

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
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 25, 2020.

Application: (CZ 1916) Alice P. Robinson, Trustee

Applicant: Alice P. Robinson, Trustee  
35791 Tarpon Drive  
Lewes, DE 19958

Owner: Alice P. Robinson, Trustee  
35791 Tarpon Drive  
Lewes, DE 19958

Site Location: Located on the south side of Coastal Highway (Route 1), approximately 910 feet east of Cave Neck Road (S.C.R. 88).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Commercial District (C-2)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

Sewer: Sussex County

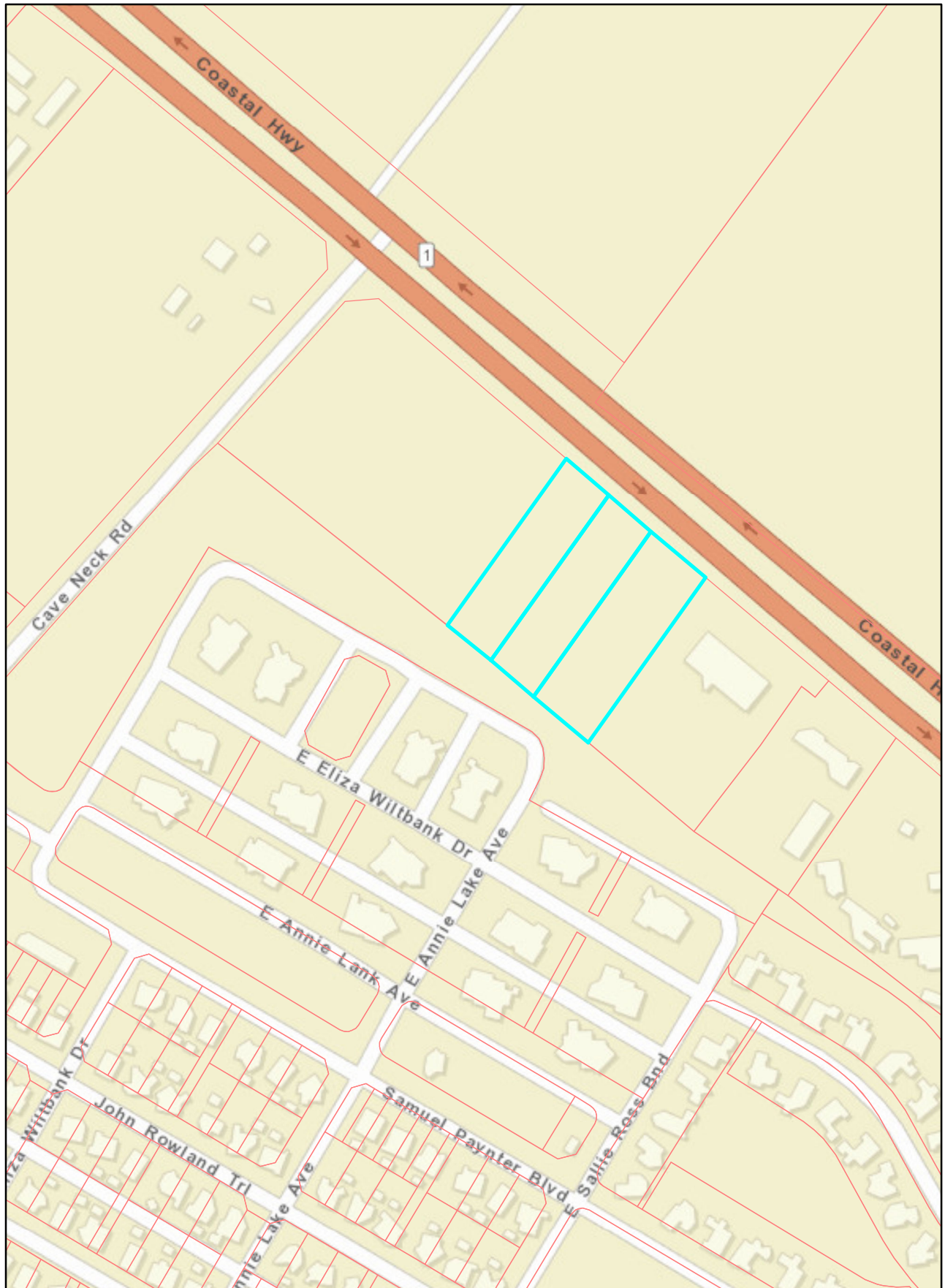
Water: Private

Site Area: 3.03 acres +/-

Tax Map ID.: 235-23.00-54.01, 54.02, and 54.05

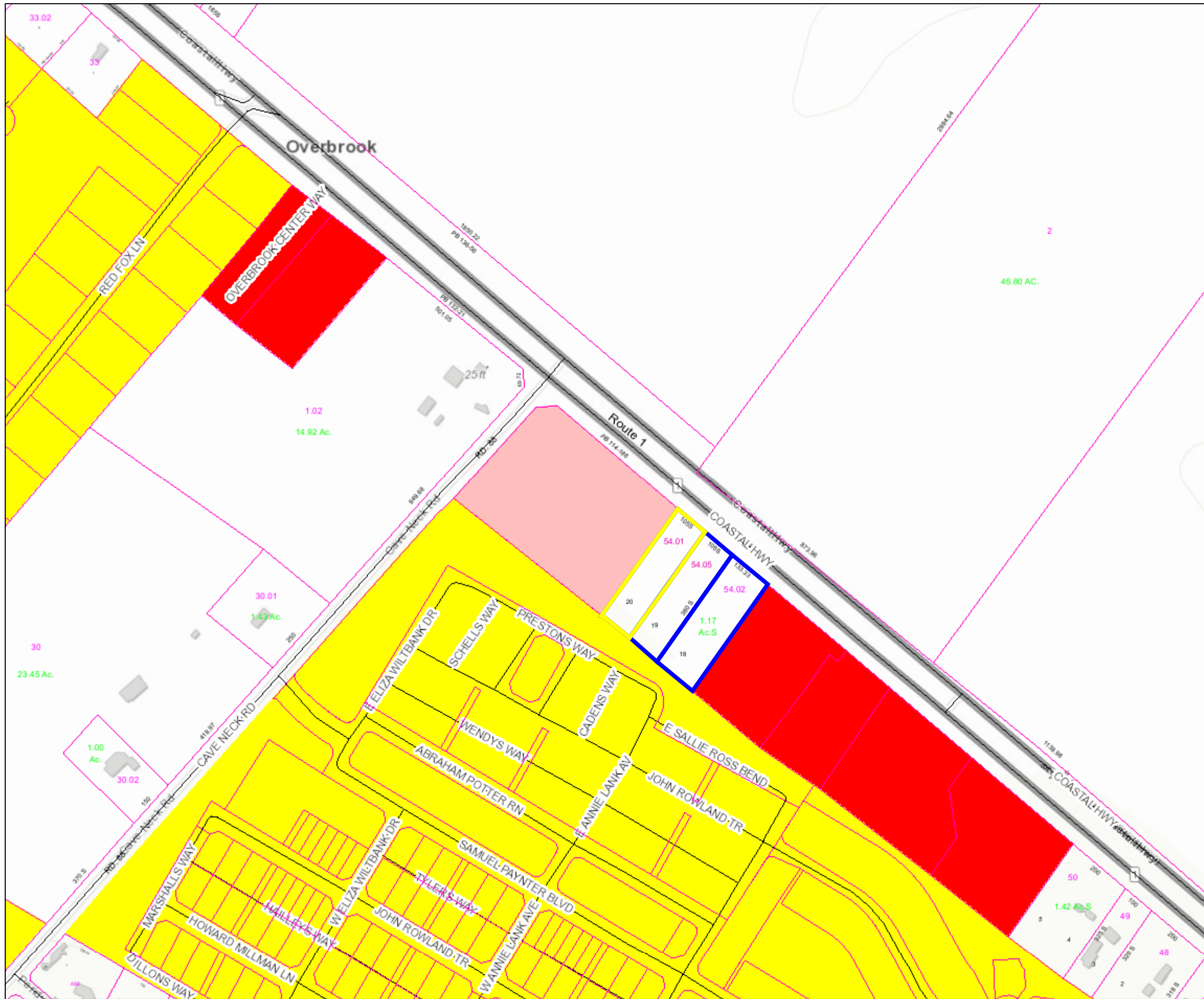


# CZ 1916 Alice P. Robinson, Trustee Street Map





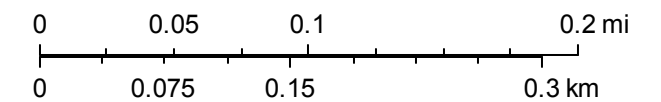
# Sussex County



<b>PIN:</b>	235-23.00-54.01
<b>Owner Name</b>	ROBINSON ALICE P TRUSTEE
<b>Book</b>	526
<b>Mailing Address</b>	35791 TARPON DR
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	LANDS OF R G HOUSTON
<b>Description 2</b>	LOT 20 RT 1
<b>Description 3</b>	
<b>Land Code</b>	

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

1:4,514



# CZ 1916 Alice P. Robinson, Trustee Aerial Map





## Memorandum

To: Sussex County Planning Commission Members  
From: Nick Torrance, Planner I  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: June 16, 2020  
RE: Staff Analysis for CZ 1916 Alice P. Robinson, Trustee

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This memo is to provide background and analysis for the Planning Commission to consider as part of application CZ 1916 Alice P. Robinson, Trustee to be reviewed during the June 25, 2020 Planning & 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 Change of Zone for parcels 235-23.00-54.01, 54.02, and 54.05 to allow for a change from AR-1 (Agricultural Residential District) to C-2 (Medium Commercial Zoning District) to be located on the south side of Coastal Highway (Route 1), approximately 910 feet east of Cave Neck Road (S.C.R. 88). The total size of the parcels to be rezoned is 3.03 ac. +/-.

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 indicates that the application property has the land use designation of "Coastal Area."

The adjoining parcels to the west, south and east are all designated on the Future Land Use Map as "Coastal Area" as well. The parcels on the north side of Coastal Highway (Route 1) is designated "Low Density". "Coastal Areas" are areas that can accommodate development provided special environmental concerns are addressed. The "Coastal Area" also supports a range of housing types including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Mixed-use development should also be allowed.

Table 4.5-2 within the Comprehensive Plan states that, within the "Coastal Area" future land use classification, C-2 (Medium Commercial Zoning District) may be appropriate.

The property is currently zoned AR-1 (Agricultural Residential District). The adjoining parcel to the west is zoned B-1 (Neighborhood Business). To the south, the adjoining parcels are zoned MR (Medium-Density Residential District). To the east, along Coastal Highway, there are commercially zoned properties within the C-1 (General Commercial) district.

Since 2011, there have been no Change of Zone applications within the vicinity of the application site.

Based on the analysis of the land use, surrounding zoning and uses, the propose Change of Zone from AR-1 (Agricultural Residential District) to C-2 (Medium Commercial District) subject to



considerations of scale and impact, this could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: C/2#1916  
202000045  
202000054  
202000055

# 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**

SB COASTAL HWY 528' +/- SOUTH FROM CENTER LINE OF RT 88 CAVE NECK RD MILTON DE 19968

**Type of Conditional Use Requested:**

Tax Map #: 235-23.00-54.01 & 02 & 05 Size of Parcel(s): 3.0 +/- PARCELS

*3.03 acres total*

Current Zoning: AR-1 Proposed Zoning: C-2 Size of Building: \_\_\_\_\_

Land Use Classification: COASTAL AREA

Water Provider: TIDEWATER Sewer Provider: SUSSEX COUNTY

**Applicant Information**

Applicant Name: ALICE P ROBINSON, TRUSTEE  
Applicant Address: 35791 TARPON DRIVE  
City: LEWES State: DE Zip Code: 19958  
Phone #: (302) 227-7216 E-mail: VENTOSA@MSN.COM

**Owner Information**

Owner Name: ALICE P ROBINSON, TRUSTEE  
Owner Address: 35791 TARPON DRIVE  
City: LEWES State: DE Zip Code: 19958  
Phone #: (302) 227-7216 E-mail: VENTOSA@MSN.COM

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: MARK H DAVIDSON | PENNONI  
Agent/Attorney/Engineer Address: 18072 DAVIDSON DRIVE  
City: MILTON State: DE Zip Code: 19968  
Phone #: (302) 684-6207 E-mail: MDAVIDSON@PENNONI.COM



# 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**



Date: 1/2/2020

**Signature of Owner**

for 

Date: 1-2-2020

**For office use only:**

Date Submitted: 1/2/20  
Staff accepting application: cel  
Location of property: \_\_\_\_\_

Fee: \$500.00 Check #: 1945  
Application & Case #: 20200045

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

December 10, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request (SLER) for the **Alice P. Robinson** rezoning application, which we received on November 7, 2019. This application is for an approximately 3.00-acre assemblage of parcels (Tax Parcels: 235-23.00-54.01, 54.02, and 54.05). The subject land is located on the southwest side of Delaware Route 1, approximately 500 feet southeast of the intersection of Delaware Route 1 and Cave Neck Road (New Castle Road 88). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to develop an unspecified number of square feet of retail space, professional and / or service businesses.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 1 where the subject land is located, which is from US Route 9 to Delaware Route 16, are 30,522 and 39,281 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

The subject property is adjacent to Delaware Route 1, thereby is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing the number of high-volume, direct driveway access points on the arterial highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. Delaware



Ms. Janelle M. Cornwell

Page 2 of 2

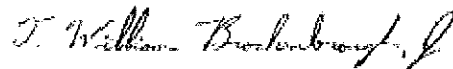
December 10, 2019

Route 1 is a limited access highway. According to the Office of State Planning, *Strategies for State Policies and Spending document*, the majority of these properties are located within a Level 3 Investment Area. Given the Investment Level, one low-density rights-in/rights-out access on Delaware Route 1 for the combined properties would be permitted; the combined land use could generate 200 vehicle trips per day or fewer, as determined by the Institute of Transportation Engineer's (ITE) Trip Generation Manual. Please note that the Department is in the process of developing a grade-separated interchange at Cave Neck Road and Delaware Route 1, with the intent of routing all future development(s) to the interchange via interconnecting service roads and secondary roads. The Corridor Capacity Preservation Program policy can be viewed on Department's website at [www.deldot.gov](http://www.deldot.gov).

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.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence or Mr. Thomas Felice, at (302) 760-2338, if you have questions concerning the Corridor Capacity Preservation Program.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues

Alice P. Robinson, Applicant

J. Marc Coté, Assistant Director, Development Coordination

Thomas Felice, Corridor Capacity Preservation Program Manager, Development  
Coordination

Gemez Norwood, South District Public Works Manager, Maintenance & Operations

James Argo, South District Project Reviewer, Maintenance & Operations

Susanne K. Laws, Sussex County Review Coordinator, Development Coordination

Derek Sapp, Subdivision Manager, Development Coordination

Brian Yates, Subdivision Manager, Development Coordination

John Andrescavage, Subdivision Manager, Development Coordination

Kevin Hickman, Subdivision Manager, Development Coordination

Troy Brestel, Project Engineer, Development Coordination

Claudly Joinville, Project Engineer, Development Coordination

**SUSSEX COUNTY ENGINEERING DEPARTMENT**  
**UTILITY PLANNING DIVISION**  
**C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **6/11/2020**

APPLICATION: **CZ 1916 – Alice P. Robinson, Trustee**

APPLICANT: **Alice P. Robinson, Trustee**

FILE NO: **OM-9.04**

TAX MAP &  
PARCEL(S): **235-23.00-54.01, 54.02 & 54.05**

LOCATION: **Located on the south side of Coastal Hwy. (SR1),  
approximately 910 feet east of Cave Neck Rd. (CR 88).**

NO. OF UNITS: **Upzone from AR-1 to C-2**

GROSS  
ACREAGE: **3.03**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

**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 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **Yes** If yes, how many? **One (1) for each parcel**. Is it likely that additional SCCs will be required? **Yes**  
If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Christine Fletcher** 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: **Prior to construction a SSCE must be developed, as well as, information to execute the Use of Existing Infrastructure Agreement.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

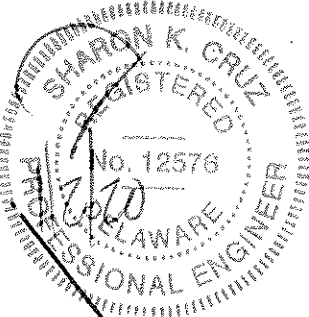
UTILITY PLANNING APPROVAL:



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John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
Christine Fletcher



LANDS N/F OF OVERBROOK ACRES, LLC.  
 TM: 235-23.00-1.01  
 DEED BOOK 3788, PAGE 108  
 ZONING: C-2

DELWARE ROUTE 1 - SOUTHBOUND  
 (aka COASTAL HIGHWAY)  
 160' RIGHT OF WAY

NORTH

LARGE STONE FOUND

PAYNTERS MILL SUBDIVISION

IPF COAST HELD

MON FND

MON FND

N 48°19'12" E 384.21'  
 TM: 235-23.00-54.01  
 LOT 20, LANDS OF R G HOUSTON,  
 LANDS N/F OF ALICE P. ROBINSON, TRUSTEE  
 DEED BOOK 526, PAGE 134  
 ZONING: AR-1  
 AREA = 41,209 sq.ft.± (0.95 acres±)

N 48°08'08" E 380.87'  
 TM: 235-23.00-54.05  
 LOT 19, LANDS OF R G HOUSTON,  
 LANDS N/F OF ALICE P. ROBINSON, TRUSTEE  
 DEED BOOK 526, PAGE 134  
 ZONING: AR-1  
 AREA = 40,839 sq.ft.± (0.94 acres±)

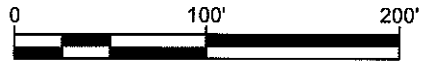
N 47°56'58" E 377.53'  
 TM: 235-23.00-54.02  
 LOTS 18 & P/O LOT 17, LANDS OF R G HOUSTON,  
 LANDS N/F OF ALICE P. ROBINSON, TRUSTEE  
 DEED BOOK 526, PAGE 134  
 ZONING: AR-1  
 AREA = 49,828 sq.ft.± (1.14 acres±)

TM: 235-23.00-54.03  
 LANDS N/F OF S & J, LLC.  
 DEED BOOK 4343, PAGE 188  
 ZONING: C-1

**NOTES**

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM PUBLIC RECORDS AND IS THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC. DATED 12/23/2019.
2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
3. IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS.
4. NO EASEMENTS AND/OR RIGHT-OF-WAYS WERE VERIFIED PER THIS SURVEY.

