

PLANNING & ZONING COMMISSION

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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, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: November 12th, 2020

Application: CZ 1930 Indian River School District

Applicant: Indian River School District
31 West Hosier St
Selbyville, DE 19975

Owner: Indian River School District
31 West Hosier St
Selbyville, DE 19975

Site Location: 26026 Patriots Way. The property is lying on the east and west side of Patriot's Way

Current Zoning: AR-1 Agricultural Residential Zoning District

Proposed Zoning: I-1 Institutional Zoning District

Comprehensive Land
Use Plan Reference: Commercial & Low Density

Councilmanic
District: Mr. Rieley & Mr. Wilson

School District: Indian River School District

Fire District: Millsboro Fire Department

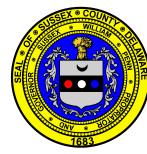
Sewer: Town of Georgetown

Water: Owned by Applicant

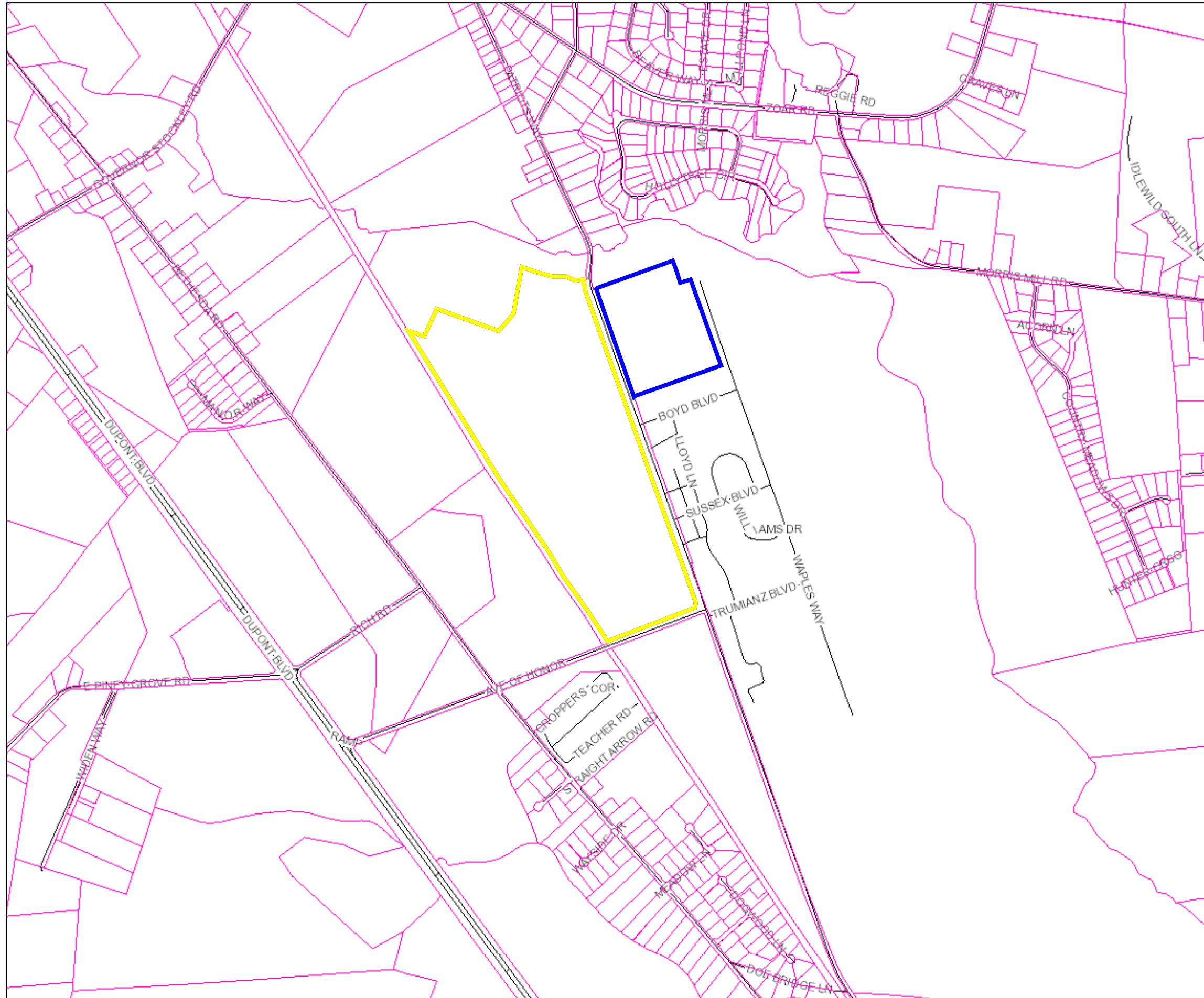
Site Area: 186.98 acres +/-

Tax Map ID.: 133-7.00-8.01 & 133-11.00-105.00





Sussex County



PIN:	133-11.00-105.00	
Owner Name	INDIAN RIVER	SCHOOL DISTRICT
Book	4278	
Mailing Address	31 HOSIER ST	
City	SELBYVILLE	
State	DE	
Description	NW INTERSECTION	
Description 2	RD 86 RD 318	
Description 3		
Land Code		

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Override 1

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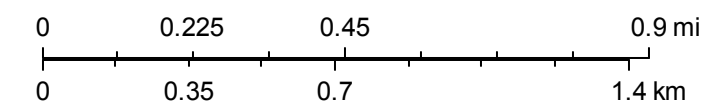
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Tax Parcels

