

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: August 25<sup>th</sup>, 2022

Application: C/Z 1963 ES Motors, Inc.

Applicant: ES Motors Inc.  
30028 Vines Creek  
Dagsboro, DE 19939

Owner: ES Motors Inc.  
30028 Vines Creek  
Dagsboro, DE 19939

Site Location: Lying on the south side of Vines Creek Road (Rt. 26), approximately 0.5 miles east of Armory Road (Rt. 382).

Current Zoning: MR – Medium Residential District

Proposed Zoning: C-2 – Medium Commercial District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Dagsboro Fire Company

Sewer: On-site

Water: On-site

Site Area: 9.54 acres +/-

Tax Map ID.: 233-11.00-172.00



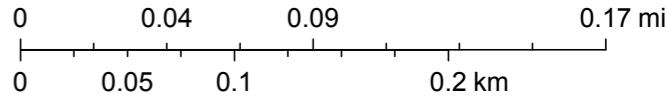
# Sussex County



July 22, 2022

- Override 1
- Tax Parcels
- County Boundaries
- Override 1
- Streets
- DE\_NWI\_2017\_Broadkill

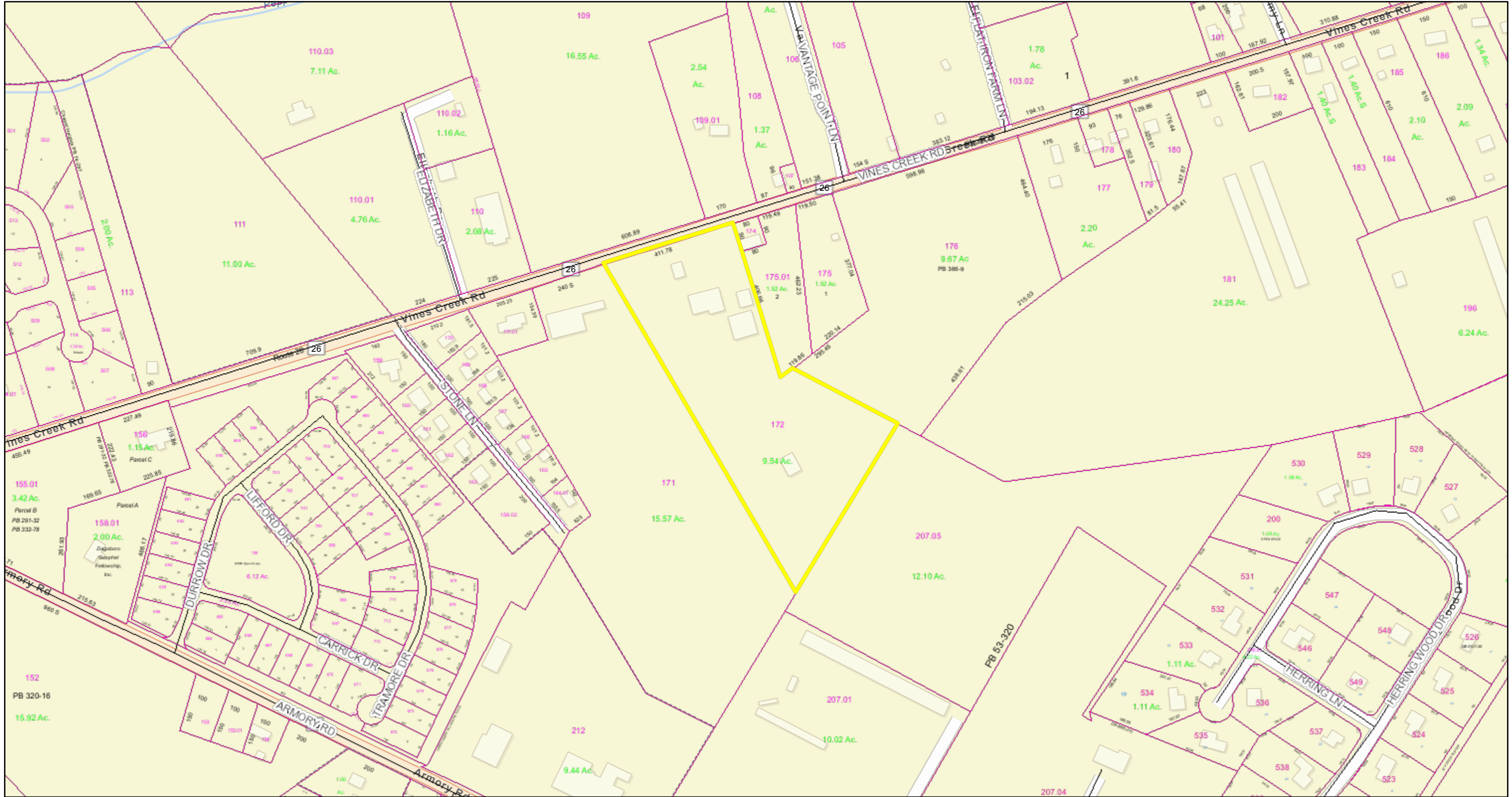
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Wetland mapping is supported with funding provided by the Environmental Protection Agency, Sussex County, Sussex County Government, Delaware Department of Agriculture