LOT AREA: TOTAL - 3.03 acres±  
 SURVEY CLASSIFICATION: SUBURBAN



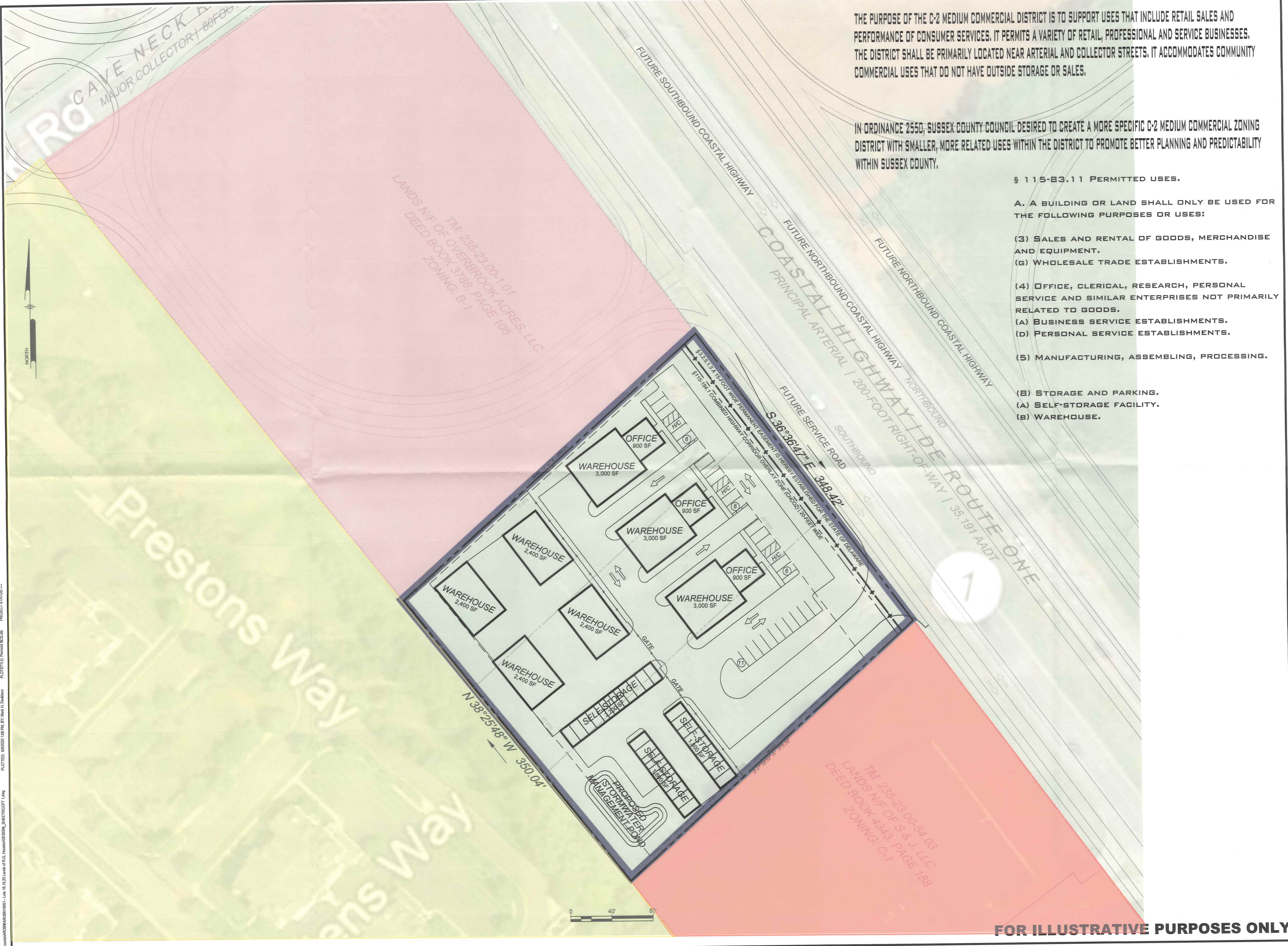
ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	AROBN19001
DATE	2020-01-02
DRAWING SCALE	1" = 100'
DRAWN BY	KMD
APPROVED BY	SKC

LOTS 18,19,20 & P/O 17, LANDS OF R G HOUSTON,  
 LAND N/F OF ALICE P. ROBINSON, TRUSTEE  
 DELAWARE ROUTE 1, BROADKILL HUNDRED  
 SUSSEX COUNTY, DELAWARE  
 TM: 235-23.00-54.01,54.02 & 54.05  
**BOUNDARY SURVEY**  
 ALICE P. ROBINSON, TRUSTEE  
 35791 TARPON DRIVE  
 LEWES, DELAWARE 19958

**PENNONI ASSOCIATES INC.**  
 18072 Davidson Drive  
 Milton, DE 19968  
 T 302.684.8030 F 302.684.8054

U:\ACCOUNTS\AROBNA\AROBN19001 - LOTS 18,19,20 LANDS OF R.G. HOUSTON\DESIGN\WV-SP.DWG  
 PLOTTED: 1/2/2020 11:30:51 AM, BY: KEITH DAVIDSON PLOTSTYLE: PENNONI\_NCS.STB, PROJECT STATUS: —



TM: 235-23-00-1 01  
LANDS N/F OF OVERBROOK ACRES, LLC  
DEED BOOK 3788, PAGE 108  
ZONING: B-1

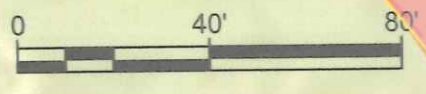
THE PURPOSE OF THE C-2 MEDIUM COMMERCIAL DISTRICT IS TO SUPPORT USES THAT INCLUDE RETAIL SALES AND PERFORMANCE OF CONSUMER SERVICES. IT PERMITS A VARIETY OF RETAIL, PROFESSIONAL AND SERVICE BUSINESSES. THE DISTRICT SHALL BE PRIMARILY LOCATED NEAR ARTERIAL AND COLLECTOR STREETS. IT ACCOMMODATES COMMUNITY COMMERCIAL USES THAT DO NOT HAVE OUTSIDE STORAGE OR SALES.

IN ORDINANCE 2550, SUSSEX COUNTY COUNCIL DESIRED TO CREATE A MORE SPECIFIC C-2 MEDIUM COMMERCIAL ZONING DISTRICT WITH SMALLER, MORE RELATED USES WITHIN THE DISTRICT TO PROMOTE BETTER PLANNING AND PREDICTABILITY WITHIN SUSSEX COUNTY.

§ 115-83.11 PERMITTED USES.

A. A BUILDING OR LAND SHALL ONLY BE USED FOR THE FOLLOWING PURPOSES OR USES:

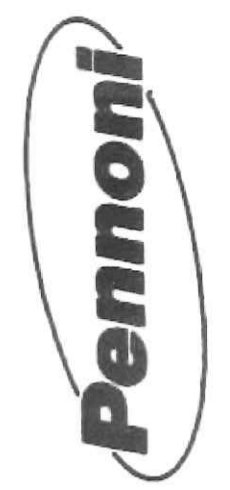
- (3) SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT.
- (G) WHOLESALE TRADE ESTABLISHMENTS.
- (4) OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS.
- (A) BUSINESS SERVICE ESTABLISHMENTS.
- (D) PERSONAL SERVICE ESTABLISHMENTS.
- (5) MANUFACTURING, ASSEMBLING, PROCESSING.
- (B) STORAGE AND PARKING.
- (A) SELF-STORAGE FACILITY.
- (B) WAREHOUSE.



TM: 235-23-00-54 03  
LANDS N/F OF S & J LLC.  
DEED BOOK 4343, PAGE 188  
ZONING: C-1

**FOR ILLUSTRATIVE PURPOSES ONLY**

UNCOMMONS/CORPORATION/18051 - Lot 18, 18.001 acres of R.C. Nease and CARRIE, SHERRILL/CCPT/Long  
PLOTTED: 06/20/2010 10:08 PM BY: Mark H. Dudson  
PLOTSTYLE: Pennoni NCS.dwg  
PROJECT STATUS: -



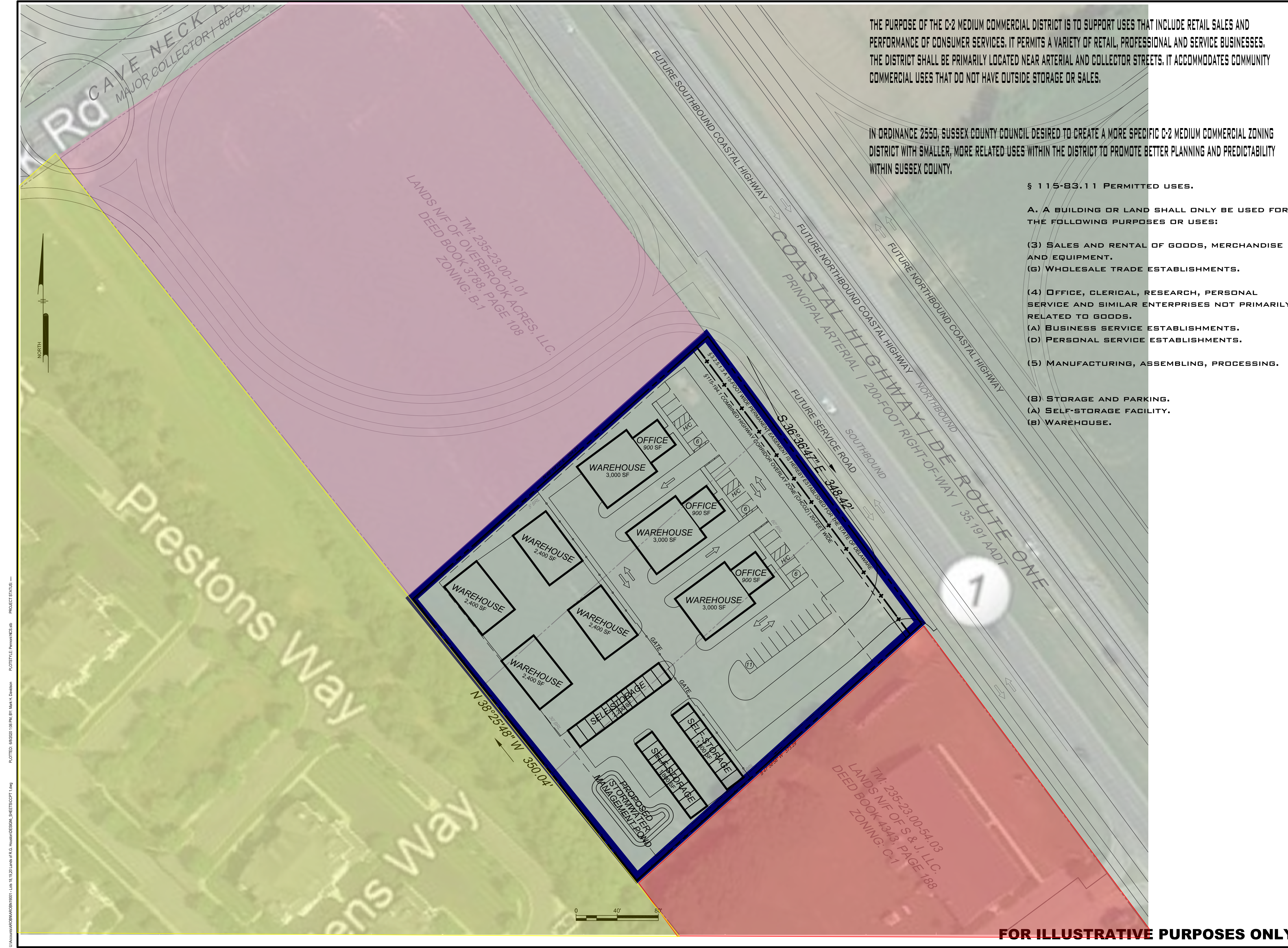
ROBINSON MEDIUM COMMERCIAL (C-2)  
COASTAL HIGHWAY  
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

CONCEPT PLAN

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES, INC. ARE INSTRUMENTS OF SERVICE. THEY ARE NOT INTENDED TO BE SUITABLE FOR REUSE BY OTHERS WITHOUT THE WRITTEN PERMISSION OF PENNONI ASSOCIATES, INC. THE EXTENSIONS OF THE PROJECT OR ADAPTATION BY PENNONI ASSOCIATES, INC. SHALL BE AT THE SOLE RISK AND WITHOUT LIABILITY TO PENNONI ASSOCIATES, INC. PENNONI ASSOCIATES, INC. SHALL INDEMNIFY AND HOLD HARMLESS ALL ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR FROM THE PROJECT.

PROJECT	ARC
DATE	
DRAWING SCALE	
DRAWN BY	M
APPROVED BY	

CCP  
SHEET 1



THE PURPOSE OF THE C-2 MEDIUM COMMERCIAL DISTRICT IS TO SUPPORT USES THAT INCLUDE RETAIL SALES AND PERFORMANCE OF CONSUMER SERVICES. IT PERMITS A VARIETY OF RETAIL, PROFESSIONAL AND SERVICE BUSINESSES. THE DISTRICT SHALL BE PRIMARILY LOCATED NEAR ARTERIAL AND COLLECTOR STREETS. IT ACCOMMODATES COMMUNITY COMMERCIAL USES THAT DO NOT HAVE OUTSIDE STORAGE OR SALES.

IN ORDINANCE 2550, SUSSEX COUNTY COUNCIL DESIRED TO CREATE A MORE SPECIFIC C-2 MEDIUM COMMERCIAL ZONING DISTRICT WITH SMALLER, MORE RELATED USES WITHIN THE DISTRICT TO PROMOTE BETTER PLANNING AND PREDICTABILITY WITHIN SUSSEX COUNTY.

§ 115-83.11 PERMITTED USES.

- A. A BUILDING OR LAND SHALL ONLY BE USED FOR THE FOLLOWING PURPOSES OR USES:
- (3) SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT.
  - (6) WHOLESALE TRADE ESTABLISHMENTS.
  - (4) OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS.
  - (A) BUSINESS SERVICE ESTABLISHMENTS.
  - (D) PERSONAL SERVICE ESTABLISHMENTS.
  - (5) MANUFACTURING, ASSEMBLING, PROCESSING.
  - (B) STORAGE AND PARKING.
  - (A) SELF-STORAGE FACILITY.
  - (B) WAREHOUSE.

