

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

PLANNING & ZONING COMMISSION

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



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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 17th, 2022

Application: CZ 1950 Roxana Volunteer Fire Company

Applicant: Roxana Volunteer Fire Company
35943 Zion Church Road
Frankford, DE 19945

Owner: Roxana Volunteer Fire Company
35943 Zion Church Road
Frankford, DE 19945

Site Location: 36843, 36855, & 36873 Lighthouse Road, Selbyville. Lying on the northeast side of Lighthouse Road (Rt. 54) approximately 0.53-mile northwest of Bayville Road (S.C.R. 58B)

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

Proposed Zoning: Institutional (I-1) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire Department

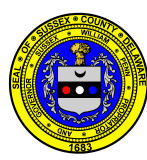
Sewer: Sussex County

Water: Artesian

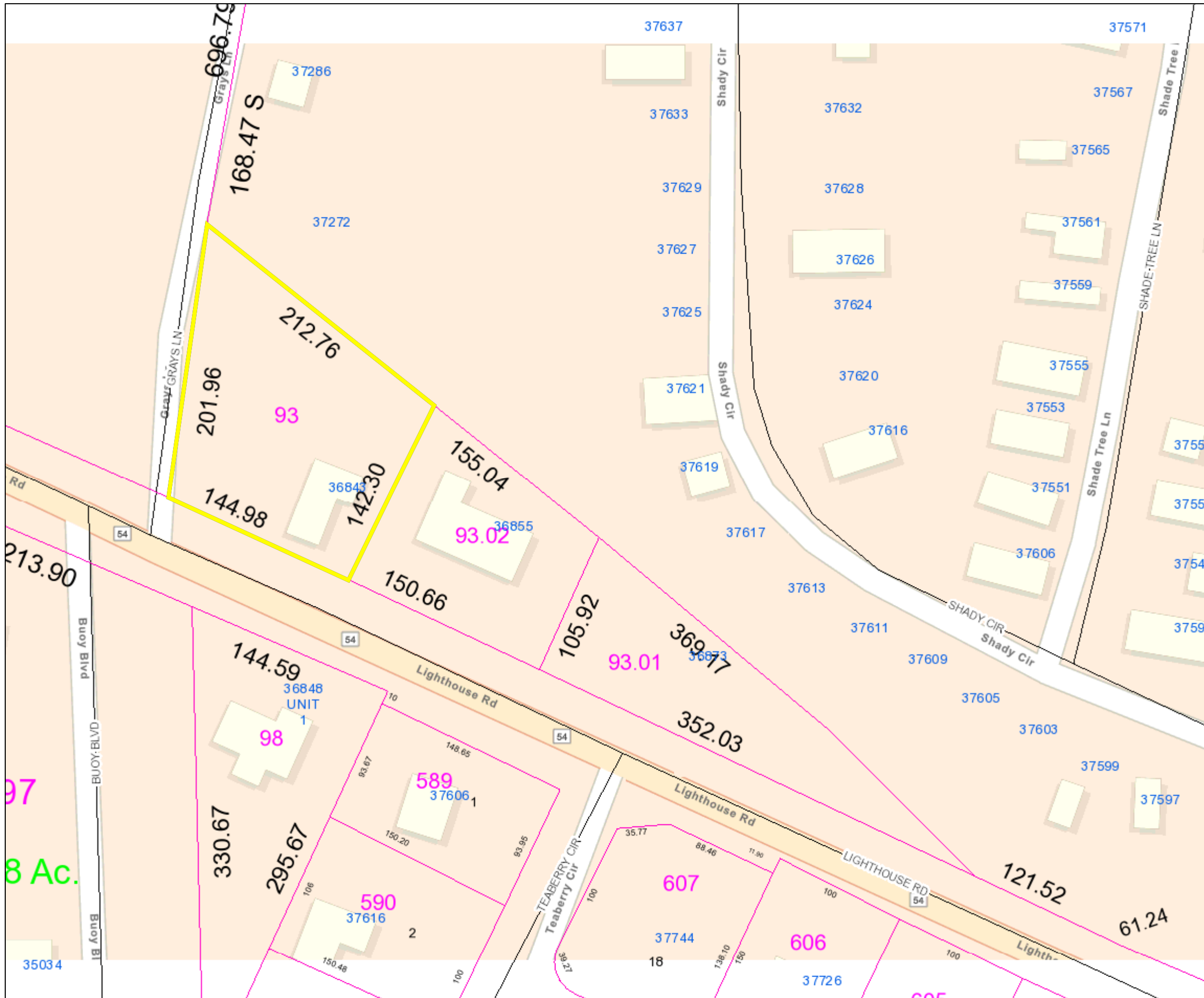
Site Area: 1.50 acres +/-

Tax Map IDs.: 533-12.00-93.00, 93.01, & 93.02





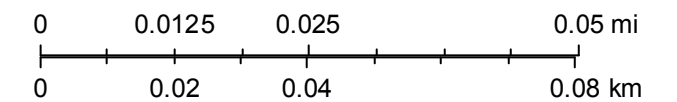
Sussex County

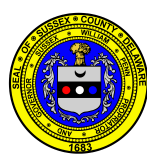


PIN:	533-12.00-93.00
Owner Name	ROXANA VOLUNTEER FIRE CO
Book	2516
Mailing Address	35943 ZION CHURCH RD
City	FRANKFORD
State	DE
Description	NE/RT 54
Description 2	716'NW/ENTR SWANN
Description 3	KEYS
Land Code	

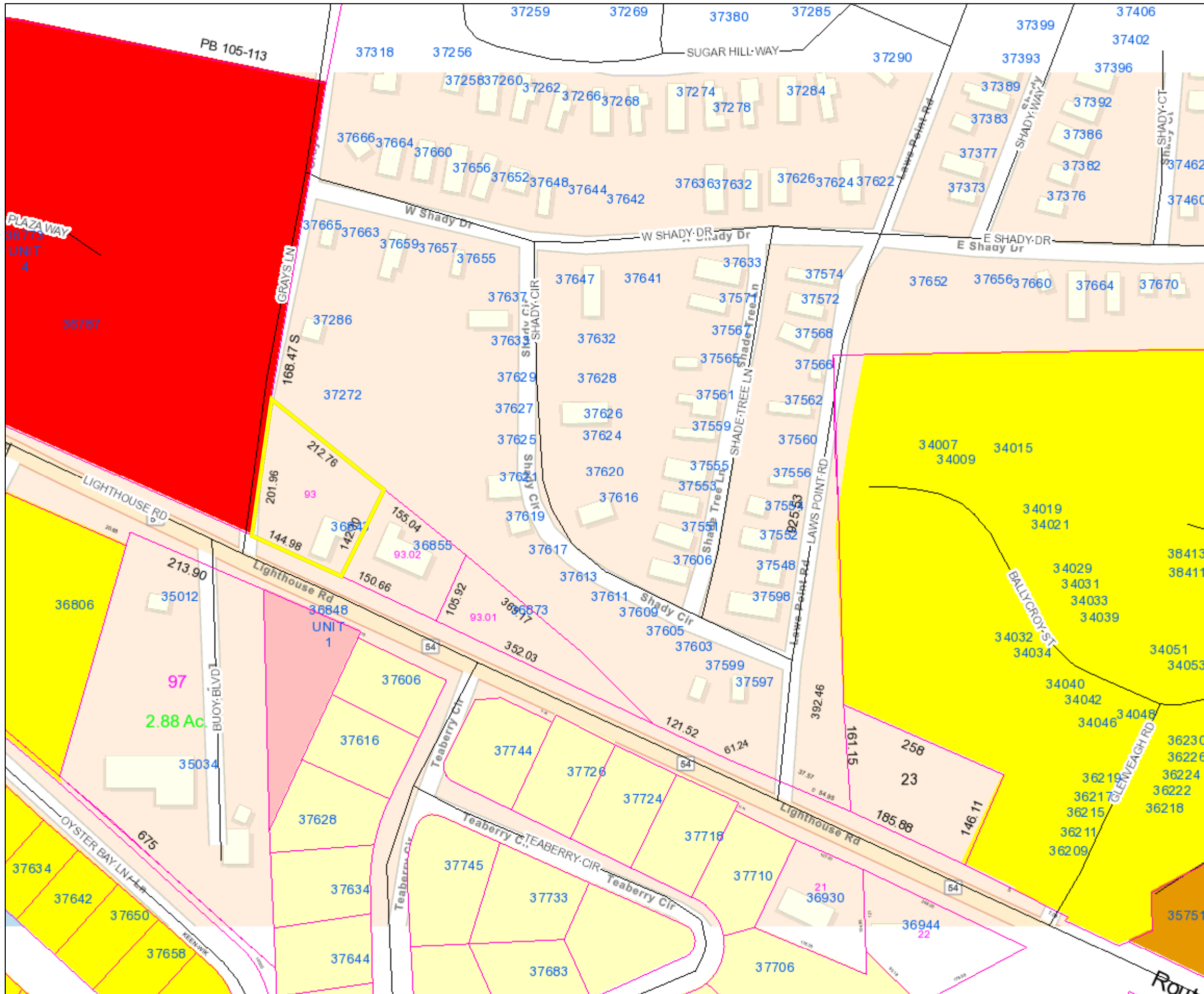
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 - Override 1
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 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Municipal Boundaries
 - TID