Delaware Department of Natural Resources and Environmental

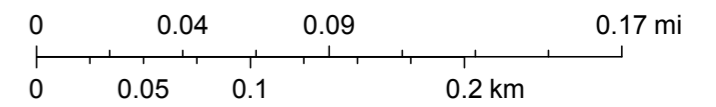
# Sussex County



July 22, 2022

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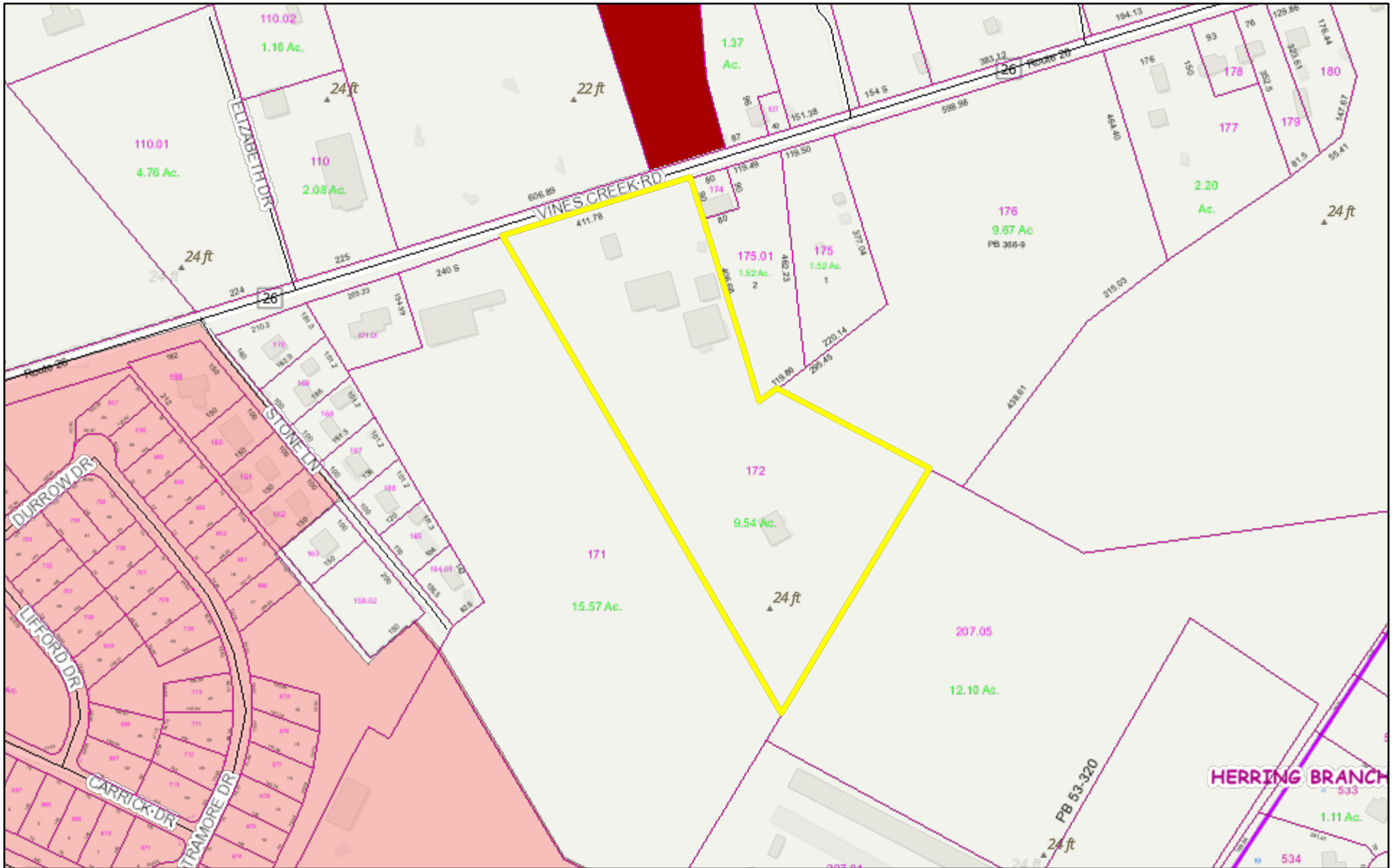
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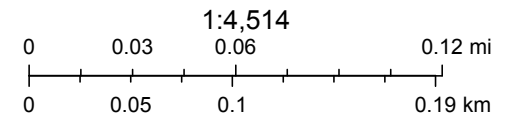
Delaware Department of Natural Resources and Environmental

