

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
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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 1952 Samantha Broadhurst

Applicant: Samantha Broadhurst
8 Meadowridge Ln.
Milton, DE 19968

Owner: Samantha Broadhurst
8 Meadowridge Ln.
Milton, DE 19968

Site Location: Lying on the west side of Dupont Boulevard (Rt. 113), approximately 0.33 miles north of Wilson Hill Rd. (S.C.R. 244).

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

Proposed Zoning: Medium Commercial (C-2) Zoning District

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Ms. Green

School District: Sussex Central School District

Fire District: Georgetown Fire Department

Sewer: N/A

Water: N/A

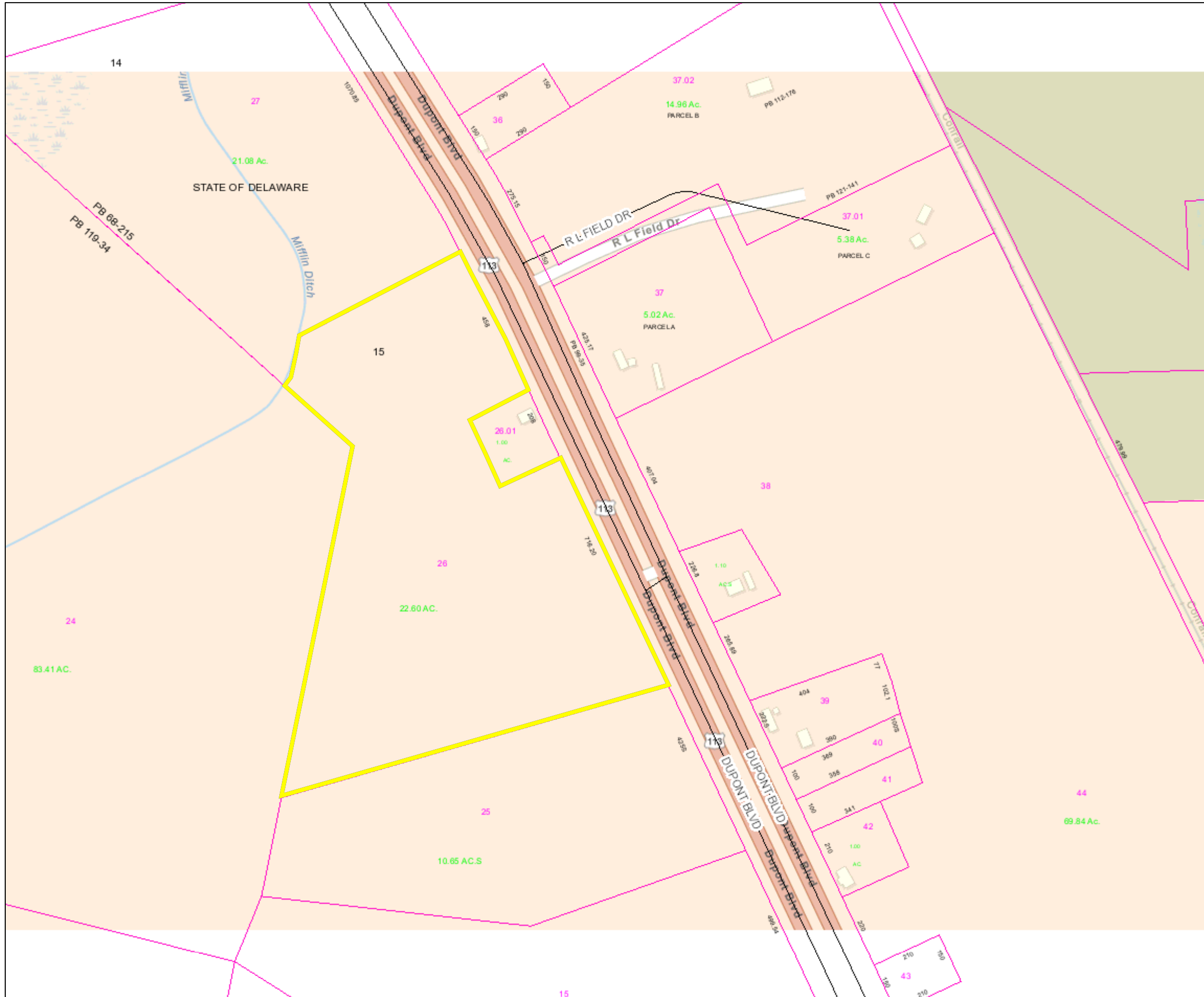
Site Area: 22.3 acres +/-

Tax Map IDs.: 135-9.00-26.00



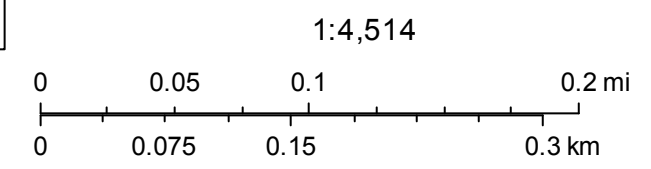


Sussex County



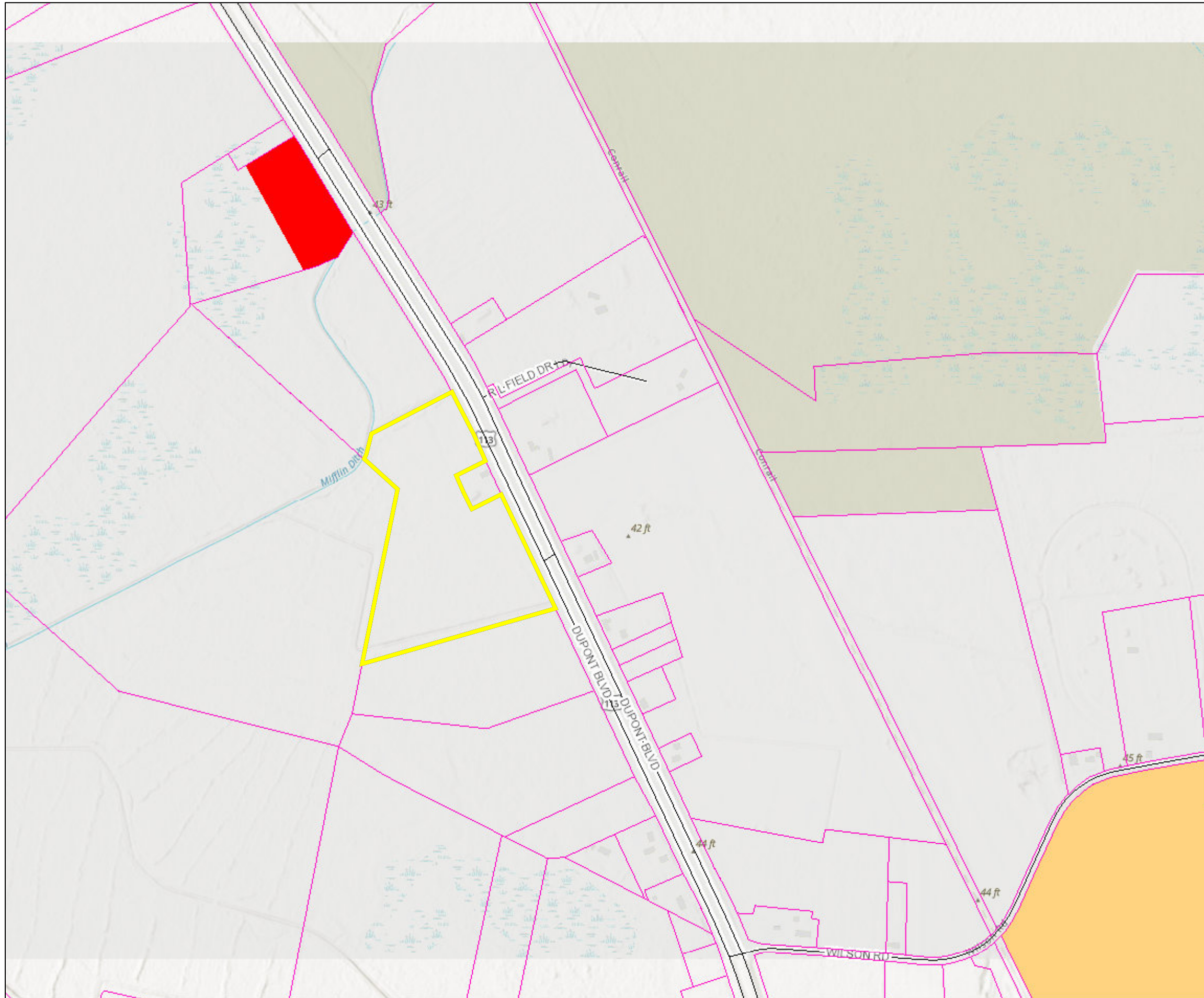
PIN:	135-9.00-26.00
Owner Name	MALAKIS NORENE
Book	5341
Mailing Address	8 MEADOWRIDGE LN
City	MILTON
State	DE
Description	W/RT 113
Description 2	2300' N/RT 244
Description 3	N/A
Land Code	