TM: 235-23-00-1-01  
LANDS NIF OF OVERBROOK ACRES, LLC.  
DEED BOOK 3788, PAGE 108  
ZONING: B-1

TM: 235-23-00-54-03  
LANDS NIF OF S & J, LLC.  
DEED BOOK 4243, PAGE 188  
ZONING: C-1



ROBINSON MEDIUM COMMERCIAL (C-2)

COASTAL HIGHWAY  
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

CONCEPT PLAN

ALICE P. ROBINSON  
35791 TARPON DRIVE  
LEWES, DE 19858

NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT: AROBN19001  
DATE: 2020-06-08  
DRAWING SCALE: 1"=40'  
DRAWN BY: MHD/DAVIDSON  
APPROVED BY: MHD/AMD

FOR ILLUSTRATIVE PURPOSES ONLY

PROJECT STATUS: PLOTTED: 8/8/2020 10:04 AM BY: MHD/K. Davidson PLOTTED: Pennoni\MS. Sub

# ALICE P ROBINSON, TRUSTEE

CASE NO. CZ1916

ZONING MAP AMENDMENT FROM AR-1 TO C-2 (MEDIUM COMMERCIAL)

**OWNER:**

Alice Robinson, Trustee  
35791 Tarpon Drive  
Lewes, DE 19958

**DEVELOPER:**

Alice Robinson, Trustee  
35791 Tarpon Drive  
Lewes, DE 19958

**PLANNER/ENGINEER/SURVEYOR:**

PENNONI  
18072 DAVIDSON DRIVE  
MILTON, DE 19968  
MARK H. DAVIDSON, PRINCIPAL LAND PLANNER  
ALAN DECKTOR, PE., ENV SP  
JOHN W. HAUPT, PLS

**ENVIRONMENTAL:**

PENNONI & ACCENT ENVIRONMENTAL  
WILLIAM J. GANGLOFF, PhD. PROFESSIONAL SOIL  
SCIENTIST

**TABLE OF CONTENTS:**

<b>TAB 1</b>	<b>APPLICATION</b>
	a. APPLICATION
	b. BOUNDARY SURVEY
	c. LEGAL DESCRIPTION
	d. SERVICE LEVEL RESPONSE LETTER
<b>TAB 2</b>	<b>EXHIBITS</b>
	a. COMMERCIAL CONCEPT
	b. COMP PLAN CRITERIA
	c. COMP PLAN - FUTURE LAND USE MAP
	d. DELDOT OVERPASS ALTERNATIVES 3
<b>TAB 3</b>	<b>MAPS/PLANS</b>
	a. 2019 AERIAL, 2017, 2012, 2007, 2002, 1997, 1992, 1968, 1961, 1954, 1937 AND 1926 ORTHO - 2015 STATE SRATEGIES, COUNTY ZONING, 2015 LAND USE, NRCS SOILS, STATE WETLANDS, FEMA FLOODPLAIN, GROUNDWATER RECHARGE, USGS TOPOGRAPHIC AND AREA COMMERCIAL USES MAP
<b>TAB 4</b>	<b>FINDINGS</b>
	a. FINDINGS OF FACT





# Mark H. Davidson / Vice President

## Principal Land Planner/Office Director

### EDUCATION

University of Delaware; Civil Engineering, (1986-1990)

Land Surveying, Delaware Technical & Community College (1984-1986) and Wastewater Microbiology Diploma (1997)

Land Planning, Institute for Public Administration (2006)

### CERTIFICATIONS

DNREC Class A Percolation Tester & Class B Septic Designer, (DE #2418)

Sediment & Stormwater Management, Responsible Personnel, DE (#8760) and MD (#4914)

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

### TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

### PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

### HONORS/AWARDS

Association of Professionals Philanthropy, Brandywine Chapter Fundraising Nominee (2014)

Notable Networker Award, BNI (2013)

### EXPERIENCE SUMMARY

Mark H. Davidson serves as Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 35-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

Mark is a past director of the Delaware Onsite Wastewater Recycling Association as well as a member of the American Planning Association, American Institute of Certified Planners and has served in the past as a committee member of Delaware Low Impact Development Roundtable Committee, Delaware Pollution Control Strategy Committee, Delaware Sediment & Stormwater Regulatory Advisory Committee, and the Delaware Technical & Community College A/E Curriculum Committee. He was also nominated for the Brandywine Chapter Association of Fundraising Professionals Philanthropy Award and has won the BNI Notable Networker Award.

Along with all the experience and education stated and with many years of combined experience in Surveying, Engineering, Consulting and Land Planning, he has been responsible for providing consulting, layout and design in surveying, engineering and land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware, Maryland, Virginia and West Virginia. He has project managed, studied, planned, surveyed, designed and engineered sustainable, master-planned communities, commercial and urban redevelopment projects, and the public infrastructure that supports them.

Mark has provided nationwide land planning consulting services to a variety of clientele to help coordinate project startups as well as final construction consulting services when it came to commercial, residential, industrial, municipal, educational and community land planning. Provided additional consulting in civil/site engineering, stormwater management, erosion and sediment control, wastewater collection and disposal, transportation, and environmental. Market areas practiced; Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, North Dakota, Puerto Rico, Canada and Panama.

Additional Project experience includes cutting edge design and technology as well as value engineering to help clients through the ever-changing market including but not limited to solar voltaic and wind generation projects.

He is currently appointed by the Secretary of DNREC to serve 3-years on the On Site Septic Advisory Board for the State of Delaware.





# 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: 1/2/2020

Signature of Owner



Date: 1-2-2020

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: \_\_\_\_\_



LANDS N/W OF OVERBROOK ACRES, LLC.  
 TM: 235-23.00-1.01  
 DEED BOOK 3788, PAGE 108  
 ZONING: B-1

DELAWARE ROUTE 1 - SOUTHBOUND  
 (aka COASTAL HIGHWAY)  
 160' RIGHT OF WAY



LARGE STONE FOUND  
 PAYNTERS MILL SUBDIVISION  
 ZONING: MR/RPC

IPF COAST HELD

LOT 20, LANDS OF R G HOUSTON,  
 LANDS N/W OF ALICE P. ROBINSON, TRUSTEE  
 DEED BOOK 526, PAGE 134  
 ZONING: AR-1  
 AREA = 41,209 sq.ft.± (0.95 acres)  
 N 48°08'08" E 380.87'

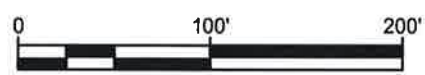
LOT 19, LANDS OF R G HOUSTON,  
 LANDS N/W OF ALICE P. ROBINSON, TRUSTEE  
 DEED BOOK 526, PAGE 134  
 ZONING: AR-1  
 AREA = 40,839 sq.ft.± (0.94 acres)  
 N 47°56'58" E 377.53'

LOTS 18 & P/O LOT 17, LANDS OF R G HOUSTON,  
 LANDS N/W OF ALICE P. ROBINSON, TRUSTEE  
 DEED BOOK 526, PAGE 134  
 ZONING: AR-1  
 AREA = 49,828 sq.ft.± (1.14 acres)  
 S 47°56'58" W 373.29'

LANDS N/E OF S & J, LLC.  
 TM: 235-23.00-54.03  
 DEED BOOK 4343, PAGE 188  
 ZONING: C-1

- NOTES**
1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM PUBLIC RECORDS AND IS THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC. DATED 12/23/2019.
  2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
  3. IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS.
  4. NO EASEMENTS AND/OR RIGHT-OF-WAYS WERE VERIFIED PER THIS SURVEY.

LOT AREA: TOTAL - 3.03 acres±  
 SURVEY CLASSIFICATION: SUBURBAN



U:\ACCOUNTS\AROBNA19001 - LOTS 18, 19, 20 LANDS OF R.G. HOUSTON\DESIGN\MV-SP.DWG PLOTTED: 6/22/2020 1:07:42 PM. BY: MATT WALLS PLOTSTYLE: PENNONI NCS STB. PROJECT STATUS: —



**PENNONI ASSOCIATES INC.**  
 18072 Davidson Drive  
 Milton, DE 19968  
 T 302.684.8030 F 302.684.8054

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

LOTS 18, 19, 20 & P/O 17, LANDS OF R G HOUSTON,  
 LAND N/W OF ALICE P. ROBINSON, TRUSTEE  
 DELAWARE ROUTE 1, BROADKILL HUNDRED  
 SUSSEX COUNTY, DELAWARE  
 TM: 235-23.00-54.01, 54.02 & 54.05  
**BOUNDARY SURVEY**  
 ALICE P. ROBINSON, TRUSTEE  
 35791 TARPON DRIVE  
 LEWES, DELAWARE 19958

PROJECT	<b>AROBN19001</b>
DATE	2020-01-02
DRAWING SCALE	1" = 100'
DRAWN BY	KMD
APPROVED BY	SKC
SHEET	1 OF 1

## PARTICULAR DESCRIPTION

**LOTS 18, 19, 20 AND PART OF 17, LANDS OF R G HOUSTON,  
LANDS NOW OR FORMERLY OF ALICE P. ROBINSON, TRUSTEE**

**TAX MAP 235-20.00-54.01, 54.02 AND 54.05**

**All that certain** piece, parcel and tract lying in the Broadkill Hundred of Sussex County, Delaware and being more particularly described as follows:

**BEGINNING** at a concrete monument found, said monument situated on the southerly right-of-way of Delaware Route One and also being a corner for this Parcel and Lands now or formerly of S & J, LLC.; thence by and with this Parcel and Lands now or formerly of S & J, LLC., **South 47 degrees, 56 minutes, 58 seconds West, 373.29 feet** to a concrete monument found, said monument being a corner for this Parcel and Lands now or formerly of S & J, LLC. and also lying on a common boundary line with Paynters Mill Subdivision; thence by and with this Parcel and Paynters Mill Subdivision, **North 38 degrees, 25 minutes, 48 seconds West, 350.04 feet** to a large stone found, said stone being a corner for this Parcel and Lands now or formerly of Overbrook Acres, LLC.; thence by and with this Parcel and Lands now or formerly of Overbrook Acres, LLC., **North 48 degrees, 19 minutes, 12 seconds East, 384.21 feet** to an iron pipe found, said iron pipe being a corner

AROBN19001

235-20.00-54.01, 54.02, AND 54.05

Particular Description

for this Parcel and Lands now or formerly of Overbrook Acres, LLC. and situated on the southerly right-of-way of Delaware Route One; thence by and with this Parcel and the southerly right-of-way of Delaware Route One, **South 36 degrees, 36 minutes, 47 seconds East, 348.42 feet** to a concrete monument, said monument being the **Point of Beginning** for this description.

**This Parcel Contains** 131,876 square feet or 3.03 acres, more or less.



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

JENNIFER COHAN  
SECRETARY

December 10, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request (SLER) for the **Alice P. Robinson** rezoning application, which we received on November 7, 2019. This application is for an approximately 3.00-acre assemblage of parcels (Tax Parcels: 235-23.00-54.01, 54.02, and 54.05). The subject land is located on the southwest side of Delaware Route 1, approximately 500 feet southeast of the intersection of Delaware Route 1 and Cave Neck Road (New Castle Road 88). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to develop an unspecified number of square feet of retail space, professional and / or service businesses.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 1 where the subject land is located, which is from US Route 9 to Delaware Route 16, are 30,522 and 39,281 vehicles per day, respectively.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

The subject property is adjacent to Delaware Route 1, thereby is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing the number of high-volume, direct driveway access points on the arterial highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. Delaware



Ms. Janelle M. Cornwell

Page 2 of 2

December 10, 2019

Route 1 is a limited access highway. According to the Office of State Planning, *Strategies for State Policies and Spending* document, the majority of these properties are located within a Level 3 Investment Area. Given the Investment Level, one low-density rights-in/rights-out access on Delaware Route 1 for the combined properties would be permitted; the combined land use could generate 200 vehicle trips per day or fewer, as determined by the Institute of Transportation Engineer's (ITE) Trip Generation Manual. Please note that the Department is in the process of developing a grade-separated interchange at Cave Neck Road and Delaware Route 1, with the intent of routing all future development(s) to the interchange via interconnecting service roads and secondary roads. The Corridor Capacity Preservation Program policy can be viewed on Department's website at [www.deldot.gov](http://www.deldot.gov).

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.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence or Mr. Thomas Felice, at (302) 760-2338, if you have questions concerning the Corridor Capacity Preservation Program.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Alice P. Robinson, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Thomas Felice, Corridor Capacity Preservation Program Manager, Development  
Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
James Argo, South District Project Reviewer, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination





Since the comprehensive plan is a guide for the future use of land, the County’s official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

According to state law, the County must amend its official zoning map to be consistent with the Future Land Use Map within 18 months of the date of adoption of the Comprehensive Plan. Additionally, future rezonings should also generally be consistent with the Future Land Use Plan.

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
Coastal Area	Agricultural Residential District (AR-1) Medium Density Residential District (MR) General Residential District (GR) High Density Residential District (HR-1 & HR-2) Business Community District (B-2) Business Research (B-3) <b>Medium Commercial District (C-2)</b> Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) New Zoning Districts

Each land use proposal the County receives should be reviewed on its own merit to determine if the proposal is consistent with the Future Land Use Map and does not have a negative impact on the surrounding area or the County in general.

As described above, the Future Land Use Plan is not the County’s official zoning map. The Future Land Use Map and all other aspects of this Comprehensive Plan will be considered primarily through ordinances and other programs that fulfill policy objectives.

**4.4.2 The Structure of the Future Land Use Plan**

The Future Land Use Plan divides Sussex County into two types of planning areas: Growth Areas and Rural Areas. The Growth Areas and the Rural Areas each include sub-categories as outlined below:

**Growth Areas:**

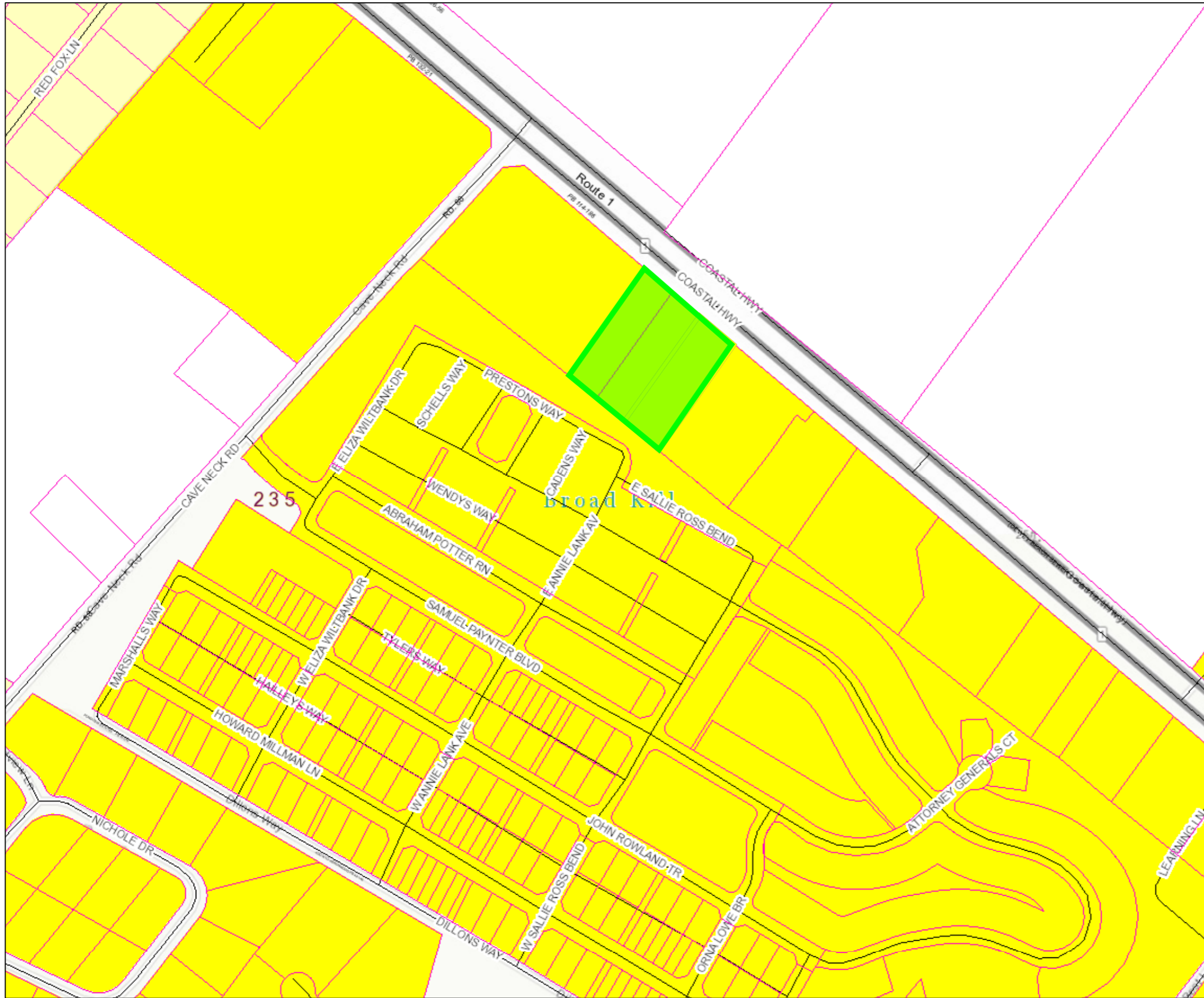
- Municipalities
- Town Centers
- Developing Areas
- Coastal Areas**
- Existing Development Areas
- Commercial Areas
- Industrial Areas

*4.4.2.1 Growth Areas*

This Plan seeks to encourage the County’s most concentrated forms of new development to Growth Areas, including most higher density residential development and most commercial development. While Coastal Areas are considered Growth Areas, the County encourages only appropriate forms of concentrated new development in these areas, especially when environmental features are in play.



