

PLANNING & ZONING COMMISSION

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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: July 8th, 2021

Application: CZ 1934 Bunting Holdings LLC

Applicant: Bunting Holdings LLC
7000 NE 8th Dr
Boca Raton, FL 33487

Owner: Bunting Holdings LLC
7000 NE 8th Dr
Boca Raton, FL 33487

Site Location: A landlocked parcel of land lying on the south side of Lighthouse Road
(Route 54) approximately 0.39 mile east of Johnson Road (S.C.R 390)

Current Zoning: AR-1 Agricultural Residential Zoning District

Proposed Zoning: C-2 Medium Commercial Zoning District

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Volunteer Fire Company

Sewer: N/A

Water: Artesian

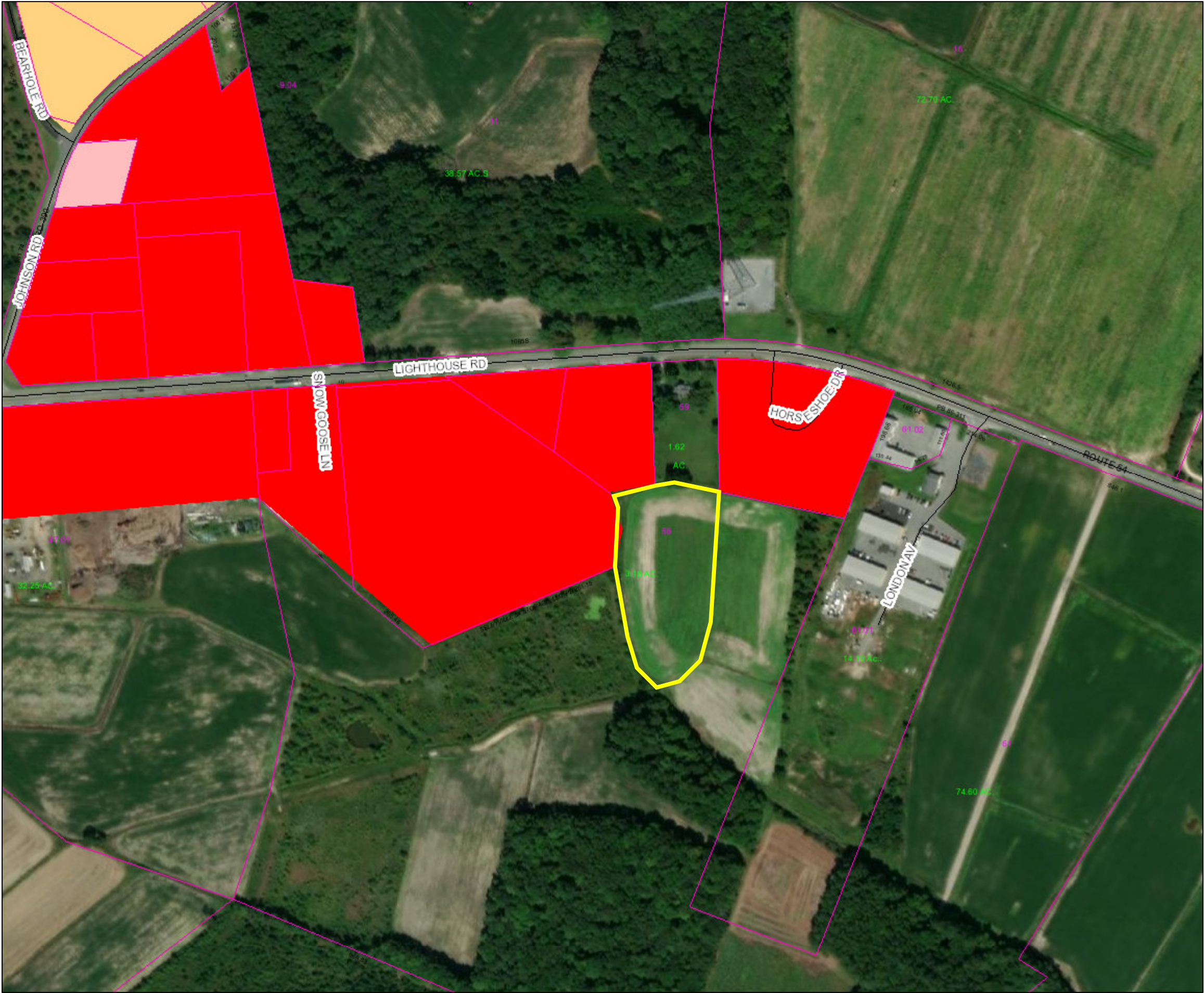
Site Area: 3.18 acres +/-

Tax Map ID.: 533-18.00-58.00





Sussex County

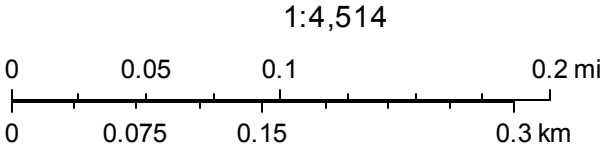


PIN:	533-18.00-58.00	
Owner Name	BUNTING HOLDINGS LLC	
Book	4714	
Mailing Address	7000 NE 8TH DR	
City	BOCA RATON	
State	FL	
Description	N/RT 54	
Description 2	S/RT 390	
Description 3		
Land Code		

- polygonLayer

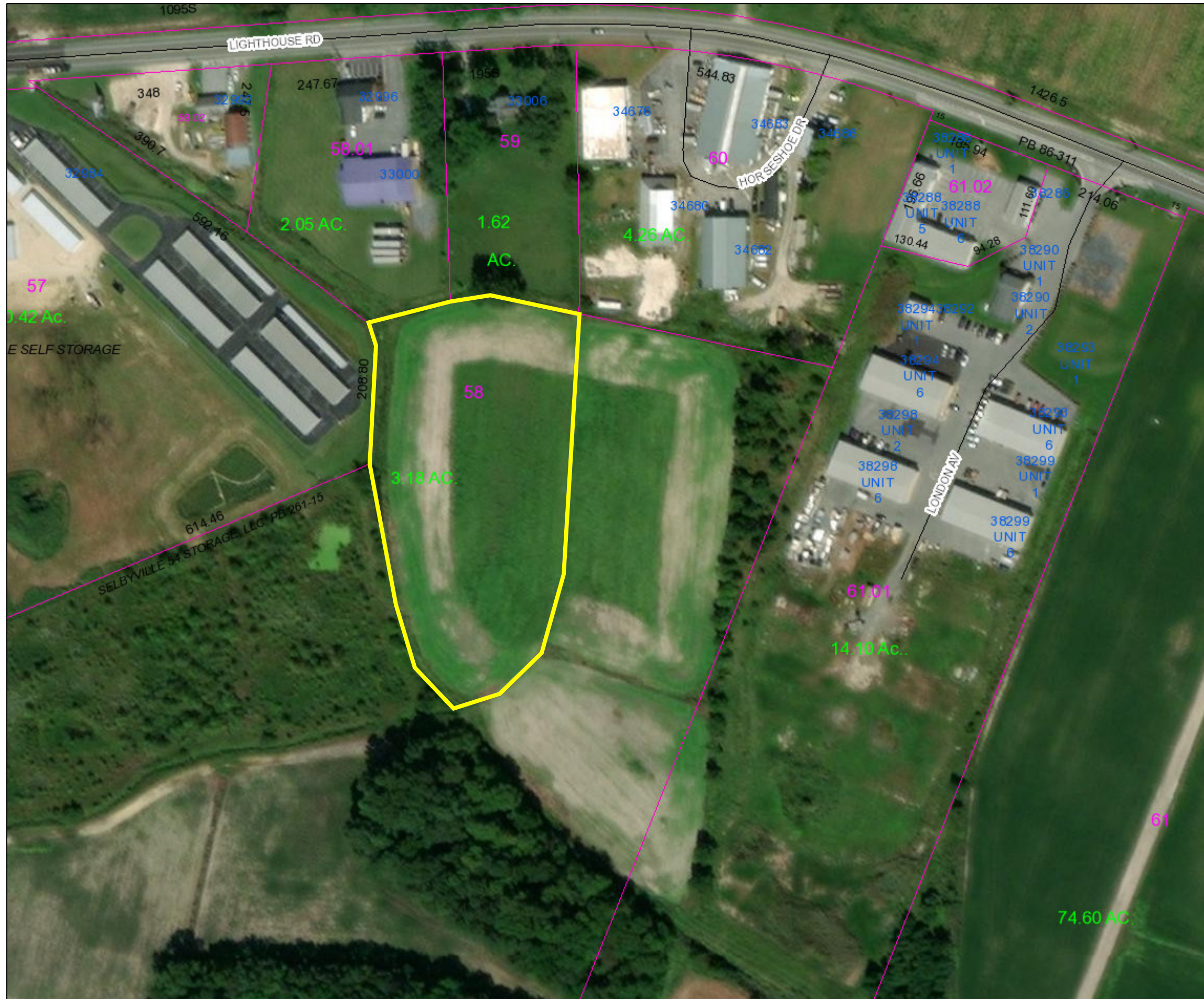
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- polygonLayer

Override 1
- Tax Parcels
- Streets





Sussex County








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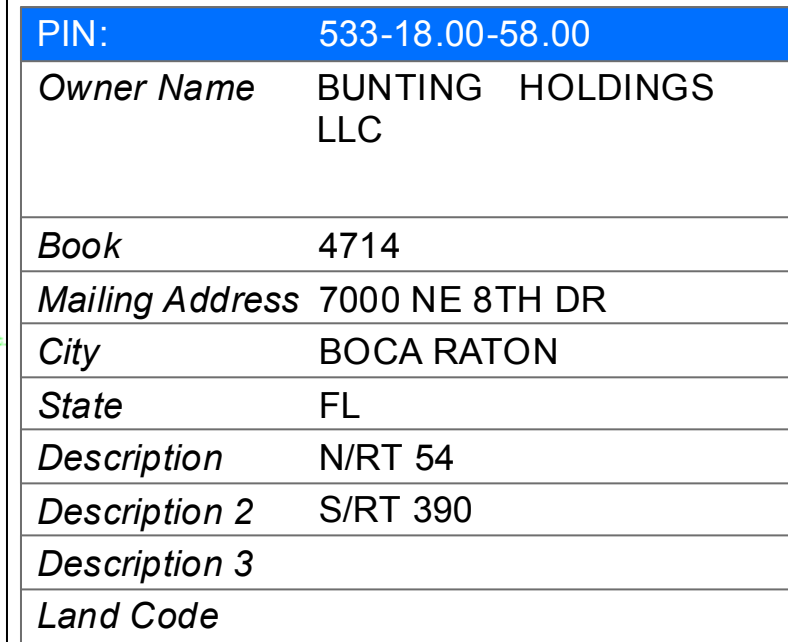
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Override 1

polygonLayer


Override 1

-  Tax Parcels
-  911 Address
-  Streets
-  County Boundaries
-  Municipal Boundaries




Override 1

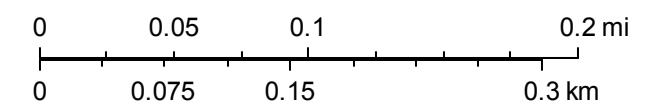
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 Tax Parcels

— Streets

 County Boundaries Municipal Boundaries

1:4,514



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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jamie.whitehouse@sussexcountye.gov



Sussex County

DELAWARE
sussexcountye.gov

Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: July 1st, 2021
RE: Staff Analysis for CZ 1934 Bunting Holdings LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1934 Bunting Holdings LLC to be reviewed during the July 8, 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 533-18.00-58.00 to allow for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Medium Commercial Zoning District (C-2). The parcel being a landlocked parcel of land lying on the south side of Lighthouse Road (Route 54) approximately 0.39 mile east of Johnson Road (S.C.R 390). The parcel to be rezoned contains 3.18 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 land use designation of "Coastal Area." The properties to the east, south, and northeast across Lighthouse Road also have the land use designation of Coastal Area. The properties to the west and northwest have a land use designation of "Developing Area"

As outlined in the 2018 Sussex County Comprehensive Plan, the Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, 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. Appropriate mixed-use development should all be allowed.

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 Medium Commercial (C-2) Zoning District is listed as an applicable zoning district in the "Coastal Area."

The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the east and west of the subject property are zoned General Commercial (C-1). The properties located to the south and north across Lighthouse Road zoned Agricultural Residential (AR-1). The property directly to the north is also seeking a rezoning from AR-1 to C-2 under Change of Zone 1933.



Since 2011, there have been three (3) Change of Zone applications within a 1-mile radius of the application site. The first application is for Change of Zone No. 1711 for a change of zone from an Agricultural Residential (AR-1) Zoning District and General Commercial (C-1) Zoning District to a Commercial Residential (CR-1) Zoning District. The application was approved by the Sussex County Council on February 14th, 2012 and the change was adopted through Ordinance No. 2241. The second application is for Change of Zone No. 1896 for a change of zone from an Agricultural Residential (AR-1) Zoning District to Medium Density Residential (MR) Zoning District. The application was approved by the Sussex County Council on December 12, 2019 and adopted through Ordinance No. 2700. The last application is for Change of Zone No. 1917 for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The application was approved by the Sussex County Council on August 11, 2020 and adopted through Ordinance No. 2731.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: C/21434
202011634

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

533-18.00-58.00

Type of Conditional Use Requested:

Zoning Change AR - C-2

Tax Map #: 533-18.00-58.00

Size of Parcel(s): 3.18 Acres

Current Zoning: AR-1

Proposed Zoning: C-2

Size of Building: N/A

Land Use Classification: _____

Water Provider: Artesian

Sewer Provider: N/A

Applicant Information

Applicant Name: Bunting Holdings LLC

Applicant Address: 7000 NE 8th Drive

City: Boca Raton

State: FL

Zip Code: 33487

Phone #: (443) 880-3883

E-mail: Daniel@buntingconstruction.com

Owner Information

Owner Name: Bunting Holdings LLC

Owner Address: 7000 NE 8th Drive

City: Boca Raton

State: FL

Zip Code: 33487

Phone #: (443) 880-3883

E-mail: Daniel@buntingconstruction.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Daniel Bunting

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

___ 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.

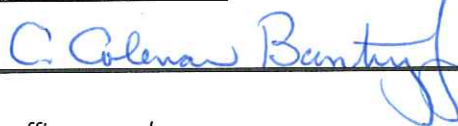
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 7/20/20

Signature of Owner



Date: 7/20/20

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

May 21, 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 **Route 54 LP** rezoning application, which we received on May 7, 2020. This application is for an approximately 1.62-acre parcel (Tax Parcel: 533-18.00-59.00). The subject land is located on the south side of Lighthouse Road (Sussex Road 58), approximately 2,000 feet east of the intersection of Lighthouse Road and Bunting Road (Sussex Road 390). The subject land is currently zoned MR (Medium-Density Residential), and the applicant is seeking to rezone the land to C-1 (General Commercial) for an unspecified future commercial development.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Lighthouse Road where the subject land is located, which is from Bunting Road to Williamsville Road (Sussex Road 268), are 5,657 and 7,281 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.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse
Page 2 of 2
May 21, 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
Route 54 LP, Applicant
Todd Sammons, Assistant Director, Development Coordination
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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **6/28/2021**

APPLICATION: **CZ 1934 Bunting Holdings LLC**

APPLICANT: **Bunting Holdings LLC**

FILE NO: **SPS-5.04**

TAX MAP &
PARCEL(S): **533-18.00-58.00**

LOCATION: **Landlocked parcel lying on the south side of Lighthouse Road (Rt. 54), approximately 0.39 mile east of Johnson Road (SCR 390).**

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

GROSS
ACREAGE: **3.18**

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 2**

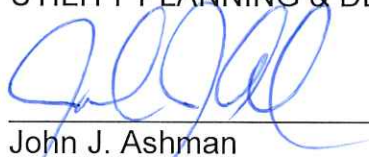
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

- (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 **Choose an item.** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **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 in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

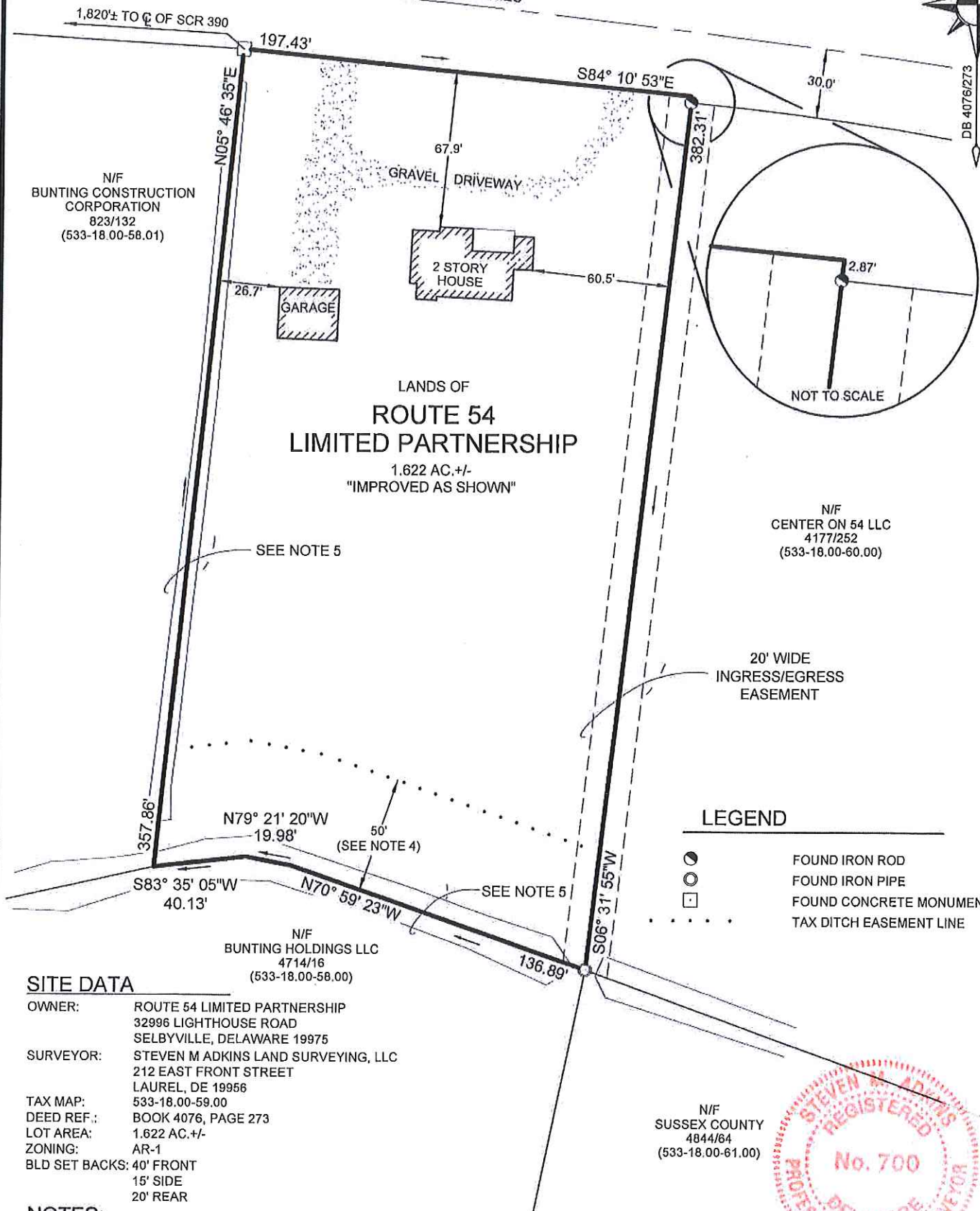
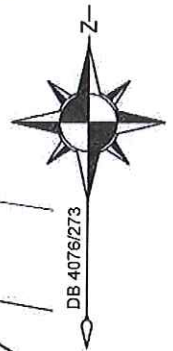
UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

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

LIGHTHOUSE ROAD (SR54) RIGHT OF WAY WIDTH VARIES



SITE DATA

OWNER: ROUTE 54 LIMITED PARTNERSHIP
32996 LIGHTHOUSE ROAD
SELBYVILLE, DELAWARE 19975

SURVEYOR: STEVEN M ADKINS LAND SURVEYING, LLC
212 EAST FRONT STREET
LAUREL, DE 19956

TAX MAP: 533-18.00-59.00

DEED REF.: BOOK 4076, PAGE 273

LOT AREA: 1.622 AC +/-

ZONING: AR-1

BLD SET BACKS: 40' FRONT
15' SIDE
20' REAR

NOTES:

- BOUNDARY INFORMATION SHOWN HEREON WAS DERIVED FROM THE LAND RECORDS OF SUSSEX COUNTY, DE AND WAS SUPPORTED BY BOUNDARY MONUMENTS FOUND/LOCATED DURING OUR FIELD RUN LAND SURVEY.
- A TITLE SEARCH WAS NEITHER REQUESTED NOR PREPARED FOR THE SUBJECT PARCEL, THEREFORE, THIS PLAN DOES NOT REFLECT ANY EASEMENTS AND/OR RIGHTS OF WAY WHICH MAY AFFECT THIS PARCEL.

SURVEYOR'S CERTIFICATION

I, STEVEN M. ADKINS, HEREBY ATTEST THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF DELAWARE AND THAT THE INFORMATION

LEGEND

- FOUND IRON ROD
- FOUND IRON PIPE
- FOUND CONCRETE MONUMENT
- ... TAX DITCH EASEMENT LINE

N/F
SUSSEX COUNTY
4844/64
(533-18.00-61.00)