Streets

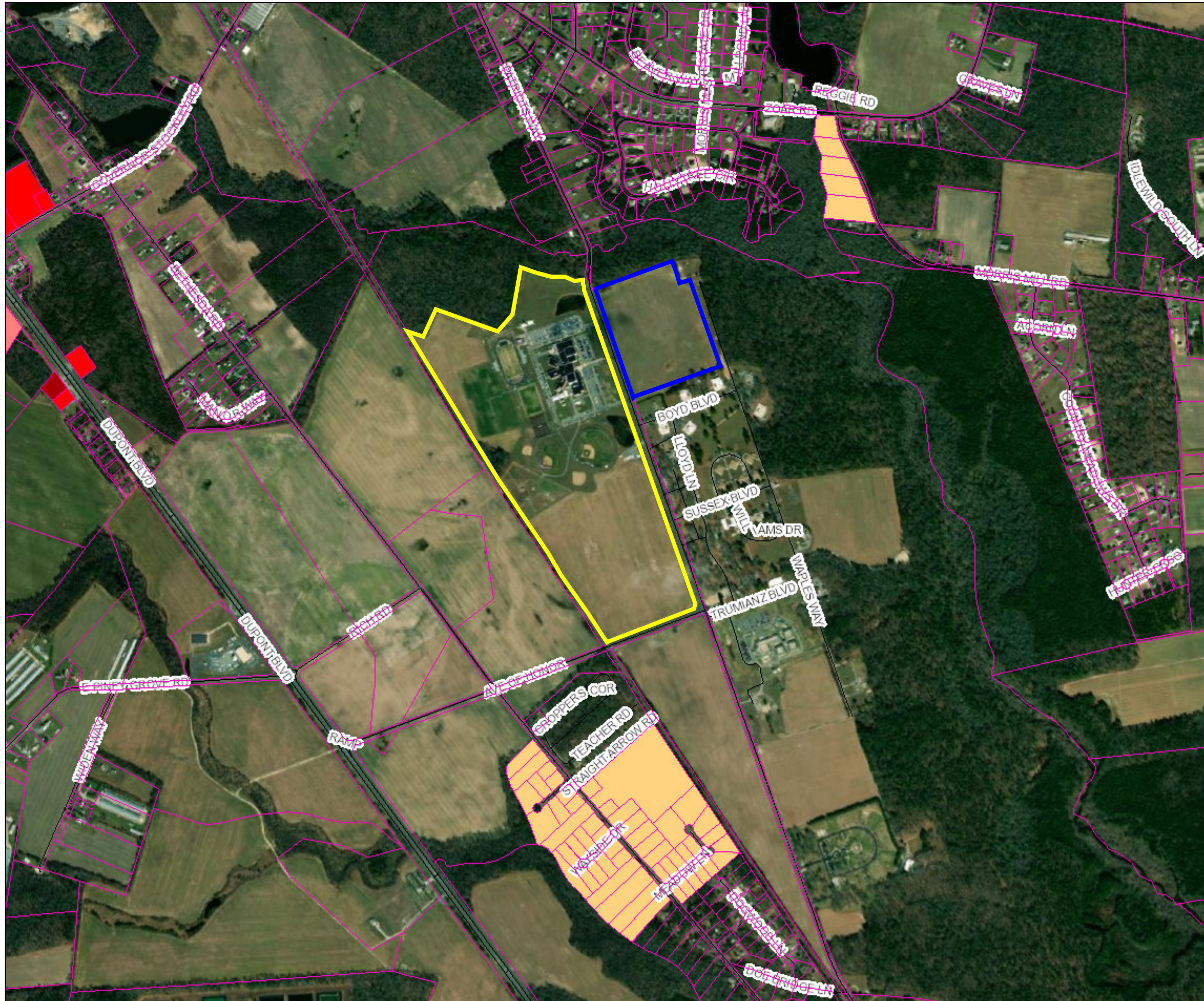
County Boundaries

1:18,056





Sussex County





PIN:	133-11.00-105.00	
Owner Name	INDIAN RIVER	SCHOOL DISTRICT
Book	4278	
Mailing Address	31 HOSIER ST	
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