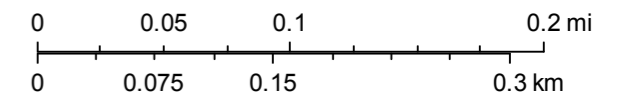
# Sussex County



<b>PIN:</b>	235-23.00-54.02
<b>Owner Name</b>	ROBINSON ALICE P TRUSTEE
<b>Book</b>	526
<b>Mailing Address</b>	35791 TARPON DR
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	LANDS OF R.G.HOUSTON
<b>Description 2</b>	LOT 18 P/O LOT 17
<b>Description 3</b>	RT. 1
<b>Land Code</b>	

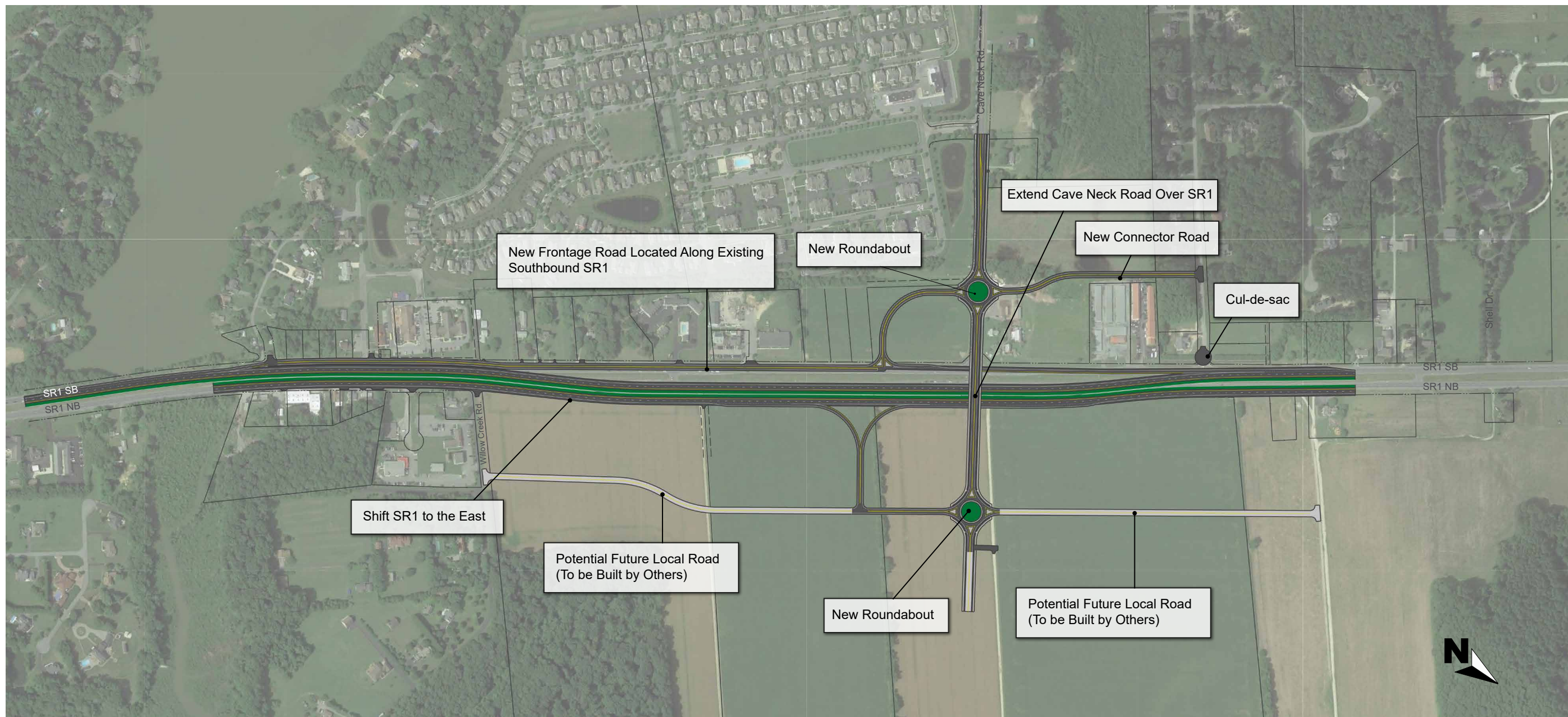
- polygonLayer**
  - Override 1
    - Municipalities
    - Town Center
- polygonLayer**
  - Override 1
  - Tax Parcels
  - Streets
  - Hundred Boundaries
  - District Boundaries
  - County Boundaries
- 2019 Future Land Use**
  - Low Density
  - Coastal Area
  - Commercial
  - Developing Area
  - Existing Development Area
  - Industrial

1:4,514



# Alternative 3

Cave Neck Road will extend over SR1 at a Grade Separated Interchange. SR1 shifted to the east with access to Cave Neck Road provided by loop ramps. Access to and from southbound SR1 will be provided by a frontage road located along the current southbound SR1 alignment. A northbound loop ramp will be located south of Cave Neck Road.



SR1 and Cave Neck Road Grade Separated Intersection



<p>Figure 1 of 21.</p> <p><b>1</b></p>	<p>2019 Aerial Image</p> <hr/> <p>Lots 18, 19, &amp; 20, Land of R.G. Houston</p> <hr/> <p>AROBN19001</p>		
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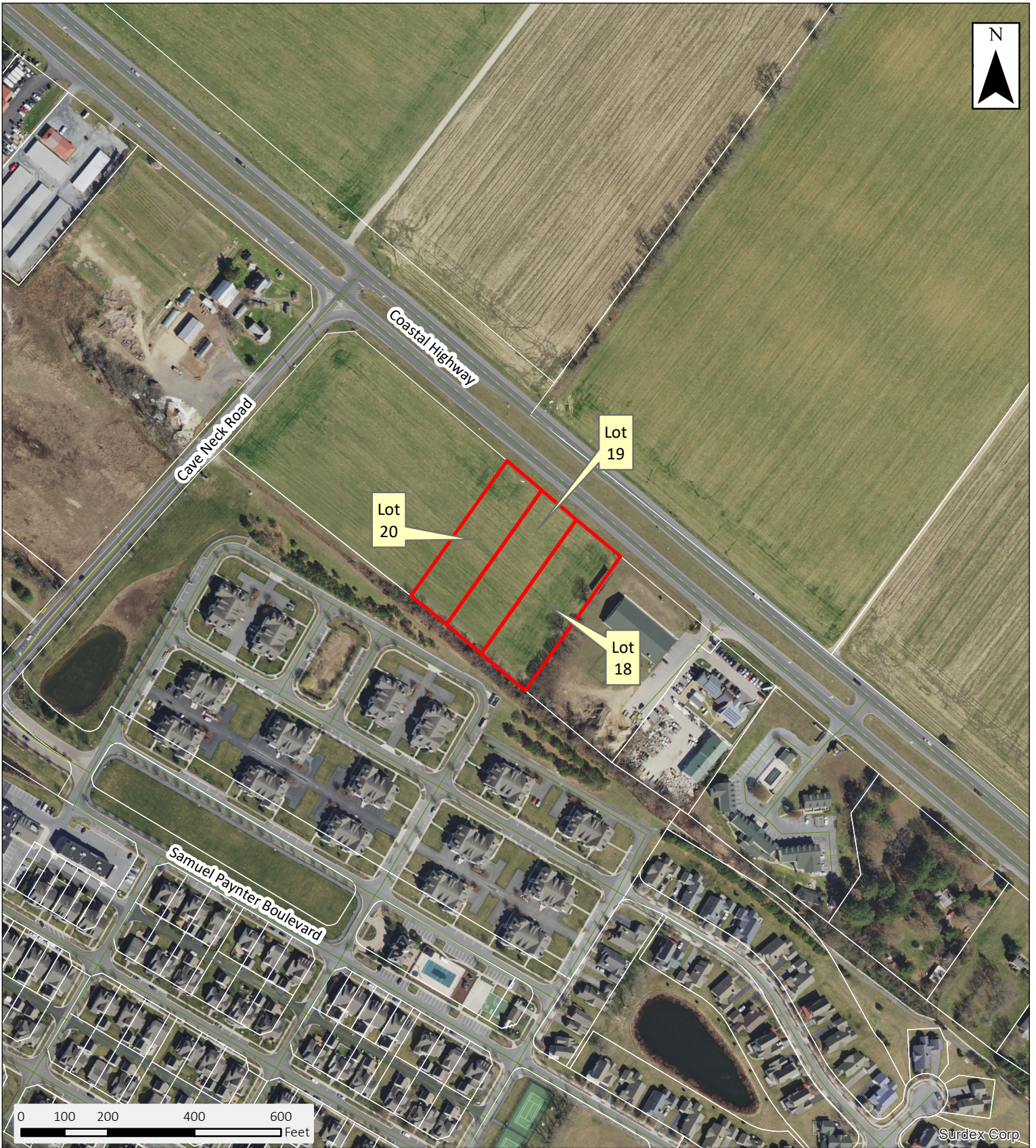


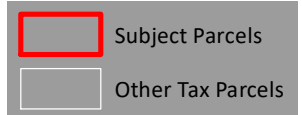
Figure 2 of 21.

2

2017 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



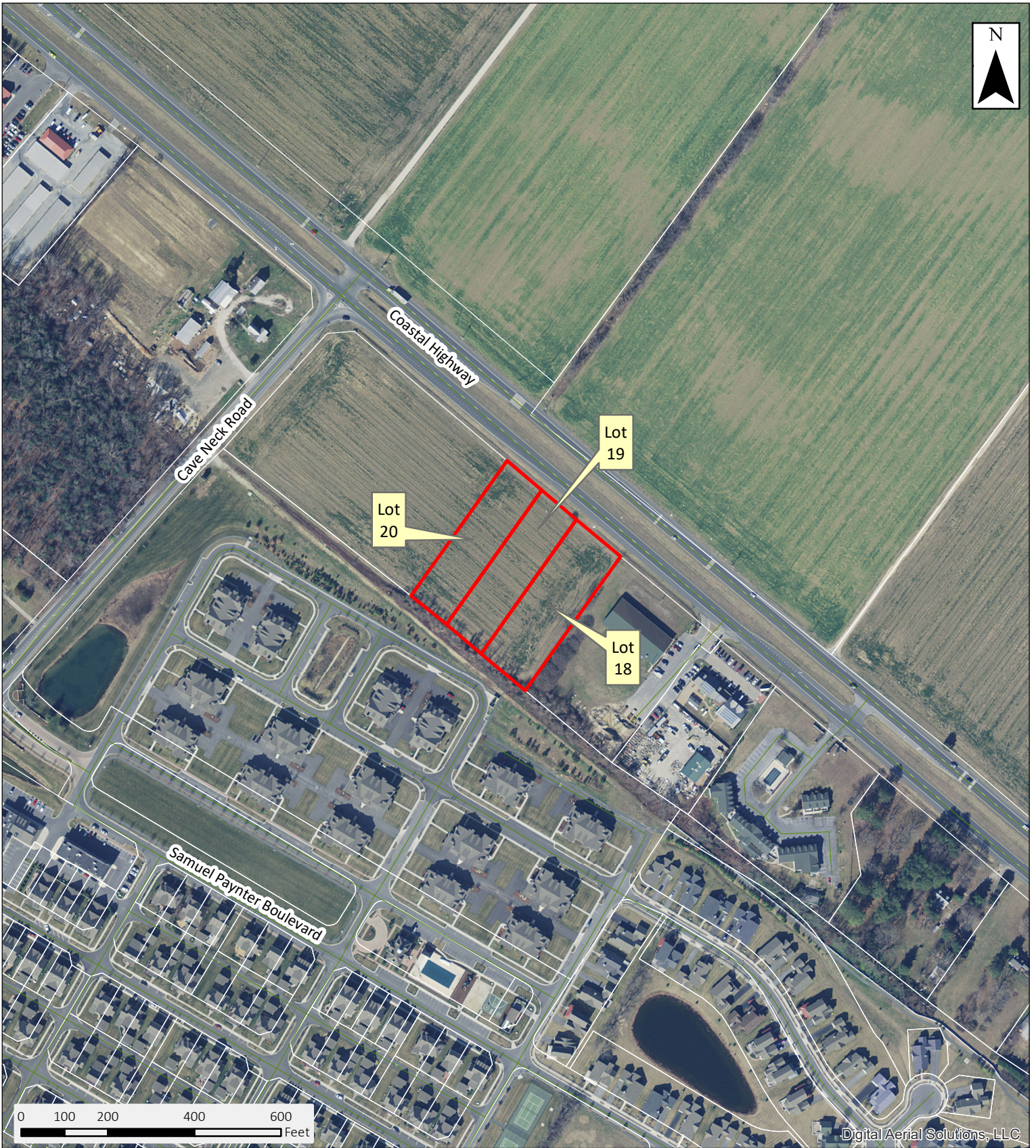


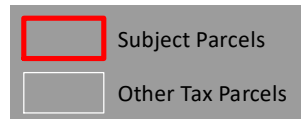
Figure 3 of 21.

3

2012 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



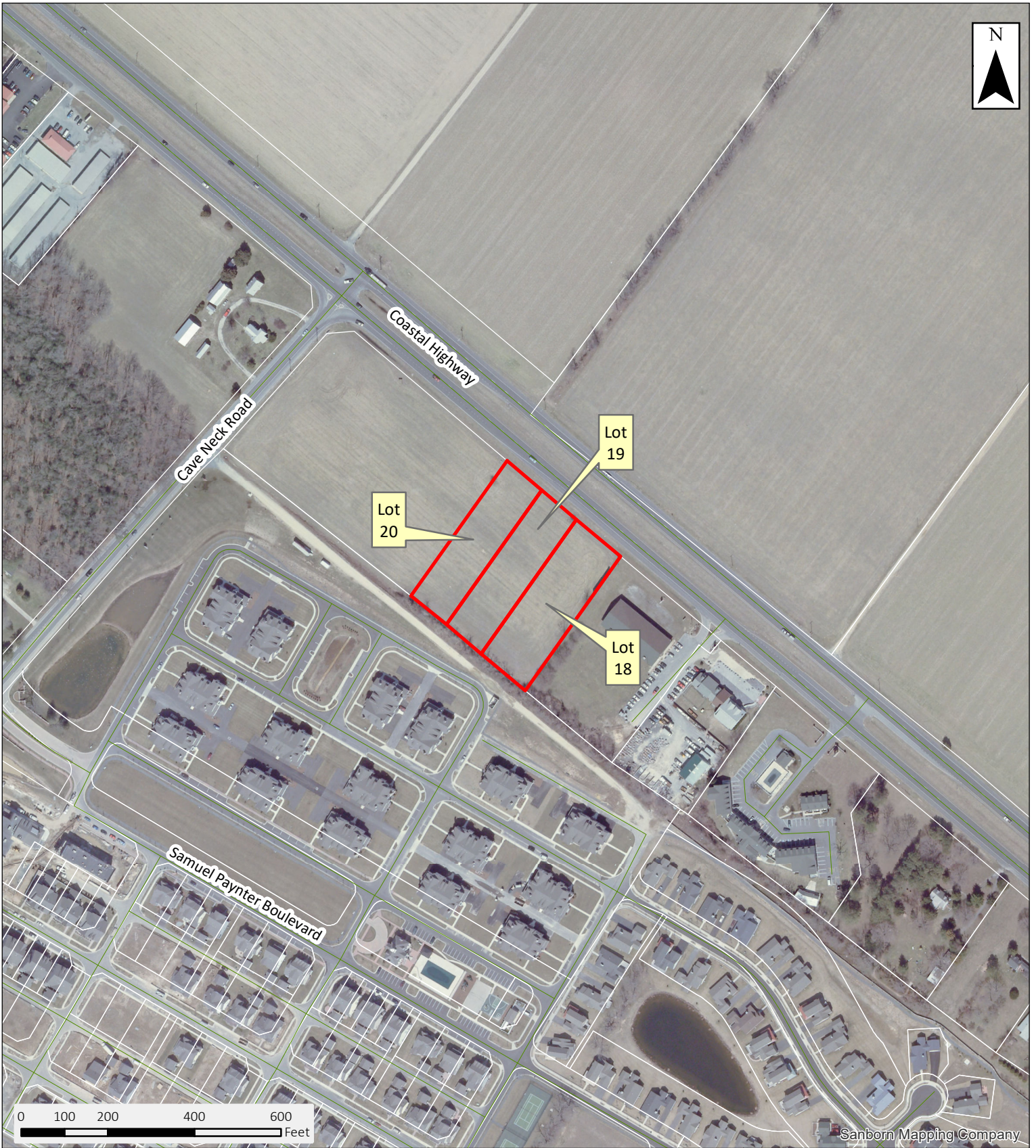


Figure 4 of 21.

4

2007 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001

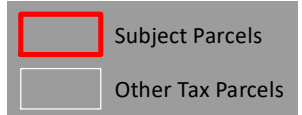






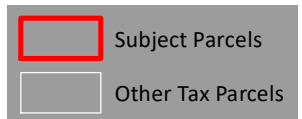
Figure 5 of 21.

