

## 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 OF PLANNING & ZONING

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 13<sup>th</sup>, 2021

Application: CZ 1939 Gerald R. & Valerie V. Campbell, Trustees

Applicant: Gerald R. & Valerie V. Campbell  
P.O. Box 2  
Greenwood, DE 19950

Owner: Gerald R. & Valerie V. Campbell  
P.O. Box 2  
Greenwood, DE 19950

Site Location: 9155 & 9167 Sussex Highway (Route 13).

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

Proposed Zoning: Business Community (B-2) Zoning District

Comprehensive Land  
Use Plan Reference: Low Density

Councilmanic  
District: Ms. Green

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: Private (On-Site Septic)

Water: Private (On-Site Well)

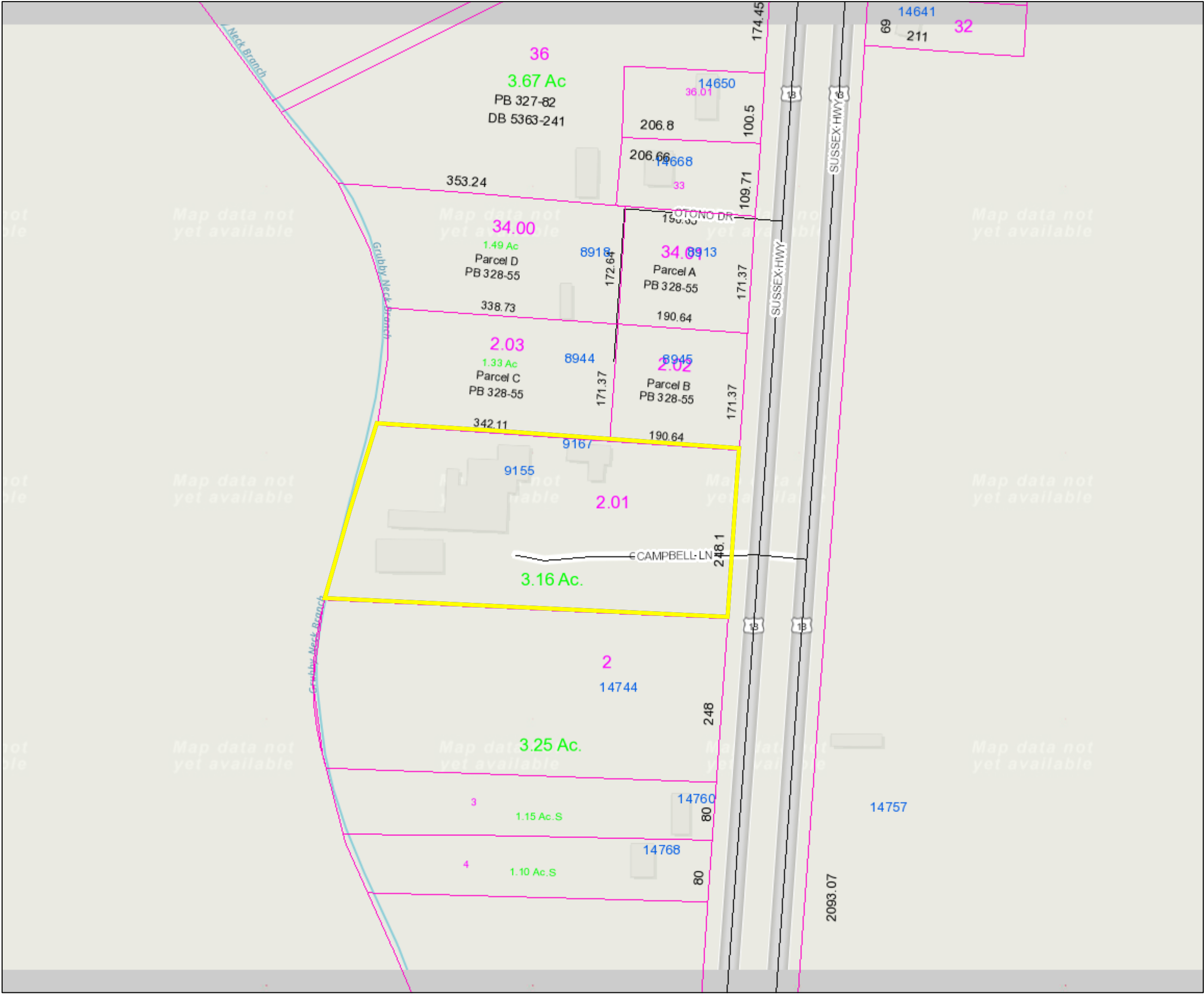
Site Area: 3.16 acres +/-

Tax Map ID.: 530-17.00-2.01





Sussex County

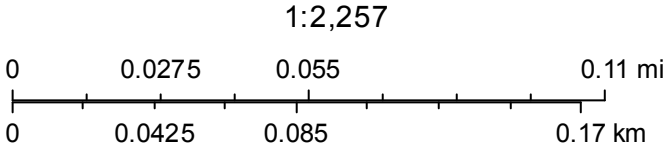


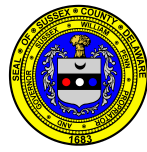
PIN:	530-17.00-2.01
Owner Name	CAMPBELL GERALD R & VALERIE V
Book	3707
Mailing Address	PO BOX 2
City	GREENWOOD
State	DE
Description	W/RT 13
Description 2	4300'S/RT 583
Description 3	N/A
Land Code	

- polygonLayer

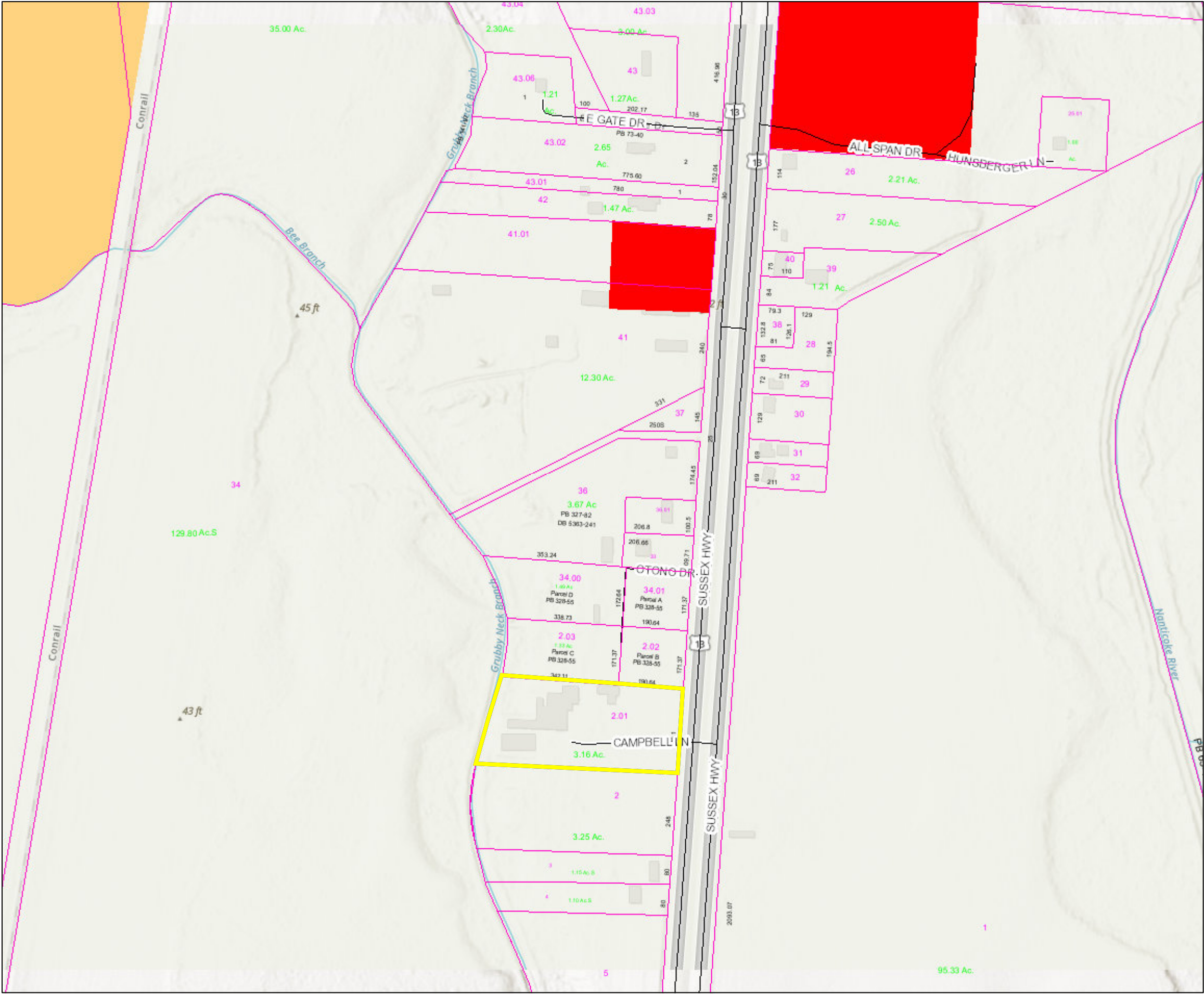
Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries



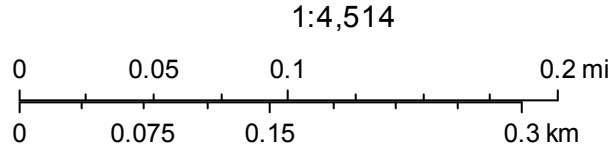


Sussex County

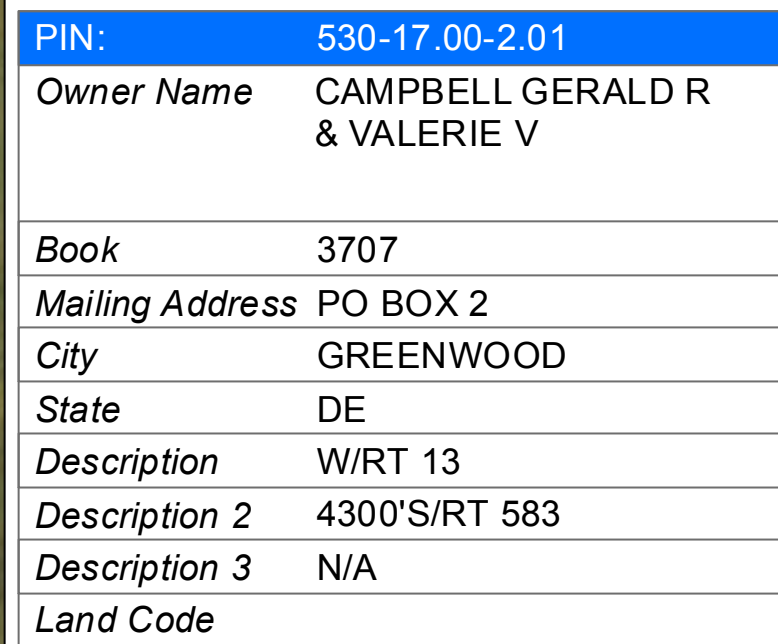


<b>PIN:</b>	530-17.00-2.01
<b>Owner Name</b>	CAMPBELL GERALD R & VALERIE V
<b>Book</b>	3707
<b>Mailing Address</b>	PO BOX 2
<b>City</b>	GREENWOOD
<b>State</b>	DE
<b>Description</b>	W/RT 13
<b>Description 2</b>	4300'S/RT 583
<b>Description 3</b>	N/A
<b>Land Code</b>	

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







Override 1

### Override 1

911 Address

County

A number line with two scales. The top scale is labeled in miles (mi) and has major tick marks at 0, 0.0125, 0.025, and 0.05. The bottom scale is labeled in kilometers (km) and has major tick marks at 0, 0.02, 0.04, and 0.08. Vertical lines connect the corresponding tick marks between the two scales, showing that 0.0125 miles is equivalent to 0.02 kilometers, 0.025 miles is equivalent to 0.04 kilometers, and 0.05 miles is equivalent to 0.08 kilometers.



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



**Sussex County**

DELAWARE  
sussexcountye.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner II. Primary Contact - Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney  
Date: January 7<sup>th</sup>, 2022  
RE: Staff Analysis for CZ 1939 Gerald and Valerie Campbell

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This memo provides background and an analysis for the Planning Commission to consider as a part of Change of Zone No. 1939 which has been filed on behalf of applicants Gerald R. and Valerie Campbell. This analysis has been completed for the January 13<sup>th</sup>, 2022 Planning and Zoning Commission meeting, and it should be included in the record. This analysis is subject to comments and information that may be presented during the public hearing.

The request is for Tax Parcel 530-17.00-2.01 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Business Community (B-2) Zoning District. The property is on the west side of Sussex Highway (Rt. 13), approximately 0.81 of a mile south of Adams Road (S.C.R. 583). The entire parcel is proposed to be rezoned, and the area of this property is 3.16 acres +/-.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) includes a Future Land Use Map that helps determine how land uses should change over time. The Future Land Use Map in the plan indicates that the subject property has a land use designation of "Low Density." The properties to the north, south, east, and west also have the land use designation of "Low Density."

As outlined in the 2018 Sussex County Comprehensive Plan, land designated as Low Density is most suited to accommodate low density, single family housing and to support various agricultural uses. The Comprehensive Plan states that land uses in Low Density areas should either maintain or improve the rural landscape as well as retain open space.

### Zoning

The parcel is currently within the Agricultural Residential (AR-1) Zoning District. Each parcel to the north, south, east and west is also within the AR-1 Zoning District.

The 2018 Sussex County Comprehensive Plan organizes zoning districts by their applicability to each Future Land Use category through Table 4.5-2. This table establishes that the Business Community (B-2) Zoning District is an applicable zoning district in the Low Density Area.



Existing Conditional Use and Historical Zoning Map Amendments

This parcel of land received a Conditional Use for a cabinet shop by the Sussex County Council on April 3<sup>rd</sup>, 1973. This is Conditional Use No. 115. Despite its relatively significant age, staff have no information to suggest that the Conditional Use has ceased or lapsed. Additionally, there is no record of zoning violations associated with the Conditional Use. Lastly, there have been no zoning map amendments within a one-mile radius in the past 10 years.

Transportation

The Delaware Department of Transportation (DelDOT) has completed a Service Level Evaluation Response (SLER) for this proposal. SLERs provide DelDOT with the opportunity to analyze the ways in which traffic may change given a potential change in zoning districts. SLERs, in general, also determine if a Traffic Impact Study (TIS) is required. The SLER for this application was completed on January 21<sup>st</sup>, 2021 and is attached in the published packet.

Based on the analysis provided, a change from an Agricultural Residential (AR-1) Zoning District to a Business Community (B-2) Zoning District could be considered as consistent with the surrounding land uses and zoning.



File #: CZ 1939  
202102734

**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

RECEIVED

FEB 24 2021

SUSSEX COUNTY  
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use ☐

Zoning Map Amendment ☒

**Site Address of Conditional Use/Zoning Map Amendment**

9155 Campbell Lane, Bridgeville, DE 19933

Type of Conditional Use Requested:

N/A

*\*Complies w/ FLU map\**

*Change of zone from AR-1 to B-2*

Tax Map #: 5-30-17.00-2.01

Size of Parcel(s): 3.16 acres

Current Zoning: AR-1

Proposed Zoning: B-2 /

Size of Building: 9,161 sq. ft./500 sq. ft.

