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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: January 26th, 2023

Application: CU 2370 William & Carol Emmert

Applicant: William D. & Carol Emmert
P.O. Box 650
Rehoboth Beach, DE 19971

Owner: William D. & Carol Emmert
P.O. Box 650
Rehoboth Beach, DE 19971

Site Location: Located on the north side of Four of Us Road, approximately 0.03 mile west of Hollyville Road (S.C.R. 48).

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

Proposed Use: Residential construction and improvement business

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Rieley

School District: Cape Henlopen School District

Fire District: Millsboro Fire Department

Sewer: Private Septic

Water: Private Well

Site Area: 3.933 ac. +/-

Tax Map ID.: 234-10.00-12.09





Sussex County



PIN:	234-10.00-12.09
Owner Name	EMMERT WILLIAM D & CAROL
Book	2671
Mailing Address	PO BOX 650
City	REHOBOTH BEACH
State	DE
Description	NW/OF RD 48 APPROX
Description 2	160'SW OF RD 290
Description 3	LOT 2
Land Code	

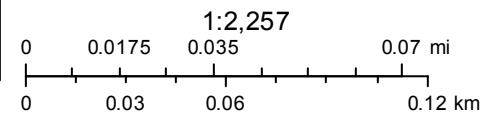
polygonLayer

Override 1

polygonLayer

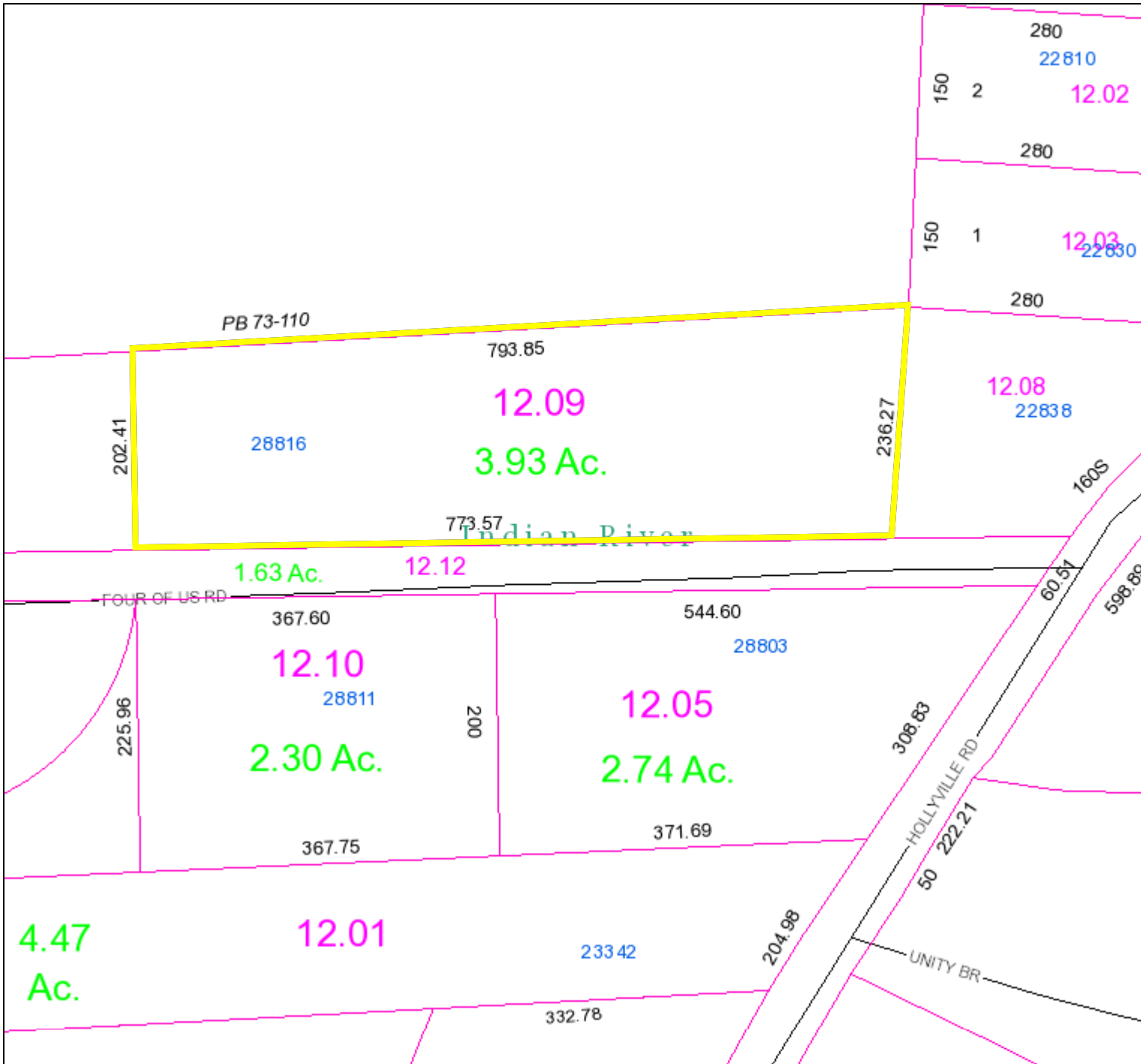
Override 1

- Tax Parcels
- 911 Address
- Streets
- Hundred Boundaries
- Fire Districts
- County Boundaries
- Municipal Boundaries



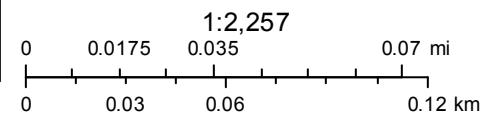


Sussex County



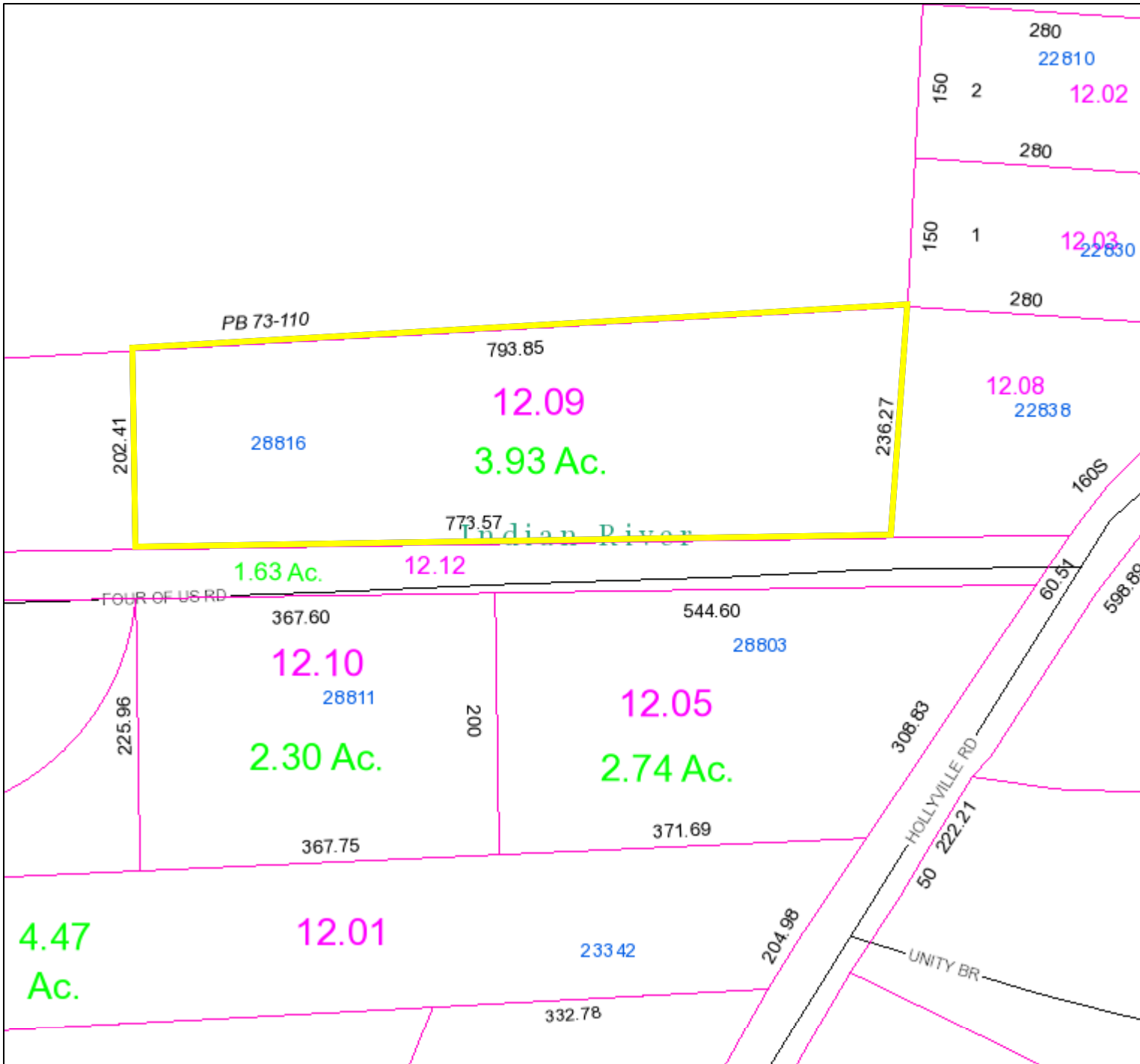
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- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
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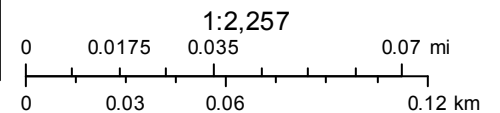