5

2002 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



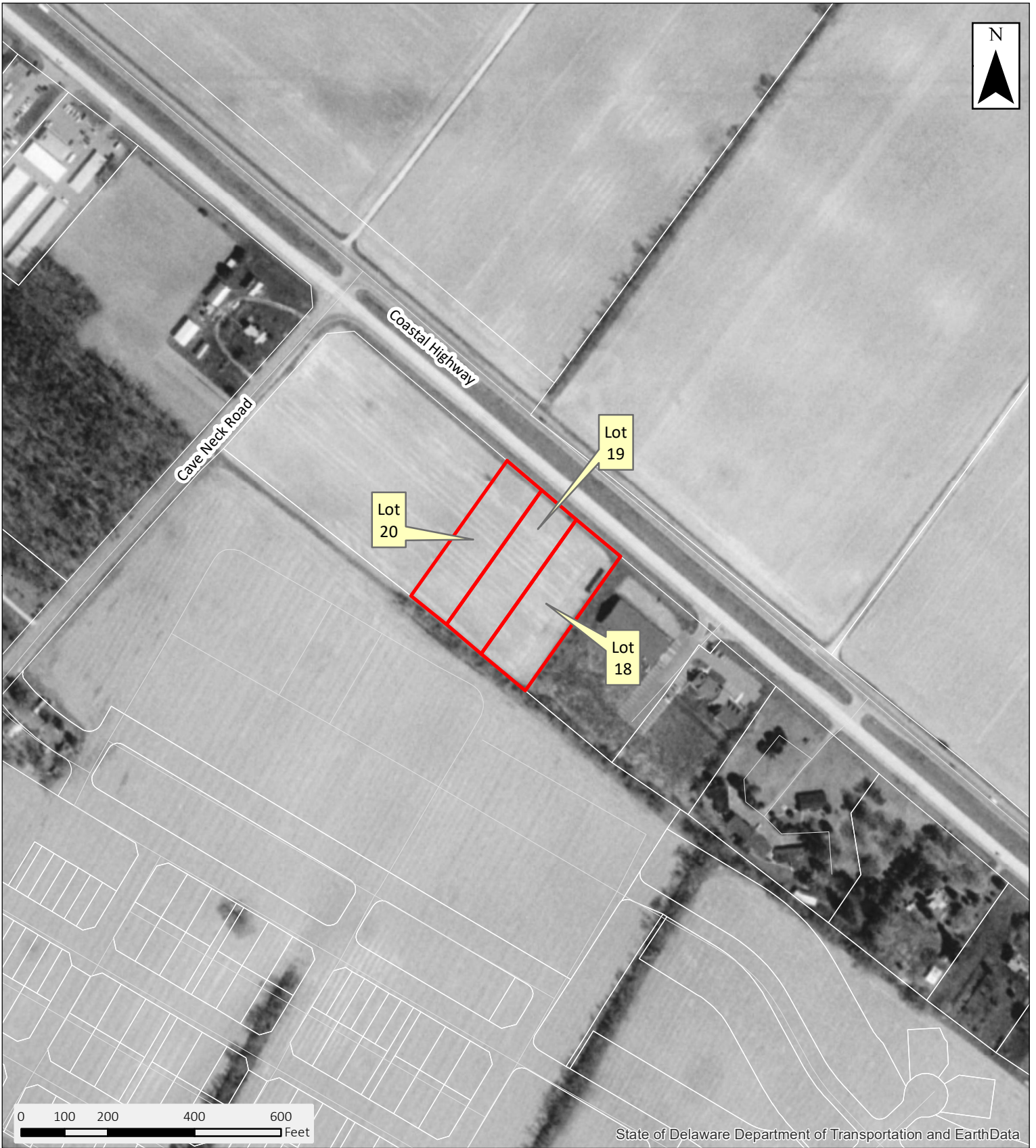


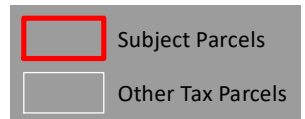
Figure 6 of 21.

6

1997 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001






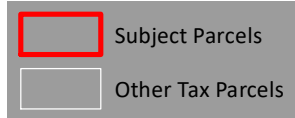
<p>Figure 7 of 21.</p> <p><b>7</b></p>	<p>1992 Delaware Orthophoto</p> <hr/> <p>Lots 18, 19, &amp; 20, Land of R.G. Houston</p> <hr/> <p>AROBN19001</p>		
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Figure 8 of 21.  <b>8</b>	<b>1968 Delaware Orthophoto</b>		
	Lots 18, 19, & 20, Land of R.G. Houston		
	AROBN19001		

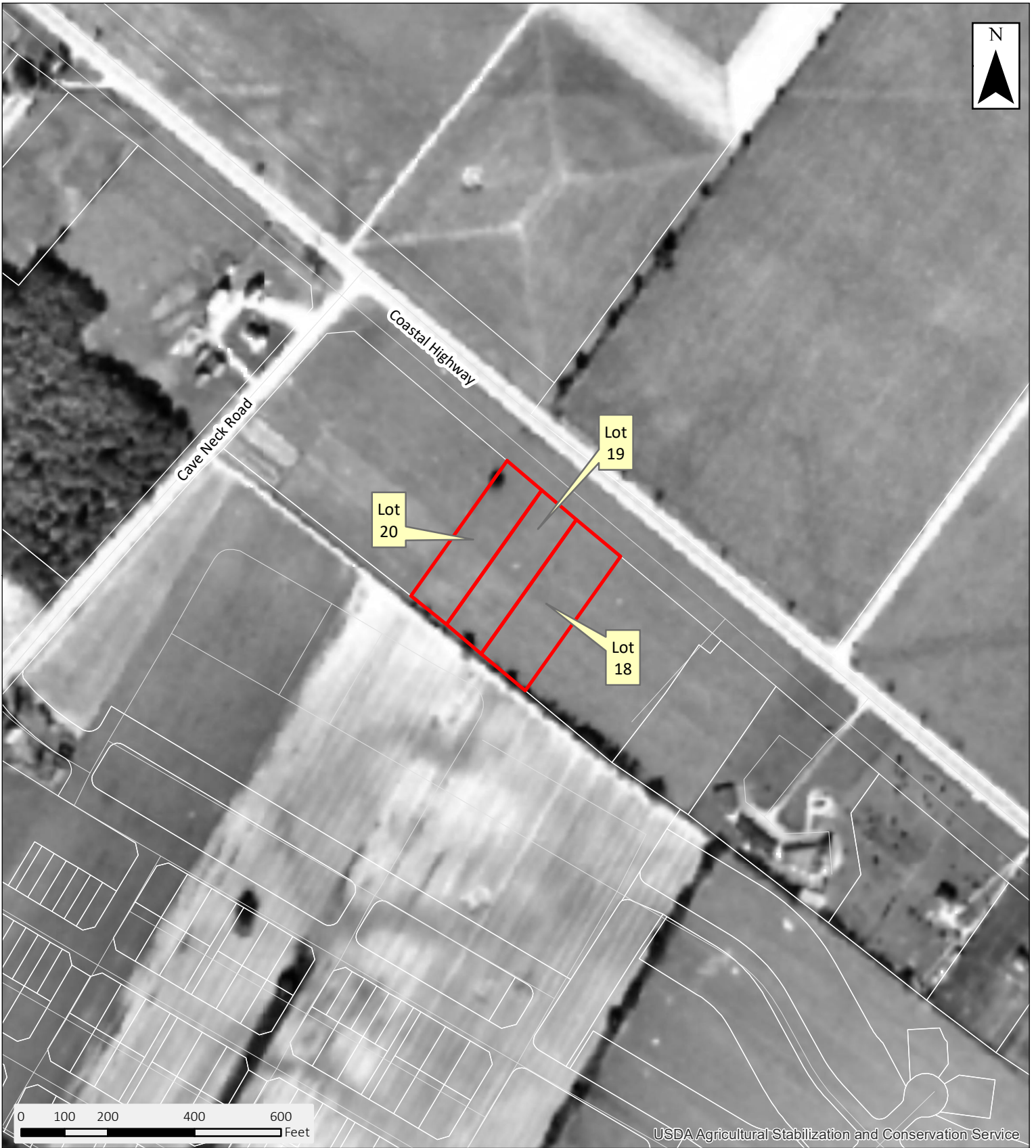


Figure 9 of 21.



9

1961 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



	Subject Parcels
	Other Tax Parcels

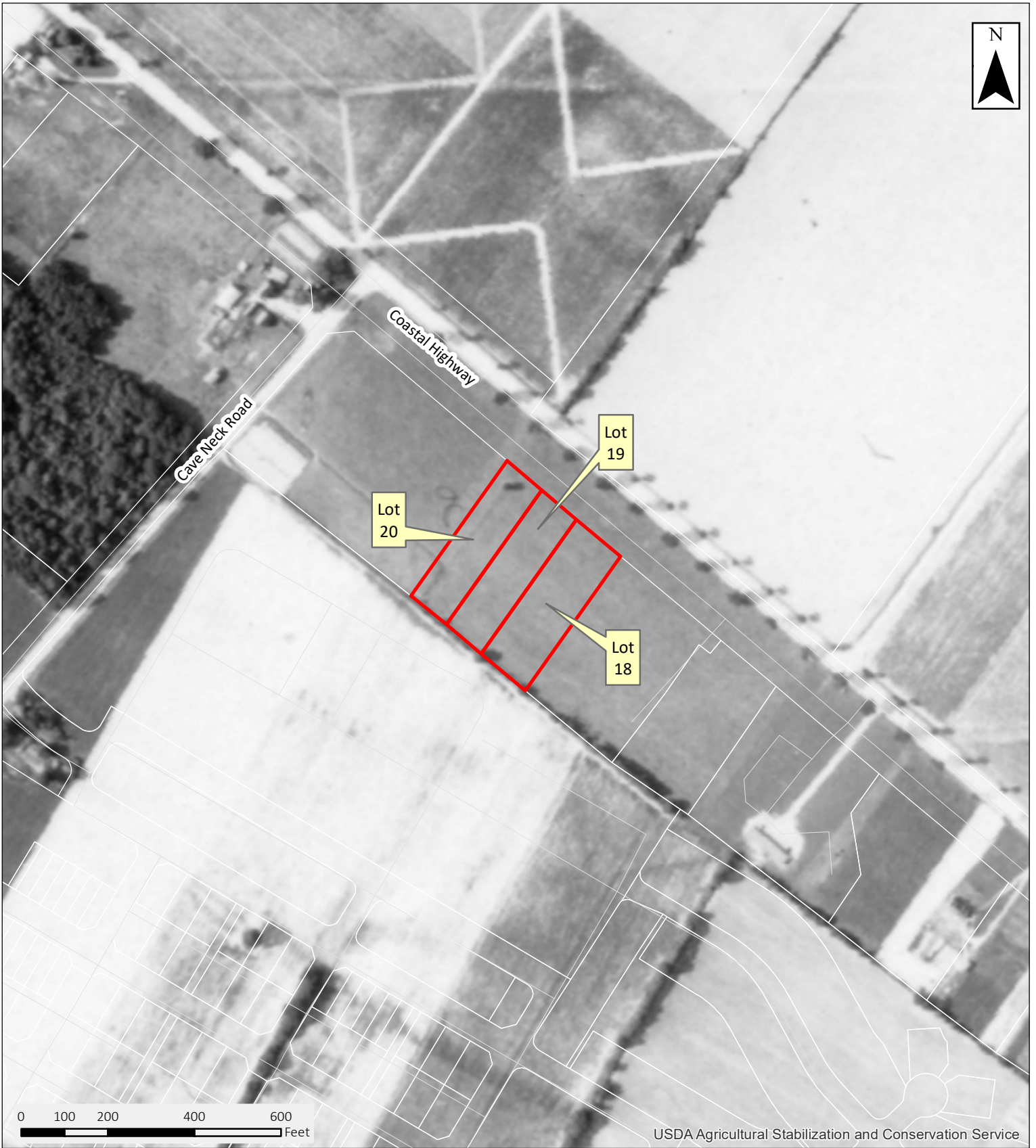
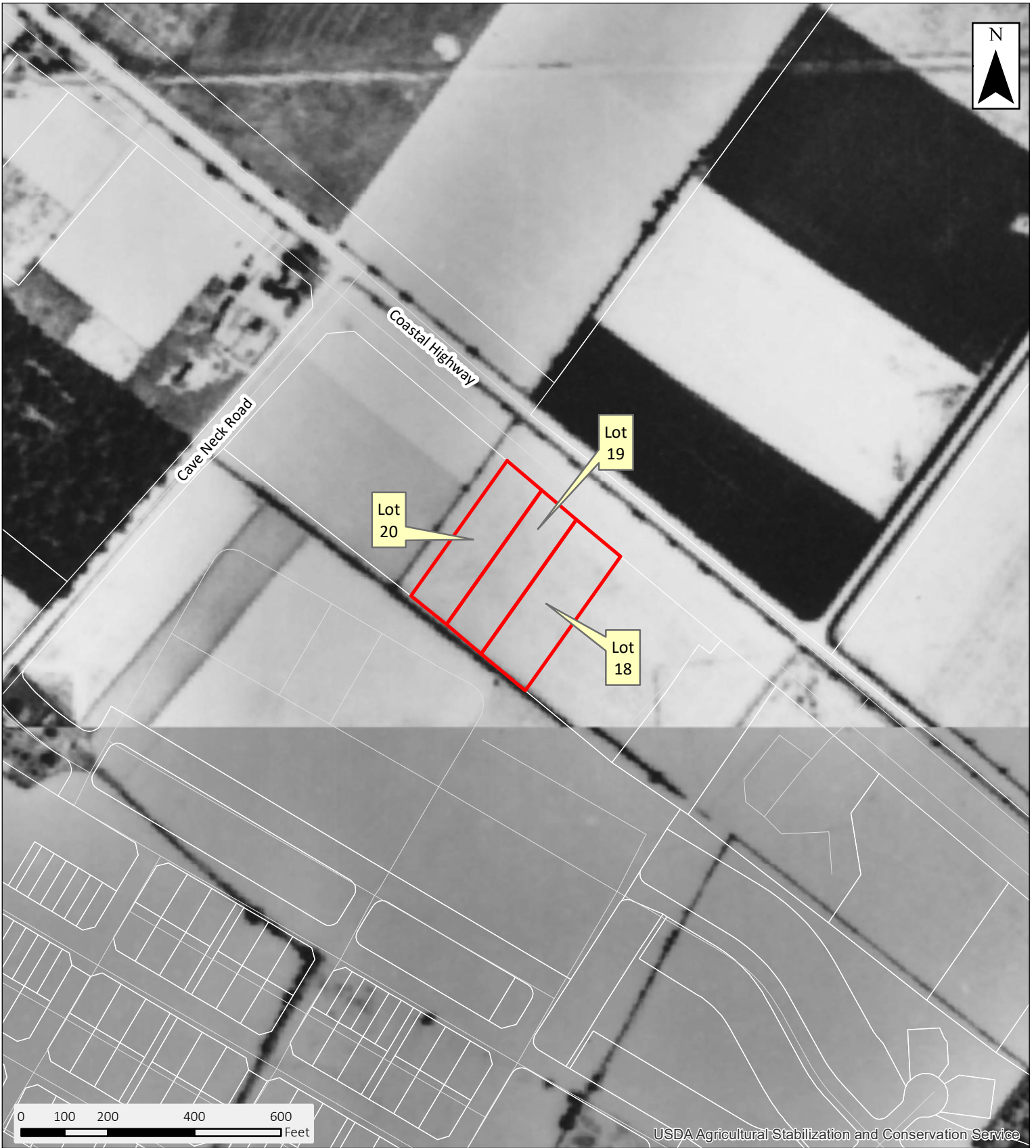


Figure 10 of 21.  <b>10</b>	<b>1954 Delaware Orthophoto</b>		
	Lots 18, 19, & 20, Land of R.G. Houston		
	AROBN19001		



<p>Figure 11 of 21.</p> <p><b>11</b></p>	<p>1937 Delaware Orthophoto</p> <hr/> <p>Lots 18, 19, &amp; 20, Land of R.G. Houston</p> <hr/> <p>AROBN19001</p>		
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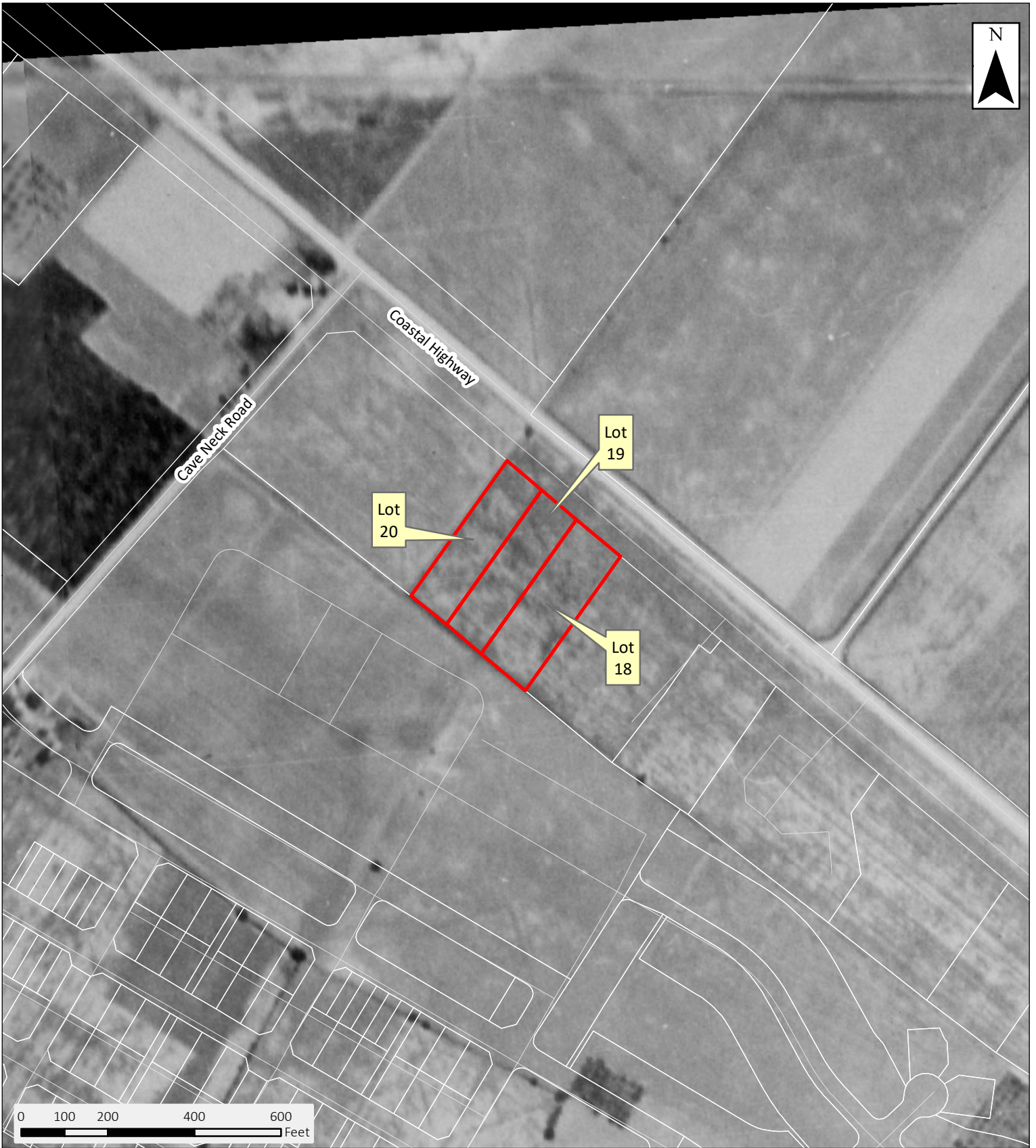


Figure 12 of 21.