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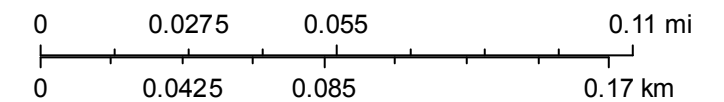
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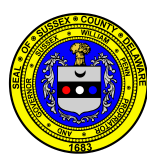


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- polygonLayer
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- Tax Parcels
- 911 Address
- Streets

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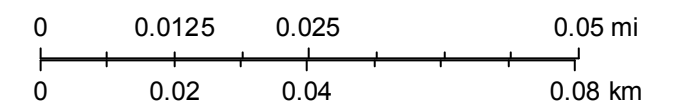
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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: February 9, 2022
RE: Staff Analysis for CZ 1950 Roxana Fire Company

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1950 Roxana Fire Company to be reviewed during the February 17, 2022, 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 533-12.00-93.00, 93.01, & 93.02 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to an Institutional (I-1) Zoning District. The properties are lying on the northeast side of Lighthouse Road (Route 54), approximately 0.53-mile northwest of Bayville Road (S.C.R. 58B). The parcels to be rezoned consist of 1.5 acres +/-.

Staff notes, a response from the Office of State Planning was obtained confirming the request is not required to go through the PLUS process.

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 north, south, east and west of the subject property also contain the Future Land Use Designation of "Coastal Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided 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 also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.

The property is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north are also zoned Agricultural Residential (AR-1) Zoning District. The properties to the south on the opposite side of Lighthouse Road (Route 54) are zone Neighborhood Business (B-1), Agricultural Residential (AR-1 & AR-2) and Medium Residential (MR) and the adjacent properties to the west are zoned General Commercial (C-1) District. The property to the east is zoned Agricultural Residential (AR-1) Zoning District.



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 the Coastal Area.

Since 2011, there have been sixteen (16) Change of Zone applications within a 1-mile radius of the application site. The Change of Zone applications approved include Medium Residential (MR), High Density Residential (HR-1), Commercial Residential (CR-1), Neighborhood Business (B-1), and Medium Commercial (C-2) Zoning Districts.

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

File #: CZ 1950

202112328
202112329
202112330

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

36843, 36855 + 36873 Lighthouse Rd. Selbyville DE

Type of Conditional Use Requested:

Change of Zoning

Tax Map #: 533-12.00-93.00, 93.01 + 93.02 Size of Parcel(s): 1.50 acres ±

Current Zoning: AR-1 Proposed Zoning: I-1 Size of Building: N/A

Land Use Classification: _____

Water Provider: Artesian

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Roxana Volunteer Fire Company

