

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, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: March 10th, 2022

Application: CZ 1953 Breasure Holdings, LLC

Applicant: Brasure Holdings, LLC
35131 Lighthouse Road
Selbyville, DE 19975

Owner: Brasure Holdings, LLC
35131 Lighthouse Road
Selbyville, DE 19975

Site Location: Lying on the northwest side of Lighthouse Road (Rt. 54) approximately
0.27 mile west of Zion Church Road (Rt. 20)

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

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

Site Area: 1.646 acres +/-

Tax Map ID.: 533-19.00-13.02





Sussex County

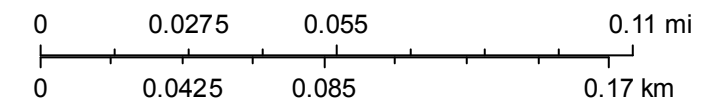


PIN:	533-19.00-13.02
Owner Name	BRASURE HOLDINGS LLC
Book	4537
Mailing Address	35131 LIGHTHOUSE RD
City	SELBYVILLE
State	DE
Description	NW/LIGHTHOUSE RD
Description 2	PARCEL A C
Description 3	N/A
Land Code	

- | | |
|-------------------|-------------------|
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| polygonLayer | Override 1 |
| Tax Parcels | 911 Address |
| Streets | Streets |
| County Boundaries | County Boundaries |
- Tax Ditch Segments**

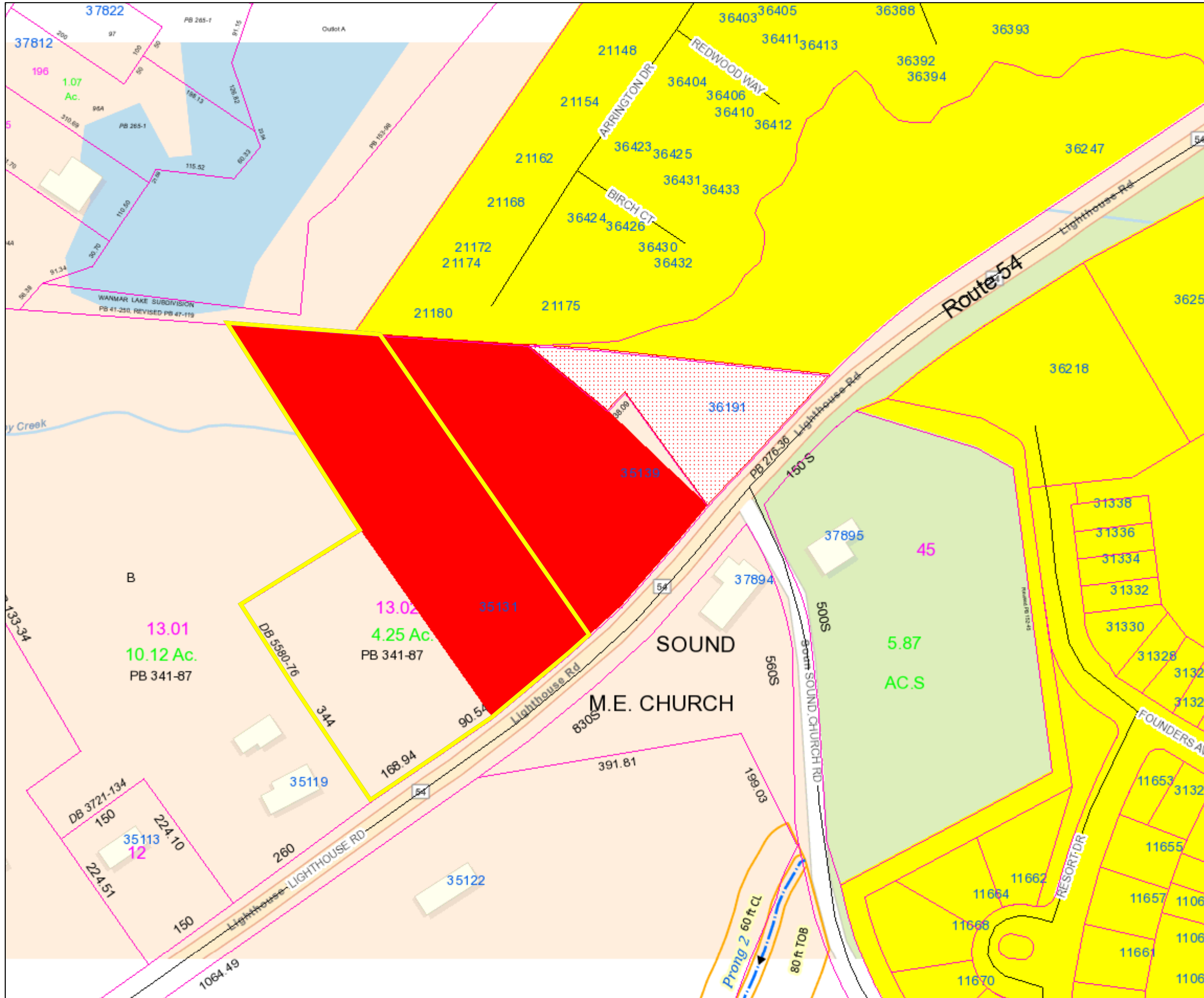
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 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Municipal Boundaries
 - TID