12

1926 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



	Subject Parcels
	Other Tax Parcels



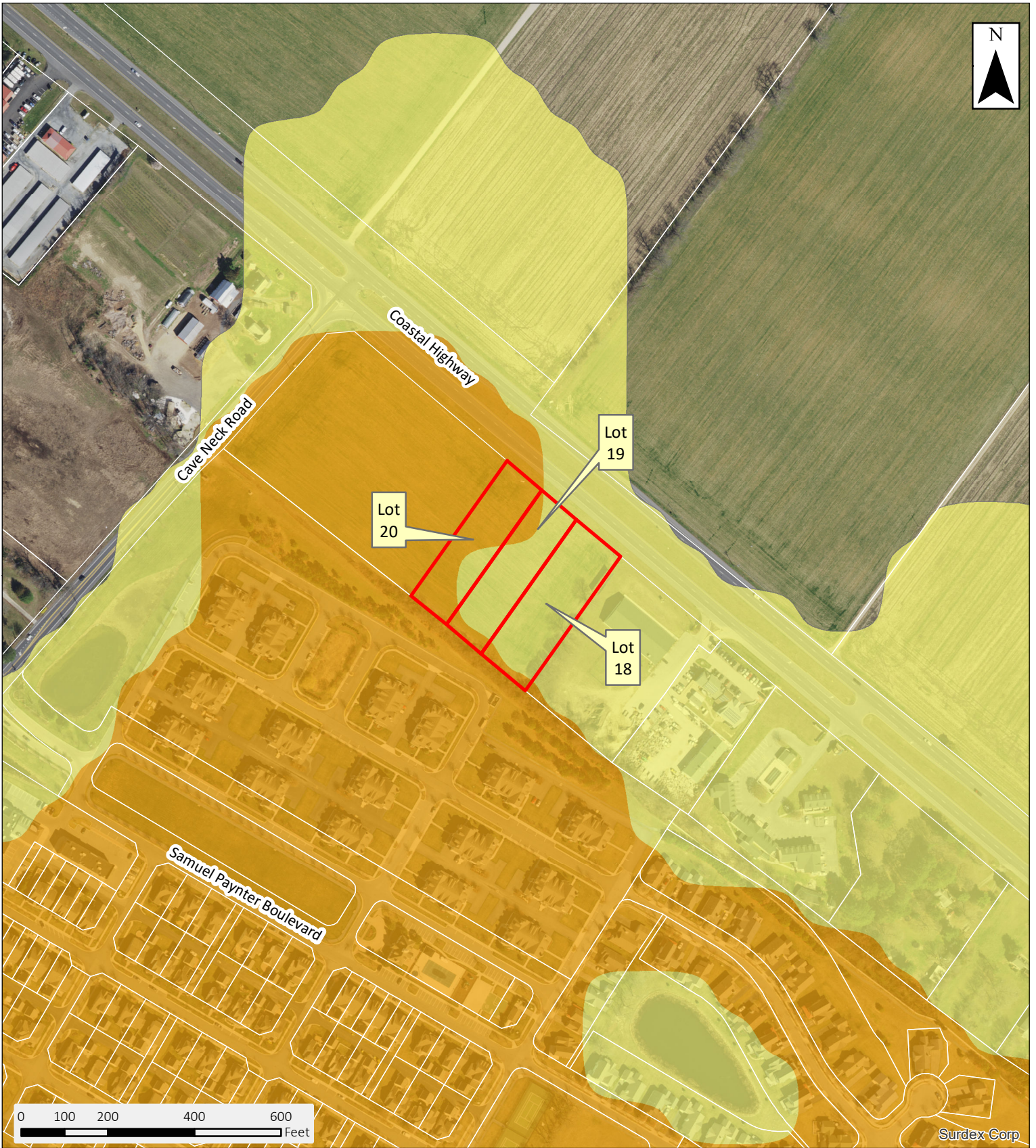


Figure 13 of 21.

13

2015 State Strategies  
& Investment Levels

Lots 18, 19, & 20, Land of R.G. Houston


AROBN19001



Investment Level

 Level 2

 Level 3

 Level 4 (unshaded)

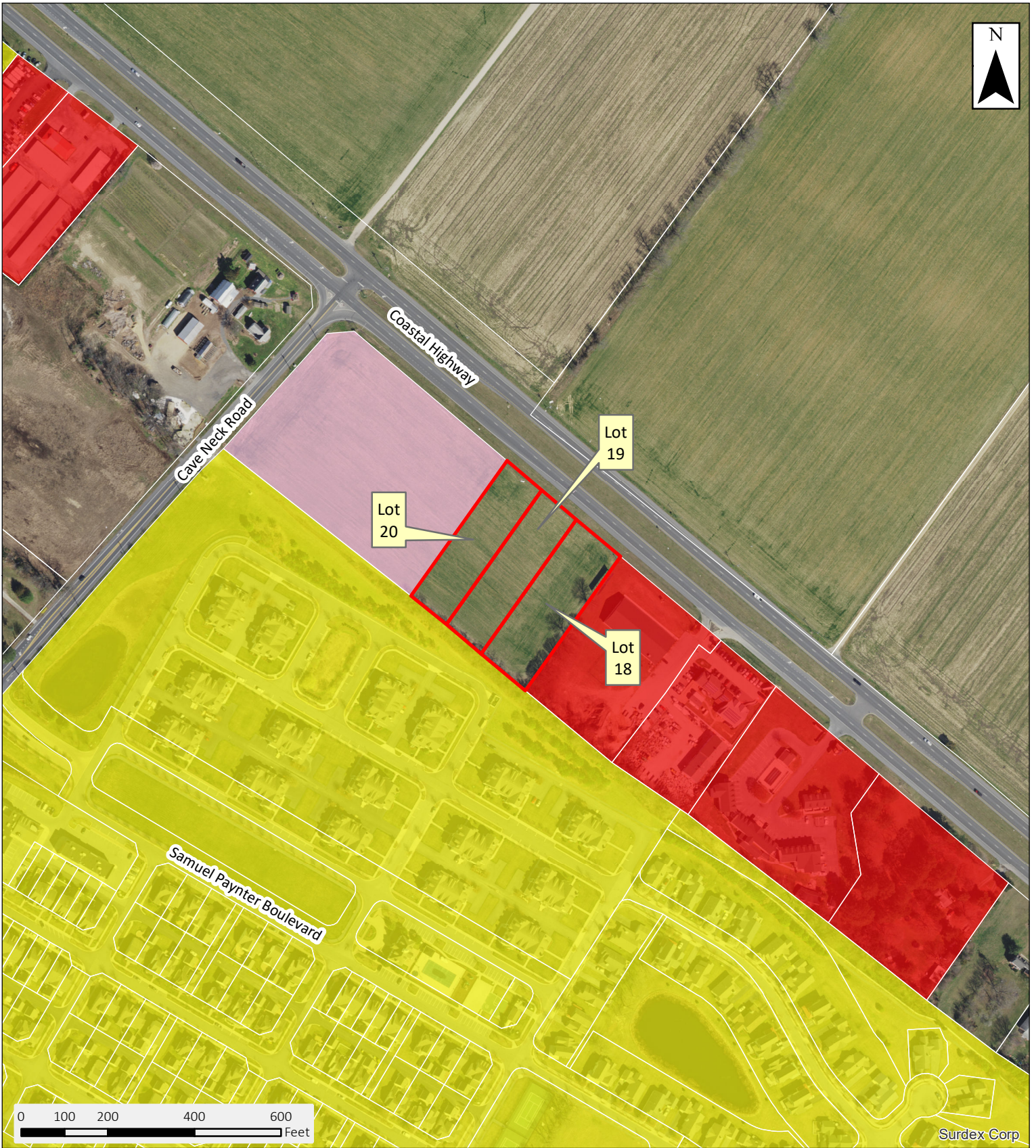


Figure 14 of 21.

14

### County Zoning Map

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



- Agricultural Residential (unshaded)
- General Commercial
- Medium Residential
- Neighborhood Business

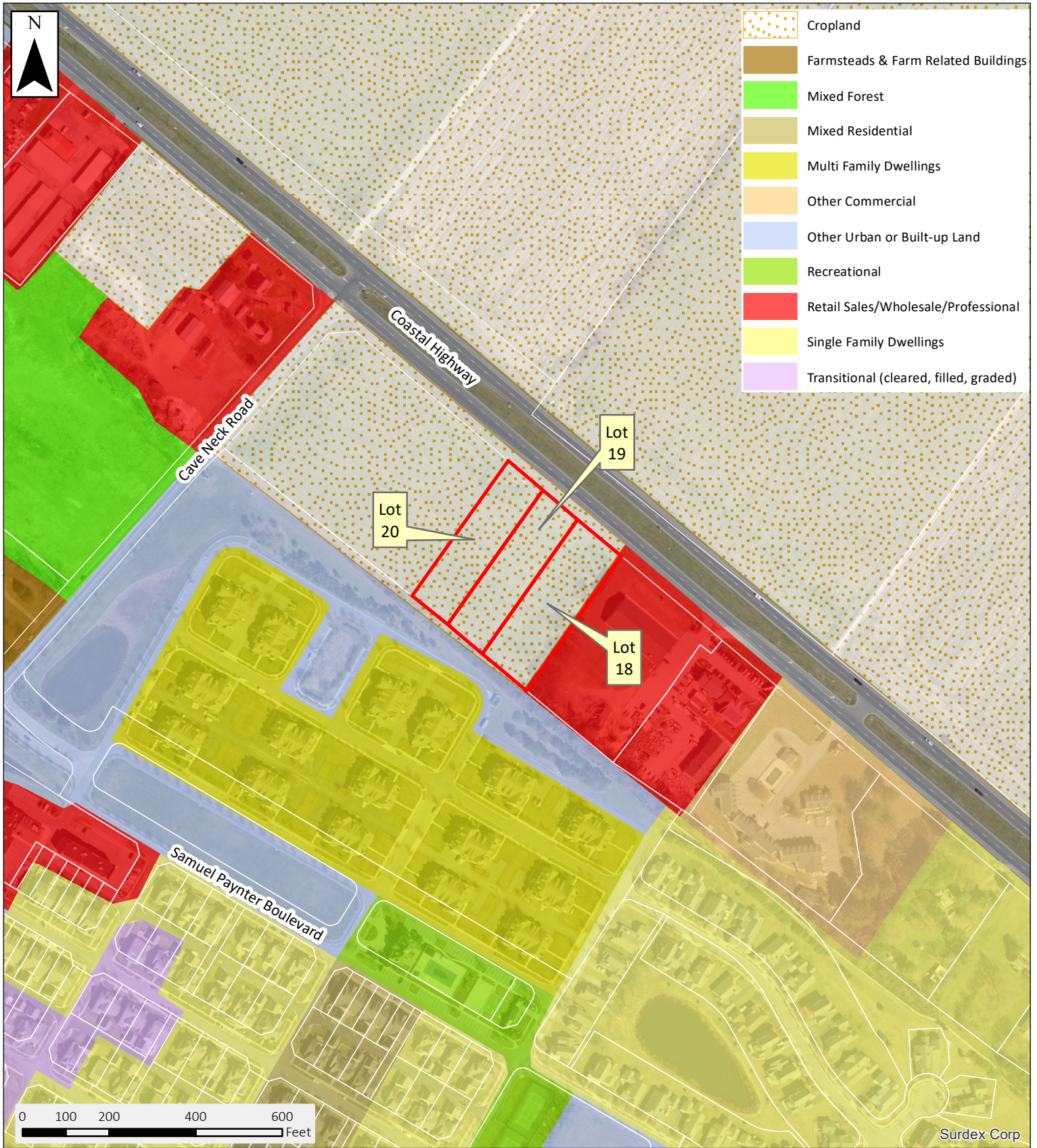


Figure 15 of 21.

15

2015 Land Use/Land Cover

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



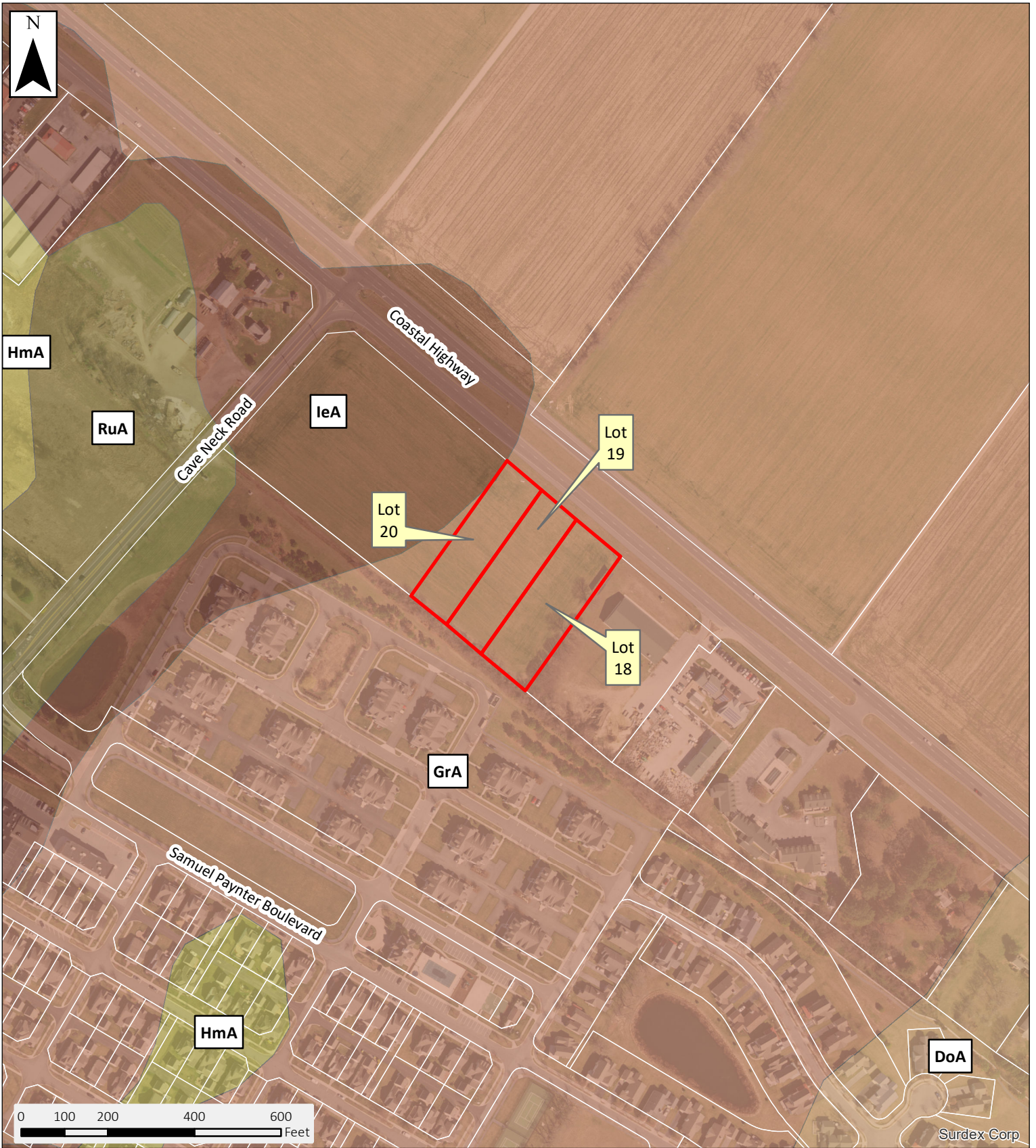


Figure 16 of 21.