Applicant Address: 35943 Zion Church Rd

City: Frankford State: DE Zip Code: 19945

Phone #: 302-436-2300 E-mail: R.Hopper@Roxana90.com

Guy@Roxana90.com
Colleen@Roxana90.com

Owner Information

Owner Name: _____

Owner Address: Same

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____

Agent/Attorney/Engineer Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

___ Provide eight (8) copies of the Site Plan or Survey of the property

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- Provide a PDF of Plans (may be e-mailed to a staff member)
- Deed or Legal description

___ Provide Fee \$500.00

___ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

___ Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.

___ DelDOT Service Level Evaluation Request Response

___ PLUS Response Letter (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

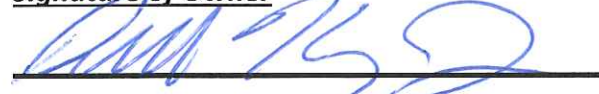
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 8/16/21

Signature of Owner



Date: 8/16/21

For office use only:

Date Submitted: 8/16/21

Fee: \$500.00 Check #: 18072

Staff accepting application: NJ

Application & Case #: CZ1950

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

NICOLE MAJESKI
SECRETARY

August 13, 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 **Roxana Fire Department** proposed land use application, which we received on August 12, 2021. This application is for an approximately 1.55-acre assemblage of parcels (Tax Parcels: 533-12.00-93.00, 93.01 and 93.02). The subject parcels are located on the north side of Fenwick Road a.k.a Lighthouse Road (State Route 54). Tax parcel 533-12.00-93.00 also has frontage on the east side of Grays Lane. The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of I-1 (Institutional) to renovate or build a new firehouse.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along State Route 54 from Dukes Avenue (Sussex Road 58D) to Zion Church Road (State Route 20), are 7,769 and 9,990 vehicles per day, respectively.

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

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

Mr. Jamie Whitehouse
Page 2 of 2
August 13, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Roxana Fire Department, Applicant
Elliott Young, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, 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
Annamaria Furmato, 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: **2/1/2022**

APPLICATION: **CZ 1950 Roxana Volunteer Fire Company**

APPLICANT: **Roxana Volunteer Fire Company**

FILE NO: **OM-4.05**

TAX MAP &
PARCEL(S): **533-12.00-93.00, 93.01, & 93.02**

LOCATION: **Lying on the northeast side of Lighthouse Road,
approximately 0.53 mile northwest of Bayville Road (SCR 58B)**

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

GROSS
ACREAGE: **1.50**

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

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **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 \$6,600.00** per EDU. Please contact **Noell Warren** at **302-855-7719** for additional information on charges.

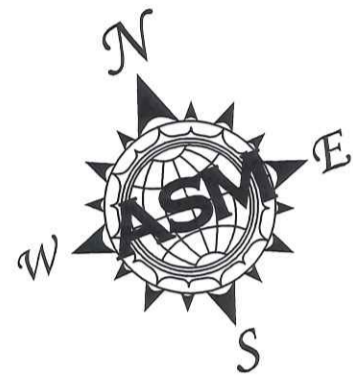
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **Currently all three parcels are connected to the sewer system. The change to Institutional zoning may require and upgrade in the size (dia.) of the sewer lateral. This may also result in an increase in the EDU's charged to the parcels depending on any new construction.**
- (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
Noell Warren



Notes

Current Zoning - Agricultural Residential AR-1

Proposed Zoning - Institutional I-1

Plat References:

Revised Subdivision of Lands of Charles M. Walton & Betty T.
Walton - Plat Book 26 Pg 120
Revised and Reassembled Property Lines Between Ronald E. Gray,
Et al and Charles M. Walton, Et ux - Deed Book 2035 Pg 352

Deed References:

- Parcel 1 - Bk 5469 Pg 293
Bk 3684 Pg 86
- Parcel 2A - Bk 1542 Pg 235
Bk 3680 Pg 120
- Parcel 2B - Bk 2516 Pg 179
Bk 3680 Pg 110