# Sussex County



July 25, 2022

- |             |                                 |                                 |                                  |
|-------------|---------------------------------|---------------------------------|----------------------------------|
| Override 1  | Streets                         | Medium Residential - MR         | High Density Residential - HR-2  |
| Override 1  | Zoning                          | General Residential - GR        | Vacation, Retire, Resident - VRP |
| Tax Parcels | Agricultural Residential - AR-1 | High Density Residential - HR-1 | Neighborhood Business - B-1      |
|             | Agricultural Residential - AR-2 |                                 |                                  |



DNREC, Division of Watershed Stewardship, Drainage Program,  
john.inkster@state.de.us, Sussex County, Sussex County Government,

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



**Sussex County**

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## Memorandum

To: Sussex County Planning Commission Members  
From: Mx. Jesse Lindenberg, Planner I  
CC: Mr. Vince Robertson, Assistant County Attorney, and applicant  
Date: August 18<sup>th</sup>, 2022  
RE: Staff Analysis for C/Z 1963 ES Motors, Inc.

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 1963 ES Motors, Inc. to be reviewed during the August 25<sup>th</sup>, 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 233-11.00-172.00 to allow for a change of zone from a Medium Residential (MR) District to a Medium Commercial (C-2) District. The property is lying on the south side of Vines Creek Road (Rt. 26), approximately 0.5 miles east of Armory Road (Rt. 382). The parcel consists of 9.54 acres +/-.

### Comprehensive Plan Analysis

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 land use designation of "Coastal Area." The properties to the north (across Vines Creek Road), south, east, and west all have a land use designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed. 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. (Sussex County Comprehensive Plan, 4-15).

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) District is listed as an Applicable Zoning District within the "Coastal Area" (Sussex County Comprehensive Plan, 4-25).



### Zoning Information

The property is zoned Medium Residential (MR) District. The adjacent parcels to the northwest (across Vines Creek Road), south, east, and west of the subject property are zoned Agricultural Residential (AR-1) District. The property located to the northeast of the subject site, across Vines Creek Road, is zoned Commercial Residential (CR-1) District. A few parcels west of the site are the municipal boundaries of the Town of Dagsboro.

### Existing Change of Zone Applications within the Vicinity of the Subject Site

Since 2011, there have been zero (0) Change of Zone applications within a one (1) mile radius of the application site.