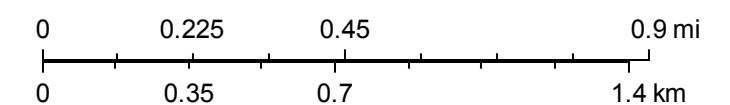
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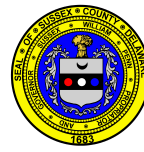
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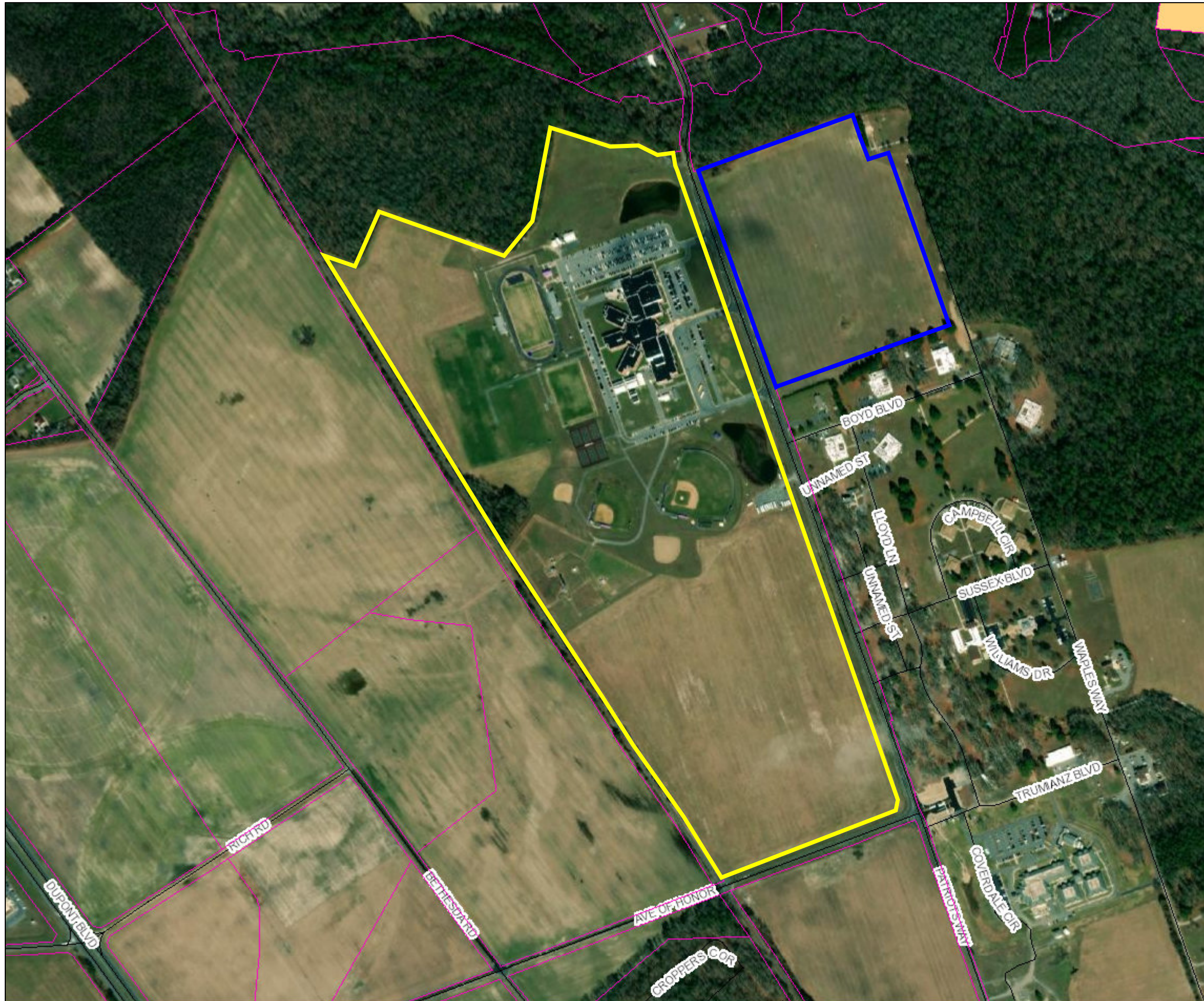
-  Tax Parcels
-  Streets