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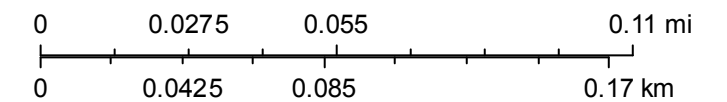
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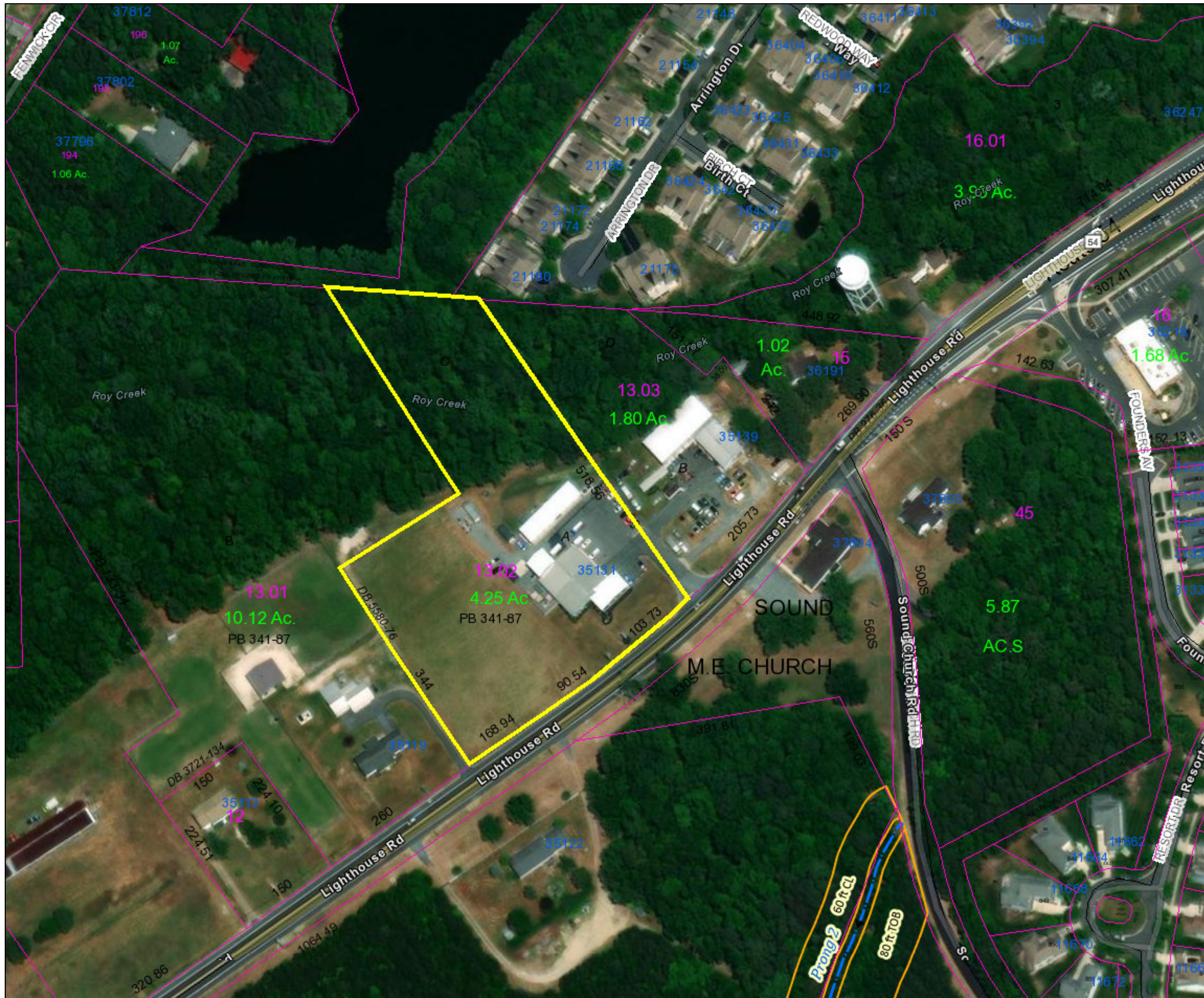
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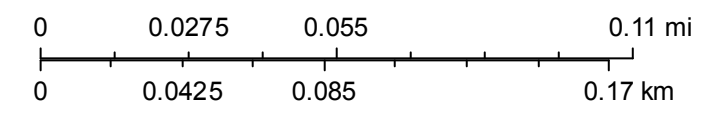
Sussex County