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

File #: C/Z 1963  
20210986

# 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

NOV 18 2021

SUSSEX COUNTY  
PLANNING & ZONING

**Type of Application: (please check applicable)**

Conditional Use   
Zoning Map Amendment

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

30028 Vines Creek Road, Dagsboro DE

**Type of Conditional Use Requested:**

N/A

Tax Map #: 233-11.00-172.00 Size of Parcel(s): 9.54 acres

Current Zoning: MR Proposed Zoning: C-2 Size of Building: 25,500

Land Use Classification: Coastal

Water Provider: On-site Sewer Provider: On-site

**Applicant Information**

Applicant Name: ES Motors Inc  
Applicant Address: 30028 Vines Creek  
City: Dagsboro State: DE Zip Code: \_\_\_\_\_  
Phone #: (443) 944-4628 E-mail: esmain@gmail.com

**Owner Information**

Owner Name: same  
Owner Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Timothy G. Willard  
Agent/Attorney/Engineer Address: 26 The Circle  
City: Georgetown State: DE Zip Code: 19947  
Phone #: (302) 856-7777 E-mail: tim@fwsslaw.com





## 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: 11-17-21

Signature of Owner



Date: 11.17.21

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: \_\_\_\_\_

# 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**

*Tina Wilford*

Date: 11-17-21

**Signature of Owner**

\_\_\_\_\_

Date: \_\_\_\_\_

*For office use only:*

Date Submitted: 11/18/21

Staff accepting application: ashley

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

Fee: \$500.00 Check #: 19416

Application & Case #: 202116986

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

November 15, 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 **ES Motors Inc c/o Tim Willard** proposed land use application, which we received on November 3, 2021. This application is for an approximately 9.54-acre parcel (Tax Parcel: 233-11.00-172.00). The subject land is located on the south side of Vines Creek Road (State Route 26) about 2,400 feet east of the intersection with Armory Road (State Route 20). The subject land is currently zoned MR (Medium Density Residential) with a proposed zoning of C-2 (Medium Commercial) to build office and storage space.

Per the 2019 Delaware Vehicle Volume Summary, the annual and summer average daily traffic volumes along Vines Creek Road from Falling Point Road (Sussex Road 341) to Stone Lane, are 9,817 and 12,623 vehicles per day, respectively.

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 DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DeIDOT'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. DeIDOT'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 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

November 15, 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: Tim Willard, Applicant  
Elliot 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  
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: **7/29/2022**

APPLICATION: **CZ 1963 ES Motors, Inc**

APPLICANT: **ES Motors, Inc**

FILE NO: **DPFA-6.03**

TAX MAP &  
PARCEL(S): **233-11.00-172.00**

LOCATION: **Lying on the south side of Vines Creek Road (Rt. 26),  
approximately 0.5 miles east of Armory Road (SCR 382).**

NO. OF UNITS: **Change Zone from MR to C-2**

GROSS  
ACREAGE: **9.54**

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

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No 
  - a. If yes, see question (2).
  - b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **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? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Change of Zone is not in an area where the Sussex County Engineering Department currently has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