16

### NRCS Soils Mapping

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



#### Soil Types:

GrA - Greenwich loam, 0-2% slopes, Group B

leA - Ingleside loamy sand, 0-2% slopes, Group A



Figure 17 of 21.

17

## State Wetlands Mapping

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



 DNREC Wetlands

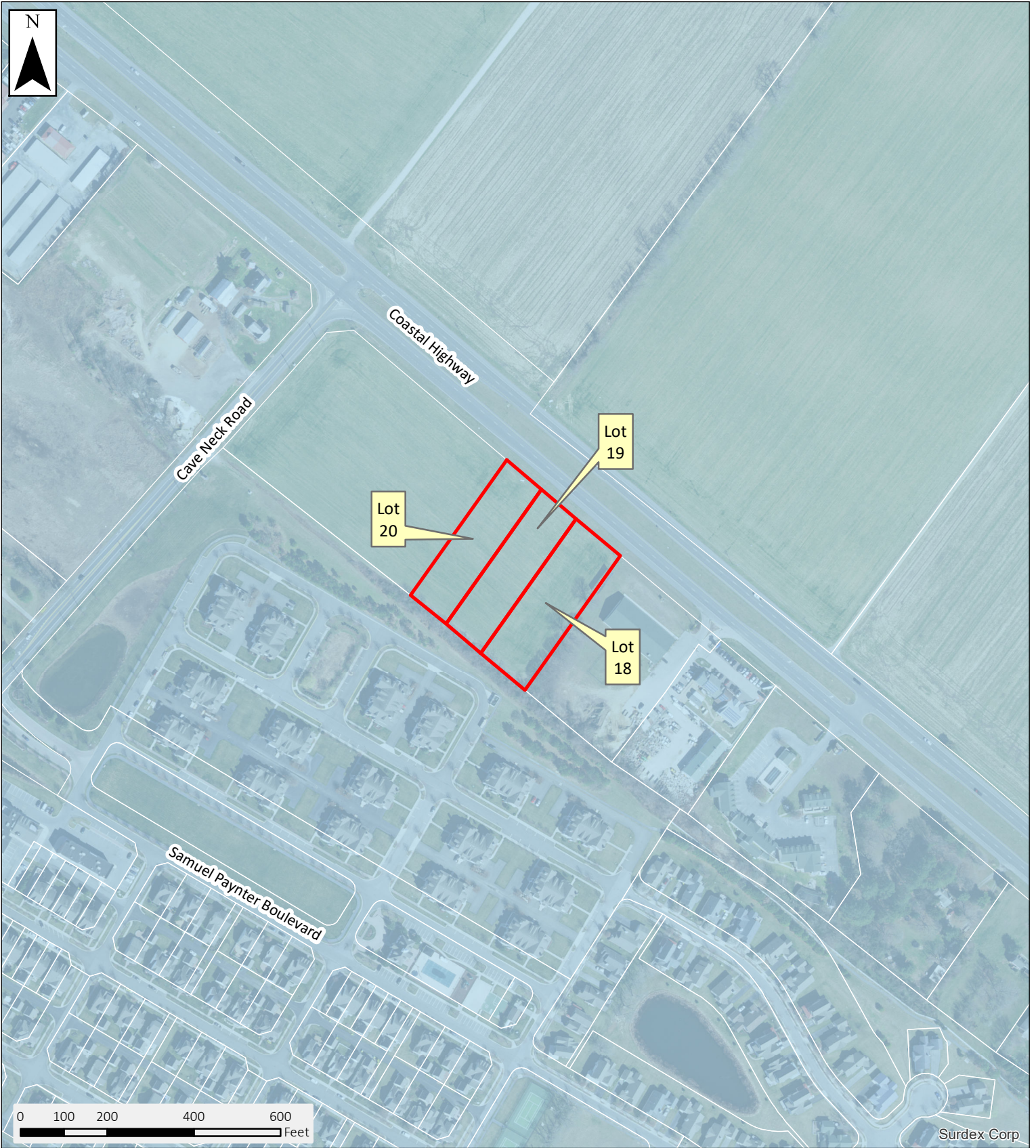


Figure 18 of 21.

18

FEMA Floodplain Mapping

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



Zone X

Flood Map #10005C0189K (3/16/15)

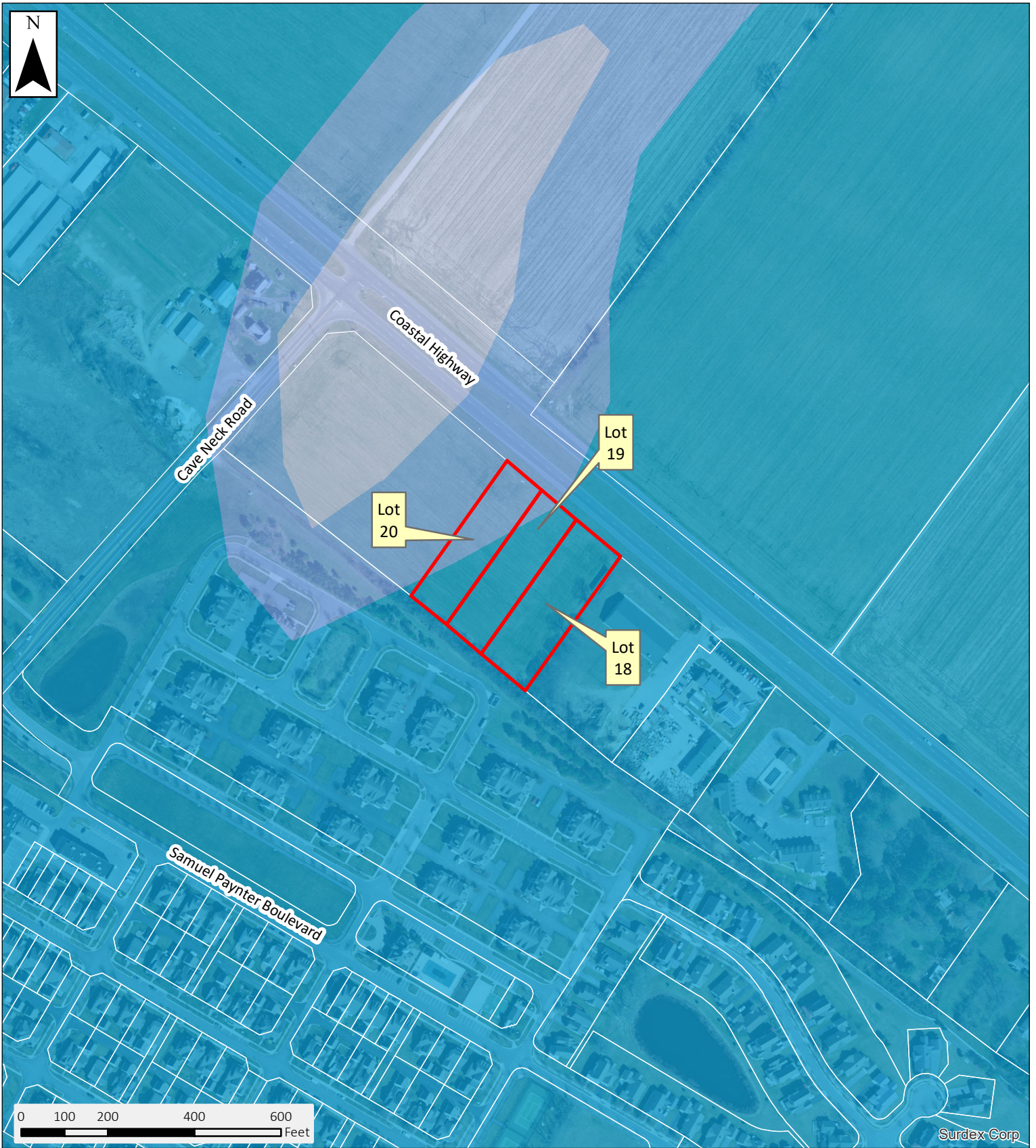




Figure 19 of 21.  <b>19</b>	<b>Groundwater Recharge Potential</b>		
	Lots 18, 19, & 20, Land of R.G. Houston		
	AROBN19001		

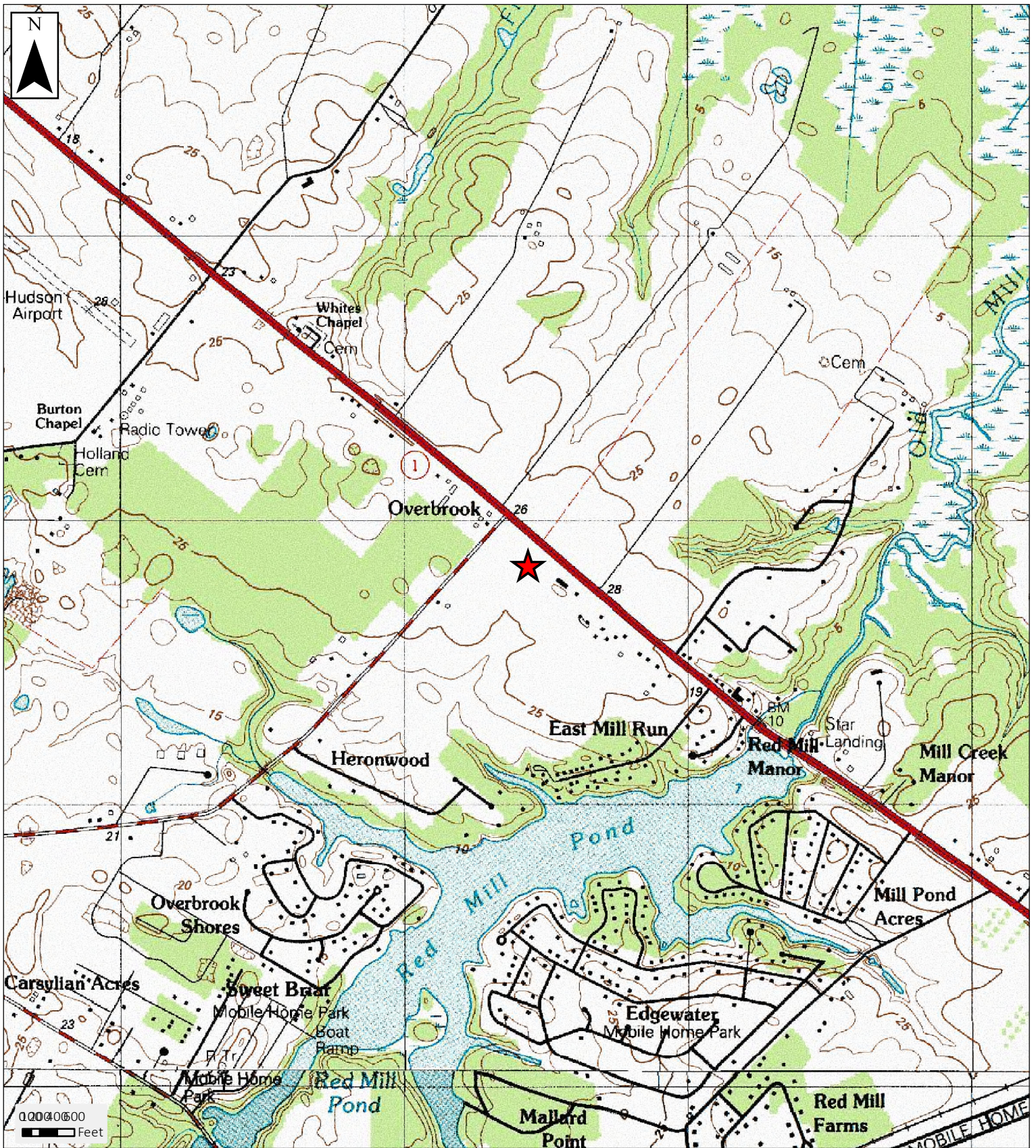


Figure 20 of 21.

USGS Topographic Map

20

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001





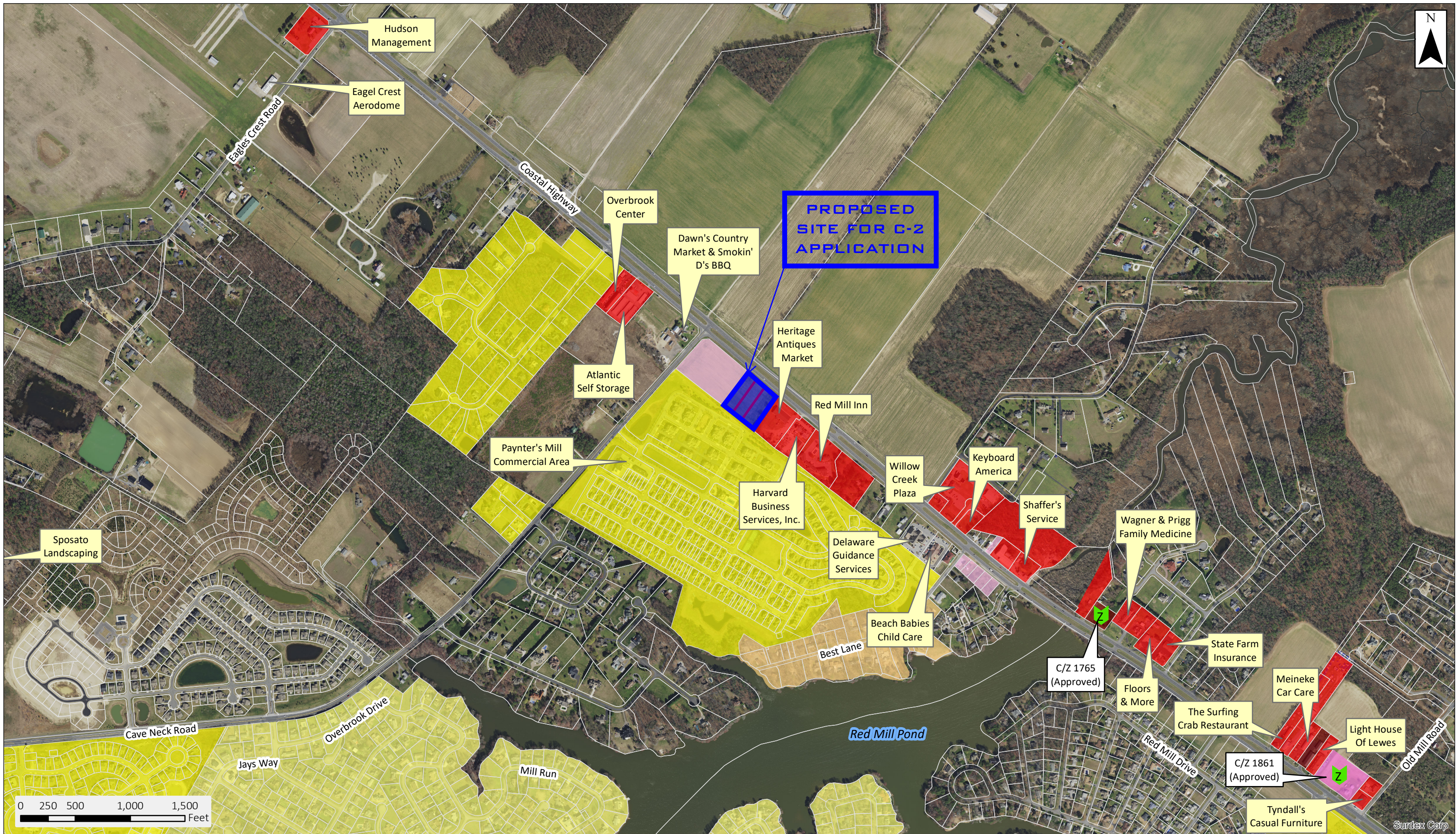


Figure 21 of 21.  
**21**  
**Area Commercial Uses**  
 Lots 18, 19, & 20 Land of R.G. Houston  
 AROBN19001



County Zoning	
AR-1 (unshaded)	CR-1
AR-2	C-1
	C-2
	GR
MR	B-1

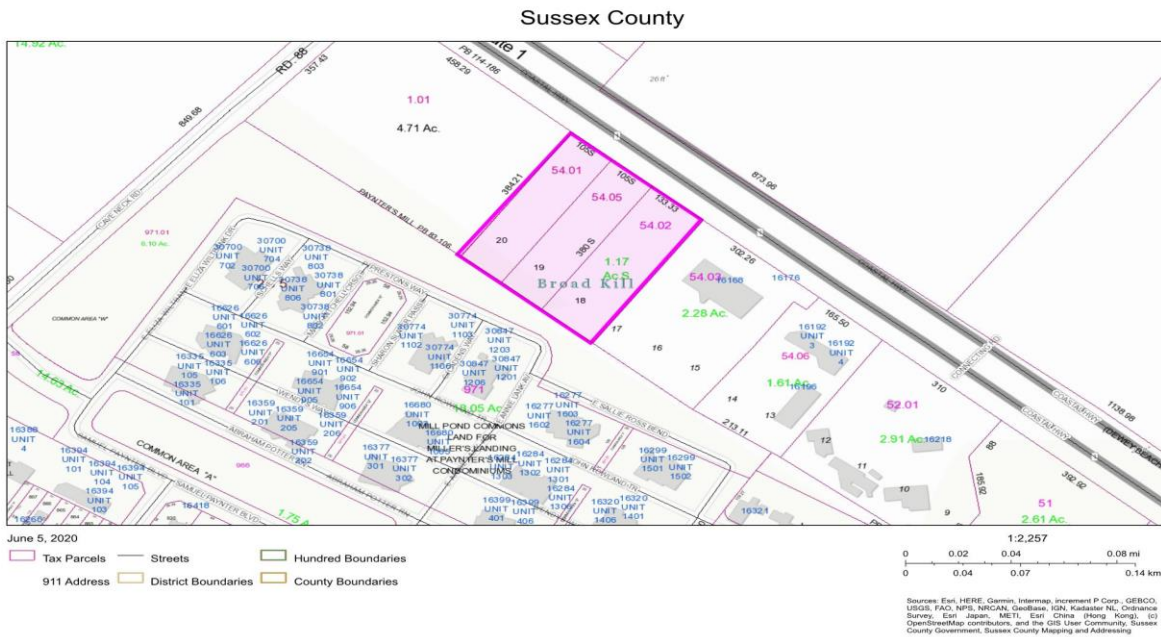
**ALICE P. ROBINSON, TRUSTEE**  
**CHANGE OF ZONE #1916**  
**PROPOSED FINDINGS OF FACT**

1. This is an application to grant a rezoning of a portion of lands in a AR-1 Agricultural Residential District located on 3.03 acres, more or less in the Broadkill Hundred located on the west side of Coastal Highway | DE Route One to C-2, Medium Commercial District.