Sussex County



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



**CU 2370 William & Carol Emmert
Mailing List**

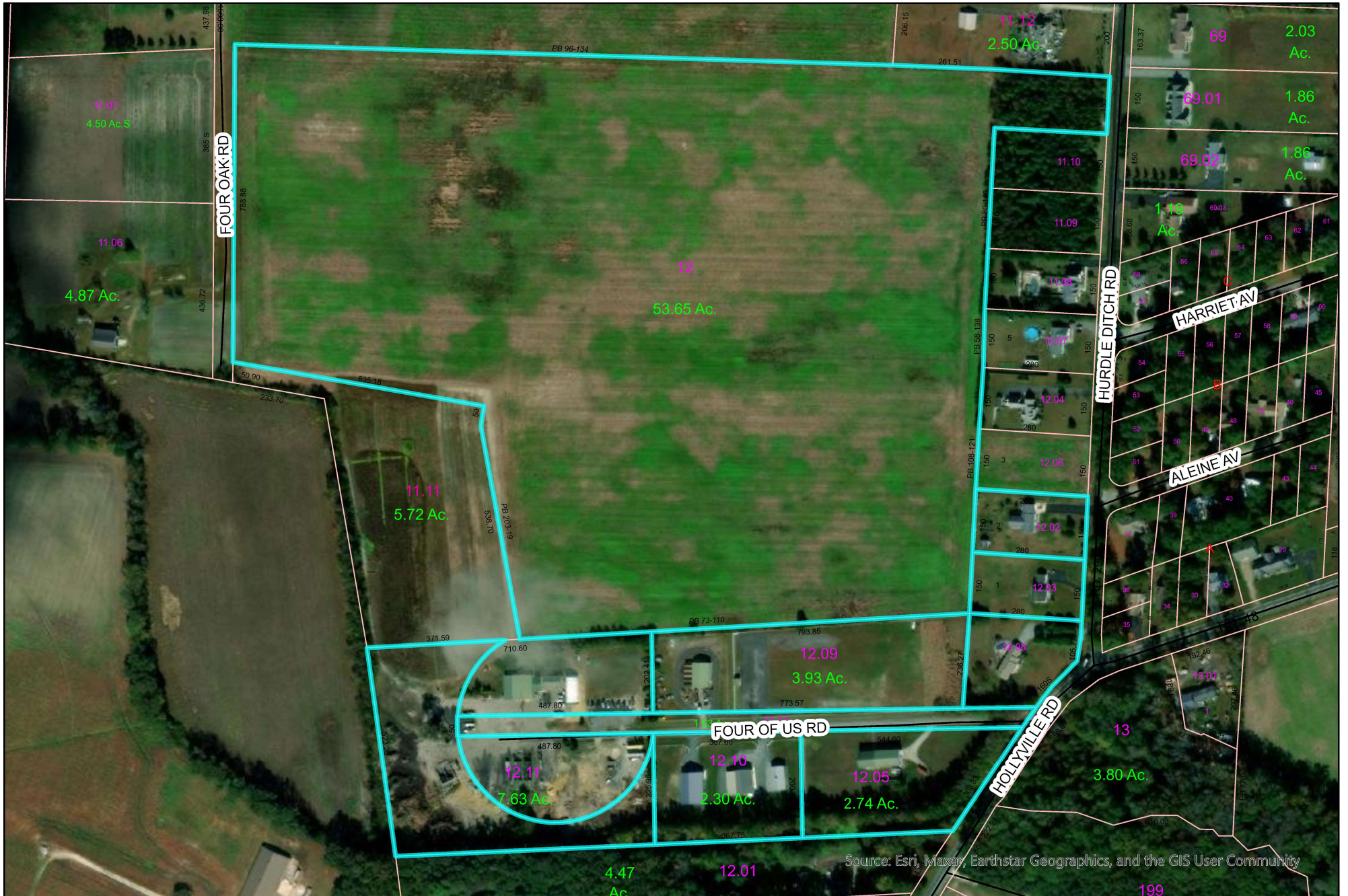
<u>Name</u>	<u>Owner Name</u>	<u>Second Owner Name</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>Zipcode</u>
234-10.00-12.10	TRUNZO PASQUALE J JR		33529 UNION CIR	LEWES	DE	19958
234-10.00-12.12	EMMERT WILLIAM D CAROL TED	NOWAKOWSKI JR BARBARA	4270 HIGHWAY ONE	REHOBOTH BEACH	DE	19971
234-10.00-12.08	COVENTRY MARTIN J JR	ALIZA M	22838 HURDLE DITCH RD	HARBESON	DE	19951
234-10.00-12.03	MELSON HARLAN PAGE JR		PO BOX 99	HARBESON	DE	19951
234-10.00-12.02	SHEARER CLARE D & FONDA R		22810 HURDLE DITCH RD	HARBESON	DE	19951
234-10.00-12.05	WRIGHT PATRICIA D TRUSTEE		15 VENETIAN DR	REHOBOTH BEACH	DE	19971
234-10.00-12.11	SHORE PROPERTY MAINTENANCE LLC		4 S LAKE TER	REHOBOTH BEACH	DE	19971
234-10.00-12.00	KLI VENTURES - HURDLE DITCH LAND LLC		820 CRICKETT HOLLOW LN	MILFORD	DE	19963