Land Use Classification: RES-Residential

Water Provider: N/A-existing on-site well

Sewer Provider: NA - existing on-site septic system

**Applicant Information**

Applicant Name: Gerald R. & Valerie V. Campbell, Trustees under Revocable Trust Agreements

Applicant Address: c/o John A. Sergovic, Jr., Esq, Sergovic Carmean Weidman McCartney & Owens

City: Georgetown

State: \_\_\_\_\_

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: john@sussexattorney.com

**Owner Information**

Owner Name: Same as applicants

Owner Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Phone #: (302) 855-1260

E-mail: john@sussexattorney.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: John A. Sergovic, Jr., Esquire

Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, 25 Chestnut Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: 302-855-1260

E-mail: john@sussexattorney.com



FN1 - CU 115 attached hereto as Exhibit "A."



## 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: \_\_\_\_\_

Signature of Owner

X. Gerald R. Campbell

Date: X 1-23-2021

For office use only:

Date Submitted: 2/25/21

Staff accepting application: Car

Location of property: \_\_\_\_\_

Fee: \$500.00 Check #: 9124

Application & Case #: 202102734

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Decision of CC: \_\_\_\_\_





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

NICOLE MAJESKI  
SECRETARY

January 21, 2021

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 **Gerald R. and Valerie V. Campbell, Trustees under the Revocable Trust** rezoning application, which we received on December 21, 2020. This application is for an approximately 3.16-acre parcel (Tax Parcel: 530-17.00-2.01). The subject land is located on the west side of US Route 13, approximately 4,300 feet south of Adams Road (Sussex Road 583), south of Greenwood. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 (Neighborhood Business).

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of US Route 13 where the subject land is located, which is from Newton Road (Sussex Road 582) to Governors Avenue (Sussex Road 647), is 20,855 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.

The subject property is adjacent to US Route 13, 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 and consolidating the number of 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. According to the Office of State Planning, *Strategies for State Policies and Spending document*, the property is located within a Level 4 Investment Area.



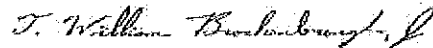
Mr. Jamie Whitehouse  
Page 2 of 2  
January 21, 2021

In a Level 4 Investment Area, State policies encourage the preservation of a rural lifestyle and discourage new development. Per Program policy, if a site has an existing entrance, the entrance can be expanded to accommodate a maximum of 100 vehicle trips per day (vpd), entrance improvements may be required to accommodate the 100 vpd. This site has an existing entrance; therefore the site's future trip generation would be permitted to increase by 100 vpd. The trip generation is determined by using the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The Corridor Capacity Preservation Program policy can be viewed on Department's website at [www.delidot.gov](http://www.delidot.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

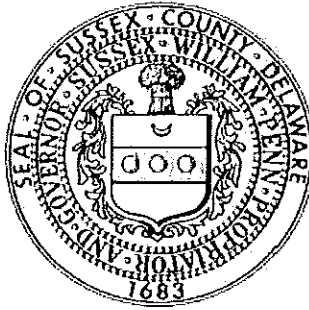
TWB:cjm

cc: Gerald R. and Valerie V. Campbell, Trustees under the Revocable Trust, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Susanne Laws, Expedited Review Team Lead, Development Coordination  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Thomas Felice, Corridor Capacity Preservation Program Manager, 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  
Annamaria Furmato, Project Engineer, Development Coordination



**PLANNING & ZONING COMMISSION**

MARTIN L. ROSS, CHAIRMAN  
KIM HOEY STEVENSON, VICE CHAIRMAN  
R. KELLER HOPKINS  
DOUGLAS B. HUDSON  
ROBERT C. WHEATLEY



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JANELLE M. CORNWELL, AICP  
DIRECTOR

**SERVICE LEVEL**

**EVALUATION REQUEST**

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: December 21, 2020

**Site Information:**

Site Address / Location: 9155 Campbell Lane, Bridgeville, DE 19933

Tax Parcel Number: 5-30-17.00-2.01

Current Zoning: AR-1/ with C.U. No. 115<sup>1</sup>

Proposed Zoning: B-2

Land Use Classification: RES

Proposed Use(s): Seeking a rezoning to B-2. There is a business operating on the property under C.U. 115.

Square Footage of any proposed buildings or number of units: \_\_\_\_\_

**Application Information:**

Applicant's Name: Gerald R. and Valerie V. Campbell, Trustees under the Revocable Trust Agreements dated 8/27/09, c/o John A. Sergovic, Jr., Esquire, Sergovic Carmean Weidman McCartney & Owens, P.A., 25 Chestnut Street, Georgetown, DE 19947

Applicant's Address: 9155 Campbell Lane

City: Bridgeville State: DE Zip: 19933

Applicant's Attorney's Phone Number: 302-855-1260 (John A. Sergovic, Jr., Esq.)

Applicant's Attorney's Email: john@sussexattorney.com

<sup>1</sup> CU 115 approval attached hereto as Exhibit "1."

RECEIVED

DEC 21 2020

On a motion by Councilman Chandler, seconded by Councilman Hill, be it,

RESOLVED, that the application of Gerald Campbell for a conditional use of land in an AR1 Agricultural Residential District located on the westerly side of Route 13, 1.1 miles north of Route 584, .8 mile south of Route 583, a public hearing for which was held April 3, 1973 be and the same is hereby granted:

ALL that certain plot, piece or parcel of land situated in North West Fork Hundred, Sussex County, Delaware bounded and described as follows:

BEGINNING at a concrete monument located on the westerly right of way of Route 13, .8 mile south of Route 583 being corner of these lands and lands now or formerly of Theodore Quail; thence North 77° 30' West 510.75 feet to a pipe located 22 feet more or less east of centerline of Bee Branch; thence with the line of Bee Branch South 21° 45' West 251.37 feet to a pipe located 25 feet east of centerline of Bee Branch, point being on line of these lands and lands now or formerly of Eretheia H. Evans; thence South 77° 30' East 551.15 feet along said Evans line to a concrete monument located at the westerly right of way of Route 13; thence North 12° 30' East 248.10 feet by and along westerly right of way of Route 13 to the point and place of beginning and containing 3.158 acres more or less.

and be it

FURTHER RESOLVED, that this Conditional Use is granted subject to compliance with the Comprehensive Zoning Ordinance of Sussex County and the following:

Site development plan required approval of Planning and Zoning Commission. It is stipulated by this resolution that no commercial activity be within 300 feet of the right of way of Route 13.

Ingress and Egress location required to have approval by Division of Highways.

Upon a vote being taken, the result was:

President of County Council, Cannon	Voting yes
Councilman Benson	Voting yes
Councilman Hill	Voting yes
Councilman Chandler	Voting yes
Councilman Timmons	Voting yes

Date April 4, 1973



**WRITTEN SUBMISSION**

**OF**

**GERALD R. AND VALERIE V. CAMPBELL**

**CZ NO. 1939**

**October 28, 2021**

**RECEIVED**

**OCT 18 2021**

**SUSSEX COUNTY  
PLANNING & ZONING**

**John A. Sergovic, Jr., Esquire  
Sergovic Carmean Weidman  
McCartney & Owens, P.A.  
25 Chestnut St.  
P.O. Box 751  
Georgetown, DE 19947  
(302) 855-1260**

**INDEX**  
**GERALD R. AND VALERIE V. CAMPBELL**  
**APPLICATION FOR CHANGE OF ZONE NO. 1939**

- A. Application**
- B. Deed whereby the Applicants acquired the property**
- C. Ordinance approving Conditional Use No. 115**
- D. Drawing**
- E. Aerial photograph**
- F. Compliance with Land Use Plan prepared by Sergovic Carmean Weidman  
McCartney & Owens, P.A.**
- G. Service Level Evaluation Request**
- H. DOT Response to Service Level Evaluation Request**
- I. Photographs of nearby uses**
- J. Power of Attorney of Pamela Herrmann dated August 5, 2021, appearing on behalf  
of the applicants, her parents.**
- K. Proposed Findings**

File #: C21939

**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

RECEIVED

FEB 24 2021

SUSSEX COUNTY  
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use ☐

Zoning Map Amendment ☒

Site Address of Conditional Use/Zoning Map Amendment

9155 Campbell Lane, Bridgeville, DE 19933

Type of Conditional Use Requested:

N/A

Tax Map #: 5-30-17.00-2.01

Size of Parcel(s): 3.16 acres

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Size of Building: 9,161 sq. ft./500 sq. ft.