1:18,056





Sussex County





PIN:	133-11.00-105.00	
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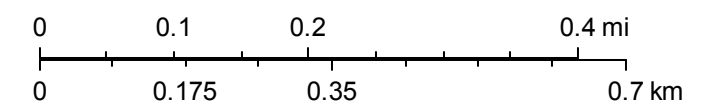
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-  Tax Parcels
-  Streets

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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: November 6, 2020
RE: Staff Analysis for CZ 1930 Indian River School District

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1930 Indian River School District to be reviewed during the November 12, 2020 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 Parcels 133-7.00-8.01 and 133-11.00-105.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to an Institutional (I-1) District. The properties are lying on the northeast and southwest side of Patriots Way (S.C.R. 318) in Georgetown, DE. The size of the properties are approximately 32.43 acres +/- and 164.55 acres +/- respectively.

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 133-7.00-8.01 has the land use designation of "Low Density." The Future Land Use map in the plan indicates that the subject property 133-7.00-8.01 has the land use designation of "Commercial." Each property to the north, south and east also has the "Low Density" designation. Properties to the west are designated "Developing Area" or are located within a municipality. The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas. "Commercial Areas" include concentrations of retail and service uses that are mainly located along arterials, and highways. Specifically, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic.

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 Institutional (I-1) Zoning District is listed as an applicable zoning district in both the "Low Density" and "Commercial Area."



Additionally, the subject property is currently within an Agricultural Residential (AR-1) Zoning District. Each parcel to the north, south, east, and west is also within the Agricultural Residential Zoning District. In the near vicinity there are also parcel located within a municipality.

Since 2011, there have been two (2) Change of Zone applications within a one-mile radius of the subject properties. Change of Zone No. 1903, which proposed a change from Agricultural Residential (AR-1) District to Medium Commercial (C-2) District, was approved by County Council on February 25, 2020. It was adopted through Ordinance No. 2709. Change of Zone No. 1814, proposed a change from Agricultural Residential (AR-1) District to Commercial Residential (CR-1) District, was approved by the Sussex County Council on April 11, 2017. It was adopted through Ordinance No. 2491.

Based on the analysis of the surrounding zoning and uses, a Change of Zone to an Institutional (I-1) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: CZ/930
202010622

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

26026 Patriots Way Georgetown, DE 19947

Type of Conditional Use Requested:

NA, rezoning request to I-1 Institutional District

Tax Map #: 133-11.00-105.00 133 7.00 8.01 Size of Parcel(s): 159.6 Ac. +- 32.43 acres.

Current Zoning: AR-1 Proposed Zoning: I-1 Size of Building: NA

Land Use Classification: Currently under a conditional use for high school.