- | | |
|---------------------|------------|
| polygonLayer | Override 1 |
| polygonLayer | Override 1 |
- Tax Parcels
- Streets
- County Boundaries





Sussex County



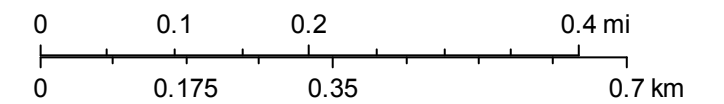
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- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

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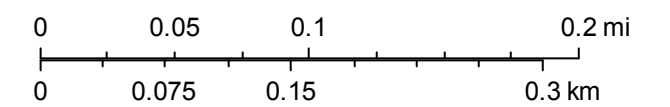
Sussex County



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

1:4,514



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Memorandum

To: Sussex County Planning Commission Members
From: Jesse Lindenberg, Planner I
CC: Vince Robertson, Assistant County Attorney
Date: February 9, 2022
RE: Staff Analysis for CZ 1952 Samantha Broadhurst

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1952 Samantha Broadhurst 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 Parcel 135-9.00-26.00 to allow for a change of zone from an Agricultural Residential Zoning (AR-1) District to a General Commercial (C-2) Zoning District. The property is lying on the west side of Dupont Boulevard (Rt. 113), 0.58 miles north of Wilson Road (S.C.R. 244). The parcel to be rezoned contains 22.60 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 "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, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the north, west and south are all zoned Agricultural Residential (AR-1) Zoning District. Across Dupont Boulevard (Rt. 13) the property is zoned Agricultural Residential (AR-1) Zoning District. Properties further north are zoned General Commercial (C-1) Zoning District and Commercial Residential (CR-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 General Commercial (C-2) Zoning District is listed as an applicable zoning district in the "Low Density" areas.



Since 2011, there have been two (2) Change of Zone applications within a 1-mile radius of the application site. Change of Zone 1848 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, May 15, 2018 through Ordinance No. 2576. Change of Zone 1879 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Neighborhood Business Zoning District (B-1) was approved by the Sussex County Council on Tuesday, June 25, 2019 through Ordinance No. 2666.

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 a General Commercial (C-2) Zoning District could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

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

Tax Map # 135-09.00-26.00

Type of Conditional Use Requested:

C2 rezoning for Billboard Use upon Approval / Conditional Use Approval
Tax Map #: 135-09.00-26.00 Size of Parcel(s): 22.3 acres

Current Zoning: ARI Proposed Zoning: C2 Size of Building: _____

Land Use Classification: _____

Water Provider: None Sewer Provider: None

Applicant Information

Applicant Name: Jamanta Broadhurst
Applicant Address: 8 meadowridge ln
City: Milton State: De Zip Code: 19968
Phone #: 302-519-8088 E-mail: jam@jacklingo.com

