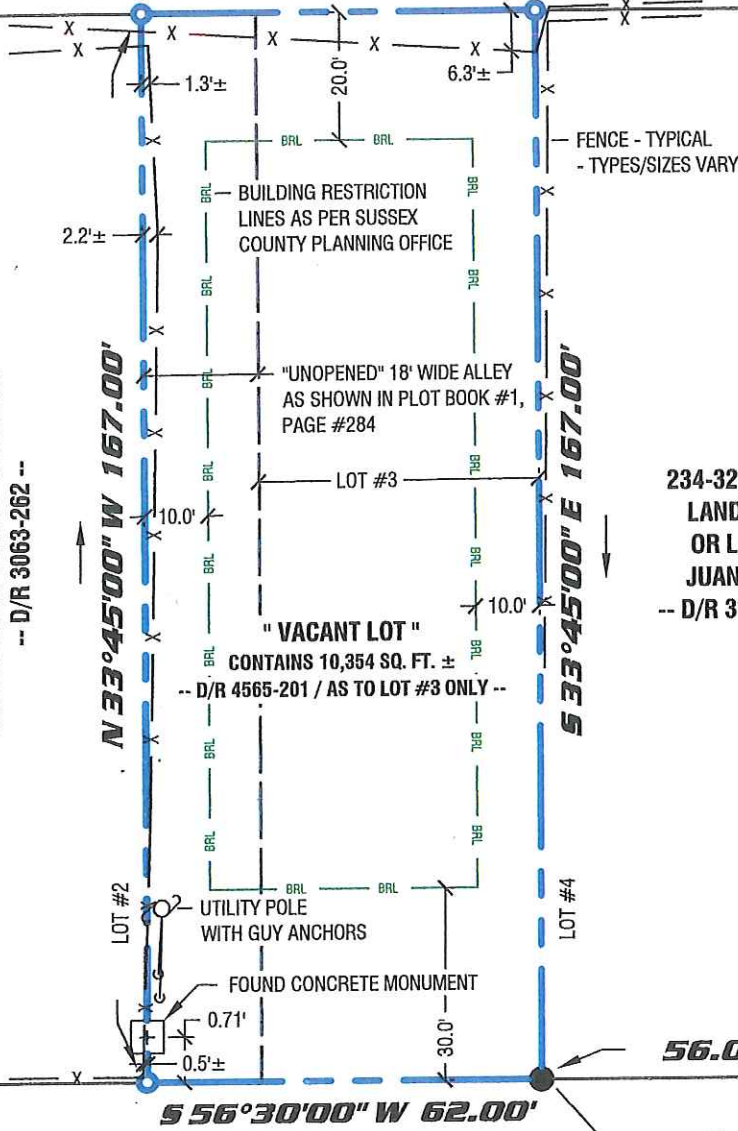
234-32.00-50.01

234-32.00-51.00

234-32.00-52.00

18' WIDE ALLEY

N 56°30'00" E 62.00'



GENERAL NOTES:

- IMPROVEMENTS ARE LOCATED AS SHOWN. IMPROVEMENT DIMENSIONS ARE SHOWN FOR CONFORMITY PURPOSES ONLY; ANY OTHER USE OF SAID DIMENSIONS SHALL BE AT THE RISK OF THE USER(S). ELLIOTT SURVEYING, CORP. SHALL BEAR NO LIABILITY OF MISUSE OF SAID DIMENSIONS.
- LOT SHOWN IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- ALL CERTIFICATIONS HEREON ARE VALID FOR THIS PLAN AND COPIES THEREOF, ONLY IF SAID PLAN AND COPIES BEAR THE IMPRESSION SEAL AND SIGNATURE, IN RED INK, OF THE LICENSED LAND SURVEYOR WHOSE NAME APPEARS HEREON. THIS PLAN IS NOT TO BE DUPLICATED/COPIED/TRANSMITTED FOR ANY REASON WITHOUT THE WRITTEN CONSENT OF ELLIOTT SURVEYING, CORP. FURTHERMORE, ELLIOTT SURVEYING, CORP. SHALL BEAR NO LIABILITY FOR UNAUTHORIZED USE OF THIS MAP.
- WE HEREBY CERTIFY THAT THIS PLAN WAS PREPARED FOR THE INDIVIDUAL(S) NOTED BELOW, NO RESPONSIBILITY IS IMPLIED AND/OR ASSUMED BY THE SURVEYOR TO ANY FUTURE LAND OWNER OR OCCUPANT.
- THIS PLAN IS BASED UPON THE RECORD PLAN(S) NOTED AND/OR DEED RECORDS SHOWN THUS (D/R), AND PHYSICAL EVIDENCE FOUND.
- NO CERTIFICATION AS TO TITLE TO THE SUBJECT LOT IS EXTENDED, AND/OR ASSUMED BY, THE PREPARER HEREOF.

234-32.00-56.00
 LANDS NOW OR LATE OF
 GERVAISE J. & FRANCES S. SCHUCK
 -- D/R 3063-262 --

234-32.00-54.00
 LANDS NOW
 OR LATE OF
 JUAN CASAS
 -- D/R 3118-183 --

234-32.00-53.00
 LANDS NOW OR LATE OF
 BRANNON C. JOHNSON &
 ALLISON M. HAYS
 -- D/R 4613-156 --

COUNTY ROAD #305
 JERSEY ROAD
 -- 50' WIDE --

TO THE RIGHT OF WAY LINE OF
 STATE ROUTE #24 -- JOHN J WILLIAMS HIGHWAY
 AND POINT OF COMMENCEMENT

OWNER / DEVELOPER

BOUNDARY SURVEY PLAN OF PROPERTY PREPARED FOR

MARIO GARCIA VICENTE & ANTONIA LOPEZ LOPEZ

SUBDIVISION LANDS OF FRANK W. CORDREY - ALL OF LOT #3 AND PART OF 18' ALLEY

PLOT BOOK #1, PAGE #284
 TAX PARCEL ID #: 234-32.00-55.00
 INDIAN RIVER HUNDRED
 SUSSEX COUNTY, DELAWARE

CLASS "B" SURVEY

DRAWN BY: NIK PATEL	CHECKED BY: W. A. ELLIOTT	DATE OF FLD WRK: MAR-2017	DATE CHRIS SET: N/A
FIELD BOOK: N/A	CONTRACT #: VICENTE 26719	SITE COMP FILE: jersey_rd[1]	
SCALE: 1"=30'	DATE OF PLAN: 02-APR-17	REVISIONS:	
		A	
		B	

SURVEYOR



332 AUDREY LANE SMYRNA, DELAWARE 19977
 PHONE #: 302-678-8115 FAX #: 302-678-8255