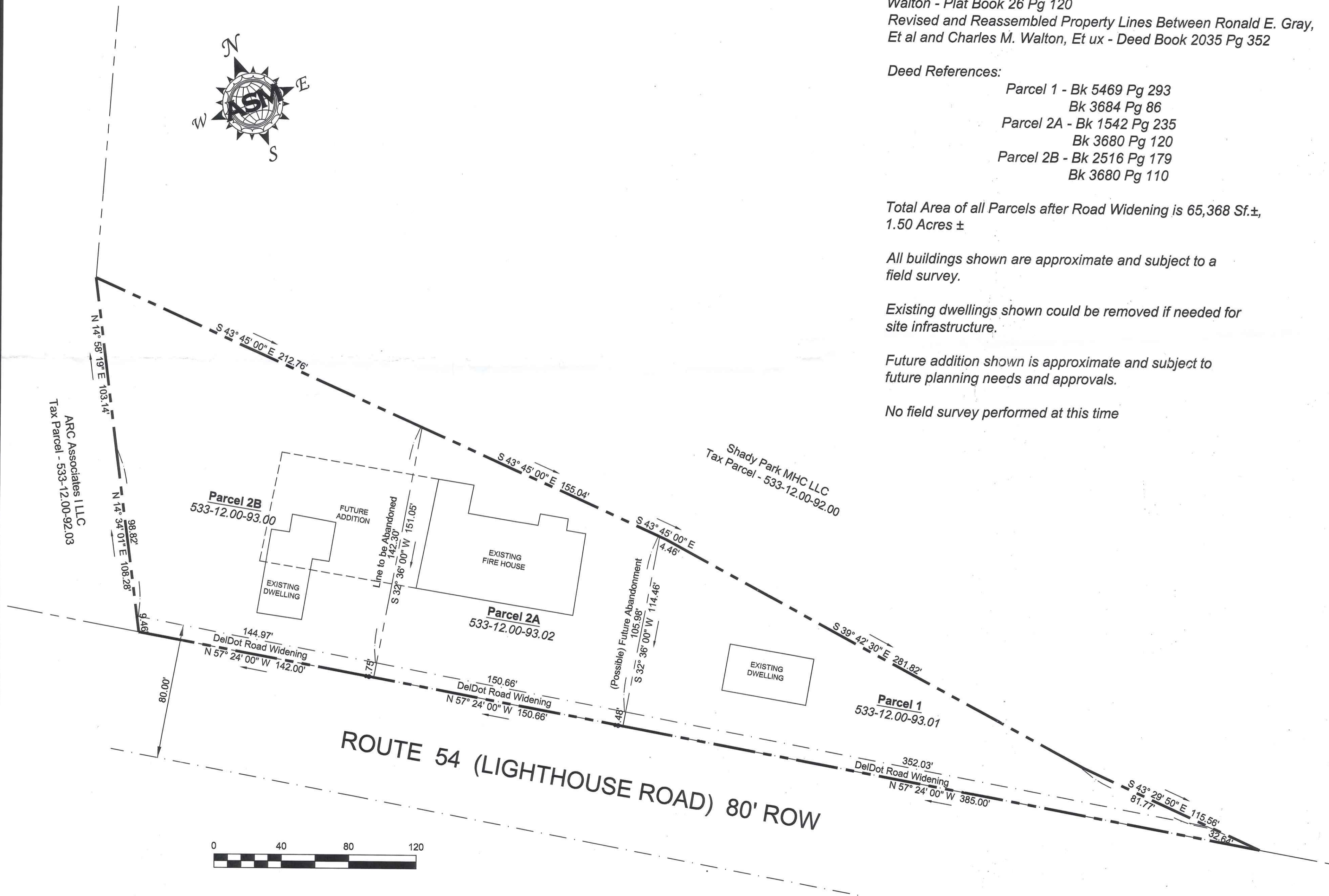
Total Area of all Parcels after Road Widening is 65,368 Sf.±,
1.50 Acres ±

All buildings shown are approximate and subject to a
field survey.

Existing dwellings shown could be removed if needed for
site infrastructure.

Future addition shown is approximate and subject to
future planning needs and approvals.

No field survey performed at this time



Project:
Proposed Change of Zoning
Lands of Roxana Volunteer Fire Company
Baltimore Hundred, Sussex County, Delaware
Tax Parcels - 533-12.00-93.00, 93.01 & 93.02

Prepared By: H.J.

Date: June 2021

Scale: As Shown