Land Use Classification: RES-Residential

Water Provider: N/A-existing on-site well

Sewer Provider: NA - existing on-site septic system

**Applicant Information**

Applicant Name: Gerald R. & Valerie V. Campbell, Trustees under Revocable Trust Agreements

Applicant Address: c/o John A. Sergovic, Jr., Esq, Sergovic Carmean Weidman McCartney & Owens

City: Georgetown

State:

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: john@sussexattorney.com

**Owner Information**

Owner Name: Same as applicants

Owner Address:

City:

State:

Zip Code:

Phone #: (302) 855-1260

E-mail: john@sussexattorney.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: John A. Sergovic, Jr., Esquire

Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, 25 Chestnut Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: 302-855-1260

E-mail: john@sussexattorney.com



FN1 - CU 115 attached hereto as Exhibit "A."



# AFFIDAVIT

Gerald R. & Valerie V. Campbell  
Name of Applicant

\_\_\_\_\_  
Petition No.

The below listed persons are the true and lawful owners of all lands lying within two hundred (200) feet of all the boundaries of the property which is the subject of the above mentioned petitioner. I do solemnly swear that the names and addresses are true and correct and represent a complete listing of all owners of lands within two hundred (200) feet of the subject property which is the subject of this petition.

Name: Greenwood Farms, LLC  
Address: 6 Pelicans Way South  
Bethany Beach, DE 19930  
SCTM: 5-30-13.00-34.00

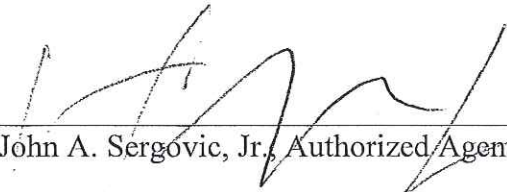
Name: James D. West  
Address: 6825 Coleman Ave.  
Salisbury, MD 21804  
SCTM: 5-30-17.00-2.02 and 530-14.00-34.00

Name: Myrna Hastings  
Address: 6942 Milford Harrington Hwy.  
Harrington, DE 19952  
SCTM: 5-30-17.00-3.00

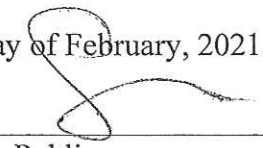
Name: Tara Evans  
Address: 14744 Sussex Highway  
Bridgeville, DE 1993  
SCTM: 5-30-17.00-2.00

Name: Robert W. Hunsberger Revocable  
Trust, Suzanne Hunsberger for Life  
Address: 14478 Sugar Hill Road  
Greenwood, DE 19950  
SCTM: 5-30-17.00-1.00



  
John A. Sergovic, Jr., Authorized Agent

SWORN to and subscribed before me this 24 day of February, 2021.

  
Notary Public

**Shannon Carmean Burton**  
**Attorney**  
Admitted to the Delaware Bar 12-15-03  
Bar ID #004386  
Uniform Law on Notarial Acts  
Pursuant to 29 Del C Sec. 4322(a)(3)

## 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: \_\_\_\_\_

Signature of Owner

X. Gerald R. Campbell

Date: X 1-23-2021

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: \_\_\_\_\_

On a motion by Councilman Chandler, seconded by Councilman Hill, be it,

RESOLVED, that the application of Gerald Campbell for a conditional use of land in an ARI Agricultural Residential District located on the westerly side of Route 13, 1.1 miles north of Route 584, .8 mile south of Route 583, a public hearing for which was held April 3, 1973 be and the same is hereby granted:

ALL that certain plot, piece or parcel of land situated in North West Fork Hundred, Sussex County, Delaware bounded and described as follows:

BEGINNING at a concrete monument located on the westerly right of way of Route 13, .8 mile south of Route 583 being corner of these lands and lands now or formerly of Theodore Quail; thence North 77° 30' West 510.75 feet to a pipe located 22 feet more or less east of centerline of Bee Branch; thence with tie line of Bee Branch South 21° 45' West 251.37 feet to a pipe located 25 feet east of centerline of Bee Branch, point being on line of these lands and lands now or formerly of Eretheia H. Evans; thence South 77° 30' East 551.15 feet along said Evans line to a concrete monument located at the westerly right of way of Route 13; thence North 12° 30' East 248.10 feet by and along westerly right of way of Route 13 to the point and place of beginning and containing 3.158 acres more or less.

and be it

FURTHER RESOLVED, that this Conditional Use is granted subject to compliance with the Comprehensive Zoning Ordinance of Sussex County and the following:

Site development plan required approval of Planning and Zoning Commission. It is stipulated by this resolution that no commercial activity be within 300 feet of the right of way of Route 13.

Ingress and Egress location required to have approval by Division of Highways.

Upon a vote being taken, the result was:

President of County Council, Cannon  
Councilman Benson  
Councilman Hill  
Councilman Chandler  
Councilman Timmons

Voting yes  
Voting yes  
Voting yes  
Voting yes  
Voting yes

Date

April 4, 1973

Exhibit "A"



G'town.  
1 week--April 12<sup>th</sup>, 1973

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that on April 3, 1973, the Sussex County Council approved the following applications for Conditional Uses and Amendments to the Zoning Map:

- a) Application by Robert Baysinger for an extension of an existing mobile home park in an AR Agricultural Residential District in Little Creek Hundred located 401 feet off Road 419, 1 mile east of Route 13 and containing 4.547 acres.
- b) An application by Gerald Campbell for a cabinet shop in an AR Agricultural Residential District in North West Fork Hundred on the west side of Route 13, 1.1 mile north of Road 584, .8 mile south of Road 583 and containing 3.158 acres.
- c) Application by Hayward R. Daisey for a barber shop in an AR Agricultural Residential District in Baltimore Hundred on the south side of Road 361, approximately 1500 feet north of Road 368 and containing 7.865 acres.
- d) Application by John Vallerani for a restaurant in an MR Medium Density Residential District in Broadkill Hundred on the northwesterly corner of Roads 16 and 5, containing 1.2 acres.
- e) Application by Barn, Inc. for a mobile home sales office in an AR Agricultural Residential District on Lewes and Rehoboth Hundred on Lot #1 in Nassau Park located north of Route 18, west of Route 14.
- f) Application by New Market Village, Inc. for an addition to an existing mobile home park in an AR Agricultural Residential District in Cedar Creek Hundred on the south side of Road 231, 1 mile east of Road 226 containing 99.5 acres.
- g) Application to amend the zoning map by changing from AR1 Agricultural Residential to AR2 Agricultural Residential District in Georgetown Hundred, on the south side of Route 18, 3,035 feet west of Road 254 being lands of J. Floyd Lingo and containing 52.275 acres more or less.

Text and maps of these applications may be examined by any interested parties in the Planning and Zoning Office, Room 112, Court House, Georgetown, Delaware.