Water Provider: owned by applicant

Sewer Provider: Town of Georgetown

Applicant Information

Applicant Name: Indian River School District C/O Joseph W. Booth

Applicant Address: 31 West Hosier Street

City: Selbyville State: DE Zip Code: 19975

Phone #: (302) 436-1000 E-mail: joseph.booth@irsd.k12.de.us

Owner Information

Owner Name: Indian River School District C/O Joseph W. Booth

Owner Address: 31 West Hosier Street

City: Selbyville State: DE Zip Code: 19975

Phone #: (302) 436-1000 E-mail: joseph.booth@irsd.k12.de.us

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: NA

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.**
- ✓ **DeIDOT Service Level Evaluation Request Response**
- ? **NP 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

Joseph W. Booth IRSD

Date: 5-11-2020

Signature of Owner

Joseph W. Booth IRSD

Date: 5-11-2020

For office use only:

Date Submitted: 9/31/2020
Staff accepting application: JP
Location of property: _____

Fee: \$500.00 Check #: 1736508
Application & Case #: 202010622

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

June 10, 2020

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Indian River School District / Joseph W. Booth (Supervisor Building and Grounds)** rezoning application, which we received on May 11, 2020. This application is for an approximately 186.98-acre assemblage of parcels (Tax Parcels: 133-7.00-8.01 and 133-11.00-105.00). The subject land is located on the both sides of Patriots Way (Sussex Road 318), just north of Avenue of Honor (Sussex Road 86), south of Georgetown. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to I-1 (Institutional) to continue operating the two existing schools, measuring 97,000 and 188,000 square feet; and to develop 310,000 square feet of additional school space.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Patriots Way where the subject land is located is 3,018 vehicles per day.

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.

On February 6, 2020, a Traffic Operational Analysis (TOA) was completed for a proposed 157,000 square-foot special needs school on Tax Parcel 133-7.00-8.01. DelDOT reviewed the TOA and issued a TOA review letter, containing recommendations for roadway and entrance improvements, on March 25, 2020. A copy of the TOA review letter is enclosed with this letter.





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

JENNIFER COHAN
SECRETARY

MEMORANDUM

TO: Susanne Laws, Sussex Review Coordinator
FROM: Troy Brestel, Project Engineer **(TEB)**
DATE: March 25, 2020
SUBJECT: Howard T. Ennis School (Protocol Tax Parcel #133-7.00-8.01)
Results of Traffic Operational Analysis (TOA)

We have reviewed the traffic operational analysis (TOA) for the proposed Howard T. Ennis School, submitted by Traffic Planning and Design, Inc., on February 6, 2020. The analysis evaluates the traffic impacts of the proposed development, which is to be located on the east side of Patriots Way (Sussex Road 318), across from the existing Sussex Central High School, in Sussex County. The proposed development would consist of a 157,000 square foot special needs school. One full access is proposed across from the central access to the existing high school. Construction is expected to be complete by 2022.

Based on our review, we find that the Sussex Central High School south entrance / Patriots Way intersection and the proposed site entrance / Sussex Central High School middle entrance / Patriots Way intersection would operate at level of service (LOS) D or better during the a.m. and p.m. peak hours for both present and future conditions, and would meet the LOS criteria listed in Chapter 2 of the Development Coordination Manual.

For the Sussex Central High School north entrance / Patriots Way intersection, the high school eastbound approach would operate at LOS E during the a.m. peak hour for both present and future conditions. However, the 95% queue length for this approach would only be approximately 125 feet for each condition analyzed during the a.m. peak hour and is the result of the higher operating volumes at this intersection during the beginning of the school day for the high school. We do not recommend any improvements to be made to this intersection.

Table 1
 PEAK HOUR LEVELS OF SERVICE (LOS)
 Howard T. Ennis School – TOA
 Prepared by Traffic Planning and Design, Inc.