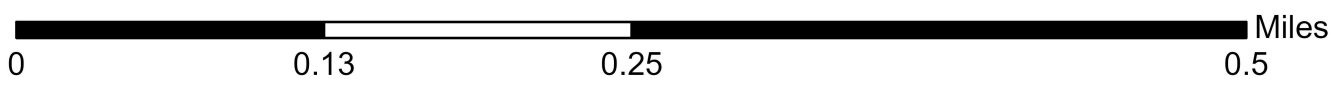
Mailing List Exhibit Map

CU 2370 William & Carol Emmert

234-10.00-12.09



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



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



Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Mx. Jesse Lindenberg, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 19, 2023
RE: Staff Analysis for C/U 2370 William & Carol Emmert

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2370 William & Carol Emmert to be reviewed during the January 26, 2023, 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: 234-10.00-12.09 to allow for amendments to the Conditions of Approval in Ordinance No. 1383 (Conditional Use No. 1334) to allow for an additional commercial building for storage and operations of a construction business. The property is located on the north side of Four of Us Road, approximately 0.11 mile west of Hollyville Road (S.C.R. 48). The parcel consists of 3.93 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 adjacent parcels to the north, east, west, and south (across Four of Us Road) also have a 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.

Zoning Information

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



Existing Conditional Uses within the Vicinity of the Subject Site

Since 2011, there have been six (6) Conditional Use applications within a one (1) mile radius of the application site.

**Conditional Use Applications
 w/in a 1 Mile Radius of Application Site**

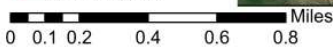
Conditional Use Number	Applicant Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
1978	John W. Davidson	AR-1	Professional Office w/Contractor Storage	Approved	3/18/2014	2340
1991	Cool Springs LLC/ Highway One	AR-1	Outdoor Entertainment Events w/ Temporary Camping Facilities During Events Only	Withdrawn	N/A	N/A
2118	John W. Davidson	AR-1	professional office with contractor storage	Approved	3/20/2018	2570
2266	MDO Dreamlands, LLC	AR-1	Hardscaping, decking company, w/ offering small dumpster rentals	Withdrawn	11/3/2021	N/A
2367	atTAcK Addiction Foundation	AR-1	Group Home for more than 10 People	TBD	TBD	TBD
2376	Jose Hernandez	AR-1	Pool Business	TBD	TBD	TBD

Based on the analysis provided and subject to considerations of scale and impact, a conditional use to allow for an amendment to the Conditions of Approval in Ordinance No. 1383 (Conditional Use No. 1334) could be considered as being consistent with the land use, area zoning and surrounding uses.