33996

BK: 3707 PG: 208

Tax Parcel # 5 - 30 - 17.00 - 2.01  
Prepared by: David W. Baker, Esq., P. A.  
P.O. Box 551, 109 S. Race St.  
Georgetown, Delaware 19947  
Return to: GERALD R. CAMPBELL  
VALERIE V. CAMPBELL  
P.O. Box 2  
Greenwood, Delaware 19950

NO TITLE OR LIEN SEARCH  
PERFORMED - NONE REQUESTED

**This Deed, made this** 27<sup>th</sup> **day of**  
AUGUST, in the year of our Lord Two Thousand Nine.

**Between** GERALD R. CAMPBELL and VALERIE V. CAMPBELL, husband and wife, of P.O. Box 2, Greenwood, Delaware 19950, parties the first part,

-and-

GERALD R. CAMPBELL, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF GERALD R. CAMPBELL DATED 8/27/09, as to an undivided one-half interest, and VALERIE V. CAMPBELL, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF VALERIE V. CAMPBELL DATED 8/27/09, as to an undivided one-half interest, of P.O. Box 2, Greenwood, Delaware 19950, parties of the second part,

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said parties of the second part, its Successors and Assigns,

ALL that certain piece, parcel and tract of land situate in North West Fork Hundred, Sussex County, State of Delaware, more particularly described as follows, to wit:

BEGINNING at a concrete monument, said concrete monument being located on the Western edge of the right of way line of the South bound lane of U.S. Route #13; said concrete monument also being located at a common corner of the lands now or formerly owned by Eretheia H. Evans; thence continuing by and along the right of way of the said U.S. Route #13, North 12° 13' 30" East

BK: 3707 PG: 209

248.10 feet to a concrete monument, a corner for this lot and lands now or formerly of Theodore Quail, Jr.; thence turning and running by and along the common boundary line of said lot North 77° 30' West 510.75 feet to a pipe; thence continuing along the said line 22 feet, more or less, to the center line of Bee Branch; thence turning and running down the center line of Bee Branch, a "tie line" distance of South 21° 45' West 251.37 feet to a point; thence turning and running South 77° 30' East 25 feet more or less to a pipe; thence continuing along the same line 551.15 feet to a concrete monument, home to the place of beginning and said to contain 3.158 acres, more or less, as surveyed by Thomas A. Temple, Jr., Registered Surveyor, on October 18, 1972.

BEING the same lands conveyed unto GERALD R. CAMPBELL and VALERIE V. CAMPBELL, husband and wife, AS TENANTS IN COMMON AND NOT AS TENANTS BY THE ENTIRETY, by deed of GERALD R. CAMPBELL and VALERIE V. CAMPBELL, husband and wife, dated the 18<sup>th</sup> day of May, 1988, and filed of record in the Office of the Recorder of Deeds, in and for Sussex County, State of Delaware, in Deed Book 1566, at Page 306.

Said Trustees shall have and hold the herein described property in fee simple and with full power and authority in said Trustees to sell, contract, exchange, convey, mortgage, encumber, lease, subdivide, or otherwise dispose of and deal with said property.

No party dealing with the Trustees in relation to said property in any manner whatsoever shall be obligated to (a) see to the application of any purchase money, rent or money borrowed or otherwise advanced on the property, (b) to see that the terms of this trust have been complied with, (c) to inquire into the authority, necessity or expediency of any act of the Trustee, or (d) be privileged to inquire into any of the terms of the trust agreement.

Every deed, mortgage, lease, or trust or other instrument executed by the Trustees in relation to the property shall be conclusive evidence in favor of every person claiming any right, title or interest thereunder (a) that at the time of the delivery thereof, this deed was in full force and effect, (b) that such instrument was executed in accordance with the trust, terms and conditions thereof and of the trust agreement and is binding upon all beneficiaries thereunder, (c) that the Trustees are duly authorized and empowered to execute and deliver every such instrument, and (d) if such conveyance has been made by a successor or successors in trust, or a Trustee or Trustees have been substituted, that such successor or successors have been properly and are fully vested with all the right, title, estate,

BK: 3707 PG: 210

powers and duties of his or her predecessor in trust. The Trustees shall have no individual liability or obligation whatsoever arising from their ownership as Trustees of the legal title to said property or with respect to any act done or contract entered into or indebtedness incurred by their dealing with said property or in otherwise acting as such Trustees except only so far as said trust property and any trust funds in actual possession of the Trustees shall be applicable to the payment and discharge thereof.



BK: 3707 PG: 211

IN WITNESS WHEREOF, the parties of the first part have hereunto set its Hands and Seals the day and year first above written.

  
Witness

 (Seal)  
GERALD R. CAMPBELL

  
Witness

 (Seal)  
VALERIE V. CAMPBELL

STATE OF DELAWARE :  
: SS.  
COUNTY OF SUSSEX :

Recorder of Deeds  
John F. Brady  
Sep 02, 2009 01:44P  
Sussex County  
Doc. Surcharge Paid

BE IT REMEMBERED, that on this 27<sup>th</sup> day of August, A.D. 2009 personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, GERALD R. CAMPBELL and VALERIE V. CAMPBELL, parties to this indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

DAVID W. BAKER  
ATTORNEY AT LAW  
NOTARY PUBLIC - STATE OF DELAWARE  
My Commission Has No Expiration  
29 Del. C. § 4323(a)(3)

 (SEAL)  
Notary Public

**RECEIVED**

SEP 02 2009  
ASSESSMENT DIVISION  
OF SUSSEX COUNTY

Consideration: .00

County .00  
State .00  
Town Total .00  
Received: Mary W Sep 02, 2009



On a motion by Councilman Chandler, seconded by Councilman Hill, be it,

RESOLVED, that the application of Gerald Campbell for a conditional use of land in an ARI Agricultural Residential District located on the westerly side of Route 13, 1.1 miles north of Route 584, .8 mile south of Route 583, a public hearing for which was held April 3, 1973 be and the same is hereby granted:

ALL that certain plot, piece or parcel of land situated in North West Fork Hundred, Sussex County, Delaware bounded and described as follows:

BEGINNING at a concrete monument located on the westerly right of way of Route 13, .8 mile south of Route 583 being corner of these lands and lands now or formerly of Theodore Quail; thence North 77° 30' West 510.75 feet to a pipe located 22 feet more or less east of centerline of Bee Branch; thence with the line of Bee Branch South 21° 45' West 251.37 feet to a pipe located 25 feet east of centerline of Bee Branch, point being on line of these lands and lands now or formerly of Eretheia H. Evans; thence South 77° 30' East 551.15 feet along said Evans line to a concrete monument located at the westerly right of way of Route 13; thence North 12° 30' East 248.10 feet by and along westerly right of way of Route 13 to the point and place of beginning and containing 3.158 acres more or less.

and be it

FURTHER RESOLVED, that this Conditional Use is granted subject to compliance with the Comprehensive Zoning Ordinance of Sussex County and the following:

Site development plan required approval of Planning and Zoning Commission. It is stipulated by this resolution that no commercial activity be within 300 feet of the right of way of Route 13.

Ingress and Egress location required to have approval by Division of Highways.

Upon a vote being taken, the result was:

President of County Council, Cannon  
Councilman Benson  
Councilman Hill  
Councilman Chandler  
Councilman Timmons

Voting yes  
Voting yes  
Voting yes  
Voting yes  
Voting yes

Date

April 4, 1973



G'town.  
1 week--April 12<sup>th</sup>, 1973

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that on April 3, 1973, the Sussex County Council approved the following applications for Conditional Uses and Amendments to the Zoning Map:

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- b) An application by Gerald Campbell for a cabinet shop in an AR Agricultural Residential District in North West Fork Hundred on the west side of Route 13, 1.1 mile north of Road 584, .8 mile south of Road 583 and containing 3.158 acres.
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RT 13 S

Fence

300 ft  
X

Fence Line

Fence



10 ft  
X

Packing

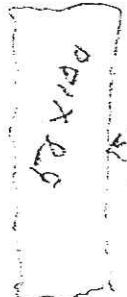
6 ft

10 ft  
X

Shop

91 ft  
39 ft

loading



3 ft

20 ft X 10 ft

Ditch



Google Maps 9155 Campbell Ln



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 50 ft



## COMPLIANCE WITH LAND USE PLAN

Although the property is located in a Low Density Area as established by the Comprehensive Plan Update, 2018, it is slightly north of an Industrial Area and slightly south of a Commercial Area in the 2045 Future Land Use Map of the 2018 Sussex County Comprehensive Land Use Plan. The 2018 Sussex County Comprehensive Plan ("2018 Comp. Plan") at page 4-8, states: "This Future Land Use Plan revises and expands the existing planning areas. These planning areas provide the logic and rationale for the County's zoning, which is one of the primary purposes of a comprehensive plan. However, it is important to clarify that these land use classifications are not zoning districts, and they often include multiple zoning districts within them. Also, it is important to recognize that other factors come into play when determining which zoning districts are appropriate for each land use classification."