Unsignalized Intersection ^{1 2}	LOS per TOA		LOS per DelDOT	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Site Entrance / Sussex Central Middle Entrance / Patriots Way				
2019 Existing				
Northbound Patriots Way Left-Turn	A (8.5)	A (8.0)	A (8.5)	A (8.0)
2022 without development				
Northbound Patriots Way Left-Turn	A (8.5)	A (8.0)	A (8.5)	A (8.0)
2022 with development				
Northbound Patriots Way Left-Turn	A (8.2)	A (7.9)	A (8.2)	A (7.9)
Southbound Patriots Way Left-Turn	A (8.6)	A (*)	A (8.5)	A (*)
Westbound Site Entrance	C (20.2)	C (15.1)	C (20.1)	C (15.1)

¹ Numbers in parentheses are average vehicle delay, measured in seconds.

² The (*) symbol in the table denotes that no measurable value was observed in the analysis, due to the movement having zero volume.

Table 3
 PEAK HOUR LEVELS OF SERVICE (LOS)
 Howard T. Ennis School – TOA
 Prepared by Traffic Planning and Design, Inc.

Unsignalized Intersection ¹	LOS per TOA		LOS per DelDOT	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Sussex Central North Entrance / Patriots Way				
2019 Existing				
Northbound Patriots Way Left-Turn	B (10.4)	A (7.6)	B (10.4)	A (7.6)
Eastbound Sussex Central Entrance	E (36.9) ²	C (17.9)	E (36.8) ²	C (17.9)
2022 without development				
Northbound Patriots Way Left-Turn	B (10.4)	A (7.6)	B (10.4)	A (7.6)
Eastbound Sussex Central Entrance	E (38.2) ²	C (18.1)	E (38.2) ²	C (18.1)
2022 with development				
Northbound Patriots Way Left-Turn	B (10.7)	A (7.5)	B (10.7)	A (7.5)
Eastbound Sussex Central Entrance	E (43.8) ²	C (20.8)	E (43.7) ²	C (20.7)

¹ Numbers in parentheses are average vehicle delay, measured in seconds.

² The 95% queue length is approximately 5 vehicles, or 125 feet.

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **10/27/2020**

APPLICATION: **CZ 1930 Indian River School District**

APPLICANT: **Indian River School District**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **133-7.00-8.01 & 133-11.00-105.00**

LOCATION: **26026 Patriots Way. The property is lying on both sides of Patriots Way**

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

GROSS
ACREAGE: **186.98**

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 \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Change of Zone is not located 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? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
No Permit Tech Assigned

133 11 105

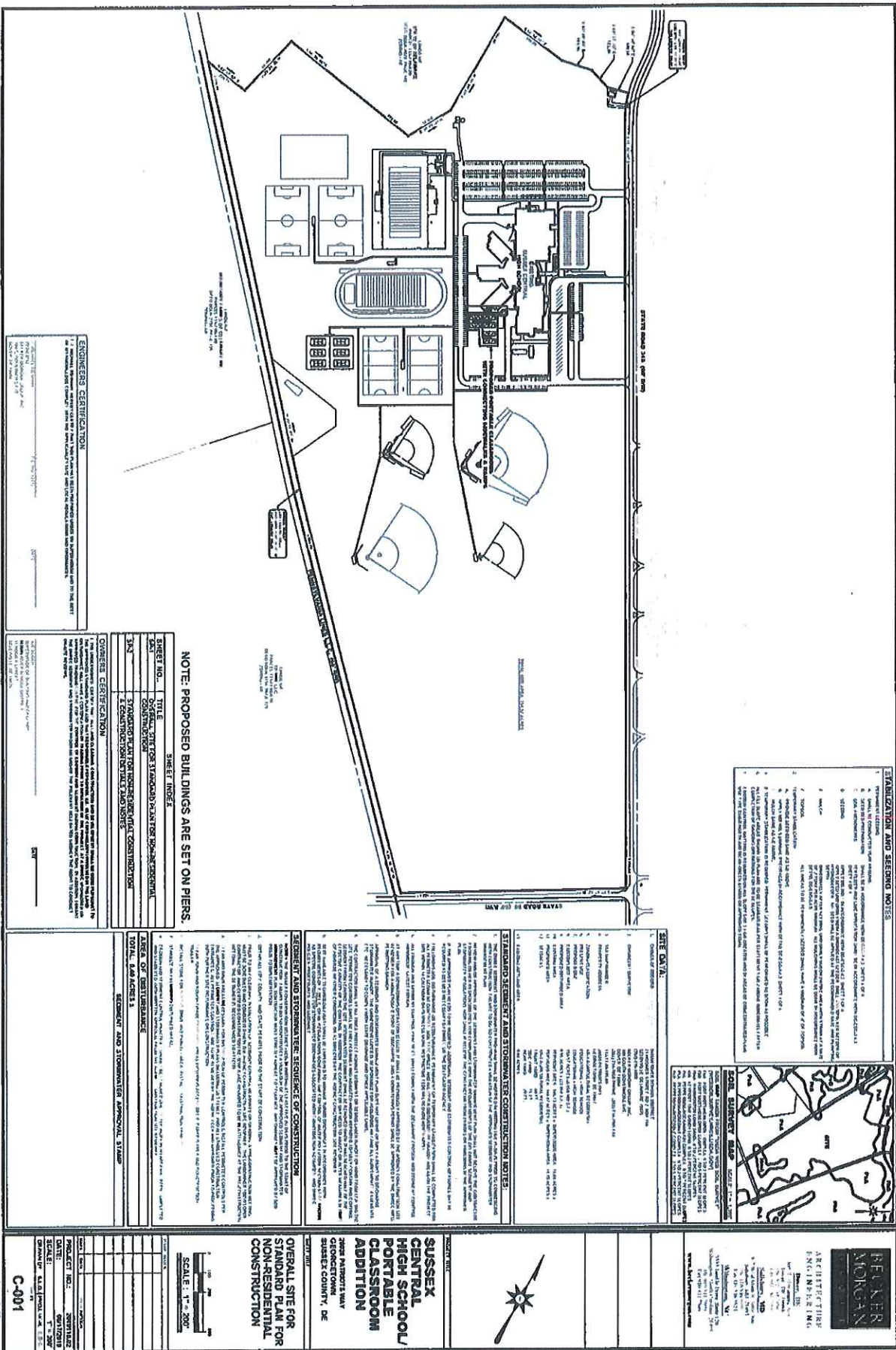
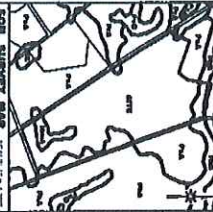


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4. SEQUENCE OF CONSTRUCTION	4
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6. INDEX	6



BECKER
ARCHITECTURAL
ENGINEERING
INC.
1000 N. 10th St.
Tulsa, Oklahoma 74103
Phone: 336-1111
Fax: 336-1112



SUSSEX
CENTRAL
HIGH SCHOOL
PORTABLE
CLASSROOM
ADDITION
2000 PATRICKS WAY
GREENSBORO, NC 27409



OVERALL SITE FOR
STANDARD PLAN FOR
NON-RESIDENTIAL
CONSTRUCTION

PROJECT NO.	2000PATRICKS
DATE	11/10/05
SCALE	1" = 20'
DRAWN BY	ALB (P) 11/10/05
CHECKED BY	ALB (P) 11/10/05

C-001

ENGINEER'S CERTIFICATION
I, the undersigned, a duly Licensed Professional Engineer in the State of North Carolina, do hereby certify that the above is a true and correct copy of the original design as submitted to me by the client, and that I am a duly Licensed Professional Engineer in the State of North Carolina.

Professional Engineer
State of North Carolina
No. 11111

ENGINEER'S CERTIFICATION
I, the undersigned, a duly Licensed Professional Engineer in the State of North Carolina, do hereby certify that the above is a true and correct copy of the original design as submitted to me by the client, and that I am a duly Licensed Professional Engineer in the State of North Carolina.

Professional Engineer
State of North Carolina
No. 11111

NOTE: PROPOSED BUILDINGS ARE SET ON PIERS.

SHEET INDEX

SHEET NO.	TITLE
001	GENERAL SITE PLAN FOR NON-RESIDENTIAL CONSTRUCTION
002	PORTABLE CLASSROOM ADDITION CONSTRUCTION
003	CONSTRUCTION MATERIALS



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[illegible]

RESEARCH

REC 1 of 1

TRAFFIC PLANNING AND DESIGN, INC.
www.TrafficPD.com 610.326.3100 TPD@TrafficPD.com

SITE PLAN