2. The applicant is Alice P. Robinson, Trustee with Mrs. Alice Robinson representing the family properties. The subject properties have been in the Robinson family for over 100-years as well as farmlands across Route One.

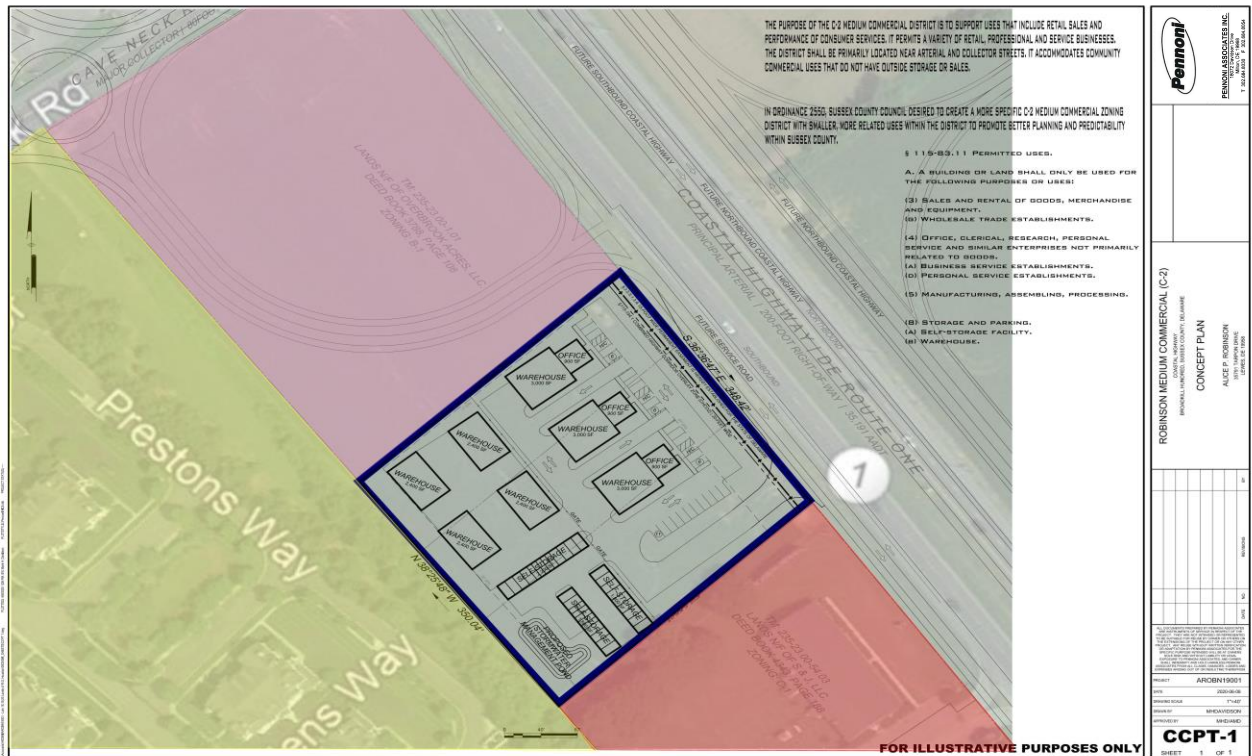
3. The properties are identified on the tax maps of the Sussex County Department of Finance as Tax Map No. 235-23.00 Parcels 54.01, 54.05, and 54.02.



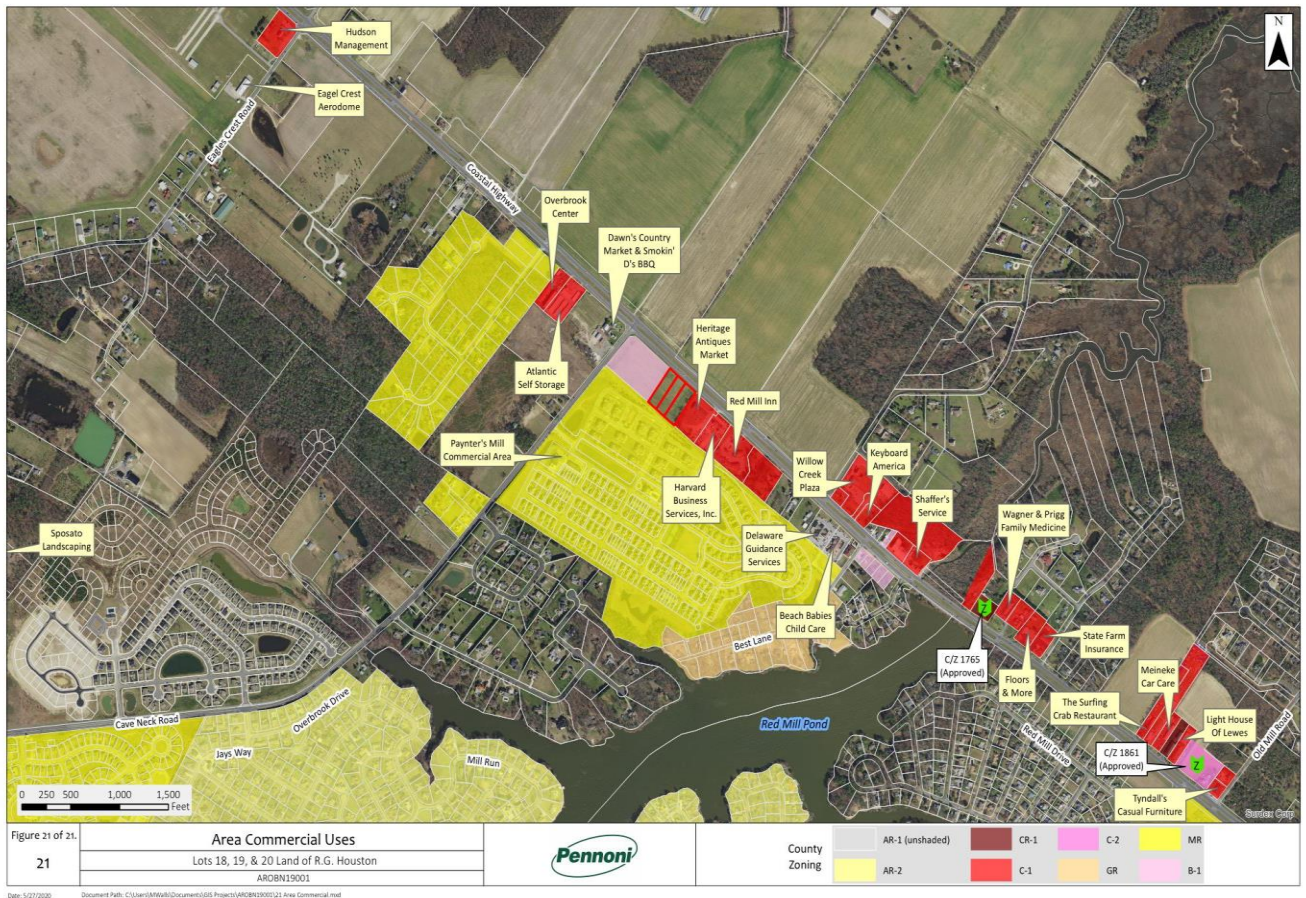
4. The properties are bordered on:
  - a. North by vacant B-1 zoned lands.
  - b. South by Heritage Antiques Market Zoned C-1
  - c. West by Paynter’s Mill – Mixed Use Single Family, Multi Family, Commercial Community
  - d. East by Coastal Highway, DE Route One a Principal Arterial Roadway



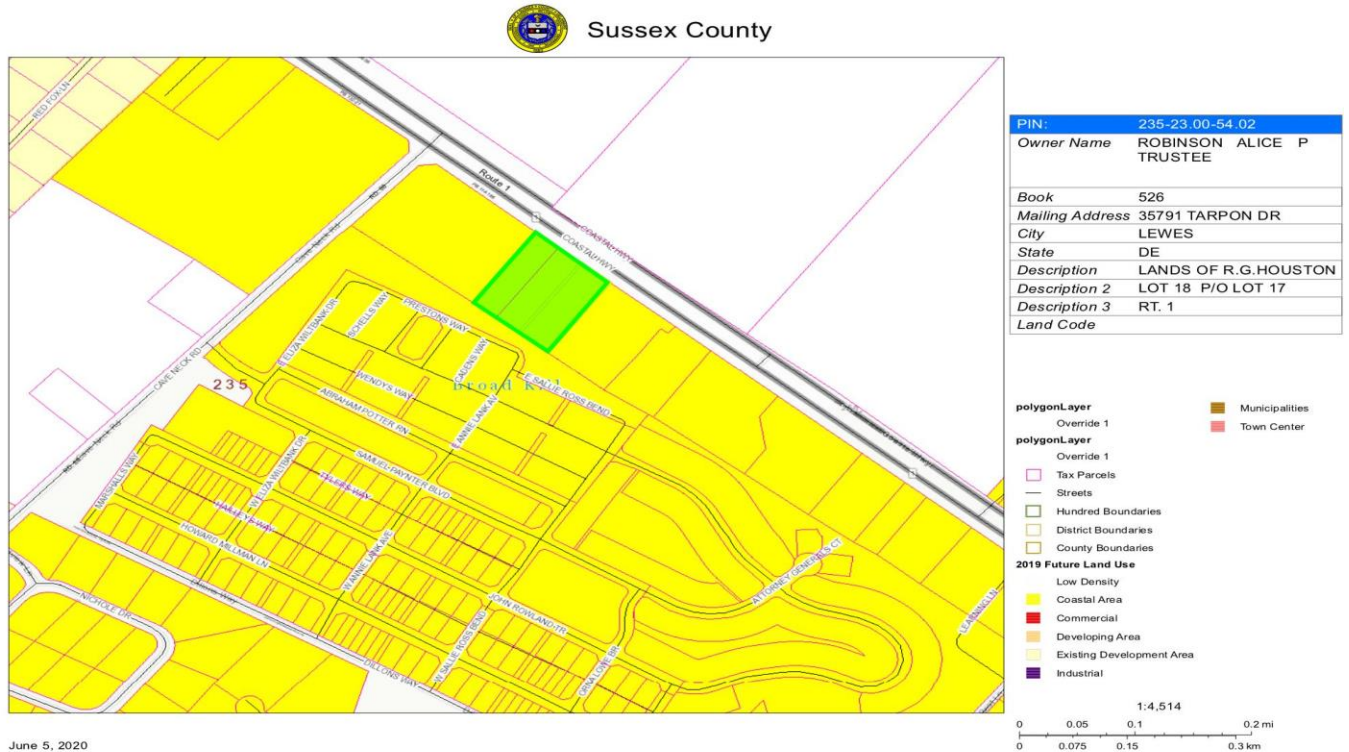
5. The purpose of the C-2 Medium Commercial District is to support uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and service businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.
  
6. In Ordinance 2550, Sussex County Council desired to create a more specific C-2 Medium Commercial zoning district with smaller, more related uses within the District to promote better planning and predictability within Sussex County.
  
7. The granting of this application for the commercial rezoning will allow the Robinson Family to create a medium commercial complex that will provide for service and construction trades to have a small office and storage area as well as smaller self-storage areas for residential purposes, centrally located, within a growth area of the county.



8. The proposed rezoning to C-2 for Mrs. Robinson is in the vicinity of other commercial zoned property and uses and will not diminish or impair property values within the neighborhood; will not create a public nuisance; or result in an increase in public expenditures



9. In the 2019 Sussex County Comprehensive Plan – the area for the proposed rezoning for Mrs. Robinson’s commercial property is identified to be in a Coastal Area which is a Growth Area. The Sussex Plan seeks to encourage the County’s most concentrated forms of new development to Growth Areas, including most commercial development.



June 5, 2020

10. The Sussex Plan suggests that each application should be reviewed on its own merit and does not have a negative impact on the surrounding area or the county in general. Some of the stated goals within the plan for new commercial zoning is to:

- a. Promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth - [The property is located within a Tier One Sussex County Unified Sanitary Sewer District as well as within tidewater Utility Water CPCN District].

- b. Promote commercial development in designated commercial, office, and industrial areas in a scale/intensity/distance appropriate to adjacent residential neighborhoods – [The property is adjacent to Paynter’s Mill and High Density Mixed Use Residential Planned Community on smaller lots and multi-family that would benefit with self-storage close to where they live; in addition, office and light commercial uses are appropriate within the Coastal Area].
  
- c. Engage in planning that considers the efficient location of public services and infrastructure while establishing future public sewer service areas that will help preserve open space by promoting orderly growth rather than unplanned sprawl – [Both water and sanitary sewer are already located adjacent to the property. These properties in this location with a commercial zoning, will prohibit any unplanned sprawl that the Comprehensive Plan is discouraging].
  
- d. Coordinate with DelDOT on road improvements and other transportation projects – [A potential concept of the property takes into account access from what DelDOT is proposing as a service road that will connect to the over pass being considered for the Cave Neck Road – Coastal Highway intersection. All Access improvements will be coordinated with all DelDOT sections for safe access to and from the properties. Although DelDOT did not require a traffic impact study as a part of this rezoning, the applicant understands that the property is subject to the Corridor Capacity Preservation Program and thus the C-2 Medium Commercial zoning and the uses permitted will minimize the any kind of high-volume traffic access to and from the property].

Since the comprehensive plan is a guide for the future use of land, the County’s official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
Coastal Area	Agricultural Residential District (AR-1) Medium Density Residential District (MR) General Residential District (GR) High Density Residential District (HR-1 & HR-2) Business Community District (B-2) Business Research (B-3) <b>Medium Commercial District (C-2)</b> Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) New Zoning Districts

Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads; Delaware Route One/Coastal Highway being a Principal Arterial. Light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

11. The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 2 and 3. This area is intermingled within a fast-growing area within the county and is adjacent to other Level 2 areas. The priorities in these Areas are for DelDOT to focus on regional movements between towns and other population centers. All infrastructure needs will be funded by the applicant.



Additional public infrastructure that will benefit the community, such as, road improvements and access improvements will be coordinated by the applicant.

12. There are no wetlands on the property; the property is located in a Flood Zone X Unshaded; there are no historical or natural features on the property ; stormwater will be onsite and use infiltration as its primary BMP for handling stormwater runoff; the properties are not in any Groundwater Protection Zones; the properties are not in any Wellhead Protection Area and there are no existing wooded areas on site that will need to be disturbed.
  
13. The proposed rezoning meets the general purpose of the Zoning Ordinance being located in an appropriate location meeting the purpose of this district and the future land use plans, strategies and objectives of the comprehensive plan that promotes growth and development through community design, mobility, utilities, transportation and economic development in an area where a general mixture of commercial and service activity now exists, which is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.