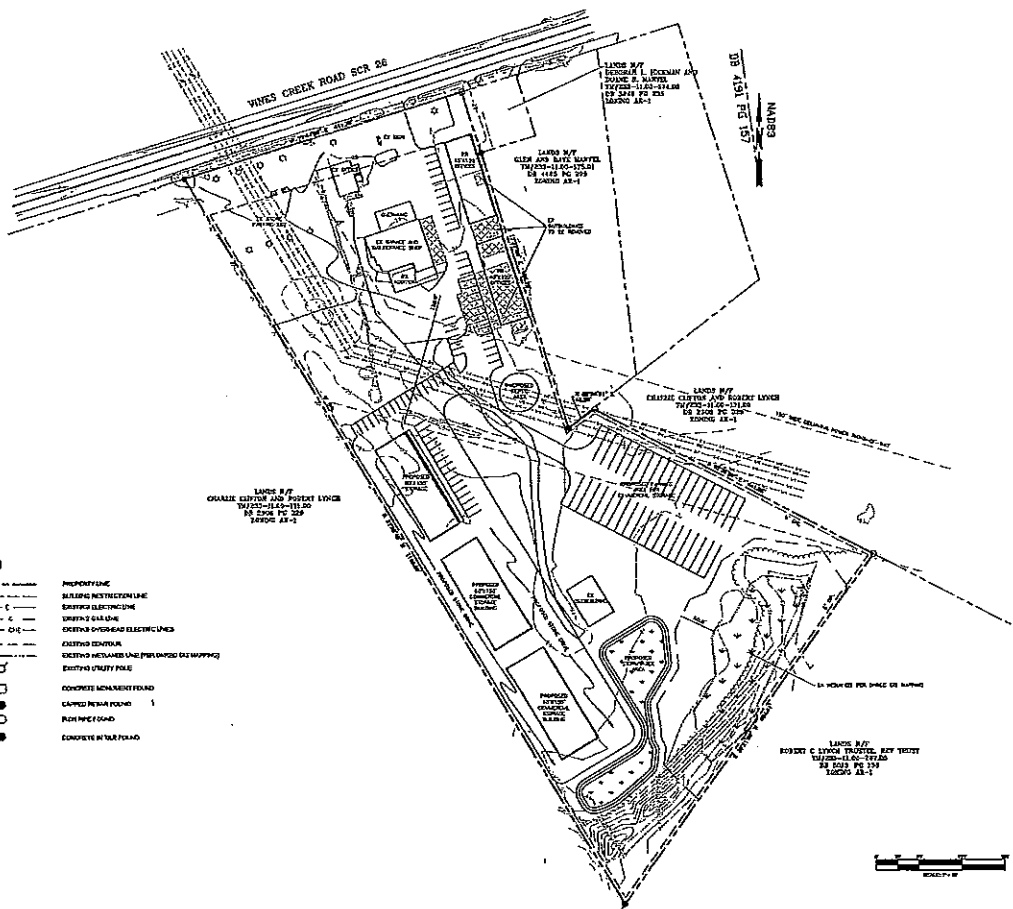
UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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



**LEGEND**

- PROPOSED LINE
- EXISTING MASTHEAD LINE
- EXISTING ELECTRIC LINE
- EXISTING GAS LINE
- EXISTING OVERHEAD ELECTRIC LINES
- EXISTING CENTRAL
- EXISTING METALINE LINE (PUMPED OR MAPPING)
- EXISTING UTILITY POLE
- CONCRETE MONUMENT FOUND
- CAPPED METAL FOUND
- IRON PIPE FOUND
- CONCRETE IN TIE FOUND



- PLAN DATA:**
- PARCEL ID: 001-140-113-00
  - PLAT REFERENCE: SEE PLAN PAGE 101
  - EXISTING ZONING DISTRICT: M (MEDIUM DENSITY)
  - PROPOSED ZONING DISTRICT: C (COMMERCIAL OFFICE/RETAIL)
  - PROPOSED ZONING AND INCORPORATION: (SEE MAP BY STATE OF DELAWARE)
  - APPROVAL CLASSIFICATION: (SEE PLAN REFERENCE)
  - WATER SUPPLY: (SEE PLAN REFERENCE)
  - SEWER: (SEE PLAN REFERENCE)
  - LAND AREA: 0.0000 ACRES
  - TOTAL AC OF LOTS: 1
  - EXISTING AREA: (SEE PLAN REFERENCE)
  - PROPOSED USES: (SEE PLAN REFERENCE)