Further, in a Low Density Area, the 2018 Comprehensive Plan provides at page 4-19: "The primary uses envisioned in Low Density Area are 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 Areas 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. Institutional and commercial uses may be appropriate depending on surrounding uses."

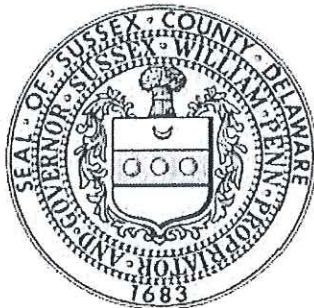
Since the property has been devoted to land use as a cabinet shop for 48-years, it would appear that such a use has been in support of agricultural activities and homes, or it would not operate in its existing location for as long as it has.



Agriculture uses and homes are the types of uses that have been served for 48-years of the property being used as a cabinet shop.

**PLANNING & ZONING COMMISSION**

MARTIN L. ROSS, CHAIRMAN  
KIM HOEY STEVENSON, VICE CHAIRMAN  
R. KELLER HOPKINS  
DOUGLAS B. HUDSON  
ROBERT C. WHEATLEY



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JANELLE M. CORNWELL, AICP  
DIRECTOR

**SERVICE LEVEL**

**EVALUATION REQUEST**

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: December 21, 2020

**Site Information:**

Site Address / Location: 9155 Campbell Lane, Bridgeville, DE 19933

Tax Parcel Number: 5-30-17.00-2.01

Current Zoning: AR-1/ with C.U. No. 115<sup>1</sup>

Proposed Zoning: B-2

Land Use Classification: RES

Proposed Use(s): Seeking a rezoning to B-2. There is a business operating on the property under C.U. 115.

Square Footage of any proposed buildings or number of units: \_\_\_\_\_

**Application Information:**

Applicant's Name: Gerald R. and Valerie V. Campbell, Trustees under the Revocable Trust Agreements dated 8/27/09, c/o John A. Sergovic, Jr., Esquire, Sergovic Carmean Weidman McCartney & Owens, P.A., 25 Chestnut Street, Georgetown, DE 19947

Applicant's Address: 9155 Campbell Lane

City: Bridgeville State: DE Zip: 19933

Applicant's Attorney's Phone Number: 302-855-1260 (John A. Sergovic, Jr., Esq.)

Applicant's Attorney's Email: john@sussexattorney.com

<sup>1</sup> CU 115 approval attached hereto as Exhibit "1."

RECEIVED

DEC 21 2020



On a motion by Councilman Chandler, seconded by Councilman Hill, be it,

RESOLVED, that the application of Gerald Campbell for a conditional use of land in an AR1 Agricultural Residential District located on the westerly side of Route 13, 1.1 miles north of Route 584, .8 mile south of Route 583, a public hearing for which was held April 3, 1973 be and the same is hereby granted:

ALL that certain plot, piece or parcel of land situated in North West Fork Hundred, Sussex County, Delaware bounded and described as follows:

BEGINNING at a concrete monument located on the westerly right of way of Route 13, .8 mile south of Route 583 being corner of these lands and lands now or formerly of Theodore Quail; thence North 77° 30' West 510.75 feet to a pipe located 22 feet more or less east of centerline of Bee Branch; thence with tie line of Bee Branch South 21° 45' West 251.37 feet to a pipe located 25 feet east of centerline of Bee Branch, point being on line of these lands and lands now or formerly of Eretheia H. Evans; thence South 77° 30' East 551.15 feet along said Evans line to a concrete monument located at the westerly right of way of Route 13; thence North 12° 30' East 248.10 feet by and along westerly right of way of Route 13 to the point and place of beginning and containing 3.158 acres more or less.

and be it

FURTHER RESOLVED, that this Conditional Use is granted subject to compliance with the Comprehensive Zoning Ordinance of Sussex County and the following:

Site development plan required approval of Planning and Zoning Commission. It is stipulated by this resolution that no commercial activity be within 300 feet of the right of way of Route 13.

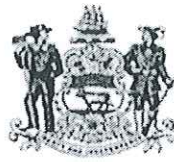
Ingress and Egress location required to have approval by Division of Highways.

Upon a vote being taken, the result was:

President of County Council, Cannon	Voting yes
Councilman Benson	Voting yes
Councilman Hill	Voting yes
Councilman Chandler	Voting yes
Councilman Timmons	Voting yes

Date April 4, 1973





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

NICOLE MAJESKI  
SECRETARY

January 21, 2021

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 **Gerald R. and Valerie V. Campbell, Trustees under the Revocable Trust** rezoning application, which we received on December 21, 2020. This application is for an approximately 3.16-acre parcel (Tax Parcel: 530-17.00-2.01). The subject land is located on the west side of US Route 13, approximately 4,300 feet south of Adams Road (Sussex Road 583), south of Greenwood. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 (Neighborhood Business).

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of US Route 13 where the subject land is located, which is from Newton Road (Sussex Road 582) to Governors Avenue (Sussex Road 647), is 20,855 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.

The subject property is adjacent to US Route 13, 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 and consolidating the number of 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. According to the Office of State Planning, *Strategies for State Policies and Spending* document, the property is located within a Level 4 Investment Area.





Mr. Jamie Whitehouse  
Page 2 of 2  
January 21, 2021

In a Level 4 Investment Area, State policies encourage the preservation of a rural lifestyle and discourage new development. Per Program policy, if a site has an existing entrance, the entrance can be expanded to accommodate a maximum of 100 vehicle trips per day (vpd), entrance improvements may be required to accommodate the 100 vpd. This site has an existing entrance; therefore the site's future trip generation would be permitted to increase by 100 vpd. The trip generation is determined by using the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. 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: Gerald R. and Valerie V. Campbell, Trustees under the Revocable Trust, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Susanne Laws, Expedited Review Team Lead, Development Coordination  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Thomas Felice, Corridor Capacity Preservation Program Manager, 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  
Annamaria Furmato, Project Engineer, Development Coordination



14479 US-13

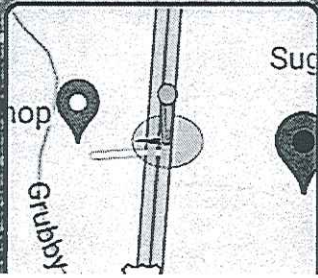
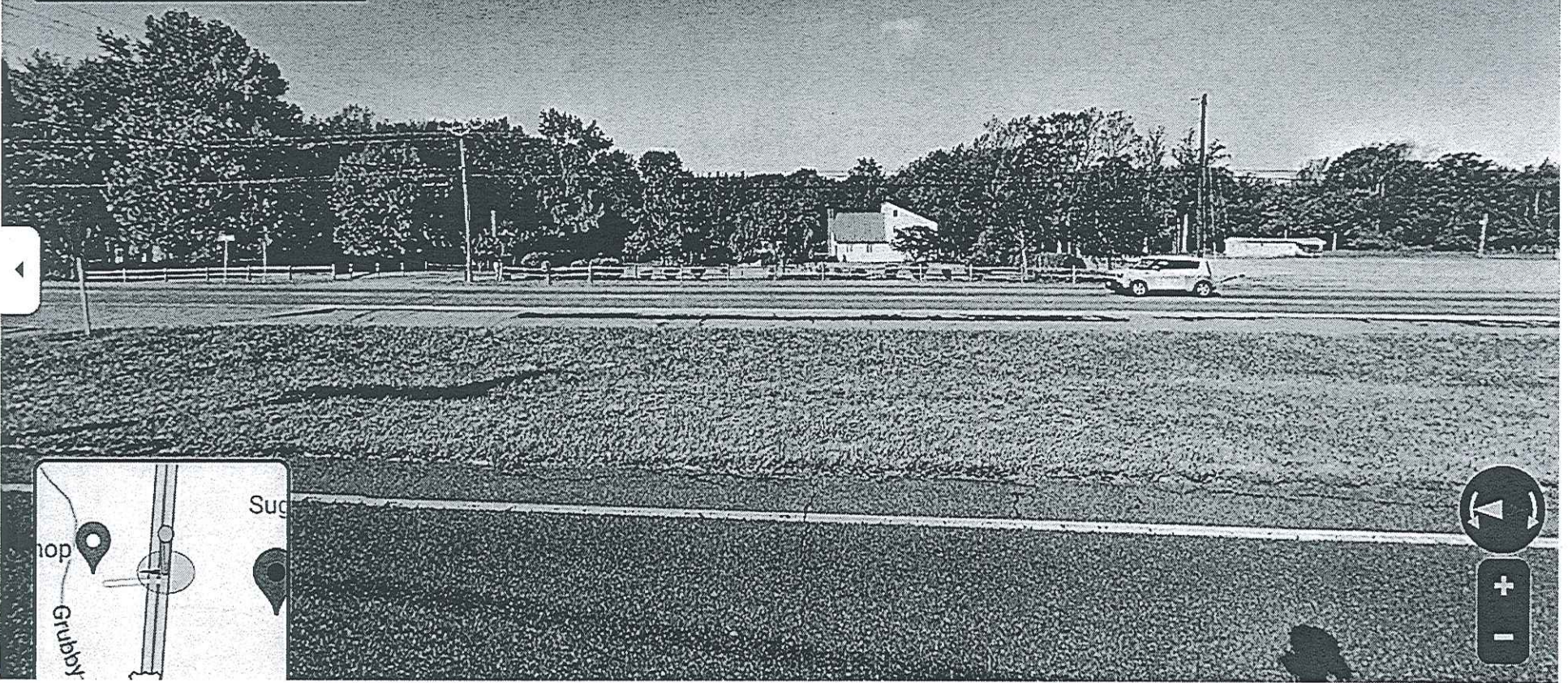
Bridgeville, Delaware