CU 2370 William & Carol Emmert Conditional Use Applications w/in 1 Mile



- Legend**
- CU 2370 William & Carol Emmert
 - Conditional Use s w/in 1 mi
 - Conditional Use
 - TaxParcels
 - Streets
 - Municipal Boundaries



Created January 19, 2023

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**

28816 Four Of Us Road, Harbeson, DE 19951

Type of Conditional Use Requested:

Amendment to Chapter 115, Article IV, Subsection 115-22 to allow a second building on the property to serve as storage and operations of a residential construction and improvement business (no retail).

Tax Map #: 234-10.00-12.09 **Size of Parcel(s):** 3.933 +/- acres

Current Zoning: AR1 **Proposed Zoning:** C/U **Size of Building:** 29.75' X 59.75'

Land Use Classification: Commercial per Ordinance No. 1383 and C/U #1334

Water Provider: Tidwater **Sewer Provider:** Tier 3

Applicant InformationApplicant Name: William D. and Carol EmmertApplicant Address: P.O. Box 650City: Rehoboth Beach State: DE Zip Code: 19971

Phone #: _____ E-mail: _____

Owner InformationOwner Name: Same as applicant

Owner Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____

Agent/Attorney/Engineer InformationAgent/Attorney/Engineer Name: Blake W. Carey, Esquire; The Smith Firm, LLCAgent/Attorney/Engineer Address: 323D Rehoboth AvenueCity: Rehoboth Beach State: DE Zip Code: 19971Phone #: (302) 875-5595 E-mail: carey@vslegal.net

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.**
- DelDOT 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

Blake W Carey

Digitally signed by Blake W Carey
DN: cn = Blake W Carey email = carey@rlegal.net C = US O =
The Smith Firm, LLC
Date: 2022.04.05 12:39:31 -0500

Date: 4/5/22

Signature of Owner

Date: _____

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

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 **William D and Carol Emmert** proposed land use application, which we received on April 18, 2022. This application is for an approximately 3.93-acre parcel (Tax Parcel: 234-10.00-12.09). The subject land is located on the north side of Four of Us Road approximately 180 feet west of the intersection with Hollyville Road (Sussex Road 48). The subject land is currently zoned AR-1 (Agriculture Residential), and the applicant seeks a conditional use approval for storage and operation of a residential construction business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Hollyville Road, from Indian Mission Road (State Route 5) to Harmons Hill Road (Sussex Road 302), is 4,371 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: William D and Carol Emmert, Applicant
Ann Lepore, Sussex County Planning & Zoning
David Edgell, Office of State Planning Coordination
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, County Coordinator, Development Coordination
Matt 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: **12/29/2022**

APPLICATION: **CU 2370 William & Carol Emmert**

APPLICANT: **William & Carol Emmert**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **134-10.00-12.09**

LOCATION: **Lying on the north side of Four of Us Road, approximately
0.03 mile west of Hollyville Road (SCR 48).**

NO. OF UNITS: **Additional commercial building for storage and operation of a
construction business.**

GROSS
ACREAGE: **3.933**

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 3**
- (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 **Choose an item.** 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 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.**