- NOTES:**
1. THE PURPOSE OF THIS PLAN IS TO PROVIDE A CONCEPTUAL LAYOUT FOR THE OWNER'S USE TO PRESENT THE PROJECT TO THE LOCAL GOVERNMENT IN ORDER TO OBTAIN NECESSARY PERMITS.
  2. NO TITLE SEARCHES OR RECORDS HAVE BEEN CONDUCTED TO VERIFY THE EXISTENCE OF OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY.
  3. NO SURVEY OR MEASUREMENTS HAVE BEEN PERFORMED. METERS INDICATED ON THESE PLANS ARE TAKEN FROM BEST AVAILABLE INFORMATION OF THE TIME THE PLANS WERE PREPARED. SURVEYORS OR COMPETENT PERSONS OF THE STATE OF DELAWARE SHALL BE CONTACTED TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE CONTRACTOR SHALL CONTACT THE COUNTY OF DEPTER AT 302-438-1111 TO OBTAIN THE NECESSARY INFORMATION. THE CONTRACTOR SHALL CONTACT THE COUNTY OF DEPTER AT 302-438-1111 TO OBTAIN THE NECESSARY INFORMATION. THE CONTRACTOR SHALL CONTACT THE COUNTY OF DEPTER AT 302-438-1111 TO OBTAIN THE NECESSARY INFORMATION.
  4. THE LOCATION OF EXISTING UTILITIES THAT ARE INDICATED ON THESE PLANS ARE TAKEN FROM BEST AVAILABLE INFORMATION OF THE TIME THE PLANS WERE PREPARED. SURVEYORS OR COMPETENT PERSONS OF THE STATE OF DELAWARE SHALL BE CONTACTED TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE CONTRACTOR SHALL CONTACT THE COUNTY OF DEPTER AT 302-438-1111 TO OBTAIN THE NECESSARY INFORMATION. THE CONTRACTOR SHALL CONTACT THE COUNTY OF DEPTER AT 302-438-1111 TO OBTAIN THE NECESSARY INFORMATION.

**CONCEPTUAL SITE PLAN**  
 FOR PROPERTY OWNED BY  
**LANDS OF ES MOTORS LLC**  
 ALSO KNOWN AS  
**3008 VINES CREEK ROAD**  
 SITUATE IN  
**DAGSBURG HUNDRED \* SUSSEX COUNTY**  
 STATE OF DELAWARE  
 TAX MAP: 001-140-113-00

	37245 WALDRAC RUN ROAD MIDDLETOWN, DELAWARE 19940 FIGURE NO. 201-211-2418	
	DATE: 02-10-2021	SHEET: 1/1



## Jesse Lindenberg

---

**From:** Morris, Dorothy (OMB) <Dorothy.Morris@delaware.gov>  
**Sent:** Wednesday, July 27, 2022 9:42 AM  
**To:** Jesse Lindenberg  
**Subject:** RE: PLUS Review for CZ 1963 ES Motors, Inc.

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

This is in the coastal area and according to your email they are want to change zoning consistent with the comprehensive plan. This is also in a Level 2 area so unless you specifically want them to come through PLUS the rezoning does not need a PLUS meeting; however the development may depending on the size.

Thanks



**Dorothy L Morris, AICP**  
Principal Planner  
Office of State Planning Coordination

: (302) 672-5136 **Email:** [Dorothy.morris@delaware.gov](mailto:Dorothy.morris@delaware.gov)

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[stateplanning.delaware.gov](http://stateplanning.delaware.gov) 122 Martin Luther King Jr. Blvd. South, Dover, DE 19901



Visit [de.gov/plus](http://de.gov/plus) for more information

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**From:** Jesse Lindenberg <jesse.lindenberg@sussexcountyde.gov>  
**Sent:** Tuesday, July 26, 2022 4:24 PM  
**To:** Morris, Dorothy (OMB) <Dorothy.Morris@delaware.gov>  
**Subject:** PLUS Review for CZ 1963 ES Motors, Inc.

Good afternoon,

We have a Change of Zone application (CZ 1963 ES Motors, Inc.) for a change of zone from MR to C-2 for parcel 233-11.00-172.00. Please see the application attached. Will this application require a PLUS review? We were looking to run legal ads tomorrow and are hoping to have a determination as soon as possible. My apologies for the rush.

Thank you,

*Jesse Lindenberg (they/he)*

Planner I  
Sussex County Government  
Planning & Zoning Dept.  
2 The Circle, PO Box 417  
Georgetown, DE 19947  
P: 302-855-7878

\* There is a new fee schedule for FY2023. Please contact the office with any questions. \*