Owner Information

Owner Name: Jamanta Broadhurst
Owner Address: 8 meadowridge ln Milton
City: Milton State: De Zip Code: 19968
Phone #: 302-519-8088 E-mail: jam@jacklingo.com

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 - will Deliver

___ 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: 6-17-2021

Signature of Owner



Date: 6-17-2021

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: _____



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

December 8, 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 **Samantha Broadhurst & Norene Malakis** conditional use application, which we received on November 6, 2020. This application is for an approximately 22.60-acre parcel (Tax Parcel: 135-9.00-26.00). The subject land is located on the west side of US Route 113, approximately 2,400 feet north of Wilson Road (Sussex Road 244), north of the Town of Georgetown. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-2 (Medium-Density Commercial) to develop a commercial use.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 113 where the subject land is located, which is from Wilson Road to Deer Forest Road (Sussex Road 565), are 20,168 and 25,956 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.

The subject property is adjacent to US Route 113, thereby is subject to the Department's Corridor Capacity Preservation Program. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number of high density, direct access points on the arterial highway. According to the Office of State Planning Coordination's Strategies for State Policies and Spending document, the property is located within a Level 4 Investment Area. In this area, State policies will encourage the preservation of a rural environment. The property owner

Mr. Jamie Whitehouse

Page 2 of 2

December 8, 2020

can develop an access to US Route 113 for a site generating an average of 100 vehicle trips per day or less, as determined by the latest edition of the Institute of Transportation Engineer's Trip Generation Manual. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov. The manual is located under the publication link.

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: Samantha Broadhurst & Norene Malakis, Applicants
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, 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

**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 1952 Samantha Broadhurst**

APPLICANT: **Samantha Broadhurst**

FILE NO: **WS-4.06**

TAX MAP &
PARCEL(S): **135-9.00-26.00**

LOCATION: **Lying on the west side of DuPont Blvd. (Rt 113),
approximately 0.33 miles north of Wilson Hill Road (SCR 244)**

NO. OF UNITS: **Upzone from AR-1 to C-2 (medium commercial)**

GROSS
ACREAGE: **22.3 +/-**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 3**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **N/A** 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 **N/A** at **302-855-7719** for additional information on charges.

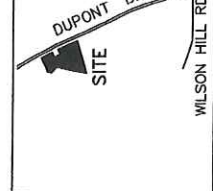
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The proposed Change of Zone is not located in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service. The Engineering Department recommends that water and sanitary sewer service be provided by a municipality or private provider.**
- (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



DB 5341, PG 175



- LEGEND:
- IRON PIPE FOUND
 - CORNER NOT MARKED
 - CAPPED IRON PIN SET
 - CAPPED IRON PIN FOUND
 - CONCRETE MONUMENT FOUND
 - EXISTING PROPERTY LINE
 - ADJOINING PROPERTY LINE
 - BUILDING RESTRICTION LINE
 - ROAD EDGE
 - ROAD CENTERLINE
 - TOP OF BANK
 - EXISTING EASEMENT

I, ALAN O'DALE KENT REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.



ALAN O'DALE KENT, P.L.S.#738, DATE 21 MAY 2021

JOB # 2021106
THIS IS A SUBURBAN SURVEY
BOUNDARY SURVEY
DATE OF PLAN 21 MAY 2021
DATE OF LAST FIELD WORK 30 APR 2021

OF THE LANDS NOW OR FORMERLY OF NORENE MALAKIS AND SAMANTHA BROADHURST
PREPARED BY ALAN O KENT LAND SURVEYING, LLC SEAFORD, DE 199713 (502) 745-1753

PLAN DATA:

1. TITLE REFERENCED TO: TM# 135-9.00-26.00, DB 5341, PG 175; DUPONT BLVD, GEORGETOWN, DE 19947 BROAD CREEK HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
2. NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAN
3. THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS.
4. ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING, ZONING IS AR1 AND SETBACKS ARE: FRONT-40', SIDE-15', AND REAR-20'.