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- polygonLayer**
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- Tax Parcels
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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: March 2, 2022
RE: Staff Analysis for CZ 1953 Brasure Holdings, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1953 Brasure Holdings, LLC to be reviewed during the March 10, 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 part of Tax Parcel 533-19.00-13.02 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The property is lying on the northwest side of Lighthouse Road (Rt. 54), approximately 0.27 mile southwest of Zion Church Road (Rt. 20). The portion of the parcel to be rezoned consists of 1.646 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area." The properties to the 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 portion of this property is zoned Agricultural Residential (AR-1) Zoning District. The rest of the property is zoned General Commercial (C-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 Agricultural Residential (AR-1) and Medium Residential (MR) and the adjacent properties to the west are zoned Agricultural Residential (AR-1) Zoning District. Properties further to the east are zoned Heavy Commercial (C-3), Neighborhood Business (B-1) and Medium Residential (MR) Zoning Districts.



The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Medium Commercial (C-2) Zoning District is listed as an applicable zoning district in the Coastal Area.

Since 2011, there have been nine (9) Change of Zone applications within a 1-mile radius of the application site. The Change of Zone applications approved include Medium Residential (MR), 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 a Medium Commercial Zoning District (C-2) could be considered as being consistent with the land use, based on the size, scale, 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

35131 Lighthouse Rd, Selbyville, DE 19975

Type of Conditional Use Requested:

Seeks a change of zone from ~~ART~~^{C-1} to C-2 for a
1.646 acre portion of tax parcel #533-19.00-13.02

Tax Map #: 533-19.00-13.02 Size of Parcel(s): 4.251

Current Zoning: ~~ART~~^{C-1} Proposed Zoning: C-2 Size of Building: 80' x 100'

Land Use Classification: Coastal Area Commercial

Water Provider: Well on-site Sewer Provider: Sussex County Sewer

Applicant Information

Applicant Name: Brasure Holdings, LLC
Applicant Address: 35131 Lighthouse Rd
City: Selbyville State: DE Zip Code: 19975
Phone #: 302-436-5652 E-mail: david@brasurescarpetcare.com

Owner Information

Owner Name: Same as above
Owner Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: None
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
- N/A 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

[Signature] Date: 7-8-21

Signature of Owner

[Signature] Date: 7-8-21 ✓

For office use only:

Date Submitted: 07/08/2021 Fee: \$500.00 Check #: 1046
Staff accepting application: chase phillips Application & Case #: 20210231 C21947
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