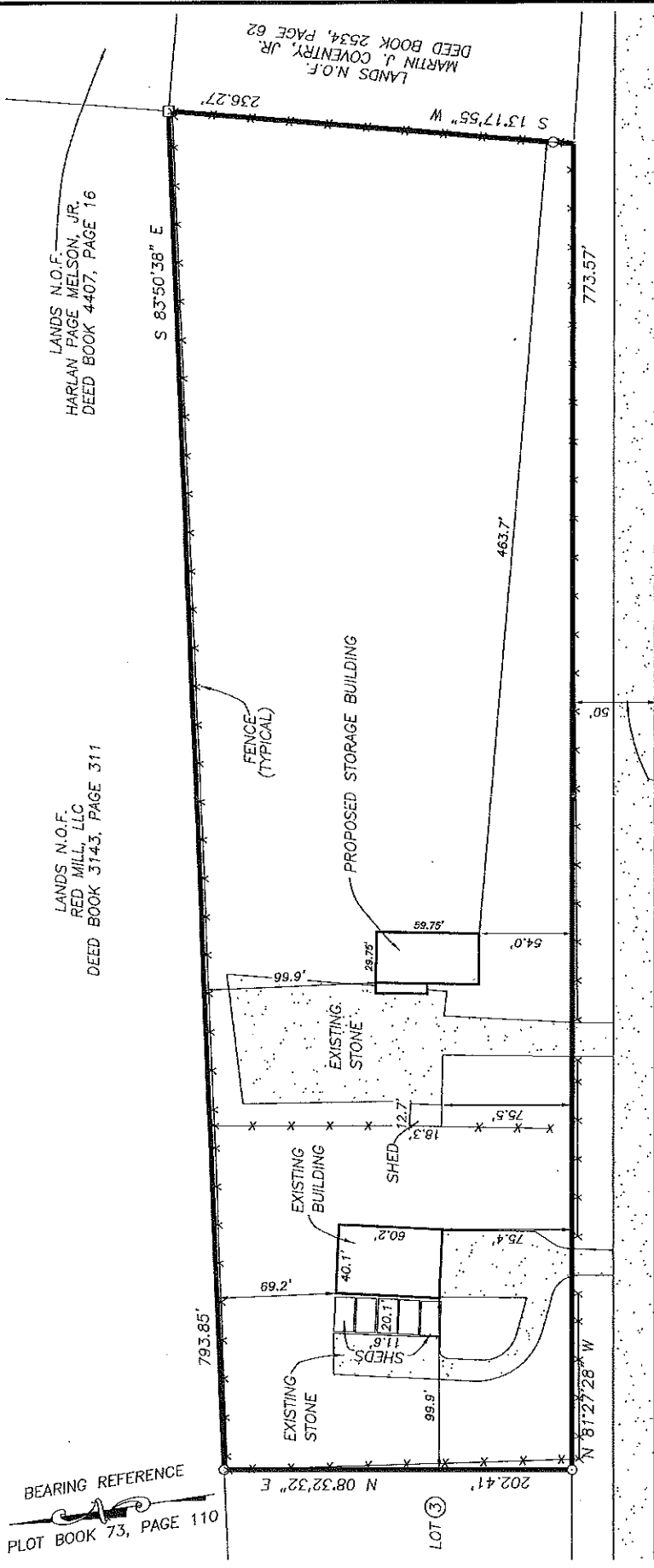
UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman

Director of Utility Planning & Design Review

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



LANDS N.O.F.
HARLAN PAGE MELSON, JR.
DEED BOOK 4407, PAGE 16

LANDS N.O.F.
RED MILL, LLC
DEED BOOK 3143, PAGE 311

LANDS N.O.F.
MARTIN J. COVENTRY, JR.
DEED BOOK 2534, PAGE 62

FOUR OF US ROAD (PRIVATE)
EXISTING STONE/PAVED LANE
LANDS N.O.F.
WILLIAM D & CAROL EMMERT
TED & BARBARA NOWAKOWSKI JR.
DEED BOOK 2671, PAGE 315

SITE PLAN

PREPARED FOR

WILLIAM D. EMMERT & CAROL EMMERT

FOR PROPERTY KNOWN AS
LOT 4, BOUNDARY & SUBDIVISION SURVEY PLAN
PREPARED FOR TED NOWAKOWSKI, JR. & WILLIAM D. EMMERT
PLOT BOOK 73, PAGE 110
(A.K.A. 28816 FOUR OF US ROAD)
SITUATED IN
INDIAN RIVER HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
AREA: 3.933± ACRES
SCALE: 1" = 60'
DATE: AUGUST 12, 2020

NOTES:

- 1) CLASS "B", SUBURBAN SURVEY 2671, PAGE 311
- 2) SOURCE OF TITLE: DEED BOOK 2671, PAGE 311
- 3) A TITLE SEARCH WAS NEITHER REQUESTED, PROVIDED OR UTILIZED FOR THIS SURVEY

Prepared By
ADAMS-KEMP ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
AND PLANNERS
217 SOUTH FACE STREET
GEORGETOWN, DELAWARE 19947
PHONE: (302) 856-6669
WWW.ADAMSKEMP.COM

LEGEND:

- FOUND CONCRETE MONUMENT
- FOUND IRON BAR

Charles E. Adams
CHARLES E. ADAMS, P.L.S. 506