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Sussex County

DELAWARE
sussexcountyde.gov

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
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J. BRUCE MEARS
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PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: September 8th, 2022

Application: Ordinance 22-02 – In relation to Tax Parcel 134-17.07-173.02(P/O)
(Kent Walston, LLC)

Applicant: Kent Walston, LLC
30398 Pavilion Drive #1704
Ocean View, Delaware 19970

Owner: Same as Applicant

Site Location: East Side of Kent Avenue, North of Jefferson Bridge Road

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Density Residential (MR)

Proposed Use: Duplex (multifamily, 2 units)

Current
Comprehensive Land
Use Plan Reference: Low Density

Proposed
Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Hudson

School District: Indian River School District

Fire District: Greenwood Fire Department

Sewer: County Sewer

Water: Private Provider

Site Area: 1.4 ac. +/-

Tax Map ID.: 134-17.07-173.02



ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 134-17.07-173.02 (portion of).

WHEREAS, on December 28th, 2021, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of a portion of Sussex County Parcel No. 134-17.07-173.02 from the Municipalities Area to the Coastal Area; and

WHEREAS, the Parcel comprises 1.4 acres of land, lying and being within Baltimore Hundred, and located on the east side of Kent Avenue (S.C.R. 361), approximately 350 feet north of Jefferson Bridge Road (S.C.R. 361A); and

WHEREAS, The Property is designated as being within both the Coastal Area and Municipalities Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the 2018 Comprehensive Plan for Sussex County.

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change a portion of the parcel currently classified as the Municipalities Area designation of Sussex County Parcel No. 134-17.07-173.02 from the Municipalities Area to the Coastal Area. The portion of Sussex County Parcel No. 134-17.07-173.02 so changed is identified in Exhibit A, attached hereto and incorporated herein.

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.

**Preliminary Land Use Service (PLUS) Application
Pre-Update Review Request
Municipal Comprehensive Plans
Comprehensive Plan Amendments
Municipal Ordinances**

Delaware Office of State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**SECTION 2. COMPREHENSIVE PLAN AMENDMENT OR MUNICIPAL
ORDINANCE DESCRIPTION**

Please describe the submission.

Summary: This is a request to consider the potential amendment of the Future Land Use Map of the adopted Comprehensive Plan in relation to Tax Parcel No 134-17.07-173.02. The location of the potential amendment is shown in Appendix A.

Background: On November 17, 2021, a PLUS Review was held for Parcel No. 134-17.07-173.02. It was identified following the review that the parcel was incorrectly shown as being within the Town Boundary of the Town of Bethany. As the parcel was not considered to be within the unincorporated areas of Sussex County when the 2019 Comprehensive Plan was adopted and certified, the property is designated as being within the Municipalities Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan. The area of the parcel is approximately 1.36 acres +/-.

As the Municipalities Area designation was intended to apply to lands outside of the County's jurisdiction Sussex County Council wishes to consider the potential amendment of the Future Land Use Map element of the Comprehensive Plan to change the area designation of Sussex County Tax Parcel No. 134-17.07-173.02. as shown in Appendix A, from the Municipalities Area to the Coastal Area.

The County is requesting that the potential amendment of the Future Land Use Map be considered for review at the December 2021 PLUS meeting. The County is available to attend in-person to present the potential revision.

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All sections related to your project must be completed. Incomplete applications could lead to delays in scheduling your review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

REQUESTED REVIEW: Check one

Comprehensive Plan Pre-Update Review
Complete Sections 1 and 3 only

Comprehensive Plan or Update
Complete Sections 1 and 3 only

Comprehensive Plan Amendment
Complete Sections 1 and 2 only

Municipal Ordinance Review
Complete Sections 1 and 2 only

Date of most recently certified comprehensive plan:

April 1, 2019

Link to most recently certified comprehensive plan, if available:

If a link to the plan is not available, you must submit a copy of your plan with this application for a Pre-Update Review or a Comprehensive Plan Amendment.

<https://sasecunhyde.gov/sites/default/files/PDFs/2018CompPlan-Final.pdf>

Exhibit A : Potential
 Comprehensive Plan Amendment
 Total Area = 1.36 Ac. +/-

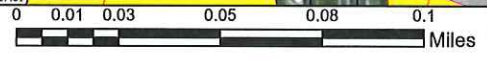


Sussex County



Legend

- Potential FLUM Revision
- Tax Parcels
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center
- Municipal Boundaries



SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS

TO: Jamie Whitehouse
REVIEWER: Chris Calio
DATE: 8/24/2022
APPLICATION: 2022-02 Kent Walston, LLC
APPLICANT: Kent Walston, LLC
FILE NO: OM-2.07
TAX MAP & PARCEL(S): 134-17.07-173.02

RECEIVED

AUG 29 2022

SUSSEX COUNTY
PLANNING & ZONING

LOCATION: East side of Kent Avenue, North of Jefferson Bridge Road.

NO. OF UNITS: Upzone from AR-1 to MR

GROSS
ACREAGE: 1.4

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: **A lateral will need to be installed for this parcel due to a parcel split after the original installation of sewer for the Bethany Beach Area.**
- (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