June 23, 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 **David Brasure, Brasure Holdings LLC** proposed land use application, which we received on June 8, 2021. This application is for an approximately 2.60- acre parcel (Tax Parcels: 533-19.00-13.02). The subject land is located on the north side of Fenwick Road (Sussex Road 58) 400 ft from the intersection with Pepper Road (Sussex Road 376). The subject land is currently zoned AR-1 (Agriculture Residential) and C-1 (General Commercial) with a proposed zoning of C-1 (General Commercial) and C-2 (Medium Commercial). The applicant seeks to build a storage building.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Fenwick Road from Zion Church Road to Williamsville Road is 2,676.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

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



Mr. Jamie Whitehouse
Page 2 of 2
June 23, 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: David Brasure, Brasure Holdings LLC, Applicant
Russell Warrington, 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: **2/21/2022**

APPLICATION: **CZ 1953 Brasure Holdings, LLC**

APPLICANT: **Brasure Holdings, LLC**

FILE NO: **OM-4.05**

TAX MAP &
PARCEL(S): **533-19.00-13.02**

LOCATION: **Lying on the northwest side of Lighthouse Road (Rt. 54),
approximately 0.27 mile west of Sound Church Road (Rt. 20).**

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

GROSS
ACREAGE: **1.646**

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? **Yes** 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? **Yes** 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: **There are currently 3.17 EDU's assessed at this property.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (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

Survey: Revised & Reassembled Lands Of David L. Brasure & Peggy Rae Brasure And Brasure Holdings, LLC
 Baltimore Hundred Sussex County Delaware

[BOUNDARY SURVEY PLAN]

Parcel A

Darryl W. Brasure
 Andrea Lynn Brasure
 Deed Ref.: 3692/256
 Plat Ref.: PB 133/34

Larry H. & Achsah Brasure Subdivision
 Plot Book 133 / Page 34 Parcel B

David L. Brasure & Peggy Rae Brasure
 Deed References: 3692/259
 3721/134
 Tax Map Reference: 533-19.00-13.06
 Area: ± 9.197 Acres

Brasure Holdings, LLC
 Deed Reference: 4537/240
 Tax Map Ref.: 533-19.00-13.02
 ± 2.605 Acres

Darryl W. Brasure
 Andrea Lynn Brasure
 Deed Reference: 3692/271

A Portion Of Parcel B
 To Be Conveyed To And
 Made A Part Of The Lands Of
 Brasure Holdings, LLC
 ± 1.646 Acres

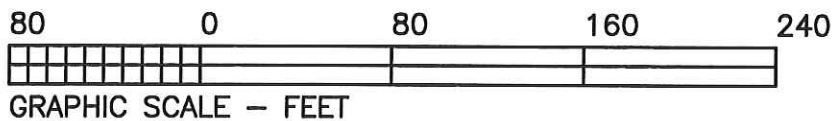
David L. Brasure
 Peggy Rae Brasure
 Deed References: 1299/206
 1816/188
 Tax Map Ref.: 533-19.00-13.01
 ± 0.918 Acres

This Parcel Is To Be Conveyed To
 And Made A Part Of Parcel B.

Lot Line Adjustment
APPROVED
 cp 1 page
 06/08/2021
 SUSSEX COUNTY
 PLANNING & ZONING COMMISSION

THIS DRAWING DOES NOT VERIFY THE
 EXISTENCE OR NON-EXISTENCE OF
 RIGHT-OF-WAYS, OR EASEMENTS IN
 REFERENCE TO THIS PROPERTY.
 NO TITLE SEARCH PROVIDED OR STIPULATED.

Lighthouse Road State Route 54 60' R/W



I, Lawrence R. Long, 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.

Class B Survey
 May 25, 2021

Lawrence R. Long
 LAWRENCE R. LONG (Valid In Red Ink Only)
 Professional Land Surveyor
 DELAWARE #543 MARYLAND #10961

LAWRENCE R. LONG
 Professional Land Surveyor, LLC.

36079 Bayard Road
 Frankford, DE 19945
 PHONE: 302-436-5215

Land Surveying Services
 DELAWARE / MARYLAND

CONFORMED COPY
 Document # 2021000037207 BK: 341 PG: 87
 8/2021 at 11:13:07 AM
 RECORDER OF DEEDS Scott Dailey
 Sussex County
 Consideration: \$0.00