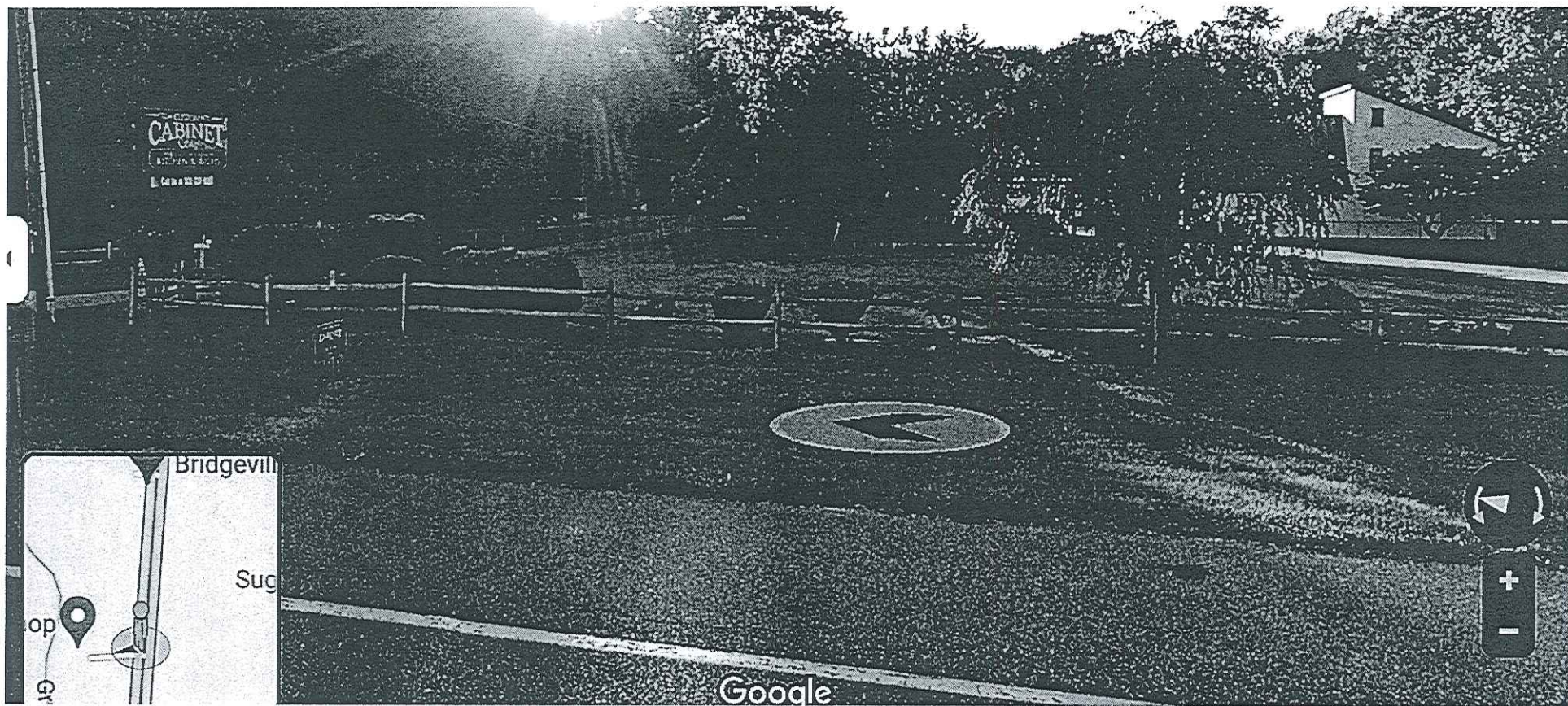
Google



Street View - Oct 2019











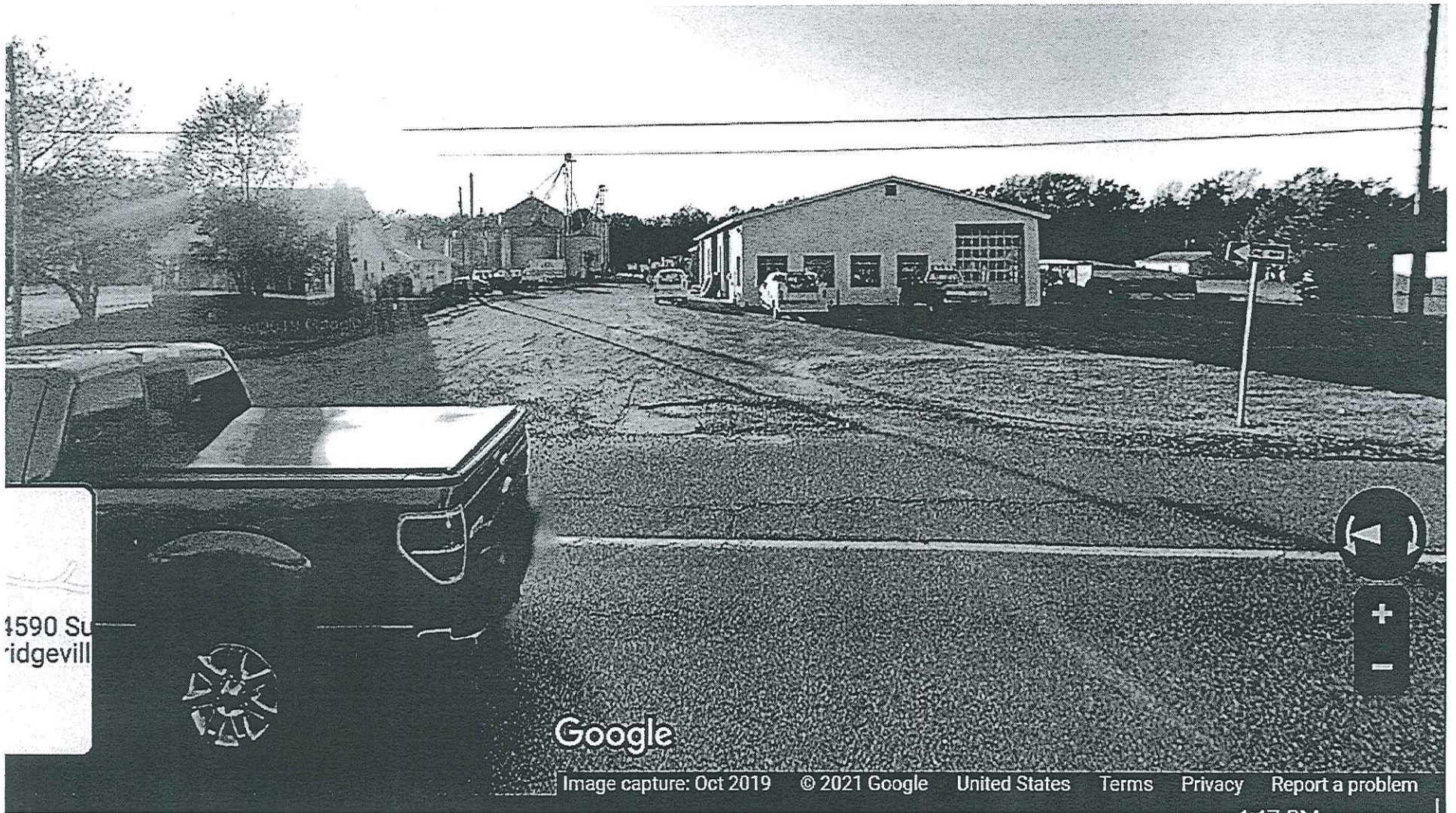












1590 Su  
ridgevill

Google

Image capture: Oct 2019 © 2021 Google United States Terms Privacy Report a problem

1:17 PM





Google

Image capture: Oct 2019 © 2021 Google United States Terms Privacy Report a problem



Prepared by & Return to:  
Sergovic Carmean Weidman  
McCartney & Owens, P.A.  
25 Chestnut Street  
Georgetown, DE 19947-0751  
SCTM 5-30-17.00-2.01  
JAS

#### POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, **GERALD R. CAMPBELL and VALERIE V. CAMPBELL** do hereby constitute and appoint **PAMELA HERRMANN** our true and lawful attorney, for us and in our names, place and stead, to represent an and act as our spokesperson for the public hearings concerning the Sussex County Rezoning Application, CZ No. 1939 before the Planning and Zoning Commission and the Sussex County Council, as follows:

- (1) To appear on their behalf as the named applicants;
- (2) To represent their interests at the public hearings;
- (3) To receive, accept, sign, acknowledge, swear to, affirm and deliver any and all instruments and documents required by the Planning and Zoning Commission or the Sussex County Council, otherwise necessary, appropriate or advisable in the sole discretion of my said attorney to be executed by the undersigned in connection with the Rezoning Application; and

GIVING AND GRANTING unto my attorney full power and authority to do and perform all and every act, deed, matter and thing whatsoever in and about my estate, property and affairs in regard to the Property as fully and effectually to all intents and purposes as we might or could do in our own proper person if personally present; and hereby ratifying and confirming all of our said attorney shall do or cause to be done by virtue of these presents. The undersigned hereby declares that (a) any act or thing lawfully done hereunder by our said attorney shall be binding on us and our heirs and assigns, (b) this power of attorney shall not be affected by our disability or uncertainty as to whether we are alive or dead, and (c) this Power of Attorney may be revoked only by a writing recorded among the Land Records of the County in which the Property is situate, but in any event, shall terminate sixty (60) days after its intended use.

Whenever in this Power of Attorney, the context so requires, the masculine gender includes the feminine and neuter, the singular number includes the plural and the plural number includes the singular.

AS WITNESS our Hands and Seals, this 5<sup>th</sup> day of August, 2021.

[Signature]  
Witness

Gerald R. Campbell (SEAL)  
Gerald R. Campbell

[Signature]  
Witness

Valerie V. Campbell (SEAL)  
Valerie V. Campbell

STATE OF Delaware :  
:SS.  
COUNTY OF Kent :

BE IT REMEMBERED, that on this 5<sup>th</sup> day of August, A.D. 2021, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, GERALD R. CAMPBELL and VALERIE V. CAMPBELL, parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their deed.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Jacquelyn H. Nechay  
NOTARY PUBLIC  
Jacquelyn Nechay  
Print or Type Name  
Comm. Expires: 7/30/2024



## **PROPOSED FINDINGS OF FACT**

The record presented in C/Z No. 1939, the application of Gerald R. and Valerie V. Campbell (hereinafter collectively "Campbell"), supports an Ordinance to amend the Comprehensive Zoning Map of Sussex County from an Agricultural Residential District ("AR-1") to a Neighborhood Business ("B-2") for a certain parcel of land lying and being in North West Fork Hundred, Sussex County, Delaware, land lying on the westerly side of Route 13, 1.1 miles north of Route 404 Bypass (previously Route 584) and 4,300 feet south of Adams Road (Sussex Road 583), south of Greenwood, located on 3.16 acres, more or less, consisting of District 5-30, Map 17.00, Parcel 2.01 ("Subject Property"). In support of its recommendation for approval the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions, based upon the record:

1. The application of Campbell for a certain parcel of land lying and being in North West Fork Hundred, Sussex County, Delaware, land lying north of Route 404 Bypass and South of Adams Road for purposes of operating a 9,161/500 square feet cabinet shop.
2. The property consists of approximately 3.16 acres and has been operating as a cabinet shop under Conditional Use 115, since 1973.
3. The proposed use of the property is compatible and consistent with neighboring uses of properties along Route 13.
4. The amendment to the Comprehensive Zoning Map will have no adverse or detrimental impact on neighboring areas or uses.



5. The proposed development will have no significant impact upon traffic in the area. DelDOT required no traffic impact study.

6. Although the property is located in a Low Density Area as established by the Comprehensive Plan Update, 2018, it is slightly north of an Industrial Area and slightly south of a Commercial Area in the 2045 Future Land Use Map of the 2018 Sussex County Comprehensive Land Use Plan.

The 2018 Sussex County Comprehensive Plan ("2018 Comp. Plan") at page 4-8, states: "This Future Land Use Plan revises and expands the existing planning areas. These planning areas provide the logic and rationale for the County's zoning, which is one of the primary purposes of a comprehensive plan. However, it is important to clarify that these land use classifications are not zoning districts, and they often include multiple zoning districts within them. Also, it is important to recognize that other factors come into play when determining which zoning districts are appropriate for each land use classification." Further, in a Low Density Area, the 2018 Comprehensive Plan provides at page 4-19: "The primary uses envisioned in Low Density Area are 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 Areas 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. Institutional and commercial uses may be appropriate depending on surrounding uses.” Since the property has been devoted to land use as a cabinet shop for 48-years, it would appear that such a use has been in support of agricultural activities and homes, or it would not operate in its existing location for as long as it has.

Agriculture uses and homes are the types of uses that have been served for 48-years of the property being used as a cabinet shop.

7. Thus, the proposed use meets the purpose of the Plan Update, 2018 in that it follows recommended allowed uses south in a Low Density Area.

Based upon the record and the above findings, Planning and Zoning Commission recommends approval of the applied for Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to B-2 Neighborhood Business for a certain parcel of land lying on the westerly side of Route 13, 1.1 miles north of Route 404 Bypass (previously Route 584) and 4,300 feet south of Adams Road (Sussex Road 583), south of Greenwood, located on 3.16 acres, more or less, consisting of District 5-30, Map 17.00, Parcel 2.01 located on 3.16 acres, more or less, consisting of District 5-30, Map 17.00, Parcels 2.01 to allow for the continuing operation of a cabinet shop consisting of 9,161 sq. ft. and 500 sq. ft. and one (1) single-family detached dwelling to the County Council finding that the proposed Ordinance is for the purpose of promoting the health, safety, moral, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County, including amongst



other things, the lessening of congestion in the streets or roads, securing safety from fire, flood and other dangers, providing adequate light and air; preventing on the one hand, excessive concentration of population and on the other hand, excessive and wasteful scattering of population or settlement and promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements.