

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
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R. KELLER HOPKINS
J. BRUCE MEARS
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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 April 22nd, 2021

Application: CZ 1929 Ryan Lehmann

Applicant: Ryan Lehmann
26822 Lewes Georgetown Hwy
Harbeson, DE 19951

Owner: Manntino Realty Holdings, LLC
26822 Lewes Georgetown Hwy
Harbeson, DE 19951

Site Location: 26822 Lewes Georgetown Hwy. Located on the south side of Lewes Georgetown Hwy (Rt. 9) approximately 0.7 mile east of the intersection of Harbeson Rd (Rt. 5) and Lewes Georgetown Hwy (Rt. 9)

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Heavy Commercial District (C-3)

Comprehensive Land Use Plan Reference: Low Density

Councilmatic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Milton Fire Company

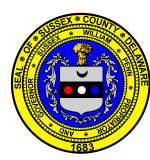
Sewer: Septic

Water: Private

Site Area: 1.4653 acres +/-

Tax Map ID.: 235-30.00-58.02 (portion of)



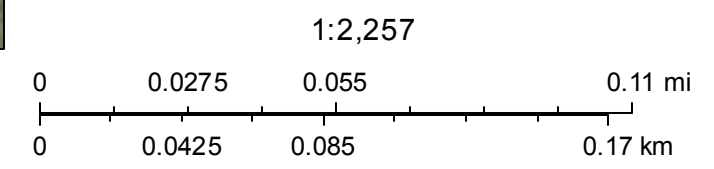


Sussex County



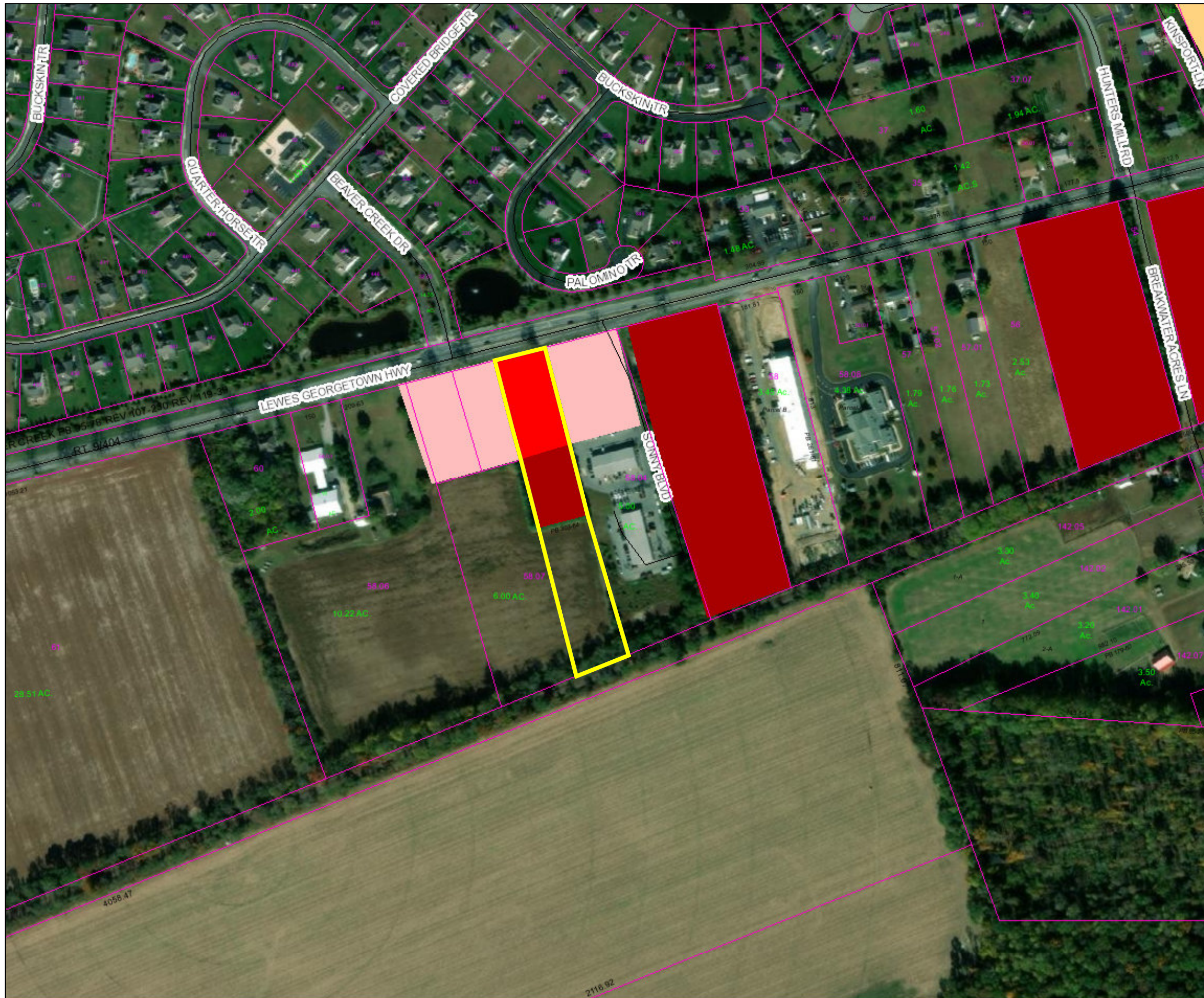
PIN:	235-30.00-58.02
Owner Name	MANNTINO REALTY HOLDINGS LLC
Book	4928
Mailing Address	26822 LEWES GEORGETOWN HWY
City	HARBESON
State	DE
Description	S/RT 18
Description 2	3200'W/RT 258
Description 3	
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Extent of Right-of-Way
- Municipal Boundaries





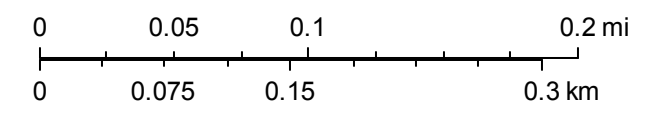
Sussex County



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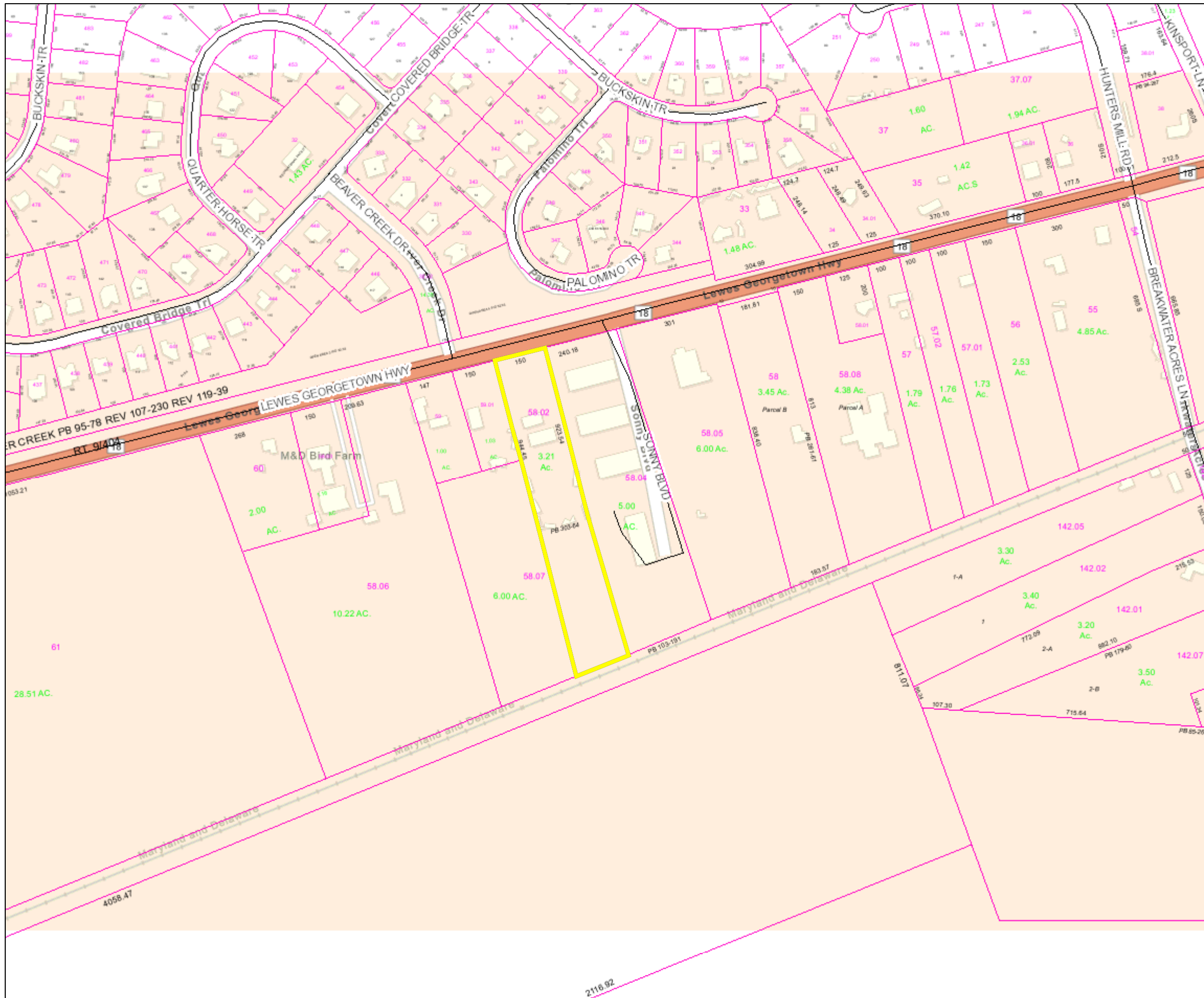
- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets

1:4,514





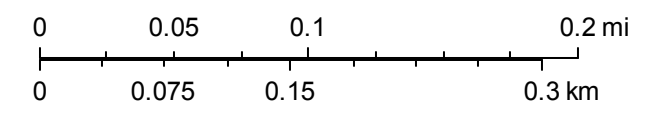
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- | | |
|--------------|------------|
| polygonLayer | Override 1 |
| polygonLayer | Override 1 |
- Tax Parcels
- Streets
- County Boundaries
- Extent of Right-of-Way
- Municipal Boundaries

1:4,514



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: April 15, 2021
RE: Staff Analysis for CZ 1929 Ryan Lehmann

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1929 Ryan Lehmann to be reviewed during the April 22, 2021 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 Change of Zone for Tax Parcel 235-30.00-58.02 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Heavy Commercial (C-3) Zoning District. The parcel is located on the south side of Lewes-Georgetown Hwy (Route 9) approximately 0.7 mile east of the intersection of Harbeson Rd (Rt. 5). The portion of the parcel to be rezoned contains 1.4563 acres +/-.

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 subject property has a split land use designation of "Existing Development Area" and "Low Density Area." The properties to the east and west also have the land use designation of Existing Development Area. The properties to the south, southeast and southwest all have designations of Low-Density Area.

Existing Development Areas consist primarily of existing residential development under the current General Residential and Medium Density Residential Zoning Districts, as well as some commercial uses. The Existing Development Area permits a full range of housing types which are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units.

The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. More intense commercial uses should be avoided in these areas. The properties to the north and northwest of the subject property also have the land use designation of Low Density.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories," the Heavy Commercial (C-3) Zoning District is not listed as an applicable zoning district in the "Low Density Area."



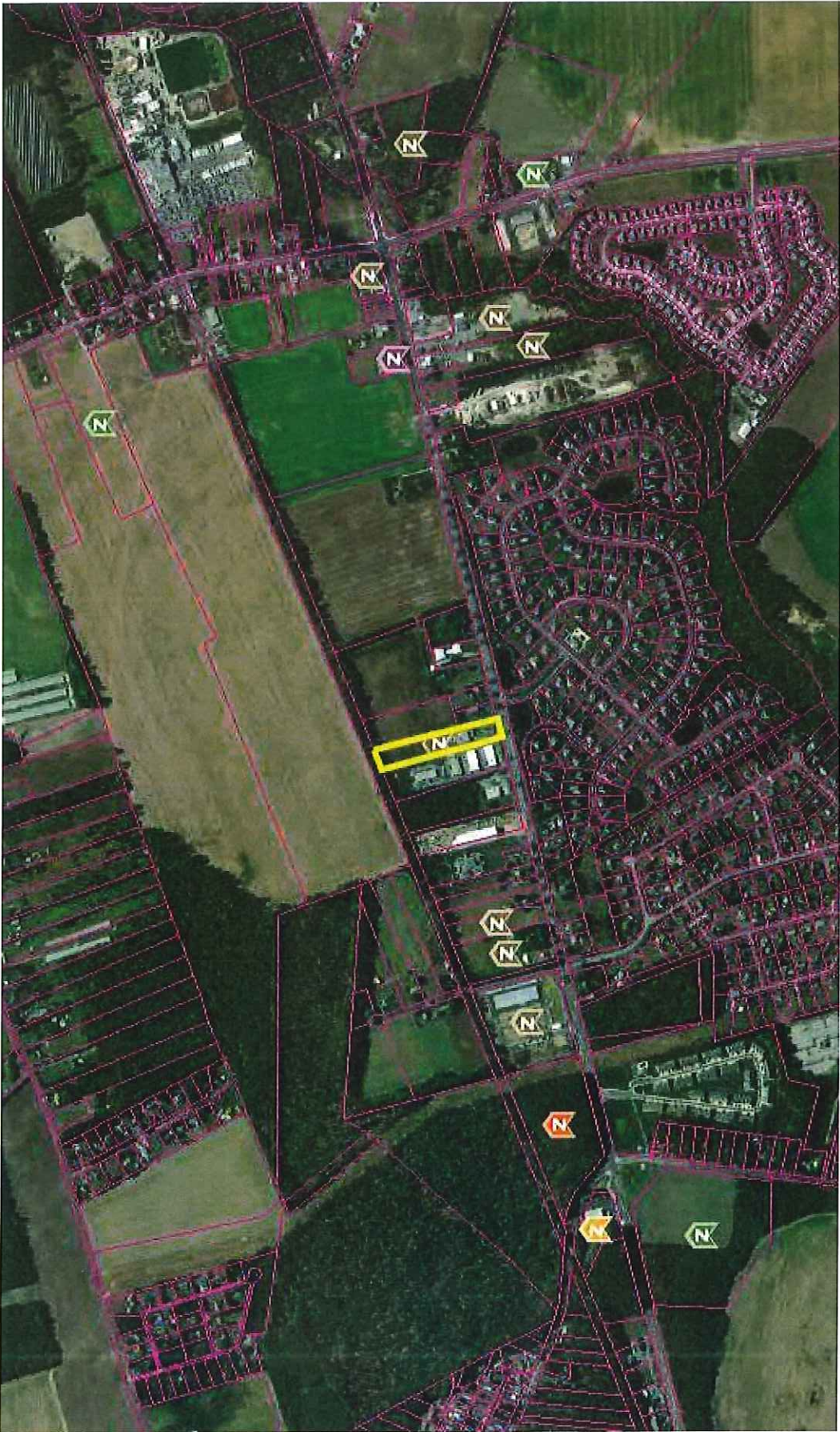
It is noted that there is a pending Ordinance to revise the Future Land Use Map to change a portion of the parcel's Future Land Use designation from the Low-Density Area to the Commercial Area.

Additionally, the subject property is tri-zoned with the most northern portion of the parcel being zoned General Commercial (C-1), the central portion zoned Commercial Residential (CR-1) and the portion of the rezoning being zoned Agricultural Residential (AR-1).

The properties to the east and west of the property are zoned Neighborhood Business (B-1). The properties to the south, southwest, and southeast of the subject site are zoned Agricultural Residential (AR-1). It should be noted there is another property zoned CR-1 Commercial Residential in the near vicinity to the east.

Since 2011, there have been fourteen (14) Change of Zone applications within a 1-mile radius of the application site. Of the fourteen applications, twelve (12) have been approved, one (1) has been denied, and one (1) was withdrawn. There has been one (1) Change of Zone application within the subject tax parcel. Change of Zone No. 1774 was for a change of zone from AR-1 to CR-1 and was approved by the Sussex County Council at their meeting on June 30th, 2015 and was adopted through Ordinance No. 2406. The additional Change of Zone's in the area have been shown on the attached map.

Based on the analysis of the land use, surrounding zoning and uses, and the future land use map amendment, the Change of Zone from an Agricultural Residential (AR-1) Zoning District to a Heavy Commercial (C-3) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.



Change of Zone Number	Tax Parcel #	APPLICANT	Current Zoning	Proposed Zoning	P&Z Decision	P&Z Decision Date	CC Decision	CC Decision Date	Ordinance Number
1904	235-30.00-51.00	Dry Acres, LLC (Jill Cicierski)	AR-1	C-2	Recommended Approval	5/28/2020	Approved	6/9/2020	2715
1899	235-30.00-131.01	Harbeson Farm Revex, LLC (USPS)	AR-1 and MR	B-2	Recommended Approval	10/10/2019	Approved	10/22/2019	2685
1868	235-30.00-10.02	Ronald Nanney	AR-1	C-2	Recommended Denial	04/11/19	Denied	4/30/2019	
1866	235-27.00-11.00 (portion of)	Triple B. Farms, LLC	AR-1	I-1	Recommended Approval	1/24/19	Approved	2/5/2019	2632
1812	235-30.00-50.00 (part of)	Oxford Chase Dev. Corp. (Dollar General)	AR-1	CR-1	Recommended Approval	2/23/2017	Approved	4/11/2017	2490
1808	235-30.00-63.00	William T. Peden III	AR-1	CR-1	Recommended Approval	8/25/2016	Approved	10/4/2016	2469
1778	235-30.00-68.00	John Floyd Lingo	AR-1	CR-1	Recommended Approval	7/9/2015	Approved	8/11/2015	2412
1777	235-30.00-56.00	Michael Makowski	AR-1	B-1	Withdrawn	6/24/2015	Withdrawn	6/24/2015	
1774	235-30.00-58.02	John R. & Susan K. Eisenbrey	AR-1	CR-1	Recommended Approval	5/21/15	Approved	6/30/2015	2406
1773	235-30.00-53.00	Ernest / Donna DeAngelis	AR-1	CR-1	Recommended Approval	5/21/2015	Approved	6/30/15	2405
1744	235-30.00-55.00	Phillips Gross/Prenrice Watkins	AR-1	CR-1	Recommended Approval	2/27/14	Approved	5/13/2014	2351
1726	235-30.00-26.00	Robert M. & Sandra E. Davidson	AR-1	CR-1	Recommended Approval	2/28/13	Approved	3/26/13	2298
1724	235-30.00-8.02	Central Storage @ Harbeson, LLC	AR		Recommended Approval	1/24/2013	Approved	4/16/13	2301
1718	235-30.00-27.00	Gary L. Hudson, Trustee	AR-1	CR-1	Recommended Approval	7/12/2012	Approved	8/7/12	2273

File #: C/2 1429
202010314

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

26822 Lewes Georgetown Hwy, HARBESON, DE 19951

Type of Conditional Use Requested:

Tax Map #: 2-35-30-00-58.02 Size of Parcel(s): 1.4653

Current Zoning: AR-1 Proposed Zoning: C3 Size of Building: _____

Land Use Classification: _____

Water Provider: WEL Sewer Provider: SEPTIC

Applicant Information

Applicant Name: RYAN LEHMANN
Applicant Address: 26822 Lewes Georgetown Hwy
City: HARBESON State: DE Zip Code: 19951
Phone #: 302-569-5869 E-mail: Ryan@backyardworks.net

Owner Information

Owner Name: MANNING REALTY Holdings LLC
Owner Address: 26822 Lewes Georgetown Hwy
City: HARBESON State: DE Zip Code: 19951
Phone #: 302-569-5869 E-mail: Ryan@backyardworks.net

Agent/Attorney/Engineer Information

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



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**
 - Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
 - Provide Fee \$500.00**
 - Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
 - Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- 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: 3/17/2020

Signature of Owner

Date: 3/17/2020

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: _____



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

JENNIFER COHAN
SECRETARY

April 2, 2020

Mr. Jamie Whitehouse, Acting 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 **Manntino Realty Holdings, LLC, c/o Ryan Lehmann** rezoning application, which we received on March 17, 2020. This application is for an approximately 1.75-acre parcel (Tax Parcel: 235-30.00-58.02). The subject land is located on the south side of US Route 9, approximately 3,690 feet southeast of the intersection of US Route 9 and Delaware Route 5. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-1 (General Commercial) for an unspecified commercial use.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 14,132 and 18,188 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.

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.



Mr. Jamie Whitehouse
Page 2 of 2
April 2, 2020

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,

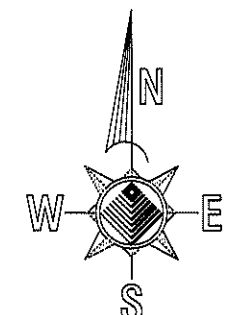
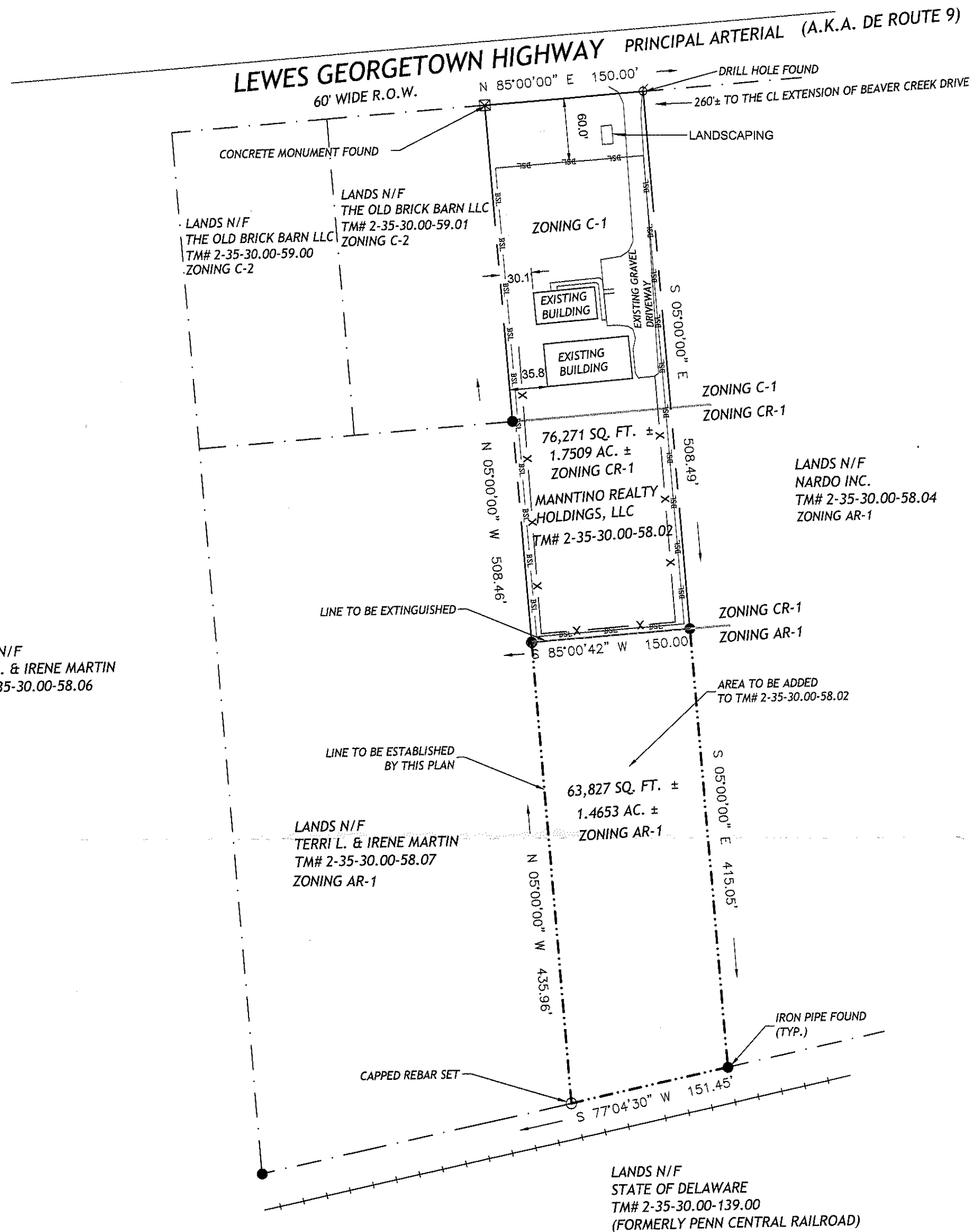


T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Manntino Realty Holdings, LLC, c/o Ryan Lehmann, Applicant
J. Marc Coté, Director, Planning
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, 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

Warning: Original paper plans contain a red ink stamp of a professional seal. Unofficial copies may contain fraudulent, incorrect, erroneous, or misleading information or omit important and relevant information. Do not use or rely on unauthenticated copies.



DELAWARE COORDINATE SYSTEM OF 1983
NAD 83 (NA 2011, EPOCH 2010)

DATA COLUMN

TAX MAP.....	2-35-30.00-58.02		
ZONING.....	C-1,	CR-1,	AR-1
FRONT.....	60 FEET	60 FEET	50 FEET
SIDE.....	5 FEET	5 FEET	15 FEET
REAR.....	5 FEET	5 FEET	20 FEET

TOTAL LOTS..... 1

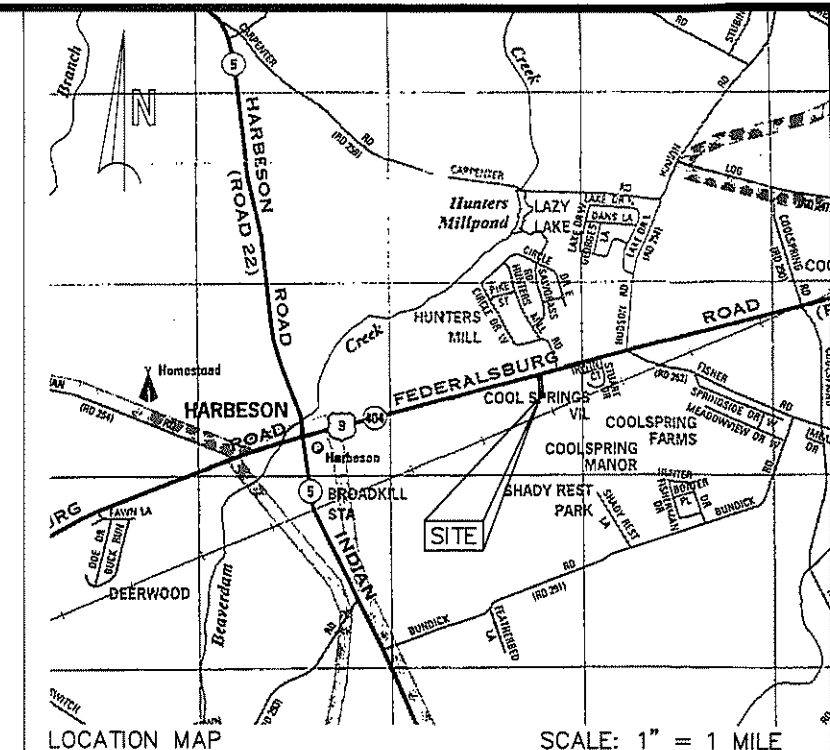
AREA:
EXISTING.....1.7509 AC.±
AREA TO BE ADDED.....1.4653 AC.±
TOTAL.....3.2162 AC.±

SEWER.....ON SITE
WATER.....ON SITE
USE
PRESENT: GENERAL COMMERCIAL
PROPOSED: GENERAL COMMERCIAL

OWNER OF RECORD:
MANNTINO REALTY HOLDINGS, LLC
26533 LEWES GEORGETOWN HIGHWAY
HARBESON, DE 19951

LEGEND

- EXISTING PROPERTY LINE
- EXISTING ADJOINER PROPERTY LINE
- ZONING LINE
- - - - - LINE TO BE ESTABLISHED
- LINE TO BE EXTINGUISHED
- x — x — EXISTING FENCE
- EXISTING RAILROAD
- ⊕ CONCRETE MONUMENT FOUND
- IRON PIPE FOUND
- CAPPED REBAR SET



SURVEYOR'S CERTIFICATION

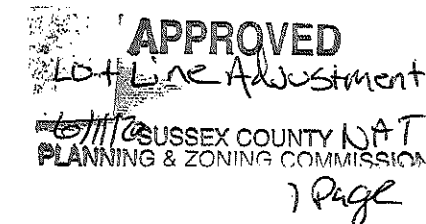
I, ROBERT W. NASH, P.L.S. #551, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

Robert W. Nash
ROBERT W. NASH, PLS 551
DATE 2/10/2020

OWNERS CERTIFICATION

I, MANNTINO REALTY HOLDINGS LLC, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

[Signature]
MANNTINO REALTY HOLDINGS, LLC
AUTHORIZED SIGNATURE DATE 2/10/2020



MANNTINO REALTY HOLDINGS, LLC	
MINOR LOT LINE ADJUSTMENT	
MERESTONE CONSULTANTS, INC. ENGINEERS - PLANNERS - SURVEYORS	BROADKILL HUNDRED SUSSEX COUNTY, DELAWARE
	DATE: 24 JANUARY 2020
5215 WEST WOODMILL DRIVE WILMINGTON, DE 19808 PH: 302-992-7900 FAX: 302-992-7911	38516 CROSSING AVE. FIVE POINTS SQUARE UNIT 1 LEWES, DE 19958 PH: 302-226-5880
T.M.: 2-35-30.00-58.02	W.O.: 24494L SCALE: 1" = 100' F.B.: 24494 DISK: